UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS
FIRST SESSION

VOLUME 151—PART 4

MARCH 11, 2005 TO APRIL 6, 2005
(PAGES 4423 TO 5899)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 2005

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2250 Mail: Stop SSOP, Washington, DC 20402–0001

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

SENATE—*Friday, March 11, 2005*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Oh God, Who knows every one of our deepest desires, even our hurts are not hidden from You. We rejoice that we are Your children. Thank You for saving us from unseen traps and dangers. Help us to live so that we will inspire generations not yet born.

As Senators do the work of freedom today, may they labor with a sense of history. Give them the courage to make decisions that will strengthen our Nation for the storms ahead. Keep them from the pitfalls that nurture divisions and unite them in their efforts to find common ground.

Listen to our prayer and let Your light shine upon us. Shine on us, Lord, and we will be safe. We pray this in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. McCONNELL. Mr. President, this morning, we will be in a period of morning business to allow Senators to make statements. As announced by the majority leader last night, there will be no rollcall votes during today's session. Under the order, we will begin consideration of the budget resolution on Monday at 10 a.m. The chairman and ranking member expect amendments to be offered during Monday's session and, therefore, the next vote will occur at approximately 5:30 Monday evening.

I will reiterate what I said last night and remind my colleagues it will be a very busy week next week. The budget resolution will have 45 hours of debate remaining for its consideration. That will require late nights with many votes. I believe all Senators would like to avoid the vote-arama that often occurs prior to adoption of the budget resolution. In order to do so, we will need to keep a steady pace each day and evening next week and work together to finish the number of votes required to complete the bill. Next week is the last legislative week prior to the Easter break, so all Senators should plan to remain close to the Chamber so we can complete our work on time.

Let me reiterate what I said last evening with regard to next Friday. I know Members like to be ready to depart on Fridays normally, and particularly on Fridays before a recess, but this is budget week. Unless we have an extraordinary occurrence that I have not witnessed in recent years, we will be here through the day Friday and up into the evening Friday night. So I would say to all of our colleagues, be prepared for an unusual Friday a week from today in which we are here throughout the day voting, and well up into the evening voting, unless something truly extraordinary occurs that allows us to reach completion before that time.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. The minority leader is recognized if he seeks recognition.

Mr. REID. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

THE BUDGET RESOLUTION

Mr. REID. Mr. President, we have, in effect, agreed to use 5 hours of the time on the budget today. The real work on it will start Monday at 10 o'clock in the morning. It is one of the rare instances in this body where we have a set time. That time is 50 hours. We are now down to 45 hours. It is also unique in that the time for voting does not count against the budget resolution. So there is a lot of work to do on this budget, and there will be a lot of amendments offered.

A couple of days ago I met with a group of ministers from a host of Protestant denominations. The reason they came to meet with me is they are extremely concerned about President Bush's budget. They shared with me their observations of it, and they based their presentation to me on a story from the Gospel of Luke in the New Testament.

In this story, there is a rich man and a poor man who lived in the same vicinity, and the poor man, Lazarus, was very poor. In life, the rich man lived a grand life and paid no attention to the poor man, or poor people generally, refusing to come to the poor man's aid when he should have. But in death, we are told in Scripture, it was Lazarus who went to Heaven and the rich man who did not.

Their purpose in sharing this story with me was to point out the immorality—that was their word: "immorality"—of turning a blind eye to economic injustice. And they wanted to make a larger point about the Bush 2006 budget, which, as they put it, has "much for the rich man and little for Lazarus."

When you examine the Bush budget through a moral lens, as they were

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

doing, you can clearly see the injustice and the lack of values in this budget.

The President is proposing that we make deep cuts in many programs that are important to working men and women, for those in real need. And why? To pay for large tax breaks for the very wealthy and to provide a variety of giveaways to special interests.

In his budget, the President is ignoring the lessons of the Gospel, the lessons there of the rich man. For example, the President's budget cuts health care for the most vulnerable citizens. The budget would cut Medicaid, which ensures that more than 50 million children, pregnant women, elderly, and people with disabilities have access to the medical services they need. At the same time, the budget maintains a slush fund with billions for HMOs. That is not right.

The President's budget also calls for cutting education. More than 48 education programs will be affected, with the cuts exceeding $1 billion. So our children will suffer. At the same time, the budget calls for opening a precious wilderness area in Alaska for the oil and gas industry. That is not right.

The budget cuts benefits for veterans. The men and women who served our Nation with such bravery and courage over the decades, the people who have put their lives on the line on behalf of this Nation, are going to have to pay more for their health care. At the same time, the administration wants to protect the drug industry by denying Medicare the right to bargain for lower prices. That is not right.

The budget cuts the COPS Program. It is an over 90-percent cut. That is the program that helps communities hire police officers to keep streets safer. So our men and women in uniform and the neighborhoods they serve will suffer. At the same time, the budget does little to close the special interest loopholes that are allowing big corporations to avoid paying taxes. That is not right.

The budget underfunds environmental protection. At the same time, it lets big polluters off the hook from paying the cost of cleanups. That is not right.

The budget fails to adequately fund the National Family Planning Program, which provides critical health care services to low-income women and helps reduce the number of unintended pregnancies. At the same time, it continues to support so-called health savings accounts, which are tax shelters for the wealthy that fail to meet the needs of those of modest means. That is not right.

America is a country that values everyone, the worker just as much as the CEO of the largest company in America. And most Americans would agree it is not right to cut health care for children and the elderly, cut education, cut benefits for veterans, cut law enforcement, while handing out a wide variety of giveaways to special interests and the powerful. That is not just bad policy, it is wrong, it is immoral.

Unfortunately, the budget resolution approved yesterday by the Budget Committee, with a few changes in the margins, is based largely on the President's deeply flawed budget. I think we can do better. I think we can create a budget that is as good for Lazarus as it is for the rich man.

Next week, we will take up the budget resolution, as I have indicated. We will work to make it better. But if the last couple weeks is an indication, there will be marching orders given to the majority, and they will march down here and vote against veterans, against children, against women, and against education generally.

So we will do our best. We will present these issues to the American people, and the American people will see what is happening in this country. The programs that are important to this country are being starved, starved at the expense of the American people. And the tax cuts go on.

Our goal is to turn this budget into a moral document for which we can all be proud, a document that truly reflects our Nation's priorities and the values of the American people.

I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, I understand we are in morning business.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Kansas is recognized.

SERVICEMEMBERS CIVIL RELIEF ACT

Mr. ROBERTS. Mr. President, I rise today to share with the Senate a story that I truly hope is the exception to the rule. It begins last year, when a member of one of Kansas's local fire departments was called to active duty in Iraq. Certainly, that is no unique happening where today in every State people are called to service, whether they be in the service or National Guard. This gentleman, Mr. Steven Welter, and his wife have worked hard to make a good life for themselves and their three children. They live in the small community of Osawatomie, KS—it is a very fine community—where they are surrounded by friends and family. They recently purchased their first home.

Well, knowing that with Mr. Welter called to active duty they might face some real challenges meeting their mortgage payment, they contacted their mortgage provider to make them aware of their situation and to seek relief under the Servicemembers Civil Relief Act.

Now, Congress has long recognized the burden that military duty places on soldiers' lives when they are called to active duty. During the Civil War, Congress placed a moratorium on civil actions that were brought against servicemembers. Today, through the Servicemembers Civil Relief Act, Congress provides important rights and legal protections to lessen the burden on military servicemembers. A key component of that act, initially passed by Congress 40 years ago as the Soldiers' and Sailors' Civil Relief Act, is to provide the protection for servicemembers whose military service makes it difficult for them to meet financial obligations incurred prior to being called up for active duty. That seems pretty simple. It does not forgive debt. It does not relieve a servicemember of their obligation to meet their financial responsibilities.

Among other protections, the act shields a servicemember or their family from eviction or from losing their home. The Welters sought relief under the act, requesting that their mortgage company work with them to help them meet their financial obligation. However, the mortgage company responded by sending notice to Mrs. Keira Welter that the company had initiated court proceedings to foreclose on her home. You can imagine this lady's distress. Not only is she worried about the safety of her husband in Iraq, she is now faced with losing her home, with three children, the very scenario the Servicemembers Civil Relief Act is designed to prevent.

Not knowing who to turn to—and she thought pretty hard about it and didn't know who to call—she contacted my office and requested our assistance. After numerous conversations with her mortgage lender, Wells Fargo, I believe we have resolved her situation. I remain concerned, however, that those responsible for complying with the Servicemembers Civil Relief Act are not fully educated about their obligations, and that that problem is nationwide.

What is particularly appalling about this situation is that the mortgage company initially claimed they were unaware of the Servicemembers Civil Relief Act, a law that has been on the books for 40 years. They further claimed that "they just can't be expected to keep up with everything that goes on in Washington."

I can appreciate that last sentiment on a lot of different fronts. But ignorance is no excuse. Every financial institution has a compliance officer whose job it is is to ensure that financial institutions comply with laws and the regulations. Lord knows, I often hear from our financial institutions, banks, savings and loans, and others, about the regulatory burden our Government does place on them. Not only do they have to read all of the paperwork and the burdens and regulations; I think they have to weigh them. I appreciate those concerns, especially in the small banking community. I once spent an entire day in my hometown bank in Dodge City learning the ins and outs of what a compliance officer does. She described her job as being a "bad news bear." She had to go to loan officers and say, whoops, here is another regulation you have to put up with. I know that is not an easy task.

However, today's example of egregious disregard for a 40-year-old law, and one we amended 2 years ago to provide additional protection to our military men and women, is simply unacceptable.

Let me be clear. I know our Nation's financial institutions do support our men and women in uniform. That is a given. I am also confident that they understand their obligation and responsibility to comply with this act, and that most do so. In Kansas, I know many financial service providers, and they all know that the Servicemembers Civil Relief Act is not only the law, but it is the morally right thing to do. They live in the same town. They attend the same church. They share the military family's concerns when somebody from their hometown is called to active duty, and they are so rightfully proud when they come home.

I also want to be clear it is not only financial institutions that are responsible for complying with this act. Landlords and other creditors also have certain obligations in this regard as well. I recognize that with many service members called to active duty, raising awareness of the requirements of the Servicemembers Civil Relief Act is necessary. We need a lot more education. Congress should encourage anybody who is working with a servicemember called to active duty, or that servicemember's family, to make sure they are aware of their obligation under this act.

Let me also take this opportunity to commend the efforts of many organizations who are working with the military families on base, veterans organizations, support organizations, and others, to ensure they receive the protections that are provided for under this act, and to provide other assistance to families of our servicemembers. That is a real win-win story all across this Nation.

I recently learned from a member of the VFW, who works with military families, who stressed that "education about the protections that are provided under the act is key." Too many military families have experienced instances where a landlord, unaware of this act, sought to evict the family while the soldier was on active duty. That is egregious.

I am calling on the Office of the Comptroller of the Currency, the OCC. I hope they can see their way clear as to what they should be doing in this regard, and others who have responsibility for enforcing this act—by the way, the acronym is SCRA—to strengthen their enforcement in education of this important law. Any military family who has a mortgage with a national bank and who needs relief under this act can contact the OCC's consumer assistance group if they have difficulty with their bank. That number is 1–800–613–6743. Right off the bat, I can suggest that they need an easier number to remember. I feel as though I am on television trying to sell something here—and I am. It is education for our service members. Again, the number is 1–800–613–6743.

I am also going to visit with my colleagues on the Veterans Committee, the Banking Committee, Armed Services Committee, upon which I serve, and all who have jurisdiction under this act, and ask them to review what Congress can do to ensure that this situation doesn't happen to other military families.

So today I share this story to reassure our military men and women in uniform that we will make certain the protections provided in the Servicemembers Civil Relief Act are enforced. This act is intended to ensure that when a wage earner is called to active duty, their family has financial security and other protections provided for in the act while they are deployed. It means a soldier fighting in Iraq can better focus on his or her mission, without the added stress of wondering if their family is financially secure at home. We owe nothing less to our men and women in uniform who answer the call to duty.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ISAKSON). The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I ask unanimous consent that I be permitted to speak for up to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

OIL IN ALASKA

Mr. STEVENS. Mr. President, I come to the floor this morning because of the misinformation being spread, particularly through the press, in the past weeks on what is called ANWR. It is the area in the 1½ million acres of our arctic coast that has been set aside since 1980 for oil and gas development. I have been involved in this issue almost since the beginning of my career. I want to talk a little bit about the history of this area.

In 1923, President Harding withdrew 23 million acres for the Naval Petroleum Reserve Number 4. That did not include the area of the arctic we are dealing with today, but it was the first indication to the Nation that there was tremendous oil and gas potential in the northern region of Alaska. We were a territory then, and this withdrawal came right after the teapot dome scandal. So even then there were indications of places in the United States where there were areas that could be explored or developed for oil.

This withdrawal was important because the Navy used a great deal of oil. They used to take it right out of the ground in Alaska and pump it right into Navy vessels. They burned the real crude oil at that time. It was essential to develop and use the Alaska resources for national defense. The whole concept of Alaska has played a strategic role in national security throughout its history, particularly beginning in 1923. Incidentally, that was the year of my birth. So I have been around during this whole period.

In 1943, as World War II was going on, the Secretary of the Interior issued Public Land Order 82, which withdrew all of the public and non public lands in Northern Alaska—encompassing over 48 million acres. One of the reasons stated by the Secretary at that time was that tremendous amount of oil and gas that might be in northern Alaska were necessary for use in connection with the prosecution of the war.

As a matter of fact, history shows that in about 1919, there was a group of people who went to the northern area of Alaska along the arctic coast and started staking mining claims, claiming the oil in those lands. That led Congress, in 1920, to enact the Mineral Leasing Act. Particularly the Texans didn't want to see Alaskan oil developed through a patenting process where they didn't have to deal with the national concern.

As a matter of fact, it was, I think, basically the southwestern oil bloc that led to the two orders I mentioned. They were afraid of the real development of northern Alaska. There were oil seeps all the way along the arctic coast. People knew there was oil. The question was, where were the areas which could be commercially developed?

Public Land Order 82 was still in existence when I went to the Interior Department in the 1950s. I was Legislative Counsel and Assistant to then Secretary of the Interior Fred Seaton. At the end of the Eisenhower administration, I was the Solicitor of the Interior Department.

I worked with Secretary Seaton at the time he decided to revoke Public

Land Order 82 because there were vast areas up there that we thought had oil and gas potential, and we wanted to get to them.

Our Statehood Act, which came about in 1958, required approval of the President of the United States to have any development north of the line, what is called the pick line. The Porcupine and Yukon Rivers basically made that line. President Eisenhower, again, in the interest of national security, said nothing should take place, no action should take place up there of a national nature without consideration of national security. It took approval of the President to revoke that Public Land Order 82 and to start allowing the State of Alaska to select lands.

After Secretary Seaton had issued the order to revoke Public Land Order 82, the State of Alaska did, in fact, select a portion of land between the Naval Petroleum Reserve and an area Secretary Seaton created in 1960 which was the Arctic National Wildlife Range.

Again I want to say, the Range, which included the 1.5 million acres of Arctic coast we are debating today, was created to assure the Fairbanks Women's Garden Club that there would be protection of the flora and fauna of northeastern Alaska. At that time, what was not withdrawn—the 25 million acres on one side of the Naval Petroleum Reserve to the west and the Arctic wildlife range to the east—was a corridor that later became known as the Prudhoe Bay area.

From that area, after discovery of oil in 1968, we have now produced over 16 billion barrels of oil, although at the time the estimate of those involved in making the survey was that up to 1 billion barrels of oil might be recoverable from this area.

When Secretary Seaton revoked Public Land Order 82 in 1960, he also created the 8.9-million-acre Range. I helped draw up that order. That order specifically permitted oil and gas activities to take place under stipulations to protect the fish and wildlife.

After the Eisenhower administration came to an end, President Kennedy was elected. On the first day of that new administration, I visited with Stewart Udall who was to be the new Secretary of Interior. I told him the background of what we had done. His brother was in the House of Representatives. He disagreed with me about what was to happen in that area.

At the time in 1960 when we issued the order creating the Range, the Under Secretary of Interior, Elmer Bennett, who used to be a staff member of the Senate, assured Alaskans that "this Department has every intention to foster legitimate oil and gas activity within this area, if any potential is discovered."

There is no question about it, the Eisenhower administration strictly approved the concept of setting aside an area to protect the fish and wildlife but also mandated in the order that oil and gas leasing would be protected.

I was appalled this last week when some of the Eisenhower family came forward and sort of indicated that it was the intention of President Eisenhower that this area be a wilderness. Nothing is further from the truth. That is not the truth at all. We did not withdraw a wilderness; we withdrew a wildlife range.

I believe there is no question about this: We are heading into an area about which people ought to know the history. Let me go further than that. As Assistant to the Secretary and then Solicitor, I studied the Alaska Native claims. I was from Alaska, and Secretary Seaton, on the floor of this Senate, as a Senator, made only one speech, and that was a speech to urge Congress to admit Alaska into the Union as a State. He was committed to Alaska statehood, and he asked me to come down and join him in the Department. I readily did that. Elmer Bennett, who was the Under Secretary, was a friend of mine. We started off to develop the concept of getting Alaska into the Union.

Section 4 of the Statehood Act, which I also helped draft along with my predecessor Senator Bartlett, who was a delegate from Alaska to the House of Representatives, specifically required that Congress take action to settle the Alaska Native land claims.

I say parenthetically, prior to that time, Alaska statehood was defeated because the Alaska Native people and their representatives opposed statehood because they had substantial claims against the United States and they were afraid of concepts of land grants to the new State that might harm them. We wrote in section 4 of the Statehood Act that Congress would take that act, and nothing in the Statehood Act would expand or diminish the claims of Alaska Natives against the Federal Government.

During this time, my predecessors, Senators Gruening and Bartlett, introduced bills to try to settle these claims. They were not enacted because they were not acceptable to Alaska Natives. When I came to the Senate in 1968, I started participating in the activity and introduced the bill to settle Alaska Native land claims.

I met with President Nixon later in 1970, along with representatives of the Alaska Natives, in order to urge the President to come forward and support an enormous land settlement. President Nixon, to his credit, did do that. He agreed with us. With me at the time was a person named Don Wright, who was a member of the State legislature when I was there, a distinguished leader of the Gwich'in community.

We developed the concept of settling the land claims by the State and Federal Government participating together in a billion-dollar cash settlement and the Federal Government recognizing that entitled Alaska Natives to 44 million acres and that those lands would come ahead of the statehood selections under the Statehood Act.

We proceeded with the land claim settlement, and by 1971 we had a bill which was a very good bill. It required the approval for the first time of Alaskans, who voted to accept that bill to become a State. We, in fact, developed a compact with the United States in our statehood process.

At the time in 1958 when we required the settlement by Congress, we recognized there were valid claims of the Native people. My bill, along with my colleague, then-Senator Gravel, brought about the settlement of those claims.

A byproduct of that was we created a series of regional corporations for the Alaska Native people. Those corporations and their village corporations also—the land was separated between the village corporations and the regional corporations. The net result of it was that the regional corporations were subject to one unique provision I authored, which was that any regional corporation that received income from resource development—it is called 7(I) in that 1971 act—was required to share those revenues with the other 11 regional corporations.

This was very important because Don Wright, who had been with me at the time of the meetings with President Nixon and represented the Gwich'in people, decided they did not want to share. They withdrew from the settlement in terms of being an area subject to the concept of a regional corporation, and they took the title to their lands, subject only to the control and advice of the Secretary of Interior. But they did not participate in the settlement in any other way. They were allowed to take their lands, and they got some of the cash, but they did not come under 7(I).

I mention that because often the representatives of the Gwich'in people visit this city. The Gwich'in people live on the South Slope of Alaska. It is the North Slope that has the oil. It is the North Slope that had Prudhoe Bay. It is the North Slope that has the Arctic coast. But the Gwich'in people, particularly the Arctic village people, withdrew from the settlement for the reason they thought they had the oil. They immediately tried to lease their lands, and no one wanted them. They also had coal, and they thought they should have coal development. They urged for coal development. No one wanted to develop their coal. Where they are located, it is almost impossible to have a corridor to the south without going east and then south. It was just not economically feasible. It might be sometime in the future.

But the Gwich'in people lost out by their decision to go it alone. They now come to the Congress and say do not allow the Arctic coast to be developed for oil—just a few of them, not all of them. They should not be listened to. The people who should be listened to are the people who live in the area. One of the reasons they oppose oil and gas development in the Arctic plain is that they say it might hurt the porcupine caribou herd that comes over their lands. Those herds go over to the traditional area. Only a portion are Canadian natives who migrated to Alaska. In Canada, that same caribou herd is subject to commercial hunting. It is being depleted because of the practices in Canada, not because of any problem in Alaska. As a matter of fact, there are years during which the caribou do not even go to the North Slope in Alaska because of the problems they face in Canada.

When the Alaska oil pipeline was authorized by Congress in the seventies, we heard these same arguments: The development of the pipeline is going to destroy the caribou; it is going to destroy the environment. None of that has been true. The same people who made the arguments then are making them now. The same organizations that collect money from Americans throughout the country now—"send in your money and help save the Arctic"—tried that then. The 3,000 caribou in the area of the pipeline are now 32,000. They have not been harmed at all. Alaskans do not allow our wildlife to be harmed. We will protect the caribou when they do come to the Arctic coast.

I wonder, Mr. President, if you know that there is no oil and gas drilling activity in the summertime. If there have been production facilities put in during the wintertime, you can produce oil in the summertime as long as you do not interfere with the wildlife. The oil industry wants to do it in the wintertime because the lands are frozen. They can take equipment across the lands easily. They can build ice roads. They can develop whatever they want and put them on pads, and when they leave, they remove the pads, and the roads thaw in the summertime.

I challenge anyone to come up and find where the camps were to build the Alaska oil pipeline. When we hear these extreme environmentalists talk, one would think developing the oil and gas of the Arctic plain would harm it. That is not true at all. The new technology we are using in oil and gas in Alaska will take an area smaller than Dulles Airport to develop this 1.5 million acres. But that is another thing.

We experienced an oil crisis in the 1970s precipitated by the Arab oil embargo. At that time, we were importing about a third of our oil, and the embargo devastated our economy. Today, we import 60 percent of our oil. Imagine the consequences of an embargo now.

In the wake of this energy crisis, Congress debated the Trans-Alaska Pipeline Authorization Act. During this debate, there was an understanding on both sides of this aisle, no filibuster.

The final pipeline was approved when the Vice President of the United States cast his vote to break the tie of 49 to 49, but there was no hint of filibuster from either side. There were people on both sides who disagreed with the pipeline, but they said it has to be an up-or-down vote. This was important for our national security.

It was a national security issue because our nation needed oil. And the debate we are currently having now is about oil from this area that is known as ANWR. It is not part of a refuge. It will not become a part of the refuge until the oil and gas development phase is completed. Sometime when we have exhausted the oil resources, it will become part of the refuge. But today it is managed with the intent that there will be oil and gas leasing there as soon as Congress approves the environmental impact statement that was passed. That was the compromise that came about in 1980. So I want to skip from 1971 to 1980 by saying that in the Alaska Native Land Claim Settlement Act, section 17(d)(2) required that there be a study of Alaska's lands in order that we might determine what lands should be withdrawn.

That debate started in 1972 and did not end until 1980. It was a battle between the forces led in the House by Mo Udall and in this body by Senators Jackson and Tsongas. I and my colleague, Senator Gravel, tried our best to represent Alaska. We had a bill almost completed in 1978. It had passed the House and the Senate and gone to conference.

Both Senator Gravel and I had participated in that conference. Even though I was not a member of the committee at the time, they permitted me to be in that conference for a long period of time. After the bill had passed the House in the waning moments that ended the 1978 Congress, Senator Gravel blocked that bill. So when we came back in 1979, we had to go back and deal with it again.

After Senator Gravel blocked the bill, President Carter withdrew 100 million acres of Alaskan land under what is called the Antiquities Act. Congress had to pass a bill to lift that withdrawal made by President Carter in order that we might proceed with the development of Alaska and allow Alaskans to select statehood lands and the Alaskan Native people to get their land claims to those lands.

We worked very hard and we finally got a bill that passed the Senate and passed the House, went to conference, and came back to the Senate. This is 1980. It passed the Senate as a conference report and went to the House. President Carter asked the House not to pass it before the election because he disagreed with section 1002 that created the 1.5 million acres in which oil and gas development was permitted.

After that election, which President Carter lost, President Carter then asked the House to pass the bill. That bill was signed by him after the election and before he left office. In that election, Republicans gained a majority of the Senate. My constituents asked me to do everything I could to block that bill. It had already passed the Senate. When the President signed it, it became law.

The ink was not dry before President Carter tried to renege on the law that he had just signed. Even today a letter has come now to us from President Carter. It is a letter that I am appalled at, as a matter of fact. For a President to have signed a law and said he was part of the development of that law, but then urge us not to follow the law is amazing to me.

There has been a similar letter come to me, and that I have shared with the Senate, and that happens to be the letter from former Senator Jim Buckley. In the 1970s, Jim Buckley, as he left the Senate, became one of the opponents of the development of this area. As a matter of fact, he had voted against it while in the Senate.

Unsolicited, on January 24, former Senator Buckley, now Judge Buckley, sent me a letter. I ask unanimous consent that the letter be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STEVENS. He pointed out:

> Twenty-six years ago, after leaving the Senate, I was a lead signatory in full-page ads opposing oil exploration in the Arctic National Wildlife Reserve that appeared in the New York Times and the Washington Post. I opposed it because, based on the information then available, I believed that it would threaten the survival of the Porcupine caribou populations in the areas of Prudhoe Bay and the Alaskan pipeline have increased, which demonstrates that the Porcupine herd would not be threatened, and new regulations limiting activities to the winter months and mandating the use of ice roads and directional drilling have vastly reduced the impact of oil operations on the Arctic landscape.
>
> In light of the above, I have revised my views and now urge approval of oil development in the 1002 Study Area for the following reasons.

He lists the three reasons, and he specifically says, as he closes:

> Having visited the Arctic on nine occasions over the last 13 years (including a recent camping trip on Alaska's North Slope) I don't think I can be accused of being insensitive to the charms of the Arctic qua Arctic. I just don't see the threat to values I cherish.

It is signed "Sincerely, Jim."

Now, that represents an informed point of view. I am now in a position where I think we must address what has been said in the newspapers and so many areas about the value of the oil in this area.

The coastal plain of ANWR is not a wilderness area. There was a test well drilled in this area, the results of which remain secret under an agreement between the oil industry and the Federal Government. It was drilled near Kaktovik.

When we hear people such as Senator FEINGOLD say ANWR should not be in the budget resolution because the land does not have any value, he is wrong. The land does have value. As I said before, when we were trying to develop Prudhoe Bay, the estimate was made that there was a billion barrels of oil at the most in Prudhoe Bay.

After producing 16 billion barrels, we know there is oil on the coastal plain of ANWR. There is no question that we have a duty, in the interest of national security, to drill in this area.

The budget that is coming before us, and I will be speaking again next week on this, has a provision which deals with the estimate of the amount of money received by the Federal Government and the State in the first 5 years of the development of this area. I believe that is $5 billion. Those revenues would be split between the State and the Federal Government. In the process of valuing what the oil might be worth, the value of $25 a barrel for oil has been used. I asked the CBO: Why do you not use the actual amount of oil today, which is over $50?

They said that was the amount used when they first made the study, and they have not had any studies to justify raising that now. As their baseline for oil, they are using $25 a barrel.

So anyone who says this is not a valuable thing in the budget because of the money that is going to be raised ought to understand the minimum that will come in will be twice that amount. People are going to base their bids on the value of the oil that might be produced.

I will speak longer on this at a later date, but I want to say one thing. At the time President Carter signed this bill in 1980, the Alaska National Interest Lands Conservation Act, I was urged to block it. President Carter had received about 90 percent of what he wanted in this bill. By preserving rights of access to Alaskans, the right to use traditional means of transportation, and protection of native peoples and communities, Alaskans got 10 percent. The only major difference was the 1002 area.

The amendment that provided for the 1002 area was authored by Senator Jackson and Senator Tsongas, not by me. It was authored by them as a compromise with Alaska, and it guaranteed that we would be able to explore this area that is so valuable to our future. This is the area that former President Carter asks Congress now to take back, and some members of the House want to turn it into a wilderness area now.

After we were elected to the majority and getting ready for the session in 1981, I was assistant leader. Senator Baker was the majority leader. I had calls from home: Change this law and change it now. I said, no. In Alaska we have a saying from Robert Service: A promise made is a debt unpaid.

I entered into an agreement with Senator Jackson and Senator Tsongas that we would accept what they and President Carter wanted, conditioned upon Alaska retaining its rights to explore and develop the Arctic coast of Alaska. In 1981, we could have changed it. I was urged to change it.

Now, after 24 years of arguing over this issue, and it has been before this Congress and this Senate every year since 1981, I told a group the other day I am distressed that I must argue again and again for Congress to keep its promise to the Alaskan people. This year I will argue that again.

My mind goes back to those Alaskans—they put a full page ad in the paper saying: Ted, come home. You no longer represent Alaska. Come home so someone else can change that law and get some of the things we did not achieve under the 1980 act.

Now all we are asking is for the Congress, and particularly this Senate, to follow that law to allow us to proceed with this development. But what do we face? We face a filibuster, something that was unheard of when the oil pipeline was considered. We now have the issue of oil exploration and development before us, and in an area even more promising than Prudhoe Bay, in my judgment. We know it is a larger structure under the Earth. It could contain more oil than even Prudhoe Bay, although the estimates are lower.

When we look at it, the simple question before the Senate, in my mind, is, Is this a national security issue? Is the ability to fill the Alaskan oil pipeline a national security issue?

During the Persian Gulf war we sent 2.1 million barrels of oil a day to what we call the South 48, the continental U.S. Today we are sending 900,000. The pipeline is not full. The pipeline cannot be full again unless we obtain the oil from the Arctic coast.

It is still a matter of national security. I challenge my friends who want to filibuster this. I challenge the necessity to try to get 60 votes to make this become a reality. That is why we have to use the Budget Act to try to avoid that threat of a filibuster, which did not exist in this Chamber on the Alaskan oil pipeline.

I will be back again and again, because this may be my last stand at trying to convince Congress to keep its word. It is getting more difficult to serve in a Senate that cannot—cannot, and will not, carry out commitments that were made by previous occupants of this body.

Thank you very much.

EXHIBIT 1

January 24, 2005.

Hon. TED STEVENS,
Hart Senate Office Building, Washington, DC.

DEAR TED: Twenty-six years ago, after leaving the Senate, I was a lead signatory in full-page ads opposing oil exploration in the Arctic National Wildlife Reserve that appeared in the New York Times and the Washington Post. I opposed it because, based on the information then available, I believed that it would threaten the survival of the Porcupine caribou herd and leave huge, long-lasting scars on fragile Arctic lands. Since then, caribou populations in the areas of Prudhoe Bay and the Alaskan pipeline have increased, which demonstrates that the Porcupine herd would not be threatened, and new regulations limiting activities to the winter months and mandating the use of ice roads and directional drilling have vastly reduced the impact of oil operations on the Arctic landscape.

In light of the above, I have revised my views and now urge approval of oil development in the 1002 Study Area for the following reasons:

1. With proper management, I don't see that any significant damage to arctic wildlife would result, and none that wouldn't rapidly be repaired once operation ceased.

2. While I don't buy the oil companies' claim that only 2,000 acres would be affected, even if all of the 1.5 million-acre Study Area were to lose its pristine quality (it wouldn't), that would still leave 18.1 million acres of the ANWR untouched plus another five million acres in two adjoining Canadian wildlife refuges, or an area about equal to that of the States of Connecticut, Massachusetts, Vermont, and New Hampshire combined. In other words, it is simply preposterous to claim that oil development in the Study Area would "destroy" the critical values that ANWR is intended to serve.

3. In light of the above, it is economic and (to a much lesser degree) strategic masochism to deny ourselves access to what could prove our largest source of a vital resource.

Having visited the Arctic on nine occasions over the past 13 years (including a recent camping trip on Alaska's North Slope), I don't think I can be accused of being insensitive to the charms of the Arctic qua Arctic. I just don't see the threat to values I cherish.

With best regards,

JAMES L. BUCKLEY.

Mr. DORGAN. Mr. President, I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE REAL CRISIS

Mr. DORGAN. Mr. President, this week there has been more discussion in the newspapers and around the country about the issue of Social Security. As you know, the President continues to move around the country holding forums on Social Security.

One week ago today, in fact, Senator REID and I, Senator DURBIN, and a couple of other colleagues were in New

York. We held a forum in New York City on Social Security. We then went to Philadelphia, PA, and held a forum on Social Security. Then we flew out west and we held one in Phoenix, AZ, and another one in Nevada. So there has been a lot of discussion about Social Security.

The President originally said there was a crisis in Social Security, which seemed to me to be a strange choice of words because, in fact, Social Security will be solvent until George W. Bush is 106 years old. Let me say that again. I think that is important. Social Security will remain solvent until this President reaches age 106. But he and others in the administration have said there is a crisis, it is going to go broke, it is going to be flat busted.

Look, Social Security is a program that has been remarkably successful, that has lifted tens of millions of senior citizens out of poverty over many years. The fact is, people are living longer, healthier lives these days so we will have to make some adjustments, perhaps, in the future; but it is not major surgery that is required and it is not justification for saying there is a crisis or it is bankrupt or other types of language that the President and others have used.

The kind of adjustments that may have to be made—again they may not have to be made if we have robust economic growth in the coming 75 years—but the kinds of adjustments that may have to be made are not major. We can do that. But this ought not be a pretext for taking Social Security apart and talking about privatization of Social Security.

I was curious about why this comes up in this context right now. I know it is not about economics. President George W. Bush ran for Congress in 1978 and he said then that Social Security would be broke in 10 years, by 1988, and we ought to go to private accounts. Well, almost 30 years later, he is saying the same thing. So I think this is not about economics, but rather it is all about philosophy.

I respect the President. He has every right to have a philosophical objection or philosophical concern about the Social Security Program.

One of the leading voices on the far conservative right said this recently:

> Social Security is the soft underbelly of the liberal welfare state.

That is part of the political debate, I guess. If you are on the far right, you have a right to say that, and a right to think that, and a right to manifest your belief that we ought to take Social Security apart. But I don't happen to share that. I think Social Security has been a remarkable program that every worker pays into, and when you retire, you get something back at a time when you have reached declining income years in your life. That is the one portion of retirement security you can count on.

In most cases you aspire to have retirement security by doing three things. No. 1, you pay into Social Security for this insurance. Yes, it is insurance, not investment. In the FICA tax that comes out of your paycheck, the "I" is for "insurance," not "investments." It stands for insurance. So one part of retirement security is the guaranteed portion, Social Security. It will be there. You know it will be there. You know how much it is going to be. It is the guaranteed portion.

The second part is hopefully you work for a company that offers a pension. Only half of the American workers do, but we would like more companies to offer a pension. But that is a second part, a pension, private pension: a pension from your work.

The third part is private investments: 401(k)s or IRAs or the kinds of private investments that you make, much of which go into the stock market. I strongly support that. But that is not a pretext for taking apart Social Security. It is one of the three legs of retirement security: Social Security, the guaranteed portion, the portion without risk; pensions from your job; and then private investment accounts, such as 401(k)s and IRAs.

We are going to have a robust discussion about this in the weeks and months ahead. It is a worthy discussion for our country to have. This is a great country, made better, in my judgment, because of some of the things we have done to address some of our problems. When Franklin Delano Roosevelt saw that one-half of our senior citizens were living in poverty, he believed something should be done about that. So we created a Social Security Program that workers paid into and retirees are able to draw from, and now less than 10 percent of America's senior citizens are living in poverty. Why? Why that success? Because of Social Security, that is why. I think the task for all of us is to not take it apart but to strengthen it and nurture it and preserve it for the long term. At least that is my interest.

I started by talking about the fact that the President describes Social Security as a crisis. It is not a crisis. However, our country does face a very real, very imminent crisis, in the area of international trade.

This morning it was announced by the Department of Commerce that the trade deficit for the month of January was $58.3 billion. Let me say that again: a $58.3 billion trade deficit in 1 month. That means nearly every single day, Americans have bought about $2 billion worth of goods from other countries in excess of the amount of goods we sold those countries. Said another way, every day in the month of January other countries ended up owning 2 billion more dollars of our country. Their claim on our country was increased by $58.3 billion, nearly $2 billion a day, nearly $60 billion in 1 month of increased foreign claims against American assets. China and others end up owning more and more of our country as a result of these pernicious trade deficits.

We have a growing, serious, abiding crisis in our international trade and this country seems willing to sleep through it. By "this country" I mean the President and the Congress. They are perfectly willing to sleepwalk through this, while every single day and every single month China and Japan and others end up owning more of America.

Let me describe why we have this trade deficit that is growing at an alarming rate, over a $600 billion trade deficit last year. Why does this exist? Let me give you some examples.

American corporations in most cases no longer consider themselves just American if they are doing business around the world. They want to maximize profits for their shareholders and they have discovered 1 billion people in the rest of the world—1 billion out of a population of 6 billion—1 billion people whom they can employ quite easily for 20 or 30 or 40 cents an hour, because technology and capital is instantly moveable now to any place on Earth.

That is exactly what has happened. It has happened time and time again in recent years. That is why the American people who used to have good manufacturing jobs have now discovered themselves all too often jobless, and when they search for a new job they get a job that pays only 70 percent or 80 percent of what their old job used to pay because the good jobs are moving overseas.

We have a provision in our Tax Code that says if you move your jobs overseas—if you are a company and you shut your American manufacturing plant and move your American jobs overseas—we will give you a tax break. It is unbelievable, unbelievably stupid, that our country would have in its Tax Code incentives for people to shut their American plant and move it overseas. Yet that exists. I have tried to close it here on the floor of the Senate with an amendment and I have lost. But we are going to vote on that again this year and we will see whether any minds have changed.

Let me give some examples of what is happening. Levis—everybody knows about Levis. People like to wear Levis; put on Levis for the weekend. Except now Levi doesn't make Levis anymore, not one. Levis used to be American. They made Levis in America. Then they moved Levis to Mexico and to other parts of the world. Now they don't make any Levis. All they do is contract with foreign companies who make Levis for the Levi Company.

Fig Newton cookies. I grew up eating Fig Newton cookies. All American, right? Want to have some Mexican food tonight? Eat a Fig Newton cookie because that left America. Why? Cheaper wages in Monterrey, Mexico. Eat a Fig Newton cookie and you are eating Mexican food.

What about Huffy bicycles? Twenty percent of the American bike market is Huffy bicycles. You buy them at Sears, Kmart, Wal-Mart. We had folks in Ohio who made $11 an hour who made Huffy bicycles, but they got fired. Do you know why? Because Huffy bicycles are now made in China at 30 cents an hour and American workers can't compete with 30 cents an hour and should not have to. But nonetheless they lost their jobs and Huffy bicycles are now made in China to ship back to our country, so consumers conceivably have an advantage of a lower cost bicycle.

I am not certain the bicycle costs less. I know the profits of the middlemen are inflated, and I know Americans who honored their manufacturing jobs and loved their jobs got fired from their jobs because they couldn't compete with a Chinese worker working 7 days a week, 12 to 14 hours a day, who is paid 30 cents an hour. That is what is happening to American jobs. And people say, well, that is the new economy, Senator DORGAN. You just don't understand it. No. I don't. We spent a century, we spent 100 years in this country fighting about important things: about child labor, about whether you should go down to a coal mine and work next to 12-year-old kids. We decided that is not fair; about whether you should expect to be able to work in a safe workplace and about whether you have the right to organize in America. We had people dying in the streets of this country demonstrating for the right to organize. They died in the streets of America for the right to organize as workers and for the right to a fair wage. We went through all of those things for over a century. It was hard and tough.

Now a company can decide: You know something, we don't have to care about any of that. We can hire 12-year-old kids, work them 12 hours a day, pay them 12 cents an hour, build a manufacturing plant, and throw chemicals in the water, throw chemicals in the air, and the manufacturing plant doesn't have to be safe, and if the workers decide they want to organize, we can fire them right now. We can get over all of this, we pole vault over all those issues and produce where it is cheaper. We are not encumbered by our ability to pollute the air and water. We can fire kids and ship the products to America and have American consumers go to Kmart, Wal-Mart, Sears, or Toledo or Fargo or Los Angeles or New York, and buy that product, which was in fact produced by someone who took a job from the neighbor of that consumer.

This country has not decided whether there is an admission price in the American marketplace. We sign all these trade agreements, and none of them is complied with at all. This country has no nerve, no backbone, no will to stand up for its own economic interest. I am not suggesting that we build walls around our country, but I am saying we ought to pay some attention to the basic conditions of production that we fought over for 100 years. If corporations decide, we can now go to Bangladesh or Sri Lanka or China and ignore all of those issues and have people fired if they try to organize for collective bargaining, then there is something fundamentally wrong.

Question: Why is it that in this country we imported nearly 600,000 Korean cars from the country of Korea in the past year but are only able to sell 3800 U.S. cars in Korea? Answer: Because the Korean government doesn't want U.S. cars in Korea. They want to ship all of their cars to America, but they don't want U.S. cars to be sold in Korea. And our country says that is OK; we will not do anything about that. Our country doesn't have the nerve or the will to stand up for its own economic interest.

We have a dispute with Europe over beef, so our ranchers and farmers and others suffer as a consequence of that dispute. In a rare display of backbone, American negotiators decided to get tough with the Europeans, by applying retaliatory tariffs. So what did they do? They decided they were going to impose tariffs on truffles, goose liver, and Roquefort cheese. That is going to scare the devil out of our trade adversaries—a trade adversary that is taking advantage of us. We are going to slap tariffs on truffles, goose liver and Roquefort cheese.

This country has to decide finally to stand up for its economic interests.

I haven't talked about Japan. We have had a $60 billion to $80 billion trade deficit with Japan every single year, year after year after year. They are guilty of horribly unfair trade with this country. The same is true with China. It is even worse with China. There are massive copyright violations going on, counterfeiting, and piracy. But in addition to that, their markets still, in many cases, are largely closed to our market.

I have raised this issue on the floor several times, but no one seems to care very much about this issue of bilateral automobile trade with China.

Let me give you an example of what recently happened. Time magazine says that China is revving up a huge new automobile export industry—a big industry to export automobiles from China. We just had a bilateral trade agreement with China about 3 years ago, and our negotiators agreed to this. They said to China: You can impose a tariff on U.S. automobiles we try to sell in China that is 10 times higher than we would impose on automobiles China sends to us.

This is a country with which we now have a $130 billion to $140 billion trade deficit, and we have a trade agreement that was incompetently negotiated by our negotiator, who said to China, on bilateral automobile trade: You can impose a tariff that is 10 times higher than the tariff we will impose on Chinese automobiles coming into the United States.

I do not know who did this, but it is unbelievably incompetent. Somebody ought to be fired summarily for negotiating this kind of trade agreement with respect to bilateral automobile trade with China.

This morning when the announcement was made that we had a $58.3 billion trade deficit in the month of January, if this doesn't wake up the White House and if this doesn't wake up this Congress, shame on all of us. That is an annual trade deficit of over $700 billion.

Warren Buffett, by the way, in his message to shareholders at Berkshire Hathaway this year, said what is going to happen is we are going to become a nation of sharecroppers, because every single day when we buy $1 billion more from foreign countries than we sell to them, this means that China, Japan, Korea, and other countries own that much more every single day of our country, of our stocks, of our assets, of our real estate.

Even as the value of the dollar has been declining, our trade deficit is spiking up, up, way up, and there is no economist in this country who teaches that when your currency declines, your trade deficits should go up. But I think I understand why it is happening—it's because we don't have the backbone, the will, or the nerve to stand up for this country's economic interests.

If you all read the papers last week about textiles coming in from China, the first month the limits were off on textiles, you see what is happening to exacerbate that dramatic increase in trade deficit with China.

President Bush wants to travel around the country and talk about Social Security, a Social Security system that will remain solvent until George W. Bush is 106 years old. There is no crisis there. But there is a crisis with our trade deficit. And it requires—demands, in my judgment—that this President and this Congress get serious.

I am sending another letter to the President, suggesting that he hold an emergency summit on the trade deficit.

This is a serious, abiding crisis that weakens our country significantly. It is all about jobs.

We are going to debate the budget next week. There is no social program as important as a good job that pays well. That is just a fact. The fact is, good jobs are marching out of this country at an alarming rate, and they are moving to parts of the world where those who are producing products find they can hire people for 20 cents an hour or 30 cents an hour.

Nobody wants to hear these questions much about trade, but it is gripping when you understand what is actually happening.

I talked on the floor about the young women dying in the manufacturing plants in China. How about the young children who are making rugs and carpets who have their fingertips burned with gunpowder? They put gunpowder on their fingertips, light it with a match in order to create scarring on their fingertips—these little kids that are 10 years old—so when they sew with needles and stick their fingertips with a needle, they can't feel it because they have been scarred by burned gunpowder, so the kids can continue to sew and not bleed. Then that product, that carpet, is sent to the United States, and someone shows up and says: I would like to buy that carpet, wouldn't I? It is made with slave labor, in many cases, with children whose hands have been burned to prevent the bleeding from needles to make that carpet. Is that really what we want? Is that really the construct of trade that we believe represents a free market? I don't think so.

There is much more to say, and I will say it at some future point.

I think today's announcement—just an hour and a half ago now—about the devastating January trade deficit numbers ought to at least justify calling Air Force One back to this town and asking the President to join us, join labor, and join the National Association of Manufacturers in a meeting, a summit to talk about what on Earth we do to repair this trade deficit that is just crushing to the future economic opportunities in this country.

I will have more to say. I hope that this weekend, the White House and the Congress will reflect on what this announcement means for the future of our country and begin to deal with the crisis that does exist. No, not Social Security—it is not a crisis—but the crisis exists in these crippling, devastating trade deficit numbers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

SHOOTING IN ATLANTA

Mr. PRYOR. Mr. President, I rise today to talk about something dear and near my heart.

Before I do, I want to mention that we in Arkansas and everyone in the Senate joins with you, Mr. President, in your prayers and our prayers for the very tragic, bad news coming out of Atlanta right now. We want you to know that anything we can do, we want to try to help in every way we can.

COMMEMORATIVE COIN IN HONOR OF THE LITTLE ROCK NINE

Mr. PRYOR. Mr. President, thank you for allowing me a few moments to speak about something I care very deeply about; that is, I am going to introduce a bill that would create a commemorative coin in honor of the 50th anniversary of desegregation of Little Rock Central High School in Little Rock, AR.

The bill I am introducing with my colleague, Senator BLANCHE LINCOLN, is a companion measure to the work of our Arkansas colleague, Arkansas Congressman VIC SNYDER.

Once again, Congressman SNYDER has shown himself to be quiet and effective and really able to get things done over in the House, not just for our States but for our Nation.

Imitation is the greatest form of flattery, and I am here today to introduce identical language to Congressman SNYDER's H.R. 358. I was excited to see that 319 members of the House of Representatives cosponsored Congressman SNYDER's bill. It is my hope that I will have similar success in the Senate.

The bill requires the Secretary of the Treasury to mint a coin in commemoration of the 50th anniversary of the desegregation of Little Rock Central High School in Little Rock. I believe this will serve as a timeless reminder of an event that provided a landmark change in our school system.

Let me remind my colleagues about the desegregation crisis that took place at Little Rock Central High School and why this event is so important.

In 1952, the Little Rock school board wanted to follow the rule of law and took the Brown v. Board of Education, Topeka, KS, case seriously, that momentous decision from 1954. When the U.S. Supreme Court used the phrase "all deliberate speed," the Little Rock school board thought that it could begin to comply with the Supreme Court's ruling beginning in the 1957 school year.

In 1957, nine black teenagers integrated the all white Central High School in Little Rock, AR, testing the Brown v. Board of Education Supreme Court decision that ultimately ended legal segregation in schools.

As these nine teenagers attempted to enter the doors of Central High, they were confronted with an angry, rampaging mob. President Eisenhower ordered Federal troops to Little Rock to end the brutal intimidation campaign mounted against the black students and to uphold Brown and Federal law.

The "Little Rock Nine"—Ernest Green, Elizabeth Eckford, Gloria Ray Karlmark, Carlotta Walls LaNier, Minnijean Brown Trickey, Terrence Roberts, Jefferson Thomas, Thelma Mothershed Wair and Melba Pattillo Beals—changed the course of American history by claiming and exercising the right to receive an equal education.

They were helped in this important endeavor by civil rights pioneer Daisy Bates who raised public awareness of their plight.

Of her experience, Melba Pattillo Beals recalls:

> I had to become a warrior. I had to learn not how to dress the best but how to get from that door to the end of the hall without dying.

Another one of those students was Ernest Green, who best explains why the Little Rock Nine sacrificed their innocence for a chance at a better education. He said:

> We wanted to widen options for ourselves and later for our children.

Mr. Green was the first black student to graduate from Central High School. He later served as Assistant Secretary of Housing and Urban Affairs under President Jimmy Carter and as vice president of Lehman Brothers.

Turning opportunity into achievement is what civil rights pioneer Daisy Bates had in mind when she led the Little Rock Nine to break down the barriers that stood between them and an equal education.

Despite threats on her life and of financial ruin, Daisy Bates made significant strides in the courtroom and increased public awareness through the newspaper she and her husband, L.C. Bates, published.

As a former student of Central High—and by the way, I note that we have another student of Little Rock Central High in our presence today as one of our pages—I can tell you the impact of the Little Rock Nine and Daisy Bates is still felt in my heart and in the halls of Central High.

The acts of courage, self-sacrifice, and grit by the Little Rock Nine should be shared with our current generation and the generations to follow.

It took nine young high school students to prove to our Nation that "all men are created equal" and that the rule of law is paramount in the democracy of the United States.

Today, children all over America have the right to learn because of the courage and sacrifice of the Little Rock Nine. A commemorative coin will bring national and international attention to the lasting legacy of this important event. With this legislation, 500,000 $1 dollar coins will be minted by the Treasury.

These coins will be minted with symbols emblematic of the desegregation of the Little Rock Central High School and its contribution to civil rights in America; bear the year "2007"; and include the inscripted words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum", which means, out of many, one. Little Rock Central High School helped us to become one nation.

To cover the cost of the coins, the Secretary of Treasury shall sell the coins at face value with a surcharge to cover the cost of production and design.

The courage of the "Little Rock Nine" (who stood in the face of violence, was one of the defining moments of the Civil Rights movement and changed American history by providing a foundation upon which to build greater equality.

I hope that the Senate will join me in passing this measure to commemorate the Little Rock Nine and the desegregation of Little Rock Central High School.

I urge my colleagues to cosponsor this bill and allow the measure to move forward in an effort to ensure that these extraordinary achievements are recorded and shared for future generations.

Mrs. LINCOLN. Mr. President, today I rise, along with my friend, colleague and fellow Arkansan, Senator MARK PRYOR, to introduce a bill to direct the Treasury to mint a commemorative coin in celebration of the 50th anniversary of the integration of Central High School in Little Rock, AR.

Our colleagues in the House have led the way in this effort with a bill written by Representative VIC SNYDER and co-sponsored by the entire Arkansas delegation.

On September 2, 1957, nine African-American students made their way to the front doors of Central High School in the city of Little Rock, AR. In our modern era, this seems like a very normal moment. And in truth there is nothing particularly special about students making their way to school on the first day of class. However, in 1957, this was a Nation changing event.

Ernest Green, Elizabeth Eckford, Jefferson Thomas, Terrence Roberts, Carlotta Walls, Minnijean Brown, Gloria Ray, Thelma Mothershed and Melba Pattillo showed courage in the face of strong opposition. Their principled stand helped to move the State and the Nation forward as it marched toward greater equality for all.

What happened in Little Rock almost 50 years ago is not only a testament to the Little Rock Nine, but it is also a testament to those who supported them. It is a testament to the people of Little Rock of all hues who decided that they would confront their own consciences. And it is testament to those who, upon reflecting on the matter, decided that doing what is right was worth the cost.

This decision to move this Nation forward makes me proud to be an Arkansan. It makes me proud to be an American. That's why I'm especially pleased to introduce this legislation to direct the Treasury to issue these commemorative coins. This bill is a small token of recognition of the gift that the Little Rock nine and the entire Little Rock community has given to this Nation.

I believe that someone who was there can say it better than I can. At the 20th anniversary of the integration of Central High, Ralph G. Brodie, the '57–58 student body president, spoke at a special ceremony where he paid tribute to the Little Rock Nine. He addressed the three of the Little Rock Nine who were present saying: "You've done much to assure the rights of others. Yours were acts of courage, and I salute you."

I join him. I salute the Little Rock Nine and I salute those, both black and white, who helped to successfully integrate Central High School.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE GUN INDUSTRY IMMUNITY BILL

Mr. LEVIN. Mr. President, I am disappointed to see the Protection of Lawful Commerce in Arms Act reintroduced. I supported the successful effort to defeat the gun industry immunity legislation during the 108th Congress and I continue to oppose the legislation.

The misnamed "Protection of Lawful Commerce in Arms Act" would rewrite well-accepted principles of liability law, providing the gun industry legal protections not enjoyed by other industries. In addition, this bill would set a dangerous precedent by terminating a wide range of pending and prospective civil cases against members of the gun industry. It would give a single industry broad immunity from civil liability and deprive many victims of gun violence with legitimate cases of their day in court.

While most gun dealers and manufacturers conduct their business responsibly, this gun industry immunity legislation would provide protection from liability even in cases where gross negligence or recklessness lead to someone being injured or killed.

The reintroduction of this bill comes after the Supreme Court recently allowed a civil suit against members of the gun industry to progress in California. Reportedly, the plaintiffs in this case allege that the gun manufacturer being sued distributed guns to dealers who were likely to sell them illegally or through largely unregulated gun shows. Judge Richard Paez of the Ninth Circuit wrote of this case: The social value of manufacturing and distributing guns without taking basic steps to prevent these guns from reaching illegal purchasers and possessors cannot outweigh the public interest in keeping the guns out of the hands of those who in turn use them in crimes.

Last year, in a settlement that marked victory for the 2002 Washington, DC, area sniper shooting victims, Bushmaster Firearms, manufacturer of the XM–15 assault rifle used in the sniper attacks, agreed to pay $550,000 in damages for negligence leading to criminal violence in connection with the shooting spree.

According to reports, Bushmaster continued to sell firearms, including the XM–15 assault rifle used in the sniper shootings, to Bull's Eye Shooter Supply in Tacoma, WA, even after several ATF audits documented the dealer's inability to responsibly account for its inventory of weapons. Reports indicate that 238 guns had gone missing from Bull's Eye's inventory and over 50 had been traced to criminal acts since 1997. The victims of the sniper shootings would have lost their ability to sue Bushmaster Firearms and Bull's Eye Shooter Supply had the gun industry immunity bill become law during the 108th Congress.

If it is enacted, this bill would substantially weaken the legal rights of gun violence victims. In addition, other industries will almost certainly line up for similar protections. This is unwise legislation and it should not be adopted.

ADDITIONAL STATEMENTS

HOOSIER ESSAY CONTEST WINNERS

• Mr. LUGAR. Mr. President, I rise today to share with my colleagues the winners of the 2004–2005 Dick Lugar/Indiana Farm Bureau/Farm Bureau Insurance Companies Youth Essay Contest.

In 1985, I joined with the Indiana Farm Bureau to sponsor an essay contest for eighth grade students in my home State. The purpose of this contest was to encourage young Hoosiers to recognize and appreciate the importance of Indiana agriculture in their lives and subsequently, craft an essay responding to the assigned theme. I, along with my friends at the Indiana Farm Bureau and Farm Bureau Insurance Companies, am pleased with the annual response to this contest and the quality of the essays received over the years.

I congratulate Thomas (Trey) Dunn III of Jay County and Brittany Lechner of Daviess County as winners of this year's contest. Likewise, I include the names of all of the district and county winners of the 2004–2005 Dick Lugar/Indiana Farm Bureau/Farm Bureau Insurance Companies Youth Essay Contest.

I ask that the following materials be printed in the RECORD.

There being no objection, the material was ordered to the printed in the RECORD, as follows:

The Perfect Pizza Begins on Hoosier Farms

(By Thomas (Trey) Dunn III, Jay County)

Set for the kick-off,
We work as a team.
Joining together,
To accomplish our dream
We'll celebrate the victory.
It's time to begin.
The perfect Hoosier pizza,
Will help your body win!

BUZZ! "The final in tonight's football contest is Junk Food 0, Hoosier Pizza 100 percent healthy! Stay tuned, we'll recap tonight's game and we will be joined by the workhorses on the team; the 4 basic food groups."

"Mr. Grain, I thought your unit looked especially good in the first quarter." "Indiana farmers prepared Wil Wheat, Otis Oat, and Sam Soybean well for this game. They mixed it up right away and they were the gluten that held us together. They rolled out with a great foundation and used their carbohydrates to keep us energized."

"Mr. Fruit A. Veg, the second quarter definitely belonged to your members." "I thought the Tomato triplets were really firm tonight, as grown by our Indiana farmers. Their play was smashing! They spread the defense all over the field. The Mushrooms and Peppers sliced their way through tonight also. Vitamins A and C worked hard at keeping us focused and alert throughout."

"Mr. Meat, the third quarter was great!" "Thanks, Indiana farmers really came through with that lean, mean Beef and Pork. They definitely saved our bacon out there tonight! Their protein helped us out muscle the other guys."

Mr. Dairy, I don't think you could top your fourth quarter." "Indiana farmers landed us on top tonight! Ched Dar, Pro Valone, and Mott Zerella shredded our opponent's game plan. Their calcium has been building strong bones and teeth all year."

"You heard it fans! Let's celebrate a victory with our .100 percent healthy, Perfect Pizza team, prepared with pride on Hoosier farms."

The Perfect Pizza Begins on Hoosier Farms

(By Brittany Lechner, Daviess County)

You're invited to my Indiana pizza party! All the ingredients for this meal are produced right here in the Hoosier state!

First I will make the dough with flour from an Indiana wheat farm. Over 10,000 farms here grow wheat, generating over $91 million. There's obviously plenty of wheat here.

Then I will create the sauce, beginning at Etienne's Farm Market in Washington for tomatoes, peppers, and onions. This family farm has provided the local community with fresh fruits and vegetables for over 25 years.

Next I will travel to Elnora for a package or two of Grahams mozarella cheese from the company started by Robert Graham in 1928. This excellent cheese is known statewide!

Now come the sausage and pepperoni. The pigs that provide these toppings used to live right here on one of the many pig farms in Daviess County.

After gathering the pizza ingredients, I turn to my side dishes. Doty Orchard, also in Daviess County, provides a couple of fresh peaches. A drink would be welcome, so I choose a glass of fresh milk. Considering the many dairy farms in Indiana, milk is no problem for a drink.

Now that my pizza is in the oven and the peaches are sliced, let me show you just how nutritious a meal we have: My feast consists of two dairy servings, two vegetable/fruits, and one meat serving. Pretty healthy, if I do say so.

Altogether I think this pizza meal is a good source of nutrition and shows just how Indiana farmers keep us healthy.

2004–2005 District Essay Winners

District 1

Trevor Chrzan
Aubri Smeltzer

District 2

Clayton Gerig
Tianna Stieglitz

District 3

Ty Shrontz
Malena Zook

District 4

Thomas (Trey) Dunn III
Jennifer Hunt

District 5

Carter Morgan
Olivia Leonard

District 6

Will Petrovic
Amanda Carter

District 7

Brandon Hall
Brittany Lechner

District 8

Peter Reding
Ashley Lentz

District 9

Scott Riedford
Alyssa Schmitt

District 10

Tevin Ewing
Madeline Smith

2004–2005 County Essay Winners

Adams: Clark Faurote and Jane Goebel
Allen: Tianna Stieglitz
Bartholomew: Logan Pankratz and Ashley Lentz
Carroll: Malena Zook
Cass: Ty Shrontz and Alesia Brown
Clark: Tevin Ewing and Madeline Smith (co-winner) Anna Trotter (co-winner)
Clay: Brandon Hall and Megan Vansickle
Crawford: Corey Phipps and Tessa Weathers
Daviess: Brittney Lechner
Dearborn: Carter Grove and Becky Tyler
Decatur: Peter Reding
DeKalb: Clayton Gerig and Kassandra Wene
Dubois: Max Kitten and Lauren Reckelhoff
Elkhart: Isaac Vining and Bretta Bachert
Fayette: Jacob Rude and Corinne Watson
Floyd: John Bolander and Lauren Knight
Franklin: Mike Johnston and Teresa Burger
Gibson: Scott Riedford
Greene: Kyle Cooper and Brittney Rhodes
Hamilton: Will Petrovic and Kirsten Sobol
Hancock: Rachel Rominger
Hendricks: Alison Koelling
Henry: Mitchell Halcomb and Amanda Carter
Jackson: Caleb Hackman and Courtney Robbins
Jasper: Jacob Egan and Marisa Mangas
Jay: Thomas (Trey) Dunn III and Jennifer Hunt
Jennings: Kyle Hatfield and Linzi Firsich
Johnson: Joseph Clady and Alexis Bridges
LaGrange: Ryan Lewis and Kara Miller
Lake: Daniel Klipper and Kathryn Alleva
LaPorte: Jackson Troxel and Aubri Smeltzer
Marion: Michael Frost and Brynne Thompson
Monroe: Jill Parrott
Morgan: Olivia Leonard
Newton: Scott Shedrow and Caitlyn Yana
Posey: Justin Collins and Alyssa Schmitt
Pulaski: Trevor Chrzan and Sabrina Tanner
St. Joseph: Jack Chartier and Rebecca Knabenshue
Scott: Brett Mayer and Morgan Means
Starke: Michael Okray and Katie Kensinger
Sullivan: Travis Robbins
Switzerland: Beth Abbott
Tippecanoe: Elizabeth Byers
Tipton: Brock McVeigh and Stephanie Fidler
Vermillion: Carter Morgan and Rayven Randolph
Vigo: Nathan Thornton and Kayelene Linkenheld
Wabash: Neil Bever and Addie Ratcliff
Warrick: Clay Wildt and Mackenzie Castleman
Washington: Michael Baird
Wayne: Jake Sheard and Megan Jester
White: Zach Minnicus and Carrie Firkins.●

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with amendments:

S. 263. A bill to provide for the protection of paleontological resources on Federal lands, and for other purposes (Rept. No. 109–36).

By Mr. GREGG, from the Committee on the Budget, without amendment:

S. Con. Res. 18. An original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. LANDRIEU (for herself, Mr. Johnson, Mr. Baucus, Mrs. Lincoln, and Mr. Shelby):

S. 603. A bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CRAIG (for himself, Mr. Bingaman, Ms. Collins, Mr. Burr, Mr. Durbin, and Ms. Snowe):

S. 604. A bill to amend title XVIII of the Social Security Act to authorize expansion of medicare coverage of medical nutrition therapy services; to the Committee on Finance.

By Mr. HARKIN (for himself and Mr. Durbin):

S. 605. A bill to amend the Internal Revenue Code of 1986 to restore the phaseout of personal exemptions and the overall limitation on itemized deductions, and to create a trust fund for the funding of education programs; to the Committee on Finance.

By Mr. THUNE (for himself, Mr. Inhofe, Mr. Voinovich, and Mr. Bond):

S. 606. A bill to amend the Clean Air Act to eliminate methyl tertiary butyl ether from the United States fuel supply, to increase production and use of renewable fuel, and to increase the Nation's energy independence, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HARKIN:

S. 607. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 with respect to early retirement benefits, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN:

S. 608. A bill to create an independent office in the Department of Labor to advocate on behalf of pension participants, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWNBACK (for himself and Mr. KENNEDY):

S. 609. A bill to amend the Public Health Service Act to increase the provision of scientifically sound information and support services to patients receiving a positive test diagnosis for Down syndrome or other prenatally diagnosed conditions; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TALENT (for himself, Mrs. LINCOLN, Mr. THUNE, Mr. JOHNSON, Mr. COLEMAN, Mr. SALAZAR, Mr. HARKIN, Mr. HAGEL, and Mr. BOND):

S. 610. A bill to amend the Internal Revenue Code of 1986 to provide for a small agribiodiesel producer credit and to improve the small ethanol producer credit; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GREGG:

S. Con. Res. 18. An original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; from the Committee on the Budget; placed on the calendar.

By Mr. CHAMBLISS (for himself and Mr. NELSON of Nebraska):

S. Con. Res. 19. A concurrent resolution expressing the sense of the Congress regarding the importance of life insurance and recognizing and supporting National Life Insurance Awareness Month; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 132

At the request of Mr. SMITH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 132, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance.

S. 328

At the request of Mr. CRAIG, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 328, a bill to facilitate the sale of United States agricultural products to Cuba, as authorized by the Trade Sanctions Reform and Export Enhancement Act of 2000.

S. 359

At the request of Mr. CRAIG, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 359, a bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H–2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

S. 380

At the request of Ms. COLLINS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 380, a bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children.

S. 445

At the request of Ms. STABENOW, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 445, a resolution to amend part D of title XVIII of the Social Security Act, as added by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, to provide for negotiation of fair prices for Medicare prescription drugs.

S. 471

At the request of Mr. SPECTER, the names of the Senator from Vermont (Mr. JEFFORDS), the Senator from Illinois (Mr. DURBIN), the Senator from Hawaii (Mr. INOUYE) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 471, a bill to amend the Public Health Service Act to provide for human embryonic stem cell research.

S. 578

At the request of Mr. LAUTENBERG, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 578, a bill to better manage the national instant criminal background check system and terrorism matches.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. LANDRIEU (for herself, Mr. JOHNSON, Mr. BAUCUS, Mrs. LINCOLN, and Mr. SHELBY):

S. 603. A bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 603

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Consumer Rental-Purchase Agreement Act of 2005".

SEC. 2. FINDINGS AND DECLARATION OF PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the rental-purchase industry provides a service that meets and satisfies the demands of many consumers;

(2) each year, approximately 2,300,000 United States households enter into rental-purchase transactions, and over a 5-year period, approximately 4,900,000 United States households will do so;

(3) competition among the various firms engaged in the extension of rental-purchase transactions would be strengthened by informed use of rental-purchase transactions; and

(4) the informed use of rental-purchase transactions results from an awareness of the cost thereof by consumers.

(b) PURPOSES.—The purposes of this Act are to assure the availability of rental-purchase transactions; and to assure simple, meaningful, and consistent disclosure of rental-purchase terms so that consumers will be able to more readily compare the available rental-purchase terms and avoid uninformed use of rental-purchase transactions, and to protect consumers against unfair rental-purchase practices.

SEC. 3. CONSUMER CREDIT PROTECTION ACT.

The Consumer Credit Protection Act (15 U.S.C. 1601 et seq.) is amended by adding at the end the following new title:

"TITLE X—RENTAL-PURCHASE TRANSACTIONS

"Sec. 1001. Short title; definitions
"Sec. 1002. Exempted transactions
"Sec. 1003. General disclosure requirements
"Sec. 1004. Rental-purchase disclosures
"Sec. 1005. Other agreement provisions
"Sec. 1006. Right to acquire ownership
"Sec. 1007. Prohibited provisions
"Sec. 1008. Statement of accounts
"Sec. 1009. Renegotiations and extensions
"Sec. 1010. Point-of-rental disclosures
"Sec. 1011. Rental-purchase advertising
"Sec. 1012. Civil liability
"Sec. 1013. Additional grounds for civil liability
"Sec. 1014. Liability of assignees
"Sec. 1015. Regulations
"Sec. 1016. Enforcement
"Sec. 1017. Criminal liability for willful and knowing violation
"Sec. 1018. Relation to other laws
"Sec. 1019. Effect on Government agencies
"Sec. 1020. Compliance date

"SEC. 1001. SHORT TITLE; DEFINITIONS.

"(a) SHORT TITLE.—This title may be cited as the 'Rental-Purchase Protections Act'.

"(b) DEFINITIONS.—For purposes of this title, the following definitions shall apply:

"(1) ADVERTISEMENT.—The term 'advertisement' means a commercial message in any medium that promotes, directly or indirectly, a rental-purchase agreement, but does not include price tags, window signs, or other in-store merchandising aids.

"(2) AGRICULTURAL PURPOSE.—The term 'agricultural purpose' includes—

"(A) the production, harvest, exhibition, marketing, transformation, processing, or manufacture of agricultural products by a natural person who cultivates plants or propagates or nurtures agricultural products; and

“(B) the acquisition of farmlands, real property with a farm residence, or personal property and services used primarily in farming.

“(3) BOARD.—The term ‘Board’ means the Board of Governors of the Federal Reserve System.

“(4) CASH PRICE.—The term ‘cash price’ means the price at which a merchant, in the ordinary course of business, offers to sell for cash the property that is the subject of the rental-purchase transaction.

“(5) CONSUMER.—The term ‘consumer’ means a natural person who is offered or enters into a rental-purchase agreement.

“(6) DATE OF CONSUMMATION.—The term ‘date of consummation’ means the date on which a consumer becomes contractually obligated under a rental-purchase agreement.

“(7) INITIAL PAYMENT.—The term ‘initial payment’ means the amount to be paid before or at the time of consummation of the agreement, or the time of delivery of the property covered by the agreement if delivery occurs after consummation, including—

“(A) the rental payment;

“(B) service, processing, or administrative charges;

“(C) any delivery fee;

“(D) refundable security deposit;

“(E) taxes;

“(F) mandatory fees or charges; and

“(G) any optional fees or charges agreed to by the consumer.

“(8) MERCHANT.—The term ‘merchant’ means a person who provides the use of property through a rental-purchase agreement in the ordinary course of business and to whom the initial payment by the consumer under the agreement is payable.

“(9) PAYMENT SCHEDULE.—The term ‘payment schedule’ means the amount and timing of the periodic payments and the total number of all periodic payments that the consumer will make if the consumer acquires ownership of the property by making all periodic payments.

“(10) PERIODIC PAYMENT.—The term ‘periodic payment’ means the total payment that a consumer will make for a specific rental period after the initial payment, including the rental payment, taxes, mandatory fees or charges, and any optional fees or charges agreed to by the consumer.

“(11) PROPERTY.—The term ‘property’ means property that is not real property under the laws of the State in which the property is located when it is made available under a rental-purchase agreement.

“(12) RENTAL PAYMENT.—The term ‘rental payment’ means rent required to be paid by a consumer for the possession and use of property for a specific rental period, but does not include taxes or any fees or charges.

“(13) RENTAL PERIOD.—The term ‘rental period’ means a week, month, or other specific period of time, during which the consumer has a right to possess and use property that is the subject of a rental-purchase agreement after paying the rental payment and any applicable taxes for such period.

“(14) RENTAL-PURCHASE AGREEMENT.—

“(A) IN GENERAL.—The term ‘rental-purchase agreement’ means a contract in the form of a bailment or lease for the use of property by a consumer for an initial period of 4 months or less, that is renewable with each payment by the consumer, and that permits but does not obligate the consumer to become the owner of the property.

“(B) EXCLUSIONS.—The term ‘rental-purchase agreement’ does not include—

“(i) a credit sale (as defined in section 103(g) of the Truth in Lending Act);

“(ii) a consumer lease (as defined in section 181(1) of the Truth in Lending Act); or

“(iii) a transaction giving rise to a debt incurred in connection with the business of lending money or a thing of value.

“(15) RENTAL-PURCHASE COST.—

“(A) IN GENERAL.—For purposes of sections 1010 and 1011, the term ‘rental-purchase cost’ means the sum of all rental payments and mandatory fees or charges imposed by the merchant as a condition of entering into a rental-purchase agreement or acquiring ownership of property under a rental-purchase agreement, including—

“(i) any service, processing, or administrative charge;

“(ii) any fee for an investigation or credit report; and

“(iii) any charge for delivery required by the merchant.

“(B) EXCLUDED ITEMS.—The following fees or charges shall not be taken into account in determining the rental-purchase cost with respect to a rental-purchase transaction:

“(i) Fees and charges prescribed by law, which actually are or will be paid to public officials or government entities, such as sales tax.

“(ii) Fees and charges for optional products and services offered in connection with a rental-purchase agreement.

“(16) STATE.—The term ‘State’ means any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the Northern Mariana Islands.

“(17) TOTAL COST.—The term ‘total cost’ means the sum of the initial payment and all periodic payments in the payment schedule to be paid by the consumer to acquire ownership of the property that is the subject of the rental-purchase agreement.

“SEC. 1002. EXEMPTED TRANSACTIONS.

“This title does not apply to rental-purchase agreements primarily for business, commercial, or agricultural purposes, or those made with agencies or instrumentalities of the Federal Government or a State or political subdivision thereof.

“SEC. 1003. GENERAL DISCLOSURE REQUIREMENTS.

“(a) RECIPIENT OF DISCLOSURE.—A merchant shall disclose to any person who will be a signatory to a rental-purchase agreement the information required by sections 1004 and 1005.

“(b) TIMING OF DISCLOSURE.—The disclosures required under sections 1004 and 1005 shall be made before the consummation of the rental-purchase agreement, and clearly and conspicuously in writing as part of the rental-purchase agreement to be signed by the consumer.

“(c) CLEARLY AND CONSPICUOUSLY.—As used in this section, the term ‘clearly and conspicuously’ means that information required to be disclosed to the consumer shall be worded plainly and simply, and appear in a type size, prominence, and location as to be readily noticeable, readable, and comprehensible to an ordinary consumer.

“SEC. 1004. RENTAL-PURCHASE DISCLOSURES.

“(a) IN GENERAL.—For each rental-purchase agreement, the merchant shall disclose to the consumer, to the extent applicable—

“(1) the date of consummation of the rental-purchase transaction and the identities of the merchant and the consumer;

“(2) a brief description of the rental property, which shall be sufficient to identify the property to the consumer, including an identification or serial number, if applicable, and a statement indicating whether the property is new or used;

“(3) a description of any fee, charge, or penalty, in addition to the periodic payment, that the consumer may be required to pay under the agreement, which shall be separately identified by type and amount;

“(4) a clear and conspicuous statement that the transaction is a rental-purchase agreement and that the consumer will not obtain ownership of the property until the consumer has paid the total dollar amount necessary to acquire ownership;

“(5) the amount of any initial payment, which includes the first periodic payment, and the total amount of any fees, taxes, or other charges, required to be paid by the consumer;

“(6) the amount of the cash price of the property that is the subject of the rental-purchase agreement, and, if the agreement involves the rental of 2 or more items as a set (as may be defined by the Board in regulation) a statement of the aggregate cash price of all items shall satisfy this requirement;

“(7) the amount and timing of periodic payments, and the total number of periodic payments necessary to acquire ownership of the property under the rental-purchase agreement;

“(8) the total cost, using that term, and a brief description, such as ‘This is the amount that you will pay the merchant if you make all periodic payments to acquire ownership of the property.’;

“(9) a statement of the right of the consumer to terminate the agreement without paying any fee or charge not previously due under the agreement by voluntarily surrendering or returning the property in good repair upon expiration of any lease term; and

“(10) substantially the following statement: ‘other important terms: See your rental-purchase agreement for additional important information on early termination procedures, purchase option rights, responsibilities for loss, damage, or destruction of the property, warranties, maintenance responsibilities, and other charges or penalties you may incur.’.

“(b) FORM OF DISCLOSURE.—The disclosures required by paragraphs (4) through (10) of subsection (a) shall—

“(1) be segregated from other information at the beginning of the rental-purchase agreement;

“(2) contain only directly related information; and

“(3) be identified in boldface, upper-case letters as follows: ‘**IMPORTANT RENTAL-PURCHASE DISCLOSURES**’.

“(c) DISCLOSURE REQUIREMENTS RELATING TO INSURANCE PREMIUMS AND LIABILITY WAIVERS.—

“(1) IN GENERAL.—A merchant shall clearly and conspicuously disclose in writing to the consumer before the consummation of a rental-purchase agreement that the purchase of leased property insurance or liability waiver coverage is not required as a condition for entering into the rental-purchase agreement.

“(2) AFFIRMATIVE WRITTEN REQUEST AFTER COST DISCLOSURE.—A merchant may provide insurance or liability waiver coverage, directly or indirectly, in connection with a rental-purchase transaction only if—

“(A) the merchant clearly and conspicuously discloses to the consumer the cost of each component of such coverage before the consummation of the rental-purchase agreement; and

"(B) the consumer signs an affirmative written request for such coverage after receiving the disclosures required under paragraph (1) and subparagraph (A) of this paragraph.

"(d) Accuracy of Disclosure.—

"(1) In general.—The disclosures required to be made under subsection (a) shall be accurate as of the date on which the disclosures are made, based on the information available to the merchant.

"(2) Information subsequently rendered inaccurate.—If information required to be disclosed under subsection (a) is subsequently rendered inaccurate as a result of any agreement between the merchant and the consumer subsequent to the delivery of the required disclosures, the resulting inaccuracy shall not constitute a violation of this title.

"SEC. 1005. OTHER AGREEMENT PROVISIONS.

"(a) In General.—Each rental-purchase agreement shall—

"(1) provide a statement specifying whether the merchant or the consumer is responsible for loss, theft, damage, or destruction of the property;

"(2) provide a statement specifying whether the merchant or the consumer is responsible for maintaining or servicing the property, together with a brief description of the responsibility;

"(3) provide that the consumer may terminate the agreement without paying any charges not previously due under the agreement by voluntarily surrendering or returning the property that is the subject of the agreement upon expiration of any rental period;

"(4) contain a provision for reinstatement of the agreement, which at a minimum—

"(A) permits a consumer who fails to make a timely rental payment to reinstate the agreement, without losing any rights or options which exist under the agreement, by the payment of all past due rental payments and any other charges then due under the agreement and a payment for the next rental period within 7 business days after failing to make a timely rental payment if the consumer pays monthly, or within 3 business days after failing to make a timely rental payment if the consumer pays more frequently than monthly;

"(B) if the consumer returns or voluntarily surrenders the property covered by the agreement, other than through judicial process, during the applicable reinstatement period set forth in subparagraph (A), permits the consumer to reinstate the agreement during a period of at least 60 days after the date of the return or surrender of the property by the payment of all amounts previously due under the agreement, any applicable fees, and a payment for the next rental period;

"(C) if the consumer has paid 50 percent or more of the total cost necessary to acquire ownership and returns or voluntarily surrenders the property, other than through judicial process, during the applicable reinstatement period set forth in subparagraph (A), permits the consumer to reinstate the agreement during a period of at least 120 days after the date of the return of the property by the payment of all amounts previously due under the agreement, any applicable fees, and a payment for the next rental period; and

"(D) permits the consumer, upon reinstatement of the agreement, to receive the same property, if available, that was the subject of the rental-purchase agreement, or if the same property is not available, a substitute item of comparable quality and condition, except that the Board may, by regulation or order, exempt any independent small business (as defined by regulation of the Board) from the requirement of providing the same or comparable product during the extended reinstatement period provided in subparagraph (C), if the Board determines, taking into account such standards as the Board determines appropriate, that the reinstatement right provided in subparagraph (C) would provide excessive hardship for the independent small business;

"(5) provide a statement specifying the terms under which the consumer shall acquire ownership of the property that is the subject of the rental-purchase agreement either by payment of the total cost to acquire ownership, as provided in section 1006, or by exercise of any early purchase option provided in the rental-purchase agreement;

"(6) provide a statement disclosing that if any part of a manufacturer's express warranty covers the property at the time the consumer acquires ownership of the property, the warranty will be transferred to the consumer if allowed by the terms of the warranty; and

"(7) provide, to the extent applicable, a description of any grace period for making any periodic payment, the amount of any security deposit, if any, to be paid by the consumer upon initiation of the rental-purchase agreement, and the terms for refund of such security deposit to the consumer upon return, surrender or purchase of the property.

"(b) Repossession During Reinstatement Period.—Subsection (a)(4) shall not be construed so as to prevent a merchant from attempting to repossess property during the reinstatement period pursuant to subsection (a)(4)(A), but such a repossession does not affect the right of the consumer to reinstatement under subsection (a)(4).

"SEC. 1006. RIGHT TO ACQUIRE OWNERSHIP.

"(a) In General.—The consumer shall acquire ownership of the property that is the subject of the rental-purchase agreement, and the rental-purchase agreement shall terminate, upon compliance by the consumer with the requirements of subsection (b) or any early payment option provided in the rental purchase agreement, and upon payment of any past due payments and fees, as permitted by regulation of the Board.

"(b) Payment of Total Cost.—The consumer shall acquire ownership of the rental property upon payment of the total cost of the rental-purchase agreement, as defined in section 1001(17), and as disclosed to the consumer in the rental-purchase agreement pursuant to section 1004(a).

"(c) Additional Fees Prohibited.—A merchant shall not require the consumer to pay, as a condition for acquiring ownership of the property that is the subject of the rental-purchase agreement, any fee or charge in addition to, or in excess of, the regular periodic payments required by subsection (b), or any early purchase option amount provided in the rental-purchase agreement, as applicable. A requirement that the consumer pay an unpaid late charge or other fee or charge which the merchant has previously billed to the consumer shall not constitute an additional fee or charge for purposes of this subsection.

"(d) Transfer of Ownership Rights.—Upon payment by the consumer of all payments necessary to acquire ownership under subsection (b) or any early purchase option amount provided in the rental-purchase agreement, as applicable, the merchant shall—

"(1) deliver, or mail to the last known address of the consumer, such documents or other instruments which the Board has determined, by regulation, are necessary to acknowledge full ownership by the consumer of the property acquired pursuant to the rental-purchase agreement; and

"(2) transfer to the consumer the unexpired portion of any warranties provided by the manufacturer, distributor, or seller of the property, which shall apply as if the consumer were the original purchaser of the property, except where such transfer is prohibited by the terms of the warranty.

"SEC. 1007. PROHIBITED PROVISIONS.

"A rental-purchase agreement may not contain—

"(1) a confession of judgment;

"(2) a negotiable instrument;

"(3) a security interest or any other claim of a property interest in any goods, except those goods, the use of which is provided by the merchant pursuant to the agreement;

"(4) a wage assignment;

"(5) a provision requiring the waiver of any legal claim or remedy created by this title or other provision of Federal or State law;

"(6) a provision requiring the consumer, in the event that the property subject to the rental-purchase agreement is lost, stolen, damaged, or destroyed, to pay an amount in excess of the least of—

"(A) the fair market value of the property, as determined by regulation of the Board;

"(B) any early purchase option amount provided in the rental-purchase agreement; or

"(C) the actual cost of repair, as appropriate;

"(7) a provision authorizing the merchant, or a person acting on behalf of the merchant, to enter the dwelling of the consumer or other premises without obtaining the consent of the consumer, or to commit any breach of the peace in connection with the repossession of the rental property or the collection of any obligation or alleged obligation of the consumer arising out of the rental-purchase agreement;

"(8) a provision requiring the purchase of insurance or liability damage waiver to cover the property that is the subject of the rental-purchase agreement, except as permitted by regulation of the Board; or

"(9) a provision requiring the consumer to pay more than 1 late fee or charge for an unpaid or delinquent periodic payment, regardless of the period in which the payment remains unpaid or delinquent, or to pay a late fee or charge for any periodic payment because a previously assessed late fee has not been paid in full.

"SEC. 1008. STATEMENT OF ACCOUNTS.

"Upon request of a consumer, a merchant shall provide a statement of the account of the consumer. If a consumer requests a statement for an individual account more than 4 times in any 12-month period, the merchant may charge a reasonable fee for the additional statements requested in excess of 4 times during that 12-month period.

"SEC. 1009. RENEGOTIATIONS AND EXTENSIONS.

"(a) Renegotiations.—For purposes of this section, a 'renegotiation' occurs when a rental-purchase agreement is satisfied and replaced by a new agreement undertaken by the same consumer. A renegotiation requires new disclosures under this title, except as provided in subsection (c).

"(b) Extensions.—For purposes of this section, an 'extension' is an agreement by the consumer and the merchant to continue an existing rental-purchase agreement beyond the original end of the payment schedule, but does not include a continuation that is the result of a renegotiation.

"(c) EXCEPTIONS.—New disclosures under this title are not required for the following, even if they meet the definition of a renegotiation or an extension under this section:

"(1) A reduction in payments.

"(2) A deferment of 1 or more payments.

"(3) The extension of a rental-purchase agreement.

"(4) The substitution of property with property that has a substantially equivalent or greater economic value, provided that the rental-purchase cost does not increase.

"(5) The deletion of property in a multiple-item agreement.

"(6) A change in the rental period, provided that the rental-purchase cost does not increase.

"(7) An agreement resulting from a court proceeding.

"(8) Any other event described in regulations prescribed by the Board.

"SEC. 1010. POINT-OF-RENTAL DISCLOSURES.

"(a) IN GENERAL.—For any item of property or set of items displayed or offered for rental-purchase, the merchant shall display on or next to the item or set of items a card, tag, or label that clearly and conspicuously discloses—

"(1) a brief description of the property;

"(2) whether the property is new or used;

"(3) the cash price of the property;

"(4) the amount of each rental payment;

"(5) the total number of rental payments necessary to acquire ownership of the property; and

"(6) the rental-purchase cost.

"(b) FORM OF DISCLOSURE.—

"(1) IN GENERAL.—A merchant may make the disclosures required by subsection (a) in the form of a list or catalog which is readily available to the consumer at the point of rental if the merchandise is not displayed in the showroom of the merchant, or if displaying a card, tag, or label would be impractical due to the size of the merchandise.

"(2) CLEARLY AND CONSPICUOUSLY.—As used in this section, the term 'clearly and conspicuously' means that information required to be disclosed to the consumer shall appear in a type size, prominence, and location as to be noticeable, readable, and comprehensible to an ordinary consumer.

"SEC. 1011. RENTAL-PURCHASE ADVERTISING.

"(a) IN GENERAL.—If an advertisement for a rental-purchase transaction refers to or states the amount of any payment for any specific item or set of items, the merchant making the advertisement shall also clearly and conspicuously state in the advertisement for the item or set of items advertised—

"(1) that the transaction advertised is a rental-purchase agreement;

"(2) the amount, timing, and total number of rental payments necessary to acquire ownership under the rental-purchase agreement;

"(3) the amount of the rental-purchase cost;

"(4) that to acquire ownership of the property, the consumer must pay the rental-purchase cost plus applicable taxes; and

"(5) whether the stated payment amount and advertised rental-purchase cost is for new or used property.

"(b) PROHIBITION.—An advertisement for a rental-purchase agreement shall not state or imply that a specific item or set of items is available at specific amounts or terms, unless the merchant usually and customarily offers, or will offer, the item or set of items at the stated amounts or terms.

"(c) CLEARLY AND CONSPICUOUSLY.—

"(1) IN GENERAL.—For purposes of this section, the term 'clearly and conspicuously' means that required disclosures shall be presented in a type, size, shade, contrast, prominence, location, and manner, as applicable to different media for advertising, so as to be readily noticeable and comprehensible to the ordinary consumer.

"(2) REGULATORY GUIDANCE.—The Board shall prescribe regulations on principles and factors to meet the clear and conspicuous standard, as appropriate to print, video, audio, and computerized advertising, reflecting the principles and factors typically applied in each medium by the Federal Trade Commission.

"(3) LIMITATION.—Nothing contrary to, inconsistent with, or in mitigation of, the disclosures required by this section shall be used in any advertisement in any medium, and no audio, video, or print technique shall be used that is likely to obscure or detract significantly from the communication of the required disclosures.

"SEC. 1012. CIVIL LIABILITY.

"(a) IN GENERAL.—Except as otherwise provided in section 1013, any merchant who fails to comply with any requirement of this title with respect to any consumer is liable to such consumer as provided for leases in section 130. For purposes of this section, the term 'creditor' as used in section 130 shall include a 'merchant', as defined in section 1001.

"(b) JURISDICTION OF COURTS; LIMITATION ON ACTIONS.—

"(1) IN GENERAL.—Notwithstanding section 130(e), any action under this section may be brought in any United States district court, or in any other court of competent jurisdiction, before the end of the 1-year period beginning on the date on which the last payment was made by the consumer under the rental-purchase agreement.

"(2) RECOUPMENT OR SET-OFF.—This subsection shall not bar a consumer from asserting a violation of this title in an action to collect an obligation arising from a rental-purchase agreement, which was brought after the end of the 1-year period described in paragraph (1) as a matter of defense by recoupment or set-off in such action, except as otherwise provided by State law.

"SEC. 1013. ADDITIONAL GROUNDS FOR CIVIL LIABILITY.

"(a) INDIVIDUAL CASES WITH ACTUAL DAMAGES.—Any merchant who fails to comply with any requirement imposed under section 1010 or 1011 with respect to any consumer who suffers actual damage from the violation shall be liable to such consumer as provided in section 130.

"(b) PATTERN OR PRACTICE OF VIOLATIONS.—If a merchant engages in a pattern or practice of violating any requirement imposed under section 1010 or 1011, the Federal Trade Commission or an appropriate State attorney general, in accordance with section 1016, may initiate an action to enforce sanctions against the merchant, including—

"(1) an order to cease and desist from such practices; and

"(2) a civil money penalty of such amount as the court may impose, based on such factors as the court may determine to be appropriate.

"SEC. 1014. LIABILITY OF ASSIGNEES.

"(a) ASSIGNEES INCLUDED.—For purposes of section 1013 and this section, the term 'merchant' includes an assignee of a merchant.

"(b) LIABILITIES OF ASSIGNEES.—

"(1) APPARENT VIOLATION.—An action under section 1012 or 1013 for a violation of this title may be brought against an assignee only if the violation is apparent on the face of the rental-purchase agreement to which it relates.

"(2) APPARENT VIOLATION DEFINED.—For purposes of this subsection, a violation that is apparent on the face of a rental-purchase agreement includes, but is not limited to, a disclosure that can be determined to be incomplete or inaccurate from the face of the agreement.

"(3) INVOLUNTARY ASSIGNMENT.—An assignee has no liability under this section in a case in which the assignment is involuntary.

"(4) RULE OF CONSTRUCTION.—No provision of this section shall be construed as limiting or altering the liability under section 1012 or 1013 of a merchant assigning a rental-purchase agreement.

"(c) PROOF OF DISCLOSURE.—In an action by or against an assignee, the consumer's written acknowledgment of receipt of a disclosure, made as part of the rental-purchase agreement, shall be conclusive proof that the disclosure was made, if the assignee had no knowledge that the disclosure had not been made when the assignee acquired the rental-purchase agreement to which it relates.

"SEC. 1015. REGULATIONS.

"(a) IN GENERAL.—The Board shall prescribe regulations, as necessary to carry out this title, to prevent its circumvention, and to facilitate compliance with its requirements.

"(b) MODEL DISCLOSURE FORMS.—

"(1) BOARD AUTHORITY.—The Board may publish model disclosure forms and clauses for common rental-purchase agreements to facilitate compliance with the disclosure requirements of this title and to aid the consumer in understanding the transaction by utilizing readily understandable language to simplify the technical nature of the disclosures.

"(2) CONTENT.—In devising forms described in paragraph (1), the Board shall consider the use by merchants of data processing or similar automated equipment.

"(3) USE NOT MANDATORY.—Nothing in this title may be construed to require a merchant to use any model form or clause published by the Board under this section.

"(4) DETERMINATION OF COMPLIANCE.—A merchant shall be deemed to be in compliance with the requirement to provide disclosure under section 1003(a) if the merchant—

"(A) uses any appropriate model form or clause published by the Board under this section; or

"(B) uses any such model form or clause, and changes it by deleting any information which is not required by this title or rearranging the format, if in making such deletion or rearranging the format, the merchant does not affect the substance, clarity, or meaningful sequence of the disclosure.

"(c) EFFECTIVE DATE OF REGULATIONS.—

"(1) IN GENERAL.—Any regulation prescribed by the Board, or any amendment or interpretation thereof, shall not be effective before the October 1 that follows the date of publication of the regulation in final form by at least 6 months.

"(2) AUTHORITY TO MODIFY.—The Board may, at its discretion—

"(A) lengthen the period of time described in paragraph (1) to permit merchants to adjust to accommodate new requirements; or

"(B) shorten that period of time, if the Board makes a specific finding that such action is necessary to comply with the findings of a court or to prevent unfair or deceptive practices.

"(3) VOLUNTARY COMPLIANCE.—Notwithstanding paragraph (1) or (2), a merchant may comply with any newly prescribed disclosure requirement prior to its effective date.

"SEC. 1016. ENFORCEMENT.

"(a) FEDERAL ENFORCEMENT.—Compliance with this title shall be enforced under the Federal Trade Commission Act (15 U.S.C. 41 et seq.), and a violation of any requirement imposed under this title shall be deemed a violation of a requirement imposed under that Act. All of the functions and powers of the Federal Trade Commission under the Federal Trade Commission Act are available to the Commission to enforce compliance by any person with the requirements of this title, irrespective of whether that person is engaged in commerce or meets any other jurisdictional test under the Federal Trade Commission Act.

"(b) STATE ENFORCEMENT.—

"(1) IN GENERAL.—An action to enforce the requirements imposed by this title may also be brought by the appropriate State attorney general in any appropriate United States district court, or any other court of competent jurisdiction.

"(2) PRIOR WRITTEN NOTICE.—

"(A) IN GENERAL.—The State attorney general shall provide prior written notice of any civil action described in paragraph (1) to the Federal Trade Commission, and shall provide the Commission with a copy of the complaint.

"(B) EMERGENCY ACTION.—If prior notice required by this paragraph is not feasible, the State attorney general shall provide notice to the Commission immediately upon instituting the action.

"(3) FTC INTERVENTION.—The Commission may—

"(A) intervene in an action described in paragraph (1);

"(B) upon intervening—

"(i) remove the action to the appropriate United States district court, if it was not originally brought there; and

"(ii) be heard on all matters arising in the action; and

"(C) file a petition for appeal.

"SEC. 1017. CRIMINAL LIABILITY FOR WILLFUL AND KNOWING VIOLATION.

"Whoever willfully and knowingly gives false or inaccurate information, or fails to provide information which that person is required to disclose under the provisions of this title or any regulation issued under this title shall be subject to the penalty provisions as provided in section 112.

"SEC. 1018. RELATION TO OTHER LAWS.

"(a) RELATION TO STATE LAW.—

"(1) NO EFFECT ON CONSISTENT STATE LAWS.—Except as otherwise provided in subsection (b), this title does not annul, alter, or affect in any manner the meaning, scope, or applicability of the laws of any State relating to rental-purchase agreements, except to the extent that those laws are inconsistent with any provision of this title, and then only to the extent of the inconsistency.

"(2) DETERMINATION OF INCONSISTENCY.—Upon its own motion or upon the request of an interested party, which is submitted in accordance with procedures prescribed by regulation of the Board, the Board shall determine whether any such inconsistency exists. If the Board determines that a term or provision of a State law is inconsistent with a provision of this title, merchants located in that State shall not be required to comply with that term or provision, and shall incur no liability under the law of that State for failure to follow such term or provision, notwithstanding that such determination is subsequently amended, rescinded, or determined by judicial or other authority to be invalid for any reason.

"(3) GREATER PROTECTION UNDER STATE LAW.—Except as provided in subsection (b), for purposes of this section, a term or provision of a State law is not inconsistent with the provisions of this title if the term or provision affords greater protection and benefit to the consumer than the protection and benefit provided under this title, as determined by the Board, on its own motion or upon the petition of any interested party.

"(b) STATE LAWS RELATING TO CHARACTERIZATION OF TRANSACTION.—Notwithstanding subsection (a), this title shall supersede any State law, to the extent that such law—

"(1) regulates a rental-purchase agreement as a security interest, credit sale, retail installment sale, conditional sale, or any other form of consumer credit, or that imputes to a rental-purchase agreement the creation of a debt or extension of credit; or

"(2) requires the disclosure of a percentage rate calculation, including a time-price differential, an annual percentage rate, or an effective annual percentage rate.

"(c) RELATION TO FEDERAL TRADE COMMISSION ACT.—No provision of this title shall be construed as limiting, superseding, or otherwise affecting the applicability of the Federal Trade Commission Act to any merchant or rental-purchase transaction.

"SEC. 1019. EFFECT ON GOVERNMENT AGENCIES.

"No civil liability or criminal penalty under this title may be imposed on the United States or any of its departments or agencies, any State or political subdivision thereof, or any agency of a State or political subdivision thereof.

"SEC. 1020. COMPLIANCE DATE.

"Compliance with this title shall not be required until 6 months after the date of enactment of this title. In any case, a merchant may comply with this title at any time after such date of enactment.".

By Mr. CRAIG (for himself, Mr. BINGAMAN, Ms. COLLINS, Mr. BURR, Mr. DURBIN, and Ms. SNOWE):

S. 604. A bill to amend title XVIII of the Social Security Act to authorize expansion of medicare coverage of medical nutrition therapy services; to the Committee on Finance.

Mr. CRAIG. Mr. President, in this day of runaway medical costs, I would like to take a moment to highlight one cost-effective component of healthcare; Medical Nutrition Therapy (MNT). MNT can be used to promote health and functionality and affects the quality of life for many Americans. MNT is also an effective disease management component that lessens chronic disease risk, slows disease progression and reduces symptoms. Currently, Medicare beneficiaries can have access to MNT, but only for the care of diabetes and kidney disease.

The legislation that I have introduced, along with Mr. BINGAMAN and other colleagues, would give the Centers for Medicare & Medicaid Services the authority, using the National Coverage Determination (NCD) process, to expand the MNT benefit beyond diabetes and renal diseases. Currently, Congress must pass legislation for beneficiaries to receive MNT for each and every condition or disease for which MNT proves itself to be cost effective. Choosing to rely on the NCD process would allow CMS to make decisions based upon the science, and establish the extent to which Medicare will cover specific services, procedures or technologies on a national basis. This is what the NCD is designed to do.

CMS reported to Congress last year that there are other conditions, such as hypertension and dyslipidemia, HIV/AIDS and cancer, where evidence supports the cost-effectiveness of MNT as part of the care plan. It is time to make the MNT benefit more preventive in nature, and combat diabetes, hypertension, and dyslipidemia in the early stages of the diseases. It makes good sense for CMS, which routinely reviews the science behind recommendations, to direct this benefit appropriately without having to get Congressional approval for each and every disease.

It is important to note that this new language does not mandate any expansion; it only gives CMS the authority in include coverage of MNT based on scientific evidence that the proposed coverage is reasonable, necessary and cost effective. I encourage your support for this legislation.

By Mr. THUNE (for himself, Mr. INHOFE, Mr. VOINOVICH, and Mr. BOND):

S. 606. A bill to amend the Clean Air Act to eliminate methyl tertiary butyl ether from the United States fuel supply, to increase production and use of renewable fuel, and to increase the Nation's energy independence, and for other purposes; to the Committee on Environment and Public Works.

Mr. THUNE. Mr. President, last weekend I joined four of my colleagues to travel to Alaska, to see first-hand the Arctic National Wildlife Refuge. It's not a welcoming place—it's cold and icy; vast and empty . . . even the Caribou didn't notice our presence. But beneath the icy tundra is one of the largest oil fields in the world—an oil field so vast it could power the State of South Dakota for centuries.

This week the Senate is moving forward on legislation to explore ANWR. This is just one piece of finally passing a national energy policy and reducing our dependence on foreign sources of oil.

We cannot act fast enough: This week gas prices hit record highs. And with oil hovering around $55 per barrel and threatening to move even higher, it's critical that the Senate act to reduce America's dependence on foreign sources oil.

ANWR is one piece of the solution. But equally important—and even more important to my State of South Dakota—is investing in renewable fuels like ethanol.

It is time for the United States Senate to pass the Renewable Fuels Standard.

The Renewable Fuels Standard has languished for too long. Despite strong bipartisan support and private-sector agreements, past Congresses have failed to pass a national energy policy that includes a Renewable Fuels Standard. Now, we have another opportunity.

This legislation has a special importance to my State. South Dakota is a heavily agricultural State and the Nation's fifth largest producer of ethanol. The market for ethanol has breathed new life into the small towns and small farms that dot the prairies of South Dakota. When driving through the rural counties of South Dakota, it's not unusual to observe the silos and storage tanks of an ethanol plant silhouetted against the prairie horizon. In many ways, the ethanol industry and its physical manifestations have become a part of the rural American identity.

Make no mistake about it: South Dakota's farmers are relying on the passage of the Renewable Fuels Standard to provide a surge in corn prices and a guaranteed market for their product.

This legislation is an improvement upon what passed out of the United States Senate last Congress. It increases the ethanol gallon requirement to 6 billion gallons, an increase of 1 billion gallons.

As we have a tremendous opportunity and responsibility to move this country forward. This legislation is vital to the ethanol industry, and will strengthen our economy, and our energy security. After so many failed attempts to pass this important legislation, I hope this Senate will finally finish the job and pass a Renewable Fuel Standard.

By Mr. HARKIN:

S. 607. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 with respect to early retirement benefits, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I rise to introduce a bill that will prevent workers from losing a large chunk of their pension when they work for a company that sells their division.

This legislation is prompted by articles written by Mary Williams Walsh in the New York Times outlining the story of how a group of workers in Olean, NY lost $25 million in promised benefits when their division was acquired and then spun off.

Current law says that if a company wants to amend their pension plan, they have to give workers the share of their early retirement subsidy that they have already earned. However, a company doesn't have to do that if your division is bought and sold—even if the workers are in the same building, sitting at the same desk, and doing the same job the whole time. That's just ridiculous.

In this case, Halliburton purchased a division of Dresser Industries, and seventeen months later spun off the Olean, NY division, netting $215 million. They treated those employees as if they had resigned and gone to work for Ingersoll-Rand. While employees who were 55 years old were kept whole, anyone younger lost up to half the value of their pension overnight, without being informed. They realized what had happened in June 2002 when they got notices in the mail telling them that they had 90 days to either collect a much smaller benefit than they had anticipated, or lose their right to a lump sum payment forever. Some recent retirees were even told that they got paid too much, and had to give back pension money they already received.

Meanwhile, the CEO during that period, now Vice President DICK CHENEY, got a special pension deal from the board totaling an estimated $10 million in benefits, even though he hadn't worked there long enough to qualify for a pension under the usual rules.

This is a completely unconscionable way to cheat hard working people out of their promised pension benefits.

My bill would simply require that companies must follow the same rules about applying credits toward pension under mergers and acquisitions that they do under any other kind of pension plan amendment.

By Mr. HARKIN:

S. 608. A bill to create an independent office in the Department of Labor to advocate on behalf of pension participants, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I rise to reintroduce a bill originally introduced in the 106th Congress that seeks to create an Office of Pension Participant Advocacy at the Department of Labor.

When I first introduced this bill, it was just a good idea. Now, it has become an absolute necessity. Since 2000, unimaginable pension loss horror stories have cropped up in the wake of major corporate bankruptcies like Enron and WorldCom. People have lost their guaranteed pensions to mergers and acquisitions and to misinformation and to just plain irresponsibility.

On March 3, the New York Times reported that companies are still desperately seeking ways to scrape funds out of their pensions—despite market downfalls and despite the dire situation at the Pension Benefit Guarantee Corporation. And who ultimately ends up paying the price when the company ends up bailing on its obligation? Pension plan participants pay.

Many of these people have absolutely nowhere to turn. People who have a genuine legal claim to their pension, but have been unfairly denied it, can end up spending countless hours calling phone number after phone number and getting the run around, and maybe receiving technical assistance years later.

Individual pension plans are complex, as are the laws that govern them. Currently, multiple Federal agencies share jurisdiction over pension law. Time and time again, the needs of pension participants are ignored, and pensioners don't get help in navigating the government's pension bureaucracy.

This office would accelerate good public policy. Several years ago, I heard from an employee of a large technology manufacturer that gave early retirees the choice between taking either an annuity of $1,470 per month, or an annuity of $200 per month plus $107,300 as a lump sum, both payable at age 55. While the lump sum package may appear more lucrative at first glance, the annuity option for a given employee had a value of approximately $228,000—more than 80 percent greater than the lump sum option touted by the employer.

I also heard from a 53 year old man with 26 years of service. He shared with me the complicated summary of his pension options he received from his employer. The first line offers a $423,000 lump sum, which looks like it is based on the value of the $3,140 per month annuity he would normally receive. However, the true actuarial value of the annuity option turns out to be closer to $511,000. Stated another way, the $423,000 lump sum offer is equivalent to a monthly benefit of $2,590, almost $500 a month less than the annuity option would provide. People lost half the value of their pensions to this kind of misinformation, many of whom never found out how they had been hurt.

Hearing stories like that prompted me to write to the Treasury requesting that they close this loophole and require that employees get an apples-to-apples comparison of their benefits, and Treasury did. However, how many fewer people would have been given misleading information about their pensions if there were someone within the government specifically charged with seeking out problems like these?

In the years that I have been working to fight age discriminatory practices sometimes used when converting from traditional defined benefit plans to cash balance pensions, I heard from a number of people who lost huge amounts of money in their pensions to "wear away," again, often not realizing what had happened to them until their nest egg was gone.

For example, take Larry Cutrone. He was one of thousands of people who figured out how much they lost in their cash balance conversion. He said that before AT&T converted his pension, it was valued at $350,000. After the conversion, in July 1997, the value dropped to $138,000. The calculation period for his pension was frozen at 1994–1996 salaries, so no value to his retirement account was added for any years he worked after the conversion.

He said:

> In September 2001, I was "downsized" out of AT&T and decided to take my pension. I discovered that it translated into an annual income of just $23,444 instead of the $47,303 income under the old plan.
>
> When these plans were changed over, workers were not informed that this could happen. They woke up one day and found out: they have less than 50 percent of what they thought they were going to get in their retirement.

Good public policy on pensions should never, ever have allowed that. People need someone on their side, because large corporations have plenty of people on their side.

This office would not only provide technical assistance to participants, but would serve as a voice to advocate for participants' rights in general within the Administration. Corporations who cheat employees out of their pensions should not be able to wait for a retiree to notice that they've been taken. There should be someone in the Federal government actively pursuing companies who use their employees' pension plans as their own private piggy bank.

The Office of Pension Participant Advocacy created in this bill would: actively seek out information and suggestions on pension policies and on Federal agencies which affect pension participants.

Evaluate the efforts of Federal agencies, businesses and industry to assist pension participants.

Identify significant problems faced by employees and retirees.

Make annual recommendations documenting significant pension problems and recommending legislative and regulatory solutions.

And examine existing pension plans and determine the extent to which current law serves pensioners in those plans.

We need one central place where pension participants can turn to when problems arise. We need one place in government whose sole obligation is to look out for the general pension interests of employees and retirees concerning their pensions. We need an office that will be an advocate for pension participants. For that reason, I urge my colleagues to join me in supporting this critical legislation.

By Mr. TALENT (for himself, Mrs. LINCOLN, Mr. THUNE, Mr. JOHNSON, Mr. COLEMAN, Mr. SALAZAR, Mr. HARKIN, Mr. HAGEL, and Mr. BOND):

S. 610. A bill to amend the Internal Revenue Code of 1986 to provide for a small agri-biodiesel producer credit and to improve the small ethanol producer credit; to the Committee on Finance.

Mr. TALENT. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 610

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SMALL AGRI-BIODIESEL PRODUCER CREDIT.

(a) In General.—Subsection (a) of section 40A of the Internal Revenue Code of 1986 (relating to biodiesel used as a fuel) is amended to read as follows:

"(a) General Rule.—For purposes of section 38, the biodiesel fuels credit determined under this section for the taxable year is an amount equal to the sum of—

"(1) the biodiesel mixture credit, plus

"(2) the biodiesel credit, plus

"(3) in the case of an eligible small agri-biodiesel producer, the small agri-biodiesel producer credit.".

(b) Small Agri-biodiesel Producer Credit Defined.—Section 40A(b) of the Internal Revenue Code of 1986 (relating to definition of biodiesel mixture credit and biodiesel credit) is amended by adding at the end the following new paragraph:

"(5) Small agri-biodiesel producer credit.—

"(A) In general.—The small agri-biodiesel producer credit of any eligible small agri-biodiesel producer for any taxable year is 10 cents for each gallon of qualified agri-biodiesel production of such producer.

"(B) Qualified agri-biodiesel production.—For purposes of this paragraph, the term 'qualified agri-biodiesel production' means any agri-biodiesel which is produced by an eligible small agri-biodiesel producer, and which during the taxable year—

"(i) is sold by such producer to another person—

"(I) for use by such other person in the production of a qualified biodiesel mixture in such other person's trade or business (other than casual off-farm production),

"(II) for use by such other person as a fuel in a trade or business, or

"(III) who sells such agri-biodiesel at retail to another person and places such agri-biodiesel in the fuel tank of such other person, or

"(ii) is used or sold by such producer for any purpose described in clause (i).

"(C) Limitation.—The qualified agri-biodiesel production of any producer for any taxable year shall not exceed 15,000,000 gallons.".

(c) Definitions and Special Rules.—Section 40A of the Internal Revenue Code of 1986 is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e) Definitions and Special Rules for Small Agri-biodiesel Producer Credit.—For purposes of this section—

"(1) Eligible small agri-biodiesel producer.—The term 'eligible small agri-biodiesel producer' means a person who, at all times during the taxable year, has a productive capacity for agri-biodiesel not in excess of 60,000,000 gallons.

"(2) Aggregation rule.—For purposes of the 15,000,000 gallon limitation under subsection (b)(5)(C) and the 60,000,000 gallon limitation under paragraph (1), all members of the same controlled group of corporations (within the meaning of section 267(f)) and all persons under common control (within the meaning of section 52(b) but determined by treating an interest of more than 50 percent as a controlling interest) shall be treated as 1 person.

"(3) Partnership, S corporation, and other pass-thru entities.—In the case of a partnership, trust, S corporation, or other pass-thru entity, the limitations contained in subsection (b)(5)(C) and paragraph (1) shall be applied at the entity level and at the partner or similar level.

"(4) Allocation.—For purposes of this subsection, in the case of a facility in which more than 1 person has an interest, productive capacity shall be allocated among such persons in such manner as the Secretary may prescribe.

"(5) Regulations.—The Secretary may prescribe such regulations as may be necessary—

"(A) to prevent the credit provided for in subsection (a)(3) from directly or indirectly benefiting any person with a direct or indirect productive capacity of more than 60,000,000 gallons of agri-biodiesel during the taxable year, or

"(B) to prevent any person from directly or indirectly benefiting with respect to more than 15,000,000 gallons during the taxable year.

"(6) Allocation of small agri-biodiesel credit to patrons of cooperative.—

"(A) Election to allocate.—

"(i) In general.—In the case of a cooperative organization described in section 1381(a), any portion of the credit determined under subsection (a)(3) for the taxable year may, at the election of the organization, be apportioned pro rata among patrons of the organization on the basis of the quantity or value of business done with or for such patrons for the taxable year.

"(ii) Form and effect of election.—An election under clause (i) for any taxable year shall be made on a timely filed return for such year. Such election, once made, shall be irrevocable for such taxable year.

"(B) Treatment of organizations and patrons.—

"(i) Organizations.—The amount of the credit not apportioned to patrons pursuant to subparagraph (A) shall be included in the amount determined under subsection (a)(3) for the taxable year of the organization.

"(ii) Patrons.—The amount of the credit apportioned to patrons pursuant to subparagraph (A) shall be included in the amount determined under such subsection for the first taxable year of each patron ending on or after the last day of the payment period (as defined in section 1382(d)) for the taxable year of the organization or, if earlier, for the taxable year of each patron ending on or after the date on which the patron receives notice from the cooperative of the apportionment.

"(iii) Special rules for decrease in credits for taxable year.—If the amount of the credit of the organization determined under such subsection for a taxable year is less than the amount of such credit shown on the return of the organization for such year, an amount equal to the excess of—

"(I) such reduction, over

"(II) the amount not apportioned to such patrons under subparagraph (A) for the taxable year,

shall be treated as an increase in tax imposed by this chapter on the organization. Such increase shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter or for purposes of section 55.".

(d) SMALL AGRI-BIODIESEL CREDIT NOT A PASSIVE ACTIVITY CREDIT.—Clause (i) of section 469(d)(2)(A) of the Internal Revenue Code of 1986, as amended by section 2, is amended by striking "section 40(a)(3)" and inserting "sections 40(a)(3) and 40A(a)(3)".

(e) SMALL AGRI-BIODIESEL PRODUCER CREDIT NOT ADDED BACK TO INCOME UNDER SECTION 87.—Section 87 of the Internal Revenue Code of 1986, as amended by section 2, is amended by striking "and" at the end of paragraph (2) and by striking paragraph (3) and inserting the following new paragraphs:

"(3) the biodiesel mixture credit determined with respect to the taxpayer for the taxable year under section 40A(a)(1), and

"(4) the biodiesel credit determined with respect to the taxpayer for the taxable year under section 40A(a)(2).".

(f) CONFORMING AMENDMENTS.—

(1) Paragraph (4) of section 40A(b) of the Internal Revenue Code of 1986 is amended by striking "this section" and inserting "paragraph (1) or (2) of subsection (a)".

(2) The heading of subsection (b) of section 40A of such Code is amended by striking "AND BIODIESEL CREDIT" and inserting ", BIODIESEL CREDIT, AND SMALL AGRI-BIODIESEL PRODUCER CREDIT".

(3) Paragraph (3) of section 40A(d) of such Code is amended by redesignating subparagraph (C) as subparagraph (D) and by inserting after subparagraph (B) the following new subparagraph:

"(C) PRODUCER CREDIT.—If—

"(i) any credit was determined under subsection (a)(3), and

"(ii) any person does not use such fuel for a purpose described in subsection (b)(5)(B),

then there is hereby imposed on such person a tax equal to 10 cents a gallon for each gallon of such agri-biodiesel.".

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 2. IMPROVEMENTS TO SMALL ETHANOL PRODUCER CREDIT.

(a) DEFINITION OF SMALL ETHANOL PRODUCER.—Section 40(g) of the Internal Revenue Code of 1986 (relating to definitions and special rules for eligible small ethanol producer credit) is amended by striking "30,000,000" each place it appears and inserting "60,000,000".

(b) SMALL ETHANOL PRODUCER CREDIT NOT A PASSIVE ACTIVITY CREDIT.—Clause (i) of section 469(d)(2)(A) of the Internal Revenue Code of 1986 is amended by striking "subpart D" and inserting "subpart D, other than section 40(a)(3),".

(c) SMALL ETHANOL PRODUCER CREDIT NOT ADDED BACK TO INCOME UNDER SECTION 87.—Section 87 of the Internal Revenue Code of 1986 (relating to income inclusion of alcohol and biodiesel fuels credits) is amended by redesignating paragraph (2) as paragraph (3) and by striking paragraph (1) and inserting the following:

"(1) the amount of the alcohol mixture credit determined with respect to the taxpayer for the taxable year under section 40(a)(1),

"(2) the alcohol credit determined with respect to the taxpayer for the taxable year under section 40(a)(2), and".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 18—SETTING FORTH THE CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2006 AND INCLUDING THE APPROPRIATE BUDGETARY LEVELS FOR FISCAL YEARS 2005 AND 2007 THROUGH 2010.

Mr. GREGG from the Committee on the Budget; submitted the following concurrent resolution; which was placed on the calendar:

S. CON. RES. 18

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2006.

(a) DECLARATION.—Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2006 including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010 as authorized by section 301 of the Congressional Budget Act of 1974 (2 U.S.C. 632).

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2006.

TITLE I—LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Social Security.
Sec. 103. Major functional categories.

TITLE II—RECONCILIATION

Sec. 201. Reconciliation in the Senate.

TITLE III—RESERVE FUNDS

Sec. 301. Reserve fund for health information technology and pay-for-performance.
Sec. 302. Reserve fund for Asbestos Injury Trust Fund.
Sec. 303. Reserve fund for the uninsured.
Sec. 304. Reserve fund for Land and Water Conservation Fund.
Sec. 305. Reserve fund for the Federal Pell Grant Program.
Sec. 306. Reserve fund for Higher Education.
Sec. 307. Reserve fund for energy legislation.
Sec. 308. Reserve fund for the safe importation of prescription drugs.
Sec. 309. Adjustment for surface transportation.

TITLE IV—BUDGET ENFORCEMENT

Sec. 401. Restrictions on advance appropriations.
Sec. 402. Emergency legislation.
Sec. 403. Supermajority enforcement.
Sec. 404. Discretionary spending limits in the Senate.
Sec. 405. Application and effect of changes in allocations and aggregates.
Sec. 406. Adjustments to reflect changes in concepts and definitions.
Sec. 407. Limitation on long-term spending proposals.
Sec. 408. Exercise of rulemaking powers.

TITLE V—SENSE OF THE SENATE

Sec. 501. Sense of the Senate regarding unauthorized appropriations.
Sec. 502. Sense of the Senate regarding a commission to review the performance of programs.
Sec. 503. Sense of the Senate regarding Tricare.
Sec. 504. Sense of the Senate regarding restraining Medicaid growth.
Sec. 505. Sense of the Senate regarding tribal colleges and universities.
Sec. 506. Sense of the Senate regarding support for the President's request to concentrate Federal funds for State and local homeland security assistance programs on the highest threats, vulnerabilities, and needs.
Sec. 507. Sense of the Senate rejecting proposed elimination of per diem reimbursement to State nursing homes in the President's budget.
Sec. 508. Sense of the Senate regarding Impact Aid.
Sec. 509. Sense of the Senate regarding mandatory agricultural programs.

TITLE I—LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 2005 through 2010:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution—

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2005: $1,483,908,000,000.
Fiscal year 2006: $1,592,723,000,000.
Fiscal year 2007: $1,714,387,000,000.
Fiscal year 2008: $1,824,619,000,000.
Fiscal year 2009: $1,932,613,000,000.
Fiscal year 2010: $2,051,205,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2005: −$116,000,000.
Fiscal year 2006: −$14,939,000,000.
Fiscal year 2007: −$4,884,000,000.
Fiscal year 2008: −$11,566,000,000.
Fiscal year 2009: −$23,602,000,000.
Fiscal year 2010: −$15,163,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2005: $2,074,959,000,000.
Fiscal year 2006: $2,134,484,000,000.
Fiscal year 2007: $2,207,426,000,000.
Fiscal year 2008: $2,324,416,000,000.
Fiscal year 2009: $2,446,869,000,000.
Fiscal year 2010: $2,543,608,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2005: $2,055,994,000,000.
Fiscal year 2006: $2,143,040,000,000.
Fiscal year 2007: $2,222,311,000,000.
Fiscal year 2008: $2,310,069,000,000.
Fiscal year 2009: $2,412,389,000,000.
Fiscal year 2010: $2,518,768,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2005: −$572,086,000,000.
Fiscal year 2006: −$550,317,000,000.
Fiscal year 2007: −$507,924,000,000.
Fiscal year 2008: −$485,450,000,000.
Fiscal year 2009: −$479,776,000,000.
Fiscal year 2010: −$467,563,000,000.

(5) DEBT SUBJECT TO LIMIT.—The appropriate levels of the public debt are as follows:

Fiscal year 2005: $7,961,738,000,000.
Fiscal year 2006: $8,630,464,000,000.
Fiscal year 2007: $9,266,253,000,000.
Fiscal year 2008: $9,890,194,000,000.
Fiscal year 2009: $10,511,998,000,000.
Fiscal year 2010: $11,122,769,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of the debt held by the public are as follows:

Fiscal year 2005: $4,688,918,000,000.
Fiscal year 2006: $5,060,681,000,000.
Fiscal year 2007: $5,372,906,000,000.

Fiscal year 2008: $5,644,888,000,000.
Fiscal year 2009: $5,892,763,000,000.
Fiscal year 2010: $6,111,689,000,000.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2005: $573,475,000,000.
Fiscal year 2006: $604,777,000,000.
Fiscal year 2007: $637,792,000,000.
Fiscal year 2008: $671,688,000,000.
Fiscal year 2009: $705,849,000,000.
Fiscal year 2010: $740,343,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2005: $398,088,000,000.
Fiscal year 2006: $415,993,000,000.
Fiscal year 2007: $429,254,000,000.
Fiscal year 2008: $443,235,000,000.
Fiscal year 2009: $460,443,000,000.
Fiscal year 2010: $479,412,000,000.

(c) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2005:
(A) New budget authority, $4,426,000,000.
(B) Outlays, $4,405,000,000.
Fiscal year 2006:
(A) New budget authority, $4,576,000,000.
(B) Outlays, $4,587,000,000.
Fiscal year 2007:
(A) New budget authority, $4,710,000,000.
(B) Outlays, $4,785,000,000.
Fiscal year 2008:
(A) New budget authority, $4,853,000,000.
(B) Outlays, $4,849,000,000.
Fiscal year 2009:
(A) New budget authority, $5,001,000,000.
(B) Outlays, $4,974,000,000.
Fiscal year 2010:
(A) New budget authority, $5,152,000,000.
(B) Outlays, $5,124,000,000.

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority and budget outlays for fiscal years 2005 through 2010 for each major functional category are:

(1) National Defense (050):
Fiscal year 2005:
(A) New budget authority, $498,761,000,000.
(B) Outlays, $496,928,000,000.
Fiscal year 2006:
(A) New budget authority, $491,526,000,000.
(B) Outlays, $496,117,000,000.
Fiscal year 2007:
(A) New budget authority, $465,260,000,000.
(B) Outlays, $479,984,000,000.
Fiscal year 2008:
(A) New budget authority, $483,730,000,000.
(B) Outlays, $479,730,000,000.
Fiscal year 2009:
(A) New budget authority, $503,763,000,000.
(B) Outlays, $489,146,000,000.
Fiscal year 2010:
(A) New budget authority, $513,904,000,000.
(B) Outlays, $505,872,000,000.

(2) International Affairs (150):
Fiscal year 2005:
(A) New budget authority, $34,707,000,000.
(B) Outlays, $32,425,000,000.
Fiscal year 2006:
(A) New budget authority, $33,295,000,000.
(B) Outlays, $35,737,000,000.
Fiscal year 2007:
(A) New budget authority, $36,580,000,000.
(B) Outlays, $34,629,000,000.
Fiscal year 2008:
(A) New budget authority, $37,131,000,000.
(B) Outlays, $33,994,000,000.
Fiscal year 2009:
(A) New budget authority, $37,171,000,000.
(B) Outlays, $33,842,000,000.
Fiscal year 2010:
(A) New budget authority, $36,862,000,000.
(B) Outlays, $33,433,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 2005:
(A) New budget authority, $24,413,000,000.
(B) Outlays, $23,594,000,000.
Fiscal year 2006:
(A) New budget authority, $24,735,000,000.
(B) Outlays, $23,894,000,000.
Fiscal year 2007:
(A) New budget authority, $25,294,000,000.
(B) Outlays, $24,672,000,000.
Fiscal year 2008:
(A) New budget authority, $25,796,000,000.
(B) Outlays, $25,095,000,000.
Fiscal year 2009:
(A) New budget authority, $26,102,000,000.
(B) Outlays, $25,472,000,000.
Fiscal year 2010:
(A) New budget authority, $26,413,000,000.
(B) Outlays, $25,808,000,000.

(4) Energy (270):
Fiscal year 2005:
(A) New budget authority, $2,564,000,000.
(B) Outlays, $794,000,000.
Fiscal year 2006:
(A) New budget authority, $3,247,000,000.
(B) Outlays, $2,127,000,000.
Fiscal year 2007:
(A) New budget authority, $2,859,000,000.
(B) Outlays, $1,698,000,000.
Fiscal year 2008:
(A) New budget authority, $2,923,000,000.
(B) Outlays, $1,035,000,000.
Fiscal year 2009:
(A) New budget authority, $2,534,000,000.
(B) Outlays, $1,132,000,000.
Fiscal year 2010:
(A) New budget authority, $2,232,000,000.
(B) Outlays, $1,022,000,000.

(5) Natural Resources and Environment (300):
Fiscal year 2005:
(A) New budget authority, $32,527,000,000.
(B) Outlays, $31,168,000,000.
Fiscal year 2006:
(A) New budget authority, $29,875,000,000.
(B) Outlays, $31,882,000,000.
Fiscal year 2007:
(A) New budget authority, $30,243,000,000.
(B) Outlays, $31,426,000,000.
Fiscal year 2008:
(A) New budget authority, $30,316,000,000.
(B) Outlays, $31,716,000,000.
Fiscal year 2009:
(A) New budget authority, $30,985,000,000.
(B) Outlays, $31,921,000,000.
Fiscal year 2010:
(A) New budget authority, $30,479,000,000.
(B) Outlays, $31,474,000,000.

(6) Agriculture (350):
Fiscal year 2005:
(A) New budget authority, $30,151,000,000.
(B) Outlays, $28,550,000,000.
Fiscal year 2006:
(A) New budget authority, $29,087,000,000.
(B) Outlays, $28,143,000,000.
Fiscal year 2007:
(A) New budget authority, $26,245,000,000.
(B) Outlays, $25,057,000,000.
Fiscal year 2008:
(A) New budget authority, $24,492,000,000.
(B) Outlays, $23,434,000,000.
Fiscal year 2009:
(A) New budget authority, $24,845,000,000.
(B) Outlays, $23,950,000,000.
Fiscal year 2010:
(A) New budget authority, $24,584,000,000.
(B) Outlays, $23,854,000,000.

(7) Commerce and Housing Credit (370):
Fiscal year 2005:
(A) New budget authority, $16,804,000,000.
(B) Outlays, $11,302,000,000.
Fiscal year 2006:
(A) New budget authority, $10,285,000,000.
(B) Outlays, $5,057,000,000.
Fiscal year 2007:
(A) New budget authority, $9,866,000,000.
(B) Outlays, $4,751,000,000.
Fiscal year 2008:
(A) New budget authority, $9,815,000,000.
(B) Outlays, $4,039,000,000.
Fiscal year 2009:
(A) New budget authority, $10,413,000,000.
(B) Outlays, $4,121,000,000.
Fiscal year 2010:
(A) New budget authority, $14,270,000,000.
(B) Outlays, $6,399,000,000.

(8) Transportation (400):
Fiscal year 2005:
(A) New budget authority, $72,506,000,000.
(B) Outlays, $67,663,000,000.
Fiscal year 2006:
(A) New budget authority, $69,683,000,000.
(B) Outlays, $69,789,000,000.
Fiscal year 2007:
(A) New budget authority, $71,030,000,000.
(B) Outlays, $71,013,000,000.
Fiscal year 2008:
(A) New budget authority, $74,489,000,000.
(B) Outlays, $72,755,000,000.
Fiscal year 2009:
(A) New budget authority, $81,524,000,000.
(B) Outlays, $75,693,000,000.
Fiscal year 2010:
(A) New budget authority, $82,867,000,000.
(B) Outlays, $79,335,000,000.

(9) Community and Regional Development (450):
Fiscal year 2005:
(A) New budget authority, $23,007,000,000.
(B) Outlays, $20,756,000,000.
Fiscal year 2006:
(A) New budget authority, $13,039,000,000.
(B) Outlays, $18,294,000,000.
Fiscal year 2007:
(A) New budget authority, $13,118,000,000.
(B) Outlays, $16,697,000,000.
Fiscal year 2008:
(A) New budget authority, $13,272,000,000.
(B) Outlays, $14,715,000,000.
Fiscal year 2009:
(A) New budget authority, $13,410,000,000.
(B) Outlays, $13,473,000,000.
Fiscal year 2010:
(A) New budget authority, $13,430,000,000.
(B) Outlays, $13,125,000,000.

(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2005:
(A) New budget authority, $94,026,000,000.
(B) Outlays, $92,805,000,000.
Fiscal year 2006:
(A) New budget authority, $91,850,000,000.
(B) Outlays, $86,913,000,000.
Fiscal year 2007:
(A) New budget authority, $89,904,000,000.
(B) Outlays, $90,016,000,000.
Fiscal year 2008:
(A) New budget authority, $90,585,000,000.
(B) Outlays, $89,230,000,000.
Fiscal year 2009:
(A) New budget authority, $90,737,000,000.
(B) Outlays, $88,938,000,000.

Fiscal year 2010:
(A) New budget authority, $90,329,000,000.
(B) Outlays, $88,624,000,000.
(11) Health (550):
Fiscal year 2005:
(A) New budget authority, $257,498,000,000.
(B) Outlays, $252,799,000,000.
Fiscal year 2006:
(A) New budget authority, $260,542,000,000.
(B) Outlays, $260,904,000,000.
Fiscal year 2007:
(A) New budget authority, $273,232,000,000.
(B) Outlays, $272,660,000,000.
Fiscal year 2008:
(A) New budget authority, $292,063,000,000.
(B) Outlays, $290,672,000,000.
Fiscal year 2009:
(A) New budget authority, $313,844,000,000.
(B) Outlays, $310,304,000,000.
Fiscal year 2010:
(A) New budget authority, $332,926,000,000.
(B) Outlays, $331,961,000,000.
(12) Medicare (570):
Fiscal year 2005:
(A) New budget authority, $292,587,000,000.
(B) Outlays, $293,587,000,000.
Fiscal year 2006:
(A) New budget authority, $331,240,000,000.
(B) Outlays, $331,003,000,000.
Fiscal year 2007:
(A) New budget authority, $371,899,000,000.
(B) Outlays, $372,186,000,000.
Fiscal year 2008:
(A) New budget authority, $395,362,000,000.
(B) Outlays, $395,408,000,000.
Fiscal year 2009:
(A) New budget authority, $420,284,000,000.
(B) Outlays, $419,877,000,000.
Fiscal year 2010:
(A) New budget authority, $448,161,000,000.
(B) Outlays, $448,492,000,000.
(13) Income Security (600):
Fiscal year 2005:
(A) New budget authority, $339,651,000,000.
(B) Outlays, $347,850,000,000.
Fiscal year 2006:
(A) New budget authority, $347,395,000,000.
(B) Outlays, $353,429,000,000.
Fiscal year 2007:
(A) New budget authority, $352,633,000,000.
(B) Outlays, $358,674,000,000.
Fiscal year 2008:
(A) New budget authority, $365,775,000,000.
(B) Outlays, $370,107,000,000.
Fiscal year 2009:
(A) New budget authority, $374,946,000,000.
(B) Outlays, $377,951,000,000.
Fiscal year 2010:
(A) New budget authority, $384,137,000,000.
(B) Outlays, $386,269,000,000.
(14) Social Security (650):
Fiscal year 2005:
(A) New budget authority, $15,849,000,000.
(B) Outlays, $15,849,000,000.
Fiscal year 2006:
(A) New budget authority, $15,991,000,000.
(B) Outlays, $15,991,000,000.
Fiscal year 2007:
(A) New budget authority, $17,804,000,000.
(B) Outlays, $17,804,000,000.
Fiscal year 2008:
(A) New budget authority, $19,868,000,000.
(B) Outlays, $19,868,000,000.
Fiscal year 2009:
(A) New budget authority, $21,843,000,000.
(B) Outlays, $21,843,000,000.
Fiscal year 2010:
(A) New budget authority, $24,129,000,000.
(B) Outlays, $24,129,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2005:
(A) New budget authority, $69,448,000,000.
(B) Outlays, $68,873,000,000.
Fiscal year 2006:
(A) New budget authority, $68,584,000,000.
(B) Outlays, $67,996,000,000.
Fiscal year 2007:
(A) New budget authority, $66,181,000,000.
(B) Outlays, $65,894,000,000.
Fiscal year 2008:
(A) New budget authority, $69,458,000,000.
(B) Outlays, $69,255,000,000.
Fiscal year 2009:
(A) New budget authority, $69,971,000,000.
(B) Outlays, $69,680,000,000.
Fiscal year 2010:
(A) New budget authority, $70,069,000,000.
(B) Outlays, $69,794,000,000.
(16) Administration of Justice (750):
Fiscal year 2005:
(A) New budget authority, $39,819,000,000.
(B) Outlays, $39,502,000,000.
Fiscal year 2006:
(A) New budget authority, $40,975,000,000.
(B) Outlays, $42,390,000,000.
Fiscal year 2007:
(A) New budget authority, $41,719,000,000.
(B) Outlays, $42,742,000,000.
Fiscal year 2008:
(A) New budget authority, $42,575,000,000.
(B) Outlays, $43,122,000,000.
Fiscal year 2009:
(A) New budget authority, $43,146,000,000.
(B) Outlays, $43,297,000,000.
Fiscal year 2010:
(A) New budget authority, $43,404,000,000.
(B) Outlays, $43,338,000,000.
(17) General Government (800):
Fiscal year 2005:
(A) New budget authority, $16,765,000,000.
(B) Outlays, $17,673,000,000.
Fiscal year 2006:
(A) New budget authority, $18,154,000,000.
(B) Outlays, $18,429,000,000.
Fiscal year 2007:
(A) New budget authority, $18,204,000,000.
(B) Outlays, $18,178,000,000.
Fiscal year 2008:
(A) New budget authority, $19,883,000,000.
(B) Outlays, $19,823,000,000.
Fiscal year 2009:
(A) New budget authority, $17,902,000,000.
(B) Outlays, $17,675,000,000.
Fiscal year 2010:
(A) New budget authority, $18,222,000,000.
(B) Outlays, $18,024,000,000.
(18) Net Interest (900):
Fiscal year 2005:
(A) New budget authority, $267,980,000,000.
(B) Outlays, $267,980,000,000.
Fiscal year 2006:
(A) New budget authority, $310,307,000,000.
(B) Outlays, $310,307,000,000.
Fiscal year 2007:
(A) New budget authority, $359,168,000,000.
(B) Outlays, $359,168,000,000.
Fiscal year 2008:
(A) New budget authority, $396,713,000,000.
(B) Outlays, $396,713,000,000.
Fiscal year 2009:
(A) New budget authority, $426,107,000,000.
(B) Outlays, $426,107,000,000.
Fiscal year 2010:
(A) New budget authority, $453,387,000,000.
(B) Outlays, $453,387,000,000.
(19) Allowances (920):
Fiscal year 2005:
(A) New budget authority, $0
(B) Outlays, $0
Fiscal year 2006:
(A) New budget authority, $0
(B) Outlays, $0
Fiscal year 2007:
(A) New budget authority, $0
(B) Outlays, $0
Fiscal year 2008:
(A) New budget authority, $0
(B) Outlays, $0
Fiscal year 2009:
(A) New budget authority, $0
(B) Outlays, $0
Fiscal year 2010:
(A) New budget authority, $0
(B) Outlays, $0
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2005:
(A) New budget authority, −$54,104,000,000.
(B) Outlays, −$54,104,000,000.
Fiscal year 2006:
(A) New budget authority, −$55,362,000,000.
(B) Outlays, −$55,362,000,000.
Fiscal year 2007:
(A) New budget authority, −$63,813,000,000.
(B) Outlays, −$64,938,000,000.
Fiscal year 2008:
(A) New budget authority, −$69,830,000,000.
(B) Outlays, −$70,642,000,000.
Fiscal year 2009:
(A) New budget authority, −$62,658,000,000.
(B) Outlays, −$62,033,000,000.
Fiscal year 2010:
(A) New budget authority, −$66,197,000,000.
(B) Outlays, −$65,572,000,000.

TITLE II—RECONCILIATION

SEC. 201. RECONCILIATION IN THE SENATE.

(a) SPENDING RECONCILIATION INSTRUCTIONS.—In the Senate, by June 6, 2005, the committees named in this section shall submit their recommendations to the Committee on the Budget of the Senate. After receiving those recommendations, the Committee on the Budget shall report to the Senate a reconciliation bill carrying out all such recommendations without any substantive revision.

(1) COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.—The Senate Committee on Agriculture, Nutrition, and Forestry shall report changes in laws within its jurisdiction sufficient to reduce outlays by $171,000,000 in fiscal year 2006, and $2,814,000,000 for the period of fiscal years 2006 through 2010.

(2) COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS.—The Senate Committee on Banking, Housing, and Urban Affairs shall report changes in laws within its jurisdiction sufficient to reduce outlays by $30,000,000 in fiscal year 2006, and $270,000,000 for the period of fiscal years 2006 through 2010.

(3) COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.—The Senate Committee on Commerce, Science, and Transportation shall report changes in laws within its jurisdiction sufficient to reduce outlays by $8,000,000 in fiscal year 2006, and $2,576,000,000 for the period of fiscal years 2006 through 2010.

(4) COMMITTEE ON ENERGY AND NATURAL RESOURCES.—The Senate Committee on Energy and Natural Resources shall report changes in laws within its jurisdiction sufficient to reduce outlays by $33,000,000 in fiscal year 2006, and $2,658,000,000 for the period of fiscal years 2006 through 2010.

(5) COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.—The Senate Committee on Environment and Public Works shall report changes in laws within its jurisdiction sufficient to reduce outlays by $14,000,000 in fiscal year 2006, and $112,000,000 for the period of fiscal years 2006 through 2010.

(6) COMMITTEE ON FINANCE.—The Senate Committee on Finance shall report changes in laws within its jurisdiction sufficient to reduce outlays by $1,784,000,000 in fiscal year 2006, and $15,036,000,000 for the period of fiscal years 2006 through 2010.

(7) COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS.—The Senate Committee on Health, Education, Labor, and Pensions shall report changes in laws within its jurisdiction sufficient to reduce outlays

by $2,204,000,000 in fiscal years 2005 and 2006, and $8,576,000,000 for the period of fiscal years 2005 through 2010.

(b) REVENUE RECONCILIATION INSTRUCTIONS.—The Senate Committee on Finance shall report to the Senate a reconciliation bill not later than September 7, 2005 that consists of changes in laws within its jurisdiction sufficient to reduce the total level of revenues by not more than: $14,939,000,000 for fiscal year 2006, and $70,154,000 for the period of fiscal years 2006 through 2010.

(c) INCREASE IN STATUTORY DEBT LIMIT.—The Committee on Finance shall report to the Senate a reconciliation bill not later than September 16, 2005, that consists solely of changes in laws within its jurisdiction to increase the statutory debt limit by $446,464,000,000.

TITLE III—RESERVE FUNDS

SEC. 301. RESERVE FUND FOR HEALTH INFORMATION TECHNOLOGY AND PAY-FOR-PERFORMANCE.

In the Senate, if the Committee on Finance or the Committee on Health, Education, Labor, and Pensions reports a bill or joint resolution, if an amendment is offered thereto, or if a conference report is submitted thereon, that—

(1) provides incentives or other support for adoption of modern information technology to improve quality in health care; and

(2) provides for performance-based payments that are based on accepted clinical performance measures that improve the quality in healthcare,

provided that the committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974, the chairman of the Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, and other appropriate measures to reflect such legislation provided that such legislation would not increase the deficit for the period of fiscal years 2006 through 2010.

SEC. 302. RESERVE FUND FOR ASBESTOS INJURY TRUST FUND.

In the Senate, if the Committee on the Judiciary reports legislation, if an amendment is offered thereto, or if a conference report is submitted thereon, that—

(1) compensates injured victims of asbestos-related disease;

(2) does not compensate uninjured claimants or those suffering from a disease not shown to be asbestos-related disease;

(3) requires strict medical criteria; and

(4) is reasonably expected to remain funded from non-Federal sources for the 50-year life of the fund,

provided that the committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974, the chairman of the Budget Committee may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for the period of fiscal years 2006 through 2056.

SEC. 303. RESERVE FUND FOR THE UNINSURED.

In the Senate, if the Committee on Finance or the Committee on Health, Education, Labor, and Pensions of the Senate reports a bill or joint resolution, if an amendment is offered thereto, or if a conference report is submitted thereon, that—

(1) addresses health care costs, coverage, or care for the uninsured;

(2)(A) provides safety net access to integrated and other health care services; or

(B) increases the number of people with health insurance, provided that such increase is not obtained primarily as a result of increasing premiums for the currently insured; and

(3) increases access to coverage through mechanisms that decrease the growth of health care costs, and may include tax- and market-based measures (such as tax credits, deductibility, regulatory reforms, consumer-directed initiatives, and other measures targeted to key segments of the uninsured, such as individuals without employer-sponsored coverage and college students and recent graduates),

provided that the committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974, the chairman of the Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, and other appropriate aggregates to reflect such legislation, to the extent that such legislation would not increase the deficit for fiscal year 2006 and for the period of fiscal years 2006 through 2010.

SEC. 304. RESERVE FUND FOR LAND AND WATER CONSERVATION FUND.

(a) IN THE SENATE.—If—

(1) the Committee on Energy and Natural Resources reports a bill or joint resolution, or an amendment is offered thereto, or a conference report is submitted thereon, that permits exploration and production of oil in the 1002 Area of the Arctic National Wildlife Refuge, and such measure is enacted; and

(2) the reconciliation instruction set out in section 201(a)(4) is met,

provided that the committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974, the chairman of the Committee on the Budget of the Senate may make the adjustments described in subsection (b).

(b) ADJUSTMENT FOR THE LAND AND WATER CONSERVATION FUND PROGRAMS AND ADDITIONAL LAND CONSERVATION PROGRAMS.—If the Committee on Appropriations of the Senate reports a bill or joint resolution, or if an amendment is offered thereto or a conference report is submitted thereon that provides funding for the programs described in this subsection at least at the previous year's levels, adjusted for inflation, and makes available a portion of the receipts resulting from enactment of the legislation described in subsection (a) for the Land and Water Conservation Fund, Federal Land Acquisition and Stateside Grant Programs, and for the Coastal and Estuarine Land Protection Program, and for the Forest Legacy Program, the chairman of the Committee on the Budget may revise committee allocations for that committee and other appropriate budgetary aggregates and allocations of new budget authority and outlays by the amount provided by that measure for that purpose, but the adjustment may not exceed $350,000,000 in new budget authority in each of fiscal years 2008 through 2010.

SEC. 305. RESERVE FUND FOR THE FEDERAL PELL GRANT PROGRAM.

In the Senate, if the Committee on Health, Education, Labor, and Pensions reports a bill or joint resolution, or an amendment is offered thereto or a conference report is submitted thereon, that provides a provision that eliminates the accumulated shortfall of budget authority resulting from insufficient appropriations of discretionary new budget authority previously enacted for the Federal Pell Grant Program for awards made through the award year 2005-2006, provided that the committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974, the chairman of the Committee on the Budget may revise the committee allocation and other appropriate budgetary aggregates by the amount provided by that measure for that purpose, but not to exceed $4,300,000,000 in new budget authority for the fiscal year 2006.

SEC. 306. RESERVE FUND FOR HIGHER EDUCATION.

In the Senate, if the Committee on Health, Education, Labor, and Pensions reports a bill or joint resolution, or an amendment is offered thereto or a conference report is submitted thereon, that reauthorizes the Higher Education Act of 1965, provided that the committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974, the chairman of the Committee on the Budget may revise committee allocations for that committee and other appropriate budgetary aggregates and allocations of new budget authority and outlays by the amount provided by that measure for that purpose, but not to exceed $740,000,000 in new budget authority and $676,000,000 in outlays for fiscal year 2006, and $5,510,000,000 in new budget authority and $5,006,000,000 in outlays for the period of fiscal years 2006 through 2010.

SEC. 307. RESERVE FUND FOR ENERGY LEGISLATION.

In the Senate, if a bill or joint resolution, or an amendment is offered thereto or a conference report is submitted thereon, within the jurisdiction of the Committee on Energy and Natural Resources, that—

(1) provides for a national energy policy; and

(2) in conjunction with revenue legislation that does not reduce net revenues by more than $803,000,000 in 2006 and $4,557,000,000 for the period of fiscal years 2006 through 2010,

provided that the committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974, the chairman of the Committee on the Budget may revise committee allocations for that committee and other appropriate budgetary aggregates and allocations of new budget authority and outlays by the amount provided by that measure for that purpose, but not to exceed $100,000,000 in new budget authority for fiscal year 2006 and the outlays flowing from that budget authority and $2,000,000,000 in new budget authority for the period of fiscal years 2006 through 2010 and the outlays flowing from that budget authority.

SEC. 308. RESERVE FUND FOR THE SAFE IMPORTATION OF PRESCRIPTION DRUGS.

In the Senate, if the Committee on Health, Education, Labor, and Pensions reports a bill or joint resolution or an amendment is offered thereto or a conference report is submitted thereon, that permits the safe importation of prescription drugs approved by the Food and Drug Administration from specified countries with strong safety laws, and provided that the committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974, the chairman of the Committee on the Budget may revise allocations of new budget authority and outlays, revenue aggregates, and other appropriate measures to reflect such legislation if any such measure would not increase the deficit for fiscal year 2006 and for the period of fiscal years 2006 through 2010.

SEC. 309. ADJUSTMENT FOR SURFACE TRANSPORTATION.

(a) IN GENERAL.—In the Senate, if the Committee on Environment and Public Works, the Committee on Banking, Housing, and Urban Affairs, or the Committee on Commerce, Science, and Transportation reports a bill or joint resolution, or an amendment is offered thereto or a conference report is submitted thereon that provides new budget authority for the budget accounts or portions thereof, for programs, projects, and activities for highways, highway safety, and transit, in excess of—

(1) for fiscal year 2005, $42,606,000,000; or

(2) for fiscal year 2006, $43,131,000,000; or

(3) for fiscal years 2005 through 2009, $231,088,000,000:

the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates) and increase the allocation of new budget authority to such committees for fiscal year 2005 and 2006 and for the period of fiscal years 2005 through 2009 to the extent such adjustment is offset by an increase in net new user-fee receipts related to the purposes of the highway trust fund that are appropriated to such fund for the applicable fiscal year caused by such legislation. In the Senate, any increase in receipts shall be reported by the Committee on Finance.

(b) ADJUSTMENT FOR OUTLAYS.—In the Senate, for fiscal year 2006, and, as necessary, in subsequent fiscal years, if a bill or joint resolution is reported, or if an amendment is offered thereto or a conference report is submitted thereon that changes obligation limitations such that the total limitations are in excess of $42,686,000,000 for fiscal year 2006, for programs, projects, and activities for highways, highway safety, and transit, and if legislation has been enacted that satisfies the conditions set forth in subsection (a) for such fiscal year, the chairman of the Committee on the Budget may increase the allocation of outlays and appropriate aggregates for such fiscal year, and, as necessary, in subsequent fiscal years, for the committees reporting such measures, by the amount of outlays that corresponds to such excess obligation limitations, but not to exceed the amount of such excess that was offset in 2006 pursuant to subsection (a). After the adjustment has been made, the Senate Committee on Appropriations shall report new section 302(b) allocations consistent with this section.

TITLE IV—BUDGET ENFORCEMENT

SEC. 401. RESTRICTIONS ON ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would provide an advance appropriation.

(b) EXCEPTIONS.—An advance appropriation may be provided for the fiscal years 2007 and 2008 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading "Accounts Identified for Advance Appropriations" in an aggregate amount not to exceed $23,393,000,000 in new budget authority in each year.

(c) DISPOSITION.—

(1) IN GENERAL.—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(2) PROCEDURE.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(3) DISPOSITION.—If a point of order is sustained under subsection (a) against a conference report in the Senate, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

(d) DEFINITION.—In this section, the term "advance appropriation" means any discretionary new budget authority, or any changes in mandatory programs that count against discretionary spending limits, in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2006 that first becomes available for any fiscal year after 2006, or making general appropriations or continuing appropriations for fiscal year 2007 that first becomes available for any fiscal year after 2007.

SEC. 402. EMERGENCY LEGISLATION.

(a) PURPOSE.—It is the purpose of this section, in the absence of an extension of the discretionary spending limits and paygo requirements under the Balanced Budget and Emergency Deficit Control Act of 1985, to enable Congress to designate provisions of legislation as an emergency in order to exempt such measures from enforcement of this resolution with respect to the new budget authority, outlays, and receipts resulting from such provisions.

(b) IN THE SENATE.—

(1) AUTHORITY TO DESIGNATE.—With respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that the President designates as an emergency requirement and that Congress so designates in such measure, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purpose of this section.

(2) EXEMPTION OF EMERGENCY PROVISIONS.—Any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this section, in any bill, joint resolution, amendment, or conference report shall not count for purposes of sections 302, 303, 311, and 401 of the Congressional Budget Act of 1974 and section 404 of this resolution (relating to discretionary spending limits in the Senate) and section 505 of the Concurrent Resolution on the Budget for Fiscal Year 2004 H. Con. Res. 95 (relating to the paygo requirement in the Senate).

(3) DESIGNATIONS.—

(A) GUIDANCE.—If a provision of legislation is designated as an emergency requirement under this section, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in subparagraph (B).

(B) CRITERIA.—

(i) IN GENERAL.—Any such provision is an emergency requirement if the situation addressed by such provision is—

(I) necessary, essential, or vital (not merely useful or beneficial);

(II) sudden, quickly coming into being, and not building up over time;

(III) an urgent, pressing, and compelling need requiring immediate action;

(IV) subject to clause (ii), unforeseen, unpredictable, and unanticipated: and

(V) not permanent, temporary in nature.

(ii) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(4) DEFINITIONS.—In this subsection, the terms "direct spending", "receipts", and "appropriations for discretionary accounts" means any provision of a bill, joint resolution, amendment, motion, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(5) POINT OF ORDER.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(6) WAIVER AND APPEAL.—Paragraph (5) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(7) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of paragraph (5), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this section.

(8) FORM OF THE POINT OF ORDER.—A point of order under paragraph (5) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(9) CONFERENCE REPORTS.—If a point of order is sustained under paragraph (5) against a conference report, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

(10) EXCEPTION FOR DEFENSE SPENDING.—Paragraph (5) shall not apply against an emergency designation for a provision making discretionary appropriations under the defense function (050).

(c) EXEMPTION OF OVERSEAS CONTINGENT OPERATIONS.—

(1) IN GENERAL.—In the Senate, if a bill, joint resolution, amendment, or a conference report makes supplemental appropriations for fiscal year 2006 for overseas contingency operations related to the global war on terrorism, then the new budget authority, new entitlement authority, and outlays resulting from the provisions of such measure that are designated pursuant to this section as making appropriations for such contingency operations—

(A) shall not count for purposes of sections 302, 303, and 401 of the Congressional Budget Act of 1974; and

(B) shall not count for the purpose of section 404 of this resolution (relating to discretionary spending limits in the Senate) and section 505 of the Concurrent Resolution on the Budget for Fiscal Year 2004 H. Con. Res. 95 (relating to the pay-go requirement).

(2) LIMITATION.—The amounts that are not counted for purposes of this section shall not exceed $50,000,000,000 in new budget authority and outlays associated with the budget authority.

SEC. 403. SUPERMAJORITY ENFORCEMENT.

(a) EXTENSION.—Notwithstanding any provision of the Congressional Budget Act of 1974, subsections (c)(2) and (d)(3) of section 904 of the Congressional Budget Act of 1974 shall remain in effect for purposes of Senate enforcement through September 30, 2010.

(b) UNFUNDED MANDATES.—

(1) IN GENERAL.—Section 425(a) (1) and (2) of the Congressional Budget Act of 1974 shall be

subject to the waiver and appeal requirements of subsections (c)(2) and (d)(3) of section 904 of the Congressional Budget Act of 1974.

(2) EFFECTIVE DATE.—This subsection shall remain in effect for purposes of Senate enforcement through September 30, 2010.

SEC. 404. DISCRETIONARY SPENDING LIMITS IN THE SENATE.

(a) DISCRETIONARY SPENDING LIMITS.—In the Senate and as used in this section, the term "discretionary spending limit" means—

(1) for fiscal year 2006, $842,682,000,000 in new budget authority and $915,690,000,000 in outlays for the discretionary category;

(2) for fiscal year 2007, $868,473,000,000 in new budget authority for the discretionary category; and

(3) for fiscal year 2008, $891,445,000,000 in new budget authority for the discretionary category;

as adjusted in conformance with the adjustment procedures in subsection (d).

(b) ADJUSTMENTS TO DISCRETIONARY SPENDING LIMITS.—

(1) CONTINUING DISABILITY REVIEWS.—If a bill or joint resolution is reported making appropriations for fiscal year 2006 that appropriates $412,000,000 for continuing disability reviews for the Social Security Administration, and provides an additional appropriation of $189,000,000 for continuing disability reviews for the Social Security Administration, then the allocation to the Senate Committee on Appropriations shall be increased by $189,000,000 in budget authority and outlays flowing from the budget authority for fiscal year 2006.

(2) INTERNAL REVENUE SERVICE TAX ENFORCEMENT.—If a bill or joint resolution is reported making appropriations for fiscal year 2006 that appropriates $6,447,000,000 for enhanced tax enforcement to address the "Federal tax gap" for the Internal Revenue Service, and provides an additional appropriation of $446,000,000 for enhanced tax enforcement to address the "Federal tax gap" for the Internal Revenue Service, then the allocation to the Senate Committee on Appropriations shall be increased by $446,000,000 in budget authority and outlays flowing from the budget authority for fiscal year 2006.

(3) HEALTH CARE FRAUD AND ABUSE CONTROL PROGRAM.—If a bill or joint resolution is reported making appropriations for fiscal year 2006 that appropriates $80,000,000 to the health care fraud and abuse control program at the Department of Health and Human Services, then the allocation to the Senate Committee on Appropriations shall be increased by $80,000,000 in budget authority and outlays flowing from the budget authority for fiscal year 2006.

(4) UNEMPLOYMENT INSURANCE IMPROPER PAYMENTS.—If a bill or joint resolution is reported making appropriations for fiscal year 2006 that appropriates $10,000,000 for unemployment insurance improper payments reviews for the Department of Labor, and provides an additional appropriation of $40,000,000 for unemployment insurance improper payments reviews for the Department of Labor, then the allocation to the Senate Committee on Appropriations shall be increased by $40,000,000 in budget authority and outlays flowing from the budget authority for fiscal year 2006.

(c) DISCRETIONARY SPENDING POINT OF ORDER IN THE SENATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, it shall not be in order in the Senate to consider any bill or joint resolution (or amendment, motion, or conference report on that bill or joint resolution) that would cause the discretionary spending limits in this section to be exceeded.

(2) WAIVER.—This subsection may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(3) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(d) PROCEDURE FOR ADJUSTMENTS.—

(1) IN GENERAL.—

(A) CHAIRMAN.—After the reporting of a bill or joint resolution, or the offering of an amendment thereto or the submission of a conference report thereon, the chairman of the Committee on the Budget may make the adjustments set forth in subparagraph (B) for the amount of new budget authority in that measure (if that measure meets the requirements set forth in paragraph (2)) and the outlays flowing from that budget authority.

(B) MATTERS TO BE ADJUSTED.—The adjustments referred to in subparagraph (A) are to be made to—

(i) the discretionary spending limits, if any, set forth in the appropriate concurrent resolution on the budget;

(ii) the allocations made pursuant to the appropriate concurrent resolution on the budget pursuant to section 302(a) of the Congressional Budget Act of 1974; and

(iii) the budgetary aggregates as set forth in the appropriate concurrent resolution on the budget.

(2) AMOUNTS OF ADJUSTMENTS.—The adjustment referred to in paragraph (1) shall be an amount provided for the fiscal year 2006 pursuant to subsection (b).

(3) REPORTING REVISED SUBALLOCATIONS.—Following any adjustment made under paragraph (1), the Committee on Appropriations of the Senate shall report appropriately revised suballocations under section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

SEC. 405. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution—

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the appropriate Committee on the Budget; and

(2) such chairman may make any other necessary adjustments to such levels to carry out this resolution.

SEC. 406. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

(a) IN GENERAL.—In the Senate, upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the appropriate chairman of the Committee on the Budget shall make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

(b) PELL GRANTS.—

(1) BUDGET AUTHORITY.—In the Senate, if appropriations of discretionary new budget authority enacted for the Federal Pell Grant Program are insufficient to cover the full cost of Pell Grants in the upcoming award year, adjusted for any cumulative funding surplus or shortfall from prior years, the budget authority counted against the bill for the Pell Grant Program shall be equal to the adjusted full cost.

(2) APPLICATION.—This subsection shall apply only to new Pell Grant awards approved in legislation for award year 2006–2007 and subsequent award years and shall not apply to the cumulative shortfall through award year 2005–2006.

(3) ESTIMATES.—The estimate of the budget authority associated with the full cost of Pell Grants shall be based on the maximum award and any changes in eligibility requirements, using current economic and technical assumptions and as determined pursuant to scorekeeping guidelines, if any.

SEC. 407. LIMITATION ON LONG-TERM SPENDING PROPOSALS.

(a) CONGRESSIONAL BUDGET OFFICE ANALYSIS OF PROPOSALS.—The Congressional Budget Office shall, to the extent practicable, prepare an estimate of the costs in each of the four 10-year periods beginning in fiscal year 2015 through fiscal year 2055, for each bill or resolution of a public character, except measures within the jurisdiction of the Committee on Appropriations, causing a net increase in direct spending in excess of $5,000,000,000 in any of the four 10-year periods, and shall submit to the committee the estimate of the costs of the legislation.

(b) IN THE SENATE.—It shall not be in order to consider any bill, joint resolution, amendment, motion, or conference report that would cause a net increase in direct spending in excess of $5,000,000,000 in any of the four 10-year periods beginning in 2015 through 2055, as measured against current law outyear estimates prepared by the Congressional Budget Office.

(c) WAIVER.—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) DETERMINATIONS OF BUDGET LEVELS.—For purposes of this section, the levels of net direct spending shall be determined on the basis of estimates provided by the Committee on the Budget of the Senate.

(f) SUNSET.—This section shall expire on September 30, 2010.

SEC. 408. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate and the House, respectively,

and as such they shall be considered as part of the rules of each House, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change those rules (so far as they relate to that house) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

TITLE V—SENSE OF THE SENATE

SEC. 501. SENSE OF THE SENATE REGARDING UNAUTHORIZED APPROPRIATIONS.

It is the sense of the Senate that Congress should—

(1) preclude consideration of any bill, joint resolution, motion, amendment, or conference report that would provide an appropriation, in whole or in part, for programs not specifically authorized by law or Treaty stipulation, or the amount of which exceeds the amount specifically authorized by law or Treaty stipulation, or that would provide a limited tax benefit as defined by the Line Item Veto Act of 1996 (Public Law 104–130), and

(2) determine a method for effectively containing the extraordinary growth in unauthorized earmarks.

SEC. 502. SENSE OF THE SENATE REGARDING A COMMISSION TO REVIEW THE PERFORMANCE OF PROGRAMS.

It is the sense of the Senate that a commission should be established to review Federal agencies, and programs within such agencies, with the express purpose of providing Congress with recommendations, and legislation to implement those recommendations, to realign or eliminate Government agencies and programs that are wasteful, duplicative, inefficient, outdated, irrelevant, or have failed to accomplish their intended purpose.

SEC. 503. SENSE OF THE SENATE REGARDING TRICARE.

It is the sense of the Senate that Congress should provide sufficient funding to the Department of Defense to offer members of the Reserve Component continuous access to TRICARE, for a premium, regardless of their activation status.

SEC. 504. SENSE OF THE SENATE REGARDING RESTRAINING MEDICAID GROWTH.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Medicaid program provides essential health care and long-term care services to more than 50,000,000 low-income children, pregnant women, parents, individuals with disabilities, and senior citizens. It is a Federal guarantee that ensures the most vulnerable will have access to needed medical services.

(2) Medicaid provides critical access to long-term care and other services for the elderly and individuals living with disabilities, and is the single largest provider of long-term care services. Medicaid also pays for personal care and other supportive services that are typically not provided by private health insurance or Medicare, but are necessary to enable individuals with spinal cord injuries, developmental disabilities, neurological degenerative diseases, serious and persistent mental illnesses, HIV/AIDS, and other chronic conditions to remain in the community, to work, and to maintain independence.

(3) Medicaid supplements the Medicare program for more than 6,000,000 low-income elderly or disabled Medicare beneficiaries, assisting them with their Medicare premiums and co-insurance, wrap-around benefits, and the costs of nursing home care that Medicare does not cover. The Medicaid program spent nearly $40,000,000,000 on uncovered Medicare services in 2002.

(4) Medicaid provides health insurance for more than ¼ of America's children and is the largest purchaser of maternity care, paying for more than ⅓ of all the births in the United States each year. Medicaid also provides critical access to care for children with disabilities, covering more than 70 percent of poor children with disabilities.

(5) More than 16,000,000 women depend on Medicaid for their health care. Women comprise the majority of seniors (71 percent) on Medicaid. Half of nonelderly women with permanent mental or physical disabilities have health coverage through Medicaid. Medicaid provides treatment for low-income women diagnosed with breast or cervical cancer in every State.

(6) Medicaid is the Nation's largest source of payment for mental health services, HIV/AIDS care, and care for children with special needs. Much of this care is either not covered by private insurance or limited in scope or duration. Medicaid is also a critical source of funding for health care for children in foster care and for health services in schools.

(7) Medicaid funds help ensure access to care for all Americans. Medicaid is the single largest source of revenue for the Nation's safety net hospitals, health centers, and nursing homes, and is critical to the ability of these providers to adequately serve all Americans.

(8) Medicaid serves a major role in ensuring that the number of Americans without health insurance, approximately 45,000,000 in 2003, is not substantially higher. The system of Federal matching for State Medicaid expenditures ensures that Federal funds will grow as State spending increases in response to unmet needs, enabling Medicaid to help buffer the drop in private coverage during recessions. More than 4,800,000 Americans lost employer-sponsored coverage between 2000 and 2003, during which time Medicaid enrolled an additional 8,400,000 Americans.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Finance Committee shall not report a reconciliation bill that achieves spending reductions that would—

(1) undermine the role the Medicaid program plays as a critical component of the health care system of the United States;

(2) cap Federal Medicaid spending, or otherwise shift Medicaid cost burdens to State or local governments and their taxpayers and health providers, forcing a reduction in access to essential health services for low-income elderly individuals, individuals with disabilities, and children and families; or

(3) undermine the Federal guarantee of health insurance coverage Medicaid provides, which would threaten not only the health care safety net of the United States, but the entire health care system.

SEC. 505. SENSE OF THE SENATE REGARDING TRIBAL COLLEGES AND UNIVERSITIES.

(a) FINDINGS.—The Senate finds the following:

(1) American Indians from over 250 federally recognized tribes nationwide attend tribal college and universities, a majority of whom are first-generation college students.

(2) Tribal colleges and universities are located in some of the most isolated and impoverished areas in the Nation and are the Nation's most poorly funded institutions of higher education. While the Tribally Controlled College or University Assistance Act, or "Tribal College Act" provides funding based solely on Indian students, the colleges have open enrollment policies providing access to postsecondary education opportunities to all interested students, about 20 percent of whom are non-Indian. With rare exception, tribal colleges and universities do not receive operating funds from their respective States for these non-Indian State resident students. Yet, if these same students attended any other public institutions in their States, the State would provide basic operating funds to the institution.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) this resolution recognizes the funding challenges faced by tribal colleges, and universities and assumes that equitable consideration will be provided to them through funding of the Tribally Controlled College or University Assistance Act, the Equity in Educational Land Grant Status Act, title III of the Higher Education Act of 1965, and the National Science Foundation, Department of Defense, and Housing and Urban Development Tribal College and University Programs; and

(2) such equitable consideration reflects Congress intent to continue to work toward statutory Federal funding authorization goals for tribal colleges and universities.

SEC. 506. SENSE OF THE SENATE REGARDING SUPPORT FOR THE PRESIDENT'S REQUEST TO CONCENTRATE FEDERAL FUNDS FOR STATE AND LOCAL HOMELAND SECURITY ASSISTANCE PROGRAMS ON THE HIGHEST THREATS, VULNERABILITIES, AND NEEDS.

It is the sense of the Senate that Congress supports the President's request to "Concentrat[e] Federal funds for State and local homeland security assistance programs on the highest threats, vulnerabilities, and needs.".

SEC. 507. SENSE OF THE SENATE REJECTING PROPOSED ELIMINATION OF PER DIEM REIMBURSEMENT TO STATE NURSING HOMES IN THE PRESIDENT'S BUDGET.

It is the sense of the Senate that Congress should reject the President's proposal to eliminate per diem payments to State Veterans Homes for the vast majority of patients that reside in these homes.

SEC. 508. SENSE OF THE SENATE REGARDING IMPACT AID.

It is the sense of the Senate that funding for Impact Aid (Title VIII of Public Law 107–110) should be sufficient to insure that all federally connected school districts are provided a payment under sections 8002 and 8003 of that Act that will allow them to address the increase in program costs in recent years, as this is critical for school districts addressing the emotional and family needs of children of military families who have a parent or parents engaged in conflict in Iraq or Afghanistan.

SEC. 509. SENSE OF THE SENATE REGARDING MANDATORY AGRICULTURAL PROGRAMS.

(a) FINDINGS.—The Senate finds the following:

(1) The mandatory farm programs administered by United States Department of Agriculture under the Food Security and Rural Development Act of 2002 provide an economic safety net, ensure the availability of Federal crop insurance, fund conservation priorities, and enhance agriculture export market opportunities for United States farmers and ranchers.

(2) The actual budget outlays for farm bill programs for fiscal years 2002–2004 have been

about $16,700,000,000 less than projected by the Congressional Budget Office in August 2002, shortly after the farm bill was passed.

(3) Over 72 percent of farm program payments are currently received by only 10 percent of our Nation's program crop producers.

(4) Any agricultural policy modifications should address the disproportionate share of farm program payments received by the largest farming operations.

(5) If commodity prices decline, as projected by the Congressional Budget Office over the next several years, agricultural programs will be even more important to the economic future of small- and medium-sized family farms.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that any reconciled mandatory agriculture savings required under this resolution should be primarily achieved through modifications to the payment limitation provisions of the Food Security and Rural Investment Act of 2002.

SENATE CONCURRENT RESOLUTION 19—EXPRESSING THE SENSE OF THE CONGRESS REGARDING THE IMPORTANCE OF LIFE INSURANCE AND RECOGNIZING AND SUPPORTING NATIONAL LIFE INSURANCE AWARENESS MONTH

Mr. CHAMBLISS (for himself and Mr. NELSON of Nebraska) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 19

Whereas life insurance is an essential part of a sound financial plan;

Whereas life insurance provides financial security for families in the event of a premature death by helping surviving family members to meet immediate and longer-term financial obligations and objectives;

Whereas nearly 50,000,000 Americans say they lack the life insurance coverage needed to ensure a secure financial future for their loved ones;

Whereas recent studies have found that when a premature death occurs, insufficient life insurance coverage on the part of the insured results in three-fourths of surviving family members having to take measures such as working additional jobs or longer hours, borrowing money, withdrawing money from savings and investment accounts, and, in too many cases, moving to smaller, less expensive housing;

Whereas individuals, families, and businesses can benefit greatly from professional insurance and financial planning advice, including the assessment of their life insurance needs; and

Whereas the Life and Health Insurance Foundation for Education (LIFE), the National Association of Insurance and Financial Advisors (NAIFA), and a coalition representing hundreds of leading life insurance companies and organizations have designated September 2005 as "Life Insurance Awareness Month", the goal of which is to make consumers more aware of their life insurance needs, seek professional advice, and take the actions necessary to achieve the financial security of their loved ones: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) designates September 2005 as "Life Insurance Awareness Month";

(2) recognizes and supports the goals and ideals of "Life Insurance Awareness Month"; and

(3) requests that the President issue a proclamation calling on the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe "Life Insurance Awareness Month" with appropriate programs and activities.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, March 11, 2005, at 9:30 a.m. to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2005

On Thursday, March 10, 2005, the Senate passed S. 256, as follows:

S. 256

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Bankruptcy Abuse Prevention and Consumer Protection Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; references; table of contents.

TITLE I—NEEDS-BASED BANKRUPTCY

Sec. 101. Conversion.
Sec. 102. Dismissal or conversion.
Sec. 103. Sense of Congress and study.
Sec. 104. Notice of alternatives.
Sec. 105. Debtor financial management training test program.
Sec. 106. Credit counseling.
Sec. 107. Schedules of reasonable and necessary expenses.

TITLE II—ENHANCED CONSUMER PROTECTION

Subtitle A—Penalties for Abusive Creditor Practices

Sec. 201. Promotion of alternative dispute resolution.
Sec. 202. Effect of discharge.
Sec. 203. Discouraging abuse of reaffirmation agreement practices.
Sec. 204. Preservation of claims and defenses upon sale of predatory loans.
Sec. 205. GAO study and report on reaffirmation agreement process.

Subtitle B—Priority Child Support

Sec. 211. Definition of domestic support obligation.
Sec. 212. Priorities for claims for domestic support obligations.
Sec. 213. Requirements to obtain confirmation and discharge in cases involving domestic support obligations.
Sec. 214. Exceptions to automatic stay in domestic support obligation proceedings.
Sec. 215. Nondischargeability of certain debts for alimony, maintenance, and support.
Sec. 216. Continued liability of property.
Sec. 217. Protection of domestic support claims against preferential transfer motions.
Sec. 218. Disposable income defined.
Sec. 219. Collection of child support.
Sec. 220. Nondischargeability of certain educational benefits and loans.

Subtitle C—Other Consumer Protections

Sec. 221. Amendments to discourage abusive bankruptcy filings.
Sec. 222. Sense of Congress.
Sec. 223. Additional amendments to title 11, United States Code.
Sec. 224. Protection of retirement savings in bankruptcy.
Sec. 225. Protection of education savings in bankruptcy.
Sec. 226. Definitions.
Sec. 227. Restrictions on debt relief agencies.
Sec. 228. Disclosures.
Sec. 229. Requirements for debt relief agencies.
Sec. 230. GAO study.
Sec. 231. Protection of personally identifiable information.
Sec. 232. Consumer privacy ombudsman.
Sec. 233. Prohibition on disclosure of name of minor children.
Sec. 234. Protection of personal information.

TITLE III—DISCOURAGING BANKRUPTCY ABUSE

Sec. 301. Technical amendments.
Sec. 302. Discouraging bad faith repeat filings.
Sec. 303. Curbing abusive filings.
Sec. 304. Debtor retention of personal property security.
Sec. 305. Relief from the automatic stay when the debtor does not complete intended surrender of consumer debt collateral.
Sec. 306. Giving secured creditors fair treatment in chapter 13.
Sec. 307. Domiciliary requirements for exemptions.
Sec. 308. Reduction of homestead exemption for fraud.
Sec. 309. Protecting secured creditors in chapter 13 cases.
Sec. 310. Limitation on luxury goods.
Sec. 311. Automatic stay.
Sec. 312. Extension of period between bankruptcy discharges.
Sec. 313. Definition of household goods and antiques.
Sec. 314. Debt incurred to pay nondischargeable debts.
Sec. 315. Giving creditors fair notice in chapters 7 and 13 cases.
Sec. 316. Dismissal for failure to timely file schedules or provide required information.
Sec. 317. Adequate time to prepare for hearing on confirmation of the plan.
Sec. 318. Chapter 13 plans to have a 5-year duration in certain cases.
Sec. 319. Sense of Congress regarding expansion of rule 9011 of the Federal Rules of Bankruptcy Procedure.
Sec. 320. Prompt relief from stay in individual cases.
Sec. 321. Chapter 11 cases filed by individuals.
Sec. 322. Limitations on homestead exemption.
Sec. 323. Excluding employee benefit plan participant contributions and other property from the estate.
Sec. 324. Exclusive jurisdiction in matters involving bankruptcy professionals.
Sec. 325. United States trustee program filing fee increase.

Sec. 326. Sharing of compensation.
Sec. 327. Fair valuation of collateral.
Sec. 328. Defaults based on nonmonetary obligations.
Sec. 329. Clarification of postpetition wages and benefits.
Sec. 330. Delay of discharge during pendency of certain proceedings.
Sec. 331. Limitation on retention bonuses, severance pay, and certain other payments.
Sec. 332. Fraudulent involuntary bankruptcy.

TITLE IV—GENERAL AND SMALL BUSINESS BANKRUPTCY PROVISIONS

Subtitle A—General Business Bankruptcy Provisions

Sec. 401. Adequate protection for investors.
Sec. 402. Meetings of creditors and equity security holders.
Sec. 403. Protection of refinance of security interest.
Sec. 404. Executory contracts and unexpired leases.
Sec. 405. Creditors and equity security holders committees.
Sec. 406. Amendment to section 546 of title 11, United States Code.
Sec. 407. Amendments to section 330(a) of title 11, United States Code.
Sec. 408. Postpetition disclosure and solicitation.
Sec. 409. Preferences.
Sec. 410. Venue of certain proceedings.
Sec. 411. Period for filing plan under chapter 11.
Sec. 412. Fees arising from certain ownership interests.
Sec. 413. Creditor representation at first meeting of creditors.
Sec. 414. Definition of disinterested person.
Sec. 415. Factors for compensation of professional persons.
Sec. 416. Appointment of elected trustee.
Sec. 417. Utility service.
Sec. 418. Bankruptcy fees.
Sec. 419. More complete information regarding assets of the estate.

Subtitle B—Small Business Bankruptcy Provisions

Sec. 431. Flexible rules for disclosure statement and plan.
Sec. 432. Definitions.
Sec. 433. Standard form disclosure statement and plan.
Sec. 434. Uniform national reporting requirements.
Sec. 435. Uniform reporting rules and forms for small business cases.
Sec. 436. Duties in small business cases.
Sec. 437. Plan filing and confirmation deadlines.
Sec. 438. Plan confirmation deadline.
Sec. 439. Duties of the United States trustee.
Sec. 440. Scheduling conferences.
Sec. 441. Serial filer provisions.
Sec. 442. Expanded grounds for dismissal or conversion and appointment of trustee.
Sec. 443. Study of operation of title 11, United States Code, with respect to small businesses.
Sec. 444. Payment of interest.
Sec. 445. Priority for administrative expenses.
Sec. 446. Duties with respect to a debtor who is a plan administrator of an employee benefit plan.
Sec. 447. Appointment of committee of retired employees.

TITLE V—MUNICIPAL BANKRUPTCY PROVISIONS

Sec. 501. Petition and proceedings related to petition.
Sec. 502. Applicability of other sections to chapter 9.

TITLE VI—BANKRUPTCY DATA

Sec. 601. Improved bankruptcy statistics.
Sec. 602. Uniform rules for the collection of bankruptcy data.
Sec. 603. Audit procedures.
Sec. 604. Sense of Congress regarding availability of bankruptcy data.

TITLE VII—BANKRUPTCY TAX PROVISIONS

Sec. 701. Treatment of certain liens.
Sec. 702. Treatment of fuel tax claims.
Sec. 703. Notice of request for a determination of taxes.
Sec. 704. Rate of interest on tax claims.
Sec. 705. Priority of tax claims.
Sec. 706. Priority property taxes incurred.
Sec. 707. No discharge of fraudulent taxes in chapter 13.
Sec. 708. No discharge of fraudulent taxes in chapter 11.
Sec. 709. Stay of tax proceedings limited to prepetition taxes.
Sec. 710. Periodic payment of taxes in chapter 11 cases.
Sec. 711. Avoidance of statutory tax liens prohibited.
Sec. 712. Payment of taxes in the conduct of business.
Sec. 713. Tardily filed priority tax claims.
Sec. 714. Income tax returns prepared by tax authorities.
Sec. 715. Discharge of the estate's liability for unpaid taxes.
Sec. 716. Requirement to file tax returns to confirm chapter 13 plans.
Sec. 717. Standards for tax disclosure.
Sec. 718. Setoff of tax refunds.
Sec. 719. Special provisions related to the treatment of State and local taxes.
Sec. 720. Dismissal for failure to timely file tax returns.

TITLE VIII—ANCILLARY AND OTHER CROSS-BORDER CASES

Sec. 801. Amendment to add chapter 15 to title 11, United States Code.
Sec. 802. Other amendments to titles 11 and 28, United States Code.

TITLE IX—FINANCIAL CONTRACT PROVISIONS

Sec. 901. Treatment of certain agreements by conservators or receivers of insured depository institutions.
Sec. 902. Authority of the FDIC and NCUAB with respect to failed and failing institutions.
Sec. 903. Amendments relating to transfers of qualified financial contracts.
Sec. 904. Amendments relating to disaffirmance or repudiation of qualified financial contracts.
Sec. 905. Clarifying amendment relating to master agreements.
Sec. 906. Federal Deposit Insurance Corporation Improvement Act of 1991.
Sec. 907. Bankruptcy law amendments.
Sec. 908. Recordkeeping requirements.
Sec. 909. Exemptions from contemporaneous execution requirement.
Sec. 910. Damage measure.
Sec. 911. SIPC stay.

TITLE X—PROTECTION OF FAMILY FARMERS AND FAMILY FISHERMEN

Sec. 1001. Permanent reenactment of chapter 12.
Sec. 1002. Debt limit increase.
Sec. 1003. Certain claims owed to governmental units.
Sec. 1004. Definition of family farmer.
Sec. 1005. Elimination of requirement that family farmer and spouse receive over 50 percent of income from farming operation in year prior to bankruptcy.
Sec. 1006. Prohibition of retroactive assessment of disposable income.
Sec. 1007. Family fishermen.

TITLE XI—HEALTH CARE AND EMPLOYEE BENEFITS

Sec. 1101. Definitions.
Sec. 1102. Disposal of patient records.
Sec. 1103. Administrative expense claim for costs of closing a health care business and other administrative expenses.
Sec. 1104. Appointment of ombudsman to act as patient advocate.
Sec. 1105. Debtor in possession; duty of trustee to transfer patients.
Sec. 1106. Exclusion from program participation not subject to automatic stay.

TITLE XII—TECHNICAL AMENDMENTS

Sec. 1201. Definitions.
Sec. 1202. Adjustment of dollar amounts.
Sec. 1203. Extension of time.
Sec. 1204. Technical amendments.
Sec. 1205. Penalty for persons who negligently or fraudulently prepare bankruptcy petitions.
Sec. 1206. Limitation on compensation of professional persons.
Sec. 1207. Effect of conversion.
Sec. 1208. Allowance of administrative expenses.
Sec. 1209. Exceptions to discharge.
Sec. 1210. Effect of discharge.
Sec. 1211. Protection against discriminatory treatment.
Sec. 1212. Property of the estate.
Sec. 1213. Preferences.
Sec. 1214. Postpetition transactions.
Sec. 1215. Disposition of property of the estate.
Sec. 1216. General provisions.
Sec. 1217. Abandonment of railroad line.
Sec. 1218. Contents of plan.
Sec. 1219. Bankruptcy cases and proceedings.
Sec. 1220. Knowing disregard of bankruptcy law or rule.
Sec. 1221. Transfers made by nonprofit charitable corporations.
Sec. 1222. Protection of valid purchase money security interests.
Sec. 1223. Bankruptcy Judgeships.
Sec. 1224. Compensating trustees.
Sec. 1225. Amendment to section 362 of title 11, United States Code.
Sec. 1226. Judicial education.
Sec. 1227. Reclamation.
Sec. 1228. Providing requested tax documents to the court.
Sec. 1229. Encouraging creditworthiness.
Sec. 1230. Property no longer subject to redemption.
Sec. 1231. Trustees.
Sec. 1232. Bankruptcy forms.
Sec. 1233. Direct appeals of bankruptcy matters to courts of appeals.
Sec. 1234. Involuntary cases.
Sec. 1235. Federal election law fines and penalties as nondischargeable debt.

TITLE XIII—CONSUMER CREDIT DISCLOSURE

Sec. 1301. Enhanced disclosures under an open end credit plan.
Sec. 1302. Enhanced disclosure for credit extensions secured by a dwelling.
Sec. 1303. Disclosures related to "introductory rates".
Sec. 1304. Internet-based credit card solicitations.
Sec. 1305. Disclosures related to late payment deadlines and penalties.
Sec. 1306. Prohibition on certain actions for failure to incur finance charges.
Sec. 1307. Dual use debit card.

Sec. 1308. Study of bankruptcy impact of credit extended to dependent students.
Sec. 1309. Clarification of clear and conspicuous.

TITLE XIV—PREVENTING CORPORATE BANKRUPTCY ABUSE

Sec. 1401. Employee wage and benefit priorities.
Sec. 1402. Fraudulent transfers and obligations.
Sec. 1403. Payment of insurance benefits to retired employees.
Sec. 1404. Debts nondischargeable if incurred in violation of securities fraud laws.
Sec. 1405. Appointment of trustee in cases of suspected fraud.
Sec. 1406. Effective date; application of amendments.

TITLE XV—GENERAL EFFECTIVE DATE: APPLICATION OF AMENDMENTS

Sec. 1501. Effective date; application of amendments.
Sec. 1502. Technical corrections.

TITLE I—NEEDS-BASED BANKRUPTCY

SEC. 101. CONVERSION.

Section 706(c) of title 11, United States Code, is amended by inserting “or consents to” after “requests”.

SEC. 102. DISMISSAL OR CONVERSION.

(a) IN GENERAL.—Section 707 of title 11, United States Code, is amended—

(1) by striking the section heading and inserting the following:

“§ 707. Dismissal of a case or conversion to a case under chapter 11 or 13”;

and

(2) in subsection (b)—

(A) by inserting “(1)” after “(b)”;

(B) in paragraph (1), as so redesignated by subparagraph (A) of this paragraph—

(i) in the first sentence—

(I) by striking “but not at the request or suggestion of” and inserting “trustee (or bankruptcy administrator, if any), or”;

(II) by inserting “, or, with the debtor's consent, convert such a case to a case under chapter 11 or 13 of this title,” after “consumer debts”; and

(III) by striking “a substantial abuse” and inserting “an abuse”; and

(ii) by striking the next to last sentence; and

(C) by adding at the end the following:

“(2)(A)(i) In considering under paragraph (1) whether the granting of relief would be an abuse of the provisions of this chapter, the court shall presume abuse exists if the debtor's current monthly income reduced by the amounts determined under clauses (ii), (iii), and (iv), and multiplied by 60 is not less than the lesser of—

“(I) 25 percent of the debtor's nonpriority unsecured claims in the case, or $6,000, whichever is greater; or

“(II) $10,000.

“(ii)(I) The debtor's monthly expenses shall be the debtor's applicable monthly expense amounts specified under the National Standards and Local Standards, and the debtor's actual monthly expenses for the categories specified as Other Necessary Expenses issued by the Internal Revenue Service for the area in which the debtor resides, as in effect on the date of the order for relief, for the debtor, the dependents of the debtor, and the spouse of the debtor in a joint case, if the spouse is not otherwise a dependent. Such expenses shall include reasonably necessary health insurance, disability insurance, and health savings account expenses for the debtor, the spouse of the debtor, or the dependents of the debtor. Notwithstanding any other provision of this clause, the monthly expenses of the debtor shall not include any payments for debts. In addition, the debtor's monthly expenses shall include the debtor's reasonably necessary expenses incurred to maintain the safety of the debtor and the family of the debtor from family violence as identified under section 309 of the Family Violence Prevention and Services Act, or other applicable Federal law. The expenses included in the debtor's monthly expenses described in the preceding sentence shall be kept confidential by the court. In addition, if it is demonstrated that it is reasonable and necessary, the debtor's monthly expenses may also include an additional allowance for food and clothing of up to 5 percent of the food and clothing categories as specified by the National Standards issued by the Internal Revenue Service.

“(II) In addition, the debtor's monthly expenses may include, if applicable, the continuation of actual expenses paid by the debtor that are reasonable and necessary for care and support of an elderly, chronically ill, or disabled household member or member of the debtor's immediate family (including parents, grandparents, siblings, children, and grandchildren of the debtor, the dependents of the debtor, and the spouse of the debtor in a joint case who is not a dependent) and who is unable to pay for such reasonable and necessary expenses.

“(III) In addition, for a debtor eligible for chapter 13, the debtor's monthly expenses may include the actual administrative expenses of administering a chapter 13 plan for the district in which the debtor resides, up to an amount of 10 percent of the projected plan payments, as determined under schedules issued by the Executive Office for United States Trustees.

“(IV) In addition, the debtor's monthly expenses may include the actual expenses for each dependent child less than 18 years of age, not to exceed $1,500 per year per child, to attend a private or public elementary or secondary school if the debtor provides documentation of such expenses and a detailed explanation of why such expenses are reasonable and necessary, and why such expenses are not already accounted for in the National Standards, Local Standards, or Other Necessary Expenses referred to in subclause (I).

“(V) In addition, the debtor's monthly expenses may include an allowance for housing and utilities, in excess of the allowance specified by the Local Standards for housing and utilities issued by the Internal Revenue Service, based on the actual expenses for home energy costs if the debtor provides documentation of such actual expenses and demonstrates that such actual expenses are reasonable and necessary.

“(iii) The debtor's average monthly payments on account of secured debts shall be calculated as the sum of—

“(I) the total of all amounts scheduled as contractually due to secured creditors in each month of the 60 months following the date of the petition; and

“(II) any additional payments to secured creditors necessary for the debtor, in filing a plan under chapter 13 of this title, to maintain possession of the debtor's primary residence, motor vehicle, or other property necessary for the support of the debtor and the debtor's dependents, that serves as collateral for secured debts;

divided by 60.

“(iv) The debtor's expenses for payment of all priority claims (including priority child support and alimony claims) shall be calculated as the total amount of debts entitled to priority, divided by 60.

“(B)(i) In any proceeding brought under this subsection, the presumption of abuse may only be rebutted by demonstrating special circumstances, such as a serious medical condition or a call or order to active duty in the Armed Forces, to the extent such special circumstances that justify additional expenses or adjustments of current monthly income for which there is no reasonable alternative.

“(ii) In order to establish special circumstances, the debtor shall be required to itemize each additional expense or adjustment of income and to provide—

“(I) documentation for such expense or adjustment to income; and

“(II) a detailed explanation of the special circumstances that make such expenses or adjustment to income necessary and reasonable.

“(iii) The debtor shall attest under oath to the accuracy of any information provided to demonstrate that additional expenses or adjustments to income are required.

“(iv) The presumption of abuse may only be rebutted if the additional expenses or adjustments to income referred to in clause (i) cause the product of the debtor's current monthly income reduced by the amounts determined under clauses (ii), (iii), and (iv) of subparagraph (A) when multiplied by 60 to be less than the lesser of—

“(I) 25 percent of the debtor's nonpriority unsecured claims, or $6,000, whichever is greater; or

“(II) $10,000.

“(C) As part of the schedule of current income and expenditures required under section 521, the debtor shall include a statement of the debtor's current monthly income, and the calculations that determine whether a presumption arises under subparagraph (A)(i), that show how each such amount is calculated.

“(D) Subparagraphs (A) through (C) shall not apply, and the court may not dismiss or convert a case based on any form of means testing, if the debtor is a disabled veteran (as defined in section 3741(1) of title 38), and the indebtedness occurred primarily during a period during which he or she was—

“(i) on active duty (as defined in section 101(d)(1) of title 10); or

“(ii) performing a homeland defense activity (as defined in section 901(1) of title 32).

“(3) In considering under paragraph (1) whether the granting of relief would be an abuse of the provisions of this chapter in a case in which the presumption in subparagraph (A)(i) of such paragraph does not arise or is rebutted, the court shall consider—

“(A) whether the debtor filed the petition in bad faith; or

“(B) the totality of the circumstances (including whether the debtor seeks to reject a personal services contract and the financial need for such rejection as sought by the debtor) of the debtor's financial situation demonstrates abuse.

“(4)(A) The court, on its own initiative or on the motion of a party in interest, in accordance with the procedures described in rule 9011 of the Federal Rules of Bankruptcy Procedure, may order the attorney for the debtor to reimburse the trustee for all reasonable costs in prosecuting a motion filed under section 707(b), including reasonable attorneys' fees, if—

“(i) a trustee files a motion for dismissal or conversion under this subsection; and

“(ii) the court—

“(I) grants such motion; and

“(II) finds that the action of the attorney for the debtor in filing a case under this chapter violated rule 9011 of the Federal Rules of Bankruptcy Procedure.

“(B) If the court finds that the attorney for the debtor violated rule 9011 of the Federal Rules of Bankruptcy Procedure, the court, on its own initiative or on the motion of a party in interest, in accordance with such procedures, may order—

“(i) the assessment of an appropriate civil penalty against the attorney for the debtor; and

“(ii) the payment of such civil penalty to the trustee, the United States trustee (or the bankruptcy administrator, if any).

“(C) The signature of an attorney on a petition, pleading, or written motion shall constitute a certification that the attorney has—

“(i) performed a reasonable investigation into the circumstances that gave rise to the petition, pleading, or written motion; and

“(ii) determined that the petition, pleading, or written motion—

“(I) is well grounded in fact; and

“(II) is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law and does not constitute an abuse under paragraph (1).

“(D) The signature of an attorney on the petition shall constitute a certification that the attorney has no knowledge after an inquiry that the information in the schedules filed with such petition is incorrect.

“(5)(A) Except as provided in subparagraph (B) and subject to paragraph (6), the court, on its own initiative or on the motion of a party in interest, in accordance with the procedures described in rule 9011 of the Federal Rules of Bankruptcy Procedure, may award a debtor all reasonable costs (including reasonable attorneys' fees) in contesting a motion filed by a party in interest (other than a trustee or United States trustee (or bankruptcy administrator, if any)) under this subsection if—

“(i) the court does not grant the motion; and

“(ii) the court finds that—

“(I) the position of the party that filed the motion violated rule 9011 of the Federal Rules of Bankruptcy Procedure; or

“(II) the attorney (if any) who filed the motion did not comply with the requirements of clauses (i) and (ii) of paragraph (4)(C), and the motion was made solely for the purpose of coercing a debtor into waiving a right guaranteed to the debtor under this title.

“(B) A small business that has a claim of an aggregate amount less than $1,000 shall not be subject to subparagraph (A)(ii)(I).

“(C) For purposes of this paragraph—

“(i) the term ‘small business’ means an unincorporated business, partnership, corporation, association, or organization that—

“(I) has fewer than 25 full-time employees as determined on the date on which the motion is filed; and

“(II) is engaged in commercial or business activity; and

“(ii) the number of employees of a wholly owned subsidiary of a corporation includes the employees of—

“(I) a parent corporation; and

“(II) any other subsidiary corporation of the parent corporation.

“(6) Only the judge or United States trustee (or bankruptcy administrator, if any) may file a motion under section 707(b), if the current monthly income of the debtor, or in a joint case, the debtor and the debtor's spouse, as of the date of the order for relief, when multiplied by 12, is equal to or less than—

“(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner;

“(B) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals; or

“(C) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals, plus $525 per month for each individual in excess of 4.

“(7)(A) No judge, United States trustee (or bankruptcy administrator, if any), trustee, or other party in interest may file a motion under paragraph (2) if the current monthly income of the debtor, including a veteran (as that term is defined in section 101 of title 38), and the debtor's spouse combined, as of the date of the order for relief when multiplied by 12, is equal to or less than—

“(i) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner;

“(ii) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals; or

“(iii) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals, plus $525 per month for each individual in excess of 4.

“(B) In a case that is not a joint case, current monthly income of the debtor's spouse shall not be considered for purposes of subparagraph (A) if—

“(i)(I) the debtor and the debtor's spouse are separated under applicable nonbankruptcy law; or

“(II) the debtor and the debtor's spouse are living separate and apart, other than for the purpose of evading subparagraph (A); and

“(ii) the debtor files a statement under penalty of perjury—

“(I) specifying that the debtor meets the requirement of subclause (I) or (II) of clause (i); and

“(II) disclosing the aggregate, or best estimate of the aggregate, amount of any cash or money payments received from the debtor's spouse attributed to the debtor's current monthly income.”.

(b) DEFINITION.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (10) the following:

“(10A) ‘current monthly income’—

“(A) means the average monthly income from all sources that the debtor receives (or in a joint case the debtor and the debtor's spouse receive) without regard to whether such income is taxable income, derived during the 6-month period ending on—

“(i) the last day of the calendar month immediately preceding the date of the commencement of the case if the debtor files the schedule of current income required by section 521(a)(1)(B)(ii); or

“(ii) the date on which current income is determined by the court for purposes of this title if the debtor does not file the schedule of current income required by section 521(a)(1)(B)(ii); and

“(B) includes any amount paid by any entity other than the debtor (or in a joint case the debtor and the debtor's spouse), on a regular basis for the household expenses of the debtor or the debtor's dependents (and in a joint case the debtor's spouse if not otherwise a dependent), but excludes benefits received under the Social Security Act, payments to victims of war crimes or crimes against humanity on account of their status as victims of such crimes, and payments to victims of international terrorism (as defined in section 2331 of title 18) or domestic terrorism (as defined in section 2331 of title 18) on account of their status as victims of such terrorism;”.

(c) UNITED STATES TRUSTEE AND BANKRUPTCY ADMINISTRATOR DUTIES.—Section 704 of title 11, United States Code, is amended—

(1) by inserting “(a)” before “The trustee shall—”; and

(2) by adding at the end the following:

“(b)(1) With respect to a debtor who is an individual in a case under this chapter—

“(A) the United States trustee (or the bankruptcy administrator, if any) shall review all materials filed by the debtor and, not later than 10 days after the date of the first meeting of creditors, file with the court a statement as to whether the debtor's case would be presumed to be an abuse under section 707(b); and

“(B) not later than 5 days after receiving a statement under subparagraph (A), the court shall provide a copy of the statement to all creditors.

“(2) The United States trustee (or bankruptcy administrator, if any) shall, not later than 30 days after the date of filing a statement under paragraph (1), either file a motion to dismiss or convert under section 707(b) or file a statement setting forth the reasons the United States trustee (or the bankruptcy administrator, if any) does not consider such a motion to be appropriate, if the United States trustee (or the bankruptcy administrator, if any) determines that the debtor's case should be presumed to be an abuse under section 707(b) and the product of the debtor's current monthly income, multiplied by 12 is not less than—

“(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner; or

“(B) in the case of a debtor in a household of 2 or more individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals.”.

(d) NOTICE.—Section 342 of title 11, United States Code, is amended by adding at the end the following:

“(d) In a case under chapter 7 of this title in which the debtor is an individual and in which the presumption of abuse arises under section 707(b), the clerk shall give written notice to all creditors not later than 10 days after the date of the filing of the petition that the presumption of abuse has arisen.”.

(e) NONLIMITATION OF INFORMATION.—Nothing in this title shall limit the ability of a creditor to provide information to a judge (except for information communicated ex parte, unless otherwise permitted by applicable law), United States trustee (or bankruptcy administrator, if any), or trustee.

(f) DISMISSAL FOR CERTAIN CRIMES.—Section 707 of title 11, United States Code, is amended by adding at the end the following:

“(c)(1) In this subsection—

“(A) the term ‘crime of violence’ has the meaning given such term in section 16 of title 18; and

“(B) the term ‘drug trafficking crime’ has the meaning given such term in section 924(c)(2) of title 18.

“(2) Except as provided in paragraph (3), after notice and a hearing, the court, on a motion by the victim of a crime of violence or a drug trafficking crime, may when it is in the best interest of the victim dismiss a voluntary case filed under this chapter by a debtor who is an individual if such individual was convicted of such crime.

"(3) The court may not dismiss a case under paragraph (2) if the debtor establishes by a preponderance of the evidence that the filing of a case under this chapter is necessary to satisfy a claim for a domestic support obligation.".

(g) CONFIRMATION OF PLAN.—Section 1325(a) of title 11, United States Code, is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period and inserting a semicolon; and

(3) by inserting after paragraph (6) the following:

"(7) the action of the debtor in filing the petition was in good faith;".

(h) APPLICABILITY OF MEANS TEST TO CHAPTER 13.—Section 1325(b) of title 11, United States Code, is amended—

(1) in paragraph (1)(B), by inserting "to unsecured creditors" after "to make payments"; and

(2) by striking paragraph (2) and inserting the following:

"(2) For purposes of this subsection, the term 'disposable income' means current monthly income received by the debtor (other than child support payments, foster care payments, or disability payments for a dependent child made in accordance with applicable nonbankruptcy law to the extent reasonably necessary to be expended for such child) less amounts reasonably necessary to be expended—

"(A)(i) for the maintenance or support of the debtor or a dependent of the debtor, or for a domestic support obligation, that first becomes payable after the date the petition is filed; and

"(ii) for charitable contributions (that meet the definition of 'charitable contribution' under section 548(d)(3) to a qualified religious or charitable entity or organization (as defined in section 548(d)(4)) in an amount not to exceed 15 percent of gross income of the debtor for the year in which the contributions are made; and

"(B) if the debtor is engaged in business, for the payment of expenditures necessary for the continuation, preservation, and operation of such business.

"(3) Amounts reasonably necessary to be expended under paragraph (2) shall be determined in accordance with subparagraphs (A) and (B) of section 707(b)(2), if the debtor has current monthly income, when multiplied by 12, greater than—

"(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner;

"(B) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals; or

"(C) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals, plus $525 per month for each individual in excess of 4.".

(i) SPECIAL ALLOWANCE FOR HEALTH INSURANCE.—Section 1329(a) of title 11, United States Code, is amended—

(1) in paragraph (2) by striking "or" at the end;

(2) in paragraph (3) by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(4) reduce amounts to be paid under the plan by the actual amount expended by the debtor to purchase health insurance for the debtor (and for any dependent of the debtor if such dependent does not otherwise have health insurance coverage) if the debtor documents the cost of such insurance and demonstrates that—

"(A) such expenses are reasonable and necessary;

"(B)(i) if the debtor previously paid for health insurance, the amount is not materially larger than the cost the debtor previously paid or the cost necessary to maintain the lapsed policy; or

"(ii) if the debtor did not have health insurance, the amount is not materially larger than the reasonable cost that would be incurred by a debtor who purchases health insurance, who has similar income, expenses, age, and health status, and who lives in the same geographical location with the same number of dependents who do not otherwise have health insurance coverage; and

"(C) the amount is not otherwise allowed for purposes of determining disposable income under section 1325(b) of this title;

and upon request of any party in interest, files proof that a health insurance policy was purchased.".

(j) ADJUSTMENT OF DOLLAR AMOUNTS.—Section 104(b) of title 11, United States Code, is amended by striking "and 523(a)(2)(C)" each place it appears and inserting "523(a)(2)(C), 707(b), and 1325(b)(3)".

(k) DEFINITION OF 'MEDIAN FAMILY INCOME'.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (39) the following:

"(39A) 'median family income' means for any year—

"(A) the median family income both calculated and reported by the Bureau of the Census in the then most recent year; and

"(B) if not so calculated and reported in the then current year, adjusted annually after such most recent year until the next year in which median family income is both calculated and reported by the Bureau of the Census, to reflect the percentage change in the Consumer Price Index for All Urban Consumers during the period of years occurring after such most recent year and before such current year;".

(k) CLERICAL AMENDMENT.—The table of sections for chapter 7 of title 11, United States Code, is amended by striking the item relating to section 707 and inserting the following:

"707. Dismissal of a case or conversion to a case under chapter 11 or 13.".

SEC. 103. SENSE OF CONGRESS AND STUDY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Treasury has the authority to alter the Internal Revenue Service standards established to set guidelines for repayment plans as needed to accommodate their use under section 707(b) of title 11, United States Code.

(b) STUDY.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Director of the Executive Office for United States Trustees shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives containing the findings of the Director regarding the utilization of Internal Revenue Service standards for determining—

(A) the current monthly expenses of a debtor under section 707(b) of title 11, United States Code; and

(B) the impact that the application of such standards has had on debtors and on the bankruptcy courts.

(2) RECOMMENDATION.—The report under paragraph (1) may include recommendations for amendments to title 11, United States Code, that are consistent with the findings of the Director under paragraph (1).

SEC. 104. NOTICE OF ALTERNATIVES.

Section 342(b) of title 11, United States Code, is amended to read as follows:

"(b) Before the commencement of a case under this title by an individual whose debts are primarily consumer debts, the clerk shall give to such individual written notice containing—

"(1) a brief description of—

"(A) chapters 7, 11, 12, and 13 and the general purpose, benefits, and costs of proceeding under each of those chapters; and

"(B) the types of services available from credit counseling agencies; and

"(2) statements specifying that—

"(A) a person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury in connection with a case under this title shall be subject to fine, imprisonment, or both; and

"(B) all information supplied by a debtor in connection with a case under this title is subject to examination by the Attorney General.".

SEC. 105. DEBTOR FINANCIAL MANAGEMENT TRAINING TEST PROGRAM.

(a) DEVELOPMENT OF FINANCIAL MANAGEMENT AND TRAINING CURRICULUM AND MATERIALS.—The Director of the Executive Office for United States Trustees (in this section referred to as the "Director") shall consult with a wide range of individuals who are experts in the field of debtor education, including trustees who serve in cases under chapter 13 of title 11, United States Code, and who operate financial management education programs for debtors, and shall develop a financial management training curriculum and materials that can be used to educate debtors who are individuals on how to better manage their finances.

(b) TEST.—

(1) SELECTION OF DISTRICTS.—The Director shall select 6 judicial districts of the United States in which to test the effectiveness of the financial management training curriculum and materials developed under subsection (a).

(2) USE.—For an 18-month period beginning not later than 270 days after the date of the enactment of this Act, such curriculum and materials shall be, for the 6 judicial districts selected under paragraph (1), used as the instructional course concerning personal financial management for purposes of section 111 of title 11, United States Code.

(c) EVALUATION.—

(1) IN GENERAL.—During the 18-month period referred to in subsection (b), the Director shall evaluate the effectiveness of—

(A) the financial management training curriculum and materials developed under subsection (a); and

(B) a sample of existing consumer education programs such as those described in the Report of the National Bankruptcy Review Commission (October 20, 1997) that are representative of consumer education programs carried out by the credit industry, by trustees serving under chapter 13 of title 11, United States Code, and by consumer counseling groups.

(2) REPORT.—Not later than 3 months after concluding such evaluation, the Director shall submit a report to the Speaker of the House of Representatives and the President pro tempore of the Senate, for referral to the appropriate committees of the Congress,

containing the findings of the Director regarding the effectiveness of such curriculum, such materials, and such programs and their costs.

SEC. 106. CREDIT COUNSELING.

(a) Who May Be a Debtor.—Section 109 of title 11, United States Code, is amended by adding at the end the following:

"(h)(1) Subject to paragraphs (2) and (3), and notwithstanding any other provision of this section, an individual may not be a debtor under this title unless such individual has, during the 180-day period preceding the date of filing of the petition by such individual, received from an approved nonprofit budget and credit counseling agency described in section 111(a) an individual or group briefing (including a briefing conducted by telephone or on the Internet) that outlined the opportunities for available credit counseling and assisted such individual in performing a related budget analysis.

"(2)(A) Paragraph (1) shall not apply with respect to a debtor who resides in a district for which the United States trustee (or the bankruptcy administrator, if any) determines that the approved nonprofit budget and credit counseling agencies for such district are not reasonably able to provide adequate services to the additional individuals who would otherwise seek credit counseling from such agencies by reason of the requirements of paragraph (1).

"(B) The United States trustee (or the bankruptcy administrator, if any) who makes a determination described in subparagraph (A) shall review such determination not later than 1 year after the date of such determination, and not less frequently than annually thereafter. Notwithstanding the preceding sentence, a nonprofit budget and credit counseling agency may be disapproved by the United States trustee (or the bankruptcy administrator, if any) at any time.

"(3)(A) Subject to subparagraph (B), the requirements of paragraph (1) shall not apply with respect to a debtor who submits to the court a certification that—

"(i) describes exigent circumstances that merit a waiver of the requirements of paragraph (1);

"(ii) states that the debtor requested credit counseling services from an approved nonprofit budget and credit counseling agency, but was unable to obtain the services referred to in paragraph (1) during the 5-day period beginning on the date on which the debtor made that request; and

"(iii) is satisfactory to the court.

"(B) With respect to a debtor, an exemption under subparagraph (A) shall cease to apply to that debtor on the date on which the debtor meets the requirements of paragraph (1), but in no case may the exemption apply to that debtor after the date that is 30 days after the debtor files a petition, except that the court, for cause, may order an additional 15 days.

"(4) The requirements of paragraph (1) shall not apply with respect to a debtor whom the court determines, after notice and hearing, is unable to complete those requirements because of incapacity, disability, or active military duty in a military combat zone. For the purposes of this paragraph, incapacity means that the debtor is impaired by reason of mental illness or mental deficiency so that he is incapable of realizing and making rational decisions with respect to his financial responsibilities; and "disability" means that the debtor is so physically impaired as to be unable, after reasonable effort, to participate in an in person, telephone, or Internet briefing required under paragraph (1).".

(b) Chapter 7 Discharge.—Section 727(a) of title 11, United States Code, is amended—

(1) in paragraph (9), by striking "or" at the end;

(2) in paragraph (10), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(11) after filing the petition, the debtor failed to complete an instructional course concerning personal financial management described in section 111, except that this paragraph shall not apply with respect to a debtor who is a person described in section 109(h)(4) or who resides in a district for which the United States trustee (or the bankruptcy administrator, if any) determines that the approved instructional courses are not adequate to service the additional individuals who would otherwise be required to complete such instructional courses under this section (The United States trustee (or the bankruptcy administrator, if any) who makes a determination described in this paragraph shall review such determination not later than 1 year after the date of such determination, and not less frequently than annually thereafter.).".

(c) Chapter 13 Discharge.—Section 1328 of title 11, United States Code, is amended by adding at the end the following:

"(g)(1) The court shall not grant a discharge under this section to a debtor unless after filing a petition the debtor has completed an instructional course concerning personal financial management described in section 111.

"(2) Paragraph (1) shall not apply with respect to a debtor who is a person described in section 109(h)(4) or who resides in a district for which the United States trustee (or the bankruptcy administrator, if any) determines that the approved instructional courses are not adequate to service the additional individuals who would otherwise be required to complete such instructional course by reason of the requirements of paragraph (1).

"(3) The United States trustee (or the bankruptcy administrator, if any) who makes a determination described in paragraph (2) shall review such determination not later than 1 year after the date of such determination, and not less frequently than annually thereafter.".

(d) Debtor's Duties.—Section 521 of title 11, United States Code, is amended—

(1) by inserting "(a)" before "The debtor shall—"; and

(2) by adding at the end the following:

"(b) In addition to the requirements under subsection (a), a debtor who is an individual shall file with the court—

"(1) a certificate from the approved nonprofit budget and credit counseling agency that provided the debtor services under section 109(h) describing the services provided to the debtor; and

"(2) a copy of the debt repayment plan, if any, developed under section 109(h) through the approved nonprofit budget and credit counseling agency referred to in paragraph (1).".

(e) General Provisions.—

(1) In general.—Chapter 1 of title 11, United States Code, is amended by adding at the end the following:

"§ 111. Nonprofit budget and credit counseling agencies; financial management instructional courses

"(a) The clerk shall maintain a publicly available list of—

"(1) nonprofit budget and credit counseling agencies that provide 1 or more services described in section 109(h) currently approved by the United States trustee (or the bankruptcy administrator, if any); and

"(2) instructional courses concerning personal financial management currently approved by the United States trustee (or the bankruptcy administrator, if any), as applicable.

"(b) The United States trustee (or bankruptcy administrator, if any) shall only approve a nonprofit budget and credit counseling agency or an instructional course concerning personal financial management as follows:

"(1) The United States trustee (or bankruptcy administrator, if any) shall have thoroughly reviewed the qualifications of the nonprofit budget and credit counseling agency or of the provider of the instructional course under the standards set forth in this section, and the services or instructional courses that will be offered by such agency or such provider, and may require such agency or such provider that has sought approval to provide information with respect to such review.

"(2) The United States trustee (or bankruptcy administrator, if any) shall have determined that such agency or such instructional course fully satisfies the applicable standards set forth in this section.

"(3) If a nonprofit budget and credit counseling agency or instructional course did not appear on the approved list for the district under subsection (a) immediately before approval under this section, approval under this subsection of such agency or such instructional course shall be for a probationary period not to exceed 6 months.

"(4) At the conclusion of the applicable probationary period under paragraph (3), the United States trustee (or bankruptcy administrator, if any) may only approve for an additional 1-year period, and for successive 1-year periods thereafter, an agency or instructional course that has demonstrated during the probationary or applicable subsequent period of approval that such agency or instructional course—

"(A) has met the standards set forth under this section during such period; and

"(B) can satisfy such standards in the future.

"(5) Not later than 30 days after any final decision under paragraph (4), an interested person may seek judicial review of such decision in the appropriate district court of the United States.

"(c)(1) The United States trustee (or the bankruptcy administrator, if any) shall only approve a nonprofit budget and credit counseling agency that demonstrates that it will provide qualified counselors, maintain adequate provision for safekeeping and payment of client funds, provide adequate counseling with respect to client credit problems, and deal responsibly and effectively with other matters relating to the quality, effectiveness, and financial security of the services it provides.

"(2) To be approved by the United States trustee (or the bankruptcy administrator, if any), a nonprofit budget and credit counseling agency shall, at a minimum—

"(A) have a board of directors the majority of which—

"(i) are not employed by such agency; and

"(ii) will not directly or indirectly benefit financially from the outcome of the counseling services provided by such agency;

"(B) if a fee is charged for counseling services, charge a reasonable fee, and provide services without regard to ability to pay the fee;

"(C) provide for safekeeping and payment of client funds, including an annual audit of the trust accounts and appropriate employee bonding;

"(D) provide full disclosures to a client, including funding sources, counselor qualifications, possible impact on credit reports, and any costs of such program that will be paid by such client and how such costs will be paid;

"(E) provide adequate counseling with respect to a client's credit problems that includes an analysis of such client's current financial condition, factors that caused such financial condition, and how such client can develop a plan to respond to the problems without incurring negative amortization of debt;

"(F) provide trained counselors who receive no commissions or bonuses based on the outcome of the counseling services provided by such agency, and who have adequate experience, and have been adequately trained to provide counseling services to individuals in financial difficulty, including the matters described in subparagraph (E);

"(G) demonstrate adequate experience and background in providing credit counseling; and

"(H) have adequate financial resources to provide continuing support services for budgeting plans over the life of any repayment plan.

"(d) The United States trustee (or the bankruptcy administrator, if any) shall only approve an instructional course concerning personal financial management—

"(1) for an initial probationary period under subsection (b)(3) if the course will provide at a minimum—

"(A) trained personnel with adequate experience and training in providing effective instruction and services;

"(B) learning materials and teaching methodologies designed to assist debtors in understanding personal financial management and that are consistent with stated objectives directly related to the goals of such instructional course;

"(C) adequate facilities situated in reasonably convenient locations at which such instructional course is offered, except that such facilities may include the provision of such instructional course by telephone or through the Internet, if such instructional course is effective;

"(D) the preparation and retention of reasonable records (which shall include the debtor's bankruptcy case number) to permit evaluation of the effectiveness of such instructional course, including any evaluation of satisfaction of instructional course requirements for each debtor attending such instructional course, which shall be available for inspection and evaluation by the Executive Office for United States Trustees, the United States trustee (or the bankruptcy administrator, if any), or the chief bankruptcy judge for the district in which such instructional course is offered; and

"(E) if a fee is charged for the instructional course, charge a reasonable fee, and provide services without regard to ability to pay the fee.

"(2) for any 1-year period if the provider thereof has demonstrated that the course meets the standards of paragraph (1) and, in addition—

"(A) has been effective in assisting a substantial number of debtors to understand personal financial management; and

"(B) is otherwise likely to increase substantially the debtor's understanding of personal financial management.

"(e) The district court may, at any time, investigate the qualifications of a nonprofit budget and credit counseling agency referred to in subsection (a), and request production of documents to ensure the integrity and effectiveness of such agency. The district court may, at any time, remove from the approved list under subsection (a) a nonprofit budget and credit counseling agency upon finding such agency does not meet the qualifications of subsection (b).

"(f) The United States trustee (or the bankruptcy administrator, if any) shall notify the clerk that a nonprofit budget and credit counseling agency or an instructional course is no longer approved, in which case the clerk shall remove it from the list maintained under subsection (a).

"(g)(1) No nonprofit budget and credit counseling agency may provide to a credit reporting agency information concerning whether a debtor has received or sought instruction concerning personal financial management from such agency.

"(2) A nonprofit budget and credit counseling agency that willfully or negligently fails to comply with any requirement under this title with respect to a debtor shall be liable for damages in an amount equal to the sum of—

"(A) any actual damages sustained by the debtor as a result of the violation; and

"(B) any court costs or reasonable attorneys' fees (as determined by the court) incurred in an action to recover those damages.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 1 of title 11, United States Code, is amended by adding at the end the following:

"111. Nonprofit budget and credit counseling agencies; financial management instructional courses.".

(f) LIMITATION.—Section 362 of title 11, United States Code, is amended by adding at the end the following:

"(i) If a case commenced under chapter 7, 11, or 13 is dismissed due to the creation of a debt repayment plan, for purposes of subsection (c)(3), any subsequent case commenced by the debtor under any such chapter shall not be presumed to be filed not in good faith.

"(j) On request of a party in interest, the court shall issue an order under subsection (c) confirming that the automatic stay has been terminated.".

SEC. 107. SCHEDULES OF REASONABLE AND NECESSARY EXPENSES.

For purposes of section 707(b) of title 11, United States Code, as amended by this Act, the Director of the Executive Office for United States Trustees shall, not later than 180 days after the date of enactment of this Act, issue schedules of reasonable and necessary administrative expenses of administering a chapter 13 plan for each judicial district of the United States.

TITLE II—ENHANCED CONSUMER PROTECTION

Subtitle A—Penalties for Abusive Creditor Practices

SEC. 201. PROMOTION OF ALTERNATIVE DISPUTE RESOLUTION.

(a) REDUCTION OF CLAIM.—Section 502 of title 11, United States Code, is amended by adding at the end the following:

"(k)(1) The court, on the motion of the debtor and after a hearing, may reduce a claim filed under this section based in whole on an unsecured consumer debt by not more than 20 percent of the claim, if—

"(A) the claim was filed by a creditor who unreasonably refused to negotiate a reasonable alternative repayment schedule proposed on behalf of the debtor by an approved nonprofit budget and credit counseling agency described in section 111;

"(B) the offer of the debtor under subparagraph (A)—

"(i) was made at least 60 days before the date of the filing of the petition; and

"(ii) provided for payment of at least 60 percent of the amount of the debt over a period not to exceed the repayment period of the loan, or a reasonable extension thereof; and

"(C) no part of the debt under the alternative repayment schedule is nondischargeable.

"(2) The debtor shall have the burden of proving, by clear and convincing evidence, that—

"(A) the creditor unreasonably refused to consider the debtor's proposal; and

"(B) the proposed alternative repayment schedule was made prior to expiration of the 60-day period specified in paragraph (1)(B)(i).".

(b) LIMITATION ON AVOIDABILITY.—Section 547 of title 11, United States Code, is amended by adding at the end the following:

"(h) The trustee may not avoid a transfer if such transfer was made as a part of an alternative repayment schedule between the debtor and any creditor of the debtor created by an approved nonprofit budget and credit counseling agency.".

SEC. 202. EFFECT OF DISCHARGE.

Section 524 of title 11, United States Code, is amended by adding at the end the following:

"(i) The willful failure of a creditor to credit payments received under a plan confirmed under this title, unless the order confirming the plan is revoked, the plan is in default, or the creditor has not received payments required to be made under the plan in the manner required by the plan (including crediting the amounts required under the plan), shall constitute a violation of an injunction under subsection (a)(2) if the act of the creditor to collect and failure to credit payments in the manner required by the plan caused material injury to the debtor.

"(j) Subsection (a)(2) does not operate as an injunction against an act by a creditor that is the holder of a secured claim, if—

"(1) such creditor retains a security interest in real property that is the principal residence of the debtor;

"(2) such act is in the ordinary course of business between the creditor and the debtor; and

"(3) such act is limited to seeking or obtaining periodic payments associated with a valid security interest in lieu of pursuit of in rem relief to enforce the lien.".

SEC. 203. DISCOURAGING ABUSE OF REAFFIRMATION AGREEMENT PRACTICES.

(a) IN GENERAL.—Section 524 of title 11, United States Code, as amended section 202, is amended—

(1) in subsection (c), by striking paragraph (2) and inserting the following:

"(2) the debtor received the disclosures described in subsection (k) at or before the time at which the debtor signed the agreement;"; and

(2) by adding at the end the following:

"(k)(1) The disclosures required under subsection (c)(2) shall consist of the disclosure statement described in paragraph (3), completed as required in that paragraph, together with the agreement specified in subsection (c), statement, declaration, motion and order described, respectively, in paragraphs (4) through (8), and shall be the only disclosures required in connection with entering into such agreement.

“(2) Disclosures made under paragraph (1) shall be made clearly and conspicuously and in writing. The terms ‘Amount Reaffirmed’ and ‘Annual Percentage Rate’ shall be disclosed more conspicuously than other terms, data or information provided in connection with this disclosure, except that the phrases ‘Before agreeing to reaffirm a debt, review these important disclosures’ and ‘Summary of Reaffirmation Agreement’ may be equally conspicuous. Disclosures may be made in a different order and may use terminology different from that set forth in paragraphs (2) through (8), except that the terms ‘Amount Reaffirmed’ and ‘Annual Percentage Rate’ must be used where indicated.

“(3) The disclosure statement required under this paragraph shall consist of the following:

“(A) The statement: ‘Part A: Before agreeing to reaffirm a debt, review these important disclosures:’;

“(B) Under the heading ‘Summary of Reaffirmation Agreement’, the statement: ‘This Summary is made pursuant to the requirements of the Bankruptcy Code’;

“(C) The ‘Amount Reaffirmed’, using that term, which shall be—

“(i) the total amount of debt that the debtor agrees to reaffirm by entering into an agreement of the kind specified in subsection (c), and

“(ii) the total of any fees and costs accrued as of the date of the disclosure statement, related to such total amount.

“(D) In conjunction with the disclosure of the ‘Amount Reaffirmed’, the statements—

“(i) ‘The amount of debt you have agreed to reaffirm’; and

“(ii) ‘Your credit agreement may obligate you to pay additional amounts which may come due after the date of this disclosure. Consult your credit agreement.’.

“(E) The ‘Annual Percentage Rate’, using that term, which shall be disclosed as—

“(i) if, at the time the petition is filed, the debt is an extension of credit under an open end credit plan, as the terms ‘credit’ and ‘open end credit plan’ are defined in section 103 of the Truth in Lending Act, then—

“(I) the annual percentage rate determined under paragraphs (5) and (6) of section 127(b) of the Truth in Lending Act, as applicable, as disclosed to the debtor in the most recent periodic statement prior to entering into an agreement of the kind specified in subsection (c) or, if no such periodic statement has been given to the debtor during the prior 6 months, the annual percentage rate as it would have been so disclosed at the time the disclosure statement is given to the debtor, or to the extent this annual percentage rate is not readily available or not applicable, then

“(II) the simple interest rate applicable to the amount reaffirmed as of the date the disclosure statement is given to the debtor, or if different simple interest rates apply to different balances, the simple interest rate applicable to each such balance, identifying the amount of each such balance included in the amount reaffirmed, or

“(III) if the entity making the disclosure elects, to disclose the annual percentage rate under subclause (I) and the simple interest rate under subclause (II); or

“(ii) if, at the time the petition is filed, the debt is an extension of credit other than under an open end credit plan, as the terms ‘credit’ and ‘open end credit plan’ are defined in section 103 of the Truth in Lending Act, then—

“(I) the annual percentage rate under section 128(a)(4) of the Truth in Lending Act, as disclosed to the debtor in the most recent disclosure statement given to the debtor prior to the entering into an agreement of the kind specified in subsection (c) with respect to the debt, or, if no such disclosure statement was given to the debtor, the annual percentage rate as it would have been so disclosed at the time the disclosure statement is given to the debtor, or to the extent this annual percentage rate is not readily available or not applicable, then

“(II) the simple interest rate applicable to the amount reaffirmed as of the date the disclosure statement is given to the debtor, or if different simple interest rates apply to different balances, the simple interest rate applicable to each such balance, identifying the amount of such balance included in the amount reaffirmed, or

“(III) if the entity making the disclosure elects, to disclose the annual percentage rate under (I) and the simple interest rate under (II).

“(F) If the underlying debt transaction was disclosed as a variable rate transaction on the most recent disclosure given under the Truth in Lending Act, by stating ‘The interest rate on your loan may be a variable interest rate which changes from time to time, so that the annual percentage rate disclosed here may be higher or lower.’.

“(G) If the debt is secured by a security interest which has not been waived in whole or in part or determined to be void by a final order of the court at the time of the disclosure, by disclosing that a security interest or lien in goods or property is asserted over some or all of the debts the debtor is reaffirming and listing the items and their original purchase price that are subject to the asserted security interest, or if not a purchase-money security interest then listing by items or types and the original amount of the loan.

“(H) At the election of the creditor, a statement of the repayment schedule using 1 or a combination of the following—

“(i) by making the statement: ‘Your first payment in the amount of $ is due on ______ but the future payment amount may be different. Consult your reaffirmation agreement or credit agreement, as applicable.’, and stating the amount of the first payment and the due date of that payment in the places provided;

“(ii) by making the statement: ‘Your payment schedule will be:’, and describing the repayment schedule with the number, amount, and due dates or period of payments scheduled to repay the debts reaffirmed to the extent then known by the disclosing party; or

“(iii) by describing the debtor’s repayment obligations with reasonable specificity to the extent then known by the disclosing party.

“(I) The following statement: ‘Note: When this disclosure refers to what a creditor “may” do, it does not use the word “may” to give the creditor specific permission. The word “may” is used to tell you what might occur if the law permits the creditor to take the action. If you have questions about your reaffirming a debt or what the law requires, consult with the attorney who helped you negotiate this agreement reaffirming a debt. If you don’t have an attorney helping you, the judge will explain the effect of your reaffirming a debt when the hearing on the reaffirmation agreement is held.’.

“(J)(i) The following additional statements:

“‘Reaffirming a debt is a serious financial decision. The law requires you to take certain steps to make sure the decision is in your best interest. If these steps are not completed, the reaffirmation agreement is not effective, even though you have signed it.

“‘1. Read the disclosures in this Part A carefully. Consider the decision to reaffirm carefully. Then, if you want to reaffirm, sign the reaffirmation agreement in Part B (or you may use a separate agreement you and your creditor agree on).

“‘2. Complete and sign Part D and be sure you can afford to make the payments you are agreeing to make and have received a copy of the disclosure statement and a completed and signed reaffirmation agreement.

“‘3. If you were represented by an attorney during the negotiation of your reaffirmation agreement, the attorney must have signed the certification in Part C.

“‘4. If you were not represented by an attorney during the negotiation of your reaffirmation agreement, you must have completed and signed Part E.

“‘5. The original of this disclosure must be filed with the court by you or your creditor. If a separate reaffirmation agreement (other than the one in Part B) has been signed, it must be attached.

“‘6. If you were represented by an attorney during the negotiation of your reaffirmation agreement, your reaffirmation agreement becomes effective upon filing with the court unless the reaffirmation is presumed to be an undue hardship as explained in Part D.

“‘7. If you were not represented by an attorney during the negotiation of your reaffirmation agreement, it will not be effective unless the court approves it. The court will notify you of the hearing on your reaffirmation agreement. You must attend this hearing in bankruptcy court where the judge will review your reaffirmation agreement. The bankruptcy court must approve your reaffirmation agreement as consistent with your best interests, except that no court approval is required if your reaffirmation agreement is for a consumer debt secured by a mortgage, deed of trust, security deed, or other lien on your real property, like your home.

“‘Your right to rescind (cancel) your reaffirmation agreement. You may rescind (cancel) your reaffirmation agreement at any time before the bankruptcy court enters a discharge order, or before the expiration of the 60-day period that begins on the date your reaffirmation agreement is filed with the court, whichever occurs later. To rescind (cancel) your reaffirmation agreement, you must notify the creditor that your reaffirmation agreement is rescinded (or canceled).

“‘What are your obligations if you reaffirm the debt? A reaffirmed debt remains your personal legal obligation. It is not discharged in your bankruptcy case. That means that if you default on your reaffirmed debt after your bankruptcy case is over, your creditor may be able to take your property or your wages. Otherwise, your obligations will be determined by the reaffirmation agreement which may have changed the terms of the original agreement. For example, if you are reaffirming an open end credit agreement, the creditor may be permitted by that agreement or applicable law to change the terms of that agreement in the future under certain conditions.

“‘Are you required to enter into a reaffirmation agreement by any law? No, you are not required to reaffirm a debt by any law. Only agree to reaffirm a debt if it is in your best interest. Be sure you can afford the payments you agree to make.

“‘What if your creditor has a security interest or lien? Your bankruptcy discharge does not eliminate any lien on your property. A "lien" is often referred to as a security interest, deed of trust, mortgage or security deed. Even if you do not reaffirm and your personal liability on the debt is discharged, because of the lien your creditor may still have the right to take the security property if you do not pay the debt or default on it. If the lien is on an item of personal property that is exempt under your State's law or that the trustee has abandoned, you may be able to redeem the item rather than reaffirm the debt. To redeem, you make a single payment to the creditor equal to the current value of the security property, as agreed by the parties or determined by the court.'.

"(ii) In the case of a reaffirmation under subsection (m)(2), numbered paragraph 6 in the disclosures required by clause (i) of this subparagraph shall read as follows:

"'6. If you were represented by an attorney during the negotiation of your reaffirmation agreement, your reaffirmation agreement becomes effective upon filing with the court.'.

"(4) The form of such agreement required under this paragraph shall consist of the following:

"'Part B: Reaffirmation Agreement. I (we) agree to reaffirm the debts arising under the credit agreement described below.

"'Brief description of credit agreement:

"'Description of any changes to the credit agreement made as part of this reaffirmation agreement:

"'Signature: Date:

"'Borrower:

"'Co-borrower, if also reaffirming these debts:

"'Accepted by creditor:

"'Date of creditor acceptance:'.

"(5) The declaration shall consist of the following:

"(A) The following certification:

"'Part C: Certification by Debtor's Attorney (If Any).

"'I hereby certify that (1) this agreement represents a fully informed and voluntary agreement by the debtor; (2) this agreement does not impose an undue hardship on the debtor or any dependent of the debtor; and (3) I have fully advised the debtor of the legal effect and consequences of this agreement and any default under this agreement.

"'Signature of Debtor's Attorney: Date:'.

"(B) If a presumption of undue hardship has been established with respect to such agreement, such certification shall state that in the opinion of the attorney, the debtor is able to make the payment.

"(C) In the case of a reaffirmation agreement under subsection (m)(2), subparagraph (B) is not applicable.

"(6)(A) The statement in support of such agreement, which the debtor shall sign and date prior to filing with the court, shall consist of the following:

"'Part D: Debtor's Statement in Support of Reaffirmation Agreement.

"'1. I believe this reaffirmation agreement will not impose an undue hardship on my dependents or me. I can afford to make the payments on the reaffirmed debt because my monthly income (take home pay plus any other income received) is $, and my actual current monthly expenses including monthly payments on post-bankruptcy debt and other reaffirmation agreements total $_____, leaving $_____ to make the required payments on this reaffirmed debt. I understand that if my income less my monthly expenses does not leave enough to make the payments, this reaffirmation agreement is presumed to be an undue hardship on me and must be reviewed by the court. However, this presumption may be overcome if I explain to the satisfaction of the court how I can afford to make the payments here:

"'2. I received a copy of the Reaffirmation Disclosure Statement in Part A and a completed and signed reaffirmation agreement.'.

"(B) Where the debtor is represented by an attorney and is reaffirming a debt owed to a creditor defined in section 19(b)(1)(A)(iv) of the Federal Reserve Act, the statement of support of the reaffirmation agreement, which the debtor shall sign and date prior to filing with the court, shall consist of the following:

"'I believe this reaffirmation agreement is in my financial interest. I can afford to make the payments on the reaffirmed debt. I received a copy of the Reaffirmation Disclosure Statement in Part A and a completed and signed reaffirmation agreement.'.

"(7) The motion that may be used if approval of such agreement by the court is required in order for it to be effective, shall be signed and dated by the movant and shall consist of the following:

"'Part E: Motion for Court Approval (To be completed only if the debtor is not represented by an attorney.). I (we), the debtor(s), affirm the following to be true and correct:

"'I am not represented by an attorney in connection with this reaffirmation agreement.

"'I believe this reaffirmation agreement is in my best interest based on the income and expenses I have disclosed in my Statement in Support of this reaffirmation agreement, and because (provide any additional relevant reasons the court should consider):

"'Therefore, I ask the court for an order approving this reaffirmation agreement.'.

"(8) The court order, which may be used to approve such agreement, shall consist of the following:

"'Court Order: The court grants the debtor's motion and approves the reaffirmation agreement described above.'.

"(l) Notwithstanding any other provision of this title the following shall apply:

"(1) A creditor may accept payments from a debtor before and after the filing of an agreement of the kind specified in subsection (c) with the court.

"(2) A creditor may accept payments from a debtor under such agreement that the creditor believes in good faith to be effective.

"(3) The requirements of subsections (c)(2) and (k) shall be satisfied if disclosures required under those subsections are given in good faith.

"(m)(1) Until 60 days after an agreement of the kind specified in subsection (c) is filed with the court (or such additional period as the court, after notice and a hearing and for cause, orders before the expiration of such period), it shall be presumed that such agreement is an undue hardship on the debtor if the debtor's monthly income less the debtor's monthly expenses as shown on the debtor's completed and signed statement in support of such agreement required under subsection (k)(6)(A) is less than the scheduled payments on the reaffirmed debt. This presumption shall be reviewed by the court. The presumption may be rebutted in writing by the debtor if the statement includes an explanation that identifies additional sources of funds to make the payments as agreed upon under the terms of such agreement. If the presumption is not rebutted to the satisfaction of the court, the court may disapprove such agreement. No agreement shall be disapproved without notice and a hearing to the debtor and creditor, and such hearing shall be concluded before the entry of the debtor's discharge.

"(2) This subsection does not apply to reaffirmation agreements where the creditor is a credit union, as defined in section 19(b)(1)(A)(iv) of the Federal Reserve Act.".

(b) LAW ENFORCEMENT.—

(1) IN GENERAL.—Chapter 9 of title 18, United States Code, is amended by adding at the end the following:

"§ 158. Designation of United States attorneys and agents of the Federal Bureau of Investigation to address abusive reaffirmations of debt and materially fraudulent statements in bankruptcy schedules

"(a) IN GENERAL.—The Attorney General of the United States shall designate the individuals described in subsection (b) to have primary responsibility in carrying out enforcement activities in addressing violations of section 152 or 157 relating to abusive reaffirmations of debt. In addition to addressing the violations referred to in the preceding sentence, the individuals described under subsection (b) shall address violations of section 152 or 157 relating to materially fraudulent statements in bankruptcy schedules that are intentionally false or intentionally misleading.

"(b) UNITED STATES ATTORNEYS AND AGENTS OF THE FEDERAL BUREAU OF INVESTIGATION.—The individuals referred to in subsection (a) are—

"(1) the United States attorney for each judicial district of the United States; and

"(2) an agent of the Federal Bureau of Investigation for each field office of the Federal Bureau of Investigation.

"(c) BANKRUPTCY INVESTIGATIONS.—Each United States attorney designated under this section shall, in addition to any other responsibilities, have primary responsibility for carrying out the duties of a United States attorney under section 3057.

"(d) BANKRUPTCY PROCEDURES.—The bankruptcy courts shall establish procedures for referring any case that may contain a materially fraudulent statement in a bankruptcy schedule to the individuals designated under this section.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 9 of title 18, United States Code, is amended by adding at the end the following:

"158. Designation of United States attorneys and agents of the Federal Bureau of Investigation to address abusive reaffirmations of debt and materially fraudulent statements in bankruptcy schedules.".

SEC. 204. PRESERVATION OF CLAIMS AND DEFENSES UPON SALE OF PREDATORY LOANS.

Section 363 of title 11, United States Code, is amended—

(1) by redesignating subsection (o) as subsection (p), and

(2) by inserting after subsection (n) the following:

"(o) Notwithstanding subsection (f), if a person purchases any interest in a consumer credit transaction that is subject to the Truth in Lending Act or any interest in a consumer credit contract (as defined in section 433.1 of title 16 of the Code of Federal Regulations (January 1, 2004), as amended from time to time), and if such interest is purchased through a sale under this section, then such person shall remain subject to all claims and defenses that are related to such consumer credit transaction or such consumer credit contract, to the same extent as such person would be subject to such claims and defenses of the consumer had such interest been purchased at a sale not under this section.".

SEC. 205. GAO STUDY AND REPORT ON REAFFIRMATION AGREEMENT PROCESS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of the reaffirmation agreement process that occurs under title 11 of the United States Code, to determine the overall treatment of consumers within the context of such process, and shall include in such study consideration of—

(1) the policies and activities of creditors with respect to reaffirmation agreements; and

(2) whether consumers are fully, fairly, and consistently informed of their rights pursuant to such title.

(b) REPORT TO THE CONGRESS.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to the President pro tempore of the Senate and the Speaker of the House of Representatives a report on the results of the study conducted under subsection (a), together with recommendations for legislation (if any) to address any abusive or coercive tactics found in connection with the reaffirmation agreement process that occurs under title 11 of the United States Code.

Subtitle B—Priority Child Support

SEC. 211. DEFINITION OF DOMESTIC SUPPORT OBLIGATION.

Section 101 of title 11, United States Code, is amended—

(1) by striking paragraph (12A); and

(2) by inserting after paragraph (14) the following:

"(14A) 'domestic support obligation' means a debt that accrues before, on, or after the date of the order for relief in a case under this title, including interest that accrues on that debt as provided under applicable nonbankruptcy law notwithstanding any other provision of this title, that is—

"(A) owed to or recoverable by—

"(i) a spouse, former spouse, or child of the debtor or such child's parent, legal guardian, or responsible relative; or

"(ii) a governmental unit;

"(B) in the nature of alimony, maintenance, or support (including assistance provided by a governmental unit) of such spouse, former spouse, or child of the debtor or such child's parent, without regard to whether such debt is expressly so designated;

"(C) established or subject to establishment before, on, or after the date of the order for relief in a case under this title, by reason of applicable provisions of—

"(i) a separation agreement, divorce decree, or property settlement agreement;

"(ii) an order of a court of record; or

"(iii) a determination made in accordance with applicable nonbankruptcy law by a governmental unit; and

"(D) not assigned to a nongovernmental entity, unless that obligation is assigned voluntarily by the spouse, former spouse, child of the debtor, or such child's parent, legal guardian, or responsible relative for the purpose of collecting the debt;".

SEC. 212. PRIORITIES FOR CLAIMS FOR DOMESTIC SUPPORT OBLIGATIONS.

Section 507(a) of title 11, United States Code, is amended—

(1) by striking paragraph (7);

(2) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively;

(3) in paragraph (2), as so redesignated, by striking "First" and inserting "Second";

(4) in paragraph (3), as so redesignated, by striking "Second" and inserting "Third";

(5) in paragraph (4), as so redesignated—

(A) by striking "Third" and inserting "Fourth"; and

(B) by striking the semicolon at the end and inserting a period;

(6) in paragraph (5), as so redesignated, by striking "Fourth" and inserting "Fifth";

(7) in paragraph (6), as so redesignated, by striking "Fifth" and inserting "Sixth";

(8) in paragraph (7), as so redesignated, by striking "Sixth" and inserting "Seventh"; and

(9) by inserting before paragraph (2), as so redesignated, the following:

"(1) First:

"(A) Allowed unsecured claims for domestic support obligations that, as of the date of the filing of the petition in a case under this title, are owed to or recoverable by a spouse, former spouse, or child of the debtor, or such child's parent, legal guardian, or responsible relative, without regard to whether the claim is filed by such person or is filed by a governmental unit on behalf of such person, on the condition that funds received under this paragraph by a governmental unit under this title after the date of the filing of the petition shall be applied and distributed in accordance with applicable nonbankruptcy law.

"(B) Subject to claims under subparagraph (A), allowed unsecured claims for domestic support obligations that, as of the date of the filing of the petition, are assigned by a spouse, former spouse, child of the debtor, or such child's parent, legal guardian, or responsible relative to a governmental unit (unless such obligation is assigned voluntarily by the spouse, former spouse, child, parent, legal guardian, or responsible relative of the child for the purpose of collecting the debt) or are owed directly to or recoverable by a governmental unit under applicable nonbankruptcy law, on the condition that funds received under this paragraph by a governmental unit under this title after the date of the filing of the petition be applied and distributed in accordance with applicable nonbankruptcy law.

"(C) If a trustee is appointed or elected under section 701, 702, 703, 1104, 1202, or 1302, the administrative expenses of the trustee allowed under paragraphs (1)(A), (2), and (6) of section 503(b) shall be paid before payment of claims under subparagraphs (A) and (B), to the extent that the trustee administers assets that are otherwise available for the payment of such claims.".

SEC. 213. REQUIREMENTS TO OBTAIN CONFIRMATION AND DISCHARGE IN CASES INVOLVING DOMESTIC SUPPORT OBLIGATIONS.

Title 11, United States Code, is amended—

(1) in section 1129(a), by adding at the end the following:

"(14) If the debtor is required by a judicial or administrative order, or by statute, to pay a domestic support obligation, the debtor has paid all amounts payable under such order or such statute for such obligation that first become payable after the date of the filing of the petition.";

(2) in section 1208(c)—

(A) in paragraph (8), by striking "or" at the end;

(B) in paragraph (9), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(10) failure of the debtor to pay any domestic support obligation that first becomes payable after the date of the filing of the petition.";

(3) in section 1222(a)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(4) notwithstanding any other provision of this section, a plan may provide for less than full payment of all amounts owed for a claim entitled to priority under section 507(a)(1)(B) only if the plan provides that all of the debtor's projected disposable income for a 5-year period beginning on the date that the first payment is due under the plan will be applied to make payments under the plan.";

(4) in section 1222(b)—

(A) in paragraph (10), by striking "and" at the end;

(B) by redesignating paragraph (11) as paragraph (12); and

(C) by inserting after paragraph (10) the following:

"(11) provide for the payment of interest accruing after the date of the filing of the petition on unsecured claims that are nondischargeable under section 1228(a), except that such interest may be paid only to the extent that the debtor has disposable income available to pay such interest after making provision for full payment of all allowed claims; and";

(5) in section 1225(a)—

(A) in paragraph (5), by striking "and" at the end;

(B) in paragraph (6), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(7) the debtor has paid all amounts that are required to be paid under a domestic support obligation and that first become payable after the date of the filing of the petition if the debtor is required by a judicial or administrative order, or by statute, to pay such domestic support obligation.";

(6) in section 1228(a), in the matter preceding paragraph (1), by inserting ", and in the case of a debtor who is required by a judicial or administrative order, or by statute, to pay a domestic support obligation, after such debtor certifies that all amounts payable under such order or such statute that are due on or before the date of the certification (including amounts due before the petition was filed, but only to the extent provided for by the plan) have been paid" after "completion by the debtor of all payments under the plan";

(7) in section 1307(c)—

(A) in paragraph (9), by striking "or" at the end;

(B) in paragraph (10), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(11) failure of the debtor to pay any domestic support obligation that first becomes payable after the date of the filing of the petition.";

(8) in section 1322(a)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(4) notwithstanding any other provision of this section, a plan may provide for less than full payment of all amounts owed for a claim entitled to priority under section 507(a)(1)(B) only if the plan provides that all of the debtor's projected disposable income for a 5-year period beginning on the date that the first payment is due under the plan will be applied to make payments under the plan.";

(9) in section 1322(b)—

(A) in paragraph (9), by striking "; and" and inserting a semicolon;

(B) by redesignating paragraph (10) as paragraph (11); and

(C) inserting after paragraph (9) the following:

"(10) provide for the payment of interest accruing after the date of the filing of the petition on unsecured claims that are nondischargeable under section 1328(a), except that such interest may be paid only to the extent that the debtor has disposable income available to pay such interest after making provision for full payment of all allowed claims; and";

(10) in section 1325(a), as amended by section 102, by inserting after paragraph (7) the following:

"(8) the debtor has paid all amounts that are required to be paid under a domestic support obligation and that first become payable after the date of the filing of the petition if the debtor is required by a judicial or administrative order, or by statute, to pay such domestic support obligation; and";

(11) in section 1328(a), in the matter preceding paragraph (1), by inserting ", and in the case of a debtor who is required by a judicial or administrative order, or by statute, to pay a domestic support obligation, after such debtor certifies that all amounts payable under such order or such statute that are due on or before the date of the certification (including amounts due before the petition was filed, but only to the extent provided for by the plan) have been paid" after "completion by the debtor of all payments under the plan".

SEC. 214. EXCEPTIONS TO AUTOMATIC STAY IN DOMESTIC SUPPORT OBLIGATION PROCEEDINGS.

Section 362(b) of title 11, United States Code, is amended by striking paragraph (2) and inserting the following:

"(2) under subsection (a)—

"(A) of the commencement or continuation of a civil action or proceeding—

"(i) for the establishment of paternity;

"(ii) for the establishment or modification of an order for domestic support obligations;

"(iii) concerning child custody or visitation;

"(iv) for the dissolution of a marriage, except to the extent that such proceeding seeks to determine the division of property that is property of the estate; or

"(v) regarding domestic violence;

"(B) of the collection of a domestic support obligation from property that is not property of the estate;

"(C) with respect to the withholding of income that is property of the estate or property of the debtor for payment of a domestic support obligation under a judicial or administrative order or a statute;

"(D) of the withholding, suspension, or restriction of a driver's license, a professional or occupational license, or a recreational license, under State law, as specified in section 466(a)(16) of the Social Security Act;

"(E) of the reporting of overdue support owed by a parent to any consumer reporting agency as specified in section 466(a)(7) of the Social Security Act;

"(F) of the interception of a tax refund, as specified in sections 464 and 466(a)(3) of the Social Security Act or under an analogous State law; or

"(G) of the enforcement of a medical obligation, as specified under title IV of the Social Security Act;".

SEC. 215. NONDISCHARGEABILITY OF CERTAIN DEBTS FOR ALIMONY, MAINTENANCE, AND SUPPORT.

Section 523 of title 11, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraph (5) and inserting the following:

"(5) for a domestic support obligation;"; and

(B) by striking paragraph (18);

(2) in subsection (c), by striking "(6), or (15)" each place it appears and inserting "or (6)"; and

(3) in paragraph (15), as added by Public Law 103–394 (108 Stat. 4133)—

(A) by inserting "to a spouse, former spouse, or child of the debtor and" before "not of the kind";

(B) by inserting "or" after "court of record,"; and

(C) by striking "unless—" and all that follows through the end of the paragraph and inserting a semicolon.

SEC. 216. CONTINUED LIABILITY OF PROPERTY.

Section 522 of title 11, United States Code, is amended—

(1) in subsection (c), by striking paragraph (1) and inserting the following:

"(1) a debt of a kind specified in paragraph (1) or (5) of section 523(a) (in which case, notwithstanding any provision of applicable nonbankruptcy law to the contrary, such property shall be liable for a debt of a kind specified in section 523(a)(5));";

(2) in subsection (f)(1)(A), by striking the dash and all that follows through the end of the subparagraph and inserting "of a kind that is specified in section 523(a)(5); or"; and

(3) in subsection (g)(2), by striking "subsection (f)(2)" and inserting "subsection (f)(1)(B)".

SEC. 217. PROTECTION OF DOMESTIC SUPPORT CLAIMS AGAINST PREFERENTIAL TRANSFER MOTIONS.

Section 547(c)(7) of title 11, United States Code, is amended to read as follows:

"(7) to the extent such transfer was a bona fide payment of a debt for a domestic support obligation;".

SEC. 218. DISPOSABLE INCOME DEFINED.

Section 1225(b)(2)(A) of title 11, United States Code, is amended by inserting "or for a domestic support obligation that first becomes payable after the date of the filing of the petition" after "dependent of the debtor".

SEC. 219. COLLECTION OF CHILD SUPPORT.

(a) DUTIES OF TRUSTEE UNDER CHAPTER 7.—Section 704 of title 11, United States Code, as amended by section 102, is amended—

(1) in subsection (a)—

(A) in paragraph (8), by striking "and" at the end;

(B) in paragraph (9), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

"(10) if with respect to the debtor there is a claim for a domestic support obligation, provide the applicable notice specified in subsection (c); and"; and

(2) by adding at the end the following:

"(c)(1) In a case described in subsection (a)(10) to which subsection (a)(10) applies, the trustee shall—

"(A)(i) provide written notice to the holder of the claim described in subsection (a)(10) of such claim and of the right of such holder to use the services of the State child support enforcement agency established under sections 464 and 466 of the Social Security Act for the State in which such holder resides, for assistance in collecting child support during and after the case under this title;

"(ii) include in the notice provided under clause (i) the address and telephone number of such State child support enforcement agency; and

"(iii) include in the notice provided under clause (i) an explanation of the rights of such holder to payment of such claim under this chapter;

"(B)(i) provide written notice to such State child support enforcement agency of such claim; and

"(ii) include in the notice provided under clause (i) the name, address, and telephone number of such holder; and

"(C) at such time as the debtor is granted a discharge under section 727, provide written notice to such holder and to such State child support enforcement agency of—

"(i) the granting of the discharge;

"(ii) the last recent known address of the debtor;

"(iii) the last recent known name and address of the debtor's employer; and

"(iv) the name of each creditor that holds a claim that—

"(I) is not discharged under paragraph (2), (4), or (14A) of section 523(a); or

"(II) was reaffirmed by the debtor under section 524(c).

"(2)(A) The holder of a claim described in subsection (a)(10) or the State child support enforcement agency of the State in which such holder resides may request from a creditor described in paragraph (1)(C)(iv) the last known address of the debtor.

"(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable by reason of making such disclosure.".

(b) DUTIES OF TRUSTEE UNDER CHAPTER 11.—Section 1106 of title 11, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (6), by striking "and" at the end;

(B) in paragraph (7), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(8) if with respect to the debtor there is a claim for a domestic support obligation, provide the applicable notice specified in subsection (c)."; and

(2) by adding at the end the following:

"(c)(1) In a case described in subsection (a)(8) to which subsection (a)(8) applies, the trustee shall—

"(A)(i) provide written notice to the holder of the claim described in subsection (a)(8) of such claim and of the right of such holder to use the services of the State child support enforcement agency established under sections 464 and 466 of the Social Security Act for the State in which such holder resides, for assistance in collecting child support during and after the case under this title; and

"(ii) include in the notice required by clause (i) the address and telephone number of such State child support enforcement agency;

"(B)(i) provide written notice to such State child support enforcement agency of such claim; and

"(ii) include in the notice required by clause (i) the name, address, and telephone number of such holder; and

"(C) at such time as the debtor is granted a discharge under section 1141, provide written notice to such holder and to such State child support enforcement agency of—

"(i) the granting of the discharge;

"(ii) the last recent known address of the debtor;

"(iii) the last recent known name and address of the debtor's employer; and

"(iv) the name of each creditor that holds a claim that—

"(I) is not discharged under paragraph (2), (4), or (14A) of section 523(a); or

"(II) was reaffirmed by the debtor under section 524(c).

"(2)(A) The holder of a claim described in subsection (a)(8) or the State child enforcement support agency of the State in which such holder resides may request from a creditor described in paragraph (1)(C)(iv) the last known address of the debtor.

"(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable by reason of making such disclosure.".

(c) Duties of Trustee Under Chapter 12.—Section 1202 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(6) if with respect to the debtor there is a claim for a domestic support obligation, provide the applicable notice specified in subsection (c)."; and

(2) by adding at the end the following:

"(c)(1) In a case described in subsection (b)(6) to which subsection (b)(6) applies, the trustee shall—

"(A)(i) provide written notice to the holder of the claim described in subsection (b)(6) of such claim and of the right of such holder to use the services of the State child support enforcement agency established under sections 464 and 466 of the Social Security Act for the State in which such holder resides, for assistance in collecting child support during and after the case under this title; and

"(ii) include in the notice provided under clause (i) the address and telephone number of such State child support enforcement agency;

"(B)(i) provide written notice to such State child support enforcement agency of such claim; and

"(ii) include in the notice provided under clause (i) the name, address, and telephone number of such holder; and

"(C) at such time as the debtor is granted a discharge under section 1228, provide written notice to such holder and to such State child support enforcement agency of—

"(i) the granting of the discharge;

"(ii) the last recent known address of the debtor;

"(iii) the last recent known name and address of the debtor's employer; and

"(iv) the name of each creditor that holds a claim that—

"(I) is not discharged under paragraph (2), (4), or (14A) of section 523(a); or

"(II) was reaffirmed by the debtor under section 524(c).

"(2)(A) The holder of a claim described in subsection (b)(6) or the State child support enforcement agency of the State in which such holder resides may request from a creditor described in paragraph (1)(C)(iv) the last known address of the debtor.

"(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable by reason of making that disclosure.".

(d) Duties of Trustee Under Chapter 13.—Section 1302 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(6) if with respect to the debtor there is a claim for a domestic support obligation, provide the applicable notice specified in subsection (d)."; and

(2) by adding at the end the following:

"(d)(1) In a case described in subsection (b)(6) to which subsection (b)(6) applies, the trustee shall—

"(A)(i) provide written notice to the holder of the claim described in subsection (b)(6) of such claim and of the right of such holder to use the services of the State child support enforcement agency established under sections 464 and 466 of the Social Security Act for the State in which such holder resides, for assistance in collecting child support during and after the case under this title; and

"(ii) include in the notice provided under clause (i) the address and telephone number of such State child support enforcement agency;

"(B)(i) provide written notice to such State child support enforcement agency of such claim; and

"(ii) include in the notice provided under clause (i) the name, address, and telephone number of such holder; and

"(C) at such time as the debtor is granted a discharge under section 1328, provide written notice to such holder and to such State child support enforcement agency of—

"(i) the granting of the discharge;

"(ii) the last recent known address of the debtor;

"(iii) the last recent known name and address of the debtor's employer; and

"(iv) the name of each creditor that holds a claim that—

"(I) is not discharged under paragraph (2) or (4) of section 523(a); or

"(II) was reaffirmed by the debtor under section 524(c).

"(2)(A) The holder of a claim described in subsection (b)(6) or the State child support enforcement agency of the State in which such holder resides may request from a creditor described in paragraph (1)(C)(iv) the last known address of the debtor.

"(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable by reason of making that disclosure.".

SEC. 220. NONDISCHARGEABILITY OF CERTAIN EDUCATIONAL BENEFITS AND LOANS.

Section 523(a) of title 11, United States Code, is amended by striking paragraph (8) and inserting the following:

"(8) unless excepting such debt from discharge under this paragraph would impose an undue hardship on the debtor and the debtor's dependents, for—

"(A)(i) an educational benefit overpayment or loan made, insured, or guaranteed by a governmental unit, or made under any program funded in whole or in part by a governmental unit or nonprofit institution; or

"(ii) an obligation to repay funds received as an educational benefit, scholarship, or stipend; or

"(B) any other educational loan that is a qualified education loan, as defined in section 221(d)(1) of the Internal Revenue Code of 1986, incurred by a debtor who is an individual;".

Subtitle C—Other Consumer Protections

SEC. 221. AMENDMENTS TO DISCOURAGE ABUSIVE BANKRUPTCY FILINGS.

Section 110 of title 11, United States Code, is amended—

(1) in subsection (a)(1), by striking "or an employee of an attorney" and inserting "for the debtor or an employee of such attorney under the direct supervision of such attorney";

(2) in subsection (b)—

(A) in paragraph (1), by adding at the end the following: "If a bankruptcy petition preparer is not an individual, then an officer, principal, responsible person, or partner of the bankruptcy petition preparer shall be required to—

"(A) sign the document for filing; and

"(B) print on the document the name and address of that officer, principal, responsible person, or partner."; and

(B) by striking paragraph (2) and inserting the following:

"(2)(A) Before preparing any document for filing or accepting any fees from a debtor, the bankruptcy petition preparer shall provide to the debtor a written notice which shall be on an official form prescribed by the Judicial Conference of the United States in accordance with rule 9009 of the Federal Rules of Bankruptcy Procedure.

"(B) The notice under subparagraph (A)—

"(i) shall inform the debtor in simple language that a bankruptcy petition preparer is not an attorney and may not practice law or give legal advice;

"(ii) may contain a description of examples of legal advice that a bankruptcy petition preparer is not authorized to give, in addition to any advice that the preparer may not give by reason of subsection (e)(2); and

"(iii) shall—

"(I) be signed by the debtor and, under penalty of perjury, by the bankruptcy petition preparer, and

"(II) be filed with any document for filing.";

(3) in subsection (c)—

(A) in paragraph (2)—

(i) by striking "(2) For purposes" and inserting "(2)(A) Subject to subparagraph (B), for purposes"; and

(ii) by adding at the end the following:

"(B) If a bankruptcy petition preparer is not an individual, the identifying number of the bankruptcy petition preparer shall be the Social Security account number of the officer, principal, responsible person, or partner of the bankruptcy petition preparer."; and

(B) by striking paragraph (3);

(4) in subsection (d)—

(A) by striking "(d)(1)" and inserting "(d)"; and

(B) by striking paragraph (2);

(5) in subsection (e)—

(A) by striking paragraph (2); and

(B) by adding at the end the following:

"(2)(A) A bankruptcy petition preparer may not offer a potential bankruptcy debtor any legal advice, including any legal advice described in subparagraph (B).

"(B) The legal advice referred to in subparagraph (A) includes advising the debtor—

"(i) whether—

"(I) to file a petition under this title; or

"(II) commencing a case under chapter 7, 11, 12, or 13 is appropriate;

"(ii) whether the debtor's debts will be discharged in a case under this title;

"(iii) whether the debtor will be able to retain the debtor's home, car, or other property after commencing a case under this title;

"(iv) concerning—

"(I) the tax consequences of a case brought under this title; or

"(II) the dischargeability of tax claims;

"(v) whether the debtor may or should promise to repay debts to a creditor or enter into a reaffirmation agreement with a creditor to reaffirm a debt;

"(vi) concerning how to characterize the nature of the debtor's interests in property or the debtor's debts; or

"(vii) concerning bankruptcy procedures and rights.";

(6) in subsection (f)—

(A) by striking "(f)(1)" and inserting "(f)"; and

(B) by striking paragraph (2);

(7) in subsection (g)—

(A) by striking "(g)(1)" and inserting "(g)"; and

(B) by striking paragraph (2);

(8) in subsection (h)—

(A) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(B) by inserting before paragraph (2), as so redesignated, the following:

"(1) The Supreme Court may promulgate rules under section 2075 of title 28, or the Judicial Conference of the United States may prescribe guidelines, for setting a maximum allowable fee chargeable by a bankruptcy petition preparer. A bankruptcy petition preparer shall notify the debtor of any such maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor.";

(C) in paragraph (2), as so redesignated—

(i) by striking "Within 10 days after the date of the filing of a petition, a bankruptcy petition preparer shall file a" and inserting "A";

(ii) by inserting "by the bankruptcy petition preparer shall be filed together with the petition," after "perjury"; and

(iii) by adding at the end the following: "If rules or guidelines setting a maximum fee for services have been promulgated or prescribed under paragraph (1), the declaration under this paragraph shall include a certification that the bankruptcy petition preparer complied with the notification requirement under paragraph (1).";

(D) by striking paragraph (3), as so redesignated, and inserting the following:

"(3)(A) The court shall disallow and order the immediate turnover to the bankruptcy trustee any fee referred to in paragraph (2) found to be in excess of the value of any services—

"(i) rendered by the bankruptcy petition preparer during the 12-month period immediately preceding the date of the filing of the petition; or

"(ii) found to be in violation of any rule or guideline promulgated or prescribed under paragraph (1).

"(B) All fees charged by a bankruptcy petition preparer may be forfeited in any case in which the bankruptcy petition preparer fails to comply with this subsection or subsection (b), (c), (d), (e), (f), or (g).

"(C) An individual may exempt any funds recovered under this paragraph under section 522(b)."; and

(E) in paragraph (4), as so redesignated, by striking "or the United States trustee" and inserting "the United States trustee (or the bankruptcy administrator, if any) or the court, on the initiative of the court,";

(9) in subsection (i)(1), by striking the matter preceding subparagraph (A) and inserting the following:

"(i)(1) If a bankruptcy petition preparer violates this section or commits any act that the court finds to be fraudulent, unfair, or deceptive, on the motion of the debtor, trustee, United States trustee (or the bankruptcy administrator, if any), and after notice and a hearing, the court shall order the bankruptcy petition preparer to pay to the debtor—";

(10) in subsection (j)—

(A) in paragraph (2)—

(i) in subparagraph (A)(i)(I), by striking "a violation of which subjects a person to criminal penalty";

(ii) in subparagraph (B)—

(I) by striking "or has not paid a penalty" and inserting "has not paid a penalty"; and

(II) by inserting "or failed to disgorge all fees ordered by the court" after "a penalty imposed under this section,";

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

"(3) The court, as part of its contempt power, may enjoin a bankruptcy petition preparer that has failed to comply with a previous order issued under this section. The injunction under this paragraph may be issued on the motion of the court, the trustee, or the United States trustee (or the bankruptcy administrator, if any)."; and

(11) by adding at the end the following:

"(l)(1) A bankruptcy petition preparer who fails to comply with any provision of subsection (b), (c), (d), (e), (f), (g), or (h) may be fined not more than $500 for each such failure.

"(2) The court shall triple the amount of a fine assessed under paragraph (1) in any case in which the court finds that a bankruptcy petition preparer—

"(A) advised the debtor to exclude assets or income that should have been included on applicable schedules;

"(B) advised the debtor to use a false Social Security account number;

"(C) failed to inform the debtor that the debtor was filing for relief under this title; or

"(D) prepared a document for filing in a manner that failed to disclose the identity of the bankruptcy petition preparer.

"(3) A debtor, trustee, creditor, or United States trustee (or the bankruptcy administrator, if any) may file a motion for an order imposing a fine on the bankruptcy petition preparer for any violation of this section.

"(4)(A) Fines imposed under this subsection in judicial districts served by United States trustees shall be paid to the United States trustee, who shall deposit an amount equal to such fines in a special account of the United States Trustee System Fund referred to in section 586(e)(2) of title 28. Amounts deposited under this subparagraph shall be available to fund the enforcement of this section on a national basis.

"(B) Fines imposed under this subsection in judicial districts served by bankruptcy administrators shall be deposited as offsetting receipts to the fund established under section 1931 of title 28, and shall remain available until expended to reimburse any appropriation for the amount paid out of such appropriation for expenses of the operation and maintenance of the courts of the United States.".

SEC. 222. SENSE OF CONGRESS.

It is the sense of Congress that States should develop curricula relating to the subject of personal finance, designed for use in elementary and secondary schools.

SEC. 223. ADDITIONAL AMENDMENTS TO TITLE 11, UNITED STATES CODE.

Section 507(a) of title 11, United States Code, as amended by section 212, is amended by inserting after paragraph (9) the following:

"(10) Tenth, allowed claims for death or personal injury resulting from the operation of a motor vehicle or vessel if such operation was unlawful because the debtor was intoxicated from using alcohol, a drug, or another substance.".

SEC. 224. PROTECTION OF RETIREMENT SAVINGS IN BANKRUPTCY.

(a) IN GENERAL.—Section 522 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking "and" at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting "; and";

(iii) by adding at the end the following:

"(C) retirement funds to the extent that those funds are in a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986."; and

(iv) by striking "(2)(A) any property" and inserting:

"(3) Property listed in this paragraph is—

"(A) any property";

(B) by striking paragraph (1) and inserting:

"(2) Property listed in this paragraph is property that is specified under subsection (d), unless the State law that is applicable to the debtor under paragraph (3)(A) specifically does not so authorize.";

(C) by striking "(b) Notwithstanding" and inserting "(b)(1) Notwithstanding";

(D) by striking "paragraph (2)" each place it appears and inserting "paragraph (3)";

(E) by striking "paragraph (1)" each place it appears and inserting "paragraph (2)";

(F) by striking "Such property is—"; and

(G) by adding at the end the following:

"(4) For purposes of paragraph (3)(C) and subsection (d)(12), the following shall apply:

"(A) If the retirement funds are in a retirement fund that has received a favorable determination under section 7805 of the Internal Revenue Code of 1986, and that determination is in effect as of the date of the filing of the petition in a case under this title, those funds shall be presumed to be exempt from the estate.

"(B) If the retirement funds are in a retirement fund that has not received a favorable determination under such section 7805, those funds are exempt from the estate if the debtor demonstrates that—

"(i) no prior determination to the contrary has been made by a court or the Internal Revenue Service; and

"(ii)(I) the retirement fund is in substantial compliance with the applicable requirements of the Internal Revenue Code of 1986; or

"(II) the retirement fund fails to be in substantial compliance with the applicable requirements of the Internal Revenue Code of 1986 and the debtor is not materially responsible for that failure.

"(C) A direct transfer of retirement funds from 1 fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986, under section 401(a)(31) of the Internal Revenue Code of 1986, or otherwise, shall not cease to qualify for exemption under paragraph (3)(C) or subsection (d)(12) by reason of such direct transfer.

“(D)(i) Any distribution that qualifies as an eligible rollover distribution within the meaning of section 402(c) of the Internal Revenue Code of 1986 or that is described in clause (ii) shall not cease to qualify for exemption under paragraph (3)(C) or subsection (d)(12) by reason of such distribution.

“(ii) A distribution described in this clause is an amount that—

“(I) has been distributed from a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986; and

“(II) to the extent allowed by law, is deposited in such a fund or account not later than 60 days after the distribution of such amount.”; and

(2) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking “subsection (b)(1)” and inserting “subsection (b)(2)”; and

(B) by adding at the end the following:

“(12) Retirement funds to the extent that those funds are in a fund or account that is exempt from taxation under section 401, 403, 408 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986.”.

(b) Automatic Stay.—Section 362(b) of title 11, United States Code, is amended—

(1) in paragraph (17), by striking “or” at the end;

(2) in paragraph (18), by striking the period and inserting a semicolon; and

(3) by inserting after paragraph (18) the following:

“(19) under subsection (a), of withholding of income from a debtor's wages and collection of amounts withheld, under the debtor's agreement authorizing that withholding and collection for the benefit of a pension, profit-sharing, stock bonus, or other plan established under section 401, 403, 408, 408A, 414, 457, or 501(c) of the Internal Revenue Code of 1986, that is sponsored by the employer of the debtor, or an affiliate, successor, or predecessor of such employer—

“(A) to the extent that the amounts withheld and collected are used solely for payments relating to a loan from a plan under section 408(b)(1) of the Employee Retirement Income Security Act of 1974 or is subject to section 72(p) of the Internal Revenue Code of 1986; or

“(B) a loan from a thrift savings plan permitted under subchapter III of chapter 84 of title 5, that satisfies the requirements of section 8433(g) of such title;

but nothing in this paragraph may be construed to provide that any loan made under a governmental plan under section 414(d), or a contract or account under section 403(b), of the Internal Revenue Code of 1986 constitutes a claim or a debt under this title;”.

(c) Exceptions To Discharge.—Section 523(a) of title 11, United States Code, as amended by section 215, is amended by inserting after paragraph (17) the following:

“(18) owed to a pension, profit-sharing, stock bonus, or other plan established under section 401, 403, 408, 408A, 414, 457, or 501(c) of the Internal Revenue Code of 1986, under—

“(A) a loan permitted under section 408(b)(1) of the Employee Retirement Income Security Act of 1974, or subject to section 72(p) of the Internal Revenue Code of 1986; or

“(B) a loan from a thrift savings plan permitted under subchapter III of chapter 84 of title 5, that satisfies the requirements of section 8433(g) of such title;

but nothing in this paragraph may be construed to provide that any loan made under a governmental plan under section 414(d), or a contract or account under section 403(b), of the Internal Revenue Code of 1986 constitutes a claim or a debt under this title; or”.

(d) Plan Contents.—Section 1322 of title 11, United States Code, is amended by adding at the end the following:

“(f) A plan may not materially alter the terms of a loan described in section 362(b)(19) and any amounts required to repay such loan shall not constitute ‘disposable income’ under section 1325.”.

(e) Asset Limitation.—

(1) Limitation.—Section 522 of title 11, United States Code, is amended by adding at the end the following:

“(n) For assets in individual retirement accounts described in section 408 or 408A of the Internal Revenue Code of 1986, other than a simplified employee pension under section 408(k) of such Code or a simple retirement account under section 408(p) of such Code, the aggregate value of such assets exempted under this section, without regard to amounts attributable to rollover contributions under section 402(c), 402(e)(6), 403(a)(4), 403(a)(5), and 403(b)(8) of the Internal Revenue Code of 1986, and earnings thereon, shall not exceed $1,000,000 in a case filed by a debtor who is an individual, except that such amount may be increased if the interests of justice so require.”.

(2) Adjustment of Dollar Amounts.—Paragraphs (1) and (2) of section 104(b) of title 11, United States Code, are amended by inserting “522(n),” after “522(d),”.

SEC. 225. PROTECTION OF EDUCATION SAVINGS IN BANKRUPTCY.

(a) Exclusions.—Section 541 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking “or” at the end;

(B) by redesignating paragraph (5) as paragraph (9); and

(C) by inserting after paragraph (4) the following:

“(5) funds placed in an education individual retirement account (as defined in section 530(b)(1) of the Internal Revenue Code of 1986) not later than 365 days before the date of the filing of the petition in a case under this title, but—

“(A) only if the designated beneficiary of such account was a child, stepchild, grandchild, or stepgrandchild of the debtor for the taxable year for which funds were placed in such account;

“(B) only to the extent that such funds—

“(i) are not pledged or promised to any entity in connection with any extension of credit; and

“(ii) are not excess contributions (as described in section 4973(e) of the Internal Revenue Code of 1986); and

“(C) in the case of funds placed in all such accounts having the same designated beneficiary not earlier than 720 days nor later than 365 days before such date, only so much of such funds as does not exceed $5,000;

“(6) funds used to purchase a tuition credit or certificate or contributed to an account in accordance with section 529(b)(1)(A) of the Internal Revenue Code of 1986 under a qualified State tuition program (as defined in section 529(b)(1) of such Code) not later than 365 days before the date of the filing of the petition in a case under this title, but—

“(A) only if the designated beneficiary of the amounts paid or contributed to such tuition program was a child, stepchild, grandchild, or stepgrandchild of the debtor for the taxable year for which funds were paid or contributed;

“(B) with respect to the aggregate amount paid or contributed to such program having the same designated beneficiary, only so much of such amount as does not exceed the total contributions permitted under section 529(b)(7) of such Code with respect to such beneficiary, as adjusted beginning on the date of the filing of the petition in a case under this title by the annual increase or decrease (rounded to the nearest tenth of 1 percent) in the education expenditure category of the Consumer Price Index prepared by the Department of Labor; and

“(C) in the case of funds paid or contributed to such program having the same designated beneficiary not earlier than 720 days nor later than 365 days before such date, only so much of such funds as does not exceed $5,000;”; and

(2) by adding at the end the following:

“(e) In determining whether any of the relationships specified in paragraph (5)(A) or (6)(A) of subsection (b) exists, a legally adopted child of an individual (and a child who is a member of an individual's household, if placed with such individual by an authorized placement agency for legal adoption by such individual), or a foster child of an individual (if such child has as the child's principal place of abode the home of the debtor and is a member of the debtor's household) shall be treated as a child of such individual by blood.”.

(b) Debtor's Duties.—Section 521 of title 11, United States Code, as amended by section 106, is amended by adding at the end the following:

“(c) In addition to meeting the requirements under subsection (a), a debtor shall file with the court a record of any interest that a debtor has in an education individual retirement account (as defined in section 530(b)(1) of the Internal Revenue Code of 1986) or under a qualified State tuition program (as defined in section 529(b)(1) of such Code).”.

SEC. 226. DEFINITIONS.

(a) Definitions.—Section 101 of title 11, United States Code, is amended—

(1) by inserting after paragraph (2) the following:

“(3) ‘assisted person’ means any person whose debts consist primarily of consumer debts and the value of whose nonexempt property is less than $150,000;”;

(2) by inserting after paragraph (4) the following:

“(4A) ‘bankruptcy assistance’ means any goods or services sold or otherwise provided to an assisted person with the express or implied purpose of providing information, advice, counsel, document preparation, or filing, or attendance at a creditors' meeting or appearing in a case or proceeding on behalf of another or providing legal representation with respect to a case or proceeding under this title;”; and

(3) by inserting after paragraph (12) the following:

“(12A) ‘debt relief agency’ means any person who provides any bankruptcy assistance to an assisted person in return for the payment of money or other valuable consideration, or who is a bankruptcy petition preparer under section 110, but does not include—

“(A) any person who is an officer, director, employee, or agent of a person who provides such assistance or of the bankruptcy petition preparer;

“(B) a nonprofit organization that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986;

“(C) a creditor of such assisted person, to the extent that the creditor is assisting such assisted person to restructure any debt owed by such assisted person to the creditor;

"(D) a depository institution (as defined in section 3 of the Federal Deposit Insurance Act) or any Federal credit union or State credit union (as those terms are defined in section 101 of the Federal Credit Union Act), or any affiliate or subsidiary of such depository institution or credit union; or

"(E) an author, publisher, distributor, or seller of works subject to copyright protection under title 17, when acting in such capacity.".

(b) CONFORMING AMENDMENT.—Section 104(b) of title 11, United States Code, is amended by inserting "101(3)," after "sections" each place it appears.

SEC. 227. RESTRICTIONS ON DEBT RELIEF AGENCIES.

(a) ENFORCEMENT.—Subchapter II of chapter 5 of title 11, United States Code, is amended by adding at the end the following:

"§ 526. Restrictions on debt relief agencies

"(a) A debt relief agency shall not—

"(1) fail to perform any service that such agency informed an assisted person or prospective assisted person it would provide in connection with a case or proceeding under this title;

"(2) make any statement, or counsel or advise any assisted person or prospective assisted person to make a statement in a document filed in a case or proceeding under this title, that is untrue and misleading, or that upon the exercise of reasonable care, should have been known by such agency to be untrue or misleading;

"(3) misrepresent to any assisted person or prospective assisted person, directly or indirectly, affirmatively or by material omission, with respect to—

"(A) the services that such agency will provide to such person; or

"(B) the benefits and risks that may result if such person becomes a debtor in a case under this title; or

"(4) advise an assisted person or prospective assisted person to incur more debt in contemplation of such person filing a case under this title or to pay an attorney or bankruptcy petition preparer fee or charge for services performed as part of preparing for or representing a debtor in a case under this title.

"(b) Any waiver by any assisted person of any protection or right provided under this section shall not be enforceable against the debtor by any Federal or State court or any other person, but may be enforced against a debt relief agency.

"(c)(1) Any contract for bankruptcy assistance between a debt relief agency and an assisted person that does not comply with the material requirements of this section, section 527, or section 528 shall be void and may not be enforced by any Federal or State court or by any other person, other than such assisted person.

"(2) Any debt relief agency shall be liable to an assisted person in the amount of any fees or charges in connection with providing bankruptcy assistance to such person that such debt relief agency has received, for actual damages, and for reasonable attorneys' fees and costs if such agency is found, after notice and a hearing, to have—

"(A) intentionally or negligently failed to comply with any provision of this section, section 527, or section 528 with respect to a case or proceeding under this title for such assisted person;

"(B) provided bankruptcy assistance to an assisted person in a case or proceeding under this title that is dismissed or converted to a case under another chapter of this title because of such agency's intentional or negligent failure to file any required document including those specified in section 521; or

"(C) intentionally or negligently disregarded the material requirements of this title or the Federal Rules of Bankruptcy Procedure applicable to such agency.

"(3) In addition to such other remedies as are provided under State law, whenever the chief law enforcement officer of a State, or an official or agency designated by a State, has reason to believe that any person has violated or is violating this section, the State—

"(A) may bring an action to enjoin such violation;

"(B) may bring an action on behalf of its residents to recover the actual damages of assisted persons arising from such violation, including any liability under paragraph (2); and

"(C) in the case of any successful action under subparagraph (A) or (B), shall be awarded the costs of the action and reasonable attorneys' fees as determined by the court.

"(4) The district courts of the United States for districts located in the State shall have concurrent jurisdiction of any action under subparagraph (A) or (B) of paragraph (3).

"(5) Notwithstanding any other provision of Federal law and in addition to any other remedy provided under Federal or State law, if the court, on its own motion or on the motion of the United States trustee or the debtor, finds that a person intentionally violated this section, or engaged in a clear and consistent pattern or practice of violating this section, the court may—

"(A) enjoin the violation of such section; or

"(B) impose an appropriate civil penalty against such person.

"(d) No provision of this section, section 527, or section 528 shall—

"(1) annul, alter, affect, or exempt any person subject to such sections from complying with any law of any State except to the extent that such law is inconsistent with those sections, and then only to the extent of the inconsistency; or

"(2) be deemed to limit or curtail the authority or ability—

"(A) of a State or subdivision or instrumentality thereof, to determine and enforce qualifications for the practice of law under the laws of that State; or

"(B) of a Federal court to determine and enforce the qualifications for the practice of law before that court.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, is amended by inserting after the item relating to section 525, the following:

"526. Restrictions on debt relief agencies.".

SEC. 228. DISCLOSURES.

(a) DISCLOSURES.—Subchapter II of chapter 5 of title 11, United States Code, as amended by section 227, is amended by adding at the end the following:

"§ 527. Disclosures

"(a) A debt relief agency providing bankruptcy assistance to an assisted person shall provide—

"(1) the written notice required under section 342(b)(1); and

"(2) to the extent not covered in the written notice described in paragraph (1), and not later than 3 business days after the first date on which a debt relief agency first offers to provide any bankruptcy assistance services to an assisted person, a clear and conspicuous written notice advising assisted persons that—

"(A) all information that the assisted person is required to provide with a petition and thereafter during a case under this title is required to be complete, accurate, and truthful;

"(B) all assets and all liabilities are required to be completely and accurately disclosed in the documents filed to commence the case, and the replacement value of each asset as defined in section 506 must be stated in those documents where requested after reasonable inquiry to establish such value;

"(C) current monthly income, the amounts specified in section 707(b)(2), and, in a case under chapter 13 of this title, disposable income (determined in accordance with section 707(b)(2)), are required to be stated after reasonable inquiry; and

"(D) information that an assisted person provides during their case may be audited pursuant to this title, and that failure to provide such information may result in dismissal of the case under this title or other sanction, including a criminal sanction.

"(b) A debt relief agency providing bankruptcy assistance to an assisted person shall provide each assisted person at the same time as the notices required under subsection (a)(1) the following statement, to the extent applicable, or one substantially similar. The statement shall be clear and conspicuous and shall be in a single document separate from other documents or notices provided to the assisted person:

"'IMPORTANT INFORMATION ABOUT BANKRUPTCY ASSISTANCE SERVICES FROM AN ATTORNEY OR BANKRUPTCY PETITION PREPARER.

"'If you decide to seek bankruptcy relief, you can represent yourself, you can hire an attorney to represent you, or you can get help in some localities from a bankruptcy petition preparer who is not an attorney. THE LAW REQUIRES AN ATTORNEY OR BANKRUPTCY PETITION PREPARER TO GIVE YOU A WRITTEN CONTRACT SPECIFYING WHAT THE ATTORNEY OR BANKRUPTCY PETITION PREPARER WILL DO FOR YOU AND HOW MUCH IT WILL COST. Ask to see the contract before you hire anyone.

"'The following information helps you understand what must be done in a routine bankruptcy case to help you evaluate how much service you need. Although bankruptcy can be complex, many cases are routine.

"'Before filing a bankruptcy case, either you or your attorney should analyze your eligibility for different forms of debt relief available under the Bankruptcy Code and which form of relief is most likely to be beneficial for you. Be sure you understand the relief you can obtain and its limitations. To file a bankruptcy case, documents called a Petition, Schedules and Statement of Financial Affairs, as well as in some cases a Statement of Intention need to be prepared correctly and filed with the bankruptcy court. You will have to pay a filing fee to the bankruptcy court. Once your case starts, you will have to attend the required first meeting of creditors where you may be questioned by a court official called a 'trustee' and by creditors.

"'If you choose to file a chapter 7 case, you may be asked by a creditor to reaffirm a debt. You may want help deciding whether to do so. A creditor is not permitted to coerce you into reaffirming your debts.

"'If you choose to file a chapter 13 case in which you repay your creditors what you can afford over 3 to 5 years, you may also want help with preparing your chapter 13 plan and with the confirmation hearing on your plan which will be before a bankruptcy judge.

“ ‘If you select another type of relief under the Bankruptcy Code other than chapter 7 or chapter 13, you will want to find out what should be done from someone familiar with that type of relief.

“ ‘Your bankruptcy case may also involve litigation. You are generally permitted to represent yourself in litigation in bankruptcy court, but only attorneys, not bankruptcy petition preparers, can give you legal advice.’.

“(c) Except to the extent the debt relief agency provides the required information itself after reasonably diligent inquiry of the assisted person or others so as to obtain such information reasonably accurately for inclusion on the petition, schedules or statement of financial affairs, a debt relief agency providing bankruptcy assistance to an assisted person, to the extent permitted by nonbankruptcy law, shall provide each assisted person at the time required for the notice required under subsection (a)(1) reasonably sufficient information (which shall be provided in a clear and conspicuous writing) to the assisted person on how to provide all the information the assisted person is required to provide under this title pursuant to section 521, including—

“(1) how to value assets at replacement value, determine current monthly income, the amounts specified in section 707(b)(2) and, in a chapter 13 case, how to determine disposable income in accordance with section 707(b)(2) and related calculations;

“(2) how to complete the list of creditors, including how to determine what amount is owed and what address for the creditor should be shown; and

“(3) how to determine what property is exempt and how to value exempt property at replacement value as defined in section 506.

“(d) A debt relief agency shall maintain a copy of the notices required under subsection (a) of this section for 2 years after the date on which the notice is given the assisted person.”.

(b) Conforming Amendment.—The table of sections for chapter 5 of title 11, United States Code, as amended by section 227, is amended by inserting after the item relating to section 526 the following:

“527. Disclosures.”.

SEC. 229. REQUIREMENTS FOR DEBT RELIEF AGENCIES.

(a) Enforcement.—Subchapter II of chapter 5 of title 11, United States Code, as amended by sections 227 and 228, is amended by adding at the end the following:

“§ 528. Requirements for debt relief agencies

“(a) A debt relief agency shall—

“(1) not later than 5 business days after the first date on which such agency provides any bankruptcy assistance services to an assisted person, but prior to such assisted person's petition under this title being filed, execute a written contract with such assisted person that explains clearly and conspicuously—

“(A) the services such agency will provide to such assisted person; and

“(B) the fees or charges for such services, and the terms of payment;

“(2) provide the assisted person with a copy of the fully executed and completed contract;

“(3) clearly and conspicuously disclose in any advertisement of bankruptcy assistance services or of the benefits of bankruptcy directed to the general public (whether in general media, seminars or specific mailings, telephonic or electronic messages, or otherwise) that the services or benefits are with respect to bankruptcy relief under this title; and

“(4) clearly and conspicuously use the following statement in such advertisement: ‘We are a debt relief agency. We help people file for bankruptcy relief under the Bankruptcy Code.’ or a substantially similar statement.

“(b)(1) An advertisement of bankruptcy assistance services or of the benefits of bankruptcy directed to the general public includes—

“(A) descriptions of bankruptcy assistance in connection with a chapter 13 plan whether or not chapter 13 is specifically mentioned in such advertisement; and

“(B) statements such as ‘federally supervised repayment plan’ or ‘Federal debt restructuring help’ or other similar statements that could lead a reasonable consumer to believe that debt counseling was being offered when in fact the services were directed to providing bankruptcy assistance with a chapter 13 plan or other form of bankruptcy relief under this title.

“(2) An advertisement, directed to the general public, indicating that the debt relief agency provides assistance with respect to credit defaults, mortgage foreclosures, eviction proceedings, excessive debt, debt collection pressure, or inability to pay any consumer debt shall—

“(A) disclose clearly and conspicuously in such advertisement that the assistance may involve bankruptcy relief under this title; and

“(B) include the following statement: ‘We are a debt relief agency. We help people file for bankruptcy relief under the Bankruptcy Code.’ or a substantially similar statement.”.

(b) Conforming Amendment.—The table of sections for chapter 5 of title 11, United States Code, as amended by section 227 and 228, is amended by inserting after the item relating to section 527, the following:

“528. Requirements for debt relief agencies.”.

SEC. 230. GAO STUDY.

(a) Study.—Not later than 270 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study of the feasibility, effectiveness, and cost of requiring trustees appointed under title 11, United States Code, or the bankruptcy courts, to provide to the Office of Child Support Enforcement promptly after the commencement of cases by debtors who are individuals under such title, the names and social security account numbers of such debtors for the purposes of allowing such Office to determine whether such debtors have outstanding obligations for child support (as determined on the basis of information in the Federal Case Registry or other national database).

(b) Report.—Not later than 300 days after the date of enactment of this Act, the Comptroller General shall submit to the President pro tempore of the Senate and the Speaker of the House of Representatives a report containing the results of the study required by subsection (a).

SEC. 231. PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION.

(a) Limitation.—Section 363(b)(1) of title 11, United States Code, is amended by striking the period at the end and inserting the following:

“, except that if the debtor in connection with offering a product or a service discloses to an individual a policy prohibiting the transfer of personally identifiable information about individuals to persons that are not affiliated with the debtor and if such policy is in effect on the date of the commencement of the case, then the trustee may not sell or lease personally identifiable information to any person unless—

“(A) such sale or such lease is consistent with such policy; or

“(B) after appointment of a consumer privacy ombudsman in accordance with section 332, and after notice and a hearing, the court approves such sale or such lease—

“(i) giving due consideration to the facts, circumstances, and conditions of such sale or such lease; and

“(ii) finding that no showing was made that such sale or such lease would violate applicable nonbankruptcy law.”.

(b) Definition.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (41) the following:

“(41A) ‘personally identifiable information’ means—

“(A) if provided by an individual to the debtor in connection with obtaining a product or a service from the debtor primarily for personal, family, or household purposes—

“(i) the first name (or initial) and last name of such individual, whether given at birth or time of adoption, or resulting from a lawful change of name;

“(ii) the geographical address of a physical place of residence of such individual;

“(iii) an electronic address (including an e-mail address) of such individual;

“(iv) a telephone number dedicated to contacting such individual at such physical place of residence;

“(v) a social security account number issued to such individual; or

“(vi) the account number of a credit card issued to such individual; or

“(B) if identified in connection with 1 or more of the items of information specified in subparagraph (A)—

“(i) a birth date, the number of a certificate of birth or adoption, or a place of birth; or

“(ii) any other information concerning an identified individual that, if disclosed, will result in contacting or identifying such individual physically or electronically;”.

SEC. 232. CONSUMER PRIVACY OMBUDSMAN.

(a) Consumer Privacy Ombudsman.—Title 11 of the United States Code is amended by inserting after section 331 the following:

“§ 332. Consumer privacy ombudsman

“(a) If a hearing is required under section 363(b)(1)(B), the court shall order the United States trustee to appoint, not later than 5 days before the commencement of the hearing, 1 disinterested person (other than the United States trustee) to serve as the consumer privacy ombudsman in the case and shall require that notice of such hearing be timely given to such ombudsman.

“(b) The consumer privacy ombudsman may appear and be heard at such hearing and shall provide to the court information to assist the court in its consideration of the facts, circumstances, and conditions of the proposed sale or lease of personally identifiable information under section 363(b)(1)(B). Such information may include presentation of—

“(1) the debtor's privacy policy;

“(2) the potential losses or gains of privacy to consumers if such sale or such lease is approved by the court;

“(3) the potential costs or benefits to consumers if such sale or such lease is approved by the court; and

“(4) the potential alternatives that would mitigate potential privacy losses or potential costs to consumers.

"(c) A consumer privacy ombudsman shall not disclose any personally identifiable information obtained by the ombudsman under this title.".

(b) COMPENSATION OF CONSUMER PRIVACY OMBUDSMAN.—Section 330(a)(1) of title 11, United States Code, is amended in the matter preceding subparagraph (A), by inserting "a consumer privacy ombudsman appointed under section 332," before "an examiner".

(c) CONFORMING AMENDMENT.—The table of sections for subchapter II of chapter 3 of title 11, United States Code, is amended by adding at the end the following:

"332. Consumer privacy ombudsman.".

SEC. 233. PROHIBITION ON DISCLOSURE OF NAME OF MINOR CHILDREN.

(a) PROHIBITION.—Title 11 of the United States Code, as amended by section 106, is amended by inserting after section 111 the following:

"§ 112. Prohibition on disclosure of name of minor children

"The debtor may be required to provide information regarding a minor child involved in matters under this title but may not be required to disclose in the public records in the case the name of such minor child. The debtor may be required to disclose the name of such minor child in a nonpublic record that is maintained by the court and made available by the court for examination by the United States trustee, the trustee, and the auditor (if any) serving under section 586(f) of title 28, in the case. The court, the United States trustee, the trustee, and such auditor shall not disclose the name of such minor child maintained in such nonpublic record.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 1 of title 11, United States Code, as amended by section 106, is amended by inserting after the item relating to section 111 the following:

"112. Prohibition on disclosure of name of minor children.".

(c) CONFORMING AMENDMENT.—Section 107(a) of title 11, United States Code, is amended by inserting "and subject to section 112" after "section".

SEC. 234. PROTECTION OF PERSONAL INFORMATION.

(a) RESTRICTION OF PUBLIC ACCESS TO CERTAIN INFORMATION CONTAINED IN BANKRUPTCY CASE FILES.—Section 107 of title 11, United States Code, is amended by adding at the end the following:

"(c)(1) The bankruptcy court, for cause, may protect an individual, with respect to the following types of information to the extent the court finds that disclosure of such information would create undue risk of identity theft or other unlawful injury to the individual or the individual's property:

"(A) Any means of identification (as defined in section 1028(d) of title 18) contained in a paper filed, or to be filed, in a case under this title.

"(B) Other information contained in a paper described in subparagraph (A).

"(2) Upon ex parte application demonstrating cause, the court shall provide access to information protected pursuant to paragraph (1) to an entity acting pursuant to the police or regulatory power of a domestic governmental unit.

"(3) The United States trustee, bankruptcy administrator, trustee, and any auditor serving under section 586(f) of title 28—

"(A) shall have full access to all information contained in any paper filed or submitted in a case under this title; and

"(B) shall not disclose information specifically protected by the court under this title.".

(b) SECURITY OF SOCIAL SECURITY ACCOUNT NUMBER OF DEBTOR IN NOTICE TO CREDITOR.—Section 342(c) of title 11, United States Code, is amended—

(1) by inserting "last 4 digits of the" before "taxpayer identification number"; and

(2) by adding at the end the following: "If the notice concerns an amendment that adds a creditor to the schedules of assets and liabilities, the debtor shall include the full taxpayer identification number in the notice sent to that creditor, but the debtor shall include only the last 4 digits of the taxpayer identification number in the copy of the notice filed with the court.".

(c) CONFORMING AMENDMENT.—Section 107(a) of title 11, United States Code, is amended by striking "subsection (b)," and inserting "subsections (b) and (c),".

TITLE III—DISCOURAGING BANKRUPTCY ABUSE

SEC. 301. TECHNICAL AMENDMENTS.

Section 523(a)(17) of title 11, United States Code, is amended—

(1) by striking "by a court" and inserting "on a prisoner by any court";

(2) by striking "section 1915(b) or (f)" and inserting "subsection (b) or (f)(2) of section 1915"; and

(3) by inserting "(or a similar non-Federal law)" after "title 28" each place it appears.

SEC. 302. DISCOURAGING BAD FAITH REPEAT FILINGS.

Section 362(c) of title 11, United States Code, is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(3) if a single or joint case is filed by or against debtor who is an individual in a case under chapter 7, 11, or 13, and if a single or joint case of the debtor was pending within the preceding 1-year period but was dismissed, other than a case refiled under a chapter other than chapter 7 after dismissal under section 707(b)—

"(A) the stay under subsection (a) with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease shall terminate with respect to the debtor on the 30th day after the filing of the later case;

"(B) on the motion of a party in interest for continuation of the automatic stay and upon notice and a hearing, the court may extend the stay in particular cases as to any or all creditors (subject to such conditions or limitations as the court may then impose) after notice and a hearing completed before the expiration of the 30-day period only if the party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed; and

"(C) for purposes of subparagraph (B), a case is presumptively filed not in good faith (but such presumption may be rebutted by clear and convincing evidence to the contrary)—

"(i) as to all creditors, if—

"(I) more than 1 previous case under any of chapters 7, 11, and 13 in which the individual was a debtor was pending within the preceding 1-year period;

"(II) a previous case under any of chapters 7, 11, and 13 in which the individual was a debtor was dismissed within such 1-year period, after the debtor failed to—

"(aa) file or amend the petition or other documents as required by this title or the court without substantial excuse (but mere inadvertence or negligence shall not be a substantial excuse unless the dismissal was caused by the negligence of the debtor's attorney);

"(bb) provide adequate protection as ordered by the court; or

"(cc) perform the terms of a plan confirmed by the court; or

"(III) there has not been a substantial change in the financial or personal affairs of the debtor since the dismissal of the next most previous case under chapter 7, 11, or 13 or any other reason to conclude that the later case will be concluded—

"(aa) if a case under chapter 7, with a discharge; or

"(bb) if a case under chapter 11 or 13, with a confirmed plan that will be fully performed; and

"(ii) as to any creditor that commenced an action under subsection (d) in a previous case in which the individual was a debtor if, as of the date of dismissal of such case, that action was still pending or had been resolved by terminating, conditioning, or limiting the stay as to actions of such creditor; and

"(4)(A)(i) if a single or joint case is filed by or against a debtor who is an individual under this title, and if 2 or more single or joint cases of the debtor were pending within the previous year but were dismissed, other than a case refiled under section 707(b), the stay under subsection (a) shall not go into effect upon the filing of the later case; and

"(ii) on request of a party in interest, the court shall promptly enter an order confirming that no stay is in effect;

"(B) if, within 30 days after the filing of the later case, a party in interest requests the court may order the stay to take effect in the case as to any or all creditors (subject to such conditions or limitations as the court may impose), after notice and a hearing, only if the party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed;

"(C) a stay imposed under subparagraph (B) shall be effective on the date of the entry of the order allowing the stay to go into effect; and

"(D) for purposes of subparagraph (B), a case is presumptively filed not in good faith (but such presumption may be rebutted by clear and convincing evidence to the contrary)—

"(i) as to all creditors if—

"(I) 2 or more previous cases under this title in which the individual was a debtor were pending within the 1-year period;

"(II) a previous case under this title in which the individual was a debtor was dismissed within the time period stated in this paragraph after the debtor failed to file or amend the petition or other documents as required by this title or the court without substantial excuse (but mere inadvertence or negligence shall not be substantial excuse unless the dismissal was caused by the negligence of the debtor's attorney), failed to provide adequate protection as ordered by the court, or failed to perform the terms of a plan confirmed by the court; or

"(III) there has not been a substantial change in the financial or personal affairs of the debtor since the dismissal of the next most previous case under this title, or any other reason to conclude that the later case will not be concluded, if a case under chapter 7, with a discharge, and if a case under chapter 11 or 13, with a confirmed plan that will be fully performed; or

"(ii) as to any creditor that commenced an action under subsection (d) in a previous case in which the individual was a debtor if, as of the date of dismissal of such case, such action was still pending or had been resolved by terminating, conditioning, or limiting the stay as to such action of such creditor.''.

SEC. 303. CURBING ABUSIVE FILINGS.

(a) IN GENERAL.—Section 362(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking "or" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(4) with respect to a stay of an act against real property under subsection (a), by a creditor whose claim is secured by an interest in such real property, if the court finds that the filing of the petition was part of a scheme to delay, hinder, and defraud creditors that involved either—

"(A) transfer of all or part ownership of, or other interest in, such real property without the consent of the secured creditor or court approval; or

"(B) multiple bankruptcy filings affecting such real property.

If recorded in compliance with applicable State laws governing notices of interests or liens in real property, an order entered under paragraph (4) shall be binding in any other case under this title purporting to affect such real property filed not later than 2 years after the date of the entry of such order by the court, except that a debtor in a subsequent case under this title may move for relief from such order based upon changed circumstances or for good cause shown, after notice and a hearing. Any Federal, State, or local governmental unit that accepts notices of interests or liens in real property shall accept any certified copy of an order described in this subsection for indexing and recording.''.

(b) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, as amended by section 224, is amended by inserting after paragraph (19), the following:

"(20) under subsection (a), of any act to enforce any lien against or security interest in real property following entry of the order under subsection (d)(4) as to such real property in any prior case under this title, for a period of 2 years after the date of the entry of such an order, except that the debtor, in a subsequent case under this title, may move for relief from such order based upon changed circumstances or for other good cause shown, after notice and a hearing;

"(21) under subsection (a), of any act to enforce any lien against or security interest in real property—

"(A) if the debtor is ineligible under section 109(g) to be a debtor in a case under this title; or

"(B) if the case under this title was filed in violation of a bankruptcy court order in a prior case under this title prohibiting the debtor from being a debtor in another case under this title;''.

SEC. 304. DEBTOR RETENTION OF PERSONAL PROPERTY SECURITY.

Title 11, United States Code, is amended—

(1) in section 521(a), as so designated by section 106—

(A) in paragraph (4), by striking ", and" at the end and inserting a semicolon;

(B) in paragraph (5), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(6) in a case under chapter 7 of this title in which the debtor is an individual, not retain possession of personal property as to which a creditor has an allowed claim for the purchase price secured in whole or in part by an interest in such personal property unless the debtor, not later than 45 days after the first meeting of creditors under section 341(a), either—

"(A) enters into an agreement with the creditor pursuant to section 524(c) with respect to the claim secured by such property; or

"(B) redeems such property from the security interest pursuant to section 722.

If the debtor fails to so act within the 45-day period referred to in paragraph (6), the stay under section 362(a) is terminated with respect to the personal property of the estate or of the debtor which is affected, such property shall no longer be property of the estate, and the creditor may take whatever action as to such property as is permitted by applicable nonbankruptcy law, unless the court determines on the motion of the trustee filed before the expiration of such 45-day period, and after notice and a hearing, that such property is of consequential value or benefit to the estate, orders appropriate adequate protection of the creditor's interest, and orders the debtor to deliver any collateral in the debtor's possession to the trustee."; and

(2) in section 722, by inserting "in full at the time of redemption" before the period at the end.

SEC. 305. RELIEF FROM THE AUTOMATIC STAY WHEN THE DEBTOR DOES NOT COMPLETE INTENDED SURRENDER OF CONSUMER DEBT COLLATERAL.

Title 11, United States Code, is amended—

(1) in section 362, as amended by section 106—

(A) in subsection (c), by striking "(e), and (f)" and inserting "(e), (f), and (h)";

(B) by redesignating subsection (h) as subsection (k) and transferring such subsection so as to insert it after subsection (j) as added by section 106; and

(C) by inserting after subsection (g) the following:

"(h)(1) In a case in which the debtor is an individual, the stay provided by subsection (a) is terminated with respect to personal property of the estate or of the debtor securing in whole or in part a claim, or subject to an unexpired lease, and such personal property shall no longer be property of the estate if the debtor fails within the applicable time set by section 521(a)(2)—

"(A) to file timely any statement of intention required under section 521(a)(2) with respect to such personal property or to indicate in such statement that the debtor will either surrender such personal property or retain it and, if retaining such personal property, either redeem such personal property pursuant to section 722, enter into an agreement of the kind specified in section 524(c) applicable to the debt secured by such personal property, or assume such unexpired lease pursuant to section 365(p) if the trustee does not do so, as applicable; and

"(B) to take timely the action specified in such statement, as it may be amended before expiration of the period for taking action, unless such statement specifies the debtor's intention to reaffirm such debt on the original contract terms and the creditor refuses to agree to the reaffirmation on such terms.

"(2) Paragraph (1) does not apply if the court determines, on the motion of the trustee filed before the expiration of the applicable time set by section 521(a)(2), after notice and a hearing, that such personal property is of consequential value or benefit to the estate, and orders appropriate adequate protection of the creditor's interest, and orders the debtor to deliver any collateral in the debtor's possession to the trustee. If the court does not so determine, the stay provided by subsection (a) shall terminate upon the conclusion of the hearing on the motion."; and

(2) in section 521, as amended by sections 106 and 225—

(A) in subsection (a)(2) by striking "consumer";

(B) in subsection (a)(2)(B)—

(i) by striking "forty-five days after the filing of a notice of intent under this section" and inserting "30 days after the first date set for the meeting of creditors under section 341(a)"; and

(ii) by striking "forty-five day" and inserting "30-day";

(C) in subsection (a)(2)(C) by inserting ", except as provided in section 362(h)" before the semicolon; and

(D) by adding at the end the following:

"(d) If the debtor fails timely to take the action specified in subsection (a)(6) of this section, or in paragraphs (1) and (2) of section 362(h), with respect to property which a lessor or bailor owns and has leased, rented, or bailed to the debtor or as to which a creditor holds a security interest not otherwise voidable under section 522(f), 544, 545, 547, 548, or 549, nothing in this title shall prevent or limit the operation of a provision in the underlying lease or agreement that has the effect of placing the debtor in default under such lease or agreement by reason of the occurrence, pendency, or existence of a proceeding under this title or the insolvency of the debtor. Nothing in this subsection shall be deemed to justify limiting such a provision in any other circumstance.''.

SEC. 306. GIVING SECURED CREDITORS FAIR TREATMENT IN CHAPTER 13.

(a) IN GENERAL.—Section 1325(a)(5)(B)(i) of title 11, United States Code, is amended to read as follows:

"(i) the plan provides that—

"(I) the holder of such claim retain the lien securing such claim until the earlier of—

"(aa) the payment of the underlying debt determined under nonbankruptcy law; or

"(bb) discharge under section 1328; and

"(II) if the case under this chapter is dismissed or converted without completion of the plan, such lien shall also be retained by such holder to the extent recognized by applicable nonbankruptcy law; and".

(b) RESTORING THE FOUNDATION FOR SECURED CREDIT.—Section 1325(a) of title 11, United States Code, is amended by adding at the end the following:

"For purposes of paragraph (5), section 506 shall not apply to a claim described in that paragraph if the creditor has a purchase money security interest securing the debt that is the subject of the claim, the debt was incurred within the 910-day preceding the date of the filing of the petition, and the collateral for that debt consists of a motor vehicle (as defined in section 30102 of title 49) acquired for the personal use of the debtor, or if collateral for that debt consists of any other thing of value, if the debt was incurred during the 1-year period preceding that filing.''.

(c) DEFINITIONS.—Section 101 of title 11, United States Code, is amended—

(1) by inserting after paragraph (13) the following:

"(13A) 'debtor's principal residence'—

"(A) means a residential structure, including incidental property, without regard to whether that structure is attached to real property; and

"(B) includes an individual condominium or cooperative unit, a mobile or manufactured home, or trailer;"; and

(2) by inserting after paragraph (27), the following:

"(27A) 'incidental property' means, with respect to a debtor's principal residence—

"(A) property commonly conveyed with a principal residence in the area where the real property is located;

"(B) all easements, rights, appurtenances, fixtures, rents, royalties, mineral rights, oil or gas rights or profits, water rights, escrow funds, or insurance proceeds; and

"(C) all replacements or additions;".

SEC. 307. DOMICILIARY REQUIREMENTS FOR EXEMPTIONS.

Section 522(b)(3) of title 11, United States Code, as so designated by section 106, is amended—

(1) in subparagraph (A)—

(A) by striking "180 days" and inserting "730 days"; and

(B) by striking ", or for a longer portion of such 180-day period than in any other place" and inserting "or if the debtor's domicile has not been located at a single State for such 730-day period, the place in which the debtor's domicile was located for 180 days immediately preceding the 730-day period or for a longer portion of such 180-day period than in any other place"; and

(2) by adding at the end the following:

"If the effect of the domiciliary requirement under subparagraph (A) is to render the debtor ineligible for any exemption, the debtor may elect to exempt property that is specified under subsection (d).".

SEC. 308. REDUCTION OF HOMESTEAD EXEMPTION FOR FRAUD.

Section 522 of title 11, United States Code, as amended by section 224, is amended—

(1) in subsection (b)(3)(A), as so designated by this Act, by inserting "subject to subsections (o) and (p)," before "any property"; and

(2) by adding at the end the following:

"(o) For purposes of subsection (b)(3)(A), and notwithstanding subsection (a), the value of an interest in—

"(1) real or personal property that the debtor or a dependent of the debtor uses as a residence;

"(2) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence;

"(3) a burial plot for the debtor or a dependent of the debtor; or

"(4) real or personal property that the debtor or a dependent of the debtor claims as a homestead;

shall be reduced to the extent that such value is attributable to any portion of any property that the debtor disposed of in the 10-year period ending on the date of the filing of the petition with the intent to hinder, delay, or defraud a creditor and that the debtor could not exempt, or that portion that the debtor could not exempt, under subsection (b), if on such date the debtor had held the property so disposed of.".

SEC. 309. PROTECTING SECURED CREDITORS IN CHAPTER 13 CASES.

(a) Stopping Abusive Conversions From Chapter 13.—Section 348(f)(1) of title 11, United States Code, is amended—

(1) in subparagraph (A), by striking "and" at the end;

(2) in subparagraph (B)—

(A) by striking "in the converted case, with allowed secured claims" and inserting "only in a case converted to a case under chapter 11 or 12, but not in a case converted to a case under chapter 7, with allowed secured claims in cases under chapters 11 and 12"; and

(B) by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(C) with respect to cases converted from chapter 13—

"(i) the claim of any creditor holding security as of the date of the petition shall continue to be secured by that security unless the full amount of such claim determined under applicable nonbankruptcy law has been paid in full as of the date of conversion, notwithstanding any valuation or determination of the amount of an allowed secured claim made for the purposes of the case under chapter 13; and

"(ii) unless a prebankruptcy default has been fully cured under the plan at the time of conversion, in any proceeding under this title or otherwise, the default shall have the effect given under applicable nonbankruptcy law.".

(b) Giving Debtors the Ability To Keep Leased Personal Property by Assumption.—Section 365 of title 11, United States Code, is amended by adding at the end the following:

"(p)(1) If a lease of personal property is rejected or not timely assumed by the trustee under subsection (d), the leased property is no longer property of the estate and the stay under section 362(a) is automatically terminated.

"(2)(A) If the debtor in a case under chapter 7 is an individual, the debtor may notify the creditor in writing that the debtor desires to assume the lease. Upon being so notified, the creditor may, at its option, notify the debtor that it is willing to have the lease assumed by the debtor and may condition such assumption on cure of any outstanding default on terms set by the contract.

"(B) If, not later than 30 days after notice is provided under subparagraph (A), the debtor notifies the lessor in writing that the lease is assumed, the liability under the lease will be assumed by the debtor and not by the estate.

"(C) The stay under section 362 and the injunction under section 524(a)(2) shall not be violated by notification of the debtor and negotiation of cure under this subsection.

"(3) In a case under chapter 11 in which the debtor is an individual and in a case under chapter 13, if the debtor is the lessee with respect to personal property and the lease is not assumed in the plan confirmed by the court, the lease is deemed rejected as of the conclusion of the hearing on confirmation. If the lease is rejected, the stay under section 362 and any stay under section 1301 is automatically terminated with respect to the property subject to the lease.".

(c) Adequate Protection of Lessors and Purchase Money Secured Creditors.—

(1) Confirmation of plan.—Section 1325(a)(5)(B) of title 11, United States Code, as amended by section 306, is amended—

(A) in clause (i), by striking "and" at the end;

(B) in clause (ii), by striking "or" at the end and inserting "and"; and

(C) by adding at the end the following:

"(iii) if—

"(I) property to be distributed pursuant to this subsection is in the form of periodic payments, such payments shall be in equal monthly amounts; and

"(II) the holder of the claim is secured by personal property, the amount of such payments shall not be less than an amount sufficient to provide to the holder of such claim adequate protection during the period of the plan; or".

(2) Payments.—Section 1326(a) of title 11, United States Code, is amended to read as follows:

"(a)(1) Unless the court orders otherwise, the debtor shall commence making payments not later than 30 days after the date of the filing of the plan or the order for relief, whichever is earlier, in the amount—

"(A) proposed by the plan to the trustee;

"(B) scheduled in a lease of personal property directly to the lessor for that portion of the obligation that becomes due after the order for relief, reducing the payments under subparagraph (A) by the amount so paid and providing the trustee with evidence of such payment, including the amount and date of payment; and

"(C) that provides adequate protection directly to a creditor holding an allowed claim secured by personal property to the extent the claim is attributable to the purchase of such property by the debtor for that portion of the obligation that becomes due after the order for relief, reducing the payments under subparagraph (A) by the amount so paid and providing the trustee with evidence of such payment, including the amount and date of payment.

"(2) A payment made under paragraph (1)(A) shall be retained by the trustee until confirmation or denial of confirmation. If a plan is confirmed, the trustee shall distribute any such payment in accordance with the plan as soon as is practicable. If a plan is not confirmed, the trustee shall return any such payments not previously paid and not yet due and owing to creditors pursuant to paragraph (3) to the debtor, after deducting any unpaid claim allowed under section 503(b).

"(3) Subject to section 363, the court may, upon notice and a hearing, modify, increase, or reduce the payments required under this subsection pending confirmation of a plan.

"(4) Not later than 60 days after the date of filing of a case under this chapter, a debtor retaining possession of personal property subject to a lease or securing a claim attributable in whole or in part to the purchase price of such property shall provide the lessor or secured creditor reasonable evidence of the maintenance of any required insurance coverage with respect to the use or ownership of such property and continue to do so for so long as the debtor retains possession of such property.".

SEC. 310. LIMITATION ON LUXURY GOODS.

Section 523(a)(2)(C) of title 11, United States Code, is amended to read as follows:

"(C)(i) for purposes of subparagraph (A)—

"(I) consumer debts owed to a single creditor and aggregating more than $500 for luxury goods or services incurred by an individual debtor on or within 90 days before the order for relief under this title are presumed to be nondischargeable; and

"(II) cash advances aggregating more than $750 that are extensions of consumer credit under an open end credit plan obtained by an individual debtor on or within 70 days before the order for relief under this title, are presumed to be nondischargeable; and

"(ii) for purposes of this subparagraph—

"(I) the terms 'consumer', 'credit', and 'open end credit plan' have the same meanings as in section 103 of the Truth in Lending Act; and

"(II) the term 'luxury goods or services' does not include goods or services reasonably necessary for the support or maintenance of the debtor or a dependent of the debtor.".

SEC. 311. AUTOMATIC STAY.

(a) In General.—Section 362(b) of title 11, United States Code, as amended by sections 224 and 303, is amended by inserting after paragraph (21), the following:

"(22) subject to subsection (l), under subsection (a)(3), of the continuation of any eviction, unlawful detainer action, or similar proceeding by a lessor against a debtor involving residential property in which the debtor resides as a tenant under a lease or rental agreement and with respect to which the lessor has obtained before the date of the filing of the bankruptcy petition, a judgment for possession of such property against the debtor;

“(23) subject to subsection (m), under subsection (a)(3), of an eviction action that seeks possession of the residential property in which the debtor resides as a tenant under a lease or rental agreement based on endangerment of such property or the illegal use of controlled substances on such property, but only if the lessor files with the court, and serves upon the debtor, a certification under penalty of perjury that such an eviction action has been filed, or that the debtor, during the 30-day period preceding the date of the filing of the certification, has endangered property or illegally used or allowed to be used a controlled substance on the property;

“(24) under subsection (a), of any transfer that is not avoidable under section 544 and that is not avoidable under section 549;”.

(b) LIMITATIONS.—Section 362 of title 11, United States Code, as amended by sections 106 and 305, is amended by adding at the end the following:

“(l)(1) Except as otherwise provided in this subsection, subsection (b)(22) shall apply on the date that is 30 days after the date on which the bankruptcy petition is filed, if the debtor files with the petition and serves upon the lessor a certification under penalty of perjury that—

“(A) under nonbankruptcy law applicable in the jurisdiction, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after that judgment for possession was entered; and

“(B) the debtor (or an adult dependent of the debtor) has deposited with the clerk of the court, any rent that would become due during the 30-day period after the filing of the bankruptcy petition.

“(2) If, within the 30-day period after the filing of the bankruptcy petition, the debtor (or an adult dependent of the debtor) complies with paragraph (1) and files with the court and serves upon the lessor a further certification under penalty of perjury that the debtor (or an adult dependent of the debtor) has cured, under nonbankrupcty law applicable in the jurisdiction, the entire monetary default that gave rise to the judgment under which possession is sought by the lessor, subsection (b)(22) shall not apply, unless ordered to apply by the court under paragraph (3).

“(3)(A) If the lessor files an objection to any certification filed by the debtor under paragraph (1) or (2), and serves such objection upon the debtor, the court shall hold a hearing within 10 days after the filing and service of such objection to determine if the certification filed by the debtor under paragraph (1) or (2) is true.

“(B) If the court upholds the objection of the lessor filed under subparagraph (A)—

“(i) subsection (b)(22) shall apply immediately and relief from the stay provided under subsection (a)(3) shall not be required to enable the lessor to complete the process to recover full possession of the property; and

“(ii) the clerk of the court shall immediately serve upon the lessor and the debtor a certified copy of the court's order upholding the lessor's objection.

“(4) If a debtor, in accordance with paragraph (5), indicates on the petition that there was a judgment for possession of the residential rental property in which the debtor resides and does not file a certification under paragraph (1) or (2)—

“(A) subsection (b)(22) shall apply immediately upon failure to file such certification, and relief from the stay provided under subsection (a)(3) shall not be required to enable the lessor to complete the process to recover full possession of the property; and

“(B) the clerk of the court shall immediately serve upon the lessor and the debtor a certified copy of the docket indicating the absence of a filed certification and the applicability of the exception to the stay under subsection (b)(22).

“(5)(A) Where a judgment for possession of residential property in which the debtor resides as a tenant under a lease or rental agreement has been obtained by the lessor, the debtor shall so indicate on the bankruptcy petition and shall provide the name and address of the lessor that obtained that pre-petition judgment on the petition and on any certification filed under this subsection.

“(B) The form of certification filed with the petition, as specified in this subsection, shall provide for the debtor to certify, and the debtor shall certify—

“(i) whether a judgment for possession of residential rental housing in which the debtor resides has been obtained against the debtor before the date of the filing of the petition; and

“(ii) whether the debtor is claiming under paragraph (1) that under nonbankruptcy law applicable in the jurisdiction, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after that judgment of possession was entered, and has made the appropriate deposit with the court.

“(C) The standard forms (electronic and otherwise) used in a bankruptcy proceeding shall be amended to reflect the requirements of this subsection.

“(D) The clerk of the court shall arrange for the prompt transmittal of the rent deposited in accordance with paragraph (1)(B) to the lessor.

“(m)(1) Except as otherwise provided in this subsection, subsection (b)(23) shall apply on the date that is 15 days after the date on which the lessor files and serves a certification described in subsection (b)(23).

“(2)(A) If the debtor files with the court an objection to the truth or legal sufficiency of the certification described in subsection (b)(23) and serves such objection upon the lessor, subsection (b)(23) shall not apply, unless ordered to apply by the court under this subsection.

“(B) If the debtor files and serves the objection under subparagraph (A), the court shall hold a hearing within 10 days after the filing and service of such objection to determine if the situation giving rise to the lessor's certification under paragraph (1) existed or has been remedied.

“(C) If the debtor can demonstrate to the satisfaction of the court that the situation giving rise to the lessor's certification under paragraph (1) did not exist or has been remedied, the stay provided under subsection (a)(3) shall remain in effect until the termination of the stay under this section.

“(D) If the debtor cannot demonstrate to the satisfaction of the court that the situation giving rise to the lessor's certification under paragraph (1) did not exist or has been remedied—

“(i) relief from the stay provided under subsection (a)(3) shall not be required to enable the lessor to proceed with the eviction; and

“(ii) the clerk of the court shall immediately serve upon the lessor and the debtor a certified copy of the court's order upholding the lessor's certification.

“(3) If the debtor fails to file, within 15 days, an objection under paragraph (2)(A)—

“(A) subsection (b)(23) shall apply immediately upon such failure and relief from the stay provided under subsection (a)(3) shall not be required to enable the lessor to complete the process to recover full possession of the property; and

“(B) the clerk of the court shall immediately serve upon the lessor and the debtor a certified copy of the docket indicating such failure.”.

SEC. 312. EXTENSION OF PERIOD BETWEEN BANKRUPTCY DISCHARGES.

Title 11, United States Code, is amended—

(1) in section 727(a)(8), by striking “six” and inserting “8”; and

(2) in section 1328, by inserting after subsection (e) the following:

“(f) Notwithstanding subsections (a) and (b), the court shall not grant a discharge of all debts provided for in the plan or disallowed under section 502, if the debtor has received a discharge—

“(1) in a case filed under chapter 7, 11, or 12 of this title during the 4-year period preceding the date of the order for relief under this chapter, or

“(2) in a case filed under chapter 13 of this title during the 2-year period preceding the date of such order.”.

SEC. 313. DEFINITION OF HOUSEHOLD GOODS AND ANTIQUES.

(a) DEFINITION.—Section 522(f) of title 11, United States Code, is amended by adding at the end the following:

“(4)(A) Subject to subparagraph (B), for purposes of paragraph (1)(B), the term ‘household goods’ means—

“(i) clothing;

“(ii) furniture;

“(iii) appliances;

“(iv) 1 radio;

“(v) 1 television;

“(vi) 1 VCR;

“(vii) linens;

“(viii) china;

“(ix) crockery;

“(x) kitchenware;

“(xi) educational materials and educational equipment primarily for the use of minor dependent children of the debtor;

(xii) medical equipment and supplies;

“(xiii) furniture exclusively for the use of minor children, or elderly or disabled dependents of the debtor;

“(xiv) personal effects (including the toys and hobby equipment of minor dependent children and wedding rings) of the debtor and the dependents of the debtor; and

“(xv) 1 personal computer and related equipment.

“(B) The term ‘household goods’ does not include—

“(i) works of art (unless by or of the debtor, or any relative of the debtor);

“(ii) electronic entertainment equipment with a fair market value of more than $500 in the aggregate (except 1 television, 1 radio, and 1 VCR);

“(iii) items acquired as antiques with a fair market value of more than $500 in the aggregate;

“(iv) jewelry with a fair market value of more than $500 in the aggregate (except wedding rings); and

“(v) a computer (except as otherwise provided for in this section), motor vehicle (including a tractor or lawn tractor), boat, or a motorized recreational device, conveyance, vehicle, watercraft, or aircraft.".

(b) STUDY.—Not later than 2 years after the date of enactment of this Act, the Director of the Executive Office for United States Trustees shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives containing its findings regarding utilization of the definition of household goods, as defined in section 522(f)(4) of title 11, United States Code, as added by subsection (a), with respect to the avoidance of nonpossessory, nonpurchase money security interests in household goods under section 522(f)(1)(B) of title 11, United States Code, and the impact such section 522(f)(4) has had on debtors and on the bankruptcy courts. Such report may include recommendations for amendments to such section 522(f)(4) consistent with the Director's findings.

SEC. 314. DEBT INCURRED TO PAY NONDISCHARGEABLE DEBTS.

(a) IN GENERAL.—Section 523(a) of title 11, United States Code, is amended by inserting after paragraph (14) the following:

"(14A) incurred to pay a tax to a governmental unit, other than the United States, that would be nondischargeable under paragraph (1);".

(b) DISCHARGE UNDER CHAPTER 13.—Section 1328(a) of title 11, United States Code, is amended by striking paragraphs (1) through (3) and inserting the following:

"(1) provided for under section 1322(b)(5);

"(2) of the kind specified in paragraph (2), (3), (4), (5), (8), or (9) of section 523(a);

"(3) for restitution, or a criminal fine, included in a sentence on the debtor's conviction of a crime; or

"(4) for restitution, or damages, awarded in a civil action against the debtor as a result of willful or malicious injury by the debtor that caused personal injury to an individual or the death of an individual.".

SEC. 315. GIVING CREDITORS FAIR NOTICE IN CHAPTERS 7 AND 13 CASES.

(a) NOTICE.—Section 342 of title 11, United States Code, as amended by section 102, is amended—

(1) in subsection (c)—

(A) by inserting "(1)" after "(c)";

(B) by striking ", but the failure of such notice to contain such information shall not invalidate the legal effect of such notice"; and

(C) by adding at the end the following:

"(2)(A) If, within the 90 days before the commencement of a voluntary case, a creditor supplies the debtor in at least 2 communications sent to the debtor with the current account number of the debtor and the address at which such creditor requests to receive correspondence, then any notice required by this title to be sent by the debtor to such creditor shall be sent to such address and shall include such account number.

"(B) If a creditor would be in violation of applicable nonbankruptcy law by sending any such communication within such 90-day period and if such creditor supplies the debtor in the last 2 communications with the current account number of the debtor and the address at which such creditor requests to receive correspondence, then any notice required by this title to be sent by the debtor to such creditor shall be sent to such address and shall include such account number."; and

(2) by adding at the end the following:

"(e)(1) In a case under chapter 7 or 13 of this title of a debtor who is an individual, a creditor at any time may both file with the court and serve on the debtor a notice of address to be used to provide notice in such case to such creditor.

"(2) Any notice in such case required to be provided to such creditor by the debtor or the court later than 5 days after the court and the debtor receive such creditor's notice of address, shall be provided to such address.

"(f)(1) An entity may file with any bankruptcy court a notice of address to be used by all the bankruptcy courts or by particular bankruptcy courts, as so specified by such entity at the time such notice is filed, to provide notice to such entity in all cases under chapters 7 and 13 pending in the courts with respect to which such notice is filed, in which such entity is a creditor.

"(2) In any case filed under chapter 7 or 13, any notice required to be provided by a court with respect to which a notice is filed under paragraph (1), to such entity later than 30 days after the filing of such notice under paragraph (1) shall be provided to such address unless with respect to a particular case a different address is specified in a notice filed and served in accordance with subsection (e).

"(3) A notice filed under paragraph (1) may be withdrawn by such entity.

"(g)(1) Notice provided to a creditor by the debtor or the court other than in accordance with this section (excluding this subsection) shall not be effective notice until such notice is brought to the attention of such creditor. If such creditor designates a person or an organizational subdivision of such creditor to be responsible for receiving notices under this title and establishes reasonable procedures so that such notices receivable by such creditor are to be delivered to such person or such subdivision, then a notice provided to such creditor other than in accordance with this section (excluding this subsection) shall not be considered to have been brought to the attention of such creditor until such notice is received by such person or such subdivision.

"(2) A monetary penalty may not be imposed on a creditor for a violation of a stay in effect under section 362(a) (including a monetary penalty imposed under section 362(k)) or for failure to comply with section 542 or 543 unless the conduct that is the basis of such violation or of such failure occurs after such creditor receives notice effective under this section of the order for relief.".

(b) DEBTOR'S DUTIES.—Section 521 of title 11, United States Code, as amended by sections 106, 225, and 305, is amended—

(1) in subsection (a), as so designated by section 106, by amending paragraph (1) to read as follows:

"(1) file—

"(A) a list of creditors; and

"(B) unless the court orders otherwise—

"(i) a schedule of assets and liabilities;

"(ii) a schedule of current income and current expenditures;

"(iii) a statement of the debtor's financial affairs and, if section 342(b) applies, a certificate—

"(I) of an attorney whose name is indicated on the petition as the attorney for the debtor, or a bankruptcy petition preparer signing the petition under section 110(b)(1), indicating that such attorney or the bankruptcy petition preparer delivered to the debtor the notice required by section 342(b); or

"(II) if no attorney is so indicated, and no bankruptcy petition preparer signed the petition, of the debtor that such notice was received and read by the debtor;

"(iv) copies of all payment advices or other evidence of payment received within 60 days before the date of the filing of the petition, by the debtor from any employer of the debtor;

"(v) a statement of the amount of monthly net income, itemized to show how the amount is calculated; and

"(vi) a statement disclosing any reasonably anticipated increase in income or expenditures over the 12-month period following the date of the filing of the petition;"; and

(2) by adding at the end the following:

"(e)(1) If the debtor in a case under chapter 7 or 13 is an individual and if a creditor files with the court at any time a request to receive a copy of the petition, schedules, and statement of financial affairs filed by the debtor, then the court shall make such petition, such schedules, and such statement available to such creditor.

"(2)(A) The debtor shall provide—

"(i) not later than 7 days before the date first set for the first meeting of creditors, to the trustee a copy of the Federal income tax return required under applicable law (or at the election of the debtor, a transcript of such return) for the most recent tax year ending immediately before the commencement of the case and for which a Federal income tax return was filed; and

"(ii) at the same time the debtor complies with clause (i), a copy of such return (or if elected under clause (i), such transcript) to any creditor that timely requests such copy.

"(B) If the debtor fails to comply with clause (i) or (ii) of subparagraph (A), the court shall dismiss the case unless the debtor demonstrates that the failure to so comply is due to circumstances beyond the control of the debtor.

"(C) If a creditor requests a copy of such tax return or such transcript and if the debtor fails to provide a copy of such tax return or such transcript to such creditor at the time the debtor provides such tax return or such transcript to the trustee, then the court shall dismiss the case unless the debtor demonstrates that the failure to provide a copy of such tax return or such transcript is due to circumstances beyond the control of the debtor.

"(3) If a creditor in a case under chapter 13 files with the court at any time a request to receive a copy of the plan filed by the debtor, then the court shall make available to such creditor a copy of the plan—

"(A) at a reasonable cost; and

"(B) not later than 5 days after such request is filed.

"(f) At the request of the court, the United States trustee, or any party in interest in a case under chapter 7, 11, or 13, a debtor who is an individual shall file with the court—

"(1) at the same time filed with the taxing authority, a copy of each Federal income tax return required under applicable law (or at the election of the debtor, a transcript of such tax return) with respect to each tax year of the debtor ending while the case is pending under such chapter;

"(2) at the same time filed with the taxing authority, each Federal income tax return required under applicable law (or at the election of the debtor, a transcript of such tax return) that had not been filed with such authority as of the date of the commencement of the case and that was subsequently filed for any tax year of the debtor ending in the 3-year period ending on the date of the commencement of the case;

"(3) a copy of each amendment to any Federal income tax return or transcript filed with the court under paragraph (1) or (2); and

"(4) in a case under chapter 13—

"(A) on the date that is either 90 days after the end of such tax year or 1 year after the date of the commencement of the case, whichever is later, if a plan is not confirmed before such later date; and

“(B) annually after the plan is confirmed and until the case is closed, not later than the date that is 45 days before the anniversary of the confirmation of the plan;

a statement, under penalty of perjury, of the income and expenditures of the debtor during the tax year of the debtor most recently concluded before such statement is filed under this paragraph, and of the monthly income of the debtor, that shows how income, expenditures, and monthly income are calculated.

“(g)(1) A statement referred to in subsection (f)(4) shall disclose—

“(A) the amount and sources of the income of the debtor;

“(B) the identity of any person responsible with the debtor for the support of any dependent of the debtor; and

“(C) the identity of any person who contributed, and the amount contributed, to the household in which the debtor resides.

“(2) The tax returns, amendments, and statement of income and expenditures described in subsections (e)(2)(A) and (f) shall be available to the United States trustee (or the bankruptcy administrator, if any), the trustee, and any party in interest for inspection and copying, subject to the requirements of section 315(c) of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

“(h) If requested by the United States trustee or by the trustee, the debtor shall provide—

“(1) a document that establishes the identity of the debtor, including a driver's license, passport, or other document that contains a photograph of the debtor; or

“(2) such other personal identifying information relating to the debtor that establishes the identity of the debtor.”.

(c)(1) Not later than 180 days after the date of the enactment of this Act, the Director of the Administrative Office of the United States Courts shall establish procedures for safeguarding the confidentiality of any tax information required to be provided under this section.

(2) The procedures under paragraph (1) shall include restrictions on creditor access to tax information that is required to be provided under this section.

(3) Not later than 540 days after the date of enactment of this Act, the Director of the Administrative Office of the United States Courts shall prepare and submit to the President pro tempore of the Senate and the Speaker of the House of Representatives a report that—

(A) assesses the effectiveness of the procedures established under paragraph (1); and

(B) if appropriate, includes proposed legislation to—

(i) further protect the confidentiality of tax information; and

(ii) provide penalties for the improper use by any person of the tax information required to be provided under this section.

SEC. 316. DISMISSAL FOR FAILURE TO TIMELY FILE SCHEDULES OR PROVIDE REQUIRED INFORMATION.

Section 521 of title 11, United States Code, as amended by sections 106, 225, 305, and 315, is amended by adding at the end the following:

“(i)(1) Subject to paragraphs (2) and (4) and notwithstanding section 707(a), if an individual debtor in a voluntary case under chapter 7 or 13 fails to file all of the information required under subsection (a)(1) within 45 days after the date of the filing of the petition, the case shall be automatically dismissed effective on the 46th day after the date of the filing of the petition.

“(2) Subject to paragraph (4) and with respect to a case described in paragraph (1), any party in interest may request the court to enter an order dismissing the case. If requested, the court shall enter an order of dismissal not later than 5 days after such request.

“(3) Subject to paragraph (4) and upon request of the debtor made within 45 days after the date of the filing of the petition described in paragraph (1), the court may allow the debtor an additional period of not to exceed 45 days to file the information required under subsection (a)(1) if the court finds justification for extending the period for the filing.

“(4) Notwithstanding any other provision of this subsection, on the motion of the trustee filed before the expiration of the applicable period of time specified in paragraph (1), (2), or (3), and after notice and a hearing, the court may decline to dismiss the case if the court finds that the debtor attempted in good faith to file all the information required by subsection (a)(1)(B)(iv) and that the best interests of creditors would be served by administration of the case.”.

SEC. 317. ADEQUATE TIME TO PREPARE FOR HEARING ON CONFIRMATION OF THE PLAN.

Section 1324 of title 11, United States Code, is amended—

(1) by striking “After” and inserting the following:

“(a) Except as provided in subsection (b) and after”; and

(2) by adding at the end the following:

“(b) The hearing on confirmation of the plan may be held not earlier than 20 days and not later than 45 days after the date of the meeting of creditors under section 341(a), unless the court determines that it would be in the best interests of the creditors and the estate to hold such hearing at an earlier date and there is no objection to such earlier date.”.

SEC. 318. CHAPTER 13 PLANS TO HAVE A 5-YEAR DURATION IN CERTAIN CASES.

Title 11, United States Code, is amended—

(1) by amending section 1322(d) to read as follows:

“(d)(1) If the current monthly income of the debtor and the debtor's spouse combined, when multiplied by 12, is not less than—

“(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner;

“(B) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals; or

“(C) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals, plus $525 per month for each individual in excess of 4,

the plan may not provide for payments over a period that is longer than 5 years.

“(2) If the current monthly income of the debtor and the debtor's spouse combined, when multiplied by 12, is less than—

“(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner;

“(B) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals; or

“(C) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals, plus $525 per month for each individual in excess of 4,

the plan may not provide for payments over a period that is longer than 3 years, unless the court, for cause, approves a longer period, but the court may not approve a period that is longer than 5 years.”;

(2) in section 1325(b)(1)(B), by striking “three-year period” and inserting “applicable commitment period”; and

(3) in section 1325(b), as amended by section 102, by adding at the end the following:

“(4) For purposes of this subsection, the ‘applicable commitment period’—

“(A) subject to subparagraph (B), shall be—

“(i) 3 years; or

“(ii) not less than 5 years, if the current monthly income of the debtor and the debtor's spouse combined, when multiplied by 12, is not less than—

“(I) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner;

“(II) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals; or

“(III) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals, plus $525 per month for each individual in excess of 4; and

“(B) may be less than 3 or 5 years, whichever is applicable under subparagraph (A), but only if the plan provides for payment in full of all allowed unsecured claims over a shorter period.”; and

(4) in section 1329(c), by striking “three years” and inserting “the applicable commitment period under section 1325(b)(1)(B)”.

SEC. 319. SENSE OF CONGRESS REGARDING EXPANSION OF RULE 9011 OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE.

It is the sense of Congress that rule 9011 of the Federal Rules of Bankruptcy Procedure (11 U.S.C. App.) should be modified to include a requirement that all documents (including schedules), signed and unsigned, submitted to the court or to a trustee by debtors who represent themselves and debtors who are represented by attorneys be submitted only after the debtors or the debtors' attorneys have made reasonable inquiry to verify that the information contained in such documents is—

(1) well grounded in fact; and

(2) warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law.

SEC. 320. PROMPT RELIEF FROM STAY IN INDIVIDUAL CASES.

Section 362(e) of title 11, United States Code, is amended—

(1) by inserting “(1)” after “(e)”; and

(2) by adding at the end the following:

“(2) Notwithstanding paragraph (1), in a case under chapter 7, 11, or 13 in which the debtor is an individual, the stay under subsection (a) shall terminate on the date that is 60 days after a request is made by a party in interest under subsection (d), unless—

“(A) a final decision is rendered by the court during the 60-day period beginning on the date of the request; or

“(B) such 60-day period is extended—

“(i) by agreement of all parties in interest; or

“(ii) by the court for such specific period of time as the court finds is required for good cause, as described in findings made by the court.”.

SEC. 321. CHAPTER 11 CASES FILED BY INDIVIDUALS.

(a) Property of the Estate.—

(1) In general.—Subchapter I of chapter 11 of title 11, United States Code, is amended by adding at the end the following:

“§ 1115. Property of the estate

“(a) In a case in which the debtor is an individual, property of the estate includes, in addition to the property specified in section 541—

“(1) all property of the kind specified in section 541 that the debtor acquires after the commencement of the case but before the case is closed, dismissed, or converted to a case under chapter 7, 12, or 13, whichever occurs first; and

“(2) earnings from services performed by the debtor after the commencement of the case but before the case is closed, dismissed, or converted to a case under chapter 7, 12, or 13, whichever occurs first.

“(b) Except as provided in section 1104 or a confirmed plan or order confirming a plan, the debtor shall remain in possession of all property of the estate.”.

(2) Clerical amendment.—The table of sections for subchapter I of chapter 11 of title 11, United States Code, is amended by adding at the end the following:

“1115. Property of the estate.”.

(b) Contents of Plan.—Section 1123(a) of title 11, United States Code, is amended—

(1) in paragraph (6), by striking “and” at the end;

(2) in paragraph (7), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(8) in a case in which the debtor is an individual, provide for the payment to creditors under the plan of all or such portion of earnings from personal services performed by the debtor after the commencement of the case or other future income of the debtor as is necessary for the execution of the plan.”.

(c) Confirmation of Plan.—

(1) Requirements relating to value of property.—Section 1129(a) of title 11, United States Code, as amended by section 213, is amended by adding at the end the following:

“(15) In a case in which the debtor is an individual and in which the holder of an allowed unsecured claim objects to the confirmation of the plan—

“(A) the value, as of the effective date of the plan, of the property to be distributed under the plan on account of such claim is not less than the amount of such claim; or

“(B) the value of the property to be distributed under the plan is not less than the projected disposable income of the debtor (as defined in section 1325(b)(2)) to be received during the 5-year period beginning on the date that the first payment is due under the plan, or during the period for which the plan provides payments, whichever is longer.”.

(2) Requirement relating to interests in property.—Section 1129(b)(2)(B)(ii) of title 11, United States Code, is amended by inserting before the period at the end the following: “, except that in a case in which the debtor is an individual, the debtor may retain property included in the estate under section 1115, subject to the requirements of subsection (a)(14) of this section”.

(d) Effect of Confirmation.—Section 1141(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking “The confirmation of a plan does not discharge an individual debtor” and inserting “A discharge under this chapter does not discharge a debtor who is an individual”; and

(2) by adding at the end the following:

“(5) In a case in which the debtor is an individual—

“(A) unless after notice and a hearing the court orders otherwise for cause, confirmation of the plan does not discharge any debt provided for in the plan until the court grants a discharge on completion of all payments under the plan;

“(B) at any time after the confirmation of the plan, and after notice and a hearing, the court may grant a discharge to the debtor who has not completed payments under the plan if—

“(i) the value, as of the effective date of the plan, of property actually distributed under the plan on account of each allowed unsecured claim is not less than the amount that would have been paid on such claim if the estate of the debtor had been liquidated under chapter 7 on such date; and

“(ii) modification of the plan under section 1127 is not practicable; and”.

(e) Modification of Plan.—Section 1127 of title 11, United States Code, is amended by adding at the end the following:

“(e) If the debtor is an individual, the plan may be modified at any time after confirmation of the plan but before the completion of payments under the plan, whether or not the plan has been substantially consummated, upon request of the debtor, the trustee, the United States trustee, or the holder of an allowed unsecured claim, to—

“(1) increase or reduce the amount of payments on claims of a particular class provided for by the plan;

“(2) extend or reduce the time period for such payments; or

“(3) alter the amount of the distribution to a creditor whose claim is provided for by the plan to the extent necessary to take account of any payment of such claim made other than under the plan.

“(f)(1) Sections 1121 through 1128 and the requirements of section 1129 apply to any modification under subsection (a).

“(2) The plan, as modified, shall become the plan only after there has been disclosure under section 1125 as the court may direct, notice and a hearing, and such modification is approved.”.

SEC. 322. LIMITATIONS ON HOMESTEAD EXEMPTION.

(a) Exemptions.—Section 522 of title 11, United States Code, as amended by sections 224 and 308, is amended by adding at the end the following:

“(p)(1) Except as provided in paragraph (2) of this subsection and sections 544 and 548, as a result of electing under subsection (b)(3)(A) to exempt property under State or local law, a debtor may not exempt any amount of interest that was acquired by the debtor during the 1215-day period preceding the date of the filing of the petition that exceeds in the aggregate $125,000 in value in—

“(A) real or personal property that the debtor or a dependent of the debtor uses as a residence;

“(B) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence;

“(C) a burial plot for the debtor or a dependent of the debtor; or

“(D) real or personal property that the debtor or dependent of the debtor claims as a homestead.

“(2)(A) The limitation under paragraph (1) shall not apply to an exemption claimed under subsection (b)(3)(A) by a family farmer for the principal residence of such farmer.

“(B) For purposes of paragraph (1), any amount of such interest does not include any interest transferred from a debtor's previous principal residence (which was acquired prior to the beginning of such 1215-day period) into the debtor's current principal residence, if the debtor's previous and current residences are located in the same State.

“(q)(1) As a result of electing under subsection (b)(3)(A) to exempt property under State or local law, a debtor may not exempt any amount of an interest in property described in subparagraphs (A), (B), (C), and (D) of subsection (p)(1) which exceeds in the aggregate $125,000 if—

“(A) the court determines, after notice and a hearing, that the debtor has been convicted of a felony (as defined in section 3156 of title 18), which under the circumstances, demonstrates that the filing of the case was an abuse of the provisions of this title; or

“(B) the debtor owes a debt arising from—

“(i) any violation of the Federal securities laws (as defined in section 3(a)(47) of the Securities Exchange Act of 1934), any State securities laws, or any regulation or order issued under Federal securities laws or State securities laws;

“(ii) fraud, deceit, or manipulation in a fiduciary capacity or in connection with the purchase or sale of any security registered under section 12 or 15(d) of the Securities Exchange Act of 1934 or under section 6 of the Securities Act of 1933;

“(iii) any civil remedy under section 1964 of title 18; or

“(iv) any criminal act, intentional tort, or willful or reckless misconduct that caused serious physical injury or death to another individual in the preceding 5 years.

“(2) Paragraph (1) shall not apply to the extent the amount of an interest in property described in subparagraphs (A), (B), (C), and (D) of subsection (p)(1) is reasonably necessary for the support of the debtor and any dependent of the debtor.”.

(b) Adjustment of Dollar Amounts.—Paragraphs (1) and (2) of section 104(b) of title 11, United States Code, as amended by section 224, are amended by inserting “522(p), 522(q),” after “522(n),”.

SEC. 323. EXCLUDING EMPLOYEE BENEFIT PLAN PARTICIPANT CONTRIBUTIONS AND OTHER PROPERTY FROM THE ESTATE.

Section 541(b) of title 11, United States Code, as amended by section 225, is amended by adding after paragraph (6), as added by section 225(a)(1)(C), the following:

“(7) any amount—

“(A) withheld by an employer from the wages of employees for payment as contributions—

“(i) to—

“(I) an employee benefit plan that is subject to title I of the Employee Retirement Income Security Act of 1974 or under an employee benefit plan which is a governmental plan under section 414(d) of the Internal Revenue Code of 1986;

“(II) a deferred compensation plan under section 457 of the Internal Revenue Code of 1986; or

“(III) a tax-deferred annuity under section 403(b) of the Internal Revenue Code of 1986;

except that such amount under this subparagraph shall not constitute disposable income as defined in section 1325(b)(2); or

“(ii) to a health insurance plan regulated by State law whether or not subject to such title; or

“(B) received by an employer from employees for payment as contributions—

“(i) to—

"(I) an employee benefit plan that is subject to title I of the Employee Retirement Income Security Act of 1974 or under an employee benefit plan which is a governmental plan under section 414(d) of the Internal Revenue Code of 1986;

"(II) a deferred compensation plan under section 457 of the Internal Revenue Code of 1986; or

"(III) a tax-deferred annuity under section 403(b) of the Internal Revenue Code of 1986; except that such amount under this subparagraph shall not constitute disposable income, as defined in section 1325(b)(2); or

"(ii) to a health insurance plan regulated by State law whether or not subject to such title;".

SEC. 324. EXCLUSIVE JURISDICTION IN MATTERS INVOLVING BANKRUPTCY PROFESSIONALS.

(a) In General.—Section 1334 of title 28, United States Code, is amended—

(1) in subsection (b), by striking "Notwithstanding" and inserting "Except as provided in subsection (e)(2), and notwithstanding"; and

(2) by striking subsection (e) and inserting the following:

"(e) The district court in which a case under title 11 is commenced or is pending shall have exclusive jurisdiction—

"(1) of all the property, wherever located, of the debtor as of the commencement of such case, and of property of the estate; and

"(2) over all claims or causes of action that involve construction of section 327 of title 11, United States Code, or rules relating to disclosure requirements under section 327.".

(b) Applicability.—This section shall only apply to cases filed after the date of enactment of this Act.

SEC. 325. UNITED STATES TRUSTEE PROGRAM FILING FEE INCREASE.

(a) Actions Under Chapter 7, 11, or 13 of Title 11, United States Code.—Section 1930(a) of title 28, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) For a case commenced under—

"(A) chapter 7 of title 11, $200; and

"(B) chapter 13 of title 11, $150."; and

(2) in paragraph (3), by striking "$800" and inserting "$1000".

(b) United States Trustee System Fund.—Section 589a(b) of title 28, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

"(1)(A) 40.63 percent of the fees collected under section 1930(a)(1)(A) of this title; and

"(B) 70.00 percent of the fees collected under section 1930(a)(1)(B);";

(2) in paragraph (2), by striking "one-half" and inserting "75 percent"; and

(3) in paragraph (4), by striking "one-half" and inserting "100 percent".

(c) Collection and Deposit of Miscellaneous Bankruptcy Fees.—Section 406(b) of the Judiciary Appropriations Act, 1990 (28 U.S.C. 1931 note) is amended by striking "pursuant to 28 U.S.C. section 1930(b)" and all that follows through "28 U.S.C. section 1931" and inserting "under section 1930(b) of title 28, United States Code, 31.25 of the fees collected under section 1930(a)(1)(A) of that title, 30.00 percent of the fees collected under section 1930(a)(1)(B) of that title, and 25 percent of the fees collected under section 1930(a)(3) of that title shall be deposited as offsetting receipts to the fund established under section 1931 of that title".

(d) Sunset Date.—The amendments made by subsections (b) and (c) shall be effective during the 2-year period beginning on the date of enactment of this Act.

(e) Use of Increased Receipts.—

(1) Judges' Salaries and Benefits.—The amount of fees collected under paragraphs (1) and (3) of section 1930(a) of title 28, United States Code, during the 5-year period beginning on the date of enactment of this Act, that is greater than the amount that would have been collected if the amendments made by subsection (a) had not taken effect shall be used, to the extent necessary, to pay the salaries and benefits of the judges appointed pursuant to section 1223 of this Act.

(2) Remainder.—Any amount described in paragraph (1), which is not used for the purpose described in paragraph (1), shall be deposited into the Treasury of the United States to the extent necessary to offset the decrease in governmental receipts resulting from the amendments made by subsections (b) and (c).

SEC. 326. SHARING OF COMPENSATION.

Section 504 of title 11, United States Code, is amended by adding at the end the following:

"(c) This section shall not apply with respect to sharing, or agreeing to share, compensation with a bona fide public service attorney referral program that operates in accordance with non-Federal law regulating attorney referral services and with rules of professional responsibility applicable to attorney acceptance of referrals.".

SEC. 327. FAIR VALUATION OF COLLATERAL.

Section 506(a) of title 11, United States Code, is amended by—

(1) inserting "(1)" after "(a)"; and

(2) by adding at the end the following:

"(2) If the debtor is an individual in a case under chapter 7 or 13, such value with respect to personal property securing an allowed claim shall be determined based on the replacement value of such property as of the date of the filing of the petition without deduction for costs of sale or marketing. With respect to property acquired for personal, family, or household purposes, replacement value shall mean the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value is determined.".

SEC. 328. DEFAULTS BASED ON NONMONETARY OBLIGATIONS.

(a) Executory Contracts and Unexpired Leases.—Section 365 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A), by striking the semicolon at the end and inserting the following: "other than a default that is a breach of a provision relating to the satisfaction of any provision (other than a penalty rate or penalty provision) relating to a default arising from any failure to perform nonmonetary obligations under an unexpired lease of real property, if it is impossible for the trustee to cure such default by performing nonmonetary acts at and after the time of assumption, except that if such default arises from a failure to operate in accordance with a nonresidential real property lease, then such default shall be cured by performance at and after the time of assumption in accordance with such lease, and pecuniary losses resulting from such default shall be compensated in accordance with the provisions of this paragraph;"; and

(B) in paragraph (2)(D), by striking "penalty rate or provision" and inserting "penalty rate or penalty provision";

(2) in subsection (c)—

(A) in paragraph (2), by inserting "or" at the end;

(B) in paragraph (3), by striking "; or" at the end and inserting a period; and

(C) by striking paragraph (4);

(3) in subsection (d)—

(A) by striking paragraphs (5) through (9); and

(B) by redesignating paragraph (10) as paragraph (5); and

(4) in subsection (f)(1) by striking "; except that" and all that follows through the end of the paragraph and inserting a period.

(b) Impairment of Claims or Interests.—Section 1124(2) of title 11, United States Code, is amended—

(1) in subparagraph (A), by inserting "or of a kind that section 365(b)(2) expressly does not require to be cured" before the semicolon at the end;

(2) in subparagraph (C), by striking "and" at the end;

(3) by redesignating subparagraph (D) as subparagraph (E); and

(4) by inserting after subparagraph (C) the following:

"(D) if such claim or such interest arises from any failure to perform a nonmonetary obligation, other than a default arising from failure to operate a nonresidential real property lease subject to section 365(b)(1)(A), compensates the holder of such claim or such interest (other than the debtor or an insider) for any actual pecuniary loss incurred by such holder as a result of such failure; and".

SEC. 329. CLARIFICATION OF POSTPETITION WAGES AND BENEFITS.

Section 503(b)(1)(A) of title 11, United States Code, is amended to read as follows:

"(A) the actual, necessary costs and expenses of preserving the estate including—

"(i) wages, salaries, and commissions for services rendered after the commencement of the case; and

"(ii) wages and benefits awarded pursuant to a judicial proceeding or a proceeding of the National Labor Relations Board as back pay attributable to any period of time occurring after commencement of the case under this title, as a result of a violation of Federal or State law by the debtor, without regard to the time of the occurrence of unlawful conduct on which such award is based or to whether any services were rendered, if the court determines that payment of wages and benefits by reason of the operation of this clause will not substantially increase the probability of layoff or termination of current employees, or of nonpayment of domestic support obligations, during the case under this title;".

SEC. 330. DELAY OF DISCHARGE DURING PENDENCY OF CERTAIN PROCEEDINGS.

(a) Chapter 7.—Section 727(a) of title 11, United States Code, as amended by section 106, is amended—

(1) in paragraph (10), by striking "or" at the end;

(2) in paragraph (11) by striking the period at the end and inserting "; or"; and

(3) by inserting after paragraph (11) the following:

"(12) the court after notice and a hearing held not more than 10 days before the date of the entry of the order granting the discharge finds that there is reasonable cause to believe that—

"(A) section 522(q)(1) may be applicable to the debtor; and

"(B) there is pending any proceeding in which the debtor may be found guilty of a felony of the kind described in section 522(q)(1)(A) or liable for a debt of the kind described in section 522(q)(1)(B).".

(b) Chapter 11.—Section 1141(d) of title 11, United States Code, as amended by section

321, is amended by adding at the end the following:

"(C) unless after notice and a hearing held not more than 10 days before the date of the entry of the order granting the discharge, the court finds that there is no reasonable cause to believe that—

"(i) section 522(q)(1) may be applicable to the debtor; and

"(ii) there is pending any proceeding in which the debtor may be found guilty of a felony of the kind described in section 522(q)(1)(A) or liable for a debt of the kind described in section 522(q)(1)(B).".

(c) CHAPTER 12.—Section 1228 of title 11, United States Code, is amended—

(1) in subsection (a) by striking "As" and inserting "Subject to subsection (d), as",

(2) in subsection (b) by striking "At" and inserting "Subject to subsection (d), at", and

(3) by adding at the end the following:

"(f) The court may not grant a discharge under this chapter unless the court after notice and a hearing held not more than 10 days before the date of the entry of the order granting the discharge finds that there is no reasonable cause to believe that—

"(1) section 522(q)(1) may be applicable to the debtor; and

"(2) there is pending any proceeding in which the debtor may be found guilty of a felony of the kind described in section 522(q)(1)(A) or liable for a debt of the kind described in section 522(q)(1)(B).".

(d) CHAPTER 13.—Section 1328 of title 11, United States Code, as amended by section 106, is amended—

(1) in subsection (a) by striking "As" and inserting "Subject to subsection (d), as",

(2) in subsection (b) by striking "At" and inserting "Subject to subsection (d), at", and

(3) by adding at the end the following:

"(h) The court may not grant a discharge under this chapter unless the court after notice and a hearing held not more than 10 days before the date of the entry of the order granting the discharge finds that there is no reasonable cause to believe that—

"(1) section 522(q)(1) may be applicable to the debtor; and

"(2) there is pending any proceeding in which the debtor may be found guilty of a felony of the kind described in section 522(q)(1)(A) or liable for a debt of the kind described in section 522(q)(1)(B).".

SEC. 331. LIMITATION ON RETENTION BONUSES, SEVERANCE PAY, AND CERTAIN OTHER PAYMENTS.

Section 503 of title 11, United States Code, is amended by adding at the end the following:

"(c) Notwithstanding subsection (b), there shall neither be allowed, nor paid—

"(1) a transfer made to, or an obligation incurred for the benefit of, an insider of the debtor for the purpose of inducing such person to remain with the debtor's business, absent a finding by the court based on evidence in the record that—

"(A) the transfer or obligation is essential to retention of the person because the individual has a bona fide job offer from another business at the same or greater rate of compensation;

"(B) the services provided by the person are essential to the survival of the business; and

"(C) either—

"(i) the amount of the transfer made to, or obligation incurred for the benefit of, the person is not greater than an amount equal to 10 times the amount of the mean transfer or obligation of a similar kind given to nonmanagement employees for any purpose during the calendar year in which the transfer is made or the obligation is incurred; or

"(ii) if no such similar transfers were made to, or obligations were incurred for the benefit of, such nonmanagement employees during such calendar year, the amount of the transfer or obligation is not greater than an amount equal to 25 percent of the amount of any similar transfer or obligation made to or incurred for the benefit of such insider for any purpose during the calendar year before the year in which such transfer is made or obligation is incurred;

"(2) a severance payment to an insider of the debtor, unless—

"(A) the payment is part of a program that is generally applicable to all full-time employees; and

"(B) the amount of the payment is not greater than 10 times the amount of the mean severance pay given to nonmanagement employees during the calendar year in which the payment is made; or

"(3) other transfers or obligations that are outside the ordinary course of business and not justified by the facts and circumstances of the case, including transfers made to, or obligations incurred for the benefit of, officers, managers, or consultants hired after the date of the filing of the petition.".

SEC. 332. FRAUDULENT INVOLUNTARY BANKRUPTCY.

(a) SHORT TITLE.—This section may be cited as the "Involuntary Bankruptcy Improvement Act of 2005".

(b) INVOLUNTARY CASES.—Section 303 of title 11, United States Code, is amended by adding at the end the following:

"(*l*)(1) If—

"(A) the petition under this section is false or contains any materially false, fictitious, or fraudulent statement;

"(B) the debtor is an individual; and

"(C) the court dismisses such petition,

the court, upon the motion of the debtor, shall seal all the records of the court relating to such petition, and all references to such petition.

"(2) If the debtor is an individual and the court dismisses a petition under this section, the court may enter an order prohibiting all consumer reporting agencies (as defined in section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f))) from making any consumer report (as defined in section 603(d) of that Act) that contains any information relating to such petition or to the case commenced by the filing of such petition.

"(3) Upon the expiration of the statute of limitations described in section 3282 of title 18, for a violation of section 152 or 157 of such title, the court, upon the motion of the debtor and for good cause, may expunge any records relating to a petition filed under this section.".

(c) BANKRUPTCY FRAUD.—Section 157 of title 18, United States Code, is amended by inserting ", including a fraudulent involuntary bankruptcy petition under section 303 of such title" after "title 11".

TITLE IV—GENERAL AND SMALL BUSINESS BANKRUPTCY PROVISIONS

Subtitle A—General Business Bankruptcy Provisions

SEC. 401. ADEQUATE PROTECTION FOR INVESTORS.

(a) DEFINITION.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (48) the following:

"(48A) 'securities self regulatory organization' means either a securities association registered with the Securities and Exchange Commission under section 15A of the Securities Exchange Act of 1934 or a national securities exchange registered with the Securities and Exchange Commission under section 6 of the Securities Exchange Act of 1934;".

(b) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, as amended by sections 224, 303, and 311, is amended by inserting after paragraph (24) the following:

"(25) under subsection (a), of—

"(A) the commencement or continuation of an investigation or action by a securities self regulatory organization to enforce such organization's regulatory power;

"(B) the enforcement of an order or decision, other than for monetary sanctions, obtained in an action by such securities self regulatory organization to enforce such organization's regulatory power; or

"(C) any act taken by such securities self regulatory organization to delist, delete, or refuse to permit quotation of any stock that does not meet applicable regulatory requirements;".

SEC. 402. MEETINGS OF CREDITORS AND EQUITY SECURITY HOLDERS.

Section 341 of title 11, United States Code, is amended by adding at the end the following:

"(e) Notwithstanding subsections (a) and (b), the court, on the request of a party in interest and after notice and a hearing, for cause may order that the United States trustee not convene a meeting of creditors or equity security holders if the debtor has filed a plan as to which the debtor solicited acceptances prior to the commencement of the case.".

SEC. 403. PROTECTION OF REFINANCE OF SECURITY INTEREST.

Subparagraphs (A), (B), and (C) of section 547(e)(2) of title 11, United States Code, are each amended by striking "10" each place it appears and inserting "30".

SEC. 404. EXECUTORY CONTRACTS AND UNEXPIRED LEASES.

(a) IN GENERAL.—Section 365(d)(4) of title 11, United States Code, is amended to read as follows:

"(4)(A) Subject to subparagraph (B), an unexpired lease of nonresidential real property under which the debtor is the lessee shall be deemed rejected, and the trustee shall immediately surrender that nonresidential real property to the lessor, if the trustee does not assume or reject the unexpired lease by the earlier of—

"(i) the date that is 120 days after the date of the order for relief; or

"(ii) the date of the entry of an order confirming a plan.

"(B)(i) The court may extend the period determined under subparagraph (A), prior to the expiration of the 120-day period, for 90 days on the motion of the trustee or lessor for cause.

"(ii) If the court grants an extension under clause (i), the court may grant a subsequent extension only upon prior written consent of the lessor in each instance.".

(b) EXCEPTION.—Section 365(f)(1) of title 11, United States Code, is amended by striking "subsection" the first place it appears and inserting "subsections (b) and".

SEC. 405. CREDITORS AND EQUITY SECURITY HOLDERS COMMITTEES.

(a) APPOINTMENT.—Section 1102(a) of title 11, United States Code, is amended by adding at the end the following:

"(4) On request of a party in interest and after notice and a hearing, the court may order the United States trustee to change the membership of a committee appointed under this subsection, if the court determines that the change is necessary to ensure adequate representation of creditors or equity security holders. The court may order the United States trustee to increase the number of members of a committee to include a creditor that is a small business concern (as described in section 3(a)(1) of the Small Business Act), if the court determines that the creditor holds claims (of the kind represented by the committee) the aggregate amount of which, in comparison to the annual gross revenue of that creditor, is disproportionately large.".

(b) INFORMATION.—Section 1102(b) of title 11, United States Code, is amended by adding at the end the following:

"(3) A committee appointed under subsection (a) shall—

"(A) provide access to information for creditors who—

"(i) hold claims of the kind represented by that committee; and

"(ii) are not appointed to the committee;

"(B) solicit and receive comments from the creditors described in subparagraph (A); and

"(C) be subject to a court order that compels any additional report or disclosure to be made to the creditors described in subparagraph (A).".

SEC. 406. AMENDMENT TO SECTION 546 OF TITLE 11, UNITED STATES CODE.

Section 546 of title 11, United States Code, is amended—

(1) by redesignating the second subsection (g) (as added by section 222(a) of Public Law 103–394) as subsection (h);

(2) in subsection (h), as so redesignated, by inserting "and subject to the prior rights of holders of security interests in such goods or the proceeds of such goods" after "consent of a creditor"; and

(3) by adding at the end the following:

"(i)(1) Notwithstanding paragraphs (2) and (3) of section 545, the trustee may not avoid a warehouseman's lien for storage, transportation, or other costs incidental to the storage and handling of goods.

"(2) The prohibition under paragraph (1) shall be applied in a manner consistent with any State statute applicable to such lien that is similar to section 7–209 of the Uniform Commercial Code, as in effect on the date of enactment of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, or any successor to such section 7–209.".

SEC. 407. AMENDMENTS TO SECTION 330(a) OF TITLE 11, UNITED STATES CODE.

Section 330(a) of title 11, United States Code, is amended—

(1) in paragraph (3)—

(A) by striking "(A) In" and inserting "In"; and

(B) by inserting "to an examiner, trustee under chapter 11, or professional person" after "awarded"; and

(2) by adding at the end the following:

"(7) In determining the amount of reasonable compensation to be awarded to a trustee, the court shall treat such compensation as a commission, based on section 326.".

SEC. 408. POSTPETITION DISCLOSURE AND SOLICITATION.

Section 1125 of title 11, United States Code, is amended by adding at the end the following:

"(g) Notwithstanding subsection (b), an acceptance or rejection of the plan may be solicited from a holder of a claim or interest if such solicitation complies with applicable nonbankruptcy law and if such holder was solicited before the commencement of the case in a manner complying with applicable nonbankruptcy law.".

SEC. 409. PREFERENCES.

Section 547(c) of title 11, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) to the extent that such transfer was in payment of a debt incurred by the debtor in the ordinary course of business or financial affairs of the debtor and the transferee, and such transfer was—

"(A) made in the ordinary course of business or financial affairs of the debtor and the transferee; or

"(B) made according to ordinary business terms;";

(2) in paragraph (8), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(9) if, in a case filed by a debtor whose debts are not primarily consumer debts, the aggregate value of all property that constitutes or is affected by such transfer is less than $5,000.".

SEC. 410. VENUE OF CERTAIN PROCEEDINGS.

Section 1409(b) of title 28, United States Code, is amended by inserting ", or a debt (excluding a consumer debt) against a noninsider of less than $10,000," after "$5,000". Section 1409(b) of title 28, United States Code, is further amended by striking "$5,000" and inserting "$15,000".

SEC. 411. PERIOD FOR FILING PLAN UNDER CHAPTER 11.

Section 1121(d) of title 11, United States Code, is amended—

(1) by striking "On" and inserting "(1) Subject to paragraph (2), on"; and

(2) by adding at the end the following:

"(2)(A) The 120-day period specified in paragraph (1) may not be extended beyond a date that is 18 months after the date of the order for relief under this chapter.

"(B) The 180-day period specified in paragraph (1) may not be extended beyond a date that is 20 months after the date of the order for relief under this chapter.".

SEC. 412. FEES ARISING FROM CERTAIN OWNERSHIP INTERESTS.

Section 523(a)(16) of title 11, United States Code, is amended—

(1) by striking "dwelling" the first place it appears;

(2) by striking "ownership or" and inserting "ownership,";

(3) by striking "housing" the first place it appears; and

(4) by striking "but only" and all that follows through "such period," and inserting "or a lot in a homeowners association, for as long as the debtor or the trustee has a legal, equitable, or possessory ownership interest in such unit, such corporation, or such lot,".

SEC. 413. CREDITOR REPRESENTATION AT FIRST MEETING OF CREDITORS.

Section 341(c) of title 11, United States Code, is amended by inserting at the end the following: "Notwithstanding any local court rule, provision of a State constitution, any otherwise applicable nonbankruptcy law, or any other requirement that representation at the meeting of creditors under subsection (a) be by an attorney, a creditor holding a consumer debt or any representative of the creditor (which may include an entity or an employee of an entity and may be a representative for more than 1 creditor) shall be permitted to appear at and participate in the meeting of creditors in a case under chapter 7 or 13, either alone or in conjunction with an attorney for the creditor. Nothing in this subsection shall be construed to require any creditor to be represented by an attorney at any meeting of creditors.".

SEC. 414. DEFINITION OF DISINTERESTED PERSON.

Section 101(14) of title 11, United States Code, is amended to read as follows:

"(14) 'disinterested person' means a person that—

"(A) is not a creditor, an equity security holder, or an insider;

"(B) is not and was not, within 2 years before the date of the filing of the petition, a director, officer, or employee of the debtor; and

"(C) does not have an interest materially adverse to the interest of the estate or of any class of creditors or equity security holders, by reason of any direct or indirect relationship to, connection with, or interest in, the debtor, or for any other reason;".

SEC. 415. FACTORS FOR COMPENSATION OF PROFESSIONAL PERSONS.

Section 330(a)(3) of title 11, United States Code, is amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D) the following:

"(E) with respect to a professional person, whether the person is board certified or otherwise has demonstrated skill and experience in the bankruptcy field; and".

SEC. 416. APPOINTMENT OF ELECTED TRUSTEE.

Section 1104(b) of title 11, United States Code, is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following:

"(2)(A) If an eligible, disinterested trustee is elected at a meeting of creditors under paragraph (1), the United States trustee shall file a report certifying that election.

"(B) Upon the filing of a report under subparagraph (A)—

"(i) the trustee elected under paragraph (1) shall be considered to have been selected and appointed for purposes of this section; and

"(ii) the service of any trustee appointed under subsection (d) shall terminate.

"(C) The court shall resolve any dispute arising out of an election described in subparagraph (A).".

SEC. 417. UTILITY SERVICE.

Section 366 of title 11, United States Code, is amended—

(1) in subsection (a), by striking "subsection (b)" and inserting "subsections (b) and (c)"; and

(2) by adding at the end the following:

"(c)(1)(A) For purposes of this subsection, the term 'assurance of payment' means—

"(i) a cash deposit;

"(ii) a letter of credit;

"(iii) a certificate of deposit;

"(iv) a surety bond;

"(v) a prepayment of utility consumption; or

"(vi) another form of security that is mutually agreed on between the utility and the debtor or the trustee.

"(B) For purposes of this subsection an administrative expense priority shall not constitute an assurance of payment.

"(2) Subject to paragraphs (3) and (4), with respect to a case filed under chapter 11, a utility referred to in subsection (a) may alter, refuse, or discontinue utility service, if during the 30-day period beginning on the date of the filing of the petition, the utility does not receive from the debtor or the trustee adequate assurance of payment for utility service that is satisfactory to the utility.

"(3)(A) On request of a party in interest and after notice and a hearing, the court may order modification of the amount of an assurance of payment under paragraph (2).

"(B) In making a determination under this paragraph whether an assurance of payment is adequate, the court may not consider—

"(i) the absence of security before the date of the filing of the petition;

"(ii) the payment by the debtor of charges for utility service in a timely manner before the date of the filing of the petition; or

"(iii) the availability of an administrative expense priority.

"(4) Notwithstanding any other provision of law, with respect to a case subject to this subsection, a utility may recover or set off against a security deposit provided to the utility by the debtor before the date of the filing of the petition without notice or order of the court.".

SEC. 418. BANKRUPTCY FEES.

Section 1930 of title 28, United States Code, is amended—

(1) in subsection (a), by striking "Notwithstanding section 1915 of this title, the" and inserting "The"; and

(2) by adding at the end the following:

"(f)(1) Under the procedures prescribed by the Judicial Conference of the United States, the district court or the bankruptcy court may waive the filing fee in a case under chapter 7 of title 11 for an individual if the court determines that such individual has income less than 150 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved and is unable to pay that fee in installments. For purposes of this paragraph, the term 'filing fee' means the filing fee required by subsection (a), or any other fee prescribed by the Judicial Conference under subsections (b) and (c) that is payable to the clerk upon the commencement of a case under chapter 7.

"(2) The district court or the bankruptcy court may waive for such debtors other fees prescribed under subsections (b) and (c).

"(3) This subsection does not restrict the district court or the bankruptcy court from waiving, in accordance with Judicial Conference policy, fees prescribed under this section for other debtors and creditors.".

SEC. 419. MORE COMPLETE INFORMATION REGARDING ASSETS OF THE ESTATE.

(a) IN GENERAL.—

(1) DISCLOSURE.—The Judicial Conference of the United States, in accordance with section 2075 of title 28 of the United States Code and after consideration of the views of the Director of the Executive Office for United States Trustees, shall propose amended Federal Rules of Bankruptcy Procedure and in accordance with rule 9009 of the Federal Rules of Bankruptcy Procedure shall prescribe official bankruptcy forms directing debtors under chapter 11 of title 11 of United States Code, to disclose the information described in paragraph (2) by filing and serving periodic financial and other reports designed to provide such information.

(2) INFORMATION.—The information referred to in paragraph (1) is the value, operations, and profitability of any closely held corporation, partnership, or of any other entity in which the debtor holds a substantial or controlling interest.

(b) PURPOSE.—The purpose of the rules and reports under subsection (a) shall be to assist parties in interest taking steps to ensure that the debtor's interest in any entity referred to in subsection (a)(2) is used for the payment of allowed claims against debtor.

Subtitle B—Small Business Bankruptcy Provisions

SEC. 431. FLEXIBLE RULES FOR DISCLOSURE STATEMENT AND PLAN.

Section 1125 of title 11, United States Code, is amended—

(1) in subsection (a)(1), by inserting before the semicolon "and in determining whether a disclosure statement provides adequate information, the court shall consider the complexity of the case, the benefit of additional information to creditors and other parties in interest, and the cost of providing additional information"; and

(2) by striking subsection (f), and inserting the following:

"(f) Notwithstanding subsection (b), in a small business case—

"(1) the court may determine that the plan itself provides adequate information and that a separate disclosure statement is not necessary;

"(2) the court may approve a disclosure statement submitted on standard forms approved by the court or adopted under section 2075 of title 28; and

"(3)(A) the court may conditionally approve a disclosure statement subject to final approval after notice and a hearing;

"(B) acceptances and rejections of a plan may be solicited based on a conditionally approved disclosure statement if the debtor provides adequate information to each holder of a claim or interest that is solicited, but a conditionally approved disclosure statement shall be mailed not later than 25 days before the date of the hearing on confirmation of the plan; and

"(C) the hearing on the disclosure statement may be combined with the hearing on confirmation of a plan.".

SEC. 432. DEFINITIONS.

(a) DEFINITIONS.—Section 101 of title 11, United States Code, is amended by striking paragraph (51C) and inserting the following:

"(51C) 'small business case' means a case filed under chapter 11 of this title in which the debtor is a small business debtor;

"(51D) 'small business debtor'—

"(A) subject to subparagraph (B), means a person engaged in commercial or business activities (including any affiliate of such person that is also a debtor under this title and excluding a person whose primary activity is the business of owning or operating real property or activities incidental thereto) that has aggregate noncontingent liquidated secured and unsecured debts as of the date of the petition or the date of the order for relief in an amount not more than $2,000,000 (excluding debts owed to 1 or more affiliates or insiders) for a case in which the United States trustee has not appointed under section 1102(a)(1) a committee of unsecured creditors or where the court has determined that the committee of unsecured creditors is not sufficiently active and representative to provide effective oversight of the debtor; and

"(B) does not include any member of a group of affiliated debtors that has aggregate noncontingent liquidated secured and unsecured debts in an amount greater than $2,000,000 (excluding debt owed to 1 or more affiliates or insiders);".

(b) CONFORMING AMENDMENT.—Section 1102(a)(3) of title 11, United States Code, is amended by inserting "debtor" after "small business".

(c) ADJUSTMENT OF DOLLAR AMOUNTS.—Section 104(b) of title 11, United States Code, as amended by section 226, is amended by inserting "101(51D)," after "101(3)," each place it appears.

SEC. 433. STANDARD FORM DISCLOSURE STATEMENT AND PLAN.

Within a reasonable period of time after the date of enactment of this Act, the Judicial Conference of the United States shall prescribe in accordance with rule 9009 of the Federal Rules of Bankruptcy Procedure official standard form disclosure statements and plans of reorganization for small business debtors (as defined in section 101 of title 11, United States Code, as amended by this Act), designed to achieve a practical balance between—

(1) the reasonable needs of the courts, the United States trustee, creditors, and other parties in interest for reasonably complete information; and

(2) economy and simplicity for debtors.

SEC. 434. UNIFORM NATIONAL REPORTING REQUIREMENTS.

(a) REPORTING REQUIRED.—

(1) IN GENERAL.—Chapter 3 of title 11, United States Code, is amended by inserting after section 307 the following:

"§ 308. Debtor reporting requirements

"(a) For purposes of this section, the term 'profitability' means, with respect to a debtor, the amount of money that the debtor has earned or lost during current and recent fiscal periods.

"(b) A small business debtor shall file periodic financial and other reports containing information including—

"(1) the debtor's profitability;

"(2) reasonable approximations of the debtor's projected cash receipts and cash disbursements over a reasonable period;

"(3) comparisons of actual cash receipts and disbursements with projections in prior reports;

"(4)(A) whether the debtor is—

"(i) in compliance in all material respects with postpetition requirements imposed by this title and the Federal Rules of Bankruptcy Procedure; and

"(ii) timely filing tax returns and other required government filings and paying taxes and other administrative expenses when due;

"(B) if the debtor is not in compliance with the requirements referred to in subparagraph (A)(i) or filing tax returns and other required government filings and making the payments referred to in subparagraph (A)(ii), what the failures are and how, at what cost, and when the debtor intends to remedy such failures; and

"(C) such other matters as are in the best interests of the debtor and creditors, and in the public interest in fair and efficient procedures under chapter 11 of this title.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 3 of title 11, United States Code, is amended by inserting after the item relating to section 307 the following:

"308. Debtor reporting requirements.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect 60 days after the date on which rules are prescribed under section 2075 of title 28, United States Code, to establish forms to be used to comply with section 308 of title 11, United States Code, as added by subsection (a).

SEC. 435. UNIFORM REPORTING RULES AND FORMS FOR SMALL BUSINESS CASES.

(a) PROPOSAL OF RULES AND FORMS.—The Judicial Conference of the United States shall propose in accordance with section 2073 of title 28 of the United States Code amended Federal Rules of Bankruptcy Procedure, and shall prescribe in accordance with rule 9009 of the Federal Rules of Bankruptcy Procedure official bankruptcy forms, directing small business debtors to file periodic financial and other reports containing information, including information relating to—

(1) the debtor's profitability;

(2) the debtor's cash receipts and disbursements; and

(3) whether the debtor is timely filing tax returns and paying taxes and other administrative expenses when due.

(b) PURPOSE.—The rules and forms proposed under subsection (a) shall be designed to achieve a practical balance among—

(1) the reasonable needs of the bankruptcy court, the United States trustee, creditors, and other parties in interest for reasonably complete information;

(2) a small business debtor's interest that required reports be easy and inexpensive to complete; and

(3) the interest of all parties that the required reports help such debtor to understand such debtor's financial condition and plan the such debtor's future.

SEC. 436. DUTIES IN SMALL BUSINESS CASES.

(a) DUTIES IN CHAPTER 11 CASES.—Subchapter I of chapter 11 of title 11, United States Code, as amended by section 321, is amended by adding at the end the following:

"§ 1116. Duties of trustee or debtor in possession in small business cases

"In a small business case, a trustee or the debtor in possession, in addition to the duties provided in this title and as otherwise required by law, shall—

"(1) append to the voluntary petition or, in an involuntary case, file not later than 7 days after the date of the order for relief—

"(A) its most recent balance sheet, statement of operations, cash-flow statement, and Federal income tax return; or

"(B) a statement made under penalty of perjury that no balance sheet, statement of operations, or cash-flow statement has been prepared and no Federal tax return has been filed;

"(2) attend, through its senior management personnel and counsel, meetings scheduled by the court or the United States trustee, including initial debtor interviews, scheduling conferences, and meetings of creditors convened under section 341 unless the court, after notice and a hearing, waives that requirement upon a finding of extraordinary and compelling circumstances;

"(3) timely file all schedules and statements of financial affairs, unless the court, after notice and a hearing, grants an extension, which shall not extend such time period to a date later than 30 days after the date of the order for relief, absent extraordinary and compelling circumstances;

"(4) file all postpetition financial and other reports required by the Federal Rules of Bankruptcy Procedure or by local rule of the district court;

"(5) subject to section 363(c)(2), maintain insurance customary and appropriate to the industry;

"(6)(A) timely file tax returns and other required government filings; and

"(B) subject to section 363(c)(2), timely pay all taxes entitled to administrative expense priority except those being contested by appropriate proceedings being diligently prosecuted; and

"(7) allow the United States trustee, or a designated representative of the United States trustee, to inspect the debtor's business premises, books, and records at reasonable times, after reasonable prior written notice, unless notice is waived by the debtor.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 11 of title 11, United States Code, as amended by section 321, is amended by inserting after the item relating to section 1115 the following:

"1116. Duties of trustee or debtor in possession in small business cases.".

SEC. 437. PLAN FILING AND CONFIRMATION DEADLINES.

Section 1121 of title 11, United States Code, is amended by striking subsection (e) and inserting the following:

"(e) In a small business case—

"(1) only the debtor may file a plan until after 180 days after the date of the order for relief, unless that period is—

"(A) extended as provided by this subsection, after notice and a hearing; or

"(B) the court, for cause, orders otherwise;

"(2) the plan and a disclosure statement (if any) shall be filed not later than 300 days after the date of the order for relief; and

"(3) the time periods specified in paragraphs (1) and (2), and the time fixed in section 1129(e) within which the plan shall be confirmed, may be extended only if—

"(A) the debtor, after providing notice to parties in interest (including the United States trustee), demonstrates by a preponderance of the evidence that it is more likely than not that the court will confirm a plan within a reasonable period of time;

"(B) a new deadline is imposed at the time the extension is granted; and

"(C) the order extending time is signed before the existing deadline has expired.".

SEC. 438. PLAN CONFIRMATION DEADLINE.

Section 1129 of title 11, United States Code, is amended by adding at the end the following:

"(e) In a small business case, the court shall confirm a plan that complies with the applicable provisions of this title and that is filed in accordance with section 1121(e) not later than 45 days after the plan is filed unless the time for confirmation is extended in accordance with section 1121(e)(3).".

SEC. 439. DUTIES OF THE UNITED STATES TRUSTEE.

Section 586(a) of title 28, United States Code, is amended—

(1) in paragraph (3)—

(A) in subparagraph (G), by striking "and" at the end;

(B) by redesignating subparagraph (H) as subparagraph (I); and

(C) by inserting after subparagraph (G) the following:

"(H) in small business cases (as defined in section 101 of title 11), performing the additional duties specified in title 11 pertaining to such cases; and";

(2) in paragraph (5), by striking "and" at the end;

(3) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

"(7) in each of such small business cases—

"(A) conduct an initial debtor interview as soon as practicable after the date of the order for relief but before the first meeting scheduled under section 341(a) of title 11, at which time the United States trustee shall—

"(i) begin to investigate the debtor's viability;

"(ii) inquire about the debtor's business plan;

"(iii) explain the debtor's obligations to file monthly operating reports and other required reports;

"(iv) attempt to develop an agreed scheduling order; and

"(v) inform the debtor of other obligations;

"(B) if determined to be appropriate and advisable, visit the appropriate business premises of the debtor, ascertain the state of the debtor's books and records, and verify that the debtor has filed its tax returns; and

"(C) review and monitor diligently the debtor's activities, to identify as promptly as possible whether the debtor will be unable to confirm a plan; and

"(8) in any case in which the United States trustee finds material grounds for any relief under section 1112 of title 11, the United States trustee shall apply promptly after making that finding to the court for relief.".

SEC. 440. SCHEDULING CONFERENCES.

Section 105(d) of title 11, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking ", may"; and

(2) by striking paragraph (1) and inserting the following:

"(1) shall hold such status conferences as are necessary to further the expeditious and economical resolution of the case; and".

SEC. 441. SERIAL FILER PROVISIONS.

Section 362 of title 11, United States Code, as amended by sections 106, 305, and 311, is amended—

(1) in subsection (k), as so redesignated by section 305—

(A) by striking "An" and inserting "(1) Except as provided in paragraph (2), an"; and

(B) by adding at the end the following:

"(2) If such violation is based on an action taken by an entity in the good faith belief that subsection (h) applies to the debtor, the recovery under paragraph (1) of this subsection against such entity shall be limited to actual damages."; and

(2) by adding at the end the following:

"(n)(1) Except as provided in paragraph (2), subsection (a) does not apply in a case in which the debtor—

"(A) is a debtor in a small business case pending at the time the petition is filed;

"(B) was a debtor in a small business case that was dismissed for any reason by an order that became final in the 2-year period ending on the date of the order for relief entered with respect to the petition;

"(C) was a debtor in a small business case in which a plan was confirmed in the 2-year period ending on the date of the order for relief entered with respect to the petition; or

"(D) is an entity that has acquired substantially all of the assets or business of a small business debtor described in subparagraph (A), (B), or (C), unless such entity establishes by a preponderance of the evidence that such entity acquired substantially all of the assets or business of such small business debtor in good faith and not for the purpose of evading this paragraph.

"(2) Paragraph (1) does not apply—

"(A) to an involuntary case involving no collusion by the debtor with creditors; or

"(B) to the filing of a petition if—

"(i) the debtor proves by a preponderance of the evidence that the filing of the petition resulted from circumstances beyond the control of the debtor not foreseeable at the time the case then pending was filed; and

"(ii) it is more likely than not that the court will confirm a feasible plan, but not a liquidating plan, within a reasonable period of time.".

SEC. 442. EXPANDED GROUNDS FOR DISMISSAL OR CONVERSION AND APPOINTMENT OF TRUSTEE.

(a) EXPANDED GROUNDS FOR DISMISSAL OR CONVERSION.—Section 1112 of title 11, United States Code, is amended by striking subsection (b) and inserting the following:

"(b)(1) Except as provided in paragraph (2) of this subsection, subsection (c) of this section, and section 1104(a)(3), on request of a party in interest, and after notice and a hearing, absent unusual circumstances specifically identified by the court that establish that the requested conversion or dismissal is not in the best interests of creditors and the estate, the court shall convert a case under this chapter to a case under chapter 7 or dismiss a case under this chapter, whichever is in the best interests of creditors and the estate, if the movant establishes cause.

"(2) The relief provided in paragraph (1) shall not be granted absent unusual circumstances specifically identified by the court that establish that such relief is not in the best interests of creditors and the estate, if the debtor or another party in interest objects and establishes that—

"(A) there is a reasonable likelihood that a plan will be confirmed within the timeframes established in sections 1121(e) and 1129(e) of this title, or if such sections do not apply, within a reasonable period of time; and

"(B) the grounds for granting such relief include an act or omission of the debtor other than under paragraph (4)(A)—

"(i) for which there exists a reasonable justification for the act or omission; and

"(ii) that will be cured within a reasonable period of time fixed by the court.

"(3) The court shall commence the hearing on a motion under this subsection not later than 30 days after filing of the motion, and shall decide the motion not later than 15 days after commencement of such hearing, unless the movant expressly consents to a continuance for a specific period of time or compelling circumstances prevent the court from meeting the time limits established by this paragraph.

"(4) For purposes of this subsection, the term 'cause' includes—

"(A) substantial or continuing loss to or diminution of the estate and the absence of a reasonable likelihood of rehabilitation;

"(B) gross mismanagement of the estate;

"(C) failure to maintain appropriate insurance that poses a risk to the estate or to the public;

"(D) unauthorized use of cash collateral substantially harmful to 1 or more creditors;

"(E) failure to comply with an order of the court;

"(F) unexcused failure to satisfy timely any filing or reporting requirement established by this title or by any rule applicable to a case under this chapter;

"(G) failure to attend the meeting of creditors convened under section 341(a) or an examination ordered under rule 2004 of the Federal Rules of Bankruptcy Procedure without good cause shown by the debtor;

"(H) failure timely to provide information or attend meetings reasonably requested by the United States trustee (or the bankruptcy administrator, if any);

"(I) failure timely to pay taxes owed after the date of the order for relief or to file tax returns due after the date of the order for relief;

"(J) failure to file a disclosure statement, or to file or confirm a plan, within the time fixed by this title or by order of the court;

"(K) failure to pay any fees or charges required under chapter 123 of title 28;

"(L) revocation of an order of confirmation under section 1144;

"(M) inability to effectuate substantial consummation of a confirmed plan;

"(N) material default by the debtor with respect to a confirmed plan;

"(O) termination of a confirmed plan by reason of the occurrence of a condition specified in the plan; and

"(P) failure of the debtor to pay any domestic support obligation that first becomes payable after the date of the filing of the petition.".

(b) ADDITIONAL GROUNDS FOR APPOINTMENT OF TRUSTEE.—Section 1104(a) of title 11, United States Code, is amended—

(1) in paragraph (1), by striking "or" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(3) if grounds exist to convert or dismiss the case under section 1112, but the court determines that the appointment of a trustee or an examiner is in the best interests of creditors and the estate.".

SEC. 443. STUDY OF OPERATION OF TITLE 11, UNITED STATES CODE, WITH RESPECT TO SMALL BUSINESSES.

Not later than 2 years after the date of enactment of this Act, the Administrator of the Small Business Administration, in consultation with the Attorney General, the Director of the Executive Office for United States Trustees, and the Director of the Administrative Office of the United States Courts, shall—

(1) conduct a study to determine—

(A) the internal and external factors that cause small businesses, especially sole proprietorships, to become debtors in cases under title 11, United States Code, and that cause certain small businesses to successfully complete cases under chapter 11 of such title; and

(B) how Federal laws relating to bankruptcy may be made more effective and efficient in assisting small businesses to remain viable; and

(2) submit to the President pro tempore of the Senate and the Speaker of the House of Representatives a report summarizing that study.

SEC. 444. PAYMENT OF INTEREST.

Section 362(d)(3) of title 11, United States Code, is amended—

(1) by inserting "or 30 days after the court determines that the debtor is subject to this paragraph, whichever is later" after "90-day period)"; and

(2) by striking subparagraph (B) and inserting the following:

"(B) the debtor has commenced monthly payments that—

"(i) may, in the debtor's sole discretion, notwithstanding section 363(c)(2), be made from rents or other income generated before, on, or after the date of the commencement of the case by or from the property to each creditor whose claim is secured by such real estate (other than a claim secured by a judgment lien or by an unmatured statutory lien); and

"(ii) are in an amount equal to interest at the then applicable nondefault contract rate of interest on the value of the creditor's interest in the real estate; or".

SEC. 445. PRIORITY FOR ADMINISTRATIVE EXPENSES.

Section 503(b) of title 11, United States Code, is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(7) with respect to a nonresidential real property lease previously assumed under section 365, and subsequently rejected, a sum equal to all monetary obligations due, excluding those arising from or relating to a failure to operate or a penalty provision, for the period of 2 years following the later of the rejection date or the date of actual turnover of the premises, without reduction or setoff for any reason whatsoever except for sums actually received or to be received from an entity other than the debtor, and the claim for remaining sums due for the balance of the term of the lease shall be a claim under section 502(b)(6);".

SEC. 446. DUTIES WITH RESPECT TO A DEBTOR WHO IS A PLAN ADMINISTRATOR OF AN EMPLOYEE BENEFIT PLAN.

(a) IN GENERAL.—Section 521(a) of title 11, United States Code, as amended by sections 106 and 304, is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period at the end and inserting "; and"; and

(3) by adding after paragraph (6) the following:

"(7) unless a trustee is serving in the case, continue to perform the obligations required of the administrator (as defined in section 3 of the Employee Retirement Income Security Act of 1974) of an employee benefit plan if at the time of the commencement of the case the debtor (or any entity designated by the debtor) served as such administrator.".

(b) DUTIES OF TRUSTEES.—Section 704(a) of title 11, United States Code, as amended by sections 102 and 219, is amended—

(1) in paragraph (10), by striking "and" at the end; and

(2) by adding at the end the following:

"(11) if, at the time of the commencement of the case, the debtor (or any entity designated by the debtor) served as the administrator (as defined in section 3 of the Employee Retirement Income Security Act of 1974) of an employee benefit plan, continue to perform the obligations required of the administrator; and".

(c) CONFORMING AMENDMENT.—Section 1106(a)(1) of title 11, United States Code, is amended to read as follows:

"(1) perform the duties of the trustee, as specified in paragraphs (2), (5), (7), (8), (9), (10), and (11) of section 704;".

SEC. 447. APPOINTMENT OF COMMITTEE OF RETIRED EMPLOYEES.

Section 1114(d) of title 11, United States Code, is amended—

(1) by striking "appoint" and inserting "order the appointment of", and

(2) by adding at the end the following: "The United States trustee shall appoint any such committee.".

TITLE V—MUNICIPAL BANKRUPTCY PROVISIONS

SEC. 501. PETITION AND PROCEEDINGS RELATED TO PETITION.

(a) TECHNICAL AMENDMENT RELATING TO MUNICIPALITIES.—Section 921(d) of title 11, United States Code, is amended by inserting "notwithstanding section 301(b)" before the period at the end.

(b) CONFORMING AMENDMENT.—Section 301 of title 11, United States Code, is amended—

(1) by inserting "(a)" before "A voluntary"; and

(2) by striking the last sentence and inserting the following:

"(b) The commencement of a voluntary case under a chapter of this title constitutes an order for relief under such chapter.".

SEC. 502. APPLICABILITY OF OTHER SECTIONS TO CHAPTER 9.

Section 901(a) of title 11, United States Code, is amended—

(1) by inserting "555, 556," after "553,"; and

(2) by inserting "559, 560, 561, 562," after "557,".

TITLE VI—BANKRUPTCY DATA

SEC. 601. IMPROVED BANKRUPTCY STATISTICS.

(a) IN GENERAL.—apter 6 of title 28, United States Code, is amended by adding at the end the following:

"§ 159. Bankruptcy statistics

"(a) The clerk of the district court, or the clerk of the bankruptcy court if one is certified pursuant to section 156(b) of this title, shall collect statistics regarding debtors who are individuals with primarily consumer debts seeking relief under chapters 7, 11, and 13 of title 11. Those statistics shall be in a standardized format prescribed by the Director of the Administrative Office of the United States Courts (referred to in this section as the 'Director').

"(b) The Director shall—

"(1) compile the statistics referred to in subsection (a);

"(2) make the statistics available to the public; and

"(3) not later than July 1, 2008, and annually thereafter, prepare, and submit to Congress a report concerning the information collected under subsection (a) that contains an analysis of the information.

"(c) The compilation required under subsection (b) shall—

"(1) be itemized, by chapter, with respect to title 11;

"(2) be presented in the aggregate and for each district; and

"(3) include information concerning—

"(A) the total assets and total liabilities of the debtors described in subsection (a), and in each category of assets and liabilities, as reported in the schedules prescribed pursuant to section 2075 of this title and filed by debtors;

"(B) the current monthly income, average income, and average expenses of debtors as reported on the schedules and statements that each such debtor files under sections 521 and 1322 of title 11;

"(C) the aggregate amount of debt discharged in cases filed during the reporting period, determined as the difference between the total amount of debt and obligations of a debtor reported on the schedules and the amount of such debt reported in categories which are predominantly nondischargeable;

"(D) the average period of time between the date of the filing of the petition and the closing of the case for cases closed during the reporting period;

"(E) for cases closed during the reporting period—

"(i) the number of cases in which a reaffirmation agreement was filed; and

"(ii)(I) the total number of reaffirmation agreements filed;

"(II) of those cases in which a reaffirmation agreement was filed, the number of cases in which the debtor was not represented by an attorney; and

"(III) of those cases in which a reaffirmation agreement was filed, the number of cases in which the reaffirmation agreement was approved by the court;

"(F) with respect to cases filed under chapter 13 of title 11, for the reporting period—

"(i)(I) the number of cases in which a final order was entered determining the value of property securing a claim in an amount less than the amount of the claim; and

"(II) the number of final orders entered determining the value of property securing a claim;

"(ii) the number of cases dismissed, the number of cases dismissed for failure to make payments under the plan, the number of cases refiled after dismissal, and the number of cases in which the plan was completed, separately itemized with respect to the number of modifications made before completion of the plan, if any; and

"(iii) the number of cases in which the debtor filed another case during the 6-year period preceding the filing;

"(G) the number of cases in which creditors were fined for misconduct and any amount of punitive damages awarded by the court for creditor misconduct; and

"(H) the number of cases in which sanctions under rule 9011 of the Federal Rules of Bankruptcy Procedure were imposed against debtor's attorney or damages awarded under such Rule.".

(b) Clerical Amendment.—The table of sections for chapter 6 of title 28, United States Code, is amended by adding at the end the following:

"159. Bankruptcy statistics.".

(c) Effective Date.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

SEC. 602. UNIFORM RULES FOR THE COLLECTION OF BANKRUPTCY DATA.

(a) Amendment.—Chapter 39 of title 28, United States Code, is amended by adding at the end the following:

"§ 589b. Bankruptcy data

"(a) Rules.—The Attorney General shall, within a reasonable time after the effective date of this section, issue rules requiring uniform forms for (and from time to time thereafter to appropriately modify and approve)—

"(1) final reports by trustees in cases under chapters 7, 12, and 13 of title 11; and

"(2) periodic reports by debtors in possession or trustees in cases under chapter 11 of title 11.

"(b) Reports.—Each report referred to in subsection (a) shall be designed (and the requirements as to place and manner of filing shall be established) so as to facilitate compilation of data and maximum possible access of the public, both by physical inspection at one or more central filing locations, and by electronic access through the Internet or other appropriate media.

"(c) Required Information.—The information required to be filed in the reports referred to in subsection (b) shall be that which is in the best interests of debtors and creditors, and in the public interest in reasonable and adequate information to evaluate the efficiency and practicality of the Federal bankruptcy system. In issuing rules proposing the forms referred to in subsection (a), the Attorney General shall strike the best achievable practical balance between—

"(1) the reasonable needs of the public for information about the operational results of the Federal bankruptcy system;

"(2) economy, simplicity, and lack of undue burden on persons with a duty to file reports; and

"(3) appropriate privacy concerns and safeguards.

"(d) Final Reports.—The uniform forms for final reports required under subsection (a) for use by trustees under chapters 7, 12, and 13 of title 11 shall, in addition to such other matters as are required by law or as the Attorney General in the discretion of the Attorney General shall propose, include with respect to a case under such title—

"(1) information about the length of time the case was pending;

"(2) assets abandoned;

"(3) assets exempted;

"(4) receipts and disbursements of the estate;

"(5) expenses of administration, including for use under section 707(b), actual costs of administering cases under chapter 13 of title 11;

"(6) claims asserted;

"(7) claims allowed; and

"(8) distributions to claimants and claims discharged without payment,

in each case by appropriate category and, in cases under chapters 12 and 13 of title 11, date of confirmation of the plan, each modification thereto, and defaults by the debtor in performance under the plan.

"(e) Periodic Reports.—The uniform forms for periodic reports required under subsection (a) for use by trustees or debtors in possession under chapter 11 of title 11 shall, in addition to such other matters as are required by law or as the Attorney General in the discretion of the Attorney General shall propose, include—

"(1) information about the industry classification, published by the Department of Commerce, for the businesses conducted by the debtor;

"(2) length of time the case has been pending;

"(3) number of full-time employees as of the date of the order for relief and at the end of each reporting period since the case was filed;

"(4) cash receipts, cash disbursements and profitability of the debtor for the most recent period and cumulatively since the date of the order for relief;

"(5) compliance with title 11, whether or not tax returns and tax payments since the date of the order for relief have been timely filed and made;

"(6) all professional fees approved by the court in the case for the most recent period and cumulatively since the date of the order for relief (separately reported, for the professional fees incurred by or on behalf of the debtor, between those that would have been incurred absent a bankruptcy case and those not); and

"(7) plans of reorganization filed and confirmed and, with respect thereto, by class, the recoveries of the holders, expressed in aggregate dollar values and, in the case of claims, as a percentage of total claims of the class allowed.".

(b) Clerical Amendment.—The table of sections for chapter 39 of title 28, United States Code, is amended by adding at the end the following:

"589b. Bankruptcy data.".

SEC. 603. AUDIT PROCEDURES.

(a) In General.—

(1) Establishment of Procedures.—The Attorney General (in judicial districts served by United States trustees) and the Judicial Conference of the United States (in judicial districts served by bankruptcy administrators) shall establish procedures to determine the accuracy, veracity, and completeness of petitions, schedules, and other information that the debtor is required to provide under sections 521 and 1322 of title 11, United States Code, and, if applicable, section 111 of such title, in cases filed under chapter 7 or 13 of such title in which the debtor is an individual. Such audits shall be in accordance with generally accepted auditing standards and performed by independent certified public accountants or independent licensed public accountants, provided that the Attorney General and the Judicial Conference, as appropriate, may develop alternative auditing standards not later than 2 years after the date of enactment of this Act.

(2) Procedures.—Those procedures required by paragraph (1) shall—

(A) establish a method of selecting appropriate qualified persons to contract to perform those audits;

(B) establish a method of randomly selecting cases to be audited, except that not less than 1 out of every 250 cases in each Federal judicial district shall be selected for audit;

(C) require audits of schedules of income and expenses that reflect greater than average variances from the statistical norm of the district in which the schedules were filed if those variances occur by reason of higher income or higher expenses than the statistical norm of the district in which the schedules were filed; and

(D) establish procedures for providing, not less frequently than annually, public information concerning the aggregate results of such audits including the percentage of cases, by district, in which a material misstatement of income or expenditures is reported.

(b) AMENDMENTS.—Section 586 of title 28, United States Code, is amended—

(1) in subsection (a), by striking paragraph (6) and inserting the following:

"(6) make such reports as the Attorney General directs, including the results of audits performed under section 603(a) of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005;"; and

(2) by adding at the end the following:

"(f)(1) The United States trustee for each district is authorized to contract with auditors to perform audits in cases designated by the United States trustee, in accordance with the procedures established under section 603(a) of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

"(2)(A) The report of each audit referred to in paragraph (1) shall be filed with the court and transmitted to the United States trustee. Each report shall clearly and conspicuously specify any material misstatement of income or expenditures or of assets identified by the person performing the audit. In any case in which a material misstatement of income or expenditures or of assets has been reported, the clerk of the district court (or the clerk of the bankruptcy court if one is certified under section 156(b) of this title) shall give notice of the misstatement to the creditors in the case.

"(B) If a material misstatement of income or expenditures or of assets is reported, the United States trustee shall—

"(i) report the material misstatement, if appropriate, to the United States Attorney pursuant to section 3057 of title 18; and

"(ii) if advisable, take appropriate action, including but not limited to commencing an adversary proceeding to revoke the debtor's discharge pursuant to section 727(d) of title 11.".

(c) AMENDMENTS TO SECTION 521 OF TITLE 11, U.S.C.—Section 521(a) of title 11, United States Code, as so designated by section 106, is amended in each of paragraphs (3) and (4) by inserting "or an auditor serving under section 586(f) of title 28" after "serving in the case".

(d) AMENDMENTS TO SECTION 727 OF TITLE 11, U.S.C.—Section 727(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking "or" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(4) the debtor has failed to explain satisfactorily—

"(A) a material misstatement in an audit referred to in section 586(f) of title 28; or

"(B) a failure to make available for inspection all necessary accounts, papers, documents, financial records, files, and all other papers, things, or property belonging to the debtor that are requested for an audit referred to in section 586(f) of title 28.".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

SEC. 604. SENSE OF CONGRESS REGARDING AVAILABILITY OF BANKRUPTCY DATA.

It is the sense of Congress that—

(1) the national policy of the United States should be that all data held by bankruptcy clerks in electronic form, to the extent such data reflects only public records (as defined in section 107 of title 11, United States Code), should be released in a usable electronic form in bulk to the public, subject to such appropriate privacy concerns and safeguards as Congress and the Judicial Conference of the United States may determine; and

(2) there should be established a bankruptcy data system in which—

(A) a single set of data definitions and forms are used to collect data nationwide; and

(B) data for any particular bankruptcy case are aggregated in the same electronic record.

TITLE VII—BANKRUPTCY TAX PROVISIONS

SEC. 701. TREATMENT OF CERTAIN LIENS.

(a) TREATMENT OF CERTAIN LIENS.—Section 724 of title 11, United States Code, is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by inserting "(other than to the extent that there is a properly perfected unavoidable tax lien arising in connection with an ad valorem tax on real or personal property of the estate)" after "under this title";

(2) in subsection (b)(2), by inserting "(except that such expenses, other than claims for wages, salaries, or commissions that arise after the date of the filing of the petition, shall be limited to expenses incurred under chapter 7 of this title and shall not include expenses incurred under chapter 11 of this title)" after "507(a)(1)"; and

(3) by adding at the end the following:

"(e) Before subordinating a tax lien on real or personal property of the estate, the trustee shall—

"(1) exhaust the unencumbered assets of the estate; and

"(2) in a manner consistent with section 506(c), recover from property securing an allowed secured claim the reasonable, necessary costs and expenses of preserving or disposing of such property.

"(f) Notwithstanding the exclusion of ad valorem tax liens under this section and subject to the requirements of subsection (e), the following may be paid from property of the estate which secures a tax lien, or the proceeds of such property:

"(1) Claims for wages, salaries, and commissions that are entitled to priority under section 507(a)(4).

"(2) Claims for contributions to an employee benefit plan entitled to priority under section 507(a)(5).".

(b) DETERMINATION OF TAX LIABILITY.—Section 505(a)(2) of title 11, United States Code, is amended—

(1) in subparagraph (A), by striking "or" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(C) the amount or legality of any amount arising in connection with an ad valorem tax on real or personal property of the estate, if the applicable period for contesting or redetermining that amount under any law (other than a bankruptcy law) has expired.".

SEC. 702. TREATMENT OF FUEL TAX CLAIMS.

Section 501 of title 11, United States Code, is amended by adding at the end the following:

"(e) A claim arising from the liability of a debtor for fuel use tax assessed consistent with the requirements of section 31705 of title 49 may be filed by the base jurisdiction designated pursuant to the International Fuel Tax Agreement (as defined in section 31701 of title 49) and, if so filed, shall be allowed as a single claim.".

SEC. 703. NOTICE OF REQUEST FOR A DETERMINATION OF TAXES.

Section 505(b) of title 11, United States Code, is amended—

(1) in the first sentence, by inserting "at the address and in the manner designated in paragraph (1)" after "determination of such tax";

(2) by striking "(1) upon payment" and inserting "(A) upon payment";

(3) by striking "(A) such governmental unit" and inserting "(i) such governmental unit";

(4) by striking "(B) such governmental unit" and inserting "(ii) such governmental unit";

(5) by striking "(2) upon payment" and inserting "(B) upon payment";

(6) by striking "(3) upon payment" and inserting "(C) upon payment";

(7) by striking "(b)" and inserting "(2)"; and

(8) by inserting before paragraph (2), as so designated, the following:

"(b)(1)(A) The clerk shall maintain a list under which a Federal, State, or local governmental unit responsible for the collection of taxes within the district may—

"(i) designate an address for service of requests under this subsection; and

"(ii) describe where further information concerning additional requirements for filing such requests may be found.

"(B) If such governmental unit does not designate an address and provide such address to the clerk under subparagraph (A), any request made under this subsection may be served at the address for the filing of a tax return or protest with the appropriate taxing authority of such governmental unit.".

SEC. 704. RATE OF INTEREST ON TAX CLAIMS.

(a) IN GENERAL.—Subchapter I of chapter 5 of title 11, United States Code, is amended by adding at the end the following:

"§ 511. Rate of interest on tax claims

"(a) If any provision of this title requires the payment of interest on a tax claim or on an administrative expense tax, or the payment of interest to enable a creditor to receive the present value of the allowed amount of a tax claim, the rate of interest shall be the rate determined under applicable nonbankruptcy law.

"(b) In the case of taxes paid under a confirmed plan under this title, the rate of interest shall be determined as of the calendar month in which the plan is confirmed.".

(b) CLERICAL AMENDMENT.—The table of sections for subchapter I of chapter 5 of title 11, United States Code, is amended by adding at the end the following:

"511. Rate of interest on tax claims.".

SEC. 705. PRIORITY OF TAX CLAIMS.

Section 507(a)(8) of title 11, United States Code, is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by inserting "for a taxable year ending on or before the date of the filing of the petition" after "gross receipts";

(B) in clause (i), by striking "for a taxable year ending on or before the date of the filing of the petition"; and

(C) by striking clause (ii) and inserting the following:

"(ii) assessed within 240 days before the date of the filing of the petition, exclusive of—

"(I) any time during which an offer in compromise with respect to that tax was pending or in effect during that 240-day period, plus 30 days; and

"(II) any time during which a stay of proceedings against collections was in effect in a prior case under this title during that 240-day period, plus 90 days."; and

(2) by adding at the end the following: "An otherwise applicable time period specified in this paragraph shall be suspended for any period during which a governmental unit is prohibited under applicable nonbankruptcy law from collecting a tax as a result of a request by the debtor for a hearing and an appeal of any collection action taken or proposed against the debtor, plus 90 days; plus any time during which the stay of proceedings was in effect in a prior case under this title or during which collection was precluded by the existence of 1 or more confirmed plans under this title, plus 90 days.".

SEC. 706. PRIORITY PROPERTY TAXES INCURRED.

Section 507(a)(8)(B) of title 11, United States Code, is amended by striking "assessed" and inserting "incurred".

SEC. 707. NO DISCHARGE OF FRAUDULENT TAXES IN CHAPTER 13.

Section 1328(a)(2) of title 11, United States Code, as amended by section 314, is amended by striking "paragraph" and inserting "section 507(a)(8)(C) or in paragraph (1)(B), (1)(C),".

SEC. 708. NO DISCHARGE OF FRAUDULENT TAXES IN CHAPTER 11.

Section 1141(d) of title 11, United States Code, as amended by sections 321 and 330, is amended by adding at the end the following:

"(6) Notwithstanding paragraph (1), the confirmation of a plan does not discharge a debtor that is a corporation from any debt—

"(A) of a kind specified in paragraph (2)(A) or (2)(B) of section 523(a) that is owed to a domestic governmental unit, or owed to a person as the result of an action filed under subchapter III of chapter 37 of title 31 or any similar State statute; or

"(B) for a tax or customs duty with respect to which the debtor—

"(i) made a fraudulent return; or

"(ii) willfully attempted in any manner to evade or to defeat such tax or such customs duty.".

SEC. 709. STAY OF TAX PROCEEDINGS LIMITED TO PREPETITION TAXES.

Section 362(a)(8) of title 11, United States Code, is amended by striking "the debtor" and inserting "a corporate debtor's tax liability for a taxable period the bankruptcy court may determine or concerning the tax liability of a debtor who is an individual for a taxable period ending before the date of the order for relief under this title".

SEC. 710. PERIODIC PAYMENT OF TAXES IN CHAPTER 11 CASES.

Section 1129(a)(9) of title 11, United States Code, is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking "deferred cash payments," and all that follows through the end of the subparagraph, and inserting "regular installment payments in cash—

"(i) of a total value, as of the effective date of the plan, equal to the allowed amount of such claim;

"(ii) over a period ending not later than 5 years after the date of the order for relief under section 301, 302, or 303; and

"(iii) in a manner not less favorable than the most favored nonpriority unsecured claim provided for by the plan (other than cash payments made to a class of creditors under section 1122(b)); and"; and

(3) by adding at the end the following:

"(D) with respect to a secured claim which would otherwise meet the description of an unsecured claim of a governmental unit under section 507(a)(8), but for the secured status of that claim, the holder of that claim will receive on account of that claim, cash payments, in the same manner and over the same period, as prescribed in subparagraph (C).".

SEC. 711. AVOIDANCE OF STATUTORY TAX LIENS PROHIBITED.

Section 545(2) of title 11, United States Code, is amended by inserting before the semicolon at the end the following: ", except in any case in which a purchaser is a purchaser described in section 6323 of the Internal Revenue Code of 1986, or in any other similar provision of State or local law".

SEC. 712. PAYMENT OF TAXES IN THE CONDUCT OF BUSINESS.

(a) Payment of Taxes Required.—Section 960 of title 28, United States Code, is amended—

(1) by inserting "(a)" before "Any"; and

(2) by adding at the end the following:

"(b) A tax under subsection (a) shall be paid on or before the due date of the tax under applicable nonbankruptcy law, unless—

"(1) the tax is a property tax secured by a lien against property that is abandoned under section 554 of title 11, within a reasonable period of time after the lien attaches, by the trustee in a case under title 11; or

"(2) payment of the tax is excused under a specific provision of title 11.

"(c) In a case pending under chapter 7 of title 11, payment of a tax may be deferred until final distribution is made under section 726 of title 11, if—

"(1) the tax was not incurred by a trustee duly appointed or elected under chapter 7 of title 11; or

"(2) before the due date of the tax, an order of the court makes a finding of probable insufficiency of funds of the estate to pay in full the administrative expenses allowed under section 503(b) of title 11 that have the same priority in distribution under section 726(b) of title 11 as the priority of that tax.".

(b) Payment of Ad Valorem Taxes Required.—Section 503(b)(1)(B)(i) of title 11, United States Code, is amended by inserting "whether secured or unsecured, including property taxes for which liability is in rem, in personam, or both," before "except".

(c) Request for Payment of Administrative Expense Taxes Eliminated.—Section 503(b)(1) of title 11, United States Code, is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by adding "and" at the end; and

(3) by adding at the end the following:

"(D) notwithstanding the requirements of subsection (a), a governmental unit shall not be required to file a request for the payment of an expense described in subparagraph (B) or (C), as a condition of its being an allowed administrative expense;".

(d) Payment of Taxes and Fees as Secured Claims.—Section 506 of title 11, United States Code, is amended—

(1) in subsection (b), by inserting "or State statute" after "agreement"; and

(2) in subsection (c), by inserting ", including the payment of all ad valorem property taxes with respect to the property" before the period at the end.

SEC. 713. TARDILY FILED PRIORITY TAX CLAIMS.

Section 726(a)(1) of title 11, United States Code, is amended by striking "before the date on which the trustee commences distribution under this section;" and inserting the following: "on or before the earlier of—

"(A) the date that is 10 days after the mailing to creditors of the summary of the trustee's final report; or

"(B) the date on which the trustee commences final distribution under this section;".

SEC. 714. INCOME TAX RETURNS PREPARED BY TAX AUTHORITIES.

Section 523(a) of title 11, United States Code, as amended by sections 215 and 224, is amended—

(1) in paragraph (1)(B)—

(A) in the matter preceding clause (i), by inserting "or equivalent report or notice," after "a return,";

(B) in clause (i), by inserting "or given" after "filed"; and

(C) in clause (ii)—

(i) by inserting "or given" after "filed"; and

(ii) by inserting ", report, or notice" after "return"; and

(2) by adding at the end the following: "For purposes of this subsection, the term 'return' means a return that satisfies the requirements of applicable nonbankruptcy law (including applicable filing requirements). Such term includes a return prepared pursuant to section 6020(a) of the Internal Revenue Code of 1986, or similar State or local law, or a written stipulation to a judgment or a final order entered by a nonbankruptcy tribunal, but does not include a return made pursuant to section 6020(b) of the Internal Revenue Code of 1986, or a similar State or local law.".

SEC. 715. DISCHARGE OF THE ESTATE'S LIABILITY FOR UNPAID TAXES.

Section 505(b)(2) of title 11, United States Code, as amended by section 703, is amended by inserting "the estate," after "misrepresentation,".

SEC. 716. REQUIREMENT TO FILE TAX RETURNS TO CONFIRM CHAPTER 13 PLANS.

(a) Filing of Prepetition Tax Returns Required for Plan Confirmation.—Section 1325(a) of title 11, United States Code, as amended by sections 102, 213, and 306, is amended by inserting after paragraph (8) the following:

"(9) the debtor has filed all applicable Federal, State, and local tax returns as required by section 1308.".

(b) Additional Time Permitted for Filing Tax Returns.—

(1) In general.—Subchapter I of chapter 13 of title 11, United States Code, is amended by adding at the end the following:

"§ 1308. Filing of prepetition tax returns

"(a) Not later than the day before the date on which the meeting of the creditors is first scheduled to be held under section 341(a), if the debtor was required to file a tax return under applicable nonbankruptcy law, the debtor shall file with appropriate tax authorities all tax returns for all taxable periods ending during the 4-year period ending on the date of the filing of the petition.

"(b)(1) Subject to paragraph (2), if the tax returns required by subsection (a) have not been filed by the date on which the meeting of creditors is first scheduled to be held under section 341(a), the trustee may hold open that meeting for a reasonable period of time to allow the debtor an additional period of time to file any unfiled returns, but such additional period of time shall not extend beyond—

"(A) for any return that is past due as of the date of the filing of the petition, the date that is 120 days after the date of that meeting; or

"(B) for any return that is not past due as of the date of the filing of the petition, the later of—

"(i) the date that is 120 days after the date of that meeting; or

"(ii) the date on which the return is due under the last automatic extension of time for filing that return to which the debtor is entitled, and for which request is timely made, in accordance with applicable nonbankruptcy law.

"(2) After notice and a hearing, and order entered before the tolling of any applicable filing period determined under this subsection, if the debtor demonstrates by a preponderance of the evidence that the failure to file a return as required under this subsection is attributable to circumstances beyond the control of the debtor, the court may extend the filing period established by the trustee under this subsection for—

"(A) a period of not more than 30 days for returns described in paragraph (1); and

"(B) a period not to extend after the applicable extended due date for a return described in paragraph (2).

"(c) For purposes of this section, the term 'return' includes a return prepared pursuant to subsection (a) or (b) of section 6020 of the Internal Revenue Code of 1986, or a similar State or local law, or a written stipulation to a judgment or a final order entered by a nonbankruptcy tribunal.".

(2) CONFORMING AMENDMENT.—The table of sections for subchapter I of chapter 13 of title 11, United States Code, is amended by adding at the end the following:

"1308. Filing of prepetition tax returns.".

(c) DISMISSAL OR CONVERSION ON FAILURE TO COMPLY.—Section 1307 of title 11, United States Code, is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following:

"(e) Upon the failure of the debtor to file a tax return under section 1308, on request of a party in interest or the United States trustee and after notice and a hearing, the court shall dismiss a case or convert a case under this chapter to a case under chapter 7 of this title, whichever is in the best interest of the creditors and the estate.".

(d) TIMELY FILED CLAIMS.—Section 502(b)(9) of title 11, United States Code, is amended by inserting before the period at the end the following: ", and except that in a case under chapter 13, a claim of a governmental unit for a tax with respect to a return filed under section 1308 shall be timely if the claim is filed on or before the date that is 60 days after the date on which such return was filed as required".

(e) RULES FOR OBJECTIONS TO CLAIMS AND TO CONFIRMATION.—It is the sense of Congress that the Judicial Conference of the United States should, as soon as practicable after the date of enactment of this Act, propose amended Federal Rules of Bankruptcy Procedure that provide—

(1) notwithstanding the provisions of Rule 3015(f), in cases under chapter 13 of title 11, United States Code, that an objection to the confirmation of a plan filed by a governmental unit on or before the date that is 60 days after the date on which the debtor files all tax returns required under sections 1308 and 1325(a)(7) of title 11, United States Code, shall be treated for all purposes as if such objection had been timely filed before such confirmation; and

(2) in addition to the provisions of Rule 3007, in a case under chapter 13 of title 11, United States Code, that no objection to a claim for a tax with respect to which a return is required to be filed under section 1308 of title 11, United States Code, shall be filed until such return has been filed as required.

SEC. 717. STANDARDS FOR TAX DISCLOSURE.

Section 1125(a)(1) of title 11, United States Code, is amended—

(1) by inserting "including a discussion of the potential material Federal tax consequences of the plan to the debtor, any successor to the debtor, and a hypothetical investor typical of the holders of claims or interests in the case," after "records,"; and

(2) by striking "a hypothetical reasonable investor typical of holders of claims or interests" and inserting "such a hypothetical investor".

SEC. 718. SETOFF OF TAX REFUNDS.

Section 362(b) of title 11, United States Code, as amended by sections 224, 303, 311, and 401, is amended by inserting after paragraph (25) the following:

"(26) under subsection (a), of the setoff under applicable nonbankruptcy law of an income tax refund, by a governmental unit, with respect to a taxable period that ended before the date of the order for relief against an income tax liability for a taxable period that also ended before the date of the order for relief, except that in any case in which the setoff of an income tax refund is not permitted under applicable nonbankruptcy law because of a pending action to determine the amount or legality of a tax liability, the governmental unit may hold the refund pending the resolution of the action, unless the court, on the motion of the trustee and after notice and a hearing, grants the taxing authority adequate protection (within the meaning of section 361) for the secured claim of such authority in the setoff under section 506(a);".

SEC. 719. SPECIAL PROVISIONS RELATED TO THE TREATMENT OF STATE AND LOCAL TAXES.

(a) IN GENERAL.—

(1) SPECIAL PROVISIONS.—Section 346 of title 11, United States Code, is amended to read as follows:

"§ 346. Special provisions related to the treatment of State and local taxes

"(a) Whenever the Internal Revenue Code of 1986 provides that a separate taxable estate or entity is created in a case concerning a debtor under this title, and the income, gain, loss, deductions, and credits of such estate shall be taxed to or claimed by the estate, a separate taxable estate is also created for purposes of any State and local law imposing a tax on or measured by income and such income, gain, loss, deductions, and credits shall be taxed to or claimed by the estate and may not be taxed to or claimed by the debtor. The preceding sentence shall not apply if the case is dismissed. The trustee shall make tax returns of income required under any such State or local law.

"(b) Whenever the Internal Revenue Code of 1986 provides that no separate taxable estate shall be created in a case concerning a debtor under this title, and the income, gain, loss, deductions, and credits of an estate shall be taxed to or claimed by the debtor, such income, gain, loss, deductions, and credits shall be taxed to or claimed by the debtor under a State or local law imposing a tax on or measured by income and may not be taxed to or claimed by the estate. The trustee shall make such tax returns of income of corporations and of partnerships as are required under any State or local law, but with respect to partnerships, shall make such returns only to the extent such returns are also required to be made under such Code. The estate shall be liable for any tax imposed on such corporation or partnership, but not for any tax imposed on partners or members.

"(c) With respect to a partnership or any entity treated as a partnership under a State or local law imposing a tax on or measured by income that is a debtor in a case under this title, any gain or loss resulting from a distribution of property from such partnership, or any distributive share of any income, gain, loss, deduction, or credit of a partner or member that is distributed, or considered distributed, from such partnership, after the commencement of the case, is gain, loss, income, deduction, or credit, as the case may be, of the partner or member, and if such partner or member is a debtor in a case under this title, shall be subject to tax in accordance with subsection (a) or (b).

"(d) For purposes of any State or local law imposing a tax on or measured by income, the taxable period of a debtor in a case under this title shall terminate only if and to the extent that the taxable period of such debtor terminates under the Internal Revenue Code of 1986.

"(e) The estate in any case described in subsection (a) shall use the same accounting method as the debtor used immediately before the commencement of the case, if such method of accounting complies with applicable nonbankruptcy tax law.

"(f) For purposes of any State or local law imposing a tax on or measured by income, a transfer of property from the debtor to the estate or from the estate to the debtor shall not be treated as a disposition for purposes of any provision assigning tax consequences to a disposition, except to the extent that such transfer is treated as a disposition under the Internal Revenue Code of 1986.

"(g) Whenever a tax is imposed pursuant to a State or local law imposing a tax on or measured by income pursuant to subsection (a) or (b), such tax shall be imposed at rates generally applicable to the same types of entities under such State or local law.

"(h) The trustee shall withhold from any payment of claims for wages, salaries, commissions, dividends, interest, or other payments, or collect, any amount required to be withheld or collected under applicable State or local tax law, and shall pay such withheld or collected amount to the appropriate governmental unit at the time and in the manner required by such tax law, and with the same priority as the claim from which such amount was withheld or collected was paid.

"(i)(1) To the extent that any State or local law imposing a tax on or measured by income provides for the carryover of any tax attribute from one taxable period to a subsequent taxable period, the estate shall succeed to such tax attribute in any case in which such estate is subject to tax under subsection (a).

"(2) After such a case is closed or dismissed, the debtor shall succeed to any tax attribute to which the estate succeeded under paragraph (1) to the extent consistent with the Internal Revenue Code of 1986.

"(3) The estate may carry back any loss or tax attribute to a taxable period of the debtor that ended before the date of the order for relief under this title to the extent that—

"(A) applicable State or local tax law provides for a carryback in the case of the debtor; and

"(B) the same or a similar tax attribute may be carried back by the estate to such a taxable period of the debtor under the Internal Revenue Code of 1986.

"(j)(1) For purposes of any State or local law imposing a tax on or measured by income, income is not realized by the estate, the debtor, or a successor to the debtor by reason of discharge of indebtedness in a case under this title, except to the extent, if any, that such income is subject to tax under the Internal Revenue Code of 1986.

"(2) Whenever the Internal Revenue Code of 1986 provides that the amount excluded from gross income in respect of the discharge of indebtedness in a case under this title shall be applied to reduce the tax attributes of the debtor or the estate, a similar reduction shall be made under any State or local law imposing a tax on or measured by income to the extent such State or local law recognizes such attributes. Such State or local law may also provide for the reduction of other attributes to the extent that the full amount of income from the discharge of indebtedness has not been applied.

"(k)(1) Except as provided in this section and section 505, the time and manner of filing tax returns and the items of income, gain, loss, deduction, and credit of any taxpayer shall be determined under applicable nonbankruptcy law.

"(2) For Federal tax purposes, the provisions of this section are subject to the Internal Revenue Code of 1986 and other applicable Federal nonbankruptcy law.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 3 of title 11, United States Code, is amended by striking the item relating to section 346 and inserting the following:

"346. Special provisions related to the treatment of State and local taxes.".

(b) CONFORMING AMENDMENTS.—Title 11 of the United States Code is amended—

(1) by striking section 728;

(2) in the table of sections for chapter 7 by striking the item relating to section 728;

(3) in section 1146—

(A) by striking subsections (a) and (b); and

(B) by redesignating subsections (c) and (d) as subsections (a) and (b), respectively; and

(4) in section 1231—

(A) by striking subsections (a) and (b); and

(B) by redesignating subsections (c) and (d) as subsections (a) and (b), respectively.

SEC. 720. DISMISSAL FOR FAILURE TO TIMELY FILE TAX RETURNS.

Section 521 of title 11, United States Code, as amended by sections 106, 225, 305, 315, and 316, is amended by adding at the end the following:

"(j)(1) Notwithstanding any other provision of this title, if the debtor fails to file a tax return that becomes due after the commencement of the case or to properly obtain an extension of the due date for filing such return, the taxing authority may request that the court enter an order converting or dismissing the case.

"(2) If the debtor does not file the required return or obtain the extension referred to in paragraph (1) within 90 days after a request is filed by the taxing authority under that paragraph, the court shall convert or dismiss the case, whichever is in the best interests of creditors and the estate.".

TITLE VIII—ANCILLARY AND OTHER CROSS-BORDER CASES

SEC. 801. AMENDMENT TO ADD CHAPTER 15 TO TITLE 11, UNITED STATES CODE.

(a) IN GENERAL.—Title 11, United States Code, is amended by inserting after chapter 13 the following:

"CHAPTER 15—ANCILLARY AND OTHER CROSS-BORDER CASES

"Sec.

"1501. Purpose and scope of application.

"SUBCHAPTER I—GENERAL PROVISIONS

"1502. Definitions.

"1503. International obligations of the United States.

"1504. Commencement of ancillary case.

"1505. Authorization to act in a foreign country.

"1506. Public policy exception.

"1507. Additional assistance.

"1508. Interpretation.

"SUBCHAPTER II—ACCESS OF FOREIGN REPRESENTATIVES AND CREDITORS TO THE COURT

"1509. Right of direct access.

"1510. Limited jurisdiction.

"1511. Commencement of case under section 301 or 303.

"1512. Participation of a foreign representative in a case under this title.

"1513. Access of foreign creditors to a case under this title.

"1514. Notification to foreign creditors concerning a case under this title.

"SUBCHAPTER III—RECOGNITION OF A FOREIGN PROCEEDING AND RELIEF

"1515. Application for recognition.

"1516. Presumptions concerning recognition.

"1517. Order granting recognition.

"1518. Subsequent information.

"1519. Relief that may be granted upon filing petition for recognition.

"1520. Effects of recognition of a foreign main proceeding.

"1521. Relief that may be granted upon recognition.

"1522. Protection of creditors and other interested persons.

"1523. Actions to avoid acts detrimental to creditors.

"1524. Intervention by a foreign representative.

"SUBCHAPTER IV—COOPERATION WITH FOREIGN COURTS AND FOREIGN REPRESENTATIVES

"1525. Cooperation and direct communication between the court and foreign courts or foreign representatives.

"1526. Cooperation and direct communication between the trustee and foreign courts or foreign representatives.

"1527. Forms of cooperation.

"SUBCHAPTER V—CONCURRENT PROCEEDINGS

"1528. Commencement of a case under this title after recognition of a foreign main proceeding.

"1529. Coordination of a case under this title and a foreign proceeding.

"1530. Coordination of more than 1 foreign proceeding.

"1531. Presumption of insolvency based on recognition of a foreign main proceeding.

"1532. Rule of payment in concurrent proceedings.

"§1501. Purpose and scope of application

"(a) The purpose of this chapter is to incorporate the Model Law on Cross-Border Insolvency so as to provide effective mechanisms for dealing with cases of cross-border insolvency with the objectives of—

"(1) cooperation between—

"(A) courts of the United States, United States trustees, trustees, examiners, debtors, and debtors in possession; and

"(B) the courts and other competent authorities of foreign countries involved in cross-border insolvency cases;

"(2) greater legal certainty for trade and investment;

"(3) fair and efficient administration of cross-border insolvencies that protects the interests of all creditors, and other interested entities, including the debtor;

"(4) protection and maximization of the value of the debtor's assets; and

"(5) facilitation of the rescue of financially troubled businesses, thereby protecting investment and preserving employment.

"(b) This chapter applies where—

"(1) assistance is sought in the United States by a foreign court or a foreign representative in connection with a foreign proceeding;

"(2) assistance is sought in a foreign country in connection with a case under this title;

"(3) a foreign proceeding and a case under this title with respect to the same debtor are pending concurrently; or

"(4) creditors or other interested persons in a foreign country have an interest in requesting the commencement of, or participating in, a case or proceeding under this title.

"(c) This chapter does not apply to—

"(1) a proceeding concerning an entity, other than a foreign insurance company, identified by exclusion in section 109(b);

"(2) an individual, or to an individual and such individual's spouse, who have debts within the limits specified in section 109(e) and who are citizens of the United States or aliens lawfully admitted for permanent residence in the United States; or

"(3) an entity subject to a proceeding under the Securities Investor Protection Act of 1970, a stockbroker subject to subchapter III of chapter 7 of this title, or a commodity broker subject to subchapter IV of chapter 7 of this title.

"(d) The court may not grant relief under this chapter with respect to any deposit, escrow, trust fund, or other security required or permitted under any applicable State insurance law or regulation for the benefit of claim holders in the United States.

"SUBCHAPTER I—GENERAL PROVISIONS

"§1502. Definitions

"For the purposes of this chapter, the term—

"(1) 'debtor' means an entity that is the subject of a foreign proceeding;

"(2) 'establishment' means any place of operations where the debtor carries out a nontransitory economic activity;

"(3) 'foreign court' means a judicial or other authority competent to control or supervise a foreign proceeding;

"(4) 'foreign main proceeding' means a foreign proceeding pending in the country where the debtor has the center of its main interests;

"(5) 'foreign nonmain proceeding' means a foreign proceeding, other than a foreign main proceeding, pending in a country where the debtor has an establishment;

"(6) 'trustee' includes a trustee, a debtor in possession in a case under any chapter of this title, or a debtor under chapter 9 of this title;

"(7) 'recognition' means the entry of an order granting recognition of a foreign main proceeding or foreign nonmain proceeding under this chapter; and

"(8) 'within the territorial jurisdiction of the United States', when used with reference to property of a debtor, refers to tangible property located within the territory of the

United States and intangible property deemed under applicable nonbankruptcy law to be located within that territory, including any property subject to attachment or garnishment that may properly be seized or garnished by an action in a Federal or State court in the United States.

“§ 1503. International obligations of the United States

“To the extent that this chapter conflicts with an obligation of the United States arising out of any treaty or other form of agreement to which it is a party with one or more other countries, the requirements of the treaty or agreement prevail.

“§ 1504. Commencement of ancillary case

“A case under this chapter is commenced by the filing of a petition for recognition of a foreign proceeding under section 1515.

“§ 1505. Authorization to act in a foreign country

“A trustee or another entity (including an examiner) may be authorized by the court to act in a foreign country on behalf of an estate created under section 541. An entity authorized to act under this section may act in any way permitted by the applicable foreign law.

“§ 1506. Public policy exception

“Nothing in this chapter prevents the court from refusing to take an action governed by this chapter if the action would be manifestly contrary to the public policy of the United States.

“§ 1507. Additional assistance

“(a) Subject to the specific limitations stated elsewhere in this chapter the court, if recognition is granted, may provide additional assistance to a foreign representative under this title or under other laws of the United States.

“(b) In determining whether to provide additional assistance under this title or under other laws of the United States, the court shall consider whether such additional assistance, consistent with the principles of comity, will reasonably assure—

“(1) just treatment of all holders of claims against or interests in the debtor's property;

“(2) protection of claim holders in the United States against prejudice and inconvenience in the processing of claims in such foreign proceeding;

“(3) prevention of preferential or fraudulent dispositions of property of the debtor;

“(4) distribution of proceeds of the debtor's property substantially in accordance with the order prescribed by this title; and

“(5) if appropriate, the provision of an opportunity for a fresh start for the individual that such foreign proceeding concerns.

“§ 1508. Interpretation

“In interpreting this chapter, the court shall consider its international origin, and the need to promote an application of this chapter that is consistent with the application of similar statutes adopted by foreign jurisdictions.

“SUBCHAPTER II—ACCESS OF FOREIGN REPRESENTATIVES AND CREDITORS TO THE COURT

“§ 1509. Right of direct access

“(a) A foreign representative may commence a case under section 1504 by filing directly with the court a petition for recognition of a foreign proceeding under section 1515.

“(b) If the court grants recognition under section 1517, and subject to any limitations that the court may impose consistent with the policy of this chapter—

“(1) the foreign representative has the capacity to sue and be sued in a court in the United States;

“(2) the foreign representative may apply directly to a court in the United States for appropriate relief in that court; and

“(3) a court in the United States shall grant comity or cooperation to the foreign representative.

“(c) A request for comity or cooperation by a foreign representative in a court in the United States other than the court which granted recognition shall be accompanied by a certified copy of an order granting recognition under section 1517.

“(d) If the court denies recognition under this chapter, the court may issue any appropriate order necessary to prevent the foreign representative from obtaining comity or cooperation from courts in the United States.

“(e) Whether or not the court grants recognition, and subject to sections 306 and 1510, a foreign representative is subject to applicable nonbankruptcy law.

“(f) Notwithstanding any other provision of this section, the failure of a foreign representative to commence a case or to obtain recognition under this chapter does not affect any right the foreign representative may have to sue in a court in the United States to collect or recover a claim which is the property of the debtor.

“§ 1510. Limited jurisdiction

“The sole fact that a foreign representative files a petition under section 1515 does not subject the foreign representative to the jurisdiction of any court in the United States for any other purpose.

“§ 1511. Commencement of case under section 301 or 303

“(a) Upon recognition, a foreign representative may commence—

“(1) an involuntary case under section 303; or

“(2) a voluntary case under section 301 or 302, if the foreign proceeding is a foreign main proceeding.

“(b) The petition commencing a case under subsection (a) must be accompanied by a certified copy of an order granting recognition. The court where the petition for recognition has been filed must be advised of the foreign representative's intent to commence a case under subsection (a) prior to such commencement.

“§ 1512. Participation of a foreign representative in a case under this title

“Upon recognition of a foreign proceeding, the foreign representative in the recognized proceeding is entitled to participate as a party in interest in a case regarding the debtor under this title.

“§ 1513. Access of foreign creditors to a case under this title

“(a) Foreign creditors have the same rights regarding the commencement of, and participation in, a case under this title as domestic creditors.

“(b)(1) Subsection (a) does not change or codify present law as to the priority of claims under section 507 or 726, except that the claim of a foreign creditor under those sections shall not be given a lower priority than that of general unsecured claims without priority solely because the holder of such claim is a foreign creditor.

“(2)(A) Subsection (a) and paragraph (1) do not change or codify present law as to the allowability of foreign revenue claims or other foreign public law claims in a proceeding under this title.

“(B) Allowance and priority as to a foreign tax claim or other foreign public law claim shall be governed by any applicable tax treaty of the United States, under the conditions and circumstances specified therein.

“§ 1514. Notification to foreign creditors concerning a case under this title

“(a) Whenever in a case under this title notice is to be given to creditors generally or to any class or category of creditors, such notice shall also be given to the known creditors generally, or to creditors in the notified class or category, that do not have addresses in the United States. The court may order that appropriate steps be taken with a view to notifying any creditor whose address is not yet known.

“(b) Such notification to creditors with foreign addresses described in subsection (a) shall be given individually, unless the court considers that, under the circumstances, some other form of notification would be more appropriate. No letter or other formality is required.

“(c) When a notification of commencement of a case is to be given to foreign creditors, such notification shall—

“(1) indicate the time period for filing proofs of claim and specify the place for filing such proofs of claim;

“(2) indicate whether secured creditors need to file proofs of claim; and

“(3) contain any other information required to be included in such notification to creditors under this title and the orders of the court.

“(d) Any rule of procedure or order of the court as to notice or the filing of a proof of claim shall provide such additional time to creditors with foreign addresses as is reasonable under the circumstances.

“SUBCHAPTER III—RECOGNITION OF A FOREIGN PROCEEDING AND RELIEF

“§ 1515. Application for recognition

“(a) A foreign representative applies to the court for recognition of a foreign proceeding in which the foreign representative has been appointed by filing a petition for recognition.

“(b) A petition for recognition shall be accompanied by—

“(1) a certified copy of the decision commencing such foreign proceeding and appointing the foreign representative;

“(2) a certificate from the foreign court affirming the existence of such foreign proceeding and of the appointment of the foreign representative; or

“(3) in the absence of evidence referred to in paragraphs (1) and (2), any other evidence acceptable to the court of the existence of such foreign proceeding and of the appointment of the foreign representative.

“(c) A petition for recognition shall also be accompanied by a statement identifying all foreign proceedings with respect to the debtor that are known to the foreign representative.

“(d) The documents referred to in paragraphs (1) and (2) of subsection (b) shall be translated into English. The court may require a translation into English of additional documents.

“§ 1516. Presumptions concerning recognition

“(a) If the decision or certificate referred to in section 1515(b) indicates that the foreign proceeding is a foreign proceeding and that the person or body is a foreign representative, the court is entitled to so presume.

“(b) The court is entitled to presume that documents submitted in support of the petition for recognition are authentic, whether or not they have been legalized.

“(c) In the absence of evidence to the contrary, the debtor's registered office, or habitual residence in the case of an individual, is presumed to be the center of the debtor's main interests.

"§ 1517. Order granting recognition

"(a) Subject to section 1506, after notice and a hearing, an order recognizing a foreign proceeding shall be entered if—

"(1) such foreign proceeding for which recognition is sought is a foreign main proceeding or foreign nonmain proceeding within the meaning of section 1502;

"(2) the foreign representative applying for recognition is a person or body; and

"(3) the petition meets the requirements of section 1515.

"(b) Such foreign proceeding shall be recognized—

"(1) as a foreign main proceeding if it is pending in the country where the debtor has the center of its main interests; or

"(2) as a foreign nonmain proceeding if the debtor has an establishment within the meaning of section 1502 in the foreign country where the proceeding is pending.

"(c) A petition for recognition of a foreign proceeding shall be decided upon at the earliest possible time. Entry of an order recognizing a foreign proceeding constitutes recognition under this chapter.

"(d) The provisions of this subchapter do not prevent modification or termination of recognition if it is shown that the grounds for granting it were fully or partially lacking or have ceased to exist, but in considering such action the court shall give due weight to possible prejudice to parties that have relied upon the order granting recognition. A case under this chapter may be closed in the manner prescribed under section 350.

"§ 1518. Subsequent information

"From the time of filing the petition for recognition of a foreign proceeding, the foreign representative shall file with the court promptly a notice of change of status concerning—

"(1) any substantial change in the status of such foreign proceeding or the status of the foreign representative's appointment; and

"(2) any other foreign proceeding regarding the debtor that becomes known to the foreign representative.

"§ 1519. Relief that may be granted upon filing petition for recognition

"(a) From the time of filing a petition for recognition until the court rules on the petition, the court may, at the request of the foreign representative, where relief is urgently needed to protect the assets of the debtor or the interests of the creditors, grant relief of a provisional nature, including—

"(1) staying execution against the debtor's assets;

"(2) entrusting the administration or realization of all or part of the debtor's assets located in the United States to the foreign representative or another person authorized by the court, including an examiner, in order to protect and preserve the value of assets that, by their nature or because of other circumstances, are perishable, susceptible to devaluation or otherwise in jeopardy; and

"(3) any relief referred to in paragraph (3), (4), or (7) of section 1521(a).

"(b) Unless extended under section 1521(a)(6), the relief granted under this section terminates when the petition for recognition is granted.

"(c) It is a ground for denial of relief under this section that such relief would interfere with the administration of a foreign main proceeding.

"(d) The court may not enjoin a police or regulatory act of a governmental unit, including a criminal action or proceeding, under this section.

"(e) The standards, procedures, and limitations applicable to an injunction shall apply to relief under this section.

"(f) The exercise of rights not subject to the stay arising under section 362(a) pursuant to paragraph (6), (7), (17), or (27) of section 362(b) or pursuant to section 362(n) shall not be stayed by any order of a court or administrative agency in any proceeding under this chapter.

"§ 1520. Effects of recognition of a foreign main proceeding

"(a) Upon recognition of a foreign proceeding that is a foreign main proceeding—

"(1) sections 361 and 362 apply with respect to the debtor and the property of the debtor that is within the territorial jurisdiction of the United States;

"(2) sections 363, 549, and 552 apply to a transfer of an interest of the debtor in property that is within the territorial jurisdiction of the United States to the same extent that the sections would apply to property of an estate;

"(3) unless the court orders otherwise, the foreign representative may operate the debtor's business and may exercise the rights and powers of a trustee under and to the extent provided by sections 363 and 552; and

"(4) section 552 applies to property of the debtor that is within the territorial jurisdiction of the United States.

"(b) Subsection (a) does not affect the right to commence an individual action or proceeding in a foreign country to the extent necessary to preserve a claim against the debtor.

"(c) Subsection (a) does not affect the right of a foreign representative or an entity to file a petition commencing a case under this title or the right of any party to file claims or take other proper actions in such a case.

"§ 1521. Relief that may be granted upon recognition

"(a) Upon recognition of a foreign proceeding, whether main or nonmain, where necessary to effectuate the purpose of this chapter and to protect the assets of the debtor or the interests of the creditors, the court may, at the request of the foreign representative, grant any appropriate relief, including—

"(1) staying the commencement or continuation of an individual action or proceeding concerning the debtor's assets, rights, obligations or liabilities to the extent they have not been stayed under section 1520(a);

"(2) staying execution against the debtor's assets to the extent it has not been stayed under section 1520(a);

"(3) suspending the right to transfer, encumber or otherwise dispose of any assets of the debtor to the extent this right has not been suspended under section 1520(a);

"(4) providing for the examination of witnesses, the taking of evidence or the delivery of information concerning the debtor's assets, affairs, rights, obligations or liabilities;

"(5) entrusting the administration or realization of all or part of the debtor's assets within the territorial jurisdiction of the United States to the foreign representative or another person, including an examiner, authorized by the court;

"(6) extending relief granted under section 1519(a); and

"(7) granting any additional relief that may be available to a trustee, except for relief available under sections 522, 544, 545, 547, 548, 550, and 724(a).

"(b) Upon recognition of a foreign proceeding, whether main or nonmain, the court may, at the request of the foreign representative, entrust the distribution of all or part of the debtor's assets located in the United States to the foreign representative or another person, including an examiner, authorized by the court, provided that the court is satisfied that the interests of creditors in the United States are sufficiently protected.

"(c) In granting relief under this section to a representative of a foreign nonmain proceeding, the court must be satisfied that the relief relates to assets that, under the law of the United States, should be administered in the foreign nonmain proceeding or concerns information required in that proceeding.

"(d) The court may not enjoin a police or regulatory act of a governmental unit, including a criminal action or proceeding, under this section.

"(e) The standards, procedures, and limitations applicable to an injunction shall apply to relief under paragraphs (1), (2), (3), and (6) of subsection (a).

"(f) The exercise of rights not subject to the stay arising under section 362(a) pursuant to paragraph (6), (7), (17), or (27) of section 362(b) or pursuant to section 362(n) shall not be stayed by any order of a court or administrative agency in any proceeding under this chapter.

"§ 1522. Protection of creditors and other interested persons

"(a) The court may grant relief under section 1519 or 1521, or may modify or terminate relief under subsection (c), only if the interests of the creditors and other interested entities, including the debtor, are sufficiently protected.

"(b) The court may subject relief granted under section 1519 or 1521, or the operation of the debtor's business under section 1520(a)(3), to conditions it considers appropriate, including the giving of security or the filing of a bond.

"(c) The court may, at the request of the foreign representative or an entity affected by relief granted under section 1519 or 1521, or at its own motion, modify or terminate such relief.

"(d) Section 1104(d) shall apply to the appointment of an examiner under this chapter. Any examiner shall comply with the qualification requirements imposed on a trustee by section 322.

"§ 1523. Actions to avoid acts detrimental to creditors

"(a) Upon recognition of a foreign proceeding, the foreign representative has standing in a case concerning the debtor pending under another chapter of this title to initiate actions under sections 522, 544, 545, 547, 548, 550, 553, and 724(a).

"(b) When a foreign proceeding is a foreign nonmain proceeding, the court must be satisfied that an action under subsection (a) relates to assets that, under United States law, should be administered in the foreign nonmain proceeding.

"§ 1524. Intervention by a foreign representative

"Upon recognition of a foreign proceeding, the foreign representative may intervene in any proceedings in a State or Federal court in the United States in which the debtor is a party.

"SUBCHAPTER IV—COOPERATION WITH FOREIGN COURTS AND FOREIGN REPRESENTATIVES

"§ 1525. Cooperation and direct communication between the court and foreign courts or foreign representatives

"(a) Consistent with section 1501, the court shall cooperate to the maximum extent possible with a foreign court or a foreign representative, either directly or through the trustee.

"(b) The court is entitled to communicate directly with, or to request information or assistance directly from, a foreign court or a foreign representative, subject to the rights of a party in interest to notice and participation.

"§ 1526. Cooperation and direct communication between the trustee and foreign courts or foreign representatives

"(a) Consistent with section 1501, the trustee or other person, including an examiner, authorized by the court, shall, subject to the supervision of the court, cooperate to the maximum extent possible with a foreign court or a foreign representative.

"(b) The trustee or other person, including an examiner, authorized by the court is entitled, subject to the supervision of the court, to communicate directly with a foreign court or a foreign representative.

"§ 1527. Forms of cooperation

"Cooperation referred to in sections 1525 and 1526 may be implemented by any appropriate means, including—

"(1) appointment of a person or body, including an examiner, to act at the direction of the court;

"(2) communication of information by any means considered appropriate by the court;

"(3) coordination of the administration and supervision of the debtor's assets and affairs;

"(4) approval or implementation of agreements concerning the coordination of proceedings; and

"(5) coordination of concurrent proceedings regarding the same debtor.

"SUBCHAPTER V—CONCURRENT PROCEEDINGS

"§ 1528. Commencement of a case under this title after recognition of a foreign main proceeding

"After recognition of a foreign main proceeding, a case under another chapter of this title may be commenced only if the debtor has assets in the United States. The effects of such case shall be restricted to the assets of the debtor that are within the territorial jurisdiction of the United States and, to the extent necessary to implement cooperation and coordination under sections 1525, 1526, and 1527, to other assets of the debtor that are within the jurisdiction of the court under sections 541(a) of this title, and 1334(e) of title 28, to the extent that such other assets are not subject to the jurisdiction and control of a foreign proceeding that has been recognized under this chapter.

"§ 1529. Coordination of a case under this title and a foreign proceeding

"If a foreign proceeding and a case under another chapter of this title are pending concurrently regarding the same debtor, the court shall seek cooperation and coordination under sections 1525, 1526, and 1527, and the following shall apply:

"(1) If the case in the United States pending at the time the petition for recognition of such foreign proceeding is filed—

"(A) any relief granted under section 1519 or 1521 must be consistent with the relief granted in the case in the United States; and

"(B) section 1520 does not apply even if such foreign proceeding is recognized as a foreign main proceeding.

"(2) If a case in the United States under this title commences after recognition, or after the date of the filing of the petition for recognition, of such foreign proceeding—

"(A) any relief in effect under section 1519 or 1521 shall be reviewed by the court and shall be modified or terminated if inconsistent with the case in the United States; and

"(B) if such foreign proceeding is a foreign main proceeding, the stay and suspension referred to in section 1520(a) shall be modified or terminated if inconsistent with the relief granted in the case in the United States.

"(3) In granting, extending, or modifying relief granted to a representative of a foreign nonmain proceeding, the court must be satisfied that the relief relates to assets that, under the laws of the United States, should be administered in the foreign nonmain proceeding or concerns information required in that proceeding.

"(4) In achieving cooperation and coordination under sections 1528 and 1529, the court may grant any of the relief authorized under section 305.

"§ 1530. Coordination of more than 1 foreign proceeding

"In matters referred to in section 1501, with respect to more than 1 foreign proceeding regarding the debtor, the court shall seek cooperation and coordination under sections 1525, 1526, and 1527, and the following shall apply:

"(1) Any relief granted under section 1519 or 1521 to a representative of a foreign nonmain proceeding after recognition of a foreign main proceeding must be consistent with the foreign main proceeding.

"(2) If a foreign main proceeding is recognized after recognition, or after the filing of a petition for recognition, of a foreign nonmain proceeding, any relief in effect under section 1519 or 1521 shall be reviewed by the court and shall be modified or terminated if inconsistent with the foreign main proceeding.

"(3) If, after recognition of a foreign nonmain proceeding, another foreign nonmain proceeding is recognized, the court shall grant, modify, or terminate relief for the purpose of facilitating coordination of the proceedings.

"§ 1531. Presumption of insolvency based on recognition of a foreign main proceeding

"In the absence of evidence to the contrary, recognition of a foreign main proceeding is, for the purpose of commencing a proceeding under section 303, proof that the debtor is generally not paying its debts as such debts become due.

"§ 1532. Rule of payment in concurrent proceedings

"Without prejudice to secured claims or rights in rem, a creditor who has received payment with respect to its claim in a foreign proceeding pursuant to a law relating to insolvency may not receive a payment for the same claim in a case under any other chapter of this title regarding the debtor, so long as the payment to other creditors of the same class is proportionately less than the payment the creditor has already received.".

(b) CLERICAL AMENDMENT.—The table of chapters for title 11, United States Code, is amended by inserting after the item relating to chapter 13 the following:

"15. Ancillary and Other Cross-Border Cases .... 1501".

SEC. 802. OTHER AMENDMENTS TO TITLES 11 AND 28, UNITED STATES CODE.

(a) APPLICABILITY OF CHAPTERS.—Section 103 of title 11, United States Code, is amended—

(1) in subsection (a), by inserting before the period the following: ", and this chapter, sections 307, 362(n), 555 through 557, and 559 through 562 apply in a case under chapter 15"; and

(2) by adding at the end the following:

"(k) Chapter 15 applies only in a case under such chapter, except that—

"(1) sections 1505, 1513, and 1514 apply in all cases under this title; and

"(2) section 1509 applies whether or not a case under this title is pending.".

(b) DEFINITIONS.—Section 101 of title 11, United States Code, is amended by striking paragraphs (23) and (24) and inserting the following:

"(23) 'foreign proceeding' means a collective judicial or administrative proceeding in a foreign country, including an interim proceeding, under a law relating to insolvency or adjustment of debt in which proceeding the assets and affairs of the debtor are subject to control or supervision by a foreign court, for the purpose of reorganization or liquidation;

"(24) 'foreign representative' means a person or body, including a person or body appointed on an interim basis, authorized in a foreign proceeding to administer the reorganization or the liquidation of the debtor's assets or affairs or to act as a representative of such foreign proceeding;".

(c) AMENDMENTS TO TITLE 28, UNITED STATES CODE.—

(1) PROCEDURES.—Section 157(b)(2) of title 28, United States Code, is amended—

(A) in subparagraph (N), by striking "and" at the end;

(B) in subparagraph (O), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(P) recognition of foreign proceedings and other matters under chapter 15 of title 11.".

(2) BANKRUPTCY CASES AND PROCEEDINGS.—Section 1334(c) of title 28, United States Code, is amended by striking "Nothing in" and inserting "Except with respect to a case under chapter 15 of title 11, nothing in".

(3) DUTIES OF TRUSTEES.—Section 586(a)(3) of title 28, United States Code, is amended by striking "or 13" and inserting "13, or 15".

(4) VENUE OF CASES ANCILLARY TO FOREIGN PROCEEDINGS.—Section 1410 of title 28, United States Code, is amended to read as follows:

"§ 1410. Venue of cases ancillary to foreign proceedings

"A case under chapter 15 of title 11 may be commenced in the district court of the United States for the district—

"(1) in which the debtor has its principal place of business or principal assets in the United States;

"(2) if the debtor does not have a place of business or assets in the United States, in which there is pending against the debtor an action or proceeding in a Federal or State court; or

"(3) in a case other than those specified in paragraph (1) or (2), in which venue will be consistent with the interests of justice and the convenience of the parties, having regard to the relief sought by the foreign representative.".

(d) OTHER SECTIONS OF TITLE 11.—Title 11 of the United States Code is amended—

(1) in section 109(b), by striking paragraph (3) and inserting the following:

"(3)(A) a foreign insurance company, engaged in such business in the United States; or

"(B) a foreign bank, savings bank, cooperative bank, savings and loan association, building and loan association, or credit union, that has a branch or agency (as defined in section 1(b) of the International Banking Act of 1978 in the United States.";

(2) in section 303, by striking subsection (k);

(3) by striking section 304;

(4) in the table of sections for chapter 3 by striking the item relating to section 304;

(5) in section 306 by striking ", 304," each place it appears;

(6) in section 305(a) by striking paragraph (2) and inserting the following:

"(2)(A) a petition under section 1515 for recognition of a foreign proceeding has been granted; and

"(B) the purposes of chapter 15 of this title would be best served by such dismissal or suspension."; and

(7) in section 508—

(A) by striking subsection (a); and

(B) in subsection (b), by striking "(b)".

TITLE IX—FINANCIAL CONTRACT PROVISIONS

SEC. 901. TREATMENT OF CERTAIN AGREEMENTS BY CONSERVATORS OR RECEIVERS OF INSURED DEPOSITORY INSTITUTIONS.

(a) DEFINITION OF QUALIFIED FINANCIAL CONTRACT.—

(1) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(8)(D) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)) is amended—

(A) by striking "subsection—" and inserting "subsection, the following definitions shall apply:"; and

(B) in clause (i), by inserting ", resolution, or order" after "any similar agreement that the Corporation determines by regulation".

(2) INSURED CREDIT UNIONS.—Section 207(c)(8)(D) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)(D)) is amended—

(A) by striking "subsection—" and inserting "subsection, the following definitions shall apply:"; and

(B) in clause (i), by inserting ", resolution, or order" after "any similar agreement that the Board determines by regulation".

(b) DEFINITION OF SECURITIES CONTRACT.—

(1) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(8)(D)(ii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(ii)) is amended to read as follows:

"(ii) SECURITIES CONTRACT.—The term 'securities contract'—

"(I) means a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan, or any interest in a mortgage loan, a group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or any option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option, and including any repurchase or reverse repurchase transaction on any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

"(II) does not include any purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan unless the Corporation determines by regulation, resolution, or order to include any such agreement within the meaning of such term;

"(III) means any option entered into on a national securities exchange relating to foreign currencies;

"(IV) means the guarantee by or to any securities clearing agency of any settlement of cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

"(V) means any margin loan;

"(VI) means any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

"(VII) means any combination of the agreements or transactions referred to in this clause;

"(VIII) means any option to enter into any agreement or transaction referred to in this clause;

"(IX) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a securities contract under this clause, except that the master agreement shall be considered to be a securities contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII); and

"(X) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.".

(2) INSURED CREDIT UNIONS.—Section 207(c)(8)(D)(ii) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)(D)(ii)) is amended to read as follows:

"(ii) SECURITIES CONTRACT.—The term 'securities contract'—

"(I) means a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan, or any interest in a mortgage loan, a group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or any option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option, and including any repurchase or reverse repurchase transaction on any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

"(II) does not include any purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan unless the Board determines by regulation, resolution, or order to include any such agreement within the meaning of such term;

"(III) means any option entered into on a national securities exchange relating to foreign currencies;

"(IV) means the guarantee by or to any securities clearing agency of any settlement of cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

"(V) means any margin loan;

"(VI) means any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

"(VII) means any combination of the agreements or transactions referred to in this clause;

"(VIII) means any option to enter into any agreement or transaction referred to in this clause;

"(IX) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a securities contract under this clause, except that the master agreement shall be considered to be a securities contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII); and

"(X) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.".

(c) DEFINITION OF COMMODITY CONTRACT.—

(1) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(8)(D)(iii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(iii)) is amended to read as follows:

"(iii) COMMODITY CONTRACT.—The term 'commodity contract' means—

"(I) with respect to a futures commission merchant, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade;

"(II) with respect to a foreign futures commission merchant, a foreign future;

"(III) with respect to a leverage transaction merchant, a leverage transaction;

"(IV) with respect to a clearing organization, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization, or commodity option traded on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization;

"(V) with respect to a commodity options dealer, a commodity option;

"(VI) any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

"(VII) any combination of the agreements or transactions referred to in this clause;

"(VIII) any option to enter into any agreement or transaction referred to in this clause;

"(IX) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a commodity contract under this clause, except that the master agreement shall be considered to be a commodity contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII); or

"(X) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.".

(2) INSURED CREDIT UNIONS.—Section 207(c)(8)(D)(iii) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)(D)(iii)) is amended to read as follows:

"(iii) COMMODITY CONTRACT.—The term 'commodity contract' means—

"(I) with respect to a futures commission merchant, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade;

"(II) with respect to a foreign futures commission merchant, a foreign future;

"(III) with respect to a leverage transaction merchant, a leverage transaction;

"(IV) with respect to a clearing organization, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization, or commodity option traded on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization;

"(V) with respect to a commodity options dealer, a commodity option;

"(VI) any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

"(VII) any combination of the agreements or transactions referred to in this clause;

"(VIII) any option to enter into any agreement or transaction referred to in this clause;

"(IX) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a commodity contract under this clause, except that the master agreement shall be considered to be a commodity contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII); or

"(X) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.".

(d) DEFINITION OF FORWARD CONTRACT.—

(1) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(8)(D)(iv) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(iv)) is amended to read as follows:

"(iv) FORWARD CONTRACT.—The term 'forward contract' means—

"(I) a contract (other than a commodity contract) for the purchase, sale, or transfer of a commodity or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing in the forward contract trade, or product or byproduct thereof, with a maturity date more than 2 days after the date the contract is entered into, including, a repurchase transaction, reverse repurchase transaction, consignment, lease, swap, hedge transaction, deposit, loan, option, allocated transaction, unallocated transaction, or any other similar agreement;

"(II) any combination of agreements or transactions referred to in subclauses (I) and (III);

"(III) any option to enter into any agreement or transaction referred to in subclause (I) or (II);

"(IV) a master agreement that provides for an agreement or transaction referred to in subclauses (I), (II), or (III), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a forward contract under this clause, except that the master agreement shall be considered to be a forward contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), or (III); or

"(V) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (II), (III), or (IV), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.".

(2) INSURED CREDIT UNIONS.—Section 207(c)(8)(D)(iv) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)(D)(iv)) is amended to read as follows:

"(iv) FORWARD CONTRACT.—The term 'forward contract' means—

"(I) a contract (other than a commodity contract) for the purchase, sale, or transfer of a commodity or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing in the forward contract trade, or product or byproduct thereof, with a maturity date more than 2 days after the date the contract is entered into, including, a repurchase transaction, reverse repurchase transaction, consignment, lease, swap, hedge transaction, deposit, loan, option, allocated transaction, unallocated transaction, or any other similar agreement;

"(II) any combination of agreements or transactions referred to in subclauses (I) and (III);

"(III) any option to enter into any agreement or transaction referred to in subclause (I) or (II);

"(IV) a master agreement that provides for an agreement or transaction referred to in subclauses (I), (II), or (III), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a forward contract under this clause, except that the master agreement shall be considered to be a forward contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), or (III); or

"(V) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (II), (III), or (IV), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.".

(e) DEFINITION OF REPURCHASE AGREEMENT.—

(1) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(8)(D)(v) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(v)) is amended to read as follows:

"(v) REPURCHASE AGREEMENT.—The term 'repurchase agreement' (which definition also applies to a reverse repurchase agreement)—

"(I) means an agreement, including related terms, which provides for the transfer of one or more certificates of deposit, mortgage-related securities (as such term is defined in the Securities Exchange Act of 1934), mortgage loans, interests in mortgage-related securities or mortgage loans, eligible bankers' acceptances, qualified foreign government securities or securities that are direct obligations of, or that are fully guaranteed by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests as described above, at a date certain not later than 1 year after such transfers or on demand, against the transfer of funds, or any other similar agreement;

"(II) does not include any repurchase obligation under a participation in a commercial mortgage loan unless the Corporation determines by regulation, resolution, or order to include any such participation within the meaning of such term;

"(III) means any combination of agreements or transactions referred to in subclauses (I) and (IV);

"(IV) means any option to enter into any agreement or transaction referred to in subclause (I) or (III);

"(V) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a repurchase agreement under this clause, except that the master agreement shall be considered to be a repurchase agreement under this subclause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), or (IV); and

"(VI) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

For purposes of this clause, the term 'qualified foreign government security' means a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development (as determined by regulation or order adopted by the appropriate Federal banking authority).".

(2) INSURED CREDIT UNIONS.—Section 207(c)(8)(D)(v) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)(D)(v)) is amended to read as follows:

"(v) REPURCHASE AGREEMENT.—The term 'repurchase agreement' (which definition also applies to a reverse repurchase agreement)—

"(I) means an agreement, including related terms, which provides for the transfer of one or more certificates of deposit, mortgage-related securities (as such term is defined in the Securities Exchange Act of 1934), mortgage loans, interests in mortgage-related securities or mortgage loans, eligible bankers' acceptances, qualified foreign government securities or securities that are direct obligations of, or that are fully guaranteed by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests as described above, at a date certain not later than 1 year after such transfers or on demand, against the transfer of funds, or any other similar agreement;

"(II) does not include any repurchase obligation under a participation in a commercial mortgage loan unless the Board determines by regulation, resolution, or order to include any such participation within the meaning of such term;

"(III) means any combination of agreements or transactions referred to in subclauses (I) and (IV);

"(IV) means any option to enter into any agreement or transaction referred to in subclause (I) or (III);

"(V) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a repurchase agreement under this clause, except that the master agreement shall be considered to be a repurchase agreement under this subclause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), or (IV); and

"(VI) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

For purposes of this clause, the term 'qualified foreign government security' means a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development (as determined by regulation or order adopted by the appropriate Federal banking authority).".

(f) DEFINITION OF SWAP AGREEMENT.—

(1) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(8)(D)(vi) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(vi)) is amended to read as follows:

"(vi) SWAP AGREEMENT.—The term 'swap agreement' means—

"(I) any agreement, including the terms and conditions incorporated by reference in any such agreement, which is an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap; a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement; a currency swap, option, future, or forward agreement; an equity index or equity swap, option, future, or forward agreement; a debt index or debt swap, option, future, or forward agreement; a total return, credit spread or credit swap, option, future, or forward agreement; a commodity index or commodity swap, option, future, or forward agreement; or a weather swap, weather derivative, or weather option;

"(II) any agreement or transaction that is similar to any other agreement or transaction referred to in this clause and that is of a type that has been, is presently, or in the future becomes, the subject of recurrent dealings in the swap markets (including terms and conditions incorporated by reference in such agreement) and that is a forward, swap, future, or option on one or more rates, currencies, commodities, equity securities or other equity instruments, debt securities or other debt instruments, quantitative measures associated with an occurrence, extent of an occurrence, or contingency associated with a financial, commercial, or economic consequence, or economic or financial indices or measures of economic or financial risk or value;

"(III) any combination of agreements or transactions referred to in this clause;

"(IV) any option to enter into any agreement or transaction referred to in this clause;

"(V) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement or transaction that is not a swap agreement under this clause, except that the master agreement shall be considered to be a swap agreement under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), or (IV); and

"(VI) any security agreement or arrangement or other credit enhancement related to any agreements or transactions referred to in subclause (I), (II), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

Such term is applicable for purposes of this subsection only and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any swap agreement under any other statute, regulation, or rule, including the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, the Gramm-Leach-Bliley Act, and the Legal Certainty for Bank Products Act of 2000.".

(2) INSURED CREDIT UNIONS.—Section 207(c)(8)(D) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)(D)) is amended by adding at the end the following new clause:

"(vi) SWAP AGREEMENT.—The term 'swap agreement' means—

"(I) any agreement, including the terms and conditions incorporated by reference in any such agreement, which is an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap; a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement; a currency swap, option, future, or forward agreement; an equity index or equity swap, option, future, or forward agreement; a debt index or debt swap, option, future, or forward agreement; a total return, credit spread or credit swap, option, future, or forward agreement; a commodity index or commodity swap, option, future, or forward agreement; or a weather swap, weather derivative, or weather option;

"(II) any agreement or transaction that is similar to any other agreement or transaction referred to in this clause and that is of a type that has been, is presently, or in the future becomes, the subject of recurrent dealings in the swap markets (including terms and conditions incorporated by reference in such agreement) and that is a forward, swap, future, or option on one or more rates, currencies, commodities, equity securities or other equity instruments, debt securities or other debt instruments, quantitative measures associated with an occurrence, extent of an occurrence, or contingency associated with a financial, commercial, or economic consequence, or economic or financial indices or measures of economic or financial risk or value;

"(III) any combination of agreements or transactions referred to in this clause;

"(IV) any option to enter into any agreement or transaction referred to in this clause;

"(V) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement or transaction that is not a swap agreement under this clause, except that the master agreement shall be considered to be a swap agreement under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), or (IV); and

"(VI) any security agreement or arrangement or other credit enhancement related to any agreements or transactions referred to in subclause (I), (II), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

Such term is applicable for purposes of this subsection only and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any swap agreement under any other statute, regulation, or rule, including the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, the Gramm-Leach-Bliley Act, and the Legal Certainty for Bank Products Act of 2000.".

(g) DEFINITION OF TRANSFER.—

(1) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(8)(D)(viii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(viii)) is amended to read as follows:

"(viii) TRANSFER.—The term 'transfer' means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with property or with an interest in property, including retention of title as a security interest and foreclosure of the depository institution's equity of redemption.".

(2) INSURED CREDIT UNIONS.—Section 207(c)(8)(D) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)(D)) (as amended by subsection (f) of this section) is amended by adding at the end the following new clause:

"(viii) TRANSFER.—The term 'transfer' means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with property or with an interest in property, including retention of title as a security interest and foreclosure of the depository institution's equity of redemption.".

(h) TREATMENT OF QUALIFIED FINANCIAL CONTRACTS.—

(1) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(8) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)) is amended—

(A) in subparagraph (A)—

(i) by striking "paragraph (10)" and inserting "paragraphs (9) and (10)";

(ii) in clause (i), by striking "to cause the termination or liquidation" and inserting "such person has to cause the termination, liquidation, or acceleration"; and

(iii) by striking clause (ii) and inserting the following new clause:

"(ii) any right under any security agreement or arrangement or other credit enhancement related to one or more qualified financial contracts described in clause (i);"; and

(B) in subparagraph (E), by striking clause (ii) and inserting the following:

"(ii) any right under any security agreement or arrangement or other credit enhancement related to one or more qualified financial contracts described in clause (i);".

(2) INSURED CREDIT UNIONS.—Section 207(c)(8) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)) is amended—

(A) in subparagraph (A)—

(i) by striking "paragraph (12)" and inserting "paragraphs (9) and (10)";

(ii) in clause (i), by striking "to cause the termination or liquidation" and inserting "such person has to cause the termination, liquidation, or acceleration"; and

(iii) by striking clause (ii) and inserting the following new clause:

"(ii) any right under any security agreement or arrangement or other credit enhancement related to 1 or more qualified financial contracts described in clause (i);"; and

(B) in subparagraph (E), by striking clause (ii) and inserting the following new clause:

"(ii) any right under any security agreement or arrangement or other credit enhancement related to 1 or more qualified financial contracts described in clause (i);".

(i) AVOIDANCE OF TRANSFERS.—

(1) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(8)(C)(i) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(C)(i)) is amended by inserting "section 5242 of the Revised Statutes of the United States or any other Federal or State law relating to the avoidance of preferential or fraudulent transfers," before "the Corporation".

(2) INSURED CREDIT UNIONS.—Section 207(c)(8)(C)(i) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)(C)(i)) is amended by inserting "section 5242 of the Revised Statutes of the United States or any other Federal or State law relating to the avoidance of preferential or fraudulent transfers," before "the Board".

SEC. 902. AUTHORITY OF THE FDIC AND NCUAB WITH RESPECT TO FAILED AND FAILING INSTITUTIONS.

(a) FEDERAL DEPOSIT INSURANCE CORPORATION.—

(1) IN GENERAL.—Section 11(e)(8) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)) is amended—

(A) in subparagraph (E), by striking "other than paragraph (12) of this subsection, subsection (d)(9)" and inserting "other than subsections (d)(9) and (e)(10)"; and

(B) by adding at the end the following new subparagraphs:

"(F) CLARIFICATION.—No provision of law shall be construed as limiting the right or power of the Corporation, or authorizing any court or agency to limit or delay, in any manner, the right or power of the Corporation to transfer any qualified financial contract in accordance with paragraphs (9) and (10) of this subsection or to disaffirm or repudiate any such contract in accordance with subsection (e)(1) of this section.

"(G) WALKAWAY CLAUSES NOT EFFECTIVE.—

"(i) IN GENERAL.—Notwithstanding the provisions of subparagraphs (A) and (E), and sections 403 and 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, no walkaway clause shall be enforceable in a qualified financial contract of an insured depository institution in default.

"(ii) WALKAWAY CLAUSE DEFINED.—For purposes of this subparagraph, the term 'walkaway clause' means a provision in a qualified financial contract that, after calculation of a value of a party's position or an amount due to or from 1 of the parties in accordance with its terms upon termination, liquidation, or acceleration of the qualified financial contract, either does not create a payment obligation of a party or extinguishes a payment obligation of a party in whole or in part solely because of such party's status as a nondefaulting party.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 11(e)(12)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(12)(A)) is amended by inserting "or the exercise of rights or powers by" after "the appointment of".

(b) NATIONAL CREDIT UNION ADMINISTRATION BOARD.—

(1) IN GENERAL.—Section 207(c)(8) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)) is amended—

(A) in subparagraph (E) (as amended by section 901(h)), by striking "other than paragraph (12) of this subsection, subsection (b)(9)" and inserting "other than subsections (b)(9) and (c)(10)"; and

(B) by adding at the end the following new subparagraphs:

"(F) CLARIFICATION.—No provision of law shall be construed as limiting the right or power of the Board, or authorizing any court or agency to limit or delay, in any manner, the right or power of the Board to transfer any qualified financial contract in accordance with paragraphs (9) and (10) of this subsection or to disaffirm or repudiate any such contract in accordance with subsection (c)(1) of this section.

"(G) WALKAWAY CLAUSES NOT EFFECTIVE.—

"(i) IN GENERAL.—Notwithstanding the provisions of subparagraphs (A) and (E), and sections 403 and 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, no walkaway clause shall be enforceable in a qualified financial contract of an insured credit union in default.

"(ii) WALKAWAY CLAUSE DEFINED.—For purposes of this subparagraph, the term 'walkaway clause' means a provision in a qualified financial contract that, after calculation of a value of a party's position or an amount due to or from 1 of the parties in accordance with its terms upon termination, liquidation, or acceleration of the qualified financial contract, either does not create a payment obligation of a party or extinguishes a payment obligation of a party in whole or in part solely because of such party's status as a nondefaulting party.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 207(c)(12)(A) of the Federal Credit Union Act (12 U.S.C. 1787(c)(12)(A)) is amended by inserting "or the exercise of rights or powers by" after "the appointment of".

SEC. 903. AMENDMENTS RELATING TO TRANSFERS OF QUALIFIED FINANCIAL CONTRACTS.

(a) FDIC-INSURED DEPOSITORY INSTITUTIONS.—

(1) TRANSFERS OF QUALIFIED FINANCIAL CONTRACTS TO FINANCIAL INSTITUTIONS.—Section 11(e)(9) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(9)) is amended to read as follows:

"(9) TRANSFER OF QUALIFIED FINANCIAL CONTRACTS.—

"(A) IN GENERAL.—In making any transfer of assets or liabilities of a depository institution in default which includes any qualified financial contract, the conservator or receiver for such depository institution shall either—

"(i) transfer to one financial institution, other than a financial institution for which a conservator, receiver, trustee in bankruptcy, or other legal custodian has been appointed or which is otherwise the subject of a bankruptcy or insolvency proceeding—

"(I) all qualified financial contracts between any person or any affiliate of such person and the depository institution in default;

"(II) all claims of such person or any affiliate of such person against such depository institution under any such contract (other than any claim which, under the terms of any such contract, is subordinated to the claims of general unsecured creditors of such institution);

"(III) all claims of such depository institution against such person or any affiliate of such person under any such contract; and

"(IV) all property securing or any other credit enhancement for any contract described in subclause (I) or any claim described in subclause (II) or (III) under any such contract; or

"(ii) transfer none of the qualified financial contracts, claims, property or other credit enhancement referred to in clause (i) (with respect to such person and any affiliate of such person).

"(B) TRANSFER TO FOREIGN BANK, FOREIGN FINANCIAL INSTITUTION, OR BRANCH OR AGENCY OF A FOREIGN BANK OR FINANCIAL INSTITUTION.—In transferring any qualified financial contracts and related claims and property under subparagraph (A)(i), the conservator or receiver for the depository institution shall not make such transfer to a foreign bank, financial institution organized under the laws of a foreign country, or a branch or agency of a foreign bank or financial institution unless, under the law applicable to such bank, financial institution, branch or agency, to the qualified financial contracts, and to any netting contract, any security agreement or arrangement or other credit enhancement related to one or more qualified financial contracts, the contractual rights of the parties to such qualified financial contracts, netting contracts, security agreements or arrangements, or other credit enhancements are enforceable substantially to the same extent as permitted under this section.

"(C) TRANSFER OF CONTRACTS SUBJECT TO THE RULES OF A CLEARING ORGANIZATION.—In the event that a conservator or receiver transfers any qualified financial contract and related claims, property, and credit enhancements pursuant to subparagraph (A)(i) and such contract is cleared by or subject to the rules of a clearing organization, the clearing organization shall not be required to accept the transferee as a member by virtue of the transfer.

"(D) DEFINITIONS.—For purposes of this paragraph, the term 'financial institution' means a broker or dealer, a depository institution, a futures commission merchant, or any other institution, as determined by the Corporation by regulation to be a financial institution, and the term 'clearing organization' has the same meaning as in section 402 of the Federal Deposit Insurance Corporation Improvement Act of 1991.".

(2) NOTICE TO QUALIFIED FINANCIAL CONTRACT COUNTERPARTIES.—Section 11(e)(10)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(10)(A)) is amended in the material immediately following clause (ii) by striking "the conservator" and all that follows through the period and inserting the following: "the conservator or receiver shall notify any person who is a party to any such contract of such transfer by 5:00 p.m. (eastern time) on the business day following the date of the appointment of the receiver in the case of a receivership, or the business day following such transfer in the case of a conservatorship.".

(3) RIGHTS AGAINST RECEIVER AND CONSERVATOR AND TREATMENT OF BRIDGE BANKS.—Section 11(e)(10) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(10)) is amended—

(A) by redesignating subparagraph (B) as subparagraph (D); and

(B) by inserting after subparagraph (A) the following new subparagraphs:

"(B) CERTAIN RIGHTS NOT ENFORCEABLE.—

"(i) RECEIVERSHIP.—A person who is a party to a qualified financial contract with an insured depository institution may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(A) of this subsection or section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a receiver for the depository institution (or the insolvency or financial condition of the depository institution for which the receiver has been appointed)—

"(I) until 5:00 p.m. (eastern time) on the business day following the date of the appointment of the receiver; or

"(II) after the person has received notice that the contract has been transferred pursuant to paragraph (9)(A).

"(ii) CONSERVATORSHIP.—A person who is a party to a qualified financial contract with an insured depository institution may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(E) of this subsection or section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a conservator for the depository institution (or the insolvency or financial condition of the depository institution for which the conservator has been appointed).

"(iii) NOTICE.—For purposes of this paragraph, the Corporation as receiver or conservator of an insured depository institution shall be deemed to have notified a person who is a party to a qualified financial contract with such depository institution if the Corporation has taken steps reasonably calculated to provide notice to such person by the time specified in subparagraph (A).

"(C) TREATMENT OF BRIDGE BANKS.—The following institutions shall not be considered to be a financial institution for which a conservator, receiver, trustee in bankruptcy, or other legal custodian has been appointed or which is otherwise the subject of a bankruptcy or insolvency proceeding for purposes of paragraph (9):

"(i) A bridge bank.

"(ii) A depository institution organized by the Corporation, for which a conservator is appointed either—

"(I) immediately upon the organization of the institution; or

"(II) at the time of a purchase and assumption transaction between the depository institution and the Corporation as receiver for a depository institution in default.".

(b) INSURED CREDIT UNIONS.—

(1) TRANSFERS OF QUALIFIED FINANCIAL CONTRACTS TO FINANCIAL INSTITUTIONS.—Section 207(c)(9) of the Federal Credit Union Act (12 U.S.C. 1787(c)(9)) is amended to read as follows:

"(9) TRANSFER OF QUALIFIED FINANCIAL CONTRACTS.—

"(A) IN GENERAL.—In making any transfer of assets or liabilities of a credit union in default which includes any qualified financial contract, the conservator or liquidating agent for such credit union shall either—

"(i) transfer to 1 financial institution, other than a financial institution for which a conservator, receiver, trustee in bankruptcy, or other legal custodian has been appointed or which is otherwise the subject of a bankruptcy or insolvency proceeding—

"(I) all qualified financial contracts between any person or any affiliate of such person and the credit union in default;

"(II) all claims of such person or any affiliate of such person against such credit union under any such contract (other than any claim which, under the terms of any such contract, is subordinated to the claims of general unsecured creditors of such credit union);

"(III) all claims of such credit union against such person or any affiliate of such person under any such contract; and

"(IV) all property securing or any other credit enhancement for any contract described in subclause (I) or any claim described in subclause (II) or (III) under any such contract; or

"(ii) transfer none of the qualified financial contracts, claims, property or other credit enhancement referred to in clause (i) (with respect to such person and any affiliate of such person).

"(B) TRANSFER TO FOREIGN BANK, FOREIGN FINANCIAL INSTITUTION, OR BRANCH OR AGENCY OF A FOREIGN BANK OR FINANCIAL INSTITUTION.—In transferring any qualified financial contracts and related claims and property under subparagraph (A)(i), the conservator or liquidating agent for the credit union shall not make such transfer to a foreign bank, financial institution organized under the laws of a foreign country, or a branch or agency of a foreign bank or financial institution unless, under the law applicable to such bank, financial institution, branch or agency, to the qualified financial contracts, and to any netting contract, any security agreement or arrangement or other credit enhancement related to 1 or more qualified financial contracts, the contractual rights of the parties to such qualified financial contracts, netting contracts, security agreements or arrangements, or other credit enhancements are enforceable substantially to the same extent as permitted under this section.

"(C) TRANSFER OF CONTRACTS SUBJECT TO THE RULES OF A CLEARING ORGANIZATION.—In the event that a conservator or liquidating agent transfers any qualified financial contract and related claims, property, and credit enhancements pursuant to subparagraph (A)(i) and such contract is cleared by or subject to the rules of a clearing organization, the clearing organization shall not be required to accept the transferee as a member by virtue of the transfer.

"(D) DEFINITIONS.—For purposes of this paragraph—

"(i) the term 'financial institution' means a broker or dealer, a depository institution, a futures commission merchant, a credit union, or any other institution, as determined by the Board by regulation to be a financial institution; and

"(ii) the term 'clearing organization' has the same meaning as in section 402 of the Federal Deposit Insurance Corporation Improvement Act of 1991.".

(2) NOTICE TO QUALIFIED FINANCIAL CONTRACT COUNTERPARTIES.—Section 207(c)(10)(A) of the Federal Credit Union Act (12 U.S.C. 1787(c)(10)(A)) is amended in the material immediately following clause (ii) by striking "the conservator" and all that follows through the period and inserting the following: "the conservator or liquidating agent shall notify any person who is a party to any such contract of such transfer by 5:00 p.m. (eastern time) on the business day following the date of the appointment of the liquidating agent in the case of a liquidation, or the business day following such transfer in the case of a conservatorship.".

(3) RIGHTS AGAINST LIQUIDATING AGENT AND CONSERVATOR AND TREATMENT OF BRIDGE BANKS.—Section 207(c)(10) of the Federal Credit Union Act (12 U.S.C. 1787(c)(10)) is amended—

(A) by redesignating subparagraph (B) as subparagraph (D); and

(B) by inserting after subparagraph (A) the following new subparagraphs:

"(B) CERTAIN RIGHTS NOT ENFORCEABLE.—

"(i) LIQUIDATION.—A person who is a party to a qualified financial contract with an insured credit union may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(A) of this subsection or section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a liquidating agent for the credit union institution (or the insolvency or financial condition of the credit union for which the liquidating agent has been appointed)—

"(I) until 5:00 p.m. (eastern time) on the business day following the date of the appointment of the liquidating agent; or

"(II) after the person has received notice that the contract has been transferred pursuant to paragraph (9)(A).

"(ii) CONSERVATORSHIP.—A person who is a party to a qualified financial contract with an insured credit union may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(E) of this subsection or section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a conservator for the credit union or the insolvency or financial condition of the credit union for which the conservator has been appointed).

"(iii) NOTICE.—For purposes of this paragraph, the Board as conservator or liquidating agent of an insured credit union shall be deemed to have notified a person who is a party to a qualified financial contract with such credit union if the Board has taken steps reasonably calculated to provide notice to such person by the time specified in subparagraph (A).

"(C) TREATMENT OF BRIDGE BANKS.—The following institutions shall not be considered to be a financial institution for which a conservator, receiver, trustee in bankruptcy, or other legal custodian has been appointed or which is otherwise the subject of a bankruptcy or insolvency proceeding for purposes of paragraph (9):

"(i) A bridge bank.

"(ii) A credit union organized by the Board, for which a conservator is appointed either—

"(I) immediately upon the organization of the credit union; or

"(II) at the time of a purchase and assumption transaction between the credit union and the Board as receiver for a credit union in default.".

SEC. 904. AMENDMENTS RELATING TO DISAFFIRMANCE OR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.

(a) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)) is amended—

(1) by redesignating paragraphs (11) through (15) as paragraphs (12) through (16), respectively;

(2) by inserting after paragraph (10) the following new paragraph:

"(11) DISAFFIRMANCE OR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.—In exercising the rights of disaffirmance or repudiation of a conservator or receiver with respect to any qualified financial contract to which an insured depository institution is a party, the conservator or receiver for such institution shall either—

"(A) disaffirm or repudiate all qualified financial contracts between—

"(i) any person or any affiliate of such person; and

"(ii) the depository institution in default; or

"(B) disaffirm or repudiate none of the qualified financial contracts referred to in subparagraph (A) (with respect to such person or any affiliate of such person)."; and

(3) by adding at the end the following new paragraph:

"(17) SAVINGS CLAUSE.—The meanings of terms used in this subsection are applicable for purposes of this subsection only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any similar terms under any other statute, regulation, or rule, including the Gramm-Leach-Bliley Act, the Legal Certainty for Bank Products Act of 2000, the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934), and the Commodity Exchange Act.".

(b) INSURED CREDIT UNIONS.—Section 207(c) of the Federal Credit Union Act (12 U.S.C. 1787(c)) is amended—

(1) by redesignating paragraphs (11), (12), and (13) as paragraphs (12), (13), and (14), respectively;

(2) by inserting after paragraph (10) the following new paragraph:

"(11) DISAFFIRMANCE OR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.—In exercising the rights of disaffirmance or repudiation of a conservator or liquidating agent with respect to any qualified financial contract to which an insured credit union is a party, the conservator or liquidating agent for such credit union shall either—

"(A) disaffirm or repudiate all qualified financial contracts between—

"(i) any person or any affiliate of such person; and

"(ii) the credit union in default; or

"(B) disaffirm or repudiate none of the qualified financial contracts referred to in subparagraph (A) (with respect to such person or any affiliate of such person)."; and

(3) by adding at the end the following new paragraph:

"(15) SAVINGS CLAUSE.—The meanings of terms used in this subsection are applicable for purposes of this subsection only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any similar terms under any other statute, regulation, or rule, including the Gramm-Leach-Bliley Act, the Legal Certainty for Bank Products Act of 2000, the securities laws (as that term is defined in section (a)(47) of the Securities Exchange Act of 1934), and the Commodity Exchange Act.".

SEC. 905. CLARIFYING AMENDMENT RELATING TO MASTER AGREEMENTS.

(a) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(8)(D)(vii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(vii)) is amended to read as follows:

"(vii) TREATMENT OF MASTER AGREEMENT AS ONE AGREEMENT.—Any master agreement for any contract or agreement described in any preceding clause of this subparagraph (or any master agreement for such master agreement or agreements), together with all supplements to such master agreement, shall be treated as a single agreement and a single qualified financial contract. If a master agreement contains provisions relating to agreements or transactions that are not themselves qualified financial contracts, the master agreement shall be deemed to be a qualified financial contract only with respect to those transactions that are themselves qualified financial contracts.".

(b) INSURED CREDIT UNIONS.—Section 207(c)(8)(D) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)(D)) is amended by inserting after clause (vi) (as added by section 901(f)) the following new clause:

"(vii) TREATMENT OF MASTER AGREEMENT AS ONE AGREEMENT.—Any master agreement for any contract or agreement described in any preceding clause of this subparagraph (or any master agreement for such master agreement or agreements), together with all supplements to such master agreement, shall be treated as a single agreement and a single qualified financial contract. If a master agreement contains provisions relating to agreements or transactions that are not themselves qualified financial contracts, the master agreement shall be deemed to be a qualified financial contract only with respect to those transactions that are themselves qualified financial contracts.".

SEC. 906. FEDERAL DEPOSIT INSURANCE CORPORATION IMPROVEMENT ACT OF 1991.

(a) DEFINITIONS.—Section 402 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4402) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)(ii), by inserting before the semicolon ", or is exempt from such registration by order of the Securities and Exchange Commission"; and

(B) in subparagraph (B), by inserting before the period ", that has been granted an exemption under section 4(c)(1) of the Commodity Exchange Act, or that is a multilateral clearing organization (as defined in section 408 of this Act)";

(2) in paragraph (6)—

(A) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively;

(B) by inserting after subparagraph (A) the following new subparagraph:

"(B) an uninsured national bank or an uninsured State bank that is a member of the Federal Reserve System, if the national bank or State member bank is not eligible to make application to become an insured bank under section 5 of the Federal Deposit Insurance Act;"; and

(C) by amending subparagraph (C), so redesignated, to read as follows:

"(C) a branch or agency of a foreign bank, a foreign bank and any branch or agency of the foreign bank, or the foreign bank that established the branch or agency, as those terms are defined in section 1(b) of the International Banking Act of 1978;";

(3) in paragraph (11), by inserting before the period "and any other clearing organization with which such clearing organization has a netting contract";

(4) by amending paragraph (14)(A)(i) to read as follows:

"(i) means a contract or agreement between 2 or more financial institutions, clearing organizations, or members that provides for netting present or future payment obligations or payment entitlements (including liquidation or close out values relating to such obligations or entitlements) among the parties to the agreement; and"; and

(5) by adding at the end the following new paragraph:

"(15) PAYMENT.—The term 'payment' means a payment of United States dollars, another currency, or a composite currency, and a noncash delivery, including a payment or delivery to liquidate an unmatured obligation.".

(b) ENFORCEABILITY OF BILATERAL NETTING CONTRACTS.—Section 403 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4403) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) GENERAL RULE.—Notwithstanding any other provision of State or Federal law (other than paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act, paragraphs (8)(E), (8)(F), and (10)(B) of section 207(c) of the Federal Credit Union Act, or any order authorized under section 5(b)(2) of the Securities Investor Protection Act of 1970), the covered contractual payment obligations and the covered contractual payment entitlements between any 2 financial institutions shall be netted in accordance with, and subject to the conditions of, the terms of any applicable netting contract (except as provided in section 561(b)(2) of title 11, United States Code)."; and

(2) by adding at the end the following new subsection:

"(f) ENFORCEABILITY OF SECURITY AGREEMENTS.—The provisions of any security agreement or arrangement or other credit enhancement related to one or more netting contracts between any 2 financial institutions shall be enforceable in accordance with their terms (except as provided in section 561(b)(2) of title 11, United States Code), and shall not be stayed, avoided, or otherwise limited by any State or Federal law (other than paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act, paragraphs (8)(E), (8)(F), and (10)(B) of section 207(c) of the Federal Credit Union Act, and section 5(b)(2) of the Securities Investor Protection Act of 1970).".

(c) ENFORCEABILITY OF CLEARING ORGANIZATION NETTING CONTRACTS.—Section 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4404) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) GENERAL RULE.—Notwithstanding any other provision of State or Federal law (other than paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act, paragraphs (8)(E), (8)(F), and (10)(B) of section 207(c) of the Federal Credit Union Act, and any order authorized under section 5(b)(2) of the Securities Investor Protection Act of 1970), the covered contractual payment obligations and the covered contractual payment entitlements of a member of a clearing organization to and from all other members of a clearing organization shall be netted in accordance with and subject to the conditions of any applicable netting contract (except as provided in section 561(b)(2) of title 11, United States Code)."; and

(2) by adding at the end the following new subsection:

"(h) Enforceability of Security Agreements.—The provisions of any security agreement or arrangement or other credit enhancement related to one or more netting contracts between any 2 members of a clearing organization shall be enforceable in accordance with their terms (except as provided in section 561(b)(2) of title 11, United States Code), and shall not be stayed, avoided, or otherwise limited by any State or Federal law (other than paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act, paragraphs (8)(E), (8)(F), and (10)(B) of section 207(c) of the Federal Credit Union Act, and section 5(b)(2) of the Securities Investor Protection Act of 1970).".

(d) Enforceability of Contracts With Uninsured National Banks, Uninsured Federal Branches and Agencies, Certain Uninsured State Member Banks, and Edge Act Corporations.—The Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4401 et seq.) is amended—

(1) by redesignating section 407 as section 407A; and

(2) by inserting after section 406 the following new section:

"SEC. 407. TREATMENT OF CONTRACTS WITH UNINSURED NATIONAL BANKS, UNINSURED FEDERAL BRANCHES AND AGENCIES, CERTAIN UNINSURED STATE MEMBER BANKS, AND EDGE ACT CORPORATIONS.

"(a) In General.—Notwithstanding any other provision of law, paragraphs (8), (9), (10), and (11) of section 11(e) of the Federal Deposit Insurance Act shall apply to an uninsured national bank or uninsured Federal branch or Federal agency, a corporation chartered under section 25A of the Federal Reserve Act, or an uninsured State member bank which operates, or operates as, a multilateral clearing organization pursuant to section 409 of this Act, except that for such purpose—

"(1) any reference to the 'Corporation as receiver' or 'the receiver or the Corporation' shall refer to the receiver appointed by the Comptroller of the Currency in the case of an uninsured national bank or uninsured Federal branch or agency, or to the receiver appointed by the Board of Governors of the Federal Reserve System in the case of a corporation chartered under section 25A of the Federal Reserve Act or an uninsured State member bank;

"(2) any reference to the 'Corporation' (other than in section 11(e)(8)(D) of such Act), the 'Corporation, whether acting as such or as conservator or receiver', a 'receiver', or a 'conservator' shall refer to the receiver or conservator appointed by the Comptroller of the Currency in the case of an uninsured national bank or uninsured Federal branch or agency, or to the receiver or conservator appointed by the Board of Governors of the Federal Reserve System in the case of a corporation chartered under section 25A of the Federal Reserve Act or an uninsured State member bank; and

"(3) any reference to an 'insured depository institution' or 'depository institution' shall refer to an uninsured national bank, an uninsured Federal branch or Federal agency, a corporation chartered under section 25A of the Federal Reserve Act, or an uninsured State member bank which operates, or operates as, a multilateral clearing organization pursuant to section 409 of this Act.

"(b) Liability.—The liability of a receiver or conservator of an uninsured national bank, uninsured Federal branch or agency, a corporation chartered under section 25A of the Federal Reserve Act, or an uninsured State member bank which operates, or operates as, a multilateral clearing organization pursuant to section 409 of this Act, shall be determined in the same manner and subject to the same limitations that apply to receivers and conservators of insured depository institutions under section 11(e) of the Federal Deposit Insurance Act.

"(c) Regulatory Authority.—

"(1) In general.—The Comptroller of the Currency in the case of an uninsured national bank or uninsured Federal branch or agency and the Board of Governors of the Federal Reserve System in the case of a corporation chartered under section 25A of the Federal Reserve Act, or an uninsured State member bank that operates, or operates as, a multilateral clearing organization pursuant to section 409 of this Act, in consultation with the Federal Deposit Insurance Corporation, may each promulgate regulations solely to implement this section.

"(2) Specific requirement.—In promulgating regulations, limited solely to implementing paragraphs (8), (9), (10), and (11) of section 11(e) of the Federal Deposit Insurance Act, the Comptroller of the Currency and the Board of Governors of the Federal Reserve System each shall ensure that the regulations generally are consistent with the regulations and policies of the Federal Deposit Insurance Corporation adopted pursuant to the Federal Deposit Insurance Act.

"(d) Definitions.—For purposes of this section, the terms 'Federal branch', 'Federal agency', and 'foreign bank' have the same meanings as in section 1(b) of the International Banking Act of 1978.".

SEC. 907. BANKRUPTCY LAW AMENDMENTS.

(a) Definitions of Forward Contract, Repurchase Agreement, Securities Clearing Agency, Swap Agreement, Commodity Contract, and Securities Contract.—Title 11, United States Code, is amended—

(1) in section 101—

(A) in paragraph (25)—

(i) by striking "means a contract" and inserting "means—

"(A) a contract";

(ii) by striking ", or any combination thereof or option thereon;" and inserting ", or any other similar agreement;"; and

(iii) by adding at the end the following:

"(B) any combination of agreements or transactions referred to in subparagraphs (A) and (C);

"(C) any option to enter into an agreement or transaction referred to in subparagraph (A) or (B);

"(D) a master agreement that provides for an agreement or transaction referred to in subparagraph (A), (B), or (C), together with all supplements to any such master agreement, without regard to whether such master agreement provides for an agreement or transaction that is not a forward contract under this paragraph, except that such master agreement shall be considered to be a forward contract under this paragraph only with respect to each agreement or transaction under such master agreement that is referred to in subparagraph (A), (B), or (C); or

"(E) any security agreement or arrangement, or other credit enhancement related to any agreement or transaction referred to in subparagraph (A), (B), (C), or (D), including any guarantee or reimbursement obligation by or to a forward contract merchant or financial participant in connection with any agreement or transaction referred to in any such subparagraph, but not to exceed the damages in connection with any such agreement or transaction, measured in accordance with section 562;";

(B) in paragraph (46), by striking "on any day during the period beginning 90 days before the date of" and inserting "at any time before";

(C) by amending paragraph (47) to read as follows:

"(47) 'repurchase agreement' (which definition also applies to a reverse repurchase agreement)—

"(A) means—

"(i) an agreement, including related terms, which provides for the transfer of one or more certificates of deposit, mortgage related securities (as defined in section 3 of the Securities Exchange Act of 1934), mortgage loans, interests in mortgage related securities or mortgage loans, eligible bankers' acceptances, qualified foreign government securities (defined as a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development), or securities that are direct obligations of, or that are fully guaranteed by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests, with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptance, securities, mortgage loans, or interests of the kind described in this clause, at a date certain not later than 1 year after such transfer or on demand, against the transfer of funds;

"(ii) any combination of agreements or transactions referred to in clauses (i) and (iii);

"(iii) an option to enter into an agreement or transaction referred to in clause (i) or (ii);

"(iv) a master agreement that provides for an agreement or transaction referred to in clause (i), (ii), or (iii), together with all supplements to any such master agreement, without regard to whether such master agreement provides for an agreement or transaction that is not a repurchase agreement under this paragraph, except that such master agreement shall be considered to be a repurchase agreement under this paragraph only with respect to each agreement or transaction under the master agreement that is referred to in clause (i), (ii), or (iii); or

"(v) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in clause (i), (ii), (iii), or (iv), including any guarantee or reimbursement obligation by or to a repo participant or financial participant in connection with any agreement or transaction referred to in any such clause, but not to exceed the damages in connection with any such agreement or transaction, measured in accordance with section 562 of this title; and

“(B) does not include a repurchase obligation under a participation in a commercial mortgage loan;”;

(D) in paragraph (48), by inserting “, or exempt from such registration under such section pursuant to an order of the Securities and Exchange Commission,” after “1934”; and

(E) by amending paragraph (53B) to read as follows:

“(53B) ‘swap agreement’—

“(A) means—

“(i) any agreement, including the terms and conditions incorporated by reference in such agreement, which is—

“(I) an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap;

“(II) a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement;

“(III) a currency swap, option, future, or forward agreement;

“(IV) an equity index or equity swap, option, future, or forward agreement;

“(V) a debt index or debt swap, option, future, or forward agreement;

“(VI) a total return, credit spread or credit swap, option, future, or forward agreement;

“(VII) a commodity index or a commodity swap, option, future, or forward agreement; or

“(VIII) a weather swap, weather derivative, or weather option;

“(ii) any agreement or transaction that is similar to any other agreement or transaction referred to in this paragraph and that—

“(I) is of a type that has been, is presently, or in the future becomes, the subject of recurrent dealings in the swap markets (including terms and conditions incorporated by reference therein); and

“(II) is a forward, swap, future, or option on one or more rates, currencies, commodities, equity securities, or other equity instruments, debt securities or other debt instruments, quantitative measures associated with an occurrence, extent of an occurrence, or contingency associated with a financial, commercial, or economic consequence, or economic or financial indices or measures of economic or financial risk or value;

“(iii) any combination of agreements or transactions referred to in this subparagraph;

“(iv) any option to enter into an agreement or transaction referred to in this subparagraph;

“(v) a master agreement that provides for an agreement or transaction referred to in clause (i), (ii), (iii), or (iv), together with all supplements to any such master agreement, and without regard to whether the master agreement contains an agreement or transaction that is not a swap agreement under this paragraph, except that the master agreement shall be considered to be a swap agreement under this paragraph only with respect to each agreement or transaction under the master agreement that is referred to in clause (i), (ii), (iii), or (iv); or

“(vi) any security agreement or arrangement or other credit enhancement related to any agreements or transactions referred to in clause (i) through (v), including any guarantee or reimbursement obligation by or to a swap participant or financial participant in connection with any agreement or transaction referred to in any such clause, but not to exceed the damages in connection with any such agreement or transaction, measured in accordance with section 562; and

“(B) is applicable for purposes of this title only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any swap agreement under any other statute, regulation, or rule, including the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, the Gramm-Leach-Bliley Act, and the Legal Certainty for Bank Products Act of 2000;”;

(2) in section 741(7), by striking paragraph (7) and inserting the following:

“(7) ‘securities contract’—

“(A) means—

“(i) a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan or any interest in a mortgage loan, a group or index of securities, certificates of deposit, or mortgage loans or interests therein (including an interest therein or based on the value thereof), or option on any of the foregoing, including an option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option, and including any repurchase or reverse repurchase transaction on any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

“(ii) any option entered into on a national securities exchange relating to foreign currencies;

“(iii) the guarantee by or to any securities clearing agency of a settlement of cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, or mortgage loans or interests therein (including any interest therein or based on the value thereof), or option on any of the foregoing, including an option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

“(iv) any margin loan;

“(v) any other agreement or transaction that is similar to an agreement or transaction referred to in this subparagraph;

“(vi) any combination of the agreements or transactions referred to in this subparagraph;

“(vii) any option to enter into any agreement or transaction referred to in this subparagraph;

“(viii) a master agreement that provides for an agreement or transaction referred to in clause (i), (ii), (iii), (iv), (v), (vi), or (vii), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a securities contract under this subparagraph, except that such master agreement shall be considered to be a securities contract under this subparagraph only with respect to each agreement or transaction under such master agreement that is referred to in clause (i), (ii), (iii), (iv), (v), (vi), or (vii); or

“(ix) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this subparagraph, including any guarantee or reimbursement obligation by or to a stockbroker, securities clearing agency, financial institution, or financial participant in connection with any agreement or transaction referred to in this subparagraph, but not to exceed the damages in connection with any such agreement or transaction, measured in accordance with section 562; and

“(B) does not include any purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan;”; and

(3) in section 761(4)—

(A) by striking “or” at the end of subparagraph (D); and

(B) by adding at the end the following:

“(F) any other agreement or transaction that is similar to an agreement or transaction referred to in this paragraph;

“(G) any combination of the agreements or transactions referred to in this paragraph;

“(H) any option to enter into an agreement or transaction referred to in this paragraph;

“(I) a master agreement that provides for an agreement or transaction referred to in subparagraph (A), (B), (C), (D), (E), (F), (G), or (H), together with all supplements to such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a commodity contract under this paragraph, except that the master agreement shall be considered to be a commodity contract under this paragraph only with respect to each agreement or transaction under the master agreement that is referred to in subparagraph (A), (B), (C), (D), (E), (F), (G), or (H); or

“(J) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this paragraph, including any guarantee or reimbursement obligation by or to a commodity broker or financial participant in connection with any agreement or transaction referred to in this paragraph, but not to exceed the damages in connection with any such agreement or transaction, measured in accordance with section 562;”.

(b) DEFINITIONS OF FINANCIAL INSTITUTION, FINANCIAL PARTICIPANT, AND FORWARD CONTRACT MERCHANT.—Section 101 of title 11, United States Code, is amended—

(1) by striking paragraph (22) and inserting the following:

“(22) ‘financial institution’ means—

“(A) a Federal reserve bank, or an entity (domestic or foreign) that is a commercial or savings bank, industrial savings bank, savings and loan association, trust company, federally-insured credit union, or receiver, liquidating agent, or conservator for such entity and, when any such Federal reserve bank, receiver, liquidating agent, conservator or entity is acting as agent or custodian for a customer in connection with a securities contract (as defined in section 741) such customer; or

“(B) in connection with a securities contract (as defined in section 741) an investment company registered under the Investment Company Act of 1940;”;

(2) by inserting after paragraph (22) the following:

“(22A) ‘financial participant’ means—

“(A) an entity that, at the time it enters into a securities contract, commodity contract, swap agreement, repurchase agreement, or forward contract, or at the time of the date of the filing of the petition, has one or more agreements or transactions described in paragraph (1), (2), (3), (4), (5), or (6) of section 561(a) with the debtor or any other entity (other than an affiliate) of a total gross dollar value of not less than $1,000,000,000 in notional or actual principal amount outstanding on any day during the previous 15-month period, or has gross mark-to-market positions of not less than $100,000,000 (aggregated across counterparties) in one or more such agreements or transactions with the debtor or any other entity (other than an affiliate) on any day during the previous 15-month period; or

"(B) a clearing organization (as defined in section 402 of the Federal Deposit Insurance Corporation Improvement Act of 1991);"; and

(3) by striking paragraph (26) and inserting the following:

"(26) 'forward contract merchant' means a Federal reserve bank, or an entity the business of which consists in whole or in part of entering into forward contracts as or with merchants in a commodity (as defined in section 761) or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing in the forward contract trade;".

(c) DEFINITION OF MASTER NETTING AGREEMENT AND MASTER NETTING AGREEMENT PARTICIPANT.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (38) the following new paragraphs:

"(38A) 'master netting agreement'—

"(A) means an agreement providing for the exercise of rights, including rights of netting, setoff, liquidation, termination, acceleration, or close out, under or in connection with one or more contracts that are described in any one or more of paragraphs (1) through (5) of section 561(a), or any security agreement or arrangement or other credit enhancement related to one or more of the foregoing, including any guarantee or reimbursement obligation related to 1 or more of the foregoing; and

"(B) if the agreement contains provisions relating to agreements or transactions that are not contracts described in paragraphs (1) through (5) of section 561(a), shall be deemed to be a master netting agreement only with respect to those agreements or transactions that are described in any one or more of paragraphs (1) through (5) of section 561(a);

"(38B) 'master netting agreement participant' means an entity that, at any time before the date of the filing of the petition, is a party to an outstanding master netting agreement with the debtor;".

(d) SWAP AGREEMENTS, SECURITIES CONTRACTS, COMMODITY CONTRACTS, FORWARD CONTRACTS, REPURCHASE AGREEMENTS, AND MASTER NETTING AGREEMENTS UNDER THE AUTOMATIC-STAY.—

(1) IN GENERAL.—Section 362(b) of title 11, United States Code, as amended by sections 224, 303, 311, 401, and 718, is amended—

(A) in paragraph (6), by inserting ", pledged to, under the control of," after "held by";

(B) in paragraph (7), by inserting ", pledged to, under the control of," after "held by";

(C) by striking paragraph (17) and inserting the following:

"(17) under subsection (a), of the setoff by a swap participant or financial participant of a mutual debt and claim under or in connection with one or more swap agreements that constitutes the setoff of a claim against the debtor for any payment or other transfer of property due from the debtor under or in connection with any swap agreement against any payment due to the debtor from the swap participant or financial participant under or in connection with any swap agreement or against cash, securities, or other property held by, pledged to, under the control of, or due from such swap participant or financial participant to margin, guarantee, secure, or settle any swap agreement;"; and

(D) by inserting after paragraph (26) the following:

"(27) under subsection (a), of the setoff by a master netting agreement participant of a mutual debt and claim under or in connection with one or more master netting agreements or any contract or agreement subject to such agreements that constitutes the setoff of a claim against the debtor for any payment or other transfer of property due from the debtor under or in connection with such agreements or any contract or agreement subject to such agreements against any payment due to the debtor from such master netting agreement participant under or in connection with such agreements or any contract or agreement subject to such agreements or against cash, securities, or other property held by, pledged to, under the control of, or due from such master netting agreement participant to margin, guarantee, secure, or settle such agreements or any contract or agreement subject to such agreements, to the extent that such participant is eligible to exercise such offset rights under paragraph (6), (7), or (17) for each individual contract covered by the master netting agreement in issue; and".

(2) LIMITATION.—Section 362 of title 11, United States Code, as amended by sections 106, 305, 311, and 441, is amended by adding at the end the following:

"(o) The exercise of rights not subject to the stay arising under subsection (a) pursuant to paragraph (6), (7), (17), or (27) of subsection (b) shall not be stayed by any order of a court or administrative agency in any proceeding under this title.".

(e) LIMITATION OF AVOIDANCE POWERS UNDER MASTER NETTING AGREEMENT.—Section 546 of title 11, United States Code, is amended—

(1) in subsection (g) (as added by section 103 of Public Law 101-311)—

(A) by striking "under a swap agreement";

(B) by striking "in connection with a swap agreement" and inserting "under or in connection with any swap agreement"; and

(C) by inserting "or financial participant" after "swap participant"; and

(2) by adding at the end the following:

"(j) Notwithstanding sections 544, 545, 547, 548(a)(1)(B), and 548(b) the trustee may not avoid a transfer made by or to a master netting agreement participant under or in connection with any master netting agreement or any individual contract covered thereby that is made before the commencement of the case, except under section 548(a)(1)(A) and except to the extent that the trustee could otherwise avoid such a transfer made under an individual contract covered by such master netting agreement.".

(f) FRAUDULENT TRANSFERS OF MASTER NETTING AGREEMENTS.—Section 548(d)(2) of title 11, United States Code, is amended—

(1) in subparagraph (C), by striking "and" at the end;

(2) in subparagraph (D), by striking the period and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(E) a master netting agreement participant that receives a transfer in connection with a master netting agreement or any individual contract covered thereby takes for value to the extent of such transfer, except that, with respect to a transfer under any individual contract covered thereby, to the extent that such master netting agreement participant otherwise did not take (or is otherwise not deemed to have taken) such transfer for value.".

(g) TERMINATION OR ACCELERATION OF SECURITIES CONTRACTS.—Section 555 of title 11, United States Code, is amended—

(1) by amending the section heading to read as follows:

"§555. Contractual right to liquidate, terminate, or accelerate a securities contract";

and

(2) in the first sentence, by striking "liquidation" and inserting "liquidation, termination, or acceleration".

(h) TERMINATION OR ACCELERATION OF COMMODITIES OR FORWARD CONTRACTS.—Section 556 of title 11, United States Code, is amended—

(1) by amending the section heading to read as follows:

"§556. Contractual right to liquidate, terminate, or accelerate a commodities contract or forward contract";

(2) in the first sentence, by striking "liquidation" and inserting "liquidation, termination, or acceleration"; and

(3) in the second sentence, by striking "As used" and all that follows through "right," and inserting "As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw of a derivatives clearing organization (as defined in the Commodity Exchange Act), a multilateral clearing organization (as defined in the Federal Deposit Insurance Corporation Improvement Act of 1991), a national securities exchange, a national securities association, a securities clearing agency, a contract market designated under the Commodity Exchange Act, a derivatives transaction execution facility registered under the Commodity Exchange Act, or a board of trade (as defined in the Commodity Exchange Act) or in a resolution of the governing board thereof and a right,".

(i) TERMINATION OR ACCELERATION OF REPURCHASE AGREEMENTS.—Section 559 of title 11, United States Code, is amended—

(1) by amending the section heading to read as follows:

"§559. Contractual right to liquidate, terminate, or accelerate a repurchase agreement";

(2) in the first sentence, by striking "liquidation" and inserting "liquidation, termination, or acceleration"; and

(3) in the third sentence, by striking "As used" and all that follows through "right," and inserting "As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw of a derivatives clearing organization (as defined in the Commodity Exchange Act), a multilateral clearing organization (as defined in the Federal Deposit Insurance Corporation Improvement Act of 1991), a national securities exchange, a national securities association, a securities clearing agency, a contract market designated under the Commodity Exchange Act, a derivatives transaction execution facility registered under the Commodity Exchange Act, or a board of trade (as defined in the Commodity Exchange Act) or in a resolution of the governing board thereof and a right,".

(j) LIQUIDATION, TERMINATION, OR ACCELERATION OF SWAP AGREEMENTS.—Section 560 of title 11, United States Code, is amended—

(1) by amending the section heading to read as follows:

"§560. Contractual right to liquidate, terminate, or accelerate a swap agreement";

(2) in the first sentence, by striking "termination of a swap agreement" and inserting "liquidation, termination, or acceleration of one or more swap agreements";

(3) by striking "in connection with any swap agreement" and inserting "in connection with the termination, liquidation, or acceleration of one or more swap agreements"; and

(4) in the second sentence, by striking "As used" and all that follows through "right," and inserting "As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw of a derivatives

clearing organization (as defined in the Commodity Exchange Act), a multilateral clearing organization (as defined in the Federal Deposit Insurance Corporation Improvement Act of 1991), a national securities exchange, a national securities association, a securities clearing agency, a contract market designated under the Commodity Exchange Act, a derivatives transaction execution facility registered under the Commodity Exchange Act, or a board of trade (as defined in the Commodity Exchange Act) or in a resolution of the governing board thereof and a right,".

(k) LIQUIDATION, TERMINATION, ACCELERATION, OR OFFSET UNDER A MASTER NETTING AGREEMENT AND ACROSS CONTRACTS.—

(1) IN GENERAL.—Title 11, United States Code, is amended by inserting after section 560 the following:

"§561. Contractual right to terminate, liquidate, accelerate, or offset under a master netting agreement and across contracts; proceedings under chapter 15

"(a) Subject to subsection (b), the exercise of any contractual right, because of a condition of the kind specified in section 365(e)(1), to cause the termination, liquidation, or acceleration of or to offset or net termination values, payment amounts, or other transfer obligations arising under or in connection with one or more (or the termination, liquidation, or acceleration of one or more)—

"(1) securities contracts, as defined in section 741(7);

"(2) commodity contracts, as defined in section 761(4);

"(3) forward contracts;

"(4) repurchase agreements;

"(5) swap agreements; or

"(6) master netting agreements,

shall not be stayed, avoided, or otherwise limited by operation of any provision of this title or by any order of a court or administrative agency in any proceeding under this title.

"(b)(1) A party may exercise a contractual right described in subsection (a) to terminate, liquidate, or accelerate only to the extent that such party could exercise such a right under section 555, 556, 559, or 560 for each individual contract covered by the master netting agreement in issue.

"(2) If a debtor is a commodity broker subject to subchapter IV of chapter 7—

"(A) a party may not net or offset an obligation to the debtor arising under, or in connection with, a commodity contract traded on or subject to the rules of a contract market designated under the Commodity Exchange Act or a derivatives transaction execution facility registered under the Commodity Exchange Act against any claim arising under, or in connection with, other instruments, contracts, or agreements listed in subsection (a) except to the extent that the party has positive net equity in the commodity accounts at the debtor, as calculated under such subchapter; and

"(B) another commodity broker may not net or offset an obligation to the debtor arising under, or in connection with, a commodity contract entered into or held on behalf of a customer of the debtor and traded on or subject to the rules of a contract market designated under the Commodity Exchange Act or a derivatives transaction execution facility registered under the Commodity Exchange Act against any claim arising under, or in connection with, other instruments, contracts, or agreements listed in subsection (a).

"(3) No provision of subparagraph (A) or (B) of paragraph (2) shall prohibit the offset of claims and obligations that arise under—

"(A) a cross-margining agreement or similar arrangement that has been approved by the Commodity Futures Trading Commission or submitted to the Commodity Futures Trading Commission under paragraph (1) or (2) of section 5c(c) of the Commodity Exchange Act and has not been abrogated or rendered ineffective by the Commodity Futures Trading Commission; or

"(B) any other netting agreement between a clearing organization (as defined in section 761) and another entity that has been approved by the Commodity Futures Trading Commission.

"(c) As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw of a derivatives clearing organization (as defined in the Commodity Exchange Act), a multilateral clearing organization (as defined in the Federal Deposit Insurance Corporation Improvement Act of 1991), a national securities exchange, a national securities association, a securities clearing agency, a contract market designated under the Commodity Exchange Act, a derivatives transaction execution facility registered under the Commodity Exchange Act, or a board of trade (as defined in the Commodity Exchange Act) or in a resolution of the governing board thereof, and a right, whether or not evidenced in writing, arising under common law, under law merchant, or by reason of normal business practice.

"(d) Any provisions of this title relating to securities contracts, commodity contracts, forward contracts, repurchase agreements, swap agreements, or master netting agreements shall apply in a case under chapter 15, so that enforcement of contractual provisions of such contracts and agreements in accordance with their terms will not be stayed or otherwise limited by operation of any provision of this title or by order of a court in any case under this title, and to limit avoidance powers to the same extent as in a proceeding under chapter 7 or 11 of this title (such enforcement not to be limited based on the presence or absence of assets of the debtor in the United States).".

(2) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, is amended by inserting after the item relating to section 560 the following:

"561. Contractual right to terminate, liquidate, accelerate, or offset under a master netting agreement and across contracts; proceedings under chapter 15.".

(l) COMMODITY BROKER LIQUIDATIONS.—Title 11, United States Code, is amended by inserting after section 766 the following:

"§767. Commodity broker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, financial participants, securities clearing agencies, swap participants, repo participants, and master netting agreement participants

"Notwithstanding any other provision of this title, the exercise of rights by a forward contract merchant, commodity broker, stockbroker, financial institution, financial participant, securities clearing agency, swap participant, repo participant, or master netting agreement participant under this title shall not affect the priority of any unsecured claim it may have after the exercise of such rights.".

(m) STOCKBROKER LIQUIDATIONS.—Title 11, United States Code, is amended by inserting after section 752 the following:

"§753. Stockbroker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, financial participants, securities clearing agencies, swap participants, repo participants, and master netting agreement participants

"Notwithstanding any other provision of this title, the exercise of rights by a forward contract merchant, commodity broker, stockbroker, financial institution, financial participant, securities clearing agency, swap participant, repo participant, or master netting agreement participant under this title shall not affect the priority of any unsecured claim it may have after the exercise of such rights.".

(n) SETOFF.—Section 553 of title 11, United States Code, is amended—

(1) in subsection (a)(2)(B)(ii), by inserting before the semicolon the following: "(except for a setoff of a kind described in section 362(b)(6), 362(b)(7), 362(b)(17), 362(b)(27), 555, 556, 559, 560, or 561)";

(2) in subsection (a)(3)(C), by inserting before the period the following: "(except for a setoff of a kind described in section 362(b)(6), 362(b)(7), 362(b)(17), 362(b)(27), 555, 556, 559, 560, or 561)"; and

(3) in subsection (b)(1), by striking "362(b)(14)," and inserting "362(b)(17), 362(b)(27), 555, 556, 559, 560, 561,".

(o) SECURITIES CONTRACTS, COMMODITY CONTRACTS, AND FORWARD CONTRACTS.—Title 11, United States Code, is amended—

(1) in section 362(b)(6), by striking "financial institutions," each place such term appears and inserting "financial institution, financial participant,";

(2) in sections 362(b)(7) and 546(f), by inserting "or financial participant" after "repo participant" each place such term appears;

(3) in section 546(e), by inserting "financial participant," after "financial institution,";

(4) in section 548(d)(2)(B), by inserting "financial participant," after "financial institution,";

(5) in section 548(d)(2)(C), by inserting "or financial participant" after "repo participant";

(6) in section 548(d)(2)(D), by inserting "or financial participant" after "swap participant";

(7) in section 555—

(A) by inserting "financial participant," after "financial institution,"; and

(B) by striking the second sentence and inserting the following: "As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw of a derivatives clearing organization (as defined in the Commodity Exchange Act), a multilateral clearing organization (as defined in the Federal Deposit Insurance Corporation Improvement Act of 1991), a national securities exchange, a national securities association, a securities clearing agency, a contract market designated under the Commodity Exchange Act, a derivatives transaction execution facility registered under the Commodity Exchange Act, or a board of trade (as defined in the Commodity Exchange Act), or in a resolution of the governing board thereof, and a right, whether or not in writing, arising under common law, under law merchant, or by reason of normal business practice.";

(8) in section 556, by inserting ", financial participant," after "commodity broker";

(9) in section 559, by inserting "or financial participant" after "repo participant" each place such term appears; and

(10) in section 560, by inserting "or financial participant" after "swap participant".

(p) CONFORMING AMENDMENTS.—Title 11, United States Code, is amended—

(1) in the table of sections for chapter 5—

(A) by amending the items relating to sections 555 and 556 to read as follows:

"555. Contractual right to liquidate, terminate, or accelerate a securities contract.
"556. Contractual right to liquidate, terminate, or accelerate a commodities contract or forward contract.";

and

(B) by amending the items relating to sections 559 and 560 to read as follows:

"559. Contractual right to liquidate, terminate, or accelerate a repurchase agreement.
"560. Contractual right to liquidate, terminate, or accelerate a swap agreement.";

and

(2) in the table of sections for chapter 7—

(A) by inserting after the item relating to section 766 the following:

"767. Commodity broker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, financial participants, securities clearing agencies, swap participants, repo participants, and master netting agreement participants.";

and

(B) by inserting after the item relating to section 752 the following:

"753. Stockbroker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, financial participants, securities clearing agencies, swap participants, repo participants, and master netting agreement participants.".

SEC. 908. RECORDKEEPING REQUIREMENTS.

(a) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(8) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)) is amended by adding at the end the following new subparagraph:

"(H) RECORDKEEPING REQUIREMENTS.—The Corporation, in consultation with the appropriate Federal banking agencies, may prescribe regulations requiring more detailed recordkeeping by any insured depository institution with respect to qualified financial contracts (including market valuations) only if such insured depository institution is in a troubled condition (as such term is defined by the Corporation pursuant to section 32).".

(b) INSURED CREDIT UNIONS.—Section 207(c)(8) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)) is amended by adding at the end the following new subparagraph:

"(H) RECORDKEEPING REQUIREMENTS.—The Board, in consultation with the appropriate Federal banking agencies, may prescribe regulations requiring more detailed recordkeeping by any insured credit union with respect to qualified financial contracts (including market valuations) only if such insured credit union is in a troubled condition (as such term is defined by the Board pursuant to section 212).".

SEC. 909. EXEMPTIONS FROM CONTEMPORANEOUS EXECUTION REQUIREMENT.

Section 13(e)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(e)(2)) is amended to read as follows:

"(2) EXEMPTIONS FROM CONTEMPORANEOUS EXECUTION REQUIREMENT.—An agreement to provide for the lawful collateralization of—

"(A) deposits of, or other credit extension by, a Federal, State, or local governmental entity, or of any depositor referred to in section 11(a)(2), including an agreement to provide collateral in lieu of a surety bond;

"(B) bankruptcy estate funds pursuant to section 345(b)(2) of title 11, United States Code;

"(C) extensions of credit, including any overdraft, from a Federal reserve bank or Federal home loan bank; or

"(D) one or more qualified financial contracts, as defined in section 11(e)(8)(D),

shall not be deemed invalid pursuant to paragraph (1)(B) solely because such agreement was not executed contemporaneously with the acquisition of the collateral or because of pledges, delivery, or substitution of the collateral made in accordance with such agreement.".

SEC. 910. DAMAGE MEASURE.

(a) IN GENERAL.—Title 11, United States Code, is amended—

(1) by inserting after section 561, as added by section 907, the following:

"§562. Timing of damage measurement in connection with swap agreements, securities contracts, forward contracts, commodity contracts, repurchase agreements, and master netting agreements

"(a) If the trustee rejects a swap agreement, securities contract (as defined in section 741), forward contract, commodity contract (as defined in section 761), repurchase agreement, or master netting agreement pursuant to section 365(a), or if a forward contract merchant, stockbroker, financial institution, securities clearing agency, repo participant, financial participant, master netting agreement participant, or swap participant liquidates, terminates, or accelerates such contract or agreement, damages shall be measured as of the earlier of—

"(1) the date of such rejection; or

"(2) the date or dates of such liquidation, termination, or acceleration.

"(b) If there are not any commercially reasonable determinants of value as of any date referred to in paragraph (1) or (2) of subsection (a), damages shall be measured as of the earliest subsequent date or dates on which there are commercially reasonable determinants of value.

"(c) For the purposes of subsection (b), if damages are not measured as of the date or dates of rejection, liquidation, termination, or acceleration, and the forward contract merchant, stockbroker, financial institution, securities clearing agency, repo participant, financial participant, master netting agreement participant, or swap participant or the trustee objects to the timing of the measurement of damages—

"(1) the trustee, in the case of an objection by a forward contract merchant, stockbroker, financial institution, securities clearing agency, repo participant, financial participant, master netting agreement participant, or swap participant; or

"(2) the forward contract merchant, stockbroker, financial institution, securities clearing agency, repo participant, financial participant, master netting agreement participant, or swap participant, in the case of an objection by the trustee,

has the burden of proving that there were no commercially reasonable determinants of value as of such date or dates."; and

(2) in the table of sections for chapter 5, by inserting after the item relating to section 561 (as added by section 907) the following new item:

"562. Timing of damage measure in connection with swap agreements, securities contracts, forward contracts, commodity contracts, repurchase agreements, or master netting agreements.".

(b) CLAIMS ARISING FROM REJECTION.—Section 502(g) of title 11, United States Code, is amended—

(1) by inserting "(1)" after "(g)"; and

(2) by adding at the end the following:

"(2) A claim for damages calculated in accordance with section 562 shall be allowed under subsection (a), (b), or (c), or disallowed under subsection (d) or (e), as if such claim had arisen before the date of the filing of the petition.".

SEC. 911. SIPC STAY.

Section 5(b)(2) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78eee(b)(2)) is amended by adding at the end the following new subparagraph:

"(C) EXCEPTION FROM STAY.—

"(i) Notwithstanding section 362 of title 11, United States Code, neither the filing of an application under subsection (a)(3) nor any order or decree obtained by SIPC from the court shall operate as a stay of any contractual rights of a creditor to liquidate, terminate, or accelerate a securities contract, commodity contract, forward contract, repurchase agreement, swap agreement, or master netting agreement, as those terms are defined in sections 101, 741, and 761 of title 11, United States Code, to offset or net termination values, payment amounts, or other transfer obligations arising under or in connection with one or more of such contracts or agreements, or to foreclose on any cash collateral pledged by the debtor, whether or not with respect to one or more of such contracts or agreements.

"(ii) Notwithstanding clause (i), such application, order, or decree may operate as a stay of the foreclosure on, or disposition of, securities collateral pledged by the debtor, whether or not with respect to one or more of such contracts or agreements, securities sold by the debtor under a repurchase agreement, or securities lent under a securities lending agreement.

"(iii) As used in this subparagraph, the term 'contractual right' includes a right set forth in a rule or bylaw of a national securities exchange, a national securities association, or a securities clearing agency, a right set forth in a bylaw of a clearing organization or contract market or in a resolution of the governing board thereof, and a right, whether or not in writing, arising under common law, under law merchant, or by reason of normal business practice.".

TITLE X—PROTECTION OF FAMILY FARMERS AND FAMILY FISHERMEN

SEC. 1001. PERMANENT REENACTMENT OF CHAPTER 12.

(a) REENACTMENT.—

(1) IN GENERAL.—Chapter 12 of title 11, United States Code, as reenacted by section 149 of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277), and as in effect on June 30, 2005, is hereby reenacted.

(2) EFFECTIVE DATE OF REENACTMENT.—Paragraph (1) shall take effect on July 1, 2005.

(b) AMENDMENTS—Chapter 12 of title 11, United States Code, as reenacted by subsection (a), is amended by this Act.

(c) CONFORMING AMENDMENT.—Section 302 of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note) is amended by striking subsection (f).

SEC. 1002. DEBT LIMIT INCREASE.

Section 104(b) of title 11, United States Code, as amended by section 226, is amended by inserting "101(18)," after "101(3)," each place it appears.

SEC. 1003. CERTAIN CLAIMS OWED TO GOVERNMENTAL UNITS.

(a) CONTENTS OF PLAN.—Section 1222(a)(2) of title 11, United States Code, as amended by section 213, is amended to read as follows:

"(2) provide for the full payment, in deferred cash payments, of all claims entitled to priority under section 507, unless—

"(A) the claim is a claim owed to a governmental unit that arises as a result of the sale, transfer, exchange, or other disposition of any farm asset used in the debtor's farming operation, in which case the claim shall be treated as an unsecured claim that is not entitled to priority under section 507, but the debt shall be treated in such manner only if the debtor receives a discharge; or

"(B) the holder of a particular claim agrees to a different treatment of that claim;".

(b) SPECIAL NOTICE PROVISIONS.—Section 1231(b) of title 11, United States Code, as so designated by section 719, is amended by striking "a State or local governmental unit" and inserting "any governmental unit".

(c) EFFECTIVE DATE; APPLICATION OF AMENDMENTS.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act and shall not apply with respect to cases commenced under title 11 of the United States Code before such date.

SEC. 1004. DEFINITION OF FAMILY FARMER.

Section 101(18) of title 11, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking "$1,500,000" and inserting "$3,237,000"; and

(B) by striking "80" and inserting "50"; and

(2) in subparagraph (B)(ii)—

(A) by striking "$1,500,000" and inserting "$3,237,000"; and

(B) by striking "80" and inserting "50".

SEC. 1005. ELIMINATION OF REQUIREMENT THAT FAMILY FARMER AND SPOUSE RECEIVE OVER 50 PERCENT OF INCOME FROM FARMING OPERATION IN YEAR PRIOR TO BANKRUPTCY.

Section 101(18)(A) of title 11, United States Code, is amended by striking "for the taxable year preceding the taxable year" and inserting the following:

"for—

"(i) the taxable year preceding; or

"(ii) each of the 2d and 3d taxable years preceding;

the taxable year".

SEC. 1006. PROHIBITION OF RETROACTIVE ASSESSMENT OF DISPOSABLE INCOME.

(a) CONFIRMATION OF PLAN.—Section 1225(b)(1) of title 11, United States Code, is amended—

(1) in subparagraph (A) by striking "or" at the end;

(2) in subparagraph (B) by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(C) the value of the property to be distributed under the plan in the 3-year period, or such longer period as the court may approve under section 1222(c), beginning on the date that the first distribution is due under the plan is not less than the debtor's projected disposable income for such period.".

(b) MODIFICATION OF PLAN.—Section 1229 of title 11, United States Code, is amended by adding at the end the following:

"(d) A plan may not be modified under this section—

"(1) to increase the amount of any payment due before the plan as modified becomes the plan;

"(2) by anyone except the debtor, based on an increase in the debtor's disposable income, to increase the amount of payments to unsecured creditors required for a particular month so that the aggregate of such payments exceeds the debtor's disposable income for such month; or

"(3) in the last year of the plan by anyone except the debtor, to require payments that would leave the debtor with insufficient funds to carry on the farming operation after the plan is completed.".

SEC. 1007. FAMILY FISHERMEN.

(a) DEFINITIONS.—Section 101 of title 11, United States Code, is amended—

(1) by inserting after paragraph (7) the following:

"(7A) 'commercial fishing operation' means—

"(A) the catching or harvesting of fish, shrimp, lobsters, urchins, seaweed, shellfish, or other aquatic species or products of such species; or

"(B) for purposes of section 109 and chapter 12, aquaculture activities consisting of raising for market any species or product described in subparagraph (A);

"(7B) 'commercial fishing vessel' means a vessel used by a family fisherman to carry out a commercial fishing operation;"; and

(2) by inserting after paragraph (19) the following:

"(19A) 'family fisherman' means—

"(A) an individual or individual and spouse engaged in a commercial fishing operation—

"(i) whose aggregate debts do not exceed $1,500,000 and not less than 80 percent of whose aggregate noncontingent, liquidated debts (excluding a debt for the principal residence of such individual or such individual and spouse, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such individual or such individual and spouse; and

"(ii) who receive from such commercial fishing operation more than 50 percent of such individual's or such individual's and spouse's gross income for the taxable year preceding the taxable year in which the case concerning such individual or such individual and spouse was filed; or

"(B) a corporation or partnership—

"(i) in which more than 50 percent of the outstanding stock or equity is held by—

"(I) 1 family that conducts the commercial fishing operation; or

"(II) 1 family and the relatives of the members of such family, and such family or such relatives conduct the commercial fishing operation; and

"(ii)(I) more than 80 percent of the value of its assets consists of assets related to the commercial fishing operation;

"(II) its aggregate debts do not exceed $1,500,000 and not less than 80 percent of its aggregate noncontingent, liquidated debts (excluding a debt for 1 dwelling which is owned by such corporation or partnership and which a shareholder or partner maintains as a principal residence, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such corporation or such partnership; and

"(III) if such corporation issues stock, such stock is not publicly traded;

"(19B) 'family fisherman with regular annual income' means a family fisherman whose annual income is sufficiently stable and regular to enable such family fisherman to make payments under a plan under chapter 12 of this title;".

(b) WHO MAY BE A DEBTOR.—Section 109(f) of title 11, United States Code, is amended by inserting "or family fisherman" after "family farmer".

(c) CHAPTER 12.—Chapter 12 of title 11, United States Code, is amended—

(1) in the chapter heading, by inserting "**OR FISHERMAN**" after "**FAMILY FARMER**";

(2) in section 1203, by inserting "or commercial fishing operation" after "farm"; and

(3) in section 1206, by striking "if the property is farmland or farm equipment" and inserting "if the property is farmland, farm equipment, or property used to carry out a commercial fishing operation (including a commercial fishing vessel)".

(d) CLERICAL AMENDMENT.—In the table of chapters for title 11, United States Code, the item relating to chapter 12, is amended to read as follows:

"12. Adjustments of Debts of a Family Farmer or Family Fisherman with Regular Annual Income .... 1201".

(e) APPLICABILITY.—Nothing in this section shall change, affect, or amend the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.).

TITLE XI—HEALTH CARE AND EMPLOYEE BENEFITS

SEC. 1101. DEFINITIONS.

(a) HEALTH CARE BUSINESS DEFINED.—Section 101 of title 11, United States Code, as amended by section 306, is amended—

(1) by redesignating paragraph (27A) as paragraph (27B); and

(2) by inserting after paragraph (27) the following:

"(27A) 'health care business'—

"(A) means any public or private entity (without regard to whether that entity is organized for profit or not for profit) that is primarily engaged in offering to the general public facilities and services for—

"(i) the diagnosis or treatment of injury, deformity, or disease; and

"(ii) surgical, drug treatment, psychiatric, or obstetric care; and

"(B) includes—

"(i) any—

"(I) general or specialized hospital;

"(II) ancillary ambulatory, emergency, or surgical treatment facility;

"(III) hospice;

"(IV) home health agency; and

"(V) other health care institution that is similar to an entity referred to in subclause (I), (II), (III), or (IV); and

"(ii) any long-term care facility, including any—

"(I) skilled nursing facility;

"(II) intermediate care facility;

"(III) assisted living facility;

"(IV) home for the aged;

"(V) domiciliary care facility; and

"(VI) health care institution that is related to a facility referred to in subclause (I), (II), (III), (IV), or (V), if that institution is primarily engaged in offering room, board, laundry, or personal assistance with activities of daily living and incidentals to activities of daily living;".

(b) PATIENT AND PATIENT RECORDS DEFINED.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (40) the following:

"(40A) 'patient' means any individual who obtains or receives services from a health care business;

"(40B) 'patient records' means any written document relating to a patient or a record recorded in a magnetic, optical, or other form of electronic medium;''.

(c) RULE OF CONSTRUCTION.—The amendments made by subsection (a) of this section shall not affect the interpretation of section 109(b) of title 11, United States Code.

SEC. 1102. DISPOSAL OF PATIENT RECORDS.

(a) IN GENERAL.—Subchapter III of chapter 3 of title 11, United States Code, is amended by adding at the end the following:

''§ 351. Disposal of patient records

''If a health care business commences a case under chapter 7, 9, or 11, and the trustee does not have a sufficient amount of funds to pay for the storage of patient records in the manner required under applicable Federal or State law, the following requirements shall apply:

''(1) The trustee shall—

''(A) promptly publish notice, in 1 or more appropriate newspapers, that if patient records are not claimed by the patient or an insurance provider (if applicable law permits the insurance provider to make that claim) by the date that is 365 days after the date of that notification, the trustee will destroy the patient records; and

''(B) during the first 180 days of the 365-day period described in subparagraph (A), promptly attempt to notify directly each patient that is the subject of the patient records and appropriate insurance carrier concerning the patient records by mailing to the most recent known address of that patient, or a family member or contact person for that patient, and to the appropriate insurance carrier an appropriate notice regarding the claiming or disposing of patient records.

''(2) If, after providing the notification under paragraph (1), patient records are not claimed during the 365-day period described under that paragraph, the trustee shall mail, by certified mail, at the end of such 365-day period a written request to each appropriate Federal agency to request permission from that agency to deposit the patient records with that agency, except that no Federal agency is required to accept patient records under this paragraph.

''(3) If, following the 365-day period described in paragraph (2) and after providing the notification under paragraph (1), patient records are not claimed by a patient or insurance provider, or request is not granted by a Federal agency to deposit such records with that agency, the trustee shall destroy those records by—

''(A) if the records are written, shredding or burning the records; or

''(B) if the records are magnetic, optical, or other electronic records, by otherwise destroying those records so that those records cannot be retrieved.''.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter III of chapter 3 of title 11, United States Code, is amended by adding at the end the following:

''351. Disposal of patient records.''.

SEC. 1103. ADMINISTRATIVE EXPENSE CLAIM FOR COSTS OF CLOSING A HEALTH CARE BUSINESS AND OTHER ADMINISTRATIVE EXPENSES.

Section 503(b) of title 11, United States Code, as amended by section 445, is amended by adding at the end the following:

''(8) the actual, necessary costs and expenses of closing a health care business incurred by a trustee or by a Federal agency (as defined in section 551(1) of title 5) or a department or agency of a State or political subdivision thereof, including any cost or expense incurred—

''(A) in disposing of patient records in accordance with section 351; or

''(B) in connection with transferring patients from the health care business that is in the process of being closed to another health care business; and''.

SEC. 1104. APPOINTMENT OF OMBUDSMAN TO ACT AS PATIENT ADVOCATE.

(a) OMBUDSMAN TO ACT AS PATIENT ADVOCATE.—

(1) APPOINTMENT OF OMBUDSMAN.—Title 11, United States Code, as amended by section 232, is amended by inserting after section 332 the following:

''§ 333. Appointment of patient care ombudsman

''(a)(1) If the debtor in a case under chapter 7, 9, or 11 is a health care business, the court shall order, not later than 30 days after the commencement of the case, the appointment of an ombudsman to monitor the quality of patient care and to represent the interests of the patients of the health care business unless the court finds that the appointment of such ombudsman is not necessary for the protection of patients under the specific facts of the case.

''(2)(A) If the court orders the appointment of an ombudsman under paragraph (1), the United States trustee shall appoint 1 disinterested person (other than the United States trustee) to serve as such ombudsman.

''(B) If the debtor is a health care business that provides long-term care, then the United States trustee may appoint the State Long-Term Care Ombudsman appointed under the Older Americans Act of 1965 for the State in which the case is pending to serve as the ombudsman required by paragraph (1).

''(C) If the United States trustee does not appoint a State Long-Term Care Ombudsman under subparagraph (B), the court shall notify the State Long-Term Care Ombudsman appointed under the Older Americans Act of 1965 for the State in which the case is pending, of the name and address of the person who is appointed under subparagraph (A).

''(b) An ombudsman appointed under subsection (a) shall—

''(1) monitor the quality of patient care provided to patients of the debtor, to the extent necessary under the circumstances, including interviewing patients and physicians;

''(2) not later than 60 days after the date of appointment, and not less frequently than at 60-day intervals thereafter, report to the court after notice to the parties in interest, at a hearing or in writing, regarding the quality of patient care provided to patients of the debtor; and

''(3) if such ombudsman determines that the quality of patient care provided to patients of the debtor is declining significantly or is otherwise being materially compromised, file with the court a motion or a written report, with notice to the parties in interest immediately upon making such determination.

''(c)(1) An ombudsman appointed under subsection (a) shall maintain any information obtained by such ombudsman under this section that relates to patients (including information relating to patient records) as confidential information. Such ombudsman may not review confidential patient records unless the court approves such review in advance and imposes restrictions on such ombudsman to protect the confidentiality of such records.

''(2) An ombudsman appointed under subsection (a)(2)(B) shall have access to patient records consistent with authority of such ombudsman under the Older Americans Act of 1965 and under non-Federal laws governing the State Long-Term Care Ombudsman program.''.

(2) CLERICAL AMENDMENT.—The table of sections for subchapter II of chapter 3 of title 11, United States Code, as amended by section 232, is amended by adding at the end the following:

''333. Appointment of ombudsman.''.

(b) COMPENSATION OF OMBUDSMAN.—Section 330(a)(1) of title 11, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by inserting ''an ombudsman appointed under section 333, or'' before ''a professional person''; and

(2) in subparagraph (A), by inserting ''ombudsman,'' before ''professional person''.

SEC. 1105. DEBTOR IN POSSESSION; DUTY OF TRUSTEE TO TRANSFER PATIENTS.

(a) IN GENERAL.—Section 704(a) of title 11, United States Code, as amended by sections 102, 219, and 446, is amended by adding at the end the following:

''(12) use all reasonable and best efforts to transfer patients from a health care business that is in the process of being closed to an appropriate health care business that—

''(A) is in the vicinity of the health care business that is closing;

''(B) provides the patient with services that are substantially similar to those provided by the health care business that is in the process of being closed; and

''(C) maintains a reasonable quality of care.''.

(b) CONFORMING AMENDMENT.—Section 1106(a)(1) of title 11, United States Code, as amended by section 446, is amended by striking ''and (11)'' and inserting ''(11), and (12)''.

SEC. 1106. EXCLUSION FROM PROGRAM PARTICIPATION NOT SUBJECT TO AUTOMATIC STAY.

Section 362(b) of title 11, United States Code, is amended by inserting after paragraph (27), as amended by sections 224, 303, 311, 401, 718, and 907, the following:

''(28) under subsection (a), of the exclusion by the Secretary of Health and Human Services of the debtor from participation in the medicare program or any other Federal health care program (as defined in section 1128B(f) of the Social Security Act pursuant to title XI or XVIII of such Act).''.

TITLE XII—TECHNICAL AMENDMENTS

SEC. 1201. DEFINITIONS.

Section 101 of title 11, United States Code, as amended by this Act, is further amended—

(1) by striking ''In this title—'' and inserting ''In this title the following definitions shall apply:'';

(2) in each paragraph (other than paragraph (54A)), by inserting ''The term'' after the paragraph designation;

(3) in paragraph (35)(B), by striking ''paragraphs (21B) and (33)(A)'' and inserting ''paragraphs (23) and (35)'';

(4) in each of paragraphs (35A), (38), and (54A), by striking ''; and'' at the end and inserting a period;

(5) in paragraph (51B)—

(A) by inserting ''who is not a family farmer'' after ''debtor'' the first place it appears; and

(B) by striking ''thereto having aggregate'' and all that follows through the end of the paragraph and inserting a semicolon;

(6) by striking paragraph (54) and inserting the following:

''(54) The term 'transfer' means—

''(A) the creation of a lien;

''(B) the retention of title as a security interest;

''(C) the foreclosure of a debtor's equity of redemption; or

“(D) each mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with—

“(i) property; or

“(ii) an interest in property;”;

(7) in paragraph (54A)—

(A) by striking “the term” and inserting “The term”; and

(B) by indenting the left margin of paragraph (54A) 2 ems to the right; and

(8) in each of paragraphs (1) through (35), in each of paragraphs (36), (37), (38A), (38B) and (39A), and in each of paragraphs (40) through (55), by striking the semicolon at the end and inserting a period.

SEC. 1202. ADJUSTMENT OF DOLLAR AMOUNTS.

Section 104(b) of title 11, United States Code, as amended by this Act, is further amended—

(1) by inserting “101(19A),” after “101(18),” each place it appears;

(2) by inserting “522(f)(3) and 522(f)(4),” after “522(d),” each place it appears;

(3) by inserting “541(b), 547(c)(9),” after “523(a)(2)(C),” each place it appears;

(4) in paragraph (1), by striking “and 1325(b)(3)” and inserting “1322(d), 1325(b), and 1326(b)(3) of this title and section 1409(b) of title 28”; and

(5) in paragraph (2), by striking “and 1325(b)(3) of this title” and inserting “1322(d), 1325(b), and 1326(b)(3) of this title and section 1409(b) of title 28”.

SEC. 1203. EXTENSION OF TIME.

Section 108(c)(2) of title 11, United States Code, is amended by striking “922” and all that follows through “or”, and inserting “922, 1201, or”.

SEC. 1204. TECHNICAL AMENDMENTS.

Title 11, United States Code, is amended—

(1) in section 109(b)(2), by striking “subsection (c) or (d) of”; and

(2) in section 552(b)(1), by striking “product” each place it appears and inserting “products”.

SEC. 1205. PENALTY FOR PERSONS WHO NEGLIGENTLY OR FRAUDULENTLY PREPARE BANKRUPTCY PETITIONS.

Section 110(j)(4) of title 11, United States Code, as so redesignated by section 221, is amended by striking “attorney's” and inserting “attorneys' ”.

SEC. 1206. LIMITATION ON COMPENSATION OF PROFESSIONAL PERSONS.

Section 328(a) of title 11, United States Code, is amended by inserting “on a fixed or percentage fee basis,” after “hourly basis,”.

SEC. 1207. EFFECT OF CONVERSION.

Section 348(f)(2) of title 11, United States Code, is amended by inserting “of the estate” after “property” the first place it appears.

SEC. 1208. ALLOWANCE OF ADMINISTRATIVE EXPENSES.

Section 503(b)(4) of title 11, United States Code, is amended by inserting “subparagraph (A), (B), (C), (D), or (E) of” before “paragraph (3)”.

SEC. 1209. EXCEPTIONS TO DISCHARGE.

Section 523 of title 11, United States Code, as amended by sections 215 and 314, is amended—

(1) by transferring paragraph (15), as added by section 304(e) of Public Law 103–394 (108 Stat. 4133), so as to insert such paragraph after subsection (a)(14A);

(2) in subsection (a)(9), by striking “motor vehicle” and inserting “motor vehicle, vessel, or aircraft”; and

(3) in subsection (e), by striking “a insured” and inserting “an insured”.

SEC. 1210. EFFECT OF DISCHARGE.

Section 524(a)(3) of title 11, United States Code, is amended by striking “section 523” and all that follows through “or that” and inserting “section 523, 1228(a)(1), or 1328(a)(1), or that”.

SEC. 1211. PROTECTION AGAINST DISCRIMINATORY TREATMENT.

Section 525(c) of title 11, United States Code, is amended—

(1) in paragraph (1), by inserting “student” before “grant” the second place it appears; and

(2) in paragraph (2), by striking “the program operated under part B, D, or E of” and inserting “any program operated under”.

SEC. 1212. PROPERTY OF THE ESTATE.

Section 541(b)(4)(B)(ii) of title 11, United States Code, is amended by inserting “365 or” before “542”.

SEC. 1213. PREFERENCES.

(a) In General.—Section 547 of title 11, United States Code, as amended by section 201, is amended—

(1) in subsection (b), by striking “subsection (c)” and inserting “subsections (c) and (i)”; and

(2) by adding at the end the following:

“(i) If the trustee avoids under subsection (b) a transfer made between 90 days and 1 year before the date of the filing of the petition, by the debtor to an entity that is not an insider for the benefit of a creditor that is an insider, such transfer shall be considered to be avoided under this section only with respect to the creditor that is an insider.”.

(b) Applicability.—The amendments made by this section shall apply to any case that is pending or commenced on or after the date of enactment of this Act.

SEC. 1214. POSTPETITION TRANSACTIONS.

Section 549(c) of title 11, United States Code, is amended—

(1) by inserting “an interest in” after “transfer of” each place it appears;

(2) by striking “such property” and inserting “such real property”; and

(3) by striking “the interest” and inserting “such interest”.

SEC. 1215. DISPOSITION OF PROPERTY OF THE ESTATE.

Section 726(b) of title 11, United States Code, is amended by striking “1009,”.

SEC. 1216. GENERAL PROVISIONS.

Section 901(a) of title 11, United States Code, is amended by inserting “1123(d),” after “1123(b),”.

SEC. 1217. ABANDONMENT OF RAILROAD LINE.

Section 1170(e)(1) of title 11, United States Code, is amended by striking “section 11347” and inserting “section 11326(a)”.

SEC. 1218. CONTENTS OF PLAN.

Section 1172(c)(1) of title 11, United States Code, is amended by striking “section 11347” and inserting “section 11326(a)”.

SEC. 1219. BANKRUPTCY CASES AND PROCEEDINGS.

Section 1334(d) of title 28, United States Code, is amended—

(1) by striking “made under this subsection” and inserting “made under subsection (c)”; and

(2) by striking “This subsection” and inserting “Subsection (c) and this subsection”.

SEC. 1220. KNOWING DISREGARD OF BANKRUPTCY LAW OR RULE.

Section 156(a) of title 18, United States Code, is amended—

(1) in the first undesignated paragraph—

(A) by inserting “(1) the term” before “‘bankruptcy”; and

(B) by striking the period at the end and inserting “; and”; and

(2) in the second undesignated paragraph—

(A) by inserting “(2) the term” before “‘document”; and

(B) by striking “this title” and inserting “title 11”.

SEC. 1221. TRANSFERS MADE BY NONPROFIT CHARITABLE CORPORATIONS.

(a) Sale of Property of Estate.—Section 363(d) of title 11, United States Code, is amended by striking “only” and all that follows through the end of the subsection and inserting “only—

“(1) in accordance with applicable nonbankruptcy law that governs the transfer of property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust; and

“(2) to the extent not inconsistent with any relief granted under subsection (c), (d), (e), or (f) of section 362.”.

(b) Confirmation of Plan of Reorganization.—Section 1129(a) of title 11, United States Code, as amended by sections 213 and 321, is amended by adding at the end the following:

“(16) All transfers of property of the plan shall be made in accordance with any applicable provisions of nonbankruptcy law that govern the transfer of property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust.”.

(c) Transfer of Property.—Section 541 of title 11, United States Code, as amended by section 225, is amended by adding at the end the following:

“(f) Notwithstanding any other provision of this title, property that is held by a debtor that is a corporation described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code may be transferred to an entity that is not such a corporation, but only under the same conditions as would apply if the debtor had not filed a case under this title.”.

(d) Applicability.—The amendments made by this section shall apply to a case pending under title 11, United States Code, on the date of enactment of this Act, or filed under that title on or after that date of enactment, except that the court shall not confirm a plan under chapter 11 of title 11, United States Code, without considering whether this section would substantially affect the rights of a party in interest who first acquired rights with respect to the debtor after the date of the filing of the petition. The parties who may appear and be heard in a proceeding under this section include the attorney general of the State in which the debtor is incorporated, was formed, or does business.

(e) Rule of Construction.—Nothing in this section shall be construed to require the court in which a case under chapter 11 of title 11, United States Code, is pending to remand or refer any proceeding, issue, or controversy to any other court or to require the approval of any other court for the transfer of property.

SEC. 1222. PROTECTION OF VALID PURCHASE MONEY SECURITY INTERESTS.

Section 547(c)(3)(B) of title 11, United States Code, is amended by striking “20” and inserting “30”.

SEC. 1223. BANKRUPTCY JUDGESHIPS.

(a) Short Title.—This section may be cited as the “Bankruptcy Judgeship Act of 2005”.

(b) Temporary Judgeships.—

(1) Appointments.—The following bankruptcy judges shall be appointed in the manner prescribed in section 152(a)(1) of title 28, United States Code, for the appointment of bankruptcy judges provided for in section 152(a)(2) of such title:

(A) One additional bankruptcy judge for the eastern district of California.

(B) Three additional bankruptcy judges for the central district of California.

(C) Four additional bankruptcy judges for the district of Delaware.

(D) Two additional bankruptcy judges for the southern district of Florida.

(E) One additional bankruptcy judge for the southern district of Georgia.

(F) Three additional bankruptcy judges for the district of Maryland.

(G) One additional bankruptcy judge for the eastern district of Michigan.

(H) One additional bankruptcy judge for the southern district of Mississippi.

(I) One additional bankruptcy judge for the district of New Jersey.

(J) One additional bankruptcy judge for the eastern district of New York.

(K) One additional bankruptcy judge for the northern district of New York.

(L) One additional bankruptcy judge for the southern district of New York.

(M) One additional bankruptcy judge for the eastern district of North Carolina.

(N) One additional bankruptcy judge for the eastern district of Pennsylvania.

(O) One additional bankruptcy judge for the middle district of Pennsylvania.

(P) One additional bankruptcy judge for the district of Puerto Rico.

(Q) One additional bankruptcy judge for the western district of Tennessee.

(R) One additional bankruptcy judge for the eastern district of Virginia.

(S) One additional bankruptcy judge for the district of South Carolina.

(T) One additional bankruptcy judge for the district of Nevada.

(2) VACANCIES.—

(A) DISTRICTS WITH SINGLE APPOINTMENTS.—Except as provided in subparagraphs (B), (C), (D), and (E), the first vacancy occurring in the office of bankruptcy judge in each of the judicial districts set forth in paragraph (1)—

(i) occurring 5 years or more after the appointment date of the bankruptcy judge appointed under paragraph (1) to such office; and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge;

shall not be filled.

(B) CENTRAL DISTRICT OF CALIFORNIA.—The 1st, 2d, and 3d vacancies in the office of bankruptcy judge in the central district of California—

(i) occurring 5 years or more after the respective 1st, 2d, and 3d appointment dates of the bankruptcy judges appointed under paragraph (1)(B); and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge;

shall not be filled.

(C) DISTRICT OF DELAWARE.—The 1st, 2d, 3d, and 4th vacancies in the office of bankruptcy judge in the district of Delaware—

(i) occurring 5 years or more after the respective 1st, 2d, 3d, and 4th appointment dates of the bankruptcy judges appointed under paragraph (1)(F); and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge;

shall not be filled.

(D) SOUTHERN DISTRICT OF FLORIDA.—The 1st and 2d vacancies in the office of bankruptcy judge in the southern district of Florida—

(i) occurring 5 years or more after the respective 1st and 2d appointment dates of the bankruptcy judges appointed under paragraph (1)(D); and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge;

shall not be filled.

(E) DISTRICT OF MARYLAND.—The 1st, 2d, and 3d vacancies in the office of bankruptcy judge in the district of Maryland—

(i) occurring 5 years or more after the respective 1st, 2d, and 3d appointment dates of the bankruptcy judges appointed under paragraph (1)(F); and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge;

shall not be filled.

(c) EXTENSIONS.—

(1) IN GENERAL.—The temporary office of bankruptcy judges authorized for the northern district of Alabama, the district of Delaware, the district of Puerto Rico, and the eastern district of Tennessee under paragraphs (1), (3), (7), and (9) of section 3(a) of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) are extended until the first vacancy occurring in the office of a bankruptcy judge in the applicable district resulting from the death, retirement, resignation, or removal of a bankruptcy judge and occurring 5 years after the date of the enactment of this Act.

(2) APPLICABILITY OF OTHER PROVISIONS.—All other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) remain applicable to the temporary office of bankruptcy judges referred to in this subsection.

(d) TECHNICAL AMENDMENTS.—Section 152(a) of title 28, United States Code, is amended—

(1) in paragraph (1), by striking the first sentence and inserting the following: "Each bankruptcy judge to be appointed for a judicial district, as provided in paragraph (2), shall be appointed by the court of appeals of the United States for the circuit in which such district is located."; and

(2) in paragraph (2)—

(A) in the item relating to the middle district of Georgia, by striking "2" and inserting "3"; and

(B) in the collective item relating to the middle and southern districts of Georgia, by striking "Middle and Southern . . . . . . 1".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 1224. COMPENSATING TRUSTEES.

Section 1326 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "and";

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(3) if a chapter 7 trustee has been allowed compensation due to the conversion or dismissal of the debtor's prior case pursuant to section 707(b), and some portion of that compensation remains unpaid in a case converted to this chapter or in the case dismissed under section 707(b) and refiled under this chapter, the amount of any such unpaid compensation, which shall be paid monthly—

"(A) by prorating such amount over the remaining duration of the plan; and

"(B) by monthly payments not to exceed the greater of—

"(i) $25; or

"(ii) the amount payable to unsecured nonpriority creditors, as provided by the plan, multiplied by 5 percent, and the result divided by the number of months in the plan."; and

(2) by adding at the end the following:

"(d) Notwithstanding any other provision of this title—

"(1) compensation referred to in subsection (b)(3) is payable and may be collected by the trustee under that paragraph, even if such amount has been discharged in a prior case under this title; and

"(2) such compensation is payable in a case under this chapter only to the extent permitted by subsection (b)(3).".

SEC. 1225. AMENDMENT TO SECTION 362 OF TITLE 11, UNITED STATES CODE.

Section 362(b)(18) of title 11, United States Code, is amended to read as follows:

"(18) under subsection (a) of the creation or perfection of a statutory lien for an ad valorem property tax, or a special tax or special assessment on real property whether or not ad valorem, imposed by a governmental unit, if such tax or assessment comes due after the date of the filing of the petition;".

SEC. 1226. JUDICIAL EDUCATION.

The Director of the Federal Judicial Center, in consultation with the Director of the Executive Office for United States Trustees, shall develop materials and conduct such training as may be useful to courts in implementing this Act and the amendments made by this Act, including the requirements relating to the means test under section 707(b), and reaffirmation agreements under section 524, of title 11 of the United States Code, as amended by this Act.

SEC. 1227. RECLAMATION.

(a) RIGHTS AND POWERS OF THE TRUSTEE.—Section 546(c) of title 11, United States Code, is amended to read as follows:

"(c)(1) Except as provided in subsection (d) of this section and in section 507(c), and subject to the prior rights of a holder of a security interest in such goods or the proceeds thereof, the rights and powers of the trustee under sections 544(a), 545, 547, and 549 are subject to the right of a seller of goods that has sold goods to the debtor, in the ordinary course of such seller's business, to reclaim such goods if the debtor has received such goods while insolvent, within 45 days before the date of the commencement of a case under this title, but such seller may not reclaim such goods unless such seller demands in writing reclamation of such goods—

"(A) not later than 45 days after the date of receipt of such goods by the debtor; or

"(B) not later than 20 days after the date of commencement of the case, if the 45-day period expires after the commencement of the case.

"(2) If a seller of goods fails to provide notice in the manner described in paragraph (1), the seller still may assert the rights contained in section 503(b)(9).".

(b) ADMINISTRATIVE EXPENSES.—Section 503(b) of title 11, United States Code, as amended by sections 445 and 1103, is amended by adding at the end the following:

"(9) the value of any goods received by the debtor within 20 days before the date of commencement of a case under this title in which the goods have been sold to the debtor in the ordinary course of such debtor's business.".

SEC. 1228. PROVIDING REQUESTED TAX DOCUMENTS TO THE COURT.

(a) CHAPTER 7 CASES.—The court shall not grant a discharge in the case of an individual who is a debtor in a case under chapter 7 of title 11, United States Code, unless requested tax documents have been provided to the court.

(b) CHAPTER 11 AND CHAPTER 13 CASES.—The court shall not confirm a plan of reorganization in the case of an individual under chapter 11 or 13 of title 11, United States

Code, unless requested tax documents have been filed with the court.

(c) DOCUMENT RETENTION.—The court shall destroy documents submitted in support of a bankruptcy claim not sooner than 3 years after the date of the conclusion of a case filed by an individual under chapter 7, 11, or 13 of title 11, United States Code. In the event of a pending audit or enforcement action, the court may extend the time for destruction of such requested tax documents.

SEC. 1229. ENCOURAGING CREDITWORTHINESS.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) certain lenders may sometimes offer credit to consumers indiscriminately, without taking steps to ensure that consumers are capable of repaying the resulting debt, and in a manner which may encourage certain consumers to accumulate additional debt; and

(2) resulting consumer debt may increasingly be a major contributing factor to consumer insolvency.

(b) STUDY REQUIRED.—The Board of Governors of the Federal Reserve System (hereafter in this section referred to as the "Board") shall conduct a study of—

(1) consumer credit industry practices of soliciting and extending credit—

(A) indiscriminately;

(B) without taking steps to ensure that consumers are capable of repaying the resulting debt; and

(C) in a manner that encourages consumers to accumulate additional debt; and

(2) the effects of such practices on consumer debt and insolvency.

(c) REPORT AND REGULATIONS.—Not later than 12 months after the date of enactment of this Act, the Board—

(1) shall make public a report on its findings with respect to the indiscriminate solicitation and extension of credit by the credit industry;

(2) may issue regulations that would require additional disclosures to consumers; and

(3) may take any other actions, consistent with its existing statutory authority, that the Board finds necessary to ensure responsible industrywide practices and to prevent resulting consumer debt and insolvency.

SEC. 1230. PROPERTY NO LONGER SUBJECT TO REDEMPTION.

Section 541(b) of title 11, United States Code, as amended by sections 225 and 323, is amended by adding after paragraph (7), as added by section 323, the following:

"(8) subject to subchapter III of chapter 5, any interest of the debtor in property where the debtor pledged or sold tangible personal property (other than securities or written or printed evidences of indebtedness or title) as collateral for a loan or advance of money given by a person licensed under law to make such loans or advances, where—

"(A) the tangible personal property is in the possession of the pledgee or transferee;

"(B) the debtor has no obligation to repay the money, redeem the collateral, or buy back the property at a stipulated price; and

"(C) neither the debtor nor the trustee have exercised any right to redeem provided under the contract or State law, in a timely manner as provided under State law and section 108(b); or".

SEC. 1231. TRUSTEES.

(a) SUSPENSION AND TERMINATION OF PANEL TRUSTEES AND STANDING TRUSTEES.—Section 586(d) of title 28, United States Code, is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end the following:

"(2) A trustee whose appointment under subsection (a)(1) or under subsection (b) is terminated or who ceases to be assigned to cases filed under title 11, United States Code, may obtain judicial review of the final agency decision by commencing an action in the district court of the United States for the district for which the panel to which the trustee is appointed under subsection (a)(1), or in the district court of the United States for the district in which the trustee is appointed under subsection (b) resides, after first exhausting all available administrative remedies, which if the trustee so elects, shall also include an administrative hearing on the record. Unless the trustee elects to have an administrative hearing on the record, the trustee shall be deemed to have exhausted all administrative remedies for purposes of this paragraph if the agency fails to make a final agency decision within 90 days after the trustee requests administrative remedies. The Attorney General shall prescribe procedures to implement this paragraph. The decision of the agency shall be affirmed by the district court unless it is unreasonable and without cause based on the administrative record before the agency.".

(b) EXPENSES OF STANDING TRUSTEES.—Section 586(e) of title 28, United States Code, is amended by adding at the end the following:

"(3) After first exhausting all available administrative remedies, an individual appointed under subsection (b) may obtain judicial review of final agency action to deny a claim of actual, necessary expenses under this subsection by commencing an action in the district court of the United States for the district where the individual resides. The decision of the agency shall be affirmed by the district court unless it is unreasonable and without cause based upon the administrative record before the agency.

"(4) The Attorney General shall prescribe procedures to implement this subsection.".

SEC. 1232. BANKRUPTCY FORMS.

Section 2075 of title 28, United States Code, is amended by adding at the end the following:

"The bankruptcy rules promulgated under this section shall prescribe a form for the statement required under section 707(b)(2)(C) of title 11 and may provide general rules on the content of such statement.".

SEC. 1233. DIRECT APPEALS OF BANKRUPTCY MATTERS TO COURTS OF APPEALS.

(a) APPEALS.—Section 158 of title 28, United States Code, is amended—

(1) in subsection (c)(1), by striking "Subject to subsection (b)," and inserting "Subject to subsections (b) and (d)(2),"; and

(2) in subsection (d)—

(A) by inserting "(1)" after "(d)"; and

(B) by adding at the end the following:

"(2)(A) The appropriate court of appeals shall have jurisdiction of appeals described in the first sentence of subsection (a) if the bankruptcy court, the district court, or the bankruptcy appellate panel involved, acting on its own motion or on the request of a party to the judgment, order, or decree described in such first sentence, or all the appellants and appellees (if any) acting jointly, certify that—

"(i) the judgment, order, or decree involves a question of law as to which there is no controlling decision of the court of appeals for the circuit or of the Supreme Court of the United States, or involves a matter of public importance;

"(ii) the judgment, order, or decree involves a question of law requiring resolution of conflicting decisions; or

"(iii) an immediate appeal from the judgment, order, or decree may materially advance the progress of the case or proceeding in which the appeal is taken;

and if the court of appeals authorizes the direct appeal of the judgment, order, or decree.

"(B) If the bankruptcy court, the district court, or the bankruptcy appellate panel—

"(i) on its own motion or on the request of a party, determines that a circumstance specified in clause (i), (ii), or (iii) of subparagraph (A) exists; or

"(ii) receives a request made by a majority of the appellants and a majority of appellees (if any) to make the certification described in subparagraph (A);

then the bankruptcy court, the district court, or the bankruptcy appellate panel shall make the certification described in subparagraph (A).

"(C) The parties may supplement the certification with a short statement of the basis for the certification.

"(D) An appeal under this paragraph does not stay any proceeding of the bankruptcy court, the district court, or the bankruptcy appellate panel from which the appeal is taken, unless the respective bankruptcy court, district court, or bankruptcy appellate panel, or the court of appeals in which the appeal in pending, issues a stay of such proceeding pending the appeal.

"(E) Any request under subparagraph (B) for certification shall be made not later than 60 days after the entry of the judgment, order, or decree.".

(b) PROCEDURAL RULES.—

(1) TEMPORARY APPLICATION.—A provision of this subsection shall apply to appeals under section 158(d)(2) of title 28, United States Code, until a rule of practice and procedure relating to such provision and such appeals is promulgated or amended under chapter 131 of such title.

(2) CERTIFICATION.—A district court, a bankruptcy court, or a bankruptcy appellate panel may make a certification under section 158(d)(2) of title 28, United States Code, only with respect to matters pending in the respective bankruptcy court, district court, or bankruptcy appellate panel.

(3) PROCEDURE.—Subject to any other provision of this subsection, an appeal authorized by the court of appeals under section 158(d)(2)(A) of title 28, United States Code, shall be taken in the manner prescribed in subdivisions (a)(1), (b), (c), and (d) of rule 5 of the Federal Rules of Appellate Procedure. For purposes of subdivision (a)(1) of rule 5—

(A) a reference in such subdivision to a district court shall be deemed to include a reference to a bankruptcy court and a bankruptcy appellate panel, as appropriate; and

(B) a reference in such subdivision to the parties requesting permission to appeal to be served with the petition shall be deemed to include a reference to the parties to the judgment, order, or decree from which the appeal is taken.

(4) FILING OF PETITION WITH ATTACHMENT.—A petition requesting permission to appeal, that is based on a certification made under subparagraph (A) or (B) of section 158(d)(2) shall—

(A) be filed with the circuit clerk not later than 10 days after the certification is entered on the docket of the bankruptcy court, the district court, or the bankruptcy appellate panel from which the appeal is taken; and

(B) have attached a copy of such certification.

(5) REFERENCES IN RULE 5.—For purposes of rule 5 of the Federal Rules of Appellate Procedure—

(A) a reference in such rule to a district court shall be deemed to include a reference to a bankruptcy court and to a bankruptcy appellate panel; and

(B) a reference in such rule to a district clerk shall be deemed to include a reference to a clerk of a bankruptcy court and to a clerk of a bankruptcy appellate panel.

(6) APPLICATION OF RULES.—The Federal Rules of Appellate Procedure shall apply in the courts of appeals with respect to appeals authorized under section 158(d)(2)(A), to the extent relevant and as if such appeals were taken from final judgments, orders, or decrees of the district courts or bankruptcy appellate panels exercising appellate jurisdiction under subsection (a) or (b) of section 158 of title 28, United States Code.

SEC. 1234. INVOLUNTARY CASES.

(a) AMENDMENTS.—Section 303 of title 11, United States Code, is amended—

(1) in subsection (b)(1), by—

(A) inserting "as to liability or amount" after "bona fide dispute"; and

(B) striking "if such claims" and inserting "if such noncontingent, undisputed claims"; and

(2) in subsection (h)(1), by inserting "as to liability or amount" before the semicolon at the end.

(b) EFFECTIVE DATE; APPLICATION OF AMENDMENTS.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act and shall apply with respect to cases commenced under title 11 of the United States Code before, on, and after such date.

SEC. 1235. FEDERAL ELECTION LAW FINES AND PENALTIES AS NONDISCHARGEABLE DEBT.

Section 523(a) of title 11, United States Code, as amended by section 314, is amended by inserting after paragraph (14A) the following:

"(14B) incurred to pay fines or penalties imposed under Federal election law;".

TITLE XIII—CONSUMER CREDIT DISCLOSURE

SEC. 1301. ENHANCED DISCLOSURES UNDER AN OPEN END CREDIT PLAN.

(a) MINIMUM PAYMENT DISCLOSURES.—Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

"(11)(A) In the case of an open end credit plan that requires a minimum monthly payment of not more than 4 percent of the balance on which finance charges are accruing, the following statement, located on the front of the billing statement, disclosed clearly and conspicuously: 'Minimum Payment Warning: Making only the minimum payment will increase the interest you pay and the time it takes to repay your balance. For example, making only the typical 2% minimum monthly payment on a balance of $1,000 at an interest rate of 17% would take 88 months to repay the balance in full. For an estimate of the time it would take to repay your balance, making only minimum payments, call this toll-free number: .' (the blank space to be filled in by the creditor).

"(B) In the case of an open end credit plan that requires a minimum monthly payment of more than 4 percent of the balance on which finance charges are accruing, the following statement, in a prominent location on the front of the billing statement, disclosed clearly and conspicuously: 'Minimum Payment Warning: Making only the required minimum payment will increase the interest you pay and the time it takes to repay your balance. Making a typical 5% minimum monthly payment on a balance of $300 at an interest rate of 17% would take 24 months to repay the balance in full. For an estimate of the time it would take to repay your balance, making only minimum monthly payments, call this toll-free number: .' (the blank space to be filled in by the creditor).

"(C) Notwithstanding subparagraphs (A) and (B), in the case of a creditor with respect to which compliance with this title is enforced by the Federal Trade Commission, the following statement, in a prominent location on the front of the billing statement, disclosed clearly and conspicuously: 'Minimum Payment Warning: Making only the required minimum payment will increase the interest you pay and the time it takes to repay your balance. For example, making only the typical 5% minimum monthly payment on a balance of $300 at an interest rate of 17% would take 24 months to repay the balance in full. For an estimate of the time it would take to repay your balance, making only minimum monthly payments, call the Federal Trade Commission at this toll-free number: __________.' (the blank space to be filled in by the creditor). A creditor who is subject to this subparagraph shall not be subject to subparagraph (A) or (B).

"(D) Notwithstanding subparagraph (A), (B), or (C), in complying with any such subparagraph, a creditor may substitute an example based on an interest rate that is greater than 17 percent. Any creditor that is subject to subparagraph (B) may elect to provide the disclosure required under subparagraph (A) in lieu of the disclosure required under subparagraph (B).

"(E) The Board shall, by rule, periodically recalculate, as necessary, the interest rate and repayment period under subparagraphs (A), (B), and (C).

"(F)(i) The toll-free telephone number disclosed by a creditor or the Federal Trade Commission under subparagraph (A), (B), or (G), as appropriate, may be a toll-free telephone number established and maintained by the creditor or the Federal Trade Commission, as appropriate, or may be a toll-free telephone number established and maintained by a third party for use by the creditor or multiple creditors or the Federal Trade Commission, as appropriate. The toll-free telephone number may connect consumers to an automated device through which consumers may obtain information described in subparagraph (A), (B), or (C), by inputting information using a touch-tone telephone or similar device, if consumers whose telephones are not equipped to use such automated device are provided the opportunity to be connected to an individual from whom the information described in subparagraph (A), (B), or (C), as applicable, may be obtained. A person that receives a request for information described in subparagraph (A), (B), or (C) from an obligor through the toll-free telephone number disclosed under subparagraph (A), (B), or (C), as applicable, shall disclose in response to such request only the information set forth in the table promulgated by the Board under subparagraph (H)(i).

"(ii)(I) The Board shall establish and maintain for a period not to exceed 24 months following the effective date of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, a toll-free telephone number, or provide a toll-free telephone number established and maintained by a third party, for use by creditors that are depository institutions (as defined in section 3 of the Federal Deposit Insurance Act), including a Federal credit union or State credit union (as defined in section 101 of the Federal Credit Union Act), with total assets not exceeding $250,000,000. The toll-free telephone number may connect consumers to an automated device through which consumers may obtain information described in subparagraph (A) or (B), as applicable, by inputting information using a touch-tone telephone or similar device, if consumers whose telephones are not equipped to use such automated device are provided the opportunity to be connected to an individual from whom the information described in subparagraph (A) or (B), as applicable, may be obtained. A person that receives a request for information described in subparagraph (A) or (B) from an obligor through the toll-free telephone number disclosed under subparagraph (A) or (B), as applicable, shall disclose in response to such request only the information set forth in the table promulgated by the Board under subparagraph (H)(i). The dollar amount contained in this subclause shall be adjusted according to an indexing mechanism established by the Board.

"(II) Not later than 6 months prior to the expiration of the 24-month period referenced in subclause (I), the Board shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the program described in subclause (I).

"(G) The Federal Trade Commission shall establish and maintain a toll-free number for the purpose of providing to consumers the information required to be disclosed under subparagraph (C).

"(H) The Board shall—

"(i) establish a detailed table illustrating the approximate number of months that it would take to repay an outstanding balance if a consumer pays only the required minimum monthly payments and if no other advances are made, which table shall clearly present standardized information to be used to disclose the information required to be disclosed under subparagraph (A), (B), or (C), as applicable;

"(ii) establish the table required under clause (i) by assuming—

"(I) a significant number of different annual percentage rates;

"(II) a significant number of different account balances;

"(III) a significant number of different minimum payment amounts; and

"(IV) that only minimum monthly payments are made and no additional extensions of credit are obtained; and

"(iii) promulgate regulations that provide instructional guidance regarding the manner in which the information contained in the table established under clause (i) should be used in responding to the request of an obligor for any information required to be disclosed under subparagraph (A), (B), or (C).

"(I) The disclosure requirements of this paragraph do not apply to any charge card account, the primary purpose of which is to require payment of charges in full each month.

"(J) A creditor that maintains a toll-free telephone number for the purpose of providing customers with the actual number of months that it will take to repay the customer's outstanding balance is not subject to the requirements of subparagraph (A) or (B).

"(K) A creditor that maintains a toll-free telephone number for the purpose of providing customers with the actual number of months that it will take to repay an outstanding balance shall include the following statement on each billing statement: 'Making only the minimum payment will increase the interest you pay and the time it takes to repay your balance. For more information, call this toll-free number: _______.' (the blank space to be filled in by the creditor).".

(b) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board of Governors of the Federal Reserve System (hereafter in this title referred to as the "Board") shall promulgate regulations implementing the requirements of section 127(b)(11) of the Truth in Lending Act, as added by subsection (a) of this section.

(2) EFFECTIVE DATE.—Section 127(b)(11) of the Truth in Lending Act, as added by subsection (a) of this section, and the regulations issued under paragraph (1) of this subsection shall not take effect until the later of—

(A) 18 months after the date of enactment of this Act; or

(B) 12 months after the publication of such final regulations by the Board.

(c) STUDY OF FINANCIAL DISCLOSURES.—

(1) IN GENERAL.—The Board may conduct a study to determine the types of information available to potential borrowers from consumer credit lending institutions regarding factors qualifying potential borrowers for credit, repayment requirements, and the consequences of default.

(2) FACTORS FOR CONSIDERATION.—In conducting a study under paragraph (1), the Board should, in consultation with the other Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), the National Credit Union Administration, and the Federal Trade Commission, consider the extent to which—

(A) consumers, in establishing new credit arrangements, are aware of their existing payment obligations, the need to consider those obligations in deciding to take on new credit, and how taking on excessive credit can result in financial difficulty;

(B) minimum periodic payment features offered in connection with open end credit plans impact consumer default rates;

(C) consumers make only the required minimum payment under open end credit plans;

(D) consumers are aware that making only required minimum payments will increase the cost and repayment period of an open end credit obligation; and

(E) the availability of low minimum payment options is a cause of consumers experiencing financial difficulty.

(3) REPORT TO CONGRESS.—Findings of the Board in connection with any study conducted under this subsection shall be submitted to Congress. Such report shall also include recommendations for legislative initiatives, if any, of the Board, based on its findings.

SEC. 1302. ENHANCED DISCLOSURE FOR CREDIT EXTENSIONS SECURED BY A DWELLING.

(a) OPEN END CREDIT EXTENSIONS.—

(1) CREDIT APPLICATIONS.—Section 127A(a)(13) of the Truth in Lending Act (15 U.S.C. 1637a(a)(13)) is amended—

(A) by striking "CONSULTATION OF TAX ADVISER.—A statement that the" and inserting the following: "TAX DEDUCTIBILITY.—A statement that—

"(A) the"; and

(B) by striking the period at the end and inserting the following: "; and

"(B) in any case in which the extension of credit exceeds the fair market value (as defined under the Internal Revenue Code of 1986) of the dwelling, the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes.".

(2) CREDIT ADVERTISEMENTS.—Section 147(b) of the Truth in Lending Act (15 U.S.C. 1665b(b)) is amended—

(A) by striking "If any" and inserting the following:

"(1) IN GENERAL.—If any"; and

(B) by adding at the end the following:

"(2) CREDIT IN EXCESS OF FAIR MARKET VALUE.—Each advertisement described in subsection (a) that relates to an extension of credit that may exceed the fair market value of the dwelling, and which advertisement is disseminated in paper form to the public or through the Internet, as opposed to by radio or television, shall include a clear and conspicuous statement that—

"(A) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

"(B) the consumer should consult a tax adviser for further information regarding the deductibility of interest and charges.".

(b) NON-OPEN END CREDIT EXTENSIONS.—

(1) CREDIT APPLICATIONS.—Section 128 of the Truth in Lending Act (15 U.S.C. 1638) is amended—

(A) in subsection (a), by adding at the end the following:

"(15) In the case of a consumer credit transaction that is secured by the principal dwelling of the consumer, in which the extension of credit may exceed the fair market value of the dwelling, a clear and conspicuous statement that—

"(A) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

"(B) the consumer should consult a tax adviser for further information regarding the deductibility of interest and charges."; and

(B) in subsection (b), by adding at the end the following:

"(3) In the case of a credit transaction described in paragraph (15) of subsection (a), disclosures required by that paragraph shall be made to the consumer at the time of application for such extension of credit.".

(2) CREDIT ADVERTISEMENTS.—Section 144 of the Truth in Lending Act (15 U.S.C. 1664) is amended by adding at the end the following:

"(e) Each advertisement to which this section applies that relates to a consumer credit transaction that is secured by the principal dwelling of a consumer in which the extension of credit may exceed the fair market value of the dwelling, and which advertisement is disseminated in paper form to the public or through the Internet, as opposed to by radio or television, shall clearly and conspicuously state that—

"(1) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

"(2) the consumer should consult a tax adviser for further information regarding the deductibility of interest and charges.".

(c) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board shall promulgate regulations implementing the amendments made by this section.

(2) EFFECTIVE DATE.—Regulations issued under paragraph (1) shall not take effect until the later of—

(A) 12 months after the date of enactment of this Act; or

(B) 12 months after the date of publication of such final regulations by the Board.

SEC. 1303. DISCLOSURES RELATED TO "INTRODUCTORY RATES".

(a) INTRODUCTORY RATE DISCLOSURES.—Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended by adding at the end the following:

"(6) ADDITIONAL NOTICE CONCERNING 'INTRODUCTORY RATES'.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), an application or solicitation to open a credit card account and all promotional materials accompanying such application or solicitation for which a disclosure is required under paragraph (1), and that offers a temporary annual percentage rate of interest, shall—

"(i) use the term 'introductory' in immediate proximity to each listing of the temporary annual percentage rate applicable to such account, which term shall appear clearly and conspicuously;

"(ii) if the annual percentage rate of interest that will apply after the end of the temporary rate period will be a fixed rate, state in a clear and conspicuous manner in a prominent location closely proximate to the first listing of the temporary annual percentage rate (other than a listing of the temporary annual percentage rate in the tabular format described in section 122(c)), the time period in which the introductory period will end and the annual percentage rate that will apply after the end of the introductory period; and

"(iii) if the annual percentage rate that will apply after the end of the temporary rate period will vary in accordance with an index, state in a clear and conspicuous manner in a prominent location closely proximate to the first listing of the temporary annual percentage rate (other than a listing in the tabular format prescribed by section 122(c)), the time period in which the introductory period will end and the rate that will apply after that, based on an annual percentage rate that was in effect within 60 days before the date of mailing the application or solicitation.

"(B) EXCEPTION.—Clauses (ii) and (iii) of subparagraph (A) do not apply with respect to any listing of a temporary annual percentage rate on an envelope or other enclosure in which an application or solicitation to open a credit card account is mailed.

"(C) CONDITIONS FOR INTRODUCTORY RATES.—An application or solicitation to open a credit card account for which a disclosure is required under paragraph (1), and that offers a temporary annual percentage rate of interest shall, if that rate of interest is revocable under any circumstance or upon any event, clearly and conspicuously disclose, in a prominent manner on or with such application or solicitation—

"(i) a general description of the circumstances that may result in the revocation of the temporary annual percentage rate; and

"(ii) if the annual percentage rate that will apply upon the revocation of the temporary annual percentage rate—

"(I) will be a fixed rate, the annual percentage rate that will apply upon the revocation of the temporary annual percentage rate; or

"(II) will vary in accordance with an index, the rate that will apply after the temporary rate, based on an annual percentage rate that was in effect within 60 days before the date of mailing the application or solicitation.

"(D) DEFINITIONS.—In this paragraph—

"(i) the terms 'temporary annual percentage rate of interest' and 'temporary annual percentage rate' mean any rate of interest applicable to a credit card account for an introductory period of less than 1 year, if that rate is less than an annual percentage rate that was in effect within 60 days before the date of mailing the application or solicitation; and

"(ii) the term 'introductory period' means the maximum time period for which the temporary annual percentage rate may be applicable.

"(E) RELATION TO OTHER DISCLOSURE REQUIREMENTS.—Nothing in this paragraph may be construed to supersede subsection (a) of section 122, or any disclosure required by paragraph (1) or any other provision of this subsection.".

(b) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board shall promulgate regulations implementing the requirements of section 127(c)(6) of the Truth in Lending Act, as added by this section.

(2) EFFECTIVE DATE.—Section 127(c)(6) of the Truth in Lending Act, as added by this section, and regulations issued under paragraph (1) of this subsection shall not take effect until the later of—

(A) 12 months after the date of enactment of this Act; or

(B) 12 months after the date of publication of such final regulations by the Board.

SEC. 1304. INTERNET-BASED CREDIT CARD SOLICITATIONS.

(a) INTERNET-BASED SOLICITATIONS.—Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended by adding at the end the following:

"(7) INTERNET-BASED SOLICITATIONS.—

"(A) IN GENERAL.—In any solicitation to open a credit card account for any person under an open end consumer credit plan using the Internet or other interactive computer service, the person making the solicitation shall clearly and conspicuously disclose—

"(i) the information described in subparagraphs (A) and (B) of paragraph (1); and

"(ii) the information described in paragraph (6).

"(B) FORM OF DISCLOSURE.—The disclosures required by subparagraph (A) shall be—

"(i) readily accessible to consumers in close proximity to the solicitation to open a credit card account; and

"(ii) updated regularly to reflect the current policies, terms, and fee amounts applicable to the credit card account.

"(C) DEFINITIONS.—For purposes of this paragraph—

"(i) the term 'Internet' means the international computer network of both Federal and non-Federal interoperable packet switched data networks; and

"(ii) the term 'interactive computer service' means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions.".

(b) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board shall promulgate regulations implementing the requirements of section 127(c)(7) of the Truth in Lending Act, as added by this section.

(2) EFFECTIVE DATE.—The amendment made by subsection (a) and the regulations issued under paragraph (1) of this subsection shall not take effect until the later of—

(A) 12 months after the date of enactment of this Act; or

(B) 12 months after the date of publication of such final regulations by the Board.

SEC. 1305. DISCLOSURES RELATED TO LATE PAYMENT DEADLINES AND PENALTIES.

(a) DISCLOSURES RELATED TO LATE PAYMENT DEADLINES AND PENALTIES.—Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

"(12) If a late payment fee is to be imposed due to the failure of the obligor to make payment on or before a required payment due date, the following shall be stated clearly and conspicuously on the billing statement:

"(A) The date on which that payment is due or, if different, the earliest date on which a late payment fee may be charged.

"(B) The amount of the late payment fee to be imposed if payment is made after such date.".

(b) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board shall promulgate regulations implementing the requirements of section 127(b)(12) of the Truth in Lending Act, as added by this section.

(2) EFFECTIVE DATE.—The amendment made by subsection (a) and regulations issued under paragraph (1) of this subsection shall not take effect until the later of—

(A) 12 months after the date of enactment of this Act; or

(B) 12 months after the date of publication of such final regulations by the Board.

SEC. 1306. PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.

(a) PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.—Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

"(h) PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.—A creditor of an account under an open end consumer credit plan may not terminate an account prior to its expiration date solely because the consumer has not incurred finance charges on the account. Nothing in this subsection shall prohibit a creditor from terminating an account for inactivity in 3 or more consecutive months.".

(b) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board shall promulgate regulations implementing the requirements of section 127(h) of the Truth in Lending Act, as added by this section.

(2) EFFECTIVE DATE.—The amendment made by subsection (a) and regulations issued under paragraph (1) of this subsection shall not take effect until the later of—

(A) 12 months after the date of enactment of this Act; or

(B) 12 months after the date of publication of such final regulations by the Board.

SEC. 1307. DUAL USE DEBIT CARD.

(a) REPORT.—The Board may conduct a study of, and present to Congress a report containing its analysis of, consumer protections under existing law to limit the liability of consumers for unauthorized use of a debit card or similar access device. Such report, if submitted, shall include recommendations for legislative initiatives, if any, of the Board, based on its findings.

(b) CONSIDERATIONS.—In preparing a report under subsection (a), the Board may include—

(1) the extent to which section 909 of the Electronic Fund Transfer Act (15 U.S.C. 1693g), as in effect at the time of the report, and the implementing regulations promulgated by the Board to carry out that section provide adequate unauthorized use liability protection for consumers;

(2) the extent to which any voluntary industry rules have enhanced or may enhance the level of protection afforded consumers in connection with such unauthorized use liability; and

(3) whether amendments to the Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.), or revisions to regulations promulgated by the Board to carry out that Act, are necessary to further address adequate protection for consumers concerning unauthorized use liability.

SEC. 1308. STUDY OF BANKRUPTCY IMPACT OF CREDIT EXTENDED TO DEPENDENT STUDENTS.

(a) STUDY.—

(1) IN GENERAL.—The Board shall conduct a study regarding the impact that the extension of credit described in paragraph (2) has on the rate of cases filed under title 11 of the United States Code.

(2) EXTENSION OF CREDIT.—The extension of credit described in this paragraph is the extension of credit to individuals who are—

(A) claimed as dependents for purposes of the Internal Revenue Code of 1986; and

(B) enrolled within 1 year of successfully completing all required secondary education requirements and on a full-time basis, in postsecondary educational institutions.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Board shall submit to the Senate and the House of Representatives a report summarizing the results of the study conducted under subsection (a).

SEC. 1309. CLARIFICATION OF CLEAR AND CONSPICUOUS.

(a) REGULATIONS.—Not later than 6 months after the date of enactment of this Act, the Board, in consultation with the other Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), the National Credit Union Administration Board, and the Federal Trade Commission, shall promulgate regulations to provide guidance regarding the meaning of the term "clear and conspicuous", as used in subparagraphs (A), (B), and (C) of section 127(b)(11) and clauses (ii) and (iii) of section 127(c)(6)(A) of the Truth in Lending Act.

(b) EXAMPLES.—Regulations promulgated under subsection (a) shall include examples of clear and conspicuous model disclosures for the purposes of disclosures required by the provisions of the Truth in Lending Act referred to in subsection (a).

(c) STANDARDS.—In promulgating regulations under this section, the Board shall ensure that the clear and conspicuous standard required for disclosures made under the provisions of the Truth in Lending Act referred to in subsection (a) can be implemented in a manner which results in disclosures which are reasonably understandable and designed to call attention to the nature and significance of the information in the notice.

TITLE XIV—PREVENTING CORPORATE BANKRUPTCY ABUSE

SEC. 1401. EMPLOYEE WAGE AND BENEFIT PRIORITIES.

Section 507(a) of title 11, United States Code, as amended by section 212, is amended—

(1) in paragraph (4) by striking "90" and inserting "180", and

(2) in paragraphs (4) and (5) by striking "$4,000" and inserting "$10,000".

SEC. 1402. FRAUDULENT TRANSFERS AND OBLIGATIONS.

Section 548 of title 11, United States Code, is amended—

(1) in subsections (a) and (b) by striking "one year" and inserting "2 years",

(2) in subsection (a)—

(A) by inserting "(including any transfer to or for the benefit of an insider under an employment contract)" after "transfer" the 1st place it appears, and

(B) by inserting "(including any obligation to or for the benefit of an insider under an employment contract)" after "obligation" the 1st place it appears, and

(3) in subsection (a)(1)(B)(ii)—

(A) in subclause (II) by striking "or" at the end,

(B) in subclause (III) by striking the period at the end and inserting "; or", and

(C) by adding at the end the following:

"(IV) made such transfer to or for the benefit of an insider, or incurred such obligation to or for the benefit of an insider, under an employment contract and not in the ordinary course of business.".

(4) by adding at the end the following:

"(e)(1) In addition to any transfer that the trustee may otherwise avoid, the trustee may avoid any transfer of an interest of the debtor in property that was made on or within 10 years before the date of the filing of the petition, if—

"(A) such transfer was made to a self-settled trust or similar device;

"(B) such transfer was by the debtor;

"(C) the debtor is a beneficiary of such trust or similar device; and

"(D) the debtor made such transfer with actual intent to hinder, delay, or defraud any entity to which the debtor was or became, on or after the date that such transfer was made, indebted.

"(2) For the purposes of this subsection, a transfer includes a transfer made in anticipation of any money judgment, settlement, civil penalty, equitable order, or criminal fine incurred by, or which the debtor believed would be incurred by—

"(A) any violation of the securities laws (as defined in section 3(a)(47) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(47))), any State securities laws, or any regulation or order issued under Federal securities laws or State securities laws; or

"(B) fraud, deceit, or manipulation in a fiduciary capacity or in connection with the purchase or sale of any security registered under section 12 or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78l and 78o(d)) or under section 6 of the Securities Act of 1933 (15 U.S.C. 77f).".

SEC. 1403. PAYMENT OF INSURANCE BENEFITS TO RETIRED EMPLOYEES.

Section 1114 of title 11, United States Code, is amended—

(1) by redesignating subsection (l) as subsection (m), and

(2) by inserting after subsection (k) the following:

"(l) If the debtor, during the 180-day period ending on the date of the filing of the petition—

"(1) modified retiree benefits; and

"(2) was insolvent on the date such benefits were modified;

the court, on motion of a party in interest, and after notice and a hearing, shall issue an order reinstating as of the date the modification was made, such benefits as in effect immediately before such date unless the court finds that the balance of the equities clearly favors such modification.".

SEC. 1404. DEBTS NONDISCHARGEABLE IF INCURRED IN VIOLATION OF SECURITIES FRAUD LAWS.

(a) Prepetition and Postpetition Effect.—Section 523(a)(19)(B) of title 11, United States Code, is amended by inserting ", before, on, or after the date on which the petition was filed," after "results".

(b) Effective Date Upon Enactment of Sarbanes-Oxley Act.—The amendment made by subsection (a) is effective beginning July 30, 2002.

SEC. 1405. APPOINTMENT OF TRUSTEE IN CASES OF SUSPECTED FRAUD.

Section 1104 of title 11, United States Code, is amended by adding at the end the following:

"(e) The United States trustee shall move for the appointment of a trustee under subsection (a) if there are reasonable grounds to suspect that current members of the governing body of the debtor, the debtor's chief executive or chief financial officer, or members of the governing body who selected the debtor's chief executive or chief financial officer, participated in actual fraud, dishonesty, or criminal conduct in the management of the debtor or the debtor's public financial reporting.".

SEC. 1406. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) Effective Date.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of the enactment of this Act.

(b) Application of Amendments.—

(1) In general.—cept as provided in paragraph (2), the amendments made by this title shall apply only with respect to cases commenced under title 11 of the United States Code on or after the date of the enactment of this Act.

(2) Avoidance period.—The amendment made by section 1402(1) shall apply only with respect to cases commenced under title 11 of the United States Code more than 1 year after the date of the enactment of this Act.

TITLE XV—GENERAL EFFECTIVE DATE; APPLICATION OF AMENDMENTS

SEC. 1501. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) Effective Date.—Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

(b) Application of Amendments.—

(1) In general.—Except as otherwise provided in this Act and paragraph (2), the amendments made by this Act shall not apply with respect to cases commenced under title 11, United States Code, before the effective date of this Act.

(2) Certain limitations applicable to debtors.—The amendments made by sections 308, 322, and 330 shall apply with respect to cases commenced under title 11, United States Code, on or after the date of the enactment of this Act.

SEC. 1502. TECHNICAL CORRECTIONS.

(a) Conforming Amendments to Title 11 of the United States Code.—Title 11 of the United States Code, as amended by the preceding provisions of this Act, is amended—

(1) in section 507—

(A) in subsection (a)—

(i) in paragraph (5)(B)(ii) by striking "paragraph (3)" and inserting "paragraph (4)"; and

(ii) in paragraph (8)(D) by striking "paragraph (3)" and inserting "paragraph (4)";

(B) in subsection (b) by striking "subsection (a)(1)" and inserting "subsection (a)(2)"; and

(C) in subsection (d) by striking "subsection (a)(3)" and inserting "subsection (a)(1)";

(2) in section 523(a)(1)(A) by striking "507(a)(2)" and inserting "507(a)(3)";

(3) in section 752(a) by striking "507(a)(1)" and inserting "507(a)(2)";

(4) in section 766—

(A) in subsection (h) by striking "507(a)(1)" and inserting "507(a)(2)"; and

(B) in subsection (i) by striking "507(a)(1)" each place it appears and inserting "507(a)(2)";

(5) in section 901(a) by striking "507(a)(1)" and inserting "507(a)(2)";

(6) in section 943(b)(5) by striking "507(a)(1)" and inserting "507(a)(2)";

(7) in section 1123(a)(1) by striking "507(a)(1), 507(a)(2)" and inserting "507(a)(2), 507(a)(3)";

(8) in section 1129(a)(9)—

(A) in subparagraph (A) by striking "507(a)(1) or 507(a)(2)" and inserting "507(a)(2) or 507(a)(3)"; and

(B) in subparagraph (B) by striking "507(a)(3)" and inserting "507(a)(1)";

(9) in section 1226(b)(1) by striking "507(a)(1)" and inserting "507(a)(2)"; and

(10) in section 1326(b)(1) by striking "507(a)(1)" and inserting "507(a)(2)".

(b) Related Conforming Amendment.—Section 6(e) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78fff(e)) is amended by striking "507(a)(1)" and inserting "507(a)(2)".

HONORING THE LIFE OF ENRIQUE "KIKI" CAMARENA

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 73, and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 73) honoring the life of Enrique "Kiki" Camarena.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the Record as if read, without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 73) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. Res. 73

Whereas Enrique "Kiki" Camarena, a Special Agent of the Drug Enforcement Administration for 11 years, was abducted and brutally murdered by drug barons in 1985;

Whereas Enrique Camarena dedicated his life to serving the law enforcement community and the Nation as a whole and was the devoted husband of Geneva Alvarado and loving father of Enrique, Daniel, and Eric;

Whereas Enrique Camarena received 2 Sustained Superior Performance Awards and a Special Achievement Award while serving the Drug Enforcement Administration;

Whereas Enrique Camarena's dedication to reducing the scourge of drugs eventually cost him his life;

Whereas "Camarena Clubs" to combat drug abuse have been created in high schools across the Nation to honor his memory;

Whereas Enrique Camarena is honored each year during National Red Ribbon Week; and

Whereas the 20th Anniversary of Enrique Camarena's death will be specially honored on March 9, 2005, at the Drug Enforcement Administration headquarters: Now, therefore, be it

Resolved, That the Senate—

(1) mourns the loss of Enrique "Kiki" Camarena;

(2) recognizes the contributions of Enrique Camarena to our National efforts to combat drug abuse;

(3) admires the courage and dedication of Enrique Camarena in his work as a Special Agent of the Drug Enforcement Administration;

(4) expresses gratitude for the legacy left by Enrique Camarena; and

(5) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the family of Enrique Camarena.

ORDERS FOR MONDAY, MARCH 14, 2005

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, the Senate adjourn until 10 a.m. on Monday, March 14. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate begin consideration of the budget resolution, as under the order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. Mr. President, the Senate will reconvene on Monday at 10 a.m. and immediately begin consideration of the budget resolution. As I mentioned earlier this morning, and I mention again now, it is going to be a long and challenging week. Senators should expect to be here in the evenings. There will, of course, be multiple votes during the course of the week. We typically do what is referred to around here with a wry smile as a vote-a-rama toward the end of the budget week.

I caution all Senators that next Friday will be an unusual Friday, a Friday in which we will, in all likelihood, be here and working throughout the day and up into the evening. If previous years' Fridays of budget week are any indication, that is what we can expect next Friday. I want everybody to be on notice that notions of pulling out early on the Friday before the recess probably will not hold, unless we have incredible cooperation early in the week to move much more quickly. We are looking at an unusual and long Friday with lots of votes next Friday. We are going to try to work our way through the budget resolution as rapidly as possible and get everybody out of here as soon as possible, but anticipate that next Friday will be difficult.

ADJOURNMENT UNTIL 10 A.M., MONDAY, MARCH 14, 2005

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 12:06 p.m., adjourned until Monday, March 14, 2005, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Monday, March 14, 2005*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. PEARCE).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 14, 2005.

I hereby appoint the Honorable STEVAN PEARCE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Michigan (Mr. MCCOTTER) for 5 minutes.

PLANT CLOSURE IN WIXOM, MICHIGAN

Mr. MCCOTTER. Mr. Speaker, these are difficult times in southeastern Michigan, where the heirs to the arsenal of democracy still manufacture the best products in the world. In fact, this weekend the Ford Motor Company announced its Wixom assembly plant will incur an employee reduction of 11 percent when its Thunderbird line ends.

While we in my district are encouraged, the affected workers will be offered other positions at other Ford facilities. We nevertheless urge Ford to provide this assembly plant a new product line and, in so doing, keep the best workers in the world working in Wixom, Michigan.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 32 minutes p.m.), the House stood in recess until 2 p.m. today.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PETRI) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

God, always just and source of goodness and life, when life and problems are overwhelming, we turn to You. Help this Nation to see clearly its next step in history. Deepen the faith of the men and women who serve in Congress that they make their moves boldly and decisively because You are with them.

In a world of heightened violence and floating anger, people conflicted and helpless need Your guidance and the witness of faithful people steeped in virtue and committed to justice. May the ultimate effect of the actions of this House secure the freedom of Your people and bring order to households and communities everywhere. We ask Your blessing now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Tennessee (Mr. COOPER) come forward and lead the House in the Pledge of Allegiance.

Mr. COOPER led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

The message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 250. An act to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to improve the Act.

The message also announced that pursuant to Public Law 106-286, the Chair, on behalf of the President of the Senate, and after consultation with the Majority Leader, appoints the following Members to serve on the Congressional-Executive Commission on the People's Republic of China:

The Senator from Nebraska (Mr. HAGEL), Chairman.

The Senator from Kansas (Mr. BROWNBACK).

The Senator from Oregon (Mr. SMITH).

The Senator from South Carolina (Mr. DEMINT), and

The Senator from Florida (Mr. MARTINEZ).

The message also announced that pursuant to section 1928a-1928d of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Member as Vice Chairman of the Senate Delegation to the North Atlantic Treaty Organization Parliamentary Assembly during the One Hundred Ninth Congress:

The Senator from Delaware (Mr. BIDEN).

The message also announced that pursuant to section 276h-276k of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Member as Vice Chairman of the Senate Delegation to the Mexico-United States Interparliamentary Group conference during the One Hundred Ninth Congress:

The Senator from Connecticut (Mr. DODD).

The message also announced that pursuant to Public Law 106-567, as amended by section 1102, Public Law 108-458, the Chair, on behalf of the Majority Leader, appoints the following individual to serve as a member of the Public Interest Declassification Board:

Joan Vail Grimson of Virginia.

IN MEMORY OF BETTY EASLER

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, this afternoon the people of South Carolina honor the late Betty Easler with a memorial service at Asbury Memorial United Methodist Church in Columbia.

Betty was a graduate of Dreher High School, and she received undergraduate and masters degrees at the University of South Carolina.

Betty selflessly and tirelessly advocated for persons with disabilities and special needs and their families. She served as a counselor at the Department of Vocational Rehabilitation. She

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

was executive director of the office of the Governor's Development Disabilities Council for Governor Carroll A. Campbell.

Betty was executive director of Protection and Advocacy for People with Disabilities and was employed as case manager for Intracorp, a division of Cigna Insurance Company.

All of this was achieved although she was born with spina bifida and was for a lifetime in a wheelchair.

In conclusion, God bless our troops. And we will never forget September 11.

RESTRAINING SPENDING

(Mr. COOPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COOPER. Mr. Speaker, President Bush says he wants to restrain spending. But regardless of the budget that the House passes this week, President Bush has never used his two constitutional powers to restrain spending. Number one, the big veto: he has never used it. He is the first President since James Garfield in 1881 never to use the veto. And poor President Garfield was only in office for 6 months. President Bush is now in his fifth year of his Presidency.

Secondly, the little veto: I wrote an article on this in the New York Times last Friday. The rescission power. All President Bush needs is a majority of House and Senate Republicans to support his spending cuts, and he can cut anything in the Federal Government that he wants to. The rescission power is filibuster-proof. He does not need 60 votes in the Senate. He has Fast Track pressure on Congress to respond. but he has never used that little veto power either.

President Clinton used it 163 times. When has President Bush ever used either the big veto power or the little veto power? The American public needs to know.

SOCIAL SECURITY

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Georgia. Mr. Speaker, Social Security was an innovative program back in 1940 when the first Social Security recipient, Ida May Fuller, opened her mailbox to find a check from Uncle Sam. To Americans back then, the Social Security program was a dream come true and real security.

For every Ida May Fuller, there were 42 younger workers contributing to their retirement; 42 workers for every retiree.

Now let us fast forward to today. Under the current system, your payroll taxes are immediately used to pay the benefits for today's retirees. This pay-as-you-go system works when many people are paying in and fewer are collecting benefits.

But today seniors are living longer and collecting more benefits. As a result, there are fewer workers paying into the system per retiree; 3.3 to be exact. And in the near future, there will be fewer than two workers per retiree.

Mr. Speaker, if we do not fix the system now, the only thing our children and grandchildren will receive in their mailbox is a giant IOU. Let us work together to provide real security for all Americans. The time to act is now.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON WAYS AND MEANS

The SPEAKER pro tempore laid before the House the following communication from the Honorable BILL THOMAS, Chairman, Committee on Ways and Means:

COMMITTEE ON WAYS AND MEANS,
LONGWORTH HOUSE OFFICE BUILDING,
Washington, DC, February 7, 2005.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: I am forwarding to you the Committee's recommendations for certain positions for the 109th Congress.

First, pursuant to Section 8002 of the Internal Revenue Code of 1986, the Committee designated the following Members to serve on the Joint Committee on Taxation: Mr. Thomas, Mr. Shaw, Mrs. Johnson, Mr. Rangel, and Mr. Stark.

Second, pursuant to Section 161 of the Trade Act of 1974, the Committee recommended the following Members to serve as official advisors for international conference meetings and negotiating sessions on trade agreements: Mr. Thomas, Mr. Shaw, Mr. Herger, Mr. Rangel, and Mr. Cardin.

Third, pursuant to House Rule X, Clause 5(a)(2)(A)(i), the Committee designated the following Members to serve on the Committee on the Budget: Mr. Portman, Mr. Ryan, Mr. Hulshof, Mr. Neal, and Mr. Jefferson.

Best regards,

BILL THOMAS,
Chairman.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to section 161(a) of the Trade Act of 1974 (19 U.S.C. 2211), and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment of the following Members of the House as congressional advisers on trade policy and negotiations:

Mr. THOMAS, California,
Mr. SHAW, Florida,
Mr. HERGER, California,
Mr. RANGEL, New York and
Mr. CARDIN, Maryland.

IN REMEMBRANCE OF CHARLES R. BAXTER

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, it is my sad duty to report to the House that we lost a pioneer in medicine this weekend down in Dallas: Dr. Charles Baxter, a surgeon whose research in clinical skills saved thousands of lives over the years.

Dr. Baxter will be remembered for a lot of things back home, not the least of which was his treatment of a severely burned patient and his introduction of very aggressive fluid management in the initial hours after the burn had occurred, saving countless patients from going into acute renal failure, dealing with what was then one of the principal causes of death in the severely burned patient.

It was reported in the newspaper this weekend that Dr. Baxter, in an effort one time to bring the spirits up of a young 8-year-old girl who had been burned over 92 percent of her body, brought an Airedale puppy into the burn unit at Parkland. He scrubbed it down with antibacterial cleanser and brought the girl a new reason to continue on in her struggle to recover from her burn.

I remember Dr. Baxter when I was a resident down in the operating room. He had a heart attack a few days before, but was down there in the wheelchair in the surgery office barking out orders to his residents at the surgery board to keep them on schedule.

And, of course, the country remembers Dr. Baxter. From that terrible day in November of 1963, Dr. Baxter was the head of the emergency room when John Kennedy was brought into the facility at Parkland Hospital.

Mr. Speaker, all of us in Dallas and across the country mourn the passing of Dr. Baxter, and our thoughts and prayers will be with his family during this time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

ADJUSTING THE NUMBER OF FREE ROAMING HORSES PERMITTED IN CAPE LOOKOUT NATIONAL SEASHORE

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 126) to amend Public Law 89-366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore.

The Clerk read as follows:

H.R. 126

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADJUSTMENT IN NUMBER OF FREE ROAMING HORSES PERMITTED IN CAPE LOOKOUT NATIONAL SEASHORE, NORTH CAROLINA.

(a) IN GENERAL.—The first subsection (b) of section 5 of Public Law 89-366 (16 U.S.C. 459g-4) is amended—

(1) in paragraph (1), by striking "100 free roaming horses" and inserting "not less than 110 free roaming horses, with a target population of between 120 and 130 free roaming horses,";

(2) in paragraph (3), by striking subparagraph (B) and inserting the following new subparagraph:

"(B) unless removal is carried out as part of a plan to maintain the viability of the herd; or"; and

(3) in paragraph (5), by striking "100" and inserting "110".

(b) REPEAL OF DUPLICATE SUBSECTION.—Section 5 of Public Law 89-366 is further amended—

(1) in subsection (a), by striking "(a)" after "(a)"; and

(2) by striking the second subsection (b).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES).

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 126, introduced by me, would allow for the adjustment in the number of free-roaming horses permitted in the Cape Lookout National Seashore. Specifically, H.R. 126 would permit the number of free-roaming horses to increase to 110 from its current level of 100, with a targeted population between 120 and 130 horses, and would not permit the removal of the horses unless the removal is carried out as part of a plan to maintain the viability of the herd.

H.R. 126 is identical to legislation that was supported by the majority and minority and passed the House of Representatives during the 108th Congress.

I urge adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the majority has explained, H.R. 126 makes a number of slight adjustments in the management of the herd as a means to assure their long-term survival.

Over the course of the last several hundred years, a herd of wild horses has established itself on the Shackleford Banks area of Cape Lookout, North Carolina. The herd developed on the banks because of shipwrecks and abandonment. When the National Seashore was established, there were approximately 100 wild horses on the barrier island. Since that time, the National Park Service has taken steps to control the herd size to prevent damage to park resources.

Mr. Speaker, H.R. 126 is a workable solution to the wild-horse management needs at Cape Lookout, and we support adoption of this legislation by the House today.

Mr. Speaker, I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 126.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

LLAGAS RECLAMATION GROUNDWATER REMEDIATION INITIATIVE

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 186) to authorize the Secretary of the Interior, acting through the Bureau of Reclamation and in coordination with other Federal, State, and local government agencies, to participate in the funding and implementation of a balanced, long-term groundwater remediation program in California, and for other purposes, as amended.

The Clerk read as follows:

H.R. 186

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Llagas Reclamation Groundwater Remediation Initiative".

SEC. 2. DEFINITIONS.

For the purposes of this Act:

(1) GROUNDWATER REMEDIATION.—The term "groundwater remediation" means actions that are necessary to prevent, minimize, or mitigate damage to groundwater.

(2) LOCAL WATER AUTHORITY.—The term "local water authority" means the Santa Clara Valley Water District.

(3) REMEDIATION FUND.—The term "Remediation Fund" means the California Basins Groundwater Remediation Fund established pursuant to section 3(a).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. CALIFORNIA BASINS REMEDIATION.

(a) CALIFORNIA BASINS REMEDIATION.—

(1) ESTABLISHMENT OF REMEDIATION FUND.—There shall be established within the Treasury of the United States an interest bearing account to be known as the California Basins Groundwater Remediation Fund.

(2) ADMINISTRATION OF REMEDIATION FUND.—The Remediation Fund shall be administered by the Secretary of the Interior, acting through the Bureau of Reclamation. The Secretary shall administer the Remediation Fund in cooperation with the local water authority.

(3) PURPOSES OF REMEDIATION FUND.—

(A) IN GENERAL.—Subject to subparagraph (B), the amounts in the Remediation Fund, including interest accrued, shall be used by the Secretary to provide grants to the local water authority to reimburse the local water authority for the Federal share of the costs associated with designing and constructing groundwater remediation projects to be administered by the local water authority.

(B) COST-SHARING LIMITATION.—

(i) IN GENERAL.—The Secretary may not obligate any funds appropriated to the Remediation Fund in a fiscal year until the Secretary has deposited into the Remediation Fund an amount provided by non-Federal interests sufficient to ensure that at least 35 percent of any funds obligated by the Secretary for a project are from funds provided to the Secretary for that project by the non-Federal interests.

(ii) NON-FEDERAL RESPONSIBILITY.—Each local water authority shall be responsible for providing the non-Federal amount required by clause (i) for projects under that local water authority. The State of California, local government agencies, and private entities may provide all or any portion of the non-Federal amount.

(iii) CREDITS TOWARD NON-FEDERAL SHARE.—For purposes of clause (ii), the Secretary shall credit the appropriate local water authority with the value of all prior expenditures by non-Federal interests made after January 1, 2000, that are compatible with the purposes of this section, including—

(I) all expenditures made by non-Federal interests to design and construct groundwater remediation projects, including expenditures associated with environmental analyses and public involvement activities that were required to implement the groundwater remediation projects in compliance with applicable Federal and State laws; and

(II) all expenditures made by non-Federal interests to acquire lands, easements, rights-of-way, relocations, disposal areas, and water rights that were required to implement a groundwater remediation project.

(b) COMPLIANCE WITH APPLICABLE LAW.—In carrying out the activities described in this section, the Secretary shall comply with any applicable Federal and State laws.

(c) RELATIONSHIP TO OTHER ACTIVITIES.—Nothing in this section shall be construed to affect other Federal or State authorities that are being used or may be used to facilitate remediation and protection of the Llagas groundwater subbasin. In carrying out the activities described in this section, the Secretary shall integrate such activities with ongoing Federal and State projects and activities. None of the funds made available for such activities pursuant to this section shall be counted against any Federal authorization ceiling established for any previously authorized Federal projects or activities.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the

Remediation Fund $25,000,000. Subject to the limitations in section 4, such funds shall remain available until expended.

SEC. 4. SUNSET OF AUTHORITY.

This Act—

(1) shall take effect on the date of the enactment of this Act; and

(2) is repealed effective as of the date that is 10 years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES).

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

This legislation, authored by the gentleman from California (Mr. POMBO), distinguished chairman of the Committee on Resources, helps remediate the groundwater basin in Santa Clara, California.

Chemicals, such as perchlorate, have been detected in over 500 wells around the communities of Morgan Hill and San Martin, California. As a result, more than 1,000 residents are now being supplied with bottled water.

This bill provides a long-term solution to this growing problem. H.R. 186 would provide up to $25 million in Federal funding to clean up groundwater near these communities over a 10-year period.

□ 1415

This funding mechanism is based on a practical working model currently under way in the San Gabriel Basin in southern California. Everyone agrees on the need for safe drinking water for our communities. This bill reflects this consensus and puts words into real action. I urge my colleagues to support this important bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we support passage of H.R. 186, which will provide financial assistance for cleaning up contaminated drinking water supplies in the Santa Clara Valley area of southern California. I appreciate the support of the leadership demonstrated by the gentleman from California (Mr. POMBO) on this important matter.

Mr. Speaker, I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 186, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DEPARTMENT OF THE INTERIOR VOLUNTEER RECRUITMENT ACT OF 2005

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 584) to authorize the Secretary of the Interior to recruit volunteers to assist with, or facilitate, the activities of various agencies and offices of the Department of the Interior.

The Clerk read as follows:

H.R. 584

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of the Interior Volunteer Recruitment Act of 2005".

SEC. 2. PURPOSE.

The purpose of this Act is to authorize the Secretary of the Interior to recruit and use volunteers to assist with, or facilitate, the programs of the Bureau of Indian Affairs, the United States Geological Survey, the Bureau of Reclamation, and the Office of the Secretary.

SEC. 3. VOLUNTEER AUTHORITY.

(a) IN GENERAL.—The Secretary of the Interior may recruit, train, and accept, without regard to the civil service classification laws, rules, or regulations, the services of individuals, contributed without compensation as volunteers, for aiding in or facilitating the activities administered by the Secretary through the Bureau of Indian Affairs, the United States Geological Survey, the Bureau of Reclamation, and the Office of the Secretary.

(b) RESTRICTIONS ON ACTIVITIES OF VOLUNTEERS.—

(1) IN GENERAL.—In accepting such services of individuals as volunteers, the Secretary shall not permit the use of volunteers in law enforcement work, in regulatory and enforcement work, in policymaking processes, or to displace any employee.

(2) PRIVATE PROPERTY.—No volunteer services authorized by this Act may be conducted on private property unless the officer or employee charged with supervising the volunteer obtains appropriate consent to enter the property from the property owner.

(3) HAZARDOUS DUTY.—The Secretary may accept the services of individuals in hazardous duty only upon a determination by the Secretary that such individuals are skilled in performing hazardous duty activities.

(4) SUPERVISION.—The Secretary shall ensure that an appropriate officer or employee of the United States provides adequate and appropriate supervision of each volunteer whose services the Secretary accepts.

(c) PROVISION OF SERVICES AND COSTS.—The Secretary may provide for services and costs incidental to the utilization of volunteers, including transportation, supplies, uniforms, lodging, subsistence (without regard to place of residence), recruiting, training, supervision, and awards and recognition (including nominal cash awards).

(d) FEDERAL EMPLOYMENT STATUS OF VOLUNTEERS.—

(1) Except as otherwise provided in this subsection, a volunteer shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those provisions relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(2) Volunteers shall be deemed employees of the United States for the purposes of—

(A) the tort claims provisions of title 28, United States Code;

(B) subchapter I of chapter 81 of title 5, United States Code; and

(C) claims relating to damage to, or loss of, personal property of a volunteer incident to volunteer service, in which case the provisions of section 3721 of title 31, United States Code, shall apply.

(3) Volunteers under this Act shall be subject to chapter 11 of title 18, United States Code, unless the Secretary, with the concurrence of the Director of the Office of Government Ethics, determines in writing published in the Federal Register that the provisions of that chapter, except section 201, shall not apply to the actions of a class or classes of volunteers who carry out only those duties or functions specified in the determination.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES).

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 584.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 584, introduced by the gentleman from California (Mr. POMBO), would authorize the Secretary of the Interior to establish voluntary programs in the Bureau of Indian Affairs, the U.S. Geological Survey, the Bureau of Reclamation and the Office of the Secretary. With this authority, these four bureaus would be able to parallel the successful volunteer programs in the National Park Service and the U.S. Fish and Wildlife Service to recruit volunteers to assist with or facilitate the activities within the agencies.

Over 200,000 volunteers annually serve as campground hosts, clear trails, help with seasonal bird surveys, collect new information for maps and assist with many other day-to-day activities. Simply put, volunteers provide the Department of the Interior vital services to help it meet its mission responsibilities. Volunteer programs within the Department also provide outstanding opportunities for community service and public involvement in conservation programs.

H.R. 584 is identical to legislation that was supported by the majority and minority and passed the House of Representatives with a voice vote during the 108th Congress. I urge adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the majority has explained the purpose of this legislation which the gentleman from California (Mr. POMBO) introduced at the administration's request. The gentleman from California (Mr. POMBO) succeeded in moving this legislation through the House during the last Congress, including several changes made at the request of the minority. We appreciate the chairman's decision to include those changes in H.R. 584 as well, and urge our colleagues to support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 584.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

DIRECTING SECRETARY OF THE INTERIOR TO CONVEY CERTAIN LAND HELD IN TRUST FOR PAIUTE INDIAN TRIBE OF UTAH TO CITY OF RICHFIELD, UTAH

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 680) to direct the Secretary of the Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, Utah, and for other purposes.

The Clerk read as follows:

H.R. 680

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND CONVEYANCE TO CITY.

(a) AUTHORIZATION FOR CONVEYANCE.—Not later than 90 days after the Secretary receives a request from the Tribe and the City to convey all right, title, and interest of the United States and the Tribe in and to the Property to the City, the Secretary shall take the Property out of trust status and convey the Property to the City.

(b) TERMS AND CONDITIONS.—The conveyance under subsection (a) shall be subject to the following conditions:

(1) TRIBAL RESOLUTION.—Prior to conveying the Property under subsection (a), the Secretary shall ensure that the terms of the sale have been approved by a tribal resolution of the Tribe.

(2) CONSIDERATION.—Consideration given by the City for the Property shall be not less than the appraised fair market value of the Property.

(3) NO FEDERAL COST.—The City shall pay all costs related to the conveyance authorized under this section.

(c) PROCEEDS OF SALE.—The proceeds from the conveyance of the Property under this section shall be given immediately to the Tribe.

(d) FAILURE TO MAKE CONVEYANCE.—If after the Secretary takes the Property out of trust status pursuant to subsection (a) the City or the Tribe elect not to carry out the conveyance under that subsection, the Secretary shall take the Property back into trust for the benefit of the Tribe.

SEC. 2. TRIBAL RESERVATION.

Land acquired by the United States in trust for the Tribe after February 17, 1984, shall be part of the Tribe's reservation.

SEC. 3. TRUST LAND FOR SHIVWITS OR KANOSH BANDS.

If requested to do so by a tribal resolution of the Tribe, the Secretary shall take land held in trust by the United States for the benefit of the Tribe out of such trust status and take that land into trust for the Shivwits or Kanosh Bands of the Paiute Indian Tribe of Utah, as so requested by the Tribe.

SEC. 4. CEDAR BAND OF PAIUTES TECHNICAL CORRECTION.

The Paiute Indian Tribe of Utah Restoration Act (25 U.S.C. 761) is amended by striking "Cedar City" each place it appears and inserting "Cedar". Any reference in a law, map, regulation, document, paper, or other record of the United States to the "Cedar City Band of Paiute Indians" shall be deemed to be a reference to the "Cedar Band of Paiute Indians".

SEC. 5. DEFINITIONS.

For the purposes of this Act:

(1) CITY.—The term "City" means the City of Richfield, Utah.

(2) PROPERTY.—The term "Property" means the parcel of land held by the United States in trust for the Paiute Indian Tribe of Utah located in Section 2, Township 24 South, Range 3 West, Salt Lake Base and Meridian, Sevier County, Utah and more particularly described as follows: Beginning at a point on the East line of the Highway which is West 0.50 chains, more or less, and South 8° 21° West, 491.6 feet from the Northeast Corner of the Southwest Quarter of Section 2, Township 24 South, Range 3 West, Salt Lake Base and Meridian, and running thence South 81° 39° East, perpendicular to the highway, 528.0 feet; thence South 26° 31° West, 354.6 feet; thence North 63° 29° West, 439.3 feet to said highway; thence North 8° 21° East, along Easterly line of said highway 200.0 feet to the point of beginning, containing 3.0 acres more or less.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) TRIBE.—The term "Tribe" means the Paiute Indian Tribe of Utah.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES).

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 680.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 680 is sponsored by the gentleman from Utah (Mr. CANNON). The legislation authorizes the Secretary of the Interior to take a three-acre parcel of land owned by the Paiute Indian Tribe out of trust so that the tribe can sell it to the City of Richfield, Utah. The land would be sold only on a willing seller's basis for fair market value and would be used by the city to expand its municipal airport.

The bill also authorizes the Secretary to transfer three parcels of trust land to two of the Tribe's constituent bands. The parcels, each of which is one acre or less, will remain in trust for the benefit of the individual bands.

Finally, H.R. 680 changes the name of the Cedar City Band of Paiute Indians of Utah to the Cedar Band of Paiute Indians of Utah.

The tribe and all local entities support the bill. An identical version of this bill was passed in the House on October 10, 2004, but no action occurred in the Senate before the Congress adjourned.

I urge the adoption of this noncontroversial bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as Congressional action is required for lands in trust to be sold and the Paiute Indian Tribe of Utah has contacted us for assistance, we are supportive of authorizing the Secretary to convey these lands as directed by the Tribe. We support the Tribe's sovereign decision to sell these lands and wish them the best in further economic development.

We urge our colleagues to support H.R. 680.

Mr. Speaker, I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 680.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

NEVADA NATIONAL FOREST LAND DISPOSAL ACT OF 2005

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 816) to direct the Secretary of Agriculture to sell certain parcels of National Forest System land in Carson City and Douglas County, Nevada.

The Clerk read as follows:

H.R. 816

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nevada National Forest Land Disposal Act of 2005".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The United States owns, and the Forest Service administers, land in small and large parcels in Carson City and Douglas County, Nevada.

(2) Much of this Federal land is interspersed with or adjacent to private land, which renders the Federal land difficult, inefficient, and expensive for the Forest Service to manage and more appropriate for disposal.

(3) In order to promote responsible and orderly development in Carson City and Douglas County, Nevada, appropriate parcels of the Federal land should be sold by the Federal Government based on recommendations made by units of local government and the public.

(b) PURPOSE.—The purpose of this Act is to provide for the sale of certain parcels of National Forest System land in Carson City and Douglas County, Nevada.

SEC. 3. DISPOSAL OF NATIONAL FOREST SYSTEM LANDS, CARSON CITY AND DOUGLAS COUNTY, NEVADA.

(a) DISPOSAL REQUIRED.—The Secretary of Agriculture (in this section referred to as the "Secretary") shall sell any right, title, or interest of the United States in and to the following parcels of National Forest System lands in Carson City or Douglas County, Nevada:

(1) The parcel of land referred to as the "Carson Parcel", consisting of approximately 3 acres, and more particularly described as being a portion of the southeast quarter, section 31, township 15 north, range 20 east, Mount Diablo Base and Meridian.

(2) The parcel of land referred to as the "Jacks Valley/Highway 395 Parcel", consisting of approximately 28 acres, and more particularly described as being a portion of the northwest quarter of the southeast quarter, section 6, township 14 north, range 20 east, Mount Diablo Base and Meridian.

(3) The parcel of land referred to as the "Indian Hills Parcel", consisting of approximately 75 acres, and more particularly described as being a portion of the southwest quarter, section 18, township 14 north, range 20 east, Mount Diablo Base and Meridian.

(4) The parcel of land referred to as the "Mountain House Area Parcel", consisting of approximately 40 acres, and more particularly described as being a portion of the northwest quarter of the northeast quarter, section 12, township 10 north, range 21 east, Mount Diablo Base and Meridian.

(5) The parcel of land referred to as the "Holbrook Junction Area Parcel", consisting of approximately 80 acres, and more particularly described as being a portion of the west half of the southwest quarter, section 7, township 10 north, range 22 east, Mount Diablo Base and Meridian.

(6) The two parcels of land referred to as the "Topaz Lake Parcels", consisting of approximately 5 acres (approximately 2.5 acres per parcel), and more particularly described as being portions of the northwest quarter, section 29, township 10 north, range 22 east, Mount Diablo Base and Meridian.

(b) MODIFICATION OF DESCRIPTIONS.—The Secretary may—

(1) correct typographical or clerical errors in the descriptions of land specified in subsection (a); and

(2) for the purposes of soliciting offers for the sale of such land, modify the descriptions based on—

(A) a survey; or

(B) a determination by the Secretary that the modification is in the best interest of the public.

(c) SELECTION AND SALE.—

(1) COORDINATION.—The Secretary shall coordinate the sale of land under this section with the unit of local government in which the land is located.

(2) EXISTING RIGHTS.—The sale of land under this section shall be subject to all valid existing rights, such as rights-of-way, in effect as of the date of the sale. In the case of the parcel described in subsection (a)(2), all access rights in and to United States Highway 395, together with any and all abutter's rights adjacent to the westerly right-of-way line of such highway, within the parcel shall be restricted.

(3) ZONING LAWS.—The sale of land under this section shall be in accordance with local land use planning and zoning laws and regulations.

(4) SOLICITATIONS OF OFFERS.—The Secretary shall solicit offers for the sale of land under this section, subject to any terms or conditions that the Secretary may prescribe. The Secretary may reject any offer made under this section if the Secretary determines that the offer is not adequate or not in the public interest.

(5) METHOD OF SALE.—The Secretary shall sell the land described in subsection (a) at public auction.

(d) DISPOSITION OF PROCEEDS.—

(1) PAYMENTS AND DEPOSITS.—Of the gross proceeds from any sale of land under this section, the Secretary shall—

(A) pay five percent to the State of Nevada for use for the general education program of the State;

(B) pay five percent to the Carson Water Subconservancy District in the State;

(C) deposit 25 percent in the fund established under Public Law 90–171 (commonly known as the "Sisk Act"; 16 U.S.C. 484a); and

(D) retain and use, without further appropriation, the remaining funds for the purpose of expanding the Minden Interagency Dispatch Center in Minden, Nevada, as provided in paragraph (3).

(2) USE OF SISK ACT FUNDS.—The amounts deposited under paragraph (1)(C) shall be available to the Secretary until expended, without further appropriation, for the following purposes:

(A) Reimbursement of costs incurred by the local offices of the Forest Service in carrying out land sales under this section, except that the total amount of reimbursement may not exceed 10 percent of the total proceeds of the lands sales.

(B) The development and maintenance of parks, trails, and natural areas in Carson City, Douglas County, or Washoe County, Nevada, in accordance with a cooperative agreement entered into with the unit of local government in which the park, trail, or natural area is located.

(3) MINDEN INTERAGENCY DISPATCH CENTER.—The Minden Interagency Dispatch Center is located on land made available by the State of Nevada in Minden, Nevada, and will serve as a joint facility for the Forest Service and the Nevada Division of Forestry for the purpose of fighting wildland fires. The expansion of the center shall include living quarters and office space for the Blackmountain Hotshot Crew, a guard station for housing engines and patrol vehicles, an air traffic control tower, a training facility, and a warehouse.

(4) LIMITATION.—None of the amounts made available to the Carson Water Subconservancy District under paragraph (1)(B) shall be used to pay the costs of litigation.

(e) RELATION TO OTHER PROPERTY MANAGEMENT LAWS.—The land described in subsection (a) shall not be subject to chapter 5 of title 40, United States Code.

(f) WITHDRAWAL.—Subject to valid existing rights, all Federal land described in subsection (a) is withdrawn from location, entry, and patent under the public land laws, mining laws, and mineral leasing laws, including geothermal leasing laws.

(g) REVOCATION OF PUBLIC LAND ORDERS.—

(1) IN GENERAL.—To facilitate the sale of parcels of land described in subsection (a), the Secretary shall revoke any public land orders in existence on the date of the enactment of this Act that withdraw the parcels from all forms of appropriation under the public land laws, to the extent that the orders apply to land described in such subsection (a).

(2) EFFECTIVE DATE.—A revocation under paragraph (1) shall be effective on the date on which the instrument conveying the parcels of land subject to the public land order is executed.

(h) REPORT.—The Secretary shall submit to the Committee on Agriculture and the Committee on Resources of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report on all land sales made under this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES).

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 816.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONES of North Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada (Mr. GIBBONS), the author of this bill.

Mr. GIBBONS. Mr. Speaker, to my friend and colleague, the gentleman from North Carolina (Mr. JONES), I want to thank him for his courtesy in granting me time to rise today in support of the legislation I introduced, H.R. 816, the Nevada National Forest Disposal Act.

Mr. Speaker, Nevada has a unique relationship with the Federal Government, because 91.9 percent of the land within that State is either federally owned or federally controlled. As a native and a public servant of this great State, I am committed to promoting sensible land management policies that allow for responsible economic development, while protecting our precious natural resources and scenic vistas. My bill, the Nevada National Forest Disposal Act, is a model for such development.

The bill provides for the sale of six small tracts of land at public auction for fair market value. The sale of this land will allow responsible planning and economic development in Carson City and Douglas County.

These parcels of land, Mr. Speaker, are land that are not pristine forest lands. In fact, there is barely any vegetation at all that can be found on these lots. The parcels are small tracts of land, each bordered by private lands on at least two sides, either within residential areas or next to a highway.

The Forest Service faces many challenges when it comes to managing these lots, and because of the nature of their location they are simply magnets for trash. I think we can all agree that the Forest Service should not have to divert resources away from their mission to deal with small tracts of land that often become an unfortunate dumping ground for a community.

Developing these lands, Mr. Speaker, would benefit the community by providing more economic opportunity and removing what some find to be an eyesore amidst commercial and residential areas, certainly not pristine forest land.

The proceeds of this land sale benefit the community, the State of Nevada and the Forest Service. Sixty-five percent of the proceeds from the land being sold will go to fund an interagency wildland fire suppression center. This center will help to protect the wildland-urban interface that surrounds the community. Twenty-five percent of the proceeds goes to the Forest Service to be used for development and maintenance of parks, trails and natural areas in the Carson City, Douglas County and Washoe County areas. Of the remaining 10 percent of the revenue, 5 percent will go to Nevada's general education fund and 5 percent will go to the Carson Water Subconservancy District.

Mr. Speaker, this is sound public policy. It is sound public land management policy for the Federal Government to dispose of tracts of land such as these that do not warrant Federal protection and use the revenue to manage vital areas of Federal ownership. This particular land disposal is important to the State of Nevada. It is supported by the community, and I urge my colleagues to support it.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as my distinguished colleague the gentleman from Nevada (Mr. GIBBONS) has explained, this legislation provides for the disposal of specific forest lands in Nevada and specifies the uses of those funds from the sale of these lands.

The gentleman from California (Chairman POMBO) succeeded in moving this legislation through the House during the last Congress. We do not object to the passage of this legislation at this time.

Mr. Speaker, I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 816.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CREATING OFFICE OF CHIEF FINANCIAL OFFICER OF GOVERNMENT OF VIRGIN ISLANDS

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 62) to create the Office of Chief Financial Officer of the Government of the Virgin Islands, and for other purposes.

The Clerk read as follows:

H.R. 62

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHIEF FINANCIAL OFFICER OF THE VIRGIN ISLANDS.

(a) APPOINTMENT OF CHIEF FINANCIAL OFFICER.—

(1) IN GENERAL.—The Governor of the Virgin Islands shall appoint a Chief Financial Officer, with the advice and consent of the Legislature of the Virgin Islands, from the names on the list required under section 2(d). If the Governor has nominated a person for Chief Financial Officer but the Legislature of the Virgin Islands has not confirmed a nominee within 90 days after receiving the list pursuant to section 2(d), the Governor shall appoint from such list a Chief Financial Officer on an acting basis until the Legislature consents to a Chief Financial Officer.

(2) ACTING CHIEF FINANCIAL OFFICER.—If a Chief Financial Officer has not been appointed under paragraph (1) within 180 days after the date of the enactment of this Act, the Virgin Islands Chief Financial Officer Search Commission, by majority vote, shall appoint from the names on the list submitted under section 2(d), an Acting Chief Financial Officer to serve in that capacity until a Chief Financial Officer is appointed under the first sentence of paragraph (1). In either case, if the Acting Chief Financial Officer serves in an acting capacity for 180 consecutive days, without further action the Acting Chief Financial Officer shall become the Chief Financial Officer.

(b) TRANSFER OF FUNCTIONS.—

(1) IN GENERAL.—Upon the appointment of a Chief Financial Officer under subsection (a), the functions of the Director of the Office of Management and Budget established under the laws of the Virgin Islands shall be transferred to the Chief Financial Officer. All employees of the Office of Management and Budget become employees of the Office of the Chief Financial Officer.

(2) DOCUMENTS PROVIDED.—The heads of each department of the Government of the Virgin Islands, in particular the head of the Department of Finance of the Virgin Islands and the head of the Internal Revenue Bureau of the Virgin Islands shall provide all documents and information under the jurisdiction of that head that the Chief Financial Officer considers required to carry out his or her functions to the Chief Financial Officer.

(c) DUTIES OF CHIEF FINANCIAL OFFICER.—The duties of the Chief Financial Officer shall include the following:

(1) Assume the functions and authority of the office of the Office of Management and Budget established under the laws of the Virgin Islands as transferred under subsection (b).

(2) Develop a report on the financial status of the Government of the Virgin Islands not later than 6 months after appointment and quarterly thereafter. Such reports shall be available to the public and shall be submitted to the Committee on Resources in the House of Representatives and the Committee on Energy and Natural Resources in the Senate.

(3) Each year certify spending limits of the annual budget and whether or not the annual budget is balanced.

(4) Monitor operations of budget for compliance with spending limits, appropriations, and laws, and direct adjustments where necessary.

(5) Develop standards for financial management, including inventory and contracting, for the government of the Virgin islands in general and for each agency in conjunction with the agency head.

(6) Oversee all aspects of the implementation of the financial management system provided pursuant to section 3 to ensure the coordination, transparency, and networking of all agencies' financial, personnel, and budget functions.

(7) Provide technical staff to the Governor and legislature of the Virgin Islands for development of a deficit reduction and financial recovery plan.

(d) DEPUTY CHIEF FINANCIAL OFFICER.—Until the date that is 5 years after the date of the enactment of this Act, the position of the Director of the Office of Management and Budget of the Virgin Islands shall—

(1) have the duties, salary (as specified in subsection (f)(3)), and other conditions of the Deputy Chief Financial Officer in lieu of the duties, salary, and other conditions of the

Director of the Office of Management and Budget of the Virgin Islands as such functions existed before the appointment of the Chief Financial Officer; and

(2) assist the Chief Financial Officer in carrying out the duties of the Chief Financial Officer.

(e) CONDITIONS RELATED TO CHIEF FINANCIAL OFFICER.—

(1) TERM.—The Chief Financial Officer shall be appointed for a term of 5 years.

(2) REMOVAL.—The Chief Financial Officer shall not be removed except for cause. An Acting Chief Financial Officer may be removed for cause or by a Chief Financial Officer appointed with the advice and consent of the Legislature of the Virgin Islands.

(3) REPLACEMENT.—If the Chief Financial Officer is unable to continue acting in that capacity due to removal, illness, death, or otherwise, another Chief Financial Officer shall be selected in accordance with subsection (a).

(4) SALARY.—The Chief Financial Officer shall be paid at a salary to be determined by the Governor of the Virgin Islands, except such rate may not be less than the highest rate of pay for a cabinet officer of the Government of the Virgin Islands or a Chief Financial Officer serving in any government or semi autonomous agency.

(f) CONDITIONS RELATED TO DEPUTY CHIEF FINANCIAL OFFICER.—

(1) TERM; REMOVAL.—The Deputy Chief Financial Officer shall serve at the pleasure of the Chief Financial Officer.

(2) REPLACEMENT.—If the Deputy Chief Financial Officer is unable to continue acting in that capacity due to removal, illness, death, or otherwise, another person shall be selected by the Governor of the Virgin Islands to serve as Deputy Chief Financial Officer.

(3) SALARY.—The Deputy Chief Financial Officer shall be paid at a salary to be determined by the Chief Financial Officer, except such rate may not be less than the rate of pay of the Director of the Office of Management and Budget.

(g) RESUMPTION OF FUNCTIONS.—On the date that is 5 years after the date of the enactment of this Act, the functions of the Chief Financial Officer shall be transferred to the Director of the Office of Management and Budget of the Virgin Islands.

(h) SUNSET.—This section shall cease to have effect after the date that is 5 years after the date of the enactment of this Act.

SEC. 2. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the "Virgin Islands Chief Financial Officer Search Commission".

(b) DUTY OF COMMISSION.—The Commission shall recommend to the Governor not less than 3 candidates for nomination as Chief Financial Officer of the Virgin Islands. Each candidate must have demonstrated ability in general management of, knowledge of, and extensive practical experience at the highest levels of financial management in governmental or business entities and must have experience in the development, implementation, and operation of financial management systems. Candidates shall not have served in a policy making or unclassified position of the Government of the Virgin Islands in the 10 years immediately preceding appointment as Chief Financial Officer.

(c) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 9 members appointed not later than 30 days after the date of the enactment of this Act. Persons appointed as members must have recognized business, government, or financial expertise and experience and shall be appointed as follows:

(A) 1 individual appointed by the Governor of the Virgin Islands.

(B) 1 individual appointed by the President of the Legislature of the Virgin Islands.

(C) 1 individual, who is an employee of the Government of the Virgin Islands, appointed by the Central Labor Council of the Virgin Islands.

(D) 1 individual appointed by the Chamber of Commerce of St. Thomas-St. John.

(E) 1 individual appointed by the Chamber of Commerce of St. Croix.

(F) 1 individual appointed by the President of the University of the Virgin Islands.

(G) 1 individual appointed by the Chief Judge of the Virgin Islands Territorial Court.

(H) 1 individual, who is a resident of St. John, appointed by the At-Large Member of the Legislature of the Virgin Islands.

(I) 1 individual appointed by the Advocates for the Preservation of the Retirement System.

(2) TERMS.—

(A) IN GENERAL.—Each member shall be appointed for the life of the Commission.

(B) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made. Any member appointed to fill a vacancy shall be appointed for the remainder of that term.

(3) BASIC PAY.—Members shall serve without pay.

(4) QUORUM.—Five members of the Commission shall constitute a quorum.

(5) CHAIRPERSON.—The Chairperson of the Commission shall be the Chief Judge of the Territorial Court or her designee and shall serve as an ex officio member of the Commission and shall vote only in the case of a tie.

(6) MEETINGS.—The Commission shall meet at the call of the Chairperson. The Commission shall meet for the first time not later than 15 days after all members have been appointed under this subsection.

(7) GOVERNMENT EMPLOYMENT.—Members may not be current government employees, except for the member appointed under paragraph (1)(C); and

(d) REPORT; RECOMMENDATIONS.—The Commission shall transmit a report to the Governor and the Resources Committee of the House of Representatives and the Committee on Energy and Natural Resources of the Senate not later than 60 days after its first meeting. The report shall name the Commission's recommendations for candidates for nomination as Chief Financial Officer of the Virgin Islands.

(e) TERMINATION.—The Commission shall terminate 210 days after its first meeting.

SEC. 3. FINANCIAL MANAGEMENT SYSTEM.

It is hereby authorized to be appropriated such sums as necessary for the installation of a Financial Management System, including appropriate computer hardware and software, to the Government of the Virgin Islands. Upon becoming available, the financial management system shall be available to the Chief Financial Officer and, after the date that is 5 years after the date of the enactment of this Act, the Director of the Office of Management and Budget of the Virgin Islands, to assist the Chief Financial Officer or the Director of the Office of Management and Budget of the Virgin Islands, as the case may be, to carry out the official duties of that office.

SEC. 4. DEFINITIONS.

For the purposes of this Act, the following definitions apply:

(1) CHIEF FINANCIAL OFFICER.—In sections 1 and 2, the term "Chief Financial Officer" means a Chief Financial Officer or Acting Chief Financial Officer, as the case may be, appointed under section 1(a).

(2) COMMISSION.—The term "Commission" means the Virgin Islands Chief Financial Officer Search Commission established pursuant to section 2.

(3) GOVERNOR.—The term "Governor" means the Governor of the Virgin Islands.

(4) REMOVAL FOR CAUSE.—The term "removal for cause" means removal based upon misconduct, failure to meet job requirements, or any grounds that a reasonable person would find grounds for discharge.

SEC. 5. NO ABROGATION OF POWERS.

Nothing in this Act shall be construed to permit the Governor and Legislature of the Virgin Islands to dilute, delegate, or otherwise alter or weaken the powers and authority of the Office of Management and Budget established under the laws of the Virgin Islands.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES).

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 62.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, our colleague, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), has introduced legislation to address a potentially serious problem relating to her territory's financial future. Her legislation, H.R. 62, would create an Office of Chief Financial Officer for the United States Virgin Islands.

For over a decade now, multiple factors have led to a worsening financial outlook in this territory. Natural disasters, a gradually declining tourism industry and resulting spending decisions by the local government have left the U.S. Virgin Islands with significant annual deficits. Further, this territory now faces a debt totaling $1 billion.

This legislation uses local and Federal input to select a Chief Financial Officer. The CFO will tackle the difficult fiscal and related political decisions with regard to spending on these islands. This position will be temporary and will be empowered to stop wasteful spending and put this territory on the track to more sound economic footing.

The financial practices of the United States Virgin Islands have taken a primary position in the minds of its citizens and thus remain of great importance to my colleague, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN). Without this legislation, one must worry that the Federal Government may have to take even more direct action if this debt continues to increase.

Finally, I would like to also point out that identical legislation, H.R. 3589, was passed by the Committee on Resources in the 108th Congress and by the whole House on September 22, 2004. We are hopeful that early action on this legislation during the Congressional session will translate into more momentum for the enactment of H.R. 62.

□ 1430

I hope bipartisan support of this legislation will continue, and I urge adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we are poised to pass this bill for the second time. I thank the gentleman from North Carolina (Mr. JONES) for his kind and supportive remarks. I also want to take this opportunity to thank the gentleman from California (Mr. POMBO) and the gentleman from West Virginia (Mr. RAHALL), particularly, but all of the members of the House Committee on Resources and the staff on both sides for their unwavering support in getting this bill to the floor again today.

Mr. Speaker, most people in my district agree that with the passage of this bill, H.R. 62, which would create a Chief Financial Officer for the U.S. Virgin Islands, we will make an important step forward and lay a stronger foundation for our children's future. We also would restore the confidence of the public in our government.

While it has not been an easy journey, it has become very clear that the people of the Virgin Islands recognize the need for more accountability, transparency, and efficiency in the management of Federal and local funding. The implementation of an independent CFO is clearly not the only way to achieve this, but it is the only viable proposal that has come forward over the last 8 years or more of increasing deficits and narrowly averted fiscal crises, crises which have only been delayed through repeated borrowing.

Included in H.R. 62 is also funding for the planning and implementation of a financial management system. This is a critical part of the bill and the responsibility of the Chief Financial Officer this bill would create. While the groundwork has already begun under the current administration, it is my belief, given the millions of dollars that have been spent in the past on financial systems, that the only way to ensure that it is fully transparent, networked, and integrated is if it is overseen by someone who is independent and has no official territory to protect.

This is not to cast any aspersions on the hardworking public servants who currently head or work at any of our departments, including our Office of Management and Budget. Protecting one's turf is simply human nature. On the other hand, the system under which they labor is outdated, cumbersome, ineffective and cannot support the missions of their offices or the optimal functioning of our government.

I would be remiss, however, if I did not commend the Governor and his staff for the recent steps they have taken to restore our government to fiscal health. Yet our public services, our salaries, our contracting process with compliance with contracts, our infrastructure, and our accounting is not where it needs to be. And the fiscal information needed for effective planning is simply unavailable in a reliable form.

While the support for my bill is not unanimous, especially in the higher echelons of local leadership at home, it is broad. It exists at all levels of our society, and it spans all three islands.

I do not want to belabor the reasons which made it necessary for this bill to be here before this body today, except to say that major hurricanes, changes in Federal tax policy, as well as a systemic dysfunction in central government operations, have played a role.

There is no need or reason to point blame, but shame on us if we do not provide the leadership for which we were elected, and fix the problem. Pushing for passage of this bill has neither been easy nor have I taken it lightly. I understand the consequences of stepping beyond the political status quo, as I have done with this legislation; but I have also seen in other jurisdictions the consequences of acting as though everything was fine and doing nothing. And I have pursued it on behalf of and because of the strong and unwaiving support of the people of the U.S. Virgin Islands.

I want to thank my colleagues again for their support and ask for a "yea" vote.

Mr. RAHALL. Mr. Speaker, in my capacity as the ranking Democratic member of the Resources Committee, I would like to register my strong support of H.R. 62, to create the office of chief financial officer for the territory of the U.S. Virgin Islands.

This Chamber passed similar legislation in the 108th Congress because of the tireless and tenacious efforts of Mrs. CHRISTENSEN. Today, we are bringing up this legislation early in the Congress hoping the Senate will act on it expeditiously.

The financial condition of the Virgin Islands remains in trouble. Skyrocketing deficits coupled with inadequate fiscal controls have left the local government struggling to provide basic services to the people of the Virgin Islands.

Just last week, the U.S. Department of Education issued an order to the Virgin Islands Government to hire an independent contractor to manage approximately $35 million in annual grants because the local government did not have a financial system in place to adequately account for the grants. Regrettably, this recent order was not the first of its kind by one of our Federal agencies levied against the local Virgin Islands Government.

Clearly, the lack of financial accountability and the potential for financial insolvency of the territory did not occur overnight. Nevertheless the introduction of this measure, by the distinguished representative of the Virgin Islands, DONNA CHRISTENSEN, continues to be met with controversy and opposition from many local political leaders.

DONNA CHRISTENSEN has made it clear that this legislation is something that she would rather not have to do, but the circumstances of her territory have made the choices for her. She is a brave woman for fighting for what she believes is in the best interest of her constituents and for her island and she should be commended.

Virgin Islands history will tout this legislation as a turning point in the fundamental approach that the territory handles its financial affairs.

I have said it before, and I will say it again today: When the next chapter in Profiles in Courage is written, it will be about the gentlelady from the Virgin Islands, DONNA CHRISTENSEN.

I urge my colleagues to support favorable passage by this body of H.R. 62.

Ms. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 62.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

WESTERN RESERVE HERITAGE AREAS STUDY ACT

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 412) to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of establishing the Western Reserve Heritage Area.

The Clerk read as follows:

H.R. 412

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Western Reserve Heritage Areas Study Act".

SEC. 2. NATIONAL PARK SERVICE STUDY REGARDING THE WESTERN RESERVE, OHIO.

(a) FINDINGS.—The Congress finds the following:

(1) The area that encompasses the modern-day counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland in Ohio with the rich history in what was once the Western Reserve, has made a unique contribution to the cultural, political and industrial development of the United States.

(2) The Western Reserve is distinctive as the land settled by the people of Connecticut after the Revolutionary War. The Western Reserve holds a unique mark as the original wilderness land of the West that many settlers migrated to in order to begin life outside of the original 13 colonies.

(3) The Western Reserve played a significant role in providing land to the people of Connecticut whose property and land was destroyed during the Revolution. These settlers were descendants of the brave immigrants who came to the Americas in the 17th century.

(4) The Western Reserve offered a new destination for those who moved west in search of land and prosperity. The agricultural and industrial base that began in the Western Reserve still lives strong in these prosperous and historical counties.

(5) The heritage of the Western Reserve remains transfixed in the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland in Ohio. The people of these counties are proud of their heritage as shown through the unwavering attempts to preserve agricultural land and the industrial foundation that has been embedded in this region since the establishment of the Western Reserve. Throughout these counties, historical sites, and markers preserve the unique traditions and customs of its original heritage.

(6) The counties that encompass the Western Reserve continue to maintain a strong connection to its historic past as seen through its preservation of its local heritage, including historic homes, buildings, and centers of public gatherings.

(7) There is a need for assistance for the preservation and promotion of the significance of the Western Reserve as the natural, historic and cultural heritage of the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa and Ashland in Ohio.

(8) The Department of the Interior is responsible for protecting the Nation's cultural and historical resources. There are significant examples of such resources within these counties and what was once the Western Reserve to merit the involvement of the Federal Government in the development of programs and projects, in cooperation with the State of Ohio and other local governmental entities, to adequately conserve, protect, and interpret this heritage for future generations, while providing opportunities for education and revitalization.

(b) STUDY.—

(1) IN GENERAL.—The Secretary, acting through the National Park Service Rivers, Trails, and Conservation Assistance Program, Midwest Region, and in consultation with the State of Ohio, the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland, and other appropriate organizations, shall carry out a study regarding the suitability and feasibility of establishing the Western Reserve Heritage Area in these counties in Ohio.

(2) CONTENTS.—The study shall include analysis and documentation regarding whether the Study Area—

(A) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(B) reflects traditions, customs, beliefs, and folklife that are a valuable part of the national story;

(C) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(D) provides outstanding recreational and educational opportunities;

(E) contains resources important to the identified theme or themes of the Study Area that retain a degree of integrity capable of supporting interpretation;

(F) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles for all participants, including the Federal Government, and have demonstrated support for the concept of a national heritage area;

(G) has a potential management entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity;

(H) has a conceptual boundary map that is supported by the public; and

(I) has potential or actual impact on private property located within or abutting the Study Area.

(c) BOUNDARIES OF THE STUDY AREA.—The Study Area shall be comprised of the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland in Ohio.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES).

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 412.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 412 introduced by the gentleman from Ohio (Mr. RYAN), would authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of establishing the Western Reserve Heritage Area. The proposed study area under this bill would encompass 14 modern-day counties in Ohio which throughout history have made a unique contribution to the cultural, political, and industrial development of the United States.

The Western Reserve is every bit as distinctive as the land settled by the people of Connecticut after the Revolutionary War and holds a unique mark as the original wilderness in the West that many settlers migrated to in order to begin life outside the original 13 colonies.

Mr. Speaker, H.R. 412 mirrors legislation that was supported by the majority and minority of the committee and the administration and passed the House during the 108th Congress. I urge adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, National Heritage areas are grassroots projects where business and community leaders, local residents and State and local governments come together as neighbors to conserve and interpret the valuable historic and scenic resources in their communities.

Through the National Heritage Area Program, the National Park Service provides seed money and technical expertise to get these local projects off the ground and to leverage private, long-term funding for these areas.

H.R. 412, sponsored by our colleague, the gentleman from Ohio (Mr. RYAN), will authorize a study to determine whether or not an area in Ohio once known as the Western Reserve would qualify as a National Heritage Area.

The House approved this legislation during the 108th Congress, but the measure was never taken up in the other body.

The gentleman from Ohio (Mr. RYAN) is to be commended for his efforts on behalf of the communities that would be included in this new area.

Despite being a relatively new Member of Congress, the gentleman from Ohio (Mr. RYAN) is already demonstrating a willingness to work tirelessly on behalf of communities in need of the kind of Federal support the Heritage Area Program can provide.

We look forward to working with the gentleman from Ohio (Mr. RYAN) to create the Western Reserve Heritage Area should the study we are authorizing today support such a move. The gentleman from West Virginia (Mr. RAHALL) and I congratulate the gentleman from Ohio (Mr. RYAN) on this important legislation and urge our colleagues to support H.R. 412.

Mr. Speaker. I yield such time as he may consume to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Speaker, in 1792 citizens came to northern Ohio to find a place to call their own after the American Revolution forced many out of house and home. They called this place the Western Reserve. It was a place of new beginnings, and these fervent and industrious people made Ohio strong and prosperous. These settlers, mostly from Connecticut, were descendants of the brave immigrants who came to the Americas in the 17th century.

It is with great honor that by passing this legislation we will preserve the integrity of the cultural landscape for future generations to call home.

The Western Reserve is significant to our Nation's history, and it will be through education and public investment that we will help redefine our communities with the designation they so deserve.

The Western Reserve holds the distinction of being home to three U.S. Presidents and three U.S. Supreme Court Justices. This was home to the foundation of the steel industry and the world's rubber capital. The Western Reserve had the first U.S. newspaper for African Americans and the oldest labor newspaper. We are an inventive people, with many firsts in the automotive and electrical worlds. This is the birthplace of Thomas Edison and John Brown, the famous abolitionist.

We have regional strengths that set us apart from other areas, from our respected universities to our diverse business community to a wide range of natural and recreational resources. The agricultural and industrial base that began in the Western Reserve still lives strong in these prosperous and historical counties. These counties include Trumbull, Mahoning, Summit, Portage, Ashtabula, Cuyahoga, Medina, Ottawa, Ashland, Lake, Geauga, Lorain, Huron, and Erie.

The Western Reserve Heritage Area will unite northern Ohio and will help develop a plan focused on conserving the special qualities of the local culture and landscape that will once again define these communities as a good place to settle and make new beginnings.

We are already starting to see some of the benefits. The original Packard car was developed in this Western Reserve and the annual event that we have brings $5 million to Trumbull County in travel tourism money.

I would just like to share a quote because now, not only with the Western Reserve Heritage Area coming together, the counties in the old Western Reserve are coming together economically as well. The foundations are coming together to focus their efforts and their money and certain aspects that will help transform our economy. I would just like to share a quote from the fund of all of these, the Fund For Our Economic Future and the fund chairman, Robert Briggs, says that "most of the pieces needed to make northeast Ohio a global economic powerhouse are in place. One of the missing pieces, however, is a shared vision and understanding that the residents in these counties in northeast Ohio are interconnected in a regional economy. By breaking down jurisdictional boundaries created by cities and counties and thinking regionally, we will think economic transformation to stimulate exponential growth."

The Western Reserve Heritage Area can be the organizing principle of this area and lead to the transformation of our economy.

I thank my colleagues for the opportunity to share these views today.

Mrs. CHRISTENSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 412.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GULLAH/GEECHEE CULTURAL HERITAGE ACT

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 694) to enhance the preservation and interpretation of the Gullah/Geechee cultural heritage, and for other purposes, as amended.

The Clerk read as follows:

H.R. 694

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gullah/Geechee Cultural Heritage Act".

SEC. 2. PURPOSES.

The purposes of this Act are to—

(1) recognize the important contributions made to American culture and history by African Americans known as the Gullah/Geechee who settled in the coastal counties of South Carolina, Georgia, North Carolina, and Florida;

(2) assist State and local governments and public and private entities in South Carolina, Georgia, North Carolina, and Florida in interpreting the story of the Gullah/Geechee and preserving Gullah/Geechee folklore, arts, crafts, and music; and

(3) assist in identifying and preserving sites, historical data, artifacts, and objects associated with the Gullah/Geechee for the benefit and education of the public.

SEC. 3. DEFINITIONS.

For the purposes of this Act, the following definitions apply:

(1) COMMISSION.—The term "Commission" means the Gullah/Geechee Cultural Heritage Corridor Commission established under this Act.

(2) HERITAGE CORRIDOR.—The term "Heritage Corridor" means the Gullah/Geechee Cultural Heritage Corridor established by this Act.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. GULLAH/GEECHEE CULTURAL HERITAGE CORRIDOR.

(a) ESTABLISHMENT.—There is established the Gullah/Geechee Cultural Heritage Corridor.

(b) BOUNDARIES.—

(1) IN GENERAL.—The Heritage Corridor shall be comprised of those lands and waters generally depicted on a map entitled "Gullah/Geechee Cultural Heritage Corridor" numbered GGCHC 80,000 and dated September 2004. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and in an appropriate State office in each of the States included in the Heritage Corridor. The Secretary shall publish in the Federal Register, as soon as practicable after the date of enactment of this Act, a detailed description and map of the boundaries established under this subsection.

(2) REVISIONS.—The boundaries of the heritage corridor may be revised if the revision is—

(A) proposed in the management plan developed for the Heritage Corridor;

(B) approved by the Secretary in accordance with this Act; and

(C) placed on file in accordance with paragraph (1).

(c) ADMINISTRATION.—The Heritage Corridor shall be administered in accordance with the provisions of this Act.

SEC. 5. GULLAH/GEECHEE CULTURAL HERITAGE CORRIDOR COMMISSION.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the "Gullah/Geechee Cultural Heritage Corridor Commission" whose purpose shall be to assist Federal, State, and local authorities in the development and implementation of a management plan for those land and waters specified in section 4.

(b) MEMBERSHIP.—The Commission shall be composed of 15 members appointed by the Secretary as follows:

(1) Four individuals nominated by the State Historic Preservation Officer of South Carolina and two individuals each nominated by the State Historic Preservation Officer of each of Georgia, North Carolina, and Florida and appointed by the Secretary.

(2) Two individuals from South Carolina and one individual from each of Georgia, North Carolina, and Florida who are recognized experts in historic preservation, anthropology, and folklore, appointed by the Secretary.

(c) TERMS.—Members of the Commission shall be appointed to terms not to exceed 3 years. The Secretary may stagger the terms of the initial appointments to the Commission in order to assure continuity of operation. Any member of the Commission may serve after the expiration of their term until a successor is appointed. A vacancy shall be filled in the same manner in which the original appointment was made.

(d) TERMINATION.—The Commission shall terminate 10 years after the date of the enactment of this Act.

SEC. 6. OPERATION OF THE COMMISSION.

(a) DUTIES OF THE COMMISSION.—To further the purposes of the Heritage Corridor, the Commission shall—

(1) prepare and submit a management plan to the Secretary in accordance with section 7;

(2) assist units of local government and other persons in implementing the approved management plan by—

(A) carrying out programs and projects that recognize, protect, and enhance important resource values within the Heritage Corridor;

(B) establishing and maintaining interpretive exhibits and programs within the Heritage Corridor;

(C) developing recreational and educational opportunities in the Heritage Corridor;

(D) increasing public awareness of and appreciation for the historical, cultural, natural, and scenic resources of the Heritage Corridor;

(E) protecting and restoring historic sites and buildings in the Heritage Corridor that are consistent with heritage corridor themes;

(F) ensuring that clear, consistent, and appropriate signs identifying points of public access and sites of interest are posted throughout the Heritage Corridor; and

(G) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Corridor;

(3) consider the interests of diverse units of government, business, organizations, and individuals in the Heritage Corridor in the preparation and implementation of the management plan;

(4) conduct meetings open to the public at least quarterly regarding the development and implementation of the management plan;

(5) submit an annual report to the Secretary for any fiscal year in which the Commission receives Federal funds under this Act, setting forth its accomplishments, expenses, and income, including grants made to any other entities during the year for which the report is made;

(6) make available for audit for any fiscal year in which it receives Federal funds under this Act, all information pertaining to the expenditure of such funds and any matching funds, and require all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organization make available for audit all records and other information pertaining to the expenditure of such funds; and

(7) encourage by appropriate means economic viability that is consistent with the purposes of the Heritage Corridor.

(b) AUTHORITIES.—The Commission may, for the purposes of preparing and implementing the management plan, use funds made available under this Act to—

(1) make grants to, and enter into cooperative agreements with, the States of South Carolina, North Carolina, Florida, and Georgia, political subdivisions of those States, a nonprofit organization, or any person;

(2) hire and compensate staff;

(3) obtain funds from any source including any that are provided under any other Federal law or program; and

(4) contract for goods and services.

SEC. 7. MANAGEMENT PLAN.

(a) IN GENERAL.—The management plan for the Heritage Corridor shall—

(1) include comprehensive policies, strategies, and recommendations for conservation, funding, management, and development of the Heritage Corridor;

(2) take into consideration existing State, county, and local plans in the development of the management plan and its implementation;

(3) include a description of actions that governments, private organizations, and individuals have agreed to take to protect the historical, cultural, and natural resources of the Heritage Corridor;

(4) specify the existing and potential sources of funding to protect, manage, and develop the Heritage Corridor in the first 5 years of implementation;

(5) include an inventory of the historical, cultural, natural, resources of the Heritage Corridor related to the themes of the Heritage Corridor that should be preserved, restored, managed, developed, or maintained;

(6) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the Heritage Corridor's historical, cultural, and natural resources;

(7) describe a program for implementation of the management plan including plans for resources protection, restoration, construction, and specific commitments for implementation that have been made by the Commission or any government, organization, or individual for the first 5 years of implementation;

(8) include an analysis and recommendations for the ways in which Federal, State, or local programs may best be coordinated to further the purposes of this Act; and

(9) include an interpretive plan for the Heritage Corridor.

(b) SUBMITTAL OF MANAGEMENT PLAN.—The Commission shall submit the management plan to the Secretary for approval not later than 3 years after funds are made available for this Act.

(c) FAILURE TO SUBMIT.—If the Commission fails to submit the management plan to the Secretary in accordance with subsection (b), the Heritage Corridor shall not qualify for Federal funding until the management plan is submitted.

(d) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretary shall approve or disapprove the management plan not later than 90 days after receiving the management plan.

(2) CRITERIA.—In determining whether to approve the management plan, the Secretary shall consider whether—

(A) the Commission has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan;

(B) the resource preservation and interpretation strategies contained in the management plan would adequately protect the cultural and historic resources of the Heritage Corridor; and

(C) the Secretary has received adequate assurances from appropriate State and local officials whose support is needed to ensure the effective implementation of the State and local aspects of the plan.

(3) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan, the Secretary shall advise the Commission in writing of the reasons therefor and shall make recommendations for revisions to the management plan. The Secretary shall approve or disapprove a proposed revision not later than 60 days after the date it is submitted.

(4) APPROVAL OF AMENDMENTS.—Substantial amendments to the management plan shall be reviewed and approved by the Secretary in the same manner as provided in the original management plan. The Commission shall not use Federal funds authorized by this Act to implement any amendments until the Secretary has approved the amendments.

SEC. 8. TECHNICAL AND FINANCIAL ASSISTANCE.

(a) IN GENERAL.—Upon a request of the Commission, the Secretary may provide technical and financial assistance for the development and implementation of the management plan.

(b) PRIORITY FOR ASSISTANCE.—In providing assistance under subsection (a), the Secretary shall give priority to actions that assist in—

(1) conserving the significant cultural, historical, and natural resources of the Heritage Corridor; and

(2) providing educational and interpretive opportunities consistent with the purposes of the Heritage Corridor.

(c) SPENDING FOR NON-FEDERAL PROPERTY.—

(1) IN GENERAL.—The Commission may expend Federal funds made available under this Act on nonfederally owned property that is—

(A) identified in the management plan; or

(B) listed or eligible for listing on the National Register for Historic Places.

(2) AGREEMENTS.—Any payment of Federal funds made pursuant to this Act shall shall be subject to an agreement that conversion, use, or disposal of a project so assisted for purposes contrary to the purposes of this Act, as determined by the Secretary, shall result in a right of the United States to compensation of all funds made available to that project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

SEC. 9. DUTIES OF OTHER FEDERAL AGENCIES.

Any Federal agency conducting or supporting activities directly affecting the Heritage Corridor shall—

(1) consult with the Secretary and the Commission with respect to such activities;

(2) cooperate with the Secretary and the Commission in carrying out their duties under this Act and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

(3) to the maximum extent practicable, conduct or support such activities in a manner in which the Commission determines will not have an adverse effect on the Heritage Corridor.

SEC. 10. COASTAL HERITAGE CENTERS.

In furtherance of the purposes of this Act and using the authorities made available under this Act, the Commission shall establish one or more Coastal Heritage Centers at appropriate locations within the Heritage Corridor in accordance with the preferred alternative identified in the Record of Decision for the Low Country Gullah Culture Special Resource Study and Environmental Impact Study, December 2003, and additional appropriate sites.

SEC. 11. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this Act shall be construed to require any private property owner to permit public access (including Federal, State, or local government access) to such private property. Nothing in this Act shall be construed to modify any provision of Federal, State, or local law with regard to public access to or use of private lands.

(b) LIABILITY.—Designation of the Heritage Corridor shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) Recognition of Authority to Control Land Use.—Nothing in this Act shall be construed to modify any authority of Federal, State, or local governments to regulate land use.

(d) Participation of Private Property Owners in Heritage Corridor.—Nothing in this Act shall be construed to require the owner of any private property located within the boundaries of the Heritage Corridor to participate in or be associated with the Heritage Corridor.

(e) Effect of Establishment.—The boundaries designated for the Heritage Corridor represent the area within which Federal funds appropriated for the purpose of this Act shall be expended. The establishment of the Heritage Corridor and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Corridor or its viewshed by the Secretary or the management entity.

(f) Notification and Consent of Property Owners Required.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Corridor until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(g) Landowner Withdrawal.—Any owner of private property included within the boundary of the Heritage Corridor shall have their property immediately removed from within the boundary by submitting a written request to the management entity.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There is authorized to be appropriated for the purposes of this Act not more than $1,000,000 for any fiscal year. Not more than a total of $10,000,000 may be appropriated for the Heritage Corridor under this Act.

(b) Cost Share.—Federal funding provided under this Act may not exceed 50 percent of the total cost of any activity for which assistance is provided under this Act.

(c) In-Kind Contributions.—The Secretary may accept in-kind contributions as part of the non-Federal cost share of any activity for which assistance is provided under this Act.

SEC. 13. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this Act shall terminate on the day occurring 15 years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES).

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 694.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 694, introduced by the gentleman from South Carolina (Mr. CLYBURN) and amended by the Committee on Resources, would establish the Gullah/Geechee Cultural Heritage Corridor, comprised of lands and waters important to preserving this unique culture in parts of South Carolina and Georgia.

By way of background, throughout the early 1800s the Gullah/Geechee settled in the coastal counties of South Carolina, Georgia, and Northern Florida, and due largely to their isolated locations have remarkably maintained a great deal of their West African heritage. This bill would assist State and local governments with preserving and interpreting the story of Gullah/Geechee culture and its wonderful folklore, arts, crafts, and music.

H.R. 694, as amended, supports legislation that was supported by the majority and minority as passed the House of Representatives by voice vote during the 108th Congress. The committee amendment simply adds the correct map number and date to the bill.

Mr. Speaker, I urge adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the majority has explained the purpose of H.R. 694, but it is truly fitting that we are proceeding with this legislation.

The Gullah/Geechee culture is unique. These proud people trace their ancestry to enslaved Africans who were forced to live and work along the coastal areas covered by the legislation. Because of the isolation of these coastal lands and islands, African Americans in these areas developed a distinct language as well as unique arts, crafts, music, and religious customs. It is a living culture that continues to evolve today and is definitely one that should be preserved and celebrated. I have had the opportunity in traveling to Charleston, South Carolina, with the distinguished gentleman from South Carolina (Mr. CLYBURN), to whom I will yield shortly, to sample some of that culture and the food as well.

□ 1445

Mr. Speaker, I want to commend my colleague and friend, the gentleman from South Carolina (Mr. CLYBURN), for his work on developing this important legislative initiative. The gentleman from West Virginia (Mr. RAHALL), our ranking member on the Committee on Resources, joins me in congratulating the gentleman from South Carolina (Mr. CLYBURN) for his effort, and we strongly support H.R. 694 and urge its passage before the House today.

Mr. Speaker, I yield such time as he might consume to the gentleman from South Carolina (Mr. CLYBURN), the distinguished vice-chair of the Democratic Caucus.

Mr. CLYBURN. Mr. Speaker, I thank the gentlewoman very much for yielding me the time. I want to thank her for her good work on the subcommittee on this legislation. I want to thank the majority side for their unique understanding of a unique slice of the American culture.

My colleagues may recall, Mr. Speaker, that we passed this legislation last year unanimously. It also passed in the other body, but time ran out before we could reconcile the differences that were in the two bills.

I want to point out today, for those people who may be listening, that this time around we did move to incorporate all of the aspects of the study conducted by the National Park Service. Last year, we only recognized South Carolina and Georgia in the legislation. In this legislation, however, we have moved to bring Florida and North Carolina into the corridor, and that gives it the credibility that a lot of mail I got indicated was lacking the last time around.

I want to just point out that I do not believe there is anyone who has ever traveled to Charleston, South Carolina, or to Beaufort County, South Carolina, or to the Jacksonville area of North Carolina or the Jacksonville area of Florida who have not encountered some unique aspects of this culture. One need only walk the streets of Charleston and see the art of basket weaving, the sweet grass baskets that are made there, all coming out of this culture.

One of the reasons we thought it necessary to move quickly, as the National Park Service urged us to do, was because just that unique craft itself is beginning to dissipate, if not disappear, simply because of the sweet grass that is needed in order to make those baskets is fast disappearing, and we want to do what is necessary to preserve and protect that art and the culture that goes along with it.

I just want to point out, Mr. Speaker, that the communities that are identified along this corridor, many of them in years past were dependent upon textiles and tobacco as a large part of their economy. We all know going forward that that is not going to be a significant part of their future, but we also know that tourism is growing at 6 percent a year. Heritage tourism is growing around 30 percent a year, and we do believe that these communities, with the culture that is indigenous to the area, will benefit greatly from this legislation and bring them into the mainstream of activity of South Carolina's coast, Georgia's coast, Florida and North Carolina going forward.

So I want to thank the Members of this body for the work last year, thank the committee for bringing this bill to the floor so quickly this year, and I am hopeful that my colleagues will give us a favorable vote on it today.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise as a strong supporter of H.R. 694, a bill that acknowledges the significant contributions made to American culture and history by outstanding African Americans known as the Gullah/Geechee. The legislation will assist State and local governments and public and private entities in South Carolina, Georgia, North Carolina and Florida to institute programs that facilitate the interpretation of the story of the Gullah/Geechee and preserving their legends, arts, crafts, and music. It will aid in identifying and preserving sites, historical data, artifacts, and objects associated with the Gullah/Geechee for the benefit and education of the public.

Mr. Speaker, I understand the history of these people. These individuals have a tremendously rich history and culture that has roots in the transportation of African slaves to the Sea Islands of South Carolina, Georgia and Florida. The Sea Islands served as an excellent location for the Gullah culture because of its separation from the mainland. The slaves who came from various regions in Africa brought many gifts such as a distinctive language, culture and traditions. Collectively these traditions and languages have merged into one to from Gullah. The Gullah culture has survived over the years by Gullah elders passing down the language and traditions to their children. However, over the past 50 years the Gullah culture has started to die. Three significant factors are the development of resorts along the Sea Islands, the movement of Gullah descendants to larger cities, in search of employment and the education of Gullah descendants. The later of the factors has severely damaged the Gullah culture. As the Gullah people are becoming educated, they are taught that it is no longer acceptable to speak "broken-English." However, the Gullah language is more than just "broken-English." It is an art form that serves as the link between Africans and African-Americans today.

This magnificent bill will pay tribute to these great African Americans who settled in our coastal counties. The act will establish the Heritage Corridor that consists of lands and waters normally illustrated on a map as the Gullah/Geechee Cultural Heritage Corridor; the map will be on file and available for public inspection in the appropriate offices of the National Park Service and in the correct State office of each State listed in the Heritage Corridor.

This marvelous legislation will create the Gullah/Geechee Cultural Heritage Corridor Commission. The commission will help Federal, State, and local authorities in the development and implementation of a management plan for those areas listed as part of the Heritage Corridor.

Therefore, I ask my colleagues to join me and support these honorable African Americans for their contributions to this great country.

Mrs. CHRISTENSEN. Mr. Speaker, having no further speakers, I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 694, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

LAND EXCHANGE IN VICINITY OF HOLLOMAN AIR FORCE BASE, NEW MEXICO

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 486) to provide for a land exchange involving private land and Bureau of Land Management land in the vicinity of Holloman Air Force Base, New Mexico, for the purpose of removing private land from the required safety zone surrounding munitions storage bunkers at Holloman Air Force Base.

The Clerk read as follows:

H.R. 486

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND EXCHANGE, PRIVATE AND PUBLIC LAND IN VICINITY OF HOLLOMAN AIR FORCE BASE, NEW MEXICO.

(a) CONVEYANCE OF PUBLIC LAND.—In exchange for the land described in subsection (b), the Secretary of the Interior shall convey to Randal, Jeffrey, and Timothy Rabon of Otero County, New Mexico (in this section referred to as the "Rabons"), all right, title, and interest of the United States in and to certain public land administered by the Secretary through the Bureau of Land Management consisting of a total of approximately 320 acres, as depicted on the map entitled "Alamogordo Rabon Land Exchange" and dated September 24, 2004, and more specifically described as follows:

(1) SE¼ of section 6, township 17 south, range 10 east, New Mexico principal meridian.

(2) N½N½ of section 7, township 17 south, range 10 east, New Mexico principal meridian.

(b) CONSIDERATION.—As consideration for the conveyance of the real property under subsection (a), the Rabons shall convey to the United States all right, title, and interest held by the Rabons in and to three parcels of land depicted on the map referred to in subsection (a), which consists of approximately 241 acres, is contiguous to Holloman Air Force Base, New Mexico, and is located within the required safety zone surrounding munitions storage bunkers at the installation. The Secretary shall assume jurisdiction over the land acquired under this subsection. The three parcels are more specifically described as follows:

(1) Lot 4 in the S1/2 of section 30, township 16 south, range 9 east, New Mexico principal meridian, consisting of approximately 17.6 acres.

(2) E1/2SW1/4 of section 31, township 16 south, range 9 east, New Mexico principal meridian, consisting of approximately 80 acres.

(3) Lots 1, 2, 3, and 4 of section 31, township 16 south, range 9 east, New Mexico principal meridian, consisting of approximately 143 acres.

(c) INTERESTS INCLUDED IN EXCHANGE.—Subject to valid existing rights, the land exchange under this section shall include conveyance of all surface, subsurface, mineral, and water rights in the lands.

(d) COMPLIANCE WITH EXISTING LAW.—(1) The Secretary shall carry out the land exchange under this section in the manner provided in section 206 of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1716). Notwithstanding subsection (b) of such section, if necessary, a cash equalization payment may be made in excess of 25 percent of the appraised value of the public land to be conveyed under subsection (a).

(2) The cost of the appraisals performed as part of the land exchange shall be borne by the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the land exchange under this section as the Secretary considers appropriate to protect the interests of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES).

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 486, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 486, introduced by the gentleman from New Mexico (Mr. PEARCE), would provide for a land exchange involving private land and land managed by the Bureau of Land Management in the vicinity of Holloman Air Force Base in New Mexico for the purpose of removing that land from a required safety zone surrounding munitions storage bunkers at the Air Force base.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico (Mr. PEARCE), the author of this bill.

Mr. PEARCE. Mr. Speaker, I rise in support of H.R. 486 and would like to thank the gentleman from California

(Chairman POMBO) and the gentleman from West Virginia (Ranking Member RAHALL) for working with me on this important legislation. I appreciate the bipartisan support from the Committee on Resources members and the ranking member of the subcommittee, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), in reaching a compromise that is reflected in this legislation.

The need for Congress to pass H.R. 486 arose when a munitions storage bunker was built at Holloman Air Force Base in 1997 and 1998. Holloman Air Force Base serves both the United States' and German Air Force's training and readiness functions. The Holloman air to ground training ranges consist of 1,385,262 acres, almost exclusively Federal land, and air to air training ranges providing 8,352,878 acres of air space for national security and training. The total military training routes at Holloman Air Force Base is 8,657,964. That is DOD, DOI, USDA and private lands.

Without an explosive clear zone, Holloman Air Force Base is unable to fully utilize the designed capacity of the bunker, and it adversely impacts the storage capacity of munitions required for training and operations. This directly impacts the ability of Holloman Air Force Base to fully meet its mission of training, readiness and national security as well as training our NATO partner, Germany. The cost to replace the munitions storage area is estimated by the Air Force to be a minimum of $40 million today, and more if this bill is delayed.

The proposed explosive clear zone encroaches on private property. The Federal Government originally sought to take the private property through condemnation, leaving little choice but for the property owners to vigorously defend their property rights. This bill resolves the issue and protects both private property and the investment made by the Air Force and would simply exchange Federal lands in close proximity to ranch boundaries. This bill protects our national security, saves the taxpayers a minimum of $40 million and protects private property and is fair to all parties concerned.

I urge my colleagues to join me in passing H.R. 486.

Mr. JONES of North Carolina. Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is unfortunate that the private landowners in this case were unable to reach an agreement with the Air Force to resolve this ongoing dispute. However, because ensuring that Holloman Air Force Base operates effectively and safely is critical to both the Air Force and the residents who live and work near the base, we have worked closely with the gentleman from New Mexico (Mr. PEARCE) to craft a legislative solution.

Compared to the version of this legislation introduced in the previous Congress, H.R. 486 contains a number of changes made at the request of the minority, and we appreciate the inclusion of those changes, and at this time we would not oppose the adoption of H.R. 486.

Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I urge adoption of this bill. I have no other speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 486.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

WELFARE REFORM EXTENSION ACT OF 2005

Mr. HERGER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1160) to reauthorize the Temporary Assistance for Needy Families block grant program through June 30, 2005, and for other purposes.

The Clerk read as follows:

H.R. 1160

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Welfare Reform Extension Act of 2005".

SEC. 2. EXTENSION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT PROGRAM THROUGH JUNE 30, 2005.

(a) IN GENERAL.—Activities authorized by part A of title IV of the Social Security Act, and by sections 510, 1108(b), and 1925 of such Act, shall continue through June 30, 2005, in the manner authorized for fiscal year 2004, notwithstanding section 1902(e)(1)(A) of such Act, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the third quarter of fiscal year 2005 at the level provided for such activities through the third quarter of fiscal year 2004.

(b) CONFORMING AMENDMENT.—Section 403(a)(3)(H)(ii) of the Social Security Act (42 U.S.C. 603(a)(3)(H)(ii)) is amended by striking "March 31" and inserting "June 30".

SEC. 3. EXTENSION OF THE NATIONAL RANDOM SAMPLE STUDY OF CHILD WELFARE AND CHILD WELFARE WAIVER AUTHORITY THROUGH JUNE 30, 2005.

Activities authorized by sections 429A and 1130(a) of the Social Security Act shall continue through June 30, 2005, in the manner authorized for fiscal year 2004, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the third quarter of fiscal year 2005 at the level provided for such activities through the third quarter of fiscal year 2004.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HERGER) and the gentleman from Maryland (Mr. CARDIN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 1160, the Welfare Reform Extension Act of 2005. Mr. Speaker, this legislation will continue funding for the Temporary Assistance For Needy Families Program and other related programs for 3 months through June 30th, 2005.

Mr. Speaker, this is the ninth extension of these programs we have considered since their original authorization expired at the end of 2002. In 2002 and 2003, the House passed comprehensive welfare reform legislation that would promote more work, provide more child care assistance and help more low-income families become self-sufficient. Unfortunately, our friends in the Senate did not follow suit, and therefore we have been forced to mark time.

Still, we are encouraged that on March 9 the Senate Finance Committee approved a welfare reform bill and hope that this year the full Senate would pass such legislation so that we can make real progress.

It is important that we are here today to continue funding for this remarkably successful program. Since the welfare reform law was passed in 1996, the number of families receiving welfare assistance has fallen more than 60 percent. More than 1.4 million children have been lifted from poverty. However, as we have marked time with this program through a series of short-term extensions, we have seen evidence that the gains made over the years are in jeopardy.

Work among welfare recipients has declined in 3 of the last 4 years. Two million families remain dependent on government assistance, and we are not taking enough steps to strengthen families which will improve child well-being. We must do more to help strong families form and more parents go to work and achieve independence.

Mr. Speaker, on the first day of the 109th Congress I joined the gentlewoman from Ohio (Ms. PRYCE), the gentleman from Texas (Mr. DELAY), the majority leader, as well as the committee chairman and subcommittee chairman with jurisdiction over these programs to introduce H.R. 240, the Personal Responsibility, Work, and Family Promotion Act of 2005.

Tomorrow, the Subcommittee on Human Resources, which I chair, will mark up this legislation, the first step in the process of again bringing it to the floor for a vote in the coming weeks. This legislation is nearly identical to the legislation this House passed in 2002 and 2003, with appropriate updates given the passage of time since the last time the House acted.

I look forward to working with all my colleagues to pass this legislation so we can get to conference and get a bill for the President's desk. House Republicans stand with President Bush and support the proposals he has championed that encourage more work and promote stronger families, and we will continue to work towards their implementation.

It is unfortunate, as I have said in the past, that we have not been able to get such comprehensive welfare legislation to the President's desk for his signature. The budgetary pressures this year are a reality we all will work to address, which may involve difficult choices in some of these areas.

□ 1500

Our previous legislation ensured full funding for the TANF program while providing up to $4 billion more for child care so more parents could go to work. With record-high Federal budget deficits, the longer we wait, the harder it will be for us to provide for this level of welfare-to-work programs.

I hope this extension is our last and by June 30 we will have sent long-term reauthorization legislation to the President. I look forward to working with my colleagues on both sides of the aisle to make this a reality. I urge all of my colleagues to support this legislation before us today.

Mr. Speaker, I reserve the balance of my time.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support this temporary continuation of funding for TANF, Temporary Assistance For Needy Families. It also extends the Child Care Development Block Grant Program and transitional medical assistance for people who leave welfare for work. The bill extends funding for these programs for the next 3 months without any changes in current law. As the gentleman from California (Mr. HERGER) pointed out, this is the ninth temporary extension for TANF over the last 3 years.

I agree with those who say we should be doing much more. I think it is wrong we have not brought forward legislation that deals with the reality of what has happened in our communities over the past 3 years. We have seen a significant growth in poverty in this country, growing by 4.3 million people. In 2003 alone, almost another 800,000 children fell into poverty; yet we see no action by this body to deal with the realities in our community.

Regrettably, the long-term welfare reauthorization plan put forward by my Republican colleagues largely ignores this problem. The gentleman from California (Mr. HERGER) has pointed out that TANF has been remarkably successful, using his own terms; yet the legislation they bring forward radically changes the program by putting more mandates on States and less opportunity to tailor the program to meet the needs of individual States and fails to give the resources necessary in order to accomplish the task.

Instead, they have suggested that poverty is rising because welfare recipients are not working hard enough. However, this suggestion falls flat when Members consider one basic fact: the welfare rolls have been declining as we continue to see an increase in poverty. That points out the fact that there are just no jobs available. We are going through a recession; it is not that we have welfare recipients who are failing to work. They cannot find jobs; and when they do find jobs, these jobs do not pay enough. They need job training and help to move up the economic ladder.

Mr. Speaker, we should be providing more child care assistance, more job training, and a higher minimum wage; and yet in all three of these areas, the majority and President Bush have resisted such reforms. In fact, as the gentleman from California (Mr. HERGER) points out, the Subcommittee On Human Resources is scheduled to mark up legislation tomorrow which is nearly identical to the same bill we have been debating for the last 3 years. In baseball, it is three strikes and you are out. Unfortunately, that does not apply here; otherwise perhaps we would finally get a bill that would be worthy of bipartisan support. We do not seem to be getting that from the majority.

While we are doing this, the other body is working on legislation, which I am happy to report. As the gentleman from California (Mr. HERGER) pointed out, the Senate Finance Committee has given a road map by recently reporting a bipartisan bill to improve TANF. Let me underscore that. The Senate Finance Committee reported a bipartisan bill, a bill that represents give and take among all of the Members of the committee.

Mr. Speaker, I am not thrilled by all of the provisions in the bill that was marked up, but I think it does allow us to move forward to get a bill to the President's desk. It increases access to education rather than placing new limitations on education and training. It does not double work hours for mothers with young children. It does not include an open-ended superwaiver authority that could reduce protections for food stamps and housing benefits, and includes six times as much new child care funding compared to the bill that will be marked up tomorrow in our committee.

As I said, the Senate finance bill is far from perfect, and I hope it will improve when considered by the full Senate; but it represents a much better approach than the Republican bill in this body. I hope we can continue to work towards a long-term bill that reflects many of the improvements made in the Senate bill.

In the meantime, Mr. Speaker, I support this temporary extension of current law, hope we can work together, and hope we have a bill worthy of bipartisan support we can get to the President.

Mr. Speaker, I reserve the balance of my time.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in 2002 and 2003, this House passed long-term reauthorization legislation to encourage more work among welfare recipients and to provide more resources for States to assist low-income families. I am encouraged that last week the Senate Committee on Finance reported a welfare reform bill. Tomorrow, the subcommittee I chair will mark up long-term reauthorization, and it is my hope that over the next few months we can pass long-term legislation and send a bill to the President for his signature.

But until that happens, it is important that we continue these programs, so we do need to pass this bill. Therefore, I urge all my colleagues to support this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am here today to support the extension of the Temporary Assistance for Needy Families Block Grant Program through June 30, 2005.

For the ninth time since September 2002, the U.S. House today is attempting to pass another short-term extension of the nation's welfare system, by approving the Welfare Reform Extension Act of 2004 under our suspension calendar.

For the sake of the millions of families that remain in the welfare system, we need a final agreement that will help Americans achieve independence and a brighter future. While I am glad that the House Ways and Means Committee is taking action, it is still disturbing that we must continue to pass extensions rather than create a comprehensive reform that will help families for generations to come.

The 1996 welfare reform law authorized Temporary Assistance for Needy Families and related welfare programs through September 30, 2002. The House passed comprehensive welfare reauthorization bills in 2002 and 2003. The Senate's failure to approve a comprehensive reauthorization bill has forced both bodies to fund welfare programs since September 2002 through a series of short-term extensions, without any further improvements. The last short term extension from March 2004 is set to expire on June 30, 2005, until the U.S. Senate can complete its work.

Every day that passes without a comprehensive agreement means more low-income families depending on governmental assistance. It means less work and job preparation by parents. It means fewer child care and child support resources available to help families. It means more poverty. And it means more families going into debt and creating more obstacles to financial freedom. It's time to deliver on this vital legislation.

As chair of the Congressional Children's Caucus, I know that many of the people that will suffer from lack of comprehensive benefits are children. These children are not the ones who are making decisions for the family, but are the ones that are suffering from it. The government must step in and take a proactive role to see that such imbalances are set right. As we reauthorize TANF today, let's go one step further and create a working assistance program that has long term solutions.

Mr. HERGER. Mr. Speaker, I yield back the balance of my time.

Mr. CARDIN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and pass the bill, H.R. 1160.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HERGER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1160.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDING INTERNAL REVENUE CODE OF 1986 PROVIDING FOR PROPER TAX TREATMENT OF CERTAIN DISASTER MITIGATION PAYMENTS

Mr. FOLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1134) to amend the Internal Revenue Code of 1986 to provide for the proper tax treatment of certain disaster mitigation payments.

The Clerk read as follows:

H.R. 1134

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROPER TAX TREATMENT OF CERTAIN DISASTER MITIGATION PAYMENTS.

(a) QUALIFIED DISASTER MITIGATION PAYMENTS EXCLUDED FROM GROSS INCOME.—

(1) IN GENERAL.—Section 139 of the Internal Revenue Code of 1986 (relating to disaster relief payments) is amended by adding at the end the following new subsections:

"(g) QUALIFIED DISASTER MITIGATION PAYMENTS.—

"(1) IN GENERAL.—Gross income shall not include any amount received as a qualified disaster mitigation payment.

"(2) QUALIFIED DISASTER MITIGATION PAYMENT DEFINED.—For purposes of this section, the term 'qualified disaster mitigation payment' means any amount which is paid pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as in effect on the date of the enactment of this subsection) or the National Flood Insurance Act (as in effect on such date) to or for the benefit of the owner of any property for hazard mitigation with respect to such property. Such term shall not include any amount received for the sale or disposition of any property.

"(3) NO INCREASE IN BASIS.—Notwithstanding any other provision of this subtitle, no increase in the basis or adjusted basis of any property shall result from any amount excluded under this subsection with respect to such property.

"(h) DENIAL OF DOUBLE BENEFIT.—Notwithstanding any other provision of this subtitle, no deduction or credit shall be allowed (to the person for whose benefit a qualified disaster relief payment or qualified disaster mitigation payment is made) for, or by reason of, any expenditure to the extent of the amount excluded under this section with respect to such expenditure.".

(2) CONFORMING AMENDMENTS.—

(A) Subsection (d) of section 139 of such Code is amended by striking "a qualified disaster relief payment" and inserting "qualified disaster relief payments and qualified disaster mitigation payments".

(B) Subsection (e) of section 139 of such Code is amended by striking "and (f)" and inserting ", (f), and (g)".

(b) CERTAIN DISPOSITIONS OF PROPERTY UNDER HAZARD MITIGATION PROGRAMS TREATED AS INVOLUNTARY CONVERSIONS.—Section 1033 of such Code (relating to involuntary conversions) is amended by redesignating subsection (k) as subsection (l) and by inserting after subsection (j) the following new subsection:

"(k) SALES OR EXCHANGES UNDER CERTAIN HAZARD MITIGATION PROGRAMS.—For purposes of this subtitle, if property is sold or otherwise transferred to the Federal Government, a State or local government, or an Indian tribal government to implement hazard mitigation under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as in effect on the date of the enactment of this subsection) or the National Flood Insurance Act (as in effect on such date), such sale or transfer shall be treated as an involuntary conversion to which this section applies.".

(c) EFFECTIVE DATE.—

(1) QUALIFIED DISASTER MITIGATION PAYMENTS.—The amendments made by subsection (a) shall apply to amounts received after the date of the enactment of this Act.

(2) DISPOSITIONS OF PROPERTY UNDER HAZARD MITIGATION PROGRAMS.—The amendments made by subsection (b) shall apply to sales or other dispositions after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. FOLEY) and the gentleman from Maryland (Mr. CARDIN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. FOLEY).

GENERAL LEAVE

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FOLEY. Mr. Speaker, I yield myself such time as I may consume.

First, let me thank the gentleman from California (Mr. THOMAS), chairman of the Committee on Ways and Means, for his consideration and expeditious handling of this bill in allowing us to bring it to the floor. I will include for the RECORD the statement of the gentleman from California (Chairman THOMAS), but first let me read two paragraphs which crystallize the need for the debate.

The gentleman from California states: "Mr. Speaker, I strongly support H.R. 1134 which embodies the President's budget proposal to provide tax relief to those who will and who have accepted Federal Emergency Management Agency disaster mitigation grants. The bill is necessary to promote effective use of the mitigation grants. These mitigation grants alleviate the severity of the damage caused by unpredictable but anticipated natural disasters. These grants save taxpayer dollars by reducing future Federal disaster relief payments resulting from such disasters."

If I can read the last paragraph of the statement of the gentleman from California (Mr. THOMAS): "H.R. 1134 will cut taxes by $105 million over the next decade. FEMA estimates that mitigation projects over the past several years have saved our Nation nearly $3 billion in disaster-related costs. Clearly, when one compares the price of H.R. 1134 with what we might pay in future relief efforts, this bill is worth moving forward and passing into law."

Mr. Speaker, I rise personally in strong support of H.R. 1134. As a member of Florida who has experienced three hurricanes which made landfall in my district and a fourth which came through the panhandle, out across North Carolina, back into the Atlantic, and made its way back to my district, my congressional district in essence suffered four disasters this past year.

I strongly support H.R. 1134 and ask and thank my colleagues on both sides of the aisle for their help and efforts in bringing this to fruition on the floor. It is a very simple bill. It simply says those taxpayers who receive help under FEMA's hazard mitigation grant program will not be penalized under the Tax Code for receiving that help. It exempts these grants from being considered income for tax purposes.

The FEMA mitigation program has been around for 15 years. It has helped property owners who live in disaster-prone areas avoid future disaster damage through mitigation projects in conjunction with State and local government agencies. In its 15 years, it has helped more than 2,500 properties and saved $2.9 billion in property losses. Never once have these grants been taxed, nor were they ever intended to be.

But the IRS decided last summer that unfortunately nothing specifically in tax law allows the tax exemption, and it let people know these FEMA grants would be considered taxable unless Congress directed otherwise. Therein lies the urgency of our effort. That is why 87 Members of the House have signed onto H.R. 1134; and that is why we are here today, to ensure that those who participate in mitigation projects are not punished for doing so.

Mr. Speaker, these grants help save both property and lives from the wrath of tornadoes, hurricanes, floods, earthquake, and other disasters. They also help save the Federal Government money in the long run through emergency disaster spending. To penalize taxpayers for accepting help in mitigating future and costly property damage is simply penny wise but pound foolish. Fifteen years ago Congress authorized these programs, but unwittingly neglected to spell out that they are, indeed, tax exempt, like many, many other disaster grant programs. We are here today to correct that oversight.

Mr. Speaker, I reserve the balance of my time.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me start by thanking the gentleman from Florida (Mr. FOLEY) for his leadership on this issue, for bringing forward this legislation. It certainly is a bill that will help those who have been victims of natural disasters and a bill of which I am a cosponsor and strong supporter.

Thousands of Americans in all parts of our country have faced tragedy brought by natural disasters in the past year. Whether in the form of hurricanes in the Southeast, or torrential and resulting mudslides in the West, many Americans have had to deal with Mother Nature's forces and have faced the daunting task of reassembling their homes and lives in the aftermath.

H.R. 1134 aims to offer some relief to Americans who, as a result of these unpredictable natural disasters, will suffer personal and property losses.

FEMA helps those affected get through the difficult times following such disasters; but today, Congress is taking our own role, one step closer to helping these victims. I am proud to join my colleagues and 84 additional bipartisan cosponsors of H.R. 1134, which will allow an exclusion from taxes for relief payments made to tax-paying Americans for efforts taken to mitigate some of the possible effects of natural disasters.

Mr. Speaker, this not only helps the victims because it gives them some relief from having the burden of paying the taxes on these funds; but it also encourages mitigation, which is by far the priority, to try to mitigate the future damages caused through unpredictable natural disasters.

Americans can benefit from taking steps to prevent the extent of damage that could occur during these times of natural disaster, and we should encourage such steps being taken. Today we have the opportunity to vote on H.R. 1134 and offer some additional assistance to Americans at a time when many might need that help the most.

I know this does not do everything for everyone, and we will certainly be hearing from my colleague from New York who has a valid point, but I urge my colleagues to take the step we have available today to help those receiving assistance through FEMA for mitigation funds so it becomes more of a reality to these victims. They have suffered enough. We can help through this legislation.

Mr. Speaker, I reserve the balance of my time.

☐ 1515

Mr. FOLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. PORTMAN), a member of the Committee on Ways and Means.

Mr. PORTMAN. Mr. Speaker, I rise in strong support of the gentleman from Florida's legislation that would make clear that property owners who participate in hazard mitigation projects will not be taxed on the mitigation assistance. This legislation is very important because it reverses a June 2004 IRS ruling which determined that Federal FEMA hazard mitigation assistance represented taxable income to participating individuals and businesses.

I want to commend the gentleman from Florida for his legislation and for his leadership on this. I want to thank the gentleman from California (Mr. THOMAS) also for ensuring its expeditious consideration today on the floor. This legislation is very important to Ohio. Passage of it will encourage our disaster impacted communities and our citizens to seek out mitigation assistance and limit damage to property and to people.

Mitigation is absolutely crucial to ongoing disaster recovery efforts in my State of Ohio which in the past 18 months has had seven Federal disasters. In most cases mitigation assistance is used to elevate the homes to a better level of protection or move families out of harm's way. It is often the only hope for repetitive loss disaster victims. The intent is to prevent those homes from suffering future losses, protect the people and reduce the rate of Federal disaster response and recovery cost increases. Many of the people who have taken advantage of such assistance are people living in lower valued property in the flood plain who could not afford to move on their own.

In Ohio, the hazard mitigation grants through FEMA are administered by the Ohio Emergency Management Agency. Currently in southwestern Ohio there is one project in the district I represent, the village of Fairfax, and there is one right near my district in the city of Fairfield.

Through community support, both of these mitigation projects are in the process of removing people from repeated flooding areas and making homes more resilient to flooding. A total of 46 participants in these two projects include many families who will likely not have to suffer severe impact to their homes the next time it should flood, and it will flood again. They also, very importantly, would be unlikely to need any other Federal or State disaster assistance. The total cost of these projects is about $4.5 million. Taxing this investment into these communities and the lives of these homeowners like those in Fairfax will discourage future participation. If the IRS rule is allowed to stand, these communities will be hesitant to participate in mitigation because of that liability.

This IRS policy undermines our Nation's efforts to lower the costs of future disasters through mitigation. It also discourages individuals who are affected by repeated disasters from removing themselves from harm or taking action to prevent repeated damage loss and property loss, the very actions we are trying to encourage as the Federal Government. Today we have an opportunity to correct this disincentive.

Mr. Speaker, I strongly support H.R. 1134 and I urge my colleagues to support it.

Mr. CARDIN. Mr. Speaker, I am pleased to yield 6 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I thank the gentleman for yielding me this time and for his leadership. I am delighted to join my colleague from Florida (Mr. FOLEY) on the other side of the aisle in support of this legislation. The bill before the House does the right thing for the disaster victims of Florida and Louisiana, but it does wrong, truly wrong, for the New York victims of the September 11 terrorist attacks. I would like to appeal to my colleague on the other side of the aisle to join me in trying to reverse the unfair taxation on grants to the victims of 9/11, specifically the businesses, as we go forward.

When thousands of lower Manhattan small businesses were on the brink of complete failure as a result of September 11 and the terrorist attack against our country, these businesses accepted Federal recovery grants but were then told months later that those grants would be taxed and treated as income. That, in my opinion, wrongful taxation was the straw that broke the back of many small businesses in New York after 9/11 and it continues to this day to be a burden on small businesses who were forced to take out loans to pay taxes on disaster recovery grants. Granted it was not a FEMA mitigation grant but it was a disaster recovery grant, so it was in the same feeling or in the same purpose as the legislation before us.

What causes me so much concern today, Mr. Speaker, is that we have sought the same treatment, the exact same treatment for 9/11 victims for more than 3 years that the Members are seeking today for victims in their States. Along with the gentleman from New York (Mr. NADLER) and the bipartisan delegation of New York, I have introduced legislation to reverse taxation on the 9/11 aid grants. We have offered amendments to reverse this taxation with the active support of the gentleman from New York (Mr. RANGEL), Ways and Means members and others from the New York delegation. We have testified before the Committee on Rules, made numerous speeches before this body, sought hearings for the legislation and held countless events to seek action from House leaders to reverse this wrongful taxation on 9/11 aid grants. We have been trying for more than 3 years to have the small business victims of 9/11 treated fairly, but this body has not found a way as yet to advance that legislation. Again, I am appealing to my colleagues from Florida and Louisiana to help our constituents as they are helping theirs today.

Now, today, we are watching a bill sail to the floor for passage, without a hearing, without a markup in committee, without any of the months and years of effort that the New York delegation and business leaders from New York City have put into seeking redress for 9/11 disaster victims that were treated unfairly and wrongly.

Let me be absolutely clear that I find no fault with the repeal of wrongful taxation on the recovery grants for Florida and Louisiana victims of disaster. I feel they are entitled. The purpose of disaster relief is to relieve them, to get that money back in the community, to help them restore and be made whole, not to tax it. But I do find fault with the exclusion of 9/11 victims in this bill when we have fought so long and so hard to achieve the exact same fairness for them. If the Federal Government should not collect taxes on aid to hurricane victims, then it should not collect taxes on 9/11 relief grants which is truly the worst disaster that this country has ever suffered. It is an act of war. We are still suffering from that terrible, terrible action against innocent people.

I again want to make clear that I am supporting the legislation. I would like to place in the RECORD a report from the Joint Committee on Taxation where they estimated that approximately $268 million was sent back to Washington in the form of taxes on the relief grants following 9/11. It is unfair to New York and to those who suffered the most from the terrorist attacks against our Nation.

I call upon the authors of this legislation and the gentleman from Florida (Mr. FOLEY), whom I know has many friends in New York and has been a strong ally in working with the recovery of New York after 9/11, and I call upon the House leadership and appropriate committee chairmen to do the right thing for the 9/11 victims. I really implore my colleagues on the other side of the aisle to do the right and fair thing for the victims of 9/11 because of the wrongful taxation on their recovery grants and we call upon this body to treat them with the same attention and care that we are rightfully showing to the victims of disasters in other parts of our Nation today.

Again, I support this legislation. Again, I appeal to my colleagues on the other side of the aisle to give the like, same fair treatment to the sufferers and the victims and the grants for 9/11.

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON TAXATION,
Washington, DC, June 17, 2003.

Hon. CAROLYN MALONEY,
House of Representatives,
Washington, DC.

DEAR MS. MALONEY. This letter is in response to your request of June 9, 2003, for a revenue estimate of a proposal to exclude from gross income certain Federal funds granted as a result of the terrorist events of September 11, 2001.

In general, under present law, unless income is received for "general welfare" or for compensation for losses that are not otherwise compensated, grants from the Federal government are included in income. To the extent not already excluded under present law by the general welfare doctrine or otherwise, your proposal would exclude from gross income payments of certain Federal funds made as assistance on account of property or business damaged by, and for economic revitalization directly related to, the terrorist attacks on the United States that occurred on September 11, 2001.

Assuming that your proposal would be enacted on July 1, 2003, and effective for taxable years ending after September 11, 2001, we estimate that your proposal would have the following effects on Federal fiscal year budget receipts:

Fiscal years	*Millions of dollars*
2003	−24
2004	−135
2005	−61
2006	−30
2007	−11
2008	−5
2009	−2
2010	—
2011	—
2012	—
2013	—
2003–08	−266
2003–13	−268

I hope this information is helpful to you. If we can be of further assistance in this matter, please let me know.

Sincerely,

GEORGE K. YIN.

Mr. FOLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. ISTOOK) who has been extraordinarily helpful in the promulgation of both this bill and, of course, working with the State of Oklahoma in creating safe rooms and other mitigation grant programs.

Mr. ISTOOK. Mr. Speaker, I appreciate very much the assistance of the gentleman from Florida (Mr. FOLEY), the actions of the Committee on Ways and Means and the gentleman from California (Mr. THOMAS), and I rise in support of this bill, H.R. 1134.

My home State of Oklahoma in the last 15 years has received some $60 million in mitigation grants to help people avoid potential injury from tornadoes through the construction of storm shelters and safe rooms. It is important that they not be told now that those are subject to taxation, when they are being told or had been told throughout this time that, no, this is not taxable, this is to protect you, because, after all, we know that although you can move out of the flood plain, you can move away from the coast, you can stay clear of an earthquake fault line but tornadoes hit everywhere and they have wind speeds of up to, in fact, in some cases over 300 miles an hour, twice as much as the wind speed you have in a hurricane. They occur in Oklahoma, but they also occur in Massachusetts. They occur in Wisconsin and Illinois and Missouri and Alabama and Ohio and Texas. You cannot mitigate in advance by moving someplace where you know that it cannot happen.

It is important that we not improperly subject people now from the construction of these shelters to taxation on them. Thousands of them have been constructed in Oklahoma and I do not want them to be subjected to taxation. It is important that we understand that although this bill says, from henceforth these are not going to be taxable, it is my understanding that the Treasury Department says that this change in the tax law will give them the authority to go back and declare the prior grants not to be taxable, also. We are expecting that letter from the Treasury Department after the passage of this bill, and I look forward to that.

I thank the gentleman from Florida for this legislation and I ask all of my colleagues to join with me in passing H.R. 1134.

Mr. FOLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. JINDAL), a new Member of Congress who has been a very active participant in helping us bring this legislation to the floor.

Mr. JINDAL. Mr. Speaker, I want to applaud the gentleman from Florida

(Mr. FOLEY), and I want to thank the gentleman from California (Mr. THOMAS) for allowing us to debate this very important bill. I would certainly urge support from all my colleagues to correct an injustice. Certainly there are many families impacted in Louisiana by this new tax ruling from the IRS.

I want to focus on two families in particular. To avoid repeating much of what has already been said, I want to focus on two families in particular that will be helped by the passage of H.R. 1134. First, I would turn your attention to the Guidry family. They live in Slidell, Louisiana. They are constituents of mine. They received $125,000 to mitigate flood damage and to protect them against future loss. A good thing, you might say, after their home was damaged in Hurricanes Isadore and Lili. Indeed, it was a good thing that our government stepped in to help them recover not only from this natural disaster but also to prevent future flood damage and to protect this family from future damage and also to protect the Federal Treasury. However, with this new ruling, this novel ruling from last year, this new ruling that their income tax would now have to increase, not only were they raised and put into a higher tax bracket but their son who is paraplegic and who attends college on a need-based Pell grant is now being faced with the prospect of losing his financial aid and having to drop out of school if we do not pass this bill. This same family, the Guidry family, is also facing the prospect of having to sell the home in order to pay the taxes for the grant they received to fix the home that they owned in the first place. Certainly this is not what this body intended when we provided assistance and recovery dollars to those that are impacted by natural disasters.

A second example. Mike Perkins, also from Slidell, received a grant back in 2001 to raise his home again to prevent future floods and also to save our Treasury from future damage claims. He finished construction 3 years ago, thought this was a closed issue, has been living in this home for over 3 years since he repaired his home, raised the home, until he got a letter from his local government in January saying that now, after the fact, he would have to pay higher taxes.

I am very pleased not only for the support from the gentleman from Florida (Mr. FOLEY) and from the gentleman from California (Mr. THOMAS) but also from the Treasury Department. I am also anticipating a letter from the IRS indicating that they do not intend to go back in time and retroactively apply these higher taxes, these surprise taxes to people who received grants in previous years, adding insult to injury to those who are recovering from natural disasters.

I urge my colleagues to support this bill.

Mr. FOLEY. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Washington (Mr. REICHERT), a new Member and former sheriff of King County.

Mr. REICHERT. Mr. Speaker, I rise today to speak on a bill that quite frankly is common sense. Thousands of Americans reach out to the Federal Emergency Management Agency in times of disaster. Their homes have been battered and decimated by earthquakes, volcanoes, tornadoes, floods and more. In these moments of despair, they look to the Federal Government for help and we provide that help. Through FEMA, Americans are able to get back on their feet in financial situations where they normally would have no other resource. Emergency grants are just that, emergency funding, money to be spent in extreme circumstances, to get a roof back on a family's home, to put a missing wall back on a community resource center, to coordinate local outreach for first responders. These funds were never intended to be taxed.

The gentleman from Florida seeks to relieve an unfair tax provision today, to make sure that in times of crisis we are not looking to take these emergency funds and treat them as regular income.

□ 1530

FEMA disaster grants are lifesaving funds, not added income. This bill is critical. I thank my colleague for introducing this important legislation and urge the House to pass it as soon as possible.

Mr. FOLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. FITZPATRICK), a member of the Committee on Financial Services, another active participant in our efforts to get the bill on the floor today.

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, I rise in support of H.R. 1134. The Federal Emergency Management Agency's flood mitigation program is one of the cornerstones of our country's disaster emergency management system. The flood mitigation program is the tangible manifestation of the Federal Government's ongoing effort to prevent damage and lessen the effect disasters have on persons' lives and property.

Through FEMA's measures such as building safely within the floodplains, buying endangered houses, relocating homes, designing and reengineering buildings and infrastructures, and elevating houses and businesses, the effect of floods, hurricanes, and other natural hazards on American lives and communities is lessened.

I congratulate the gentleman from Florida (Mr. FOLEY), whose Florida congressional district, like my district, has been ravaged by hurricanes and flooding, for sponsoring H.R. 1134. I also commend all of the House Members who have co-sponsored this bill and who have helped bring it to the floor today.

Mr. Speaker, H.R. 1134 is necessary legislation. It will amend the Internal Revenue Code so as to provide for the proper tax treatment of disaster mitigation payments. Currently, the IRS has taken a position that such disaster relief payments will be treated as taxable. In a heavy-handed fashion the IRS's fashion truly kicks people while they are down.

But H.R. 1134 does more. It not only provides tax relief to individuals who have suffered, often losing their homes and businesses from floods; it will encourage Americans to participate in FEMA's flood mitigation program.

Mr. Speaker, I know firsthand the necessity of H.R. 1134. In 1999 when hurricanes hit, I was a county commissioner in Bucks County, Pennsylvania. The rains and the flooding were devastating. The flooding along the Neshaminy Creek wiped out over 300 homes and over 100 businesses. I was on the ground dealing with FEMA and with other disaster agencies. We were there. We dealt with the individuals and the families. We encouraged the citizens to participate in these Federal programs that will reduce Federal programs and funding requirements in the future. The Federal Government assured my constituents, Mr. Speaker, that those proceeds would not be taxable.

So this is the right bill at the right time, and I urge the passage of H.R. 1134.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me once again urge my colleagues to support this legislation. I was listening to my colleagues speak, and there is not a region in this country, there is not a State in this country that has been subjected to natural disasters. In my own State Hurricane Isabel left an indelible mark upon the people of Maryland, and I saw firsthand the people who suffered as a result of that natural disaster and the need to do mitigation and FEMA-providing resources in order to assist us to take action to prevent this type of devastation in the future. This bill will help in dealing with those types of circumstances.

And once again I want to congratulate the gentleman from Florida (Mr. FOLEY) for bringing this forward. This is strongly supported on both sides of the aisle, and we urge our colleagues to support the legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. FOLEY. Mr. Speaker, I yield myself such time as I may consume.

Let me again personally thank the gentleman from Maryland (Mr. CARDIN) for both his co-sponsorship and his helping us in bringing this bill to the floor today. I want to thank the gentlewoman from New York (Mrs. MALONEY) in her considered comments. I want to thank the gentleman from Ohio (Mr. PORTMAN); the gentleman from Louisiana (Mr. JINDAL); the gentleman from Washington State (Mr. REICHERT); the gentleman from Pennsylvania (Mr. FITZPATRICK) for their comments; and of course the gentleman from Oklahoma (Mr. ISTOOK), who has worked with me side by side on this measure, bringing it to the floor today.

I think we have heard from all of the speakers the reasons for this important legislation; so I thank my colleagues for taking an active participating interest in this legislation. I thank the 87 co-sponsors who joined with us in urging the leadership to bring this measure to the floor. Again, thanks to the gentleman from Texas (Mr. DELAY) for allowing the bill to be scheduled for consideration; and of course the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means, without whose guidance and help this bill would not be possible.

We know it is important. We believe it helps mitigate against future losses. The record is clear how much we save as a government by providing these mitigation grants that never were intended for taxable treatment. This bill makes that record clear. I underscore and underline the gentleman from Oklahoma's (Mr. ISTOOK) comments concerning reactivity. We believe once this bill is passed into law and signed by the President that those prior acts of governments working together to mitigate disasters will not be taxable items. That should be coming from the Treasury to instruct the IRS relative to that procedure.

Mr. Speaker, I want to also thank my staff, Liz Nicolson. I want to thank the Members of the Ways and Means staff: Bob Winters, Chris Giosa, Shahira Knight, Allison Giles; and of course my colleagues on the Senate side, Senators BOND and LANDRIEU, for their efforts in bringing this bill to the Senate.

Mr. DAVIS of Florida. Mr. Speaker, today I rise before this House as a proud Floridian. Over this past year the people if my home State have demonstrated an amazing amount of tenacity and the ability to help each other in their great time of need. Yes, it has been quite a few months since the Hurricane season of 2004 ravaged us, but the sight of blue tarps replacing roofs on homes and piles of debris are still all too rampant—and in only 12 weeks the Hurricane season of 2005 will be upon us. I am pleased to stand before this chamber in support of Congressman FOLEY's effort to ease the pain for those who were affected by the tragic events of this last hurricane season.

Sadly, the reality of these kinds of natural disasters is that many businesses never reopen and unemployment remains high long after the storms have gone. The Florida tourism industry is still very bruised because of canceled seasons and slower recovery times in certain areas of the State. By exempting hazard mitigation grants from being considered personal income for tax purposes, we are easing the path to recovery for a large number of Floridians.

While this legislation won't remove all of the obstacles that these storms have put in our way, it certainty will be a useful tool in the effort to fully recover.

Ms. ESHOO. Mr. Speaker, I'm pleased to rise today in support of H.R. 1134, a bill to exempt FEMA's mitigation grants from federal income taxes, as was Congress's original intent. I commend my colleagues for their swift, bipartisan action in addressing this issue.

These mitigation grants were created to give citizens a proactive way to prepare for future disasters, thereby minimizing the damage they cause. These grants have proved to be extremely successful, saving millions of dollars in post-disaster funding as well as lives lost to natural disasters. Despite this success, the IRS ruled in June of 2004, that these grants should be included in grant recipients' gross income and be subject to federal income taxes. Taxing this assistance effectively removes the incentive for citizens to participate.

Not only was this decision contrary to the intent of these grant programs, but the delay in notifying affected taxpayers has caused considerable alarm. I met personally with IRS Commissioner Everson to urge him to provide temporary relief while Congress worked toward a legislative solution, but without a reversal of the IRS ruling, it is essential that the House pass this bill today.

In Felton Grove, one of the affected areas of my Congressional District, there are 30 families, many of them low-income, who are facing an enormous and unexpected tax burden this year. Many of these constituents earn between $30,000 and $40,000 a year. With grant averages from $40,000 to $160,000, if this determination is allowed to stand, some of my constituents' annual gross incomes will grow from $40,000 to $200,000. For these unfortunate constituents, nearly all of their annual income will have to be paid to the IRS, and many will face financial ruin.

Mr. Speaker, on behalf of my constituents who are living in fear of the upcoming April 15th tax filing deadline, I urge my colleagues in the House to vote for this legislation so that it can become law.

Mr. BOUSTANY. Mr. Speaker, I rise today in support of H.R. 1134, which will amend the tax code to remove disaster mitigation payments from consideration as gross income. I would like to thank my colleague, Mr. FOLEY of Florida, and my colleague, Mr. JINDAL, for their leadership on this issue and introducing the legislation we consider here today.

The Seventh Congressional District of Louisiana provides an unsurpassed location for agriculture, energy, and petrochemical production. However with these benefits, which our Nation depends heavily upon, come risks because of its vulnerability to natural disasters including floods, tornadoes, and hurricanes. In 2002, Hurricane Lili made landfall just south of Abbeville, Louisiana. She caused over $850 million in damage and temporarily halted all oil and gas production in the Gulf of Mexico. The hard-working men and women of southwest Louisiana will continue to take risks for good of this country, and it is only fair to remove the tax burden suffered because of improvements made to their property which allow them to remain and prosper in this sometimes dangerous region.

Many homeowners who would like to participate in the grant and need to remove their homes from danger cannot currently afford to participate in the grants, and are either faced with increased flood insurance premiums or losing their homes. The current average cost to either elevate a slab structure or a second story conversion (all living area is moved to a new second story and first floor is gutted) is over $100,000 for a modest size home in Louisiana. Many of these projects approach $200,000. For the average homeowner to suddenly have to declare an additional $100,000—$200,000 as personal income will devastate most families. Tax liability should not discourage these people from accepting disaster mitigation payments intended to reduce injuries, loss of life, and damage and destruction of property.

America depends on resources and services that are provided by the people of southwest Louisiana. The men and women I represent must remain in harm's way to deliver for others. It is for this reason that I support H.R. 1134 which offers tax relief to those families needing disaster mitigation payments.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today as a supporter of H.R. 1134 which would amend the Internal Revenue Code of 1986 to provide for the proper tax treatment of certain disaster mitigation payments. This legislation is vital to all Americans who live in areas that are more likely to encounter natural disasters. This legislation ensures that grants given to disaster victims to avoid future disaster damage will not be taxed on those grants.

FEMA has helped disaster victims avoid future disaster damage through a hazard mitigation program that has existed for about 15 years, helped more than 2,500 properties and saved $2.9 billion in property losses. These disaster prevention grants have never before been taxed nor were they ever intended to be. However, the IRS decided last summer that nothing in tax law specifically prevented taxation, and felt obliged to let people know they would be considered taxable unless Congress directed otherwise. Thankfully, this legislation alleviates the possible tax burden on those who accept these disaster prevention grants. Considering that these grants tend to number in the thousands of dollars, it is clear that the tax burden on these grants would be too much for the average individual to bear. H.R. 1134 allows individuals to accept these vital disaster prevention grants without fear of possible tax implications and that is quite clearly how the program is supposed to work.

H.R. 1134 will also be of great help to my constituents in the 18th Congressional District of Texas. Houston due to its location and geography has always been particularly vulnerable to flooding. In 1900 a major hurricane destroyed much of Galveston Island, killing more than 6,000 people. An elevated barrier, the Sea Wall, was later constructed to hold back future storm surge and flood waters, allowing the city to thrive. This is a clear example of how projects for disaster prevention can be tremendously successful in alleviating future damage. Houston was again devastated in 2001 when Tropical Storm Allison displaced thousands of Houstonians and left $5 billion in damage in the wake of its flood waters. I am thankful that the FEMA grants that were given to individuals after that natural disaster were not taxed, otherwise many individuals would have to reject these grants out of fear of an overwhelming tax burden. This legislation makes certain that no victim of a natural disaster has to choose between accepting federal disaster assistance or contemplating its tax implications.

Mr. THOMAS. Mr. Speaker, I strongly support H.R. 1134, which embodies the President's budget proposal to provide tax relief to those who will and who have accepted Federal Emergency Management Agency (FEMA) disaster mitigation grants.

The bill is necessary to promote effective use of the mitigation grants. These mitigation grants alleviate the severity of the damage caused by unpredictable but anticipated natural disasters. These grants save taxpayer dollars by reducing future Federal disaster relief payments resulting from such disasters.

Present law allows an income exclusion for amounts received by individuals as qualified disaster relief payments. This exclusion was enacted by Congress as a response to the disasters that occurred on September 11, 2001. This existing statutory exclusion applies only to amounts received by individuals as a result of a disaster that has actually occurred; thus, mitigation grants do not qualify. Given that an exclusion applies to payments made to victims after a qualified disaster, it is consistent to allow an exclusion for payments made to mitigate future disaster damage.

Prior to the award of any mitigation grant, a cost-benefit analysis is required to ensure that the cost of funding the project is less than the damages expected to be incurred in the event of an actual disaster (absent the mitigation). FEMA mitigation grants are only awarded if projects are determined to be cost effective. Because mitigation is more cost effective for the Federal government than repair after the occurrence of a disaster, the FEMA mitigation programs are intended to translate into net benefits for the government. So, unlike grants which have been made available as income replacements and would be considered taxable income as a result, accepting these funds means taxpayers will face fewer claims for disaster aid later on. FEMA mitigation grants help people avoid the loss of life and property due to natural disasters. Mitigation programs reduce the number of cases where taxpayers would pay for meaningful disaster relief. We want to encourage people to take advantage of these life-saving and cost-saving programs.

But recent IRS pronouncements that disaster mitigation grants are taxable income are discouraging people who live in flood-prone areas and elsewhere from accepting assistance needed to reduce the loss of life and property in future disasters. Some participants may not have the cash necessary to pay the tax imposed on the benefits provided by the mitigation grants. For people in potential disaster areas, the threat of immediate tax on something they have received in kind may be enough to keep them from accepting the help.

H.R. 1134 is relatively simple. If FEMA funds are used to improve a dwelling, for example, the funds (and what they pay for) would not be treated as income when the improvements are made, but the owner would also not be able to get a double benefit by adding the value of the improvements to the cost basis of his property. In some cases, FEMA actually funds buyouts of owners in dangerous areas. Here, H.R. 1134 gives the owner a choice: they can take the benefits which may be available under current law (for example, the exclusion of gains on a principal residence) or they can defer tax using involuntary conversion procedures.

The bill includes several provisions to ensure that the exclusion is not overly broad. Not only does the bill provide that there is no increase in basis on account of amounts excludable under the bill, the bill also provides that no additional deduction or credit is allowed with respect to amounts excluded from income. Amounts received upon the sale of property for purposes of hazard mitigation are afforded deferral of gain recognition, rather than an unlimited income exclusion.

The exclusion under the bill applies to payments made to businesses because, unlike other grants that are not excludable because they are in the nature of income replacement, FEMA mitigation payments received by businesses are made to ultimately benefit the local community and Federal government.

An income exclusion is appropriate for FEMA mitigation grants as such grants are distinctly different from other government grants. As mentioned, FEMA mitigation grants are only awarded if the projects are determined to be cost effective for the government. In addition, in the case of FEMA grants, if an exclusion is not allowed and individuals choose not to participate in the mitigation programs, the government may face increased spending, not only on behalf of one individual, but on behalf of entire communities in some cases. Finally, in the case of FEMA grants, present law imposes an illogical result in that mitigation grants are not excludable from income, but if mitigation grants are not accepted and a disaster subsequently occurs, payments made by the government to individual property owners could then be excluded from income.

Generally, the proposal would have a prospective effective date. However, with respect to past mitigation payments where the statue of limitations has not expired, the President's proposal provides that the Treasury Department will have administrative authority to apply the policy proposed in the budget and embodied in H.R. 1134 to such cases. I strongly urge the Department of Treasury and the IRS to resolve existing cases in a manner consistent with this legislation so that taxpayers who have already undertaken mitigation will not bear the unexpected burden of extra tax liabilities.

H.R. 1134 will cut taxes by $105 million over the next decade. FEMA estimates that mitigation projects over the past several years have saved our Nation nearly $3 billion in disaster-related costs. Clearly, when one compares the price of H.R. 1134 with what we might pay in future relief efforts, this bill is worth moving forward and passing into law.

Mr. COLE of Oklahoma. Mr. Speaker, I rise today in support of H.R. 1134. This important legislation prevents the IRS from taxing disaster mitigation grants provided by FEMA.

This legislation is necessary and urgent due to the IRS's recent decision that Federal grant money used to build tornado shelters is taxable. Oklahomans who received the grants were not given any prior notice that money received would be taxable. Nor did Congress ever express the intent that such grants were to be taxable. The IRS simply conjured up this decision out of thin air.

It makes no sense for the government to tax Federal money given to mitigate disasters. Disaster relief saves lives, limits damages and makes sense. Taxing the very grants that make this possible is not wise, and it is especially unfair given that this IRS decision will cost the taxpayers of Oklahoma $29 million over 5 years. These FEMA grants were given to thousands of Oklahomans with the average grant in the amount of $2,000. And, as I said earlier, the recipients were never advised that these grants would be taxable.

No revenue has ever been collected from taxing FEMA grants. The IRS's decision is without precedent and reflects poorly on the career bureaucrats who devised this action. H.R. 1134 reverses this senseless bureaucratic decision and prohibits these grants from being taxed.

I want to thank the gentleman from Florida, Mr. FOLEY, the gentleman from Louisiana, Mr. JINDAL, the Oklahoma delegation and the Ways and Means Committee for making consideration of this legislation possible. I would urge Members to support passage of this legislation.

Mr. FOLEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Florida (Mr. FOLEY) that the House suspend the rules and pass the bill, H.R. 1134.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

HOUSE DEMOCRACY ASSISTANCE COMMISSION RESOLUTION

Mr. BARRETT of South Carolina. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 135) providing for the establishment of a commission in the House of Representatives to assist parliaments in emerging democracies.

The Clerk read as follows:

H. RES. 135

Resolved,

SECTION 1. SHORT TITLE.

This resolution may be cited as the "House Democracy Assistance Commission Resolution".

SEC. 2. FINDINGS.

The House of Representatives makes the following findings:

(1) Since its founding, the United States has championed the expansion of democracy around the world.

(2) Indeed, beginning with the Continental Congress and continuing through the modern Congress, representative institutions have served as a critical component through which the American people have expressed their views on policy issues and through which the power of other government branches has been balanced.

(3) In his second inaugural address on January 20, 2005, President George W. Bush declared: "We are led by events and common sense to one conclusion: The survival of liberty in our land increasingly depends on the success of liberty in other lands. The best hope for peace in our world is the expansion of freedom in all the world. . . . So it is the policy of the United States to seek and support the growth of democratic movements and institutions in every nation and culture, with the ultimate goal of ending tyranny in our world.".

(4) Strong institutions, particularly national legislatures with proper infrastructure, are essential for democracies to mature and to withstand cyclical turnover in governments.

(5) Furthermore, the parliaments of emerging democracies are commonly comprised of new legislators, citizens from many walks of life, who face the challenges of creating new democratic systems without the benefit of previous legislative experience. The legislatures of these fledgling democracies often lack training, equipment, or resources to carry out their work effectively.

(6) Many parliaments do not possess the necessary technology, such as modern computer equipment, software, or access to databases and electronic resources, to facilitate the timely flow of legislative information to lawmakers and legislative staff.

(7) Parliaments in fledgling democracies also frequently lack trained staff to provide nonpartisan policy information, to draft legislation, and to advise legislators on policy matters.

(8) Newly democratic parliaments may lack the resources to establish internal libraries, reference materials, and archiving capabilities for use by legislators and staff.

(9) From 1990 through 1996, the United States House of Representatives, in conjunction with the House Information Systems Office (later known as House Information Resources) and the Congressional Research Service (CRS) of the Library of Congress, provided equipment and technical assistance to newly democratic parliaments in Central and Eastern European countries, including Albania, Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Russia, Slovakia, and Ukraine, in an effort to develop and strengthen those institutions.

(10) This program, commonly known as the "Frost-Solomon Task Force", not only served the United States foreign policy goal of helping to establish democratic institutions in other countries, but also developed significant goodwill in the countries in which it was implemented. The program was designed to improve the efficiency of parliaments and the professionalism of their members and staff, as well as to increase transparency and accountability.

(11) A program similar to the Frost-Solomon Task Force would enable Members, officers, and staff of the House of Representatives to share their expertise and experience with their counterparts in other countries, in keeping with the declared policy of the United States to support the growth of democratic institutions, thereby undertaking what President Bush called "the idealistic work of helping raise up free governments".

SEC. 3. ESTABLISHMENT OF COMMISSION.

There is established in the House of Representatives a commission to be known as the House Democracy Assistance Commission (hereafter in this resolution referred to as the "Commission").

SEC. 4. MEMBERSHIP OF COMMISSION.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of Members of the House of Representatives, the number of whom shall be determined by the Speaker of the House of Representatives, in consultation with the Minority Leader of the House of Representatives. Majority party members shall be appointed by the Speaker of the House of Representatives and minority party members shall be appointed by the Minority Leader of the House of Representatives.

(b) TERMS OF MEMBERS OF THE HOUSE OF REPRESENTATIVES.—Each member of the Commission shall be appointed for a term that is concurrent with the Congress in which the appointment is made. Such a member may be reappointed for one or more subsequent terms in accordance with the preceding sentence.

(c) CHAIRPERSON.—The Chairperson of the Commission shall be designated by the Speaker of the House of Representatives from among the members appointed by the Speaker of the House of Representatives under subsection (a).

SEC. 5. DUTIES OF COMMISSION.

(a) ACTIVITIES.—The Commission shall work with the parliaments of selected countries, as determined pursuant to subsection (b)(4), on a frequent and regular basis in order to—

(1) enable Members, officers, and staff of the House of Representatives and congressional support agencies to provide expert advice to members and staff of the parliaments of selected countries;

(2) enable members and staff of parliaments of selected countries to visit the House of Representatives and its support agencies to learn about their operations first-hand; and

(3) provide recommendations to the Administrator of the United States Agency for International Development regarding the provision of material assistance, such as modern automation and office systems, information technology, and library supplies, that the Commission determines is needed by the parliament of a selected country in order to improve the efficiency and transparency of its work, and to oversee the provision of such assistance.

(b) STUDY.—

(1) IN GENERAL.—In order to carry out the activities described in subsection (a), the Commission shall conduct on an annual basis (or more frequently if necessary) a study on the feasibility of programs of assistance for parliaments of countries described in paragraph (2) for the purpose of strengthening the parliamentary infrastructure of such countries. The Commission shall designate those countries described in paragraph (2) with respect to which a study will be conducted under this subsection. The study shall assess—

(A) the independent and substantive role that each parliament plays, or could reasonably be expected to play, in the legislative process and government oversight;

(B) the potential benefit to each parliament of expert advice from Members and staff of the House of Representatives in areas such as the development of research services and legislative information systems, parliamentary procedure, committee operations, budget process, government oversight, and constituent services; and

(C) the need in each parliament for material assistance, such as modern automation and office systems, information technology, and research materials, in order to improve efficiency and transparency.

(2) COUNTRIES DESCRIBED.—The countries referred to in paragraph (1) are countries that have established or are developing democratic parliaments which would benefit from assistance described in this resolution.

(3) SENSE OF THE HOUSE OF REPRESENTATIVES.—It is the sense of the House of Representatives that the countries described in paragraph (2) with respect to which studies will be conducted under this subsection should reflect a geographic diversity and over time should include countries from each of the following regions: Africa, Asia and the Pacific, Europe, the Middle East and Central Asia, and the Western Hemisphere.

(4) SELECTED COUNTRIES.—From the countries studied, the Commission shall select one or more parliaments that it recommends should receive assistance under the provisions of this resolution, based on the criteria in paragraph (1). Assistance may be provided under the provisions of this resolution to a parliament selected under this paragraph only if the parliament first expresses to the Speaker of the House of Representatives an interest to receive such assistance.

(c) REPORT.—

(1) IN GENERAL.—Not later than September 30, 2005, and each September 30 thereafter until September 30, 2009, the Commission shall prepare and submit to the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Committee on International Relations and other appropriate House committees, the Office of Interparliamentary Affairs of the House of Representatives, and the Administrator of the United States Agency for International Development, an annual report on the following:

(A) RESULTS OF STUDY.—The results of the study conducted pursuant to subsection (b).

(B) COMMISSION ACTIVITIES.—In accordance with the results of such study, a review of the activities of the Commission in the previous year and a proposal for the activities of the Commission in the following year, as described in subsection (a).

(2) DEFINITION.—In this subsection, the term "other appropriate House committees" means the Committee on Appropriations, the Committee on House Administration, and the Committee on Rules of the House of Representatives.

SEC. 6. ROLE OF THE COMMITTEE ON INTERNATIONAL RELATIONS.

(a) IN GENERAL.—The Commission shall carry out the duties described in section 5 using the staff and resources of the Committee on International Relations, including the use of consultants, such as individuals with expertise in development of democratic parliaments, legislative systems management, legislative research, parliamentary procedure, related legislative matters, and technology systems management, as appropriate.

(b) PARTICIPATION OF LEGISLATIVE BRANCH EMPLOYEES.—At the request of the Commission, the head of any House office or congressional support agency may assist the work of the Commission by—

(1) detailing personnel of that office to the staff of the Committee on International Relations; or

(2) authorizing personnel of that office to participate in activities of the Commission.

SEC. 7. TERMINATION.

The Commission shall terminate on September 30, 2009.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from South Carolina (Mr. BARRETT) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. BARRETT).

GENERAL LEAVE

Mr. BARRETT of South Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. BARRETT of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

First, I want to thank the distinguished gentleman from California (Mr. DREIER), chairman of the Committee on Rules, and the distinguished gentleman from North Carolina (Mr. PRICE) for introducing this legislation. I would also like to recognize the gentleman from Illinois (Mr. HYDE), chairman of the Committee on International Relations, and the gentleman from California (Mr. LANTOS), our distinguished ranking Democrat member, as original co-sponsors.

Last week, the Committee on International Relations unanimously agreed to ask the chairman to seek immediate consideration of this resolution by the whole House under suspension of the rules. I would like to thank the leadership for moving so expeditiously to schedule this debate. I would also like to remember the role played by one of our long-time colleagues, the very distinguished gentleman from Nebraska, Doug Bereuter. Prior to his retirement last year after nearly 26 years in the House, Mr. Bereuter worked closely with the gentleman from North Carolina (Mr. PRICE) on this initiative. Doug Bereuter was a strong believer in helping to spread democracy to former dictatorships, a mission that he has continued to champion in his new role as President of the Asia Foundation. His commitment to interparliamentary relations was underlined by his service as president of the 26-nation NATO Parliamentary Assembly.

This resolution, in part, is of his legacy of the House of Representatives and to the expansion of democracy around the world.

Mr. Speaker, in his second inaugural address, the President of the United States, Mr. Bush, declared: "The best hope for peace in our world is the expansion of freedom in all the world . . . So it is the policy of the United States to seek and support the growth of democratic movements and the institutions in every nation and culture with the ultimate goal of ending tyranny in our world."

The resolution before us would enable the House of Representatives to directly and personally answer the President's call to support the growth of democratic institutions in every nation. House Resolution 135 creates the House Democracy Assistance Commission. This commission will allow Members and staff of the House of Representatives to work directly with their counterparts in new democracies around the world to help those parliaments play an independent and substantive role in the legislative process and government oversight. This commission would build on the legacy of the Frost-Solomon task force of the 1990s when the House worked with democracies then emerging in Central and Eastern Europe, helping their parliaments become independent, effective legislatures.

Today, with democracies spreading throughout the world, the House Democracy Assistance Commission would allow Members to personally undertake what President Bush called "the idealistic work of helping raise up free governments." Through the House Democracy Assistance Commission, Members and their staffs from the House of Representatives will personally advise their counterparts from the parliaments of new democracies around the world both in their home capitals and here in Washington. Many of these parliaments need assistance in areas like committee operations, government oversight, constituent relations, parliamentary procedure, bill drafting, and establishment of research services and legislative information systems.

In addition, when the commission identifies needs in developing countries, it can recommend that the U.S. Agency for International Development provide office equipment for information technology to enable those parliaments to become more efficient and transparent. Creation of the House Democracy Assistance Commission will enable the House of Representatives to personally answer the President's call to support the growth of democratic institutions in every nation.

I urge my colleagues to adopt this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution. I strongly welcome this resolution to establish a commission in the House of Representatives to assist parliaments in emerging democracies. At the outset, I want to pay tribute to the distinguished gentleman from North Carolina (Mr. PRICE), who has been a consistent and steadfast advocate of the establishment of this commission. I also want to commend the gentleman from California (Mr. DREIER), my fellow Californian and friend, who is the author of this resolution, and the gentleman from Illinois (Chairman HYDE) for his leadership in moving the resolution through committee. I also want to commend the gentleman from South Carolina (Mr. BARRETT), our new colleague, for his work on this matter.

Mr. Speaker, our country has been the leading promoter of democracy from the very beginning of our Nation. It defines who we are as Americans, and it is rightfully a key and continuing element of our foreign policy.

In 1789, the year our Constitution went into effect and the year that George Washington was sworn in as our first President, the young United States supported the French Revolution. In 1848, the United States supported the uprising of the people of Hungary against the Hapsburg monarchy; and after Russia and Austria crushed that revolution, we welcomed to our shores Kossuth Lajos, the great leader of the forces of democracy in Hungary whose statue adorns our Capitol in perpetuity.

In 1918, our President Woodrow Wilson expressed the idea that it is in the national interest of the United States to encourage free and open and democratic governments. President Bush echoed that sentiment in his inaugural address earlier this year.

Mr. Speaker, this legislation provides for the establishment of a House commission to assist the new parliaments in emerging democracies. It is similar to the commission which was established by the House of Representatives in 1990 as the former communist states of Central and Eastern Europe were emerging from Soviet dominance. Under the able leadership of our former colleague, Congressman Martin Frost of Texas, and then our late colleague, Congressman Gerald Solomon of New York, this commission worked with the Congressional Research Service and the Library of Congress to provide technical assistance and information to these new democracies in Central and Eastern Europe.

□ 1545

Our Commission played an important role in assisting the parliaments of these newly democratic states. This legislation establishes a Commission with a similar mandate to assist parliaments in newly emerging democracies in areas throughout the Middle East where we have recently seen the winds of democracy beginning to stir.

There are also parliaments in other parts of the world where assistance from the Congress can help to establish free and open and democratic practices that will strengthen the rule of law.

Mr. Speaker, we all know the need to break the grip of dictatorship wherever it exists, but that is merely the first step on a long journey. Without assistance to help in the establishment of institutions of democracy, countries in transition to a more pluralistic political culture will be subject to the risk of falling short of the aspirations of their citizens who promoted democratic values.

We in this body have a role, along with our democratic friends and allies, to help those who want assistance in strengthening legislative assemblies in many forms.

Mr. Speaker, I urge all of my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BARRETT of South Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), sponsor of H. Res. 135, the distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I rise in strong support of this resolution. I want to begin by thanking my colleagues; the gentleman from South Carolina (Mr. BARRETT) for his commitment to the effort of this resolution. Behind this resolution, of course, I want to thank my very good friend, the gentleman from California (Mr. LANTOS), for all of his efforts, and I appreciate his once again bringing to mind 1848, as he likes to regularly remind our Governor of California about what took place in 1848.

I also want to thank my good friend the gentleman from North Carolina (Mr. PRICE), who as the gentleman from California (Mr. LANTOS) said, has been working for a long period of time on this. And of course Doug Bereuter, who is no longer serving in this House, but obviously put a lot of effort in this. And of course our former colleagues, Mr. Solomon and Mr. Frost.

I was privileged to serve on their task force in the early 1990s, and it is amazing when one looks at the success that we have enjoyed during that period of time. In fact, one of the greatest things that took place following our effort to establish those parliaments and put into place the expertise and the technical assistance and helping with constituent relations and demonstrating independence from the Executive Branch and all those great things as we worked with those fledgling democracies in Hungary and then Czechoslovakia and then Yugoslavia, obviously countries that have changed since that period of time, but Romania and Poland. It is amazing that it has not been necessary for the task force to be in place any longer. Why? Because we have seen following the efforts of that task force a great deal of success with those emerging parliaments, doing the very, very important independent thinking that parliaments need to do.

As the gentleman from South Carolina (Mr. BARRETT) pointed out so well in quoting President Bush's inaugural address and then his State of the Union message, it is very clear that we have witnessed an explosion of democracies throughout the entire world in recent months, and the fact that we have seen this explosion underscores the importance of this resolution which will, at the direction of the gentleman from Illinois (Speaker HASTERT), call for the establishment of this Commission, and I want to thank Speaker HASTERT, and of course the gentleman from Illinois (Chairman HYDE) for their strong support of this effort as well.

To me, this is one of the most exciting things that we will be able to do as an institution for a long period of time in the coming months and years, and I will tell you why, Mr. Speaker. If one looks at the challenges that we face, we know that the establishment of democracies is critical to the potential for us to diminish the kinds of threats that exist in the world. Military threats, terrorist threats are diminished with the success of democracies. And we all know that one election does not a democracy make. Over the past several months, to the surprise of many, we have seen elections take place in some places that have never experienced elections before; Afghanistan, for example. Never before had we seen an election take place in Afghanistan.

We have just now seen for the first time in a long, long period of time free and fair elections in the Palestinian territories, and then of course the most heralded election, when 8½ million Iraqis, to the surprise of many throughout the world, actually exercised that right to vote. And when we saw the emergence of the Shiia population, many thought that they would through the election process squelch the opportunity for the Sunnis and the Kurds to be involved in the process, when instead with this election having taken place the Shiia have been reaching out to try and hold Iraq together.

And so now, we, as an institution, the United States House of Representatives, have a wonderful opportunity to provide assistance to countries that have seen elections take place and have yet to see their parliaments really flourish, first be established and then flourish.

And then of course just in recent weeks, what is it that we have seen? As the Secretary of State said not too long ago, if one were to guess that 250,000 people would be on the streets of Beirut, Lebanon calling for independence, it would have come as a surprise to almost anyone, and yet that is exactly what we have seen.

And so these opportunities for democracies to take off are emerging all over the globe, and that is why the establishment of this Commission is, I believe, going to be critically important to help with the strengthening of those democracies through the talent and expertise that will be necessary for the parliamentarians in those democracies.

And so, Mr. Speaker, I want to say that I believe this is a historic opportunity for the United States Congress to be involved in our direct association with democracy building and most specifically parliament building in those countries that are coming to the forefront, and we all hope that there will be even greater opportunities for the United States Congress to be involved in that democracy building in countries where we could not possibly even fathom it today.

That is why I hope that one day we will get to the point where this Commission will no longer be necessary too, when we see political pluralism, the rule of law, self-determination and the existence of democratic institutions globally, because we know that that will play a great role in ensuring the stability and the success and the freedom that I believe all mankind deserves.

Mr. LANTOS. Mr. Speaker, I am delighted to yield such time as he may consume to the distinguished gentleman from North Carolina (Mr. PRICE), the Democratic author of this resolution.

Mr. PRICE of North Carolina. Mr. Speaker, I rise in support of the Dreier-Price Democracy Assistance Commission resolution. House Resolution 135 will establish a Commission in the House charged with helping parliaments in emerging democracies play a more independent, transparent and representative role.

I am pleased that the gentleman from California (Chairman DREIER) will be taking the lead role on the Commission, and I look forward to working closely with him to make this Commission a success and to make it a worthy successor to the Frost-Solomon Task Force, which helped build the capacity of new parliaments in Central and Eastern Europe between 1990 and 1996.

The Frost-Solomon Task Force, under the leadership of our former colleagues Martin Frost and the late Jerry Solomon, went in at the ground level with 10 parliaments from former Soviet and Warsaw Pact states, providing them with the kind of basic resources and technological infrastructure required for any legislature to play a meaningful role in an emerging democracy—things like computers and other office equipment and reference materials for parliamentary libraries—and helping them establish the systems and procedures necessary to create an efficient and well-functioning legislature.

A bipartisan group of House Members was actively involved, as were key House and Library of Congress staff who offered extensive consultation.

I had the opportunity to participate in the activities of that task force, and to witness firsthand the positive impact that it had, not only on the maturation of parliaments receiving assistance, but also in engendering a positive image of the United States, and of the U.S. House of Representatives, abroad. It was one of the most worthwhile and rewarding experiences I have had as a Member of this body.

The spread of democracy is continuing, and the U.S. Agency for International Development and its partners in the nonprofit world have been active in assisting new parliaments all around the world. Many other developed democracies have also gotten into the act of providing assistance to parliaments in emerging democracies.

But there is still an important role for the U.S. House to play. In fact, there is a role that I would argue the House is uniquely positioned to play. After all, the U.S. House is the oldest directly representative democratic body in existence in the world, one of two Chambers in the oldest democratic federal legislature in existence. We have been doing something that the world admires for a very long time. We should pass along the benefits of our experience to our colleagues in emerging democracies abroad, always in the spirit of realizing that, for all of us, the fullness of democracy is still a work in progress.

Our knowledge and experience as Members and support staff of this great institution are something we can share directly with our counterparts in emerging democracies, helping build their capacity to better perform the essential role that legislatures must play in democratic government, through oversight of governmental expenditures and military operations, constituent services, committee operations, information services and research.

Mr. Speaker, today is the culmination of 2 years of hard work, starting in early 2003 when I first began talking with Representative Doug Bereuter about resuming the work of the Frost-Solomon Task Force. We spent a lot of time talking with USAID, with Frost-Solomon Task Force veterans and with other stakeholders, trying to figure out the best way to move forward, how to ensure that the Commission's work did not duplicate other assistance efforts and in fact complemented them with the unique contribution that House Members could make.

We introduced the first version of this resolution, H. Res. 543, a little over a year ago, and a second improved version, H. Res. 642, last summer. Both resolutions were approved by the House Committee on International Relations, but there were still some refinements needed to get the consensus needed to move the resolution to the floor. We have now been able to make those refinements, thanks to the support and feedback we received from Scott Palmer and other staff members of the Office of the Speaker.

I want to thank the Speaker and the minority leader for lending their support to this enterprise, along with the gentleman from Illinois (Chairman HYDE) and the ranking minority member, the gentleman from California (Mr. LANTOS) of the Committee on International Relations.

John Lis, a staff member of the Committee on International Relations, played a critical role in helping bring us to this point, and will continue to play the lead staff role in the Commission's work.

Francis Miko and Paul Rundquist with CRS, Dan Freeman with the Committee on International Relations, and Kristi Walseth, formerly of Representative Frost's staff, all of these played important support roles for the Frost-Solomon Task Force and have been extremely valuable advisers on the best way for a reconstituted Commission to work. We will continue to call on them for advice and, in some cases, to help carry out the Commission's duties.

I also want to thank successive members of my staff who put many hours and substantial effort into fine-tuning this resolution: Tom Rice, Marian Currinder and Darek Newby.

Over the course of the next several months, the Commission will be appointed by the Speaker and minority leader, and the staff will be evaluating candidate countries from around the world for potential participation in the Democracy Assistance Program. The Commission will eventually narrow that list down to five countries that will be invited to participate in the program beginning in fiscal year 2006.

Assistance will be provided through visits by Commission members, other interested Members of the House, and staff to participating countries, and members and staff of those parliaments will also have opportunities to come to the United States to become more familiar with both State and Federal legislative institutions and practices.

We are working closely, and will continue to work closely, with USAID, the National Democratic Institute, and the International Republican Institute to coordinate the delivery of equipment and other related material assistance where the Commission identifies particular needs.

Mr. Speaker, this is an exciting endeavor, and one that I am looking forward to helping move forward. I hope that many of my colleagues will agree and find some way to contribute to the work of the Commission, to help support the spread and consolidation of democracy around the world.

□ 1600

The passage of H. Res. 135 is the essential first step, and I urge its adoption.

Mr. BARRETT of South Carolina. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. MCCOTTER), a member of the Committee on International Relations.

Mr. MCCOTTER. Mr. Speaker, I rise in support of House Resolution 135, for within its wisdom rests the realization a nation's democracy is never more imperiled than in its infancy. This realization and the extension of protections to emerging democracies are vital to our ensuring these newborn nations' first breaths of freedom burgeon into the full fruit of liberty.

Mr. Speaker, especially as we watch the ominous portents emanating from Russia's experiment in representative governments, we must ever remember the inception of a democracy is not an end. It is a beginning. And let us ever stand ready to assist those of our fellow human beings who are fitfully and finally breathing free.

I urge the adoption of this resolution.

Mr. PAUL. Mr. Speaker, I rise in opposition to this legislation. We have absolutely no constitutional authority to establish a commission to "assist" parliaments throughout the world. Despite all the high-sounding rhetoric surrounding this legislation, we should not fool ourselves. This is nothing more than yet another scheme to funnel United States tax dollars to foreign governments. It is an international welfare scheme and an open door to more U.S. meddling in the internal affairs of foreign countries.

How can we tell an American family struggling to pay its bills that it must pay more taxes so a foreign parliament can purchase fancy plasma screen televisions, or the latest computer equipment, or ultra-modern communications equipment? Can anyone here justify this?

Mr. Speaker, this bill will do more than just take money from Americans. This commission will enable members of Congress and congressional staff employees to travel the world meddling in the affairs of foreign governing bodies. It is counterproductive to tell other nations how they should govern themselves, as even if we come loaded with dollars to hand out, our meddling is always resented by the local population—just as we would resent a foreign government telling us how to govern ourselves. Don't we have enough of our own problems to solve without going abroad in search of foreign parliaments to aid?

I urge my colleagues to reject this wasteful and counterproductive scheme.

Mr. LANTOS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BARRETT of South Carolina. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MURPHY). The question is on the motion offered by the gentleman from South Carolina (Mr. BARRETT) that the House suspend the rules and agree to the resolution, H. Res. 135.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

URGING ADDITION OF HEZBOLLAH TO EUROPEAN UNION'S TERRORIST ORGANIZATION LIST

Mr. BARRETT of South Carolina. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 101) urging the European Union to add Hezbollah to the European Union's wide-ranging list of terrorist organizations, as amended.

The Clerk read as follows:

H. RES. 101

Whereas Hezbollah is a Lebanon-based radical organization with terrorist cells based in Europe, Africa, North America, South America, Asia, and elsewhere, receiving financial, training, weapons, and political and organizational aid from Iran and Syria;

Whereas Hezbollah has led a 23-year global campaign of terror targeting American, German, French, British, Italian, Israeli, Kuwaiti, Saudi Arabian, Argentinean, Thai, Singaporean, and Russian civilians, among others;

Whereas former Director of Central Intelligence George Tenet called Hezbollah "an organization with the capability and worldwide presence [equal to] al Queda, equal if not far more [of a] capable organization . . . [t]hey're a notch above in many respects . . . which puts them in a state sponsored category with a potential for lethality that's quite great";

Whereas Hezbollah has been suspected of numerous terrorist acts against Americans, including the suicide truck bombing of the United States Embassy and Marine Barracks in Beirut in October 1983 and the Embassy annex in Beirut in September 1984;

Whereas the French unit of the Multinational Force in Beirut was also targeted in the October 1983 attack, in which 241 United States Marines and 58 French paratroopers were killed;

Whereas Hezbollah has attacked Israeli and Jewish targets in South America in the mid-1990s, including the Israeli Embassy in Buenos Aires, Argentina, in March 1992 and the AMIA Jewish Cultural Center in Buenos Aires in July 1994;

Whereas Hezbollah has claimed responsibility for kidnappings of United States and Israeli civilians and French, British, German, and Russian diplomats, among others;

Whereas even after Israel's compliance with United Nations Security Council Resolution 425 (1978) by withdrawing from Lebanon, Hezbollah has continued to carry out attacks against Israel and its citizens;

Whereas Hezbollah has expanded its operations in the West Bank and Gaza Strip, providing training, financing and weapons to Palestinian terrorist organizations on the European Union terrorist list, including the Al Aqsa Martyrs Brigade, Hamas, the Palestinian Islamic Jihad, and the Popular Front for the Liberation of Palestine;

Whereas in 2004 Hezbollah instigated, financed, or played a role in implementing a significant number of Palestinian terrorist attacks against Israeli targets;

Whereas the European Union agreed by consensus to classify Hamas as a terrorist organization for purposes of prohibiting funding from the European Union to Hamas;

Whereas the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (Public Law 108–175) urges the Government of Lebanon to assert the sovereignty of the Lebanese state over all of its territory and to evict all terrorist and foreign forces from southern Lebanon, including Hezbollah and the Iranian Revolutionary Guards;

Whereas, although the European Union has included Imad Fayiz Mughniyah, a key operations and intelligence officer of Hezbollah, on its terrorist list, it has not included his organization on the list;

Whereas the United States, Canada, and Australia have all classified Hezbollah as a terrorist organization and the United Kingdom has placed the Hezbollah External Security Organization on its terrorist list;

Whereas leaders of Hezbollah have made statements denouncing any distinction between its "political and military" operations, such as Hezbollah's representative in the Lebanese Parliament, Mohammad Raad, who stated in 2001 that "Hezbollah is a military resistance party, and it is our task to fight the occupation of our land. . . . There is no separation between politics and resistance.";

Whereas in a book recently published by the deputy secretary-general of Hezbollah, Sheikh Naim Qassem, entitled "Hezbollah -- the Approach, the Experience, the Future", Qassem writes "Hezbollah is a jihad organization whose aim, first and foremost, is jihad against the Zionist enemy, while the political, pure and sensible effort can serve as a prop and a means of support for jihad";

Whereas United Nations Security Council resolution 1559 (2004), jointly sponsored by the United States and France, calls upon all remaining foreign forces to withdraw from Lebanon and for the disbanding and disarmament of all Lebanese and non-Lebanese militias;

Whereas in December 2004 the Department of State placed Al-Manar, Hezbollah's satellite television network, on the Terrorist Exclusion List, and in December 2004 the French Council of State banned the broadcasting of Al-Manar in France

Whereas France, Germany, and Great Britain, with the support of the High Representative of the European Union, have created a working group with Iran to discuss regional security concerns, including the influence of terror perpetuated by Hezbollah and other extremist organizations;

Whereas on March 10, 2005, the European Parliament voted overwhelmingly to adopt a resolution that stated "Parliament considers that clear evidence exists of terrorist activities on the part of Hezbollah and that the [EU] Council should take all necessary steps to curtail them."; and

Whereas cooperation between the United States and the European Union regarding efforts to combat international terrorism is essential to the promotion of global security and peace: Now, therefore, be it

Resolved, That the House of Representatives—

(1) urges the European Union to classify Hezbollah as a terrorist organization for purposes of prohibiting funding from the European Union to Hezbollah and recognizing it as a threat to international security;

(2) condemns the continuous terrorist attacks perpetrated by Hezbollah; and

(3) condemns Hezbollah's continuous support of Palestinian terrorist organizations on the European Union terrorist list, such as the Al Aqsa Martyrs Brigade, Hamas, the Palestinian Islamic Jihad, and the Popular Front for the Liberation of Palestine.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from South Carolina (Mr. BARRETT) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. BARRETT).

GENERAL LEAVE

Mr. BARRETT of South Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 101.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. BARRETT of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Res. 101 urges the European Union to add Hezbollah to its terrorist list. I strongly support this measure, which was passed by voice vote during a subcommittee mark-up and by unanimous consent before the full Committee on International Relations.

Hezbollah is a Lebanon-based extremist organization that has a network of cells located throughout the world. Its primary sources of political, financial, and organizational support stem from Iran and Syria. According to the most recent State Department "Patterns of Global Terrorism Report," Hezbollah is dedicated to the elimination of Israel and the establishment of an Islamic theocracy in Lebanon. Hezbollah is also a strong supporter of the Syrian presence in that country, a position clearly at odds with both the desires of the international community and the Lebanese people.

Hezbollah has been known or suspected to have been involved in numerous terrorist attacks against Americans, including the suicide truck bombing of the United States Embassy and the Marine barracks in Beirut in 1983 and the embassy annex in Beirut in 1984. Three members of Hezbollah are on the FBI's list of the 22 most wanted persons for the hijacking of a TWA flight in which an American Navy diver was killed. Elements of the terrorist organization have also been involved in the kidnapping of Americans and other Westerners.

In past years, Hezbollah has increasingly supported groups that have already been designated by the EU as terrorist organizations. It defies logic that the EU would classify these other groups as terrorist organizations and not include Hezbollah, a group that is among the most lethal terrorist organizations in the world.

The manager's amendment includes changes based on comments received on the resolution from the State Department and some changes communicated to me by the gentleman from Florida (Mr. WEXLER), the ranking member on the Subcommittee on Europe of the House Committee on International Relations. The amendment is designed to clarify some of the language contained in H. Res. 101. In addition, the amendment adds a clause recognizing that the European Parliament voted on March 10 on a resolution that stated that "clear evidence exists of terrorist activities on the part of Hezbollah" and that the Council of the EU "should take all the necessary steps to curtail them."

Mr. Speaker, I would like to commend the gentleman from New Jersey (Mr. SAXTON) for introducing H. Res. 101. This legislation has strong bipartisan support with over 70 co-sponsors. I urge the passage of this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution. Mr. Speaker, the resolution before the House condemns the ongoing terrorism perpetrated by Hezbollah and urges the European Union to classify Hezbollah as a terrorist organization.

Last session, after the introduction of House Resolution 285 urging the European Union to classify Hamas as a terrorist organization and thus prohibiting the channeling of funds from the territory from the European Union to Hamas, the Union agreed by consensus to add Hamas to its terrorist list. It is our hope that this resolution about Hezbollah will have similar results. The inclusion of Hezbollah on the European Union's list of terrorist organizations is long overdue.

As we all know, Mr. Speaker, Hezbollah is a Lebanon-based extremist organization with terrorist cells throughout the globe. Its primary sources of political, financial, and organizational support come from Iran and Syria. Not surprisingly, Hezbollah is the only significant Lebanese organization that supports the continued occupation of Lebanon by Syria.

As the master of possibly the most widespread network of terror in the world, Hezbollah has led a 23-year global campaign of terror targeting American, European, and Israeli civilians. In fact, Hezbollah perpetrated its terror on nearly every continent on this planet, including the 1983 bombing of the Marine barracks in Beirut. Parenthetically, Mr. Speaker, several of us visited with these wonderful Marines just weeks before Hezbollah terrorist activity destroyed their lives.

Among the most notorious examples of Hezbollah crimes outside the Middle East are its attacks on the Israeli Embassy in Buenos Aires in March 1992 and the Jewish Cultural Center in Buenos Aires in 1994.

Most recently, both Israeli and Palestinian officials have complained about an alarming increase in Hezbollah support for terrorism in the Palestinian territories. Israeli officials say that about one-fifth of Israeli causalities from terrorism last year were caused by Hezbollah-backed terrorist cells.

Hezbollah even terrorizes the Lebanese Government itself, perpetuating its occupation of southern Lebanon in defiance of the international community's demands that it be disarmed.

Mr. Speaker, given Hezbollah's bloody record, the charges against Hezbollah made by both Israelis and Palestinians and the European Union's frequent protestations of its commitment to Middle East peace, it is very odd, indeed, that the European Union continues to omit Hezbollah from its list of terrorist organizations. But it is completely stupefying that this omission continues while Hezbollah trains and equips many of the very groups already on the European Union's terrorism list, such as Islamic Jihad, al-Aqsa Martyrs Brigade, and Hamas. The logic of the European Union's decision-making on this matter is at best baffling.

Europeans sometimes point out in their defense that Hezbollah holds seats in the Lebanese Parliament. Let me point out, Mr. Speaker, that Hitler's Nazi Party held seats in a democratically elected German Parliament before the onset of World War II. Furthermore, Hezbollah's limited electoral success does nothing to revive the victims of terrorism. Europeans, of all people, should know that when terrorists succeed at the polls, they do not become moderate. They merely exploit their elected parliamentary positions to serve their terrorist aims.

Other Hezbollah apologists cite the group's domestic social programs within Lebanon as reason that it should not be considered strictly terrorist. But the credibility of those programs in Lebanon is mocked by Hezbollah's merciless disregard for human life in all of its other operations. The Bolshevik Party of the Soviet Union similarly provided social programs. Yet it had a devastating impact on generations of Soviet citizens.

By simply declaring the transparently obvious, that Hezbollah is a terrorist organization, Europe could deprive Hezbollah of access to millions of dollars in European banks and other financial institutions, while making an enormous contribution to Middle Eastern stability and saving hundreds of lives that will otherwise be Hezbollah's future victims. That is why I strongly support this resolution and urge all of my colleagues to join me in that support.

Mr. Speaker, I reserve the balance of my time.

Mr. BARRETT of South Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. SAXTON), the author of the legislation.

Mr. SAXTON. Mr. Speaker, I want to thank the gentleman from South Carolina (Mr. BARRETT) for yielding me time. I would also like to thank the chairman and ranking member and other members of the committee that made it possible for this resolution to come to the floor on a strictly bipartisan basis.

I would also just like to say that during the consideration of the previous resolution, it was pointed out by the gentleman from California (Mr. DREIER) and others how encouraging it is to see democracy springing up around the world, particularly in the Middle East. This is a trend which is tremendous for us to see, and certainly it should be the policy of the House of Representatives and our government generally to do whatever we can to help promote the trend which is so well under way. And of course at the same time it, would be good if we could help remove obstacles that may stand in the way of democracy being successful in places like Lebanon and the trend which is under way perhaps in Egypt and Iraq and Afghanistan and many other places.

So let us be clear on this subject of Hezbollah. Hezbollah is a radical terrorist organization, and this resolution simply asks the European Union to officially list it as such.

□ 1615

Its core beliefs are based on a perverse doctrine of anti-Westernism and anti-Semitism. Hezbollah has led a 23-year campaign targeting American, German, French, British, Italian, Israeli, Kuwaiti and countless other civilians from a variety of other countries.

Whether it is the bombing of the Marine barracks in Beirut in 1983 where 241 Americans were killed, the deadly attacks against Jewish targets in South America during the 1990s or any other atrocious acts of tyranny perpetuated by this organization, there is one thing clear: Hezbollah represents a clear and present danger to the national security of the United States, to the progress of countries that are in the process of democratizing and to many others around the world.

Mr. Speaker, there is no denying the fact some of us in this Chamber disagree from time to time on tactics, on techniques and procedures that are needed to win the war on terror. However, we all agree, beyond a shadow of a doubt, that organizations that openly call for the death of innocent civilians have no constructive role to play.

H. Res. 101 was not introduced for the purpose of angering our allies on the other side of the Atlantic. It is no secret that without the assistance of various European intelligence services and the steadfast support of many of our allies there would be more terrorists at large today and more threats to our national security than there is at this time.

However, it is with these thoughts in mind that I urge our European friends to ponder the following facts:

The main reason that France has led the efforts to block the European Union from placing Hezbollah on the list of terrorist organizations is due to the fact that the French believe that the military and political wings of the organizations are separate and, therefore, must be judged in that way. My question is simple: How can one separate the political and military wings of an organization if members of that organization, of the organization in question, have made statements contrary to that very fact?

For example, Mohammad Raad, a member of the Lebanese Parliament from Hezbollah, stated very plainly, "Hezbollah is a military resistance party and its task is to fight the occupation of our land. There is no separation between politics and resistance."

In a book recently published by another member of Hezbollah, Sheikh Naim Qassem, Hezbollah's deputy secretary, he states, "Hezbollah is a jihad organization whose aim, first and foremost, is jihad against the Zionist enemy, while the political, pure and sensible effort can serve as a prop and a means of support for jihad."

Mr. Speaker, after hearing these statements stated by members of Hezbollah, how can anyone, European or American, deny the simple fact that the ideological fabric of Hezbollah is based on the ideals of radical Islam and the central purpose of the organization is to kill innocent human beings?

I have been concerned during the last several days about constant references in the media that seem to indicate that at the behest of our European allies, our government in the United States is ready to accept Hezbollah as a legitimate political force in Lebanon.

Despite the disconcerting statements being perpetuated by the media, just yesterday Secretary of State Condoleezza Rice declared in the clearest of terms that the United States still regards Hezbollah as a terrorist organization, and I was encouraged last Thursday when our colleagues in the European Parliament passed a resolution that was mentioned just a few minutes ago by my friend from California that the EU Parliament has passed a resolution urging the European Union leadership and the governments there to list Hezbollah as a terrorist entity. The resolution stated the simple fact that there are "irrefutable proofs of Hezbollah's terrorist actions." It is my sincere hope that the EU leadership will follow the advice of their own parliament.

Mr. Speaker, I urge my colleagues to pass this important piece of legislation and send a message to the European Union that in order to secure a peaceful future for the people of Lebanon, the greater Middle East, and the world, organizations such as Hezbollah must not be tolerated.

Mr. LANTOS. Mr. Speaker, I continue to reserve our time.

Mr. BARRETT of South Carolina. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. MCCOTTER), a member of the Committee on International Relations.

Mr. McCOTTER. Mr. Speaker, I will not reiterate House Resolution 101's litany of why Hezbollah is a terrorist organization, for the resolution's authors and my colleagues before me have given a full and fair accounting of this therein.

I rise then to urge the European Union's acknowledgement of this resolution's list of terrorist particulars on Hezbollah's part, and in doing so, I further urge the European Union's addition of Hezbollah to the EU's terrorist list.

Indeed, since the Coalition's liberation of Iraq from the inhuman rule of Saddam Hussein, from some EU quarters has come a strident call on the U.S. and its allies to diminish reliance upon force; i.e., hard power, and increase utilization of diplomatic means; i.e., soft power, within our war on terror.

Now, here rests the opportunity for those strident voices in the EU to put their morality where their mouth is, for if despite all the evidence and the consequences of Hezbollah's terrorist activities, the European Union refuses to place Hezbollah on its terrorist list, then we will be left but to conclude some in Europe's insistence upon a sophisticated, soft power diplomacy in pursuit of stability, at the expense of liberty, is in reality no less than a disingenuous, shortsighted exercise in craven accommodation.

The choice is theirs, but this vote is ours, and I urge adoption of the resolution.

Mr. BARRETT of South Carolina. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS), chairman of the Subcommittee on National Security, Emerging Threats and International Relations of the Committee on Government Reform.

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding me the time, and I thank the gentleman from New Jersey (Mr. SAXTON) and the gentleman from California (Mr. LANTOS) for their involvement in this important legislation.

I think the thing that is most refreshing about President Bush's administration is the effort to have an honest dialogue with our allies about what is happening around the world. And we need to have this honest dialogue.

The bottom line is Hezbollah is a terrorist organization through and through. It may have a political arm, it may have a public relations arm as the gentleman from California (Ranking Member LANTOS) pointed out, but so did the Nazi Party. This is a terrorist organization and to use a phrase that Congressman LANTOS uses quite often, it "boggles the mind" that they would not be included as a terrorist organization within the European Union.

When we look at the resolution, there are 20 whereases, and each one is powerful

> Whereas Hezbollah is a Lebanon-based radical organization with terrorist cells based in Europe, Africa, North America, South America, Asia, and elsewhere, receiving financial, training, weapons, and political and organizational aid from Iran and Syria;
>
> Whereas Hezbollah has led a 23-year global campaign of terror targeting American, German, French, British, Italian, Israeli, Kuwaiti, Saudi Arabian, Argentinean, Thai, Singaporean, and Russian civilians, among other . . .

and it goes on.

I cannot believe frankly that if our colleagues from Europe read this resolution they will not readily agree that they need to take this action. Once again I thank my colleague for yielding me time, and I hope we pass this with a resounding "yes."

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

In closing, let me just say that the European Union calls into question its own appropriateness in serving on the quartet, attempting to bring some stability and peace to the Middle East. This is such a clearcut case. We are dealing with a global terrorist organization which has cold-bloodedly massacred large numbers of civilians of many nationalities. There is no earthly reason to continue the defiance of common sense by the European Union in failing to put Hezbollah on the terrorist list.

The European Parliament itself a few days ago called on the union to list Hezbollah as a terrorist organization, and at long last it is our hope that they will do so.

Mr. Speaker, I yield back the balance of my time.

Mr. BOUSTANY. Mr. Speaker, four weeks ago the international community was rocked by the untimely death of Former Lebanese Prime Minister Rafik Hariri. Mr. Hariri was a progressive who worked tirelessly for the unification and stabilization of Lebanon, especially in the face of the continued presence of Syrian forces within his country's borders. In the days since Mr. Hariri's death, the world has watched as hosts of Lebanese have taken to the streets in order to stand up for an autonomous Lebanon. I call upon the European Union to assist this move toward Lebanese self rule by adding Hezbollah to its list of recognized terrorist organizations.

Hezbollah was first organized in response to the Israeli invasion of southern Lebanon in 1982 during the Lebanese civil war. It was, and remains, a guerilla group sponsored first and foremost by its Shia ally Iran and by Syria. Its goal is to establish within Lebanon an Islamic republic based upon the model of its Iranian supporter. Though Hezbollah has claimed it means to do so only by the consent of the people, the violence to which the group resorted from the 1980s to the present day have instead revealed the group as a threat not only to the international community, but also to the future stability of Lebanon.

During the final years of the civil war, Hezbollah was responsible for numerous destructive attacks upon both Israeli and western forces based in Lebanon. The most notable of these were the 1984 bombing of the U.S. Embassy resulting to the death of 17 Americans and the 1983 attack of the US Marine barracks in Beirut in which 241 American servicemen lost their lives. The organization's fight was in no way limited to the borders of Lebanon. The group was heavily implicated in the hijacking of TWA Flight 847 from Athens to Rome in 1985 and in attacks of the Israeli Embassy in Argentina. Hezbollah remains the main suspect in a series of approximately thirty kidnappings, including several brutal tortures, of westerners during the 1980s and 90s.

Despite the final withdrawal of Israeli troops from Lebanon in 2000, Hezbollah's international terrorist activities continue even now. The organization is still active within the southern Lebanese Shab'a farm region. Still supported by both Iran and Syria, Hezbollah operates cells in Europe, Asia, Africa, and both North and South America. According to U.S. intelligence, today Hezbollah is the largest terrorist network on the globe—much larger than even Al Qaida.

Sparked by Hariri's death, both the international and Lebanese communities have cried out for the removal of Syria's last troops within the country. While I too support this effort, I must nonetheless ask how will this ensure stability in Lebanon if a local terrorist group of this magnitude is still allowed to exist within the country's borders? By adding Hezbollah to its list of international terrorist organizations, the European Union would require its member states to freeze all Hezbollah assets and to seek out and arrest its members. By doing so, the EU will help make substantial headway in putting an end to the terrorist group and show its unreserved support for both the security and autonomy of Lebanon.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in strong support of H. Res. 101, a resolution urging the European Union to add Hezbollah to the European Union's list of terrorist organizations.

Over the past two decades, Hezbollah has been synonymous with terror, suicide bombings and kidnappings. This Iran-backed, Lebanese-based terrorist group serves as an umbrella organization of radical Islamic Shiite groups and entities. Hezbollah, which the U.S. government estimates consists of several thousand militants, has balked at recent U.N. Security Council resolutions requiring it to disarm. This terrorist group is responsible for nearly 200 attacks since 1982 that have killed more than 800 people. Its political rhetoric includes calls for the destruction of the State of Israel. Most recently, both Israeli and Palestinian officials noted an alarming increase in Hezbollah support for terrorism in the Palestinian territories. The organization enjoys funding of $10 million to $20 million monthly from Iran, a country that continues to seek a nuclear weapon.

U.S. intelligence has shown that Hezbollah cells operate in Europe, Africa, South America, and North America. Hezbollah's reported involvement in the 1983 suicide bombing attack that killed 241 United States Marines in Beirut and other acts of atrocities begs its inclusion to the European Union's list of terrorist organizations.

Mr. Speaker, a critical part of the war on terror is identifying terrorist threats and the organizations and people who carry out acts of atrocity. I am encouraged by the European Union Parliament's passing of a resolution urging the European Union leadership and the member governments to list Hezbollah as a terrorist entity. I applaud this step and hope that it leads to the inclusion of Hezbollah on the European Union's list of terrorist organizations.

I urge my colleagues to support this legislation.

Mr. WEXLER. Mr. Speaker, I want to thank Mr. SAXTON and Mr. ENGEL for joining with me in introducing this critically important resolution, urging the EU to add Hezbollah to its terrorist list. For 23 years, Hezbollah has led a global campaign of terror aided by Syria and Iran that has targeted American, Israeli, European, South American, Asian and Arab citizens alike. Dubbed the "A-team of terror" by former Deputy Secretary of State Richard Armitage, the global security threat posed by Hezbollah nears—if not surpasses—that of Al Qaeda.

Since its inception in 1982, Hezbollah has carried out the bombings of the American Embassy in Lebanon, the Israeli Embassy in Argentina and the U.S. and French Marine bases in Beirut, among others. Hezbollah still has a formidable presence in Lebanon, as demonstrated by last week's rally organized by Hezbollah in Beirut, where half a million people gathered to express their support for Syria, while chanting "death to America; death to Israel" and waving pictures of Syrian President Bashar Assad. This position openly defies international demands, as well as that of an American and French-initiated U.N. Security Council Resolution, which calls for a Syrian withdrawal from Lebanon and the disarmament of Hezbollah.

In past years, Hezbollah has increasingly supported groups designated by the EU as terrorist organizations, including the Al Aqsa Martyrs Brigade, Hamas, the Palestinian Islamic Jihad and the Popular Front for the Liberation of Palestine.

Moreover, EU Member States such as France and Germany have taken recent legal action against Hezbollah, including the German deportation of a Hezbollah agent and the French banning of Hezbollah television, Al Manar. The EU has also included several officials affiliated with Hezbollah on its terrorist list, thereby precluding the transfer of funds to these individuals from EU Member States. Finally, the European Parliament voted overwhelmingly last Thursday for a resolution urging the EU Council to "take all necessary steps to curtail Hezbollah" due to "clear evidence of terrorist activity."

It defies logic that the EU would take such action and, at the same time, omit Hezbollah from its terrorist list.

In fact, an EU representative recently affirmed that Palestinian officials are increasingly concerned about the enhanced presence of Hezbollah in the West Bank and Gaza Strip. Palestinians fear that Hezbollah will undermine a negotiated ceasefire and target Abu Mazen, who has faced severe criticism from Hezbollah, in addition to assassination threats. A Palestinian official recently cited an intercepted email and bank transaction indicating that Hezbollah has increased its payments to Palestinian terrorists from $20,000 to $100,000 per attack. If the EU was to add Hezbollah to its terrorist list, such transactions may be impeded by an EU financial block.

In past years, EU Member states have sought to distinguish between the political and military wings of Hezbollah. However, Hezbollah officials themselves do not believe this distinction can be made—proving the futility of such claims. This was reiterated by Mohammad Raad, one of Hezbollah's representatives in the Lebanese Parliament, who stated that "Hezbollah is a military resistance party, and it is our task to fight the occupation of our land . . . There is no separation between politics and resistance."

Hezbollah does not discriminate in its targeting of innocent civilians, and the EU should not discriminate in its classification of terror. As such, the European Union must join the ranks of America, Canada, Israel and Australia in taking firm action against Hezbollah and adding them to its terrorist list. I urge my colleagues to support this resolution.

Mr. BARRETT of South Carolina. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MURPHY). The question is on the motion offered by the gentleman from South Carolina (Mr. BARRETT) that the House suspend the rules and agree to the resolution, H. Res. 101, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

TWO-YEAR EXTENSION OF NAZI WAR CRIMES AND JAPANESE IMPERIAL GOVERNMENT RECORDS INTERAGENCY WORKING GROUP

Mr. SHAYS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 384) to extend the existence of the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group for 2 years.

The Clerk read as follows:

S. 384

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TWO-YEAR EXTENSION OF WORKING GROUP.

Section 802(b)(1) of the Japanese Imperial Government Disclosure Act of 2000 (Public Law 106–567; 114 Stat. 2865) is amended by striking "4 years" and inserting "6 years".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut (Mr. SHAYS) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. SHAYS).

GENERAL LEAVE

Mr. SHAYS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 384, the Senate bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. SHAYS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Committee on Government Reform, I am pleased to call for the consideration of S. 384, a bill that extends the existence of the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group. I commend the esteemed Senator from Ohio, MIKE DEWINE, and my distinguished colleague in this body, the gentlewoman from New York (Mrs. MALONEY), for working on this bill. I am proud to be a cosponsor of it.

Senate 384 extends by 2 years this worthy working group that was originally created by Congress through Public Law 105–246 in 1998. The group is made up of government agency representatives who are directed to oversee the declassification of U.S. Government records that contain information about Nazi war crimes.

Such information includes trafficking of assets seized by the Nazis and post-war communications between U.S. Government and former Nazi officials, unless declassification would unduly violate personal privacy or harm national security or foreign policy interests. The law also allowed for expedited processing of Freedom of Information, FOIA, requests made by survivors of the Holocaust.

On December 6, 2000, as part of the Intelligence Authorization Act for 2001, Congress changed the group's name to the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group. This action expanded the mission of the group to include the declassification of U.S. Government records related to World War II era war crimes committed by the Japanese Imperial government.

The project has produced some valuable accomplishments. It has allowed the release of over 8 million previously classified documents and generated a great deal of historical research.

However, the CIA has resisted disclosing certain files, preventing the completion of the work within the 3-year time frame anticipated by the original law. Recently, however, the CIA has agreed to modify its position on a number of key issues and work with the National Archives and other groups to declassify remaining relevant information. Accordingly, S. 384 would extend the law for another 2 years, to give all parties sufficient time to complete the project.

Madam Speaker, all in all, the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group is a valuable effort that informs the American people of the actions of their government while balancing the protection of legitimate national secrets.

Again, I thank the gentlewoman from New York and the Senator from Ohio for seeing this legislation through both Chambers of Congress. I urge strong support for this measure.

Madam Speaker, I reserve the balance of my time.

☐ 1630

Mrs. MALONEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank the gentleman from Connecticut (Mr. SHAYS) for his leadership on this issue and so many others. I rise in strong support of S. 384 that would extend the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group for 2 years.

The 1989 law opened up the government files of Nazi and Japanese war activities. Many, many agencies cooperated and declassified an enormous amount of documents, including the CIA, FBI, NSA, DOD, the Army, and many others. The law resulted in the largest specifically focused declassification effort in American history. It provided important information for historians to better understand World War II and the Cold War. Already, over 100 million documents have been screened and over 8 million have been declassified.

The extension will allow time for the remaining documents to be released and studied. The remaining documents are mainly in the CIA. We thank them for their agreed cooperation as we go forward.

Madam Speaker, I want to make clear that the original legislation required the disclosure of Nazi war criminal records specifically related to individuals. It should in no way be interpreted as inhibiting the release of other more general records such as policy directives or memoranda. If such records are uncovered during the search of files, the bill requires and necessitates that they become public along with the rest of the documents. The intent of the original legislation was to bring to the light information which may be in the files and archives of the U.S. Government. This may well include information from the postwar period showing a relationship between those agencies and Nazi war criminals.

It was not the intent that the exemptions included in the underlying bill be used to shield this type of information from disclosure. We included the exemptions that currently exist in executive order. They should not be revoked simply to protect any agency from embarrassment.

It is important that this move forward, and it is important that we pass this extension today as the terms of the Interagency Working Group were set to expire at the end of March 2005. So we are at a critical juncture which this bill addresses.

Madam Speaker, I first introduced the Nazi War Crimes Disclosure Act in 1994. It was in response to an article that I read in the New York Times written by Mr. Abe Rosenthal. In the article he described the work of a professor from the University of South Carolina who was trying to obtain information on Kurt Waldheim, a former director of the United Nations. Yet our government would not allow him to have access to any information.

The KGB had opened up their files; many governments had opened up their files. It was many years after the war, and I could see no reason why this information should be kept from the public.

I introduced the bill, along with former Congressman Steve Horn. At first there was great opposition to the bill from the intelligence community. In 1996, we passed a sense of Congress in support of the bill because nothing passes without the support of the intelligence community. The bill drew the attention of former Congressman Porter Goss, Senator DEWINE, and then-Senator Moynihan who worked with me and others to finally pass the bill 7 years ago in 1998. It was signed into law by President Clinton in an Oval Office ceremony that year.

In December of 2000, we extended the law for an additional 2 years and expanded it to cover the Japanese crime documents. Then in January of 2004, we extended the term of the Interagency Working Group another year so it would be able to fulfill its charter and produce a comprehensive, historically accurate report on the United States' knowledge of Nazi and Japanese war criminals and their activities.

Now because of the bill, the legislation, millions of pages of U.S. intelligence documents are organized and available to the public through the National Archives. As a result of this law, we are beginning to understand the relationship of the U.S. Government to Nazi war criminals in the aftermath of World War II and during the Cold War.

While it is a difficult subject to address, finding out about the terrible and ugly aspects of the wartime era will help to shed light and bring us closer to the truth. "U.S. Intelligence and the Nazis" is one book that has already resulted from the documents. I know there will be many more in the future. In this book, they talk about the role of intelligence agencies, especially the U.S. of war criminals by U.S. intelligence organizations after the war.

We now understand because of these documents that German spymaster General Reinhard Gehlen, who served as Hitler's most senior military intelligence officer on the Eastern Front, was an officer who became a key U.S. intelligence resource after the war. During the postwar period, he ran an extensive network of spies, some with Nazi collaborationist backgrounds, that made them vulnerable to the Soviet Union during the height of the Cold War.

As we can see, the documents provided thus far to the IWG have revealed that there was a closer relationship between the U.S. Government and Nazi war criminals than previously known. It is an important fact that is crucial to the understanding of history. This significant knowledge would not have been possible without the cooperation of so many in this body, and so many agencies. But particularly I cite the dedicated work of the Interagency Working Group, former Congresswoman Elizabeth Holtzman, Tom Baer and Richard Ben-Veniste. They served with great dedication, without compensation and are continuing to serve and have been appointed by two Presidents.

Many people worked to bring this bill to the floor, and I want to especially express my gratitude to the gentleman from Virginia (Chairman TOM DAVIS), who went beyond the call of duty to ensure there was a markup so we could get this to the floor to extend it before the time expired. I appreciate the work of his staff, Mason Aligner and Rob Borden; and I also want to thank the ranking member, the gentleman from California (Mr. WAXMAN), and his staff, Michelle Ash and David McMillan, who are always helpful and supportive, and this time was no exception.

I also express my appreciation to the gentleman from Texas (Mr. DELAY), the majority leader, and his staff, Brad Loper. They were extremely helpful in making sure we are debating this bill on the floor today and that the Interagency Task Force will be able to continue its work.

I would also like to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) and Robert Tracci on his staff who have been extremely accommodating so we could move this forward. But I would especially like to thank my colleague in the other body, Senator DEWINE, and his staff, Peter Levitas, and his former staff member, Louis DePartt, for their tireless and selfless work and for the energy they put forth to ensure that we know as much as we can about our government's past involvement with Nazi war criminals.

I would also like to recognize Ben Chevat and Orly Isaacson of my own staff who have shown tremendous persistence and dedication.

I also thank former Senator Moynihan. Today, I was supposed to be in Syracuse for a dedication to a research facility that bears his name to continue his work. He worked with me on this bill. Part of his devotion was protecting privacy and combating unnecessary confidentiality of government papers. I really feel being here today helps extend and empower the work that he so brilliantly did in this body.

Our work today is extremely important; but it is far surpassed by the persistence that Holocaust survivors, historians, and researchers have shown for their search for the truth. I thank everyone who has worked to make this happen today.

Madam Speaker, I yield back the balance of my time.

Mr. SHAYS. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, again I thank the gentlewoman from New York (Mrs. MALONEY) for her extensive work on this legislation over a long period of time. I reinforce the gentlewoman's thank you and say that the gentleman from Virginia (Chairman TOM DAVIS) wants to be on the record thanking the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentleman from Michigan (Chairman HOEKSTRA) for waiving jurisdiction on S. 384 so we could take it up more quickly, and that was obviously very important.

I just want to say that I know the gentlewoman is going to ask for a roll call vote, and I join in that effort because I think Members want an opportunity to vote on this bill. I urge all Members to support the passage of S. 384.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I include the following exchange of letters between Chairman F. JAMES SENSENBRENNER, Jr., of the Committee on the Judiciary, Chairman PETER HOEKSTRA of the Permanent Select Committee on Intelligence and myself.

COMMITTEE ON THE JUDICIARY,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 14, 2005.

Hon. TOM DAVIS
Chairman, Committee on Government Reform,
House of Representatives, Washington, DC.

DEAR CHAIRMAN DAVIS: In recognition of the desire to expedite floor consideration of S. 384, "To extend the existence of the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group for two years," the Committee on the Judiciary hereby waives consideration of provisions of the legislation within the Committee's Rule X subject matter jurisdiction. Specifically, S. 384 extends the operation of the Nazi War Criminal Interagency Working Group established by Public Law 105-267. Section 3(b) of Public Law 105-267 created certain exceptions for the disclosure of records obtained by the Working Group. Section 3(b)(2)(A) excepts the disclosure of information that would "constitute a clearly unwarranted invasion of personal privacy." This matter falls within the Committee on the Judiciary's subject matter jurisdiction under rule X(1)(1)(5)("Civil liberties"). Section 3(b)(2)(C) also excepts the disclosure of information that would "reveal information that would assist in the development or use of weapons of mass destruction." This matter falls within the Committee on the Judiciary's subject matter jurisdiction under rule X(1)(1)(19)("Subversive activities affecting the internal security of the United States"). In addition, section (3)(c) creates an exception to the National Security Act of 1947. This section implicates the Committee on the Judiciary's jurisdiction under rule X(1)(1)(19)("Subversive activities affecting the internal security of the United States") Finally, Section 3(3) pertains to the disclosure of records "related to or supporting any active or inactive investigation, inquiry, or prosecution of the Office of Special Investigations of the Department of Justice." This matter falls with the Committee on the Judiciary's subject matter jurisdiction under rule X(1)(1) ("The judiciary and judicial proceedings, civil and criminal.")

S. 384 also extends the operation of the "Japanese Imperial Government Disclosure Act" (Public Law 106-567), which expanded the scope of the Working Group to encompass the examination of crimes committed by the Japanese government during World War II. Section 803(b)(1) of this legislation excepts the disclosure of information that would "constitute a clearly unwarranted invasion of personal privacy." This matter falls within the Committee on the Judiciary's subject matter jurisdiction under rule X(1)(1)(5)("Civil liberties"). Section 803(b)(3) also excepts the disclosure of information that would "reveal information that would assist in the development or use of weapons of mass destruction." This matter falls within the Committee on the Judiciary's subject matter jurisdiction under rule X(1)(1)(10)("Subversive activities affecting the internal security of the United States"). Finally, Section 803(d) pertains to the disclosure of records "related to or supporting any active or inactive investigation, inquiry, or prosecution of the Office of Special Investigations of the Department of Justice." This matter falls with the Committee on the Judiciary's subject matter jurisdiction under rule X(1)(1) ("The judiciary and judicial proceedings, civil and criminal").

The Committee on the Judiciary takes this action with the understanding that the Committee's jurisdiction over these provisions is in no way altered or diminished. I would appreciate the inclusion of this letter and your response to it in the Congressional Record during consideration of S. 384 on the House floor. Thank you for your consideration in this matter.

Sincerely,

F. JAMES SENSENBRENNER, Jr.,
Chairman.

CONGRESS OF THE UNITED STATES
Washington, DC, March 14, 2005.

Hon. F. JAMES SENSENBRENNER, Jr.
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your recent letter regarding the Judiciary Committee's jurisdictional interest in S. 384, a bill to extend the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group.

I agree that the Committee on the Judiciary does not waive its jurisdiction over S. 384 or similar bills by waiving further consideration of this bill. I will include a copy of your letter and this response in the Congressional Record during consideration of the legislation on the House floor. Thank you for your cooperation as we work towards the enactment of S. 384.

Sincerely,

TOM DAVIS,
Chairman.

HOUSE OF REPRESENTATIVES,
March 11, 2005.

Hon. TOM DAVIS,
Chairman, Committee on Government Reform, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to confirm our mutual understanding with respect to the consideration of S. 384, a bill to extend the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group. The House Permanent Select Committee on Intelligence has a jurisdictional interest in S. 384.

In the interests of moving this important legislation forward, I do not intend to ask for sequential referral of this bill. However, I do so only with the understanding that this procedural route should not be construed to prejudice the House Permanent Select Committee on Intelligence's jurisdictional interest over this bill or any similar bill and will not be considered as precedent for consideration of matters of jurisdictional interest to the Committee in the future.

Finally, I would ask that you include a copy of our exchange of letters on this matter in the Congressional Record during the House debate on S. 384. Thank you for your consideration.

Sincerely,

PETER HOEKSTRA,
Chairman.

CONGRESS OF THE UNITED STATES,
Washington, DC, March 14, 2005.

Hon. PETER HOEKSTRA,
Chairman, House Permanent Select Committee on Intelligence, Capitol Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your recent letter regarding the House Permanent Select Committee on Intelligence's jurisdictional interest in S. 384, a bill to extend the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group.

I agree that the House Permanent Select Committee on Intelligence does not waive its jurisdiction over S. 384 or similar bills by waiving further consideration of this bill. I will include a copy of your letter and this response in the CONGRESSIONAL RECORD during consideration of the legislation on the House floor. Thank you for your cooperation as we work towards the enactment of S. 384.

Sincerely,

TOM DAVIS,
Chairman.

Mr. HASTINGS of Florida. Madam Speaker, I rise today in support of S. 384, a bill extending the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group for two years. This crucial legislation amends the Japanese Imperial Government Disclosure Act of 2000 to extend from four to six years the existence of the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group. H.R. 842 extends by two years this worthy working group, which was originally created by Congress through Public Law 105–246 in 1998. The group is made up of government agency representatives who are directed to oversee the declassification of U.S. Government records that contain information about Nazi war crimes.

Such information includes trafficking of assets seized by the Nazis and post-war communications between U.S. Government and former Nazi officials, unless declassification would unduly violate personal privacy or harm national security or foreign policy interests. The law also allowed for expedited processing of Freedom of Information, requests made by survivors of the Holocaust.

On December 6, 2000, as part of the Intelligence Authorization Act for 2001, Congress changed the group's name to the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group. This action expanded the mission of the group to include the declassification of U.S. Government records related to World War II-era war crimes committed by the Japanese Imperial government.

Madam Speaker, the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group is a valuable effort that informs the American people of the actions of their government while balancing the protection of legitimate national secrets.

I support this noble effort so that we can continue to confront this dark chapter in American History.

The vicious and barbaric war crimes committed by the Nazis, and the atrocities committed by the Japanese Imperial Government during World War II, were some of the worse criminal acts of the 20th century. Both of these historical crimes against humanity must be studied and chronicled in their entirety. The acts of barbarism and genocide committed by the German Nazi and Japanese Imperial governments should never be forgotten. Therefore, it is up to the elected representatives of the American people to ensure that the United States Government complies completely with the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group and makes accessible all information that is allowable by law.

I urge my colleagues to support this bill.

Mr. SHAYS. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Connecticut (Mr. SHAYS) that the House suspend the rules and pass the Senate bill, S. 384.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. MALONEY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PERMISSION FOR COMMITTEE ON GOVERNMENT REFORM TO HAVE UNTIL MIDNIGHT, MARCH 31, 2005, TO FILE REPORT ON OVERSIGHT PLANS

Mr. SHAYS. Madam Speaker, I ask unanimous consent that the Committee on Government Reform have until midnight, March 31, 2005, to file a Report on Oversight Plans under clause 2 of rule X.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 4 o'clock and 42 minutes p.m.), the House stood in recess until approximately 6:30 p.m. today.

☐ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BOOZMAN) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 135, by the yeas and nays;

H. Res. 101, by the yeas and nays; and

S. 384, by the yeas and nays.

The first and third electronic votes will be conducted as 15-minute votes. The second vote in this series will be a 5-minute vote.

HOUSE DEMOCRACY ASSISTANCE COMMISSION RESOLUTION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 135.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina (Mr. BARRETT) that the House suspend the rules and agree to the resolution, H. Res. 135, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 386, nays 2, not voting 46, as follows:

[Roll No. 66]

YEAS—386

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Cunningham
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Higgins
Hinchey
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Kolbe
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pastor
Pearce
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

McKinney
Paul

NOT VOTING—46

Alexander
Baird
Becerra
Blackburn
Boswell
Boustany
Brown, Corrine
Brown-Waite, Ginny
Capuano
Cramer
Culberson
Davis (AL)
Davis (FL)
Emerson
Evans
Feeney
Flake
Gutierrez
Hefley
Hinojosa
Hunter
Jones (OH)
Kelly
Kilpatrick (MI)
Knollenberg
LaHood
McCarthy
Menendez
Miller, George
Nussle
Pallone
Pascrell
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pryce (OH)
Rangel
Sánchez, Linda T.
Schwarz (MI)
Sessions
Simpson
Taylor (NC)
Walsh
Wexler

□ 1857

Mr. SALAZAR changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

URGING ADDITION OF HEZBOLLAH TO EUROPEAN UNION'S TERRORIST ORGANIZATION LIST

The SPEAKER pro tempore (Mr. BOOZMAN). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 101, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina (Mr. BARRETT) that the House suspend the rules and agree to the resolution, H. Res. 101, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 380, nays 3, answered "present" 5, not voting 46, as follows:

[Roll No. 67]

YEAS—380

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Cunningham
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Higgins
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Kolbe
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe

Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pastor
Pearce
Pelosi
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Price (NC)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Walden (OR)
Wamp
Wasserman Schultz
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—3

Paul
Rahall
Watson

ANSWERED "PRESENT"—5

Hinchey
McDermott
McKinney
Stark
Waters

NOT VOTING—46

Alexander
Baird
Becerra
Blackburn
Boswell
Boustany
Brown, Corrine
Brown-Waite, Ginny
Capuano
Chabot
Culberson
Davis (AL)
Davis (FL)
Emerson
Evans
Feeney
Flake
Franks (AZ)
Gutierrez
Hefley
Hinojosa
Hunter
Jones (OH)
Kelly
Kilpatrick (MI)
Knollenberg
LaHood
McCarthy
Menendez
Miller, George
Nussle
Pallone
Pascrell
Payne
Pence
Peterson (MN)
Peterson (PA)
Pryce (OH)
Rangel
Sánchez, Linda T.
Sessions
Simpson
Van Hollen
Walsh
Waxman
Wexler

☐ 1905

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. VAN HOLLEN. Mr. Speaker, on rollcall No. 67, had I been present, I would have voted "yes."

EXTENSION OF NAZI WAR CRIMES AND JAPANESE IMPERIAL GOVERNMENT RECORDS INTERAGENCY WORKING GROUP

The SPEAKER pro tempore (Mr. BOOZMAN). The pending business is the question of suspending the rules and passing the Senate bill, S. 384.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. SHAYS) that the House suspend the rules and pass the Senate bill, S. 384, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 391, nays 0, not voting 43, as follows:

[Roll No. 68]

YEAS—391

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Cunningham
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Higgins
Hinchey
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Kolbe
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pastor
Paul
Pearce
Pelosi
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—43

Alexander
Baird
Becerra
Blackburn
Boswell
Boustany
Brown, Corrine
Brown-Waite, Ginny
Buyer
Capuano
Culberson
Davis (AL)
Davis (FL)
Emerson
Evans
Feeney
Flake
Gutierrez
Hefley
Hinojosa
Hunter
Jones (OH)
Kelly
Kilpatrick (MI)
Knollenberg
LaHood
McCarthy
Menendez
Miller, George
Nussle
Pallone
Pascrell
Payne
Pence
Peterson (MN)
Peterson (PA)
Pryce (OH)
Rangel
Ruppersberger
Sánchez, Linda T.
Simpson
Walsh
Wexler

☐ 1922

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. KILPATRICK of Michigan. Mr. Speaker, personal business in my district prevents me from being present for legislative business scheduled for today, Monday, March 14, 2005. Had I been present, I would have voted "yea" on H.R. 135, authorizing the establishment of a House Democracy Assistance Commission (rollcall No. 66); "yea" on H. Res. 101, a resolution urging the European Union to Add Hezbollah to the List of Terrorist Organizations (rollcall No. 67); and "yea" on S. 384, to extend the Nazi and Japanese War Crimes Working Group (rollcall No. 68).

PERSONAL EXPLANATION

Mr. FLAKE. Mr. Speaker, I was regrettably absent from the Chamber today during rollcall votes 66, 67, and 68. Had I been present, I would have voted "nay" on rollcall 66, "yea" on rollcall 67, and "yea" on rollcall 68.

PERSONAL EXPLANATION

Mr. PASCRELL. Mr. Speaker, I rise to offer a personal explanation. Earlier today, I was unavoidably detained on rollcall votes 66, 67, and 68 due to prior obligation. Had I been present, I would have voted "yea" on rollcall vote 66 (H. Res. 135), "yea" on rollcall vote 67 (H. Res. 101), and "yea" on rollcall vote 68 (S. 384).

REAFFIRMATION OF AMERICAN INDEPENDENCE RESOLUTION

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, today I rise to ask my colleagues to join me in cosponsoring House Resolution 97, the Reaffirmation of American Independence Resolution.

We have a serious problem with our country's judicial systemic. Oftentimes judges will cite foreign laws when interpreting the United States Constitution and our other laws. This happened earlier this month when the Supreme Court cited international rulings and opinions in its decision to abolish the death penalty for juveniles.

Foreign laws and the beliefs of foreign governments should have no bearing whatsoever when it comes to interpreting American laws. Judges who take these outside opinions into account are legislating from the bench and abandoning their duty to interpret the U.S. Constitution.

It is time we hold our judges accountable for their actions. The Reaffirmation of American Independence Resolution states that judicial decisions should not be based on any foreign laws, court decisions or pronouncements of foreign governments. I strongly urge my colleagues to support this very important resolution.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BOOZMAN). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE UGLY FACE OF CAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, this is the face of the Central American Free Trade Agreement.

This photo was taken by Reuters news service last week in Guatemala as police forces used tear gas and water cannons to beat back demonstrators who had united to speak out against the Central American Free Trade Agreement. Sadly, despite days of protests in organized worker strikes against CAFTA, the Guatemalan Congress ratified that trade agreement late last week.

It appears that politicians encouraged by multinational corporations fail to understand what their workers realize all too clearly: CAFTA is an empty promise that will keep workers in poverty while reaping huge profits for the corporate executives.

Throughout the developing world, Mr. Speaker, workers simply, unlike in this country in most cases, workers simply do not share in the wealth they create. Nike workers in Vietnam cannot afford the shoes they make. Disney workers in Costa Rica cannot afford the toys for their children. Motorola workers in Malaysia are unable to purchase the cell phone.

The North American Free Trade Agreement promised to create a thriving middle class in Mexico, promising higher wages, promising to lift people out of poverty. Eleven years later there is no newly created middle class realizing its dreams. Instead there is a fallen minimum wage and the ongoing nightmare of abject poverty, despite backbreaking work, despite deplorable working conditions.

Now President Bush wants to expand this failed trade policy with CAFTA, dysfunction cousin of NAFTA, involving five Central American countries: Costa Rica, Nicaragua, El Salvador, Honduras, and Guatemala.

CAFTA nations are not only among the world's poorest countries; they are among the smallest economies. With a $62 billion combined economic output, about that of Columbus, Ohio, these nations can hardly serve as a growth engine for the $10 trillion U.S. economy.

CAFTA is more about access to cheap labor and exporting American jobs than it is exporting U.S. goods and produce.

Trade pacts like NAFTA and CAFTA enable countries to exploit cheap labor in other countries and then import their products back into the United States under favorable terms. As a result, America, especially my State of Ohio, bleeds manufacturing jobs and runs unprecedented trade deficits.

The first year I ran for Congress, our trade deficit was $38 billion. Today it is $617 billion for calendar year 2004. Gregory Mankiw, then President Bush's chief economist, portrayed the exporting of jobs as inevitable and desirable saying, "When a good or service is produced more cheaply abroad, it makes more sense to import it than it does to provide it domestically."

What really makes sense is a trade policy that lifts workers up in rich and poor countries alike, while respecting human rights and democratic principles. Proof that CAFTA is a legacy of failing trade policies is evidence in this Congress's own inaction. For the last 5 years, Congress has typically voted within about 2 months, within 60 days of President Bush signing a trade agreement.

Nearly 300 days have elapsed since President Bush signed the Central America Free Trade Agreement, still this Congress has not acted because the majority of this Congress understands our trade policies have failed.

Proof that CAFTA is a failure can be seen in this photo, Mr. Speaker. In Guatemala today, thousands of workers united in a nationwide strike voicing opposition to a trade policy they know will fail them, one that American workers also know will fail us.

This is the result of these demonstrations, where police turn on this country's workers, workers who are simply opposing in a democratic, open demonstration opposing its government trade policies. Yet the U.S. continues to push for more of the same, more trade agreements that ship jobs overseas, more trade agreements that neglect essential environmental rules, more trade agreements that keep foreign workers in poverty.

Madness is repeating the same action over and over and over and expecting a different result. The United States with our unrivaled purchasing power and our enormous economic clout is in a unique position to help empower poor workers in developing countries while promoting prosperity here at home.

When the world's poorest people can buy American products rather than just make them, we know then that our trade policies have finally succeeded.

NAVY AND MARINE CORPS ARE A TEAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I am back on the floor again. This will be the third year that the House Committee on Armed Services has supported a bill that I have put in to rename the Department of Navy to be Navy and Marine Corps.

Both the Marine Corps, the Navy, the Air Force and the Army have great histories, and I think the American people know and respect each and every one of them. But the Marine Corps does not have a Secretary of the Navy/Marine Corps.

The Marine Corps, in my opinion, deserves to have and it is about time that we recognize the four services equally and respectfully of each one of them.

Quite frankly, for two Congresses over the last 30 years, the Congresses have passed legislation that has said that we have four separate services, four separate services: Army, Navy, Marine Corps, and Air Force. And actually the Navy and Marine Corps are a team. And this is said so many times in the Committee on Armed Services. I have been on it for 10 years, and every time the commandant of the Marine Corps comes in or the CNO of the Navy or the admiral comes in or the Secretary of the Navy, they all say we are a fighting team. We are a team. We are this and we are that.

I agree with that, and I have great respect for both, but my question is why is the Marine Corps not recognized for its greatness? The Navy is great. The Army is great. The Air Force is great. Yet, we do not have a Department of Navy/Marine Corps. We do not have a Secretary of Navy/Marine Corps.

☐ 1930

Mr. Speaker, tonight I brought on the floor an enlargement of the official letter of the Secretary of Navy to a Marine named Sergeant Michael Bitts. Sergeant Bitts was killed at the battle of Nasiriyah. He left a wife and three children, twins that he never saw. They were born after he was deployed.

It so happened that about a year ago the Department of Navy decided that Sergeant Bitts deserved and earned the Silver Star for valor in Iraq. What my colleagues see tonight, Mr. Speaker, is an enlargement of the citation itself and it says at the top, the official heading says Secretary of the Navy, Washington, D.C., ZIP code, and then to the left it has the Navy flag.

My question would be, Mr. Speaker, to the House and Senate, is, yes, this is one wonderful way to remember a man who gave his life for his country who happened to be a Marine, but Mr. Speaker, I wonder if it would not mean more to his children, 10 and 15 years down the road, if the second post behind it, I have had an enlargement made of what it should be, which it says at the top, Mr. Speaker, it says the Secretary of Navy and Marine Corps, with the Navy flag and the Marine flag.

Mr. Speaker, this is what it is all about. This is a team, and I think it is time that the House, which has for 3 years, and now the Senate, seriously look at making the Department of Navy, Navy and Marine Corps, and I hope that this will be the year, 2005, that this will happen.

Again, I want to praise everyone in uniform, whether it be Army, Navy, Marine Corps, Air Force, and thank them for their service.

Mr. Speaker, as I close tonight, I want to say, I ask the good Lord to bless our men and women in uniform and their families. I ask God to please bless the families who have lost loved ones, in His loving arms to hold them, and God, I ask the good Lord to please bless America, to please bless the House and Senate that we will do what is right. I ask God to bless the President with wisdom, strength and courage to do what is right for this Nation. Three times I ask God bless, God bless, God bless America.

ORDER OF BUSINESS

Mr. EMANUEL. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore (Mr. DANIEL E. LUNGREN of California). Is there objection to the request of the gentleman from Illinois?

There was no objection.

ASSET PROTECTION TRUST LOOPHOLE IN BANKRUPTCY BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, as the House takes up the bankruptcy legislation, a glaring loophole remains untouched in this so-called reform bill. It is known as the Millionaire's Loophole. It is a proven windfall for the very wealthy and the very well connected. It was created by five States that passed laws exempting asset protection trusts from the Federal bankruptcy code.

These trusts allow wealthy individuals to stash funds, often in offshore accounts, for the purpose of hiding their assets from creditors after they declare bankruptcy.

What we are, in fact, doing in this bill is creating two bankruptcy laws, one for the well-connected and one for middle class families. Middle class families, over half of them who declare bankruptcy, do it because of health care costs, and they are forced because of higher hospital costs or other type of health care expenses they did not expect and they do not have coverage, they seek bankruptcy protection. The wealthy, they have a special loophole here that protects their assets, wherever they may be, and sometimes in foreign accounts, and therefore, they have a bankruptcy law, one that treats them and all of their assets with a certain standard and another one that treats middle class families who are usually facing a health care crisis. That is not the way this legislation should be drafted.

We should have one bankruptcy bill for every American, not two bankruptcy bills, one for the very wealthy and connected and one for middle class families struggling with health care costs.

Whether the assets are villas, yachts, investments or a suitcase full of cash, they are untouchable in bankruptcy reorganizations for the well-to-do. Neither creditors nor the courts can reach into the asset protection trusts.

As one bankruptcy expert observed in the Wall Street Journal, "With this loophole, the rich won't need to buy houses in Florida or Texas to keep their millions."

What is ironic here is the bankruptcy bill is titled The Bankruptcy Abuse Prevention and Consumer Protection Act. If this loophole is not abuse, what is? While the bill keeps asset protection trusts in place, it makes it very hard for those who fall behind to work themselves out of the financial trouble they face.

More than half of all the bankruptcies in America are the result of catastrophic medical bills. Middle class families cannot pay. Rather than dealing with the health care crisis of uncontrollable costs, of lack of coverage, what has the infinite wisdom of this Congress done? Decided to come up with a bankruptcy piece of legislation that treats the wealthy one way and with one standard of protection and throws the middle class in front of the train, but if you can afford a high priced lawyer to set up an offshore trust, you are better off in bankruptcy court than if you are a middle class family trying to pay off of a massive hospital bill.

The right way to address this problem is to have bankruptcy legislation that treats every American the same, regardless of circumstance, regardless of income. That is not what this legislation does.

My colleague and I, the gentleman from Massachusetts (Mr. DELAHUNT) are offering an amendment to deal with this in the Committee on the Judiciary and to address this discrepancy in the law, but by preserving the asset protection trust loophole, the bankruptcy bill is protecting wealthy deadbeats from the same punishment, the same standards, the same rule of law that the legislation imposes upon every American, regardless of income.

Regrettably, the Senate voted down an amendment to close this loophole. We are going to be offering this amendment both in the Committee on the Judiciary as well as in the full House. I am glad that my colleague, the gentleman from Massachusetts (Mr. DELAHUNT), has joined me in this effort.

Our legislation would force the wealthy individuals and well-connected who are trying to cheat the system to limit the funds they can protect to a maximum of $125,000, and importantly, this amendment does not affect retired Americans or take anything away from their nest egg and retirement security. It specifically carves out an exemption for retirees. It also protects charitable, educational and other trusts set aside for legitimate purposes.

Mr. Speaker, what kind of values does our bankruptcy code reflect when the abuses of the wealthy deserve more leeway than middle class families struggling with health care costs? We must address this discrepancy and these double standards continuously. We have it in our tax code. We have it in our educational system. We have it in our laws which allow our American corporations to set up in Bermuda and avoid taxes here in the country while middle class families struggle. We should not have bankruptcy legislation pass the United States Congress that sets up two laws, one that can afford lawyers and accountants to protect them and another one that is struggling and middle class families that are struggling to pay health care costs.

We can do better. It is time that this Congress show the wisdom to understand that every American will have the same laws applied to itself regardless of income.

EXCHANGE OF SPECIAL ORDER TIME

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of turn and take the gentleman from Oregon's (Mr. DEFAZIO) time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

SMART SECURITY AND IRAQI SECURITY FORCES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, yesterday General Richard Myers, Chairman of the Joint Chiefs of Staff, announced that 142,000 members of the Iraqi security forces have been fully trained. That statement leads me to wonder, if the number of trained Iraqi security personnel equals the number of United States troops in Iraq, why have we not begun to bring our troops home?

If the Iraqi people are trained to protect their country, as General Myers claims, then why has the Bush administration left our troops to be sitting ducks in Iraq for the foreseeable future? Why are not the Iraqis relying on these 142,000 security personnel for the heavy burden of keeping Iraq secure?

Sadly, the Bush administration wants the American people to ignore the fact that together 150,000 American troops and 142,000 Iraqi troops have not been able to secure the country.

That is because by invading Iraq the Bush administration has created a whole new generation of terrorist recruits whose common tie is their hatred for the United States occupation.

This immoral, ill-conceived and unjust war against a country that never provoked us and never posed a threat to the United States has made Americans, and Iraqis alike, much less safe.

Most of the 1,500 U.S. troops who have been killed in Iraq died after President Bush made those now infamous remarks about the end of major combat operations in May of 2003, with the banner Mission Accomplished prominently displayed in the background. Mr. Speaker, the way to honor our brave troops is by preventing further lives from being lost. In addition to the 1,500 troops killed, more than 11,000 Americans have been severely wounded and a staggering tens of thousands of innocent Iraqi civilians have died in this war.

The tremendous cost of the war is no less dangerous to our security here at home because thousands of Iraqi insurgents have been created since we attacked Iraq. Congress has charged U.S. taxpayers over $200 billion in less than 2 years to pay for the ongoing occupation of that country.

Imagine what we could do with $200 billion. We could fund our Nation's homeland security efforts for an entire year or shore up the budget shortfalls of every single State in the country and still have billions of dollars left over to help reconstruct Iraq's decimated infrastructure.

Mr. Speaker, we need to pursue a new national security plan, one which defends America by relying on the very best of American values, our commitment to peace, our commitment to freedom, our compassion for the people of the world, and our capacity for multilateral leadership.

With the help of Physicians for Social Responsibility, the Friends Committee on National Legislation and Women's Action For New Direction, I have created a SMART security strategy for the 21st century. SMART stands for Sensible, Multilateral, American Response to Terrorism.

A SMART security strategy for Iraq means providing the developmental aid that can help create a robust civil society; building schools for Iraqi children so that they can learn about peace and freedom; water processing plants so all Iraqis will have clean drinking water; and ensuring that Iraq's economic infrastructure becomes fully viable in order to avoid a fiscal collapse.

Instead of troops, let us send scientists, educators, urban planners and constitutional experts to help rebuild Iraq's flagging economic and physical infrastructure and establish a robust and democratic civil society.

It is time for the Bush administration to pay attention to its own claims. If 142,000 Iraqi security forces have been trained, as General Myers told us yesterday, then the President should agree with me that it is time for the United States to cease playing a militaristic role in Iraq and begin playing a humanitarian role.

SMART security is the right approach for America in Iraq. The SMART approach would prevent any more American soldiers and Iraqi civilians from being needlessly killed. It would save the United States billions of dollars in military appropriations, and just as importantly, it would keep America safe. It is time for America to adopt a SMART security policy.

OIL PRODUCTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. GILCHREST) is recognized for 5 minutes.

Mr. GILCHREST. Mr. Speaker, in just a few minutes, the gentleman from Maryland (Mr. BARTLETT) will address the House for some period of time talking about energy sources, oil in particular, and the fact that many experts say that oil production, especially in the United States, but actually throughout the world, oil production of conventional oil under current patterns is expected to grow at a rate much faster, that means the use of oil by the world community is supposed to grow much faster than oil discovery production.

□ 1945

What is clear, because we are not sure exactly when that peak will come in oil production, some say it is peaking right now, some say it will peak in 10 years, the amount of oil we get out of the ground will exceed the demand; but what is clear is that at some point in this century, world oil production will peak and then begin to decline. There is uncertainty about the date because many countries that produce oil do not provide credible data on how big their reserves are.

But more uncertainty calls for more caution, not less; and caution in this case means working to develop alternatives. When production of conventional oil peaks, we can expect a large increase in the price up to the price of the substitutes, whether so-called unconventional oil or renewable fuels. Although increasing domestic production may ease oil dependence slightly. the United States is only 3 percent of the world's estimated oil reserves and uses 25 percent of the world's oil.

I want to explain just from the perspective of the United States the huge increase in energy demand in the last century. I am going to use the word "quadrillion." Quadrillion is a number. If I put 1 followed by 15 zeroes, I have the number quadrillion. To measure energy use in a country, we use Btu, British thermal units. A new furnace, whether oil or natural gas, you see the Btu to determine how much energy it is going to use. When you use Btu to determine how much energy a country uses, you use a short term for quadrillion called "quads."

In 1910, the United States used 7 quads of Btu. That is 7 quadrillion Btu. In 1950, the United States used 35 quadrillion Btu. In 2005, the United States uses 100 quadrillion Btu, and we are accelerating that. We are increasing demand for oil for our energy needs. The world right now, 2005, uses 345 quadrillion Btu, an enormous amount of energy.

We know today that our appliances, whether a washing machine, a refrigerator or dishwasher, we know they are much more efficient than they ever were, certainly 20, 30, 40 years ago; and yet we are using more electricity, not less. We know that automobiles and trucks and our transportation is much more efficient than it was 20 years ago, and yet the demand is increasing. We burn more coal, more natural gas. Each home, as efficient as each home is today, burns much more oil and electricity because of the demand on energy needs. We are not decreasing by getting efficient. Because our demand is greater, we are using more and more.

The question is if we are increasing demand and production is going to peak now or in the next decade or two and our production goes down while the demand goes up, especially with oil reserves, are we at the early stages of the twilight for oil as an energy source? And if we are, what do we do?

Well, the gentleman from Maryland (Mr. BARTLETT) will speak on a number of aspects of oil production decline. We will talk much further about the details of the solution to the problems of our energy decline, but I want to close with two last things: How do we harness a new alternative energy source and make it replace what we have been using for more than 2 centuries? How do we do that? We do it with initiative, ingenuity, intellect, vision, and leadership. Remember when I said quadrillion was one with 15 zeroes and talked about how much energy we use, and right now it is 100 quadrillion Btu, we are not too far away from understanding how to separate hydrogen and oxygen; that is heavy hydrogen from oxygen in seawater.

If we can slow light down 186,000 miles a second to zero, we can stop light, we can put information in a molecule, we understand the human genome, we will be able to use our ingenuity to tap 10 trillion quadrillion quads of Btu in seawater. Our energy demand is increasing; oil production is decreasing. With intellect and leadership, we can transition to a new fuel source.

OIL DEMANDS

The SPEAKER pro tempore (Mr. DANIEL E. LUNGREN of California). Under the Speaker's announced policy of January 4, 2005, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes as the designee of the majority leader.

Mr. BARTLETT of Maryland. Mr. Speaker, in this first chart we have some headlines from The Washington Post just a month or so ago. These are headlines from just one day in The Washington Post. The Dow drops 174 points driven, the article says, by economic damage from rising oil prices, the plunging dollar, and growing worries about consumer spending. It goes on to say that a recent oil price rise of 20 percent is continuing to crunch the profits of struggling airlines and is believed to be a factor in disappointing retail sales.

Another headline: "Dollar Slides Against the Euro and the Yen." And another headline: "Consumer Confidence Slips in February."

Now, should we have had any indication that these were going to be the kinds of headlines that we have been reading in our paper recently? We need to go back a few years, as indicated on this next chart. Let us go back to the 1940s and the 1950s when a scientist by the name of M. King Hubbert, a geologist, was working for the Shell Oil Company. He was watching the discovery and the exploitation and final exhaustion of individual oil fields. He noticed that every oil field followed a very typical pattern. It was a little slow getting the oil out at first, and then it came very quickly and reached a maximum, and then it tailed off as it became more difficult to get the oil out of the ground.

This followed a bell curve. Here is one of those bell curves. Now, bell curves are very familiar in science, and in life, for that matter. If we look at people and how tall they are, we will have a few people down around 4½ or 5 feet and some up to 7½ feet; but the big mass fall in the middle, clustered around 5½ to 6 feet.

Looking at a yield of corn, a few farmers may get 50 bushels per acre, some may get 300, but the big mass today it is somewhere around 200 bushels per acre for corn.

Hubbert noticed when the bell curve reached its peak, about half of the oil had been exhausted from the field. Being a scientist, he theorized if you added up a lot of little bell curves, you would get one big bell curve, and if he could know the amount of reserves of oil in the United States, and he was doing this in the 1940s and early 1950s, and could project how much more might be found, he could then predict when the United States would peak in its oil production.

Doing this analysis, he concluded that we would peak in our oil production in 1970. This curve is what is known as Hubbert's Curve. The peak of the curve is what is known as Hubbert's Peak. Sometimes this is called the "great rollover" because when you get to the top, you roll over and start down the other side. It is frequently called "peak oil." So peak oil for the United States occurred in 1970, and it is true that every year since then we have pumped less oil and found less oil. The big blue squares here are the actual and Members see they deviated a little from the theoretical as M. King Hubbert predicted, but not all that much.

At the bottom, see the difference the big field in Alaska made, and see what that made in the down slope, that never increased production in our country. It just meant that we were not going down quite as fast. You can see that here on the curve. Notice that the Alaska oil production was not the typical bell curve. It should have been, but a couple of things meant it could not be. One was it could not flow at all until we had a 4-foot pipeline. So the fields were developed and they were waiting; then we got the pipeline on board, and it was filled with oil and oil started to flow, and Members see the rapid increase here. It could not flow any faster than through that 4-foot pipe, and so it levels off at the top. We have pumped probably three-fourths of the oil in Prudhoe Bay.

Many people would like to open up ANWR. ANWR has considerably less oil than Prudhoe Bay, so the contribution will be significantly less. I want to note on this chart we also have the red curve, which is the theoretical curve for the former Soviet Union. It is a nice bell curve, peaking a little higher, they have more reserves than we do, and later because we entered the industrial age with vigor before the Soviet Union was quite there. Notice what happened when they came apart; notice how precipitously it fell here. After they got things organized, the fall stopped and now they are producing more oil. As a matter of fact, we might see a little upsurge in this; but the general trend is still going to be down.

On the next chart, and we have here the same Hubbert Curve, but the abscissa is a little too long and the ordinate a little too compressed, so it is not the sharp peak that we saw before. That is the curve we saw before. It shows the Texas component, and it shows the rest of the United States;

and it also shows some natural gas liquids. We learned how to extract those a little later. So if you were plotting that as a bell curve, it would peak about here. It is little and then it is much, and then it tails off.

This is the contribution of Alaska, and you can see this not going to be our salvation to pump ANWR because ANWR contains probably not even half as much as Prudhoe Bay. And notice the small contribution that Alaska made. And that is not a bell curve for the reason I mentioned before because we had to develop the fields and they waited for the pipeline, and then it would surge through the pipeline when it was developed. So you do not see the tail getting greater and tailing off.

This is gulf oil. Remember the hullabaloo about the big finds of gulf oil that were going to solve our problem? That is what it did. There never was a moment in time between the big Alaska oil find and all of the pumping discovery and pumping in the gulf, there never was a moment in time when it decreased the fall in our country. The peak occurred, as you see here, about 1970.

Now, the next chart shows what is happening worldwide.

☐ 2000

The red curve here shows the actual discovery of oil. Notice that that peaked. There was a big find here that distorted the curve a little but if you rounded that off, you would have the typical bell curve. It started somewhere back here off the chart, then it peaks, and then it is downhill and it tails off. These are the discoveries. The last find there is simply an extrapolation. We have no idea where it is going.

We are, by the way, very good at finding oil now. We use 3D seismic detection techniques. The world has drilled, I think, about 5 million oil wells and I think we have drilled about 3 million of them in this country, so we have a pretty good idea of where oil is.

A couple of Congresses ago, I was privileged to chair the Energy Subcommittee on Science. One of the first things I wanted to do was to determine the dimensions of the problem. We held a couple of hearings and had the world experts in. Surprisingly from the most pessimistic to the most optimistic, there was not much deviation in what the estimate is as to what the known reserves are out there. It is about 1,000 gigabarrels. That sounds like an awful lot of oil. But when you divide into that the amount of oil which we use, about 20 million barrels a day, and the amount of oil the rest of the world uses, about 60 million barrels a day, as a matter of fact, the total now is a bit over the 80 million that those two add up to. About 83½, I think. If you divide that into the 1,000 gigabarrels, you come out at about 40 years of oil remaining in the world. That is pretty good. Because up until the Carter years, during the Carter years, in every decade we used as much oil as had been used in all of previous history. Let me repeat that, because that is startling. In every decade, we used as much oil as had been used in all of previous history. The reason for that, of course, was that we were on the upward side of this bell curve. The bell curve for usage, only part of it is shown on this chart. That is the green one down here, the bell curve for usage. Notice that we are out here now about 2005. Where is it going? The Energy Information Agency says that we are going to keep on using more oil. This green line just going up and up and up is a projection of the Energy Information Agency. But that cannot be true. That cannot be true for a couple of reasons. We peaked in our discovery of oil way back here in the late sixties, about 1970. In our country it peaked much earlier than that, by the way. But the world is following several years behind us. And the area under this red curve must be the same as the area under the green curve. You cannot pump any more oil than you have found, quite obviously. If you have not found it, you cannot pump it. If you were to extend this on out where they have extended their green line, even if it turned down right there at the end of that green line, the area under the green curve is going to be very much larger than the area under the red curve. That just cannot be. We will see in some subsequent charts that we probably have reached peak oil.

Let me mention that M. King Hubbert looked at the world situation. He was joined by another scientist, Colin Campbell, who is still alive, an American citizen who lives in Scotland. Using M. King Hubbert's predictive techniques, oil was predicted to reach a maximum in about 1995, without perturbations. But there were some perturbations. One of the perturbations was 1973, the Arab oil embargo. Other perturbations were the oil price shocks and a worldwide recession that reduced the demand for oil. And so the peak that might have occurred in 1995 will occur later. How much later? That is what we are looking at this evening. There is a lot of evidence that suggests that if not now, then very quickly we should see world production of oil peak.

What are the consequences? What are the consequences of this depletion? The remaining oil is harder to get. It requires greater energy investment, resulting in a lower return on energy invested. That is the energy-profit ratio, which is decreasing. When we started out, you put in one unit of energy and you could get 30 out. Then that fell off, and then we found a few more fields and we got really good at extracting oil with better techniques. It looked for a little while like it was going up, but look what happened. It falls off to where it would have come anyhow if this curve had simply gone down. This is an inevitable consequence of pumping a field.

Lower profits are not the only concern. When more energy is required to extract it than is contained in the recovered oil, that is, when this ratio is less than 1, notice, we are over there at about 1984, we have got to get now another 20 years, I am not quite sure where we are now when you plot that day. We are getting very close to the unit it takes as much energy to get the oil out as you get out of the oil. It may still seem profitable from a monetary perspective, but when you are using more energy to get oil out of the ground than you are getting out of the oil, then clearly you need to leave it there when we reach that point. I mentioned the bump there was caused by a few more discoveries and particularly by increased efficiency in pumping the oil.

What is the current U.S. status? We have only 2 percent, between 2 and 3 percent, not really known for certain, but approximately 2 percent of the known reserves of oil. We use 25 percent of the world's oil. By the way, we have about 8 percent of the world production. What that means is if we have only 2 percent of the reserves and 8 percent of the production, that means we are real good at pumping oil, does it not? That means we are pumping our reserves at roughly four times faster than the rest of the world. That means that this 2 percent will not stay 2 percent by and by because we are so good at pumping oil, we are going to be down to 1 percent of the known reserves in the world and we will still be using about 25 percent of the world's oil. We are now importing about two-thirds of that. At the Arab oil embargo we imported about one-third of that. So we are now importing, relatively, two times more oil, actual quantity much more than that, but relatively about two times more oil.

Chart 6 shows us that more drilling just will not solve the problem. This is a very interesting chart. This shows the difference between the amount of oil that you are finding and the amount of oil that you are pumping. Notice from 1960 on until about 1980, declining for sure, but every year except for one we found more oil than we pumped. The yellow line up here is drilling. You remember the Reagan administration and all the emphasis on drilling because we knew that we were approaching this flipover point where we were going to be pumping more oil than we found and so there was a rationale that if you just give them a profit motive and you have the right incentives, tax and regulatory incentives and so forth, they will go out and they will dig more wells and they will find more oil. Sure as heck they went out and dug more wells. But did they find any more oil? As a matter of fact, in 1982, more oil was used in looking for oil than the oil they found in 1982. Pretty consistently for every year after 1982, we have used more oil than we found. Today worldwide we are pumping at least six barrels of oil for every barrel that we find.

Chart 7 shows that worldwide discoveries are repeating the U.S. pattern. This is a rough bell curve. You find a big find of oil and it is going to make a spike. This is average for 5 years. If you look at it on a year for year, it is really up and down as you find big reservoirs of oil. But generally it starts low and it goes up and it comes down. It follows roughly a bell curve. I would not pay too much attention to the figures on the ordinate here, because the area under this curve must equal just a little bit over 2,000 gigabarrels of oil. If I visually sum the area under this curve, it is going to equal something more, not frightfully more but something more than 2,000 gigabarrels of oil which from other sources we know ought to be the total amount of oil under the sun. Notice that we are tailing off to something very low. It is unlikely that we are going to find big additional finds in the future. Again, we are very good at that. We have dug about 5 million wells worldwide. We have done a whole lot more than that explorations with detonations and seismic and 3D and computers and we are very good at looking at the kind of geology where you might find oil. There is just no real expectation that there are going to be big additional fields of oil found out there. This dropoff in discovery is really in spite of very improved technology for finding oil.

Chart 8. This is a very interesting chart. It has nothing to do with time, because on the abscissa here, we have the number of wells that are drilled, the cumulative oil caps, and on the ordinate, we have the amount of oil that was found. For any relatively big field, here we are talking about 50 gigabarrels. Remember, there are about 2,000 gigabarrels worldwide, so this is a meaningful part of the world reserves of oil. We see that that goes up and up and then it tails off. You cannot find what is not there. No matter how many more wells you drill, you are not going to find oil that is not there. The same pattern should be apparent on a world scale.

Chart 9. This is a very interesting chart. It is a little too busy, but let me try to explain what is there. The oil companies for reasons of pricing and regulations and so forth have had the habit through the years of underreporting initially how much oil they found. Then later when it was appropriate to their license to produce more oil, they would report additional oil. They never found any additional oil, they simply reported oil they had found previously. By the way, you may have noted that three times in the last roughly 3 weeks, oil companies have admitted that their estimates of the reserves were exaggerated and have downscaled the reserves that they said were there. If you took the original reporting of the reserves, you might be able to construct a curve, a straight line curve which said we are just getting more and more. But if you backdated that to the actual discoveries, then you get this curve. This curve is asymtoting at a bit over 2,000 gigabarrels, which is about what the world's experts say had been there. We have now pumped about half of that. We have about 1,000 gigabarrels remaining.

What now? Where do we go now? One observer, Matt Savinar, who has thoroughly researched the options, and this is not the most optimistic assessment, by the way, but may be somewhat realistic, he starts out by saying, Dear Readers, civilization as we know it is coming to an end soon. I hope not. This is not the wacky proclamation of a doomsday cult, apocalypse Bible sect or conspiracy theory society. Rather, it is a scientific conclusion of the best-paid, most widely respected geologists, physicists and investment bankers in the world. These are rational, professional, conservative individuals who are absolutely terrified by the phenomenon known as global peak oil.

Why should they be terrified? Why should they be terrified just because we have reached the peak of oil production? Last year, China used about 30 percent more oil. India now is demanding more oil. As a matter of fact, China now is the second largest importer of oil in the world. They have passed Japan. When you look at how important oil is to our economy, you can understand the big concern if, in fact, we cannot produce oil any faster than we are producing it now and there are increasing demands, as there will be, for oil. In our country, for instance, we have a debt that we must service. It will be essentially impossible to service that debt if our economy does not continue to grow. So there are enormous potential consequences, which is why he says that these people are absolutely terrified by the phenomenon known as peak oil.

What can we do to avert the kind of a catastrophe that he hints at with those words? We must not squander an opportunity. One is always reminded of Malthus. I am sure you have heard of him. He was looking at the increase in world population and he looked at our ability to produce food and he says, gosh, those two curves are going to cross because the world population was increasing faster than our ability to produce food and we are going to have mass starvation. That did not happen. The reason that did not happen was because Malthus could not have anticipated the green revolution, which, by the way, was made possible almost entirely, well, the plant science had a lot to do with it but better plants and better genes without the fertilizer to make them grow is not going to do you much good, so the green revolution was very largely the result of our intensive use of oil. Most people do not know it, but all of our nitrogen fertilizer is made from natural gas. You may have observed that when you have a thunderstorm in the summertime, your lawn is greener than when you have watered it.

☐ 2015

That is because of what is known as poor man's fertilizer. The lightning combines some of the nitrogen so they can be carried down by the water and one's lawn is, in fact, greener after a thunderstorm than it is when they water it. We have kind of learned how to mimic lightning, and we now know how to make nitrogen fertilizer from gas. By the way, before we knew how to do that, the only sources of nitrogen fertilizer were barnyard manurers. If one is on the Eastern Shore with a lot of chickens, one could go a long way with that now in agriculture, could one not? But barnyard manurers would fertilize only a tiny percentage of the nitrogen needs of our plants.

And other than that it was guano. My colleagues know what guano is. Guano is the droppings of bats or of birds on a tropical island, their droppings accumulating for thousands of years, and there was a major industry in sending ships around the world to tropical islands and getting the guano.

We must not squander the opportunity that we have. Jevons Paradox becomes applicable here. Just a word about what Jevons Paradox is because I am going to mention it a time or two again. But Jevons Paradox says that frequently when one works to solve a problem, they really make the situation worse.

Let me give one little example. Suppose there is a small businessman who owns a store. He is really concerned about peak oil, and he is concerned about energy, and he wants to do something. His little store is using $1,000 worth of electricity a month, and he decides that he can really cut that use. So he does several things. He gets a storm door. He puts on storm windows. He insulates more. He turns down the thermostat, and he asks his workers to wear sweaters. And he is successful because he reduces his electric bill from $1,000 to $500. Almost no matter what he does with that $500, he has just made the situation worse by doing that.

Let me explain. One of the things that he may do, and it is a natural thing for a small businessperson to do, he may decide, I could hire more people and have a bigger business if I expanded. And so now he will expand, and he will still be using as much energy. Or if he decides to invest his money, if he invests his money in the bank, the bank will lend his money out five or six times, and at least some of those loans will be to small business people. And what the small business people will do is to create jobs and use energy. So the store owner is concerned about energy and the environment and being a responsible citizen, cutting his use of electricity, because everybody did not do it, because only he did it and nobody took advantage of the opportunity that was presented because he used less energy, he really contributed to the problem.

Because after he expanded his business, he would be using still more energy. Or if the money was lent out by the bank and small businesses created more jobs and they used more energy, the situation would have just gotten worse.

All that the "green revolution" did was temporarily extend the caring capacity of the world. If we think about that, ultimately if we cannot do something about it to stabilize it, the green revolution just made matters worse. In the meantime we have all eaten very well in spite of the fact that about a fifth of the world will go to bed hungry tonight; but on the average, we are eating very well, and because of the average American, we are eating maybe too well.

But what we have done with the green revolution is to permit the population of the world to double and double again. So if we cannot now make sure that we stabilize population and bring it to the point where it can be supported by a technology where there is not what was ordinarily perceived as an inexhaustible supply of oil, there will simply be more people out there to be hungry and starved if we cannot meet their needs. So we have got to make sure that whatever we do to solve this problem that Jevons Paradox does not contribute.

Chart 10, this shows that this growth cannot be sustained forever. The greatest power in the universe, Albert Einstein was asked this question: Dr. Einstein, you have now discovered the ability to release energy from the atom. We get just incredible amounts of energy from the atom. A relatively small amount of fuel in one of our big submarines will fuel it for 33 years now. Enormous energy density. And they asked him, Dr. Einstein, what is the most energy-intensive thing in the world? He said, "It is compound interest."

That is what we have here in this exponential curve. And by the way, we, and when I say "we," I mean the world, have been using oil as if our economy could just continue to grow on this unlimited exponential curve. Whether it is 2 percent a year or 5 percent a year or near 10 percent, which is what China has been growing in the last few years, we are still on an exponential curve. Not quite so steep if we are on a lower growth rate. It goes up and up forever and ever.

Obviously, there is not an inexhaustible amount of oil in the world; so we have the exhaustible resource, which is this lower curve. It reaches a peak, which, if not now, shortly. Oil, as the Members may have noticed, is $54 or $55 a barrel. I saw the other day one future had sold for $100 a barrel, and the experts are saying we are probably going to see $60 before we see $50. We will wait and see.

The third curve here is the renewable resource curve. Do not be confused by the size of these curves. They are simply placed here so that lines would not cross other lines. But in actual practice, the renewable resource curve is likely to be nowhere near the peak of the exhaustible resource curve, energy.

Let me give a little example of what the problem is and why this is almost certainly true. One barrel of oil, 42 gallons of oil, equals the productivity of 25,000 manhours. That is the equivalent of having 60 dedicated servants that do nothing but work for someone. We can get a little better real-life example of this. A gallon of gas will drive a 3-ton SUV, and some of those are better than others, and let us say it takes it 20 minutes, which some will but most will not. Most are around 10. But let us say one gallon of gas will take a 3-ton SUV 20 miles at 60 miles an hour down the road. That is just one little gallon of gas, which, by the way, is still cheaper than water. We pay more for water in the grocery store than we pay for gas at $2 a gallon at the pump, added up.

How long would it take one to push their 3-ton SUV the equivalent of 60 miles an hour, 20 miles down the road? To get some idea of the energy density in these fossil fuels, there is just nothing out there in the alternatives that have anything like this energy density. There are some potentials, nuclear, and we will talk about those in a little bit. But of the general renewables, there is nothing out there with that kind of density. So this curve is likely to be much lower than this curve; and notice that if it is, in fact, going to be renewable, it cannot go to an unrealistic height. There is only so much wood to cut. Easter Island had that experience. When they cut the last tree, they totally changed the ecology.

The Bible talks about the large clusters of grapes and the honey and so forth that they found when the spies went out. That now is a desert. The Cedars of Lebanon, the grand Cedars of Lebanon that built the temple, that is now largely a desert. Why is it a desert? Because they cut the trees, they changed the environment, they changed the climate. So obviously this line has to be a reasonable sustainable level. It just cannot go on forever.

The challenge, then, is to reduce consumption ultimately to a level that cannot be sustained indefinitely without succumbing to Jevons Paradox.

How do we buy time, the time that we will need to make the transition to sustainability? Obviously, there are only two things that we can do to buy time. One is to conserve, and the other is to be more efficient. And the gentleman from Maryland (Mr. GILCHREST) mentioned our increasing efficiency. We have done a great job. Our refrigerators today are probably twice as efficient as they were 20 or 30 years ago. But instead of a little refrigerator, we have a big one. Instead of one, we may have two. So I will bet we are using as much electricity in our refrigeration as we ever used.

Conservation, we can do that. Remember several years ago when there were brownouts, blackouts in California and we were predicting, boy, the next year is really going to be rough? Do the Members know why it was not and we did not see any headlines about blackouts in California? Because knowing that there was a problem, the Californians, without anybody telling them they had to, voluntarily reduced their electricity consumption by 11 percent. That is pretty significant. And that avoided the rolling blackouts or brownouts.

And, finally, we must commit to major investments in alternatives, especially as efficiencies improve. This must ultimately lead to the ability to do everything within the capability of renewable resources. If we have got a solar breeder, and this shows a picture of a solar breeder. That, by the way, is about 5 miles from my home. It was built by Solarex, and it is a sign of the times. Mr. Speaker, this is now owned by BP. They know that oil is not forever. They are now the world's second largest producer of solar panels.

A few years ago, the largest buyer of solar panels in the world, and I do not know if that is true today, but a few years ago it was Saudi Arabia. Why would Saudi Arabia, with the most oil in the world, be the biggest purchaser of solar panels in the world? The reasons are very simple. These are not dumb people, and they figured out that solar panels were better for them in producing electricity than oil because they had widely distributed communities that were very small. Electrons in a wire are very different than oil in a pipeline. Put a gallon of oil in a pipeline up at Prudhoe Bay, and a gallon will come out where it goes on the ship. If we put electrons in a line which is long enough, nothing will come out in the other end. It is called line loss.

And they knew that in their small communities, widely distributed, with the enormous line losses they had from big plants, that they would be better off with distributed production.

By the way, just a hint to our people who are concerned with homeland security, the more distributed production we have, the less vulnerable we are going to be to terrorist attacks on our power infrastructure.

Transition to sustainability will not happen if left applying market forces alone. Everyone must be part of the effort or Jevons Paradox will prevail. If only our country tries to do it and nobody else helps, we will just put off the day when we must make the transition, and it will be even more difficult. The market will, indeed, signal the arrival of peak oil. To wait until it does, however, is like waiting until we see a tsunami: by then it may be too late to do anything.

We now are doing a lot of talking here in the Congress and fortunately across the country about Social Security, and it is a big problem. But I tell the Members if the problem of Social Security is equivalent to the tidal wave produced by the hurricane, then this peak oil problem is equivalent to the tsunami. The impact and the consequences are going to be enormously greater than the impact and the consequences of Social Security or Medicare or those two put together.

□ 2030

It will take a sustained, conscious, coordinated national and even international, effort. If everybody is not working together and buying time by conserving and being efficient and using wisely that time we bought, then all we do is put off the inevitable.

The hydroelectric and nuclear power industries did not arise spontaneously from market forces alone. They were the product of a purposeful partnership of public and private entities focused on the public good. This is what we have to do relative to alternatives.

As I mentioned, California solved their energy crisis by voluntarily reducing their demand for electricity. Time, capital and energy resources are all finite. We have only so much time until it would be too late to avoid a real problem. Capital is limited and energy resources are certainly limited.

This time it will not be like the seventies. The big difference between now and the seventies is that in the seventies, we were just going up this curve, we were nowhere near the top of the curve, so there was always the ability to expand, to surge. If, in fact, we are now at peak oil, there is no such ability remaining.

Is there any reason to remain optimistic or hopeful? Let me go back to Matt Savinar, that not-too-optimistic journalist. "If what you mean is there any way technology or the market or brilliant scientists or comprehensive government programs are going to hold things together or solve this for me or allow for business to continue as usual, the answer is no. On the other hand, if what you really mean is is there any way that I still can have a happy, fulfilling life, in spite of some clearly grim facts, the answer is yes. But it is going to require a lot of work, a lot of adjustments, and probably a bit of good fortune on your part."

What now? Well, what we need to do now clearly is to buy time, and we buy that, as I mentioned, with efficiency and conservation. This will keep energy prices affordable. If demand continues to increase and output cannot increase, energy prices are going through the ceiling.

So we have got to reduce demand so that prices do not get so high that it is impossible to invest the capital necessary to develop the alternatives, using existing conventional technologies to make the transition as new technologies are developed.

We must use it wisely. If we do not use it wisely, and I have talked about Jevons Paradox several times, we have got to make investments in efficient, sustainable technologies, further reduce requirements for energy in any form, making smaller systems feasible which reduce both initial and operating costs.

The benefits are enormous. Additional benefits include business opportunities, lots of business opportunities we do not even dream of. Look at the business opportunities created by putting a man on the moon. I have 200-some companies in Maryland alone which are there only because of technology breakthroughs in putting a man on the moon.

That same thing could happen if we had a Manhattan type project focusing on renewables, potential worldwide markets, if we are the leader, and we have every reason to be the leader because we have the biggest problem. We can develop worldwide markets, domestic job creation and environmentally benign technologies with potential to reduce and or eliminate pollution. We could be a real role model.

We are, as I mentioned, less than 5 percent of the world's population, and we use 25 percent of the world's energy. I was in Europe a month or so ago, and their comment was somewhere between anger and disdain. "You are still only paying $2 a gallon for gasoline in your country." It is $5.50 or $6.00 a gallon there. And they are not unmindful that this one person in 22 in the world is using 25 percent of the world's energy. We have a real opportunity to be a role model.

Let me put up the last chart. This is potential alternative solutions. For what time we have remaining, let me ask my colleague, the gentleman from Maryland (Mr. GILCHREST) to join us as we talk about this.

I have only have some of the potential solutions here. I just want to go down this list and look at these. There may be some others. The gentleman mentioned hydrogen from the ocean. That is certainly one.

There are some finite resources here, ones we have not maximally exploited here, and some renewable resources here, and we want to spend another whole hour talking about this, because there are a lot of things to talk about in these resources. But almost none of these have the density of energy that we find in fossil fuels.

There are tar sands in Canada, there is oil shale in this country, but it takes an awful lot of energy to get energy out of those. You may not have much more than a one-and-a-half to one. I have heard it takes six barrels of oil to get one net barrel of oil out of these tar sands and oil shale. There is an awful lot there, but there are considerable environmental costs and enormous economic costs to develop it.

Mr. GILCHREST. If the gentleman will yield, another analogy I heard recently about the efforts to bring out ever-increasing and diminishing oil reserves and how that simply is not going to work for sustaining our energy needs, this particular physicist gave an analogy that compared the oil to a lion in Africa taking the energy of catching two gazelles to catch one gazelle. How long would that lion last? It takes the energy of catching two gazelles to only catch one, but he needs it to sustain himself, and that simply is not going to work.

I want to compliment the gentleman from Maryland, and I would like to be a part of the extra hour that we will do maybe this week to show what the alternatives are, simply because our energy requirements are increasing, they are not decreasing, and they will continue to increase.

Political parties are not going to let the grid go cold, but what do we do when we rely on oil and natural gas as the predominant energy source for this country? We have to simply find alternatives.

If I could just say briefly, there are two problems with our dependence on oil, and the gentleman has laid those out exceptionally well tonight. Part of the first problem is trade deficits and national security because of our oil dependence. When the price goes up, because we do not have most of the reserves, when oil peaks, we have no control over that. There will never be a decrease in demand. There will always be an increase in demand, no matter what happens, and our energy hunger is gargantuan.

The other problem with our oil dependence is that we are burning fossil fuel. We are returning to the atmosphere carbon that has not been there in this amount for millions of years, and what we are burning in decades it took the natural processes millions of years to lock away.

One other comment about letting the market forces deal with this fairly eminent problem. The global marketplace deals with the CEOs that are rightly so in the business to make a quick profit. The international marketplace is when nations get together, discuss an issue and they find mutual benefit to these vast problems. Vast solutions are available through what the gentleman has described so well tonight.

Mr. BARTLETT of Maryland. Mr. Speaker, reclaiming my time, of course the real challenge is to have everybody agree on what the facts are. I suspect a big percentage of the people that might read or listen to what we say this evening had not even heard of peak oil.

We really had about 30 years warning that this was going to happen. When M. King Hubbert predicted oil would peak in this country in 1970 and it did, and 5 years later, certainly by 10 years later we knew absolutely he was right, because we were well down on the curve 10 years later, we should have had some hint that he probably was right, he and Colin Campbell were probably right about world production? We paid no attention to that.

As a matter of fact, the people that were talking about this until very recently have been quickly relegated to the lunatic fringe. If I had been up here 3 or 4 years ago talking about this, someone may want to relegate the two of us this evening to the lunatic fringe.

But I think the evidence is out there. I think the evidence is out there, and the marketplace is saying that it is out there, because oil is now at $54 or $55 a barrel, they are saying we are going to see $60 before we see $50. I saw one future that was $100 a barrel.

By the way, at $100 or $200 a barrel, tar sands and oil shale become somewhat competitive, but with enormous costs. They will be positive, we will get a little more out than we put in, but not the kind of energy we are now using.

Coal, we have a lot of coal. China has a lot of coal. We now use coal primarily in this country for producing electricity. It is very dirty. Our environmental requirements now, there has not been a new coal plant in a long while, it is all natural gas. It is a real pity. Oil and natural gas are, in a very real sense, too good to burn. They are the feedstock for an enormous petrochemical industry. I mentioned only the fertilizer that grows our crops and the pesticides we make from oil. We live in a plastic world, and all of that plastic is made from oil.

Now, it is true that you can also use biomass and so forth to do some of that, but let us remember that we are just on the verge of not being able to feed the world. Tonight about one-fifth of the world will go to bed hungry. We we are not going to bed hungry in this country, not by a long shot, and we are living very high on the food chain. The time will come when you will not be able to eat the pig that ate the corn, because there is at least 10 times as much energy in the corn that the pig ate as you are going to get out of the pig by eating him. So we can certainly do a lot of by living lower on the food chain.

Mr. GILCHREST. If the gentleman would yield for a second, first of all, I want to compliment the gentleman on this fascinating factual presentation which leads me to what I want to say.

The gentleman said something earlier about finding solutions to the problem is going to be similar to the Manhattan Project or similar to placing a man on the moon within a decade when President Kennedy made that statement, and it is that kind of leadership from this Congress, from the administration, to incentivize, to create the kind of inspiration from the general public, to put these forces together to make it all work.

Mr. BARTLETT of Maryland. Mr. Speaker, reclaiming my time, but now we must do it on a global basis, because of Jevons Paradox, if all the world does not cooperate, we will not get there. Had we paid attention to M. King Hubbert and not relegated him to the lunatic fringe, and he was right as evidence indicates on his prediction from 1970, had we paid attention to him we would have had at least 20 years headstart, and then we could have done it alone in this country because we are so big and use so much of the world's energy.

Before we leave coal, we are going to come back to this and spend another hour with a lot of detail on this, but someone said there are 500 years of coal, that is not true there is maybe 250, at present use rates. But as oil becomes harder and harder to find, we are going to turn more and more to coal, and that 70 years with enormous environmental penalty will shortly become a relatively few years. That is not forever. But we will be leaning on coal more than in the past nuclear.

Three ways we can get nuclear energy. For one of them we are home free, and that is fusion. We send a little less than $300 million a year on that. I would like to spend more if there was the infrastructure out there to support it, because if we get there, we are home free.

But I kind of think that hoping to solve our energy problems with fusion is a bit like you or me hoping to solve our personal financial problems by winning the lottery. That would be real nice. I think the odds are somewhere near the same. I am about as likely to win the lottery as we are to come to economically feasible fusion.

I hope I am wrong. Frequently my hopes and my anticipations are different. My anticipation is we are not going to get there because of the enormous engineering challenges. My hope is I am wrong and we are going to get there.

Two other ways to get energy from nuclear. One is the light water reactor, which is all we have in this country. By the way, tonight when you go home, every fifth home and every fifth business would be dark if we did not have nuclear. It produces 20 percent of all of our electricity. But there is not all that much fissionable uranium in the world, so we are not going to get there with light water reactors.

France produces about 80 percent of its electricity from nuclear. They have a lot of breeder reactors. They do what the name implies, they make more fuel than they use, with big problems, in enrichment, shipping it around, squirreling away the products for a quarter of a million years. That presents enormous challenges to us.

So there is the potential here in nuclear, but a lot of problems involved with it. It is not just that simple. By the way, it takes a lot of oil to build a nuclear power plant.

☐ 2045

At some point, you pass the point of no return where there is not enough readily available high-quality fossil fuels to support our present economy while we make the investment we have got to make to transition to these renewables. And then we come to true renewables: solar, wind, geothermal, ocean energy. All of these suffer.

By the way, I am a big supporter of these. I had the first hybrid electric car in Maryland. I had the first one in the Congress. I have a vacation home that is off the grid and totally powered by solar. And I am going to put in a wind machine. I am a big supporter of this.

But the energy density here is very low. And it is intermittent. It takes a lot of solar panels to produce the electricity that you use in your home. It takes 12 of them to power your ordinary refrigerator just as an example. So those are real potential, and they are growing. Wind machines now produce electricity at 3½ cents a kilowatt hour. That is getting competitive. A whole lot of them in California. They are in West Virginia. We are putting some up on Backbone Mountain in western Maryland.

Boy, if we could get down there to geothermal we would have it, would we not?

There is not a single chimney in Iceland because they do not need them. They have got geothermal. They have a little bit of it in the West. But for most of the world that molten core is far too deep for us to tap.

Mr. GILCHREST. If the gentleman would yield just for a second, I am sure he knows, but the general public, I do not think realizes it is not necessary to be sitting right on top of a volcanic area, an earthquake zone to get geothermal energy. We on the Eastern Shore of Maryland have a number of schools that are actually providing heat for those schools from geothermal energy. Some of these things are sort of a hidden secret. But it is the classical conventional wisdom that keeps us from exploring some of these things a little bit further. And I think the gentleman is bringing those out tonight.

Mr. BARTLETT of Maryland. Is this tying the school to the molten core, or is it simply using a heat pump and exchanging, not with the air? What you are trying to do in the winter-time is cool the air and what you are trying to do in the summer time is heat the air.

Mr. GILCHREST. It is actually bringing water up from the surface, from the subsurface. The water is much warmer further down.

Mr. BARTLETT of Maryland. It is indeed. But you still have to have energy to use that. You are much more efficient using a heat pump that is tied to the ground, to groundwater than it is to the cold air in the winter and the hot air in the summer. If you are thinking about what you are trying to do is to cool the cold air in the wintertime and to heat the hot air in the summertime. And obviously ground water is very much better in both seasons than either the air in the winter or the cold, the hot air in the summer or the cold air in the winter.

Ocean energy. You know, it takes an enormous amount of energy to lift the ocean 2 feet. That is roughly what the Moon does in the tides, is it not? But the problem with that is energy density.

There is an old adage that says what is everybody's business is nobody's business. And the corollary to that in energy is if it is too widely distributed, you probably cannot make much of it. And we have really tried to harness the tides. In some fjords in Norway where they have 60-foot tides you put a bar there, when it runs in you trap it and then you run it out through a turbine. When it is running out, you can get some energy from it. And there is potential there, a lot of potential energy. But you know it is very dispersed. We have a hard time capturing that energy.

I suspect that our hour is about up, and this is maybe a good place to end. We are going to come back and spend another hour looking at agriculture, enormous opportunities from agriculture. But let me remind the gentleman that we are just barely able to feed the world now. And if we start taking all of this biomass off the field, what is going to happen to the tilth of our soil, to the organic matter in our soil, which is essential to the availability of nutrients in the soil by the plant. So there are lots of challenges here. There are lots of opportunities here. And we will spend another hour talking about them. Thank you very much. And I yield back, Mr. Speaker.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested.

S. 256. An act to amend title 11 of the United States Code, and for other purposes.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1268, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF, 2005

Mr. COLE of Oklahoma (during the Special Order of Mr. BARTLETT of Maryland), from the Committee on Rules, submitted a privileged report (Rept. No. 109-18) on the resolution (H. Res. 151) providing for consideration of the bill (H.R. 1268) making emergency supplemental appropriations for the fiscal year ending September 30, 2005, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Ms. PELOSI) for today.

Mr. BOSWELL (at the request of Ms. PELOSI) for today on account of official business in the district.

Mr. CAPUANO (at the request of Ms. PELOSI) for today on account of business in the district.

Ms. KILPATRICK of Michigan (at the request of Ms. PELOSI) for today on account of district business.

Mrs. BLACKBURN (at the request of Mr. DELAY) for today on account of attending the funeral of her mother-in-law.

Mrs. EMERSON (at the request of Mr. DELAY) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. OSBORNE, for 5 minutes, today.

Mrs. WILSON of New Mexico, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, March 15, 16, and 17.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. GILCHREST, for 5 minutes, today.

ADJOURNMENT

Mr. GILCHREST. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 50 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, March 15, 2005, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1139. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tennessee River Mile Marker 647.5 to Mile Marker 648.5, Knoxville, TN [COTP Paducah-04-012] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1140. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River Mile Marker 33.0 to Mile Marker 35.0, Willard, IL [COTP Paducah-04-013] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1141. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tennessee River Mile Marker 446.0 to Mile Marker 455.0, Chattanooga, TN [COTP Paducah-04-014] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1142. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tennessee River Mile Marker 446.0 to Mile Marker 455.0, Chattanooga, TN [COTP Paducah-04-15] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1143. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tennessee River Mile Marker 65.0 to Mile Marker 66.3, Paris Landing, TN [COTP Paducah-04-016] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1144. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tennessee River Mile Marker 446.0 to Mile Marker 455.0, Chattanooga, TN [COTP Paducah-04-

017] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1145. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Allegheny River Mile Marker 0.3 to Mile Marker 0.7, Pittsburgh, PA [COTP Pittsburgh-04-007] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1146. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulation; Tampa Bay, FL. [COTP Tampa 04-135] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1147. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations; Tampa Bay, FL. [COTP Tampa 04-137] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1148. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulation; Tampa Bay, FL. [COTP TAMPA 04-147] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1149. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Allegheny River Mile Marker 0.3 to Mile Marker 0.7, Pittsburgh, PA [COTP Pittsburgh-04-008] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1150. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile Marker 42.9 to Mile Marker 43.3, Chester, WV [COTP Pittsburgh-04-009] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1151. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Allegheny and Ohio Rivers, Pittsburgh, PA [COTP Pittsburgh-04-011] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1152. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Allegheny River Mile Marker 0.0 to Mile Marker 0.9, Pittsburgh, PA [COTP Pittsburgh-04-012] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1153. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Allegheny River Mile Marker 0.3 to Mile Marker 0.7, Pittsburgh, PA [COTP Pittsburgh-04-013] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1154. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile Marker 25.0 to Mile Marker 26.0, Rochester, PA [COTP Pittsburg-04-016] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1155. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile Marker 90.2 to Mile Marker 90.6, Wheeling, WV [COTP Pittsburgh-04-017] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1156. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile Marker 90.0 to Mile Marker 90.5, Wheeling, WV [COTP Pittsburgh-04-018] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1157. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Allegheny River Mile Marker 0.3 to Mile Marker 0.8, Pittsburgh, PA [COTP Pittsburgh-04-019] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1158. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile Marker 0.1 to Mile Marker 0.5, Pittsburgh, PA [COTP Pittsburgh-04-024] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on March 10, 2005 the following report was filed on March 11, 2005]

Mr. LEWIS of California: Committee on Appropriations. H.R. 1268. A bill making emergency supplemental appropriations for the fiscal year ending September 30, 2005, and for other purposes (Rept. 109–16). Referred to the Committee of the Whole House on the State of the Union.

Mr. NUSSLE: Committee on the Budget. House Concurrent Resolution 95. Resolution establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010. (Rept. 109–17). Referred to the Committee of the Whole House on the State of the Union.

[Filed on March 14, 2004]

Mr. COLE: Committee on Rules. House Resolution 151. Resolution providing for consideration of the bill (H.R. 1268) making emergency supplemental appropriations for the fiscal year ending September 30, 2005, and for other purposes (Rept. 109–18). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CONYERS:

H.R. 1269. A bill to amend the Toxic Substances Control Act, the Internal Revenue Code of 1986, and the Public Buildings Act of 1959 to protect human health from toxic mold, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Financial Services, Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMAS:

H.R. 1270. A bill to amend the Internal Revenue Code of 1986 to extend the Leaking Underground Storage Tank Trust Fund financing rate; to the Committee on Ways and Means.

By Mr. TOM DAVIS of Virginia:

H.R. 1271. A bill to repeal a provision relating to privacy officers in the Consolidated Appropriations Act, 2005; to the Committee on Government Reform.

By Mr. WELLER (for himself, Mr. RANGEL, and Mr. ENGLISH of Pennsylvania):

H.R. 1272. A bill to amend the Internal Revenue Code of 1986 to modify the work opportunity credit and the welfare-to-work credit; to the Committee on Ways and Means.

By Mr. KIND (for himself and Mr. KIRK):

H.R. 1273. A bill to require any amounts remaining in a Member's Representational Allowance at the end of a fiscal year to be deposited in the Treasury and used for deficit reduction or to reduce the Federal debt; to the Committee on House Administration.

By Mr. BAIRD:

H.R. 1274. A bill to suspend temporarily the duty on amyl-anthraquinone; to the Committee on Ways and Means.

By Ms. BALDWIN (for herself, Mr. VAN HOLLEN, Ms. WOOLSEY, and Mr. SNYDER):

H.R. 1275. A bill to amend the Internal Revenue Code of 1986 to increase the amount which may be excluded from the gross income of an employee for dependent care assistance with respect to dependent care services provided during a taxable year, to adjust such amount each year by the rate of inflation for such year, and for other purposes; to the Committee on Ways and Means.

By Ms. BERKLEY (for herself and Mr. VISCLOSKY):

H.R. 1276. A bill to amend title 5, United States Code, to make creditable for civil service retirement purposes certain periods of service performed with Air America, Incorporated, Air Asia Company Limited, or the Pacific Division of Southern Air Transport, Incorporated, while those entities were owned or controlled by the Government of the United States and operated or managed by the Central Intelligence Agency; to the Committee on Government Reform.

By Mr. EMANUEL (for himself, Mr. GEORGE MILLER of California, Mr.

RYAN of Ohio, Mr. BISHOP of New York, Mr. TIERNEY, Mr. LYNCH, Mr. HOLT, Mr. CUMMINGS, Mr. DELAHUNT, Mr. BROWN of Ohio, Ms. SOLIS, Mr. GRIJALVA, Mr. MCDERMOTT, Mr. HINCHEY, Ms. WATSON, Mr. FILNER, Mr. OWENS, Mr. COSTELLO, Mr. MCGOVERN, Mr. MCNULTY, Mr. SKELTON, Mr. JEFFERSON, Mr. SCOTT of Georgia, Mr. HINOJOSA, Mr. PAYNE, Mr. DEFAZIO, Mr. ETHERIDGE, Mr. ISRAEL, Mr. PALLONE, Ms. SLAUGHTER, Mr. NEAL of Massachusetts, Mr. SANDERS, Ms. LINDA T. SÁNCHEZ of California, and Mr. FORD):

H.R. 1277. A bill to expand college opportunities by significantly simplifying the Federal student aid application process; to the Committee on Education and the Workforce.

By Mr. EMANUEL (for himself, Mr. DELAHUNT, Mr. WATT, and Mr. CONYERS):

H.R. 1278. A bill to amend title 11 of the United States Code to limit the exemption for asset protection trusts; to the Committee on the Judiciary.

By Mr. FORBES (for himself, Mr. WOLF, Mr. GOODLATTE, Mr. GOODE, Mrs. JO ANN DAVIS of Virginia, Mrs. DRAKE, Mr. TOM DAVIS of Virginia, and Mr. ALEXANDER):

H.R. 1279. A bill to amend title 18, United States Code, to reduce violent gang crime and protect law-abiding citizens and communities from violent criminals, and for other purposes; to the Committee on the Judiciary.

By Mr. GENE GREEN of Texas (for himself and Mr. GONZALEZ):

H.R. 1280. A bill to amend part C of title XVIII of the Social Security Act to prohibit the operation of the Medicare Comparative Cost Adjustment (CCA) program in Texas; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York (for himself and Mrs. CHRISTENSEN):

H.R. 1281. A bill to amend the Trade Act of 1974 to extend trade adjustment assistance to certain service workers; to the Committee on Ways and Means.

By Mrs. MCCARTHY (for herself and Ms. PRYCE of Ohio):

H.R. 1282. A bill to provide for Project GRAD programs, and for other purposes; to the Committee on Education and the Workforce.

By Mr. MORAN of Virginia (for himself, Mr. VAN HOLLEN, Ms. NORTON, Mr. BLUMENAUER, Mr. WOLF, Mr. WYNN, and Mr. HOYER):

H.R. 1283. A bill to provide that transit pass transportation fringe benefits be made available to all qualified Federal employees in the National Capital Region; to allow passenger carriers which are owned or leased by the Government to be used to transport Government employees between their place of employment and mass transit facilities, and for other purposes; to the Committee on Government Reform.

By Mr. RENZI:

H.R. 1284. A bill to authorize the placement of an equestrian statue depicting frontiersman, explorer, and missionary Jacob Hamblin on the grounds of the Forest Service Kaibab Plateau Visitor Center in Jacob Lake, Arizona, and for other purposes; to the Committee on Resources.

By Mr. RUSH:

H.R. 1285. A bill to amend the Nursing Relief for Disadvantaged Areas Act of 1999 to remove the limitation for nonimmigrant classification for nurses in health professional shortage areas; to the Committee on the Judiciary.

By Mr. SHADEGG:

H.R. 1286. A bill to amend title XI of the Social Security Act to include additional information in Social Security account statements; to the Committee on Ways and Means.

By Mr. SHIMKUS:

H.R. 1287. A bill to designate the facility of the United States Postal Service located at 332 South Main Street in Flora, Illinois, as the "Robert T. Ferguson Post Office Building"; to the Committee on Government Reform.

By Mr. SOUDER (for himself, Mr. ROSS, Mr. WICKER, Mr. KING of Iowa, Mr. GINGREY, Mr. SESSIONS, Mr. DINGELL, Mr. KENNEDY of Minnesota, Mr. SHUSTER, Mr. WILSON of South Carolina, Mr. KLINE, Mr. SALAZAR, Mr. BEAUPREZ, Mr. BOOZMAN, Mr. GRAVES, Mr. CRAMER, Mr. AKIN, Mr. MATHESON, Mr. DENT, Mr. WESTMORELAND, Mr. BUYER, and Mr. HOSTETTLER):

H.R. 1288. A bill to restore Second Amendment rights in the District of Columbia; to the Committee on Government Reform.

By Mr. SPRATT (for himself, Mr. BARRETT of South Carolina, Mr. BROWN of South Carolina, Mr. CLYBURN, Mr. INGLIS of South Carolina, and Mr. WILSON of South Carolina):

H.R. 1289. A bill to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Southern Campaign of the Revolution Heritage Area in South Carolina, and for other purposes; to the Committee on Resources.

By Mrs. WILSON of New Mexico (for herself, Mr. TOWNS, Mr. ABERCROMBIE, Mr. MEEKS of New York, Mr. DOGGETT, Mr. MCNULTY, Mr. PAYNE, Mr. MCGOVERN, Ms. ROS-LEHTINEN, Mr. OWENS, and Mr. BERMAN):

H.R. 1290. A bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis C virus infection; to the Committee on Energy and Commerce.

By Mr. RUPPERSBERGER (for himself, Mr. TOM DAVIS of Virginia, Mr. JONES of North Carolina, and Mr. HOYER):

H. Res. 152. A resolution expressing support for the members of the uniformed services and their families, particularly those wounded or severely injured in service to the Nation, and support for the newly established Military Severely Injured Joint Support Operations Center in the Office of the Secretary of Defense; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. LINDER, Mr. CUELLAR, Mr. BUTTERFIELD, Mr. WALSH, Mr. CARTER, Mr. BONNER, Mr. PETERSON of Pennsylvania, Mr. HEFLEY, Mr. KINGSTON, Mr. WELDON of Florida, Mr. HOSTETTLER, Mr. BROWN of South Carolina, Mr. NEUGEBAUER, and Mr. GINGREY.

H.R. 21: Mr. LEWIS of Kentucky and Mr. BERMAN.

H.R. 47: Mr. HOSTETTLER.

H.R. 64: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 68: Mr. DOGGETT.

H.R. 136: Mrs. MYRICK, Mr. BLUNT, Mr. SESSIONS, and Mr. GOODE.

H.R. 216: Mr. KING of Iowa and Mr. LINCOLN-DIAZ BALART of Florida.

H.R. 223: Mr. GREEN of Wisconsin.

H.R. 226: Mr. KENNEDY of Rhode Island.

H.R. 282: Mrs. MCCARTHY, Mr. BOOZMAN, Mr. CARDOZA, Mr. EDWARDS, Mr. COSTA, Mr. FERGUSON, and Mr. JINDAL.

H.R. 303: Mr. COSTELLO, Mr. HONDA, Mr. FARR, Mr. ALLEN, Mr. PALLONE, Ms. WASSERMAN SCHULTZ, and Mr. GARRETT of New Jersey.

H.R. 304: Mr. WILSON of South Carolina, Ms. WASSERMAN SCHULTZ, and Mr. GORDON.

H.R. 354: Mr. ANDREWS and Mr. JONES of North Carolina.

H.R. 389: Mr. PRICE of Georgia.

H.R. 421: Mr. PASTOR.

H.R. 426: Mr. WALSH.

H.R. 515: Ms. MCKINNEY, Mr. LOBIONDO, Mr. PAUL, Ms. LINDA T. SÁNCHEZ of California, Mr. ANDREWS, and Mr. HASTINGS of Florida.

H.R. 525: Mr. HALL, Mr. FORBES, Mr. FOSSELLA, and Mr. WELDON of Florida.

H.R. 534: Mr. CALVERT.

H.R. 551: Ms. SOLIS, Ms. WOOLSEY, Ms. MCKINNEY, and Ms. SCHAKOWSKY.

H.R. 556: Ms. MCCOLLUM of Minnesota, Ms. KILPATRICK of Michigan, Mrs. CHRISTENSEN, and Mr. REHBERG.

H.R. 559: Ms. SCHAKOWSKY.

H.R. 583: Mr. PASTOR, Mr. UDALL of Colorado, Mr. FERGUSON, Mr. SOUDER, Mr. HAYWORTH, Mr. CUNNINGHAM, and Mr. CASE.

H.R. 602: Ms. SCHAKOWSKY, Mr. WOLF, and Mr. SMITH of Washington.

H.R.. 609: Mr. FORTUÑO.

H.R. 625: Mr. PAYNE and Mr. TIERNEY.

H.R. 626: Mr. HULSHOF.

H.R. 658: Mr. SOUDER and Mr. WOLF.

H.R. 682: Mr. CASE.

H.R. 689: Mr. BRADLEY of New Hampshire, Mr. RYUN of Kansas, Mr. STEARNS, Mr. WELLER, and Mr. KENNEDY of Minnesota.

H.R. 691: Ms. SLAUGHTER.

H.R. 692: Mr. BOOZMAN and Mr. FILNER.

H.R. 693: Mr. BRADY of Pennsylvania, Mr. BOUCHER, and Mr. BISHOP of Georgia.

H.R. 759: Mr. ANDREWS, Mr. LEWIS of Georgia, Mr. STARK, Mr. SANDERS, and Mr. CUMMINGS.

H.R. 768: Mr. LEWIS of Georgia, Mr. SHERMAN, and Mr. CROWLEY.

H.R. 783: Mr. GIBBONS.

H.R. 785: Mr. PUTNAM.

H.R. 790: Mr. BAIRD and Mr. OWENS.

H.R. 793: Mr. RUPPERSBERGER and Mr. ALEXANDER.

H.R. 800: Mr. PUTNAM, Mrs. BONO, Mr. ROYCE, Mr. BOREN, and Mrs. MYRICK.

H.R. 808: Mr. MCINTYRE, Mrs. DAVIS of California, Mr. NORWOOD, Mr. WICKER, Mr. GOODE, Mr. CUMMINGS, Mr. PLATTS, Mrs. CAPITO, Mr. DEFAZIO, Mr. FORD, Mr. PALLONE, Mr. GALLEGLY and Ms. HARRIS.

H.R. 869: Mr. GORDON and Mr. DANIEL E. LUNGREN of California.

H.R. 871: Ms. MCCOLLUM of Minnesota.

H.R. 877: Mr. PALLONE.

H.R. 888: Mr. KING of Iowa.

H.R. 893: Ms. ZOE LOFGREN of California and Mr. LEWIS of Georgia.

H.R. 896: Mr. EHLERS.

H.R. 918: Mr. MCHENRY, Mr. CULBERSON, and Mr. BARRETT of South Carolina.

H.R. 920: Mr. WALSH.

H.R. 940: Mr. KLINE.

H.R. 944: Mr. SCOTT of Virginia, Mr. TANNER, and Mr. CHANDLER.

H.R. 945: Mr. LANTOS, Ms. JACKSON-LEE of Texas, and Ms. SCHAKOWSKY.

H.R. 946: Ms. JACKSON-LEE of Texas and Ms. SCHAKOWSKY.

H.R. 952: Mr. FARR, Ms. DELAURO, Mr. MCNULTY, and Mr. CAPUANO.

H.R. 968: Mr. WEXLER.

H.R. 976: Mr. CANNON.

H.R. 985: Mr. PORTMAN, Ms. HART, Mr. SMITH of New Jersey, Mr. WILSON of South Carolina, Mr. FALEOMAVAEGA, Mr. GRIJALVA, Mr. HIGGINS, Mr. CHANDLER, Mr. MARCHANT, Mr. KANJORSKI, Mr. BEAUPREZ, Mr. MCNULTY, Mr. KOLBE, Mr. BERRY, Mr. WU, Mr. KILDEE, Mr. ETHERIDGE, Mr. CAPUANO, Mr. WELDON of Pennsylvania, Mr. ORTIZ, Mr. LANGEVIN, Mr. BLUMENAUER, and Mr. DEFAZIO.

H.R. 986: Mr. WEXLER.

H.R. 994: Mr. BOYD, Mr. SULLIVAN, Mr. NORWOOD, Mr. FARR, Mr. YOUNG of Florida, Mr. BOSWELL, Mr. PAUL, Mr. GENE GREEN of Texas, Mr. DICKS, Mr. LYNCH, Ms. HARRIS, Mr. OBERSTAR, Mr. SMITH of Washington, Mr. SAXTON, Mr. BRADY of Pennsylvania, Mr. SCOTT of Georgia, Mr. MCINTYRE, Mr. LOBIONDO, Mr. REYES, Mr. ROTHMAN, Mr. HASTINGS of Florida, Mr. DOOLITTLE, and Mr. BURTON of Indiana.

H.R. 1001: Mr. HALL, Mr. SMITH of Texas, and Ms. JACKSON-LEE of Texas.

H.R. 1002: Ms. BALDWIN and Ms. CARSON.

H.R. 1010: Mr. EMANUEL.

H.R. 1011: Mr. AL GREEN of Texas.

H.R. 1057: Mr. FOSSELLA.

H.R. 1078: Mr. PALLONE.

H.R. 1079: Mr. TAYLOR of Mississippi.

H.R. 1092: Mrs. MYRICK.

H.R. 1100: Mrs. MILLER of Michigan and Mr. OTTER.

H.R. 1104: Ms. DELAURO.

H.R. 1105: Mrs. CAPITO.

H.R. 1136: Mr. SHAYS and Mrs. MCCARTHY.

H.R. 1142: Mr. AKIN.

H.R. 1151: Mr. ROGERS of Kentucky, Mr. CRAMER, Mr. MCCAUL of Texas, Mr. NUSSLE, Mr. LUCAS, Mr. KINGSTON, Mr. FERGUSON, Mr. MELANCON, Mrs. MILLER of Michigan, Mr. SESSIONS, Mr. SAXTON, Mr. GIBBONS, and Mr. KILDEE.

H.R. 1155: Ms. SCHAKOWSKY and Ms. ROYBAL-ALLARD.

H.R. 1184: Ms. WOOLSEY, Mr. BUTTERFIELD, Mr. MCNULTY, Mr. LEWIS of Georgia, and Mr. ANDREWS.

H.R. 1214: Mr. OLVER, Mr. HOLT, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CARSON, Ms. WASSERMAN SCHULTZ, and Mr. KUCINICH.

H.R. 1226: Mrs. MCCARTHY and Mr. SESSIONS.

H.R. 1227: Mrs. EMERSON, Mr. PALLONE, Mr. HOLT, Mr. CASE, Mr. CHANDLER, Mr. BROWN of Ohio, and Mr. BASS.

H.R. 1243: Mr. MILLER of Florida and Mr. HERGER.

H.R. 1245: Ms. HART, Ms. BEAN, Mr. BROWN of South Carolina, Mr. JENKINS, Mr. WYNN, Mr. KNOLLENBERG, Mr. KENNEDY of Rhode Island, and Ms. MCCOLLUM of Minnesota.

H.R. 1249: Mr. CARNAHAN, Mr. BISHOP of Georgia, Mr. SMITH of Washington, Ms. BERKLEY, Mr. MCGOVERN, Mr. ROSS, Mr. DINGELL, Mr. LEVIN, Ms. MILLENDER-MCDONALD, Mr. STRICKLAND, Mr. FORD, and Mr. LIPINSKI.

H.R. 1263: Mr. BOUCHER.

H.J. Res. 23: Mrs. WILSON of New Mexico, Mr. COSTA, Mr. Brown of Ohio, and Mr. DEFAZIO.

H. Con. Res. 85: Mr. MCCAUL of Texas.

H. Con. Res. 88: Mr. KUCINICH.

H. Res. 20: Mr. CONAWAY, Ms. FOXX, Mr. GOODLATTE, Mr. GORDON, and Mrs. MILLER of Michigan.

H. Res. 84: Mrs. MUSGRAVE and Mrs. JOHNSON of Connecticut.

H. Res. 90: Mr. KUCINICH, Mr. BUTTERFIELD, and Ms. SCHAKOWSKY.

H. Res. 101: Mr. OWENS, Mr. GORDON, Mr. BLUNT, and Mr. ROTHMAN.

H. Res. 116: Mr. ROTHMAN and Mr. SKELTON.

H. Res. 120: Ms. SCHAKOWSKY, Mr. BUTTERFIELD, Mr. KILDEE, and Mr. NEUGEBAUER.

H. Res. 123: Ms. ESHOO.

H. Res. 131: Mr. BARROW, Mrs. CHRISTENSEN, Ms. LINDA T. SÁNCHEZ of California, Mr. BERRY, Mr. CRAMER, Mr. FATTAH, Mr. HOLDEN, Ms. JACKSON-LEE of Texas, Mr. SABO, Mr. VISCLOSKY, Mr. ALLEN, Mr. MICHAUD, Mr. DAVIS of Tennessee, Ms. BALDWIN, Ms. BEAN, Mr. BOREN, Mr. BOYD, Ms. CORRINE BROWN OF FLORIDA, Mr. BROWN of Ohio, Mr. CARNAHAN, Ms. CARSON, Mr. CLAY, Mr. CLYBURN, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. DAVIS of Florida, Ms. DEGETTE, Mr. EDWARDS, Mr. EMANUEL, Ms. ESHOO, Mr. FILNER, Mr. FORD, Mr. GONZALEZ, Mr. GORDON, Mr. AL GREEN of Texas, Mr. GUTIERREZ, Mr. HIGGINS, Mr. HINOJOSA, Mr. ISRAEL, Mr. KUCINICH, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. LYNCH, Mr. MARKEY, Mr. MARSHALL, Mr. MATHESON, Ms. MCCOLLUM of Minnesota, Mr. MEEKS of New York, Mr. MELANCON, Ms. MILLENDER-MCDONALD, Ms. MOORE of Wisconsin, Mrs. NAPOLITANO, Mr. OWENS, Mr. PALLONE, Mr. PETERSON of Minnesota, Mr. RANGEL, Mr. REYES, Mr. ROSS, Mr. ROTHMAN, Mr. RUPPERSBERGER, Mr. RUSH, Mr. SALAZAR, Ms. LORETTA SANCHEZ of California, Ms. SCHWARTZ of Pennsylvania, Mr. SERRANO, Mr. SKELTON, Mr. SPRATT, Mr. STARK, Mr. STRICKLAND, Mr. THOMPSON of California, Mr. TIERNEY, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Mr. WEINER, Mr. WEXLER, and Mr. WU.

H. Res. 135. Mr. BISHOP of Utah, Mr. BLUNT, Mr. SNYDER, Mr. THOMAS, and Mr. MCCOTTER.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1268

OFFERED BY: MR. BLUMENAUER

AMENDMENT NO. 1: At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 7001. None of the funds appropriated in this Act shall be available for the torture of any person who is imprisoned, detained, or otherwise held in the custody of, a department, agency, or official of the United States Government, or any contractor of any such department or agency.

H.R. 1268

OFFERED BY: MR. BLUMENAUER

AMENDMENT NO. 2: At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 7001. None of the funds appropriated in this Act shall be available for—

(1) the torture of any person who is imprisoned, detained, or otherwise held in the custody of, a department, agency, or official of the United States Government, or any contractor of any such department or agency; or

(2) the involuntary return of any person to a country in which there are substantial grounds for believing the person would be in danger of being subjected to torture, regardless of whether the person is physically present in the United States, pursuant to section 1242 of the Foreign Affairs Reform and Restructuring Act of 1998.

H.R. 1268

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 3: Page 46, after line 20, insert the following:

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", hereby derived from the amount provided in this Act for "UNITED STATES COAST GUARD—OPERATING EXPENSES", $40,000,000.

H.R. 1268

OFFERED BY: MR. LANTOS

AMENDMENT NO. 4: Add at the end (before the short title) the following new title:

TITLE VII—HOPE AT HOME ACT

SEC. 701. SHORT TITLE.

This title may be cited as the "Help Our Patriotic Employers at Helping Our Military Employees Act" or the "HOPE at HOME Act".

SEC. 702. NONREDUCTION IN PAY WHILE FEDERAL EMPLOYEE IS SERVING ON ACTIVE DUTY IN A RESERVE COMPONENT OF THE UNIFORMED SERVICES.

(a) IN GENERAL.—Subchapter IV of chapter 55 of title 5, United States Code, is amended by adding at the end the following new section:

"§ 5538. Nonreduction in pay while serving on active duty in a reserve component

"(a) An employee who is also a member of a reserve component and is absent from a position of employment with the Federal Government under a call or order to serve on active duty for a period of more than 30 days shall be entitled to receive, for each pay period described in subsection (b), an amount equal to the difference (if any) between—

"(1) the amount of civilian basic pay that would otherwise have been payable to the employee for such pay period if the employee's civilian employment with the Government had not been interrupted by the service on active duty; and

"(2) the amount of military compensation that is payable to the employee for the service on active duty and is allocable to such pay period.

"(b)(1) Amounts under this section shall be payable with respect to each pay period (which would otherwise apply if the employee's civilian employment had not been interrupted) that occurs—

"(A) while the employee serves on active duty for a period of more than 30 days;

"(B) while the employee is hospitalized for, or convalescing from, an illness or injury incurred in, or aggravated during, the performance of such active duty; or

"(C) during the 14-day period beginning at the end of such active duty or the end of the period referred to in subparagraph (B).

"(2) Paragraph (1) shall not apply with respect to a pay period for which the employee receives civilian basic pay (including by taking any annual, military, or other paid leave) to which the employee is entitled by virtue of the employee's civilian employment with the Government.

"(c) Any amount payable under this section to an employee shall be paid—

"(1) by the employing agency of the employee;

"(2) from the appropriations or fund that would be used to pay the employee if the employee were in a pay status; and

"(3) to the extent practicable, at the same time and in the same manner as would civilian basic pay if the employee's civilian employment had not been interrupted.

"(d) In consultation with Secretary of Defense, the Office of Personnel Management shall prescribe such regulations as may be necessary to carry out this section.

"(e) In consultation with the Office of Personnel Management, the head of each employing agency shall prescribe procedures to ensure that the rights under this section apply to the employees of such agency. In consultation with the Office of Personnel Management, the Administrator of the Federal Aviation Administration shall prescribe procedures to ensure that the rights under this section apply to the employees of that agency.

"(f) In this section:

"(1) The terms 'active duty for a period of more than 30 days', 'member', and 'reserve component' have the meanings given such terms in section 101 of title 37.

"(2) The term 'civilian basic pay', with respect to an employee, includes any amount payable under section 5304 of this title or under such other law providing for the compensation of the employee by the employing agency for work performed.

"(3) The term 'employing agency', as used with respect to an employee entitled to any payments under this section, means the agency with respect to which the employee has reemployment rights under chapter 43 of title 38. The term 'agency' has the meaning given such term in subparagraph (C) of section 2302(a)(2) of this title, except that the term includes Government corporations and agencies excluded by clause (i) or (ii) of such subparagraph.

"(4) The term 'military compensation' has the meaning given the term 'pay' in section 101(21) of title 37, except that the term includes allowances under chapter 7 of such title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of title 5, is amended by inserting after the item relating to section 5537 the following new item:

"5538. Nonreduction in pay while serving on active duty in a reserve component.".

(c) APPLICATION OF AMENDMENT.—Section 5538 of title 5, United States Code, as added by subsection (a), shall apply with respect to pay periods (as described in subsection (b) of such section) beginning on or after the date of the enactment of this Act.

SEC. 703. ACTIVE-DUTY RESERVE COMPONENT EMPLOYEE CREDIT ADDED TO GENERAL BUSINESS CREDIT.

(a) ADDITION OF CREDIT.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following new section:

"SEC. 45J. ACTIVE-DUTY RESERVE COMPONENT EMPLOYEE CREDIT.

"(a) GENERAL RULE.—For purposes of section 38, the Ready Reserve-National Guard employee credit determined under this section for any taxable year with respect to each Ready Reserve-National Guard employee of an employer is an amount equal to the lesser of—

"(1) 50 percent of the actual compensation amount paid with respect to such Ready Reserve-National Guard employee for such taxable year while the employee is absent from employment for a reason described in subsection (b); or

"(2) $30,000.

"(b) COVERED PAY PERIODS.—Subsection (a) shall apply with respect to a Ready Reserve-National Guard employee—

"(1) while the employee serves on active duty for a period of more than 30 days;

"(2) while the employee is hospitalized for, or convalescing from, an illness or injury incurred in, or aggravated during, the performance of such active duty; or

"(3) during the 14-day period beginning at the end of such active duty or the end of the period referred to in subparagraph (B).

"(c) LIMITATION.—No credit shall be allowed under subsection (a) with respect to a Ready Reserve-National Guard employee on any day on which the employee was not scheduled to work (for a reason other than such service on active duty) and ordinarily would not have worked.

"(d) PORTION OF CREDIT REFUNDABLE.—

"(1) IN GENERAL.—In the case of an employer described in paragraph (2), the aggregate credits allowed to a taxpayer under subpart C shall be increased by the lesser of—

"(A) the credit which would be allowed under this section without regard to this subsection and the limitation under section 38(c), or

"(B) the amount by which the aggregate amount of credits allowed by this subpart (determined without regard to this subsection) would increase if the limitation imposed by section 38(c) for any taxable year were increased by the amount of employer payroll taxes imposed on the taxpayer during the calendar year in which the taxable year begins.

The amount of the credit allowed under this subsection shall not be treated as a credit allowed under this subpart and shall reduce the amount of the credit otherwise allowable under subsection (a) without regard to section 38(c).

"(2) EMPLOYER DESCRIBED.—An employer is described in this paragraph if the employer is—

"(A) an organization exempt from tax under this chapter,

"(B) any State or political subdivision thereof, the District of Columbia, any possession of the United States, or any agency or instrumentality of any of the foregoing, or

"(C) any Indian tribal government (within the meaning of section 7871) or any agency or instrumentality thereof.

"(3) EMPLOYER PAYROLL TAXES.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'employer payroll taxes' means the taxes imposed by—

"(i) section 3111(b), and

"(ii) sections 3211(a) and 3221(a) (determined at a rate equal to the rate under section 3111(b)).

"(B) SPECIAL RULE.—A rule similar to the rule of section 24(d)(2)(C) shall apply for purposes of subparagraph (A).

"(e) DEFINITIONS.—In this section—

"(1) The terms 'active duty for a period of more than 30 days', 'member', and 'reserve component' have the meanings given such terms in section 101 of title 37, United States Code.

"(2) The term 'compensation' means any remuneration for employment, whether in cash or in kind, which is paid or incurred by a taxpayer and which is deductible from the taxpayer's gross income under section 162(a)(1).

"(3) The term 'Ready Reserve-National Guard employee' with respect to an employer, means an employee of the employer who is also a member of a reserve component during a taxable year.".

(b) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 of such Code (relating to general business credit) is amended by striking "plus" at the end of paragraph (18), by striking the period at the end of paragraph (19) and inserting ", plus", and by adding at the end the following new paragraph:

"(20) the active-duty reserve component employee credit determined under section 45J(a).".

(c) CONFORMING AMENDMENT.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting "or 45J" after "section 35".

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 45I the following new item:

"Sec. 45J. Active-duty reserve component employee credit.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 704. DIFFERENTIAL WAGE PAYMENTS.

(a) INCOME TAX WITHHOLDING.—Section 3401 of the Internal Revenue Code of 1986 (relating to definitions) is amended by adding at the end the following new subsection:

"(i) DIFFERENTIAL WAGE PAYMENTS TO ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.—

"(1) IN GENERAL.—For purposes of subsection (a), any differential wage payment shall be treated as a payment of wages by the employer to the employee.

"(2) DIFFERENTIAL WAGE PAYMENT.—For purposes of paragraph (1), the term 'differential wage payment' means any payment which—

"(A) is made by an employer to an individual with respect to any period during which the individual is performing service in the uniformed services while on active duty for a period of more than 30 days, and

"(B) represents all or a portion of the wages the individual would have received from the employer if the individual were performing service for the employer.".

(b) TREATMENT OF DIFFERENTIAL WAGE PAYMENTS FOR RETIREMENT PLAN PURPOSES.—

(1) PENSION PLANS.—

(A) IN GENERAL.—Section 414(u) of such Code (relating to special rules relating to veterans' reemployment rights under USERRA) is amended by adding at the end the following new paragraph:

"(11) TREATMENT OF DIFFERENTIAL WAGE PAYMENTS.—

"(A) IN GENERAL.—Except as provided in this paragraph, for purposes of applying this title to a retirement plan to which this subsection applies—

"(i) an individual receiving a differential wage payment shall be treated as an employee of the employer making the payment,

"(ii) the differential wage payment shall be treated as compensation, and

"(iii) the plan shall not be treated as failing to meet the requirements of any provision described in paragraph (1)(C) by reason of any contribution which is based on the differential wage payment.

"(B) SPECIAL RULE FOR DISTRIBUTIONS.—

"(i) IN GENERAL.—Notwithstanding subparagraph (A)(i), for purposes of section 401(k)(2)(B)(i)(I), 403(b)(7)(A)(ii), 403(b)(11)(A), or 457(d)(1)(A)(ii), an individual shall be treated as having been severed from employment during any period the individual is performing service in the uniformed services described in section 3401(i)(2)(A).

"(ii) LIMITATION.—If an individual elects to receive a distribution by reason of clause (i), the plan shall provide that the individual may not make an elective deferral or employee contribution during the 6-month period beginning on the date of the distribution.

"(C) NONDISCRIMINATION REQUIREMENT.—Subparagraph (A)(iii) shall apply only if all employees of an employer performing service in the uniformed services described in section 3401(i)(2)(A) are entitled to receive differential wage payments on reasonably equivalent terms and, if eligible to participate in a retirement plan maintained by the employer, to make contributions based on the payments . For purposes of applying this subparagraph, the provisions of paragraphs (3), (4), and (5), of section 410(b) shall apply.

"(D) DIFFERENTIAL WAGE PAYMENT.—For purposes of this paragraph, the term 'differential wage payment' has the meaning given such term by section 3401(i)(2).".

(B) CONFORMING AMENDMENT.—The heading for section 414(u) of such Code is amended by inserting "AND TO DIFFERENTIAL WAGE PAYMENTS TO MEMBERS ON ACTIVE DUTY" after "USERRA".

(2) DIFFERENTIAL WAGE PAYMENTS TREATED AS COMPENSATION FOR INDIVIDUAL RETIREMENT PLANS.—Section 219(f)(1) of such Code (defining compensation) is amended by adding at the end the following new sentence: "The term 'compensation' includes any differential wage payment (as defined in section 3401(i)(2))".

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to remuneration paid after December 31, 2004.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2004.

(d) PROVISIONS RELATING TO PLAN AMENDMENTS.—

(1) IN GENERAL.—If this subsection applies to any plan or annuity contract amendment—

(A) such plan or contract shall be treated as being operated in accordance with the terms of the plan or contract during the period described in paragraph (2)(B)(i), and

(B) except as provided by the Secretary of the Treasury, such plan shall not fail to meet the requirements of the Internal Revenue Code of 1986 or the Employee Retirement Income Security Act of 1974 by reason of such amendment.

(2) AMENDMENTS TO WHICH SECTION APPLIES.—

(A) IN GENERAL.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

(i) pursuant to any amendment made by this section, and

(ii) on or before the last day of the first plan year beginning on or after January 1, 2007.

(B) CONDITIONS.—This subsection shall not apply to any plan or annuity contract amendment unless—

(i) during the period beginning on the date the amendment described in subparagraph (A)(i) takes effect and ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted), the plan or contract is operated as if such plan or contract amendment were in effect; and

(ii) such plan or contract amendment applies retroactively for such period.

SEC. 705. CREDIT FOR INCOME DIFFERENTIAL FOR EMPLOYMENT OF ACTIVATED MILITARY RESERVIST AND REPLACEMENT PERSONNEL.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to foreign tax credit, etc.) is amended by adding at the end the following new section:

"SEC. 30B. EMPLOYER WAGE CREDIT FOR ACTIVATED MILITARY RESERVISTS.

"(a) GENERAL RULE.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

"(1) in the case of a small business employer, the employment credit with respect to all qualified employees and qualified replacement employees of the taxpayer, plus

"(2) the self-employment credit of a qualified self-employed taxpayer.

"(b) EMPLOYMENT CREDIT.—For purposes of this section—

"(1) QUALIFIED EMPLOYEES.—

"(A) IN GENERAL.—The employment credit with respect to a qualified employee of the taxpayer for any taxable year is equal to 50 percent of the lesser of—

"(i) the excess, if any, of—

"(I) the qualified employee's average daily qualified compensation for the taxable year, over

"(II) the average daily military pay and allowances received by the qualified employee during the taxable year, while participating in qualified reserve component duty to the exclusion of the qualified employee's normal employment duties for the number of days the qualified employee participates in qualified reserve component duty during the taxable year, including time spent in a travel status, or

"(ii) $30,000.

The employment credit, with respect to all qualified employees, is equal to the sum of the employment credits for each qualified employee under this subsection.

"(B) AVERAGE DAILY QUALIFIED COMPENSATION AND AVERAGE DAILY MILITARY PAY AND ALLOWANCES.—As used with respect to a qualified employee—

"(i) the term 'average daily qualified compensation' means the qualified compensation of the qualified employee for the taxable year divided by the difference between—

"(I) 365, and

"(II) the number of days the qualified employee participates in qualified reserve component duty during the taxable year, including time spent in a travel status, and

"(ii) the term 'average daily military pay and allowances' means—

"(I) the amount paid to the qualified employee during the taxable year as military pay and allowances on account of the qualified employee's participation in qualified reserve component duty, divided by

"(II) the total number of days the qualified employee participates in qualified reserve component duty, including time spent in travel status.

"(C) QUALIFIED COMPENSATION.—When used with respect to the compensation paid or that would have been paid to a qualified employee for any period during which the qualified employee participates in qualified reserve component duty, the term 'qualified compensation' means—

"(i) compensation which is normally contingent on the qualified employee's presence for work and which would be deductible from the taxpayer's gross income under section 162(a)(1) if the qualified employee were present and receiving such compensation,

"(ii) compensation which is not characterized by the taxpayer as vacation or holiday pay, or as sick leave or pay, or as any other form of pay for a nonspecific leave of absence, and with respect to which the number of days the qualified employee participates in qualified reserve component duty does not result in any reduction in the amount of vacation time, sick leave, or other nonspecific leave previously credited to or earned by the qualified employee, and

"(iii) group health plan costs (if any) with respect to the qualified employee.

"(D) QUALIFIED EMPLOYEE.—The term 'qualified employee' means a person who—

"(i) has been an employee of the taxpayer for the 31-day period immediately preceding the period during which the employee participates in qualified reserve component duty, and

"(ii) is a member of the Ready Reserve of a reserve component of an Armed Force of the United States as defined in sections 10142 and 10101 of title 10, United States Code.

"(2) QUALIFIED REPLACEMENT EMPLOYEES.—

"(A) IN GENERAL.—The employment credit with respect to a qualified replacement employee of the taxpayer for any taxable year is equal to 50 percent of the lesser of—

"(i) the individual's qualified compensation attributable to service rendered as a qualified replacement employee, or

"(ii) $12,000.

The employment credit, with respect to all qualified replacement employees, is equal to the sum of the employment credits for each qualified replacement employee under this subsection.

"(B) QUALIFIED COMPENSATION.—When used with respect to the compensation paid to a qualified replacement employee, the term 'qualified compensation' means—

"(i) compensation which is normally contingent on the qualified replacement employee's presence for work and which is deductible from the taxpayer's gross income under section 162(a)(1),

"(ii) compensation which is not characterized by the taxpayer as vacation or holiday pay, or as sick leave or pay, or as any other form of pay for a nonspecific leave of absence, and

"(iii) group health plan costs (if any) with respect to the qualified replacement employee.

"(C) QUALIFIED REPLACEMENT EMPLOYEE.—The term 'qualified replacement employee' means an individual who is hired to replace a qualified employee or a qualified self-employed taxpayer, but only with respect to the period during which such employee or taxpayer participates in qualified reserve component duty, including time spent in travel status.

"(D) FAILURE TO MAKE DIFFERENTIAL WAGE PAYMENTS.—The employment credit with respect to a qualified replacement employee of the taxpayer for any taxable year shall be zero if the taxpayer does not make all differential wage payments (as defined by section 3401(i)(2)) for the taxable year to the qualified employee or the qualified self-employed taxpayer (as the case may be) who is replaced by the qualified replacement employee.

"(c) SELF-EMPLOYMENT CREDIT.—For purposes of this section—

"(1) IN GENERAL.—The self-employment credit of a qualified self-employed taxpayer for any taxable year is equal to 50 percent of the lesser of—

"(A) the excess, if any, of—

"(i) the self-employed taxpayer's average daily self-employment income for the taxable year over

"(ii) the average daily military pay and allowances received by the taxpayer during the taxable year, while participating in qualified reserve component duty to the exclusion of the taxpayer's normal self-employment duties for the number of days the taxpayer participates in qualified reserve component duty during the taxable year, including time spent in a travel status, or

"(B) $30,000.

"(2) AVERAGE DAILY SELF-EMPLOYMENT INCOME AND AVERAGE DAILY MILITARY PAY AND ALLOWANCES.—As used with respect to a self-employed taxpayer—

"(A) the term 'average daily self-employment income' means the self-employment income (as defined in section 1402(b)) of the taxpayer for the taxable year plus the amount paid for insurance which constitutes medical care for the taxpayer for such year (within the meaning of section 162(l)) divided by the difference between—

"(i) 365, and

"(ii) the number of days the taxpayer participates in qualified reserve component duty during the taxable year, including time spent in a travel status, and

"(B) the term 'average daily military pay and allowances' means—

"(i) the amount paid to the taxpayer during the taxable year as military pay and allowances on account of the taxpayer's participation in qualified reserve component duty, divided by

"(ii) the total number of days the taxpayer participates in qualified reserve component duty, including time spent in travel status.

"(3) QUALIFIED SELF-EMPLOYED TAXPAYER.—The term 'qualified self-employed taxpayer' means a taxpayer who—

"(A) has net earnings from self-employment (as defined in section 1402(a)) for the taxable year, and

"(B) is a member of the Ready Reserve of a reserve component of an Armed Force of the United States.

"(d) CREDIT IN ADDITION TO DEDUCTION.—The employment credit or the self-employment credit provided in this section is in addition to any deduction otherwise allowable with respect to compensation actually paid to a qualified employee, qualified replacement employee, or qualified self-employed taxpayer during any period the qualified employee or qualified self-employed taxpayer participates in qualified reserve component duty to the exclusion of normal employment duties.

"(e) COORDINATION WITH OTHER CREDITS.—The amount of credit otherwise allowable under sections 51(a) and 1396(a) with respect to any employee shall be reduced by the credit allowed by this section with respect to such employee.

"(f) LIMITATIONS.—

"(1) APPLICATION WITH OTHER CREDITS.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess (if any) of—

"(A) the regular tax for the taxable year reduced by the sum of the credits allowable under subpart A and sections 27, 29, and 30, over

"(B) the tentative minimum tax for the taxable year.

"(2) DISALLOWANCE FOR FAILURE TO COMPLY WITH EMPLOYMENT OR REEMPLOYMENT RIGHTS OF MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—No credit shall be allowed under subsection (a) to a taxpayer for—

"(A) any taxable year, beginning after the date of the enactment of this section, in which the taxpayer is under a final order, judgment, or other process issued or required by a district court of the United States under section 4323 of title 38 of the United States Code with respect to a violation of chapter 43 of such title, and

"(B) the 2 succeeding taxable years.

"(3) DISALLOWANCE WITH RESPECT TO PERSONS ORDERED TO ACTIVE DUTY FOR TRAINING.—No credit shall be allowed under subsection (a) to a taxpayer with respect to any period by taking into account any person who is called or ordered to active duty for any of the following types of duty:

"(A) Active duty for training under any provision of title 10, United States Code.

"(B) Training at encampments, maneuvers, outdoor target practice, or other exercises under chapter 5 of title 32, United States Code.

"(C) Full-time National Guard duty, as defined in section 101(d)(5) of title 10, United States Code.

"(g) GENERAL DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) SMALL BUSINESS EMPLOYER.—

"(A) IN GENERAL.—The term 'small business employer' means, with respect to any taxable year, any employer who employed an average of 50 or fewer employees on business days during such taxable year.

"(B) CONTROLLED GROUPS.—For purposes of subparagraph (A), all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as a single employer.

"(2) MILITARY PAY AND ALLOWANCES.—The term 'military pay' means pay as that term is defined in section 101(21) of title 37, United States Code, and the term 'allowances' means the allowances payable to a member of the Armed Forces of the United States under chapter 7 of that title.

"(3) QUALIFIED RESERVE COMPONENT DUTY.—The term 'qualified reserve component duty' includes only active duty performed, as designated in the reservist's military orders, in support of a contingency operation as defined in section 101(a)(13) of title 10, United States Code.

"(4) SPECIAL RULE FOR CERTAIN MANUFACTURERS.—

"(A) IN GENERAL.—In the case of any qualified manufacturer, paragraph (1)(A) of this subsection shall be applied by substituting '100' for '50'.

"(B) QUALIFIED MANUFACTURER.—For purposes of this paragraph, the term 'qualified manufacturer' means any person if—

"(i) the primary business of such person is classified in sector 31, 32, or 33 of the North American Industrial Classification System, and

"(ii) all of such person's facilities which are used for production in such business are located in the United States.

"(5) CARRYBACK AND CARRYFORWARD ALLOWED.—

"(A) IN GENERAL.—If the credit allowable under subsection (a) for a taxable year exceeds the amount of the limitation under subsection (f)(1) for such taxable year (in this paragraph referred to as the 'unused credit year'), such excess shall be a credit carryback to each of the 3 taxable years preceding the unused credit year and a credit carryforward to each of the 20 taxable years following the unused credit year.

"(B) RULES.—Rules similar to the rules of section 39 shall apply with respect to the credit carryback and credit carryforward under subparagraph (A).

"(6) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (c), (d), and (e) of section 52 shall apply.".

(b) CONFORMING AMENDMENT.—Section 55(c)(2) of the Internal Revenue Code of 1986 is amended by inserting "30B(f)(1)," after "30(b)(3),".

(c) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end of 30A the following new item:

"Sec. 30B. Employer wage credit for activated military reservists.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 706. EMPLOYER CONTRIBUTIONS TO IRAS OF CERTAIN MEMBERS OF THE UNIFORMED SERVICES.

(a) IN GENERAL.—Section 3121 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(z) EMPLOYER CONTRIBUTIONS TO IRAS OF CERTAIN MEMBERS OF THE UNIFORMED SERVICES.—Nothing in any paragraph of subsection (a) (other than paragraphs (1) and (5)) shall exclude from the term 'wages' any employer payment on behalf of an individual to an individual retirement plan if such payment is made by the employer to such plan with respect to any period during which the individual is performing service in the uniformed services while on active duty for a period of more than 30 days.".

(b) RAILROAD RETIREMENT.—Subsection (e) of Section 3231 of such Code is amended by adding at the end the following new paragraph:

"(1) EMPLOYER CONTRIBUTIONS TO IRAS OF CERTAIN MEMBERS OF THE UNIFORMED SERVICES.—Nothing in any paragraph of this subsection (other than paragraph (2)) shall exclude from the term 'compensation' any amount described in section 3121(z).".

(c) FEDERAL UNEMPLOYMENT TAX.—Section 3306 of such Code is amended by adding at the end the following:

"(u) EMPLOYER CONTRIBUTIONS TO IRAS OF CERTAIN MEMBERS OF THE UNIFORMED SERVICES.—Nothing in any paragraph of subsection (b) (other than paragraphs (1) and (5)) shall exclude from the term 'wages' any employer payment on behalf of an individual to an individual retirement plan if such payment is made by the employer to such plan with respect to any period during which the individual is performing service in the uniformed services while on active duty for a period of more than 30 days.".

(d) WITHHOLDING.—Section 3401(a) of such Code is amended by adding at the end the following new subsection:

"(u) EMPLOYER CONTRIBUTIONS TO IRAS OF CERTAIN MEMBERS OF THE UNIFORMED SERVICES.—Nothing in any paragraph of subsection (a) (other than paragraph (12)) shall exclude from the term 'wages' any amount described in section 3121(z).".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid after December 31, 2004.

SEC. 707. EMERGENCY DESIGNATION.

Amounts provided pursuant to the amendments made by this title are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

SENATE—*Monday, March 14, 2005*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of the ages, our God, great are the works of Your hands and of Your heart. You bless those who seek You. Forgive us when our self-will prevents You from doing in and through us all that You desire to see in our lives.

Bless the Members of this body and those who work to support them. Let no shadow of shame darken their faces. Keep them on the road of integrity. Deliver them from foolish pride and give them the courage to pursue and embrace truth. Remind them that we harvest what we plant, whether good or bad. Reward their diligence with bountiful blessings.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all

---

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR THE FISCAL YEAR 2006

The PRESIDENT pro tempore. Under the previous order, the Senate will proceed to consideration of S. Con. Res. 18, which the clerk will report.

The bill clerk read as follows:

> A concurrent resolution (S. Con. Res. 18) setting forth the congressional budget for the United States Government for the fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will immediately begin consideration of the budget resolution which was reported from the Budget Committee last week. There are now 45 hours remaining of the statutory 50-hour limit. The chairman and ranking member are ready for opening statements, and then it is our expectation to begin the amendment process.

As we announced last week, we do anticipate a vote around 5:30 p.m. today in relation to an amendment. Once we get underway, we will alert Senators as to what amendment will be voted on this afternoon.

I also want to reiterate that this will be a busy week of Senate business. We will complete the budget resolution this week. We will obviously have lengthy sessions over the course of each day and likely well into the evening. I will be working with the Democratic leader to see if we can keep a steady pace throughout the week so that we can avoid what has come to be known as the vote-arama, if at all possible. I know the managers of the bill will be doing everything possible to continue to have this bill move in an orderly, systematic way. This will require the cooperation of all Senators, and we have asked all to keep their schedules flexible around the floor schedule.

We will need to keep the length of each rollcall vote to a reasonable limit. We again request Members to come as soon as possible to vote when votes are called. If not, we will have to cut off the time with which we have flexibly in the past allowed our colleagues to meander over. We have to keep the bill moving expeditiously.

I thank everybody in advance for what I know will be a busy week, and I look forward to completing our work prior to the start of the Easter break.

I particularly thank JUDD GREGG and Senator CONRAD for their hard work and leadership. They have worked very hard over the course of the last several weeks completing the work of the budget at the committee level at the end of last week. As I said earlier, we will complete action on the bill before we adjourn for the March recess.

The budget is a tough budget. It is an austere budget. It is a disciplined budget. That is what is appropriate at this point in time. It restrains spending. It cuts the deficit in half over 5 years. It extends the progrowth tax relief that has continued to fuel the economy. Some will say that it goes too far in terms of restrained spending; others will say it does not go far enough.

Budgets are never easy. This one is no different, but it is absolutely essential that we complete the budget this week. It provides the blueprint for just about everything else that occurs over the remainder of this session, most importantly the appropriations bills.

We have had good discussion among the leadership about focusing amendments and making sure that amendments that are brought to the floor are done so in an orderly way but also that the amendments that are brought to the floor are, indeed, substantive amendments. We don't want dozens and dozens of amendments to be brought to the floor because typically all these amendments can be overlapping and repetitive of earlier amendments. It is that sort of disorganization and chaos we want to get rid of and focus on the important amendments, debate them under the time agreements we have.

I was just talking to the Democratic manager, and that orderly process that the two managers are talking about is one that would give some certainty as to when amendments would come to the floor. That is going to take planning right now and not having amendments come flowing in at the very end. I do believe that if we work together and keep our focus, we will take potentially a chaotic process and give it clear definition and clear order.

We will have a lively and spirited debate. Such debate was manifested in the committee last week, and it will continue on the Senate floor with the broader participation of all of our colleagues over the next 4 days. I look forward to delivering a blueprint that reflects our commitment to fiscal responsibility, to economic growth, and a bill that does keep America moving forward.

Mr. President, I ask unanimous consent that the staff of the Senate Budget Committee on the list I send to the desk be permitted to remain on the Senate floor during consideration of S. Con. Res. 18 and the conference report thereon and that the list be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEE FLOOR PRIVILEGES LIST, 109TH CONGRESS

Amdur, Rochelle; Bailey, Stephen; Bargo, Kevin; Brandt, Dan; Cheung, Rock E.; Dempsey, Don; Duckworth, Cara; Esquea, Jim; Eyster, Sarah; Fisher, David; Friesen, Katherine; Green, Vanessa; Gudes, Scott B. (Staff Director, Full Access Pass); Haskell, Tyler; Havlik, Matthew.

Hearn, Jim; Howe, Matthew; Isenberg, Cliff; Jones, Michael; Kermick, Andrew; Klumpner, James; Konwinski, Lisa (General Counsel, Full Access Pass); Kuehl, Sarah; Lofgren, Michael; Lucia, William; Mashburn, John; Millar, Gail; Miller, Jim; Mittal, Seema; Monk, Kimberly.

Morin, Jamie; Myers, David; Nagurka, Stuart; Naylor, Mary (Staff Director, Full Access Pass); Nelson, Sue; Noel, Kobye; O'Keefe, Shannon; O'Neill, Maureen; Ortega, David A.; Osterberg, K. Gayle; Page, Anne; Pappone, David; Parent, Allison; Phillips, Roy; Posner, Steven.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Reidy, Cheri; Righter, John; Seymour, Lynne; Vandivier, David; Ventimiglia, Vincent; Weiblinger, Richard; and Woodall, George.

SENATE BUDGET COMMITTEE FLOOR PRIVILEGES DETAILEES, 109TH CONGRESS

Binzer, Peggy (Detailee); Browne, Mara (Detailee); Konove, Elissa (Detailee); Pollom, Jennifer (Detailee); and Richardson, Stephen (Fellow).

Mr. FRIST. Mr. President, I ask unanimous consent that the following four staff members—two from the Republican staff and two from Senator CONRAD's staff—named on the list that I send to the desk be given "all access" floor passes for Senate floor consideration of S. Con. Res. 18: Cheri Reidy and Jim Hearn from the Republican staff; John Righter and Sue Nelson from the Democratic staff.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I ask unanimous consent that the presence and use of small electronic calculators be permitted on the floor of the Senate during consideration of the fiscal year 2006 concurrent resolution on the budget.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GREGG. Mr. President, today we begin discussion of the Federal budget, which is, of course, one of the primary functions we are supposed to do as a governing body in the Senate and the House. Interestingly enough, under the rules of the Congress, something which I don't think most people recognize, the President has no official role in the budget. It is a document which is produced by the Senate and the House. It is called a resolution. The President doesn't sign it. The President sends up his budget, but his budget is not officially part of the process in the sense that he signs the final document. In a unique way, the Budget Act puts on the Congress the responsibility of doing a budget.

Now, the President has sent up a budget. Of course, he is the leader of our party and of the country. As such, we have given it very significant credibility and have actually tracked it quite closely in the budget which was produced by the Budget Committee.

Before we begin the specifics of the discussion on the budget, I want to thank the members of the Budget Committee for pursuing a very efficient and professional markup last Thursday. I especially thank members on my side, who were there for all of the votes. It is the only committee in the Senate that requires that you actually be there and physically vote versus using a proxy. They participated aggressively in the debate. I also thank the ranking member, Senator CONRAD, and the members of his party for expediting the process. They had a lot of amendments they wanted to put forward. They put them forward in an extraordinarily professional and effective way. As a result, we were able to move through the process and debate issues which are critical to the Nation.

A lot of issues are raised by the budget because it touches everything. There are two basic issues which I think our budget attempts to address. The first, of course, is how you control spending, how you make sure that you do the most with the dollars you have, but that you don't demand of the American people more dollars than they can afford to pay through taxes, and that you not end up passing on to your children and your children's children significant deficits, that you not borrow excessively in order to fund the Government. The short-term issue which that involves is the fact that we have, for the last few years, been running very significant deficits. Those deficits are, in my opinion, a function of two basic events.

The first is that in the late 1990s, we saw the largest economic bubble in the history of the world. A bubble is an inflation of the market, a perversion, really, of the market and a period where you essentially find that the economics of the times, specifically the ability to issue stock through IPOs, through creation of corporations, is creating artificial value, that the stock is not supported by real value. It is actually a form of printing money, for all intents and purposes.

In the history of the world there have been a lot of these bubbles. The two most significant ones were the tulip bubble in Holland and the South Seas bubble involving the English investment in South Seas companies. As a percentage of the economy in the world at that time, they were huge bubbles and they led to significant economic disruption and negative events.

They were nothing compared to the Internet bubble. When the Internet bubble burst, as all bubbles do—especially economic bubbles—there was a significant downturn in the economy, and a huge recessionary event was generated. Explosion of that bubble was also followed by, obviously, the attacks of 9/11. They had a massive impact on us. Obviously, we lost many lives and it changed the whole culture of our country. But the economic impact was also dramatic. The economy slowed dramatically as a result of the attack. We had to reorient the Federal Government activity and we had to significantly, dramatically ramp up our commitment to national defense, homeland defense, make massive capital expenditures that we had not anticipated making in the area of homeland defense. Not only did the economy slow, which means revenues slowed, but spending had to go up dramatically as a result of that.

The effect of that was we headed toward a recession, went into a recession, and revenues of the Federal Government dropped precipitously and spending went up to fight the war on terrorism.

Some would argue that the deficits were also a function of President Bush's decision to reduce taxes during this period. I argue the opposite. I would say that the decision to reduce taxes, especially taxes on people's income, was one of the best economic decisions of the period, because it meant more money was left with consumers and, as a result, the economy had more money in it and, as a result, people were able to spend more money and, as a result, the recession was shallowed out. There would have been a much more severe, dramatic, and damaging recession had those tax cuts not gone into place. We are seeing now, as a result of those tax cuts, their benefit, which is that the economy is coming back in an extremely strong way and revenues are starting to grow with equal strength. Last year, they grew at 9.5 percent. This year, they will grow by about 7 percent. For the foreseeable future, Federal revenues are going to grow over 6 percent, which is a function of the fact that we have changed the way taxes are collected in this country, so we are incentivizing people to go out and be productive and spend money to create jobs and, as a result, we are seeing more economic activity and we are seeing more revenues come in because there are more taxes being collected from the economic activity.

Two of the most successful tax cuts during this period were, in my opinion, the dividend rate cut and the capital gains cut, both of which led specifically to dramatic increases in Federal revenue. The capital gains rates have seen huge jumps in revenues at the Federal level, which are a function of the fact that people who had been sitting on economic growth and assets, capital gains, had just been sitting there. They didn't want to pay the tax, so they were sitting on the assets. With the capital gains cut, people said I can now sell this asset and reinvest. That has two very positive economic effects.

The first is it means more revenues for the Federal Treasury. Those gains would not have occurred without that rate cut because there would have been no sale and no taxable event.

Second is that the money generated from those sales is being reinvested more efficiently in the economy because people are taking cash and reinvesting it in a way that it will earn more money. Therefore, you are creating more jobs as a result of putting more capital more efficiently back into the marketplace.

The same could be said for the dividend cut. For years, corporations in America had basically piled up dividends, piled up resources, and not paid them out to their stockholders because it was a double tax. First, they are taxed on profits at the corporate level at 32, 35 percent; and then when we pay out the profits out, the individual taxpayer who happens to be an owner of the company, most of whom are working Americans and have that ownership through their pension plan—truck drivers, restaurant people, people who work in manufacturing facilities—then pay another tax because they are hit with the tax as the money is paid out in the form of tax on dividend income—double taxation, rates from 50 to 70 percent as a result of double taxation. So we cut the dividend rate. The practical effect of that was to say to corporate America, you can now pay your stockholders, most of whom are working Americans, who have a 401(k) or a pension plan—you can pay the Americans who have invested in America through the stock market a dividend and you are not going to have to pay a punitive double tax event. You are going to still pay double tax, but it will not be as punitive as before.

The effect of that was major corporations did pay dividends. Microsoft alone, I think, paid out a $32 billion one-time dividend—a massive dividend payout. The effect of that was to, I think in and of itself, create a 1-percent growth in the economy of the U.S.—or the net worth of America, I think is the term that should be used—but a huge benefit that was to Americans across the board who invested in Microsoft. Millions of Americans working in technology jobs and in restaurants and working in the military, who had stock through their 401(k) or through various other investments, suddenly got this payment which managed to increase significantly their personal wealth and which they could then use to reinvest, which they have, or which they could use to consume, which they have, and as a result the economy is growing faster than at any time since the mid-1990s. It grew 4.4 percent in the last quarter. We have the lowest unemployment in years. All of this is a function of having made the right decisions at the right time on the issue of cutting taxes.

That brings me back to the deficit. Now, the one cloud on our horizon—there are actually two, and they are both tied to the fact that the Federal Government is spending more than it is taking in in the short term and long term. In the short term, that deficit is large. By historical terms, it is not the largest we have had, but it is a large deficit. It is one that must be reduced in the short term. In the long term, we have a much more significant problem. We know there are already on the books Federal programs, specifically in the area of retirement, that are going to radically expand the cost of Government in the next generation. Those programs, which are Social Security, Medicare, and Medicaid, are targeted on benefiting retired people.

We have in this country today a demographic specific that cannot be denied. That is this: There are a lot more people headed toward retirement than has ever occurred in the history of America. The baby boom generation, the largest generation in America's history, is now headed toward retirement. They will begin to retire in 4 years. When that generation begins to retire, it is going to overwhelm the retirement system. This generation is so large that it has overwhelmed every system it has ever hit. In the early 1950s, it overwhelmed the country to make baby carts and cribs. In the late 1950s, it overwhelmed education through elementary schools having to be built. In the 1960s, it changed the culture by moving forward in civil rights and women's rights, and the war in Vietnam became a major issue. As we moved into the 1970s and 1980s and 1990s, it has been the most productive generation in American history and, as a result, has caused America to jump ahead in the area of personal wealth and economic opportunity.

Now this generation heads for retirement and it is going to take on a retirement system—Medicare, Medicaid and Social Security—which was never structured to deal with this size of a generation. All of these major retirement systems were designed with the concepts of the 1940s and 1950s. The Franklin Roosevelt approach, the genius of Roosevelt in the area of retirement systems, was that he and other people understood you could support a pretty decent retirement system as long as you had a lot more people working than retired. Back then, there were 16 people working for every person who was retired. Those 16 people would pay a little bit of their income to make sure the person who is retired had a decent lifestyle. That was the right approach. Today, we have 3½ people working for every one person who is retired. The result is that we can still support the system. But by the late 2020 period—or the mid-2020 period, when the baby boom generation is fully retired, we go from a pyramid to a rectangle, where there will be two people retired for every person working. The practical effect of that is those two people working for every one person retired are going to have to bear a massive increase in taxes in order to support that one person who is retired.

It is a simple fact of statistics. If you had 16 people supporting 1 retired person—16 people working for 1 retired—and you go down to 2 people working for every 1 retired, it is obvious those 2 people are going to have to bear a much higher burden than the 16. And we have at the same time significantly increased the benefit structure for retired people.

The practical effect of this is, the young people here as pages are going to go out and get jobs—and I am sure they are all going to get jobs and be well employed Americans—they are going to find their payroll taxes to support my generation will have to double—double. Their quality of life, therefore, will be radically reduced because they will not have the extra spending power to send their kids to college. They will not have the extra spending power to buy a nicer house. They will not have the extra spending power to have a good life of maybe taking a vacation. They will have to give up all that to pay taxes to support my generation in its retirement.

In fact, there is today on the books, according to the Comptroller General of the United States, Mr. Walker, $44 trillion—that is trillion dollars; it is hard to conceive what a trillion dollars is but, believe me, it is a lot of money—$44 trillion of unfunded liability which the next generation has already been told they are going to have to pay because our generation has already put the laws in place to require it. And of that $44 trillion, $26 trillion, over half of it, about 60 percent of it is directly tied to health care costs—Medicare and Medicaid. They are huge numbers, massive numbers.

To put in context, the entire net worth of America, if we took everything America owns today, is only $47 trillion, and yet we have $44 trillion of debt on the books.

Put it in another context, if you take all the taxes paid in American history since George Washington crossed the Potomac, came over here and started this Capitol, $43 trillion, and yet we have a $44 trillion debt on the books and almost the vast majority of it is health care debt required to pay for senior retirement. These are huge numbers we are placing on our children.

To put it in another context, today the Federal Government consumes about 20 percent of the gross national product of the United States, all the Federal Government—that is national defense, that is education, that is environmental protection, that is Social Security, it is health care, everything, put it all together and historically it has been about 20 percent of the gross national product. By the year 2025, if you just take Social Security, Medicare, and Medicaid—those three programs alone—they will absorb over 20 percent of the gross national product and will be going up.

It will mean we are going to put the Federal Government in a historic position: we cannot spend any money on national defense; we cannot spend any money on education; we cannot spend any money on environmental protection, roads, or anything else because it will all have to be spent on this retired class.

What is the point of all this? The point is this: The short-term deficit is a problem, and we have to address it. But the long-term threat to our economy created by these entitlement programs, known as Social Security, Medicare, and Medicaid, is even more dramatic, and we need to do something about it.

We have an obligation to do something about it. That is our job as people who have been sent here by our States to look at an issue which we know is coming at us, an issue of public policy of such significance, and try to reduce its impact, try to make it a more positive event, try to make it an affordable event for our children and our children's children.

So the President's budget which was sent up has attempted to address both these issues. He has first attempted to address the short-term deficit and, second, to address this outyear problem of the entitlement spending. He has also, outside the budget, taken on one of the major entitlement issues, which is Social Security—how to make that system solvent so that it gives decent benefits to those who are retired, but also affordable so that young people, when they pay into the system, which they have to, will get something back on their investment.

You have to give him credit. He stepped into dangerous political waters, but it is appropriate that we address the Social Security issue, and I congratulate him for that. But the budget is not about Social Security because the law does not allow the budget to address Social Security. The budget is about the other elements of Federal spending.

The Federal budget, as brought forward today, tracks fairly closely the President's proposals. It does not reconcile taxes as much as the President asks or might have wanted, and it does not reduce the rate of growth of entitlements as much as he may have wanted, but generally it tracks the proposals the President has put forward.

In the short term, the budget that has been brought forward will reduce the deficit by half. That is over the next 5 years. In the long term, this budget begins to address one of the three key elements of the question of how we try to make the retirement benefits for my generation more affordable to our children, specifically in the area of Medicaid.

Let me go back and go through a few specifics, and then I will turn the rostrum over to the Senator from North Dakota who has been generous to sit through all of this.

On the spending side, to try to get the deficit under control, what this budget does is essentially sets a top number. The Budget Committee does not have the authority to develop programs. We are specifically excluded from that authority. We can make suggestions, but both the Appropriations Committees and authorizing committees that are separate from us ignore our suggestions almost as a matter of course. The only place they cannot ignore us is the upper line number. So we have set what is known as a hard number at the top.

On the discretionary side, discretionary spending making up about 30 percent of Federal spending, about half of which is defense spending, we have set the top number at $843 billion. This number represents about a 4.5-percent increase in defense spending, and it represents basically a hard freeze on nondefense spending.

The defense number may seem large, but actually it is significantly less than what the Defense Department originally planned as part of their spending program. Their ox has been gored, and if you do not believe that, all you have to do is walk outside this room and you will run into six or seven defense lobbyists who say they need more money for more programs to deal with the Defense Department.

On the nondefense discretionary side, it is obviously a hard number, a firm number where we are freezing. We raise that number a little bit in the next 2 years but not much. It is more than what the President asked for, but not a great deal. We cap these numbers with something called a budgetary cap, and that is the key. We essentially say that any Member of this Congress—this Senate anyway—who believes that a committee exceeded the allocation which it will get in the area of discretionary spending—is spending more, in other words, than this top line number as it is distributed amongst committees—that any Member who believes that has happened may come to the floor of the Senate, object to that spending, and get a vote of 60. A supermajority must be voted in order to go forward with that spending. It is a pretty strong budgetary tool for enforcement, and that is in this budget. So we have put in place stringent discretionary controls.

On the entitlement side, we cannot control entitlements with anything other than changes in entitlements. There is this philosophy of something called pay-go. It has no impact on entitlements unless we create new entitlements. The existing entitlements are the problem. They represent about 57 percent of Federal spending, and nothing can control that. They can grow as much as they want, and there is no budgetary way to affect them unless we go back to those entitlements and say to the committees that have jurisdiction over those entitlements: Take another look; see if there is some way we can save some money. And that is what we have done here.

It is not as much as the President asked. He asked we do $62 billion in net number. We have done about $32 billion of entitlement control. It is called reconciliation.

Essentially, the key elements of this reconciliation bill involve the PBGC, which is a Pension Benefit Guaranty Corporation, which needs to be reformed. It is a huge outyear liability for us as a nation. It is massive because so many of these companies that have gotten into trouble have pension funds which are underfunded. This bill tries to begin the process of reforming them, and that is a major positive public policy step of this legislation, not mentioned much by anybody, but it is a big one.

Second is Medicaid reform. This needs to be put in context because there are a lot of people running around here today who are saying: We cannot cut Medicaid; we cannot cut Medicaid. To begin with, we are not cutting anything in the entitlement accounts. That is the nature of the beast. Medicaid spending in the next 5 years will be approximately $1.12 trillion without any action. With this action, Medicaid spending will be about $1.11 trillion, a little bit more. We are suggesting a 14-percent reduction in the rate of growth of Medicaid spending over the next 5 years off a $1.1 trillion base, which means we are suggesting about a 1-percent reduction in the rate of growth of Medicaid.

Medicaid at that period will grow at about 39 percent instead of 41 percent. So we will still have a 39-percent rate of growth in Medicaid instead of 41 percent. Remember, large functions of Medicaid today need reform and that reform will not impact the quality of care given to people.

A significant amount of dollars in Medicaid today is used for general funds for operations of States. We have serious problems with the way pharmaceuticals are distributed under Medicaid. We have serious problems with the way insurance is handled under Medicaid. There is a whole series of items where we can save money in Medicaid, and this is a minuscule amount of restraint in growth that we are proposing, and will not impact at all—in fact, probably will improve—the delivery of service by giving Governors more flexibility to do more creative things.

That is our plan: to work with the Governors, to reach an agreement, take that agreement to the Finance Committee, and have a concept put forward where the Governors are comfortable—many of the Governors are comfortable—with a change which will give them significantly more flexibility with a little less rate of growth in the dollars.

It is a very doable event. The idea that it is not doable, the idea that anybody would stand up here and say we cannot cut Medicaid's rate of growth by $14 billion off a $1.12 trillion base implies to me that individual does not have any interest in our children or our children's children's future because if we do not get a handle on the health care accounts in this country—and this is just a minuscule attempt to do that—we are essentially passing on to our children a no-win situation where they will never be able—never be able—to pay the cost of the retired population because we are going to grow so much and there are going to be so many of us.

If you deny this change, you are basically denying that you are willing to take on your responsibility to govern, and you are going to kick that can down the road and at some point simply not going to be able to kick it any further. It is simply going to be a bill passed on to our kids.

This is not a big change. In fact, it is a marginal change at best. To describe it as "marginal" is probably even an exaggeration. But it has certainly engendered enough run-and-hide policies around here so one would think it was big.

That is the entitlement side: $32 billion of reconciliation instructions over the next 5 years on a base of something like—I have forgotten what the base is—$8 trillion, something like that. I have lost count of what the base is, making that $32 billion adjustment on, but it is huge.

The last item of this budget, of course, is tax reconciliation. That is a point of legitimate contest between two parties. One party likes to raise taxes, and one party thinks people ought to keep their money and spend it themselves. The simple point is, we do not believe we should raise the taxes that have already been put in place at certain rates. For example, we believe we should extend the R&D tax credit, the tuition tax credit, the dividend rate, the capital gains rate, and the small business tax expense. And that is what this package of reconciliation numbers involves, extending all of those.

There is an irony to the Congress. The irony is this: Spending programs never die. They never die. They go on and on. This alleged pay-go concept does not have any impact at all on them. If it is on the books, it keeps going. But if there is tax rate or a tax proposal that has been put in place, they do lapse. They have to be reauthorized. So it suddenly becomes inappropriate to do that. It is called fiscally responsible to have to pay for that, and yet there is no attempt to pay for the extension of the entitlement programs, no attempt to justify those at all. Inconsistency, ironic, and, to say the least, it takes the attitude that the people's money is not their own, that the people's money is Washington's. It is our money, you should not have it anyway. Let us have it and we will spend it for you. That is basically the philosophy behind this approach to governance.

Well, it is not my philosophy. I believe we should maintain a low tax burden on people, or as low as we can afford. Let us remember that the tax revenues are going up dramatically all through this: 9½ percent last year, 7 percent this year, 6½ percent next year. The tax revenues are going up. The traditional level of taxes in this country has been about 17.9 percent of gross national product. We are going to hit that number before this 5 years is over.

Sure, we are starting at a low base, but we are starting at a low base because we went through a recession and an attack on 9/11. Now we are headed back up and revenues are headed up because people are productive and they are taking the risk necessary to create jobs because they know their return will be higher as a result of the tax rates being reasonable.

So this concept that we should not be reconciling any taxes is a philosophical difference. That is all there is.

So that is the budget we have prepared, what we brought forward. It is a budget which reduces the deficit over the next 5 years, puts in place stringent enforcement on the discretionary side, addresses the entitlement side through minor reconciliation efforts, addresses the taxes which may expire in this window.

I would note as an aside that the big fight on taxes occurred last year, and the big fight on taxes is going to occur next year because last year we had some major taxes expire, specifically the marriage tax penalty and the child credit. Next year, the window of the budget will pull in the rate reduction, which will expire, and the death tax, which will go back up if we do not do something.

Next year we will have a big tax fight, I am sure, but this year is a lull period. Every tax that is being considered under reconciliation is a tax proposal that has a fair amount of support, whether it is the R&D tax credit, the dividend, the capital gains. These are not the biggies. These are good policy items that should be extended. The tax fight is a lot more smoke than fire in this budget, but it has taken on a personality of its own, and so I presume we will pursue it again.

In any event, as I mentioned, the budget controls discretionary spending with a hard cap. It tries to address the entitlement accounts growth but most specifically addresses the one health care account we are able to address, which is Medicaid—Medicare being off the table for this year as a result of passage of the drug bill last year—and addresses tax reconciliation. There are three elements to it.

If it is passed, it will lead to the first budget since 1996 which fires with real bullets on the issue of controlling spending at the Federal level, and that is the most important point I want to end on.

This is a real budget in the area of pushing forward some fiscal responsibility by having reconciliation instruction on the entitlement accounts.

The discretionary caps are also essential. They have lapsed because we did not have a budget last year, and if we are going to get control over discretionary spending, we need them. So for the first in a long time we have a budget that is serious about disciplining spending. I presume there are going to be a lot of amendments brought forward on this floor to try to get around it because people do not like to address the spending side of the ledger. They would rather spend money. It is much easier.

The people who get the money are the most active in saying the money has to be spent. The people who support spending restraint tend to be less vocal. It is human nature to want to accommodate the people who come to our offices and say, I have to have this money for this program or this money for that program. So spending tends to go up, never goes down.

This budget attempts to at least restrain it so it is affordable, and that is what is critical—putting forward a budget which is legitimate and which attempts to restrain spending so we can begin the process of passing on to our children a fiscally healthy nation.

I thank the Senator from North Dakota for his courtesy in putting up with this long talk, and I thank the President pro tempore for his courtesy in sitting through it.

I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I thank the Chair and I thank my colleague, the chairman of the Senate Budget Committee, for the many courtesies he extended to me and to my staff during consideration of the budget in the Budget Committee. He described it accurately and well, that it was a very professional process and we had a good debate on a whole series of issues. Many of those debates will now be out on the Senate floor.

I do not think it will surprise people that my take on this budget is somewhat different than the distinguished chairman's take on it. That is what debate is all about. That is what democracy is all about, the chance to have differences and to debate them and to vote on them. That is the genius of our system. The way we arrive at truth, to the extent we do in this system, is we have a debate and a discussion, and we have a contest over ideas. That is a healthy thing. It is a good thing. That is what we are about to go through.

As I look at this budget, I see something quite different than the chairman sees. I see a failure to face up to the major challenges confronting the country. I agree with him in terms of his diagnosis of where this is headed with respect to deficits, debt, and the explosion of the costs of the entitlement programs. I agree with that diagnosis. Where I disagree is that this budget does anything in any significant way to confront those challenges.

In fact, this budget makes it all worse. That is the fundamental reality. This budget digs a hole deeper. This budget produces more deficits than if we did not have a budget resolution at all. If we put it on autopilot, we would be better off than what this budget does.

Each and every year of this budget, the deficit is increased over the so-called baseline budget. That is the reality. Perhaps to understand how we got to this circumstance, we have to look back before we can look forward. We have to look back first to 2001, when the President told us:

> [W]e can proceed with tax relief without fear of budget deficits, even if the economy softens.

That is what the President told us in 2001. But look what happened. The President was wrong. We went from a surplus in 2000, the year before President Bush came into office, and the deficit situation has declined each and every year to now record levels of deficit, the biggest deficit in dollar terms we have ever had.

So when the President assured us we could have massive tax cuts and we would not have deficits, he was simply wrong. But he was not just wrong on that issue, because the next year he told us:

> . . . [O]ur budget will run a deficit that will be small and short term . . .

He said this in his State of the Union Address on January 29, 2002. Unfortunately, that was wrong, too, because these deficits are not small and they are certainly not short term. In fact, what we see going forward to 2015 is an ocean of red ink, the biggest deficits we have ever had in dollar terms.

So when the President said they would be small, he was wrong. They are very large deficits. When he said they would be short term, he was wrong again. These are long-term deficits and deficits that are as far as the eye can see. That is not just my conclusion, that is the conclusion of the Congressional Budget Office as well.

If we put back the things the President has left out, the ongoing war costs, the need for alternative minimum tax reform, and the money he is taking from Social Security—it is an interesting thing because at the same time the President says there is a shortfall in Social Security, under his budget each and every year he takes every dime of Social Security money that is available to take and uses it to pay for other things. Again, the President was wrong when he told us these deficits were going to be small and short term.

The next year the President told us in his budget submission:

> [O]ur budget gap is small by historical standards.

Again, the President has simply proved to be wrong. Let us put up that next slide that shows a historical comparison of the deficits under President Bush compared to the three previous administrations. The President says the deficits he is writing are small by historical standards. One can look at the last three administrations and see that his deficits are by far the largest.

Let us go to the next slide. The President now says to us, well, we have deficits, so forget about that assertion that there are not going to be any. They are clearly not small and short term. They are clearly not small by historical standards. So now he assures us he is going to cut the deficits in half over the next 5 years. Well, let us look at the reality with respect to that assertion, because what we find is something quite different.

This is the President's claim. He says the deficit is going to be cut in half over the next 5 years, but he gets that result simply by leaving out things. He leaves out war costs past September 30 of this year. He leaves out the need to reform the alternative minimum tax, which is the old millionaire's tax which is rapidly becoming a middle-class tax trap. It costs over $700 billion to fix. There is not a dime in this budget to do it. Surprisingly, he leaves out the cost of his major proposal, which is to change Social Security, and the cost of his proposed change is in the trillions of dollars, over $700 billion the first 10 years but over 20 years over $4 trillion of costs. He does not have any of it in his budget.

The President also told us back in 2001:

> . . . (M)y budget pays down a record amount of national debt. We will pay off $2 trillion of debt over the next decade. That will be the largest debt reduction of any country, ever. Future generations shouldn't be forced to pay back money that we have borrowed. We owe this kind of responsibility to our children and grandchildren.

We can now look back and check the record and see if the President's assertions were correct or incorrect. Again, he was wrong with virtually every major claim he made on the deficit. Unfortunately, the same is true with respect to the debt. The President said he was going to pay down $2 trillion of debt. Unfortunately, we do not see any paydown in debt. The debt is exploding.

The assertion by the President that he was going to pay down the maximum amount of debt available to pay down evaporated, like his claims on the deficit. Instead, the debt is skyrocketing, and under the budget the President has sent to us, we see nothing but continued growth of the debt.

When the President came into office, the publicly held debt was $3.3 trillion. We now forecast by 2015 it will be $9.4 trillion, almost a tripling of the debt at a time the President said he was going to have maximum paydown of the debt.

One of the most interesting claims I get from colleagues on the other side of the aisle is that these massive tax cuts have nothing to do with the deficits and nothing to do with the growth of the debt. Well, how is that? How can that possibly be true?

I remember very well this chart that the Congressional Budget Office showed us back in January of 2001. This chart shows the range of possible outcomes for the deficit, and the administration chose the midpoint of this range in telling us in 2001 we could expect $6 trillion of surpluses over the next decade. But now we are able to go back and see what actually happened.

I remember so well, my colleagues on the other side told me, when I warned them against taking this 10-year forecast in the Budget Committee to the bank—I repeatedly warned it was very risky to count on a 10-year forecast—many of my friends on the other side said: Kent, you are being much too conservative. Don't you understand the tax cut will generate even more revenue? Don't you understand, when we put in place these tax cuts, we are going to get a tremendous revenue impact, more revenue than is forecast? They told me we are going to be in the top end of this range.

Let's look at what actually happened. We can now see the record. The record is the red line. This is what happened to the deficits. We didn't get more money, we got less money, and the result is, combined with more spending on defense and homeland security and rebuilding New York, that the deficits are far worse than even the low end of the range projected back in 2001.

Let's check reality. When our friends say if you cut taxes you get more money, that has not been the experience. The experience has been very clearly when you cut taxes, you get less money. In fact, we got a lot less money, 3 years in a row with less money than the year before. That is unprecedented since World War II.

It is not just tax cuts. Tax cuts are about half the reason. The other half is economic downturn and forecasts that were overly optimistic.

Nonetheless, I want to go back to the point. I don't want anybody to miss this point. Here is what is forecast, this possible range of outcomes. They chose the midrange on which to base their spending and taxing policies.

Many said, with the massive tax cuts you will get more money. But here is the reality. Here is what happened in the real world: A lot less money, much bigger deficits, and an exploding debt.

If we look at the budget turnaround since 2000, that is the difference between what was projected and what actually occurred. What we see is that the revenue loss accounts for the bulk of the budget turn around. In fact, reduction in revenue is three-quarters of the reason for the move from dramatic surpluses to dramatic and growing deficits. I think it is very important for us to be dealing in facts here, not rhetoric, not hope, not ideological belief, but facts. The facts are that the revenue side of the equation collapsed.

Do you remember, back in 2000, revenue was running at almost 21 percent of GDP? The President said: That is very high by historical standards. And he was right. He said: As a result we need to cut taxes. I must say I also supported cutting taxes. I didn't support the particular plan that he advocated, but I believed we needed to cut taxes to give lift to the economy at the time. But I also believed we needed to reduce the amount of the tax cut over an extended period so that we would avoid going back into deficit and debt. That is where the President and I parted ways. I believed we needed to have tax cuts. In fact, I supported greater tax cuts than the President proposed, to give lift to the economy at a time of economic weakness. But the President wanted to go much further, and here is what happened.

We had 21 percent of GDP in 2000 coming in, in revenue. Last year we were down to 16.3 percent of GDP. That is the lowest it has been since 1959. The revenue side of the equation collapsed. Again, about half of that is due to tax cuts.

I listened very carefully to my colleague. He talked about the reason the revenue had gone down. He never mentioned the single biggest reason. He never mentioned the tax cuts. But the tax cuts are the biggest single reason for the revenue collapse. Again, I, too, supported tax reductions at a time of economic weakness to give lift to the economy. I didn't think the particular mix of tax cuts was the most effective because, unfortunately, the tax cuts that were put in place were largely weighted to the wealthiest among us. I think we would have been much better targeting the middle class and lower middle class because those are the ones most likely to spend those tax cuts. But beyond that, the question is, going forward, How much can we afford? What is the relationship between spending and revenue? That is what is critical. That is what creates deficits.

Our friends on the other side only want to talk about spending. Spending is one-half of the equation, revenue is the other half of the equation. It is the difference between how much you are raising and how much you are spending that leads to deficits. This chart goes back to 1980: The red line is the spending line, the green line is the revenue line. You can see very clearly back in the 1980s we had a big gap between spending and revenue. We were spending much more than we were taking in. As a result, we had record deficits at the time.

Then we got spending under control. In fact, interestingly enough, during a Democratic administration spending as a share of our national income went down every year. Spending went down in a Democratic administration and revenue went up. It was that combination of reducing spending and raising revenue that brought us back to balance. In fact, for 3 years we were running surpluses. We even ran surpluses sufficiently strong to stop taking Social Security money and using it to pay for other things. We stopped the raid on Social Security.

Then President Bush came into office. We had the tax cuts, we had an economic slowdown, and the revenue side of the equation plunged. We didn't get more revenue from tax cuts, we got less revenue. Is anybody listening? We didn't get more money with tax cuts, we got less money. And spending went up—though still far below where it was in the 1980s and 1990s, but spending went up. I am not faulting the President. We all agree spending had to go up on defense, on homeland security, on aid for New York, on the bailout of the airlines, and 91 percent of this increase in spending was in just those areas: Defense, homeland security, aid for New York, and bailing out the airlines. That is where the increase in spending occurred. Still, the spending is substantially below where it was in the 1980s and 1990s.

The biggest culprit in the explosion of deficits was on the revenue side of the ledger. These are facts. This is not an ideological argument. It is just facts. I think that is what we have to concentrate on if we are going to get out of this mess. It is going to take spending discipline without question. We have to deal on this side of the ledger. But we are also going to have to deal on the revenue side of the ledger, and our friends on the other side of the aisle never want to talk about it.

This year, the President has said:

> We've got to do something about the deficit. . . . it's important.

He is right. We have to do something about the deficit because these deficits are much too high, and as far as the eye can see there is no reduction anywhere in sight. If we look at the President's budget, what we find in terms of doing something about the deficit is largely rhetorical. What the President's idea is of doing something about the deficit is just leave out things. Leave things out of the budget and that makes the numbers look better. It doesn't really change things though. This is the way you fool yourself, and this is the way others might get fooled. This is how institutions, companies, and individuals get into trouble. They start not quite telling the whole story. Maybe they don't even quite tell the whole story to themselves.

When I look at the President's budget, that is what he and his people are doing. They are not really including everything. They are leaving things out to make the numbers look better.

What have they left out? First of all, they switched from 10-year budgeting to 5-year budgeting because they know right beyond the 5-year budget window things look much worse.

They have left out funding for ongoing war costs beyond September 30 of this year. Just don't include it. They say to me: It is hard to predict what the war costs might be. That is true, it is hard to predict. That is what a budget is all about. Can you imagine a family leaving out their utility bills because they are hard to predict month to month? Can you imagine a family leaving out the food bill because it is hard to predict? But that is what the President has done. He has left out the war costs past September 30 of this year because it is hard to predict.

He has left out the cost of alternative minimum tax reform. Alternative minimum tax, that is the old millionaire's tax. It affects 3 million people now, and 10 years from now it is going to affect 40 million. It costs over $700 billion to fix. The President doesn't have one dime in his budget to address this problem. Last year, interestingly enough he had 1 year of fix in his budget. This year he doesn't even do that. I can make a budget look pretty good if I leave things out, and that is what the President is doing.

Most remarkably, he has left out completely the cost of his Social Security privatization plan. He doesn't have one dime in his budget to cover the cost of a Social Security privatization plan that in the first 10 years costs over $700 billion. He doesn't have a dime in his budget. Over 20 years, his plan costs over $4 trillion. His answer is, borrow the money. On top of the already record deficits, borrow the money.

I am going to, in a minute, get into why that is a very risky course for this country.

The President also does something very interesting in this budget. He only provides details on discretionary spending. Those are accounts like education, law enforcement, parks—he only provides what he intends to spend in those areas for 1 year. Not since 1989 has a President failed to tell Congress and tell the American people what the outyear effects of his programs are; what the future years' effects of his programs are. But this President, for the first time since 1989, says he is not going to tell us that.

I suspect the reason he is not going to tell us that is because it gets pretty grim by the time you get out to the third, fourth, and fifth year.

When the President's people came to me and said they had a plan to cut the deficit in half over 5 years, and they showed me the plan, I said to them: Why don't you leave out some more things and claim you balanced the budget because what you are doing is you are making progress by denial, by leaving things out.

When I go back and add in what the President has left out, I get a very different picture than is being presented on this floor about the budget going forward. When I go back and add up the things the President has admitted—the need for alternative minimum tax reform and the war costs, when I put in the amount of Social Security money that the President is taking to pay for other things, to try to arrive at what the real operating deficit of the United States is, here is what I find. I find an operating deficit in 2006 of $579 billion; increasing in 2007 to $584 billion; in 2008 to $586 billion; in 2009 to $595 billion; and improving by $1 billion in 2007 to $594 billion.

These are my best estimates of what the operating deficits are going to be under the President's plan. Not an improvement. There is no cutting the deficit in half. Instead, massive operating deficits, adding to the debt by almost $600 billion a year, each and every year for the next 5 years, and after 5 years, it gets much worse. This is not what the American people deserve in terms of being told about the fiscal condition of their country.

Let me go back to the specifics of the things the President has left out. In war costs there is $82 billion in a budget supplemental put in this year, but there is nothing past September 30th of this year in the President's budget. The Congressional Budget Office says $383 billion is what we can expect. There is $300 billion left on the cutting room floor, real costs that a real budget would include.

It is not only that we see a hiding from the American people of how serious our fiscal condition is. The President's tax cut proposal is where it is most dramatic. The dotted line on this chart is the first 5 years of the President's plan. Making the tax cuts permanent has a modest cost in the first 5 years. But look what happens right outside the budget window: The costs of the President's tax cut plan absolutely explode. Is this, perhaps, a reason the President moved from 10-year budgeting to 5-year budgeting? Did he want to disguise the full effect of what he is proposing from the American people? Did he want to hide it so that people did not see where this is all headed?

I have already shown in the next 5 years the operating deficits will be running in the neighborhood of $600 billion a year. Look what will happen if the President's plan is adopted. These deficits are going to skyrocket because the revenue hemorrhage will skyrocket.

It is not just the revenue hemorrhage but the other items as well. This is, according to the Congressional Budget Office, the money that is needed to fix the alternative minimum tax. I said it was over $700 billion. It is actually $774 billion. Not a dime of it is in the President's budget. And it gets much worse after the first 5 years. Of course, the President's budget has none of it. That is hidden from the American people.

On the President's Social Security plan, the first 10 years cost $754 billion. Here is what is in the President's budget: zero. Nothing. When we get to the 20-year cost, others are saying even more than this. My own projection is $4.4 trillion for the cost of the President's privatization plan. Why? Because if you take some of the payroll taxes and divert them into private accounts, you have to replace the money you have taken from somewhere. The President's proposal is, borrow it. Just borrow another $4 trillion.

I am at a loss for words. I feel as though I am involved in a surreal discussion in a surreal exercise on the budget of the United States. We have record deficits now. The President says, cut the revenue some more and add more to the spending, but he leaves a lot of it out of the budget and says he is going to cut the deficit in half. He has been wrong on each and every one of his forecasts. Not wrong by a little bit, but wrong by a country mile.

Here is the Comptroller General of the United States, the head of the Government Accountability Office. He warns the fiscal outlook is worse than claimed. He said to the National Press Club in February of this year:

> The simple truth is that our nation's financial condition is much worse than advertised.

That is the truth. That is the truth, right here. Here is a guy who is telling the truth.

> The simple truth is that our nation's financial condition is much worse than advertised.

I go back to the chart. The President says he is going to cut the deficit in half, but he gets there by leaving out things. When you put the things back, what you see is massive deficits, massive additions to the debt. In fact, by 2015, each family's share of the debt will total, according to our calculations, over $73,000.

That is where these fiscal policies are leading. When the President says "the people's money," he is exactly right. It is the people's money. It is also the people's debt. The President says let's not pay the people's bills. Let's borrow the money. Guess what. In whose name is he borrowing it? He is borrowing it in our names. He is borrowing it in the names of all of us who are responsible for ultimately paying off this debt. When the President says the people's money, absolutely, it is the people's money; it is also the people's debt. The President is running up the debt in a record way and at the worst possible time, right before the baby boomers retire.

There is another part of this that I don't think is being shared with the American people. Where are we borrowing all this money from? Where is it coming from? Increasingly, it is coming from abroad. Here is what has happened. When the President came into office, we owed an external debt. Foreign holdings of our debt were just over $1 trillion. In the short time this President has been in office, that has almost doubled. Foreign holdings of our debt have gone up 92 percent in the term of office of this President. It took 200 years to get external debt of $1 trillion and this President has taken us to $2 trillion in just over 3 years.

Here is where the money is coming from. We have now borrowed over $700 billion from Japan. Hard to believe, isn't it? We have borrowed over $700 billion from Japan. I read in the paper the other day that Japan now holds $840 billion of United States dollars. They are sitting on $840 billion of United States dollars. We have borrowed $712 billion from Japan. We borrowed $160 billion from England. We borrowed $69 billion from the so-called Caribbean banking centers. We have borrowed $69 billion from South Korea. We have borrowed $60 billion from OPEC. That is the oil exporting countries.

Here we are. We have borrowed money all over the world. And it is increasing dramatically. So what? What difference does it make? The difference it makes is it makes us more and more vulnerable to the decisions of foreign central bankers as to the economic security of this country. It is that simple. It is that important.

What happens to your relationship with the banker when you owe money versus when you have a big deposit? Does your relationship change? Sure it does. Our relationship is changing with the rest of the world because we have gone from being the biggest creditor nation in the world to being the biggest debtor nation in the world. So now we are very dependent. When we have a bond action to finance the credit and debt, we are increasingly dependent on foreign governments and foreign central banks to buy this debt. This is a story from January from the Financial Times. "Central Banks Shun US Assets." "Shifting reserves to eurozone will deepen Bush's difficulties in funding deficit." "Actions likely to undermine dollar's value further."

Friends, that is the risk being run by these massive budget deficits, by these massive trade deficits. We are more and more dependent on others. We are more and more dependent on Japan loaning us money; on China loaning us money; on South Korea loaning us money.

What happens if they decide some day they are not going to continue loaning us money? What happens then? We have had a couple of indications in the last few months. A few weeks ago, February 23, Korea said they were going to limit their dollar holdings. "Central bank's plan upsets exchanges." "Fears flared anew yesterday that the United States dollar might lose a crucial underpinning of support—purchases by the world's central banks—after South Korea's central bank said in a report that it plans to invest more of its holdings in the currencies of other countries."

What happened? "news of the report," . . . "sent the dollar skidding on foreign exchange markets. The Euro was trading at $1.3259 late yesterday, up from Monday's close of $1.3067. The dollar fell against the 104.04 yen . . . " and "the greenback also sank against the British pound, the Canadian dollar and Swiss franc. The dollar's slide, together with a rise in oil prices, drove stock prices sharply lower."

These are the risks being run due to a reckless fiscal policy. This fiscal policy of massive record deficits with no end in sight and record massive trade deficits with no end in sight is putting the economic strength of this country at risk.

It is not only Korea. On March 11, last week, Japan followed Korea:

> Talk in Japan shakes dollar and treasuries. The dollar fell and treasury yields rose yesterday after the Japanese Prime Minister made remarks that suggested the country's industrial bank could be shifting some of its huge reserves out of dollars and treasury securities.

What happened? The dollar took another hit. So now we have Korea saying they are going to diversify out of dollars. We have Japan, the biggest lender to our country, warning of the same thing. What would happen if they didn't show up at a bond auction? We hold an auction of United States securities to float the boat to cover these deficits, because when you are spending more money than you are taking in, you have to borrow the money. In the past, we borrowed almost all of it from ourselves. Not anymore. Increasingly, we are borrowing from all over the world. And they are warning us: You are going too far; we might not continue buying this debt.

What happens if they don't show up? We all know what happens. We would have to dramatically increase interest rates to entice them back. That would have severe consequences for our economy.

It is not only Koreans and Japanese. Here is one of the most successful investors in the history of the United States, Warren Buffett. What is he saying? He says in 2005, he is still betting against the dollar. Warren Buffett, one of the most successful investors in America, is betting against the dollar.

> When the stock market was soaring in the late 1990s, Warren E. Buffett now says, he should have sold stocks rather than just complain that they were overvalued. Now Mr. Buffett, the billionaire investor, says he is acting on his view that the dollar is still headed down, even though it makes him nervous that so many agree with him.

So he has bet a huge amount of money that the dollar is going to continue to decline in value.

We have the South Koreans warning us. We owe them almost $70 billion. We have the Japanese warning us. We owe them over $700 billion. And we have Warren Buffett.

I can tell you, I was with a man who is one of the foremost financial advisers in the country, and he told me last year he was at the annual meeting of one of the wealthiest families in America and the discussion at their annual meeting was exactly what we are talking about here: the enormous risks being run by the United States with these massive budget deficits, massive trade deficits, leading to unprecedented borrowing, not only from our own people, but from countries around the world.

They saw that as a serious vulnerability—this, one of the wealthiest families in America. And the debate was whether they should diversify out of dollar-denominated investments. They concluded, apparently, that they would do that.

Now, all we have to do is look at what has happened to the dollar against the Euro since 2002 to see why they might be concerned. Look what has happened to the value of the dollar. It has declined 33 percent against the Euro in just that period of time. That is dramatic. Every dollar we have has lost 33 percent of its value against the European currency.

So if you are a central banker in Japan, you are a central banker in Korea, and you have loaned all this money to the United States, and you see that those dollar holdings you have in your central banks have declined in value by almost a third against the European currency, might you conclude that it is time to invest some of your money somewhere else?

Friends, this is the risk that is being run by this policy of debt and deficits. These deficits are out of control. They are undermining confidence in the American currency. They are undermining confidence in the long-term economic strength of the country. And this budget does not do anything about it. In fact, this budget makes it all worse. This budget means bigger deficits, not smaller.

The Congressional Budget Office put out a baseline budget, if we made no policy changes, of what would happen. But this budget does make policy changes, and you would think that given these facts, the policies would be to reduce the deficits. That is not what this budget does. This budget increases the deficits each and every year compared to a policy of putting everything on automatic pilot. Now, that is a fact.

What are the potential consequences here? If the dollar were to decline even more precipitously than it has already, there are very few options left. You have to, first of all, dramatically increase interest rates. What difference would that make? Well, let's look for a typical American family.

A 1-percent increase in interest rates will raise the payment on a 30-year home mortgage of $150,000 by $1,200 a year. On a $300,000 mortgage, it would raise it $2,400 a year. On a $450,000 mortgage, it would raise the payment $3,600 a year. And it would not be only on a house mortgage. It would be on a car payment, student loan payment, all the corporate debt that is out there, and all the Government debt. If interest rates rose dramatically in order to offset the effect of foreign central banks being unwilling to loan us more money, the economic consequences here could be severe.

When I look at the tax policy that underlies this budget, it also raises the serious question of fairness. Because under the President's plan, the top 1 percent in our country, those who earn over $402,000 a year, get 30 percent of the benefit. The top 1 percent get 30 percent of the benefit. The top 20 percent get over two-thirds of the benefit. They get almost 69 percent of the benefit.

We hear a lot from our friends: Well, the higher income people pay more in taxes. That is true. They pay more in income taxes. But our friends on the other side always want to leave out the payroll taxes that everybody else pays. And when you put the two together, you find that the wealthiest among us do pay more, but they do not compare anywhere close to the proportion of the tax cuts they are getting.

When we look at 2004 and how the tax benefits stacked up in that year, what we see is, from the combined effect of the 2001 and 2003 tax cuts, a middle-income household got $1,000 and the top 1 percent, those earning over $400,000, got $78,000. If we were going to have a bar on the chart to compare what those earning over $400,000 got in tax benefit as compared to what a middle-income household got, the bar would have to go 17 feet higher. It would go almost to the ceiling of this Chamber to compare what the top 1 percent got in comparison to the middle-income people in the country. Is that fair? That is what the President's tax policy says is fair. Give those who are the top 1 percent $78,000 in tax benefit; give the middle income $1,000.

In this budget is a continuation of the dividend and capital gains tax cut.

Those cuts will provide a millionaire, on average, with a tax cut of $35,000. Somebody earning $50,000 to $200,000 gets $112. Let me go through this again. This is the Urban-Brookings Tax Policy Center that has done this calculation. The dividends and capital gains tax cut that my colleague was praising gives those who earn less than $50,000 a year, on average, a $6 tax reduction. That is the vast majority of people in this country.

For these tax types—dividends and capital gains—the average savings for an American earning less than $50,000 is $6. For somebody earning $50,000 to $200,000, they get a tax savings of $112. And the dividends and capital gains tax cuts are a major part of this budget.

For those earning $200,000 to $1 million, they get an average tax cut of $1,480. But for those who earn more than $1 million, they get, on average, a tax cut of $35,000.

Now, this is some people's sense of fairness; it is not mine: $6 to those who earn less than $50,000 a year, and $35,000 to those who earn more than $1 million. We have the biggest deficits in the history of the country, and no end in sight, and this is what we are going to do? That is what we are going to do if we pass this budget.

Our friends on the other side say: Well, those who are at the top pay more in taxes. That is true. Those who are at the top pay more in taxes. That is absolutely true. But do you know what, they are getting 30 percent of the benefit of this tax cut, and they pay 16 percent of the tax burden. So they pay more, but they are getting much bigger benefit than what they pay.

My friends, at some point we are going to have to deal with reality. The reality is, we are not paying our bills in this country. We are not coming anywhere close to paying our bills. And our friends on the other side come with a budget that says we have no intention of paying our bills any time in the foreseeable future. We are not going to come anywhere close to paying our bills.

Then you get to the question of priorities, which is a very important question as we go forward. Let me say to my colleagues, for those earning over $1 million in 2006, the total cost of the President's tax cut proposals for that 1 year alone is $32 billion. Let me repeat that. For those earning over $1 million a year in 2006, the tax cuts to them cost $32 billion in that year alone.

On the other hand, the cost to maintain veterans funding at the 2005 level would be about $300 million. So in this budget, they are saying it is 100 times as important to give the Bush tax cuts to those earning over $1 million a year as it is to maintain funding for our veterans. Is it 100 times as important? Is it 100 times as important?

Well, it is not only veterans. That same question can be asked of the COPS Program that has put 100,000 police on the street to make our cities and towns safer. Again, the cost of the tax cut for those earning over $1 million a year in 2006 is $32 billion for that year alone. The money to restore the COPS Program would be $500 million. So what you have to ask yourself is, is it 60 times as important or could the very wealthiest among us, those earning over $1 million a year, give up one-sixtieth of their tax cut for that year to keep 100,000 police on the street? I think that is a question we should ask. I know what my answer would be.

Education. It would cost $4.8 billion to restore the education programs cut in the President's budget. Again, for that same year, the tax cuts for those earning over $1 million cost $32 billion. Would the wealthiest among us be willing to give up one-sixth of their tax cut to restore the cuts to education?

The same applies to community development funding. I have heard from virtually every mayor in my State. It costs $1.7 billion to restore the cuts there. At the same time, we are going to give a $32 billion tax cut to those earning over $1 million a year in that 1 year alone.

Low-income heating assistance. It costs $220 million to restore the money, a little tiny sliver on the chart—$220 million. At the same time, we are going to spend $32 billion on tax cuts for those earning over $1 million a year.

For agriculture, this chart looks at it in a little different way. The President is cutting $7.5 billion there. The cost, over the same period of time, for those earning over $1 million a year is $185 billion. That is 25 times as much.

My friends on the other side say that somehow this budget is going to reduce the deficit. No, this budget does not reduce the deficit. If we compare it to the Congressional Budget Office's baseline—there are no policy changes; we continue what we are doing now—this budget increases the deficit each and every year.

The biggest increase is in the next year—$63 billion of additional deficit if we pass this budget compared to continuing what we are doing now. If we make no policy changes, just continue what we are doing now, we would have $63 billion less in deficit than if we pass this budget.

I want anybody who votes for this budget to go out and explain to the American people why, at a time of record budget deficits, they are passing a budget that increases the deficit. I want to hear that explanation.

Again, when we go back and look at the things that have been left out of this budget compared to, if we go back and include the additional war cost that is left out of this budget, the alternative minimum tax expense that is excluded, if we take the money that is being diverted from Social Security and used to pay for other things, here are the operating deficits we see under the budget that is before us. It is a little better than the President's, but not much: $587 billion, $583 billion, $582 billion, $582 billion.

What is all this talk about cutting deficits in half? The only way they get there is they leave out things. They leave out the money they are taking from Social Security. They leave out the money for the war. They leave out the money for the alternative minimum tax. Just leave out things. If you put them back, massive deficits.

This is what is going to get added to the debt, not the numbers they are talking about. This is what is going to be added to the debt.

And if you doubt this is the case, let's look in their budget. Let's look at their own document. This is their own budget resolution. Let's look year by year. I have said that they are going to be adding almost $600 billion a year to the debt. I understated it. I apologize. They are going to be adding much more to the debt than that. I was just doing an operating budget.

If we look at what their own document says, they are going to add to the debt every year. For 2005, $669 billion is going to get added to the debt, according to their own calculations. Next year they are going to add $636 billion to the debt. The next year is $624 billion. The next year is 622. By the fifth year, 611. Where is the cutting of the deficit? Where is it? It is magical. There is no cutting. This is what they say about their own budget.

This is what they say they are going to add to the debt. This isn't my number. This isn't my presentation. This is theirs. This is from their own budget document. And what does it say? They are going to add to the debt $600 billion every year of this budget.

The President says it is important to do something about the deficit. They say it is important to do something about the deficit. They are not doing anything about the deficit. That is their own calculation about what is going to happen.

Remember what the President told us about 2008. He told us in January of 2001 that there would be virtually no debt left by 2008. That is what he told us. This is what we now believe the debt will be in 2008. Instead of virtually no debt, we are going to have almost $6 trillion of debt. This is what he said was going to happen. This is what is really happening.

The President of the United States has been wrong by a country mile on every one of his major assertions about the fiscal condition of our country. It has real consequences.

When we look at the budget that our Senate Republican colleagues have put up, let me just say it is a little bit better than the President's in some ways. But it still has additions to the deficit, bigger deficits, more debt by their own calculations. It still has flawed priorities. Here is veterans funding. It costs $300 million to maintain veterans funding. They are going to give $32 billion in tax cuts to those earning over $1 million a year. On the COPS Program, it costs $500 million to restore the cuts in the COPS Program and put 100,000 police on the street. But they would rather give—in fact, by a sixtyfold margin—tax cuts to the wealthiest among us. That is more important to them.

It is more important to them to give those tax cuts to those earning over $1 million a year than it is to restore the cuts to education, six times as important. Are those really the priorities of this country? Is that what this country thinks is important?

I will have more to say about this budget as we go forward. But this is a budget that is not facing up to the real challenges facing our Nation. This is a budget that basically ducks and runs. This is a budget that basically says: We don't have to worry about that. We will talk as though we are worried. We will use the words. But the actual budget is not going to do anything about these mounting deficits and debt that fundamentally threaten the economic security of the country.

We should be doing much better than this. At some point, I hope it is not a crisis that gets us that. I still believe we have the ability and the will to act to face up to the crisis rather than letting it overcome us. But this budget doesn't face up to it. This budget doesn't do that. This budget just lets the good times roll—more tax cuts, more spending, even though we cannot pay our bills now. I believe deeply that is a fundamental threat to the economic security of our country because we are not just borrowing this money from ourselves anymore, we are borrowing from countries all over the world. That makes us vulnerable to their decisions about whether they are going to continue to loan us money.

I believe it is past time for the President to reverse course and to call on Congress and to put his administration to the task of an overall plan to face up to the shortfalls in Medicare, in Medicaid—by the way, the shortfall in Medicare is eight times the shortfall in Social Security. The President has no plan to deal with that, none. He would rather focus on Social Security, which is a challenge, a long-term funding problem. I will repeat, the funding problem with Medicare is eight times as big as in Social Security. My own view is that we ought to be working on it all. We ought to have everything on the table—Medicare, Medicaid. I salute my colleague from New Hampshire who put a focus on Medicaid, where spending is going through the roof in States and for the Federal Government, but we ought to be putting the focus on all of these areas, including the budget deficits, because I believe only in that way will we come up with a plan that really strengthens the country.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I thank the Senator from North Dakota for his presentation. I wanted to respond to a couple of items. I think they go to the essence of the issue here. First, the vast majority of the Senator's time has been spent discussing the President's budget. We are not voting on the President's budget. I will admit that the blueprint for our budget was based off of a large percentage of what the President proposed. But there are very significant items the President didn't have in his budget that we have in ours.

Specifically, as to this argument that there is no funding for the war, our budget has funding for the war. We have a reserve fund of $50 billion, the purpose of which is to pay the cost of the war in the next budget. No, it doesn't have reserve beyond that because, hopefully, we will be out of the war when 2007 rolls around. Even if it is not, it is appropriate to wait until the 2007 budget before we go forward with another reserve account, when we will have a more accurate estimate. But the $50 billion for 2006 is reasonable. Progress is being made there.

It is very interesting that folks in this body who for so long have criticized the President for pursuing terrorism through the war in Iraq, which has been one of the primary issues in the fight on terrorism—now when things are going fairly well, they are suddenly complaining we are not putting in the money to fight the war in Iraq. Things in the Mideast, as a result of this President standing up and following through in the face of a lot of naysayers and second-guessers and Monday morning quarterbacks and folks who simply don't have confidence that we as a nation can project liberty across the globe—those naysayers have found that maybe they were wrong. They are not willing to admit it yet, but an election in Iraq was a huge success; the Palestinians holding an election, a huge success; movement toward peace between Palestine and the Israeli Government, a huge success; Syria pulling out of Lebanon, a huge success with people in the streets demonstrating for peace. Egypt is moving toward an election—not necessarily the most open election—freeing the No. 1 dissident and opposition party leader just this weekend. Democracy seems to be making progress in that part of the world, and with that we are undermining the breeding grounds of fundamentalist Islam which has targeted America because we stand for freedom around the globe, and because we stand for women's rights, because we stand for a market economy. We are making progress.

Now they want to have it both ways. They want to say Iraq was terrible, wrong, and should not have occurred, even though things are progressing there and it looks as if there is an end in sight. Then they say, Now you have to budget for 5 years from now to be in Iraq because that is what we are planning to do, when, of course, that is not what we are planning. These are one-time items, the fighting of the war in Iraq. It should not be built into the defense base. We did not build it in because 2 or 3 years from now, when we are no longer in Iraq, I don't want the defense base inflated by that number. I want it accurate according to what the Defense Department calls for relative to its needs. So we put in the $50 billion for fighting the war in Iraq.

So when the Senator from North Dakota talks about the failure to address the issue of reserving for the war in Iraq, he is referring to the President's budget, not the budget that is before us.

On the issue of Social Security, the Budget Committee doesn't address Social Security. That is by law. There will be a lot of talk about it on the floor, but we have no authority to do anything in Social Security. The idea that we should actually account for Social Security, when the Democratic Party has said they are not going to do anything on Social Security—they are going to bury their head in the sand on it and walk in lockstep on Social Security, relative to burying their heads in the sand, so that the likelihood of moving legislation through this body is significantly less because it takes 60 votes to move it through here. When you are facing that type of stonewalling on a critical issue that should be addressed, why would anybody put it in the budget when, first off, we are not supposed to address Social Security? Why would they put it in the budget when you cannot legally put it in? And even if you could, why would you put it in in the face of that type of opposition, especially when it is such a fluid situation?

On the issue of revenues hemorrhaging, again, the Senator from North Dakota referred to charts with red lines going here and there. They were the President's numbers, they were not the budget numbers. The budget has basically not taken that tack. We have talked about the 5-year window, and it is an accurate discussion of that 5-year window. What is important to note, however, from the proposals from the other side is that there is no proposal, no budget being brought forward. There is a lot of criticism about the budget but no budget being brought forward.

As the Senator from North Dakota said in the markup: Listen to our amendments to see our budget structure. Fine, we will listen to their amendments. I note that in the markup, when the Democratic Senators had the opportunity to put forward a budget, they did not. But they did put forward a lot of amendments. They put forward about 10 or 12 amendments on just about everything from worthless programs, such as ATP, to programs that have value but we have not necessarily figured out how we are going to pay for them, such as CDBG.

In the total, their amendments added up to $229.8 billion of new spending, and then their amendments added up to either $244.9 billion of new taxes or $276.9 billion of new taxes, depending on how you account for the tax on the top income people in this country. They did put forward a proposal. It was their budget, and it was your classic tax-and-spend budget, $229 billion in new spending and $244 billion or potentially $270 billion in new taxes.

Why is it important to mention that? It is important, first, because that is the definition they gave to their budget, but it is also important to understand the difference of opinion here. You cannot on one hand talk about need for fiscal responsibility when on the other hand you are proposing $229 billion of new spending. You cannot discipline the Federal Government by raising spending.

The American people are not a fundamentally undertaxed people. The American people pay a lot of taxes. The concept that you can continue to raise taxes and continue to spend money does not work. You have to discipline the spending side of the ledger.

We have done it. Granted, we have not done it as well as I would like; I would like us to slow spending a lot more, but we have done it. We have frozen nondefense discretionary, we slowed the rate of defense discretionary to 4.5 percent, and we did not stick our little toe in the water, but we came to the water's edge and looked down at the issue of entitlement accounts, specifically Medicaid. That is what is important about this debate. This is the essence of the budget, the question of how we deal with Medicaid.

The Senator from North Dakota and I agree on this subject—we agree on a number of issues, but what we agree on is that the outyear issue in this country is entitlement spending, and at the essence of that issue is health care spending. And there are two accounts, Medicare and Medicaid. The Senator was correct, this budget does not address Medicare. Hopefully we will do it later on. But it does address the other major leg of this problem—there are three legs to this issue; it does not address Social Security—and that is Medicaid. The three legs are Medicare, Medicaid, and Social Security.

This is the essence, this is the point of this question: You cannot tax your way out of this problem. You cannot raise taxes enough on the next generation that they will ever be able to afford the present programmatic activities we have on the books in the area of retirement benefits in this country. You cannot do it. We are not as a nation going to physically be able to do it, and this chart is the essence of that point. I do not use a lot of charts because sometimes they do not show up, but in this case, I am going to use this chart.

The historic spending of the Federal Government is 20 percent. If You get much over 20 percent, you have put in a tax rate which people cannot absorb. They do not make enough money to pay for it and still have a decent lifestyle. It reduces productivity and job creation if you start taxing people at rates over 20 percent, even over 18 percent, for that matter.

The cost of Medicaid, Social Security, and Medicare, by the year 2027, 2028, will absorb 20 percent of America's spending; 20 percent of the GDP of this country will be spent on those programs. And it keeps going up. So you cannot possibly raise taxes enough.

You could confiscate the wealth of every American in the top two brackets, which may be a proposal that will come at some date from the other side of the aisle—that was a proposal before Ronald Reagan was President when the 70-percent rates were in effect—and you still could not pay for the cost of these programs. The only way you can handle this is to begin to get ahold of the rate of growth of these programs, to put in place some structure that will control the rate of growth of these programs.

Social Security is being addressed in a forum outside this budget, in a debate outside this budget, although it is going to be brought into this budget—the debate will, the substance will not. With respect to Medicare, last year we passed the Part D program and, therefore, there is a desire to let that percolate until we figure out how that shakes out before we move on that.

The last leg of the stool is Medicaid. This budget begins a minor effort in the area of Medicaid. As I said in my opening talk, there is $14 billion of restraint in growth on a $1.12 trillion spending package, reducing the rate of growth from 41 percent to 39 percent over the next 5 years, all of which can be done without impacting the quality of services and, in fact, I suspect we will run into a lot of Governors who think it can be done and improve the quality of service by giving them more flexibility in how they distribute the benefits amongst their people in the States more efficiently than being subject to a lot of strings out of Washington.

This Medicaid issue is the core question and, of course, we look forward to the Democratic response to that, whether there will be a position that Medicaid reconciliation should be knocked out of this bill and a majority on the other side votes for it, or all on the other side of the aisle, for that matter.

The Senator from North Dakota also addressed this issue of borrowing. This issue needs to be touched on briefly because it is a big issue. The value of the dollar as the currency that is basically the currency of the world is one of our great benefits as a nation. It has been weakening. The dollar has been weakening.

The practical effect of a weaker dollar, of course, is that we export more goods. There is a lag time, so we have not seen it immediately, but over time, we will see more goods exported, and also the cost of oil being $55 a barrel undermines the ability to export, the ability to offset that trade balance.

We cannot afford to have the dollar weakened too much. We cannot afford it for a lot of reasons, not the least of which is the need to have capital flowing into the United States. We want capital from around the world coming to the United States. I do not find it objectionable that the people of Japan find it safer to invest in the United States than in Japan. That says something about the strength of our economy.

I do not find it objectionable that the people of France, when they look around the world and decide where they want to put their money, do not want to put it in some company in France but want to put it in a company in America. I think that is probably a pretty good sign that we have a pretty darn strong economy and a place where people feel they can invest and invest safely and get a decent return. But their willingness to continue to do that means the dollar cannot depreciate against the franc they put in here or against the yen they put in here. It is that simple.

If you are going to invest a yen—say 1 yen is worth 50 cents, something like that; I do not know what the yen is today; it is nowhere near that—you are not going to want to invest if that dollar is going to weaken so that when you take your yen back out, you have lost money simply on the exchange rate, even though you may have made a good investment in the United States.

So having the dollar drop precipitously is a huge problem for us, but it is not a problem from a standpoint of exports, and it is not a problem right now of people willing to invest here. Those are signs of good economic values. But it is a problem if, over the long run, it causes the dollar to weaken to a point where people do not feel comfortable investing here because they feel they will lose money in the exchange rate, even though they may make a good investment.

Critical to maintaining the confidence of the international community in the dollar is, quite simply, our willingness as a Federal Government to be fiscally disciplined. They are looking at this budget process and they are saying, hold it.

If the position of the Democratic Party is that the way we get fiscal discipline is by spending an extra $229 billion over the next 5 years, that is not discipline. Fiscal discipline means one contracts—or not contracts; we never contract. At least the rate of growth of Federal spending in core accounts is slowed down.

Yes, we are fighting a war, but those are one-time expenditures and they will be over. When they are over, they will be taken out of the base. They will not even be in the base, hopefully. So we do need to put in place some mechanisms which will say to the world markets and our own financial markets, yes, the Federal Government is serious about disciplining the rate of growth.

Two of those key elements are, one, a strict cap on spending on the discretionary side, which is in this bill, 3-year caps enforceable with a 60-vote point of order, and two, a move on entitlement issues so that we restrain the growth of the entitlements through reconciliation. Both of those elements are in this bill. The time restraints are not as big as I like, but they are there. Yet, as I listen to the other side of the aisle, all I hear about from their amendments is, let us knock those restraints out, let us shoot through those restraints, let us lift that cap, let us knock out those reconciliation instructions, and let us spend more money. We will raise taxes to do it, but we are going to still spend more money. That is not disciplining the Federal Government, and it is not going to improve the value of the dollar if we do that.

So this issue of borrowing is a complex one, but it does make a statement about where we are as a matter of policy, and if we wish to improve the value of the dollar, we need to pass a budget that has fiscal restraint in it.

I yield the floor.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from North Dakota.

Mr. CONRAD. Mr. President, the words of my colleague are right on target. I wish the budget matched the words. The Senator acknowledges the need for fiscal discipline. This budget does not provide it. As I have indicated and shown from their own numbers, the debt goes up $600 billion a year under the budget the Senator advocates. That is fiscal discipline? No, no.

My belief is that fiscal discipline represents a deficit going down, not going up. My view of fiscal discipline is one that reduces the debt, not increases the debt.

The Senator's own budget documents show that he is going to add to the debt $600 billion a year each and every year for the next 5 years. And they call that fiscal discipline? I mean really, this stands words on their head.

It reminds me of Orwell: War is peace, love is hate. Fiscal discipline is adding $600 billion a year to the debt? Please.

Now, the Senator says we did not offer an alternative in the Budget Committee. That is true. We offered alternatives by amendments. The Senator says we would have added spending. The Senator is correct. We paid for every dime of it and over and above. What was the spending we added? The Senator says we added over $200 billion in spending. The Senator is correct, and $200 billion of it was to pay for the war they do not pay for. Now, who is being straight with the American people—those of us who paid for the war or those who make believe they do not have to pay for it?

We provided the revenue to cover the cost. That is a new idea around here, to actually pay for something. Those are the amendments we offered. If we take out our amendment to cover the war costs, we offered $20 billion of spending and $47 billion of deficit reduction. We had more in deficit reduction than we had in spending, and we paid for the war. That is fiscal responsibility.

There is no fiscal responsibility in a budget that adds, by its own terms, by its own calculations, $600 billion a year in debt. That is not my estimate; that is theirs.

Let us review the history because history is important. This goes back to 1980. The red line is the spending line of the United States. The green line is the revenue line. One thing our Republican friends have been very consistent about is massive deficits. That is what happened the last time they were in charge back in the 1980s: massive deficits, much more spending than revenue. Then the Democrats took over. The spending went down.

The Senator says spending never goes down. Wrong. Spending went down as a share of gross domestic product, which is what the economists say is the best way to measure it because it takes out the effects of inflation. Spending went down from 22 percent of gross domestic product to just over 18 percent of gross domestic product when the Democrats were in charge. The revenue went up. Yes, we raised taxes on the wealthiest among us so we could balance budgets, so we could pay for things.

What was the result of those policies? The longest economic expansion in our Nation's history, the lowest unemployment in 30 years, the lowest inflation in 30 years, and one of the strongest periods of business investment in the Nation's history. That is the result of those policies combined with private sector initiatives made possible by real fiscal responsibility.

Our friends always want to concentrate on the spending side. They forget that deficits are the result of the relationship between spending and revenue. They never want to talk about the revenue side because look what happened on the revenue side on their watch. It collapsed. Even with spending that increased again under their watch—I am not faulting them for this increase in spending because it was largely defense and homeland security—the fact is the spending increased.

Look going forward; their spending continues to go up.

Meanwhile, the revenue goes up a little bit, but it is far short of what they want to spend. So what they are telling the American people is, more deficits, more debt, more deficits, more debt. That is their plan. And then what? What are they going to do when the baby boomers retire? I can tell everyone what they are going to do. They are going to slash Social Security. They are going to slash Medicare. That is going to be their answer. Meanwhile, deeper and deeper into debt we sink.

Is my colleague seeking time? I am happy to yield time to the Senator off the resolution.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have listened with interest this morning to a fascinating debate and discussion about this country's budget priorities.

My colleague from North Dakota, Senator CONRAD, knows of a man I have spoken about previously on the Senate floor. His name is John Smith. John Smith is called the Flying Farmer from Makoti, ND. What John Smith does is he gets these old cars and he goes to county fairs. He builds a ramp and jumps three or four other cars. He is kind of a daredevil. He works in a machine shop in Makoti, ND, and then he bills himself as the Flying Farmer from Makoti. During the summer, he goes to all these county fairs and does daredevil stunts.

The Flying Farmer, John Smith, is actually in the Guinness Book of World Records, and here is what his distinction is:

He drove a car 500 miles in reverse, averaging 36 miles an hour. Let me say that again. He is in the Guinness Book of World Records for driving a car 500 miles in reverse, averaging 36 miles an hour. That record might well be supplanted by this budget resolution, talking about going in reverse consistently for a long period of time. He may have nothing over the budget resolution that came out of this committee. This moves this country backward. In my judgment, it does nothing to address the central issues facing us in fiscal policy. I believe my colleague described the accurate numbers. If we go to page 5, for example, what we find is this: Federal debt subject to limit. Line 6 says, in fiscal year 2005, that Federal debt subject to limit is going to be $7.9 trillion, and then at the end of the fifth year of the budget, it is going to be $11.1 trillion. So this budget resolution calls for a dramatic increase in the Federal debt. Yet we have people coming out saying look at this budget resolution, what a responsible thing this is. It moves us in exactly the right direction.

That is nonsense. This is what it does. On page 5 it says we are going to dramatically increase Federal indebtedness from $7.9 trillion to $11.1 trillion over 5 years.

That is one thing. And this increase, incidentally, games the system because it doesn't include money for the war in Iraq and Afghanistan. It doesn't have money for many other things. But even with what it does have money for, on page 5, line 11, it tells you the truth of the matter. The truth is, this budget document calls for a dramatic increase in Federal indebtedness over the 5 years. Does that mean we are going in the right direction, or does that mean we are going in reverse? We know the answer to that.

The debate about the budget is more than just a debate about numbers. It is a debate also about values. What does this country stand for? What are our choices and priorities? What is our value system?

One hundred years from now everyone in this Chamber will be dead. Everyone now serving in the Senate will be dead 100 years from now. But the one lasting impression of who we were, what we stood for, what we thought was important, what our value system was, will be found in a budget document that says: here is what they decided to invest in. Here is what they spent money on. Here is what represented their value system. It is all historians will have to evaluate who we were and what did we decide was important in our lifetime.

This budget submission has some budget cuts. Let me describe what they are. We are spending less money on veterans than we need to spend to keep the current veterans programs funded. This budget includes a cut in veterans programs. The same is true in education, not enough money for current funding to continue, and the same for law enforcement and agriculture.

You can take a look at these and say, "veterans," that's just a word. It is a lot more than a word. It is folks who put on this country's uniform and went anywhere in the world they were asked to go and fought for this country.

I told my colleagues previously about a wonderful veteran. I pinned a medal on his pajama top one Sunday morning in a veterans hospital. He was an American Indian who fought in Africa, fought in Normandy and across Europe, came back and lived on the Indian reservation. He never had much, had a tough life.

His sister said: Can you get my brother his medals? He never got his medals from the World War II service. So I got his medals for him. He was very sick with lung cancer. At the VA hospital one Sunday we cranked his bed up to a seating position, and I pinned the medals on Edmund Young Eagle's pajama top 7 days before he died of lung cancer. And Edmund Young Eagle said, "This is one of the proudest days of my life," because he served his country, and his country was saying thank you for what he did for America.

He didn't have very much in his life, but he was proud in his service. We have veterans coming back today, every day, who served in Iraq. We have World War II veterans who are reaching that age now where they need substantial health care help. At this very time we discover there is not enough money for veterans health care.

I asked the Secretary of Defense the other day, What is the difference between a soldier who is on active duty and a soldier who is now off active duty, trying to cope with a leg that is gone or a shrapnel wound in the head? What is the difference between those soldiers? They both fought for this country. There ought to be no difference. They both represent the cost of war: the cost of a soldier on active duty, or the cost of health care for a soldier who comes back and is now part of the health care system and needs some assistance.

The question is, What is our value system when we say as a country, veterans health care, that is not quite so important? That sort of gets short shrift. It takes second place to, let's say, a tax cut. In fact, this budget resolution says we need tax cuts more than we need to fully fund health care for veterans. What kind of a value system is that? Whose priorities are those?

Education—we all understand the value of education. This is more than spending. This is an investment. Our future is what our kids will be and what our kids allow America to become. So when we invest in education we invest in America's future. When we decide there are things more important than education, such as tax cuts for wealthy Americans, we shortchange our country's future. Yet we are told there is not enough money to fully fund veterans health care. There is not enough money to fully fund education.

Law enforcement: we know the scourge of methamphetamine addiction and production in rural areas of the country. This budget cuts Byrne grants, and the other programs that are so important for local law enforcement officials to wage this battle and make this fight. But we are told in this budget resolution we don't have enough money for that.

And family farming—these are America's economic all-stars. They are the ones who get up in the morning under that yard light that was lit all night long over that farm family. They say: We are going to work today to try to grow some food, make that soil produce a crop and then sell that crop at the elevator to feed a hungry world.

We are told we now have to change the rules on the farm program. That which we promised farmers, for an ability to get over periods when we have lower prices or tough times, we have to revoke that promise.

So these are the priorities in this budget resolution. We can't afford health care for veterans, education, law enforcement, agriculture.

Let's look at what they can afford. They can afford tax cuts. For example, this budget resolution allows for the permanent repeal of the so-called death tax. There is no death tax. I don't know how you permanently repeal something that doesn't exist. My colleague, the former Senator Gramm, and I had this debate on the floor before he left. I said: God forbid you die, but when you do your wife will own everything you own. There will be no death tax. There is a 100-percent spousal exemption. So there is no death tax.

However, there is a tax on inherited wealth in this country. And the majority party is intent on relieving this burden on the largest estates in this country. We have, by the way, one-half of the world's billionaires living in our country. The major party is so intent on relieving the tax burden on those multibillion-dollar estates, they are willing to make that a higher priority than funding veterans health care or funding education or funding law enforcement or funding family farmers. Permanently repealing the estate tax is a higher priority for them than doing all these things.

They do have a problem with the death tax, as they call it. They have created a Byzantine system which begins to phase out the tax on inherited wealth until the year 2010. Then in 2011, this tax on inherited wealth, or estate tax, is fully restored. So in 2010 tax on inherited wealth is completely repealed. Then in 2011 it is restored. Of course, no one understands that. It is one of the goofiest things ever done in this Chamber, but nonetheless it was done. So now they say this budget resolution allows for the permanent repeal of the estate tax.

This resolution also allows for the extension of the lower tax rates on capital gains and dividends. This is an interesting issue as well. It is always a very popular subject around here, if you can reduce the tax on capital gains and other investment income. The President and the majority party would like to have no tax on capital gains. In fact, they would like to tax work and exempt all investment from tax.

Here is what Warren Buffet, the world's second richest man, said about that issue in an op-ed piece that was published in the Washington Post some while ago. He described it in terms of his receptionist working in his office. Mr. Buffet said that he, the world's second richest man, and his receptionist paid about the same tax rate of 30 percent. She pays that high a rate because she pays a payroll tax on all of her earnings. He is one of the wealthiest people in the world. He pays a mix of different taxes on his salary, capital gains and so on. They each end up paying about a 30 percent tax rate, the world's second richest man and the receptionist who works in his office.

If the majority party and the President had their way, and we had a tax system that taxes work and exempts dividends, Mr. Buffett said: At that point my receptionist will be paying a tax rate that is 10 times higher than my tax rate. Warren Buffett said: My tax rate will be 3 percent, and my receptionist's tax rate will be 30 percent. The world's second richest man will pay a 3-percent tax rate, and the receptionist in his office will pay a 30-percent tax rate.

It is almost everything that is wrong with the philosophy of what is in this budget. I have told my colleagues often about a line from an old song by Bob Wills and the Texas Playboys in the 1930s: The little bee sucks the blossom, and the big bee gets the honey. The little guy picks the cotton, and the big guy gets the money.

It is right in the middle of this budget resolution: unburden the big interests and burden the small interests. Give the big guy a break. Give the big guy a tax cut, and lay it on the shoulders of working Americans.

In addition to the budget cuts I have just described, there are other things that are omitted in this budget. For example, there is not sufficient money here for Iraq and Afghanistan. Despite the fact that Congress asked for that to be included, we now have before this Senate an $82 billion emergency request for Iraq and Afghanistan. We knew Iraq was going to cost money. We are spending about $5 billion a month for ongoing efforts in those two countries. I was here a year ago and said: Look, this should be part of the budget. Let's at least have some reasonable estimate of how much it will cost. Guess what they put in the budget last year. Zero. Zero. So now we have an $82 billion emergency request before the Senate.

In the budget for the next year, what did the President have included? Zero. No money. Is this a budget game? And this gets paid how? And the Committee mark includes just a token amount. Senator CONRAD talks about an amendment offered in the committee that says, maybe we ought to pay for this. If we are going to go to war, maybe not just the soldiers should sacrifice; maybe the American people should be behind them and pay for the costs of it.

No. God forbid in this Chamber we ask anyone to pay for it. In fact, we will not even put a realistic amount of money in the resolution, let alone ask anyone to pay for it. We will have some amendments dealing with that subject.

The President does ask in his budget and this proposal assumes some spending increases. For example, we need to build, they say, a new nuclear weapons earth-penetrating bunker buster. We did not have enough nuclear weapons? There are roughly 30,000 nuclear weapons in the world. We do not have enough, someone says. We need to build a new designer nuclear weapon to penetrate bunkers. We need a penetrating bunker buster nuclear weapon. What a foolish thing to be talking about. Our goal ought to be to stop the spread of nuclear weapons, not talking about building new nuclear weapons. Yet that is exactly what this budget does. We do not have enough money for veterans health care, but we have enough money to build new nuclear weapons, nuclear weapons we do not need with money we do not have.

Of course, there are other areas of spending. Sometimes you can see the broader picture by taking a look at some of the smaller issues. There is one baffling to me. The administration proposes, and this budget would fund, a doubling of the amount of money to broadcast television signals to Cuba in something called Television Marti. It is ours. We create television broadcasts and signals, and we send those signals to Cuba to tell the Cuban people what democracy and freedom are really like. Of course, they hear that every day on Miami radio stations but, nonetheless, we are telling the Cuban people with television signals how great it is in our country.

There is one problem with that. The Cuban people cannot see the signals. The signals are broadcast from 3 a.m. to 8 a.m., and Castro jams the signals. So we have something called Fat Albert, which is an aerostat balloon. At 20,000 feet on a big tether, it broadcasts television signals to Cuba that the Cubans cannot see, and we will spend $10 million to do that. And guess what. The President—and this budget—says that is not enough, let's double the funding. If the Cuban people cannot see the signals now, let's double the funding.

It is not as if this budget brings some Spartan approach to spending. There are some areas in the budget where we increase spending at the least opportune time, especially this. We might as well dig a hole and throw money in the hole and cover it up. Just throw money down a rathole. It does not make any sense at all, but they want to double the funding. Do you know why? Instead of using Fat Albert and an aerostat balloon that got away from them once and they had to chase it down into the Everglades, now they want to buy an $8 million airplane so they can broadcast signals that Castro will jam so the American people will feel better, somehow, for having sent signals to Cuba that the Cuban people cannot see. Double the funding. We cannot afford veterans health care, but, boy, there is no limit on what we want to do in building new nuclear weapons or building broadcast devices to the Cuban people that the Cuban people can never see.

When we talk about spending, maybe we ought to talk about some of the small things that represent the message about larger issues and ask the question: Why is it you want to spend so much money on all the wrong things?

My colleague, Senator CONRAD, talked this morning about the long term difficulty we have, and it is serious. I notice in the Newsweek Magazine this week "The Incredible Shrinking Dollar" is the cover story. And then inside, on page 38:

> . . . greenback's fall is stoking fears of a global crisis. Behind the slide, a world economy wildly out of balance.

It says that if you have been following closely, you know that the dollar has been declining steadily against many foreign currencies. From recent highs, reached in mid 2001 or early 2002, the dollar has dropped 38 percent against the Euro, 23 percent against the yen, and 25 percent against the Canadian dollar. And then it goes on to explain at great length what the prospect could be:

> Worst case scenario, foreign central banks and investors might lose confidence in their dollar holdings, rush to sell American stocks and bonds, consumer and business confidence would drop, and a recession in the United States and abroad might follow.

This is serious.

This year, just this year, we have a budget and a trade deficit that far exceed $1 trillion. Far exceed $1 trillion. The combined trade deficit is around $620 or $630 billion, but the merchandise trade deficit is even higher, and you add to that the budget deficit, we have a country that is seriously out of balance with respect to its fiscal policies and its trade policies. You cannot hide it. The rest of the world knows it.

It is not that the proposed resolution does not attempt to hide it. This budget, incidentally, on page 5 and 4, brings us a 5-year projection. Why? Why only 5 years? Do you know why? Because they want to tell us things are getting better when they know, and we know, if you go out 10 years, which is what we have always looked at before, in 10 years, this thing just blows out of sight—huge deficits, huge increases in Federal debt. The fact is, because they hide it and don't print it doesn't mean it doesn't exist. My colleague, Senator CONRAD, described at great length this morning the danger of that.

Let me talk about a couple of other issues. The Federal Reserve sits down in this concrete bunker downtown with about $11.1 billion in accrued surplus account.

Let me say that again. The Federal Reserve system now has $11.1 billion squirreled away in a rainy day fund, in case they might suffer a loss. It is pretty hard to see how the Federal agency that creates money is ever going to lose money, but they have squirreled away about $11 billion just in case they do. This Congress has an obligation to say to the Fed, enough of this. You don't need $11.1 billion squirreled away somewhere in the vault.

By the way, I won't go into Alan Greenspan at great length except to say he has been one of the great enablers for the current fiscal policy being so widely out of balance. He is the man who stood up in 2001 at the time many of us were cautioning—I know Senator CONRAD was on the Senate floor—saying you can't see 10 years when there was a prediction of 10 years of robust budget surpluses, and saying maybe we ought to be conservative. Maybe you can't see 10 years, but let us at least slow down a bit. The majority said no. President Bush said, no, we want big tax cuts right now locked in place for the long term. Mr. Greenspan, at that propitious moment, weighed in the only way he could. He said: My greatest concern is we are going to pay down the Federal debt too fast.

They need to change the air-vac system in his building. He says: My problem is I worry they are going to pay down the debt too fast. Maybe he ought to be asked now is that his problem? Because now from the largest surpluses in the history of this country we have record deficits and debt on a yearly basis. And I wonder what he is worried about at the moment. Last week he was the enabler, once again. He came back to Capitol Hill and seemed to say: I kind of like these privatized accounts in Social Security.

He didn't highlight the point, of course, that it is going to cost trillions of dollars of additional indebtedness.

I just come back to say that they have $11.1 billion squirreled away.

I say to my colleagues, Senator CONRAD and Senator GREGG, maybe we ought to take a look at that. I hope to do so by amendment.

Finally, I am going to offer an amendment during the deliberation on the budget that asks us to vote one more time on an issue that ought to be simple but one we can't seem to get passed through the Senate. Under current law, we tell U.S. companies if you close your American manufacturing plants, fire all the workers and move your production to China, Sri Lanka, or Bangladesh, we will give you a big tax cut.

I previously offered on the floor of the Senate an amendment that is very simple. It says if a company shuts down its American manufacturing plant and moves its manufacturing abroad and then sells those now foreign-made products back into America, you don't get what is called the deferral tax break. It is the most perverse tax break in our entire Tax Code.

If we can't take the first baby step to shut down the tax break that rewards companies for shipping U.S. jobs overseas, you can't do anything that is worthy in this Chamber, in my judgment. So we will vote on that amendment.

The last time we voted on it, 60 Senators said, no, we want to keep the tax break that companies get when they ship U.S. jobs overseas. We believe that is a worthy thing to do.

I wonder if now, nearly a year later, they still think it is a worthy thing to do.

I might observe that none of them in dark blue suits have been among the 2.7 million people who have lost their manufacturing jobs. No one in this Chamber has lost their job because of outsourcing. Maybe that is why there is not quite the urgency in this Chamber that there ought to be. If we can't take the first baby step to shut down this perverse tax break rewarding companies that ship American jobs overseas for the sole purpose of producing goods to be sent back into the American marketplace, then we ought to hang our heads.

I think the question for this Congress is, Where is leadership?

I have described previously as well the John Adams book written by McCullough in which John Adams would write back to Abigail as he was traveling representing our country in England and France. He would plaintively write to Abigail: Where will the leadership come from to help put this new country of ours together? Where would the leadership emerge? Who will be the leaders to put together this new country?

Then, in the next letter, he would plaintively say: There is only us to provide leadership. There is Thomas Jefferson, there is George Washington, there is Ben Franklin, there is Mason, and there is Madison. There is only us.

Every generation of Americans ask the same questions. Who will be the leaders to help steer this country toward a better future and toward expanded opportunities? Who will be those leaders?

I regret that this budget resolution provides no leadership at all on the issues critical to our future.

I admit that both sides now talk about the long-term problems we have. What is going on is unsustainable. Both sides have talked about that.

But the majority that controls the White House, controls the House and controls the Senate continues to try to hide the seriousness of that by bringing us budgets like this and then saying things are really looking up. Things are getting better. They are not.

I ask anyone who wishes to know to go to page 5 and line 11. That is all you need to know. You don't need to know 10 numbers, or 5 numbers—just 1. In the year 2010, we will have a Federal debt of $11.1 trillion. That is the only number you need to know. Is that number increasing or decreasing? It is increasing rapidly. You know the number, you know the direction, and then draw your own conclusion. Are we moving in the right direction, or do we need to make a U-turn? Are we really a people who have decided that our highest priority is to protect from taxation the assets of those who have made billions of dollars and who are now subject to an estate tax, a tax on inherited wealth? Is that a higher priority than helping veterans who need health care? Is that a higher priority than helping little kids who are entering our classroom doors, than all of the other things we are talking about? Do we really believe that?

That is exactly what this budget says.

This country will overcome this period. We will at some point have a fiscal policy that is thoughtful, in balance, and moving this country in the right direction. But it is not this fiscal policy.

My colleague, Senator CONRAD, is prone to use a lot of charts. I have kidded him saying he is the only Member of the Senate who finds charts erotic. But charts are very useful to describe what is happening.

I think the chart that he used earlier today which is so important is this chart. It shows the burden of indebtedness that the American people will have to assume, unless we change course. I admit changing course is not easy. But we don't have many choices left.

About 4 years ago, we put in place a fiscal policy that I did not vote. I thought it was the wrong approach because I worried that things would happen that we didn't anticipate; and they did—a recession, an attack on 9/11, a terrorist attack, a war in Afghanistan, and a war in Iraq. And sure enough, those budget surpluses turned to budget deficits. But that didn't seem to deter anybody on either side. They acted as if none of that happened, except to the extent they want to extract some mechanism to deal with it. They want to take it out of veterans, kids, and those kinds of priorities.

I think, again, when the question is asked by this generation of Americans, Where will the leadership come from, it is not from the White House at this point, and it is not from those who control the House and the Senate.

My hope is that in the coming days we have the opportunity to cast votes on these issues. We can consider a series of amendments, have debate, vote, and begin to turn some of this around and begin to see if we can't create an economy and create economic opportunity that will allow the rest of the world to look at this Congress and say they did something that finally recognized the dilemma we are in, and finally made a U-turn to move in the right direction.

My colleague, the Senator from New Hampshire, has said that raising taxes will not solve any problems. I don't know of anybody who is talking about raising a lot of taxes, but I am talking about choices. Deciding that protecting the wealthiest Americans from a tax on inherited wealth is more important than dealing with veterans who desperately need health care is a bad choice. I think it is a bad priority. It is not about raising taxes. We have every right to revisit tax cuts that were ill-advised.

I would like to have a longer debate, and I shall not do it now. But I would like to have a longer debate about the question of, Why do we decide work has less value than investment? Why is it that this majority decides they want to tax work and exempt investment? Is work less worthy? Why is it they want Warren Buffett to pay a tax that is one-tenth the tax paid by the receptionist in his outer office? That is by his account. He does not agree with them, by the way. He does not think they ought to do that. But that is exactly what they want to do.

It is about choices. It is about priorities. My hope is, at the end of the day, with amendments—I described a couple—we will be able to dramatically improve this budget document.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I assume the time is being allocated relative to speakers by the side for which they are speaking.

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. Mr. President, I will briefly comment on a couple of things the Senator from North Dakota said. I agree with his view of the charts of the senior Senator from North Dakota—or maybe he is the junior Senator; actually, I think he is the senior Senator; I never figured it out because he took a year off and came back. But, in any event, I agree with his view of the charts and I want to identify myself with the Senator's thoughts on the Senator's charts.

Independent of that, the Senator got into quite a discussion about Radio Marti and how they wanted $8 million for a new plane and so on. We are going to hear about a lot of amendments brought up on the floor which are targeted on specific discretionary spending activity the Federal Government is pursuing. They have no relevance to what is happening here in this budget debate because the budget has no specific impact on programmatic activity on the discretionary side. All we do as a Budget Committee is send to the Appropriations Committee an upper-line number, in this case $843 billion, which becomes an enforceable number.

The Appropriations Committee then takes that number unilaterally, and I assure you with virtually no input from the Budget Committee, and divides that between the different subcommittees in what is known as a 302(b) allocation.

The President sends up his proposal, which again we are not signing on. This is not the President's budget. The President does not sign this budget. We as a Congress do this budget. It is a resolution of the Congress. We have used the President's budget as an outline off of which to develop some of our positions, but the President's budget, again, is a statement of where the President would go on these programs.

The final decision on these programs is going to be made by the committee of jurisdiction, which will be the authorizing committee and the subcommittees of the Appropriations Committee. All we do as a Budget Committee is say: You, Mr. Appropriations Committee, have this amount of money to spend. You can allocate it wherever you want amongst your different programmatic activities.

So for Members to come out here and offer a resolution to increase veterans funding or to increase funding for education or to increase funding for highways, all that does as an amendment is raise the amount of spending which we do. It goes over the cap. There is no obligation under such amendments for that money to be spent where the sponsors of the amendment allege they are going to spend it. Not at all. There is no way to tie the hands of the appropriators or the authorizers, and there should not be. That is their responsibility.

The point we make as a Budget Committee is that we give a top-line number, and then we expect, and we know, that the Appropriations Committee and, to some extent, the authorizing committees, within that number will make their decisions as to how best to spend the money. You will have a fight of priorities. And that is the way it should be.

But any amendment on this floor which says I am going to increase Radio Marti or I am going to increase veterans funding is actually an amendment which is simply saying I am going to increase general spending of the Federal Government. I am going to raise that top line. I am not going to live by that cap. That cap doesn't work for me. I want it to be higher. I want to spend more money. That is what that amendment says. And it does not say that money is going to go to that program which they allege they want to spend more money.

I think this is an important point to make. I intend to make it over and over because we are going to hear amendment after amendment which is specific to some program and in which there will be no impact on that program if it were to pass.

In the Budget Committee, there were offered about 13 different amendments by the other side of the aisle, totaling about—more than 13 amendments, but the amendments that spent money totaled up to about $229 billion. They would have raised the cap $229 billion. On the other side, they would have raised taxes by $240 billion or $250 billion. I lost track of how much money they were going to tax and spend. But not one of those amendments would have had the practical effect of actually moving money into the programmatic activity that they claimed it would have gone into. It would have simply freed up money to go above the cap, except in the rare instances where those amendments were targeted on reserve funds, in which case they are treated differently. But, again, they would end up raising the cap in all those reserve fund accounts.

So it is important to understand what we are dealing with here as a budget technically, which is that we are dealing with top-line numbers on the discretionary side and the specific numbers that we give to the different authorizing committees on the reconciliation side. The rest of it is a lot of good show and good press releases, but not a heck of a lot more.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, again, my colleague referred to what Democrats offered in the committee. To be clear, we offered amendments costing $217 billion. We offset that with revenue of $245 billion. But one amendment alone of ours cost $197 billion. What was it? It was to pay for the war. It was to pay for the war. Our friends' budget does not pay for the war. They make believe there are no costs. We do not think it is responsible, so we put the war cost in the budget, and we paid for it. That is fiscally responsible. That is exactly what a budget is supposed to be about.

The President sent up a budget with no war cost past September 30 and said it is hard to estimate. Of course it is hard to estimate. That is what a budget is about. There is no family in America which leaves out the utility bill because it is hard to estimate. There is no family in America which leaves out the food cost because it is hard to estimate.

They leave out things. It is no wonder we are in deep deficit and a massive increase in debt when they come with a budget and they leave things out.

My colleague says the mark has no assumptions concerning discretionary policy, that all he is providing to the Appropriations Committee is a budget authority total and an outlay total. It is true that the budget resolution does not dictate policy decisions to the Appropriations Committee. However, it is also true that there are policy assumptions embodied in the numbers. This is not just numbers on a page. That is not what a budget is about. There are assumptions about how you get to those numbers. And while it is true the Budget Committee cannot and does not dictate to the Appropriations Committee how they use the money allocated to them, it is true there are assumptions behind the budget.

As we look at the assumptions in this budget, we see a striking resemblance to those of the President's. Are we to assume it is a mere coincidence that the chairman's mark is nearly identical to the President's request? Did that just somehow happen but it is not connected to any policy recommendations? The President has made quite clear in his budget what he anticipates cutting and what he anticipates increasing. In the budget offered by our colleagues in the Senate, the numbers—the big numbers—are the same as the President's numbers.

Now, do they have the same assumptions or different assumptions? Look, I think we all know that they have carefully tracked the President's proposal. They have said that to us themselves. We also know that at the end of the day the Budget Committee says this is the amount of money available; that is it. When you get past that money, it is not going to be available.

The budget determines how much money is available for the Appropriations Committee to spend.

We don't dictate how they do it. We don't dictate how the Finance Committee raises the money. We tell them how much money to raise. We tell them how much money they have to spend. But these numbers didn't pop out of nowhere. They are based on assumptions of how much each of the committees would get for all of the purposes contained in their area of responsibility. We know this budget is tightly linked to the President's budget. In fact, the numbers of spending are the same. These amendments do send a clear signal on what the priorities are of the Congress.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I want to make one point. The Senator from North Dakota continues to return to the concept that this budget does not account for the war. It is important to note that this budget accounts for the war in the year of the budget. This budget is a 2006 budget. There is $50 billion of money put into a reserve fund for the purpose of paying for the war in the 2006 budget. The President's budget didn't do that, but this budget does.

In my opening statement I explained why we decided not to go to the 2007 number or the 2008 number, both of which are very difficult numbers to reach, because this war is hopefully going to be winding down by then and we can reduce the number significantly, and why we didn't put it in the base, which would have been a mistake, because we don't want to inflate the defense budget by an amount which should be a one-time item which is the need to fight the war.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, let me respond briefly by saying, I commend the Senator for putting $50 billion in his budget. I referred in my earlier remarks to the President's budget that had no money past September 30 of this year for the war. In the Senator's budget, it is true, he has put in $50 billion for the coming year. But that is well short of what the Congressional Budget Office tells us is going to be necessary. The amendment we offered on our side in committee was to fully fund the war obligations according to what the Congressional Budget Office has told us would be required.

Mr. President, I am happy to yield 20 minutes to my colleague, the Senator from Oregon, who is a valuable member of the Senate Budget Committee.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 20 minutes.

Mr. WYDEN. Mr. President, I thank the distinguished Senator from North Dakota.

I come to the floor this afternoon to talk about the way this budget deals with the fastest rising costs in America, and those are our medical bills. I am going to talk about two areas—Medicaid, and the question of prescription drug coverage under Medicare.

I want to start by saying that regrettably in this budget, health care is done wrong. It is set up in a way that we are going to regret, and we are going to regret greatly. I want to take a few minutes to talk about why this budget gets it wrong on the health care issue. Health care is so important because of the demographic changes with which we are faced.

First, with respect to the Medicaid program, the way I would describe this Medicaid budget is hurt the poor now, talk about reform later. I say this recognizing that I know that is not the intent of the distinguished Senator from New Hampshire. It is certainly not the intent of the Secretary of Health and Human Services, Mike Leavitt, who I know means well. But regrettably, that is what is going to happen under this Medicaid budget.

The distinguished Senator from New Hampshire, when he talks about Medicaid, constantly says: We are not cutting Medicaid. The Senator from New Hampshire is correct in saying he is not cutting Medicaid. But he is certainly going to hold down the rate of growth in the program. So the Senator from New Hampshire cuts the ability of State and local governments at a crucial time when they are getting more people enrolled because of the hardships in the economy and when there has been a failure to deal with the long-term care issue. These factors are driving up the cost of Medicaid. The Senator from New Hampshire is right that this is about the rate of growth. But this budget is going to cut the ability of local governments and States and poor people to pay for these medical costs at the very time when States are going to need the dollars in order to deal with the increases in enrollment and the fact that long-term care under Medicaid has not been dealt with.

In effect, what we are going to see is States and the poor get hit with a double whammy. States and the poor are going to have fewer dollars while at the same time States will not get relief from some of the bureaucratic water torture that is imposed on them.

My home State of Oregon is perhaps the leader in desiring to have innovative approaches in Medicaid. Sometimes I jokingly say: I am a Senator from "Waiver", because my State consistently wants to waive out of the one-size-fits-all approach that is so often taken in health care. Oregon has seen this kind of bureaucratic water torture in a lot of different ways as we have tried to deal with a tough economy and making changes in the Oregon Health Plan. We saw that very often when something innovative was done elsewhere, you couldn't even expedite approval to do that in Oregon or in other states. We see the bias against home and community-based services in Medicaid. I very much want to see the more flexible approach, the more innovative approach that lets the States be used as a laboratory for innovation in the health care area.

But make no mistake about it: Under this budget there are going to be fewer dollars for the kinds of reforms and innovations that are badly needed.

In effect, the real mistake in this budget with respect to Medicaid is it essentially says: Let's put the cuts in funds first before we go ahead with reform. I and others have no dispute at all with the distinguished Senator from New Hampshire and colleagues on the other side of the aisle about the need for reform in Medicaid. There is no question about the fact that innovative approaches used in the private sector have not yet found their way into the Medicaid program.

What the dispute is about is that we think it is going to be harder to get the reforms, harder to get the innovations if you cut off the dollars to the States and the localities right at the time they are having increases in enrollment, at the time that long-term care has not been dealt with, and certainly make it less likely that they will have the dollars they need to put in place the reforms.

Senator CORZINE and Senator ROCKEFELLER, others, and I will be, through the course of this week, seeking to improve this budget resolution as it relates to the Medicaid program, because regrettably a lot of poor people and a lot of States are going to get hurt now. The discussion about reform will come later. Under this particular budget, it is going to be hard to get in place some of the reforms that I and Governors around the country, on a bipartisan basis, believe are necessary.

The second area I would like to talk about as it relates to this budget is the question of Medicare and prescription drugs. Where we are headed now is the prospect that early in 2006, the Federal Government will be spending a ton of money on a prescription drug program and covering a very small number of people. That doesn't seem to me to be acceptable in this kind of belt-tightening climate and certainly is not acceptable with respect to the scarce use of Government resources. A group of Senators and I, on a bipartisan basis—Senators SNOWE, McCAIN, FEINGOLD, and others—have been seeking unsuccessfully to do what the Senator from New Hampshire has said he wanted, which is to find real savings.

Here is what the Congressional Budget Office said. I see the Senator from New Hampshire here. I want to read to him the sentence specifically from the Congressional Budget Office letter of March 3, 2004.

Paraphrasing, the Congressional Budget Office said: Giving the Secretary an additional tool would put greater pressure on manufacturers and could produce additional savings.

In March 2004, the Congressional Budget Office found, with respect to single-source drugs, there was the opportunity to have leverage like the private sector has, and there would be some savings.

You are going to hear during the course of the week that there are no savings. I hope my colleagues will look at the letter dated March 3, 2004, from CBO that attests to the fact that they believe there is a potential for additional savings. Of course, this was the kind of concern that motivated Tommy Thompson, in his last days as Secretary of Health and Human Services, to say he wished he had the power and clout that the legislation I have authored with Senators SNOWE, McCAIN, and others, would provide.

I believe that if we are going to adhere to the suggestion of the Senator from New Hampshire that we put a real focus on additional savings, we should not pass up the kind of opportunities that the private sector is using to generate savings, that Tommy Thompson said would be an invaluable tool for him, and the CBO said in March 2004 would provide the potential for additional savings.

I say to the Senator from New Hampshire that, with all of that evidence—the private sector, the Secretary, Congressional Budget Office, and just plain common sense—nobody would shop for medicine the way Medicare is about to shop for medicine. I have compared it to the fellow standing in Price Club buying toilet paper one roll at a time, not using bargaining power. Nobody in the private sector uses their shopping opportunities in that way, but that is where we are headed with respect to the Federal Government. That is what I would like to change.

Senator SNOWE and I and others will be on the Senate floor during the course of the week. I am very hopeful that my colleagues will listen carefully. At a minimum, I believe that giving this opportunity, particularly as it relates to what are called the fallback plans and if the private drug plans ask for help is important. For the life of me, I cannot figure out how this will do any harm. The Secretary would have the discretion to make the decision as to whether to use this power overall, but it certainly cannot do any harm to start the kind of smart shopping approach that goes on in the private sector every day. That is the way timber companies do it, that is the way auto companies do it. Everybody says: Look, if you are buying something and you are going to buy more of it, you ask the people for a discount for the additional purchases you are making. That is what Senator SNOWE, Senator McCAIN, myself, and others are going to seek to do.

I also hope that as we discuss this in the course of the week, colleagues see that this will perhaps be the only vote in this Senate on the question of prescription drug cost containment through bargaining power. If the Senate Finance Committee, on which I serve, doesn't offer it as part of a piece of legislation coming through the Finance Committee, this could be the only opportunity for the Senate to go on record with respect to pharmaceutical cost containment. I say to my colleagues, when you go home and people ask you about the prices seniors are going to be paying for prescription drugs under Medicare—look at the prices they are paying right now—I would not want to have to explain why I was against having the kind of bargaining power you see in the private sector every single day. So when I come to the floor this week with Senator SNOWE and others, I hope colleagues will see—and maybe there are other ideas out there—that this will be the only opportunity perhaps this year to hold down the costs of prescription drugs before the program is to be implemented next year.

So when colleagues open the newspaper and see that the cost of the program has gone from $400 billion to $500 billion and to $700 billion—and I guess next we will hear about a trillion dollars—I hope they will remember that when they vote on the Snowe-Wyden legislation in the course of the week. This is legislation that Tommy Thompson said he wished he had, and CBO says it certainly has the potential to save for single-source drugs, and that goes on in the private sector all the time. The Secretary of Health and Human Services still will have substantial discretion under this legislation. So I hope colleagues will look at it.

I also make the point, in closing, that this is not just removing what has been called the noninterference language. This goes beyond the so-called noninterference language and says that the Secretary would have to respond when private plans say they need that additional tool, and for what are called fallback plans, where it is deemed that there is inadequate competition.

The question of health care is certainly going to be more important in the days and years ahead. It is going to be very important in the context of this budget because the proposal that deals with the Medicaid program is misguided. It cuts before it reforms. I believe that is going to hurt the poor and it is going to hurt the States.

The Senator from New Hampshire will say—and will say correctly—that it is really not a cut; there is still going to be growth. But the bottom line is that it takes dollars out of the States and local governments to serve the poor when there is a time of increased enrollment and difficulties in paying for long-term care coverage. That is why it is wrong. In addition to the Medicaid part of the budget, the budget does not address cost containment in Medicare prescription drugs. I am very sad we were unable in the committee—on partisan vote, we lost by 2 votes—to get some private sector bargaining power into the Medicare prescription drug program at a time when the costs continue to escalate. Senator SNOWE and I will be on the floor this week about this.

I urge my colleagues to, as they consider this vote, recognize that this, perhaps, will be the only opportunity in this session of the Senate to vote to contain the cost of the prescription drug program before it starts in 2006. I hope the Senate will heed the words of Secretary Thompson, who said in his last days in office he wished he had this power. Under our bipartisan legislation there is an opportunity to respond when the private sector believes it needs additional leverage. It is just common sense.

Unlike the concerns expressed earlier by the Senator from New Hampshire, who was concerned about additional spending, this is going to be about deficit reduction. This is going to be about saving money in one of the fastest growing parts of the Federal budget. It is about getting serious as we try to reign in the costs of health care that are escalating beyond those of any other in our society.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I yield 15 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 15 minutes.

Mr. KYL. Mr. President, I thank the Senator from New Hampshire. Let me begin by congratulating the Senator from New Hampshire, chairman of the Budget Committee, for the hard work he has put in, along with members of his committee, in crafting and getting a budget to the floor of the Senate and explaining in very clear and convincing terms not only the state of the economy right now but the basis for the budget that has been submitted. I compliment him for his hard work in that regard.

I am going to talk for a moment about the economic growth we have enjoyed in this country in the last couple of years and why I think that economic growth has occurred and, to some extent, discuss some of the ideas that have been propounded about increasing the tax rates that we had earlier reduced in the 2001 and 2003 tax cuts of President Bush, which sunset, and they will be increased unless we extend those tax cuts.

In the budget that the chairman of the Budget Committee has presented, there is assumed an amount of money for tax reduction that is reconciled, and among that would be a couple of years' worth of extension of the tax cuts that we passed with respect to capital gains rates and the rate for taxing dividends. In both cases, we reduced the amount of the tax to 15 percent. Both of those expire in the year 2008.

In addition, there are some other tax cuts that expire before then, and part of this budget assumes that those tax cuts will be extended through the life of this budget, which is 5 years or, in other words, through the end of the year 2010. The effect of that is to conform those tax rate cuts with the other tax rate cuts on marginal income taxes, for example, as well as the others that we extended last year so that they would all expire at the same time. We already have at that same time the estate tax being eliminated in the year 2010. So at least we would be sending a couple strong signals as a result of adopting this part of the budget that, No. 1, we believe in these tax cuts, and, No. 2, that we have no intention of letting them expire.

The reason for that is we all want to have in place Government policies that promote economic growth. We all know that the economy is neither created nor sustained by the Government. Sometimes the best we can do is get the Government out of the way and let the entrepreneurial spirit of the American people provide the kind of growth we have come to enjoy. We know a growing economy increases not only opportunities for Americans, provides better jobs, and improves our standard of living, but it also does something else. From a Government standpoint, it helps to bring in more revenue to the Treasury because the more robust the economy, the higher the taxes paid into the U.S. Government Treasury. So there are a lot of different reasons to have a robust economy, not the least of which is to bring in more revenue to the Treasury.

We have created almost 3 million jobs since May of 2003, not even quite 2 years ago, at the time these tax cuts of 2003 were enacted. The GDP growth for 2004 was 4.4 percent, and real aftertax income was up by over 11 percent since the end of 2000. Household wealth is at an all-time high. I just saw the statistics for my own State of Arizona. Unemployment is 4.1 percent, and for my hometown of Phoenix, it has to be a whole lot less than that.

The bottom line is that all over this country, we are enjoying great economic growth which has created opportunities for everyone. As I said, this comes from private economic activity, not the Government. It is the people of our country who undertake this activity. They either perform a service or they make something, and sometimes they lend and invest money as well, which helps the economy, because they hope to make money with their individual efforts.

We know if tax rates get too high, then people lose some of the incentive to work because the aftertax reward is worthless. In other words, when the tax rate says if you work any more than this, the Government is going to take an increasingly large percent of your money, you do not work more than that. And when people work less, productivity falls. That hurts economic growth and, ironically, it decreases tax revenues to the Federal Treasury.

If governments raise taxes in an attempt to make up this shortfall, the downward spiral is perpetuated because as you take more money out of the private sector, it has less money to generate the capital, the job creation, and the growth that we have come to expect, and, therefore, the economy does not do as well. If it does not do as well, you end up with less tax revenue coming to the Treasury.

So raising taxes may sound like a good idea in the short run, but in the long run it not only hurts revenues to the Treasury, it hurts the economy as a whole.

The best thing the Government can do is to support private economic activity by minimizing Government constraints on productivity. According to economists, keeping tax rates low on work, savings, and investment is what generates sustained economic growth.

I have had the opportunity to meet a very interesting Arizonian. He is the 2004 winner of the Nobel Prize in economics, Dr. Edward Prescott. He is from Arizona State University. He has studied the effect of high tax rates on a person's willingness to work and found, not surprisingly I think, that people do work less as tax rates on labor increase.

It is a classic study of how high marginal tax rates; that is the tax rate imposed on a person's next dollar earned, cause people to actually work less. When people work less, they are less productive. Less productivity translates into less tax revenues for the Government.

If we stop and think about this for a moment, if one wanted to increase taxes and bring in a lot of revenue, why they would set a tax rate of 100 percent. And what would happen if we had a tax rate of 100 percent on our income? Well, why work? All of it is going to be taken by the Government. The same thing is true if it is at 95 or 90 or 85 or 80.

Some of the European countries, in particular the Scandinavian countries, found this to be true. If taxes are raised too high, people simply will not work because they are giving all of their money to the government. It simply is not the case that more money is brought in by raising tax rates. This Nobel Prize winner found the exact opposite is true.

Similarly, savings and investment generate economic growth by giving businesses access to capital that they need to grow and invest in innovation and to create more good-paying jobs.

The reduced tax rate on dividends and capital gains that I mentioned before encourages private individuals to let business use their money to help expand the economic pie.

There is an interesting argument that it is consumer spending that drives economic growth, but the truth is that consumer spending alone, or even primarily, does not generate sustained economic growth because consumers buy what has already been made, while economic growth requires a provision of increasing amounts of goods and services.

Moreover, our society hardly has a problem with too little consumer spending. In fact, during the last recession consumer spending stayed very strong at the same time that investment had fallen off very sharply. When investment was encouraged by reducing the tax rates on dividends and capital gains, investment rebounded and so did the economy and job creation.

The economic downturn from which our economy has strongly rebounded now is responsible for about half of our Federal budget deficit. Most of the remainder is a result of the spending proclivities of the Congress.

When taxpayers—and that includes both businesses and individuals—earn less money as a result of a recession, they owe less money in taxes. So we can see the effect of the recession on Federal revenues. They went down. The economy lost more than 900,000 jobs from December 2000 to September 2001 and then lost almost another 900,000 jobs as a result of the September 11 terrorist attacks. So these attacks, combined with the collapse of investment following the tech bubble of the late 1990s, as well as the high profile corporate corruption scandals that ensued, triggered a recession and resulted in a precipitous drop in tax revenues which are now beginning to return to normal levels.

At the current level of taxation, the average level of revenue to the Treasury will be achieved by the year 2010, which is the year through which this current budget goes. There is no reason then to modify the tax rates by causing them to go up in order to bring in more revenue. By extending the 2001 and 2003 tax rate cuts through the year 2010, we will be producing the average amount of revenue that has existed ever since the end of World War II. So the suggestion that Congress repeal the 2001 and 2003 tax cuts in order to alleviate the deficit would be the economic equivalent of cutting off one's nose to spite one's face.

The economic activity encouraged by the tax cuts has pulled our economy out of the recession, and we should not get rid of these successful tax cuts to address an issue, namely the deficit, that is already being addressed very effectively by the budget submitted by the Budget Committee, which will reduce the deficit to 1.3 percent of GDP by 2010.

The final point I address is why we should not use what is called pay-go for policies that would end up hurting our economic growth by applying this so-called pay-go rule to the tax reductions called for in the budget. To understand why it makes no sense to pay for tax reductions in the same way that it makes sense to pay for spending increases, one has to look at how each affects the economy differently. Pay-go, or the requirement that one offset a theoretical loss of revenue on one hand with an increase in revenue on another to net out so that there is the same amount of money, pay-go for taxes is based on two false presumptions: first, that the money belongs to the Government and, second, that it must always be replaced and never reduced.

When we stop and think about it, that is a fairly ridiculous notion, that there is only one level of income to the Government that is appropriate forever and ever. The correct presumptions are that the money belongs to the people who earn it in the first place in the private sector; and secondly, that taxes must be justified by their cost to the economy, which must be growing in order to produce revenues. So it is not the cost to the Government revenues in the first instance that is important. It is the cost to the economy which is what produces those revenues that is important.

When Congress cuts taxes, it leaves the money in the private economy where it can be used most efficiently. It does not cost the Government anything to leave the money in the economy. In fact, as I discussed earlier, when Congress cuts tax rates, it restores some of the incentives for increased work and savings and investment in the economy. So tax cuts such as these not only expand the economic pie for everyone, but they can also bring additional revenue into the Treasury.

There are two recent examples that demonstrate this effect. Historical analysis of revenues to the Treasury from capital gains demonstrates that revenues to the Treasury increased when the tax rates are cut. There are three reasons that a reduction in the capital gains tax rate tends to increase tax revenues. First, the unlocking effect, which expands the tax base, because realizations increase in response to the lower tax rate. An investor might have been reluctant to sell stock or land or whatever it might be that had appreciated significantly in value because of the tax that would have to be paid at that time. When the tax rate is cut, the investors are then able to decide, hey, the tax rate is cut. I will not have to pay as much in taxes. I will go ahead and sell this stock or this piece of land and realize my gain and have to pay less on it. So it is the unlocking effect.

Secondly, more efficient decisions by investors. When tax rates are low and constant, fewer investors will avoid selling stocks purely for tax reasons, making their investment decisions much more efficient and sensible. This is related to the unlocking effect but also has to do with investors paying less attention to tax considerations in the first place, which is how we would like to have the Tax Code operate.

Finally, an increase in the value of existing assets. When capital gains taxes are lowered, the value of existing assets necessarily increases. Tax revenue rises as owners of stock pay taxes on the higher value of their assets when realized.

So for all three reasons, one can actually see there is an increase in revenue to the Treasury as a result of reducing the rate at which capital gains are taxed.

The recent progrowth tax cuts have actually increased revenues to the Treasury. This is because, as the economy grows, people in businesses have more income on which to pay more taxes, even if they are paying lower rates. How do we know this is true? In the second half of 2004, individual income tax revenue was up 10.5 percent compared to the same period in 2003. So the evidence is there.

Now, why should pay-go not apply to tax cuts but apply to Government spending? As I said, if Congress raises taxes to offset tax cuts, it basically cancels out the benefit of economic effects by not leaving on net any additional money in the private economy where it can be used to expand the economic pie. So if the whole point is to allow more money to stay in the private sector, the point is totally defeated.

The PRESIDING OFFICER. The Senator has used 15 minutes.

Mr. KYL. I ask for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. You totally defeat the point, if you have to replace the revenue by taking it out of the economy somewhere else, if you have to replace it in the Federal Treasury. So it makes no sense to put more money back in up here and then be required to take it out down here.

But the exact opposite is the case with respect to Government spending because it takes money out of the private economy, if you are going to finance that spending. Taking resources out of the private economy hurts economic growth because these resources could be used more efficiently by private actors than the Government. So if Congress raises marginal tax rates to finance the spending, it will hurt the economy even more by reducing beneficial incentives to work and save and invest. But with respect to spending, pay-go makes every bit of sense in the world. If Congress increases Government spending in one area and then pays for it by reducing Government spending in another area, Congress has not taken resources, net resources from the private economy, alleviating at least some of the negative economic effects of excess Government spending. And by not further adding to the deficit, Congress is acting more responsibly with taxpayer dollars that it does collect.

So the bottom line is that pay-go makes absolutely no sense with respect to tax cuts, the whole point of which is to leave more revenue in the private sector. It makes every bit of sense with respect to spending increases because there your whole point is to try to keep spending level. So if you increase it in one area, obviously you need to cut it by a like amount in another area, thus the so-called pay-go.

I hope these remarks help to make the point that we have a great and robust economy, and that we can sustain that growth by the sensible policies that are embodied in the budget that has been presented by the Budget Committee. I certainly encourage my colleagues, as this debate unfolds, to appreciate the arguments that we have made today and to support the budget that has been submitted

The PRESIDING OFFICER. Who seeks time? The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself one-half-hour.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 30 minutes.

Mr. KENNEDY. Mr. President, Americans are a strong and generous people, but this is a weak and selfish budget. It gives more to those who already have the most and further deprives those who have the least. It gives the rich and powerful what they want while denying our families, our communities, our Nation what they need.

Our national budget should reflect the generosity of spirit and the commitment to fairness and opportunity that characterizes the American people. Instead, this budget lacks the courage of American convictions. It betrays our most fundamental beliefs as a nation. As religious leaders of many faiths wrote Congress, this budget turns its back on our Nation's oldest and most enduring values of compassion, justice, and honesty. It demands an unequal sacrifice and so is unworthy of who we are as children of God.

As Americans, we are known for our rugged individualism. We are stirred, even today, by the heroic images of pioneers pushing westward to build new lives for themselves and their families. But we are also good neighbors. The settlers traveled to the West in wagon trains because they knew that the survival of their families depended on strong communities working together for the common good. They lived by the Golden Rule, not only as a moral mandate but as a necessity. That is our American heritage, neighbor helping neighbor, all of us contributing to our communities and to our Nation to make us stronger.

But this budget turns its back on those values. It assumes that Americans are selfish, that they prefer more tax breaks for wealthy individuals than greater opportunity for everyone. It assumes that Americans are selfish, by cutting back on access to higher education and training instead of enhancing our strength and competitiveness so that more of our citizens can fulfill the American dream in the global economy. It assumes that Americans are selfish, by increasing investments in defense without also increasing our commitment to reducing child poverty in America. It assumes that Americans are selfish, by borrowing billions more each year from Social Security to cover President Bush's distorted priorities instead of paying back the trillions of dollars that the White House has already taken from Social Security to pay for its tax breaks for the wealthy and the corporations.

It assumes that Americans are selfish by providing $70 billion more in tax breaks, primarily benefitting the wealthiest taxpayers, while cutting billions from Medicaid that would go to provide health care for our poorest citizens. The tax cuts on dividend and capital gains income provided for in this budget will give billionaires an average annual tax break of over $35,000 while families with incomes under $50,000 will receive only $6 per year in tax savings. To assure continuing opportunity for our citizens, we must strengthen our commitment to education and health care. Without these commitments we weaken the American middle class, and the challenge of poverty will continue to grow.

In just the past 4 years, middle-class families have seen their health insurance premiums jump 59 percent, college tuition rising some 35 percent, housing going up some 33 percent, and gasoline up 22 percent.

At the same time, their jobs, the middle class jobs, are being shipped overseas and the new jobs created in today's economy make it harder and harder to provide for their families and plan for their future. The newer jobs provide lower wages, less health care, and fewer opportunities to save for a good retirement.

The answer to this challenge is not to lower our wages but to raise our skills. We must invest more in education and job training.

Just a week ago we had the debate on the floor of the United States Senate about increasing the minimum wage. We thank all of our colleagues on this side of the aisle for voting for it, and thank the handful of those on the other side voting for an increase in the minimum wage. Britain has now raised its minimum wage to $9.75 an hour, and it will be $10.29 an hour in the year 2006. It has seen a decline in unemployment, a steadying of its inflation rate, and has moved over a million children out of poverty.

Nonetheless, we refuse to give hardworking Americans an increase in their minimum wage at a time when those who have opposed our minimum wage are talking about more tax breaks for the wealthiest individuals in the dividend tax rate they are going to propose in this budget. A week hasn't even gone by since they said no to those interested in a raise in the minimum wage, and it is yes to those who are going to get a nice tax break.

When it comes to equipping our citizens for job opportunities for the future, this budget actually cuts back on our national commitment to education for the first time in a decade. The cuts in education over the next 5 years will total over $40 billion.

Look at this chart, "The Proposed Education and Training Budget." "Cumulative Cut of $40 Billion Over the Next 5 Years."

The United States responded to the challenge of the Industrial Revolution by developing our high schools. Then came World War II, and what was our response? We had the GI bill. What the figures show is that every dollar that was invested in those veterans of the greatest generation was returned sevenfold into the Federal Treasury.

Then we were faced with the sputniks in 1957. What did we do, cut back on education? Cut back on training? Absolutely not. We went from about 2 cents out of our Federal dollar to 5 cents out of our Federal dollar. Now we are in a downward spiral in terms of supporting education over the period of the next 5 years. This is cumulative some $40 billion. We ought to be investing in our young people, providing them with continuing education and providing them with continuing skills. This budget cuts back on education and cuts back on the skills.

This chart reflects this budget that is before the Senate. They are advocating increased tax breaks for wealthy individuals, and this chart indicates where those tax breaks are going to come from.

I have shown in the past these budget cuts in a favorite proposal, No Child Left Behind. We will hear from the other side: We have increased it 20, 30, 40 percent over a period of years. But these are the number of children who are going to be left behind in the Bush budget that is before us at the present time. Don't ask those of us who are opposed to this budget, who think it doesn't reflect the best of our national priorities. Go and ask the head master at your local school. Go ask your school board. Go ask your teachers. Go visit the classrooms. Find the overcrowded classrooms. Ask your children if they are being challenged, whether they are getting the supplementary services? They will tell you they are not.

It is amazing. When we passed the No Child Left Behind, we thought included in that legislation was that at the end of 12 years every child in America was supposed to be proficient. That is in the legislation. Every child in America was supposed to be proficient. How are we going to have every child in America proficient when you are leaving out almost half them a year when we are supposed to have the No Child Left Behind?

When we passed Social Security, we didn't say we are going to leave out 20 or 30 percent; we said all seniors are going to be eligible. When we passed

Medicare, we didn't say we are going to just do it for 80 percent or 70 percent; we said it is all Americans.

I liken this to if President Kennedy said we are going to go to the Moon and we went to the Moon and left the astronauts there. Included in going to the Moon was getting the astronauts back down. Not in the No Child Left Behind. We are leaving out all of these children. This budget continues it.

Again, money isn't the only answer in education, but it is a pretty clear reflection of what a Nation's priorities are. In this legislation, we are cutting back on student loans. Tiny increases to the Pell grants will mean college is still less affordable next year for 673,000 young Americans. Cuts are out there in the Gear-Up Program, in the TRIO Program. Upward Bound Programs—initiatives that will open up college doors for millions of young Americans—cuts in vocational education, cuts in adult education. Cuts in job training means that millions of our citizens will be unable to obtain the jobs they need to provide for their families and their communities.

Just look at what is happening now in America. This is the national average of what is happening in our schools across the country. Out of every 100 ninth graders, 68 of these 100 will graduate from high school. Out of every 100 ninth graders, 40 of them will enroll in college, and 27 will stay enrolled as a sophomore. Out of the 100 ninth graders, 18 will graduate on time. This is what is happening in the United States of America with K–12.

We don't say we have all the answers, but we have some. We know you have to have a well-trained teacher in the classroom. We know you have to have a small enough classroom so the teacher can teach the children. You know you have to have parental involvement. You know you have to be able to test children to find out why they are falling a little bit behind so you can get them supplementary services so they can catch up. We know what needs to be done. You have to give some of those limited English speaking students some additional help. You have to be sensitive to the needs of special needs children.

We know what needs to be done, but this is what is happening now in the United States of America. What does this budget do about it? Virtually nothing. It cuts back on further support. The Bingaman amendment addresses this issue and provides some help and relief in terms of the children.

We will come back to the issues on education, but I want to say another word about what this budget does with regard to Medicaid, which is a lifeline for 50 million poor women, children, elderly, and the disabled. In fact, a third of all newborns in America and their mothers rely on Medicaid for care.

The Republican Party and the Bush administration say they are for a culture of life, but this action makes that an empty claim. Cutting Medicaid is one of the most damaging actions to a culture of life any administration could take. This budget fails to reduce by a single person the 45 million Americans who are without health insurance today. The number is growing when it should be a high priority for Congress and the administration to ensure that no American goes without adequate health care.

I don't know about the rest of our colleagues, but when I travel around my State of Massachusetts, people say: What in the world are you doing in the Senate in terms of health care, coverage, and cost, and the cost of prescription drugs? When are you going to deal with it? You are taking care of the large corporate interests with your class action bill, and you have taken care of the credit card companies with the bankruptcy bill. Now you are considering a budget that is cutting back on the education and cutting back on the lifeline to many of the neediest people in our society and cutting back on Medicaid. It cuts back on children, it cuts back on the disabled, and it cuts back on the disabled who have been wounded, actually, in Iraq. They will depend upon the Medicaid Program because of their disability, and this program is being cut back. Still we see these reductions.

This budget freezes the fund for health research at the National Institutes of Health. We are in the period of a life science century with what we have seen in terms of mapping of the human genome, the sequencing of the gene, all of the possibilities that are out there at the present time, unlimited possibilities. If we saw the potential cure for Alzheimer's, we would empty two-thirds of the nursing home beds in my State of Massachusetts. We are at the brink of that. What does this budget do? It cuts back on those kinds of possibilities. It makes no sense whatsoever.

It cuts back on our commitment for disease prevention, for controlling the flu, the epidemics, minority health care, for children's hospitals. We are training the pediatricians—this budget cuts back in that support. It cuts back in rural hospitals, the training for nursing, and the bioterrorism preparedness.

We worked in the area of bioterror preparedness to get our homeland security—to be able to detect it. We need to get support for the public health services and contain it. That is where you need the hospitals and the teams to be able to do it. You have to build up that infrastructure in order to be able to retain it, and you have to be able to treat the people affected by it. What we have seen in this legislation is the reduction in terms of those extremely important elements in our battle to deal with bioterrorism.

I thank the budget chair and the ranking members for including a provision in this reserve fund for using information technology that may be very helpful to us in terms of getting a handle on the issue of health care and health care costs, and also for the work that was done with regard to the pension system which we are dealing with at the present time.

I believe this budget fails the basic test of fairness and equity for the American people. It certainly does with regard to the education programs in this country.

I want to add a word of strong support for the Bingaman amendment which we will be considering very shortly, particularly the aspects of the Bingaman amendment that relate to school dropouts.

Dropout prevention is such an incredibly important program. We have areas in the country where we have as high as 30 or 40 percent in dropouts. That program has effectively been eliminated. The champion for that dropout prevention program is the Senator from New Mexico. I admire his perseverance and his commitment. Where we have dropout prevention programs, it makes a great deal of difference in keeping children in school rather than having them drop out into a life that lacks meaning and purpose. He has made this effort not only in the dropout program but also in the Gear-Up and in the TRIO Program.

Let me mention very quickly what the Gear-Up Program really says.

About 82 or 83 percent of our children in Boston are participating in the Gear-Up Program, which takes a whole class of children of the cities, and ties them, in effect, to our schools and our universities and our colleges of higher learning. We bring the colleges and the students together by the classes to provide help and assistance to the class itself, so the class has a sense that it is moving along and moving along together. It has had an extremely important and significant result. It has had a very important impact and result on the children that are part of the whole class that is moving up, to think that there are other children or young people and students who are in colleges that will work with them, spend time, volunteer, work with them on whatever their particular needs are.

And it has had a dramatic impact on children in college who have benefited, who have a sense of what it means to get back to these students.

Nonetheless, we see those programs—the Gear-Up Program and the TRIO Program—heavily undermined. The Bingaman amendment provides extremely important help and assistance.

Finally, on the education. We passed last week, under the excellent direction of our friend and colleague Senator ENZI, the career and technical program Perkins legislation, which had such extraordinary support in providing skills to individuals. The graduates in my State, even though we have one of the highest unemployment rates of any of the industrial States, are in excess of 90 percent. It has been that way for a very significant period of time. Better than 90 percent are passing the general academic tests. These young people are getting good academic training and are acquiring skills which are necessary in the new economy.

What are we saying to them? After we have a vote in the Senate of 99 to 0—not a single vote in opposition—we are effectively undermining that program in a dramatic way. The Bingaman amendment addressed that.

Before this budget debate is completed, I intend to offer an amendment that puts this Nation on the road and on the pathway of eliminating child poverty in this Nation. Let me show where we are with child poverty. The United States has the highest child poverty rate in the industrial world at the present time. It has grown over the last 3 years to an absolutely unacceptable rate. Over the last 3 years, the number of children now in poverty has grown by 1.3 million. This is completely unacceptable for this Nation.

This chart shows one in five American children now live in poverty. It is particularly endemic in terms of the national average now at 18 percent: 30 percent Latino, 34 percent for African Americans.

The children are much more likely to live in poverty than adults or the elderly. Adults 18 to 61, 11 percent; seniors 65 and older, 10 percent; children 18 years and under is 18 percent. This is a matter of national urgency. It is a matter of national disgrace.

I intend to offer an amendment for a 1-percent surtax on the taxes being paid by millionaires to be designated to battle the problems of child poverty in this Nation, with the goal of cutting it in half in the next 10 years. We will have an opportunity to do that.

I thank Members on our side, the Senator from North Dakota and our colleagues, for raising many of the issues on health and education in the course of the discussion and debate. Hopefully, some of these amendments will be favorably considered. If a budget is to reflect a nation's priorities, this budget needs a great deal of strengthening. I look forward to the debate and, hopefully, to the acceptance of some of these amendments.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from New Hampshire.

Mr. GREGG. Mr. President, I will briefly respond to a couple of points raised by two of the prior speakers, the Senator from Oregon and the Senator from Massachusetts, relative to the Medicaid issue. It is critical to understand this issue in the context of Medicaid spending generally and more importantly in the context of the type of reform being proposed here by the President and through the President's lead counsel and promoter on this, Governor Leavitt, the former Governor of Utah, now head of HHS.

One would think from listening to the other side, especially the Senator from Oregon and the Senator from Massachusetts, that we were creating a scorched-earth policy against all poor children in America by initiating some sort of Medicaid reform. The hyperbole is rather excessive and does not comport with the numbers or with the actual proposal.

This chart reflects the rate of growth of Medicaid over the next few years on an annualized basis. Today we spend $191 billion in Medicaid. Under the proposal being put forward, we will spend $256 billion on Medicaid in the year 2007. That compares with the projected rate of growth of Medicaid of $260 billion for Medicaid. In other words, over a 5-year period, the actual reduction in rate of growth will be almost negligible by the terms of what the Federal Government looks at relative to numbers. It is obviously a big number, but it is still not, compared to the overall number, a large number. In fact, it is about 1 percent in the reduction of the rate of growth. To cite the numbers again, over the next 5 years we will spend $1.12 trillion on Medicaid.

The President has suggested we try to find $14 billion, that we restrain that rate of growth by $14 billion, which means a 1-percent reduction in the rate of growth, which is hardly dramatic and certainly not scorched earth, to say the least.

Members can only accept that type of hyperbole if you are not willing to accept the facts of what has actually occurred. That rate of growth will therefore be a 39-percent rate of growth over this period of time compared with what would have been a 40-percent rate of growth had we not made this reduction in the rate of growth. Hardly dramatic in terms of the overall context of either the program or the Federal budget, but anyone would think it was devastating.

To make this type of an adjustment, are we going to have to impact programs for children? No. Are we going to have to impact programs for senior citizens who want to go in nursing homes and who are poor? No, we do not have to impact either of those. There are at least seven or eight elements of the Medicaid Program that, working with the Governors, we could change which would significantly improve the delivery of service and, at the same time, reduce the rate of growth of Medicaid to come up with these numbers.

Right at the top—everyone is familiar with it—is intergovernmental transfer taxes. Basically, what has happened for the last 12 years is that States have used Medicaid money through an intergovernmental transfer tax where they essentially spend money on the nursing home, they send Federal money to the nursing home, tax the nursing home, take the money from the nursing home, leave the nursing homes with a small percentage of what they were actually paid under the Federal program, take the balance off—sometimes 90 percent of it—put it into the general funds operation of the State and then run back to the nursing home another small percentage so that in the end the State government uses 80 or 90 percent of these funds for general operation accounts, for running the State government, but not for helping people who are on the Medicaid system. That is a game that has been played.

Every Governor knew 5 years ago this process was going to come to an end. And, in fact, there was a glidepath set up under the Clinton administration because the Clinton administration had about the same frustrations with this approach as the Bush administration did, a glidepath for basically weaning the States from this process of using Medicaid money for general operations accounts.

That glidepath was supposed to end about 2 years ago, maybe 3 years ago now. It did not. It has continued to bump along this process of taking money from Medicaid to fund general operations. This administration is suggesting we put an end to it. It may not be the approach the administration takes, but if it were to take that approach, that would be $5.5 billion potentially of the $14 billion number.

One of the other approaches which might be considered would be to limit the Medicaid pharmaceutical reimbursement to the average sales price plus some percent, say 6 percent. That is a reasonable approach, basically saying you cannot pay more for pharmaceuticals than the average price being paid out there plus some percentage. That would save $5.2 billion. So you already have over $10.2 billion worth of savings if you took those two. And you don't have to take those two because there are about six more.

You can close the loophole that permits managed care organizations to avoid Medicaid rules. That is about a $1.2 billion number. That is not going to hurt anybody out there other than the folks who have been gaming the system, again, the insurers in this case, through managed care systems.

You could permit States to require additional copays. That is also a reasonable approach, quite honestly, because there are a lot of folks out there who could afford additional copays. It would be up to the States to set that policy. That would save significant amounts, probably $2, $3 billion.

You could give States greater flexibility to allow them to use SCHIP to apply their benefit structure around. This issue of flexibility could actually, in this case, end up expanding coverage to many more kids while still probably saving the States money, depending on how the States manage this. That could be a significant savings.

There are literally, as I mentioned, 7, 8, maybe 10 different proposals out there which would get you the $14 billion without having any impact at all—any impact at all—on the number of kids covered by Medicaid or the number of people going into nursing homes, other than maybe expanding the numbers, because you have given Governors more flexibility with the dollars they will presently have. And most Governors will use it more efficiently and create more money.

One other issue I think Governors would like to address and could address is this whole situation of gaming the system. A lot of people are spending down. You can go on a Web site, especially in Florida, and you can see where they will tell you how to get rid of your assets so you can become a ward of the Federal Government and your assets are passed on to somebody else who happens to be a friend or family member, which is hardly fair to the rest of the taxpayers in this country who are then going to have to take care of you because you have decided to game the system with a spend-down proposal.

So the programmatic activity is clearly available. And how is this going to be approached? Well, essentially, we have suggested this $14 billion number. To put it in context, here is a chart that shows the $1.1 trillion that is going to be spent over the next 5 years. Here is the $14 billion. You can't see it on the chart because it is a very small line, but that number would be what we would ask the Finance Committee to reduce in the rate of growth of spending in the Federal Medicaid account. So they drop from 40 percent to 39 percent over the next 5 years.

To reach that number, how are they going to do it? I don't know how they are going to do it. But in meeting with Governors and in meeting with Governor Leavitt, it became very clear that there is, I believe, a willingness to develop a consensus as to how to approach this issue, and there is a genuine desire to do it. There is a genuine desire to accomplish this.

I suspect that before the Finance Committee marks up—and we actually put some flexibility on timing here relative to reconciliation so the Finance Committee will have time to work with the Governors—there will be a consensus position amongst many of the Governors, hopefully bipartisan—I suspect it might be bipartisan—as to how to set up this programmatic activity necessary to restrain the rate of growth in Medicaid and still deliver more services to more kids and more elderly who are moving into nursing homes. This will mean that although this bill states a number, it does not set the policy, but the policy will instead be set working in conjunction with the Governors, with Governor Leavitt leading the effort, and then working with the Finance Committee.

But why is the number so important? Why is it so important to have a reconciliation instruction rather than virtually saying to the Finance Committee, go ahead, you take care of this, you can do it on your own? Well, it is so important because without a number to drive the process, without a reconciliation instruction driving the process, nothing is going to happen. That is the nature of the beast. That is what happens. If we do not have some forcing mechanism, some catalyst to get everybody in a room together to say, well, we better do something because we have to act, nothing is going to happen.

Equally important, obviously, anything such as Medicaid reform is going to be very hard to get 60 votes on because there are a lot of folks around here who tend to be scared of their own shadow and don't want to vote on something that is going to put them in a position where they would actually have to make a reduction in the rate of growth of spending of anything, especially Medicaid. So it is critical to get to where we need to go. It will first be the catalyst which energizes the Governors coming together—they already are coming together, but it actually energizes an agreement, I believe. And it will give the Finance Committee the necessary guidance.

Why is this so important? Well, I return to the chart that is the essence of the argument around this debate of this budget, which is, what are we going to do about the outyear crises which we are facing as a nation? What are we going to do about the fact that our generation, when it retires, is going to have placed such a huge demand on our children that they simply are not going to be able to afford the decent lifestyle we have?

This chart puts it in stark terms. The Senator from North Dakota has a lot of charts that appear to be stark, but this is a truly stark chart because it makes it very clear that these three elements of the Federal Government—Medicaid, Medicare, and Social Security, the three retirement elements—will be unaffordable and will make the Federal Government inoperable within about 20 years from now unless we start to address it.

I wish Medicare were on the table. It is not. And maybe next year we can do that. But we are transitioning into a new Medicare system with the Part D drug program and people did not want to take on that issue right at this time. And I hope Social Security will be discussed at some point by the Senate and we will act on that. But that cannot be done by the budget because the budget does not have that authority.

That leaves us one more option, one place where we can actually make a conscientious effort to try to get something going in the area of addressing the outyear costs of this Nation, and that is Medicaid. That is why every time somebody comes to this floor and talks about how this Medicaid number is inappropriate and is going to have a dastardly effect on some poor and suffering population, I am going to rise and point out that is a lot of baloney, that the simple fact is the numbers point out just the opposite.

This is a very small restraint in the rate of growth of one of the three most critical programs we have in the area of entitlements. All the restraint which is proposed in this reconciliation instruction can be accomplished by addressing the provider groups and addressing better management of the system and addressing the fact that States have been gaming the system.

AMENDMENT NO. 142

Mr. President, I have a unanimous consent request. I send a technical amendment to the desk. This has been agreed to on both sides. I ask that the amendment be agreed to by unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 142) was agreed to, as follows:

AMENDMENT NO. 142

(Purpose: To make technical corrections in the printing of S. Con. Res. 18)

On page 8, line 14, strike the amount $491,526,000,000 and insert $491,562,000,000. On page 30, line 17, strike the amount $70,154,000 and insert $70,154,000,000.

Mr. GREGG. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I believe I have some time left. Do I? I ask if I would be able to have 3 minutes. I don't think I used all my time. Perhaps I yielded it back.

The PRESIDING OFFICER. The Senator was originally allotted 30 minutes and had 7 minutes remaining.

Mr. KENNEDY. Mr. President, I ask to reclaim 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I would ask my friend and colleague from North Dakota—we heard about how plush the Medicaid Program is and that there are no alternatives left. It is my understanding in this particular proposal there is a $70 billion tax cut. Am I correct, there is approximately $70 billion that will be included in this budget?

So there are questions of priorities, that there will be $70 billion in tax cuts at a time when we are listening to those talking about the pressures that are on the States in terms of Medicaid.

I am wondering whether the Senator would agree with me that we have seen a loss of health insurance for 5 million American workers, a growth in poverty among children—nearly three quarters of a million more children fell into poverty between 2002 and 2003, and 4 million more Americans fell into poverty in the last four years, and the States are hard pressed. Would the Senator not agree with me that all of us are strongly against the kind of asset protection frauds that take place? That isn't what we are talking about here. My understanding of this is that there are going to be some real cuts for people and real benefits for people. I was interested in what the Senator from North Dakota felt about these priorities.

Mr. CONRAD. Mr. President, the Senator is correct on both counts. No. 1, there is $70 billion of tax cuts that are in this budget before us; that is, net tax cuts. Ironic, given the fact that we are running record budget deficits. Secondly, with respect to Medicaid, the two drivers that are very adversely affecting Medicaid are, No. 1, we have had millions of additional people come into the system, so the number of people who are dependent on Medicaid is growing dramatically. Of course, as the Senator well knows, medical inflation is running much higher than the underlying rate of inflation. That has put enormous pressure on the Medicaid program.

It is also fair to say it is undeniable that there are people who are engaged in spend-down schemes to reduce their assets so they qualify for Medicaid. That is also putting pressure on the overall circumstance we face. We have had, between 2000 and 2003, 8.4 million new enrollments in Medicaid. That is because, as the Senator so well knows, of the economic downturn. The recession meant millions of additional people were pushed onto the Medicaid rolls. That has put enormous pressure on spending.

We also have the hard reality, as I mentioned this morning, of the United States not being able to pay its bills. We face an incredible challenge going forward with respect to Medicare. In fact, the shortfall in Medicare is many times the shortfall in Social Security. I indicated this morning, the shortfall in Medicare is eight times the shortfall in Social Security.

I wanted to talk a little bit about the Social Security problem because we are going to be addressing that a lot. One of the things that gets too little attention is the underlying assumption about Social Security. The forecast for economic growth that is the basis for the concern about Social Security is a very low rate of economic growth over the next 75 years. They are projecting a rate of economic growth of about 1.8 to 1.9 percent. Economic growth over the previous 75 years was 3.4 percent.

One of the major components of economic growth is productivity growth. This chart shows the Social Security actuaries are assuming productivity growth at this red line. They are assuming productivity growth of 1.6 percent for the next 75 years. Yet in recent years, we have been getting much higher rates of productivity growth than their estimates. You can see in 2000 to 2004, the productivity growth has been in the range of 3.6 percent.

It is important for people to know that the underlying assumptions about a problem in Social Security assume quite pessimistic views of economic growth, and of course productivity growth is one of the central components of economic growth going forward. The actuaries are assuming over the next 75 years productivity growth of 1.6 percent, when in the most recent 4 years we have had productivity growth of more than double that amount.

Here is the problem we face with Social Security, and we face this problem with Medicare and, to an extent, we face it with Medicaid as well. This is the number of Social Security beneficiaries who are going to retire. Currently we are at about 40 million beneficiaries. As this chart shows, that number is going to grow dramatically to over 81 million by 2050. It is this demographic bulge that is putting enormous pressure on the Social Security Program, Medicare Program, the Medicaid Program, and what makes the overall budget circumstance utterly unsustainable.

Curiously enough, the President acknowledges we have a shortfall in Social Security of $3.7 trillion. But in his budget, the first thing he does is take another $2.5 trillion out of Social Security over the next 10 years. I want to be clear about this. The President says we have a shortfall in Social Security. He is right. The estimates are widely put at $3.7 trillion over the next 75 years. Again, that is based on a very pessimistic forecast of economic growth, much lower economic growth for the next 75 years than we have had over the previous 75 years.

The President's first move is to take all the money that is available to take out of Social Security over the next decade, $2.5 trillion worth, something he had promised not to do. So he is making the problem much worse.

In fact, when the President submitted his budget in 2002, he said:

> None of the Social Security surplus will be used to fund other spending initiatives or tax relief.

Now let's look at what he is doing. He is doing precisely the opposite. He is taking every penny of Social Security money that is available and using it to pay for other things. Over the next 10 years, from 2006 to 2015, here are the Social Security surpluses during that period. I use the word "surpluses" advisedly because it is really not surplus. It is a temporary surplus. There is more money coming in from the Social Security trust fund than is going out in each of these years for the next 10 years, $184 billion in 2006 income over and above outgo. That builds up by 2015 to a $300 billion surplus in Social Security. That is, we are getting more revenue than we are spending in benefits.

Under the President's budget and under the budget that has been submitted by our colleagues, every penny of this money is being used to pay for other things, every penny of it, instead of being used to prepay the liability or pay down the debt to better position us to meet the promise of Social Security. Instead, under the President's plan, he is taking all of it, $2.5 trillion, and using it to pay for other things.

When the President says there is a shortfall in Social Security of $3.7 trillion, again that is based on an assumption. The assumption is the economy is going to grow at about 1.8 or 1.9 percent every year for the next 75 years.

In the previous 75 years, the economy has grown at 3.4 percent. So this is a very pessimistic forecast. But using that forecast, the shortfall of Social Security over 75 years is $3.7 trillion. Over the same period, the cost of the President's tax cuts is much more—$11.6 trillion. So I hope that helps to put this in some perspective for those who are listening.

The President's answer is to, first of all, cut the benefits dramatically. He proposes moving from an indexing of the benefits from a so-called wage indexing to price indexing. The benefit reductions that flow from that decision are the following: Those retiring in 2022 would see a 10-percent reduction; in 2042, a 26-percent reduction; in 2075, almost a 50-percent reduction. So that is what happens to those folks.

Then there is another part of the President's proposal that deserves attention, and it has gotten virtually none. That is the offset provision. The way the offset provision works is quite unusual. Under the President's plan, if you set aside money for your private account—let's say you set aside, over 40 years, $1,000 a year. That account balance assumes a real rate of return of 3.7 percent. Real rate of return is rate of return plus inflation. The rate of return is 6.5 percent. The loan is compounded at a 5.8-percent nominal rate. To put it in plain English, say you put aside $1,000 a year and you get a 6.5-percent rate of return during that period. At the end of the period, you would have $92,000 in your account in today's dollars. But that is not yours free and clear under the President's plan, because they assume the Social Security trust fund loaned you that money. They want to get paid back and they want to get paid back with interest. So when you hear the President say that is your account, you got your name on it, nobody can take it away from you, that is true as far as it goes. But it leaves out a very important fact. The very important fact it leaves out is that you owe the money—underlying money, the thousand dollars a year plus interest—you owe it back. But you don't pay it back out of your individual account. You pay it back out of your other Social Security benefits. Under this scenario, where you have put aside $1,000 a year and you have gotten a 6.5-percent rate of return, you would owe back $1,000 plus the real rate of return of 3 percent, or roughly 5.8 percent, including inflation. So you would owe back $78,000—not out of your individual account, but out of your already reduced Social Security benefits.

I have never heard the President describe it this way, but I have gone over his plan in great detail with his people and that is how it works.

Let me give you another possibility, because you know this is assuming—the first chart here—a 6.5-percent rate of return. What if you don't get that good a rate? What if you get a lower rate than 6.5 percent on your investment? Under the President's plan, workers earning 5 percent must repay 120 percent of the value of their individual accounts. I know that sounds unbelievable, but that is the way it works, because they are making an assumption that the money that went into your individual account was loaned to you by the Social Security trust fund; they expect to be paid back and they expect to be paid back with interest. Whether you made money on your account or not, they are expecting you to be paying back the money that was theoretically loaned to you, plus interest. So in this case, let's assume you put $1,000 a year aside in your account, and that your account only got a 5-percent rate of return. At the end of the period, you would have $64,000 in your account, but you would owe back $78,000 because they are expecting that thousand dollars a year back, plus interest. They are expecting a real rate of return—3 percent plus inflation—roughly 5.8-percent rate of return on what you have to pay back.

Now, I want to go through this again because I don't think a lot of people understand that is how these private accounts work. I hope it is clear to people from looking at this, you could wind up owing back more than you have in your account. OK. Let's go over it one more time so that people have a chance to see how this works.

Under the President's plan, you are able to put aside $1,000 a year into your account. You are able to earn a return on that. In this example, over a 30-year period, if you set aside $1,000 a year and you have a 6.5-percent rate of return, you would have $92,000 in your account in today's dollars. But, remember, you have to pay back what was theoretically loaned to you from the Social Security trust fund. You have to pay back the $1,000 a year, plus interest. The interest that they are expecting to get back is 5.8 percent. So you owe back, under this example, $78,000 in today's dollars. Again, you don't pay it out of your individual account or your personal account; you owe it back out of your traditional Social Security benefits.

I am going to conclude on this example. I see the leader is here. I want to make sure we go to him next. He has a lot of other things to do.

In this example, let's say you only earned 5 percent a year for 30 years. Actually, this example is over 40 years. If you only earned 5 percent a year, you would have $64,000 in your account, but you would owe back $78,000—again, not out of your personal account, but out of your already reduced Social Security benefits. So I think it is very important for people to understand how this works.

The final point I will make is, at the very time the trust funds of Social Security and Medicare go cash negative, the cost of the President's tax cuts explodes. Remember, he is making these tax cuts permanent. The cost increases dramatically over time. What this chart shows is the green bars, which are the Social Security trust fund, running, as we described, surpluses now. The blue bar is the Medicare trust fund. When those go cash negative out here, at that time, the cost of the President's tax cuts explodes, driving us right over a cliff into huge deficit and debt.

This is a plan that does not add up. It does not make sense and it fundamentally threatens the economic security of the country.

I thank my colleagues and yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, today, we begin a critical and important debate on the Federal budget. We will be on that debate over the course of the week. I know it will be a good debate and a spirited debate, as it has been over the course of the day. The budget blueprint we adopt in the Senate will guide all of our spending and tax legislation for the remainder of the first session of the 109th Congress. It is absolutely critical that we pass this resolution before we leave at the end of the week and that we stay on track to have a conference agreement with the House of Representatives following the Easter recess period.

I do want to begin by congratulating the chairman of the Senate Budget Committee, Senator GREGG, and his committee members for bringing forth before the entire Senate today this resolution. This is Senator GREGG's first budget resolution as chairman, and having been a member of the Budget Committee and working with Senators CONRAD, NICKLES, and DOMENICI in the past, I know what a difficult challenge, indeed a struggle, it can be to put together the budget. It is a hard task. It is a thankless task in many ways. But in record time the chairman has succeeded in reporting a budget to this body.

I also thank the ranking member, Senator CONRAD, and the Democratic members of the committee. While I know Senator CONRAD and his colleagues do not support the resolution as it is today, I thank him and members for cooperating and allowing this process to proceed so we can begin this important task and begin the debate, as I mentioned earlier, that will be spirited and will be important and substantive over the course of the day and the next several days.

We, as elected representatives of our respective States, do have a responsibility to our constituents, to the Members of our delegations and, indeed, to the country to govern. Governing requires budgeting, and budgeting is governing. Households and families across the country know when they sit down and do their own budgets that many times their wants go much further and much larger than what revenues and resources they might have. What will play out here over the course of this week, I believe, in our Federal budget is really no different than what individual families and households must do—many times seeing that our wants go much further than our resources.

The first President Bush captured this in his inaugural address when he noted:

> Our country's will is often greater than our wallet.

So, yes, budgeting requires tough decisions, difficult decisions, and many times unpopular decisions. Budgeting not only requires allocating those limited resources in ways that address the real threats we face today, but also the challenges we inevitably will face tomorrow. It requires allocating those resources on programs that are needed today and away from those unneeded, those unnecessary programs from the past. It is a matter of prioritizing.

Budgeting requires allocating the taxpayers' dollars in the most effective and the most efficient ways possible, while recognizing that not everything in the Federal Government today, in terms of the funding the Federal Government does today, has to be funded tomorrow. Budgeting does require making choices, it requires making tradeoffs, and it requires making sacrifices.

The budget resolution that Chairman GREGG's committee has brought before the Senate does set priorities and does make those difficult tradeoffs. The budget resolution before us today for some does not do enough, and for others it does too much. For some, it reduces the rate of Government spending too much, and for others it simply does not reduce it enough. For some, it reduces taxes too much; for others, it does not reduce taxes enough.

There are several things this budget does accomplish.

The budget, first and foremost, cuts the deficit in half within the next 5 years. The Federal deficit is projected to decline from nearly $400 billion this year to nearly $200 billion 5 years from now, from 3.2 percent of our economy to 1.3 percent over this 5-year period.

The budget resolution we debate does allocate resources to winning the war on terrorism, providing the necessary support for our military men and women overseas. It is an honest budget in that it accounts for the $82 billion war on terror supplemental for this year that we will be debating just after the next recess, and it sets aside $50 billion for next year to continue, if needed, funding for the war.

The budget resolution does make the difficult and hard decision to limit the growth of spending in other areas of the budget, and for that area of the budget annually appropriated for nondefense programs, this budget is tough, essentially freezing that area of the budget next year and beyond. By setting priorities and not funding unneeded and inefficient programs as identified in the administration's program assessment and rating tool, called PART, education, HIV/AIDS, highways, health research, and other high-priority programs could receive increased funding even within the overall restraint imposed.

This budget resolution for the first time in almost a decade also tackles that area of the budget known as entitlements. Entitlements will consume nearly $7.7 trillion over the next 5 years. Some will argue that by restraining entitlement spending $34 billion over the next 5 years, it does not do enough in this area of the budget that will, and I repeat, consume $7.7 trillion over this same period of time. What is in this budget amounts to about a 0.4-percent reduction. Others will say it does too much. It is a balance. It is a beginning in an area that has been too long neglected.

Finally, this budget resolution does make room for the extension of expiring tax provisions. It is projected that the Federal Government will collect over $12.5 trillion in taxes over the next 5 years. Extending tax provisions that promote a growing economy, reducing taxes by $70 billion—and that is about 0.5 percent of the total collected over the next 5 years—is a small investment for maintaining and continuing our growing economy.

Let me be clear about one other thing. For those who might be watching the debate this week, this is a congressional budget. Yes, it reflects the principles outlined by President Bush in his executive budget submitted to Congress a little over a month ago, but what we will be debating this week is the congressional budget resolution, not the executive budget. It is ours. It is this body's to mold and adjust as we reflect on our responsibilities to govern and to make those what we know will be difficult tradeoffs.

It is also the beginning of the congressional budget process. It is not the end. We will not be appropriating moneys in this resolution for specific programs, but we will be saying how much of our resources should be devoted to annually appropriated programs.

We will not be dictating specific policies to reduce entitlement spending, such as Medicaid, farm programs, or student loans, but we will be saying that it is time for Congress to lessen the overall growth of these programs that threaten our fiscal future.

We will not be writing the tax bill this week in this resolution, but we will be saying to the tax-writing committees: You have the authority to extend expiring tax provisions or make other changes in tax laws to continue to support economic growth in the future.

The budget resolution is a broad outline of what this Congress thinks should be the level of spending, the level of revenues, and the level of deficits or surpluses over the next 5 years. It is not substantive law, but once adopted it will guide substantive law for the remainder of this session. Once adopted, it will become the blueprint upon which our fiscal house is built throughout the spring and summer.

In closing, over the 30 years that the Congressional Budget and Impoundment Control Act has been in existence, Congress has failed only three times to agree to a budget resolution. Only once in that 30-year history did the Senate not even consider a budget resolution. Unfortunately, two of those three times that we failed to adopt a budget resolution have been in the last 4 years—in 2001 and then again last year. Once it happened under Democratic control, and once it happened under Republican control. Yes, we patched together in those years ways to have some fiscal guidelines on the appropriations process, but other critically important, other vital elements of the congressional budget process were simply lost. They were unavailable.

This budget resolution will restore those needed enforcement provisions. Agreeing to a budget is becoming a more challenging event every year. But I ask, are the issues that we confront at home and around the world today so much more challenging than they were when President Carter faced a daunting energy crisis at home? Or when President Reagan confronted the Soviet Union and won the Cold War? Or when President Bush faced a brutal dictator invading the neighbor Kuwait? Or when President Clinton observed in late 1998 that we then had a historic opportunity to save Social Security for the 21st century?

In all those years, we confronted major challenges, but we still worked within the framework of a budget. It is our responsibility to govern. It is our responsibility to produce a budget. It is our responsibility to move America forward. I do not expect that this year will be any easier than in the recent past, but I am confident that for the sake of this institution and the congressional budget process, we will do the most basic of our responsibilities this year—produce a budget.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I will take a couple of brief minutes to respond to the leader and indicate that the problem I see is the words continue to be good, but the words are almost totally divorced from the reality of this budget. The longer I am here, the more stunned I am at what a gap there is between rhetoric and reality.

The rhetoric is all about fiscal responsibility and restraint, but that is not what this budget does. That has almost no connection to this budget.

What am I talking about? I am talking about going back and looking at what this budget is doing and adding back the costs it has omitted. The majority leader talked about the $80 billion of the supplemental it has for the war. Yes, it does. Unlike the President, he has no money for the war past September 30. At least this budget has $50 billion in a reserve fund for the war, but nothing beyond that.

The Congressional Budget Office says that is not the cost of the war. The cost of the war is over $380 billion, not $130 billion. There is a $250 billion difference. Well, if we put that back in and we put back in the alternative minimum tax that costs $700 billion to fix, there is not a dime in this budget to do it. We all know it is going to have to be done. Three million people were affected last year. Ten years from now it is going to be 40 million people. Does anybody believe we are not going to do anything?

Last year, the President at least said, here is the money for 1 year. Now he has nothing. This budget from our colleagues has nothing. The $700 billion is left out. I said to the President's people when they showed me this budget, why did you not leave out some more things and claim you balanced the budget?

They said they are going to cut the deficit in half. They are going to cut the deficit in half by imagining. They are going to cut the deficit in half by leaving things out. When we put back the Social Security money that they are taking, $2.5 trillion that they do not count, here is what one sees: Operating deficits every year approaching $600 billion.

Somebody out there may be saying, well, that is Senator CONRAD. He is from the other side. He is the loyal opposition. He is giving his view of it.

No, it is not just my view of it, this is their own budget document. Looking at their own budget document, this is what it shows. This is their projection of what the debt will increase by every year of this budget. This is a copy of their budget document, page 5. Here is what it shows. This is their estimate of how much the debt is going to increase every year if their budget is adopted.

Remember what the words were that we just heard. He said the deficit is going to get cut in half over the next 5 years. Is that not what he said? Did he not say he is going to cut the deficit in half over the next 5 years?

Well, here is what their budget document says is going to happen. They say the debt is going to increase in 2006 by $636 billion. This year, they say it is going to increase by $669 billion, then $636 billion, then $624 billion, then $622 billion, $611 billion. Does one see it getting cut in half? Where is it getting cut in half?

They are talking about a deficit projection that leaves out things. When the things are put back that are left out, the amount that is getting added to the debt every year is not getting cut in half. It is hardly being cut at all. This is their budget document.

In this town, words seem to matter more than reality. If the deficit is going down, how can it be the debt is going up so fast? Could it be something is being left out?

Here is what has happened to the debt: $3.3 trillion in 2001, headed for $9.4 trillion in 2015. This debt is going up like a scalded cat. And that is the publicly held debt. Here is the gross debt: $5.8 trillion in 2001. We are headed for $15.8 trillion in 2015, all at the worst possible time, right before the baby boomers retire.

They can put any characterization they want on this budget. They can use any words they want. They can talk about fiscal restraint and getting serious about the deficit. The numbers do not lie. The numbers in their own budget show the debt going up $600 billion a year every year of this budget. Those are their numbers. So when they say they are cutting the deficit in half and they are being fiscally responsible, it is all words, but it is totally detached from the reality of this document, and it is totally detached from the reality of this budget because their own numbers show—and I will go back to it. This is their document out of their budget. They say the debt is going to go up $669 billion, and then the next year it is going to go up $636 billion, and then the next year it is going to go up $624 billion, and then the next year $622 billion, and the next year $611 billion. Where is the deficit getting cut in half?

These are not my numbers. These are their numbers in their budget document. None of this adds up. Running massive budget deficits, running massive trade deficits, $600 billion a year of trade deficits, we are borrowing money all over the world.

Foreign borrowing by this President has gone up 92 percent. We had a trillion dollars of foreign holdings of our debt in the first 200 years of this country. Under this President, in 4 years it has gone up almost 100 percent. As a result, we owe Japan over $700 billion. We owe China almost $200 billion. We even owe South Korea $69 billion. So what? What difference does it make? The difference it makes we have seen twice in the last 2 months. We saw South Korea announce they were going to diversify out of dollar-denominated securities. The stock market went down 170 points in a day. The dollar went down sharply. Then, just a week ago, the head of Japan said they are going to diversify out of dollar-denominated securities. The dollar took another big hit. The dollar is down 33 percent against the Euro in the last 2.5 years. Is anybody watching? Is anybody paying attention? Does anybody care? Does anybody understand the consequences of the risks that are being run here, of massive deficits, of massive debt, of massive borrowing from countries all around the world that makes us more and more vulnerable to decisions they make in their central banks, and the warning signs?

First South Korea says: Boy, I don't know about holding all these dollars. These dollars keep going down in value. Why should we hold onto them? Maybe we should get into some other currency.

The head of Japan says: Boy, this is risky business. I don't know if we should keep doing this.

Warren Buffett, one of the most successful investors in the world, says he is betting against the dollar in 2005. Last year, he made a $300 million bet against the U.S. currency, and he made a lot of money on that bet. This is risky business.

I indicated the last few weeks I talked with somebody who, last year, had been at the annual meeting of one of the most wealthy families in America. They told him they are getting ready to diversify out of dollar-denominated securities because of these massive deficits that are being run and the risks of a run on the dollar. This budget just continues that risky strategy.

I see the Senator from New Mexico is here. I yield 20 minutes off the resolution to the Senator from New Mexico.

AMENDMENT NO. 143

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] for himself, Mr. KENNEDY, Mrs. CLINTON, Mr. DODD, Mr. AKAKA, Mr. SARBANES, Mr. LAUTENBERG, Mr. LIEBERMAN, Mrs. MURRAY, Mr. LEVIN, Mr. HARKIN, and Mr. OBAMA, proposes an amendment numbered 143.

Mr. BINGAMAN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To restore funding for education programs that are cut and reduce debt by closing corporate tax loopholes)

On page 3, line 10, increase the amount by $400,000,000.

On page 3, line 11, increase the amount by $6,420,000,000.

On page 3, line 12, increase the amount by $2,052,000,000.

On page 3, line 13, increase the amount by $628,000,000.

On page 3, line 19, increase the amount by $400,000,000.

On page 3, line 20, increase the amount by $6,420,000,000.

On page 3, line 21, increase the amount by $2,052,000,000.

On page 4, line 1, increase the amount by $628,000,000.

On page 4, line 7, increase the amount by $4,750,000,000.

On page 4, line 16, increase the amount by $200,000,000.

On page 4, line 17, increase the amount by $3,210,000,000.

On page 4, line 18, increase the amount by $1,026,000,000.

On page 4, line 19, increase the amount by $314,000,000.

On page 4, line 24, increase the amount by $200,000,000.

On page 4, line 25, increase the amount by $3,210,000,000.

On page 5, line 1, increase the amount by $1,026,000,000.

On page 5, line 2, increase the amount by $314,000,000.

On page 5, line 7, decrease the amount by $200,000,000.

On page 5, line 8, decrease the amount by $3,410,000,000.

On page 5, line 9, decrease the amount by $4,436,000,000.

On page 5, line 10, decrease the amount by $4,750,000,000.

On page 5, line 11, decrease the amount by $4,750,000,000.

On page 5, line 15, decrease the amount by $200,000,000.

On page 5, line 16, decrease the amount by $3,410,000,000.

On page 5, line 17, decrease the amount by $4,436,000,000.

On page 5, line 18, decrease the amount by $4,750,000,000.

On page 5, line 19, decrease the amount by $4,750,000,000.

On page 17, line 16, increase the amount by $4,750,000,000.

On page 17, line 17, increase the amount by $200,000,000.

On page 17, line 21, increase the amount by $3,210,000,000.

On page 17, line 25, increase the amount by $1,026,000,000.

On page 18, line 4, increase the amount by $314,000,000.

On page 30, line 16, decrease the amount by $400,000,000.

On page 30, line 17, decrease the amount by $9,500,000,000.

On page 48, line 6, increase the amount by $4,750,000,000.

On page 48, line 7, increase the amount by $200,000,000.

Mr. BINGAMAN. Madam President, the amendment I have sent to the desk relates to the level of funding in this budget for education. It proposes to restore the funding level to the level we are currently operating under here in 2005, so that in 2006 we would have as much Federal funding going out for education as we had in 2005. We would not have any more. We would not have enough to account for additional inflation. We would not have enough to account for additional students, children coming into the school system. But we would have the same amount if my amendment is adopted.

The budget resolution before us embraces and adopts the worst education budget the country has seen for well over 10 years. Writing budgets is about setting priorities. Anyone who reads this budget must conclude that education is not a priority for this Congress or for anyone who supports this budget. Simply put, the budget proposal before us does not provide sufficient funding to sustain current funding levels in many education programs. In title I, in IDEA, it provides no significant increases in funding. There is really no funding provided for the new initiatives which had been talked about by the administration. The resolution adopts the President's budget and, by implication, it endorses the cuts the President has called for.

The budget would eliminate 48 educational programs and would drastically cut funding for several other programs. My amendment, as I said before, would merely restore the $4.8 billion in funding for these programs. It also provides for deficit reduction as part of the same amendment.

In December of 2001, there were 87 of us here in the Senate who voted in support of No Child Left Behind. I was one of those. We recognized there was an unacceptable achievement gap in this country between low-income students and more affluent students, or students of more affluent families. So, with broad bipartisan support, we decided to hold schools accountable for the academic achievement of all students, but we did so with the recognition that the Federal Government was obligated to support these reforms and to implement them wisely. On a bipartisan basis we calculated what it would cost for States and schools to implement the law, and we authorized the programs accordingly.

The administration assured many of us that it would support these commitments of funding. Three years later, however, we find the programs authorized under No Child Left Behind underfunded by about $12 billion this year alone. Since enactment, we have actually seen a cumulative shortfall of almost $27 billion. That is reflected on this chart, starting in fiscal year 2002 and 2003, 2004, 2005. The first year, the shortfall was $4.22 billion; the next year, $5.38 billion; the next year, $7.55 billion. These are not added together on this chart. These are the shortfalls for each year. But the cumulative shortfall in No Child Left Behind programs, when you include this budget that has come before us now, would approximate $39 billion.

I do not believe there is a Member in the Senate who has not heard about the challenges their States and their school districts face in attempting to implement the No Child Left Behind legislation. Yet the resolution fails to provide adequate funding to help the States and to help our school districts implement the law. It provides minimal increases for title I grants to States which serve the country's most impoverished schools; minimal increases for IDEA. To make matters worse, because there are no increases in overall funding, these inadequate increases are paid for by proposals to eliminate and slash other critical education programs.

Since the passage of No Child Left Behind, we found that the number of schools failing to meet adequate yearly progress—and that is the key phrase in the legislation: AYP, adequate yearly progress—the number of schools failing to meet adequate yearly progress for 2 or more years has nearly doubled. It is nearly 11,000 schools nationwide. These schools are facing sanctions under No Child Left Behind.

What we mean by sanctions is that they will be required to expend an amount equal to as much as 20 percent of their title I grant to provide school choice and supplemental services; that is, transportation to other schools and supplemental services. These schools require resources. They will require technical assistance and expertise and effective strategies if they are actually going to improve. Many of these schools will not find the resources they need to turn themselves around.

Further, No Child Left Behind requires that all core academic teachers be "highly qualified" by the end of the 2005–2006 school year. That is this next school year. Our schools are gearing up to try to meet that requirement. Yet, astonishingly, this budget fails to provide any increases in title 2 for teacher and principal training and recruitment. In fact, it eliminates or slashes a number of teacher preparation programs. At a time when educators around the country are fighting to meet the challenges of No Child Left Behind, rather than providing them with the necessary resources, this budget actually cuts the ground out from under them. The committee may actually undermine their best efforts to improve student achievement and teacher quality and to meet our goal of closing the achievement gap.

Moreover, I am afraid the budget resolution can be seen as something of a shell game. The resolution set a nearly identical level of discretionary spending as is in the President's budget. There is just one exception: the President's budget sets a very clear policy decision and identifies where the severe cuts are to occur. This resolution adopts the President's budget, but it obfuscates policy decisions by failing to provide budget assumptions.

The level of funding in the budget resolution is nearly identical to the President's. It is insufficient to meet the needs of current spending and meet the need of the President's priorities, and it fails to say where the cuts will actually occur.

The resolution endorses the President's budget but hides the truth about from where those cuts will come. Since it endorses the President's budget, the only thing we can assume is that it endorses the President's priorities as well as his cuts.

These are the programs the budget eliminates. Let me show chart 2, which is a list of educational programs the President has recommended we eliminate. There are 48. I know it is impossible to read from any distance, but I will have a chance in the rest of my remarks to point out that many of these programs are meritorious and deserve our continued support.

The shell game nature of what is going on here is most evident in the context of high school reform. The President proposes a $1.5 billion high school reform initiative. Who could not support that? It sounds like a great idea, but, unfortunately, it is paid for by eliminating a number of critical high school programs, including Perkins Vocational Education.

Just last week, here in the Senate we voted 99 to 0 in favor of reauthorizing the Perkins Vocational Education Act. Through the leadership of the chair and ranking member of the HELP Committee, we crafted a strong career and technical educational program in a bipartisan manner, and we did so despite the President's call to eliminate the Perkins program entirely. Clearly, 99 of our colleagues recognized that career and technical education is an important part of strengthening our high schools. This budget, however, does not provide sufficient funds for both the Perkins program, which we all endorsed last week, and the high school reform initiative that the President indicated he supports. Ninety-nine members voted in support of Perkins, but obviously that support is not real if we do not support it with funding. The budget resolution does not do that.

The chair of the Budget Committee cosponsored the Perkins legislation, spoke on the floor in support of the program, but the budget resolution would eliminate the program. In the budget that was sent to the Congress, the President proposed a new $1.5 billion high school reform initiative. Most of us agree that we need to do more at the high school level.

Forty percent of our high school graduates are not ready for the demands of college or the competitive workforce. Clearly, I support what the President has recommended by way of increases to advance placement and math and science partnerships and reading programs. But the President would pay for these increases by eliminating or slashing other high school programs—the vocational education program that I just mentioned, the Smaller Learning Communities Program, the TRIO Program, the GEAR UP Program. Obviously, the President is entitled to believe that those programs I just listed do not work, although the evidence, in my view, proves otherwise. I believe most Members of the Senate believe otherwise. We need to be clear to the American public, though, that this resolution does not provide support for these critical programs.

I believe we all want to strengthen our high schools, and there are effective ways to do so. It is noted on the Department of Education's Web site, which anyone can log on to.

When the size of the learning community and the learning environment is reduced, and closer student-teacher relationships are provided, the benefits for student learning become apparent very quickly. Students learn better in smaller learning communities. They experience a greater sense of belonging to their school. They have fewer discipline problems. Crime and violence, gang, and alcohol and tobacco abuse decline. This budget, however, eliminates the $95 million that we have in current funding for smaller learning communities.

The TRIO and the GEAR UP programs have helped millions of underrepresented student populations prepare for and succeed in college.

To understand the breadth and success of these programs, it is worth noting that TRIO serves more than 55,000 students in Texas, 25,000 students in Pennsylvania, 6,000 students in Maine, and 9,000 students in Montana. Nevertheless, the budget would eliminate the program.

GEAR UP, which currently serves more than 1 million students nationwide, has been extremely effective in preparing low-income students for postsecondary education, as well as improving the academic achievement of the students who participate in this program in high school. I know how effective the program has been in my State of New Mexico. ENLACE, a GEAR UP program in our State, has been very successful in helping Hispanic students to develop leadership skills, prepare for college, and advocate for their own education. This budget would eliminate funding for more than 4,000 students who participate in the program in Virginia and 7,000 students in Rhode Island.

With regard to graduation rates, this country is facing a crisis. The best estimate we have is that only 68 percent of our Nation's high school students actually graduate with a high school diploma in the time allotted for high school completion. The number is significantly worse if the student happens to be African American or Hispanic or Native American.

I am pleased to hear the administration talking about increasing graduation rates. The low graduation rate of our students is a national disgrace. We recognized this problem in the No Child Left Behind Act, and we required States and schools to increase graduation rates as part of adequate yearly progress, or AYP. But we also recognized the challenges of mandating higher graduation rates without adequate resources, and we authorized $125 million for States and school districts to develop innovative dropout prevention programs. The President has proposed to eliminate that program.

With all due respect, we cannot talk about increasing graduation rates and at the same time propose to eliminate efforts that would help decrease dropouts.

This program received less than $5 million last year. The administration calls for its elimination because it is too small and too ineffective.

The argument is circular. If we funded the program anywhere near the level that it is authorized, then it would not be too small, and it would not be ineffective.

Members talk about stemming the tide of dropouts, but eliminating dropout prevention programs is not the way to do that.

We have real challenges. Too many of our students are leaving high school unprepared to meet the demands of college and a competitive workforce.

This budget eliminates critical and effective programs, such as comprehensive school reform, education technology, Safe and Drug-Free Schools, parent information centers, gifted and talented programs, school counseling, Ready to Teach, Arts in Education, Even Start, National Writing Project, foreign language assistance, and school leadership.

The administration claims that programs such as mental health integration and school counseling are not a priority or they are funded elsewhere. Unfortunately, when you look at where they are funded elsewhere, the funds there are also being cut.

The administration claims that many programs are too small, or funds for programs such as Safe and Drug-Free Schools are spread too thin to be effective. I think the evidence is clearly to the contrary. Students in Oregon learn about the dangers of steroids because of that Safe and Drugfree Schools program. Safe and Drugfree Schools helps families in Iowa, helps prevent alcohol and drug abuse in Minnesota, helps strengthen families in Iowa, provides critical funding to prevent youth violence in Richmond, VA, and on and on. There are many examples. My own State loses $3 million under the proposed budget of the administration and that this budget resolution contains.

Taking a step backward, in my view, the budget eliminates education technology grants. We need to build on efforts to integrate technology into learning, not cut back on those efforts. Particularly, this is important for rural schools. We need to increase access to courses, equip teachers with advances in technology, and provide students with the means to compete in the global economy.

There is substantial money involved in education technology funding. Schools in Pennsylvania receive $17 million; schools in Texas, $42 million; Florida, $23 million; Colorado, $4 million; Georgia, $15 million; Virginia, $8 million; my home State of New Mexico, $4 million.

By eliminating these critical programs, we will be causing real harm to real students and schools. Using the Department of Education data, here is a sample of who participates in these programs. Some of the programs I have listed have a substantial number of students involved. Comprehensive school reform: 2,473 schools benefit from that, approximately, and 1.18 million children benefit from that program. Small learning communities: 591 schools and 591,000 students were to be served in 2004. It is clear there are actual effects on students from the cuts we are proposing.

The budget also slashes funding for other critical programs such as adult basic education and literacy, Grants for Innovative Programs, and Advanced Credentialing.

My colleagues tout increases in title I spending since the President took office. There have been increases of Title I spending. A significant amount of that increase has been added by the Congress and not requested by the administration. There have been increases and the administration asked for some of those increases. But we are still substantially below what we authorized.

The level of funding is still cumulatively, if this budget is approved, $39 billion less than what we authorized for No Child Left Behind Programs, and $30.8 billion less than authorized for title I. The level is $3.6 billion less than the amount we authorized for this, this year in IDEA when that was reauthorized a few months ago.

It is also important to note that the increases were significant in only the first couple of years of No Child Left Behind. Last year, we saw an increase of less than $400 million in title I spending. This year's proposed increase is only about $600 million. In fact, the small increases are offset by changes in the poverty data and resulted in more than half of the Nation's school districts receiving fewer title I funds for the 2004/2005 school year. Ten States had their title I funds cut from the previous year's level. For this school year, Connecticut, Iowa, Kansas, Massachusetts, New Mexico, New York, Ohio, Oklahoma, and Oregon all see cuts from last year's title I allocation.

This chart shows a sample of the school districts in my State and the amounts they can expect. They have already been advised by the Department of Education that these lower amounts will be provided through title I funding for them from the current school year. The budget resolution would further complicate and add to those cuts that have already been made.

In my view, there is no higher priority for the future well-being of the country than the education of our children. I offer this amendment to bring the level of funding for education back to where it is in the current year. That is not too much to ask if we do believe that education is a priority.

I urge my colleagues to support education in this budget and to adopt my amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I ask unanimous consent at 5:30 today the Senate proceed to a vote in relationship to the Bingaman amendment, with no amendments in order to the amendment prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Madam President, the game plan now is to recognize the Senator from Tennessee and then the Senator from Maryland.

Mr. CONRAD. At this point, if we could get an order for Senator ALEXANDER and Senator SARBANES.

Mr. GREGG. I also ask, after the vote is completed at 5:30 on the Bingaman amendment, if we could recognize Senator BENNETT at that time.

Mr. CONRAD. For what period of time?

Mr. GREGG. For half an hour.

Mr. CONRAD. All right.

Mr. GREGG. We yield to Senator ALEXANDER such time as he may use off our side of the bill and then we go over to Senator SARBANES.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, the Senator from New Mexico and I have a number of common interests in energy and science technology, and one of our common interests is making certain as we move into a more competitive world marketplace that we maintain our brain power in the United States of America because over the last period of time since World War II, about half of our good new jobs have come from there. I look forward to continuing the work within this budget, to set priorities that do that.

In this first year of a little bit of fiscal discipline, which is about all we are exercising this year, we may not do as much of that as we may be able to in the future, but I for one want to make sure that over the next 5 to 10 years while we are dealing with unsustainable growth in what we call mandatory spending—Medicaid and Medicare, spending that is on automatic pilot—as we try to deal with that growth, we do not squeeze out the investments in science and technology and higher education and advanced computing that we need to maintain our standard of living.

This budget is, in my view, a good budget. It does begin to exercise some fiscal discipline, but it is a modest exercise of fiscal discipline.

The bottom line is if we were to adopt the budget as presented, we spend $2.6 trillion—a number none of us can imagine. One way to get it into reality is to say it is $100 billion more than we spent this year. So, $100 billion, how much is that? It is enough to run the State of Tennessee for 8 years, and the State of Tennessee is not the biggest State; it is the sixteenth largest State. It collects about $12.5 billion a year of State taxes. We are spending a lot more money next year. We are not cutting the amount of money the Federal Government is spending of taxpayers' money; we are increasing it by $100 billion next year within this budget.

The Senator from North Dakota, who is as compelling and persuasive a speaker as we have on the Senate floor and has a wonderful way of presenting his charts, was making the point repeatedly. I heard him today saying that the debt is going up. He is right. The debt is going up. We are arguing about proposing to reduce the size of the annual deficit and to cut that amount in half, which means that every year we do not take down to zero the annual deficit, the debt goes up. I suppose his chart includes Social Security funding, too, so the debt goes up.

But this is a modest effort at fiscal discipline that means if this budget were adopted, we believe the deficits each year would be cut in half.

Now, these spending constraints are never easy, and they involve setting priorities. The President is right. I believe the budget we have proposed is right, to start, by trying to be as committed to the military men and women of this country as they are to this country. So it raises overall defense spending by 4.8 percent so we can provide our military with the equipment they need to safely and successfully finish their jobs of spreading democracy in the world.

The President's tax initiatives are continued. But within this budget there are significant investments other than for military and homeland security, which are our first priority.

Let me see if I can talk a moment about education since that was the subject of the statement by the Senator from New Mexico. Some of the figures that were used I did not quite understand because I have done my own calculating. For example, there is this constant reference to shortfalls in funding of No Child Left Behind. Now, I was not here when that happened. I do not know what the deals were that were made, what arrangements were made, and with whom. But the Senator from New Mexico said there was a $39 billion shortfall. I cannot imagine where that figure comes from because this year we only spent $37.8 billion on all of K-12 education.

The U.S. Government only contributes about 7 percent of the funding for our local schools in 15,000 school districts across the country. That is all it has ever contributed. It is not likely to contribute a much larger percentage. So there cannot be a $39 billion shortfall in No Child Left Behind since we only spent less than that total amount of money from the Federal Government.

In addition to that, let's look at what happened over the last five Bush budgets. There has been a 46-percent actual increase in Federal spending on No Child Left Behind. By comparison—I don't know what period of time that is for the Clinton years, so I won't say. But let's talk about President Bush. There has been a 46-percent increase over 5 years.

I checked in the State of Tennessee, where I am from, and the amount of increase in State spending for kindergarten through the 12th grade, through this period of time, would be more like 15 or 16 or 17 percent. Federal spending for kindergarten through the 12th grade during the Bush years, the last 5 years, has increased at the rate of about three times of what State spending has been. So if there is a tin cup, it is not in Washington, it is at the State capital.

I think it is very important that even in this time of fiscal restraint, when we cannot increase spending this year as much as some of us might like, that over the 5 years it has increased 46 percent.

This budget does include enough money for another $1 billion for No Child Left Behind, another $500 million for special education.

This is not an isolated commitment. Let's take another example of what has happened over the last 5 years. There has been a 34-percent increase in total U.S. Department of Education discretionary funding.

Title I was mentioned. Title I is the Federal education program that is directed, with a lot of flexibility, toward poor children. Now, it may not be reaching the poorest children. It goes directly to schools. And my guess is that the reason why the Senator from New Mexico was able to point out that some States were getting less and some States were getting more is that maybe No Child Left Behind is directing more of the Federal dollars where they are supposed to go; which is, to help our poorest children who are not learning reading and math.

In any event, there has been a 52-percent increase in title I spending over the last 5 years, at a time when State spending has been increasing at less than 20 percent, which is 35 or 40 percent of the Federal spending increase.

It is the same story with special education. There has been a 75-percent increase in Federal spending on special education over the last 5 years. Improving teacher quality: a 38-percent increase over the last 5 years under President Bush and this Congress.

Let's remember, the President does not appropriate a penny. We are shortchanging ourselves when we stand here and say No Child Left Behind was not properly funded. We do all the appropriating. They do not do any of it down at the White House. They send a budget up here, and we don't have to pay any attention it to at all. We do what we want to do.

What we have done over the last 5 years—I was only here for 2—is increase Federal spending for education at a Federal rate of two or three times as fast as it has increased in the States.

Let me give an example of improving teacher quality. There is an account in Washington in No Child Left Behind that gives about $50 million a year to the State of Tennessee for improving teacher quality. If all that money were spent on teachers, it would give each teacher in Tennessee about a $900 pay increase. It is a lot of money. Now, half that money came from closing another account. So let's say there is only $25 million new No Child Left Behind dollars for the teachers of Tennessee. That would be $400 or $500 per teacher. That is a substantial investment by the Federal Government, on an annual basis, to help those teachers improve their quality and become highly qualified teachers.

Now, if the State of Tennessee chooses to spend that on some other purpose, whether it is education or something else, that is the business of the State of Tennessee. But the money was appropriated here in Washington for that purpose.

And finally, all of us are interested in continuing higher education for the largest number of Americans. Sixty percent of our college students have a Federal grant or loan that follows them to the college or university of their choice. It is perhaps the most successful set of grant and loan programs anywhere in the world. It has created an opportunity for more Americans, a higher percentage of them, to go to college than anywhere in the world. We have the best system of colleges and universities anywhere in the world, primarily because we respect the autonomy of those colleges, and we appropriate a lot of Federal money, and we let students choose the college or institution of their choice to attend.

What has this Congress done over the last 5 years, including this budget that is proposed? There has been a 56-percent increase in actual Federal dollars for Pell grants. So when we talk about education, let's not sell ourselves short. We have been putting a very high priority, urged on by President Bush, on education over the last 4 years, and in this budget as well.

Let me mention three other areas about this budget. One has to do with opening the Arctic National Wildlife Refuge for oil exploration. Over the next few weeks, gasoline prices across this country are going to go up by about a quarter. Gas prices are already pretty high. We are bringing in oil from other places in the world, 70 percent of our nation's need. That does not make a lot of sense when we have a lot here on our own. We could bring in a million barrels of oil a day from Alaska if we would only vote to do it. That is about as much oil as Texas produces. We could begin to reduce our dependence on the rest of the world and lower our gasoline prices. We ought to do that.

In 1985 and 1986 I was chairman of President Reagan's Commission on Americans Outdoors. We recommended that we begin taking some of the money we use for drilling oil and gas on Federal lands and putting it into conservation purposes. Specifically, we said, let's create a billion-dollar fund for the Land and Water Conservation Fund.

I am pleased to say that under Chairman GREGG's leadership, this budget includes a provision that begins to follow that recommendation of the President's Commission on Americans Outdoors. It says if this Congress decides to allow exploration of oil in Alaska in the ANWR area that for 4 years $350 million will come from those revenues into a conservation reserve fund, and that then will be used for the Land and Water Conservation Fund, for wildlife preservation, for coastal protection, and for other purposes.

Our Commission thought, in 1985 and 1986, it made sense when we place any environmental burden that we balance it with an environmental benefit. We believe this is a sensible way to do it, and I hope other Members of the Senate will notice this important provision.

There is also in this budget something I want to talk about in a moment that has to do with unfunded mandates. But the last part of the budget I want to mention has to do with Medicaid.

There is a serious attempt in the budget proposed by our Budget Committee to begin to deal with what we call mandatory spending, the spending that is on automatic pilot. It is basically Social Security, which the President is urging us to deal with, Medicaid, and Medicare. The health care programs are about to consume all the money we have. If they are left on automatic pilot, as they are, we won't have any money for first-class universities, for preschool education, for implementing No Child Left Behind, for national parks, for local policemen, for local firemen.

The testimony we heard in the Budget Committee showed that unfunded Federal liabilities over the next 75 years will begin to take 25 percent of the gross domestic product of the United States. The whole Federal budget today takes less than 20 percent of the gross domestic product.

We can't sustain that. So this budget suggests that we restrain the growth of Medicaid spending by $14 billion over the next 5 years. We will be spending $1.12 trillion on Medicaid from the Federal Government over the next 5 years, and we are suggesting a $14 billion restraint in growth. No one should get a very big merit badge for that much fiscal discipline, but at least a little merit badge for trying.

That won't work unless we are willing to change some Federal laws because Medicaid is administered partly by the Federal Government and partly by the State government. But the trouble is, from a Governor's perspective, that the Federal Government sets the entitlement criteria. There are a dozen or so programs that States must offer in their Medicaid programs. The Federal Government decides—the bureaucracy—whether Governors get a lot of flexibility or none, and then the Federal courts increasingly have been saying that Governors can't take steps even to change or amend or reduce optional services as a way of restraining the growth of Medicaid so there will be money, for example, for pre-kindergarten.

Let me suggest the principles on which I believe this body could help the Federal Government and the State governments at the same time slow the growth of Medicaid a little bit. We are only suggesting that we slow the growth from a projected 41-percent growth in funding over the next 5 years to 39 percent. It is not much, but it is enough to cause some discomfort unless we make some changes. The principles we should follow then are: One, any reforms that we require ought to save money for both the States and the Federal Government. Two, the reforms must be voluntary. The Governors who manage these programs have to have flexibility. Three, we should not be cutting people off Medicaid who won't have any other health options.

There are some ways to do that which I will talk more about at another time. But, for example, we could change the law to make it easier for Medicaid to avoid overpaying for prescription drugs. We could change the law to permit States to crack down on Medicaid spend down abuses when wealthier individuals give away their money with the expectation that Medicaid will cover their health care costs. We could change the law to allow Governors to require copayments for benefits from those optional Medicaid programs which Governors choose to offer that the Federal Government doesn't require. We could change the law to give States more flexibility to allow mothers and children to enroll in what we call the SCHIP Program. And finally, we could make it easier for States to provide home- and community-based care for beneficiaries who prefer it to more costly nursing home care.

It is never pleasant to restrain spending, but it is absolutely necessary. Fifteen years ago, I spent my time as Governor trying to restrain health care spending so I could create centers of excellence at the universities, so I could maintain low tuitions, so we could pay teachers more. We were successful. But when I left the Governor's office in 1987, we were spending 51 cents out of every State dollar on education. Today it is 40 cents. Why? Because then we were spending 15 cents on health care. Today it is 31 cents on health care and headed up. If we don't begin to try to control mandatory spending in Medicaid and then Medicare, we will not allow the States or ourselves to invest in those programs that have to do with job creation that help us maintain our standard of living.

There is one other area I would like to mention. It has to do with a provision in this budget which increases to 60 votes the number of votes it would take to impose on State and local government what is called a Federal unfunded mandate. Tomorrow, March 15, is the 10th birthday of the Federal Unfunded Mandates Reform Act, affectionately known around Washington as UMRA.

Now, the Federal Unfunded Mandates Reform Act was supposed to stop the one thing that made me mad as Governor, and that was some Congressman coming up with some big idea, passing a law, holding a press conference, bragging about it, and then sending the bill back to Tennessee for me and the legislature to pay. And then the next weekend that same Congressman would usually be back in Knoxville or Memphis making a big speech about local control. The Unfunded Mandates Act was supposed to discourage the Federal Government from imposing new laws and new rules on State and local governments without paying for them.

I am sorry to say that it was a noble idea that was hard to pass 10 years ago. It got a big vote in the end. But it hasn't worked very well. It is raising property taxes to pay for new EPA storm water runoff rules. School boards are taking money out of one classroom and putting it in another to meet Federal requirements for children with disabilities. The National Council of State Legislatures has identified $29 billion in Federal cost shifts to States in transportation, health care, education, environment, homeland security, election laws, and in other areas. And last year, in the name of lowering Internet access taxes, some in this Congress tried to take away from State and local officials local control over how to pay for governmental services.

Not long ago, the U.S. House of Representatives passed legislation that will soon be before us that would turn 190 million State driver's licenses into national ID cards with States paying most of the bill. And last week, Governors asked the President, when they met with him at the White House: Mr. President, how can we reduce the growth of Medicaid spending in the States when Federal laws dictate eligibility standards, Federal bureaucrats limit State flexibility, and Federal courts just say no? These are just the unfunded Federal mandates I was describing.

Just as ominous a threat to a balanced partnership among Federal, State, and local governments is Congress's failure to act on important areas of policy which also are running up the cost to State and local governments. For example, Congress's failure to deal with 10 million illegal immigrants fills up hospital emergency rooms, schools, and jails. Our failure to reform Medicaid has allowed a 40-percent increase in caseloads over the last 5 years to soak up State and local revenues that might have been spent for schools, colleges, police, parks, and roads. And then the Federal courts have piled on, using outdated consent decrees to run Medicaid in Tennessee, foster care in Utah, transportation in Los Angeles, and the teaching of English to children in New York City.

During the last 10 years about the only part of the Federal Government that has recognized the importance of strong State and local governments in our Federal system is the U.S. Supreme Court, which has rediscovered the 10th amendment to the Constitution that reserves to States powers that are not expressly granted to the central government.

So here is the picture of Federalism today. In Washington, DC, Democrats still stuck in the New Deal are reflexively searching for national solutions to local problems. We Republicans, having found ourselves in charge, have decided it is more blessed to impose our views rather than to liberate America from Washington's views. And across America, Federal judges have discovered the joys of acting like Governors and mayors without having to run for office.

Meanwhile, in the States and cities, Federal funds make up as much as half of State and local budgets, bringing with them more and more rules that direct and limit what mayors and Governors are able to do with revenues raised from State and local taxes.

As a result, the job of mayor and Governor is becoming more and more like the job of university president, which I used to be; it looks like you are in charge, but you are not.

That is why to celebrate the 10th birthday of the Unfunded Mandate Reform Act, I propose 3 steps to give mayors and Governors, legislators and local councils, more authority to do what they were elected to do.

The first of those steps is in this budget resolution. It would amend the Unfunded Mandate Reform Act to increase to 60 the number of Senate votes it takes to enact legislation that imposes unfunded Federal mandates. This proposal was approved last Thursday by the Senate Budget Committee. For the last 10 years, the number has been 50, and it hasn't been used once as a budget point of order. It was said that this point of order with 50 votes would become like a penalty flag. Well, it has become a penalty flag that hasn't been thrown for 10 years. Make it 60 votes and it may do some good.

Second, I would propose making it easier for Governors and mayors to change or vacate outdated Federal court consent decrees. This legislation introduced last week by Senator PRYOR of Arkansas, Senator NELSON, Senator KYL, Senator CORNYN, and myself would do that. It would put term limits on consent decrees and shift to plaintiffs the burden of proving that decrees need to be continued, and require courts to draw decrees narrowly, with the objective of putting responsibility back in the hands of the elected officials as soon as possible.

Finally, the third proposal is do not allow any new Federal statute to preempt a local law, unless the new Federal law specifically states there is a direct conflict with State and local law.

I am still optimistic about our Federal system. I am optimistic because I believe excessive centralization of Government runs against the grain of what it means to be an American. Americans do expect Washington to take care of war, welfare, Social Security, health care, and debt. Americans do not want Washington running schools, colleges, law enforcement, fire departments, cities, parks, and most roads.

Lest anyone think I am wrong, I invite them to step out with me on the campaign trail. I remember our last referendum on federalism in the mid-1990s. Newt Gingrich and 300 Republicans stood on the Capitol steps and said: no more unfunded Federal mandates. Bob Dole, the new Republican leader in the Senate in 1995, made the Unfunded Mandate Reform Act S. 1, and then Senator Dole campaigned across the country reading the 10th amendment to his audiences.

I was doing my part. I was running for President, too—not so successfully. I was walking across Iowa and New Hampshire wearing a red-and-black shirt, proposing to abolish the U.S. Department of Education as we knew it, move the Agriculture Department from Washington, DC, to Des Moines, and to cut the pay of Congress in half and send them home for 6 months each year to spend more time with their neighbors instead of Washington lobbyists. You can imagine how popular I was in these chambers while proposing to cut their pay and send them home. I can clearly remember in a Washington Post editorial meeting, when the late publisher Kay Graham asked me:

> Governor Alexander, if you so dislike Washington, DC, why would you come here?

That was a good question, and there is a good answer. One of the most important reasons to come to Washington to serve is to remind those already here that a plane ticket to Washington doesn't make you any smarter.

The parents and teachers of 50 million students in 15,000 districts usually can do more to improve a child's education than some national school board. If Washington says you must spend more for Medicaid, that usually means less for preschool education, and someone who is elected and is closer to the problem ought to make that decision.

In some countries, that arrangement might work. In those countries that are smaller and ethnically more the same, it may be possible to have a national school board, state church, and a central government calling most of the shots. We know that doesn't stand a prayer of working in the United States. De Tocqueville, in his early writings about America, pointed out that our country works community by community. We are so big, we have so many different views, we come from so many backgrounds, we need a lot of places to work things out in different ways. Put too many one-size-fits-all jackets on Americans and the place explodes.

In our country, such explosions, thankfully, still occur at election time. That is why most candidates for President run against Washington, DC. That is why U.S. Senators from Washington are rarely elected President and Governors from outside Washington often are. That is one reason why Americans elected the Republican Congress in 1994.

I am optimistic about federalism because Democrats are now looking for a way to get into office, and we Republicans are looking for a way to stay in office. I believe that whoever wins that argument will have to get on the right side of the federalism issue. So as a good Republican I am using this birthday celebration tomorrow of the Unfunded Federal Mandate Act to remind my Republican colleagues that we promised the people no more unfunded mandates. We said, "If we break our promise, throw us out." I am sure if we forget our promise, our Democrat friends will remind us of it.

Most of our policy debates in Congress involve conflicting principles. The principle of federalism should not always be the trump card. There are other important principles to weigh: liberty, equal opportunity, laissez faire, and many others.

But the federalism that the Republican Congress was elected to protect in 1994 has gotten lost in the weeds. It is time for us to find it and pick it up and to put it back up front where it belongs. Step No. 1 would be to pass this budget, which would increase to 60 the number of votes it takes to enact an unfunded mandate. Then we should move to put term limits on Federal court consent decrees, which has strong bipartisan support in the House, as well as the Senate, and then require Congress to announce when it decides to preempt State and local law.

If we in Congress do that, then maybe on the 20th birthday of the Unfunded Federal Mandate Act, 10 years from now, we can celebrate an American Federal system that has the kind of respect for mayors and Governors, legislators and local council members that the Founders of this great Republic envisioned.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Madam President, let me begin with the rather obvious observation that the budget resolution is the single most important document we deal with in the Congress. The budget contains thousands of decisions that are critical to our national life, and those decisions reflect our priorities as a nation—both those of the President who submits a budget and those of the Congress that passes a budget.

Are we more concerned about tax cuts for the wealthy or strengthening Social Security? Are we more concerned with tax cuts for the wealthy or funding important safety, housing, community development, education, and health needs? Are we more concerned with giving tax cuts than holding down the deficit?

All of those are decisions that are involved in making the budget. In its composite, the budget is a very important macroeconomic document, because it sets the fiscal path for dealing with the overall economy. Will the budget fund the programs that create jobs and strengthen our economy? Will the budget create longrun structural deficits? What will be the impact of those longrun structural deficits on our economic performance? Will the budget move us toward full employment or away from it?

Now, it is asserted that we have to have these very substantial cuts in a number of important domestic programs because we have this large deficit and we have to address the large deficit. On the road to progress, we need to make investments in health, education, and protecting the environment. But we are told, no, no, we have this big deficit and therefore we cannot do these things.

Where did that big deficit come from? That is the question that needs to be asked, because once you go behind where the big deficit came from, you get a picture of what the priorities are and what the thinking is of those who have established this budget framework.

When President Bush came into office in 2001, he inherited a projected $5.6 trillion surplus over the next 10-year period—a $5.6 trillion surplus. In his first budget proposal, which included an excessive tax cut primarily for those at the top of the income and wealth scale, he said:

> We can proceed with tax relief without fear of budget deficits.

The following year, with the budget already in deficit, the President advocated for another tax cut while promising that "Our budget will run a deficit that will be small and short term." In fact, the President's budget that year stated that deficits would be so short term that by today the Government would be back in surplus. How wrong he was.

The President's Office of Management and Budget is projecting a deficit this year of $427 billion. Instead of the $5.6 trillion 10-year surplus projected out when the President took office, when you factor in some of the costs we know are coming, such as the continuing cost of the war in Iraq, the cost of reforming the alternative minimum tax, the cost of some of the President's proposals, including making the tax cuts permanent, and the continuing defense buildup, the projections now are for a deficit over the same period of $3.7 trillion, instead of a $5.6 trillion surplus.

Think of that. We have gone from projecting a $5.6 trillion surplus in 2001, to projecting a $3.7 trillion deficit. That is a deterioration in our fiscal position of over $9 trillion—$9.3 trillion, to be specific.

As a consequence, the Federal debt has skyrocketed. Back in January 2001, the Congressional Budget Office was projecting that our net debt to the public would decline to $36 billion by 2008. Now the CBO is projecting that publicly held debt will rise to $5.5 trillion in 2008. Of course, with increased debt comes increased interest payments. Net interest payments on our debt are expected to consume more than $1 trillion over the next 5 years, leaving us less able to invest in other priorities.

There are a number of reasons for this fiscal reversal. Spending to recover from the attacks of September 11 and to pay for operations in Iraq and Afghanistan has played a part in creating these deficits. But the deficits are not primarily the result of increased spending by the Congress. By far, the greatest factor contributing to the return of deficits is on the revenue side.

Madam President, 74 percent of the change from the surplus in 2000 to the projected deficit in 2005 stems from revenue loss, of which the President's tax cuts were a major part. Rather than saving the budget surplus he inherited, thereby helping us to meet our long-term obligations, such as Social Security, the President chose to risk our fiscal future through excessive tax cuts targeted to those who need them the least. Make no mistake about it, this is the priority that this administration set and it continues to follow. Now we are living with the consequences of that choice—deficits and debt as far as the eye can see.

These massive and sustained deficits are not simply numbers on paper. They have real consequences in terms of the United States' future economic strength. The structural deficits that are built into this budget will be extremely harmful to the economy as we move ahead. They promise to raise interest rates, reduce economic growth, decrease the number of jobs, and increase our vulnerability to sudden economic crisis.

Addressing these deficits becomes even more critical when you consider our international position. As recently as the early 1980s, the United States was a creditor nation. Other countries owed us. Today the U.S. is the world's largest debtor nation. Our external debt in 2003 was $2.4 trillion. Last year we ran a trade deficit in excess of $600 billion, and once that gets included in the figures, we expect our external debt to be over $3 trillion. This sharp deterioration is proceeding as we continue to run enormous trade and current account deficits. Our current account deficit is projected to reach a record high in 2005.

There was a story just this weekend in the newspaper, "Trade Gap Widens on Record Imports. Deficit at Record Level. Trade Gap Expands. The U.S. trade deficit widened in January to $58 billion"—for 1 month—"the second highest monthly gap on record."

We were warned by the President of the Federal Reserve Bank of New York not long ago about this situation. Let me read what he said:

> The size and concentration of external imbalances in the system are at an unprecedented scale, between 5 to 6 percent of GDP in the case of the U.S. current account deficit. The counterpart of this deficit is a large inflow of capital from the world's private savers and foreign central banks. The expected trajectory for this imbalance produces a dramatic deterioration in our net international position and cannot be sustained indefinitely.

He concluded:

> What's new is that we are significantly more dependent today on the confidence of the rest of the world in U.S. economic policy for the safety and stability of our financial markets.

We are losing our financial independence and running the risk of a crisis of confidence in the dollar.

Last summer, the Financial Times in an editorial warned:

> Like Tennessee Williams' ill-fated character Blanche Dubois, the United States has long been dependent on the kindness of strangers. Foreigners' hitherto insatiable appetite for dollar assets is what has enabled the U.S. to keep running on credit for so long. Like Ms. Dubois' dysfunctional relationships, this one is symbiotic but potentially hazardous.

I am very frank to say that I believe this budget is seriously out of line with the needs of America's families. The basic thrust of the President's budget proposal is that we should allow tax cuts for very wealthy people to continue, but programs that help middle-class Americans should be cut and the deficit continue to be a major problem.

Let me give a couple of examples to dramatize this contrast in priorities. In 2006, the President's tax cuts are scheduled to give $32 billion to those making over $1 million a year. In other words, all the people making over $1 million a year, who are a very small percentage of our population, will get $32 billion in tax cuts.

What might we be able to do with some of this money that is going for tax cuts for wealthy people? We could bring our first responders back up to the budget baseline with $1.6 billion, or 5 percent of this excessive tax cut. We know the needs and challenges faced by those on the front lines of our efforts to provide greater security to communities around the country. We know they need help. Another $1.9 billion would restore full funding for the Community Development Block Grant Program, a program very important to State and local governments, to carry forward the renewal of their communities; that would be 6 percent of the $32 billion tax cut that will go to the millionaires. We could restore funding for the HOPE VI program at a cost of $500 million. HOPE VI has helped eliminate the worst public housing and replaced it with home ownership and has transformed the downtown areas of many cities in the country.

I could go on with these examples. The fact is, for a portion of that excessive tax cut we could restore many of these programs, and the other portion could be used to bring down the deficit; in other words, we could have a more balanced fiscal policy, one that responds to the needs of our country and that lays the basis for our long-term strength instead of taking us deeper into the hole with these twin deficits, our internal budget deficit and our external trade and current account deficit, which has taken the United States from being a creditor nation—in other words, others owed us—to where we are now the largest debtor nation in the world.

Those are the choices that are being made in this budget. We are being told constantly that we have a deficit; we need to address the deficit. Yet this budget provides $70 billion more in tax cuts for wealthy people, for people who, under any analysis of the case, are not in need of a tax cut. The working people could use a tax cut, but that is not where the tax cut goes. At the same time, when we talk about the programs that are being cut for which there is such desperate need, we are told that we have to do that because we have this deficit problem.

If we have this deficit problem, why do we have to do the tax cuts that are in this budget resolution? What is the rationale for doing that? It is a matter of priorities. Very simply, those who have put this resolution together place a greater premium on further tax cuts for those who have already, in my judgment, received excessive tax cuts, than they do in holding down the deficit or funding some of these very important programs that we need for our people.

So the basic question as we move ahead is, what are our priorities as a nation? How should we invest our resources to get the best outcome in the future? I do not believe that the priorities represented in this budget reflect the right choices for America, and I urge my colleagues to vote to reject this budget resolution.

I yield the floor.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from North Dakota.

Mr. CONRAD. Mr. President, there is nobody I enjoy listening to more in this Chamber than Senator SARBANES. I think all of my colleagues know that over the weekend Senator SARBANES announced that he will not seek reelection, and that is unfortunate for this Chamber and the country.

Senator SARBANES is one of the finest Members of the Senate I have served with in my 19 years. He is brilliant, a

Rhodes scholar. More than that, PAUL SARBANES is a wise person. In the time I have been here, I have turned to him repeatedly for his remarkable sense of judgment.

PAUL just reminded me that he will be here another 22 months. I say to Senator SARBANES, that is not long enough. This country needs him, and if there was ever a time that it needs him it is now because nobody is perhaps more knowledgeable in this Chamber or in the entire Congress on economic issues than Senator PAUL SARBANES. He has been an important member of the Joint Economic Committee. He has been former chairman of the Banking Committee. He has been a key member of the Budget Committee.

I cannot think of anybody I would miss more than Senator PAUL SARBANES, and I say with a heavy heart that I have to acknowledge his determination to retire. He certainly deserves a full and happy retirement, but Senator SARBANES is someone who is going to be sorely missed in this Chamber and in this Congress. I cannot think of a finer man.

Mr. SARBANES. Will the Senator yield?

Mr. CONRAD. I would be happy to yield.

Mr. SARBANES. I want to thank my very able colleague from North Dakota. He has been extremely generous in his comments. For me, it has been a great privilege to serve and work with him and to follow his leadership on the Budget Committee, which has just been extraordinary. Senator CONRAD has laid out an analysis that spells out all of these issues that we have been talking about, and if the Nation would only listen to him we would improve our fiscal position and strengthen our economic position.

I say to my colleague, my term still has 22 months, so I want to assure him I am going to be here with him every day of that 22 months to make this fight as we seek to turn back this radical agenda of the Bush administration, which I think contains great harm to our Nation and to its people. I thank the Senator for his comments.

Mr. CONRAD. Mr. President, when I read the headlines in the paper and saw across the front page the top headline in the Washington Post, "Senator SARBANES to Retire," I read that with a heavy heart because there is no one who has made a stronger contribution in this body than Senator PAUL SARBANES. We are going to be expecting him to be helping every day of these last 22 months, and I know that will be the case.

Mr. SARBANES. I thank the Senator.

Mr. CONRAD. Mr. President, we are headed for a vote at about 5:30 just so my colleagues who are listening are aware of that situation.

For a moment, I want to discuss the pending amendment of Senator BINGAMAN.

Mr. President, the Senator from Tennessee raised questions about figures that Senator BINGAMAN was using in terms of the shortfall in the No Child Left Behind Act, and Senator BINGAMAN apparently had referenced a shortfall of $39 billion in No Child Left Behind in the last 6 years. The Senator from Tennessee was challenging that number and did not know how it was possible. Well, let me just share with my colleagues why it is not only possible, but it is the reality.

Senator BINGAMAN was talking about the levels of funding that have been authorized in No Child Left Behind versus what has been appropriated. If one looks at 2002, one sees that the appropriation compared to the authorization was $4.2 billion short. If we would look at the succeeding years, what we would find is that the combined shortfall, the difference between what was authorized and what was actually appropriated, is $38.98 billion below what was authorized.

I was not privy to the agreements that were made at the time, although I was serving in Congress, serving on the Budget Committee, but the understanding was that new obligations were put on the States and that the Federal Government was going to fund those new requirements. The determination at the time was the amount that was authorized was the amount of money necessary for the Federal Government to cover the new obligations it was requiring.

The hard reality here is that the appropriations have not kept pace with what was authorized. As I indicated, in 2002, it was $4.2 billion; 2003, $5.4 billion; $7.6 billion short in 2004; $9.8 billion short in 2005; $12 billion short in 2006; for a total combined shortfall of $38.98 billion.

Senator BINGAMAN was exactly right in his assertion. I just wanted to make that clear.

I commend Senator BINGAMAN for offering his important education amendment. It provides $4.8 billion to restore funding for more than 48 education programs that are eliminated or significantly reduced in the Senate budget plan. I know the Budget Committee chairman will say that his budget resolution does not eliminate or reduce funding for these programs because his budget resolution does not contain specific programmatic assumptions and that the funding levels will be determined by the Appropriations Committee. It is true that the budget resolution does not dictate policy decisions to the Appropriations Committee. Policy assumptions, nonetheless, are embodied in the numbers in the budget resolution and allocated to the Appropriations Committee.

Since the spending levels in the Senate GOP budget plan for 2006 are the same as those in the President's budget—except for a $100 increase in the Pell grant maximum, costing something over $400 million—I think it is only fair to assume that the resolution is tied to the President's policies. In fact, I have been assured on numerous occasions that is the case, that the budget they are putting before us in the Senate really embodies the President's priorities. I do not think anybody would expect anything else given that the President's party controls the Senate, controls the House, and they are, in effect, presenting the President's budget. That is why the amendment of Senator BINGAMAN is important—to pay for these shortfalls in the programs that the President's budget is cutting and that the Senate budget plan adopts.

Among the programs proposed for elimination are all vocational education programs. Let me repeat that. The President's budget—and we assume by extension the budget before us by our colleagues on the Senate Budget Committee—eliminates all vocational education programs. Vocational education programs are important. Not everybody is going to go to college. Senator KENNEDY presented information moments ago that showed that 40 percent of those who are in the school-age population go to college. Only 18 percent complete college education on time. So a lot of people are dependent on vocational education programs to be competitive in this globalized world economy. If they are going to be able to compete with the best trained, best educated people in other parts of the world, they are going to need additional education. For many people it is vocational programs that offer them that opportunity.

The President says eliminate vocational education programs. Eliminate education technology State grants. I must say I think that is a mistake. I have been in the classes that benefit from the technology grant program so that young people have an opportunity to learn the latest technology. The President says eliminate that.

TRIO, Upward Bound and Talent Search—again, I have seen the TRIO Programs and the difference they have made in schools all across my State. This provides an area of interest and opportunity for kids who might not be interested in school otherwise. The President says eliminate them.

Safe and drug-free State grants—the President's budget says eliminate that. We have an epidemic in my State of methamphetamine abuse. Recently I was at a luncheon. A man was seated next to me whom I have known very well for many years, and I could tell he was very down. He seemed depressed to me.

I said to him: What's wrong?

He said: Nothing is wrong.

I knew something was wrong. I continued to press him. He finally told me that his son had just been picked up as a methamphetamine user, and they had taken him to a treatment center. The treatment center told him that morning that his son was addicted. This is something very prominent back in my home State of North Dakota. He was devastated. Here he has a son hooked on methamphetamine. It has been devastating for the family. It has been a financial disaster. It has been a disaster in every way for that family. We are going to say: We are just not going to do drug-free State grants anymore, forget that—that is what the President's budget says—because it is more important, apparently, much more important to give additional tax cuts to the wealthiest among us.

I indicated this morning that under the President's budget, tax cuts for those earning over $1 million a year will cost $32 billion in this next year, and $32 billion is the cost of the tax cuts just for those earning over $1 million year. We could restore the safe and drug-free State grants for $437 million. That is one-eightieth of what we are doing for the very wealthiest among us. Comprehensive school reform, smaller learning communities, teacher quality enhancement grants so that teachers get additional training—he is going to eliminate them all.

So Senator BINGAMAN has come before us and has said: No, we should not be eliminating them all. That does not make sense. Instead, what we should be doing is restoring those programs, and we should pay for it. He says: Don't add to the deficit, don't just spend the money, raise the money to pay for it. If education is critical to our future, and it is, if it is critical to our ability to compete in this intensely competitive world community, and it is, then let's pay for it. Senator BINGAMAN does.

He doesn't just pay for it. He also provides a like amount of deficit reduction. How does he pay for it? He pays for it by closing certain corporate tax loopholes. And, goodness knows, we have loads of them. When I was tax commissioner, I found one company that did business and had a series of shell corporate entities, some of them operating out of the Cayman Islands. The most profitable part of their worldwide company was in the Cayman Islands with one employee. I used to say that was the most successful, the most productive employee anywhere in the world because they showed hundreds of millions of dollars of profit in that one entity because they avoided taxes everywhere else. They showed their profits in the Cayman Islands. They would have pricing between shell corporations, and they would sell at what it cost from one corporation to another in places that had taxes, and then in the Cayman Islands they didn't have any taxes. All of a sudden, they showed hundreds of millions of dollars of profit. It is amazing—one person doing all the work.

We have something going on in the country today that is a stunning abuse. We have individual cities and towns that are selling their sewer systems and their transit systems. They are selling them to companies, and then depreciating those assets and taking the tax advantages from it, and then they make a big payment to the localities for the privilege. If that isn't a dodge and a scam, I don't know what is.

Let me repeat that. It is hard to believe.

We have companies that go out and buy a sewer system from a town, and then depreciate the sewer system, getting the tax advantages from the depreciation. Those sewer systems were bought with taxpayer dollars in the first place. Then the company gives the city a fee, buys the sewer system, at least gets it in their name for tax purposes, and then depreciates the value of the system to cut down their taxes. They do the same thing with transit systems and bus systems.

Congress moved, at the request of Senator Nickles and myself last year, to close down some of these abusive operations, but more remain. They didn't do them all. They didn't shut down all of them. We are talking about billions of dollars.

Why wouldn't it be a better priority to shut down those scam operations and have vocational education in our schools? That is not what the President's budget does, and that is not what the budget before us does.

The largest reductions are in adult education assistance, which is cut by 63 percent in the budget before us. Some people may say, Adults should have gotten educated when they were kids. It is a great idea, but a lot of people didn't get educated when they were kids. They didn't get sufficiently educated. Are we to say to them when they come back, Well, too bad, they are too late. Or, are we going to say, Good for you, we are glad you have come back, and we are going to help make sure that you take every advantage of your God-given talents.

To me, that is a wise expenditure. The better educated we are, the better trained we are, the better we are going to do as a society. But that is not the priority of this budget.

Let me say I think Senator BINGAMAN has done a favor to the body by bringing this matter to our attention. I hope my colleagues will support it.

On another matter, in these discussions today we have heard repeatedly from our colleagues on the other side that if you cut taxes, you get more money. I don't know where they came up with this idea: You cut taxes and you get more money. That is not what the evidence shows. You cut taxes, you get less money. I have shown repeatedly on the floor today the charts that demonstrate the facts—not some ideological view, but the facts.

The facts are that after 2001, with the significant tax cuts that were passed and the subsequent tax cuts that were passed, signed by the President, the revenue of the United States dropped like a rock. For the first time since World War II, we got less money year after year than we had the year before. The last time we saw significant drops in revenue was during the Reagan tax cuts of the 1980s.

I don't know where our friends get this idea that when you cut taxes you get more money. It doesn't work that way. In the real world, we can test these theories. It is fine to have a theory, but let us deal with facts. The facts show conclusively that when taxes have been cut, we get less revenue than we would otherwise have received.

That doesn't mean you never have a tax cut. In 2001, I supported a $900 billion tax cut because our economy was weak, and it needed a lift. In fact, I supported a much bigger tax cut than the President's initial proposal because he back-ended all of his tax cuts. He didn't design tax cuts to give lift to the economy at a time of weakness. He was back-ending the tax cuts—small at the beginning and large at the end. We wound up with the worst of both. We wound up with large tax cuts in the beginning where we needed them to give lift to the economy and large at the end when we can't afford them, when the baby boomers are starting to retire.

I have showed the charts repeatedly here to demonstrate that the President has us on a course that does not and cannot possibly work. What we see in the President's plan is as the trust funds of Medicare and Social Security go cash negative, which happens in the next 20 years, at that very time the cost of the President's tax cuts explodes, driving us right over a cliff into deep deficits and deep debt. And we are already running record deficits. We are already running up unacceptable levels of debt. But for every problem, the President has the same answer: Borrow the money. Got a problem with Social Security? Borrow—borrow over $4 trillion to solve it. You got a problem with financing tax cuts? Don't worry about it, borrow the money.

The President is fond of saying, It is the people's money. He is absolutely right. It is the people's money. But guess what. It is also the people's debt. This President is running up the people's debt at a record rate. The debt this year is going to increase by over $600 billion. And every year of this budget that is before us—this budget which they have described as fiscally responsible, according to their own numbers—every year of this budget they are going to drive up the debt of the country by another $600 billion—$600 billion, $600 billion, $600 billion. Do that five times, that is $3 trillion in 5 years of additional debt.

The President says, Well, there is a shortfall in Social Security. He is right. He says the shortfall over 75 years is $3.7 trillion. That is what the actuaries say.

What is the President's answer for the budget that he has sent us? His answer is, First, take another $2.5 trillion out of Social Security to pay for his tax cuts and other things. Before you are done with that, establish private accounts that cost another $750 billion over the next 20 years. Take that out of Social Security, and borrow that.

The President ran as a compassionate conservative. The one thing I know for certain is this is not conservative. There is nothing conservative about record deficits and record debt.

The President has said, Well, I came into office and we were attacked, and we had economic slowdown. Fair enough. That is true. We were attacked, and that required us to spend more money. I think virtually every Member here supported that. We had to spend more money for defense and for homeland security. But the President also says he came in a time of economic slowdown. That is also true. That is also fair. So we had tax cuts to give lift to the economy.

I didn't agree with his particular mix of tax cuts because they overwhelmingly benefited the wealthiest among us. The top 1 percent received 30 percent of the benefits of the President's tax cuts, and they are not paying 30 percent of the tax load in this country. They are paying substantially less than 30 percent. Yet they got the biggest benefit.

We are past the point of having been attacked. We are still at war. That is certainly the case. The President, in his budget, did not provide the funding for the war past September 30 of this year. He did not provide the money for this war. So that misleads the American people as to our true fiscal condition. He did not provide the money to fix the alternative minimum tax. He did not provide the money to make the Social Security changes that he has recommended. That is not really a budget. I don't know exactly what I would term it, but it is not really a budget. A budget is when you put down what you are going to spend and how much money we are going to bring in to pay for that spending.

The greatest fault I have with the budget before the Senate is it makes no serious attempt to have the spending match the revenue. Instead, it tries to be all things to all people: More tax cuts for those who want that, more spending for those who want that and, as a result, massive deficits and a massive buildup in debt, all of it at the worst possible time.

Why is it the worst possible time? It is the worst possible time because the baby boomers are about to retire. In 2008, just 3 years away, the leading edge of the baby boomers start to retire. Over a very short period of time the number of people eligible for Medicare and Social Security will double.

The President talks about that shortfall, but he does not do anything about it. He said, no, he does not want to do anything about Medicare, although the shortfall there is eight times the shortfall of Social Security. He said we just passed a bill, so we should let that work before we do anything. That bill did not help reduce the Medicare shortfall, it increased it. It increased our unfunded liabilities by $8 trillion.

The President said in his budget, cut the taxes more, increase the spending, leave out a lot of things that we know are going to cost us money and, lo and behold, he says, it will cut the deficit in half over the next 5 years.

My colleagues on the other side of the aisle say the same thing about their budget proposal. They say it will cut the deficit in half over the next 5 years. But when you go to the budget document itself, what you see is quite a different story. When we go to the budget document itself, what you see is what they predict the debt will increase by every year of this budget. What we find is the debt will go up by $600 billion a year each and every year of this 5-year budget. It is in their own document.

They say they are cutting the deficit in half. They have a very tortured definition of what the deficit is.

When I grew up a deficit was the shortfall. A deficit was a shortfall between what you are spending and what you are taking in. That is a deficit. And the amount of the deficit is added to the debt. They have said in their document the debt will increase by $600 billion a year every year for this 5-year budget. There is no cutting it in half. There is no cutting it. It is almost the same year after year. And all of this before the baby boomers retire. The result is we are borrowing money from all over the world.

It is not only the budget deficit. The trade deficit is the biggest factor. That is over $600 billion a year in a trade deficit. Our foreign borrowing in just 3 years under this President has increased almost 100 percent. We had $1 trillion of foreign debt, debt held by foreigners in 2001. Now it is approaching $2 trillion. That is just through December of 2004. We ran a $600 billion trade deficit last year, so the indebtedness, what we owe foreigners, has been skyrocketing. That is utterly unsustainable. That puts us at great risk. If they decided not to show up to take our debt, we would be in big trouble very fast.

This budget, I regret to say, does absolutely nothing about the serious problems facing our country. The overarching challenge facing America is a buildup of deficits and debt, without question. The hard reality about this budget is it actually adds to the deficit in each and every year over just doing nothing. If we just put the Federal Government on autopilot and went home, we would be $130 billion better off in the deficit than if we pass this budget.

For 2006 alone this budget increases the deficit by $63 billion. Yet they come to the Senate and talk about fiscal responsibility and fiscal restraint and they are doing something about the deficit. They are doing something about the deficit. They are making it worse. We do not ever hear them talk about doing anything about the debt because their budget increases the debt every single year by over $600 billion, according to their own calculations. They will increase the debt of this country by $3 trillion in 5 years. And this is the crowd who said they were going to have maximum paydown of the debt just 3 years ago. The President told us he had a plan, that he could have these big tax cuts, defense buildup, massive tax cuts, that he was going to protect Social Security, going to protect Medicare, and going to have maximum paydown of the debt.

The only problem with it is none of it worked. None of it added up. And the result is instead of paying down the debt, the debt has skyrocketed.

I see the Senator from Hawaii is in the Chamber. How much time would the Senator like?

Mr. AKAKA. I ask for 10 minutes to speak on my amendment.

Mr. CONRAD. I am happy to yield 10 minutes on the amendment off the amendment time.

AMENDMENT NO. 143

Mr. AKAKA. Mr. President, I rise today to express my support for an important education amendment proposed by my colleague from New Mexico, Senator BINGAMAN, to S. Con. Res. 18, the fiscal year 2006 budget resolution.

Education is the key to our future. The continued economic growth and future prosperity of the United States depends on the quality of our educational system. But the President's fiscal year 2006 budget falls short of that goal, and this resolution does nothing to remedy this failure. It is the first budget in over a decade to cut funding for education. Much of the cuts are directed towards new and unproven initiatives at the expense of programs that almost everyone in the education community supports. We must do everything we can to ensure that children in this country get the best education available.

This budget resolution, like the President's budget, aims to eliminate 48 effectual education programs for student success: programs that prepare students to enter the workforce, such as adult education, programs that help students to prepare for and thrive in college such as TRIO programs, programs that improve teacher skills such as the Teacher Quality Enhancement program, programs that prepare children to begin school such as Even Start, and programs that work to improve schools such as Comprehensive School Reform. S. Con. Res. 18 includes nothing to assure funding for these and other education programs.

One of the programs that the Bingaman amendment is working to restore is the Excellence in Economic Education Act. This program was included in the No Child Left Behind Act and works to promote economic and financial literacy in grades K through 12. There is a tremendous opportunity to instill in individuals the knowledge and skills that they need to make good decisions throughout their lives during their years in elementary and secondary education. This is particularly important as our students grow up in a world where we face more and more complex decisions related to managing limited resources and preparing financially for the future.

The majority of the EEE's funding, after being competitively granted to a national organization, provides funds to State and local partnerships for teacher training, assistance to school districts desiring to incorporate economics and personal finance into curricula, and evaluations of the impact of economic and financial literacy education on students, related research, and school-based student activities.

In Hawaii, a subgrant from the program is funding the development of a pre- and post-test assessment tool that will allow the Hawaii Council on Economic Education to measure the effectiveness of its teacher training courses and workshops. Another subgrant helped to fund a calendar poster contest on basic economics concepts conducted among elementary school students in Hawaii. A final EEE subgrant is focusing on enriching curriculum through economics. One of the wonderful things about some of the projects funded by the EEE is that they are shared best practices, meaning that teachers and schools do not have to reinvent the wheel in the ways they convey economics and personal finance education.

Entities across the country received much-needed resources for economic and financial literacy through the EEE's first competitive subgranting process in the year 2004. Although the results of the act's first-year grants have not yet been compiled for evaluation, the program needs a chance to work before it is arbitrarily terminated. I am pleased that the Bingaman amendment will work to give the program this chance.

The cost for this and other programs included in the Bingaman amendment will be $4.8 billion. However, this amendment is more than offset by various tax loophole closures and other reduction measures. Not only is this amendment revenue neutral, but it provides for fiscally responsible deficit reduction. Educating our children and reducing the budget deficit are both vital endeavors, and the Bingaman amendment does both.

Mr. President, as I said at the start of my statement, this budget resolution is a false promise. It underfunds education and shortchanges our future. It deprives our schoolchildren of needed programs and opportunities. It underfunds some, and cancels others outright. But we cannot afford to shortchange our schools. We cannot afford to shortchange our students. We cannot afford to shortchange our communities. And we cannot afford to shortchange our future. Again, I commend my colleague, Senator BINGAMAN, for offering this important amendment.

Mr. President, I yield back the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I alert colleagues that we are going to have a vote on the Bingaman amendment.

I ask the Chair, has that vote been set?

The PRESIDING OFFICER. It has been set for 5:30.

Mr. CONRAD. So in a half hour colleagues can expect a vote on the Bingaman amendment. I urge colleagues who might want to comment on that amendment or on the budget to take this time to come to the floor, and I remind colleagues that under the budget resolution we are limited to 50 hours. We took 5 hours off before we started. Today we started at 10 o'clock this morning, so we have used up another 7 hours. So we have roughly 38 hours left at this point. This is time that really should not be wasted. I urge my colleagues to come, make their statements, speak on the Bingaman amendment, and in a half hour we will be voting.

I thank the Chair and yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURR). Without objection, it is so ordered.

Mr. GREGG. Mr. President, I want to speak briefly about the Bingaman amendment. As I understand this amendment, it would increase spending by $4.7 billion, approximately, it would increase taxes by approximately $8 billion, and it would break the caps set in this resolution. The purpose of those caps is to try to control spending. The first amendment out of the box breaks the caps—spends more money, raises more taxes. I think it can be justly characterized as a tax-and-spend amendment.

It is in an area where this President has done an extraordinary job of making a commitment of resources. In comparison to the prior President, for example, the numbers are quite staggering. This President has increased educational funding overall by almost 33.3 percent since coming to office. He has increased funding for No Child Left Behind by almost 46 percent since it started. He has increased title I spending by 52 percent over the Clinton administration and IDEA funding by 75 percent over the Clinton administration.

In fact, compared to the Clinton administration, which asked for no increases in title I and no increases of any significance in special education until the last year of his Presidency, this President has every year asked for over a half a billion dollars in special education and over a billion dollars of increase in title I. As a result, there has been a dramatic increase of resources flowing into those four core programs of Federal education at the elementary school level.

In addition, in the Pell grant level, this administration has also made a huge commitment, increasing funding over the last year of the Clinton administration by almost 56 percent and adding literally millions of more young students to the Pell grant program. And the budget resolution goes even further. Right now you can get a $4,050 Pell grant. This budget resolution will immediately move that up to $4,150 which costs about a half a billion dollars to do that, and we put in a special account to accomplish that.

In addition, we have structured this budget so that there is a capacity to accelerate the forgiveness of loans to students and move those loans over from the loan side to the grant side, the Pell side, so that a student under this budget will actually be able to get $5,100 in what amounts to Pell grants, if they go to school for 4 years, complete their education within 4 years, whether they to go a regular 4-year college or a community college for 2 years and then transfer into a 4-year college. That is a huge commitment to students who are working to get their degrees in college and using Pell grants to assist them. It is dramatic.

In addition, this budget sets up a $5.5 billion reserve fund to allow the education committee, chaired by Senator ENZI, to pass out the Higher Education Act reauthorization. That is new money for the Higher Education Act. And so this budget focuses a lot of energy on education. This President has dramatically increased funding for education.

So what happened? Well, the President suggested that the way you get this money for education, or part of it, is you look at all these different programs that are filtered around the Federal Government. They got there for well-intentioned purposes but mostly because somebody had an idea, and they decided the Federal Government should have a program here or a program there, and they are not major in the sense of money compared to title I or special education or Pell. They are not big pools of money. They are targeted initiatives.

The President said in his proposal: Let's look at those targeted initiatives, see if they are still essential in comparison to what is critical, which is that we make a strong commitment to special education, a strong commitment to title I, a strong commitment to No Child Left Behind, and a strong commitment to Pell grants.

That is a reasonable approach. It is called prioritization. That is what we should do as a government because we are supposed to be conservators of our people's money—otherwise known as tax dollars—not simply throw it at every program that comes down the road, but actually try to pick out the ones that are successful and put the money behind what is legitimately the Federal role, not what is necessarily a State role or a community role, which is what many of these individual smaller programs are. They are programs that the States or the communities could decide to pursue, but we have decided to try to federalize some small section of them because they make a good press release or in some instances they have strong constituencies.

So the President said: Let's look at this and try to prioritize. As a result, we have come up with a budget which dramatically increases over the last year of the Clinton administration the funding for title I, special education, No Child Left Behind, and Pell grants, and sets up a fund to be able to take care of higher education.

It is not appropriate, in light of this, that we should throw away fiscal constraint and essentially say we are no longer going to be concerned about managing the dollars that are spent here at the Federal level on education; we are simply going to raise taxes and pay for all sorts of additional programs.

This amendment breaches the cap by almost $5 billion, raises taxes by over $8 billion, and it is nothing more than a tax-and-spend amendment. It should also be pointed out—and I will make this point on every one of these targeted amendments—that there is nothing in this amendment that will require the Appropriations Committee or the authorizing committee to spend this money on education. This money could be spent on roads, national defense, or homeland security. When you break the cap, when you raise these taxes, you do nothing more than put a number in the budget resolution that says we are going to break the cap by $5 billion. We are going to raise taxes by over $8 billion—I believe it is $8 billion.

It is $9.5 billion. They are raising the taxes by $9.5 billion. I underestimated them.

In any event, all you are going to do is increase the cap—increase spending and increase taxes—and there is absolutely no guarantee, or even a likelihood, that this money will flow as the sponsor of the amendment wants it to because, for whatever reason, the Appropriations Committee does not take seriously suggestions from the Budget Committee. The Appropriations Committee does whatever it wants to do.

Under the rules of the Senate and under the law and under the Budget Act, that is the way it is supposed to work. We give them a top-line number, which happens to be $843 billion. If this amendment were to pass, it would be $447 billion or $848 billion. We give them a top-line number, and they can spend it any way they want. So the representation that this is going to take care of some education program that happened to be passed, one of these specific little programs that has been listed here is just that—a representation—and it has very little viability or probability when it gets into the contest of other demands for spending within the appropriating process.

So this amendment, which raises taxes by $9.5 billion and raises spending by $5 billion, or approximately that—$4.75 billion—accomplishes nothing more than to show that we are not a fiscally disciplined exercise here, and the first amendment out of the box from the other side of the aisle reinforces once again that fiscal discipline is not high on the agenda when it comes to this budget and when it comes to some Members of this body. I hope people will oppose this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, our dear colleague left out one very important fact about this amendment. This amendment does restore the cuts to education, but it does another thing: it reduces the deficit by a like amount. So this amendment restores the cuts to education, but it raises additional money through the closing of corporate tax loopholes to also reduce the deficit by $4.75 billion.

When the Senator talks about fiscal responsibility—I know it is a new idea on their side—fiscal responsibility is actually reducing the deficit. This amendment supports education and reduces the deficit. That is something that is critically important that we do. I know the budget from our friends on the other side doesn't reduce the deficit, though they say it does. If you examine the document itself, look on page 5 and see how it increases the debt each and every year by more than $600 billion, by their own calculation. It demonstrates that this is not a fiscally responsible budget. To use "fiscally responsible" in attachment to this budget is truly farfetched.

The Senator from Massachusetts is seeking time to speak. How much time would the Senator like? We have the vote at 5:30. We should probably retain some time for Senator BINGAMAN, if he would like to close.

Mr. KENNEDY. Five or 6 minutes.

Mr. CONRAD. I yield 6 minutes to the Senator from Massachusetts. If he seeks additional time, we may be able to provide that as well.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, a budget is supposed to be a reflection of our Nation's priorities. Unfortunately, when it comes to education, what we are saying in this national budget is we will spend 2 cents out of every Federal dollar on education. Do you hear me? If we went to any group of Americans across this country and asked them, what do you think your priorities are, what do you think we ought to spend on education, I bet 9 out of 10 would say, out of every dollar we ought to spend more than 2 cents. Under this budget, it is 2 cents out of every dollar. That is basically what this Budget Committee has given us.

This is against a background where the U.S. is falling further and further behind every other nation in the key ingredients. If you look at where the U.S. was in 1975 in terms of math and science, the U.S. was third in the world. If you look at the year 2000, we are 15th in the world. Why is it that after World War II, when we had the return of service men and women who fought for this country, 5 cents out of the Federal budget went to education? Why is it that when the Russians challenged us with Sputnik, we went to 5 cents out of every dollar in education? Now we are going to 2 cents. We are challenged globally, not only economically with the outsourcing of jobs and the rush of low-paying jobs, but we are going to be challenged in terms of national security as well, make no mistake about it.

We are talking about investing in the young minds of this country. What we are finding is a continued deterioration in that commitment. You can go back and fiddle around with all of the statistics and percentages you want—we are not, as a nation, investing in math and science in the education of our young people. In this budget, under the Republicans now, we find that there is ample opportunity to give another $70 billion in tax breaks, but they will not provide that kind of investment in our children in terms of their future in math and science and other education. That is the issue. Senator CONRAD pointed out that this is paid for. Yes, this will also provide a reduction in our deficit. The question is: Do you want to invest in education of the young people of this country? We are seeing where we stand.

We need this amendment because this amendment will make a difference. It makes a difference in a number of different areas. We just voted in the Senate 98 to 0, in terms of the Perkins legislation, to provide additional skills opportunities. I listened last week, when we wanted an increase in the minimum wage, to my friend from Wyoming say that what we need in this country is to give people skills. I believe we ought to provide that opportunity. But under the administration and this budget program, there is a cutback.

My friend from New Hampshire says: Oh, no, this isn't really a cutback. This budget is really an accumulation of our recommendations to the Senate. The fact is they have accepted completely the President's budget in terms of cuts. They say we will accept what the President recommended in terms of cuts, and those cuts are there in education. There are cutbacks on training, skills, and on school dropout programs. Is there anyone in this body who has visited a school and has talked to teachers or parents or school boards or principals who does not understand what we are facing in this Nation in terms of the school dropouts, cutting back on education, trying to provide additional technical education to the children of this country?

The Senator from New Hampshire points out all of the increases we have seen in the Pell grants in recent years. He and I must have different books because I have the Department of Education Fiscal Year 2005 Budget Summary.

I have it right here. Under Pell grants, if you look at that, a third of the way down, it talks about 203, 204, and 205 requests, and they virtually are identical.

Anybody in this Chamber who visits their local schools will find out the challenges that are presented to those schools. This Nation better figure out it better have more than 2 cents out of every dollar going to education. That is absolutely essential. The Bingaman amendment will make an important difference, and I hope this body is willing to accept it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, after consulting with the Democratic leader of the committee, Senator CONRAD, we reached the following agreement. I ask unanimous consent that Senator BENNETT be recognized after the vote for half an hour; Senator CONRAD will control the time until 8:45 p.m. At 8:45 p.m., Senator STEVENS will be recognized for an hour, and the time running on the vote will be charged to both sides and come off the time of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I thank the Presiding Officer.

Mr. CONRAD. Mr. President, it is our understanding that when Senator STEVENS is done, we will end for the day.

Mr. GREGG. That is correct, except for wrap-up by the leader.

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. CONRAD. I thank the Chair. With that, we have a good agreement, and we also understand between us that if there are Members who feel excluded in some way we will work to be flexible and give people some time, perhaps trade out time in some way to make sure people have a chance to speak.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mrs. CLINTON. Mr. President, I strongly support Senator Bingaman's amendment to restore funding for education. I am pleased to be a co-sponsor of this critical amendment. And while I am unable to be present in the Senate today to vote, I would like the CONGRESSIONAL RECORD to reflect that if I were present, I would have voted aye.

The Republican budget is nothing short of an assault on education. It cuts education for the first time in a decade, does not provide sufficient funding to sustain current levels of funding for all programs, provides virtually no increases to Title I or IDEA, and neglects to fund any new initiatives.

One of the most egregious examples is the lack of funding for No Child Left Behind, NCLB. At a time when our schools are struggling to meet the requirements of the No Child Left Behind Act, the Republican budget provides $12 billion less than was promised, including $947.5 million less for New York, bringing the total funding shortfall since NCLB was passed to almost $40 billion. If enacted, that would mean 296,648 children who are eligible for Title I will be denied services. This budget leaves behind 3 million disadvantaged students who would receive services if the Republicans had kept their promise for funding for No Child Left Behind.

This budget also fails to provide what is needed for special education, and it does so just 3 months after the President signed the Individuals with Disabilities Education Act into law. This budget betrays the bipartisan funding agreement contained in that law by funding special education at $3.6 billion below the promised level. As a result, funding for IDEA would provide just 18.6 percent of the national average per-pupil expenditure toward meeting the excess cost of educating students with disabilities—still less than half of the 40 percent "full funding" level that Congress committed to paying when the IDEA was first adopted 30 years ago.

The resolution before the Senate today provides minimal increases to Title I and IDEA, but pays for them by abolishing and slashing funding for programs that have a big impact on at-risk students. Among the programs targeted for elimination are technology grants that help close the digital divide, safe and drug-free schools, the dropout prevention program, alcohol abuse reduction, elementary school counseling, arts in education, and smaller learning communities. The budget also abolishes the school leadership initiative, a program that I was proud to help design back in 2001 and which has provided critical funding to recruit and retain talented principals to lead our troubled schools.

At the same time that the President has proposed to eliminate the school counseling program, only 1 in 5 children with mental health problems receives services in any given year. The current counselor-to-student ratio in elementary and secondary schools is 1 to 560, roughly 9 percent higher than it was last year, and over double the ratio of 1 to 250 recommended by such organizations as the American School Health Association.

And while the President has proposed to eliminate the dropout prevention program, the Nation faces a dropout crisis. According to estimates by the Civil Rights Project and the Urban Institute, 50 percent of Black and 53 percent of Latino youth complete high school on time.

The budget also eliminates several early intervention programs that help disadvantaged students prepare for and succeed in college. GEAR UP, a Clinton administration initiative that prepares entire grade levels of low-income students for college, would be abolished; a move that would deny services to 20,086 New York students. The TRIO programs Upward Bound and Talent Search, which provide tutoring, mentoring and college counseling services to 19,000 New York students, would suffer the same fate. Senator BINGAMAN's amendment would restore these valuable programs.

Senator BINGAMAN's amendment would also restore funding for Even

Start, a family literacy program that serves low-income communities. Last year, New York received $19 million for this program. The Republican budget provides nothing. I worked with Senator Snowe to spearhead a letter to the Appropriations Committee in October of last year asking for $250 million for this program, and I will do so again if this amendment is unsuccessful.

Ironically, this budget also eliminates the Perkins Vocational Education program, a program that this body voted 99 to 0 to maintain last Thursday. In New York, the Perkins program helps approximately 275,000 high school students and 200,000 post-secondary students in New York attain technical skills to launch successful careers in the 21st century. Yet the Republicans propose to abolish it. Along with Senator Collins and 30 of my colleagues, I sent a letter to the Budget Committee specifically asking them to maintain this program. I am disappointed that the will of so many Senators was ignored.

Fundamentally, this budget is a reflection of our values and our priorities. And the message the Republican budget sends is loud and clear: our children and the schools they attend are low on the list. I hope this body will support Senator Bingaman's amendment, which takes an important step toward putting children closer to the top.●

The PRESIDING OFFICER. Who yields time? The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I wish to speak very briefly. I gather we will have a vote in 3 minutes on my amendment. I wish to speak very briefly to summarize what it does and urge my colleagues to support the amendment.

The amendment very simply tries to restore in this budget the funds that the President has recommended we eliminate for various educational programs and that this budget also recommends we eliminate for various educational programs.

There is a long list of educational programs that is slated for termination in this budget. There are 48 programs. Some of them are programs about which many of us have spoken very eloquently. The Vocational Education Program, the Perkins legislation we passed last week, is a good example. We had a 99-to-0 vote in the Senate to reauthorize the legislation for vocational education, most of which is in our high schools, that is contained in that Perkins legislation.

This budget, the budget the President has sent us, would eliminate funding for that program. We have a great many other programs—Arts in Education; the GEAR UP program, which is focused on trying to assist minority students and economically disadvantaged students to go on to college; the TRIO program; the Upward Bound Program which, again, serves many students in my State and throughout the country. These are all programs that I hear about when I go back to schools in my State. People say these are good programs. They are programs that are helping our students. They are, in fact, strengthening our high schools.

I know the administration's position is that we should concentrate on high schools this year and perhaps next year. That is the President's desire, that No Child Left Behind should also be extended into our high schools. I favor doing that, but I also believe very strongly that we need to keep the programs in place that are helping our high schools. We need to build on the successes we have had, not eliminate the successes we have had.

I feel very strongly that unless we add this additional money and keep these programs in place, we will, in fact, be putting our schools back rather than forward.

One other program I wish to mention which is slated for termination in the President's budget and, of course, in this budget that is presented to us in the Smaller Learning Communities Program. We are spending in the current year $94.5 million in that program. That is a program to help primarily high schools to restructure so they can provide smaller learning environments for their students. This is an extremely important concept. I am persuaded that much of the dropout problem in our schools is the result of the fact that we are sending students into very large high schools. We need to help them restructure into smaller learning communities. These grants help to do that.

I believe very strongly that we should be increasing that funding, not eliminating it. For that reason, I urge my colleagues to support the amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 143. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent. The Senator from South Carolina (Mr. Graham), the Senator from Arizona (Mr. McCain) and the Senator from Kansas (Mr. Roberts).

Mr. DURBIN. I announce that the Senator from New York (Mrs. Clinton), the Senator from New Jersey (Mr. Corzine), the Senator from Iowa (Mr. Harkin) and the Senator from Vermont (Mr. Leahy), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 49, as follows:

[Rollcall Vote No. 45 Leg.]

YEAS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Coleman
Conrad
Dayton
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NAYS—49

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Collins
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Frist
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McConnell
Murkowski
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—7

Clinton
Corzine
Graham
Harkin
Leahy
McCain
Roberts

The amendment (No. 143) was rejected.

Mr. GREGG. Mr. President, I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table. The motion to lay on the table was agreed to.

Mr. GREGG. Mr. President, for the information of Members, we will now have a number of speakers, but there will be no additional votes this evening.

Senator Conrad and I are working on an agreement, hopefully, so we can line up votes for tomorrow and debate for tomorrow morning, and hopefully on those amendments which will be related to Social Security, assuming agreement is reached.

At this time, I believe the unanimous consent agreement calls for Senator Bennett to be recognized for half an hour, followed by Senator Conrad having the time until 8:45, at which time Senator Stevens will be recognized.

The PRESIDING OFFICER. The Senator is correct.

The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, the Budget Act indicates that during every budget debate there should be a period of time discussing the general economy. As the past chair and current vice chair of the Joint Economic Committee, I feel I am in a position to do that. I want to share with my colleagues a statement of where the economy is now, and then make a few comments about where it may be going and talk about the future.

Naturally, you can't have a conversation about the economy without charts. That seems to be one of the essentials for any economic discussion. So I brought a fair number of charts to outline the economy to the Members of the Senate.

This first chart is an historic chart that goes back to the years of the early 1970s. All of the bars above the lines are quarters of economic growth. They are measured in GDP growth, the percentage of growth in the gross domestic product. The bars below the lines are quarters of gross domestic production shrinkage where the economy contracted.

If we go back to this period in the early 1980s, we see what the economists call the double dip, the dreaded period where the economy goes into recession, comes out of it, and then slips back into recession. Those who are old enough to remember the early 1980s remember how difficult a time that really was. I have a very clear memory of one of my associates in that period of time who said to me: Bob, be very, very grateful you have a job. Unemployment was high, business activity was off, the economy was recovering, or attempting to recover from the great inflation.

We talk about the 1930s as the days of the Great Depression. The late 1970s were the days of the great inflation. All kinds of things were happening. I remember running a business in this period and going to the bank to borrow money and feeling very fortunate I was able to borrow money at a 21-percent interest rate to support my business. The folks on the late-night comic shows were talking about the height of the interest rates. I remember one who said Jimmy Carter is the only President in history whose approval rating is below the prime rate.

We came out of that period with the help of a combination of activity by the Federal Reserve with Paul Volcker, actions by the Congress, and tax cuts under President Ronald Reagan. We survived through this, and we had a period of tremendous economic growth, the strong recovery out of the recession, and then, after that recovery had taken hold and gained traction, a period of good economic growth. Then we went into the recession that occurred during the Presidency of the first President Bush—much milder than the dreaded double dip of the 1980s but, nonetheless, a period of contraction. The recovery was not as strong as this one following the double dip because it did not have that much to rebound from. But we had that recovery and then a period of strong economic growth until we come to the recession from which we have just emerged.

Interestingly, this, by technical definition, was not a recession because the technical definition of a recession is at least two successive quarters of shrinkage in the gross domestic production. We never had two successive quarters. What we had were three quarters, not in succession; by historic standards, we had a very mild contraction in the size of the economy.

This was, perhaps, the shortest and shallowest recession that we have had in our history. We did not have that strong a recovery.

When I asked Alan Greenspan why the recovery was not taking hold, he said because the recession was so short and shallow. If you want a really strong recovery like the one we had after the double dip, you have to be coming out of a recession as bad as the one at that time. So we can be grateful.

The recent recovery finally got traction in the second half of 2003, and we see now we are in a period of very strong economic growth, which by historic standards is as good as the economic growth we had in the other two areas. The light blue at the end is what the economists are forecasting for the balance of 2005. But interestingly enough, already the newspapers are saying those forecasts may be too conservative. As they go back and look at the business activity in the first quarter of 2005, they are saying 2005 may very well be a better year than is being forecast. Those are the figures and the statistics for the economy as a whole.

Now we will look at the question of jobs. We heard a lot of rhetoric prior to the election about how bad the job situation was. The background shaded areas in the figure are the areas of recession. You see the unemployment numbers superimposed upon the historic periods of recession. From the period of the double dip, we saw unemployment get into double digits—10.8 percent was the peak. Then it came back down and in this area which is about 7 percent you would feel, OK, the employment picture has gotten good again. We are down from 10.8 down into the 7-percent range. Then, as the economy became even stronger, the unemployment rate fell down. When the recession hit in the early 1990s, unemployment came back up to 7.8 percent, a very large increase from where it had been, but in historic terms not that bad. When the recovery took hold, this time unemployment came all the way down to about 4 percent. Then the recession hit and unemployment spiked at 6.3 percent.

I remember when I took economics in college they told me 6-percent unemployment was full employment—that the economy could not employ more people than that without heating up with inflation. We found out that was not true here. True to the pattern, the peak was reached at 6.3. It is now falling back. Unemployment is at 5.4 percent, well below the averages of the 1970s, 1980s, and 1990s. The economy in these categories is behaving as it has throughout our past history.

Another look at jobs. Here are the jobs per month created since the recovery took hold. We can see it was in the second half of 2003 that the recovery took hold. We started creating new jobs in May of 2003, and while it was anemic for a while, then it really took off in the first part of 2004 and on through. We have had 21 months of increased employment every single month, and we have created over 3 million jobs in that period of time. The economy continues to show signs of creating jobs because jobless claims, which are the forecast of new jobs, have been falling.

Once again, this is the period of the recent recession and jobless claims were going up and peaked in that period. They flattened out. When the recovery took hold in the middle of 2003, they started down in 2003 and they continue to trend downward, indicating that the increase in jobs is something we can look forward to for a fairly good period of time ahead.

Business activity, dividing between service and manufacturing activity: We can see that for the manufacturing sector the recession was very difficult. The blue line shows expansion or contraction. Manufacturing started down in early 2000, went below the line and stayed there until 2002, briefly came back up, and then dipped below again in the first part of 2003. Once again, that is when the recovery took hold and manufacturing has been in positive territory ever since. Services have done better than manufacturing all the way and both of them remain in the position of expansion.

During that period, however, inflation has remained well under control. Here are the inflation numbers. The Consumer Price Index, in the dark blue, has come down and remained fairly low, but the personal consumption expenditures price index, which is the inflation measure that the Federal Reserve uses to determine what is going on with inflation, is even lower and is staying more stable.

So the recovery has taken hold in all sectors, manufacturing as well as services. Jobs are coming back, and the forecasters say we will have economic growth at or above the level we enjoyed during the 1990s, at least through 2005.

What about the deficits? We keep hearing a lot of conversation about deficits around here and people saying: Well, maybe the economy is doing that well, but it is all because of runaway deficits.

Here again is the historic pattern of deficits. You can see the deficits spiked as a percentage of GDP during the 1980 double dip. It got to 6 percent GDP. In the recession of the early 1990s, it did not get that high. It was a little bit under 5 percent. This last one has been under 4 percent. The deficit peaked at a lower level than the peaks of the two preceding recessions. The dotted line that is shown here is CBO's projection of where the deficit is going as a percentage of GDP.

Now, you can say: How can it be falling as a percentage of GDP when it is going up in total dollars? Well, if it is rising less rapidly than GDP is growing, it is falling as a percentage of GDP.

Let's look at the numbers behind the deficit to see what is happening with respect to revenues. Here are the tax revenues as a percentage of GDP, again in historic context. They peaked in 1969–1970. And then when the recession hit, they fell. Here is the double dip, 1980–1982. Just before that recession, they peaked. The recession hit, and revenues fell dramatically.

The last one, 1990–1991, they did not come back up that much. But they fell as soon as the recession came along.

Then we had the revenues to a historic high as a percentage of GDP, up over 21 percent, coming at the time of the dot-com bubble.

One of the things that was responsible for this tremendous rise was the capital gains revenues. We in the Congress cut the capital gains tax rate from 28 percent to 20 percent and produced 5 times—5 times—the capital gains realizations that CBO had projected. There were so many people with so much inflated value in their stock who took advantage of that capital gains tax cut, who cashed it all in and paid that capital gains tax, and that pushed the revenue to unprecedented highs as a percentage of GDP.

The combination of the collapse of the dot-com bubble, and the collapse of the stock market that came along as a result, and the recession drove receipts down. And, yes, the tax cuts played a role there. There are those who were saying the tax cuts were solely responsible for this. The data do not support that. But they came back down.

What is happening is they are coming back up, as they always have. After every recession, revenues have come back as a percentage of GDP. And here are the specifics of how they have come up in fiscal 2005, in the years we have been operating in this fiscal year. The corporate income tax is up 50 percent from where it was a year ago. Payroll taxes are up 6 percent of where they were a year ago. Personal income taxes are up 10 percent of where they were a year ago. That is a clear indication, once again, that the recovery has taken hold and it is producing the standard historic response to a recovery after a recession. Revenues increase as the recovery takes hold.

The overall number is 9 percent. All total revenues are 9 percent higher than they were in the previous year's corresponding months. Total spending in that period is up 7 percent. That includes the war. That includes the supplementals. That includes all of the things we have done here. Total spending is up 7 percent higher than it was the previous year. But total revenue is up 9 percent higher than it was the previous year. So the recovery is taking hold and the deficit as a percentage of GDP is, in fact, staying within historic norms.

Now, I do not want to leave the impression from all of this that the future, therefore, is completely rosy and we do not need to worry about the deficit or that we do not need to worry about the future of the economy because lying there in our future is a major challenge. This has been talked about many times on the floor by Senators from both sides of the aisle. But I want to dramatize it with this set of charts.

I go back to fiscal 1966. Why did I pick fiscal 1966? That was the first year we began to see spending for Medicare. Medicare was passed prior to that time, but they had to gear up for it. They had to do the kinds of preparations they are doing now with respect to the drug benefit, so that the first time you began to see spending for Medicare was 1966.

All right. These colors on the chart demonstrate how the budget was divided. The big portion of the budget, the dark blue, is defense spending. Defense spending in 1966 was 44 percent of the Federal budget.

The light blue is non-defense discretionary spending. That was everything else. That was highways. That was education. That was courthouses. That was the Customs Office. That was everything we did in Government, which was 23 percent. Interest costs on the national debt were 7 percent. And the red, the mandatory spending, was 26 percent, the mandatory spending primarily being Social Security.

All right. That is what it was when the Medicare spending started.

Now, look what has happened today. This is 2004. The mandatory spending has grown to 54 percent. It is like a Pac-Man beginning to close in on everything else. The defense discretionary, even while we are at war, has shrunk to 20 percent of the budget. The nondefense discretionary is at 19 percent. It shrunk a little from where it was before, but close to the same. The interest costs are steady at 7 percent of the budget. But we have seen mandatory spending go from about 25 percent in 1966 to 54 percent in 2004.

Now let's go out in a projection. This is not a projection into the far distant future. This is only 10 years. We can be a little more confident of a 10-year projection than we can a 20-or 30-year projection. See how the Pac-Man portion of this circle is growing. Mandatory spending is now up to 62 percent. Defense discretionary has shrunk to 14 percent. Nondefense discretionary has shrunk to 15 percent, and interest costs have grown to 8 percent.

If you project this out, as this begins to take over all of the chart, the one thing that will challenge it is not defense spending and not discretionary spending, it is interest costs. As this begins to grow to the point where we cannot cover it, then we borrow more and more, and you will see the yellow begin to push the red back. You would see the yellow begin to take over where the red took over first.

I make this point because, as we are dealing with this budget, we should remember the impact of mandatory spending. I use this figure to illustrate this point to my constituents who say to us: The deficit must be brought under control. You in Congress must stop spending. You have to show some spending discipline, or the deficit will overwhelm us.

Let me give you two numbers. The President's budget proposal is for $2.7 trillion. The amount of discretionary spending that we are debating in this budget is $843 billion, and that $843 billion includes defense. That is why it says defense discretionary. If you take defense off the table on the grounds that we are at war and say, all right, you are going to have to balance the budget and bring the deficit under control by controlling spending, the only portion of spending over which we have any authority becomes 19 percent of the total budget. The other 81 percent will go on regardless of what we do.

That is why we have to have the courage, looking ahead at this that is coming, to say somehow we have to roll back the mandatory spending. You cannot balance a budget of $2.7 trillion by shaving down a percentage of discretionary spending. If we were to have an across-the-board cut of 10 percent of all discretionary spending, we would have a cry of outrage on this floor that would be heard all over the country. A 10-percent across-the-board cut? A 10-percent across-the-board cut for IDEA? A 10-percent across-the-board cut for food stamps? A 10-percent across-the-board cut for everything we do in Government? Absolutely not. But if we were to enact that 10-percent across-the-board cut, ignoring the mandatory spending, that would yield only about $80 billion out of a budget of $2.7 trillion. To use a phrase that all of the politicians in the room can understand, that is within the margin of error. And $80 billion out of a budget of $2.7 trillion makes little or no impact.

That is why in this budget debate we should keep in mind two things: First, as I hope I have illustrated, right now the economy is strong. It is robust. The recovery has taken hold. Jobs are being created. The deficit is coming down as a percentage of GDP. Things are moving in the right direction virtually across the board.

However, if we do not now exhibit the courage to start taking steps to hold down mandatory spending, all of the present work that we have done to make the economy solid, sound, and strong will be for naught. It will be overwhelmed by a sea of red ink, coming not from the fact that Congress is being profligate in the appropriations that we make and spending decisions we make, but coming from the fact that we did not have the courage to deal with the mandatory programs.

Now I have talked about Medicare, and that is the one that seems to have the greatest pressure. But we are also talking about Social Security, a mandatory program. We are talking about Medicaid, a mandatory program. We are talking about farm subsidies, a mandatory program. We are talking about the kinds of things that politicians have a very tough time addressing. This budget begins to address the mandatory programs very slightly, very gently, and in very small amounts. But they have already set off alarms of complaint around the Capitol that "you are trying to balance the budget on the backs of the poor." That is a great slogan, and nobody wants to balance the budget on the backs of the poor, but we have to recognize that if the economy goes into the tank because of runaway spending, driven by mandatory, it will be the poor who will pay the heaviest price.

I remember during the 1990s, when we were enjoying as much expansion as we were in the gross domestic product, one of my colleagues asked Alan Greenspan, Chairman of the Federal Reserve: who benefited most from this boom? He was expecting Greenspan to say it was the rich because look how rich they have become. He was a little surprised when Chairman Greenspan said—and I agree with what he said: Without question, this good economy has primarily benefited the poor.

My colleague said: How can you say that because the poor have not gotten as big an amount of money as have the rich?

The chairman said: The poor have seen their life circumstances change far more dramatically than the rich have. They can get jobs where they could not before. They are beginning to buy homes in ways they could not before. They are beginning to save money in ways they could not before. There is no question but what, in terms of the impact on people's lives, this strong economy has benefited the poor more than anybody else.

That is why we should look at these numbers that I have shared with the Senate today and realize that our primary stewardship must be to keep the economy as strong as we possibly can, that there is nothing we can do that would benefit the poor more than to see to it that this recovery remains robust and that the future moves away from this chart back to the kinds of proportions that we have today on this chart, where mandatory spending is roughly half instead of two-thirds of the total obligations of the Federal Government.

I salute the chairman of the Budget Committee for his resolution and determination to see that we do that, and I hope the Members of the Senate will support the budget as it has been reported from the Budget Committee.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent that the time between now and when Senator DURBIN arrives, up to 15 minutes, be divided equally between the two sides. If Senator DURBIN arrives before then, his time will begin, obviously, when he starts to speak. Then the time from when Senator DURBIN starts to speak until 8:45 p.m. be charged to the Democratic side, and at 8:45 p.m. the time will be charged to our side when Senator STEVENS controls the time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I rise tonight to talk about the budget that is now before the Senate. We have to remember that a budget is really a statement of priorities. It talks about how we choose to allocate our resources, and it says a lot about the kind of country we want to be and whether we want communities where opportunities are available to a few or communities where opportunities are available for everyone.

When I was growing up, my father was a World War II veteran. When I was in my teens, he was diagnosed with multiple sclerosis. Pretty soon he was no longer able to work, and my mother had to go to work to support seven kids. Fortunately, with some help from our Government, she got the help she needed to get a good job to take care of us and to take care of my dad. Without that kind of help, I would not be sitting here tonight as a Senator.

My family is not alone. Our country has a proud tradition of helping those who fall on hard times and helping them to reach their full potential. That tradition comes from fundamental American values, and one of those values is a belief in the importance of community.

The American philosophy says we all count and we are all in this together. It says that if I am doing well personally but my neighbors are suffering, I am not doing so well after all either. Today, those community values, those American values, are under attack by a budget that places too little value on the things ordinary Americans need. In doing so, this budget imperils the American dream for every one of us. To keep the American dream alive, I believe we have to put America first. For our Nation to be strong and continue to be an example to the world when it comes to creating opportunities for a better life, we have to be strong at home.

Unfortunately, this budget that is now before us does not put America first. This budget does not allow us to provide the kind of support Americans need in a number of critical areas, ranging from support for our veterans, to education, to health care, to the environment, to funding for our rail system. When this budget cuts funding to these priorities, it puts opportunities out of reach for ordinary working Americans who play by the rules and want nothing better than a chance for a better life for their families. They deserve the chance at a better life, and it is our responsibility to do all we can to give them that chance by making the right investments so they can be safe, healthy, and productive. We must not fail in or overlook this responsibility to put America first. Future generations of Americans are relying on us to make the right decisions now, and the fact is we still have the opportunity to do the right thing in this budget that is before us.

My first concern about this budget is that it is fiscally irresponsible. While the President and this Congress have consistently prioritized tax breaks in a time of war, the war itself has not been enough of a funding priority. It simply astounds me that this budget does not fund the true and full cost of the war in Iraq, which includes rebuilding. It also includes the cost of taking care of our veterans when they return home from their missions. At a time when our Nation is at war, our top priority has to be to support our men and women in uniform. I am deeply concerned that this budget fails to do so. Instead, we are asked to keep the cost of war offline as we pass that cost on to our children, our grandchildren, and future generations of Americans. These costs are knowable. We have been there for years now, and the costs should be reflected in our budget.

This budget underfunds veterans' needs by nearly $3 billion, failing in our commitment to provide the health care and benefits they have been promised in return for the sacrifice they are making for all of us. We have an obligation to care for those who have taken care of us, and, unfortunately, this budget does not meet that obligation.

Access to first-class care should be a reality for all veterans, especially while our Nation is at war. This budget may contain a few steps in the right direction, but sadly it does not go far enough to meet the needs of our veterans. If this budget is enacted, it will severely damage veterans health care. Payroll and inflation increases for doctors, nurses, and medications cost more than $1 billion, but this budget proposes to give the VA only half of what it needs.

To make up for this shortfall, the budget forces more than 2 million middle-income veterans to pay more than double for their needed medications and to pay a $250 enrollment fee. In addition, this budget actually continues to ban some veterans from coming to the VA for care, and so far under this flawed proposal 192,260 veterans have been turned away across the country, including more than 3,000 in my home State of Washington. That sends the wrong message to our troops who are serving us overseas. They need to know that we are there for them when they return home. This budget also imperils the relationship between the VA and the States. The VA has supported the cost of veterans residing in State VA nursing homes since the Civil War. Yet this budget calls on States to cover the entire cost for many veterans in these cost-effective nursing homes.

To make this budget add up, this proposed budget calls for $590 million in unspecified efficiencies. That means thousands of nurses and other providers are going to be cut; thousands of nursing home beds are going to be shuttered; and more than a million veterans are no longer going to be able to come to the VA for the health care they were promised and they deserve.

This budget falls very short in providing the general public with the health care they need. Today there are 45 million Americans who are uninsured. Without the safety net of Medicare and Medicaid, those numbers would be far greater. Let's take Medicaid as an example. Medicaid provides insurance to 40 million Americans and covers 55 percent of poor children. It also covers significant numbers of disabled, of elderly, and it provides the bulk of long-term care. Far too many Americans rely on Medicaid to defund it now.

Whatever the final number of the proposed cuts, and even if we call those improved flexibility, people are going to be hurt badly. The fact is, we should not forget that already-strapped States are going to be left to make up the shortfall because of what we do here. That is not right, and I hope we can correct it as we go through the amendment process.

Let me also talk about education. We had an amendment a short while ago, offered by Senator BINGAMAN. I think all of us need to remember that States are being overburdened by cuts in our educational system. This is another area where I believe this budget fails us as a community and it reflects the wrong priorities. It fails to provide the support necessary to build a workforce with the skills and education necessary so we can pass on a strong and secure economy.

This budget will cut educational funding for the first time in the past decade. It is going to eliminate 48 programs totaling $4.3 billion—programs our children rely on. The programs that have been cut include critical early intervention and college readiness programs, programs such as GEAR UP and TRIO that have been so successful.

This budget also fails employers because it fails to provide the funding we need to bring skilled workers into tomorrow's workforce and to keep our economy growing by eliminating the $1.3 billion Perkins Vocational and Technical Education Program. That is a bad move for students who are entering the workforce, it is a bad move for employers, and a bad move for the future of our economy.

The supporters of the underlying budget say it does not contain the assumptions of the cuts. But appropriators will not have the option to increase or even maintain current levels of funding in critical educational programs if we do not at least restore the funding for the programs that have been cut.

I offered an amendment in the Budget Committee to restore these cuts, and it failed on a party-line vote, just like the vote tonight in the Senate. We need to remember these cuts are real. They are going to affect real people.

Just last week, one of the last things we did was to reauthorize, here in the Senate, the Perkins Vocational and Technical Education Act, while at the same time the Republicans on the Budget Committee voted down my amendment that would have restored the $1.3 billion that program needs to make it work. We are now considering a budget without that amendment.

There are some increases for education in this budget, but they are very deceptive. For example, instead of fulfilling the promise of No Child Left Behind, this budget funds a meager 1.3 percent increase to No Child Left Behind and underfunds it by $12 billion.

This budget increases funding for title I, which is the program that funds disadvantaged students, by 4.7 percent, but that is also very deceptive. There is a shortfall of over $9 billion in this program. That concerns me, as someone who knows. We have a responsibility to make sure the generations that come after us have the skills they need to be productive so we will have a strong country that we can all count on in the future.

Another area of deep concern for me is this budget's failure to fund Amtrak. This budget sets the overall levels for domestic discretionary spending at the level included in the President's budget. That proposal includes his anticipated zero amount for Amtrak's traditional subsidy and $360 million for continuation of commuter service. If this budget gets adopted, I do not know how we are going to keep Amtrak operating next year. If this system shuts down, we will hurt 25 million passengers, people who rely on the Amtrak system to get to work, to get home, and almost 20,000 employees. Bankrupting Amtrak will be the wrong move for the people who depend on the rail system for their livelihood, for their mobility, and for their quality of life.

I am also really disappointed this budget includes language allowing for drilling in the Arctic National Wildlife Refuge. This improper use of the Senate's budget authority circumvents the appropriate avenue for addressing such a critically important and sensitive question.

Drilling in the Arctic is controversial and should be debated in the context of an energy bill. It has no place in this budget resolution, especially as the overinflated revenues are based on unrealistic expectations of oil and gas recovery.

I agree we have to work to achieve energy independence. But the fact is, energy independence can be achieved by tightening fuel economy standards for passenger cars, especially light trucks and sport utility vehicles, and the greater use of renewable energy sources and further focus on energy efficiency will do more to lessen reliance on foreign oil than drilling the Arctic National Wildlife Refuge. Although we were not able to remove this unnecessary provision in the markup, I know an amendment is going to be offered, and I hope we can remove it on the floor.

Before I close, I do want to mention that this budget does not do enough to support our Nation's farmers. When Congress passed the 2002 farm bill, it was hailed as providing new economic development opportunities for rural areas and for ensuring that farmers have a safety net to get them through the hard times. This budget will unravel that safety net by asking farmers, rural communities, and the poor to foot the bill for the support and opportunity that it is our responsibility to provide. In my State alone, with farmers from Washington State reeling from years of low prices and natural disasters and closed foreign markets, this is the time we should be providing a leg up, not cutting back on research and investment.

These are just a few examples of where this budget shortchanges ordinary Americans and does not put America first. I have other concerns with this budget and I will address them throughout the process, but tonight I wanted to register my deep concern that the priorities in this budget proposal are out of line with the challenges we face in this country in these difficult times. The sense of community that makes our Nation great, the feeling that we are all in this together is what got my family through its toughest times. It is what our country needs now more than ever. I believe that should be reflected in our Federal budget.

I believe we can do better, and I will work with my colleagues throughout this process on amendments to help develop a responsible budget that meets our country's needs and really reflects our true values.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I seek recognition on the time allocated to the Democratic side and Senator CONRAD on the budget resolution.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DURBIN. I thank my colleague from the State of Washington who has spelled out with some detail what is included in this budget document. It is hard to believe the Senate budget resolution for the budget of the United States of America has been summarized for our consideration on the floor into 65 pages: 65 pages for a budget in excess of $2 trillion. This, of course, is a budget resolution which just describes things in the most general terms. You have to really dig into this and you have to understand some of the subtleties of this resolution to understand its importance. This really will chart the path for spending by our Federal Government for the next fiscal year, beginning in October. It is a critically important document because this budget defines our priorities and tells us what we can expect in terms of our Nation's spending.

Like the President's budget, this budget from the Republican-controlled Senate Budget Committee will make deficits and the debt worse and not better. Like the President's budget, this budget is dealing in fantasy not in fact. It does not include a penny, not 1 cent to implement President Bush's privatization of Social Security. I do not believe that is a concession by the Republicans that this unpopular idea is dead. But it is an admission by the Republicans, who put this together, that they cannot pay for the President's privatization plan on Social Security. The President cannot explain how he will pay for it. When the Senate Republicans were given that responsibility, they could not either.

So here we have a plan that the President says is his acceptance of responsibility of leadership to privatize Social Security, and yet neither the President nor the Senate Republicans on the Budget Committee can tell us how they will pay for taking trillions of dollars out of the Social Security trust fund and gambling them in the stock market in the hope that those who invest would make more money than they would lose. It is a big gap in this budget. There is not a penny in here to pay for privatization of Social Security.

Let me tell you that it also fails to pay for the full cost of the war in Iraq after 2006. I have not heard any person in this administration even suggest the possibility that all of the American troops will be home by October 1 of this year. I don't believe that will happen. I don't think Iraq is safe enough for our troops to come home.

Recently, we were told by Secretary Rumsfeld that we had 157,000 soldiers in Iraq. It is likely we will have that number, or perhaps slightly less, in Iraq next year. We are spending billions of dollars to support our troops. As far as I am concerned, I will spend and vote for every penny those soldiers need to be safe, to perform their mission, to come home proud with their mission accomplished, but it is going to cost money. We should be honest about it.

How can this President as Commander in Chief offer his budget and how can the Senate Republicans in the Budget Committee offer us a budget for the United States of America for the next fiscal year and not include one penny for the cost of the war in Iraq after 2006? This isn't going to be done for nothing; it will cost us billions of dollars. Their failure to include the full cost of that war after 2006 in the budget resolution tells us they are not prepared to accept the reality and responsibility of leadership.

The President will not tell us how to pay for privatization of Social Security and doesn't include it in his budget. He doesn't tell us how he will pay for the war in Iraq and doesn't include it in his budget. When it comes to this Senate Budget Committee, again we find that it doesn't include the full cost of the war in Iraq after 2006.

There are other things that challenge us, too.

The Tax Code needs to be reformed. I have said half in jest but more seriously as I think about it that the most important thing we can do to simplify the Tax Code is to require that every Member of Congress, every Member of the House and every Member of the Senate, fill out and complete their own Federal income tax returns. We will simplify the Tax Code in a hurry if we can't send that material to the bookkeepers and accountants.

But one of the things that haunts us is the alternative minimum tax. This was the tax that really came out of the revelation 20 or 30 years ago that there were certain Americans who were very successful, making a lot of money, and not paying a penny in taxes. So we created something called the alternative minimum tax which says that even if your bookkeeper has found every way for you to escape paying Federal taxes, in the end you are still going to pay a minimum tax. You can't get off the hook. You are lucky, buddy. You live in America, you made a bundle, and be prepared to pay a little back to this country to defend us, to defend our freedom, and give us a chance to live another year successfully. That was the alternative minimum tax. I believe it is pretty sound principle.

What has happened over the years when we didn't change the formula is that inflation started moving the dollar amount of people who were going to be bound to pay this tax to higher levels, and then we find that some middle-income families are now going to be trapped with the alternative minimum tax. Everyone I have spoken to on both sides of the aisle says this is an outrage, this is unjust, and we need to make sure working middle-income families don't pay the alternative minimum tax. This budget offered by the Senate Republican Budget Committee does not fix the alternative minimum tax, which will affect more and more middle-class Americans next year.

It doesn't include the pay-go rule. For those who follow the arcane language of budget debates in Washington, the pay-go rule is basically this: If you want to cut taxes or increase spending on certain programs, you have to pay for them. It is simple. You can't borrow the money; you can't anticipate debt; you have to pay for it. You want to cut a tax today, what other tax will you increase? What spending will you decrease? That is the pay-as-you-go formula. This approach given to us by many people who described themselves as fiscal conservatives doesn't have pay-go rules that require that new tax cuts be paid for. In a moment, I will tell you what it does say about tax cuts. It is a harrowing possibility for future generations: more debt, debt that, unfortunately, will burden them and their children for years to come. It contains the wrong priorities.

The budget we have before us calls for big cuts in domestic spending on Medicaid, education, veterans, and transportation, even as it provides new tax cuts financed by more borrowing from foreign countries. The deficit under this approach is at record levels already. This budget would increase by an additional $130 billion over the next 5 years.

Despite that, we have been told by the President and others to cut the Federal deficit in half. When you look at all the elements they leave out of here—the cost of the tax cuts, the cost of the war after 2006, the cost of privatizing Social Security—it is clear that this a fantasy budget. This is a phony budget. It doesn't deal with the real costs of government which the President knows if his policies go forward are going to be faced by many others in the future. If you factor in the things the budget leaves out, this budget will create a record deficit of $570 billion in 2010.

I wanted to start this debate by showing this chart, which is nothing short of amazing.

I was elected to Congress in the Reagan administration when we were experiencing the largest deficits to that point in the history of the Federal Government. We didn't think we would ever find a day when we would escape those deficits, but yet it happened. At the close of the Clinton administration, we generated, for the first time in 30 years, if I am not mistaken, some $236 billion in surplus. We had cut spending, we had increased revenue, and we had the economy moving forward at a pace people just couldn't imagine. We generated a surplus.

What does a surplus in the Federal budget mean? It means we are being fiscally responsible, which happened under the Clinton administration, but it also means less money was being taken out of the Social Security trust fund to fund the Nation's debt.

Look what happens. Just as the Clinton administration ends and the Bush years begin, this sea of red ink hits our Nation—the Bush administration deficits. Then take a look at what the real deficits will be if the President continues on his path—a path calling for more tax cuts, a path calling for more costs when it comes to Social Security, the deficit we have talked about, a path that drives us to the point where we would be some $621 billion in debt by the year 2015. What a dramatic change in a short period of time—from the departure of President Clinton until 2015—brought on by President Bush's budget policies, policies endorsed by the Republican side of the aisle.

The biggest cost, of course, left out of the President's budget is Social Security reform. It will cost $754 billion over 10 years for the President's plan to privatize Social Security, growing to $4.9 trillion over 20 years. With this program left out, the budget does not accurately reflect our true fiscal situation. Including the $754 billion cost, the President's Social Security reform makes a bad deficit situation even worse with absolutely no end in sight.

Despite the exploding deficit, this budget goes along with the President and calls for $70 billion in new tax cuts. It does this even as it cuts spending on education, health care, and other areas of great American need, cuts them to the bone. The President's tax cuts, which have given much larger benefits to the wealthy than to the middle class, have been the single largest factor in creating the deficits that I have indicated to you today, according to the Center on Budget and Policy Priorities.

This budget brought to us by the Senate Republicans gives us more of the same. Among the new tax cuts are dividend and capital gains cuts that go overwhelmingly to wealthy taxpayers.

My next chart illustrates that fact. Take a look at dividends and capital gains tax cuts being suggested and proposed in the Senate budget resolution. Who benefits from these massive tax cuts? It turns out if you make less than $50,000 a year, on average you will benefit to the tune of $6. If you earn between $50,000 and $200,000, your tax cut is worth $112; $200,000 to $1 million income a year, your tax cut is $1,480. But if you are in the big leagues, making more than $1 million a year, President Bush's proposed tax cut, to make it permanent, that is endorsed by the Senate budget resolution, means for those making over $1 million a year, you will get an additional tax cut of $35,491 on average. The source of this is the Brookings Tax Policy Center.

Think about that for a moment. Do we believe it is in the best interests of America to drive us deep into deficit, deep into debt, in order to give tax cuts of this magnitude to the wealthiest people in America to the tune of $35,000? Someone making $1 million a year will not even notice this, but $35,000 to someone in middle-income categories would be dramatic.

Yet this Senate budget resolution proposed by the Republicans suggests we go deep into debt to give a $35,000 tax cut to someone making over $1 million a year.

The budgets will give more of the same. The average millionaire's tax cuts will be that dramatic and middle-income Americans will get very little. To put things in perspective, millionaires will receive $32 billion in tax cuts under the President's budget.

Let me compare that $32 billion figure with another figure. The tax cuts for people making over $1 million a year in income, coming to us from the President, coming to us from the Senate Republicans, will cost $32 billion. That is in 2006 alone. $32 billion out of our Treasury to give tax cuts.

What would it take for the President to restore spending on 48 education programs that were eliminated this year? The amount is $4.8 billion. How in the world can we live in a country where the leadership believes that funding education is less important than giving tax cuts to people making over $1 million a year?

Some people hear a Democrat talk about tax cuts for millionaires, and they say, There they go again. That is what I expect to hear from Democrats. This is not a change. But the numbers I have given today are facts in this 65-page document: $32 billion in tax cuts while the President eliminates $4.8 billion in education programs.

Could we maybe say to the millionaires, we will only give you half as much as you expect, maybe only give you $18,000 a year in tax breaks, capital gains, and dividends, and take the $16 billion and move it over here to fund our education programs? Is that an outrageous idea? Is that something hard for America to understand or accept? I don't think so. Restoring the cuts in 48 education programs, including vocational education, would take $4.8 billion.

These huge deficits, of course, are also going to lead to a record level of debt. We will be spending more and more money to pay interest on that debt. In 2006, we asked America's taxpayers to give us $270 billion of their hard-earned money to pay interest on our national debt. We pay more each year in interest on our debt than we spend on veterans, on education, or on the environment. Yet these programs face deep cuts under this budget and the debt grows and grows.

Our huge deficit also makes us dependent on borrowing from foreign countries. The vast majority of America's debt is being bought overseas, primarily by Japan and China. We ought to think about this and we ought to think about it long and hard.

Let me show an example of that. This chart shows the top 10 countries holding our national debt in the world. No. 1 is Japan. No. 2 is China. No. 3 is the United Kingdom. Next is Caribbean banking centers, South Korea, OPEC, Taiwan, Germany, Hong Kong, and Switzerland. To try to explain this in the simplest terms, if we are going to overspend in America, we have to borrow money to do it. When we ask the American people to buy our debts—U.S. Treasuries, for example—they come up with a certain amount of money. But then we find out it is not enough. We are so deeply in debt, we need to borrow so much money, we have to go out of America and see if other countries will buy our debt. So these countries become America's mortgageholders. These countries are holding our Nation's mortgage. No. 1 on the list, Japan; No. 2, China.

Why do they buy American debt? Because they believe it is profitable and sound. Profitable because we pay interest on that debt, naturally. Sound, because the American economy is the strongest in the world and has been for a long period of time. From their point of view, from Japan's and China's point of view, it makes sense to hold America's debt. It pays good interest and it is from a sound debtor.

But we started noticing some changes recently. Two or 3 weeks ago, South Korea—you may remember them as one of our close allies that we went to war to protect in the 1950s from the encroachment of communism—South Korea, a $69 billion creditor of the United States, a couple weeks ago said, maybe the American economy is not as sound as we thought it was. If they continue to go deeply in debt, if they continue in America to produce budget documents that are a fantasy and do not tell the real story, then maybe this American economy is not as reliable and sound as we once thought it was. That mere suggestion by the South Koreans sent this ripple of anxiety and fear around the world. We saw it automatically in the money markets and in trading around the world.

My fear and the fear of many is the time will come when some of these countries will decide that America's currency is not as safe and strong as they would like to see it so they may say, instead of holding dollars, we trust Euros. We think the European economies are more fiscally responsible. If that decision is made, the only way we can keep our mortgageholders happy is to raise interest rates—the profitability of their holding our debt. As we raise interest rates to keep them interested in financing our debt, the pressure is on to raise interest rates for the American economy. And as we do, the cost of owning a home, a car, making any major purchase, or financing a business goes up, as well.

It is not a coincidence—in fact, it is closely parallel—that many of these countries that are our major creditors and mortgageholders are also causing great damage to America's economy. We know what China is doing to America today. Our balance of trade with China says it all. We find ourselves importing more and more Chinese goods into the United States. We find American factories and manufacturing jobs disappearing, particularly over the last 4 years where we have seen this exodus of good-paying manufacturing jobs from the United States to many other countries, but largely to China. We find ourselves more and more dependent on China for cheap imports to sustain our way of life.

What company in America is the largest importer of Chinese goods in our country? Wal-Mart. So if you go to Wal-Mart and you think, boy, they are trimming those prices down, take a look where the products are made. They are made in China instead of the United States. Fewer people in the United States have good-paying jobs. We are getting the cheap goods in from China, but we are paying for it in terms of the strength of our economy.

So not only are these countries—Japan and China in particular, and South Korea and Taiwan and others—in the Asian rim finding themselves as our mortgageholders, but they are also finding themselves taking away jobs from America, taking away jobs we desperately need.

So this administration, the Bush administration, with the cooperation and enthusiastic support of the Republican side of the aisle, believes that more and more debt in America should not be feared, that we should go more deeply in debt than ever in our history, we should pile on that debt with tax cuts for the wealthiest people in America, we should drive this debt to meteoric levels by privatizing Social Security, and not paying for it, and we should do a little sleight of hand in accounting where we do not even include the full cost of the Iraq war after 2006 in our budget.

How can this be coming from an administration that prides itself on being fiscally conservative? This is fiscally irresponsible. We are mortgaging America's future and the future of our children to these countries that hold our national debt. We are giving them more power over our future and our economy than we should. And we are paying dearly for it.

Our huge debt makes us dependent on these countries. We should be cautious about a budget that relies on borrowing more and more and more from foreign countries and assumes they are always going to be willing to continue to buy large amounts of our debts.

In 2001, as I mentioned earlier, before President Bush came to office, we had budget surpluses. We were on track to pay off almost all of the national debt by 2008. Now it is forecast that we will have a $5.9 trillion debt by 2008. Paygo, as I mentioned earlier, is a rule that requires new tax cuts be paid for. There will be an amendment on the budget resolution offered. I don't think it is out of the question to say that if you want to increase mandatory spending programs, or if you want to cut taxes, find a source to pay for them, either another tax or spending cuts. That used to be a basic conservative credo on Capitol Hill. Now it has been ignored. The question is whether, given that chance by Senator FEINGOLD and his amendment, Democrats and Republicans will vote for fiscal sanity and fiscal responsibility.

Let me talk about the priorities in this budget that are simply wrong. This budget cuts many programs to the bone even as it is giving these massive tax cuts to wealthy Americans. The budget cuts Medicaid by about $14 or $15 billion.

Now, the budget is interesting because I looked to see—I used to sit on the House and Senate Budget Committees—how they did it. Well, they did it with an interesting approach. They called for the cuts in Medicaid at the same time as they added these caveats, these warnings, that any cuts in Medicaid should not "undermine the role the Medicaid program plays as a critical component of the health care system of the United States; cap Federal Medicaid spending, or otherwise shift Medicaid cost burdens to State or local governments . . . ; or undermine the Federal guarantee of health insurance coverage Medicaid provides. . . ."

How can you do both? How can you dramatically cut Medicaid spending and still do these things? I think this is a figleaf. I think members of the Senate Budget Committee know better.

Let me tell you a word or two about Medicaid. It is the largest insurer in my home State of Illinois, covering more than 2 million people out of the 12.5 million whom I represent. The program covers 40 percent of all children born in Illinois and provides health insurance to 30 percent of the kids as they are growing up in my State. It pays for 65 percent of nursing home residents in Illinois. Nationally I think the average is 70 percent.

As more and more people lost their health insurance and struggled with our economy over the last few years, losing good-paying jobs, losing health insurance coverage on the job, we saw the number of people covered by Medicaid increase. Illinois expanded Medicaid coverage in the last 2 years to 130,000 children and 135,000 parents. That expanded coverage is at risk due to the cuts in this budget.

Senator BINGAMAN and Senator SMITH will offer a bipartisan amendment to remove these cuts from the budget, and I hope we will support that amendment. How can we be in a position where we are absolutely derelict in our duty and responsibility to do something about the cost and accessibility and affordability of health care in America and then turn around and say we are going to absolutely gut the safety net? Medicaid is the safety net. Medicaid says if you are working a job and not receiving health insurance, and you reach a point in desperation where you need health care, if your income is low enough, Medicaid will pay for your medical bills.

It is not going to be luxurious care. There is not much of that left in this country under Medicaid, even though some of the critics say there might be. I have not seen evidence of that. Most of the Medicaid providers I talk to, the doctors and hospitals, argue we do not pay them enough. So if we are not going to create a real safety net of health care for America, how can we chop up the existing safety net of Medicaid, as this budget proposes to do?

And let me make one aside here, my own personal point of view. This President is out doing 60 cities in 60 days to talk about the threat of Social Security being out of balance in 40 or 50 years. He looks down the track and sees, 50 years from now, that tiny light of a train coming and says: We better do something today to deal with the challenge of Social Security 50 years from now.

I am not opposed to that. But the President is now barnstorming the United States talking about that problem 40 or 50 years away, and while he is talking about that problem down the tracks, a locomotive is coming right behind us called the cost of health care in America. It has on that locomotive Medicaid, Medicare, and the cost of health insurance, and the President is not saying a word. The Republican leadership in Congress is not saying a word, save for this budget resolution which says we are going to reduce the protection and coverage of Medicaid, protection and coverage essential to people in the last years of their lives in a nursing home, people in the first moments of their lives who are covered as children and infants.

Let me talk about education. What a time in the history of America to cut education. That is what the Senate Republican Budget Committee does, cutting it by $34 billion. Mr. President, 3.2 million children in Illinois are in primary education and depend on Federal funding. And 5,200 children would be unable to attend Head Start. Have you ever been to a Head Start program? Have you seen what they do there? Children come in from some of the poorest families in the neighborhood, kids whose parents probably did not have a good experience in school, and they bring these kids in to learn how to get along well with other kids and to give them a running start at being successful when they enter kindergarten.

Is there a better concept than that, preschool education for kids so they have a chance to succeed? Well, this budget obviously decides we cannot spend as much as we should on Head Start.

Illinois will lose $500 million for elementary and secondary education under this bill. Mr. President, 5,200 children in my State would be unable to attend Head Start programs due to the cuts.

The State would also lose $335 million for special education and $160 million for school improvement programs. This budget also cuts funding for vocational and technical education. Illinois receives $50 million a year for that. It serves 350,000 students who are not college bound, but students who want to be trained with vocational training and similar technical education training so they can make a living and contribute to this country. This budget cuts it.

Three out of every five high school students in Illinois are enrolled in these programs. Senator BINGAMAN has offered an amendment to restore $4.8 million. It is my understanding it was already voted on and failed, which is a sad commentary that we have decided we cannot afford to put money into vocational and technical education. There are billions of dollars for tax cuts for people making over $1 million a year, but we cannot find $4.8 billion in Senator BINGAMAN's amendment for education. What a priority, that the wealthiest among us will receive about $3,000 more in tax cuts every month while we tell the kids in vocational schools and getting technical education we cannot afford their teachers and their classrooms.

Law enforcement also faces terrible cuts, cuts of $2 billion, including a $500 million cut in the COPS Program. I know President Bush and the Republicans in Congress loathe President Clinton's COPS Program. They hate it that a Democratic President would come up with a program to make America's communities safer that was so wildly popular. They have been determined since they arrived in town to kill this program. Well, my congratulations to the Senate Republican Budget Committee. You almost have the job done with this budget. Cutting this money for the COPS Program is sadly going to jeopardize the men and women in uniform who put the badges on every morning and risk their lives so our communities are safer. They are out there fighting crime, violence, drugs, gangs, and this budget says we don't need them; we don't need to continue this program.

I think they are wrong. Since 1994, Illinois has received more than $400 million for the COPS Program. We have added 6,000 new police officers in our State, in 680 different local law enforcement agencies. Illinois is safer and America is safer because of the COPS Program. But because it has Bill Clinton's name associated with it, the Republican Budget Committee has to do away with it. So tax cuts for the wealthiest in America, averaging $3,000 a month for those making over $1 million a year, but we cannot afford the cops on the street to make it safe for our kids to walk home from school or our parents to go out for a stroll in the park in the evening. Is that an upside down priority?

Let me talk for a moment about transportation and Amtrak. The budget cuts transportation by $16 billion, and it eliminates funding for Amtrak. I cannot think of a worse idea at this time. To eliminate national passenger rail service means the following: more cars on the road and highways, causing congestion; more pollution for our air, making it even worse for those suffering from pulmonary disease and asthma and other problems; and with more gas being burned in these cars, more dependence upon foreign oil. This is absolute lunacy that we are walking away from national passenger rail service when we know it means more traffic congestion, more pollution, and more dependence on foreign oil.

That is a priority the Bush administration echoed in the Republican budget. There will be an amendment offered to restore the cuts in Amtrak. I hope it succeeds. We can do better than this budget. It doesn't reflect the real state of our deficit and it doesn't reflect the real values of America. It has the wrong priorities. It cuts things that are essential, such as health care and education and transportation. For what? To give more new tax cuts to the wealthiest people in this country.

I am not sure President Bush thinks that was his Ohio mandate to go forward with these tax cuts. But I wish he could have been at Walter Reed Hospital today. I went to see soldiers who were injured overseas and going through recuperation. I went to one of their physical therapy rooms to watch them be fitted for their new legs and new arms, trying to make their lives again a reality. They are proud of this country and I am, too.

I would be prouder if we were more honest in our budget. But we are not. We don't even include the full cost of the war they fought in this budget. We act as though it doesn't exist after 2006. Well, it does exist. The soldiers who served our country exist. We need to make certain that when it comes to veterans health care, to the basics they need to start their families and get good jobs and restore their lives, we will stand behind them. This budget walks away from them. I hope the Senate will think twice about passing this document. I think we need a new set of priorities, reflecting the real values of America.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VITTER). Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I remember sitting in that chair presiding late in the evening when I was first elected. You get lots of opportunities to sit in that chair and preside. When it draws toward the hour of 8 o'clock and 9 o'clock and 10 o'clock, I know the days can get very long, especially when you are sitting in that chair. I think the Chair understands the process here. We have time, and the time is going to be wasted unless it is used. So we intend to use the time. I hope it is more interesting to the Chair to at least have somebody talking than to sit by his lonesome.

The Comptroller General warned us earlier this year that the fiscal outlook is worse than claimed. He said in a speech to the National Press Club:

> The simple truth is that our Nation's financial condition is much worse than advertised.

The Comptroller General has it exactly right. The Comptroller General of the United States is head of the Government Accountability Office. He is responsible to Congress to tell us about the fiscal condition of the country.

He is warning us that our current budget course is unsustainable. That is a word he uses over and over, "unsustainable." Chairman Greenspan, the Chairman of the Federal Reserve, has used that same word, "unsustainable." It is a word I have used many times to my colleagues that the current budget course is unsustainable. We are running record deficits now. The President says cut revenues some more, add more to spending, and on top of it, we have the baby boomers about to retire. None of this adds up, and the President's budget does not add up. The President has left things out in an attempt to make the numbers look better. One of the things he has left out is any war cost past September 30 of this year. We have $82 billion that the President asked for in a special addition to the budget, called a supplemental, for this year. But past September 30 of this year, he has asked for no additional money, although the Congressional Budget Office tells us that over $380 billion is going to be necessary.

It is not just with respect to the war the President has not given us the full story in his budget. He also has not shown us the full cost of his tax cut proposal. This dotted line shows the end of the 5-year budget window. Look what happens to the President's tax proposal right after the 5 years of the budget window. The cost absolutely explodes. None of that is revealed by the President's budget.

In addition to the war costs and his tax cuts, he has also not shared with the American people the cost of fixing the alternative minimum tax, the old millionaire's tax that is rapidly becoming a middle-class tax trap. Why do I say that? Because now 3 million people are being caught in the alternative minimum tax. In 10 years, they tell us 40 million people will be caught up in the alternative minimum tax. It is going to be a big surprise to a lot of people. They thought they were getting tax cuts from this administration, but they are going to get tax increases from this administration. Many of them will not get it this year, but more of them will, and more next year, and more the year thereafter. Millions more will be caught up in the alternative minimum tax. It costs $774 billion to fix. The President's budget has nothing, zero, in the budget to cover that cost.

Over and over, what the President has done is just leave things out of his budget to claim he is making progress on reducing the deficit.

Earlier Senator BENNETT was on the floor talking about how well the economy is doing. In some measures, it is doing well, but in many others, the economy of our country is being pumped up by writing hot checks. I remember Senator Bumpers so well during the Reagan era when we had a similar pattern of borrow and spend. He said: Anybody can pump up the economy by writing billions of dollars of hot checks. That is what this administration has done, hundreds of billions of dollars of hot checks, and not just over a 5-year period but every year, every year hundreds of billions of dollars of deficit financing.

When the President came into office, he inherited a surplus. He inherited a substantial surplus, $236 billion. He told us if we adopted his plan, there would not be deficits. He was wrong because the deficits have absolutely exploded. And so has the debt. It is not just the deficits. Our friends on the other side of the aisle just want to talk about deficits, but the debt of the country is the real concern.

You will remember the President told us in 2001 that he had a plan that would give us maximum paydown of the debt. He was going to eliminate as much of the debt as could be eliminated. Now we see the reality of the President's plan. Instead of debt being paid down, the debt has skyrocketed. It was $3.3 trillion in 2001. We now project it will be $9.4 trillion in 2015. This debt is going straight up. That is the publicly held debt. The gross debt is even worse. The gross debt was $5.8 trillion in 2001. We now project that it will hit $15.8 trillion in 2015 if the President's policies are adopted.

This truly is a policy of deficits and debt, and it is also a policy of, in some ways, decline because while we are running these massive deficits and dramatic increases in debt, the value of our currency is in sharp decline.

One of the key reasons for that is the massive trade deficits. At the same time we are running huge budget deficits under the President's policies, we are also running massive trade deficits, the biggest trade deficits ever in our history.

The trade deficit last year was $618 billion. Why does it matter? It matters because we have to fill in the gap somewhere. The way the President is filling in the gap is to borrow the money. He is borrowing it from all over the world.

In the last 3 years—and we only have numbers to 2004—this is what is happening to the foreign holding of our U.S. Treasury debt. Foreign holdings of our Treasury debt have gone up 92 percent in just the last 3 years. Some might say: So what. Everything seems to be going well. That just shows countries have confidence in us.

Does anyone really believe America is strengthened by borrowing more and more money from Japan and China and South Korea? Does anybody think that somehow strengthens America?

The harsh reality is that all this borrowing has led to this result: The dollar is in decline. Against the Euro, it has already gone down 33 percent since 2002. As we borrow more, people are having less faith and confidence in the value of the U.S. dollar, and the dollar has declined quite dramatically. It is not just the Euro, it is against other currencies as well.

Senator BENNETT, I am sure, talked about how jobs are now being created. That is true, and that is good news, and all of us are happy for that for the country. But the hard reality is there is an enormous gap between what is happening in this recovery and what has happened in previous recoveries. This dotted red line shows job recovery in the nine recessions since World War II before this one. One can see at this stage of the recovery—and this is the number of months after the business cycle peak—when we get out to this stage of the recovery, generally job recovery is improving very markedly and very dramatically. But look at the gap between this recovery and the average of the job recovery in the nine previous recessions since World War II. There is an enormous gap. In fact, the gap in jobs is 6.2 million private sector jobs short of the typical recovery. Something is wrong here. Something very different is occurring between this recovery and other recoveries.

One of the questions we ought to be asking is why? Why is this recovery so weak compared to all the other recoveries since World War II? One of the things we see in addition to that is real weekly earnings during the tenure of President Bush are up only $5.32—and that is a week. Real weekly earnings in January of 2001 averaged $523 a week in this country. You see, this goes back to 1996, and we saw a very healthy run up from $485 to $523 from 1996 to 2001.

So that was an increase of $38 a week. In this 4-year period, 2001 to 2005, weekly earnings are only up $5—again an indication that this recovery is weak in comparison to other recoveries. Here is more evidence that something is amiss in this recovery. Here is the share of population at work, and what we see is that it is near a 10-year low, with 62.3 percent of the population employed. We had been up at just about 64 percent, but in this period, with the recession, not surprisingly, the share of population at work was reduced, and still we are not seeing a strong recovery.

I am certain also that Senator BENNETT talked about what has happened with tax cuts and that tax cuts help fuel the recovery. There is no doubt that tax cuts help a weak economy. I myself proposed to our colleagues very substantial tax cuts in 2001, not as big a tax cut over an extended period as the President but actually bigger tax cuts in the short term than the President first proposed in order to give lift to the economy.

I think now our colleagues are basically rewriting history and saying that tax cuts increased revenue. That is not what the record shows. The record shows that tax cuts reduced revenue. Here is what has happened. This chart shows Federal revenues in trillions of dollars, and we can see at the time of the Reagan tax cuts we had a reduction in revenue. At the time of the Bush tax cuts, revenues declined 18 percent over a 3-year period. They did not go up; they went down. This is not a matter of ideology. It is not a matter of partisanship. It is a matter of fact. The fact is, revenue went down.

Looking at it in another way, this is the history of revenue going back to 1955 as a percentage of gross domestic product, and we can see that revenue had reached a peak of almost 21 percent in 2000. This led President Bush to say we need to cut taxes. He was right. Taxes were very high historically at that point, but look at what has happened subsequently. Taxes last year were down to 16.3 percent of gross domestic product. That is the lowest since 1959.

So, again, when our friends say we get more revenue with tax cuts, no, no. We did not get more revenue. Revenue went down sharply. It did not go up. That is just a factual matter.

I remember very well, in 2001, the Congressional Budget Office came to us with—I call this the fan chart. The fan chart was designed to show us the range of possible outcomes of budget deficits going forward. The Congressional Budget Office gave this wide range of possible outcomes depending on various economic scenarios, and they chose this midrange of possible outcomes for the forecast. The administration adopted that same outlook, and they said on the basis of this analysis that we were going to have nearly $6 trillion in surpluses over the next 10 years. Of course, this was back in 2001.

My Republican colleagues came to me when we were having these budget debates, and I said, please, do not bet on a 10-year forecast. Let us not be betting the farm on a 10-year forecast because it may not work out. Yes, let us have tax cuts, let us have money set aside to strengthen Social Security, but let us not bet the whole farm on these forecasts coming true.

Some of my best friends on the Republican side said: Kent, you are way too conservative. Do you not understand with these tax cuts, we will get a lot more revenue? Do you not understand the way it works? If we have these tax cuts, that will fuel the economy, and we will get much more revenue. We will be way above the midpoint of this range.

Well, let us go back and check what really happened. Here is what really happened. It is this red line. We were not at the midpoint. We were not at the bottom of the range of possible outcomes on the deficits; we were way below the bottom. So this theory that tax cuts are going to lead to more revenue did not work out. In the real world, it did not work out.

Here is what the Federal Reserve Chairman says. He rejects claims that tax cuts will pay for themselves. He said:

> It is very rare and very few economists believe that you can cut taxes and you will get the same amount of revenues.

He has made other comments on the subject as well. He said last year, on September 8, in testimony before the House Budget Committee:

> If you're going to lower taxes, you shouldn't be borrowing essentially the tax cut. And that over the long run is not a stable fiscal situation.

That is exactly what the budget before us asks us to do. It asks us to borrow more money to finance more tax cuts when the revenue is already the lowest it has been since 1959.

I have to say to my friends, at some point the stuff that is being proposed has to add up. If my colleagues do not want to finance the spending they are voting for, then vote to cut the spending to match the revenue they will support. If they do not intend to make those cuts in spending, then raise the revenue to meet the spending they insist on passing.

Over and over today, we heard our friends on the other side of the aisle say this budget is one that is fiscally responsible. I will soon have the chart that shows the year-by-year increases in the debt under this budget.

Over and over I heard today that this budget is going to cut the deficit in half. Well, that is a worthy goal—going to cut the deficit in half over the next 5 years. The problem with it is they have just left out all kinds of things we know we are going to spend money on. They left out the war costs past September 30. That is $300 billion, according to CBO. They left out $700 billion to fix the alternative minimum tax. They left out $700 billion to fund the President's Social Security plan.

It does not stop there because, very interesting, if we go to their own budget document on page 5, here is what we find. This is their analysis of how much the debt is going to increase over the 5 years of their budget. Look at what it shows. These are not my numbers. This was not developed by our side of the aisle. This is our Republican colleagues' own budget document, and here is what they say: If we pass this budget, the debt is going to increase in 2005 by $669 billion. Of course, that budget is already in play. Next year they say the debt will increase by $636 billion; the next year they say the debt will increase by $624 billion; the next year by $622 billion; the next year by $611 billion. How is the debt increase being cut in half? The deficit should be the amount by which the debt increases every year, right? Well, this is what they say the debt is going to increase by, and yet at the same time they are saying they are cutting the deficit in half.

How do these two things add up? The only way they add up is by just leaving things out. When you put them back in, what you see is the debt increasing each and every year by over $600 billion, and all before the baby boomers retire.

What is going to happen then? Massive debt before the baby boomers retire, and then a doubling of people eligible for Medicare and Social Security. Then we have a train wreck.

The hard reality is, this budget does virtually nothing about the deficit situation facing the country. In fact, it only makes it worse. Under this budget before us, the deficit is increased by $130 billion over and above what would happen if we did nothing. If we put the Government on autopilot and walked out of here today, the Congressional Budget Office says the deficit would be $130 billion less than if we pass this budget. Yet we heard all day how this is a fiscally disciplined budget.

I wish it were so, but it is not. We now face a circumstance in which the country is living beyond its means. We are running a trade deficit over $600 billion, a deficit on an operating basis over $600 billion, and we are borrowing the money and the President's answer is borrow some more money. Change Social Security, create private accounts, divert money out of Social Security, fill in the difference by borrowing trillions of dollars more.

Tomorrow we are going to have a debate and a lengthy discussion on the question of Social Security and what the proper course is. I, for one, believe we do need to fix Social Security. We not only need to fix Social Security, we need to fix Medicare because the shortfall there is eight times the shortfall in Social Security. The President has no plan to address that shortfall.

In addition to that, we are running these record budget deficits and the President says make the tax cuts permanent, cut the revenue base some more, and spend more money.

This budget spends $100 billion more than last year's budget. I said to my colleagues earlier today, this is almost surreal, talking about this budget, how disconnected it is from reality, how far afield it has become. To hear descriptions of this budget that suggest it is fiscally responsible kind of leaves me shaking my head.

Enormous risks are being run. The risks that are being run are that the folks who are loaning us the money decide they are not going to continue to do it. If that were to happen, the dollar would plummet further. I have already indicated it is off 33 percent against the Euro in just the last several years. But if those who are loaning us money—the Japanese, they have loaned us over $700 billion; the Chinese, they have loaned us over $200 billion; the South Koreans, they have loaned us almost $70 billion—if they decided no longer to continue loaning us these amounts of money, what would we do?

What would the options be that would be open to us? How would we pay our bills?

That is a question we ought to be thinking about very carefully. If those who are loaning us these vast amounts of money decided that they were running too great a risk, if they decided they were tired of losing the value of their investments because the value of the dollar is constantly eroding, what would be the choices left to us? Very clearly we would have to dramatically raise interest rates. That would have a very serious impact on our economy, very serious, because not only do we have government debt—Federal Government, State government, local government—corporations have debt and individuals have debt—they have mortgage debt, they have car loan debt, they have student loan debt. What would happen to all of that debt if all of a sudden interest rates had to rise quickly and dramatically in order to get foreign capital back into the country to float this boat because of these massive budget deficits and trade deficits? What then? That is the risk that is being run. That is the risk that is being run with this reckless fiscal policy.

Our friends on the other side have described themselves as conservative. There is nothing conservative about the budget policy of this Government. This is a wildly reckless fiscal policy of record deficits, of record increases in debt with no end in sight, and this budget is more of the same. By its own terms, it says it is going to increase the debt every year of this budget by over $600 billion a year. Debt on top of debt.

It is not too late. The time is still available to us to change course, to go to the American people and say: You know, we have to trim our sails. We are living beyond our means. We have to take steps to reduce this growth of deficits and debt. Yes, we need more revenue. Revenue is at the lowest it has been since 1959. That doesn't mean the first thing we do is raise taxes because could you get more revenue without a tax increase. You could get more revenue by collecting the taxes that are due now. The Internal Revenue Service tells us that the tax gap, the difference between what is owed and what is being paid, is over $300 billion a year. That is money that is owed that is not being paid. Why should we increase taxes on anybody before we collect taxes from people that already owe it?

The vast majority of the American people pay what they owe. But we have a growing number of people and a growing number of companies that are not paying what they owe. The result is the burden gets shifted onto all the rest of us who do pay what we owe.

Part of the result is these massive budget deficits. Yes, we have to be tough on the spending side of the ledger as well, without question. We are going to have to be tough on the spending side. But our Republican friends never want to talk about the revenue side. They say deficits are simply a result of spending.

No, deficits are a result of the relationship between spending and revenue. What has happened is very clear. The facts demonstrate it conclusively. The revenue side of the equation has collapsed. Last year shows the lowest revenue as a percentage of gross domestic product since 1959, and spending has gone up.

I would be the first to say the administration has increased spending with complete bipartisan support. The increase in spending has been primarily in three areas: Defense, homeland security, rebuilding New York. Those are the areas where the spending has gone up. In fact, virtually all of the spending increases are in just those three areas. But that is the reality. Spending has gone up, revenue has gone down. We couldn't pay our bills before, and we sure can't pay them now. The proposal is spend even more, have even less revenue.

The deficits get worse and they get worse at the worst possible time, right before the baby boomers retire. That puts enormous strain on the budget of our country.

What difference does it make? The difference it makes is somehow you have to pay these bills. If we are not going to cut the spending to match the revenue or raise the revenue to match the spending, then the only alternative is to continue to borrow, borrow, borrow. And increasingly, we are borrowing from countries all over the world. That makes us more vulnerable.

I have never heard of a country borrowing its way to power. I have never heard of a country strengthening itself by becoming more indebted to others. I have never heard of a country that built its power on being the biggest debtor nation in the world, which we have now become. We have gone in the last 30 years from being the biggest creditor nation in the world to being the biggest debtor nation.

You can do that for a while, just as a family can live beyond its means for a while. But at some point the bills come due. At some point you have to pay up.

The challenge for us is to get on a different course and a different trendline as quickly as we can. We have seen this country take on challenges such as this many times before and succeed. The strength of America is our resilience and our ability to change course to meet challenges. We did it in World War I, in World War II, and we did it in the Great Depression. We did it in the 1990s when we were faced with massive deficits as well and we were able to get back on a course that turned deficits into surplus. Now that course is reversed once again. Unfortunately, unlike the 1980s when we had more time to get well, this time there is very little time to get our financial house in order before the baby boomers start to retire.

Hopefully, tomorrow we will begin to agree to some amendments to this budget that will reduce the buildup of deficits and debt and begin to set us on a course toward fiscal responsibility. I hope that will happen. We will certainly have a vigorous debate and discussion and amendments tomorrow, and I look forward to it.

Mr. GREGG. Mr. President, the executive branch agencies have many programs to recognize performance and talent. In the legislative branch, we too often take personal effort and hard work for granted. Unfortunately, the Senate does not possess many ways to recognize excellence, and too often we recognize outstanding people only at their farewell parties when they leave to assume a high-level position downtown.

Today, I would like to take a little time off the debate clock to mention something that is not debatable. I think this is simply stating something that all members, on both sides of the aisle, know only too well. I want to recognize three members of our Senate Budget committee staff who exemplify the highest standards of public service—Jim Hearn, Cheri Reidy, and Dave Pappone.

During the recent transition, I was very fortunate to have three of the very best in the Senate, and the U.S. Government, elect to stay with the committee. Jim, Cheri, and Dave Pappone are among the best I have seen. They serve as the institutional knowledge and conscience of the committee. I have benefited greatly from the advice and counsel of these professionals who have served the committee under former Chairmen PETE DOMENICI and Don Nickles. I am proud to say now they are part of my team. When I announced in November that I intended to assume the chairmanship of the Budget Committee, I began to sit through "budget school" tutorials with these three to go over the intricacies of the budget process and the Budget Act. Since then, they provide outstanding staff work and recommendations. The resolution before the Senate is here on time and out of committee in not small measure based on their hard work.

Jim Hearn joined the budget committee in 1995. He holds a Master of Public Policy degree with a concentration in Economics and Forecasting from the University of California at Berkeley. Jim served with the Congressional Budget Office, or CBO, from 1984 until 1995. He serves as our director for Federal Programs and Budget Process. He also is author of our committee's Budget Bulletin, which distills and explains the latest budget developments on the Hill, and seeks to explain complex budgetary concepts. Jim is one of those people in Washington who fully understands the Budget Act and the budgetary process. The technical accuracy of the budget, and the drive to bring "good government solutions" to the budget process are Jim's constant passion. He is respected by CBO, OMB, and budget experts everywhere—inside and outside Government. Countless Senate committees know they can count on Jim to give them an honest evaluation of budgetary proposals and scoring.

Cheri Reidy joined the Budget Committee in 1982. She holds a Master of Public Policy Analysis from the University of Rochester with an emphasis in statistical and economic analysis and program evaluation. Her undergraduate degree is in Psychology which, no doubt, serves her well in understanding the budget process. Cheri serves as our director for Revenues and Budget Review. Cheri understands all sides of the PAYGO ledger as well as anyone—she especially knows revenues and tax policy. I sometimes think she is the anchor, the core of our professional staff. She is tireless and remains cool under pressure. She spends time with our new committee staff teaching them the ins and outs of budget review and the type of products required to be able to draft a chairman's mark within several days of getting the CBO reestimate of the President's Budget. Cheri is brilliant, a team player, and a pleasure to work with.

David Pappone joined the Budget Committee 3 years ago, when he started as the functional analyst for education and space/science. David holds a Master of Public Administration with a concentration in Budget and Public Finance from George Washington University. There was a television ad years ago for Digital Computers that said, "If you can make the numbers work—it's the big time." Well, Dave Pappone is a genius with spreadsheets and managing information from OMB, CBO, and a number of functional analysts on our staff. David makes the numbers work and produces a number of complex, funding tables and charts in a fashion that seems seamless and almost effortless. He is a one man CBO for our committee and gives us 110 percent day in and day out.

Mr. President, the Budget Committee has an extraordinary staff. On a daily basis I am impressed with their tireless energy, professionalism, and teamwork. At the core are Jim, Cheri, and Dave, and I just wanted to recognize them and say thanks.

Mr. President, today I want to also recognize the achievements of Don Dempsy of my staff, as he moves from the staff of the Budget Committee to serve as the legislative director for the Senator from North Carolina, Mr. BURR.

Don is one of those rare persons who combines unusual academic and intellectual achievements with a keen, practical, and effective role in public policy. Well educated as an economist, he has applied this expertise to health care policy and other public policy areas for over 10 years.

He began his work on the Hill in 1996 and his talents were quickly recognized by a number of Senators. He was promoted over the next few years to positions of increasing responsibility in the offices of the incomparable Senator Gramm and upon his retirement, in the office of Senator KYL.

His accomplishments and expertise with those Finance Committee members are well known. Early last year he joined the Budget Committee under the chairmanship of my predecessor Senator Nickles. We were fortunate enough to benefit from his understanding of the budget and two crucial entitlement programs, Medicaid and Medicare, as well as his intensive knowledge of the full range of health programs.

Don, characteristically, has put his work and his loyalty to the Senate first, and left our office Friday and begins work today with Senator BURR without a break. The Senate and the country thank him for his service.

I yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I have come to the floor of the Senate tonight to sort of finish up the day, mainly because I am a westerner. I know that many people listen to the coverage of the Senate, but in the West it often happens that the speeches pertaining to the interests of the West come off in the middle of the day. And it is now 8:40 p.m. here. That means it is 5:40 on the west coast and 4:40 in Alaska, my home.

I feel the west coast has been misrepresented as far as the issues that pertain to the development of the Arctic Slope in my State. Gone are the days of the great supporters such as Warren Magnuson and Senator Jackson and Senator Hatfield from Oregon and Senator Hayakawa and others from California. We have almost unanimous opposition to the development of the Arctic Slope now from the west coast. Yet it was the west coast that got most of the oil that came from the development of Prudhoe Bay.

I have lived through this whole period and I want to talk a little bit about the history of it. But I hope people living on the west coast who listen to this and view this program will think a little bit about it and call their Senators and ask them, Why are they opposing the development of domestic oil? Why are they insisting on relying upon foreign sources of oil?

In recent months many have voiced concern about the emerging economic recovery, job creation, our national security, and increasing gasoline prices. In my view, we can only have a full debate on this budget resolution if we discuss what I believe is the source of many of these problems.

It has been 12 years since the United States adopted comprehensive energy legislation, adopted a bill to send to the President a new energy program. For more than a decade, our outdated policy has been a barrier to our economic growth and opportunity. It is like a cancer spreading to all corners of our country and all industries in our economy.

Without sound, balanced energy policy that reflects our current circumstances, Americans will continue to see the symptoms of this cancer in their daily lives: higher prices at the pump, the fear of whole cities held hostage by blackouts, and the whims of unstable governments and unfriendly regimes we rely upon for basic energy needs.

I hope later to address the sweeping impact of our Nation's insufficient energy policy on all segments of our economy. But I want to begin tonight by putting these issues in historical context and reviewing the history of what is called ANWR and the energy crisis of the 1970s.

In 1960, Secretary of the Interior Fred Seaton established the 8.9 million acre Arctic National Wildlife Range and stipulated the range was open for mineral leasing. As the only current Member who worked in the Eisenhower administration, and one who drafted portions of the order creating the Arctic National Wildlife Range, attempts to convince the Congress that the range was ever closed to oil and gas exploration is a mischaracterization of the intent of its creators, the history of the range, and the purpose of the coastal plain of ANWR itself.

Contrary to misinformation, neither the Arctic Wildlife Range nor the coastal plain of ANWR were "set aside specifically for preserving wildlife for future generations." That is a quote many people use. In fact, both the order creating the range and the Alaska National Interest Lands Conservation Act, which we call ANILCA, which created this area called ANWR, contain specific provisions permitting oil and gas exploration and development of our coastal plain.

The process which culminated in the creation of the range was designed to balance a myriad of interests. As the then-solicitor for the Interior Secretary Seaton, my office was responsible for processing the order which established the range. I personally, as an Alaskan, worked with conservationists, Alaska sportsmen, and industry to find the appropriate balance between conservation and development. In fact, Secretary Seaton himself stated that "Subsurface development will be undertaken in accordance with regulations that will protect and preserve the wildlife and the primitive character of the land."

The then-Under Secretary at the time, Elmer Bennett, assured our State:

> This Department has every intention to foster legitimate oil and gas activity within this area if any potential is discovered.

Many have forgotten the lessons learned in the 1970s. Before the energy crisis, there were warning signs. In Congress, we held extensive hearings in 1972 on all aspects of energy supply, and we were warned over and over that unless we reevaluated our Nation's policy on energy consumption and development, the country would essentially be unable to meet its energy needs.

By increasing our dependence on foreign oil year after year and failing to increase domestic production, we left ourselves vulnerable to OPEC's decision on October 18, 1973, to impose the Arab oil embargo. OPEC's decision was a retaliatory act. It was retribution for our foreign policy during the October Middle East war.

The embargo lasted until March 1974, and as a Member of the Senate in 1973, I can tell you those were difficult times. The cost of foreign oil rose nearly 400 percent, and the impact on our constituents was brutal. Our people waited in long lines at gas stations throughout our Nation, and the cost of gasoline prevented them from traveling by automobile as they had in the past.

The embargo decreased industrial productivity, increased unemployment, and accelerated inflation. Secretary of State Henry Kissinger estimated that the embargo of the 1970s cost us 500,000 jobs and more than $10 billion in national production.

America's consumers paid the price for that crisis. The price of oil rose, but so did the price of coal, natural gas, electricity, and even firewood. My colleague at the time, Senator Henry Jackson from Washington, estimated every American paid almost $500 more in 1974 for energy. Adjusted for inflation, that would be over $1,000 apiece today.

I remember well President Nixon's words, when the oil embargo began, in a televised speech on November 7, 1973. He called on Congress to enact a major energy bill, something he had asked us to do repeatedly for 2 years. He told the country:

> Our failure to act now on our long-term energy problems could seriously endanger the capacity of our farms and factories to employ Americans at recordbreaking rates . . . It could reduce the capacity of our farmers to provide the food we need. It could jeopardize the entire transportation system. It could seriously weaken the ability of America to continue to give the leadership which only we can provide to keep the peace that we have won at such great cost . . .

What strikes me as I read President Nixon's speech today is that President Bush could give the same speech now. We again need comprehensive energy legislation, and the stakes are still high.

In the wake of the 1970s energy crisis, Congress debated the Trans-Alaska Pipeline Authorization Act. During that debate, opposition came to the Senate floor and made dire predictions. They argued that construction of the pipeline would devastate Alaska's landscape and wildlife in the area.

For instance, Senator KENNEDY predicted:

> Earthquakes [would] create oil spills which would wreak havoc with the Alaskan environment . . . The heat generated by the oil flow . . . would have a detrimental effect on Alaskan tundra and upset the whole ecology of the region . . . and the pipeline [would] become a barrier which would seriously interrupt the migratory patterns and normal movements of various species of wildlife.

And the friends of the Earth testified at a congressional hearing in 1969:

> There is no technology that could restore the wilderness that the pipeline would destroy.

These dire predictions did not come to pass. The Alaskan pipeline withstood an earthquake of 7.9 magnitude on the Richter scale and not a drop of oil was spilled—not one drop during that earthquake. Similarly, our tundra has not been impacted by the flow of oil, nor has the migration of wildlife been affected. In fact, the caribou population in the vicinity of the pipeline increased from 3,000 in the 1970s to 32,000 today.

Even former Congressman Mo Udall, who had argued on the floor of the House that the pipeline would damage Alaska's ecosystem acknowledged that he was wrong. He stated:

> We've had 15 years or so with Prudhoe and we came out pretty good. . . . the people who talked about ecological disaster have been proven very wrong.

Environmental organizations agreed during debate on the pipeline that development of Alaska's resources is important. Stephen R. Seater of the Defenders of Wildlife testified:

> Defenders of Wildlife does not oppose development of Alaskan North Slope oil and gas. The United States is suffering from a lack of fuel, and it has been said by many experts that by mid-summer we will be in a full-blown fuel crisis.

And Thomas B. Stoel of the Natural Resources Defense Council testified:

> [T]he national security importance of Alaskan North Slope oil is that it will relieve the United States of the necessity to import an equal amount of foreign oil.

Despite differences over the possible routes for the transportation of Alaska's oil resources to the Lower 48, almost all Members of the Senate and House agreed that development of Alaskan oil was vitally important to both America's national security and the continued economic well being of the U.S.

I emphasize this: that is why the vote on passage of the Pipeline Act was allowed to proceed without the threat of filibuster. Not one Senator suggested filibustering the Alaskan Oil Pipeline Act.

The passage of the Pipeline Act was adopted by one vote when Vice President Agnew came to Congress and broke the tied vote. Congress directed the Secretary of the Interior to move immediately to authorize construction of the 798-mile pipeline connecting the North Slope with the port of Valdez to deliver oil to the Lower 48.

Four years later, the first tanker carrying North Slope crude oil left Valdez, Alaska. Over 14 billion barrels of oil have been transported through the pipeline since then. Today it provides nearly 20 percent of our domestic oil production, although the throughput of the pipeline has been reduced from a peak of 2.1 million barrels per day to about 750,000 barrels per day. That is why we must get into ANWR and that is why we must discover additional reserves.

At the time, construction of the Trans-Alaska Pipeline was the largest privately financed construction project ever attempted. It stands as a testament to American ingenuity and our ability to balance protection of the environment with production of our natural resources.

Alaska's vast resource potential was again raised in 1978 during debate on the Alaska National Interest Lands Conservation Act. This act resulted in the creation of over 100 million acres of parks, wildlife refuges and national forests and tripled the amount of land designated as wilderness.

During this debate, the Alaska delegation asked for a stipulation to allow the coastal plain of ANWR to remain open for oil and gas exploration and development, as it was when the Arctic Range was created.

As in the pipeline debate, many Members raised concerns about the environmental impact such development would have on the region. However, even those Members acknowledged that oil and gas exploration and development would occur if necessary for our national security.

Even Congressman Udall stated:

> [N]othing stops some future Congress from allowing the exploration for these uses if they are of sufficient national importance.

He went on to say that a:

> sizable find in the Arctic Range [would be] economically feasible by the year 2000.

Thus, even a staunch environmentalist acknowledged that the coastal plain of ANWR would be developed in the future.

To ensure that the oil and gas rich coastal plain remained open for exploration and development, I worked closely with Senator Henry "Scoop" Jackson and Senator Paul Tsongas. They promised that oil and gas activity would take place in ANWR subject to an environmental impact statement.

In the spirit of compromise, Senators Jackson and Tsongas created Section 1002 of ANILCA, which set aside 1.5 million acres along the coastal plain of ANWR for oil and gas exploration and development.

But in the years that followed, the promise made by Senators Jackson and Tsongas has not been upheld. I have now fought for 24 years to see that promise fulfilled and to bring to the United States the energy resources it so desperately needs. I have been thwarted because this body no longer respects the promises made by its predecessors.

There is a new climate in Congress. With the retirement and passing of the old bull World War II types like myself, a Member's word doesn't carry the meaning it used to. Even President Jimmy Carter, who signed the 1980 act, has failed to honor the legislation he helped create. I recently received a letter from President Carter which said that "Congress may try to subvert parts of ANILCA" by utilizing the budget process.

Congress has not gone back on its commitments, nor is it taking a "back door approach" to legislating this important issue. Section 1002 specifically authorizes exploratory oil and gas activities on the coastal plain and mandates an environmental study. That environmental impact study was completed and submitted to Congress in 1987!

Section 1003 of the 1980 act states that no development in ANWR can take placement without Congressional authorization. We have tried for years to open ANWR pursuant to that section, and have been thwarted by the threat of a filibuster.

President Carter also stated that we are trying to "circumvent normal legislative procedures" by inserting ANWR into the budget process. I ask my colleagues, since when have filibusters become "normal legislative procedure?" Isn't the will of the people served by a simple majority vote? That is all we are asking for when we put this in the Budget Resolution, a simple majority vote, and not subjecting ANWR to a filibuster, which was unheard of in the 1970's in matters concerning national security, and the availability of this oil from our Arctic is surely a matter of national security.

This year is my 37th year in the Senate; I can remember a time when the filibuster was used sparingly, and I don't recall it ever being used when an issue of national security importance was before the Senate.

ANWR is a national security issue. When the Nation depends on 60 percent of our energy needs from unstable or unfriendly regimes, that involves a national security issue. When U.S. companies move their operations offshore because of high energy prices, this is a national security issue. When Americans can no longer afford to heat their homes, this is a national security issue. And when our military, which is the largest consumer of energy resources, is forced to rely on oil from the Middle East, this is a national security issue.

This Congress has failed to balance conservation with development and now we are—literally—paying the price.

We have not seized opportunities to increase domestic production of oil and natural gas. And, higher gasoline prices, dependence on foreign oil, and a fragile economy—issues that many Members have expressed concern about—are the signs that another energy crisis looms over us.

It is my hope that my colleagues will heed the lessons of history and act now. We cannot wait for another national crisis. The provisions in the budget resolution starting the process of approval of ANWR by majority vote must be supported.

Further, Congress must make good on its promise and open ANWR to exploration and development and begin the projects our country needs to meet our energy demands now.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MARTINEZ). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

A 45-year-old transgender woman was found beaten to death by San Francisco authorities last August. The woman, Toni Green, was born a male but lived as a woman. Police investigating the case believe this may have been the motivation behind the attack.

I believe that the Governments first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION ACT

Mr. KENNEDY. Mr. President, it is a privilege to join with Senator GREGG in championing this important legislation to give fire fighters, police officers, emergency medical personnel, and other first responders the basic right at long last to fair representation in the workplace.

Every year, tens of thousands of police officers and fire fighters are injured on the job. Even apart from the extraordinary tragedy of the loss of over 400 fire fighters and police officers on a single day on 9/11, hundreds of fire fighters and police officers lose their lives in the line of duty each year. This bill is a needed bipartisan effort to protect our Nation's public safety officers and the communities they serve. Providing such protections is the least we can do for them in light of the sacrifices they make every day for our country.

For more than 60 years, the Federal Government has recognized the right of employees to bargain collectively with their employers. It encourages labor and management to work together to improve wages and working conditions and increase productivity. Collective bargaining has led the way on many important changes in today's workplace, such as health and pension benefits, paid holidays and sick leave, and workplace safety. Our legislation will ensure that first responders will also have this fundamental right.

Granting this right to first responders also benefits the public in essential ways. It creates safer working conditions for public safety employees and increases public safety. It saves money for states and local communities by providing more cost-efficient public safety services. And it gives a voice on the job to the courageous public servants who put their lives on the line each day to protect and serve us.

First responders are well aware what it takes to create safe working conditions, and they know what it takes to enhance public safety. This legislation gives first responders the opportunity to discuss on-the-job safety issues with management, and a meaningful role in establishing policies and practices to protect the public.

In addition to improving public safety, this bill will save money. Experience has shown that when first responders are able to discuss workplace conditions with management their departments can provide more cost-effective services. Extending collective bargaining rights to all public safety employees will encourage innovation, efficiency and partnership in public safety departments, and produce lower costs for the States and local communities they serve.

Our legislation accomplishes its goals in reasonable and moderate ways. Most states would not be affected, because their laws already permit collective bargaining between public safety employees and employers.

Under this bill, states that do not do so may choose to establish their own collective bargaining system, or they may ask the assistance of the Federal Labor Relations Authority in establishing bargaining procedures and regulations. This approach respects existing state laws and gives each state the authority to decide how it will comply with this legislation.

The benefits of this bill are clear and compelling. Public safety workers are one of the largest sectors of the workplace that do not yet have the basic right to form a union and bargain with their employers over wages, hours, and working conditions. It is a matter of basic fairness to give these courageous men and women the same rights that have long benefited so many other Americans. They deserve a voice in the life and death discussions about their work. They have earned that right, and I urge Congress to act quickly to guarantee it.

CELEBRATING NATIONAL SAFE PLACE WEEK

Mr. CRAIG. Mr. President, I am please to recognize the week of March 13 through 19, 2005, as National Safe Place Week. As my colleagues know, the Senate adopted a resolution last week providing for this designation. I thank my colleague, Senator FEINSTEIN, for her work on this issue, and I also thank the other cosponsors of this resolution: Senator BOXER, Senator COCHRAN, Senator CRAPO, Senator DEWINE, Senator DODD, Senator DURBIN, Senator FEINGOLD, Senator HATCH, Senator INHOFE, Senator INOUYE, Senator ISAKSON, Senator JOHNSON, Senator KOHL, Senator LANDRIEU, Senator LIEBERMAN, Senator LINCOLN, Senator LUGAR, Senator MIKULSKI, and Senator MURKOWSKI. The Senate's action recognizes the importance of Project Safe Place and sends a message that we will keep working to protect our children.

In countless ours of selfless work, volunteers truly do make a difference every day, and in passing this resolution, the Senate applauds the tireless efforts of the thousands of dedicated volunteers across the nation for their many contributions to the youth of our Nation through Project Safe Place.

Events of the day may turn our attention overseas, but it is essential to remember those who are fighting an ongoing battle right here at home to protect this Nation's must valuable resource: our children. Young people are the future of this Nation; they need to be both valued and protected. Sadly, however, as my colleagues know, this precious resource is threatened daily.

There is a tremendous initiative between the public and private sector that has been reaching out to youth for over 20 years. Project Safe Place is a program that was developed to assist our Nation's youth and families in crisis. This partnership creates a network of private businesses trained to refer youth in need to the local service providers who can help them. Those businesses display a Safe Place sign so that young people can easily recognize a "safe place" for them to go to receive help.

The goal of National Safe Place Week is to recognize the thousands of individuals who work to make Project Safe Place a reality. From trained volunteers to seasoned professionals, these dedicated individuals are working together with the resources in their local communities and through their ties across the Nation to serve young people. Because of Project Safe Place, this all happens under a well-known symbol of safety for in-crisis youth.

Project Safe Place is a simple program to implement in any local community, and it works. Young people are more likely to seek help in locations that are familiar and nonthreatening to them. By creating a network of Safe Places across the Nation, all youth will have access to needed help, counseling, or a safe place to stay. However, though the program has already been established in 42 States, there are still too many communities that do not know about this valuable youth resource.

If your State does not already have a Safe Place organization, please consider facilitating this worthwhile resource so that young people who are abused, neglected, or whose futures are jeopardized by physical or emotional trauma will have access to immediate help and safety in your community. To create more Project Safe Place sites in Idaho, the staff in several of my State offices have completed the training to make them Safe Place sites, and now have the skills and ability to assist troubled youth. In the coming years, Project Safe Place hopes that every child in America will have the opportunity to connect with someone who can provide immediate help by easily recognizing the Safe Place sign.

Mrs. FEINSTEIN. Mr. President, I also rise today to recognize National Safe Place Week, which begins on March 13, 2005.

I am proud to join Senator CRAIG as an original cosponsor of S. Res. 71, which designates the week of March 13–19, 2005 as National Safe Place Week. This resolution recognizes the participating businesses, community organizations, youth service agencies and volunteers that are part of the YMCA National Safe Place program and work for the safety and well-being of at-risk youth.

Youth today face an ever-growing amount of pressure in their daily lives at school, at home, and in the community. For some youth, problems include abuse or neglect at home, drug or alcohol addictions of family members and friends, trouble at school or dangerous situations on a date. Young people who face these situations should not feel left alone, but should have a place in their community to which to turn.

Over the past 22 years, the National Safe Place program has connected over 79,000 youth in crisis to immediate help at Safe Place locations and has provided over 78,000 youth with counseling by phone. Present in 41 States and serving 714 communities, the National Safe Place program brings together the private and public sector to reach out and help at-risk youth who are lost, scared, threatened or in unsafe situations. In my home State of California, there are nine designated Safe Place programs with over 1,667 Safe Place sites located in 65 communities.

National Safe Place sites include fast food restaurants, convenience stores, fire stations, libraries and other public buildings and are marked by large, yellow Safe Place signs displayed prominently in front windows. Any youth can walk into a Safe Place site and receive immediate help from a trained volunteer, and further help from a Safe Place staff person who can provide counseling, residential assistance or professional referrals, as needed.

The National Safe Place Week recognizes the time, resources and energy of thousands of businesses, community organizations and volunteers who make this effective, growing network of support for youth possible. In addition, it seeks to increase awareness of the crises that youth face today.

I am encouraged by the National Safe Place Program's positive impact on communities throughout the Nation, and I hope that more communities will choose to participate in this innovative program. I believe that the National Safe Place program brings us closer to making our country safe for youth, and for that I offer my full support.

TRIBUTE TO JOHN GILLILAND

Mr. BAUCUS. Mr. President, I rise today to commend John Gilliland, who worked for me on the trade staff of the Finance Committee for the last 2 years. He left to go work for the law firm of Miller and Chevalier, where I know he will be a great success.

We were lucky to have John with us on the Committee for 2 years. But he has been working hard on public policy issues for much longer than that.

John began his Senate career in the office of my good friend and colleague, Senator BLANCHE LINCOLN. John worked for 2 years as her legislative counsel on trade and agriculture issues. Senator LINCOLN, of course, was instrumental in helping us pass the 2002 farm bill and the Trade Act of 2002, and John was her key staffer on both pieces of legislation.

My staff worked closely with John on these issues, and everyone was so impressed by him that I hired him to help us on the Finance Committee.

I am glad we did. John has been a tremendous asset. He knows agriculture and trade inside and out. I am always amazed that I can ask him almost anything, and he not only knows that answer, but can give me all of the history, politics, and nuance.

His knowledge of agriculture was particularly important for Montana, where farming and ranching are the engine of our export income. John is somebody who I trusted to represent me in Montana, and someone who I trusted to represent Montana here in Washington. That alone is saying a lot.

John worked on some difficult and important issues while on the Finance Committee. He played a key role in the Australia free-trade agreement and was responsible for oversight of WTO negotiations. He was also a strong advocate for our work to end the embargo against Cuba, and he helped negotiate the first ever Montana-Cuba agriculture trade deal. In fact, John traveled with me on several of my trade missions, including to Cuba, Asia, Australia, and New Zealand.

John is also someone who is very dedicated to his family. He is lucky to have a wonderful wife, Rebecca, and three great kids-Will, Hudson, and Rebecca Jane. And they are fortunate to have a hard-working and talented husband and father.

Now, all of this is not to say that John doesn't have his faults. Most of his colleagues give John a hard time for not being able to match his clothes. Their criticism is warranted. In fact, on a trip to Thailand last year, we finally forced him to buy a new suit and some dress shirts. I am confident that we have now set him on the right path.

Having visited John at his desk, I can also say that I am happy that OSHA never paid him a visit. I heard someone describe John and his office best when they said that he combines southern charm with northern efficiency and third-world desk organization.

All of that said these are about the worst things you can say about John. In fact, you would be hard pressed to find a person who does not like John. He is truly one of the nicest and most genuine people you will ever meet. There are a lot of people in this town with substantive knowledge, but there are few who can put together the substance, personality, and strategy and be truly exceptional. John is one of those people.

I always say that public service is one of the most noble things a person can do. John Gilliland embodies the best in public service. He is aces. And I wish him the best.

ADDITIONAL STATEMENTS

CONGRATULATING BODE MILLER

• Mr. GREGG. Mr. President, I rise today to recognize and congratulate a great Granite Stater, Bode Miller. On Saturday Bode became the first American in 22 years to ski his way to the overall World Cup title. An Easton, NH native, Bode perfected his talents on the slopes of Cannon Mountain and now serves as the Director of Skiing at Bretton Woods. His style may not be conventional. It has been said that, like a good many New Hampshire natives, he has a mind of his own and enjoys doing things his own way. That independent spirit helped him do something else his own way this past Saturday—win the overall World Cup trophy.

The American World Cup drought has been in place since 1983 and, as Bode said on Saturday, had grown into "curse" proportions. In New England, we don't take kindly to sports "curses." Since the turn of the century, New Hampshire's sporting faith has been rewarded with three Super Bowl trophies from the New England Patriots and, of course, the much talked about World Series title in October by the Boston Red Sox. Bode's extraordinary feats on the ski slopes of Europe have gained him worldwide recognition and has an extra special importance for those from New Hampshire who enjoy some of best skiing in the world in the White Mountains. We are proud that the slopes we enjoy skiing each winter, albeit at speeds much slower than Bode, have been the training ground for the world's best skier.

Bode donned his first pair of skis at the age of 3 and spent much of his early skiing life on the slopes of Cannon Mountain. He entered his first race when he was 11 and attended the Carrabassett Valley Academy in Maine and went on to the Junior Olympics in 1996, where he first made a name for himself. Bode competed in the 1998 and 2002 Winter Olympics, and he has collected eighteen World Cup wins over his career.

At 27 years of age, Bode Miller has accomplished the most sought-after spot of every skier, and has done so with his own style, determination, physical stamina and personality. Today we congratulate Bode Miller on this tremendous accomplishment, and we look forward to continuing to follow the eventful progress of the world's greatest skier.•

HAPPY BIRTHDAY GEORGE WIDMAN

• Mr. CONRAD. Mr. President, it is with great pleasure that I come to the floor today to wish a legendary North Dakota businessman, George Widman, a happy belated birthday. On Saturday, March 12, George turned 85. He celebrated this momentous birthday yesterday with friends and family. I never forget George's birthday because we share March 12 as our birthdays.

George and I have known each other many years, and his resiliency is something I have long admired. Following the disastrous floods and fire that struck downtown Grand Forks in 1997, George was wondering whether or not his world famous Widman's Candy Store would see another day. He told his wife, Betty, they could build the new candy store anywhere in the world, but they both agreed it was best to stay in Grand Forks and rebuild their business they had spent so many years crafting into a downtown Grand Forks landmark.

After Grand Forks had started to rebuild following this disastrous flood, George was kind enough to send every U.S. Senator a Widman's chocolate bar with the words "thank you" imprinted on it. This describes George's approach to life: give of yourself for the benefit of others.

George epitomizes everything North Dakota represents. Growing up during the Great Depression, he learned at an early age that in order to succeed hard work is required. He is very proud of his military service in World War II. He is a Navy veteran and served on the USS *Bunker Hill* from 1942 until his ship was hit in battle in 1945. He is devoted to his family, his community, and his Nation—all reasons we should pay tribute to George on his birthday and every day.

Today, three of George's six children are also in the candy business. Even though he has long passed the normal retirement age in our Nation, he stills comes to work every day to make candy and interact with the public he loves dearly. As George puts it, it's not about the money, but the people he serves.

Again, it is my pleasure to honor George on his 85th birthday and wish him continued health and happiness.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1264. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law the report of a rule entitled "Rates for Pilotage on the Great Lakes" (RIN1625–AE38) received on March 14, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1265. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law the report of a rule entitled "Security Zone; Fifth Coast Guard District" (RIN1625–AA87) received on March 14, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1266. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law the report of a rule entitled "Regulated Navigation Area: Humboldt Bay Bar Channel and Humboldt Bay Entrance Channel, Humboldt Bay, California" (RIN1625–AA11) received on March 14, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1267. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law the report of a rule entitled "Special Local Regulations: Severn River, College Creek, Weems Creek and Carr Creek, Annapolis, MD" (RIN1625–AA08) received on March 14, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1268. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law the report of a rule entitled "Special Local Regulations: Rowing Regattas, Indian Creek, Miami Beach, Florida" (RIN1625–AA08) received on March 14, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1269. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law the report of a rule entitled "Drawbridge Operation Regulations (Including 2 Regulations): [CGD08–05–011], [CGD01–05–017]" (RIN1625–AA09) received on March 14, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1270. A communication from the General Counsel, Office of the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Regulations Governing the Conduct of Open Seasons for Alaska Natural Gas Transportation Projects (Order No. 2005)" received on March 14, 2005; to the Committee on Energy and Natural Resources.

EC–1271. A communication from the Board Members, Railroad Retirement Board, transmitting, pursuant to law, the Board's 2004 Annual Report; to the Committee on Health, Education, Labor, and Pensions.

EC–1272. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maine; NOx Control Program" (FRL No. 7881–2) received on March 14, 2005; to the Committee on Environment and Public Works.

EC–1273. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; Designation of Areas for Air Quality Planning Purposes; State of Arizona, Maricopa County Area; Technical Correction" (FRL No. 7879–3) received on March 14, 2005; to the Committee on Environment and Public Works.

EC–1274. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Extension of National Pollutant Discharge Elimination System (NPDES) Permit Deadline for Storm Water Discharges for Oil and Gas Activity That Disturbs One to Five Acres" (FRL No. 7882–2) received on March 14, 2005; to the Committee on Environment and Public Works.

EC–1275. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Tennessee: Final Authorization of State Hazardous Waste Management Program Revision" (FRL No. 7883–5) received on March 14, 2005; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

S. 97. A bill to provide for the sale of bentonite in Big Horn County, Wyoming (Rept. No. 109–37).

S. 252. A bill to direct the Secretary of the Interior to convey certain land in Washoe County, Nevada, to the Board of Regents of the University and Community College System of Nevada (Rept. No. 109–38).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with amendments:

S. 253. A bill to direct the Secretary of the Interior to convey certain land to the land to the Edward H. McDaniel American Legion Post No. 22 in Pahrump, Nevada, for the construction of a post building and memorial park for use by the American Legion, other veterans' groups, and the local community (Rept. No. 109–39).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. COLLINS (for herself and Mr. FEINGOLD):

S. 611. A bill to establish a Federal Interagency Committee on Emergency Medical Services and a Federal Interagency Committee on emergency Medical Services Advisory Council, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SPECTER:

S. 612. A bill to require the Secretary of the Army to award the Combat Medical Badge or another combat badge for Army helicopter medical evacuation ambulance (Medevac) pilots and crews ; to the Committee on Armed Services.

By Mr. SPECTER:

S. 613. A bill to establish the Steel Industry National Historic Site in the State of Pennsylvania; to the Committee on Energy and Natural Resources.

By Mr. SPECTER:

S. 614. A bill to amend title 38, United States Code, to permit medicare-eligible veterans to receive an out-patient medication benefit, to provide that certain veterans who receive such benefit are not otherwise eligible for medical care and services from the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DAYTON:

S. 615. A bill to amend title 38, United State Code, to improve benefits under the Montgomery GI Bill by establishing an enhanced educational assistance program and by repealing the requirement for reduction in pay for participation in the program, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ROCKEFELLER (for himself and Mrs. HUTCHISON):

S. 616. A bill to inform the American public and to protect children from increasing depictions of indecent and gratuitous and excessive violent material on television, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 617. A bill to direct the Secretary of the Army to carry out the dredging project, Menominee Harbor, Menominee River, Michigan and Wisconsin; to the Committee on Environment and Public Works.

By Mr. SESSIONS (for himself, Mr. LOTT, and Mr. ENZI):

S. 618. A bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Ms. COLLINS, Mr. LAUTENBERG, Mr. SPECTER, Mrs. LINCOLN, Mr. DODD, Mr. DAYTON, and Mr. NELSON of Florida):

S. 619. A bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mr. WARNER, Mr. SCHUMER, Mr. DEWINE, Ms. MIKULSKI, Mr. DURBIN, Mrs. BOXER, Mrs. CLINTON, Mr. LEVIN, Mr. DODD, and Mr. REED):

S. 620. A bill to reinstate the Public Safety and Recreational Firearms Use Protection Act; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 29

At the request of Mrs. FEINSTEIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 29, a bill to amend title 18, United States Code, to limit the misuse of social security numbers, to establish criminal penalties for such misuse, and for other purposes.

S. 109

At the request of Mr. VITTER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 109, a bill entitled the "Pharmaceutical Market Access Act of 2005".

S. 224

At the request of Mr. KENNEDY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 224, a bill to extend the period for COBRA coverage for victims of the terrorist attacks of September 11, 2001.

S. 288

At the request of Mr. GREGG, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 288, a bill to extend Federal funding for operation of State high risk health insurance pools.

S. 328

At the request of Mr. CRAIG, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from Missouri (Mr. BOND) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 328, a bill to facilitate the sale of United States agricultural products to Cuba, as authorized by the Trade Sanctions Reform and Export Enhancement Act of 2000.

S. 352

At the request of Ms. MIKULSKI, the names of the Senator from Indiana (Mr. LUGAR), the Senator from New Jersey (Mr. CORZINE) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. 352, a bill to revise certain requirements for H–2B employers and require submission of information regarding H–2B non-immigrants, and for other purposes.

S. 370

At the request of Mr. LOTT, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 370, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 382

At the request of Mr. ENSIGN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 382, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 392

At the request of Mr. LEVIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 392, a bill to authorize the President to award a gold medal on behalf of Congress, collectively, to the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

S. 394

At the request of Mr. CORNYN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 394, a bill to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

S. 397

At the request of Mr. CRAIG, the names of the Senator from Missouri (Mr. BOND) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 397, a bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others.

S. 406

At the request of Ms. SNOWE, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 406, a bill to amend title I of the Employee Retirement Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees.

S. 407

At the request of Mr. JOHNSON, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 407, a bill to restore health care coverage to retired members of the uniformed services, and for other purposes.

S. 414

At the request of Mr. MCCONNELL, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 414, a bill to amend the Help America Vote Act of 2002 to protect the right of Americans to vote through the prevention of voter fraud, and for other purposes.

S. 481

At the request of Mr. AKAKA, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 481, a bill to amend title 38, United States Code, to extend the period of eligibility for health care for combat service in the Persian Gulf War or future hostilities from two years to five years after discharge or release.

S. 489

At the request of Mr. ALEXANDER, the names of the Senator from Nevada (Mr. ENSIGN) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 489, a bill to amend chapter 111 of title 28, United States Code, to limit the duration of Federal consent decrees to which State and local governments are a party, and for other purposes.

S. 498

At the request of Mr. BURR, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 498, a bill to provide for expansion of electricity transmission networks in order to support competitive electricity markets, to ensure reliability of electric service, to modernize regulation and for other purposes.

S. 539

At the request of Mr. MARTINEZ, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Minnesota (Mr. COLEMAN) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 539, a bill to amend title 28, United States Code, to provide the protections of habeas corpus for certain incapacitated individuals whose life is in jeopardy, and for other purposes.

S. 550

At the request of Mr. CORZINE, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 550, a bill to amend the Public Health Service Act with respect to facilitating the development of microbicides for preventing transmission of HIV and other diseases, and for other purposes.

S. 575

At the request of Ms. MIKULSKI, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 575, a bill to amend the Internal Revenue Code of 1986 to provide a refundable credit for certain education expenses.

S. 586

At the request of Mr. BOND, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Florida (Mr. NELSON) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. 586, a bill to amend the Internal Revenue Code of 1986 to provide for the proper tax treatment of certain disaster mitigation payments.

S. 593

At the request of Ms. COLLINS, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 593, a bill to amend title VII of the Tariff Act of 1930 to provide that the provisions relating to countervailing duties apply to nonmarket economy countries.

S. 602

At the request of Ms. MIKULSKI, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Texas (Mr. CORNYN) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 602, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 610

At the request of Mr. TALENT, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 610, a bill to amend the Internal Revenue Code of 1986 to provide for a small agri-biodiesel producer credit and to improve the small ethanol producer credit.

S. CON. RES. 17

At the request of Mr. BIDEN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Con. Res. 17, a concurrent resolution calling on the North Atlantic Treaty Organization to assess the potential effectiveness of and requirements for a NATO-enforced no-fly zone in the Darfur region of Sudan.

S. RES. 31

At the request of Mr. COLEMAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. Res. 31, a resolution expressing the sense of the Senate that the week of August 7, 2005, be designated as "National Health Center Week" in order to raise awareness of health services provided by community, migrant, public housing, and homeless health centers, and for other purposes.

S. RES. 33

At the request of Mr. LEVIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 33, a resolution urging the Government of Canada to end the commercial seal hunt.

S. RES. 59

At the request of Mr. SMITH, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Res. 59, a resolution urging the European Union to maintain its arms export embargo on the People's Republic of China.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself and Mr. FEINGOLD):

S. 611. A bill to establish a Federal Interagency Committee on Emergency Medical Services and a Federal Interagency Committee on emergency Medical Services Advisory Council, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I rise today to introduce the Emergency Medical Services Act of 2005. This legislation will help to improve Federal efforts to support community-based emergency medical services across America. I am pleased to be joined by Senator FEINGOLD in this effort.

Today, New York University's Center for Catastrophe Preparedness and Response is releasing an important report, titled "Findings from a National Roundtable to Improve Emergency Medical Service's Homeland Security Preparedness." This report details concerns and recommendations from more than 50 representatives of national EMS organizations and Federal agencies. Their top recommendation was to improve EMS homeland security preparedness through enactment of the very measure we are introducing today. I would note that a former member of my staff, Tim Raducha-Grace drafted this report. Tim continues to be a champion of first responders nationwide, and I congratulate him on this latest achievement.

A comprehensive, coordinated emergency medical services system is essential to assure prompt, quality care to help individuals suffering from automobile crashes to traumatic medical emergencies, to terrorist events. The emergency medical services system serves as one of the most important parts of our health care safety net.

Unfortunately, for the past 20 years, Federal support for EMS has been both scarce and uncoordinated. At least seven Federal agencies are involved in various aspects of emergency medical services (EMS), though most agencies focus on only one segment of the EMS system and don't effectively coordinate with other agencies.

In 2001, at the request of Senator FEINGOLD and myself, the General Accounting Office cited in its report Emergency Medical Services: Reported needs are Wide-Ranging with a Growing Focus on Lack of Data the need to increase coordination among Federal agencies as they address the needs of regional, State, or local emergency medical services systems.

This legislation would seeks to improve one of the few existing efforts to coordinate Federal support for EMS providers. This legislation would formally establish a Federal Interagency Council on Emergency Medical Services (FICEMS), and would require the National Highway Traffic Safety Administration, in coordination with the Department of Homeland Security, to provide organizational and staff support.

This legislation would enhance coordination among the Federal agencies involved with the State, local, tribal and regional emergency medical services and 9-1-1 systems. It would also help to assure Federal agencies coordinate their EMS-related activities and maximize the best utilization of established funding.

Local, State and Federal level emergency medical services systems are extremely diverse and involve numerous different agencies and organizations. To assure a viable, responsive emergency medical services system, Federal agencies need the input and advice of their non-Federal partners and from persons regulating or providing emergency medical services systems at the State and local level.

According to Tom Judge, the Executive Director of Lifeflight of Maine, and Jay Bradshaw, the State of Maine's EMS Director, improved coordination can help strengthen support for a wide range of emergency medical services, from rural EMS providers, to communications between EMS systems, to improving coordination between local EMS providers and their Federal partners.

Another GAO report made it clear that the Center for Medicare and Medicaid Services needs to better coordinate its reimbursement with the Department of Transportation's matching grants for equipment and vehicles. Many of Maine's communities are at risk of seeing their first ambulance service closures in rural areas, such as in Rumford, ME, due to low reimbursement rates. If DOT targeted assistance to the low reimbursement areas that were at risk of shutting down, we might be able to maintain service in those areas.

Improved coordination could also strengthen the integration between local providers and Federal agencies. Substantial numbers of our Reserve and National Guard units are being called up for duty, which has hurt search and air rescue capability across Maine. While LifeFlight of Maine is called upon to provide an eye in the sky there is little to no current capability for lifting someone out of the woods when there is no space to land. If the Navy pulls the last part time aircraft out of Brunswick Naval Air station, there wouldn't be any capability at all within a reasonable response timeframe.

I am pleased to have the support of Maine's EMS Director, Jay Bradshaw, Lifeflight of Maine, the American Ambulance Association, the National Association of Maine EMS Directors, and others.

We must ensure that Federal agencies coordinate their efforts to support the dedicated men and women who provide EMS services across our Nation. I urge my colleagues to join me in supporting their efforts by cosponsoring this legislation.

Mr. FEINGOLD. Mr. President, I am pleased to join my colleague from Maine, Senator COLLINS, today to introduce legislation that will help improve and streamline Federal support for community-based emergency medical services. Our proposal will also provide an avenue for local officials and EMS providers to help Federal agencies improve existing programs and future initiatives.

When someone has been seriously hurt or has an emergency medical problem in this country, the first thing they do is call for an ambulance. And the EMS providers of this country do a great job in responding to these emergencies. All of us have a friend or loved one who has relied on these first responders. These folks rush to assist people in trouble no matter the cause. Their only interest is making sure the patient is medically stable and being taken care of.

Congress has long recognized the important role played by EMS providers. However, Federal support for EMS has been unfocused and uncoordinated, with responsibility scattered among a number of different agencies. In 2001, the General Accounting Office cited the need to increase coordination between the Federal agencies involved with EMS issues but not much progress has been made since that report was issued. The Federal Government doesn't even have a good handle on how much it is spending on EMS or what the needs are for EMS.

A report to be released today by the New York University Center for Catastrophe Preparedness and Response highlights some of the deficiencies in our support for EMS. According to that report, less than 4 percent of the Office of Domestic Preparedness first responder grant funding and 5 percent of HHS bioterrorism grant funding goes to EMS. More than half of ambulance providers received no direct Federal funding for homeland security preparedness. EMS providers receive very little homeland security preparedness education, training, and equipment and tend not to be well integrated into overall response planning.

The bill we introduce today is a good first step towards addressing many of the deficiencies in our current EMS policies and takes many of the steps recommended by the NYU report. It would establishes a Federal interagency committee whose purpose will be to coordinate Federal EMS activities, identify EMS needs, assure proper integration of EMS in homeland security planning, and make recommendations on improving and streamlining EMS support. Although Federal law, P.L. 107-188, called for the establishment of a working group on EMS, this legislation goes further in detailing the role and function of the interagency committee. The Senate Homeland Security and Governmental Affairs Committee will certainly iron out any overlap that may exist.

This legislation also establishes an advisory council for the interagency committee that includes representatives from throughout the EMS community. The advisory committee, made up of non-Federal representatives from all EMS sectors and from both urban and rural areas, will provide guidance and input to the interagency committee on a variety of issues including the development of standards and national plans, expanding or creating grant programs, and improving and streamlining Federal EMS efforts. The advisory council is a critical component of this legislation because it is the channel through which local EMS practitioners can directly impact and help reform national EMS policy.

I want to thank the long list of supporting organizations, including Advocates for EMS, the American Ambulance Association, the American College of Surgeons, the American Medical Association, the American Heart Association, Association of Air Medical Services, ComCARE, the Emergency Nurses Association, Gold Cross/Mayo Medical Transport, the National Association of EMS Educators, the National Association of EMS Technicians, the National Association of EMS Physicians, the National EMS Pilot Association, the National Association of State EMS Directors, and the National Registry of EMTs. I also want to thank all of those Wisconsinites who provided so much helpful input in coming up with this legislation. In particular, I would like to thank Dr. Marvin Birnbaum of the University of Wisconsin, Fire Chief Dave Bloom of the Town of Madison, and Dan Williams, chair of Wisconsin's EMS advisory board, for their advice and guidance.

EMS providers are a critical component of our Nation's first responder network. We must act now to streamline and coordinate Federal EMS support and work to better understand the needs of the EMS community. I therefore ask my colleagues to join me in supporting this legislation.

By Mr. SPECTER:

S. 612. A bill to require the Secretary of the Army to award the Combat Medical Badge or another combat badge for Army helicopter medical evacuation ambulance (Medevac) pilots and crews; to the Committee on Armed Services.

Mr. SPECTER. Mr. President, I have sought recognition to explain briefly the provisions of legislation I have introduced today that would direct the Secretary of the Army to award the Combat Medical Badge (CMB), or a similar badge to be designed by the Secretary of the Army, to pilots and crew of the Army's helicopter medical ambulance units—commonly referred to by their call sign "DUST OFF"—who have flown combat missions to rescue and aid wounded soldiers, sailors, airmen, and Marines.

The legacy of the DUST OFF mission was brought to my attention by a group of Pennsylvania constituents who have been sharing the DUST OFF story in an attempt to persuade the Army to recognize the service and sacrifice DUST OFF crews made, especially during the Vietnam War, in saving the lives of thousands of fallen comrades by extracting the wounded from forward positions to bases where they would receive life-saving medical care.

The Army began using helicopters to evacuate wounded soldiers during the Korean War. However, because of their smaller size, Korean War helicopters were used solely as a means of transporting the wounded from the combat zones. It was not until the early 1960's that a group of Army aviators envisioned using the newer, larger, UH-1A "Huey" helicopters to serve as mobile air ambulances where a medic and crew could provide life-saving treatment en route to the medical aide station.

The road to establish air ambulance units within the Army was rocky and uncertain. Combat commanders often considered the use of helicopters for this purpose a diversion of valuable resources. However, through determination, skill, and the American fighting spirit, air ambulance crews proved they were a valuable and reliable resource in providing support to the combat mission. Indeed, between 1962 and 1973, DUST OFF crews evacuated more than 900,000 allied military personnel and Vietnamese civilian casualties to medical assistance sites.

Captain John Temperelli, Jr. was the first commander of the 57th Medical Detachment, Helicopter Ambulance, who would lead the first DUST OFF unit in Vietnam. Army Captain Temperelli is considered the "pioneer" of DUST OFF; however, it was Army Major Charles L. Kelly, the unit's third commander, who would establish the traditions and the motto that DUST OFF crews hold sacred today.

Major Kelly, like his predecessors, believed in the mission of rescuing fallen comrades so much so that he gave his life to the mission. On July 1, 1964, Major Kelly and his crew received a call to evacuate a wounded soldier. When they arrived, Major Kelly was instructed by an American advisor on the ground to leave the area; the landing zone was too "hot." Major Kelly responded with the phrase that would become the DUST OFF motto: "When I have your wounded." As Major Kelly hovered over the battlefield, an enemy bullet struck him in the heart; he was killed. It was with news of Major Kelly's death and the story of DUST OFF's dedication to the wounded that DUST OFF earned its permanency in the Army.

I received a book written by a Pennsylvania native, Army Chief Warrant Officer 5 Mike Novosel, titled DUSTOFF: The Memoir of an Army Aviator. Mr. Novosel—a Medal of Honor recipient who served two tours in Vietnam and was a veteran of two other wars—knows first hand the sacrifice, courage and dedication to duty that DUST OFF crews displayed in Vietnam and continue to display today. In his two tours as a DUST OFF pilot in Vietnam, Mr. Novosel flew 2,543 missions and extracted 5,589 wounded. In his book, Mr. Novosel shares many amazing stories of landing in "hot" landing zones to allow his medic and crew chief, who were also exposed to enemy fire, to rescue and care for the wounded. But as Mr. Novosel has said, his experience as a DUST OFF pilot was not uncommon. Thousands of brave soldiers risked their lives every day by flying into combat zones to evacuate the wounded.

I am honored that Mr. Novosel and others have brought the story of DUST OFF to my attention. It is my sincere hope that the Army will recognize DUST OFF pilots and crew with an appropriate badge which acknowledges the combat service of these brave individuals. When the War Department created the Combat Medical Badge (CMB) in WWII, as a companion to the Combat Infantryman Badge (CIB) it did so to recognize that "medical aidmen . . . shared the same hazards and hardships of ground combat on a daily basis with the infantry soldier." DUST OFF pilots and crew equally shared the hazards and hardships of ground combat with the infantry soldier. The fact that they were not directly assigned or attached to a particular infantry unit a fact that, under current Army policy, makes them eligible to receive a CIB or CMB should not bar special recognition of their service, service that one author has characterized as "the brightest achievement of the U.S. Army in Vietnam."

On July 29, 2003, I chaired a hearing of the Senate Committee on Veterans Affairs to hear testimony from DUST OFF participants about their experiences under fire. I gave the Army an opportunity to explain its position and, perhaps, rethink its opposition to the awarding of an appropriate designation to DUST OFF crew members. Based on testimony offered by three Vietnam veterans—Chief Warrant Officer, Ret., Michael J. Novosel, M.O.H., Chief Warrant Officer, Ret., John M. Travers, and Mr. William Fredrick "Fred" Castleberry—I am now more convinced than ever of the worthiness of this legislation. Following the July 29, 2003, hearing, I introduced this legislation—S. 1487 in the 108th Congress. The bill was referred to the Committee on Armed Services, which has jurisdiction over this matter. Unfortunately, the bill never made its way out of committee which is why I am re-introducing this important legislation today.

Army officials recently decided to create a "Close Combat Badge" (CCB) for non-infantry soldiers that recognizes their direct participation in ground combat. However, this badge will not be awarded to DUST OFF Medical Helicopter Evacuation Crew Members who have yet to be properly recognized.

On the Vietnam Veterans Memorial are etched the names of over 400 medics, pilots, and crew that gave their lives so others might live. The forward thinking, enthusiasm, and dedication of DUST OFF crews in Vietnam are attributes seen in today's DUST OFF crews. I urge my colleagues to support this legislation which would recognize the nature of the service these individuals have performed, and continue to perform, while serving on DUST OFF crews.

By Mr. SPECTER:

S. 613. A bill to establish the Steel Industry National Historic Site in the State of Pennsylvania; to the Committee on Energy and Natural Resources.

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation that will honor the importance of the steel industry in the Commonwealth of Pennsylvania and the Nation by creating the "Steel Industry National Historic Site" to be operated by the National Park Service in southwestern Pennsylvania.

The importance of steel to the industrial development of the United States cannot be overstated. A national historic site devoted to the history of the steel industry will afford all Americans the opportunity to celebrate this rich heritage, which is symbolic of the work ethic endemic to this great Nation. The National Park Service recently reported that Congress should make remnants of the U.S. Steel Homestead Works an affiliate of the national park system, rather than a full national park, an option which had been considered in prior years, and which I proposed in legislation during the 107th Congress. Due to the backlog of maintenance projects at national parks, the legislation offered today instead creates a national historic site that would be affiliated with the National Park Service. There is no better place for such a site than in southwestern Pennsylvania, which played a significant role in early industrial America and continues to today.

I have long supported efforts to preserve and enhance this historical steel-related heritage through the Rivers of Steel Heritage Area, which includes the City of Pittsburgh, and seven southwestern Pennsylvania counties: Allegheny, Armstrong, Beaver, Fayette, Greene, Washington and Westmoreland. I have sought and been very pleased with congressional support for the important work within the Rivers of Steel Heritage Area expressed through appropriations levels of roughly $1 million annually since fiscal year 1998. I am hopeful that this support will continue. However, more than just resources are necessary to ensure the historical recognition needed for this important heritage. That is why I am introducing this legislation today.

It is important to note why southwestern Pennsylvania should be the home to the national site that my legislation authorizes. The combination of a strong workforce, valuable natural resources, and Pennsylvania's strategic location in the heavily populated northeastern United States allowed the steel industry to thrive. Today, the remaining buildings and sites devoted to steel production are threatened with further deterioration. Many of these sites are nationally significant and perfectly suited for the study and interpretation of this crucial period in our Nation's development. Some of these sites include the Carrie Furnace complex, the Hot Metal Bridge, and the Unites States Steel Homestead Works, which would all become a part of the Steel Industry National Historic Site under my legislation.

Highlights of such a national historic site would commemorate a wide range of accomplishments and topics for historical preservation and interpretation from industrial process advancements to labor-management relations. It is important to note that the site I seek to become a national site under this bill includes the location of the Battle of Homestead, waged in 1892 between steelworkers and Pinkerton guards. The Battle of Homestead marked a crucial period in our Nation's workers' rights movement. The Commonwealth of Pennsylvania, individuals, and public and private entities have attempted to protect and preserve resources such as the Homestead battleground and the Hot Metal Bridge. For the benefit and inspiration of present and future generations, it is time for the federal government to join this effort to recognize their importance with the additional protection I provide in this bill.

I would like to commend my colleague, Representative MIKE DOYLE, who has been a longstanding leader in this preservation effort and who has consistently sponsored identical legislation in the U.S. House of Representatives. I look forward to working with southwestern Pennsylvania officials and Mr. August Carlino, President and Chief Executive Officer of the Steel Industry Heritage Corporation, in order to bring this national historic site to fruition. We came very close to passing this bill in the 108th Congress with its passage in various forms in the House and Senate. However, Congress adjourned prior to final passage of the same bill in both chambers. Therefore, today I reintroduce this legislation and urge its swift passage.

By Mr. SPECTER:

S. 614. A bill to amend title 38, United States Code, to permit medicare-eligible veterans to receive an out-patient medication benefit, to provide that certain veterans who receive such benefit are not otherwise eligible for medical care and services from the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

Mr. SPECTER. Mr. President, I have sought recognition to reintroduce the

"Veterans Prescription Drugs Assistance Act of 2005," a bill which seeks to assist Medicare-eligible veterans struggling with the costs of prescription medications.

In the 108th Congress, I worked with my colleagues to provide a prescription drug benefit for all Medicare-eligible seniors. Today, I offer legislation to allow Medicare-eligible veterans to obtain prescription drugs from the Department of Veterans Affairs (VA) at the significantly discounted costs that VA, as a high-volume purchaser of prescriptions medications, is able to secure in the marketplace.

On May 23, 2003, I introduced similar legislation—S. 1153 in the 108th Congress. In my capacity as Chairman of the Veterans Affairs Committee in the 108th Congress, I held a hearing on June 22, 2004, and heard testimony from Senate colleagues, Veterans Administration officials, and various veterans service organizations on this important legislation. On July 20, 2004, the Committee on Veterans Affairs reported out S. 1153 by a vote of 10 yeas and 5 nays. Unfortunately, the full Senate did not consider this measure.

In 2003, former Veterans Affairs Secretary Anthony J. Principi was forced to limit access to VA care—which continues to this day—by suspending new enrollments of non-service-disabled middle and higher income veterans who were not enrolled for care as of January 17, 2003. The Secretary was forced to so act because the number of patients provided care by VA had more than doubled in just five years and, as a result, VA's medical care system had been overwhelmed. As a consequence, VA was unable to provide timely access to healthcare for all veterans who had sought it and appointment waiting times had grown to alarming levels. But in almost every news story that followed the Secretary's difficult decision, it was noted that many of the new enrollees who had overwhelmed VA's capacity to provide care were Medicare-eligible veterans who were able to get Medicare-financed care elsewhere but who were seeking access to the relatively generous prescription drug program provided to veterans under VA care.

Currently, VA provides enrolled patients with prescription medications for $7 for each 30-day supply. But to get such prescriptions, the veteran must obtain the full range of medical care from VA. This fact, coupled with former VA Secretary Principi's decision to close enrollment, means that veterans who are now, or who will be, eligible for Medicare who had not enrolled for VA care prior to January 17, 2003, will be unable to access VA's generous prescription drug benefits. This legislation would provide some relief for those veterans. In addition, I anticipate that it may induce some VA-enrolled Medicare-eligible veterans—those who were happy with their Medicare-financed care but who enrolled for VA care to gain access to VA-supplied drugs—to return to non-VA care with knowledge that they will be able to get their non-VA prescriptions filled through VA. Enactment of this provision, then, would reduce—not exacerbate—VA patient backlog numbers.

The premise of this legislation is straightforward. VA fills and distributes more than 100 million prescriptions each year for its 4.7 million veteran-patients. As a result, it has significant purchasing power—power which, coupled with VA's formulary program, allows it to negotiate very favorable prices for prescription drugs. According to the National Association of Chain Drug Stores, the average "cash cost" of a prescription in 2003 was $59.28. The average VA per-prescription cost in 2003 was just under $25—more than 50 percent less. This bill would allow veterans to access these significant discounts simply by providing a written prescription from any duly licensed physician, presumably one he or she has seen under the Medicare program.

By reintroducing this legislation today, I seek to afford Medicare-eligible veterans access to such discounts. I do not propose that VA be directed to supply drugs to all Medicare-eligible veterans at VA expense, or even with a partial VA subsidy. VA has stated that such a mandate would divert VA funding which, clearly, is already stretched to the limit—away from VA priority patients: the service-connected, the poor, and those with special needs. I accept VA's statement of concern. I accept and I insist that scarce funding be directed, first, to meet the needs of priority patients. This legislation, therefore, requires that VA recover the costs of drugs it supplies under this program from veterans who bring their prescriptions from outside doctors to VA.

I do not propose to tell VA in this bill how to recover these costs. VA is better positioned than I to make such judgments. Thus, my legislation provides flexibility to VA to design and test payment mechanisms to best accomplish cost recovery while still easing veterans' access to the drugs they need. It might be that enrollment fees, a co-payment structure, or a simple "cost-plus" for administrative expenses pricing format, or some combination of those mechanisms works best. It might be that different approaches work best in different regions of the country. I intend for the VA to experiment with different pricing structures to determine what works best. However, I also intend that veterans get a break on prescription drug pricing.

Those who would first benefit from this program are World War II and Korean War veterans who answered their country's call over 50 years ago. As they age, many desperately need relief from high drug prices. My purpose is not to minimize the work of the drug companies. Their discoveries have truly been marvels, but that is precious little comfort to a Medicare participant who, whatever the drug's overall utility might be, cannot afford both the drug and food or shelter or heat.

The premise of this legislation is simple: veteran access to VA market-driven discounts. Yet, the assistance it could provide might be profound. I urge my colleagues to support this bill so that the problem might be solved, or at least reduced, for seniors who served. They deserve it, and we should do it.

By Mr. ROCKEFELLER (for himself and Mrs. HUTCHISON):

S. 616. A bill to inform the American public and to protect children from increasing depictions of indecent and gratuitous and excessive violent material on television, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. ROCKEFELLER. Mr. President, to better protect our children and families from the increasingly indecent and violent images pervading our homes, I am introducing with Senator HUTCHISON the Indecent and Gratuitous and Excessively Violent Programming Control Act of 2005. I believe this to be a crucial issue with far-reaching implications for our young people and for our country, and I strongly encourage my colleagues to join me in seeing that this bill is enacted and sent to the President for his signature.

Each day, and for hours and hours every day, broadcast, cable, and satellite television outlets indiscriminately barrage our children and families with indecent and violent images. Our children don't differentiate between sources of their programs, and neither should the law. Not only does the pervasive nature of indecent programming coarsen our society, but also its effects are being felt in our homes, in our schools, and on our streets. I cannot tell you how many parents and educators have told me that the behavior of the children in their care is bad and getting worse, and that they blame what these kids are seeing on television for much of the problem.

The Indecent and Gratuitous and Excessively Violent Programming Control Act is not intended to limit artistic expression, nor is it my purpose to impose the will of Congress on decisions that properly belong to parents. What I hope to do with this legislation is to give parents and broadcasters, especially local affiliates, a set of tools they can use to control the violence and lewdness being beamed into their homes and communities. To help parents determine what is appropriate programming for their children to watch, this legislation mandates meaningful labeling of violent and indecent programming to include a full-screen, 30-second warning every 30 minutes on broadcast, cable, and satellite programming. To help local broadcasters determine what appropriate programming for their communities is, the bill would allow local broadcasters to refuse to air programming that they believe violates their own community standards, and protects local broadcasters from fines levied for broadcast decisions imposed on them by national networks. I believe local broadcasters in West Virginia and across the country know what the standards of decency are in their own communities, but currently are at the mercy of the national networks. We need to give them the tools to follow community standards, and protect them when a national network forces them to air harmful programming.

The Indecent and Gratuitous and Excessively Violent Programming Control Act will require the Federal Communication Commission to begin comprehensive review of existing technologies to protect our children from gratuitous and excessively violent programming on broadcast television. My bill would require the FCC to assess the effectiveness of both the current voluntary ratings system and the "V-Chip" and other content-blocking technologies. I supported both voluntary announcements and requiring television manufacturers to install the V-Chip. I believe that both can be beneficial to parents who seek to limit what their kids are seeing. But I acknowledge—as every parent in a house with a television must that kids will seek out inappropriate content, and will attempt to find a way around whatever warnings or technological fixes we put in place to control their access to that content.

This legislation calls upon the FCC to recommend improved techniques or additional technologies that will help parents protect their children from material that could harm them or incite them to harm others. Specifically, if the FCC cannot affirm that these technologies are practically effective in protecting children then 1. create a "safe harbor" or other mechanism to protect children from gratuitous and excessively violent programming on broadcast television and 2. Require the least restrictive means to protect children from indecency and gratuitous and excessive violence for cable and satellite programming.

This should not be an ad hoc judgment made out of fear of the FCC on the part of broadcasters, but instead a bright line test that artists, television networks, advertisers, and cable and satellite providers and, most importantly, parents can rely on. Because programming that is excessively violent or promotes violence is every bit as damaging to our youth as is content depicting sexuality in gratuitous or prurient manner, we must address both issues.

The Indecent and Violent Programming Control Act would increase fines the FCC could impose on broadcasters from $27,500 to $500,000 and gives the FCC the appropriate authority to double fines bases on certain circumstances. While I believe indecent programming transmitted against national and community standards, or against the wishes of adult consumers, must be punished, I also believe that most broadcasters are responsible and are interested in providing wholesome entertainment. As a means of self-policing, I have included a Sense of Congress that broadcast television outlets, as well as cable and satellite providers, abide by the "Television Code of National Association of Broadcasters."

Finally, and this may be the most important part of the bill, my legislation mandates that all broadcasters, be they network, cable, or satellite, to double the amount of children's programming they are required to show each week. Whatever one believes about other parts of the legislation I am introducing here today, I would hope that my colleagues would be pleased and proud to see this provision enacted. What might surprise my colleagues, and indeed most Americans, is that broadcasters are currently only required to show three hours of children's content a week. When you consider that what passes for children's content often amounts to little more than advertisements for products aimed at children, this is a travesty.

I welcome a vigorous and healthy debate on the issue of indecent programming aimed at children. We owe it to our children, and to the nation, to take up these challenging questions, and resolve to find ways to protect kids, encourage creativity, and pay allegiance to the Constitution. I believe the Indecent and Gratuitous and Excessively Violent Programming Control Act is a vital step toward that goal.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 616

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indecent and Gratuitous and Excessively Violent Programming Control Act of 2005".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Increasingly, parents, educators, and families are concerned about the material that is broadcast on television and radio, and the effect such material has on America's children.

(2) Television influences children's perception of the values and behavior that are common and acceptable in society.

(3) Broadcast television, cable television, and video programming are—

(A) uniquely pervasive presences in the lives of all American children; and

(B) readily accessible to all American children.

(4) 85.1 percent of all American homes subscribe to multi-channel video programming.

(5) Complaints about indecent programming have grown exponentially in the last five years.

(6) In 2004, Americans filed over 1,000,000 complaints with the Federal Communications Commission about indecent programming.

(7) According to reports from the Parents Television Council, indecent and violent video programming on cable television is pervasive.

(8) Studies also show that parents are increasingly concerned. According to the Kaiser Family Foundation, more than 4 out of 5 parents are concerned that their children are being exposed to too much sex on television.

(9) Violent video programming influences children, as does, indecent programming.

(10) The American Association of Pediatrics, the American Psychological Association, the American Medical Association, and the U.S. Surgeon General have all documented the harm from watching excessive television violence on children.

(11) There is empirical evidence that children exposed to violent video programming at a young age have a higher tendency to engage in violent and aggressive behavior later in life than those children not so exposed.

(12) There is empirical evidence that children exposed to violent video programming have a greater tendency to assume that acts of violence are acceptable behavior and therefore to imitate such behavior.

(13) There is empirical evidence that children exposed to violent video programming have an increased fear of becoming a victim of violence, resulting in increased self-protective behaviors and increased mistrust of others.

(14) There is a compelling governmental interest in limiting the negative influences of violent video programming on children.

(15) A significant amount of violent video programming that is readily accessible to minors remains unrated specifically for violence and therefore cannot be blocked solely on the basis of its violent content.

(16) Age-based ratings that do not include content rating for violence do not allow parents to block programming based solely on violent content thereby rendering ineffective any technology-based blocking mechanism designed to limit violent video programming.

(17) Technology-based solutions, such as the V-chip, may be helpful in protecting some children, but cannot achieve the compelling governmental interest in protecting all children from violent video programming when parents are only able to block programming that has, in fact, been rated for violence.

(18) Restricting the hours when violent video programming can be shown to protect the interests of children whose parents are unavailable, unable to supervise their children's viewing behavior, do not have the benefit of technology-based solutions, are unable to afford the costs of technology-based solutions, or are unable to determine the content of those shows that are only subject to age-based ratings.

(19) After further study, pursuant to a rulemaking, the Federal Communications Commission may conclude that content-based

ratings and blocking technology do not effectively protect children from the harm of violent video programming.

(20) If the Federal Communications Commission reaches the conclusion described in paragraph (19), the channeling of violent video programming will be the least restrictive means of limiting the exposure of children to the harmful influences of violent video programming.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) COMMISSION.—The term "Commission" means the Federal Communications Commission.

(2) MULTICHANNEL VIDEO PROGRAMMING DISTRIBUTOR.—The term "multichannel video programming distributor" has the same meaning given such term in section 602 of the Communications Act of 1934 (47 U.S.C. 522).

(3) OTHER PROGRAMMING SERVICE.—The term "other programming service" has the same meaning given such term in section 602 of the Communications Act of 1934 (47 U.S.C. 522).

SEC. 4. EFFECTIVENESS OF MEASURES PROTECTING CHILDREN FROM INDECENT AND VIOLENT VIDEO PROGRAMMING.

(a) ASSESSMENT.—The Commission shall assess—

(1) the technological and practical effectiveness of statutory and regulatory measures that require television broadcast station licensees and multichannel video programming distributors to rate and encode programming that could be blocked by parents, including use of the technology required by the Commission's Report and Order, ET Docket 97-206, under section 303(x) of the Communications Act of 1934 (47 U.S.C. 303(x)), in accomplishing their intended purposes;

(2)(A) the prevalence of violent programming on television;

(B) the effectiveness of the current system for rating and encoding violent television programming, including—

(i) an assessment of consumer awareness of the current ratings system; and

(ii) an assessment of whether current ratings are self-administered or performed by independent organizations; and

(3) the technological and practical effectiveness of measures used by multichannel video programming distributors to protect children from exposure to—

(A) indecent video programming; and

(B) gratuitous and excessively violent video programming.

(b) REPORTS.—Not later than 60 days after the date of enactment of this Act and annually thereafter, the Commission shall report its findings from the assessments made under subsection (a) to the Committee on Commerce, Science, and Transportation of the United States Senate and the Committee on Energy and Commerce of the United States House of Representatives.

(c) RULEMAKING PROCEEDING.—

(1) IN GENERAL.—If the Commission determines, on the basis of an assessment under subsection (a), that a measure described in subsection (a) is not effective in protecting children from exposure to gratuitous and excessively violent video programming on television broadcasts, or from exposure to indecent video programming or gratuitous and excessively violent video programming carried by multichannel video programming distributors, then the Commission shall initiate and conclude (not later than 270 days after the date of that determination) a rulemaking proceeding—

(A) to prohibit television broadcast station licensees from broadcasting gratuitous and excessively violent programming during the hours when children are reasonably likely to comprise a substantial portion of the audience if the Commission's determination relates to measures applicable to such broadcast television programming; or

(B) to adopt measures to protect children from indecent video programming, or gratuitous and excessively violent video programming, as the case may be, carried by multichannel video programming distributors during the hours when children are reasonably likely to comprise a substantial portion of the audience if the Commission's determination relates to measures applicable to such multichannel video programming.

(2) EXEMPTIONS.—The Commission may exempt from any prohibition or measure promulgated under paragraph (1)—

(A) video programming the broadcast or carriage of which does not conflict with the objective of protecting children from access to—

(i) indecent programming; or

(ii) gratuitous and excessively violent video programming; and

(B) premium and pay-per-view services.

(d) ENFORCEMENT.—The forfeiture penalties established by section 503(b) of the Communications Act of 1934 (47 U.S.C. 503(b)) shall apply to a violation of any regulation promulgated under subsection (c) in the same manner as if it were a violation of a provision of that Act subject to a forfeiture penalty under section 503 of that Act.

(e) DEFINITIONS.—In this section:

(1) GRATUITOUS AND EXCESSIVELY VIOLENT VIDEO PROGRAMMING.—The Commission shall define the term "gratuitous and excessively violent video programming" for purposes of this section. In defining it, the Commission—

(A) may include matter that is excessive or gratuitous violence within the meaning of the 1992 Broadcast Standards for the Depiction of Violence in Television Programs, December, 1992; and

(B) shall take into account the findings set forth in section 551(a) of the Telecommunications Act of 1996 (47 U.S.C. 303 note).

(2) HOURS WHEN CHILDREN ARE REASONABLY LIKELY TO COMPRISE A SUBSTANTIAL PORTION OF THE AUDIENCE.—The Commission shall define the term "hours when children are reasonably likely to comprise a substantial portion of the audience" for purposes of this section.

(3) INDECENT VIDEO PROGRAMMING.—The Commission shall define the term "indecent video programming" for purposes of this section.

(4) TELEVISION BROADCAST STATION LICENSEE.—The term "television broadcast station licensee" means the licensee or permittee of a television broadcast station licensed or permitted by the Federal Communications Commission under title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.).

SEC. 5. IMPROVED ENFORCEMENT OF INDECENCY ON BROADCAST PROGRAMMING.

(a) IN GENERAL.—Section 503(b)(2) of the Communications Act of 1934 (47 U.S.C. 503(b)(2)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;

(2) by inserting after subparagraph (B) the following new subparagraph:

"(C) Notwithstanding subparagraph (A), if the violator is—

"(i)(I) a broadcast station licensee or permittee; or

"(II) an applicant for any broadcast license, permit, certificate, or other instrument or authorization issued by the Commission; and

"(ii) determined by the Commission under paragraph (1) to have broadcast obscene, indecent, or profane language or images,

the amount of any forfeiture penalty determined under this subsection shall not exceed $500,000, with each utterance constituting a separate violation, except that the amount assessed a licensee or permitee for any number of violations in a given 24-hour time period shall not exceed a total of $3,000,000. In determining the amount of any forfeiture penalty under this subparagraph, the Commission, in addition to the elements identified in subparagraph (E), shall take into account the violator's ability to pay, including such factors as the revenue and profits of the broadcast stations that aired the obscene, indecent, or profane language and the size of the markets in which these stations are located.";

(3) in subparagraph (D), as redesignated by paragraph (1), by striking "subparagraph (A) or (B)" and inserting "subparagraph (A), (B), or (C)".

(b) ADDITIONAL FACTORS IN INDECENCY PENALTIES; EXCEPTION.—Section 503(b)(2) of the Communications Act of 1934 (47 U.S.C. 503(b)(2)), as amended by subsection (a) of this section, is amended by adding at the end the following:

"(F) In the case of a violation in which the violator is determined by the Commission under paragraph (1) to have uttered obscene, indecent, or profane material, the Commission shall take into account, in addition to the matters described in subparagraph (E), the following factors with respect to the degree of culpability of the violator:

"(i) Whether the material uttered by the violator was live or recorded, scripted or unscripted.

"(ii) Whether the violator had a reasonable opportunity to review recorded or scripted programming or had a reasonable basis to believe live or unscripted programming would contain obscene, indecent, or profane material.

"(iii) If the violator originated live or unscripted programming, whether a time delay blocking mechanism was implemented for the programming.

"(iv) The size of the viewing or listening audience of the programming.

"(v) The size of the market.

"(vi) Whether the violation occurred during a children's television program (as such term is used in the Children's Television Programming Policy referenced in section 73.4050(c) of the Commission's regulations (47 C.F.R. 73.4050(c)) or during a television program rated TVY, TVY7, TVY7FV, or TVG under the TV Parental Guidelines as such ratings were approved by the Commission in implementation of section 551 of the Telecommunications Act of 1996, Video Programming Ratings, Report and Order, CS Docket No. 97-55, 13 F.C.C. Rcd. 8232 (1998)), and, with respect to a radio broadcast station licensee, permittee, or applicant, whether the target audience was primarily comprised of, or should reasonably have been expected to be primarily comprised of, children.

"(G) The Commission may double the amount of any forfeiture penalty if the Commission determines additional factors are present which are aggravating in nature, including—

"(i) whether the material uttered by the violator was recorded or scripted;

"(ii) whether the violator had a reasonable opportunity to review recorded or scripted programming or had a reasonable basis to believe live or unscripted programming would contain obscene, indecent, or profane material;

"(iii) whether the violator failed to block live or unscripted programming;

"(iv) whether the size of the viewing or listening audience of the programming was substantially larger than usual, such as a national or international championship sporting event or awards program; and

"(v) whether the violation occurred during a children's television program (as defined in subparagraph (F)(vi)).

"(H) For purposes of this section, the Commission shall have the authority to impose a forfeiture penalty on any broadcast station (as defined in section 153), network station, nationally distributed superstation, or television network (as those terms are defined in section 339).".

(c) PUBLIC HEARINGS FOR VIOLATIONS OF INDECENCY PROHIBITIONS.—Section 503 of the Communications Act of 1934 (47 U.S.C. 503) is amended by adding at the end the following new subsection:

"(c) PUBLIC HEARINGS FOR VIOLATIONS OF INDECENCY PROHIBITIONS.—

"(1) IN GENERAL.—In any proceeding initiated under this section in which the Commission issues a notice of apparent liability, but prior to its imposition of a forfeiture penalty, the Commission or designees of the Commission shall conduct public hearings or forums at the discretion of the Commission or its designees, at any time and place the Commission or its designees is able to secure facilities and witnesses, for the purpose of carrying out the duties of the Commission and to ascertain the concerns and interests of the affected viewing communities exposed to the broadcast.

"(2) COMBINED HEARINGS.—If a broadcast results in the initiation of multiple proceedings and the issuance of multiple notices of apparent liability, but prior to the imposition of multiple forfeiture penalties, the Commission or its designee may combine the hearings required under paragraph (1).".

SEC. 6. LOCAL BROADCASTING AUTHORITY TO PREEMPT PROGRAMMING.

Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et. seq.) is amended by adding at the end the following:

"SEC. 340. LOCAL BROADCASTING AUTHORITY TO PREEMPT PROGRAMMING DEEMED OBSCENE OR INDECENT.

"(a) LOCAL BROADCASTER ABILITY TO REVIEW PROGRAMMING IN ADVANCE.—A broadcast station licensee or permittee that receives programming from a network organization, but that is not owned or controlled, or under common ownership or control with, such network organization, shall be given reasonable opportunity to review all recorded or scripted programming in advance.

"(b) AUTHORITY TO PREEMPT.—A broadcast station licensee or permittee described in subsection (a)—

"(1) may decide not to broadcast, or otherwise preempt, in whole or in part and without penalty, any programming that it reasonably believes depicts or describes—

"(A) obscene, indecent, profane, or gratuitous and excessively violent material; or

"(B) activities that would be patently offensive as measured by the community standards of the community in which they operate; and

"(2) shall notify, in advance, the network organization of any decision not to broadcast, or otherwise preempt, any programming under paragraph (1).

"(c) EXEMPTION FROM PENALTY.—A broadcast station licensee or permittee described in subsection (a) shall not be subject to a forfeiture penalty under section 503(b)(2) for the broadcast of a program found to be in violation of section 503(b)(1), if the broadcast station licensee or permittee prior to such broadcast was—

"(1) required by a network organization to broadcast the program which was recorded or scripted, regardless of such broadcast station licensee or permittee's decision not to broadcast, or otherwise preempt, the program under subsection (b);

"(2) not provided a reasonable opportunity to review the program; or

"(3) required to broadcast the program which was unscripted, live, or otherwise presented without a time delay blocking mechanism.

"(d) LIMITATION.—Nothing in this section shall preclude the imposition of a forfeiture penalty under section 503(b)(2) against a network organization or its owned and operated affiliate.

"(e) DEFINITION.—The Commission shall by rule define the term 'network organization' for purposes of this section.".

SEC. 7. WARNINGS BASED ON CONTENT OF PROGRAMMING.

Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.), as amended by section 6, is amended by adding at the end the following:

"SEC. 341. WARNINGS BASED ON CONTENT OF PROGRAMMING.

"(a) IN GENERAL.—Each television and radio broadcast licensee, multichannel video programming distributor, or other programming service shall provide a warning of the specific content of each recorded or scripted program it broadcasts.

"(b) WARNING STANDARDS.—A warning provided under subsection (a) shall—

"(1) include information regarding the language content, sexual content, and violence content of the program to be broadcast or distributed;

"(2) be broadcast or distributed so as—

"(A) to appear in both visible and audible form;

"(B) to appear full screen for 30 seconds at the beginning of the program, and every 30 minutes thereafter in the case of a program in excess of 30 minutes in length; and

"(C) to advise viewers of their ability to block any such program, including programs containing gratuitous and excessively violent material, using V-chip technology to block display of programs with a common rating required under subsection (x) of section 303.

"(c) REVIEW.—The Commission shall, from time to time, review the warnings on the content of broadcast programming required under this section for the purpose of assuring that such warnings meet the requirements of this section.

"(d) DEFINITIONS.—As used in this section, the terms 'multichannel video programming distributor' and 'other programming service' have the same meaning given such terms in section 602.

"(e) LIMITATION.—Nothing in this section shall be deemed or construed to relieve, preclude, or obviate the application of the ratings standards set forth in the TV Parental Guidelines (Video Programming Ratings, Report and Order, CS Docket No. 97-55, 13 F.C.C. Rcd. 8232 (1998)) as such voluntary ratings were established by the National Association of Broadcasters, the National Cable Television Association, and the Motion Picture Association of America and approved by the Commission in implementation of section 551.".

SEC. 8. ASSESSMENT OF THE EFFECTIVENESS OF VOLUNTARY RATING STANDARDS.

The Commission shall—

(1) assess the effectiveness of measures designed to provide parents with timely information about the rating of upcoming broadcast programming under the TV Parental Guidelines (Video Programming Ratings, Report and Order, CS Docket No. 97-55, 13 F.C.C. Rcd. 8232 (1998)) as such voluntary ratings were established by the National Association of Broadcasters, the National Cable Television Association, and the Motion Picture Association of America and approved by the Commission in implementation of section 551 of the Telecommunications Act of 1996;

(2) assess the technical feasibility of developing ratings systems from alternative sources; and

(3) not later than 180 days after the date of enactment of this Act, report its findings based on the assessment under paragraphs (1) and (2) to the Committee on Commerce, Science, and Transportation of the United States Senate and the Committee on Energy and Commerce of the United States House of Representatives.

SEC. 9. CHILDREN'S PROGRAMMING REQUIREMENTS.

(a) INCREASE IN AMOUNT OF EDUCATIONAL AND INFORMATIONAL PROGRAMMING FOR CHILDREN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commission shall promulgate regulations in accordance with section 102(a) of the Children's Television Act of 1990 (47 U.S.C. 303a(a)), to require that each television broadcast licensee broadcast not less than 6 hours of programming specifically designed to serve the educational and informational needs of children during hours when children are reasonably likely to comprise a substantial portion of the audience.

(2) PROPORTIONAL INCREASE FOR DIGITAL TELEVISION MULTICASTS.—In response to the requirements of section 309(j)(14), the Commission shall promulgate regulations in accordance with section 102(a) of the Children's Television Act of 1990 (47 U.S.C. 303a(a)), to require each television broadcast licensee providing digital multicasts to provide an amount of time to broadcast programming specifically designed to serve the educational and informational needs of children during hours when children are reasonably likely to comprise a substantial portion of the audience in the same ratio to its total amount of time provided to such children's programming on its main stream under paragraph (1) bears to the total amount of time provided to all programming during the hours when children are reasonably likely to comprise a substantial portion of the audience.

(b) REPORT.—The Commission shall amend its regulations to require each television broadcast licensee to file, regularly, a report on how it met, for the year in review, its obligations to serve the educational and informational needs of children in accordance with section 102(a) of the Children's Television Act of 1990 (47 U.S.C. 303a(a)).

(c) WEBSITE REQUIREMENT.—The Commission shall amend its regulations to require each television broadcast licensee for which there is a publicly accessible website on the Internet—

(1) to make its report available to the public on that website; or

(2) to provide a hyperlink on that website to the report on the Commission's website.

SEC. 10. REINSTATEMENT OF VOLUNTARY CODE OF CONDUCT.

(a) VOLUNTARY INDUSTRY CODE OF CONDUCT GOVERNING CONTENT OF BROADCAST PROGRAMMING.—It is the sense of the Congress that each television and radio broadcast licensee, multichannel video programming distributor, or other programming service should reinstitute or adopt, as the case may be, and faithfully comply with, the provisions set forth in the "Television Code of the National Association of Broadcasters" as adopted on December 6, 1951, with amendments thereafter, by the Television Board of the National Association of Broadcasters, formerly known as the National Association of Radio and Television Broadcasters.

(b) ANTITRUST EXEMPTION.—

(1) IN GENERAL.—The antitrust laws as defined in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12) and the law of unfair competition under section 5 of the Federal Trade Commission Act (15 U.S.C. 45) shall not apply to any joint discussion, consideration, review, action, or agreement by or among television and radio broadcast licensees, multichannel video programming distributors, or other programming services for the purpose of, and limited to, developing and disseminating voluntary guidelines designed to provide a code of conduct regarding the content of broadcast programs.

(2) EXCEPTION.—The exemption provided for in this subsection shall not apply to any joint discussion, consideration, review, action, or agreement which results in a boycott of any person, corporation, advertiser, or industry.

SEC. 11. PREMIUM AND PAY-PER-VIEW CHANNELS EXEMPT.

(a) IN GENERAL.—Nothing in this Act shall be deemed or construed to apply to any premium or pay-per-view service.

(b) DEFINITION.—For the purpose of this section, the term "premium or pay-per-view service" shall mean any video programming provided by a multichannel video programming distributor that is offered on a per channel or per program basis.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 617. A bill to direct the Secretary of the Army to carry out the dredging project, Menominee Harbor, Menominee River, Michigan and Wisconsin; to the Committee on Environment and Public Works.

Mr. LEVIN. Mr. President, I come to the floor today to introduce a bill to reauthorize the dredging of the Menominee River and Channel to 24 and 26 feet, respectively, from their present NOAA-certified depth of 20 feet. Congress originally authorized this dredging in 1960 through Public Law 86-645, which was subsequently deauthorized by the Army in an administrative action due to a lack of funding as required by the Water Resources Development Act of 1986, Public Law 99-662.

The Menominee harbor channel depth of 20 feet dates back to 1931. While harbor depths of 20 feet may have been adequate for ships of that time, a detailed study by the Army Corps of Engineers in 1959 reported the size of cargo ships using Menominee, MI and Marinette, WI ports increased significantly in the mid-1950's. Unfortunately, many of today's modern and more efficient cargo ships cannot safely navigate in harbors with 20-foot clearances. Dredging the river and channel to 24 and 26 feet would make these ports accessible to the larger ships and would be important to the economic growth in Menominee, Marinette, and the other regions of the country with which they trade. Manufacturing, shipbuilding, and transportation industries account for over a third of the region's employment and rely heavily on access to competitive port facilities.

Dredging of the Menominee River and Channel has been the subject of no less than a dozen studies submitted to Congress over the past century. The 1959 Army Corps of Engineers study recommended dredging to the depths I am proposing today and included support from the then-Governors of Michigan and Wisconsin, and findings of no adverse impact by the Departments Interior and Health, Education, and Welfare, and the Federal Power Commission. Assessments by the environmental agencies of Michigan and Wisconsin referenced in the Corps' report indicated the proposed dredging would not harm local fish and wildlife. I urge my colleagues to support this bill.

By Mrs. FEINSTEIN (for herself, Ms. COLLINS, Mr. LAUTENBERG, Mr. SPECTER, Mrs. LINCOLN, Mr. DODD, Mr. DAYTON, and Mr. NELSON of Florida):

S. 619. A bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise today with my colleague from Maine, Senator COLLINS, to introduce legislation that will repeal two provisions of current law that reduce earned Social Security benefits for teachers and other government pensioners—the Government Pension Offset provision and the Windfall Elimination Provision.

Under current law, public employees, whose salaries are often lower than those in the private sector, find that they are penalized and held to a different standard when it comes to retirement benefits. The unfair reduction in their benefits makes it more difficult to recruit teachers, police officers, and fire fighters; and it does so at a time when we should to be doing everything we can to recruit the best and brightest to these careers.

The current Government Pension Offset provision reduces Social Security spousal benefits by an amount equal to two-thirds of the spouse's public employment civil service pension. This can have the effect of taking away, entirely, a spouse's benefits from Social Security. And, as one might guess, this provision disproportionately affects women.

The Social Security Windfall Elimination Provision reduces Social Security benefits for retirees who paid into Social Security and also receive a government pension, such as from a teacher retirement fund.

Private sector retirees receive monthly Social Security checks equal to 90 percent of their first $627 in average monthly career earnings, plus 32 percent of monthly earnings up to $3,152 and 15 percent of earnings above $3,152. Government pensioners, however, are only allowed to receive 40 percent of the first $627 in career monthly earnings, a penalty of over $300 per month.

To my mind it is simply unfair. My legislation will allow government pensioners the chance to earn the same 90 percent to which non-government pension recipients are entitled.

I do not understand why we would want to discourage people from pursuing careers in public service by essentially saying that if you do enter public service; your family will suffer by not being able to receive the full retirement benefits they would otherwise be entitled to.

Record enrollments in public schools and the projected retirements of thousands of veteran teachers are driving an urgent need for teacher recruitment. Critical efforts to reduce class sizes also necessitate hiring additional teachers. It is estimated that schools will need to hire between 2.2 million and 2.7 million new teachers nationwide by 2009.

California currently has more than 300,000 teachers, but will need to hire an additional 300,000 teachers by 2010 to keep up with California's rate of student enrollment, which is three times the national average. All in all, California has to hire tens of thousands of new teachers every year.

To combat the growing teacher shortage crisis, forty-five States and the District of Columbia now offer "alternate routes" for certification to teach in the Nation's public schools.

It is a sad irony that policymakers are encouraging experienced people to change careers and enter the teaching profession at the same time that we clearly tell them that we will reduce your Social Security benefits for making such a change—benefits they worked so hard to earn.

Nearly one million government retirees nationwide are affected by the Government Pension Offset and Windfall Elimination provisions, but their impact is greatest in the 12 States that chose to keep their own public employee retirement systems, including California.

According to the Congressional Budget Office, the Government Pension Offset reduces benefits for some 200,000 individuals by more than $3,600 a year.

And, as I mentioned earlier, the Windfall Elimination Provision causes already low-paid public employees outside the Social Security system, like teachers, firefighters and police officers, to lose up to sixty percent of the Social Security benefits to which they are entitled. Sadly, the loss of Social Security benefits may make these individuals eligible for more costly assistance, such as food stamps.

I am also very aware that we are facing extraordinary deficits and that fixing the problem that we are talking about here today will be expensive. I am open to considering all options that move us toward our goal of allowing individuals to keep the Social Security benefits they are entitled to. The important thing for us to do is to take action that moves us in the right direction.

The reforms that led to the Government Pension Offset provision and the Windfall Elimination Provision are almost 20 years old. At the time they were enacted, I'm sure they seemed like a good idea. Now that we are witnessing the practical effects of those reforms, I hope that Congress will pass legislation to address the unfair reduction of benefits that make it even more difficult to recruit and retain public employees.

Ms. COLLINS. Mr. President, I am pleased to join with my colleague from California, Senator FEINSTEIN, in introducing the Social Security Fairness Act. This bill repeals two provisions of current law—the windfall elimination provision (WEP) and the government pension offset (GPO) that unfairly reduce earned Social Security benefits for many public employees when they retire.

Individuals affected by both the GPO and the WEP are those who are eligible for Federal, State or local pensions from work that was not covered by Social Security, but who also qualify for Social Security benefits based on their own work in covered employment or that of their spouses. While the two provisions were intended to equalize Social Security's treatment of workers, we are concerned that they unfairly penalize individuals for holding jobs in public service when the time comes for them to retire.

These two provisions have enormous financial implications not just for Federal employees, but for our teachers, police officers, firefighters and other public employees as well. Despite their challenging, difficult and sometimes dangerous jobs, these invaluable public servants often receive far lower salaries than private sector employees. It is therefore doubly unfair to penalize them when it comes to their Social Security benefits. These public servants—or their spouses—have all paid taxes into the Social Security system. So have their employers. Yet, because of these two provisions, they are unable to collect all of the Social Security benefits to which they otherwise would be entitled.

While the GPO and WEP affect public employees and retirees in virtually every State, their impact is most acute in 15 States, including Maine. Nationwide, more than one-third of teachers and education employees, and more than one-fifth of other public employees, are affected by the GPO and/or the WEP.

Almost one million retired government workers across the country have already been adversely affected by these provisions. Millions more stand to be affected by them in the future. Moreover, at a time when we should be doing all that we can to attract qualified people to public service, this reduction in Social Security benefits makes it even more difficult for our Federal, State and local governments to recruit and retain the teachers, police officers, firefighters and other public servants who are so critical to the safety and well-being of our families.

The Social Security windfall elimination provision reduces Social Security benefits for retirees who paid into Social Security and who receive a government pension from work not covered under Social Security, such pensions from the Maine State Retirement Fund. While private sector retirees receive Social Security checks based on 90 percent of their first $612 average monthly career earnings, government pensioners checks are based on 40 percent a harsh penalty of more than $300 per month.

The government pension offset reduces an individual's survivor benefit under Social Security by two-thirds of the amount of his or her public pension. It is estimated that nine out of ten public employees affected by the GPO lose their entire spousal benefit, even though their deceased spouses paid Social Security taxes for many years.

What is most troubling is that this offset is most harsh for those who can least afford the loss—lower-income women. In fact, of those affected by the GPO, 73 percent are women. According to the Congressional Budget Office, the GPO reduces benefits for more than 200,000 of these individuals by more than $3,600 a year—an amount that can make the difference between a comfortable retirement and poverty.

Our teachers and other public employees face difficult enough challenges in their day-to-day work. Individuals who have devoted their lives to public service should not have the added burden of worrying about their retirement. Many Maine teachers, in particular, have talked with me about this issue. They love their jobs and the children they teach, but they worry about the future and about their financial security in retirement.

I hear a lot about this issue in my constituent mail, as well. Patricia Dupont, for example, of Orland, ME, wrote that, because she taught for 15 years under Social Security in New Hampshire, she is living on a retirement income of less than $13,000 after 45 years in education. Since she also lost survivors' benefits from her husband's Social Security, she calculates that a repeal of the WEP and the GPO would double her current retirement income.

These provisions also penalize private sector employees who leave their jobs to become public school teachers. Ruth Wilson, a teacher from Otisfield, Maine, wrote:

"I entered the teaching profession two years ago, partly in response to the nationwide pleas for educators. As the current pool of educators near retirement in the next few years, our schools face a crisis. Low wages and long hard hours are not great selling points to young students when selecting a career.

"I love teaching and only regretted my decision when I found out about the penalties I will unfairly suffer. In my former life as a well-paid systems manager at State Street Bank in Boston, I contributed the maximum to Social Security each year. When I decided to become an educator, I figured that because of my many years of maximum Social Security contributions, I would still have a livable retirement 'wage.' I was unaware that I would be penalized as an educator in your State."

In September of 2003, I chaired a Governmental Affairs Committee hearing to examine the effect that the GPO and the WEP have had on public employees and retirees. We heard compelling testimony from 73-year old Julia Worcester of Columbia, ME, who told us about her work in both Social Security-covered employment and as a Maine teacher, and about the effect that the GPO and WEP have had on her income in retirement. Mrs. Worcester worked for more than 20 years as a waitress and in factory jobs before deciding, at the age of 49, to go back to school to pursue her life-long dream of becoming a teacher. She began teaching at the age of 52 and taught full-time for 15 years before retiring at the age of 68. Since she was only in the Maine State Retirement System for 15 years, Mrs. Worcester does not receive a full State pension. Yet she is still subject to the full penalties under the GPO and WEP. As a consequence, she receives just $107 a month in Social Security benefits, even though she worked hard and paid into the Social Security system for more than 20 years. After paying for her health insurance, she receives less than $500 a month in pension income.

After a lifetime of hard work, Mrs. Worcester, is still substitute teaching at 75, just to make ends meet. This simply is not fair. I am therefore pleased to join Senator FEINSTEIN in introducing this legislation to repeal these two unfair provisions, and I urge my colleagues to join us a cosponsors.

By Mrs. FEINSTEIN (for herself, Mr. WARNER, Mr. SCHUMER, Mr. DEWINE, Ms. MIKULSKI, Mr. DURBIN, Mrs. BOXER, Mrs. CLINTON, Mr. LEVIN, Mr. DODD, and Mr. REED):

S. 620. A bill to reinstate the Public Safety and Recreational Firearms Use Protection Act; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise to offer, along with Senators WARNER of Virginia and DEWINE of Ohio, the Assault Weapons Ban Reauthorization Act of 2005. We are joined by Senators SCHUMER, MIKULSKI, DURBIN, CLINTON, BOXER, LEVIN, DODD and REED, who are original cosponsors of this critical legislation.

This is the same basic legislation that passed by the Senate last year as an amendment to a bill designed to provide blanket immunity for gun manufacturers. However, once that amendment passed, the underlying bill was defeated, in part by its own sponsors, after the National Rifle Association applied intense pressure to Members of this body.

Thus we saw the ideological and extreme view of the National Rifle Association, when they sacrificed their most desired legislative priority—gun immunity legislation—because the Senate had approved the assault weapons ban and two other amendments that would save people's lives: closing the gun show loophole, and requiring trigger locks.

Although President Bush had said he supported the assault weapons ban, he refused to personally engage to help this legislation get signed into law, and the ban expired on September 13, 2004. As a result, these weapons are now once again proliferating through our neighborhoods and communities throughout the United States.

That is why, today, I am introducing the Assault Weapons Ban Reauthorization Act of 2005. This legislation mirrors the legislation I authored in the Senate and then-Congressman SCHUMER authored in the House in 1994.

As was done then, the legislation I am introducing would: ban the manufacturing of 19 specific types of military-style assault weapons, as well as a number of other guns based on a simple test to determine whether the guns were hunting guns or weapons of war; prohibit the manufacture of large capacity ammunition magazines—clips, drums and strips of more than ten rounds—because it is those large capacity ammunition feeding devices that can make a semiautomatic assault weapons so very deadly; and continue to exempt 670 hunting guns entirely, and it is also important to note that the ban would continue to "grandfather" in every gun that was made before 1994. So no innocent gun owner would lose a weapon. There will again be no confiscation component to the bill.

This legislation is not perfect. There are comparisons that were made to get it passed last time around, and since its previous enactment there have been many concerns raised about the need to tighten or alter the definition in order to make the prohibition more effective. I am open to working with my colleagues to ensure we enact the best legislation possible, but we need a first step—at a minimum Congress needs to reinstate the original assault weapons ban.

Unfortunately, we are already seeing the impact of the lapse of this law and we should not let another year pass without reinstating its protections. We know the ban worked. Supply went down. Prices went up. The use of these weapons of war in gun crimes had fallen consistently since the ban passed. According to Department of Justice data, the proportion of these assault weapons used in crime fell more than 65 percent since the ban took effect. And these statistics are backed up by report from the Brady Campaign.

The analysis in the Brady study was performed by Gerald Nunziato, who for eight years served as the Special Agent in Charge of ATF's National Tracing Center—a man who know first hand what these numbers means.

The study found two key things:

First: "Assault weapons banned by name in the Federal Assault Weapons Act have declined significantly as a percentage of guns ATF has traced to crime, and in absolute number of traces, since the Act was passed. Had this decline not occurred, thousands more of these banned assault weapons would likely have been traced to crime over the last 10 years."

In other words, the assault weapons legislation signed into law ten years ago successfully dried up the use of banned assault weapons in crime. Second, arguments have arisen that despite this evidence, the ban has not really worked because gun manufacturers would simply produce copycat guns that have the same killing power as assault weapons, and use these guns in crime across the country. I agree that gun manufacturers have tried everything they could to circumvent the ban and this concern is something that may need to be addressed. But let's look at what the Brady study said about this issue.

Second: "The gun industry's efforts to evade the Federal Assault Weapons Act through the sale of 'copycat' guns has not substantially undercut the positive effect of the statute in reducing the incidence of assault weapons among crime guns."

In other words, even though determined gun manufacturers tried to evade the ban, they were not successful and copycat guns did not replace banned guns in equal numbers, at least when traced to crimes.

In many cases, and when dealing with many issues, I continue to find that what is most compelling is not just the statistics, but rather the real people affected by the policies we debate. It's those men, women and children that are the reason most of us come to work everyday. I'm here today to talk about this issues because of the devastating effect these guns can have on families in our neighborhoods, office buildings, street corners or schoolhouses across the country. I have said before that this issue really came home to me on July 1, 1993, just over 11 years ago, when Gian Luigi Ferri walked into 101 California Street in San Francisco carrying two high-capacity TEC-DC9 assault pistols capable of holding 30- or 50-bullet magazines. Within minutes, Ferri had murdered eight people and six others were wounded. His victims were not soldiers or even enforcement officers. These people doing everyday jobs in an everyday place. A place forever tainted by the bloodshed caused by one man and his assault weapons.

And 101 California was just one of many shootings by grievance killers, discontented employees or even schoolchildren—shooting that shows us that nobody is safe when these guns are in the hands of the wrong people. Yet five months ago, the federal ban on assault weapons expired, and once again new guns like the TEC-DC9 are allowed on our streets. The ban expired despite overwhelming public support to renew it—71 percent of all Americans support renewing the assault weapons ban, as do 64 percent of people in homes with a gun. And it expired despite overwhelming support from law enforcement and civic organizations—nearly every major law enforcement and civic organization has supported a renewal, including the Fraternal Order of Police, the Chiefs of Police, the U.S. Conference of Mayors, the National Association of Counties, and the list goes on and on.

Sadly, the ban expired despite the stated public support of President George W. Bush and former Attorney General John Ashcroft and despite the support of a majority of United States Senators—52 of us voted to renew this ban just this past March. Despite all of this support, this past September the American people were lift unprotected and made less safe. And make no mistake—when the ban expired the guns began to flow. And when the guns began to flow the safety of our communities was put in jeopardy.

One advertisement that ran in gun magazines is from ArmaLite, a company that makes post-ban rifles. ArmaLite offered a coupon for a free flash suppressor for anyone who bought one of their guns before the ban expired so that, once the ban expired, the gun could be modified to its pre-ban configuration.

The ad even states that, "It is not legal to install this on a post ban rifle until the assault weapons ban sunsets."

This is the kind of thing we can continue to expect—companies once again producing deadly assault weapons, high capacity clips, and dangerous accessories we worked so hard to stop almost ten years ago.

The original assault weapons ban was passed before September 11, 2001, with focus on the use of these military weapons by street criminals and gangs. But in the intervening years we have come to appreciate the significance of the threat posed by foreign terrorists. We know that al Qa'ida and other shadowy terrorist groups may plan to attack us here, at home, using these very weapons. A training manual found in Afghanistan made clear that al Oa'ida has seen the threat posed by these weapons. In fact, some of these guns are the very ones being used against our men and women in uniform in Afghanistan and in Iraq.

Simply put—these weapons are not just a law enforcement problem. They are a homeland security and counterterrorism problem. We need to take action to ensure that AK-47s and other such assault weapons cannot simply be purchased by a terrorist operative in preparation for an attack in the United States.

I am deeply disappointed that despite support of the American people, support of the Congress, and stated support of the President, the assault weapons ban was allowed to expire this past fall.

It is past time to stand up to the NRA and instead listen to law enforcement all across the nation who know that this ban makes sense and saves lives. It is past time to listen to the studies that show that crime with assault weapons of all kinds has decreased by as much as 65 percent since the ban took effect almost ten years ago.

The bottom line is that across this nation everybody knows this ban should be law. Law enforcement, mayors, cities, counties, three former Presidents, and even George W. Bush himself have said the ban should be renewed.

This time I hope, for the safety of all Americans, President Bush, Majority Leader FRIST and Speaker HASTERT will help re-enact this important legislation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 141. Mr. COLEMAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table.

SA 142. Mr. GREGG proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

SA 143. Mr. BINGAMAN (for himself, Mr. KENNEDY, Mrs. CLINTON, Mr. DODD, Mr. AKAKA, Mr. SARBANES, Mr. LAUTENBERG, Mr. LIEBERMAN, Mrs. MURRAY, Mr. LEVIN, Mr. HARKIN, Mr. OBAMA, Mr. BAUCUS, and Ms. CANTWELL) proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

TEXT OF AMENDMENTS

SA 141. Mr. COLEMAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 17, line 16, increase the amount by $1,479,000,000.

On page 17, line 17, increase the amount by $354,960,000.

On page 17, line 21, increase the amount by $1,094,460,000.

On page 17, line 25, increase the amount by $29,580,000.

On page 24, line 16, decrease the amount by $1,479,000,000.

On page 24, line 17, decrease the amount by $354,960,000.

On page 24, line 21, decrease the amount by $1,094,460,000.

On page 24, line 25, decrease the amount by $29,580,000.

SA 142. Mr. GREGG proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 8, line 14, strike the amount $491,526,000,000 and insert $491,562,000,000.

On page 30, line 17 strike the amount $70,154,000 and insert $70,154,000,000.

SA 143. Mr. BINGAMAN (for himself, Mr. KENNEDY, Mrs. CLINTON, Mr. DODD, Mr. AKAKA, Mr. SARBANES, Mr. LAUTENBERG, Mr. LIEBERMAN, Mrs. MURRAY, Mr. LEVIN, Mr. HARKIN, Mr. OBAMA, Mr. BAUCUS, and Ms. CANTWELL) proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 3, line 10, increase the amount by $400,000,000.

On page 3, line 11, increase the amount by $6,420,000,000.

On page 3, line 12, increase the amount by $2,052,000,000.

On page 3, line 13, increase the amount by $628,000,000.

On page 3, line 19, increase the amount by $400,000,000.

On page 3, line 20, increase the amount by $6,420,000,000.

On page 3, line 21, increase the amount by $2,052,000,000.

On page 4, line 1, increase the amount by $628,000,000.

On page 4, line 7, increase the amount by $4,750,000,000.

On page 4, line 16, increase the amount by $200,000,000.

On page 4, line 17, increase the amount by $3,210,000,000.

On page 4, line 18, increase the amount by $1,026,000,000.

On page 4, line 19, increase the amount by $314,000,000.

On page 4, line 24, increase the amount by $200,000,000.

On page 4, line 25, increase the amount by $3,210,000,000.

On page 5, line 1, increase the amount by $1,026,000,000.

On page 5, line 2, increase the amount by $314,000,000.

On page 5, line 7, decrease the amount by $200,000,000.

On page 5, line 8, decrease the amount by $3,410,000,000.

On page 5, line 9, decrease the amount by $4,436,000,000.

On page 5, line 10, decrease the amount by $4,750,000,000.

On page 5, line 11, decrease the amount by $4,750,000,000.

On page 5, line 15, decrease the amount by $200,000,000.

On page 5, line 16, decrease the amount by $3,410,000,000.

On page 5, line 17, decrease the amount by $4,436,000,000.

On page 5, line 18, decrease the amount by $4,750,000,000.

On page 5, line 19, decrease the amount by $4,750,000,000.

On page 17, line 16, increase the amount by $4,750,000,000.

On page 17, line 17, increase the amount by $200,000,000.

On page 17, line 21, increase the amount by $3,210,000,000.

On page 17, line 25, increase the amount by $1,026,000,000.

On page 18, line 4, increase the amount by $314,000,000.

On page 30, line 16, decrease the amount by $400,000,000.

On page 30, line 17, decrease the amount by $9,500,000,000.

On page 48, line 6, increase the amount by $4,750,000,000.

On page 48, line 7, increase the amount by $200,000,000.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

SUBCOMMITTEE ON IMMIGRATION, BORDER SECURITY AND CITIZENSHIP

SUBCOMMITTEE ON TERRORISM, TECHNOLOGY AND HOMELAND SECURITY

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on the Judiciary and the Committee Subcommittee on Immigration, Border Security and Citizenship and the Subcommittee on Terrorism, Technology and Homeland Security be authorized to meet to conduct a joint hearing on "Strengthening Enforcement and Border Security: The 9/11 Commission Staff Report on Terrorist Travel" on Monday, March 14, 2005 in Dirksen Room 226 at 2:30 p.m. The tentative witness list is attached.

Witness List:

PANEL I: Elaine Dezenski, Deputy Assistant Secretary for Policy, Bureau of Transportation Security, Department of Homeland Security, Washington, DC; and Tom Walters, Acting Assistant Commissioner, Office of Training and Development for Customs and Border Protection, Department of Homeland Defense, Washington, DC.

PANEL II: Doris Meissner, former Immigration and Naturalization Commissioner, Senior Fellow, Migration Policy Institute, Washington, DC; and Janice Kephart, former Staff Counsel for the 9/11 Commission, Senior Consultant, The Investigative Project, Mount Vernon, VA.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. CONRAD. Mr. President, I ask unanimous consent that privilege of the floor be granted to Sara Vecchiotti during the consideration of the budget resolution and rollcall votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I ask unanimous consent a legislative fellow in my office, Al Bird, be allowed floor privileges for consideration of this resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 100–458, section 114(b)(2)(c), appoints Marsha Blackburn, of Tennessee, to the Board of Trustees of the John C. Stennis Center for Public Service Training and Development, for a 6-year term.

ORDERS FOR TUESDAY, MARCH 15, 2005

Mr. STEVENS. I ask unanimous consent when the Senate completes its business today, the Senate adjourn until 9:30 a.m. on Tuesday, March 15. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume consideration of S. Con. Res. 18, the budget resolution; provided further that upon returning to the resolution, there be 16 hours 8 minutes remaining for each side.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. STEVENS. Mr. President, tomorrow the leader wishes Senators to know the Senate will resume consideration of the budget resolution. We will continue the amendment process tomorrow morning. Each side will have policy luncheons tomorrow; however, the Senate may remain in session during that period. For the remainder of the day, we will continue to work through additional amendments and Senators should expect rollcall votes throughout the day and into the evening tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. STEVENS. Is there any further business to come before the Senate?

If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9 p.m., adjourned until Tuesday, March 15, 2005, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 14, 2005:

DEPARTMENT OF AGRICULTURE

CHARLES F. CONNER, OF INDIANA, TO BE DEPUTY SECRETARY OF AGRICULTURE, VICE JAMES R. MOSELEY.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

MICHAEL D. GRIFFIN, OF VIRGINIA, TO BE ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, VICE SEAN O'KEEFE, RESIGNED.

DEPARTMENT OF STATE

ROBERT JOSEPH, OF VIRGINIA, TO BE UNDER SECRETARY OF STATE FOR ARMS CONTROL AND INTERNATIONAL SECURITY, VICE JOHN ROBERT BOLTON.

NATIONAL MUSEUM AND LIBRARY SERVICES BOARD

KIM WANG, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2009. (REAPPOINTMENT)

DEPARTMENT OF JUSTICE

PAUL D. CLEMENT, OF VIRGINIA, TO BE SOLICITOR GENERAL OF THE UNITED STATES, VICE THEODORE BEVRY OLSON, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING INDIVIDUALS FOR APPOINTMENT AS PERMANENT COMMISSIONED REGULAR OFFICERS IN THE UNITED STATES COAST GUARD IN THE GRADES INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant commander

CURTIS L. SUMROK, 2989

To be lieutenant

JED R. BOBA, 0390

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 211:

To be commander

MICHAEL T CUNNINGHAM, 4793
GREGORY J DEPINET, 7897
BRIAN T FISHER, 6254
PATRICK FOLEY, 4197

To be lieutenant

JULIE Y ANDREWS, 3680
REBECCA L AVERY, 2776
KEVIN L BARNETTE, 8142
JON T BARTEL, 4524
JAMES R BETZ, 5714
KENNETH A BISHOP, 5578
JOHN D BLOCK, 3914
JOSHUA N BLOCKER, 0145
ROBERT M BOTNEN, 5459
JON K BRACKIN, 7214
WILLIAM J BROOME, 6391
ROBERT S BROWN, 6265
GEORGE M BRUHL, 4823
DANIEL G BUCHSBAUM, 6275
VINCENT J BUKOWSKI, 5150
PHILLIP B BURGARD, 8291
JERRY D BUTWID, 4937
JAMES A CABASE, 3284
JOSEPH G CALLAGHAN, 3047
WILLARD R CALLIHAN, 9790
KEVIN R CARLSON, 9708
NICOLE M CARTER, 8594
HARRY W CAULTON, 9191
STEVEN J CHARNON, 1029
AMY L COGLIANESE, 4462
BRODIE G COWNIE, 6614
JEFFREY L CRAIG, 9236
FREDERICK C CRAWFORD, 1864
MICHAEL J DAVANZO, 4100
ELLIS G DAVIS, 2566
JACKY L DEPUE, 8849
DAVID J DIBELLA, 3482
RICHARD H DIXON, 3613
MATTHEW D DOORIS, 0619
CHRISTOPHER DOUGLAS, 7503
AARON N DOWE, 9598
CRAIG F DYKES, 7083
SHAUN L EDWARDS, 8642
FREDERICK C ENGLISH, 2504
THOMAS S EVANS, 5313
STEVEN M FACHKO, 1834
KRISTOPHER S FEGLER, 3538
DANIEL P GAINOR, 2997
PATRICK J GALLAGHER, 9600
VINCENT A GAMMA, 0197
DAVID R GATES, 0559
MICHAEL D GERO, 0394
FELTON L GILMORE, 2307
ARTHUR H GOMEZ, 7913
CHARLES L GOW, 4838
HARRY L GREENE, 0548
NAVIN L GRIFFIN, 8500
WILLIAM M GROSSMAN, 2845
ROBERT L HAGGERTY, 4822
JEFFREY W HALL, 3766
MARK F HAMMOND, 7796
SETH A HARBAUGH, 0618
SHANNON M HARELSON, 3767
THOMAS J HARRINGTON, 6974
RICHARD A HARTLEY, 4694
JOSE L HERRADOR, 8905
KENNETH A HETTLER, 1232
KURT A HIGGINBOTHAM, 9344
KEVIN S HILL, 6050
RICK R HIPES, 2764
LOUIS J HODAC, 5721
MONTREVILLE D HOLCOMBE, 9533
GREGORY A HOUGHTON, 6164
JOHN K HOWARD, 1174
KRISTINA R HYNES, 1259
PHILLIP ISON, 5341
JOSHUA E JARRELL, 2861
DAVID G JELIN, 4525
CHARLES T JENNINGS, 4580
KEITH A JERNIGAN, 8809
MARY F JOHNSON, 3999
MARC A JONES, 5454
CHRISTOPHER F KENDL, 5425
DANIEL J KENNEDY, 2943
SCOTT R KIRKLAND, 5537
REED H KOHBERGER, 8989
DONALD O LAJAVIC, 2514
PAUL J LAMCZYK, 1093
MICHAEL E LANGSTON, 5851
PAUL N LAROCHE, 6353
MARK L LAY, 5749
RANDEL J LAYTON, 4857
ROBERT M LEMONDE, 1239
DOUGLAS R LINCOLN, 3328
GREGORY LOISELLE, 3666
STEVEN M LONG, 6272
SCOTT E LUGO, 1955
HERBERT J LUMPP, 1202
EDWARD N MADURA, 7578
HECTOR L MALDONADO, 7073
BRYAN A MARKLAND, 9005
JOHN A MARTIN, 6750
ERIC S MAY, 0954
PETER A MCCAFFREY, 7630
JOHN A MCCLAIN, 3567
JOSEPH P MCCONNELL, 4802
WILLIAM A MCKINSTRY, 4377
JOHNNIE F MESSER, 6307
BARBARA N MIDKIFF, 4868
CLIFFORD W MORRIS, 7103
EDWARD J MOSLEY, 9449
PHILIP J MOTSAY, 6565
ULYSSES S MULLINS, 1932
BRIAN J MURPHY, 5856
MICHAEL A NALLI, 3107
RICHARD T NAMENIUK, 6470
JEFFREY W NOYES, 6195
KELLY L OSBORNE, 7103
JOSEPH B PARKER, 5526
JAMES H PERSHING, 1241
RICHARD D PETERSEN, 4393
ROBERT A PHILLIPS, 9058
LAWRENCE R PICCONI, 1231
BRANDON J PLEMONS, 1657
KENNETH B POOLE, 9116
MARK B POTOTSCHNIK, 2649
ANTHONY P POWELL, 4821
STEPHEN C PRIEBE, 4564
DAVID C PROHASKA, 4825
ROBERT J PUTANSU, 2804
ERIC C RAMOS, 1567
MICHAEL G REAGAN, 2005
RODNEY RIOS, 6053
ROBERTO RIVERA, 0261
BARTON D ROBINSON, 8841
JACK E ROBINSON, 4078

ROBB M ROBLE, 3232
MORGAN H ROPER, 5130
TRACY L ROYCE, 5206
KUNSTLER D RUSSELL, 8408
MICHAEL D RUSSELL, 0966
PEYTON H RUSSELL, 2178
DENNIS M RYAN, 0591
MICHAEL J SALEMI, 5711
RACHELLE N SAMUEL, 4266
LUIS C SANDOVAL, 4089
TIMOTHY L SCHMITZ, 7807
JOHN A SCHUTZENHOFER, 9442
HILLIARD W SEAMANS, 6353
TAZ L SEARS, 8039
TESSA L SEITZINGER, 1116
TOM W SHELTON, 6951
LEONARD W SHELTRY, 0373
DALE V SHEPARDSON, 6033
TIMOTHY C SINQUEFIELD, 8035
KEVIN M SLIGH, 8711
DAVID G SMITH, 4576
PATRICK R SMITH, 1087
ROBERT W SMYTH, 5640
DAVID C SOCCI, 3701
JOSEPH H D SOLOMON, 9925
GARY J SPONHOLZ, 1240
GLENN D STOCKS, 4063
MARK W STOEGBAUER, 9258
MICHAEL R STONE, 0423
KEVIN J SULLIVAN, 7605
MICHAEL G TAFFE, 2964
WILLIAM E TAYLOR, 5880
JAMES W TEDTAOTAO, 7933
CALLIE THOMAS, 2720
DEVIN L TOWNSEND, 2711
STEVEN J TUCKER, 3461
RYAN M WAGNER, 5298
BRUCE WALKER, 6764
JOHN D WALLINGTON, 5800
EMILY E WARD, 2750
BRIAN S WARING, 1515
CHESTER K WARREN, 8579
BRIAN D WAZLAVEK, 2956
WILLIAM F WEINBECKER, 2451
CHRISTOPHER A WHITE, 6626
SCOTT C WHITE, 9770
GLENN E WHITLOW, 8308
MICHAEL A WILFORD, 3444
DONNOVAN F WILLIAMS, 6135
WILLIAM B WINBURN, 4320
TRACY L WIRTH, 0124
PAUL H WISNIEWSKI, 3381
JEFFERY L WOLFE, 3509
GREGORY S WOOD, 6872
RONALD R WRIGHT, 2283

To be lieutenant junior grade

TERESA K ABERLE, 5424
JOSEPH B ABEYTA, 0401
SHAWN K BAILEY, 9723
DONALD A BALDWIN, 3127
KEVIN M BECK, 6117
JOHN M BETTENCOURT, 5690
CHRISTOPHER S BILLIAU, 1198
ADAM R BIRST, 8053
WILLIAM K BLAIR, 6127
BRIAN W BOYSTER, 0344
KENNETH T BOYT, 9174
CONNIE L BRAESCH, 8494
TONY L BROGAN, 7407
ERIC V BROWN, 4187
KEVIN A BROYLES, 6172
TODD C CANNARELLA, 6399
CHARLES J CLARK, 7372
DARYL C CLARY, 6142
JEFFREY R CLOSE, 5207
ANDREW J COLLINSON, 6112
CHARLENE R T CRISS, 5547
HAYES C DAVIS, 4895
ANDREW D DEGEORGE, 9288
JOHN R DOEPP, 0143
JASON D DOLBECK, 9933
KEITH M DOXEY, 1427
THOMAS E ENGLISH, 8911
JEFFREY P FERLAUTO, 6407
JOSHUA FITZGERALD, 3617
MATTHEW L FITZGIBBONS, 6514
TROY E FRYAR, 6075
JASON M GELFAND, 4346
WILLIAM S GIBSON, 1141
DERRICK S GREER, 8994
ROBERT E GRIFFIN, 4215
STEVEN M GRIFFIN, 4157
JAY W GUYER, 5785
DAVID L HALL, 6485
DEREK C HAM, 4342
ANDREW T HAWTHORNE, 1134
JENNIFER L HNATOW, 4125
JACOB A HOBSON, 2638
HENRY IRIZARRY, 7118
MATTHEW N JONES, 3892
SHARMINE N JONES, 4445
STEVEN W KEE, 5773
STEPHANIE M KELLEY, 4082
BRENT G KENNY, 4136
CHARLOTTE A KEOGH, 6583
KENNETH M KEYSER, 9213
RONALD J KOOPER, 1946
SCOTT J KREJCI, 9549
DONALD R KUHL, 5159
JOSEPH W KUSEK, 3141
CRAIG S LAWRANCE, 3266
JOSUE MALDONADO, 7966
AMY G MARRS, 7834
JOHN R MCGOWAN, 5360
MONICA A MCGUIRE, 6526
CHRISTINA MEDRANO, 2162
DEREK H MITCHELL, 8124
TODD C MOE, 4566
MARC J MONTEMERLO, 7387
THERASA M NETTESHEIM, 6165
DAVID J OBER, 5422
THEDRIT PARKER, 6214
SCOTT P PARKHURST, 4248
JEAN A PASCHAL, 7370
CHRISTOPHER M PASCIUTO, 8884
STEVE J PEELISH, 7271
BARTON L PHILPOTT, 4610
RUSSELL T PICKERING, 1165
ERNEST L PISANO, 8963
ROBERT K RAWLINGS, 9275
KEVIN F ROCKS, 2408
CHE C ROGERS, 3037
MATTHEW ROONEY, 8893
DANIEL E ROSS, 0763
MATTHEW W ROWE, 4377
MICHAEL B RUSSELL, 6032
DOUGLAS M SALIK, 9680
EVELYNN B SAMMS, 2561
DELFINO B SAUCEDO, 2359
DEON J SCOTT, 8541
EDWARD L SEMLER, 2521
LYLE R SERBER, 2731
KIRK C SHADRICK, 3059
JOSE L SIANDRE, 4881
IAN M STAL, 4096
ROBIN R STOTZ, 0441
ANDREW J SWALE, 0685
ROBERT D TAYLOR, 2495
LAWERENCE W TINSTMAN, 4089
MICHAEL R TROTOCHAUD, 2605
SCOTT E WALDEN, 7739
BURTON B WALKUP, 6140
MICHAEL M WEAVER, 4106
SCOTTI O WHALEY, 7264
ANN M WICKHAM, 8943
MATTHEW E WILL, 9005
JOHN T YARES, 4120
DAVID K YOUNG, 9019

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. RONALD E. KEYS, 5357

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

REBECCA L. BROWN, 6711
FRANK C. BUDD, 3699
JOHN W. BULLOCK, 0823
CHERYL E. GREGORIO, 3392
LARRY T. KIMM, 9460
NAOMI T. LAWLESS, 1775
ROBERT M. LUCANIA, 2228
DEAN L. MESSELHEISER, 3119
DANIEL P. NAUGHTON, 4504
DONALD L. NOAH, 0493
ALAN L. PETERSON, 6766
PATRICIA A. REILLY, 3235
MARK H. SMITH, 9783
JOANNE M. SPAHN, 2978
RONALD G. STEELE, 1703
RICHARD E. VANARSDEL, 0636
DULCIE A. WEISMAN, 1386
DAWN E. WILSON, 3807

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

DENNIS L. BEATTY, 2894
JAMES M. DAVIS, JR., 5198
PAUL D. GOVEN, 0634
JULIE A. HALL, 7258
KENT R. HELWIG, 8798
BRADLEY P. HERREMANS, 6915
JEFFREY S. KIDD, 9437
ANTHONY S. LONIGRO, 0087
STEPHEN A. MACHESKY, 7741
JOANNE P. MCPHERSON, 9124
DIANE M. REESE, 8558
LANE T. ROGERS, 8730
MICHAEL G. SCHELL, 8053

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

THOMAS L. BLASE, 4799
SCOTT R. GARDNER, 5133
STEVEN E. KEITH, 4571
DAVID L. MORROW, 8238
RICHARD F. MUNSELL, 3209
LEON D. PAGE, SR., 8754
GARY R. PERRY, 6478
CHARLIE R. STUTTS, 6478
CARL J. SWANSON, 6979
GREGORY L. TATE, 1860

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

GARY D. BROWN, 7906
GERALD R. BRUCE, 6999
RODGER A. DREW, JR., 4599
ERIC N. EKLUND, 1717
JODY A. EVANS, 5383
PHILLIP D. GRISSOM, 8851
NIKKI A. HALL, 0097
MARY E. HARNEY, 4812
CHRISTOPHER C. LOZO, 4487
SCOTT R. MARTIN, 1605
JAMES B. ROAN, 3534
MICHAEL A. RODGERS, 1183
PETER J. SEEBECK, 3633
ROBERT I. SMITH, 9171
PATRICK E. TOLAN, JR., 8499
NEIL S. WHITEMAN, 0928
JEFFREY P. WILCOX, 0224
STEPHEN R. WOODY, 8917
LARRY D. YOUNGNER, 7965

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

DONNELL E. ADAMS, 2461
MICHAEL E. ADAMS, 7110
MERRIL J. ALLIGOOD, JR., 3807
JOHN C. ALLISON, 1629
MARK A. ALTOBELLI, 2362
STEVEN L. AMATO, 3340
JOHN M. AMIDON, 6371
E. WEST ANDERSON, 8549
PHILIP R. ANDREWS, 9039
MICHAEL P. ARCENEAUX, 3997
LEE J. ARCHAMBAULT, 4010
JAMES R. AYERS, 1612
CHRISTOPHER B. AYRES, 1706
VALENTINO BAGNANI III, 4635
NORMAN J. BALCHUNAS, JR., 5013
LYNNE E. BALDRIGHI, 1216
DANIEL F. BALTRUSAITIS, 4010
ROBERT G. BARLOW, 6158
PATRICK BARNES, 4076
RUSSELL C. BARNES, 9162
JAMES A. BARR, 1443
ROBERT K. BARRY, 8980
CHARLES J. BARTLETT, 4800
SUZANNE M. BEERS, 5387
PAUL G. BELL, 4388
CHRISTOPHER J. BENCE, 5024
NANNETTE BENITEZ, 4754
RICKEY B. BENNETT, 8354
THOMAS A. BERGHOFF, 2631
JOHN C. BERRY, 5402
KEVIN T. BETZ, 7346
JUDITH D. BITTICK, 2431
BRIAN M. BJORNSON, 1255
LESLIE A. BLACKHAM, 4530
DANIEL C. BLAETTLER, 9750
HARRY H. BLANKE III, 3937
CARL H. BLOCK, 7059
MARK D. BONTRAGER, 2752
JOHN K. BORLAND, 7201
KARL S. BOSWORTH, 2772
MICHAEL T. BREWER, 9760
MICHAEL D. BRICE, 3724
JACK L. BRIGGS II, 7145
MONTY L. BROCK, 6695
GREGORY N. BRODMAN, 1910
FRANCIS M. BROWN, 9788
MARK A. BROWN, 5969
MICHAEL P. BRYANT, 1663
MARK A. BUCCIGROSSI, 6562
KEVIN W. BUCKLEY, 3900
RICHARD J. BURGESS, 4814
MARK E. BURNS, 4442
ROBERT F. BUSSIAN, 6224
RUDOLPH T. BYRNE, 8378
ANDREW S. CAIN, 1541
MICHAEL G. CALDWELL, 7406
MICHAEL A. CANNA, 8554
JOHN E. CANNADAY III, 8357
LOUIS A. CAPORICCI, 2043
THOMAS C. CARTER, 8368
PETER H. CASTOR, 1764
RONALD J. CELENTANO, 3645
JAMES J. CHAMBERS, JR., 2540
PATRICK W. CHRISTOPHERSON, 3700
DAN L. CLARK, 9879
STEPHEN A. CLARK, 2221
JOHN G. CLARKE, 7572
KAREN A. CLEARY, 9670
JAMES D. CLIFTON, 0839
JOHN C. COLOMBO, 9112
CURTIS C. CONNELL, 0477
KENNETH C. COONS, JR., 5973
RAYMOND C. CORCORAN, 9894
CHARLES P. CORLEY, 5364
JOAN H. CORNUET, 2101
CHARLES D. CORPMAN, 4247
JOHN F. COSTA, JR., 3604
GERALD R. COSTELLO, 4607
FRANCIS COX, 1298

RODNEY L. CROSLEN, 4041
CRAIG A. CROXTON, 1424
KEITH R. CUNNINGHAM, 8351
GERALD D. CURRY, 6009
BRIAN P. CUTTS, 0486
LINDA J. DAHL, 1136
DENNIS E. DALEY, 6087
PETER D. DAVIDSON, 4024
WILLIAM T. DAVIDSON, JR., 2858
DONNIE G. DAVIS, JR., 3467
MARK L. DAVIS, 7723
MICHAEL D. DAVIS, 8463
SHUGATO S. DAVIS, 8294
KEVIN D. DEGNAN, 6736
WILLIAM P. DELANEY, 8746
SCOTT L. DENNIS, 8071
DAVID M. DENOFRIO, 9174
JAMES L. DEW, JR., 3722
STEVE G. DIDOMENICO, 0280
GREG R. DODSON, 5421
ROBERT A. DOMINGUEZ, 4561
JOHN T. DONESKI, 1504
JOHN W. DOUCETTE, 1645
SAMUEL R. DOUGLAS, 7736
GREGORY F. DRAGOO, 9495
ROBERT J. EGBERT, 2176
JOHN M. EGENTOWICH, 2722
PETER S.H. ELLIS, 8594
BRUCE C. EMIG, 2707
MARK D. ENGEMAN, 2868
JON L. ENGLE, 3704
CHARLES M. ENNIS, JR., 8734
DOUGLAS H. FEHRMANN, 6813
THOMAS J. FELDHAUSEN, 6979
DANIEL R. FERNANDEZ, 7880
KENNETH H. FIELDING, 6718
FRANK E. FIELDS, 7280
EDWARD A. FIENGA, 8302
STEPHEN M. FISHER, 5935
BRIAN R. FOLEY, 9424
JOHN K. FORSYTHE, JR., 1162
BOBBY G. FOWLER, JR., 4705
TIMOTHY J. FOWLER, 8923
DEAN G. FOX, 0084
ERIC E. FOX, 9711
JOHN H. FRANZ, 4269
TIM B. FREEMAN, 6686
GERALD J. FRISBEE, 7219
JACKIE D. FRISBY GRIFFIN, 2013
THOMAS B. FROONINCKX, 5086
ALGENE FRYER, 9057
CLAUDE V. FULLER, JR., 8072
BRYAN J. GALLAGHER, 7657
RONALD J. GARAN, JR., 9409
WONZIE L. GARDNER, JR., 5452
ROBERT F. GASS, 8341
CEDRIC D. GEORGE, 8811
DONALD S. GEORGE, 0764
ROBERT P. GIVENS, 2092
DAVID M. GLOGOWSKI, 5731
THOMAS W. GOFFUS, 4627
LIESEL A. GOLDEN, 6789
GARY P. GOLDSTONE, 4043
GERALD S. GORMAN, 8077
THOMAS F. GOULD, 0168
JENNIFER L. GRAHAM, 6640
SOCRATES L. GREENE, 1669
DANIEL G. GROESCHEN, 3158
VIRGIL A. GROGEAN II, 3670
MICHAEL J. GUIDRY, 1268
MICK R. GUTHALS, 0143
GARY M. GUTOWSKY, 3462
PAUL W. GYDESEN, 1133
CHRIS E. HAIR, 5875
STEVEN E. HAMMOCK, 7152
TODD P. HARMER, 9083
BRUCE F. HARMON, 4810
JEFFREY L. HARRIGIAN, 4567
DAVID A. HARRIS, 3197
JERRY D. HARRIS, JR., 1987
RAY P. HARRIS, 5356
WILLIAM S. HARRIS, 2868
JAMES A. HARROLD, 3064
ROBERT J. HARTNETT, JR., 3911
TINA M. HARVEY, 9646
MICHAEL R. HASS, 9594
ARTHUR G. HATCHER, JR., 4963
DARYL J. HAUCK, 7052
THOMAS Y. HEADEN, 6559
JOEL C. HECK, 5714
BART H. HEDLEY, 7506
WARD E. HEINKE, 3497
ANTHONY L. HENDERSON, 6443
SCOTT A. HENDERSON, 4789
GEORGE M. HENKEL, 2456
EUGENE H. HENRY, 0413
MARK S. HERSHMAN, 8602
GARY D. HETLAND, 2425
JOHN M. HICKS, 1817
KYLE E. HICKS, 7519
MANUEL A. HIDALGO, 3425
CLEOPHAS S. HOCKADAY, JR., 5491
RICHARD E. HOEFERKAMP, 8539
JEFFREY A. HOFFER, 4694
ROBERT K. HOFFMANN, 4011
WILLIAM E. HOGAN, 8411
MELVIN A. HOLLAND III, 8922
MICHAEL A. HOMAN, 5201
GARY L. HOPPER, 0911
LELAND R. HOPSON, 8738
ANNE T. HOUSEAL, 2776
MARILYN H. HOWE, 2797
BENJAMIN J. HULSEY III, 2093
DAVID M. HUSBAND, 0689
STEPHEN L. HUTCHENS, 0329
OTTIS L. HUTCHINSON, JR., 6544
WINTHROP C. IDLE, 9306
JOHN R. INGHAM, 9468
KEVIN E. JACKSON, 4269
LISA A. JACQUES, 4128
ROBERT Q. JENKINS, 8229
HERMAN O. JETT, 6235
DAVID L. JOHANSEN, 6470
BRENT A. JOHNSON, 0237
DANIEL R. JOHNSON, 2802
GREGORY H. JOHNSON, 5217
JAMES C. JOHNSON, 0140
KARL B. JOHNSON, 7513
TERRY L. JOHNSON, 4862
CHRISTOPHER A. JONES, 3748
DAVID L. JONES, 6334
FRANK E. JONES, 7071
JACK L. JONES, 5982
STEPHEN R. JONES, 8405
MICHAEL JOY, 4087
KURT J. KAISLER, 6939
JAMES R. KASMER, 0243
EDWARD KEEGAN, 9529
RICHARD C. KELLOGG, 2221
DOUGLAS L. KENDALL, 0039
MICHAEL W. KENNEDY, 0682
VAN D. KEPLEY, JR., 2379
MICAH E. KILLION, 4484
MAURICE L. KILPATRICK, JR., 3625
DEBORAH A. KIRKHUFF, 1935
MICHAEL R. KIRPES, 6397
ERIC A. KIVI, 6864
GARY W. KLABUNDE, 7600
DENISE D. KLOEPPEL, 4027
WILLIAM A. KOLAKOWSKI, 1656
RICHARD A. KOSANKE, 8711
STEWART J. KOWALL, 3052
JOHN H. KRESEK, JR., 9658
MARK S. KROSS, 6501
DANA C. KUECKER, 0821
ROBBY A. KYROUAC, 4254
THOMAS M. LAFFEY, 4018
ROBERT A. LALA, 7900
RAYMOND E. LAMARCHE, JR., 0944
ANITA E. LATIN, 4483
THOMAS J. LAWHEAD, JR., 0699
BENJAMIN C. LEITZEL, 5279
BABETTE M. LENFANT, 2813
GREGORY J. LENGYEL, 5689
LEE K. LEVY II, 3148
JOHN LIPINSKI, 0062
RICKY J. LOCASTRO, 9767
SCOTT C. LOCKARD, 6333
JOHN R. LOHR, 8974
MARK J. LORENZ, 3751
ANDRE L. LOVETT, 5775
RAY DON LOWE II, 0164
RONALD P. LOWTHER, 0040
DAVID E. LUCIA, 7043
STEPHEN P. LUXION, 2045
BRIAN D. MAAS, 5502
ROBERT J. MACDONALD, 5246
ROBERT W. MAHOOD, 8411
RICHARD L. MALLICK, 3134
JAMES E. MANKER, JR., 1962
CHAD T. MANSKE, 0037
HOWARD K. MARDIS, 9065
JOHN E. MARSELUS, 4034
LAWRENCE M. MARTIN, JR., 3752
LESLIE C. MARTIN, 8492
DAVID W. MARTINEZ, 6413
ERIC S. MATHEWSON, 7288
SCOTT G. MAW, 6362
GARY D. MCALUM, 2492
PETER M. MCCABE, 1957
JOHN M. MCCAIN, 6556
BRUCE H. MCCLINTOCK, 6308
DAVID B. MCCORMICK, 0294
GARVIN A. MCGETTRICK, 5078
PAUL D. MCINTOSH, 0199
JOHN K. MCMULLEN, 4660
MARTHA A. MEEKER, 1955
GREGORY L. MELTON, 6536
MARK A. MELVILLE, 3224
MICHAEL R. MENDONCA, 5108
ALAN R. METZLER, 4695
JAMES D. MILBURN, 6293
CHARLES B. MILLER, 8367
DOUGLAS W. MILLER, 9985
RANDOLPH P. MILLER, 4327
ZANE W. MITCHELL, JR., 2939
EUGENE W. MITTUCH, 0438
TIMOTHY S. MOORE, 1305
DANIEL P. MORIN, 6627
ANNE R. MORRIS, 2193
MICHAEL F. MORRIS, 3611
GARY P. MORRISON, 9410
DARRELL S. MOSLEY, 0079
JAMES C. MOULTON, 2302
MARK W. MOUW, 0039
PATRICK O. MOYLAN, 8061
RONALD J. MOZZILLO, 3341
BRIAN K. MURRAY, 5336
JEFFREY M. MURRAY, 4047
ERIC L. NELSON, 2409
JOSEPH W. NICHOLS, 5351
STEPHEN J. NIEMANTSVERDRIET, 9509
BRIAN S. NORMAN, 7704
JON A. NORMAN, 5805
ALAN J. NORTHRUP, 2351
KEVIN W. NORTON, 3744
JAMES H. OGDEN, 7252
ROBERT C. ONEAL, 4435
ROBERT C. PALMER, 8554
GUY M. PALUMBO, 2854
DENNIS B. PANNELL, 3580
JOHN B. PARKES III, 8241
MICHAEL W. PEEL, 0116
DAVID C. PENNY, 8847
JOHN J. PERICAS, 7629
GREGORY M. PERKINSON, 5001
MARY E. PETERSON, 3853
KURT P. PFITZNER, 2624
CURTIS O. PIONTKOWSKY, 3065
JOHN M. PLETCHER, 3113
MARK A. POHLMEIER, 4272
CHRISTOPHER J. POOCK, 1329
PAUL A. PRICE, 5152
MICKEY L. QUINTRALL, 0831
RICHARD J. RAGALLER, 8632
TAMRA L. RANK, 8168
ANDREW M. REDMOND, 5920
BRADFORD M. REINERT, SR., 0132
BRADY R. REITZ, 7711
DAVID L. REYNOLDS, 2536
BRENT A. RICHERT, 8775
BRET G. RIDER, 0052
GILBERTO G. RIOS, 0392
KEVIN D. ROSS, 2996
TERRY L. ROSS, 1545
CONSTANCE M. ROTHER, 2336
JAMES D. RUSSELL, JR., 1314
PATRICK E. RYAN, 6302
HENRY J. SANTICOLA, 6359
NORMAN P. SCHAEFER, 2711
KURT W. SCHAKE, 8450
MARGARET E. SCHALCH, 4622
JEFFREY E. SCHMIDT, 5100
MARK J. SCHMITZ, 8267
ERIC J. SCHNITZER, 0543
PHILIP M. SENNA, 8061
JOSEPH R. SHANNAHAN, 2994
THOMAS J. SHARPY, 3239
MICHAEL R. SHAW, 2365
STEPHEN E. SHEA, 5800
STEPHEN P. SHEEHY, 7012
CURTIS L. SHELDON, 8503
SCOTT F. SHEPHERD, 7622
WILLIAM L. SHERMAN, 4915
LUKE A. SHINGLEDECKER, 0745
STEVEN E. SHINKLE, 9126
BILLY R. SHRADER, 3105
DENNIS W. SHUMAKER, 0059
BRADFORD J. SHWEDO, 6066
KIMBERLY B. SIEVERS, 5666
MARK A. SIMON, 7882
PHILIP S. SIMONSEN, 7298
JAMES L. SISSON, 7578
ROBERT J. SKINNER, 4093
DAVID A. SLADE, 1287
JAMES C. SLIFE, 1260
ANTHONY J. SMITH, 9929
BRADLEY J. SMITH, 3893
BRIAN K. SMITH, 3939
GARLAND D. SMITH, 4808
PATRICK J. SMITH, 0851
THOMAS H. SMITH, JR., 1409
TIMOTHY S. SMITH, 7476
CURT D. SMOLINSKY, 9432
JAMILYN J. SMYSER, 9445
JOHN W. SNODGRASS, 4129
JAMES T. SOHAN, 6717
VIC A. SOWERS, 8420
HAROLD L. SPRINGS, JR., 9951
KENNETH T. STEFANEK, 7057
CHARLES B. STILL, 3924
JOHN G. STIZZA, 5320
DANIEL W. STOCKTON, 0544
RICHARD B. STONESTREET, 0163
MARC F. STRATTON, 2507
JAMES H. STRICKLER, JR., 0191
RICHARD M. STUCKEY, 2766
JON C. SUTTER, 6581
MATTHEW D. SWANSON, 7356
ROBERT W. SWISHER, 3795
MICHAEL E. TALLENT, 8641
MARK S. TALLEY, 0515
DONALD D. THARP, 6129
ERIC E. THEISEN, 1418
MICHAEL H. THORNTON, 8234
ROGER D. THRASHER, 9078
DAVID L. TIMM, 2520
GREGORY S. TIMS, 4399
TERRI L. TOPPIN, 9197
CAMERON W. TORRENS, 2122
HENRY TOUSSAINT, 1751
DARRYL G. TREAT, 5871
MONA LISA D. TUCKER, 1195
RANDY B. TYMOFICHUK, 7443
DAVID R. UZZELL, 7829
SCOTT C. VANBLARCUM, 1386
STAN L. VANDERWERF, 8518
JAMES C. VECHERY, 0156
DAVID VEGA, 0854
STEVEN J. WALKER, 6932
JOSEPH T. WALROND, 2885
MARK D. WARD, 8843
CHARLES L. WEBB III, 7311
JAMES M. WEBER, 9367
THOMAS M. WEBSTER, JR., 0096
CHRISTOPHER P. WEGGEMAN, 3344

GEORGE E. WEIL, 2052
JAMES R. WEIMER, 0554
MICHAEL F. WELCH, 7246
SUZANNE O. WELLS, 6098
BRUCE A. WEST, 2260
ROBERT J. WEST, 9538
JOEL S. WESTA, 7761
MARK W. WESTERGREN, 6525
EDWARD B. WESTERMANN, 4593
TODD C. WESTHAUSER, 2267
KEITH R. WEYENBERG, 7785
JEFFREY D. WHITE, 3252
JOHN W. WHITE, 5956
STEPHEN N. WHITING, 6886
RONALD C. WIEGAND, 3085
WILLIAM WIGNALL, 2790
DONALD R. WILHITE, 5415
THOMAS L. WILLIAMS, 1290
BURKE E. WILSON, 8681
STEVEN W. WINTERS, 4182
JAMES S. WOLCOTT, 4121
ROBERT R. WOODLEY, 7783
TYRONE M. WOODYARD, 1939
DANIEL WOOLEVER, 9123
MICHAEL S. WOOLLEY, 3880
FRANCIS V. XAVIER, 0147
ROBERT A. YAHN, JR., 6518
DENNIS D. YATES, 9194
BRIAN D. YOLITZ, 5559
DANIEL J. ZALEWSKI, 8024

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

PHILIP A. BARKER, 0348
LORENZO L. BOLDEN, JR., 8831
GARY R. BREIG, 4129
WENDELL L. BRENNEMAN, 2876
CHARLES R. CORNELISSE, 9685
DONDI E. COSTIN, 7032
DAVID M. FITZPATRICK, 8337
MICHAEL H. HEUER, 6788
MICHAEL A. MOORE, 2273
WESTON H. WALKER, 4533
ROBERT W. WIDO, JR., 6164
DONALD R. WILSON, 8292

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be lieutenant colonel

JOSEPH J. AIGNERVAROZ, 0785
MICHAEL S. BURKE, 3168
MICHAEL D. DIETZ, 2869
BRENT J. ERICKSON, 3011
LAURA L. GARNER, 9185
BONNIE E. GOODALE, 8436
JULIA R. GOODE, 6123
FREDERICK H. GRANTHAM, 4713
NORMAN T. GREENLEE, 5512
STEPHEN E. GREENTREE, 7749
SCOTT A. HALE, 2514
JEROME J. HYZY, JR., 3470
DAVID L. JOHNSON, 0626
JOHL K. KLEIN, 1274
LISA A. MCKINNEY, 5274
DANIEL S. MCNULTY, 3371
CHRISTOPHER L. * MORGAN, 8519
STEPHEN M. MOUNTS, 9535
LARRY V. PARSONS, 0119
SHEILA R. ROBINSON, 0732
STEPHEN P. SALES, 1307
CRAIG S. STANALAND, 7714
DOREEN F. WILDER, 3909

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be lieutenant colonel

CALVIN N. ANDERSON, 9392
MARGARETE P. * ASHMORE, 6307
JIMMY L. BARDIN, 5820
BRADLEY L. BELL, 5012
DIANA BERG, 1430
NATHAN M. BERMAN, 6448
ROBERT S. BLACK, 1745
VINCENT M. BUQUICCHIO, 4380
FRANZISKA J. CHOPP, 1167
DON M. CHRISTENSEN, 2205
ROBERT J. DRONE, 4674
DONALD R. ELLER, JR., 5429
LAURA FELTMAN, 2670
JENNIFER L. GRIMM, 1687
RICHARD E. * GROVE, JR., 7401,
JUAN C. GUERRERO, 0272
MARK A. HATCH, 0829
KRISTINE M. KIJEK, 4891
CHARLES C. KILLION, 4580
ROBIN P. KIMMELMAN, 1810
GARY M. KRAMER, 0735
DANIEL G. LEMIEUX, 5203
ROBERT L. MAY, JR., 5998
JOE W. MOORE, 1197
BRYNN P. MORGAN, 8253
HEATHER L. * OSTERHAUS, 2442
DAVID W. PENCZAR, 3482
MARK D. POLLARD, 9691
ROBERT A. RAMEY, 9466
MICHELLE L.K. RAVEN, 4985
J. EMMANUEL I. SANTA TERESA, 4870
BARBARA E. * SHESTKO, 6958
GLENN P. SMITH, 8786
JENNIFER J. SNIDER, 8998
DAVID R. SNYDER, 9651
VANCE H. SPATH, 9259
SARAJANE STENTON, 1492
SUSAN L. TURLEY, 0908
JOHN K. WEIS, 3887
ROGER M. WELSH, 7271
MICHELE R. ZELLERS, 7954

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAINS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

BARRY D. BOWDEN, 7383
DAVID J. COLWELL, 0732
JOHN J. COOK III, 5089
GLENN S. DAVIS, 9260
GORDON G. GROSECLOSE, 8519
DAVID A. KENEHAN, 2460
DAVID C. MORAN, 4150
MITCHELL L. MORTON, 3869
DANIEL M. PARKER, 9050
JOHN D. READ, 3624
GARY K. SEXTON, 1437
THOMAS C. VAIL, 6804
CRAIG N. WILEY, 7979

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

WILLIAM L. RUMBLE, 5440

TRIBUTE TO COLONEL PETE BUNCE

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 14, 2005

Mr. HASTERT. Mr. Speaker, I rise today to pay tribute and offer my personal thanks to Colonel Peter J. Bunce of the United States Air Force, for a job well done.

Many of us in Congress know Colonel Bunce, who for the past six years has worked as the Air Forces liaison to the House and then as liaison to the Budget and Appropriations Committees for both Chambers. I have traveled on international congressional delegations with Pete on numerous occasions, and in every case, his skill and attention to detain ensured a flawless CODEL. In addition, Pete has fostered a new level of excellence in communications between the Congress and the Pentagon on policy matters within his portfolio.

Colonel Bunce has served in this role at a very critical time in our Nation's history, keeping us advised about, and facilitating congressional visits to, our brave service men and women in Operations Allied Force, Enduring Freedom and Iraqi Freedom. His efforts have been instrumental in keeping Members and staff aware of the costs and sacrifices of our military personnel as we prosecute and win this Global War on Terrorism. Pete knows these sacrifices first-hand. As many of my colleagues know, Peter's son Justin, a brave marine, was critically injured while defending our freedom in Iraq. We wish Justin a speedy recovery.

While I have relied on Pete's military advice, I have valued his friendship even more, and I know many of my colleagues on Capitol Hill share in that sentiment. In this regard, I wanted Colonel Bunce to know that each of us in Congress who have known and worked with him wish Pete and his family the very best and Godspeed in all his future endeavors.

TRIBUTE TO J. MICHAEL BISHOP ON THE RECEIPT OF HIS NATIONAL MEDAL OF SCIENCE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 14, 2005

Mr. LANTOS. Mr. Speaker, I rise to pay tribute to J. Michael Bishop, the Chancellor of the University of California, San Francisco, which is located in my Congressional district, on his receiving the National Medal of Science. Chancellor Bishop, one of the 2003 National Medal of Science winners, will receive his medal in a ceremony in the East Room of the White House today. He and the other recipients are being honored for their devotion to advancing our knowledge of science.

The National Medal of Science was established in 1959 as a Presidential Award to be given to individuals "deserving of special recognition by reason of their outstanding contributions to knowledge in the physical, biological, mathematical, or engineering sciences." Congress later expanded this recognition to include the social and behavioral sciences. The National Science Foundation, an independent federal agency, administers this honor, the highest award in science given by the United States.

Mr. Speaker, Chancellor Bishop's biography truly reads like a Horatio Alger tale. He spent the first eight years of his educational life in a two-room schoolhouse in rural Pennsylvania and graduated from high school as part of a class of 80 students. He entered Gettysburg College hoping to become a doctor, but by the time of graduation he didn't think he wanted to practice medicine. However, he was interested in becoming an educator and after entering Harvard Medical School he knew he found his calling in research.

Since then Chancellor Bishop has distinguished himself in the biomedical field. Thirty six years ago, he chose to take an assistant professorship at a relatively new college on the west coast. He has not left the University of California, San Francisco since. He started as an assistant professor of microbiology and immunology working on the replication of poliovirus, but it was his work in oncology has been groundbreaking. In 1982 he won the Albert Lasker Award for Basic Medical Research, and in 1989 he won the Nobel Prize in Physiology or Medicine. Both awards were shared with Harold Varmus for research that led to the discovery of proto-oncogenes, normal genes that can be converted to cancer genes by genetic damage. He became the eighth chancellor of the University of California, San Francisco in July of 1998.

Mr. Speaker, I am proud to represent a part of the Bay Area, home to some of the finest schools in the nation. Proof of which can be seen in the fact that three of the eight recipients of the 2003 National Medal of Science work at schools in the Bay Area. In addition to Chancellor Bishop, Charles Yanofsky, of Stanford University, won an award for the biological sciences, and John Prausnitz of the University of California at Berkeley, was awarded a medal for engineering.

Mr. Speaker, in an area of the world which is home to some of the best and brightest minds in the world, Chancellor J. Michael Bishop stands at the top. This extraordinary academic and exceptional human being fully deserves to be honored by our nation for his work in oncology. It is my hope, and I am sure it is the hope of all of our colleagues Mr. Speaker, that one day his research will lead to a cure for cancer. I am delighted to pay tribute to Chancellor J. Michael Bishop on the day of his receipt of the National Medal of Science.

RECOGNIZING JUSTIN LOWE WINNER OF TEXAS VALUES VISUAL ARTS COMPETITION

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 14, 2005

Mr. BURGESS. Mr. Speaker, I rise today to commend Justin Lowe, a senior at Lewisville High School, located in the 26th Congressional District of Texas, for being one of the three winners of the Texas Values Arts Competition.

This is truly an outstanding accomplishment for Justin. More than 250 students from Plano, Denton, Lewisville and surrounding communities entered the contest. Diversity, History and Indivisibility were the chosen Texas Values featured in the winning artworks from North Texas students. Justin earned a U.S. Savings Bond from Huffines Auto Dealership.

Justin's art is now on a billboard going southbound on I–35E next to the Huffines dealership. Justin displayed his Texas pride with bluebonnets, the Alamo, and the Texas State flag in his painting. His piece will be up all through March for National Youth Art Month. The original was sold for $800 at the Lewisville Education Foundation gala in November of 2005.

Justin Lowe's talents are not only a testament to his artistic skill but also a stellar example of how parents' and teachers' efforts are rewarded when combining a core curriculum with study in the arts. I am proud of the education system in Texas, especially our students, and involved parents and teachers at Lewisville High School, who commit their lives and time to fostering growth of our communities. And I wanted to extend a special thank you to Huffines Automotive for their generous contribution to these aspiring students.

IN HONOR OF GLENDALE ADVENTIST MEDICAL CENTER'S 100TH ANNIVERSARY

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 14, 2005

Mr. SCHIFF. Mr. Speaker, I rise today to congratulate Glendale Adventist Medical Center for a century of providing outstanding health care services to the City of Glendale and surrounding communities.

Glendale Adventist Medical Center was founded on a tradition of faith-based health care. Its mission has been to educate the community about the link between health and lifestyle decisions and to provide compassionate, professional health care services for the whole person—body, mind, and spirit.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Glendale Adventist Medical Center has been offering families excellent health care for more than one hundred years. The hospital provides care not just within its walls, but throughout the community—in churches, schools, workplaces, and homes. The hospital is proud of the relationships it has fortified throughout the years with local organizations, groups, and individuals. Through the unified strength of these partnerships, Glendale Adventist continues its primary focus of meeting the health needs of our communities.

I ask all Members of Congress to join me today to congratulate Glendale Adventist Medical Center for 100 years of exemplary public service, and for its immense commitment to the health and well-being of the City of Glendale and its residents.

HONORING MR. DON SNYDER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 14, 2005

Mr. PORTER. Mr. Speaker, I rise today to honor the contributions of a great Nevadan, Mr. Don Snyder.

For many years, I have not only known Don through his professional work with Boyd Gaming, but also as a friend. Don has had quite a career, working for the First Interstate Bank of Nevada for 22 years before taking the helm of the Fremont Street Experience as President and Chief Executive Officer and then moving on to Boyd Gaming, where he will be retiring as President of the Company. That's quite a career path for any person, and I congratulate him.

Don's leadership in the Las Vegas community will certainly be felt for many generations, and all Southern Nevadans owe him a debt of gratitude. Don has been instrumental in redeveloping Downtown Las Vegas, effectively giving Downtown the breath of new life in an area that is so important for the history of our great city. He has also been incredibly effective in leading Boyd Gaming, and I know he will be missed there.

During his busy career, Don has been active in such organizations as the Nevada Development Authority, the Las Vegas Convention and Visitors Authority, the Las Vegas Performing Arts Center Foundation, United Way of Southern Nevada, Nathan Adelson Hospice, and the Tournament Players Club at Summerlin. The sky is the limit for Don, and I am looking forward to hearing about his next endeavors.

Mr. Speaker, I would like to thank my friend, Don Snyder, for being an example for all Nevadans as we continue to be the Entertainment Capital of the World.

TRIBUTE TO CAPTAIN KEVIN P. MILLER, USN

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 14, 2005

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize and say farewell to an outstanding Naval Officer, Captain Kevin P. Miller, as he prepares to retire upon completion of 24 years of distinguished service. It is a privilege for me to honor his achievements and commend him for his devotion to the Navy and our great Nation. Captain Miller was commissioned as an Ensign in the United Sates Navy in 1981 and subsequently reported to Naval Air Station Pensacola for flight training in November of that year. In August 1983 he had earned the prestigious designation of a Naval Aviator.

Upon completion of A–7E Corsair II replacement pilot training, he reported to the "Marauders" of VA–82 completing two deployments to the Mediterranean Sea and one mini-deployment to the Norwegian Sea in USS *Nimitz* (CVN–68). In October 1987 Captain Miller joined the "Gladiators" of VFA–106, where he served with great distinction as Training Landing Signal Officer and Carrier Qualification Phase Head.

In October 1990, as a result of his superb leadership, Captain Miller was directed to serve on the staff of Commander, Carrier Air Wing Seven embarked in USS *Dwight D. Eisenhower* (CVN–69) where he made enormously successful deployments in *Ike* to the Mediterranean, Indian Ocean, Arabian Gulf, and Norwegian Sea. Assuming greater responsibilities with each passing assignment, he then reported to the "Wildcats" of VFA–131 where he served in four different department head billets culminating in an embarked tour in USS *George Washington* (CVN–73) during her Maiden Deployment in 1994. His personal contributions led to VFA–131 earning the Estocin Award as the Navy's top strike-fighter squadron and recognition from the Chief of Naval Operations for an unmatched safety record.

After serving ashore on the staff of Commander, First Air Force/Continental NORAD Region at Tyndall Air Force Base he once again reported for duty afloat to the "Gunslingers" of VFA–105 aboard USS *Theodore Roosevelt* (CVN–71) assuming command of the squadron in September 1998. He deployed two months later aboard USS *Enterprise* (CVN–65S), participating in combat during Operations Desert Fox and Southern Watch. Following his command tour he earned a Masters Degree in National Security and Strategic Studies from the Naval War College and served on the CNO's staff as Strike Warfare Policy Officer. With many successful sea and shore tours behind him, Captain Miller culminated his career in the Navy's Office of Legislative Affairs as a highly effective liaison with Congress on important matters affecting Naval Aviation.

Having accumulated over 3,600 flight hours and 1,000 carrier landings from the decks of 11 aircraft carriers, there is no doubting Captain Miller's courage and dedication. His superior contributions and distinguished service will have long-term benefits for both the Navy and the country he so proudly served. As Captain Miller enters his new profession I am proud to thank him for his service and wish him "fair winds and following seas."

RECOGNIZING WILLIAM SAVIDGE OF SAINT HELENA, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 14, 2005

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize William Savidge, Vice Mayor of Saint Helena, California, as he retires after 37 years of public service. His outstanding leadership and commitment to community service has made my hometown a better place.

Throughout the past 11 years, Bill has served selflessly as a member of the Saint Helena City Council. In 1994 Mayor John Brown, appointed Bill to the city council citing his voice and perspectives as qualifications for the job. Mayor John Brown was right. Since he joined the council, Bill's leadership has benefited our entire community.

Bill worked to pass a retrofit ordinance which lead to the restoration of 25 historic buildings in St. Helena. He reached out to youth of our community by leading the effort to build a teen center. Bill's public service was not limited to the City Council. He also served as St. Helena's representative to the county Housing Authority and, Housing Element Task Force.

Mr. Speaker, Bill's devotion to community and country began many years before his time on City Council. Bill Savidge dedicated 24 years of his life serving our country in the Armed Forces. After earning his degree at Stanford University, Bill went on to become a pilot in the United States Air Force. He later received his MBA from George Washington University while stationed at Maxwell Air Force Base. Bill bravely fought for and protected our country in World War II, Korea, and Vietnam. In 1974 Bill retired from the military and he and his wife Charlotte moved to St. Helena.

Even though Bill will retire from public office, his dedication to community does not end here. He plans to continue his active role with Kiwanis, the Food Pantry, and other local organizations. With his new found free time he also plans to write his memoirs.

Mr. Speaker, it is appropriate that we honor William Savidge today, for his distinguished service to his community and to his Country and extend our best wishes in all of his future endeavors.

LVTV, CHANNEL 15 AWARDED TWO TELLY AWARDS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 14, 2005

Mr. BURGESS. Mr. Speaker, I rise today to commend the Lewisville Television Channel 15, LVTV, broadcasting from the 26th Congressional District of Texas, for winning two Telly Awards.

The Telly Awards "honor outstanding local, regional, and cable television commercials and programs, as well as the finest video and film productions." For 26 years now, the Telly

Awards have trying to do their part to support the visual arts in local communities. The Telly Awards encourage a very diverse field of applicants and try to distinguish themselves as an award of broad creativity.

Each award was for a LVTV-produced program. The first award was presented for Lewisville North High School's re-enactment of a Driving While Intoxicated (DWI) called "Deadly Decisions: Controlled Substance." The second winning program was for a "Community Comments" episode on the West Nile Virus. "Community Comments" is an interview-styled program filmed by students from the LISD Dale Jackson Career Center, produced by Calvin Dorsey.

LVTV has done a superb job of representing their community and involving students in promoting visual arts. I am proud of Lewisville and LVTV Channel 15 who continue to keep their public up-to-date on hometown news and to provide quality family entertainment.

TRIBUTE TO SCOTT McKEOWN

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 14, 2005

Mr. SCHIFF. Mr. Speaker, I rise today to honor a devoted public servant who served some of the communities I represent for several decades. Scott McKeown lost his life in the recent Metrolink crash in Glendale, California. He spent 20 years with the City of Glendale and just recently celebrated his first year of service in the City of Pasadena's telecommunications department.

His exceptional attitude was an inspiration to all who knew him and his compassion and positive outlook were infectious. He had a passion for trains, especially locomotives, and instilled this love for the "iron horse" in his children. Scott McKeown is survived by his wife and two young children.

Working in the public sector is challenging and rewarding, and Scott embodied the spirit of public service through his longstanding service in our community. The tragic train crash last week was indeed a sad day for our community, and Mr. McKeown will be sorely missed.

HONORING MICHAEL MAYBERRY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 14, 2005

Mr. PORTER. Mr. Speaker, I rise today to honor Michael Mayberry, Chief of Police in Henderson, Nevada. Chief Mayberry is retiring from the force after 30 years of dedicated service. He graduated from UNLV with a Bachelor of Arts degree in Criminal Justice. Chief Mayberry also graduated from the 180th session of the FBI National Academy and the 29th session of the Law Enforcement Executive Development Seminar in Quantico, Virginia.

Chief Mayberry began his career with the Henderson Police Department in 1976 as a reserve officer. In 1978 he was hired as a full time patrol officer and has had numerous assignments since that time. He has been a field training officer, detective, investigations division commander and support division commander. Chief Mayberry was named acting police chief in August 1999 and appointed police chief on May 2, 2000.

Southern Nevada is a well known tourist destination which is visited by millions of people throughout the world. This creates a unique security environment which requires unique and capable police officers. Mike's proven leadership during these difficult times goes a long way to explain why he truly deserved the title Chief of Police.

Under Chief Mayberry's tenure, the Henderson Police Department has become the most technologically advanced police department in the United States. On March 23, 2002, the Commission on Accreditation for Law Enforcement Agencies, CALEA, accredited the department for its professional excellence.

Mike, I wish you all the best. It was a privilege to work with you during those years where our services overlapped. However it is a greater privilege to call you my friend.

Mr. Speaker, Chief Michael Mayberry is a dedicated officer who has worked diligently for the Henderson community. I ask my fellow colleagues to stand with me today and honor all police officers across the country, like Chief Mayberry, who have dedicated so many years to building a better community, which in turn contributes to a better Nation.

PERSONAL EXPLANATION

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 14, 2005

Mr. KENNEDY of Rhode Island. Mr. Speaker, of March 8, I was delayed and missed Rollcall votes 53, 54.

I respectfully request the opportunity to record my position on Rollcall votes 53 and 54.

It was my intention to vote: "yea on Rollcall 53; and "yea" on Rollcall 54.

At this time I would ask for unanimous consent that my positions be entered into the RECORD following those votes or in the appropriate portion of the RECORD.

IN HONOR OF THE 200TH ANNIVERSARY OF THE CLEVELAND POST OFFICE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 14, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the 200th Anniversary of the Cleveland Post Office, which embraces the legacy of Northeast Ohio's mail carriers. For two centuries, these fearless messengers have braved everything from freezing January snow to the blazing heat of July, to snarling dogs, in order to deliver the mail throughout our Greater Cleveland community and across our nation.

Joseph Briggs, a Cleveland postal employee, revolutionized the postal system when he convinced postal officials to adopt a policy of free home delivery. On July 1, 1863, as our nation was divided by the Civil War, 450 mail carriers began Free City Service Delivery in Cleveland, Ohio. Encouraged by the positive response, officials expanded this service to other areas.

As our nation's frontier rolled westward, so did the United States Postal Service. The Service grew alongside every new and growing city and town, delivering mail from faraway places to our mailboxes. They journeyed down dusty trails, winding rivers, city streets and country roads—wherever cities came to life, so did a new post office.

Mr. Speaker and Colleagues, please join me in honor and recognition of every past and present employee of the Cleveland Post Office and their outstanding legacy.

The mail carriers hold in their hands the important information we need—from lifechanging announcements to everyday correspondence. This centuries-old exchange of news, emotion and ideas, sealed in a Postal Service letter, not only communicated the events of our nation's history, but still serves to facilitate change and shape the direction of America.

TRIBUTE TO THE FORT COLLINS VETERANS OF FOREIGN WARS POST 1781

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 14, 2005

Mrs. MUSGRAVE. Mr. Speaker, I am continually grateful to the men and women who are currently serving in the U.S. military, and I am also remindful of the great sacrifices that have been made by our veterans. Sacrifices that have secured and maintained our freedom.

Recently, a local group of veterans received a special honor. In Fort Collins, Colorado, VFW Post 1781 received the prestigious Diamond Jubilee Award. The post earned this distinction in celebration of their 75th Anniversary.

VFW Post 1781 has maintained their post continuously since January of 1930. In fact, a copy of the original charter still hangs on the post's entryway next to a large display case filled with war memorabilia.

The post currently has 388 members and about 150 women in the ladies auxiliary. Post 1781 has been extraordinarily active; the chapter has not seen a drop in membership for 20 years.

This group carries on the VFW tradition of community service, working with other national organizations. Constructive community service is a founding VFW tenet with volunteerism benefiting education, the environment, health, and civic projects. For example, the VFW's citizenship education program is designed to stimulate an interest in America's history and promote patriotism.

In addition, the post and canteen are offered at no cost for veterans' memorial services.

The post is a place where many members spend their time with fellow veterans relaxing when they are between other routines, such as giving flag etiquette presentations or standing on the corner of College Avenue and Mulberry Street holding Support Our Troops signs.

In addition, the post contains a section of their building that is loaned to the Disabled American Veterans hospital ride program.

Except for monthly meetings, which are open to those with home membership at Post 1781, the rest of the building is available to VFW members from anywhere in the nation.

I applaud these retired military service men and women, not only for their service to our country, but also for their service in the local community.

On behalf of a grateful nation, I offer my warmest congratulations to the Fort Collins VFW for their achievement of the Diamond Jubilee Award. May God bless our precious veterans and their families.

HONORING CONGREGATION MISHKAN ISRAEL AS IT CELEBRATES ITS 165TH ANNIVERSARY

HON. ROSA L. DELAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, March 14, 2005

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today to join Rabbi Herbert Brockman and the many friends and families who have gathered to celebrate the 165th Anniversary of Congregation Mishkan Israel. Marking its 165th anniversary, Mishkan Israel is the oldest continuing congregation in New England and the 14th oldest synagogue in the United States. This milestone is a very special occasion, not only for the administration and members of the congregation, but for our community as well.

First established in 1840 by a group of Bavarian Jews fleeing economic and social oppression, services, conducted in German and Hebrew, were held over the Heller & Mendelbaum Store in New Haven, Connecticut. A short time later, the congregation purchased the Third Congregational Church building which remained its home until 1897 when the temple on Orange and Audubon Streets was dedicated. With the continued growth of the congregation, the synagogue made its final move in 1960 to its present home on Ridge Road in Hamden.

The strength and continuity of a congregation is dependent, not only on its membership, but on its leadership as well. Since its earliest days when it was the first synagogue to be dedicated by Rabbi Isaac Mayer Wise, who later became the leader of American Reform Judaism, Congregation Mishkan Israel has had a strong tradition of active leadership. Generation after generation, the rabbis who have come to Mishkan Israel have shared a passion for social justice—both here at home and throughout the world. In the 1870s, Rabbi Judah Wechsler opened the Torah to women, first allowing female confirmants to read from the sacred text; Rabbi Edgar Siskin became the first rabbi to be appointed to Yale University's faculty and helped to found Yale Hillel; and in the decades of the civil rights movement, Rabbi Robert Goldburg was an active champion of social justice protesting communism and inviting a myriad of speakers from Norman Cousins to The Reverend Doctor Martin Luther King, Jr. to address the congregation. Today, Rabbi Herbert Brockman upholds this legacy. Under his leadership, Mishkan Israel has opened its doors to the Urban Youth Center, a program for inner-city middle school children and sponsored the settlement of seven Russian Jewish emigrant families in New Haven.

In addition to its active leadership, members of Mishkan Israel have long been known for their endless contributions to the community. Volunteerism has always been strong force within the congregation and, through their compassion and generosity, the congregation has touched the lives of thousands over the years. Whether tending to the ill, volunteering at the local military hospital, purchasing Liberty Bonds during World War I, or participating in the Pe'ah Project, which provides over a ton of vegetables from a congregant-run garden to area soup kitchens—the members of Mishkan Israel have shown a unique dedication to enriching our community.

Our houses of worship play a vital role in our communities—providing people with a place to turn to for comfort when they are most in need. In over a century, there have been many who have worshiped within their halls and many who have found peace and strength in the outstretched arms of Mishkan Israel. Throughout its history, Mishkan Israel has been an invaluable institution in the Greater New Haven Jewish community. It is with honor and the deepest thanks and appreciation for all of their good work that I stand today to pay tribute to Congregation Mishkan Israel as they celebrate their 165th Anniversary. Their contributions have left an indelible mark on our community and a legacy that will live on for generations to come.

TRIBUTE TO MICHAEL SARDONE

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 14, 2005

Mr. WYNN. Mr. Speaker, I rise today to recognize and thank Michael Sardone for his 21 years of dedicated public service to this Congress and the Federal Government. His career epitomizes professionalism and commitment to public service.

Mr. Sardone has served as an indexer and editor for the Congressional Record Index office, under the auspices of the Joint Committee on Printing and now a part of the GPO, since his appointment by former Senator Mathias of Maryland in 1984. His detailed knowledge of congressional history and process has earned him the respect of both his colleagues and Hill staffers. As an editor for the Congressional Record Index, he has also served as editor and project manager for the Congressional Directory and has spearheaded the production of indexes for both the House and Senate Journals.

Mr. Sardone is a Maryland native. He grew up in the Wheaton area of Montgomery County and graduated from Frostburg State University with a degree in political science. He met his wife, Ginny, at the Index office. She now works for the Department of Housing and Urban Development. They have one son, Matthew.

As he embarks on new endeavors, I ask my colleagues to join me in extending gratitude for his hard work and dedication to the Congress and the Nation.

NORTH RICHLAND HILLS RECOGNIZED AS A "STORMREADY" COMMUNITY

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 14, 2005

Mr. BURGESS. Mr. Speaker, I rise today to commend North Richland Hills, located in the 26th Congressional District of Texas, for its recognition as a "StormReady" community by the National Weather Service (NWS).

North Richland Hills was recognized as a "StormReady" community because it met all of the criteria set forth by the NWS. For a community to be so honored, it must: establish a 24-hour warning point and emergency operations center; have more than one way to receive severe weather forecasts and warnings, and to alert the public; create a system that monitors local weather conditions; promote the importance of public readiness through community seminars; and develop a formal hazardous weather plan which includes training severe weather spotters and holding emergency exercises.

This is a noteworthy accomplishment because less than one percent of all cities and towns in the United States are categorized as "StormReady." The City of North Richland Hills cares deeply about its citizens and their safety. Severe weather is extremely common in North Texas where storms and tornadoes are frequent and set in with little warning. "StormReady" communities bring extra peace of mind to citizens.

North Richland Hills' "StormReady" status sets a wonderful model for other towns in Texas to improve their communication and safety skills which are needed to save lives and property. I am proud of North Richland Hills and its citizens who continued to better the community by doing the best in preparing for the worst.

HONORING THE CONTRIBUTIONS SAN ANTONIO COUNCILMAN RON SEGOVIA

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 14, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize San Antonio City Councilman Ron Segovia's tremendous contribution to his community in my Congressional District of San Antonio, Texas.

Councilman Ron Segovia attended Harlandale High School in San Antonio, where he was a member of the ROTC. He studied at San Antonio College, and graduated from the Police Academy in 1975.

He served for 28 years as a San Antonio Police Officer, working in such special programs as DARE, SWAT, Crime Prevention, and Gang Resistance Education and Training. He was a part of the School Services program, which provided outreach and information to public school students.

Ron is also a successful small businessman. He owns Ron's Jewelers, which has been a fixture of the community for 22 years. He has used his role as a business owner to act as a benefactor and support educational programs in the community.

As a lifelong San Antonio resident he has given so much back to the community, as a protector, civil servant, and businessman.

Mr. Speaker, I am proud to have had this opportunity to recognize Councilman Ron Segovia.

IN RECOGNITION OF FRED L. FIELDS ON THE OCCASION OF HIS RETIREMENT FROM BOILERMAKERS LOCAL 549

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 14, 2005

Mrs. TAUSCHER. Mr. Speaker, I rise today to pay tribute to Fred L. Fields, who is retiring after 40 years as a Boilermaker and 9 years as Business Manager/Secretary Treasurer of Boilermakers Local 549.

Fred Fields began his career in 1964 as a Boilermaker Apprentice at the Kaiser Steel shop in Napa, and finished his education through the Western States Field Construction Apprenticeship program.

Throughout his 40 year career as a California based Boilermaker, Mr. Fields has demonstrated outstanding leadership. He was elected by Local 549 to attend four Boilermaker National Conventions, where he was appointed to the Construction Division Committee by International President Charles W. Jones. He was elected as a trustee to the Executive Board of Local 549 in 1990, and was elected Business Manager/Secretary Treasurer in 1996 and was reelected in 1999.

Fred Fields was appointed to represent the western states as the 13 western states as the Trustee on the Boilermaker National Health and Welfare Trust fund by International President Jones in 1997. He serves on the Executive Board of the California State Board of the California State Building and Construction Trades Council for the Boiler makers.

Mr. Fields recognized the importance of the formation of California Unions for Reliable Energy (C.U.R.E) to the boilermaker profession when it was created in 1996, C.U.R.E has provided of construction jobs for his fellow boilermakers.

Fred Fields has selflessly served his community as part of Local 549; donating food to needy families through the Loaves and Fishes Program, the Contra Costa Food Bank, and the Richmond rescue mission.

Mr. Speaker, it is always inspiring to see someone who has dedicated his life to improving conditions for his brothers and sisters in Local 549. Throughout Fred Fields' tenure as a Boilermaker, he has demonstrated not only commitment to his chosen profession, but also dedication to the citizens of his community. I am proud to recognize my constituent, Fred Fields, on the occasion of his retirement.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 14, 2005

Ms. LEE. Mr. Speaker, on March 8, 2005 during rollcall votes Nos. 53, 54, and 55, I was unavoidably detained due to inclement weather on my travel back to Washington, DC.

Had I been present, I would have voted "aye" on all three resolutions: the Journal vote, H. Res. 133, a bill pertaining to funding of the standing committees of the U.S. House of Representatives, and H. Res. 122, legislation urging the President to proclaim a special year of languages.

HONORING THE CONTRIBUTIONS OF SAN ANTONIO COUNCILMAN JOEL WILLIAMS

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 14, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize the many accomplishments of San Antonio City Councilman Joel Williams.

Mr. Williams has served both his city and his nation with distinction. A native Texan, Mr. Williams served in the United States Army Reserve for more than 25 years, rising to the position of Chief of the AMEDD Battle Simulation Center at Fort Sam Houston.

He has also been a leader in civil service and volunteer work. He was a member of the boards of Habitat for Humanity, the San Antonio Credit Union, and the East Central Independent School District. He worked on the Fund Distribution Panel of the United Way of San Antonio, and was a member of the Texas Association of School Boards.

He has consistently worked to improve the quality of education our children receive, and to safeguard the financial health of our community. He continues that work now, as City Councilman for San Antonio Council District 2. Joel Williams serves as an example of what discipline, courage, and dedication can accomplish.

Mr. Speaker, I am proud to have had this opportunity to recognize the contributions of San Antonio Councilman Joel Williams.

TRIBUTE TO THE ALABAMA A&M BULLDOGS

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 14, 2005

Mr. CRAMER. Mr. Speaker, I rise today to congratulate Coach Vann Pettaway and his Alabama A&M University Basketball team on winning its first Southwestern Athletic Conference Championship and earning a spot in the NCAA Division I Men's Basketball Tournament. This is the first time that the Bulldogs have been invited to the NCAA Tournament in the seven years the program has been a Division I member.

The A&M Bulldogs finished this historic season with a record of eighteen wins and thirteen losses, culminating on Sunday afternoon with a nationally televised seventy-two to fifty-three victory over the Alabama State Hornets. In that game, Obie Trotter led all players with a game-high twenty four points, five assists and six steals and was named the SWAC's tournament MVP. Joe Martin finished second with seventeen points and six rebounds.

All of us in North Alabama are proud of our hometown heroes and will be rooting for the Bulldogs on Tuesday night when Coach Pettaway leads his team against the Oakland University Golden Grizzles in Dayton, Ohio. All published accounts have said that the Bulldogs are playing their best basketball right now and are motivated to show the Nation why they deserve a spot in this tournament.

Mr. Speaker, these student athletes have set a fine example for future athletes in our community. Their hard work, commitment, and dedication, on and off the court, are a large part of the team's success.

On behalf of everyone in North Alabama and all Bulldog fans across the Nation, I rise today to congratulate the Alabama A&M Bulldogs and wish them the best of luck against Oakland University.

THE GENETIC INFORMATION NON-DISCRIMINATION ACT OF 2005

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 14, 2005

Ms. ESHOO. Mr. Speaker, I'm very pleased to join Representatives BIGGERT, SLAUGHTER and NEY in introducing the Genetic Information Non-Discrimination Act of 2005. This bill will prevent abuses of genetic information for workforce and insurance decisions. Advances in genetic science are already saving lives and will save many more in the years ahead, but these advances should not be the basis for denying Americans their jobs or their health insurance.

One of the most significant scientific accomplishments in history has been sequencing the human genetic code. As a result of this achievement, scientists have identified genetic markers for a variety of chronic health conditions, increasing the potential for early treatment and prevention.

Unfortunately, the ability to predict disease through genetic testing and family history opens the door for discrimination, particularly the employment and the health insurance industry. Such a threat has deterred the public and scientists from taking full advantage of the important opportunities that genetic information provides. Without appropriate protections to encourage providers, the health care community and the public to embrace genetic testing, the health care arena will be incapable of taking full advantage of the important opportunities resulting from the advancement of genetic information and technology.

The Genetic Information Non-Discrimination Act of 2005 prohibits health insurers in both group and individual markets from: using genetic information to impose enrollment restrictions or to adjust premium or contribution amounts; requesting genetic testing or results except as necessary for treatment, payment, or health care operations; and requesting or requiring the use of genetic information for the purposes of underwriting.

With regards to employment, the Genetic Information Non-Discrimination Act of 2005 grants enforcement powers to the Equal Employment Opportunity Commission and: makes it an unlawful employment practice for an employer, employment agency, labor organization, or training program to discriminate against an individual or deprive an individual of employment opportunities because of genetic information; prohibits the collection of genetic information except where necessary to monitor the effects of toxic substances in the workplace, when authorized by the employee, or as required by law; safeguards the confidentiality of genetic information in the employment setting.

The Genetic Information Non-Discrimination Act of 2005 brings public policy up-to-date with science and ensures that every American can benefit from our scientific progress without the worry of genetic discrimination.

I urge all my colleagues in the House to support this legislation.

HONORING THE ACHIEVEMENTS OF SAN ANTONIO COUNCILMAN ROGER O. FLORES

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 14, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize the accomplishments of San Antonio City Councilman Roger Flores.

Roger Flores is a San Antonio native, from a small business family with a tradition of public service.

He graduated from Central Catholic High School, and received his Bachelor of Science from Texas A&M University, where he was a member of the Fighting Aggie Band.

After college, Roger returned to San Antonio to join his family's restaurant business. He managed and operated two restaurants, and also found time to serve his community as the Vice President of the St. Anthony Elementary School Board, and as a member of the board of Positive Beginnings, Inc.

On May 27 of 2004, Roger was elected to the Council seat that his father had held four years before. Roger credits his family as an inspiration for his public service, and believes deeply in the role of the community in supporting and encouraging strong families.

Mr. Speaker, Roger Flores is the kind of citizen who holds our communities together: a successful small businessman, a dedicated father, and a selfless volunteer and public servant. I thank him for his commitment, and congratulate him on his election to the San Antonio City Council.

HONORING THE CONTRIBUTIONS OF SAN ANTONIO CITY COUNCILMAN CARROLL SCHUBERT

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 14, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize San Antonio City Councilman Carroll Schubert for his outstanding work, both in the legal community and on behalf of the people of San Antonio.

Mr. Schubert is a graduate of Texas A&M University, and the University of Texas School of Law, and a specialist in both civil litigation and regulatory and public affairs. His long history of public service includes time as Commissioner for the Bexar County Civil Service Commission, on the Board of Directors of the Texas District and County Attorneys Association, and as Chief Deputy District Attorney for Bexar County.

Mr. Schubert has given his time to a variety of organizations which work for the public good. He is a member of the Board of Directors of the Texas Wildlife Association, has been Chairman of the Board of Professional Contract Services, Inc., a state and federal government contractor which provides jobs for people with disabilities.

From 1975 through 1978, Carroll was Executive Assistant to United States Senator Lloyd Bentsen. He was first elected to the San Antonio City Council on May 5, 2001, and was reelected in 2003. He has worked as city councilman to improve city planning and the city's quality of life, and was the council's liaison to many of the San Antonio region's military bases and units.

Mr. Speaker, his career as a lawyer and a public servant has done credit to the city of San Antonio, and I am proud to have the opportunity to congratulate him here.

A TRIBUTE TO MELADY JEAN-BAPTISTE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 14, 2005

Mr. TOWNS. Mr. Speaker, I rise in honor of Melady Jean-Baptiste, who came to this country without being able to speak English, and now, after earning multiple degrees in education, serves as a role model for all who know her.

Melady Jean-Baptiste is a native of the city of Cap-Haitien in Haiti. She was born one of two daughters and three sons to a very loving, close knit, strong and progressive family. Her father immigrated to America at the age of 65 and began immediately to help his family immigrate. With her father in America, Melady attended the prestigious and elite College Regina Assumpta then continued at the Wetsal Secretarial School in Port au Prince.

In 1979, a few short years after her father left, Melady immigrated to America. The family searched for a church home and while walking in their neighborhood, they came upon Holy Trinity Baptist Church. Melady and her family began to attend services regularly at the Church. They were the only non-English speaking people in the congregation. Melady not only learned to speak English by attending the Sunday School class but she learned the biggest lesson of her life; that religion and education go hand in hand. Melady remains a faithful, tithing member of Holy Trinity Baptist Church (the fourth oldest Black Church in Brooklyn) and serves on the Deaconess Board and as a former president of the Pastor's Aide Ministry and the Women's Missionary Union.

Melady completed her two year degree at New York City Technical College (1987) her bachelor's four-year degree in less than four years, earning her B.S.W. at York College (1988). Two years later, she completed her M.S.W. in 1990 at Columbia University. Melady has also earned her a C.S.W., a Mono and Bilingual License and Certifications in Education. She is a member of a school based support team and uses her own life story to encourage students to not give up. She inspires many students to overcome learning difficulties and treats each child not as a social work case but as an individual who has an opportunity to succeed. She has enabled hundreds of children and families to overcome adverse moments in their lives and move effectively toward realizing their goals.

Melady is the quintessential American immigrant success story. She not only has utilized education and her faith as tools for success but she has also served as a role model for others, including her family. Her sister Maryse has completed her professional nursing degree at Columbia University; her daughter Milady Jean-Baptiste Hartmann is a graduate of the Parsons School of Art & Design; and her second daughter, Tamar, stricken with a severe crippling form of rheumatoid arthritis as a child, completed her undergraduate degree from Brooklyn College and will begin her graduate studies next semester. Her mother, Melanie, at 83, continues to advance her education as well. Melady is the aunt of Melanie and Rogerst J–B. Charles; mother-in-law of Philippe Hartmann and grandmother of Caroline and Dahlia Hartmann. She is forever grateful for the possibilities America has given her through the wonderful, great natural resources of historical Black Churches, Black pastors and educational opportunities.

Mr. Speaker, Melady Jean-Baptiste serves as an inspiration to us all. Her dedication to education has improved not only her life but those she comes in contact with everyday. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

FEDERAL TRANSIT BENEFITS ACT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 14, 2005

Mr. MORAN of Virginia. Mr. Speaker, today I am introducing the Federal Transit Benefit Act. This legislation codifies Executive Order #13150 that directed all executive branch agencies to provide their employees in the national capital region with the full tax-free transit benefit provided under current law.

Initially the benefit was set at $65 per month, but increased to $100 per month beginning in January 2002.

Give up your car and parking spot and you can receive a voucher to cover a portion of your transit or van pool cost commuting to work. The benefit has been a godsend to this region, helping to reduce traffic congestion, reduce air pollution and improve quality of life issues for Federal employees.

The Metropolitan Washington Council of Government estimates that this benefit has boosted ridership in transit services and van pools by more than 100,000 Federal employees and reduced vehicle miles traveled between 40 million and 54 million.

The legislation I am introducing today will extend this benefit to the other branches of the Federal Government, the legislative and judicial branches, all independent Federal agencies, postal workers and the Smithsonian that were not covered by the executive order.

I have long sought to maintain parity in salaries and benefits for all Federal workers. This legislation restores parity ensuring that those Federal agencies that don't currently provide this benefit for their employees will do so.

The legislation will also remove current law restrictions and enable Federal agencies to offer their employees shuttle services between their office and transit centers like Metro, MARC, and Virginia Railway Express. Under current law, Federal agencies are prohibited from providing shuttle services to their employees if it is not a part of official business.

The Federal Government is the region's largest employer. As such, it can and should do more to help its employees cope with some of the Nation's worst traffic congestion and in doing so help reduce harmful automobile emissions that have pushed this region into severe nonattainment.

This legislation was unanimously approved by the House Government Reform Committee last session. Its need is long overdue.

A TRIBUTE TO MISS SANDRA ODESSA THOMPSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 14, 2005

Mr. TOWNS. Mr. Speaker, I rise in honor of Sandra Odessa Thompson in recognition of her service to New York City and her dedication to her community through her numerous civic commitments.

Sandra Odessa Thompson was born and raised in Brooklyn. Sandra is a permanent Associate Staff Analyst employed by the City of New York managing a portfolio of more than $100 million involving cultural institutions at the Department of Design & Construction (DDC). She earned a BS in Biology from Pennsylvania State University, a MA in Human Sexuality and Health Education, and a professional diploma in Human Resources Management from New York University. She is also the Editor-in-Chief of Origin, a new women's magazine, which is the premier magazine for women in the Delaware Valley.

Over the years, Sandra has been actively involved in civic, community and fundraising events including a fundraiser for Creative Outlet Dance Theatre of Brooklyn, Inc., featuring the Broadway diva, Ms. Jennifer Holliday. She is a member of the Executive Board for the Organization of Staff Analysts (OSA); a member of OSA's Black History Committee; a team negotiator in 2004 for the City's Analysts; as well as a co-founder of DDC's OSA Chapter, where she serves as Vice-Chair of Contracts & Negotiations. Sandra has also received numerous honors, community and civic awards including: the Precinct/Clergy Community Award for fostering police-community relations; the OSA's first Elaine Cherry Memorial Award for Union Activism; several City Council Citations; and the 98.7 KISS–FM Strong Achiever Award. She has also been recognized as one of The 2000 Most Notable American Women and for her work as a budget analyst for the City's portion [$65 million] of MoMA's (Museum of Modern Art) move from Manhattan to Queens and for one of her gardens (The Cloisters) she funded in a national magazine.

Additionally, Sandra is creating a mentoring and scholarship foundation in her parents' memory. She mentors several young ladies; actively recruits and networks (in NYC) for prospective Penn State University (PSU) undergraduates as an alumni volunteer; and is a member of Delta Sigma Theta Sorority, Inc. Previously, she was the past Recording Secretary and fundraiser for the 81st Precinct Community Council; a liaison between the 81st precinct community and youth councils; a strategic planning team member for the 2004 Youth Speak Outs & Borough Conference. Sandra also collaborated with the Kings County District Attorney's Office on the 2003 boroughwide Youth Speak Outs & Silence the Violence Youth Conference.

Mr. Speaker, Sandra Odessa Thompson has dedicated herself to her community through both her professional and numerous volunteer efforts. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

HOUSE RESOLUTION EXPRESSING SUPPORT FOR MEMBERS OF THE UNIFORMED SERVICES

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 14, 2005

Mr. RUPPERSBERGER. Mr. Speaker, I am honored to join my colleagues—Congressman TOM DAVIS of Virginia, Congressman WALTER JONES of North Carolina, and Congressman STENY HOYER of Maryland—to introduce a truly bipartisan resolution expressing support for the members of our Armed Forces and their families. In particular, this resolution offers support for those service members wounded or severely injured in service to the Nation, as well as support for the newly established Military Severely Injured Joint Support Operations Center. With the 2-year anniversary of Operation Iraqi Freedom arriving on March 19, I can think of no better way to salute our disabled and severely disabled troops who have returned home than the quick and bipartisan support of this resolution.

This resolution recognizes many efforts made by our brave men and women in uniform. It reaffirms our support for all members of the Armed Forces and their families. It acknowledges that all returning troops—whether an active, National Guard or Reserve component—should be treated with the same degree of dignity and respect. It pledges our desire to help all injured, wounded, and severely disabled service members returning home by providing the assistance they require to navigate the complicated medical and bureaucratic processes to transition back to active duty or civilian life. Most important, this resolution specifically acknowledges the number of National Guard and Reserve components called for prolonged duty in today's military and pledges Congressional support to the Department of Defense Joint Support Center to ensure we take care of our own once we bring them home.

I applaud the action of the Department of Defense for establishing the Joint Support Center on February 1, 2005. I, along with Mr. JONES and Mr. HOYER, proposed the same concept in H.R. 5057 in the 108th Congress. That bill was eventually introduced in the Senate by Senator BOND and Senator KENNEDY. It received full endorsements from every major veterans' and military service organization. We are proud to see that effort taken up by the Pentagon and welcome the Joint Support Center. This resolution supports the Pentagon's initiative by expressing Congress's strong commitment to the center and our assistance in ensuring that the center receives the resources it needs to succeed in its mission.

Mr. Speaker, I urge my colleagues on both sides of the aisle to join me in passing this resolution quickly to send a clear message to our service men and women that the Members of the U.S. House of Representatives in the 109th Congress are firmly behind them.

HONORING THE CONTRIBUTIONS OF SAN ANTONIO CITY COUNCILMAN ART HALL

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 14, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize San Antonio City Councilman Art Hall for his service to the people of San Antonio District 8.

Mr. Hall was born in Hempstead, TX, and grew up in Lubbock. He attended Harvard University, and received a joint law degree/MBA from Texas Tech Law and Business Schools. He is an expert in finance and corporate law, and received the Pforzheimer Foundation Scholar Award at Harvard and the Clifford Chance Business Law Prize from the University of Wales.

Art Hall is a central part of the Texas legal community. He has been published in several law and international finance journals, including St. Mary's University Law Review on Minority Issues and the Journal of International Financial Markets. In 1998, he was hired to serve as the director of the Academic Excellence Program as an Adjunct Professor at St. Mary's Law School. He was also general counsel for the investment banking firm Southwestern Capital Markets, the nation's oldest Hispanic-owned investment banking firm. Today, Councilman Hall is an owner and the President of Presidio Asset Management.

Art Hall was elected to San Antonio's City Council in 2003. He is the youngest person ever to represent his district, and has the distinction of being the first African American elected outside of the city's East side. He has been named one of the city's "Top 40 Under 40" rising stars by the San Antonio Business Journal.

Mr. Speaker, Councilman Art Hall has an extraordinarily bright future ahead of him, and I am happy to have the chance to recognize him.

A TRIBUTE TO JEANETTE LUGO SOSA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 14, 2005

Mr. TOWNS. Mr. Speaker, I rise in honor of Jeanette Lugo Sosa in recognition of her strong commitment to strengthening the education of our children.

Jeanette has been the principal of PS 151K since 1999. She has come full circle in the Bushwick community. As a child, she studied at PS 274K and IS 111, before earning a Bachelor's Degree in Educational Administration and a Professional Diploma in Psychology from New York University. Her administrative career began as Interim Acting Assistant Principal at PS 343, then as Assistant Principal at IS 291 before being appointed to her current post.

PS 151K has truly blossomed under her strong leadership and administrative style. Reading and math scores have increased tremendously, and a science lab is now available for the students. Jeanette works diligently with a very active Parents' Association to promote an atmosphere of harmony and warmth. Under her tenure, the third through fifth grade violin orchestra, the third through fifth grade jazz band, and the kindergarten through second grade Piano Lab have all been created. Additionally, her leadership has been responsible for establishing the Fine Arts Lab for all grades. These accomplishments clearly demonstrate her passionate love of the arts.

Jeanette and her husband, Jose, are celebrating 25 years of wedded bliss. They are extremely proud of their three beautiful daughters: Celia, a Doctoral Candidate at Binghamton University; Margo, a kindergarten teacher at PS 145K; and Rebecca, a junior at The Mary Louis Academy for Girls.

Mr. Speaker, Jeanette Lugo Sosa has chosen to dedicate her career to educating our children and enriching their lives. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

HONORING THE ACHIEVEMENTS OF SAN ANTONIO COUNCILMAN CHRISTOPHER "CHIP" HAASS

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 14, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize San Antonio Councilman Christopher "Chip" Haass for his dedication to public service in my community.

Councilman Haass attended Saint Mary's High School in San Antonio, after completing high school he enrolled at Texas Christian University and received a degree in Political Science and History, then received a master's in Education. After graduation he returned to Saint Mary's as a government teacher, he is the first male alumni to do so.

At age 25 he decided to enter the political arena, and in 2003 he was elected and became the youngest Councilman ever elected in San Antonio's history. He credits his energetic personality, and idealism that led the people of his community to call for reform.

Councilman Haass has distinguished himself during his term by improving the basic infrastructure of District 10. Soon after he entered office he passed bonds that secured monetary assets to parks and schools in the community.

He sees his future in public service, either as an elected official, working with non-profit organizations, or as an educator. He enjoys bringing people together as a community, and debating the issues. Councilman Haass has the ability to motivate others through his vision, and create a consensus.

Mr. Speaker, Councilman Chip Haass has been an inspiring public servant, first as an educator, second as a politician, and lastly as a friend of San Antonio. I am honored to have had this opportunity to recognize his dedication and hard work.

A TRIBUTE TO THE UNITED JEWISH ORGANIZATIONS OF WILLIAMSBURG

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 14, 2005

Mr. TOWNS. Mr. Speaker, I rise today in recognition of a distinguished organization, The United Jewish Organizations of Williamsburg. It is an honor to represent The United Jewish Organizations of Williamsburg in the House of Representatives and it behooves us to pay tribute to such a selfless organization.

Mr. Speaker, The United Jewish Organizations of Williamsburg was founded in 1966 to help families in need in South Williamsburg. Over the course of its 39 years of service to the Brooklyn community The United Jewish Organizations of Williamsburg has thrived marvelously where today it represents more than 50,000 community residents and 148 not-for-profits, religious, educational, charitable organizations and civic associations in the Jewish community of Williamsburg, Clinton Hill and Bedford-Stuyvesant.

Under the tutelage of their President, Rabbi David Niederman, The United Jewish Organizations of Williamsburg has established itself as a direct provider of social and housing services and is the address for urban planning, public health and community development services for the Jewish community of Greater Williamsburg.

The United Jewish Organizations of Williamsburg, has been a leader in providing low-income housing to the Williamsburg community. Their most recent project includes the development of a waterfront property at the site of the former Schaeffer Brewery, which has 149 housing units reserved for low-income people. Additionally, they are the central address for the New York State and New York City Departments of Health and the Center for Disease Control in researching and conducting pilot projects on Cancer and Shigellosis in the culturally rich Hasidic Jewish community. They have also been instrumental in providing treatment to those suffering from the adverse affects of tobacco as well as being involved in collaborative efforts with other not-for-profits in providing for the overall betterment of the Williamsburg community.

Mr. Speaker, I believe that it is incumbent on this body to recognize the achievements of the United Jewish Organizations of Williamsburg. After the destruction and decimation of many Hasidic dynasties in Europe during the Holocaust, it is truly an inspiration to see the Hasidic sects of Satmar, Pupa, Vishnitz, Vien, Tzelem, Skver, Klausenberg and Spinka join together under the umbrella of The United Jewish Organizations of Williamsburg and call Brooklyn their home.

Mr. Speaker, may our country continue to benefit from the civic actions of The United Jewish Organizations of Williamsburg and community groups similar to them.

CONGRATULATING THE UNIVERSITY OF NEW MEXICO'S MEN'S AND WOMEN'S BASKETBALL TEAMS

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 14, 2005

Mrs. WILSON of New Mexico, Mr. Speaker, I rise today to congratulate the University of New Mexico Men's and Women's Basketball Teams on winning the Men's and Women's 2005 Mountain West Conference (MWC) Tournaments. From the Pit in Albuquerque to the Pepsi Center in Denver, these Lobo student-athletes have proudly represented the University of New Mexico.

The Lobo Men's 60–56 victory against Utah in the Mountain West Conference tournament garnered them the Mountain West Conference Championship. Equally impressive, the UNM Women's Basketball team beat Utah 47–37 for its third straight Mountain West Conference tournament victory.

Led by Head Coach Ritchie McKay, the Men's Basketball team secured an NCAA Tournament bid, the first since 1999. With a Conference Championship under their belt, this marks the 11th time the Lobo Men's team secured an NCAA tournament spot. The UNM Men are on a nine game winning streak as they look toward more "W's" in the NCAA tournament.

Now a perfect 3–0 in Conference title games, the Lobo Women, under the tutelage of Head Coach Don Flanagan, secured a bid to the NCAA Tournament. The Women's basketball team has dominated the conference for the past three years and has garnered three consecutive Conference Championships. The Lady Lobos have now won 9 straight Conference Championship games as they prepare for the NCAA tournament.

Mr. Speaker, I wish to commend both the UNM Men's and Women's Basketball Teams, Head Coaches Ritchie McKay and Don Flanagan, the University of New Mexico and all the dedicated Lobo fans for this successful season. I am eagerly anticipating the teams' first round games in the NCAA tournament as they proudly represent the University of New Mexico on the national stage. Go Lobos!

TRIBUTE TO ARKANSAS' 39TH INFANTRY BRIGADE

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 14, 2005

Mr. BERRY. Mr. Speaker, I am honored to rise today on behalf of Congress to thank Arkansas' 39th Infantry Brigade for their service in Iraq and to welcome them home.

Over the last year, the men and women of the 39th have worked to make a positive difference in the lives of the Iraqi people. They have faced their duties bravely, performed honorably and made a difference in the development of an emerging country.

Many years ago, the 39th chose to be represented by a Bowie knife laid over a diamond on their patch. The knife serves both as a tribute to The Bowie State and as a symbol of their aggressive spirit, while the diamond symbolizes the only diamond field in North America located in Arkansas.

There is no doubt the 39th has lived up to the badge it proudly bares. Forceful and strong is why Iraq is better today than it was in April of 2004 when our brave men and women first pulled into Camp Taji. Forceful and strong is how they did their job in the most hostile environment, every day, for a year. Forceful and strong is why their families can wrap their arms around them now and welcome them home.

The efforts of the 39th have resulted in reconstructed Iraqi schools, hospitals, irrigation and sewage systems, and new recreational projects for children. The footprint they left in the Iraqi sand is far deeper than their boot size; and the sacrifice made by too many not coming home will never be forgotten.

We must take a moment, as we celebrate the return of our loved ones, to think of those less fortunate. Those who gave their lives defending strangers to ensure peace have made the noblest of sacrifices. They will be missed by their families and friends and honored by their country. We pray every day for those who loved them and thank them all for what they've left us with.

On behalf of the Congress, I thank all the members of the 39th Infantry Brigade for the immeasurable contributions they have made to peace, democracy and the Iraqi people. Their bravery and courage stand as a shining example of American ability and our debt to them can never fully be repaid.

HONORING THE CONTRIBUTIONS OF SAN ANTONIO CITY COUNCILMAN JULIAN CASTRO

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 14, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize San Antonio City Councilman Julian Castro for his distinguished career in public service, and his deep commitment to the people of San Antonio.

Julian Castro and his twin brother Joaquin were born on September 16, 1974, and grew up on San Antonio's west side. For all but one year of his education, Julian attended San Antonio public schools. Upon his graduation from high school, he moved to the San Francisco Bay Area, where he attended Stanford University. He graduated with a double major in Political Science and Communication in 1996, graduating with honors and distinction.

After college, Julian returned home to San Antonio, and took a position as a permanent substitute teacher at his alma mater, Jefferson High School. He also began his career in public service by working with the City's Special Projects Office on housing and economic development issues.

Julian ran for City Council in 2000, and won a seat representing District 7. He ran on a platform of economic development and revitalization for the city, and committed himself to these projects once in office. He worked to improve the community by cleaning up blighted neighborhoods, and was a leading voice for government ethics reform and public safety.

Julian Castro was 26 at the time of his election to the City Council, making him the youngest elected city councilman in San Antonio history. He is just beginning on a promising career, and I know that he will be a major force for good in Texas politics for many years to come.

Mr. Speaker, I am proud to have the chance to thank him here for the work he has done thus far, and to wish him well as he continues to serve the people of San Antonio.

A TRIBUTE TO ROSA WITSELL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 14, 2005

Mr. TOWNS. Mr. Speaker, I rise in honor of Rosa Witsell who has dedicated her career to her community and enriching the lives of our children.

Rosa grew up in Charleston, South Carolina and is the youngest of four children. She was nurtured in a home environment where there was a strong belief and faith in God. At age 10 she joined the Tabernacle Baptist Church and became a Sunday School Teacher and Secretary, and a member of the Junior Usher Board.

After earning her Bachelor's of Science from Johnson C. Smith University, Rosa moved to Brooklyn, New York where she continued her spiritual growth by joining the Brown Memorial Baptist Church under the Pastorate of the late Dr. Rev. Samuel Austin. She remains active in Brown's Ministries under her current Pastor, Rev. Clinton M. Miller, where she is a member of the Senior Missionary Society, Willing Worker's Club, and the 40/60 Friendship Club.

Rosa began her career path with the New York City Department of Parks and Recreation as a Recreation Director. She spent 12 years nurturing the young minds of 3 and 4 year olds in a distinguished pre-school program and broadening the horizon of 6 and 12 year olds in summer day camp. Rosa was later promoted to Assistant Supervisor of Recreation where she served the Harlem Community and later the East New York Community. She also served as her agency's liaison to Community Board Five, representing the agency at Community Board meetings, Youth Committee meetings, and providing invaluable support and assistance to the Board's staff.

After more than 20 years, Rosa retired from the Department of Parks, but remained in the East New York Community as Center Director of the Starrett-at-Spring Creek Teen Center. In addition to educational and cultural trips, Rosa implemented an annual Mother/Daughter Dinner, Double Dutch and Talent Show competitions, dance classes, and workshops dealing with job skills, AIDS awareness, and proper make-up. After 4 years as Center Director, Rosa resigned and joined the United States Postal Service where she is currently employed as a letter carrier. She enjoys the continued interaction with college students, young families, and seniors. Rosa's customers frequently thank her for her smile and excellent service. In fact, because her customers took the time to send letters of accommodation to the Postmaster, the Postal Service recognized her for outstanding customer service.

Rosa is a former Board member of Brooklyn Neighborhood Improvement Association, and a former Cadet Girl Scout Leader. She is a single mom whose daughter Esteen, and son in-law Derrick are about to make her a first time grandmother in a few short months.

Mr. Speaker, Rosa Witsell has dedicated herself to her professional career, to serving her community and improving the lives of our children. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

MESSIAH EVANGELICAL LUTHERAN CHURCH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 14, 2005

Mr. KILDEE. Mr. Speaker, I ask the House of Representatives to join me in congratulating Messiah Evangelical Lutheran Church on celebrating 125 years of worship, fellowship, and outreach in Bay City, Michigan. On Sunday, October 16, the congregation of Messiah will recognize this milestone during a special service and dinner to be held at the church.

Messiah Evangelical Lutheran Church found its roots in Bay City in 1880, when 50 individuals, immigrants from Sweden, came together and formed one of the most spirit-filled ministries in Bay County. During the past 125 years, Messiah has made a significant impact on the community. The members of Messiah have consistently heeded the call of Christ to assist all those who are in need of spiritual healing The inspiration for living by Christian ideals is repeated again and again in the lives of the staff and laity of the church. In the intervening years, with God's blessing, and through the dedicated efforts of many, pastors and lay people alike, the membership has grown to 600 people, embracing a variety of ethnic backgrounds.

Spiritual growth spurred physical growth, as the building itself had no choice but to expand to accommodate the new congregants. The original small frame building has given way to the present substantial brick building on the same location, now designated as a historic site by the State of Michigan. Although the building has changed, the high purpose of worship and community service remains the same.

I pray that during this glorious milestone the members and community of this magnificent church will come together and do as the Bible tells us in Psalms 33:1–4: "Rejoice in the Lord, O you righteous! For praise from upright is beautiful. Praise the Lord with the harp; make melody to Him with an instrument of ten strings. Sing to Him a new song; play skillfully with a shout of joy. For the word of the Lord is right and all His work is done in truth."

For 125 years, Messiah Evangelical Lutheran Church has been a dynamic force for the public good. At every time of social need or upheaval, the congregation has resoundingly responded by living the Gospel spoken every Sunday in the sanctuary. Mr. Speaker, I ask the House of Representatives to rise with me and applaud the continuity of Christian life that has resonated for more than 12 decades and resonates today through Messiah Evangelical Lutheran Church.

NIAGARA FALLS HIGH SCHOOL BASKETBALL TEAM CHAMPIONSHIP

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 14, 2005

Ms. SLAUGHTER. Mr. Speaker, I rise today to congratulate the Niagara Falls High School Boy's Basketball team on winning the 2005 New York State Public High School Athletic Association Class AA Championship. The Niagara Falls Basketball Team is now ranked 7th in the country. The team won the state championship game by a score of 69 to 58, and just as noteworthy, they won the semifinals by over 50 points.

Every player on the team deserves credit for this victory. While Paul Harris, who won the Most Valuable Player award, should be congratulated, each team member worked very hard to bring home this championship title to Niagara Falls.

I wish to commend Coach Bazzani and his staff and the leadership of the Niagara Falls School District for giving these young men the support and instilling in them their perseverance and winning attitude. I would also like to compliment the other members of this team—the cheerleaders and the Pep Band. The band made up of students including a father, has been at all the games inspiring the team and cheering on the crowd with their antics. They are as worth watching as the team.

Mr. Speaker, I cannot be prouder of the Niagara Falls Boy's Basketball team. Again, I wish to commend Coach Bazzani, the coaching staff, players and the community for this successful championship season.

HONORING THE CONTRIBUTIONS OF SAN ANTONIO COUNCILMAN ENRIQUE M. BARRERA

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 14, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize San Antonio Councilman Enrique M. Barrera for a lifetime of distinguished public service.

Enrique Barrera began his professional career as an educator with the San Felipe School District in Del Rio Texas. His strong passion and dedication to serve the community lead him to move to San Antonio to serve as a counselor, social worker and administrator.

He later worked as an Employee Department Specialist with the United States Office of Personnel Management and then later as a Chief of Civilian Personnel Training at Randolph Air Force Base.

He continued with his professional career at the State Level and served with the Texas Department of Community Affairs, the Texas Department of Commerce and the Texas workforce commission.

In 2001 he decided to make a run for San Antonio City Council, and in May he was elected to District 6. In May 2003, he was reelected to his second term, and has since brought integrity to the seat.

Mr. Speaker, an Antonio Councilman Enrique Barrera is a credit to his community and a tremendous resource to his county, and I am glad I had this opportunity to thank him for his work and dedication.

RECOGNIZING THE CONTRIBUTIONS OF SAN ANTONIO CITY COUNCILWOMAN PATTI RADLE

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 14, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize the contributions of Patti Radle.

Patti Radle has lived a life of enormous service to her community. Since arriving in San Antonio in 1969, Ms. Radle has been at the center of volunteer project after volunteer project, working on issues ranging from urban development to education to civil rights.

For thirty years, she and her husband, Rod, have served as volunteer co-directors of the non-profit group Inner City Development, which provides emergency services for families in crisis, and educational opportunities for children and teens.

She served on the founding board of the first chapter of Habitat for Humanity in the United States, Habitat for Humanity San Antonio. She advanced the cause of civil rights in our state by organizing Martin Luther King memorial marches, and serving on the National Council of the Fellowship of Reconciliation.

She worked for nine years as an elementary school teacher, and helped to make our public schools safer and stronger by founding school conflict resolution programs throughout the San Antonio area.

Mr. Speaker, Patti Radle has enriched our community with her creativity, her energy, and her vision for over 35 years. She continues to work to build a better future for San Antonio as City Councilwoman for San Antonio Council District 5. I am proud to have the opportunity to recognize her here, and to thank her for her many contributions to the community.

RECOGNIZING THE CONTRIBUTIONS OF SAN ANTONIO COUNCILMAN RICHARD PEREZ

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 14, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to acknowledge and congratulate Richard Perez for his commitment to serving his fellow citizens of San Antonio, Texas.

Richard Perez is the representative for San Antonio's City Council 4th District. He was raised by his parents in the exact district that he represents today, so it goes without saying that he is familiar with the area and its needs.

But his life of service to the community does not begin with his current role as a city council member; he has held various positions in city planning in such cities as Laredo and Austin that experienced tremendous city growth during his service. He has also worked at the U.S. Department of Housing and Urban Development as the Special Assistant to the Deputy Secretary for three years, thus giving him a thorough understanding of the federal governments workings in communities like that which he represents now.

In 2001 Councilman Perez returned to his childhood home of San Antonio to assist in managing his families' small business Fairway Landscape and Nursery Inc. It is through this position that he observes the challenges and obstacles facing small businesses of San Antonio.

Mr. Speaker, Councilman Richard Perez understands the concerns of the citizens, small businesses and everything else that is the great city of San Antonio. It is because of this connection with the populace and his long standing record of public service that I am proud to let the people know of the commitment of Richard Perez to the community.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 15, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 16

9:15 a.m.
Environment and Public Works
Business meeting to consider The Reliable Fuels Act, and The Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005.
SD–406

9:30 a.m.
Armed Services
Airland Subcommittee
To hold hearings to examine Air Force Acquisition Oversight in review of the Defense Authorization Request for fiscal year 2006.
SR–232A

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2006 for the Department of Health and Human Services.
SD–138

10 a.m.
Finance
To hold hearings to examine expiring tax provisions.
SD–628

11:30 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

2 p.m.
Appropriations
Military Construction Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2006 for the Army and Air Force.
SD–138

2:30 p.m.
Foreign Relations
To hold hearings to examine the lifting of the European Union arms embargo on China.
SD–419

Intelligence
To hold a closed briefing on intelligence matters.
SH–219

3 p.m.
Judiciary
Constitution, Civil Rights and Property Rights Subcommittee
To hold hearings to examine obscenity prosecution and the constitution.
SD–226

Armed Services
Strategic Forces Subcommittee
To hold hearings to examine national security space policy and programs in review of the Defense Authorization request for fiscal year 2006.
SR–232A

4:30 p.m.
Armed Services
To receive a closed briefing regarding Improvised Explosive Devices (IED), focusing on the evolving IED threat and the Department of Defense's approach to addressing this issue.
SR–222

MARCH 17

9:30 a.m.
Armed Services
To hold hearings to examine current and future worldwide threats to the national security of the United States; to be followed by a closed hearing in SH–219.
SD–106

Health, Education, Labor, and Pensions
To hold hearings to examine the nomination of Lester M. Crawford, of Maryland, to be Commissioner of Food and Drugs, Department of Health and Human Services.
SD–430

Judiciary
Business meeting to consider pending calendar business.
SD–226

10 a.m.
Commerce, Science, and Transportation
Oceans, Fisheries and Coast Guard Subcommittee
To hold hearings to examine the President's proposed budget request for fiscal year 2006 for the Coast Guard Operational Readiness/Mission Balance.
SR–253

Veterans' Affairs
To hold hearings to examine the report entitled, "Back from the Battlefield: Are we providing the proper care for America's Wounded Warriors?".
SR–418

11 a.m.
Banking, Housing, and Urban Affairs
Business meeting to markup The Federal Public Transportation Act of 2005.
SD–538

3 p.m.
Armed Services
SeaPower Subcommittee
To hold hearings to examine posture of the U.S. Transportation Command in review of the Defense Authorization request for fiscal year 2006.
SR–232A

APRIL 14

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentations of the Military Officers Association of America, the National Association of State Director of Veterans Affairs, AMVETS, the American Ex-Prisoners of War, and Vietnam Veterans of America.
345 CHOB

APRIL 21

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentations of the Fleet Reserve Association, the Air Force Sergeants Association, the Retired Enlisted Association, and the Gold Star Wives of America.
345 CHOB

SEPTEMBER 20

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the American Legion.
345 CHOB

CANCELLATIONS

MARCH 16

3:30 p.m.
Foreign Relations
To hold hearings to examine the nomination of Howard J. Krongard, of New Jersey, to be Inspector General, Department of State.
SD–419

POSTPONEMENTS

11 a.m.
Homeland Security and Governmental Affairs
Business meeting to consider S. 21, to provide for homeland security grant coordination and simplification, S. 335, to reauthorize the Congressional Award Act, S. 494, to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure

protections, provide certain authority for the Special Counsel, S. 501, to provide a site for the National Women's History Museum in the District of Columbia, report of the permanent subcommittee on investigation, titled, "The Role of the Professional Firms in the U.S. Tax Shelter Industry", and the nomination of Harold Damelin, of Virginia, to be Inspector General, Department of the Treasury.

SD-342

HOUSE OF REPRESENTATIVES—*Tuesday, March 15, 2005*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. PORTER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 15, 2005.

I hereby appoint the Honorable JON C. PORTER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 25 minutes, and each Member other than the majority and the minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 9:50 a.m.

The Chair recognizes the gentleman from Missouri (Mr. SKELTON) for 5 minutes.

HOUSE DEMOCRATS SPEAK OUT ON NATIONAL SECURITY

Mr. SKELTON. Mr. Speaker, I rise this morning, along with my colleague, the gentleman from Ohio (Mr. RYAN), to talk about how House Democrats feel about national security. It may seem obvious to say we Democrats support our troops and support a strong national defense, but I want to offer today a more detailed explanation of where we stand and why.

These are challenging and difficult times for our country. We are engaged in a global war against terrorism, we have military forces deployed around the world, and we are involved in two shooting wars in Iraq and in Afghanistan. These deployments and these conflicts are putting a terrible strain on our military, on our troops, on our equipment, on our military families, on our defense budget, and on our national economy.

I believe we will overcome these challenges because we have the greatest treasure in the world, our service men and women, who are selflessly serving around the globe on behalf of this great Nation. They are the key to the war on terrorism, more than any doctrine or system. Their effort and sacrifice will make ultimate victory for us in the war on terror, and in Iraq and Afghanistan, possible.

Unfortunately, the two most people-intensive services, the Army and the Marine Corps, are last in line for funding from the Defense Department. For example, the fiscal year 2006 budget request for the Army, not counting money that may be added in the supplemental, actually declined by some $300 million relative to last year's level.

Mr. Speaker, it is incredible to think that this administration would actually reduce funding for the Army, the service with the most people and the most equipment in Iraq and Afghanistan, in a time of war. Even if the amount for the Army is ultimately increased because of supplemental appropriations, what kind of signal does this send our troops, who are literally putting their lives on the line, when the administration asks for fewer funds for their service? Our servicemen and women deserve better.

I know I speak for all House Democrats in saying we support our troops, but what is more important for everyone to understand is that supporting the troops is more than just a bumper sticker. It means giving them the best possible leadership, the finest training, and up-to-date and working equipment, protective armor body, and vehicle armor. We in Congress have a duty to ensure that they have all the tools they need to succeed on the battlefield.

We also have a duty to provide for their families while they are deployed in service to our great Nation. We have a duty to take care of the families of those who are killed and those who are wounded.

Mr. Speaker, we also have a duty to our citizen soldiers, members of the National Guard, members of the Reserve, who also make such extraordinary sacrifices. They not only serve our country beside their active-duty counterparts, but they also do so at considerable sacrifice back home. Because they have jobs in their communities, oftentimes they give up these jobs and ask someone else to pick up the slack created by their absence. Moreover, while they are deployed, their families are entitled to benefits, but it is often hard for families to use these benefits because so many of them do not live close to military facilities.

Finally, Mr. Speaker, we Democrats believe we have an obligation to our Veterans, whether it is allowing them to receive full retired pay in addition to VA disability compensation, allowing their survivors to receive both Social Security and Survivor Benefit Plan benefits, or allowing their survivors to receive Dependency and Indemnity Compensation in addition to VA benefits. We have an obligation to make sure they know that America appreciates their patriotism and is willing to recognize their sacrifices.

America should know that Democrats unanimously take these responsibilities very, very seriously. The supplemental appropriation bill, which we will pass later this week, will have overwhelming bipartisan support. That is evidence of the commitment that we on this side of the aisle have in supporting our troops. But I want to be clear. While Democrats support a strong military and support using our military when necessary, we do not support squandering it.

My concern, Mr. Speaker, is that we are starting to see visible signs of strain in our military. I do not want to see it break. My colleague, the gentleman from Ohio (Mr. RYAN), will speak to these issues momentarily.

The bottom line, Mr. Speaker, is that all Members should support our men and women in uniform, we should not deploy them wantonly, and we should give them the compensation, recognition, and tools they, as well as their families, need and deserve. I know I speak for all Democrats in saying we honor their service.

HOUSE DEMOCRATS SUPPORT OUR TROOPS

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Ohio (Mr. RYAN) is recognized during morning hour debates for 5 minutes.

Mr. RYAN of Ohio. Mr. Speaker, I would like to start off by thanking the gentleman from Missouri (Mr. SKELTON), our leader on the House Committee on Armed Services, for his very thoughtful remarks.

I too rise this morning, Mr. Speaker, to talk about how House Democrats feel about our national security. My colleague, the gentleman from Missouri (Mr. SKELTON), talked about how Democrats are unanimous in supporting our men and women in uniform. I wholeheartedly agree with that. The gentleman from Missouri also

---

made the point that we are perilously close to breaking the force, and I agree with that observation too, and that is what I would like to focus on here this morning.

Extended global deployment is straining our forces. Fifteen hundred American troops have been killed in Iraq so far, despite the President's claim a year ago that our mission was accomplished. The implications of these decisions and these remarks is that our recruiting is suffering. The Marine Corps missed its recruiting goal for January. The Army missed its goal for January and February. Items not funded in the Marine Corps request include $13.9 million for recruiting.

It also goes without saying that the war in Iraq and Afghanistan is using up our equipment at an accelerated rate. Current projections are that it would take the Army at least 2 years to recapitalize its current equipment. Unfunded requirements include: In the Army, $443 million for small arms; $544 million for the Stryker armored vehicle. The Marine Corps list includes $145 million for ammunition; $104 million for light armored vehicles.

Mr. Speaker, these are the very things that our troops need most in Iraq and Afghanistan, yet they have been relegated to the Services' unfunded priority list.

The Air Force, Mr. Speaker, is projecting a $3 billion deficit in its operations and maintenance budget for fiscal year 2006. Navy leaders directed their regional commands to absorb a $300 million reduction in base operating funds as a result of the war costs. The Army's shortfall in base operating support is projected to be $1.2 billion.

Mr. Speaker, forcing the military services to absorb costs of this magnitude is important for several reasons. The budget request for our military services is not adequate for war and general operation. We are about to pass a 2005 supplemental and we will need a 2006 supplemental.

Democrats believe the administration should be honest with the American people about the real cost of the war. Is the administration doing everything it can to address equipment shortages, personal protective gear and the armored vehicles for the troops? Figures in this budget suggest that the Department of Defense may be robbing Peter to pay Paul.

Does the administration have a plan for success in Iraq and to pay the costs of this war? Repeated supplementals is no way to go about doing this country's business. We would not have to make such difficult decisions with regard to our troops' safety if Republicans had not insisted on tax cuts for the wealthiest Americans.

Administration witnesses have not been able to tell us what the benchmarks for success are in Iraq. They do not know when Iraqis can protect themselves. They cannot describe how they intend to integrate the Sunni, Shia, and Kurd factions into those security forces. They cannot describe the new government's plan to ensure inclusion of these groups into the body politic. They cannot tell us when essential services will be fully restored. They cannot tell us how much Iraqi oil revenue is helping to pay the cost of providing security in Iraq, which was promised to us before we went into this war. It has been 2 years since we invaded Iraq, and we should, by now, have a strategy for success.

House Democrats support our troops. We work to ensure they have the equipment and training and to ensure that they succeed in Iraq and Afghanistan. We support taking care of their families here in the States while they are deployed. We cannot do that in a smart, cost effective way that protects the taxpayers without a plan for success in Iraq and honest budgeting for the military departments here at home.

We also need to mention the veterans. The pending budget resolution proposes $798 million in cuts to mandatory programs. It is unconscionable. I say to my colleague from Missouri, that we are going to have all these troops coming back to the United States and not have the veterans benefits that they need, deserve, and that they have earned.

NATIONAL BIKE SUMMIT

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, we come to the well of the House often to speak of weighty and contentious issues. This morning, I speak on an important but a lighter note, because this week we have hundreds of cyclists from all over America who are coming to Capitol Hill as part of the National Bicycle Summit.

Fifty-seven million Americans ride bicycles every year. Thirty-three million rode bikes in the last month. And on a daily basis there are approximately one-half million bicycle commuters.

The bicycle industry is an important part of our economy. There are over 6,000 bicycle shops, 2,000 companies that deal with bicycle manufacturing, and tens of thousands of employees. There is a large and emerging industry of bicycle tourism. Yet there is a significant area of difficulty that the cyclists will bring to Capitol Hill pleading their case. Half the Americans are not satisfied with their cycling environment. And although cycling makes up about 7 percent of the total trips, it represents a disproportionate number of the fatalities, and it receives less than 1 percent of Federal funding.

There are significant areas where bicycling could make a difference, not just in terms of transportation. We find in the area of increasing focus on our health habits a growing concern about obesity. Public health officials agree that everyone should have 30 minutes of physical activity every day, and children need an additional 20 minutes, at a minimum, of vigorous activity several times a week, yet 78 percent of our children fall short of this goal.

Well, those of us in Congress can give some good news to the bicycle advocates we will be meeting with. The near unanimous passage of the transportation legislation last year continues the legacy of transportation funding in enhancing the community infrastructure. We have seen, under the ISTEA and the most recent legislation, the overall funding raised from less than $5 million a year in 1988 to over $423 million in 2003.

There is an opportunity to enhance the cycling environment with the important Safe Routes to School program that will be able to fund and plan routes that allow our children to be able to walk and bike safely to school. There are other opportunities that we might talk to our friends about. I have introduced, with my colleague, the gentleman from Florida (Mr. FOLEY), the Bicycle Commuter Act to extend transportation commuter benefits for those who bike to work. There is the Conserve by Bike program, wherein the gentleman from Minnesota (Mr. OBERSTAR) is seeking to explore additional ways to understand and communicate the energy savings associated with promoting bicycling.

Yes, Mr. Speaker, our friends from around the country will be joining us this week for the Bicycle Summit. I would urge my colleagues who are not part of the over 160 members of the Congressional Bike Caucus to join this week, to get their official Bike Caucus membership pen, and to join us for a ride at 2 p.m. on Friday with the members of the Bike Caucus and the Bicycle Summit around Washington, D.C..

Mr. Speaker, this is an opportunity for us to do something in a very "bike-partisan" way that will make America healthier, make our families safer, and enhance economic security while we do something that enriches the life of us all.

THE NATION'S FISCAL CRISIS

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from California (Mr. CARDOZA) is recognized during morning hour debates for 5 minutes.

Mr. CARDOZA. Mr. Speaker, I rise today to recognize our Nation's fiscal crisis and budgeting process that, frankly, defies logic.

As we consider the budget this week, let us keep a few facts in mind:

First, our Nation's debt is out of control. We are expected to run a $427 billion deficit in 2005, with more deficits projected well into the future. This is $600 billion if you count what is being stolen from Social Security trust funds.

Second, we do not even have a firm grip on where our money is going. For example, at the Department of Defense, only 6 of 63 departments are able to produce a clean audit. That is less than 10 percent.

Third, the Bush budget omits so many major expenses that the budget is virtually a sham. The administration has essentially cooked the books using Enron-style accounting.

So here we are trying to pass a budget that hides half our problems. Already we know that foreign holdings in the United States, as far as United States debt, are on the rise and that the trade deficit is totally out of control.

Mr. Speaker, I hope this Congress will wake up and restore fiscal responsibility. The Blue Dog Coalition's 12-step reform plan is a good place to start. It requires a balanced budget, stops Congress from buying on credit, and puts a lid on spending. The time to stop digging is now.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m.

Accordingly (at 9 o'clock and 17 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MILLER of Florida) at 10 a.m.

PRAYER

The Most Reverend Edward J. Slattery, Bishop, Diocese of Tulsa, Oklahoma, offered the following prayer:

O God, Creator of us all, in Your love You have invited us to address You as Father; and therefore, Father, we call upon You and ask You to bless the members of our Nation's House of Representatives.

Bestow upon our elected officials full gifts of wisdom and insight, courage and perseverance; that their capacity to know the truth might be deepened and their desire to choose the good strengthened.

Turn their hearts to You, Father, and move them each day to pray for Your guidance, that they might lead our Nation in peace, preserve our cities in harmony, and guard our people and their liberties.

Grant them so to love justice and fairness that the laws they enact this session might promote tolerance and equality, bring dignity and respect to the poor, and a message of hope and healing to Your world.

Hear us, Father, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. HENSARLING) come forward and lead the House in the Pledge of Allegiance.

Mr. HENSARLING led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING THE MOST REVEREND EDWARD J. SLATTERY, BISHOP OF TULSA

(Mr. SULLIVAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SULLIVAN. Mr. Speaker, it is my honor to introduce our guest chaplain who so thoughtfully and graciously led us in prayer this morning.

The Most Reverend Edward J. Slattery serves as the third Bishop of the Diocese of Tulsa. Bishop Slattery was ordained a priest on April 26, 1966 for the Archdiocese of Chicago by the late John Cardinal Cody.

During his time in Chicago, Bishop Slattery served as Pastor of St. Rose of Lima Parish. This was an inner-city Hispanic parish on the south side of Chicago.

Additionally, Bishop Slattery served as President of the Catholic Church Extension Society, a funding agency for the American home missions.

In late 1993, Pope John Paul II notified then-Father Slattery that he had decided to name him Bishop. On January 6, 1994 the Holy Father ordained 13 men as bishops. Among the 13 men was one American, Edward J. Slattery.

A week later, Bishop Slattery was installed as the third Bishop of the Diocese of Tulsa at Holy Family Cathedral.

By the grace of God he continues to serve over 80 parishes in 21 counties, as a shepherd for the People of God in eastern Oklahoma. It is an honor to have Bishop Slattery as our guest chaplain and I know my colleagues join me in welcoming and thanking Bishop Slattery for being with us here today.

SEEDS OF PEACE

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, I want to commend the administration for their strong stand in bringing peace to the Middle East and to all regions in the world.

Several weeks ago I displayed an editorial drawing showing where the seeds of peace had been planted thanks to our work in Afghanistan and in Iraq. Syria is withdrawing from Lebanon. Iraqi citizens have voted in its first democratically held election. India and Pakistan are cooperating over Kashmir. The Israelis and the Palestinians are making strides towards settlement of their long-standing disputes. Libya has surrendered its nuclear arms. And now as we turn our sights on Iran and North Korea, we urge them to join other nations in surrendering these dangerous weapons.

Only through this administration have these strides and gains been made possible. Only through the firmness of this presidency have we finally stood up to terrorists worldwide and said enough is enough.

Finally, leaders of the Muslim community have stood up and rebelled against Osama bin Laden, commemorating the one-year Spanish train bombing.

Finally, people are starting to recognize freedom and peace do have a cause, they do have a price. The cost is loss of life of American personnel. But if peace comes to the world, those sacrifices would have been worth it.

STOP FUNDING A CROOKED WAR

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, another $82 billion for Iraq? Some will say this is to support the troops. If the administration cared about our troops, our troops would not have been begging for body armor and armor-plated vehicles.

Some will say we must rebuild Iraq. Yet $9 billion in funds that would have helped rebuild Iraq are missing, unaccounted for. Some will say we must not cut and run, but they have no exit strategy and permanent bases are being built in Iraq.

Some will say our cause is right, holy, and we are bringing peace and freedom to Iraq. I say the war was wrong, unholy, and the administration has brought death, destruction, chaos, and disruption to Iraq.

The Bible says "that which is crooked cannot be made straight." This war is crooked. It cannot be made straight.

Not another dime for this war and for all those who have profited from it. Not another dime. Vote no on the supplemental appropriations.

HONORING VICTIMS OF ATLANTA COURTHOUSE SHOOTINGS

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today to honor the memory of several Georgia residents who were shot and killed last week while doing their jobs at the Fulton County Courthouse in Atlanta.

Friday afternoon a gunman opened fire on the courtroom killing Superior Court Judge Rowland Barnes, Deputy Sergeant Hoyt Teasley, and Court Reporter Julie Ann Brandau. In his attempts to escape police capture, Mr. Nichols also shot and killed Federal Agent David Wilhelm.

The loss of these citizens is felt throughout the Atlanta community. While I am relieved the shooter has finally been captured, his actions leave me deeply saddened and angry.

There is no silver lining in a horrific event like this, but I hope these shootings will encourage other communities in Georgia and across this country to take a long hard look at the security measures in their own public buildings. By ensuring the safety of our public workers, we can help prevent terrible tragedies like this from ever happening again.

Mr. Speaker, I ask that you join me in mourning the deaths of these Atlanta citizens.

DO NOT SQUANDER SOCIAL SECURITY

(Mr. HENSARLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HENSARLING. Mr. Speaker, we all know that Social Security faces challenges. Fortunately there is no need to change Social Security for current and near-retirees like my parents. They can and should be able to count on 100 percent of the benefits they have earned. But due to longer life spans and fewer workers supporting each retiree, serious problems are on the horizon for future generations like my children.

Social Security faces an unfunded liability of almost $11 trillion. Unless we act today younger workers are going to face either a benefit cut of almost one-third or a 43 percent tax increase by the time they retire. This is unacceptable.

Washington is part of the problem. The Social Security Trust Fund has been raided 59 different times. Benefits have been cut half a dozen times. Payroll taxes have been raised more than 20 times. Clearly the riskiest plan for Social Security is leaving retirees' money in Washington for government to squander.

SOCIAL SECURITY PRIVATIZATION

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Mr. Speaker, at a hearing last week the GAO Comptroller General David Walker, a former Social Security trustee, said Social Security privatization would "exacerbate the solvency problem."

It would exacerbate the problem by eliminating the Social Security Trust Fund surplus and fail to increase the Nation's savings rate.

In today's economy families are taking on more and more risk. They face uncertain jobs, the loss of health care, jittery financial markets, rising costs of college education. Their retirements are less secure than ever.

Folks like the security that comes with Social Security. This debate is about choosing between privatization and the dismantling of Social Security as we know it or strengthening the guaranteed benefit that comes with Social Security. Rather than dismantling one of the most effective retirement programs in American history, we should be working together to strengthen Social 'Security for future generations.

In these uncertain times we should be helping American families, not exacerbating the risks that come with retirement. Privatization is simply the wrong direction.

OUR MOST IMPORTANT BUDGET PRIORITY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, under the leadership of President George W. Bush, the men and women of our armed forces are winning the war on terrorism. By dedicating their lives to fighting for the American people and stabilizing emerging democracies, our soldiers are protecting our country and defeating the goals of the terrorists. I am grateful for their service.

The President has submitted a supplemental budget request that will dramatically increase funding for body armor, hardened vehicles, and technology to protect our troops in the field. The supplemental also increases the maximum service member group life insurance benefits and the one-time death gratuity for combat fatalities. I strongly support the President's request.

Providing for our troops is the most important budget priority. Congress must deliver the necessary equipment and funding to our troops to ensure they remain safe and successful in their mission. Our family appreciates firsthand Iraq service with our son, Captain Alan Wilson of the South Carolina Army National Guard.

In conclusion, may God bless our troops, and we will never forget September 11.

DROUGHT RELIEF

(Mr. LARSEN of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LARSEN of Washington. Mr. Speaker, today I rise to bring attention to what can potentially be the worst drought season the State of Washington has experienced in nearly 3 decades.

In my district and throughout the State precipitation levels are hovering at or near record lows. Mountain snow pack levels are at 26 percent of normal averages. Many rivers and streams are flowing at levels well below normal for this time of the year. Unfortunately, it looks as though the worst is yet to come as the National Weather Service has predicted that dry, warm weather will continue through the spring.

If these conditions persist as predicted, the drought will have a devastating impact on our State's agriculture, fishing, and recreation industries and will increase the potential of destructive forest fires this spring and summer.

I would like to commend Washington State's Governor Christine Gregoire for her leadership and foresight in declaring a statewide drought emergency and forming a Drought Emergency Command Center. This emergency declaration will allow the State Department of Ecology to provide assistance and relief, including the issuance of emergency water permits and the temporary transfer of water rights.

The Emergency Command Center will be able to work with State and local agencies to ensure that resources are reaching the areas that need assistance the most. Governor Gregoire has set an example of proactive leadership. I look forward to working with her and my fellow members of the Washington State delegation to help the people of our State through this difficult time.

☐ 1015

FLIER FROM TERRISFIGHT.ORG

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I want to read from a flier from the Web site terrisfight.org:

"Terri Schiavo is sentenced to die of starvation by the Florida courts, however:

"Terri responds to verbal, auditory and digital stimuli.

"Terri breaths normally on her own.

"Terri smiles, tries to talk to her family and friends and will move her limbs on command.

"Terri is not in a coma. She is reactive and has sleeping and wakeful periods.

"Terri is not a burden. Her parents, brother and sister have offered to care for her in a safe environment and she has a fund so is not a burden to anyone, taxpayers included.

"Terri's condition can improve with proper treatment.

"Don't let the Florida courts starve this innocent woman to death. Terri's time is running out."

Congress can and must act this week. We cannot allow the execution of this disabled young woman.

SECURE AMERICA'S COURTHOUSE ACT OF 2005

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, this young woman's story, Ashley Smith, speaks of courage and valor and common sense, that she was able to direct authorities to a courthouse alleged killer, but I believe that her story speaks to an ill that is occurring throughout America, and that is the lack of security in the Nation's courthouses.

I realize that most who come into the courthouses come for justice, whether they are prosecutor or defendant, whether they are plaintiff or defendant; but in America's courthouses, there are challenges and difficulties, the killing of a judge's family in Illinois, the courthouse terror that occurred in Atlanta, Georgia, and the numerous, yet unannounced, threats against courthouse personnel throughout America.

Law enforcement officers who participate in the security of those courthouses are working very hard, but I believe the plight of courthouses and justice in America cries out for congressional response, congressional hearings and congressional legislation.

So I intend to introduce the Secure America's Courthouse Act of 2005 that will bring America's attention to its courthouses both in terms of resources, in terms of equipment and personnel and the protection of the Nation's judges. I ask my colleagues to join me in the Secure America's Courthouse Act of 2005.

WASTE, FRAUD, AND ABUSE

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Georgia. Mr. Speaker, America's checkbook is being used and abused every minute of every day, and this is more than annoying to taxpayers. It is an insult.

The problems with financial management in the bureaucracy here in Washington cost hardworking taxpayers billions of dollars. Too often, money that comes to Washington never gets back home because it is eaten away by waste, fraud, and abuse.

When the Federal Government cannot account for over $17 billion it spent in 2001, things need to change.

When the Department of Agriculture recently was unable to account for $5 billion in receipts and expenditures, things need to change.

When the U.S. General Accounting Office will not certify the Federal Government's own accounting books because the bookkeeping is so bad, things definitely need to change.

Mr. Speaker, there are countless stories about how the government has not correctly paid on everything from Medicare to food stamps, and that is just the tip of the iceberg.

As we discuss ways to reduce spending and to increase savings, let us get serious about waste, fraud, and abuse.

It is important to remember that our government of the people, for the people is paid for by the people. It is time to stop wasting the people's money.

ASSOCIATION HEALTH PLANS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, let us talk about association health plans. Over 60 percent of America's uninsured are small business owners and their families or the employees who work in a small business.

Now, if you are one of the many small business owners struggling to provide health insurance for yourself, your family and your employees, I need your help encouraging Congress to pass important legislation that would make health insurance more affordable for small business.

My legislation allowing the creation of association health plans would allow small business owners to band together across State lines to purchase health insurance as a group.

This week the House Committee on Education and the Workforce will vote on the Small Business Health Fairness Act of 2005; and on behalf of the 43 million Americans who want, need, and deserve access to affordable health insurance, I encourage the House to pass this soon.

Association health plans are the answer. Let us get behind them.

WELCOMING HOME HERNANDO COUNTY NATIONAL GUARD

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to share some good news about what happened in my district this past weekend.

A gentleman by the name of Fred Glass organized a welcome home to Hernando County's National Guard unit. I was there, State elected officials were there, and local commissioners and locally elected folks were there; but most important, the citizens, family members, and businesses were there to sponsor and to welcome home the National Guard unit that was deployed for a year.

Our National Guard unit served in Iraq and Afghanistan and served with a great deal of dignity. The story was told about how at Christmastime the National Guard unit organized an ability to raise money and to give gifts to the children in Iraq and Afghanistan. Truly, this Member of Congress is very proud of the National Guard unit.

They presented me with a flag that was flown during one of their missions. It is a helicopter unit, and let me tell my colleagues that the pride that they had in their duty as National Guard members certainly was very evident.

PROVIDING FOR CONSIDERATION OF H.R. 1268, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF, 2005

Mr. COLE of Oklahoma. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 151 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 151

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1268) making emergency supplemental appropriations for the fiscal year ending September 30, 2005, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived, except for Sections 1113 and 1114. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the

House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. In the engrossment of H.R. 1268, the Clerk shall—

(a) add the text of H.R. 418, as passed by the House, as new matter at the end of H.R. 1268;

(b) conform the title of H.R. 1268 to reflect the addition to the engrossment of H.R. 418;

(c) assign appropriate designations to provisions within the engrossment; and

(d) conform provisions for short titles within the engrossment.

The SPEAKER pro tempore (Mr. MILLER of Florida). The gentleman from Oklahoma (Mr. COLE) is recognized for 1 hour.

GENERAL LEAVE

Mr. COLE of Oklahoma. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 151.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. COLE of Oklahoma. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, on March 14, the Committee on Rules met and granted an open rule on House Resolution 151, with 1 hour of debate equally divided between the chairman and ranking minority member of the Committee on Appropriations. This rule accords priority of recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD and provides one motion to recommit, with or without instructions.

Additionally, this rule attaches the text of H.R. 418, as passed, to the base text of the bill. H.R. 418 previously passed the House by a bipartisan vote of 261 to 161 on February 10 of this year.

Mr. Speaker, I am proud today to be able to manage this rule. This rule provides for an emergency supplemental funding package to sustain our troops in the ongoing war on terror. Most of these funds are directed towards operations in Iraq. Just last week, I returned from Iraq where I personally received numerous briefings regarding our readiness and our operational capabilities. I heard from our commanders, military personnel, and diplomats on the ground in Iraq. My colleagues and I also had the opportunity to meet with senior and provincial Iraqi political leaders.

Their collective message was clear, compelling, and optimistic. First, things are getting better. Second, our soldiers, Marines, sailors, and airmen believe in their mission. Third, continued congressional support, both moral and financial, is absolutely essential to bring our operations to a successful conclusion. The bulk of H.R. 1268 moves us closer to that objective.

This supplemental appropriations package is the fifth supplemental since September 11 that focuses on meeting the challenges imposed on us by the ongoing global war on terrorism.

Specifically, this supplemental provides for the replenishing of those accounts that the military has exhausted during sustained operations in Iraq, Afghanistan, and other areas of the world. Additionally, it provides important funding to assist in our efforts to address the disastrous results of the recent tsunami in South Asia and the Indian Ocean. Finally, there are important measures dedicated to improving the benefits due to our soldiers and meeting the diplomatic costs that our efforts have necessitated.

Important obligations are met in this legislation. Specifically, this bill provides saving $76.8 billion for total defense expenditures, a full $1.8 billion over the President's request, funding other important military shortfalls identified by committees of the Congress. The vast majority of these dollars will directly support our servicemen in the area of operations. These include purchases such as an additional 47,000 sets of body armor, 1,700 new armored Humvees and $408 million to harden the facilities that protect our servicemen from indirect fire.

Mr. Speaker, the Committee on Appropriations also addressed several other issues inside the supplemental that are essential to successfully prosecuting our global war on terror. Among them are the inclusion of Army modularity reform and the construction of a new American embassy in Baghdad.

Specifically, with respect to Army modularity, the committee took some important steps to ensure that our troops who will deploy in the near future are able to leverage more combat power from their current formations by adding a brigade at the division level. This ultimately supports the Army's attempt to transform the service to make it lighter, faster, more efficient and to reorient itself to its core competencies. Put simply, Army modularity, the movement to new brigade formations, will put more soldiers in the fight and allow us to use our combat personnel much more efficiently.

With respect to the embassy in Baghdad, the committee took a close look at the State Department's request and reduced it by 10 percent. Mr. Speaker, with respect to the embassy, I am aware that many Members have concerns about its high cost. However, let me be clear about the need for this extraordinary expenditure.

Having visited the Baghdad embassy twice before, it is clear to me that a new facility is required. This is not an optional item. The United States should not occupy one of Saddam Hussein's palaces indefinitely, for to do so only reinforces the impression in parts of the Arab world that the United States is an occupying power.

More importantly, Iraq is a very dangerous diplomatic post. Indeed, it is so dangerous that essentially every State Department employee based in Baghdad is a volunteer. Like our soldiers, these brave career civil servants need and deserve the best security we can provide them while they perform their vital functions. A new, secure embassy is indispensable to achieving this objective.

Mr. Speaker, H.R. 1268 takes a number of important steps forward in addressing the needs of our military. Today, we are likely to debate several amendments that would have a gutting effect on this underlying legislation. I would strongly urge Members to closely examine such amendments and reject them.

☐ 1030

Our debate today is not over the war. The President and the Congress have already made that decision. Our focus should be to give our forces the resources they need to successfully complete their dangerous and challenging mission.

The bill we have before us today is an excellent and timely piece of legislation with strong bipartisan input and support. Therefore, I urge the support for the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is the third major supplemental appropriations bill Congress has considered for Iraq and Afghanistan. A war and reconstruction that the administration told us could be completely financed by Iraqi oil revenues has cost the American taxpayer a staggering $275 billion, and the end is nowhere in sight. As the price of this war continues to climb, we can no longer afford to ignore the equally expansive "accountability" gap that has developed in the White House.

Harry Truman was famous for saying the buck stops here. After all, he was the President, and to him that meant he had to take responsibility for his government. He was accountable to the people he served.

But time and again our current President has demonstrated his unwillingness to be held accountable for any decision, or commitment or blunder of his administration. And what is particularly disappointing is the willingness of the Republican leadership to assist the administration in its need to avoid accountability.

Let me give an example. The gentleman from Massachusetts (Mr. TIERNEY) came before the Committee on Rules last night, offered an amendment which would have established a select committee to follow up on a very disturbing report just released from the Inspector General's Office. The report indicates that $9 billion spent on Iraqi reconstruction is unaccounted for and no one knows where it is.

In one case, the Inspector General raised the possibility that thousands of ghost employees were on one unnamed ministry's payroll. In another case, a firm was allegedly paid $15 million to provide security during civilian flights into Baghdad even though no planes flew during the term of the contract. In another case, a Pentagon contract for the development of bulletproof armor was given to a "former Army researcher who had never mass-produced anything," and according to the New York Times, the researcher tried for a year to meet the order and finally was forced to give up completely.

These types of incidents squander precious resources, waste time we often do not have, and place American's lives at risk.

Mr. Speaker, we heard of another report just this morning that Halliburton has overcharged us, according to the Pentagon, by $100 million.

The Tierney amendment would have established a House select committee to further investigate the allegations, much like the successful Truman Committee was established during the Second World War. The Committee on Rules Democrats tried to get the amendment made in order because we expect accountability from our government, but we were voted down on a party-line vote. Why?

No one can reasonably suggest that this body does not have time to get to the bottom of these unresolved issues. After all, we spend on average only 2 days a week in this Chamber, and half the time we do spend here we are renaming Post Offices and honoring foreign dignitaries, and a few athletic endeavors.

If we have enough time for that, we certainly have enough time to track down $9 billion that the administration seems to have misplaced. We have the time and energy to address rampant corruption in the way our contracts in Iraq are being administered. Certainly we have the will to infuse some accountability into the process, but apparently the leadership does not have the time or the will and truly demonstrates the hypocrisy of those in the majority who say they are for saving taxpayer money, except when it is being wasted by their administration. But it raises a more important question, and that is if we in this body will not hold the White House accountable for losing $9 billion, then who will? If it is not our job in this Chamber, then whose is it?

There is another disturbing aspect to the lack of accountability in Iraq contracting. The administration was supposed to issue two reports detailing spending on both military operations and reconstruction activities in Iraq. That was done by law, one of the reports due on October 31, 2004, the other due January 1, 2005. Neither report has ever been delivered to the Congress.

Mr. Speaker, the Department of Defense has a legal obligation to provide the reports to Congress and they are breaking the law by not providing them. The majority in this body is breaking its bond of trust with the American people by not demanding these reports, and with them a measure of accountability for their administration.

The American people expect the leadership of this Congress to be more than a rubber stamp for an administration that has shown itself to be secretive and dishonest time and time again. We have a responsibility to our fellow Americans, to our Constitution, to ensure that all branches of the government are held accountable to the American people.

And speaking of accountability, this supplemental increases the military death gratuity from $12,000 to $100,000 and subsidized life insurance benefits from $250,000 to $400,000 for families of soldiers who died or were killed on active duty from October 7, 2001.

This is critical language which does two important things for our fighting men and women: Expands their life insurance and increases their death benefits. But what happened, these benefits, which will be legislating on an appropriation bill, require protection from the Committee on Rules against a point of order on the floor of the House. Sadly, the leadership refused to grant that protection in this rule, and those two measures are left open to a point of order.

Therefore, any single Member of this body can stand up and knock out those provisions without any debate, without any vote, without any opportunity for dissent. This was no accident. Clearly the rule was written this way by design because we had to wait to get the rule after they completed those negotiations.

And why are the benefits of our fighting men and women not worthy of protection? The sad truth is these men and women have the courage to protect us with their lives, and yet some in this Chamber do not have the courage to protect them with even a vote on the House floor.

The Republican leadership has resorted to setting up a point of order to ensure the benefit increases never make it into law because they do not have the courage to vote it down themselves and they do not want to be accountable for the vote.

The bill also includes funding for body armor, armored Humvees, electronic jammers and other necessary items to protect our troops which are long overdue. But as we listen to Member after Member rising to pay homage to the sacrifice of our fighting forces, I want my fellow Americans to remember who was willing to sacrifice those men and women on the House floor today.

I also want them to remember two very important amendments which were not made in order by the Committee on Rules. The amendments by the gentlewoman from Oregon (Ms. HOOLEY) and the gentlewoman from Connecticut (Ms. DELAURO) would have expanded veterans' health care and mental health care, but they were not included in the bill.

Mr. Speaker, that is why at the conclusion of the debate I will ask Members to defeat the previous question to the rule so we can get a vote on the Hooley and DeLauro amendments and so we can move to protect the language in the bill which increases the benefits for our military personnel.

Our soldiers, sailors, airmen and Marines are over in Iraq today risking their lives to protect America and the world. The least we can do is provide them with decent health care when they return. Once we vote, our fellow Americans will know exactly where we all stand on health care for our veterans despite the rhetoric and legislative tricks, and that is what I like to call held accountable.

Mr. Speaker, I reserve the balance of my time.

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just for an informational point, the gentlewoman from New York (Ms. SLAUGHTER) makes an excellent point about sections 1113 and 1114. I want to inform the gentlewoman that at the conclusion I will be offering an amendment to protect those sections from points of order.

Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise to support including the REAL ID Act in the supplemental spending bill on the floor today.

As we saw post-9/11, Congress must protect our Nation's borders against the threat of terrorism. Just last week, my district saw the unfortunate confluence of illegal immigration, Social Security fraud and potential terrorist threats meeting together.

In my hometown of Crystal River, Florida, the nuclear power plant was found to have contracted with illegal immigrant day laborers through a contract who had used fake or stolen ID and Social Security numbers to obtain government-issued driver's licenses. Thankfully, these men have been arrested by the FBI and fully interviewed by Customs enforcement agents.

Who is to say that the seemingly harmless workers could not have really been agents of a terrorist group that is intent on blowing up or hijacking a nuclear power plant? As we saw with flight schools before 9/11, it is often the little things that are overlooked in our constant fight against terrorism that lead to the biggest problems.

As President Bush has said time and time again, we have to be right hundreds of times each and every day in our fight against terrorism, and they only have to be right once.

I voted against the 9/11 intelligence reform bill primarily because it omitted the ID standard reforms that the 9/11 Commission called for and that America needed. Had the REAL ID Act been in place, the Department of Motor Vehicles would have been required to verify the Social Security numbers used by these workers. This check would have shown that the numbers were really issued to men that had been deceased for 40 years and would have disallowed the men from gaining access to a supposedly secure nuclear power facility.

I would hate to see a future terrorist attack that Congress could have prevented by tightening our access to driver's licenses. We need the Senate to pass the REAL ID bill, and I am delighted it was added onto this supplemental budget.

Mr. Speaker, I urge my colleagues to support these much-needed reforms and to vote in favor of the REAL ID Act included in the supplemental bill.

Ms. SLAUGHTER: Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. McGOVERN), a member of the Committee on Rules.

Mr. McGOVERN. Mr. Speaker, I wish to commend the chairman of the Committee on Appropriations, the gentleman from California (Mr. LEWIS); the ranking member, the gentleman from Wisconsin (Mr. OBEY); and the chairman and ranking member of the Subcommittee on Defense, the gentleman from Florida (Mr. YOUNG) and the gentleman from Pennsylvania (Mr. MURTHA). They have written a bill that seeks to address the needs of our troops and provide needed reconstruction funds to Iraq, Afghanistan and those nations devastated by the recent tsunami.

I know the gentleman from Pennsylvania (Mr. MURTHA) took special care in ensuring that this bill contains adequate vehicle and personal protection for our troops in Iraq, and to make sure that our military will be adequately equipped and supplied for upcoming troop rotations in Iraq.

It is, therefore, difficult for me to rise and declare my opposition to this bill. My opposition is not meant as an affront to their hard work and care for the security of our troops. Every single Member of this House, including myself, shares their concerns and their commitment to the safety and well-being of our men and women in uniform who are serving so courageously under such difficult circumstances, nor do I object to the foreign aid of this bill.

So why do I rise in opposition? It is quite simple. Once this supplemental is signed into law, Congress will have provided this administration with nearly $300 billion for military and reconstruction efforts in Iraq and Afghanistan. Two years after we invaded Iraq President Bush still asked for these moneys under emergency authority. Tomorrow we are going to debate the President's budget. There are no funds in his budget or the Republican budget resolution for the continuing war in Iraq or security operations in Afghanistan. Why not? Is the President telling us that all our troops are coming home next year, or is he just saying that we can look forward to year after year of so-called emergency bills totaling hundreds of billions of dollars because his administration has no idea how long we are going to be engaged in Iraq and how much it is going to cost the American people in blood and treasure.

I believe Congress must know the answers to those questions before we vote more money for this war. These funds should be in the budget, and the cost of these wars should be projected over the next 5 years just like every item in the budget. We know we are in Iraq. It is not a surprise. It is certainly not an unforeseen emergency. The President has told us we are going to be there next year, so why is there no money for these operations in the budget? How much do they project these wars will cost? How do they propose we pay for it? Right now we borrow money to pay for the war, nearly $300 billion worth. We do not pay for it, we simply go deeper and deeper into debt and pass the bill on to our children.

Mr. Speaker, this is a profound failure of accountability, the failure to level with the American people.

This week when Congress debates the budget resolution we will be asked to vote for a bill which cuts education, cuts health care, cuts veterans benefits, economic development for our cities and towns, and many other critical projects. But the war, it is not part of the budget or subject to cuts or reconciliation. It is all off the books.

From the very first day when we were told the U.S. had to invade Iraq we have been lied to. We were lied to about the weapons of mass destruction. We were lied to about Saddam Hussein having ties to al Qaeda. We were lied to about how much the war would cost and how long it would take to bring stability to Iraq.

We are here today debating a bill that is filled with armored Humvees and personal body armor for our troops. But, Mr. Speaker, we provided money for those items in 2002 before we went to war in Iraq, and we provided it again in the first supplemental on Iraq and in the second supplemental on Iraq and in the third supplemental on Iraq. So why are so many of our troops still lacking body armor and still driving unprotected vehicles? Congress sent that money specifically to meet those needs. So what happened to the money? Why were those needs not met? That is a deadly serious question of accountability.

□ 1045

The Pentagon's own inspector general says that nearly $9 billion in reconstruction funds for Iraq cannot be accounted for. Another $15 million may have been subject to fraud by the very companies the Pentagon chooses to give contracts to for services in Iraq. That is taxpayer money provided by my constituents.

Mr. Speaker, we need to have a real debate about our policy in Iraq. Every few months we get an emergency supplemental for the war on Iraq. We are told we have to vote for it in order to show our support for our troops, and I expect that this bill will probably pass overwhelmingly. But it is just more of the same.

There comes a time when you just have to stop and say no more, not until we get real answers to hard questions, not until we know where we are going in Iraq and how much it is going to cost.

Mr. Speaker, I oppose this bill; and I urge my colleagues to oppose it.

Mr. COLE of Oklahoma. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman for yielding me this time. And, Mr. Speaker, I rise in strong support of this rule. Last October, 282 Members of Congress voted for landmark legislation that fulfilled our duty to our constituents to make America an appreciably safer place. H.R. 10 truly reflected the hard-earned lesson of 9/11.

Unfortunately, the other body saw fit to strip from the bill some of its most vital provisions, measures designed to ensure that terrorists would never again be able to carry out their nefarious plots by abusing our immigration system and our identity documents.

Today, leadership is fulfilling a commitment that it made to the American people that these provisions would yet become law. Today's rule makes the text of H.R. 418, the REAL ID Act, a self-executing amendment to the Emergency Wartime Supplemental Appropriations Act.

The gentleman from Wisconsin (Chairman SENSENBRENNER) introduced, and the House last month passed, the REAL ID Act containing many of the provisions stripped from the intelligence reform bill last year. I thank the gentleman from Illinois (Mr.

HASTERT), the gentleman from Texas (Mr. DELAY), the gentleman from Missouri (Mr. BLUNT), and the gentleman from California (Mr. DREIER) for ensuring that the will of this House will be done, and that this crucial legislation will be enacted into law.

The goal of the REAL ID Act is straightforward. It seeks to prevent another catastrophic terrorist act by deterring terrorist travel. These terrorist methods of operation were mentioned both in the 9/11 Commission report and the 9/11 staff report on terrorist travel. Page 49 of the terrorist travel report states: "Abuse of the immigration system and a lack of interior enforcement were unwittingly working together to support terrorist activities." Page 59 states: "Members of al Qaeda clearly valued freedom of movement as critical to their ability to plan and carry out the attacks prior to September 11."

The REAL ID Act contains four provisions aimed at disrupting terrorist travel. First, it addresses the use of a driver's license as a form of Federal identification. American citizens have the right to know who is in their country, that people are who they say they are, and that the name on the driver's license is the real holder's name, not some alias.

The REAL ID Act will establish a uniform rule for all States that temporary driver's licenses for foreign visitors expire when their visa terms expire and establish tough rules for confirming identity before driver's licenses are issued.

Second, this legislation will tighten our asylum system. Some judges have made asylum laws vulnerable to fraud and abuse. We will end judge-imposed presumptions that benefit suspected terrorists so that we will stop providing them a safe haven.

The REAL ID Act will reduce the opportunity for immigration fraud so that we can protect honest asylum seekers and stop rewarding the terrorists and criminals who falsely claim persecution.

Third, the REAL ID Act will waive Federal laws to the extent necessary to complete gaps in the San Diego border security fence which is still unfinished 8 years after congressional authorization.

The REAL ID Act contains one final commonsense provision that helps protect Americans from terrorists who have been able to successfully infiltrate the United States: currently, certain terrorism-related grounds of inadmissibility to our country are not also grounds for deportation. The REAL ID Act makes aliens deportable from the U.S. for terrorism-related offenses to the same extent that they would be inadmissible to the United States to begin with.

Mr. Speaker, I urge my colleagues to support this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 6 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. I thank the gentlewoman for yielding me the time. Mr. Speaker, there are a number of things that can be said about this bill. Let me simply say that I opposed going to war in the first place. I think this country was misled into war on the basis of bad information and false information. And I believe some of that was purposeful.

I think that our attack on Iraq is the dumbest American war since the War of 1812. But nonetheless, that is past history. We now have the question of whether or not we are going to pay for the war which we have waged. And at this point, I do not believe we have any choice.

What I do wish is that the administration would be forthcoming about the full cost of the war, because you can bet just as surely as you sit here today that the administration will be back for even more money to cover the costs which are allegedly being provided for under this bill today. I think the administration is giving us the facts about the cost of this war on the installment plan. And by the time the full truth comes out, the costs will be much higher than this bill implies today.

I also believe that it is dead wrong for this Congress to decline to appoint a Truman-like committee to investigate profiteering and fraud by contractors in Iraq.

Just the story today about Halliburton in The Washington Post ought to be enough to prod this Congress into setting up a meaningful investigative committee. As has been pointed out, Harry Truman, when he was in the Senate, conducted almost 400 hearings and issued over 50 reports on war profiteering during World War II. That was a Democratic Congress investigating a Democratic administration and it did no harm to the country. I hope that today this House will still agree to appoint that kind of a committee.

Having said that, I think there is a far more important issue which is associated with this bill. Mr. Speaker, as we know, some of what appears in the newspaper can be right and some can be wrong, but there have been a number of stories which have appeared in the newspaper about the activities of the Defense Department which I find highly disturbing. I quote from one story Sunday, January 23, Washington Post: "The Pentagon expanding into the CIA's historic bailiwick has created a new espionage arm and is reinterpreting U.S. law to give Defense Secretary Donald Rumsfeld broad authority over clandestine operations abroad."

That article goes on to say: "The Pentagon official said they are establishing the strategic support branch using reprogrammed funds without explicit congressional authority or appropriation."

It then goes on to say: "One Republican Member of Congress with a substantial role in national security oversight declined to speak publicly against political allies, but he is quoted as saying, 'It sounds like there's an angle here of let's get around having any oversight by having the military do something that normally the CIA does and not tell anybody. That immediately raises all kinds of red flags for me. Why aren't they telling us?' "

I think that question needs to be answered.

There are a number of other comments in the press which are along the same lines. I would simply get to the last one by reading a portion of an article that appeared in the New Yorker several weeks ago. I just want to read one paragraph: "The new rules will enable the special forces community to set up what it calls action teams in the target countries overseas which can be used to find and eliminate terrorist organizations. 'Do you remember the right-wing execution squads in El Salvador?' the former high-level intelligence official asked me, referring to the military-led gangs that committed atrocities in the early 1980s. 'We founded them and we financed them,' he said. 'The objective now is to recruit locals in any area we want and we aren't going to tell the Congress about it.' "

Mr. Speaker, I think that the Congress has a right to demand that we be told about it. I had originally intended to offer an amendment today which would have fenced and prohibited the expenditure of the intelligence funds in this bill until we get from the administration an understanding about how we are going to be informed on these matters. And I do not mean after the fact.

I had intended to offer that amendment, but yesterday I received a phone call from Andy Card, the President's chief of staff, who asked me to at least temporarily withhold offering that amendment, and he gave me his commitment that the administration would try to work out an arrangement to see to it that the leaders of the Intelligence Committee, the Armed Services Committee, and the Appropriations Committee are given the adequate information that they need to make choices around here.

I told him that I would be willing to withhold that amendment on this bill with the understanding that if we have not got this worked out very quickly, that we will have an opportunity to deal with this issue on the next regular vehicle moving through here, which would be either the armed services bill or the defense appropriations bill.

This, in my view, is the most important issue associated with this bill, and I intend to be back here with just such an amendment if we do not get the kind of reporting from the administration that we have a right to expect under the Constitution.

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

Let me just make a couple of quick points. I was not in Congress when the decision, on a bipartisan basis, was made to give the President the authority to commence hostilities in Iraq, but I do think it was the right decision, and I do think that it has been vindicated frankly by things that have happened recently not only in Iraq but throughout the Middle East.

Regardless of that, I think my friend makes a good point, and I appreciate his support for this particular piece of legislation. I know it is very difficult. But the real question here is not the war, as I tried to mention in my opening comments. That is a decision that has already been made by Congress. The real question on this particular piece of legislation on this rule is are we going to provide people the resources they need to get the job done that we asked them to do. I think it is very important that we do that on a bipartisan basis. I think that will be a very powerful message in Iraq and a very powerful message around the Middle East.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY. I thank the gentlewoman from New York for yielding me this time.

Mr. Speaker, I rise in opposition to the rule. Last night, I offered an amendment before the Rules Committee that would have added $1.2 billion to this bill for VA health care and $100 million for reintegration services for National Guard members being released from active duty. Unfortunately, my amendment was not ruled in order.

America is currently asking more of its all-volunteer military force than it ever has before. Yet even as America prepares to continue its large and prolonged military campaign in Iraq, it has done very little to provide for the veterans of this war. Our obligation to support our troops does not end when they leave Iraq. But how are we supposed to provide adequate health care to these new veterans when we cannot even meet the needs of our current veterans?

□ 1100

Last year's budget was $1.3 billion short of the amount that VA Secretary Principi, as well as the House Committee on Veterans' Affairs, stated is needed just to maintain the current level of veterans' health care services.

We also need to make sure that our returning soldiers have the readjustment assistance they need, particularly for members of the Guard and Reserve. Members of the National Guard returning home face immense challenges in transitioning out of active duty deployments and back to civilian life. They do not go home to a base. They go home. They are scattered throughout the State. While the State Guard offices are working to provide these returning soldiers with important information regarding their health care, employment assistance, and other transitional services, they do not have the resources needed to complete the education and counseling necessary for a smooth transition back to civilian life. Our returning soldiers deserve better.

I urge my colleagues to defeat the previous question so we can consider this important amendment and keep our promises to our Nation's veterans.

Mr. COLE of Oklahoma. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in opposition to the rule, but because it is important to get our troops in the field the equipment that they need I will support the supplemental legislation that also includes desperately needed aid to Sudan and the victims of the tsunami and provides economic development funding for projects in Palestinian controlled areas of the West Bank.

Yet I remain concerned that the legislation provides no funding for immediate mental health needs of our troops. The House is not even being given a chance to consider an amendment that I wanted to offer that would have added $263 million in DOD and VA funding for this issue. This at a time when the Army tells us that as many as one in six returning soldiers suffer from symptoms of post-traumatic stress disorder. If that is not an emergency, then I do not know what is.

Providing badly needed funding for the Defense Department to improve its training programs for military families on the detection of mental health problems in service members returning from combat is an issue this committee agreed the Defense Department should consider in the 2005 Defense appropriations bill. As such, this amendment would have increased by 20 percent our spending on specialized PTSD programs within the DOD, within the Veterans Administration, and go to treating the symptoms of PTSD such as substance abuse and homelessness. It would have embraced new technology in the Veterans Administration, promoted the use of private sector mental health professionals and students to be able to reach more troops and their families, especially in rural and underserved areas.

More than 500 soldiers have been evacuated from Iraq for mental health reasons since the beginning of Operation Iraqi Freedom. We know the damage PTSD can do away from the battlefield, ruining families, causing alcoholism, drug abuse, and homelessness. Our men and women in uniform deserve a better homecoming than that.

Let us do the right thing for our troops, address this issue soon, and give our soldiers the mental health services that they have earned.

Mr. COLE of Oklahoma. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

I will be asking Members to join with me in voting "no" on the previous question so that I can modify the rule and allow the House to consider two very critical amendments for our Nation's combat soldiers that were rejected last night in the Committee on Rules. The first amendment by the gentlewoman from Oregon (Ms. HOOLEY) will help our Iraq and Afghanistan veterans in two important ways: First, it will provide an additional $1.2 billion for veterans' health care. Additionally, it will provide $100 million for reintegration services for the Army and National Guard members being released from active duty and returning to civilian life.

The second amendment by the gentlewoman from Connecticut (Ms. DELAURO) would expand mental health care by providing $238 million to the VA for a post-deployment mental health initiative and $35 million for the Defense Department to contract with private mental health providers for counseling the returning service members.

Mr. Speaker, I want to emphasize that a "no" vote on the previous question will not block consideration of the supplemental. The bill will still be considered in its entirety. However, a "yes" vote will prevent us from voting to help our veterans in these very important areas. I urge all Members to join with me in supporting our soldiers and vote "no" on the previous question.

Mr. Speaker, I ask unanimous consent that the text of the amendments be printed in the RECORD immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. MILLER of Florida). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time.

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to take a few moments just to go through some of the specific provisions of this particular legislation because I think the vote that we are getting ready to cast is so exceptionally important.

Mr. Speaker, in terms of the defense portion of this particular appropriation, it includes a total of $76.8 billion for total defense expenditures. That is again $1.8 billion over what the administration requested. The additions over the request are in support of deployed and soon to be deployed or returning troops and to assist in force protection and to increase the survivability of troops in the field.

Within the total Defense fund, $3.1 billion is provided for activities under the jurisdiction of the Military Quality of Life and Veterans Affairs, and Related Agencies Subcommittee. The following table summarizes, which I will submit for the RECORD, the committee's addition to the request within the Defense Subcommittee.

So we have an extensive addition that I think actually improves the administration's original request. In addition to the Defense expenditures, we have included other moneys for foreign operations. The committee has added $1.7 billion in net foreign assistance funds within the Foreign Operations, Export Financing and Related Programs Subcommittee. Within these funds, the committee has identified $1.7 billion in urgent or critical items funded in the bill as an emergency that are directly related to the War on Terror or aiding recovery to the tsunami victims. The committee also provides $1 billion of important items that further U.S. global interests but has offset this spending with a corresponding rescission of $1 billion in previously appropriated assistance to Turkey. These funds were provided in the first Iraq supplemental of 2 years ago and require a positive vote of the Turkish Parliament to be expended. There is widespread agreement that this will not take place anytime soon.

Within the $1.7 billion of emergency assistance, there is $594 million to the counternarcotics effort and for police training in Afghanistan: $400 million is requested to train Afghan police, and $194 million and $66 million below the request.

Mr. Speaker, I yield 8 minutes to the distinguished gentleman from California (Mr. DREIER), chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule, and I want to begin by congratulating the gentleman from Oklahoma (Mr. COLE), who has worked long and hard on this and has made four trips to Iraq and understands extraordinarily well how critically important it is for us to ensure that we get the resources necessary for our men and women in uniform there.

We have many important things that need to be done in this measure. The gentleman from Oklahoma (Mr. COLE) talked in his opening remarks about the need for us to ensure the completion of our compound. It is not just an embassy, our compound, in Baghdad. I am one who would be very critical of a massive expenditure for a huge compound like this, but we have got to realize, as the gentleman from Oklahoma (Mr. COLE) said, that sending a message throughout Iraq that we are taking over a former palace of Saddam Hussein would not be the right signal for us to send. And that is why it is essential that we proceed with the construction of this very important compound.

I think it is also very important for us to note that we have got to provide a reimbursement for the important humanitarian assistance that is being provided to those who have suffered, the over 150,000 who were killed, the people who have suffered from the tsunami. It is very important for us to deal with that.

And, Mr. Speaker, it is also very important for us to recognize that this is the first must-pass piece of legislation. And what does that say? It says that we are keeping our word based on a very rigorous debate that we had last fall in the 108th Congress, and that had to do with implementation of the recommendations of the 9/11 Commission, the intelligence reforms. And just to remind our colleagues, Mr. Speaker, there were a number of us, and I was privileged to serve as one of the five House Republican conferees on that bill to implement the 9/11 Commission's recommendations, and one of the things that we focused on was border security, realizing that Mohammed Atta, one of the individuals who flew a plane into one of the World Trade Center towers, had a valid driver's license, as did the 19 others who were involved in the terrorist attacks on September 11. But Mohammed Atta was in a unique position. He had been pulled over for a traffic violation and was actually scheduled to appear in court for that violation after September 11, and we all know what he did. He brought down one of the World Trade Center towers. And that is why we felt very strongly last fall when we were negotiating that conference agreement that we include language that this House overwhelmingly voted in support of, and that was to deal with this driver's license question, the problem of having people get into their hands, people who are here illegally, access to driver's licenses. And that is why we took those provisions. And, unfortunately, because the other body would not allow us to include those in the 9/11 conference, we had gotten to a point where we said we would include those in the first must-pass piece of legislation.

Mr. Speaker, this is the first must-pass piece of legislation. And the REAL ID Act, which the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Texas (Mr. SMITH) and a wide range of other Members have offered include, it was a measure that was passed with strong bipartisan support here, 260 votes, and it is designed to do a number of very important things that are focused on our border security, which is tied to our national security, a very important aspect of our national security. It says that those States that provide driver's licenses to people who are here illegally cannot have those driver's licenses used for any Federal purpose, meaning that we recognize the importance of federalism, we recognize States rights, which is a very important thing for us to do, but what we do say is that those States which grant licenses to people who are here illegally, those licenses cannot be used for a Federal purpose, meaning getting on board an aircraft, meaning going into a Federal courthouse, applying for any kind of Federal program. The idea behind it is that we hope we will not see States granting driver's licenses to people who are here illegally. That is really our goal.

One of the reasons that I enthusiastically supported Arnold Schwarzenegger for Governor of California 1½ years ago was the goal of ensuring that we did not see driver's licenses get into the hands of people who are here illegally.

So this measure which we are going to be voting on here today, I am happy to say we have now included this in the rule itself. By voting for the rule, we will be including that measure.

But another provision that is very important happens to be the goal that we have of closing the 3½ mile gap that exists in the 14-mile fence that goes from the Pacific Ocean to what is called the Otay Mesa on the border between San Diego and Tijuana. We have been able to see a great deal of success, based on reports that we have had from our border patrol agents, with the existence of this 14-mile fence. But, unfortunately, my California Coastal Commission, and I say it is my California Coastal Commission because I am a Californian, and I do not support what they have done, but they have chosen to sue the Federal Government to prevent completion of that 3½ mile gap in the 14-mile fence because of the fact that something known as the Bell's vireo bird has chosen to nest on that fence. And, Mr. Speaker, it is very sad that in the name of improving the environment and saving this bird, we have seen the environment devastated as well as the serious exacerbation of the illegal immigration problem across that border. Why? Because now through what is known as the Tijuana estuary we see people flowing in great numbers and all kinds of waste and devastation is there.

□ 1115

Mr. Speaker, I want to thank my colleagues, the gentleman from California (Mr. HUNTER) and the gentleman from California (Mr. CUNNINGHAM), and our former colleague, Doug Ose, who worked hard on this issue over the past several years.

Back in 1997, with the support of President Clinton, we passed legislation that was designed to build this 14-mile fence, and it is an amazing commentary that it took a shorter period of time to win the Second World War than it has to complete this 14-mile fence. I believe that with passage of this very, very important rule and the legislation itself, we will be able to deal with that.

Mr. Speaker, we have done a number of very important things in this measure, aid and support for our efforts in Iraq, and we have enjoyed resounding success. Is it still a "tough slog," as the Secretary of Defense said? Absolutely. No one ever claimed that war is easy. But we are enjoying success now, as we see the people of Iraq, 8.5 million strong, casting their ballots; as we see their great appreciation for the U.S. support there; as we see this realization with the leadership in Iraq, it is not the United States Government, the leadership in Iraq or the 275 Members of the Transitional National Assembly.

So we are in position right now where we are doing the right thing with passage of this legislation. It is absolutely essential.

AMENDMENT OFFERED BY MR. COLE OF OKLAHOMA

Mr. COLE of Oklahoma. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment Offered by Mr. COLE of Oklahoma:

On page 2, line 9–10, strike ", except for Sections 1113 and 1114".

Mr. COLE of Oklahoma. Mr. Speaker, this amendment intends to protect sections 1113 and 1114 against points of order. The Committee on Rules last night exposed these provisions at the request of the chairman of the Committee on Veterans' Affairs, who has since asked the Committee on Rules to protect the provisions.

The amendment is necessary to protect the important Military Death Gratuity Benefits contained in the bill.

Mr. Speaker, I urge my colleagues to support this particular amendment to the resolution.

Mr. Speaker, in closing, I would like to say that I believe we have had an excellent debate on the rule. What is clear to me is the importance and timeliness of this legislation. With that said, I would again encourage Members to listen carefully to the following debate and to support the underlying legislation.

Additionally, I would encourage Members to be cautious when it comes to considering the amendments. This bill has been carefully crafted and worked out in a way to ensure that our servicemen receive the best equipment when they go forward into war.

Finally, I would ask the Members to remember that this is not a vote about the wisdom of the war in Iraq. The President and the Congress made that decision years ago. This vote is about giving those we have asked to execute our policy in Iraq the tools they need to do their job. The men and women serving our cause in Iraq ask for nothing more. In good conscience we should give them nothing less.

To close, I would urge my colleagues to support this rule and the underlying resolution.

The material previously referred to by Ms. SLAUGHTER is as follows:

PREVIOUS QUESTION FOR H. RES. 151—RULE ON H.R. 1268 MARCH 2005 EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR IRAQ, AFGHANISTAN AND TSUNAMI RELIEF

At the end of the resolution add the following:

SEC. 3. Before consideration of any other amendment it shall be in order to consider the amendments printed in section 4, which may be offered only in the order specified, may be offered only by the Member designated or a designee, shall be considered as read, shall not be subject to amendment except pro forma amendments for the purpose of debate, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived.

SEC. 4. The amendments referred to in section 3 are as follows:

(a) Amendment offered by Representative Hooley:

AMENDMENT TO H.R. 1268, AS REPORTED

(SUPPLEMENTAL APPROPRIATIONS BILL, 2005)

OFFERED BY MS. HOOLEY OF OREGON

At the end of title V (page 69, after line 17), insert the following new section:

SEC. . (a) In addition to amounts otherwise appropriated in this Act, there is hereby appropriated for fiscal year 2005—

(1) for "Department of Defense—Military—Military Personnel—National Guard Personnel, Army", $100,000,000, to be available for the provision of services for the reintegration into civilian life of members of the Army National Guard being released from active duty; and

(2) for "Department of Veterans Affairs—Veterans Health Administration—Medical Services", $1,200,000,000.

(b) The amounts provided under this section are designated as an emergency pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

(b) Amendment offered by Representative DeLauro:

AMENDMENT TO H.R. _____, AS REPORTED

(SUPPLEMENTAL APPROPRIATIONS, 2005)

OFFERED BY MS. DELAURO OF CONNECTICUT

At the end of title V, insert the following new section:

SEC. ____. (a) In addition to amounts otherwise appropriated in this Act, there is hereby appropriated for fiscal year 2005—

(1) for "Department of Defense—Defense Health Program", $35,000,000, of which $25,000,000 shall be available for Department of Defense contracts with private mental health providers for counseling for returning servicemembers and $10,000,000 shall be available for other mental health programs within the Department of Defense; and

(2) for "Department of Veterans Affairs—Veterans Health Administration—Medial Services", $238,000,000, to be available for a post-deployment mental health initiative within the Department of Veterans Affairs.

(b) The amounts provided under this section are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Mr. BACA. Mr. Speaker, I rise in strong opposition to this rule.

This rule adds to the Emergency Supplemental Appropriations legislative language by Rep. SENSENBRENNER that is completely unrelated to the Supplemental and will allow millions of people to drive our streets and freeways without insurance or a driver's license.

Yes, we are speaking about undocumented immigrants. Yes, they broke the law and are here illegally. But, do we somehow think that denying these people the ability to legally drive is going to force them back to their home countries?

That's ridiculous.

Do we want millions of unsafe, untrained drivers on our streets with no insurance?

This provision does nothing to make America safer.

It is simply anti-immigrant legislation disguised as homeland security.

No one doubts that our immigration system is broken and needs to be fixed.

The Sensenbrenner provision is not the solution to our immigration problems and does not make our country safer.

The Emergency Supplemental Appropriations bill is for funding our men and women in uniform overseas, not for controversial anti-immigrant agendas.

Our men and women in uniform are risking their lives for our country, and need our financial support. They need armored personnel carriers, bulletproof vests, and the tools necessary to do their job as safely as possible.

The Senate needs to be able to discuss and vote on the driver's license issue on its own merits, and not have this sneaked into our emergency war funding.

I urge my colleagues to oppose this rule.

Mr. COLE of Oklahoma. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the amendment and on the resolution.

The SPEAKER pro tempore (Mr. FOLEY). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the amendment or on final passage.

The vote was taken by electronic device, and there were—yeas 220, nays 195, not voting 19, as follows:

[Roll No. 69]

YEAS—220

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—195

Ackerman
Allen
Andrews
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOT VOTING—19

Abercrombie
Baird
Boehlert
Brown, Corrine
Burgess
Clay
Hinojosa
Jones (OH)
Knollenberg
Norwood
Pascrell
Rogers (MI)
Ruppersberger
Saxton
Shaw
Sweeney
Walsh
Waters
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1144

Messrs. DAVIS of Tennessee, GORDON, VISCLOSKY, PETERSON of Minnesota, AL GREEN of Texas, CLEAVER and CRAMER and Mrs. NAPOLITANO changed their vote from "yea" to "nay."

Mr. LEWIS of Kentucky changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. ROGERS of Michigan. Mr. Speaker, on the legislative day of March 15, 2005, the House had a procedural vote on H.R. 1268, the FY 2005 Emergency Supplemental Appropriations bill. On House rollcall vote No. 69, I was unavoidably detained. Had I been present, I would have voted "aye."

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the amendment offered by the gentleman from Oklahoma (Mr. COLE).

The amendment was agreed to.

The SPEAKER pro tempore. The question is the resolution, as amended.

The resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

PRIVILEGES OF THE HOUSE—INTEGRITY OF PROCEEDINGS AS PRESCRIBED BY THE CONSTITUTION

Ms. PELOSI. Mr. Speaker, pursuant to rule IX, I rise to a question of the privileges of the House, offer a privileged resolution that I noticed, and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 153

Whereas, the Constitution of the United States authorizes the House of Representatives to "determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member";

Whereas, in 1968, in compliance with this authority and to uphold its integrity and ensure that Members act in a manner that reflects credit on the House of Representatives, the Committee on Standards of Official Conduct was established;

Whereas, the ethics procedures in effect during the 108th Congress, and in the three preceding Congresses, were enacted in 1997 in a bipartisan manner by an overwhelming vote of the House of Representatives upon the bipartisan recommendation of the ten-member Ethics Reform Task Force, which conducted a thorough and lengthy review of the entire ethics process;

Whereas, in the 109th Congress, for the first time in the history of the House of Representatives, decisions affecting the ethics process have been made on a partisan basis without consulting the Democratic Members of the Committee or of the House;

Whereas, the Chairman of the Committee, and two of his Republican colleagues, were dismissed from the Committee;

Whereas, in a statement to the press, the departing Chairman of the Committee stated "[t]here is a bad perception out there that there was a purge in the Committee and that people were put in that would protect our side of the aisle better than I did," and a replaced Republican Member, also in a statement to the press, referring to his dismissal from the Committee, noted his belief that "the decision was a direct result of our work in the last session;"

Whereas, the newly appointed Chairman of the Committee improperly and unilaterally fired non-partisan Committee staff who assisted in the ethics work in the last session;

Whereas, these actions have subjected the Committee to public ridicule, produced contempt for the ethics process, created the public perception that their purpose was to protect a Member of the House, and weakened the ability of the Committee to adequately obtain information and properly conduct its investigative duties, all of which has brought discredit to the House; now be it

Resolved, that the Speaker shall appoint a bi-partisan task force with equal representation of the majority and minority parties to make recommendations to restore public confidence in the ethics process; and be it further

Resolved, that the task force report its findings and recommendations to the House of Representatives no later than May 2, 2005.

☐ 1145

The SPEAKER pro tempore (Mr. SHIMKUS). The Chair has reviewed the resolution and finds that it does present a question of the privileges of the House.

MOTION TO TABLE OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Speaker, it is with great reluctance, not only because we are working with the minority leader of the House, but because the gentlewoman is from California, that I must move to table the resolution.

The SPEAKER pro tempore. The question is on the motion to lay on the table offered by the gentleman from California (Mr. LEWIS).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. PELOSI. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 223, noes 194, not voting 17, as follows:

[Roll No. 70]

AYES—223

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—194

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hefley
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—17

Baird
Chabot
Clay
Davis (FL)
Hinojosa
Israel
Jefferson
Jones (OH)
Norwood
Otter
Owens
Rehberg
Reyes
Sweeney
Walsh
Waters
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

☐ 1217

Mrs. JOHNSON of Connecticut changed her vote from "no" to "aye."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, on rollcall No. 69, the previous question, and No. 70, the motion to table the Pelosi resolution, had I been present, I would have voted "no" on both rollcalls.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 21

Mr. MENENDEZ. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 21.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill (H.R. 1268) making emergency supplemental appropriations for the fiscal year ending September 30, 2005, and for other purposes, and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF, 2005

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to House Resolution 151 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1268.

□ 1217

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1268) making emergency supplemental appropriations for the fiscal year ending September 30, 2005, and for other purposes, with Mr. THORNBERRY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California (Mr. LEWIS) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is with great pride that I bring before the House H.R. 1268, a bill making emergency supplemental appropriations for fiscal year 2005. This is my first appropriations measure as the new Appropriations Committee chairman. I am especially proud of the extraordinary effort put forth by the committee's members and staff to report a bill that will better permit our troops to prosecute the war on terrorism and will do so with a price tag less than that requested by the President.

Mr. Chairman, I would like to have the House pay special attention to three of my colleagues who have come back from the private sector to help serve this committee. Frank Cushing is my staff director, and David LesStrang and Jeff Shockey are my deputy staff directors for the Committee. I really appreciate their willingness to make great sacrifice to come back.

Six of the committee's 10 subcommittees participated in the development of this measure which provides $81.27 billion in urgent and emergency spending. The lion's share of that amount, some $76.8 billion, is for defense-related expenditures. This funding represents an increase for defense needs of $1.8 billion above the President's request, which I hasten to note is entirely for enhanced support for deployed, soon-to-be deployed, or returning troops in order to assist in force protection and to increase the survivability of the troops in the field.

To provide these important resources for our troops, we reduced other, nonessential DOD requests by some $600 million as well as nearly $1 billion in foreign assistance-related programs that were either not well justified or did not meet the strict definition we applied for emergency spending. In addition, another $1 billion of extremely important and time-sensitive nonemergency foreign assistance approved by the committee was completely offset by a rescission of funds originally appropriated in fiscal year 2003.

With my colleagues' indulgence, I would like to take a few moments to give the House a flavor of the urgent procurement needs that the committee has included in the measure for our troops. Those include up-armored Humvees and other new Humvees, medium and heavy trucks, night vision devices, handheld stand-off mine detection systems, jammers, improved high-frequency radios, Strykers to replace combat losses, add-on armor kits, small-arms modifications and ammunition, body armor for both the Army and Marine Corps, and medical supplies.

In addition to our providing these necessary resources for our troops, the committee was compelled to fully fund the Army's modularity program at this time because of the urgency to address the significant challenges the Army now faces in mitigating stress on the current active duty combat force. To meet this problem, the Army will not only create 10 additional combat brigades; all of the current combat brigades will be redesigned to enhance their ability to deploy more rapidly and operate more independently on the battlefield. I might add that our determination to procure additional equipment beyond the President's request will allow forthcoming troop rotations to receive much of their equipment prior to deployment, clearly an obvious benefit to the success of our troops.

Beyond the requirements of our defense community, the bill provides $656 million to meet the human needs resulting from last December's horrific tsunami. In addition, the bill includes $592 million for the construction of the U.S. embassy compound in Baghdad. While that money for the embassy is a reduction of some $66 million, or 10 percent, from the President's request, construction of the embassy compound has been deemed urgent because of the imminent security threats to some 4,000 U.S. personnel in Iraq. Thus far, 45 personnel with the U.S. mission in Iraq have been killed, including two American citizens who were killed by a rocket attack on our diplomatic compound the day of the Iraqi elections. Providing the funds now will greatly reduce the amount of time our personnel remain in harm's way.

Despite the additional needs we have recommended on behalf of our troops, the committee's bill is $614 million less than that requested by the President. This reduction comes largely as a result of reductions in proposed foreign assistance spending.

Mr. Chairman, I believe this measure is responsible both in how we have responded to the needs to provide for adequate resources in making this fight against terrorism and also in how we have carefully scrubbed each and every program so that we can say with utmost assurance that this is a fiscally sound piece of legislation.

Mr. Chairman, as I close my remarks, I wish to express my deep appreciation for my ranking member from Wisconsin (Mr. OBEY), as well as to each and every member of the committee. I have already expressed my feelings about our staff on both sides of the aisle. All of them have worked so diligently to prepare effectively this legislation.

Mr. Chairman, as I mentioned at the outset, I am very proud of this measure I bring to you, my first measure as chairman of the Committee on Appropriations. I certainly urge the Members to adopt this bill.

Emergency Supplemental Appropriations Act for Defense - the Global War on Terror -
and Tsunami Relief - 2005 (H.R.1268)
(Amounts in thousands)

	FY 2005 Request	Recommended in the Bill	Bill vs. Request
EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR IRAQ, AFGHANISTAN, TSUNAMI, 2005			
TITLE I - DEFENSE-RELATED APPROPRIATIONS			
CHAPTER 1			
DEPARTMENT OF DEFENSE			
Military Personnel			
Military Personnel, Army (emergency)	11,756,842	11,779,642	+22,800
Military Personnel, Navy (emergency)	524,980	534,080	+9,100
Military Personnel, Marine Corps (emergency)	1,246,126	1,251,726	+5,600
Military Personnel, Air Force (emergency)	1,316,572	1,473,472	+156,900
Reserve Personnel, Army (emergency)	39,627	40,327	+700
Reserve Personnel, Navy (emergency)	9,411	11,111	+1,700
Reserve Personnel, Marine Corps (emergency)	4,015	4,115	+100
Reserve Personnel, Air Force (emergency)	130	130	---
National Guard Personnel, Army (emergency)	429,200	430,300	+1,100
National Guard Personnel, Air Force (emergency)	91	91	---
Subtotal, Military personnel	15,326,994	15,524,994	+198,000
Operation and Maintenance			
Operation and Maintenance, Army (emergency)	17,201,004	17,366,004	+165,000
Operation and Maintenance, Navy (emergency)	3,423,501	3,030,801	-392,700
Operation and Maintenance, Marine Corps (emergency)	970,464	982,464	+12,000
Operation and Maintenance, Air Force (emergency)	5,601,510	5,769,450	+167,940
Operation and Maintenance, Defense-Wide (emergency)	3,521,327	3,061,300	-460,027
Operation and Maintenance, Army Reserve (emergency)	8,154	8,154	---
Operation and Maintenance, Navy Reserve (emergency)	75,164	75,164	---
Operation and Maintenance, Marine Corps Reserve (emergency)	24,920	24,920	---
Operation and Maintenance, Army National Guard (emergency)	188,779	188,779	---
Overseas Humanitarian, Disaster, and Civic Aid (emergency)	10,000	10,000	---
Afghanistan Security Forces Fund (emergency)	1,285,000	1,285,000	---
Iraq Security Forces Fund (emergency)	5,700,000	5,700,000	---
Subtotal, Operation and maintenance	38,009,823	37,502,036	-507,787
Procurement			
Aircraft Procurement, Army (emergency)	458,677	458,677	---
Missile Procurement, Army (emergency)	294,036	340,536	+46,500
Procurement of Weapons and Tracked Combat Vehicles, Army (emergency)	2,425,207	2,678,747	+253,540
Procurement of Ammunition, Army (emergency)	475,000	532,800	+57,800

Emergency Supplemental Appropriations Act for Defense - the Global War on Terror - and Tsunami Relief - 2005 (H.R.1268)
(Amounts in thousands)

	FY 2005 Request	Recommended in the Bill	Bill vs. Request
Other Procurement, Army (emergency)	5,316,405	6,549,905	+1,233,500
(By transfer emergency)	---	(85,000)	(+85,000)
Other procurement, Army (incl transfer)	(5,316,405)	(6,634,905)	(+1,318,500)
Aircraft Procurement, Navy (emergency)	200,295	200,295	---
Weapons Procurement, Navy (emergency)	71,600	71,600	---
Procurement of Ammunition, Navy and Marine Corps (emergency)	133,635	141,735	+8,100
Other Procurement, Navy (emergency)	85,672	78,372	-7,300
Procurement, Marine Corps (emergency)	2,974,045	3,588,495	+614,450
Aircraft Procurement, Air Force (emergency)	269,241	279,241	+10,000
Procurement of Ammunition, Air Force (emergency)	6,998	6,998	---
Other Procurement, Air Force (emergency)	2,834,328	2,658,527	-175,801
Procurement, Defense-Wide (emergency)	591,327	646,327	+55,000
Subtotal, Procurement	16,136,466	18,232,255	+2,095,789
(By transfer emergency)	---	(85,000)	(+85,000)
Total funds available	(16,136,466)	(18,317,255)	(+2,180,789)
Research, Development, Test and Evaluation			
Research, Development, Test and Evaluation, Army (emergency)	25,170	25,170	---
Research, Development, Test and Evaluation, Navy (emergency)	179,051	202,051	+23,000
Research, Development, Test and Evaluation, Air Force (emergency)	102,540	121,500	+18,960
Research, Development, Test and Evaluation, Defense-Wide (emergency)	153,561	159,600	+6,039
Subtotal, RDT&E	460,322	508,321	+47,999
Revolving And Management Funds			
Defense Working Capital Funds (emergency)	1,311,300	1,411,300	+100,000
National Defense Sealift Fund (emergency)	32,400	32,400	---
Subtotal, Revolving and management funds	1,343,700	1,443,700	+100,000
Other Department of Defense Programs			
Drug Interdiction and Counter-Drug Activities, Defense (emergency)	257,000	257,000	---
Office of the Inspector General (emergency)	148	148	---
Subtotal, Other DoD programs	257,148	257,148	---
Related Agencies			
Intelligence Community Management Account (emergency)	250,300	250,300	---

Emergency Supplemental Appropriations Act for Defense - the Global War on Terror - and Tsunami Relief - 2005 (H.R.1268)
(Amounts in thousands)

	FY 2005 Request	Recommended in the Bill	Bill vs. Request
General Provisions			
Additional transfer authority (emergency)............	(2,500,000)	(2,000,000)	(-500,000)
New transfer authority (emergency)....................	(5,000,000)	(2,000,000)	(-3,000,000)
Defense Cooperation Account (emergency)..............	12,000	12,000	---
Total, Chapter 1................................	71,796,753	73,730,754	+1,934,001
(By transfer emergency).....................	---	(85,000)	(+85,000)
Total funds available.....................	(71,796,753)	(73,815,754)	(+2,019,001)
CHAPTER 2			
DEPARTMENT OF DEFENSE			
Military Construction, Army (emergency)..............	990,100	930,100	-60,000
Military Construction, Navy and Marine Corps (emergency)...................................	107,380	92,720	-14,660
Military Construction, Air Force (emergency)..........	301,520	301,386	-134
Military Personnel, Army (emergency)..................	1,542,100	1,542,100	---
Operation and Maintenance, Army (emergency)...........	66,300	66,300	---
Defense Health Program (emergency)....................	175,550	175,550	---
Total, Chapter 2................................	3,182,950	3,108,156	-74,794
Total, Title I..................................	74,979,703	76,838,910	+1,859,207
TITLE II - INTERNATIONAL PROGRAMS AND ASSISTANCE FOR RECONSTRUCTION AND THE WAR ON TERROR			
CHAPTER 1			
BILATERAL ECONOMIC ASSISTANCE			
FUNDS APPROPRIATED TO THE PRESIDENT			
United States Agency For International Development			
International Disaster and Famine Assistance (emergency).............................	44,000	44,000	---
Transition Initiatives (emergency)....................	63,000	---	-63,000
Operating Expenses of the USAID (emergency)...........	24,400	---	-24,400
Operating Expenses of the USAID.......................	---	24,400	+24,400
Operating Expenses of the USAID Office of Inspector General (emergency)......................	2,500	---	-2,500
Operating Expenses of the USAID Office of Inspector General..................................	---	2,500	+2,500
Subtotal, USAID................................	133,900	70,900	-63,000
Other Bilateral Economic Assistance			
Economic Support Fund (emergency).....................	1,631,300	376,500	-1,254,800
Economic Support Fund.................................	---	684,700	+684,700
Assistance for the Independent States of the Former Soviet Union (emergency)............................	60,000	---	-60,000
Assistance for the Independent States of the Former Soviet Union..	---	33,700	+33,700
Global War On Terror Partners Fund (emergency)........	200,000	---	-200,000
Subtotal, Other bilateral assistance...........	1,891,300	1,094,900	-796,400
DEPARTMENT OF STATE			
International Narcotics Control and Law Enforcement (emergency).............................	660,000	594,000	-66,000
Migration and Refugee Assistance (emergency)..........	53,400	53,400	---

Emergency Supplemental Appropriations Act for Defense - the Global War on Terror -
and Tsunami Relief - 2005 (H.R.1268)
(Amounts in thousands)

	FY 2005 Request	Recommended in the Bill	Bill vs. Request
Nonproliferation, Anti-Terrorism, Demining and Related Programs (emergency)	32,100	17,100	-15,000
Subtotal, Department of State	745,500	664,500	-81,000
MILITARY ASSISTANCE			
FUNDS APPROPRIATED TO THE PRESIDENT			
Foreign Military Financing Program (emergency)	250,000	---	-250,000
Foreign Military Financing Program	---	250,000	+250,000
Peacekeeping Operations (emergency)	210,000	10,000	-200,000
Rescission of unexpended balances (rescission)	---	-1,000,000	-1,000,000
Subtotal, Military assistance	460,000	-740,000	-1,200,000
Total, Chapter 1	3,230,700	1,090,300	-2,140,400
Appropriations	---	995,300	+995,300
Emergency appropriations	3,230,700	1,095,000	-2,135,700
Rescissions	---	-1,000,000	-1,000,000
CHAPTER 2			
DEPARTMENT OF STATE AND RELATED AGENCY			
DEPARTMENT OF STATE			
Administration of Foreign Affairs			
Diplomatic and Consular Programs (emergency)	767,200	748,500	-18,700
Embassy Security, Construction, and Maintenance (emergency)	658,000	592,000	-66,000
International Organizations			
Contributions for International Peacekeeping Activities (emergency)	780,000	580,000	-200,000
RELATED AGENCY			
Broadcasting Board Of Governors			
International Broadcasting Operations (emergency)	4,800	4,800	---
Broadcasting Capital Improvements (emergency)	2,500	---	-2,500
Total, Chapter 2	2,212,500	1,925,300	-287,200
CHAPTER 3			
DEPARTMENT OF AGRICULTURE			
Foreign Agricultural Service			
Public Law 480 Title II Grants (emergency)	150,000	150,000	---
Total, Title II	5,593,200	3,165,600	-2,427,600

Emergency Supplemental Appropriations Act for Defense - the Global War on Terror -
and Tsunami Relief - 2005 (H.R.1268)
(Amounts in thousands)

	FY 2005 Request	Recommended in the Bill	Bill vs. Request
TITLE III - DOMESTIC APPROPRIATIONS FOR THE WAR ON TERROR			
CHAPTER 1			
DEPARTMENT OF ENERGY			
National Nuclear Security Administration			
Defense Nuclear Nonproliferation (emergency)..........	110,000	110,000	---
CHAPTER 2			
DEPARTMENT OF HOMELAND SECURITY			
United States Coast Guard			
Operating Expenses (emergency)........................	111,950	111,950	---
Acquisition, Construction and Improvements (emergency)	49,200	49,200	---
CHAPTER 3			
DEPARTMENT OF JUSTICE			
Federal Bureau Of Investigation			
Salaries and Expenses (emergency).....................	80,000	78,970	-1,030
Drug Enforcement Administration			
Salaries and Expenses (emergency).....................	7,648	7,648	---
Total, Title III..............................	358,798	357,768	-1,030
TITLE IV - INDIAN OCEAN TSUNAMI RELIEF			
CHAPTER 1			
FUNDS APPROPRIATED TO THE PRESIDENT			
Other Bilateral Assistance			
Tsunami Recovery and Reconstruction Fund (emergency)..	701,000	656,000	-45,000
CHAPTER 2			
DEPARTMENT OF DEFENSE			
Operation And Maintenance			
Operation and Maintenance, Navy (emergency)...........	124,100	124,100	---
Operation and Maintenance, Marine Corps (emergency)...	2,800	2,800	---
Operation and Maintenance, Air Force (emergency)......	30,000	30,000	---
Operation and Maintenance, Defense-Wide (emergency)...	29,150	29,150	---
Overseas Humanitarian, Disaster, and Civic Aid (emergency)....................................	36,000	36,000	---
Total, Chapter 2..............................	222,050	222,050	---
CHAPTER 3			
DEPARTMENT OF DEFENSE			
Defense Health Program (emergency)...................	3,600	3,600	---

Emergency Supplemental Appropriations Act for Defense - the Global War on Terror - and Tsunami Relief - 2005 (H.R.1268)
(Amounts in thousands)

	FY 2005 Request	Recommended in the Bill	Bill vs. Request
CHAPTER 4			
DEPARTMENT OF HOMELAND SECURITY			
United States Coast Guard			
Operating Expenses (emergency)........................	350	350	---
CHAPTER 5			
DEPARTMENT OF THE INTERIOR			
United States Geological Survey			
Surveys, Investigations, and Research (emergency).....	8,100	8,100	---
CHAPTER 6			
DEPARTMENT OF COMMERCE			
National Oceanic And Atmospheric Administration			
Operations, Research, and Facilities (emergency)....	4,830	4,830	---
Procurement, Acquisition and Construction (emergency).	9,670	9,670	---
Total, Chapter 6..............................	14,500	14,500	---
Total, Title IV...............................	949,600	904,600	-45,000
Grand total...................................	81,881,301	81,266,878	-614,423
Appropriations................................	---	995,300	+995,300
Emergency appropriations......................	81,881,301	81,271,578	-609,723
Rescissions...................................	---	-1,000,000	-1,000,000
(Transfer authority)..........................	(7,500,000)	(4,000,000)	(-3,500,000)
(By transfer).................................	---	---	---
(By transfer emergency).....................	---	(85,000)	(+85,000)

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Pennsylvania (Mr. MURTHA), the ranking member of the defense appropriations subcommittee.

Mr. MURTHA. Mr. Chairman, this is truly a bipartisan bill, the defense part of it in particular. Chairman YOUNG and I have worked very closely together. He visited some places; I visited three bases. We found shortages. We found problems. We tried to rectify those problems. We tried to put in what the people in the field asked us and what needed to be done.

We realized that insurance payments needed to be changed. We realized that the death benefits needed to be changed. We also realized there is a jurisdictional problem, but we felt like it could not wait. I have had 12 people killed in my district, and there is no question in my mind for the need for that to be changed.

But the thing that is the most important in my estimation is accountability. Chairman YOUNG and I sat in his office not long ago and talked about the bill, and he got his copy of the Constitution out and it talked about accountability. It talked about congressional accountability. And I thought how unaccountable the Defense Department seems to be at this stage. They do not seem to realize we are not here to hurt them, we are here to help them. We believe that if you do not have the confidence of the people, if you do not have confidence in the way the money is being spent, you are going to lose confidence in the overall project, the overall philosophy, the overall direction we are trying to go.

We put language in the bill last year, and we said, you have got to give us a report. That report is 3 or 4 months late. No reason for that to happen. They had plenty of notice. And it should have been on our desk before this bill was up so that if there was something that needed to be rectified, we could rectify it. There are two reports. I do not know if the second one is late yet or not.

Of course that takes us to the next step and that is the thing with the intelligence which we have read in the newspaper and which I can neither confirm nor not confirm has happened. But I worry that things are getting out of control that we do not know about. We sit and try to help them every way we can. Many of the things we put in this bill they did not ask for because they did not know about it. We found out about it, and we made sure that was part of the presentation, part of this bill.

I have to say that when I meet with the Secretary of Defense, when we listen to his presentation, we always say to him, chairman of the full committee, Chairman LEWIS, chairman of the defense subcommittee the last time, Chairman YOUNG, we always say, Look, we're here to help you. Give us these reports. Tell us how you're spending this money. When I saw there was a $9 billion fund that was not accounted for according to the auditors, and, of course, this is not appropriated money, this is money provided for the oil, but still we should know where it goes because it can replace some of the money that we are appropriating for these resources.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from California.

Mr. LEWIS of California. I appreciate my colleague yielding. I know he will continue with his statement. I want the body to know that I very much share his concern. The gentleman from Wisconsin (Mr. OBEY) and I have discussed this issue. He expresses his concern very clearly; as did the gentleman from Florida (Mr. YOUNG). It has been my privilege to work with the gentleman for years, and I know of his commitment to the Department and our work. Indeed the Administration does owe us the courtesy of adequate and appropriate response time.

Mr. MURTHA. I would just conclude by saying this is our responsibility under the Constitution, and I am hopeful that the Defense Department gets the message. I support the bill and will do everything I can to get it passed. Of course, any problems we have in conference I am sure we will work them out.

Mr. LEWIS of California. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding me this time. I want to congratulate the gentleman on this, his first bill to be brought to the floor of the House of Representatives. I think it is indicative of the good work that he and his staff are doing.

Mr. Chairman, I want to talk about the funding of programs that are under the jurisdiction of the subcommittee that I chair, that is, the Subcommittee on Foreign Operations, Export Financing and Related Programs. It totals $2.7 billion. However, approximately $1 billion of that is offset with a cut to previously appropriated funds. The remaining $1.75 billion is provided as emergency spending and includes $656 million for tsunami recovery. The committee's overall recommendation for all the programs under the jurisdiction of the Subcommittee on Foreign Operations, Export Financing and Related Programs is $1.2 billion less than the President requested. However, with the $1 billion offset, less than half of the President's request will impact the Federal deficit.

Let me say once again that I do strongly support the objectives that the President seeks to achieve with this request as it relates to Afghanistan, the Middle East, the Ukraine and the tsunami-devastated areas of Asia. But I did tell Chairman LEWIS that I would scrutinize this request, and the result of that scrutiny is what is before the Members today. We have assigned the highest priority to programs that can be implemented and executed during 2005 and that are not likely to be funded by other donors. The resulting recommendation is a balanced approach to supporting the President's request and provides much-needed emergency appropriations to further the fight against terror and provide disaster assistance.

Let me explain further the recommendation for the programs under the foreign operations jurisdiction. We broke the President's request down into three different categories. The first includes programs that are true emergencies, such as replenishment of funds that were reprogrammed previously for tsunami disaster assistance and poppy eradication in Afghanistan, funds for the humanitarian crisis in Darfur and in Asia, and funds to train Afghan police, funds that are necessary to improve conditions that would enable us to bring our troops home as soon as possible. Total emergency spending under this first category is $1.75 billion, as I already indicated.

The second category of funds includes those programs requested by the President that we have determined to not be an emergency, but are important to U.S. leadership abroad. Additionally, this category includes reconstruction resources to stabilize and improve conditions in Afghanistan and the Middle East which support our efforts to bring our troops home, funds to support the democratic movement and government in Ukraine, and funds for programs in the West Bank and Gaza. We have provided $995 million in this second category of nonemergency spending and have offset these funds with the rescission of prior foreign assistance appropriations, specifically funds that were appropriated for Turkey in the fiscal year 2003 supplemental bill.

I think my colleagues recognize that we are faced with unique opportunities in the Middle East and Afghanistan. Our leadership can have positive influence in both the West Bank and Gaza, in Ukraine, in Indonesia and Sri Lanka and, of course, in Afghanistan. I saw a press report recently from Indonesia, the world's most populous Muslim country, that showed that the backing for Osama bin Laden had dropped from 58 percent in 2003 to 23 percent today.

□ 1230

I believe part of that is due to the efficiency and the generosity of U.S. relief efforts after the December tsunami. As chairman of the Foreign Operations, Export Financing and Related

Programs Subcommittee, I am repeatedly reminded of how much we as a nation do each year to provide disaster assistance and relief. It is encouraging to know that at least one important Muslim country has started to take notice.

Finally, the last category includes programs requested by the administration that we determined were less urgent and could be considered in the 2006 budget process. This category totals $1.2 billion in funding and includes fiscal year 2006 operating costs of our programs overseas and large construction projects that can either wait for consideration or would have a possible revenue stream, making them ideal projects for World Bank and Asian Development Bank funding. These programs total $616 million for Afghanistan, $200 million for the new Global War on Terror Partners Fund, the new $200 million Solidarity Fund, and $45 million in debt relief for countries affected by the December tsunami.

Let me say that the funds we are providing in the foreign assistance chapter must be considered an investment in security both in the region and on American soil. It is also a responsibility to our future. We must not be faced 20 years in the future with the knowledge that we looked at the opportunities of a Taliban-free Afghan government, a democracy-oriented government in the Ukraine, a Middle East craving freedom and representative government, only to turn away and leave them to their own meager means with no U.S. influence.

Mr. Chairman, I urge that this legislation be adopted. I believe that this is a good bill and a well written one.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the distinguished gentlewoman from New York (Mrs. LOWEY), the ranking member of the Foreign Operations, Export Financing and Related Programs Subcommittee.

Mrs. LOWEY. Mr. Chairman, I am pleased to have worked with the gentleman from Arizona (Chairman KOLBE) to develop recommendations on the international assistance portion of the bill. As the gentleman from Arizona (Chairman KOLBE) said, the bill does cut $1.2 billion in nonemergency initiatives from the administration's international assistance request as well as rescinds an additional $1 billion in previously appropriated funds that are no longer needed, and I certainly concur with most of the chairman's recommended cuts. However, I do want to express my concern that we will be expected to fund some of these items on the fiscal year 2006 bill, and as I anticipate a 302(b) allocation for the Foreign Operations bill that may cut the 2006 request, these needs will be tough to accommodate.

We are now into year three of the reconstruction programs in Afghanistan; yet the administration continues to rely on off-budget emergency supplementals to fund ongoing reconstruction. There are clearly many nonemergency items in the $2 billion requested for Afghanistan in this bill. The establishment of a stable democracy in Afghanistan with their own security forces is the key to bringing our troops home. The administration, I am concerned, has set back that effort by overuse of the emergency supplemental mechanism instead of providing appropriate assistance within the normal appropriations process, and I do hope in working closely with the gentleman from Arizona (Chairman KOLBE), we will be able to provide sufficient funds that are so important for the future of Afghanistan.

I am very pleased that the committee was able to protect funds for continued urgent needs in Afghanistan, especially for initiatives that support women and girls. The supplemental contains approximately $63 million in support of education, health, economic, democracy programs that target women and girls. And I am pleased with the generous amounts in the bill for the tsunami relief and reconstruction, as well as other items that advance our foreign policy interests.

I will be supporting the Jackson amendment to add $100 million for unmet needs in Africa because in my judgment the ongoing complex crisis in the Democratic Republic of the Congo, Liberia, Northern Uganda, Ethiopia, and Somalia may be out of the media spotlight, but the human suffering continues and additional funds are urgently needed to provide food and medical assistance to refugees, to facilitate refugee returns, and to provide drought-related aid. The Congress does have a responsibility to real disasters and to ensure that the United States is generous in our response to crises throughout the world. We have been extraordinarily generous with our tsunami relief, and I think we need to follow suit to meet the real needs in Africa.

I would also note that the bill contains $200 million for the West Bank/Gaza program with appropriate safeguards for monitoring and auditing. Fifty million of the $200 million will improve the flow of goods and people with Israel and will thus improve the security of Israel and the region.

Finally, I will be also supporting the Maloney amendment to transfer $3 million from ESF accounts to UNFPA to assist tsunami victims. The UNFPA, with its proven track record and longstanding presence in the tsunami-affected areas, is uniquely placed to immediately respond to the needs of women and children, populations among the most vulnerable after disasters such as the tsunami.

In closing, I just want to say for me I want to applaud the important efforts of the gentleman from California (Chairman LEWIS); the gentleman from Wisconsin (Mr. OBEY), ranking member; the gentleman from Pennsylvania (Mr. MURTHA); and the gentleman from Arizona (Chairman KOLBE). We wrote the bill together. I think it is a good bill, it is an important bill, and provides very vital services to important places around the world where there are ongoing emergencies.

Mr. LEWIS of California. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, I compliment the gentleman from California (Chairman LEWIS) for having brought this first of many important appropriation bills to the floor. He explained the Defense part of this bill very well, as well as he should because he has served superbly as chairman of the Defense Subcommittee for many years. Our portion of the bill is just a little over $73 billion, and it is to provide for the warfighters, to provide the equipment that they need and the protection that they need as they go about carrying out their mission.

I want to take just a few seconds and comment on the issue that the gentleman from Pennsylvania (Mr. MURTHA) raised because we have worked together on this section of the bill from the very beginning, along with the gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON) of the Committee on Armed Services, the gentleman from California (Chairman LEWIS) and the gentleman from Wisconsin (Mr. OBEY). This is truly a work of bipartisanship. But on the subject of accountability, there is no reason that I can think of other than the importance of the Legislative Branch of government that Article I of the Constitution establishes the Legislative Branch of government. We have three branches, separate but equal, but right after the Preamble the first article is the Legislative Branch.

So I do not know whether that means we are a little more equal, but I do know that we control the money. And as I have referred to so many times, and I will continue when it is necessary, it says "No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law." That means nobody can spend money, Federal money, unless we appropriate it. But part of that section that does not get referred to very often says in the same sentence, "and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time."

So we think that is just as important, and we, the gentleman from Pennsylvania (Mr. MURTHA), myself, the gentleman from California (Mr. LEWIS), the gentleman from Wisconsin (Mr. OBEY) have just recently met with representatives of the Defense Department. The gentleman from Pennsylvania (Mr. MURTHA) and I just recently sent a letter to the Secretary of Defense outlining our concerns. I think we have made that point very well.

What we do in this supplemental is to provide, as the gentleman from California (Chairman LEWIS) has mentioned, body armor, the uparmored Humvees, ammunition, and medical care. We provide the soldiers that are fighting in the war with what they need to accomplish their mission and what they need to protect themselves while they are accomplishing their mission. And the specific details of the bill have been made available to Members if they want to see all of the items that are funded in this bill.

I would like to make a brief closing statement that if we are going to get our troops out of Iraq, and we are, and we want them out as soon as we possibly can, and as difficult as it is to state a specific date, but the way we are going to get our troops out, our exit strategy is to provide training to the Iraqis so they can protect themselves from these terrible, violent insurgent terrorists. Part of the money in this bill goes to do just that, to train the Iraqis to protect themselves so that they can have a self-government with some semblance of security. So part of the money will allow the Iraqis to get the training that they need. That is our exit strategy. Let them take over from the American troops, and our American troops will come home. And in the meantime, say a prayer for them, the ones that are over there still. They are still in harm's way. They are doing a really great job. Their attitude is beautiful. As we visit soldiers who have come back from the war in the hospitals, in the VA hospitals, their attitudes are just unbelievable. They believe in what they are doing. So many of them are anxious to get well and get back to the battle if they can. But, anyway, remember, support our troops. Find a job for them when they get out. Take them to lunch. Buy them dinner. Thank them for the good work that they do.

Mr. MURTHA. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, as someone who for the past 2 years has represented over 40,000 soldiers at Fort Hood, Texas, who have fought for our country in Iraq, I am deeply appreciative of the expeditious manner in which the gentleman from California (Chairman LEWIS), the gentleman from Wisconsin (Mr. OBEY), the gentleman from Florida (Chairman YOUNG), and the gentleman from Pennsylvania (Mr. MURTHA) have worked together to pass this important piece of legislation.

This bill sends a very clear message to our troops in harm's way that while Americans may have differences of opinion about the Iraqi War, the fact is that we are all unified when it comes to seeing that our troops in harm's way have all of the support that they need and deserve to do their mission and to come home safely to their families.

In the area of responsibility for the subcommittee on which I serve under the Committee on Appropriations, the Military Quality of Life and Veterans Affairs, and Related Agencies Subcommittee, I wholeheartedly support the language and funding in this bill. Under our subcommittee is $3.1 billion in funding, $175 million of which goes to the Department of Defense health care system to deal with the direct increased costs for health care for our wounded troops coming home; $1.5 billion to pay for housing allowance for our Guard and Reserve soldiers and their families; and $1.3 billion in military construction needed in Iraq and Afghanistan and throughout our country to support our war against terrorism.

I enthusiastically and wholeheartedly support this bill. I do want, Mr. Chairman, to express one concern. The fact is that as of the end of December of last year, there have been 48,000 American troops coming home who have needed health care from the Veterans Administration health care system. While we put $175 million in the DOD part of this budget to take care of extra DOD health care costs, there is not a dime in this supplemental appropriation bill to help the Veterans Administration deal with the cost of dealing with 48,000 and still counting troops who have needed VA health care.

Using the VA Secretary's own testimony before our subcommittee last week, the average cost mathematically is $6,200 for treatment for each veteran within the VA health care system. Multiply that number by the 48,000 troops coming back from Iraq and Afghanistan, and we are talking about an additional $302 million of cost to the VA health care system to help provide needed care for these deserving patriots. I do not think that money ought to come out of the hide of VA health care services to other veterans, and I do not think we should cut corners in terms of quality of care for Iraqi and Afghanistan War veterans once they have left the Department of Defense system and gone into the VA system.

In committee we heard some say the VA is flush with money. I have looked into that statement, and the fact is that the VA is presently laying off hundreds of employees in the VA medical system and taking money out of their equipment accounts to fund their personnel accounts. During time of war and in the spirit of this bill supporting our troops not only when they are in the combat zone but when they return home, I think in that spirit we ought to, as this bill goes to conference committee, look specifically at what additional needs the VA health care system needs, provide the quality medical care that these troops need. If the war is worth fighting, certainly it is worth paying for and it is worth supporting those troops even after they have left the military and continue to pay the mental and physical price for decades for having stood up for our country.

□ 1245

So I would like to urge the committee chairman, the gentleman from California (Mr. LEWIS), the gentleman from Wisconsin (Mr. OBEY), the gentleman from Pennsylvania (Mr. MURTHA), and the gentleman from Florida (Mr. YOUNG) to work together with us on a bipartisan basis to see that we can add the needed money for the VA health care system, to see that we do not shortchange these great Americans who have risked their lives for our country.

Mr. LEWIS of California. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Chairman, the bill we bring to the floor today includes $2 billion for funding requirements under the jurisdiction of the Subcommittee on Science, State Justice and Commerce including State Department and FBI needs related to program expenses in Iraq.

There are two major issues that I want to summarize, because there is not a lot of time.

The embassy in Iraq. The embassy in Iraq, 45 people have died in attacks on the embassy in Iraq. We want security in this building; we want security in many other buildings around the city. This embassy will cost less in many respects than many of the other buildings. So there is going to be a lot to talk about. But to send our men and women in harm's way to live in a building that is unsafe or to delay the construction would be, quite frankly, wrong.

On the whole issue of peacekeeping, there may very well be an amendment to strike the peacekeeping section. Members should know that in the North-South war, 2.1 million people in Sudan, many Christians, some Muslims and Animists, died in the North-South issue.

Darfur is the scene of genocide today as we now speak, and every Member of this House voted to say there was genocide in Sudan, and every Member of the Senate voted the same way. To take away the peacekeeping money after the Bush administration has done such a good job of bringing North-South peace, to take that away to allow the raping and the pillaging and everything that is going on in Sudan would be morally unacceptable.

Now, President Bush, working with Secretary Powell and Senator Danforth, has negotiated, after 20 years, and keep in mind, Osama bin Laden lived in Sudan from 1991 to 1996, have negotiated for 20 years, and now to strike the peacekeeping money that will send troops in that regard, and we do not want to send American troops there, troops that will stop the pillaging and put insulation into the peace agreement that has been signed, and that will put pressure, pressure, on ending the genocide that is taking place in Darfur.

I would beg this Congress after the good work of this administration and Members on both sides, and almost everybody signed Dear Colleague letters urging the administration to do more on Sudan, they are now doing it. Keep in mind there was slavery in Sudan up until 2 years ago. Without peacekeepers in Sudan, the North-South agreement will break down, 2.1 million Christians will have died in vain, and many Muslims and many Animists, and Darfur will not come to an end.

So I beg this institution, when this amendment comes up to strike peacekeeping for this area, do not support it, because if you support it and it carries, the genocide, I can guarantee you, will continue in Darfur and the North-South peace agreement will break down and the war will begin. And keep in mind, Hamas has training camps in Khartoum and so does Hezbollah.

The bill we bring to the Floor today includes just over $2 billion for funding requirements under the jurisdiction of the Subcommittee on Science, State, Justice and Commerce, including State Department and FBI needs related to program expenses in Iraq.

For the State Department, we have included $1.92 billion, a reduction of $285 million from the President's request.

The bill includes the necessary funds to maintain our diplomatic presence in Iraq and Afghanistan, and to let our personnel carry out this duties in the safest and most secure manner possible.

If we are going to conduct diplomacy anywhere, it had better be done, and done right, in Iraq and Afghanistan. These are front lines of our foreign policy, and we neglect them at our peril. This bill pays the costs necessary for operations, logistics, and security in those dangerous, but critically important parts of the world.

This bill also includes $592 million to allow State to move out quickly to build a secure compound in Baghdad. The current facilities are not secure. We need to move people out of harm's way as soon as possible.

State has secured a 100 acre site, and is ready to begin construction immediately upon receiving the funds in this bill. Since the bombings in Nairobi and Dar Es Salaam, State has delivered many of these secure compounds on time and on budget. With this funding they will complete a secure living and working compound within 24 months of enactment.

The bill also provides $580 million, $200 million below the President's request, to pay for the U.S. share of ongoing peacekeeping missions and a new mission for Sudan, where the U.S. has been a driving force for a peace agreement.

We have also included requested funding for the FBI counterterrorism efforts, and for DEA counternarcotics efforts in Afghanistan.

Finally, the bill includes requested costs of $14.5 million to jump-start the improvement of United States tsunami warning capabilities.

The Committee has scrubbed the President's request and reduced where we thought it made sense to do so. The result before you provides funding for important security measures for our diplomatic personnel, and provides for our ongoing commitments in Iraq and elsewhere.

I urge my colleagues to support the bill.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I cannot help before I begin to join with my colleague, the gentleman from Virginia (Mr. WOLF), to say that we absolutely cannot strike those vital funds for peacekeeping.

But, Mr. Chairman, I rise today, as well as to support those peacekeeping dollars, to say that many of the efforts in this legislation, the work that has been done by the gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS), I can appreciate in this emergency supplemental, even though as I have spoken to my good friend and leader, the gentleman from Pennsylvania (Mr. MURTHA), on this issue, it is important that we have an announced success strategy for leaving Iraq. Remember what I said, a success strategy, and I have not yet heard that from the administration.

But I rise today to comment that the legislation fails to contain important provisions that would provide what is truly needed by our government and that would ensure that the $81.3 billion in this bill is really spent wisely. I think we could have done better.

I am very disturbed as the ranking member of the Committee on the Judiciary Subcommittee on Immigration, Border Security, and Claims that we have now forced into this bill as a self-operating part of the rule that H.R. 418 would be included in the engrossment of the underlying bill, H.R. 1268.

I opposed the Republican leadership's position to attach the REAL ID Act to this emergency supplemental. This is anti-immigrant legislation that will not make us safer. Rather, it scapegoats asylum seekers and other immigrants.

Last year, Congress passed new driver's license standards in the 9/11 intelligence reform bill with bipartisan support, and I do support that. It was a good bill, and the intelligence reform bill was supported in a bipartisan manner. But we do not need to undo the careful compromise and thought processes by imposing anti-immigrant policies onto States' driver's licenses and identification processes.

Where is the money? This is an unfunded mandate. What is a State going to do if they are not able to implement these new procedures because they do not have the money?

The bill is being attached here in an effort to force the Senate to pass these ill-conceived policies. We have had no hearings on this REAL ID legislation, and I oppose the inclusion of this bill if the underlying legislation is passed and engrossed as set forth in H. Res. 151.

H.R. 418 includes numerous provisions limiting the rights of refugees, imposing onerous new driver's license requirements on the States, making it easier to deport legal immigrants, legal immigrants, waiving all Federal laws concerning the construction of fences and barriers where we have been told by Homeland Security experts they will not make us safer anywhere in the United States, and denying immigrants long-standing habeas corpus rights.

I believe those who are criminals need to be incarcerated, but there are immigrants who are standing in line trying to achieve citizenship. If reenacted into this legislation, it will yet again threaten to close America's doors to religious minorities escaping religious persecution and women fleeing sex trafficking, rape and forced abortions.

In the wake of the 9/11 tragedy, and even after the PATRIOT Act, this legislation would further target immigrants for crimes they have not committed and sins for which they are not responsible. At some point we have to treat terrorism as a problem that requires an "intelligence" response, as opposed to an excuse to scapegoat immigrants.

An emergency supplemental that purports to aid tsunami victims, our troops in Iraq and Afghanistan is no place for the provisions of the REAL ID Act. I support spending the necessary dollars to keep our troops in Iraq safe, to provide relief to victims of the tsunami in Southeast Asia and Africa, and to provide security in Afghanistan; but this is a poison pill.

I look forward to supporting the Jackson amendment. I will offer an amendment to stop the devastating lack of funding on the Immigration and Customs Enforcement section of DHS. But we need to take this REAL ID out of it so we can have a good bill.

Mr. Chairman, I rise in support of some of the efforts funded in this emergency supplemental, H.R. 1268, although the legislation fails to contain important provisions that would both provide what is truly needed by our government and that would ensure that the $81.3 billion proposed in this bill is spent wisely. Of particular concern to me as Ranking Member of the House Judiciary Subcommittee on Immigration, Border Security, and Claims, is the forced inclusion of H.R. 418 in the engrossment of the underlying bill, H.R. 1268.

I oppose the Republican leadership's decision to attach the REAL ID Act to this Emergency Supplemental. This anti-immigrant legislation will not make us safer—rather, it scapegoats asylum-seekers and other immigrants.

Last year, Congress passed new driver's license standards in the 9/11 Intelligence Reform bill with bipartisan support. We do not need to undo that careful compromise by imposing anti-immigrant policies onto States' driver's license and identification processes.

This bill is being attached here in an effort to force the Senate to pass these ill-conceived policies. We have had no hearings on this bill, and I oppose the inclusion of this bill if the underlying legislation is passed and engrossed as set forth in the Rule, H. Res. 151.

H.R. 418 includes numerous provisions limiting the rights of refugees, imposing onerous new driver's license requirements on the states, making it easier to deport legal immigrants, waiving all federal laws concerning the construction of fences and barriers anywhere within the United States, and denying immigrants long standing habeas corpus rights.

If re-enacted into this legislation it will yet again threaten to close America's doors to religious minorities escaping religious persecution; and women fleeing sex trafficking, rape, and forced abortions.

In the wake of the 9/11 tragedy, and even after the PATRIOT Act, this legislation would further target immigrants for crimes they have not committed and sins for which they are not responsible. At some point, we have to treat terrorism as a problem that requires an "intelligence" response, as opposed to an excuse to scapegoat immigrants. An emergency supplemental that purports to aid tsumani victims, our troops in Iraq, and Afghanistan is no place for the provisions of REAL ID. Inclusion in this fashion amounts to a forced acceptance of its provisions much like a contract of adhesion.

Mr. Chairman, I support spending the necessary dollars to keep our troops in Iraq safe, to provide relief to victims of the tsunamis in southeast Asia and Africa, and to provide security for Afghanistan. However, the legislation before us today stands to use the public's fear of terrorism to radically change asylum law for ALL asylees, not just those with some connection to terrorism or relating to the issues contained in the underlying legislation. For these reasons, I oppose this legislation in its present form. I will, however, support the Jackson Amendment on Africa and I as well, will offer an amendment to stop the devastating lack of funding of the Immigration and Customs Enforcement section of DHS, a real crucial part of the Nation's Homeland Security.

Mr. LEWIS of California. Mr. Chairman, I am happy to yield 4 minutes to the gentleman from Michigan (Mr. KNOLLENBERG), the chairman of the Subcommittee on Transportation, Treasury, and HUD.

Mr. KNOLLENBERG. Mr. Chairman, I rise in strong support of the supplemental appropriations bill, and I thank the gentleman from California (Mr. LEWIS) for yielding me time. I want to commend the gentleman for putting together what I believe is an excellent bill and for his leadership in reviewing each single element of the administration's request.

The Subcommittee on Transportation, Treasury, and HUD that I chair has mostly technical items in this supplemental that are not controversial, so I would like to focus my comments on the overall bill.

In the past few months, we have seen an extraordinary progress in Iraq and in the Middle East at large. From the historic Iraqi elections, the new Palestinian leadership, voting in Saudi Arabia, and massive demonstrations in Lebanon against their Syrian occupiers, I believe that these events show major positive changes that can come to this part of the world.

We must maintain that momentum, and that is what this bill does. By passing this legislation, we will keep our soldiers in Iraq fully equipped as they continue their daunting task in maintaining security and training Iraqis to take over those functions.

The funding included in this bill to secure a new United States embassy will help get us out of the palaces that we currently occupy. We will provide much-needed assistance to Afghanistan in its efforts to become more secure, restrict the drug trade, and develop its economy. This is a good bill, and it deserves our support.

I would like to comment specifically on one part of the supplemental that I know many of us are concerned about, and that is the $200 million to aid the Palestinian Authority. The Palestinians have an opportunity to get their house in order, and we should help them. Prime Minister Abbas and Finance Minister Fayyad are the right people for their jobs, but we all know that the Palestinian Authority still needs a great deal of reform, and we need to be careful about how we provide money to help the Palestinians.

That is why under the direction and leadership of the gentleman from Arizona (Mr. KOLBE), we included specific conditions for how this money can be used. We maintain the prohibition on direct assistance to the Palestinian Authority. We require the administration to provide a comprehensive report on the steps taken by the Palestinian Authority on good governance, economic reforms, and dismantling the terrorist organizations. And we require an audit of the Palestinian Authority's financial structures.

Providing this money sends an important signal that the U.S. is prepared to help the Palestinians. Including the appropriate conditions sends an equally important signal that the Palestinian Authority has expectations that must be met. The committee should be commended for handling this issue in a balanced and effective way; and I urge everyone, obviously, to support it.

Mr. Chairman, again I say, this is a good bill, It is a necessary bill, and I urge again all of my colleagues to support it.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Maryland (Mr. HOYER), the minority whip.

Mr. HOYER. Mr. Chairman, I thank the gentleman from Wisconsin, and I thank our new chairman and congratulate him on his new position.

Mr. Chairman, I intend to vote for this supplemental appropriations bill, because I believe it is imperative to support our men and women in harm's way in Iraq and Afghanistan and to continue our Nation's important work there. Our Nation must finish what it has begun. We cannot disregard the bravery of millions of Iraqi citizens who turned out to vote in January. Failure there, in my opinion, is not and should not be an option.

This legislation also is a recognition of the bravery and courage of our service men and women, more than 1,500 of whom have given the ultimate measure of sacrifice for freedom.

As Tom Friedman pointed out in the New York Times in February: "There is no single action we could undertake anywhere in the world to reduce the threat of terrorism that would have a bigger impact today than a decent outcome in Iraq." I share that view.

Mr. Chairman, I believe it is more than mere coincidence that over the last several months the winds of democratic reform have begun to blow, not only in Iraq and Afghanistan but also in Lebanon, Egypt, Saudi Arabia, and the Palestinian Authority. But we must harbor no illusions about the prospects for democratic reform in lands that have never known it. However, I believe that it is in our Nation's interests to encourage and promote it.

Mr. Chairman, I also want to note that this legislation includes funding for food and humanitarian assistance in Sudan, as well as tsunami relief.

□ 1300

However, despite these important funding requests, I would be remiss if I did not point out that this bill is far from perfect. In many respects it is troubling.

This Congress has a constitutional obligation, a duty, on behalf of the voters who elected us to serve here to hold the administration accountable for such expenditures. We have asked for a report. We have not gotten that report yet.

The gentleman from Pennsylvania (Mr. MURTHA) mentioned that in our markup. The gentleman from California (Mr. LEWIS) mentioned that in our markup.

The American public wants to support this effort but wants to do so in an effective, honest and efficient manner. It is our responsibility to ensure that.

It is clear that the administration has included many measures in addition that are not emergencies. We understand that practice. It has happened before. But I believe with all due respect that we have not met our oversight requirements.

This bill is approximately $82 billion. In talking to staff, and maybe I stand to be corrected, but I believe that there are only two appropriations bills. Defense and Labor and Health that are larger than this $82 billion bill. Now there may be another one. I think VA-HUD used to be but we do not have VA-HUD. What does that mean? That means we are passing the third largest appropriations bill that we will pass in the Congress.

What does that mean? We are passing the third largest appropriations bill through this House without a single hearing, not one. There was no hearing in subcommittee, any of the subcommittees. There was no hearing in the full committee. We had 2½ hours of consideration in the full committee.

Mr. Chairman, as you know, we literally hold hundreds, perhaps thousands of hours of hearings on the individual bills. As a result, individual Members have the opportunity to ask questions, to make sure themselves that the money that is asked for is being spent appropriately.

As I said, I will support this bill. I do not hold our new chairman responsible for this. This is a supplemental. It came down relatively late. Our men and women are at risk. We need to get this money moving. I understand that. But I suggest to my colleagues that oversight is critical, and I would urge the gentleman from California (Mr. LEWIS) and the ranking member, the gentleman from Wisconsin (Mr. OBEY), that as we proceed with further consideration of these items that we exercise oversight carefully in the coming months to assure ourselves that this money is being spent as we intend it to be.

Mr. Chairman, I thank the gentleman for yielding me time.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would take a moment to suggest to the gentleman that he may not be aware of it because he does not serve on those subcommittees, but there were at least six hearings in a variety of subcommittees and other meetings regarding this matter before we got organized.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, how much time remains?

The Acting CHAIRMAN (Mr. FOSSELLA). The gentleman from Wisconsin (Mr. OBEY) has 10 minutes remaining. The gentleman from California (Mr. LEWIS) has 8 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. SKELTON), the ranking member of the Committee on Armed Services.

Mr. SKELTON. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I will vote in favor of this bill. We cannot let our troops down who are out there on the front line.

Let me wish our new chairman the very best in his maiden voyage through this body on the floor.

Mr. Chairman, I want my colleagues to know that my vote is not a full endorsement of the bill. I am troubled that we continue to resort to supplementals to fund our efforts in Iraq and in Afghanistan. I think we can do a better job making sure our troops on the front line have everything they need if we put funding for these operations up front in the fiscal year rather than halfway through it like we are doing in a supplemental like this.

I also think we should require more rigorous accounting of the war costs. This is important. We need better information to conduct our constitutional duty of oversight. Most important, my reservations have to do with the fact that we still do not have a coherent strategy for success in Iraq.

When I go back home I get questions from my constituents about the war in Iraq and its costs. What is the meaning of winning in Iraq? How will we know when we have won and we can leave, especially when for every insurgent we kill there seems to be another to take his place? Are we trying any more to win the hearts and minds of the Iraqi people? If so, when will the Iraqis be ready to take over their own security?

Many in the administration have said we cannot put a timetable on the withdrawal. I agree. We cannot put a timetable on it. But while we should avoid a schedule, we must have a "to do" list. We must set goals for the Iraqi forces. We must be able to measure the progress of those Iraqi forces in attaining those goals.

I voted for the resolution authorizing the use of force in Iraq. I will vote for this bill. We must win in Iraq. But I see no game plan. There is nothing in this bill that forces the administration to level with us and to level with the American people about either the real costs or about our strategy for success. In my opinion this is a missed opportunity.

Mr. Chairman, I urge my colleagues to vote for this bill, but we should all realize that this is far from a perfect way of running Operation Iraqi Freedom.

Mr. LEWIS of California. Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, how many speakers does the gentleman have remaining?

Mr. LEWIS of California. At this point I see none on the floor.

Mr. OBEY. Mr. Chairman, I am the last remaining speaker on my side. How much time do I have remaining?

The Acting CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) has 7½ minutes remaining.

Mr. OBEY. Mr. Chairman, I yield myself 6 minutes and 50 seconds.

Mr. Chairman, I would like to make four points. Information is the lifeblood of democracy. If the public does not get sufficient information, they cannot perform their duties in a citizen-based democracy. If this Congress does not get adequate information, it cannot make the right choices in providing checks and balances to any administration.

We have gotten precious little information about the administration's plans for war before the war. We have gotten precious little information about their plans during the war, and we certainly are getting precious little information from them now.

The full cost of this war is being revealed a little bit at a time on the installment plan, and information that the Congress has asked for has not been forthcoming. Example, section 9012 of the 2005 DOD appropriations bill requires, it does not request, it requires the administration as a condition of getting the previous money, it required the administration to give the Congress its best estimate of what our costs would be in the Iraqi war over the next 5 years. They were supposed to have that information by January 1. Last time I looked, we are past January 1. Still no information.

I have already referred previously to the information we have seen in the papers about the activities, the under-the-table classified activities that DOD appears to be engaged in without informing the Congress about those activities. The gentleman from Maryland (Mr. HOYER) referred to oversight responsibilities. I think this Congress has done a miserable job in meeting its oversight responsibilities on this war. There are notable exceptions. But I do not believe that we have insisted on the information that we need to have in order to meet our responsibilities fully and well. I certainly do not think that we have measured up to our obligation to protect taxpayers' money.

We tried in full committee to win support for the creation of a Truman-like committee to conduct ongoing investigations of profiteering in Iraq by contractors. We were turned down.

We asked the Committee on Rules to make a similar amendment in order. We were turned down.

This article demonstrates why we need that committee. This appeared in the Washington Post this morning. "Pentagon audit questions Halliburton costs in Iraq. Pentagon auditors found more than $100 million in questionable costs in one section of a massive no-bid Halliburton Company contract for delivering fuel to Iraq according to a summary of their reports released yesterday. The audit summary written in October 2004 but withheld from public release covers one out of 10 sections from a $2.5 billion contract under which Halliburton was tapped to deliver fuel, fight oil well fires, repair oil well facilities in Iraq after the U.S.-led invasion in the spring of 2003.'' And then it goes on to tell the story.

This article alone demonstrates why we need that kind of a committee.

Now, Harry Truman during World War II when he was a member of the Senate conducted over 400 hearings. He issued almost 50 reports. That was a Democratic Congress investigating a Democratic administration and no harm was done to the country in the process. But a lot of taxpayers' money was protected and a lot of embarrassments were avoided. That is what ought to happen now, but we are being stonewalled by the majority and by the White House on this issue. I hope that changes.

I would also like to simply say with respect to my comments earlier about the Department of Defense appearing to undertake covert activities which in the past have been within the purview of the CIA, I want to read the concluding paragraph from an editorial in the Minnesota Daily which reads as follows:

> Human intelligence is a risky business. When missions go awry, the consequences can be far-reaching. Congressional oversight assures that spymasters remain accountable for their foul-ups. It might indeed be necessary to give the Pentagon more control over human intelligence but that is a decision Congress should make, not Rumsfeld.

And that is my point. I do not know whether the activities that are being discussed in the newspapers are wise or not. I have my doubts about some of them. But it seems to me that in the end this is a judgment that needs to be made by elected officials, not an independent agency that feels it is too powerful to listen to anybody else in government.

Mr. Chairman, I will vote for this bill, but I want to make it quite clear, this is the last time we are going to be supporting a bill like this if we do not have adequate oversight and we do not have adequate information on the part of the administration.

I think it is fair to give the administration and the majority parties notice that this is the last time as far as I am concerned unless we get better information. I would urge support for the bill and simply note that it appears that many, many Members of this body who voted to go to war in Iraq are now planning to vote not to pay for the war which they agreed to support in the first place. I find that position most interesting indeed.

The Acting CHAIRMAN. Does the gentleman from Wisconsin (Mr. OBEY) yield back the balance of his time?

Mr. OBEY. Mr. Chairman, does the gentleman from California (Mr. LEWIS) have more than one speaker remaining?

Mr. LEWIS of California. Mr. Chairman, I have no additional speakers. I will make closing remarks on the general debate.

Mr. OBEY. Mr. Chairman, I yield back the balance of my time.

□ 1315

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Having no additional speakers under general debate, I would just like to close by saying that the discussion we have had thus far on this very important measure has been very healthy.

The fundamental thrust of this supplemental is to support the troops in Iraq and in the Middle East. We do have funds that involve the terrible tragedy, the tsunami. The discussion will lead to amendments that will round out this debate. I expect it will be a very efficient, hopefully very speedy, debate.

Mr. COX. Mr. Chairman, several provisions in this legislation are of particular interest to the Committee on Homeland Security.

First, this spending bill will be procedurally consolidated with the REAL ID Act, which the House approved 261–161 on February 10, 2005. We cannot effectively fight terrorism if we cannot verify the identity of people boarding airplanes, entering nuclear power plants, visiting the White House, or gaining access to any of the countless places a terrorist could use as a stage to multiply the effect of an attack. Accurate identification of individuals before permitting them access to critical infrastructure is a prerequisite to success.

The failure to ensure the integrity of identification documents that can be legally used to access critical infrastructure means that the entire process of checking IDs is deeply flawed. Likewise, the time and effort of every law abiding citizen who waits in seemingly endless lines, first to obtain and then to present identification, is wasted. Document fraud is a crime against all Americans who must tolerate the indignity of life in a post-9/11 world. Why must honest Americans prove who we are, again and again, if terrorists and criminals are free to make a hash of this requirement?

Five weeks ago, the House approved the REAL ID Act, just as we did in the 108th Congress. In so doing, we responded to the challenge put before us by Mir Aimal Kansi, who slaughtered five people at CIA headquarters; by Ramzi Yousef, who masterminded the first World Trade Center attack; and by several of the 9/11 hijackers who would have found it far more difficult, if not impossible, to carry out their terror attacks had we prevented them from using false identification.

This spending bill also contains funding to secure our borders. To secure our nation from nuclear attack, the legislation includes $55 million to detect nuclear material at foreign ports. The Megaports Initiative is designed to interdict illicit traffic in nuclear and other radioactive materials. By surveilling container shipping at high volume, high risk overseas ports, and by deploying radiation detection devices at our own ports of entry, America's counterterrorism strategy can succeed in a comprehensive defense of the global supply chain.

This bill also provides $38.97 million for the Terrorist Screening Center. This multi-agency homeland security effort is responsible for supporting the Department of Homeland Security's effort to screen passengers on both domestic and international flights. This new funding will help the TSC to handle new requirements, such as the Department of Homeland Security's Secure Flight Program.

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I rise today out of frustration with H.R. 1268, the Emergency Supplemental Wartime Appropriations Act. I support passage of this legislation, as I believe it is absolutely necessary to continue to fund the important activities of our brave men and women fighting the global War on Terrorism.

Our men and women depend on having the necessary equipment and systems to be successful in mission accomplishment. As a Member of the House Armed Services Committee, I am actively involved in efforts, for example, to better protect our troops while they are in harm's way. With that said, the inclusion of spending projects within this bill that certainly do not qualify as either "emergency" or "wartime" is outrageous.

The issue at hand is not whether or not it is necessary to fund the noble efforts of our soldiers, for that answer is self-evident. Rather, the question is about our responsibility to spend the American people's money wisely, and in a manner consistent with the established process. I do not doubt that the non-wartime, and non-defense related projects in this bill are worthwhile; however, the decision to fund these projects should be made during the established appropriations process. Certainly, it is inappropriate for this body to have to consider legislation under the guise of emergency, wartime spending, when in fact, that description is not completely honest.

Again, I support this funding legislation as it pertains to the support of our military, and our efforts to protect American citizens, and to promote peace and democracy in the Middle East. However, I do not support the inclusion of unrelated projects within this bill, and find it most unfortunate that Members of Congress are forced to vote on such legislation.

Mr. SALAZAR. Mr. Chairman, I rise today in support of our troops serving overseas and H.R. 1268.

I would first like to recognize Mr. LEWIS, Mr. OBEY and the Appropriations Committee for their work on this bill.

This past weekend, Colorado welcomed home the 143rd Signal Company of the Colorado Army National Guard. We honor the sacrifices these men and women have made and welcome them home.

We must ensure the safety and well being of the brave men and women who are still serving our country overseas.

By passing this budget supplemental, we send a message to our troops that, "we support you in your cause to bring freedom and democracy to the world."

I commend the committee for proposing to increase funding for vehicle armor kits, new trucks and night vision equipment above and beyond the administration's request.

This money will ensure our troops are safe in the line of fire.

I am also very pleased that H.R. 1268 proposes to increase benefits for military personnel.

For too long, life insurance and death gratuity benefits have not been enough to take care of families who lost a loved one.

I urge my colleagues to support these two important provisions and not allow them to be stripped from the bill.

Although I will be voting for this supplemental, I hope in the future we will not have to vote for supplemental appropriations.

I hope in the future we will vote on the funding of military operations during the budgeting process.

We are dealing with known and fixed costs in this supplemental.

It is time for the Congress to send a message to the Administration that we must include future funding for the war on terrorism in the federal budget.

Mr. Chairman, I urge my colleagues to support our troops and pass H.R. 1268. I yield back the balance of my time.

Ms. BERKLEY. Mr. Chairman, first, I want to take a moment and commend the gentleman from Texas, Mr. EDWARDS, Ranking Member OBEY, Chairman LEWIS and the Committee on Appropriations for bringing this supplemental appropriation to the floor so quickly. This legislation is extremely important to the lives of servicemembers in Iraq and Afghanistan and their families.

As many of my colleagues know, Las Vegas is home to the Nellis Air Force base and many of the men and women stationed there have been sent overseas. Over 1,000 Nevada reservists and National Guard members have been called to active duty. I have spoken to the parents and families of our men and women who have fallen in the line of duty and I am acutely aware of family conflicts which are exacerbated by the death of a servicemember.

Therefore, I have serious concerns regarding the application of the Servicemember's Group Life Insurance (SGLI) spousal consent requirements in section 1113(b) of the emergency supplemental bill. This section requires a married servicemember to purchase a particular level of life insurance and to list their spouse as the beneficiary, unless the spouse consents otherwise. At first blush, this proposal sounds great-until you think about it. This "one size fits all" approach could result in the one-time payment of $400,000 to a spouse, at the expense of a servicemember's wishes and the best interest of his orphaned children.

We must remember that not all married servicemembers have the same types of families and relationships with their spouses.

Imagine a servicemember who is married to a man with a serious drug problem. This servicewoman may prefer to name their children as the beneficiaries of her life insurance policy so that in the event of her death, the insurance is spent on he children's school, clothes, and health care. Not her husband's cocaine addiction. I do not believe that this woman should have to receive permission from her husband to name her children as the beneficiaries of her life insurance policy and that the government should be forcing her to do so.

Consider a serviceman who has minor children from a prior marriage. He may want his children to receive the monies, instead of his current wife. A man who wants to be responsible and take care of his children in the event of his death, should not be prevented from doing so. But the spousal consent provision in the emergency supplemental may do just that.

Current law allows a servicemember to designate 50% of his life insurance policy to a spouse and the rest to a child. This flexibility has given servicemembers the opportunity to properly take care of their families upon their deaths, no matter what kind of family situation they have.

The Military Officers Association of America originally supported the provision, but now recognizes that the language is excessively stringent. The organization now supports striking the requirement for spousal consent. I would like to insert in the record a letter from MOAA and a similar letter from The Military Coalition.

Mr. Chairman, the potential of this provision to require that a large one time payment be made to the legal spouse of a deceased servicemember could have serious ramifications for the servicemember's children. It needs to be reconsidered in that light. I do not want to delay passage of this important bill, since it contains many important and urgent provisions. I trust that the conferees will be able to address this issue in conference.

MILITARY OFFICERS
ASSOCIATION OF AMERICA,
March 11, 2005.

Hon. STEVE BUYER,
Chairman, Committee on Veterans Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the 370,000 members of the Military Officers Association of America (MOAA), I am writing to inform you that, after discussing the issue extensively with the Committee's majority and minority staff, MOAA has reconsidered its position on the Servicemen's Group Life Insurance (SGLI) spousal consent requirement, as included in the Appropriations Committee's markup of the FY2005 Defense Supplemental Appropriations Act.

We believe there is merit to the staff's view that the Appropriations Committee's language is excessively stringent and could inappropriately preclude servicemembers' ability to make reasonable insurance decisions—especially in circumstances where it may be reasonable and appropriate for a member to designate children as beneficiaries instead of the current spouse.

MOAA believes Congress is doing the right thing in expediting passage of improved death benefits coverage in the Supplemental Appropriations Act, and we have no wish to slow that process in any way.

Therefore, MOAA urges your support for a floor amendment that would either substitute a provision requiring spousal notification (instead of spousal consent) or strike the spousal consent requirement to allow the Committee to develop more appropriate language that could be offered in conference or another appropriate legislative venue.

Sincerely,

STEVEN P. STROBRIDGE,
Colonel, USAF (Ret),
Director, Government Relations.

THE MILITARY COALITION,
Alexandria, VA, March 15, 2005.

Hon. LANE EVANS,
Ranking Member, Committee on Veteran's Affairs, Washington, DC.

DEAR REPRESENTATIVE EVANS: The Military Coalition (TMC), a consortium of nationally prominent uniformed services and veterans' organizations, representing more than 5.5 million members plus their families and survivors, is writing to inform you that, after discussions with the Veterans Affairs Committee's majority and minority staff, TMC has reconsidered its position on the Servicemen's Group Life Insurance (SGLI) spousal consent requirement, as included in the Appropriations Committee's markup of the FY2005 Defense Supplemental Appropriations Act.

TMC believes there is merit to the staff's view that the bill language is excessively stringent and could inappropriately preclude servicemembers' ability to make reasonable insurance decisions—especially in circumstances where it may be reasonable and appropriate for a member to designate children as beneficiaries instead of the current spouse.

TMC believes Congress is doing the right thing in expediting passage of improved death benefits coverage in the Supplemental Appropriations Act, and we have no wish to slow that process in any way.

Therefore, TMC urges your support for a floor amendment that would either substitute a provision requiring spousal notification or strike the spousal consent requirement to allow the Committee to develop more appropriate language that could be offered in conference or another legislative venue.

Sincerely,

Signed by the representatives of the following organizations:

Air Force Association.
Air Force Sergeants Association.
Air Force Women Officers Associated.
American Logistics Association.
AMVETS (American Veterans).
Army Aviation Assn. of America.
Assn. of Military Surgeons of the United States.
Assn. of the US Army.
Commissioned Officers Assn. of the US Public Health Service, Inc.
Enlisted Association of the National Guard of the US.
Fleet Reserve Assn.
Gold Star Wives of America, Inc.
Marine Corps Reserve Association.
Military Officers Assn. of America.
Military Order of the Purple Heart.
National Association for Uniformed Services.
National Military Family Assn.
National Order of Battlefield Commissions.
Naval Enlisted Reserve Assn.
Naval Reserve Assn.
Non Commissioned Officers Assn. of the United States of America.
Reserve Officers Assn.
The Military Chaplains Assn. of the USA.
The Retired Enlisted Assn.
United Armed Forces Assn.
USCG Chief Petty Officers Assn.
US Army Warrant Officers Assn.
Veterans of Foreign Wars of the US.

Mr. HASTINGS of Florida. Mr. Chairman, I rise to oppose the Iraqi Supplemental Appropriations Bill for Fiscal Year 2006. To call this legislation a travesty is to put it nicely. It is nothing but $81 billion of chaos blanketed in lofty-sounding phrases like "tsunami relief" and "supporting our troops." Actually, this bill represents a mockery of the democratic process.

Calling this bill an "Emergency Supplemental" implies that the Bush Administration and Congress were somehow not aware of these costs. That is ridiculous. The only unforeseen cost contained in this $81 billion dollar boondoggle is the $656 million for tsunami relief.

Both Congress and the Administration have known for months that $75 billion in the bill for the wars in Iraq and Afghanistan would be needed, but we didn't put it in the budget. The real story is that the Bush Administration is attempting to hide from the American people the real costs of a mismanaged war.

The Administration once claimed the war in Iraq would cost $1.7 billion. This Supplemental alone is almost 50 times that amount. Is the Administration out to lunch?

Tomorrow, the House is going to consider a budget resolution that, like the previous year, fails to include adequate funding for the war in Iraq. I'm not a soothsayer, Mr. Speaker, but dare I warn, "Beware of the Ides of March." If tomorrow's Republican budget is passed, we're going to be here next March writing the Bush Administration another check to cover the costs of its campaign of nation building.

The Bush Administration is hiding behind the rhetoric of supporting our troops to escape accountability for the war in Iraq, and the American people should be outraged. We should be embarrassed that Members in this body are so willing to write blank checks to a President who has yet to justify how the $175 billion in already appropriated money in Iraq and Afghanistan has been spent.

Mr. Chairman, I am even more appalled by the manner in which funding for clandestine operations is being carried out in this bill. This bill allocates a massive amount of money for covert operations, yet the Department of Defense did not see fit to go through either of the two House authorizing committees of jurisdiction. Congress is creating a private bank account for Secretary Rumsfield without any oversight or permission from the United States Congress. Is this what the American people want—government by fiat?

Mr. Chairman, our government has a process, and this process is vital to preserving the nature of our democracy. I shouldn't have to explain that. All of the Bush Administration's rhetoric about global freedom apparently does not extend to the United States Capitol Building. What is more important for the Bush Administration is that they get their money at all and any costs. I guess that means they will sell this bill on the altruistic notions of patriotism and humanitarianism in a snide attempt to drum up support.

Why is this bill being dubbed a tsunami relief effort when the entire Supplemental is over 120 times the amount allocated for the tsunami? What about the six hundred million dollars to build the world's biggest embassy in Baghdad? What are they building this thing out of—pure lead? That same amount of money could go towards vital security upgrades at other embassies and consulates around the world.

Why don't we just make things easier on everyone by throwing this bill out the window and opening up everyone's bank accounts to the United States Executive Branch? Now that's privatization.

This isn't a question of patriotism, nor is it a question of our commitment to helping tsunami victims recover. This is an issue with short and long-term constitutional and budgetary ramifications.

I realize that the Bush Administration feels it would be easier to simply govern without any input or oversight, but the first three Articles of the Constitution suggest otherwise.

I cannot in good conscience support legislation that, for all we know, might pour billions in the pockets of Halliburton while depriving our troops of necessary resources. And I can't imagine why the United States Congress, led by the Appropriations Committee, is handing a leash to the White House and waiting to be taken out for a walk.

Mr. Chairman, I am outraged by this crass attempt to shirk congressional responsibility, and I urge my colleagues to vote against this legislation.

Mr. LEWIS of California. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. FOSSELLA). All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has preprinted in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 1268

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2005, and for other purposes, namely:

TITLE I—DEFENSE-RELATED APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF DEFENSE

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $11,779,642,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $534,080,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $1,251,726,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $1,473,472,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", $40,327,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", $11,111,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve Personnel, Marine Corps", $4,115,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", $130,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", $430,300,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", $91,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Opera-tion and Maintenance, Army", $17,366,004,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Opera-tion and Maintenance, Navy", $3,030,801,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $982,464,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $5,769,450,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Opera-tion and Maintenance, Defense-Wide", $3,061,300,000, of which—

(1) not to exceed $25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom; and

(2) up to $1,220,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided, or to be provided, to United States military operations, notwithstanding any other provision of law: *Provided*, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the Committees on Appropriations on the use of funds provided in this paragraph: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

AMENDMENT OFFERED BY MR. TIERNEY

Mr. TIERNEY. Mr. Chairman, I offer an amendment.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Clerk read as follows:

Amendment offered by Mr. TIERNEY:

Page 7, after line 10, insert the following new title:

TITLE VII—ESTABLISHMENT OF SELECT COMMITTEE TO INVESTIGATE THE AWARDING AND CARRYING OUT OF CONTRACTS TO CONDUCT ACTIVITIES IN AFGHANISTAN AND IRAQ AND TO FIGHT THE WAR ON TERRORISM

MEMBERSHIP AND FUNCTIONS

SEC. 701. The select committee is to be composed of 15 Members of the House, to be appointed by the Speaker (of whom 7 shall be appointed upon the recommendation of the minority leader), one of whom shall be designated as chairman from the majority party and one of whom shall be designated ranking member from the minority party. Any vacancy occurring in the membership of the select committee shall be filled in the same manner in which the original appointment was made. The select committee shall conduct an ongoing study and investigation of the awarding and carrying out of contracts by the Government to conduct activities in Afghanistan and Iraq and to fight the war on terrorism and make such recommendations to the House as the select committee deems appropriate regarding the following matters—

(1) bidding, contracting, and auditing standards in the issuance of Government contracts;

(2) oversight procedures;

(3) forms of payment and safeguards against money laundering;

(4) accountability of contractors and Government officials involved in procurement;

(5) penalties for violations of law and abuses in the awarding and carrying out of Government contracts;

(6) subcontracting under large, comprehensive contracts;

(7) inclusion and utilization of small businesses, through subcontracts or otherwise; and

(8) such other matters as the select committee deems appropriate.

RULES AND PROCEDURE

SEC. 702. (a) QUORUM.—One-third of the members of the select committee shall constitute a quorum for the transaction of business except for the reporting of the results of its study and investigation (with its recommendations) or the authorization of subpoenas, which shall require a majority of the committee to be actually present, except that the select committee may designate a lesser number, but not less than two, as a quorum for the purpose of holding hearings to take testimony and receive evidence.

(b) POWERS.—For the purpose of carrying out this title, the select committee may sit and act during the present Congress at any time and place within the United States or elsewhere, whether the House is in session, has recessed, or has adjourned and hold such hearings as it considers necessary and to require, by subpoena or otherwise, the attendance and testimony of such witnesses, the furnishing of information by interrogatory, and the production of such books, records, correspondence, memoranda, papers, documents, and other things and information of any kind as it deems necessary, including classified materials.

(c) ISSUANCE OF SUBPOENAS.—A subpoena may be authorized and issued by the select committee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. Authorized subpoenas shall be signed by the chairman or by any member designated by the select committee, and may be served by any person designated by the chairman or such member. Subpoenas shall be issued under the seal of the House and attested by the Clerk. The select committee may request investigations, reports, and other assistance from any agency of the executive, legislative, and judicial branches of the Government.

(d) MEETINGS.—The chairman, or in his absence a member designated by the chairman, shall preside at all meetings and hearings of the select committee. All meetings and hearings of the select committee shall be conducted in open session, unless a majority of members of the select committee voting, there being in attendance the requisite number required for the purpose of hearings to take testimony, vote to close a meeting or hearing.

(e) APPLICABILITIES OF RULES OF THE HOUSE.—The Rules of the House of Representatives applicable to standing committees shall govern the select committee where not inconsistent with this title.

(f) WRITTEN COMMITEE RULES.—The select committee shall adopt additional written rules, which shall be public, to govern its procedures, which shall not be inconsistent with this title or the Rules of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 703. (a) APPOINTMENT OF STAFF.—The select committee staff shall be appointed, and may be removed, by the chairman and shall work under the general supervision and direction of the chairman.

(b) POWERS OF RANKING MINORITY MEMBER.—All staff provided to the minority party members of the select committee shall be appointed, and may be removed, by the ranking minority member of the committee, and shall work under the general supervision and direction of such member.

(c) COMPENSATION.—The chairman shall fix the compensation of all staff of the select committee, after consultation with the ranking minority member regarding any minority party staff, within the budget approved for such purposes for the select committee.

(d) REIMBURSEMENT OF EXPENSES.—The select committee may reimburse the members of its staff for travel, subsistence, and other necessary expenses incurred by them in the performance of the their functions for the select committee.

(e) PAYMENT OF EXPENSES.—There shall be paid out of the applicable accounts of the House such sums as may be necessary for the expenses of the select committee. Such payments shall be made on vouchers signed by the chairman of the select committee and approved in the manner directed by the Committee on House Administration. Amounts made available under this subsection shall be expended in accordance with regulations prescribed by the Committee on House Administration.

REPORTS

SEC. 704. The select committee shall from time to time report to the House the results of its study and investigation, with its recommendations. Any report made by the select committee when the House is not in session shall be filed with the Clerk of the House. Any report made by the select committee shall be referred to the committee or committees that have jurisdiction over the subject matter of the report.

Mr. TIERNEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. TIERNEY. Mr. Chairman, my amendment mirrors in most respects a bipartisan bill that has been filed by the gentleman from Iowa (Mr. LEACH) and me.

It establishes a select committee of the House to investigate the awarding and carrying out of contracts to conduct activities in Afghanistan and Iraq and to fight terrorism.

The select committee is to be composed of 15 Members of the House, appointed by the Speaker, with seven being made upon the recommendation of the minority leader.

The select committee will make such recommendations to the House as it deems appropriate regarding the bidding, contracting, and auditing standards in the issuance of government contracts; oversight procedures; forms of payment and safeguards against money laundering; accountability of contractors and government officials involved in procurement; penalties for violations of law and abuses in the awarding and carrying out of government contracts; subcontracting under large, comprehensive contracts; inclusion and utilization of small businesses through subcontracts or otherwise; and such other matters as the select committee deems appropriate.

Mr. Chairman, according to the Congressional Research Service, the $81.9 billion that is before us today in the supplemental appropriations bill is in addition to the approximately $200 billion that has been spent so far since the 9/11/2001 attacks on combat operations, on the occupation and on the support of military personnel deployed or supporting operations in Iraq and Afghanistan.

Congress has recognized that we must meet our operational, technical, and equipment needs of our troops; and we should acknowledge that the funds for those purposes, particularly those for the safety of our troops, remains paramount. But when it comes to ensuring that the funds are properly managed and monitored, we have been largely silent. Horror stories abound. We just heard some by the gentleman from Wisconsin (Mr. OBEY) as he was talking about yesterday's news about Halliburton, and there is ample cause to carefully scrutinize the procurement process.

Just in January, the special Inspector General for the Iraqi reconstruction reported that the Coalition Provisional Authority, CPA, could not account for $8.8 billion. The report said: "Severe inefficiencies and poor management by the CPA have left auditors with no guarantees the money would be properly used."

That same report indicated that auditors were unable to verify that the money for which they can account was spent for the intended purposes.

The report raises the possibility of so-called "ghost" employees, citing 8,206 guards identified as on the payroll at one ministry, although only 602 could be verified. At another ministry, payroll listed 1,471 security guards when only 642 were working.

A Center for Strategic and International Studies analysis, which was cited in an October 6 Washington Post story, indicated that as little as 27 cents of every dollar spent in the Iraqi reconstruction is actually filtered down to projects that benefit Iraqis.

According to the testimony of Steve Ellis of the Taxpayers for Common Sense, who was citing a KPMG study, the Commander's Emergency Response Program, which is in effect a program designed to allow United States military officers to quickly fund small reconstruction projects, maintained little documentation of how taxpayers' dollars were spent.

The study found that 42 cases were worth $13 million where there were no contracts on file and for 142 cases totaling $40 million where there was no proof that the work was even done.

Quoting former Coalition Provisional Authority official Frank Willis, a February 14 story in The Washington Post told us of how the United States officials in post-war Iraq paid a contractor by stuffing $2 million worth of crisp bills into his gunny sack and routinely making cash payments around Baghdad from a pick-up truck. Even if we accept one Member's argument that this was because there were no normal payment procedures, it certainly cries out for better monitoring and better oversight.

We all may have substantive differences about the merits of the military policy, but there should be unanimous agreement about the congressional role in ensuring that our constituents' tax dollars are being effectively and judiciously spent; and that is what this amendment does, Mr. Chairman.

It is modeled after the original Truman Committee that the gentleman from Wisconsin (Mr. OBEY) mentioned a minute ago.

As Members know, in February 1941, concerned about possible waste and favoritism, then-Senator Harry Truman introduced legislation creating a congressional committee to investigate how Defense contracts were being awarded and managed.

The Special Committee to Investigate the National Defense Program, as it became known, exposed deficiencies in the bureaucratic procurement process, advocating for more effective coordination among the involved agencies, and raised important questions regarding production and cost of specific war-related materials.

During its tenure from 1941 to 1948, the Truman Committee convened 432 public hearings and heard 1,800 witnesses testify. It is estimated their work saved taxpayers over $15 billion. Mr. Chairman, by successfully identifying and ferreting out other defective weapons and other war supplies, they saved thousands of lives.

The Truman Committee was unanimously respected for its focus on fact-finding and its refusal to succumb to partisanship; and, in fact, the gentleman from Iowa (Mr. LEACH) and I share that view. The Congress has oversight responsibility that can be done without succumbing to partisanship. It is our responsibility in this institution, and we have to maintain this body's integrity by doing that job.

The Acting CHAIRMAN. Does the gentleman from California continue to reserve a point of order?

Mr. LEWIS of California. Mr. Chairman, I do.

Mr. LEACH. Mr. Chairman, I move to strike the requisite number of words.

Out of deference to the chairman, I will be very brief, but I want to thank the gentleman from Massachusetts (Mr. TIERNEY) for raising this at this time; and he has done a wonderful job in leading this effort.

I would just like to stress the dual dimension of bipartisanship of this amendment.

One, its legislative approach was introduced in the last Congress, and with the gentleman from Massachusetts (Mr. TIERNEY) I reintroduced it in this Congress.

Secondly, as we think back to the Truman Commission, which the gentleman from Massachusetts (Mr. TIERNEY) referenced, it is very impressive that that commission was established by the party in power at the time, and so it was the party in power that wanted to look at itself.

Thirdly, the Truman Commission was established at a time that Senator Truman was very concerned that a very small number of contracts were let to a very small number of companies in a very narrow part of the country. At the time, he was concerned about American manufacturing being held by too few in a contract sense. Now we are looking at services where it looks like a very small number of companies have gotten very large contracts. It is more complicated today because, in addition, some contracts are going to foreign firms. So this is a very delicate area.

I personally believe that the only way you can maintain a support for national policy, however controversial, is to have complete confidence that things are being pursued in the most honest way possible.

I think the time has come for this type of approach. I would hope this Congress would look at it.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. LEACH. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I just want to clarify one point the gentleman from Massachusetts made about the $8.8 billion, and I just think we Members need to understand we are talking about funds that came not from the United States taxpayers, but those $8.8 billion are funds from the Iraqi fund, which was Iraqi dinars that had been collected as a result of oil sales. It was a chaotic situation at the end of the war, as we all know, and ministries had collapsed. There was no communication. There were no accounting systems. The bureaucrats had not functioned for years. It was very difficult, at the very best, to know how to handle those in the very best way.

It was really a choice of whether or not we were going to get the projects done as quickly as possible and get the country functioning again. So I think, to me, the choice was fairly clear.

I just want to make people understand we are not talking about U.S. dollars when we talk about the 8.8.

Mr. LEACH. Mr. Chairman, I thank the chairman.

Mr. McDERMOTT. Mr. Chairman, we know the right questions to ask: about Iraq, the budget, waste, fraud and abuse by contractors including Halliburton. After seeing scenes from an Iraqi prison, we know what we don't know. What are we going to do about all this?

We know the right questions to ask, but we also know these questions will not be answered—unless we reach back into recent history and reinstitute an independent, bi-partisan internal watchdog.

In the 1940s, the Truman Committee saved the government and the American people $15 billion dollars. They asked the right questions and were empowered to get the answers. The American people got what they paid for and someone made sure of it. There was truth in government. There was trust in government.

We don't have that kind of faith, confidence, or oversight anymore. Instead of scrutiny, there is subterfuge.

Already, America has spent $200 billion for the wars in Iraq and Afghanistan. Yet two years after the start of the war, many troops and their transports still do not have adequate protection.

This week, the Administration will use the supplemental process to obtain new billions for Iraq. The fact is, the supplemental process carries less scrutiny than the normal budget process.

We know the right questions to ask, but getting the answers is a different story.

Billions of dollars have been awarded in non-competitive contracts. Recently, the military acknowledged that 8 billion in cold, hard cash is missing in Iraq. It's happened before in Iraq, and unless something changes, there is no reason to believe it won't happen again.

Halliburton has already been found to have overcharged the Pentagon by billions of dollars for providing meals to soldiers and importing fuel. They're still getting paid and no one really knows if we are getting what the American people are paying for.

On a rare occasion, the Defense Secretary admits there is an issue; quoting Secretary Rumsfeld: "According to some estimates, we (DOD) cannot track $2.3 trillion in transactions." The Pentagon's own auditors admit that the military cannot account for as much as ¼ of what it spends. Defense makes up half of all the discretionary spending in the budget.

Standard issue Republican rhetoric decries waste, fraud and abuse. Well, it's time to turn the rhetoric into a plan of action.

The Truman Committee eliminated corruption, profiteering and mismanagement. It uncovered defective systems, improved efficiencies in existing programs, and freed up billions of dollars for more crucial procurement.

POINT OF ORDER

Mr. LEWIS of California. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriations bill and, therefore, violates clause 2 of rule XXI.

The rule states in pertinent part: an amendment to a general appropriation bill shall not be in order if it changes existing law.

The amendment gives affirmative direction in effect.

I ask a ruling from the Chair.

The Acting CHAIRMAN. Does any Member wish to be heard on the point of order?

If not, the Chair finds that this provision includes language imparting direction to an executive official.

The provision, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

AMENDMENT OFFERED BY MR. TIERNEY

Mr. TIERNEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TIERNEY:

On page 6, line 7, insert after the dollar figure "(increased by $5,000,000)."

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

Mr. TIERNEY. Mr. Chairman, this amendment adds $5 million to the operation and maintenance defense-wide account.

The Secretary of Defense, using existing transfer authority, may transfer that money to the legislative branch for the purpose of establishing a select committee, in essence along the outlines of the amendment that I just reviewed moments ago, and I will not belabor that point by going over all of that information, except to say that it would be a select committee for the purposes of investigating contracts and related materials with respect to things being spent in Iraq and Afghanistan and the issue of terrorism.

As I mentioned earlier, this is and should be a bipartisan effort. I think the gentleman from Iowa (Mr. LEACH) should be commended for his leadership on this and for pointing out the fact that, in fact, when Harry Truman did it years ago, he was a Democrat and the President was a Democrat, and he still found it the patriotic and judicious thing to do with respect to the responsibilities of the House of Representatives; and if we are to maintain the integrity of this Congress and our responsibility of oversight of such huge sums of money, it would be the appropriate thing for us to do now in a bipartisan way.

Critics may say that there is no need to create a select committee when Congress has standing committees to perform this role. Regrettably, those standing committees have not done that, not exercised their institutional responsibilities to the extent they could in this particular Congress.

□ 1330

The gentleman from Connecticut (Mr. SHAYS) and the Committee on Government Reform has tried, but the full Committee on Government Reform has only met four times on related hearings. Similarly, the House Committee on Armed Services has taken up this issue once in June of 2004 at a Readiness Subcommittee hearing, but beyond that it has not delved into the issue.

Mr. Chairman, there is certainly a need with the billions and billions of dollars being spent. The gentleman from California (Mr. WAXMAN) has been vocal about his attention to this matter. The gentleman from Wisconsin (Mr. OBEY) spoke earlier about the $100 million found in contracts that were questioned just yesterday, and the fact that report was kept from us at a time when our taxpayers, our constituents and our citizens want to know about these enormous sums of money, and want us to do our job.

There is a need. We in Congress have a responsibility. The institution's integrity demands it, and the American taxpayer and our troops deserve it. They deserve no less.

Mr. LEWIS of California. Mr. Chairman, I rise in opposition to the amendment in no small part because essentially the Tierney amendment would be changing the rules of the House. That is above the purview of the Committee on Appropriations, at least of this chairman of the Committee on Appropriations. Because of that, I would oppose the amendment.

Mr. Chairman, I withdraw my point of order.

The Acting CHAIRMAN (Mr. TERRY). The point of order is withdrawn.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to support the gentleman's amendment. As the gentleman has made quite clear, this is his second choice. He would prefer to offer an amendment which directly establishes a Truman-like committee to investigate profiteering in Iraq. The fact is that the majority has chosen to use the technicalities of the rules to prevent that from happening. Given the fact that they have done that, the gentleman's only choice is to proceed in the manner he has proceeded in the amendment he has just offered.

It seems to me that the purpose of the amendment is clear. The purpose is to see to it that a committee is formed which will have as its sole responsibility the reviewing of the use and misuse of taxpayer funds in Iraq. This bill seems to me to be a perfectly appropriate vehicle to accomplish the end that the gentleman seeks. This bill appropriates over $80 billion of taxpayer money. I think the taxpayers, many of whom have substantial doubt, not just about the war but about the conduct of some of the contractors during and after the war, I think the taxpayers would like to know that if we are going into their pockets for an additional $80 billion today, at least we are doing the utmost possible to see to it that that $80 billion is spent in accordance with the law and is spent in accordance with good judgment.

I, for the life of me, do not understand what the problem is with the gentleman's efforts. It seems to me if this Congress is looking for ways to achieve the maximum support for the administration's policy, they would certainly support efforts to see to it that that policy is being conducted in such a manner that embarrassment is not eventually brought to the President, to this Congress and to our effort in the country and in the region.

So while this certainly is not our preferred solution, it is far better than doing nothing and I would urge support for the gentleman's amendment.

Mr. CARNAHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of the bipartisan amendment offered by the gentleman from Massachusetts (Mr. TIERNEY) and the gentleman from Iowa (Mr. LEACH). I support this amendment because it will address an issue that is of paramount importance to the people in my district and I think across the country, supporting our troops while being fiscally responsible.

I recently returned from Iraq and a bipartisan delegation led by the gentleman from Oklahoma (Mr. COLE). My visit convinced me that the reestablishment of the Truman committee is the right thing for our troops, for the taxpayers and for our country. The original Truman committee was a special committee formed on March 1, 1941 to investigate the national defense program. It was chaired by Missouri's U.S. Senator at that time, Harry Truman.

Its specific directive was to investigate the terms of defense-related contracts, the methods of awarding them, the effect on labor and the geographic distribution of contracts and facilities. During World War II, the committee's principal concern was to monitor and improve production programs and contract procedures.

Its work resulted in the discovery and exposure of waste and mismanagement in the wartime production program. By convening public hearings at that time and receiving testimony and studying this issue, the Truman commission is estimated to have saved American taxpayers $15 billion.

Similarly today, we owe it to our troops to carefully watch how we are funding the Iraq initiative. It is our responsibility to ensure that every man and woman in uniform has the necessary equipment to do the job with the best possible support.

We have an obligation to every troop that no appropriated money is misspent or wasted. While the morale of our troops is high and their optimism apparent after the recent elections in Iraq, it is imperative that we do everything in our power to ensure that they are brought home as quickly as possible. Ensuring that there is no waste or mismanagement in any of our funding. I have no doubt that a modern day Truman committee will help bring our troops home quickly, safely and in a fiscally responsible way. I believe we can support our troops, give them what they need, and help them return home soon. I strongly support this amendment for the funding of the Truman committee.

Mr. SKELTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment which is offered by the gentleman from Massachusetts (Mr. TIERNEY) and the gentleman from Iowa (Mr. LEACH).

This is a strong amendment that adds a modest amount of funding for an important function, the function of creating a select committee to investigate the award and carrying out of contracts as it relates to Iraq and Afghanistan.

Mr. Chairman, we are at war. Taxpayers are looking to Congress to spend their money wisely and well. This is an idea that is rich in history. As my colleague from Missouri pointed out, this is not the first time this has been done. This was modeled after the committee created by then-Senator Harry Truman back in 1941, known as the Special Committee to Investigate the National Defense Program. This committee was bipartisan, and I might point out it was created by a Congress controlled by the same party with the same party in control at the White House. That is the situation today, and that is why it would be well to have a bipartisan committee to do just this.

We have seen reports in the news media of contract abuse, and I think a committee such as this would help tremendously. We could benefit from similar oversight as we had in Harry Truman's day today. Outstanding committees like the Committee on Armed Services, on which I am privileged to serve, have looked at some issues relating to contracting in Iraq and Afghanistan.

We have an extraordinary set of mandates at a time of war. At the same time, there is a significant amount of money in contracting in both those countries. We would benefit from a select committee to review the contracting process, and most of all, the accountability of the contractors. I thank the gentleman from Massachusetts (Mr. TIERNEY) and the gentleman from Iowa (Mr. LEACH) for their foresight, and urge serious support for this amendment.

Ms. KAPTUR. Mr. Chairman, I move to strike the requisite number of words.

I rise in strong support of the Tierney amendment, and frankly think it would be irresponsible not to vote for the Tierney amendment. All the gentleman is asking for is fiscal accountability on over $200 billion that is being spent far beyond these shores. The gentleman is asking for accountability. To not pass the Tierney amendment is to be fiscally irresponsible and to continue to be unaccountable to the taxpayers of this country.

Let me remind Members, the amount of money we have now spent in Iraq is over $200 billion. We do more checking on the books of churches around this country than we do on the expenditure of $200 billion. According to a 2003 GAO report, "Iraq appears to be the first case where the United States Government has used private contractors extensively for protecting persons and property in potentially hostile or hostile situations."

Indeed, it is estimated there are as many as 20,000 private military personnel in Iraq. What are they all doing? Why are private companies protecting some of the highest level officials we have there rather than our U.S. military? Who is writing those contracts? What about Abu Ghraib? What kind of contract was struck there? What kind of accountability existed? Well, it did not, why not? We ought to be investigating as a Nation.

Mr. Chairman, what happens with $200 billion, our people have a right to know. Never have we had a military conflict where so many private contractors are involved. We should be concerned about this and concerned about who is writing these contracts. A recently Congressional Quarterly article indicated, "Neither the Defense Department nor private industry says it has exact numbers of how many people are on private payrolls under contracts paid by U.S. tax dollars."

We should do what is right with the money of the American people. There does not appear to be any legal framework in place to handle and deal with the role of nonmilitary personnel in a war zone. Indeed, the liability of contractors who violate the law operating in Iraq, Afghanistan, and Guantanamo Bay is ambiguous so we have more responsibility to have strong oversight over these dollars that are being expended.

I cannot think of a better amendment to pass than this one. Federal procurement data suggests that money allocated to military contractors via Federal procurement has jumped by more than $70 billion in the last 3 fiscal years. Someone here should care. We should do what we would do within our own families and look at every single line in these accounts. There is an awful lot of slippage.

In January, the Special Inspector General for the Iraqi reconstruction reported that the Coalition Provisional Authority could not account for over $8.8 billion.

Mr. Chairman, I want to commend the gentleman from Massachusetts (Mr. TIERNEY) for doing what is right, what is fiscally responsible, what provides the accountability that we have responsibility for.

I heard another reference on the radio this morning that Iraq is going to be a generational commitment like World War II was. If we are going to spend that kind of money, we ought to make doggone sure that every dollar is properly accounted for.

I was pretty upset when I saw big photos of big stacks of money being handed out on the streets over there. I asked one of the top generals the other day if we are paying for the training of the Iraqi National Guard and these troops that are supposed to replace our troops. He said, no, Congresswoman, someone else is paying for that. I am still looking and want to know who is paying for some of these units.

I say congratulations to the gentleman from Massachusetts (Mr. TIERNEY), who has an uphill struggle here. But he is doing what is right for America in order to make sure that we are responsible to the taxpayer and accountable for every single dollar being expended. Please support the Tierney amendment.

☐ 1345

Mr. MURTHA. Mr. Chairman, I move to strike the requisite number of words, and I rise to oppose the amendment. I have to say what I say about the administration, about the Defense Department many times. Just because you say it, does not mean it is so. Just because we say we are going to put $5 million in does not mean it is going to be a Truman Commission. We have bill language which says they have to report to us at a certain date, and they did not do it. So there is no doubt in my mind this is not something that is going to happen. I do not say we are wasting time because there is no question accountability is our responsibility. But we are not going to get any responsibility this way. As far as I am concerned, what we are saying, this language is not bill language. It does not mean that they are going to do it. And so I oppose the amendment. And I think we ought to get rid of this amendment and get on with the rest of the business on the floor.

Mr. COOPER. Mr. Chairman, I move to strike the requisite number of words. Mr. Chairman, I rise in strong support of the Tierney amendment. This is a lot of money we are talking about. As the late Everett Dirksen said, a billion here, a billion there, pretty soon you have got some real money.

We are talking about $200 billion. And we all support our warfighters. We support our men and women in uniform, but we should not throw money at any problem. And all this amendment asks is that we copy the Truman Commission where a Democratic Senator investigated a Democratic President. This should not be a partisan issue at all. Both parties should unite.

And I congratulate the gentleman from Iowa (Mr. LEACH) for his strong work in this worthy effort. Republicans should want a real-time bipartisan look at what is really going on.

I had the good fortune of being in Baghdad last Christmas. Our C-130 was broken, so we spent a little extra time at the Baghdad airport. A shipment came in that our military did not want us to see. But I had my video camera handy, and I took pictures. What was it? Six large pallets, off-loaded from U.S. aircraft, beautifully packaged, you could tell, lots of small boxes on each pallet, very heavy to lift. What was in those boxes? Answer, $1.4 billion, billion with a B as in "boy," $1.4 billion of U.S. currency shipped in allegedly to replenish the Iraqi central bank. Well, I hope and pray that was true. But when our own Paul Bremer says he really cannot account for $9 billion of money, when eyewitnesses see 300 million in U.S. cash being flown out of the country, allegedly to buy arms for the good guys, you have got to wonder. All we are asking for here is accountability.

And I want to pay special tribute to my friend, the gentleman from California (Mr. THOMPSON), a leading member of the Blue Dog Coalition. What we want is accountability. We are fiscal and defense hawks, but we need to know where the money goes. The taxpayers of this country deserve no less. This is as far from a partisan issue as you can get. All we want is accountability because catching fraud, waste, and abuse is the most bipartisan of issues. So I congratulate my friend, the gentleman from California (Mr. THOMPSON), also the gentleman from Massachusetts (Mr. TIERNEY). This needs to be in the bill because these supplementals, they are becoming a habit, guys. Every year we are going to have a major supplemental. And it is high time that we find out where the money went. Support the Tierney amendment.

The Acting CHAIRMAN (Mr. TERRY). The question is on the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. TIERNEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY) will be postponed.

AMENDMENT OFFERED BY MS. WOOLSEY

Ms. WOOLSEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. WOOLSEY:

Page 3, line 10, after the dollar amount, insert the following: "(increased by $31,000,000)".

Page 3, line 16, after the dollar amount, insert the following: "(increased by $31,000,000)".

Page 3, line 22, after the dollar amount, insert the following: "(increased by $31,000,000)".

Page 4, line 5, after the dollar amount, insert the following: "(increased by $31,000,000)".

Page 4, line 11, after the dollar amount, insert the following: "(increased by $31,000,000)".

Page 4, line 18, after the dollar amount, insert the following: "(increased by $31,000,000)".

Page 51, line 6, after the dollar amount, insert the following: "(reduced by $124,100,000)".

Page 51, line 13, after the dollar amount, insert the following: "(reduced by $2,800,000)".

Page 51, line 20, after the dollar amount, insert the following: "(reduced by $30,000,000)".

Page 52, line 3, after the dollar amount, insert the following: "(reduced by $29,150,000)".

Ms. WOOLSEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

The Acting CHAIRMAN. Is there objection to returning to that portion of the bill?

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The Acting CHAIRMAN. The gentleman reserves a point of order.

Ms. WOOLSEY. Mr. Chairman, I rise to offer an amendment to H.R. 1268, the $81 billion supplemental appropriations bill before the House today, that will continue to fund the President's misadventure in Iraq. My amendment would cut funds that should never have made it into the supplemental in the first place, millions of dollars to finance the regular operations of the Department of Defense, which should be paid for through normal defense budget negotiations, not through a supplemental spending bill that does not even count towards the President's incredible budget deficit.

Once again, by funding the war through another supplemental, the Bush administration is pulling a fast one on the budget and on the American people.

My amendment would take $186 million from DOD's operations and management, money that is funded every year in the defense appropriations bill, and split the $186 million evenly between the National Guard and Reserve personnel in the Army, Navy, Air Force, and Marine Corps to augment the meager funds that have been allocated for each of these branches.

I offer this amendment today because I support the troops and because I have deep admiration for their courage. Our brave soldiers are being used as pawns by their civilian superiors whose wastefulness and incompetence is betraying their duty to keep us safe. My amendment demonstrates the very wastefulness that runs rampant at the Pentagon. The fact that the Pentagon depends on an extra $200 billion for its regular operations and maintenance at the expense of our troops in the field is arrogant, incompetent, wasteful, and downright immoral. Let us not forget that Secretary of Defense Donald Rumsfeld himself has stated that there is $22 billion of waste in the Pentagon's budget every year.

The Bush administration, and in particular the leaders at the Pentagon, have demonstrated a potent lack of support for the troops through poor planning for the long military occupation of Iraq, by neglecting to provide every soldier with the equipment needed to survive military combat, and by failing to adequately support our soldiers once they return home.

Hundreds of lives could have been saved if our troops had not been left as sitting ducks on the battlefield for over a year without enough body armor and plated armor for Humvees that can save their lives during battle.

Worse, our troops are neglected when they finally get home. Veterans health care continues to suffer under the administration's reckless fiscal policies, and America has not kept its promise to properly provide for the health care of our soldiers once they have returned home from the war.

The most disturbing thing about the President's request for more Iraq funding is the lack of accountability. Why are we writing another check for a mission that has been so badly botched? Who is being held responsible for the misuse of the money we have already approved?

This practice of funding a war through supplemental spending bills underscores the lack of planning and arrogance that have characterized this war. A total of $200 billion appropriated for Iraq after Congress approves this latest bill, that is about $675 for every American man, woman and child.

So where is this money going? How much of it is enriching war profiteers? Why did the Army waive its usual procedures and make full payment to Halliburton despite legitimate questions about overbilling and financial mismanagement? And why can we not get a congressional investigation into the $9 billion that mysteriously disappeared from the books at the Coalition Provisional Authority?

If the President wants more money for this war, he can take it out of something he cares about, instead of taking it out of the hides of the American people. No more blank checks. If we are going to spend billions, let us at least spend billions on the people who deserve it, the brave troops in the field, and especially members of the National Guard and Reserve who are receiving less for their sacrifices. It is time we honor their commitment and that of their families by providing them with the resources they need and deserve.

Mr. MURTHA. Mr. Chairman, I rise in opposition to the amendment.

I would hope that the gentlewoman would withdraw this amendment. This is a very important amendment. I see what she is trying to do here. But the regular forces are just as short. As a matter of fact, this bill actually does not provide enough money for the regular forces. I understand the technicalities of it, that it should not be in a supplemental, it should be in a regular bill; but to put all the O&M money in the National Guard would do a disservice to the regular forces.

I just visited three bases. All three bases were short in O&M money. They were short in almost every category. So I wish the gentlewoman would withdraw her amendment. We will take a look in the conference to see if the National Guard needs more O&M money, and we will see what we can do.

Ms. WOOLSEY. Mr. Chairman, I will withdraw my amendment. I hope that my message has been heard. I thank the Chair for letting me speak out of order.

The Acting CHAIRMAN (Mr. TERRY). Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. MORAN OF VIRGINIA

Mr. MORAN of Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MORAN of Virginia:

Page 6, line 7, after the dollar amount, insert the following: "(reduced by $1,000,000) (increased by $1,000,000)".

Mr. MORAN of Virginia (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. MORAN of Virginia. Mr. Chairman, this amendment is based upon two facts that I think we agree on on both sides of the aisle. One was very articulately expressed by the chairman of the defense appropriations committee earlier today when he asserted the fact that we are a coequal branch of government. We are equally responsible for what military activity we engage in. We will be held equally accountable. And the fact that we hold the purse strings makes it incumbent upon us that we have some expectation of how much a war is going to cost, how we can budget for it, and particularly what measurable criteria are we seeking to enable us to complete our mission.

The second fact is one that has been expressed time and again, particularly by our senior military officers, that we ought not engage in military activity, that we ought not go to war without a plan to win the peace. That is what this amendment addresses. It would give nominal resources to the Secretary of Defense to be able to give us the kind of information that we need to work with the executive branch to evaluate how we are doing in terms of succeeding in our mission in Iraq.

For example, what level of physical infrastructure reconstruction does the administration feel is necessary for the Iraqi economy to be viable. We have invested billions of dollars in reconstruction. How much more might be necessary?

In terms of political stability, are we waiting for ratification of the constitution and then a subsequent election? And if that election goes well, will that mean that we can gradually begin completing our mission at least in terms of the proportion of the troops that are currently committed?

□ 1400

And, particularly, what level of Iraqi security forces will be necessary? We have been given wildly varying numbers, 40,000 to 160,000 to over 200,000. What does it mean for Iraqi security forces to be adequately trained and equipped? Does it mean a 6-week training course in human rights, which some have suggested meant that they could be considered security forces, or does it mean the kind of intensive training for many months that is comparable to what we give our troops so that they can engage in battle and can show leadership in the face of military confrontation? Those are things we need to discuss together.

What we want are the measurable criteria. It is not an unreasonable expectation. And when we pass a supplemental that contains $600 million for a new embassy that maintains our substantial force in Iraq, we want to make sure we do not give any credence to our enemies who, in Secretary Rumsfeld's expression, seem to be able to recruit insurgents greater in number than we could ever possibly kill. They are able to do so by accusing us of being permanent occupiers, thereby denying Iraqis of true sovereignty over their own country.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, I think the gentleman has good criteria for success, and the chairman and I have talked about this, and I think he has got a good idea here.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I do not want to extend this conversation for too much longer. I think it is an amendment that we can accept. I think it is the amendment that takes out $1 million and puts $1 million back in. I am very happy with that.

Mr. MORAN of Virginia. Mr. Chairman, reclaiming my time, it would remain in the bill that the administration would have to detail and share with us what is their strategy for success.

Mr. LEWIS of California. Of course.

The Acting CHAIRMAN (Mr. TERRY). The question is on the amendment offered by the gentleman from Virginia (Mr. MORAN).

The amendment was agreed to.

Mr. STUPAK. Mr. Chairman, I move to strike the last word.

Yesterday I went before the Committee on Rules and offered four amendments to this supplemental appropriations bill. I rarely offer more than one amendment on an appropriation bill, and I understand these amendments will be subject to a point of order. However, the issues that these amendments address need to be raised.

First I want to say thanks to the gentleman from California (Mr. LEWIS), the gentleman from Wisconsin (Mr. OBEY), the gentleman from Pennsylvania (Mr. MURTHA), and the gentleman from Florida (Mr. YOUNG) for putting together this bill and for their hard work. I am pleased that this bill increases the military death benefits and subsidized life insurance benefits for families of soldiers who have died while on active duty. However, there is still more that needs to be done for our troops and their families.

While the troops who are deployed face the horrors of war abroad, far too many of their families face tremendous struggles to make ends meet here at home.

As a symbol of our appreciation for their bravery and sacrifice, I believe Congress should grant a one-time $1,500 bonus to our servicemen and women deployed under Operation Iraqi Freedom and Operation Enduring Freedom. This is the same amendment I offered on the last Iraq supplemental bill.

Not since Vietnam has such a large number of our troops had such long deployments, especially our National Guard and Reservists, who make up approximately 40 percent of the fighting force in Iraq. Forty-nine percent of the married Guard members and Reservists who report to duty have lost more than $1,000 a month from their civilian jobs. According to USA Cares, requests have been coming in from military families. Twenty-four percent of them are asking for help to pay the utility bills, 30 percent are asking for help for housing, and 70 percent request money for food.

As Members of Congress, we may have differing ideas about U.S. involvement in Iraq, but we can all agree that our servicemen and women deserve our severe recognition for their courageous effort. In the coming years, thousands of our young men and women will not see their families. A record number of Reservists and Guardsmen and women will put their private sector jobs and opportunities on hold, and thousands of children from every part of America will pray for their parents' safe return. Give our troops the $1,500 bonus they deserve.

The second amendment I would have offered ensures that the U.S. citizens who were prisoners of war in the first Gulf War, 1991, receive the court-awarded compensation that is due to them. Currently, this administration is fighting former American prisoners of war in court, trying to prevent them from collecting nearly $1 billion from frozen Iraqi assets that a Federal judge awarded them as compensation for torture at the hands of Saddam Hussein's regime. Many of these POWs were tortured in the same prison, Abu Ghraib, where American soldiers allegedly abused Iraqis. Those Iraqi victims, according to this administration, deserve compensation from the United States. Why then are our own brave men and women not being compensated for their suffering using the Iraqi assets that the U.S. has already frozen? These Americans must now fight its own government for compensation legally due them.

It is imperative that we make sure our 1991 Gulf War POWs are fully compensated. My proposal would ensure that any money expended under this Act, our American troops who were victims of torture and hostage taking, receive the compensation courts have already awarded them from frozen Iraqi assets. It does not take an act of Congress to do this. All it does take is a compassionate President to release those assets.

Lastly, I also went to the Committee on Rules to offer two amendments that deal with the domestic helicopter industry. The first allows for $15 million in assistance to small domestic helicopter manufacturers who produce helicopters with not less than 60 percent U.S. content so they can compete with foreign-owned and foreign-subsidized helicopter manufacturers. The second amendment reinstates the Buy American provision requiring at least 50 percent American content in government purchases of civilian aircraft. Over the past 20 years, the helicopter industry in the United States has dwindled due to competition from the foreign helicopter industry which receives government funding for product development. It has become increasingly difficult for the U.S. helicopter industry to compete against its heavily subsidized foreign competition. The end result is a blow to the U.S. economy and our workers.

In my district Enstrom Helicopter Corporation recently lost a bid to Eurocopter, a company owned by a French-German conglomerate. The Department of Homeland Security awarded a $75 million contract to Eurocopter to build 55 helicopters for the U.S. Customs and Border Patrol. This contract came at the expense of American companies and American workers. This contract not only hurt the workers in my district but also 44 other States that supply parts and services to the helicopter industry. My amendment would provide financial support for the U.S. helicopter industry to try to level the playing field, while also reinstating the Buy American provisions.

I have been informed that these amendments will not be made in order; therefore, I will not offer them. I submit for the RECORD an article from the "LA Times" dated February 15.

[From the Los Angeles Times, Feb. 15, 2005]

WHITE HOUSE TURNS TABLES ON FORMER AMERICAN POWs

(By David G. Savage)

WASHINGTON—The latest chapter in the legal history of torture is being written by American pilots who were beaten and abused by Iraqis during the 1991 Persian Gulf War. And it has taken a strange twist.

The Bush administration is fighting the former prisoners of war in court, trying to prevent them from collecting nearly $1 billion from Iraq that a federal judge awarded them as compensation for their torture at the hands of Saddam Hussein's regime.

The rationale: Today's Iraqis are good guys, and they need the money.

The case abounds with ironies. It pits the U.S. government squarely against its own war heroes and the Geneva Convention.

Many of the pilots were tortured in the same Iraqi prison, Abu Ghraib, where American soldiers abused Iraqis 15 months ago. Those Iraqi victims, Defense Secretary Donald H. Rumsfeld has said, deserve compensation from the United States.

But the American victims of Iraqi torturers are not entitled to similar payments from Iraq, the U.S. government says.

"It seems so strange to have our own country fighting us on this," said retired Air Force Col. David W. Eberly, the senior officer among the former POWs.

The case, now being appealed to the U.S. Supreme Court, tests whether "state sponsors of terrorism" can be sued in the U.S. courts for torture, murder or hostage-taking. The court is expected to decide in the next two months whether to hear the appeal.

Congress opened the door to such claims in 1996, when it lifted the shield of sovereign immunity—which basically prohibits lawsuits against foreign governments—for any nation that supports terrorism. At that time, Iraq was one of seven nations identified by the State Department as sponsoring terrorist activity. The 17 Gulf War POWs looked to have a very strong case when they first filed suit in 2002. They had been undeniably tortured by a tyrannical regime, one that had $1.7 billion of its assets frozen by the U.S. government.

The picture changed, however, when the United States invaded Iraq and toppled Hussein from power nearly two years ago. On July 21, 2003, two weeks after the Gulf War POWs won their court case in U.S. District Court, the Bush administration intervened to argue that their claims should be dismissed.

"No amount of money can truly compensate these brave men and women for the suffering that they went through at the hands of this very brutal regime and at the hands of Saddam Hussein," White House Press Secretary Scott McClellan told reporters when asked about the case in November 2003.

Government lawyers have insisted, literally, on "no amount of money" going to the Gulf War POWs. "These resources are required for the urgent national security needs of rebuilding Iraq," McClellan said.

The case also tests a key provision of the Geneva Convention, the international law that governs the treatment of prisoners of war. The United States and other signers pledged never to "absolve" a state of "any liability" for the torture of POWs.

Former military lawyers and a bipartisan group of lawmakers have been among those who have urged the Supreme Court to take up the case and to strengthen the law against torturers and tyrannical regimes.

"Our government is on the wrong side of this issue," said Jeffrey F. Addicott, a former Army lawyer and director of the Center for Terrorism Law at St. Mary's University in San Antonio. "A lot of Americans would scratch their heads and ask why is our government taking the side of Iraq against our POWs."

The POWs' journey through the court system began with the events of Jan. 17, 1991—the first day of the Gulf War. In response to Hussein's invasion of Kuwait five months earlier, the United States, as head of a United Nations coalition, launched an air attack on Iraq, determined to drive Iraqi forces from the oil-rich Gulf state. On the first day of the fighting, a jet piloted by Marine Corps Lt. Col. Clifford Acree was downed over Iraq by a surface-to-air missile. He suffered a neck injury ejecting from the plane and was soon taken prisoner by the Iraqis. Blindfolded and handcuffed, he was beaten until he lost consciousness. His nose was broken, his skull was fractured, and he was threatened with having his fingers cut off. He lost 30 pounds during his 47 days of captivity.

Eberly was shot down two days later and lost 45 pounds during his ordeal. He and several other U.S. service members were near starvation when they were freed. Other POWs had their eardrums ruptured and were urinated on during their captivity at Abu Ghraib.

All the while, their families thought they were dead because the Iraqis did not notify the U.S. government of their capture.

In April 2002, the Washington law firm of Steptoe & Johnson filed suit on behalf of the 17 former POWs and 37 of their family members. The suit, Acree vs. Republic of Iraq, sought monetary damages for the "acts of torture committed against them and for pain, suffering and severe mental distress of their families."

Usually, foreign states have a sovereign immunity that shields them from being sued. But in the Anti-Terrorism Act of 1996, Congress authorized U.S. courts to award "money damages . . . against a foreign state for personal injury or death that was caused by an act of torture, extrajudicial killing, aircraft sabotage [or] hostage taking."

This provision was "designed to hold terrorist nations accountable for the torture of Americans and to deter rogue nations from engaging in such actions in the future," Sens. Susan Collins (R-Maine) and George Allen (R-Va.) said last year in a letter to Atty. Gen. John Ashcroft that urged him to support the POWs' claim.

The case came before U.S. District Judge Richard W. Roberts. There was no trial; Hussein's regime ignored the suit, and the U.S. State Department chose to take no part in the case.

On July 7, 2003, the judge handed down a long opinion that described the abuse suffered by the Gulf War POWs, and he awarded them $653 million in compensatory damages. He also assessed $306 million in punitive damages against Iraq. Lawyers for the POWs asked him to put a hold on some of Iraq's frozen assets.

No sooner had the POWs celebrated their victory than they came up against a new roadblock: Bush administration lawyers argued that the case should be thrown out of court on the grounds that Bush had voided any such claims against Iraq, which was now under U.S. occupation. The administration lawyers based their argument on language in an emergency bill, passed shortly after the U.S. invasion of Iraq, approving the expenditure of $80 billion for military operations and reconstruction efforts. One clause in the legislation authorized the president to suspend the sanctions against Iraq that had been imposed as punishment for the invasion of Kuwait more than a decade earlier.

The president's lawyers said this clause also allowed Bush to remove Iraq from the State Department's list of state sponsors of terrorism and to set aside pending monetary judgments against Iraq.

When the POWs' case went before the U.S. Court of Appeals for the District of Columbia Circuit, the three-judge panel ruled unanimously for the Bush administration and threw out the lawsuit.

"The United States possesses weighty foreign policy interests that are clearly threatened by the entry of judgment for [the POWs] in this case," the appeals court said.

The administration also succeeding in killing a congressional resolution supporting the POWs' suit. "U.S. courts no longer have jurisdiction to hear cases such as those filed by the Gulf War POWs," then-Deputy Secretary of State Richard L. Armitage said in a letter to lawmakers. "Moreover, the president has ordered the vesting of blocked Iraqi assets for use by the Iraqi people and for reconstruction."

Already frustrated by the turn of events, the former POWs were startled when Rumsfeld said he favored awarding compensation to the Iraqi prisoners who were abused by the U.S. military at Abu Ghraib.

"I am seeking a way to provide appropriate compensation to those detainees who suffered grievous and brutal abuse and cruelty at the hands of a few members of the U.S. military. It is the right thing to do," Rumsfeld told a Senate committee last year.

By contrast, the government's lawyers have refused to even discuss a settlement in the POWs' case, say lawyers for the Gulf War veterans. "They were willing to settle this for pennies on the dollar," said Addicott, the former Army lawyer.

The last hope for the POWs rests with the Supreme Court. Their lawyers petitioned the high court last month to hear the case. Significantly, it has been renamed Acree vs. Iraq and the United States.

The POWs say the justices should decide the "important and recurring question [of] whether U.S. citizens who are victims of state-sponsored terrorism [may] seek redress against terrorist states in federal court."

This week, Justice Department lawyers are expected to file a brief urging the court to turn away the appeal.

Ms. LEE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as the daughter of a veteran, 25 years in the Army, I want to express my profound respect and appreciation for our brave men and women serving on the ground in Iraq. They have a very difficult job, and all of us pray for their safe return, and many of us want them home very quickly.

The administration's request for an additional $82 billion brings the total war funding to nearly $300 billion. We must continue to ask just where has this money gone? For example, the Coalition Provisional Authority was unable to account for about $9 billion, and that is just what we know. Where did that money go? We deserve to know. The American people deserve to know what our tax dollars have paid for. Did that $9 billion go, for example, to protect our troops? We have no idea.

Another important question is, are we safer today than when this war began? The answer is plainly no. If one believed the administration, the goal of the war was to prevent weapons of mass destruction from falling into the hands of terrorists and that Iraq posed an immediate threat to the United States. Now it appears that this unnecessary war may have actually increased that threat.

Instead of stopping terrorism, this administration's policies have allowed it to expand. According to the National Intelligence Council, this administration's war has turned Iraq into a breeding ground for Islamic terrorists. Before the war on Iraq, there was no connection, no connection, between Saddam Hussein and al Qaeda. Now there is.

Congress requires the administration to give a thorough accounting of how our tax dollars have been spent pursuing these policies in Iraq and what the administration's expectations are for future expenses. And despite this law, the administration has flatly refused to make this accounting to us, to the American people, or to determine what the future costs will be. We know, however, what has been overlooked. There is a documented failure to provide our troops with both body armor and armored vehicles. There are documented cases of waste and fraud perpetrated by contractors like Halliburton.

Mr. Chairman, it is the height of hypocrisy for Members of Congress to say that they support our troops and then fail to insist on the accountability of how these funds are being spent and whether or not the previous resources allocated were spent to protect our troops. If one asks me, the Bush administration just wants another blank check. No oversight, no accountability, and they have failed to provide a concrete plan for how our troops will stabilize the situation in Iraq and to bring our troops home.

Mr. Chairman, this administration has much to account for. There have been too many blank checks and not enough accountability. I will vote against the supplemental and urge my colleagues to do the same.

Mr. LEWIS of California. Mr. Chairman, I ask unanimous consent that the remainder of title I be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the remainder of title I from page 7, line 11 to page 35, line 14 is as follows:

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $8,154,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", $75,164,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $24,920,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $188,779,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For an additional amount for "Overseas Humanitarian, Disaster, and Civic Aid", $10,000,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

AFGHANISTAN SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Afghanistan Security Forces Fund", $1,285,000,000, to remain available until September 30, 2006: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Forces Command-Afghanistan, or the Secretary's designee to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That the authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Iraq Security Forces Fund", $5,700,000,000, to remain available until September 30, 2006: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That the authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That, notwithstanding any other provision of law, from funds made available under this heading, up to $99,000,000 may be used to provide assistance to the Government of Jordan to establish a regional training center designed to provide comprehensive training programs for regional military and security forces and military and civilian officials, to enhance the capability of such forces and officials to respond to existing and emerging security threats in the region: *Provided further*, That assistance authorized by the preceding proviso may include the provision of facilities, equipment, supplies, services, training and funding, and the Secretary of Defense may transfer funds to any Federal agency for the purpose of providing such assistance: *Provided further*, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", $458,677,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", $340,536,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $2,678,747,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", $532,800,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OTHER PROCUREMENT, ARMY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Other Procurement, Army", $6,634,905,000, to remain available until September 30, 2007, of which $85,000,000 shall be derived by transfer from "Iraq Freedom Fund": *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", $200,295,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", $71,600,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Procurement of Ammunition, Navy and Marine Corps

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $141,735,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Other Procurement, Navy

For an additional amount for "Other Procurement, Navy", $78,372,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Procurement, Marine Corps

For an additional amount for "Procurement, Marine Corps", $3,588,495,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Aircraft Procurement, Air Force

For an additional amount for "Aircraft Procurement, Air Force", $279,241,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Procurement of Ammunition, Air Force

For an additional amount for "Procurement of Ammunition, Air Force", $6,998,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Other Procurement, Air Force

For an additional amount for "Other Procurement, Air Force", $2,658,527,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Procurement, Defense-Wide

For an additional amount for "Procurement, Defense-Wide", $646,327,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

Research, Development, Test and Evaluation, Army

For an additional amount for "Research, Development, Test and Evaluation, Army", $25,170,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Research, Development, Test, and Evaluation, Navy

For an additional amount for "Research, Development, Test, and Evaluation, Navy", $202,051,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Research, Development, Test and Evaluation, Air Force

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $121,500,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Research, Development, Test and Evaluation, Defense-Wide

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $159,600,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

REVOLVING AND MANAGEMENT FUNDS

Defense Working Capital Funds

For an additional amount for "Defense Working Capital Funds", $1,411,300,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

National Defense Sealift Fund

For an additional amount for "National Defense Sealift Fund", $32,400,000, to remain available until expended: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OTHER DEPARTMENT OF DEFENSE PROGRAMS

Drug Interdiction and Counter-Drug Activities, Defense

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $257,000,000, to remain available until December 31, 2005: *Provided*, That these funds may be used for such activities related to Afghanistan and the Central Asia area: *Provided further*, That the Secretary of Defense may transfer the funds provided herein only to appropriations for military personnel; operation and maintenance; procurement; and research, development, test and evaluation: *Provided further*, That the funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That not to exceed $70,000,000 of the funds provided herein may be used to reimburse fully this account for obligations incurred for the purposes provided under this heading prior to enactment of this Act: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Office of the Inspector General

For an additional amount for "Office of the Inspector General", $148,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

RELATED AGENCIES

Intelligence Community Management Account

For an additional amount for "Intelligence Community Management Account", $250,300,000, of which $181,000,000 is to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

GENERAL PROVISIONS—THIS CHAPTER

(TRANSFER OF FUNDS)

SEC. 1101. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $2,000,000,000 of the funds made available to the Department of Defense in this chapter: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to this authority: *Provided further*, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the authority in this section is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2005, except for the fourth proviso: *Provided further*, That the amounts made available by the transfer of funds in or pursuant to this section are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

SEC. 1102. Section 8005 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 969), is amended by striking "$3,500,000,000" and inserting "$5,500,000,000": *Provided*, That the amounts made available by the transfer of funds in or pursuant to this section are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

(TRANSFER OF FUNDS)

SEC. 1103. During fiscal year 2005, the Secretary of Defense may transfer amounts in or credited to the Defense Cooperation Account, pursuant to section 2608 of title 10, United States Code, to such appropriations or funds of the Department of Defense as he shall determine for use consistent with the purposes for which such funds were contributed and accepted: *Provided*, That such amounts shall be available for the same time period as the appropriation to which transferred: *Provided further*, That the Secretary shall report to the Congress all transfers made pursuant to this authority: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

SEC. 1104. (a) AUTHORITY TO PROVIDE SUPPORT.—Of the amount appropriated by this Act under the heading, "Drug Interdiction and Counter-Drug Activities, Defense", not to exceed $34,000,000 may be made available for support for counter-drug activities of the Government of Afghanistan, and not to exceed $4,000,000 may be made available for support for counter-drug activities of the Government of Pakistan: *Provided*, That such support shall be in addition to support provided for the counter-drug activities of said Governments under any other provision of the law.

(b) TYPES OF SUPPORT.—(1) Except as specified in subsections (b)(2) and (b)(3) of this section, the support that may be provided under the authority in this section shall be limited to the types of support specified in section 1033(c)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, as amended by Public Law 106–398 and Public Law 108–136) and conditions on the provision of support as contained in section 1033 shall apply for fiscal year 2005.

(2) The Secretary of Defense may transfer vehicles, aircraft, and detection, interception, monitoring and testing equipment to said Governments for counter-drug activities.

(3) For the Government of Afghanistan, the Secretary of Defense may also provide individual and crew-served weapons, and ammunition for counter-drug security forces.

SEC. 1105. The paragraph under the heading "Operation and Maintenance, Defense-Wide" in title II of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 954), is amended in the first proviso by striking "$32,000,000" and inserting "$40,000,000".

SEC. 1106. For fiscal year 2005, the limitation under paragraph (3) of section 2208(l) of title 10, United States Code, on the total amount of advance billings rendered or imposed for all working capital funds of the Department of Defense in a fiscal year shall be applied by substituting "$1,500,000,000" for "$1,000,000,000".

SEC. 1107. Section 1201(a) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2077), as amended by section 102 of title I of division J of the Consolidated Appropriations Act, 2005 (Public Law 108–447), is further amended by striking "$500,000,000" in the matter preceding paragraph (1) and inserting "$854,000,000".

SEC. 1108. Section 8090(b) of the Department of Defense Appropriations Act, 2005 (Public Law 108–287), is amended by striking "$185,000,000" and inserting "$210,000,000".

SEC. 1109. (a) During calendar year 2005 and notwithstanding section 5547 of title 5, United States Code, the head of an Executive agency may waive the limitation, up to $200,000, established in that section for total compensation, including limitations on the aggregate of basic pay and premium pay payable in a calendar year, to an employee who performs work while in an overseas location that is in the area of responsibility of the Commander of the U.S. Central Command, in support of, or related to—

(1) a military operation, including a contingency operation, or

(2) an operation in response to a declared emergency.

(b) To the extent that a waiver under subsection (a) results in payment of additional premium pay of a type that is normally creditable as basic pay for retirement or any other purpose, such additional pay shall not be considered to be basic pay for any purpose, nor shall it be used in computing a lump-sum payment for accumulated and accrued annual leave under section 5551 of title 5, United States Code.

(c) The Director of the Office of Personnel Management may issue regulations to ensure appropriate consistency among heads of executive agencies in the exercise of authority granted by this section.

SEC. 1110. Section 1096(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is amended—

(1) in the matter preceding paragraph (1), by striking "in the fiscal year after the effective date of this Act" and inserting "during fiscal years 2005 and 2006"; and

(2) in paragraph (1), by striking "500 new personnel billets" and inserting "a total of 500 new personnel positions".

SEC. 1111. Section 1051a(e) of title 10, United States Code, is amended by striking "September 30, 2005" and inserting "December 31, 2005".

SEC. 1112. Notwithstanding subsection (c) of section 308e of title 37, United States Code, the maximum amount of the bonus paid to a member of the Armed Forces pursuant to a reserve affiliation agreement entered into under such section during fiscal year 2005 shall not exceed $10,000, and the Secretary of Defense, and the Secretary of Homeland Security with respect to the Coast Guard, may prescribe regulations under subsection (f) of such section to modify the method by which bonus payments are made under reserve affiliation agreements entered into during such fiscal year.

SEC. 1113. (a) INCREASE IN SGLI MAXIMUM.—Section 1967 of title 38, United States Code, is amended—

(1) in subsection (a)(3)(A)(i), by striking "$250,000" and inserting "$400,000 or such lesser amount as the member may elect in increments of $50,000";

(2) in subsection (a)(3)(B), by striking "member or spouse" in the last sentence and inserting "member, be evenly divisible by $50,000 and, in the case of a member's spouse"; and

(3) in subsection (d), by striking "of $250,000" and inserting "in effect under subsection (a)(3)(A)(i)".

(b) SPOUSE CONSENT AND BENEFICIARY NOTIFICATION.—Section 1967(a)(3)(B) of such title is amended—

(1) by inserting "(i)" after "(B)"; and

(2) by adding at the end the following new clauses:

"(ii) A member who is married may not, without the written concurrence of the member's spouse—

"(I) elect not to be insured under this subchapter or to be insured under this subchapter in an amount less than the maximum amount provided for under subparagraph (A)(i); or

"(II) designate any other person as a beneficiary under this program.

"(iii) Whenever a member who is not married elects not to be insured under this subchapter or to be insured under this subchapter in an amount less than the maximum amount provided for under subparagraph (A)(i), the Secretary concerned shall provide a notice of such election to any person designated by the member as a beneficiary or designated as the member's next-of-kin for the purpose of emergency notification, as determined under regulations prescribed by the Secretary of Defense.".

(c) LIMITATION ON SPOUSE COVERAGE TO AMOUNT OF MEMBER COVERAGE.—Section 1967(a)(3)(C) of such title is amended by inserting before the period at the end the following: "as applicable to such member under subparagraph (A)(i)".

(d) CONFORMING AMENDMENTS TO VGLI PROVISIONS.—Section 1977 of such title is amended by striking "$250,000" each place it appears and inserting "$400,000".

(e) MILITARY DEATH GRATUITY.—Section 1478 of title 10, United States Code, is amended—

(1) in subsection (a), by striking "$12,000 (as adjusted under subsection (c))" and inserting "$100,000"; and

(2) by striking subsection (c).

(f) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to deaths occurring on or after the date of the enactment of this Act.

SEC. 1114. (a) SPECIAL DEATH GRATUITY FOR CERTAIN PRIOR DEATHS IN SERVICE.—In the case of the death of a member of the uniformed services that is a qualifying death (as specified in subsection (b)), the Secretary concerned shall pay a death gratuity of not more than $238,000. Of that amount—

(1) $150,000 shall be paid in the manner specified in subsection (c); and

(2) $88,000 shall be paid in the manner specified in subsection (d).

(b) QUALIFYING DEATHS.—The death of a member of the uniformed services is a qualifying death for purpose of this section if—

(1) the member died during the period beginning on October 7, 2001, and ending on the day before the date of the enactment of this Act; and

(2) for the purpose of section 1114(a)(2), the death was a direct result of an injury or illness (or combination of one or more injuries or illness) incurred in Operation Enduring Freedom or Operation Iraqi Freedom, as determined under regulations prescribed by the Secretary of Defense; and

(3) for the purpose of section 1114(a)(1), the death was a direct result of an injury or illness (or combination of one or more injuries or illness) incurred by any active duty military member in the performance of duty.

(c) SGLI BENEFICIARIES.—A payment pursuant to subsection (a)(1) by reason of a covered death shall be paid—

(1) to a beneficiary in proportion to the share of benefits applicable to such beneficiary in the payment of life insurance proceeds paid on the basis of that death under the Servicemembers Group Life Insurance program under subchapter III of chapter 19 of title 38, United States Code; or

(2) in the case of a member who elected not to be insured under the provisions of that subchapter, in equal shares to the person or persons who would have received proceeds under those provisions of law for a member who is insured under that subchapter but does not designate named beneficiaries.

(d) MILITARY DEATH GRATUITY BENEFICIARIES.—A payment pursuant to subsection (a)(2) by reason of a covered death shall be paid equal shares to the beneficiaries who were paid the death gratuity that was paid with respect to that death under subchapter II of chapter 75 of title 10, United States Code.

(e) STATUS OF PAYMENTS.—A death gratuity payable under this section by reason of a qualifying death is in addition to any other death gratuity or other benefit payable by the United States by reason of that death.

(f) DEFINITION.—For the purposes of this section, the term "Secretary concerned" has the meaning given that term in section 101 of title 37, United States Code.".

SEC. 1115. Funds appropriated in this chapter, or made available by transfer of funds in or pursuant to this chapter, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 1116. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal year 2004 and 2005 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

CHAPTER 2

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For an additional amount for "Military Construction, Army", $930,100,000, to remain available until September 30, 2006: *Provided*, That $669,100,000 of such additional amount may not be obligated until after that date on which the Secretary of Defense submits to the Committees on Appropriations of the House of Representatives and Senate the comprehensive master plans for overseas military infrastructure required by House Report 108–342: *Provided further*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for "Military Construction, Navy and Marine Corps", $92,720,000, to remain available until September 30, 2006: *Provided*, That $32,380,000 of such additional amount may not be obligated until after that date on which the Secretary of Defense submits to the Committees on Appropriations of the House of Representatives and Senate the comprehensive master plans for overseas military infrastructure required by House Report 108–342: *Provided further*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force", $301,386,000, to remain available until September 30, 2006: *Provided*, That $301,386,000 of such additional amount may not be obligated until after that date on which the Secretary of Defense submits to the Committees on Appropriations of the House of Representatives and Senate the comprehensive master plans for overseas military infrastructure required by House Report 108–342: *Provided further*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $1,542,100,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $66,300,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $175,550,000 for operation and maintenance: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Ms. PELOSI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as the Members know, all of us in our country want to have our troops to have what they need when they go into harm's way. Sadly, that was not the case in the last 2 years. I hope that the $82 billion in this bill will redress some of those shortcomings, shortfalls, that our troops have had to suffer because they did not have the proper equipment. Never again should America send our troops into harm's way without the equipment they need to keep them safe and to bring them home as soon as they have finished their job.

I rise, Mr. Chairman, to commend the gentleman from Massachusetts (Mr. TIERNEY) and the gentleman from Iowa (Mr. LEACH) for putting forth a very critical amendment to appropriate funds for a select committee to study the awarding and carrying out of government contracts in Iraq and Afghanistan. As I said, we want our troops to have what we need. We must be sure that the taxpayer's dollar is spent wisely.

In their bipartisan work, the gentleman from Massachusetts (Mr. TIERNEY) and the gentleman from Iowa (Mr. LEACH) have made clear that accountability in government is not a partisan issue. Their leadership has set the right tone for this vital debate.

In 1941, Mr. Chairman, Senator Harry Truman got in his car and drove all across the United States, making unannounced visits to defense plants and corporate offices. The people running the plants did not recognize then Senator Truman. They did not bother to hide the corruption and waste that characterized their operations.

☐ 1415

This was at a time when Senator Truman was in a Democratic-majority Senate, there was a Democratic majority in the House, there was a Democrat in the White House, and our country was in a world war. But when he came home to Washington, Truman called the trip "an eye opener," and he soon introduced a resolution to create the Special Committee to Investigate the National Defense Program. I repeat, at a time of a Democratic House and Senate and White House, this Democratic Senator said we must subject this spending to investigation. It was estimated that by spending only $400,000 at the time, this Truman committee saved $15 billion. And it earned Senator Truman the gratitude of the entire Nation.

Today we are considering whether to appropriate another $80 billion to the war effort in Iraq and Afghanistan. This is in addition to the more than $200 billion that has already been made available. Spending of this magnitude demands strict accounting.

Today it would be impossible to walk into a defense plant unannounced, of course; but while security measures have changed, our American values of accountability have not. There are honest differences about defense policy, but we should all agree in a bipartisan way that taxpayer money should always be spent efficiently and effectively.

Sadly, the stories of abuse on contracts in Iraq are everywhere:

Nearly $9 billion spent on Iraq reconstruction is unaccounted for because of inefficiencies and bad management.

The Pentagon's own auditors have now concluded that Halliburton overcharged by more than $100 million under its no-bid Iraqi oil contract. $100 million.

A firm was paid $15 million to provide security for civilian flights into Baghdad, even though no planes flew during the term of the contract. This is a disgrace.

This may be just the tip of the iceberg, though. We simply do not know. That is what we want to find out. We do know who has paid the price for this waste and corruption: American troops and American taxpayers.

Our first priority must always be to force protection; yet sloppy contracting has meant that money has been wasted that could have been spent to provide our troops the equipment they need to do their jobs and protect themselves.

Recently, we learned that a contract for bulletproof ceramic plate inserts was awarded to a contractor who had no practical means of producing them. It took 167 days for troops in Iraq to start receiving the insert, 167 days. How many injuries? How many deaths? We do not know.

For taxpayers, every dollar that is wasted on corruption, and that is what this is, profiteering on the war is corruption, and incompetence, is one less dollar to pay down record deficits or to make Social Security solvent.

Harry Truman led the way for a Democratic Congress to conduct oversight of a Democratic administration. In doing so, he created a bipartisan consensus that gave the public confidence in the war effort. We can and we must do the same today.

The amendment offered by the gentleman from Massachusetts (Mr. TIERNEY) and the gentleman from Iowa (Mr. LEACH) would allow Congress to monitor the contracting process better, to meet the needs of our troops better, and to safeguard taxpayer dollars better.

I urge my colleagues to support this amendment and in doing so to support accountability in government spending and to stop the profiteering on the war in Iraq.

Mrs. CAPPS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish to discuss one critically important component of this bill, the $200 million in aid to the Palestinians. The President has requested $350 million for the Palestinians, and he asks that $200 million be included in today's supplemental bill.

The President believes, as do I, that it is imperative to deliver U.S. assistance quickly to improve Palestinians' quality of life and empower their democratically elected leadership. I am pleased this bill funds the Palestinian assistance request. This money will be used on critical projects, such transportation infrastructure, drinking water, business and trade, education and democratic and legal reforms.

Mr. Chairman, on January 9, I was privileged to witness the remarkable Palestinian presidential election firsthand. I saw democracy taking hold in Palestine. I saw the mandate being handed to President Abbas. The Palestinian people support their new president's goals, to end the armed intifadah and to create a viable state living in peace alongside Israel.

Mr. Chairman, the Arafat era is over. The new Palestinian president and his government are making great strides. They are committed to political reform. Their financial reform efforts, which are led by Minister Salaam Fayyad, have produced profound accountability and transparency.

On the critical question of security, President Abbas is also off to a good start. He has clearly and unequivocally condemned terrorism. With the exception of one horrific bombing in Tel Aviv, the cease-fire has held. The Palestinian security forces have begun to fight terror and incitement. They have arrested terrorists for the first time in many years.

Yesterday, here on Capitol Hill, the ambassador of Israel sat next to the Palestinian ambassador and praised the Palestinian Authority for their security efforts. Prime Minister Sharon has welcomed the Palestinian moves as well.

Mr. Chairman, the real question before us today is not whether to keep the $200 million for Palestinian assistance in this bill. Clearly, this package serves U.S. national interests and will enhance Israel's security and the quality of life for the Palestinians. But the real question is whether the U.S. Congress is serious about working with President Bush, Prime Minister Sharon, and President Abbas to seize this historic opportunity.

The excessive conditions and limitations placed on this package may undermine progress toward peace. Of course, we must secure transparency and accountability; but the requirements in this legislation go far beyond what we demanded in the Arafat era.

Imagine that. President Bush and Prime Minister Sharon are helping to strengthen and empower President Abbas, but at the same time Congress will slap more conditions on them than they ever did on Arafat.

One especially troubling provision in the bill strikes the national security waiver under which the President could provide some of this aid directly to the Palestinian Authority. President Bush has decided in the past that some U.S. aid be directed to the authority. This bill would prevent him from doing that, tying his hands at the very moment that he most needs flexibility to promote our interests in the Middle East.

My colleagues should understand this bill puts more restrictions on the President than we ever placed on President Clinton.

Mr. Chairman, there is a broad consensus in the American pro-Israel community in support of the President's aid request for the Palestinians. The Jewish Council For Public Affairs, the umbrella group of 13 prominent national organizations and 122 local Jewish communities, has recently urged Congress to fund the Palestinian request in its entirety.

The Union For Reform Judaism, representing 1.5 million American Jews, believes the aid should go directly to the Palestinian Authority.

Americans for Peace Now wants us to support this package and remove the excessive conditions that the committee has placed on it.

In asking us to support a clean aid package, M.J. Rosenberg of the Israel Policy Forum states the following: "Israel wants a strong Palestinian Authority that can and will liquidate the suicide bombers and build a democracy that will live in peace with Israel."

The Arafat years are over. Fragile as it may be, a new flame of hope and optimism has been kindled in the Middle East. Shame on us as Americans if we do not do whatever we can to seize this historic opportunity.

Mr. Chairman, I urge my colleagues to support the $200 million in Palestinian assistance, I urge us to reject any amendments to strip this aid, and I hope in the conference with the Senate that we can give back to the President the flexibility he needs to promote U.S. security interests in the region.

Mr. BUYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have some concerns about provisions in section 1113 of the bill relating to Service Members Group Life Insurance, which I will now referral to as SGLI.

Neither the Department of Veterans Affairs nor the House Committee on Veterans' Affairs, the authorizing committee with jurisdiction over VA insurance programs, was consulted prior to the administration's submitting the insurance proposals in the war supplemental. I recognize that it placed the gentleman from California (Mr. LEWIS) and the gentleman from Wisconsin (Mr. OBEY) in very difficult positions, because they always come to the floor to talk about authorizing on appropriations bills; but that is what you are doing exactly here.

There are two primary points of concern with regard to these sections. Number one, it would authorize retroactive insurance coverage in cases of servicemembers who die having declined insurance coverage; and, second, it would require a spouse to concur with the servicemember's insurance coverage election.

The administration proposed to provide for a retroactive payment to give the same level of benefits proposed for prospective maximum SGLI to those who have died since the beginning of combat operations on October 7, 2001. At the appropriations markup, the gentleman from Wisconsin (Mr. OBEY) offered an amendment, which was accepted, to limit retroactive payment to those who died in performance of duty.

By restricting payments to deaths that the Service Secretary concerned determines in the performance of duty, we would then expect that deaths which occurred during the performance of an assigned military duty would be compensated, but that deaths not associated with assigned military duties would not qualify.

Another qualifier, though, that perhaps should have been considered during this markup, would have been in addition to dying in performance of military duties, the servicemember must have had maximum insurance coverage at the time of death. The Committee on Veterans' Affairs has established a record in this regard.

When we increased the SGLI coverage from $200,000 to $250,000 with a delayed effective date in Public Law 106–419, then in reaction to the terrorist attack on the USS *Cole* we did, in fact, make a retroactivity in Public Law 107–14 for servicemembers who died in performance of duty that had maximum SGLI at the time of their death. We should not be providing the maximum amount of insurance posthumously if the servicemember declined coverage, hence, never paid premiums, or elected a lesser amount.

This is a policy change that could have detrimental effects. The bottom line is that it changes the identity and substance of the SGLI program. SGLI is neither an indemnity nor a gratuity program. It is an insurance program.

Second, I have great concern regarding the administration's proposal to include in H.R. 1268 that a spouse must concur with a servicemember's insurance election. Life insurance is a contract. Requiring a spouse who is not a party to the contract to assent to a servicemember's decision concerning whether to enter into a contract and the amount of that contract violates the principles of contractual law and the nature of life insurance. Requiring the spouse to concur with the servicemember's decision, as included in H.R. 1268, would in fact make SGLI a volunteer program for single servicemembers, and an involuntary program for married servicemembers.

Life insurance policies are fundamentally different from the protection to surviving spouses rightfully provided under some other retirement programs.

There are plenty of substantive concerns with regard to this provision: one, giving the spouse veto power over the amount of insurance that gives him or her greater say than the servicemember. Number two, SGLI would in fact be a voluntary program for singles, involuntary for married. Three, the concurrence policy would force the servicemember to pay premiums and keep the spouse as a beneficiary, even in situations of pending divorce, spousal abuse, drug abuse, child abuse. I mean, let your mind go. Fourth, the spousal concurrence as drafted in the bill would prevent a servicemember from naming children, children from a previous marriage, parents, grandparents, guardians of grandchildren, let your mind go, from participating in insurance.

The Supreme Court has upheld the right of the insured to name whoever he or she wants as a beneficiary, even if it is in violation of a State court divorce decree.

There are administrative concerns as well, the substantial administrative costs that would be added in the day-to-day running of this program, as well as has been added to its greater complexity. If a servicemember there says that there is no spouse or names another beneficiary and declines coverage, a spouse could come forward after the servicemember's death.

Another concern is the program may be liable to pay maximum amounts if no premiums were collected or if a separate beneficiary already had been paid. And if there is a delay in getting a spouse to agree to insurance coverage or the amount and the servicemember dies, then who receives the benefits?

These are many, many issues that need to be resolved, and I look forward to working with the gentleman from California (Chairman LEWIS) as we proceed forward to the conference to address many of these issues.

Mr. Chairman, I include the following letter from the Military Officers Association of America for the RECORD.

MILITARY OFFICERS ASSOCIATION
OF AMERICA,
Alexandria, VA, March 11, 2005.

Hon. STEVE BUYER,
Chairman, Committee on Veterans Affairs,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the 370,000 members of the Military Officers Association of America (MOAA), I am writing to inform you that, after discussing the issue extensively with the Committee's majority and minority staff, MOAA has reconsidered its position on the Servicemen's Group Life Insurance (SGLI) spousal consent requirement, as included in the Appropriations Committee's markup of the FY2005 Defense Supplemental Appropriations Act.

We believe there is merit to the staff's view that the Appropriations Committee's language is excessively stringent and could inappropriately preclude servicemembers' ability to make reasonable insurance decisions—especially in circumstances where it may be reasonable and appropriate for a member to designate children as beneficiaries instead of the current spouse.

MOAA believes Congress is doing the right thing in expediting passage of improved death benefits coverage in the Supplemental Appropriations Act, and we have no wish to slow that process in any way.

Therefore, MOAA urges your support for a floor amendment that would either substitute a provision requiring spousal notification (instead of spousal consent) or strike the spousal consent requirement to allow the Committee to develop more appropriate language that could be offered in conference or another appropriate legislative venue.

Sincerely,

STEVEN P STROBRIDGE,
Colonel, USAF (Ret),
Director, Government Relations.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if the previous speaker is going to describe something I did in committee, I wish he would get his facts straight. The fact is, contrary to what the gentleman said, when the majority brought its recommendations to the full committee with respect to the provision in the bill which raised life insurance benefits from $250,000 to $400,000, with respect to that provision, the committee had applied it retroactively only to those persons who died in Iraq and Afghanistan.

☐ 1430

Contrary to what the gentleman said, my amendment did not restrict what the committee was doing, it expanded what the committee was doing. We added coverage for what was estimated to be 2,400 additional American service people who died but were not in Iraq or Afghanistan. We did that, for instance, on the theory that if you are a member of the Reserve, you are called up to go to Iraq, but you are killed in a training accident before you can get there, that you are just as dead, your family is just as much in need as would be the case with someone who went to Iraq and then died in an accident.

Now, the gentleman is the chairman of the Committee on Veterans' Affairs. I respect his responsibilities. I hope he respects ours. I would simply say that what the committee has tried to do is to take a vehicle which is going to spend $80 billion of the taxpayers' money, and use that as an opportunity to expand benefits to deserving servicemen and women. I make no apology whatsoever for doing that.

Dick Bolling, who was my mentor when I came here and chaired the Committee on Rules, used to talk disdainfully of people who looked at this House through the prism of what he called "dung hill politics"; in other words, focusing on jurisdiction of different committees, forgetting that we have a larger responsibility to the body as a whole and to the country as a whole.

Now, I make no apology for the fact that the Committee on Appropriations might have stepped on a few toes in expanding benefits for deserving servicemen and women. I am glad they did. I hope the toes did not hurt too much. But the fact is if the gentleman has objections to what the administration has suggested then I would suggest the majority party needs to get its act together rather than risking these expanded benefits by doing what they almost did in the Committee on Rules today, which is to make these two sections of the bill subject to a point of order which could have lost those benefits for deserving servicemen and women.

Mr. BUYER. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Indiana.

Mr. BUYER. I had a very good discussion with the gentleman from California (Mr. LEWIS). I did not come here to the floor to strike these provisions from the bill. I will work with the administration. I will work with the Committee on Appropriations. I am going to do that as an authorizer. I am not claiming jurisdictional grounds. I am not going to play games with the gentleman from Wisconsin (Mr. OBEY) at all.

Mr. OBEY. With all due respect, the gentleman just misquoted.

Reclaiming my time, with all the due respect, the gentleman misquoted and mischaracterized my amendment in committee. The gentleman described it as an amendment limiting benefits when in fact it expanded them, and I do not appreciate that.

Mr. BUYER. I thought what the gentleman from Wisconsin (Mr. OBEY) did by making a performance of duty was a wise thing. I think that was a wise move of the gentleman. I do not know why the gentleman would be upset with regard to my remarks on performance of duty because what the gentleman from Wisconsin (Mr. OBEY) did is followed what we, the gentleman from Illinois (Mr. EVANS) and I, had also recommended. Performance of duty is a good thing.

Mr. OBEY. That is what we tried to do.

Mr. BUYER. I do not have a problem with the performance of duty. I have come to the floor to express some concerns with regard to the identification of an insurance product. We are turning it into an indemnity and a gratuity with regard to an insurance product. We have to be smart about our business with regard to how we proceed. That is my purpose of being here. It is not to reach into the Treasury and just say we are going to give this money out.

Mr. OBEY. Reclaiming my time, let me simply say I appreciate that. My only point is if the gentleman is going to come to the floor and characterize what I did please do so accurately. What the gentleman said, he may not have meant to but what he said was my amendment limited—I believe the word used was "restricted." We did not. We expanded it.

Mr. BUYER. But it does and I gave the example because you can have someone who has an accidental death or a duty nonperformance in the service.

Mr. OBEY. Reclaiming my time, with all due respect, the effect of my amendment as scored by CBO was to add $95 million in costs.

The Acting CHAIRMAN (Mr. SHIMKUS). The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 1 additional minute.)

Mr. OBEY. What we did was to provide $95 million in additional benefits to persons who had died who were not living in Iraq and Afghanistan. That was the effect of my amendment. The gentleman may be talking about restrictions that the committee action took.

Mr. BUYER. No, the gentleman's amendment.

Mr. OBEY. My amendment expanded. It did not restrict, and the gentleman needs to reread it if he does not understand that.

Mr. BUYER. I will be more than happy to get the gentleman legal counsel so he can understand what he has written.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

I do so in order to have a very brief discussion with the gentleman who is chairman of the authorizing committee. I think many of you in the House know that I spent a lot of years in my life making an honest living in the life and health insurance business so I know a little bit about this subject.

The gentleman is raising a number of questions that are very legitimate questions. I do not think there is a conflict here. I just wanted the gentleman to know that it is my intention to examine these serious questions between now and the time we go to conference. I am absolutely certain we can at least clear the air on any remaining problems between now and then.

Mr. BUYER. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Indiana.

Mr. BUYER. I thank the gentleman. What the gentleman from Wisconsin (Mr. OBEY) did with regard to performance——

Mr. LEWIS of California. Reclaiming my time, let us not describe what the gentleman from Wisconsin (Mr. OBEY) did. We will be here for hours. Either we do this my way or we do not.

Mr. BUYER. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Indiana.

Mr. BUYER. I believe that the performance of duty that is in the bill, what it does, it does identify with regard to who will receive payment and who do not receive payments. That was why I used the word "limited" or "restricted" because you could have an individual, Mr. Chairman, of whom died in an auto accident, was murdered, or something happened to them and they do not qualify.

Mr. LEWIS of California. Reclaiming my time, the gentleman can then, in this complex field, understand when he used the term "restrict" that the gentleman from Wisconsin (Mr. OBEY) might be a bit disconcerted.

Does the gentleman see what I am saying?

Mr. BUYER. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Indiana.

Mr. BUYER. Absolutely. That is why what we have here are two individuals of whom understand what we are talking about but probably have a, well, anyway, let us not use semantics.

What I do wish to do as we proceed forward as we go to conference working with the Senate is work also with the administration, work with the Department of Defense, the VA and OMB to make sure that we bring a proper identity with regard to service and group life insurance that also subsidizes veterans group life insurance, and that is what I want to work with the chairman on.

Mr. LEWIS of California. Reclaiming my time, it would be my intention for us to have serious discussions including the gentleman from Wisconsin (Mr. OBEY) and his staff and our people so that we know that the air is cleared.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Wisconsin.

Mr. OBEY. Let me simply say that I find it ironic, Mr. Chairman, and I thank the gentleman for yielding, because the entire history of the development of this expanded benefit demonstrates that both the gentleman from California (Mr. LEWIS) and this gentleman from Wisconsin were aiming to expand benefits, not to contract them.

When I first drafted my first proposal we were told that the Committee on Veterans' Affairs itself was concerned that we might have gone too far in providing benefits to people because, for instance, the example used to me was we do not want to pay someone who was killed in a drunken driving accident because he had five martinis at a bar. We want to make sure that this occurred in the line of duty. So that is the way we drafted the amendment. But the overall effect of the amendment was to add benefits for 2,400 people who had died, who had not been killed in Iraq and Afghanistan, and that was estimated to cost $95 million.

How an expansion of benefits can be described as a restriction is beyond me. It certainly does not fit my definition.

Mr. LEWIS of California. Reclaiming my time, I appreciate the gentleman from Wisconsin's (Mr. OBEY) point. In the meantime, I believe we will have some work to do in the weeks ahead and I look forward to working with the gentleman and with the gentleman from Wisconsin (Mr. OBEY) and others to solve this problem.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE II—INTERNATIONAL PROGRAMS AND ASSISTANCE FOR RECONSTRUCTION AND THE WAR ON TERROR

CHAPTER 1

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

For an additional amount for "International Disaster and Famine Assistance", $44,000,000, to remain available until expended, for emergency expenses related to the humanitarian crisis in the Darfur region of Sudan: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

AMENDMENTS OFFERED BY MR. JACKSON OF ILLINOIS

Mr. JACKSON of Illinois. Mr. Chairman, I offer two amendments and ask unanimous consent they be considered en bloc.

The Clerk read as follows:

Amendments offered by Mr. JACKSON of Illinois.

Page 35, line 25, after the dollar amount, insert "(increased by $50,000,000)".

Page 38, line 5, after the dollar amount, insert "(increased by $50,000,000)".

Mr. JACKSON of Illinois (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Acting CHAIRMAN. Is there objection to reaching ahead in the bill?

There was no objection.

The gentleman from Illinois (Mr. JACKSON) is recognized.

Mr. JACKSON of Illinois. Mr. Chairman, my amendment is very simple. It adds $50 million for disaster assistance and $50 million for refugee assistance in Sudan and other African countries.

If this amendment passes, the House product would still be $550 million below the President's request. So for colleagues that argue we are spending too much money, this amendment is fiscally prudent. But more importantly, adopting this amendment is quite frankly the right thing to do.

Mr. Chairman, my amendment could be the most decent, moral and effective $100 million spent in this bill. This $100 million in disaster relief and refugee assistance would go very far in alleviating the multiple disasters and refugee crisis in Africa. Most of Africa's urgent humanitarian needs are shockingly affordable. Sadly, what we have been missing is the political will to stand up and do something.

Mr. Chairman, the President speaks often about ending evil, about reaching into your heart and doing the right thing. The number of deaths, over 1,300 a day in Sudan and the Democratic Republic of the Congo, that could be prevented would truly be ending evil and we know this is the right thing to do.

Mr. Chairman, the only way for evil to succeed is for good people to do nothing. I urge a "yea" vote on the Jackson amendment.

Mr. KOLBE. Mr. Chairman, I move to strike the last word.

As the gentleman from Illinois (Mr. JACKSON) knows, I spoke in committee against this amendment which was then part of a larger amendment and these two were combined at that point. I made the point that I was not at all sure that this additional money was needed in Darfur, Sudan in light of the amount of money that is already in the 2005 bill and the amount of money that is in the supplemental for this region.

However, I understand the gentleman from Illinois (Mr. JACKSON) feels very strongly about this. He and I traveled together to the Darfur region. We saw the terrible, terrible suffering that the people there are going through.

We are in complete agreement on our need to take every step that we can to provide not only for a peaceful solution in the area, but also to provide for humanitarian relief for the people who live in that region, and therefore I am prepared today with concurrence of the chairman of the committee to accept this en bloc amendment, and we will take a very good look at this in the conference with the Senate and see where we are at that point. We will be a little bit further down the road and have some time to get a better handle on this at that point.

I again want to commend the gentleman for his commitment, his dedication, his passion in offering this amendment today.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

I want to thank the gentleman from Arizona (Mr. KOLBE) for addressing this important amendment that my friend, the gentleman from Illinois (Mr. JACKSON), introduced. I feel strongly about the urgency of this issue and I look forward to working with the gentleman in the committee as we approach conference to ensure that this emergency that the gentleman has addressed in his amendment is certainly placed in the conference and we can provide the needed assistance.

I thank the gentleman so much for his willingness to work with us to make sure that this happens.

Mr. JACKSON of Illinois. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The Acting CHAIRMAN. Without objection, the gentleman from Illinois is recognized for 5 minutes.

There was no objection.

Mr. JACKSON of Illinois. Mr. Chairman, I would like to thank the gentleman from Arizona (Mr. KOLBE) for his extraordinary leadership on this issue. I would like to thank the gentleman from Virginia (Mr. WOLF) for his extraordinary steadfast commitment to encouraging Members of this Congress to stand up and do the right thing. This would not be possible without the leadership of the chairman of the Committee on Appropriations, the gentleman from California (Mr. LEWIS), and the thoughtful consideration that the ranking member, the gentleman from Wisconsin (Mr. OBEY), has given to this very critical part of the world.

I thank the gentlemen for their support of this bipartisan amendment.

□ 1445

The gentlewoman from New York (Mrs. LOWEY), my ranking member, for her commitment throughout this project and throughout this process has been nothing short of stellar, and extraordinary as well. I thank the gentlewoman, and I do apologize for interrupting the regular order.

The Acting CHAIRMAN (Mr. SHIMKUS). The question is on the amendments offered by the gentleman from Illinois (Mr. JACKSON).

The amendments were agreed to.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the United States Agency for International Development", $24,400,000, to remain available until September 30, 2006.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Operating Expenses of the United States Agency for International Development Office of Inspector General", $2,500,000, to remain available until September 30, 2006.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund", $684,700,000, to remain available until September 30, 2006, of which up to $200,000,000 may be provided for programs, activities, and efforts to support Palestinians.

AMENDMENT OFFERED BY MRS. MALONEY

Mrs. MALONEY. Mr. Chairman, I offer an amendment.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The Clerk read as follows:

Amendment offered by Mrs. MALONEY:

In chapter 1 of title II of the bill, in the item relating to the "ECONOMIC SUPPORT FUND", after the first dollar amount, insert "(reduced by $3,000,000)".

In chapter 1 of title IV of the bill, in the item relating to the "TSUNAMI RECOVERY AND RECONSTRUCTION FUND", after the first dollar amount, insert "(increased by $3,000,000)".

Mrs. MALONEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. MALONEY. Mr. Chairman, my amendment moves $3 million from the Economic Support Fund, which has over $1 billion available, to the Tsunami Recovery and Reconstruction Fund, which now has over $600 million available. It is not subject to a point of order and is both budget authority and outlay neutral.

The reason for this amendment is very simple. It is to help pregnant women impacted by the tsunami. The intent of my amendment is to give $3 million to the U.N. Population Fund to assess tsunami victims in Indonesia, Sri Lanka, and the Maldives for very specific, pressing needs that I am very sure we can all agree are absolutely necessary at this time.

Mr. KOLBE. Mr. Chairman, will the gentlewoman yield?

Mrs. MALONEY. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, can the gentlewoman clarify which amendment we are talking about here?

Mrs. MALONEY. Yes.

Mr. KOLBE. Mr. Chairman, I think I heard the reading of two amendments. Which one are we on here at this point? Are we on the one that is $3 million or the one that was the larger one that I heard read first?

Mrs. MALONEY. Mr. Chairman, $3 million.

Mr. KOLBE. Is that the one we are considering? Is that the understanding of the Chair?

The Acting CHAIRMAN. The gentleman will suspend. Without objection, the Clerk will re-report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mrs. MALONEY: In Chapter I of title II of the bill, in the item relating to the "ECONOMIC SUPPORT FUND", after the first dollar amount, insert "(reduced by $3,000,000)".

Mr. KOLBE. Mr. Chairman, I am now clear which amendment we are talking about. I appreciate the gentlewoman yielding for that purpose.

The Acting CHAIRMAN. Without objection, the further reading is waived.

There was no objection.

The Acting CHAIRMAN. The gentlewoman from New York (Mrs. MALONEY) may proceed.

Mrs. MALONEY. Mr. Chairman, more than a 150,000 women are currently pregnant in the tsunami-affected areas, including 50,000 anticipated to give birth during the next 3 months.

UNFPA is determined to enhance the likelihood of deliveries occurring in safe and clean conditions by providing emergency care, basic supplies, and helping to rebuild health care facilities. They are uniquely qualified to provide these services. In fact, they are and have been on the ground since that tragic day, helping save the lives of women, children, and families.

With these funds, UNFPA can provide safe delivery kits, such as the one I have here. It includes basic supplies such as soap, plastic sheeting, razor blades, string and gloves, laundry detergent, dental supplies. These are supplies that are needed to prevent and treat cases of violence against women and youth. They also offer psychological support and counseling and promote access of unaccompanied women to vital services.

Each of these areas is a serious problem and will go a long way towards helping save the lives of thousands of women and their children.

Disasters put pregnant women at greater-than-normal risk because of the sudden loss of medical support.

Mr. KOLBE. Mr. Chairman, will the gentlewoman yield?

Mrs. MALONEY. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I have looked at the amendment, and I understand what the gentlewoman is talking about, what her intentions or how it would be used in the Tsunami Recovery Fund. It does not, of course, specifically provide for that, and I am prepared to accept this amendment if the gentlewoman would be willing to move the discussion along as quickly as possible.

Mrs. MALONEY. Mr. Chairman, I thank the gentleman for accepting the amendment, and I would like to note that because of the tsunami most of the midwives lost their lives. Fully 30 percent of them died in the tsunami, and many of those who survived are still dealing with personal trauma.

So it is incredibly important that this funding be moved to UNFPA, the U.N. Population Fund, to help the tsunami victims and particularly those who need maternal health care services.

Many of my colleagues, including the gentlewoman from New York (Mrs. LOWEY), who has worked so hard on helping women and children, she traveled to the region early this year and was able to witness firsthand the horror along with the gentleman from New York (Mr. CROWLEY) and the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) and others, and they were able to see the work UNFPA has been doing to help these people.

I thank the leadership for accepting the amendment. It is an important one. We appreciate the consideration.

My amendment moves $3 million from the Economic Support Fund, which has $1.06 billion available to the Tsunami Recovery and Reconstruction Fund, which now has $656 million available. It is not subject to a point of order and is both budget authority and outlay neutral.

The reason for this amendment is very simple: it is to help pregnant women impacted by the tsunami.

The intent of my amendment is to give $3 million to the U.N. Population Fund UNFPA, to assist tsunami victims in Indonesia, Sri Lanka, and the Maldives for very specific, pressing needs that I am sure we can all agree are absolutely necessary at this time. More than 150,000 women are currently pregnant in the tsunami-affected areas, including 50,000 anticipated to give birth during the next three months.

UNFPA is determined to enhance the likelihood of deliveries occurring in safe and clean conditions by providing emergency care, basic supplies and helping to rebuild health care facilities. They are uniquely qualified to provide these services. In fact, they are and have been on the ground since that tragic day, helping save the lives of women and children.

With these funds, UNFPA can provide safe delivery kits: soap, plastic sheeting, razor blades, string and gloves; personal hygiene kits: sanitary napkins, soap, laundry detergent, dental supplies; reestablish maternal health services; prevent and treat cases of violence against women and youth; offer psychological support and counseling; and promote access of unaccompanied women to vital services.

Each of these areas is a serious problem and will go a long way toward helping save the lives of thousands of women and their children.

Disasters put pregnant women at greater than normal risk because of the sudden loss of medical support, compounded in many cases by trauma, malnutrition, disease or exposure to violence.

In times of high stress, pregnant women are more prone to miscarriage or to premature labor, both of which require medical care.

The infrastructure for helping pregnant women in the tsunami region is severely damaged. 1,650 of the Indonesian Midwife Association's 5,500 members—fully 30 percent—died in the tsunami. Many of those who survived are still dealing with personal trauma and the loss of equipment used to safely deliver babies.

About 15 percent of pregnancies under normal conditions require urgent assistance from midwives or doctors to ensure the health and survival of the babies and mothers. Many maternity hospitals, women's health clinics, and other infrastructure for providing health services to women, maternal health assistance, safe delivery, contraceptives, emergency obstetric care, and preventing sexually transmitted diseases have been destroyed by the tsunami.

Mr. Chairman, to date, the United States has provided no funding to the U.N. Population Fund to help tsunami victims. The last time the United States contributed resources to UNFPA was $600,000 for similar kinds of emergency assistance in Afghanistan in 2001.

We have several colleagues who traveled to the region earlier this year and witnessed the horror of the tragedy. They were able to see the work UNFPA has been doing to help these women. I hope that they will be able to relay their experiences today.

It is time to put politics aside. These people have suffered enough. We must do everything we can to help them.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I thank the chairman for accepting this amendment, and I rise in support of the Maloney amendment.

With experience and success in saving lives and helping to ensure the safe delivery of tens of thousands of babies in more than 50 countries and territories, UNFPA is uniquely qualified to assist victims of the tsunami devastation. A small transfer of $3 million to the UNFPA would go a long way in making an immediate and tangible impact on the lives of women and children in Indonesia, Sri Lanka, and the Maldives.

I again thank the chairman for accepting this language, and I thank my colleague, the gentlewoman from New York (Mrs. MALONEY), for placing the language.

The UNFPA currently has a flash appeal for $28 million, of which they have received almost 70 percent. Our contribution would represent approximately 11 percent, bringing them much closer to meeting five pressing needs in the region.

First, UNFPA is providing safe delivery kits, hygiene kits, medicines and supplies, including soap and sanitary napkins. These basic items help stem the transmission of HIV/AIDS and ensure safe childbirth and emergency obstetric care. In communities ravaged by natural disaster, the lack of such important and simple supplies as these can result in serious life threatening health crises.

Second, UNFPA works to reestablish maternal health care clinics and services destroyed by the tsunami such as prenatal care and delivery assistance and post-natal care. As we know, disasters put pregnant women at much greater risk for miscarriage or premature labor. Approximately 150,000 women in the tsunami affected region are pregnant. Fifty thousand women alone will give birth in the next 3 months.

Third, UNFPA would work to prevent and treat cases of violence against women. It is a sad fact that women are more likely to be victims of sexual assault and violence in times of crisis. We have already heard disturbing cases of widespread sexual violence in Sri Lanka. UNFPA programs help to provide emergency response, security and legal services to better protect women and children.

UNFPA programs would also offer psychological counseling to women and children still suffering from the horror of the tsunami. In countless cases, mothers are dealing with the nearly unfathomable pain of losing their husbands and children or, conversely, children are trying to make sense of a world without their families. Many women are now faced with being the head of their household and their mental well-being will be paramount as they gather the strength to rebuild their communities.

And finally, UNFPA will help unaccompanied women and other vulnerable people access vital services such as water, food, health care and sanitation facilities.

UNFPA is especially well placed to do this life-saving work as it already has offices in all the tsunami-affected countries and long-standing relationships with local governments and non-governmental organizations. We all know that confusion and discord often stymies our efforts to get relief and support to those who need it most. Supporting organizations with a proven track record and programs in place is one of the most successful and cost-effective ways to make our generous contributions go farther.

I urge my colleagues to do everything we can to help the women and children who have already been through so much with the destruction brought by the tsunami. Please join me in voting to support UNFPA's important work in saving lives.

Mr. LEWIS of California. Mr. Chairman, I withdraw my point of order so we can accept the amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

I want to rise as well to support the gentlewoman from New York's amendment dealing with the efforts the UNFPA is engaged in because we got a chance to see firsthand in visiting Sri Lanka the work that has been done.

It is true that many children were lost. It is true that 15,000, at the time that we were there, women were expecting; and it is certainly true that they lost a large infrastructure of health care, particularly the women's hospital that we were able to visit. The women's maternity hospital was completely destroyed, and so these dollars will be crucial in helping to ensure good health care, good intervention, and safe deliveries.

I want to commend all of the leadership that is focused on this particularly narrow issue, though it may seem. It is vital that we provide the support, and I would like to encourage our colleagues to support this amendment.

Ms. LINDA T. SÁNCHEZ of California. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the Maloney-Sánchez-Crowley amendment. Let me tell my colleagues a little bit about what this amendment is about, and I will try to be brief.

It is about providing women with hygiene kits that include soap, aspirin, sanitary napkins. I, like some of my colleagues before me, had a chance to travel there and see what the UNFPA is doing there, and I urge my colleagues to vote "yes" on the Sánchez-Crowley amendment.

This is what the UN Population Fund distributes to women devastated by the tsunami. By voting for this amendment, you. will affirm your support for women and children in dire need of our help.

The Maloney Amendment will aid the tsunami recovery effort by providing UNFPA with much-needed funding. It's a shame that the U.S. Government has not offered their support to this organization.

I've traveled to some of the areas hardest hit by the tsunami, and I can attest to their tremendous work. Our support for the UN Population Fund should be a top priority, because it's one of the few organizations that provides resources for the care of women and newborn children. Again, we're talking about soap, toothpaste, and sanitary napkins—basic needs.

UNFPA also distributes birthing kits, which are vital. Nearly half of all women give birth without a skilled attendant present, or any medical care whatsoever. These kits are sometimes all that's available to birthing women. For women who have no access to hospitals, we must support organizations that provide these kits. It's a matter of protecting life.

UNFPA provides the bare essentials. These supplies are critical to stopping the spread of diseases, like malaria.

Today, Congress can make a, statement to those hit hardest by the tsunami. We can show our commitment to the recovery effort by supporting UNFPA funding. Today we have a chance to put politics aside and support the' work of an organization that is pro-mother and pro-child care.

Helping those in need is the right thing to do. This shouldn't be a political issue, this is a moral issue. I urge you to vote yes on the Maloney/Sánchez/Crowley Amendment to help the victims of the tsunami.

Mr. SMITH of New Jersey. Mr. Chairman, for the last two decades, the United Nations Population Fund (UNFPA), has shockingly defended the coercive Chinese population control program. By refusing to give American tax dollars to the UNFPA, the United States stands solidly with the victims and against the oppressors. We must continue to do so as long as UNFPA insists on supporting the Chinese program.

Today, Representative MALONEY offered an amendment to H.R. 1268, the "Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief", and she described the amendment as something that would give $3 million to UNFPA. Even though she explained it as a UNFPA Amendment, I want to clarify that the language of the amendment could in no way be construed to support or give funding to UNFPA. In fact, the amendment does not even mention UNFPA. The Maloney amendment says,

> In chapter 1 of title II of the bill, in the item relating to the "Economic Support Fund", after the first dollar amount, insert "(reduced by $3,000,000)".
>
> In chapter 1 of title IV of the bill, in the item relating to the "Tsunami Recovery and Reconstruction fund", after the first dollar amount, insert "(increased by $3,000,000)".

Since the Maloney amendment simply transferred $3 million from one account to another, thereby providing aid funding without funding UNFPA, I did not oppose the amendment.

Victims of the Chinese one-child-per-couple policy have told me horrific stories. At one religious freedom meeting in China I asked what the participants knew about forced abortion policies. All three women in the group broke down in tears as they shared with me how they all had been forced to have abortions—one woman talked about how she thought God was going to protect her baby, but she was not able to escape the abortion. Other women who have gained asylum in the United States because of China's coercive population control program have told me terrible stories of crippling fines, imprisonment of family members, and destruction of homes and property—all to force abortion and sterilization upon millions of women. According to last year's State Department Human Rights Report, one consequence of "the country's birth limitation policies" is that 56 percent of the world's female suicides occur in China, which is five times the world average and approximately 500 suicides by women per day.

Mrs. Gao Xiao Duan, a former administrator of a Chinese Planned Birth Control Office, testified before Congress about China's policies. She explained, "Once I found a woman who was nine months pregnant, but did not have a birth-allowed certificate. According to the policy, she was forced to undergo an abortion surgery. In the operation room I saw how the aborted child's lips were sucking, how its limbs were stretching. A physician injected poison into its skull, and the child died, and it was thrown into the trash can. . . . I was a monster in the daytime, injuring others by the Chinese communist authorities' barbaric planned-birth policy, but in the evening, I was like all other women and mothers, enjoying my life with my children. . . . to all those injured women, to all those children who were killed, I want to repent and say sincerely that I'm sorry!"

While Mrs. Gao acknowledged her part in these human rights atrocities and courageously told her story, UNFPA continues to side with the Chinese government.

Since 1979, UNFPA has been the chief apologist and cheerleader for China's coercive one child per couple policy. Despite numerous credible forced abortion reports from impeccable sources, including human rights organizations like Amnesty International, journalists, former Chinese population control officials and, above all, from the woman victims themselves, high officials at UNFPA always dismiss and explain it all away. UNFPA has funded, provided crucial technical support and, most importantly, provided cover for massive crimes of forced abortion and involuntary sterilization.

Time and again, high officials of UNFPA have defended the indefensible and called voluntary that which is anything but. The former Executive Director of UNFPA Nafis Sadik said, "China has every reason to feel proud of and pleased with its remarkable achievements made in its family planning policy. The country could offer its experiences and special expert to help other countries." On CBS Nightwatch she said, "The UNFPA firmly believes, and so does the government of the People's Republic of China, that their program is a totally voluntary program." And Sven Burmester, UNFPA's man in Beijing, gushed over China's achievements, "In strictly quantitative terms, it was the most successful family-planning policy ever developed."

Make no mistake that China covets UNFPA financial and verbal support of their program as a "Good-Housekeeping seal of approval" to whitewash their human rights violations. I traveled to China and met with the head of their population control program, Peng Peiyun. In our lengthy conversation, Madame Peng Peiyun told me over and over again that there was no coercion in China, and then she cited UNFPA's participation in the program and UNFPA's public statements where UNFPA leaders have defended it. The United States should not help UNFPA cover up China's crimes against women and children.

In 2001, the Department of State determined that UNFPA's activities in China violated our human rights law, thereby making them ineligible for U.S. funding. On July 21, 2001, Secretary of State Powell wrote, "Regrettably, the PRC has in place a regime of severe penalties on women who have unapproved births. This regime plainly operates to coerce pregnant women to have abortions in order to avoid the penalties and therefore amounts to a 'program of coercive abortion.' . . . UNFPA's support of, and involvement in, China's population-planning activities allows the Chinese government to implement more effectively its program of coercive abortion. Therefore, it is not permissible to continue funding UNFPA at this time." The funds that would have gone to UNFPA were instead given to aid organizations.

In 2002, China explicitly stated its Draconian population control program in law, but UNFPA still continues to support the Chinese program. The Bush Administration has consistently found UNFPA ineligible to receive funding, most recently releasing a July 15, 2004 letter where Secretary Powell said, "China continues to employ coercion in its birth planning program, including through severe penalties for 'out of plan births'. . . . UNFPA continues its support and involvement in China's coercive birth limitation program in counties where China's restrictive law and penalties are enforced by government officials."

UNFPA remains guilty of shamelessly supporting and whitewashing terrible crimes against humanity, and the United States must have no part in subsidizing them. In refusing to fund UNFPA, President Bush and this Congress have taken the side of the oppressed and have refused to cooperate with the oppressor. UNFPA has aggressively defended a barbaric policy that makes brothers and sisters illegal, and makes women the pawns of the population control cadres. If UNFPA lobbied the Chinese government to stop forced abortion as aggressively as they lobby the United States to overturn human rights policy, there would be less suffering in China today.

An organization like the UNFPA that continues to support China's one-child per couple coerced abortion policy should not be rewarded with any new funding, and the Maloney Amendment provides them no new funding.

Ms. WOOLSEY. Mr. Chairman, I rise in support of the Maloney Amendment because we must break the deadly political impasse that endangers the health of women around the world. The United Nations Population Fund (UNFPA) has the ability to provide health services and promote maternal health globally. Yet we deny them funding, choosing to focus on narrow ideological disagreements and not the lifesaving potential of their work. We simply cannot afford more delay. We must seek common ground and that is what the Maloney Amendment will do.

Disasters put pregnant women at greater than normal risk because of the sudden loss of medical support, compounded in many cases by trauma, malnutrition, disease or exposure to violence. We all know that the tsunami took away valuable medical care for women across the affected areas in southeast asia. Without UNFPA we wouldn't have been able to calculate that 150,000 women are currently pregnant in this region.

Without UNFPA these women would not have the guarantee of safe, clean environments to deliver their babies. They would not have access to the medical support and medicines they need to ensure a healthy birth. Safe and healthy childbirth should not be a political issue. While disagreements about UNFPA will certainly remain, continuing to ensure this program is there to rely on has never been more important.

In such a polarized political environment, we must not sacrifice this opportunity to move forward and renew our commitment to promote the health of women around the world. I urge my colleagues to join me in supporting the Maloney Amendment.

Mr. ISRAEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in strong support of this Amendment that aims to commit $3 million to the United Nations Population Fund (UNFPA). The UNFPA has asked its donor countries for about $28 million for women who were victims of the tsunami. The money in this amendment is about 11 percent of what they are asking for.

In January, I visited areas devastated by the tsunami. I visited what was left of a three-story maternity hospital. Three hundred women and infants were located here when the first wave hit. The rush of water toppled a high cement fence, knocked down utility polls like toothpicks, and shattered all of the glass windows in the front facade. Of the 300 women and their babies, all but one—a newborn—was saved from the crashing waves. We met with one doctor who finished a C-Section—in absolute darkness, after the generators were underwater, as the rest of the building was evacuated. The hospital was practically destroyed. The beds were pushed and piled against each other by the flooding, and shards of glass crunched under our feet. The sheets were strewn about like wet rags, and saturated packages of medicine were thrown in useless piles.

Natural disasters are particularly harsh on pregnant women. The loss of medical care and its infrastructure is compounded by malnutrition, disease and the trauma of the disaster. These issues can cause miscarriage or early labor, which both require medical care that is unavailable. The result can be maternal death.

The situation that women face in the areas is dire. The Indonesian Midwife Association has also reported that 1,650 of their 5,500 members, that is about 30 percent of their members, died in the tsunami. Many of the surviving midwives are picking up the pieces of their own lives and dealing with their personal loss. Reestablishing maternal health services will be a main use of this money, which is of great concern to the region.

There are 150,000 pregnant women in the tsunami-affected areas—50,000 are scheduled to give birth in the next three months. They need personal hygiene kits in refugee camps; and safe-birthing kits in hospitals, clinics and health centers. They need soap and sterile cotton cloth, antibiotics, emergency obstetric equipment, and drugs for treating sexually transmitted infections. Relief efforts often overlook these supplies, and the UNFPA is uniquely prepared to provide them.

The UNFPA has experience working with women in disaster areas: They have participated in emergency projects in more than 50 countries and territories. They already have offices in tsunami-affected countries, and they understand the distinctive ways that disasters affect women and children. Women are more vulnerable to sexual assaults during times of disaster. Women who are pregnant, nursing, or caring for small children do not have the capacity to stand in line for long periods of time for supplies.

The funds in this amendment are intended to be used by the UNFPA to help women in these circumstances by: Providing tools and medicines needed for safe childbirth; preventing and treating sexual assault; promoting access to clean water, food and healthcare; providing sanitary supplies; and providing psycho-social counseling.

The tsunami devastated an entire region, and I am glad that this Congress is appropriating funds to help address the many issues that the people in region now face. It is my hope that my colleagues will vote for this amendment, which will help some of the most vulnerable of the region.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. MALONEY).

The amendment was agreed to.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For an additional amount for "Economic Support Fund", $376,500,000, to remain available until September 30, 2006: *Provided*, That these funds are hereby designated by Congress to be emergency requirements pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Assistance for the Independent States of the Former Soviet Union

For an additional amount for "Assistance for the Independent States of the Former Soviet Union" for assistance for Ukraine, $33,700,000, to remain available until September 30, 2006.

DEPARTMENT OF STATE

International Narcotics Control and Law Enforcement

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "International Narcotics Control and Law Enforcement", $594,000,000, to remain available until September 30, 2007, of which not more than $400,000,000 may be made available to provide assistance to the Afghan police: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Migration and Refugee Assistance

For an additional amount for "Migration and Refugee Assistance", $53,400,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Nonproliferation, Anti-Terrorism, Demining and Related Programs

For an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs", $17,100,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

Foreign Military Financing Program

For an additional amount for the "Foreign Military Financing Program", $250,000,000.

Peacekeeping Operations

For an additional amount for "Peacekeeping Operations", $10,000,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2101. Section 307(a) of the Foreign Assistance Act of 1961 is amended by striking "Iraq,".

(RESCISSION)

SEC. 2102. The unexpended balance appropriated by Public Law 108–11 under the heading "Economic Support Fund" and made available for Turkey is rescinded.

SEC. 2103. Section 559 of division D of Public Law 108–447 is amended by adding at the end the following:

"(e) Subsequent to the certification specified in subsection (a), the Comptroller General of the United States shall conduct an audit and an investigation of the treatment, handling, and uses of all funds for the bilateral West Bank and Gaza Program in fiscal year 2005 under the heading 'Economic Support Fund'. The audit shall address—

"(1) the extent to which such Program complies with the requirements of subsections (b) and (c), and

"(2) an examination of all programs, projects, and activities carried out under such Program, including both obligations and expenditures.".

SEC. 2104. The Secretary of State shall submit to the Committees on Appropriations not later than 30 days after enactment, and prior to the initial obligation of funds appropriated under this chapter, a report on the proposed uses of all funds on a project-by-project basis, for which the obligation of funds is anticipated: *Provided*, That up to 10 percent of funds appropriated under this chapter may be obligated before the submission of the report subject to the normal notification procedures of the Committees on Appropriations: *Provided further*, That the report shall be updated and submitted to the Committees on Appropriations every six months and shall include information detailing how the estimates and assumptions contained in previous reports have changed: *Provided further*, That any new projects and increases in funding of ongoing projects shall be subject to the prior approval of the Committees on Appropriations: *Provided further*, That the Secretary of State shall submit to the Committees on Appropriations, not later than 210 days following enactment of this Act and annually thereafter, a report detailing on a project-by-project basis the expenditure of funds appropriated under this chapter until all funds have been fully expended.

SEC. 2105. The Comptroller General of the United States shall conduct an audit of the use of all funds for the bilateral Afghanistan counternarcotics and alternative livelihood programs in fiscal year 2005 under the heading "Economic Support Fund" and "International Narcotics Control and Law Enforcement": *Provided*, That the audit shall include an examination of all programs, projects and activities carried out under such programs, including both obligations and expenditures.

SEC. 2106. No later than 60 days after the date of enactment of this Act, the President shall submit a report to the Congress detailing:

(1) information regarding the Palestinian security services, including their numbers, accountability, and chains of command, and steps taken to purge from their ranks individuals with ties to terrorist entities;

(2) specific steps taken by the Palestinian Authority to dismantle the terrorist infrastructure, confiscate unauthorized weapons, arrest and bring terrorists to justice, destroy unauthorized arms factories, thwart and preempt terrorist attacks, and cooperate with Israel's security services;

(3) specific actions taken by the Palestinian Authority to stop incitement in Palestinian Authority-controlled electronic and print media and in schools, mosques, and other institutions it controls, and to promote peace and coexistence with Israel;

(4) specific steps the Palestinian Authority has taken to ensure democracy, the rule of law, and an independent judiciary, and transparent and accountable governance;

(5) the Palestinian Authority's cooperation with U.S. officials in their investigations into the late Palestinian leader Yasser Arafat's finances; and

(6) the amount of assistance pledged and actually provided to the Palestinian Authority by other donors:

Provided, That not later than 180 days after enactment of this Act, the President shall submit to the Congress an update of this report: *Provided further*, That up to $5,000,000 of the funds made available for assistance to the West Bank and Gaza by this title under "Economic Support Fund" shall be used for an outside, independent evaluation by an internationally recognized accounting firm of the transparency and accountability of Palestinian Authority accounting procedures and an audit of expenditures by the Palestinian Authority: *Provided further*, That the waiver authority of section 550(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005 (Public Law 108–447) may not be exercised with respect to funds appropriated for assistance to the Palestinians under this chapter: *Provided further*, That the waiver detailed in Presidential Determination 2005–10 issued on December 8, 2004, shall not be extended to funds appropriated under this chapter.

CHAPTER 2

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

Administration of Foreign Affairs

Diplomatic and Consular Programs

For an additional amount for "Diplomatic and Consular Programs", $748,500,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Embassy Security, Construction, and Maintenance

For an additional amount for "Embassy Security, Construction, and Maintenance", $592,000,000, to remain available until expended: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

International Organizations

Contributions for International Peacekeeping Activities

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Contributions for International Peacekeeping Activities", $580,000,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress): *Provided further*, That up to $55,000,000 provided under this heading may be transferred to "Peacekeeping Operations", to be available for costs of establishing and operating a Sudan war crimes tribunal.

RELATED AGENCY

Broadcasting Board of Governors

International Broadcasting Operations

For an additional amount for "International Broadcasting Operations" for activities related to broadcasting to the broader Middle East, $4,800,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 3

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for "Public Law 480 Title II Grants", $150,000,000, to remain available until expended: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

TITLE III—DOMESTIC APPROPRIATIONS FOR THE WAR ON TERROR

CHAPTER 1

DEPARTMENT OF ENERGY

NATIONAL NUCLEAR SECURITY ADMINISTRATION

DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for "Defense Nuclear Nonproliferation", $110,000,000, to remain available until expended: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 2

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $111,950,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction, and Improvements", $49,200,000, to remain available until September 30, 2007: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

AMENDMENT NO. 3 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. JACKSON-LEE of Texas:

Page 46, after line 20, insert the following:

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", hereby derived from the amount provided in this Act for "UNITED STATES COAST GUARD—OPERATING EXPENSES", $40,000,000.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

□ 1500

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me acknowledge the full committee and the members of the appropriate subcommittee dealing with Homeland Security and, as well, the full committee chairman's just recent statement on this issue.

But Mr. Chairman, I would hope that if a point of order is in order, I would hope that that point of order could be waived. And let me share with you why. This amendment is a very narrow amendment, very limited in its request. But it is documented and based upon testimony given by the very principals who are entrusted with the responsibility of Homeland Security.

Former outgoing DHS Deputy Secretary James Loy indicated that in testimony to the House Appropriations Subcommittee on Homeland Security, that ICE, the Immigration, Customs and Enforcement, needed an additional 300 million in order to finish the fiscal year 2004. This is an emergency.

Officer Callahan came before the Judiciary Committee just a few days ago on March 10 and indicated that in 5 days we might see the closing of the operations of ICE. That is the internal enforcement agency that deals with protecting the homeland internally.

Now, I have stood on the floor of this House over and over again, and I have said that immigration does not equate to terrorism. There are hard working individuals who are undocumented in this country who clearly have come here for economic reasons.

But we also know that coming across the southern border there are what we call OTMs, Other Than Mexicans, and they come across the border. They are not detained. They are given a document to retain to come back to court for a court date, and they are released on their own recognizance.

And do you realize that many of them, some who are coming from countries that have terrorist activities and attitudes toward the United States, and they are able to come up through the southern border, cross into the United States with absolutely no punitive measures whatsoever. Why? Because we are shortened at the border and we are shortened in terms of immigration enforcement inside the country, and there are no detention beds.

And so I rise today to be able to submit an amendment to ask for $40 million, that is all, to be able to carry this entity for a few more days and to be able to respond to the need for more Immigration, Customs and Enforcement Officers.

Immigration Enforcement Agent Randy Callahan testified on ICE's financial difficulties, and I realize that there is still a need to be able to fix the financial problems at ICE. But fixing the financial problems, which I understand the agency is proceeding under the new Secretary of Homeland Security, does not in any way give reason to deny extra funds for an organization that is entrusted with the security of this Nation. We can find common ground on security and immigration. This happens to be one, to provide the resources for this agency in order for it to avoid closing its doors.

His description of the problems ICE is having financially confirm the concern that I have had for some time. We do not have enough officers. We do not have enough training, and certainly we do not have enough staff in order to do their job.

Training programs have been postponed. They have halted training for approximately 2000 former Detention Enforcement Officers who are reclassified and combined with the Immigration Agent position called Immigration Enforcement Agent.

Do you realize, Mr. Chairman, that these officers are still carrying the old IDs and old ID cards and old badges? Why? Because we do not have enough money to give them new badges and new cards. Can we not include them in this emergency supplemental? This is an emergency.

You have officers who are carrying incorrect identification and officers who have not been trained who have been transferred into Homeland Security who are now supposed to be Immigration, Customs Enforcement Officers.

Tragically, one of our officers lost his life in the Atlanta courthouse killings, a man who had served for a good number of years. We owe officers who are willing to put their life on the line, no matter what way they have lost it, to be able to provide them with the resources necessary.

ICE has approximately 900 agents who have not yet been trained. Without this training, ICE cannot use these officers for any type of law enforcement function except transportation officer and possibly some computer work. And as I said to you, they have no badges, and they have no ID cards.

There is no money for uniforms, so un-uniformed Immigration Enforcement Agents are not able to order replacement uniforms. In fact, the uniforms being used nationwide right now still have Immigration Naturalization Service patches on them despite the fact that the INS no longer exists. Lack of funds appears to be causing detention facilities problems in San Diego, California and other places.

Let me just simply say we have the documentation, Mr. Chairman. I rise to ask my colleagues to support this amendment to ICE, and I also will add that I support the Palestinian money and the Sudan money. But I hope that we will know that we have to secure the homeland by providing extra dollars to respond to the needs of our own staff here in the Department of Homeland Security.

Mr. Chairman, as the ranking member of the Subcommittee on Immigration, Border Security, and Claims, I have learned of a budget crisis in the Homeland Security Department's Bureau of Immigration and Customs Enforcement, ICE. At a hearing last week on Interior Immigration Enforcement Resources, Immigration Enforcement Agent Randy Callahan testified on ICE's financial difficulties. His description of the problems ICE is having financially confirms the concern I have had for some time now.

For instance, training programs have been postponed. This has halted training for approximately 2,000 former Detention Enforcement Officers who were reclassified and combined with Immigration Agent into a position called, "Immigration Enforcement Agent," IEA. ICE has approximately 900 agents who have not been trained yet. Without this training, ICE cannot use these officers for any type of law enforcement function, except transportation officer and possibly some computer work.

There is no money for uniforms, so uniformed Immigration Enforcement Agents are not able to order replacement uniforms. In fact, the uniforms being used nationwide right now still have Immigration and Naturalization Service, INS, patches on them despite the fact that INS no longer exists.

Lack of funds appears to be causing a detention facility in San Diego, CA, to release detainees from custody. Apparently, ICE management told its employees that the office had to reduce its adult detentions from several hundred to around 100. Additional funding is needed nationwide to maintain the approximately 17,000 detention beds currently in use.

ICE's financial problems have resulted in a hiring freeze since last March and severe spending restrictions. In September, ICE ordered its offices to refrain from nonessential spending such as travel, temporary duty assignments, equipment and supply purchases, and permanent change-of-station moves.

ICE is a bureau in financial crisis. They do not have enough money to hold people in custody, buy new uniforms and equipment for employees, or even issue badges and credentials with the correct department on them. Emergency funds are essential to correct this problem.

Former DHS Deputy Secretary James Loy said recently that ICE needs $280 million to finish out the year. It is not feasible to address that entire need with the emergency supplemental, H.R. 1268. My amendment, therefore, just seeks $40 million, which can be offset in the Coast Guard allotment.

For the reasons stated above, Mr. Chairman, I ask that my colleagues accept the Jackson-Lee amendment to fund the Immigration and Customs Enforcement needs. It is a shame that this amendment could not get a waiver of the point of order for the crisis in our Department of Homeland Security.

POINT OF ORDER

Mr. LEWIS of California. Mr. Chairman, reluctantly I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974. The Committee on Appropriations filed a suballocation on budget totals for fiscal year 2005 on July 22, 2004. The amendment would provide new budget authority in excess of the committee allocations and is not permitted under section 302(f) of the act. I ask for the ruling of the Chair.

Ms. JACKSON-LEE of Texas. Will the gentleman yield for just a moment?

Mr. LEWIS of California. I have asked for a ruling of the Chair.

The Acting CHAIRMAN (Mr. SHIMKUS). The Chair will hear each member on his or her own time. The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE) to speak on the point of order.

Ms. JACKSON-LEE of Texas. Mr. Chairman, my understanding of an emergency supplemental is to deal with emergency funding situations in the government. I realize that the present language speaks directly to Coast Guard, which is part of now the Department of Homeland Security. This amendment amends that section and asks and has a viable offset and asks simply to allow $40 million of that amount to be able to be utilized for the underfunded ICE agents that do not have uniforms, that do not have badges, that do not have IDs.

Frankly, I believe if we are to do our work in Iraq, whether we agree or disagree with the war in Iraq, we do know that it is represented to us by the administration to be a war on terror. How can we fight the war on terror in Afghanistan and Iraq and not fight the war on terror in this country within our boundaries?

The Immigration Customs and Enforcement helps us do that. It separates out those who intend to do us harm from those who are here who may be undocumented but are here simply for economic reasons.

We need to be able to thwart those who may come across the border to do us harm and are not caught at the border. We need to be able to have the agency well equipped to protect us by securing those individuals and detaining them. Without those resources they cannot even continue.

Do not take my word. Take the word of Admiral Loy, who indicated that they needed more dollars to finish out the fiscal year in question.

I would ask my colleague, and I would also ask at this moment, that if he pursues his point of order, whether or not we will have the opportunity, whether in conference or as we continue the appropriations process, to focus on the lack of funding for the Immigration and Enforcement Officers, Immigration, Customs and Enforcement Officers, the Border Patrol, which I think you are aware of, and the detention beds.

I would like very much to yield to the chairman, and on this issue I think we are all in common agreement about the need to secure our homeland.

The Acting CHAIRMAN. Does the gentleman from California wish to be head further on the point of order?

Mr. LEWIS of California. Mr. Chairman, I would simply say it is our intention to pursue the questions the gentlewoman is asking. It may very well be in conference on the supplemental that it is appropriate, but frankly in some ways we take from Peter to pay Paul. We can pursue this is regular order, and I prefer to use the supplemental process for those emergencies that we cannot deal with in regular order. Because of that, I am not pursuing the recommendations at this time. We will follow through, however, on the questions that the gentlewoman is asking.

Mr. Chairman, I insist on my point of order.

The Acting CHAIRMAN. The Chair is prepared to rule on the point of order.

The Chair is authoritatively guided under section 312 of the Budget Act by an estimate of the Committee on the Budget that an amendment providing any net increase in new discretionary budget authority would cause a breach of pertinent allocation of such authority.

The amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) will increase the level of new discretionary budget authority in the bill. As such, the amendment violates section 302(f) of the Budget Act.

The point of order is sustained. The amendment is not in order.

The Clerk will read.

The Clerk read as follows:

CHAPTER 3

DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $78,970,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses," $7,648,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

TITLE IV—INDIAN OCEAN TSUNAMI RELIEF

CHAPTER 1

FUNDS APPROPRIATED TO THE PRESIDENT

OTHER BILATERAL ASSISTANCE

TSUNAMI RECOVERY AND RECONSTRUCTION FUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Foreign Assistance Act of 1961, for emergency relief, rehabilitation, and reconstruction aid to countries affected by the tsunami and earthquakes of December 2004, and for other purposes, $656,000,000, to remain available until September 30, 2006: *Provided*, That these funds may be transferred by the Secretary of State to any Federal agency or account for any activity authorized under part I (including chapter 4 of part II) of the Foreign Assistance Act, or under the Agricultural Trade Development and Assistance Act of 1954, to accomplish the purposes provided herein: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That funds appropriated under this heading may be used to reimburse fully accounts administered by the United States Agency for International Development for obligations incurred for the purposes provided under this heading prior to enactment of this Act, including Public Law 480 Title II grants: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress): *Provided further*, That of the amounts provided herein: up to $10,000,000 may be transferred to and consolidated with the Development Credit Authority for the cost of direct loans and loan guarantees as authorized by sections 256 and 635 of the Foreign Assistance Act of 1961 in furtherance of the purposes of this heading; up to $15,000,000 may be transferred to and consolidated with "Operating Expenses of the United States Agency for International Development", of which up to $2,000,000 may be used for administrative expenses to carry out credit programs administered by the United States Agency for International Development in furtherance of the purposes of this heading; up to $500,000 may be transferred to and consolidated with "Operating Expenses of the United States Agency for International Development, Office of Inspector General"; and up to $5,000,000 may be transferred to and consolidated with "Administration of Foreign Affairs Emergencies in the Diplomatic and Consular Service" for the purpose of providing support services for U.S. citizen victims and related operations.

GENERAL PROVISION

SEC. 4101. Amounts made available pursuant to section 492(b) of the Foreign Assistance Act of 1961 to address relief and rehabilitation needs for countries affected by the tsunami and earthquake of December 2004, prior to the enactment of this Act, shall be in addition to the amount that may be obligated in fiscal year 2005 under that section.

SEC. 4102. The Secretary of State shall submit to the Committees on Appropriations not later than 30 days after enactment, and prior to the initial obligation of funds appropriated under this chapter, a report on the proposed uses of all funds on a project-by-project basis, for which the obligation of funds is anticipated: *Provided*, That up to 10 percent of funds appropriated under this chapter may be obligated before the submission of the report subject to the normal notification procedures of the Committees on Appropriations: *Provided further*, That the report shall be updated and submitted to the Committees on Appropriations every six months and shall include information detailing how the estimates and assumptions contained in previous reports have changed: *Provided further*, That any proposed new projects and increases in funding of ongoing projects shall be reported to the Committees on Appropriations in accordance with regular notification procedures: *Provided further*, That the Secretary of State shall submit to the Committees on Appropriations, not later than 210 days following enactment of this Act, and every six months thereafter, a report detailing on a project-by project basis, the expenditure of funds appropriated under this chapter until all funds have been fully expended.

CHAPTER 2

DEPARTMENT OF DEFENSE—MILITARY

OPERATION AND MAINTENANCE

Operation and Maintenance, Navy

For an additional amount for "Operation and Maintenance, Navy", $124,100,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Operation and Maintenance, Marine Corps

For an additional amount for "Operation and Maintenance, Marine Corps", $2,800,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Operation and Maintenance, Air Force

For an additional amount for "Operation and Maintenance, Air Force", $30,000,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Operation and Maintenance, Defense-Wide

For an additional amount for "Operation and Maintenance, Defense-Wide", $29,150,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Overseas Humanitarian, Disaster, and Civic Aid

For an additional amount for "Overseas Humanitarian, Disaster, and Civic Aid", $36,000,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 3

DEPARTMENT OF DEFENSE

Defense Health Program

For an additional amount for "Defense Health Program", $3,600,000 for operation and maintenance: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 4

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

Operating Expenses

For an additional amount for "Operating Expenses", $350,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 5

DEPARTMENT OF THE INTERIOR

UNITED STATES GEOLOGICAL SURVEY

Surveys, Investigations, and Research

For an additional amount for "Surveys, Investigations, and Research", $8,100,000, to remain available until September 30, 2006: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

CHAPTER 6

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Operations, Research, and Facilities

For an additional amount for "Operations, Research, and Facilities", $4,830,000, to remain available until September 30, 2006, for United States tsunami warning capabilities and operations: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Procurement, Acquisition and Construction

For an additional amount for "Procurement, Acquisition and Construction", $9,670,000, to remain available until September 30, 2007, for United States tsunami warning capabilities: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

TITLE V—GENERAL PROVISIONS AND TECHNICAL CORRECTIONS

SEC. 5001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

(INCLUDING TRANSFERS OF FUNDS)

SEC. 5002. Notwithstanding any other provision of law, upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds previously made available in the Department of Defense Appropriations Act, 2005 (Public Law 108–287): *Provided*, That the amounts transferred shall be made available for the same purpose and the same time period as the appropriation to which transferred: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the amounts shall be transferred between the following appropriations, in the amounts specified:

To:

Under the heading, "Research, Development, Test and Evaluation, Air Force, 2005/2006", $500,000;

From:

Under the heading, "Other Procurement, Air Force", $500,000.

To:

Under the heading, "Other Procurement, Air Force, 2005/2007", $8,200,000;

From:

Under the heading, "Other Procurement, Navy, 2005/2007", $8,200,000.

SEC. 5003. Funds appropriated by this Act may be obligated and expended notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) and section 10 of Public Law 91–672 (22 U.S.C. 2412), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 5004. The last proviso under the heading "Operation and Maintenance" in title I of division C of Public Law 108–447 is amended by striking "Public Law 108–357" and inserting "Public Law 108–137".

SEC. 5005. Section 101 of title I of division C of Public Law 108–447 is amended by striking "per project" and all that follows through the period at the end and inserting "for all applicable programs and projects not to exceed $80,000,000 in each fiscal year.".

SEC. 5006. The matter under the heading "Water and Related Resources" in title II of division C of Public Law 108–447 is amended by inserting before the period at the end the following: ": *Provided further*, That $4,023,000 of the funds appropriated under this heading shall be deposited in the San Gabriel Basin Restoration Fund established by section 110 of title I of division B of the Miscellaneous Appropriations Act, 2001 (as enacted into law by Public Law 106–554)".

SEC. 5007. In division C, title III of the Consolidated Appropriations Act, 2005 (Public Law 108–447), the item relating to "Department of Energy—Energy Programs—Nuclear Waste Disposal" is amended by—

(1) inserting "to be derived from the Nuclear Waste Fund and" after "$346,000,000,"; and

(2) striking "to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the Act" and inserting "to participate in licensing activities and other appropriate activities pursuant to the Act".

SEC. 5008. Section 144(b)(2) of title I of division E of Public Law 108–447 is amended by striking "September 24, 2004" and inserting "November 12, 2004".

SEC. 5009. In the statement of the managers of the committee of conference accompanying H.R. 4818 (Public Law 108–447; House Report 108–792), in the matter in title III of division F, relating to the Fund for the Improvement of Education under the heading "Innovation and Improvement"—

(1) the provision specifying $500,000 for the Mississippi Museum of Art, Jackson, MS for Hardy Middle School After School Program shall be deemed to read "Mississippi Museum of Art, Jackson, MS for a Mississippi Museum of Art After-School Collaborative";

(2) the provision specifying $2,000,000 for the Milken Family Foundation, Santa Monica, CA, for the Teacher Advancement Program shall be deemed to read "Teacher Advancement Program Foundation, Santa Monica, CA for the Teacher Advancement Program";

(3) the provision specifying $1,000,000 for Batelle for Kids, Columbus, OH for a multistate effort to evaluate and learn the most effective ways for accelerating student academic growth shall be deemed to read "Battelle for Kids, Columbus, OH for a multi-state effort to implement, evaluate and learn the most effective ways for accelerating student academic growth";

(4) the provision specifying $750,000 for the Institute of Heart Math, Boulder Creek, CO for a teacher retention and student dropout prevention program shall be deemed to read "Institute of Heart Math, Boulder Creek, CA for a teacher retention and student dropout prevention program";

(5) the provision specifying $200,000 for Fairfax County Public Schools, Fairfax, VA for Chinese language programs in Franklin Sherman Elementary School and Chesterbrook Elementary School in McLean, Virginia shall be deemed to read "Fairfax County Public Schools, Fairfax, VA for Chinese language programs in Shrevewood Elementary School and Wolftrap Elementary School";

(6) the provision specifying $1,250,000 for the University of Alaska/Fairbanks in Fairbanks, AK, working with the State of Alaska and Catholic Community Services, for the Alaska System for Early Education Development (SEED) shall be deemed to read "University of Alaska/Southeast in Juneau, AK, working with the State of Alaska and Catholic Community Services, for the Alaska System for Early Education Development (SEED)";

(7) the provision specifying $25,000 for QUILL Productions, Inc., Aston, PA, to develop and disseminate programs to enhance the teaching of American history shall be deemed to read "QUILL Entertainment Company, Aston, PA, to develop and disseminate programs to enhance the teaching of American history";

(8) the provision specifying $780,000 for City of St. Charles, MO for the St. Charles Foundry Arts Center in support of arts education shall be deemed to read "The Foundry Art Centre, St. Charles, Missouri for support of arts education in conjunction with the City of St. Charles, MO";

(9) the provision specifying $100,000 for Community Arts Program, Chester, PA, for arts education shall be deemed to read "Chester Economic Development Authority, Chester, PA for a community arts program";

(10) the provision specifying $100,000 for Kids with A Promise—The Bowery Mission, Bushkill, PA shall be deemed to read "Kids with A Promise—The Bowery Mission, New York, NY";

(11) the provision specifying $50,000 for Great Projects Film Company, Inc., Washington, DC, to produce "Educating America", a documentary about the challenges facing our public schools shall be deemed to read "Great Projects Film Company, Inc., New York, NY, to produce 'Educating America', a documentary about the challenges facing our public schools";

(12) the provision specifying $30,000 for Summer Camp Opportunities Provide an Edge (SCOPE), New York, NY for YMCA Camps Skycrest, Speers and Elijabar shall be deemed to read "American Camping Association for Summer Camp Opportunities Provide an Edge (SCOPE), New York, NY for YMCA Camps Skycrest and Speers-Elijabar"; and

(13) the provision specifying $163,000 for Space Education Initiatives, Green Bay, WI for the Wisconsin Space Science Initiative shall be deemed to read "Space Education Initiatives, De Pere, WI for the Wisconsin Space Science Initiative".

SEC. 5010. In the statement of the managers of the committee of conference accompanying H.R. 4818 (Public Law 108–447; House Report 108–792), in the matter in title III of division F, relating to the Fund for the Improvement of Postsecondary Education under the heading "Higher Education"—

(1) the provision specifying $145,000 for the Belin-Blank Center at the University of Iowa, Iowa City, IA for the Big 10 school initiative to improve minority student access to Advanced Placement courses shall be deemed to read "University of Iowa, Iowa City, IA for the Iowa and Israel: Partners in Excellence program to enhance math and science opportunities to rural Iowa students";

(2) the provision specifying $150,000 for Mercy College, Dobbs Ferry, NY for the development of a registered nursing program shall be deemed to read "Mercy College, Dobbs Ferry, NY, for the development of a master's degree program in nursing education, including marketing and recruitment activities";

(3) the provision specifying $100,000 for University of Alaska/Southeast to develop distance education coursework for arctic engineering courses and programs shall be deemed to read "University of Alaska System Office to develop distance education coursework for arctic engineering courses and programs"; and

(4) the provision specifying $100,000 for Culver-Stockton College, Canton, MO for equipment and technology shall be deemed to read "Moberly Area Community College, Moberly, MO for equipment and technology".

SEC. 5011. The matter under the heading "Corporation for National and Community Service—National and Community Service Programs Operating Expenses" in title III of division I of Public Law 108–447 is amended by inserting before the period at the end the following: ": *Provided further*, That the Corporation may use up to 1 percent of program grant funds made available under this heading to defray its costs of conducting grant application reviews, including the use of outside peer reviewers".

SEC. 5012. Section 114 of title I of division I of the Consolidated Appropriations Act, 2005 (Public Law 108–447) is amended by inserting before the period "and section 303 of Public Law 108–422".

SEC. 5013. Section 117 of title I of division I of the Consolidated Appropriations Act, 2005 (Public Law 108–447) is amended by striking "that are deposited into the Medical Care Collections Fund may be transferred and merged with" and inserting "may be deposited into the".

SEC. 5014. Section 1703(d)(2) of title 38, United States Code, is amended by striking "shall be available for the purposes" and inserting "shall be available, without fiscal limitation, for the purposes".

SEC. 5015. Section 621 of title VI of division B of Public Law 108–199 is amended by striking "of passenger, cargo and other aviation services".

SEC. 5016. Section 619(a) of title VI of division B of Public Law 108–447 is amended by striking "Asheville-Buncombe Technical Community College" and inserting "the International Small Business Institute".

SEC. 5017. (a) Section 619(a) of title VI of division B of Public Law 108–447 is amended by striking "for the continued modernization of the Mason Building".

(b) Section 621 of title VI of division B of Public Law 108–199, as amended by Public Law 108–447, is amended by striking ", for the continued modernization of the Mason Building".

SEC. 5018. The Department of Justice may transfer funds from any Department of Justice account to "Detention Trustee": *Provided*, That the notification requirement in section 605(b) of title VI of division B of Public Law 108–447 shall remain in effect for any such transfers.

SEC. 5019. The referenced statement of managers under the heading "Community Development Fund" in title II of division K of Public Law 108–7 is deemed to be amended—

(1) with respect to item number 39 by striking "Conference and Workforce Center in Harrison, Arkansas" and inserting "in Harrison, Arkansas for facilities construction of the North Arkansas College Health Sciences Education Center"; and

(2) with respect to item number 316 by striking "for renovation of a visitor center to accommodate a Space and Flight Center" and inserting "to build-out the Prince George's County Economic Development and Business Assistance Center".

SEC. 5020. The referenced statement of the managers under the heading "Community Development Fund" in title II of division G of Public Law 108–199 is deemed to be amended—

(1) with respect to item number 56 by striking "Conference and Training Center" and inserting "North Arkansas College Health Sciences Education Center";

(2) with respect to item number 102 by striking "to the Town of Groveland, California for purchase of a youth center" and inserting "to the County of Tuolomne for the purchase of a new youth center in the mountain community of Groveland";

(3) with respect to item number 218 by striking "for construction" and inserting "for design and engineering";

(4) with respect to item number 472 by striking "for sidewalk, curbs and facade improvements in the Morton Avenue neighborhood" and inserting "for streetscape renovation"; and

(5) with respect to item number 493 by striking "for land acquisition" and inserting "for planning and design of its Sports and Recreation Center and Education Complex".

SEC. 5021. The referenced statement of the managers under the heading "Community Development Fund" in title II of division I of Public Law 108–447 is deemed to be amended as follows—

(1) with respect to item number 706 by striking " a public swimming pool" and inserting "recreation fields";

(2) with respect to item number 667 by striking "to the Town of Appomattox, Virginia for facilities construction of an African-American cultural and heritage museum at the Carver-Price building" and inserting "to the County of Appomattox, Virginia for renovation of the Carver-Price building";

(3) with respect to item number 668 by striking "for the Town of South Boston, Virginia for renovations and creation of a community arts center at the Prizery" and inserting "for The Prizery in South Boston, Virginia for renovations and creation of a community arts center";

(4) with respect to item number 669 by striking "for the City of Moneta, Virginia for facilities construction and renovations of an art, education, and community outreach center" and inserting "for the Moneta Arts, Education, and Community Outreach Center in Moneta, Virginia for facilities construction and renovations";

(5) with respect to item number 910 by striking "repairs to" and inserting "renovation and construction of"; and

(6) with respect to item number 902 by striking "City of Brooklyn" and inserting "Fifth Ave Committee in Brooklyn".

SEC. 5022. Section 308 of division B of Public Law 108–447 is amended by striking all after the words "shall be deposited", and inserting "as offsetting receipts to the fund established under 28 U.S.C. 1931 and shall remain available to the Judiciary until expended to reimburse any appropriation for the amount paid out of such appropriation for expenses of the Courts of Appeals, District Courts, and Other Judicial Services and the Administrative Offices of the United States Courts.".

SEC. 5023. Section 198 of division H of Public Law 108–447 is amended by inserting "under title 23 of the United States Code" after "law".

SEC. 5024. The District of Columbia Appropriations Act, 2005 (Public Law 108–335) approved October 18, 2004, is amended as follows:

(1) Section 331 is amended as follows:

(A) in the first sentence by striking the word "$15,000,000" and inserting "$42,000,000, to remain available until expended," in its place, and

(B) by amending paragraph (5) to read as follows:

"(5) The amounts may be obligated or expended only if the Mayor notifies the Committees on Appropriations of the House of Representatives and Senate in writing 30 days in advance of any obligation or expenditure.".

(2) By inserting a new section before the short title at the end to read as follows:

"SEC. 348. The amount appropriated by this Act may be increased by an additional amount of $206,736,000 (including $49,927,000 from local funds and $156,809,000 from other funds) to be transferred by the Mayor of the District of Columbia to the various headings under this Act as follows:

"(1) $174,927,000 (including $34,927,000 from local funds, and $140,000,000 from other funds) shall be transferred under the heading 'Government Direction and Support': *Provided*, That of the funds, $33,000,000 from local funds shall remain available until expended: *Provided further*, That of the funds, $140,000,000 from other funds shall remain available until expended and shall only be available in conjunction with revenue from a private or alternative financing proposal approved pursuant to section 106 of DC Act 15–717, the 'Ballpark Omnibus Financing and Revenue Act of 2004' approved by the District of Columbia, December 29, 2004, and

"(2) $15,000,000 from local funds shall be transferred under the heading 'Repayment of Loans and Interest', and

"(3) $14,000,000 from other funds shall be transferred under the heading 'Sports and Entertainment Commission', and

"(4) $2,809,000 from other funds shall be transferred under the heading 'Water and Sewer Authority'."

☐ 1515

AMENDMENT OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GARRETT of New Jersey:

At the end of title V (relating to general provisions), insert the following:

SEC. ____. (a) OFFSETTING GOVERNMENT-WIDE RESCISSION.—Of the discretionary budget authority for fiscal year 2005 provided in appropriation Acts for fiscal year 2005 (other than this Act), there is rescinded the total amount determined by the Director of the Office of Management and Budget to be required to offset the discretionary budget authority that is provided in titles II and IV of this Act (relating to international programs and tsunami relief) and designated as an emergency requirement.

(b) APPLICATION.—The rescission made by subsection (a)—

(1) shall take effect upon the enactment of this Act;

(2) shall not apply to the discretionary budget authority provided for the Departments of Defense, Homeland Security, and Veterans Affairs; and

(3) shall be applied proportionately to the discretionary budget authority provided for each other department, agency, instrumentality, and entity of the Federal Government.

(c) REPORT.—Within 30 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report specifying the reductions made to each account, program, project, and activity pursuant to this section.

Mr. GARRETT of New Jersey (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The Acting CHAIRMAN (Mr. SHIMKUS). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. The gentleman reserves a point of order.

Mr. GARRETT of New Jersey. Mr. Chairman, the question before us today, I believe, is how now shall we live within the confines of the budget that we have to deal with? Shall we live within the boundaries that we have set for ourselves and set an example for our generation today and the future, or should we ignore those boundaries that we have imposed upon ourselves and spend in excess?

Right now we are in the process, as we know, of doing the budget for next year, the 2006 budget. We are setting up the framework of what we will be spending for next year. And so I think it is fitting and appropriate that we look at the supplemental today and the amendment that I have presented to see whether or not we will fit within that budget confines, whether or not we will fit within that area or, instead, will we exceed it and say that a budget really is nothing more than a charade and not explain exactly what we will be spending for any point in time.

Let me just say that I applaud the chairman, and I applaud the members of the committee for doing what they said they would do as has been reported in the paper. To use the chairman's own words, they have taken the President's proposal and scrubbed it thoroughly for many points that they thought appropriate to remove from that spending proposal. My question, though, is, can we do a little bit better? Can we go a little bit further? Can we do exactly what we ask families to do back at home?

Think for a moment. What would a family do today if they faced emergency expenditures like we are looking at in the supplemental right now, families who maybe have to see extra car payments or medical expenses? What would a family do? A family would probably have to do what we should be doing right here, and that is limit our spending elsewhere, reduce some other unnecessary spending so that we have that money for the emergency spending.

If we look in the supplemental, there are a number of points in there that have already been raised by others. I will just point to one of them, the aid for tsunami victims. That started at $35 million, went up to $150 million, then $350 million, and now we are looking at $950 million. Some would question whether we can even spend all that before the end of this fiscal year.

As a matter of fact, I spoke with people from the World Bank and they said that they are not even sure where the money would all be going to. They do not have an exact figure as to what we should be spending on long-term needs, so we can question whether or not we should be spending that money.

But given that we can argue that back and forth, let us take that as a given that we should spend the entire $950 million for tsunami relief. I would ask this, as we stand here before the world as a body saying that we are going to do the charitable thing and give money to the tsunami victims, are we really exercising any charity there when we, in fact, say, we're not going to be paying for it, we're asking our kids and our grandkids to pay for it in excessive spending and deficit spending in future generations?

Again, I applaud the chairman for the good start that they have done in this committee by scrubbing the budget and trying to find some offsets. I would simply say, can we not do a little bit better and find completely all offsets for all of the spending that we are doing, aside from the military defense spending, for all the excessive spending in the bill? It is around $4 billion. How much would it really come out to be? If you are looking at the budget that we have right now that we are living under, $2.5 trillion, and you are trying to find savings or offsets of around $4 billion, that is only two-tenths of 1 percent. I would ask, can we not find two-tenths of 1 percent of waste, fraud and abuse in the entire fiscal budget that we are operating under right now? I think we can.

We ask families to do it for their budgets, we ask businesses to do it for their budgets. I think we can find that entire amount of approximately $4 billion of waste, fraud, and abuse in the entire budget, offset it, and then we can truly stand before the world and say that when we are making charitable contributions to the tsunami relief victims, that it is truly coming from this generation and not being passed on to future generations.

I shall end where I began. How now shall we live? We shall live within the means, by the parameters that we have set down upon ourselves. We shall live within the budget that we have set for ourselves and not outside that budget.

POINT OF ORDER

Mr. LEWIS of California. Mr. Chairman, while I am very empathetic to the gentleman's concern, for I have many a grandchild myself, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part: "An amendment to a general appropriation bill shall not be in order if changing existing law." In this case, the amendment addresses funds in other acts, and so I have to reluctantly ask the Chair to rule.

The Acting CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. GARRETT of New Jersey. Mr. Chairman, I am sorry, I should have stepped in before the gentleman stood up to say, in light of knowing the rules of the House, that I was about to withdraw the amendment.

Mr. LEWIS of California. Mr. Chairman, in that event, I withdraw my point of order.

The Acting CHAIRMAN. The gentleman from California withdraws the point of order; and without objection, the gentleman from New Jersey withdraws the amendment.

There was no objection.

AMENDMENT OFFERED BY MR. FILNER

Mr. FILNER. Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. FILNER:

At the end of title V (page 69, after line 17), insert the following new section:

SEC. ____. In addition to amounts otherwise appropriated in this Act, there is hereby appropriated for fiscal year 2005, for "Department of Veterans Affairs—Veterans Health Administration—Medical Services", $3,100,000,000: *Provided*, That the amounts provided under this section are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

The Acting CHAIRMAN. The gentleman reserves a point of order.

Mr. FILNER. Mr. Chairman, I have an amendment which I am labeling an emergency amendment. It is an emergency amendment because the money is needed for the veterans of this Nation, especially those who are returning from the war in Iraq and Afghanistan who may not be able to get the services they need for a variety of wounds, both physical and mental.

Let me first say where I got the number of $3.1 billion. It is not just a figure grabbed from the air. Every year the veterans service organizations of this Nation put together a budget called the Independent Budget for the Department of Veterans Affairs. This is the one for 2006. What it says is that just to keep meeting the needs for our current veterans and those who we expect to see in the coming year, we will need an additional $3.1 billion than was allocated by the President in his budget. We do not know what this House will adopt yet, so this figure is drawn from the inadequacies of the President's budget as he gave it to Congress recently.

This is a supplemental budget for those fighting in Iraq and Afghanistan. At least that is the title. Let me make sure all the people of the House understand the relevance of the veterans budget for the war that we are fighting abroad. Here is what our first President, George Washington, said and it has never been done more eloquently: "The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional as to how they perceive the veterans of earlier wars were treated and appreciated by their country."

Mr. Chairman, the morale of our troops overseas depends on how we are going to treat their comrades when they return and how we treat their comrades who served in earlier battles. We are not treating them to the level that is worthy of their sacrifice. Whether you look at the amount of nurses, whether you look at research funds, whether you look at the resources for post-traumatic stress disorder for which virtually every returning soldier, Marine who is in Iraq and Afghanistan may have, wherever you look, there is a deficiency in this veterans budget.

I call that an emergency. I call that important to the struggle that is being waged overseas. If you are voting for that struggle, you have to vote to make sure the veterans who come back from that struggle are well treated.

Right now we have a proposal from the President which advocates a mere one-half of 1 percent increase in the veterans health care budget over the previous year. That is a real cut, because of health inflation and the advancing age and the needs of the population, to about a 14 or 15 percent cut by the administration's own figures. So we are cutting in real terms 15 percent from the veterans health care budget.

How does the administration want to fund that cut? Doubling the copayments for prescription drugs, adding an enrollment fee of up to $250 for those in the so-called lower categories of veterans preference. That is outrageous. That is unconscionable to charge the veterans of this Nation for their own health care and to balance the budget on the backs of these veterans.

The chairman of the Committee on Veterans' Affairs was not satisfied with having a $250 enrollment fee. He proposed doubling it to almost $500 for some of these veterans. These veterans are supposedly in lower categories, either because of the nature of their illness or their income. But, Madam Chairman, this Nation, this Congress has the funds to help all of these veterans to get the care that they need.

Let me remind my colleagues, this is a $2.5 trillion budget that we are operating within our Nation. We have about a $400 billion deficit, a $7.5 trillion debt. We are spending several billion dollars a week in Iraq. Yet someone is going to say that we do not have the $3 billion that is necessary for our veterans? I reject that argument because this is a Nation that is worthy of its veterans. This a Nation that could put the money where it is needed. And this is a Nation that can do what is required for our veterans.

We simply cannot charge these copayments. We simply cannot charge this enrollment fee. We simply cannot continue to have a VA that is gagged from informing veterans of their rights under law. That is what is happening in the VA today. My amendment to provide $3 billion extra will correct that injustice.

POINT OF ORDER

Mr. LEWIS of California. Madam Chairman, I am very empathetic to the concerns of the gentleman from California. We expect fully to address those concerns in regular order. Therefore, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI. The rule states in pertinent part: "An amendment to a general appropriation bill shall not be in order if changing existing law." The amendment includes an emergency designation and as such constitutes legislation in violation of clause 2 of rule XXI.

I ask for a ruling from the Chair.

☐ 1530

The Acting CHAIRMAN (Mrs. BIGGERT). Does any Member wish to be heard on the point of order?

Mr. FILNER. Madam Chairman, I know how reluctant the chairman is. This is a supplemental budget. By definition it goes beyond whatever we did in the previous year. That is why it is called a supplemental. And by some technical mumbo jumbo, he has managed to say that this supplemental is not subject to the rule that he just read. Through technicalities, through arcane kinds of things, he is saying that the veterans of this Nation are not entitled to this care because he is using a rule which is not being used for the $81 billion that we have on the floor but is used for this $3 billion that we are trying to use for our Nation's veterans.

Madam Chairman, I understand these rules, and I understand these technical points of order. They are designed to protect certain amendments and not have others. Fine. But when one uses that rule to shut out the veterans of this Nation, to shut out the troops that are coming back from Iraq and Afghanistan, from the care that they deserve and will need, we are going to shut down PTSD programs, Madam Chairman, all across this Nation, and yet every soldier and Marine is going to come back with potentially that disorder.

So one can use all the rules, but what we are doing here is immoral, it is unconscionable, it is outrageous that we would be treating the veterans in this way.

The Acting CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. LEWIS of California. Madam Chairman, speaking further on the point of order, I would simply, calmly say to the gentleman that I very much agree, as the entire House agrees, that we must be responsive to the medical needs of our veterans, especially those who are coming back at this very moment. There is not any doubt that the new Military Quality of Life and Veterans Affairs, and Related Agencies Subcommittee is designed in the fashion to be very responsive to the needs of veterans. I urge the gentleman to recognize that we have begun hearings in connection with that already. It is our intention in regular order to move these bills very quickly, and there is absolutely no doubt that the needs of these veterans, beyond money that is already in the pipeline, will be met as a result of regular order.

Mr. FILNER. Madam Chairman, I understand what the chairman is saying. I have been around here long enough. I do not have confidence in that regular order. I know what is going to happen then. Then we will be accused of legislating on appropriations or some other rule will be brought up. So I do not accept the ruling. I intend to challenge the ruling, and I think we owe this to our veterans.

The Acting CHAIRMAN. If no other Member wishes to be heard, the Chair is prepared to rule.

The Chair finds that this amendment includes an emergency designation. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained. The amendment is not in order.

Mr. FILNER. Madam Chairman, I move to appeal the ruling of the Chair.

The Acting CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the Committee of the Whole?

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FILNER. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 224, noes 200, not voting 10, as follows:

[Roll No. 71]

AYES—224

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Tancredo
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Wamp
Waxman
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—200

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)

Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—10

Hyde
Istook
Leach
Millender-McDonald
Oxley
Sullivan
Sweeney
Terry
Walsh
Waters

☐ 1602

Ms. PELOSI, Ms. LORETTA SANCHEZ of California and Messrs. HONDA, DAVIS of Florida, STRICKLAND and LYNCH changed their vote from "aye" to "no."

Mr. FRELINGHUYSEN changed his vote from "no" to "aye."

So the decision of the Chair stands as the judgment of the Committee.

The result of the vote was announced as above recorded.

Mr. PUTNAM. Madam Chairman, I move to strike the last word.

Madam Chairman, I wish to extend my gratitude on behalf of the entire Florida delegation to the gentleman from California (Mr. LEWIS) and the gentleman from Kentucky (Mr. MIKE ROGERS) for entering into this colloquy with us regarding a very crucial issue to Florida as well as this Congress.

Last fall the State of Florida withstood an historic four hurricanes causing enormous devastation and damage to property, waterways, homes and individuals' lives. I commend the relief efforts on the ground in the immediate aftermath of the hurricane as well as the willingness of Congress to step forward and offer meaningful relief to hurricane victims. But there are two issues for which the Department of Homeland Security, Federal Emergency Management Agency should recognize under their current statutory authority to effectively address Florida hurricane-related damage.

Congress appropriated funds to respond to the hurricane devastation through the Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act 2005, Public Law 108–324, and the Emergency Supplemental of 2004, Public Law 108–303.

At this time, Madam Chairman, I yield to the distinguished chairman, the gentleman from Kentucky (Mr. ROGERS), to ask how was Florida hurricane disaster aid reflected in the designation of FEMA disaster relief funds?

Mr. ROGERS of Kentucky. Madam Chairman, will the gentleman yield?

Mr. PUTNAM. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Madam Chairman, House Report 108–773 which accompanied the Military Construction Emergency Hurricane Supplemental Bill stated, "The conferees agree to provide an additional $6.5 billion for disaster relief activities associated with declared disasters such as Hurricanes Frances, Ivan and Jeanne."

Supplemental funds appropriated in the wake of the four hurricanes may be used by FEMA in administering relief to stricken communities and victims in areas such as Florida where the President declared disaster areas that meet current statutory eligibility under the Stafford Act.

Mr. PUTNAM. Reclaiming my time, I thank the chairman.

I would ask the chairman, is it his understanding that the administration has the authority under the Stafford Act to remove debris from the private lands when it is in the public interest?

Mr. ROGERS of Kentucky. Madam Chairman, it is my understanding that the Stafford Act authorizes the removal of wreckage and debris resulting from a major disaster from both public and private lands when the President determines that it is in the public interest.

Mr. PUTNAM. I thank the chairman for his time and attention to this most important effort. It is my hope that this colloquy brings clarity and direction to FEMA as it administers the critical disaster relief funds.

The Acting CHAIRMAN (Mrs. BIGGERT). The Clerk will read.

The Clerk read as follows:

TITLE VI—HUMANITARIAN ASSISTANCE CODE OF CONDUCT

SECTION 6001. SHORT TITLE.

This title may be cited as the "Humanitarian Assistance Code of Conduct Act of 2005".

SEC. 6002. CODE OF CONDUCT FOR THE PROTECTION OF BENEFICIARIES OF HUMANITARIAN ASSISTANCE.

(a) PROHIBITION.—None of the funds made available for foreign operations, export financing, and related programs under the headings "Migration and Refugee Assistance", "United States Emergency Refugee and Migration Assistance Fund", "International Disaster and Famine Assistance", or "Transition Initiatives" may be obligated to an organization that fails to adopt a code of conduct that provides for the protection of beneficiaries of assistance under any such heading from sexual exploitation and abuse in humanitarian relief operations.

(b) SIX CORE PRINCIPLES.—The code of conduct referred to in subsection (a) shall, to the maximum extent practicable, be consistent with the following six core principles of the United Nations Inter-Agency Standing Committee Task Force on Protection From Sexual Exploitation and Abuse in Humanitarian Crises:

(1) "Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment.".

(2) "Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defense.".

(3) "Exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior, is prohibited. This includes exchange of assistance that is due to beneficiaries.".

(4) "Sexual relationships between humanitarian workers and beneficiaries are strongly discouraged since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of humanitarian aid work.".

(5) "Where a humanitarian worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, he or she must report such concerns via established agency reporting mechanisms.".

(6) "Humanitarian agencies are obliged to create and maintain an environment which prevents sexual exploitation and abuse and promotes the implementation of their code of conduct. Managers at all levels have particular responsibilities to support and develop systems which maintain this environment.".

SEC. 6003. REPORT.

Not later than 180 days after the date of the enactment of this Act, and not later than one year after the date of the enactment of this Act, the President shall transmit to the Committee on Appropriations and the Committee on International Relations of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate a detailed report on the implementation of this title.

SEC. 6004. EFFECTIVE DATE; APPLICABILITY.

This title—

(1) takes effect 60 days after the date of the enactment of this Act; and

(2) applies to funds obligated after the effective date referred to in paragraph (1)—

(A) for fiscal year 2005; and

(B) any subsequent fiscal year.

AMENDMENT OFFERED BY MR. TANCREDO

Mr. TANCREDO. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TANCREDO:

Page 72, after line 17, insert the following:

"TITLE VII—ADDITIONAL GENERAL PROVISIONS

"SEC. 7001. None of the funds made available under the heading 'TITLE IV—INDIAN OCEAN TSUNAMI RELIEF—CHAPTER 1—FUNDS APPROPRIATED TO THE PRESIDENT—OTHER BILATERAL ASSISTANCE—TSUNAMI RECOVERY AND RECONSTRUCTION FUND (INCLUDING TRANSFERS OF FUNDS)' may be used to provide emergency relief, rehabilitation or reconstruction aid."

Mr. TANCREDO. Madam Chairman, my amendment would strike all of the taxpayer funded relief provided in the bill to the countries affected by the Indian Ocean tsunami.

After reviewing information from the Center on Philanthropy at Indiana University detailing the level of private American contributions to the tsunami relief, I am not sure we need to spend extra taxpayer dollars for that purpose. Already some 130 private organizations are providing tsunami relief. Several private companies are also providing relief through their local offices in the region.

According to the report, some $800 million has already been provided by these organizations in cash. In addition, another $101 million has been provided in kind donations. That brings the total to $1 billion already, close to $1 billion, and that total does not include all the person-to-person aid that is not accounted for in the study.

Since the disaster many Americans have looked into their hearts and reached into their wallets in an effort to help alleviate the suffering in Thailand, Indonesia, Sri Lanka, and other affected nations.

One of these companies, as a matter of fact, a company called CH2M Hill, was one of the first on the scene to provide critical services to victims ever since. They partnered with other countries to provide a clean drinking water purification system to people in Indonesia. The quality of the water is equivalent to bottled water and is currently being provided throughout the country, including to the U.N. compound and more than 10 refugee camps.

The system is currently purifying water at the rate of 600 gallons per minute, producing 864,000 gallons of purified water each day, helping nearly a quarter of a million people each day.

I am proud of the efforts of CH2M Hill. I am proud of all of the Americans who have given so much to alleviate the suffering. Their efforts and indeed all of the efforts are to be commended. They help demonstrate that the strength of America's compassion is best measured by the efforts of individual citizens and private organizations and companies, not by the number of government programs we create or the amount of Federal appropriations we dole out.

Given this era of tight budgets and the need to provide for disasters here at home like the hurricanes that ravaged Florida, wildfires that burned through the West, tornados that hit middle America, we simply cannot ask Americans to be all things to all people.

People have already donated what they can. We should not exact further tax dollars from them for this purpose.

Madam Chairman, I do not approach this in a light or frivolous way. I believe that the issues are significant and serious. I believe that, in fact, if more money is needed, we need to do it as a result of a study and careful examination of exactly what needs are still out there. Recent reports have indicated that in fact NGOs are saying that there is more money than they can even deal with. Some of the NGOs have indicated that people are running into each other essentially. Too many people, too much money flooding the country at the present time.

If more money is needed, I suggest it be provided in a later appropriation under a regular rule. I do not believe that any longer we can consider it to be "an emergency" and I certainly do not think that it qualifies for a categorization under this supplemental.

I have no illusions about the possibility of the passage of this amendment. I know it will probably fail and probably fail pretty dramatically. I recognize that entirely. But I do feel it is important to at least bring to the attention of my colleagues and to the Nation that I think a great deal has been done. I am proud of every single American who has donated. It does come from their heart. That is the way we should provide for these things. That is not the way this bill intends to do it.

Mr. KOLBE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I strongly oppose this amendment. I think most of my colleagues know that there were at least 225,000, maybe many more than that, people who were killed in the countries affected by the December 2004 tsunami, most particularly Indonesia, Sri Lanka, India and other countries as well. There were 1.1 million displaced persons, 1.1 million displaced persons. This is a disaster and it is an emergency.

The President has outlined a recovery plan. This amendment, although it does not strike the dollars, makes funding ineligible to be spent for these purposes. Some of these funds would go to reimburse accounts already depleted, USAID accounts, emergency disaster relief accounts, that have been previously spent. So it is very important that we retain those accounts and that we retain the money for those.

The rest of the funds are for a reconstruction plan that has been I think fairly well thought out. It is not, I do not think, extraordinary given the size of the catastrophe that we have experienced. $340 million to rebuild infrastructure, roads, ports, bridges, water treatment plants and a signature project which would be the construction of a 250 kilometer stretch of road from the capital, Banda Aceh, at the north end of Sumatra down the west coast to Meulaboh in Indonesia.

This road is the only link that these little communities that are utterly devastated and destroyed by the tsunami—this road is the only link that these communities will have with the outside world.

These reconstruction projects needs to get under way immediately. Until that happens, the only contact, the only way to get relief supplies to these little valleys which on the back side has a very high ridge of mountains and no access by road, the only way to get supplies to them is by air or by sea, a very expensive project. The road needs to be constructed. I think it is an emergency and I believe most of my colleagues would agree with that.

The U.S. has had a history of responding in a very compassionate way to disasters wherever they occur, here in the United States and also abroad, and I believe that this compassion is something that marks Americans and makes us who we are. And I would certainly hope that my colleagues would agree that these funds are a relatively small amount of money, given the total level of devastation of the disaster there, a relatively small amount of money to help this area recover and to replenish the money that was already spent in relief.

Mr. Chairman, I would urge my colleagues to defeat this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

I heard my good friend from Colorado (Mr. TANCREDO) say that this amendment likely will not pass, but I hope maybe the debate will seek and help to convince him of the enormity of the crisis or at least the need in places like Sri Lanka, Indonesia and many other countries that are impacted by the tsunami.

If I might draw the gentleman's memory to the video that showed a single train that had been the lifeline of Sri Lanka, an opportunity that I took in visiting Sri Lanka with a number of my colleagues, to see the enormous devastation in terms of the infrastructure of these countries, then the gentleman would realize that in addition to the charitable heart that Americans have and the private contributions that have been made, and might I acknowledge the many donations given from the City of Houston and the Houston Tsunami Relief Effort and the Vietnamese Relief Effort and Sri Lankans and those from Thailand and many, many others in the City of Houston and the effort waged by President Clinton and President Bush, and in my community, Jim Mackinvale, and many others who worked hard to draw monies out of Houston, and I know many other cities and States did the same.

☐ 1615

But the infrastructure dollars are so very important. So I would hope that my colleagues would oppose this amendment because you cannot imagine, I believe, the depth of the amendment and the need to rebuild those countries, and those dollars will help to do so.

Mr. BLUMENAUER. Mr. Chairman, I move to strike the requisite number of words. I am troubled by the amendment that we have before us today. There is, I think, a wide range of opinion that is available for us to debate the merits of a wide range of things in this bill. And I appreciate that people are coming forward in good spirit. But I appreciate the comment of the gentleman from Arizona. It was, I want to say, I do not want to say it was my privilege, but I had the opportunity to spend time after the tsunami a couple of weeks after it hit with a bipartisan delegation led by the gentleman from Iowa (Mr. LEACH), Senator BROWNBACK, touring the area.

I assure you that the testimony about the devastation is, if anything, understated. The pictures that we saw on CNN did not do justice. But I was struck by the impact of the generosity that was shown by Americans in uniform, civilian employees, members of NGOs who were there.

There was some bad publicity initially, surrounding what appeared to be a lack of compassion on the part of the United States with its initial response. But that never interfered in terms of the publicity with the work that was done by the United States and our agencies. We built amazing goodwill for this country while we helped these traumatized areas heal.

I think what has been offered by the President, by the committee, is the least that we can do. It will pay dividends many times over. I think that it would be unfortunate even to bring this proposal to a vote. It is sending the wrong signal about the United States' intention.

We are certainly, on a per capita basis, not giving more than Australia, Scandinavia, Germany. For us to indicate that there is a sense here could only be interpreted as our being callous and unfeeling, I think, is the wrong message to send to these people in these traumatized countries. I think it is the wrong thing to send to the international community.

I will say, Mr. Chairman, in the course of the visit, I had people who were Americans in business, people from the NGO communities, foreign parliamentarians, all talking about the damaged relationship that the United States has, the image that we have in this region, and how amazing they felt the progress was being made by the work that was being done by our country.

This amendment and any support for it, I think, is sending the wrong signal. And I strongly urge its rejection. I sincerely hope that it is rejected, if necessary, on a voice vote, if not withdrawn. But I hope people make no mistake about how people are watching our actions for the signals we send around the world.

The Acting CHAIRMAN (Mr. CAMP). Is there further debate on the amendment?

The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO.)

The amendment was rejected.

Mr. REYES. Mr. Chairman, I have two amendments which I will be sending to the desk, and I move to strike the last word and talk about the issue while they get the amendments up there. Mr. Chairman, last night I testified before the Rules Committee in support of two amendments I had hoped to offer to the supplemental appropriations bill being considered by the House today.

The first of these amendments would add $772 million in funding for border security to hire an additional 1,000 border patrol agents, provide 8,000 beds for immigration and detention removal operations, and install radiation portal monitors at all ports of entry.

As a Member representing a district on the United States/Mexico border, and as the only Member of Congress with a background in immigration and experience in actually defending our Nation's borders, I have firsthand knowledge of the kinds of resources that we need to keep America safe.

Since coming to Congress, I have heard a lot about how we need to crack down on illegal immigration in this country, but have seen very little action when it comes to providing adequate funding for the programs that we know will work in dealing with this problem.

Most recently, with the passage of the Intelligence Reform Bill, Congress promised to provide funding to hire thousands of new border patrol agents and create thousands of beds for immigration detention and removal activities.

Unfortunately, the President proposed his FY 2006 budget and it falls woefully short of meeting these needs. And I fear that Congress will once again fail to keep its commitment.

Meanwhile, every day foreign nationals from over 150 different countries who are here in the United States illegally are being apprehended and turned back on to our streets because we lack the space to detain them. At the same time, we hear of known terrorists who are training recruits to infiltrate our country in order to do us harm. The time has long since come to make good on our border security promises or to continue to risk the safety of the American people.

The second of my amendments deals with funding for veterans health care. Specifically, it would provide an additional 1.3 billion for veterans health care programs for fiscal year 2005.

This increase is required in order to maintain existing service levels within the VA health care system and would bring spending in line with the recommendations of the bipartisan leadership of the Committee on Veterans' Affairs.

The VA is the largest health care network in the United States, and it is increasingly overburdened by a large military retiree population, principally of World War II and Korean veterans. That burden will only increase with new veterans returning from Iraq and Afghanistan.

America's veterans have made great sacrifices for us. Now it is time that we keep our promise to them to ensure that they get the health care they need and that they deserve. The only way to do this is to give the VA the resources they require to get the job done.

Mr. Chairman, I offer these two amendments because I truly believe that funding these two priorities is a matter of urgent need for the good of our Nation, and I ask for my colleagues' support.

AMENDMENTS OFFERED BY MR. REYES

Mr. REYES. Mr. Chairman, I offer two amendments, and I ask unanimous consent they be considered en bloc.

The Acting CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. REYES:

At the end of chapter 2 of title I (page 35, after line 14), insert the following:

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For an additional amount for "Medical Services", $1,300,000,000: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

At the end of the bill, add the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. (a) In fiscal year 2005, the Secretary of Homeland Security shall increase by not less than 1,000 the number of positions for full-time, active-duty border patrol agents within the Department of Homeland Security above the number of such positions for which funds were allotted for 2004.

(b) There are authorized to be appropriated, and there are appropriated, $180,000,000 to carry out subsection (a).

SEC. 702. (a) The Secretary of Homeland Security shall increase by not less than 8,000, in fiscal year 2005, the number of beds available for immigration detention and removal operations of the Department of Homeland Security above the number for which funds were allotted for fiscal year 2004. The Secretary shall give priority for the use of these additional beds to the detention of individuals charged with removability under section 237(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)) or inadmissibility under section 212(a)(3) of that Act (8 U.S.C. 1182(a)(3)).

(b) There are authorized to be appropriated, and there are appropriated, $375,000,000 to carry out subsection (a).

SEC. 703. (a) The Secretary of Homeland Security shall ensure radiation portal monitors are installed at all ports of entry into the United States not later than September 30, 2005.

(b) There are authorized to be appropriated, and there are appropriated, $217,000,000 to carry out subsection (a).

Mr. REYES (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The Acting CHAIRMAN (Mr. CAMP). Is there objection to the request of the gentleman from Texas?

There was no objection.

The Acting CHAIRMAN. Is there objection to considering the amendments en bloc?

There was no objection.

The Acting CHAIRMAN. Is there objection to returning in the reading to page 35, line 14?

There was no objection.

Mr. KOLBE. Mr. Chairman, I reserve a point of order on the gentleman's amendment, and since the gentleman from Texas has already spoken, I do not know whether he intends to speak again before I make the point of order or whether he is prepared to go forward at this time.

The Acting CHAIRMAN. The point of order is reserved.

The gentleman from Texas (Mr. REYES) is recognized for 5 minutes.

Mr. REYES. Mr. Chairman, I yield to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Chairman, I thank the gentleman for yielding.

I want to thank the gentleman from Texas (Mr. REYES) for bringing us these two amendments. Again, these are for national security emergency issues, border patrol agents at our border.

I represent all the California-Mexico border. I know that we need these agents. The President asked for them, and yet he did not put the money in to pay for them.

In addition, every veterans group and the VA itself say to complete the year, giving the services they need, they need another $1.3 billion. This is truly an emergency.

The rules that will be used once again to say that our national defense at the border, our veterans to get their adequate health care, somehow we violate the rules, but let us not violate common sense. Common sense says we need these funds. We need this protection. We need these services for our veterans.

Let us dispense with the technical objections and fund what we need for our veterans and for our border defense.

POINT OF ORDER

The Acting CHAIRMAN. Does the gentleman wish to be recognized on his point of order?

Mr. KOLBE. Yes, Mr. Chairman. I make the point of order, as the chairman of the full committee has said on several occasions. I am more than sympathetic. He is more than sympathetic to some of these amendments. I especially feel that way with this amendment, given the fact that it deals with something that is very dear to me, the issue of border security.

However, I would make a point of order against the amendment which is not the humdrum of little technicalities. This is the rules of the House.

It proposes to change existing law and constitutes legislation in an appropriation bill and, therefore, violates clause 2 of rule XXI.

The rule states in pertinent part that an amendment to a general appropriation bill shall not be in order if in changing existing law it gives affirmative direction in effect.

This amendment would do that, and I ask for a ruling from the Chair.

The Acting CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. FILNER. Mr. Chairman, let me reiterate what I said about nitpicking and arcane rules. This whole bill is a violation of the rules of the House except for the fact that it says in the bill it does not violate the rules. So telling us that we should have respect for the rules, my colleagues ought to show some respect for the good sense of the American people, for common sense. This whole bill is a violation of the rules without a waiver. Is that not true, Mr. Chairman? Would this bill be a violation of the rules if there was not a waiver involved in the rules?

As I said, the rules are being used to damage common sense and to damage our Nation's security and damage our health care to our veterans. I think it is a disgrace to use those rules for these purposes.

The Acting CHAIRMAN. The Chair is prepared to rule on the point of order.

The Chair finds that this amendment includes language imparting direction to an executive official.

The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendments en bloc are not in order.

AMENDMENT OFFERED BY MR. UPTON

Mr. UPTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. UPTON:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available in this Act may be used for embassy security, construction, and maintenance.

Mr. LEWIS of California. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 20 minutes, to be equally divided and controlled by the proponent and myself, the opponent.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The Acting CHAIRMAN. The gentleman from Michigan (Mr. UPTON) is recognized for 10 minutes.

□ 1630

Mr. UPTON. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, I offer this amendment with the gentlewoman from North Carolina (Mrs. MYRICK) and the gentleman from Wisconsin (Mr. KIND) in a bipartisan amendment for two main reasons: The first is cost.

What this amendment does, it says that none of the funds made available in this act may be used for embassy security, construction and maintenance. In essence it is about a $592 million savings amendment. I would note in a CRS document printed a couple of weeks ago, it states that the State Department has identified $990 million thus far for the new embassy in Baghdad. Fiscal year 2003 and fiscal year 2004 supplementals provided $35 million from the State's Diplomatic and Consular Program account, another $105 million came from the fourth quarter fiscal year 2004 Coalition Provisional Authority appropriations, and another $184 million of the Iraqi relief and reconstruction funds was designated for the embassy. This bill provides yet another some $590 million for this building.

The second reason that I support the amendment and oppose this provision in the bill is that we knew years ago that we were going to need a new embassy, and yet last summer when plans were laid for construction of this particular site it was not included in the omnibus appropriation bill taken up in November. The 2006 budget request which came up in February, no moneys were included in the President's budget request for that as well.

I would note that the National Taxpayers Union supports this amendment. I would also note that time and time again I supported more support for our troops, body armor, supported the President's request, but this embassy stuck into this bill with this process is not right.

We need regular order and that is why the gentlewoman from North Carolina (Mrs. MYRICK) and the gentleman from Wisconsin (Mr. KIND) and I are offering this amendment on a bipartisan basis.

Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Chairman, Members should ask themselves how would they like if their children, their son, their daughter, or their husband or their wife was in this embassy here. Now we have talked a lot, and this committee has done a lot on body armor and Humvee armor. Forty-five people have been killed in the embassy in Iraq. From Irvine, California, Keith Taylor, rocket attack; Tracy Hushin, Long Island, New York, suicide bomber; Leslie Davis from Magnolia, Texas, suicide

bomber; Rosharon, Texas, suicide bomber; Astoria, Oregon, suicide bomber; Chickasaw, Alabama, suicide bomber; Myrtle Beach, South Carolina, near Fallujah attack; Cleveland, Ohio; Copperas Cove, Texas; North Branch, Minnesota; South Windham, Connecticut.

This embassy was not built to be an embassy. This was Saddam Hussein's palace. It is a symbol of torture. It is not to be the symbol of the United States Government. We need to act quickly. We need to act quickly. If this amendment, if the Upton amendment passes, there will be a 6-month period whereby they will not have the protection.

I will put this listing out so Members can review them. Fire in a wooded area, electrical fire in Saddam Hussein's palace, again the structure was not built for it. Fire in Saddam's palace, August, 2004. I will not mention the woman's name, blood on the wall of a rocket attack whereby this young woman was killed. And here is a picture of two Americans killed the day before the Iraqi election.

We have had 1,500 military people die in the war in Iraq. It is help bringing about freedom. It is making a difference in the Palestinian area. It is making a difference in Egypt. It is making a difference in Lebanon. It is inappropriate for us not to fund a safe workplace for American citizens who are going to work in harm's way.

Lastly, people say this is an expensive embassy. This is an embassy, but it is a village. There is a power plant. There are housing facilities. The Beijing embassy cost $434 million. There is no threat to American citizens in Beijing. There are no terrorist attacks.

In Lebanon, 1983, 241 Marines were killed in a barracks with no setback. That same year in the American embassy in Lebanon, a number of Americans killed. There was the American bombing of the embassies in Tanzania and Kenya 1989. We have a moral obligation to the people that we are sending in this region to live in a situation and work where they will be protected.

I rise in strong opposition to this amendment. As the gentleman from California (Mr. CUNNINGHAM) said as I was walking down to the well, how would Members like it if your children, your son or daughter or husband or wife had to work in this facility. I urge a no vote on the amendment.

Mr. UPTON. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I thank the gentleman for bringing forth this amendment, with myself and the gentlewoman from North Carolina (Mrs. MYRICK).

With all due respect to the previous speaker, this is not about debating the merits of the necessity or the needs for a new embassy in Baghdad. Having traveled to Baghdad twice, certainly there is a strong case that can be made that we do need to be moving forth on a new embassy, but this is how we are going to pay for that new embassy, getting back to regular order and procedure around here, and how we are going to afford the cost of this new embassy rather than just going into deficit spending.

This amendment speaks to a larger issue. The last time I was in Iraq, which was last fall, I noticed one thing, we are dropping a lot of concrete in Iraq today, which is an indication that we are going to be there for a very, very long time. And year after year coming forward with more multibillion supplemental spending requests, all deficit financing, is not a sustainable policy.

We need to get back to regular procedure and regular order around here, and what better place than to start on a nonemergency creation, the siting of a new embassy to get it to the appropriate committee for proper oversight and hearings of deliberation, and then finding the appropriate offsets to pay for this.

I am going to support the supplemental today, as I have past supplementals. I believe our troops need to get all of the tools and resources to do their job safely and effectively. They have been doing a terrific job under very dangerous circumstances, including our State Department personnel, who are working in the current embassy within the Green Zone in Baghdad which is also at times a free-fire zone.

But at some point we as a Chamber and as a body need to get back to the regular process of starting to anticipate these costs, starting to appropriate it and budget for it so we do not leave a huge legacy of debt for future Congresses and for our children and grandchildren to inherit. That is what this amendment speaks to.

I want to especially commend a couple of units serving us so well from western Wisconsin, the 128th Infantry Guard as well as the 1158th Transportation Unit. In fact, earlier this morning I got up and ran over to Walter Reed Hospital to visit with some of our troops, including Specialist Andrew Carter from the 128th who almost had his foot blown off due to an RPG that was fired at him during one of his passing patrols.

Just last week we lost another member from western Wisconsin who was shot down in the line of duty, Staff Sergeant Andrew Bossert. He will be buried in Wisconsin this Thursday. I am sure Members will join me in sending our thoughts and prayers to his family, his parents, but especially to his wife Olya who lives in Wisconsin.

What we need to start considering at some point is whether or not the ongoing operations in Iraq and Afghanistan should be paid for as part of the normal budgeting process. These are no longer surprises and no longer emergencies. We know we are there. We know what the mission is going to entail and the costs we are facing. I think this is a good place to start by having this embassy go through the regular process where we can find offsets and an ability to pay for it.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am sure all Members are very concerned about the proposed embassy compound in Iraq and the number of dollars that are involved. I think it is very important that I share with Members our discussion with the Secretary of State. She feels it is absolutely critical that we move forward very quickly with this money, first and foremost because we have almost 4,000 American personnel whose lives are in jeopardy under current conditions. Indeed, if this compound goes forward quickly, their security will be assured.

The Secretary has been given great assurance that the compound can be completed in 24 months. There is only one small hook, and that is in order to get a contractor to bid on such a job in this territory, the money has to be there in the pot. So within this bill we are providing the funds to make sure the funds are available and we can move quickly. This embassy and the compound are designed to solidify our mission, allowing us to be successful in Iraq as well as the Middle East. It is very important that we go forward with this money now.

Mr. Chairman, I reserve the balance of my time.

Mr. UPTON. Mr. Chairman, I yield 3 minutes to the gentlewoman from North Carolina (Mrs. MYRICK), a coauthor of the amendment.

Mrs. MYRICK. Mr. Chairman, we are all grateful to our troops and those serving in Iraq. We are grateful for what we are seeing happening there, and we want to do what we can to support those efforts and make sure that our troops have what they need.

But every time when I go home, no matter what the subject is that we are talking about in any meeting, the thing that always comes up is the deficit. Somebody always says, "But what are you doing about the deficit?"

My concern with the embassy being in the supplemental is exactly that, it is over and above the regular process. I have no problem with building an embassy in Iraq. We need an embassy in Iraq, but we have also known we need an embassy in Iraq, and why did it not come through earlier if it is that much of an emergency.

Yes, it is a huge amount of money and I understand it is not just a building, it is a compound, but it is three times what we have spent in Afghanistan already.

If we do not start getting some discipline in this body in what we are doing, we are never going to get back to where we all want to be, and that is what we did in 1997 was start to balance the budget, and we were well on the way. Sure, we have had a lot of problems. We had the war, the recession, other problems which have interfered with that, but we have to have some fiscal discipline and just putting things that are not actual emergencies in a supplemental spending bill in my opinion is not to be done. A supplemental is for emergencies and I do not consider an embassy to be an emergency.

My constituents at home agree with this. As I said before, whenever I am anywhere they always say what are you doing about cutting spending, what are you doing about the deficit?

I hope we can bring this embassy back through regular order and make it happen because we want to be sure the people are protected, and then pass the supplemental today. The other things in the supplemental are needed. There is no question about that. Our chairman has done a very, very good job with this bill, but I have a problem with funding the embassy in a supplemental.

Mr. UPTON. Mr. Chairman, I yield myself the balance of my time.

I thank my coauthors, the gentleman from Wisconsin (Mr. KIND) and the gentlewoman from North Carolina (Mrs. MYRICK). I want to say it is not an easy task taking on the gentleman from California (Mr. LEWIS).

I too would like to say I am voting for final passage of the supplemental. It is important that we have adequate resources for all of our troops. I have been to Iraq twice. I have been to the current embassy in Baghdad twice as well. I have seen the improvements. We have spent something like $100 million already trying to make that facility safe. It is within the Green Zone.

□ 1645

This new embassy where they want to build is just down the river. Frankly, I would have preferred to see it go where Camp Victory is. I asked that question, in fact, yesterday. I was not very pleased with the answer that I got, but maybe in a few more months we will get it right and put it someplace that would be truly safe for all of our folks that are there. At the end of the day, those are the questions that all of us should be asking.

Whether it be in an authorization bill that came through this Congress the last year or in the omnibus bill or in the President's budget for fiscal year 2006, this bill no matter what train track it is on will not get to the President until May. We ought to take the time to do this right, to ask the right questions and to make sure that all of our people, whether they work for the State Department or whether they work for the armed services, have the right resources; but it ought to go the regular order. That is the way this House ought to operate.

Mr. Chairman, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. LAHOOD).

Mr. LAHOOD. Mr. Chairman, I just want to say I think this is about as dumb a thing as we can do. I think to take the money away from people who are doing the hard work, these are our people. These are people that are there because they care about our country and they care about freedom and they care about bringing hope and opportunity to the people of Iraq. And the idea that we do not want to provide safe haven to them and the idea that we want to micromanage where this place is going to be is nonsense. We cannot do that.

We are asking people to go over there and bring hope and freedom and opportunity. These are Americans. These are people that we sent there. And so we are saying to them that we do not want to give them safe haven; we do not want to give them an opportunity to have a safe place to live and do their work, the work that we have asked them to do? We need an embassy there. I cannot think of a dumber thing that we could do as to take this money away and to try and micromanage the way that we are going to establish an embassy and an opportunity for people to live safely over there.

Those of you that have been there know what a dangerous place it is. These are the people that are doing the hard work. I would urge every Member to vote against this amendment and to send a message to the Americans that are over there, the people that are doing the hard work to bring democracy, we care about their safety, we care about the work they are doing.

Vote against the Upton amendment and say to our friends over there, we care about your safety, we care about what you are doing, and we thank you for the tough, tough job you are doing in an area that is probably as dangerous as anywhere in the world.

Vote against the Upton amendment.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the remarks of my colleague from Illinois. I would suggest that in voting for this amendment, Members would be voting against the view of our Commander in Chief, the President of the United States. The Secretary of State has spoken very strongly about the urgency of this matter. There is little doubt that we have the appropriate place, we have the plans in place, we can get it done quickly. We need the money up front. That is why it is here. Because of that, Mr. Chairman, I urge a "no" vote on the Upton amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. CAMP). The question is on the amendment offered by the gentleman from Michigan (Mr. UPTON).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. UPTON. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan (Mr. UPTON) will be postponed.

AMENDMENT OFFERED BY MR. WEINER

Mr. WEINER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WEINER:

Insert at the end of the bill, before the short title, the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 7001. None of the funds appropriated or otherwise made available in this Act may be obligated or expended to finance any assistance to Saudi Arabia.

Mr. KOLBE. Mr. Chairman, I ask unanimous consent that debate on this amendment, and any amendments thereto, be limited to 10 minutes, to be equally divided and controlled by the proponent and myself, the opponent.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

Mr. WEINER. Mr. Chairman, reserving the right to object, just so I understand. I can under this agreement be able to reserve time. Unlike the 5-minute rule, I would be able to reserve portions of my 5 minutes?

Mr. KOLBE. If the gentleman will yield, of his 5 minutes, that is correct.

Mr. WEINER. I thank the gentleman.

Mr. OWENS. If the gentleman will yield, does that mean we cannot rise to strike the last word?

The Acting CHAIRMAN. The gentleman is correct.

Mr. WEINER. I would say to the gentleman from New York, this is just on this amendment.

Mr. OWENS. He said all future amendments. Correct?

Mr. WEINER. Amendments thereto, meaning to this.

Mr. KOLBE. That is correct. When you make the unanimous consent request, it is all amendments to this amendment.

The Acting CHAIRMAN. The Chair would state it would be limited to the Weiner amendment.

Mr. WEINER. Mr. Chairman, I withdraw my reservation of objection.

The Acting CHAIRMAN. Without objection, the gentleman from New York (Mr. WEINER) and the gentleman from Arizona (Mr. KOLBE) each will control 5 minutes.

There was no objection.

The Acting CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a similar amendment that we have passed recently, as recently as July of 2004; and it restricts any money in this bill, not a single dollar, not a single dime going to the Kingdom of Saudi Arabia. We have had the debate many times in this Chamber; and on a few occasions some of my colleagues have posited, oh, no, this is not the right time to do it, the Saudis are getting better, they are becoming more cooperative, they are not exporting Wahabism, they are not exporting terrorism, they are not funding terrorism, they are not restricting human rights as much as they had, they are on the path to reform.

I am offering the amendment again today because in the last 7, 8 months since we have offered this amendment last to restrict moneys in the foreign aid bill, it has gotten worse and worse and worse still. Just in recent months, the State Department issued its annual country reports on human rights practices. Here is what it said about Saudi Arabia: "There were credible reports of torture and abuse of prisoners by security forces, arbitrary arrests and incommunicado detentions. The religious police continue to intimidate, abuse and detain citizens and foreigners. Most trials were closed."

That was not years ago. That was just in the last couple of months. The State Department also issued its report on anti-Semitism on the 30th of December. Of course, it reports about how there is an explosion of anti-Semitism in Europe and throughout the world funded by the Saudi kingdom.

Just in February of this year, Freedom House, an organization, sent Muslim volunteers to 15 prominent mosques in New York, from New York to San Diego, and collected hundreds and hundreds of books paid for by the Saudi Arabian Government that said things like, quote, any Muslim who believes that, quote, churches are houses of God and that God is worshipped therein is an infidel.

Another quote from these Saudi publications: Be disassociated from the infidels. Hate them for their religion. Leave them. Never rely on them for support. Do not admire them and always oppose them in every way according to Islamic law.

And here is what these Saudi documents say about America: It is forbidden for a Muslim to become a citizen of a country governed by infidels because it is a means of acquiescing to their infidelity and accepting their erroneous ways.

Also, these documents published by the Saudis, this is what it says about war against America, not years ago but weeks ago: "To be true Muslims, we must prepare and be ready for jihad in Allah's army. It is the duty of every citizen and the government."

Mr. Chairman, there should not be any money in this bill, and there is not presently any money that specifically says it can go to the Saudis; but we have seen again and again how money gets reprogrammed without a full vote of this Congress. If we vote today to say no aid to the Saudis, the President could not come back and ask for any of this money to be reprogrammed.

I think that the time has come for us to start sending an unambiguous, clear message to the Saudis that we understand, particularly in the post–9/11 world, that we are going to judge people based on what they do, not on what they say, on their record, not just on their glossy public relations campaign.

Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I really do not understand the need for this amendment that is offered by the gentleman from New York. Surely as he knows, there are not any funds in this bill for Saudi Arabia in the foreign operations chapter. Additionally, there are reporting requirements to ensure that the funds are spent exactly as the committee intends. We do not intend that any of the funds should go to Saudi Arabia. So the gentleman from New York is incorrect when he says this is similar to the legislation that was passed last year on the regular appropriation bill. There was some money in last year's bill that went to Saudi Arabia. This bill does not have any money for Saudi Arabia, so it is completely unnecessary. It is a gratuitous kind of amendment. It is an absolute slap in the face to everybody that has been involved. The gentleman himself has talked about the changes that have taken place in Saudi Arabia. When there is no money in this bill, for us to include this kind of provision is not only absolutely unnecessary; it is completely wrong.

I would also point out, as I just mentioned, that we included the prohibition in the 2005 regular appropriation bill. Section 575 of Public Law 108–447 states: "None of the funds appropriated or otherwise made available pursuant to that act shall be obligated or expended to finance any assistance to Saudi Arabia." The prohibition that is in that legislation extends to the fiscal year 2005 supplemental bills. Supplemental legislation includes appropriations that are added on top of the regular appropriations. So the underlying prohibition also applies here.

There are no funds in this bill that could be used for Saudi Arabia. This is simply repeating something that has already been added into the regular legislation. The gentleman from New York is simply wrong when he says that the President could come and reprogram funds for Saudi Arabia. The underlying prohibition would prohibit that. The administration can reprogram funds, but they cannot reprogram them to spend them in Saudi Arabia. The gentleman is simply wrong about that.

I am sure the gentleman is aware of these facts and I am sure he is aware, as he has pointed out, of how helpful Saudi Arabia has been very recently in helping to defuse the situation in Lebanon, the very direct statements that were made to President Assad about how his troops should depart from Lebanon. If the gentleman wants to make his statement, fine, I would encourage him to do so; but the appropriation bills include the substance of what is in his amendment; and since there is no money in this bill for Saudi Arabia, this amendment is not only redundant, it is unnecessary, it is a slap in the face, it is just simply absolutely wrong for us to do this.

I strongly urge the defeat of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WEINER. Mr. Chairman, I yield myself such time as I may consume.

Let me just quote what the gentleman from Wisconsin said in the last debate: "The government of Saudi Arabia has greatly increased its effort to root out terrorism. It has greatly increased its cooperation in intelligence matters and others with the United States."

The facts that I read just now were within the last months. It is simply not true. Do not believe the hype.

Mr. Chairman, I yield the balance of my time to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, I rise in strong support of the amendment offered by my colleague from New York. It boggles my mind that the United States provides any funding to the Saudi kingdom. With all of its oil and all of its wealth, it is nothing short of insanity.

It is no secret, in spite of what the last speaker said, that the Saudi regime is a leading exporter of terrorism worldwide; it is a leading financier of terrorism worldwide. The thought that one cent of American money is being spent in Saudi Arabia is an insult to every American taxpayer. The Saudis continue to declare to the world that they are a progressive-thinking nation and they are our partners in the global war on terrorism. That is what their PR firm says, anyway. Nothing could be further from the truth.

This is our partner in peace? Fifteen of the 19 hijackers were Saudi nationals. That did not happen by accident. This is the same Saudi Arabia that has the worst record for religious tolerance on the planet, the same Saudi Arabia that exudes racism and anti-Semitic hatred.

Our partners in peace? How shameful for the United States. The Saudis claim that they are prosecuting terrorists. Who are they kidding? Saudi efforts to prosecute terrorists are inept at best and more accurately nonexistent. If they are doing anything in Lebanon, it is for themselves, not for the people of the United States of America.

I ask everyone to support the Weiner amendment.

Mr. KOLBE. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I rise to oppose my friend's amendment. I will tell you why personally. I spent a lot of time in Saudi. They can either go the wrong way or the right way.

We talk about not putting foreign troops in foreign countries. Do they have problems? Yes. But when you talk about the government itself. I know from the intelligence community, I also know how they are helping us there; but I have been into their banks where they have Canadian and U.S. and British auditors to make sure there is no money laundering. The government itself, I have met with King Aziz, I have met with the crown prince, I have met with almost every one of the Shura council, which is their Congress. The majority of Saudis support the United States.

□ 1700

So to say that their government is against us is wrong. Are there people that preach Wahabism? Yes. But they have changed their inside curriculum. They have arrested and jailed over 1,000 Imams which preach intolerance.

So I would oppose the gentleman's amendment. I did not know when we were on the floor that we had an amendment when I went over there. It really hurts people when we do things, and I think that this could hurt our relationship instead of bettering it with Saudi Arabia. I oppose the gentleman's amendment.

The Acting CHAIRMAN (Mr. CAMP). The gentleman from New York (Mr. WEINER) has 30 seconds remaining.

Mr. WEINER. Mr. Chairman, I yield myself the balance of my time.

I will close by saying just two things in points of clarification. One, the gentleman, despite the best efforts of this House, is incorrect. Despite our amendment saying no money can go to Saudi Arabia, moneys were allocated to Saudi Arabia; so they are now entitled to discount on purchasing for our military. So our will was not followed.

Secondly, to the previous speaker, this notion that they are not exporting Wahabism has been debunked by the State Department as recently as 1½ months ago. They are exporting terrorism, exporting Wahabism. I would say they are two-faced except they have so many members of the Royal Family, they are several hundred Fahds, and the time has come for us to start judging people on what they do, not what they say.

I have 5 additional seconds to make my punchline point. This amendment will say that we believe that Saudi Arabia should be treated not as an ally but as an enemy in the War on Terror because that is what they have been.

Mr. KOLBE. Mr. Chairman, I yield myself the balance of my time.

I will not even take all that time. I simply want to repeat the arguments against this amendment. There are no funds in this bill that go to Saudi Arabia. There is a prohibition in the fiscal year 2005 Foreign Operations bill that prohibits any funds from going to Saudi Arabia, and that prohibition applies to this bill.

This amendment is totally unnecessary. This amendment has absolutely no bearing. It is simply repeating what is already in the existing law that applies to this bill. To add another prohibition here now is simply to add insult to injury. It is gratuitous. It has absolutely no reason to be in this bill, and I would urge my colleagues to defeat this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. WEINER).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. WEINER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. WEINER) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

The amendment offered by the gentleman from Massachusetts (Mr. TIERNEY);

The amendment offered by the gentleman from Michigan (Mr. UPTON); and

The amendment offered by the gentleman from New York (Mr. WEINER).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. TIERNEY

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 191, noes 236, not voting 7, as follows:

[Roll No. 72]

AYES—191

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—236

Aderholt
Akin
Alexander
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot

Chocola
Coble
Cole (OK)
Conaway
Cox
Cramer
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Larson (CT)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pascrell
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Bachus
Kennedy (RI)
Leach
Sweeney
Thornberry
Walsh
Waters

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. DUNCAN) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1729

Messrs. GILCHREST, COBLE, LARSON of Connecticut, TERRY, PASCRELL, ROYCE, STEARNS and HALL changed their vote from "aye" to "no."

Ms. MOORE of Wisconsin changed her vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. UPTON

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. UPTON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 258, noes 170, not voting 6, as follows:

[Roll No. 73]

AYES—258

Andrews
Baca
Baird
Baldwin
Bartlett (MD)
Barton (TX)
Bass
Becerra
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boehlert
Boehner
Bonner
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Camp
Cannon
Capps
Cardin
Cardoza
Carnahan
Carson
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Conaway
Conyers
Cooper
Costello
Cuellar
Cummings
Davis (FL)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dingell
Doggett
Duncan
Ehlers
Emanuel
Etheridge
Evans
Feeney
Filner
Fitzpatrick (PA)
Flake
Foley
Fossella
Foxx
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hastings (FL)
Hayworth
Hefley
Hensarling
Hinojosa
Holt
Hooley
Hostettler
Hoyer
Hulshof
Inglis (SC)
Inslee
Istook
Jefferson
Jenkins
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kildee
Kilpatrick (MI)
Kind
King (IA)
Kingston
Kucinich
Kuhl (NY)
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Ney
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (NC)
Putnam
Radanovich
Ramstad
Rangel
Reichert
Reyes
Reynolds
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shimkus
Shuster
Slaughter
Smith (TX)
Sodrel
Spratt
Stark
Stearns
Strickland
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Wasserman Schultz
Watson
Watt
Weiner
Westmoreland
Whitfield
Wicker
Wilson (NM)
Woolsey
Wu
Wynn
Young (AK)

NOES—170

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baker
Barrett (SC)
Barrow
Bean
Beauprez
Berkley
Berman
Biggert
Bishop (UT)
Blunt
Bonilla
Bono
Boozman
Boren
Boswell
Boustany
Brady (PA)
Burton (IN)
Calvert
Cantor
Capito
Capuano
Carter
Case
Cole (OK)
Costa
Cox
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Doyle
Drake
Dreier
Edwards
Emerson
Engel
English (PA)
Eshoo
Everett
Farr
Fattah
Ferguson
Forbes
Ford
Fortenberry
Frelinghuysen
Gerlach
Gilchrest
Gillmor
Granger
Graves
Harris
Hart
Hastings (WA)
Hayes
Herger
Herseth
Higgins
Hinchey
Hobson
Hoekstra
Holden
Honda
Hunter
Hyde
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jindal
Johnson (CT)
Johnson (IL)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lantos
Latham
Lewis (CA)
Lewis (KY)
Lucas
Lungren, Daniel E.
McCarthy
McCrery
McHenry
McHugh
McKeon
McMorris
McNulty
Mica
Mollohan
Murtha
Nadler
Northup
Oxley
Pearce
Pelosi
Pomeroy
Portman
Price (GA)
Pryce (OH)
Rahall
Regula
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Ross
Rothman
Ruppersberger
Ryan (OH)
Saxton
Schiff
Schwartz (PA)
Schwarz (MI)
Shaw
Shays
Sherman
Sherwood
Simmons
Simpson
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Stupak
Taylor (NC)
Thomas
Tiahrt
Visclosky
Wamp
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—6

Bachus
Leach
Sweeney
Thornberry
Walsh
Waters

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. DUNCAN) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1738

Messrs. TAYLOR of North Carolina, NADLER, ENGEL, FORD and ROSS changed their vote from "aye" to "no."

Mr. LoBIONDO, Mr. ROHRABACHER and Ms. LORETTA SANCHEZ of California changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. WEINER

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. WEINER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 196, noes 231, not voting 7, as follows:

[Roll No. 74]

AYES—196

Andrews
Baca
Baird
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chabot
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Cox
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
Delahunt
DeLauro
Dent
Dicks
Doggett
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Ferguson
Filner
Ford
Frank (MA)
Goode
Gordon
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hayworth
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Inslee
Israel
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kennedy (MN)
Kennedy (RI)
Kind
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (KS)
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Pence
Peterson (MN)
Petri
Platts
Porter
Ramstad
Rangel
Reyes
Rogers (AL)
Rogers (MI)
Rohrabacher
Ross
Rothman
Royce
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Sensenbrenner
Serrano
Sherman
Simmons
Slaughter
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tauscher
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (FL)
Wexler
Woolsey
Wu
Wynn

NOES—231

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boustany
Bradley (NH)
Brady (TX)
Burgess
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Case
Castle
Chocola
Coble
Cole (OK)
Conaway
Costello
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (KY)
Davis, Tom
Deal (GA)
DeGette
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Emanuel
Emerson
English (PA)
Etheridge
Everett
Feeney
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Granger
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Kanjorski
Kaptur
Keller
Kelly
Kildee
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
McKinney
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Osborne
Oxley
Pastor
Pearce
Peterson (PA)
Pickering
Pitts
Poe
Pombo
Pomeroy
Portman
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Ros-Lehtinen
Roybal-Allard
Ruppersberger
Rush
Ryan (WI)
Saxton
Schwarz (MI)
Scott (GA)
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Stark
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Tiahrt
Tiberi
Turner
Upton
Visclosky
Walden (OR)
Wamp
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Bachus
Leach
Smith (WA)
Sweeney
Thornberry
Walsh
Waters

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1752

Ms. DEGETTE changed her vote from "aye" to "no."

Mr. BLUMENAUER and Mr. HINCHEY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. EMANUEL. Mr. Speaker, during roll call vote number 74 on H.R. 1268, I mistakenly recorded my vote as "no" when I should have voted "yes." I ask unanimous consent that my statement appear in the record immediately following roll call vote number 74.

Mr. OWENS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this bill is filled with many worthwhile expenditures, and I have heard my colleagues all day make various adjustments and amendments. However, the overwhelming amount of this appropriation will be wasted in the continuing financing of the war in Iraq.

The war in Iraq is an expensive blunder with costs now approaching the level of $300 billion. In the name of security, we are throwing dollars at a problem which will yield the least amount of security here in the homeland.

We are left vulnerable within our own borders, while there is no honest accounting for billions which could make our ports safer, which could increase our first response capacities, which could train expert translators, anti-demolition experts, communications personnel and many others that are vital for maximum homeland security.

In general, our Federal expenditures for education, including school construction and modernization, could be increased greatly in order to guarantee that America has the most valuable ingredient to secure its future, that is, an educated population. Nothing is more vital for the existence of this Nation than an educated populace.

We neglect these vital needs while we continue to throw dollars into a bottomless pit. This present appropriation might be justified if there were a timetable and a clear plan for withdrawal.

Through the election process, the Iraqi people let it be known that they reject the suicide bombers. The Iraqi people reject the fanatics and the zealots. The Iraqi people reject the extremists. The extremists can be isolated and paralyzed if we build on this goodwill and desire for freedom among the Iraqi people. They demonstrated that in the election in which they went out to participate.

To build on this foundation, we must offer the Iraqi people justice. Justice means a plan to show them how their oil revenue ought to be used to help their economy, and justice means a clear timetable for the withdrawal of American troops. We must strengthen the partnership with the Iraqi people. Let us stop the waste of dollars and stop the waste of lives of American heroes. We cannot continue to dig blindly down into this deep pit of more war.

I would like to close with a quotation which I hope all of my colleagues will allow to settle on their minds for a few minutes: "Voice or no voice, the people can always be brought to the bidding of the leaders. That is easy. All you have to do is tell them they are being attacked, and denounce the pacifists for lack of patriotism and exposing their country to danger. It works the same in any country." That quote was from Air Marshall Herman Goering.

I urge a "no" vote on this entire appropriation bill which is mostly for the continuation of the war in Iraq.

Mr. GREEN of Wisconsin. Mr. Chairman, I move to strike the last word and enter into a brief colloquy with the gentleman from Arizona (Mr. KOLBE).

Mr. Chairman, I believe it is important that all groups and organizations that want to assist in the recovery are allowed to participate. The United States Agency for International Development issued a regulation on October 19, 2004, that ensures religious organizations are allowed to compete on an equal footing with other nongovernmental organizations for USAID funding, in the case of this bill, funding to help tsunami victims.

Can the chairman clarify whether the appropriations under this bill fall under such regulation?

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Wisconsin. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I appreciate the gentleman raising this point, and I want to make it very clear that religious organizations may compete on an equal footing for USAID funding in this bill, as they may for USAID funding in other bills. So the answer to the gentleman's question is yes.

Mr. GREEN of Wisconsin. Mr. Chairman, reclaiming my time, I thank the gentleman. I appreciate his response, and I am very pleased to know that faith-based groups will have the same opportunity to compete for these important dollars with other nongovernmental entities so that together this funding can be used to alleviate the suffering of the tsunami victims. I thank the gentleman.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to this bill.

One of the solemn honors that I have had as a Member of Congress is to visit our soldiers who have been wounded in Iraq. I have visited with them at Walter Reed Army Hospital here in Washington and at the Veterans Hospital at Palo Alto, California.

It is rewarding and shocking to meet our troops under these circumstances. Theirs are the stories of courage under fire. Their wounds are almost unimaginable to those of us who are not sharing their world of combat.

The treatment that they receive from the moment they are attended to on the battlefield, taken to battlefield hospitals, transported to Germany and stabilized and brought home to the United States for specialized care and rehabilitation is a tribute to our magnificent military and veterans medical system.

Each time that I have left these brave men and women, I have had to confront my role as a policy-maker and whether or not I have done all I can to serve and protect them in their mission.

I voted not to go to war in Iraq because I believed at the time of the vote, and I believe now, that the case had not been made; that the intelligence we had did not support what the Bush administration was telling the American people was the threat that we faced from Iraq.

Tragically, since that time, it has become clear that there was not only no imminent threat to the United States from Iraq, but there was no plan for what our troops would encounter after the war was supposedly won.

The duty this government owed to its soldiers when they were sent into combat was not met: not in the justification, not in the preparation and not in the planning. Our obligation to them was simply not met.

All Americans now understand that the reasons that the Bush administration gave to go to war in Iraq were not true. The evidence did not exist. In spite of the advice of many in our military, in our State Department and among our allies, the administration remained determined to wage a war in Iraq. In short, the administration failed to be truthful with the American people and with the Congress.

As a result, since the first day of that war, Americans have been paying 90 percent of the costs and suffering 95 percent of the casualties beyond those of the Iraqi people.

Today, we are being asked to vote for another $81 billion for the war in Iraq.

This is the third supplemental appropriations bill for Iraq since the war started, totaling nearly $200 billion; and without a change in course, the nonpartisan Congressional Budget Office estimates the war in Iraq and Afghanistan will cost an additional $458 billion over the next 10 years.

Astoundingly, this additional request has no change in strategy forthcoming from the President to address the absence of control and continued violence against our troops and the Iraqi people.

The President and his advisers cling to the idea that America is just one major battle away from victory, or that with just one more capture of a significant insurgent leader we will break the back of the opposition to our occupation and to the formation of a democratic government in Iraq.

Those who continue to attack our troops and the Iraq people have been described in many different ways as the war has dragged on. First, we were told the resistance was under the command and control of Saddam Hussein. Then they were described as disaffected Baathists, and later they were just a bunch of "bitter enders."

We were told that a heavy battle attack of Fallujah would break the back of the resistance. What happened instead was that we made 300,000 people homeless by flattening their city with little or no impact on the resistance. In fact, the violence rapidly spread to other major cities.

While it has become clearer to those with both diplomatic and military experience that we must now develop a new strategy for success, it is resisted by the very same top command in the White House and the Pentagon who have made so many errors and so many miscalculations that have continued to place so many of our military in circumstances in which they are not able to prevail.

The opposition to change comes from the very same people that failed to carry out the due diligence to properly plan and prepare for the war and its aftermath.

Their failure to anticipate, plan, and train for the mission that our soldiers were faced with was a failure of the first duty of care owed by the Commander in Chief and the Defense Secretary to our troops, the duty to provide for the protection of our forces. This was not done, and the results have been thousands of wounded and killed, at the same time that the Pentagon resists change and fails to transform its approach to fighting terrorism in Iraq and elsewhere.

So, today, nearly 3 years after 9/11, we still have no comprehensive policy to support the war on terror declared by the President. As a result, both our Nation and our troops continue to face an unacceptable level of threat and danger.

Today, as we consider this request for supplemental appropriations, the dishonesty by the Bush administration continues.

This request itself is dishonest. It is labeled as an emergency, as if somehow the administration did not know what money it was going to need for the war in this year's budget or in next year's budget.

Yet we know the war has been costing between $5 and $7 billion a month and is likely to continue to do so under the current policy.

☐ 1800

The administration will not take responsibility for the cost of the war or how to pay for it. At the end of the day, the President and his advisers simply do not have the courage of their convictions. If they did, they would be honest with the American people about the real cost of war and the lack of progress being made on the ground, about the plan for drawing down our troops and about the real reason American soldiers were sent to Iraq in the first place.

I cannot in good conscience vote to approve a supplemental appropriations bill that offers no strategy for success, that has no plan to draw down our troops in a responsible manner, and that fails to makes a compelling case to the American people about why the haunting sacrifices of lives, limbs and money have been necessary.

I know that some of my colleagues, in very good conscience and with honorable intentions, believe that supporting this bill is the equivalent of supporting our troops. I would very respectfully have to disagree with that view today.

Rather, in my view, to vote for this supplemental is to expose our troops to the same leadership in the White House and the Pentagon that refuses to tell the truth, that refuses to take responsibility for its actions, and that refuses to hold a single person accountable for the failed decisions that have been made for this war.

And it exposes them to the same leadership that refuses to provide the kind of change that will start to remove the central organizing principal of the guerrilla war in Iraq—the presence of nearly 150,000 American troops viewed as occupiers by those who oppose us.

To say that we must remain in the current configuration in Iraq because the situation will get worse is to ignore the facts on the ground, facts that have been acknowledged by many of our field commanders, by Members of Congress who have visited Iraq, and by members of the news media covering the war.

This is a very difficult vote, I understand that.

But let us be clear that this is not a vote about whether I or any other Member of Congress supports American troops. Of course we do. And this is not a vote about the heroism shown by the thousands of Iraqis who risked their own lives by voting in the national elections in January. They have my admiration and support.

We support the troops by arguing against the kind of failed preparation and planning that sent National Guard and Reserve troops into battle without flak jackets and reinforced Humvees.

We support our troops by arguing in favor of a strategy for success.

We support our troops by arguing against the President's budget that dishonors our veterans by undermining the system of care and benefits they need and deserve.

But we do not honor our troops simply by approving yet another allegedly emergency bill that offers no promise of success in an area of the world where success is not just critical, it is literally a matter of life and death.

We can provide for the needs of our troops in a bill that also provides for success in this war. Tragically, that bill is not before us today.

AMENDMENT OFFERED BY MRS. KELLY

Mrs. KELLY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. KELLY:

Page 72, after line 17, insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 7001. None of the funds made available in this Act may be used to provide assistance to the Government of the Federal Republic of Nigeria.

Mrs. KELLY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The Acting CHAIRMAN (Mr. GILCHREST). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The Acting CHAIRMAN. A point of order is reserved.

Mrs. KELLY. Mr. Chairman, my amendment is offered to force the government of Nigeria to transfer the indicted war criminal Charles Taylor to the United Nations Special Court in Sierra Leone. Mr. Taylor is currently residing in Calabar, Nigeria and maintaining his active role fomenting terror and crime throughout West Africa from this base. The United States Government has asked that Mr. Taylor be turned over to the U.N. court, but the government of Nigeria has refused.

Charles Taylor has been the leading force for evil in West Africa since his overthrow of the Doe government in 1990. Hundreds of thousands of Liberians were killed during his reign of terror, or forced to flee. Mr. Taylor enabled Liberia to become a base for international organized crime and has subverted the governments of his neighbors.

In 2003, Mr. Taylor was overthrown by the people of Liberia and sought sanctuary in Nigeria, despite his indictment by the U.N. Special Court for Sierra Leone in the light of his terrorist activities in his own country. The government of Nigeria has promised to keep Mr. Taylor contained, but reliable sources have confirmed political operations in Liberia, transfer assets in Europe and receive funds from crime in West Africa. Recently Mr. Taylor traveled to Burkina Faso to meet with Islamist groups in that country. Most disturbing of all, Charles Taylor organized and paid for an assassination attempt against the President of Guinea earlier this year.

Peace in West Africa will not come until Charles Taylor is brought to justice for his crime and removed as a threat from the region. The Nigerian government must be shown that harboring a war criminal and a terrorist is not in their best interest. I urge the House to join me in passing this amendment and standing for justice and the rule of law in West Africa.

Mr. Chairman, I yield to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Chairman, I thank the gentlewoman from New York (Mrs. KELLY). The gentlewoman is right. Charles Taylor has been responsible for having dealings with al Qaeda and conflict diamonds. Charles Taylor was the one responsible for cutting off arms and legs of young people in Sierra Leone and in Liberia. I think the gentlewoman is right, Nigeria should return Charles Taylor so he can have a fair trial. I think the administration has a moral obligation to ask the Nigerians and get him back to go before the court.

Mrs. KELLY. Mr. Chairman, I yield to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Chairman, I rise in strong support of the gentlewoman's amendment. It is long overdue that action be taken on this criminal and mass murderer, and I hope all of my colleagues will vote for this amendment.

Mr. KOLBE. Mr. Chairman, I rise in opposition to the amendment.

The gentlewoman has raised some very important points, and I know she has done a great deal of work in this area as it relates to Charles Taylor and West Africa. There is no question it is a very troubled area, and Charles Taylor has certainly contributed to the instability in the region.

There are no funds in the legislation that deal with Nigeria, and there are a lot of circumstances around this issue that I think are difficult in the sense that the United States has played a role in all of this as to where he is at the moment. We do want this person brought to justice, and I know that is the intention of the United States.

I would hope, however, that the gentlewoman would withdraw this amendment because I believe that would be in the best interest of United States foreign policy. We will certainly work with the gentlewoman and her staff to try to resolve the situation, and work with the State Department and the gentlewoman to get a satisfactory explanation of what is being done.

Mr. LEWIS of California. Mr. Chairman, I withdraw my point of order.

The Acting CHAIRMAN. The gentleman withdraws his point of order.

Mrs. KELLY. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEARCE) having assumed the chair, Mr. GILCHREST, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1268) making emergency supplemental appropriations for the fiscal year ending September 30, 2005, and for other purposes, had come to no resolution thereon.

LIMITING AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 1268, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF, 2005

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 1268 in the Committee of the Whole pursuant to House Resolution 151, no further amendment to the bill may be offered except:

Pro forma amendments offered at any point by the chairman and ranking minority member of the Committee on Appropriations or their designees for the purpose of debate; amendment 4, which shall be debatable for 20 minutes; and an amendment by Mr. MARKEY regarding combat pay; an amendment by Mr. MARKEY regarding torture; an amendment by Mr. WEINER regarding funds to the Palestinian Authority, which shall be debatable for 20 minutes; an amendment by Mr. OBEY regarding intelligence; an amendment by Mr. FILNER regarding veterans hiring preference for reconstruction of Iraq; and an amendment by Ms. VELÁZQUEZ regarding small business.

Each such amendment may be offered only by the Member named in this request or a designee, or the Member who caused it to be printed in the RECORD or a designee, shall be considered only in the order listed, except in the case of pro forma amendments; shall be considered as read, shall not be subject to amendment except that the chairman and the ranking minority member of the Committee on Appropriations each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF, 2005

The SPEAKER pro tempore (Mr. PEARCE). Pursuant to House Resolution 151 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1268.

☐ 1810

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1268) making emergency supplemental appropriations for the fiscal year ending September 30, 2005, and for other purposes, with Mr. GILCHREST (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole House rose earlier today, the bill had been read through page 72, line 17.

Pursuant to the order of House today, no further amendment to the bill may be offered except:

Pro forma amendments offered at any point by the chairman and ranking minority member of the Committee on Appropriations or their designees for the purpose of debate:

Amendment 4, which shall be debatable for 20 minutes:

An amendment by Mr. MARKEY regarding combat pay;

An amendment by Mr. MARKEY regarding torture;

An amendment by Mr. WEINER regarding funds to the Palestinian Authority, which shall be debatable for 20 minutes;

An amendment by Mr. OBEY regarding intelligence;

An amendment by Mr. FILNER regarding veterans hiring preference for reconstruction of Iraq; and

An amendment by Ms. VELÁZQUEZ regarding small business.

Each amendment may be offered only by the Member designated in the order of the House or a designee, or the Member who caused it to be printed in the RECORD or a designee, shall be considered only in the order designated in the order of the House, except in the case of pro forma amendments; shall be considered as read, shall not be subject to an amendment, except that the chairman and ranking minority member of the Committee on Appropriations may offer one pro forma amendment for purpose of debate; and shall not be subject to a demand for division of the question.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent.

It is now in order to consider amendment No. 4 by the gentleman from California (Mr. LANTOS).

AMENDMENT NO. 4 OFFERED BY MR. LANTOS

Mr. LANTOS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. LANTOS:

Add at the end (before the short title) the following new title:

TITLE VII—HOPE AT HOME ACT

SEC. 701. SHORT TITLE.

This title may be cited as the "Help Our Patriotic Employers at Helping Our Military Employees Act" or the "HOPE at HOME Act".

SEC. 702. NONREDUCTION IN PAY WHILE FEDERAL EMPLOYEE IS SERVING ON ACTIVE DUTY IN A RESERVE COMPONENT OF THE UNIFORMED SERVICES.

(a) IN GENERAL.—Subchapter IV of chapter 55 of title 5, United States Code, is amended by adding at the end the following new section:

"§ 5538. Nonreduction in pay while serving on active duty in a reserve component

"(a) An employee who is also a member of a reserve component and is absent from a position of employment with the Federal Government under a call or order to serve on active duty for a period of more than 30 days shall be entitled to receive, for each pay period described in subsection (b), an amount equal to the difference (if any) between—

"(1) the amount of civilian basic pay that would otherwise have been payable to the employee for such pay period if the employee's civilian employment with the Government had not been interrupted by the service on active duty; and

"(2) the amount of military compensation that is payable to the employee for the service on active duty and is allocable to such pay period.

"(b)(1) Amounts under this section shall be payable with respect to each pay period (which would otherwise apply if the employee's civilian employment had not been interrupted) that occurs—

"(A) while the employee serves on active duty for a period of more than 30 days;

"(B) while the employee is hospitalized for, or convalescing from, an illness or injury incurred in, or aggravated during, the performance of such active duty; or

"(C) during the 14-day period beginning at the end of such active duty or the end of the period referred to in subparagraph (B).

"(2) Paragraph (1) shall not apply with respect to a pay period for which the employee receives civilian basic pay (including by taking any annual, military, or other paid leave) to which the employee is entitled by virtue of the employee's civilian employment with the Government.

"(c) Any amount payable under this section to an employee shall be paid—

"(1) by the employing agency of the employee;

"(2) from the appropriations or fund that would be used to pay the employee if the employee were in a pay status; and

"(3) to the extent practicable, at the same time and in the same manner as would civilian basic pay if the employee's civilian employment had not been interrupted.

"(d) In consultation with Secretary of Defense, the Office of Personnel Management shall prescribe such regulations as may be necessary to carry out this section.

“(e) In consultation with the Office of Personnel Management, the head of each employing agency shall prescribe procedures to ensure that the rights under this section apply to the employees of such agency. In consultation with the Office of Personnel Management, the Administrator of the Federal Aviation Administration shall prescribe procedures to ensure that the rights under this section apply to the employees of that agency.

“(f) In this section:

“(1) The terms ‘active duty for a period of more than 30 days’, ‘member’, and ‘reserve component’ have the meanings given such terms in section 101 of title 37.

“(2) The term ‘civilian basic pay’, with respect to an employee, includes any amount payable under section 5304 of this title or under such other law providing for the compensation of the employee by the employing agency for work performed.

“(3) The term ‘employing agency’, as used with respect to an employee entitled to any payments under this section, means the agency with respect to which the employee has reemployment rights under chapter 43 of title 38. The term ‘agency’ has the meaning given such term in subparagraph (C) of section 2302(a)(2) of this title, except that the term includes Government corporations and agencies excluded by clause (i) or (ii) of such subparagraph.

“(4) The term ‘military compensation’ has the meaning given the term ‘pay’ in section 101(21) of title 37, except that the term includes allowances under chapter 7 of such title.”.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 55 of title 5, is amended by inserting after the item relating to section 5537 the following new item:

“5538. Nonreduction in pay while serving on active duty in a reserve component.”.

(c) Application of Amendment.—Section 5538 of title 5, United States Code, as added by subsection (a), shall apply with respect to pay periods (as described in subsection (b) of such section) beginning on or after the date of the enactment of this Act.

SEC. 703. ACTIVE-DUTY RESERVE COMPONENT EMPLOYEE CREDIT ADDED TO GENERAL BUSINESS CREDIT.

(a) Addition of Credit.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following new section:

“SEC. 45J. ACTIVE-DUTY RESERVE COMPONENT EMPLOYEE CREDIT.

“(a) General Rule.—For purposes of section 38, the Ready Reserve-National Guard employee credit determined under this section for any taxable year with respect to each Ready Reserve-National Guard employee of an employer is an amount equal to the lesser of—

“(1) 50 percent of the actual compensation amount paid with respect to such Ready Reserve-National Guard employee for such taxable year while the employee is absent from employment for a reason described in subsection (b); or

“(2) $30,000.

“(b) Covered Pay Periods.—Subsection (a) shall apply with respect to a Ready Reserve-National Guard employee—

“(1) while the employee serves on active duty for a period of more than 30 days;

“(2) while the employee is hospitalized for, or convalescing from, an illness or injury incurred in, or aggravated during, the performance of such active duty; or

“(3) during the 14-day period beginning at the end of such active duty or the end of the period referred to in subparagraph (B).

“(c) Limitation.—No credit shall be allowed under subsection (a) with respect to a Ready Reserve-National Guard employee on any day on which the employee was not scheduled to work (for a reason other than such service on active duty) and ordinarily would not have worked.

“(d) Portion of Credit Refundable.—

“(1) In general.—In the case of an employer described in paragraph (2), the aggregate credits allowed to a taxpayer under subpart C shall be increased by the lesser of—

“(A) the credit which would be allowed under this section without regard to this subsection and the limitation under section 38(c), or

“(B) the amount by which the aggregate amount of credits allowed by this subpart (determined without regard to this subsection) would increase if the limitation imposed by section 38(c) for any taxable year were increased by the amount of employer payroll taxes imposed on the taxpayer during the calendar year in which the taxable year begins.

The amount of the credit allowed under this subsection shall not be treated as a credit allowed under this subpart and shall reduce the amount of the credit otherwise allowable under subsection (a) without regard to section 38(c).

“(2) Employer described.—An employer is described in this paragraph if the employer is—

“(A) an organization exempt from tax under this chapter,

“(B) any State or political subdivision thereof, the District of Columbia, any possession of the United States, or any agency or instrumentality of any of the foregoing, or

“(C) any Indian tribal government (within the meaning of section 7871) or any agency or instrumentality thereof.

“(3) Employer payroll taxes.—For purposes of this subsection—

“(A) In general.—The term ‘employer payroll taxes’ means the taxes imposed by—

“(i) section 3111(b), and

“(ii) sections 3211(a) and 3221(a) (determined at a rate equal to the rate under section 3111(b)).

“(B) Special rule.—A rule similar to the rule of section 24(d)(2)(C) shall apply for purposes of subparagraph (A).

“(e) Definitions.—In this section—

“(1) The terms ‘active duty for a period of more than 30 days’, ‘member’, and ‘reserve component’ have the meanings given such terms in section 101 of title 37, United States Code.

“(2) The term ‘compensation’ means any remuneration for employment, whether in cash or in kind, which is paid or incurred by a taxpayer and which is deductible from the taxpayer’s gross income under section 162(a)(1).

“(3) The term ‘Ready Reserve-National Guard employee’ with respect to an employer, means an employee of the employer who is also a member of a reserve component during a taxable year.”.

(b) Credit to Be Part of General Business Credit.—Subsection (b) of section 38 of such Code (relating to general business credit) is amended by striking “plus” at the end of paragraph (18), by striking the period at the end of paragraph (19) and inserting “, plus”, and by adding at the end the following new paragraph:

“(20) the active-duty reserve component employee credit determined under section 45J(a).”.

(c) Conforming Amendment.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting “or 45J” after “section 35”.

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 45I the following new item:

“Sec. 45J. Active-duty reserve component employee credit.”.

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 704. DIFFERENTIAL WAGE PAYMENTS.

(a) Income Tax Withholding.—Section 3401 of the Internal Revenue Code of 1986 (relating to definitions) is amended by adding at the end the following new subsection:

“(i) Differential Wage Payments to Active Duty Members of the Uniformed Services.—

“(1) In general.—For purposes of subsection (a), any differential wage payment shall be treated as a payment of wages by the employer to the employee.

“(2) Differential wage payment.—For purposes of paragraph (1), the term ‘differential wage payment’ means any payment which—

“(A) is made by an employer to an individual with respect to any period during which the individual is performing service in the uniformed services while on active duty for a period of more than 30 days, and

“(B) represents all or a portion of the wages the individual would have received from the employer if the individual were performing service for the employer.”.

(b) Treatment of Differential Wage Payments for Retirement Plan Purposes.—

(1) Pension plans.—

(A) In general.—Section 414(u) of such Code (relating to special rules relating to veterans’ reemployment rights under USERRA) is amended by adding at the end the following new paragraph:

“(11) Treatment of differential wage payments.—

“(A) In general.—Except as provided in this paragraph, for purposes of applying this title to a retirement plan to which this subsection applies—

“(i) an individual receiving a differential wage payment shall be treated as an employee of the employer making the payment,

“(ii) the differential wage payment shall be treated as compensation, and

“(iii) the plan shall not be treated as failing to meet the requirements of any provision described in paragraph (1)(C) by reason of any contribution which is based on the differential wage payment.

“(B) Special rule for distributions.—

“(i) In general.—Notwithstanding subparagraph (A)(i), for purposes of section 401(k)(2)(B)(i)(I), 403(b)(7)(A)(ii), 403(b)(11)(A), or 457(d)(1)(A)(ii), an individual shall be treated as having been severed from employment during any period the individual is performing service in the uniformed services described in section 3401(i)(2)(A).

“(ii) Limitation.—If an individual elects to receive a distribution by reason of clause (i), the plan shall provide that the individual may not make an elective deferral or employee contribution during the 6-month period beginning on the date of the distribution.

“(C) Nondiscrimination requirement.—Subparagraph (A)(iii) shall apply only if all employees of an employer performing service in the uniformed services described in section 3401(i)(2)(A) are entitled to receive differential wage payments on reasonably equivalent terms and, if eligible to participate in a retirement plan maintained by the employer, to make contributions based on the payments . For purposes of applying this subparagraph, the provisions of paragraphs (3), (4), and (5), of section 410(b) shall apply.

"(D) DIFFERENTIAL WAGE PAYMENT.—For purposes of this paragraph, the term 'differential wage payment' has the meaning given such term by section 3401(i)(2).".

(B) CONFORMING AMENDMENT.—The heading for section 414(u) of such Code is amended by inserting "AND TO DIFFERENTIAL WAGE PAYMENTS TO MEMBERS ON ACTIVE DUTY" after "USERRA".

(2) DIFFERENTIAL WAGE PAYMENTS TREATED AS COMPENSATION FOR INDIVIDUAL RETIREMENT PLANS.—Section 219(f)(1) of such Code (defining compensation) is amended by adding at the end the following new sentence: "The term 'compensation' includes any differential wage payment (as defined in section 3401(i)(2))".

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to remuneration paid after December 31, 2004.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2004.

(d) PROVISIONS RELATING TO PLAN AMENDMENTS.—

(1) IN GENERAL.—If this subsection applies to any plan or annuity contract amendment—

(A) such plan or contract shall be treated as being operated in accordance with the terms of the plan or contract during the period described in paragraph (2)(B)(i), and

(B) except as provided by the Secretary of the Treasury, such plan shall not fail to meet the requirements of the Internal Revenue Code of 1986 or the Employee Retirement Income Security Act of 1974 by reason of such amendment.

(2) AMENDMENTS TO WHICH SECTION APPLIES.—

(A) IN GENERAL.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

(i) pursuant to any amendment made by this section, and

(ii) on or before the last day of the first plan year beginning on or after January 1, 2007.

(B) CONDITIONS.—This subsection shall not apply to any plan or annuity contract amendment unless—

(i) during the period beginning on the date the amendment described in subparagraph (A)(i) takes effect and ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted), the plan or contract is operated as if such plan or contract amendment were in effect; and

(ii) such plan or contract amendment applies retroactively for such period.

SEC. 705. CREDIT FOR INCOME DIFFERENTIAL FOR EMPLOYMENT OF ACTIVATED MILITARY RESERVIST AND REPLACEMENT PERSONNEL.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to foreign tax credit, etc.) is amended by adding at the end the following new section:

"SEC. 30B. EMPLOYER WAGE CREDIT FOR ACTIVATED MILITARY RESERVISTS.

"(a) GENERAL RULE.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

"(1) in the case of a small business employer, the employment credit with respect to all qualified employees and qualified replacement employees of the taxpayer, plus

"(2) the self-employment credit of a qualified self-employed taxpayer.

"(b) EMPLOYMENT CREDIT.—For purposes of this section—

"(1) QUALIFIED EMPLOYEES.—

"(A) IN GENERAL.—The employment credit with respect to a qualified employee of the taxpayer for any taxable year is equal to 50 percent of the lesser of—

"(i) the excess, if any, of—

"(I) the qualified employee's average daily qualified compensation for the taxable year, over

"(II) the average daily military pay and allowances received by the qualified employee during the taxable year, while participating in qualified reserve component duty to the exclusion of the qualified employee's normal employment duties for the number of days the qualified employee participates in qualified reserve component duty during the taxable year, including time spent in a travel status, or

"(ii) $30,000.

The employment credit, with respect to all qualified employees, is equal to the sum of the employment credits for each qualified employee under this subsection.

"(B) AVERAGE DAILY QUALIFIED COMPENSATION AND AVERAGE DAILY MILITARY PAY AND ALLOWANCES.—As used with respect to a qualified employee—

"(i) the term 'average daily qualified compensation' means the qualified compensation of the qualified employee for the taxable year divided by the difference between—

"(I) 365, and

"(II) the number of days the qualified employee participates in qualified reserve component duty during the taxable year, including time spent in a travel status, and

"(ii) the term 'average daily military pay and allowances' means—

"(I) the amount paid to the qualified employee during the taxable year as military pay and allowances on account of the qualified employee's participation in qualified reserve component duty, divided by

"(II) the total number of days the qualified employee participates in qualified reserve component duty, including time spent in travel status.

"(C) QUALIFIED COMPENSATION.—When used with respect to the compensation paid or that would have been paid to a qualified employee for any period during which the qualified employee participates in qualified reserve component duty, the term 'qualified compensation' means—

"(i) compensation which is normally contingent on the qualified employee's presence for work and which would be deductible from the taxpayer's gross income under section 162(a)(1) if the qualified employee were present and receiving such compensation,

"(ii) compensation which is not characterized by the taxpayer as vacation or holiday pay, or as sick leave or pay, or as any other form of pay for a nonspecific leave of absence, and with respect to which the number of days the qualified employee participates in qualified reserve component duty does not result in any reduction in the amount of vacation time, sick leave, or other nonspecific leave previously credited to or earned by the qualified employee, and

"(iii) group health plan costs (if any) with respect to the qualified employee.

"(D) QUALIFIED EMPLOYEE.—The term 'qualified employee' means a person who—

"(i) has been an employee of the taxpayer for the 31-day period immediately preceding the period during which the employee participates in qualified reserve component duty, and

"(ii) is a member of the Ready Reserve of a reserve component of an Armed Force of the United States as defined in sections 10142 and 10101 of title 10, United States Code.

"(2) QUALIFIED REPLACEMENT EMPLOYEES.—

"(A) IN GENERAL.—The employment credit with respect to a qualified replacement employee of the taxpayer for any taxable year is equal to 50 percent of the lesser of—

"(i) the individual's qualified compensation attributable to service rendered as a qualified replacement employee, or

"(ii) $12,000.

The employment credit, with respect to all qualified replacement employees, is equal to the sum of the employment credits for each qualified replacement employee under this subsection.

"(B) QUALIFIED COMPENSATION.—When used with respect to the compensation paid to a qualified replacement employee, the term 'qualified compensation' means—

"(i) compensation which is normally contingent on the qualified replacement employee's presence for work and which is deductible from the taxpayer's gross income under section 162(a)(1),

"(ii) compensation which is not characterized by the taxpayer as vacation or holiday pay, or as sick leave or pay, or as any other form of pay for a nonspecific leave of absence, and

"(iii) group health plan costs (if any) with respect to the qualified replacement employee.

"(C) QUALIFIED REPLACEMENT EMPLOYEE.—The term 'qualified replacement employee' means an individual who is hired to replace a qualified employee or a qualified self-employed taxpayer, but only with respect to the period during which such employee or taxpayer participates in qualified reserve component duty, including time spent in travel status.

"(D) FAILURE TO MAKE DIFFERENTIAL WAGE PAYMENTS.—The employment credit with respect to a qualified replacement employee of the taxpayer for any taxable year shall be zero if the taxpayer does not make all differential wage payments (as defined by section 3401(i)(2)) for the taxable year to the qualified employee or the qualified self-employed taxpayer (as the case may be) who is replaced by the qualified replacement employee.

"(c) SELF-EMPLOYMENT CREDIT.—For purposes of this section—

"(1) IN GENERAL.—The self-employment credit of a qualified self-employed taxpayer for any taxable year is equal to 50 percent of the lesser of—

"(A) the excess, if any, of—

"(i) the self-employed taxpayer's average daily self-employment income for the taxable year over

"(ii) the average daily military pay and allowances received by the taxpayer during the taxable year, while participating in qualified reserve component duty to the exclusion of the taxpayer's normal self-employment duties for the number of days the taxpayer participates in qualified reserve component duty during the taxable year, including time spent in a travel status, or

"(B) $30,000.

"(2) AVERAGE DAILY SELF-EMPLOYMENT INCOME AND AVERAGE DAILY MILITARY PAY AND

ALLOWANCES.—As used with respect to a self-employed taxpayer—

“(A) the term ‘average daily self-employment income’ means the self-employment income (as defined in section 1402(b)) of the taxpayer for the taxable year plus the amount paid for insurance which constitutes medical care for the taxpayer for such year (within the meaning of section 162(l)) divided by the difference between—

“(i) 365, and

“(ii) the number of days the taxpayer participates in qualified reserve component duty during the taxable year, including time spent in a travel status, and

“(B) the term ‘average daily military pay and allowances’ means—

“(i) the amount paid to the taxpayer during the taxable year as military pay and allowances on account of the taxpayer's participation in qualified reserve component duty, divided by

“(ii) the total number of days the taxpayer participates in qualified reserve component duty, including time spent in travel status.

“(3) QUALIFIED SELF-EMPLOYED TAXPAYER.—The term ‘qualified self-employed taxpayer’ means a taxpayer who—

“(A) has net earnings from self-employment (as defined in section 1402(a)) for the taxable year, and

“(B) is a member of the Ready Reserve of a reserve component of an Armed Force of the United States.

“(d) Credit in Addition to Deduction.—The employment credit or the self-employment credit provided in this section is in addition to any deduction otherwise allowable with respect to compensation actually paid to a qualified employee, qualified replacement employee, or qualified self-employed taxpayer during any period the qualified employee or qualified self-employed taxpayer participates in qualified reserve component duty to the exclusion of normal employment duties.

“(e) Coordination With Other Credits.—The amount of credit otherwise allowable under sections 51(a) and 1396(a) with respect to any employee shall be reduced by the credit allowed by this section with respect to such employee.

“(f) Limitations.—

“(1) APPLICATION WITH OTHER CREDITS.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess (if any) of—

“(A) the regular tax for the taxable year reduced by the sum of the credits allowable under subpart A and sections 27, 29, and 30, over

“(B) the tentative minimum tax for the taxable year.

“(2) DISALLOWANCE FOR FAILURE TO COMPLY WITH EMPLOYMENT OR REEMPLOYMENT RIGHTS OF MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—No credit shall be allowed under subsection (a) to a taxpayer for—

“(A) any taxable year, beginning after the date of the enactment of this section, in which the taxpayer is under a final order, judgment, or other process issued or required by a district court of the United States under section 4323 of title 38 of the United States Code with respect to a violation of chapter 43 of such title, and

“(B) the 2 succeeding taxable years.

“(3) DISALLOWANCE WITH RESPECT TO PERSONS ORDERED TO ACTIVE DUTY FOR TRAINING.—No credit shall be allowed under subsection (a) to a taxpayer with respect to any period by taking into account any person who is called or ordered to active duty for any of the following types of duty:

“(A) Active duty for training under any provision of title 10, United States Code.

“(B) Training at encampments, maneuvers, outdoor target practice, or other exercises under chapter 5 of title 32, United States Code.

“(C) Full-time National Guard duty, as defined in section 101(d)(5) of title 10, United States Code.

“(g) General Definitions and Special Rules.—For purposes of this section—

“(1) SMALL BUSINESS EMPLOYER.—

“(A) In general.—The term ‘small business employer’ means, with respect to any taxable year, any employer who employed an average of 50 or fewer employees on business days during such taxable year.

“(B) Controlled groups.—For purposes of subparagraph (A), all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as a single employer.

“(2) MILITARY PAY AND ALLOWANCES.—The term ‘military pay’ means pay as that term is defined in section 101(21) of title 37, United States Code, and the term ‘allowances’ means the allowances payable to a member of the Armed Forces of the United States under chapter 7 of that title.

“(3) QUALIFIED RESERVE COMPONENT DUTY.—The term ‘qualified reserve component duty’ includes only active duty performed, as designated in the reservist's military orders, in support of a contingency operation as defined in section 101(a)(13) of title 10, United States Code.

“(4) SPECIAL RULE FOR CERTAIN MANUFACTURERS.—

“(A) In general.—In the case of any qualified manufacturer, paragraph (1)(A) of this subsection shall be applied by substituting ‘100’ for ‘50’.

“(B) Qualified manufacturer.—For purposes of this paragraph, the term ‘qualified manufacturer’ means any person if—

“(i) the primary business of such person is classified in sector 31, 32, or 33 of the North American Industrial Classification System, and

“(ii) all of such person's facilities which are used for production in such business are located in the United States.

“(5) Carryback and carryforward allowed.—

“(A) In general.—If the credit allowable under subsection (a) for a taxable year exceeds the amount of the limitation under subsection (f)(1) for such taxable year (in this paragraph referred to as the ‘unused credit year’), such excess shall be a credit carryback to each of the 3 taxable years preceding the unused credit year and a credit carryforward to each of the 20 taxable years following the unused credit year.

“(B) Rules.—Rules similar to the rules of section 39 shall apply with respect to the credit carryback and credit carryforward under subparagraph (A).

“(6) Certain rules to apply.—Rules similar to the rules of subsections (c), (d), and (e) of section 52 shall apply.”.

(b) Conforming Amendment.—Section 55(c)(2) of the Internal Revenue Code of 1986 is amended by inserting “30B(f)(1),” after “30(b)(3),”.

(c) Clerical Amendment.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end of 30A the following new item:

“Sec. 30B. Employer wage credit for activated military reservists.”.

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 706. EMPLOYER CONTRIBUTIONS TO IRAS OF CERTAIN MEMBERS OF THE UNIFORMED SERVICES.

(a) In General.—Section 3121 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(z) Employer Contributions to IRAs of Certain Members of the Uniformed Services.—Nothing in any paragraph of subsection (a) (other than paragraphs (1) and (5)) shall exclude from the term ‘wages’ any employer payment on behalf of an individual to an individual retirement plan if such payment is made by the employer to such plan with respect to any period during which the individual is performing service in the uniformed services while on active duty for a period of more than 30 days.”.

(b) Railroad Retirement.—Subsection (e) of Section 3231 of such Code is amended by adding at the end the following new paragraph:

“(1) EMPLOYER CONTRIBUTIONS TO IRAS OF CERTAIN MEMBERS OF THE UNIFORMED SERVICES.—Nothing in any paragraph of this subsection (other than paragraph (2)) shall exclude from the term ‘compensation’ any amount described in section 3121(z).”.

(c) Federal Unemployment Tax.—Section 3306 of such Code is amended by adding at the end the following:

“(u) Employer Contributions to IRAs of Certain Members of the Uniformed Services.—Nothing in any paragraph of subsection (b) (other than paragraphs (1) and (5)) shall exclude from the term ‘wages’ any employer payment on behalf of an individual to an individual retirement plan if such payment is made by the employer to such plan with respect to any period during which the individual is performing service in the uniformed services while on active duty for a period of more than 30 days.”.

(d) Withholding.—Section 3401(a) of such Code is amended by adding at the end the following new subsection:

“(u) Employer Contributions to IRAs of Certain Members of the Uniformed Services.—Nothing in any paragraph of subsection (a) (other than paragraph (12)) shall exclude from the term ‘wages’ any amount described in section 3121(z).”.

(e) Effective Date.—The amendments made by this section shall apply to amounts paid after December 31, 2004.

SEC. 707. EMERGENCY DESIGNATION.

Amounts provided pursuant to the amendments made by this title are designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (108th Congress).

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. A point of order on the amendment is reserved.

Pursuant to the order of the House today, the gentleman from California (Mr. Lantos) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. Lantos).

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, when our country is at war, and every single Member of this body is in agreement that we are at war, the first rule should be to aim for equality of sacrifice. Now we know we cannot achieve that because the people who are making the sacrifice are our men and women in the field, and particularly the ones who are wounded or lose their lives. But there is no earthly reason why we should impose on our fighting men and women in Iraq the additional burden of financial hardship for their families.

□ 1815

Some 72.000 members of our National Guard and our Reserves are suffering huge reductions in their income as a result of having been activated for military duty. My amendment would rectify this outrageous inequity. The 72.000 families which find themselves with a member of the family in the war zone are losing an average of $36.000 a year, the difference between their civilian pay and their military pay.

My amendment, by providing tax benefits to their employers, would rectify this singularly inequitable and unjust state of affairs. It would ensure financial security to the families of our fighting men and women. This issue was brought to my attention by individuals in my congressional district, firemen, policemen, teachers and others who have to undergo this financial sacrifice on top of exposing themselves to physical danger 24 hours a day. It is unconscionable that we make these brave citizens choose between their duty to our country and the welfare of their families.

I urge all of my colleagues to support this modest amendment which at least in a financial sense relieves some of the hardship on our military families. It also would deal with the problem of recruitment and retention in the National Guard and Reserves. Under present circumstances, we are losing large numbers of individuals who if they did not have this extra financial burden would enlist or re-enlist. I urge all of my colleagues to support this amendment.

Mr. Chairman, I am happy to yield 1 minute to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Chairman, I am a cosponsor of the bill. I understand this amendment is going to be withdrawn. It is subject to a point of order. It is very good. Some of our Guardsmen and Reservists have been called up twice. We are having a problem in this region whereby they are really going through a difficult, difficult time. I think the gentleman's amendment is a very good amendment. At the appropriate time, I hope it passes and becomes law.

Mr. LANTOS. Mr. Chairman, I yield 2 minutes to my friend from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Chairman, I thank my good friend and colleague from California for yielding me this time and for his incredible leadership on this important issue.

Mr. Chairman, a couple of weeks ago, six Navy Reserve Seabees prepared to depart from Worcester, Massachusetts, and 10 Marine Corps Reservists based in Worcester received their activation notice. They are now waiting to learn when and where they will be deployed. These are all too familiar events to every Member of this Chamber.

The citizen soldiers of the Guard and Reserves are fully integrated, vital components of our military force. They are essential to the success of any military operation, and they have fought and they have died wearing the uniform of this country. We are asking these brave men and women and their families, their employers and their communities to make tremendous sacrifices for us and our country. Many of them are now deployed for 12 or 18 months rather than the traditional 6 months.

This amendment recognizes this reality. We know that for every Guardsman and Reservist serving abroad, there is a family at home also making sacrifices for their country. Many of these families face a loss of income when their military pay is significantly less than their civilian pay. This pay gap forces Guard and Reservist families to pinch pennies to make ends meet. It is unacceptable that families of activated Guard and Reservists have to worry about how to put food on the table or pay the mortgage. It is unacceptable to force those families to run up their credit cards, take on extra jobs, work overtime, use their savings, borrow money, go on welfare or rely on food banks. Our soldiers have enough to worry about when they are deployed overseas. They should not have to worry about their family finances.

This amendment will help these families. It will reward those employers who are already doing the right thing by keeping their activated employees on payroll, and it will provide an incentive to other employers to join them in this patriotic service. It will also require the Federal Government to match the patriotism of the private sector by closing the pay gap for activated Federal employees. I am very proud to say that the State governments of Massachusetts and New Hampshire already make up the pay gap for State employees who have been activated by the Guard and Reserves. The Federal Government should follow their lead.

By passing this amendment, Congress can provide hope to families and communities here at home. I also hope it will provide some peace of mind to our brave men and women now serving in harm's way.

Mr. LANTOS. Mr. Chairman, I yield 2 minutes to my good friend, the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I thank the gentleman from California (Mr. LANTOS) for yielding me this time. I am a strong cosponsor of this amendment. I join with the gentleman from Virginia and the gentleman from Massachusetts. He is right on target. Employers who are paying the difference in salary and helping Reservists and National Guardsmen be able to do their duty and not suffer financial consequences should have some compensation, or partial compensation. This bill does that. The Federal Government should make up the difference when you have Federal employees who are being called up and those who are self-employed should be able to hire someone to take their place to keep the business going. There are a number of people who are self-employed who cannot keep the business going.

We have so many other problems with those in the National Guard and Reserve. They are not paid quickly what they should be when they are in Iraq. There are a lot of problems. We have had problems with equipment. My gosh, we need to deal with this.

If there is a point of order on this bill, the gentleman from California has served an important role in notifying this Congress that his bill is in this Chamber, and is before a committee. We need to have a hearing on it. I believe it is going to pass, and I think it is going to pass on a bipartisan basis sometime because it is sorely needed. I thank the gentleman for introducing this.

Mr. LANTOS. I thank my friend from Connecticut.

Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I rise very hesitantly to oppose the gentleman's amendment.

The Acting CHAIRMAN (Mr. GILCHREST). The gentleman from California (Mr. LEWIS) is recognized for 10 minutes.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

The gentleman has an amendment that is very worthy of consideration. We all know we have a difficulty with the Guard and Reserve and how they maintain their level of income that they have had or what they had before they were called up. There are incredible problems here. But the gentleman's amendment involves the authorizing arena, and we are doing everything we can in this new appropriations committee to work with our authorizing committees to try to avoid doing their work.

The gentleman, for example, is one of the truly outstanding members of the Committee on International Relations. He plays a phenomenal role in this arena. In the past, I have been very disconcerted with Foreign Ops getting into that area, that is the authorizing piece. We are trying to avoid that sort of work by the appropriations committee. In this case we are talking about major authorizing circumstances that affect the Committee on Ways and Means, affect the housing committee potentially, certainly the Committee on Armed Services. So I am very hesitant about that movement in the arena that is an authorizing responsibility.

Because of that, I am opposing the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume. I appreciate my good friend's comments. He is a great leader of the Congress and a great leader in California.

This issue will not go away. I understand that there are technical objections at this moment to my amendment. But the justice and fairness of this amendment speaks for itself. It is an outrage to have men and women called up for active duty and have their families lose their homes and not be able to put food on the table because of the differential between their previous civilian pay and their current military pay. There is no Member in this body who can approve of such a circumstance.

It is my intention to revisit and have this body revisit my legislation; but at the present time, I respectfully request unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The Acting CHAIRMAN. It is now in order to consider the second amendment listed in the order of the House of today.

AMENDMENT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MARKEY:

At the end of the bill (before the short title), insert the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. (a) None of the funds made available in this Act may be used to implement any regulation reducing the total amount of monthly military pay for a member of the Armed Forces who is wounded or otherwise injured while assigned to duty in an area for which special pay is available under section 310 of title 37, United States Code, below the amount in effect for the member when the member was wounded or otherwise injured.

(b) The limitation in subsection (a) shall cease to apply with respect to a member described in that subsection as of the end of the first month during which any of the following occurs:

(1) The member is found to be physically able to perform the duties of the member's office, grade, rank, or rating.

(2) The member is discharged or separated from the Armed Forces.

(3) The member dies.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of today, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume. As preposterous as it sounds, today members of the armed services who are wounded in battle have their pay cut the moment they are evacuated from a combat zone after they have been wounded and they are fighting for their lives in a hospital bed. A pay cut is not, in my opinion, my idea of support; and it most assuredly is not what the wounded soldier thinks of as support.

The amendment I am proposing is intended to remedy this situation. It places a restriction on the supplemental appropriations funds to end this unjust practice. Essentially, this amendment will no longer allow the special hazardous duty pay to be cut for our wounded troops when they are evacuated from a combat zone. Instead, the special pay rates that they were receiving prior to their injury will be continued while the member recovers in a hospital. These pay rates will continue until the soldier either is reassigned to duty, discharged from service, or succumbs to his or her wounds.

The cut in pay comes at the exact moment when severely wounded members are evacuated for medical treatment and leave the combat zone. I know this because my constituent, James Crosby, was wounded last year in Iraq.

On March 18, 2004, James was wounded by enemy fire while riding on the back of a U.S. military vehicle in Iraq. A rocket fired at the vehicle killed the driver and injured two Marines, including James. A piece of shrapnel pierced James's side and penetrated his intestines and spine, paralyzing him from the waist down. James's pay was immediately cut when he was transported out of the combat zone in Iraq. He was discharged from the hospital in August and from active duty in September. Unfortunately, James's story is the story of many more soldiers serving in Iraq and Afghanistan, struck down by hostile fire or mortars or improvised explosive devices.

Soldiers who would never leave a wounded comrade unattended on the battlefield suddenly find themselves in a hospital bed fighting for their lives. They have been separated from their unit, they are distressed about their condition, about what it means for the future, about suddenly being ripped from their unit by a mortar shell, about being helicoptered away from a very special group that had promised to protect each other come hell or high water. Now they are in the hands of people who made no such pledge, and the first thing the soldier learns is that his pay is being cut. I cannot imagine a more unambiguous way of telling that soldier that he or she is not as valuable today as yesterday.

Some have said to me, these are special pays for special purposes. We cannot be extending them indefinitely. There are two answers to this: one, my amendment would not extend them indefinitely, only to the point where the soldier has recovered and been reassigned or discharged; and, two, the Congress has already recognized the principle that combat pay should be extended to the wounded soldier in the hospital. It did so in the case of the combat pay tax exclusion which exempts combat pay from taxation until the soldier is discharged from the hospital.

I would hope that this body would accept my "do no harm" amendment.

□ 1830

Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The Acting CHAIRMAN (Mr. GILCHREST). The gentleman from California (Mr. LEWIS) is recognized for 5 minutes.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, the gentleman from Florida (Chairman YOUNG) and I discussed this amendment. We last year talked about it, but we have gotten serious this year about it because he brought to our attention a real problem, not on this individual but of these folks coming out of Iraq who are losing this money at a critical time in their lives. We are going to look at it and try to figure out what we can do. With the chairman's cooperation, hopefully we will be able to figure something out to take care of these people, the ones who are severely wounded because financially they are really hurting when they come out of there. He and I have both seen them at the hospitals. We know how hurt they are, but when they lose their financial resources, it hurts the families. So if the gentleman will withdraw his amendment, we will do everything we can to work this thing out.

Mr. LEWIS of California. Mr. Chairman, reclaiming my time, let me respond by saying that the gentleman from Florida (Mr. YOUNG) had to leave this evening. Because of that he is not here to interact regarding this amendment. I understand that what the gentleman from Pennsylvania has described is exactly my chairman's feeling. And, frankly, I appreciate the gentleman's willingness to cooperate.

Mr. MARKEY. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, I thank both gentlemen for their statements. It is my intention to try to work in a way in which we can find a way to guarantee that once someone has been shot and taken out of the combat zone that their benefits are not cut. The irony is of course if they are shot but not seriously wounded and they stay in Iraq, they do not lose any of these benefits. It is only the most serious who lose the benefits. I would like to be able to work with them.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Acting CHAIRMAN. It is now in order to consider the third amendment from the gentleman from Massachusetts (Mr. MARKEY).

AMENDMENT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MARKEY:

Page 72, after line 17, insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 7001. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code.

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and any regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

The Acting CHAIRMAN. Pursuant to the order of the House today, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, I yield myself 1 minute.

The amendment I am offering today simply reaffirms the United States' commitment to the Convention against Torture. The United States signed this treaty under President Reagan, and the Senate ratified it in 1994. Despite our commitments under this treaty and the recent statements made by the administration emphasizing that the United States is emphatically and unambiguously against the use of torture, reports keep growing of the United States sending detainees to countries where they are likely to face torture, including countries notorious for human rights violations, including Syria, Uzbekistan, and Egypt and other countries. My amendment will just restate existing law so that this body is put on record taking the position which Ronald Reagan did in his negotiation of the Convention against Torture.

Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I ask unanimous consent to claim the time.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The Acting CHAIRMAN. The gentleman from California (Mr. LEWIS) is recognized for 5 minutes.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

I took this position on this amendment because I do not want to rise in opposition to the amendment. As the gentleman suggested, it is a restatement of existing law. I think it is appropriate for us to consider it in that connection, and, further, I would like to say to the gentleman that the Chair is inclined to accept the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER), the cosponsor of this amendment.

Mr. BLUMENAUER. Mr. Chairman, I thank the gentleman for yielding me this time.

I appreciate his leadership on this issue, and I appreciate the chairman of the committee being willing to accept the restatement of existing law.

But I think it is important for this Chamber to acknowledge that there is a scandal brewing. The news accounts make clear what our committee system has not yet focused in on. There are, in fact, numerous cases that are being brought forth of torture and the horrendous practice of our sending people to other countries after we have kidnapped them knowing that these suspects are going to be tortured.

There are reasons that we are against torture. There are moral reasons. There are legal reasons. There is the fact that it is not a good way to get intelligence information and that it taints any legal proceedings that we may have against suspected terrorists. There is a selfish reason, that it puts Americans at risk. We do not want to show the world that it is acceptable treatment of civilians or people in the military that they be tortured.

We have been trying to get Congress to do its job in oversight in this area, to investigate, so that we do not have to rely on journalists and nongovernment organizations but that Congress steps forward, that we understand and are held accountable. Until Congress takes its responsibilities seriously to investigate what is going on and, if there are abuses, to hold people accountable, I join my colleague in supporting this amendment because it is the best we can do.

But I want to make clear that it is not good enough and that every Member of this assembly ought to be clamoring for the appropriate committees to exercise appropriate oversight to make sure that we are not complicit in the abuse and terror and torture of other people.

Mr. MARKEY. Mr. Chairman, I yield myself the balance of my time.

Throughout United States history, we have been the world's moral and political leader. One of the things that really strengthened our hand at Nuremberg was that in turn the Germans could not make a case that we had engaged in the kind of human rights violations that the Nazis had engaged in. It made the trials at Nuremberg a moral statement about the United States and our view of the way in which war should be conducted.

This debate that we are having is intended on ensuring that we restate that commitment. We cannot have Uzbekistan, we cannot have Syria dictating what the standards are for our country. We cannot take prisoners within our control, put them on planes, and have them flown to other countries where whatever standards exist in that country dictate whether or not and what kind of torture will be engaged in.

The statement which we are making today on the floor will be to once again reassert this Congress' complete commitment to the Convention against Torture. I think it is important at this time that we once again make this point because the rest of the world looks to us as the moral leader and it is important for us in act as well as in word to uphold that standard.

Mr. Chairman, I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) will be postponed.

The point of no quorum is considered withdrawn.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am simply filibustering here for the moment until we get the next person here to offer an amendment, and I hope that he arrives quickly. But let me simply say what we are trying to do is to proceed as far as we can in finishing this bill tonight, and we hope that we have the cooperation of every Member so we can do that.

There may be at least one amendment that has to go over until tomorrow along with final passage, but we would hope to minimize that so that we take up as little time as possible tomorrow with this bill. For anyone who is interested, that is what we are trying to do tonight.

Mr. Chairman, I yield to the gentleman from Pennsylvania (Mr. MURTHA) who wants to brag a bit on his section of the bill.

Mr. MURTHA. Mr. Chairman, I just want to talk about how good the Defense portion of this bill is, and I was disappointed we lost the embassy vote, and hopefully we will be able to repair that. But let me say that the members of the Defense Subcommittee went out to bases all over the country. We have all kinds of shortages. We added $1.8 billion to this bill to take care of things like spare parts, small arms, mortars, things that one would expect that they would have. We not only have shortages overseas and equipment that is worn out overseas, we have Reserve and National Guard units that are actually going to the major bases like Fort Bragg and having to rehabilitate that equipment.

One of the reasons we put in $7 billion for rehabilitation of equipment was because of what we found out in the field. We think it is absolutely essential to get the Army back in shape so that when these units are called up they have the right equipment when they train, and when they go overseas they have the right equipment.

So I would hope everybody would vote for this bill.

Mr. OBEY. Mr. Chairman, reclaiming my time, while the gentleman is getting ready to proceed, let me make one other point with respect to the Lantos amendment. We have done our best to expand benefits to servicemen and women who have been killed in the line of duty. I think there is still one gaping hole. For someone who is seriously injured in Iraq or Afghanistan whose ability to obtain gainful employment may be permanently impaired because of what happened to them in combat. I think that we really need to think through how little this country does for people in those situations. It just seems to me that especially given the fact that we do not have a draft today and given the fact that so many people go into the service in order to be able to save some money so they can go to college, I think the sacrifice that people are called upon to make falls very unevenly in this society, and we have to do much more to see to it that those persons who do pay a major price because they could not afford to go to college without first going into service, for instance, I think that we need to do much more to provide enhanced benefits for them and for their families and for their children.

The Acting CHAIRMAN. It is now in order to consider the fourth amendment listed in the order of the House of today.

AMENDMENT OFFERED BY MR. WEINER

Mr. WEINER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WEINER:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 7001. None of the funds made available in this Act may be used for assistance to the Palestinian Authority or for programs, projects, and activities in the West Bank or Gaza.

The Acting CHAIRMAN. Pursuant to the order of the House today, the gentleman from New York and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Chairman, I yield myself such time as I may consume.

I thank the chairman of the subcommittee and the ranking member of the full committee for stalling a bit while I prepared.

This amendment is very simple. It simply says that we should not allocate at this moment in time any aid to the Palestinians.

☐ 1845

We have a history in this Congress of lurching forward at the first sign of any optimistic sign, and I freely concede that this is such a moment in the Middle East. We, the taxpayers, are the first to put money on the barrel head: $612 million up to now, including $20 million in direct aid to Prime Minister Mahmoud Abbas. If the name sounds familiar, it is because the $20 million was not offered and proposed during this administration of Mahmoud Abbas. It was the last time. That money went in direct aid, and it is now gone.

We have a tendency all too often to want to wish things to go well in the negotiations between the Palestinians and the Israelis, and the way we express that wish as taxpayers is by essentially giving money and more money and more money.

There is no doubt in my mind that we in the United States have an important role to play here in the peace that hopefully will ensue. But what we should be doing is offering money based on performance, money based on transparency, money based on democratization, money based on furtherance of U.S. interests.

We are offering this money now, and it is tied to nothing. There does not have to be compliance with the road map. There does not have to be compliance with past agreements. There does not have to be any type of democratic reform, and there does not have to be any type of transparency.

You know, I am not the first to say this. The IMF acknowledged in 2004 that $900 million, $900 million in funds that went to the Palestinian Authority were not unaccounted for.

Now, the funds we provide do not go to the Palestinian Authority except for the $20 million I referenced earlier. They go to NGOs in the region. But I will argue to you that just the same way we would not fund an NGO in Iran or North Korea until we started to see some dramatic change in behavior, we should not do it here either.

What we should do is we should pass my amendment. The committee should return to the administration and say look, we want to be participants in this peace process as well. Here is what we will do. Rather than $200 million now at the front end, we will say $25 million. At the end of the year, if you have complied with the road map towards peace that the President has laid out, we will put in another 50 or another $75 million. If after a year and a half there seems to have been 100 percent effort to cut down on violence, not the nonstop falling of Kassam rockets that is going on now, then maybe we do another $50 million or another $75 million, essentially using the money as a reward for the type of activity that the United States and our taxpayers want.

Now, no one could argue that today, despite the changes in the Middle East, ones that, frankly, have me optimistic, no one could argue that Mahmoud Abbas has shown 100 percent effort to end violence. No one could argue that the Palestinians now have transparent government. No one could argue first and foremost that they can show us where the $900 million that the IMF said had been absconded, where it has gone.

I am not saying do not provide aid. I am saying that this is the least beneficial way to do it. You give them $200 million. If tomorrow we learn that the Palestinian administration has not lived up to its commitments, then we will have lost the money.

Now, let me conclude before I reserve my time with this thought. You know, this is not the first time we have been in this pattern. We can learn a little something. At the Wye River Accord we put in money. Wye River went away. The Israelis walked away from it because the Palestinians violated it. Our money was still going.

The Oslo Accords the same way. U.S. dollars were going long after the Oslo Accords had run aground. The Tenet plan, the Mitchell plan, the road map to peace. You know, we forget that $20 million in direct aid went to the Palestinians and the same exact arguments that my good friend, the gentleman from Arizona, is going to make here today were made then. These are optimistic times. There is a new administration. We need to foster, we need to encourage it. I do not dispute that. The only question is do we put the money on the barrel head first, or do we wait till later.

And one final point. You know, the Israeli position I do not really know on this issue. And frankly I do not care. Lobbying organizations on behalf of the peace process, that is not what this is about. This is about taxpayer dollars and how they are most wisely spent.

Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, I rise to claim the time in opposition

The Acting CHAIRMAN (Mr. GILCHREST). The gentleman from Arizona (Mr. KOLBE) is recognized for 10 minutes.

Mr. KOLBE. Mr. Chairman, I yield myself 4 minutes. Mr. Chairman, I do rise in very strong opposition to this amendment. I cannot think of an amendment that could send a worse message to the Middle East. For the first time in years, we have prospects, real prospects for peace in the Middle East with the change in the leadership of the Palestinian Authority. We are still a long ways away from having a lasting peace or a just peace. But we have the best prospects we have had in years, some would say even in decades.

We have a responsibility to do everything we can to help Mr. Abbas, Prime Minister Abbas secure stability in his territories. I cannot think that anybody in this body would want to look back a few months or a few years from now knowing that we had adopted an amendment like this which would absolutely cut off at the knees the opportunity to bring peace to the Middle East. But make no mistake about it, that is exactly what the amendment offered by the gentleman from New York would do.

But I am glad in a way that this amendment is offered because it gives me an opportunity to describe some of the points in our bill that I think make it such an excellent approach to the issue of assistance to the Palestinians. I know there is a lot of concern, as our subcommittee has had, about how this money has been spent over the years, that none of our assistance be used for subversive purposes to support terrorist activities.

To protect against such a thing as that happening, USAID is already required to certify that its contractors are not affiliated with any terrorist organization and our assistance is not being used in any way that might support terrorism. The committee recommendation strengthens those protections by requiring the GAO, the General Accounting Office, to audit our assistance program, our assistance program. And that audit is going to help us make sure that these protections work properly.

But we have gone even further than that. We have set aside $5 million to be paid for an audit of the Palestinian Authority's financial system by an independent, internationally recognized accounting firm so we can begin to get to the bottom of how some of these monies are being spent, have been spent in the past.

And I know that the finance minister of the Palestinian Authority is very anxious to have this independent audit because he believes it will reveal where some of the money has been misallocated in the past by Mr. Arafat and some of his people.

Finance Minister Fayad has already been working with the World Bank to develop a list of organizations that might be used to do this accounting. The committee's recommendation directly addresses the concerns of those who do not want money to go directly to the Palestinian Authority. It prohibits any of the money, as the gentleman did say, prohibits any of the money from going directly to the Palestinian Authority. But it also addresses, I think, the concerns that we have about taking away the flexibility of the administration to provide funding to Prime Minister Abbas's government as the administration did for the Arafat regime. To do that would send precisely the wrong message at this point.

The compromise that we have in the language preserves the administration's ability to provide a waiver for the $75 million that is in the fiscal year 2005 legislation, but removes the Presidential waiver authority to do so with this $200 million provided in this legislation.

I say to my colleagues, this would harm the people of the Palestinian territories, but it goes even further than that. It harms the chances for the people of Israel to have a lasting peace. I am not sure if the gentleman from New York is aware that this would cut out $50 million that goes to strengthen the border crossing points for Israel, because it prohibits funding for any programs or activities in the West Bank or Gaza. It would cut out the money we are providing here to strengthen the border crossings between Israel and the Gaza and the West Bank.

It is exactly the wrong signal that we would be sending. It would erode the hope that we have for a stable peace in that region. I certainly urge my colleagues to vote against this amendment and to defeat it soundly.

Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I thank the chairman for yielding me time, and I rise in strong opposition to the amendment.

I understand many of the points that my colleague and friend from New York was making, but I think it is clear from the comments of the gentleman from Arizona (Chairman KOLBE) on how we crafted the bill that I think we address almost every point the gentleman is making.

I feel very strongly that we have to take this opportunity to work with the Palestinians and work with the Israelis to try and move towards a peaceful settlement. We have heard Rabin say, "You don't make peace with your friends; you make it with your enemies." I can remember Barak, and he would say to us very clearly, "Trust, but verify."

I think there is clear language in this bill that verifies what we are doing in order to provide the assistance to the West Bank and Gaza program.

I have felt that the prospects for peace in this region and for the ultimate security of Israel depend on bringing economic stability to the West Bank and Gaza. Just to repeat, these additional funds will be used for infrastructure development, democracy and government, health care and education; and as my chairman mentioned, $50 million of the $200 million is for improving the flow of goods and people into Israel with appropriate safeguards. The funds will be spent with Israel's direct input to facilitate both access and security between the West Bank and Gaza.

The safeguards were mentioned by the gentleman from Arizona (Chairman KOLBE). Language has been included calling for a GAO audit of the $200 million. The committee has specified how the funds should be spent, required a financial plan that we will approve prior to funds moving forward; and in addition, an amendment was adopted in committee which calls for a separate report on progress on dismantling terrorism, an audit of the Palestinian Authority, and a prohibition, a clear prohibition, on direct funding of the Palestinian Authority with this $200 million.

So, again, I would express my strong opposition. I do think it signals exactly the wrong message if we want to cut off these funds. I hope that my colleagues in the Congress will support the gentleman from Arizona (Chairman KOLBE) in opposing this amendment, and I hope we can move forward and make sure that all the dollars are audited appropriately and that we can take this step to work with both the Palestinians and the Israelis in moving the peace process forward.

Mr. WEINER. Mr. Chairman, I yield myself such time as I may consume.

Let me first of all say to the gentleman, the chairman of the subcommittee, there are no two stronger supporters of Israel in this Congress; but I have to tell you, I can practically write your remarks, because I heard them after Wye River, I heard them after Oslo, I heard them after the Tenet Plan, I heard them after the Mitchell Plan, and I heard them after the road map. And I will summarize them this way: there is never a good time to change our policies on funding the Palestinians.

It is always an optimistic time when we begin these negotiations. I do not deny it. And I am not saying do not engage in them. I am saying let us use the U.S. tax dollars in a smarter way. Let us say, why give them $200 million and then say, okay, go off and do the best you can. Why not say give them 10 percent now, 50 percent later on. We incentivize other activities in Congress. Why not do that one?

By the way, I know all about the USAID restrictions. I know about them, because you wrote them last time, and they were very, very tough. They said you cannot get a single dime, a single shekel, unless you agree that you will not support terrorism. You know what? They would not sign. A lot of these NGOs would not sign that document until the gentlewoman from New York went back and said, well, you better believe you are going to have to sign it, and then the negotiations began.

As to the notion that this one adds, well, now we are not just going to have restrictions, but we are going to have an audit, I have to tell you it is kind of like saying let us invest in Enron because there is a strong audit going on.

Maybe the smarter thing to do would be to say this: let us have the audit. Let us see if the new finance chairman is up to snuff. Let us see if Mahmoud Abbas really can delivery, and then give them more and more incentives to continue to comply with their agreements.

Why is that so counter to what we do around here? We demand that type of accountability everywhere else. It is not as if they have a good record. Every single time we have invested, we have looked back and said, well, that is another $100 million; oh, that is another $50 million.

Well, we were so optimistic. I am optimistic too, but it is deja vu all over again.

□ 1900

I am not saying do not be engaged. I am not saying do not have peace. I am not saying do not negotiate. I am not saying do not make concessions. I am not saying stay on the sideline and do not do anything. I am saying if we are going to spend United States tax dollars, let us not keep engaging in the same activity over and over again expecting to get a different result.

Mrs. LOWEY. Mr. Chairman, will the gentleman yield?

Mr. WEINER. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, I would just like to stress again, we know that this is tough. We know this is not easy or there would have been peace a long time ago.

And if Sharon is willing to work with Abu Mazen and if he is willing to work with the Palestinian Authority, we feel we have to take risks for peace but not risks for just throwing the dollars. If you look at this bill carefully, and I know the gentleman has, there are very clear auditing guidelines. There is a clear requirement for a plan.

It is not as if we are going to say, here, here is the $200 million because we respect the fact that there have been many failures in the past. But in my judgment, if the Israelis want peace, if Sharon is willing to work with the Palestinians and take these risks, then we should be willing to do it with appropriate accountability and auditing.

Mr. WEINER. Reclaiming my time, first let me say, Sharon has his constituents, Abu Mazen has his and I have mine. My constituents, frankly, it is their tax dollars we are investing here. This is not Israeli policy we are talking about. They have to pursue it the best they can and hopefully it works out this time. I am not talking about the Palestinian allocation.

I am talking about the fact that I have heard this song before. I have heard we have tough restrictions. As the gentlewoman knows, we thought we wrote the perfect ones in the bill last time, requiring them to sign. We will certify not a single dollar goes to a terrorist organization. We had to fight kicking and screaming to get these organizations to sign these documents. It is our money. And all I am saying is let us stage it. Let us phase it in. Let us make it based on incentives. It did not work any other way.

By the way, I point out every negotiation that the Palestinians and Israelis have engaged in, that is the way they did it. In Oslo they did not say, here is everything. In Oslo they say, you do A, we will do B. You do C, we will do D. What do we do? We walk up to the plate. We are so eager for peace, and we all are, we are so eager to show that we are committed to it, we put the dollars out there without my incentivization on it.

I think that nothing is more symbolic. With all the talk about the audit and the USAID restrictions, nothing is more symbolic. The headlines will read tomorrow, Congress allocates $200 million to Palestinian projects.

I think what it says is, Congress allocates $25 million and says $175 million are there if things go well.

Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, I rise in strong opposition to this amendment.

This amendment will only hurt the Palestinian people. It will harm Israel security and undermine our own national interests.

The Arafat era is over. In contrast to the partners in the previous agreements, Palestinians have a new president, Mahmoud Abbas, who was chosen in a free and fair election. His government has instituted excellent financial reforms. His security efforts are paying off and have gained the praise of Prime Minister Sharon.

We must strengthen and empower the new Palestinian government. President Bush has requested this aid package to help fund a number of critical humanitarian and infrastructure projects. Israel's safety and security will only be assured if the new Palestinian leadership gains credibility with its own people, and that is why the Israelis support this aid package.

That is why many pro-Israeli-American groups support it as well. In fact, a number of national Jewish organizations would like Congress even to put fewer restrictions on the aid bill than the bill contains.

I urge a "no" vote on the Weiner amendment.

Mr. KOLBE. Mr. Chairman, I reserve the balance of my time. The committee has the right to close.

Mr. WEINER. Mr. Chairman, I yield myself such time as I may consume.

We have had this conversation about process here, but let us not ignore the realities on the ground. As much as Abu Mazen has said many of the right things, let us remember what happened in those elections in Gaza, 77 of 118 seats were won by Hamas. 77 of 118 seats were won by Hamas.

Now why is that significant? Democracy, sometimes you get what you want, sometimes you do not. But let us remember what Hamas has said. They have publicly announced they will not abide by any ceasefire negotiated by Abu Mazen. Now, Abu Mazen is the one that we have referred to here. Mahmoud Abbas is who we have referred to here as the new partner for peace.

The gentlewoman who just spoke has said the Arafat era is over. The Abu Mazen period has just begun. Let us not make our investment a foolish one.

Mr. KOLBE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me use the closing moments to correct a couple of things that were said. There was a statement made by the gentleman from New York (Mr. WEINER) and I do appreciate his statements about the support that the gentlewoman from New York (Mrs. LOWEY), my ranking member, and I have given over the years to Israel because we certainly strongly support the Israeli state in not only its creation but its protection and its security.

The gentleman made the statement that we would not think of funding

NGOs in some countries, the gentleman said something like Iran, and I would add we do have NGOs that we work with in countries like Iran and Zimbabwe and other countries like that. We work with NGOs because there we can be sure the money is not flowing into the government. That is exactly what we are doing here with funds for the Palestinian people. This money goes to projects. It does not go to the Palestinian Authority.

The gentleman made the statement, he said we should provide these funds incrementally. We should spend the money in increments. But the fact of the matter is the gentleman's amendments would not allow you to do that. The gentleman's amendment says none of the funds may be spent in the West Bank or in the Gaza area. So even if they did comply with all of the requirements, none of the money still could be spent. So there is no way that you could possibly reword this.

Yes, the gentleman is right that we have had high hopes after other discussions after the Oslo agreement and after the Wye Accords. We had high hopes at that time and they have been dashed. But the money that we allocated at that time, none of that was ever given to the Palestinian Authority. It was given in terms of projects of what we wanted to do to try to provide the carrot. It may not have worked but it was not money that was lost either.

So the gentleman is simply saying that we have less confidence in this new Palestinian Authority leadership than we did in the leadership of Arafat. That certainly makes no sense whatsoever. For us to deny any of these funds to be used to help bring about a peaceful settlement now would be absolutely the wrong thing for us to do.

I would urge my colleagues to reject this amendment. We have good reporting requirements in the legislation. We have restrictions on how funding can be used. It cannot go to the Palestinian Authority. It goes for projects. It goes through NGOs. But we want to send the right signal, the right signal to Israel, and the right signal to Palestinians, that we believe together they can work to achieve a peaceful settlement. Then the U.S. we will be there as a partner in achieving this peaceful settlement.

I urge my colleagues to reject this amendment so that peace may have a chance of coming to the Middle East.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. GILCHREST). The question is on the amendment offered by the gentleman from New York (Mr. WEINER).

The amendment was rejected.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have made considerable progress on this bill today. There has been great cooperation on both sides of the aisle. I must say the membership has been very positive in their discussion and very helpful to one another.

As the chairman may know, there are dinners that are going on tonight that affect both sides of the aisle and there are still a number of Members who would like to participate in same. Because of those circumstances and because we can finish our work very easily tomorrow morning, there are minor amendments to be expeditiously handled.

Mr. Chairman, I move the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KNOLLENBERG) having assumed the chair, Mr. GILCHREST, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1268) making emergency supplemental appropriations for the fiscal year ending September 30, 2005, and for other purposes, had come to no resolution thereon.

BLUE DOG COALITION 12-STEP BUDGET REFORM PLAN

(Mr. COOPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. COOPER. Mr. Speaker, this week the House of Representatives will pass a budget for the United States of America, $2.6 trillion. Whatever budget passes this House should include the Blue Dog Coalition's reform measures. These measures have been praised by groups as diverse as the Concord Coalition, the Heritage Foundation, the National Taxpayers Union, Citizens Against Government Waste, Taxpayers For Common Sense and, Centrists.org.

What is in this package? It is basically a 12-step plan. That is right, a 12-step plan to get our Nation off its drunken deficit binge. We need to take serious measures here such as a balanced budget amendment to the Constitution, such as real PAYGO, such as the simple step of requiring we have a cost estimate of every bill that comes before this House.

There is too much unaccountability here. We need to make sure that Members are held accountable. Our deficit is perhaps the gravest national threat that we face. This should be done on a bipartisan basis and whatever passes this House should have the Blue Dog Coalition reform measures in it.

Blue Dog Coalition—Praise for the 12-Step Budget Reform Plan

"The budget reform package introduced by the House Blue Dog Coalition is a credible, balanced package that offers the potential for bipartisan agreement on meaningful reforms. Many of the proposals in the package have bipartisan support or have received bipartisan support in the past."—Ed Lorenzen, Centrists.org

"The Blue Dogs deserve credit for putting out a strong, serious proposal to restrain runaway spending. Taken together with the Republican Study Committee's similar proposal and Administration initiatives, this proposal represent a growing bipartisan consensus that sanity must and can be restored to the federal budget process."—Brian Reidl, Heritage Foundation

"I'm pleased there seems to be a mounting consensus on Capitol Hill that spending is out of control and something must be done. . . . The Blue Dogs have provided 12 ideas to bring more order to the budget process."—Tom Schatz, Citizens Against Government Waste

"[W]ith the Blue Dog Democrats now offering serious ideas on how to change the course of our fiscal ship, conditions are ripe to make desperately needed bipartisan repairs to the faulty rudder that has been steering the budget process into a sea of red ink . . . Taken as a whole, the Blue Dog proposal moves the debate over budget reform forward."—Tad DeHaven, National Taxpayers Union

"Taxpayers for Common Sense Action applauds the Blue Dog Coalition's 12-step plan to cure our nation's addiction to deficits. The first step to overcoming any addiction is to admit you have a problem. Congress and the President can take their first strides toward budgetary recovery by enacting many of these proposals immediately."—Jill Lancelot, Taxpayers for Common Sense

Blue Dog Coalition—Praise for the 2004 Budget Enforcement Bill

"The Concord Coalition strongly supports the Blue Dog Coalition's call for a tough new budget enforcement law . . . We are particularly pleased that the budget enforcement plan the Blue Dogs have put forward would restore statutory caps for discretionary spending and the original pay-as-you-go requirement for entitlement expansions and tax cuts."—Bob Bixby, Concord Coalition

Blue Dog Coalition—12-Point Reform Plan for Restoring Fiscal Sanity

1. Require a balanced budget.—Blue Dogs support a Constitutional amendment to require a balanced budget every year except in times of war or national emergency.

Blue Dogs believe a Balanced Budget Amendment is the only way to ensure fiscal discipline in Congress.

The Blue Dog Balanced Budget Amendment would require a three-fifths vote of both the House and Senate to increase the debt limit or to waive the balanced budget requirement.

In addition, the Blue Dog Balanced Budget Amendment protects Social Security from benefit cuts and forbids increases in Social Security payroll taxes in order to balance the budget.

2. Don't let Congress buy on credit.—Thanks to irresponsible spending, our nation's budget deficit in 2004 was the largest in recorded history—$413 billion. Blue Dogs want to restore the budget rules that Congress once lived by, including, most importantly, "pay-as-you-go" budgeting.

Known as "PAYGO," this means that any new spending must be paid for by cuts in other programs or by new revenues. Restoring PAYGO will end irresponsible deficit spending and put our nation back on track toward fiscal responsibility. The Blue Dog budget package would extend PAYGO rules through 2010.

3. Put a lid on spending.—From 2001 to 2003, total government spending soared by 16 percent. Blue Dogs want strict spending caps to slow the growth of runaway government programs. Blue Dogs propose holding the line on discretionary spending for the next three fiscal years at 2.1 percent—the percentage increase proposed this year in the President's fiscal 2006 budget.

4. Require agencies to put their fiscal houses in order.—According to the Government Accounting Office, 16 of 23 major federal agencies can't issue a simple audit of their books. Worse, the Federal Government can't account for $24.5 billion spent in 2003. Government auditors should be doing a better job of tracking taxpayer dollars. Blue Dogs propose a budget freeze for any federal agency that can't properly balance its books.

5. Make Congress tell taxpayers how much they're spending.—Many spending bills slide through Congress on a voice vote with no debate and many members vote on bills without knowing their cost. Blue Dogs propose that any bills calling for more than $50 million in new spending must be put to a rollcall vote.

6. Set aside a rainy-day fund.—Under current law, almost any spending can be designated an "emergency," and so-called "emergency spending" has turned into a giant loophole for non-emergency spending. Blue Dogs propose closing this loophole by defining emergency and requiring Congress to have a separate vote on items that are designated "emergency" spending. Blue Dogs also propose creating a rainy-day fund—something that 45 states currently do.

7. Don't hide votes to raise the debt limit.—Current House rules allow for automatic increases in the debt limit if Congress passes a budget resolution that increases the public debt. Since its establishment in 1980, this rule has been used to shield as many as 12 separate increases in the debt limit from a vote. Blue Dogs believe that increases in the public debt limit shouldn't be hidden from public view Blue Dogs propose to change the current rules so that every increase in the public debt limit must be subject to a rollcall vote.

8. Justify spending for pet projects.—Every year, Congress spends billions on wasteful pork-barrel projects, such as $50 million for an indoor rainforest in Iowa and funding for the Paper Industry International Hall of Fame.

Since 1991, Congress has spent $185 billion on pet projects for members of Congress, and in fiscal 2004 alone, pork-barrel spending totaled $22.9 billion.

While many of these projects may be worthy of taxpayer support, many are not. Blue Dogs propose that members of Congress must provide written justification, available to the public, of any earmarked spending for pet projects.

9. Ensure that Congress reads the bills it's voting on.—Over the past few years, some of the largest spending bills in American history have been voted on after only a few hours of consideration. For example, the Medicare prescription drug bill, now estimated to cost $720 billion over the next ten years, went to a vote barely a day after the final version of the 500 + page bill was made available to members of Congress. Blue Dogs propose that members of Congress should be given a minimum of three-days to have the final text of legislation made available to them before there is a vote.

10. Require honest cost estimates for every bill that Congress votes on.—Both taxpayers and members of Congress should be aware of the price tag for any legislation passed by Congress, and there are no current requirements that bills be accompanied by an honest and objective estimate of their fiscal impact. Blue Dogs propose that every conference report and bill that comes to the floor of the House be accompanied by a cost estimate prepared by the nonpartisan Congressional Budget Office (CBO).

11. Make sure new bills fit the budget.—The Budget Committee can play an important role in making sure that new legislation passed by Congress lives within the rules agreed upon by Congress in the annual budget resolution.

Blue Dogs propose that the Budget Committee strengthen its oversight role by preparing budget compliance statements for every bill that is reported out of committee for consideration by the full Congress.

12. Make Congress do a better job of keeping tabs on government programs.—Blue Dogs believe that one way to restrain growth in federal spending is to ensure that taxpayer dollars are spent wisely. Blue Dogs also believe that Congress can do a better job of carrying out its oversight responsibilities. Blue Dogs propose that each committee be required to submit reports at least twice a year, available to the public, that provide an update on how each committee is fulfilling its oversight duties.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

EVEN START

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CUNNINGHAM) is recognized for 5 minutes.

Mr. CUNNINGHAM. Mr. Speaker, I am a strong supporter of our President and I feel that he has done a good job in this Nation. Actually the world owes him and the First Lady a lot of support and our gratitude.

Sometimes the bean counters in the White House though take a look at a program and do not look at its effectiveness and they eliminate it. Many times they have to look at a program and eliminate it if it is duplicative or wasteful or ineffective.

But during the last budget process there was a program on the list that was not only effective but enhanced Leave No Child Behind and education, and the title of that was Even Start.

Ask any teacher, administrator or parent that if a parent is involved in the program called Even Start and my friend, the gentleman from Wisconsin (Mr. OBEY) and I have a friend named Peter Yarrow involved in that. I know I can count on my colleague to support this because we did last year.

This program brings parents and it brings students together to work together. Any time you can involve parents in education the outcome is much, much better.

Chairman Bill Goodling, the former Member who was then the chairman of the Committee on Education and the Workforce, ramroded Even Start. He kept it alive when it was almost fatal.

This House last Congress recognized the significance of the successful program and came together, both Republicans and Democrats, and reinstated the Even Start program. The gains in low income children, their parents are well-documented in improving literacy levels and assisting parents in completing their GEDs. Quite often low income parents in our districts and the gentleman from California's (Mr. FILNER) and the gentleman from Wisconsin's (Mr. OBEY) do not even speak English, and these parents actually come together with their children and work these programs, and we want to have it reinstated. I have faith that we are.

The fact that the chairman of the Committee on Education and the Workforce, the gentleman from Ohio (Mr. BOEHNER) is supportive, and the gentleman from California (Mr. MCKEON), chairman of the subcommittee, are supportive, and we have commitment I believe in the Senate to do the same thing.

□ 1915

My wife asked me to go listen to a man one year who is a good friend of the gentleman from Wisconsin (Mr. OBEY) as well. She said, I want you to go here Peter Yarrow. I said, who is Peter Yarrow? She said, Peter, Paul and Mary, Peter Yarrow. I said, that anti-war, left-wing guy, I am not going to go listen to him, and she said, Well, honey, I support you and your events, go to this thing with me. I did, and I think the gentleman from Wisconsin (Mr. OBEY) will admit and agree that he is one of the most caring people that we have ever met, especially when it comes to children and children's programs.

Peter Yarrow has a song called "Don't Laugh At Me," and he is involved also in the Even Start program, and I would submit the rest of this for the RECORD, but Peter's issue is that things like Columbine, if we would have encouraged these children to get together and not laugh at each other, then maybe we would not have had a Columbine.

I would like to read just a few stanzas of the song that he sings. He was so effective, I invited this guy that I do not agree with in many politics, but we brought him before the Republican Conference, and he wowed the people and got support for the Even Start program.

> I'm a little boy with glasses, the one they call a geek. A little girl who never smiles, 'cause I have braces on my teeth. And I know how it feels to cry myself to sleep.
>
> I'm that kid on every playground who's always chosen last. A single teenage mother, tryin' to overcome my past. You don't have to be my friend, but is it too much to ask.

Don't laugh at me. Don't call me names. Don't get your pleasure from my pain. In God's eyes, we're all the same. Someday we'll all have perfect wings. Don't laugh at me.

. . . I'm fat, I'm thin, I'm short, I'm tall, I'm deaf. I'm blind, in a way, we are all. I'm black, I'm white, and I am brown. I'm Jewish, I'm Christian, and I am Muslim. I was born in Sarajevo. I was born in Kosovo. I was born in Northern Ireland. I was born in Africa. I'm of the Hutu tribe. I'm of the Tutsi tribe . . . I'm American Indian. I was born in Iraq, in Afghanistan, in Canada, in Mexico. I was born in Vietnam, in Sudan. I was born in the United States of America.

I'm very, very young. I'm quite aged. I'm Israeli. I'm Palestinian. I'm quite wealthy, and I am very, very poor.

My country 'tis of thee. Oh, sweet land of liberty. It is of thee that I sing."

There are many stanzas to this song and I challenge anyone in this room or on either side of the aisle to listen to Peter Yarrow and what he stands for and not have tears in his eyes.

Mr. Speaker, I ask for the support of Even Start, and we will put it back into the budget regardless of the President's bean counters.

You are very familiar with Peter Yarrow and his work. I'll summarize some Even Start talking points below.

Even Start serves children 0 through 7 years old and their families. The services provided include early childhood education, adult basic education, parenting education and interactive literacy instruction (parents and children reading together).

The San Diego and Poway programs are very successful and have documented significant gains in children's literacy levels as well as an impressive record in assisting parents in completing their GED. The focus is on assisting parents to be their child's first and best teacher. In addition, in San Diego we have been very successful in helping parents transition from Spanish to English thereby enabling them to be involved with their children's education as well as making them more viable in the local economy/job market.

Peter Yarrow has been a great friend to Even Start nationwide—his Don't Laugh at Me program which is a character education program in schools has been incorporated in many Even Start programs nationwide.

Goals of Even Start:

To extend learning, enrich language development and support high levels of success for children birth to age seven and their families.

To break the cycle of limited literacy, underemployment and high mobility of participating families by building literacy skills in both parents and children.

To provide 'simultaneous' services for families, where parents and their children learn together. This builds support for parents to succeed with their educational and employment goals, and develop habits of life-long learning for their children.

To support families committed to education and to economic independence.

DON'T LAUGH AT ME

(Written by Steve Seskin and Allen Shamblin, performed by Peter Yarrow)

I'm a little boy with glasses
The one they call a geek
A little girl who never smiles
'Cause I have braces on my teeth
And I know how it feels to cry
myself to sleep

I'm that kid on every playground
Who's always chosen last
A single teenage mother
Tryin' to overcome my past
You don't have to be my friend
But is it too much to ask

Don't laugh at me
Don't call me names
Don't get your pleasure from my pain
In God's eyes we're all the same
Someday we'll all have perfect wings
Don't laugh at me

I'm the beggar on the corner
You've passed me on the street
And I wouldn't be out here beggin'
If I had enough to eat
And don't think I don't notice
That our eyes never meet

Don't laugh at me
Don't call me names
Don't get you pleasure from my pain
In God's eyes we're all the same
Someday we'll all have perfect wings
Don't laugh at me

I'm fat, I'm thin, I'm short, I'm tall
I'm deaf, I'm blind, hey, aren't we all

Don't laugh at me
Don't call me names
Don't get your pleasure from my pain
In God's eyes we're all the same
Someday we'll all have perfect wings
Don't laugh at me

I'm fat, I'm thin, I'm short, I'm tall
I'm deaf, I'm blind, in a way, we are all.
I'm black, I'm white, and I am brown
I'm Jewish, I'm Christian, and I am Muslim
I was born in Sarajevo, I was born in Kosovo,
I was born in Northern Ireland, I was born in Africa
I'm of the Hutu tribe, I'm of the Tutsi tribe
I'm American Indian
I was born in Iraq, in Afghanistan, in Canada, in Mexico,
I was born in Vietnam, in Sudan, I was born in the United States of America

I'm very, very young, I'm quite aged
I'm Israeli, I'm Palestinian,
I'm quite wealthy, and I am very, very poor.

My country 'tis of thee
Oh, sweet land of liberty
It is of thee . . .
that I sing.

COMMUNICATION FROM RECEIVING AND WAREHOUSING SPECIALIST IN OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER

The SPEAKER pro tempore (Mr. KNOLLENBERG) laid before the House the following communication from David Bogan, Receiving and Warehousing Specialist in the Office of the Chief Administrative Officer:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,
Washington, DC, March 10, 2005.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to rule VIII of the Rules of the House of Representatives, that I have been served with a criminal subpoena for testimony, issued by the Superior Court for the District of Columbia.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the rights and privileges of the House.

Sincerely,

DAVID BOGAN,
Receiving and Warehousing Specialist.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. CON. RES. 95, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2006

Mr. PUTNAM, from the Committee on Rules, submitted a privileged report (Rept. No. 109–19) on the resolution (H. Res. 154) providing for consideration of the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010, which was referred to the House Calendar and ordered to be printed.

ORDER OF BUSINESS

Ms. WOOLSEY. Madam Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

SMART SECURITY AND $81 BILLION IRAQ SUPPLEMENTAL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, this week Congress is debating the President's request for more than 81 billion additional dollars to finance his misadventure in Iraq.

I will oppose this bill because I support the troops and have deep admiration for their courage. I will vote against the supplemental because I believe our brave soldiers are being used as pawns by their civilian superiors, whose wastefulness and incompetence is betraying their duty to keep us safe.

This supplemental will bring the overall Iraq price tag to more than $200 billion. What are the American people getting for their $200 billion? What kind of return on their investment?

We have created a hotbed of terrorism in Iraq. We have earned the wrath of the entire Muslim world. Meanwhile, we have a Swiss cheese homeland security system, and we have lost 1,500 of our troops, not to mention the more than 11,000 wounded and the many who will suffer mental trauma for the rest of their lives.

The Center For American Progress did a study of what $200 billion could really buy in terms of our security here in the United States of America.

Five billion dollars would give our ports and waterways the protection they need from attacks.

It would cost only $1 billion to screen all air passenger cargo.

Just $2.6 billion would allow our rail and public transit systems to meet important security requirements.

Just think of what we could do at home for $200 billion: universal preschool education, comprehensive health coverage for every American, a safe child care system that will give peace of mind to all working families.

There would still be plenty left over to implement a SMART security agenda that would be about preventing war, not preemptive war; that would eliminate wasteful programs like missile defense and the many Cold War relics that are doing nothing to keep us safe.

SMART security would mean robust multilateral alliances to stop the spread of terrorism, vigorous inspection regimes to stop weapons of mass destruction proliferation, and an ambitious humanitarian development program that tackles the poverty and despair that foster terrorism in the first place.

$200 billion, that is about $675 for every American man, woman and child, which is not to say that the sacrifices of this war have been spread evenly throughout the population.

The well-connected and the wealthy have not been asked to sacrifice, even though rolling back the Bush tax cuts would go a long way toward paying this enormous bill.

No, the ones who have sacrificed are coming home in flag-draped coffins because they were sent to depose a regime that represented no imminent threat to our security. Their families did not get a tax cut. The only thing they got from the government was a devastating letter that Donald Rumsfeld did not even bother to sign personally.

The most disturbing thing about the President's request for more Iraq funding is the lack of accountability. Why are we writing another check for a mission that has been so badly botched? Who is being held responsible for the misuse of the money we have already approved?

If Secretary Rumsfeld and the Pentagon could not manage to get body armor to our troops with the first $100 billion we gave them, why would we trust them with even more hard-earned American tax dollars?

Where is this money going? How much of it is enriching war profiteers? Why did the Army waive its usual procedures and make full payment to Halliburton, despite legitimate questions about overbilling and financial mismanagement?

Why can we not get a congressional investigation into the $9 billion that mysteriously disappeared from the books at the Coalition Provisional Authority?

If the President wants more money for this war, he can take it out of something he cares about instead of taking it out of the hides of the American people.

No more blank checks. I will vote against this supplemental, and I urge my colleagues to do the same.

SUPPLEMENTAL APPROPRIATIONS AND OUR NATION'S VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Madam Speaker, I want to explain to my colleagues and to Americans across the country what happened here today on the floor of the House, especially what happened to the veterans of these United States, veterans of past wars, veterans of the current war in Iraq and Afghanistan. Iran may be next.

We had a supplemental budget, they call it, on the floor today, a budget for $81 billion to fund our war in Iraq and Afghanistan; and they called it a supplemental so they could do it over and above the regular budget so they do not have to pay for it in ways that you and I have to pay for things or our businesses have to pay for things. They just create a bigger deficit without accountability.

So they are on their way to passing an $81 billion supplemental bill for our active duty troops; and yet when I brought on to the floor an amendment to that $81 billion that said let us put $3 billion into care for our veterans, those coming back from the wars today and those who have been in wars previous to this, I asked for a figure of $3 billion because that is what the veterans service organizations in this Nation said is what we need more than what the President requested in his recent budget proposal. So I brought on to the floor a $3 billion amendment to an $81 billion supplemental.

Keep in mind that we have a $2.5 trillion budget. We have this year at least a $400 billion deficit. We have an existing debt of $7.5 trillion. We are spending $1 billion every 2 or 3 days in the Middle East, and yet they say we do not have the $3 billion for our veterans.

That is what happened on the floor of the House today, my fellow Americans. They voted down the ability to deal with our veterans.

Those who are coming back today from Afghanistan and Iraq, the vast majority have the potential of having post-traumatic stress disorder, PTSD; and yet when they will need the services in the coming year, we will have reduced those PTSD services because of the cut in the budget that the President has proposed and this Republican Congress will approve.

We will cut nursing care. We will cut research. We will cut prosthetic devices. But we will add more waiting time for those who want a mental health examination or a dental examination. We will add months and months and months to the waiting time for those who want their claims established. Yet when I asked today for $3 billion, the majority of this House said no.

We can afford the $81 billion. It was for our active duty. We can afford a $7.5 trillion debt. We can go into deficits for $400 billion this year, but no, no, let us not pay that $3 billion for our veterans.

I thought that was disgraceful. I thought that was unconscionable. I hope that when the Republican Members of this House go home, all the veterans across this country will say, how come you voted against that amendment to give $3 billion more for our health care? How come you did not respect our active duty, when they come home will not find the services? How come they negatively influenced the morale of our troops, because they know that they are not getting proper treatment back home?

I hope people ask that to those Republican Congressmen who voted down my motion on a technicality, when we have veterans from World War II and since and coming back today who are suffering.

☐ 1930

Madam Speaker, I think that is disgraceful. I think the American people had better question this Congress about why they do not support the veterans of this United States.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LEACH (at the request of Mr. DELAY) for today on account of a family emergency.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FILNER) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

(The following Members (at the request of Mr. KOLBE) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today and March 16 and 17.

ADJOURNMENT

Mr. FILNER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 31 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 16, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1159. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Oriental Fruit Fly; Removal of Quarantined Area [Docket No. 02-096-4] received March 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1160. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Oriental Fruit Fly; Removal of Quarantined Area [Docket No. 04-106-2] received March 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1161. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 97-02, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

1162. A letter from the Chairman, Federal Communications Commission, transmitting a letter reporting a violation of sections 1341 and 1517(a) of Title 31, United States Code (the Antideficiency Act); to the Committee on Appropriations.

1163. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Phillip M. Balisle, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

1164. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Major Systems Acquisition [DFARS Case 2003-D030] received March 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1165. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Provision of Information to Cooperative Agreement Holders [DFARS Case 2004-D025] received March 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1166. A letter from the Deputy Secretary, Department of Defense, transmitting a report pursuant to Section 9010 of the Department of Defense Appropriations Act, 2005 (Pub. L. 108-287); to the Committee on Armed Services.

1167. A letter from the Director, U.S. Mint, Department of the Treasury, transmitting a report describing how the agency is implementing the Public Enterprise Fund (PEF) and using its flexibilities to become a market-driven public enterprise, covering the 1st Quarter of FY 2005, which ended on December 31, 2004; to the Committee on Financial Services.

1168. A letter from the Regulatory Specialist, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Department of the Treasury, transmitting the Department's final rule—OCC Guidelines Establishing Standards for Residential Mortgage Lending Practices [Docket No. 05-02] (RIN: 1557-AC93) received February 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1169. A letter from the Counsel for Legislation and Regulations, Office of Community Planning and Development, Department of Housing and Urban Development, transmitting the Department's final rule—Community Development Block Grant Program; Small Cities and Insular Areas Programs [Docket No. FR-4919-F-02] (RIN: 2506-AC17) received March 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1170. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Chile, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

1171. A letter from the Assistant Secretary, Investment Management/Office of Regulatory Policy, Securities and Exchange Commission, transmitting the Commission's "Major" final rule—Mutual Fund Redemption Fees [Release No. IC-26782; File No. S7-11-04] (RIN: 3235-AJ17) received March 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1172. A letter from the Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits—received March 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1173. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled "A Healthier, Safer America, 2001-2005"; to the Committee on Energy and Commerce.

1174. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Food Additives Permitted for Direct Addition to Food for Human Consumption; Acacia (Gum Arabic) [Docket No. 2003F-0023] received March 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1175. A letter from the Secretary, Department of the Treasury, transmitting the semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses, as required by Section 1705(e)(6) of the Cuban Democracy Act of 1992, 22 U.S.C. 6004(e)(6), as amended by Section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, and pursuant to Executive Order 13313 of July 31, 2003, pursuant to 22 U.S.C. 6032; to the Committee on International Relations.

1176. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa–9(c),and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995; to the Committee on International Relations.

1177. A letter from the Deputy Director, Defense Security Cooperation Agency, Department of Defense, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 05–17, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Iraq for defense articles and services; to the Committee on International Relations.

1178. A letter from the Secretary, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, a report prepared by the Department of State for the October 15-December 15, 2004 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105-338); to the Committee on International Relations.

1179. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting Pursuant to section 565(b) of the Foreign Relations Authorization Act for FY 1994 and 1995 (Pub. L. 103-236), certifications and waivers of the prohibition against contracting with firms that comply with the Arab League Boycott of the State of Israel and of the prohibition against contracting with firms that discriminate in the award of subcontracts on the basis of religion, and accompanying Memorandum of Justification; to the Committee on International Relations.

1180. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting consistent with the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction, adopted by the Senate of the United States on April 24, 1997, and Executive Order 13346 of July 8, 2004, certification pursuant to Condition 7(C)(i), Effectiveness of the Australia Group; to the Committee on International Relations.

1181. A letter from the Director, Office of Human Capital Management, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1182. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Public Information Regulations; Withdrawal [Docket No. 2004N-0214] received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1183. A letter from the Inspector General, Railroad Retirement Board, transmitting the budget request for the Office of Inspector General, Railroad Retirement Board, for fiscal year 2006, prepared in compliance with OMB Circular No. A-11; to the Committee on Government Reform.

1184. A letter from the Board Members, Railroad Retirement Board, transmitting a copy of the annual report for Calendar Year 2004, in compliance with the Government in the Sunshine Act, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

1185. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Federal Gas Valuation (RIN: 1010–AD05) received March 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1186. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting a letter concerning grants made during FY 2004 under Section 2806(b) of the Paul Coverdell National Forensic Science Improvement Act of 2000 (Pub L. 106–561) to improve forensic science services; to the Committee on the Judiciary.

1187. A letter from the Deputy Assistant Attorney General, Office of Legal Policy, Department of Justice, transmitting the Department's final rule—DNA Sample Collection from Federal Offenders under the Justice for All Act of 2004 [Docket No. OAG 108; A.G. Order No. 2753–2005] (RIN: 1105–AB09) received January 26, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1188. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Lower Mississippi River, Mile 94.0 to Mile 95.0, in the vicinity of Algiers Point, LA [COTP New Orleans–04–040] (RIN: 1625–AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1189. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Ouachita River, Mile Marker 168 to Mile Marker 169, in the vicinity of the Forsythe Recreational Boat Launch, Monroe, LA [COTP New Orleans–04–041] (RIN: 1625–AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1190. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Cumberland River, Mile Marker 190.5 to 192.5, Nashville, TN [COTP Paducah, KY 04–010] (RIN: 2115–AA97) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1191. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Grosse Pointe Yacht Club Fireworks, Lake St. Clair, Grosse Pointe Shores, MI [CGD09–04–142] (RIN: 1625–AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1192. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; Maumee River, Toledo, OH [CGD09–04–143] (RIN: 1625–AA87) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1193. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Chios Pride Lake Michigan, Menominee, Michigan. [CGD09–04–144] (RIN: 1625–AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1194. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Marathon Barge Operations, Rouge River, Detroit, MI. [CGD09–04–146] (RIN: 1625–AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1195. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Staten Island Ferry 3 Menominee River, Marinette, Wisconsin [CGD09–04–147] (RIN: 1625–AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1196. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Events; and San Francisco Fleet Week 2004 Fireworks Display, San Francisco Bay, CA [CGD11–04–009] (RIN: 1625–AA08) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1197. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Events; San Francisco New Year's Fireworks Display, San Francisco Bay, CA [CGD11–04–013] (RIN: 1625–AA08) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1198. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone Regulations, Budd Inlet, West Bay, Olympia, Washington and SS Cape Intrepid [CGD13–04–041] (RIN: 1625–AA87) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1199. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Chesapeake Bay; Maryland [COTP Baltimore 04–002] (RIN: 1625–AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1200. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: Corpus Christi Inner Harbor, Corpus Christi, TX [COTP Corpus Christi–04–004] (RIN: 1625–AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1201. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Ohio River Mile 305 and Mile 308, Huntington, WV [COTP Huntington–04–002] (RIN: 1625–AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1202. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Green River mile 25 to mile 30, Curdsville, KY [COTP Louisville–04–010] (RIN: 1625–AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1203. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Monongahela River Mile Marker 2.3 to Mile Marker 3.1, Pittsburgh, PA [COTP Pittsburgh–04–026] (RIN: 1625–AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1204. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Allegheny River Mile Marker 0.3 to Ohio River Mile Marker 0.6, Pittsburgh, PA [COTP Pittsburgh–04–027] (RIN: 1625–AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1205. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Allegheny River Mile Marker 0.3 to Mile Marker 0.7, Pittsburgh, PA [COTP Pittsburgh–04–029] (RIN: 1625–AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1206. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Fireworks Display for Indian Riverside Park; Jensen Beach, FL. [COTP Miami 04–150] (RIN: 1625–AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1207. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Gulf of Mexico, Orange Beach, AL [COTP Mobile–04–010] (RIN: 1625–AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1208. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Pascagoula Ship Channel, Pascagoula, MS [COTP Mobile–04–011] (RIN: 1625–AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1209. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Gulf of Mexico and Waters from Perdido Bay, Pensacola to St. Marks, FL [COTP Mobile–04–033] (RIN: 1625–AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1210. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Bayou Cassotte Channel; Pascagoula, MS [COTP Mobile–04–050] (RIN: 1625–AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1211. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Gulf Intra-Coastal Waterway Mile 170 to 172, East of the Harvey Locks [COTP Mobile-04-051] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1212. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Bayou Casotte Channel; Pascagoula, MS [COTP Mobile-04-054] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1213. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Horn Island Ship Channel and Bayou Casotte Ship Channel, Pascagoula, MS [COTP Mobile-04-058] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1214. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Gulf of Mexico, Pensacola, FL [COTP Mobile-04-061] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1215. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Mississippi River Gulf Oulet (MRGO), Mile Marker—8 to Mile Marker 59, New Orleans, LA [COTP New Orleans-04-031] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1216. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Mississippi River Outlet (MRGO), Mile Marker minus 10 to Mile Marker 28, New Orleans, LA [COTP New Orleans, LA [COTP New Orleans-04-032] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1217. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Mississippi River Gulf Outlet (MRGO), Mile Marker minus 10 to Mile Marker 2, New Orleans, LA [COTP New Orleans-04-033] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1218. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Intracoastal Waterway, Harvey Canal from Hero Cutoff to Lapalco Bridge, New Orleans, LA [COTP New Orleans-04-034] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1219. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Intracoastal Waterway and Barataria Bay Waterway, Harvey Canal in Lafitte, LA [COTP New Orleans-04-035] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1220. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Mississippi River, Miles 363.0 to 364.0, in the vicinity of the Vidalia Bridge, Highway 84, Natchez, MS [COTP New Orleans-04-036] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1221. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Lower Mississippi River, Above Head of Passes, Mile 436.0 to 441.0, at the confluence of the Yazoo and Mississippi Rivers, Vicksburg, MS [COTP New Orleans-04-037] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1222. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Mississippi River Gulf Outlet (MRGO), Mile Marker minus 10 to Mile Marker 0, New Orleans, LA [COTP New Orleans-04-038] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1223. A letter from the Secretary, Department of Energy, transmitting the Annual Report on Contractor Work Force Restructuring at the U.S. Department of Energy for Fiscal Year 2003, pursuant to Public Law 102-484, section 3161(e)(2); jointly to the Committees on Armed Services and Energy and Commerce.

1224. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting in accordance with the provisions of section 17(a) of the Federal Deposit Insurance Act, the Chief Financial Officers Act of 1990, Pub. L. 101-576, and the Government Performance and Results Act of 1993, the Corporation's 2004 Annual Report; jointly to the Committees on Financial Services and Government Reform.

1225. A letter from the Executive Director, Office of Compliance, transmitting the Office's Section 102(b) Report for the 108th Congress, in accordance with the Congressional Accountability Act of 1995; jointly to the Committees on Education and the Workforce and House Administration.

1226. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting pursuant to Section 634A of the Foreign Assistance Act of 1961, as amended, and Division D, Title V, Section 515 of the Consolidated Appropriations Act, 2005, as enacted in Pub. L. 108-447, notification that implementation of the FY 2005 International Military Education and Training (IMET) program, as approved by the Department of State, requires revisions to the levels justified in the FY 2005 Congressional Budget Justification for Foreign Operations for the enclosed list of countries; jointly to the Committees on International Relations and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PUTNAM: Committee on Rules. House Resolution 154. Resolution providing for consideration of the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010. (Rept. 109-19). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ISSA (for himself, Mrs. DAVIS of California, and Mr. SESSIONS):

H.R. 1291. A bill to require the Secretaries of Health and Human Services, Defense, and Homeland Security to carry out activities toward bringing to market effective medical countermeasures to radiation from a nuclear or radiological attack; to the Committee on Energy and Commerce, and in addition to the Committees on Armed Services, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUYER (for himself and Mr. EVANS):

H.R. 1292. A bill to make technical corrections to the Veterans Benefits Improvement Act of 2004; to the Committee on Veterans' Affairs.

By Mr. ANDREWS (for himself, Mrs. MCCARTHY, Mr. HOLT, Mr. OWENS, Ms. HOOLEY, Mr. FATTAH, Mr. HINOJOSA, Mr. DAVIS of Tennessee, Mr. KANJORSKI, Mr. ROSS, Mr. MCDERMOTT, Mr. CASE, Mr. RUSH, Mr. GORDON, Mr. BERMAN, Mr. MEEKS of New York, Mr. NEAL of Massachusetts, Ms. MCCOLLUM of Minnesota, Mr. MICHAUD, Mr. WEXLER, Mr. CONYERS, Mr. ALLEN, Mr. POMEROY, and Mr. CARDIN):

H.R. 1293. A bill to amend the Higher Education Act of 1965 to provide access and equity in higher education, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BROWN of South Carolina:

H.R. 1294. A bill to amend title 11, United States Code, to establish a priority for the payment of claims for duties paid to the United States by licensed customs brokers and sureties on behalf of a debtor; to the Committee on the Judiciary.

By Mr. NEY (for himself, Mr. KANJORSKI, Mr. GARY G. MILLER of California, Mr. MEEKS of New York, Mr. GILLMOR, Mr. CROWLEY, Mr. FEENEY, Mr. CLAY, Mr. SHERMAN, Mr. SCOTT of Georgia, Ms. HOOLEY, and Mr. TIBERI):

H.R. 1295. A bill to protect consumers against unfair and deceptive practices in connection with higher cost mortgage transactions, to strengthen the civil remedies available to consumers under existing law, to provide for certain uniform lending standards, to improve housing counseling, to better mortgage servicing, to enhance appraisal standards and oversight, to establish licensing and minimum standards for mortgage brokers, and for other purposes; to the Committee on Financial Services.

By Mr. BROWN of South Carolina:

H.R. 1296. A bill to amend title 49, United States Code, relating to responsibility for intermodal equipment compliance with commercial motor vehicle safety requirements, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BURTON of Indiana (for himself, Mr. PALLONE, Mr. DUNCAN, Mr. TANCREDO, Mr. RYUN of Kansas, Mr. PLATTS, Mr. BARTLETT of Maryland, Mr. PAUL, Mrs. JO ANN DAVIS of Virginia, Mr. NADLER, Mr. JONES of North Carolina, and Mr. SANDERS):

H.R. 1297. A bill to amend the Public Health Service Act with respect to the National Vaccine Injury Compensation Program; to the Committee on Energy and Commerce.

By Mr. CAMP:

H.R. 1298. A bill to amend title XVIII of the Social Security Act to improve the benefits under the Medicare Program for beneficiaries with kidney disease, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARDOZA (for himself, Mr. DOOLITTLE, Mr. JONES of North Carolina, Mr. BACA, Mr. HERGER, Mr. RADANOVICH, Mr. COSTA, Mr. OTTER, Mr. CALVERT, Mr. PETERSON of Pennsylvania, Mr. WALDEN of Oregon, Mr. SIMPSON, Mr. OSBORNE, Mr. REHBERG, Mr. NUNES, Ms. BORDALLO, and Mr. GARY G. MILLER of California):

H.R. 1299. A bill to amend the Endangered Species Act of 1973 to reform the process for designating critical habitat under that Act; to the Committee on Resources.

By Mr. CONYERS (for himself, Mr. BRADY of Pennsylvania, Mrs. CHRISTENSEN, Mr. CLYBURN, Mr. FATTAH, Mr. FRANK of Massachusetts, Mr. HASTINGS of Florida, Mr. JACKSON of Illinois, Mr. LEWIS of Georgia, Ms. KILPATRICK of Michigan, Ms. LEE, Mr. MEEK of Florida, Mr. MEEKS of New York, Ms. MILLENDER-McDONALD, Mr. MORAN of Virginia, Ms. NORTON, Mr. OWENS, Mr. RANGEL, Mr. RUSH, Ms. SCHAKOWSKY, Mr. TOWNS, Ms. WATERS, Mr. WATT, and Mr. WYNN):

H.R. 1300. A bill to ensure the Federal voting rights of persons who have been released from incarceration; to the Committee on the Judiciary.

By Mr. DINGELL:

H.R. 1301. A bill to amend the Federal Charter of the Boy Scouts of America in title 36, United States Code, to ratify the authority of the Secretary of Defense and military installations and units of the Armed Forces to officially sponsor units of the Boy Scouts of America serving dependents of members of the Armed Forces and to make facilities of the Department of Defense available for Boy Scout meetings and activities, such as national and world Boy Scout Jamborees; to the Committee on the Judiciary.

By Mr. DOGGETT (for himself, Mr. ALLEN, Mr. BAIRD, Mr. BECERRA, Mrs. CAPPS, Ms. CARSON, Mr. CASE, Mr. DAVIS of Illinois, Mr. DeFAZIO, Mr. DELAHUNT, Ms. DeLAURO, Mr. EDWARDS, Mr. EVANS, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HOLT, Mr. INSLEE, Mr. JEFFERSON, Ms. KAPTUR, Mr. KUCINICH, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mrs. MALONEY, Mr. MARKEY, Mrs. McCARTHY, Mr. McDERMOTT, Mr. McGOVERN, Mr. McNULTY, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. POMEROY, Ms. ROYBAL-ALLARD, Mr. RYAN of Ohio, Mr. SANDERS, Ms. SCHAKOWSKY, Ms. SLAUGHTER, Ms. SOLIS, Mr. STARK, Mr. TIERNEY, Mrs. JONES of Ohio, Mr. UDALL of New Mexico, Mr. WAXMAN, and Ms. WOOLSEY):

H.R. 1302. A bill to amend the Lobbying Disclosure Act of 1995 to require certain coalitions and associations to disclose their lobbying activities; to the Committee on the Judiciary.

By Mr. DOGGETT (for himself, Mr. LEVIN, Mr. NEAL of Massachusetts, Mr. LEWIS of Georgia, Mr. McDERMOTT, Mr. McNULTY, Mr. JEFFERSON, Mr. STARK, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ANDREWS, Mr. BAIRD, Ms. BALDWIN, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mrs. CAPPS, Mr. CAPUANO, Ms. CARSON, Mr. CONYERS, Mr. CROWLEY, Mr. DAVIS of Illinois, Mr. DeFAZIO, Ms. DeGETTE, Mr. DELAHUNT, Ms. DeLAURO, Mr. EDWARDS, Mr. EVANS, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOLT, Ms. HOOLEY, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Ms. KILPATRICK of Michigan, Mr. KIND, Mr. KUCINICH, Ms. LEE, Mr. MARKEY, Mr. McGOVERN, Mr. MEEHAN, Mr. MEEK of Florida, Ms. MILLENDER-McDONALD, Mr. GEORGE MILLER of California, Mr. NADLER, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. RYAN of Ohio, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SHERMAN, Ms. SLAUGHTER, Ms. SOLIS, Mr. STRICKLAND, Mr. TIERNEY, Mrs. JONES of Ohio, Mr. UDALL of New Mexico, Ms. VELÁZQUEZ, Ms. WATERS, Ms. WATSON, and Mr. WAXMAN):

H.R. 1303. A bill to amend the Internal Revenue Code of 1986 to prevent corporations from exploiting tax treaties to evade taxation of United States income and to prevent manipulation of transfer prices by deflection of income to tax havens; to the Committee on Ways and Means.

By Mr. DOGGETT (for himself, Mr. ALLEN, Mr. BAIRD, Mr. BECERRA, Mrs. CAPPS, Ms. CARSON, Mr. CASE, Mr. DAVIS of Illinois, Mr. DeFAZIO, Mr. DELAHUNT, Ms. DeLAURO, Mr. EDWARDS, Mr. EVANS, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HOLT, Mr. INSLEE, Mr. JEFFERSON, Ms. KAPTUR, Mr. KUCINICH, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mrs. MALONEY, Mr. MARKEY, Mrs. McCARTHY, Mr. McDERMOTT, Mr. McGOVERN, Mr. McNULTY, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. POMEROY, Ms. ROYBAL-ALLARD, Mr. RYAN of Ohio, Mr. SANDERS, Ms. SCHAKOWSKY, Ms. SLAUGHTER, Ms. SOLIS, Mr. STARK, Mr. TIERNEY, Mrs. JONES of Ohio, Mr. UDALL of New Mexico, Mr. WAXMAN, and Ms. WOOLSEY):

H.R. 1304. A bill to amend the Internal Revenue Code of 1986 to require disclosure of lobbying activities by certain organizations; to the Committee on Ways and Means.

By Mr. EMANUEL (for himself, Mr. BECERRA, Mr. LARSON of Connecticut, Mr. McDERMOTT, Mr. MEEKS of New York, and Mr. ABERCROMBIE):

H.R. 1305. A bill to amend the Internal Revenue Code of 1986 to make permanent and refundable, and to expand, the saver's credit; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania (for himself and Mr. POMEROY):

H.R. 1306. A bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level; to the Committee on Ways and Means.

By Mr. GARRETT of New Jersey (for himself, Mr. FRELINGHUYSEN, and Mr. FERGUSON):

H.R. 1307. A bill to amend the Wild and Scenic Rivers Act to designate portions of the Musconetcong River in the State of New Jersey as a component of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Resources.

By Mr. HOLDEN:

H.R. 1308. A bill to amend title 10, United States Code, to establish a combat badge for helicopter medical evacuation ambulance (Medevac) pilots and crews; to the Committee on Armed Services.

By Ms. LEE (for herself, Mr. CONYERS, Mrs. MALONEY, Mr. SERRANO, Mr. TOWNS, Ms. WATERS; Mr. CLAY, Mr. FRANK of Massachusetts, Mrs. CHRISTENSEN, and Mr. GUTIERREZ):

H.R. 1309. A bill to protect innocent elderly and disabled tenants in public housing and housing assisted under the rental assistance program under section 8 of the United States Housing Act of 1937 from eviction by reason of criminal activity; to the Committee on Financial Services.

By Mrs. MALONEY (for herself, Mr. UDALL of New Mexico, Mr. SHAYS, Ms. CARSON, Mr. SANDERS, Mr. CASE, Mr. FILNER, Mr. CUMMINGS, Mr. HONDA, Ms. BALDWIN, Ms. McCOLLUM of Minnesota, Mr. GEORGE MILLER of California, Mr. PALLONE, Mr. BAIRD, Mr. OWENS, Ms. WOOLSEY, Mr. GONZALEZ, Mrs. DAVIS of California, Mr. ISRAEL, Ms. WATSON, Ms. LEE, Mr. WEXLER, Mr. SCOTT of Virginia, and Mr. VAN HOLLEN):

H.R. 1310. A bill to amend the Intelligence Reform and Terrorism Prevention Act of 2004 with respect to the Privacy and Civil Liberties Oversight Board, and for other purposes; to the Committee on Government Reform, and in addition to the Committees on the Judiciary, Homeland Security, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. McCARTHY (for herself and Ms. ROS-LEHTINEN):

H.R. 1311. A bill to provide for the construction and renovation of child care facilities, and for other purposes; to the Committee on Financial Services.

By Mrs. McCARTHY:

H.R. 1312. A bill to reauthorize the assault weapons ban, and for other purposes; to the Committee on the Judiciary.

By Mr. MURPHY (for himself, Mrs. JOHNSON of Connecticut, Mrs. KELLY, Mr. CANTOR, Mr. KINGSTON, Mr. BONILLA, Mrs. BONO, Mr. SHAYS, Mr. FITZPATRICK of Pennsylvania, Mr. BURGESS, Mr. WALSH, Mr. BRADLEY of New Hampshire, Mr. NEUGEBAUER, Mr. GINGREY, and Mr. SHADEGG):

H.R. 1313. A bill to amend the Public Health Service Act to provide liability protections for volunteer practitioners at health centers under section 330 of such Act; to the Committee on Energy and Commerce.

By Mr. ORTIZ (for himself and Mr. JONES of North Carolina):

H.R. 1314. A bill to amend the Defense Base Closure and Realignment Act of 1990 to require the 2005 base closure and realignment process to adhere to certain requirements regarding the preservation of military depot capabilities; to the Committee on Armed Services.

By Mr. OTTER (for himself, Mr. SIMPSON, Mr. FLAKE, Mr. CANNON, and Mr. DOOLITTLE):

H.R. 1315. A bill to allow small public water systems to request an exemption from the requirements of any national primary drinking water regulation for a naturally occurring contaminant, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PENCE (for himself and Mr. WYNN):

H.R. 1316. A bill to amend the Federal Election Campaign Act of 1971 to repeal the limit on the aggregate amount of campaign contributions that may be made by individuals during an election cycle, to repeal the limit on the amount of expenditures political parties may make on behalf of their candidates in general elections for Federal office, to allow State and local parties to make certain expenditures using nonfederal funds, to restore certain rights to exempt organizations under the Internal Revenue Code of 1986, and for other purposes; to the Committee on House Administration.

By Mr. PLATTS (for himself, Mr. BLUMENAUER, Mr. CUMMINGS, Mrs. BLACKBURN, Ms. WOOLSEY, Mr. PAUL, Mr. MARKEY, Mr. SHAYS, Ms. SCHAKOWSKY, Ms. BALDWIN, Mr. McNULTY, Mr. BERMAN, Mr. STARK, Mr. VAN HOLLEN, Ms. DeGETTE, Ms. McCOLLUM of Minnesota, Mr. SIMMONS, and Mr. LaHOOD):

H.R. 1317. A bill to amend title 5, United States Code, to clarify which disclosures of information are protected from prohibited personnel practices; to require a statement in nondisclosure policies, forms, and agreements to the effect that such policies, forms, and agreements are consistent with certain disclosure protections; and for other purposes; to the Committee on Government Reform.

By Mr. REHBERG:

H.R. 1318. A bill to allow the refurbishment and operation of a small hydroelectric facility in central Montana by adjusting the amount of charges to be paid to the United States under the Federal Power Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. REYES:

H.R. 1319. A bill to improve the health of residents of, and the environment in, the United States-Mexico border area; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, Agriculture, Financial Services, Transportation and Infrastructure, International Relations, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REYES:

H.R. 1320. A bill to secure the borders of the United States, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STRICKLAND (for himself, Mr. BISHOP of New York, Mr. CUMMINGS, Mr. FILNER, Mr. McGOVERN, Mr. MEEKS of New York, Mrs. NAPOLITANO, Mr. TOWNS, and Ms. WOOLSEY):

H.R. 1321. A bill to make funds available to pay the United States prisoners of war that brought suit against the Government of Iraq in the case of Acree v. Republic of Iraq; to the Committee on International Relations.

By Mr. TIERNEY:

H.R. 1322. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide emergency protection for retiree health benefits; to the Committee on Education and the Workforce.

By Mr. STUPAK (for himself, Mr. FOSSELLA, Mr. ENGEL, Mrs. McCARTHY, Mr. OBERSTAR, Mr. TOWNS, Mr. NADLER, Mr. ACKERMAN, Mr. McNULTY, Ms. BERKLEY, and Mr. GORDON):

H.R. 1323. A bill to establish a permanent grant program to improve public safety communications and the interoperability of emergency communications equipment; to the Committee on Energy and Commerce.

By Mr. SULLIVAN (for himself, Mr. LUCAS, and Mr. BOREN):

H.R. 1324. A bill to require the Secretary of Homeland Security to establish a U.S. Immigration and Customs Enforcement Office of Investigations field office in Tulsa, Oklahoma; to the Committee on Homeland Security, and in addition to the Committees on the Judiciary, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANCREDO:

H.R. 1325. A bill to amend the Immigration and Nationality Act to repeal authorities relating to H1-B visas for temporary workers; to the Committee on the Judiciary.

By Mr. THOMPSON of California:

H.R. 1326. A bill to enable a Bureau of Reclamation partnership with the North Bay Water Reuse Authority and other regional partners to achieve water supply, water quality, and environmental restoration objectives; to the Committee on Resources.

By Mr. TIAHRT:

H.R. 1327. A bill to amend the Act entitled "An Act to provide for the construction of the Cheney division, Witchita Federal reclamation project, Kansas, and for other purposes" to authorize the Equus Beds Division of the Wichita Project; to the Committee on Resources.

By Mrs. MALONEY (for herself, Mr. LEACH, Mr. GUTIERREZ, Mr. TOWNS, Ms. SOLIS, Mr. NADLER, Mr. VAN HOLLEN, Mr. HASTINGS of Florida, Mr. LEWIS of Georgia, Mr. CUMMINGS, Mr. SANDERS, Mr. GRIJALVA, Mr. CROWLEY, Mr. DeFAZIO, Mr. CASE, Mr. LANTOS, Mr. PRICE of North Carolina, Mr. GEORGE MILLER of California, Mr. DINGELL, Mr. HOLDEN, Ms. WOOLSEY, Mr. MENENDEZ, Mr. GENE GREEN of Texas, Mr. JACKSON of Illinois, Mr. ABERCROMBIE, Mrs. JONES of Ohio, Mr. HOLT, Mr. McDERMOTT, Mr. CLAY, Mr. KOLBE, Mr. UDALL of New Mexico, Mr. BOSWELL, Ms. SLAUGHTER, Mrs. DAVIS of California, Ms. McCOLLUM of Minnesota, Ms. LEE, Mr. BROWN of Ohio, Mr. COSTELLO, Mr. SABO, Mr. ROTHMAN, Ms. BALDWIN, Mrs. CAPPS, Ms. JACKSON-LEE of Texas, Mr. OWENS, Mr. WU, Mr. DICKS, Ms. NORTON, Mr. WAXMAN, Ms. SCHAKOWSKY, Ms. LINDA T. SÁNCHEZ of California, Mr. SCHIFF, Mr. EVANS, Mr. SMITH of Washington, Mr. SHERMAN, Mr. PALLONE, Mr. MORAN of Virginia, Mr. KUCINICH, Mr. RANGEL, Mr. HINCHEY, Mr. MOORE of Kansas, Ms. KAPTUR, Mr. PAYNE, Mr. WEINER, Mr. PASCRELL, Mr. CARDOZA, Ms. HARMAN, Mrs. McCARTHY, Mr. FARR, Ms. ROYBAL-ALLARD, Mr. BISHOP of Georgia, Mr. BRADY of Pennsylvania, Mr. BOYD, Ms. KILPATRICK of Michigan, Mr. DAVIS of Illinois, Mr. HALL, Mr. ANDREWS, Mr. STRICKLAND, Mr. JEFFERSON, Mr. OLVER, Ms. HERSETH, Mr. FRELINGHUYSEN, Ms. WATERS, Mrs. TAUSCHER, Mr. CAPUANO, Mr. COSTA, Mr. FILNER, Mr. DAVIS of Alabama, Mr. UDALL of Colorado, Mr. STARK, Ms. MILLENDER-McDONALD, Mr. PASTOR, Ms. ESHOO, Ms. CORRINE BROWN of Florida, Mr. DOYLE, Mrs. NAPOLITANO, Mr. KIRK, Mr. KIND, Mr. LEVIN, Mr. DELAHUNT, Mr. KILDEE, Mr. TIERNEY, Mr. MEEHAN, Mr. FRANK of Massachusetts, Mr. McGOVERN, Mr. THOMPSON of California, Mr. CONYERS, Ms. VELÁZQUEZ, Mr. WEXLER, Ms. WATSON, Mr. RUPPERSBERGER, Mr. BACA, Mr. SHAYS, Mr. SERRANO, Mrs. CHRISTENSEN, Mr. FATTAH, Mr. LARSEN of Washington, Mr. MEEKS of New York, Mr. RUSH, Mr. BOEHLERT, Mr. AL GREEN of Texas, Ms. WASSERMAN SCHULTZ, Mr. HINOJOSA, Mr. KENNEDY of Rhode Island, Mr. BASS, Ms. MOORE of Wisconsin, Mr. MICHAUD, Mr. CASTLE, Mr. McNULTY, Mr. CARNAHAN, Ms. ZOE LOFGREN of California, Mr. INSLEE, Ms. PELOSI, Mr. BAIRD, Mr. EMANUEL, Mr. GONZALEZ, Mr. HOYER, Mr. NEAL of Massachusetts, Mr. THOMPSON of Mississippi, Mr. MARKEY, Mr. CARDIN, Mr. BLUMENAUER, Mr. LANGEVIN, Mr. ISRAEL, Ms. BORDALLO, Mr. WYNN, Mr. EDWARDS, Mr. ALLEN, Mr. BOUCHER, Mr. MILLER of North Carolina, Mr. BECERRA, Mr. HONDA, Mr. WATT, Mr. ACKERMAN, Mr. LARSON of Connecticut, Ms. BERKLEY, Mr. DAVIS of Florida, Mrs. LOWEY, Mr. ORTIZ, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LORETTA SANCHEZ of California, Ms. DeGETTE, Ms. McKINNEY, Mr. ENGEL, Mr. SCOTT of Georgia, Mr. MEEK of Florida, and Mr. TAYLOR of Mississippi):

H.J. Res. 37. A joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Ms. LEE, Mr. PAYNE, Mr. JEFFERSON, Mr. TOWNS, Mr. CUMMINGS, Mr. OWENS, Mr. RANGEL, Ms. NORTON, Mr. HONDA, Mr. MEEKS of New York, Ms. CORRINE BROWN of Florida, Mr. AL GREEN of Texas, Mr. LEWIS of Georgia, Ms. McKINNEY, Mr. BUTTERFIELD, and Mr. SERRANO):

H. Con. Res. 96. Concurrent resolution recognizing the significance of African American women in the United States scientific community; to the Committee on Science.

By Mrs. DAVIS of California (for herself, Mr. ISSA, and Mr. SESSIONS):

H. Con. Res. 97. Concurrent resolution expressing the sense of the Congress that safe and effective radioprotectant drugs should be procured and stockpiled by the Federal Government as soon as possible; to the Committee on Energy and Commerce.

By Mr. HYDE (for himself, Mr. LANTOS, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, Ms. ROS-LEHTINEN, Mr. CHABOT, Mr. TANCREDO, Mr. ISSA, Mrs. JO ANN DAVIS of Virginia, Mr. PENCE, Mr. MACK, Mr. WILSON of South Carolina, and Mr. ROHRABACHER):

H. Con. Res. 98. Concurrent resolution expressing the grave concern of Congress regarding the recent passage of the anti-secession law by the National People's Congress of the People's Republic of China; to the Committee on International Relations.

By Mr. PASCRELL (for himself, Mr. PLATTS, Mr. ABERCROMBIE, Mr. ANDREWS, Mr. BAIRD, Mr. BERRY, Mr. BILIRAKIS, Ms. BORDALLO, Mr. BOYD, Mr. BRADY of Pennsylvania, Mr. BROWN of South Carolina, Mr. CAPUANO, Ms. CARSON, Mrs. CHRISTENSEN, Mr. CLYBURN, Mr. CUMMINGS, Mr. TOM DAVIS of Virginia, Mr. DAVIS of Florida, Mr. DEFAZIO, Ms. DELAURO, Mr. DOYLE, Mr. FERGUSON, Mr. FITZPATRICK of Pennsylvania, Mr. FOLEY, Mr. FORBES, Mr. FORD, Mr. FOSSELLA, Mr. FRELINGHUYSEN, Mr. GARRETT of New Jersey, Mr. GINGREY, Mr. GOODE, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. HINCHEY, Mr. HOLDEN, Mr. HOLT, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. KUCINICH, Mr. KUHL of New York, Mr. LANGEVIN, Mr. LARSON of Connecticut, Mr. LATOURETTE, Mr. LEACH, Ms. LEE, Mr. LOBIONDO, Mr. MARKEY, Mrs. MCCARTHY, Ms. MCCOLLUM of Minnesota, Mr. MCCOTTER, Mr. MCGOVERN, Mr. MCNULTY, Mr. MENENDEZ, Mr. MILLER of Florida, Mr. MORAN of Virginia, Mr. MURTHA, Mrs. MYRICK, Mr. NADLER, Mr. NEAL of Massachusetts, Mr. PALLONE, Mr. PAYNE, Mr. PETERSON of Minnesota, Mr. PETRI, Mr. PRICE of North Carolina, Mr. PUTNAM, Mr. RAMSTAD, Mr. ROGERS of Michigan, Ms. ROS-LEHTINEN, Mr. ROSS, Mr. ROTHMAN, Mr. RUPPERSBERGER, Mr. RYAN of Ohio, Mr. SANDERS, Mr. SAXTON, Mr. SCHIFF, Mr. SHAYS, Mr. SHUSTER, Ms. SLAUGHTER, Mr. SMITH of New Jersey, Mr. SNYDER, Mr. SPRATT, Mr. STRICKLAND, Mr. TAYLOR of Mississippi, Mr. THOMPSON of California, Mr. TIERNEY, Mr. TOWNS, Mr. UPTON, Mr. VAN HOLLEN, Mr. WALSH, Mr. WAMP, Ms. WATERS, Ms. WATSON, Mr. WATT, Mr. WAXMAN, Mr. WEXLER, Mr. WILSON of South Carolina, Mrs. WILSON of New Mexico, Mr. WOLF, Ms. WOOLSEY, and Mr. WYNN):

H. Con. Res. 99. Concurrent resolution expressing the need for enhanced public awareness of traumatic brain injury and support for the designation of a National Brain Injury Awareness Month; to the Committee on Energy and Commerce.

By Ms. PELOSI:

H. Res. 153. A resolution raising a question of the privileges of the House which was laid on the table.

By Mr. PUTNAM:

H. Res. 154. A resolution providing for consideration of the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010; referred to the House Calendar and ordered to be printed.

By Mr. ANDREWS (for himself, Mrs. MALONEY, Mr. PAYNE, Ms. LEE, Mr. HOLT, Mr. GRIJALVA, Mr. LANTOS, Ms. WOOLSEY, Mr. OWENS, Mr. MCNULTY, Mr. VAN HOLLEN, Ms. MCKINNEY, Ms. SCHAKOWSKY, and Mr. CUMMINGS):

H. Res. 155. A resolution requiring the House of Representatives to take any legislative action necessary to verify the ratification of the Equal Rights Amendment as part of the Constitution when the legislatures of an additional three States ratify the Equal Rights Amendment; to the Committee on the Judiciary.

By Mr. CONYERS:

H. Res. 156. A resolution condemning the conduct of Chief Minister Narendra Modi for his actions to incite religious persecution and urging the United States to condemn all violations of religious freedom in India; to the Committee on International Relations.

By Mr. REHBERG:

H. Res. 157. A resolution congratulating the Montana Future Farmers of America on the occasion of its 75th Anniversary and celebrating the achievements of Montana FFA members; to the Committee on Agriculture.

By Mr. TIERNEY (for himself, Mr. BURTON of Indiana, Mr. DOYLE, and Mr. SMITH of New Jersey):

H. Res. 158. A resolution recognizing the importance of increasing awareness of autism, supporting programs for increased research and improved treatment of autism, improving training and support for individuals with autism and those who care for individuals with autism, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

10. The SPEAKER presented a memorial of the House of Representatives of the State of Rhode Island, relative to House Resolution No. 5101 memorializing the Congress of the United States to fulfill its commitment of forty percent (40%) federal funding in its reauthorization of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et. seq.); to the Committee on Education and the Workforce.

11. Also, a memorial of the Legislature of the State of Nevada, relative to Senate Joint Resolution No. 2 memorializing the President of the United States to reverse his position on, and alternatively urging the Congress of the United States to reject, his federal budget proposal to use money derived from the sale of land in Nevada to lower the federal deficit; to the Committee on Resources.

12. Also, a memorial of the Senate of the Commonwealth of Puerto Rico, relative to Senate Resolution No. 4623 stating the most vehement support of continuing the ban established in the Federal Assault Weapons Act of 1994, and for its effectiveness to continue as well as the ban on the use of assault weapons (automatic rifles) by the civilian population; to the Committee on the Judiciary.

13. Also, a memorial of the General Assembly of the State of Ohio, relative to Senate Resolution No. 20 memorializing the Congress of the United States to enact the Clear Skies Act of 2005 in order to improve our nation's air quality and ensure our nation's economic stability; jointly to the Committees on Energy and Commerce and Science.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. CARSON introduced a bill (H.R. 1328) for the relief of Adela and Darryl Bailor; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. EDWARDS, Mr. GUTIERREZ, Mrs. LOWEY, Mr. PAYNE, Mr. SMITH of Washington, Mr. STARK, Mr. THOMPSON of Mississippi, Ms. HARRIS, Mr. OBERSTAR, and Mr. BRADLEY of New Hampshire.

H.R. 22: Mr. INSLEE.

H.R. 25: Mr. GINGREY.

H.R. 63: Mr. KUCINICH, Mr. SALAZAR, Mr. CLAY, Mr. BUTTERFIELD, and Mr. CLEAVER.

H.R. 97: Mr. GUTIERREZ, Ms. CARSON, Ms. WOOLSEY, Mr. CALVERT, and Mr. WOLF.

H.R. 114: Ms. BERKLEY.

H.R. 115: Mr. SANDERS and Mr. WOLF.

H.R. 136: Mrs. BLACKBURN.

H.R. 147: Mr. CRAMER, Mr. CUELLAR, Mr. PASCRELL, Mr. BOREN, Ms. HERSETH, Mr. BARTLETT of Maryland, Mr. RUPPERSBERGER, and Mr. TIERNEY.

H.R 156: Mr. BISHOP of Georgia and Mr. STUPAK.

H.R. 181: Mr. KING of Iowa.

H.R. 219: Mr. MILLER of Florida.

H.R. 280: Mr. SHAYS.

H.R. 292: Mr. PALLONE and Ms. WASSERMAN SCHULTZ.

H.R. 331: Mr. GREEN of Wisconsin.

H.R. 341: Mr. SOUDER, Mr. FITZPATRICK of Pennsylvania, Mr. PLATTS, Mr. SIMMONS, and Mr. BOUSTANY.

H.R. 363: Mr. RUPPERSBERGER.

H.R. 414: Mr. GORDON and Mr. MORAN of Kansas.

H.R. 415: Mr. LEACH, Mr. FOLEY, and Mr. PAUL.

H.R. 458: Ms. BEAN.

H.R. 459: Mr. GUTIERREZ.

H.R. 475: Mr. MICHAUD, Ms. BERKLEY, Mr. ISRAEL, and Ms. WOOLSEY.

H.R. 490: Mrs. MUSGRAVE.

H.R. 503: Ms. SCHWARTZ of Pennsylvania, Mr. SERRANO, Mr. TOM DAVIS of Virginia, Ms. SLAUGHTER, Ms. BERKLEY, and Mr. NEY.

H.R. 515: Mr. GONZALEZ and Mr. EMANUEL.

H.R. 525: Mr. MEEKS of New York and Mr. STEARNS.

H.R. 534: Mr. TOM DAVIS of Virginia.

H.R. 558: Mr. WOLF, Mr. SAXTON, and Mr. FOLEY.

H.R. 562: Ms. SCHWARTZ of Pennsylvania.

H.R. 581: Mr. WOLF and Ms. ZOE LOFGREN of California.

H.R. 583: Ms. VELÁZQUEZ, Mr. CARDIN, Mr. LYNCH, and Ms. BERKLEY.

H.R. 602: Ms. BERKLEY, Mr. BRADLEY of New Hampshire, Mr. PORTER, and Mr. GONZALEZ.

H.R. 615: Ms. BORDALLO and Mr. HASTINGS of Florida.

H.R. 633: Mr. WEXLER.

H.R. 682: Mr. FRANKS of Arizona and Mr. BRADLEY of New Hampshire.

H.R. 687: Mr. ISRAEL and Mr. SANDERS.

H.R. 697: Mr. LEWIS of Georgia, Ms. CARSON, Mr. HASTINGS of Florida, Mr. SIMMONS, Mr. DICKS, and Mr. SANDERS.

H.R. 739: Mr. SULLIVAN.

H.R. 740: Mr. SULLIVAN.

H.R. 741: Mr. SULLIVAN.

H.R. 742: Mr. SULLIVAN.

H.R. 749: Mr. BACA.

H.R. 791: Mr. NADLER, Ms. CARSON, Mr. FRANK of Massachusetts, Mr. HOLDEN, Mr. HASTINGS of Florida, and Mr. FATTAH.

H.R. 793: Mr. CAPUANO, Mr. FRANK of Massachusetts, Mr. LATOURETTE, Mr. CASTLE, Mr. TOM DAVIS of Virginia, and Mr. BONNER.

H.R. 798: Mr. HINCHEY, Mr. BURTON of Indiana, and Mr. GREEN of Wisconsin.

H.R. 801: Mr. GRIJALVA and Mr. BOOZMAN.

H.R. 809: Mr. KINGSTON, Mr. BOOZMAN, Mr. GINGREY, and Mr. SHAW.

H.R. 819: Mr. THOMPSON of California and Mr. SHAYS.

H.R. 827: Mr. INSLEE.

H.R. 838: Mr. HONDA, Mr. PALLONE, Mr. HASTINGS of Florida, and Mr. LOBIONDO.

H.R. 856: Mr. PETERSON of Pennsylvania.

H.R. 893: Mr. SANDERS.

H.R. 921: Mr. SCOTT of Virginia, Mrs. JONES of Ohio, Mrs. MCCARTHY, and Ms. NORTON.

H.R. 925: Mr. KLINE, Mr. SOUDER, Mr. GRAVES, Mr. ALEXANDER, Mr. MCHUGH, Mr. PENCE, Mr. FLAKE, Mr. PAUL, Mr. BACHUS, Mr. NEUGEBAUER, Mr. BUYER, and Mr. SESSIONS.

H.R. 930: Mr. MILLER of Florida and Ms. BERKLEY.

H.R. 972: Mr. KING of New York, Ms. SCHAKOWSKY, Mr. EMANUEL, and Mr. LYNCH.

H.R. 985: Mr. ROHRABACHER, Mr. RENZI, Mr. CASE, Mr. WELLER, and Mr. SNYDER.

H.R. 997: Mr. DUNCAN, Mrs. BONO, Mr. REHBERG, Mrs. MILLER of Michigan, and Mrs. BLACKBURN.

H.R. 999: Mr. FILNER, Mr. BOUCHER, and Mrs. WILSON of New Mexico.

H.R. 1001: Mr. EDWARDS and Mr. DOGGETT.

H.R. 1016: Mr. MCINTYRE, Mr. NEUGEBAUER, and Mr. CHANDLER.

H.R. 1040: Mr. SESSIONS.

H.R. 1059: Mr. FATTAH, Mrs. JONES of Ohio, and Mr. CASE.

H.R. 1063: Mr. GREEN of Wisconsin and Mr. SIMMONS.

H.R. 1069: Mr. HASTINGS of Florida, Mr. OBERSTAR, Ms. WOOLSEY, Mr. EVANS, Ms. LEE, Mr. CASE, and Mr. LEWIS of Georgia.

H.R. 1079: Mrs. MILLER of Michigan.

H.R. 1080: Mrs. LOWEY.

H.R. 1091: Mr. WELLER.

H.R. 1092: Mrs. MUSGRAVE.

H.R. 1100: Mr. CONAWAY, Mr. HENSARLING, and Mr. ROGERS of Alabama.

H.R. 1106: Ms. CARSON and Mr. MCCOTTER.

H.R. 1107: Mr. COSTELLO, Mr. KUCINICH, and Mr. WAXMAN.

H.R. 1120: Mr. KENNEDY of Minnesota.

H.R. 1124: Mr. SHAYS and Mr. FILNER.

H.R. 1125: Ms. SLAUGHTER, Mr. WAXMAN, Ms. DELAURO, Mr. MCNULTY, Mr. KENNEDY of Rhode Island, and Ms. BALDWIN.

H.R. 1126: Mr. FARR, Mr. RANGEL, Mr. LIPINSKI, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. HOLT, Mr. KIND, Mr. TOWNS, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. NAPOLITANO, Mr. NADLER, Mr. SERRANO, Mr. HIGGINS, Ms. LEE, Mrs. JONES of Ohio, Mr. SANDERS, Mr. INSLEE, Ms. GINNY BROWN-WAITE of Florida, Mr. SHAYS, Mr. VISCLOSKY, Mr. ANDREWS, Mr. KUCINICH, Mr. ENGLISH of Pennsylvania, Mr. MEEK of Florida, and Ms. SOLIS.

H.R. 1142: Mr. MCCAUL of Texas.

H.R. 1151: Mr. POMBO, Mr. RADANOVICH, Mr. ROGERS of Alabama, Mr. MANZULLO, Mr. WELLER, Mr. RYAN of Wisconsin, Mr. BAKER, Mr. CUMMINGS, Mr. BISHOP of Georgia, Mr. JENKINS, and Mr. MCNULTY.

H.R. 1155: Ms. SLAUGHTER.

H.R. 1157: Mr. DUNCAN and Mr. SMITH of Washington.

H.R. 1175: Mr. LAHOOD.

H.R. 1185: Mr. LUCAS.

H.R. 1225: Mr. CASE, Mr. VAN HOLLEN, and Mr. MORAN of Virginia.

H.R. 1226: Ms. HOOLEY.

H.R. 1227: Mr. BURTON of Indiana, Ms. HARMAN, and Mr. LYNCH.

H.R. 1229: Mr. DUNCAN, Mr. PAUL, and Mr. JENKINS.

H.R. 1245: Mr. SCHIFF, Mr. FRANK of Massachusetts, Mr. BURGESS, Ms. BALDWIN, Mr. HASTINGS of Florida, Mr. LOBIONDO, Mr. MICHAUD, and Mr. GEORGE MILLER of California.

H.R. 1249: Mr. BASS, Mr. BRADLEY of New Hampshire, Mr. SAXTON, and Mr. RUPPERSBERGER.

H.R. 1252: Mr. LEWIS of Georgia and Mr. WELDON of Pennsylvania.

H.R. 1257: Mr. HALL, Mr. NUNES, Mr. BOOZMAN, Mrs. BONO, Mr. BILIRAKIS, Ms. HARRIS, and Mr. HUNTER.

H.R. 1281: Mr. KUHL of New York and Mr. ALLEN.

H.J. Res. 10: Mr. WALDEN of Oregon, Mr. REHBERG, and Ms. BERKLEY.

H.J. Res. 23: Mr. UDALL of New Mexico.

H. Con. Res. 71: Mr. BUTTERFIELD, Ms. SOLIS, Mrs. MCCARTHY, Ms. MCKINNEY, and Mr. SHIMKUS.

H. Con. Res. 76: Mrs. MYRICK and Mr. BURGESS.

H. Con. Res. 80: Mr. LEWIS of Georgia and Mr. GUTIERREZ.

H. Con. Res. 83: Mr. CLAY, Mrs. MALONEY, Mr. MCNULTY, Mr. LIPINSKI, Mr. KING of New York, Mr. MICHAUD, Mr. HOLT, and Mr. RADANOVICH.

H. Res. 84: Ms. GRANGER and Mr. KING of Iowa.

H. Res. 98: Mr. DINGELL.

H. Res. 131: Mr. SANDERS, Mr. COSTA, Mr. COSTELLO, Mr. ACKERMAN, Mr. CONYERS, Mr. NADLER, Mr. MEEK of Florida, Ms. NORTON, Mr. CUELLAR, Mr. INSLEE, Mr. HEFLEY, and Mr. OBEY.

H. Res. 136: Mr. INSLEE, Ms. WOOLSEY, Mrs. LOWEY, and Mr. SANDERS.

H. Res. 146: Mr. JONES of North Carolina, Mr. ALEXANDER, and Mr. PITTS.

H. Res. 148: Ms. BEAN, Mr. KANJORSKI, Ms. PRYCE of Ohio, Mr. BAKER, Ms. CORRINE BROWN of Florida, Mr. BACHUS, Mr. FORD, Mrs. MCCARTHY, Mr. COOPER, Ms. LEE, Mr. LEWIS of Georgia, Mr. RUSH, Mr. GUTIERREZ, Mr. OWENS, Mr. SCOTT of Georgia, Mrs. DAVIS of California, Mr. FRANK of Massachusetts, Mr. BACA, Ms. MOORE of Wisconsin, Ms. CARSON, Mr. KENNEDY of Minnesota, Mr. PLATTS, Mr. BOEHLERT, Mr. SHAYS, Mr. GARRETT of New Jersey, Mr. DREIER, Mr. TIBERI, Mr. LUCAS, Mr. WICKER, Mrs. JOHNSON of Connecticut, Mr. RAMSTAD, Mr. DANIEL E. LUNGREN of California, Mr. REICHERT, Mr. MCHENRY, Mr. HASTERT, Mr. JOHNSON of Illinois, Mr. WELLER, Mr. KIRK, Mr. COLE of Oklahoma, Mrs. KELLY, Ms. LORETTA SANCHEZ of California, Mr. NEY, Mr. CLEAVER, Mr. ORTIZ, Mrs. MALONEY, Mr. POMEROY, Mr. SANDERS, Mr. ROSS, Mr. GREEN of Wisconsin, Mr. MEEKS of New York, Mr. OXLEY, Mr. ENGLISH of Pennsylvania, Ms. WASSERMAN SCHULTZ, Mr. WATT, Mr. MOORE of Kansas, Mr. CLAY, Mr. CROWLEY, Ms. HOOLEY, Mr. GUTKNECHT, Mr. EHLERS, Mr. DENT, Mr. BOEHNER, Mr. GILCHREST, Mr. FORBES, Mr. CASTLE, Mr. GILLMOR, Mr. JONES of North Carolina, Mr. HENSARLING, Mr. BONNER, and Mr. TOM DAVIS of Virginia.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 21: Mr. MENENDEZ.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

9. The SPEAKER presented a petition of the Kentucky House Committee on Agriculture and Small Business, relative to a resolution petitioning the United States Congress and the United States Department of Agriculture to take the necessary steps to allow tobacco producers to sell the excess tobacco from their 2004 crop; to the Committee on Agriculture.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1268

OFFERED BY: MR. FEENEY

AMENDMENT NO. 5: In chapter 2 of title II of the bill, strike the item relating to "CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES".

H.R. 1268

OFFERED BY: MR. TANCREDO

AMENDMENT NO. 6: Page 72, after line 17, insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 7001. None of the funds made available under the heading "TITLE IV—INDIAN OCEAN TSUNAMI RELIEF—CHAPTER 1—FUNDS APPROPRIATED TO THE PRESIDENT—OTHER BILATERAL ASSISTANCE—TSUNAMI RECOVERY AND RECONSTRUCTION FUND (INCLUDING TRANSFERS OF FUNDS)" may be used to provide emergency relief, rehabilitation or reconstruction aid.

H.R. 1268

OFFERED BY: MR. UPTON

AMENDMENT NO. 7: At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available in this Act may be used for embassy security, construction, and maintenance.

H.R. 1268

OFFERED BY: MS. VELÁZQUEZ

AMENDMENT NO. 8: At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 7001. None of the funds made available in this Act may be used to fund any contract in contravention of section 15(g)(2) of the Small Business Act (15 U.S.C. 644(g)(2)).

H.R. 1268

OFFERED BY: MR. WEINER

AMENDMENT NO. 9: Insert at the end of the bill, before the short title, the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 7001. None of the funds made available in this Act may be used for assistance to the Palestinian Authority (or to any successor entity) or for programs, projects, and activities in the West Bank or Gaza.

H.R. 1268

OFFERED BY: MR. WEINER

AMENDMENT NO. 10: Insert at the end of the bill, before the short title, the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 7001. None of the funds appropriated or otherwise made available in this Act may be obligated or expended to finance any assistance to Saudi Arabia.

SENATE—*Tuesday, March 15, 2005*

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN THUNE, a Senator from the State of South Dakota.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Father who art in heaven, we acknowledge that You are our creator and sustainer. Without Your power, we can accomplish nothing of worth. Forgive us for our excessive dependence upon our powers and help us to seek Your wisdom.

Bless now these men and women chosen by the people of this Nation as they strive to make a positive difference in these challenging times. Remind them that they are not alone in their labors because You have promised never to leave them or forsake them. Help them to find shelter in Your love and in the knowledge that in everything You are working for the good of those who love You and are called according to Your purposes.

O God our fortress, bless this Nation that each citizen will strive to live for Your glory. We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN THUNE led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, March 15, 2005.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN THUNE, a Senator from the State of South Dakota, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. THUNE thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority whip is recognized.

SCHEDULE

Mr. McCONNELL. Mr. President, this morning we will begin immediately to resume consideration of the budget resolution. There are now a little more than 32 hours remaining out of the statutory limit of 50 hours. The chairman and ranking member were on the floor all day yesterday to begin the amendment process, and we expect to have many amendments considered today with votes well into this evening. Once we get underway this morning, we will alert Senators as to the timing of the first votes. We have already alerted Senators that this will be an extremely busy week. We will complete the budget resolution this week for sure. That will require lengthy sessions into each evening as we progress through the week. We will expedite progress on the bill if Senators will cooperate by keeping their schedules flexible and staying close to the floor throughout the day. Again, it is crucial that Senators should arrive at the floor quickly, as votes are ordered, to avoid missing any important budget votes.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR THE FISCAL YEAR 2006

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. Con. Res. 18, which the clerk will report.

The legislative clerk read as follows:

> A concurrent resolution (S. Con. Res. 18) setting forth the congressional budget for the United States Government for the fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the time on the budget be equally divided between the majority and minority.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McCONNELL. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I yield 20 minutes off the resolution to the Senator from Montana.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I thank my good friend from North Dakota and also say that I hope we can make some good sense out of this budget resolution. It is not the first time we have had a budget resolution, but I hope we can show that we are exercising leadership in getting one that makes sense.

I rise to speak about something that I hear more about at home than any other subject. It is astounding, frankly. I was home last weekend, home prior weekends. I hear more and more on this one subject than any other, and that is Social Security.

People in Montana walk up to me and say: Senator, please save Social Security. Don't adopt the privatization plan. It doesn't make sense.

In my experience as a public servant, I have never experienced such a broadside of reaction on Social Security compared to any other issue I have ever faced. It is that great.

Let me tell a little about what I think Montanans are really thinking. Here is what Montanans are telling me about Social Security.

A man from Helena, MT, put it this way:

> I have been an employee and employer for 55 years. The Social Security system is the only solid, dependable program that I and everyone I have been involved with can rely on.

Laura from Baker, MT, says:

> It seems to me that our Social Security system has worked well for many, many years. I cannot understand the President's desire to reform it.

Well, when it comes to trying to understand why the President wants to privatize Social Security, Laura is not alone. Let me talk a little bit about the President's plan to privatize Social Security and what it would mean in practical terms.

The first thing we have to do is to put aside the notion that privatizing

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Social Security has anything to do with strengthening Social Security and preserving Social Security for the long run. It does not. Privatization has nothing to do with preserving Social Security for the long run—nothing.

In fact, it undermines Social Security. Social Security's actuaries—these are the Congressional Budget Office folks, and we all agree they are totally nonpartisan, straight shooters—agree that privatizing Social Security does not improve the solvency of the Social Security. In fact, they believe it makes it worse.

Bobby from Eureka, MT, put it this way:

> I strongly oppose President George Bush's proposal to privatize Social Security or any part of it. I feel this is only the first step to dismantling Social Security all together.

She is concerned about the first step to dismantle Social Security, and there is a real basis for her beliefs because the private accounts have nothing to do with solvency. Many of us are wondering whether Bobby might be right.

We have to start with the proposition that President Bush is looking somewhere else besides private accounts for the real answer to extending Social Security solvency. To be candid, none of us know exactly how the President wants to pay for extending Social Security solvency.

He hasn't given us a specific proposal. In the State of the Union speech, however, he mentioned five possibilities. What are they? One was limiting benefits for wealthy retirees. Another one he mentioned is indexing benefits to prices rather than to wages. He also mentioned increasing retirement age. Further, he mentioned discouraging early collection of Social Security benefits. Five, changing the way benefits are calculated. All of those options the President has mentioned have one thing in common: they all cut benefits.

Even if we do not know for sure how the President wants to cut Social Security benefits, the administration has not been all that subtle about their druthers. For months, President Bush and many in the administration hinted that their preference is one of the plans put forward by the President's Commission on Social Security. What is that? That plan would divert Social Security payroll taxes into new private savings accounts. As I said, that has nothing to do with solvency. I will come back to that later. But that plan would also deeply cut Social Security benefits for future beneficiaries by changing the way the benefits are calculated. The President's plan would cut benefits, in the President's words, by indexing benefits to prices rather than to wages. What does that mean? What is the effect of that? Let me explain.

Under current law, when the Government calculates a worker's initial Social Security benefit, the Government adjusts the worker's past earnings for the growth in wages and the economy. Under the President's plan, the Government would adjust the worker's past earnings for the growth in prices, not in wages but in prices. What is the effect of that? Most people don't realize it, but wages actually grow faster than prices. Wages actually grow faster in the long run. People see prices rising all the time, but folks do not always focus on how much their wages increase. Wages generally keep up and surpass the increase of prices. On average, over time, wages grow faster than prices. Why is that? That is largely because workers today are more productive than workers used to be. Workers today produce more than workers did years ago. Economists call that productivity. They are more productive, so workers today demand higher wages. They are more productive, so they have higher wages, even after adjusting for inflation. Even though inflation goes up, workers are more productive, so wages rise faster than inflation, even though prices are going up. So adjusting the initial benefits to a growth in wages makes sense. It is current law. It makes sure Social Security will replace roughly the same share of future retirement incomes as it did for previous generations of retirees.

What does the Commission plan to do about that? Their plan to move from wage indexing to a price index means initial benefits for retirees in the future would gradually start to get smaller and smaller than they would under current law. Because these reductions in benefits would accumulate over time, each new group of retirees would get that much more of a cut in their benefits relative to what the current law promises them.

This chart shows the story. It is very illustrative. I hope people pay attention to this. I daresay that every American concerned about Social Security would take a good long hard look at this chart and they would realize the deeper problems in the President's proposal. This chart shows under current law—talking about what the law is today—succeeding generations of retirees can expect Social Security to replace a relatively constant amount of their income. This yellow line shows for people who start to retire today—when they retire, their Social Security benefits are going to be about 40 percent of their previous wages. As wages go up over time and people retire, they get about 40 percent of their wages just before they retire. That is called replacement income. That is the law, and it stays at about 40 percent out into the future.

On average, Social Security promises to replace about 40 percent of income year after year, represented by the yellow line. If we adopt the Commission's plan, what happens? That means the share of income Social Security replaced would go down. That is the red line here. So over time these cuts become very deep. For workers now in their midthirties, benefits will be cut by about 25 percent. For somebody born about now—one of our children or grandchildren—benefits will be cut in half. You see this red line comes about half of where the yellow line is. So somebody who enters the workforce about now, under the President's plan, when he or she retires, is going to receive almost 20 percent of wages, not 40 percent. That is a 50-percent cut. So a person would get much less under the President's plan in the future.

I am looking at some of these pages on the floor. When they work, and if this plan goes into effect, their Social Security benefits will be half when they retire compared to what it would be today under current law if they could retire. I don't know if they would want that.

If the Commission's plan had been in place when Social Security began to pay benefits in 1940—reverse that. Say the President's plan was in effect then; benefits for average earnings would be 60 percent less than today. If the President's plan had been in effect in 1940—I was born in 1941—then the benefits I would receive today, or anybody my age, would be, under the President's plan, much less than I would get today if I retired. How much less? You can tell by this chart. Today I would get about $1,278 a month. Under the President's plan, if I retired today, and this were in effect since 1940, I would get $515 a month. Let me state that again. Under current law, a worker with average wages who retires in 2005 will get about a $1,278 monthly Social Security check. Had the Commission's plan been in effect since 1940, that average worker would get only $515 a month in Social Security. That is $515 a month instead of $1,278.

Remember, this is kind of a startling statistic. For one-fifth of our seniors, Social Security is their total source of income. For 20 percent of seniors today, Social Security is all of their income. So no matter where you live, this is what you get in Social Security. If this plan had been in effect in 1940, seniors would be receiving $515 a month now, a lot less than they receive. That kind of cut in benefits would mean that a lot more seniors would be living in poverty. Had the Commission's plan been in effect since 1940, 7 million more seniors would be living in poverty today. Today, about 3.6 million seniors are living in poverty. That is not good. That is bad, but that is a fact. If the President's law had been in effect since 1940, then 10.5 million seniors would be living in poverty—more than three times that.

Someone might say: This isn't going to happen to me under the President's plan. Why? Because I am not going to participate in those private accounts. I will stay away from that. I will just do nothing and keep my payroll tax, which will still go into the Social Security trust fund. I don't have a private account, so this should not affect me. Then I won't have my benefits cut.

Guess what. That is not right. Under the Commission's plan, the President's proposed plan, these cuts would apply even if you did not choose to participate in private accounts. That may not seem fair, but that is a fact. These are the cuts you get irrespective of whether you participate in a private account. It makes no difference whether you do or do not participate in a private account.

Another question people might ask is, Will these cuts apply to people with disabilities, to survivors? To be candid, none of us knows for sure; but the Commission's numbers show that savings of people with disabilities and survivors were included. That means they are going to get cut, too. We are talking about widows or orphans here. Listen to the words of Linda from Great Falls, MT:

> My father died when I was 13 years old. My mom went to work as a bookkeeper making a little over $200 a month. Our entire lives changed, and without the assistance of Social Security benefits, I would never have been able to attend college.

Social Security is a vital lifeline for millions of Americans. We have to be very careful about how we change it. In addition to the cuts about which I have been talking so far, the President has a plan. It includes a second set of cuts; that is, a second set of cuts for anybody who signs up for the privatized accounts. Remember, I talked about the first round of cuts and benefits. There is a second round.

Under the plan, when workers retire, the Social Security benefits would be further reduced by, first, all of the contributions to the worker's private account. That amounts to an additional reduction in benefits. Then there is another reduction, and what is that? That is the interest that those contributions would have earned had they earned a 3-percent rate of return above inflation. Some people call it a "clawback." I call it a privatization tax.

This next chart, number 4, shows the story. It shows a case of a typical worker born in 1990. So a person born in 1990 retires in 2055. I suppose that would probably apply to a lot of our younger people. After all, this has been pitched for our younger people. Under current law, that person would get $23,300 each year from Social Security. So under current law, someone who is born in 1990 and retires in 2055, at age 65, that person will get about $23,300 in benefits from Social Security.

Let's talk about the cuts. The first cut under the President's plan is in benefits, due to changing from wage indexing to price indexing, as I mentioned earlier. What is the effect of that? That would cut a worker's Social Security payments to $13,104 a year. That change alone—cutting all benefits of all retirees under the President's plan by moving from wage indexing to price indexing—means the benefits that person will receive in 2055, born in 1990, would not be $23,000, but a whole whopping roughly $10,000 a year less, a cut down to $13,000 a year.

Then there is a second cut. That is the cut due to the privatization tax. That would cut a worker's Social Security benefits further. How much further? Down to a mere $3,276 a year. Just think of this for a minute; suspend judgment and let this sink in. This is what is happening under the President's plan. Today, that person would get $23,000 in Social Security benefits. The first cut applies to everybody in the President's plan irrespective of whether you have a private account. So everybody will get a cut by $10,000 a year, down to $13,000 a year. What about those folks who say: Gee, I am going to beat the system and I am going to divert 3 or 4 percentage points of my payroll tax into my private accounts. I am going to beat the system.

Wrong. What is really the fine print of the President's probable plan? What is the effect? It is a further deep cut of another $10,000. So the benefit that a person is going to receive is going to be not $23,000 but, rather, only $3,000 a year. The proponents tell us that: Gee, if they keep their private account, that will be made up by the income they will get from the private account, earnings they will get from the private accounts.

Let me just say what the Congressional Budget Office says about this part here, the red part on the chart about earnings. What do they say? They say workers with average earnings will be back to where they were in this middle bar, up to close to $13,000. So that means that after all the shouting, workers who are now 25 to 35 years old will have total retirement income cut—Social Security benefits plus income from the private accounts—total income cut by about a quarter below what current law promises.

Think of that for a moment. What did people think when they learned about all this? Some know about this, but a lot do not. Do you want to know something, Mr. President? I found something very startling about 2 weeks ago. I hope you will listen to this point because it is pretty important. The point is this: I asked a Senator on the other side of the aisle about 2 weeks ago: Senator, I wonder, does your side understand the fine print of the President's proposal? Does it really understand it? His answer—this was a private conversation—his answer was: Not really.

I said to the Senator: Do you mind if I explain what it does, what the practical effect of all this is? I do not want to be pedantic about it.

He said: Sure; what is it?

So I explained all this to him. He was amazed. He did not know all that. I take him at his word. He said most of the other side did not understand it. Maybe he was being very generous and actually they did. But I was startled by this conversation. He said most do not understand it.

Second, it was a revelation to him when I explained what it actually does.

I mention all this because I think it is important for the facts to get out. Facts often speak louder than words. I hope the facts get out.

The PRESIDING OFFICER (Mr. VITTER). The Senator has used his allotted 20 minutes.

Mr. BAUCUS. If I may have a few more minutes, I would appreciate it.

Mr. CONRAD. I yield another 5 minutes to the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I thank the Senator.

I repeat, workers 25 to 35 years old will have total retirement income; that is, Social Security benefit cuts, plus their income from the private accounts—that is income, not the principal reduced by 3 percent—cut by about a quarter below what current law promises. Those with average earnings born in this decade who retire at age 65 will have their total retirement income cut in half—again, their total retirement income cut in half. For those who participate in private accounts, their total income will be cut in half. That is all based on CBO's assumption that the private account will get a rate of return of 3 percent over and above inflation. It could get more, but it could get less.

Let me remind people that what goes up may also come down. In the late 1920s in America, people might have expected their stocks to go up at least 3 percent a year after inflation. As this chart shows, stocks went down nearly 90 percent between 1929 and 1932. From its high in 1929 of 381, the Dow fell to 41 in 1932.

Under the President's plan, what would happen to your Social Security benefit if the stock market crashed? You would still need to pay the full privatization tax on all the contributions to the worker's private account plus 3-percent interest above inflation. That is even if you did not earn that much. Under the President's plan, you still have to pay all that.

So under the President's privatization plan, your Social Security check will be reduced by more than what you have put in your private account. The only thing that would be guaranteed would be this little green bar at the end of $3,276 a year. I challenge anyone to explain to me how they can live on $3,276 a year. Under the President's plan, that is all you would be guaranteed. Under current law, you are guaranteed $23,000. If the stock market crashes and you are in a private account, your guarantee will only be $3,000. Come on, I do not think people want to do that. I do not think Congress wants to do that.

As Frederick from Great Falls, MT, asked:

> [I]f the bottom falls out of the market, who takes care of them then?

Some say we cannot sustain Social Security's current promises anyway. But the Commission's cuts would be deeper than if we did absolutely nothing to Social Security. If we did nothing to extend the life of Social Security—and no one is recommending that—but if Congress did nothing—again, no one is recommending we do nothing; we have to do something that makes sense—if we did nothing, then according to the Congressional Budget Office, in 2052, we would still be able to pay 80 percent of promised benefits. In contrast, under the Commission's plan—that is the President's probable plan—benefits would be cut before 2052 and benefits would be cut deeper than that in 2052 and after.

This chart puts it together. For that typical worker born in 1990, current law promises Social Security benefits to be $23,300, as I mentioned earlier. But even if we do nothing—again, I do not advocate doing nothing; we have to do something—Social Security would be able to pay that worker $18,100 a year. The Commission's plan would cut that to $13,104, and the President's privatization tax cut would cut the guaranteed benefit to $3,276. In all likelihood, the worker would get a total package of benefits—their Social Security plus their private account—in the neighborhood of $13,104.

We do not know how much the rate of return is going to be. That is why it is red with a question mark. It could go up; it could go down. It has to be a high level annual rate of return to equal, frankly, what one would get in total benefits, even after the cuts. As I said, this chart puts it altogether.

That is why the President's privatization plan does not make any sense. From the perspective of typical beneficiaries, it would leave them worse off than if we did nothing. Worse off than if we did nothing—let that sink in a little bit. The President's plan would leave people worse off compared to if we did nothing, at least over the next 40 to 50 years, through 2052. That is roughly the next 60 years—worse off. That is before we take into account the $5 trillion in new borrowing that the President's plan requires in its first 20 years. I did not talk about that.

Let me summarize. We have demonstrated conclusively why people would be worse off under the President's plan than they would be under current law. Now we add another huge problem with the President's plan. What is that? That is the $5 trillion of new borrowing the President's plan would require in its first 20 years; $5 trillion of additional borrowing. We are already deeply in debt.

Jack from Kalispell, MT, wrote me of his suspicion on this:

> President Bush is proposing a gimmick to take attention away from plans to reduce future benefits. I believe the Federal Government should solve its own solvency problems and either stop borrowing from the Social Security trust [fund] or actually pay back its loan with market rates for interest.

Jack may have a point. The private accounts are a gimmick, and the benefit cuts are bad enough that anyone associated with them might want to divert their attention away from them.

The reason why the cuts are so deep is because the Commission's plan would place all of the burdens of securing solvency on benefit cuts—all of the burden of solvency on benefit cuts, all of it, all. Within benefits cuts, the Commission's plan would place all the burdens of securing solvency on today's young people and future beneficiaries. He is passing the buck. First he says, OK, all of the solvency solution is on the back of the beneficiaries in terms of benefit cuts. And the $5 trillion, who is going to pay for that? That is going to be young people in future generations, future taxpayers. They are going to have to pay back that $5 trillion. That is the effect of switching from wage indexing to price indexing, and I do not think that is fair.

Look at this chart again. The President's plan would change Social Security from a guaranteed $23,300 in earned benefit to a guaranteed $3,000—23 down to 3, plus a gamble. That is a benefit you would get from the President's plan. You are guaranteed $3,000 and you are guaranteed a gamble. It may pay off and be big. The gamble may not pay off. You may lose your shirt. No wonder people wonder whether the President's plan is more about, as Bobby from Eureka, MT, put it, "only the first step to dismantling Social Security altogether." She is concerned about that. When you look at the effect of the President's plan, you begin to think that maybe Bobby is on to something here.

That is why Democrats have called upon the President to disavow his plan for private accounts funded out of Social Security. We ask him to do so, why? Because we want to make sure these private accounts are not, in Bobby's words, "the first step to dismantling Social Security altogether."

Democrats want to address Social Security's solvency. You bet we do. There is a problem here. It is not a crisis. It is a problem we should address now rather than later. We want to strengthen and protect Social Security for the future. We do think there is a problem. But in order to do that, we need reassurance that the changes we agree to will strengthen Social Security, not dismantle it. The President needs to disavow privatizing Social Security. That is a necessary first step. He needs to state he does not want to dismantle Social Security and has to do that before we can agree on how to fix it. If he makes that statement, boy, you bet there would be a big rush in the Congress, on both sides of the aisle, to fix the solvency problem in Social Security.

That is the problem Americans worry about, solvency of Social Security. That is their concern, so let's address their concern.

Mary from Belgrade, MT, summed it up pretty well. She wrote:

> The American Social Security system is one of the most cost-effective pension plans ever devised. It costs a pittance to administer, it is thoroughly honest, and it works flawlessly. "Privatizing" it will almost certainly ruin it.

Privatizing will almost certainly ruin it.

> It would add hugely to the crushing burden of national debt, it would mean smaller retirement pensions for millions of retiring Americans, and it would cost 20 to 30 times more to administer. Congress has a duty to the American people to protect this popular, inexpensive, highly effective program. I implore you, Senator Baucus, to tell the President you oppose privatization, and to legislate only a plan that will fix long-term problems without changing the basic structure and function of our Social Security system.

Nobody could have said it better. Mary knows what is going on here. She figured it out. I think a lot of Americans are also beginning to figure it out. And when more figure it out, we have no choice but to address solvency and to take privatization totally off the table.

Mr. President, you can help us a lot if you were to make that statement.

Mary has it right. We need to get beyond plans to privatize Social Security. And once we do, we can get about the business of "fix[ing its] long-term problems" and securing it for generations to come.

That is why I will support the amendment by the senior Senator from Florida, Mr. NELSON.

The PRESIDING OFFICER. The Senator has consumed his additional time.

Mr. BAUCUS. If I might have 1 more minute.

Mr. CONRAD. I yield an additional minute off the resolution to the Senator.

Mr. BAUCUS. Mr. President, that is why the senior Senator from Florida, Mr. NELSON, is going to offer an amendment on Social Security later this week. It is why I urge my colleagues to support it. We want to keep Social Security, in the words of that man from Helena, as "the only solid, dependable program that [we] can rely on." They want to keep it. They should keep it. We want to keep it. It is "the only solid, dependable program" seniors can rely on.

We want to keep it, in the words of Laura from Baker, MT, a "system

[that] has worked well for many, many years." And we want to keep a system that can work well for "many, many years to come."

I very much thank my good friend from North Dakota. I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I yield myself 25 minutes.

I rise in support of the budget resolution that is before the Senate, and I support the leadership of our new chairman. He has shown tremendous leadership on a very tough issue.

This budget is about the future. It is about our children and our grandchildren, as is Social Security. I was pleased to hear the Senator from Montana admit we do have a problem with Social Security. We have some Members who apparently do not think there is a problem with Social Security. I would like to go back to Social Security perhaps at a later time.

We have before us a budget resolution. We have to keep in mind that this budget resolution is about numbers. We are not getting into the specifics of the program, even though we are going to see a lot of amendments on the floor today that are going to be dealing with specifics of the program. In reality, this is about numbers. It is about the top numbers and how the numbers are allocated among the various committees. But the real decisions about how those dollars are going to be spent will rest, in some cases, with an authorization committee, or it may rest with the Appropriations Committee.

If we look back historically at the budget, particularly in the last few years, the growth of the national budget, as reflected in the budget resolution, has been greater than what the growth of the economy has been. This budget is an attempt to reduce the rate of growth.

There are some people who are going to try to characterize that as cuts, but if we look at the total figures in the budget, what we are doing is reducing the rate of growth. Even if we look at what we have done to reduce the rate of growth in entitlements, which has covered so much of the discussion throughout the budget debate, the growth in entitlements is greater than the growth in the economy.

So we are talking about reducing the rate of growth. I believe this resolution represents a courageous balancing act in trying to bring some sanity to the budgeting process, some fiscal responsibility.

We are funding our social and military priorities. The total discretionary budget authority for 2006 is $834.4 billion. Most of that is defense spending. We have about $438 billion, or something like that, that is set aside for discretionary spending in that area. The resolution is consistent with the President's request, plus a generous increase for some educational programs, particularly Pell grants.

The resolution assumes full funding of the President's defense request, which is supporting our global war on terrorism, restructuring our U.S. forces, which I believe is badly needed, future threats, and raising the quality of life for our men and women in uniform. We have some tough decisions that have to be made when we are allocating these dollars, and they do have an impact.

The resolution funds important existing commitments—certainly the reconstruction of Iraq. Nobody can deny the importance of that. We did not step away from that. That is an obligation we have assumed, and it is important we finish the job.

We have a $50 billion reserve fund put up in this particular budget to begin to address the needs of our men and women in the military.

In education, I mentioned the Pell grant increase, increases in higher education, No Child Left Behind—the increase in Pell grants of 10 percent or $417 million; we have a $5.5 billion reserve account for the new Higher Education Act, which is money that is going to be available when the HELP Committee acts.

The budget features sound and vital mechanisms for fiscal restraint and budget discipline, which is something we have lost here in the last few years. I think we have to regain that. It is important that we do something to reduce deficit spending. This is something that will impact our children and grandchildren, if we do not begin to address it today. And the sooner we address it, the better off we are going be.

If a business is having financial problems or any entity is having financial problems, I think everybody recognizes that if you wait until the last minute to address those financial problems, they get unsolvable. But the earlier you address those problems, the better off you are.

We do have some Social Security problems. My feeling is the sooner we begin to address them, the less the pain is going to be. There is going to be some pain, but the pain is going to be less. If we wait until the last minute, the pain is going to be unbearable in Social Security.

We have the same thing with many of our other entitlements programs. This budget begins to set discretionary budgets for 2006, 2007, and 2008, which is something that is enforced with the 60-vote point of order. It is a way of expecting a higher threshold if you want to increase spending. If we begin to mortgage the future of our children and grandchildren, then we are going to require a higher threshold in this Congress to be able to do that, which means the issue has to be that much more important in the minds of Senators and the Congress.

We establish points of order against new direct spending totaling $5 billion in any of the next four 10-year periods.

The resolution continues sensible mechanisms for nondefense spending, advance appropriations, and pay-go, and it contains recommendations for a review of Federal agencies and their performance to eliminate or reduce wasteful, duplicative, inefficient, outdated, or failed programs. This idea in particular represents a growing sentiment within the body. I believe it represents a growing sentiment that we are seeing throughout the Nation. We have seen some efforts to try to restrain spending in high priorities areas in this Congress, such as defense. We are preparing to go through the BRAC process where we are looking closely at defense installations to see if they still meet the mission of a modern military. We need to have a similar type of scrutiny in the nondefense programs, to see if they continue to meet the mission the Congress intended of them when they first passed the legislation. That is being provided for by GPRA, which stands for Government Progress and Results Act, which measures how agencies do. The President has taken this and modified it to prevail as sort of a detailed roadmap through what he called his PART ratings, which is a roadmap I think Congress should pay more attention to.

So he is looking at some accountability within the agencies. Again, we are not talking about anything more than just a reduction in the rate of spending as far as the total budget is concerned.

This budget represents a landmark attempt to do something about entitlement spending. The first attempt was 19 years ago when there was an attempt to rein in entitlement spending in a budget resolution. So it has been awhile since we have looked at these. In the meantime these programs have been running on automatic. They have been spending more than what has been happening in the growth rate of our economy. Over time we are going to pay for it. It is going to be our children and grandchildren.

The resolution includes instructions to produce mandatory savings of $32 billion over 5 years. This is a very important provision that is being wildly exaggerated. We have to keep in mind that mandatory spending is two-thirds of our total budget. The total budget is running at 2, a little over $2.5 trillion. Figure it out. We are only talking about $32 billion over 5 years. If you want to average it out, it is a little over $6 billion a year out of this 1 year's budget of over $2.5 trillion. So many of these provisions I think are being wildly exaggerated. Mandatory spending would still increase from $1.5 trillion in 2005 to more than $2 trillion in 2010. That is a growth of $500 billion in 5 years.

So even though we are cutting back on the rate of spending growth, it is still increasing every year, and it is still increasing at a rate of $500 billion over a 5-year period of time. Some people in this body say that is too many cuts, but I look at these figures and I wonder who they are kidding.

The doomsday cuts in this resolution barely add up to a moderate restraint of the stratospheric growth of these programs. Many people agree that entitlement spending is swallowing the budget and we must look seriously at our long-term fiscal health. The Federal Government consumes just under 20 percent of our total economy, and entitlements promise to grow and consume a larger and larger portion of this sizable chunk of our gross domestic product. The Congressional Budget Office, for example, estimates 65 percent of Federal resources by 2015. We had testimony in the Budget Committee from the Congressional Budget Office which said these were not sustainable—a personal view. I have to agree, when you look at 65 percent of Federal resources by 2015 as far as entitlement growth is concerned, that is a serious problem, and this Congress needs to face up to it.

Despite the unanimous agreement that we must do something about it before our grandkids have to bear our policy burdens, I hear nothing from the other side except more money, more and more and more. I don't hear any suggestions on what their budget proposal is. They want to raise taxes, they want to increase spending. That is the only plan we get out of the other side. In some ways there is an analogy on Social Security. The other side is continuing to criticize Social Security, but they don't—and some of them, like Senator BAUCUS of Montana, agree now that there is a problem with Social Security, but there is no plan they are putting forward. The President has courageously stepped forward and suggested some plans to protect our children and grandchildren. They are very modest. He has done that with the budget. He is doing that with Social Security.

Last week's markup I thought was very revealing. We had numerous amendments for additional spending in the Budget Committee and the promise of an alternative budget they said through amendments. That is how they were going to make their budget heard. It is easy to pick out a budget through amendments, but I would like to see a total budget plan presented by the other side if this budget is so bad. But nothing has materialized except more spending and the reductions of the enormously successful tax cuts. And those tax cuts were successful. That is what has created the economic growth we are seeing today.

I had some experience in the House being in the minority which the other aisle finds themselves in, and we had the courage to step forward with a total budget and to make tough choices. We were challenged by the majority, by the Democrats in the House at the time I served on the Budget Committee, to come up with our own budget, and we said, yes, in fairness of debate, we ought to have one. So we did put forward a budget, a total budget about where we wanted to see the country be in 5 years, even in 10 years, and we compared that with the majority, the Democrats on the House side during those early years, and as a result of that, I think we established some credibility.

My challenge to the other side is, you need to come up with your budget. You need to make the tradeoffs. Just submitting amendments here and there and picking at certain parts of the budget for political reasons or because it is an easy program to pick on or whatever is not the way to put together a budget for this country. So I challenge the other side to come up with a total budget and see what their ideas are and what they are going to do to protect the future generations of Americans, our children and our grandchildren.

This resolution makes a minor adjustment to the explosive growth of Medicaid. You would think the sky was falling, and here is the percent of adjustment—.007 percent of Medicaid over 5 years. That is all we are touching. Now, there is still a huge increase going on in Medicaid, as far as I am concerned. We are just reducing that growth from what has been projected out so that there is a .007 percent of Medicaid being impacted over 5 years, which is a reduction. It appears to me that the only option that would be given from the other side is a tax increase without smothering growth and solving the underling problems

The clock is ticking. The Budget Committee testimony by the Comptroller General of the GAO revealed estimates that our Nation's unfunded promises over the next 75 years are $44 trillion. In the entire history of the Federal Government we have raised a total of only $38 trillion in revenue. That is astounding testimony. We cannot wish this away. We cannot rely solely on economic growth. And we cannot tax our kids and grandkids into oblivion to solve these problems. Annual mandatory spending is on autopilot, rarely undergoing the kind of examination we give to the issue of steroids in Major League Baseball, for example. And this is much more important.

CBO's baseline projects net mandatory spending will grow at an annual rate of 5.8 percent over the next 10 years. That is $5.4 trillion in total growth above 2005 spending levels. This resolution offers a modest reduction in the rate of that growth—a courageous and important step in our thinking around here.

The resolution offers a very good start. If someone has a better plan, again, not just a series of constant amendments but a budget, we will be here to discuss it.

Provisions to protect the taxpayer and promote growth are in this budget.

The resolution includes assumptions focusing on preventing economically damaging tax increases. The President's tax cuts, which were passed by this Congress, have helped the economy grow. They have increased revenues, and not only to the Federal Government. We can see that happening in our States. In my State of Colorado we are beginning to see a change in revenues.

Provisions of the Jobs and Growth Tax Relief Package Reconciliation of 2003 are set to expire after tax year 2008. We need to address that.

The budget assumes we will continue the tax cuts that stimulate the economic development that ended our Nation's short recession. Without this budget, capital gains taxes would jump from 15 percent to 20 percent. If there is one tax reduction out there that has been an incentive which stimulated the economic growth, it has been capital gains. We saw that happen during the Kennedy administration. That is one of the tax cuts President Kennedy advocated when he was in office to stimulate revenues in the Federal Government. We have seen that during the Reagan administration. I have seen it happen in the State of Colorado. When we had capital gains adjustments, we saw the revenues improve, as far as State revenues. We have seen it happen again. When we dropped capitol gains rates, we saw the tremendous impact it had on the economy which resulted in more revenues to the Federal Government.

Without this budget, taxes on individual income would jump from 15 percent to as much as 35 percent. Incentives for small business owners to invest would be set to expire in 2007. Without this budget, it would dry up. Not extending these tax cuts is like declaring economic war on small businesses and investment.

One of the important things we did was focus on small business. That is where most of our economic growth is. We helped them write off more on their expensing. There was a dramatic increase in what we allowed them to write off on expensing. That is one of the things that helped small business and contributed a lot to our economic growth.

In my view, small business is the key to our economic growth. Reconciliation instructions in this budget direct the Finance Committee to produce more tax relief—$70.2 billion over 5 years. That means more economic development, more investment, more savings.

We do not tell them how they are going to meet these things, but we put the dollars in there and we direct them in that direction. Personally, as many colleagues, I would endorse a larger number of tax relief provisions because I believe it is more money in the hands of business owners, more money in the hands of consumers, more money in the hands of parents and investors. It stimulates greater growth, education, savings—prosperity at every economic level. Not surprisingly, it will likely increase revenues to State and Federal Government.

The $70.2 billion is a compromise number. We have already worked on it. Many of us would have liked to have seen over $100 billion. We thought that would be more appropriate to keep our economy growing. But working with the Members of the Senate, the budget chairman, to his credit, has come up with what I think is a reasonable number. It is a number I can support, which is a little over $70 billion, holding down the tax burden.

The budget promotes fiscal health and economic development. It holds down the rate of growth in spending and protects the most important national funding priorities we have. It extends expiring tax cuts and reconciles tax cuts that have a known stimulative effect. This budget provides new disciplinary tools for spending restraint. It leads to overall deficit and thus debt reduction.

The mark will cut the deficit in half in 5 years, relative to the size of the economy. Under this resolution, the deficit will fall to 2.2 percent of gross domestic product in 2007; then, as we move on to 2010, reduce it down to 1.3 percent.

Our annual deficits compound our existing debt burden and, long term, there is no greater threat to Social Security, Medicaid, and Medicare, education—and the taxpayer—or other priorities, than the swelling of the public debt. It is something we must begin to address. I think this budget begins to address it in a serious way.

Several years ago I offered the American Debt Repayment Act. It was a suggestion to the Members of Congress that we ought to look at our national debt the way we would the mortgage on our home. We ought to put a plan in place a commitment to begin to pay down that debt.

This budget we have before us attempts to put in place a plan that will aid us in getting us out of the deficit, in a position where we can begin to pay down the national debt. It is clear if we leave it to the designs of Congress on the floor, things get out of hand and more spending happens. But if we have a plan on how we are going to pay down the debt, it gives some parameters. This budget provides somewhat of a plan. Congress repeatedly shirks its responsibility when it comes to the debt.

So I commend the chairman for doing something in a serious way to deal with our deficit and the debt. Maybe it is time for me to reintroduce the legislation to tie our undisciplined hands. This resolution before us represents a good start, as I said, in restoring such discipline.

There is one other thing. We have had some comments here about Social Security and I think Members are beginning to realize we do have a problem with Social Security. Like the budget, this debate on Social Security is very important to our children and our grandchildren.

I think we have to keep in mind that what the President is suggesting is not a mandate. If you are under 55 years of age or younger, you don't have to get into private accounts if you don't want to—personal accounts, if you don't want to have them. I prefer to refer to them as personal accounts because what we are doing is we are giving individual taxpayers a choice. People who are going to rely on Social Security will have a choice as to how they would like to structure their retirement account. We don't mandate them to do anything.

Do you know what. If we put in place personal accounts, I think the Members of this Senate, particularly people who are opposing personal accounts, would be surprised how many Americans would flock to it. I base my observations on what has happened with Federal employees and State employees. Try to suggest to the Federal employees that somehow or other they ought to participate in Social Security and give up their own retirement plans. It would not be very popular. They have a choice. Federal employees have a choice, as Members of Congress have a choice.

They have a choice. Do they want to put their money in the stock market? They don't invest in individual stocks. It goes into a fund that is managed, and these professional investors manage that stock fund. It goes into a bond fund and professional managers manage that. Or it goes into Treasury notes. Those are the choices Federal employees have.

Why can't ordinary Americans, everyday Americans who are out here working on Main Street, why can't they have the same choice as Federal employees? One concern I get from State employees in Colorado is: Don't put us in the Social Security system. We have our own retirement system, called RA. We have a choice, as State employees, where we want to put our money for retirement, whether we want it to go into a stock market fund or whether we want it to go into a bond market fund or whether to put it in some type of Treasury note. They have three choices. That is what I understand the President is talking about.

When given the choice of whether they want to go into Social Security or they want to go into a similar fund, what we are talking about with personal retirement accounts for Americans, there is a general rejection of that idea. Employees on the Federal level, employees on the State level, don't like that idea because they know Social Security performs so poorly, and when they are given their own choices as to how they want to invest their money for their own retirement plans, they can do a better job than the Government can do. That has been reflected in history. That has been reflected in the experiences we see throughout the States as well as at the Federal level.

Members of Congress have the same choices as Federal employees. During the Presidential campaign we heard the candidates talking about: The American people should have the same choices as Members of Congress have in retirement. We can go ahead and give them that.

I think this is a good budget. I think it tries to address our budget in a responsible way. So I urge my colleagues to join me in passing a budget. We need to pass a budget. That is the responsible thing, to get a budget passed. Then we can continue the debate. I think this is an important issue and I urge my colleagues to join me in supporting this resolution. I yield my time.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. Mr. President, I will yield 4 minutes to the Senator from Montana.

Mr. BAUCUS. Mr. President, I thank my friend. I might say, in regard to the recent statement by my good friend from Colorado with respect to privatization accounts—with all due respect, I want to point out, I don't know if he is quite accurate. I would like his response to this.

Isn't it true, though, that today Federal employees have both Social Security and private accounts? In addition to Social Security, that is, you have your Thrift Savings Plan. Federal employees have the Thrift Savings Plan, and they also pay into Social Security, which is not the President's program at all. The President's program is to take money away from Social Security and put it into a personal account. Even with the so-called personal account, they wouldn't be able to keep it, as we would our Thrift Savings. They have to give it back to Social Security. It is not even apples and oranges compared to the President's plan, it is watermelons and peanuts.

There is no comparison. The fact is, again to make it very clear, we Federal employees have both Social Security and the private accounts, separate, outside Social Security. We get to keep all we put into our private account because that is our money, whereas in the President's plan, money is taken away from Social Security into a privatization account and the person who has that account is not able to keep very much of that money. So, as I said, it is not apples and oranges, it is really watermelons to peanuts. Isn't that accurate?

Mr. ALLARD. I thank the Senator from Montana for his response. I appreciate his clarification as far as Federal employees. But the point I would make is in the State of Colorado, our employees in the State don't pay into Social Security. I think a lot of other States do that.

Mr. BAUCUS. If I might respond?

Mr. ALLARD. If I can finish, the point I want to make is we do give choices to Federal employees in their retirement plan. We do it through the 401(k). We give choices to Members of Congress. We give choices to our State employees who do not participate in Social Security. So why can't we give choices to Americans out here on Social Security? We are not mandating them to do this. We give them that choice and give them an opportunity to do that.

In my view, by giving them an opportunity to do that, actually who you help is the disadvantaged. The people who are better income earners are able to utilize individual retirement accounts and 401(k) accounts and get the revenue back and do that.

Mr. BAUCUS. I have 4 minutes, Mr. President. I don't know if I will be able to use my 4 minutes.

Mr. ALLARD. I guess the Senator understands my point, though. And I thank the Senator for yielding.

Mr. BAUCUS. I might say with respect to State plans, most State plans have both Social Security and private plans, but there are a few States that do have only private plans. That is because in those few States they are so lucrative, the employees have a good deal compared with other States. But most States by far have both. Colorado is the exception, a State that has one, the main point being we are talking about choice, Thrift Savings, and choosing different kinds of investment equity that is in a private account today for Federal employees outside of and in addition to Social Security, not carved out of Social Security. We are talking about a carve-out. So it is totally different.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I was frankly astonished to hear the Senator from Colorado say that Members of Congress and Federal employees have a choice not to participate in Social Security. That is not true.

Since 1983, under the new Federal retirement system, FERS, the Federal Employees Retirement System, all of us are in the Social Security system. Members of Congress don't have a choice, if they have been elected since 1983, as to whether to participate in Social Security. The Senator from Colorado is flat wrong, absolutely wrong. I have heard this on talk shows around the country—that Members of Congress don't participate in Social Security. I want to make very clear that this Member participates in Social Security, and every Member elected sense 1983 participates in Social Security. Anyone saying something else is flat wrong. It is incorrect and not even close to being right.

Let us be very clear. Federal employees didn't have a choice as to whether they participated in Social Security. I don't know where the Senator from Colorado got this idea. That is just not correct. Under the Federal Employees Retirement System, since 1983, Federal employees have participated in Social Security. That is a fact. It is important for people to know that.

The Senator from Colorado also said other things that I think are incorrect. The Senator from Colorado said the tax cuts produced more revenue. No, they did not. That is factually incorrect. Here is what happened to the revenue since the tax cuts. The revenue as a share of gross domestic product plunged. It didn't go up, it went down.

It is amazing to me how facts don't seem to matter when ideology gets in the way. Somebody once said everybody is entitled to their own opinion, they are not entitled to their own facts. The facts are that the revenue of the United States plunged to the lowest level since 1959 after the tax cuts. That is a fact.

Here is a second fact. With the tax cuts, the United States suffered the worst multiyear revenue drop since World War II. That is a fact. Revenue did not go up, revenue went down.

This is Federal revenues in trillions of constant 2000 dollars. Revenue went down 18 percent over 3 years with the tax cuts. Tax cuts did not generate more money, they generated less money. That is a fact.

When I hear the claim that this budget before us is fiscally responsible, that is just words. What are the facts? The facts are, according to their own calculation—this is from their own budget document—the debt goes up each and every year of this budget by over $600 billion. It goes up $669 billion this year, it goes up $636 billion next year, $624 billion in 2007, up $622 billion in 2008, and up $611 billion in 2009.

They say they are improving the deficit. No, they are not. This budget before us makes the deficit worse by $130 billion—worse than if we just put the Government on autopilot and made no policy changes. But this budget does make policy changes, and the policy changes that it makes makes the deficit worse, makes the debt worse in 5 years by over $3 trillion of additional debt when we have already got the debt that is running away from us.

AMENDMENT NO. 144

Mr. CONRAD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Dakota [Mr. Conrad], for himself and Ms. STABENOW, proposes an amendment numbered 144.

Mr. CONRAD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure that 75-year solvency has been restored to Social Security before Congress considers new deficit-financed legislation that would increase mandatory spending or cut taxes)

On page 57, after line 2, insert the following:

"SEC. . POINT OF ORDER TO SAVE SOCIAL SECURITY FIRST.

(a) POINT OF ORDER IN THE SENATE.—It shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the on-budget deficit in any fiscal year.

(b) EXCEPTION.—The point of order established by this section shall not apply if 75-year solvency has been restored to the Old-Age, Survivors, and Disability Insurance Trust Funds as determined by the Social Security Administration actuaries.

(c) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section."

Mr. CONRAD. Mr. President, the amendment that I send to the desk is the "Save Social Security First" amendment. It acknowledges that we have a challenge in Social Security. Clearly we do. It says what we ought to do is make Social Security a priority.

It says simply this: Before we have any new tax cut, or any new mandatory spending, it should be the policy of the Congress to restore solvency to Social Security. What this amendment says is no new tax cuts, no new mandatory spending, unless they are paid for, or they can achieve a supermajority vote in this Chamber.

It is a very simple amendment. It is about priorities. What is most important? Is it more important to have new spending in other programs? This amendment says no. The priority ought to be to restore solvency in Social Security. Is it a priority to have more tax cuts? This amendment says no. The priority ought to be to restore solvency in Social Security.

This amendment says simply no new mandatory spending or new no tax cuts until Social Security is solvent, unless the tax cuts for the new spending are paid for or unless they can get a supermajority vote in the Senate. You could have new spending or new tax cuts if, No. 1, you pay for them or, No. 2, you are able to get a majority vote. If you can't do those things, you can't have new tax cuts and you can't have new mandatory spending unless we achieve solvency in Social Security.

For all those who have given speeches all across the country and all across their States about Social Security first, this is a chance to put their votes where their speeches are. This is a chance to say, yes, the priority ought to be restoring solvency to Social Security. That ought to come ahead of tax cuts, and that ought to come ahead of new spending unless those things are paid for. If you pay for new tax cuts or pay for new spending, that is fine. If you can get a supermajority vote, that is fine. Otherwise, we have to restore the solvency of Social Security first.

There is no question we have a problem in Social Security. There is no question at all. Why? Because the Congressional Budget Office tells us that in 2020 the Social Security trust fund will go cash negative; in 2052, Social Security will only be able to meet 78 percent of its obligations.

Clearly, there is a problem. The big driver to the challenge of Social Security is the demographics of the country.

Here is what happened. We have about 40 million who are eligible for Social Security now. By 2050, there will be twice as many.

That is the demographic challenge that we face. It is not just Social Security. We face it in Medicare, we face it in Medicaid, and, in fact, the shortfall in Medicare is eight times the shortfall in Social Security.

When we look at the President's budget plan, what we find is instead of making it better he makes it all much worse.

Why do I say that? Because this chart demonstrates clearly where this is all headed. The green bars are the Social Security trust fund. The blue bars are the Medicare trust fund. The red bars are the President's tax cuts, both those that have been implemented and those he has proposed.

This shows very clearly that right now we are in the sweet spot. Right now we are getting more revenue from the trust funds than we are paying out. But as those trust funds go cash negative, the cost of the President's tax cuts explodes. The result is the country goes right over the fiscal cliff. We are running record deficits now. We haven't seen anything yet. Under the President's plan, the deficits and the debt explode, and they explode right when the trust funds go cash negative.

The President has indicated that he believes there is a 75-year shortfall in Social Security of $3.7 trillion. That is based, by the way, on a very pessimistic forecast of economic growth. That is based on a forecast that says economic growth for the next 75 years will be 1.8 percent or 1.9 percent. Economic growth in the previous 75 years has averaged 3.4 percent. This whole forecast of Social Security is a very pessimistic forecast.

I must say I have great doubt about the accuracy of the underlying forecast. But based on that forecast, the President says there is this looming shortfall in Social Security. Interestingly enough, the cost of his tax cuts over that same period are three times as much—$11.6 trillion compared to the $3.7 trillion shortfall he says exists in Social Security.

When the President sent up his 2002 budget, he told us at the time:

> None of the Social Security surplus will be used to fund other spending initiatives or tax relief.

That is what he said. That is not what his budget says. His budget does precisely what he said he would not do. His budget takes every penny of Social Security money that is available to pay and uses it to pay for other things—$2.35 trillion over the next 10 years.

Just follow this for a moment. The President, on the one hand, says Social Security is short $3.7 trillion over the next 75 years, but he sends us a budget that takes $2.5 trillion of Social Security money and uses it to pay for other things.

How is that consistent? How does that make any sense, on the one hand, for the President to say we are short $3.7 trillion in Social Security over the next 75 years, and then he sends us a budget that takes $2.5 trillion of Social Security money and uses it to pay for other things? That is a contradiction of staggering proportion.

Interestingly enough, I asked my staff to figure out how much money the President is taking out of Social Security over the next 10 years and then tell me how much his tax cuts are over that same period. Interestingly enough, here is what they came back with: The President is going to take $2.35 trillion of Social Security money over the next 10 years to pay for other things. The cost of his tax cuts over the same period are almost the identical amount, $2.6 trillion.

The flaws of the President's Social Security plan are very evident, if you study the details. With the Nation already in record deficit, with the debt skyrocketing, the President says: OK, Social Security is short of money. So in my budget I am going to take even more Social Security money and use it to pay for other things, despite having promised in 2002 not to do that.

Then the President says, in addition, I want to take even more money out of Social Security to establish private accounts. How much? Over the next 10 years the President's plan takes an additional $754 billion out of Social Security, in addition to the $2.5 trillion he is taking from his budget to pay for other things. He takes another $754 billion to establish private accounts. But that is just the tip of the iceberg, because the 20-year cost of the President's plan is $4.4 trillion. Not million, not billion, trillion: $4.4 trillion.

Where does the President propose getting that money? He proposes to borrow it. On top of our already record deficits and debt, the President proposes borrowing another $4 trillion.

Now, the problem with all of that, of course, is, where is he getting the money? Where is he borrowing it? Increasingly, he is borrowing it from foreign countries. The foreign holdings of our debt have gone up almost 100 percent in just the first 3 years of this administration. And it is rising very rapidly as we go forward. The President says, Go out and borrow even more.

Here is what is happening to the publicly held debt of the United States under the President's policies. When he came into office we were $3.3 trillion in debt. By 2015, under the President's policies he will have nearly tripled the debt to $9.4 trillion.

Social Security is perhaps the most important legislative enactment of our time. Social Security has lifted people out of poverty. Two thirds of retirees rely on Social Security for more than half of their income. Let me repeat that: Two thirds of retirees rely on Social Security for more than half of their income; 31 percent get at least 90 percent of their income from Social Security.

I will never forget going to a community forum in a small rural town in North Dakota. An elderly woman was in the front row. She had a little note pad. On that note pad she had written out her budget for the month. That woman had about $800 of income a month. That was her only income. She had scrawled in a shaky hand on that note pad where the money went. She had her rent; she had her prescription drugs; she had her food costs. After she was done with rent, utilities, prescription drugs and food, she had no money left.

She said to me, Senator, what will I do if my prescription drug costs go up even more? She was paying, as I recall, out of her roughly $800 a month in income about $200 a month in prescription drugs. She was paying, as I recall, $250 a month in rent. She said, What do I do if my prescription drugs become even more costly?

She was in that category of the 31 percent that get at least 90 percent of their income from Social Security; 33 percent get 50 to 89 percent of their income from Social Security; 36 percent get less than 50 percent of their income. So almost two-thirds rely on Social Security for more than half their income and almost a third get 90 percent of their income, or more, from Social Security.

This is not something we can be gambling with. For those people, Social Security is their lifeline. We know that nearly 50 percent of beneficiaries would be in poverty without Social Security. With Social Security, 9 percent of seniors live in poverty. This is according to the Social Security Administration. Without Social Security, they estimate 48 percent of seniors would live in poverty.

I want to go back to the question of the whole basis for this discussion and debate on Social Security, because it is all based on assumptions. It is all based on forecasts. And the forecast is for economic growth of 1.8 to 1.9 percent for the next 75 years. Economic growth over the previous 75 years was much higher than that, 3.4 percent. The components of the economic growth are two: one is productivity and the second component is new entrants to the workforce. The reason they are forecasting such lower economic growth for the future is because they look at the demographics of the country and they say we are going to have a real slowdown in new entrants to the workforce.

The other component of economic growth is productivity, and they are assuming productivity will grow at a rate of only 1.6 percent for the next 75 years. That is a very pessimistic forecast. It is much lower than the productivity gains we have been getting over the last 15 years.

The green bars on this chart show the level of productivity growth we have been achieving over the last 15 years. From 1990 to 1994 we were at 2 percent. From 1995 to 1999 we were about 2.5 percent. And from 2000 to 2004 we were over 3.5 percent productivity growth. But the whole basis for these forecasts is that somehow these people that write these forecasts say the productivity growth in the country is going to plunge to 1.6 percent. I don't believe that. I think that is overly pessimistic.

I believe part of this Social Security debate is based on a false premise, a premise that the economic growth of the country is going to collapse from what it has been over the last 75 years to a rate of half as much.

With that said, there still is a challenge in Social Security. Even if these forecasts are all right, there is still a problem. The problem is largely one of demographics. The President's plan is to dramatically cut the benefits. In fact, he would cut the benefits by moving from wage indexing to price indexing. Out in the future that would reduce benefits from what are currently provided by 46 percent.

Now, the President says, yes, that is true: I do have a plan that cuts the benefits dramatically. But, he says, I also have a plan to be able to set aside in private accounts, personal accounts or individual accounts, money that could be invested in the stock market. That money would be in your name. That money would be able to grow perhaps more rapidly. That is the bet that he is making.

The problem with the President's plan, one of the problems, aside from being financed by massive debt, is the way these private accounts function. These private accounts function in a little different way than I have heard the President describe them. Under the President's plan, there is something called an offset. Let me explain how that works.

Under the President's plan, if you set aside $1,000 for 40 years and you have 6½ percent rates of return during that period, you would have $92,000 in your account at the end of the 40 years. Let me repeat that: If you put aside $1,000 a year for 40 years and you got a 6.5 percent rate of return every year for those 40 years, you would have $92,000 in your account. That sounds pretty good. Under the President's description, that is your money and no one can take it away. That is true as far as the prescription goes.

But what the President has been leaving out is that his plan assumes that the money to establish your account was loaned to you by the Social Security trust fund and they expect to be paid back with interest. I have not heard the President ever describe his plan in quite that way, but that is how it works. Yes, you have this $92,000 in your account, but they are expecting you to pay back to the trust fund all of the money they theoretically loaned you, plus interest. So at the end of the 40 years, you would owe back $78,000 under the President's plan.

Now, you do not owe it back out of your individual account. Here is the twist to it. They assume they have loaned you this money for your private account and they expect to be paid back. But they don't expect to be paid back out of your private account. Instead, they expect to have a further reduction in your already reduced traditional Social Security benefit. So you have already taken a reduction in that account, supposedly made up for by these individual accounts, but a big chunk of what you have in your individual account you have to pay back. And you pay it back not out of your individual account but you pay it back out of your already reduced Social Security benefit.

Under this scenario, at least you would be ahead of the game. That is assuming you earned a 6.5 percent rate of return on your private account. But what happens if you do not earn a 6.5 percent rate of return on your private account? What happens then? Then the story is even less appealing. Because under that scenario you would have $64,000 in your account—not $92,000—but you would still owe back $78,000.

For those who are listening to this in somewhat incredulous disbelief, I am not making this up. This is how the President's plan works. I have had his people spend hours with me. I have asked them about it, I have quizzed them about it, and they have assured me this is how it works. Yes, you put money into your individual account. Yes, hopefully you have a rate of return on it, but—and it is a big "but"—you owe the money back because theoretically that $1,000 a year was loaned to you from the Social Security trust fund and they want it back. And they want it back with interest.

So, if you set aside $1,000 a year for 40 years and you only earn 5 percent on the money, you would have $64,000 in your account but you would owe back $78,000—the $1,000 a year plus a 5.8 percent rate of return on the money they loaned you. That is a 3 percent real rate of return plus inflation. The Social Security Administration calculates that at 5.8 percent, you would owe back on the $1,000 a year they gave to you. So, under this scenario, if you only earn 5 percent in your individual account, you owe back more than you have in your account. And again, you do not pay back out of your individual accounts, although they assume that is where the money was loaned to you; you pay back by taking an additional reduction out of your already reduced Social Security benefit.

When people find out that is the way this works—I have had dozens of people who were very interested in this concept of the President.

When they find out how this thing really works, they become less interested.

Let me just conclude as I began. I am offering an amendment which is at the desk that says, simply, let's put Social Security first. Let's say no new mandatory spending and no new tax cuts until Social Security is solvent, unless those who want more tax cuts or more new spending pay for them or unless they can get a supermajority vote here in the Senate. If they do not pay for them, if they cannot muster a supermajority, then let's not have new mandatory spending or new tax cuts until Social Security is solvent. It is a very simple amendment that says, what are the priorities of the country? Are the priorities new tax cuts that are not paid for or new spending that is not paid for or is the priority to restore the solvency of the Social Security fund?

Mr. President, I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from New Hampshire.

Mr. GREGG. Mr. President, let me take a few minutes to try to reframe the issues which are before us because a lot has been said by the other side that has gone unrebutted, and I think it needs to be responded to because some of it, I believe, is bad policy and some is just inaccurate.

The representation that the Senator from Colorado was inaccurate in his statement relative to what has happened to taxes is also inaccurate. The statement of the Senator from Colorado was correct. Since the tax cut was put in place, yes, there was a falling off of tax revenues during that period. It was primarily driven by a recession, which would have been a much more severe recession. And there would have been a much deeper drop in revenues had the tax cuts not occurred.

That recession was driven by two primary elements. The first was the breaking of the bubble of the late 1990s, the largest bubble in the history of the world, the Internet expansion bubble. The second was the attack of 9/11, which was a terrorist attack, which contracted the economy as a result of America adjusting to that. And, of course, we had to spend a lot of money to get ready to deal with this terrorist event, and that was money we had not expected to spend.

But since those tax cuts have been put in place something very significant has happened. There has been an increase of revenues. The recession was shallower than we expected. As a result of the tax cut being put in place, people, therefore, received more of an incentive to go out and work harder and to invest more of their money. Rather than having the Government make the decision as to where money was being spent, people were making decisions where their dollars were going to be spent.

As a result, we had a more efficient economy and jobs have been created. In fact, we have seen the largest expansion of the economy since the early 1990s in the last quarter. Today we are at a historic low in unemployment. Today revenues are going up, and they have gone up for a number of years.

This chart points it out. Last year revenues went up by 9.4 percent at the Federal level. That is a pretty big jump. The next year—this year—it is expected to go up by 7.6 percent. Next year it is projected to go up by 6.5 percent; then, 6 percent; 6 percent; 5.5 percent. These are very significant increases in Federal revenues, and they are a function of the fact that we have in place a tax law today which gives people the incentive to go out and be productive.

Two specific revenues which have jumped dramatically are revenues from dividend income and revenues from capital gains income, both of which the rates were cut—dividends to 15 percent, capital gains to 15 percent. What was the practical effect of that? If you listened to the other side, you would say the wealthy in America got a huge tax cut. What actually happened was the Government of America got a huge tax windfall. Items which were not being taxed before, such as capital gains assets—assets which had appreciated and which people were refusing to sell or convert or trade because they did not want to have to pay taxes—suddenly people were saying: Well, let's sell that stock. Let's sell that piece of real estate. Let's sell our small business because today we will pay less in tax.

So assets which had been locked down from which the Federal Government was getting no revenue suddenly were being sold. As a result, we had a huge spike in revenues from capital gains. Not only did we get the spike in revenues, we saw those revenues reinvested in a much more efficient way because the dollars that came out of those assets which had been sitting there were now cash in people's hands, and they had been put back in the economy in a more productive way because that is the way a market economy works. So we got a double benefit. We got more tax revenues as a result of that tax cut, and we got a more efficient marketplace. As a result, we have gotten more jobs and more productivity as a nation. That is all a big plus.

Now, the 1930s economics that the other side subscribes to—which is that you can simply tax your way to prosperity, that Americans really should not own their own assets, that the Government owns your assets, that we here in the Senate have a better way of spending your money than you have—that philosophy has been proven to be not only unconscionable but counterproductive to a strong economy in this day and age. Yet we see it restated here over and over again with amendment after amendment from the other side of the aisle which simply says: Let's tax people more. Let's spend more. We know how to spend your money better than you do. We're just going to raise your taxes and then put it on our special little project. And we are going to put it here or put it there so we can put out a good press release. Well, the effect of that, of course, is to stifle the economy, to stifle productivity, to reduce the creation of the job atmosphere in this country.

What this President understood—as we headed into a recession, which was not of his making, which came out of the 1990s bubble, which came out of the fact that we were attacked on 9/11—what this President understood in this timeframe is, if you reduce taxes, you create an incentive for people to be more productive. If you say to people, you spend your money rather than having the Federal Government take it out of your pocket and have some Senator here in Washington tell you how to spend your money, that dollar is going to be spent more efficiently and create more jobs.

That is exactly what has happened. Not only has that happened, but the Federal revenues are going up as a result of it, and they are headed back toward what the historic level of revenues is in this country, somewhere around 17.9 percent of gross national product.

We do not have as a nation a problem that the American people are undertaxed. Show me an American who is working today who is earning income who feels they are not paying enough in taxes. There are very few who fall into that category. Most Americans pay a fairly heavy load in taxes and a fairly reasonable load in taxes. They do not need to be hit with more taxes. Yet as we go through this budget, the only solution we hear from the other side is: Raise taxes and spend more money. Raise taxes and spend.

The first amendment out of the box—a tax-and-spend amendment. We have a list of tax-and-spend amendments that came out of the Budget Committee that added up to $220 billion in new spending that the American people were going to be stuck with and $240 billion of new taxes they were going to be stuck with.

Tax-and-spend—oh, that is a wonderful policy. The only problem is, it creates a fairly significant burden on the American people after you raise the taxes. Americans would rather spend their own money than have us spend it for them, quite honestly. We already spend enough money. This budget will spend $2.6 trillion. Now, even in the hallways of the Democratic caucus that has to qualify as serious money. That is a lot of dollars to be spending. And where does it come from? Well, it comes from Americans, Americans who are working.

This budget will spend $100 billion more this year than we spent last year. Even in the hallways of the Democratic caucus that should be serious money. You can run the State of New Hampshire for 20 years with $100 billion—20 years. You can take all the revenues from all the people in the State of New Hampshire and wipe them out for the next 10 years in order to pay for this year's increase in the Federal Government.

That is a lot of money, but it is not enough for the other side of the aisle. No, no, no. They have to raise taxes. They have to increase spending because they have to put out their press releases to say that they were concerned about this group or they were concerned about that group.

Well, I have to tell you, a $2.6 trillion budget shows a lot of concern for a lot of different groups. What we should be concerned about is the American taxpayer. So to make the representation that somehow the American people are undertaxed and we need to raise taxes or that somehow we are not generating significant revenue increases in this economy as a result of having cut taxes is simply inaccurate, in my opinion.

Now, to move on to this specific amendment which raises the issue of Social Security, the practical effect of this amendment would be to essentially say the Federal Government can do nothing until it solves the question of Social Security—that is the practical effect of this amendment—unless we had 60 votes, which around here is pretty hard to get for anything. We can't even get judges through. I can imagine what we would do trying to get the Government to run. We can't even get judges appointed without using 60 votes. So it is pretty obvious that 60 votes is a very high threshold and essentially saying we are going to stop the Federal Government's progress in the area of giving tax relief.

Interestingly enough, it does not say that the Federal Government will not continue to spend dramatic amounts of money. It is basically pointed at tax activity. It says new entitlements, but we all know it is not the new entitlements that are the issue. The expansion of the old entitlements is the issue. So it has a little bit of a disingenuousness to it in that it treats tax policy and then spending policy as dramatically different by essentially saying spending policy is OK, that is exempt, as long as it is on the book, but if it is tax policy and it is on the book and comes to an end, as it does under our rules, we will treat it differently.

But independent of that, the practical effect of this amendment would be to bring the activity in a number of areas of governance to a halt until Social Security is determined to be solvent. This would be philosophically maybe a nice approach to take, but the problem with it is, from the other side of the aisle we have had no proposals—no proposals—to make Social Security solvent—none, zero, zippo. In fact, the other side of the aisle continues to refuse to engage in discussions about whether Social Security should be made solvent, which the President has initiated. They have essentially said: I'm sorry. You are alleging there is a problem. There is no problem. And we are not going to allow you to move forward even if there is a problem.

So it is a little disingenuous, again, to take the position we should solve Social Security's problems before we do anything else as a Government and at the same time not be willing to put on the table any proposals to address Social Security's problems or even admit that Social Security has a problem, which would be the implication of the Senator from North Dakota in that he said that the scoring of the problem in Social Security was inappropriately arrived at because it used too conservative a number. I presume that means if a more aggressive number had been used, he would deem there was less of a problem with Social Security and maybe there was not a problem. Maybe that would solve the amendment if—maybe we could score ourselves out from underneath this amendment, actually, as I think about it.

But independent of that, it does set up a conundrum that it essentially demands a solution to a problem which the other side claims is not a problem and will not allow us to move forward to a solution on, which in the parlance of American politics I think is called catch-22. You cannot solve the problem because the problem is denied to exist, but you do not move forward until the problem is solved. It is an amendment that I believe has serious questions on that score.

But independent of that, moving on to the question of how Social Security is structured and the problems which Social Security faces, this representation that the Social Security system is solvent through the year 2040, 2036, 2052—whatever the number is that people arrive at, depending on what assumptions are made—is theoretically correct but practically unsustainable because Social Security has no assets. The assumption that Social Security is solvent through that period assumes that Social Security has assets which are physical, but the only asset that the Social Security Administration has is an ability to call, to make a put, to be more accurate, to the American taxpayer to cover bonds which have been put into the fund.

So once the cash that is being paid into the Social Security system falls below the benefits which are being paid out—and that begins to happen in about the year 2018—once that occurs, then there are no assets which the Social Security Administration can call down from like a stock in General Motors or a bond in—I don't know—some county in America. They do not have anything they are going to be able to convert, any asset they are going to be able to convert to cash to cover the difference. All they have at the Social Security Administration is the ability to say to the American people—specifically, our children and our children's children because those of us in the baby boom generation will be retired at that time and getting the benefit; we will not be paying the taxes—to say to them: You are going to have to pay more taxes.

That is the only asset they have, the ability to say to the American people—working Americans—that you have to pay more taxes in order to pay for the obligations that were incurred years ago by Social Security.

So, yes, theoretically, they are solvent because there is this theoretical obligation that has been committed. But as a practical matter, the effect of that obligation is you are going to demand a much higher tax burden on working Americans. What does it work out to? We had testimony in committee that that works out to a doubling of the payroll tax on working young Americans. That is what that burden would cost in order to maintain the alleged solvency. You can get there, yes, but to get there, you have to double taxes on working Americans. That is what you have to do. Nobody will admit to that. That is what we are going to do to our kids—stick them with this huge tax bill on the allegation that that is an asset they have to cover that is in the Social Security trust fund and allegedly makes it solvent.

The practical effect of that is it will cause our children and our children's children to have much less of a quality of life than we have had, because they are going to have to pay twice as much in payroll taxes. They are not going to be able to send their kids to college with as much ease as we have been able to, although it has been difficult for many. They are not going to be able to buy that first house. They are not going to be able to increase their education or do a lot of things with the ability we have had as a generation, because they are going to be paying so much higher a tax rate in order to support our retired generation. It is so intuitively obvious by looking at this fact that you have to wonder why everybody on the other side of the aisle is burying their head under this issue. The people who are going to create this huge tax burden for our kids are all around this room. It is everybody over 50 years old, and it is the largest generation in American history. It takes the American system and turns it on its head, because for years we had a pyramid system where more people paid more into Social Security than was taken out. By the time the baby boom generation—my generation—retires, that is not going to be a pyramid; it will be a rectangle. We are such a huge generation and so many will be retired that we are going to overwhelm the ability of the young people in this country to support us, unless we address this issue today.

It is like that advertisement you used to see on TV for an oil filter that said: You can either pay me now or pay me later. When you pay me later, you are going to replace the entire engine; today you can just put in a new oil filter. That is the way the Social Security system is. You can "pay me now or pay later" when the baby boom generation retires, which will fundamentally undermine the quality of life of younger workers. It will affect their benefits so much. You are going to have to raise younger people's taxes so much.

The unwillingness of the other side of the aisle to face up to this issue is, in my opinion, a failure on their part to address their responsibilities to people who are governing this country today. Yet we see amendment after amendment such as this one, which is an attempt to basically gain political cover on the issue. What we don't see from the other side is a willingness to step up and address the issue. Show us your plan. You have castigated and vilified and basically attempted to destroy the capacity of the President to address this issue time and time again. You have said he has been dishonest in his presentation and that his positions are going to harm America and older people in this country, when he specifically said, of course, it will not affect anybody over 55 and that it is voluntary.

Yet have you come forth with a plan, proposed a plan, or suggested any remedy at all? No, you have not. You put out these amendments, which are for the purpose of political protection. You should be ashamed of yourselves.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I am glad to see my colleague show such spirit. I must say I disagree completely with his characterization not only of my amendment, but of our position on this issue. Look, I think it is very clear. The President came to the American people and said there is a problem in Social Security. I happen to agree there is a problem. My colleague must have missed part of my speech. I made it very clear, although I believe the basis of the assessment of how serious the Social Security situation is is based on a very pessimistic forecast of 1.8 or 1.9 percent economic growth for the next 75 years——

Mr. GREGG. Will the Senator yield so that I may agree with him on something?

Mr. CONRAD. I would love to have the Senator agree with me, but not right now. I want to complete my statement. Then I will be glad to have an exchange with the Senator, for whom I have regard, and I even have affection for the Senator.

I say to my colleague, we do have a difference and it is a very important difference and it deserves to have this kind of spirited debate. Let me say that the President said there is a problem in Social Security. Again, it is based on a forecast of 1.8 or 1.9 percent economic growth every year for the next 75 years. Economic growth for the previous 75 years has been not 1.9 percent but 3.4 percent. I don't believe this forecast is accurate. I don't believe it is correct. I still believe there is a problem in Social Security and a challenge. The problem is the one the Senator from New Hampshire outlined. It is a demographic problem.

Now, the Senator also said there are no assets in Social Security. That is factually wrong. There are assets. They are Government bonds, backed by the full faith and credit of the United States. The United States has never failed to meet its obligations. Does anybody believe the United States is going to default on those special issuance bonds in the Social Security trust fund? I don't. I believe the United States is going to keep its promise. The Senator is correct, however, that to redeem those bonds, it is going to have to be done out of the current income of the United States. That is the place he and I agree. That is the place he and I might agree that we do have a challenge in Social Security, and the sooner we face up to it, the better. That is a place the Senator and I agree.

Now, with respect to the amendment I have offered, the amendment says, what are the priorities? The Senator indicated that my amendment says you cannot do anything in the Federal Government. No, it doesn't say that. The amendment I have offered says simply you cannot have more tax cuts or new mandatory spending unless you pay for them. That is a novel idea around here. I must say my friends on the other side who say they are conservative have run up the biggest deficits and debt in the history of the country. They are borrowing more from abroad. They increased holdings of U.S. debt by over 100 percent in 4 years. I don't know what happened to my other friends who used to call themselves conservative. There is nothing conservative about borrow and spend. We have heard them hurl the epithet across the aisle that we are tax and spend. I would rather pay for our bills than be in the position of the party across the aisle, which says put it on the charge card, shove the bills off to our kids, because that is what they are doing. They are doing it in this budget.

When my friend describes this budget as fiscally responsible, that is not what his own budget document reveals. It reveals that this budget increases the deficit over just putting the Government on autopilot. If we put the Government on autopilot, we would save $130 billion over this budget. More than that, the debt of the United States, according to their own calculation—this is their budget document. This is from page 5 of the budget document. It shows the debt going up each and every year by over $600 billion, if this budget is passed.

They say they are cutting the deficit in half. How is it, then, that in their own budget document, the debt goes up $669 billion this year, $636 billion the next, $624 billion the next, $622 billion the next, and $611 billion the next?

Where is the cutting of the deficit in half? I do not see it. I see the debt going up, up, and away under the budget they have brought here. There is nothing fiscally responsible about it.

Now, the Senator accused us in the committee of offering over $200 billion of spending. Boy, that sounds bad, doesn't it? The Democrats wanted to increase spending by $200 billion. Yes, we did. Absolutely we did. Do you know why? Because we wanted to pay for the war. They do not. They want to kind of kid the American people: You can have the war, but it does not cost any money, or at least it only will cost $50 billion next year.

The Congressional Budget Office says they are not being straight with the American people as to how much this war costs. It would cost at least $200 billion more. So you know what we did? We put it in the budget, and we paid for it, not just put it on the charge card, not just dump it on our kids. We said: Yes, there is a cost, and we will pay for it.

That is honest budgeting. That is telling the American people the truth, instead of this endless borrow and spend that our colleagues on the other side have fallen into. Borrow to solve Social Security, borrow to pay for the war, borrow for tax cuts, borrow, borrow, borrow, run up debt, and borrow the money from China and Japan and South Korea. If you want to get spirited, I can get spirited, too, because I think this is a reckless course for the country—reckless. We have a massive deficit and the President's answer: Borrow more money, spend more, borrow more, and go hat in hand to China. We have already borrowed $200 billion from them. Go hat in hand to Japan. I do not know of any country that strengthened itself by borrowing hundreds of billions of dollars from every country all around the world. But that is the President's plan, that is the President's strategy, and it ought to be rejected.

I notice my colleague from Michigan is in the Chamber. I yield 15 minutes to the Senator.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 15 minutes.

Ms. STABENOW. Mr. President, I thank my colleague from North Dakota for his outstanding leadership on this issue. I join in his characterization of this entire budget resolution as reckless and out of touch with the lives of the American people.

While I disagree with the chairman, I first want to say I appreciate the way he has conducted himself with the Budget Committee and the resolution. I appreciate very much his giving us the opportunity to debate all of these issues. But I could not disagree more with the characterization of what is going on or with what is happening in terms of playing politics.

I start by saying that this amendment puts Social Security first. It gets our priorities straight. Second, Social Security is our money—your money, individual money. Each one of us pays into Social Security. It is our American insurance policy so that we know we have a sense of dignity and a foundation for retirement. Then if we become disabled, there is a disability policy or, Heaven forbid, a worker loses their life, something is there for their family. It is your money. It is my money. There is not a penny of the general fund. This is our money that goes into Social Security, and we are saying we want to keep it secure.

The American public is counting on us to keep it secure for the future. And we are saying, with all the talk about Social Security these days, it is time to step up and to fix it and to put Social Security first.

I also say to my chairman, it is so easy to demagog on tax cuts. It is so easy. It is the easiest thing for an elected official to do: Don't worry about paying the bills; don't worry about how the schools are; don't worry about enough police and firefighters; don't worry if you cannot drink the water or breathe the air let's just talk about tax cuts.

You know what, we know it is your money. For those watching, it is all of our individual money, but we also know something else. It is your schools. It is your roads. It is your health care system. It is your military fighting so courageously for us overseas. It is your veterans who are coming home. It is your communities asking us to partner with them so they can provide jobs, economic development in your communities. It is your debt—the largest deficit in the history of the country. You could wipe out every penny of nondefense spending, discretionary spending, and just about pay off this debt this year. It is astounding.

This is reckless, it is irresponsible, and to demagog, always to demagog, and say, Do you want to keep your families safe? Here, have another tax cut. And by the way, you are not going to get it, but the most blessed in your community will. To say we are not going to focus on schools, we do not care about opportunities for the future, to say we do not care about keeping ourselves safe or creating jobs is just plain reckless and the ultimate in demagoguery.

When we had the largest budget surplus in the history of the country 4 years ago, I joined, on the Budget Committee, with our esteemed colleague from North Dakota to support a reasonable future, to Take a third of that surplus and put it into tax cuts focused on middle-income people, small businesses, to drive the economy. Let's do tax cuts, I am all for it, and I have voted for many. But let's also take a third of that and take care of Social Security. We could prefund the baby boomers' liability coming and take care of Social Security for the next 75 years with just a third of that. Then how about taking the other third to make sure our kids have world-class schools, to make sure they have the technology they need, to make sure they can afford to go to college, to make sure our communities have the police and firefighters so when you dial 911, you are going to get the fastest response possible. And, by the way, let's make sure my city can talk to your city and the next city through an up-to-date communications system. And let's make sure that our seniors have a quality nursing home and can get the dignity of home health care, that we are focused on health care, both for those most in need and vulnerable, and to support those providing that health care in our businesses.

We have a lot of work to do. We have not only an aging population, we have an aging infrastructure. Not only individually do we need a face-lift, but our cities need a face-lift—water systems, sewers, roads, and bridges. It is reckless for us, in defining priorities of the future of this country, not to be responsible in addressing each piece of it.

There is a lot of demagoguery going on around here, and unfortunately it is because the easy way for an elected official is not to pay the bills but to talk about tax cuts.

Let me suggest something else. I agree with our esteemed chairman that the bulk of Americans are not getting the tax cuts they need. They are paying too much in taxes. Why? Because the tax cuts that were passed are not going to them. They are going to the most blessed, the wealthiest among us. I do not begrudge people working hard and doing well, but I think they ought to pay for schools as well, and security and roads and health care, the military, war, and the veterans. We all have a stake in America, and we all have a responsibility to do our part.

What I see is the overwhelming majority of the people in my State are getting a twofer. They sure are not getting these tax cuts that are talked about. They are not going to them. But they are going to pay more for schools, get less quality, and have fewer police officers. There are fewer police officers today in most of the cities in my State than there were on 9/11/2001. What is with that? So my folks are going to have to pay more for their kids going to college because we are cutting support for the colleges and programs for folks to be able to afford to go to college. They are going to have to be taking less in the way of services that are basic services.

We are talking about basic quality of life in America. Everyone else looks at America and wants to be like us. What we are seeing in this budget is an effort to roll us back. We don't want to be like China, where they can't drink the water. Our quality of life has been the gold standard for the world. We have a responsibility to do the right thing and to have a balanced strategy that strategically focuses on tax cuts to move the economy forward, investments as well as the responsibility of paying down this debt and securing Social Security for the future.

How many people here would take the tradeoff of saying we are not going to fund health research? It doesn't matter who you are, you can get cancer, Alzheimer's disease, diabetes, a multitude of health concerns and diseases in this country. Research will make the difference. Who would say that research into health, into cures and technology for the future is not important in the greatest country in the world? Yet all the demagoguery on tax cuts is about removing revenue so that down the road the answer will be: We would love to do that, it would be great, but we are really sorry, there is no funding. That is what this is about, and it is wrong. This is about a balance. We need to work together to get it right.

This amendment begins to get that right because it says we are going to put Social Security first. The President is going all over the country talking about Social Security and what needs to be done. We could start by a value statement about what is important to us. We could start by saying over the next 75 years, we will take a look at the costs of tax cuts that have been passed—$11.6 trillion. I supported some of those that go directly to our small businesses, to our families, and to stimulate the economy. But the overwhelming majority of this goes, again, to those most blessed who have benefited by the greatness of America in our infrastructure and our opportunity.

If we just said, instead of $11.6 trillion over 75 years, how about we take 3.7, about a third of that—just a third of it, about 30 percent of that—and we secure Social Security for 75 years, and then you can have the rest? You can have 70 percent of it. But let's secure Social Security first. Social Security is a great American success story. Everyone is benefited by it. Even those right now who are doing very well, who knows what will happen in the future?

I remember folks from Enron sitting in my office, folks who had been wiped out, who said: Thank God for Social Security. I never thought I would need it, but it is the only thing I have left.

Social Security is meant to be there as security for our families—for everybody. It works.

What we are saying is, if we want to talk about a solution, we don't have to ask folks to pay more in payroll taxes, folks who are already being taxed too much and are being asked to have their services cut. We don't have to cut benefits. We can say it is a priority for the American people and we in the Senate are going to make it a priority for us. That is what this amendment does.

Social Security is a great American success story. Prior to Social Security, 50 percent of the seniors in this country were in poverty. Today it is 10 percent. That is worth fighting for. That is a success story. Again:

> Honor thy father and thy mother.

It is not just words. We should act on it. This budget does not, in a number of ways, act on that premise.

It is also important, again, to note that Social Security, in fact, is more than retirement. It is our families' insurance policy. It has worked. It costs a half a percent to administer, it has been there, and it will be there if we do the right thing. But it is important to know about not only the retirees but the disabled, and there are survivors benefits. How many folks who work here in the Senate have a story to tell about survivors benefits?

My husband, at 10 his father died. He was the youngest in the family. His mother was older and not well. He survived on Social Security and went on to college and was very successful because of our country's commitment to each other.

I happen to believe caring about other people, caring about community, is a good thing, not a bad thing. Social Security represents what is best about us. Creating a system that we all pay into, you work hard all your life, it is there at retirement or if you need it in case of a financial disaster in your family; it works. Other countries look to us, to this great system of Social Security.

There is no way the President's proposals do not undermine this system. You can't protect people 55 or older or the disabled, the survivors, when you take an insurance system and begin to pull out dollars. I don't care how many times they say it, it is not true. You can't do that. We know that. Regarding Social Security, if we go the route of what the President is talking about with privatized accounts, we know three things will happen. We are going to drastically increase the national debt, which is already the highest in our Nation's history. We will have high administrative costs—instead of a half percent to administer Social Security, we will see anywhere from 10, 15, 20 percent or more. And the folks, by the way, you would pay to administer the accounts are some of the folks we are seeing here at the Capitol now who want very much to make the change. And deep benefit cuts, there is no way to avoid benefit cuts under the President's proposal.

So we are saying this doesn't work. We don't like this. What we have is an alternative. We have the power to put Social Security first in this budget. We have the power to do that. That is what this amendment does. If you don't want to see increased national debt, you don't want to see higher administrative costs, or deep benefit cuts, join our amendment. Our amendment is the responsible approach, unless your goal is to eliminate Social Security. If the goal is to unravel Social Security for Americans, then you will not support this amendment because this amendment is about fixing Social Security for the future, securing it for the future.

The PRESIDING OFFICER. The time of the Senator has expired.

Ms. STABENOW. Mr. President, I urge adoption of the amendment.

Mr. CONRAD. I would say to the Senator, would she like additional time? I would be happy to yield her an additional 5 minutes.

Ms. STABENOW. I appreciate that very much, but I notice a colleague here as well and I would not proceed.

Mr. CONRAD. Let me say, it would help us because I need to visit with the chairman of the committee before the next amendment is offered, in the spirit of not surprising each other.

Ms. STABENOW. I am happy to proceed for a moment.

Mr. CONRAD. I am happy to yield an additional 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for an additional 5 minutes.

Ms. STABENOW. I appreciate that. I know we have important matters to discuss on the floor. Let me take the final few moments and speak about the realities of Social Security and what is happening now, what we know to be true about the facts. There has been a lot of misinformation about the situation with Social Security, in terms of its financial security. I think it is important. We all can have different opinions and views and thoughts about what should happen, but we should not have different facts.

The folks we all rely on, as we know, really have no philosophical position. These are the number crunchers whose responsibility it is to tell it to us like it is, the Congressional Budget Office. They tell us this: The Social Security trust fund can pay 100 percent of its obligation until 2052. Beyond that, if we do not do anything, and we need to, they can pay about 80 percent, maybe slightly less, of all the benefits that are currently in law.

We know we have a cap. We know we have a problem. The President's proposal does nothing to fix this.

It actually makes it worse. It makes it worse by adding to the massive debt. It doesn't add anything to the trust fund and, as the Senator from North Dakota was indicating, the accounts are not even fully given to the individual.

There is also a lot of misunderstanding of even how that would work. I would welcome anyone to go to either my Web site or to a number of my Democratic colleagues' Web sites where we have a calculator on the Web site where you can put in your date of birth and average yearly wages over your lifetime, and you can find out for yourself how you would do under the President's proposal. But the reality is we do have a gap. We know that. That is why this amendment is so important.

This amendment basically says that in order to address this gap in funding that comes after 2052, we want to put Social Security first before extension of or any new additional revenue losses, before new tax cuts or any new mandatory spending, that we secure Social Security, that we close that gap for the next 75 years, that we put it at the front of the line before we talk about revenue spending on new things, that we put it at the front of the line.

If in fact this issue has such a high priority for the President, traveling around the country for 60 days to 60 cities, all the effort and debate going on, you would think we would have universal support for this amendment; that it would be a bipartisan vote for this amendment. The only reason not to do it is if you do not support Social Security. If you do not support Social Security as it stands as an insurance policy, then you won't like this amendment. You will not want this amendment. If you prefer to privatize the whole system, then you won't like this amendment. But if you support Social Security as being there for all of our families, if you believe, as I do, that it is a great American success story and we should celebrate it, strengthen it, and secure it, then this amendment is the right amendment for you.

I will go back to the very beginning and say this is always about values and priorities. In fact, the budget resolution is our value document. Just as looking at our own personal checkbooks tells us a little bit about ourselves, looking at the budget resolution of the Federal Government, tells us something about all of us and the people we represent.

Right now this budget resolution is out of balance. This budget resolution is reckless because it adds to the national debt. It does nothing to pay down in a real way the deficit that doesn't even include all of the expenditures. And it is out of touch with American families. It is plain out of touch.

When we are talking about a third of those cuts being in education and workforce development and vocational education, we are talking about massive cuts in Medicaid to our families and our children and our seniors in nursing homes, this does not represent the values of the majority of Americans. We need some balance. That is not reflected in this budget resolution.

I will go back to the final point, that this is about values and priorities. As an example, if we were to look at the next 75 years and the costs without new tax cuts that are being proposed, the current costs of the tax cuts for the next 75 years, it is $11.6 trillion, and to save Social Security is $3.7 trillion.

I would say to ask those most blessed in our country, receiving the majority of the benefits, to be willing to share in some way and to leave Social Security secure is the right thing to do.

The PRESIDING OFFICER (Mr. BURR). Who yields time?

The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I ask unanimous consent that I be yielded 3 minutes off the time controlled by the majority.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SUNUNU. I want to make sure that is all right with the minority manager.

Mr. CONRAD. Mr. President, let me be clear. The Senator is asking for a unanimous consent on——

Mr. SUNUNU. For the timing of the next amendment to be offered. I thought I might be speak for up to 3 minutes to ensure that everything has been——

The PRESIDING OFFICER. The Senator will take 3 minutes of the majority's time.

Mr. CONRAD. We have no problem with that. Could I extend that unanimous consent request and indicate that after the 3 minutes of the Senator, the Senator from Florida be recognized for 20 minutes off the resolution.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SUNUNU. Mr. President, I wanted to speak briefly to the concerns raised by the previous speaker, and in particular the three grave concerns with regard to Social Security. I take issue with those three items. The first one of the three items was that any Social Security reform proposal, modernization proposal as envisioned by the President, would result from massive amounts of debt. That is wrong in part but, even worse, it is misleading.

The reason to take up Social Security reform legislation, which I have introduced in the previous session and will introduce again, is so we avoid $12 trillion of unfunded debt that our children and grandchildren will be stuck with if we don't act now.

To suddenly say we can't deal with Social Security because we are worried about debt is simply a smokescreen, and it is a smokescreen that refuses to recognize the reality that under the current structure we have a huge unfunded debt our children and grandchildren will be stuck with.

Second, there was a suggestion that personal accounts for younger workers, an optional system of personal accounts would result in huge administrative costs.

This is absolutely ridiculous, and every bit of evidence from any similar plan, similar account, similar fund argues against such a suggestion. The Thrift Savings Plan, which is probably the best model of the kind of personal accounts envisioned by the President in legislation that I have introduced, has 3.5 million members. Under Social Security, there would be significantly more than that. The administrative costs are less than two-tenths of 1 percent.

So to suggest that administrative costs would be exorbitantly high—I see numbers of 1 percent or 2 percent thrown out—is wrong. There is no evidence, no model to suggest that would be even close to the truth. Third, the suggestion that any kind of a personal account proposal would require deep benefit cuts is again at best misleading, but at worst it is an effort to scare retirees and those who are near retirement. It is simply wrong.

I have introduced legislation which is scored by the Social Security actuary that makes the system solvent, is scored as bringing the system into balance permanently and has significant personal accounts and does not require benefit cuts.

There are a lot of proposals out there that involve changes to the current system, or even changes to benefits for, say, those at the higher income level, but to suggest that deep cuts are required is simply misleading the American public.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President——

Mr. GREGG. Mr. President, I ask unanimous consent that at 2:15——

Mr. CONRAD. We have a unanimous consent in place that the Senator from Florida be recognized.

Mr. GREGG. I am sorry. I apologize. I ask if the Senator from Florida will yield to me for purposes of making a unanimous consent request.

Mr. NELSON of Florida. I so yield.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I didn't realize there was a unanimous consent in place. I apologize.

Mr. President, I ask unanimous consent that at 2:15 today Senator GRAHAM or his designee be recognized to offer an amendment on Social Security, the text of which is at the desk; provided further that at 3 p.m. today the Senate proceed to a vote in relation to the Graham amendment, to be followed by a vote in relation to the Conrad amendment on Social Security, to be followed by a vote in relation to the Republican Social Security amendment, to be followed by a vote in relation to the Nelson of Florida Social Security amendment, to be followed by a vote in relation to the Stabenow amendment on first responders. I further ask unanimous consent that all points of order be waived with respect to the Social Security amendments; further, that no second degrees be in order to any of the five amendments prior to the votes.

I also ask unanimous consent that all debate time until 12:15 be equally divided between the chairmen and ranking members, or their designees, and further that debate from 2:15 until 3 p.m. be equally divided in the same form, and that any quorum calls be counted against the statutory time limit with time divided equally between the two sides. Further, that all votes after the first be limited to 10 minutes, with 2 minutes of debate equally divided after the first.

Mr. CONRAD. Reserving the right to object, let me just say I will be constrained to object until we get the actual text of the amendment. I understand now that we don't have the text of the Republican amendment or at least that we can't be certain that the text we have is the amendment that would be offered, so we need to get that before we could agree to this unanimous consent request.

The PRESIDING OFFICER. Does the Senator object to the unanimous consent request?

Mr. CONRAD. The Senator is constrained to object until we reach that understanding.

The PRESIDING OFFICER. The objection is heard.

The Senator from Florida.

AMENDMENT NO. 145

Mr. NELSON of Florida. Mr. President, I ask unanimous consent the pending amendment be laid aside for the purpose of offering an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. NELSON] proposes an amendment numbered 145.

Mr. NELSON of Florida. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate that Congress should reject any Social Security plan that requires deep benefit cuts or a massive increase in debt)

On page 65, after line 25, insert the following:

SEC. . SENSE OF THE SENATE IN SUPPORT OF SOCIAL SECURITY.

It is the sense of the Senate that Congress should reject any Social Security plan that requires deep benefit cuts or a massive increase in debt, and a failure to act by 2042 would result in deep benefit cuts; therefore Congress should take action to address Social Security solvency.

Mr. NELSON of Florida. Mr. President, let me read the amendment to everyone because we have just changed the amendment that had been printed that I intended to offer. I have added some additional language.

It is the sense of the Senate that Congress should reject any Social Security plan that requires deep benefit cuts or a massive increase in debt, and a failure to act by 2042 would result in deep benefit cuts; therefore Congress should take action to address Social Security solvency.

That is the amendment offered as a sense of the Senate. We have heard a lot of debate on Social Security. As a result of having 10 town hall meetings in my State over the last recess, the people of Florida heard what the administration's proposal was, to take up to 4 percentage points of the 12.4 percent Social Security tax against an employee's wages and instead of allowing all of that 12.4 percent tax to pour into the Social Security trust fund, to allow up to one-third of it to go outside of the Social Security trust fund in the so-called privatized accounts, with the result, combined with the change in the formula as proposed by the White House that future Social Security benefits would be calculated increases each year not according to what has been the case since the beginning of Social Security, according to the index on wages, but instead targeted to a lower index, on prices.

So the combination of taking a third of the Social Security tax out of the Social Security trust fund plus a changing of the payment formula was going to cause cuts in benefits, with massive borrowing to fill the hole.

Why cuts in benefits?

Mr. GREGG. Would the Senator yield?

Mr. NELSON of Florida. I would be happy to yield to the Senator, but I have been waiting for the last hour and a half and this Senator wants to speak his mind. Then I will be happy to engage with the Senator.

Mr. GREGG. This would be for the purposes of renewing a unanimous consent request.

Mr. NELSON of Florida. If it is a unanimous consent request, I yield.

Mr. GREGG. I renew the unanimous consent request which I propounded a few minutes ago.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I thank the Senator from Florida for his courtesy.

Mr. NELSON of Florida. It is a pleasure to always accommodate the leadership of the committee. I have thoroughly enjoyed working with the leadership of the committee. Perhaps we might come to a resolution over the amendment I have just offered because this amendment speaks truth.

Let's go back to where I was in the explanation. We are going to have benefit cuts certainly by virtue of the change in the formula. All of the Social Security actuaries will tell you if you change the index from increases in wages to prices, for a young worker today, by the time they retire, their Social Security benefits are going to be cut almost in half. Second, if you are taking all of that Social Security tax revenue out of the Social Security trust fund, since the trust fund is a pay-as-you-go kind of trust fund, you have to fill that hole with something. That means you are going to have to borrow additional money to pour into the Social Security trust fund to fill the hole. The Social Security actuaries have estimated that is $4.9 trillion over 20 years.

Members of the Senate, right now the publicly held national debt of the entire country is $4.3 trillion. We are talking about a system, a scheme, a proposal, that is going to more than double the publicly held national debt over the next two decades if adopted.

It is most appropriate that we start this discussion of the budget resolution because the budget resolution is a lot about borrowing. It is a lot about massive deficit financing. And now the administration has a proposal that would add massive additional borrowing to the present national debt.

When I came to the Congress in 1978 and was put on the Budget Committee as a freshman in the House of Representatives, back then we used to call it fiscal conservatism when someone would want to balance the budget, when someone would want to get the revenues and the outflow or expenditures in sync. What we had 3 years ago was more revenues coming in each year than we had in expenditures, and the difference was a surplus. But 3½ years later this is where we are: Massive spending and less revenue.

The deficit in this next fiscal year—you can take your choice, since this budget has now become a political document instead of an economic document, whether you think it is going to be $390 billion, which does not account for all of the realities of the additional spending as well as additional tax cuts, if enacted, or it is going to be more like $434 billion of deficit spending. That is a concern.

Every time we talk about the budget—as a matter of fact, my maiden speech on the floor of this Senate—and I waited appropriately for about a month before I made a speech back in 2001—my maiden speech was about the budget and wanting to have a fiscally conservative budget. But we have gone the other way since January of 2001. So we talk a lot about the annual deficit and adding to the national debt, and now it has gone haywire. It is out of control.

Now we have a proposal with regard to Social Security, not even to speak of the merits that you already heard in the discussion here, a proposal that is going to add massively to the debt of the United States. This is not the fiscally conservative nor prudent way to approach a budget. So I have offered a sense of the Senate:

> It is the sense of the Senate that Congress should reject any Social Security plan that requires deep benefit cuts or a massive increase in debt, and a failure to act by 2042 would result in deep benefit cuts; therefore Congress should take action to address Social Security solvency.

Now, why 2042? I could have used the year 2052 because the Congressional Budget Office has said it is the year—2052—when Social Security will have to cut its benefits down to something like 73 cents on the dollar. But the Social Security trustees say that date is 2042. That is 37 years from now. Why is that important? It is important to give us a marker at the point at which Social Security cannot pay 100 percent of the benefits.

This is quite in contrast to what we faced when I was a Member of the House of Representatives. For there, in 1983, Social Security was about to run out of funds within 6 months, not in 37 years, not in 47 years. It was about to run out within 6 months. And do you know how we solved it then? A Republican President, Ronald Reagan, and a Democratic Speaker, Tip O'Neill, got together and they said: We are going to solve it. We are going to solve it in a bipartisan fashion. We are not going to play "gotcha" politics. We are going to create a bipartisan commission. As a result of that commission, we are going to go out and give support in a bipartisan way. We are not going to use the results of that against anyone in the next election.

That was one of the finest hours in a success story of the Government of the United States, when within 6 months of Social Security being in trouble, running out of money, in 1983, as a result of that agreement, Social Security was made solvent all the way to the middle of this century—pick your date, 2042 or 2052, depending on whether you believe CBO or the Social Security trustees.

So that is why we put in this sense of the Senate the date 2042. And then we say something that we all acknowledge, that, indeed, Social Security does have a solvency problem. We state the outside of when those deep benefit cuts would occur. According to the Social Security trustees, those benefit cuts would be 27 cents on the dollar 37 years from now. But then we say Congress should do something about it and not wait until then. We say Congress should take action to address the Social Security solvency. Now, I do not know how much more straightforward we can make it.

When I would go into those townhall meetings—and people had read a lot about this in the papers, and they had heard a lot about it on the news—and I would explain to them what I have just explained, in some cases people were aghast. I think in the morning papers we see chronicled on the front pages the new results of additional feelings of the American mood about this. People have been very much helped by Social Security, and they do not want to see benefit cuts.

In the 70-plus years that this system has been in existence, it has not been an investment program. It has been a social safety net program. Indeed, in 1950, 40 percent of our senior citizens in this country—over a half a century ago—40 percent of them were living in poverty. Today, only 10 percent of senior citizens are living in poverty. A major reason for that improvement in the condition of senior citizens is the fact that they have something to fall back on; that is, they are guaranteed Social Security benefits.

In an ideal world, if you are a retiree, what would you like to have? You would like to have one-third of your total income, as a retiree, to be on your pension plan. You would like another third of your income to be from your savings. The remaining third you would like from Social Security.

But what happens if you were an employee of WorldCom, as some of our Floridians were, or an employee of Enron, as some of our Floridians were, or an employee of Eastern Airlines, as some of our Floridians were? They do not have a pension. And what meager savings they had are now eaten up. The sad truth is that too many senior citizens in this country today, in the year 2005 in fact, are subsisting, existing on their Social Security benefits.

Now, we have to stand up and stand right by our seniors. So that is why I offer a commonsense sense-of-the-Senate amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the Senator from Florida for what I believe is a really important amendment because it sets the terms of this debate on Social Security. What is the intention of the Congress of the United States? Are we going to embrace a plan for Social Security that involves massive new borrowing, massive new debt, and steep benefit cuts? Is that the answer? Or is there another way?

I believe, and I have stated publicly, there is a kernel of a good idea to what the President has proposed. I know many do not share that, but I do think there is a kernel of a good idea.

I also believe we have a challenge in Social Security. I do not believe it is as acute as the President has presented it because I think the forecasts that it is all based on are overly pessimistic.

They are saying economic growth in America for the next 75 years is only going to be 1.8 percent a year, when in the past 75 years, economic growth has been 3.4 percent. I don't buy it. I don't believe it. I think they vastly underestimate the productivity growth of the American economy. In fact, productivity is a key component of their economic growth estimate, and productivity growth has been far in excess of what they are saying productivity growth is going to be for the next 75 years. First of all, I have very little confidence in any forecast of 10 years, much less a forecast of 75 years.

With that said, the amendment of the Senator from Florida says, yes, we should move to bring solvency to Social Security, but we should not do it by massive new borrowing, and we should not do it by steep benefit cuts. That is what the President's plan is. The President's plan is to divert money out of Social Security. That is on top of what he is doing in his budget because, remember, in his budget he is taking every penny of Social Security over the next 10 years—$2.5 trillion—and using it to pay for other things. This is after he says there is a shortfall in Social Security.

In the next action, he sends us a budget to take $2.5 trillion in Social Security money and use it to pay for something else. He says, I am not done; I have another idea; let's take another $750 billion out of Social Security to start private accounts. But that is the tip of the iceberg, because the $750 billion of additional taking from Social Security to start private accounts is just the first 10-year cost. The 20-year cost is $4.4 trillion. Others have estimated approaching $5 trillion.

I have taken a somewhat more conservative estimate. The President says, Borrow every dime of it. When we already have record deficits, we already have debt that is growing out of control. He says, Don't worry; just borrow more money.

That is a reckless course. Why is it reckless? Because much of this borrowing is coming from abroad, coming from China, Japan, and South Korea. We have increased the foreign holdings of our debt just in the first 3 years of this administration by almost 100 percent. It is going up geometrically every year.

We have seen two warning shots about the danger of doing that. First, from South Korea. They said, Gee, we are beginning to worry about loaning so much money to the United States. We are going to diversify out-of-dollar denominated assets. What happened? The stock market plunged 170 points in 1 day. The dollar went down again. It already went down 33 percent against the Euro in the last 3 years.

We have a problem. The problem is that if there was a precipitous drop in the dollar, the policy options open to this country would be very severe. It would require a dramatic increase in interest rates, steep cuts in spending, dramatic tax increases. That is what is known as the perfect storm. That is the risk being run by this reckless policy of deficits and debt and deficits and debt and borrow and spend and borrow and spend, which, for some reason, our friends on the other side of the aisle have gotten into as a pattern of running the fiscal affairs of this country.

The deficit has skyrocketed during this President's term, and here is the course he has us on. Publicly held debt, $3.3 trillion when he took office. They are now saying $9.4 trillion by 2015. The President's answer on Social Security is to cut the benefits dramatically—26 percent by 2042, 46 percent by 2075. That is at the heart of the President's plan: to cut benefits steeply, and then to establish these private accounts by borrowing trillions of dollars.

Here is how the private accounts would work. I find people are really stunned when I explain how they work, because this is not the way the President explains it. The President says you can put aside money in your private account and earn, potentially, a higher rate of return. As far as he goes with that description, it is accurate. But he has left out something very, very important, because he assumes that money that is in your private account was loaned to you by the Social Security trust fund, and they expect to be paid back. They expect to be paid back with interest.

Has anybody ever heard the President describe the plan in that way? That is how it works. I have spent hours with his people and they have assured me that is how it works.

Here is an example. If you set aside $1,000 a year for 40 years and you earn 6.5 percent on that money, at the end of the period, you would have $92,000 in your private account. That sounds pretty good. The problem is that they assume that thousand dollars a year was loaned to you from the Social Security trust fund, and you owe it back with interest. If you pay it back with 5.8 percent interest, which is what the actuaries say would be required, you would owe back $78,000. But you don't pay it back out of our private account under the President's plan; you owe it back by further reducing your already cut Social Security benefits. That is how it works.

What happens if you don't get a 6.5 percent rate of return? What happens if you only get a 5 percent rate of return? Guess what? Under that example, you would have $64,000 in your account, but you would still owe back $78,000. I know when I describe this to people, they cannot believe it. I thought the President said, That is your account, your name is on it, nobody can take it from you. That is true, but he has left out this little additional fact: He assumes in his plan that this money was loaned to you by the Social Security trust fund. That thousand dollars a year, which came out of your Social Security payroll tax—the theory is—would have been in the Social Security trust fund earning a rate of return there. So their assumption is that you owe the money back, but you don't pay it back out of your individual account; you pay it back by taking a further reduction in your already cut Social Security benefits. That is how it works.

I will tell you, people are going to be mighty surprised to find out that is how it works. That is not the way it has been described. That is not what people have been told. They have been told that is their account, their name is on the account, nobody can take it away from them. All of that is true, but it leaves out something. It leaves out the rest of the story. The rest of the story is, yes, but you owe it back. That money was, in effect, loaned to you by the Social Security trust fund. So goes the President's theory. Therefore, you have to pay it back to the Social Security trust fund—the money loaned to you—and you have to pay it back with interest.

Unfortunately, if you don't get a higher rate of return on your invested assets, you could wind up owing back more than is in your account. That can very easily happen because this assumes you have a 5-percent rate of return on your investment.

I wrote an op-ed piece with Senator LINDSEY GRAHAM of the other side of the aisle saying there is a bipartisan approach to Social Security: we do have a problem; we do have a challenge; we ought to get together to solve it; and the sooner the better. I believe that, and I am prepared to work with my friends on the other side of the aisle to do that. But I am not prepared, and I will not be part of a plan that involves massive new debt. Count me out. I will fight that with every fiber in my being because I think it is reckless for the United States and the economic security of the country.

With that, I will be happy to yield to the Senator from Michigan. How much time would the Senator like?

Ms. STABENOW. Mr. President, I would appreciate 5 minutes to offer an amendment.

Mr. CONRAD. I am happy to yield 5 minutes. If the Senator would like more time, I am happy to yield additional time as well.

Ms. STABENOW. Let's say 5 minutes, and we will see.

Mr. CONRAD. I yield 5 minutes to the Senator.

The PRESIDING OFFICER. Is this time off the resolution or the amendment?

Mr. CONRAD. The Senator from Michigan is offering an amendment at this time?

Ms. STABENOW. That is correct.

Mr. CONRAD. I yield her time off the resolution.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 147

Ms. STABENOW. Mr. President, I again thank my colleague from North Dakota for his incredible leadership on this issue and speaking about what is responsible and what should be the priorities for our country.

I understand the senior Senator from Iowa is also waiting to speak. I appreciate him allowing me to offer this amendment first.

As we are talking about priorities, of course our first priority is to keep Social Security secure for the future. Putting Social Security first is one of the very first amendments we will be voting on today. But we also have another priority which is to keep Americans safe. And that is what my amendment will do.

My amendment will restore the $1.6 billion in cuts to first responder services that are included in this budget resolution as proposed by the President. It also will put $1.6 billion towards paying down the national debt. These are two worthy goals: pay down the national debt and restore the resources we need at a minimum to keep us where we are in terms of the resources for our communities to keep us safe.

I am very concerned that 4 years past 9/11/2001 when I visit my police chiefs around the State of Michigan and I speak with fire departments and first responders, almost all of them tell me they have fewer officers today than they did on 9/11/2001. I think the public would be shocked to understand that. I know I was shocked. They expect more from us than that, with all of the alerts and codes and concerns that have been raised—and legitimate concerns that have been raised—about what is happening in terms of terrorism, to know that we have fewer police officers on the streets now than before the attack on 9/11 is simply reckless and irresponsible.

I am very concerned that we are seeing cuts in a number of very important programs.

I am told I need to send the amendment to the desk. I apologize for not having done that sooner, Mr. President. I send the amendment to the desk, and then I will continue. I ask unanimous consent to add Senators LEVIN, MIKULSKI, KERRY, CORZINE, HARKIN, BIDEN, PRYOR, CLINTON, and AKAKA as cosponsors of the amendment.

The PRESIDING OFFICER. Is there objection to laying aside the pending amendment?

Mr. CONRAD. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Michigan [Ms. STABENOW], for herself, Mr. LEVIN, Ms. MIKULSKI, Mr. KERRY, Mr. CORZINE, Mr. HARKIN, Mr. BIDEN, Mr. PRYOR, Mrs. CLINTON, and Mr. AKAKA, proposes an amendment numbered 147.

Ms. STABENOW. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To protect the American people from terrorist attacks by providing the necessary resources to our firefighters, police, EMS workers and other first responders by restoring $1.626 billion in cuts to first responder programs, including, $298 million to the State Homeland Security grant program, $79 million to the Urban Area Security Initiative, $226 million for firefighter assistance grants, $486 million for the COPS program and $537 million for the Byrne Justice Assistance grants. The amendment is fully offset by closing tax loopholes that will generate $3.2 billion in revenue, half of which will be used to restore the $1.6 billion in first responder program cuts, and the remaining $1.6 billion will be put towards reducing the deficit)

On page 3 line 10, increase the amount by $451,000,000.

On page 3 line 11, increase the amount by $1,145,000,000.

On page 3 line 12, increase the amount by $850,000,000.

On page 3 line 13, increase the amount by $521,000,000.

On page 3 line 14, increase the amount by $285,000,000.

On page 3 line 19, increase the amount by $451,000,000.

On page 3 line 20, increase the amount by $1,145,000,000.

On page 3 line 21, increase the amount by $850,000,000.

On page 4 line 1, increase the amount by $521,000,000.

On page 4 line 2, increase the amount by $285,000,000.

On page 4 line 7, increase the amount by $1,626,000,000.

On page 4 line 16, increase the amount by $225,000,000.

On page 4 line 17, increase the amount by $572,000,000.

On page 4 line 18, increase the amount by $425,000,000.

On page 4 line 19, increase the amount by $261,000,000.

On page 4 line 20, increase the amount by $143,000,000.

On page 4 line 24, increase the amount by $226,000,000.

On page 4 line 25, increase the amount by $573,000,000.

On page 5 line 1, increase the amount by $425,000,000.

On page 5 line 2, increase the amount by $260,000,000.

On page 5 line 3, increase the amount by $142,000,000.

On page 5 line 7, decrease the amount by $226,000,000.

On page 5 line 8, decrease the amount by $799,000,000.

On page 5 line 9, decrease the amount by $1,224,000,000.

On page 5 line 10, decrease the amount by $1,484,000,000.

On page 5 line 11, decrease the amount by $1,626,000,000.

On page 5 line 15, decrease the amount by $226,000,000.

On page 5 line 16, decrease the amount by $799,000,000.

On page 5 line 17, decrease the amount by $1,224,000,000.

On page 5 line 18, decrease the amount by $1,484,000,000.

On page 5 line 19, decrease the amount by $1,626,000,000.

On page 16 line 15, increase the amount by $603,000,000.

On page 16 line 16, increase the amount by $49,000,000.

On page 16 line 20, increase the amount by $275,000,000.

On page 16 line 24, increase the amount by $196,000,000.

On page 17 line 3, increase the amount by $83,000,000.

On page 23 line 16, increase the amount by $1,023,000,000.

On page 23 line 17, increase the amount by $176,000,000.

On page 23 line 21, increase the amount by $297,000,000.

On page 23 line 25, increase the amount by $229,000,000.

On page 24 line 4, increase the amount by $178,000,000.

On page 24 line 8, increase the amount by $143,000,000.

On page 30 line 16, decrease the amount by $451,000,000.

On page 30 line 17, decrease the amount by $3,252,000,000.

On page 48 line 6, increase the amount by $1,626,000,000.

On page 48 line 7, increase the amount by $225,000,000.

Ms. STABENOW. Mr. President, I am so concerned about this. I appreciate being reminded that I needed to send the amendment to the desk. This is so serious.

This morning I had a meeting with our city council members from around the State of Michigan. I hear stories about the fact that one police department cannot talk to the city next to them or, in some cases, the police department cannot talk to the fire department. The whole question of communications and interoperability and the training that is needed to go with that is absolutely critical.

This is not the time to be cutting first responder dollars to our communities. We ought to be, in fact, increasing those dollars because when the terrorist experts talk to us, they do not say if we are attacked in the future, they say when we will be attacked in the future. So it is absolutely irresponsible to be cutting the dollars for our local police, fire departments, and emergency responders. We need to make homeland security a priority. That is what my amendment does.

I remind my colleagues that 2 years ago, we received a report that was authored by a blue ribbon panel chaired by former Republican Senator Warren Rudman. Their findings were daunting about the inadequacies in our homeland security efforts. They indicated that we needed a total of $98.4 billion over the next 5 years to truly be able to tell the families we represent that we have done everything possible to keep them safe. But instead of adding those dollars to make sure the radio equipment is there and the officers are there and to make sure the training is available, what is happening is we are seeing a $1.6 billion cut. It makes absolutely no sense whatsoever.

We should not be ignoring this panel's recommendations. We should, in fact, be following them. As I said before, after 9/11, I did meetings all around Michigan. To a person, I was told that they did not have the resources they needed, and then coming back to them in the last year, I have asked, How is it going? They said we are worse off than we were before, which makes absolutely no sense.

I will add one important point, given the current situation as it relates to violence in our courthouses, that we should recognize is in this budget cut. The Byrne grants, which my amendment restores, can be used to hire, equip, and train additional law enforcement personnel in our courthouses. With the recent tragedy in Atlanta, GA, now is not the time to be cutting resources to our courthouses. All we have to do is look around, look at the headlines day after day, watch the news on television, listen on the radio and we know there has been a series of ongoing violent efforts in our country. Now is not the time to be cutting back on police or fire, whether it is to prepare for a terrorist attack or to keep our citizens safe today. When the President talks about overwhelming cuts, basically eliminating the COPS Program which has been so important in putting police officers on the streets, this makes absolutely no sense.

I have supported funding for our military men and women who are serving us so bravely in Iraq and Afghanistan because we said it is important that we come together and provide the resources that are necessary. We have done that on a bipartisan basis. We need to do the same thing for our men and women who are on the home front who are working hard every day to keep us safe. That is what my amendment will do.

I would like to provide several examples of the deficiencies the Independent Task Force on Emergency Responders detailed in the Rudman report:

On average, our fire departments have only half the number of radios needed on a shift, and only enough breathing apparatuses for one-third of their firefighters.

Police departments across America do not have the protective gear to respond to a weapons of mass destruction attack.

Our public health laboratories lack the basic equipment to respond to a chemical and biological attack and most report that they are overwhelmed with testing requests.

Finally, our first responders do not have the equipment they need to determine what kind of hazardous material they may be facing.

Why have we ignored this panel's recommendations? The administration's support for first responders has been on a steady decline. For example, last year funding for Michigan's State Homeland Security grants program dropped from $47 million to $29.7 million, In this budget, the administration eliminates the Law Enforcement Terrorism Training Program, cutting another $400 million from our first responders.

I have spoken with police and fire chiefs across my State, and to a person they all tell me that they have fewer police officers and firefighters on their forces than they did before 9/11 because of funding cuts.

During a series of 11 meetings in the summer of 2003 I met with first responders and community leaders in Michigan. They told me in no uncertain terms that they are woefully underfunded and underequipped. Over the last year and a half, they have continued to remind me of that fact. The situation in Michigan is of particular importance to me but this is not solely a Michigan problem. This is a national problem and one that has been ignored for far too long.

My amendment would restore the cuts to the first responder services in the President's Department of Homeland Security budget. The amendment is fully offset and will also help reduce the deficit. The amendment is paid for by closing tax loopholes that were originally included in the Senate version of the FSC/ETI bill, but were taken out in the final conference bill. Closing these loopholes will generate $3.2 billion in revenue, half of which will be used to restore the $1.6 billion in first responder program cuts, and the remaining $1.6 billion will be put towards reducing the deficit.

The assistance to firefighters grants, the State Homeland Security grants and the Urban Area Security Initiative are critically important. Also important are the COPS Program and the Byrne justice assistance grants. While some may not think these services help keep our homeland secure against terrorism, I believe that every police officer we put on the street with the proper training is one more set of eyes that could stop a terrorist attack from ever happening or respond to one, God forbid we are attacked again.

The President's cuts to these programs not only impair our ability to prevent and respond to terrorist attacks, but are a more fundamental assault on the safety of our communities.

These programs help in unexpected ways. For example, Byrne grants, which my amendment restores, can be used to hire, train, and equip additional law enforcement personnel in our courthouses. With the recent tragedy in Atlanta, GA, now is not the time to cut the resources that keep our citizens safe.

The COPS Program has brought results in Michigan and the rest of the Nation. COPS grants have put more officers on our streets and in our schools to make our communities safer. These officers have helped reduce crime throughout the country. According to the Department of Justice, every $1 increase per resident of COPS grant funding contributes to a decline of 10 violent crimes and 27 property crimes per 100,000 residents.

When it comes to providing funding for our military men and women in Iraq and Afghanistan, we have provided the resources necessary. Unfortunately, we have not done the same when it comes to protecting us here at home. When it comes to protecting our communities, we should not be penny wise and pound foolish. Therefore, we must strengthen our resolve and do whatever it takes to keep us safe.

Can we tell our fellow Americans that we have provided our first responders with the equipment and training they need to respond quickly to a terrorist incident and prevent loss of life? If we cut $1.6 billion from the men and women on the front lines of our homeland security, the answer must be no.

I remind my colleagues that when you call 9-1-1, you do not get someone at the Homeland Security Department in Washington, DC. You get your local police or fire department. Local police and firefighters are ready and waiting to try to stop a terrorist attack or help save lives if one happens.

If we do not adopt this amendment, I believe we are not doing everything we can to keep our country safe.

I urge my colleagues, before they vote on this amendment, to ask themselves are we doing enough here at home to keep us safe?

The PRESIDING OFFICER. The Senator's time has expired.

Ms. STABENOW. I thank the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 144

Mr. GRASSLEY. Mr. President, I rise to respond to Senator CONRAD's amendment, the pay-go amendment he brings up as it relates to fixing Social Security. But before I get into my remarks, I wish to call attention to some points raised by Senator CONRAD. I do not dispute anything he said, but I would like to give some refinement of some statistics he has given.

Recently he spoke about the decline in the value of the dollar. His figures were accurate, as far as the decline of the dollar. But also where he starts, there has been a decline of the dollar, but I think we ought to point out to the people of this country that from 1995 until the year 2002, we had a 50-percent increase in the value of the dollar. When we go back to 1995, the middle of the Clinton administration, we will find that we had a dollar lower in value than presently. Then we had the increase in the value of the dollar, and now we have had a 30-percent decline in the value of the dollar. The value of the dollar still is much higher than it was in 1995.

Another point I wish to make is on his dissertation on the estimate of the trustees of what the growth of the economy, of the growth of productivity will be over the next 75 years. He would say that over the next 75 years, the growth of the economy, as the trustees put it, at 1.6 percent is too pessimistic, and consequently maybe the situation over the next 75 years of the Social Security system is not as bleak as the trustees might be led to believe. That is because he would point out that the average productivity of the economy over the last 40 years, from 1960 to the year 2000, was 1.76. So the point being made by the opposition is that the growth of the economy has really averaged more than what the trustees say it will over the next 75 years, so somehow we might not have anything to worry about.

If you take subsets of the years from 1960 until the year 2000, you will find from 1960 to the year 1975 we had a growth of productivity of 2.4 percent. But if you look at the period of time from 1975 until the year 2000, you would see that productivity growth was 1.38, to compare with what the trustees had used for the next 75 years.

So I don't think it is right to point out what the trustees have used as a figure because, compared to the last 25 years, it is not pessimistic whatsoever. You could even make an argument that maybe it is too optimistic.

As we listen to these figures, I hope there will be an effort on the part of my colleagues to study these figures and not just to take these charts at face value, because they may not tell the entire story.

Having pointed that out, I would like to speak about the amendment of Senator CONRAD, not reinstating the pay-go rules until Congress addresses the Social Security issue. Stop to think what sort of proposition this really is. The amendment says we should not do anything else to deal with overspending by Congress until we address the Social Security issue. Unfortunately, no one I am aware of who supports this amendment has a plan before Congress to fix Social Security. So we have an amendment that says, in a sense, don't do anything until we fix Social Security but those who support this amendment don't have a plan to fix Social Security. So, as I see this amendment, this is an amendment to just simply do nothing—not do anything about a plan to keep spending under control or, if you can't do that, then under this amendment you can't do anything about Social Security.

Due to the retirement of the baby boomers, Social Security will face rising deficits in just a little bit more than a decade. In fact, some people, including me, can legitimately say that this problem really starts in 3 years, when baby boomers start retiring, because their retirement is going to lessen the amount of surplus going from the payroll tax into the Social Security trust fund, which really becomes a problem when we have negative cash flow, just 13 years down the road.

Because Americans are living longer and having fewer children, there are going to be in the future fewer workers to support each beneficiary. That means that Social Security will face rising deficits long after baby boomers are retired and gone. There is widespread agreement that Social Security is facing a significant financial problem.

We could lay out 10 different charts here that would demonstrate the problems of Social Security. I do not think there is a single Democrat or single Republican who would have any disagreement with the problems of Social Security, now or for the next 75 years. It is mathematical and we ought to be able to find a mathematical solution to it.

But when it comes to finding a solution, there is very little agreement on what needs to be done to address this problem. President Bush has made saving Social Security one of his top priorities this year. We ought to thank the President for doing it, because now we are in a position 3 years away from where baby boomers are retiring. We can look at this issue very dispassionately, not under a crisis environment. This is the period of time to deal with these problems. If President Bush had not raised this issue in the minds of the American people, we would not be dealing with it in Congress.

I have to say, as chairman of the committee that has to deal with this, I wish there was not a Social Security problem. Maybe people could say, Senator GRASSLEY, you are chairman of this committee; why didn't you deal with this 2 or 3 years ago, or 4 or 5 years ago?

There are some things you could spend a lot of time on and not get anywhere, if you don't have any colleagues who want to deal with it. But President Bush, using the bully pulpit of the Presidency, has raised this in the minds of people now. Polls show the vast majority of the people know this is a problem Congress ought to deal with. So we ought to praise the President for helping us along a very difficult road here in the Congress, dealing with something that we would not otherwise even be talking about. So it is one of his top priorities, and we ought to thank him for making this a top priority. He should be commended for his leadership.

There are a lot of Members in this body who are now fully committed to saving Social Security and doing it this year. So, as chairman of the Senate Finance Committee, I must be ever mindful of the concerns of my colleagues and the rules of the Senate. Social Security improvement is one of the most politically sensitive issues Congress can ever deal with. That is why the last time it was dealt with was in 1983. That is 22 years ago.

President Clinton brought this issue to the attention of the American people and to the Congress by his very well-thought-out statement: Save Social Security first—before you do anything else. He even referred to Social Security as a crisis. Somehow, according to my colleagues here, when President Bush says Social Security is in a crisis, that is wrong. But I didn't hear those same people, in 1998 or 1997, when President Clinton said it was a crisis, "save Social Security first," saying that there was anything wrong with calling it a crisis back then. Well, if it was a crisis then, it is more of a crisis now.

I don't care whether it is a crisis, a problem or a challenge, it is something we need to deal with and deal with today. That is because if we deal with it today, this year, as opposed to next year, it is $600 billion less of a problem, because it costs $600 billion more on a cumulative basis over the next 75 years to deal with it next year instead of dealing with it this year.

President Clinton raised this issue, and even brought up the issue of investing in the stock market as an example. But then, all of a sudden, it was dropped like a hot potato, and it was not brought up again until President Bush brought it before us.

This is a very sensitive issue, one dealt with every 20 years. We ought to deal with it now. We ought to welcome the opportunity to deal with it. We can deal with it in a calm atmosphere, not the crisis of 1983 when we were borrowing money from Medicare to keep Social Security checks going, or when we as a Congress put—I don't know whether it was $10 billion or $20 billion, but we put billions of dollars from general revenue into the trust fund to keep checks going. Prior to that, a lot of people were saying, I will never increase taxes, I will never cut benefits. But you know what happens when you are in a crisis; you end up doing both.

We have an opportunity to do this in the calm and correct way, such as the promise Congress made 28 years ago—not in 1935, not in the original contract where these promises were made. These promises we can't keep today were made 28 years ago. We have a chance to correct them and we ought to take advantage of that opportunity.

Of course, as we are dealing with this sensitive issue, we are all mindful that the Senate's rules require at least 60 votes to reform Social Security; that is, assuming that you would have a filibuster and you would have to overcome the filibuster. As a result of anything which is going to get done, we have to build strong bipartisan support if we are to succeed. Consequently, even if every Republican would vote for Social Security, that would be 55 votes, and you aren't going to get all of one party going in the same direction. We have to have bipartisanship to get anything done.

To begin the process of building bipartisanship and support for Social Security, I have met with the ranking Democratic member of the committee. I do that on a regular basis, not just on Social Security but on everything before our committee. We are going to try to find some common ground. We usually do. Everything should be on the table for discussion. We should consider all of our options. Developing a plan to protect and improve Social Security will be a complex and challenging task. It will require the support of both Democrats and Republicans. If we make a commitment to build a strong bipartisan consensus, we can break down partisan roadblocks that threaten the future of Social Security, but the first step is to agree on the nature of the problem.

As I said, if I laid out 10 different charts with different aspects of the problems of Social Security, nobody would dispute them. It is quantifiable, it is mathematical, and hence the agreement.

We have had in this debate, though, some critics who would muddy the water claiming that the Social Security problem is due to tax cuts that Congress enacted in 2001 and 2003. I don't quite understand how cutting the income tax has anything to do with the trust fund being in trouble, because we have followed the pattern that was laid out by Franklin Delano Roosevelt in 1935; that he wanted a payroll tax, money designated for Social Security so that there is a relationship between what you pay into it with what you get out, so that it would be an insurance program and not be a welfare program.

Maybe today, welfare doesn't receive the public's lack of respect it did in the 1930s. In the 1930s, it was a shame to be on welfare. Maybe today it is not. That is part of our problem with our society as a whole.

Franklin Delano Roosevelt wanted to be very careful that people who received Social Security checks were not seen as being on welfare. They weren't on welfare because they paid into it. They were buying insurance when they did that.

Arguing that the cutting of the income tax has something to do with taking money out of the Social Security trust fund would be the same as saying we are going to put this income tax into the trust fund and get away from the principle of a direct relationship between what you pay in and you get out in interest and principal, and, consequently, have it lean more toward being a welfare program.

The Social Security problem has nothing to do with the tax cuts of 2001 and 2003. The critics say that repealing the 2001 and 2003 tax cuts for the rich would cover the Social Security deficit. But according to the Congressional Budget Office, by the year 2050, the cost of extending the tax cuts, if you wanted to say it had something to do with the Social Security problem and make it a welfare program instead of an insurance program, would be 0.7 percent of gross domestic product.

As you can see by this chart, the Social Security deficit is in fact 1.4 percent of gross domestic product. In other words, repealing the tax cuts for everyone, not just the rich, would cover only half of the Social Security deficit in the year 2050.

If you want to start figuring that way, then turn the Social Security program into a welfare program where you get away from the principle set by Franklin Delano Roosevelt, that there had to be a relationship between what you pay in and what you draw out so that you weren't on welfare, so you didn't have the shame of welfare of the 1930s.

Moreover, the sustained use of general revenue to fund Social Security would destroy the historical link between individual benefits and contributions, thereby turning Social Security into another tax-and-spend welfare program. The figures being used by critics do not come from the Congressional Budget Office. They were made up by a liberal think tank often quoted here on the floor of the Senate. The critics' figures are also based upon what we call present-value calculations. Such calculations now would assume that a dollar of additional taxes collected today will pay about $17 of Social Security benefits down the road 50 years.

How could this be? These present-value calculations assume that all the money the Government collects from repealing the tax cuts would somehow be saved and be invested in interest-bearing assets, paying 5.8 percent a year in interest. There is simply no way for our Government to make this kind of investment. History shows that the Government spends every dollar of taxes it collects.

In fact, I often have said in the Senate I might be willing to increase taxes if I thought every dollar collected would go to the bottom line to reduce it. But what I find in the Congress, you raise taxes $1 and it gives Congress permission to spend $1.10 or $1.20 and sometimes even more. I have never run into anyone in Congress who wants higher taxes who has ever told me how high taxes have to be to satisfy their appetite to spend money. Until I can find out how high taxes have to be, I will be very squeamish about raising taxes and somehow reducing the deficit.

The only way to prevent the Government from spending the tax cuts they would propose would be to put them in personal accounts. Unfortunately, those who claim the tax cuts would pay for Social Security are the very same ones who oppose personal accounts.

There are a number of ways to address the Social Security long-term deficits. One such proposal would change the benefit formula from wage indexing to price indexing. Some critics of price indexing claim it would increase poverty among seniors. This point has been made in the Senate, but it is based on a number of erroneous assumptions.

First, critics say if you go back in time, reducing today's average benefit level to the level that would have been paid in 1940, benefits would be lower and poverty would be higher. What sort of spurious comparison is that? In 1940, the average retirement benefit was 40 percent of the poverty level. In 1960, the average retirement benefit for Social Security was about 60 percent of the poverty level. Today, the average retirement benefit is about 120 percent of the poverty level. So it is just this simple: no one is going to index benefits back to 1940. But that is the argument being made by our colleagues. The proposal that has been put forward would adjust, instead, today's benefits going forward into the future, not backward.

I also point out that many of the price indexing proposals include a new minimum benefit for low wage workers. An analysis by the Social Security Administration shows that a minimum benefit would actually reduce poverty more than current law does. So no one should be fooled by these spurious comparisons going back to 1940. It is almost laughable that someone would make that argument in the Senate.

The President has made Social Security a priority issue, and Congress should take advantage of this Presidential leadership. The chance to fix Social Security problems may not come again in 10 years. They will come for sure in 10 years because if we do not do anything, we get to the point of a crisis where people who want to increase taxes will not have a problem getting their heart's desire of raising taxes. But you will also do what no one wants to do: change the benefits. So we should not miss this opportunity.

President Bush needs to keep using the spotlight to educate the public about why we need to take action on Social Security. We want a safe and secure retirement for every American. That is part of the social fabric of America. It is kind of like Grandpa GRASSLEY. I am 71. I draw Social Security benefits. I am benefiting from a very good deal from the New Deal of President Franklin Delano Roosevelt—a good deal for me, my mom and dad, my grandparents. But for Carrie Grassley, 9 years old, my granddaughter, it is going to be a raw deal because doing nothing around here is not an option. Doing nothing is a guaranteed benefit cut for Carrie Grassley.

It is kind of a moral issue, whether Grandma and Grandpa GRASSLEY today ought to be concerned about a secure retirement for our children and grandchildren. Do we want to be selfish? I don't think I have a right to be selfish. I believe I need to be concerned about the next generation. We have that opportunity now. Are we going to take advantage of it?

Social Security is a successful program. It definitely is a part of the social fabric of America. These young people who are our pages are paying in dramatically for me to receive my Social Security check. Even if we did something today and they get 100 percent of the benefits that are promised today, they are still getting maybe not a raw deal but not as good as the deal I have. For sure, if we do nothing, 70 percent of those benefits is a raw deal. We have an opportunity to do something about it.

There has been a lot of attention brought to personal accounts by the other side of the aisle. The other side of the aisle has had a free ride on the question of solvency of Social Security. What about keeping promises to Carrie Grassley and the young pages so they can have what we have. What about everything else dealing with Social Security. Do they have a responsibility? After all, we all get paid $160,000 a year. You mean you cannot come to the table to negotiate with CHUCK GRASSLEY on a problem we all agree ought to be done with or without personal accounts? But don't figure you are negotiating in good faith if you say, before you sit down at the table, you can't have everything on the table. That is what negotiations are about.

The other side has had the luxury of the public's attention on personal accounts, and they are clouding that issue. This has given them the opportunity to avoid these tough issues of providing for Social Security for the pages or for Carrie Grassley. I don't think they can get away with it very long.

I hope by this summer my committee is able to meet and report out a Social Security bill. It is my intention to do that. Will I get the cooperation to do that? One person cannot provide the votes, but we ought to have that sort of discussion and see what we can do to bring it before the Senate.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I want to respond briefly to the chairman of the Finance Committee. Let me first say how much I welcome the tone and the content of his remarks. The chairman of the Finance Committee is exactly right. We need to work together to face the challenge in Social Security, and, frankly, the even much bigger challenge in Medicare because, as I indicated this morning, the shortfall in Medicare is eight times the shortfall in Social Security. We also need to address these ballooning budget deficits and this massive growth of debt. All of these things need to be dealt with.

I also believe tax reform needs to be part of this mix. Why? Because the tax system we currently have is hemorrhaging revenue. The Revenue Service tells us the tax gap, the difference between what is owed and what is being paid, is over $300 billion a year. By all accounts, that is a conservative estimate. So before anybody talks about a tax increase for anybody, we ought to be talking about closing this massive tax gap—the difference between what is owed and what is being paid.

Senator GRASSLEY made a number of references to the amendment I have offered that I think are not a correct characterization of my amendment. I understand he said the amendment I have offered would not do anything to address overspending by Congress until we fix Social Security. And his characterization of my amendment is that it says don't do anything until we fix Social Security.

That is not what my amendment says. That is not what my amendment does. My amendment says, let's put Social Security as the top priority. Let's save Social Security first. It does not say "only." It says "first." It says very simply: No new spending or no new tax cuts until Social Security is solvent, unless they are paid for.

Boy, there is a novel idea out here. You are going to pay for something. You can have all the tax cuts you want if you pay for them with spending reductions or other revenue. You can have all the new spending you want if you pay for it by reductions elsewhere in spending or new revenue.

My amendment says you cannot have new spending or new tax cuts unless you pay for them or if you are able to come out here and get a supermajority vote. Otherwise, you have to wait until we put forward a plan that restores the solvency to Social Security. I think that is a pretty good idea. That is what my amendment does.

My colleague from North Dakota is in the Chamber.

Can I ask the timekeeper where we are with respect to the time between now and 2:15 on our side?

The PRESIDING OFFICER. The Senator has 21½ minutes.

Mr. CONRAD. So 21½ minutes on this side.

What is remaining on the other side, if I could ask?

The PRESIDING OFFICER. Twenty-eight minutes.

Mr. CONRAD. Twenty-eight minutes. I understand Senator DEMINT is coming to offer an amendment. We will need a little bit of time to respond to that.

So how much time will the Senator need?

Mr. DORGAN. Mr. President, I would ask for 10 minutes.

Mr. CONRAD. Mr. President, I would be happy to yield 10 minutes to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 10 minutes.

Mr. DORGAN. Mr. President, I intend to support the amendment offered by my colleague, Senator CONRAD, which, in effect, says: Save Social Security first. Make Social Security a priority when we evaluate what we want to do around here. There are a whole series of options that we face: increase spending, cut taxes or do both of these things. What my colleague is saying is, save Social Security. Save Social Security first.

I also intend to support the amendment offered by my colleague from Florida, Mr. NELSON. Senator NELSON's amendment is a sense-of-the-Senate amendment that Congress should reject any Social Security plan that requires deep benefit cuts or a massive increase in debt.

Now, why is Senator NELSON offering that amendment? Well, because we have the memorandum that was leaked from the White House in January that outlined the plan that the President's chief strategist on Social Security was offering. The plan was relatively simple. The plan is, borrow a lot of money up front, anywhere from $1 to $5 trillion, depending on how long a time you measure it. Borrow a lot of money. Put it in the stock market. Change the indexing formula in Social Security to cut benefits. Then you have borrowed money in the stock market, with Social Security benefit cuts. Then you just sit back and wait and hope that everything is going to be all right.

At the end of that memorandum from the White House it says this, which is very revealing: It says, "This is the first time in six decades we have had an opportunity to win on Social Security." We know what that means. They go back to Alf Landon, when they debated this Social Security bill in the 1930s. They did not like it then. Some still do not like it. They would like to take it apart.

Now, the President began at his State of the Union Address, and around the State of the Union Address other members of the administration said the Social Security system is in crisis. They used the terms, "bankrupt," "flat broke," "busted." None of that is true. It is the case, according to the Congressional Budget Office, that Social Security, as a program, will be solvent until President George W. Bush is 106 years old. Let me say that again. The Congressional Budget Office says the Social Security system will be fully solvent until President George W. Bush is 106 years old. Now, they did not say the "Bush, 106 years old" piece. They just described how many years it would be solvent. I have calculated, then, the President would be 106 years old at that point.

Is that a crisis? No, it is not a crisis. People are living longer, healthier lives. We may have to make some adjustments to Social Security, but it does not require major surgery, and it is not a justification for President Bush's plan to begin taking Social Security apart, creating privatized accounts. It is not a justification for that.

Now, in many ways, this is about values. I respect those who believe Social Security should never have been adopted. I do not agree with them. I respect their right to take that viewpoint. I respect those who want to take the Social Security system apart right now. I do not agree with that either, but I respect their right to make that case.

But it seems to me if you go back to 1935 at a time in this country when 50 percent of America's senior citizens were living in poverty, this country decided: We cannot have that. We are not going to allow that to happen. So we created an insurance program. Yes, it is insurance not investments. The FICA, the tax that is taken out of your check every month—the "I" in FICA is insurance. That is what it means, insurance. It is the program that would always be there. You could count on it. It is guaranteed. It is not the risk piece. The antithesis of security is risk. It is the portion of retirement security that will be there. That is what it was created for. The woman who received the first Social Security check in 1940 and the tens of millions of American senior citizens who have received Social Security since have, in many cases, been lifted out of poverty by this single act. Some say, well, it is something that should never have been done. One of the leading voices on the far right says Social Security is a soft underbelly of the liberal welfare state. That describes the mindset of people who don't want the Social Security program to exist, the kind of people who voted against it in the 1930s.

As I said, this is about values, what is important to us. Some come to the floor and say the most important thing, by far, is to eliminate the death tax—a tax which doesn't exist, incidentally. There is no death tax in America. There is a tax on inherited wealth. I spoke yesterday about that. Warren Buffett, the world's second richest man, makes the point that if the majority party gets its way with respect to the "death tax" and exempting dividends from taxation and so on, the world's second richest man will be paying one-tenth the tax rate that the receptionist in his office pays. That is from him, not me. Warren Buffett says under their plan he would end up paying a 3-percent tax, and the receptionist in his office, with the payroll taxes, would end up paying a 30-percent tax.

I asked the question yesterday, why do we have the philosophy in the Chamber that seems to say let's tax work, but let's exempt investment? Is work less worthy? Is it really less worthy? Don't we value work? Don't we honor work? Don't we connect effort and reward? There are some who come to the Chamber and say, look, there are priorities that are more important than Social Security. Cutting the tax on dividends and interest on passive income, eliminating the so-called death tax—despite the fact that there is no death tax—they spend money to do that. That is more important to them than the Social Security program.

I happen to think the Social Security program works well, and has for a long while and will continue for a long while. It will be solvent for 75 years with any kind of reasonable economic growth, with no changes. But assuming we get a pessimistic rate of growth for 75 years, 1.9 percent compared to the 3.4 percent we had in the previous 75 years, assume, as the actuaries do, that we have an anemic growth of 1.9 percent, then we would have to make adjustments.

But that is not a pretext for what President Bush wants to do. What he wants to do is simple. He said it in 1978 when he ran for Congress. In 1978, when he ran for Congress, he said that Social Security will be broke in 10 years. He meant 1988. Of course, that didn't happen. It wasn't true at the time. He said Social Security will be broke in 10 years and we ought to go to privatized accounts.

So this is not new. It is not even about economics. It is about a philosophy, about a decision and a desire to take apart the Social Security program. The question for this Congress is: Does Social Security have merit and worth for this country? Has it improved this country? Is it a part of this country's decisionmaking over the last century that has improved America?

In my judgment, the answer is yes. We have done a lot of things together. We decided in the last century about a lot of issues. Some of them were hard. We had people die in the streets of this country who demonstrated for the right for workers to organize. People literally died in the streets as a result of violence over the issue of whether American workers should be allowed to organize. Should they expect to be able to work in safe workplaces, safe plants.

Should we have child labor laws. Should we have a minimum wage. Should we stop companies from dumping chemicals and sewage into the water and the air. And in the panoply of all of those decisions, one was to say it is intolerable that half of our senior citizens live in poverty. These are the people who helped build our country, the people who understood about going to a barnraising for the neighbor, about building a community, starting a church in a small town, about trying to raise a family by raising a crop, and hoping that crop produces something you can sell in the fall to keep your family over the winter. Yes, the people who worked in the factories, as well, that began to mass-produce products. These are the workers of America who helped build this great country of ours. We decided it is intolerable that one-half of them, when they reach their declining income years and retirement, should live in poverty; it is intolerable, as good as this country is.

So we contribute each month from our paycheck—all workers do—into a fund called Social Security. There are a lot of things you don't know about growing old. You don't know about your health. You don't know which of your relatives will survive to be helpful to you when you grow old. But you do know this: If you work and if you had an investment from your paycheck in the required number of quarters, Social Security will be there for you. You do know that. That is important.

Because we know that and because we now have nearly 70 years of experience with this program, we ought to understand that this ranks right near the top of the things we need to do to make this a better country: Preserve, strengthen, and nurture the Social Security system for the long term.

I oppose the President's proposal. I think it is a proposal that will begin to take apart the Social Security program. I support the amendments that will be offered and voted on this afternoon. Those amendments make good sense and they move us in the direction of deciding the following: We are going to strengthen and preserve Social Security for the long term. It ranks as a priority, the highest priority for this Congress.

Mr. BAUCUS. Mr. President, I rise today to express my strong support for Senator STABENOW's amendment to restore funding for our first responders, including local law enforcement. I am proud to cosponsor this amendment. We cannot continue to cut justice assistance program funding, particularly Byrne grant, local law enforcement block grants, and COPS funding.

The Byrne Grant Program, which was merged last year with the LLEBG program in a move I did not support, is vital to the efforts of local law enforcement in Montana to combat methamphetamine and other illicit drugs. I have heard this again and again and again, from local law enforcement agencies to the Montana Narcotics Officers Association to the Governor's office to the attorney general's office. The Byrne program helps communities hire additional local law enforcement, operate drug task forces, and send local law enforcement to drug training.

Unfortunately, the President's budget proposes an elimination of the Byrne Grant Program. This combined with cuts proposed by the President to the high intensity drug trafficking area HIDTA, program and other justice assistance programs, would be a disaster for Montana. It would set the clock back years in our efforts to fight the rapid spread of methamphetamine in Montana.

According to the Montana Board of Crime Control, this is what will happen to Montana if the President's fiscal year 2006 budget is enacted:

1. Montana will lose its multijurisdiction drug enforcement capacity, including seven multijurisdictional drug task forces. This means that already stretched local law enforcement agencies will have to do what they can to address drug enforcement at the local level, without broader support from the drug task forces.

2. Montana will lose 33 drug enforcement offices throughout the State.

3. Montana will experience a significant increase in drug availability, manufacturing and trafficking and drug-related crime.

4. Montana would experience an increase in clandestine labs that manufacture methamphetamine.

5. Montana would experience a reduction in the amounts of illegal drugs and guns removed from our communities.

6. Montana would experience the elimination of funds for rural law enforcement agencies' manpower, equipment, and training.

The above impacts translate to a complete loss of rural drug enforcement in Montana and are only the tip of the iceberg. The manufacturing, trafficking, drug addiction, and crime will have a ripple effect throughout the State in our public health and correction systems and the courts, negatively affecting public safety and the quality of life in Montana.

The Byrne program and similar programs support the majority of pro-active drug enforcement in the 56 counties of my State. This is because we are spread so thin across a vast area with a small population and an international border—Byrne is essential to us.

To protect our kids and our communities—our homeland—we have to continue aggressive drug enforcement across Montana. We have to continue teaching hundreds of classes to the good citizens helping to stop the spread of drugs like meth, including realtors, retailers, civil groups, and other local law enforcement agencies. Byrne funding is the difference between stopping a few street level drug sales and stopping drug manufacturing and distribution on a much larger scale.

Working hand-in-hand with Byrne Grant Program funding is the COPS Program. The COPS Program helps pay for all meth lab cleanups in Montana, protecting children and others from the harmful health impacts of the chemicals used to make meth. Additionally, the COPS Program helps provide for more law enforcement in drug enforcement units, while maintaining enough police officers patrolling our streets.

According to the president of the Montana Association of Chiefs of Police, COPS funding is necessary to maintain an adequate number of police in the field to protect our communities. He has told me that without COPS funding, the number of crimes, especially violent crimes, will begin to rise again. And currently, there is no other alternative to the COPS Program. He tells me that the COPS Program is one of those programs that works, one of those programs that is directly responsible for protecting our communities, for getting the officers out on the street to protect us all.

In short, the Byrne and COPS Programs represent a relatively minor Federal investment in our local communities that pays huge dividends in terms of the health and safety of our citizens. We are also talking about communities that cannot foot the bill by themselves, particularly in a rural, low-population State like Montana. We just can't kid ourselves that the money will magically appear elsewhere.

I guarantee that Montana is not the only State that will suffer a dramatic loss in drug enforcement capability under the President's proposed budget. Therefore, I urge my colleagues to support the important amendment of the Senator from Michigan. We cannot shortchange our law enforcement—stopping the spread of illegal drugs is important to the security of our homeland, too.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, if I could have an update on the time situation both on the amendment and on the resolution.

The PRESIDING OFFICER. The Senator has 5 minutes remaining. The majority has 28½ minutes remaining.

Mr. CONRAD. That is on the amendment. And on the resolution?

The PRESIDING OFFICER. On the resolution, the majority has 15 hours, the minority has 14 hours.

Mr. CONRAD. I assume the time in quorum calls is being charged equally.

The PRESIDING OFFICER. It is not. The Chair corrects himself. The unanimous consent request that was agreed to does equally share quorum call time.

Mr. CONRAD. I thank the Chair. Maybe someone who is listening to these proceedings can hear me outside this Chamber. Hopefully, Senator DEMINT is either on his way to the floor or will be shortly because we have the time until 2:15 p.m. At 2:15 p.m., we will be turning the attention of the Chamber to Senator LINDSEY GRAHAM. So on Senator DEMINT's amendment, if he is to have much time, it would have to come before 2:15 or the time after 2:15 will have to be shared.

I hope somebody is listening to this and will advise Senator DEMINT that if he wants to have as much time as possible before the votes that are scheduled, he should come soon.

I thank the Chair. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I have been advised that Senator DEMINT may not be here soon to discuss his amendment. So I am going to respond to his amendment before he has laid it down. We have been advised of what the amendment is. I think if I do not do that, my time will run out, and there will not be any chance to respond.

Senator DEMINT's amendment says just this:

> It is the sense of the Senate that Congress should reject any Social Security plan that requires deep benefit cuts or a massive increase in debt, and a failure to act would result in massive debt, deep benefit cuts, and tax increases.

I agree with the first clause of the Senator's amendment. In fact, it is an amendment I support. Senator NELSON's amendment says roughly the same, that we should reject any Social Security plan that requires deep benefit cuts or a massive increase in debt. But the additional clause of the Senator's amendment says "and a failure to act would result in massive debt," I agree with that. "Deep benefit cuts," I agree with that. "And tax increases," I cannot agree with that because it is just not accurate. It is not accurate.

The way it works, when we get out to 2052, according to the Congressional Budget Office, and Social Security can only meet 78 percent of its obligations, what happens at that point is the benefits are reduced by that shortfall amount. There is no tax increase that is triggered. The benefits are cut.

Try as I might, I want to be able to support the Senator's amendment because the first clause is exactly right. We should reject any Social Security plan that requires deep benefit cuts or massive increase in debt. That is, unfortunately, what the President's plan does. But when he goes on and says, ". . . and a failure to act would result in massive debt, deep benefit cuts, and tax increases," it just as a matter of fact is not true.

I understand there maybe is a sense that will happen, but, in fact, what does happen is when you get to that point, 2052, according to the Congressional Budget Office, and Social Security can only meet 78 percent of its obligations, the benefits are cut by that amount of the shortfall. There is no tax increase that is triggered.

I just cannot support something that is not factually accurate. I wish the Senator were here. I wish he would be open to changing his amendment because if we just state it in a factually accurate way, I would be happy to support it. But I cannot support something that is factually not the case.

We have an ongoing problem here. The ongoing problem is that this budget in this conversation is utterly detached from reality. It is detached from reality because we are running massive record budget deficits, and the party in the majority comes with a budget that just increases the debt each and every year, by their own calculation, by over $600 billion.

Maybe somebody could bring me the chart from their own budget document that shows what their own calculation is of what this budget does.

Mr. President, I say to my colleagues on the majority side of the aisle, do they really want to support a budget that at a time of record deficits and burgeoning debt says more of the same?

I know the rhetoric on the other side is this budget is fiscally responsible, it cuts the deficit in half over 5 years. But the only way it reduces the deficit over 5 years is it leaves out things. It leaves out war costs, it leaves out the need to fix the alternative minimum tax, it leaves out the President's Social Security proposal.

Here is what the budget before us does, according to their own document. This is on page 5. It shows the increases in the debt that would result if this budget is adopted: a $669 billion increase in the debt this year; next year it increases the debt $636 billion; the next year it increases the debt $624 billion; the next year it increases the debt $622 billion; the next year it increases the debt $611 billion. This is not my document. This is in the budget resolution before us, and it says this is a blueprint to increase the debt $3 trillion. Is that what we should be doing? Is that really the blueprint to strengthen America's economic security? I do not believe so. I think that would be a profound mistake.

Mr. President, what is the time remaining on our side?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CONRAD. I thank the Chair. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEMINT. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 150

(Purpose: Sense of the Senate that failing to address the financial condition of Social Security will result in masive debt, deep benefit cuts and tax increases)

Mr. DEMINT. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 150.

Mr. DEMINT. I ask unanimous consent the reading of the amendment be dispensed with.

Mr. CONRAD. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will report.

The legislative clerk read as follows:

> It is the sense of the Senate that Congress should reject any Social Security plan that requires deep benefit cuts or a massive increase in debt, and a failure to act would result in massive debt, deep benefit cuts and tax increases.

Mr. CONRAD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEMINT. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina.

Mr. DEMINT. Mr. President, I am encouraged by the debate today that recognizes, as we consider our budget, that Social Security and its future is an important part of budget considerations. My amendment today recognizes that if we do nothing with Social Security, which seems to be the intent of some in this Chamber, that will only result in deep benefit cuts or massive increases in debt, and a failure to act now will result in not keeping our promise to today's and tomorrow's seniors.

We need to address the challenge of Social Security. It is first a promise we must keep. Those who suggest that we need to cut benefits on today's seniors or even tomorrow's workers should consider the promise we made to seniors. Those who suggest that we do not have a problem with Social Security until the year 2042 do not recognize the facts that our own Social Security Administration is giving us year after year.

We can see clearly that the current level of payroll taxes that comes from our workers' paychecks every month will fund Social Security as it is today only through the year 2018. After 2018, the amount of money that will be required in addition to payroll taxes increases dramatically through 2079, and continues to grow beyond that day.

I think it is inconceivable that in this Chamber today people are telling us we can push this problem down to the next generation and not address it. What will happen under current law with Social Security, if we continue along the same road we are traveling today, is in 2018 we will begin to pull massive amounts of money from our general fund, taking money from our defense, from our education system, from our road system, and many of the Nation's priorities will have to move from the general fund to keep promised benefits to seniors. Beyond this point, we will continue to redeem the IOUs in the Social Security trust fund.

I want to get back to the trust fund in a minute because I am afraid those who still believe there is money in the trust fund probably still believe there is a Santa Claus. But if we use all the IOUs in this trust fund, what will happen in this year that is talked about on this floor today is in 2042 under current Social Security law, benefits for tomorrow's retirees will be cut by over 125 percent in order to be paid for by payroll taxes.

The call by our President and many of the leadership on the Republican side now to address this issue today is to avoid this cut in benefits in the future. It is unfair to tell the young workers of today that if they continue to pay into their Social Security benefits through their payroll taxes they will get a Social Security benefit equal to those receiving it today. It is, frankly, not true.

I believe we can reform and save and strengthen our Social Security system without cutting benefits, and without raising payroll taxes. In fact, I believe it is the responsibility of this Senate, this Congress, and this President to do exactly that.

There are bills that have been proposed that will begin to say what people save, what people are putting into Social Security, not taking money out of Social Security but to save the money that is going into Social Security for tomorrow's workers.

If we only today began the process of saving the current Social Security surplus—let me address that quickly—for the next 13 years or so, which this line here represents, this year it is like $100 billion of money that is coming in for Social Security that is being spent on other programs. If all we did until 2018 was to save the Social Security surplus within the Social Security system, we would create a stronger Social Security system that has real savings in it.

The problem with Social Security today is not that taxes are too low, or that benefits are too high, but the problem with Social Security is we have been taking money from workers for years and not saving it. We have been spending it on other things. Now the general fund owes the Social Security system well over $1 trillion.

The proposal by the President, and by many in the House and the Senate today, is to begin to save part of what people are putting into Social Security, allow that money to earn interest, compound interest, and to grow so that over a period of years we will transform Social Security from a political promise with nothing but IOUs into a secure and a guaranteed retirement income for tomorrow's seniors.

My amendment does something very simple. It recognizes that if we do what has been proposed by many today, that we ignore Social Security, that we push it to the next generation, it will result in either significant benefit cuts or massive, large increases in payroll taxes or huge transfers from our general fund, which will affect many of the Nation's other priorities.

It is a simple request to ask my colleagues to recognize the problem.

I appreciate the President's efforts to tell the American people we have a problem that needs to be solved. I appreciate his willingness to consider saving Social Security by saving payroll taxes that are being paid already by workers.

I ask for consideration of this amendment. I believe it is important for the American people to know that doing nothing to address Social Security will hurt every American and will hurt our country as a whole.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 152

Mr. GRAHAM. Mr. President, I have an amendment I will send to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. GRAHAM], for himself and Mr. SANTORUM, proposes an amendment numbered 152.

Mr. GRAHAM. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate regarding the urgent need for legislation to ensure the long term viability of the Social Security program)

At the end of title V, insert the following:

SEC. ____. SENSE OF THE SENATE REGARDING SOCIAL SECURITY RESTRUCTURING.

(a) FINDINGS.—The Senate finds that—

(1) Social Security is the foundation of retirement income for most Americans;

(2) preserving and strengthening the long term viability of Social Security is a vital national priority and is essential for the retirement security of today's working Americans, current and future retirees, and their families;

(3) Social Security faces significant fiscal and demographic pressures;

(4) the nonpartisan Office of the Chief Actuary at the Social Security Administration reports that—

(A) the number of workers paying taxes to support each Social Security beneficiary has dropped from 16.5 in 1950 to 3.3 in 2002;

(B) within a generation there will be only 2 workers to support each retiree, which will substantially increase the financial burden on American workers;

(C) without structural reform, the Social Security system, beginning in 2018, will pay out more in benefits than it will collect in taxes;

(D) without structural reform, the Social Security trust fund will be exhausted in 2042, and Social Security tax revenue in 2042 will only cover 73 percent of promised benefits, and will decrease to 68 percent by 2078;

(E) without structural reform, future Congresses may have to raise payroll taxes 50 percent over the next 75 years to pay full benefits on time, resulting in payroll tax rates of as much as 16.9 percent by 2042 and 18.3 percent by 2078;

(F) without structural reform, Social Security's total cash shortfall over the next 75 years is estimated to be more than $25,000,000,000,000 in constant 2004 dollars or $3,700,000,000,000 measured in present value terms; and

(G) absent structural reforms, spending on Social Security will increase from 4.3 percent of gross domestic product in 2004 to 6.6 percent in 2078; and

(5) the Congressional Budget Office, the Government Accountability Office, the Congressional Research Service, the Chairman of the Federal Reserve Board, and the President's Commission to Strengthen Social Security have all warned that failure to enact fiscally responsible Social Security reform quickly will result in 1 or more of the following:

(A) Higher tax rates.

(B) Lower Social Security benefit levels.

(C) Increased Federal debt or less spending on other federal programs.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the President, the Congress, and the American people including seniors, workers, women, minorities, and disabled persons should work together at the earliest opportunity to enact legislation to achieve a solvent and permanently sustainable Social Security system;

(2) Social Security reform—

> (A) must protect current and near retirees from any changes to Social Security benefits;
>
> (B) must reduce the pressure on future taxpayers and on other budgetary priorities;
>
> (C) must provide benefit levels that adequately reflect individual contributions to the Social Security system; and
>
> (D) must preserve and strengthen the safety net for vulnerable populations including the disabled and survivors; and
>
> (3) the Senate should honor section 13301 of the Budget Enforcement Act of 1990.

Mr. GRAHAM. How much time do we have on this amendment?

The PRESIDING OFFICER. Twenty minutes on each side.

Mr. GRAHAM. I will try to be brief. I see the Senator from North Dakota, Mr. CONRAD, has come to the floor.

First, I thank Senator CONRAD, who has been a good ally in trying to define the problems the country faces. There are about $40-something trillion in promises we have made to the public through different entitlement programs and there is not money to pay those promises. That is what gets us here.

It is time for the country to come to grips with the idea we promised a lot of retirement benefits, we promised a lot of medical benefits, Medicaid benefits for people who are disabled and poor people, and we do not have the revenue streams over time to support those benefits. So 2 years ago Senator CONRAD and myself worked on a resolution trying to define the problem. There are many different views of whether it is a problem or a crisis, how to fix it, where the accounts fit in, should we borrow the money, should we raise revenue.

Quickly, I believe that without restructuring benefits and restructuring taxes you cannot get there from here. I know a lot of people do not want to hear that, but in 2018 we begin to pay out more in benefits than we collect in taxes, and it only gets worse over time because when I was born in 1955 there were 16 workers for every retiree. Today there are 3½, and 20 or 30 years from now there will be 2. So it is nobody's fault. It is not the Democrat or Republican Party's fault.

The fact is, there has been a huge demographic change in the country called the baby boom. It is a big elephant working its way through the system. We need to adjust for it, and we need to make promises in the future, starting now, that we can afford to make and that are honest promises.

My goal, and I believe this about Senator CONRAD, is to restructure Social Security and other entitlements in a fiscally responsible way so future generations do not live in fear of the check not coming, the benefit not being there, and we are willing to make some hard decisions. But this amendment is not about those hard decisions. This amendment is about, Where do we stand as a nation vis-a-vis Social Security.

If I may, I will read some of the findings:

> (1) Social Security is the foundation of retirement income for most Americans;

Not only is that a true statement, it is an essential statement for us to make as a body, Republican and Democrat, because half the seniors today who receive a Social Security check would be in poverty if it were not for the Social Security check. So it is the foundation of retirement income for many Americans.

> (2) preserving and strengthening the long term viability of Social Security is a vital national priority and is essential for the retirement security of today's working Americans, current and future retirees, and their families;

I think we can all agree on that. We did 2 years ago. The word "crisis" or "problem" is not in there. "Vital national priority" is because for millions of Americans this is what you count on when you retire.

> (3) Social Security faces significant fiscal and demographic pressures;

What does that mean? It means what I said before. Senator CONRAD and I agreed 2 years ago that in 1950 there were 16½ workers for every retiree; in 2002, 3.3. And over time it comes down to two workers per retiree because families are smaller.

> (C) without structural reform, the Social Security system, beginning in 2018, will pay out more in benefits than it will collect in taxes;

And that 2018 number varies: 6 months, 12 months. That is the right timeframe. What does that mean for average Americans? It means for the first time in the history of this system, the first time ever, we will pay more out in benefits than we collect in taxes. It is true that we have collected more in taxes than we have paid in benefits, and we put them in Treasury notes and borrowed the money to operate the Government. I do not like it. To Senator CONRAD's credit, he does not like it either. That has been the practice of both parties here. But that is not the reason Social Security is going to run out of money.

If you took all the notes and redeemed them and put the money back in the system, you buy solvency for a period of time, but by no means do you fix the problem. So 2018 is an important date. It is a historic date. It is the first time in the history of this program we pay out more in benefits than we collect in taxes.

Now, what does that mean over time?

> (D) without structural reform, the Social Security trust fund will be exhausted in 2042, and Social Security tax revenue in 2042 will only cover 73 percent of promised benefits, and will decrease to 68 percent by 2078;

Now, the definition of "bankruptcy" we can argue about, but it is usually an inability to pay the obligations when they come due. In 2042, it is not bankrupt in terms of no money to be paid. In 2042, according to the Social Security Administration, only 73 percent of the benefits will be paid. So to do nothing means that we start paying more than we collect and eventually we have to cut benefits across the board. And by 2078, 68 percent of the benefits are able to be paid.

There are millions of Americans who could not suffer that in their retirement life because when these cuts come by doing nothing, they come across the board. They do not treat somebody who makes $30,000 differently than they treat somebody who is in the Senate who now makes $160,000. I think we should try to avoid that in a bipartisan way.

> (E) without structural reform, future Congresses may have to raise payroll taxes 50 percent over the next 75 years to pay full benefits on time, resulting in payroll tax rates of as much as 16.9 percent by 2042 and 18.3 percent by 2078;

What that means is if you want to restore full benefits, you are going to have to go and get more money because from 2018 to 2042 you tap all the reserves. At 2042 you have a scheduled benefit cut. To avoid it, you have to bring new money to the table. And if you did it by raising payroll taxes, you would have a massive tax increase in payroll tax rates, which would make us less competitive in a global economy against China and everyone else because the payroll tax is a significant problem for business. But it is the way we fund Social Security, and we should not raise it unless we absolutely have to. To do nothing means it is going to be raised in a dramatic fashion.

> (F) without structural reform, Social Security's total cash shortfall over the next 75 years is estimated to be more than $25,000,000,000,000 in constant 2004 dollars or $3,700,000,000,000 [in 2004 dollars] measured in present value terms;

In English that means you need $3.7 trillion of new money today to get this thing solvent to 2075. And we are talking about trying to take 1 percent out of the Medicaid program. How do you get $3.7 trillion of new money put in the system today to keep Social Security solvent for the next 75 years? I don't know how to do that without some sacrifice. There is a way to do it, and we will talk about that, I guess, down the road. But that is a fact. We are $3.7 trillion short of the money we need to keep this system afloat until 2075.

> (G) absent structural reforms, spending on Social Security will increase from 4.3 percent of gross domestic product in 2004 to 6.6 percent in 2078;

When you add Medicare, Medicaid, and Social Security together, it is 25 percent of the gross domestic product.

Now, listen to this: In 2080, 25 percent of the gross domestic product will be spent on Medicare, Social Security, and Medicaid. Right now, the entire Federal budget, everything we spend, is 20 percent. These three programs will outpace what we spend on the entire Government if we do nothing. So is this a problem? To me it is. I probably will not be around in 2078, but I don't want to pass on to people who are going to be around in 2078 a huge problem they can never work themselves out of.

> (5) the Congressional Budget Office, the Government Accountability Office, the Congressional Research Service, the Chairman of the Federal Reserve Board, and the President's Commission to Strengthen Social Security have all warned that failure to enact fiscally responsible Social Security reform quickly will result in 1 or more of the following:
>
> (A) Higher tax rates.

That is one way to avoid the benefit cuts. We talked about that.

> (B) Lower Social Security benefit levels.

To not put new money in means you reduce benefits across the board.

> (C) Increased Federal debt or less spending on other federal programs.

That is what you would need to do if you did not raise the taxes: borrow money, cut other programs.

The sense of the Senate—this is what we agreed to by voice vote. Everything I have read to you was agreed to by voice vote 2 years ago. It is not preferring one solution over another. It is not saying where accounts are good or bad or that indexing is good or bad. It is defining the problem in responsible terms, picking dates that other people have told us exist, being honest about the unfunded liability, being honest about the consequences of doing nothing. And from this I hope we can find a way to do something in a bipartisan fashion.

The sense of the Senate says:

> (1) the President, the Congress, and the American people including seniors, workers, women, minorities, and disabled persons should work together at the earliest opportunity to enact legislation to achieve a solvent and permanently sustainable Social Security system;
>
> (2) Social Security reform—
>
> (A) must protect current and near retirees from any changes to Social Security benefits;

I think we all agree with that.

> (B) must reduce the pressure on future taxpayers and on other budgetary priorities;
>
> (C) must provide benefit levels that adequately reflect individual contributions to the Social Security system; and
>
> (D) must preserve and strengthen the safety net for vulnerable populations including the disabled and survivors; and
>
> (3) the Senate should honor section 13301 of the Budget Enforcement Act of 1990.

I hope we can still agree on this because this is as true now as it was 2 years ago. It is more important than it was 2 years ago to define the problems in honest terms without prejudicing any solution proposal.

I want to publicly thank Senator CONRAD for stepping to the plate, as he has in the past, to put on the table that Social Security has a problem. We have done a joint op-ed piece defining this problem, and for that I am grateful.

I will reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, let me address the amendment of the Senator. Let me say, I am generally supportive of this amendment. I think it lays out accurately our overall situation. The fact is, we have a challenge in Social Security, not a crisis in the sense that Social Security checks are not going to be written tomorrow or next month or next year.

But the longer term problem we have is the demographic problem. That is the reality. The sooner we deal with it, the better. It is also important for people to understand that this demographic challenge is not just in Social Security. In fact, we have a much bigger challenge in Medicare; the shortfall there is eight times the shortfall in Social Security.

There are two things I want to indicate about this amendment that trouble me and I thought were going to be changed. Let me just indicate, on page 3:

> Without structural reform, Social Security's total cash shortfall over the next 75 years is estimated to be more than $25 trillion in constant 2004 dollars or $3.7 trillion measured in present value terms.

I thought the $25 trillion was going to be taken out and $3.7 trillion, which was in our op-ed, was going to be the number.

Mr. GRAHAM. Using 2004 dollars would be very acceptable.

Mr. CONRAD. You are willing to strike that one phrase?

Mr. GRAHAM. Yes.

Mr. CONRAD. I appreciate that.

The one other thing I wanted to mention was, on page 4, it says:

> The President, the Congress, and the American people including seniors, workers, women, minorities, and disabled persons should work together at the earliest opportunity to enact legislation to achieve a solvent and permanently sustainable Social Security system.

I raise the issue about "permanently." I do so for this reason. I know we included that word before. I would like to do that as well. Here is the problem I have with the word. I don't want to send an incorrect signal about my own intentions. The fundamental problem I have is, to do it permanently, one has to have some projection of long-term economic growth, and the long-term economic growth one has to have a projection of is forever. I have very little confidence in these long-term projections.

As the Senator knows well, the underlying projection is that the economy is only going to grow 1.8 to 1.9 percent every year for the next 75 years when, in fact, the economy has grown over the last 75 years by 3.4 percent.

This shows pictorially what I am talking about. I am very troubled with this long-term forecast. The Social Security Administration assumes growth of the economy is going to slow considerably after 2015. They have a long-term assumption of economic growth, on this red line, of 1.8 percent. That is what they are saying the growth is going to be over the next 75 years. Yet here is what we have seen, going back to 1950. The green bars on the chart are what economic growth has actually been. The red line is what they are projecting going forward. You can see their projection going forward is much lower economic growth than we have actually experienced over the last 55 years.

Mr. SARBANES. Will the Senator yield for a question?

Mr. CONRAD. Yes.

Mr. SARBANES. As I understand this chart, each column is a 5-year period; is that correct?

Mr. CONRAD. That is correct.

Mr. SARBANES. There has been no 5-year period since 1950—none during that period—in which the growth of long-term GDP has been at or below the line they are projecting; is that correct?

Mr. CONRAD. That is correct.

Mr. SARBANES. So we have exceeded it in each of these 5-year periods over that 55-year span?

Mr. CONRAD. That is correct.

Mr. SARBANES. I know they make very conservative assumptions, but it seems to be clear that their projection is apart from reality. I have seen projections into the future that don't parallel this assumption of the 1.8 percent. They go low in terms of the assumption of what growth is going to be as we move out into the future.

Mr. CONRAD. The reason for their very pessimistic forecast is they are looking at productivity growth and new entrants to the workforce as the two drivers of economic growth going forward. They have a very low number for new entrants into the workforce because of the demographic change. I think we can all understand that. But they also have a very low number of productivity growth for the next 75 years—1.6 percent a year of productivity growth. The fact is, productivity growth has been about double that in the last 5 years. So I, frankly, don't believe the 75-year forecast. That doesn't mean, by the way, that we don't have a challenge. I want to be clear. It reduces the challenge, and if these projections are wrong and they are overly pessimistic, it makes a substantial difference in how big the problem is. We are still left with a challenge of this demographic change.

Mr. SARBANES. Will the Senator yield on that point?

Mr. CONRAD. Yes.

Mr. SARBANES. Not only how big the problem is, but I guess when the problem would occur, how soon it would be upon us.

Mr. CONRAD. Absolutely.

Mr. SARBANES. The better we do on the growth compared to projections——

Mr. CONRAD. It pushes the problem forward. For example, the Congressional Budget Office had told us that the trust fund would go cash negative in 2018. Now, they have updated their forecast to say, no, we won't go cash negative until 2020, because economic growth has been stronger than the underlying forecast. A big reason for that is productivity growth has been much stronger than the underlying forecast. So I think it is very important that we be clear.

That is why the word "permanently" gives me heartburn in the sense that we are trying to forecast forevermore, and I just flatout don't believe this forecast for 75 years. I want to make clear that we still have a challenge. We still need to address this problem because we have the demographic problem. That is one reason I have tried to talk to my colleagues about not just Social Security but Medicare and the budget deficit and Medicaid, because it is all these things coming together that really presents us with a challenge. It is real.

In any event, I don't know what the Senator's disposition is on the word "permanently," if he would be willing to change that or maybe he is wedded to that. I don't know.

Mr. GRAHAM. I want to stick with what we did 2 years ago. I will comment why, and I will wait until the Senator gets through.

Mr. CONRAD. I have tried to be clear on the problem I have with that one word. That said, because I support the thrust of this, I intend to support it. I want to make clear that I believe we should be looking toward 75-year solvency because I think the forecasts are so murky, and we would make a real advance if we were to secure 75-year solvency. With that said, I think the overall direction of the amendment is good.

I ask the Chair, where are we in time?

The PRESIDING OFFICER. The Senator has 11½ minutes remaining. The majority has 9 minutes.

Mr. CONRAD. I will yield 7 minutes to the Senator from California.

Mrs. BOXER. Mr. President, I wish to make some remarks to Senator GRAHAM for a moment, if I could get his attention. I wanted to direct some remarks to the Senator. First, I wish to thank the Senator. I think what he is doing here is quite different than what we have been getting from this White House. The Senator is being very careful to essentially say, let's get together and work together to solve the problem.

I also believe that the word "permanently" is a little naive. I don't mind it, but the point is, nothing is permanent around here except we are going to die one day. We cannot bind future Congresses. I get the Senator's point that we want to make sure this challenge is met. Believe me, I intend to meet it. I intend to meet it without putting us in debt, and the Senator is totally silent on that; I appreciate that. This country is in debt now $7.7 trillion. This administration has turned it around. We started to balance the budget, pay back Social Security. It has been turned around.

We have the highest debt ever. A child born today has about $40,000 worth of debt on his or her back. This is painful for our country: $7.7 trillion of debt is $1 million a day for 21,000 years. That is what it is. I appreciate the fact that unlike the President's plan, the Senator from South Carolina does not talk about borrowing those staggering sums of money because there are a lot of us who will not do that to the American people. They are being burdened enough with this debt now.

The Senator is also silent on privatization. My hat is off to him on that because, as we know, the Democrats are saying, if you want to privatize this system, the only way you are going to do that is to put us deeper in debt, and you are going to take an overhead of one-half of 1 percent and turn it into a 20-percent overhead. That is according to a University of Chicago study.

I so appreciate that the Senator does not mention borrowing because we are staggering in red ink, and he does not mention privatization because it is a nonstarter. When you privatize, you take a guaranteed benefit and turn it into a guaranteed gamble. I have nothing against Wall Street, I once worked on Wall Street. I was a stockbroker. Sometimes it works out great, but you cannot count on it, not at all. So why would we take a system that has worked perfectly and turn it into a gamble, except if we really wanted to get some of that money away from the trust fund and into the hands of Wall Street.

I was in the House of Representatives in 1983, and I supported two icons in politics: Ronald Reagan, a Republican icon, and Tip O'Neill, a Democratic icon. They followed the spirit of the approach of Senator GRAHAM, which is we get together because, guess what. The people are more important than the politics.

We have a President who is doing his round of townhall meetings all across this great Nation. I think it is great. He is working hard to sell his privatization plan, to tell people they better listen to him or else they are going to be sorry. But do you know what the President did not count on? That the people understand what Social Security is.

So you can do a song and dance about privatization, you can talk about it in poetry, you can talk about an ownership society, but they are not fooled because this is what the people know: They pay a portion of their check over to the Social Security trust fund, and when they retire, they get a safety net retirement. It is safe, and it is sure. It has never defaulted. It is there.

And guess what. If the head of household dies and there are kids, they get a benefit. A lot of my constituents understand this. My own husband's father died when he was 10 years old. His mother had three kids. She was a stay-at-home mom. What would she do? Social Security. One of those kids, my husband's brother, was mentally disabled. What would she do? Social Security.

I praise my friend for not talking about putting this country into deeper debt—we are not going to go there—and for not mentioning privatization because we are not going to go there. We are not going to take money out of the trust fund and give it to Wall Street. We are not going to have a Social Security system that has an overhead cost one-half of 1 percent and turn it into a 20-percent overhead and turn it into a gamble. We are not going to do it.

The people are smart. They get it. I do not care how many townhall meetings any of us has, this is one the people understand. I have my own townhall meetings. The people get it, whether they are Republicans, Democrats, or Independents. They say Social Security works and why would we turn our back on it.

Watch out for the word "reform." If it is truly reform, we should do it. But if it is repeal, which is what privatization is, we are not going to do it.

Again, with the same reservations that my friend has, I read this amendment and I say, bravo, we can talk, if we are not going to borrow. We can talk, if we are not going to privatize. We can talk, if we are not going to set up a two-tier system that hurts people. We can talk. And we can do what we did in the eighties. I was proud to stand with my President at that time, Ronald Reagan, and my Speaker at that time, Tip O'Neill, these icons who got behind a very simple plan.

And by the way, there are many civil ways. My friend has outlined one. We can step to the plate on this challenge.

Let's stop using the word "crisis" because you are not fooling anybody. Mr. President, 22 years ago the Cato Institute put out a paper. They said: Make people think it is a crisis as soon as you can. If they think it is a crisis, they may accept the end of Social Security. Tell them it is an iceberg coming.

That is what the White House secret little memo did.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. Mr. President, I ask for 30 seconds, and then I will stop.

Mr. CONRAD. I yield 30 seconds to the Senator from California.

The PRESIDING OFFICER. The Senator is recognized for an additional 30 seconds.

Mrs. BOXER. The people are smart. They know there are some people around here who have been trying to get rid of Social Security for decades. We cannot trust this matter to people who have wanted to do away with Social Security. The President himself said in 1978 that Social Security will go broke by 1988 unless it is privatized. He was wrong then; he is wrong now. He said in the year 2000 that people act as if Social Security is a Federal program or something. How do we trust someone who does not know Social Security is a Federal program where people pay their insurance, they pay for it, and they get back what they put in, plus a safety net?

I thank my colleague for yielding. I thank my friend, Senator GRAHAM, for offering us something that I think many of us will be able to vote for.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LOTT. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Mississippi will state his inquiry.

Mr. LOTT. How is the time divided between now and 3 p.m.?

The PRESIDING OFFICER. The Senator from North Dakota has 3 minutes, and the Senator from South Carolina has 9 minutes.

Mr. GRAHAM. Mr. President, I yield to the Senator from Mississippi 4 minutes.

Mr. LOTT. I thank the Senator from South Carolina.

Mr. President, I wish to make some remarks before we start this series of votes at 3 o'clock. I understand there will be several stacked votes, four or five at that time.

First, I remind my colleagues that this is an important process. This is a process where we pass a budget resolution. This is a blueprint that we are trying to put in place of how we will proceed the rest of this year and even, depending on the enforcement mechanisms, next year. This is not written in stone. This is not the Ten Commandments. This is an outline. This is a blueprint. These are aggregate numbers.

I must say, ashamedly, for 2 of the last 3 years we did not have a budget. I think that is one reason we had such a mess at the end of the session last year. I admit, it was an election year, but we need to have some guidelines of what are we expected to do at Commerce, how can we do a better job at the Transportation Security Administration, how much money is going to be available, what is going to be available at the Finance Committee, what are we going to do with our entitlement programs and tax policy? One way or the other, what are the appropriators going to do?

I hope my colleagues will not get too overwrought and too much into the details. I do not like a lot of this budget proposal. I do not like a lot of what the President proposed, but I will have my opportunity to make my case and I will have my opportunity to vote for or against parts of it. This is just the beginning. This is the kickoff.

By the way, it should be a bipartisan effort to get this budget resolution in place.

I think the committee has done a good job. First, it cuts the deficit in half within 5 years. We have been dealing with increased defense needs. We have been trying to figure out all the needs of homeland security. We had economic problems, and the deficit has gone up. Now it is time we begin to do something about it. We need to begin to control spending, and we need to be careful about our tax policy which can hurt the economy if we have raised taxes or if we cut taxes even in the wrong way versus cutting taxes in a way that gives incentive for growth.

This budget starts in the right direction of reducing the deficit. It fully funds the President's request for defense and homeland security. I guess we need to do that. The numbers are adequate in both areas. I would like to see some more in defense. And I do not like the mix in the President's budget for defense. But that is not what we will decide here.

This bill maintains job-creating tax policy and it strengthens budget enforcement tools. Because we did not have a budget resolution last year, and 2 years before that, we have been losing our ability to impose some budget and fiscal restraint. This resolution does provide outlines that will take us into doing more, and doing a better job at education, energy, welfare, and pension policy, all of which we need to do.

I hope we will be careful. Let's not get too hot with the rhetoric this week. When we get to Thursday night or Friday, we will pass a budget resolution and move forward.

With regard to the amendments. I was interested to see we got some amendments on Social Security. This may be good. Is this a sign that Democrats are going to join us and we are going to have a serious discussion? Senator LINDSEY GRAHAM has his neck way out there, so far out I am not about to join him where he is right now, but he is trying to get us going, get engaged in this discussion. A lot of people say we can't do this, we can't talk about any kind of restraint in growth and benefits. We can't do anything about age. Oh, no, we can't do anything with personal savings account.

If you listen to what they are saying, it is we don't want to do anything but raise Social Security taxes again. We have done that too many times.

My time is gone. I urge my colleagues: Vote against these points of order. This would be the exact wrong way to get started toward Social Security reform and getting a budget resolution. I will have more to say about all this later.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. I want to leave this debate on a positive note. Senator CONRAD has been a pleasure to work with. We have some philosophical differences. Maybe we can bridge those gaps. Senator LOTT was talking about my political career. I hope it is secure, but I know Social Security is not. I am not worried about that now, because most people at home have appreciated the effort on my part, and others, to bring honesty to the table.

Why did I pick the word permanent? Why did we pick the word permanent? Everything Senator CONRAD said about budget forecasting is absolutely true. I think we need to understand that when we say words such as "permanent," what I am trying to do is give the American public reassurance that we, as Republicans and Democrats, are going to do the same thing with Social Security that happens when you buy life insurance or you buy car insurance or you buy fire insurance: that is, when you need it, if something happens, it is going to be there. You wouldn't buy a policy from some company that could say: You are good for 10 years; After that, I am not so sure.

What we are trying to do is make a pledge and a promise to the American people that we will permanently take care of this program. We will make the adjustments as we need to, whenever they come and however they come. Our pledge is to make honest promises, keep those promises and I want to tell you why it is important.

Senator BOXER commented about her family situation. The good news is that Social Security has affected so many lives in a positive way. When I was 21, my mother died—she was 52—of Hodgkin's disease. When I was 22, a year later, my father died. He was 69. We all thought he would go first, but you never know in life. We owned small businesses, a liquor store, restaurant, and pool hall. Everything I learned about politics I learned there, and it served me well.

But when my parents died, the businesses folded. I had a 13-year-old sister. We moved in with an aunt and uncle who worked in the textile mills; they never made over $25,000. Survivor benefits mattered to my family. Without that money, it would have been tough for our family. So I know as well as anyone in this body that Social Security has a purpose. That is a good purpose. We ought to focus on making sure in the future, families like mine, who are worse off, have what we can afford to give them and what we promise to give them we will give them in a permanent fashion.

As to how we get there, I am open-minded. Senator LOTT mentioned, if you don't want to go into deficit and set up accounts, I will work with you. But the accounts make sense to me, because younger workers, born after 1980, get a 1.4 percent rate of return on their Social Security investments. I know we can beat that without becoming a day trader. I know we can do a better job than that. But I am not going to prejudge anybody's plan. My promise to you is if you want to permanently solve the Social Security problem, to make sure that people in the future can count on the benefits when their family needs them, I will work with you.

Senator CONRAD has been great to work with. I hope we can build upon what we have done today and find a solution that will protect the safety net.

AMENDMENT NO. 152, AS MODIFIED

I send a modification of the amendment to the desk.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from North Dakota.

Mr. CONRAD. Give me a moment to get settled.

The PRESIDING OFFICER. Without objection, the amendment is modified.

The amendment (No. 152), as modified, is as follows:

At the end of title V, insert the following:

SEC. . SENSE OF THE SENATE REGARDING SOCIAL SECURITY RESTRUCTURING.

(a) FINDINGS.—The Senate finds that—

(1) Social Security is the foundation of retirement income for most Americans;

(2) preserving and strengthening the long term viability of Social Security is a vital national priority and is essential for the retirement security of today's working Americans, current and future retirees, and their families;

(3) Social Security faces significant fiscal and demographic pressures;

(4) the nonpartisan Office of the Chief Actuary at the Social Security Administration reports that—

(A) the number of workers paying taxes to support each Social Security beneficiary has dropped from 16.5 in 1950 to 3.3 in 2002;

(B) within a generation there will be only 2 workers to support each retiree, which will substantially increase the financial burden on American workers;

(C) without structural reform, the Social Security system, beginning in 2018, will pay out more in benefits than it will collect in taxes;

(D) without structural reform, the Social Security trust fund will be exhausted in 2042, and Social Security tax revenue in 2042 will only cover 73 percent of promised benefits, and will decrease to 68 percent by 2078;

(E) without structural reform, future Congresses may have to raise payroll taxes 50 percent over the next 75 years to pay full benefits on time, resulting in payroll tax rates of as much as 16.9 percent by 2042 and 18.3 percent by 2078;

(F) without structural reform, Social Security's total cash shortfall over the next 75 years is estimated to be $3,700,000,000,000 measured in present value terms; and

(G) absent structural reforms, spending on Social Security will increase from 4.3 percent of gross domestic product in 2004 to 6.6 percent in 2078; and

(5) the Congressional Budget Office, the Government Accountability Office, the Congressional Research Service, the Chairman of the Federal Reserve Board, and the President's Commission to Strengthen Social Security have all warned that failure to enact fiscally responsible Social Security reform quickly will result in 1 or more of the following:

(A) Higher tax rates.

(B) Lower Social Security benefit levels.

(C) Increased Federal debt or less spending on other federal programs.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the President, the Congress, and the American people including seniors, workers, women, minorities, and disabled persons should work together at the earliest opportunity to enact legislation to achieve a solvent and permanently sustainable Social Security system;

(2) Social Security reform—

(A) must protect current and near retirees from any changes to Social Security benefits;

(B) must reduce the pressure on future taxpayers and on other budgetary priorities;

(C) must provide benefit levels that adequately reflect individual contributions to the Social Security system; and

(D) must preserve and strengthen the safety net for vulnerable populations including the disabled and survivors; and

(3) the Senate should honor section 13301 of the Budget Enforcement Act of 1990.

Mr. CONRAD. Mr. President, could you advise us on the time remaining on the two sides of the amendment?

The PRESIDING OFFICER. The Senator from North Dakota has 3 minutes. The Senator from South Carolina has 1 minute.

Mr. CONRAD. If the Chair would advise me at the end of 2 minutes, I would be appreciative.

Let me again say to Senator GRAHAM, I appreciate this effort. I appreciate the amendment he has offered. I have already indicated I intend to support this amendment because I think it lays out in some reasonable way the challenge we face.

On this question of permanency, I agree with him. We certainly do not want a Social Security solution that leaves people in doubt that they are actually going to get their Social Security benefits. At the same time, when we use the word "permanently," I don't want to have people left with the understanding that this is based on a forecast forevermore. The reason I do not is because that might lead to improper conclusions about what we are doing.

These long-term forecasts I have seen over and over are a problem. Let me say why that is the case. The underlying forecast by the Social Security trust fund is that economic growth going forward is going to be 1.8 percent a year. That is the underlying forecast. Every year for the next 75 years, they are saying the economy is only going to grow at 1.8 percent.

If we look back over the last 55 years, these green bars show how much the economy has actually grown, and in no time—at no time over the last 55 years, in 5-year increments, have we had economic growth that was as low as their forecast of how much the economy is going to grow over the next 75 years. So I have grave doubts about the accuracy of this forecast.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. CONRAD. I thank the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. The Senator from North Dakota's comments are well made. "Permanent" to me is to do whatever we need to do at whatever point in time to secure the safety net, starting today. Senator CONRAD is right; we should have started yesterday dealing with all these problems. Social Security is only a small slice of it.

This budget sense of the Senate I hope will bring us together in honestly defining the problem. I am not asking anybody to prejudice an outcome, as to how they would solve the problem. But now we have on paper what the problem is for America. Working together, I think we can solve it. If we do not, we know what happens. In that regard I think this is a good step forward.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, let me close by saying I support this amendment. I think it is a good-faith effort by the Senator to describe the problem in an accurate and honest way. For that reason, I intend to support it. I urge my colleagues to do so as well.

I would like to conclude by saying thank you to the Senator across the aisle. I think he has done a great service to all of us who are trying to address this problem. When we wrote an op-ed together, we said there is a problem here. There is a challenge. We need to work together to address it. We should not take on massive new debt to do it. But we ought to consider all the options before us.

I thank my colleague and I urge my colleagues in the body to support his amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. GRAHAM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 46 Leg.]

YEAS—100

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

The amendment (No. 152), as modified, was agreed to.

Mr. GREGG. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 144

The PRESIDING OFFICER. There are now 2 minutes evenly divided before a vote in relation to the Conrad amendment.

Who yields time?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, the amendment before us is very simple. It says: Social Security first. Very simply, the amendment says: No new mandatory spending or tax cuts until Social Security is solvent, unless the new spending or the new tax cuts are paid for or they can get a supermajority in the Senate.

It is a matter of priorities. This says: Social Security first. No new spending, no new tax cuts until Social Security is solvent, unless those amendments are paid for or they get a supermajority vote here in the Chamber.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Twelve seconds.

Mr. CONRAD. Mr. President, I yield 12 seconds to the Senator from Michigan.

Ms. STABENOW. Mr. President, I am very proud to be joining my colleague on this amendment. For all of us who have talked about Social Security, this is the way to put it first in the budget process. This is the way to secure it for 75 years.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, this amendment has a lot of problems. But three of the major ones are, first, it creates a precedent of mixing the general fund with the Social Security fund, which is a big mistake. Second, it treats entitlements entirely different than it treats tax cuts, which is a big mistake. And third, it is brought forward by a party which says there is no Social Security problem and, therefore, we will never have a tax cut because they will not admit there is a problem. It is essentially a stalking-horse for doing nothing on the issue of relieving American taxpayers of the burden which they have under the present tax system at any time in the future.

As we know, we need major tax reform. So it would be a huge mistake to put this point of order in place.

Mr. SANTORUM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 144.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 45, nays 55, as follows:

[Rollcall Vote No. 47 Leg.]

YEAS—45

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NAYS—55

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

The amendment (No. 144) was rejected.

Mr. GREGG. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. Mr. President, I ask unanimous consent for 1 minute.

The PRESIDING OFFICER (Mr. MARTINEZ). Without objection, it is so ordered.

Mr. GREGG. Mr. President, that vote took 20 minutes. This time does not count against the underlying budget resolution. When we have a series of stacked votes such as this, if people do not vote within the 10-minute framework of the vote, we are talking about extending the timeframe of the resolution by the time we run over the vote. So if we have 20 or 30 votes and we are adding 10 minutes to every one of those votes—which we will have before we finish, believe me—we are talking 2, 3, 4, 5, 6 hours of additional time we will be in session on this resolution, which means a lot of us, or all of us, are going to be here very late on Friday night.

It is up to us whether we discipline ourselves, but hopefully folks can stay within the 10-minute timeframe we have set up. That is why Senator CONRAD and I decided to stack these votes, so we could move this process along. We would like to continue to work in that framework.

AMENDMENT NO. 150

The PRESIDING OFFICER. There are 2 minutes equally divided with a vote on the DeMint amendment No. 150. Who yields time?

Mr. GREGG. Mr. President, I yield time to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, my amendment expresses the sense of the Senate that if we do nothing as a body to address the Social Security issue, it will result in massive debt, benefit cuts for future retirees, as well as large payroll tax increases. The big question today, and the difference in my amendment and another amendment, is whether we need to address it now or push this off until 2042.

It is clear by any measure, if we look at what the Social Security actuaries are saying, that in 2018 we will begin to move billions of dollars from the general fund to support Social Security benefits.

The time to act for Social Security change and reform to save and strengthen Social Security is now, and we can do that best by beginning to save the Social Security surplus and to save part of what people are putting into the Social Security system.

I encourage my colleagues to support my amendment, which simply says if we do nothing, the American people will pay for generations. This amendment is deciding whether we are proposing something for the next election or the next generation.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, I yield time to myself.

I would support the amendment of the Senator from South Carolina if the amendment did what the Senator just described. That is not what the amendment does. It says, in pertinent part:

> It is the sense of the Senate that Congress should reject any Social Security plan that requires deep benefit cuts or massive increase in debt . . .

I agree with that absolutely. Then it goes on to say:

> . . . and a failure to act would result in massive debt, deep benefit cuts and tax increases.

That part of it is just inaccurate and here is why. When we get to 2052, according to the Congressional Budget Office, and Social Security can only meet 78 percent of its obligations, the result is deep benefit cuts. There are no tax increases that are triggered by the law at that point. What happens is deep benefit cuts.

I would just say and urge my colleagues, I think you have to oppose this amendment because, frankly, it states something that is just not accurate.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU) is necessarily absent.

The PRESIDING OFFICER. Is there any other Senator in the Chamber desiring to vote?

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 48 Leg.]

YEAS—56

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Byrd
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (FL)
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Warner

NAYS—43

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Cantwell
Carper
Clinton
Conrad
Corzine
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Stabenow
Voinovich
Wyden

NOT VOTING—1

Landrieu

The amendment (No. 150) was agreed to.

Mr. GREGG. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 145

The PRESIDING OFFICER. There are now 2 minutes evenly divided before a vote in relation to the amendment of the senior Senator from Florida.

Mr. CONRAD. Mr. President, we had the announcement of the vote as 56 and 46; from the math I learned in North Dakota, that adds up to 102.

The PRESIDING OFFICER. Forty-three.

Mr. CONRAD. Thank you very much.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON of Florida. Mr. President, this is a sense of the Senate on the same subject and I don't see how anybody can disagree with it.

> It is the sense of the Senate that Congress should reject any Social Security plan that requires deep benefit cuts or a massive increase in debt, and a failure to act by 2042 would result in deep benefit cuts; therefore Congress should take action . . .

This does not say wait until 2042. It says "a failure to act by 2042 would result in deep benefit cuts" which is exactly what the Social Security Administration and CBO have told us; that if we do not act by 2042 they are going to pay only 73 cents on the dollar. CBO says that date is 10 years later, 2052. Out of an abundance of caution, I have stated the earlier date.

Mr. GREGG. Mr. President, although this amendment certainly on its face could be deemed to have some reasonable points, it appears to be missing a fairly large chunk of the issue. It says there should not be any required deep benefit cuts. I think we would all like to accomplish that. It says there shouldn't be any massive increase in debt. We certainly all would want to require that. But it doesn't mention taxes. As a practical matter, the implication is that taxes could be increased rather dramatically.

By silence on that issue, I think basically the other side is saying with this amendment we are ready to raise taxes a lot, especially on younger, working Americans, which would be a serious mistake.

Therefore, I suggest we vote against this amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant bill clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 49 Leg.]

YEAS—50

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Collins
Conrad
Corzine
Dayton
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Specter
Stabenow
Wyden

NAYS—50

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chafee
Chambliss
Coburn
Cochran
Coleman
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Frist
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

The amendment (No. 145) was rejected.

Mr. GREGG. Mr. President, I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Colorado, Mr. ALLARD, is recognized.

AMENDMENT NO. 147

Mr. ALLARD. Mr. President, I urge a "no" vote on the Stabenow amendment. It increases spending and taxes. The total amount of dollars allocated in 2002 to 2005 to the Office of State and Local Government Coordination and Preparedness was $11.2 billion. The total amount spent is $6.1 billion. That means we have $5.2 billion still available. Only 55 percent first responder grant dollars have been used. Still billions of dollars remain. In the name of fiscal responsibility, I urge you to join me in voting no on the Stabenow amendment.

The PRESIDING OFFICER. The Senator from Michigan, Ms. STABENOW, is recognized.

Ms. STABENOW. Mr. President, this amendment is about keeping our families safe and our communities safe. It would restore the $1.6 billion in cuts to first responders, our police, firefighters, and emergency workers. These cuts are included in the President's budget and in this mark.

With this amendment, we would restore those funds, as well as add $1.6 billion to reduce the deficit. There is an offset we are proposing that we close tax loopholes that were dropped from last year's FSC bill in order to pay for this.

In my State of Michigan, and I am sure in your States as well, every police chief told me they have fewer officers on the streets today than on 9/11/2001. This is wrong. They are counting on us to provide them the resources in partnership with them to keep our citizens safe. Also, the Byrne grants we restored will provide for additional law enforcement personnel in our county courthouses, where we have seen recent violence.

I urge that we adopt the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 46, nays 54, as follows:

[Rollcall Vote No. 50 Leg.]

YEAS—46

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Corzine
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NAYS—54

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

The amendment (No. 147) was rejected.

Mr. GREGG. Mr. President, I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who yields time? If no one yields time, time is subtracted equally from both sides.

The Senator from West Virginia.

AMENDMENT NO. 158

Mr. BYRD. Mr. President, I shall offer an amendment at the conclusion of my remarks. It will be cosponsored by my colleagues as follows: Senators CLINTON, SPECTER, CORZINE, MURRAY, ROCKEFELLER, CARPER, SCHUMER, DURBIN, LAUTENBERG, KERRY, DORGAN, and OBAMA.

Adoption of my amendment will provide a measure of financial stability to our Nation's passenger railroad—Amtrak. My amendment will also provide a measure of certainty regarding the continuation of rail service in our country to Amtrak's 25 million annual passengers and its almost 20,000 employees.

Let me be clear: this is not a Democratic amendment or a Republican amendment. It is an American amendment. It is an amendment to help rural America and urban America alike.

The Omnibus Appropriations Act for the current fiscal year provided Amtrak with a subsidy of roughly $1.2 billion. That level of funding is anticipated to allow Amtrak to continue to operate for the remainder of this fiscal year, though its cash reserves are expected to continue to deteriorate during that time.

For fiscal year 2006, President Bush's budget seeks the complete elimination of direct subsidies to Amtrak. The request for Amtrak as we know it is zero—not a penny. The only funding that the administration has requested for inter-city passenger rail service is $360 million, which would be set aside solely for the purpose of ensuring the continuation of existing local commuter rail services that depend on the use of Amtrak property, once Amtrak, as a company, has ceased to operate.

Recently, there has been a great deal of press attention regarding the fact that the administration has proposed to push Amtrak into bankruptcy. Indeed, page 243 of the President's budget is quite explicit regarding the administration's plan.

It states that, "with no subsidies, Amtrak would quickly enter bankruptcy."

Transportation Secretary Norman Mineta has recently held a spate of press conferences and stated that President Bush is a strong supporter of passenger rail service in our country. Well, all I can say is that the President has found a very strange way to show his support. By eliminating the annual Federal subsidy to Amtrak in its entirety, President Bush has threatened to leave 25 million passengers standing at the platform. He is threatening to push those 25 million passengers onto our already congested highways and runways and he is threatening to isolate dozens of communities across the nation who do not have air service and are now being threatened with being eliminated from the national railroad map.

The budget resolution before us assumes that overall domestic discretionary funding will be at the level requested by the President. As such, it also presumes enactment of the President's budget proposals for transportation, including the complete elimination of Amtrak's funding.

This amendment would increase the funding for function 400, the transportation function by $1.04 billion in fiscal year 2006. When combined with the $360 million that the President has requested for the continuation of commuter services in the event of Amtrak's termination, my amendment would bring total rail passenger funding up to $1.4 billion in 2006. My amendment would increase the cap over discretionary spending by the commensurate $1.04 billion. The amendment would be completely offset by an increase in revenues through the closing of corporate tax loopholes.

Some of my colleagues may be wondering how I arrived at the funding figure of $1.4 billion for Amtrak for 2006. My answer is as follows: When President Bush submitted his budget request for fiscal year 2005, has asked for only $900 million for 2005. But in that same budget, the President recognized that funding should grow to $1.4 billion in 2006 and beyond. So, my proposal to bring Amtrak to $1.4 billion in 2006 is precisely the same number that President Bush had budgeted for Amtrak for 2006 just 1 year ago.

This is an important point because certain Senators might be of the misimpression that enacting President Bush's reform bill for Amtrak might result in actual budgetary savings. In fact, the administration has said that if Congress does enact its reform bill, it would be inclined to request far more funding for Amtrak than the railroad currently receives. In an interview with National Public Radio recently, Secretary Mineta said that the administration would be inclined to request between $1.5 and $2 billion for Amtrak. That funding range compares to the $1.2 billion we provided in fiscal year 2005. The budget resolution that we are currently debating, of course, includes none of that increase for a reformed Amtrak.

Senator GREGG, the distinguished chairman of the Budget Committee, has not parroted the Bush administration's budget for all spending items. To his credit, Senator GREGG has set aside $50 billion for fiscal year 2006 for the cost of the on-going conflict in Iraq. It was the Bush administration's agenda to ignore the costs of the Iraq war and instead request this funding through a supplemental appropriations act. Senator GREGG, to his credit, said that his budget would not engage in such an indefensible policy. We know that we are going to have to pay for the ongoing conflict in Iraq in 2006 and Senator GREGG has appropriately set the money aside for that purpose.

This situation should be no different with Amtrak. The Bush administration's current budget proposes zero dollars for Amtrak's direct subsidy needs in 2006, and zero dollars for every year thereafter. Secretary Mineta, when traveling around the country, has said that the Bush administration will consider requesting adequate funding for Amtrak as part of a supplemental appropriations bill.

So, the choice before the Senate could not be clearer. If Senators really desire all Amtrak service to come to an immediate and grinding halt for lack of a Federal subsidy in 2006, vote against my amendment. But, if Senators want to pass a realistic budget that recognizes that, with or without reform legislation, continuing Amtrak service will require continued Federal subsidies in 2006, Senators should vote for my amendment.

The elimination of Amtrak's subsidy is not a recipe for a streamlined railroad. It is not a recipe for a more efficient railroad. It is a recipe for a dead railroad.

Across the Northeast corridor—the busiest urban transportation corridor in the Nation—the elimination of Amtrak's premier service would be a transportation disaster. Amtrak serves 13 million passengers each year over the Northeast corridor. The highways along this corridor—principally Interstate 95—and the runways along this corridor are already congested beyond words. Imagine for a moment the congestion that will result when an additional 13 million Americans are pushed onto those highways and runways. You are talking about both a transportation and economic disaster.

Elimination of Amtrak service would have disastrous results in both rural and urban America. There are over 120 communities all across the Nation that receive regularly scheduled Amtrak service but no air service whatsoever. Several of these communities have seen their bus service eliminated as a result of a national shrinking of the Greyhound network. Amtrak's termination would result in dozens of these communities across the nation being isolated from the national transportation network.

Senators should not be fooled by the provision in the President's budget that calls for $360 million for commuter rail services in the Northeast corridor. These funds cannot be used as a matter of law to maintain Amtrak services on the Northeast corridor. They can only be used to maintain local commuter rail services like New Jersey Transit or the Southeast Pennsylvania Transportation Authority that operate over the Northeast corridor. And those funds can only be used as a matter of law to maintain those services and they can only be used in the event that Amtrak ceases operation. Not one penny of the $360 million requested for this purpose can be used to maintain Amtrak service for the 13 million passengers that depend on that service.

President Bush has proposed a series of so-called "reforms" for Amtrak that principally take the form of passing Amtrak's costs onto the States. These proposals come on top of other proposals in the President's budget, such as so-called reforms in the Medicaid Program that are designed to push additional costs of that program onto the States. As Senators are aware, the Nation's Governors traveled to Washington, DC, earlier this month. Many of those Governors visited their congressional delegations. I doubt that even one of them spoke favorably about the President's plans to push Amtrak's costs onto the States. But whether you agree with President Bush's Amtrak reform proposals or not, I would suggest that all Senators should support this amendment. There may be several disagreements over the merits of these so-called reform proposals. But one thing that is beyond question is that you cannot reform a dead railroad. And that is what the budget before us calls for—a dead, dead, dead railroad.

We should provide some stability and some peace of mind to the 25 million passengers who use Amtrak every year. We should provide some stability and peace of mind to the 20,000 Amtrak employees spread across the Nation, so that they will know that they will have employment at the end of the current year. We should provide some stability to Amtrak's finances so that the House and the Senate and the administration can have a meaningful debate over whether Amtrak should be reformed without the distraction of the near-term risk of the railroad lapsing into bankruptcy.

I encourage all Members to vote for my amendment.

Mr. President, I ask unanimous consent that the following Senators be added as original cosponsors to those names that I have already read: Senators KOHL, KENNEDY, JEFFORDS, and LIEBERMAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 158

Mr. BYRD. Mr. President, I send to the desk the amendment to which I have already referred.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, and Mrs. CLINTON, Mr. CORZINE, Mr. SPECTER, Mr. ROCKEFELLER, Mrs. MURRAY, Mr. CARPER, Mr. SCHUMER, Mr. DURBIN, Mr. DORGAN, Mr. LAUTENBERG, Mr. KERRY, Mr. KOHL, Mr. KENNEDY, Mr. JEFFORDS, Mr. LIEBERMAN, and Mr. OBAMA, proposes an amendment numbered 158.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reject the President's proposal to eliminate Amtrak and to provide adequate funding of $1.4 billion in fiscal year 2006 to preserve a national intercity passenger rail system and to offset these costs by closing corporate tax loopholes)

On page 3, line 10, increase the amount by $1,040,000,000.

On page 3, line 19, increase the amount by $1,040,000,000.

On page 4, line 7, increase the amount by $1,040,000,000.

On page 4, line 16, increase the amount by $1,040,000,000.

On page 15, line 15, increase the amount by $1,040,000,000.

On page 15, line 16, increase the amount by $1,040,000,000.

On page 48, line 6, increase the amount by $1,040,000,000.

On page 48, line 7, increase the amount by $1,040,000,000.

Mr. BYRD. Mr. President, the following speakers have indicated an interest in making statements concerning their support for the amendment: Senators CLINTON, CORZINE, CARPER, SCHUMER, and DORGAN.

I thank the Chair. I thank all Senators.

The PRESIDING OFFICER (Mr. ALEXANDER). Who yields time?

Mr. BYRD. I yield such time as the distinguished Senator from New York may consume.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, thank you, once again, to my friend from West Virginia for offering this important amendment.

It is somewhat hard to believe we have to offer this amendment. There should not be a debate about the importance of Amtrak and national passenger rail service, but there is, so once again we are making the case and asking the support of our colleagues in this body on behalf of Amtrak.

As Senator BYRD pointed out, the President's budget and this budget resolution does not provide a penny for the continued operation of Amtrak. It provides just enough money to shut the trains down, but there is very little thought given as to the consequences of shutting the trains down, of ending the services that Amtrak offers, and the impact on the regional rail services that, in addition to Amtrak, provide so much support for our national transportation system.

I know there are members of the administration and even of the Congress arguing that Amtrak should not receive another penny because it is not self-sufficient. I have to respectfully ask, are the airlines self-sufficient? We keep bailing them out. Are the highway systems self-sufficient? We continue the development and maintenance of highways, transit systems, buses. No form of transportation is self-sufficient.

We have a fundamental decision to make which apparently the administration is making by this budget request that we give up on national rail for passenger travel. That is a very shortsighted position and a critical mistake.

I ask my colleagues to think back to the days after September 11. Our airports were shut down. The bridges going in and out of Manhattan were shut down. The only way in and out of Manhattan was Amtrak. That was it. If we could not have moved through the Amtrak system in and out of Manhattan, we would not have had any contact, any continuing communication, any movement of people.

I am amazed we have such a short memory. I am also amazed we do not recognize the benefits that Amtrak offers in providing this service to so many commuters and passengers. In fiscal year 2004 Amtrak broke the 25 million passenger record. That was an extraordinary accomplishment. I give David Gunn and the leadership team he brought in, which is turning Amtrak around, tremendous credit. The record of 25 million was a million greater than 2003, which itself was a record.

So we are making progress in running a railroad that meets people's needs. The new Acela trains are a great gift, moving us back and forth between Washington and New York in a little over 3 hours. I obviously have a very personal interest in this because New Yorkers rely on rail more than perhaps any other citizens in our country. Penn Station on 34th street in Manhattan is the busiest passenger rail station in our country, servicing almost 9 million passengers who boarded Amtrak trains there in 2004. Our Albany Rensselaer Station is the 10th busiest in the country. Much of our upstate economy depends upon Amtrak. We also have the busiest commuter rail system in the country. I have to point out we are putting our commuter rail system on the path to obliteration as well as Amtrak because our commuter rails operate on Amtrak rail lines. They use Amtrak tracks. Much of the system would not be able to operate if they did not share expenses, share maintenance, with Amtrak. So we are not just writing the death warrant for Amtrak but also writing the death warrant for commuter rail.

Why are we doing this? Some are ideologically opposed to passenger rail. We might as well be ideologically opposed to air travel, if we say if you cannot make a profit you go out of business. In many instances it is the combination of Government funding and passenger use that works around the world. Why do we think we can be different?

The effect of this policy the administration has embedded in its budget will be so far reaching that I don't think people have stopped and considered the impact on the economy, the impact on our transportation infrastructure.

I was talking to one of the people who is quite an expert in railroads who said if you take Amtrak off the tracks, Amtrak is no longer responsible, the burden of keeping the tracks will fall completely on the freight companies. The freight companies have not done that good a job of keeping up their tracks and we will have all these bottlenecks that have a ripple effect through the economy, the likes of which we did not contemplate.

This has long-term effects on our economy, on our homeland security. To remove this necessary form of transportation at a time when we face all of these dangers and risks is extremely shortsighted.

What is going to happen with our airports and our highways? Amtrak right now accounts for 50 percent of the Washington, DC-New York air and rail market and 35 percent of the Boston-New York travel market. Are we going to put all of these passengers into our airports which, as anyone who has traveled lately knows, are pretty chaotic to start with? Are we going to add them to the highways and to the congestion? What are we thinking about? I wish we would take a deep breath.

The administration says it would like to reform Amtrak. I am very impressed with the steps David Gunn has taken. If the idea of reform is transferring the costs for funding Amtrak on to the States, that is a nonstarter. We will be burdening the States with expenses they cannot meet now. We will be thinking of cutting Medicaid, cutting housing. We will cut community development block grants and then say, by the way, pick up the costs of keeping your economy and business travel going by paying for Amtrak. I don't know any State that can accommodate that kind of hit.

I hope we will take the moment to support Senator BYRD's amendment. It is the right approach to take. I am the first to say if we can do some smart reforms in the context of keeping the railroad operating, let's do it. But what are the smart reforms? David Gunn has said if he can have some money for capital investments, we would cut the amount of time for commuting between Washington, DC, New York, and Boston. We could have high-speed rail along the east coast. We would make some of the routes that are not now a very effective means for transporting passengers much more so because we would make the investments that are necessary in the underlying infrastructure.

I join very happily with my friend and colleague, the senior Senator from West Virginia. I hope on both sides of the aisle all Members will think hard about this amendment. I cannot stress strongly enough the impact on the Northeast of killing Amtrak.

For people who say, well, I live a long way from there, what difference does it make, the financial engine that the Northeast still is, that provides the funds for so much of what we offer to other States far from New York, far from West Virginia, far from Boston, far from the east coast, will be at risk. This is a necessary part of our financial engine in the Northeast, particularly in New York.

I respectfully request every single Member to vote in your own self-interests. Vote for passenger rail. Vote for the economic benefits that it necessarily provides. But vote for the Byrd amendment and make us once again supportive of passenger rail as part of our overall transportation infrastructure.

Mr. President, I thank my friend and colleague and the Presiding Officer for this time.

The PRESIDING OFFICER. Who yields time?

The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator from New York for her very lucid, cogent, and persuasive statement. And I thank her for her support of this amendment. I thank her very much.

Mr. President, I believe the distinguished Senator from Utah, Mr. BENNETT, is prepared to speak on the amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I listened to the Senator from New York with great interest, and the Senator from West Virginia. If I thought for one moment that the administration's budget would, in fact, kill Amtrak or eliminate passenger rail service in the Northeast corridor or other corridors around the country, where it is prospering, I would be the first to stand up and oppose the administration's position.

I agree absolutely that rail passenger service in highly congested areas such as the Northeast corridor from Washington to Boston is not only important, it is essential. And I agree absolutely with the statement that says we could not absorb on our highways and our airplanes the number of passengers that would be forced there if Amtrak were to disappear.

The Senator from New York spoke about what happened after 9/11, and she said Amtrak was the only way out of Manhattan. As the bridges were closed, you could not drive out. The airports were closed. You could not fly out. You could not walk out. The only way New York City was connected—Manhattan Island, at least—with the rest of the country was by train. And it would be an absolute tragedy, it would be absolutely insane to shut that down. But as I understand the administration's position, they have no plans to shut that down. Indeed, they are willing to subsidize, as they have subsidized in the past because of all of the reasons that have been cited on the Senate floor, that kind of rail passenger traffic.

But let me take you to another part of the Amtrak system that does not enjoy the same kind of patronage as the Acela train that goes high speed from Washington to New York City, and which I have taken with great satisfaction. Let me take you to my home State of Utah. We have Amtrak service in Utah.

On one occasion, a family friend notified my wife and me that she was coming to Salt Lake City on Amtrak and would we meet her train. And we said: "Why, of course. We will be happy to meet her train." We were a little less happy when we discovered that the train was arriving at 2:30 in the morning, and that this was its only stop, this was the only time. There was not an alternative time because the timing of the trains coming through, 2:30 in the morning was the only time this train came through Utah.

We went down to the depot or the terminal, and I was a little bit struck by how shabby it had become through misuse over the years. But we were there. She came. We met her. I counted the number of people who got off the train with her, and it was fewer than you could count on the fingers of your two hands.

There are fewer than 100 people a week that come into that station in Salt Lake. After 9/11, there would have been no disruption whatsoever of people traveling in and out of Salt Lake if Amtrak were not there. That terminal we went to that night was somewhat old and dilapidated and a bit shabby, but is now refurbished, lovely, big, and disconnected from Amtrak.

The current Amtrak terminal is a Quonset hut because the real estate on which the old terminal sat was too valuable and it is part of a shopping center and real estate development activity. And when that train comes in to disgorge its two or three passengers per night—and it is not every night; the schedule only comes through three times a week—the passengers who get off get off in a Quonset hut. There is no taxi service there. It is in a part of town that is not easy to walk to and from. It has fallen into disuse not because the administration has not been subsidizing it enough, not because Amtrak has not had a big enough capital budget, but because rail passenger service across very large numbers of miles between cities that do not naturally connect to each other simply does not make sense.

Amtrak in the Northeast corridor makes all the sense in the world, and we must do everything we can to make sure we preserve it. In the Cascades there is Amtrak service that makes sense. In California there is Amtrak service that makes sense. There are a number of places where Amtrak makes sense, and we must preserve it in those places. The administration, in this budget, as I understand it, has provided for $360 million that would go to the Surface Transportation Board that would be available to reimburse Amtrak in those areas where it needs it to keep the kind of service that has been described here on the Senate floor.

Now, I have given this speech before in committee—this is the first time I have done it on the floor—and every time I do, I get a flurry of letters. They are all from the same people. And they all object. Their objections all come down to nostalgia for the rail service that we all knew when we were young—or at least that I knew when I was young. I am sure there are many Members of the Senate here who have no memory of it at all.

I have great memories of rail travel: full trains, dining rooms with crisp, white linen on them, and silver tea sets and china and long trips across the country. If you were taking a train trip across the country from Salt Lake to New York, you better allocate several days for that. You better take along a pretty good library of books to read. But you'll love the scenery. Then, you were willing to take the time. You were willing to relax. It was a wonderful way to travel.

Americans don't like to travel that way anymore. It makes no sense to kid ourselves that a national railway system similar to the Europeans' makes sense in the United States. Look at the difference in distances. The Northeast corridor from Washington to Boston would cover three or four national frontiers in Europe. You would visit three or four countries traveling that far in Europe. And it makes tremendous sense with the high density of population over there for them to have a national railway system. But when you are dealing with a nation the size of Belgium, you are dealing with something rather different from a nation the size of the United States.

Now, I have a particular personal history with this. I was working in the Department of Transportation in the Nixon administration as the head of congressional relations. The distinguished Presiding Officer was the voice on the other end of the phone when I called the White House, as he was working for Bryce Harlow in charge of congressional relations. I was not always able to get hold of Bryce Harlow, but I could always get hold of LAMAR ALEXANDER. The decision to shut down passenger travel as we had known it for close to 100 years in the United States was made in the Nixon administration, and it was my responsibility to sell the Congress on the concept of Amtrak. Because railroads were required by law to maintain passenger traffic on their whole system, and the railroads were hemorrhaging red ink over this issue, our Department came up with the idea of creating a single National Railroad Passenger Corporation. That is the formal name of Amtrak. Amtrak was the name that was created by the image makers after the Congress acted.

It was my responsibility, along with my team, to come to the Congress and convince them that it made sense to shrink rail passenger service to this skeletal fashion. The outcry was enormous: You can't do that. Look at the towns that will no longer be served if you shrink it down to this skeletal system.

I remember one Governor traveled all the way to Washington to protest to us. And then we pointed out to that particular Governor that the number of people who got on the trains in his State could be picked up with chauffeur-driven limousines and driven to the nearest town where they wanted to go in the name of rail service, and it would cost a fraction of the amount that was being spent on rail service. When the Governor looked at the reality of what was really happening and got away from the nostalgia of passenger rail service, he himself, having not taken a train in many years, looked at us and said: You know, this really doesn't make any sense.

One by one, the Governors withdrew their objection to the creation of what is now Amtrak. We need to have the same kind of understanding here that brought us to the creation of Amtrak in the first place. There are parts of the country where Amtrak is essential and must be maintained. I will be the first Senator to stand here and defend it, and I will be a Senator from Utah who votes for appropriations for Amtrak for New Jersey, Delaware, Pennsylvania, Maryland, Washington State, California, and other places where it makes some sense. I agree that the Federal Government should subsidize that if it cannot make it on its own because it makes a contribution that is essential. But I cannot, under any condition, defend the expenditures of maintaining a national network in the name of saying we are connected all over the country with a set of rails and saying isn't that wonderful that you can get on the train and go all the way across the country when it is very clear that nobody wants to in any kind of quantity that makes any kind of sense.

I will be happy to contribute that portion of Amtrak's budget that goes to maintain rail service in Utah to the State of New Jersey, where they need it, and, if necessary, in Utah, we can come up with one bus per week, which has enough capacity to handle all of the Amtrak passengers who come through our State.

So for that reason, I am opposed to this amendment, because, in my view, it is attempting to maintain something that has passed from our history, actually to the detriment of that which is needed in our future. Let's get over the nostalgia of the old national railway system, and let's focus on the need to have an intelligent passenger railway system in the corridors where it contributes enormously to cutting down on congestion, pollution, and delay.

For that reason, I oppose this amendment, and I urge our fellow Senators to do the same.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, how much time does the distinguished Senator from North Dakota wish?

Mr. DORGAN. Mr. President, I ask for 10 minutes.

Mr. BYRD. I yield 10 minutes to the Senator from North Dakota.

Mr. DORGAN. Mr. President, I am advantaged from having heard twice today the proposition by the Senator from Utah—once in committee and now on the floor of the Senate. I always enjoy his presentations. I confess—and perhaps others will, too—to some nostalgia. We used to name trains. In my hometown, the train that came through was called the Galloping Goose. I used to watch that train come in to pick up the cream cans. I loved the Galloping Goose. I admit to some nostalgia, but this debate is not about nostalgia.

There is a story about a guy who, in 1896, went to Waco, TX, where a railroad company was going to destroy a couple of locomotives they were done using. They decided to put on an extravaganza. They were going to run the locomotives together, and 40,000 people showed up to watch. They ran them together in a demonstrated train wreck, and metal flew, as did sparks and steam and fire.

There was a boy named Joe Connolly—this is a great story about Joe. He discovered that people would come to watch a train wreck. Joe Connolly thought, I am going to sponsor train wrecks. He was a guy from Iowa. He sponsored 71 train wrecks in his career. His last train wreck was in 1932 at the Iowa State Fair. He built 3,000 feet of track, got two old locomotives that were about to be abandoned, and ran them together at 50 miles an hour. He had people pay from miles around to see the train wreck. They called him "head-on Joe Connolly" because he sponsored 71 train wrecks. What a great story.

You don't have to go to an Iowa State Fair to see a train wreck these days. You can see it right here in the middle of this budget document. That is why Senator BYRD is on the floor with his amendment. He says that Amtrak is worthy, that rail passenger service in this country ought to be a national enterprise. I fully agree. We will always have rail passenger service connecting Boston to Florida because there are millions of people living on that eastern corridor. So that will be self-sufficient—rail passenger service on the eastern corridor of the United States. The question is: Will we be able to maintain a national rail passenger system? Is it worthy to do so? I believe the answer is yes. Senator BYRD believes the answer is yes.

We have a train that comes through my part of the country. It goes from Chicago, up to Minneapolis, over to Fargo, up north all the way to Seattle, down to Portland. It is called the Empire Builder. It has been around for decades. When it comes through the State of North Dakota, it picks up nearly 90,000 people in a year. For them, traveling on the Empire Builder is not nostalgia, it is necessary. It is one part of a transportation system in a rural State that doesn't have very many transportation systems.

We don't have the kind of aviation service, commercial air service, they have in Chicago, for example. We don't have the bus service they have in New York. But the fact is, we have Amtrak coming through our part of the country as part of a national rail passenger service. I don't object at all to subsidizing it. Every other country in the world that has rail passenger service subsidizes the service. In fact, we subsidize every other kind of transportation service in this country, so why all of a sudden do we decide that somehow rail passenger service is unworthy of our support?

My colleague from Utah used the term "mass transit" this morning when describing Amtrak. Amtrak is not mass transit. I support mass transit, and we don't have any in North Dakota. We don't have a subway in Bismarck or in Fargo, or light rail. I support mass transit because I believe we ought to do that for the major cities of our country. This is not mass transit. Amtrak is rail passenger service that has been, in my judgment, spectacularly successful. Despite that, we have always had people who want to disband it, take it apart, get rid of it. Why? Because they know the cost of everything and the value of nothing. This service has great value for our country. The relatively small subsidy that is required to retain a national rail passenger system is dwarfed by the subsidies in many other areas of transportation.

I understand why some would apply a profitability test to everything. I said to my colleague from Utah this morning that my guess is when they built the four-lane interstate highway system, somebody might have said there is a segment that we question: from Dickinson, ND, to Beach, ND, through the western badlands of North Dakota. There are not many people living there, and there is probably not so much traffic on that four-lane interstate highway. Or perhaps from Beach, ND, to Miles City, MT, or Billings—there is not enough traffic out there, not enough people living there to justify putting in four lanes. You know something? The country understood this was all about bridges—a bridge from here to there. So, too, is Amtrak and the Empire Builder a bridge from here to there. We understand that it stops in my State because it goes from Chicago to Seattle. It picks up nearly 90,000 people, including retired people, in the State of North Dakota.

Look, I think this is a bargain by any stretch. I support the Byrd amendment because I believe it is the right thing for this country to do.

It is all about choices. It is always, with respect to this budget when it comes to the floor of the Senate, about choices. I am absolutely surprised at some of the choices that are made and then very surprised at some of the issues other people think are unworthy for this country's enterprise.

Rail passenger service is a service that I think is important to our country. If one decides that this is all about profit and loss and not about a national transportation system that includes rail passenger service than I understand. We will have locomotives, we will have electric trains, we will have Acela trains running from Boston to Florida, and God bless them. We will wave at them as they go by, and good for all of them.

This country can, will, and should do much better and did do much better a couple of decades ago by creating a system that works. I have ridden Amtrak many times, and I like riding Amtrak. I hope that when the dust settles around here, we will have decided, once again, as a Congress that having a national rail passenger system is worthy.

I know the President believes differently. I had the president and CEO of Amtrak come into my office. I wanted to talk with him about what was happening and what was necessary. He made it plain—and I understood it before he came in—that if the President's recommendation is adopted, there will simply be no national rail passenger system. Amtrak, as we know it, will not exist.

That is a choice that perhaps the majority of Congress might want to make. I hope they will not choose to make that choice, but that is what the Byrd amendment is about. That is why it is on the floor of the Senate, and that is why it is important.

I came over to speak on this amendment because I believe an important part of this country is its transportation system, the ability of people to move around and to get around, to have access. And one part of that having a national rail passenger system that works. Yes, it requires a subsidy, and I believe that is appropriate. I am perfectly willing to do as every other industrialized country has done, and that is subsidize rail passenger service. It is not a large subsidy relative to everything else we do in the Chamber of the Senate.

My hope is, as I said, when the dust settles, we will decide to reject the recommendations of the President and this Budget Committee and continue to fund the national rail passenger system.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, I thank the distinguished Senator from North Dakota for his very timely, succinct, and persuasive statement. I thank him very much for his support of this amendment.

I believe Mr. CORZINE wishes to have some time yielded. How much time does the Senator desire?

Mr. CORZINE. Mr. President, I think it should be about 7 or 8 minutes at most.

Mr. BYRD. Mr. President, I yield 8 minutes to the very able Senator and look forward to hearing his statement.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. Mr. President, I congratulate the Senator from West Virginia for his strong leadership in doing something that makes a statement about an issue that holds our Nation together. I can promise that it holds New Jersey together. I respect the Senator from Utah recognizing this is a vital economic, environmental, national defense—almost any kind of variable one wants to describe—element in New Jersey's overall transportation system, but I think the point that needs to be made is that this is really true nationally. Senator BYRD's $1.4 billion in funding for Amtrak puts it in a position to continue to be that asset. I wish to speak about that a little bit.

All of us know that the transportation section of the budget that is before us mirrors President Bush's proposal, a plan that, on its surface, intends to shut down Amtrak. By the way, it does not do that with a lot of finesse. It does that across the board, whether it is in places where people might argue it is absolutely essential in the Northeast corridor, as well as in those places where maybe it is nostalgia that is driving it. I would argue that it is in those areas where we are trying to unite us as a nation.

Without the funding provided in the Byrd amendment, Amtrak will enter into bankruptcy, and it will be through the bankruptcy actions that reform is taken as opposed to where it should be, which is in the committees on the Hill, in the Congress.

Federal funding for Amtrak provides roughly one-third of what is needed to operate that national transportation system each year. Not all of it—one-third. It includes addressing pressing capital needs. The rest comes from ticket revenues and other sources, such as real estate. Without Federal funding, Amtrak will not be able to operate, and we will be into bankruptcy/reform under that format. I do not think that is the way to go. I do not think, if the American people saw it in such a stark choice mode, they would support it. I hope the Senate will support the Byrd amendment because it will make a huge difference.

No other element of our transportation system stands without subsidization. None. Zero. We are now debating, what is it, a $284 billion—a lot of us like to say it is a lot higher—subsidization of other elements of our transportation system. I am all for that. Highways, mass transit. But this is an important linkage for our economy, it is an important ingredient in protecting our environment, and it is essential to pulling together the economic strength of this country. And in times of great need, such as we saw on 9/11, it is also one of those backstops, one of those redundancies we are now building in all other kinds of places in our economy. We need to take that and drive it.

I will say there is much overlap in the Amtrak system with a whole host of other commuter agencies and activities, other mass transit systems. I give you an example. In New Jersey, there are about 4 million people who board Amtrak trains every year. Actually, we are wrong on that number. It is slightly higher. But there are over 100,000 riders of New Jersey Transit every day who use the same rail. Every day when people go to work in our financial services industry in New York or whether they go to the various elements of a very diversified economy in Philadelphia, they get on New Jersey Transit trains that actually use the same railway.

If Amtrak were to go bankrupt, we are going to be sitting with not mass transit but mess transit. We are going to have a huge, incredible outpouring jamming up two of our major cities in this country and all of that great corridor, the State of New Jersey.

It is just incomprehensible that we do not understand how we have to take a holistic view of how our transportation system works, and putting it at risk is just not a credible way to go about reform. That is why I am so pleased Senator BYRD has taken on this leadership role with regard to protecting the funding that will protect the 25 million passengers who ride Amtrak every year and gosh knows how many people who ride these other transportation systems that feed into it or parallel it or are on top of the Amtrak system. We really ought to think about an organized view about how we reform Amtrak as opposed to the blunderbuss approach of putting it into bankruptcy and using that as a basis of reform.

There is also another problem with this approach, in my view. The Presiding Officer might recognize this from his days of trying to lead a State. Transferring problems from Washington to our States where we already have huge budget problems does not seem to be an appropriate format for how we are going to resolve issues. New Jersey Transit, which I already talked about how important the Amtrak system is for its functioning, is going to get funding one way or the other. Otherwise, we are going to have a highway system that is completely clogged. The quality of life of commuters will deteriorate enormously.

So what is going to happen if this funding for Amtrak does not come through? Jersey transit fares are going to go up, and the State budgets that are already deeply in debt are going to have additional burdens imposed upon them. This is just one more shifting of responsibilities from the Federal Government here in Washington, decisions that we take, and pushing them off to State and local governments—in this case, the State government.

We need to get realistic about the importance of this transportation system, the importance of making sure that we fund it properly so we can continue to expand the number of riders that are at this point 25 million—that is up a million, year over year, and a similar amount the year before—and make sure that intercity rail service has the strength and the vitality that will allow it to help grow our economy and keep it thriving and healthy as we go forward. The Byrd amendment would provide the funding necessary to keep Amtrak out of bankruptcy, keep our economy flowing, keep our Nation tied together.

By the way, I grew up in one of those small towns in the Midwest where one of those Wabash Cannonballs came and people got on those trains and rode to St. Louis and Indianapolis and another train that went north-south to Chicago. It was an important element in keeping our Nation tied together. Those of us who live in New Jersey need to understand that there is an important networking that needs to occur in this Nation.

I think this Byrd amendment makes that statement about us being one Nation. It is important for the economics of many of our communities where there are densely populated areas. It is fundamental to that transportation system, the economic system, the environmental system. Let me say I think it is important for national security.

I urge my colleagues to support the Byrd amendment and let's move forward with real reform. Let's not do it through bankruptcy.

I yield the floor.

Mr. GREGG. Mr. President, I ask unanimous consent that there be 1½ hours for debate on the Amtrack amendment this evening, with the understanding that the debate began at 5:10, with 60 minutes under the control of the minority and 30 minutes allocated to the majority; provided further that following that debate the Senate proceed to the consideration of the ANWR amendment to be offered by Senator REID, or his designee, and that there be 2 hours for debate this evening equally divided in the usual form. I ask unanimous consent that following that debate there be 1 hour of debate in relation to an amendment relating to veterans to be offered by the minority.

I further ask unanimous consent that when the Senate resumes consideration of the budget on Wednesday that Senator FEINSTEIN be recognized to speak 20 minutes; provided further that following that debate, the Senate proceed to an additional 90 minutes of debate equally divided in the usual form in relationship to the ANWR amendment; provided further that the Senate will then have 45 minutes equally divided for debate relative to a further amendment on veterans to be offered by Senator GREGG or his designee, and the previously offered amendment on veterans.

I also ask unanimous consent that following that debate the Senate proceed to an amendment offered by Senator SPECTER relative to NIH, and there be 45 minutes for debate equally divided in the usual form.

I finally ask unanimous consent that following that debate the Senate proceed to vote in relationship to the pending Amtrak amendment, to be followed by a vote in relation to the ANWR amendment, with no amendments in order to either of those amendments prior to the votes.

I further ask that at the end of the time running this evening relative to the veterans amendment, that Senator HARKIN be recognized for up to 10 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CONRAD. Mr. President, if I might say to the chairman of the committee, we also are trying to slot additional votes. if we can make that clear to our colleagues, and the votes would start at about 1 o'clock tomorrow afternoon. We are hoping to have five votes lined up at that time. I think it is important to say that for planning purposes of our colleagues. That is the intention of the managers of this bill. We would slot these times, as has been indicated in the agreement. That intention would be, in addition to the two votes on Amtrak and ANWR, there would be two votes on veterans and a vote on NIH starting at 1 o'clock tomorrow.

That is the intention. It is not fully spelled out in this agreement because we do not have language on those amendments at this time. But for the information of our colleagues, that is the intention of the managers.

Mr. GREGG. The Senator from North Dakota is correct. That is our intention.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I hope the two managers would be willing to put the 1 o'clock beginning of the votes into a unanimous consent request so that we can depend on that hour.

Mr. GREGG. Mr. President, I amend the request to reflect the fact that the votes cited in the request would begin at 1 o'clock.

The PRESIDING OFFICER. Is there objection to the request as modified? Without objection, it is so ordered.

Mr. BYRD. I thank the distinguished chairman of the committee.

Mr. President, I ask unanimous consent that the names of Senators LEVIN, BIDEN, and CHAFEE be added as cosponsors to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. BYRD. Mr. President, I thank the distinguished Senator for his statement. I yield such time as he may wish to have—I understand he wants about 10 minutes—to the very distinguished Senator, Mr. LAUTENBERG.

Mr. LAUTENBERG. Mr. President, I thank my colleague.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank my friend and colleague, the distinguished Senator from West Virginia, who has long been an advocate and supporter for Amtrak. It is so fitting that he rises at this point in time to say let's face up to this. We need more money. To do anything that would eliminate funding and practically assure bankruptcy, which we have just dealt with in a long debate, for this important national facility—I look at what is being proposed, and it is a surprise, in view of our need for better security, for a balance in the modes of transportation, which we desperately need.

In the last couple of weeks I have met with railroad people, freight railroad people. I met with aviation people. We had the heads of these companies, the CEOs in, talking to us about what their needs were and how they needed more money to finance their expansion to keep up with their demand.

When it comes to Amtrak, there is not really the support that there ought to be. This is a national facility, call it what you will. We talk about the Northeast corridor, but that is not the whole ball game because the Northeast corridor depends on its operation being part of the whole infrastructure of a rail system.

I refer to a piece I authored not too long ago. I start saying:

> Imagine hundreds of thousands more cars on our crowded highways, more hours stuck in traffic jams, more travelers in our busy airports, more oil imported from the Middle East.

One cannot be in one location in this country or another without understanding that traffic jams are more the norm, and we have to do whatever we can to relieve that congestion, to relieve ourselves from the pollution that emits from all that traffic, cars sitting one behind the other.

If that is what we want to see, then here we are, looking at the closing of Amtrak. It is a pretty grim future for millions of Americans, under the proposal made by President Bush. This irresponsible plan would stop our Nation's passenger rail system dead in its tracks. The Bush administration wants to eliminate all Federal funding for Amtrak, bankrupt our Nation's national passenger rail system, and shift more of the cost of new service toward cash-strapped States.

My colleague, the senior Senator from New Jersey, just talked about that and the impact it would have. The administration wants to eliminate all Federal funding. It would be a disaster. The shortsighted proposal would strand 850,000 commuters who depend on Amtrak and its services to get to work each and every day. It would worsen congestion, as I said, on our roads and in our skies.

Anybody who stays abreast of what is happening in our transportation system knows that we have closed the gap, the distances between airplanes, because there are too many out there under the old system. I am not suggesting it is not safe or anything of that nature, but the fact is we are putting it into overload. It is hard to get more airplanes up there. The sky, surprising to some, is a finite facility and we cannot keep putting more airplanes up there.

The impact in New Jersey and the New York metropolitan area would be devastating, where so much of our financial well-being develops, the marketplace and whatever. The heaviest population in the country is in my home State of New Jersey, and it spreads through the other States nearby, whether it is New York or Connecticut or Pennsylvania. Amtrak carries 4 million passengers a year in the New York metropolitan area, and it is the lifeline of our transportation system.

Instead of killing Amtrak, we should help provide the kind of top quality passenger rail system our country needs and deserves. We have never been willing to do that. We have never put the funds in it needed, from the point in time in the early 1970s when Amtrak became a quasi-government organization. We have never put the funding in there to bring this up to the kind of system that should be operating.

Go to Brussels, Belgium, where the NATO headquarters exists. Try to get to Paris, about 200 miles away. You cannot get an airplane to take that trip. You get into a train in the middle of town and a hour and 20 minutes later you are in Paris, 200 miles away. If we had that kind of service in some of these heavily crowded corridors, not just the Northeast corridor but from Chicago to St. Louis, for example, from Las Vegas, NV, to Los Angeles, some of these other places—if we could get high-speed rail there we could substantially reduce the number of airplanes that fill our skies. We could save money, save pollution, save congestion, and do ourselves a good service.

Since the Federal Government created Amtrak 34 years ago to relieve the private railroads of passenger service, we have invested less than $1 billion a year in infrastructure and operations, not nearly enough for a world-class system. Germany, with its modern high-speed rail system, and where the President recently visited, invested $9 billion in passenger rail service in 2003 alone. Even Estonia spends more than twice per capita than United States on passenger rail.

Americans need a world-class rail system and Amtrak has been working hard to provide it. Over the last 2 years, Amtrak has cut its costs significantly, trimmed its staff by 20 percent, increased the number of trains by 20 percent, and launched a multiyear plan to repair long-neglected infrastructure needs.

Amtrak ridership, by the way, reached a record 25 million persons in 2004; the equivalent of 125,000 fully booked 757 airplanes.

More Americans are taking the train not only out of necessity but because they appreciate the kind of service and comfort that Amtrak can provide.

The tragic events of 9/11—I remember the day vividly from the apartment I live in on the Hudson River. It is practically right across from the World Trade Center. When we witnessed this catastrophe taking place, we thought about what the consequences might be: what might happen the next day, the day after or the year after. Aviation, much to our surprise and regrettably, was shut down completely. And Amtrak was the facility that people had to use to get from Washington. A special train was set up to carry people from Congress up to New York to get some idea as to what took place.

We were reminded that we couldn't rely exclusively on airlines because this country's commercial aviation system was totally shut down. Amtrak trains kept running and carried many stranded airline passengers back to their families, to their great anxiety and concern. Amtrak provided a spectacular service in those days.

Today, everybody knows that when you go to the airport there are long lines because of security searches, making rail travel, or any kind of travel, an increasingly attractive option, but not automobile traffic.

On a personal note of experience, the other day I left our office in the Hart Building and headed for Washington's Reagan National Airport. It took us almost an hour to arrive at the airport. Then we got to the security line, and that was over a half-hour long.

If we totaled the time, excluding the flight time of the first one I missed and the waiting time for the second one that I had to catch, it would easily have been longer than it would have taken by rail.

If we could do for rail what we know is being done in other countries and shorten the ride between here and, let's say, Newark or New York to a 2-hour ride, we would relieve our skies, we would relieve our highways of all kinds of congestion, pollution—you name it—and cost. But we have never made the investment.

All transportation infrastructure costs money, including highways and airports, and States cannot bear the cost.

But while the Bush administration proposes $50 billion in Federal funds for highways and airports this year—over $50 billion—there is not one dime reserved for inner-city passenger rail infrastructure. It is a crime not to do that.

Even though there is no money in the budget, the Bush administration promises to pay half the cost of future rail infrastructure projects. But the Federal Government currently picks up 80 percent of the cost for highways and airport infrastructure.

Since 1982, we have spent $696 billion on highways and aviation compared to $21.5 billion on rail. We have to level this playing field to make rail more competitive. It is a vital asset for our country. Even in the more remote communities serviced by rail, I know in conversation with colleagues they appreciate the service they get.

We need to help Amtrak improve service on its existing viable routes and expand to other markets where travelers deserve a choice. Instead, the Bush administration wants to leave the passengers stranded with its own version of what the rail passenger asset should look like.

In quick summary, we make a terrible mistake to turn our back on something as vital as intercity rail service. I hope we are not going to let it stand as it is presently projected. The Senator from West Virginia has proposed slightly over $1 billion to be added to the $360 million the President has proposed for traffic service that will give us a start on what we have to do to finally put Amtrak in the kind of condition that can develop the technology we see in so many other places, rapid transportation, and avoid having all of us line up at the airports and on the highways and wait anxiously to see when our turn will come to take our seat and start our travel.

I yield the floor.

The PRESIDING OFFICER (Mr. CHAMBLISS). Who yields time? The Senator from Delaware.

Mr. CARPER. Mr. President, I start by asking unanimous consent Senator INOUYE's name be added as a cosponsor to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Mr. President, I start today by going back in time to the first time I ever rode a train. I was about 6 or 7 years old, visiting my grandparents in Beaver, WV, a bedroom community outside of Beckley, WV. The fellow who had been the delegate in the West Virginia legislature for Raleigh County, WV, which is where my grandparents lived and where I was born, was ROBERT BYRD. By that time he had left the West Virginia legislature and was serving in the Senate after having served in the House.

The first time I ever rode a train was a B&O Railroad train that stopped in front of my grandparents' house and picked me and my sister up and drove a couple hundred yards on a train of which my grandfather was a crew member.

It is ironic that some 50 years later I stand in the Senate to support the amendment offered by Senator BYRD to support continuing passenger rail service. He is literally from the same place I was born. My first personal experience in riding a train goes back to his old representative district and certainly his Senate district. I say to Senator BYRD, thank you very much for the leadership you have shown for bringing us to the Senate today to express our support for passenger rail service in the 21st century.

Fast forward a little bit to 1970. I was a naval flight officer on my first couple of tours in Southeast Asia. I remember picking up one day a Newsweek or Time and reading that somebody in the Congress had worked with the Nixon administration to create a passenger rail service for our country. At the time, the private railroads could not make money carrying people. They wanted to be relieved of that responsibility and only carry commodities, not people, from place to place in this country. An agreement was struck whereby if the for-profit private railroads would contribute their old rolling stock, their old locomotives, their old passenger cars, their old dining cars, and old track bed from Washington to Boston, overhead wires and old signaling system, old repair shops and old terminals, and kick in a little bit of money on top of that, we would somehow come up with a new passenger rail service called Amtrak.

After that couple of years and a couple of years of subsidy from the Federal Government, this new entity called Amtrak would start making money, something the private sector cannot do in carrying people. A couple years went by, and after running those old trains on the old tracks, with the old overhead rail wire and the old maintenance shop and the old signalling system and not a whole lot of Federal support to improve the capital infrastructure, Amtrak didn't make money.

If you look across the world at countries where they invest a lot of money in their passenger rail system, they don't make money either. They don't pay for the full cost of their passenger systems out of the fare box any more than we have been able to do.

Since 1970, passenger rail service, intercity passenger rail service in this country has been starved for capital. Railroads are inherently capital intensive. Passenger rail, as freight rail, needs significant capital investments and we have literally starved Amtrak for capital investments since its creation. And that continues today.

What has changed since 1970? Among the things that have changed, we import a lot more oil today. I don't recall exactly what we were importing as a percentage of consumption in 1970. It was not much. This year almost 60 percent of the oil we use in America will come from places outside the United States.

Our trade deficit in 1970 was not much at all. We were pretty much in balance. In the month of January of this year, our trade deficit reached about $60 billion in 1 month. Back to 1990, that is twice our trade deficit in 1990, and a quarter of our trade deficit each month and year is attributed to oil imports. One of the things that changed since 1970 is a greater trade deficit and greater dependence on foreign oil.

What else? Congestion on our roads and in our airports. Today, riding down I-95 to catch the train to come down here, bumper-to-bumper traffic. I-95 was a parking lot through Delaware. And that is not the only interstate highway that was a parking lot this morning or this afternoon. The same is true of roads across our country. The same is true of airports across our country.

What else is the difference from 1970? The quality of air is a little bit better. Not as good as it can be and not as good as it would be if we got more people to get out of their cars and take transit.

The other thing that is different, 25 million people rode intercity passenger rail in this country last year. That is not commuters: that is people who rode Amtrak. That is the highest number we have ever seen in the last 35 years.

My friends, if we try to cobble up enough money for Amtrak to live another year and run the old business model we have worked with for a number of years, that is not good enough. We shouldn't do it. I don't know if the administration is serious about trying to force Amtrak into bankruptcy, but I would suggest we go down two tracks. I suggest one track we go down, we adopt the amendment to provide a reasonable amount of money to run the trains in the Northeast corridor and across the country, but also do the necessary work that is needed under a 5-year capital investment plan to fix tracks, fix overhead wires, and fix signaling systems, and be able to run the trains to their capacity and on time.

At the same time we do that, we need to have a debate and a good robust discussion on what the future of passenger rail service should be in this country. I am not sure exactly what the future business model for Amtrak ought to be, but I suggest that it include a couple of these things: One, a focus on providing high-speed passenger rail service in distantly populated corridors, not only in the Northeast corridor from New York to Boston, but densely populated corridors in the Southeast, the west coast, hubs from Chicago. There are corridors we could exploit for passenger rail where folks travel 200 or 300 or 400 miles.

Today, another thing that is different from 1970 is that 75 percent of the people in America live within 50 miles of one of our coasts. Think about that. Seventy-five percent of the people in America today live within 50 miles of one of our coasts. There are all kinds of densely populated quarters that could be well served by intercity passenger rail.

Another aspect of the business model, aside from developing high-speed rail service in densely populated quarters, can be what I call trains that people pay a premium to ride because they like to ride them, because it is a neat thing to do, because it is convenient.

The Auto Train. People get on the Auto Train. They got on it about an hour ago, just south of Washington, DC. They pay a lot of money to ride a train down to Orlando, FL. They have great food on the train, watch movies, sleep on the train. It is a nice train, modern and convenient. They will get off tomorrow morning near Orlando, FL, and have their cars right there with them to go wherever they want to go. There are trains out on the west coast—Pacific Starlight—where people will pay extra money just for the beauty of the ride. Some trains across the great northern part of this country are the same.

Amtrak can make money actually running some of those trains. Amtrak can make money carrying people in a high-speed Acela Express in the Northeast corridor. Amtrak can make money carrying the mail. Amtrak can make money renting the Northeast corridor to freight for their uses, to rent out part of the right-of-way to the folks who want to run other kinds of information through the right-of-way.

Those are some elements of a business plan that I think might make some sense for passenger rail in the 21st century. Freight railroads need to be a part of that. We need to be investing in the freight railroads as well.

The last thing I will say is this. Senator SCHUMER is here to comment as well. I will finish and add this comment. A friend of mine, a senior official in the Bush administration, said to me a couple years ago, knowing of my interest in passenger rail service, that we should follow the airline model. With passenger rail service, we should do the same kind of model we follow with respect to the airlines. And I said, with tongue in cheek: Does that mean we ought to follow the Pan Am model? Should we follow the Eastern Airlines model? Should we follow Braniff? Should we follow U.S. Air? Should we follow United? Is that the model we should follow into bankruptcy, because they have all gone bankrupt? And now the administration is suggesting a path that will lead to bankruptcy for Amtrak. The Surface Transportation Board, if they were given $300 million—they can't run the Northeast corridor. That is not their ability. That is not their talent.

This does not make sense. What does make sense is going forward on two tracks. I would suggest we adopt this amendment and we simultaneously have a full and robust and rich debate on this floor and in committees and elsewhere to decide what 21st century passenger rail service ought to be in this Nation.

Last word. In a country where almost 60 percent of the oil we are using in this year comes from other places around the world, where, frankly, a lot of people don't like us, and I am convinced they take our money to hurt us, keep this in mind: To carry 1 ton of freight by rail from Washington DC, to Boston, MA, uses 1 gallon of diesel fuel. Let me say that again. To carry 1 ton of freight by rail from Washington, DC, to Boston, MA, takes 1 gallon of diesel fuel. In a country that is awash in foreign oil and that has huge trade deficits, a lot of which are attributable to our dependency on foreign oil, we are foolish to ignore that reality.

Mr. President, I yield back my time.

The PRESIDING OFFICER. Who yields time?

The Senator from New York.

Mr. SCHUMER. I appreciate my good friend from Georgia recognizing me.

I am here to rise in strong support of the Byrd amendment. First, I thank our leader and our colleague and friend, Senator ROBERT C. BYRD, for offering this amendment. I am proud to be a cosponsor of this amendment. It is one of the most vital amendments we will vote on this week in terms of the budget. Much has already been said, but I just want to add my voice to the importance of Amtrak.

If you live in the Northeast, if you live in New York State, you know how important Amtrak is, not only the train that goes from Boston to New

York and then to Washington, but the line that goes from New York City to Albany and then to Montreal.

For the capital region of Albany, for over a million people, Amtrak is the No. 1 way to get to nearby cities, the route that goes from Buffalo across to Albany and then to Boston. All of them are well traveled and well used and meet any national test in terms of transportation. In New York, 10 million New Yorkers use Amtrak, and large numbers of people depend on Amtrak.

This affects all of America. I know it has been said before, but let me say it again. If we were to close Amtrak, and in our most densely populated area, the Northeast corridor, people used planes only, you would have congestion in New York City, in Boston, in Philadelphia, in Washington. It you lived, say, in Chicago or Los Angeles, or Albuquerque, you may say: What do I care? The reason is, once the traffic backs up on the east coast corridor, it then backs up to Cleveland, to Detroit, to Chicago, and down to Dallas, and all the way to California. We would choke not only our rail system, which is probably the intention of the amendment, but we would choke our entire transportation system. The roads, densely populated by trucks and cars already, would become more crowded. That means traffic jams would increase. That means pollution would increase. That means time per worker to get something done, efficiency and productivity, would go down. As I mentioned, our air service would become a total mess. So for the relatively small subsidy that Amtrak gets, it keeps our transportation system in the whole country humming.

Europe does not have the kind of delays—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SCHUMER. Mr. President, I ask unanimous consent for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Thank you, Mr. President.

Western Europe is about the only place as crowded and uses as much transportation as the United States. But the delays at the airports are so much lower. Why? Because they have a well, efficient, and subsidized system of rail. You go from London to Paris, you take the Chunnel train. You go from Paris to Lyon or Frankfurt, you take the Train a Grand Vitesse. It is just ridiculous that we are thinking of cutting it here.

Now, if you say we are against subsidies, well, agricultural subsidies are a similar subsidy. And there is sort of a balance. Believe me, my State, particularly now with the new laws we passed for dairy and apples, benefits from agriculture subsidies. They are cut 5 percent. Amtrak is eliminated. Why is that? If you are against subsidies, you are against subsidies.

I would urge the President and the people supporting this budget: OK, cut Amtrak 5 percent like you cut agriculture. Maybe together we can fight to restore even that 5 percent. But it is not a question of subsidy.

Then we get boxed in. People talk about: Well, what about the trains that are hardly used that go through large swatches of the country where they are not used? Well, the bottom line is, people from areas where Amtrak is heavily used depend on the votes of some of those folks. If we could get a guarantee from the White House and from this body that only in the areas where Amtrak is highly used we would continue to support it, and eliminate the rest, that is something to consider. But they do a "beggar thy neighbor" argument. They say: Cut the subsidies out West or in the South, and then we will not support Amtrak anywhere. And that gives us virtually no support. It is untenable and it is unfair.

One other issue. It affects my city, and that is the issue of terrorism. After 9/11 our airspace was shut down, but New York was not closed to the rest of the country because we had Amtrak. God forbid another terrorist incident occurs. Let's say, God forbid, somebody uses MANPAD shoulder-held missiles and shoots down planes in 20 places in the United States of America. Again, God forbid, if we did not have a rail system, this country would come to a screeching halt. So after 9/11, the rationale is even more important than it was before 9/11. And the whole idea we will send Amtrak into bankruptcy and then we will fix it will cause chaos—chaos in New York, chaos in the Northeast, chaos in America.

This is no way to run a country. This is no way to run a transportation system. No business man or woman who knows how to get things done would make this kind of proposal. I think what we find with this proposal is what we find with a lot of things these days: a small band of ideologues who really do not look at practicalities. Ideologues of the right, ideologues of the left—they have all their genius given to them directly from the heavens, and they do not look at practicalities.

These ideologues say: Amtrak, subsidy, bad. And then, because Amtrak has less political support, people go along. Are we cutting the subsidy for roads? Are we cutting the subsidy for airports? The same ideologues say those are bad, too. But we are in the anomalous position where we are caught between the ideologues on the one hand and the practicality of political support on the other, and we get stuck. There is no consistency, no practicality, no understanding of the need of a modern nation.

So I hope we will vote for Senator BYRD's amendment. Will it take Amtrak to great new heights? No. Will it allow it to continue and grow? Yes. With the changes made by Mr. Gunn, who everybody understands is an excellent manager and who doesn't like to waste a nickel, we can make Amtrak better.

I hope that on this amendment, instead of the knee-jerk reaction to vote down all amendments, which we have seen a lot, people will look at the amendment and at the consequences of doing what is in the budget, and I hope we will support the Byrd amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. I thank my colleagues from New York and Delaware.

Many believe Amtrak is a critical service for the northeastern corridor. Amtrak is an important passenger rail service for the Midwest. In my State of Illinois, we have three different Amtrak lines that are vitally important to my State. Each year, about 3 million passengers ride Amtrak in the State of Illinois. They are young and old, many college students.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DURBIN. I ask unanimous consent for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Again, there are 3 million passengers a year in Illinois that include the young and old who ride Amtrak for a variety of reasons. I live in the State capital. State employees go back and forth on the trains from Springfield to Chicago. A lot of baseball fans heading up to see the Cubs and Sox and the Cardinals down in St. Louis ride on Amtrak. During a school year, you cannot board an Amtrak train without finding scores of students going to Southern Illinois University, University of Illinois, Illinois State University, or Quincy University. It is a critical service for our State. Two-thousand people in my State work on Amtrak.

If the administration has its way and closes down Amtrak, as Secretary Mineta and the President have suggested, or threatened, it is going to have a devastating impact on Illinois. What happens when the Amtrak trains go away? If they do—and I hope it never happens—if they do, the answer is obvious: more cars on the highway.

Who in the world thinks that is the answer to America's transportation future? Right now, communities across Illinois are begging me for more money to widen and build highways because already the congestion is out of control. Now comes the discussion of eliminating national passenger service, so 3 million train passengers in Illinois will be in a car—or maybe 1½ million if 2 people ride together—adding to the congestion, adding to the pollution, adding to more dependence on foreign oil.

What is this White House thinking? Instead of walking away from Amtrak, this administration and other administrations should walk toward Amtrak, realizing that it is one of the key elements of transportation in America.

We don't think twice about subsidizing highway transportation—trucks and cars. We do it all the time by building these highways and bridges that we are going to need. We don't think twice about subsidizing airlines in this country. We do it, and I voted for it because airline travel is critically important to our economy. Why in the world do we draw the line when it comes to this rail service and say this is an anachronism that would not work and should not have a penny of subsidy, that if it takes a subsidy, we should do away with it? That is shortsighted.

It is not surprising to me that a President from the State of Texas, with limited Amtrak service, doesn't appreciate what Amtrak means to many States. In Illinois, our State contributes $12 million a year to Amtrak. That is the State subsidy to Amtrak, which I think is a demonstration of their good will to keep Amtrak running—about 90 percent of the operating costs for the three routes I mentioned earlier, and more than $70 million over the last decade, in addition to a quarter of the cost of the Chicago-Milwaukee corridor. Illinois, despite a big deficit, is willing to pay its fair share. Should the Federal Government not be willing to do the same?

Secretary Mineta is a friend of mine; we served in the House together. He came to Chicago recently and said: I want to make it clear, we don't want to close down Amtrak. If we wanted to do that, we would do nothing. That means no subsidy. Amtrak would go away with no subsidy. We should work to improve Amtrak. They have made great progress over the last several years. But capital investments in Amtrak today mean better, more reliable service, faster trains, more people using the trains, and fewer people on the highways. Walking away from Amtrak will not achieve that goal.

I hope we can put together a bipartisan coalition to support Senator BYRD and the amendment he is offering on behalf of Amtrak. I think the Senator from West Virginia and the bipartisan group that supports Amtrak are going to keep this service in place so we can make certain that the millions of people in Illinois and across the U.S. will continue to find Amtrak a reliable train service.

Mr. President, at this point, if I am not mistaken, unanimous consent suggests that we are moving to a discussion or debate on the Arctic National Wildlife Refuge; is that correct?

The PRESIDING OFFICER. There is time remaining on this amendment under the control of the majority.

Mr. DURBIN. Of the majority?

The PRESIDING OFFICER. Yes, 17 minutes by the majority.

Mr. DURBIN. On the Amtrak amendment. Is there time remaining on the minority side?

The PRESIDING OFFICER. There is 10 seconds.

Mr. DURBIN. I will yield back all the time I have remaining to the Chair in the hopes of speeding up this debate and bringing it to a prompt conclusion.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, let me repeat what I said earlier. As I have listened to my friends talk about this amendment, I know of no one on this side who wants to shut down Amtrak. I know of no one in the administration who wants to destroy Amtrak. I know of no one who thinks that it would make sense to stop running trains in those corridors where people depend upon them for their daily activities. I hear all of the doomsday talk. I dismiss it because I don't know of anybody who is planning to do the terrible things they are accused of.

I do want to respond to the Senator from New York, Mr. SCHUMER, on one comment he made about the necessity for keeping a national rail system. He said, if we don't keep running trains in all of these States that don't have big population centers, that depend upon Amtrak the way New York, New Jersey, Delaware, and Pennsylvania do, we will lose their political support.

Apparently, he didn't hear what I had to say, so I will repeat it. I am a Senator from Utah who supports Amtrak, who believes it is essential for the Nation to have Amtrak in the Northeast corridor and other heavily populated areas. I would be glad to donate to Amtrak the cost of running a train through Utah or running several trains through Utah. I am not going to disappoint many of my constituents because they don't ride the trains. I am not so parochial as to say that the only reason I would support Amtrak is because there is a train in my State. When I look at the number of people who are on the train, I look at the number of people who use the train, I realize that a train in my State is a waste of money. A train in my State makes no sense. I have watched the service shrink, as I said before, with the number of people who ride it. I have watched the terminal go from a large terminal that had great nostalgia and history down to a smaller one, to a corner of that one, until today it is quite literally a Quonset hut. Because there are so few people going through it, there is so little use of it that you want to conserve as much money as you can in the capital structure that supports it.

So let us not say that the reason we have to maintain the fiction of a national railway system is for political support that can support the areas where the railway system is really needed. Let's give those of us who come from other States enough credit of being smart enough to realize that shutting down Amtrak in the Northeast corridor would be a stupid thing to do, but keeping Amtrak running across areas of the country bigger than the areas across Europe all by themselves, where nobody uses the service, is also a stupid thing to do.

This is not an all-or-nothing discussion. This is not a debate between killing Amtrak and putting 15 million people on the Northeast corridor on the highways or keeping rail service available all across the Nation. This is a question of saying after 30 years of watching the subsidies fail to produce a system that makes sense, it is time to redraw the nature of the system. And this is the administration's way of getting our attention.

If, in fact, we find out during the appropriations process that the administration wants to kill Amtrak, that the administration really wants to destroy service in the Northeast corridor, I will be the first to come to the floor and stand with my friends from New Jersey, New York, Delaware, Pennsylvania, and Maryland and say this is a stupid thing to do. And I will vote for appropriations, I will vote for subsidies for Amtrak in those areas, as I always have. But do not assume the reason I always have is because there is a train running through my State. Indeed, I have always voted in that fashion saying that you ought to get rid of the train that is running through my State so that you have more money available to solve the problems in the Northeast corridor.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BENNETT. Mr. President, I yield the remainder of the time we have to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I have sought recognition to speak on the funding for Amtrak. I have joined Senator BYRD on the Byrd-Specter amendment to provide $1.4 billion for Amtrak which is, in my judgment, absolutely essential for the welfare of the United States of America.

The hallmark of an industrial society is having urban transportation. The Amtrak issue has been before the Congress virtually every year since I was elected in 1980. I recall one of the early meetings in the office of Senator Howard Baker, who was then the majority leader, where Amtrak had been zeroed out. In those days, it was funded between $600 million and $700 million. We were discussing the issue with David Stockman, who was the Director of the Office of Management and Budget. His argument was Amtrak will go to bankruptcy and the line between Boston and Washington would be saved.

It seemed to me there would be enormous problems. You would not be able to land at National Airport, now Reagan Airport, and get through the Baltimore tunnel. We were able to save Amtrak. We have saved Amtrak in every year.

There is an enormous amount of work which needs to be done on Amtrak's infrastructure, fleet, and equipment. Amtrak is setting record ridership, and as the congestion of our airports and highways continues to increase, it would be a grave mistake to cut back.

On February 10 of this year, 35 Senators, including 8 Republicans, wrote to Chairman GREGG and Ranking Member CONRAD expressing our deep concern regarding the President's proposed elimination of Amtrak funding in the 2006 budget proposal and setting forth in detail the reasons Amtrak should be funded.

Mr. President, I ask unanimous consent that the letter to Chairman GREGG and Ranking Member CONRAD be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, February 10, 2005.

Hon. JUDD GREGG,
Chairman, Senate Budget Committee, U.S. Senate, Washington, DC

Hon. KENT CONRAD,
Ranking Member, Senate Budget Committee, U.S. Senate, Washington, DC

DEAR CHAIRMAN GREGG AND SENATOR CONRAD: We are writing to express our deep concern regarding the President's proposed elimination of funding Amtrak in his 2006 Budget proposal. At a time when Amtrak is setting ridership records and as congestion at our airports and on the highways continues to increase, we believe it would be a grave mistake to cut the essential federal funds that keep Amtrak operating. Without such funds or other intervening action, Amtrak would quickly enter bankruptcy and shutdown of all Amtrak services, leaving millions of riders and thousands of communities without access to the essential and convenient transportation that Amtrak provides.

Therefore, we ask that you provide sufficient funding in the Fiscal Year 2006 Budget Resolution to sustain Amtrak's national network of passenger rail service. Amtrak's 5-year Strategic Plan, which was approved by Amtrak's Board of Directors on June 10, 2004, specifies that approximately $1.8 billion will be required for fiscal year 2006 to provide safe and efficient operation of the railroad. In addition, the most recent reauthorization proposal from the Administration would require a funding level of at least $1.5 billion for fiscal year 2006, according to the Department of Transportation Inspector General.

Where Amtrak service is available, Americans ride the train and are doing so in record numbers. Despite a sluggish domestic travel industry, Amtrak carried more than 25 million passengers nationwide. If Amtrak had the same opportunity to receive Federal infrastructure investments as highway and aviation interests, with a federal match comparable to funds available to those modes of transportation, many more communities would avail themselves of passenger rail service.

Amtrak has made real progress reforming itself over the last few years by reducing its operating costs to help fund needed capital improvements. Over the last 30 months, Amtrak CEO and President David Gunn has cut operating costs, reduced the employee headcount from slightly less than 25,000 to just under 20,000 employees, has increased the number of trains it operates by 20%, and implemented internal reforms designed to control costs and improve efficiencies. Amtrak's core operating expenses are now less than they were in 2000.

There is an enormous amount of work needed on the infrastructure, fleet and equipment Amtrak owns and operates. Amtrak cannot continue to defer this important work without jeopardizing safety and reliability of its operations or putting at risk service that is relied on by hundreds of thousands of commuter and intercity passengers each day.

Please consider our request for adequate funding for Amtrak in preparing the FY 2006 Budget Resolution.

Sincerely,
Conrad Burns,
Kay Bailey Hutchison,
Arlen Specter,
Lincoln Chafee,
Charles Schumer,
Jon S. Corzine,
Byron L. Dorgan,
Ron Wyden,
Frank R. Lautenberg,
Max Baucus,
Joe Biden,
Paul Sarbanes,
Herb Kohl,
Joe Lieberman,
Barbara H. Mikulski,
Norm Coleman,
Tom Carper,
Barbara Boxer,
Hillary Rodham Clinton,
Patrick Leahy,
Dick Durbin,
Rick Santorum,
Susan Collins,
Evan Bayh,
Mark Dayton,
John F. Kerry,
Jay Rockefeller,
Jack Reed,
Chris Dodd,
Ted Kennedy,
Olympia Snowe,
Jim Jeffords,
Barack Obama,
Carl Levin,
Debbie Stabenow.

Mr. SPECTER. Mr. President, I urge my colleagues to support adequate funding for Amtrak. I thank the Chair and yield the floor.

Mr. KENNEDY. Mr. President, I commend Senator BYRD for standing up for the future of our Nation's national passenger rail service system with this amendment.

For the past 4 years, this administration has acted in a thoroughly cynical way on Amtrak. Each year they have requested less funding than the railroad needs to operate and improve its services, and then they pillory Amtrak when it falls short of truly impossible goals.

David Gunn, the CEO of Amtrak since 2003, has stated numerous times to Congress and administration officials that to put Amtrak on solid financial footing and increase ridership, key capital improvements are desperately needed, and would cost an estimated $1.8 billion a year.

In fact, Amtrak's 5-year strategic plan calls for $1.8 billion this year, but the Bush administration simply refuses to request it from Congress, because they are bent on destroying the railroad.

Compared to the railroad investments made by our major economic competitors like Japan and Germany—each of which invests nearly 20 percent of its total transportation budget on rail or between $3–4 billion each year—Mr. Gunn's request for $1.8 billion—or 2 percent of the Federal Government's transportation budget—doesn't seem outrageous.

Amtrak operates a nationwide rail network, serving over 500 stations in 46 States. It has over 22,000 miles of track and 20,000 employees.

Amtrak's request for $1.8 billion doesn't even come close to rivaling the amount the Federal Government spends on highways and air travel. Last year, we invested $34 billion for highways, and provided airlines with $14 billion to subsidize air travel.

Yet despite Amtrak's clear and compelling needs, the administration has proposed only $900 million in each of the past 2 years, forcing Congress to scramble to provide a "barebones" budget of $1.2 billion needed to prevent the railroad from shutting down.

As a result, instead of being able to focus on a long-range plan of restructuring and reform, Amtrak has been forced into a permanent plan of crisis management.

They have been forced into accepting short-sighted capital investment deferrals and bookmaking wizardry simply to keep the railroad afloat. They haven't had any choice, and they are barely holding on.

As anyone in the transportation industry will testify, repairs delayed only become more costly in the future. Yet that is what Amtrak has been forced to do because of chronic underinvestment.

Despite these hardships, Mr. Gunn and his Amtrak team have had some successes, and we should acknowledge them.

First, they were able to increase ridership by 4 percent during fiscal year 2004, for a total ridership of over 25 million nationwide.

In addition, measured against domestic airlines, Amtrak has moved into 8th place in total ridership and 1st place in terms of on-time performance.

After undermining Amtrak's efforts to make critical capital investments and improve services in recent years, the administration now simply proposes to eliminate funding altogether.

In fact, the administration's budget itself advises that Amtrak will be forced into bankruptcy, and some sort of restructuring will take place.

What we see again and again from this administration is the call for reform, without the resources to achieve it. It doesn't work in education, and it won't work with the Nation's passenger rail system.

If the administration's plan—bankruptcy were—to happen, all of Amtrak's assets its stations, its track, its railroad cars, its locomotives—will be sold at fire-sale prices to pay off its creditors.

Among the assets that could be permanently removed from the Nation's transportation network are:

2,141 railroad cars; 425 locomotives; 20 high-speed train sets; 97 miles of high speed track in Michigan; 62 miles of track between Hartford, Connecticut and Springfield, MA; 104 miles of high speed track in Pennsylvania; and the 363 miles of Northeast Corridor track connecting Washington, Philadelphia, New York, and Boston.

Make no mistake, if these assets are pulled from the Nation's passenger rail system, no one will be able to put it back together again. Travel will be permanently undermined, to the detriment of our economic competitiveness, the quality of our environment, and our national security.

The administration suggests that perhaps the governors will step in. But what will they step into? The States individually, and collectively, don't have the resources to acquire an operate the system.

Even if they did, they haven't been consulted about such a proposal. Not a single State has come forward to express any interest in assuming the financial or legal responsibility for operating an interstate rail service.

Can you imagine if the administration had proposed to eliminate the FAA and suggested that perhaps the Governors should take it over?

This budget is a serious danger to the stability of our nation's transportation system. The Senate should reject the Bush administration's mindless plan of forcing Amtrak into bankruptcy.

A safe, reliable, and efficient national transportation system demands that Congress act responsibly on passenger rail issues, even if the administration continues to refuse to do so.

What if we have to shut down the national air traffic control system, as we did after 9/11, or if key parts or our Interstate system are compromised by terrorist attacks, as they may well be?

Shouldn't the mere possibility of one or more of these crises force us to recognize the importance of maintaining a viable national rail network?

The Senate should reject the administration's irresponsible passenger rail bankruptcy plan, and pass the Byrd amendment to ensure that America's transportation network remains strong and flexible for the future.

Mr. KOHL. Mr. President, I rise today to join my colleagues in supporting additional funding for passenger rail. As we all know, the administration eliminated funding for Amtrak in its fiscal year 2006 budget. I believe that this is a shortsighted policy that could strand travelers throughout the country, including those who rely on passenger rail in my State.

I am supporting this amendment, which would add $1.4 billion to the budget for Amtrak because rail service is so important to travelers in Wisconsin. I have long fought to ensure that intercity rail service exists in the Midwest. I am pleased to be joined in this effort by Wisconsin's secretary of transportation, Frank Busalacchi, who is currently serving as the chairman of the States for Passenger Rail Coalition. Rail makes up an important portion of our intermodal system in Wisconsin. In January of this year, a total of 37,445 passengers used Amtrak's Hiawatha Service between Milwaukee and Chicago. That is 37,000 fewer cars on our roads, reducing congestion and pollution. So many times, when you hear commuter rail, we think of only the Northeast corridor. I want to assure the people of Wisconsin that I know this is not the case, and that I will fight to ensure that the corridors in Wisconsin are not shut down.

I support reforms in Amtrak, and look forward to working with Amtrak, with the administration, and with my colleagues to enact meaningful reform. But we cannot move forward on reform if Amtrak has been forced to abandon its services in other areas. The Northeast is not the only region in the country that relies on a viable rail system—now is not the time to force the more than 540,000 people who used Amtrak in Wisconsin on to our overburdened roads and airports. I urge my colleagues to support Senator BYRD's amendment.

Mr. INOUYE. Mr. President, I rise in support of Senator BYRD's amendment to the fiscal year 2006 budget resolution to increase funding for Amtrak. The budget resolution before us today effectively zero's out Amtrak's funding in accordance with the President Bush's perilous strategy of bankrupting Amtrak as a means of reform. This is a disastrous plan that will shut down all Amtrak operations across the country and severely limit Congress's abilities to provide intercity passenger rail service in the future.

Senator BYRD's amendment would increase funding for Amtrak by $1.04 billion. This would be in addition to the $360 million included in the budget to maintain commuter service operated by Amtrak in the case of bankruptcy. Amtrak would receive a total of $1.4 billion to fund railroad operations and meet capital needs. While this number is less than Amtrak has said it needs, it should allow Amtrak to continue its operations and maintain much of the progress the company continues to make on repairing and replacing worn-out capital assets. The increased spending requested by this amendment is offset by closing corporate tax loopholes.

It is essential that we provide adequate funding for Amtrak so that the railroad can maintain and improve the operations of the national system and make critically needed investments to return rolling stock and infrastructure to a state of good repair while Congress addresses the larger questions surrounding Amtrak's future through the reauthorization process. As the cochairman of the Commerce Committee, Amtrak's authorizing committee, I look forward to working with my Chairman, Senator STEVENS, and with our Subcommittee on Surface Transportation and Merchant Marine Chairman, Senator LOTT, on ways we can improve Amtrak's service, costs, and structure. But, we must act today to ensure that adequate funding is reserved in this year's budget to avert any future crisis, to ensure the preservation of passenger rail as an alternative for the American traveling public, and to let Amtrak's employees and creditors know that Congress will not leave them out in the cold.

The PRESIDING OFFICER. Who yields time?

Mr. DURBIN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The majority has 8 minutes 40 seconds.

Mr. DURBIN. Mr. President, I ask the Senator from Pennsylvania if he would be in a position to either yield back the time on the Amtrak debate or reserve the time and allow us to begin the debate on the Arctic National Wildlife Refuge, which I believe is next in the unanimous consent agreement.

Mr. SPECTER. I thank the Senator from Illinois giving me the option. Since I do not have the authority to waive, I choose option 2.

Mr. DURBIN. Mr. President, I ask unanimous consent that the remaining time on this Amtrak amendment on the majority side be reserved and that we now be allowed to go forward on the allocated time for the Arctic National Wildlife Refuge debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

Mr. DURBIN. Mr. President, I want to make clear, since the chairman of the committee came to the floor, that there were 8 minutes remaining on the Amtrak debate on the majority side, and I protected that 8 minutes so it would not be surrendered. Under the unanimous consent agreement, we now move to the debate on the Arctic National Wildlife Refuge. I hope that meets with his approval. If it does not, I will be happy to work with the majority on that question.

The Arctic National Wildlife Refuge was created in the administration of President Eisenhower. This Republican President decided in the 1950s that there were parts of the United States so important for future generations that they should be protected. One of those parts was the Arctic National Wildlife Refuge.

There has been a lot of debate about the future of that refuge. It is a place in our Nation that has a special significance to many people. There are Native Americans who live there and count on this refuge for their sustenance, maintaining their tradition, really protecting their lifestyle. There are others who see this Arctic National Wildlife Refuge from a much different perspective, and that is why we continue to debate the Arctic National Wildlife Refuge.

The reason we are considering it on the budget resolution is because a decision has been made, and that decision, made by those who wish to see drilling in the Arctic National Wildlife Refuge for oil and gas, is that they no longer want to follow the regular rules of the Senate because the regular rules of the Senate allow us to debate for a period of time.

Mr. STEVENS. Will the Senator yield?

Mr. DURBIN. I will yield for a question.

Mr. STEVENS. Are regular rules of the Senate to filibuster a bill? I do not understand what the Senator is saying. The only reason this is in the budget resolution is because he and others have threatened to filibuster it.

Mr. DURBIN. Does the Senator have a question?

Mr. STEVENS. That is my question. Would the Senator guarantee us an up-or-down vote if we do not keep it in this resolution?

Mr. DURBIN. I thank the Senator from Alaska. He has certainly been here a lot longer than I have. He understands the rules of the Senate far better than I do, and under the regular order of the Senate, we allow debate to protect the rights of the minority. I think the Senator is well aware of that fact. It is really what makes the Senate unique. And the fact that now the Senator from Alaska wants to raise this issue on the budget resolution is because he wants to in some way go around the regular order of the Senate and to win with 51 votes an issue which may require 60 votes if it was debated in the regular order. I think the Senator would concede the fact that what he is doing is extraordinary, that he is asking for this Arctic National Wildlife Refuge—

Mr. STEVENS. Will the Senator yield there?

Mr. DURBIN. Not at this point because I think we have divided time for debate.

Mr. STEVENS. I am happy to charge it against my time.

Mr. DURBIN. The Senator will have ample opportunity to use his own time. I will not yield at this time. I would like to not be interrupted for a few minutes, and then we can have a conversation.

Mr. STEVENS. Will the Senator state his party never tried to put an item in the budget resolution—

Mr. DURBIN. Is the Senator asking a question? If not, I do not yield the floor.

Mr. STEVENS. I am asking the Senator a question.

The PRESIDING OFFICER. The Senator from Illinois has the floor, and he may yield for a question if he so desires.

Mr. DURBIN. I will yield for a question, a brief question, but I have a certain amount of time to use here and I would like to use it.

Mr. STEVENS. Is the Senator saying his party has never used the same procedure to put in a budget resolution an item so it would avoid a filibuster?

Mr. DURBIN. In my response to the question, I am not saying in the history of the Senate this never occurred. But I will say to the Senator from Alaska, he knows as well as anyone who has been in this Chamber for a period of time that this is not the usual order of Senate. This is an extraordinary procedural move being made by the Senator from Alaska because he has had a difficulty passing this important bill that he would like to see passed. I think that is a fact of life.

What I would like to address for a moment, though, is the merit of the issue. Think about it for a minute. When we ask the Bush administration, What is your energy policy for America, they tell us the centerpiece for their energy policy for America is drilling for oil and gas in the Arctic National Wildlife Refuge.

Surely you must believe, if you think that is truly the centerpiece, there must be an extraordinary trove of oil and gas there that will sustain America for a lengthy period of time.

Let's look at the facts. The facts tell us quite the opposite. In fact, what we now find is when we look at the oil production that we can anticipate from the coastal plain that is being debated here, it would peak at 0.26 billion barrels a year in the year 2027, when the U.S. Energy Information Administration estimates that Americans will consume about 10.2 billion barrels of oil annually. The Arctic Refuge oil would provide about 2.5 percent of America's annual need in that 1 year—2.5 percent; and that is the peak year for oil production, according to the U.S. Energy Information Administration.

If we are talking about a source of oil which in its best and peak year is producing 2.5 percent of our oil needs in America, how in the world can this be the centerpiece of our energy policy for America? Frankly, it is not and should not be. It has become a separate issue.

For those from the State of Alaska, the two Senators here who are passionately committed to this, I can understand the nature of their commitment. Oil and gas exploration in Alaska has been very profitable, not only for the companies involved but for many people in Alaska. But for those of us who are trying to look at a balanced energy picture, there are some serious questions here as to why we would decide to go forward in a wildlife refuge established almost 50 years ago and say we have reached such a desperate point in America when it comes to energy that we have no choice but to drill in the Arctic National Wildlife Refuge.

For years I have come to the floor questioning this decision by the Bush administration. I have been told from time to time by those on the other side that I don't know what I am talking about because I have never been there; I have never seen the Arctic National Wildlife Refuge.

After having been told that for a number of years, I decided to do something about it. I went there. I went there 2 years ago and camped out 2 nights in the refuge with my son and some friends, to take a look at what the refuge was. We went there in August. It was an amazing experience, one of the most beautiful pieces of real estate on this Earth. Although there are some who come and disparage it and say it doesn't offer that much, I think it is extraordinary. I think President Eisenhower was right in setting it aside as a wildlife refuge.

When you take a look at the area where oil exploration and drilling have been allowed, you can see as you fly over the dramatic difference. The landscape is scarred with roads and activities in those areas not protected as a wildlife refuge. On the side of the river where the wildlife refuge exists, it is quite different. It is as God made it and it still stands today. It is significantly different.

The administration and its supporters for drilling in the Arctic Refuge have claimed the drilling can be done in an environmentally sound manner. I recently heard one of the Secretaries say we would use ice roads which would disappear when the spring thaw came around; you would never even know they had been used. They noted that the United States has the highest environmental standards and the most advanced technology in the world.

That may be true. But toxic spills and air pollution from permanent year-round operations are currently wreaking havoc on many areas of Alaska's fragile North Slope. Once part of the largest intact wilderness area in the United States, Alaska's North Slope now hosts one of the world's largest industrial complexes, spanning a thousand square miles of once pristine arctic tundra.

Prudhoe Bay and 26 other oil fields include the following: 28 oil production plants, gas processing facilities, and seawater treatment and powerplants; 38 gravel mines; 223 production and exploratory gravel drill pads; 500 miles of road; 1,800 miles of pipeline; 4,800 exploration and production wells. All of this activity is taking place in an exceptionally fragile region.

Any physical disturbance—bulldozer tracks, seismic oil exploration, spills of oil and other toxic substances—can scar the land for decades. The National Academy of Sciences concluded it is likely that the most disturbed habitat will never be restored and the damage to more than 9,000 acres by oilfield roads and gravel pads is likely to remain for centuries.

At risk in the Arctic National Wildlife Refuge is the home for nearly 200 wildlife species including polar bears, musk oxen, and caribou. While I was there camping in the ANWR we saw one of these musk oxen. It was an amazing sight. During the summer, nearly 135 bird species, including millions of tundra swans, snowy owls, eider ducks and shore birds, are among those that rely on the area for sustenance before migrating south for the winter.

No matter how careful oil companies are, oil exploration and production are not environmentally sensitive practices.

Exploration and production would not be confined to a limited area; it would range across many separate fields, affecting wildlife habitat on hundreds of thousands acres interspersed between sprawling oil facilities and pipelines.

Habitat would be further disrupted by industrial activity associated with airports, permanent production and support facilities, housing, and the gravel roads needed to connect drilling sites.

All this industrial activity would fragment the coastal plain, disrupting critical birthing, denning and breeding areas.

Each year, the oil industry spills ten of thousands of gallons of crude oil and other hazardous materials on the North Slope.

From 1996 to 2004, there were some 4,530 spills of more than 1.9 million gallons of diesel fuel, oil, acid, biocide, ethylene glycol, drilling fluid and other materials.

In the Arctic, the environmental damage from oil spills is more severe and lasts longer than in more temperate climates. Diesel fuel, for instance—the most frequently spilled substance on the North Slope—is acutely toxic to plants. Even after decades have passed, tundra vegetation has been unable to recover from diesel spills.

Then there is the issue of air pollution. Each year, oil operations on Alaska's North Slope emit more than 70,000 tons of nitrogen oxides, which contribute to smog and acid rain. North Slope oil facilities also release greenhouse gases emitting anywhere from 7 to 40 million metric tons of carbon dioxide and 24,000 to 114,000 metric tons of methane. Plumes of pollution from Prudhoe Bay have been detected in Barrow, Alaska, nearly 200 miles away.

The City of Nuiqsut Council in 2001 noted, "the impact of oil and gas development on our village has been far reaching. This has affected our day-to-day lives in several ways. Our ability to hunt and gather traditional food has been severely impacted by development."

Increased cases of asthma have also developed in villages subject to the air pollution posed by development.

Hazardous waste contaminates water and wetlands despite advances in waste disposal methods where drilling wastes are ground up and re-injected.

In 2000 British Petroleum was ordered to pay $22 million in civil and criminal fines and establish a new environmental management program because its contractors had illegally disposed of hazardous wastes containing benzene and other toxic chemicals. These crimes only came to light because a whistle-blower reported them to the EPA.

If the United States were in a situation, a desperate situation where our economy was teetering near collapse, where we worried if businesses and jobs would continue because of energy shortages, where there was a serious question about the national security of America, I suppose the case could be made that even drilling in a wildlife refuge, even drilling in part of this world that we promised would never be touched, is warranted. That is not the case when it comes to the Arctic National Wildlife Refuge. The amount of oil and energy that could be gleaned from this area is minuscule in terms of America's security demands.

The damage that could be done to this area would be permanent. It would change it forever.

You have to ask yourself, if we have not reached such a desperate moment in our history where we have to go to a wildlife refuge and drill for oil, why are we doing it?

Some argue that many oil companies with their leases would make money. Some argue it would be good for the economy in some parts of Alaska. But I look at it from a different perspective, perhaps from a national perspective.

It is interesting to me that this energy bill which makes the Arctic National Wildlife Refuge the centerpiece of the administration's energy policy—a region which at its peak year could only produce 2.5 percent of the oil we needed—is the same Energy bill that refuses to even consider fuel efficiency and fuel economy of the cars and trucks that we drive in America. If we are worried about our dependence on foreign fuel—and we should be—aren't we doing the obvious? Why are we not saying that we are going to create incentives and standards so that we produce trucks and cars for America which will be more fuel-efficient vehicles? We have done this before.

In 1975, we faced an energy crisis. Congress ignored the big three automakers, and many who opposed them, and said we are going to pass a standard to double the fuel efficiency of vehicles on the road in America. We went from 14 miles a gallon average fuel efficiency over 10 years to almost 28 miles a gallon. Some said it couldn't be done technologically. Some said we had no right to do it legally. We did it. More fuel-efficient vehicles were on the road, with less dependence on foreign oil.

What has happened since 1985 when those new standards were implemented? Exactly nothing. We have failed to rise to the challenge of fuel efficiency and fuel economy on cars and trucks in America. In fact, we created a gaping loophole for trucks saying they wouldn't be bound by the same fleet fuel average, and SUVs drove right into that loophole. Now there are SUVs all over the highway, with limited gas mileage burning fuel, adding to the air pollution, increasing our dependence on foreign oil. If we improved slightly the efficiency of cars and trucks, fuel efficiency over the next few years, this debate would be totally unnecessary. We wouldn't have to be talking about drilling in a wildlife refuge. We wouldn't have to be talking about drilling offshore in California or Florida or other States. We would be doing the right thing for our environment and reducing our dependence on foreign oil.

But this administration will not even entertain the possibility of asking them to drive more fuel-efficient vehicles. "Let the marketplace work its will," is what we hear over and over again. We have seen ample demonstration of the marketplace at work as we find larger, heavier vehicles on the road consuming more fuel and getting fewer miles per gallon. That is the trend for our future.

In our desperation, we import more oil to feed gas-guzzling vehicles, and we turn our back on the obvious needs to conserve energy—not just in the vehicles we drive but in our everyday lives and in our business concerns as well.

I come to this debate wondering if we have reached such a desperate point that we have to drill in a wildlife refuge set aside for my children, my grandchildren, and generations beyond. Have we reached the point when it comes to America's energy security where we have no choice but to go into these areas that are so important and so pristine and engage in drilling and production techniques that will leave scars on the landscape forever?

From my point of view, we have not. There is a lot more that we can do—simple, honest approaches to this problem which will meet our Nation's energy needs without sacrificing some of the valuable resources and treasures such as the Arctic National Wildlife Refuge.

I don't know how this vote will come out on this issue. It is likely to be very close. But having been there and seen what the Arctic National Wildlife Refuge represents, this Senator is going to oppose this effort to drill in ANWR.

I think we should show real leadership, leadership that calls for conservation, renewable fuels, and better fuel efficiency. And with that fuel efficiency there will be no need to compromise the integrity of such important areas in America as the Arctic National Wildlife Refuge.

I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Utah.

Mr. BENNETT. Madam President, I have listened with interest to my friend from Illinois. I am sure he enjoyed his camping experience in the wildlife refuge. I wish he had been with us about a week ago when we were in the wildlife refuge and up on the North Slope when the oil activity was going on. He should remember that oil activity in the area does not go on in the summertime. It goes on in the wintertime when there is enough ice that you can drive on ice roads, and we did. You can drive to a drilling pad that is made of ice, and we did; and know that when spring comes and the thaw sets in, both the roads and the drilling pads will disappear. All that will be left from the exploratory well is a single marker showing where the well was.

The one thing I learned that I had not known before I went up there and started talking to the people who were paying attention to that area was where the areas are and the labels that have been drawn.

The Alaska National Petroleum Reserve—that is an area we do not hear discussed in this debate. But it is there, and we visited that. The National Petroleum Reserve and the Arctic National Wildlife Refuge we visited as well.

These are very evocative words: the Petroleum Reserve calls up images of great wells of petroleum being held in reserve just waiting to be tapped. The wildlife refuge calls up images of something being protected, that wildlife goes there as a haven to get away from predators, or the devastation of human activity, and so on. What I learned in the trip is that the National Petroleum Reserve was drawn on a map by President Warren Harding in 1923 at the recommendation of the Navy who said: There is probably some petroleum up here. There was no scientific examination of the kind we use today.

By today's standard, the idea that there was petroleum there was very primitive. But the President of the United States, in 1923, drew a line on a map and created by decree the National Petroleum Reserve.

President Eisenhower, in 1960, drew another line on a map creating the Arctic National Wildlife Refuge. It was expanded by subsequent Presidents, first President Johnson and then President Carter.

The interesting thing to me was to discover that there is more wildlife in the petroleum reserve than there is in the wildlife refuge, and there is more petroleum in the wildlife refuge than there is in the petroleum reserve. When the Presidents drew those lines, they didn't have the advantage of today's information.

The other thing that my friend from Illinois did not mention is that when President Eisenhower drew those lines he also drew a line around an area within the creation of the Arctic National Wildlife Range—refuge now—saying this portion of it is set aside for exploration and production of oil and gas.

For those who are saying let us not despoil this magnificent area, let me remind them that this magnificent area was created by a Presidential declaration and that same declaration said in this portion of the area we are going to have oil and gas exploration and production. It was set aside right from the beginning.

I am sure the senior Senator from Alaska will explain the promises that were made to the people of Alaska for oil and gas production in that area at the time that designation was set aside, promises that have not been fulfilled for over a quarter of a century.

The interesting thing for me to discover with respect to these evocative words and how they don't really describe what happens on the ground was the discussion of the caribou herd. We have had an awful lot of rhetoric about the caribou and how the caribou in ANWR must be protected. The caribou are unaware of the boundaries drawn by the President. The caribou go where they want to go in the area and the area includes the petroleum reserve, State land, ANWR, and Canada. The caribou go across all of those jurisdictions without paying attention to the names that are given to the land they are wandering over.

It was interesting to talk to some of the people in Barrow, which is the northern-most city in the United States. They pointed out that when Prudhoe Bay was opened for exploration and the pipeline was built there was great concern about the caribou being unable to cross the pipeline. Overpasses were built over the pipeline to allow the caribou free access to the other side because they said it will upset the caribou's migrating habits, it will upset their mating season, it will upset the calving season if they cannot move freely across. Ultimately, the compromise was that we will build the overpasses for the caribou.

As this native of Barrow who has lived there all of his life said to us, the caribou didn't understand that. The caribou don't use the overpasses. The caribou, when they get to the pipeline, scrunch down and go under the pipeline and go on with their migration without paying attention whatever to the oil pipeline.

I was in the Nixon administration when the debate about building the oil pipeline went on. It was just as bitter as the debate today. We were told the caribou population would be decimated by this. Go up there 30 years later and the caribou herds are bigger now than they were when the pipeline was built, and by a fairly substantial margin.

I talked to some of the natives who watch the caribou. They said the thing that bothers the caribou the most are the mosquitos. They are terrible in the summer. We find caribou coming on to the gravel oil pads because if they stand under the oil platform on the gravel, there are fewer mosquitos.

The caribou like to come around. The caribou are disturbed by human activity there. The mayor of Barrow said to us, look outside the town and you find plenty of caribou. The only time caribou get upset by humans and their activity is when the humans get on snowmobiles and chase into the caribou herd with rifles and start shooting them. The caribou don't like that.

But that is the pattern of some of the people who said to us, do not disrupt our subsistence living culture. There was one Gwich'in Indian almost in tears as he pled with us, do not disrupt our subsistence living culture that has gone back 1,000 years. We live on the caribou and the whale. We don't need the oil. We live on the caribou and the whale. I thought, if you really want the subsistence living culture, it goes back 1,000 years, we can give it to you by cutting down the shipment of diesel fuel that goes to your village, that provides you with heat and power during the wintertime.

I was more moved by the prayer of the preacher who came to talk at our meeting who said he thanked God for the caribou and he thanked God for the oil. He said, God gave us the caribou and God gave us the oil. And they were meeting in a heated room where they could gather for the town meeting that we held there under the direction of Senator DOMENICI, and then for the church service that was held there.

I asked a question, how is this heated? Where do they get the power for this? They said, once a year a barge comes through and deposits a year's supply of diesel fuel. They had a power shortage in that village. Everything shut down. Helicopters, rescue teams, everything was set up to try to get to them to restore the power so they weren't sitting in their homes freezing anymore. And it was diesel fuel.

My friend from Illinois talks about the diesel spills. I think there are probably more diesel spills connected with the shipping of the fuel up there to take care of the native villages than there are on the oil pads and the activities of the oil industry because I saw the lengths to which the oil industry goes to try to prevent any kind of spills. I saw trucks driving around with diapers on. That is not literally true, but it is figuratively true. They had plastic pads under them in case there was any leakage out of the truck, then it did not get on to the ice and slip into the tundra. When you are unloading diesel fuel, a whole year's supply, in the village you will have spills.

I didn't respond to this particular Indian, tell me about your subsistence living culture, because I didn't want to embarrass him, but I knew that his subsistence living culture meant getting on a snowmobile and going after the caribou with the rifles. I thought, the caribou would much rather have oil engineers giving them some shelter from the mosquitos rather than this kind of human intervention into their lives.

A lot has been said about the puny amount of oil this would be. A lot has been said, economically, we don't need it. All the rest of it. I came back recognizing how important this is to the people of the State of Alaska, how important this is to their economy and to their future. It won't affect the caribou. It won't affect the wildlife. There are millions of acres they go over without respect to any of this activity. But if we did not proceed with this, it will significantly affect the people of Alaska. As a Senator from Utah I don't want to deprive them of that which is their natural heritage as described by that preacher when he said God gave us this oil.

It will be extracted in an environmentally friendly fashion. I think it is time we went ahead and did it.

I yield the floor.

Mr. STEVENS. Does the Senator from Colorado wish to speak? I guess we are going to go back and forth.

Mr. SALAZAR. I say to the Senator from Alaska, I would like to speak. I yield 5 minutes of my time to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I very much appreciate that of the Senator from Colorado and also I beg the indulgence of my colleagues; I am going to speak on another subject for about 5 minutes. It is not the subject at hand. I ask consent my remarks appear apart from the debate on ANWR.

Mr. STEVENS. Parliamentary inquiry: will that time be charged against the 2 hours of the Senator's time?

The PRESIDING OFFICER. The time will be charged against the 2 hours of debate time on the Democrat side.

Without objection, it is so ordered.

Mr. BAUCUS. Madam President, I rise to oppose the reconciliation instruction in this budget resolution directing the Finance Committee to cut Medicaid by $15 billion over 5 years. These cuts will tear the fabric of our Nation's safety net at a time when Medicaid is needed more than ever. I plan to cosponsor an amendment to strike these instructions and instead establish a bipartisan Medicaid Commission.

Medicaid is just too important to be subject to arbitrary budget cuts. It is a critical public program that provides a lifeline of health coverage and long-term care services to more than 53 million of our Nation's most vulnerable individuals.

For example, Medicaid ensures access to health coverage for more than one in four children. Just think of that: one in four. It is the Nation's largest single purchaser of long-term care services and fills the gaps in Medicare's coverage for more than 6 million low-income senior and disabled individuals.

It is an essential provider of health care services for women, the leading purchaser of family planning services, and it pays for more than 40 percent of all births in America. Medicaid pays for more than 40 percent of all births in America.

Medicaid funding is a major source of support that keeps the doors open at thousands of community health centers, public hospitals, nursing homes, and other facilities.

While Medicaid is a critical component of our health care system, it is certainly not perfect. For that reason, I am open to talking about changes in Medicaid. I am open to talking about better accountability, the need for more State flexibility. And I am willing to consider any other area where improvements or clarification to existing Medicaid law is needed.

But we should not cut Medicaid for the sake of meeting an arbitrary budget number. That is clear. And we should not be cutting Medicaid under the guise of "program integrity" without a better understanding of what the States are doing—and what that really means—without knowing whether the activities singled out in the President's budget are truly abusive—we need to know that, too—and without knowing what impact these cuts will have on the people who depend on Medicaid—we don't know that either. So to enact these arbitrary cuts without knowing and having some semblance of the answers to those questions is just plain reckless.

Yes, Medicaid costs are growing. Recent cost growth at the State and Federal level is cause for concern. But most of this cost growth is due to an increase in enrollment and the same health care cost inflation that affects every insurance plan.

From 2001 to 2003—this is pretty important—during the last recession, Medicaid added 7.5 million people to the rolls. It was during the recession, because of the recession. Most of these people were insured but lost coverage because their employer dropped coverage or they could not afford the premiums. These 7.5 million would likely be uninsured if it were not for Medicaid. This growth in enrollment shows that Medicaid is doing its job, growing to meet the need when times are tough.

That is the whole point of Medicaid. And times were tough. We were in a recession. Employers laid people off. People needed health care, so they had to go to Medicaid.

Even though Medicaid costs are increasing, just as in Medicare and the private sector, it is important to keep in mind that Medicaid growth is lower on a per person basis. A recent study showed that Medicaid cost growth is 6.1 percent per person, compared to a 12.6-percent cost growth for private coverage. The growth in the cost of health care in Medicaid is half the growth per person under the private insurance plans which most Americans are offered today. So Medicaid is not a wasteful program.

We also pay more for Medicaid because of the critical role it plays in filling Medicare's benefit gaps for seniors and people with disabilities.

More than 40 percent of all Medicaid spending goes to pay for long-term care, for prescription drugs, other coverage and cost-sharing for low-income individuals who are eligible for both Medicaid and Medicare. That is 40 percent of Medicare's costs, even though dual eligibles make up only about 14 percent of all Medicaid enrollees.

In essence, Medicaid picks up the tab for what Medicare should be covering. The new Medicare drug benefit should provide some new assistance with costs for the dual-eligibles. However, States will still be responsible for a substantial share of total spending in the form of so-called clawback payments.

Medicaid deserves its own policy debate, just like we had with Medicare. And whatever policy we support must address the root causes of the challenges facing Medicaid: the growth in enrollment; rising health care costs; and the increasing cost of providing long term care and other services to dual eligible beneficiaries.

We need the right diagnosis before we can get the prescription right. That is why I support creating a bipartisan

Medicaid commission to advise Congress on how to sustain Medicaid well into the future.

By contrast, the budget resolution we are now debating would constrain us to finding savings that meet a target number—even if that means cutting services and benefits, shifting costs to states, or dramatically restructuring the program.

The budget resolution frames these cuts as the amount that is misspent on so-called waste and abuse in the system. Without a doubt, everyone wants to make Medicaid more efficient. And everyone agrees that we need to root out fraud and abuse in Medicaid. In fact, Congress has acted to root out fraud and abuse in Medicaid every time we have discovered it. Like with upper payment limits, disproportionate share hospital payments, and provider taxes.

And we stand ready to correct any misappropriation of federal funds.

But in the case of the administration's proposals, it is not entirely clear that there is evidence of abuse—or that the policy they have proposed will address the issue. For example, in the case of the President's proposal to limit intergovernmental transfers—IGTs—the Congressional Budget Office failed to score any savings. CBO lacked sufficient detail on the policy.

In fact, Senator GRASSLEY and I have been asking the Administration for specific information—for over a year now—about which states are currently out of compliance with the IGT rules, and how their policy on IGT enforcement may have changed. But they have not provided the information that we have requested.

I caution my colleagues in the Senate against buying the administration's pig in a poke on this issue.

So let's be clear on what the President's proposal would do. It would change the rules of the game on how states can finance their Medicaid programs, pure and simple.

And the bottom-line impact on States could be devastating. In Montana, proposed cuts in the budget resolution would result in a net loss of more than $133 million Federal dollars from state's Medicaid program. In human terms, this funding cut could mean a loss of coverage for 2,800 seniors or more than 12,000 children.

Lost Federal funds could also mean State revenues and jobs created by Medicaid spending.

For every $1 million Montana spends on Medicaid, more than $4.7 million in new business activity is generated and just over 57 new jobs are created. Montana can ill afford to lose this business revenue and economic development.

Beyond the statistics and economic impact statements, there are real people who will be hurt if we cut Medicaid.

Last month I heard from Kaaren Rizor, director of the Ashland Community Health Center in Ashland, MT, who told a powerful story about how Medicaid has helped her community and what cuts might mean for her center's ability to serve those in need. She wrote:

> I can't imagine what our population in Ashland, Montana would do without Medicaid. Talk about impacting underfunded Community Health Centers! [Medicaid cuts would] mean accepting more patients for sliding fee scale discounts with no means of recouping the cost of their care.
>
> The concept of more Community Health Centers is noble and good, but we aren't magicians. We can't pull money out of a hat to survive.
>
> Our clinic has tripled to quadrupled the number of annual patient encounters. Along with that, we see more and more families living at 100 percent of poverty. Without Medicaid, we carry a tremendous burden to see all who come to us, without the funds to provide quality care.

Let me reiterate that I am open to working on improvements to Medicaid. But we should not throw the proverbial baby out with the bath water. This program is too important to too many people. And program cuts or funding caps will have a real impact on real people.

Finally, I would note that the House budget includes reconciled cuts in these programs that are much deeper than those in the Senate. We cannot act as though all such savings can somehow be achieved by wishing away fraud, waste, and abuse. I am deeply concerned about conference deliberations on this matter.

The amendment to strike this reconciliation instruction and instead establish a bipartisan Medicaid commission enjoys widespread support from many Governors, health care providers, and more than 131 national organizations dedicated to helping the Nation's Medicaid beneficiaries, among countless others. I applaud the leadership of Senators SMITH, BINGAMAN, and COLEMAN in proposing this amendment. I urge my colleagues to join me and Senators SMITH, BINGAMAN, and COLEMAN in supporting this important amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BAUCUS. Madam President, I very much appreciate the indulgence of my good friends from Colorado and Alaska and others who have let me make this statement which is not on the subject at hand. I thank them all and yield the floor, and I particularly thank my friend from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Madam President, I yield myself 20 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. SALAZAR. Madam President, I rise today, first of all, to acknowledge the work of the chairman of the Budget Committee, Chairman GREGG, as well as Ranking Member CONRAD, and the work of their staff in putting together this very complicated budget that we are debating on the Senate floor this evening and throughout the week. I know how hard they are working because last night, even at 10 and 11 o'clock, we were getting e-mails from the work they are performing. So I thank them for their hard work on this most important of matters for the U.S. Senate.

Secondly, I also want to say, with respect to the budget resolution in general, I come from a place in the West which is very far removed from Washington, DC. As I was growing up on this farm and ranch in the San Luis Valley, south of Denver by nearly 300 miles, my father and mother taught me a lot about the most important values of America. One of those most important values was the value of honesty and the value of candor.

I grew up in the West where a handshake across a fence line meant that your word was going to be true. And it meant that you would not mislead anyone in terms of the direction you were taking with respect to anything that was important to you or your family, your country, or your God.

Yet when I look at what has happened here with the President's budget, the fact of the matter is that the American public is, in fact, being misled. We are being misled because we have been presented a budget that continues the fiscal recklessness that I believe future generations of Americans simply cannot afford.

It would be my fervent hope that as this Senate moves forward dealing with this budget, and the pay-go amendments that will be offered here tomorrow, we can, in fact, put this Government back on the kind of budget of conservatism that will truly bring us back to a place where we can, in fact, pay our debts.

I want to take a minute and speak about the Social Security issue because that is a major issue that we have been debating in Washington for some time and which the President has been taking around the country, to talk about the importance of Social Security changes.

Mr. DOMENICI. Will the Senator yield for a question?

It will just take 1 second.

Mr. SALAZAR. Yes, I say to the great Senator from New Mexico.

Mr. DOMENICI. Madam President, do we understand the distinguished Senator is speaking on the Democrats' time on ANWR?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. The Senator is speaking on the budget, but, I say to the Senator, you are using time that is allotted for ANWR. Does the Senator understand that?

Mr. SALAZAR. I do.

Mr. DOMENICI. I thank the Senator.

Mr. SALAZAR. I thank the Senator.

Let me make several quick points of what is happening, in my view, with respect to Social Security. I do so because the President of the United States will actually be, I hear, in my State next week to talk about the importance of the issue of Social Security. I think it is important that as the President talks to the people of America, he talk to the people of America, not simply to groups that are controlled with making sure that only people who have his point of view are heard on the issue of Social Security.

In that regard, it is important for the people of America to know the facts; that is, that Social Security has, in fact, worked, that we have gone from a time and place in our Nation where we had millions of people in poverty—50 percent of older Americans who were in poverty—to a point now where less than 10 percent of older Americans are in poverty. That is an important fact that I think the President needs to tell people.

Secondly, he also needs to make sure that he is candid with the American people, and that when we talk about the issue of solvency for Social Security, that we are solvent in Social Security. In fact, not my office, not a Republican office, not a Democratic office, but the Office of the Congressional Budget Office says that we are solvent until the year 2052.

So we do not have the kind of emergency crisis on our hands that has been exaggerated by this President to the American people. The American people need to have realism with respect to what is happening with respect to Social Security.

And third, my belief is that the President's proposal on Social Security will continue to add to the kind of red ink that we already have in this Government, which is absolutely unwarranted. We need to recognize that a very significant amount of the current Federal deficit is being masked by the huge amount of money that is currently being borrowed from the Social Security surplus.

Over $160 billion a year is borrowed from the Social Security surplus to mask the size of the deficit. The President's proposal shows that we have a deficit of $332 billion. But when you take out the omitted costs for the war on terror in Iraq and Afghanistan, and the homeland security efforts, and when you take out the amount that is being borrowed from the Social Security surplus, the fact is our current deficit for this fiscal year alone is $579 billion.

When you continue on down the road, in the next fiscal year it goes up to $584 billion, and so on, to $594 billion. So that is a huge red sea of ink that is being created for the United States of America that I do not believe we should pass on to our children or grandchildren.

When you look at what the Social Security transition costs will be, it would even deepen the deficit further, to the point where we would have a $621 billion deficit in the outyears. Now, I don't know about you, but at least when I look at what conservative values are, one of the things about those values is having fiscal integrity and making sure that we are paying our debt. We are not doing that today. We don't have a long-term plan with which to deal with the deficit.

I believe it is the obligation of our National Government to make sure that we deal with the American people with candor and the kind of honesty that they deserve.

Madam President, I rise to speak about my support for protecting the Arctic National Wildlife Refuge from oil exploration and development, and also to oppose any measure included in this year's budget reconciliation bill to open this land.

At the outset, let me say I have always believed in balance between the development of our natural resources and at the same time the protection of our lands. I had the honor of serving as the Executive Director of the Department of Natural Resources in my State for 4 years, and I worked closely with industry in the development of our oil and gas resources throughout the State of Colorado. I worked closely with the proponents of oil and shale development to see where that resource could be taken in the future. As we move forward in dealing with the issue of energy, which is important to our country, I strongly believe we need to achieve that same kind of balance we tried to achieve during the time I was Director of the Department of Natural Resources.

Let me say that no matter what happens with ANWR—and I am going to be opposed to the opening of the Arctic Refuge—no matter what happens with respect to this issue, which will be debated tonight, tomorrow, and it will be decided on the floor, it is incumbent upon all of us to make sure what we are doing is working in a bipartisan manner to create the kind of Energy bill that will help us get rid of our overdependence on foreign oil and will help us push forward with a new ethic and era of renewable resources and conservation.

Beyond this debate, I want to work closely with leaders on both sides of the aisle, with Senator BINGAMAN and Chairman DOMENICI, to make sure that what we deliver to the President for signature is an energy bill that has the support of the American people and the support of at least most of the people in this body.

Let me spend a few minutes talking about the Arctic Refuge. First, the Arctic Refuge itself, when we think about the amount of land that would actually be affected, we have heard the figure that it would only be 2,000 acres. That is the footprint out of this 1.9 million acres, in area 1002; 2,000 acres would be involved in oil and gas exploration and drilling activities. The National Academy of Sciences, and others who have looked at this, believe the amount of land that would be affected is much greater than those 2,000 acres because you have to put in pipelines and other facilities that ultimately would end up having a greater effect than just the 2,000 acres that have been talked about.

Secondly, there are the risks with respect to the transportation of hazardous materials. The Department of Environmental Conservation for Alaska last year alone said the current activity on the North Slope creates over 500 spills a year. So we will see spills and other toxic substances if this area is opened for exploration and drilling.

Third, we need to all be very candid with respect to the oil we would get from area 1002. According to the DOE's own energy administration report dated March 2004, they predicted there would be about 300,000 barrels a day that would be produced by 2015. Their projection showed that would be about 1 percent of world oil production in that year. When you look at the fact that that is only 1 percent of the world's oil production, it means the current energy dependence that we have on oil and gas that we import from other countries would only be very marginally affected, by 1 percent. It is predicted that instead of importing 63 percent of our oil, we would be importing only 62 percent of our oil.

So for a 1-percent solution, we are saying to the people of America that we are opening up the Arctic Refuge for exploration and development. My concern is not only with the opening of the refuge, but also what it would do with respect to other areas of special importance, including the over 500 refuges that we have all around our country, including the National Wildlife Refuges that we have in our States.

Even the major oil companies, many of whom I have met, and many of whom I have worked with—I have friends who work there—they have expressed their own concern about drilling in the Arctic Refuge. In a recent New York Times article, dated February 21, the ExxonMobil CEO was quoted as saying during a previous interview:

> I don't know if there is anything in ANWR or not.

There are other leading industry leaders who say they do not believe that we ought to be opening the Arctic Refuge for exploration or drilling, in the same kinds of words my colleagues believe we should move forward. Let me say I do not believe we should take what is such a precious and unique natural resource and open it for exploration and drilling, when we know that at the end of the day we are dealing with only 1 percent of the oil and gas that is needed in this country.

Let me conclude by saying I believe we need a new energy vision that frees America of our dependence on fossil fuels. We need to provide adequate resources for research and development and alternative sources. We need affordable, cleaner, and safer energy, and a policy that protects special places in wilderness. We need the opening of areas that do have oil and gas in them, but from my point of view that does not include the Arctic Refuge.

I believe opening the Arctic would also reinforce the view that we as a nation lack a commitment to humbling ourselves to the natural wonders God has bestowed upon this Earth. We are, at the end of the day, merely stewards of those gifts.

I want to make two quick points here. The budget projections that have been used in this budget reconciliation measure are, from my point of view, fantasy. I think to base our Nation's revenue projections on the opening of the refuge is not candid and not fiscally responsible. The Department of the Interior's 2006 budget assumes that the Federal Government will realize $2.4 billion from the first lease sale in 2007—$2.4 billion from the first lease sale in 2007. For the Federal Government to realize $2.4 billion, the leases would have to sell for between $4,000 and $6,000 an acre. That is not going to happen. This is not the fiscally responsible way that we should be moving forward as we develop the budget for the following year.

Let me conclude by reading this letter written by President Jimmy Carter concerning the Arctic wildlife area:

> DEAR SENATOR SALAZAR:
>
> This year marks the 25th anniversary of my signing the Alaska National Interest Land Conservation Act into law. I am proud to have been a part of crafting this landmark legislation, which is widely recognized as the most extensive land and wildlife conservation action in American history. Now it seems possible that some in Congress may try to subvert parts of ANILCA by inserting a provision in the fiscal year 2006 budget resolution that is designed to circumvent normal legislative procedures and allow for oil drilling and exploration in the coastal plain 1002 area of the Arctic National Wildlife Refuge. I have been fortunate enough to visit the coastal plain of the Arctic refuge as tens of thousands of caribou passed around me in their timeless migration into their vital calving and nursery grounds—the very area targeted for oil development. I have watched a herd of Musk oxen circle their young to protect them. But that defensive behavior will not save them from industrial development. The same is true of the polar bear and the millions of migratory waterfowl that nest on this coastal tundra. This is their wilderness home.
>
> I urge Senators to vote for removing any provisions from the fiscal 2006 budget resolution that would turn over the Arctic refuge Coastal Plain to oil development. Keeping the Arctic refuge wild and free of development is part of fulfilling our moral obligations, not only for the present but for future generations of Americans who will be grateful for our foresight and stewardship in protecting their interests. Sincerely, Jimmy Carter.

How much time do I have, Madam President?

The PRESIDING OFFICER. There is 19½ minutes remaining on the Democratic side.

Mr. SALAZAR. I will take 30 seconds.

At the end of the day, I believe there is a very balanced approach to how we develop our resources. I am a person who has supported development of our oil and gas resources. I do not believe the Arctic Refuge is a place we should go to for development. I say that with all due respect to my colleagues from Alaska and my colleague from New Mexico and my other colleagues on the other side of this particular issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, I am sorry I did not have a chance to visit with the Senator from Colorado sooner, but I would like to disabuse him of two things. The 1002 area is not wilderness, and 1002 is not within the wildlife refuge. That section specifically excludes it from the wildlife refuge until the period of oil and gas exploration is over.

There is no question we have a difference of opinion, but I do hope we will stick to the facts. As a matter of fact, the Senator just read President Carter's letter. I am writing a response to President Carter because I also received that letter. I stood in the White House with him as he signed the bill in 1980. He did not want that bill to come to him before the election. He asked Congressman Mo Udall to hold it up until after the election because he believed he could not sign it if he was reelected. When he was not reelected, he did sign it, and he put into law the sections that pertain to this area and the overall refuge, but sections 1002 and 1003 specifically exclude this area from the refuge until the oil and gas exploration is over.

There has historically been support for utilizing Alaska's oil interests to serve our national security interests. Senators Mark Hatfield and Henry "Scoop" Jackson, who both represented northwestern States, agreed that the development of the North Slope was vitally important. They stated that the Alaska National Interest Lands Conservation Act and, in particular, the provision keeping the Coastal Plain of ANWR open for development was—this is their statement, and one of them was "Scoop" Jackson:

> It is crucial to the Nation's attempt to achieve energy independence. One-third of our known petroleum reserves are in Alaska, along with even greater potential. Actions such as preventing even exploration of the Arctic wildlife range is an ostrich-like approach that ill serves our Nation in this time of energy crisis.

That was the statement of two northwestern Senators, including Senator "Scoop" Jackson.

We are now at a critical juncture in terms of our energy dependence. The United States is at the mercy of the Middle East and others for our energy needs. As a matter of fact, today OPEC met in Iran to determine how much oil and at what price they would sell it to us.

Opening of ANWR would reduce U.S. dependence on foreign oil which we rely on for over half our oil needs today. This development alone would reduce U.S. dependence on foreign sources of oil by 4 percent, not 1 percent, and would be produced from only 2,000 acres. The 10.4 billion barrels of oil that is estimated to be in this area translates to 436 billion gallons, and that is enough oil to fill up every car in America 115 times. Let me repeat that.

People say there is not any oil. There is enough oil there to fill up every car in America 115 times.

At 867,000 barrels a day, it would create 36 million gallons of gasoline, jet fuel and diesel fuel, heating oil, medicines, plastics, surgical devices, and other products vital to our Nation.

There is no question there has been a lot said here that is misleading. I have in my hand something given to me before I came to the floor. It is from our colleague JOHN KERRY. It says:

> The Republicans are trying to sneak legislation through the Senate approving oil drilling and they are incredibly close to winning.

It goes on to say some things here that are absolutely not true, but it does pinpoint seven of our colleagues and asks for people to call them and put pressure on them now. It asks for an emergency donation right now. What for? We are going to vote tomorrow. I do not know why they need emergency donations.

Beyond that, it says:

> Of course, the Arctic Refuge supports more than wildlife. For a thousand generations, the Gwich'in people of Northwest Alaska and Northwest Canada have depended on it and lived in harmony with it. To them, the Arctic Coastal Plain is sacred ground.

They do not even live there. They live on the South Slope of the Brooks Range. The Gwich'in people have nothing to do with the Arctic. The only thing they have to do with it is they harvest some of the caribou that come up the Porcupine River and go up to the North Slope about every year. But several years of the last 10 years they have not come up at all because they are hunted so hard by the Gwich'in people in Canada that there is not enough left of them to travel. The misinformation here is staggering, really staggering.

Above all, I think we ought to get down to talking about what Eisenhower did. I was the solicitor of the Interior Department during the Eisenhower administration. I helped write the order that created the Arctic Wildlife Range in 1960. It was approved by President Eisenhower. It created an Arctic Wildlife Range open to oil and gas exploration and development specifically. When we had the great argument in the 1980s—really the late seventies, leading into 1980—about the Alaska National Interest Conservation Lands Act, the question was should that area, the 1.4 million acres in the Arctic, be left open to oil and gas development as it had been left open by President Eisenhower's administration.

I fought and fought, and we finally got the agreement with Senator Jackson and Senator Tsongas that, yes, that would be left open under two conditions. One, we had to have an environmental impact statement and, second, we had to have the approval of the President and the Congress of that impact statement. We have tried now for 24 years—24 years—to have the Congress approve that.

I heard the Senator from Colorado. I have had family connections with Colorado in the past, and I have great respect for his service in Colorado. It may interest him to know that I was the first person to testify in favor of the wilderness before the Senate on behalf of President Eisenhower. We value wilderness in our State, but this is not wilderness. It was never wilderness. It was specifically kept out of wilderness.

Let me put up a chart. I want to point this out to the Senator. This is the Eisenhower I knew and for whom I worked. It was his World War II poster.

> Talk to the oil workers of America: Your work is vital to victory . . . our ships . . . our planes . . . our tanks must have oil. Stick to your job—oil is ammunition.

That is why, in the 1970s, when we tried to get the Alaska oil pipeline built, there was never even a hint of filibuster. No one, not one Senator mentioned a filibuster.

Instead, we all knew it was a security aspect that we were dealing with. It was oil, oil that we needed. We had an embargo from, I think, November to March. We had no imports of oil.

That could happen again. Again, I point out where they are meeting. They are meeting today in Iran.

The letter President Carter wrote said:

> It seems possible some in Congress may be trying to subvert parts of ANILCA by inserting provisions in this budget resolution designed to circumvent normal legislative procedures.

The only reason we have been doing it is because it has been filibustered for 24 years—24 years. This is the first chance we have had, really, to keep it in this resolution. We did try it once before and when we did it before in the last Congress, no one accused us of sneaking. That is a sneaky thing to do.

I ask unanimous consent Senator KERRY's flier be printed in the RECORD after my remarks, so people can see the depth to which people are going to accuse us of somehow doing something wrong.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STEVENS. We are trying to carry out the provisions of the 1980 act that allowed us to explore and develop this 1.5 million acres.

It is a difficult thing for some of us to be accused of trying to subvert, to circumvent normal legislative procedures.

President Carter indicates that this is a wilderness. It is not a wilderness. I stood in the White House with him and he acknowledged it then, the Jackson-Tsongas amendment was in the bill he signed in 1980, after the election—after the election.

I don't know where you are, President Carter, but I wish you would tell the truth. Tell the truth to the American public. This is an area that was left open to exploration.

I have here a chart. I don't know how many people can see it. I hope the Senator can see it. It shows the wilderness area of the old range, all of it except that portion that was named wilderness. If you look at this chart, the new addition made by President Carter was not made wilderness. There are 18 million acres there; 1.5 million acres were left for oil and gas exploration and the balance of the 8.6 million acres is wilderness. We do not oppose that wilderness. That was wilderness that we accepted as a designation because of the fact the area that was in the oil and gas province was left open to exploration.

It is not wilderness. The problem is, the people who live on the North Slope—there was one young lady with me in the press conference who lives in Kaktovik. It is in the 1002 area, but it is not wilderness; it is coastal plain and specifically open to oil and gas exploration.

Madam President, how much time have I used?

The PRESIDING OFFICER. The Senator has used approximately 10 minutes.

Mr. STEVENS. Let me know when I use 3 more minutes, please.

I want to tell the Senator, one of the friends I had here in the Senate in days gone by was Senator Jim Buckley. Senator Jim Buckley left the Senate and became a judge. He is a judge in New York. He sent me this letter. You read a letter. Let me read you a letter from Judge Buckley, former Senator Buckley. He wrote this to me on January 24.

> Dear Ted, twenty-six years ago, after leaving the Senate——

And here it is for everybody to read.

> Twenty-six years ago, after leaving the Senate, I was a lead signatory in full-page ads opposing oil exploration in the Arctic National Wildlife Reserve that appeared in the New York Times and the Washington Post. I opposed it because, based on the information then available, I believed that it would threaten the survival of the Porcupine caribou herd and leave huge, long-lasting scars on fragile Arctic lands. Since then, caribou populations in the areas of Prudhoe Bay and the Alaskan pipeline have increased, which demonstrates that the Porcupine herd would not be threatened, and new regulations limiting activities to the winter months and mandating the use of ice roads and directional drilling have vastly reduced the impact of oil operations on the Arctic landscape.
>
> In light of the above, I have revised my views and now urge approval of oil development in the 1002 Study Area for the following reasons:
>
> 1. With proper management, I don't see that any significant damage to arctic wildlife would result, and none that wouldn't rapidly be repaired once operation ceased.
>
> 2. While I don't buy the oil companies' claim that only 2,000 acres would be affected, even if all of the 1.5 million-acre Study Area were to lose its pristine quality (it wouldn't), that would still leave 18.1 million acres of the ANWR untouched plus another five million acres in two adjoining Canadian wildlife refuges, or an area about equal to that of the States of Connecticut, Massachusetts, Vermont, and New Hampshire combined. In other words, it is simply preposterous to claim that oil development in the Study Area would "destroy" the critical values that ANWR is intended to serve.
>
> 3. In light of the above, it is economic and (to a much lesser degree) strategic masochism to deny ourselves access to what could prove our largest source of a vital resource.
>
> Having visited the Arctic on nine occasions over the past 13 years (including a recent camping trip on Alaska's North Slope), I don't think I can be accused of being insensitive to the charms of the Arctic qua Arctic. I just don't see the threat to values I cherish.

There is the man who signed the ads. He started the drive. He literally was the one who started the drive that everyone else now has joined, and that is the drive to prevent us from carrying out the intent of the 1980 Alaska Lands Act.

I will have a lot more to say about this tomorrow. But above all, I wish people would start telling the truth.

No. 1, it has never been wilderness. No. 2, it has been open to oil and gas development since the Eisenhower days and remains open. It only takes the approval of Congress to proceed with that. No. 3, the Gwich'ins don't live on the North Slope. The Gwich'ins are not residents of this area. And, No. 4, it has not been harming and would not harm the caribou. The caribou around the oil pipeline have increased from 3,000 to over 300,000 in the central Alaska herd.

We are not bad stewards of our lands. We have protected more wilderness than all the rest of the Nation put together. We have been good stewards of our land. We have managed our wildlife better than any other State. It is ridiculous to be put on trial because of a group of professional, extreme environmentalists who make money.

Look, Senator KERRY is sending out requests for them: Send money in now.

You need money. You need money to fight this because this is going to be voted on tomorrow.

It is preposterous. Again, I am sorry I did not get a chance to visit with my friend from Colorado. I admire Colorado and I know what they have down there. You should come see our wilderness areas. We have wilderness areas, a great deal more than you have seen in your life, more wilderness areas in one State than there is in the whole Nation. To have people mischaracterize this as wilderness is absolutely preposterous.

I yield the floor.

EXHIBIT 1

JOHN KERRY

DEAR FRIEND. We have only 24 to 48 hours to try and save the Arctic National Wildlife Refuge.

The Republicans are trying to sneak legislation through the Senate approving oil drilling and they are incredibly close to winning. We have to stop them.

I am joining with Senator Maria Cantwell (D-Washington) in offering a critical amendment to stop this sneak attack on our environment. We will fight on the floor of the Senate, but we need you by our side.

There are seven key Republican Senators whose votes will decide the future of the Arctic National Wildlife Refuge. Before they vote, we need to make sure they know that their constituents are watching, and that they will not be able to support drilling without anybody noticing.

Here are two critical steps we can take together to support our amendment to protect this National Wildlife Refuge:

1. Join the Citizens' Roll Call. First of all, take part in a massive fast-moving display of citizen support for the Arctic Refuge. Sign our Cantwell-Kerry Citizens' Roll Call now. http://www.johnkerry.com/RollCall.

To make our Citizens' Roll Call impossible to ignore, we have alerted the media, environmental advocates and my fellow Senators to a scrolling display of the names and home towns of the roll call signers. It is posted on our johnkerry.com website, where we hope to soon add your name and a running tally of the number of citizens on our Citizens' Roll Call.

2. Bring the fight to the home states of the seven senators. We need to launch emergency online advertising campaigns in the home states of those seven critical senators: Senator Coleman (MN), Senator Smith (OR), Senator Specter (PA), Senator Martinez (FL), Senator Lugar (IN), and Senators Gregg and Sununu (NH).

We need your help to bring our Save the Arctic Refuge message home in these six states. Help us fund an emergency ad campaign to make sure they know how strongly the people they represent feel about protecting the Arctic. Please make an emergency donation right now. http://contribute.johnkerry.com/.

When Senator Cantwell, myself and other Senators stand up in support of the Cantwell-Kerry amendment, we will have powerful arguments on our side. (I have recapped some of those arguments at the end of this email message.)

But, to win, we need to be able to report directly to our Senate colleagues that massive numbers of citizens around the country—and in their own states—are rising up to demand that the Senate protect the Arctic National Wildlife Refuge.

That's why your immediate signature is so critical. http://www.johnkerry.com/RollCall.

The Bush Administration and its oil industry allies want to send a message that they can drill for oil wherever and whenever they want to—even if it means targeting a place as striking, pristine and irreplaceable as the Arctic National Wildlife Refuge.

They don't care about putting America on a genuine path to energy independence. If they did, they'd support efforts to increase energy conservation and to create clean, renewable sources of energy that no terrorist can sabotage and no foreign government can seize.

Let me be very direct with you. It is going to take an immediate and impossible-to-ignore display of grassroots support to stop them. That's why your decision to sign our Cantwell-Kerry Amendment Citizens' Roll Call is so crucial.

Thank you for acting quickly on this vital request.

JOHN KERRY.

P.S. Senator Cantwell, who comes from a state in the heart of the Pacific Northwest, has—at considerable political risk—courageously stepped forward to join me in leading this fight. We need you to help us win it.

Here are your save the arctic refuge talking points:

The Arctic National Wildlife Refuge's 19 million acres comprise one of the last places on earth where an intact expanse of arctic and subarctic lands remains protected.

Drilling in the Arctic Refuge can't make even a small dent in meeting America's energy needs. U.S. Geological Survey scientists estimate that there is very likely only enough oil to supply America's needs for six months. And oil companies admit that, even that won't be available for at least 10 years.

An irreplaceable natural treasure, the Arctic Refuge is home to caribou, polar bears, grizzly bears, wolves, golden eagles, snow geese and more. Millions of other birds use the Arctic Refuge to nest and as a critical staging area on their migratory journeys.

Of course, the Arctic Refuge supports more than wildlife. For a thousand generations, the Gwich'in people of Northeast Alaska and Northwest Canada have depended on it and lived in harmony with it. To them, the Arctic Coastal Plain is sacred ground.

The PRESIDING OFFICER (Mr. DOMENICI). The Senator from Colorado.

Mr. SALAZAR. Mr. President, I yield myself 2 minutes of our time.

I very much respect my colleague from Alaska, not only for his heroism for our country but also for his leadership on a whole host of issues. I very much look forward to working with my colleague from Alaska. I just want to respond to one point my colleague raised. He went through a very eloquent statement about Alaskan interests and the legislation and history with respect to this area.

When you read the law specifically from 1980 it says:

> Until otherwise provided in law, from 1980, all public lands within the coastal planes area are withdrawn from all forms of entry or appropriation under the mining laws and from operation of the mineral leasing laws of the United States.

That was in 1980. It happened that they ended up with that consensus language in that legislation because there was not consensus about what ought to happen with respect to the ANWR area. Today we are in exactly the same place.

I suggest to my esteemed colleague from Alaska that we are having this debate on this floor today as part of the budget reconciliation measure because we have not yet as a country been able to come to a consensus on how exactly to treat the area 1002. If we had moved forward in a manner that would have arrived at a consensus which they anticipated might have been arrived at when they wrote the legislation in 1980, we might be in a different place today. But we are not there. There is still an absolute lack of consensus on the part of this Senate and the people of the United States about how we ought to move forward with respect to area 1002.

I yield the floor.

Mr. STEVENS. Mr. President, had the Senator been there, he would understand, as I have said, that Senator Jackson and Senator Tsongas said we will go ahead when the Congress and the President approve the environmental impact statement. Section 1003 spells that out. The land is not available for gas leasing until we act. That is true. But it is not wilderness, either. It is not refuge, either. That is the difference.

The PRESIDING OFFICER (Mr. TALENT). Who seeks time?

The Senator from Alaska is recognized.

Ms. MURKOWSKI. Mr. President, I would like to continue with the discussion about the wilderness and designation within the refuge. Senator STEVENS certainly defined it during his comments, but I think it is worth a few minutes so people understand what ANWR is, what the Arctic National Wildlife Refuge is.

It is this colored section up on the northeastern part of the State. It is an area in total of 19.6 million acres. It is an area the size of the State of South Carolina.

Within the refuge itself, there are three different designations. You have down here in the orange the refuge itself, which is about 10 million acres. You have the wilderness designation area here, which is 8 million acres. Then up here, you have the reserve area, as Senator STEVENS has indicated, that portion, the 1.5 million acres that was set aside for the purpose of study for exploration of potential oil and gas.

When we talk about ANWR, there is, I think, a confusion. The Gwich'in people, who are referred to as living within ANWR, are separated by a massive mountain range, the Brooks Range, which is here. They are down here in this section of the refuge, nowhere near the Coastal Plain. The 1002 area has been specifically set aside.

It is important that we talk about the specifics within the refuge designation, and recognize that as far as wilderness goes, those areas that are set aside for wilderness will not be subject to any kind of exploration activity. The area within the refuge will not be subject to any exploration, or any production activity. It is only this area up here. It is within this area here that we are talking about exploring on 2,000 acres. Out of the total area the size of the State of South Carolina, we are looking at a coastal plain about the size of the State of Delaware. And within that size of the State of Delaware, we are talking about 2,000 acres, or literally the size of a medium-sized farm in South Dakota.

It helps to put it into perspective when we are talking about oil exploration on the northern plain.

I want to focus my comments tonight on three areas: energy security, economic security, and environmental security.

Senator STEVENS touched on the energy security component, recognizing we are currently 58 percent dependent on foreign oil; that we here in this country are waiting to see what the OPEC nations are going to do and how that will affect us and our economy.

This dependence is expected to pass the two-thirds mark within 20 years. This is a threat to our national security. We are in a position to do something positive. We need to recognize that by moving forward on the domestic level to produce our own resources—our own oil—we can make a difference.

There have been those who have suggested that the amount of oil potential up in the Coastal Plain is miniscule; that somehow or other it is not worth it to explore and to drill in this region.

Let us talk a little bit about what is there for us in terms of the resources, the jobs that can be created, and the economic benefit with the potential we have in ANWR right now.

To suggest this amount of oil is not going to help us in this country is akin to suggesting that all of the oil we receive from east Texas isn't worth it because it is not able to sustain this country, it is not able to give us the energy independence we need. That is a ridiculous argument.

Putting into context where we are getting our oil right now, if we are 50 percent accurate with our projections of the potential in ANWR, we are looking at a million barrels a day going into our pipeline. That is about 25 years worth of oil that we currently receive from Saudi Arabia. Twenty-five years worth of oil that we are receiving from Saudi Arabia is equivalent to what we could expect out of ANWR, if we are half right on our projections.

To suggest somehow this is not something we should do because there is not enough there is not an argument that makes sense. Giving up ANWR's likely oil is like saying we as a nation should never have bothered opening up the Prudhoe Bay oilfield in Alaska because Prudhoe would only supply us with 3 years' supply of oil. In fact, Prudhoe has provided America up to a quarter of our domestic oil supply for the past 28 years.

With our recovery methods, when we thought initially Prudhoe was going to be recovering 35 percent of our oil, we are now up to a recovery rate of about 65 percent. To suggest that the amount is minimal is not being realistic.

Let us talk about the economics in terms of our ability to stabilize our energy crisis: generating more than $30 billion in Federal revenue, probably several billion dollars within 4 years of opening of ANWR.

Talking about our deficit, as we are dealing with the budget, it would reduce our payments of deficit—the remainder of our payments of deficit—because we are not going to be buying as much oil overseas. Last year alone, we paid nearly $166 billion for oil overseas. That is a quarter of our trade deficit.

When we talk about $30 billion-plus a year, it is important to America. The jobs will come. We keep talking about hundreds of thousands of jobs, but the fact is when we produce domestically, everybody benefits. The jobs across this Nation will increase.

The other economic benefits, the reason that organized labor is supporting us, the reason the farmers are supporting us on opening ANWR, is it stabilizes everything, from the cost of planting in the springtime to the thousands of products that are made from oil, whether it is antihistamines, cosmetics, or compact disks, or heart replacement valves. The list goes on and on, to recognize the economic benefit to us as a nation of opening ANWR. American farmers last year lost $6.2 billion of income because of higher fuel and fertilization costs.

We recognize we have an opportunity here to make a difference. To downplay it and say, Well, it is only so many months' worth of oil, or it is not enough to make a difference—again, if you would suggest the oil we have received from Texas for these many years is not significant, if you would suggest the oil we have received, 20 percent of our domestic supply from the North Slope from Prudhoe Bay, is not significant, we have to put all of this into perspective.

You have energy security. By producing more of our energy needs here in the country, you have economic security that ANWR brings.

We also have the environmental side. My colleagues on both sides of the aisle have talked about the caribou and the effect on the environment. I live there. My family lives there. I am the last person in the world who wants to see my State spoiled. I want to make sure that what we do when it comes to development is going to be done in balance with our environment. We figured out how to do it up there. We have been perfecting the Arctic engineering up north for 30 years.

We have seen a tenfold increase in the central Arctic caribou herd since Prudhoe Bay was opened 30 years ago. Our wildlife studies show that several herd species have grown. Polar bears were mentioned. With the science and the technology we have, we use infrared sensing, and we pinpoint where the bears are denning so we do not go near them.

There is a sensitivity to the environment that we pay attention to. We are using 3D and now 4D seismic technology so we know where to explore. We are using underground directional drilling that allows us to put the plug in and explore out 3 or 4 miles in every direction so we are not disturbing the surface. We have decreased the size of the pads 70, 80 percent over the past 30 years.

What this picture shows is an exploration rig that is connected not by road but connected by ice roads. It was described earlier by Senator BENNETT. This road will disappear in the spring. This pad that this exploration rig is sitting on disappears in the spring. What is left is a plug, a cap, in the ground.

I need to make a quick comment about the spills that have been mentioned by a couple of my colleagues. What they do not mention is that the companies up North have to report all spills, all spills of any nonnatural occurring substance, whether this is a spill of saltwater or anything that is more than a gallon of oil or chemical such as lubricating oils or hydraulics. The vast majority of oil spills at Prudhoe Bay have been saltwater used in water floating to enhance oil recovery, not oil spills.

In 1993, one of the worst years for spills at Prudhoe Bay, there were 160 reported spills, nearly 60,000 gallons of material, but only 2 spills involved oil, and all but 10 gallons were in secondary containment structures and were easily cleaned up.

We know we have to do it right up there. It is a fragile environment. It is an environment that we know we must care for. But look at what we do in Alaska with the toughest environmental safeguards anywhere in the world. I challenge anyone, anywhere, to come up with more stringent standards when it comes to development. Alaska will beat them every time.

I suggest that we need to be global environmentalists. If we are not taking the oil from ANWR, we will still need it elsewhere. If we do not take it in an area where we know we are going to monitor it and do it correctly, it will come to us from across the water, from Russia, from Venezuela, from Africa, where they did not care for their environment. To use the phrase of some on the other side, think globally but act locally. This is a perfect example of where we need to do just that.

I look forward to the rest of the comments from my colleagues and further debate tomorrow.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from New Mexico is recognized.

Mr. DOMENICI. How much time does the other side have, and how much time do we have?

The PRESIDING OFFICER. The other side has 16 minutes 37 seconds, and you have 16 minutes 48 seconds.

Mr. DOMENICI. And now the time goes to the Democratic side.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico yields the floor.

The Senator from Washington is recognized.

AMENDMENT NO. 168

Ms. CANTWELL. Mr. President, I send an amendment to the desk. I have sent an amendment to the desk that I am offering to strike the language from the budget resolution the reconciliation instructions to the Energy Committee that assume Arctic drilling. Specifically, under the instructions, the Energy Committee must report legislation by June 6 at the latest that produces $2.7 billion in revenue from 2006 until 2007.

The PRESIDING OFFICER. If the Senator will suspend.

Mr. DOMENICI. We object to the amendment. It is not in order. There is a consent decree.

The PRESIDING OFFICER. The Chair has been advised we cannot accept your amendment right now without unanimous consent.

Ms. CANTWELL. We had a unanimous consent order earlier to agree to debate the amendment, and I thought it would be wise to put the amendment on the desk.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I objected, but I understand this is a motion to strike the ANWR provisions, and we have no objection. That is business.

Is that correct, Senator?

The PRESIDING OFFICER. The Senator from Washington is recognized again. The amendment has been sent to the desk and the clerk will report.

Ms. CANTWELL. I hope you have no objection, but tomorrow at 1 o'clock you might object to the amendment, but thank you for allowing us to lay it down.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Ms. CANTWELL], for herself, Mr. KERRY, Mr. LIEBERMAN, Mr. FEINGOLD, Mr. JEFFORDS, Mr. LAUTENBERG, Mrs. BOXER, Mrs. FEINSTEIN, Mrs. MURRAY, and Mr. CORZINE, proposes an amendment numbered 168.

The amendment is as follows:

(Purpose: To ensure that legislation that would open the Arctic National Wildlife Refuge, other federal lands, and the Outer Continental Shelf to oil drilling receives full consideration and debate in the Senate under regular order, rather than being fast-tracked under reconciliation procedures; to ensure that receipts from such drilling destined for the federal treasury are fairly shared with local jurisdictions; and does not occur unless prohibitions against the export of Alaskan oil are enacted)

Strike Section 201(a)(4).

Ms. CANTWELL. Mr. President, I thought for the benefit of my colleagues we would lay that down tonight so people could understand the amendment and we could continue debating it in our time this evening and continue debating it tomorrow. I hope that clarifies issues for my colleagues.

I start by saying a word to the Senators from Alaska because I think both Senators from Alaska have been diligent in their concerns for this issue, in their advocacy for making sure the issues they would like to represent are heard in this debate, and that the accuracy of information provided is correct. I certainly applaud them for that. But, I certainly don't diminish the difference of opinion we might express tonight as it relates to where this country should go on an energy policy.

I believe our energy policy must be very aggressive in creating a future for new energy technology and renewables, in making a downpayment on getting off of our overdependence on foreign oil, and, specifically in continuing to diversify off of our country's dependence on oil in general.

I may have a different opinion about what I think our energy strategy should be. If the last generation of Americans were smart enough to put a man on the Moon, this generation of Americans ought to be smart enough to get off our overdependence on foreign oil. But that assumes we would pass an energy bill that would outline these policies and that we would have a debate about them. We have been trying to have this debate, and we certainly have had disagreements about what the policy should be.

For the last couple of years, I have expressed concern over our country's overfocus on fossil fuels, the fact that 60 percent of the incentives in the Energy bill have focused on fossil fuels. And I think we should start incentivizing other types of energy supply and move ahead.

That is why I find this particular process to be an end run on energy policy and energy discussions. In fact, I think it is somewhat absurd that we can simply mandate the opening of ANWR by putting language in the budget, by simply saying: Let's put the revenue in the budget, and by doing that, we will then start the process for legislating that ANWR could be opened.

The reason why that is so bothersome to this particular Senator—think, for example, if in the next budget we put revenue in there expediting timber sales in our National Forests or basically expediting the leasing off the coast of Florida for oil production. Or, God forbid, why don't we put revenue in the resolution recognizing oil leasing in Yellowstone National Park, even though it is a National Park? Why don't we do this process by continuing to put revenues in the budget resolution?

Well, I think the energy debate deserves far more attention than simply sticking language in the budget resolution demanding the Energy Committee report a bill capture this revenue. I think that is what other people have started to see about this proposal. In fact, the New York Times recently ran a story about this, the refuge drilling, and basically pointed out:

> Others who advised Mr. Bush on his energy plan said including the refuge was seen as a political maneuver to open the door for more geological promising prospects off the coasts of California and Florida.

So my first question is, If we don't stop this now, where does this stop in the future? I ask my colleagues, both Democrats and Republicans, if today you are going to allow the opening of ANWR by simply putting language in the budget requiring that we produce revenue, where will you go next? And clearly, I do not think the discussion of opening up leasing off the coast of Florida or the coast of California or even in ANWR belongs in the budget resolution. I do not think we should legislate in the budget resolution. To me, the process of having this debate now is very bothersome. But I understand there are some who will continue to push this until they find a way to make this proposal a reality.

I do not think anybody can say our side of the aisle cannot be concerned about this type of tactic. I simply say, we should vote for my amendment tomorrow and turn this proposal down and start a real discussion on the energy bill.

The senior Senator from Alaska, I know, is very concerned that this not be referred to as a wilderness area. He is right. It is a wildlife refuge. He is right. It is a wildlife refuge. It is not a wilderness area. One of my colleagues would like to make it a wilderness area, the Senator from Connecticut, Mr. LIEBERMAN, and he has proposed legislation to do that. We have had that debate, too. We have had that debate about as long as we have had this debate about whether we should open up ANWR to oil drilling.

The fact of the matter is, in 1980, section 1003 of the Alaska National Interest Lands Conservation Act specifically prohibited oil and gas development in the entire refuge or the leasing or development leading to the production of oil and gas from the range unless authorized by Congress. So that is what we are here debating: unless authorized by Congress.

I have given you my reasons why I do not think we should authorize on the budget resolution this significant of an action without discussing energy policy and the impacts of opening up ANWR on the refuge.

I personally think there are many things we should be doing to attain our energy future. I think there are many policies that would be far more interesting to us as a country because a lot of people are trying to argue that we should do this now because it is an energy supply and it is national security.

Well, I can tell you, this Senator, along with my fellow west coast Senators, is outraged over the price of gasoline in America. We are from a State such as Washington, where we have four refineries, we are the closest to the supply that you could get, and yet we have some of the highest gasoline prices in America.

So what this Senator would like to see—just as I have forced and pushed, and will continue to speak out on market manipulation of electricity prices—I believe we should do our homework and make sure we are holding those responsible accountable as to: Why do we have this diversity of gasoline prices when there is so much available supply right in our backyard?

I know the Senator from Oregon, Mr. WYDEN, has asked for investigations into these high gasoline prices, and threatened to hold up various nominations over the issue. I have certainly put questions to various members of the Department of Energy, the Department of Justice, and to our own State's Governor, and will continue to do so, because I think the price of gasoline is outrageous.

This particular Senator is not a supporter for opening up the SPRO. I agree, we should have energy for energy security, an energy supply. I think people have made that point and made it well. But I want to see us continue to diversify into other areas. So this Senator will join the Alaska Senators any day of the week to talk about the development, the delivery, the execution, and expedited access to Alaska natural gas. We need to have natural gas. If there is any proposal that deserves an expedited review by this body, it would be to get that production to the United States at a faster rate.

Let me remind my colleagues, when security was a national debate in the 1970s, when we were all at the gasoline line filling up our cars, waiting, with the most absurd price for gasoline, America took notice. America took notice of those gas prices and said: What are we going to do about it? And we had an aggressive plan to get off of our dependence on home heating oil. We realized the price of oil was so expensive that it was not smart for America to continue a policy of investing in that as a delivery source of energy. Now, decades later, we have reduced our dependence on home heating oil 35 percent. We got the natural gas. We got the necessary supply. We got it to where people needed it. And we made a major shift in America. We took the prices that were facing us and we acted with the certainty about the future we wanted to see in America, with a cleaner source of energy supply.

So first on my list would be making sure we have the North Slope natural gas pipeline project moving. We certainly heard today from a variety of people about renewable fuels.

I should say, by the way, people talk about the drilling in the Arctic, and we don't know for sure, but economically recoverable oil might be somewhere between 3.2 and 5 billion barrels. That is generally what people think. Well, there is at least 35 trillion cubic feet of natural gas available. So that is the energy equivalent of 6 billion barrels of oil.

We could continue to look at renewable or nonpetroleum fuel, such as ethanol made from crops, something the other side of the aisle has also supported, and look at requirements for renewable content of gasoline. That would be about 5.1 billion barrels by 2013—again, a source of cleaner energy that would be important for us in an energy plan.

We can invest in new technology to convert agriculture waste to oil, something some States are doing on a much smaller scale. But we could produce as much as 4 billion barrels of a cleaner product on an annual basis.

I certainly am a fan of making sure that CAFE standards are passed by Congress. If you think about the CAFE standards and fuel efficiency, that would help us. We could save 60 billion barrels of oil over the next 50 years.

Why are we not focusing on that in our proposal for an energy plan? Just making sure the tires of our transportation system are properly inflated and educating America on the oil savings of that simple action could save 200,000 barrels of oil per day. Yet we are out here discussing a proposal that has been discussed for years, with much controversy and much concern because of what it focuses on—first, a refuge wildlife area that was set aside and preserved, and a focus on oil that some of us, including myself, are saying we need to diversify off of.

I could go through other examples of renewable technologies, of energy efficiency technology that could continue to save the equivalent of another 4.9 billion barrels of oil—something that I know would make great progress with the building and development sectors of our country as they add efficiency improvement, and install renewable technologies and distributed generation. But that is the kind of leadership I think we should be talking about. We should not be talking about whether we want to go and open up this wildlife refuge.

If I may, I know my colleagues have put up a few pictures. I would like to put up a few pictures of the area as well because I think when the area was first established as a wildlife refuge, people recognized the uniqueness of the coastal region. The government looked at it as an area to support wildlife and sustain their migration patterns. We have heard a lot about that for the last several years, the caribou and their migration habits. I never thought the Senate would become such experts on the migration habits of the caribou, but I think both sides of the aisle have expressed quite a bit of knowledge. I am simply offering a few pictures of the wildlife that resides on the coastal plain of the refuge. The reason I am showing these photographs is to remind my colleagues and individuals that we have choices, and we have options like this refuge drilling proposal that we have debated before, and it is fine to debate them. What I object to is the process of trying to essentially stick authorizing language on a budget bill. That is a bad precedent and it is trying to limit discussion on an issue that was never intended to be considered in this way without the Energy Committee and the Energy Committee debate.

Now, I know some people have talked about the supply of oil we might get from the refuge. I think that New York Times article was very interesting in the sense that it said:

> Even the plan's most optimistic backers agree that any oil from the refuge would only meet a tiny fraction of America's needs.

The PRESIDING OFFICER. The time on the Democratic side has expired.

Ms. CANTWELL. I ask unanimous consent for 30 more seconds so I may finish up.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. Mr. President, I ask my colleagues as we continue this debate to think about this proposal and the fact that we ought to be taking ourselves in a different direction, and this proposal will not provide us the leadership for an energy future that we need.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. How much time do we have?

The PRESIDING OFFICER. Sixteen minutes forty-two seconds.

Mr. DOMENICI. Mr. President, I had two Senators who wanted to speak. I have not spoken yet. Would the Senator from Tennessee like to speak for, say, 4 minutes?

Mr. ALEXANDER. Why doesn't the chairman take the time?

Mr. DOMENICI. I will try to leave some time for the two of you. Tomorrow morning, we have a total of 45 minutes before the vote, starting somewhere around 9:45. If you don't get your time tonight, maybe you can call and see how much time you can have then.

Mr. President, let me suggest that the distinguished Senator who just spoke said she was outraged because the price of gasoline was so high in her State. I might say to the distinguished Senator, if she is outraged today, I don't know what she is going to be 3 years from now because if we don't start doing something, as President Reagan once said, "you ain't seen nothing yet." That is what I am going to tell the Senate and people of this country about gasoline prices.

Let me also suggest that for those who think we are going to solve this problem with an investigation to see whether there is price fixing or something like that, let me suggest that is not going to happen. That has been looked at before. The truth is, this great United States of America has made a gigantic blunder, and we don't know how to get out of it. Certainly, one way to get into it deeper is to take a piece of America, like this 1.5 million acres which is supposed to be explored for oil and gas—and keep that kind of property closed and not produce crude oil.

Let me assure everybody here that there is no one who knows how to get off of crude oil very quickly. In fact, I don't think anybody knows how America will ever be off of oil as a means of transportation and for many other things. I hope we get an energy bill that provides conservation. I hope Americans start driving small cars. I hope we have hybrids. But for now, I say to my good friend from Colorado, every single suggestion that anyone has about how we can reduce our dependency ought to be adopted.

If you think we ought to conserve, conserve. If you think we ought to produce more crude oil, produce it. None of these potential solutions are going to be enough because we are now struggling over the fact that we are importing so much crude oil. I heard a Senator say today that we might consider ANWR if we were collapsing.

Well, we won't know when we are collapsing, but we are pretty close. Right now, we are importing about 58 percent of the crude oil from a world that is in trouble, where some countries are fragile, and war might occur in others, and here we go along our merry way importing more and more oil. Petroleum imports are expected to reach 69 percent in the year 2025. Then we get a chance to produce 1 million barrels a day, and we are immediately confronted with those who say that is not very much. Why do we want to produce a million barrels of oil? Well, you know, this great United States is consuming 20.5 million barrels of oil a day and is currently only 11th on the scale of the most reserves on down the line. We are 11th from the top in the amount of oil reserves we have in our country. That is almost insignificant compared to Saudi Arabia. Saudi Arabia ranks first in proven world oil reserves with 260 billion barrels. However, our reserves are only about 21.9 billion barrels.

I say to my good friend from Tennessee, the 1002 area we are discussing is estimated to have about 10 billion barrels of oil—that is very probable. Just do the arithmetic. Our country's entire oil reserves amount to 21.9 billion barrels. This area in ANWR will produce 10 billion barrels. Insignificant they say? Add the two together and we could have 31 billion barrels in reserves. Again, this property will comprise 10 billion barrels of it. That is one-third of the reserves of America that will be up there in Alaska, and we are being told it is insignificant. That is like saying all the oil we have in America is insignificant. Why don't we close Texas down? That must be insignificant. It must be insignificant because we buy it from the world. As long as the world can supply it, I guess we are going to have to keep on arguing about ANWR. If there are not any more ANWRs around, I don't know what we are going to look to.

I can tell you this. ANWR, with the potential for 1 million barrels of oil a day, will be the most significant onshore production capacity of any potential new onshore area in the United States—a brand new one. ANWR is by far the most promising site for onshore oil in the United States. You might say, since I learned that ANWR is so little, maybe America doesn't have much oil, and we should just not worry about having any.

I do not think so. I think we better do everything we can and must produce as much as we can.

There are so many facts indicating that we are pursuing a path of economic arrogance—we are absolutely refusing to face reality. Every time we discuss this issue someone will come and talk about another way to use less oil, but not to produce more here in America.

I repeat, if you implemented every potential solution that everybody is suggesting, our tremendous Nation would be in terrible jeopardy for the next 25 to 50 years. We already are. America, as a powerhouse in the world for good and for freedom, is totally in jeopardy because we have not decided that we are going to move in a direction of diverse energy sources and where we can produce our own.

It is so critical, in my opinion—and I say to the new Senator from Colorado—I predict that in your first term as Senator, we will be in the shale oil of Colorado again. We will be there with terrific research and experimentation saying can we convert that shale to oil because there sits oil in abundance. But you have to convert it. We tried it 30 years ago, but oil was not expensive enough. We are in such a bind, we will even look at that.

Canada will produce oil from tar sands in abundance because we have to find some way to lessen our dependence while we make a transition to something else.

I have been on the Budget Committee since a year after the Budget Act was written. I regret to tell my colleagues that everything that is used in the budgeting of America—I am going to use a terrible word—was invented by me. It was invented by me and my staff. The first reconciliation ever used, we used it. It was a total argument about whether it was right or wrong. We won on the floor and said it was right. Every year we would use reconciliation, there would be an argument about whether it was right.

Reconciliation does not mean the bill that is adopted pursuant to it or voted pursuant to it is automatic. It still has to get 51 votes, and it still has to be signed by the President. So for those who think this is an easy way to get through the process without any of the legislative and executive input, they are mistaken. But conversely, if a Budget Committee says we need additional revenue and we would like the Energy Committee to furnish us with new revenue and then gives the Energy Committee an instruction that says produce new revenue, for example produce revenue that flows about like this: 400 million, 600 million, 2 billion in each of these years, that is what the Senate voted on when we pass a budget.

The instruction comes to the Energy Committee and it says ANWR receipts will produce a certain amount of money, therefore write a bill in response to that order. The reconciliation process then, produces that amount of revenue. That is absolutely legitimate. That is what the Budget Act has been used for in the last 27 years.

I regret to say there are some who do not think that is how reconciliation ought to be used, but they lost that argument a long time ago. That is long past. The Senate wrote an act and we are living with it. I have already told them over 50 times in the past 20 years: You said this was a way to avoid filibuster. You said this was a way to avoid prolonged debate. Now we are using it. That is what we are doing here. There is absolutely nothing that says it cannot be done.

Whatever questions you have about what else might be done, we will take them up in their proper time, and if they come up, they come up.

This one we already did. We sent it all the way to the President as a reconciled bill, and then President Clinton vetoed it after it was done. If the President had signed the bill, oil from ANWR would currently be flowing and our dependence on foreign oil would be much less.

So it seems that these letters being circulated by Senator KERRY and President Jimmy Carter, those very activist environmentalists, will have nothing to talk about tomorrow when we win this, and 4 weeks from now when we produce the bill. They have to understand, we have been trying for 24 years. A filibuster means we have to have 60 votes, unless there is a procedure which permits us to do otherwise.

I say to my friend, the Senator from Colorado, this is not simple, nor is it profound. It is very cumbersome. There is a lot to it, but it is absolutely proper. It means that if this million barrels of oil a day is important enough, we will do it with a simple majority, but we still have to have a majority. We will put it in a bill, it will go to the President, and if the President wants to sign it, he will sign it. If he does not, it will not become law.

I do not think we ought to be accusing anybody about doing this in a tricky manner or in some untoward way because such is not the case. It just is not the case.

Tomorrow I will talk, for those who want to listen, about why we will do so little harm, if any, to the environment, and why there is no project, including Prudhoe Bay, that we can go see that shows what this is going to look like with new technology. There are none. It is absolutely so different from what we have ever done before that it is going to be amazing.

I close by saying those of us who went to Alaska saw a production facility called Alpine. The Senator from Tennessee, Mr. ALEXANDER, did not go with us. I wish he had. The 96 acres of land at Alpine had upon it the entire oil production facilities—the oil wells, not one but several so close together that it looked almost like a row of outhouses at a public park. Each outhouse has a well in it—that is how little it was—an oil well. Each oil well had six or eight wells underground.

I will show one of those tomorrow. That little 96 acres had no roads. Instead, ice roads were built in the winter that simply melt away in the summer. In the summertime, there are no roads to it because they have melted. The facility produces 120,000 barrels of oil a day because under that little piece of property are wells that go down 7,000 feet, find the oil, and go up 4½ miles and drain the field. There is another one that goes down, and there are five new wells sprout out from under it, and coming out of the wellhead is 3,000 to 4,000, 5,000 barrels a day from one well. They have been getting that for a long time.

It seems to me that it is rather ironic that we are all here talking about a crisis. We are suggesting it is not a big enough crisis to worry about a million barrels a day. We are also suggesting that we ought to do other things. This Senator has been here a while. First, this is the proper way to do it. Second, if anybody has another proposal for a million barrels of American oil, let's have it. It would be tremendous if we had a few more. If anybody knows how to conserve and pass through Congress a measure that would cause us to conserve 2 million or 3 million or 4 million barrels a day, put it on the table. It is not that if we did that we do not need this. We need them both.

Mr. BINGAMAN. Mr. President, I wish to add my voice today in support of the amendment offered by Senator CANTWELL. This amendment would strike the instruction to the Energy and Natural Resources Committee contained in the budget resolution premised on opening the Arctic National Wildlife Refuge to oil and gas development and enacting the Pick-Sloan Missouri Basin Program cost recovery proposal set forth in the President's Budget for fiscal year 2006. I would like to address both of these issues.

First, I have concerns regarding the Pick Sloan cost recovery proposal. Although I have not had an opportunity to thoroughly review the proposal, I am advised that it could result in significant rate increases for power users in rural areas of the Upper Midwest and the Great Plains. The instruction assumes that the provision would increase revenues by $33 million in fiscal year 2006 and $157 million over the next 5 years. If the committee should choose not to enact the Pick Sloan cost recovery proposal, we would be obligated to find these revenues elsewhere. Given the jurisdiction of the Energy Committee, our options are few. We have only limited mandatory spending within our jurisdiction. We have jurisdiction over imposition of fees for the use of public lands. Administration of oil and gas leasing on the Outer Continental Shelf and the revenues raised from opening areas currently covered by moratoria is within the jurisdiction of the Energy Committee. Similarly, the President's budget contains a proposal to divert revenues from southern Nevada land sales, which falls within our committee's jurisdiction. All of these are likely to be controversial. The best way to ensure that the Pick Sloan cost recovery proposal is not enacted as part of budget reconciliation legislation and the only way to avoid finding an offset is to support the Cantwell amendment to strike the instruction, and I think that is clearly the preferred course of action at this juncture.

Turning now to the Arctic Refuge, there are many reasons—related to both energy security and environmental concerns—that lead me to conclude that I cannot support oil and gas leasing and development in the Arctic Refuge.

The most compelling reason for not opening the Arctic Refuge is that it will do very little, if anything, to further our national energy security. If opened, not one drop of oil will come from the Arctic Refuge for 7 to 12 years. The most recent Energy Information Administration, EIA, study, "Analysis of Oil and Gas Production in the Arctic National Wildlife Refuge," March 2004, assumes that production will not occur for 10 years. According to EIA, peak production will not occur for another 10 to 11 years after initial production. Thus, we will have to wait for 20 years before having the benefit of maximum production from the Arctic Refuge. Drilling in the Arctic Refuge does nothing to address near-term shortages or issues of energy security.

More importantly, drilling in the Arctic Refuge does not address our reliance on imported oil. The United States relies on imports for 58 percent of its current oil supplies. The Energy Information Administration in March 2004 has estimated that production from the Arctic Refuge would, at its peak, reduce our reliance on imports by only 4 percent by the year 2025, based on the mean estimate of technically recoverable resources.

Unlike other future-looking initiatives that we could undertake now, drilling in the Refuge would over the long term have no effect on reducing imports, once the oil resources in the refuge have been depleted. Unfortunately, the controversy over the Arctic Refuge diverts attention from the real opportunities to enhance domestic energy production. Last Congress, we enacted energy tax legislation that I believe is a good start in addressing our Nation's energy future. Unlike opening the Arctic Refuge, this legislation is intended to provide a near-term increase in domestic energy production. Not only does the legislation include tax provisions that would promote highly efficient hybrid vehicles and alternative transportation fuels such as ethanol, make renewable energy more competitive, and enhance energy efficiency, it would also provide specific incentives to increase oil and gas production at home. In particular, I am pleased that we were able to pass the marginal well production tax credit. It is my hope that this year we will be able to expand upon the energy tax package that was enacted last Congress and do even more to provide for our Nation's energy security.

Environmentally sound development of the National Petroleum Reserve—

Alaska provides another opportunity to enhance our domestic energy security. This is 23.5 million acres of Federal land set aside by President Harding to secure the Nation's petroleum reserves for the national security. The area is highly prospective for oil and gas. BLM conducted lease sales in 1999, 2002, and 2004 that had an extremely high level of industry interest. Several wells have been drilled that have encountered oil and gas. The NPRA is estimated to hold a mean value of 3.1 billion barrels of economically recoverable oil at $24 per barrel and a mean estimate of 9.3 billion barrels of technically recoverable oil. While I believe that BLM should take all measures to conduct leasing in an environmentally sensitive way, and also am of the view that there are areas of NPRA that should not be developed, the vast majority of this resource can and should be tapped to enhance our energy security.

Renewables, energy efficiency and R&D must play an increased role in meeting our Nation's energy needs. Clean energy from renewable sources such as the sun, the wind, the ocean, geothermal heat and biomass helps to diversify our energy portfolio and enhance our energy security with minimal environmental impact.

In addition, a rational energy strategy should focus on cost-effective ways to reduce energy demand, not solely on increasing supply. Energy efficiency provides an array of benefits—economic growth, national security, reliability and environmental protection. Our growth in demand, each year, for automotive fuels far exceeds any potential new domestic oil production. That includes any production from the Arctic National Wildlife Refuge, even if we were to open it and even if the Arctic Refuge has more oil than anyone thinks is likely. Because of that reality, Congress needs to take a serious approach to increasing the fuel efficiency of our new cars, trucks, and SUVs. We cannot talk seriously about loosening our dependence on foreign oil without advancing meaningful improvements in automotive fuel efficiency.

In conclusion, Mr. President, there are many reasons why the coastal plain of the Arctic National Wildlife Refuge need not and should not be drilled for oil and gas. The environmental sensitivity of this area is well-known. Opening the Arctic Refuge is not good environmental policy, but equally important to our Nation, it is far from necessary to our energy policy.

I urge my colleagues to join me in opposition to oil and gas leasing and development in the Arctic National Wildlife Refuge. I urge my colleagues to support the amendment.

Our dependency on foreign oil is now over 11 million barrels a day—it is rapidly moving towards 20 million barrels a day. This is important. Let's assume our dependence will be 19 or 20 million barrels a day by 2025. The oil produced at ANWR would represent about 5 percent of what we need to import from foreign sources. That is a lot.

I close by saying 1 million barrels of oil a day equals $18.4 billion a year in balance of trade dollars. We talked about the merchandise trade balance. Currently, 25.5 percent of this country's merchandise trade deficit is from net imports of crude oil and petroleum products. Everybody is worried about it.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. DOMENICI. I ask for an additional 30 seconds, Mr. President.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMENICI. We worry about China bringing in all this, but almost 26 percent of the balance of trade is pure oil. We can stop the imbalance with China and continue to buy oil, and we will have a trade imbalance that is still going up, and we will be wondering whether we need a million barrels of oil a day from an area that is supposed to be explored that some do not even want to allow us to look at. I believe the time has come. I hope it is tomorrow.

I yield the floor.

The ACTING PRESIDENT pro tempore. All time has expired.

There will now be 1 hour of debate evenly divided in the usual form on an amendment relating to veterans, to be offered by the minority. Who seeks recognition?

Mr. AKAKA. Mr. President, I ask the pending amendment be laid aside.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 149

Mr. AKAKA. Mr. President, I call up amendment No. 149, which is at the desk, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. AKAKA], for himself, Mrs. MURRAY, Mr. OBAMA, Mr. JEFFORDS, Ms. STABENOW, Mr. CORZINE, Mr. SARBANES, Ms. LANDRIEU, Mr. SALAZAR, Mr. ROCKEFELLER, Mr. DORGAN, Mr. LEVIN, Mr. SCHUMER, Mr. KERRY, Mr. FEINGOLD, and Mr. JOHNSON, proposes an amendment numbered 149.

Mr. AKAKA. I ask unanimous consent the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase veterans medical care by $2.8 billion in 2006 and to provide for deficit reduction by closing corporate tax loopholes)

On page 3, line 10, increase the amount by $5,112,000,000.

On page 3, line 11, increase the amount by $1,377,000,000.

On page 3, line 12, increase the amount by $109,000,000.

On page 3, line 13, increase the amount by $10,000,000.

On page 3, line 19, increase the amount by $5,112,000,000.

On page 3, line 20, increase the amount by $1,377,000,000.

On page 3, line 21, increase the amount by $109,000,000.

On page 4, line 1, increase the amount by $10,000,000.

On page 4, line 7, increase the amount by $2,840,000,000.

On page 4, line 16, increase the amount by $2,556,000,000.

On page 4, line 17, increase the amount by $689,000,000.

On page 4, line 18, increase the amount by $55,000,000.

On page 4, line 19, increase the amount by $5,000,000.

On page 4, line 24, increase the amount by $2,556,000,000.

On page 4, line 25, increase the amount by $688,000,000.

On page 5, line 1, increase the amount by $54,000,000.

On page 5, line 2, increase the amount by $5,000,000.

On page 5, line 7, decrease the amount by $2,556,000,000.

On page 5, line 8, decrease the amount by $3,244,000,000.

On page 5, line 9, decrease the amount by $3,298,000,000.

On page 5, line 10, decrease the amount by $3,303,000,000.

On page 5, line 11, decrease the amount by $3,303,000,000.

On page 5, line 15, decrease the amount by $2,556,000,000.

On page 5, line 16, decrease the amount by $3,244,000,000.

On page 5, line 17, decrease the amount by $3,298,000,000.

On page 5, line 18, decrease the amount by $3,303,000,000.

On page 5, line 19, decrease the amount by $3,303,000,000.

On page 22, line 16, increase the amount by $2,840,000,000.

On page 22, line 17, increase the amount by $2,556,000,000.

On page 22, line 21, increase the amount by $689,000,000.

On page 22, line 25, increase the amount by $55,000,000.

On page 23, line 4, increase the amount by $5,000,000.

On page 30, line 16, decrease the amount by $5,112,000,000.

On page 30, line 17, decrease the amount by $6,608,000,000.

On page 48, line 6, increase the amount by $2,840,000,000.

On page 48, line 7, increase the amount by $2,556,000,000.

Mr. AKAKA. Mr. President, the budget resolution fails veterans. It is just that simple. I am pleased to stand with my colleagues who joined me in offering this veterans' health care amendment, which adds $2.85 billion for VA health care.

While I largely agree with the President on the overall amount needed for VA health care, I take issue with how he chooses to fund the system. The administration's approach is to ask veterans to pay more for their care via increased copayments for medications and a new user fee for middle-income veterans. Our approach, instead, asks for appropriated dollars. Real money for real veterans' health care needs.

I remain unclear about whether sufficient funding was included to compensate for these proposals.

Our amendment would add $2.85 billion to the resolution. How was this amount derived? I stress that nearly all of these amounts come directly from the President's own budget. According to the administration's own numbers, VA needs $1.4 billion just to cover medical care inflation and automatic salary adjustments for health care workers. The level in the budget resolution before us does not even come close to covering that amount.

Additionally, VA requires funding to absorb new patient workload, from new veterans returning home from both Operations Iraqi and Enduring Freedom and from older veterans who are just now turning to VA.

The amendment also provides funds to allow for modest increases in mental health and prosthetics. Again, these numbers follow those sent forward by the President. While it is broadly acknowledged that VA could do much more in these areas and others, we recognize that the budget climate is tight. Mental health and prosthetics must receive at least modest increases if we are to truly fulfill the promises we made to these men and women when they were sent to war.

The only new cost that was not included in the President's budget—and therefore the budget resolution—is funding to allow middle-income veterans to enroll with VA for care. In January of 2003, the President cut-off enrollment to middle-income veterans. To date, 200,000 veterans have been turned away. This amendment provides the money to make the system accessible to all who have served. It is simply wrong to exclude any men and women who have served our country from VA services, especially at a time of war.

While some of my colleagues will argue that the President's budget is a good one for VA, I would like to share some of the comments of the veterans service organizations. The Veterans of Foreign Wars, with its 2.4 million members, say that:

> It is clear that the proper funding of veterans health care is not an Administration priority.

The Disabled American Veterans has characterized this budget—and therefore the budget resolution—as:

> one of the most tight-fisted, miserly budgets for veterans programs in recent memory.

Similarly, my colleagues will argue that the President has done more for VA health care than any President in recent memory. I would clarify, however, that Congress, through this amendment process, which has increased veterans health care spending year after year.

Mr. President, I implore you and my colleagues on both sides of the aisle to recognize the great need that exists for veterans' health care.

I will take time later to discuss more of this.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, how much time is left on our side?

The ACTING PRESIDENT pro tempore. There is 23 and a half minutes.

Mrs. MURRAY. Mr. President, at this very hour, veterans in my home State of Washington and throughout the country are waiting for the health care they were promised. They are facing understaffed and overcrowded VA hospitals and clinics. They are dealing with paperwork. They are dealing with redtape. They are not getting the service they were promised.

At this hour, veterans from World War II, Korea, Vietnam, and other conflicts are waiting for appointments to see a doctor, waiting for prescription drugs, and waiting for help with post-traumatic stress disorder. While they are waiting, new veterans are coming home from Iraq, from Afghanistan, and they need health care, too.

Every day the system is getting more and more crowded. The waiting lists are growing longer. We have to do something about it. These brave men and women were there for us. We have now got to be there for them. They answered our country's call, and now we have to do our part. That is why I am on the floor tonight with Senator AKAKA, offering an amendment to increase funding for veterans health care by $2.85 billion.

I am here today with a simple message, which is displayed right here on this chart: Congress needs to keep its promise to America's veterans. We need to honor their service and their sacrifice, and we need to fund health care now. I received many letters from veterans throughout my State with this simple plea: Keep our promise to America's veterans. Fund health care now.

Let me say, we have a lot of work to do. If we follow the budget President Bush proposed last month, we will force veterans out of the VA system, we will force veterans out of nursing homes, we will force veterans to pay more in fees and copayments, and we will force veterans to wait even longer for the care they have earned.

As the daughter of a disabled World War II veteran, as the first woman in history to serve on the Senate Veterans Affairs Committee, and as the voice of more than 700,000 brave veterans in the State of Washington, I cannot let that happen.

I have been fighting for veterans for many years. In fact, just last week in the Budget Committee I offered an amendment to boost funding for VA health care. Do you know what some Senators told me? They said: We have already increased funding for veterans plenty, so we don't need another dime for veterans health care.

They are wrong. That is not what the veterans in my home State are telling me.

I want every Senator to know that how you vote on this amendment is a test of how committed you are to helping America's veterans. With this vote, we are going to find out who is serious about helping our veterans and who is just talking.

With this vote, every Senator will have to announce publicly whether they are making life better for our veterans or whether they are making excuses. I am here to say let's do the right thing. Let us support this amendment and keep the promise to those who have served.

For those veterans who are following this debate tonight, let me recap where it stands.

This month, Congress is deciding how much money to spend on priorities such as veterans health care. So far, we have only had two choices, and one is to follow President Bush's approach. He offered a budget that will impose higher fees and copayments on many veterans. It will lock the doors of VA to thousands of veterans. It is no wonder that veterans organizations from coast to coast have denounced that budget proposal.

Last week, the Senate Budget Committee organized its own budget proposal. I serve on that committee. I was part of that debate.

The Republican proposal got rid of some of the onerous fees in President Bush's budget, but they refused to increase funding for veterans to meet their needs.

I tried to improve that bill in committee with the Murray veterans health care amendment, but the Republicans blocked my funding and passed an inaccurate budget on a party-line vote. Now that flawed budget is here on the Senate floor, and we have one more chance to make it right.

That is why I am here tonight offering this amendment with Senator AKAKA. Our amendment says let's fund veterans health care based on real needs.

We know what the needs are because over the past few weeks, the Nation's largest veterans service organizations came before the Senate Veterans Affairs Committee, the committee on which I serve. Leaders from AMVETS, the Disabled Veterans of America, the Paralyzed Veterans of America, and Veterans of Foreign Wars, all told us what they need. They are not asking for special treatment—just what they were promised in exchange for serving our country. They told us that veterans are not getting the help they need. They told us what would happen if we adopted the President's budget.

For me, veterans health care is a very personal issue. My father served in World War II, and he returned as a disabled veteran. During the Vietnam war, I interned in the Seattle VA hospital. I know firsthand the scars and the wounds that burden our veterans when they come home.

During the gulf war, when our soldiers were coming home with gulf war syndrome, I brought the VA Secretary out to Washington State so he could hear from veterans what I was hearing.

Over the past 2 years when President Bush tried to close the doors at three VA hospitals in Washington State, I worked with veterans and community leaders from across our State to keep those facilities open. I continue to press the VA to open new community clinics in north-central Washington and in Whatcom County to help our veterans who today have little access to VA services.

When it comes to VA's health care budget, it has been a battle every year to get the funding we need. Every year, the President has proposed a small number for veterans health care, and every year we in Congress have stepped in to protect our veterans.

I have been convinced for a long time that we need to move VA health care out of the annual budget process. That is why I have sponsored legislation to make VA health care funding mandatory, so it is always there no matter what type of budget games are going on.

Unfortunately, the Republican majority has blocked that commonsense proposal every year.

So the fight goes on. That is why we are here tonight. This year's debate started on February 2 when the President unveiled his budget proposal.

Veterans of Foreign Wars looked at his proposal, and they said:

> If the President's budget were approved, waiting time for basic health care appointments would again skyrocket, returning us to the era of the six-month waiting period.

That is what the commander in chief of the Veterans of Foreign Wars said about the President's budget.

The President's budget would force more than 2 million veterans to pay a $250 annual fee just to get VA health care. In my book, if you served our country, if you have already paid your dues, it is insulting to nickel and dime America's veterans.

The President's plan would also double the copayment for prescription drugs for thousands of our veterans. It would slash prosthetics research by $9 million.

The President's budget would eliminate thousands of State-run nursing home beds. In my home State alone, 300 veterans who honorably served this country would lose their place in a State nursing home. That is 300 Washington State families being asked to shoulder a new burden, and that is just wrong.

The President's budget would cut the VA workforce by more than 3,000 people while there is a backlog of more than 700,000 claims. That just does not make any sense.

We have a huge backlog of claims, with new claims coming in every day, and now there will be fewer staff to process. That is wrong.

The President's budget would also continue to ban some veterans from coming to the VA for care. So far, under this flawed policy, nearly 200,000 veterans have been turned away, including more than 3,100 veterans in Washington State.

That is what the President proposed. I have been working with others to fix that.

I have to tell you that it has been very frustrating. No one in this administration is willing to say how we are going to take care of our newest veterans, when they have waiting lists for existing veterans.

I asked the President's budget director on February 9: Where is the money in your budget to take care of our newest veterans and our existing veterans? I didn't get an answer. So on February 15, I asked the Veterans Secretary. I didn't get an answer from him. So the next day, I asked the Defense Secretary, but I didn't get an answer from him either.

So I offered an amendment in the Senate Budget Committee last week. My veterans amendment was defeated on a party-line vote of 10 to 12.

So tonight I am here on the Senate floor with Senator AKAKA with a similar amendment. And now every Senator is going to have to go on the record either for or against our veterans.

During this debate, you are going to hear Senators say that we have raised funding for veterans plenty. Other Senators are going to suggest that we are meeting the needs today. I am going to refute those claims line by line. But let me say this first: When veterans tell me they are being left behind and politicians tell me everything is fine, I will believe the veterans every time.

With that said, I want to look at some of the claims the other side will make.

One of the arguments you are going to hear from the opponents is that appropriations for veterans medical care grew by 63 percent from fiscal year 1995 to fiscal year 2004. That claim is inaccurate because it leaves out three critical facts.

First of all, the number of veterans who have served has gone up dramatically over that same period of time, as this chart shows. During the same year, the number of unique veterans getting care from the VA has increased by 88 percent.

It is nice that the funding has gone up, but it is nowhere close to meeting the number of veterans who are getting care at the VA.

Second, the Republican claim is inaccurate because it ignores the impact of medical inflation.

As this chart shows, over the same timeframe they are talking, medical inflation has shot up 92 percent, so the increases we have had so far have not even kept up with medical inflation. It is great that veterans funding has increased over the years, but it has not even kept up with inflation.

There is another problem with this excuse that we do not need this amendment, because every day, as each of us knows, new veterans are coming back home and seeking care at the VA. If the number of veterans was going to be stable in the coming years, it would be one thing, but we all know the number of veterans will keep growing as soldiers come home from Operation Iraqi Freedom and Operation Enduring Freedom.

Washington State alone has sent thousands of brave men and women to Iraq and Afghanistan over the past several years. Now a large group is returning home, including 4,000 members of the National Guard. This is the next generation of veterans.

Congress needs to provide more funding if we are going to keep up with the growing needs. So we are going to hear some of the opponents claim that veterans funding has gone up 63 percent so veterans do not need any more. But when we hear that claim, we need to remember the number of veterans in the VA system has gone up 88 percent. Medical inflation has gone up 92 percent. And we are creating new veterans every single day who need a strong, stable VA to take care of them.

Here is another excuse we will hear from the opponents. They will say the VA is sitting on nearly $500 million. VA officials in Washington, DC, may well be holding back money to see what next year may bring, but that does not mean the funds are not needed at VA hospitals and clinics. Veterans health networks are already experiencing shortfalls. As a result, the committee has heard that outpatient clinics have stopped seeing even the poorest of patients, sending them hundreds of miles away to other facilities.

I am hearing from veteran leaders in my region that the VA is not moving forward with new clinics in Whatcom County and north central Washington because all those dollars are needed for medical care for existing veterans.

If the VA is sitting on funds we have appropriated, I want those dollars moved out to help veterans as we intended. It is not an excuse to block this amendment.

We may also hear opponents claim this budget increases veterans funding by about $900 million. But when you look at the numbers, the increase in medical care is less than $80 million.

I have a chart that was produced not by us but by majority staff on the

Committee on Veterans Affairs. I ask unanimous consent to have it printed in the RECORD after my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, we have heard some opponents say we should not provide another dime in the budget for veterans health care because we do not know how the Appropriations Committee will spend that money. I serve on the Committee on Veterans' Affairs and I serve on the Veterans Appropriations Subcommittee. If the Senate passes our amendment, then the Appropriations subcommittee will have explicit instructions that this money is to be spent on veterans health care. Because I serve on all the committees involved—Appropriations, Veterans' Affairs—I will be there at every turn to remind my colleagues of the promise we made.

This amendment is also about making sure our military is strong today. How we treat our veterans affects our ability to recruit the men and women we need to serve in our Armed Forces. That is nothing new. It has actually been true since the founding of our country. On the chart behind me I have a quote from George Washington in 1789. Washington said:

> The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional as to how they perceive the veterans of earlier wars were treated and appreciated by their country.

That was President George Washington in 1789.

We have an opportunity tonight with this amendment to do right by our veterans and to keep our country strong. This amendment will help meet the growing needs and will ensure that we keep the promise to those who have answered this country's call. They were there for us when we needed them, and we need to be there for them.

With this amendment offered by Senator AKAKA and myself and many others, every Senator will have to decide if they are voting for veterans or against them. I urge every Senator to do the right thing and vote for our amendment.

EXHIBIT 1

PROPOSED VA BUDGET FOR FISCAL YEAR 2006

FY 2006	FY 2005 Appropriation [1]	FY 2006 Request	Requested dollar increase	Requested percent increase
Medical Services	[2]$19,916,688,000	$19,995,141,000	$78,453,000	.39
Medical Administrative	4,437,770,000	4,517,874,000	80,104,000	1.8
Medical Facilities	3,330,453,000	3,297,669,000	(32,784,000)	(.99)
Medical Research	402,348,256	393,000,000	(9,348,000)	(2.3)
Total Veterans Health Care	28,087,259,256	28,203,684,000	116,425,000	.41
Construction	700,606,600	816,037,000	115,430,400	16.5
Comp., Pension, Readjustment, Insurance Programs	35,182,223,680	36,668,466,000	1,486,242,320	4.2
Home Loan Program	[3]2,053,234,000	218,161,000	(1,835,073,000)	(89)
Administrative and Grants	1,792,702,608	1,677,448,000	(115,254,608)	(6.4)
Total Appropriations	67,816,026,144	67,588,635,000	(227,391,144)	(.34)
Collections	1,953,020,000	2,588,000,000	634,980,000	32.5
Approps. plus Collections	69,769,045,144	70,176,635,000	407,589,856	.58
Approps. plus Collections w/o Home Loan Line	67,715,811,144	69,958,474,000	2,242,662,856	3.3

[1] Includes 0.8% across-the-board rescission to discretionary accounts as directed by section 122 of Public Law 108–447; includes $124 million supplemental (hurricane) in Public Law 108–324.

[2] Reflects (1) realignment of funds across medical services, administration and facilities accounts as authorized by section 120 of Public Law 108–447, and (2) transfer of $125 million from medical services to Administrative and Grants account as authorized by Public Law 108–324.

[3] Relects annual reestimate, as required by Credit Reform Act, of updated housing subsidy costs for existing loans guaranteed by VA. Estimate presented with FY 2005 proposed budget was $197,859,000.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii.

Mr. AKAKA. How much time do I have?

The ACTING PRESIDENT pro tempore. There is 6 minutes.

Mr. AKAKA. Mr. President, we have heard a lot about the fact that VA has so much money that they expect to carry-over nearly $500 million to next year, as Senator MURRAY said.

I urge all my colleagues to touch base with the veterans at home and find out if the VA is really swimming in money.

VA's health networks are already experiencing shortfalls. Let me share some more specifics.

The Boise facility is facing a $1.8 million deficit. This facility, like so many others, has a hiring freeze. The facility has seen a workload increase over 7% for FY 05, but there will be staff reductions. And at present there is no money for staff education.

Veterans in need of treatment for PTSD or addiction treatment will have one less place to go due to the VA budget. The Psychiatric Rehabilitation Program at the Chillicothe VA hospital is being shut down.

Thirty nursing home beds at the VA hospital in Manchester, NH, will not be opening. VA officials expect to save $1.3 million by not opening these beds.

As my good friend, Senator COLLINS, has pointed out, the hospital in Togus has a projected $14 million deficit. This Maine facility has a hiring freeze and cannot replace equipment.

At the Louisville, KY, hospital veterans undergoing a cystoscopy must lie on a broken table during the procedure. It's been almost a year that this medical table has been broken—but the VA can't replace it because they have no money. The facility's only endoscope is broken, and the facility cannot afford a back-up.

Also at the Louisville, VA, elective surgeries have been cancelled because of lack of staff due to funding.

So, again, the administration—the same administration putting forward the budget—is holding back $450 million.

Perhaps they are holding onto this money because they know that the coming year may be horribly tight if the President's budget is made a reality.

But the VA facilities which are serving veterans need more funding.

During the Clinton years, the Clinton administration, a Democratic administration, proposed actual cuts in a veterans budget. In 1998 and 1999, they proposed those cuts. What did Congress do? Did it accept the budget? Of course it did not. It said: No, Mr. President, you may propose, but we will dispose. And we did. And we plussed up those budgets dramatically.

Not once in the past 4 years has the Bush administration proposed cuts in veterans budgets. They proposed substantial increases. Once again, Congress came along and said: Mr. President, we don't think those are quite adequate. And we plussed them up. In the course of the last 4 years, we have seen relatively dramatic increases in veterans budgets. Are they necessary? You bet they are necessary.

Here is a perfect example of the medical care budget. From 2001 to 2005, we went from $21 billion to nearly $30 billion. What did we get in return? More veterans being served. And we now have what is being called the finest health care delivery system in the United States.

This Congress ought to be darn proud of it. And we are. That is what we are going to sustain in the budget this Congress will adopt this week.

What did we do in other benefit areas? We did in the general mandatory areas exactly the same kind of thing. We looked at the budget in 2001. It was

$25.7 billion. By 2005, it was $37.1 billion. Necessary? You bet it was necessary. As a result of that, we were able to expand the capacity of the Veterans' Administration to serve veterans. And that is what we are about. So that has resulted in the greatest increase in veterans spending in the history of this country, to serve a truly needy and necessary population. We have had a 43-percent increase over 4 years, better than a 10-percent increase.

My colleague from Washington said: Yes, but numbers increased. You bet they did. They went in the area of enrollment from 4.9 million to over 7.7 million, and all during that time the quality of health care went up. We served those in need. We served those in the right categories. And, most importantly, we increased the timeliness of the service to the veterans. As a result of that, we also produced quality care.

Well, I have to tell you that when the President proposed his budget, there were areas of it I was not satisfied with. Some of my colleagues were not satisfied with it. The ranking member was not satisfied with it. And we proposed to make some changes. We are going to see an amendment offered in a few moments that makes those changes, an amendment offered by Senator ENSIGN, myself, Senator VITTER, and Senator HUTCHISON that will add another $410 million of budget resolution to the health care services.

When that is done—the committee has already added more than that—for the 2005 budget we will have moved that well beyond its area. We will have seen an increase of 3.7 percent. An additional $1.2 billion will be provided, and it will be a tremendous amount for incentives in funding. There will be no reconciliation order. That is new money. That is real money in the Veterans' Administration.

We do not raise taxes. We do not raise taxes on working veterans such as our Democrat colleagues do to serve veterans. We believe the budget pie is big enough to reach in and pull out another $1.2 billion to meet the necessary services we are about to do.

My colleagues are going to go into greater detail in a few moments to do so. But what is important about it? We said no to enrollment fees. We said no to copayments as they relate to prescription drugs. We did not think those were necessary at this time. Most importantly, the Veterans Committee, after hearing from all of those service organizations, as my colleagues have mentioned, recognized not only the need of current day veterans, but coming out of Iraq there is a whole new class of veterans. And they, too, have to be served. They are injured and impaired in unique ways, and they will have to have health care and service, in some instances, for the rest of their lives from this Government and this country which recognizes the kind of services they did and have continued to perform.

So not only no copays for prescription drugs, and no enrollment fees, we have done something else. There is another layer of service out there to veterans that oftentimes we do not talk about. It is because it is not as visible. But home in our States it is visible; that is, the State veterans homes where the State government and the Federal Government share. This year it was proposed that we reduce the per diem payment at the Federal level. In my State of Idaho and across the Nation we would have found truly needy veterans without the kind of care that we think is necessary, and we said: No, Mr. President, we don't think at this time we ought to be doing that. Yes, budgets are tight. Yes, you proposed reasonable increases in a variety of areas. But what is most important is that we serve the veterans we are serving today, we add to the enrollment when we can, and we make darn sure we are doing the right things for those veterans coming home.

Our veterans homes across the Nation provide over 20,000 beds. In my State it is 268. It is important in my State and across the Nation that we plus those up where we can and recognize the true need.

There are a good many other areas I could cover that are included in the President's budget. The President recognized the unique need for prosthetic care and as a result added $100 million to it, focusing on the truly injured veterans coming out of Iraq and Afghanistan. We recognize that and recognize that portion of the budget and add to it to strengthen it.

So a lot of work has been done. My colleagues on the other side, I am sad to say, would suggest there is never enough. This is a tight budget year. We all recognize that, but we ought not try to cut the budget on the backs of the veterans. And we are not doing that. A plus-up of $1.2 billion without reconciliation orders in this budget is a significant increase, one we can all be proud of, one that services our veterans, as it should, and services those who are in true need today.

Mr. President, can I ask how much time remains?

The ACTING PRESIDENT pro tempore. The Senator has 21 minutes 50 seconds left.

Mr. CRAIG. Mr. President, let me stop at this point and yield to my colleague from Nevada for the purpose of the offering of an amendment, further discussion on this important issue of veterans funding, and then I believe we will be joined by my colleague from Texas, Senator HUTCHISON, to further discuss this before we close out for the evening. But I believe we can turn to the Senate tomorrow and ask them to vote on a very responsible veterans budget as proposed by the Senate.

With that, I yield to Senator ENSIGN.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

AMENDMENT NO. 171

Mr. ENSIGN. Mr. President, I send an amendment to the desk on behalf of myself, Senator CRAIG, Senator VITTER, and Senator HUTCHISON.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN], for himself, Mr. CRAIG, Mr. VITTER, and Mrs. HUTCHISON, proposes an amendment numbered 171.

Mr. ENSIGN. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose to increase Veterans medical care by $410,000,000 in fiscal year 2006.)

On page 22, line 16, increase the amount by $410,000,000.

On page 22, line 17, increase the amount by $369,000,000.

On page 22, line 21, increase the amount by $37,000,000.

On page 22, line 25, increase the amount by $2,000,000.

On page 9, line 15, decrease the amount by $410,000,000.

On page 9, line 16, decrease the amount by $369,000,000.

On page 9, line 20, decrease the amount by $37,000,000.

On page 9, line 24, decrease the amount by $2,000,000.

Mr. ENSIGN. Mr. President, we are proposing an amendment today that will increase the spending on our veterans in this budget by $410 million this year. Some may ask: Why not the amount that the Democrats have proposed? Well, first, we are in tight budget times. And we are considering this amendment without raising taxes. We are taking the money out of the State Department and foreign aid budgets instead of taking the money out of the pockets of hard working Americans who are trying to make a living, trying to provide for their families.

We can never spend as much money as the Democrats. There is no question about that. Every single time we offer an increase in this budget, the Democrats will try to outbid us. We understand that. We accept that. We are trying to be fiscally responsible, at the same time taking care of our veterans and not increasing taxes on working Americans.

In the Democratic amendment, there is a $6.6 billion tax increase over the next 3 years—$6.6 billion in new taxes. That is one of the many amendments they are going to offer on this budget that will increase taxes. Of that, $2.8 billion goes for veterans care next year. But $6.6 billion in new taxes.

Senator MURRAY from the State of Washington talked about some of her veterans and the problems with some of her veterans. Nevada has experienced some of the same problems. Nevada is the fastest growing State in the country.

The problem, Mr. President, is not the amount of money we are spending, but rather the manner in which we are spending it. By that I mean that veterans are moving away from the Rustbelt to faster growing States like Nevada. A large number are moving to the west coast. A lot to the Sunbelt States. They have chosen to move, but a lot of the VA facilities are still located in the Rustbelt.

Because of the way Congress works, Senators and Representatives work hard to keep a lot of money in their States, even though the veterans have moved away. So while States such as Washington and Nevada may have VA facilities that are packed to the gills, there are some VA facilities that have 20 to 30 percent occupancy in their beds. Frankly, some of them should be closed. This President has, with the CARES Commission, proposed reallocating some of the funds so that the veterans with the greatest needs will get the care they deserve. Our amendment recognizes that you cannot do this overnight. So we recognize we have to increase spending on veterans care. We have to keep our promise—the promise we made to the men and women who don the uniform of the U.S. military and say: I will lay my life on the line to protect your freedom. All our veterans ask in return is that we take care of those who come home with medical needs. This amendment is about keeping that promise to our veterans.

I thank Senator CRAIG, chairman of the Veterans' Affairs Committee. He has done great work on behalf of veterans across America. We really owe him a debt of gratitude for the work he has done. This is just the opening chapter, I believe, in ensuring that every veteran gets the kind of quality medical care they deserve. We have to look at the whole VA system as we are transforming it, to make sure we best spend the dollars so that veterans will get the quality care they need. As a result of veterans coming home from the war, we are going to have to examine their needs. As we determine those needs, we may have to spend more. If we have to spend more, I know this body will step up to the plate and do what is necessary to take care of those heroes who fought for our freedom.

The $410 million in our amendment will restore funding to maintain the prescription copays at $7 for veterans. It also restores funding required to prevent the imposition of a $250 enrollment fee on veterans. This amendment restores funding required to stop the scale back of State nursing home per diem payments made by the VA.

It adopts the President's request to spend an additional $100 million for mental health services.

Many of our homeless veterans are homeless because of mental health issues. The President has proposed another $100 million, and this budget will now meet that. We also adopt the President's request to spend an additional $100 million for prosthetics. With all the veterans who have been wounded in the war, we are going to need at least that much. Next year, we may have to spend even more than that.

We also adopt the President's request for other nonmedical discretionary accounts, allowing for a $116 million increased funding for construction, an increase in disability claims, caseworkers, and the continued expansion of the National Cemetery System, the largest such expansion since the Civil War.

Mr. President, I believe strongly that we must keep our word to our veterans, and we must take care of those men and women who have sacrificed so much while wearing the uniform of the U.S. military. This amendment helps keep the promise we have made to our veterans.

I yield the floor.

Mr. CRAIG. Mr. President, I thank my colleague from Nevada for his amendment. I believe it is responsible and appropriate, as we plus up this budget, to assure that the veterans are adequately served and that we adjust appropriately for the new veterans coming in from Iraq and Afghanistan.

Now I yield to the Senator from Texas, Senator HUTCHISON.

Mrs. HUTCHISON. Mr. President, I would like to be notified at 7 minutes so that I can yield back the remainder of the time to Senator CRAIG.

The ACTING PRESIDENT pro tempore. The Senator from Texas is notified that there is a little over 6 minutes left.

Mrs. HUTCHISON. Mr. President, please notify me when I have used 4 minutes. I thank Senator CRAIG, the chairman of the Veterans Affairs Committee, and Senator ENSIGN, a member of that committee. I chair the Veterans' Affairs Appropriations Subcommittee. It happens that today we had our hearing on the Veterans Affairs Department, and Secretary Nicholson came before our committee and talked about what is in the budget. He said, of course, we have full coverage for the priority 1 through 6 veterans. We have full coverage in the budget for the injured coming home from Iraq and Afghanistan. And we all know that the growth in the veterans medical care area has been in the other priority veterans, Nos. 7 and 8. These are people who do not have combat-related injuries and people who are in upper incomes. When they became covered a few years ago, really, it was thought by Congress that there would not be a big surge to get the Veterans Affairs coverage because they, we thought, had private insurance. But, in fact, that has been the big surge in medical care coverage for veterans, in those 2 categories, 7 and 8; and 15 percent of those do not have private coverage.

So what we are doing with this amendment is we are saying we are not going to change anything right now. We are not going to have copays, and we are not going to have enrollment fees. But I did talk to the Secretary about making sure that if there is private insurance, that that insurance would be the first payer in a veterans health care need; that the private insurance payer would pay first, and Veterans Affairs would come second so that we could recoup some of the money that could be going into serving other more needy veterans and try to also keep a balance in the budget. That is what we are trying to do. We are trying to increase what is in the budget, and we will do that in this amendment.

We are, most certainly, going to try to do it in a way that will not harm any veteran at all. We are not going to have copay increases. We are not going to have enrollment fees, and we are not going to have a reduction in the per diem payments for nonservice-connected veterans in State veterans homes. So we are trying to do the right thing, while also whittling down the deficits we are facing in our country.

I think Senators CRAIG and ENSIGN have a very good amendment. We are going to do the right thing for veterans always. We will be able to assure coverage this year with this added $400 million, and we will be able to come back in next year, if we need more.

Mr. President, I want to mention one other area before I turn the podium back over to Senator CRAIG. It is something we will more fully discuss tomorrow. I wanted to lay down the marker that we will have an amendment to increase the number of border patrol in this budget. I am very concerned about the reports from our FBI Director Mueller, who told Congress that people from countries with ties to al-Qaida are crossing into the United States through our Mexican border.

Deputy Secretary of Homeland Secretary James Loy, recently said that intelligence reports say that Al-Qaida is looking at the Mexican border as a way to put people into the United States for the purpose of terrorist attacks. So I think we must increase the budget coverage above the 210 border patrol agents who have been added in the budget before us. We need to increase that to at least 1,000. Our intelligence reform bill said that we would have the capability to increase border patrol by 2,000 per year for the next 5 years. I am going to try, through an amendment, to increase that to at least 1,000, and we will do it without busting the top line of the budget.

We think it is very important that we stop people from coming over our borders illegally. We know we are vulnerable in this Nation right now. We know we need more places for detention, more Border Patrol agents, and better technology to secure our borders to the south and the north. These Border Patrol agents will go throughout the United States to the Border Patrol centers.

My amendment will be sponsored by Senator CORNYN, Senator BINGAMAN, Senator MCCAIN, and Senator FEINSTEIN. These are Senators from border States who know the problems of illegal immigration firsthand.

It is a very important amendment that we will discuss more fully tomorrow, but I hope our colleagues will start thinking of ways that we can assess the priorities and determine that we need at least a thousand Border Patrol agents in this year's budget and another thousand next year. But we will do 1,000 at a time, I hope, because that is what can be absorbed, that is the number that can be trained in any 1 year.

I hope we will address the Border Patrol issue tomorrow, and I certainly hope that when we have the competing veterans amendments that we will take the Craig-Ensign-Vitter-Hutchison amendment that does keep in mind the priorities of our budget, but also increases the amount that will be for medical care for our veterans and will not require any higher copays or registration fees for any of our veterans at this time.

I yield back my time to Senator CRAIG.

Mr. CRAIG. Mr. President, what is the time remaining on our side?

The ACTING PRESIDENT pro tempore. The Senator from Idaho is notified that the Parliamentarian informed the Senator of the wrong time. The Senator now has 7½ minutes.

Mr. CRAIG. Mr. President, I will close. I think the Senator from Washington has time left that she would like to use.

I think every Senator who comes to the floor of the Senate to speak about our veterans is committed without question to assuring to the veterans community of this country that we will honor their needs. It is our responsibility.

I happen to disagree with the Senator from Washington. I do not think we need to raise taxes to meet the necessary needs at this time. Veterans are hard working, too, and they pay taxes. But there are additional moneys necessary from what were moneys proposed by the President, and that is exactly what this amendment does, along with the additional plus up that the committee itself has accomplished.

When the Ensign-Craig-Vitter-Hutchison amendment is adopted, the net increase will be over $1.2 billion of new money for the Veterans Administration to spend. What do we do with that money? I mentioned we add $100 million for VA prosthetic care. We look seriously at those who are tremendously injured in body, but we also recognize that there may be veterans injured not of body but of mind, and mental health programs are increased.

The Ensign-Craig amendment to the budget resolution will mean an additional $100 million can be devoted this year to expanding treatment and services in mental illness for America's veterans who suffer PTSD as a result of their service in Iraq and Afghanistan.

Also, the budget proposes $43 million to ensure that veterans who seek emergency care in non-VA facilities are treated exactly the same as if they had sought care at a VA facility. Clearly, across my large expansive State of Idaho—it is true of the State of Washington—we cannot have a veterans hospital or a care center in every community, and yet veterans live there and emergency care is sometimes necessary. We assure that they can enter that emergency room door and be treated prior to moving on to a veterans care facility.

Finally, this budget with the $410 million added by the Ensign-Craig-Vitter-Hutchison amendment will provide $19 million for the treatment of homeless veterans. That may sound like a small amount of money, but it will bring this program up to the $100 million level and help us build on gains we have already made in reaching out to this incredibly vulnerable population of veterans.

I can stand on the floor of the Senate tonight with the offering of this amendment, as chairman of the Veterans Affairs' Committee in the Senate, working with all of my colleagues and assure them that all of those gains we talked about earlier that we all share, we recognize, and we are proud of, whether it be in mandatory spending or whether it be in health care, are gains that will be sustained by this budget in 2006, that we can build on the strength of those gains and assure that veterans who are in the categories of 1 through 6 will be truly served.

Those who have service-connected disabilities or problems in other areas will be served. We recognize that the 20,000 veterans' home beds across the States will remain open and available to veterans by not bringing down the per diem. This is a sincerely responsible budget to deal with America's veterans' needs as we have always done as a Congress and as we will continue to do in the 2006 budget and into the future.

A tight budget year? You bet it is. Need we be fiscally responsible? You bet we should be. Should we raise taxes on the working men and women of America to accomplish that? No, we should not. What we should do is exactly what we are doing tonight: reestablishing priorities within the overall budget and saying here is an area of true need and care, a responsibility that we have to address, and we are open, caring, and responsible in addressing it.

I am proud to serve as chairman of the committee. I am proud to work with my colleague from Texas who is the chairman of the appropriating committee. With the combination of all of us in a very real and bipartisan way, we are going to meet the needs of veterans as we always have, and we are going to meet them with a budget that represents a 3.7-percent increase over last year.

In as tight a fiscal year as we are in, that is a large and responsible and sensitive increase of which I am proud.

I will yield the floor, and we will be back tomorrow to debate this important issue as we ask our colleagues to support us in this effort. I do believe when we look at all the facts and figures, when we look at the 43-percent increase in veterans spending over the last 4 years, when we see the increase of veterans going out and the quality of health care going up and the efficiencies that we have asked the system to produce—and it has produced it—then this is in itself a truly responsible and caring budget, and I am proud to be a sponsor of it along with my colleagues.

We will ask the Senate to support us in this effort. I yield the floor and yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 3 minutes 9 seconds remaining.

Mrs. MURRAY. Mr. President, the Senator from Idaho, who has assumed this year the task of chairing the Veterans' Committee, does have a true compassion for veterans. I appreciate his work and his diligence on this and all the work he is attempting to do to take care of our veterans because he shares with all of us a concern of making sure we take care of those who have served us.

We just have a difference of opinion on the amendment that we have offered on this side. There are $70 billion worth of tax cuts that are assumed in this budget. All we are saying with our amendment is let's assume over $67 billion instead of $70 billion and use that amount for our veterans.

I am one who believes that when we ask our men and women to serve, we have to keep a commitment to them that we will be there to take care of them when they come home. It is part of the cost of war. I agree with the Senator from Idaho, the chairman of the Veterans' Committee, that we have increased veterans care. We had to. We have more veterans. We have increased it 43 percent over the past 4 years. But I remind my colleagues that the number of veterans needing veterans health care has increased 88 percent. Medical inflation has increased 92 percent. Even with the amendment that Republicans have offered, we will not be meeting the needs of the veterans, the men and women who have served this country.

I believe we have a responsibility to do that. I believe we cannot tell the next generation we are asking to serve that we are only going to take care of 43 percent or 60 percent. We have an obligation to take care of their health care when they come home.

The amendment offered on this side by Senator AKAKA and myself will assure us we can go home and our tell veterans they have been there for us and they will not be turned away. They have served us and we should serve them.

I am one who believes the cost of taking care of veterans is a cost war. It is not a cost we should pass on to the next generation. It is not a cost we should ignore. It is a cost that we have a responsibility to take care of.

I commend the Senator from Idaho for his amendment. I appreciate his attempt to raise it. But I say we have to make sure that all veterans are cared for. I believe that is a cost of war and it is a cost we should assume. I urge my colleagues to vote for the amendment that was offered on this side so we can make sure when we go home and face our veterans, the men and women who are coming home today from Iraq and Afghanistan will have the services they need. It is the least we can do.

Mr. DEWINE. Mr. President, amendment No. 153 is a sense of the Senate expressing the importance of providing treatment to children infected with HIV/AIDS. I encourage all of my colleagues to read the amendment and ask that they join as cosponsors to show support for pediatric treatment of HIV/AIDS. This Congress must not overlook children who are infected with HIV/AIDS.

Fortunately, Congress has realized that the transmission of HIV/AIDS is preventable and avoidable. We have supported funding for mother-to-child transmission, which, when effectively implemented in the United States, has resulted in the near elimination, less than 2 percent transmission, of mother-to-child HIV/AIDS transmission. By contrast, in resource-poor settings, less than 10 percent of pregnant women living with HIV have access to services to prevent mother-to-child transmission of HIV. It is inexcusable for us to not do something to continue to reduce the rate of transmission between mother and child. With the President's Emergency AIDS Initiative, we have certainly made some progress, but there is always more to do.

But, we cannot stop at preventing the transmission. We have to ensure that there is treatment available for children when necessary.

Approximately 2.2 million children under the age of 15 are infected with the HIV virus, and 1,900 children worldwide are infected with HIV each day. To date, more than 4 million children worldwide are estimated to have died from AIDS. We must ensure that HIV-positive children and children with AIDS are no longer overlooked and that they begin receiving the treatment and care that they deserve.

Few programs specifically target the treatment of children with HIV/AIDS in resource-poor countries due to significant challenges in diagnosing and treating infants and young children with HIV. Such challenges include: difficulty in diagnosing HIV in infants less than 18 months of age; lack of appropriate and affordable pediatric HIV/AIDS medicines; and lack of trained health care providers. When I went to Guyana two years ago, only one child—one child in the whole country—was receiving antiretroviral treatment medicine. I know that more are receiving treatment now, but not many. We have to do more to change that. We need to ensure that physicians and clinicians are trained in pediatric care and that safe and effective medicines are available to infected children who need them to survive.

Ultimately, pediatric treatment cannot be anecdotal. It must be routine. And we should demand that it be routine. This sense-of-the-Senate amendment is a step in that direction. It forces us to look at the facts, and it compels us to do something about it.

Mr. President, today I also join my friend and colleague, Senator LEAHY, in amendment No. 161 that would increase the funding level for the Child Survival and Maternal Health Program to $660 million. That would be a $334 million increase over the budgeted level of $326 million.

This is an appropriate and necessary step. And, it is, simply, the right thing to do.

With regard to today's child survival crises, we know the facts: 130 million children entered the 21st Century unable to read or write; 2,000 children younger that 15 each day are infected with AIDS; 650 million children live in extreme poverty; and over 10 million children die each year, most from preventable causes and almost all in poor countries.

According to UNICEF, out of every 100 children born, 30 will most likely suffer from malnutrition in their first 5 years of life; 26 will not be immunized against the most basic of childhood diseases; 19 will lack access to clean, safe drinking water; and 17 will never—ever—go to school.

How have we responded to this world of ours? How have we responded to the developing world? We have seemingly come to expect, and indeed, accept poverty, instability, and epidemic disease as a way of life in the developing world. The real tragedy is that all of it is avoidable.

We can do something about it. We can do simple things to save millions of children's lives. Our amendment would help save lives.

I would like to take a few minutes to share some more statistics about child and maternal mortality. I am often hesitant to recite statistics here on the floor of the U.S. Senate because when we hear them repeatedly, it is all too easy to become numb to them—to forget the human realities that they do, in fact, represent. It is important, though, for my colleagues and for the American people to listen to some of these statistics because they are so unbelievable and so tragic and represent so many lives that could be saved—lives that could be saved if we would make the appropriate amount of resources available to the developing countries in such dire need.

Of those 10 million children who die each year worldwide, 3.9 million occur in the first 28 days of life. These babies don't even have a shot at living their lives. Yet, two-thirds of these deaths could be prevented if available and affordable interventions had reached the children and mothers who needed them.

Malnutrition contributes to 54 percent of all childhood deaths. And, as many as 3 million children die annually as a result of Vitamin A deficiency and an estimated 400,000 cases of childhood blindness are reported each year.

According to World Health Organization estimates, at least 30 million infants still do not have access to basic immunization services, and over 4.4 million children died from vaccine preventable diseases in 2001—diseases such as hepatitis, polio, and tetanus. Of all the vaccine-preventable diseases, measles remains the leading childhood killer, claiming the lives of 745,000 children—more than half of them in Africa. Yet, vaccine-preventable deaths could actually be cut in half by 2005 if these children were receiving proper vaccinations.

Recently, the Lancet, which ran a series of articles last year about child survival, has launched a series of articles about neonatal death. Here is what the first few articles reveal: Of the 130 million babies born every year, about 4 million die in the first 4 weeks of life—the neonatal period. In poor communities, many babies who die are unnamed and unrecorded, indicating the perceived inevitability of their death. [Also], 450 newborn children die every hour, mainly from preventable causes.

This is unconscionable, and it is an emergency situation. There really isn't any other way to describe it. Over 10 million children dying each year from preventable and treatable illnesses is an emergency.

But this emergency cannot be resolved through short-term, temporary, piecemeal assistance. If we are to make any real headway in improving the health of women and children in the long-term, we need to take some bold and radical steps and be committed to supporting maternal and child health programs not just now, but next year and the year after and the year after that. Our funding simply cannot be administered in a single-dose.

Our amendment would allocate additional money to help avert maternal and neonatal death and improve maternal health, including the prevention of obstetric fistulas and other types of injuries and disabilities resulting from childbirth in unsafe circumstances. The fact is that all pregnant women are at risk for injuries and childbirth complications, which is why it is so important to have skilled attendants—midwives, doctors, or nurses—present at birth. Yet, only about half of the world's women give birth with a skilled attendant available.

Child survival and maternal health funding provides resources so that USAID can provide training and technical assistance in infection prevention and quality of care, as well as needed equipment and supplies to bring health facilities up to a level where they can provide safe and effective emergency pre- and post-natal care. Child survival interventions work, and they are the most cost-effective tools we have in the struggle for better global health. We can and should invest in these programs as they increase developing countries' access to basic health services—services like vaccinations, immunizations, micronutrient programs, and vitamin supplements.

If we make this investment and work toward equal access to health care, we help ensure that mothers receive proper prenatal care, that children and families receive nutrition counseling and vitamin supplements, and that children receive the necessary immunizations and vaccinations to live healthy lives. But tragically, if we fail to make a sufficient and sustained investment in the development of public health systems that provide primary care, mothers will continue to die prematurely during childbirth, children will continue to die from preventable disease and causes, and life expectancies in these developing nations will stagnate or perhaps even decrease. That is not an acceptable future for any of us.

I ask my colleagues to join us in supporting this amendment.

Mr. OBAMA. Mr. President, I have come to the floor as a cosponsor on the Sarbanes amendment to the budget to protect funding for the community development block grant CDBG administered at the Department of Housing and Urban Development.

This program is crucial to the development of low income communities across America.

As you know, the administration has proposed a plan in the 2006 budget to consolidate 18 existing economic and community development programs into a single program administered by the Department of Commerce. The HUD community development block grant program—also called the CDBG program—is the largest of those 18 programs.

The grants previously awarded under these 18 programs would be awarded in the name of a single, newly formed strengthening America's communities, SAC, grant program.

But when examined, it becomes clear that the President's proposal will mean less assistance for low-income communities and a dismantling of relationships within a community development infrastructure of public servants and community-based organizations that we have built over the last 30 years.

Under the proposal, the total budget for these 18 programs would drop 30 percent from $5.31 billion in 2005 to a proposed $3.71 billion in 2006. That means less money for home ownership, less money for economic development, less money for communities struggling in changing economy.

To give you a sense of what that means for State and local governments, consider that in 2005 the community development block grant, CDBG, program alone was funded at $4.15 billion, $450 million more than the $3.7 billion requested for the total 18 programs being consolidated under the new strengthening America's communities grant program in 2006.

That is not a consolidation of programs. It is a direct attempt to dismantle those programs. That is why the U.S. Conference of Mayors, the National Association of Counties, and the National League of Cities all oppose this.

As those groups have pointed out, the Commerce Department lacks the capacity to administer the newly proposed program. HUD has 1,100 urban, suburban, and rural CDBG grantees, constituting a strong infrastructure for program administration. And, HUD's $4.7 billion CDBG program dwarfs the Commerce Department's $257 million economic development program. HUD has skills and experience Commerce lacks.

On March 4, 2005, I wrote a letter to Chairman GREGG and Ranking Member CONRAD supporting full funding for the CDBG and objecting to its transfer to the Department of Commerce from HUD.

Those who are closest to the needs of low-income communities our Nation's Governors, community based organizations in Illinois, and local government officials from Illinois have all come out in support of the Sarbanes amendment. They know the CDBG program works and have shared success stories of communities strengthened with CDBG funds. They respect the public servants that administer the program, and they have developed a working partnership with them.

In Illinois, communities large and small are making the most of this assistance.

The city of Chicago, for example, which has already seen its formula share of CDBG funds reduced by $14 million over the last 3 years, has focused its CDBG priorities on five specific program areas: affordable housing, youth programming, health clinics, job training, and support services to groups with specific needs, such as domestic violence, emergency food aid, and meals on wheels.

Let me give you a specific example of CDBG funds in action. Mujeres Latinas en Acción is an organization in Chicago's Pilsen community that serves Latinas and their families. The total they receive in CDBG funds both through the city of Chicago and the city of Cicero is close to $170,000.

Mujeres Latinas en Acción depends on CDBG funds to support services such as rental assistance for program participants to prevent homelessness. They also provide comprehensive services for victims of domestic violence including crisis intervention, court advocacy, individual counseling, group counseling, 24-hour crisis hotline, and referrals to shelters. And, the group also uses CDBG funds to provide services to young people promoting the development of peaceful relationships, open communication with peers and family, and school success. The goal of the program is to provide youth a variety of age appropriate structured activities during nonschool hours to help prevent teen involvement in gangs, alcohol and drug use, sexual activity, pregnancy, and other problems facing adolescents in low-income communities.

In Champaign, IL, CDBG funds have been used to help low-income families become homeowners, make homes accessible for the disabled, provide credit counseling, construct emergency and transitional shelters for the homeless, and provide a broad range of services to people in need. A number of towns in St. Clair County, IL, are using CDBG funds for housing rehabilitation grants and loans for their low to moderate income residents.

As you can see, these proposed cuts in the CDBG program affect big cities and smaller towns. Chicago Mayor Richard J. Daley wrote me that, "significant reductions in CDBG funds . . . would have a serious effect on the network of community-based organizations throughout the city which rely on CDBG for their existence. A number of them would likely close their doors." And, in the words of Eric Kellogg, the mayor of Harvey, IL, population 30,000, "Many have characterized CDBG as the best federal domestic program ever enacted because of its flexibility and adaptability in meeting the needs of a diverse America."

The CDBG program works. Let's not destroy it.

I urge my colleagues to support the Sarbanes amendment.

MORNING BUSINESS

UNIVERSITY OF MONTANA GRIZZLIES IN THE NCAA

Mr. BAUCUS. Mr. President, I rise today to congratulate the University of Montana, which for the first time since 1997 will watch both its men's and its women's basketball teams advance to the NCAA tournament, and we do so with Big Sky tournament championships fresh in hand.

The University of Montana men's basketball team will head to the tournament for the sixth time in school history. The Grizzlies now face a daunting task, facing the No. 1 seed University of Washington, and we are going to beat them.

Under Coach Larry Krystkowiak, we have a coach and a team that is going to win. Larry was a legendary basketball player for the Grizzlies in the 1980s, rising all the way up to the NBA, and now in his first year as head coach of the Grizzlies, he is a champion.

We won the tournament. We are going to beat those characters over in the State of Washington. We are going to win the next round.

The Lady Griz basketball team is leading to the tournament for the 16th time in school history. They will face Vanderbilt, and I am quite confident head coach Robin Selvig—just a terrific coach—will have his team ready to play.

Both teams represent that which is great about college athletics: fellowship, sportsmanship, and fair play. They are great kids. The student athletes conduct themselves with dignity and class, and I am very proud how well they have represented my home State, and we are very proud to see them compete on a national stage for the national championship.

All I have to say is, watch out, Vanderbilt; watch out, University of Washington. Montana is coming.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

Last September, a gay tourist was attacked outside a popular gay club in Hawaii. The woman was walking to the club with two of her friends when she was approached by two men. One of the men asked if the women were gay. When the men found out that the women were lesbians, they began to shout antigay epithets at them, and the tourist was struck in the face. She received several fractures below her eye, a broken jaw, and a concussion from the attack.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

RUSSIAN SUPPORT FOR THE SYRIAN REGIME

Mr. BROWNBACK. Mr. President, the Helsinki Commission, which I chair, held a hearing last week that examined the close relationship between Russian Federation and Syria. The Commission heard testimony detailing their intricate financial and military dealings that began in the earliest days of the Cold War and continue to this day. This relationship allows Syria to continue to support numerous terrorist groups, groups that have terrorized Lebanon for the past three decades and fuel the insurgency in Iraq. In addition, we heard details about Syria's support of terrorist organizations who operate around the world. Finally, we heard from both Lebanese and Syrians committed to freedom and democracy who have become victims of the Assad regime and are now languishing in the prison cells of Damascus.

The Commission's concern regarding Russia's involvement with Syria—a country that has been listed as a state sponsor of terrorism since 1979 by the State Department—rises from the Helsinki commitments that Russia has freely accepted as a participating State of the Organization for Cooperation and Security in Europe OSCE. The OSCE Charter on Preventing and Combating Terrorism was agreed to at the Porto Ministerial in 2002. Russia then committed to refrain from instigating or providing active or passive support or assistance to, or otherwise sponsoring terrorist acts in another state. Russia also committed to reducing the risk of terrorists gaining access to weapons and materials of mass destruction and their means of delivery.

Russia's support for the terrorist regime in Damascus flies in the face of these commitments. Russia is an active enabler of the Assad regime, whose Ba'ath Party was described by one of our witnesses as the richest terrorist organization in the region. The Syrian regime has received untold amounts of military hardware, much of which are currently being used by terrorists in Iraq against our American troops and our allies. Additionally, Syrian intelligence supports terrorist units in Iraq, composed not only of Syrians, but including Egyptians, Sudanese, Moroccans, and other Islamic mujaheddin.

Even more alarming is Russia's plan to sell an unknown number of Igla SA-18 shoulder-held missiles to Syria. Such a sale to this terrorist state is more than criminal. This sale will put in the hands of terrorists some of the most sophisticated shoulder-held missiles in the Russian inventory, and increases the likelihood that they will get into the arsenals of other terrorist organizations around the world. Despite Russia's denials, indicators are that this sale will go forward soon, putting at risk every airline flight, every military flight, with the potential for massive loss of life and the shutting down of modern transportation around the world.

We must focus on the fact that, while there is no apparent direct Russian involvement in Iraq, this direct support of Syrian military and intelligence operations, coupled with Syria's support for Hezbollah in Lebanon and the long list of evil deeds coming out of Damascus, cast Russia as a suspicious party to these terrorist activities. We should not sit idly by and allow this to transpire without comment. We must call upon President Bush and Secretary Rice to reiterate U.S. demands that Russia disengage from its support of Syria, a state sponsor of terrorism. It is not enough to stop the sale of the missiles. Complete cessation of financial and military support to this rogue regime is necessary.

On the eve of the Helsinki Commission hearing, a courageous group of human rights activists and pro democracy reformists held a demonstration in Damascus, a daring display of dissent quickly broken up by the security forces. One of the protesters held up at banner that read: "Freedom for Prisoners of Opinion and Conscience." According to the Syrian Human Rights Committee, the Assad regime in Damascus has executed nearly 17,000 Syrian and Lebanese prisoners. Additionally, there are over 600 prisoners of conscience in Syrian jails, champions of human rights, accountability and transparency who are still languishing under horrible conditions.

I would like to highlight a few of these prisoners of conscience whose names were submitted to us by one of the witnesses and call for their immediate release: Riad Seif, member of parliament; Aref Dalilah, economist;

Maamun al-Homsi, member of parliament; Abdul Aziz al-Khayer, physician; Habib Issa, lawyer; Walid al-Bounni, physician; Mohammad Bashir al-Arab, student leader and doctor; Muhanad al-Debs, student leader; Mahmoud Ammo, activist; Mahmoud Abou Sader, activist; Mazid Ali Al-Terkawi, businessman; and Fawaz Tello, engineer.

I was pleased to hear of Syria's promise to a U.N. envoy to withdraw its troops and intelligence agents from Lebanon, but as the counter-demonstrations yesterday against Syria demanded, Damascus must follow through with actions as soon as possible. I am hoping that details of the withdrawal plan from U.N. envoy Terje Roed-Larsen after his talks with Syrian President Bashar Assad and Lebanese President Emile Lahoud will allow the people of Lebanon to hold their parliamentary elections in May without any interference from the Syrians and to do so in a manner that is free, timely, and transparent.

What would be unacceptable is the kind of warning issued by Prime Minister-designate Omar Karami that polls may have to be postponed if the country's political opposition fails to enter a dialogue with the government. Such an effort will surely ignite the kind of violence that the Lebanese people have been yearning for so many years to avoid.

It is time for the international community to lend support for the slogan that defines the people's revolution in Lebanon and in the region: "Kifaya," which means "enough." Let's listen to what the people in Lebanon are saying for what they are saying is now being heard not only in Beirut but in Damascas, in Cairo, and in Riyahd: enough of autocrats, enough of the corruption, and enough of the repression.

WINDS OF CHANGE IN ROMANIA?

Mr. BROWNBACK. Mr. President, I rise to congratulate the people of Romania and newly elected President Traian Basescu on the success of their recent national elections, and to encourage them in their efforts to consolidate democracy in Romania. In the 15 years since the overthrow of the brutal Communist dictatorship which ruled that country for decades, Romania has undertaken four successful national elections and peaceful transfers of power, and has made important strides in building democratic institutions and the rule of law.

I was recently appointed chairman of the Commission on Security and Cooperation in Europe—the Helsinki Commission—and have followed events in Romania for many years. In that capacity, I look forward to working with the government and the people of Romania on the challenges confronting both of our countries.

Romania is a good friend of the United States and a strong partner in the war on global terrorism. I thank the Government of Romania for its steadfast support of Operation Enduring Freedom in Afghanistan, where a battalion serves on the ground, and for its support of the U.S.-led military action in Iraq. More than 700 Romanian soldiers contributed to the efforts that supported the people of Iraq in their historic ballot. Romania is our NATO ally and anticipates accession to the European Union in 2007.

President Basescu has recognized that endemic corruption and the poverty it breeds are a threat to Romania's national security, and his government is already taking steps to combat this scourge and to institute effective government reform. We commend the President's efforts and stand ready to assist him as he shines the light of transparency across Romania.

President Basescu's focus and determination give me hope that progress can also be made on a number of matters that have been of concern.

In 2001, Romania imposed a moratorium on all international adoptions under pressure from the European Union, and amid allegations of "baby selling." This moratorium was extended several times pending development of comprehensive child protection legislation to include new rules on adoption. The new legislation came into effect in January of this year and limits international adoption to the grandparents of the Romanian child—effectively ending international adoption. More than 200 U.S. families were in the process of adopting Romanian children when the moratorium was established, and the Government of Romania indicated that it would proceed with those adoption requests that were "already in the pipeline." However, to date, these cases remain unresolved. This total ban on international adoptions is regrettable and means that many children in Romania will now grow up without permanent families. I am particularly concerned about the over 200 adoption cases which were already being processed for U.S. parents, and I urge the Government of Romania to resolve these cases quickly, so these children can be placed with the families as promised. I also urge President Basescu to consider revising existing law to allow the resumption of international adoptions with appropriate safeguards.

The Government of Romania enacted a comprehensive antidiscrimination law in 2000 and has in place a national action plan on Roma. Yet the great majority of Roma and Sinti in Romania remain marginalized, living in abject poverty due to severe discrimination in employment, housing, and education. President Basescu should take bold and concrete steps to ensure that Romani citizens have full opportunity to participate in the civil and political life of Romania. The establishment of a fund to implement school desegregation would be an important step toward achieving that goal and would make the Romanian government's participation in the Decade of Roma Inclusion truly meaningful.

Following decades of denial, the Government of Romania has made great strides in the past year in recognizing Romania's role in the Holocaust. I commend the government for taking steps to examine this dark and painful chapter in the country's history. The International Commission for the Study of the Holocaust in Romania, led by Elie Wiesel, officially issued its findings last November in Bucharest. In addition to the establishment of a national Holocaust Remembrance day, which Romania marks on October 12, the Commission's recommendations include the construction of a national Holocaust memorial and museum in Bucharest, the annulment of war criminal rehabilitations, and the establishment of Holocaust education curricula and holocaust courses in secondary schools and universities. The government should move quickly to implement that Commission's recommendations.

In a related matter, I hope that the Government of Romania will finally bring to closure the rehabilitation and honoring of World War II dictator, Marshall Ion Antonescu, Hitler ally and war criminal condemned for the mass murder of Jews and Roma. During the past 3 years, government officials publicly condemned efforts to honor Antonescu and removed from public land three statues that had been erected in his honor. One statue remains on public land in Jilava, the site of Antonescu's execution, and important streets in the cities of Cluj, Targu Mures, and Campulung Muscel continue to be named after him. I urge the Government of Romania to remove these remaining vestiges honoring the former dictator.

The process of providing restitution or compensation for property confiscated by former regimes in Romania has been slow, complicated, and difficult. Government records indicate that more than 200,000 claims for property restitution have been filed by individuals, and more than 7,000 claims have been filed by religious denominations and communal groups. The plight of Romania's Greek Catholic Uniate Church, which was banned by the Communist government in 1948, is particularly troubling. More than 2,500 churches and other buildings seized from the Uniates were given to Orthodox parishes. The government decree that dismantled the Greek Catholic Church was abrogated in 1989, however, of the thousands of properties confiscated from the Greek Catholics, fewer than 200 have been returned. I hope that this government will finally take significant steps toward the restitution of Greek Catholic property as well as that of other religious denominations. Romania's failure to return religious properties to their rightful owners 15 years after Communist rule is inexcusable and, in my view, a destabilizing element in Romanian society.

Trafficking in human beings will continue to challenge the new government. Romania is a source and transit country primarily for women and girls trafficked for sexual exploitation. While the Romanian Government has made tremendous progress in its antitrafficking initiatives in the past several years, there are still some areas of concern including corruption within the law enforcement community, light penalties for those convicted of trafficking, and proposals to legalize or regulate prostitution.

Greater accountability is needed among members of the law enforcement community in view of allegations that officials have assisted traffickers in obtaining false passports, facilitated illegal border crossings and accepted bribes to tamper with witnesses' testimony. Traffickers are increasingly likely to be prosecuted for their crimes in Romania, however, the penalties imposed by judges are still too low—usually 1 year or less in prison. Penalties should be severe enough to reflect the heinous nature of the crime and to serve as a deterrent to other prospective traffickers. Finally, it is important for the government to take a firm stance against all efforts to legalize or regulate prostitution. Legalized and regulated prostitution is a magnet for human trafficking and provides a shield behind which traffickers hide.

While many challenges remain on the road ahead for President Basescu, his new government, and the people of Romania, I am convinced that, working together, they will move toward a bright and prosperous future. I stand ready to assist our friends in Romania in any way I can.

INTERNATIONAL DAY OF ACTION AGAINST SLAUGHTER OF SEALS

Mr. LEVIN. Mr. President, today there will be rallies in 50 cities across the world calling on the Canadian Government to stop the cruel and needless slaughter of seals. Animal protection and environmental groups in the U.S. and throughout the world have condemned Canada's increased seal hunt, which will allow sealers to kill over 300,000 baby seals this year alone. The hunt officially opened on Nov. 15, 2004, but the bulk of the killing will begin toward the end of March, after the babies have been born. They will be clubbed and shot mainly for their fur.

A recent study was conducted by an independent team of veterinarians which found that the seal hunt failed to comply with basic animal welfare standards and that Canadian regulations with regard to humane killing were not being enforced. The study concluded that up to 42 percent of the seals studied were likely skinned while alive and conscious. The United States has long banned imports of seal products because of widespread outrage over the magnitude and cruelty of the hunt.

Our neighbor to the north is fortunate to have vast and diverse wildlife populations—animals that deserve protection, not senseless slaughter. Americans have a long history of defending marine mammals, best evidenced through our Marine Mammal Protection Act. Not surprisingly, recent polling shows close to 80 percent of American voters oppose Canada's seal hunt, and the majority of those surveyed are willing to make consumer choices that will help put a stop to the slaughter.

On February 1, 2005, Senator COLLINS and I introduced a resolution, S. Res. 33, which urges the Government of Canada to end this senseless, inhumane slaughter. We are pleased that 18 of our colleagues in the Senate have cosponsored this resolution: Senators LUGAR, BIDEN, CANTWELL, JEFFORDS, DODD, DURBIN, FEINSTEIN, JOHNSON, LAUTENBERG, MURRAY, STABENOW, DORGAN, KENNEDY, REED, SCHUMER, WYDEN, FEINGOLD and BOXER.

ADDITIONAL STATEMENTS

CONGRATULATING THE POPLAR BLUFF MULES

• Mr. TALENT. Mr. President, I want to recognize today the distinguished accomplishments of the Mules, the Poplar Bluff High School Boys Basketball Team of Poplar Bluff, MO, and congratulate them on winning the 2005 Missouri Class 5 State Championship for Boys Basketball.

The team had a truly remarkable season, and their accomplishment was hard fought and well deserved.

Working as a team, these talented young men pulled together to defeat the previously unbeaten No. 1 ranked team in the Nation.

The Mules finished with a record of 27 wins and only 4 losses, with 2 of those losses against teams that were, at the time, ranked in the top 10 in the Nation. The State title win was the second consecutive Missouri Class 5 Boys Basketball Championship for the Poplar Bluff Mules.

Anchored by an aggressive defense and a balanced offense, the Mules turned back many deserving opponents in their march to the championship.

I also congratulate their coach, John David Pattillo, and the excellent leadership he has provided. With a staff of dedicated assistant coaches and a great deal of support from students and parents, he created a program for which all of us can be proud.

I congratulate the students and coaches of Poplar Bluff High School on their exceptional championship season.•

CONGRATULATIONS TO THE REGIONAL ACADEMIC KENTUCKY NEW ERA/ROTARY REGIONAL ACADEMIC ALL-STAR TEAM PROGRAM

• Mr. BUNNING. Mr. President, today I wish to recognize nominees for the Regional Academic All-Star Team from the Pennyroyal region in western Kentucky.

The regional Academic All-Star program's purpose is to recognize top academic scholars and performers. Students from Caldwell, Christian, Trigg and Todd Counties of Kentucky were nominated based on their academic performance in seven disciplines: English, foreign language, journalism, mathematics, science, social studies and the creative and performing arts. The students are judged on their core academic score, the curriculum of the student, their grade point average, academic honors earned, unique accomplishments and achievements, extracurricular activities, employment history, and an autobiographical essay.

Education is the foundation upon which we reach our human potential. Students in Kentucky are developing their talents, furthering their education, and pursuing their aspirations in life through programs such as the Academic All-Star program. Encouragement and recognition develop confidence and achievement among young Americans—the future leaders of our country.

The following students have been nominated for their academic excellence:

Griffin Blane, Christian Co. High School; Gregory Kyle Rader, Hopkinsville High School; Ralph King Anderson IV, Trigg Co. High School; Kody Douglas Carpenter, University Heights Academy; Dianne Lisette Rousseau, Caldwell Co. High School; Lauren Whitney Scott, Heritage Christian Academy; Jennifer Renea Fowler, Todd Co. Central High School; Samantha Joy White, Christian Co. High School; Chad Darrel Brown, Todd Co. Central High School; Casey Jo Calhoun, Trigg Co. High School; Bryan Hill, Hopkinsville High School; David Clayton Blake, Heritage Christian Academy; Stephanie Leigh Huntsman, Caldwell Co. High School; Danielle Diane Brown, Heritage Christian Academy; Matthew Wyn Lewis, Hopkinsville High School; Kristin Averitt Dickinson, Todd Co. Central High School; Brittany Nichole Goodenough, Trigg Co. High School; Haylee Laura Lynne Ortiz, Christian Co. High School; Drew Martin Swain, University Heights Academy; Sarah

Christine Wilson, Heritage Christian Academy; Marianne Wynn Lassiter, Hopkinsville High School; Amy Beth Shemwell, Todd Co. Central High School; Brandon Bowron, Trigg Co. High School; Jerika Nashea Wilson, Trigg Co. High School; Melissa Nail, Hopkinsville High School; Kathryn Elizabeth Gill, Todd Co. Central High School; Jonathan Christopher Bass, University Heights Academy; Zachary Daniel Ferguson, Christian Co. High School; Erika Elaine MacMillan, Heritage Christian Academy; Ryan David Mullen, University Heights Academy; Andrew Christian Chiles, Hopkinsville High School; Barry Eli Knoblock, Todd Co. Central High School; Paul Thomas Latham, Christian Co. High School; Joshua Allen Fitzhugh, Trigg Co. High School; Sarah Christine Wilson, Heritage Christian Academy; William Matthew Suiter, Todd Co. Central High School; Amy Nicole Adams, Caldwell Co. High School; Norman Bradley Fox, University Heights Academy; Juliana Elyse Patterson, Trigg Co. High School; Robert Kyle Whitaker, Heritage Christian Academy; Pretesh Parmar, Hopkinsville High School; Nicholas Pickford Thompson, Christian Co. High School; Dustin Glynn Kostalek, Hopkinsville High School; Ann Marie Crabtree, Trigg Co. High School; Kelley Lynn Smiley, Christian Co. High School; Meera Ramesh Patel, University Heights Academy; John Hayes Laster, Todd Co. Central High School; Emily Scott, Heritage Christian Academy; Sarah Beth Vied, Caldwell Co. High School.

These students embody the spirit, commitment, and sacrifice that we all should strive for in our daily lives. The citizens of Kentucky should be proud to have these young men and women in their community. Their example of dedication and hard work should be an inspiration to the entire Commonwealth. I extend my thanks to these students for their efforts, and I am proud to bring their accomplishments to the attention of the Senate.●

HATTIE CARAWAY

● Mrs. LINCOLN. Mr. President, every year in March we celebrate Women's History Month. It offers us the opportunity to honor the women who have made historical contributions to our Nation. It also allows us time to reflect on their achievements, which continue to inspire us every single day.

Today, I rise in tribute to one of these very special women. A woman dear to my heart and dear to the hearts of generations of Arkansans, whose courage and convictions forever changed the history of this Great Body. That woman is Hattie Ophelia Wyatt Caraway. On January 12, 1932, this Arkansan became the first woman ever elected to the United States Senate.

When we think of the life of Hattie Caraway, we think of a life devoted to the family, State, and country that she loved so deeply. Those who knew her were drawn to her endearing sense of humor, her gentle and dignified manner, and her warmth. The example she set, both personally and professionally, has always been an inspiration to me, and as the second woman to serve Arkansas in the U.S. Senate, I feel a special bond with Hattie and am humbled to follow in her footsteps.

Hattie Caraway came to this distinguished body on November 13, 1931, following the death of her husband, Senator Thaddeus Caraway. An appointment by the Governor of Arkansas allowed her to temporarily fill the seat of her husband, and the historic special election that followed allowed her to achieve what no woman had ever achieved—an elected seat in the U.S. Senate. It was not only a testament to the openmindedness and fairness of the people of Arkansas, but it was a testament to Hattie Caraway and the kind of woman she was.

Upon the conclusion of her husband's term, it was generally expected that Hattie would retire and quietly settle down with her family back in Arkansas. In doing so, the seat that she and her husband had proudly served for 12 years would go to one of the candidates, including a former Governor and U.S. Senator, who were now running for the nomination. But Hattie Caraway was never one to make decisions based on the expectations of others. With a firm belief that "women are just as loyal, courageous, and self-sacrificing as men," she stood boldly in the face of overwhelming odds to campaign for a full Senate term. Although she had little campaign funding and was less experienced than her male opponents, she got support from an unlikely source—the legendary Senator Huey Long, of neighboring Louisiana.

Not only were the Caraways and the Longs close friends but Senator Long had come to respect his new female colleague for her undaunted courage in voting against special interests and standing up for the people in her home State. Upon arriving in Arkansas for the campaign, what the two of them would accomplish together that first week of August in 1931 would become legend. The week-long "Hattie and Huey Tour" wound its way through the State, speaking in more than 35 communities, traveling over 2,000 miles, and drawing huge crowds. With the fiery Long imploring crowds that, "If Wall Street and their gang succeed in defeating enough Senators who have stood with the people like this little woman from Arkansas has . . . You'll never be able to get anyone from this State to stand by you again," he effectively introduced Hattie to new areas of the State. As a result, the depression-stricken Arkansans who had endured months of unemployment, poverty, and low farm prices began to see Hattie Caraway for who she was, an honorable friend and neighbor who would always remain an advocate for the best interests of them and their families. At the polls, the people of Arkansas stood by Hattie in overwhelming numbers, doubling the votes of her nearest rival and carrying 61 of Arkansas' 75 counties.

In the Senate, it was rare for "Silent Hattie" to participate actively in debate or deliver a speech to the chamber. She had learned from her husband's years of public service and was weary of the politicians who placed a higher priority on hearing their own voice than working on behalf of the people they were elected to represent, often remarking, "It's funny how they talk on after we've all made up our minds." Senator Caraway took her responsibilities as a legislator seriously and built a reputation among her colleagues as a woman of integrity who showed a determination to faithfully champion the interests of Arkansas above everything else.

Although she maintained her political independence, Hattie was a proponent of much of the legislation proposed under President Franklin Roosevelt's New Deal. As a friend to the veterans and a critic of lobbying groups, Hattie also advocated commercial aviation safety and used her seat on the Senate Agriculture Committee to fight for farm relief and flood control on behalf of Arkansas farmers. Her diligent service and effective advocacy of legislation for Arkansas won her another term in 1938, beating in the Democratic primary a legend in Arkansas politics who would later serve 34 years in the U.S. Senate, John L. McClellan.

Quickly becoming accustomed to breaking the Senate's gender barriers, Hattie became the first woman to chair a Senate committee, the Committee on Enrolled Bills, in 1933 and 10 years later would become the first woman to serve as Presiding Officer on the floor of the Senate. Her legacy would also be distinguished by the support she offered for many of the Nation's historical pieces of legislation. One of these bills was President Roosevelt's lend-lease proposal and Hattie gained national notoriety by speaking assertively on its behalf. This program of lending supplies and materials to England to assist in their war effort was viewed by many isolationists in the United States as an unnecessary measure that would drag our Nation into war. In that time, women were seldom involved in issues of war and national security but Hattie's voice was influential in passing the lend-lease bill through Congress. Hoping to avoid war at all costs, she felt lend-lease would only strengthen England's effort to provide the "last wall protecting us from Naziism." As the proud mother of sons serving our Nation in uniform, she was a credible voice on the issue and her plea to view the matter without emotion struck a chord among Americans.

Hattie's historic Senate career came to a conclusion during the Democratic primary of 1944, when she was defeated by another Arkansas political legend, J. William Fulbright. At the conclusion of her final term, Hattie was honored by her Senate colleagues with a standing ovation on the floor of the Senate. Those on hand described it as "almost without precedent."

Although Hattie passed away in December of 1950, her impact is still felt in the institution she served and by all of those who have found inspiration in the life she led. In 1996, a portrait of Hattie was placed just outside the Senate Chamber in the U.S. Capitol. The portrait is only the second in the Senate's permanent art collection which honors a woman; the first is Pocahontas. In 2001, Hattie made history again when she became the first Arkansan to ever appear on a stamp and I was proud to help unveil the 76-cent Hattie Caraway definitive stamp, as a part of the Postal Service's "Distinguished Americans" series.

While there are many ways for us to remember Hattie, her lasting legacy will live on in those who have been inspired by her example and in the generations of women seeking elective office who have followed the road she has so boldly paved. We have come a long way since the Suffragist Movement at the beginning of the last century, and we have women like Hattie Caraway to thank. Thirty-one women have followed Hattie Caraway to the U.S. Senate, and today, a record 14 women are currently serving. With the 68 women serving in the U.S. House of Representatives, a record 82 currently women serve in the U.S. Congress today. Hattie would be proud. It is up to us to continue the progress she made and to urge a new generation to follow the heroic example set by her and so many other pioneering women.

When I think of Hattie Caraway, I think of a quote she made throughout her 1932 campaign. I carried it with me throughout my first Senate campaign: "If I can hold on to my sense of humor and a modicum of dignity, I shall have a wonderful time running for office whether I get there or not." Well, Hattie, you got there. In the process, your humor carried you through and your dignity earned you the affection of generations who are inspired to follow in your footsteps despite whatever barriers they may encounter or traditions they must overcome.

In the illustrious history of this great body and in the hearts of those who are inspired by her courage, one woman clearly stands out. Her name is Hattie Caraway. I am proud that she is from my home State of Arkansas, and I am proud to call her one of my heroes.

Each of us has our own personal story about a woman who has provided our lives with hope and inspiration. During this month, take some time to tell that story. By doing so, you will not only honor their efforts but may also inspire a member of our younger generation with both the imagination to think a bit larger, and the courage to boldly turn their dreams into reality.•

ROCKY MOUNTAIN COLLEGE

• Mr. BAUCUS. Mr. President, I rise today to congratulate one of Montana's fine educational institutions on its first national championship title. Rocky Mountain College, located in Billings, is Montana's oldest institution of higher education. Last weekend, the men's ski team became the overall national champions at the 27th Annual US Collegiate Ski Association Championships.

Montana's schools may be smaller than the (average universities around the Nation, but Rocky Mountain College has again proven that smaller schools can achieve giant results.

Under Coach Jerry Wolf's leadership, the men's ski team made history for Rocky Mountain College by leading the men's ski team to their first national championship in the school's history.

However, the men were not the only ones from the Big Sky State to shine that day. The Women's ski team finished 10th overall. Both teams have made it to the national championships for the last 4 consecutive years but never with this excellent combination of results.

I want to recognize three students who finished events with times in the top 10: Pete Petry, Erik Willborg, and Johanna Aaker. I know how hard all of the students on the ski team worked to achieve these fantastic finishes, and I am pleased to represent such talented individuals.

To both the men's and women's ski teams of Rocky Mountain College, congratulations on your fantastic seasons.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTED MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 1:30 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 62. An act to create the Office of Chief Financial Officer of the Government of the Virgin Islands, and for other purposes.

H.R. 126. An act to amend Public Law 89-366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore.

H.R. 186. An act to authorize the Secretary of the Interior, acting through the Bureau of Reclamation and in coordination with other Federal, State, and local government agencies, to participate in the funding and implementation of a balanced, long-term groundwater remediation program in California, and for other purposes.

H.R. 412. An act to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of establishing the Western Reserve Heritage Area.

H.R. 486. An act to provide for a land exchange involving private land and Bureau of Land Management land in the vicinity of Holloman Air Force Base, New Mexico, for the purpose of removing private land from the required safety zone surrounding munitions storage bunkers at Holloman Air Force Base.

H.R. 584. An act to authorize the Secretary of the Interior to recruit volunteers to assist with, or facilitate, the activities of various agencies and offices of the Department of the Interior.

H.R. 680. An act to direct the Secretary of the Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, Utah, and for other purposes.

H.R. 694. An act to enhance the preservation and interpretation of the Gullah/Geechee cultural heritage, and for other purposes.

H.R. 816. An act to direct the Secretary of Agriculture to sell certain parcels of National Forest System land in Carson City and Douglas County, Nevada.

H.R. 1134. An act to amend the Internal Revenue Code of 1986 to provide for the proper tax treatment of certain disaster mitigation payments.

H.R. 1160. An act to reauthorize the Temporary Assistance for Needy Families block grant program through June 30, 2005, and for other purposes.

The message also announced that the House has passed the following bill, without amendment:

S. 384. An act to extend the existence of the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group for 2 years.

The message further announced that pursuant to 20 U.S.C. 4303, and the order of the House of January 4, 2005, the Speaker appoints the following Member of the House of Representatives to the Board of Trustees of Gallaudet University: Mr. LAHOOD of Illinois.

The message also announced that pursuant to sections 5580 and 5581 of the Revised Statutes (20 U.S.C. 42-43), and the order of the House of January 4, 2005, the Speaker appoints the following Members of the House of Representatives to the Board of Regents of the Smithsonian Institution: Mr. REGULA of Ohio, Mr. SAM JOHNSON of Texas, and Mr. BECERRA of California.

The message further announced that pursuant to section 161(a) of the Trade Act of 1974 (19 U.S.C. 2211), and the order of the House of January 4, 2005, the Speaker appoints the following Members of the House of Representatives as Congressional Advisers on Trade Policy and Negotiations: Mr. THOMAS of California, Mr. SHAW of Florida, Mr. HERGER of California, Mr. RANGEL of New York, and Mr. CARDIN of Maryland.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 62. An act to create the Office of Chief Financial Officer of the Government of the Virgin Islands, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 126. An act to amend Public Law 89–366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore; to the Committee on Energy and Natural Resources.

H.R. 186. An act to authorize the Secretary of the Interior, acting through the Bureau of Reclamation and in coordination with other Federal, State, and local government agencies, to participate in the funding and implementation of a balanced, long-term groundwater remediation program in California, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 412. An act to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of establishing the Western Reserve Heritage Area; to the Committee on Energy and Natural Resources.

H.R. 486. An act to provide for a land exchange involving private land and Bureau of Land Management land in the vicinity of Holloman Air Force Base, New Mexico, for the purpose of removing private land from the required safety zone surrounding munitions storage bunkers at Holloman Air Force Base; to the Committee on Energy and Natural Resources.

H.R. 584. An act to authorize the Secretary of the Interior to recruit volunteers to assist with, or facilitate, the activities of various agencies and offices of the Department of the Interior; to the Committee on Energy and Natural Resources.

H.R. 680. An act to direct the Secretary of Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, Utah, and for other purposes; to the Committee on Indian Affairs.

H.R. 694. An act to enhance the preservation and interpretation of the Gullah Geechee cultural heritage, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 816. An act to direct the Secretary of Agriculture to sell certain parcels of National Forest System land in Carson City and Douglas County, Nevada; to the Committee on Energy and Natural Resources.

H.R. 1134. An act to amend the Internal Revenue Code of 1986 to provide for the proper tax treatment of certain disaster mitigation payments; to the Committee on Finance.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1276. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update Notice—Pension Funding Equity Act of 2004" (Notice 2005–26) received on March 14, 2005; to the Committee on Finance.

EC–1277. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a biennial report relative to the Physician Group Practice demonstration; to the Committee on Finance.

EC–1278. A communication from the Director, Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tobacco Transition Assessments" (RIN0560–AH31) received on March 14, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1279. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oriental Fruit Fly; Removal of Quarantined Area" (APHIS Docket No. 02–096–4) received on March 14, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1280. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Bovine Spongiform Encephalopathy; Minimal-Risk Regions and Importation of Commodities: Partial Delay of Applicability" (RIN0579–AB73) received on March 14, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1281. A communication from the Railroad Retirement Board, transmitting, pursuant to law, the annual report of the Railroad Retirement Board under the Government in the Sunshine Act for calendar year 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–1282. A communication from the Comptroller General, Government Accountability Office, transmitting, a report entitled "21st Century Challenges: Reexamining the Base of the Federal Government"; to the Committee on Homeland Security and Governmental Affairs.

EC–1283. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, the report of transactions involving exports to Chile; to the Committee on Banking, Housing, and Urban Affairs.

EC–1284. A communication from the Associate General Counsel, Office of General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Loans to Members and Lines of Credit to Members" (12 C.F.R. Part 701) received on March 14, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1285. A communication from the Deputy Assistant Secretary of the Army (Project Planning and Review), Department of Defense, transmitting, pursuant to law, the report of the Chief of Engineers on Dallas Floodway Extension, Trinity River Basin, Texas; to the Committee on Armed Services.

EC–1286. A communication from the Under Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–1287. A communication from the Under Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–1288. A communication from the Acting Secretary of the Air Force, Department of Defense, transmitting, pursuant to law, the report of an Average Procurement Unit Cost (APUC) breach; to the Committee on Armed Services.

EC–1289. A communication from the Secretary, Judicial Conference of the United States, transmitting, a draft of proposed legislation to amend the Internal Revenue Code of 1986; to the Committee on Finance.

EC–1290. A communication from the Secretary, Judicial Conference of the United States, transmitting, a draft of proposed legislation to amend the Higher Education Act of 1965; to the Committee on Health Education, Labor, and Pensions.

EC–1291. A communication from the Chairman, Office of General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Final Rules and Explanation and Justification on Political Party Committees Donating Funds to Certain Tax-Exempt Organizations and Political Organizations" received on March 14, 2005; to the Committee on Rules and Administration.

EC–1292. A communication from the Chairman, Office of General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Filing Documents by Priority Mail, Express Mail, and Overnight Delivery Service" received on March 14, 2005; to the Committee on Rules and Administration.

EC–1293. A communication from the Director, Office of National Drug Control Policy, Executive Office of the President, transmitting, the report of the Office's objection to the Government Accountability Office's (GAO) finding of violations of the Anti-Deficiency Act; to the Committee on Appropriations.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LUGAR for the Committee on Foreign Relations.

*John Thomas Schieffer, of Texas, to be Ambassador to Japan.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: John Thomas Schieffer.

Post: Ambassador to Japan.

Contributions, amount, date, and donee:

1. Self: $1,000.00, 8/2/00, Martin Frost Campaign Committee; $2,000.00, 6/14/04, Bush-Cheney '04 Inc.
2. Spouse: Susanne S. Schieffer: $2,000.00, 6/14/04, Bush-Cheney '04 Inc.
3. Children and Spouses: Paul Robert Schieffer: none.
4. Parents: Gladys Payne Schieffer—deceased; John E. Schieffer—deceased.

5. Grandparents: Florence Payne—deceased; Worth Payne—deceased; Janette Schieffer—deceased; Emmitt Schieffer—deceased.

6. Brothers and Spouses: Bob L. Schieffer, none; Patricia P. Schieffer, none.

7. Sisters and Spouses: Sharon Mayes, none; Roger Mayes, none.

Howard J. Krongard, of New Jersey, to be Inspector General, Department of State.

*David B. Balton, of the District of Columbia, for the rank of Ambassador during his tenure of service as Deputy Assistant Secretary of State for Oceans and Fisheries.

*Joseph R. DeTrant, of Virginia, for the rank of Ambassador during his tenure of service as Special Envoy for the Six Party Talks.

*John B. Ballinger, of Virginia, to be Legal Adviser of the Department of State.

*R. Nicholas Burns, of Massachusetts, to be an Under Secretary of State (Political Affairs).

*C. David Welch, of Virginia, to be an Assistant Secretary of State (Near Eastern Affairs).

*Christopher R. Hill, of Rhode Island, to be an Assistant Secretary of State (East Asian and Pacific Affairs).

*Rudolph E. Boschwitz, of Minnesota, for the rank of Ambassador during his tenure of service as Representative of the United States of America on the Human Rights Commission of the Economic and Social Council of the United Nations.

Mr. LUGAR. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Foreign Service nominations beginning with Walter E. North and ending with Robert J. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on January 24, 2005.

Foreign Service nominations beginning with Peter Fernandez and ending with Ross G. Kreamer, which nominations were received by the Senate and appeared in the Congressional Record on January 24, 2005.

Foreign Service nominations beginning with George Ruffner and ending with William Zarit, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without as asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CONRAD (for himself and Mr. KYL):

S. 621. A bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for the depreciation of certain leasehold improvements; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. LEVIN, Mr. FEINGOLD, and Mr. LIEBERMAN):

S. 622. A bill to amend the Homeland Security Act of 2002 (Public Law 107-296) to provide for the protection of voluntarily furnished confidential information, and for other purposes; to the Committee on the Judiciary.

By Mr. HATCH:

S. 623. A bill to direct the Secretary of Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, Utah, and for other purposes; to the Committee on Indian Affairs.

By Mr. BAYH:

S. 624. A bill to amend title 10, United States Code, to protect the financial condition of members of the reserve components of the Armed Forces who are ordered to long-term active duty in support of a contingency operation, and for other purposes; to the Committee on Finance.

By Mr. SCHUMER:

S. 625. A bill to amend the Internal Revenue Code of 1986 to allow a $1,000 refundable credit for individuals who are bona fide volunteer members of volunteer firefighting and emergency medical service organizations; to the Committee on Finance.

By Mr. NELSON of Nebraska (for himself and Mrs. HUTCHISON):

S. 626. A bill to amend title XVIII of the Social Security Act to improve access to diabetes self management training by designating certified diabetes educators who are recognized by a nationally recognized certifying body and who meet the same quality standards set forth for other providers of diabetes self management training, as certified providers for purposes of outpatient diabetes self-management training services under part B of the medicare program; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. BAUCUS, Mr. GRASSLEY, Mr. KYL, Mr. SMITH, Mr. SCHUMER, and Mr. KERRY):

S. 627. A bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, to increase the rates of the alternative incremental credit, and to provide an alternative simplified credit for qualified research expenses; to the Committee on Finance.

By Mr. LUGAR (for himself, Mr. BINGAMAN, Mr. DURBIN, and Mr. BUNNING):

S. 628. A bill to provide for increased planning and funding for health promotion programs of the Department of Health and Human Services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SESSIONS (for himself and Mr. KYL):

S. 629. A bill to amend chapter 97 of title 18, United States Code, relating to protecting against attacks on railroads and other mass transportation systems; to the Committee on the Judiciary.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 630. A bill to establish procedures for the acknowledgment of Indian tribes; to the Committee on Indian Affairs.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 631. A bill to provide grants to ensure full and fair participation in certain decisionmaking processes of the Bureau of Indian Affairs; to the Committee on Indian Affairs.

By Mr. KENNEDY (for himself, Mrs. MURRAY, Ms. CANTWELL, Mr. CORZINE, Mr. KERRY, Mr. LIEBERMAN, Mr. SARBANES, Ms. MIKULSKI, Mrs. BOXER, Mr. LAUTENBERG, Mr. LEVIN, Mr. DURBIN, Mr. SCHUMER, Mrs. FEINSTEIN, Mr. HARKIN, and Mr. DODD):

S.J. Res. 7. A joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. COCHRAN (for himself, Mr. FRIST, and Mr. LEAHY):

S.J. Res. 8. A joint resolution providing for the appointment of Shirley Ann Jackson as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

By Mr. COCHRAN (for himself, Mr. FRIST, and Mr. LEAHY):

S.J. Res. 9. A joint resolution providing for the appointment of Robert P. Kogod as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ALLEN (for himself, Mr. LIEBERMAN, Mr. BAYH, and Mr. SMITH):

S. Res. 82. A resolution urging the European Union to add Hezbollah to the European Union's wide-ranging list of terrorist organizations; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 21

At the request of Ms. COLLINS, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 21, a bill to provide for homeland security grant coordination and simplification, and for other purposes.

S. 65

At the request of Mr. INHOFE, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 65, a bill to amend the age restrictions for pilots.

S. 183

At the request of Mr. GRASSLEY, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 183, a bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes.

S. 185

At the request of Mr. NELSON of Florida, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 185, a bill to amend title 10, United States Code, to repeal the requirement for the reduction of certain Survivor Benefit Plan annuities by the amount of dependency and indemnity compensation and to modify the effective date for paid-up coverage under the Survivor Benefit Plan.

S. 333

At the request of Mr. SANTORUM, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 338

At the request of Mr. SMITH, the names of the Senator from California (Mrs. BOXER) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 338, a bill to provide for the establishment of a Bipartisan Commission on Medicaid.

S. 365

At the request of Mr. COLEMAN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 365, a bill to amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign centers and programs for the treatment of victims of torture, and for other purposes.

S. 370

At the request of Mr. LOTT, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 370, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 397

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 397, a bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others.

S. 438

At the request of Mr. ENSIGN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 438, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 512

At the request of Mr. SANTORUM, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 512, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 521

At the request of Mrs. HUTCHISON, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 521, a bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis C virus infection.

S. 523

At the request of Mr. SALAZAR, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 523, a bill to amend title 10, United States Code, to rename the death gratuity payable for deaths of members of the Armed Forces as fallen hero compensation, and for other purposes.

S. 539

At the request of Mr. MARTINEZ, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 539, a bill to amend title 28, United States Code, to provide the protections of habeas corpus for certain incapacitated individuals whose life is in jeopardy, and for other purposes.

S. 544

At the request of Mr. JEFFORDS, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 544, a bill to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely affect patient safety.

S. 619

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 619, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. CON. RES. 17

At the request of Mr. BIDEN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. Con. Res. 17, a concurrent resolution calling on the North Atlantic Treaty Organization to assess the potential effectiveness of and requirements for a NATO-enforced no-fly zone in the Darfur region of Sudan.

S. RES. 40

At the request of Ms. LANDRIEU, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. Res. 40, a resolution supporting the goals and ideas of National Time Out Day to promote the adoption of the Joint Commission on Accreditation of Healthcare Organizations' universal protocol for preventing errors in the operating room.

AMENDMENT NO. 143

At the request of Mr. BINGAMAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 143 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CONRAD (for himself and Mr. KYL):

S. 621. A bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for the depreciation of certain leasehold improvements; to the Committee on Finance.

Mr. CONRAD. Mr. President, I rise today to introduce legislation to make permanent the 15-year depreciation period for leasehold improvements that was enacted on a temporary basis as part of the American Jobs Creation Act of 2004. I am pleased to be joined in this effort by my Finance Committee colleague, Senator KYL.

Leasehold improvements are the alterations to leased space made by a building owner as part of the lease agreement with a tenant. In actual commercial use, leasehold improvements typically last as long as the lease—an average of less than 10 years. However, until last year, the Internal Revenue Code required leasehold improvements to be depreciated over 39 years—the life of the building itself.

Economically, this made no sense. The owner received taxable income over the life of the lease, yet could only recover the costs of the improvements associated with that lease over 39 years. This mismatch of income and expenses was alleviated somewhat by our action last year in reducing the recovery period to 15 years.

A shorter recovery period more closely aligns the expenses incurred to construct improvements with the income they generate over the term of the lease. By reducing the cost recovery period, the expense of making these improvements has fallen more into line with the economics of a commercial lease transaction. One of the most important goals of this change is to encourage building owners to adapt their buildings to fit the needs of today's business tenant.

It is good for the economy to keep existing buildings commercially viable. When older buildings can serve tenants who need modern, efficient commercial space, there is less pressure for developing greenfields in outlying areas. Americans are concerned about preserving open space, natural resources, and a sense of neighborhood.

Unfortunately, the recovery period reduction enacted last year is effective only through the end of 2005. If Congress fails to act before the end of this year, the recovery period for leasehold improvements placed in service beginning in 2006 would again be 39 years.

I urge all Senators to join us in supporting this legislation to provide rational depreciation treatment for leasehold improvements for the long term.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 621

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT EXTENSION OF 15-YEAR RECOVERY PERIOD FOR DEPRECIATION OF CERTAIN LEASEHOLD IMPROVEMENTS.

Section 168(e)(3)(E)(iv) of the Internal Revenue Code of 1986 (defining 15-year property) is amended by striking "before January 1, 2006".

By Mr. LEAHY (for himself, Mr. LEVIN, Mr. FEINGOLD, and Mr. LIEBERMAN):

S. 622. A bill to amend the Homeland Security Act of 2002 (Public Law 107–296) to provide for the protection of voluntarily furnished confidential information, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, this week marks the first national "Sunshine Week." The centerpiece of this week is Freedom of Information Day, which falls on March 16, the anniversary of James Madison's birthday. A firm believer in the need for open and accountable government, Madison said, "A popular government, without popular information, or the means of acquiring it, is but a prologue to a farce or tragedy or perhaps both." Each generation of Americans should heed James Madison's warning, and it is fitting and proper that today's generations of Americans use this week to revisit the potentially damaging limitations placed on access to government information in just the last few years.

The Freedom of Information Act (FOIA) has been the centerpiece of open government for the 38 years since it came into force in 1967. It enables citizens to obtain information on how their government is protecting the Nation, spending their tax dollars, and implementing the laws their officeholders enact. FOIA helps hold our government accountable. It was through FOIA requests that the St. Petersburg Times uncovered information showing that since the 1991 Gulf War, and due in part to lax security at military bases, thousands of pounds of weapons have been lost or stolen from U.S. stockpiles, and some remains unaccounted for. The Bremerton Sun newspaper in Washington State used FOIA to confirm the mishandling of a nuclear missile at a Navy submarine facility. These are examples of the day-to-day importance of FOIA in helping Americans safeguard our security infrastructure. There are countless other examples of FOIA enabling citizens to obtain information relating to health and safety concerns in their cities and neighborhoods.

In 2002, when I voted to support passage of the Homeland Security Act (HSA), I voiced concerns about several flaws in the legislation. I called for the Administration and my colleagues on both sides of the aisle to monitor implementation of the new law and to craft corrective legislation. One of my chief concerns with the HSA was a subtitle of the act that granted an extraordinarily broad exemption to FOIA in exchange for the cooperation of private companies in sharing information with the government regarding vulnerabilities in the nation's critical infrastructure.

Unfortunately, the law that was enacted undermines Federal and State sunshine laws permitting the American people to know what their government is doing. Rather than increasing security by encouraging private sector disclosure to the government, it guts FOIA at the expense of our national security and the safety and health of the American people.

Today, with my distinguished colleagues Senators LEVIN, FEINGOLD, and LIEBERMAN I reintroduce legislation to restore the integrity of FOIA. I thank my colleagues for working with me on this important issue of public oversight. We first offered this bill, which we call the Restoration of Freedom of Information Act, or "Restore FOIA," in the 108th Congress.

"Restore FOIA" protects Americans' right to know while simultaneously providing security to those in the private sector who voluntarily submit critical infrastructure records to the Department of Homeland Security (DHS).

Encouraging cooperation between the private sector and the government to keep our critical infrastructure systems safe from terrorist attacks is a goal we all support. But the appropriate way to meet this goal is a source of great debate a debate that has been all but ignored since the enactment of the HSA.

The HSA created a new FOIA exemption for "critical infrastructure information." That broadly defined term applies to information covering a wide variety of facilities such as privately operated power plants, bridges, dams, ports, or chemical plants that might be targeted for a terrorist attack. In HSA negotiations in 2002, House Republicans and the Administration promoted language that they described as necessary to encourage owners of such facilities to identify vulnerabilities in their operations and share that information with DHS. The stated goal was to ensure that steps could be taken to ensure the facilities' protection and proper functioning.

In fact, such descriptions of the legislation were disingenuous. These provisions, which were eventually enacted in the HSA, shield from FOIA almost any voluntarily submitted document stamped by the facility owner as "critical infrastructure." This is true no matter how tangential the content of that document may be to the actual security of a facility. The law effectively allows companies to hide information about public health and safety from the American people even from neighbors of such a facility in its local community—simply by submitting it to DHS. The enacted provisions were called "deeply flawed" by Mark Tapscott of the Heritage Foundation in a November 20, 2002, Washington Post op-ed. He argued that the "loophole" created by the law "could be manipulated by clever corporate and government operators to hide endless varieties of potentially embarrassing and or criminal information from public view."

In addition, under the HSA, disclosure by private facilities to DHS neither obligates the private company to address the vulnerability, nor requires DHS to fix the problem. For example, in the case of a chemical spill, the law bars the government from disclosing information without the written consent of the company that caused the pollution. As the Washington Post pointed out in an editorial on February 10, 2003, "A company might preempt environmental regulators by 'voluntarily' divulging incriminating material, thereby making it unavailable to anyone else."

The law also 1. shields the companies from lawsuits to compel disclosure, 2. criminalizes otherwise legitimate whistleblower activity by DHS employees, and 3. preempts any state or local disclosure laws.

Finally, the HSA requires no reporting whatsoever to the Congress or the public on critical infrastructure submissions to DHS. As a result, it is nearly impossible for the public to learn whether this law is being followed in good faith, whether it is being manipulated by submitters, and whether DHS is conducting due diligence on submissions. It also places hurdles before those of us in Congress who believe in effective oversight.

In an effort to obtain some basic data on the treatment of "critical infrastructure information" at DHS, two organizations filed a FOIA request in 2004. OMB Watch and the Electronic Privacy Information Center sought public release of the number of submissions and rejections under the law, and of any communications between DHS and submitters. They also requested the Department's program procedures for handling information. DHS did not provide answers. The groups filed a complaint, and the D.C. District Court ordered DHS to respond. We learned that as of February 2005, the critical infrastructure program received 29 submissions and rejected seven of those. We know nothing of the substance of the accepted submissions, what vulnerabilities they may describe, or what is being done to address them.

Most businesses are good citizens and take seriously their obligations to the government and the public, but this "disclose-and-immunize" provision is subject to abuse by those businesses that want to exploit legal technicalities to avoid regulatory guidelines that are designed to protect the public's health and safety. The HSA lays out the perfect blueprint to avoid legal liability: funnel damaging information into this voluntary disclosure system and preempt the government or others harmed by the company's actions from being able to use it against the company. This is not the kind of two-way public-private cooperation that serves the public interest.

The HSA FOIA exemption goes so far in exempting such a large amount of material from FOIA's disclosure requirements that it undermines government openness without making any real gains in safety for families in Vermont and across America. We do not keep America safer by chilling federal officials from warning the public about threats to their health and safety. We do not ensure our nation's security by refusing to tell the American people whether or not their federal agencies are doing their jobs, or whether their government is spending their hard-earned tax dollars wisely. We do not encourage real cooperation by giving companies protection from civil liability when they break the law. We do not respect the spirit of our democracy when we cloak in secrecy the workings of our government from the public we are elected to serve.

The Restore FOIA bill I introduce today with Senators LEVIN, FEINGOLD and LIEBERMAN is identical to language I negotiated with Senators LEVIN and BENNETT in the summer of 2002 when the HSA charter was debated by the Governmental Affairs Committee. Senator BENNETT stated in the Committee's July 25, 2002, markup that the Administration had endorsed the compromise. He also said that industry groups had reported to him that the compromise language would make it possible for them to share information with the government without fear of the information being released to competitors or to other agencies that might accidentally reveal it. The Governmental Affairs Committee reported out the compromise language that day. Unfortunately, much more restrictive House language was eventually signed into law.

The Restore FOIA bill would correct the problems in the HSA in several ways. First, it limits the FOIA exemption to relevant "records" submitted by the private sector, such that only those that actually pertain to critical infrastructure safety are protected. "Records" is the standard category referred to in FOIA. This corrects the effective free pass given to regulated industries by the HSA for any information it labels "critical infrastructure."

Second, unlike the HSA, the Restore FOIA bill allows for government oversight, including the ability to use and share the records within and between agencies. It does not limit the use of such information by the government, except to prohibit public disclosure where such information is appropriately exempted under FOIA.

Third, it protects the actions of legitimate whistleblowers rather than criminalizing their acts.

Fourth, it does not provide civil immunity to companies that voluntarily submit information. This corrects a flaw in the current law, which would prohibit such information from being used directly in civil suits by government or private parties.

Fifth, unlike the HSA, the Restore FOIA bill allows local authorities to apply their own sunshine laws. The Restore FOIA bill does not preempt any state or local disclosure laws for information obtained outside the Department of Homeland Security. It also does not restrict the use of such information by state agencies.

Finally, the Restore FOIA bill does not restrict congressional use or disclosure of voluntarily submitted critical infrastructure information.

These changes to the HSA would accomplish the stated goals of the critical infrastructure provisions in the HSA—without tying the hands of the government in its efforts to protect Americans and without cutting the public out of the loop.

Restore FOIA is supported by the American Library Association, Common Cause, the Freedom of Information Center, OMB Watch, Association of Research Libraries, the Project on Government Oversight, and OpenTheGovernment.org, among other leading open government organizations.

The argument over the scope of the FOIA and unilateral Executive power to shield matters from public scrutiny goes to the heart of our fundamental right to be an educated electorate aware of what our government is doing. The Rutland Herald got it right in a November 26, 2002, editorial that explained: "The battle was not over the right of the government to hold sensitive, classified information secret. The government has that right. Rather, the battle was over whether the government would be required to release anything it sought to withhold."

We need to fix this troubling restriction on public accountability. James Madison's warning is a clear warning to us, and it is our generation's duty to heed it. I urge my colleagues to support the Restoration of Freedom of Information Act of 2005.

I ask unanimous consent that the text of the bill and a sectional analysis be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 622

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Restoration of Freedom of Information Act of 2005".

SEC. 2. PROTECTION OF VOLUNTARILY FURNISHED CONFIDENTIAL INFORMATION.

Title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by striking subtitle B and inserting the following:

"Subtitle B—Protection of Voluntarily Furnished Confidential Information

"SEC. 211. PROTECTION OF VOLUNTARILY FURNISHED CONFIDENTIAL INFORMATION.

"(a) DEFINITIONS.—In this section:

"(1) CRITICAL INFRASTRUCTURE.—The term 'critical infrastructure' has the meaning given that term in section 1016(e) of the USA PATRIOT ACT of 2001 (42 U.S.C. 5195c(e)).

"(2) FURNISHED VOLUNTARILY.—

"(A) DEFINITION.—The term 'furnished voluntarily' means a submission of a record that—

"(i) is made to the Department in the absence of authority of the Department requiring that record to be submitted; and

"(ii) is not submitted or used to satisfy any legal requirement or obligation or to obtain any grant, permit, benefit (such as agency forbearance, loans, or reduction or modifications of agency penalties or rulings), or other approval from the Government.

"(B) BENEFIT.—In this paragraph, the term 'benefit' does not include any warning, alert, or other risk analysis by the Department.

"(b) IN GENERAL.—Notwithstanding any other provision of law, a record pertaining to the vulnerability of and threats to critical infrastructure (such as attacks, response, and recovery efforts) that is furnished voluntarily to the Department shall not be made available under section 552 of title 5, United States Code, if—

"(1) the provider would not customarily make the record available to the public; and

"(2) the record is designated and certified by the provider, in a manner specified by the Department, as confidential and not customarily made available to the public.

"(c) RECORDS SHARED WITH OTHER AGENCIES.—

"(1) IN GENERAL.—

"(A) RESPONSE TO REQUEST.—An agency in receipt of a record that was furnished voluntarily to the Department and subsequently shared with the agency shall, upon receipt of a request under section 552 of title 5, United States Code, for the record—

"(i) not make the record available; and

"(ii) refer the request to the Department for processing and response in accordance with this section.

"(B) SEGREGABLE PORTION OF RECORD.—Any reasonably segregable portion of a record shall be provided to the person requesting the record after deletion of any portion which is exempt under this section.

"(2) DISCLOSURE OF INDEPENDENTLY FURNISHED RECORDS.—Notwithstanding paragraph (1), nothing in this section shall prohibit an agency from making available under section 552 of title 5, United States Code, any record that the agency receives independently of the Department, regardless of whether or not the Department has a similar or identical record.

"(d) WITHDRAWAL OF CONFIDENTIAL DESIGNATION.—The provider of a record that is furnished voluntarily to the Department under subsection (b) may at any time withdraw, in a manner specified by the Department, the confidential designation.

"(e) PROCEDURES.—The Secretary shall prescribe procedures for—

"(1) the acknowledgment of receipt of records furnished voluntarily;

"(2) the designation, certification, and marking of records furnished voluntarily as confidential and not customarily made available to the public;

"(3) the care and storage of records furnished voluntarily;

"(4) the protection and maintenance of the confidentiality of records furnished voluntarily; and

"(5) the withdrawal of the confidential designation of records under subsection (d).

"(f) EFFECT ON STATE AND LOCAL LAW.—Nothing in this section shall be construed as preempting or otherwise modifying State or local law concerning the disclosure of any information that a State or local government receives independently of the Department.

"(g) REPORT.—

"(1) REQUIREMENT.—Not later than 18 months after the date of the enactment of the Restoration of Freedom of Information Act of 2005, the Comptroller General of the United States shall submit to the committees of Congress specified in paragraph (2) a report on the implementation and use of this section, including—

"(A) the number of persons in the private sector, and the number of State and local agencies, that furnished voluntarily records to the Department under this section;

"(B) the number of requests for access to records granted or denied under this section; and

"(C) such recommendations as the Comptroller General considers appropriate regarding improvements in the collection and analysis of sensitive information held by persons in the private sector, or by State and local agencies, relating to vulnerabilities of and threats to critical infrastructure, including the response to such vulnerabilities and threats.

"(2) COMMITTEES OF CONGRESS.—The committees of Congress specified in this paragraph are—

"(A) the Committees on the Judiciary and Homeland Security and Governmental Affairs of the Senate; and

"(B) the Committees on the Judiciary and Government Reform and Oversight of the House of Representatives.

"(3) FORM.—The report shall be submitted in unclassified form, but may include a classified annex.".

SEC. 3. TECHNICAL AND CONFORMING AMENDMENT.

The table of contents for the Homeland Security Act of 2002 (Public Law 107–296) is amended by striking the matter relating to subtitle B of title II and inserting the following:

"SUBTITLE B—PROTECTION OF VOLUNTARILY FURNISHED CONFIDENTIAL INFORMATION

"Sec. 211. Protection of Voluntarily Furnished Confidential Information".

THE RESTORATION OF FREEDOM OF INFORMATION ACT ("RESTORE FOIA") SECTIONAL ANALYSIS

Sec. 1. Short title. This section gives the bill the short title, the "Restoration of Freedom of Information Act."

Sec. 2. Protection of Voluntarily Furnished Confidential Information. This section strikes subtitle B (secs. 211–215) of the Homeland Security Act ("HSA") (P.L. 107–296) and inserts a new section 211.

Sections to be repealed from the HSA: These sections contain an exemption to the Freedom of Information Act (FOIA) that (1) exempt from disclosure critical infrastructure information voluntarily submitted to the new department that was designated as confidential by the submitter unless the submitter gave prior written consent; (2) provide civil immunity for use of such information in civil actions against the company; (3) preempt state sunshine laws if the designated information is shared with state or local government agencies; and (4) impose criminal penalties of up to one year imprisonment on government employees who disclosed the designated information.

Provisions that would replace the repealed sections of the HSA: The Restore FOIA bill inserts a new section 211 to the HSA that would exempt from the FOIA certain records pertaining to critical infrastructure threats and vulnerabilities that are furnished voluntarily to the new Department and designated by the provider as confidential and not customarily made available to the public. Notably, the Restore FOIA bill makes clear that the exemption covers "records" from the private sector, not all "information" provided by the private sector, as in the enacted version of the HSA. The Restore FOIA bill ensures that portions of records that are not covered by the exemption would be released pursuant to FOIA requests. It does not provide any civil liability immunity or preempt state or local sunshine laws, and it does not criminalize whistleblower activity.

Specifically, this section of the Restore FOIA bill includes the following:

A definition of "critical infrastructure": This term is given the meaning adopted in section 1016(e) the USA Patriot Act (42 U.S.C. 5195c(e)) which reads, "critical infrastructure means systems and assets, whether physical or virtual, so vital to United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters." This definition is commonly understood to mean facilities such as bridges, dams, ports, nuclear power plants, or chemical plants.

A definition of the term "furnished voluntarily": This term signifies documents provided to the Department of Homeland Security (DHS) that are not formally required by the department and that are provided to it to satisfy any legal requirement. The definition excludes any document that is provided to DHS with a permit or grant application or to obtain any other benefit from DHS, such as a loan, agency forbearance, or modification of a penalty.

An exemption from FOIA of records that pertain to vulnerabilities of and threats to critical infrastructure that are furnished voluntarily to DHS. This exemption is made available where the provider of the record certifies that the information is confidential and would not customarily be released to the public.

A requirement that other government agencies that have obtained such records from DHS withhold disclosure of the records and refer any FOIA requests to DHS for processing.

A requirement that reasonably segregable portions of requested documents be disclosed, as is well-established under FOIA.

An allowance to agencies that obtain critical infrastructure records from a source other than DHS to release requested records consistent with FOIA, regardless of whether DHS has an identical record in its possession.

An allowance to providers of critical infrastructure records to withdraw the confidentiality designation of records voluntarily submitted to DHS, thereby making the records subject to disclosure under FOIA.

A direction to the Secretary of Homeland Security to establish procedures to receive, designate, store, and protect the confidentiality of records voluntarily submitted and certified as critical infrastructure records.

A clarification that the bill would not preempt state or local information disclosure laws.

A requirement for the Comptroller General to report to the House and Senate Judiciary Committees, the House Governmental Reform Committee and the Senate Homeland Security and Governmental Affairs Committee the number of private entities and government agencies that submit records to DHS under the terms of the bill. The report would also include the number of requests for access to records that were granted or denied. Finally, the Comptroller General would make recommendations to the committees for modifications or improvements to the collection and analysis of critical infrastructure information.

Sec. 3. Technical and conforming amendment. This section amends the table of contents of the Homeland Security Act.

By Mr. HATCH:

S. 623. A bill to direct the Secretary of Interior to convey land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, Utah, and for other purposes; to the Committee on Indian Affairs.

Mr. HATCH. Mr. President, I rise today to introduce the Paiute Indian Tribe Land Conveyance Act of 2005. This bill would authorize the Secretary of the Interior to convey or transfer four small Paiute trust land parcels to the city of Richfield.

The Paiute Indian Tribe Land Conveyance Act of 2005 would allow the Secretary of the Interior to transfer three acres of land held in trust for the Paiute Indian Tribe of Utah to the city of Richfield, UT. The city of Richfield would provide fair market value compensation directly to the tribe, and pay any costs incurred in this transaction. This land transfer would allow expansion of the Richfield Municipal Airport and provide the Tribe with proceeds to purchase land that has economic development potential. This bill passed the House last year and I introduced it in the Senate, but the Senate bill did not make it through the legislative process prior the end of the 108th Congress.

This proposal has support from all sides. The city of Richfield approached the Tribe about acquiring this parcel of land adjacent to the airport runway. The Tribe agreed and the Paiute Tribal Council passed Resolution 01-36, unanimously agreeing to the conveyance of this parcel of land to the City. The land in question has not been used by the Tribe for more than 20 years. It is not contiguous to the Paiute's Reservation and for nearly 30 years now has had no economic development potential. The tribal resolution expresses the Paiute's desire to accept the city's offer to purchase the land at fair market value and serves as the request to the Secretary of the Interior to convey the trust land. However, only an act of Congress may authorize this land conveyance.

The Paiute Indian Tribe Land Conveyance Act of 2005 would also transfer three trust land parcels, each an acre or less in size, from the Tribe to its Kanosh and Shivwits Bands. All parcels would remain in trust status. The first parcel of one acre would be transferred from land held in trust by the United States for the Paiute Tribe to land held in trust for the Kanosh Band. This parcel is surrounded by 279 acres of land that is either owned by the Kanosh Band or held in trust for the Kanosh Band. For more than twenty years, the sole use of this land has been for the Kanosh Band Community Center. The second parcel, two-thirds of an acre in size, would also be transferred from the Tribe to the Kanosh Band. The land has been used exclusively by the Kanosh Band. It was originally intended that the land be taken in trust for the Kanosh Band in 1981 under the Paiute Indian Tribe of Utah Restoration Act. However, through an administrative error, the land was mistakenly placed in trust for the Tribe. By way of several Band resolutions, the Kanosh Band has formally requested correction of this error.

The third parcel of land, less than an acre in size, would be transferred from the Tribe to be held in trust for the Shivwits Band. The land already is surrounded by several thousand acres of land held in trust for the Shivwits band, and its sole use has been for the Shivwits Band Community Center.

Finally, the bill would eliminate the word "City" from the current official name of the "Cedar City Band of Paiute Indians," a name which has never been used by the Band of residents of southwestern Utah. Thus, the bill makes clear that any reference in a law, map, regulation, document, paper, or other record, of the United States to the "Cedar City Band of Paiute Indians" shall be deemed to be reference to the "Cedar Band of Paiute Indians."

I would like to make some clarifications as part of the record. This bill has language that would allow the city of Richfield to purchase land from the Tribe and provide payment directly to the Tribe without the funds being funneled through the Department of the Interior. I support that provision. The bill also has a provision that would make lands which were acquired by the United States in trust for the Tribe, after February 17, 1984 and prior to the date of the enactment of this legislation, a part of the reservation. this clarifies the intent that lands already in possession of the tribe should be part of the reservation. I would also like to clarify that nothing in this legislation authorizes the Secretary of the Interior to make land conveyances for any tribe or band without their official consent to such a conveyance.

This bill will cost U.S. taxpayers nothing, but it will solve the dilemma that the city of Richfield faces as it works to make its airport meet the needs of the citizens of southwestern Utah. Equally important is the fact that this bill will allow the Paiute Tribe to use the proceeds from the land sale to acquire land with economic development potential to facilitate the well-being of the Tribe. The bill also takes care of non-controversial land adjustments and technical corrections. The bill is supported by the Paiute Tribe, its Bands, and the people of southwestern Utah residing nearby. That is why I am introducing this legislation that would convey or transfer small Paiute trust land parcels.

I thank the Senate for the opportunity to address this issue today, and I urge my colleagues to support the passage of the Paiute Indian Tribe Land Conveyance Act of 2005.

By Mr. SCHUMER:

S. 625. A bill to amend the Internal Revenue Code of 1986 to allow a $1,000 refundable credit for individuals who are bona fide volunteer members of volunteer firefighting and emergency medical service organizations; to the Committee on Finance.

Mr. SCHUMER. Mr. President, I am pleased to come to the floor today and introduce legislation that would allow a $1,000 refundable tax credit for the true heroes in our society: those brave and dedicated Americans who serve as volunteer firefighters and volunteer emergency medical service personnel.

I am introducing today a companion bill to H.R. 934, a bill introduced in the House of Representatives by a fellow New Yorker, Congressman MAURICE HINCHEY. His bill is cosponsored by six other New York Members of Congress: TIM BISHOP, STEVE ISRAEL, NITA LOWEY, MIKE MCNULTY, JERROLD NADLER, and MAJOR OWENS.

Many communities around New York State rely on volunteer firefighters and EMTs for much-needed public services, but it is getting harder and harder to find people to fill the slots because middle-class families have increasing demands on their time, or financial concerns that preclude their participation. This bill is designed to offer an additional incentive for people to get involved in their communities in this vitally important way.

In 1736, Benjamin Franklin organized the Union Fire Brigade in Philadelphia, PA, and ever since, thousands of American municipalities have depended on civilians to protect lives and property from the ravages of fire. The "volunteer firefighter" is a true American invention, and its tremendous success for over 200 years has been rooted in the spirit of volunteerism that Alexis de Tocqueville was so taken with when he visited this country in the 1800s.

That spirit is still alive today, yet it is becoming increasingly hard for municipalities to recruit and retain enough volunteer firefighters. Many people simply have less time to devote to community service. Families in which both parents work have become commonplace, and what little free time is left is often spent on organized activities such as youth sports and school functions. At the same time, the science of firefighting has evolved, and the mission of fire departments has diversified. This has caused the amount of required training to increase exponentially. While this is good for safety, it greatly increases the overall time commitment that volunteer firefighters must make. Twenty-five years ago, a volunteer could join and respond to a call in the same day. Today, that same volunteer must complete months of training before they can truly participate at an emergency.

The situation has reached a crisis stage in many of our communities. According to the Fireman's Association of the State of New York, fewer young people are joining the ranks. Many departments are having a hard time filling crews, especially during the day when most people are working. All across the country, fire departments are depending on "mutual aid" from neighboring departments to supplement their own crews. This leads to increased response time, which in turn, places further risk on life and property.

While many local governments understand the need for a recruitment incentive, most simply do not have the resources to implement one. At the same time, we all understand that our firefighters are often on the front lines of the War on Terror, and essential to our homeland security. Moreover, every single day we rely on volunteer firefighters to save residential and commercial property, and to clean up accidents and reopen our highways, all of which protects the economic prosperity of many of our communities.

Let me offer a few examples from my State of how difficult the problems of recruitment and retention have become.

In Duchess County, former fire chief Harold Ramsey is a current member of the volunteer corps. His company is 100 percent volunteer, with about 30 to 35 current members. When Mr. Ramsey joined the department in the mid 1980s, there were 60 to 75 members. They have significant suffered a loss of members in the past five years. He believes that a tax credit would be a major incentive to younger members and would help to recruit new members.

In Orange County, Jeff Hunt is the President of Dikeman Engine and Hose Company in Goshen. His company currently has 55 active members. They are getting a new member next month, which will be their first new member in five years. In an effort to improve their numbers, they have been visiting area schools to recruit, with little success. The company has also looked into working with the Boy Scouts of America to increase enrollment. Membership is a major concern; during the day shift Mr. Hunt says he is lucky to get four or five members to respond to calls. That is not even enough to get all of the trucks and equipment out. He believes that the $1,000 tax credit would be a "great start in the right direction" to attract new members.

In Westchester County, in the town of Lewisboro, Joe Posadas is the Chief of the South Salem Fire Department. His department also has severe recruitment and retention issues. In next six months, he expects to lose three of his top responders. Members of the company are moving out of Westchester because they can no longer afford to live there—an ongoing problem.

The company has approximately 35 members on paper, but for daytime calls, only four members are typically able to respond. For night calls, 10 to 15 can respond. The property tax deduction approved by the state is so small that it provides little benefit or incentive for recruitment, so Mr. Posadas believes that the $1,000 federal tax credit would help. "Anything we get helps attract new members," he said.

Steve Mann is a member of my staff and a 17-year veteran of a volunteer firefighter squad. He is Captain of Engine 4 in Rensselaer, NY. His father and uncle are firefighters as well, and I guess you'd say it's "in his blood." He devotes most of his spare time to the fire department—but with a young family and a demanding job, it's not always easy. He tells me that it is becoming harder and harder to find people who are willing to devote the necessary time to the fire department.

These are just a few examples.

Therefore, I believe it is appropriate for the federal government to take an active role in fixing this problem. This tax credit would give municipalities and fire departments an important tool in attracting new volunteers, and just as important, in retaining current members. The volunteer firefighters are just as important to this country today as they were in Benjamin Franklin's day, and we must do all that we can to preserve this legacy of service.

By Mr. NELSON of Nebraska (for himself and Mrs. HUTCHISON):

S. 626. A bill to amend title XVIII of the Social Security Act to improve-access to diabetes self management training by designating certified diabetes educators who are recognized by a nationally recognized certifying body and who meet the same quality standards set forth for other providers of diabetes self management training, as certified providers for purposes of outpatient diabetes self-management training services under part B of the medicare program; to the Committee on Finance.

Mr. NELSON of Nebraska. Mr. President, today I introduce an important piece of legislation that will correct an oversight from the Balanced Budget Act of 1997.

In 1997, Congress created a new diabetes benefit under medicare—diabetes self-management training—but did not create a new provider group to deliver it. Congress assumed that the existing diabetes education programs in hospitals would be able to provide services to all who were in need.

Certified Diabetes Educators (CDEs) were not given the ability to bill Medicare directly for diabetes self-management training when Congress passed the new benefit in 1997 because they did not feel there was a need to create a new provider because CDEs could work within a hospital setting and receive reimbursement through hospital billing.

However, due to changing health care economics, hospital diabetes self-management training programs have been closing at an alarming rate, forcing patients to seek other avenues for obtaining diabetes self-management training such as clinics and stand-alone programs.

While small in scope, the Diabetes Self-Management Training act of 2005 will correct this oversight to ensure our Nation's seniors with diabetes have access to this important benefit.

Diabetes education is very important in my State of Nebraska. According to the Nebraska Health and Human Services System, about five percent of Nebraska's adults have diagnosed diabetes—or about 60,000 people. An additional 20,000 Nebraskans probably have diabetes but have not been diagnosed.

While diabetes rates continue to grow at an alarming rate, lack of access to diabetes-self management training, which is critical to controlling diabetes and preventing secondary complications, has also become a chronic problem. Despite the fact that twenty percent of Medicare patients have diabetes, and about a quarter of all Medicare spending goes to treat diabetes and diabetes-related conditions, less than one-third of eligible patients are currently receiving the benefit.

Because CDEs are not able to bill Medicare directly for diabetes self-management training, patients have limited options for obtaining the training they need to successfully manage their disease and prevent expensive and debilitating complications.

The potential for complications is enormous. If patients with diabetes cannot gain access to diabetes self-management training, serious complications will arise, such as kidney disease, amputations, vision loss, and sever cardiac disease. In fact, half of all Medicare dialysis patients suffer from diabetes.

By improving access to this important benefit, I believe we will take an important step toward helping patients control their diabetes, which will not only save the Medicare program the significant costs associated with the complications from uncontrolled diabetes, but more importantly it will dramatically improve the quality of life for the millions of Medicare beneficiaries with diabetes.

That is why I am so proud to introduce this bi-partisan legislation, the Diabetes Self-Management Training Act of 2005, along with my colleague Senator HUTCHISON.

Throughout the Medicare debate in 2003, one of the top considerations for all Senators was the cost of the legislation and the long-term solvency of the Medicare program. In fact, we passed new programs in that legislation to begin studying new health care delivery models that will improve the outcomes for beneficiaries with chronic diseases like Medicare. While I strongly supported those new demonstration programs, we need not wait to begin helping our seniors.

With diabetes already directly affecting so many seniors, and the baby boomers on the horizon, we cannot afford to deny seniors access to proven programs like diabetes self-management training any longer. I look forward to working to pass this legislation and help those with diabetes.

By Mr. HATCH (for himself, Mr. BAUCUS, Mr. GRASSLEY, Mr. KYL, Mr. SMITH, Mr. SCHUMER, and Mr. KERRY):

S. 627. A bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, to increase the rates of the alternative incremental credit, and to provide an alternative simplified credit for qualified research expenses; to the Committee on Finance.

Mr. HATCH. Mr. President, I am very pleased to join with my friend and colleague Senator BAUCUS and several of our Finance Committee colleagues from both sides of the aisle today in introducing legislation that would permanently extend and improve the research tax credit.

Extending the research credit is an important step for the future economic growth of the United States. A permanent credit can help our economy develop the new technologies that will enhance existing capital inputs and make workers more productive. The result will be a stronger economy at home, and a more competitive nation abroad. As many of our colleagues are aware, the current research credit is set to expire on December 31, 2005.

I believe that if we allow the research credit to expire, we will see the negative effects manifest in lower economic growth, fewer jobs created, fewer innovative products, and lost opportunities as research activities move to other countries with more attractive incentives. We should never forget that our Nation's future economic health is dependent on the innovations of today.

In assessing the health of our economy, we find an important correlation between economic growth and inflationary pressures. One sure way to have strong economic growth without the pain of inflation is to increase productivity. And most productivity gains are derived from technological advances, which reduce the cost of producing goods and services, and thereby help maintain low consumer prices.

An additional benefit of productivity growth is a corresponding increase in corporate profits. Such increases lead to higher returns on savings and investment, and higher wages for workers. I believe the greatest benefit of increased R&D is productivity growth, which in turn forms the foundation of higher living standards.

Productivity growth also largely determines our society's long-term economic welfare. Our ability to deal with budgetary challenges, such as Social Security, Medicare, and other entitlements, depends critically on the future direction of our productivity.

From 1995 through 2003, average annual productivity growth was three percent, double the 1.5 percent growth rate that prevailed between 1973 and 1995. According to economists, this surge in productivity is the result of businesses beginning to efficiently integrate computer and information technology into day-to-day operations. We need a strong and permanent research credit in order to continue these gains in productivity growth.

My home State of Utah is a good example of how State economies currently benefit from the research credit. Utah is home to various firms that invest a high percentage of their revenue in R&D. There are thousands of employees working in Utah's technology based companies, with thousands more working in other sectors that engage in R&D. Approximately 5 percent of the State's non-agricultural workforce is employed in research-intensive, high technology sectors.

Moreover, high technology jobs pay substantially more than the Utah average. In 2004, high technology payrolls accounted for 9.2 percent of Utah's total payrolls. This is a significant proportion considering technology jobs make up only 5 percent of the workforce.

Utah's largest technology segment is in computer systems design, which accounts for more than 20 percent of the State's technology employment with approximately 10,700 workers. Furthermore, this sector is Utah's second highest exporter of merchandise. This is a prime example of an industry group contributing directly to the productivity expansion I mentioned earlier.

The medical equipment manufacturing industry makes up another substantial R&D industry group employing nearly 8,000 Utahns. This industry has been an important and relatively stable component of the technology sector for many years.

Utah profits from, and also imparts, many "spill-over" benefits from the innovations developed both within and outside of the state. To give one example, more than 7,000 people work in Utah's chemical industry. This industry is the State's fourth-largest exporter. It benefits greatly from R&D taking place in Utah and throughout the country, and it shares the benefits with its trade partners. Research and development is clearly the lifeblood of Utah's economy.

Since 1981, when the research credit was first enacted, the Federal Government has joined in partnership with large and small businesses to ensure that research expenditures are made in the United States. This enhances domestic job creation, and helps the United States to internalize more of the economic benefits from the research credit.

It seems clear that to grow our economy we must enhance our position as the world leader in technological advances. Consequently, robust R&D spending should permeate our economy. We simply must continue to invest in research and development, and the Federal Government needs to reaffirm its role as a partner with the private sector. To achieve this, I have long advocated a permanent credit, and this body is overwhelmingly on record in favor of that proposition. During the Senate's debate on the 2001 tax cut bill, I offered, and the Senate adopted, an amendment to provide for such a permanent credit. Unfortunately, that provision was dropped in conference and we lost a great opportunity.

Once again, I want to ask my colleagues to make this credit permanent. I think we all know that this credit is going to be extended, again and again, every few years. It takes time and energy for my colleagues to revisit this issue every few years. Can we not just, once and for all, make this provision permanent? We know this is good policy, and it is one of the most effective tax incentives in the code. Even under today's permanently temporary credit, every dollar of tax credit is estimated to increase R&D spending by one dollar in the short run and by up to two dollars in the long run. And if we make this permanent, those incentives will only improve.

While the research credit has proven to be a powerful incentive for companies to increase research and development activities, it unfortunately does not work perfectly. One reason is that the credit is incremental, and was designed to reward additional research efforts, not just what a company might have done otherwise. From a tax policy perspective, I believe this is the best way to provide an incentive tax credit. Nevertheless, it is difficult to craft an incremental credit that works flawlessly in every case.

While the credit works well for many companies, it does not help some firms that still incur significant research expenditures. This is because the credit's base period of 1984 through 1988 is growing more distant and some firms' business models have changed.

To address this problem, we have added a third way to qualify for the credit, an elective "alternative simplified credit." We propose to base this new alternative credit on how much a company has increased its R&D spending compared to the last three years. Companies will average their R&D spending over the previous three years, and cut that number in half. For every dollar they spend over that amount, they get a 12 percent tax credit. If they spend less than that amount, they get no credit at all. This is why this credit is so effective—it gives benefits to companies that do more, and gives no benefits to companies that do less. That is good tax policy, and good growth policy.

The United States needs to continue to be the world's leader in innovation. We cannot afford to allow other countries to lure away the research that has always been done here. We cannot afford to have the lapses in the research pipeline that would result if we do not take care of extending this credit before it expires on December 31.

In conclusion, making the research tax credit permanent will increase the growth rate of our economy. It will mean more and better jobs for American workers. Making the tax credit permanent will speed economic growth. And new technology resulting from American research and development will continue to improve the standard of living for every person in the U.S. and around the world. I look forward to working with my colleagues to create a permanent, improved research credit.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 627

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Investment in America Act of 2005".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Research and development performed in the United States results in quality jobs, better and safer products, increased ownership of technology-based intellectual property, and higher productivity in the United States.

(2) The extent to which companies perform and increase research and development activities in the United States is in part dependent on Federal tax policy.

(3) Congress should make permanent a research and development credit that provides a meaningful incentive to all types of taxpayers.

SEC. 3. PERMANENT EXTENSION OF RESEARCH CREDIT.

(a) IN GENERAL.—Section 41 of the Internal Revenue Code of 1986 (relating to credit for increasing research activities) is amended by striking subsection (h).

(b) CONFORMING AMENDMENT.—Paragraph (1) of section 45C(b) of such Code is amended by striking subparagraph (D).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act.

SEC. 4. INCREASE IN RATES OF ALTERNATIVE INCREMENTAL CREDIT.

(a) IN GENERAL.—Subparagraph (A) of section 41(c)(4) of the Internal Revenue Code of 1986 (relating to election of alternative incremental credit) is amended—

(1) by striking "2.65 percent" and inserting "3 percent",

(2) by striking "3.2 percent" and inserting "4 percent", and

(3) by striking "3.75 percent" and inserting "5 percent".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 5. ALTERNATIVE SIMPLIFIED CREDIT FOR QUALIFIED RESEARCH EXPENSES.

(a) IN GENERAL.—Subsection (c) of section 41 of the Internal Revenue Code of 1986 (relating to base amount) is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after paragraph (4) the following new paragraph:

"(5) ELECTION OF ALTERNATIVE SIMPLIFIED CREDIT.—

"(A) IN GENERAL.—At the election of the taxpayer, the credit determined under subsection (a)(1) shall be equal to 12 percent of so much of the qualified research expenses for the taxable year as exceeds 50 percent of the average qualified research expenses for the 3 taxable years preceding the taxable year for which the credit is being determined.

"(B) SPECIAL RULE IN CASE OF NO QUALIFIED RESEARCH EXPENSES IN ANY OF 3 PRECEDING TAXABLE YEARS.—

"(i) TAXPAYERS TO WHICH SUBPARAGRAPH APPLIES.—The credit under this paragraph shall be determined under this subparagraph if the taxpayer has no qualified research expenses in any 1 of the 3 taxable years preceding the taxable year for which the credit is being determined.

"(ii) CREDIT RATE.—The credit determined under this subparagraph shall be equal to 6 percent of the qualified research expenses for the taxable year.

"(C) ELECTION.—An election under this paragraph shall apply to the taxable year for which made and all succeeding taxable years unless revoked with the consent of the Secretary. An election under this paragraph may not be made for any taxable year to which an election under paragraph (4) applies.".

(b) COORDINATION WITH ELECTION OF ALTERNATIVE INCREMENTAL CREDIT.—

(1) IN GENERAL.—Section 41(c)(4)(B) of the Internal Revenue Code of 1986 (relating to election) is amended by adding at the end the following: "An election under this paragraph may not be made for any taxable year to which an election under paragraph (5) applies.".

(2) TRANSITION RULE.—In the case of an election under section 41(c)(4) of the Internal Revenue Code of 1986 which applies to the taxable year which includes the date of the enactment of this Act, such election shall be treated as revoked with the consent of the Secretary of the Treasury if the taxpayer makes an election under section 41(c)(5) of such Code (as added by subsection (a)) for such year.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

Mr. BAUCUS. Mr. President, I am pleased to again join with my friend, Senator HATCH, in introducing legislation to make a permanent commitment to research-intensive businesses in the United States. This legislation is bipartisan and bicameral. A companion bill will be introduced in the House of Representatives by Congresswoman NANCY JOHNSON and Congressman BEN CARDIN.

Every morning we hear news of some new product or discovery that promises to make our jobs easier or our lives better. Many of these innovations started with a business decision to hire needed researchers and finance the expensive and long process of research and experimentation. Since 1981, when the R&D tax credit was first enacted, the Federal Government was a partner in that business endeavor because of the potential spillover benefits to society overall from additional research spending.

Research has shown that a tax credit is a cost-effective way to promote R&D. The Government Accountability Office, the Bureau of Labor Statistics, the National Bureau of Economic Research, and others have all found significant evidence that a tax credit stimulates additional domestic R&D spending by U.S. companies. A report by the Congressional Research Service, CRS, indicates that economists generally agree that, without government support, firm investment in R&D would fall short of the socially optimal amount and thus CRS advocates government policies to boost private sector R&D.

R&D is linked to broader economic and labor benefits. R&D lays the foundation for technological innovation, which, in turn, is an important driving force in long-term economic growth—mainly through its impact on the productivity of capital and labor. We have many times heard testimony from economists, including Federal Reserve Board Chairman Alan Greenspan, that the reason our economy grew at such breakneck speed during the 1990s stemmed from the productivity growth we realized thanks to technological innovations.

There has been a belief that companies would continue to increase their research spending and that the benefits of these investments on the economy and labor markets would continue without end. Unfortunately, that is not the case. According to Battelle's 2005 funding forecast, industrial R&D spending will increase only 1.9 percent above last year, to an estimated $191 billion, which is less than the expected rate of inflation of 2.5 percent. For the fifth year in a row, industrial R&D spending growth has been essentially flat.

Over recent years, industry-financed R&D declined from 1.88 percent to 1.65 percent of GDP in the United States between 2000 and 2003, while R&D performed by the business sector declined from 2.04 percent to 1.81 percent of GDP. Japan, in contrast, saw a steep increase in business-performed R&D—from 2.12 percent to 2.32 percent of GDP between 2000 and 2002—and modest gains were posted in the EU.

Moreover, just last week, the World Economic Forum released its annual Global Information Technology Report. The rankings, which measure the propensity for countries to exploit the opportunities offered by information and communications technology, ICT, revealed that Singapore has displaced the United States as the top economy in information technology competitiveness. As a matter of fact, the United States has dropped from first to fifth place in this ranking. Iceland, Finland and Denmark are the countries ranked two, three and four out of the 104 countries surveyed. Iceland moved up from tenth last year.

These numbers should be a wake up call for all of us. As research spending falls, so too will the level of future economic growth.

It is also important to recognize that many of our foreign competitors are offering permanent and generous incentives to firms that attract research dollars to those countries. A 2001 study by the Organization of Economic Cooperation and Development, OECD, ranked the U.S. ninth behind other nations in terms of its incentives for business R&D spending. Countries that provide more generous R&D incentives include Spain, Canada, Portugal, Austria, Australia, Netherlands, France, and Korea. The United Kingdom was added to this list in 2002 when it further expanded its existing R&D incentives program. The continued absence of a long-term U.S. government R&D policy that encourages U.S.-based R&D will undermine the ability of American companies to remain competitive in U.S. and foreign markets. This disparity could limit U.S. competitiveness relative to its trading partners in the long-run.

Also, U.S. workers who are engaged in R&D activities currently benefit from some of the most intellectually stimulating, high-paying, high-skilled jobs in the economy. My own State of Montana is an excellent example of this economic activity. During the 1990s, about 400 establishments provided high-technology services, at an average wage of about $35,000 per year. These jobs paid nearly 80 percent more than the average private sector wage of less than $20,000 per year during the same year. Many of these jobs would never have been created without the assistance of the R&D credit. While there may not be an immediate rush to move all projects and jobs offshore, there has been movement at the margins on those projects that are most cost-sensitive. Once those projects and jobs are gone, it will be many years before companies will have any incentive to bring them back to the United States.

We continue to grapple with the need to stimulate economic growth and advance policies that represent solid long-term investments that will reap benefits for many years to come. Senator HATCH and I repeatedly have pointed to the R&D tax credit as a measure that gives us a good "bang for our buck." I hope this year we can enact a permanent tax credit that is effective and more widely available. I encourage my colleagues to join us in this effort.

As we have in years past, our proposal would make the current research and experimentation tax credit permanent and increase the Alternative Incremental Research Credit, AIRC, rates. And, in this legislation we take one additional but necessary step.

We propose a new alternative simplified credit that will allow taxpayers to elect to calculate the R&D credit under new computational rules that will eliminate the present-law distortions caused by gross receipts. This revised and improved R&D credit did pass the Senate last year on a 93–0 vote, but a straight short-term extension of current law was enacted instead.

There is no good policy reason to make research more expensive for some industries than for others. While the regular R&D tax credit works very well for many companies, as the credit's base period recedes and business cycles change, the current credit is out of reach for some other firms that still incur significant research expenditures. To help solve part of this problem Congress enacted the AIRC in 1996 and now we propose a way to address the rest of that problem.

Under current law, both the regular credit and the AIRC are calculated by reference to a taxpayer's gross receipts, a benchmark that can produce inequities and anomalous results. For example, many taxpayers are no longer able to qualify for the regular credit, despite substantial R&D investments, because their R&D spending relative to gross receipts has not kept pace with the ratio set in the 1984–88 base period, which governs calculation of the regular credit. This can happen, for example, simply where a company's sales increase significantly in the intervening years, where a company enters into an additional line of business that generates additional gross receipts but involves little R&D, or where a company becomes more efficient in its R&D processes.

Our proposal would correct this by allowing taxpayers a straightforward alternative research credit election. Taxpayers could elect, in lieu of the regular credit or the AIRC, a credit that would equal 12 percent of the excess of the taxpayer's current year qualified research expenditures, QREs, over 50 percent of the taxpayer's average QREs for the 3 preceding years. Unlike the regular credit and the AIRC, this credit calculation does not involve gross receipts.

The R&D tax credit has proven it can be an effective incentive. We need to act to make it a permanent part of the tax code that U.S. businesses can rely on. The best thing we can do for our long-term economic well-being is to stoke the engine of growth—technology, high-wage jobs and productivity. I look forward to working with Senator HATCH and all my colleagues on this important issue.

I urge my colleagues to support this important piece of legislation.

By Mr. LUGAR (for himself, Mr. BINGAMAN, Mr. DURBIN, and Mr. BUNNING):

S. 628. A bill to provide for increased planning and funding for health promotion programs of the Department of Health and Human Services; to the Committee on Health, Education, Labor, and Pensions.

Mr. LUGAR. Mr. President, I rise today to introduce the Health Promotion FIRST, Funding Integrated Research, Synthesis and Training, Act, legislation to provide the foundation for solid planning and a scientific base for health promotion.

Between one half and two-thirds of premature deaths in the United States and much of our health care costs are caused by just three risk factors: poor diet, physical inactivity, and tobacco. Recent news reports have highlighted the alarming increase in obesity across the Nation. In the last 10 years, obesity rates have increased by more than 60 percent among adults—with approximately 59 million adults considered obese today.

We also know that medical costs are directly related to lifestyle risk factors. The September 2000 issue of the American Journal of Health Promotion reported that approximately 25 percent of all employer medical costs are caused by lifestyle factors. Emerging research is showing the value may be closer to 50 percent today.

Medical care costs are reaching crisis levels. Some major employers are actively exploring discontinuing medical insurance coverage if costs are not controlled. The Federal Government has the same cost problems with its own employees, and the cost to Medicare of lifestyle-related diseases will only increase as Baby Boomers retire, and more and more beneficiaries are diagnosed with lifestyle-related illnesses.

An obvious first step to addressing our health and medical cost problems is to help people stay healthy.

The good news is that both the public and private sectors are starting to do more in the area of health prevention and health promotion. For instance, the Medicare Modernization Act of 2003 included several new prevention initiatives for Medicare beneficiaries.

Also in recent years Congress and the Administration have worked together to pass numerous pieces of legislation to establish grants to provide health services for improved nutrition, increased physical activity, and obesity prevention.

However, despite the success of many health promotion programs, there is a quality gap between the best programs and typical programs. This occurs because most professionals are not aware of the best practice methods. Furthermore, even the best programs reach a small percentage of the population and do poorly in creating lasting change.

The Health Promotion FIRST Act will build the foundation for a stable coordinated strategy to develop the basic and applied science of health promotion, synthesize research results and disseminate findings to researchers, practitioners and policy makers.

The bill directs the Department of Health and Human Services to develop strategic plans focusing on the following: how to develop the basic and applied science of health promotion; how to best utilize the authority and resources of the Department of Health and Human Services and other Federal agencies to integrate health promotion concepts into health care and other elements of society; how to synthesize health promotion research into practical guidelines that can be easily disseminated and; how to foster a strong health workforce for health promotion activities.

Additional funding is also provided for the Centers for Disease Control and the National Institutes of Health to augment current activities related to health promotion research and dissemination.

We have made a good start, at the Federal level, in addressing the needs of health promotion. However, we need to go further. I believe this legislation will serve as a good basis for Congress and the administration to take the next step in developing health promotion programs for the next decade.

Mr. DODD (for himself and Mr. LIEBERMAN):

S. 630. A bill to establish procedures for the acknowledgment of Indian tribes: to the Committee on Indian Affairs.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 631. A bill to provide grants to ensure full and fair participation in certain decisionmaking processes of the Bureau of Indian Affairs; to the Committee on Indian Affairs.

Mr. DODD. Mr. President, I rise with our colleague, Senator LIEBERMAN, to reintroduce two pieces of legislation intended to improve the process by which the Federal Government considers petitions of American Indians and their tribal governments for Federal recognition. The first bill is called the Tribal Recognition and Indian Bureau Enhancement Act, or the TRIBE Act. The second bill is a bill to provide assistance grants to financially needy tribal groups and municipalities so that those groups and towns can more fully and fairly participate in certain decision-making processes at the Bureau of Indian Affairs, BIA. I offer these bills with a sense of hope and with the expectation that they will contribute to the larger national conversation about how the Federal Government can best fulfill its obligations to America's native peoples, and uphold the principles of fairness and openness in our laws.

The persistent problems that plague the current tribal recognition process have been well-documented and widely acknowledged. A General Accounting Office report concluded in November, 2001 that "weaknesses in the process create uncertainty about the basis for recognition decisions, and the amount of time it takes to make those decisions impedes the process of fulfilling its promise as a uniform approach to tribal recognition." This conclusion has been shared by many tribal and non-tribal governments. The Chairwoman of the Duwamish Tribe of Washington State has testified that she and her people "have known and felt the effects of 20 years of administrative inaccuracies, delays and the blasé approach in . . . handling and . . . processing the Duwamish petitions." And it has even been shared by the BIA itself, when in 2001, the Assistant Secretary for Indian Affairs admitted that ". . . it is time for Congress to consider an alternative process." Clearly, tribes, municipalities, and others interested in the recognition process have been ill-served over the years by a broken system. I believe that we have an obligation to restore public confidence in the recognition process.

The TRIBE Act would improve the recognition process in several ways. First, it would authorize $10 million per year to better enable the Bureau of Indian Affairs to consider petitions in a thorough, fair, and timely manner. Currently, there is an enormous backlog of tribal recognition petitions pending at the BIA. At current rates of progress, it takes many years for a petition to be considered. It seems to me that is an unacceptably long amount of time. Indeed, I can think of no other area of law where Americans must wait as long to have their rights adjudicated and vindicated. Second, the TRIBE Act would provide for improved notice of a petition to key parties who may have an interest in a petition, including the governor and attorney general of the State where a tribe seeks recognition, other tribes, and elected leaders of municipalities that are adjacent to the land of a tribe seeking recognition. Third, it would require that a petitioner meets each of the seven mandatory criteria for Federal recognition spelled out in the current Code of Federal Regulations. Unfortunately, in a number of highly controversial decisions, it appears that these criteria have not been applied in a uniform and consistent manner. Fourth, it would require that a decision on a petition be published in the Federal Register, and include a detailed explanation of the findings of fact and of law with respect to each of the seven mandatory criteria for recognition.

I want to emphasize what this legislation would not do. It would not revoke or in any way alter the status of tribes whose petitions for Federal recognition have already been granted. It would not restrict in any way the existing prerogatives and privileges of such tribes. Tribes would retain their right to self-determination consistent with their sovereign status. Finally, and perhaps most importantly, the TRIBE Act would not dictate outcomes nor would it tie the hands of the BIA. It would simply create a uniform recognition process that is equal and fair to all.

My second bill would provide grants to allow poor tribes and municipalities an opportunity to participate fully in important decision-making processes pertaining to recognition. Consequently, these grants would enable these communities to provide to the BIA more relevant information and resources from which to make a fair and fully-informed decision on tribal recognition. When the Federal Government, through the BIA, makes decisions that will have an enormous impact on a variety of communities—both tribal and non-tribal—it is only right that the Government should provide a meaningful opportunity for those communities to be heard.

I believe that every tribal organization that is entitled to recognition ought to be recognized and ought to be recognized in an appropriately speedy process. At the same time, we must make sure that the BIA's decisions are accurate and fair. Every recognition decision carries with it a legal significance that should endure forever. Each recognition decision made by the BIA is a foundation upon which relationships between tribes and States, tribes and municipalities, Indians and non-Indians will be built for generations to come. We need to make sure that the foundation upon which these lasting decisions are built is sound and will withstand the test of time. We cannot afford to build relationships between sovereigns on the shifting sands of a broken bureaucratic procedure.

By Mr. KENNEDY (for himself, Mrs. MURRAY, Ms. CANTWELL, Mr. CORZINE, Mr. KERRY, Mr. LIEBERMAN, Mr. SARBANES, Ms. MIKULSKI, Mrs. BOXER, Mr. LAUTENBERG, Mr. LEVIN, Mr. DURBIN, Mr. SCHUMER, Mrs. FEINSTEIN, Mr. HARKIN, and Mr. DODD):

S.J. Res. 7. A joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

Mr. KENNEDY. Mr. President, today, Senators MURRAY, CANTWELL, CORZINE, KERRY, LIEBERMAN, SARBANES, MIKULSKI, BOXER, LAUTENBERG, DURBIN, SCHUMER, LEVIN, FEINSTEIN, HARKIN, DODD and I are re-introducing the Equal Rights Amendment to the Constitution. In doing so, we reaffirm our strong commitment to equal rights for men and women.

Adoption of the ERA is essential to guarantee that the freedoms protected by our Constitution apply equally to men and women. From the beginning of our history as a nation, women have had to wage a constant, long and difficult battle to win the same basic rights granted to men. It was not until 1920 that the Constitution was amended to guarantee women the right to vote, and still today discrimination continues in other ways. Statutory prohibitions against discrimination have clearly failed to give women the assurance of full equality they deserve.

Despite passage of the Equal Pay Act and the Civil Rights Act in the 1960s, discrimination against women continues to permeate the workforce and many areas of the economy. Today, women earn less than 76 cents for each dollar earned by men, and the gap is even greater for women of color. In the year 2000, African American women earned just 64 percent of the earnings of white men, and Hispanic women earned only 54 percent.

Women with college and professional degrees have achieved advances in a number of professional and managerial occupations in recent years—yet more than 60 percent of working women are still clustered in a narrow range of traditionally female, traditionally low-paying occupations, and female-headed households continue to dominate the bottom rungs of the economic ladder.

The routine discrimination that so many women still face today makes clear that the Equal Rights Amendment is needed now more than ever. Passage of the ERA by Congress will reaffirm our strong commitment to genuine equality for all women in this new century.

A bolder effort is clearly needed to enable Congress and the States to live up to our commitment of full equality. The ERA alone cannot remedy all discrimination, but it will clearly strengthen the ongoing efforts of women across the country to obtain equal treatment.

We know from the failed ratification experiences of the past that including the ERA in the Constitution will not be easy to achieve. But its extraordinary significance requires us to continue the battle. I urge my colleagues to approve the ERA in this Congress, and join the battle for ratification in the states. Women have waited too long for full recognition of their equal rights by the Constitution.

I ask unanimous consent that the text of our joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S. J. RES. 7

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

"SECTION 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

"SECTION 3. This article shall take effect 2 years after the date of ratification.".

By Mr. COCHRAN (for himself, Mr. FRIST, and Mr. LEAHY):

S.J. Res. 8. A joint resolution providing for the appointment of Shirley Ann Jackson as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

By Mr. COCHRAN (for himself, Mr. FRIST, and Mr. LEAHY):

S.J. Res. 9. A joint resolution providing for the appointment of Robert P. Kogod as a citizen regent of the Board of Regents of the Smithsonian Institution: to the Committee on Rules and Administration.

Mr. COCHRAN. Mr. President. today I am introducing two Senate Joint Resolutions appointing citizen regents to the Board of Regents of the Smithsonian Institution. I am pleased that my fellow Smithsonian Institution Regent, Senators FRIST and LEAHY, are cosponsors.

The Smithsonian Institution Board of Regents recently recommended the following distinguished individuals for appointment to six year terms on the Board: Robert P. Kogod of Washington, D.C., and Shirley Ann Jackson of New York.

I ask unanimous consent that a copy of their biographies and the text of the joint resolutions by printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SHIRLEY ANN JACKSON, PRESIDENT, RENSSELAER POLYTECHNIC INSTITUTE, TROY, NEW YORK

Shirley Ann Jackson is the 18th president of Rensselaer Polytechnic Institute and the first African American woman to lead a national research university. She is widely recognized for her intelligent, compassionate problem-solving abilities and her promotion of women and minorities in the sciences.

The words "first African American woman" describe much of Dr. Jackson's career: a theoretical physicist, she is the first African American woman to receive a doctorate from M.I.T., the first African American to become a Commissioner of the U.S. Nuclear Regulatory Commission, the first woman and the first African American to serve as the Chairman of the U.S. Nuclear Regulatory Commission, and the first African American woman elected to the National Academy of Engineering.

Since coming to Rensselaer, Dr. Jackson has led the development and initial implementation of the Rensselaer Plan (the Institute's strategic blueprint), restructured processes and procedures, and secured a $360 million unrestricted gift commitment to the University. Prior to becoming Rensselaer's president, Dr. Jackson's career encompassed senior positions in government, industry, research, and academe.

Dr. Jackson is currently president of the American Association for the Advancement of Science (AAAS); director of a number of major corporations, including FedEx Corporation, AT&T Corporation, Marathon Oil Corporation, and Medtronic, Inc.; member of the New York Stock Exchange's board of directors, the Council on Foreign Relations, the National Academy of Engineering, the National Advisory Council for Biomedical Imaging and Bioengineering of the National Institutes of Health (NIH), the U.S. Comptroller-General's Advisory Committee for the Government Accounting Office (GAO), the Executive Committee of the Council on Competitiveness, and the Council of the Government-University-Industry Research Roundtable; fellow of the American Academy of Arts and Sciences and the American Physical Society; Life Member of the M.I.T. Corporation (the M.I.T. Board of Trustees); and trustee of Georgetown University, Rockefeller University, Emma Willard School, and the Brookings Institution. Dr. Jackson was recently named one of seven 2004 Fellows of the Association for Women in Science (AWIS). She has received numerous other honors, such as the Golden Torch Award for Lifetime Achievement in Academia from the National Society of Black Engineers, US Black Engineer & Information Technology magazine's "Black Engineer of the Year Award" (first female recipient), and the Associated Black Charities' "Immortal Award"; been inducted into the Women in Technology International Foundation Hall of Fame (WITI) and the National Women's Hall of Fame; and been recognized in such publications as Discover magazine ("Top 50 Women in Science"), the ESSENCE book 50 of The Most Inspiring African Americans, and Industry Week magazine ("50 R&D Stars to Watch").

A native of Washington, D.C., Dr. Jackson received both her S.B. in Physics (1968) and her Ph.D. in Theoretical Elementary Particle Physics (1973) from M.I.T. Dr. Jackson also holds 32 honorary doctoral degrees.

ROBERT P. KOGOD, DONOR AND PRESIDENT, ROBERT P. AND ARLENE R. KOGOD FAMILY FOUNDATION; DONOR AND VICE PRESIDENT, CHARLES E. SMITH FAMILY FOUNDATION WASHINGTON, D.C.

Robert P. Kogod is the former co-chairman and co-chief executive officer of Charles E. Smith Realty Companies. He joined the Smith Companies, founded by Charles E. Smith (father of Mr. Kogod's wife, Arlene), in 1959. From 1964 to 2001, Mr. Kogod served as president, chief executive officer, and a director of Charles E. Smith Management, Inc., where he oversaw and directed all phases of the leasing and management of the Smith Companies' commercial real estate portfolio. The Smith Companies pioneered mixed-use development in the Washington, D.C., area, including residential, office, and retail buildings in Crystal City, Virginia, that became one of the largest mixed-use developments in the United States.

Charles E. Smith Commercial Realty, Inc., formerly the commercial portfolio of Charles E. Smith Management Inc., is the largest owner and operator of commercial property in the Washington, D.C., metropolitan market. It was acquired by Vornado Realty Trust in 2001 and now operates as a division of Vornado. Charles E. Smith Residential Realty is a publicly traded real estate investment trust that merged with Archstone Communities to become Archstone-Smith Trust in 2001. Its core business is developing, acquiring, owning, and managing upscale urban residential rental properties. Mr. Kogod is a member of the boards of directors of Vornado Realty Trust and Archstone-Smith Trust. He is also a member of the Economic Club of Washington.

The Kogods are renowned philanthropists. In 1979, the Robert P. and Arlene R. Kogod School of Business at American University (where Mr. Kogod received his B.S. in 1962) was named in honor of a major gift from the Kogods. Founded in 1976, the Shalom Hartman Institute in Jerusalem, a leading innovator in the field of pluralistic Jewish thought and education, is home to the Robert P. and Arlene R. Kogod Institute for Advanced Jewish Research.

The Kogods are also world-recognized collectors of American crafts, Art Deco, and American art, as evidenced in the 2004 catalogue 2929: The Kogod Collection. Mr. and Mrs. Kogod are longstanding members of the Smithsonian American Art Museum's American Art Forum and the Archives for American Art. Mr. Kogod has also served as a member of the Smithsonian Washington Council and is currently serving as special advisor to Secretary Small on the Patent Office Building renovation project.

Other beneficiaries of the Kogods and/or the Kogod-Smith families and foundations have included the Jewish Community Center of Greater Washington; the University of Pennsylvania; the Charles E. Smith Jewish Day School; the Hebrew Home of Greater Washington; the Jewish Community Center of Greater Washington; the Latin American Youth Center; the Corcoran Gallery of Art; and George Washington University. Mr. Kogod also serves as a trustee and advisor to the president of American University, a board member of the Charles E. Smith Jewish Day School, and a trustee of The Island Foundation and Federal City Council.

S.J. RES. 8

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution (in the class other than Members of Congress) occurring because of the expiration of the term of Hanna H. Gray of Illinois on April 13, 2005, is filled by the appointment of Shirley Ann Jackson of New York, for a term of 6 years, beginning on the later of April 13, 2005, or the date on which this resolution becomes law.

S.J. RES. 9

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution (in the class other than Members of Congress) occurring because of the expiration of the term of Wesley S. Williams, Jr., of Washington, D.C., on April 13, 2005, is filled by the appointment of Robert P. Kogod of Washington, D.C., for a term of 6 years, beginning on the later of April 13, 2005, or the date on which this resolution becomes law.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 82—URGING THE EUROPEAN UNION TO ADD HEZBOLLAH TO THE EUROPEAN UNION'S WIDE-RANGING LIST OF TERRORIST ORGANIZATIONS

Mr. ALLEN (for himself, Mr. LIEBERMAN, Mr. BAYH, and Mr. SMITH) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 82

Whereas Hezbollah is a Lebanon-based radical organization with terrorist cells based in Europe, Africa, North America, South America, Asia, and elsewhere, receiving financial, training, weapons, and political and organizational aid from Iran and Syria;

Whereas Hezbollah has led a 23-year global campaign of terror targeting United States, German, French, British, Italian, Israeli, Kuwaiti, Saudi Arabian, Argentinean, Thai, Singaporean, and Russian civilians, among others;

Whereas former Director of Central Intelligence George Tenet called Hezbollah "an organization with the capability and worldwide presence [equal to] al Qaeda, equal if not far more [of a] capable organization . . . [t]hey're a notch above in many respects . . . which puts them in a state sponsored category with a potential for lethality that's quite great";

Whereas Hezbollah has been suspected of numerous terrorist acts against United States citizens, including the suicide truck bombing of the United States Embassy and Marine Barracks in Beirut, Lebanon, in October 1983, and the Embassy annex in Beirut in September 1984;

Whereas the French unit of the Multinational Force in Beirut was also targeted in the attack of October 1983, in which 241 United States soldiers and 58 French paratroopers were killed;

Whereas Hezbollah has attacked Israeli and Jewish targets in South America in the mid-1990s, including the Israeli Embassy in Buenos Aires, Argentina, in March 1992, and the AMIA Jewish Cultural Center in Buenos Aires in July 1994;

Whereas Hezbollah has claimed responsibility for kidnappings of United States and Israeli civilians and French, British, German, and Russian diplomats, among others;

Whereas even after the Government of Israel's compliance with United Nations Security Council Resolution 425 (March 19, 1978) by withdrawing from Lebanon, Hezbollah has continued to carry out attacks against Israel and its citizens;

Whereas Hezbollah has expanded its operations in the West Bank and Gaza Strip, providing training, financing, and weapons to Palestinian terrorist organizations on the European Union terrorist list, including the Al Aqsa Martyrs Brigade, Hamas, the Palestinian Islamic Jihad, and the Popular Front for the Liberation of Palestine;

Whereas in 2004, Hezbollah instigated, financed, or played a role in implementing a significant number of Palestinian terrorist attacks against Israeli targets;

Whereas the European Union agreed by consensus to classify Hamas as a terrorist organization for purposes of prohibiting funding from the European Union to Hamas;

Whereas the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (22 U.S.C. 2151 note) urges the Government of Lebanon to assert the sovereignty of the Lebanese state over all of its territory and to evict all terrorist and foreign forces from southern Lebanon, including Hezbollah and the Iranian Revolutionary Guards;

Whereas, although the European Union has included Imad Fayiz Mughniyah, a key operations and intelligence officer of Hezbollah, on its terrorist list, it has not included his organization on the list;

Whereas the United States, Canada, and Australia have all classified Hezbollah as a terrorist organization and the United Kingdom has placed the Hezbollah External Security Organization on its terrorist list;

Whereas leaders of Hezbollah have made statements denouncing any distinction between its "political and military" operations, such as Hezbollah's representative in the Lebanese Parliament, Mohammad Raad, who stated in 2001, that "Hezbollah is a military resistance party, and it is our task to fight the occupation of our land. . . . There is no separation between politics and resistance.";

Whereas in a book recently published by the deputy secretary-general of Hezbollah, Sheikh Naim Qassem, entitled "Hezbollah—the Approach, the Experience, the Future", Qassem writes "Hezbollah is a jihad organization whose aim, first and foremost, is jihad against the Zionist enemy, while the political, pure and sensible effort can serve as a prop and a means of support for jihad";

Whereas United Nations Security Council resolution 1559 (September 2, 2004), jointly sponsored by the United States and France, calls upon all remaining foreign forces to withdraw from Lebanon and for the disbanding and disarmament of all Lebanese and non-Lebanese militias;

Whereas in December 2004, the Department of State placed Al-Manar, Hezbollah's satellite television network, on the Terrorist Exclusion List, and in December 2004, the French Council of State banned the broadcasting of Al-Manar in France;

Whereas France, Germany, and Great Britain, with the support of the High Representative of the European Union, have created a working group with Iran to discuss regional security concerns, including the influence of terror perpetuated by Hezbollah and other extremist organizations; and

Whereas cooperation between the United States and the European Union regarding efforts to combat international terrorism is essential to the promotion of global security and peace: Now, therefore, be it

Resolved, That the Senate—

(1) urges the European Union to classify Hezbollah as a terrorist organization for purposes of prohibiting funding from the European Union to Hezbollah and recognizing it as a threat to international security;

(2) condemns the continuous terrorist attacks perpetrated by Hezbollah;

(3) condemns Hezbollah's continuous support of Palestinian terrorist organizations on the European Union terrorist list, such as the Al Aqsa Martyrs Brigade, Hamas, the Palestinian Islamic Jihad, and the Popular Front for the Liberation of Palestine; and

(4) calls on Hezbollah to disarm and disband its militias in Lebanon, as called for in United Nations Security Council resolution 1559 (September 2, 2004).

AMENDMENTS SUBMITTED AND PROPOSED

SA 144. Mr. CONRAD (for himself and Ms. STABENOW) proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

SA 145. Mr. NELSON of Florida (for himself and Mrs. CLINTON) proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

SA 146. Mr. WARNER (for himself, Ms. COLLINS, Mr. COCHRAN, Mr. LOTT, Mr. INHOFE, Mr. CHAMBLISS, Mr. ALLEN, Mr. VITTER, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. TALENT, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 147. Ms. STABENOW (for herself, Mr. LEVIN, Ms. MIKULSKI, Mr. KERRY, Mr. CORZINE, Mr. HARKIN, Mr. BIDEN, Mr. PRYOR, Mrs. CLINTON, Mr. AKAKA, Mr. BAUCUS, Mr. NELSON, of Florida, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. CARPER, Mr. NELSON of Nebraska, and Mr. DAYTON) proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

SA 148. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 149. Mr. AKAKA (for himself, Mrs. Murray, Mr. Obama, Mr. Jeffords, Ms. Stabenow, Mr. Corzine, Mr. Sarbanes, Ms. Landrieu, Mr. Salazar, Mr. Rockefeller, Mr. Dorgan, Mr. Levin, Mr. Schumer, Mr. Kerry, Mr. Feingold, Mrs. Boxer, Mrs. Clinton, and Mr. Johnson) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra.

SA 150. Mr. DEMINT proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

SA 151. Mr. BIDEN (for himself, Mr. Dorgan, Mr. Leahy, and Mr. Kennedy) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 152. Mr. GRAHAM (for himself and Mr. Santorum) proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

SA 153. Mr. DEWINE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 154. Mrs. CLINTON submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 155. Mrs. CLINTON submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 156. Mr. SARBANES (for himself, Mr. Nelson of Florida, Ms. Stabenow, Mrs. Murray, Mr. Corzine, Mr. Feingold, Mr. Reed, Mr. Leahy, Mr. Kennedy, Mrs. Clinton, Mr. Durbin, Mrs. Feinstein, Ms. Mikulski, Mr. Schumer, Mr. Dayton, Mr. Jeffords, Mr. Dodd, Mr. Obama, Mrs. Boxer, Mr. Harkin, and Mr. Baucus) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 157. Mr. BAYH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 158. Mr. BYRD (for himself, Mrs. Clinton, Mr. Corzine, Mr. Specter, Mr. Rockefeller, Mrs. Murray, Mr. Carper, Mr. Schumer, Mr. Durbin, Mr. Dorgan, Mr. Lautenberg, Mr. Kerry, Mr. Obama, Mr. Kohl, Mr. Kennedy, Mr. Jeffords, Mr. Lieberman, Mr. Biden, Mr. Sarbanes, Mr. Levin, Mr. Chafee, Mr. Leahy, Ms. Mikulski, and Mr. Inouye) proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

SA 159. Mr. OBAMA submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 160. Mr. LEAHY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 161. Mr. DEWINE (for himself and Mr. Leahy) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 162. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 163. Mr. SANTORUM submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 164. Mr. GRASSLEY (for himself and Mr. Kennedy) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 165. Ms. SNOWE (for herself, Mr. Wyden, Mr. McCain, Mr. Feingold, and Mrs. Feinstein) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 166. Mr. KENNEDY (for himself, Mr. Corzine, Mr. Kerry, and Mrs. Murray) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 167. Mr. BAUCUS (for himself and Mr. Grassley) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 168. Ms. CANTWELL (for herself, Mr. Kerry, Mr. Lieberman, Mr. Feingold, Mr. Jeffords, Mr. Lautenberg, Mrs. Boxer, Mrs. Feinstein, Mrs. Murray, and Mr. Corzine) proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

SA 169. Mr. SANTORUM (for himself, Mr. Durbin, Mr. Bingaman, Mrs. Clinton, Mr. Corzine, Mr. Dodd, Mrs. Feinstein, Mr. Johnson, Mr. Kerry, Mr. Kohl, Mr. Leahy, Mr. Levin, Mr. Lieberman, Mrs. Murray, and Ms. Stabenow) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 170. Mrs. HUTCHISON (for herself, Mr. Cornyn, Mr. Bingaman, Mr. McCain, and Mrs. Feinstein) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 171. Mr. ENSIGN (for himself, Mr. Craig, Mr. Vitter, and Mrs. Hutchison) proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

SA 172. Mr. HARKIN (for himself, Mr. Durbin, and Mrs. Murray) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 144. Mr. CONRAD (for himself and Ms. Stabenow) proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 57, after line 2, insert the following:

"SEC. . POINT OF ORDER TO SAVE SOCIAL SECURITY FIRST.

(a) Point of Order in the Senate.—It shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the on-budget deficit in any fiscal year.

(b) Exception.—The point of order established by this section shall not apply if 75-year solvency has been restored to the Old-Age, Survivors, and Disability Insurance Trust Funds as determined by the Social Security Administration actuaries.

(c) Supermajority Waiver and Appeal.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section."

SA 145. Mr. NELSON of Florida (for himself and Mrs. Clinton) proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 65, after line 25, insert the following:

SEC. . SENSE OF THE SENATE IN SUPPORT OF SOCIAL SECURITY.

It is the sense of the Senate that Congress should reject any Social Security plan that requires deep benefit cuts or a massive increase in debt, and a failure to act by 2042 would result in deep benefit cuts: therefore Congress should take action to address Social Security solvency.

SA. 146. Mr. WARNER (for himself, Ms. Collins, Mr. Cochran, Mr. Lott, Mr. Inhofe, Mr. Chambliss, Mr. Allen, Mr. Vitter, Ms. Landrieu, Mr. Lieberman, Mr. Talent, and Ms. Snowe) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 40, line 22, strike "$23,393,000,000" and insert "$37,393,000,000".

On page 57, between lines 2 and 3, insert the following:

SEC. 409. INCLUSION OF DEPARTMENT OF DEFENSE, SHIPBUILDING AND CONVERSION, NAVY, ACCOUNT IN ACCOUNTS IDENTIFIED FOR ADVANCE APPROPRIATIONS.

The accounts identified in the joint explanatory statement of managers to accompany this resolution under the heading "Accounts Identified for Advance Appropriations" shall include the "Department of Defense, Shipbuilding and Conversion, Navy" account.

SA 147. Ms. STABENOW (for herself, Mr. Levin, Ms. Mikulski, Mr. Kerry, Mr. Corzine, Mr. Harkin, Mr. Biden, Mr. Pryor, Mrs. Clinton, Mr. Akaka, Mr. Baucus, Mr. Nelson of Florida, Mr. Rockefeller, Mr. Lieberman, Mr. Carper, Mr. Nelson of Nebraska, and Mr. Dayton) proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 3 line 10, increase the amount by $451,000,000.

On page 3 line 11, increase the amount by $1,145,000,000.

On page 3 line 12, increase the amount by $850,000,000.

On page 3 line 13, increase the amount by $521,000,000.

On page 3 line 14, increase the amount by $285,000,000.

On page 3 line 19, increase the amount by $451,000,000.

On page 3 line 20, increase the amount by $1,145,000,000.

On page 3 line 21, increase the amount by $850,000,000.

On page 4 line 1, increase the amount by $521,000,000.

On page 4 line 2, increase the amount by $285,000,000.

On page 4 line 7, increase the amount by $1,626,000,000.

On page 4 line 16, increase the amount by $225,000,000.

On page 4 line 17, increase the amount by $572,000,000.

On page 4 line 18, increase the amount by $425,000,000.

On page 4 line 19, increase the amount by $261,000,000.

On page 4 line 20, increase the amount by $143,000,000.

On page 4 line 24, increase the amount by $226,000,000.

On page 4 line 25, increase the amount by $573,000,000.

On page 5 line 1, increase the amount by $425,000,000.

On page 5 line 2, increase the amount by $260,000,000.

On page 5 line 3, increase the amount by $142,000,000.

On page 5 line 7, decrease the amount by $226,000,000.

On page 5 line 8, decrease the amount by $799,000,000.

On page 5 line 9, decrease the amount by $1,224,000,000.

On page 5 line 10, decrease the amount by $1,484,000,000.

On page 5 line 11, decrease the amount by $1,626,000,000.

On page 5 line 15, decrease the amount by $226,000,000.

On page 5 line 16, decrease the amount by $799,000,000.

On page 5 line 17, decrease the amount by $1,224,000,000.

On page 5 line 18, decrease the amount by $1,484,000,000.

On page 5 line 19, decrease the amount by $1,626,000,000.

On page 16 line 15, increase the amount by $603,000,000.

On page 16 line 16, increase the amount by $49,000,000.

On page 16 line 20, increase the amount by $275,000,000.

On page 16 line 24, increase the amount by $196,000,000.

On page 17 line 3, increase the amount by $83,000,000.

On page 23 line 16, increase the amount by $1,023,000,000.

On page 23 line 17, increase the amount by $176,000,000.

On page 23 line 21, increase the amount by $297,000,000.

On page 23 line 25, increase the amount by $229,000,000.

On page 24 line 4, increase the amount by $178,000,000.

On page 24 line 8, increase the amount by $143,000,000.

On page 30 line 16, decrease the amount by $451,000,000.

On page 30 line 17, decrease the amount by $3,252,000,000.

On page 48 line 6, increase the amount by $1,626,000,000.

On page 48 line 7, increase the amount by $225,000,000.

SA. 148. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. ____. DEFICIT-NEUTRAL RESERVE FUND FOR THE FAMILY OPPORTUNITY ACT.

In the Senate, if the Committee on Finance reports a bill or joint resolution or an amendment is offered thereto or a conference report is submitted thereon, that provides families of disabled children with the opportunity to purchase coverage under the medicaid coverage for such children (the Family Opportunity Act), and provided that the committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974, the chairman of the Committee on the Budget may revise allocations of new budget authority and outlays, revenue aggregates, and other appropriate measures to reflect such legislation if any such measure .would not increase the deficit for fiscal year 2006 and for the period of fiscal years 2006 through 2010.

SA 149. Mr. AKAKA (for himself, Mrs. MURRAY, Mr. OBAMA, Mr. JEFFORDS, Ms. STABENOW, Mr. CORZINE, Mr. SARBANES, Ms. LANDRIEU, Mr. SALAZAR, Mr. ROCKEFELLER, Mr. DORGAN, Mr. LEVIN, Mr. SCHUMER, Mr. KERRY, Mr. FEINGOLD, Mrs. BOXER, Mrs. CLINTON, and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 3, line 10, increase the amount by $5,112,000,000.

On page 3, line 11, increase the amount by $1,377,000,000.

On page 3, line 12, increase the amount by $109,000,000.

On page 3, line 13, increase the amount by $10,000,000.

On page 3, line 19, increase the amount by $5,112,000,000.

On page 3, line 20, increase the amount by $1,377,000,000.

On page 3, line 21, increase the amount by $109,000,000.

On page 4, line 1, increase the amount by $10,000,000.

On page 4, line 7, increase the amount by $2,840,000,000.

On page 4, line 16, increase the amount by $2,556,000,000.

On page 4, line 17, increase the amount by $689,000,000.

On page 4, line 18, increase the amount by $55,000,000.

On page 4, line 19, increase the amount by $5,000,000.

On page 4, line 24, increase the amount by $2,556,000,000.

On page 4, line 25, increase the amount by $688,000,000.

On page 5, line 1, increase the amount by $54,000,000.

On page 5, line 2, increase the amount by $5,000,000.

On page 5, line 7, decrease the amount by $2,556,000,000.

On page 5, line 8, decrease the amount by $3,244,000,000.

On page 5, line 9, decrease the amount by $3,298,000,000.

On page 5, line 10, decrease the amount by $3,303,000,000.

On page 5, line 11, decrease the amount by $3,303,000,000.

On page 5, line 15, decrease the amount by $2,556,000,000.

On page 5, line 16, decrease the amount by $3,244,000,000.

On page 5, line 17, decrease the amount by $3,298,000,000.

On page 5, line 18, decrease the amount by $3,303,000,000.

On page 5, line 19, decrease the amount by $3,303,000,000.

On page 22, line 16, increase the amount by $2,840,000,000.

On page 22, line 17, increase the amount by $2,556,000,000.

On page 22, line 21, increase the amount by $689,000,000.

On page 22, line 25, increase the amount by $55,000,000.

On page 23, line 4, increase the amount by $5,000,000.

On page 30, line 16, decrease the amount by $5,112,000,000.

On page 30, line 17, decrease the amount by $6,608,000,000.

On page 48, line 6, increase the amount by $2,840,000,000.

On page 48, line 7, increase the amount by $2,556,000,000.

SA 150. Mr. DEMINT proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

It is the sense of the Senate that Congress should reject any Social Security plan that requires deep benefit cuts or a massive increase in debt, and a failure to act would result in massive debt, deep benefit cuts and tax increases.

SA 151. Mr. BIDEN (for himself, Mr. DORGAN, Mr. LEAHY, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 3 line 10, increase the amount by $240,000,000.

On page 3 line 11, increase the amount by $560,000,000.

On page 3 line 12, increase the amount by $500,000,000.

On page 3 line 13, increase the amount by $400,000,000.

On page 3 line 14, increase the amount by $300,000,000.

On page 3 line 19, increase the amount by $240,000,000.

On page 3 line 20, increase the amount by $560,000,000.

On page 3 line 21, increase the amount by $500,000,000.

On page 4 line 1, increase the amount by $400,000,000.

On page 4 line 2, increase the amount by $300,000,000.

On page 4 line 7, increase the amount by $1,000,000,000.

On page 4 line 16, increase the amount by $120,000,000.

On page 4 line 17, increase the amount by $280,000,000.

On page 4 line 18, increase the amount by $250,000,000.

On page 4 line 19, increase the amount by $200,000,000.

On page 4 line 20, increase the amount by $150,000,000.

On page 4 line 24, increase the amount by $120,000,000.

On page 4 line 25, increase the amount by $280,000,000.

On page 5 line 1, increase the amount by $250,000,000.

On page 5 line 2, increase the amount by $200,000,000.

On page 5 line 3, increase the amount by $150,000,000.

On page 5 line 7, decrease the amount by $120,000,000.

On page 5 line 8, decrease the amount by $400,000,000.

On page 5 line 9, decrease the amount by $650,000,000.

On page 5 line 10, decrease the amount by $850,000,000.

On page 5 line 11, decrease the amount by $1,000,000,000.

On page 5 line 15, decrease the amount by $120,000,000.

On page 5 line 16, decrease the amount by $400,000,000.

On page 5 line 17, decrease the amount by $650,000,000.

On page 5 line 18, decrease the amount by $850,000,000.

On page 5 line 19, decrease the amount by $1,000,000,000.

On page 23 line 16, increase the amount by $1,000,000,000.

On page 23 line 17, increase the amount by $120,000,000.

On page 23 line 21, increase the amount by $280,000,000.

On page 23 line 25, increase the amount by $250,000,000.

On page 24 line 4, increase the amount by $200,000,000.

On page 24 line 8, increase the amount by $150,000,000.

On page 30 line 16, decrease the amount by $240,000,000.

On page 30 line 17, decrease the amount by $2,000,000,000.

On page 48 line 6, increase the amount by $1,000,000,000.

On page 48 line 7, increase the amount by $120,000,000.

On page 65, after line 25 insert the following:

FUNDING FOR DEPARTMENT OF JUSTICE COMMUNITY ORIENTED POLICING SERVICES PROGRAMS.

(a) FINDINGS.—The Senate finds that—

(1) State and local law enforcement officers provide essential services that preserve and protect our freedom and safety;

(2) with the support of the Community Oriented Policing Services program (referred to this section as the "COPS program"), State and local law enforcement officers have succeeded in dramatically reducing violent crime;

(3) on July 15, 2002, the Attorney General stated, "Since law enforcement agencies began partnering with citizens through community policing, we've seen significant drops in crime rates. COPS provides resources that reflect our national priority of terrorism prevention.";

(4) on February 26, 2002, the Attorney General stated, "The COPS program has been a miraculous sort of success. It's one of those things that Congress hopes will happen when it sets up a program.";

(5) the Federal Bureau of Investigation's Assistant Director for the Office of Law Enforcement Coordination has stated, "The FBI fully understands that our success in the fight against terrorism is directly related to the strength of our relationship with our State and local partners.";

(6) a 2003 study of the 44 largest metropolitan police departments found that 27 of them have reduced force levels;

(7) shortages of officers and increased homeland security duties has forced many local police agencies to rely on overtime and abandon effective, preventative policing practices. And, as a result police chiefs from around the nation are reporting increased gang activity and other troubling crime indicators,

(8) several studies have concluded that the implementation of community policing as a law enforcement strategy is an important factor in the reduction of crime in our communities;

(9) In addition, experts at the Brookings Institute have concluded that community policing programs are critical to our success in the war against terrorism.

(10) the continuation and full funding of the COPS program through fiscal year 2010 is supported by several major law enforcement organizations, including—

(A) the International Association of Chiefs of Police;

(B) the International Brotherhood of Police Officers;

(C) the Fraternal Order of Police;

(D) the National Sheriffs' Association;

(E) the National Troopers Coalition;

(F) the Federal Law Enforcement Officers Association;

(G) the National Association of Police Organizations;

(H) the National Organization of Black Law Enforcement Executives;

(I) the Police Executive Research Forum; and

(J) the Major Cities Chiefs;

(11) Congress appropriated $928,912,000 for the COPS program for fiscal year 2003, $756,283,000 for fiscal year 2004, and $499,364,000 for fiscal year 2005, and (12) the President requested $117,781, 000 for the COPS program for fiscal year 2006, $381,583,000 less than the amount appropriated for fiscal year 2004.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that an increase of $1,000,000,000 for fiscal year 2006 for the Department of Justice's community oriented policing program will be provided without reduction and consistent with previous appropriated and authorized levels.

SA 152. Mr. GRAHAM (for himself and Mr. SANTORUM) proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

At the end of title V, insert the following:

SEC. _____. SENSE OF THE SENATE REGARDING SOCIAL SECURITY RESTRUCTURING.

(a) FINDINGS.—The Senate finds that—

(1) Social Security is the foundation of retirement income for most Americans;

(2) preserving and strengthening the long term viability of Social Security is a vital national priority and is essential for the retirement security of today's working Americans, current and future retirees, and their families;

(3) Social Security faces significant fiscal and demographic pressures;

(4) the nonpartisan Office of the Chief Actuary at the Social Security Administration reports that—

(A) the number of workers paying taxes to support each Social Security beneficiary has dropped from 16.5 in 1950 to 3.3 in 2002;

(B) within a generation there will be only 2 workers to support each retiree, which will substantially increase the financial burden on American workers;

(C) without structural reform, the Social Security system, beginning in 2018, will pay out more in benefits than it will collect in taxes;

(D) without structural reform, the Social Security trust fund will be exhausted in 2042, and Social Security tax revenue in 2042 will only cover 73 percent of promised benefits, and will decrease to 68 percent by 2078;

(E) without structural reform, future Congresses may have to raise payroll taxes 50 percent over the next 75 years to pay full benefits on time, resulting in payroll tax rates of as much as 16.9 percent by 2042 and 18.3 percent by 2078;

(F) without structural reform, Social Security's total cash shortfall over the next 75 years is estimated to be more than $25,000,000,000,000 in constant 2004 dollars or $3,700,000,000,000 measured in present value terms; and

(G) absent structural reforms, spending on Social Security will increase from 4.3 percent of gross domestic product in 2004 to 6.6 percent in 2078; and

(5) the Congressional Budget Office, the Government Accountability Office, the Congressional Research Service, the Chairman of the Federal Reserve Board, and the President's Commission to Strengthen Social Security have all warned that failure to enact fiscally responsible Social Security reform quickly will result in 1 or more of the following:

(A) Higher tax rates.

(B) Lower Social Security benefit levels.

(C) Increased Federal debt or less spending on other federal programs.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the President, the Congress, and the American people including seniors, workers, women, minorities, and disabled persons should work together at the earliest opportunity to enact legislation to achieve a solvent and permanently sustainable Social Security system;

(2) Social Security reform—

(A) must protect current and near retirees from any changes to Social Security benefits;

(B) must reduce the pressure on future taxpayers and on other budgetary priorities;

(C) must provide benefit levels that adequately reflect individual contributions to the Social Security system; and

(D) must preserve and strengthen the safety net for vulnerable populations including the disabled and survivors; and

(3) the Senate should honor section 13301 of the Budget Enforcement Act of 1990.

SA 153. Mr. DEWINE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010: which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE CONCERNING CHILDREN WITH HIV/AIDS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Approximately 2,200,000 million children under the age of 15 are infected with the HIV virus, and 1,900 children worldwide are infected with HIV each day.

(2) In 2004, it was estimated that of the 4,900,000 people newly infected with HIV, 640,000 were children. The vast majority of them were infected through mother-to-child transmission, which includes transmission at any point during pregnancy, labor, delivery, or breastfeeding.

(3) Effective implementation of prevention of mother-to-child transmission of HIV and care and treatment services in the United States has resulted in the near elimination (less than 2 percent transmission) of mother-to-child transmission of HIV/AIDS. By contrast, in resource-poor settings less than 10 percent of pregnant women living with HIV have access to services to prevent mother-to-child transmission of HIV.

(4) Currently, more than 4,000,000 children worldwide are estimated to have died from AIDS.

(5) In 2004, approximately 510,000 children died of AIDS, resulting in almost 1,400 AIDS deaths in children per day.

(6) According to the Joint United Nations Programme on HIV/AIDS, if current trends continue by 2010, 3,500,000 of the 45,000,000 people infected worldwide will be children under the age of 15.

(7) At least a quarter of newborns infected with HIV die before the age of one, up to 60 percent die before reaching their second birthday, and overall, most die before they are 5 years of age.

(8) HIV threatens to reverse the child survival and developmental gains of past decades.

(9) Research and practice have shown conclusively that timely initiation of antiretroviral therapy to infants or young children with HIV/AIDS can preserve or restore their immune functions, promote normal growth and development, and prolong life.

(10) There is clear evidence in resource-rich countries that antiretroviral treatment in children is very effective. For example, many children who were infected through mother-to-child transmission in the United States are living with HIV as young adults.

(11) Few programs specifically target the treatment of children with HIV/AIDS in resource-poor countries due to significant challenges in diagnosing and treating infants and young children with HIV. Such challenges include difficulty in diagnosing HIV in infants less than 18 months of age, lack of appropriate and affordable pediatric HIV/AIDS medicines, and lack of trained health care providers.

(12) Children are not small adults and treating them as such can seriously jeopardize their health.

(13) Children should not be forgotten in the fight against the global HIV/AIDS pandemic.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that this resolution assumes that—

(1)(A) assistance should be provided to support the expansion of programs to prevent mother-to-child transmission of HIV as an integral component of a comprehensive approach to fighting HIV/AIDS;

(B) to facilitate the expansion described in subparagraph (A)—

(i) more resources are needed for infrastructure improvements and education and training of health care workers; and

(ii) better linkages between mother-to-child transmission and broader care and treatment programs should be created for women, children, and families who are in need of access to expanded services;

(2) assistance should be provided to support the care and treatment of children with HIV/AIDS, including the development and purchase of high-quality, low-cost pediatric formulations of antiretroviral drugs and other HIV/AIDS medicines, including fixed-dose combinations, pediatric-specific training to doctors and other health-care personnel, and the purchase of pediatric-appropriate technologies;

(3) all antiretroviral drugs need precise and simplified dosing guidelines for all pediatric age groups, including infants, and all HIV/AIDS drugs including those developed for children should be made available at drastically-reduced prices in resource-poor countries;

(4) health care sites in resource-poor countries need better diagnostic capacity and appropriate supplies to provide care and treatment services for children, and additional training is required to ensure that all health care providers can administer specialized care services for children, including psychosocial support; and

(5) pediatric care and treatment should be integrated into the existing health care framework so children and families can be treated simultaneously.

SA 154. Mrs. CLINTON submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

At the appropriate place in title III, insert the following:

SEC. . SENATE OF THE SENATE CONCERNING COMPARATIVE EFFECTIVENESS STUDIES.

It is the Sense of the Senate that—

(1) the overall discretionary levels set in this resolution assume $75,000,000 in new budget authority in fiscal year 2006 and new outlays that flow from this budget authority in fiscal year 2006 and subsequent years, to fund additional research and ongoing systematic reviews in the Agency for Health Care Research and Quality; and

(2) in addition to the efforts currently undertaken by the Agency for Health Care Research and Quality that are designed to improve scientific evidence related to the comparative effectiveness and safety of prescription drugs and other treatments and to disseminate the findings and underlying data from such research to health care practitioners, consumers, and health care purchasers, knowledge gaps identified through such efforts should be the focus of additional research efforts to ensure that the goals of the relevant authorizing legislation are met.

SA 155. Mrs. CLINTON submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . DEFICIT NEUTRAL RESERVE FUND FOR INFLUENZA VACCINE SHORTAGE PREVENTION.

If the Committee on Health, Education, Labor, and Pensions of the Senate reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that increases the participation of manufacturers in the production of influenza vaccine, increases research and innovation in new technologies for the development of influenza vaccine, and enhances the ability of the United States to track and respond to domestic influenza outbreaks as well as pandemic containment efforts, the chairman of the Committee on the Budget shall revise committee allocations for the Committee on Health, Education, Labor, and Pensions and other appropriate budgetary aggregates and allocations of new budget authority and outlays by the amount provided by that measure for that purpose, regardless of whether the committee is within its 302(a) allocations, and such legislation shall be exempt from sections 302, 303, 311, and 425 of the Congressional Budget Act, and from section 505 of the concurrent resolution on the budget for fiscal year 2004 (H. Con. Res. 95), if that measure would not increase the deficit for fiscal year 2006 and for the period of fiscal years 2006 through 2010.

SA 156. Mr. SARBANES (for himself, Mr. NELSON of Florida, Ms. STABENOW, Mrs. MURRAY, Mr. CORZINE, Mr. FEINGOLD, Mr. REED, Mr. LEAHY, Mr. KENNEDY, Mrs. CLINTON, Mr. DURBIN, Mrs. FEINSTEIN, Ms. MIKULSKI, Mr. SCHUMER, Mr. DAYTON, Mr. JEFFORDS, Mr. DODD, Mr. OBAMA, Mrs. BOXER, Mr. HARKIN, and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 3 line 10, increase the amount by $427,000,000.

On page 3 line 11, increase the amount by $627,000,000.

On page 3 line 12, increase the amount by $455,000,000.

On page 3 line 13, increase the amount by $214,000,000.

On page 3 line 14, increase the amount by $103,000,000.

On page 3 line 19, increase the amount by $427,000,000.

On page 3 line 20, increase the amount by $627,000,000.

On page 3 line 21, increase the amount by $455,000,000.

On page 4 line 1, increase the amount by $214,000,000.

On page 4 line 2, increase the amount by $103,000,000.

On page 4 line 7, increase the amount by $1,890,000,000.

On page 4 line 16, increase the amount by $427,000,000.

On page 4 line 17, increase the amount by $627,000,000.

On page 4 line 18, increase the amount by $455,000,000.

On page 4 line 19, increase the amount by $214,000,000.

On page 4 line 20, increase the amount by $103,000,000.

On page 16 line 15, increase the amount by $1,219,000,000.

On page 16 line 16, increase the amount by $38,000,000.

On page 16 line 20, increase the amount by $365,000,000.

On page 16 line 24, increase the amount by $442,000,000.

On page 17 line 3, increase the amount by $207,000,000.

On page 17 line 7, increase the amount by $103,000,000.

On page 17 line 16, increase the amount by $671,000,000.

On page 17 line 17, increase the amount by $389,000,000.

On page 17 line 21, increase the amount by $262,000,000.

On page 17 line 25, increase the amount by $13,000,000

On page 18 line 4, increase the amount by $7,000,000.

On page 30 line 16, decrease the amount by $427,000,000.

On page 30 line 17, decrease the amount by $1,826,000,000.

On page 48 line 6, increase the amount by $1,890,000,000.

On page 48 line 7, increase the amount by $427,000,000.

SA 157. Mr. BAYH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 65, after line 25, insert the following:

SEC. . SENSE OF THE SENATE REGARDING FOREIGN-OWNED DEBT.

It is the sense of the Senate that the Comptroller General should conduct a study to examine the economic impact of United States publicly-held debt that is held by foreign governments, institutions, and individuals. The study should provide an analysis of the following:

(1) The amount of foreign-owned debt dating back to 1980, broken down by foreign governments, foreign institutions, and foreign private investors, and expressed in nominal terms and as a percentage of the total amount of publicly-held debt in each year.

(2) The economic impact that the increased foreign ownership of United States publicly-held debt has had on the ability of the United States to maintain a stable dollar policy.

(3) The impact that foreign ownership of United States publicly-held debt has had, or could have, on United States trade policy.

(4) What entities (i.e. individuals, corporations, or foreign governments) own United States publicly-held debt that exist in Caribbean banking centers.

(5) The implicit tax burden that results from foreign debt holdings, specifically the per capita amount that a United States taxpayer will pay in annual Federal income taxes to service the foreign debt during each of fiscal years 2006 through 2010.

SA 158. Mr. BYRD (for himself, Mrs. Clinton, Mr. Corzine, Mr. Specter, Mr. Rockefeller, Mrs. Murray, Mr. Carper, Mr. Schumer, Mr. Durbin, Mr. Dorgan, Mr. Lautenberg, Mr. Kerry, Mr. Obama, Mr. Kohl, Mr. Kennedy, Mr. Jeffords, Mr. Lieberman, Mr. Biden, Mr. Sarbanes, Mr. Levin, Mr. Chafee, Mr. Leahy, Ms. Mikulski, and Mr. Inouye) proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 3, line 10, increase the amount by $1,040,000,000.

On page 3, line 19, increase the amount by $1,040,000,000.

On page 4, line 7, increase the amount by $1,040,000,000.

On page 4, line 16, increase the amount by $1,040,000,000.

On page 15, line 15, increase the amount by $1,040,000,000.

On page 15, line 16, increase the amount by $1,040,000,000.

On page 48, line 6, increase the amount by $1,040,000,000.

On page 48, line 7, increase the amount by $1,040,000,000.

SA 159. Mr. OBAMA submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 9, line 15, increase the amount by $25,000,000.

On page 9, line 16, increase the amount by $6,000,000.

On page 9, line 20, increase the amount by $11,000,000.

On page 9, line 24, increase the amount by $5,000,000.

On page 10, line 3, increase the amount by $2,000,000.

On page 26, line 14, decrease the amount by $25,000,000.

On page 26, line 15, decrease the amount by $6,000,000.

On page 26, line 18, decrease the amount by $11,000,000.

On page 26, line 21, decrease the amount by $5,000,000.

On page 26, line 24, decrease the amount by $2,000,000.

SA 160. Mr. LEAHY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 9, line 15, increase the amount by $44,000,000.

On page 9, line 16, increase the amount by $40,000,000.

On page 9, line 20, increase the amount by $3,000,000.

On page 9, line 24, increase the amount by $1,000,000.

On page 26, line 14, decrease the amount by $44,000,000.

On page 26, line 15, decrease the amount by $40,000,000.

On page 26, line 18, decrease the amount by $3,000,000.

On page 26, line 21, decrease the amount by $1,000,000.

SA 161. Mr. DeWINE (for himself and Mr. Leahy) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 9, line 15, increase the amount by $334,000,000.

On page 9, line 16, increase the amount by $67,000,000.

On page 9, line 20, increase the amount by $150,000,000.

On page 9, line 24, increase the amount by $62,000,000.

On page 10, line 3, increase the amount by $29,000,000.

On page 10, line 7, increase the amount by $13,000,000.

On page 26, line 14, decrease the amount by $334,000,000.

On page 26, line 15, decrease the amount by $67,000,000.

On page 26, line 18, decrease the amount by $150,000,000.

On page 26, line 21, decrease the amount by $62,000,000.

On page 26, line 24, decrease the amount by $29,000,000.

On page 27, line 2, decrease the amount by $13,000,000.

SA 162. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 23, line 16, increase the amount by $352,400,000.

On page 23, line 17, increase the amount by $317,000,000.

On page 23, line 21, increase the amount by $35,400,000.

On page 9, line 15, decrease the amount by $352,400,000.

On page 9, line 16, decrease the amount by $317,000,000.

On page 9, line 20, decrease the amount by $35,400,000.

SA 163. Mr. SANTORUM submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18. setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010: which was ordered to lie on the table; as follows:

At the end of title V, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING TAX RELIEF TO ENCOURAGE CHARITABLE GIVING.

(a) FINDINGS.—The Senate finds that—

(1) the CARE Act, which represents a part of the President's faith-based initiative, will spur charitable giving and assist faith-based and community organizations that serve the needy:

(2) more than 1,600 small and large organizations from around the Nation have endorsed the CARE Act, and in the 108th Congress the CARE Act had bipartisan support and was sponsored by 23 Senators;

(3) although the CARE Act passed the Senate on April 9, 2003, by a vote of 95 to 5, and the House of Representatives passed companion legislation on September 17, 2003, by a vote of 408 to 13, a conference committee on the CARE Act was never formed and a final version was not passed in the 108th Congress; and

(4) charities around the Nation continue to struggle, and the passage of the incentives for charitable giving contained in the CARE Act would provide significant dollars in private and public sector assistance to those in need.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that a relevant portion of amounts in this budget resolution providing for tax relief should be used—

(1) to provide the 86,000,000 Americans who do not itemize deductions an opportunity to deduct charitable contributions;

(2) to provide incentives for individuals to give tax free contributions from individual retirement accounts for charitable purposes;

(3) to provide incentives for an estimated $2,000,000,000 in food donations from farmers, restaurants, and corporations to help the needy, an equivalent of 878,000,000 meals for hungry Americans over 10 years;

(4) to provide at least 300,000 low-income, working Americans the opportunity to build assets through individual development accounts or IDAs, which can be used to purchase a home, expand educational opportunity, or to start a small business; and

(5) to provide incentives for corporate charitable contributions.

SA 164. Mr. GRASSLEY (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18. setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. . DEFICIT-NEUTRAL RESERVE FUND FOR THE FAMILY OPPORTUNITY ACT.

In the Senate, if the Committee on Finance reports a bill or joint resolution or an amendment is offered thereto or a conference report is submitted thereon, that provides families of disabled children with the opportunity to purchase coverage under the medicaid coverage for such children (the Family Opportunity Act), and provided that the committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974, the chairman of the Committee on the Budget may revise allocations of new budget authority and outlays, revenue aggregates, and other appropriate measures to reflect such legislation if any such measure would not increase the deficit for fiscal year 2006 and for the period of fiscal years 2006 through 2010.

SA 165. Ms. SNOWE (for herself, Mr. WYDEN, Mr. MCCAIN, Mr. FEINGOLD, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 18. setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 40, after line 8, insert the following:

SEC. . RESERVE FUND FOR THE NEGOTIATION OF THE BEST POSSIBLE PRICE FOR PRESCRIPTION DRUGS UNDER MEDICARE PART D.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, functional totals, and other appropriate levels and limits in this resolution upon enactment of legislation that allows the Secretary of Health and Human Services to participate in negotiations to achieve the best possible prices for prescription drugs provided under part D of title XVIII of the Social Security Act through fallback prescription drug plans, and through prescription drug plans and MA-PD plans (if requested by such plans), and in other circumstances, by the amount of savings in that legislation, to ensure that those savings are reserved for deficit reduction.

SA 166. Mr. KENNEDY (for himself, Mr. CORZINE, Mr. KERRY, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18. setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal 2005 and 2007 through 2010: which was ordered to lie on the table; as follows:

On page 3, line 10, increase the amount by $1,800,000,000.

On page 3, line 11, increase the amount by $3,900,000,000.

On page 3, line 12, increase the amount by $3,700,000,000.

On page 3, line 13, increase the amount by $3,900,000,000.

On page 3, line 14, increase the amount by $4,000,000,000.

On page 3, line 19, increase the amount by $1,800,000,000.

On page 3, line 20, increase the amount by $3,900,000,000.

On page 3, line 21, increase the amount by $3,700,000,000.

On page 4, line 1, increase the amount by $3,900,000,000.

On page 4, line 2, increase the amount by $4,000,000,000.

On page 4, line 7, increase the amount by $1,800,000,000.

On page 4, line 8, increase the amount by $3,900,000,000.

On page 4, line 9, increase the amount by $3,700,000,000.

On page 4, line 10, increase the amount by $3,900,000,000.

On page 4, line 11, increase the amount by $4,000,000,000.

On page 4, line 16, increase the amount by $1,800,000,000.

On page 4, line 17, increase the amount by $3,900,000,000.

On page 4, line 18, increase the amount by $3,700,000,000.

On page 4, line 19, increase the amount by $3,900,000,000.

On page 4, line 20, increase the amount by $4,000,000,000.

On page 20, line 16, increase the amount by $1,800,000,000.

On page 20, line 17, increase the amount by $1,800,000,000.

On page 20, line 20, increase the amount by $3,900,000,000.

On page 20, line 21, increase the amount by $3,900,000,000.

On page 20, line 24, increase the amount by $3,700,000,000.

On page 20, line 25, increase the amount by $3,700,000,000.

On page 21, line 3, increase the amount by $3,900,000,000.

On page 21, line 4, increase the amount by $3,900,000,000.

On page 21, line 7, increase the amount by $4,000,000,000.

On page 21, line 8, increase the amount by $4,000,000,000.

On page 30, line 16, decrease the amount by $1,800,000,000.

On page 30, line 17, decrease the amount by $17,300,000,000.

At the end of title V, insert the following:

SEC. . SENSE OF THE SENATE ON THE REDUCTION OF CHILD POVERTY.

(a) FINDINGS—The Senate makes the following findings:

1. Nearly 13 million American children younger than 18—nearly one in five—live below the poverty line;

2. The parents of poor children are playing by the rules and still can't get ahead since seven out of ten poor children live in a working family, and almost one poor child in three lives with a full-time year-round worker;

3. Poor children are at least twice as likely as non-poor children to suffer stunted growth or lead poisoning, or to be kept back in school; poor children score significantly lower on reading, math, and vocabulary tests when compared with otherwise-similar non-poor children: and more than half of poor Americans experience serious deprivations during the year, including lack of food, utility shutoffs, crowded or substandard housing, or lack of a stove or refrigerator.

4. Eighteen percent of children are hungry or on the verge of hunger—largely because they are living in poverty. Hungry children lack nutrients vital to healthy brain development; have difficulty focusing their attention and concentrating in school; often have greater emotional and behavioral problems; have weaker immune systems and are more susceptible to infections, including anemia; and often suffer from obesity;

5. Child poverty has risen significantly—by 1.3 million—since 2000.

6. The poverty rate for children in the United States is substantially higher than that of other major industrialized nations.

7. America's children are more likely to live in poverty than Americans in any other age group.

8. African-American and Latino children are much more likely to live in poverty than white children. One third of African-American children are low-income, as are nearly a third of Latino children.

9. Great Britain made a public commitment to cut child poverty in half in 10 years, and end child poverty by 2020, and they have already successfully lifted 2 million children out of poverty.

10. Poverty is a moral issue and the Congress has a moral obligation to address it.

(b) SENSE OF THE SENATE—It is the sense of the Senate that the functional totals in this resolution assume that the United States shall set a national goal of cutting child poverty in half within a decade, and eliminating it entirely as soon as possible thereafter; that funds should be raised through a one percent surtax on income over $1 million for joint filers, or over $500,000 for single filers to help achieve that goal; that the revenue raised is to be designated to a child poverty elimination fund and overseen by a child poverty elimination board, which shall design the poverty reduction program, set annual child poverty reduction targets, and recommend allocation of funds.

SA 167. Mr. BAUCUS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE REGARDING FUNDING OF ADMINISTRATIVE COSTS OF SOCIAL SECURITY ADMINISTRATION.

It is the sense of the Senate that Congress should approve the full amount of the President's request for the administrative costs of the Social Security Administration for fiscal year 2006, including funds for the implementation of the low-income prescription drug subsidy under part D of title XVIII of the Social Security Act (as added by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003).

SA 168. Ms. CANTWELL (for herself, Mr. KERRY, Mr. LIEBERMAN, Mr. FEINGOLD, Mr. JEFFORDS, Mr. LAUTENBERG, Mrs. BOXER, Mrs. FEINSTEIN, Mrs. MURRAY, AND Mr. CORZINE) proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

Strike Section 201(a)(4).

SA 169. Mr. SANTORUM (for himself, Mr. DURBIN, Mr. BINGAMAN, Mrs. CLINTON, Mr. CORZINE, Mr. DODD, Mrs. FEINSTEIN, Mr. JOHNSON, Mr. KERRY, Mr. KOHL, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. MURRAY, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 9, line 15, increase the amount by $500,000,000.

On page 9, line 16, increase the amount by $500,000,000.

On page 26, line 14, decrease the amount by $500,000,000.

On page 26, line 15, decrease the amount by $500,000,000.

At the appropriate place, insert the following:

SEC. . UNITED STATES RESPONSE TO GLOBAL HIV/AIDS, TUBERCULOSIS, AND MALARIA.

(a) FINDINGS.—Congress makes the following findings:

(1) The HIV/AIDS pandemic has reached staggering proportions. At the end of 2004, an estimated 40,000,000 people were infected with HIV or living with AIDS. HIV/AIDS is estimated to kill 3,000,000 men, women and children each year. Each year, there are estimated to be 5,000,000 new HIV infections.

(2) The United States was the first, and remains the largest, contributor to the Global Fund.

(3) The Presidential Administration of George W. Bush (referred to in this section as the "Administration") has supported language in the Global HIV/AIDS authorization bill that links United States contributions to the Global Fund to the contributions of other donors, permitting the United States to provide 33 percent of all donations, which would match contributions on a one-to-two basis.

(4) Congress has provided one-third of all donations to the Global Fund every year of the Fund's existence.

(5) For fiscal year 2006, the Global Fund estimates it will renew $2,400,000,000 worth of effective programs that are already operating on the ground, and the Administration and Fund Board have said that renewals of existing grants should receive priority funding.

(6) The Global Fund is an important component of United States efforts to combat AIDS, tuberculosis and malaria, and supports approximately 300 projects in 130 countries.

(7) For fiscal year 2006, the President has requested $300,000,000 for the United States contribution to the Global Fund.

(8) Through a mid-year review process, Congress and the Administration will assess contributions to date and anticipated contributions to the Global Fund, and ensure that United States contributions, at year-end, are at the appropriate one-to-two ratio.

(9) Congress and the Administration will monitor contributions to the Global Fund to ensure that United States contributions do not exceed one-third of the Global Fund's revenues.

(10) In order to cover one-third of renewals during fiscal year 2006, and to maintain the one-to-two funding match, the United States will need to contribute an additional $500,000,000 above the President's request for the Global Fund for fiscal year 2006 to keep good programs funded at a level of $800,000,000.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying this budget resolution assume that none of the offsets needed to provide $800,000,000 for the Global Fund will come from international humanitarian assistance programs.

SA 170. Mrs. HUTCHISON (for herself, Mr. CORNYN, Mr. BINGAMAN, Mr. MCCAIN, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 9, line 15, decrease the amount by $143,000,000.

On page 9, line 16, decrease the amount by $143,000,000.

On page 23, line 16, increase the amount by $143,000,000.

On page 23, line 17, increase the amount by $143,000,000.

SA 171. Mr. ENSIGN (for himself, Mr. CRAIG, Mr. VITTER, and Mrs. HUTCHISON) proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 22, line 16, increase the amount by $410,000,000.

On page 22, line 17, increase the amount by $369,000,000.

On page 22, line 21, increase the amount by $37,000,000.

On page 22, line 25, increase the amount by $2,000,000.

On page 9, line 15, decrease the amount by $410,000,000.

On page 9, line 16, decrease the amount by $369,000,000.

On page 9, line 20, decrease the amount by $37,000,000.

On page 9, line 24, decrease the amount by $2,000,000.

SA 172. Mr. HARKIN (for himself, Mr. DURBIN, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table, as follows:

On page 3, line 10, increase the amount by $1,400,000,000.

On page 3, line 11, increase the amount by $2,800,000,000.

On page 3, line 12, increase the amount by $4,600,000,000.

On page 3, line 13, increase the amount by $6,500,000,000.

On page 3, line 14, increase the amount by $8,500,000,000.

On page 3, line 19, increase the amount by $1,400,000,000.

On page 3, line 20, increase the amount by $2,800,000,000.

On page 3, line 21, increase the amount by $4,600,000,000.

On page 4, line 1, increase the amount by $6,500,000,000.

On page 4, line 2, increase the amount by $8,500,000,000.

On page 4, line 7, increase the amount by $1,380,000,000.

On page 4, line 8, increase the amount by $1,430,000,000.

On page 4, line 9, increase the amount by $1,490,000,000.

On page 4, line 10, increase the amount by $1,550,000,000.

On page 4, line 11, increase the amount by $1,610,000,000.

On page 4, line 16, increase the amount by $40,000,000.

On page 4, line 17, increase the amount by $1,040,000,000.

On page 4, line 18, increase the amount by $1,350,000,000.

On page 4, line 19, increase the amount by $1,480,000,000.

On page 4, line 20, increase the amount by $1,540,000,000.

On page 4, line 24, increase the amount by $1,360,000,000.

On page 4, line 25, increase the amount by $1,760,000,000.

On page 5, line 1, increase the amount by $3,250,000,000.

On page 5, line 2, increase the amount by $5,020,000,000.

On page 5, line 3, increase the amount by $6,960,000,000.

On page 5, line 7, decrease the amount by $1,360,000,000.

On page 5, line 8, decrease the amount by $3,120,000,000.

On page 5, line 9, decrease the amount by $6,370,000,000.

On page 5, line 10, decrease the amount by $11,390,000,000.

On page 5, line 11, decrease the amount by $18,350,000,000.

On page 5, line 15, decrease the amount by $1,360,000,000.

On page 5, line 16, decrease the amount by $3,120,000,000.

On page 5, line 17, decrease the amount by $6,370,000,000.

On page 5, line 18, decrease the amount by $11,390,000,000.

On page 5, line 19, decrease the amount by $18,350,000,000.

On page 17, line 16, increase the amount by $1,380,000,000.

On page 17, line 17, increase the amount by $40,000,000.

On page 17, line 20, increase the amount by $1,430,000,000.

On page 17, line 21, increase the amount by $1,040,000,000.

On page 17, line 24, increase the amount by $1,490,000,000.

On page 17, line 25, increase the amount by $1,350,000,000.

On page 18, line 3, increase the amount by $1,550,000,000.

On page 18, line 4, increase the amount by $1,480,000,000.

On page 18, line 7, increase the amount by $1,610,000,000.

On page 18, line 8, increase the amount by $1,540,000,000.

On page 30, line 16, decrease the amount by $1,400,000,000.

On page 30, line 17, decrease the amount by $23,800,000,000.

On page 48, line 6, increase the amount by $1,380,000,000.

On page 48, line 7, increase the amount by $40,000,000.

On page 48, line 9, increase the amount by $1,430,000,000.

On page 48, line 12, increase the amount by $1,490,000,000.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to conduct a hearing during the session of the Senate on Tuesday, March 15, 2005. The purpose of this hearing will be to discuss school nutrition programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 15, 2005, at 9:30 a.m., in open session to receive testimony from combatant commanders on their military strategy and operational requirements, in review of the Defense Authorization Request for fiscal year 2005.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 15, 2005, at 4:30 p.m. in open session to consider the following nomination: Honorable Anthony J. Principi to be a Member of the Defense Base Closure and Realignment Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 15, 2005, at 10:00 a.m., to conduct a hearing on "Identity Theft: Recent Developments Involving the Security of Sensitive Consumer Information."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 15, 2005 at 9:30 a.m. to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 15, 2005 at 2:15 p.m. to hold a Business Meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, March 15, 2005 at 2:30 p.m. on "SBC/ATT and Verizon/MCI Mergers—Remaking the Telecommunications Industry." The hearing will take place in the Dirksen Senate Office Building Room 226. The tentative witness list is attached.

PANEL I: Edward E. Whitacre, Jr., Chairman and CEO, SBC Communications, Inc., San Antonio, TX; Ivan G. Seidenberg, Chairman and CEO, Verizon Communications, New York City, NY; David Dorman, Chairman and CEO, AT&T Corp., Bedminister, NJ; and Michael D. Capellas, President and CEO, MCI, Ashburn, VA.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 15, 2005 at 3:30 p.m. to hold a closed meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Tuesday, March 15, 2005 from 10:00 a.m.–12:00 p.m. in Dirksen 562 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Subcommittee on Airland be authorized to meet during the session of the Senate on March 15, 2005, at 2:30 p.m., in open session to receive testimony on Army transformation and the future combat system in review of the defense authorization request for fiscal year 2006.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Subcommittee on National Parks be authorized to meet during the session of the Senate on Tuesday, March 15, 2005, at 2:30 p.m.

The purpose of the hearing is to receive testimony on the following bills: S. 175, a bill to establish the bleeding Kansas and Enduring Struggle for Freedom National Heritage Area, and for other purposes; S. 322, a bill to establish the Champlain Valley National Heritage Partnership in the States of Vermont and New York, and for other purposes; S. 323, a bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the French Colonial Heritage

Area in the State of Missouri as a unit of the National Park System, and for other purposes; and S. 429, a bill to establish the Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet on Tuesday, March 15, 2005, at 10 a.m. for a hearing entitled, "Critical Mission: Ensuring the Success of the National Security Personnel System."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TERRORISM, TECHNOLOGY, AND HOMELAND SECURITY

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary Subcommittees on Terrorism, Technology, and Homeland Security be authorized to meet to conduct a hearing on "Openness in Government and Freedom of Information: Examining the OPEN Government Act of 2005," on Tuesday, March 15, 2005, at 10 a.m. in Room 226 of the Dirksen Senate Office Building. The tentative witness list is attached.

Panel I: Kathering M. "Missy" Cary, Assistant Attorney General of Texas, Chief. Open Records, Division, Austin, TX; Walter Mears, former Washington Bureau chief and Executive Editor, Associated Press, Chapel Hill, NC; Marck Tapscott, Director, Center for Media and Public Policy, The Heritage Foundation, Washington, DC; Lisa Graves, Senior Counsel for Legislative Strategy, American Civil Liberties Union, Washington, DC; Meredith Fuchs, General Counsel, National Security Archive, George Washington University, Washington, DC; and Thomas M. Susman, Ropes & Gray LLP, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following fellows and interns of the Finance Committee be granted floor privileges during consideration of the budget resolution: Brian Townsend, Mary Baker, Janis Lazda, Richard Litsey, Cuong Huynh, David Schwartz, Stuart Sirkin, Janellen Duffy, Ashley Fingarson, Jessica Heringer, Serena Maxwell, Jesse Woodson, Briana Schwandt, Emily Meeker, Waylon Mathern, and Adrienne Frazier.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The ACTING PRESIDENT pro tempore. The Chair, on behalf of the Democratic Leader, pursuant to Public Law 105–83, announces the appointment of the following individual to serve as members of the National Council on the Arts: the Senator from Vermont, Mr. LEAHY; vice, the Senator from Nevada, Mr. REID.

The Chair, pursuant to Executive Order 12131, as amended, appoints the following Members to the President's Export Council: the Senator from Montana, Mr. BAUCUS; the Senator from North Dakota, Mr. DORGAN.

REAUTHORIZING THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT PROGRAM

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1160, which was received from the House.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 1160) to reauthorize the Temporary Assistance for Needy Families block grant program through June 30, 2005, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. CRAIG. Mr. President, I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (H.R. 1160) was read the third time and passed.

ORDERS FOR WEDNESDAY, MARCH 16, 2005

Mr. CRAIG. Mr. President, I ask unanimous consent that when the Senate completes its business today, the Senate adjourn until 9 a.m. on Wednesday, March 16. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume consideration of S. Con. Res. 18, the budget resolution; provided further that Senator FEINSTEIN then be recognized for 20 minutes as provided under the previous order; further, that following those remarks, Senator SPECTER be recognized to offer the NIH amendment under the limitations provided under the earlier agreement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROGRAM

Mr. CRAIG. Mr. President, tomorrow the Senate will resume consideration of the budget resolution. We will continue the amendment process tomorrow morning. Under the previous order, we will conclude debate on five amendments during tomorrow morning's session. It is anticipated that we will have votes in relation to all five of these amendments around 1 p.m. tomorrow, and we will keep Senators posted as to the timing of these stacked series of votes.

For the remainder of the day, the Senate will continue working through the amendments on the budget resolution. We have made good progress on the resolution thus far, but we still have a long way to go prior to passage. We will be very busy over the next couple of days, and Senators should continue to make themselves available for the remainder of the week.

ORDER FOR ADJOURNMENT

Mr. CRAIG. If there is no further business to come before the Senate, I ask the Senate stand in adjournment under the previous order, following the remarks of Senator HARKIN for up to 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Iowa.

PERKINS VOCATIONAL AND TECHNICAL EDUCATION ACT AMENDMENT

Mr. HARKIN. Mr. President, I have an amendment that I just sent to the desk. It is pending. I will not call it up now or ask unanimous consent, but I will do so at some point, probably tomorrow. I want to take this time to at least lay out the reasons for this amendment and what it does, because I know what the crunch will be like tomorrow when we come back here.

The budget resolution for fiscal year 2006 basically eliminates funding for an enormously effective and popular education program called the Perkins Vocational and Technical Education Act. The straightforward purposes of my amendment, which I will offer for myself, Senator DURBIN, Senator MURRAY, and others, are, first, to restore funding to the Perkins Vocational Education Act; second, to reduce the deficit; and, third, to offset the costs by rescinding two tax-cut provisions in the 2001 tax bill.

These tax-cut provisions, the so-called PEP and Pease phaseout provisions, are scheduled to start taking effect next year for the first time.

President Kennedy used to say that to govern is to choose. Right now the budget resolution chooses very unwisely. It eliminates funding for a critical education program, vocational education, while allowing to stand two new tax cuts. While these two new tax cuts cost $23 billion in the first 5 years, after that the costs explode. They will cost at least $146 billion in lost revenue in the coming decade, with 97 percent of the benefits going to those earning at least $200,000 a year.

This is the wrong choice. The budget resolution does not reflect the priorities of the American people. Overall, the budget resolution would cut funding for education, the first cut in education funding in 10 years. It underfunds the President's No Child Left Behind Act by $12 billion. It leaves behind nearly 3 million children who could be fully funded and fully served if title I were funded at the authorized level. And, as I said, it eliminates all the funding for the Perkins Vocational Education Act.

This is one I am particularly concerned about. It is a program that was just reauthorized in the Senate on a bipartisan basis by a vote of 99 to 0. The Perkins Act makes possible a broad range of vocational and technical education programs for millions of young people and adults. It is a true lifeline for students at risk of dropping out of school.

For millions of these at-risk students, vocational education programs are relevant, and they are meaningful. They give kids a reason to stick it out until graduation, maybe to go on to a community college, and they lead to good, solid jobs.

In Iowa alone, elimination of the Perkins Vocational Education Program would impact 93,000 high school students and more than 37,000 community college students. The impact nationwide would be a disaster for millions of students.

We are eliminating the Perkins Vocational Education Program for two new tax cuts? Overwhelmingly for the most affluent? This makes no sense. In fact, it borders on the obscene.

Our friends on the other side might claim the budget resolution does not expressly eliminate the vocational education program, but the reality is this budget resolution effectively endorses the budget proposed by President Bush, and President Bush endorsed eliminating the Perkins program.

So there are only two ways to retain funding for vocational education under this budget resolution: either cut other educational programs or increase the overall allocation for education.

This chart here shows what I mean. Right here basically you have a puzzle. We put it all together. This is education. We have title I, we have afterschool centers, we have special ed, bilingual ed, impact aid, Pell grants—all the things that make up our education plan.

What is left out? Vocational education, ed tech, TRIO, Safe and Drugfree Schools, arts education. These are left out.

Someone on the Budget Committee might say, we didn't say that voc ed couldn't be funded, but here are all the things we fund. If you want to put voc ed back into the puzzle, what do you take out? Because, you see, this is the limit. We only have this much money. If you put voc ed in, do we take the money away from title I or do we take it away from Pell grants? How about special ed; do we take money away from special ed to put it back in? Or do we make the square bigger and then put it in, so we don't take anything away from the educational programs that are already there.

That is exactly what my amendment accomplishes. We add more overall funding to the educational budget. How do we do this? Where do we get the money? My amendment offsets the cost of restoring the Perkins program. It also reduces the deficit by rescinding two tax cuts that have not even taken effect yet. Both of these tax cuts, the so-called PEP and Pease provisions, were enacted in 2001 and they start next year.

We have a unique opportunity. We are not proposing to repeal or undo a tax cut that is already in effect. Rather, we are saying that because of radically transformed budgetary circumstances—that is the huge debt we are in, the deficits we are running up—we are not going to go forward with two new tax cuts that haven't even taken effect yet, two new tax cuts we can no longer afford.

When PEP and Pease were put in in 2000, the argument was made that we had all of these budget surpluses that were left over from President Clinton, and we could afford it. That was then and this is now.

Because of the surge in Federal spending, because of the deficits since President Bush has taken office, the surpluses left by President Clinton are gone. Instead, we are looking at projected deficits in excess of $200 billion a year, and annual deficits in excess of $500 billion a year decades from now, unless we straighten out our house.

It makes good sense to stop these two new tax cuts from going into effect next year—$146 billion that this will cost us over 10 years.

Who gets the gravy? Here it is right here. Under PEP and Pease, the tax cuts that start next year, for those making over $1 million, when they are phased in, $19,234 a year; $500,000 to $1 million, $4,000 a year; under $75,000 a year, you get nothing, zero.

In fact, if these two new tax cuts go into effect next year, 97 percent of all the benefits will go to people making over $200,000 a year. Fifty-four percent will go to people making over $1 million a year. We can't afford these tax cuts.

There are two things we can't afford. We can't afford these tax cuts, and we can't afford to underfund and to eliminate the Perkins vocational education bill.

We now have a unique opportunity to rescind these tax cuts before they even go into effect.

The Perkins program is a lifeline to low-income Americans struggling to obtain job skills, the essential rung on the ladder of opportunity.

I also refer to this editorial that was in the Washington Post, February 22, last month, "PEP, Pease, Presidents."

I will refer to this. It says:

> The cuts would repeal two provisions enacted as part of the first President Bush's deficit reduction plan. The provisions—known as PEP, for Personal Exemption Phaseout, and Pease, for its author, the late Rep. Donald J. Pease of Ohio—essentially make more income of wealthy Americans subject to taxation.

As they said:

> Given the deficits that have piled up on his watch, and the growing costs of war in Iraq, it makes sense to ask: Why does President Bush think this tax break is necessary?

It is not necessary. It hasn't even started yet. I will lay 10 to 1 that not one Senator in this Senate on either side of the aisle has ever been contacted by someone making over $200,000 a year who says we have to have it. Nonsense.

My amendment basically says we are not repealing these, we are just saying these two tax cuts won't go into effect next year. We will save a lot of money. We will put that money into deficit reduction, and we will put the money into restoring Perkins funding.

We just recently voted 99 to 0 to reauthorize the Perkins program. Every Senator said, yes, we need vocational education. The President sends his budget out and says get rid of the whole thing. And this budget has the same money figures in it for education that the President wants.

Now is our opportunity. We can vote to not let these tax cuts go into effect. We can do two good things: Reduce the deficit and make sure we continue with vocational education in this country.

I ask unanimous consent to have printed in the RECORD a copy of the Washington Post editorial.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 22, 2005]

PEP, PEASE, PRESIDENTS

Here's a modest tax proposal for President Bush: Cancel two tax-cut provisions that haven't yet taken effect. These tax cuts weren't part of Mr. Bush's original tax proposal but were inserted into his 2001 tax package. They begin to phase in next year unless Congress acts. And 97 percent of the cuts will go to the 4 percent of U.S. households with incomes greater than $200,000; more than half to the 0.2 percent of households with annual incomes of more than $1 million. During the first 10 years they are fully in effect, they will reduce government tax revenue by close to $200 billion, including interest, and possibly much more it, as the administation has promised, there are adjustments to the alternative minimum tax

> (which would otherwise recapture some of taxpayers' savings from these breaks).
>
> The cuts would repeal two provisions enacted as part of the first President Bush's deficit reduction plan. The provisions—known as PEP, for Personal Exemption Phaseout, and Pease, for its author, the late Rep. Donald J. Pease (D-Ohio)—essentially make more income of wealthy Americans subject to taxation. In a perfect tax world, PEP and Pease would be abolished. They are complex and at times unfair (for example, PEP penalizes those with larger families). PEP and Pease would be great candidates for change in the broader tax overhaul Mr. Bush is planning.
>
> But of all the complicated tax provisions in the most complicated tax code in the developed world, why repeal these two? After all, even if PEP and Pease were untouched, wealthier taxpayers would reap big benefits from the remaining tax cuts. For example, in 2010, when the repeal is to be fully effective, households with incomes of more than $1 million will get tax cuts averaging $108,000 from other tax provisions adopted in 2001 and 2003, according to calculations by the Tax Policy Center. With the effect of estate tax repeal, this group will reap average cuts of $133,000. Getting rid of PEP and Pease brings that total to $152,000.
>
> Given the deficits that have piled up on his watch, and the growing costs of war in Iraq, it makes sense to ask: Why does President Bush think this tax break is necessary?

To reiterate, Mr. President, President Kennedy used to say that "to govern is to choose." Right now, the budget resolution chooses very unwisely. It eliminates funding for a critical education program: the Perkins act, while allowing to stand two new tax cuts worth. While these two new tax cuts cost $23 billion in the coming 5 years, the costs explode after that. They will cost at least $146 billion in the coming decade—with 97 percent of the benefits going to those earning at least $200,000 a year.

This is the wrong choice. The budget resolution does not reflect the priorities of the American people. In fact, it doesn't reflect what President Bush says are among his top priorities. Overall, the budget resolution would cut funding for education—the first cut in education funding in 10 years. It underfunds the President's No Child Left Behind Act by $12 billion. It leaves behind nearly 3 million children who could be fully served by Title I if the program were funded at the authorized level. It underfunds special education by $3.6 billion—just 3 months after the President signed a new IDEA reauthorization law. And it eliminates all funding for vocational education, school counselors, education technology, safe and drug-free schools, and 44 other education programs totaling over $4 billion.

I am particularly concerned that the budget resolution totally eliminates funding for the Perkins vocational education program—a program that was just reauthorized in the Senate on a bipartisan basis.

The Perkins Act makes possible a broad range of vocational and technical education programs for millions of young people and adults. Vocational education combines classroom instruction, hands-on-laboratory work, and on-the-job training. This is a true lifeline for students at risk of dropping out of school.

For millions of these at-risk students, vocational education programs are relevant. They are meaningful. They give kids a reason to stick it out until graduation and perhaps go on to community college. And they lead to good, solid jobs after graduation.

Just last week, I met with high school and community college students from Iowa who have benefited from Perkins funding. They are truly an inspiration—and I hate to think of their fate if they had not been given the option of vocational and technical education. But that is exactly what will happen if the budget resolution is not changed. In Iowa alone, elimination of the Perkins Vocational Education program would directly impact 93,000 high school students and more than 37,000 community college students. The impact nationwide would be a disaster for many millions of students.

And we are eliminating this program to make room for two new tax cuts, overwhelmingly for the most affluent? This makes no sense. In fact, it borders on the obscene.

Our friends on the other side of the aisle claim that the budget resolution doesn't expressly eliminate the vocational education program. That is too clever by half. The reality is that the budget resolution effectively endorses the budget proposed by President Bush—and that means it endorses the elimination of Perkins funding.

There are only two ways to retain funding for vocational education under this budget resolution: By cutting other education programs instead . . . or by increasing the overall allocation for education.

This chart shows what I mean. The puzzle represents the Republican budget resolution. Unfortunately, there are a lot of pieces that don't fit. There's no room in the budget resolution for vocational education, technical education, TRIO, and many other programs. The only way to include funding for vocational education is to take out a different piece of the puzzle. So what pieces do the Republicans propose to take out in lieu of vocational education? Do they want to cut Title I? Pell Grants? Special education?

The truth is that the only way we can be assured of saving Perkins funding is by adding more overall funding to the education budget for that purpose. And that is exactly what my amendment accomplishes.

As I said, my amendment offsets the cost of restoring Perkins—and it reduces the deficit, as well—by rescinding two tax cuts that have not yet taken effect. Both of these tax cuts—the so-called PEP and Pease provisions—were enacted in 2001. One of these tax measures repeals the law enacted in 1990 that scales back the magnitude of itemized deductions that high-income taxpayers can take. The second tax-cut measure repeals another provision enacted in 1990, under which the personal exemption is phased out for households with very high incomes. Under the 2001 tax cut legislation, these two current provisions of law begin to be phased out next year, and are eliminated entirely in 2010.

We have a unique opportunity, here, because we are not proposing to repeal or un-do tax cuts that are already in effect. Rather, we are saying that—because of radically transformed budgetary circumstances—we are not going to go forward with two new tax cuts that have not yet taken effect. . . two new tax cuts that we can no longer afford.

When the PEP and Pease phase-out provisions were passed in 2001, a case could be made—I disagreed, but certainly a case could be made—that these tax cuts were affordable. Thanks to the budget surpluses that President Bush inherited from President Clinton, we were looking at cumulative surpluses of $5 trillion over the coming decade, enough to eliminate the national debt, and then some. The chairman of the Federal Reserve Board, Alan Greenspan, publicly worried about the impending surplus crisis—What in the world would we do with all these surpluses after we eliminated the national debt? Moreover, President Bush and other advocates of the 2001 tax cuts assured us that they would total no more than $1.35 trillion between 2001 and 2010.

Well that was then, and this is now. The tax cuts that were supposed to cost $1.35 trillion are now projected to cost more than $2 trillion in the decade after 2010. And because of the surge in federal spending since President Bush took office—including the creation of a huge new entitlement program—the surpluses bequeathed by President Clinton are gone. Instead, we are looking at projected deficits in excess of $200 billion each year as far as the eye can see—and annual deficits in excess of $500 billion a year a decade from now if we follow the President's recommendations.

It makes good sense to eliminate these two tax cuts. The fact is, they are a ticking timebomb scheduled to detonate after 2010—a detonation that will further explode the deficits and debt. The revenue loss because of the PEP and Pease phase-outs would be a relatively modest $24 billion over the first 5 years. But the revenue loss explodes in the years after that. In the first 10 years after full implementation, the revenue loss will be a whopping $146 billion.

And who gets these tax cuts? According to the Tax Policy Center of the

Urban Institute and the Brookings Institution, 54 percent of the benefits go to households earning more than $1 million a year. Fully 97 percent of benefits go to households making more than $200,000 per year.

What does that mean for a taxpayer? When the phase out is fully phased in by 2010, the tax cut will save the average taxpayer making over $1 million nearly $20,000 per year.

But almost no taxpayers making less than $150,000 will receive even a penny of tax cuts under these provisions.

These are two tax cuts that we cannot afford. They are two tax cuts that their beneficiaries do not need.

The deficits and debt are exploding because of actions by the President and Congress. To quote the cartoon character Pogo: "We have met the enemy, and he is us." But we now have this unique opportunity to rescind two unnecessary and unaffordable tax cuts before they take effect.

Such a modest mid-course correction is exactly what President Ronald Reagan did in 1982. He realized that his 1981 tax cuts had overshot, and that they were projected to cause the kind of monster deficits we are experiencing today. President Reagan did the prudent and responsible thing: he pared back some of his tax cuts. Today, we need to show that same kind of restraint by not allowing the PEP and Pease provisions to go forward.

The difference, or course, is that President Reagan repealed tax cuts that had already taken effect. What we are proposing, today, is simply to not allow two new tax cuts to go forward—tax cuts that haven't yet taken effect.

The Perkins program is a lifeline to low-income Americans struggling to obtain marketable job skills. It is an essential rung on the ladder of opportunity that we extend to our young people.

So I come back to President Kennedy's remark that "to govern is to choose." We can't have it all. We must choose. And today we are confronted with this choice. We can go forward with these two new tax cuts, overwhelmingly for people who don't need them, while eliminating Perkins funding for vocational education. Or we can say, "Two trillion dollars in tax cuts, mostly for the affluent, is surely enough. Let's rescind these two new tax cuts before they go into effect. And let's redirect that money to education . . . to giving millions of young Americans the vocational skills they need to succeed in the global economy."

Certainly, all who favor creating an opportunity society should be in favor of this amendment. So should all who believe in basic fairness and equity.

Indeed, if all the millionaires who stand to benefit from these two new tax cuts were here in this chamber, today, and voting on this amendment, there is no doubt in my mind that the vast majority of them would vote "yes." They would say, "We have already made it. America has already blessed us with wealth and comfort. By all means, withhold these latest tax cuts, and redirect that money to vocational education students so they can graduate, so they can have opportunity, so they can achieve the American dream as we did."

Let's restore Perkins funding and let's reduce the deficit. I urge my colleagues to join me in a resounding, bipartisan vote on this amendment. We voted 99–0 to reauthorize the Perkins program. Now let's vote to keep this proven, effective program alive and thriving for millions of students across America.

I will close by saying I hope we will get this amendment up for a vote tomorrow so Senators can express themselves on it.

I yield the floor.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until 9 a.m. tomorrow.

Thereupon, the Senate, at 10:06 p.m., adjourned until Wednesday, March 16, 2005, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate March 15, 2005:

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

JAMES H. BILBRAY, OF NEVADA, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION. (NEW POSITION)

PHILIP COYLE, OF CALIFORNIA, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION. (NEW POSITION)

ADMIRAL HAROLD W. GEHMAN, JR., UNITED STATES NAVY, RETIRED, OF VIRGINIA, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION. (NEW POSITION)

JAMES V. HANSEN, OF UTAH, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION. (NEW POSITION)

GENERAL JAMES T. HILL, UNITED STATES ARMY, RETIRED, OF FLORIDA, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION. (NEW POSITION)

CLAUDE M. KICKLIGHTER, OF GEORGIA, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION. (NEW POSITION)

SAMUEL KNOX SKINNER, OF ILLINOIS, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION. (NEW POSITION)

BRIGADIER GENERAL SUE ELLEN TURNER, UNITED STATES AIR FORCE, RETIRED, OF TEXAS, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION. (NEW POSITION)

HOUSE OF REPRESENTATIVES—*Wednesday, March 16, 2005*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. BRADLEY of New Hampshire).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 16, 2005.

I hereby appoint the Honorable JEB BRADLEY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend James P. Campbell, Pastor, Christ Life Church, Woodstock, Illinois, offered the following prayer:

Let us pray. Almighty God, once more this esteemed body gathers to legislate for the people of this Nation.

The scripture states "that government is God's servant for good." Remind hearts of this in all actions today. Help these great women and men to remember those who are less fortunate in all their decisions that they make.

We lift our Nation up to You for protection against terrorism and to protect our troops everywhere. Bring peace to our Nation, Father, and peace to all the troubled areas of the world.

Help those in this Chamber that struggle with illness, bring healing and health. Help those who wrestle with personal or family problems, bring solutions and peaceful resolve. Aid each Member of this House who is in the valley of indecision concerning matters of this Nation to make the right decision and action. Most of all, Father, let us feel Your love and care for all of us. In Jesus' name we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mrs. BLACKBURN. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. BLACKBURN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from California (Ms. SOLIS) come forward and lead the House in the Pledge of Allegiance.

Ms. SOLIS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 1160. An act to reauthorize the Temporary Assistance for Needy Families block grant program through June 30, 2005, and for other purposes.

The message also announced that pursuant to section 114(b)(2)(c) of Public Law 100–458, the Chair, on behalf of the Majority Leader, appoints the following individual to the Board of Trustees of the John C. Stennis Center for Public Service Training and Development, for a six-year term:

MARSHA BLACKBURN of Tennessee.

The message also announced that pursuant to Public Law 105–83, the Chair, on behalf of the Democratic Leader, announces the appointment of the following individual to serve as a member of the National Council on the Arts:

The Senator from Vermont (Mr. LEAHY), vice the Senator from Nevada (Mr. REID).

The message also announced that pursuant to Executive Order No. 12131, as amended, the Chair, appoints the following Members to the President's Export Council:

The Senator from Montana (Mr. BAUCUS).

The Senator from North Dakota (Mr. DORGAN).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 one-minute speeches per side.

HONORING RHEA TAYLOR, MAYOR OF FAYETTE COUNTY, TENNESSEE

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, today I rise to honor Fayette County, Tennessee, Mayor Rhea Taylor.

As the Fayette County Mayor since 2002 and a public servant for years, Rhea Taylor has been actively involved in planning for the rapid growth of Fayette County. And during their annual awards banquet, the Fayette County Chamber of Commerce named Mayor Taylor the 2004 Citizen of the Year.

During Mayor Taylor's tenure, Fayette County has been designated as a Three-Star Pilot Program county by the Tennessee Department of Economic and Community Development. In addition to facilitating growth planning and recruiting industries to the county, Mayor Taylor is working to create a county-wide fire system and a justice complex.

The list of achievements goes on and on, but it is clear that Mayor Taylor has worked tirelessly on behalf of the County's residents.

Mr. Speaker, I congratulate Mayor Taylor on his record of achievement and thank him for his continued good service to the people of Fayette County, Tennessee.

NOT ONE MORE DIME

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, today the House is going to be asked to approve a supplemental appropriation of $82 billion, most of which will go to continue the war in Iraq.

We now know more than 2 years later that Iraq did not have weapons of mass destruction which was the immediate occasion of America's intervention. We know that Iraq had neither the intention nor the capability of attacking the United States. Yet this country has spent over $200 billion and today is determined to spend another $82 billion in furtherance of a war we did not have

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

to fight at great cost of human life, the lives of our troops and the lives of innocent Iraqi civilians.

Yet while we are contemplating going ahead and spending $82 billion, we should be thinking about the fact that on January 30 the Special Inspector General for the Iraq reconstruction issued a report that the administration's Coalition Provisional Authority mismanaged $9 billion in a development fund for Iraq funds. Not a single penny of the $9 billion could be accounted for by the Inspector General.

The development fund for Iraq consisted of Iraqi oil revenues intended for reconstruction and humanitarian efforts in the war-torn country, but they cannot account for a single penny of it. Now this government is asking for $82 billion, most of it for Iraq. They could not account for a single penny of the money that the Coalition Provisional Authority, their authority, was responsible for. How can we give them another dime when they cannot account for $9 billion?

We have people who do not have decent education in this country, decent housing, our highways are falling apart except for our transportation bill. We need to focus on why they do not and have not produced a single shred of evidence of what happened to that $9 billion. The American people have a right to know.

SOCIAL SECURITY HAS TO BE FIXED

(Mr. McHENRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McHENRY. Mr. Speaker, Social Security needs to be fixed. It is a system that is currently broken, and it must be fixed. It will go bankrupt by the time the eldest baby boomers retire. We need to act sooner rather than later to fix this program. Every day we wait it costs us more and more.

When Social Security began there were roughly 40 workers working for one retiree. During the 1950s it was 16 workers per one retiree. Soon it will only be two workers per one retiree. Without reform it will go bankrupt, and soon. So it is not a matter of I want to fix Social Security or I think it should be fixed. Social Security must be fixed. And the best way to dothat is to transform the system into one where workers can put a portion of their Social Security savings into personal accounts.

Investing in government bonds and stocks will give them a better return on their investment than the current system gives.

We must fix Social Security. We must fix Social Security now.

COMMUNITY DEVELOPMENT BLOCK GRANTS

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Mr. Speaker, today I rise to oppose cuts to the Community Development Block Grant program in the Republican budget.

The Community Development Block Grant program provides critical funding for public safety, affordable housing, economic growth initiatives for cities, counties and Native American communities.

The district I represent strongly opposes these cuts. And I have heard from a lot of people, the Los Angeles County Community Development Commission, the League of California Cities, the Southern California Association of Nonprofit Housing, and mayors from various cities in California, in addition to the County Native American Indian Commission. All of them strongly oppose the proposed Republican budget which seeks to cuts back important funding for cities like mine, particularly onethat I represent.

The city of Rosemead has used this vital money to help provide residential rehabilitation assistance to over 100 elderly and disabled households. In addition, they have done testing for lead poisoning in low-income homes.

So I urge my colleagues to enact a budget package that contains sufficient funding for community development that helps the underserved neighborhoods, like mine in the 32nd district, throughout the country.I urge my colleagues to support the Spratt alternative.

GO GATORS

(Mr. STEARNS asked and was given permission to address the House for 1 minute.)

Mr. STEARNS. Mr. Speaker, it is with great pleasure that I rise today to congratulate one of the Nation's top public universities, the University of Florida, and their men's basketball team on their first-ever SEC title.

This was a Gators 40th try for the SEC title against a team that has defined success in this event, the Kentucky Wildcats.

The Gators beat the No. 4 Wildcats 70 to 53 on Sunday, March 13 in Atlanta, Georgia's Georgia Dome in front of 25,000 fans.

This win marked the second time in 8 days that Florida had beaten Kentucky, which increased their winning streak to seven in a row. This winning streak comes at a very hot time, as the Florida Gators are heading into this year's NCAA tournament. The Gators are playing their first tourney game this Friday in Nashville, Tennessee, against Ohio. I wish them the best of luck in the NCAA tournament and congratulate them for their first-ever SEC title. Go Gators.

NOT AN INDEPENDENT ANALYSIS

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Mr. Speaker, yesterday while testifying before a Senate committee, Federal Reserve Chairman Alan Greenspan said on the tax cuts, "It turns out we were all wrong" about President Bush's tax cuts.

In his book, Ron Suskind quotes the Fed Chairman as telling Secretary O'Neill, "Without the triggers, that tax cut is irresponsible fiscal policy."

Despite his private views, Chairman Greenspan publicly supported the tax cuts without reservation. I only wish he had expressed publicly what he knew privately.

Mr. Greenspan went on to say that he wanted to use the tax cuts to eliminate the budget surplus. Well, he succeeded beyond his wildest imagination. We now have $2 trillion in additional debt because of those tax cuts. Now where do we send that bill, Mr. Greenspan?

The Fed Chairman would have us believe that no one could have seen this coming, that it was an honest mistake. I know something about spin. Mr. Greenspan, that is spin. Now, Mr. Greenspan advocates making tax cuts for millionaires permanent while advocating a cut in Social Security benefits for the middle class, all the while bemoaning the rising deficits this country has seen and $2 trillion of additional debt.

Thank you very much for that independent analysis, Mr. Greenspan. Mr. Greenspan, you know better.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

ADOPT A CUBAN POLITICAL PRISONER

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, today I stand in this great Chamber of democracy to adopt a Cuban political prisoner. Although this idea may seem like an idea that has no effect, it actually has a profound and everlasting impact on those who are enslaved.

Three years ago, Castro, whom we know to be an evil dictator who abuses the human rights of his people, swept the streets of Cuba and imprisoned over 70 innocent men and women who were calling for democracy on the island.

One of these victims is Lester Gonzales Penton. This young man who will turn 28 next week was sentenced to

20 years and is currently held in one of Castro's most shameful prisons, Kilo 7.

I am honored to adopt Lester, and I urge my colleagues to join me in adopting these courageous, peaceful activists, activists who sit in squalid jails for crimes we consider to be some of the most sacred rights: freedom, democracy, and freedom of expression.

We stand here today to honor these heroic souls and demand their release. I invite my colleagues to join us at noon today at HC–7 to hear more about our Adopt a Cuban Political Prisoner Campaign.

□ 1015

AN ETHICS PROCESS IN LIMBO

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, the integrity of the people's House supersedes the interests of any individual Member who is privileged to serve here, of either political party.

We bear an individual duty, as well as a collective obligation, to abide by the highest ethical standards and to conduct ourselves in a manner that instills public confidence in this institution.

Yet, today, the ethics process in this House is at a standstill. Our bipartisan process to address alleged ethics violations has been stymied by a partisan roadblock that is inconsistent with the purpose and history of the Committee on Standards of Official Conduct.

The gentleman from West Virginia (Mr. MOLLOHAN), the ranking member of the Committee on Standards of Official Conduct, has introduced a resolution that would remove this roadblock and restore the ethics rules that were adopted on a bipartisan basis in 1997. I urge my colleagues to support the gentleman from West Virginia's (Mr. MOLLOHAN) resolution.

Let us restore the ethics rules that guided us for the last four Congresses. Let us ensure that our ethics process is bipartisan and commands the respect of the American people. We ought to expect no less of ourselves.

CELEBRATING THE VALUABLE WORK OF ROTARIANS IN RUSSIA

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, as a 30-year member of Rotary International, I am proud to recognize the valuable work of new Rotarians in Russia.

Although Rotary in Russia is only 11 years old, the 100-year-old Rotary organization is already strengthening Russian communities, helping to enrich multinational relations and improving economic conditions in the new democratic Russia.

Today, I met with a group of Russian Rotarians who are visiting our country hosted by Neil Young of the Towsontowne, Maryland, Rotary Club. Our visitors and their sponsors are enthusiastic to learn more about how American small businessmen organize and manage their businesses. They will be able to apply the lessons they learned to help Russian businesses survive, grow and create jobs and consumer products for their communities.

Rotarians throughout the world continue to promote networking for community development and leadership, they should feel proud that their efforts are making a positive difference for millions of people.

In conclusion, God bless our troops and we will never forget September 11.

THE BUDGET

(Mr. COOPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COOPER. Mr. Speaker, today, the House of Representatives will start its annual debate on the budget, one of the most important debates of the year.

I would urge all of my colleagues to vote against the rule setting up the terms of this debate. Why vote against the rule? Because the Blue Dog Coalition alternative, the amendment which had 12 key procedural reforms to get our Nation off its current drunken borrowing and deficit binge, none of those wise provisions were included for debate.

Why? Nine Republicans on the House Committee on Rules voted against such common-sense terms as, for example, having a cost estimate on every bill or allowing a recorded vote on items that spend more than $50 million. I do not know but it is very important that House Members vote against the rule so that we can have a fairer debate on our budget process and support the reforms in the Blue Dog Coalition.

SOCIAL SECURITY

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Georgia. Mr. Speaker, in 2008, only 3 years from now, the first baby boomers will start collecting retirement benefits from Social Security, and for these people the system has worked very well, but when our children and grandchildren get set to retire, the only thing that will greet them is frustration, grief and heartache at what we did today or, better yet, what we did not do to fix Social Security.

Mr. Speaker, I have practiced medicine for over 20 years, and I know that in order to treat the right disease you have got to make the right diagnosis, and the right diagnosis for the Social Security system is that we are on an unsustainable course. The right treatment is to fix the problem today rather than passing the problem on to future generations.

If we continue to postpone solutions, our only alternatives will be large tax increases or significant benefit reductions.

The goal of our ongoing discussion is not to pin blame on anyone. The goal is to have a system that will work for our children and our grandchildren, one that is stable, funded and secure.

A Social Security system that was designed for the world of 1935 will not work for the world of 2035 and beyond. Changes must be made, and the sooner we act the more secure we all will be.

VITAL CONTRIBUTIONS OF AFRICAN AMERICAN NEWSPAPERS THROUGHOUT OUR HISTORY

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, it is an honor and a privilege to rise today to recognize the vital contributions of African American newspapers throughout our history and the continuing need for their perspective today. The Seattle Media in my district is a good example.

For nearly 180 years, black newspapers have provided their readers with not only the news of the day but with hope for a better tomorrow, and for the past 65 years the National Newspaper Publishers Association has been the standard bearer in that proud tradition.

A federation of more than 200 black community newspapers, the NNPA has provided outstanding service to its member papers and the 15 million Americans who rely on them for news. Through its network, the NNPA makes stories that happen in one part of the country available everywhere, and on the pages of its member papers black reporters and columnists record critical events and render thoughtful and much-needed alternative viewpoints that both educate and inspire.

The NNPA is a great American institution in the rich history of African American newspaper gathering, and I am proud to pay tribute to them today.

SOCIAL SECURITY

(Mr. SHAW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAW. Mr. Speaker, at the urging of the Democrat leadership in the

Congress, political campaign veterans have formed a new liberal group that plans to raise $25 to $50 million to pressure lawmakers to vote against any Social Security plan that includes prepaid individual retirement accounts.

With straight faces, the Democrats call themselves "Americans United to Protect Social Security."

They say: "The President and his supporters in Congress are messing with the third rail of politics; and we're going to be sure they get zapped" good.

Mr. Speaker, this is about our children. The greatest disservice to our children and grandchildren would be to give in to groups like this who claim there is no problem and who simultaneously use Social Security as a political club to beat down those of us who would dare to strengthen it.

House Democrats have become the party of noes, and they are led by "Minority Leader No." If we do nothing, as some Democrats would have it, today's young workers and future workers will face benefit reductions, payroll tax increases and unprecedented debt.

Mr. Speaker, we should be worried about the next generation, not simply the next election.

WHERE IS THE DEMOCRAT SOCIAL SECURITY PLAN?

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, I want to follow up the comments of the gentleman from Florida (Mr. SHAW), because it is one thing for the Democrat Party and the liberal groups in Washington, D.C., the very, very special interest groups, to say we are against whatever the President wants to do. We understand that. But it is another thing when they do not offer their own plan.

What I would ask the Democrat Party is to put your plan on the table, because most people agree with the facts, and the facts are that Social Security is running out of money.

Most people understand life expectancy has changed since Social Security started in 1937 when folks lived to be 59 years old. Today, they live to be 77 years old.

Most people understand that in 1937 when Social Security started there was 60 workers for every one retiree, and today it is three to one.

Most people understand the changing demographics that caused it so that if you retired in 1980 it took you 2.8 years to get all of your money back that you put into the Social Security Trust Fund, and yet if you retired in 2003 it will take you 17 years to get your money back.

Most people understand that there is a generation-to-generation issue that needs to be addressed.

What I would ask the Democrat Party is just put your plan on the table. Let us take a look at it. Let us take the best of the Democrat ideas, combine them with the best of the Republican ideas for what is best to protect and preserve Social Security for the next generation.

ELECTION OF MEMBERS TO JOINT COMMITTEE ON PRINTING AND JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

Mr. NEY. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the resolution (H. Res. 147) electing members to the Joint Committee on Printing and the Joint Committee of Congress on the Library, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. BRADLEY of New Hampshire). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 147

Resolved,

SECTION 1. ELECTION OF MEMBERS TO JOINT COMMITTEE ON PRINTING AND JOINT COMMITTEE OF CONGRESS ON THE LIBRARY.

(a) JOINT COMMITTEE ON PRINTING.—The following Members are hereby elected to the Joint Committee on Printing, to serve with the chair of the Committee on House Administration:

(1) Mr. Doolittle.
(2) Mr. Reynolds.
(3) Ms. Millender-McDonald.
(4) Mr. Brady of Pennsylvania.

(b) JOINT COMMITTEE OF CONGRESS ON THE LIBRARY.—The following Members are hereby elected to the Joint Committee on the Library, to serve with the chair of the Committee on House Administration:

(1) Mr. Ehlers.
(2) Mrs. Miller of Michigan.
(3) Ms. Millender-McDonald.
(4) Ms. Zoe Lofgren of California.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. NEY) is recognized for 1 hour.

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 147, a resolution electing the House Members to the Joint Committee on Printing and Joint Committee of Congress on the Library.

This important resolution names our House Members to these two committees, and once passed, we may begin to work with the other body, which has already organized, to organize the entire committee for the 109th Congress.

I want to thank my colleagues for agreeing to serve with me on these committees. I would just like to briefly mention that on the Joint Committee on Printing would be the gentleman from California (Mr. DOOLITTLE); the gentleman from New York (Mr. REYNOLDS); the gentlewoman from California (Ms. MILLENDER-MCDONALD), our ranking member; and the gentleman from Pennsylvania (Mr. BRADY).

Joint Committee of Congress on the Library is the gentleman from Michigan (Mr. EHLERS); the gentlewoman from Michigan (Mrs. MILLER), our newest Member; the gentlewoman from California (Ms. MILLENDER-MCDONALD), our ranking member; and the gentlewoman from California (Ms. ZOE LOFGREN).

I want to thank our ranking member for working with us on this resolution, and I ask for support of this resolution.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 147.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the further consideration of H.R. 1268, and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 151 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1268.

□ 1028

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1268) making emergency supplemental appropriations for the fiscal year ending September 30, 2005, and for other purposes, with Mr. THORNBERRY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, March 15, 2005, the amendment offered by the gentleman from New York (Mr. WEINER) had been disposed of, and the bill had been read through page 72, line 17.

It is now in order to consider the fifth amendment listed in the order of the House of March 15, 2005.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OBEY:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 7001. None of the funds provided in this Act for national intelligence programs shall be available for obligation until the President submits to the Congress a proposal or procedure to fully inform the congressional intelligence and defense committees of all clandestine military activities for which it is intended that the role of the United States Government will not be apparent or acknowledged publicly and that will be conducted in countries identified by the United States Government as sponsors of terrorism.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

Mr. OBEY. Mr. Chairman, could I ask the Clerk to read the amendment?

The CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read the amendment.

The CHAIRMAN. Pursuant to the order of the House, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 5 minutes.

The gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes.

□ 1030

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

I made clear yesterday that based on conversations with Andy Card, the President's staff director, I have agreed to withdraw this amendment pending the administration's getting together with the leadership of the Committee on Appropriations and working out a process by which activities of the Department of Defense that are classified will in fact be communicated to the Congress. I am not just talking about after the fact; I am talking about a communication prior to the activities.

I simply want to read one sentence from an article that appeared in the New Yorker about this matter. It reads as follows: "The intelligence system is now designed to put competing agencies in competition. What is missing will be the dynamic tension that ensures everyone's priorities in the CIA, the DOD, the FBI and even the Department of Homeland Security. The most insidious implication of the new system is that the Secretary of Defense no longer has to tell people what he is doing so they can ask, 'Why are you doing this? What are your priorities?' Now he can keep all of the mattress mice out of it."

Well, if the Congress considers itself to be mattress mice, then they will not be concerned about the reports that we hear about the Department of Defense's activities. If the Congress takes seriously its obligation to exercise the power of the purse, which is one of only two real powers that we have outside of actual legislating, and if the Congress feels we have an obligation to this institution that transcends our obligation to the committees on which we serve, then the Congress will see to it that the executive branch understands that we are not trying to dictate what they do; we are simply trying to see to it that what they do is consistent with American values and will not get the country in trouble in the first place.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I want to say upfront to the House that it is not my intention to speak on the time I have reserved in opposition to this proposition, so I am asking for a chance for an exchange here with the gentleman from Wisconsin (Mr. OBEY). The gentleman from Wisconsin (Mr. OBEY) and I have spent a good deal of time behind closed doors in appropriate security to discuss matters like this, but especially to express our concern that the Department of Defense communicate regularly with the Congress relative to activities that might involve areas that are, indeed, secure.

I have never told the gentleman from Wisconsin (Mr. OBEY) this before, but I will never forget as a mere member of the Subcommittee on Defense and a member of the Intelligence Committee discussing a program that was in the black that I knew about because I happened to be in the back room, but a program that the Department of Defense was not very excited about. We ended up advancing some money to have that program go forward. I have no idea if we would have been unsuccessful with that effort if they had known how serious we were.

It is important that we communicate with each other. Communication is a two-way street not a one-way street. So for those listening across the river, it is very important to know that the gentleman from Wisconsin (Mr. OBEY) is serious about this, and the leadership of the House is serious about it as well.

Mr. OBEY. Mr. Chairman, I want to make clear that I assume good faith on the part of the White House, and I hope we can work things out. But if we do not, I will be pursuing every possible avenue to see that an amendment such as this is adopted because this Congress has an obligation to know what is happening in some of these covert and clandestine operations.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

It is now in order to consider the sixth amendment listed in the order of the House of March 15, 2005.

AMENDMENT OFFERED BY MR. FILNER

Mr. FILNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FILNER:

At the end of the bill, add the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. (a) REQUIREMENT FOR VETERANS HIRING PREFERENCE FOR FEDERAL CONTRACTORS PERFORMING CONTRACTS FOR RECONSTRUCTION IN IRAQ.—None of the funds made available in this Act may be used to enter into a contract with a private sector contractor to perform reconstruction in Iraq unless, as a condition of the contract, or any subcontract at any tier under the contract, the Federal Government requires the contractor and any subcontractor under the contract, when hiring employees who will perform work under the contract (or subcontract), to extend to preference eligible veterans a hiring preference equivalent to the preference extended to preference eligible veterans for civilian employee positions in the Federal Government.

(b) PREFERENCE ELIGIBLE VETERAN DEFINED.—In this section, the term "preference eligible veteran" has the meaning given the term "preference eligible" in section 2108 of title 5.

Mr. LEWIS of California. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. A point of order on the amendment is reserved.

Mr. FILNER. Mr. Chairman, I ask unanimous consent that the text of the amendment be read.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read the amendment.

The CHAIRMAN. Pursuant to the order of the House of March 15, 2005, the gentleman from California (Mr.

FILNER) and the gentleman from California (Mr. LEWIS) each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I call this the "Let U.S. Veterans Rebuild Iraq and Afghanistan" amendment. Once again, I rise in support of the veterans of our Nation. We have a major, major, major operation in Iraq and Afghanistan. The bill on the floor today appropriates a sum of $81 billion, and we will be spending over $200 billion. It seems to me that we ought to guarantee jobs to veterans with companies that are awarded government contracts from this fund. Our active duty are fighting, but those who volunteer to go and help in other ways should have the preference that their veterans' service offers.

We have all rallied to support our troops, but often after they come home, our veterans are not treated with the respect they deserve. I outlined yesterday the lack of respect that they will have and continue to have because of lack of adequate funding in the health care system. PTSD, post-traumatic stress disorder, for example, will not have the funding that is needed to treat what is expected to arise out of the current war. As I said yesterday, research funds are being cut, nurses' positions are being cut.

I tried yesterday to put an amendment on the floor that would supplement this supplemental with an additional $3 billion that the veterans groups think and have testified and have outlined is necessary. That $3 billion was not added in yesterday's supplemental. So today I ask that we ensure that there are jobs for our Nation's veterans, whether they are new or old. Let us give them the preference that they have in law at home with the preference for the contracts that are being awarded with such abandon in the Middle East today.

We know, if we do not serve our veterans with jobs or health care, what occurs. We know that up to half of the homeless on the streets today are veterans, mainly from Vietnam, because we did not give them the honor, the respect, the health care, the jobs, the housing that they needed. And so they are on the street after having fought for this country. One way to make sure that this does not happen to anyone else is to include veterans in the rebuilding of Iraq and Afghanistan. Many of them fought for freedom for those nations. Let us get them involved in the effort to build the future.

Mr. Chairman, I hope that the rules are not invoked here once again to stop a commonsense approach to helping our veterans in this Nation.

Mr. Chairman, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman's amendment is most intriguing. The gentleman is interested in having opportunity for veterans to gain employment. I presume they are veterans, whether veterans of World War II or circumstances in Iraq or otherwise. I presume that is the case. I certainly would be supportive of ensuring every veteran has an opportunity to find work, wherever the veteran might have served. I would like to engage in a colloquy with the gentleman.

Yesterday we had a discussion on the floor of the House relative to the gentleman's wanting to ensure there were additional funding flows for veterans. There was some resistance to that suggestion because some of us thought there was money in the pipeline that adequately serviced the hospitals; and in regular order we would make sure whatever was necessary would be available, at future hearings and markups of bills that affect funding. So I want to ask a question: There is a veterans hospital in San Diego County, is there not?

Mr. FILNER. Of course.

Mr. LEWIS of California. Mr. Chairman, I am trying to remember, what is the name of that hospital. I am trying to remember.

Mr. FILNER. La Jolla.

Mr. LEWIS of California. San Diego Veterans Medical Center in La Jolla. And does it happen to be in the gentleman's district?

Mr. FILNER. No, it is not.

Mr. LEWIS of California. Mr. Chairman, it is my understanding that hospital needs a lot of work. I assume the gentleman suggests that veterans ought to be first in line if we do some refurbishing?

Mr. FILNER. Mr. Chairman, in last year's appropriation bill, that hospital was awarded close to $100 million for seismic refitting, retrofitting for earthquake safety.

Mr. LEWIS of California. And was the gentleman involved in that?

Mr. FILNER. Yes, sir.

Mr. LEWIS of California. Mr. Chairman, I would ask the gentleman, did we successfully get money for that seismic retrofitting?

Mr. FILNER. Mr. Chairman, yes, in last year's appropriation bill, La Jolla Medical Center was one of a variety of hospitals, I think about two dozen.

Mr. LEWIS of California. Mr. Chairman, I wish the gentleman would have discussed that with me at the time.

We had a similar problem at Loma Linda Veterans Medical Center, the sister hospital of the Jerry Pettis Veterans Hospital, and we found a way to do seismic retrofitting by way of using a laser. No portion of the hospital needs to be closed down while the work is being done. Thereby, patients can actually be in the hospital while the work is being done. We did not have that discussion.

Mr. Chairman, has the gentleman visited that hospital in the last years?

Mr. FILNER. Many times.

Mr. LEWIS of California. In the last year?

Mr. FILNER. Yes, sir.

Mr. LEWIS of California. Mr. Chairman, I attempt to visit my hospital regularly as well. And, indeed, visit the veterans who are now back at Walter Reed or Bethesda. Indeed, we all should be concerned about that priority.

But, frankly, I am a bit incensed by the gentleman's suggestion yesterday that would indicate that we do not give priority on a bipartisan basis to veterans. I would ask the gentleman to join me in a special mission. Would the gentleman consider the mission?

Mr. FILNER. Mr. Chairman, whatever the gentleman from California (Chairman LEWIS) suggests, I would consider.

Mr. LEWIS of California. Mr. Chairman, the mission is the veterans service organizations are a great voice for veterans here in Washington. Like the gentleman, they are constantly pounding their chest saying. I am calling for money, more opportunity for veterans. I insist that they help us go back to where the hospitals are and see that veterans are treated like real human beings in those hospitals. I cannot get the VSOs to do it. Maybe I can get the gentleman to do it because the gentleman is obviously more concerned than the VSOs are about those veterans benefits and the way they are being treated.

Mr. Chairman, I ask, would the gentleman from California (Mr. FILNER) join me in that effort, or does the gentleman believe the money is being spent very well at veterans hospitals?

Mr. FILNER. Mr. Chairman, if the gentleman would continue to yield, look, everybody wants efficiencies in this system; but I will say, for a paralyzed veteran with a spinal cord injury, there is no better place than the VA to get care.

□ 1045

To keep that quality of care for those veterans requires investment in our system. We are all looking for efficiencies but I will tell you there is no independent person, including the VA.

Mr. LEWIS of California. Mr. Chairman, I reclaim my time.

Mr. FILNER. Mr. Chairman, the gentleman asked me a question.

Including the VA that says that we have enough money.

Mr. LEWIS of California. Who says we do not have enough money?

Mr. FILNER. The VA says we do not have enough money.

The CHAIRMAN. The gentleman will suspend.

The Chair has been trying to facilitate this colloquy, but the Chair will now insist that Members follow regular order in yielding and reclaiming time Members will not speak at the same time.

The gentleman from California (Mr. LEWIS) controls the time and is recognized for the remainder of his time.

Mr. LEWIS of California. How much time do I have remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has 15 seconds.

Mr. LEWIS of California. Let me say that we made a major effort to see that veterans in our hospital did not have to walk around with folders under their arm. We insisted on computerization within that hospital. The gentleman could help me a lot helping the VSOs to really work with veterans where they are being treated or not treated so well.

POINT OF ORDER

Mr. LEWIS of California. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriations bill which violates clause 2 rule XXI.

The rule states that an amendment to a general appropriation bill shall not be in order if it changes existing law or imposes additional duties.

I ask for the Chair's ruling.

Mr. FILNER. Mr. Chairman, I wish to be heard on the point of order.

The CHAIRMAN. The gentleman is recognized.

Mr. FILNER. Once again we are using the rules to block a commonsense amendment. It seems to me that the chairman has deeper issues than a blocking of the thing on a procedural ground and feels that the VA is not doing its job. That is obviously a deep issue that we ought to discuss, but that should not lead him to block this amendment.

In addition, the only way I could judge the sincerity of the majority party in these issues is to see what they had done to the chairman of the committee I have sat on for the last 12 years; that is, the VA Committee. The chairman was removed from that job, purged from that job because he stood up for veterans.

I hope, Mr. Chairman, that the gentleman will join me on a mission as I join him on a mission for accountability and efficiency to convince the leadership of his party to put back on that committee members of the committee who actually fight for veterans.

Once again, I think the veterans of this Nation ought to understand that the rules of this House can be waived for anything that the majority party wants, but when it comes to the veterans of this Nation, they refuse to waive the rules.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The Chair finds that the amendment, although in the form of a limitation, proposes a legislative contingency imposing new duties on the Executive.

As such, the amendment violates clause 2 of rule XXI. The point of order is sustained.

It is now in order to consider the seventh amendment listed in the order of the House of March 15, 2005.

AMENDMENT OFFERED BY MS. VELÁZQUEZ

Ms. VELÁZQUEZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. VELÁZQUEZ:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 7001. None of the funds made available in this Act may be used to fund any contract in contravention of section 15(g)(2) of the Small Business Act (15 U.S.C. 644(g)(2)).

The CHAIRMAN. Pursuant to the order of the House of March 15, 2005, the gentlewoman from New York (Ms. VELÁZQUEZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, Federal contracts for overseas work have increased substantially over the last several years. This rapid increase in government buying is largely the result of the war in Iraq and combating terrorism. Since the spring of 2003, Congress has appropriated close to $200 billion for operations in Iraq and Afghanistan. The supplemental appropriations bill we are considering today provides an additional $81 billion.

Much of this funding will be spent on contracts for overseas work, and most of these contracts will be awarded to large corporations. Unfortunately, while 23 percent of contracting dollars spent domestically must include small businesses, there is no requirement that small companies have access to the bulk of overseas contracts. My amendment would change that by requiring that small businesses have access to international contracts just as they do for domestic work.

Federal agencies currently do not include overseas contracts when calculating their small businesses goals. Therefore, there are no means of holding agencies accountable for providing U.S. small companies with access to international work. As a result, only 1 percent of government overseas contracts are awarded to small companies, and barely 500 of the more than 23 million U.S. small businesses are performing work abroad. By requiring that contracts funded by this bill are calculated in the Federal Government's small business goals, we start to instill credibility in the system while ensuring that small firms receive their fair share.

These goals were enacted to ensure small business participation in the Federal marketplace. However, the Federal Government has failed to meet its small business goal in each of the last 5 years. In one year alone, this failure cost U.S. small businesses over $15 billion in lost contracting opportunities.

We have a lot to make up for with our Nation's small business owners. We can start by ensuring that they have access to overseas contracts.

Mr. Chairman, there are 23 million small businesses in the United States. They represent 99 percent of all employers, create three out of four new jobs, and employ more than half of all private sector workers. Historically, when the government has needed to build up for military operations, it has turned to small businesses to fulfill its procurement needs because of their flexibility and quick response time.

Mr. LEWIS of California. Mr. Chairman, will the gentlewoman yield?

Ms. VELÁZQUEZ. I yield to the gentleman from California.

Mr. LEWIS of California. I appreciate the gentlewoman from New York yielding. Como esta.

Ms. VELÁZQUEZ. Gracias.

I am sorry. I thought this was English-only here.

Mr. LEWIS of California. I wanted to say to the gentlewoman, first, I very much appreciate the thrust of her amendment. While we are prepared to accept her amendment, let me add to that there could be some resistance, perhaps, on the part of the State Department. If there is resistance, it is because they have never seen fit to apply the existing law to overseas contracts. I think that is a small mistake on their part, frankly, if they have not. I think the gentlewoman is not just raising an important point but a point that needed to be made.

Ms. VELÁZQUEZ. Mr. Chairman, I really appreciate the gentleman's support of this amendment. I would say that it does not surprise me that the Department of State would raise a concern because they are the worst offenders when it comes to fulfilling the statutory goals set by Congress regarding contracting practices on behalf of small businesses in our Nation. I would love to see that the gentleman work with me on behalf of small businesses and make sure that in this $81 billion there is small business participation. They can do the work and they can do it more effectively than many of the large corporations that are mismanaging and misappropriating much of the money that has been spent so far.

Mr. LEWIS of California. Let me say to the gentlewoman that her amendment is overdue. I am happy to accept it and I am happy to be her partner on behalf of small business in America.

Ms. VELÁZQUEZ. I thank the gentleman.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MARKEY

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MARKEY:

Page 72, after line 17, insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 7001. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code.

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and any regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded. A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 420, noes 2, answered "present" 3, not voting 9, as follows:

[Roll No. 75]

AYES—420

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—2

Hayes
Souder

ANSWERED "PRESENT"—3

Price (GA)
Rohrabacher
Westmoreland

NOT VOTING—9

Baird
Baker
Boucher
Cubin
Larsen (WA)
McKinney
Portman
Roybal-Allard
Sweeney

□ 1122

Messrs. KLINE, PUTNAM, CARDOZA, TANCREDO, BLUNT, SMITH of Texas, GOODLATTE, MCHENRY, THOMAS, AKIN, FLAKE and EHLERS and Mrs. EMERSON changed their vote from "no" to "aye."

Messrs. PRICE of Georgia, WESTMORELAND and ROHRABACHER changed their vote from "aye" to "present."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. PORTMAN. Mr. Chairman, due to a previously scheduled commitment away from Capitol Hill, I was unavoidably detained and regretfully missed rollcall vote No. 75, the Markey Amendment. Had I been present, I would have voted "aye."

Mr. WAXMAN. Mr. Chairman, time and time again, the Bush administration has not been straightforward with Congress, the American people, or our soldiers about the costs of this war and what it will take to ensure stability and security in Iraq so our troops can return home.

Instead of disclosing the actual findings of field reports on contracting audits, troop needs, or the projected cost of the reconstruction effort, the administration has withheld, distorted, and even deliberately hidden information.

Just this week, despite the administration's refusal to turn Pentagon audits over to Congress, I obtained a report by Defense Department auditors concluding that Halliburton overcharged the U.S. Government more than $100 million for a single task order under its no-bid $7 billion contract to restore Iraq's oil infrastructure. I would like to know why unredacted versions of this audit report and the audit reports on nine additional task orders are still being withheld from Congress.

I have also learned that administration officials violated a U.N. Security Council Resolution by intentionally concealing these overcharges from international auditors. The administration only provided heavily redacted audits to the international auditors charged with overseeing the Iraqi oil revenue used to pay Halliburton's inflated costs.

Worst of all, correspondence between the Army Corps of Engineers and Halliburton officials indicates it was Halliburton that blacked-out references to egregious overcharges and other key audit findings regarding the unreasonableness of Halliburton's prices.

I am deeply disappointed that the House voted down an amendment calling for the investigation of reconstruction efforts in Iraq and Afghanistan including contracting procedures, possible money laundering, and profiteering.

It is disturbing that the Republican leadership has been unwilling to assert its oversight responsibility and demand fiscal accountability.

The administration has not complied with Congressional mandates to provide a comprehensive breakdown of the $200 billion already spent in Iraq and Afghanistan and a detailed assessment of the projected costs of military and reconstruction activities in Iraq over the next 5 years.

The White House has failed to justify a permanent extension of tax cuts for the wealthy while paying for the war with mounting deficits and massive budget cuts to social programs.

And when it comes to our troops, it has been Congress, not the administration, prioritizing force protection needs and the procurement of safety essentials like armored Humvees, body armor, night vision equipment, and jamming devices to neutralize the improvised explosive devices that are among the biggest threats to U.S. patrols.

I am willing to support this supplemental precisely because it allocates a majority of funds for troop and equipment needs and training of Iraqi security forces. This is a vast improvement over the blank check requested by the administration to pursue its less accountable reconstruction efforts.

No matter how each of us feels about the administration's actions that led to war and its conduct since then—and I have been one of its strongest critics—we have an obligation to ensure that our troops have the support and equipment they need as long as they are in the field. In addition, the funding in this legislation for training and equipment for Iraqi and Afghan security forces is essential for these nations to take control of their own security so U.S. troops can come home.

Some who oppose this legislation believe that its defeat would hasten the return of our troops. Although it is critically important for the U.S. to develop an exit strategy, I am deeply concerned that a premature withdrawal of U.S. troops just after Iraq's democratic elections and as its leaders attempt the difficult task of forming a coalition government would only embolden the Al-Qaeda cells fueling the insurgency in Iraq.

I also strongly support other provisions of the legislation to pay for food aid and peacekeeping in the Sudan, as well as the more than $650 million allocated for relief and reconstruction to the countries devastated by the tsunami.

I fully support the $200 million included in this bill for economic revitalization and infrastructure development in the West Bank and Gaza. The end of the Arafat era presents a concrete opportunity for the Palestinian people to chart a future away from terrorism, corruption, and incitement and toward democracy, transparency, and the rule of law.

This aid package is a strategic and timely investment in the leadership of Palestinian President Mahmoud Abbas. The accountability requirements in this bill will set an example for the international community for formulating assistance packages that protect against cronyism, embezzlement, and mismanagement, which in the past siphoned millions of dollars to Arafat loyalists and terrorist organizations.

And so, I will vote for this legislation to support our troops and to support these other worthwhile U.S. humanitarian endeavors, but we have an obligation to hold the Bush administration accountable for its policies in Iraq.

Mr. UDALL of Colorado. Mr. Chairman, I will vote for this supplemental appropriations bill today.

I have been a critic of the Bush administration's policy in Iraq. But I think even those who have supported it should be deeply concerned about the escalating cost of our efforts there. If approved, the President's emergency supplemental appropriations request will bring the total cost of our operations in Iraq so far to over $200 billion. This amount gives me pause, but Congress must not fail to supply our troops.

When I visited Iraq last year, I met with our troops and it is clear to me that more resources, including body armor and military equipment, are needed to safeguard their lives. The bill we are considering today provides these resources. It includes important provisions to raise the military death gratuity from $12,000 to $100,000 and to increase funding for add-on vehicle armor kits, night-vision equipment, and electronic roadside-bomb jammers. It includes funding for contract linguists for the Army and additional body armor for the Army and Marines. And thanks to the passage of the Markey-Blumenauer amendment, which I supported, the bill reaffirms the U.S. commitment to the U.N. Convention Against Torture.

It also provides funding for tsunami disaster relief, $1.3 billion to train and equip Afghan security forces and the Afghan army, $92 million for Darfur and $150 million for food aid to Sudan and Liberia, and $580 million for peacekeeping programs, most of which are for Sudan. Importantly, the bill appropriates the President's request of $200 million for economic development in the West Bank and Gaza Strip.

But large as it is, the bill still falls short in some respects. More funding is needed for veterans' health care and mental health care and helping members of the National Guard transition back to civilian life.

And most problematically, the House-passed rule incorporated into the bill the REAL ID Act, legislation that I opposed when the House passed it in February. I opposed it again by voting against the rule. I believe the REAL ID Act does not strengthen national security, but it does create undue difficulties for asylum seekers and excessively expands the powers of the Secretary of Homeland Security.

The bill also lacks answers to some tough questions. How many more supplemental requests like this one does the administration plan to present to Congress? What is our post-election strategy in Iraq? Can we account for the billions of dollars already spent in Iraq, and are the remaining billions of dollars in reconstruction funds being well spent? Why can't we get a solid answer about the numbers of trained and equipped Iraqi troops?

That lack of information is why I voted for an amendment proposed by Representatives TIERNEY and LEACH to create a Select Congressional Committee—based on the Truman Committee that existed during World War II—to investigate and study the awarding and carrying out of Government contracts to conduct military and reconstruction activities in Iraq and Afghanistan.

Adoption of that amendment would have improved the bill. The failure of this amendment makes it even more important that we continue to ask questions, not only to provide accountability to American taxpayers, but also to keep faith with the real needs of our troops in the field. Estimates of future U.S. costs in Iraq are mind-boggling—ranging from $400 billion to $600 billion over the next decade. That's why it's so important for us to do the job right this time, The more effectively we use these billions to train and equip Iraqi troops, the more quickly Iraqis will be able to fend for themselves, which means a ticket home for our troops.

So the bill could be improved—and I have supported amendments that would do that. But the bottom line is that we need to provide the funding necessary to keep our troops supplied and protected. With our troops stretched thin, forced to perform longer tours of duty and short of equipment and supplies, funding for our men and women in uniform must not be held hostage to disagreements about the wisdom or folly of Bush administration policies.

Mr. MEEKS of New York. Mr. Chairman, I rise in opposition to the Emergency Supplemental Wartime Appropriations Act. It is unconscionable that the administration comes to Congress for another emergency supplemental when it has failed to account for previous emergency funding, and has failed to include the cost of the war in the FY '06 budget. How can this administration offer a budget that does not include funding for America's military operations overseas when we have more than 150,000 soldiers in Iraq and Afghanistan for an indefinite period of time? Why does the administration continue to resort to supplemental funding to pay for this war instead of including the cost in the budget where it will sufficiently reflect the impact of Operations Iraqi Freedom and Enduring Freedom on our deficit?

Mr. Chairman, I did not support the Iraq supplemental request last year because I had serious concerns about no bid contracts in the bill. Unfortunately I was right to be concerned; just today it has been reported that Pentagon auditors have found excess billing for postwar fuel imports to Iraq by the Halliburton Company totaling more than $108 million. To add insult to injury Congress has not received any of the nine auditing reports from the Pentagon, but instead must resort to receiving this information through unofficial channels. Despite repeated requests, the administration has kept nine audits confidential from both Republican and Democratic Members of Congress. Accountability is a bipartisan issue.

This $81 billion emergency supplemental funding request for the Department of Defense's Iraq and Afghanistan operations comes on the heels of $25 billion of emergency spending already appropriated for this year. Enacting this request would mean that this Congress will have provided this administration with almost $300 billion for military and reconstruction efforts in Afghanistan and Iraq. It is clear that this body is willing to live up to its end of the bargain and provide funding for our troops, but the administration is determined to continue to avoid serious questions and concerns about its spending.

Let me state outright that I opposed going to war in Iraq, but that is not my reason for opposing this supplemental request. I oppose simply because we cannot allow continued deception by the administration on every aspect of our engagement with Iraq. We were deceived with exaggeration of Hussein's weapons capabilities, and now we are being deceived about the duration of the engagement and its exact cost—on the American purse and the loss of our men and women in uniform. We have exacerbated the situation in the Middle East and put our country in a more vulnerable position because of this war, and now we are asked to surrender the responsibilities of this body to hold the administration accountable for its actions.

ACCOUNTABILITY

Mr. Chairman as a Member of Congress I must provide answers to my constituents about the money that Congress spends. Accountability is not a partisan issue, we must all demand answers. Our Constitution was carefully crafted so as to allow a balance of power in our Government. Congress is obligated to use appropriations and the oversight that accompanies it as a means of holding the executive branch accountable for its spending of American funds. Any attempt to usurp that balance of power is a betrayal of the moral fiber of our Government and must be taken as an attack on the integrity of this body.

The Department of Defense by law must submit reports to Congress with a detailed explanation of the spending and future costs of the Iraq war. These reports were due October of last year and at the beginning of this year. Despite this legal obligation clearly delineated in last year's Defense Appropriations Act, we have to date received no report accounting for the spending and detailing cost estimates of previous supplemental funding. Our Government should not fail to meet its legal responsibility without consequence. How can we justify more emergency appropriations without adequate assurance that what has already been appropriated has been shrewdly spent?

Sadly, we have no report directly from DoD but the Inspector General reported that almost $9 billion in reconstruction funding has been mishandled and poorly accounted for. In fact, the Inspector General suggests that thousands of "ghost employees" were on an unidentified ministry payroll.

In addition, DoD has stated in the past that 220,000 Iraq security forces had been trained and equipped, that number was then scaled down to 136,000. Moreover, the Pentagon has recently put into question if these troops are truly prepared for service.

CONCLUSION

Mr. Chairman, opposition to this bill is not a vote against supporting our troops. This body has proven over and over again through appropriations that it supports our troops. Congress has appropriated $20 billion for Iraq reconstruction despite the administration's claims that Iraq reconstruction would cost between $1 and $2 billion and could be financed by Iraqi oil revenues. With enactment of this bill Congress will have appropriated $300 billion for the efforts in Iraq without proper accounting of the spending of these funds. The administration claimed that we would be received as great liberators and that just a few short months after the invasion we could start withdrawing troops, but instead we have no exit strategy and over 1,500 troops have died and thousands seriously injured. I could go on and on about the disastrous miscalculations and misleading estimates. This bill is critically lacking in accountability. No more blank checks for this administration.

Mr. STARK. Mr. Chairman, I cannot support the President's request to spend billions more for this protracted war in Iraq. It's time to bring our troops home.

Next week we will commemorate the second anniversary of the war and U.S. occupation. Over 1,500 American lives have been lost along with countless numbers of Iraqi civilians. Over 11,000 Americans have been wounded. The world is still not a safer place. What have we gained?

I disagree with those who claim a vote for this bill is a vote to support our troops. I stand behind these brave Americans and believe they ought to have every resource to protect them.

How is it supporting our troops to keep them in harms way without a plan to win this war?

How is it supporting our troops when we continue to allow the Bush administration to spend hundreds of millions of dollars at will on no bid Government contracts with no oversight?

How is it supporting our troops when we don't provide for mental health services for those troops traumatized in combat?

For all of these reasons, I'm voting "no" on the President's $81.3 billion supplemental request. It is time for a plan to bring our troops home, not give the President another blank check.

Ms. PELOSI. Mr. Chairman, in a few days we will mark the second anniversary of the invasion of Iraq and the start of a war that, in my judgment, did not need to be fought. At the time, the war was rationalized on intelligence estimates of Iraqi weapons of mass destruction capabilities that were wrong, and on suggestions that Iraq was somehow connected with the September 11 al-Qaeda attacks on our country that were never true.

The President now says that the war is really about the spread of democracy in the Middle East. This effort at after-the-fact justification was only made necessary because the primary rationale was so sadly lacking in fact.

The one constant in 2 years of combat has been the courage, dedication, and skill of the men and women of our Armed Forces. For more than 1,500 of our troops, service in Iraq required the ultimate sacrifice. That is a loss for which our country mourns each day.

Thousands more have been wounded—their lives, and the lives of their families changed forever by this war. Similar losses have been experienced by families in Spain, in Italy, and, of course, in Iraq.

The bill before us provides another $75 billion for military operations in Afghanistan and Iraq. This enormous sum was not requested through the normal budget process, not subjected to any hearings, and not counted against our massive budget deficits. In fact, this will be the third largest appropriations measure this year.

And this $75 billion will be on top of the more than $200 billion previously appropriated, mostly by the supplemental appropriations process, for these military operations.

How much of this cost would have been unnecessary had the administration taken the time and the care to plan adequately for a war of choice? We will never know. But we do know—because these supplementals are evidence of it—that our troops were sent into combat without the equipment they would need for a protracted insurgency operation.

Our responsibility now is two-fold. First, to ensure that our troops have what they need to do their jobs effectively and as safely as possible. And second, to develop a strategy for success that will contain clear benchmarks by which the American people can measure progress toward the time when our forces will be brought home.

That strategy for success must include an aggressive plan for transferring responsibility for their country's security to the Iraqis, an improved plan for Iraq's reconstruction, and an intensification of diplomatic efforts in the region.

Other countries—the Netherlands and Italy among them—are making plans for the return of their forces. The United States does not need to adopt their timelines, but we do need clear criteria for judging certain fundamentals, including the capability and willingness of Iraqi security forces to deal with the insurgency and protect the country.

Somewhere between an open-ended U.S. commitment to Iraq and a timetable for withdrawal must be a strategy for ending our military involvement. That fact was the heart of the amendment by the gentleman from Virginia, Mr. MORAN, which this House adopted yesterday.

The President owes it to the American people and this Congress to develop such a plan, clearly describe it, and provide an assessment of how much it will cost and how long it will take.

I understand and share the frustration that will lead some to vote against this bill. We are being asked, again, to clean up a mess that many of us argued strongly against creating.

Putting aside our frustration with this administration so that we can provide our troops what they need does not, however, mean that we will forget the mistakes, miscalculations, and misrepresentations that brought us to the point where these billions are necessary.

The time is long past due for an accounting for those failures. We in Congress understand our responsibility to provide for the common defense. The administration must understand its responsibility to use the money this Congress provides effectively, and with a transparency that can withstand scrutiny.

Ms. LINDA T. SÁNCHEZ of California. Mr. Chairman, I rise in opposition to H.R. 1268, the Emergency Supplemental Wartime Appropriations Act for FY 2005. My opposition to this bill does not mean that I do not support our troops. I wholeheartedly support our troops and believe that we should fully fund our troops so that they have the necessary equipment to ensure their safety. Also incorporated into this bill is funding for Tsunami relief efforts for affected Southeast Asian countries. Having gone to Sri Lanka and personally seen the devastation, I know how important our relief efforts are for these countries.

Sadly, I'm opposing H.R. 1268 because it includes the REAL ID Act of 2005. The REAL ID Act of 2005 would deny drivers' licenses to immigrants, and slam the doors on refugees seeking asylum from persecution. The REAL, bad, ID Act has nothing to do with supporting our troops, let alone national security.

It is such a shame that Republicans had to incorporate the REAL ID Act in the Iraq Supplemental and Tsunami Relief when it has nothing to do with these two pressing issues. This is an unprecedented move on the part of the Republican leadership and this concerns me.

The REAL ID Act, H.R. 418 will not make us safer. What H.R. 418 will do is undermine several key security features that were dealt with responsibly in the Intelligence Reform legislation which was based on the 9–11 Commission Recommendations.

If the Republicans and this administration really want to strengthen national security, they should start by providing full funding for the Department of Homeland Security, particularly the security improvements authorized in the Intelligence Reform bill. Yet the President's 2006 budget did not include funding for 10,000 new border guards, 40,000 new detention beds to hold people awaiting deportation, and 4,000 new immigration inspectors as the bill dictates. The administration merely funds 210 new border patrol agents.

As the proud daughter of immigrants, I am pleased to be serving my country as a Member of Congress. It is a great honor to be giving back to America, a country that has given my family so much. Like millions of immigrants, my parents came here in search of the American Dream and to give their children the opportunity to secure a promising future.

Again, I am outraged and saddened that Republicans are using the pretext of national security to attack immigrants who pose no real threat to our safety. America is a country built by immigrants, and we should remain a country that is open and welcoming to those seeking freedom. The U.S. has always been a beacon of hope and we must continue to guard the light of liberty for those who are oppressed or displaced.

Mr. KIND. Mr. Chairman, I rise today in support of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005.

I have had the opportunity to visit Iraq twice over the last 2 years and visit with our military women and men and survey the operations of the U.S. reconstruction mission in Iraq. Never have I been more proud to be an American than when I visited our troops and observed them in the line of duty. My trips reconfirmed that we must give our troops the tools and resources they need to carry out their mission safely and effectively so they can return home soon. For this reason I am supporting the administration's supplemental request for $81 billion.

Specifically, I would like to highlight the good work of the 128th Infantry Division out of western Wisconsin, and the 1158th Transportation Company out of Tomah, Black River Falls, and Beliot. The 128th is on their first tour of duty in Iraq and is performing well, despite several equipment shortages and setbacks the unit has dealt with. The 1158th is on their second tour of duty, and is also performing above and beyond their mission. I am extraordinarily proud of their service to our country.

I am especially proud of young men like Andrew Carter. Today I had the opportunity to visit Andrew, a member of the 128th, at Walter Reed Hospital. He was recently injured in Iraq riding in a Humvee that was hit by an RPG. There is a good chance he would have been killed if it hadn't been for vehicle armor that was added to the Humvee. This supplemental appropriates more funding to continue to armor humvees, so that we can continue to save lives. One of the first things Andrew said to me was that he wants to heal quickly so he can get back to Iraq and serve with his unit. His resolve is a good reminder of the dedication of our men and women in uniform and why we need to renew our commitment to soldiers like Andrew.

While I do not endorse all of the supplemental's provisions, in the absence of a funding alternative, I support the need to provide for our troops. But we do need to start budgeting and paying for their obligations, such as the need for a new embassy in Iraq, instead of passing so-called "emergency" supplementals and leaving a legacy of debt for our children to inherit.

As our military effort continues, I and other members of Congress will work to ensure that our service men and women have all the resources necessary to fulfill their mission. Again, my thoughts and prayers are with those serving our country, as well as their families. America is firmly behind our troops and we're all hoping to see them home safe, secure, and soon.

May God continue to bless these United States of America.

Mr. NEUGEBAUER. Mr. Chairman, I rise in support of H.R. 1268, the Emergency Supplemental and Wartime Appropriations Act of 2005. This supplemental provides necessary funding for a variety of military operations and for equipment that will keep our troops safe while they fight the War on Terror. We are asking the brave men and women of our Armed Forces to put their lives on the line in defense of our freedom. In return, we should not hesitate to give them the best protective gear that we can provide.

However, I have serious concerns about providing additional non-defense and non-emergency items, such as money for facility construction and international peacekeeping efforts that are included in this supplemental. I believe that while these items may be vital to our Nation's interests, they are not true emergencies.

I commend the chairman of the Appropriations Committee, the distinguished gentleman from California, Mr. LEWIS, for his efforts to limit the amount of non-defense and non-emergency funding in this bill. But, far too often the Federal Government deems additional spending an "emergency" because it was not included in the original budget request. Any non-defense and non-emergency funding should be considered in the regular budget process.

As Members of Congress, we owe it to the American taxpayer to ensure any new request for emergency spending is thoroughly reviewed and considered in a fair manner on the House floor, especially when essential funding for our Nation's Armed Forces is at stake.

Despite my displeasure in allowing some of these additional items to be included in the supplemental, I support this legislation because Congress has a moral obligation to provide our troops with the safest equipment and most up to date training available.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in support of this Wartime Supplemental bill but not without some hesitation after questioning why some funding is included in what should be a bill solely to support our troops and their ongoing efforts in Iraq and Afghanistan.

I applaud my colleagues who are working to include at least some FY2006 funding for Iraq and Afghanistan in the FY2006 Budget. The Congressional Budget Office predicts that the cost of the wars in Afghanistan and Iraq could reach $458 billion over the FY 2005 to 2014 period, on top of the more than $200 billion already expended. An emergency is something unforeseen, but these war costs can be estimated far in advance.

In his FY2006 budget request, President Bush did not include funds for construction of the U.S. Mission in Iraq. Instead, a week after submitting his FY2006 budget to Congress, the President sent Congress an FY2005 emergency supplemental funding request which included more than $1.3 billion for the embassy in Iraq. This hardly seems to be emergency funding since we have known we will need to operate and maintain an embassy in this country, yet there has been funding for the U.S. embassy in Iraq included in the previous two wartime supplemental bills, and again in this bill.

There is also $36 million dollars included for the construction of a new detention facility at Guantanamo Bay, Cuba in this supplemental. We have been detaining suspected terrorists at Guantanamo Bay since shortly after September 11, 2001; this is clearly a need seen far in advance and should be included in the Defense appropriations bill, not in this bill.

Additionally, this bill should not be used as a means to move controversial legislation, but the rule for this bill includes a provision to attach the text of H.R. 418. This bill was brought to the Floor of the House in February without a hearing in the Judiciary Committee, circumventing the legislative process.

H.R. 418 includes language that allows the Secretary of Homeland Security to waive any law necessary to construct barriers and roads along our borders. With over one thousand miles of border in Texas alone, I did not feel it was appropriate to allow the Secretary of Homeland Security to waive environmental regulations, undermine the competitive bidding process and threaten the ability of workers to be paid a prevailing wage on these projects.

The most important part of this issue is catching people who are here without proper documents. In December of 2004, I voted to authorize 10,000 new border patrol agents over the next 5 years, however the President's budget would fund only 210 of the 2,000 authorized border patrol agents, 143 of the 800 authorized interior investigators and only 1,920 of the 8,000 detention beds promised by the Intelligence Reform and Terrorism Prevention Act of 2004. H.R. 418 will not solve our immigration problem if we do not put agents on the border and increase the capacity of detention centers.

I do strongly support a number of provisions in this bill, however, which will better protect the men and women serving in Iraq and Afghanistan, better provide for the families of those who gave their lives serving in these countries, and better equip our troops.

It is time that we increase the military death gratuity benefit to $100,000 and the subsidized life insurance benefit to $400,000 for the families of soldiers who died or were killed on active duty while serving in Iraq and Afghanistan after October 2001.

We must take additional steps however, to improve benefits for the families of our troops not addressed in this bill. When families of our service members do not have access to healthcare because they cannot find a provider that has a contract with Tricare, there is a major problem We need to address the excess paperwork and low reimbursement rates in the Tricare system to ensure family members do not have to worry about their health care while their loved ones are serving our country.

In addition, after continually hearing stories from the men and women serving in Iraq about the lack of protective armor, this supplemental addresses these problems by providing $75 million for body armor protection and $611 million for add-on vehicle armor kits which was $48 million more than requested. We also provide necessary oversight on the vehicle armor kits and several other procurement requests, while offsetting increases in funding for our troops with decreases in unnecessary foreign aid. In addition, we rightly increased the request for the family of medium-tactical vehicle, or FMTVs, to $735 million after recognizing wartime operations are causing much greater wear and stress on these vehicles than peacetime operations.

I support this bill because it provides necessary benefits and equipment to our troops, but I do not believe it should be used as a vehicle for projects that could and should be funded through the annual budget. During this time of soaring deficits, we must practice fiscal discipline; however this bill fails to do that by adding projects unrelated to the immediate wars in Iraq and Afghanistan. This bill should be solely about providing our troops with necessary resources for their mission in Iraq and Afghanistan. Anything not directly related to that does not belong in this bill.

Mrs. DAVIS of California. Mr. Chairman, I rise today to voice my strong opposition to incorporating the unnecessary provisions of the REAL ID Act, H.R. 418, in the Emergency Supplemental Wartime Appropriations bill.

I intend to vote for the emergency spending package today. It provides the equipment and armor our service members need on the ground in Iraq and Afghanistan. H.R. 1268 also significantly improves our support of military families by increasing the death gratuity to $100,000 and improving the life insurance coverage we provide to those risking so much in the battlefield. Our service members need this bill. However, I was extremely disappointed to learn House Leadership was adding the text of H.R. 418 to the legislation. I voted against the REAL ID Act on the House floor for several reasons.

I am firmly committed to the security of the United States and the safety of all Americans. H.R. 418 does little or nothing to improve our protection. At the same time, the bill has a harmful impact on legal precedent and allows the federal government to undermine states' rights and state procedures. I also worry the REAL ID Act diverts attention from the crucial mission of securing the homeland by creating new demands on our agencies without providing the resources.

Finally, Congress passed many of the recommendations made by the 9/11 Commission. H.R. 418 is not only unnecessary and potentially harmful but also counters the hard work of the Commission and the Congress.

Mr. LANGEVIN. Mr. Chairman, I rise in support of H.R. 1268. I would like to thank the committee leadership for their efforts to provide our men and women in uniform with the equipment that they need to succeed. As a member of the House Armed Services Committee, I have worked with my colleagues to provide much-needed force protection equipment to our troops. H.R. 1268 includes $75 million for body armor, $51 million for up-armored Humvees, and $611 million for add-on armor kits for vehicles. Having visited our wounded soldiers at Walter Reed Army Medical Center, I know that we can prevent further injuries by funding this important equipment, and I appreciate the committee's efforts in this area.

Furthermore, the bill raises the military death gratuity from $12,000 to $100,000 and increases subsidized life insurance benefits from $250,000 to $400,000 for families of service members who died or were killed on active duty, retroactive to October 7, 2001. As a cosponsor of legislation to increase the military death gratuity, I believe we must appropriately honor those that have made the ultimate sacrifice, and these benefit increases are one small gesture that Congress can make to demonstrate our respect. This legislation also demonstrates our nation's commitment to aiding those in dire need throughout the world. H.R. 1268 includes $656 million for disaster relief to the victims of the tsunami as well as essential peacekeeping and humanitarian assistance to Darfur.

However, I was deeply disappointed that the House leadership used a procedural move to attach the language of the REAL ID Act, which I opposed when the House considered it in February. The REAL ID Act would significantly alter our nation's asylum and immigration laws in the name of homeland security, though its provisions went far beyond the recommendations of the 9/11 Commission. The Senate has already registered some opposition to the REAL ID provisions, and I fear that their inclusion in the House's supplemental bill will slow down the process and prevent us from sending assistance to those who need it most.

Our primary responsibility should be to assist our men and women in uniform and to fulfill our promises to the nations that were devastated in the December tsunami. I urge my colleagues to move swiftly to pass this measure and to drop any extraneous provisions that would hinder this important funding.

Ms. MOORE of Wisconsin. Mr. Chairman, my opposition to the war in Iraq and criticism of the Administration's rationale for engaging our troops in this conflict have been well documented. As U.S. casualties mount, it is my hope that the Administration will craft a plan to facilitate the timely withdrawal of our forces. For this reason, I am a cosponsor of H. Con. Res. 35 which calls on the President to do so.

But in the meantime, despite these reservations, the cold, hard truth of the matter is that our soldiers are in Iraq not because they choose, but because they have been ordered there. And they are under fire every day. We must make every possible effort to ensure that our troops return home safely to their families.

The legislation before us today provides $51 million for "up-armored" Humvees which protect soldiers from anti-tank mines and armor-piercing munitions. It appropriates $611 million for add-on vehicle armor kits which provide critical protection to drivers and crews against attacks from Iraqi insurgents. Also included is $50 million for the radio jammers that are installed in our vehicles to prevent attempts by insurgents to explode remote controlled bombs and mines as our troops drive by.

This measure also provides critical increases in financial support to the families of our fallen soldiers. H.R. 1268 increases the military death gratuity from $12,000 to $100,000. This benefit provides an immediate cash payment to assist survivors of deceased members of the armed services. It also increases government subsidized life insurance benefits from $250,000 to $400,000.

The legislation also provides crucial assistance for emergency situations overseas. It would give $656 million in direct assistance for tsunami disaster relief for countries devastated by the December 26, 2004 earthquake and tsunami. In addition, $92 million in emergency funds are provided to respond to the humanitarian crisis in the Darfur region of Sudan where egregious ethnic cleansing has been occurring. Tens of thousands of men, women, and children have been killed during the violence and thousands more die every month in camps housing the nearly 2 million people who have fled their homes. $150 million in emergency food aid, mostly for Sudan and war-ravaged Liberia, was included in committee.

With a recent glimmer of hope and improved chances for a resolution in the Middle East, the bill provides $200 million for the West Bank and Gaza to help the forces for peace seize this opportunity. This includes $50 million for road and water infrastructure improvements, $50 million to improve the flow of people and goods into Israel, $24 million for trade promotion and capacity building, $20 million for schools and community centers, $16 million for democracy and rule of law programs, $15 million for agriculture production and marketing, and $13 million for health care.

Mr. Chairman, while I continue to have grave concerns about the President's war in Iraq, on balance this bill provides funds that will help protect our men and women under fire, gives additional help to the families of those who will never return home, helps consolidate the tentative gains in Israel and the Palestinian areas, and aids the peoples of other nations who face dire crises abroad. For these reasons, I will cast my vote in favor of the measure.

Mr. BLUMENAUER. Mr. Chairman, I reluctantly voted against this supplemental, not because there aren't many important items included in it, but because a "no" vote is one of the few things in my power to signal my deep opposition to the administration's policy in Iraq. At its core, this bill gives too much money to the wrong people to do the wrong thing. As I made clear from the beginning of this war the administration continues to have no plan for success in Iraq. They have no blueprint for winning the peace and have not even adequately protected our troops in harm's way.

I fully support the assistance to the tsunami-affected region, and hope it will be used wisely for recovery, reconstruction, and mitigation of future disasters. While we cannot prevent natural events such as floods, mudslides, volcanic eruptions, earthquakes, or tsunamis, we can reduce or mitigate their devastating impacts by helping communities to rebuild in safer locations, construct sturdier dwellings, and enhance natural ecosystems that mitigate the impact of these natural disasters.

I am pleased to see that there is funding to provide additional armor for our troops and vehicles in Iraq. I hope that they will use the funding provided by Congress to give our troops the protection that they need.

An amendment that I offered with Mr. MARKEY to prohibit funds for torture and for sending detainees to countries that practice torture passed. The use of torture and rendition is morally reprehensible, puts Americans at risk, is a poor way to obtain reliable information in our fight against terrorism, and sets back the cause of democracy. This is the very least that we can do as Congress continues to abdicate its responsibility to investigate this horrific aspect of administration policy.

Regardless of the merits, everyone should be troubled by the use of supplemental legislation to pay for regular military action in Iraq and Afghanistan. Funding these operations outside of the regular budgeting process limits our ability for effective oversight and distorts the true budget picture.

The Rules Committee burdened this legislation with all the flaws of H.R. 418, the "Real ID Act," which, among other things, placed the entire 7,514 mile border completely outside all legal protections. This is perhaps the most damaging single precedent since I've been in Congress.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in support of H.R. 1268, the War Supplemental Appropriations bill for FY 2005, which will provide funding for military operations and reconstruction activities in Iraq and Afghanistan, as well as important funds for tsunami relief and recovery.

The bill before us includes important changes made by the Appropriations Committee to the President's original budget request. These changes are essential to providing our servicemen and women the equipment and support they need to help keep them safe as they fulfill their important mission. Committed to the fact that the well-being of our troops is our highest priority, the Appropriations Committee increased funding by 69 percent more than requested for add-on vehicle armor kits; $401 million more, or twice the amount requested, for new trucks; and $50 million in unrequested funds for radio jammers to disrupt attempts by Iraqi insurgents to explode remote controlled bombs and mines.

The bill also includes important provisions to increase the military death gratuity from $12,000 to $100,000 and to provide subsidized life insurance benefits from $250,000 to $400,000 for families of soldiers who die or are killed on active duty, and we make these important provisions retroactive to the beginning of military operations on October 7, 2001. No amount can compensate for the death of a loved one, but an increase in these benefits that can help a family cope with the financial impact of a combat death is long overdue.

When the Appropriations Committee met, I strongly supported the Jackson amendment to add $150 million in food aid for Sudan, and I am pleased we have acted again today to add $100 million in additional disaster assistance. The United States has an obligation and opportunity to assist this troubled country, and I believe this additional funding sets an important example for the United Nations and other countries that still need to respond to the crisis in Sudan.

I have been very concerned about the lack of accountability by the Defense Department and the Administration as we provide them with enormous, although necessary, sums of money. While there has been some improvement, I am troubled that the Department of Defense has not submitted the required biannual report on the military operations of the armed forces and on the reconstruction activities administered by DOD in Iraq and Afghanistan. I know that Chairman JERRY LEWIS, Defense Appropriations Chairman BILL YOUNG and ranking members DAVID OBEY and JOHN MURTHA, as well as my colleagues on the full committee, have expressed similar concerns about DOD's lack of responsiveness.

I'm also troubled that the Administration continues to request emergency supplemental funds for military operations. We have been engaged in Afghanistan for over three years, and nearly three years have gone by since we invaded Iraq. Therefore, it is no surprise that funds are needed to support our service men and women overseas. The Administration should be building these costs into their regular budget submissions.

I am also disappointed that the Republican leadership failed to make in order an important amendment by Representatives HOOLEY and DELAURO to expand veterans' health care and mental health care. Our returning troops deserve whatever help they need to successfully transition to civilian life.

Finally, I am particularly angry that the Republican leadership is using this bill as a vehicle to move an unrelated piece of legislation, the Sensenbrenner "Real ID" immigration bill. The important bill before us provides critical resources for our service men and women overseas and badly needed disaster relief. It should not be used by the Republican leadership to fulfill their political promises. I hope the Senate will oppose this legislative gambit and confine the bill to address the serious needs it is intended to address.

However, in spite of my concerns, I believe it is our responsibility to provide our servicemen and women the resources necessary for them to fulfill their mission and come home safely. Protecting our troops, who are sacrificing so much on our behalf, and providing for their families, will always be my first priority, and that is why I am supporting this bill today.

Mr. PAUL. Mr. Chairman, I rise in opposition to this $82 billion "emergency" supplemental bill. I also am opposed to the manner in which the REAL ID Act, H.R. 418, was attached to the Rule, thereby stealthily making the establishment of a national ID part of an "emergency" bill to which it is completely unrelated. Once again we see controversial bills being hidden inside another bill so that they are automatically passed where they otherwise might face opposition. I do not believe this is a wise practice.

This "emergency" supplemental is the second largest supplemental appropriations bill in United States history, second only to the one last year. The funds will be considered "emergency" funds so Congress can ignore spending caps that would require the billions in new spending to be offset by reducing spending elsewhere.

We are told that this is emergency spending, and that we therefore must not question this enormous expenditure. Does an emergency require sending billions of American taxpayers' dollars overseas as foreign aid an emergency? This bill is filled with foreign aid spending. If we pass this ill-conceived legislation, we will spend $656 million for tsunami relief; $94 million for Darfur, Sudan; $150 million for food aid, most to Liberia and Sudan; $580 million for "peacekeeping" overseas; $582 million to build a new American embassy in Iraq; $76 million to build a new airport in Kuwait (one of the wealthiest countries on earth); $257 million for counter drug efforts in Afghanistan; $372 million for health, reconstruction, and alternative development programs to help farmers stop raising poppy; $200 million in economic aid for the Palestinians; $150 million for Pakistan (run by an unelected dictator); $200 million for Jordan; $34 million for Ukraine.

Does anyone really believe that all this foreign aid is "emergency" spending? Or is it just an opportunity for some off-budget spending? Just the above foreign aid equals almost $3.5 billion. Does anyone believe that sending this much money abroad as international welfare is a good thing for our economy?

Is there a baseball emergency? There must be, because this "emergency" supplemental contains a provision to allow Washington, D.C. to use taxpayer money to build a baseball stadium.

Mr. Chairman, this bill is almost unimaginably expensive. It is our out-of-control spending that really is the greatest threat to the United States and our way of life. I urge my colleagues to reject this legislation.

Ms. KILPATRICK. Mr. Chairman, I rise in reluctant support for the $81.1 billion emergency supplemental funding bill we are considering today. The only reason I am voting for the bill before us today is because it provides much needed equipment for our forces in theater, increases death gratuity to $100,000 for families of soldiers who have died or were killed on active duty. My support for this measure is tepid at best.

What troubles me the most about this bill are two key concerns: One, there are no mechanisms for tracking if the money is properly spent. There is simply no mechanism for improving accountability of how taxpayers' dollars are spent. The Defense Department wants to take the money and provide little detail to Congress on how these dollars are being used or abused. The American people have a right to know how these dollars are spent. And, two, by increasing investments in our war and defense efforts, we further constrain budgetary resources for investments in education, highways, community development, first responders, health care, public health and more. What is at stake here is the very welfare of our states and communities, who find themselves financially strapped because of the economic policies of this administration. Our domestic economy cannot continue to pursue this trend.

Despite my many misgivings over this spending bill, I will vote for its passage. We in Congress must call on the Defense Department to provide better accountability for the spending decisions it makes.

Ms. SOLIS. Mr. Chairman, today I voted in support of the Fiscal Year 2005 Iraq and Tsunami Relief Supplemental.

This decision was difficult for me. I strongly opposed the REAL ID Act of 2005. The REAL ID Act has no place on a bill to fund support for our military families and tsunami victims. In fact, I voted against H.R. 418 when it was considered by the U.S. House of Representatives on February 10, 2005. This type of political game was vicious attempt to portray those who believe REAL ID is a bad policy as unpatriotic, and I refuse to make servicemembers and their families' losers of that game.

I voted for this spending bill because it includes equipment and services that our troops and their families need desperately. It includes additional funds for health care services, mental health for veterans, active duty servicemembers and their families, and financial assistance to help members of the National Guard transition back into civilian life. This legislation also provides an increase in the amount of life insurance for troops, an increase in the death benefit for families of fallen military members, and provides additional funding so our troops have the armored humvees and personal protection they need while serving in Iraq.

With the knowledge we have today about the lack of protective equipment and inability of our system to serve military families, I do not believe that withholding funds from our military families and tsunami victims is the right way to solve the predicament the Bush Administration has created. I remain very concerned about the Bush Administration's lack of a clear exit strategy in Iraq and I will continue to fight for real immigration reform and for a clear plan so our troops can come home and democracy can thrive in an Iraq run by Iraqis.

Mrs. MALONEY. Mr. Chairman, the $81 billion that the President is requesting for the war in Iraq is his third request for emergency spending—and still there is no exit strategy and no plan for success in Iraq. This is a war that was sold to the American people and Members of Congress under false pretenses, and the American people cannot continue to fund indefinitely this administration's gross incompetence, particularly without any real oversight tied to it. The administration is rapidly bankrupting this country for this war, while starving our most important priorities here at home, such as homeland security, social security and education. The administration has raised the debt ceiling three times to a record $7.6 trillion, grown the largest budget deficit in our history, $412 billion last year, and expanded a record trade deficit of $619 billion.

Mr. Speaker, I support and honor the troops. My father is a veteran of World War II and my brother is a veteran of the Vietnam war. The National Guard's 42nd Infantry Division is made up of brave New Yorkers—I am deeply concerned for their safety. Which is why I was shocked and appalled when some photos straight from the 42nd I.D. in Tikrit were given to me recently.

Despite the billions already allocated for Iraq, these photos show humvees with metal sheets slapped on to their sides like makeshift armor; with empty oxygen canisters being used to anchor the soldiers' weapons; with junkyard quality doors. You can view these pictures for yourself on my website.

I want to know, why hasn't every cent we have appropriated gone to properly equip the troops until they are all safe and secure? Mr. Speaker, the lack of equipment for our troops is the most awful example of misspending of the money we have already allocated, but it is not the only one.

And then there are billions of dollars that we either can't find or that were spent unwisely. The Coalition Provisional Authority completely lost $9 billion in Iraq. And now we have reports that the administration actually assisted Haliburton in concealing at least more than $100 million in overcharges out of its $7 billion in no-bid contracts.

We must have stronger oversight. The administration should be able to tell the American taxpayer what is going on with its money in Iraq. There should be open and honest accounting. But even though previous spending bills set out specific requirements for reporting how the money is being spent and for an estimate of future costs, we have yet to receive either. How do mismanagement, poor decisions and no-bid contracts help our troops?

Certainly, there are parts of this supplemental spending bill that I strongly support. The $650 million for tsunami relief and reconstruction is very important, and my amendment that was accepted will designate $3 million specifically for the UNFPA's efforts to aid maternal health in the tsunami-stricken areas. I also support the provisions to aid the peace in the Sudan, as well as development assistance for the West Bank and Gaza.

Still, it is extremely troubling that we cannot get an honest accounting of the billions we are spending on this war. I'm deeply disappointed that the Republican House voted down an earlier amendment that would have ensured proper accounting of the money we spend. This administration needs to implement oversight and accountability, but it fails to do so. Before I can vote for another enormous expenditure of the American taxpayers' money for this war, I must be convinced that this administration will keeps tabs on the money and make sure it benefits our troops. Doing so is good for the war effort, and it's good for the troops.

We cannot continue to hemorrhage the hard-earned money of American taxpayers when the troops need it, and we need it here at home. There is no end in sight to the loss of lives on all sides, and this administration still has no answers.

Ms. BALDWIN. Mr. Chairman, yesterday I voted against passage of H.R. 1268, the Emergency Supplemental Appropriations for Iraq and Afghanistan and Tsunami Assistance bill.

In March 2003, before the war began, I wrote to the President with 22 of our colleagues to ask him to specifically define our objectives and to provide an exit strategy. We asked the President a number of questions including: "Under what circumstances will our military occupation of (and financial commitment to) Iraq end? And how will we know when these circumstances are present." We and the American people never received an answer to these crucial questions. Even today, the Administration is unwilling or unable to answer. This is simply unacceptable.

Time and again, the President has requested money to fund the war in Iraq while refusing to answer our questions about this war and provide a comprehensive strategy for bringing our troops home. In our democracy, the Congress controls the purse strings. Before allocating additional funds, we must insist that the administration articulate the conditions necessary to bring our troops home, and push them to do that as soon as possible. The administration's refusal to address that is quite astounding to me and should be of great concern to all Americans who believe in principles of accountability and checks and balances.

In addition to my concerns about a lack of overall strategy and benchmarks for success in Iraq, I am very disappointed with the administration's handling of Iraq spending, in both process and substance. Emergency supplemental spending should be reserved for true emergencies, those instances in which the need for expenditures is unforeseen or unforeseeable. The vast majority of funds in this supplemental fail to meet that criterion. Both last year and this year, the Administration excluded Iraq costs from their budget requests, although most of the costs could be estimated. Shortfalls or additional needs then could have been funded through a supplemental. That is the proper way to manage taxpayer funds.

I want to make it clear that I believe that our men and women in the armed forces serving in Iraq are doing their jobs with great honor. They have my unequivocal support and respect. My vote against this spending bill should not be characterized as a rejection of them or the resources they need to carry out their duties, If this bill had been defeated yesterday, funds would have continued to flow to Iraq tomorrow and over the next few months. Voting down this bill would have allowed ample time for the President to respond to our concerns and resubmit his funding request.

Ms. DEGETTE. Mr. Chairman, despite many reservations, I am supporting the bill before us today because I believe it is essential that this body unequivocally supports our troops in the field and their families here at home. By providing $2 billion more than the President's request for equipment and munitions, this bill will help to ensure that soldiers in the field finally have the body armor, night vision equipment, and vehicle armor they should have had since military operations began in Iraq. Additionally, by significantly increasing the Military Death Gratuity and the Subsidized Life Insurance benefit, this bill will help to guarantee that the families of deceased soldiers will have adequate financial resources in their time of need.

While it is critical that this bill provides soldiers and their families with the protection and benefits they so rightfully deserve, I remain deeply concerned that it continues to leave the Administration and the Department of Defense unaccountable for the expenditures in Iraq. I am distressed by the alleged reports of waste, corruption and mismanagement of previous funds earmarked for the military operations and reconstruction in Iraq. Further, I am troubled to learn that, according to several studies, only a portion of every dollar spent on rebuilding Iraq has gone to improving the lives of Iraqis. Unfortunately, the efforts made by me and other members of Congress to insert accountability and transparency into the funding process, including the most recent bipartisan effort to establish a commission to investigate the costs of the reconstruction in Iraq, have been repeatedly rejected by the Majority in Congress.

I am similarly disappointed that this administration insists on funding the war in Iraq using the emergency appropriations process—a process that should be reserved for true emergencies, like tsunami relief. While the Bush administration claims that it excludes these costs from the annual budget process because it cannot anticipate future war costs, the true reason for this exclusion is to make the already massive deficit look slightly, albeit artificially, lower. This administration is therefore abusing the emergency appropriations process in order to help obscure and hide the extent of its fiscal recklessness from the American people. This is the same sort of fuzzy accounting that was employed by the likes of Enron and WorldCom, and yet, while those corporations were ultimately held accountable, this Administration continues not to be.

While I have significant ideological problems with this bill, I cannot in good faith turn my back on the courageous men and women who have so valiantly served to preserve the peace in Iraq. They deserve to enter the battlefield with adequate armor and equipment and are similarly entitled to an increase in benefits for them and for their families. However, I vote in favor of this bill with the sincere hope that this is the last time the administration abuses the emergency appropriations process and comes to this body with such a request.

Mr. CAPUANO. Mr. Chairman, I voted against H.R. 1268 "The Emergency Supplemental Bill for Fiscal Year 2005." While it contained some good measures, humanitarian assistance for Darfur, funds for tsunami relief and aid to support the newly elected leadership of the Palestinian Authority, like many pieces of legislation these days, it also contained an egregious and completely non-germane addition, the REAL ID Bill. I already voted against this bill. It fails to make us safer and it does nothing to reform our immigration laws in useful ways. Instead of focusing on meaningful reform, this bill makes it much more difficult for an immigrant fleeing persecution to find asylum in our country, and essentially mandates a national identity card.

This vote was primarily about our ongoing military operations in Afghanistan and Iraq. I supported the use of force in Afghanistan. The Taliban regime sheltered and supported al Qaeda terrorists who attacked our country and made plain its determination to continue. I wish we had committed sufficient troops and resources to complete our mission in Afghanistan, kill or capture Osama bin Laden, and commit to the country's reconstruction. I voted against the use of force in Iraq. I wish I had been wrong, but all that I feared has come to pass. Weapons of mass destruction have not been found. Terrible slaughter continues and civil war may yet break out. But the ongoing violence in Iraq does not constitute a budgetary emergency and should not have been unforeseen. We were at war when the FY05 budget was proposed. Why then the pretense of a Supplemental Budget?

I honor the sacrifice of our soldiers and their families and the courage of the millions of Iraqis who risked their lives to vote in a free election. I hope that their elected leaders will deserve their trust and that they will negotiate an inclusive government and draft a constitution that respects human rights. I hope they can demonstrate a prudence and foresight that our own government has not shown. I voted for the FY05 Department of Defense appropriations bill and I hope that I will be able to vote for the FY06 Defense appropriations as well. My vote was a vote of no confidence in the President and in his conduct of foreign affairs.

Mr. HOLT. Mr. Chairman, I rise in opposition to passage of this bill.

There are large amounts of funding in this bill that I support for pressing commitments and to meet urgent national and international needs. For example, I absolutely support getting our troops in Iraq, Afghanistan and elsewhere all that they need and deserve in order to protect themselves and carry out their very difficult and dangerous missions. I was among the first to speak out and support legislation in 2003, when it became apparent that Secretary Rumsfeld and his advisors had seriously underestimated the types of body armor, up-armored Humvees and other equipment that would be needed by our forces in Iraq. I have voted for the additional funding in prior measures to correct for these miscalculations, as a matter of the utmost urgency, and I will continue to do so.

Similarly, I support the additional funding in this bill for enhancing nuclear nonproliferation efforts to help prevent weapons of mass destruction from getting into the wrong hands. I also support the additional funds for tsunami relief. There is also another down payment in this bill toward improving homeland security efforts in the Coast Guard, FBI, and other front-line agencies, but we need to be doing much more in this regard.

However, on balance I must oppose this legislation.

I've talked to many executive branch officials, civilian and military, and the simple reality is that they cannot plan in a coherent fashion when they are forced to deal with the uncertainty over how much money they will get and when they will get it. This bill denies them the ability to plan and the result is that our servicemen and women in the filed are put in greater jeopardy. This is not a bill to support our troops.

By way of illustration, I serve on the House Permanent Select Committee on Intelligence. A substantial portion of the annual intelligence budget is now funded through supplemental and/or so-called "emergency" appropriations. Both civilian and military intelligence officials have told me and my colleagues on the committee that this process wreaks havoc with their ability to plan and execute their assigned responsibilities. There is simply no excuse for this state of affairs.

We have soldiers in the field, and we know that we'll be continuing military operations against al Qaeda and its surrogates for the foreseeable future. We know that as long as we're in Iraq at our current force level, we'll be spending about $7 billion a month for the effort. That's not unforeseen. We should not be funding these operations through emergency supplemental appropriations. It certainly appears that the only reason the Bush Administration continues to try to fund current operations through supplementals is to avoid any kind of substantive review of its budgetary and procurement policies. The entire Haliburton episode is a prime example of how dysfunctional this process has become, and it's also why we must force the administration to provide us with honest budgets and honest estimates on what current and future operations are likely to cost. In fact, the leadership here turned down a bipartisan amendment that would simply have formed a commission to look at the awarding and carrying out of Govemment contracts to conduct military and reconstruction activities in Iraq and Afghanistan.

It has become painfully apparent that the path toward a free, democratic and fully reconstructed Iraq will be long and treacherous. If and when this bill is enacted, the cost for the war in Iraq and the ongoing military occupation of that country will exceed $220 billion. In fact, the true costs of this effort are underestimated and masked, as evidenced by the fact that they are not accounted for in the new Fiscal Year 2006 budget that President Bush submitted to Congress last month. Some projections suggest that the cost will top $300 billion before the end of this year. And as far as taking care of the wounds of war—physical and psychological—of our latest generation of veterans, neither this supplemental nor the administration's FY06 VA budget request come remotely close to meeting the expected need, undoubtedly one of the many reasons that most of the military services are falling short of their recruiting targets this year.

Rather than continue the status quo on an open-ended, costly basis and to vote ever-increasing amounts in "emergency spending," Congress must demand much greater transparency in the management and spending for ongoing U.S. military operations in Iraq. Even more important, we need a thorough policy review that will help bring internal stability and security throughout Iraq and create the conditions under which the long-suffering people of Iraq can regain full control of their own affairs and make rapid progress in rebuilding their war-torn nation in a new era of peace, security, and democratic self-government. This supplemental request does not achieve that, and I urge my colleagues to work with me to craft one that does.

Mr. BECERRA. Mr. Chairman, while I will support the bill before the House today, I will do so with deep and serious reservations.

In October of 2002, I cast an important vote to deny the President authorization to send American troops into Iraq to strike unilaterally. I thought then, and I know now, that his actions were not the best course for our nation.

One year later in October of 2003, I made yet another testing decision to oppose legislation, which on the one hand allocated $87 billion to support American operations in Iraq but on the other hand lacked accountability for these taxpayer dollars and placed the mounting cost of rebuilding Iraq and Afghanistan squarely on the shoulders of our children and grandchildren.

The apprehensions I had then about sending America's sons and daughters into harm's way in Iraq and about signing a blank check for this military adventure, have now materialized. Congress is now attempting to address the glaring consequences of an ill-advised, preemptive and unilateral military action through this third emergency supplemental appropriation of $81.4 billion. To date—and I say "to date" because there is no end in sight—President Bush has directed over $275 billion of taxpayers' monies away from schools, healthcare, Social Security, and the like to pay for his decision to go to war in Iraq.

Today we know that President Bush's premise for commencing a war against Iraq—the alleged weapons of mass destruction possessed by Saddam Hussein—was not true.

The Bush administration's confident prediction of a quick and easy victory followed by a quick return home for our troops has become a nightmare. And now the administration refuses to commit to a time-table for the withdrawal of our troops from Iraq.

The Bush administration's estimate that reconstruction in Iraq would cost between $1 and $2 billion and could be financed by Iraqi oil revenues has now turned into a reconstruction quagmire. We hear more about military contractor Halliburton's billing excesses and contract abuses than about any rebuilt school or hospital.

In terms of accountability, the Inspector General has reported that almost $9 billion in funds designated for reconstruction efforts have been mishandled and remain unaccounted for. The FY 2005 Defense Appropriations Act passed in July of 2004 instructed the Department of Defense to submit two accountability reports to Congress, one by October 31, 2004, and the other by January 1, 2005. In these reports, the Pentagon must provide a comprehensive review of all military operations, including reconstruction and military readiness, and provide detailed cost estimates for these operations. Congress has yet to receive either report or any concrete information about the future costs of this war.

I still do not believe that our troops should have been in Iraq under these conditions, facing these obstacles virtually alone, fighting battles for which the Pentagon did not properly plan or prepare. But with over 150,000 of America's brave men and women still in Iraq, it would be difficult to cast a vote against providing the much-needed funds that this supplemental provides to them. Far too many of our soldiers have died and remain in harm's way because of their superiors' miscalculations. As long as our troops remain in harm's way, it is our duty to provide them all of the equipment, tools, vehicles, weapons, and benefits that they need and deserve to protect themselves and give democracy a chance in Iraq.

Democrats have fought hard to include accountability measures in this legislation, to extract from it extraneous and unnecessary projects, and to focus America's precious taxpayer dollars on resources for our nation's veterans and troops. This bill, unlike previous Bush administration requests, allocates the dollars for armor and equipment that our troops on the ground need if they must patrol the streets and roads of Iraq. Democrats also fought hard to cure deficiencies in the bill which put at risk increased death benefits and life insurance for the families of our fallen soldiers.

Unfortunately, despite $9 billion of unaccounted funds, an amendment by Mr. TIERNEY of Massachusetts that would have provided $5 million to establish a select committee to investigate reconstruction efforts in Iraq and Afghanistan was defeated by my Republican colleagues. The Bush administration, it seems, will continue to spend money without adequate oversight and accountability.

Additionally, the bill includes funding for extraneous non-emergency projects that would more properly be addressed through the regular appropriations process. While some of these projects were removed on the House floor through the amendment process, funding for unrelated military construction and $4.6 billion for an Army "transformation" plan remain.

Most blatant of all the extraneous provisions are those of H.R. 418, the REAL ID Act, which the Republican procedural rule has allowed to be attached to this supplemental following its passage. The immigration policies of our nation deserve a proper and thorough debate, and legislation that provides emergency funding for our troops, for humanitarian aid, and for foreign assistance is not the appropriate vehicle to enact the sweeping, controversial immigration policy embodied in HR 418.

I will support H.R. 1268 because of the critical funds and resources that it provides to our troops and their families. However, as this bill moves forward I will work with my colleagues to ensure that my concerns are addressed in the final version of the bill that comes back for final approval after joint House and Senate consideration. I do not foreclose the possibility of voting against the final version of this legislation should it come back in a form departing further from its core purpose of focusing on our men and women in uniform. These are the tough decisions, and they must be made in the best interest of the American people.

Ms. McCOLLUM of Minnesota. Mr. Chairman, all Americans stand united in support of our troops. However, President Bush has no strategy for success in Iraq. Therefore, I rise in opposition to the Emergency Wartime Supplemental Appropriation (H.R. 1268) and my vote today is a vote of no confidence in this administration's ad hoc Iraq policy.

Tragically, more than 1,500 American troops have been killed in Iraq and there is no end in sight to this war. The President's "coalition of the willing" is dissolving as Italy and the Netherlands become the most recent countries deciding to withdraw their troops from Iraq. The U.S. continues to bear the enormous burden of this conflict militarily and financially. With this $75 billion, as well as the $25 billion approved earlier this year, we have now spent $250 billion in Iraq.

Most outrageous is the fact that not $1 of the more than $200 billion spent on this war has been paid for. Congress has now borrowed over $250 billion from foreign countries like Saudi Arabia, China, and Japan. Every dollar plus interest will be paid for by the men and women who are fighting as well as their children.

There are some real emergencies funded in this bill. I support U.S. assistance for tsunami relief and recovery as well as for peacekeeping operations, emergency funds and food aid to the Darfur region of Sudan. The generous assistance of the American people in these two serious crises is saving lives and having a tremendous impact.

This administration's failures of leadership in Iraq demands extensive Congressional oversight and accountability, not another blank check. The current policy is unsustainable. If Americans are to continue to bear the burden of securing and rebuilding Iraq, rather than approving a blank check, we deserve a plan for success and an exit strategy for America's troops.

The CHAIRMAN. There are no further amendments in order. The Clerk will report the last three lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005".

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PUTNAM) having assumed the chair, Mr. THORNBERRY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1268) making emergency supplemental appropriations for the fiscal year ending September 30, 2005, and for other purposes, pursuant to House Resolution 151, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MS. HOOLEY

Ms. HOOLEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. HOOLEY. I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore (Mr. PUTNAM). The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. HOOLEY moves to recommit the bill, H.R. 1268, to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment:

THE MILITARY HEALTH CARE AND JOB RETRAINING TRANSITIONAL BENEFITS AMENDMENT

On page 6, line 7, after the dollar figure, insert "(increased by $50,000,000)".

On page 35, line 10, after the dollar figure, insert "(increased by $100,000,000)".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Oregon (Ms. HOOLEY) is recognized for 5 minutes in support of her motion.

Ms. HOOLEY. Mr. Speaker, I rise today to offer a motion to recommit that would provide $100 million in health and $50 million in job training transitional assistance to help active duty forces make the transition to the veterans benefits system.

The gentleman from Washington (Mr. BAIRD) and I have been working on this issue together and trying to add $1.3 billion for VA health care and reintegration services. While our amendment was ruled not in order, we now have a chance to ensure that this supplemental includes at least some funding for vital health and employment services.

America is currently asking more of its all-volunteer military force than it ever has before. Yet even as America prepares to continue its large and prolonged military campaign in Iraq, it has done very little to provide for the veterans of this war. Our obligation to support our troops does not end when they leave Iraq.

But how are we supposed to provide adequate health care to these new veterans when we did not even meet the needs of our current veterans? The fiscal year 2005 Omnibus was $1.3 billion short in the amount that then Secretary Principi, as well as the House Committee on Veterans' Affairs, stated was needed to just maintain the current level of veterans health care.

We also need to make sure that our returning soldiers have the readjustment assistance they need, particularly for members of the Guard and Reserve. You have to understand, these members do not go back to a base, they go back to their home State and then are scattered throughout that State. Members of the National Guard returning home face immense challenges in transitioning out of active duty deployment and back to civilian life. While the State Guard offices are working to provide these returning soldiers with important information regarding their health care, employment assistance and other transitional services, they simply do not have the money they need to complete the education and counseling necessary for a smooth transition back to civilian life. I think our returning soldiers deserve better.

Mr. Speaker, I urge my colleagues to support this motion to recommit and keep our promise to our Nation's veterans.

Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, let me simply congratulate the gentlewoman from Oregon (Ms. HOOLEY) for her motion. I would hope that every Member supports it. I think that the contents of it are important. In fact, we need to go further. We have increased in this bill insurance benefits for service men and women who die up to $400,000, but service men and women who come back from combat who are brain damaged, who have lost their sight, who have lost their arms, who have lost their legs, they come back to really very little assistance from Uncle Sam.

In addition to what the gentlewoman is talking about, we also need to be looking at the huge hole that still exists in the earning power of those individuals, and we need to do a whole lot more than we are doing today.

I think the Hooley amendment is a great start, and I would urge every Member of the House to vote for it.

Mr. LEWIS of California. Mr. Speaker, I rise to claim the time in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes in opposition.

Mr. LEWIS of California. Mr. Speaker, I rise in opposition to the motion to recommit largely because I believe on both sides of the aisle the body recognizes that the reason for this supplemental is to provide as quickly as possible money flows in support of our troops.

This is a supplemental dealing with our challenges in the Middle East especially. It is a supplemental dealing with the crises that have resulted from the tsunami. But, in the meantime, the gentlewoman is suggesting that we should recommit this bill to add $150 million. The best thing that we can do for our troops is to move this bill very quickly and send it on its way for a conference with the Senate. There is absolutely no question that to have a recommittal motion be successful that would add $150 million to an $82 billion package, the vast percentage of which is in support of our troops, at best is a technical exercise.

☐ 1130

To recommit for the sake of recommitting is not a reflection of how seriously we are taking the challenge we have of supporting our troops. So I rise in opposition to the motion to recommit, and I urge Members on both sides of the aisle to recognize that we must move forward with this supplemental.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PUTNAM). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Ms. HOOLEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 200, noes 229, not voting 5, as follows:

[Roll No. 76]

AYES—200

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar

Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—229

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—5

Baird
Cubin
Roybal-Allard
Smith (NJ)
Sweeney

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1153

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. PUTNAM). The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 388, nays 43, not voting 3, as follows:

[Roll No. 77]

YEAS—388

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Oxley
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—43

Abercrombie
Baldwin
Blumenauer
Capuano
Clay
Coble
Davis (IL)
Duncan
Farr
Filner
Frank (MA)
Grijalva
Hastings (FL)
Hinchey
Holt
Jackson-Lee (TX)
Kucinich
Lee
Lewis (GA)
Maloney
Markey
McCollum (MN)
McDermott
McGovern
McKinney
Meehan
Miller, George
Owens
Pallone
Paul
Payne
Rangel
Sanders
Schakowsky
Serrano
Stark
Thompson (CA)
Tierney
Towns
Velázquez
Waters
Weiner
Woolsey

NOT VOTING—3

Baird
Cubin
Sweeney

□ 1201

Mrs. JONES of Ohio changed her vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 151, the text of H.R. 418, as passed by the House, will be appended to the engrossment of H.R. 1268.

(For text of H.R. 418, see prior proceedings of the House of February 10, 2005, at Page 2011.)

THANKING STAFF AND MEMBERS FOR ASSISTANCE ON H.R. 1268

(Mr. LEWIS of California asked and was given permission to address the House for 1 minute.)

Mr. LEWIS of California. Mr. Speaker, I very much appreciate the Chair giving me a moment to express my deepest appreciation to the entire House for the way they handled the discussion on the bill that has just been passed.

I especially want to express my appreciation for the fabulous staff work on both sides of the aisle who allowed us to move this bill as expeditiously as we have.

The bill involves sizeable amounts of money designed essentially to support our troops, wherever they may be, but especially in the Middle East.

Mr. Speaker, I want to also express my deep appreciation to my colleague, the gentleman from Wisconsin (Mr. OBEY), who cooperated every step of the way, a demonstration that we do not have to agree on everything; but in terms of supporting our troops we are in agreement. I very much appreciate the work of the House, as well as the committee.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later in the day.

AMENDING INTERNAL REVENUE CODE OF 1986 EXTENDING LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE

Mr. CHOCOLA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1270) to amend the Internal Revenue Code of 1986 to extend the Leaking Underground Storage Tank Trust Fund financing rate.

The Clerk read as follows:

H.R. 1270

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE.

(a) IN GENERAL.—Paragraph (3) of section 4081(d) of the Internal Revenue Code of 1986 (relating to Leaking Underground Storage Tank Trust Fund financing rate) is amended by striking "April 1, 2005" and inserting "October 1, 2005".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. CHOCOLA) and the gentleman from California (Mr. STARK) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. CHOCOLA).

GENERAL LEAVE

Mr. CHOCOLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. CHOCOLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1270, which would extend financing for the Leaking Underground Storage Tank Trust Fund. The Leaking Underground Storage Tank Trust Fund is financed with an excise tax of 0.1 cent per gallon imposed on the sale of gasoline, diesel, and other motor fuels. This tax is set to expire on March 31, 2005.

This bill would extend the trust fund's financing through September 30, 2005, the same date that the other motor fuels excise taxes expire. The administration supports the extension of this financing.

Monies appropriated from the leaking underground storage tank trust fund are used for detention, prevention, and cleanup of leaking underground storage tanks. Leaking tanks can contaminate groundwater that is ultimately used for drinking.

Since this program began in 1984, the program closed nearly 1.6 million tanks and reduced the severity of leaks from underground storage tank systems that remain in service. Approximately 675,000 tanks remain in service and are subject to regulations. However, there remains a backlog of over 100,000 sites that require remedial action. Extending the tax for 6 months will allow us time to discuss possible reforms to the program while not allowing for the disruption of the collection of the tax.

I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to inquire how long has it been since we have really had any fun around here, and would it not be a lot better if we just cut out this leaking underground storage tank stuff; we are talking about a LUST bill. I thought we might as well get that on the record and endure whatever the smirks are, because it is really an important bill. It is not controversial. It is a straightforward extension for 6 months, and I got a smile from Mr. Speaker.

It is a 0.1 cent per gallon excise tax. It will go to clean up drinking water and the environment. I appreciate the support of the gentleman from Indiana (Mr. CHOCOLA) for this bill and look forward to its passage.

Mrs. CAPPS. Mr. Speaker, I am pleased that the House is continuing the funding mechanism for the Leaking Underground Storage Tank Fund or LUST fund.

Across this country there are hundreds of thousands of leaking underground storage tanks.

Many, if not most, of these have MTBE in them and have been linked to the contamination of groundwater in thousands of communities.

So it is important that we continue funding for the Trust Fund that helps communities get these messes cleaned up where responsible parties can't be found.

But I agree with my colleagues who, noting the needs that are out there, have called for a longer extension of this funding mechanism.

Clearly, we have to give states more support and the ability to know that the LUST fund will back up their efforts.

Mr. Speaker, I believe it is also important to note how inadequate the efforts of this Administration have been in addressing the problem of leaking tanks.

For example, the LUST fund could take in approximately $200 million in revenues this year alone.

And yet the Administration proposes to spend only slightly more than a third of that to address the problems caused by these leaking tanks.

This is a completely inadequate response to addressing the 136,000 spills across the country.

We should be spending more to help these communities clean up.

We should also be enacting common sense reforms like requiring secondary containment for underground storage tanks.

We should be requiring more frequent inspections of all underground tanks.

And we shouldn't be taking steps like those in the energy bill that would weaken "polluter pay" laws.

The energy bill as currently drafted weakens EPA's ability to recover the money they spend to clean up sites.

We have to continue holding polluters accountable for the damage they cause.

So while I will support this bill, I believe we should be doing much more.

Ms. SOLIS. Mr. Speaker, I rise today in support of cleanup of leaking underground storage tanks and this bill to extend part of the funding source for this program. However, I am concerned that this resolution only guarantees this funding source through October 1, 2005.

Leaking gasoline tanks are a major problem in this country. There are currently 136,000 leaking tanks across the country. More than 36,000 of these are in California—more than 100 currently leaking in my district alone. Seventy-five percent of these leaking tanks could release MTBE into our groundwater supplies. This problem is not going away.

The EPA estimates that over the next 10 years 120,000 more tanks could leak. That means 120,000 more communities polluted—harming their soil and water and public health and leaving communities with the cleanup bill.

To put it in perspective, cleanup from MTBE alone could cost at least $28 billion.

So while I support this legislation, the cleanup problem is much bigger than a 6 month extension—our communities and states deserve a real funding commitment.

Ironically, while we are here today talking about ensuring funding for 6 months, the current energy bill, like last session's bill, threatens to gut the program.

Last year language was inserted in the energy bill which would largely gut this program which our communities and water providers depend on.

Changes to this program in the energy bill restrict the Environmental Protection Agency from getting money for cleanups from polluters—therefore rewarding polluters at the expense of working families, communities and states.

Taxpayers should not shoulder the burden of cleanup costs.

Language in the energy bill also fails to require that tanks be inspected every 3 years as recommended by the General Accounting Office. In fact, under the energy bill, it could be six years before these tanks are inspected.

Adopting more stringent inspection requirements is a common sense proposal, one that will save taxpayers money and prevent unnecessary threats to our water supplies.

Finally, the energy bill fails to require secondary containment.

More than 20 states already require at least secondary containment because these states recognize the savings to taxpayers, water providers and redevelopers from preventing contaminated soil and water.

So while we are here today committing ourselves to a 6 month funding of the program, we are also preparing to unnecessarily gut important principles.

This program helps protect the health and water security of my constituents.

Changes to this program should not be done haphazardly in the energy bill. We owe it to our constituents and communities who deal with leaking tanks to not shove random provisions into legislation.

Mr. Speaker I support this bill and urge my colleagues to support it to guarantee at least some funding for cleanup, but I also urge my colleagues to seriously reject the changes to the Leaking Underground Storage Tank program included in the energy bill.

Mr. GILLMOR. Mr. Speaker, I rise in reluctant support of H.R. 1270, legislation to extend, for 6 months, the tax that finances the Leaking Underground Storage Tank, LUST, Trust Fund.

As chairman of the House Energy and Commerce Subcommittee on Environment and Hazardous Materials, I have spent the last couple of Congresses getting familiar with the LUST program. I think the goal behind this program—and its tax—is important. The LUST program, though well intentioned, is unable to realize its full potential because of the way Congress operates it.

Congress first initiated this tax in 1986 primarily through a 0.1 cent-per-gallon motor fuels tax. The LUST tax generated roughly $150 million per year over a 9-year period, and more than $1.6 billion was collected for the fund before the taxing authority expired in December 1995. Congress reinstated the LUST tax through the Taxpayer Relief Act of 1997, Public Law 105–34, from October 1, 1997, through March 31, 2005. In fiscal year 2004, the LUST tax generated $192.9 million in revenues, and the fund earned $66.7 million in interest on an accrual basis. At the end of 2004, the fund's net assets were $2.33 billion.

This is all well and good, but Congress has had a history of making annual appropriations in an amount that is close to the amount of interest that the LUST Trust Fund earns each year. In fact, the appropriated amount is much less than the annual revenues created each year by this tax. The LUST Trust Fund has been used by Presidents and Members of Congress in both parties to balance their books rather than protect and clean up groundwater pollution that was released from these tanks.

Mr. Speaker, myopic views of LUST have helped to create the program deficits facing LUST and extending the LUST tax cannot be thoughtfully considered unless it is looked at as a whole. Several experts, including the Government Accountability Office, have testified before the Energy and Commerce Subcommittee on Environment and Hazardous Materials that the LUST Trust Fund should be spent in greater quantity and that these amounts should help encourage inspection requirements, operator training, and more cleanup. These are important LUST program reforms that must be secured in order to make the justification of a LUST Trust Fund, and the tax that finances it, solid public policy arguments.

Again, while I am not going to oppose this bill on this day, it is essential that prior to another extension of the LUST tax that, at a minimum, reform to the LUST program be coupled with any extension of the tax. These reforms have passed the House on two occasions last year and are currently contained in the energy bill discussion draft currently before the Committee on Energy and Commerce. I am hopeful we can get these reforms enacted soon.

Mr. STARK. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CHOCOLA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. CHOCOLA) that the House suspend the rules and pass the bill, H.R. 1270.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. CHOCOLA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPRESSING GRAVE CONCERN OF CONGRESS REGARDING PASSAGE OF ANTI-SECESSION LAW BY NATIONAL PEOPLE'S CONGRESS OF PEOPLE'S REPUBLIC OF CHINA

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 98) expressing the grave concern of Congress regarding the recent passage of the anti-secession law by the National People's Congress of the People's Republic of China.

The Clerk read as follows:

H. CON. RES. 98

Whereas on December 9, 2003, President George W. Bush stated it is the policy of the United States to "oppose any unilateral decision, by either China or Taiwan, to change the status quo";

Whereas in the past few years, the Government of the United States has urged both Taiwan and the People's Republic of China to maintain restraint;

Whereas the National People's Congress of the People's Republic of China passed its anti-secession law on March 14, 2005, which constitutes a unilateral change to the status quo in the Taiwan Strait;

Whereas the passage of China's anti-secession law escalates tensions between Taiwan and the People's Republic of China and is an impediment to cross-strait dialogue;

Whereas the purpose of China's anti-secession law is to create a legal framework for possible use of force against Taiwan and mandates Chinese military action under certain circumstances, including when "possibilities for a peaceful reunification should be completely exhausted";

Whereas the Department of Defense's Report on the Military Power of the People's Republic of China for Fiscal Year 2004 documents that, as of 2003, the Government of the People's Republic of China had deployed approximately 500 short-range ballistic missiles against Taiwan;

Whereas the escalating arms buildup of missiles and other offensive weapons by the People's Republic of China in areas adjacent to the Taiwan Strait is a threat to the peace and security of the Western Pacific area;

Whereas given the recent positive developments in cross-strait relations, including the Lunar New Year charter flights and new proposals for cross-strait exchanges, it is particularly unfortunate that the National People's Congress adopted this legislation;

Whereas since its enactment in 1979, the Taiwan Relations Act (22 U.S.C. 3301 et seq.), which codified in law the basis for continued commercial, cultural, and other relations between the people of the United States and the people of Taiwan, has been instrumental in maintaining peace, security, and stability in the Taiwan Strait;

Whereas section 2(b)(2) of the Taiwan Relations Act declares that "peace and stability in the area are in the political, security, and economic interests of the United States, and are matters of international concern";

Whereas, at the time the Taiwan Relations Act was enacted into law, section 2(b)(3) of such Act made clear that the United States decision to establish diplomatic relations with the People's Republic of China rested upon the expectation that the future of Taiwan would be determined by peaceful means;

Whereas section 2(b)(4) of the Taiwan Relations Act declares it the policy of the United States "to consider any effort to determine the future of Taiwan by other than peaceful means, including by boycotts or embargoes, a threat to the peace and security of the Western Pacific area and of grave concern to the United States";

Whereas section 2(b)(6) of the Taiwan Relations Act declares it the policy of the United States "to maintain the capacity of the United States to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan"; and

Whereas any attempt to determine Taiwan's future by other than peaceful means and other than with the express consent of the people of Taiwan would be considered of grave concern to the United States: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the anti-secession law of the People's Republic of China provides a legal justification for the use of force against Taiwan, altering the status quo in the region, and thus is of grave concern to the United States;

(2) the President of the United States should direct all appropriate officials of the United States Government to reflect the grave concern with which the United States views the passage of China's anti-secession law in particular, and the growing Chinese military threats to Taiwan in general, to their counterpart officials in the Government of the People's Republic of China;

(3) the Government of the United States should reaffirm its policy that the future of Taiwan should be resolved by peaceful means and with the consent of the people of Taiwan; and

(4) the Government of the United States should continue to encourage dialogue between Taiwan and the People's Republic of China.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to voice strong support for a resolution authored by the gentleman from Illinois (Mr. HYDE) which expresses the grave concern of the Congress over the adoption by the National People's Congress of the People's Republic of China on March 14 of an anti-secession law. Beijing's ill-advised action constitutes not only a unilateral change in the current status quo in the Taiwan Strait, but also provides a legal framework for military action against Taiwan when "possibilities for a peaceful reunification have been completely exhausted."

Adoption of this law followed upon by a threat, made in China's Defense Policy White Paper, released on December 17, 2004, to "crush" any attempt to split Taiwan from China, noting its "sacred responsibility" of the People's Liberation Army to stop any attempt at splitting the country.

We are all aware as to how seriously the PLA takes its "sacred responsibility" to further the goals dictated by the Communist regime in Beijing. When the PLA was presented with a clear choice between serving the people or obeying the orders of the leaders of the Communist party on June 4, 1989, a day of infamy, the tanks rolled into Tiananmen Square and Chinese blood was spilled by fellow Chinese.

Thus, we should not assume that the attempt in the anti-secession law to provide a legal justification for the use of force against the people of Taiwan is an idle threat. History shows that this is not the case.

Mr. Speaker, President Bush, in welcoming the Chinese Premier to Washington on December 9, 2003, made Chinese policy crystal clear with regard to this issue. President Bush stated, "We oppose any unilateral decision by either China or Taiwan to change the status quo." At the time the President spoke firmly concerning attempts by Taiwan's President to unilaterally change the status quo.

Well, what is good for the goose is good for the gander. Beijing's unilateral attempt to change the status quo must be vigorously opposed by both the administration and the Congress. The Congress, in particular, is obliged, under commitments made in the Taiwan Relations Act, not to remain silent when confronted by this challenge from Beijing. The Taiwan Relations Act clearly and unequivocally states: "It is the policy of the United States to consider any effort to determine the future of Taiwan by other than peaceful means a threat to the peace and security of the Western Pacific area and of grave concern to the United States."

Beijing's new anti-secession law clearly qualifies as such an effort to determine the future of Taiwan by other than peaceful means and thus represents a grave concern to the United States of America.

Mr. Speaker, Beijing's reckless action comes at a time when there were signs of renewed thawing in the cross-strait relations which gave some cause for optimism over the ultimate peaceful resolution of this issue.

The commencement of the Lunar New Year's holiday of cross-strait charter flights, the continued movement of Taiwanese to the mainland, increasing cross-strait commercial investment, and the arrival of mainland representatives in Taipei to attend the funeral of a leading negotiator for Taiwan on cross-strait issues were all extremely positive signs.

It is unfortunate, however, that Beijing has chosen once again to be its own worst enemy by dissipating all the goodwill generated through such gestures by stubbornly pursuing this provocative and ill-timed measure.

Contrary to the observation of Chairman Mao, cross-strait issues will never be solved by resorting to the barrel of a gun.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution, and first I would like to express my appreciation to the gentleman from Illinois (Mr. HYDE) for introducing this important and timely resolution and for moving it so expeditiously to the floor. I also want to express my gratitude for his support to the gentleman from New Jersey (Mr. SMITH). I am proud to be the lead Democratic sponsor of this important measure.

Mr. Speaker, I just returned from visiting both China and Taiwan a few weeks ago. I cautioned in both places prudence, moderation, stability, no precipitous action, no turmoil. The lives of the people of Taiwan and the People's Republic of China are increasingly intertwined. More than half a million Taiwanese now live on the mainland. Nonstop charter flights between Taiwan and the mainland were launched during the Lunar New Year, and both sides are actively exploring new options for a variety of exchanges across the Taiwan Strait.

This is the main reason why the Chinese Government's decision to move forward with the so-called anti-secession law is so profoundly unfortunate. By codifying the potential use of force against Taiwan, Beijing has thrown a bucket of ice water on the warming relations that had been developing between the people of China and Taiwan.

The Chinese Government should be using their best and brightest young leaders to build new bridges between the people of China and Taiwan. Instead, the government has bowed to pressure from hard-line elements in the Chinese military to ratchet up the pressure on Taipei.

Passage of this law, Mr. Speaker, is a wasted opportunity. The anti-secession law mandates military action against Taiwan when "the possibilities for a peaceful reunification would be completely exhausted." In other words, whenever Beijing decides there is no longer any point in talking to Taipei, the new anti-secession law requires the Chinese military to take action against Taiwan.

Mr. Speaker, the passage of the anti-secession law is a threatening move by Beijing which will undoubtedly heighten tensions across the Taiwan Strait. It will decrease the chance that either side will be willing to resolve differences peacefully. The law is reprehensible, and it should be reconsidered by the National People's Congress in Beijing.

Mr. Speaker, both Taipei and Beijing have a paramount responsibility to maintain restraint and to avoid any action which could increase tensions across the Taiwan straits. With passage of this law, Beijing has failed this critically important duty, and it is my profound hope that China's top leaders will find a way to repair the damage that the law's adoption has caused.

I strongly urge my colleagues to vote for this resolution.

Mr. Speaker, I reserve the balance of my time.

☐ 1215

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. CHABOT), a distinguished member of the Committee on International Relations, chairman of the Subcommittee on the Constitution of the Committee on the Judiciary, and cochair of the House Taiwan Caucus.

Mr. CHABOT. I very much thank the gentleman for yielding me this time.

I want to first, Mr. Speaker, commend the distinguished gentleman from Illinois (Mr. HYDE), chairman of the full committee, for bringing this timely and important resolution to the floor. The so-called anti-secession legislation adopted by the National People's Congress of the People's Republic of China will unilaterally change the status quo in the Taiwan Strait, in direct contradiction of the policy of the United States Government.

The Taiwan Relations Act, enacted by this Congress in 1979, declares that peace and stability in the Taiwan Strait are in the political, security and economic interests of the United States. The legislation adopted by the Chinese People's Congress which states that China "shall employ nonpeaceful means" in the event of Taiwan's moving toward independence clearly threatens that peace and stability.

The people of Taiwan want peace. Taiwan's democratically elected President, Chen Shui-bian, whom I have met with many times, has repeatedly shown his determination to maintaining peace, stability and the status quo across the Taiwan Strait, and the Beijing dictatorship has responded by pointing over 600 missiles at Taiwan, and now by enacting a threatening anti-secession law.

The future of Taiwan should be determined by the people of Taiwan. Any effort by the Communist leadership in the People's Republic of China to deny a free people in Taiwan a safe, prosperous and democratic future should be condemned.

Mr. Speaker, this is a very important issue. I am very pleased that it is being taken up by the Congress here today. It deserves the utmost attention. I want to thank again the gentleman from Illinois (Mr. HYDE) for bringing this forward. I also want to thank the gentleman from California (Mr. LANTOS) for whom I have great respect and has been a leader in this area for many years and the gentleman from New Jersey (Mr. SMITH) as well.

Mr. LANTOS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself 30 seconds to thank the committee members and the staff, especially Dennis Halpin, Sarah Tillemann and Peter Yeo, for their work on this resolution and Dan Freeman, who is our counsel and parliamentarian, for his work, and his expertise on this and so many other resolutions. We are so grateful for them.

Mr. HONDA. Mr. Speaker, I rise today to express my distress over anti-secession legislation recently passed by the National People's Congress of the People's Republic of China (PRC). The new law reaffirms the PRC's sovereignty over Taiwan and threatens peaceful and non-peaceful means to defend its "One China" policy. In passing this law, the PRC imperils the status quo and durability of the delicate cross-strait truce that has been established.

The United States has consistently maintained that differences between Taipei and Beijing should be resolved diplomatically and with the full involvement of the people of Taiwan and China. I subscribe to this position and the view that the status quo must be preserved until a peaceful resolution can be achieved. The anti-secession law disturbs the status quo and creates and unnecessarily tense situation that may lead to an escalation of hostilities.

While the anti-secession law may have originated as a reaction to political rhetoric in Taiwan, the Taiwanese government supports the status quo, further obviating the need for the anti-cession law. The new law also seems at odds with recent positive developments between China and Taiwan that seem to signal closer relations. For example, direct flights between Taiwan and mainland China were initiated during the Chinese New Year holidays and two senior representatives from the People's Republic of China attended the memorial services for Koo Chen-fu who was instrumental in moving cross-strait dialogue forward 10 years ago.

Mr. Speaker, in light of these positive events, it is unfortunate that the PRC has chosen to take a step backwards in the effort to improve cross-strait relations. The anti-secession law has made it necessary for us today to pass this resolution, which expresses the Congress' grave concern that China is establishing legal justification for the use of force against Taiwan. The resolution rightly urges U.S. officials, through appropriate diplomatic channels, to express our nation's grave concern to the PRC, and it reaffirms U.S. support for fostering cross-strait dialogue in an effort to resolve this international issue peacefully.

Ms. SOLIS. Mr. Speaker, I rise today in support of the resolution, House Concurrent Resolution 98, which expresses the concern of the U.S. House of Representatives regarding China's Anti-Secession Law. This misguided law effectively authorizes use of military force against Taiwan if Taiwan moves toward formal independence.

I believe the anti-secession law is a dangerous and unnecessary escalation of tensions between China and Taiwan. The future of Taiwan should be resolved by peaceful means and with the consent of the people of Taiwan. The United States should continue to encourage dialogue between Taiwan and China. In today's world, we should strive to ensure peace, liberty and democracy. I am proud to join my colleagues in support of this resolution.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 98.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPRESSING CONCERN REGARDING VIOLATION OF HUMAN RIGHTS BY SYRIA

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 18) expressing the grave concern of Congress regarding the continuing gross violations of human rights and civil liberties of the Syrian and Lebanese people by the Government of the Syrian Arab Republic, as amended.

The Clerk read as follows:

H. CON. RES. 18

Whereas the Syrian Arab Republic is governed by an authoritarian regime which continues to commit serious human rights abuses, including the use of torture and arbitrary arrest and detention;

Whereas the Department of State's Country Reports on Human Rights Practices for 2004 states that Syria's "human rights record remained poor, and the Government continued to commit numerous, serious abuses", the government "significantly restricts freedom of speech and of the press", "freedom of assembly does not exist under the law", and "the Government restricted freedom of association";

Whereas Article 19 of the Universal Declaration of Human Rights states that "Everyone has the right to freedom of opinion and expression. This right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.";

Whereas Article 20 of the Universal Declaration of Human Rights states that "Everyone has the right to freedom of peaceful assembly and association.";

Whereas Syria's September 2001 press law permits the government to arbitrarily deny or revoke publishing licenses for vague reasons and compels media to submit all material to government censors;

Whereas Syrian authorities have arrested, or, in the case of foreigners, expelled journalists for writing critically about Syria's policies;

Whereas Human Rights Watch and Amnesty International have reported that the security forces of Syria are targeting emerging Syrian human rights organizations, as well as their attorneys, in an apparent attempt to intimidate those organizations;

Whereas, on March 8, 2004, Syrian security forces arrested more than 30 human rights dissidents and civilians at a sit-in in front of the parliament;

Whereas a United States diplomat who was watching the peaceful demonstrations was also arrested and held for an hour in what the United States called an unacceptable violation of diplomatic practice and which the United States protested "in the strongest terms";

Whereas Article 7 of the Universal Declaration of Human Rights states that "All are equal before the law and are entitled without any discrimination to equal protection of the law.";

Whereas the criminal law of Syria provides for reduced sentences in cases of "honor" killings, and spousal rape is not illegal;

Whereas the infringement by Syria on human rights and civil liberties extends into the Lebanese Republic, which it continues to occupy in violation of United Nations Security Council resolutions;

Whereas hundreds of Lebanese civilians are believed to have been killed or "disappeared" by Syrian occupation forces or its secret police;

Whereas hundreds of Kurdish civilians were injured or killed in clashes with the Syrian authorities in March 2004 in Qamishli, a city in northeastern Syria, and Syrian security forces arrested and tortured Syrian Kurdish civilians from the town of Al-Malikiyah on January 9, 2005;

Whereas Syrian authorities continue their harassment of Aktham Naisse, Syria's leading human rights activist, President, and founding member of the Committees for the Defense of Democratic Liberties and Human Rights in Syria, and the 2005 winner of the Martin Ennals Award for Human Rights Defenders, one of the most prestigious awards in the global human rights community, by charging him with spreading false information, forming an underground association with links to international human rights groups, and opposing the Baath Party;

Whereas, in November 2004, upon his release from prison, Kamal Labwani, a 48-year-old physician in Syria, stated that there are at least 400 political prisoners in Syria, 100 of whom have been jailed for at least 20 years;

Whereas Mr. Labwani urged "all defenders of freedom and human rights, whether individuals, associations, or bodies, or international, Arab, or local organizations to participate with us in this campaign to call for the immediate release of all political prisoners and detainees of opinion and conscience";

Whereas, in November 2004, Syrian journalist Louai Hussein was banned from writing by the Syrian Interior Ministry's political security office;

Whereas, in November 2004, the arrest in Germany of a Syrian embassy official for espionage and issuing threats against the Syrian opposition in Europe is evidence of a campaign reportedly launched by Syrian dictator Bashar Assad, aimed at intimidating the regime's opposition abroad;

Whereas thousands of Syrian citizens, along with their families, children, and grandchildren, live outside their country in forced exile, solely because of their political views, or because of the views of members of their families; and

Whereas human rights and democracy groups in Syria have sponsored a petition urging greater freedoms and the release of all political prisoners: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) condemns the consistent pattern of gross violations of internationally recognized human rights by the Government of the Syrian Arab Republic;

(2) calls on the international community to adopt a resolution at the upcoming session of the United Nations Commission on Human Rights which details the dismal human rights record of Syria;

(3) expresses its support for the people of Syria in their daily struggle for freedom, respect for human rights and civil liberties, democratic self-governance, and the establishment of the rule of law;

(4) encourages the President and the Secretary of State to reach out to dissidents, human rights activists, and the nonviolent democratic opposition in Syria, and to assist them in their efforts; and

(5) urges the adoption and pursuit of these and other policies to seek a democratic government in Syria that will—

(A) bring freedom and democracy to the people of Syria;

(B) cease the illegal occupation by Syria of the Lebanese Republic;

(C) abandon support for terrorism;

(D) not pursue research, development, acquisition, production, transfer, or deployment of biological, chemical, or nuclear weapons, will provide credible assurances that such behavior will not be undertaken in the future, and will agree to allow United Nations and other international observers to verify such assurances; and

(E) live in peace and security with the international community.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume. I want to thank the leadership for bringing up this resolution.

H. Con. Res. 18, Mr. Speaker, addresses the continued gross violations of human rights committed by the Syrian regime. The terrorist regime in Damascus is one that not only supports and facilitates terrorist attacks against innocent civilians throughout the world but also engages in a widespread campaign of terror and human rights suppression among its own people.

According to the most recent State Department Country Reports on Human Rights Practices, the government of Syria continues to commit numerous serious abuses and remains with a poor record on human rights overall. Any activity by human rights activists and organizations is stifled and activists are sentenced to lengthy prison terms, tortured or even forced into exile, only to be harassed and intimidated in exile as well.

Domestic human rights groups cannot exist legally. According to a recent world report by Human Rights Watch, the dictatorship of Syria strictly limits freedom of expression, association and assembly and treats ethnic minority Kurds as second-class citizens. The government has a long record of arbitrary arrests, systematic torture, prolonged detention of suspects and grossly unfair trials. Women face discrimination and have little means for full redress when they become victims of rape or domestic violence.

However, Syria's deplorable human rights record is not limited to its immediate borders. The repressive apparatus also extends into neighboring Lebanon, which has been a captive nation for 25 years. Hundreds of free-thinking Lebanese civilians are believed to have been killed or disappeared because of Syrian occupation forces throughout these years. U.S. policy must support the Syrian people. It must support its dissidents, human rights activists, and the pro-democracy advocates so that they, too, can free themselves from the shackles of tyrannical rule.

This resolution also addresses, Mr. Speaker, two overarching vital U.S. national security requirements regarding the Syrian regime; that is, that Syria must immediately and unconditionally cease its support for terrorism and its development of unconventional weapons and advanced missile capabilities.

I strongly urge my colleagues to support this important resolution to express U.S. support for those in Syria and Lebanon who continue to toil for freedom and democracy, and ensure the regime in Damascus that we will continue to increase the pressure until these goals are met.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of this resolution. I want to commend my friend from New Jersey for his leadership on this issue. The resolution before the House supports the people of Syria who live under a violent and repressive regime. The last Congress, this body passed the Syria Accountability Act with 297 cosponsors. That bill primarily addressed Syria's behavior in the Middle East, including its sponsorship of terrorist groups and its continuing occupation of Lebanon. This resolution, Mr. Speaker, focuses on Syria's domestic misbehavior for which Damascus must also be held fully accountable. After all, nobody has suffered more from the brutality of the Syrian government than the Syrian people.

According to the State Department's annual human rights report released recently, Syria continues to commit egregious human rights abuses, including torture, arbitrary detentions of political prisoners without trial, censorship and harassment of journalists, protections for spouse-rapists, and light sentences for so-called honor killings. According to Amnesty International and Human Rights Watch, Syria is engaged in an unceasing campaign to harass and intimidate human rights organizations.

In recent days, the world has focused on Syria's outrages against the Lebanese people and, indeed, another resolution we are considering today deals directly with that issue. But, Mr. Speaker, we cannot credibly say we favor political reform in the Middle East if we ignore Syria's depredations against its own citizens.

Syria is certainly, and I quote, one of the world's most repressive regimes, as the United Nations Commission on Human Rights has indicated. Accordingly, it is important that this Congress be on record not merely in condemning the Syrian government for its actions against its neighbors but, more importantly, to express our support for the Syrian people in their struggle to achieve the kind of government they deserve.

When I met with Syrian President Assad in Damascus, I urged him to change his government's behavior at home and abroad so that Syria could rejoin the ranks of the civilized world. This resolution is one result of his failure to heed that advice.

Mr. Speaker, a Syria that is accountable to world standards and norms, a Syria that respects its own citizens and no longer occupies Lebanon or supports terrorism against Israel must be a central goal of our project of reforming the Middle East. In the long run, a Middle East in which people are stakeholders in public life offers the greatest hope for peace and safety in the region and beyond.

I urge all of my colleagues to support H. Con. Res. 18.

Mr. Speaker, I am delighted to yield such time as he may consume to my friend and colleague, the gentleman from Oregon (Mr. BLUMENAUER), a distinguished member of the Committee on International Relations.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in permitting me to speak on this resolution and his leadership in bringing it forward. I am going to support the resolution. I, too, am troubled by what we have seen with the Syrian government. I am heartened by some activities in the Middle East. I think there is some real progress. But I would step back for a moment and ask us to reflect on something that has been happening that does not reflect so well on our government.

Just moments ago, the House overwhelmingly approved an amendment advanced by the gentleman from Massachusetts (Mr. MARKEY) and me that dealt with making sure that money that we approved in the supplemental was not used to torture suspects of terrorism. We have this sense, and it is one that the people I represent feel very strongly about, that we have a responsibility and an obligation as the world's oldest democracy to be upholding our standards of rule of law, of due process. We have made torture illegal not just because people are concerned that it is an immoral practice, we do so because it is not a good way to get useful information.

Dictatorships torture indiscriminately, but it is not a way, as the Intelligence Community well understands, that we get good information upon which to base activities that may put our men and women at risk and to protect United States interests. Furthermore, we do not torture suspects of terror because if we do so, then any information that is gathered from that process taints any potential case and we cannot bring people to justice in a court of law.

Last but not least, we do not torture because we want a standard established where we can use our moral authority to make sure that Americans abroad are protected, whether they are in uniform or they are civilians.

There are a variety of moral, practical reasons why we are against torture. Yet I would note that there are too many press accounts for us to ignore, too many reports from nongovernmental organizations that the United States is participating in and condoning torture on behalf of prisoners that we have taken to other countries. There is a famous case that now the Canadian government wants investigated where the United States kidnapped a Canadian citizen and rendered this person to Syria where he was tortured. We have called for this Congress to get on top of what is, I am afraid, an emerging scandal, where we use extraordinary rendition, where we kidnap and transport people, where there is not effective oversight, where Congress does not know what is going on, where there are people who are not being held accountable, where there are problems that we have seen with people who have been in custody of the CIA and some of the American prisons that we have had in Afghanistan and Iraq.

□ 1230

We, as a Congress, need to be doing our job because we do not believe in torture; it is illegal; it is against international conventions; it is against the interests of the United States. And I must re-emphasize the irony when we come forward with a resolution that points out the problems, legitimate problems, the abuses in Syria, and then it appears as though the United States is willing to offer up people to countries like Syria, where we thought they are in fact going to be tortured.

Mr. Speaker, I would hope that Congress gets ahead of this issue, that Congress does its job to investigate these widespread reports that are coming through now our own legal system, that are coming through the media, that are coming from nongovernmental organizations, that we exercise our oversight to make sure that we have our own house in order. There should be no prospect that we are on one hand going to be a Congress that condemns torture and abuse of human rights in Syria, and on the other hand we are going to look the other way when we may be offering up people who are suspects, not convicted of anything, to be turned over to the hands of these same torturers.

I would sincerely hope that we will have activity on the part of all of us to make sure the many committees in Congress do their job to provide this oversight and that we are not relying on the media, nongovernmental organizations, and what trickles through the legal system to do a job that we should be doing.

Ms. McCOLLUM of Minnesota. Mr. Speaker, while I rise in support of this resolution, I do so with serious concerns.

Torture is a crime and a vile human rights abuse. Syria should be condemned in the strongest possible terms for committing acts of torture against detainees and prisoners. This is why I support the resolution. Yet, the fact that our government has sent detainees to Syria knowing that these individuals would be tortured and abused is morally repugnant and violates international, as well as U.S., law.

The practice of extraordinary rendition—our government's practice of outsourcing torture to countries like Syria must also be condemned, repudiated and immediately ordered stopped by President Bush. Human Rights Watch, which is frequently cited as an authoritative source in this resolution, has stated that the U.S. policy of "denouncing torture in Syria, and then handing over prisoners to Syrian torturers sends the ultimate mixed message."

Syria is a notorious violator of human rights that should be condemned. The hypocrisy of our government using Syrian torturers as a subcontractor to immorally and illegally commit human rights abuses is shamefully absent from this resolution.

Mr. BOUSTANY. Mr. Speaker, I rise today in support of H. Con. Res. 18 to express Congress' concern about the treatment of the Syrian and Lebanese people by the Government of the Syrian Arab Republic. I want to thank my colleagues from Florida and New York for introducing this resolution and bringing it to the floor today.

Earlier this body considered H. Con. Res. 32, which expresses support for the liberation movement in Lebanon. Now, under this second resolution, we take into consideration the effect of Syrian rule of its own people. The Syrian Arab Republic is governed by an authoritarian regime which continues to commit serious human rights abuses, including the use of torture, arbitrary arrest, and detention.

Within Syria both freedom of speech and freedom of the press has repressed through systematic intimidation. Syrians are prohibited to publicly assembling in order to express discontent of any kind. Political prisoners are known to have been held in detainment for up to twenty years. Ruling authorities continue to allow honor killings. In the North, Syrian forces have attacked unarmed Kurd populations with live ammunition. Human rights organizations working in opposition these injustices are targeted by Syrian authorities with intimidation tactics.

The Syrian government's treatment of its people can no longer be tolerated. I encourage my colleagues to pass the resolution in question and in doing so condemn the Syrian government's gross human rights violations upon its own people and support the Syrian people's struggle for a free and democratic government.

Mr. SMITH of New Jersey. Mr. Speaker, we have no further requests for time, and I yield back the balance of my time.

Mr. LANTOS. Mr. Speaker, we have no further requests for time, and I yield back the balance of our time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 18, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 18, the concurrent resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

EXPRESSING GRAVE CONCERN OF CONGRESS REGARDING OCCUPATION OF REPUBLIC OF LEBANON BY SYRIAN ARAB REPUBLIC

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 32) expressing the grave concern of Congress regarding the occupation of the Republic of Lebanon by the Syrian Arab Republic, as amended.

The Clerk read as follows:

H. CON. RES. 32

Whereas since its invasion of the Lebanese Republic in 1976, the regime of the Syrian Arab Republic has implemented a systematic policy of occupation over Lebanon that has transformed the political, social, and economic character of Lebanon;

Whereas on July 20, 1976, President Hafez al-Assad of Syria stated that "Syria and Lebanon were one state and one people";

Whereas, on October 13, 1990, the Syrian occupation of Lebanon was complete, when Syrian troops launched aerial and ground attacks and occupied the Lebanese presidential palace and the Ministry of Defense, ousting the constitutional government of Prime Minister Michel Aoun of Lebanon;

Whereas the Syrian regime appointed their own proxy government and president in occupied Lebanon, and started a large-scale persecution operation against the Lebanese people by arresting, abducting, torturing, and killing opponents of the occupation;

Whereas, on May 22, 1991, following the occupation of Beirut, Lebanon, Syria concluded the Brotherhood Treaty for Coordination and Cooperation with Lebanon;

Whereas this treaty solidified the integration of the two countries in matters of security and intelligence, finance and trade, and industry and agriculture, by establishing the mechanism for Syrian command under the cover of "joint" decisionmaking;

Whereas the Syrian regime has continued to employ a wide range of policy means to transform Lebanon into a "client state" and a Syrian political satellite;

Whereas Syria clearly tampered with the Lebanese parliamentary elections of 1992, 1996, and 2000, by amending electoral laws which delineated voting districts and laid down intricate procedures for the elections, which were rigged in a way to guarantee results favorable to Syria;

Whereas Syrian-backed ad-hoc modifications to the Lebanese constitution extended by three years the presidential tenure of Lebanese president Elias Harawi, allowed Emile Lahoud, commander of the Lebanese army, to become president, and extended Lahoud's term in contravention of United Nations Security Council Resolution 1559;

Whereas Lebanese judicial institutions have been utilized and mobilized to impose Syrian control, including the routine issuance of death sentences *in abstentia* against expatriates and opposition leaders;

Whereas Lebanese Broadcasting Law No. 382 of 1994 provided the legislative framework for controlling and restricting Lebanese radio and television;

Whereas the restrictions on the free flow of information and opinion in Lebanon is in sharp contrast to the legacy of journalism in that country;

Whereas it is widely reported that Syria has utilized the practices of kidnapping and arresting Lebanese citizens, using torture against them, and causing their virtual disappearance;

Whereas Human Rights Watch reported that in November 1999 Syrian authorities in Damascus, Syria, offering no explanation whatsoever, returned to his family the dead body of Lebanese citizen Adel Khalaf Ajouri, aged 52, who had "disappeared" in 1990;

Whereas within Lebanon itself, Syria reportedly operated detention facilities in Tripoli, Beirut, Shtaura in the Bekka Valley, and Anjar on the Lebanese-Syrian border;

Whereas "Syrian order" in Lebanon was institutionalized when Damascus led the process of disarming the Lebanese militias, except for Hezbollah, which Syria retains as a terrorist proxy engaged against the State of Israel;

Whereas Lebanon, under the control of Syria, continues to serve as a major training center for terrorist organizations such as Hezbollah, Palestinian Islamic Jihad, Hamas, and the Popular Front for the Liberation of Palestine-General Command;

Whereas a number of Lebanese government officials have actively facilitated and contributed to the Syrian occupation and its activities, thereby threatening regional and global security;

Whereas United Nations Security Council Resolution 1559 calls for the "strict respect of the sovereignty, territorial integrity, unity, and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon throughout Lebanon", the withdrawal from Lebanon of "all remaining foreign forces", "the disbanding and disarmament of all Lebanese and non-Lebanese militias", and "the extension of the control of the Government of Lebanon over all Lebanese territory";

Whereas, on February 14, 2005, a bomb exploded in Beirut, Lebanon, killing at least 15 people, including Rafik Hariri, former Prime Minister of Lebanon, and wounding approximately 100 other innocent victims;

Whereas after the bombing, President George W. Bush stated during an address in Brussels that "Our shared commitment to democratic progress is being tested in Lebanon, a once-thriving country that now suffers under the influence of an oppressive neighbor", called on Syria to "end its occupation of Lebanon", and reiterated the provisions of United Nations Security Council Resolution 1559;

Whereas Lebanese opposition leaders gathered after Hariri was killed and issued a statement demanding Syrian troop withdrawal from Lebanon within the next three months, calling for the resignation of the current Lebanese cabinet, and declaring that "we will fight the current regime and demand our right for a neutral government that makes sure Lebanon steps forward from being a captive state to regaining its full independence and sovereignty"; and

Whereas the ongoing mass demonstrations by the Lebanese people resulted in the dramatic resignation of the Lebanese Cabinet on February 28, 2005: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) the Lebanese Republic is a captive country;

(2) the occupation of Lebanon represents a long-term threat to the security of the Middle East and United States efforts to promote political and economic liberalization in the region, and this issue should be raised by the President and the Secretary of State in all appropriate bilateral and multilateral forums;

(3) the President should direct the United States Permanent Representative to the United Nations to present and secure support for a United Nations Security Council Resolution classifying Lebanon as a captive country and calling for the immediate release of all Lebanese detainees in Syria and Lebanon;

(4) the President should freeze all assets in the United States belonging to Lebanese government officials who are found to support and aid the occupation of Lebanon by the Syrian Arab Republic;

(5) all countries should fully and immediately implement United Nations Security Council Resolution 1559;

(6) it should be the policy of the United States to—

(A) support independent human rights and pro-democracy advocates in Lebanon; and

(B) seek the full restoration of sovereign democratic rule in Lebanon; and

(7) the United States should provide assistance through the Middle East Partnership Initiative and the Broader Middle East and North Africa Initiative for broadcasts and civil society efforts to assist individuals, organizations, and entities that support Lebanese sovereignty and the promotion of democracy in Lebanon.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from Texas (Mr. PAUL) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 10 minutes of my time to the gentleman from California (Mr. LANTOS) and ask unanimous consent he be permitted to control the time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

GENERAL LEAVE

Mrs. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 32, expressing the grave concern of Congress regarding the occupation of the Republic of Lebanon by the Syrian Arab Republic.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume. I thank the leadership for bringing this important resolution before the House today at a time when hundreds of thousands of Lebanese are flocking to the streets issuing cries for freedom. It is critical that the United States Congress reaffirm its commitment to the restoration of Lebanese sovereignty and independence and specifically acknowledge the plight that Lebanon has endured as a captive nation. House Concurrent Resolution 32 does exactly that, Mr. Speaker.

For too long Lebanon has been denied its independence by the regime in Damascus, a regime that has imposed its will upon the Lebanese people through electoral intimidation, through political persecution, through assassination of opposition leaders and brutal military force. But the Lebanese people's desire to be free and sovereign could not be silenced and could not be repressed any longer.

The protests that have followed the Valentine's Day bombing in Beirut that killed former Prime Minister Hariri ushered in an immediate demand from a unifiable and diverse Lebanese opposition for Syria to withdraw from Lebanon. The streets of Beirut earlier this week boasted the largest anti-Syrian demonstration in Lebanese history and possibly the largest pro-democracy rally in Middle East history in response to the Syrian and Iranian-sponsored Hezbollah rally a week earlier.

For the first time, a number of moderate Shiites joined the Druze, Sunnis and Christian groups whose anger and grief over the brutal tactics of the Syrian occupiers and their Lebanese collaborators have galvanized them into action, into a coordinated effort to reclaim Lebanon's sovereignty.

House Concurrent Resolution 32 clearly articulates the threat to U.S. national security interests and to regional stability posed by Syria's presence in Lebanon. And the threat is not limited to Syrian intelligence and military, but to its terrorist proxy, Hezbollah, which uses Lebanese territory as a launching pad for attacks against Israel and a training ground for terrorists targeting U.S. and other Western interests.

Thus, at a time when this body has clearly articulated our stand regarding Hezbollah just a few days ago, let us underscore that we will not tolerate an appeasement of Hezbollah in Lebanon.

House Concurrent Resolution 32 builds on recent developments and calls for the President to instruct the U.S. Permanent Representative to the United Nations to present and secure support for a Security Council resolution classifying Lebanon as a captive nation.

It calls for the President, pursuant to existing law, to freeze all assets in the U.S. belonging to Lebanese Government officials who are found to support and aid in Syria's occupation of Lebanon.

Finally, Mr. Speaker, it calls for the United States policy to include support for the independent human rights and pro-democracy advocates in Lebanon and for the full restoration of sovereign democratic rule there.

The resolution underscores the U.S. position against Syria's brutal occupation of Lebanon and U.S. policy about holding state sponsors of terrorism accountable for their actions. Calling for Syria to depart from Lebanon once and for all is in keeping with the post-9/11 approach of forcing terrorists out of their caves and placing them on the run. The U.S. position on Syrian withdrawal forces the terrorists to retreat to their own soil; and in doing so, it seeks to limit their impact so that freedom and democracy can flourish once again in Lebanon and throughout the region.

The Lebanese people have had enough, and they will not allow their territory to continue to be used as a staging ground for terrorists and their state sponsors. Let us stand with the Lebanese people and overwhelmingly adopt this resolution.

I strongly urge my colleagues to support H. Con. Res. 32 and send a clear message to the Syrian terrorist regime to get out of Lebanon. Not to the border; not to the Bekaa Valley. Completely out.

God willing, as our Arab-speaking Lebanese brothers and sisters would say, inshallah, we will soon witness a free, independent, sovereign, and democratic Lebanon.

Mr. Speaker, I reserve the balance of my time.

Mr. PAUL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have taken the time in opposition to this resolution not so much to object to the well-intended notions of the gentlewoman and the promotion of freedom and liberty. It is just that I do not think this is going to achieve it. As a matter of fact, when we pursue resolutions like this and a more aggressive foreign policy of telling other countries what to do, I see it as more of a threat to our security rather than helping our security.

I, for one, would admit I personally do not know what is best for the Lebanese and the Syrians, the Iraqis, or anybody else in the region; but I would argue the case that traditionally in this country up until probably the past 100 years, we took a different position on foreign policy. We took a position of nonintervention, one where we strived for neutrality, and we argued the case that we did not have any business in the internal affairs of other nations. No matter how well intended, there always seem to be ramifications. There seem to be unintended consequences. There seems to be a condition called "blow-back," where it comes back and ends up where we suffer more than anybody else.

For instance, we are in Iraq right now with all these good intentions. We have been there for a couple of years. We have spent over $200 billion, and this week they came out with a survey and they talked about the most dangerous city in the world and where security is the worst, and that city is not Beirut.

In the last 2 years, every one of us would have rather have been in Beirut than we would have been in Iraq. And yet we have 140,000 troops there protecting the Iraqis and promoting freedom and liberty and elections, and it sounds good. But I think if we are honest with ourselves, the results are not nearly as wonderful as we would like them to be.

The other thing that concerns me is that we lose credibility when we talk about what we want and what we will impose on other nations, because when we are claiming that the Lebanese cannot possibly have elections with the presence of foreign troops, at the same time we daily hear the bragging about the great election in Iraq where we had these 140,000 troops and total martial law in order for an election to take place. I am all for the elections, and I am a strong supporter of self-determination; but I do not correlate that with our policies.

We saw demonstrations, first a little at a demonstration orchestrated in support of getting Syria out of Lebanon, and then there was a response to that where 500,000 showed up supporting Hezbollah claiming they supported Syria, and then of course following that there was a much bigger demonstration. So the people have had freedom to express themselves. But the one thing about all the demonstrations, we never saw a sign that said, America, come save us, come in here, tell us what to do, tell us what to do with our elections. They have had elections going on for you in Lebanon without any violence directed against Syrian troops as we see daily in Iraq. They have an election coming up in May. It has been scheduled all along. It is not like they have been avoiding them.

We complain a lot about the Syrians being there, and if I have a personal preference, since I believe in self-determination, I would have the troops out just as I would have our troops out of most other places. But I would have foreign troops out of the Golan Heights. Why are we so excited about the Syrian troops, who were invited by the Lebanese Government? Why are we not excited about foreign troops in the Golan Heights and in the over 100 countries where that we have troops?

So I think we lose credibility. I think the Arab people just laugh at us and say, oh, yes, they are for these wonderful elections, and they have got to get these troops out; and at the same time we have troops all over the place.

The Syrians went into Lebanon in 1976, and if we go back and look at history, it was at the urging of the Government of the United States because there was about to be an election. And at that time, it was perceived that the election would undermine the minorities, the Christians and the Druse. So, therefore, it was in our interest at that time to interfere with the election, just as we have interfered so many times since then over the world.

Just think of the elected leader in 1953 in Iran, the elected leader, Mossadeq. But he did not follow what we wanted him to do with regards to oil. So what did we do? We sent in the CIA. We overthrew him, and then we had our puppet government, the Shah, for 25 years, which did nothing more than provide fodder for the radicals, and we radicalized the ayatollahs against us.

In a conversation with a veteran of the CIA, an expert in this region, he explained, at least he sincerely believed, that we did a tremendous favor for Osama bin Laden, and that is to go into Iraq, expose ourselves, and then create the chaos of Iraq. Where there was no al Qaeda before, it is now a haven for al Qaeda.

□ 1245

It has served as a recruiting ground for al Qaeda. So no matter how well the intentions are, we should look at the conclusions; what finally happens.

Our problem very simply comes from the violation of the basic principle that we should follow, and that is that we should be friends with nations and trade with nations, and that we should be neutral in foreign affairs, because it does not serve our interests. It costs a lot of money and it costs a lot of credibility and it costs a lot of lives.

Just think of what the interference in Iraq has cost us: Over 1,500 men; over 11,000 battle casualties, with another 9,000 sent home because of illness; and over $200 billion. And there is no end in sight. Today we had to pass another $82 billion, which was not put into the budget, to continue this process. My argument is it comes not because we make a misjudgment, not that this resolution is simply a misjudgment of the day: it just is that is part of the misjudgments that we have made now for many, many decades in overall foreign policy.

It is fully endorsed. The American people certainly have not been up in arms about it and have endorsed it, along with the large majority in the Congress. But long term it does not work. Just look how long the American people supported Vietnam, until finally they had to throw up their arms and demand an end to the senseless war.

But, ultimately, not only do the people get very angry and upset and frustrated with the loss of life, there are economic limitations to this as well, and that is something that I do not think anybody here hardly pays any attention to; that is how long can we continue to spend this money and not have this come back to really haunt us economically? The 1960s came back to haunt us in the 1970s, and the basic financial condition of this country is much worse than it was in the 1970s. Yet there is no hesitation.

I see resolutions like this as not restraint, but encouragement, without looking back and seeing how we participated in contributing to the problems that we have in the Middle East. So I am making the suggestion, why do we not think about overall policy with consistency, and think almost what is in our best interests?

I would like to read a quote from Ronald Reagan, because he was involved in Lebanon and our government was involved in the early 1980s. In his memoirs he admits it was a serious mistake, and we ought to take advice from Ronald Reagan on what he said about his misadventure in Lebanon. We were in there in 1983. This is what he writes in his memoirs several years later.

"Perhaps we didn't appreciate fully enough the depth of the hatred and complexity of the problems that made the Middle East such a jungle. Perhaps the idea of a suicide car bomber committing mass murder to gain instant entry into paradise was so foreign to our own values and consciousness that it did not create in us the concern for the Marines' safety that it should have."

Further quoting Ronald Reagan, "In the weeks immediately after the bombing, I believed the last thing we should do was turn tail and leave . . . yet, the irrationality of Middle Eastern politics forced us to rethink our policies there."

He concluded with advising us to stay clear. I would like to suggest that I believe that is pretty good advice.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the resolution. Let me first pay tribute to my good friend and colleague, the gentlewoman from Florida (Ms. ROS-LEHTINEN) for her work on this resolution, and for her outstanding leadership on our Subcommittee on the Middle East and Central Asia.

Mr. Speaker, the resolution before the House expresses the grave concern of the Congress regarding the ongoing occupation of Lebanon by Syria.

Mr. Speaker, I first visited Lebanon and Syria in 1956, almost half a century ago. Lebanon was a prosperous, free, open and democratic society. I remember going to the Bekaa Valley, to the City of Ba'albak, where among the ancient Roman ruins Shakespeare was performed on alternate nights in English and French.

Since 1976, Syria has occupied Lebanon with brutal force. Our resolution appropriately demands that the occupation end now.

Yesterday, Mr. Speaker, the people of Lebanon tore down gigantic billboards in Lebanon that portrayed the former and current Syrian dictators, Mr. Assad and his father. Just imagine having in the United States huge billboards of Joe Stalin or the ayatollahs of Tehran, how we would feel about this? Well, that is how the Lebanese people felt about having these gigantic billboards pay tribute to a country which occupies their land.

As we speak, there is no Syrian embassy in Lebanon. What could speak more eloquently of the colonial outlook that the Syrian regime has towards Lebanon? In colonial times, the colonial power did not have an embassy in its colony because it did not recognize it as an independent, sovereign nation. That is precisely the attitude of Syria towards Lebanon today.

All of us have been inspired by what the Lebanese call their "independence" uprising. By passing our resolution, the Congress will express its solidarity with the brave anti-Syrian occupation, freedom-loving demonstrators in Martyrs Square in Beirut.

Mr. Speaker, Bashar Assad, Syria's ruler, continues to play games with the international community. As his speech earlier this month showed, he still believes he can ignore the international community's demand that Syria withdraw immediately and totally from Lebanon. Let us not be fooled by his promises of gradual withdrawal delinked from time tables. If you can tell a man by his friends, all you need to know about Assad is that his only friend in Lebanon is the terrorist gang Hezbollah.

Mr. Speaker, Syria has not only persecuted the Lebanese people, arresting, abducting, torturing and killing opponents, most recently the Prime Minister of Lebanon, it has also destroyed Lebanon's lively institutions, rendering them little more than outposts of Syrian control.

These crimes have taken place on the soil of what was once the Arab world's lone democracy. That is why it is vital that the Lebanese people succeed in throwing off Syrian rule and that the Lebanese be allowed to conduct free and fair parliamentary elections this spring, unimpeded by the fist of Syria's military or the brutal machinations of its intelligence agents.

Mr. Speaker, we stand shoulder to shoulder with those who seek full restoration of sovereign, democratic rule in Lebanon. I strongly support this resolution, and urge all of my colleagues to join me in sending a message of hope to the Lebanese people.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I reserve the balance of my time.

Mr. PAUL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to make a few points regarding the unintended consequences of our foreign policy, as well as what might happen in Lebanon.

It has been said about our administration that we hope the Lebanese people will be able to express their view at the ballot box through free elections without interference and outside intimidation. That sounds like a pretty good suggestion, with the conclusion by the administration that when there is outside interference the elections are unreliable.

Once again, I ask the question, does that not raise the question of whether or not the elections in Iraq are as reliable, as is supposed?

Also, President Bush said that these elections must take place without external forces, and all the troops must be out. The UN resolution calls for the troops out as well as the security forces, but the resolution also calls for disarming the people of Lebanon.

In other words, this resolution takes the position that we should go in Lebanon and repeal the Lebanese Second Amendment rights so that nobody has any guns. I just see that as an interference that is going to lead to trouble.

We see civil strife precipitating a civil war in Iraq, and I think what our involvement here now is liable to lead to that type of situation, rather than peace and prosperity and elections.

It is said that this has all come out from the murder and killing of Hariri, and most people now just assume that the government of Syria had something to do with that. Yet there is no evidence for that. There is absolutely zero benefit for the Syrian government to have killed Hariri.

But there is a theory that some of the radical Muslims in Syria that object to Assad, because he is too moderate, because he endorsed the Persian Gulf war and because he takes some of our prisoners and he participates in the interrogations of our prisoners, that he is seen as too liberal, too friendly with the West, and some suppose that that could have been the reason that the murder had occurred, believing that it would bring down the government of Assad.

Now, that could be an unintended consequence, that consequence that could have a great deal of significance, and that is that the radicals end up taking over, some individuals more radical than Assad, end up taking over Syria, which is always the possibility. But too often these unintended consequences occur and then we do not know how to respond to them.

In Iraq in January of this year there was some polling done, an expression by the people on what they thought about foreign occupation. Eighty-two percent of the Sunnis, I guess understandably so, said that all foreign troops ought to leave, and 69 percent of the Shiites said all foreign troops ought to leave. I wonder why that is not important to anybody?

Instead, we are talking about occupation for years, about building 14 bases in Iraq. How long do we stay in these countries and why is it so necessary for us to be telling other people what to do and when to do it and how to do it and stirring up nothing but anti-American sentiment, while at the same time, even though our goals may be well-intentioned, they are never achieved? We just do not achieve them. And to think that the election under the conditions that we are condemning in Lebanon is the salvation, is the evidence that we are having tremendous achievement, I think is something that we are just pulling the wool over our eyes.

□ 1300

John Adams gave us some pretty good advice about what we should do overseas. And I think that when we have resolutions like this, and we do have them continuously, and we have done them for decades. It was a preliminary to our invasion of Iraq starting specifically in 1988; But Adams advised, he made a suggestion and he made a statement, he says: "America goes not abroad seeking monsters to destroy."

That statement is so appropriate. It looks like we are just looking for problems; and since the results are so poor and we cannot afford it, once again, I want to state my position that I am suggesting not so much that I know or we know exactly what is best for other people. It is that precisely we do not know and we do not have the authority, the moral, the legal, the constitutional authority to do what we do. And besides, it is a threat to our national security.

Jefferson's suggestion was for peace, commerce, and honest friendship with all nations and entangling alliances with none. And we have way too many entangling alliances, making these huge commitments which will come to an end not because anybody is going to pay much attention to what I say, but they will come to an end because this country is on the verge of bankruptcy.

We cannot continue to raise our national debt by $650 billion a year and pretend that we can police the world and at the same time increase entitlements here at home. So one day we will have to face up to these realities, and it will all come to an end.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, we have no further requests for time, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I reserve the balance of my time.

Mr. PAUL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do want to make one point about the resolution. The statement toward the ends says: The President should direct the United States Representative to the United Nations to present and secure reports for the United Nations Security Council classifying Lebanon as a captive country in calling for the immediate release of Lebanese detainees in Syria and Lebanon.

Now that is pretty interesting that we are going to tell them who they can release and who they should release. But the question I have, and maybe the sponsors of the resolution could answer this: Will that include that we insist that they release the prisoners that we have sent to Syria?

Mr. Speaker, I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank Yleem Poblete and Paul Ostburg Sanz, long and dedicated, hardworking members, staffers on our committee on these measures and the work of the Subcommittee on the Middle East and Central Asia.

I would like to thank Chairman HYDE of the International Relations Committee, for understanding the need to support the Lebanese people at this critical time, and moving this resolution quickly through the Committee.

I would also like to commend our leadership for their commitment to freedom and democracy for all the people of the Middle East.

Lastly, I must make special mention of the efforts and cooperation of our Subcommittee Ranking Member, GARY ACKERMAN, and especially our Full Committee Ranking Member, TOM LANTOS.

TOM LANTOS has experienced first hand what happens when one appeases dictators and ignores the oppression of human beings. We cannot stand idly by and allow Syria to continue to deny the Lebanese people their rights and their nation.

Thanks to the cooperation of my colleagues on the other side of the aisle, we are able to send a clear and unified message to both the Syrian oppressors and to the Lebanese people. As we did with the Syrian Accountability and Lebanese Sovereignty Restoration, we have an opportunity today, by supporting H. Con. Res. 32, to demonstrate a united front and show that freedom transcends party lines, geographic borders, and language barriers.

When it comes to freedom and democracy, the U.S. is speaking with one voice, as the Lebanese people are speaking with one voice. In so doing, we become one with our brothers and sisters in Lebanon as they seek to remove the shackles of Syrian tyranny and occupation.

I urge my colleagues to vote in favor of this resolution.

Mr. BOUSTANY. Mr. Speaker, I rise to encourage U.S. support of the people of Lebanon in their struggle to free themselves from Syrian occupation. Syria has illegitimately held control over its neighbor for 25 years, a situation which can no longer be permitted to continue.

Syria has proved itself an utterly destructive force upon its neighbor, Lebanon. Syria has systematically deprived the Lebanese people of their many liberties. It has illegally extended the terms of pro-Syrian officials within the Lebanon government by altering the Lebanese constitution. It has and continues to intimidate Lebanese dissenters with threats of political persecution. Lebanese citizens with views not in keeping with Syrian authorities have been arrested, kidnapped, tortured and in some instances even killed. The Lebanese press has been effectively stifled in order to repress anti-Syrian sentiment. Finally, and most reprehensively, Syria has allowed and even funded the continued existence of the terrorist group Hezbollah within the southern Shebaa farm region of Lebanon. Today Hezbollah is the largest international terrorist organization on the globe, with cells in Asia, Europe, Africa, and the Americas. The presence of Hezbollah ensures continued turmoil within Lebanon and throughout the international community.

When it first sent troops to help quell the Lebanese civil war, Syria claimed its purpose was to stabilize the country. Instead Syria has consistently prevented Lebanon from becoming the stable and prosperous state for which many Lebanese patriots, including the late former Prime Minister Rafik Hariri, have toiled.

Today the people of Lebanon are taking to the streets, crying out for their freedom from this foreign oppression. As an American of Lebanese descent, my heart is with them. My ancestors came to this country in search of greater freedom. Now, as I watch the Lebanese freedom movement, I am filled with the hope that the citizens of my country of origin will soon have the chance to claim the liberties for which my ancestors sought in coming to the United States.

Consequently, Mr. Speaker, I urge my fellow members to pass H. Con. Res. 32 in support of the Lebanese struggle for independence. Syria must be made to know in no uncertain terms that we expect the complete withdrawal of its troops from Lebanon, the immediate dissolution of Hezbollah, and the immediate termination of interference within Lebanon's government.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 32, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

REMEMBERING WILLIAM LEHMAN

(Mr. HASTINGS of Florida asked and was given permission to address the House for 1 minute.)

Mr. HASTINGS of Florida. Mr. Speaker, I rise today and I ask Members in their offices who knew the person that I rise to speak about to take cognizance of the fact that we regret to announce the death of one of our revered former Members.

William Lehman died today. A real giant among human beings has passed and is transitioning. I am sure I speak for all of us in this body that knew him and especially those of us in the Florida delegation in expressing our heartfelt condolences to the Congressman's family.

The funeral arrangements are pending. It is my understanding that the funeral will be at 1 p.m. on Sunday. Those that knew Bill, he was referred to some times as Alabama Bill, he was a mentor, friend, humanitarian, and humble servant of humankind.

He provided transportation for thousands through his variety of auto dealerships and then as a distinguished Member of this body chairing the Committee on Transportation and Infrastructure. He helped to provide the funding for those of us that have seen his vision come alive in the form of transportation measures in south Florida and around this Nation. He will be sorely missed.

I can assure Members that it would be appropriate to stay in contact with his family with their condolences.

PROVIDING FOR CONSIDERATION OF H. CON. RES. 95, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2006

Mr. PUTNAM. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 154 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 154

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010. The first reading of the concurrent resolution shall be dispensed with. All points of order against consideration of the concurrent resolution are waived. General debate shall not exceed five hours, with four hours of general debate confined to the congressional budget equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget and one hour of general debate on the subject of economic goals and policies equally divided and controlled by Representative Saxton of New Jersey and Representative Maloney of New

York or their designees. After general debate the concurrent resolution shall be considered for amendment under the five-minute rule. The concurrent resolution shall be considered as read. No amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by an opponent and a proponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House and in the Committee of the Whole. All points of order against such amendments are waived except that the adoption of an amendment in the nature of a substitute shall constitute the conclusion of consideration of the concurrent resolution for amendment. After the conclusion of consideration of the concurrent resolution for amendment, the Committee shall rise and report the concurrent resolution to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the concurrent resolution and amendments thereto to final adoption without intervening motion except amendments offered by the chairman of the Committee on the Budget pursuant to section 305(a)(5) of the Congressional Budget Act of 1974 to achieve mathematical consistency. The concurrent resolution shall not be subject to a demand for division of the question of its adoption.

SEC. 2. After adoption of House Concurrent Resolution 95, it shall be in order to take from the Speaker's table Senate Concurrent Resolution 18 and to consider the Senate concurrent resolution in the House. All points of order against the Senate concurrent resolution and against its consideration are waived. It shall be in order to move to strike all after the resolving clause of the Senate concurrent resolution and to insert in lieu thereof the provisions of House Concurrent Resolution 95 as adopted by the House. All points of order against that motion are waived.

The SPEAKER pro tempore. The gentleman from Florida (Mr. PUTNAM) is recognized for 1 hour.

Mr. PUTNAM. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, it is a great day in our great Nation, and it is an honor to be here to begin the debate about the fiscal blueprint for our Nation, the priorities of our Nation.

House Resolution 154 is a structured rule that provides for consideration of House Concurrent Resolution 95, establishing the congressional budget for the United States Government for fiscal year 2006 and setting forth appropriate budgetary levels for fiscal years 2007 through 2010.

Mr. Speaker, as a member of both the Committee on Rules and the Committee on the Budget, I am pleased to bring this resolution to the floor for its consideration. This rule provides for 5 hours of general debate with 4 hours equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget, and 1 hour on the subject of economic goals and policies equally divided and controlled by the gentleman of New Jersey (Mr. SAXTON) and the gentlewoman from New York (Mrs. MALONEY) or their designees.

The rule waives all points of order against consideration of the concurrent resolution.

This rule makes in order four amendments which are printed in the Committee on Rules report accompanying the resolution. Each is debatable for 40 minutes, the time equally divided and controlled by the proponent and the opponent.

The rule waives all points of order against the amendments printed in the report, except that the adoption of the amendment in the nature of a substitute shall constitute the conclusion of consideration of the concurrent resolution for amendment. It also permits the chairman of the Committee on the Budget to offer amendments in the House to achieve mathematical consistency.

This is a fair rule. The Committee on Rules has allowed substitute budgets to be considered on the House floor. They range across the political spectrum affording Members of varying philosophies within each political party and across political parties an opportunity to support the budget they deem appropriate for our Nation.

Since before my time in this body, the Committee on Rules has consistently afforded the minority the opportunity for its alternative to be heard, with the only exception being the fiscal year 2003 budget when there was not a budget alternative offered. I am pleased this rule provides a chance for all our Members to express their views on how our Nation should prioritize its spending.

The congressional budget is an important tool of the Congress, allowing us to set priorities for the coming fiscal year. Therefore, this budget provides for America's most urgent needs. The driving forces behind this budget are continued strength, continued growth, and restrained spending.

The congressional budget is the ultimate enforcement tool, allowing Congress to clearly identify its priorities for how taxpayer dollars should be spent. It allows us in a time of war to ensure that our Nation's soldiers are sufficiently equipped. Prioritizing guarantees that our economy continues to expand, providing jobs and opportunities for more Americans each and every day.

Finally, this tool allows us to make certain that our government acts in a fiscally responsible manner to ensure opportunities and safety for future generations of Americans. This budget ensures that our Nation remains strong in the face of terror. We continue the multiyear plan to enable the military to fight the war on terrorism now and to transform itself to counter unconventional threats in the future. This budget works to prevent attacks, reduce vulnerabilities, and improve readiness.

Continued economic growth is vital for our Nation to fund her priorities and give opportunity to her people. Today, the general consensus of both private and public forecasters is that the U.S. economy is in a sustained expansion with solid growth of real GDP and payroll jobs and with low unemployment and low inflation.

The speed and strength of the economic recovery of the last several years has been due in large part to the tax relief packages given to the American people along with the extension of that tax relief passed last year. These policies continue to promote sustained economic growth and job creation.

I am proud to be a member of the Committee on the Budget that this year reported out a historic budget that sets in motion a glidepath to cut the deficit in half both in dollars and as a percentage of gross domestic product in 5 years. This budget wisely targets both discretionary and mandatory spending in an effort to set priorities.

The Committee on the Budget calls for a reduction in total nondefense, nonhomeland security discretionary spending. And for the first time since 1997, the budget includes reconciliation instructions to authorizing committees calling for the slowed growth of mandatory programs.

Mandatory spending is the guaranteed spending that grows each and every year, mostly without reform or review. It currently consumes 55 percent of the budget; and if it continues unchecked, it will reach 61 percent of the budget by 2015.

□ 1315

More than half of the government's spending today is on automatic pilot. This is neither sound policy nor sustainable fiscal policy. Congress is on its way to losing control over spending priorities as entitlements squeeze the budget more and more. Reconciliation instructions are the critical step to begin the process of getting our mandatory spending back to a sustainable level.

I am hopeful that while the authorizing committees are reviewing their programs they may also conclude that many of these mandatory programs would be better suited as discretionary and, therefore, subject to greater oversight by the Congress.

I am proud of the work the Committee on the Budget has put forward this year. I thank the gentleman from Iowa (Chairman NUSSLE), the chairman of that committee, for pushing forward with fiscal discipline and bringing us this outstanding budget for consideration.

I urge Members to support the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Florida (Mr. PUTNAM), my colleague, for yielding me the customary 30 minutes.

Mr. Speaker, every day from this floor we hear our Members talk about values and morals that guide our Nation, but nothing reveals our true values as legislators more than how we choose to spend the American taxpayers' money. Each decision to fund a program or not to fund another is a conscious choice that we make.

These choices have real consequences for the hardworking Americans we serve, and so, really, those choices are about our values and our morality. We, as legislators, choose to fund what is most important, what has the most value. That is why the Federal budget of the United States is a moral document.

When we establish the financial priorities of the government each year, we show the American people in black and white what and who we value most.

As the budget resolution we debate today shows with startling clarity, the majority's priorities I think are out of step with the values of the American people.

The majority's budget resolution throws an additional $106 billion in tax cuts to the Nation's wealthiest, while cutting billions in crucial funding for health care, education and housing programs; programs that help the hardworking Americans get by from day-to-day; programs that give hope to mothers and fathers that they, too, may one day share in the American dream.

I believe this budget resolution sends the wrong message, values the wrong priorities and shortchanges too many of our hardworking taxpayers that we should, in fact, be helping.

What message are we sending about the values of this House when we cut more than $20 billion from Medicaid, threatening the health care of millions of children, seniors and disabled Americans?

What message are we sending about the values of this House when we cut student loans, Pell grants and other educational spending by more than $21 billion?

What message are we sending about this House when we cut more than $5 billion from farm and nutrition programs, slashing the food stamp program that so many Americans depend on to feed their children?

How can we hurt all these people, cut all this funding, slash all these programs and still afford $106 billion in tax cuts for our wealthiest, a tax cut that balloons the deficit and shifts the financial burden to pay those taxes to our grandchildren and our children?

That is right. Every penny we give away in this budget's massive tax cut to the wealthy shifts the burden of those taxes to the middle class and to the working poor who cannot even get unemployment benefits extended or an increase in the minimum wage out of this Congress.

What will it take for this House to get its priorities in order? How much debt will we strap to the backs of our future generations before we get smarter? How much must we borrow from foreign countries to feed the majority's insatiable appetite for economic Darwinism?

In 5 short years paying the interest, and this is so important I want to repeat this, by 2009, the interest that we pay on the Nation's debt will cost by itself more than all the domestic, nondefense, discretionary spending combined. That is very close by. Simply put, for every dollar we could be spending on roads and schools and putting more cops on the street, fifty cents of it will be passed on to foreign countries to finance the deepening debt with which this majority continues to encumber us. That is on top of the debt we incurred earlier today of $80 billion that we are hoping the Chinese will finance.

If the majority had its way our grandchildren would end up having to use those privatized Social Security accounts they have been pushing for the past few weeks to pay off this massive new debt that Congress keeps throwing at them. What is the problem?

What is included in this budget is just as horrifying as what is excluded from it.

In a disingenuous attempt to conceal their own economic short-sightedness, this majority has purposely hidden the harmful effects of their Social Security privatization plan, a plan that could cost the taxpayers trillions over the next 10 years, from this budget resolution.

They have low-balled the cost of the war in Iraq, spending only $50 billion over the next year, which just today we voted for $80 billion. Let me compliment the gentleman from Iowa (Chairman NUSSLE) because if he had not put $50 billion in, there would have been nothing because the President did not include it at all in his budget. I call on any Member of the majority to stand here today and tell me we will spend just $50 billion and $50 billion alone next year.

Rather than show the true cost of their budgetary unmindfulness, the majority has chosen to conceal from the public the true cost of their plans, and as they prepare to pass this resolution and further cripple the financial viability of our Nation, the real knockout punch looms on the horizon.

Social Security privatization, while not detailed in this budget, would have disastrous, long-term, far-reaching impacts on the budget. The plan would cut Social Security benefits, make solvency problems worse and require massive borrowing, mostly again from the foreign countries, to the tune of $4 to $5 trillion over the next 10 years, and we have no less authority than Vice President CHENEY who verifies this.

In order to make certain that we are able to meet future budget obligations for the health and well-being of our children, our seniors, our veterans and disabled, we must protect Social Security from privatization.

Therefore, at the end of this debate, I will be asking for a "no" vote on the previous question so that we can consider legislation by the gentleman from Colorado (Mr. SALAZAR), our colleague, that will prohibit the use of the Social Security Trust Fund to pay for the administration's ill-advised private accounts plan.

Whether my friends on the other side of the aisle want to admit it or not, the administration plan to divert Social Security payroll taxes to private accounts will cut future Social Security benefits and make it nearly impossible to meet the future needs of so many Americans. That is why it is so important to stop this potential hemorrhage of Social Security in its tracks. The Salazar bill is a good step to show the American people that we will not allow their retirement checks to be slashed to pay for private accounts.

It is time for this House to show the American people what we truly value. This is our choice today. Will we stand with the people we represent or with the CEOs, corporations and special interests that stand to gain from the tax cut and the plan to privatize Social Security?

Mr. Speaker, I reserve the balance of my time.

Mr. PUTNAM. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from West Virginia (Mrs. CAPITO), my distinguished colleague on the Committee on Rules.

Mrs. CAPITO. Mr. Speaker, I would like to thank my good friend and colleague, the gentleman from Florida, for yielding me time.

Mr. Speaker, I rise in support of the rule and the budget resolution. The rule allows for debate, along with three substitutes, two of which were offered by the minority. I think it is a good rule.

I commend the gentleman from Iowa (Chairman NUSSLE) and members of the Committee on the Budget on a good product that addresses several of the concerns that I have had with President Bush's budget.

I am pleased that the budget provides for extension of tax cuts that have brought 20 months of job growth to our Nation's economy. I also agree with the increases for our national defense and homeland security to provide for our troops fighting the war on terror and to keep our communities safe.

One source of concern for me was the Community Development Block Grant program. It is crucial to city and rural areas across my district. The President's budget proposed reducing funds to the CDBG and 17 other economic development programs from $5.31 billion to $3.71 billion. I am pleased that the Committee on the Budget added an additional $1.1 billion to the President's request for the functional category encompassing these programs. This budget resolution makes no assumption on the President's proposed Communities Initiative.

Our veterans deserve the very best health care and services our Nation can offer them. Funding for veterans have increased by 47 percent over the past 4 years, and I am pleased that the committee added $297 million this year to the President's budget proposal for veterans, and I will continue to seek further and additional funding for our veterans and their health care.

I continue to have some concerns with the budget. I am a strong supporter of vocational education and TRIO programs. The President's budget proposal would combine these into a high school intervention initiative and reduce funding. TRIO programs are very successful. I actually worked in one in helping low income students with their transition to college.

Vocational ed programs offer many high school students the motivation to work hard in all of their classes and provide job skills who do not go on to college. I look forward to working with appropriators to ensure adequate funding levels for both TRIO and vocational ed.

Medicaid funds are very important also to all West Virginians, particularly low income West Virginians, and I urge my colleagues to avoid cuts to Medicaid as the reconciliation instructions found in this resolution are implemented.

I look forward to working with my colleagues to ensure that these priorities like veterans education, economic development and Medicaid are adequately funded as the process continues.

I support the rule and the resolution.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. RANGEL), the ranking member on the Committee on Ways and Means.

Mr. RANGEL. Mr. Speaker, let me thank my New York colleague for extending me the 5 minutes.

I rise in opposition to the rule because it appears to be inconsistent with all of the things that the President is talking about.

The President is talking about relieving the tax burdens of working Americans, and yet there is no provision at all for the alternative minimum tax that is going to grab the middle income people with a tax that they do not deserve, and the Committee on Ways and Means and this Congress never intended that they have to carry this burden.

I am glad that the gentleman from Iowa (Chairman NUSSLE) saw fit to put the $50 billion in because it is an indication that they know that a war is going on, and I only wish that they would put something in there to help those veterans that are fighting the war.

Lastly, if the President is going around the country selling this concept that we ought to eliminate this Social Security system and set up a new system, everyone agrees that it is going to cost a lot of money to do this. The transition is very, very costly. It runs into trillions of dollars, and yet there is not one scintilla of evidence that the President's legislative ideas are considered by the House in this budget.

The President had a press conference today, and he has indicated that the personal accounts, as he called them, and private accounts, as we called them, actually will not do anything to make the Social Security system solvent. So, in support of the President's position, what we are saying here in defeating the rule, give us the opportunity to bring legislation to my colleagues that would prohibit us from taking the contributions that are made to the Social Security fund out of that and putting it into a private fund, which the President agrees with us has nothing to do with saving Social Security.

As a matter of fact, he says that personal accounts will make sure that individual workers get a better deal in whatever emerges as a Social Security system, which means that if it is separate and just to make someone feel good because they have private investments, then come, Mr. President and my fellow colleagues of the other side of the aisle, and let us talk about it by taking personal private accounts off of the table and, in a bipartisan way, help us to get something that emerges out of Social Security.

Then, if we want to encourage incentives for savings, since the third rail that the President has grabbed is changing the income tax system, then let us work together and put incentives in the tax system that would encourage low and middle income workers to have a savings.

It just seems to me to have a budget today that excludes the real cost of the war, that punishes veterans that suffered in the war, that makes no provisions for relieving the economic pain that is going to be caused by the alternative minimum tax, and to act like the President going for 60 cities in 60 days will have no legislative impact, then let us save a lot of money and say that we cannot deal with Social Security reform today, not because we do not have a problem, but the President is committed in making certain that we do not find a bipartisan solution.

☐ 1330

But the President going into districts knocking Democrats because they are not coming forward to work with him is inconsistent with what our President has said when he brought this subject up, and that is keep your powder dry, do not be critical because I will be coming up with a bill, and then after that come to us.

The President has changed his position three times. First, he says there is no crisis; and we agree with him that there is a problem. Two, he indicates that the personal accounts really are not the solution and have nothing to do with the solution of solvency. And, three, he is now saying he wants ideas instead of coming up with what he thinks should be the solution.

It just seems to me that it is up to us to make certain that we still work for a bipartisan solution; and if the President does not believe that his personal and our private accounts are going to help us in resolving this problem, then for God's sake let us get on with Social Security and with the help of the gentleman from California (Mr. DREIER), a personal friend of the President who listens to him, tell him we agree with the President that if it does not solve the problem, get out of the way and let us together, Republicans and Democrats, solve this problem.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the concern of the ranking member of the Committee on Ways and Means in regard to the alternative minimum tax. The gentleman will be delighted to learn that this budget makes accommodation for a further AMT extension of relief so that middle-class Americans are not impacted by that AMT provision that originated in the Committee on Ways and Means. The gentleman from New York will be further delighted to know that the budget process allows the flexibility and the discretion for that authorizing committee to make those changes rather than having the Committee on the Budget direct them for them.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule. I would like to congratulate the gentleman from Florida (Mr. PUTNAM) who is doing a superb job, along with our colleague from Dallas, the gentleman from Texas (Mr. SESSIONS). As members of the

Committee on Rules, they are also serving in the very important capacity on the Committee on the Budget where they have played a key role in fashioning this work product that we are going to see.

Let me speak about the rule itself. I am happy to see the gentlewoman from New York (Ms. SLAUGHTER), the distinguished ranking minority member from Rochester, New York. I am happy this rule has been able to report out every single substitute that was submitted to the Committee on Rules calling for an opportunity to be considered here in the House. I am also happy we have been able to include an additional amendment which is unusual in that as Members know from the perspective of both sides of the aisle, when Democrats were in the majority here, Republicans in the majority, we have traditionally only made substitutes in order. But out of deference to the distinguished ranking minority member of the Committee on Appropriations, we have chosen to make in order an amendment offered by the gentleman from Wisconsin (Mr. OBEY).

I believe this rule is extraordinarily fair, extraordinarily balanced and will provide an opportunity for a wide range of public policy discussions to take place as we move ahead with consideration.

Let me say when it comes to the budget itself, I think we have a clear choice. The gentleman from South Carolina (Mr. SPRATT) came before us and discussed the questions that relate to the budget proposal that have been assembled by the members of the committee under the very able leadership of the gentleman from Iowa (Mr. NUSSLE). I know the gentlewoman from New York (Ms. SLAUGHTER), as we proceeded with questions in the Committee on Rules, talked about the gentlewoman's concern over things like tax cuts.

I will say it is very important as we proceed with this budget for us to recognize what it is that tax cuts have brought about. I know in the eyes of many people it is counterintuitive in a sense that if we reduce tax rates, we can somehow increase the flow of revenues to the Federal Treasury and reduce the size of the Federal deficit. I know it is counterintuitive because there are many who unfortunately are stuck with this notion that the way to deal with the deficit problem, the way to increase revenues to the Treasury is to dramatically increase taxes.

One of the points that I think is important for us to make, and I mentioned this yesterday in the Committee on Rules, the director of the Office of Management and Budget, Joshua Bolton, has on more than a few occasions reminded me, and I am sure he has said this to other groups, that if we did not have the tragic attack on September 11 against our Nation, September 11, 2001, if we did not have the horrendous cost of the war in Iraq with which we have had to contend, we would still have a Federal deficit.

We often hear during this debate that we saw under President Clinton a dramatic improvement in the budget and a surplus created. It was during the leadership provided by a Republican Congress that we got to that point, but the issue that needs to be brought to the forefront was that it was the economic slowdown, not the attack of September 11, not the war in Iraq, as painful as that has been, that led to the deficit itself.

It is the economic slowdown that began the last two quarters of the year 2000. The recession, the slowdown that we saw in early 2001, of course exacerbated as is regularly said by the attacks of September 11, by the corporate scandals we have seen, and the other challenges we have had to contend, but that economic slowdown is what led to the deficit itself.

So the single most important thing that we can do is to ensure that we expand our economy. That is the best way to deal with the deficit. That is not to say we should not be reining in Federal spending. I believe at my core as a Republican that the reach of the Federal Government impinges on individual initiative and responsibility, two very, very important things that need to be encouraged. If we can couple focusing on economic growth with responsibly reining in Federal spending, it is very clear that is the most effective way to deal with the deficit.

So what have we seen? When we had the debates in 2001 and then in 2002 and 2003 and 2004 on the issue of tax cuts, we constantly heard the argument from our very distinguished friends on the other side of the aisle that the Bush tax cut would ruin the country. It would dramatically increase the deficit itself. I am very happy to report, as I know most of my colleagues know, based on the projections we had for the last fiscal year, because of the economic growth that we saw, because of the unanticipated revenues that came into the Federal Treasury, because of the tax reduction that brought about that economic growth, we have seen the deficit itself actually reduced by $109 billion over what had been projected. That reduction in the anticipated level of the Federal deficit demonstrates that reducing rates is, in fact, the best way for us to deal with this. That is just a philosophical difference that we have between the two political parties.

Mr. Speaker, I happen to believe a Democrat, John F. Kennedy, was absolutely right when he argued this in the early part of the 1960s. It was successful. We saw dramatic economic growth as President Kennedy brought about a dramatic reduction on capital gains in the early 1960s. We have empirical evidence. It happened during the 1980s when we saw a doubling of the flow of revenues to the Federal Treasury following the implementation of the Economic Recovery Tax Act of 1981.

Mr. Speaker, I think it is important for us to recognize that this package is one which is deserving of bipartisan support. It is a responsible budget which will rein in the kind of profligate Federal spending that we have seen in the past and which we know is very easy to engage in, regardless of political party. Under Republican leadership, we are reining in that growth in Federal spending and at the same time we are focused on very important priorities.

Last night in a speech the President gave to an event we had, he talked about the importance of an ownership society, how homeownership is at an all-time high. It is approaching 70 percent. Minority homeownership is at an all-time high.

One of the things we want to do, we want to make sure that younger workers have an opportunity to have confidence in the Social Security system. We have all been forced to pay into the Social Security system. Anyone who has been around since 1937 when it was implemented has been forced to pay into that system. We need to make sure that it is solvent.

We know in 13 very short years more will be going out of Social Security than is coming into Social Security through the FICA taxes. We also know while people talk about the so-called $2 trillion hole, the other night the Treasury Secretary told me if nothing is done on Social Security, that borrowing level will be even greater than the $2 trillion that those who are critical of the President's proposal argue is out there on the horizon.

I think if Members look at these very important issues and then focus on what is our number one priority, the national security of the United States, this budget is one which should enjoy broad support across the board from Democrats and Republicans alike. I urge support of this rule which allows alternative proposals, those that I have just discussed, to be considered. I think the rule itself is one which is modeled after the rules that our friends when they were in the majority put together for consideration of the budget.

I look forward to strong support for the rule, and I hope at the end of the day there is strong bipartisan support for the budget resolution.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, just a brief word about the gentleman from California's remarks about unprecedented deficits. The gentleman points to 9/11, it was one of the causes; so was the recession that occurred under the Bush administration, and also policies that were adopted by this Congress and the President and the tax cuts that went predominantly to the very wealthy. When Mr. Greenspan was confronted with this, he said, "I relied on the projections that most people made," but he was reminded he was wrong. A lot of us here said that at the time.

I want to say now a word about this rule. It completely ducks the issue of Social Security and what the costs would be if privatized. The President said just a few hours ago, "personal accounts do not solve the issue." I am glad that the President acknowledged that privatization does not solve the issue. What he did not say is it makes it worse, far worse if it were to occur.

When we take their own figures and project them through the first 20 years if privatization were to occur, and we are going to make sure it does not, it would mean that this 2042 shortfall year, 2052 according to CBO, but take 2042, the shortfall would occur 11 years early. It is fiscally irresponsible.

Secondly, the President said, "I have not laid out a plan yet intentionally; I have laid out principles." But they have also had briefings and endorsed plans and called them a good blueprint, and the impact would mean, it would mean there would be a deduction from Social Security benefits of 70 to 100 percent what would be in private accounts.

□ 1345

What it also means is that there would be a mammoth cut in benefits under Social Security, worse and worse the younger you were, $152,000 for a younger worker over their lifetime. We know enough about these proposals that come out of the White House, come out of their briefings or words of the President to know massive debt, major benefit cuts, and they would not, for most younger workers, help but hurt.

The President also said, "A nest egg you could call your own." Those are his words. No, that is not correct. Because it would be under a government managed account and most workers would have to annuitize what was left in their private accounts and there would be nothing to pass on. No, it would not be a nest egg. It would be, for most people, an empty egg.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. SALAZAR).

Mr. SALAZAR. I thank the gentleman from Massachusetts for yielding me this time.

Mr. Speaker, I rise today in support of the effort to defeat the previous question. If the previous question is defeated, my bill, H.R. 1330, the Social Security Trust Funds Protection Act, will be brought before the House for debate and a vote.

My bill would ensure that Social Security payroll contributions cannot be diverted to establish private accounts. I know that people say that Social Security was not meant to be the only source of retirement income, but the sad reality is that for too many people it is the only source of retirement.

Amelia Valdez from Pueblo, Colorado, gave me this photograph about 2 weeks ago. As she gave it to me, she looked up into my eyes with tears as she said, "This is a photograph of Franklin D. Roosevelt signing the Social Security Act in 1935. Please hang it in your office as a reminder." She continued and said, "Please do not let them dismantle my only source of income."

In rural America, Social Security keeps tens of thousands of people from falling into poverty. My Democratic colleagues and I are committed to keeping our promises to American workers. We will fight to strengthen Social Security so that American worker gets the benefits that they were promised.

Creating private accounts will only hasten the demise of Social Security by draining trillions of dollars from the Social Security Trust Fund. We cannot forget the lessons that we learned from Enron. A retirement fund that relies on the stock market is simply not a secure benefit. The proposal to privatize Social Security would mean a 40 percent cut in benefits. It simply does not make sense to change the Social Security system program so that it cuts benefits. The first step towards saving Social Security is to make sure that the payroll moneys are only used to pay Social Security benefits.

I urge my colleagues to vote "no" on the previous question so that we can protect the retirement security of every American.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman and the previous speakers for drawing attention to the looming crisis that impacts people my age in Social Security, the people who frankly have come to the conclusion that unless Congress acts sooner rather than later, there will not be that program and that dramatic and important action is needed. But coming back to the rule on the budget, which is the order of the day, it is also good to know that it is more about what reforms we will be taking up later this year are dominating the discussion, which I take to mean and assume to mean that the overall and underlying budget itself is a sound one and that the rule is fair.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, the budget resolution sets the priorities of the Congress. It is a moral compass for what we stand for, what we believe in. It shows if our priorities are in the right place. It shows whether we are going to provide for the less fortunate or if we will continue to reward the rich and the powerful at the expense of people in need. The mundane minutia that are detailed as budget authority and outlays are actually the blueprints of our Nation. I do not like what the Republicans are building. They are creating a government without a conscience.

The Republicans control the White House, they control the Senate, and they control the House of Representatives. It is their agenda that determines the future direction of this country. That agenda includes slashing Medicaid, food stamps, education programs and veterans benefits. That agenda includes protecting tax breaks for the very wealthy in this country. That agenda also includes privatizing Social Security. Today, they will have an opportunity to put their vote where their rhetoric is. As we just heard, the gentleman from Colorado (Mr. SALAZAR) has introduced a bill that frames this issue plainly, that no payroll taxes may be diverted to privatize Social Security.

Mr. Speaker, I oppose privatization as do most if not all of my Democratic colleagues. The position of our Republican friends is not quite as clear. They say that all options are on the table and that they are open to listening to various ideas. They talk about the impending doom facing Social Security, creating a crisis out of thin air. They extol the virtues of Wall Street. They are desperately trying to find a way to make Social Security privatization more palatable. Their problem is that the more the American people learn about privatization, the less they like it. I believe that Social Security is a sacred compact between the Federal Government and senior citizens. It is an insurance program, a safety net intended to keep our senior citizens out of poverty. It has worked for 60 years. The privatizers want to unravel that safety net. They want to slash guaranteed benefits, run up trillions of dollars in debt and decrease the solvency of the trust fund. That is their plan.

Today we will have a chance to see if those privatizers have the courage of their convictions. So far, we have not seen that courage, because the budget resolution before us does not include the trillions of dollars in transition costs required to privatize Social Security. The Republican majority claims to support the President's privatization scheme. They say they want to do it this Congress. But they are not willing to put it in a budget.

Maybe the vote on the previous question will help them. If you believe as I do that we must not privatize Social Security, then you must vote "no" on the previous question. If you believe in privatizing Social Security, then you will vote "yes" on the previous question. It is that simple.

Social Security does face long-term funding challenges. Everyone recognizes that. As Democrats, we stand willing to work in a bipartisan way to meet those challenges. But we will not stand idly by and let the Republican majority destroy Social Security in the name of saving it. I urge my colleagues to say no to privatizing Social Security by voting "no" on the previous question.

Mr. Speaker, I reserve the balance of my time.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

This is a vigorous debate about the priorities that are embodied in our budget blueprint. But for the second day in a row now, we have had this characterized as a government without a conscience. Yet since 1995, we have seen dramatic and historic increases to IDEA, Individuals with Disabilities Education Act. Title I, historically high numbers. Veterans health care, $18.9 billion in fiscal year 2000, $30 billion today. Education numbers, up in double digits. HHS and NIH, doubled. That is not a government without a conscience. That is a government that has seen unsustainable rates of increases to discretionary domestic spending. This budget turns that corner and begins the process of slowing the growth in mandatory and discretionary but continuing to provide for those priorities, continuing to make those tough decisions in ways that have been avoided by prior Congresses.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me this time. First, I must comment on the gentleman's remarks that if things were so good, then why is it that we have parents of children with special needs decrying these budgets? Why is it that we have firefighters coming to us decrying this budget? Why are we seeing so many people saying that we have our priorities in the wrong place? Certainly we should look at this budget resolution because it should be defeated.

Even though Social Security privatization is the President's number one priority, this Republican budget resolution hides the cost of the harmful effects of Social Security privatization. It refuses to include any details on the President's privatization plan and it further continues to spend every single cent of the Social Security surplus reserve on things other than Social Security. That means over the next 10 years under this budget that we have before us, $2.6 trillion of worker contributions that are supposed to be dedicated to Social Security will be spent on something other than Social Security. Like what? To pay for these tax cuts that are going principally to the wealthiest Americans in this country.

Even with that being done, using all the Social Security surplus moneys, we still have deficits never seen before in this country. This year alone we will have the biggest deficit this country has ever seen, more than $400 billion. That is more than $1,000 on the head of each and every man and woman in this country. They are gleeful. They believe that that is what we should do.

Mr. Speaker, many of us believe that we should have a plan as the Salazar legislation would propose that we save every single cent of the Social Security surplus which this year alone the surplus in Social Security contributions that will not be needed to spend for benefits to Social Security recipients will equal $169 billion. We can start by saying that $169 billion of Social Security moneys will not be spent, because this budget spends every single cent of the $169 billion coming in this year for Social Security on something other than Social Security. That is why so many Americans are so insecure about Social Security and insecure about what the President proposes to do about Social Security.

Not more than 2 hours ago, one of the President's Cabinet secretaries, Secretary Elaine Chao of the Department of Labor, said before the committee, Social Security is not guaranteed.

I asked the Secretary, "Can you clarify? Do you mean in the future perhaps if we don't do something to make it stronger, it won't be guaranteed?"

She just continued to say, "It is not guaranteed." That is why people today feel so insecure about what the President is proposing, especially with privatization, because he will not tell us what it will cost. We know it could end up costing some 46 percent in benefit cuts if we privatize. We also know that it would require massive government borrowing, some $5 trillion over the next 20 years, if you try to privatize the system.

Where does all that money come from? Mr. Speaker, the reason people are so insecure about Social Security is not because the system is not there for them, it is because we have leaders talking about changing it without giving us the facts. Mr. Speaker, it is time for us in our budget documents to speak to the people, to give them the facts. This budget resolution does not do it. We should defeat it.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

I am delighted to provide the gentleman some facts. Fact number one, title I has grown 10 percent per year since 2000. Pell grant funding, grown 10.3 percent per year since 2000. No Child Left Behind funding, grown 40 percent. Special education since 1996 has more than quadrupled. Funding for IDEA has quadrupled since 1996. IDEA funded only 8 percent of the per pupil expenditure in 1994 and 1995. Now it is nearly 20 percent. The Education Department discretionary budget authority has increased 146 percent since 1995. Those are the facts.

Was there not a conscience in the Congress prior to 1995? Is a 146 percent increase unconscionable? The commitment to education, the commitment to health care, the commitment to the NIH, the commitment to defense and the commitment to policies that expand and grow our economy and give Americans tremendous opportunities have been embodied in our budgets and are embodied in this budget.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I am going to urge a "no" vote on the previous question and a "no" vote on the rule. The minority has an issue we want to discuss in the course of this budget. That issue is whether or not we should stand by and allow the continued diversion of revenue assessed taxpayers for the specific purpose of Social Security.

Social Security means a lot to me. I have received a Social Security check. I have received that survivors benefit when my dad died. It meant so incredibly much to our family. One in six North Dakotans that I represent, 114,000, get a Social Security check every month. Well over half of North Dakotans pay into Social Security. They say what we have heard all across the country, and that is, "My Social Security taxes are for Social Security. Don't raid those Social Security dollars."

Now, of course, given the discussion on this radical overhaul of Social Security, we have the other prospect that these dollars will be taken away from Social Security and placed into private accounts, resulting in either massive additional borrowing to continue Social Security benefits or very draconian budget cuts. Massive additional borrowing or budget cuts if the revenue coming into Social Security is diverted into private accounts.

We think right now is the time to have this discussion. I support so much the amendment brought up by my friend from Colorado (Mr. SALAZAR), a new Member.

☐ 1400

He wants to have this body move immediately to a debate on his amendment which would prohibit the diversion of Social Security money upon our completion of the budget. I think this is a good idea. I would like to hear one reason why we ought not move to discussing this diversion of Social Security money away from the Social Security trust fund, why we should not discuss today the prospects of massive additional Federal borrowing if we divert the Social Security money, why we should not discuss today the Draconian budget cuts that would reduce benefits potentially to people who desperately need them if we divert money that is coming in to pay benefits into private accounts.

There is a lot of explaining to do, in my opinion, for those who are advancing this privatization scheme on Social Security; and I know the Nation would feel an awful lot better, certainly those I represent, if we conduct this debate having first adopted the preservation of Social Security. Let us move to the discussion on how we shore up and maintain and strengthen Social Security, but not in ways that would cause massive additional borrowing, massive benefit cuts.

Vote "no" on the previous question. Support this opportunity to debate the Salazar amendment.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

There will be that opportunity, this being the rule on the budget; but I will engage in a bit of discussion about the Social Security because I am one who will gain or lose a great deal, being someone who will reach that retirement age at that year of insolvency. And it is shocking to me that the party who gave us Social Security, and should be very proud of it and are, are almost in complete denial about the looming crisis that it faces and refuse to accept the fact that, regardless of which option we choose to solve the problem, that it is something that should be kicked down the road to future generations, to future Congresses, to future years.

And there is a stone wall of resistance to any discussion at all about for once Congress getting ahead of a big issue, for once Congress actually dealing with the problem before it is crashing down around our heads, for once Congress actually being bold and looking into the future beyond the next budget cycle, beyond the next election, beyond the next short-term problem and actually tackling it and dealing with it.

Anyone who has been through their freshman orientation upon being elected has a bipartisan group give them the long-term unfunded liabilities of this government, and we acknowledge that there are vast differences in the approach to saving Social Security. But, unfortunately, largely with one bold, brave exception in the gentleman from Florida (Mr. BOYD), there has been total resistance to have any constructive effort to bring about a solution to this problem.

Mr. POMEROY. Mr. Speaker, will the gentleman yield?

Mr. PUTNAM. I yield to the gentleman from North Dakota.

Mr. POMEROY. Mr. Speaker, I appreciate the gentleman's yielding to me and very much appreciate the constructive tone of his debate.

We actually have advanced provisions for the safeguarding of Social Security. This Democratic Party which stood so strongly in preserving surplus dollars saved Social Security first, walling them off, the lockbox. We saved Social Security revenues for Social Security. And it is the Democrat Members of this body who are prepared to enter discussions when going-in principles are agreed to. Those principles: there shall be no insecurity added into Social Security and that there should be no additional Federal borrowing, no vast amounts of Federal borrowing.

Mr. PUTNAM. Mr. Speaker, reclaiming my time, I appreciate the gentleman's comments. I look forward to that constructive effort because we share that passion that those 55 and older, those at or near retirement, will not be impacted. But by golly, we have got an obligation to those people who are under 35 or under 45 or whatever number we finally arrive at, people who have time to plan and people who know, and all of us know, of all stripes, that there will be a problem in either 2040 or 2041 or 2042. We can argue over months and weeks all day long, but the point is we are not doing anything to take care of that first-year teacher, that first-year firefighter, that first-year soldier that all of us stand up on a regular basis and claim to speak for.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Let me just say to the gentleman from Florida that we do not believe that the way to increase the solvency of Social Security is to decrease the solvency of Social Security. Everybody on our side of the aisle is prepared to work in a bipartisan way to increase the solvency of Social Security. What we are objecting to is this privatization scheme.

Let me also say to the gentleman, because he questioned why I said that the Republican majority of this Congress has a budget that will create a government without a conscience, the reason why I say that is because this budget would cut $5.3 billion from the Department of Agriculture, cutting food stamps and other programs that are vital to America's farmers. This budget would cut 21.4 billion from education, cutting student loans and higher education spending.

He brags about the increase in money for No Child Left Behind, but we never properly funded No Child Left Behind. And our teachers and our principals and our superintendents are screaming about the fact that we have passed an unfunded mandate to them.

This bill would cut $20 billion, mostly from the Medicaid program. It would cut $270 million in spending from section 8 and other housing and homelessness programs. It would cut money from the Witness Protection Program, $103 million from transportation. It would cut $798 million for veterans health care. It would cut the earned income tax credit. It would cut money for unemployment insurance programs.

I mean, this is why I say that this is a budget that creates a government without a conscience. We are turning our backs on people who need our help, and I think that is wrong.

Mr. Speaker, I reserve the balance of my time.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

I would respectfully request that the gentleman give us the page number and paragraph of this budget blueprint that cuts the Witness Protection Program.

As the gentleman knows, the budget document is a broad blueprint for spending that directs the authorizing committees, those committees of members who have developed expertise in their areas, to find savings through reconciliation instructions. It allows Members like the gentleman from New York (Mr. RANGEL) on the Committee on Ways and Means to best formulate those revenue measures that avoid AMT taxing; that allows members of the Committee on Energy and Commerce to deal with the issues facing Medicaid program, which all of the Governors acknowledge is swallowing up State budgets; that allows the Committee on Agriculture to fund within their committee's jurisdiction those savings in a variety of programs.

This budget blueprint is a sound document that sets the course for our Congress and for our Nation for the coming year; and the cuts that the gentleman refers to are reductions in the rate of growth in those programs, with the exception of the reconciliation instructions, which are a remarkable and historic first step to this Congress restraining spending and funding priorities and simultaneously getting our arms around the deficit that both parties are understandably concerned about.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield myself the balance of my time.

Let me first say to the gentleman that only in Washington would one call a cut a reduction in the rate of increase in spending. The bottom line is that this budget is more than just a general blueprint. There are specific directions in this budget that not only cut to the bone but cut through the bone. And, again, I repeat that this is a budget that creates a government that will have no conscience, and it needs to be defeated.

Mr. Speaker, if the previous question is defeated, I will modify this rule to provide that immediately after the House passes the budget resolution, it will take up H.R. 1330, the Social Security Trust Fund Protection Act. This legislation, introduced by the gentleman from Colorado (Mr. SALAZAR), would ensure that Social Security contributions are used to protect Social Security solvency by mandating that trust fund moneys cannot be diverted to create private accounts.

Mr. Speaker, while Members of this House may differ on what is the best long-term solution to ensure solvency of Social Security, I think we probably all agree that we need to protect the money that goes into the trust fund and that any diversion of these funds must be undertaken with great care. Private accounts do not help the trust fund solvency. In fact, it is estimated that they would cost the system more than $5 trillion. H.R. 1330 will give us an opportunity to vote up or down on whether we want the Social Security trust fund to be used to pay for these fiscally irresponsible private accounts.

Let me make it very clear that a "no" vote on the previous question will not stop consideration of the budget resolution, nor will it change the process by which it is to be considered. But a "no" vote will allow the House to vote to prevent the siphoning off of the Social Security trust fund to pay for private accounts.

So, Mr. Speaker, I urge a "no" vote on the previous question.

Mr. Speaker, I ask unanimous consent that the text of the amendment be printed in the RECORD immediately before the vote on the previous question.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McGOVERN. Mr. Speaker, I yield back the balance of my time.

Mr. PUTNAM. Mr. Speaker, I yield myself the balance of my time.

The untrained observer would believe that we were debating a Social Security bill here this afternoon. In fact, it is the rule on the budget blueprint for this country for fiscal year 2006, a budget blueprint that does a number of things important to the American people.

It puts our soldiers and sailors and airmen and Marines and Coast Guard and Reservists and Guardsmen foremost, fully funding the President's defense request, budgeting for the continued global war on terror to the tune of $50 billion; prioritizing, even making tough divisions, something that we are loathe to do often in this process, but it is what we are here for, making tough decisions about priorities, priorities in government, priorities in households, priorities in our individual lives, something every American is accustomed to.

It continues to invest heavily in our Nation's defense and homeland security. But it also recognizes that these challenges that have come about since 2001 have also required us as a Nation to make some tradeoffs. And so for the first time since the Reagan administration, it calls for an eight-tenths of a percent reduction in nonsecurity discretionary spending. It directs the authorizing committees to find savings on the mandatory side of spending, discretionary being just over a third of the budget anymore; mandatory nearing two thirds, essentially on auto pilot.

So a balanced approach to finding savings in our government such that we may begin to get our arms around the deficits and cut the deficit in half in 5 years so that we do not shoulder young people just entering the workforce, school-age children, children not yet born with these massive debts. We begin the difficult process of fiscal restraint, something that is anathema to this body oftentimes, all too often.

It has been said in the context of the Social Security debate that the other side does not believe the solution to solving Social Security's problems is to privatize it. We do not believe the solution to Social Security's problems is to do nothing. We have led with our chin on this issue, and I am very proud of that effort; and I am proud of the manner in which we have conducted this debate because it will undoubtedly be an extensive debate occupying a good part of the 109th Congress.

It is an opportunity for this Congress to lead, to lead the American people to an understanding of an issue that is at a total insolvency point occurring in 2042, but its impacts on the Federal budget beginning as soon as 2008. And as a young person who will be impacted by that, it gives us an opportunity to look beyond the short term and be truly visionary in the great ways that this Congress is capable of being.

We have done a lot of great things over the past several years: doubling NIH, continuing to invest in research and cures and trials to make the human condition better. And, frankly, we have succeeded to the point that the reason why Social Security faces insolvency is because the life expectancy of Americans continues to grow. Every 5 years that pass, life expectancy goes up a year. This budget continues to fund our priorities, continues to invest in people, and continues to lay the groundwork for policies that allow people to pursue their own version of the American Dream, to find opportunity in a growing, expanding economy; that allows for job creation, that does not punish entrepreneurial spirit, that allows people to continue to invest in their businesses, to have more money in their own pocket to make decisions about their own children's future, about their own opportunities, and about their own hopes and dreams.

And with that I urge my colleagues to support the rule, which is a very fair and balanced rule, and to support the underlying budget produced by the committee.

The material previously referred to by Mr. McGOVERN is as follows:

PREVIOUS QUESTION FOR H. RES. 154, RULE FOR H. CON. RES. 95

At the end of the resolution add the following new section:

SEC. 3. Notwithstanding any other provision in this resolution, immediately after disposition of the concurrent resolution H. Con. Res. 95, the Speaker shall declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1330) to provide that Social Security contributions are used to protect Social Security solvency by mandating that Trust Fund monies cannot be diverted to create private accounts. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. After general debate the bill shall be considered for amendment under the five-minute rule. The bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 4. If the Committee of the Whole rises and reports that it has come to no resolution on the bill H.R. 1330, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of that bill.

☐ 1415

Mr. PUTNAM. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McGOVERN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of the rule if ordered, H.R. 1270, by the yeas and nays, and H. Con. Res. 98, by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 230, nays 202, not voting 2, as follows:

[Roll No. 78]

YEAS—230

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass

Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—202

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—2

Cubin
Radanovich

□ 1442

Mr. PALLONE and Mr. REYES changed their votes from "yea" to "nay."

Mr. FORTENBERRY changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. McGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 228, noes 196, not voting 10, as follows:

[Roll No. 79]

AYES—228

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—196

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford

Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—10

Cubin
Honda
Hostettler
Jefferson
Melancon
Radanovich
Rush
Watson
Watt
Weldon (FL)

☐ 1451

Mr. SPRATT changed his vote from "aye" to "no."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDING INTERNAL REVENUE CODE OF 1986 EXTENDING LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the question of suspending the rules and passing the bill, H.R. 1270.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. CHOCOLA) that the House suspend the rules and pass the bill, H.R. 1270, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 431, nays 1, not voting 2, as follows:

[Roll No. 80]

YEAS—431

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—2

Cubin
Hostettler

☐ 1500

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPRESSING GRAVE CONCERN OF CONGRESS REGARDING PASSAGE OF ANTI-SECESSION LAW BY NATIONAL PEOPLE'S CONGRESS OF PEOPLE'S REPUBLIC OF CHINA

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 98.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 98, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 424, nays 4, not voting 6, as follows:

[Roll No. 81]

YEAS—424

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—4

McCollum (MN)
McDermott
Oberstar
Paul

NOT VOTING—6

Cubin
Gilchrest
Johnson, Sam
Melancon
Neal (MA)
Tiahrt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1507

Ms. McCOLLUM of Minnesota changed her vote from "present" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, last week on March 9 during the discussion of the transportation bill. I was detained out of the building and away from the Capitol, and I missed the following votes and would like to have recorded in the appropriate place of the transportation bill that on the Graves amendment if present I would have voted "no"; on the Kennedy amendment if I was present, I would have voted "no"; on the Osborne amendment if I was present, I would have voted "no"; on the Moran amendment if I was present, I would have voted "aye"; on the Conaway amendment if I was present, I would have voted "no."

ELECTION OF MEMBER TO COMMITTEE ON RULES

Mr. MENENDEZ. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 161) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 161

Resolved, That the following named Member be and is hereby elected to the following standing committee of the House of Representatives:

(1) COMMITTEE ON RULES.—Ms. Matsui.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 525

Mr. MEEKS of New York. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 525.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

GENERAL LEAVE

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the fiscal year 2006 budget resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2006

The SPEAKER pro tempore. Pursuant to House Resolution 154 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the concurrent resolution, H. Con. Res. 95.

☐ 1508

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010.

The Chair designates the gentleman from Ohio (Mr. LATOURETTE) as chairman of the Committee of the Whole, and requests the gentleman from Illinois (Mr. LAHOOD) to assume the chair temporarily.

The Clerk read the title of the concurrent resolution.

The Acting CHAIRMAN. Pursuant to the rule, the concurrent resolution is considered read the first time.

General debate shall not exceed 5 hours, with 4 hours confined to the congressional budget, equally divided and controlled by the chairman and ranking member of the Committee on the Budget, and 1 hour on the subject of economic goals and policies, equally divided and controlled by the gentleman from New Jersey (Mr. SAXTON) and the gentlewoman from New York (Mrs. MALONEY).

The gentleman from Iowa (Mr. NUSSLE) and the gentleman from South Carolina (Mr. SPRATT) each will control 2 hours of debate on the congressional budget.

The Chair recognizes the gentleman from Iowa (Mr. NUSSLE).

Mr. NUSSLE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today we are here to debate the budget resolution for 2006, the Federal Government spending blueprint that will guide all of this Congress' spending and revenue decisions for the coming fiscal year.

Let me start by thanking my staff on both sides, Republicans and Democrats. What Members will hear today, this is probably one of the heartiest debates of the year when we talk about the priorities for the coming year. As Members might imagine, because we come from different backgrounds and different States and different philosophies, we have different ideas of what is important. Members will hear quite a bit of debate from time to time that will sound rancorous. It will sound like we do not agree on anything and everything is going to be difficult, and I do not think it is quite that bad.

We have some pretty important priorities that we all agree upon, and we share a number of the goals. How to achieve those goals is in part the budget process: how are we going to get it done, and how are we going to accomplish it. That, unfortunately, gets into the details where we may disagree.

I thank the gentleman from South Carolina (Mr. SPRATT), my partner and friend who will come forthwith his own budget today, and we appreciate that. Members will hear his ideas and our ideas. We will get to debate those ideas, and we will come out at the other end with a better understanding of exactly how both sides will approach the problem, the challenges we will have; and we will hear about some of the ways to solve this.

Long before today, long before this debate started and quite honestly before we received the President's budget, we knew what the priorities were going to have to be. If you attend any town meeting in Iowa or across the country, Members are going to hear these same kinds of themes: we have to keep the country strong and defended. If we are not strong, we are not free; and if we are not free, we have lost everything. We have lost the most important gift we have been given, that has been bestowed on us, and that we feel so passionate about being able to bestow on generations to come here in this country and around the world. We need to continue to be strong.

Second, we need to continue to grow the economy. We really do. We need to create jobs and keep the opportunities flowing for our kids and grandkids because we know when we are strong and growing, we are able to accomplish so much in the world. Our economy must continue to grow.

Last but not least, and I can tell Members this is true wherever you go, people around the country are frustrated by the attitude and almost arrogance that government can solve all of our problems, that somehow another government program will solve the problem, or more government bureaucracy or more government regulations or just another law or more employees working in fancy white buildings downtown, if we would only do that we would solve the problem, and that means spend much more money, too much money.

So America's continued greatness comes from, I believe, the unlimited opportunities that our freedom provides, but we have to get our hands around this out-of-control, unsustainable spending. Right along with our well-meaning folks who come along, we have created a government that is too big and spends too much, and we have to get control of that spending if we are going to be successful.

As I have said, these must be our Nation's highest priorities, continued strength, continued growth, and making sure we can restrain spending because none of the rest of it, all of the good things that the Federal Government does in so many areas such as education and health care and veterans benefits and agriculture and transportation and energy and science, I could go on and on, we all have our favorite areas where we think the government ought to invest, but none of that continues to happen, none of that will be achieved if we are not strong, if our economy does not grow, and if we cannot get our arms around the spending.

So we chose to write a budget that ensures that first and foremost our needs must be met, gives all other priorities a fair shake, that is what the budget process does, it puts in a $50 billion what we call a place holder, recognizing that we need to fund next year's likely emergency request for the war on terror, we have to plan for that; and it continues the progress that we have made in reducing the deficit and getting our spending on a sustainable path.

☐ 1515

Last year was really the first year that we have been able to move beyond the crisis mode that we have had in our budget in response to September 11, 2001. We began a path to get hold of our out-of-control spending and to reduce the deficit. We had, I think, some pretty good success. We ought to recognize that we made some progress last year and realize how it happened. Despite cries from many different quarters in the country that all we need to do is just raise some taxes, tax the wealthy is always what people say, tax all those small businesses that are creating jobs, tax those farmers, tax those families that are sending their kids to college and are trying to make ends meet around their kitchen table, just give them more taxes and we will solve the problem. We decided we were not going to raise taxes. As a result of that, the economy continued to expand, and, due in large part to those economic policies, we now have strong, sustained economic growth and job creation. We also, for the first time in a long time, managed to slow the rate of this non-security spending that has been out there, for the first time below the rate of inflation. I think that is a whole lot more reasonable than what we saw in years past.

Let me just show my colleagues what we did last year. This is what happened in just one year. The President when he came in, almost a year ago right now, the budget deficit was going to look like this, $521 billion. We all said that was not what we wanted, that we did not want to do that. We wanted to see if we could get our arms around it last year. We knew it was going to be tough. We knew there were going to be all sorts of complaining, claims that we were not keeping the priorities straight, but when the President started, this is where we started, at $521 billion. In one year alone, 20 percent, $109 billion was reduced on that deficit. $109 billion or 20 percent in one year.

Why? Two reasons. Number one, the economy grew. The economy grew faster than anybody expected, because when you unleash this 10-plus-trillion-dollar economy and allow it to just chug along and create jobs and have people investing and creating those opportunities for our young people around the country and others to make money for themselves and deal with their own problems and their own challenges, our economy is a wonderful thing and when it has just a little bit more growth than we expect, that brings in a lot of revenue to our Treasury. In one year, we reduced the deficit 20 percent. In that same year, even with tax reductions, more money came into the Treasury than the year before. This is not a science experiment. It is a fact. When you reduce taxes and you cause economic growth, oftentimes, and last year was an example of this and already we are seeing it this year, more money comes into the Treasury. That combined with holding the rate of growth of spending, we were able to reduce that deficit and get back eventually to balance. We took the first steps by keeping the economy growing, creating jobs, beginning to restrain this out-of-control spending.

But while both of these items are critical alone, they are not going to get the job done. We have so many Members who understand that every year we come down to the floor on appropriation bills and we battle over a million here and a million there, and I know it all adds up, but there is a part of the budget that is not being addressed. I will get to that in just a moment.

This year in the budget, much like the President's budget, we take the necessary next step for slowing spending, at the same time ensuring that our priorities are met. This includes reducing the top line number for all the nonhomeland, nondefense spending by eight-tenths of 1 percent. What we are doing is we are saying we are going to take the President's number for defense and for homeland security, we want to keep the country strong, but in all other areas of our discretionary spending, we are going to start weeding the garden. We want to look through all of those programs and find ways to save money, find ways for us to reform programs, find places where we are wasting money, where money is not being spent appropriately, and as a result of that be able to reduce some of those increases.

Additionally, and probably more important, this budget begins to address the unsustainable growth on the other side of the budget, the 55 percent of the spending that simply operates automatically. This is the dirty secret of budgeting that most Members do not want to talk about and that is what we call mandatory spending. What is mandatory? What could possibly be mandatory about spending in Washington? When Congress sets up a law that says a check is going to be written if certain eligibility is met and regardless of any other changes in demographics or anything else, money just keeps going out, the program keeps chugging along, without any checks, without any balances, without any opportunities to take a look at whether the program is meeting the needs. That is automatic spending. That is the mandatory spending.

What we did a number of years ago in welfare reform is we said the program is not helping people, it is not helping families, it is locking people into the dependency on government, asking no personal responsibility in return. Unless we reform the program, we are not going to get our spending under control. People are just going to keep getting the checks and nothing is going to ever change. Generation upon generation was going to be locked in this spending. And so what we did just 10 years ago and what we want to do again here is tackle some of that automatic spending.

Let me show you what is happening to it. The yellow area here is the portion of the budget that back in 1995 when we tackled welfare reform was about half of the budget, this entitlement spending or automatic spending. We tackled it back then. Thank goodness we did because it was growing out of control in the welfare programs. We now need to look in other areas because look what has happened in just 10 years. In just 10 years, more than half of the budget is now done automatically, is not going to be done on the floor here, in our appropriations process, is not going to have the oversight, is not going to have the opportunity to reform because we are not paying attention to it in our budget. This year we are. This year we are going to. This year we are going to ask the committees to reform the programs and begin weeding the garden, looking for ways to deliver these programs more efficiently.

Why? Because as we see, if we do nothing, it grows unsustainably out of control, which is the word the Governors use for Medicaid, unsustainable. The Medicaid program is unsustainable. They know it is growing too fast. They know that on an average year, Medicaid grows 7.5 percent. Out of control. 7.5 percent. And so this year what we are going to do is we are going to begin to tackle this automatic spending. Our current rate of growth of spending in this mandatory area is 6.4 percent. All of it is growing at 6.4 percent. Nothing changes. 6.4 percent. Again, every year, another 6 percent, every year growing and compounding and growing and Congress is doing nothing. Our constituents are getting frustrated. And so what we need to do is we need to go in and reduce that growth just one-tenth of 1 percent. That is all we are asking for. We are saying instead of growing at 6.4 percent, it is going to keep growing at 6.3 percent. But let us get the committees and let us get the Congress and let us get the Governors into a room and let us begin talking about these programs, reforming them and getting them under control.

I will note that there is a very interesting phenomenon about this decision to slow the rate of growth which ends up being about one-tenth of 1 percent over the next 5 years. It has created a very interesting phenomenon, because what happens about this time of year is people come to the floor and they start saying things like, oh, these cuts are outrageous, these cuts are unconscionable. Why do they keep calling it cuts? Because in Washington, a cut is a decrease in an anticipated increase.

Let me explain what I am saying here. What I am saying here is that in Washington, if you do not get what you expected from one year to the next, if you do not get the increase you thought you were going to get, they run to the floor, they run to the press conferences, they run to wherever it is they can run and complain and suggest that they are being cut. It would be as if your son came to you and you have been negotiating your lawn mowing fee, his allowance maybe over the last number of years and you were able to pay him 10 bucks every time he mowed the lawn. This year he came to you and he said, "Dad, I want 15." You said, "Son, I love you. You're a great son. You do a great job. I'd like you to trim a little bit more, but you're doing a pretty good job with the lawn. I'm not going to give you 15, I'm going to give you 12." If he ran to the microphones with a lot of people around here, they would claim he was cut $3. My goodness, what an outrage. You should love your son. You should love what he does to your lawn, that he should get an increase to $15. My goodness, what an outrage, instead of recognizing that it was a $2 increase. That happens so often around here.

I understand that we are going to hear some of that rhetoric today, but we are slowing the rate of growth. We are just saying it needs to be slowed down. Just slow it down. Let us reform the programs. Let us get the people in a room who need to be part of the discussion to reform these programs and let us slow down the spending and make sure that the programs that we are talking about, which are so vitally important to people, take the food stamp program. That is for people who are hungry. Take the Medicaid program. That is for people who do not have health care. Take a number of these programs and suggest that they should grow out of control? Or suggest they should meet the changing needs of a population, and that is something that we have to continue to do and it requires constant weeding of the garden and constant attention if we are going to get that done.

The problems facing our mandatory spending did not happen overnight. We are not going to fix this overnight. We are not suggesting this is being fixed overnight. It is like going from 60 miles an hour to slam on the brakes to zero? No. That is not what we are doing. We are just saying, slow down, figure out a way to make these reforms.

One thing I will guarantee you is that if there is no budget, if you do not put these kinds of instructions into the budget, if there is no budget or if an entity or a Member comes to the floor with a budget today that does not have these serious kinds of instructions in the budget to reform the programs, I will guarantee you they will not get fixed. I would suggest to you doing nothing is not an option. You cannot complain about Medicaid and offer no solution. You cannot complain about the error rate in food stamps and say there is no solution. You cannot complain about these programs and say there is no solution. We do not think there is a silver bullet but we want to set up a process to begin the discussion to fix these programs. We can do this. It is going to take time. The budget recognizes that, the budget we brought to the floor today, that we need a reasonable pace to get there. We set September as a deadline so we can invite all of the interested parties in to begin this. It builds on the critical work that we have done over the past number of years to shore up and strengthen national defense and create jobs and make sure that we continue our reduction in spending. I believe it is a doable, a fair and honest budget, one that we can work with the President in order to make sure it gets put into place.

I want to end with this. We plan to enforce this budget. This is a good budget. Just like last year, we plan to enforce this budget. Whether this is by way of announcement or however you want to do it, do not worry if we do not get an agreement with the Senate, with the other body. I understand that the other body has decided to walk away from the President on the budget. They are not going to do real reform. It does not look like they are going to try and control spending. I am very frustrated with what I see over from the other body. They are watering it down every step of the way. The courage unfortunately does not appear to be there in order to make some of these big changes that I think our Nation demands at this time. But I will tell you that in the House, just like last year, we enforced the budget. There was a controversy for those Congress watchers that have been brewing on the floor this week about people who wanted to really enforce the budget. Thank goodness we do that. Last year we enforced the budget. The Speaker did. I did. We were able to hold the line on spending, keep within that budget. As a result, we got the deficit reduction that we needed. Just like last year, we will do that again this year. I do not need any special rules. I do not need any Member to tell me that that is how we ought to do it. That is my commitment. That is the Speaker's commitment. That is the majority's commitment. When we pass something, we mean it. That is what we lived under last year.

We have had terrible extra budgetary spending in an emergency basis. I understand people are frustrated with all the extra spending. I want to show it to you. Every year we have had to do extra spending. I understand that. On September 10, 2001, we had a surplus.

□ 1530

There is no question, we had a surplus on September 10 of 2001. We all know what happened the next day. And we all know and we all joined in the spending to meet the needs of our changed world. None of that was in the budget. We knew we had to do it. We knew we had to keep the economy strong. We knew we had to support our troops. We knew we had to combat terrorism. We knew we had to protect the country.

We decided we would do whatever it took. That is whatever it took. And it meant we had to run deficits. But just like last year, we made a commitment to reducing the deficit. We did it 20 percent last year. We are going to do it again this year. We will get to cutting the deficit in half by 2009. We will get that accomplished and then some, and we will get back to balance. But we have got to stick to a plan.

We will do whatever it takes, not only to protect the country, but we will do whatever it takes not to pass on that legacy to the next generation. We cannot do it all in 1 day. We cannot do it all in 1 year.

We made progress last year. This budget builds on that progress, meets the needs of our country, and it is a good budget that I hope my colleagues adopt.

Mr. Chairman, I reserve the balance of my time.

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is hard to believe that just 5 short years ago we were sitting on a pinnacle of surpluses totaling $236 billion. And it did not come easily. It was not the fallout from some fantastic economy, some serendipitous result.

Democrats, beginning in 1992 and 1993, made the hard choices that moved the budget to surplus in unprecedented fashion. $290 billion was the deficit inherited by President Clinton when he came to office, as this chart will show. $290 billion was the largest deficit in our Nation's peacetime history.

The President, as his first legislative act, sent us a budget to cut that deficit by more than half over the next 5 fiscal years. I will never forget the day we passed it here on the House floor by one vote, and in the Senate by the Vice President's vote. I will never forget the taunts, the claims that we were cutting the economy off at the knees, buying ourselves a one-way ticket to a recession, and ballooning the deficit instead of resolving it.

Well, Mr. Chairman, every year thereafter, after adoption of the Clinton budget in 1993, every year the bottom line of the budget got better, to the point where in the year 2000 we had a surplus of $236 billion. We made the hard choices to make that happen. And that was the surplus inherited by President Bush when he came to office in the year 2001.

No President in recent times has enjoyed such an inheritance, and he squandered his inheritance. We warned against it. We warned against going for deep tax cuts and relying upon the projection of surpluses at that point in time, which was $5.6 trillion.

We told the President then that while we may seem to be sitting on an island of surpluses, we were surrounded by a sea of red ink, a sea of debt; and we needed, now that we could, to attend to our long-term needs, our obligations to Social Security in particular.

He defied and ignored all those priorities and went solely with the budget whose primary thrust and emphasis was the biggest tax cuts we have passed in the history of this Congress.

Unfortunately, the prophecies and predictions we made have come to pass. The boost to the economy imparted by those tax cuts did not replenish the revenues to the Treasury of the United States. As a consequence, today we have the largest deficits in our Nation's history. Not just this year. It is not just something episodic. Two years ago we had a deficit of $375 billion. This past year we had a deficit of $412 billion. This year, according to OMB, we can look for a deficit of $427 billion. Each of those deficits, 375, 412, 427, each of those deficits is a record deficit.

And now what do we look at for the long-term future? The President tells us he is going to cut the deficit in half. And he sends us a budget which purports roughly to do that. But he conveniently omits from his estimation of what will be incurred in the way of cost over the next 5 years major items such as the cost of the war. We have 140,000 troops in Iraq and Afghanistan. More in Afghanistan. That war cost is not going away or tapering off any time soon. And any budget that is straightforward should include some estimation of the likely cost now that we have been over there for 2 or 3 years and know what the costs should be based upon.

Secondly, there is nothing in the President's budget to account for fixing the Alternative Minimum Tax, which we all know is a political inevitability. His own Treasury Department has told us if we do not fix it, it will go from four million tax filers to 30 million tax filers by the year 2010. It will have to be fixed in the near term. There is not a thing in the President's budget that accounts for that. Even though he asks for additional tax cuts, he leaves out that $640 billion item.

And then the cost of fixing Social Security, privatizing Social Security. The President says he would like to allow workers to take 4 percentage points off their FICA payments and put it in a private account. Well, if you do that, you are taking money out of public trust funds, putting them in private trust funds; and, therefore, money will have to be borrowed to meet the obligations of Social Security; to wit, $754 billion beginning in the year 2009 and extending to the year 2015. That is not my number. The White House gave us that estimate. And yet they did not put it in their own budget.

When you add all of these things together, what you get is not a deficit that is going to be cut in half over the next 5 years, or the next 10 years, for that matter. What you get is a deficit that moves from $427 billion next year to $621 billion in the year 2015.

Let me just show you in three simple lines what this means looking backward over the immediate last 3 years.

When my Republican colleagues passed the President's budget and his tax cuts in the year 2001, his offices at OMB told us in earnest, we will not be back here hat in hand to ask to increase the debt ceiling of the United States, the legal limit on what we can borrow, again until 2008. So confident are we that these tax cuts will be replenished, we do not think we will be back here until 2008.

They were back here in the year 2002, asking for an increase in the debt ceiling of $450 billion.

The next year, 2003, they came and asked for a debt ceiling increase of $984 billion. Let me tell my colleagues for reference purposes how big that is. The entire debt of the United States when Ronald Reagan came to office was less than $984 billion. In one year, in one year, the Bush administration asked and the Republicans in the Congress, both Houses, acceded to a debt ceiling increase of $984 billion. That was May 26, 2003. Within 15 months, Secretary Snow from the Department of Treasury was back and said, we need more; we need more. And consequently, before we adjourned last November, the Congress again, with Republican votes, increased the debt ceiling by $800 billion.

That means in 3 fiscal years, 3 of the 4 fiscal years represented by the Bush administration's first term, the debt ceiling of the United States had to be raised by $2.234 trillion in order to accommodate the budgets of the Bush administration.

Today, we have before us a budget resolution which was crafted by the Republicans and by the gentleman from Iowa (Chairman NUSSLE). Very little collaboration. A lot of civility. We have a great relationship, but little collaboration. They did their thing; we did our thing. Basically, what they have done is a take-off on the President's budget. It is very similar to the President's budget.

So instead of taking my word for what the consequences of this budget are, let me show something that every Member has in his or her office right now. It came yesterday, March 15: an analysis of the President's budgetary proposals for the fiscal year 2006, prepared by the Congressional Budget Office, which, as everybody knows, is neutral and nonpartisan. Members do not have to read the whole thing, although I would commit it to their reading. They just have to read to the second page. Table 1.1 on the second page, if they read there, they will see the implications of what they will be putting in train if they vote for this budget resolution, which is basically the President's budget request.

And that is, according to CBO, we will add to the debt of the United States $5.135 trillion over the next 10 years. Another $5 trillion on top of the $2.2 trillion that I have just shown will be added over the next 10 years as a consequence of passing this budget. That is not cutting the deficit in half. That is letting the deficit soar and soar and soar.

To mitigate the problem, the gentleman from Iowa (Mr. NUSSLE) and his colleagues on the Committee on the Budget have prepared some cuts in domestic discretionary spending. The irony here is they and the President both go to one sector in the budget that has not been growing over the last 3 to 4 years, and they take their cuts almost exclusively out of these domestic programs, programs like education and veterans health care and the environment.

Yet where the real cost increases, spending increases, are coming is not in those accounts, which constitute about $350 billion and have basically been flat for the last 3 years. As this chart shows, over the last 4 years, 90 to 95 percent of the spending increases have come from defense, understandably, the reaction to 9/11, post-9/11, and to an account in the budget that did not exist 3 years ago, Homeland Security. That is where the growth is coming.

But in instead of going to this growth, instead of going to these items in the budget, they are concentrating on domestic discretionary spending, and I tell my colleagues while we can take a hit this year, $150 billion over 5 years, a significant reduction, and maybe some more next year, pretty soon we are going to reach the tolerable limits of what we can do in the way of cutting education, law enforcement, infrastructure improvements, and things like that in the United States.

So there are limits to where we can go and the methods they are choosing, and that is why I say this is the path we are taking. Here it is when CBO sends us their report: $5 trillion. And, by the way, that does not include anything for the additional cost of the war past the year 2006, and that is because the President does not have it in his budget. The gentleman from Iowa (Mr. NUSSLE) to his credit said we know we are going to be there in 2006. We know basically what it costs, we should put something in our budget to reflect that cost. And he put $50 billion in his budget. The President did not. If we adjust his budget, as represented here in CBO, for the likely cost of being in Iraq and Afghanistan for some years to come, it adds another 300 to $400 billion to the tally. It pushes it on up even more.

So that is what we have before us, a very tough, almost intractable problem. And I wish I could say that for all of this arduous effort I thought that we were beginning to get our hands around the problem. I do not think so.

We have offered a substitute that we think is better fiscally and better in terms of our core values, the values that we support and we think the American people share: the education of our children, for which we do more; the health care of our veterans, for which we are committed and do more; the development of our communities; and the quality of our environment. We do that simply by bringing spending in the domestic discretionary accounts back to baseline, that is, to current services, enough to prevent them from being eroded away by inflation, but not by any significant increase.

Those changes plus the plan we lay out will bring our budget to balance by the year 2012. We think that ought to be the effort and aim of every budget that is presented here in the well of the House, getting back to balance as soon as possible and will incur less debt than the budget resolutions being offered to us.

So we have got plenty to debate here today, but we have got an alternative on our side that protects our core values and priorities, the education of our children, the health care of our veterans, the development of our communities, the quality of our environment, and one also that is fiscally responsible. One also that will move us to balance sooner in time more assuredly than the Republican resolution.

We look forward to the debate. We believe that we have the better choice, the better resolution; and we will be presenting in the course of the day the reasons why.

Mr. Chairman, I reserve the balance of my time.

Mr. NUSSLE. Mr. Chairman, at this time I would like to have our Members talk a little bit about our continued strength as a Nation.

Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. CRENSHAW), a member of our committee, to talk about national defense.

☐ 1545

Mr. CRENSHAW. Mr. Chairman, I thank the chairman for yielding me time, and want to commend him for his hard work in crafting this fiscally responsible budget which fulfills Congress's commitment to protecting American citizens.

As the chairman just stated, the driving force of this budget is to make sure, first and foremost, that our most critical priorities are met, and there is no greater priority in this budget than making sure that America's continued strength and security are intact. Our number one commitment to the American people continues to be the protection of their security.

Five years ago when I decided to run for Congress, I decided because I looked at our military, I saw that it was underfunded. I saw that it was overdeployed. In fact, in the late 1990s, the service chiefs had warned Congress that our Nation was on the brink of a hollow military, with inadequate funding for troop training and maintenance of equipment.

This became painfully clear when we were attacked on September 11. Our Nation had severe defense and homeland security deficits that had to be addressed immediately. Since that day, Congress has shown that we are more than willing to spend whatever is necessary to protect and defend our Nation and support our troops.

Since September 11, we have spent $1.9 trillion, almost $2 trillion, to provide for the defense and homeland security of this Nation, and that does not include the supplementals that we have already passed, which add up to $248 billion. So we have done a whole lot of very necessary and very costly building, rebuilding and across-the-board updating to correct those deficits, and we acted quickly, deliberately, and in a bipartisan way to address those needs. I am glad to say that this year's defense and homeland security budget builds on the substantial progress we have already made.

Our national defense base budget continues the multiyear plan to enable the military not only to fight the war against terrorism today, but to transform our military to counter some of the unconventional threats that will come in the future, and Congress has shown that we are more than willing to do whatever it takes.

I am going to show you a chart, and this shows that since 2000 we have increased spending for the military by 66 percent. You can see it goes from $287 billion to $476 billion these last 5 years. So that is quite a commitment.

Now, this budget accommodates the President's request for the Department of Defense and increases our spending this year up to $419.5 billion, almost $420 billion. That is an increase over last year of 4.8 percent. It also proposes a sustained average increase of 3 percent over the next 5 years.

I think we all know that the most important part of our defense funding is for the people, the men and women who serve our country, the finest military personnel in the world. To support them and to allow the Department of Defense to continue to recruit and train first-rate forces, this budget builds on the critically needed funding increases of the past few years for military personnel.

Since President Bush took office, we have increased spending in military personnel accounts by approximately 40 percent, providing such quality of life advancements as, number one, an increase in military pay of 21 percent. We have reduced the average out-of-pocket housing expenses for military people from 18 percent down to zero. They do not have to pay on average any out-of-pocket expenses for their military housing. And we fully funded the health benefits for active duty members, for retirees and their dependents as well.

We spend money in operations and maintenance. That is the core of our readiness to fight this global war on terrorism. This budget provides for increases in training and education, operations and support for the military forces, maintenance of field weapons systems and equipment, and operation and maintenance of facilities. In total, operations and maintenance has gone up by 20 percent over the last 4 years.

To continue our effort to replace worn out or obsolete equipment, we provide for procurement of new ships, aircraft, and vehicles, as well as the purchase and initial fielding of weapons systems, ammunition and other combat-related systems. Over the past 4 years, funding for procurement has increased 25 percent.

Also, as the chairman noted in his opening statement, we have included in our budget $50 billion to fight the ongoing war on terror.

Mr. Chairman, the number one responsibility of the Federal Government is to protect American lives, and I am proud to say that this budget does just that. I urge its adoption.

Mr. NUSSLE. Mr. Chairman, I yield 4 minutes to the gentleman from Kansas (Mr. RYUN) to talk about homeland security.

Mr. RYUN of Kansas. Mr. Chairman, I thank the gentleman for yielding me time, and I want to compliment the gentleman and the staff for putting together what I consider an excellent budget. Your work will be recognized as we move this.

Continuing our progress in providing for homeland security, this budget provides for a total homeland security spending of $49.9 billion, an increase of 8.6 percent. About 55 percent of that would go to the Department of Homeland Security or other homeland security-related funding spread through the government, including the Department of Defense, Health and Human Services and Justice as well.

These funds will work to meet the needs in three key strategic areas of homeland security, including, first of all, preventing attacks. We provide for increases in funding for homeland security programs and agencies specifically designed to help prevent attacks from occurring, including border security, counterterrorism and counterintelligence.

Secondly, we reduce other vulnerabilities. Our budget works to reduce and eliminate the risk of attacks at our ports, rails, in the skies, our food supply and roads by allowing for increases in many of the programs and agencies to help protect these important areas of commerce and travel.

Thirdly, ensuring preparedness. This budget also helps to ensure that our first responders have the necessary material and equipment to handle emergencies as well as adequate disaster preparedness through FEMA.

Key initiatives of the President's proposal supported by this include: $40.4 billion for total homeland security spending, excluding the Department of Defense homeland security spending; $38.3 billion for the Department of Homeland Security, a 177.5 percent increase for agencies moving into the department from fiscal year 2001; and the increase in this year's budget follows on the heels of truly substantial increases over the past few years.

As you will see from the chart we are going to put up now, this chart shows only the non-defense discretionary spending and illustrates what we have done in the past years in the area of homeland security since 2001.

In 2000, spending in this category, as you can see from the bottom over here, was $9 billion, so over the past years we have increased that by 28 percent, where we are now up to an estimated $32 billion. So the increase has been there and we are doing what is right.

We have invested more than $50 billion to create the Department of Homeland Security, reorganizing 22 agencies consisting of 180,000 employees and their missions and invested heavily to protect the homeland against threats such as bioterrorism.

As I said a moment ago, there is no higher priority in our budget, or certainly in the budgets of the past few years, than providing for what is needed for the protection and security of our country and support of our troops. That said, we want to ensure that the money we are spending is being spent wisely and with proper planning and oversight. As the chairman has often said, and we are working on here, many times too often around here we judge our progress simply on how much we are spending, instead of how well we are spending it.

Aside from the increases the President has proposed for both homeland security and defense, his budget recommends reducing total funding for non-security discretionary programs by about 1 percent from the current year's level. Particularly under these circumstances, we want to make sure that every dollar we spend is spent wisely and with proper planning and oversight. The homeland security defense spending is certainly no exception.

Mr. SPRATT. Mr. Chairman, I yield for the purposes of a unanimous consent request to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I thank my friend the gentleman from South Carolina for his leadership.

Mr. Chairman, I rise in support of the fiscally responsible Democratic alternative budget offered by the gentleman from South Carolina (Mr. SPRATT) and in opposition to the Republican leadership's unbalanced budget.

Mr. Chairman, the annual budget resolution is not a legally binding document, but a guide, a blueprint for our Nation's budget. While the House regretfully—and irresponsibly—failed to pass a budget resolution last year, we should not by our inaction diminish its importance. The budget resolution should reflect this body's values and priorities and those of the American people. Unfortunately, Mr. Chairman, the majority's 2006 budget resolution does not reflect the American people values, priorities and needs, let alone their children's needs. This budget will, in fact, hurt the vast majority of Americans for years to come.

This budget resolution makes tax cuts for the wealthiest in our society its top priority. By contrast, it puts little or no priority on programs to serve veterans. It slashes funding to protect the environment and eliminates numerous education programs. Low-income households and underserved communities take the worst hit through excessive cuts to health care programs, education, critical infrastructure and housing.

These funding cuts include the elimination or substantial reduction of 150 programs. For example, the Department of Education eliminates 48 programs, costing a total of $4.3 billion, and the Department of Health and Human Services eliminates 33 health and social services programs costing $2.0 billion. Some cuts are implemented over a 10-year budget window, but many are eliminated entirely in fiscal 2006. For example, all vocational education programs are eliminated immediately. The budget slashes $522 million for all technology education programs and $437 million for State grants for safe and drug free school and community programs. The Environmental Protection Agency, EPA, budget is cut by nearly one half billion dollars, jeopardizing EPA's ability to enforce environmental regulations and coordinate mitigation programs with State and local governments.

The Republican budget cuts veterans' health care by $14 billion below current services over the next 5 years. These cuts come at a time of unprecedented growth in demand for services. The Veterans Health Administration, VHA, is struggling to provide adequate health care services for our aging Vietnam, Korean, and World War II veterans, in addition to serving the needs of the countless and increasing Iraq war veterans.

The Congressional Budget Office predicts that the administration's policies expressed through this budget will result in deficits of $250 billion or more each year over the next 10 years. The programs I just cited represent a small portion of the discretionary budget. Targeting environmental, veterans, health care, education, basic scientific research and housing programs for cuts, while advocating permanent tax cuts that benefit the highest income tier, is not the way to balance the budget.

These discretionary programs represent only 16 percent of the deficit but are charged with nearly 100 percent of budget cuts. While the tax cuts represent the cause of the majority of our deficit, they will not be pared back but instead are made permanent.

The Bush administration and its House leadership proposes to make tax cuts permanent even though this policy would cost $1.5 trillion over the next 10 years. Mounting debt and enormous interest obligations will be borne by current and future generation. Equally troubling, most of our new debt is being purchased by foreign nations. Japan and China, for example, hold nearly $1 trillion in American debt. A decline in the dollar's value against the Euro during the last year has not gone unnoticed by foreign governments that finance U.S. deficit spending. Financial ministers have expressed increasing concerns about America's unwillingness to reduce deficits. Asian nations, including South Korea, are now balancing their currency portfolio with Euro purchases. Without a historical comparison it is difficult to adequately predict what impact these trends will have on American economic and national security. Some of us are growing increasingly concerned by the administration's lack of a comprehensive strategy for reducing our reliance on foreign financing. even acknowledgment of the problem would be helpful.

The President has insisted on cutting taxes during a time of war. You don't finance two wars with five tax cuts. President Bush is the only president ever to do so, and his stubborn pursuit of additional costly "reforms" (such as the multi-trillion dollar Social Security privatization plan) seriously imperils America's ability to compete in the future against emerging economies in Asia and the European Union. Our economy, particularly in my home district on Northern Virginia, is currently in pretty good shape. But our standard of living and growth cannot be sustained if we insist on deferring enormous debt and interest obligations to future generations. The House leadership's blind acquiescence to the President's policies is regretful and irresponsible.

Mr. Chairman, I urge my colleagues to vote against the Republican leadership's budget, which basically rubber stamps the President's budget. I strongly support the Spratt alternative Democratic budget, a much more responsible and morally defensible budget.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. COOPER).

Mr. COOPER. Mr. Chairman, I thank my friend, the gentleman from South Carolina, who is one of the most able and honorable Members of this body. I also want to congratulate the gentleman for having put together a budget that reaches balance.

The other side talks a good game. They do not produce. Every year the ranking member's budget has a lower deficit than the Republican budget.

My point today is simple: On the floor of this House, there are two pictures and two pictures only: One is George Washington, to my right, and the other one is a gentleman people in the galleries have trouble identifying. Who is he? He is a Frenchman, the Marquis de Lafayette. Why is he here? Because during the American Revolution, they loaned us money to help us beat the British.

There is always a race between the creditors and the citizens. Well, under the Republican budget, the creditors start winning in the year 2009. This is it, the tipping point. In the year 2009, we will be spending more money to service our debts, increasingly to foreigners, than we will be spending on our own citizens on domestic non-defense discretionary spending. That is an outrage. It will be better starting in the year 2009 in terms of domestic government in this country to be a creditor and not a citizen.

And the trend that is being set by the Republican budget just gets worse. Do not take my word for it, listen to the Government Accountability Office. By the year 2040, under present trends, it will take all the revenues of the Federal Government just to pay interest on our debts. There will be no national defense, there will be no Social Security, there will be no Medicare, there will be no government left. The Republicans have put us on a road to ruin.

One of the speakers recently just said, well, we have a strong defense. That is good. We are borrowing more and more of the money from the Chinese. Who do you want pictured on the wall of the House of Representatives in future years? Do you want the Marquis de Lafayette, or do you want Hu Jintao of China, or Prime Minister Koizumi of Japan, or do you want Tony Blair of Great Britain? Because these creditors have more and more power over this country because we are borrowing more and more of their money.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Hawaii (Mr. CASE).

Mr. CASE. Mr. Chairman, I thank the gentleman, and I am very happy that the gentleman from Tennessee (Mr.

COOPER), my predecessor speaker, spoke of what happens next. Because I think as I look at this budget and I ask myself what is really wrong with this budget, of course, we are going to hear a lot of detail this afternoon and it is easy to get lost in the detail, and frankly it is easy for detail to obscure the underlying principles and rationale for a budget.

But let us get beyond the detail and ask ourselves a basic question, how long out does this budget go? Can you believe that this budget only goes 5 years? It only goes out 5 years.

Now, what if I came home and I told my wife, I have got a great family budget, it goes one year, knowing that I have a balloon payment on my home mortgage the following year?

What if my accountant gave me a 3-year budget for my family, knowing that I would retire in the fourth year?

What if my business ran a 5-year budget, and I knew that I had to replace my entire plant inventory in the sixth through the tenth year? I think I would be told to get out of budgeting.

And what if I told you that this budget goes 5 years, because the consequences of the budgetary policies that are inherent in this budget come home to roost after that 5 years. And what if I told you that for that exact reason in prior years we have run 10-year budgets, but we did not do it in the last couple of years. And why would we do this? Because the consequences are obscured beyond that 5 years.

I know what I think about that, and I know what the Democrats think about budgeting only until it hits the fan, and that is wrong.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CARDOZA).

Mr. CARDOZA. Mr. Chairman, I rise today to express my disappointment with the lack of attention to our Nation's fiscal crisis. We have a budgeting process that simply defies logic. The system is broken, plain and simple. We need to focus our efforts on finding a cure for our addiction to budget deficit spending.

This dog of a budget does not hunt, but the Blue Dog Coalition has introduced a 12-step reform plan that is a good place to start with reforms. It requires a balanced budget, stops Congress from buying on credit and puts a limit on spending. It requires an accurate account, cost estimates and allows sunshine to purify the process. It is no secret that our national debt is out of control. We are expected to run a $427 billion deficit in 2005, with more deficits projected as far as the eye can see.

We do not even have a firm grip on where our money is going. Within the Department of Defense, only six of 63 departments are able to produce a clean audit. That is less than 10 percent.

□ 1600

This budget omits so many major expenses that it is a sham. The administration has essentially cooked the books using Enron-style accounting and Congress is just blindly going along with the program.

We find ourselves trying to pass a budget that hides half of our problems. We know that foreign holding of U.S. debt is on the rise. Interest on the national debt is the fastest growing area of the Federal budget, and the trade deficit is totally out of control.

What are we doing about it? Not a darn thing.

I hope that this Congress will wake up and restore fiscal responsibility and accountability. It is time to stop digging this hole deeper.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE of Kansas. Mr. Chairman, we have in this country a $7.7 trillion national debt. We have deficit for the past 4 years of over $400 billion a year. We have interest between a half a billion dollars and three-quarters of a billion dollars a day, interest a day on our national debt.

We have got to change the way we are doing business in this country, or our children and grandchildren and future generations will not have a chance. The first rule of holes is when you are in a hole and you do not want to go deeper, stop digging. We just keep digging this hole deeper and deeper and deeper.

This should not be about Republicans and Democrats. This should not be partisan at all. We are all in this together. We ought to be working together to return to fiscal responsibility. Some people talk fiscal responsibility, but they are not willing to practice it.

I proposed a couple of years ago that we reinstate what is called PAYGO, pay-as-you-go rule. That would require if you have a new spending proposal or a new tax cut proposal, you have to say how it will be paid for. Pretty simple, pretty commonsense.

Chairman Alan Greenspan has recommended that to the Committee on the Budget, to the House of Representatives that we should return to the PAYGO rule and we should do that. That would keep us from putting our country deeper and deeper in debt. But we are not doing that, and we have got to change the way we are doing business here.

We are putting our kids and grandchildren in a hole so deep I am concerned that they will never be able to climb out if we do not turn things around here.

We should all come together, Republicans and Democrats, and say we are going to restore fiscal responsible: we will take care of business. But we cannot have just unlimited tax cuts. It is like a kid going into a candy store saying, I got a dollar, when what he wants to buy is a $1.50 worth. They say, You do not have enough money. But I want it. Well, we cannot have everything we want. We can have selected tax cuts, we can have selected spending: but we cannot have everything across the board and keep our country in the black.

Mr. SPRATT. Mr. Chairman, I yield 2½ minutes to the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Chairman, I do not think the American people realize how bad the situation here is in Washington and how financially mismanaged our government has been over the last 4 years.

Since 2001, this country has borrowed in hard dollars $1.12 trillion. What that means to every citizen is simply this: at 5 percent interest, that is over $50 billion a year that has been transferred away from addressing the problems of health care and veterans and education and the things that will keep our country competitive into interest. What is worse than that though is since that time 84 percent of the budget deficit that we have run, the money we have borrowed has come from foreign interest.

We are now sending $80 billion a year overseas in interest checks. We are bankrupting America while this country, this Congress fiddles. And this situation is not only dire and getting worse by the second. We are borrowing $13,000 a second, paying interest at about $5,000 a second.

If you took 1,000 dollar bills and stacked them on top of one another, one million dollars would be about a foot high. A billion dollars would be about as high as the Empire State Building, and a trillion dollars would be a thousand times as high as the Empire State Building. This government has borrowed over $1 trillion in the last 48 months, and we are doing nothing in this budget to address that problem.

We are lording over the largest budget deficits in the history of the United States. That is the record. I mean, people are entitled to their opinion. They are not entitled to their own set of facts. This is not something that is going to happen in the future. This has happened and is happening now.

The director of GAO was before the Committee on Ways and Means last week. Do you know what he said? He said if we continue on this course, if we do what the administration and this Congress recommends, and that is make the tax cuts permanent, and spending only grows at the rate of growth of the economy, in the year 2040 every dime that comes into Washington, D.C. will be going to pay interest. There will be nothing left, 35 years from now.

I do not know if I can impress on the American people enough to demand that something be done about this horrible mismanagement of their country and their country's finances.

Mr. NUSSLE. Mr. Chairman, I yield myself 30 seconds.

I say they have demanded and we are responding; but I do not hear any of them saying we want a tax increase like the Blue Dog budget is going to offer. That is not what they are saying.

We do not need more taxes to come into Washington from this oversized government. We do not need that from the Democratic substitute. We do not need it from the Blue Dog budget. We do not need a tax increase. There is not anybody balancing their checkbook around their kitchen table in Iowa saying, gee, Mom and Dad, let us figure out a way to pay more in taxes.

They want us to control spending. So we will talk about controlled spending.

Mr. Chairman, I yield 6½ minutes to the gentleman from Florida (Mr. PUTNAM) to talk about the discretionary part of the budget.

Mr. PUTNAM. Mr. Chairman, I appreciate the chairman's leadership in this effort. As he noted in his opening statement, we have spent a great deal in these past few years to secure our Nation in the wake of the September 11 attacks. But at the same time we were directing a huge new share of resources to those urgent needs, we were also continuing to keep pace in our domestic nonsecurity programs like education, health care, veterans, agriculture, a whole host of other issues outside of defense and homeland security that people associate with their government.

On 9/11, our priorities shifted as a Nation, but our fiscal priorities remained the same. We kept growing our domestic programs by the same levels we had been, the rate of which would have been unsustainable even without a September 11. Over the past decade, we have increased programs almost across the board, and in many cases doubled, tripled or even quadrupled the rate of inflation.

I say that because out of one side of the mouth of the opposition comes a plea for fiscal restraint and out of the other side comes a hue and cry at the devastating terrible cuts that are being beset upon the American people.

Let us look at what the impact of domestic spending has been over the past decade. A Mount Everest of increases in discretionary spending. As we can see, overall discretionary spending grows since 1994, a very steep line. With the exception of last year which was the first time in a long time that we began the process of slowing growth, on average we have increased discretion spending by 6.1 percent per year for over a decade.

Let us look at some of the key areas that make up that portion of the spending. In the last 5 years, the Republican Congress has increased education funding by an average of almost 12 percent per year. Over that same period of time, spending for the Department of Education has increased by 75 percent, almost doubling our commitment. In fact, aside from the newly created Department of Homeland Security, the Department of Education has grown faster than any other Federal agency or Department during this period.

Let us look at some of the key programs that make up two-thirds of the Department of Education's budget. Title I, since 2000 title I funding for low-income schools has increased by 55 percent. Pell grants which help provide lower-income students with funding for college has increased by 57 percent over 5 years. And while this decision will be left up to the authorizing committee, the President's budget request called for increasing that amount that students are eligible to receive under this program.

Let us look at funding for our special needs students. IDEA, the Individuals With Disabilities Education Act, or IDEA, provides for those needs of our most important and sensitive children in the school system; funding has increased by 87 percent in the past 5 years.

In addition to increased funding, Congress also passed the No Child Left Behind Act which demands results in exchange for dollars. It works to forge a real link between education spending and classroom achievement while focusing resources on underperforming schools.

Now let us look at veterans, those men and women who have done so much to secure the freedoms and liberties that we enjoy and take for granted on a regular basis. I think that everyone should be proud of the commitment that we have made and continue to make in the area of veterans benefits.

Since Republicans took control of the Congress in 1995, tremendous strides have been made in improving benefits for our Nation's veterans through hefty increases. Budget authority since 1995 has increased 77 percent, beginning at $38 billion, ending up at $67.6 billion. A tremendous increase. In fact, that 77 percent increase compares to only a 40 percent increase over the previous 10 years.

Spending per veteran. Let us get right down to the veteran in your district. Spending per veteran since 1995, increased payments per veteran have gone up 103 percent compared with 43 percent during the previous 10 years. You could walk into any Legion Hall or VFW complex in America and be proud of that number.

Since 1995, we have increased VA medical care funding from $16.2 billion to almost $30 billion. And in 1996 and 1999, Congress expanded eligibility for medical care and as a result the number of veterans utilizing VA care has nearly doubled.

The Montgomery GI bill. Those veterans who return home and seek to improve their lot and develop their education skills, since 1995 Montgomery GI education benefits have gone from $405 to $1,004, an increase of 147 percent. And I will also note that prior to the Republican take over in 1995, under 40 years of Democrat control, there was no progress whatsoever on concurrent receipts. Now military retirees injured in combat or while training for combat who are 50 percent or more service disabled, are able for the first time in over 100 years to receive retirement benefits at the same time as their veterans disability compensation.

About a month ago, the Charleston Gazette ran this quote, and I will share it: "Bush increased VA spending by 27 percent in his first term. As factcheck.org pointed out, funding for veterans is going up twice as fast under Bush as it did under Clinton. And the number of veterans getting health benefits is going up 25 percent."

The bottom line is that domestic discretionary needs have been met and continue to be met under this blueprint that the gentleman from Iowa (Mr. NUSSLE) presents today.

Mr. NUSSLE. Mr. Chairman, I yield 7 minutes to the gentleman from Mississippi (Mr. WICKER) to talk about automatic spending or mandatory spending. We do not need a tax increase. We need to control spending.

Mr. WICKER. Mr. Chairman, I thank the gentleman for yielding me time, and I thank him for saying what he did earlier about tax increases.

I have been watching these budget debates for 11 years now as a Member of Congress, 3 years as a member of the Committee on the Budget; and year after year the argument is the same.

Our colleagues from the other side of the aisle criticize our budgets in two respects. They say Republican budgets do not spend enough, and they say taxes should be higher. That is pretty much the gist of their complaints against our budgets. So I am glad to see the chairman pointing out his opposition and join him in adding my opposition to tax increases.

Now, I do want to talk as the chairman has asked me about mandatory spending. And I appreciate this opportunity as a member of the Committee on Appropriations, as well as a member of the Committee on the Budget.

As the chairman has noted, Congress spends a lot of time talking about discretionary spending, that part of the budget that makes up only one-third of total spending. The last time we made any real effort to restrain the bulk of our spending, that part on auto-pilot, was back in 1997 and before that 1990.

Now if we look at this pie chart, we can see how much of our total spending has come to be mandatory spending:

48.7 percent in 1995, 54.3 percent today. And if we do not get a rein on it, by the year 2015, the portion of the budget over which we have little control or have chosen to have little control will grow to 62.1 percent.

□ 1615

Eventually this spending will crowd out other priorities which we also need to address.

Let us look at the other chart if we might. This one deals with student loans. We address much of our student spending with discretionary money, but student loans are mandatory programs. Since 2000, student loan volume has increased by 64 percent, with loans increasing by $31.4 billion to $80.7 billion today. This represents an annual growth rate of 10.5 percent at a time when our economy has grown by approximately 4 percent per year.

The next chart deals with Medicare spending. Medicare, of course, as we all know, is the Federal Government's nationwide health care system for 41 million senior citizens and disabled persons. That is 14 percent of the population. Since 1995, Medicare spending has grown 88 percent. This year alone we will spend $293 billion on Medicare. Over the next 5 years, CBO estimates that Federal outlays will amount to $2 trillion, and as my friend from Tennessee pointed out, $1 trillion is an awful lot of money.

Our next chart deals with Medicaid. Medicaid provides medical and long-term expenses to more than 40 million low-income families, elderly and disabled individuals. This is one out of seven Americans who benefit from this program. It serves as the cornerstone of America's health care safety net. Since 1995, Medicaid spending has grown an astonishing 211 percent. Let me repeat that. Since 1995, Medicare spending has grown 211 percent. According to CBO, this year the Federal Government will spend $183.2 billion on this important program, and over the next 5 years that spending will grow by over $1.1 trillion, an enormous rate of increase in this mandatory program.

So why have we allowed it to get to this point? And why are there still so few people who are willing to admit there is a problem, let alone trying to tackle the problem?

The first reason, mandatory spending is difficult to control. This spending is tied to a variety of factors outside Congress's control, demographics, economic conditions, medical prices and so on. In addition, we have an aging population, with longer life expectancy—that is a good thing—increasing benefits and ever increasing medical expenses. In addition, the baby boom generation, my generation, is about to retire, adding huge strains to the resources of these programs.

Secondly, these programs address critical needs that must be met, Medicare payments, Social Security payments, commitments to our veterans.

Almost everyone is affected by one or more of these programs, either ourselves, our children, our parents, our grandparents. In many cases, people associate these programs with the one check that they receive with their name on it.

Now, all of these factors make it especially difficult not only to control entitlement spending but even to discuss getting it back under control without causing concern to good, deserving people who worry that their benefits will be changed. So we have a big problem to deal with, not only to get our hands around the problem, but to do it in a way that is fair for today's recipients and tomorrow's recipients.

The President's budget addressed this problem by including savings in mandatory programs, just slowing that rate of growth, as part of our effort to get the growth rate under control and to help reduce the current deficit. Our budget, while not an exact duplicate of the President's proposals, begins the process.

It is important to remind everyone that this is not happening in a vacuum. As the gentleman from Florida (Mr. PUTNAM) pointed out, we have already taken the first steps toward getting a grip on discretionary spending.

Specifically, what does this budget do? It provides, for the first time since 1997, reconciliation instructions to the authorizing committees. It directs each of them to find a specified amount of savings. What it does not tell them to do is where to find those savings. That will be left up to the committees. The budget has a number that is given to each committee, and it directs the committee of jurisdiction to find that amount of savings. This is a critical step to begin the process of getting our mandatory spending back to a sustainable level, simply slowing the rate of growth of programs such as the one demonstrated on this poster.

It is a critical step, and I ask all of my colleagues to support this effort by supporting the budget, and I thank my chairman again for putting together a resolution that addresses the very needed mandatory spending restraint that is going to be necessary for our future economic prosperity.

Mr. SPRATT. Mr. Chairman, I yield 2½ minutes to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Chairman, I thank the gentleman for the time.

It has to be tough. I am a good friend of the gentleman from Mississippi (Mr. WICKER) and a friend of the gentleman from Florida (Mr. PUTNAM). It has got to be tough for them and the chairman.

Back when they were on the committee a few years ago when this President first started in office, we had surpluses, and it was easy to go before the committee and debate how we would spend money we actually have or actually had and projected we would have. But today we are out of it, so much out of it that we have to come to the floor and almost pretend that we are doing something that we are not.

As much as I respect the gentleman from Mississippi (Mr. WICKER), and I know he has left the floor, he should call his own Governor, Governor Barbour, and ask him his feelings about the Medicare increases he bragged about here on the floor.

My Governor Bredesen in Tennessee was faced with an enormous shortfall, as most Governors are. I might add that the Governors were here not long ago, Democrats and Republican, and expressed their outright opposition to President Bush's budget as it related to Medicaid and even this budget as it relates to it.

The thing that is clear today, Mr. Speaker, is that our priorities are just very different than theirs. They accuse us of wanting to spend more. Yet the two most previous speakers bragged about how much spending they have done over the last several years. I would, too, if I was actually cutting budgets.

The VFW Hall that the gentleman from Florida (Mr. PUTNAM) said I should be proud to go into and explain what we have done over the last few years, it is funny. They were here passing out ribbons and arm bands, urging us to do more because this budget here actually cuts the budget for the Veterans Affairs Department by $740 million when we consider keeping up with inflation.

We ask those returning from Iraq to pay higher copayments for their drugs, and we even ask them to pay a $250 dollar entry fee.

All of these numbers we use here could be confusing to people back home, but here is the short of it. We are going to do less for those who need it most, and we are going to do more for those who need the least in this budget.

I would be embarrassed if I had to vote for this budget. Thankfully I do not, and frankly I do not even know if I am going to vote for all the things we are going to present on our side, for one reason. It is not balanced. Ours is more balanced than my colleagues, and as much as my colleagues may want to pretend that they are doing something for education when they talk about the increases, ask any State education commissioner how far off we are with our numbers for the No Child Left Behind Act, how far we are off for the poor children in this country. If my colleagues are proud of making those kind of cuts, go for it: vote for that budget.

The last point I would make is on Medicaid and Medicare. We want to say to poor people in this country that we are taking care of them and doing all that we can. Yet we will not say to drug companies in the country that we want them to negotiate directly with Medicare so we can ensure we get the best price for seniors, for the disabled and for the poor working people across this country.

Vote no if my colleagues care about America and care about our future.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the minority leader.

Ms. PELOSI. Mr. Chairman, I thank the distinguished gentleman from South Carolina (Mr. SPRATT) for yielding me time, and I, more importantly, thank him for his tremendous leadership, for his leadership on the Committee on the Budget. He has presented budgets that are statements of our national values, that are balanced in terms of their priority and balanced in terms of their fiscal soundness. He has been a great teacher to the country and the Congress on this issue. We are indeed blessed by his exceptional leadership.

Mr. Chairman, with today's vote on the previous question, Republicans told their constituents exactly where they stood on Social Security. They want to privatize it. Defeating the previous question would have ensured that payroll contributions of millions of Americans are protected and are not diverted away from Social Security to fund private accounts, but Republicans voted unanimously to undermine Social Security with private accounts.

Even though Social Security privatization is the President's number one priority, the Republican budget hides the cost in and the harmful effects of Social Security privatization by refusing to include any details on the plan in the budget.

The Republican budget also continues the Republican raid on the Social Security Trust Fund by spending every penny of the Social Security Trust Fund over the next 10 years, totaling $2.6 trillion.

The previous speaker, our colleague, the gentleman from Tennessee (Mr. FORD) referenced that when President Bush came into office he came in at a time of surplus. Indeed, for the last 3 years of the Clinton administration, there was zero deficit. In fact, there were surpluses, and that tightening of the government's budget under President Clinton enabled the Clinton administration to pay back over $350 billion of our indebtedness, reducing the national debt. We were on a course of action in the budget of being debt free by the year 2008, debt free for our country, and what that means in terms of the budget and the debt service is remarkable.

Yet, President Bush came into office with his reckless tax cuts for the superwealthy. Not all of them were for superwealthy. We supported those for the middle class, but because of the size of the tax cuts for the superwealthy has driven us deeply into debt to the tune this year, if we include the supplemental, of about a half a trillion dollars in debt for 1 year, this is unconscionable.

The course of action that the Republican administration is on makes it nearly impossible for them to pay back the Social Security Trust Fund, the money they have taken from it to date.

Secondly, the private accounts and the transition costs of around $2 trillion for the transition over the next 10 years, is huge and, again, undermines Social Security.

So the deficit in the budget is directly related to undermining Social Security. It is essential that the President be stopped in creating these private accounts which drain money out of the Social Security Trust Fund, thereby weakening Social Security. It is essential that the President and the Republicans be stopped from their reckless deficit spending, their raid on the Social Security Trust Fund and their further deficit spending with their tax cuts for the superrich that will make it impossible for them to pay back the money to the trust fund.

This is money that the American workers have placed into the trust fund, that American businesses have matched by placing into the trust fund for retirement insurance. This money belongs to the American people. It is not a slush fund for President Bush to give tax cuts to the superwealthy at the expense of working families in America.

Democrats are committed to addressing the challenge which faces Social Security down the road. The first step towards strengthening Social Security is ensuring that Social Security contributions are used only to pay for the guaranteed benefit that American workers have earned through a lifetime of work, for retirement; for disabilities if, God forbid, that happens, a tragedy befalls their family; and again, for survivors and families who have lost a loved one.

Privatization makes the challenge facing Social Security worse by slashing benefits by more than 40 percent for future retirees survivors, the people with disabilities, if what we know of the President's plan, indexing to prices rather than wage, is proceeded upon, saddling our children and grandchildren with massive debt and jeopardizing the retirement lifeline provided by Social Security's guaranteed benefit.

Rather than diverting trillions with a T-R, trillions of dollars from the trust fund to fund risky private accounts, Democrats are committed to strengthening Social Security. Once privatization is off the table, Democrats want to work with Republicans in a bipartisan way to make any adjustments to keep Social Security solvent.

□ 1630

Indeed, Mr. Chairman, the issue is what we do about Social Security from the year 2050 to the year 2100. Contrary to what the President has put out there, there is no crisis facing Social Security. There is a problem down the road. We have time to deal with it in the right way, in a way that does not slash benefits, that does not increase the deficit, does not rob our trust fund of its funds and does not burden our children with all of that debt.

So we will go to the table and say, with the amount of money that should be in the trust fund, and if the administration honors its moral and legal obligation to pay the trust fund back the money it has taken out, then the trust fund and interest on it should take us well into 2050. And after that, the benefits would be at 80 percent, and that is what we have to deal with. We can deal with it soon. We can deal with it in a bipartisan way. Just as President Reagan did working with Speaker Tip O'Neill in 1983, we can work it out in a bipartisan way to strengthen Social Security.

Some say that the private accounts are an end in themselves. There are people who believe in private accounts. Others believe that the private accounts are just a decoy, just a Trojan horse that looks appealing to people because it is a new idea, that once they get it past the gates of the city that rotten underbelly of huge deficits will destroy Social Security.

Either way, private accounts have got to go. They take money out of the trust fund, and this administration has no visible means of paying that money back.

Today, again, the Republicans said with their vote that they want to undermine Social Security by privatizing it, while Democrats voted unanimously to strengthen Social Security for future generations. Let us honor our responsibility to future generations, to our children, also to America's workers. Morally and legally we are bound to give them the promise of America to pay their insurance; their retirement insurance; and, if in time of tragedy, their disability and survivor insurance as well.

Mr. NUSSLE. Mr. Chairman, we do not need a Democratic tax increase. We need to keep the economy growing.

Mr. Chairman, to speak about that issue, I yield 10 minute to the gentleman from Ohio (Mr. PORTMAN), vice chairman of the Budget Committee.

Mr. PORTMAN. Mr. Chairman, I thank the chairman of the Budget Committee for yielding me this time, and I am delighted to have the opportunity to talk about the importance of keeping the economy growing. And this budget certainly does that.

But let me take a moment, if I could, and respond to some of the comments by the minority leader with regard to the Social Security system. First, to say the criticism that your budget, Mr. Chairman, does not include Social Security, is kind of an unusual one, given that as the gentleman from South Carolina (Mr. SPRATT) knows, under the Budget Act of 1974, Social Security is off budget. And even if the Budget Committee, in all of its wisdom, decided we were going to reform Social Security, we would not have the ability to. You cannot do it in the budget.

And, secondly, although we heard a lot of criticism about some of the President's ideas and some of the other ideas to indeed modernize and save Social Security, we did not hear even outlines of a plan on the other side. So it is kind of hard to put a budget together, even if you could under the Budget Act, when there is no plan.

There is lot of denial about the problem we just heard. And there is a lot of criticism about those who would like to address the problem. I commend the President for addressing it. There can be no greater sense of leadership around this place, Washington, D.C., than someone who is willing to take on the third rail in American politics, Social Security.

Traditionally, it has been one that politically is very tough, hard to take on, referring to that third electrified rail in the New York subway system. You grab it and you are electrified. The President is taking it on, as are Republicans, because it is the right thing to do. It is the right thing to do for our seniors, to be sure they have strong Social Security. And as the President said repeatedly, anybody who is age 55 or older will not have their benefits changed one bit.

But more importantly, it is important for those succeeding generations. I have my 14-year-old son with me today. We want to be sure that his generation has an opportunity to have the same kind of peace of mind in retirement and the retirement security that we have all enjoyed.

And quite frankly, the math does not lie. The Social Security system was funded in a way that does not permit us to continue to provide those benefits to future generations because of the fact that we have people living longer, because we have more people who are about to retire, my generation, the baby boom generation, and because therefore we will have fewer people working to pay in those benefits.

We need to do something. We need to do it on a bipartisan basis. We need to put aside this notion that everything is off the table and criticism and denial and, instead, address the very real problem we have. And the very obvious solution is to do something sooner rather than later because the sooner we do it, the less impact it will be on our economy, on our budget, and on our young people.

The gentlewoman from California (Ms. PELOSI) talked about the reckless tax cuts that have driven us into debt. Well, what have we seen over the last 4 years? It is not tax relief that drove us into debt. Over the last 4 years we have seen remarkable changes in our Nation's economic picture after having endured the bursting of the stock market bubble, the corporate scandals, a recession, the terrorist attacks and their aftermath and, of course, the uncertainties of an international war against terrorism, including our conflicts in Afghanistan and now in Iraq.

These things have resulted in two things. Number one, because of the recession, less revenue. And of course that is the number one reason we find ourselves with a growing deficit over the last few years. And all the data supports that, from CBO, from OMB, all the nonpartisan actuaries looking at this issue. All those who analyze it say the same thing. When you have less revenue coming in, lower capital gains, lower corporate income tax, lower individual income tax because of recession, that is the number one reason.

The second reason is increased spending. And, yes, this Congress has increased spending, and in a few areas as has been talked about earlier today, it was necessary. One, of course, is Homeland Security. Once again, this budget provides for substantial increases in our Homeland Security budget because we need it to protect our country against the terrorist threat.

Second is with regard to defense. We inherited not only a recession over the last 4 years, but also a deficit in terms of our defense. We needed to rebuild defense. And again today we will vote on a budget, or this week on a budget, that will increase substantially our commitment to the defense of our country. So some spending has been increased, and some other areas as well.

Tax relief is specifically focused on growing that economy, getting us out of that recession, moving us to a point where we have increased revenues coming in. And you know what? The strength and resilience with which our Nation has responded to the challenges I talked about earlier, the recession, the terrorist attack, the stock market bubble, the corporate scandals, has been incredible. And it has been because of the tax relief. The tax relief, as opposed to the less revenue from the recession, as opposed to the increased spending, the tax relief has actually enabled us to move out of a recession into economic times where we see good economic growth.

We have acted together to address those deficits in our Homeland Security, our national security, and also put in place through tax relief the necessary incentives to grow our economy. Because of that, we are in a very different position today than we were 4 years ago.

In fact, the general consensus of both public and private forecasters is that the US economy is in a sustained expansion growth period, with real solid GDP growth over the last year and going forward, real growth and payroll jobs, low unemployment and very low historical inflation.

This chart shows the GDP growth. Starting in 2003 going up, real GDP growth has increased for 13 consecutive quarters. In 2004, our real growth was 4.4 percent. That makes us the envy of the developed world. It is the strongest growth we have had in 5 years and one of the strongest in 20 years.

The Budget Committee recently heard from Chairman Alan Greenspan from the Federal Reserve who said the U.S. economy delivered a solid performance in 2004 and thus far activity appears to be expanding at a reasonably good pace. The Fed projects we will have real GDP growth this year of between 3½ and 4 percent, and again good growth in the proceeding year.

This growth is because, again, the tax relief is beginning to work. This includes real business investment, increasing at a rate of 15 percent over the last year and a half. The best performance in real business investment and equipment over the past 7 years, shipments of nondefense capital goods, which is a key measure of private business investment, has rebounded very strongly.

Homeownership has also increased dramatically. We are now seeing the best homeownership rates that we have seen in our country's history. Housing construction is at its best in 20 years. This shows a record high in homeownership, including among minorities.

Unemployment is also a good story. If we look at what has happened since the tax relief was put in place, payroll employment has increased by 3 million jobs over the past 21 months. Just last week we saw job gains of 262,000 new jobs, more than a quarter million new jobs in February. Again, that is something that we should be proud of as a Congress, something we should be very pleased about. Significant improvement in jobs and labor markets has occurred and is expected to continue as new claims for unemployment insurance are at their lowest level in over 4 years.

Even the stock market is rebounding. Despite all the problems we have gone through with the markets we talked about earlier, the Dow-Jones Industrial Average has been at its highest level in 4 years. The Dow has nearly tripled in value over the last 4 years. These are not just figures or abstractions; these mean real jobs for real people we represent. It means we have higher investment in plants, in business, and equipment. We have higher business income; we have higher wages, higher take-home salary. This is happening in America right now. We need to be sure that continues.

Expanding job opportunities and solid income growth is what this budget is all about so every American who wants to work can work and find a job. That is what makes this a Nation of opportunity and prosperity. Today, because we have an improved economic picture, things are better; but we are not finished. We need this momentum to continue. We need to be sure we continue to see the kind of economic growth we have seen, and that means we need to continue the tax relief we passed in 2001, 2002, and 2003.

The minority leader earlier talked about the reckless tax cuts that caused the deficit. We talked about what caused the deficit. Here is what has resulted from those reckless tax cuts: 3 million jobs in the last 21 months. There are a lot of factors in the economy; but the one we can control is the fiscal side, and that is our spending and our tax relief.

What this budget does is it says we need to continue that tax relief. We are not going to increase taxes just now as our economy has finally gotten back on track, as the people we represent have finally seen the kind of opportunity we all want them to have. We are not talking about new taxes; we are talking about keeping the tax relief that was in place in 2001, 2002, and 2003 by this Congress, put in place by this Congress, so we can continue to have good economic growth.

The speed and the strength of the economic recovery of the past several years has been due in large part to this tax relief. We cannot forget that as we look at this budget. We also need to keep spending under control.

Earlier this month, Alan Greenspan told us that the notion of raising taxes in response to deficits "posed significant risk to economic growth and the revenue base" and that in his judgment we should aim to "close the fiscal gap primarily, if not wholly, on the outlay side." That is what this budget does. It makes some tough choices in nondefense discretionary spending, some tough choices in terms of our entitlement growth. Our entitlement programs are growing well beyond inflation.

As the gentleman from Iowa (Chairman NUSSLE) has laid out today, this budget calls for a lot of responsible ways for Congress to help itself to control spending, controlling discretionary growth, allocating discretionary spending to defense and homeland security priorities, as we talked about earlier, and calling for reconciled reductions in the amount of growth on the mandatory spending side. None of it is going to be easy.

A lot of us here in Congress have gotten pretty comfortable in signing off on big spending increases and free-flowing new spending. But success at keeping taxes and spending down is critical to a strong economy and with it higher standards of living for our Nation's workers and our families.

The gentlewoman from California (Ms. PELOSI) talked about the good old days in the 1990s when we did have an opportunity to get the deficits down and get some surpluses. We did it very simply by keeping taxes under control and keeping spending under control. That is what this budget provides for, so we can reduce the deficit in half in 5 years and see that opportunity continue.

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume.

To respond to the gentleman, I would say that Mr. Greenspan has told our committee three times that we should borrow from the experience of the 1990s, reinstate the so-called pay-as-you-go rule, and apply it both to entitlement spending increases and additional tax cuts, including renewal of expiring tax cuts as a means of diminishing the deficit and improving the bottom line.

In the interest of full disclosure, we ought to acknowledge that advice was given to us three times, and it is in our budget resolution. We recommend it in two places in our budget resolution. The one discipline proven to work that we ought to institute at the very least is PAYGO and apply it both to entitlement spending increases and to additional tax cuts, per the recommendation of Chairman Greenspan.

Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, while the majority cynically tells America that they will cut the deficit in half by 2009, here we go again. A simple review shows that the budget will add $127 billion 5 years from now and make the situation even worse.

□ 1645

This is the legacy we are giving to our kids. We are telling them, "We've got a deal for you. We're going to privatize part of Social Security." They are going to need the money to pay the interest on the debt. They better save their money.

My friend from Ohio has presented probably the best defense of deficit spending that I have ever heard. Along with the false claims and the budgetary sleights of hand, remember, these are the same folks who since 2001 have converted a $5.6 trillion surplus into a deficit of $4 trillion, a $9 trillion turnaround. Defend that.

It really takes a special talent to underfund education, to underfund veterans' programs, to cut Medicaid, to fail to protect Social Security and still raise the deficit. Over and over again it is clear, Mr. Chairman, the leadership in Washington has no credibility when it comes to handling the people's money. We are good at giving tax cuts to Sammy Sosa and we forgot the very people who are fighting on the front lines.

It is not just doing the congressional budget process where this is apparent. A lack of credibility with America's money seems to be the order of the day throughout government. Just this morning, we completed another $81 billion supplemental for a war the administration told us would cost $100 billion in its entirety. We were told that the war would be paid for by oil revenue. Just this week, we found out that Halliburton has overcharged the Pentagon more than $108 million in excess billing, a sum that would pay for 592 up-armored Humvees which we disgracefully did not provide for our troops at the beginning of this war, or 2,250 explosive device jammers for our troops in the field. We are going to hear these conversions of costs over and over and over again. Mr. Chairman, get used to it.

Mr. SPRATT. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, I rise in strong opposition to the Nussle budget. This budget cuts $20 billion from Medicaid. Our friends on the other side of the aisle claim that this is not a cut, just a reduction in growth.

But it is a cut. When prices increase, and they surely have in health care, and spending does not match that increase, you are reducing the program's purchasing power. You are cutting the program. This budget is going to deny States, health care providers and low-income working families $20 billion for the health care services that they would have had. And there is no evidence that closing loopholes or fighting waste, fraud and abuse would save anywhere near this amount.

Medicaid provides health care, irreplaceable health care, to 52 million of our poorest children, poor pregnant women, parents and the elderly. It is a critical source of acute and long-term care for 13 million elderly people and disabled people. These are real people who would be affected by cutting $20 billion out of Medicaid.

Mr. Chairman, since the President took office, the number of uninsured has increased by 5.2 million. Without Medicaid, this number would surely have grown much higher. Medicaid enrollment grew by 6 million over the same period, covering many people who would otherwise have been uninsured. Even so, Medicaid costs have grown about half as fast as private health insurance premiums have grown. Between 2000 and 2003, Medicaid per capita spending went up 6.9 percent while private insurance premiums shot up over 12.5 percent. The growth we have seen is a result of the skyrocketing health costs that the President has allowed, not Medicaid itself.

If these cuts in Medicaid are made, the ranks of the uninsured will surely increase. the economy will become weaker, and health care costs would skyrocket even more because fewer people would be unable to afford regular checkups and preventive measures but would be stuck by going to the emergency room as a last resort. That is why the National Governors' Association opposes these cuts. It is why faith-based organizations oppose these cuts. And it is certainly why organizations, which I have a list of here, like the March of Dimes, the National Association of Children's Hospitals, the American Academy of Pediatrics and the AARP, all of these groups and many more oppose the cuts that this budget puts into Medicaid.

I urge my colleagues to vote against this budget and these draconian cuts in Medicaid.

Mr. NUSSLE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PORTMAN) having assumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010, had come to no resolution thereon.

PERMISSION TO OFFER AMENDMENT OUT OF SPECIFIED ORDER DURING CONSIDERATION OF H. CON. RES. 95, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2006

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent that during consideration in the Committee of the Whole of H. Con. Res. 95 pursuant to House Resolution 154, the gentleman from Texas (Mr. HENSARLING), or his designee, be permitted to offer amendment numbered 2 in House Report 109–19 out of the specified order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2006

The SPEAKER pro tempore. Pursuant to House Resolution 154 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the concurrent resolution, H. Con. Res. 95.

☐ 1652

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010, with Mr. LATOURETTE in the chair.

The Clerk read the title of the concurrent resolution.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the gentleman from Iowa (Mr. NUSSLE) had 1 hour and 7 minutes remaining and the gentleman from South Carolina (Mr. SPRATT) had 1 hour and 26 minutes remaining.

Mr. SPRATT. Mr. Chairman, I yield 3 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. I thank the gentleman for yielding me this time.

Mr. Chairman, the budget is a reflection of our values and priorities as a Nation. Congress should support a Federal budget that will make us more competitive in the global economy, spread prosperity to more Americans and reestablish fiscal discipline to ensure a better future for our children. This budget resolution takes us in the wrong direction. In order to cover up the President's mismanagement of the economy and the resulting mountains of debt, the Republican budget sacrifices important domestic priorities like Medicaid. This budget resolution cuts Medicaid more deeply than the President's proposal, as much as $20 billion over 5 years. Slashing Medicaid will have a devastating impact on the most vulnerable in our society. Medicaid is the health care safety net for impoverished children, elderly and the disabled. Reductions to Medicaid will cause lasting harm to current Medicaid beneficiaries and make the system less viable for health care providers.

Exactly who will be affected by cuts to Medicaid? Thirty-nine million low-income children and parents, including one in every five American children; 13 million elderly and disabled individuals who are receiving acute and long-term care coverage.

This budget would set back the quality of nursing home care. With Medicaid funding half of the Nation's nursing home care, cutting or block granting the program would set back efforts at improving the quality of care provided to seniors and people with disabilities in the Nation's nursing homes. This budget would unravel an already fraying health safety net, jeopardizing support for providers like hospitals, clinics, doctors and health plans that serve low-income people.

This budget would increase the number of uninsured which has already risen to 45 million people under the President's watch. Sick people cost more when they are uninsured and receiving care in emergency rooms than when they are covered by Medicaid.

This budget would put children at risk. If children have less health coverage, they are more likely to compromise their ability to learn in school and to grow into healthy, contributing members of society.

Cuts to Medicaid will shift costs to States, increasing their already significant fiscal burdens. Cuts in block grants do not address the real challenges States are facing. Medicaid enrollment increases which have occurred as a result of more people losing their health care coverage. Shifting additional costs to the States will likely drive them to cut Medicaid coverage and services.

This administration has provided huge tax cuts to the highest earning households in the Nation over the last few years. Now we see the rest of the plan. To reduce or eliminate health care coverage for poor, elderly and disabled people in order to finance tax cuts for the wealthy is inequitable and not in line with our Nation's values.

Mr. SPRATT. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I thank my friend from South Carolina for yielding me this time, and I also want to thank him and commend him for the leadership that he has shown during the course of the Budget Committee work and for the alternative Democratic substitute which we will talk about a little bit later today.

Mr. Chairman, there are few moments during the legislative year here in Congress which really defines who we are as a Congress, who we are as a Nation and where we are going with our priorities. It is one of these moments today when we have a discussion about our budgets and the priorities that we place in the budget.

For some reason, the Republican budget that we have before us only is budgeted for 5 years rather than the typical 10 years. I submit that one of the reasons I think they are doing a 5-year budget instead of a 10-year budget is because of the complete breakdown in fiscal responsibility and what the costs of their budget will entail and the explosion of budget deficits in the second 5 years that they do not want to talk about during the course of these next couple of days during the budget. We, on the other hand, will be presenting a Democratic alternative, one that does, I believe, reflect the values and the priorities that we share as Americans in this Nation.

Our budget will reinstate the pay-as-you-go rules to instill budget discipline again in the decisions that we are making in these budgets. We achieve a balanced budget under our plan by 2012, just when the massive baby boom retirement wave really starts to hit, and we protect important investments, in defense, in veterans' programs, education and health care to keep America strong and to help us grow the economy and create jobs. By reinstating the pay-as-you-go rules, we will be in a better fiscal position to better preserve and protect the long-term solvency of the Social Security program.

What this chart demonstrates next to me is the result of budget decisions over the last 14 to 15 years. This green line which shows an upward trend that resulted in 4 consecutive years of budget surpluses is Congress operating under pay-as-you-go rules. The red lines that show the plummeting of the surpluses into historically large budget deficits shows Congress without pay-as-you-go rules. What is hard to understand about reinstituting pay-as-you-go rules as part of budget discipline and decisions that we have to make to right the fiscal ship again?

With pay-as-you-go rules, it gave us 4 years of budget surpluses, 2 in which the Congress was not raiding the Social Security Trust Fund and using that money for large tax cuts or other spending priorities and enabled us to start reducing the national debt which was an incredible economic dynamic at the end of the 1990s.

This chart demonstrates the current raid on the Social Security Trust Fund under the Bush administration. Every dime in surplus that is being run in the Social Security account right now is being diverted, to help finance large cuts for the most wealthy or to help finance large new spending programs, a 30 percent increase in Federal spending over the last few years alone. That will continue throughout the duration when we are running surpluses in the Social Security Trust Fund under their budget proposal. What this has meant was increased borrowing cost, year after year after year having to raise the debt ceiling in order to finance the breakdown in fiscal discipline in this place.

Why is this important today? It is important because we do not owe this debt to ourselves anymore. Ninety percent of the new debt that was purchased this last year alone is being purchased by foreign countries, Japan, the number one purchaser, soon to be surpassed by China as the number one holder of our debt.

□ 1700

I do not believe, and Democrats do not believe, it is in our best long-term economic interest to be so dependent on foreign interests to be financing these deficits.

The President has been out campaigning on a new Social Security plan lately. It is kind of tough to engage in a meaningful discussion since he has not offered a detailed proposal; but from what we understand, he is calling for massive new borrowing in order to set up these privatized accounts that he is fond of. In fact, Social Security runs a deficit of $3.7 trillion over the next 75 years. What the President is proposing to do is to borrow $5 trillion for these transition costs to set up private accounts over the first 20 years alone in order to fix a $3.7 trillion problem. And that is probably one of the reasons why he is having such a hard time selling his plan out in Middle America. People know intuitively with this massive new borrowing that it is going to hurt economic growth prospects for our Nation; it is going to jeopardize our children and grandchildren's future by leaving a large legacy of debt for them. That is why, once we can get past the whole idea of privatizing the Social Security system, we can try to get together as Americans and work on a bipartisan solution that will be fiscally responsible and that will keep the promise to future generations.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Chairman, the budget declares our Nation's priorities in black and white, and this budget makes America black and blue.

Republicans have squandered the surplus, forcing America to go country to country in search of money to prop up what cannot stand on its own fiscal integrity. They present charts and graphs. They talk about acting in America's best interest when, in fact, we have before us a budget that rewards America's special interests. We are deep in debt and growing deeper because Republicans have so many special interests to thank with your money.

The price tag is mind-boggling, but that is outdone by the people Republicans have targeted to bear the burden of their fiscal recklessness. The rich get the gain; America's most vulnerable get the pain.

As ranking Democrat on the Human Resources Subcommittee, I asked my staff to examine where past Republican practices might be in this politically engineered budget crisis. $18.7 billion is coming out of the Committee on Ways and Means. None of it out of Social Security. None out of Medicare. What is left? Poor people and children.

Two million of our Nation's poorest families will see Draconian cuts in Temporary Assistance for Needy Families. Child care assistance for low-income working families could be eliminated. Social service block grants could be cut 60 percent, and Federal assistance for foster care could be slashed by 80 percent. And if that is not enough, let us take $5 billion worth of food stamps out of children's mouths. It is America's most vulnerable who will pay for the Republican intention to extend tax breaks for capital gains, with 75 percent of the benefit going to people earning over $200,000 a year.

What in the world is going on? Do Republicans intend to starve the poor so they can feed the rich?

Budgets reflect values. We heard a lot about values, family values, all this stuff. I guess feeding kids is not a value. And I suppose this budget reflects the Republican majority. Those values can be summed up in one word, bankrupt, just like this budget.

I urge a "no" on this resolution.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK of Michigan. Mr. Chairman, I thank our ranking member for yielding me this time.

This is a bad budget. The very safety net that we hoped to help American families is being shredded. The Republican budget is wrong; and the prescription is wrong for Medicaid, over 52 million children, women, elderly, seniors, disabled individuals. 52 million in America. The largest health care program and the only health care program for many.

The Committee on Energy and Commerce has been instructed to cut $20 billion from the Medicaid health care program for so many vulnerable citizens. Medicaid pays for 70 percent of nursing home care in Michigan. Sixty-four percent of the costs are spent on the elderly and disabled. Do we really want to hurt the least of these who have built this country?

This Republican budget cuts Medicaid even more than what the President sent to Congress. We can do better.

I just left a meeting with my Governor in our Michigan delegation, both Democrats and Republicans. Unfortunately, the Republicans wanted to blame our Governor for Medicaid, and they said cut Medicaid back. When one is unemployed, when they have no health care, when jobs are being lost, unfortunately they need Medicaid. And it is unfortunate that this budget does not restore Medicaid, help the most vulnerable, and not ask for $20 billion cut for the elderly, for seniors, for the disabled.

The budget is bad. It kills Medicaid. We can do better.

Mr. NUSSLE. Mr. Chairman, to talk about the importance of our communities and our cities, I yield 3 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the chairman for yielding me this time.

As a member of the Save Our Cities Caucus, which is chaired by the gentleman from Ohio (Mr. TURNER), I rise in strong support of full funding of the

Community Development Block Grant and Community Services Block Grant.

Our cities are hardest hit by the tough social problems of this age: poverty, drug abuse, underachievement. And I am proud that Republicans have long understood that the Federal Government has a responsibility to support our cities. They are the life blood of our commerce, but locally controlled Federal dollars are far more powerful than arbitrary Federal programs.

It is extremely important that we fully fund these critical programs because they preserve the local power of local governments to fix holes in the safety net, to assure the services that people need. In New Britain, my hometown; in Meridien or Danbury, Connecticut; or in Waterbury, the largest city in my district, Community Development Block Grant funds and Community Service Block Grant funds leverage several times their value to provide child care, elder care, literacy programs, substance abuse treatment programs, after-school programs. They help those cities demolish buildings that are a blight or that harbor drug dealers. They help clean up brownfields. They improve fire stations. They improve parks. They rebuild sidewalks. They reconstruct streets. They work to make our cities able to attract the economic development that provides jobs and a healthy urban environment.

So between the Community Development Block Grant and the Community Services Block Grant, the Federal Government has traditionally contributed, and under Republican leadership, generously, to assure the safety net in the cities and the economic strength of our urban communities.

So I thank the gentleman from Iowa (Mr. NUSSLE) for recognizing, as the majority of Republicans do, the importance of these flexible block grant programs to our urban communities.

Mr. NUSSLE. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. TURNER), the chairman of that coalition, to talk about the same subject, the importance of our communities and the Community Development Block Grant.

Mr. TURNER. Mr. Chairman, as the chairman indicated, I chair a working group appointed by the gentleman from Illinois (Speaker HASTERT) called Save America's Cities. This working group has 24 members of the Republican conference who have backgrounds in urban issues, either having served as mayors or members of city councils or otherwise in local government, or who by their districts have a natural affinity for urban issues by working closely with their communities and seeing the difficulty of urban revitalization and redevelopment and the commitment to bringing jobs back to our cities.

Mr. Chairman, I support the Committee on the Budget in adding $1.140 billion to the administration's request for programs under the community and regional development function in the budget, which includes the Community Development Block Grant. The budget document itself specifically lays out that the funds are being restored with the clear intention of supporting the Community Development Block Grant program, or CDBG.

It goes on to state that the resolution makes no assumption regarding implementation of the President's proposed Strengthening America's Communities Block Grant or transferring the Community Development Block Grant program from the Department of HUD to the Department of Commerce. This is an important notation because it is very important for national associations that support urban issues, like the U.S. Conference of Mayors, the National League of Cities, that have had a great deal of concern about the consolidation of 18 programs, some of which are currently located in HUD, to Commerce and the reduction in overall spending, which was proposed of 30 percent.

This House, in taking the action of supporting the Committee on the Budget's resolution, does not accept the President's level of funding and looks to restore functions for CDBG that go to important issues in our community such as taking abandoned houses and refurbishing them, demolishing abandoned buildings where they cannot be rehabilitated, taking abandoned lots that might have been strewn with broken grass or be places where criminals congregate and turning them into community parking lots that can help support areas of local community business districts.

Looking, as the gentlewoman from Connecticut (Mrs. JOHNSON) was saying, to the area of brownfields, we have abandoned factory sites throughout our urban core which make it more difficult for us to bring jobs to those areas of our cities, to find ways to environmentally clean up those sites, and to demolish the buildings, bringing jobs back into them. The Community Development Block Grant program supports those functions.

I also serve as chairman of the Federalism and the Census Subcommittee of the Committee on Government Reform, and we recently held a subcommittee hearing on the administration's proposal to consolidate existing direct grant economic and community development programs within the Department of Commerce. We heard information from the U.S. Conference of Mayors and the National League of Cities where they told of the success of these programs.

I want to thank the chairman for listening to the great degree of success that they have had in the past and looking to ways that we can continue to support this program.

So I appreciate the addition of the $1.140 billion and the notation of the support for the Community Development Block Grant program.

Mr. NUSSLE. Mr. Chairman, I yield myself 30 seconds.

Just to punctuate what the gentleman from Ohio and the gentlewoman from Connecticut said, we believe in local control; and we want to be partners with these communities in solving problems. We disagreed with the President in his budget with the changes that were made to the Community Development Block Grant; so we made that value judgment and change in this budget. We are supporting our mayors. We are supporting our communities. We want to be good partners, and we believe in local control in solving those problems. The big Federal Government cannot solve all these problems that these local folks are dealing with. We want to give them the opportunity to do that.

Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. DELAY), majority leader.

Mr. DELAY. Mr. Chairman, I thank the gentleman for yielding me this time.

Before us today is an excellent budget, the result of an excellent process, and the product of an excellent chairman, the gentleman from Iowa.

Despite some occasional overheated rhetoric, the fiscal year 2006 budget resolution is, in fact, a modest attempt by a reasonable majority to hold down the growth of government spending. This is one of the strongest budgets I have seen since coming to Congress.

True, it makes tough choices. Imagine, it prioritizes spending, and it starts the long process of modernizing the Federal Government while rooting out waste, fraud, and inefficiency. But, Mr. Chairman, American taxpayers deserve no less, especially today. We are at war with an enemy who threatens us here at home and on the other side of the world.

□ 1715

Our security spending must therefore take priority, and in turn we must make difficult but necessary choices about non-security spending.

That is exactly what this budget does. It meets our needs at home and abroad without raising taxes, which would stifle our economy, or wasting money, which undermines the hard work the American people did to earn those tax dollars in the first place.

Of course, for some people, regardless of the fiscal and international circumstances, taxes and spending are never high enough. This year, as every year, they have warned us about the dire consequences of trusting the American people with their own money.

Last year, the same critics made the same criticism of our efforts, which we now know ultimately slowed the growth of non-security discretionary spending to about 1 percent. These critics assured us that our budget would bust a hole in the deficit. And yet last year, the deficit came in $109 billion smaller than experts originally thought it would, specifically because of the increased economic growth directly attributed to Republican tax relief passed since 2001.

Millions of jobs were created last year. Indeed, more than 3 million of them have been created since the House took up President Bush's similarly criticized Jobs and Growth tax relief package 21 months ago.

So, in short, Mr. Chairman, the economic data coming in every month speaks to the wisdom of the fiscal policies of the Republican majority. The critics were just wrong, and they are wrong again this year.

The principal mantra against this budget is that it will explode the deficit, despite the evidence of last year's shrinking deficit projections. What, one wonders, do they think that the $67.1 billion in additional spending that they propose at the Committee on the Budget markup would do?

The balanced budgets of the late 1990s should serve as our model, they say. Well, I agree. And I would remind them that the balanced budgets of the late 1990s were passed by Republican Congresses, without much help from our friends on the other side of the aisle. Hardly any of them voted for it.

How anyone takes credit for policies they opposed is beyond me, but I guess that is politics. But, again, so is the idea that raising $392.4 billion in new taxes, as Committee on the Budget Democrats proposed just last week, would somehow help the economy to create jobs.

Well, Mr. Chairman, the facts are indisputable: Democracy is on the march around the world; the war on terror is being won; the economy is growing; jobs are being created; deficit projections are shrinking; and the looming demographic crises facing Social Security and Medicare are being addressed, all thanks to the courage, the policies and the leadership of President Bush and this Republican Congress.

That the same people who have criticized us all along are criticizing our budget today, Mr. Chairman, only suggests we must be doing something right.

So I urge all my colleagues to give more momentum to our success and support the budget resolution before us.

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume to respond to the gentleman.

I would point out that when the Bush budget summit agreement came to the floor of this House in the fall of 1990, after many arduous months of negotiation with the Bush administration and the Democratic leadership and the Republican leadership in the House, only 88 Republicans supported the passage of that bill, which had the President's support behind it.

In 1993, when we passed the Clinton Budget Act and began the unprecedented march towards lower and lower deficits, eventuating in a surplus of $236 billion in the year 2000, not a single Republican in either House voted for that deficit reduction effort.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman, I thank my colleague from South Carolina, our ranking member on the Committee on the Budget for yielding me time.

Mr. Chairman, I wish I had enough time to respond to the Majority Leader's problems with this budget, but, in all honesty, the War on Terror, we just passed the supplemental that was not part of this budget, and most of us, in fact I voted for that supplemental because it was the War on Terror.

But I rise to oppose the drastic cuts in Medicaid in this budget resolution. Medicaid is not the problem child of our health care system and should not take the fall for this administration's inability to balance the budget.

Medicaid's cost per capita growth is lower than Medicare or even private insurance, despite the fact that Medicaid has absorbed an increased beneficiary population due to gaps in Medicare coverage, an economic downturn and the decline of employer-sponsored health insurance. Medicaid is a success story in this country, not a program that belongs on the Federal chopping block.

As a member of the Committee on Energy and Commerce, I cannot support this budget resolution instruction to my committee to cut $20 billion outs of Medicaid.

The robust Medicaid program is critical for the health care delivery in my home State of Texas. Forty-five percent of all infants born in Texas are covered by Medicaid, 45 percent. Nearly 50 percent of all children receiving care in our children's hospitals are Medicaid beneficiaries. Medicaid is the single-largest health insurer for our Nation's children. How can we cut the most vulnerable in our society, our children, and still consider ourselves looking out for the least of this society?

To paraphrase the Bible, let us not suffer the little children. That is not our job here in this Congress. If Congress goes forward with these ill-advised Medicaid cuts, the States will be left holding the bag and their only option is to further cut the benefits.

Mr. Chairman, 45 million Americans currently are uninsured. It makes no sense to slash Medicaid spending, which will virtually guarantee an increase in the number of uninsured in our country. Medicaid cuts will not better our bottom line. It will only make our problems worse.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I wish to speak very briefly about an aspect of fiscal responsibility, the rule called pay-as-you-go, because there is a connection between our lack of fiscal responsibility and these draconian cuts we are seeing in vital services, like the $20 billion that people who are poor and dependent on Medicaid will be forced to endure.

Our colleagues in the majority have consistently opposed Democratic efforts to reinstall pay-as-you-go rules for both entitlement spending and new tax cuts. In fact, they just denied the House the ability to vote on such a proposal offered by the gentleman from Tennessee (Mr. COOPER) and the Blue Dogs.

These PAYGO reforms were put in place in the 1990s and were essential to the successful effort achieved then to balance the budget. PAYGO reforms have been endorsed in their entirety by Alan Greenspan, but the Republicans do not want them applied to tax cuts. Why? Because doing so would require that they identify specific revenue measures, most likely spending cuts, which would provide the offsets, vital spend services being cut, such as Medicaid.

So we should reinstate PAYGO. We should not support this budget, that destroys so much which is a part of our health care delivery, Medicaid.

Mr. SPRATT. Mr. Chairman, I yield 2½ minutes to the gentleman from Missouri (Mr. SKELTON), the ranking member of the Committee on Armed Services.

Mr. SKELTON. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in support of the alternative budget resolution that will soon be offered by my friend and colleague, the gentleman from South Carolina (Mr. SPRATT). I do so in light of the fact that the Republican budget resolution mirrors the President's request for defense and the Spratt alternative matches this funding dollar-for-dollar, but the Spratt budget is better because section 401 of his resolution calls on the Congress to address serious shortcomings in both the President's budget and the House Republican budget resolution.

Let me explain why I favor the Spratt alternative budget. The Republican budget only temporarily increases the death gratuity and the Service Members Group Life Insurance coverage. The Spratt budget would make these increases permanent. That is important.

The Republican budget omits targeted pay raises and reenlistment bonuses for enlisted personnel. We know right now we are having a great deal of trouble in enlisting young people, reenlisting some of the troops. As you know, you enlist a soldier, but you retain families. These issues are critical to retaining experienced troops and maintaining readiness. The Spratt budget makes it a priority.

The Republican budget fails to increase funds for Family Service Centers to support the families of deploying troops. The Spratt budget takes care of that, and takes care of our military families.

The Republican budget shortchanges community-based health care organizations that care for the injured servicemen and women. The Spratt budget takes care of that. It pluses up the program.

The Republican budget does not aggressively fund nuclear nonproliferation programs. Both sides of the aisle, and as a matter of fact during the last campaign both the candidates for President, said that stopping a nuclear weapon from getting in the hands of terrorists is our top national security priority. The Spratt budget backs that up with dollars.

Mr. Chairman, I urge my colleagues to support the budget to be offered by the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, a budget says a lot about our values. What this budget says to America's veterans is that Congress does not value your service to country. It makes a mockery of the American value of shared sacrifice in time of war. How does it do that? Let me explain.

This budget says to the person sitting here safely at home who makes $1 million in dividend income this year that you can keep every penny of your $220,000 tax break that the House Republican leadership has given you recently, every penny of that tax break. But, on the other hand, it says to millions of America's veterans that we are going to direct a $14 billion cut in veterans' programs over the next 5 years.

This budget even goes so far as to say they have to cut $798 billion out of disabled veterans' monthly pensions, low-income veterans compensation checks and veterans GI benefits, their education benefits, unless of course they want to go raise fees or, perhaps most likely, do all of those things.

Where is the American value, the American family value, in those priorities? To a millionaire, making every dime on dividend income, you can keep your $220,000 tax cut; but to a veteran who may be coming back from Iraq, in fact a soldier today who may be tomorrow's veteran or next year's veteran, we are going to make you wait longer for health care in our VA hospitals; you are not going to get the care you deserve and you earned by risking your life for your country.

I hear a lot from my Republican colleagues about family values. This budget does not reflect the family values of the American family, because the American family respects the service and sacrifice of our veterans, not just with speeches on Veterans Day. We are awfully good about that. But they expect us to respect veterans every day, and this bill does not even come close to maintaining present services for health care for our veterans.

They can show their charts, how they have increased veterans funding, but the reality is it does not keep up with present services. So, in effect, every Member of this House who votes for this bill is voting for a real cut in health care services, education services and monthly disability pension checks for America's veterans.

I think the American people, and I know America's veterans, are going to be offended by the values and priorities of this bill. Let us not just say yes to veterans on Veterans Day and turn our backs on them on budget day. Sadly that is what this budget does.

Mr. Chairman, I urge my colleagues on both sides of the aisle to reject the values of this budget; reject the slap in the face of millions of American veterans while coddling the wealthiest in our society, who are going to enjoy that $220,000 tax break they are making by their riskless dividend income of $1 million this year.

Let us stand up for America's veterans today when it counts. They may appreciate our speeches on Veterans Day, but today they need our vote. That is the value that counts. Vote no on this unfair slap in the face to America's veterans.

□ 1730

Mr. NUSSLE. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. BUYER), a veteran and the chairman of the Committee on Veterans' Affairs.

Mr. BUYER. Mr. Chairman, I want to congratulate you on this budget. I think the American people are smart enough to recognize truth and demagoguery. That is what you hear on this House floor is demagoguery, and that is completely unfortunate.

I believe that ensuring that the disabled, the injured, the low-income and special needs veterans are given the highest attention. That is the priority of our Nation.

In establishing priorities of care for veterans health care, this Congress also believes that the same military values that guided servicemembers on active duty should define how services and assistance are provided to them as veterans. It is why we established the priorities of care, one, two, three, four, five, six, seven, eight.

This budget takes into consideration the present budgetary constraints, the aging veteran population, as well as the influx of veterans into the system as the Nation continues to fight the war on terror throughout the world.

As chairman of the Committee on Veterans' Affairs, I seek an increase in $12.6 million for the medical and prosthetic research projects above the President's budget request. We also increased by $293 million for State nursing home partnership. We increase about $300 million discretionary funding for veterans health care, despite the demagoguery you will hear from some Members on this floor.

To ensure that our national cemeteries are maintained as the shrines that they are, my subcommittee chairman, the gentleman from Florida (Mr. MILLER), and I recommended an additional $45.6 million in construction to begin a 5-year $300 million national shrine commitment project to repair and restore the existing national cemeteries. But while our greatest attention should be focused on those who have served us and can no longer fend for themselves, there is another group of veterans that needs our help: our soldiers, sailors, airmen and Marines who need assistance in returning to the workforce or entering the workforce for the first time after serving their country.

This budget will also ensure that the VA benefits take care of the young solder coming home, as well as the older soldier who may already have a family. We need to make sure that the VA is flexible and personal in its delivery of health care and benefits, such as training and education.

This is a wise investment, harnessing the same spirit and drive that has won our Nation's battles, to contribute to our Nation's workforce and to sustain our national competitive edge. To facilitate this investment, I created a new subcommittee solely devoted to this effort chaired by the gentleman from Arkansas (Mr. BOOZMAN).

The gentleman from Iowa (Mr. NUSSLE), as chairman of the Committee on the Budget, has done an outstanding job. He has led Congress through some challenging budgetary times as chairman. Some may forget the meaning of the attacks upon our country on September 11. It was an attack upon our freedom, upon our way of life. It was devastating to our economy. That economic growth has returned, but we also now need to manage that economic growth smartly.

There is a lot of rhetoric, but let me return to some facts. Under this President, spending for veterans has increased by 47 percent in 5 years versus 32 percent in the 8 years under the Clinton administration.

If I turn to the chart to my left, as the chart shows, over the last 7 years discretionary spending has grown 39.5 percent under the VA–HUD appropriations bill. That is a 4.9 percent average increase for every year from 1998 all the way to present. So despite all the rhetoric that America and my colleagues will hear, the reality is this chart. The spending on veterans continues to increase, maintaining our commitment to veterans in America.

I also would like to turn to a second chart I think is very interesting. On this chart it shows what happened under the Democrat control of Congress. Congressional spending per veteran was flat. For 10 years a meager $400 increase for 10 years from 1984 to 1994.

Can everybody see this? It was flat. To my colleagues on this side of the aisle, do you see this? It was flat for 10 years. You did not hear demagoguery on the House floor. What you had at the time were individuals on both sides of the aisle working together in a bipartisan fashion with regard to how we deal with veterans.

So what we have under the Republican control the last 10 years is from 1995 to 2005 Congress increased spending by $1.400 per veteran, that is from $1,368 to $2,773 per veteran. I think this chart is very clear.

What has occurred under Democrat control is flat-lined budget for veterans. I am not going to demagogue. It is just a reality.

Now with regard to what has happened under Republican control, the increase and the maintaining of our commitment to veterans programs and causes across the board. This is the reality.

I want to say to the budget chairman, I want to thank him. He has given me a task, and the task is that with regard to all of these programs in discretionary and mandatory, are there savings out there? Are these systems being run smartly and effectively and efficiently?

He has challenged those of us who serve on the Committee on Veterans' Affairs. And you know what? We will accept the challenge, and we will go and work together in a bipartisan fashion and see if we can find those savings. He has not dictated to us. He has challenged us and we accept the challenge.

Mr. NUSSLE. Mr. Chairman, I yield 3 minutes to the gentleman from New Hampshire (Mr. BRADLEY), a member of the committee.

Mr. BRADLEY of New Hampshire. Mr. Chairman, the gentleman's budget allows our country to meet our most important values, a strong defense, a strong economy, while reducing our Nation's deficit.

Let me, if I might, focus on another area of concern that the prior speaker just talked about and that is commitment to our Nation's veterans. We do value our veterans' service. And if you look at this chart that I have here that talks about overall spending in the VA, Mr. Chairman, you will see a strong commitment to honoring the commitment of our Nation's veterans.

The second chart that I have specifically talks to veterans medical care which has increased from 1995 to 2005, over a 10-year period, nearly 85 percent. And in the last 5 years, medical spending has increased by 68 percent. That is a commitment to our Nation's veterans.

Let me talk about some other specific areas of improvement that we have made. We have allowed Guard and Reserve units to enroll in medical benefits. We have increased the GI benefit. We have funded finally for the first time concurrent receipts so that the practice of disallowing veterans who had disabilities as a result of their service from collecting both their retirement pay and disability pay is finally being addressed with a $22 billion commitment over the next 10 years.

We have reduced the wait times at our VA hospitals, and the VA continues to give our Nation's veterans excellent care.

Let me touch on, Mr. Chairman, what we have done under the gentleman's leadership this year in the veterans line items of the budget. The discretionary baseline under the President's submission was $30.8 billion. Under the gentleman's mark and allowing me to work together with him and propose an amendment, we increase that by $877 million, which means in these tough fiscal times that our Nation is experiencing a 2.8 percent increase for veterans health care numbers.

Yes, there is a reconciliation number; but when we started with the President's submission, it was $424 million. The reconciliation, Mr. Chairman, under the gentleman's mark is $155 million. I believe that we can find that reconciliation number without enrollment fees, without drug co-pays because we will have the flexibility to look for waste, fraud, and abuse in the veterans numbers and be able to reduce and meet a goal in that fashion.

Let me repeat: we do not have to establish either drug co-pays or enrollment fees. We can achieve this reconciliation in other ways.

Mr. Chairman, in summary, I congratulate the gentleman again for a fiscally prudent budget that meets our Nation's needs, and I look forward to continuing to work with him to honor the commitment to our Nation's veterans.

Mr. NUSSLE. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. LEWIS), the gentleman of the House who has probably some of the heaviest lifting to do with regard to controlling spending, the chairman of the Committee on Appropriations.

Mr. LEWIS of California. Mr. Chairman, I very much appreciate my chairman yielding me time.

I really come today to express my very sincere and deep appreciation to both the gentleman from Iowa (Mr. NUSSLE) and the gentleman from South Carolina (Mr. SPRATT) for the fabulous job they do of working together on behalf of all of us to try to make sense out of our budget process.

To say the least, the world on both sides of the aisle and across the country would love to suggest that we provide for them every program at a maximum level that they might have on their wish list. And in turn, that same world wants us to make sense out of balancing our budget. These gentlemen are faced with that horrendous and impossible task, and to them we owe a great debt of gratitude.

As the gentleman from Iowa (Mr. NUSSLE) suggested, I have now the responsibility of chairing the Committee on Appropriations where, as they help us struggle with the budget, we spend money that has a propensity to violate that which is their guidelines for sensible budgeting. But in turn, over the years as I have observed this process there has been far too little communication, that is meaningful communication, between those on the staff level but also the professional level within the committee itself, between the appropriations process and the budgeteers.

I must say that in the time I have had this job, the short time, the gentleman from Iowa (Mr. NUSSLE) has gone out of his way to say time and time again, we want to work with you.

I have committed myself to trying to have the Committee on Appropriations once again be a committee designed to preserve dollars, not just spend dollars; and, indeed, if we are successful in that effort, we will be in partnership with our budgeteers, attempting to make sense out of the budget and eventually balance that budget.

We are not in this alone. And the issues that flow around stabilizing our economy know nothing about partisan politics. And I must say that the Committee on the Budget has provided guidelines; in the past we have not always followed those guidelines. It is my intention to work as partners in this business so we can all be successful. And I can say without any reservation, if we are successful, moving our bills this year very rapidly so they are ready for conference in the early spring, it will be in no small part a success of the work you all have done.

I appreciate that very much and look forward to continuing this relationship.

Mr. NUSSLE. Mr. Chairman, I reserve the balance of my time.

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to thank the gentleman for his kind remarks.

Mr. Chairman, I yielded to myself to clarify what is in the budget proposal we are proposing versus the budget resolution reported by the committee and sponsored by the Republicans.

Our budget, let me make this clear, matches dollar for dollar their budget on national defense and international affairs, there is not a dime's worth of difference over a 5-year period of time. But our budget does single out veterans as one group deserving of more spending, more than just a current services budget, because the demands are clearly there. So our budget provides $1.6 billion more than theirs, than the Republican resolution, for veterans health care in 2006. And between 2006 and 2010 we provide $17 billion more for veterans health care.

Our budget resolution contains no reconciliation instructions to the Committee on Veterans' Affairs. What does that mean? Their resolution calls upon the Committee on Veterans' Affairs to report savings out of mandatory programs that will save $798 million. There are only two places those savings can come from: either cutting disability benefits or raising the fees that veterans must pay to use veterans facilities.

Our budget resolution contains special provisions for our troops to make sure that the increases in life insurance to $400,000 for combat fatalities voted up in the supplemental for 1 year will be extended for future years, and that the death gratuity raised to $100,000 will also be continued for future years. And we will provide more funding for family separation centers, for deployed troops, and more community-based health care for returning troops and their families, two things that have been critically noted.

Our resolution recommends that the funds be taken from the Missile Defense Agency and advanced satellite programs to pay for these personnel benefits. We think it is a good tradeoff.

Our resolution also contains more in the four functions that fund homeland security and make special provisions for increasing the budget for cooperative threat reduction, so-called nonproliferation, by $200 million.

So in summary, for our veterans, for our troops and for the emerging threats facing us, terrorists armed with WMDs, our budget is not only better funded, but better focused than theirs.

Mr. Chairman, I yield 30 seconds to the gentleman from Texas (Mr. EDWARDS) for a response.

Mr. EDWARDS. Mr. Chairman, my colleague, the gentleman from Indiana (Mr. BUYER), may want to hide behind a fig leaf of charging demagoguery, but let us review the facts he did not refute.

Fact number one, this budget will cut veterans pensions compensation and education benefits by nearly $800 million.

□ 1745

Fact number two, over 5 years it will cut veterans health care by nearly $14 billion. Fact number three, in this same budget someone making a million dollars a year in dividend income will get to keep every penny of his $220,000 tax break. They may call it demagoguery. I think America's veterans will call it wrong, wrong what they are doing to our service men, women and our veterans.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Chairman, I thank the gentleman from South Carolina (Mr. SPRATT) for his leadership on this budget matter.

Shame, shame, shame. I cannot believe the Republican budget. Our men and women that serve this country are putting their lives on the line, and what are we doing? Cutting benefits and refusing service. I am reminded of the words of the first President of the United States, George Washington, whose words are worth repeating over and over again.

"The willingness with which our young people are likely to serve in any war, no matter how justified, should be directly proportional as to how they perceive the veterans of earlier wars are treated and appreciated."

The independent budget puts support by the veterans community as $300 billion short. I say that President Bush's budget and the House Republican Bush budget should be dead on arrival. Let me repeat that. I said that Bush's budget and the House Republican budget as it relates to veterans should be dead on arrival.

On top of all of this, this budget tells the Veteran's Affairs Committee, which I am on, to find $800 million in cuts over the next 5 years for savings.

You know, the Republicans practice what I call reverse Robin Hood, robbing from the veterans to give tax cuts to the rich. The President keeps telling us we are at war. Well, put your money where your mouth is.

Mr. SPRATT. Mr. Chairman, I yield 3½ minutes to the gentleman from New Jersey (Mr. MENENDEZ), the House Democratic Caucus Chairman.

Mr. MENENDEZ. Mr. Chairman, I thank the gentleman from South Carolina (Mr. SPRATT) for yielding me this time and for his work in developing a budget for all Americans. Every year the administration and Congress are taxed with developing a budget that reflects our Nation's priorities in spending, priorities that reflect our country's values.

Unfortunately, the budget resolution we have before us, and the values it represents insults the true values of the American people, given the extensive cuts to first responders, community policing, veterans benefits, health care, and education funding.

Under the Republican leadership the entire budget process has become a complete fraud on the American people. This budget adds more than $4 trillion to the deficit in the next 10 years, without even including the enormous costs that have been left out of the budget. It is past time for this House to be honest and restore fiscal responsibility to this process and to the Nation, the same fiscal responsibility that each of our constituents face when they try to balance their household and business budgets.

Unfortunately, this budget shows that the Republican Congress does not share the values of the American people. What type of values would cut funding to the Fire Act Grant Program which helps meet the basic needs of firefighters by 30 percent? Firefighters on the front lines of the war on terror in New Jersey stand to lose $4 million under this resolution, which means they will have less protective clothing, fewer portable radios than they need to protect our citizens.

What type of values would slash funding to the COP program by 95 percent, a program that has put over 4,800 police officers on the street in New Jersey? In doing so, this budget dismantles a critical instrument in New Jersey's fight against crime.

What type of values would raise health costs for many of the over 620,000 veterans in New Jersey, increasing drug copayments and imposing new enrollment fees that will cost veterans more than $2 billion over 5 years and drive more than 200,000 veterans out of the system entirely?

What type of values would cut discretionary health programs by 6 percent and slash Medicaid by billions of dollars?

New Jersey would lose more than $100 million per year in Federal Medicaid funding, enough funding to provide health coverage to 6,400 seniors or 34,000 children. And what type of values would underfund education and, specifically, the No Child Left Behind Act by over $12 billion, creating a 4-year deficit between what was promised and what was actually delivered of $39 billion?

If this budget passes, over 53,000 children in New Jersey will go without promised help in reading and math and 34,000 will no longer be able to enroll in the afterschool programs that not only keep kids safe but also boost academic achievement. That is why the Democratic substitute will restore fiscal responsibility to secure our homeland, provide for America's seniors and veterans, fund education initiatives to guarantee our children's future success in an ever increasingly competitive world and lay the foundation for a society that truly reflects our values and our commitment to a better more prosperous and stronger America.

I urge my colleagues to support the Democratic substitute and vote down the woefully inadequate Republican budget.

Mr. SPRATT. Mr. Chairman, I yield 2½ minutes to the gentleman from Illinois (Mr. EVANS), a veteran of the United States Marine Corps, the ranking member of the Committee on Veterans' Affairs.

Mr. EVANS. Mr. Chairman, I rise in opposition to H. Con. Res. 95 and in support of both the substitute amendment offered by the gentleman from South Carolina (Mr. SPRATT) and the amendment of the gentleman from Wisconsin (Mr. OBEY). The GOP budget resolution will put the Department of Veterans Affairs programs at least $3.2 billion short to meet the current level of needs to our veterans.

It is not just a matter that VA will not be able to make critical program enhancements for servicemen and women returning from Iraq and Afghanistan. It is even short of meeting current services.

The Bush administration's budget submission for 2006 requested less than half of a 1 percent increase for its health care services. The VA has testified that it requires a 13 to 14 percent increase to sustain services annually. Both the gentleman from Wisconsin (Mr. OBEY) and the gentleman from South Carolina's (Mr. SPRATT) amendments will support increased amounts funding for our veterans.

If we thought it was ridiculous to grant tax cuts to millionaires while the deficit soars, how about cutting veterans' programs in the middle of the war? Are we really going to promote a point of view that instead is deserving of our support by cutting benefits?

Mr. Chairman, I hope not. If we do, we should be ashamed.

Mr. SPRATT. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ of Pennsylvania. Mr. Chairman, I rise in opposition to the resolution under consideration.

As a former State legislator, I know how important Federal Government investments are. They allow State and local governments to meet our obligations without assuming the responsibility for Federal shortfalls or passing those costs along to local taxpayers. Federal investments acknowledge the shared responsibility for promoting economic growth, meeting health needs and ensuring educational opportunity.

I strongly believe that the Federal Government must recognize its obligations, work within budgetary limits to meet them and to make smart investments focused on the Nation's current and future fiscal well-being. Unfortunately, the budget resolution before us does not meet these simple tests. Instead, it prioritizes tax cuts to the wealthiest Americans and largest corporations over meeting our obligations to average Americans. It fails to live within available revenues and increases future deficits.

I fought for a seat on the Committee on the Budget because my constituents want me to be an advocate for strong fiscal discipline and wise Federal spending. During Committee on the Budget consideration of this budget resolution, I was proud to join my Democratic colleagues in putting forward amendments aimed at refocusing our spending and investments on the priorities that matter to the everyday lives of all Americans: creating and keeping jobs, supporting community development and providing for a safe and secure homeland. Specifically, I led the effort to better ensure adequate funding for police, first responders and security at our ports.

Democrats and Republicans alike agree that our Nation's top priority is keeping Americans and this Nation safe. After all, nothing else will matter if we cannot protect the people of this country right here at home.

Yet, at the same time, fire departments, police forces, ports and rail stations across the Nation are ramping up efforts to implement safety measures and better prepare for any kind of terrorist incident or extreme emergency. This budget proposes cutting the very programs that will help them meet these responsibilities.

Despite these dire warnings of security at our ports in particular, this budget falls $4.7 billion short of what the Coast Guard estimates it would cost to secure our ports.

Despite the fact that we cannot afford our first responders to be unprepared, this resolution recommends a reduction of $560 million in first responder funding.

Let me say, Mr. Chairman, that we must do better, that we have to make sure that our first responders at our ports meet the obligations to all Americans, that we do all that we can to make sure that our government, the Federal Government, helps our local communities be strong and be safe.

Mr. SPRATT. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Georgia (Ms. MCKINNEY).

Ms. MCKINNEY. Mr. Chairman, I want to talk about who wins and who loses in the Bush Republican budget.

Three hundred thousand working poor who have children will be cut from the Food Stamp Program. I received a call today from a constituent from Lithonia, Georgia, complaining that her children depend on the food stamps she gets to stretch the family food budget.

LIHEAP is the Low Income Heating Assistance Program that makes sure our working families do not freeze during the winter, and the Republicans propose to cut that program even as heating costs rise.

While the Republicans want us to believe that they really care about our children, the proof is in where they choose to put taxpayers' money.

The Pentagon cannot account for $2.3 trillion. Halliburton walks away with over $100 million undeserved dollars. Secretary Rumsfeld says the U.S. can afford record defense expenditures, while the President proposes to cut all vocational education at the high school level, the Safe and Drug Free Schools program, the Upward Bound program and even dropout prevention. What could be more important to the Education President than to make sure that our young people graduate from high school with an education that has prepared them for life.

Well, I know the answer to that question. Not the mom and pop businesses on Main Street and their families, but the wealthy scions of industry on Wall Street.

Even chairman of the Federal Reserve System, Alan Greenspan, lamented before our committee the growing wealth and education disparities in our country. The Republicans will talk about growth, but they will not talk about how our country is growing apart.

They tell us that homeownership is on the rise, but they will not tell us that three-quarters of white families in this country own their homes while the majority of Asian Americans, Native Americans, Latinos and African Americans remain renters.

According to just about every reputable study, the disparity between black quality of life and white quality of life is not narrowing nearly as fast as we would like it to. In the last 6 years, wealth for white families grew by 37 percent while wealth for families of color fell by 7 percent. These numbers represent real people who have not felt one bit of Republican growth.

□ 1800

Mr. Chairman, too many Americans, especially African Americans and Latinos, cannot afford health care, housing and even a college education.

We have two choices: we can grow together, or we can grow apart. When we invested it in our people like Social Security, the GI bill, civil rights laws, affirmative action, America grew and we all grew together. But now because of the policies coming out of Washington, D.C., today's wealthiest 10 percent own 70 percent of America's wealth. It is clear that Americans are growing apart. The Republican budget ought to provide opportunity for all to experience America's coming prosperity, but it is also clear it does not.

Mr. NUSSLE. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. MARIO DIAZ-BALART), a member of the Committee on the Budget.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I have listened to the debate with great interest, and I keep hearing about cuts in the budget. They are not there. All of the specific cuts are just not there. They do not exist in this budget.

What this budget does do, however, is it fulfills our Federal obligations while at the same time it reduces the deficit in half by the year 2009. We all know why we have a deficit. We have a deficit because when President Bush got elected, he inherited a recession. He inherited the burst of the Internet bubble, he inherited Wall Street scandals, and the mother of all economic and all other problems, which is 9/11.

Despite that, because of the Bush policies and economic policies of this House, the economy is doing well again. If it was up to the Democrats, they would have raised taxes massively and destroyed the economy. Luckily we prevailed; the Democrats did not. And, therefore, we reduced taxes and the economy is once again doing well.

But I just heard again tonight the Democrats all concerned about the deficit. Yet let me show Members what the Democrats, who tonight have been talking about how concerned they are about the size of the deficit and spending, what they proposed just a few days ago.

They proposed in committee amendments that would have again increased spending by $67.1 billion, and yet they give us lip service tonight and continuously state they are concerned about the deficit. To borrow a phrase from a very well-known Democratic leader, Democrats are concerned about the deficit, they support reducing the deficit before they are against reducing the deficit. They cannot have it both ways.

We have a deficit that is caused by too much spending. We have to reduce the deficit, so lip service and lip balm is fine; but when push comes to shove, they cannot complain about the deficit and then try to increase spending.

What the budget that the chairman is proposing does, it does address our responsibilities while reducing the deficit and while responsibly spending the taxpayers' money.

I also heard, Mr. President, put your money where your mouth is. It is not our money, it is the taxpayers' money.

That is the big difference. We remember it is not our money. That is why we are not willing to throw it away. It is the taxpayers' money. This budget spends it responsibly. I thank the chairman for this very responsible budget and urge adoption of the budget.

Mr. NUSSLE. Mr. Chairman, I reserve the balance of my time.

Mr. SPRATT. Mr. Chairman, I yield 3 minutes to the gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. Mr. Chairman, I thank the gentleman from South Carolina (Mr. SPRATT) for presenting a budget that has a better vision for the American people, and for the gentleman's hard work that he does for the American people.

Mr. Chairman, this is the third year that I have been in the Congress. There has been a similar routine every year I have been here. We debate the budget and our side says it is a statement of our values, and we say it is a statement of who we are. I would add one observation to that. This is a process that tells us a great deal about whether we are who we say we are, because there is an irony that I see with my friends from the other side of the aisle.

As we move into the year and move into the holiday season, we spend a lot of time talking about shared benevolence, but they will pass a budget tomorrow that will cut $5 billion from food stamps, and only 2 percent of people who are eligible receive food stamps. It is not a program filled with waste and fraud.

A lot of our friends on the other side of the aisle will talk about benevolence and their belief in families and families having strong values, and yet they will vote tomorrow night to cut child care assistance. A lot of our friends on the other side of the aisle will talk about cutting taxes, and yet they will vote tomorrow night to raise taxes on people receiving the earned income tax credit.

And the other side of the aisle will talk about their belief in Social Security and their faith in that program and their refusal to touch it, and then they will cut SSI payments which are a major part of Social Security. A lot of our friends on the other side of the aisle will talk about their commitment to housing, and then they will vote to eliminate one of the most effective housing programs in this country.

And finally, a lot of our friends on the other side of the aisle will talk about their commitment to children and helping families raise their children with the right values, and then they will vote to freeze or leave virtually frozen child care services and day care services.

I am not one who likes to call names, but the word "hypocrisy" means you say one thing and you blatantly endorse another set of practices.

This is a debate about exactly who we will ask to sacrifice in this country. There is no question we have asked our veterans to sacrifice an enormous amount, and they belong in a category of their own; but there is another class of Americans who we also ask to sacrifice in this budget. We ask the most vulnerable people, the people in our society who are working and living by the sweat of their brow every day. We ask them to give up so much in this budget, and there is an irony because we have heard it said by the chairman and various other Members on the other side of the aisle, we have heard it said that people want these tax cuts and they will trade these programs off for the prevalence and the prevailing of these tax cuts.

But here is the problem. The average people that will receive the cuts that I described got a tax cut of $28 to $35 a month. That is not an equitable tradeoff; that is not a fair trade-off.

I simply end by saying the Spratt budget presents a better vision for the American people and introduces a six-letter word into this debate that we have not heard all day, a word called "equity." That is what separates our approach from theirs.

Mr. SPRATT. Mr. Chairman, I yield 2½ minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Chairman, colleagues will remember the Biblical story of the prophet Nathan coming to the mighty King David. Nathan told David a story about a rich man who had many sheep but took the one little ewe lamb of a poor man to feed a visiting friend. David flew into a rage at the rich man and proclaimed that anyone who should do such a thing deserved to be put to death for abusing his power and showing so little compassion. Then Nathan turned to David and said, "You are that man."

This story should lead us to look into the mirror. Are we in danger of becoming "that man"? The Republican budget removes support for housing, education, Medicaid, community development, and small business lending. It raises taxes on the poor. And it does all this so the Republicans can afford new tax cuts for the wealthiest among us. If ever there were a moral issue before this Congress, surely it is this one.

One might expect that these cuts would at least result in significant decreases in our deficits, but this is not the case. We continue to face the worst-of-both-worlds scenario in which we suffer both devastating cuts and dangerous increases in the deficit. We continue to borrow from our children to pay for tax cuts, the wars in Iraq and Afghanistan, and the President's Social Security privatization.

As Members of Congress, we have a responsibility to be good stewards of the resources of our government, not simply to look at our immediate desires, but also to the needs of our children and our children's children, including their need to be free of a crippling debt.

Republicans claim to be the party of moral values, but their budget belies that claim. The Democratic alternative maintains current funding levels for our country's critical domestic and security programs while also providing meaningful tax relief for middle-class Americans. Furthermore, the Democratic budget recognizes that fiscal responsibility is also a moral value by reinstating a real pay-as-you-go rule and by balancing our budget within 7 years. The Republican budget, on the other hand, continues to run up record deficits for as far as the eye can see.

Mr. Chairman, the budget process provides each party with a chance to put its money where its mouth is, to act on the rhetoric we all hear around here year round. A budget is a statement of moral priorities. May we do justice to those imperatives in the vote we cast tomorrow.

Mr. SPRATT. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I thank the gentleman from South Carolina (Mr. SPRATT) for an opportunity to speak this evening, and I appreciate the work the gentleman has done to provide a balanced approach to meet our requirements in a fiscally responsible manner. I particularly appreciate the work done by the Democrats on the committee to deal with the environmental priorities of America.

I am saddened by a party-line vote that these proposals were rejected to be a part of the proposal brought forward by the majority. This budget is stunningly out of sync with where the typical American is in terms of protecting our environment and our natural resources. From oceans to brownfields, we have found environmental quality to be victim of the obsession of misplaced budget priorities and an obsession with more tax cuts.

In areas of clean water, every independent outside organization, and most of them within government, have identified that we have a serious problem with the Nation's aging water systems required to ensure safe drinking water; yet the President's budget and what we have here today reduces almost $700 million for water quality responsibilities.

In the land and water conservation fund, we are breaking the promise that was negotiated here in the year 2000 where the conservation trust fund was established that should by now by rights, as a result of this bipartisan, bicameral agreement be moving funds in the neighborhood of $2 billion for this fiscal year. But, unfortunately, this budget would turn its back on that responsibility.

Another important element is the land and water conservation fund authorized at almost $1 billion; yet this budget includes only $147 million for actual programs to help preserve parks, forests, wildlife refuges and open space, things that touch people where they live at home, garnering broad bipartisan support. This year the President and the Republicans go even further by eliminating the land and water conservation State grants programs which have provided critical funding to States and local communities to preserve open space and develop recreation facilities.

And one of the most significant broken promises is in the area of conservation in the agriculture sector. One of the elements that was negotiated as part of the farm bill, there were going to be investments in farm conservation; and yet this budget takes something that is so critical to America's farmers, particularly small and medium-sized operations, and cuts more than a half billion dollars from these vital farm bill conservation programs that unite rural America, conservation interests, people who care about natural resources.

There is currently over a $4 billion backlog of producers waiting to participate in these critical farm conservation programs. It is a travesty as far as the environment is concerned; and it is a sad, sad story for America's farmers who deserve better. I strongly urge the rejection of the majority proposal.

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume to amplify on what the gentleman from Oregon has stated.

Our budget would be $2.9 billion above theirs for the year 2006 for resources and the environment. That makes a big difference when it comes to EPA, safe drinking water, the Land and Water Conservation Act; and over 5 years, our budget is $23 billion in resources and environment better than their budget.

☐ 1815

Mr. Chairman, I yield 2½ minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. I thank the gentleman from South Carolina for yielding me this time.

Mr. Chairman, I rise in strong opposition to the shameful Republican budget. Yet again the Republican leadership neglects the needs of low and middle income families in order to provide hundreds of billions of dollars in tax cuts to the wealthiest of Americans. We should not be supporting this unfair budget that leaves people without adequate housing, without opportunities for a decent education or job training, and which passes billions of dollars of debt to our children.

I am especially concerned about the Community Development Block Grant. Mr. Chairman, the Community Development Block Grant is something that should have the support of both Democrats and Republicans. This Community Development Block Grant is the only source of funds that some of our small towns and cities have to deal with housing, to deal with programs for senior citizens, at-risk youth or to deal with the infrastructure. Many of the small cities just do not have the money to deal with some of the problems of the sewer systems and roads and other kinds of things. But with the Community Development Block Grant, they have the flexibility. This is a very, very respected program. They have the kind of extensive community planning that brings in all of the community groups and organizations, the 501(c)(3) nonprofit organizations, and they actually go through all of the programs and they decide which of these programs will be funded. To talk about cutting this is very, very cruel. I have received just hundreds of calls from mayors and city council members who say, "Please, whatever you do, don't cut CDBG."

Since the President initially proposed consolidating CDBG and other development programs into one grant program, not only have I received all of these letters from members of city councils and mayors, they have basically said without this program, many of their cities will simply collapse.

In addition to these cuts, the President has already proposed to cut public housing by 10 percent, section 811 disabled housing by 50 percent, housing opportunities for persons with AIDS by 14 percent, and other HUD programs. Yet the Republican budget resolution proposed to make even more draconian cuts to this function. We simply cannot afford to do that.

I urge my colleagues to reject the Republican budget and to support a budget that invests in the future of our country. This is shameful and unconscionable that they can even bring this budget to the floor. I ask for a "no" vote on the Republican budget and an "aye" vote on the Democratic budget.

Mr. NUSSLE. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

Mr. LINCOLN DIAZ-BALART of Florida. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of the budget brought forth by the gentleman from Iowa and the Committee on the Budget. We have not only, I think, the right but the duty as the legislative branch of government to perform the oversight function of the executive branch. As the gentleman from Iowa pointed out before the Committee on Rules yesterday, we really have not done that since 1997. The reality of the matter is that everything has been on automatic pilot basically since 1997 and we not only should, we must perform our oversight duty.

We have heard the word "draconian" with regard to supposed cuts being proposed in this budget. I think it is important to look at the facts. What the budget proposed by the Committee on the Budget calls for with regard to what constitutes the most dangerous threat on the horizon to our economic well-being, strength in this country, the great, extraordinary growth in what is referred to as mandatory spending, spending that is built into the law, that the appropriators do not have anything to do with because it is built into the law, this budget initiates a process of review and of study, oversight, so that the growth in what is almost 60 percent of the budget and projected to continue to grow and continue to grow, the growth in the mandatory spending will be reduced from

6.4 percent to 6.3 percent, one-tenth of 1 percent. Not a cut, a reduction in the growth.

We have an obligation to perform oversight, Mr. Chairman. I commend the gentleman from Iowa and the Committee on the Budget as I strongly support this budget. As the chairman of the Subcommittee on Legislative and Budget Process of the Committee on Rules, along with our full committee chairman the gentleman from California (Mr. DREIER) and the rest of the House leadership and the gentleman from Iowa (Mr. NUSSLE), we will be doing our part to carry forth what we consider our legal obligation, oversight. We will be studying the budget process and seeing how it can better be enforced.

This is a responsible budget, it is a reasonable budget, it is one meant to contribute to the continued economic health of the United States. I strongly support it and urge all of my colleagues to do so as well.

Mr. SPRATT. Mr. Chairman, before yielding to the gentleman from Texas (Mr. CUELLAR), I yield myself such time as I may consume because he is going to address education. I would like to make it clear that education is one of those areas in our budget where we have made a decided improvement and have a notable advantage over the Republican resolution.

Our budget resolution rejects their education cuts. Our budget resolution provides $4.5 billion more for next year, 2006, and over the next 5 years $41 billion more than their budget resolution. This kind of funding, this level of funding, cannot only preserve current education programs such as vocational education, funded at $1.3 billion which the President and their resolution would simply exterminate, wipe out, it can also support increases in priority programs like special education. The additional funding we are providing can also help close the gap in funding for No Child Left Behind, $12 billion below this year and next year below where it was authorized to be when the act was passed.

Our budget rejects the reconciliation instructions to the Education Committee calling for $21 billion in savings over 5 years. We do not know where that is coming from. We do not include the President's student loan proposals that would raise loan fees. We do not end the students' ability to consolidate their student loans at fixed interest rates. We do not eliminate Perkins loans, for goodness sake, and we do not force colleges to repay prior Perkins contributions. We do provide the funding to raise the Pell grant, not just $100 every year for 5 years but $100 every year for 10 years. The Bush administration and the gentleman from Iowa (Mr. NUSSLE) and the Republicans claim that is provided for, but that can only be funded in their budget through reconciliation: that is, through taking it out of other student loan programs.

We have a decidedly different approach to education, a much greater emphasis on education. It is one of those things in our budget which we have singled out as deserving of additional funding. Even though we keep everything at the level of current services, a few things we plus-up to the detriment of other things, but education is one of those things we emphasize and plus-up.

Mr. Chairman, I yield 2½ minutes to the gentleman from Texas (Mr. CUELLAR).

Mr. CUELLAR. Mr. Chairman, I believe very strongly in balancing our budget and reducing the deficit, but I think we need to set certain priorities that are important to our families. My hope is that we do this in a bipartisan approach, that we develop a consensus, and I do want to thank the gentleman from Iowa and the committee for allowing us to put some committee report language dealing with education in the budget and with results-oriented budgeting which I believe we need here at this House.

We need to balance the budget, but I think we need to protect our families and we need to make sure that we ensure that we are not trying to fix the deficit on the backs of the country's working class.

The budget includes the termination of 150 programs. Nearly one in three of them are in education. It eliminates programs essential to our children's futures, such as Even Start, Upward Bound, Talent Search, Gear Up, Perkins loans, Pell grants and LEAP programs. It also does not allow us to give the full funding for special education. It also eliminates certain programs, such as the vocational education, nearly $1.3 billion in cuts. The safe and drug-free schools State programs which are so vital to our communities is eliminated.

Again, I believe in education. In my life, education has been one of the most invaluable tools that has made it possible for me to open up doors, move forward to attain higher goals and make my dreams a possibility. I feel very strongly about financial aid. In fact, I think we need to restore the funding to these vital education programs, especially increasing the $100 maximum Pell grant award. This fulfills the President's request of increasing the maximum Pell grant by $100 without paying for it by taking from other parts of the education budget.

As a member of the Committee on the Budget, I think we should ensure that the Federal Government investment is available to fulfill our commitment to helping low income students get into and graduate from college. College enrollment is slated to grow by almost 19 percent between now and 2015. This group increasingly will be comprised of full-time, nontraditional students, college age, first generation, low income and minority students. Most of these will likely need and will qualify for student financial aid.

My test for considering any budget proposal is whether it will make our families stronger. This budget proposal in my opinion does not make our families stronger. I urge our colleagues to vote in favor of strengthening and protecting our young children by protecting education.

Mr. Chairman, again, I hope we do this in a bipartisan approach and find a consensus.

Mr. NUSSLE. Mr. Chairman, I yield myself 5 minutes.

First let me compliment my friend from Texas (Mr. CUELLAR), a new member of the committee. I appreciate his service. We have worked together on a number of issues. But let me give a slightly different tack from what he was suggesting with regard to our record on education because I think it is important for us to see what has come before.

First, with regard to education totals, as you can see, we have grown on an average of 9 percent a year for the last 5 years. There are not many programs around Washington that have grown that fast. Homeland security is the only other department that has grown at that rate. Nine percent. This is the total we have spent for education.

Again, is it enough? You might say no. Could we always spend more? Of course. But I want to put it in perspective. Nine percent annual growth over the last 5 years.

Title I, the main program that affects No Child Left Behind, has grown 10 percent per year since 2000 and was funded at $12 billion for fiscal year 2005. That annual growth, again, every year has gone up. Pell grants has grown 10 percent per year since 2000 and $12.4 billion in this fiscal year. No Child Left Behind has grown at 40 percent under President Bush. I understand there will always be this debate that programs are authorized at one level and then they are appropriated at yet another level. Everyone around here knows this, but it is a game that we play with our constituents. There is almost no program that is funded at its authorized level. That is not a floor. It is a ceiling. That is always the way it has been approached in Congress.

Special education, a program that I feel a personal affinity toward and it was a personal goal and leadership that I took with regard to special education to our States and to our schools and to our classrooms and for our kids with special needs, I am proud of what we have done. These green charts do not mean anything compared to what it has meant in the lives of the kids that are receiving a quality education and it has unlocked opportunity for them that is boundless. That is because we have invested some resources there.

I just want to end with this. It is not only about the money. We come down here with these green bar charts as if to say, if I spend this much it means that I don't care and if I spend this much it means that I care a little more, or here I am caring a little bit more now. Watch out, here I am caring some more. It is getting higher. I am caring even more.

□ 1830

And the more we spend, the more we care. And the more we invest, the more we care. And we measure by green charts the compassion, the caring, the value, as if money alone is the only measure.

I have got to tell my colleagues something. Take special education. Go talk to any one of their teachers back home in the special education classroom and ask them whether they have seen these increases in their classrooms. Do the Members know what is going on, Mr. Chairman? The States are taking that money, and it is not getting through their bureaucracy. We are getting this money out of Washington, but it is not getting to the classroom teacher teaching our child.

So their chart may look a little bit bigger; our chart may look a little bit bigger, and our charts look great, and if I care at $5 and they care at $6, maybe they care $1 more, and we get into all of this. And we are not looking at the results. We need to look at the results of these programs and find out whether they are getting to the kids in the classrooms. And I have got to tell my colleagues right now it is not. So we have got to provide the oversight. It cannot just be about the money.

And that is the last chart I want to show. For all of the chest beating about education and the priority, see that little red line of the total amount spent on education in our country? That is what the Federal Government kicks in. We are talking, on any given day, like about 6 percent. The people who are really doing the work here are our local school boards, our local State legislators, our local parents and community leaders. They are kicking in all this amount right here. That is what is being kicked in. It is this little red part that we all of a sudden think is so important and that we beat our chests about.

The Federal Government is not going to solve education, Mr. Chairman. Not with a big red line or a little red line or with this money or that amount of money. It is not about the money. It is about results. We have got to focus on results in education, and this budget accomplishes that.

Mr. SPRATT. Mr. Chairman, I yield 2½ minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I thank the gentleman for yielding me this time.

I have a great deal of respect for the chairman of the Committee on the Budget. He is a friend of mine. He has got a tough job, trying to bring forth a budget priority that reflects his caucus's wishes in that.

But let us set the facts straight here. The Democratic alternative does a lot better when it comes to support of the education programs than our Republican counterpart. We also in our budget proposal reinstitute the pay-as-you-go rules so that if we are proposing a spending increase or a tax cut in one area, we are going to find an offset in the budget to pay for it. Their budget does not do it.

Our budget is also out for 10 years that shows that we come to balance by 2012. Their budget is a 5-year proposal. And the reason they do not do it at 10 years is because their deficits explode in the second 5 years. But their budget has also hidden the true and real cuts that are occurring in their education programs, ones that affect real people, real students in real-life conditions and will not help improve the condition of education or access to higher education, which we desperately need in this country.

Their budget proposal actually calls for eliminating $4.3 billion worth of education programs in the next fiscal year alone. They completely wipe out vocational education, the Federal commitment to that. They completely wipe out all the Federal education technology programs that exist. They wipe out the Safe and Drug-Free Schools Grant program. They also get rid of TRIO and GEAR UP, targeting low-income students who want to go on to post-secondary education opportunities. They wipe out Even Start Family Literacy programs. And their proposals also hurt students by raising fees for student loans for higher education, ending students' ability to consolidate those loans at a lower fixed rate interest, and not only eliminating the Perkins loan program, as the gentleman from South Carolina (Mr. SPRATT) indicated, but also forcing colleges to repay prior Federal Perkins contributions.

The Democratic alternative is better than that. We restore these funding cuts as well as $4.5 billion in the next fiscal year alone. Talk to any administrator, any teacher throughout the country wrestling with implementing the unfunded Federal mandate called No Child Left Behind, and they will say what these requirements are doing to their school districts with the lack of funding to back up those requirements. Talk to special education teachers, and they will say how the lack of education commitment at the Federal level, only 18.6 percent of the 40 percent cost share that we promised for special education funding is pitting student against student in our public classrooms throughout the country.

We can do a better job. The Democratic alternative does do a better job, while staying true to fiscal discipline and fiscal responsibility by reinstituting the pay-as-you-go rules that worked very well in the 1990s and led us to 4 years of budget surpluses, while also maintaining a crucial investment in education programs.

As a Member of the Committee on Education and the Workforce, I am heading to China in a couple of days in order to visit their colleges and universities. Guess what? China and India are making a major education investment in the future of their countries. They are graduating more engineering students than we are today. They are emphasizing the math and science and engineering programs while we are starting to cut back in these crucial education areas. Do people want a recipe for economic disaster? The Republican budget and their lack of commitment for education is a sure way of getting us there.

Mr. NUSSLE. Mr. Chairman, I yield myself such time as I may consume.

For the purposes of entering into a colloquy, I yield to the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I thank the gentleman for yielding to me.

Over the past decade, funding for NASA's Aeronautics Research has declined by more than half, to about $900 million. The President's budget proposes to cut aeronautics research by 20 percent over the next 5 years.

I am concerned that the United States is losing critical expertise in aeronautics research and development. This degradation will have a tragic impact on military and civilian aviation, which contributes significantly to our national defense and our economy. I believe that the President's funding levels for aeronautics programs should be reassessed and that the House should give priority to restoring these vital programs.

Will the gentleman commit to bring to the conference report language that will clarify that the resolution makes no assumption regarding the President's proposed funding level for NASA's Aeronautics Research programs?

Mr. NUSSLE. Mr. Chairman, reclaiming my time, the answer is yes to start with. First and foremost, I appreciate her leadership and concern about the research programs that we have for NASA. She does an excellent job there, and we really appreciate the leadership she takes in that.

The gentlewoman knows that the resolution, while it tracks the President's overall number, it does not make any specific decisions about the different funding levels that we have in some of these major categories. It goes actually back to what the gentleman was saying on education. We cannot find in the budget any of what the gentleman from Wisconsin just talked about in education. It is a great speech, but we cannot find it in the budget. And the same is true with so much of this.

So the Committee on Appropriations is the one that is going to make these determinations. The same is true for NASA. And we appreciate that her advocacy and mine is going to have to be brought to bear as we work on that.

So that being the case, I do commit to the gentlewoman to bring back from the conference language clarifying that the budget does not make these specific assumptions regarding the President's proposed level for these programs and urging that the levels for NASA should be reassessed. There is no question that R&D is important, and I know the appropriators agree with that. I know the gentlewoman from Virginia agrees with that. I agree with that, and I have no doubt that they will bring back a bill with that in mind.

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I thank the gentlewoman for his answer.

Mr. NUSSLE. Mr. Chairman, I reserve the balance of my time.

Mr. SPRATT. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. NEAL), a former mayor, to talk about community development programs in our budget resolution versus theirs.

Mr. NEAL of Massachusetts. Mr. Chairman, I thank the gentleman from South Carolina (Mr. SPRATT) for yielding me this time.

Mr. Chairman, I would ask the Members on the Republican side of the aisle this evening to find one Republican mayor in America, one, who favors what they are about to do to the Community Development Block Grant program.

The Community Development Block Grant program has been extraordinarily successful. It has had broad bipartisan support for as long as I can remember. And we ask, how did that come about? It came about because there was a Republican President named Richard Nixon who created what he believed to be the new federalism, and there were overwhelming majorities of Democrats in the Congress who accepted that leadership with this simple idea, that, yes, Washington, because from time to time they exacerbate problems at the local level, and if that was to be the case, how would we funnel some resources to the local government but allow, and listen to this because it is a critical aspect of the Community Development Block Grant program, local decision-making, meaning that the problems that confront Seattle, Washington might be different from those that confront Birmingham, Alabama, that might be different from those that confront Portland, Maine, from those that might confront Dallas, Texas. An extraordinary principle, the national principle.

So what does this Congress decide to do with this extraordinarily popular and successful initiative? They are going to cut it. They are going to cut it back. I do not think we can find a Republican Governor in America who supports what they are about to do with the Community Development Block Grant program.

And what is it used for? Overwhelmingly, it is used for housing. The number of substandard units of housing in America that have been brought back to life because of CDBG allocations is most impressive. And then let us throw in the next part of what CDBG does. It provides ample opportunity for economic development. They might expedite the paving of a roadway to an industrial park so that there can be new business growth and new job opportunities in cities and towns across America.

And what else might they do with it? There are all kinds of public parks across this country that have succeeded because of Community Development Block Grant programs. Some of them in the lowest income neighborhoods of America. And do my colleagues know what else? Some of them in great middle-income neighborhoods across this Nation as well.

As a member of the alumni association that is exceedingly small in this Congress, called Former Mayors, I might point out that if we assembled mayors across America, the United States Conference of Mayors, we would be hard pressed to go into that room and find one mayor who supports what they are about to do to the most popular domestic urban program called Community Development Block Grant money.

Mr. NUSSLE. Mr. Chairman, I yield myself 1 minute.

In response to my friend from Massachusetts, he is right and I agree with him. Let us get that in the RECORD right now. There are those moments in time. In fact, he was not here for our colloquy earlier; so let me just report to him. I am sure I am not going to get his vote, but I will report to him anyway. We agree with the local control aspects of CDBG. There are so many on our side, including myself and so many others, who agree that this is local control, local decision-making, getting this back to communities.

In the budget that we have, we did not take the President's assumption with regard to CDBG. We do not necessarily foreclose the ability to look at the program and make improvements. But we plussed-up the function for CDBG by $1.1 billion, and we increased it for that purpose; and we also did not make any assumption with regard to the President's new proposal of the Strengthening America's Communities Block Grant or transferring the program from HUD, Housing and Urban Development, to the Committee on Energy and Commerce.

The bottom line is there are many things that we will disagree with on budgets, and like I said, I doubt I am going to get the gentleman's vote, but I do think we have a bipartisan commitment to this. It is one area that I know we will continue to work on. And there may be other disagreements, but this is an area that we have worked on together.

I commend the gentleman for his leadership, and we are providing that leadership as well. And we hope the President can come forward with a little better rationale as to why this program, in particular, needed the changes that he proposed in his budget. If there are reforms that are needed, then let us reform the program. We will work together. If there are bad apples spoiling it for the rest of the bunch, then let us get rid of those bad apples. Let us figure that out. But let us not throw the baby out with the bath water. I agree with the gentleman.

Mr. Chairman, I reserve the balance of my time.

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume.

I take the chairman of the committee, my good friend, at his word; but I have to point out the language of the resolution does increase the allocation for Community Development and Regional Development programs by $1.1 billion more than the President requests. But it is still $1.5 billion below this year's level adjusted for inflation.

What we have done in our resolution is to make amply clear that the CDBG will survive intact and will be fully funded, not suffer some crippling cut, as we have provided $9 billion more than their resolution for Community Development programs over 5 years. That will guarantee, virtually, if the committees are willing, that the CDBG and other important Regional Development and Community Development programs will not have to be cut.

Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. EMANUEL).

□ 1845

Mr. EMANUEL. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in opposition to the budget resolution and in support of the Democratic substitute. In the last 3 years, the Republican Congress has enacted three tax cuts, resulting in the three largest deficits in history, all the while on top of the record $400-plus billion deficits and $2.4 trillion of additional debt. This budget does not account for the $300 billion of the Iraqi-Afghanistan war, the $800 billion for the prescription drug benefit they passed, and the $1.9 trillion needed to privatize Social Security.

If this is an example of what a conservative philosophy is, we cannot afford this fiscal mess any more, and the one thing we can always say about the Republican budget is we will be forever in your debt.

The CBO, the Congressional Budget Office, has attested to all of these figures, but none of them are honestly reflected in this resolution.

But while leaving a sea of red ink for future generations, what does this budget do to the middle class, who are facing rises costs in health care and college tuition? This budget makes it all the more difficult for the middle class to afford their health care and college education. This budget cuts the health care professional training by $300 million, it cuts community health by $289 million, it cuts extended health care facilities for veterans by $105 million, and it eliminates the Preventive Health Care Block Grants. It also underfunds the National Institutes of Health and Maternal and Child Health Care Block Grants.

It is a fascinating approach to investing in America's future. Who knew when George Bush declared he was against nation building, it was America he was talking about?

We need a new direction and a new set of economic policies to put the middle class families and their economic interests at the heart of our economic policies. To think that the policies or the stewardship of the Republican Congress over the last 4 years has led to $2.4 trillion in additional debt, three consecutive years of the largest deficits in the history of the country, and all under the rubric of being a conservative, it is a fascinating approach, and all the while we are cutting health care, investments in America, cutting college tuition assistance to middle class families, opening doors to their future, it is a fascinating approach nobody has ever really thought of as a way to build America's future as one that is brighter.

Mr. NUSSLE. Mr. Chairman, I yield myself such time as I may consume to just respond and say it is fascinating. It is fascinating how we got into this situation. And if you heard the gentleman who just spoke, if you wondered whether or not he maybe had been reading the newspaper and may be forgetting all of the things that have been happening to our country over the last going on 4 years, you might wonder if anyone has been paying attention, because he is correct.

On September 10, 2001, we were running a surplus. There is no question that that was a good thing, something was very positive about that. But, unfortunately, we learned the very next morning that we had a homeland security deficit, that we had a national defense deficit. Our economy was already in a recession, and we found out we had an economic growth deficit. So even though there was more cash in the Federal Treasury than we were using, and you can call that a surplus, that did not mean we were meeting the needs of our country. There were many other challenges that we had to meet, and that next morning we found out.

And all of the votes, all of the spending votes, I will go back to the record, all of the spending votes that the gentleman was just talking about under our management, the gentleman from Illinois voted for; voting for our troops, voting for homeland security, voting for education. I will go back to each one of those appropriations bills and the gentleman from Illinois voted for each one of those. The only one he does not like, if you take away all of the clutter, is he wants to increase taxes. He did not like that part. But all of the spending he voted for.

So, let us just boil it down: There are people who want to increase taxes, and that is fine, and there are people who want to control spending, and that is also fine. But it is not all of this mismanagement.

People say Republicans did all of this mismanagement. I think Osama bin Laden had a lot more to do with where we are today with the deficit than anybody else, than anybody else.

Mr. Chairman, the purpose of me taking this time was just to remind everybody that it was not just Republicans that were here voting for those things, and there were probably a lot of reasons why we got into this situation that had nothing to do with JIM NUSSLE or the gentleman from Illinois (Mr. EMANUEL). It probably had more to do with Osama bin Laden than just about anybody else.

Mr. Chairman, I yield 3 minutes to my friend the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, democracy is sweeping the world and we should be proud that our country has become the greatest force for dignity of men and women in history. But if you look back at history, at past democracies, you will see that many collapsed because they voted by majority to go into debt. Athenians and the French republics, the budding democracies in Latin America, all collapsed in debt, which led to dictatorship. But that should never happen here. This is a hard line budget, because the threat to freedom is also overspending, debt and instability.

In America, the Federal Government made a basic promise in the 19th century to provide for the common defense. In an age including the War on Terror, this promise to defend America is very expensive. It is expensive to send armies to Afghanistan or to stand watch across the demilitarized zone in Korea. But we must do this, and we must fully support Americans in uniform.

In the 20th century, the Federal Government made a second promise, to ensure retirement security for Americans who worked hard and played by the rules. The Social Security and Medicare programs face real challenges as the baby-boom generation retires. We are now expecting the number of people under Social Security and Medicare to rise from 40 million to 90 million.

Social Security recipients used to live, when Roosevelt created the program, an average of only 11 months, but now people are on Social Security on average 22 years. So the size of meeting the retirement security promise is extremely large, in fact beyond the current means of this government.

We are commanded to be fiscal conservatives to meet the needs of our common defense and the 20th century's promise of retirement security. We cannot start new programs, because we should honor these promises first.

Some say we should borrow more, but we already borrow too much and we have seen past democracies drown in debt. Some would like us to raise taxes, killing economic growth, but we cannot kill economic growth. Our growing economy right now is already yielding more tax revenue to meet the Nation's needs, but for the foreseeable future those new dollars should be used to support Americans in uniform and to already honor the retirement security promises that the Federal Government has made.

Our chairman has done a good job, a budget that stands for restraint, that continues the course of a free people being free, that grows our economy. We could say yes to everyone. We could say yes, and then we would be much more popular in the short run. But in the long run there would be more debt, a smaller economy, a smaller future for our children.

I am for less debt, rather than more. I am for more economic growth, rather than less. I am for honoring the basic promises the Federal Government has made to provide for the common defense and the retirement security of older Americans.

That should not be done on borrowed money, on borrowed time. It should be done with a growing economy. It is under this restraint, with this discipline, that this budget comes before the House, and we should honor that work.

Mr. SPRATT. Mr. Chairman, I yield 2½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, the Republican budget that we are considering assumes funding for the Community Development Block Grant Programs that for this coming year is $1.5 billion below last year's level adjusted for inflation. And while it may be reassuring to some to hear the words of the chairman of the Committee on the Budget tell us that they like local control of Community Development Block Grants, they seem to like it $1.5 billion less than they did last year. And when they tell us that they like Community Development Block Grants so much that they are funding it more than President Bush proposes, that just means they are poking it with one fist instead of with two, because his is a really draconian cut, and they have made it just a little less painful than what he proposes to do.

Community Development Block Grant is a mouthful, but in a little town like Freer, Texas, it is concerned with holes, the holes of abandoned septic systems where several children have drowned, and they do not have a reliable sewer system there, so they have used the Community Development Block Grant Program for the health and safety of that community.

In McAllen, Texas, in Austin, Texas, it is the principal source of funding to help with affordable housing for seniors, for those with disabilities, for poor people, to have a chance to share in rehabilitated housing, some new housing.

In many of these communities, the dollars are going to food banks, they are going to assist in a variety of social programs that are stretched and strained that municipalities could not do without Community Development Block Grant projects.

The reason we are faced with this kind of challenge, as with the other challenges in this budget, it does not have anything to do with Osama bin Laden; it has to do with the decisions that were made down the street on Pennsylvania Avenue and that were implemented by this Republican Congress.

Indeed, with the budget that we are considering tonight, this administration says to those who are poor, who are uninsured, essentially what Leona Helmsley said, that only the little people pay taxes. Well, this administration thinks that only the little people, like the folks in Freer, Texas, only the little people ought to bear the burden of its fiscal irresponsibility.

We have never had a more fiscally irresponsible administration than the one we have in office today, that has driven the deficit to the highest level in American history and then turns to poor people in Freer, Texas, to kids that are trying to get a decent education, to our veterans, and says you bear the burden. You dig us out of this hole we dug into with your little shovels to make up for the big shovels where we shoveled out all the revenue to those at the top of the economic ladder.

It is unfair, and that is why this budget ought to be rejected.

Mr. NUSSLE. Mr. Chairman, I yield 3 minutes to the gentleman from Kentucky (Mr. DAVIS).

Mr. DAVIS of Kentucky. Mr. Chairman, I found the rhetoric on the budget particularly interesting over the course of a wide variety of issues. One near and dear to my heart is the issue of veterans care. I can speak to this issue with a great deal of authority that very few of my colleagues in this body can as a member of the American Legion, a member of the 82nd Airborne Division Association, a member of the Army Ranger Association and a member of the Association of Graduates of the United States Military Academy.

Being both a former enlisted solider and an officer who served here and abroad, I am concerned that we keep our commitment to our veterans, those who have laid their lives on the line and in many cases borne a great price to pay for the freedoms that we have here to have this dialogue.

Unfortunately, there is a tremendous amount of misinformation that is going around the public right now. I found this unfortunately being passed out to veterans in my own district, that completely disregards the facts in favor of what I would consider a shameless play at political power.

The facts speak to themselves. As a former numbers person, I would like to point out that in the chart that we referenced, that spending per veteran has increased dramatically. Indeed, total veterans spending in the 2006 budget is $68.9 billion. There are considerable monthly payments for veterans, and the budget provides $31.7 billion, an increase of $877 million, for veterans' medical care and other discretionary spending.

These increases in this budget carry on a commitment to our Nation's veterans that, over the past 11 years, has been reflected in veterans spending since 1995 when Republicans took control of Congress.

We can see that the rhetoric from the past is hollow from when there was a Democratic majority in this body and also a Democratic administration.

What we have seen since Republicans took control of the House is a steady increase, particularly after President Bush was elected, in making sure that our veterans' needs were cared for. Spending for veterans' medical care has increased 85 percent, from $16.2 billion to $29.9 billion. Indeed, the number of veterans receiving care has increased from 2.5 million veterans to 4.8 million, a 92 percent increase.

□ 1900

The facts speak for themselves. And, again, the shameless rhetoric is hollow. Education benefits, under the Montgomery GI bill, have more than doubled during this same period and total per veteran spending has increased by nearly 103 percent.

I respect our national leadership. I respect the leadership of our party, the leadership in this Congress who has led the way, not with hollow words, but with straightforward actions to take care of the veterans in this United States who I am proud to represent.

Since we took control of Congress in 1995, we have made tremendous strides in improving benefits for our Nation's 25 million veterans, and we will continue to do that into the future with new strides in technology, reaching out to cover those who have legitimate needs who have served our country and served in harm's way.

Moreover, the Republican Congress has expanded eligibility for medical care in 1996 and 1999. That has increased the number significantly. In the end, this budget provides significant relief for veterans who have served. I am proud to support it. I stand with our leadership; I stand with the veterans in this Congress who are rightfully supporting this budget.

Mr. SPRATT. Mr. Chairman, do I have 18½ minutes remaining?

The Acting CHAIRMAN (Mr. COLE of Oklahoma). The gentleman is correct.

Mr. SPRATT. Mr. Chairman, I would like to yield 15 minutes to the gentleman from North Carolina (Mr. WATT), chairman of the Congressional Black Caucus, for purposes of control.

The Acting CHAIRMAN. The Chair may not entertain that request in the Committee of the Whole.

Mr. NUSSLE. Mr. Chairman, before the gentleman yields time, if I might yield 5 minutes to a Member, and then I would also be willing to contribute a little bit of time to the debate here.

Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN), a member of the committee.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, it is a pleasure to be here on the floor speaking on this subject since some may know I left this place for 16 years, and coming back to the floor of the House and having an opportunity to serve on the Budget Committee has given me a perspective that I did not have before. Being away from this place for 16 years gave me a little bit of a bird's eye view of how the rest of the public views what we do here. And I just must say that during the several years that I was embarking on my endeavor to return to this House, I was constantly reminded by the people that I came into contact with in my district as to the spending spree they believe the Congress has gone on and been involved in over the last number of years. The amount of discretionary spending that we have had in terms of its increase is remarkable.

I wish they could go back 16 years from when I left this wonderful institution back in 1989 to show what we are talking about. This chart merely goes back to 1994, but it shows us spending $513 billion in 1994, and we are talking about now stretching our way to $900 billion.

I was in my office watching some of this debate, and I heard what appeared to me to be crocodile tears expressed by some on the other side about how much we are cutting. And I guess only in this institution is a little restraint in the amount that we are spending in addition to what we have spent in the past considered a cut. Where I come from, cut is not a four letter word. Most American citizens, most of the people in my district believe that if you spent too much, maybe you ought to look on the side of spending restraint.

The response we got in committee time and time again from the other side was, why do we not just raise taxes? And I cannot even calculate the increase in taxes they suggested to cover all the programs they want.

As part of the requirements under the budget act, the Budget Committee gives an opportunity for any Member in the House to appear for 10 minutes to talk about any particular matter within the province of the Budget Committee. And I was privileged to accept that duty for perhaps the last hour. And I remember those coming up to talk about the Community Development Block Grant program. They even were effective in citing a quotation from the mayor of the town in which I was born, someone whom I know.

And in response to that, I said, I think it is a worthy program, but could you please tell me, if we do not cut this, where we should find the money to fund it? And the response I received was, that is not our job; that is somebody else's job. And that is the problem with the Congress, at least as I see it. It is always somebody else's job.

But the job of the Budget Committee is to bring us, I think, some fiscal sanity by suggesting with some enforcement mechanisms, numbers within which we will live, which is no different than what we do in our daily lives and our family lives.

And all I can say is, having been gone from this place for 16 years, the image that I obtained from people on the outside looking in is, frankly, not that we have been very restraining in terms of our spending. The average person would, I think, stand with their mouth agape at some of the conversation that has been on this floor. We are not really restraining ourselves very badly when you look at the numbers that we have seen here. Only in Washington, D.C. could a restraint on increased spending be considered a cut.

That may be very simplistic, Mr. Chairman. I am sorry for being simplistic; but I have been away from this place for a long time, and where I come from, again, cut is not a four letter word. And I would just ask, if people could understand, if other Members could have the chance I had to leave this place for 16 years and come back and see the change, people coming to us asking for spending, no longer requesting it, but coming with the expectation that it is an entitlement in the area of discretionary spending. It is so different than what it was 16 years ago. It is, as we used to say, the difference between night and day.

I want to thank the gentleman, the chairman of this committee, for leading our committee and bringing forward a product which will put us on the path towards restraint, the type of restraint that not only is necessary but is expected by the folks back home.

Mr. SPRATT. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. WATT), the chairman of the Congressional Black Caucus, so he can discuss the alternative that the CBC is offering.

Mr. WATT. Mr. Chairman, I thank the gentleman from South Carolina (Mr. SPRATT) for yielding me time.

At some point tomorrow, the Congressional Black Caucus will be introducing an alternative budget which we will discuss in detail. Unfortunately, we have been allotted only 20 minutes on our side to discuss the details of that proposed budget and I am delighted that the Committee on the Budget has seen fit to provide us a little bit more time this evening to discuss some of the benefits we believe will enure if the Congressional Black Caucus Budget is adopted.

We will be asking the Members of our House of Representatives to make some basic choices because we believe that a budget is about making choices. There are two choices in particular we will be asking them to consider: Would you rather provide a tax cut to people who make more than $200,000 per year, or would you rather spend approximately $30 billion dollars that you would save if you did not provide that tax cut on a series of things that would benefit our community and have a substantial potential of closing some of the disparities and gaps that have existed for years and years between African American citizens and white citizens in this country?

The second question we will be asking will be: Would you rather spend $7.9 billion on a ballistic missile defense program which has been tested time after time after time and has failed all of those tests, or would you rather spend that $7.8 billion on providing more security to our troops, body armor, personnel support equipment, and other protective gear for our troops, and providing more benefits to our veterans in this country?

This is a basic choice that we at this point need to debate. Our budget that we will be submitting and detailing tomorrow morning when we offer the Congressional Black Caucus substitute budget will ask Congress, What are your priorities?

That is what budget-making is about. And there is no trickery here. It is straightforward, and we will be asking our Members to make those choices.

Mr. SPRATT. Mr. Chairman, I yield 5 minutes to the gentleman from South Carolina (Mr. CLYBURN).

Mr. CLYBURN. Mr. Chairman, I thank my colleague and good friend for yielding me time.

Mr. Chairman, today I rise to support the Congressional Black Caucus fiscal year 2006 budget substitute which has three main focuses.

First and foremost, it restores fiscal responsibility to the Federal budget process. Secondly, it keeps our Nation's promises to our veterans and provides the equipment and materials needed to support our men and women on active duty. Thirdly, this budget funds efforts to close gaps and eliminate disparities in America's communities and among its citizens.

We restore fiscal responsibility by closing tax loopholes and eliminating the repeal of the limitation on itemized deductions, the phase-out of personal exemptions scheduled to take place between 2006 and 2010. We get rid of abusive shelters and tax incentives for offshoring jobs. This budget reduces the deficit by $167 billion over the House majority's budget over the next 5 years which reduces our interest payments by $27 billion.

Mr. Chairman, our colleagues on the other side are fond of talking about supporting and respecting our troops, but they do not put their money where their mouths are. The Republican budget resolution mandates almost $800 million in cuts to veterans mandatory programs. These are reductions in disability compensation, pension benefits, education benefits, and death benefits.

The President also proposes to increase fees and drug payments on veterans. The CBC budget increases funding for veterans by $4.65 billion. We restore veterans health care, enhance survivor benefits, medical and prosthetic research, long term care, and mental health care.

Mr. Chairman, under the issue of education, the President's budget eliminates 48 education programs that receive $4.3 billion this year. The CBC budget increases funding for education by $23.9 billion. It fully funds No Child Left Behind. It provides $2.5 billion for school construction, increases vocational educational job training, increases Pell grants by $450 million, increases Head Start by funding by $2 billion.

Mr. Chairman, unlike the President, we are not playing budgetary games. We increase funding for Pell grants by tapping into new revenue.

☐ 1915

The President, on the other hand, has increased funding for Pell grants by taking needed funds from programs such as the school lunch program for low-income children.

Mr. Chairman, there is no greater betrayal or broken promise to the American people than that which can be found in the President's budget for rural America.

The President recommends cutting agricultural programs by $9 billion over 5 years, and the Republican budget has suggested cutting the program by only $5 billion.

On the other hand, the CBC budget increases funding for programs that benefit rural communities by more than $3 billion. We increase funding for agricultural issues by more than $300 million; increase funding for community and resource development by more than $1.5 billion, Community Development Block Grants by $1.1 billion.

In addition, the Republican budget cuts funding for 17 different community and economic development programs that provide housing, water and sewer improvements and small business loans.

Mr. Chairman, in this budget we maintain tax cuts for wage earners making less than $200,000 a year, and we roll back cuts on the top 2 percent of Americans, and by doing so, we have saved almost $47 billion that we have used to invest in the human assets of this country, the American people.

I thank my colleague so much for yielding me the time.

Mr. SPRATT. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, first, let me just thank the gentleman for yielding me the time and for his leadership; also to the gentleman from North Carolina (Mr. WATT), the chairman of our Congressional Black Caucus, and to the gentleman from Virginia (Mr. SCOTT) for their leadership in spearheading this very responsible alternative budget.

The CBC budget is not only fiscally responsible but it also reduces our Federal deficit by $167 billion. It rescinds the 2001 and 2003 tax cuts for individuals making more than $200,000. It closes tax loopholes and it drastically reduces funding for the Ballistic Missile Defense Program by about $7.8 billion.

The Republican budget, quite frankly, fails to live up to any standard of morality that requires us to care for the least of these. From port security to health care, the Republican budget falls short on every count. On the other hand, the Congressional Black Caucus budget shows how national security priorities must include the economic security of all Americans. A strong America cannot have desperate, vulnerable people.

As a Member representing one of the largest ports in the country, it is clear to me that there needs to be significant increases in port security funding. The CBC budget provides $500 million more for port and container security. At a time when our ports remain one of our most vulnerable targets, allocating funds for container security is essential. Unfortunately, the Republican budget fails to adequately support homeland security priorities.

Our budget strengthens economic security priorities by easing disparities in housing and health care for example.

The President's budget eliminated the Community Development Block Grant program which provides financial assistance towards improving housing and economic conditions in low- and moderate-income neighborhoods. That is why I am very proud to support the CBC budget that provides $1.12 billion more than the Republican budget to the CDBG initiative. The President's budget also eliminated the Brownfields Redevelopment Program, but our budget adds $24 billion. The Brownfields Redevelopment Initiative provides important incentives for hazardous site cleanup and redevelopment. It is crucial to the health and safety of our communities, especially our children.

The CBC budget also provides an additional $880 million for Section 8 housing and $500 million more for HOPE VI. All of these programs are crucial to ensuring the economic security of the most vulnerable Americans. The CBC budget also restores approximately $50 million in funding to the Public Housing Drug Elimination Program. It allocates $490 million to the Minority Health Initiative and $500 million for Community Health Centers. These programs are vital to providing primary health care for our minority communities.

Mr. Chairman, the Republican budget punishes people. It punishes them by making them choose between their health or their housing. The CBC budget allows people to have access to both.

The Republican budget erodes our economic security. It weakens our community. It leaves our infrastructure crumbling. The Republican support of outdated weapons systems, wasteful defense programs, reckless tax cuts, and irresponsible deficit spending relegates economic security priorities to the back burner.

I urge my colleagues to join me in supporting the Congressional Black Caucus budget.

Mr. SPRATT. Mr. Chairman, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished ranking member for the time. I thank the chairman for yielding the additional time, and I do rise as well to thank the ranking member for a very creative, a very important statement on the alternative budget offered by the Democrats, and I look forward to supporting that vision that really helps to balance the budget and bring us back on line and also keep us in line with Social Security, which I will discuss, does more for education, and of course we do not forget the veterans.

Just as an anecdotal story, we were in the Committee on the Judiciary earlier today looking at the bankruptcy bill, and there were several amendments that had to do with veterans' catastrophic health conditions, and unfortunately, in the bankruptcy bill markup we did not succeed in supporting veterans, those of us who supported that, particularly Democrats. So I rise to as well support the Democratic alternative over the Republican budget—because both the CBC Budget and the Democratic Budget supports people.

I want to spend some time on the Congressional Black Caucus budget and really focus on why this is so very important, what it means for us to rise on the floor of the House and to argue a certain focus, and I thank the gentleman from North Carolina (Mr. WATT) for leading us in this direction and, of course, the gentleman from Virginia (Mr. SCOTT), who will offer this amendment tomorrow.

Let me start out by saying something that I am not making up, but let me just hold up a sheet of paper that shows that the President's mark, the administration's mark, his first thought was to cut $60 billion out of Medicaid. There is some plussing up, $15 billion, and so someone said there is a net of $44 billion in cuts because we have got a little increase, but let me just say the intent of the administration was to cut $60 billion out of Medicaid. That goes to the very heart of health care for the uninsured, the disabled, those in nursing homes, and we are to pass a budget with that kind of insult, if you will, to the needs of Americans around this Nation?

In addition, the budget that was offered cut the community block grants $1.5 billion, and here is where the Congressional Black Caucus budget comes into play.

We understand the need to protect the troops. We have provided dollars for armor. In fact, Mr. Chairman, we have provided some $6.7 billion, or $75 million for body armor, $10 million for ammunition for the Marine Corps and small arms for Army, $1 billion for building maintenance and $5 million for studying instances of waste, but at the same time we provide $1.12 billion back into the Community Block Grant Program which helped to reinvest in our local communities and helped to provide for affordable housing. We believe in investing in America. The community is the most important element of this budget process, the rural community, the urban community, and that is what the Congressional Black Caucus does.

So we restore the Medicaid funds. We ensure that in restoring those Community Block Grant funds we answer the question.

In the President's budget, child care funding, losses in purchasing power, billions of constant dollars, we will see in that budget the inability, up to 2010, to be able to provide real child care for those who need it, and if there is anything that I get asked about when I go home, it is the parents, single parents and young parents, with low income who cannot afford to provide child care, and as we can see the purchasing power will go down, down, down up to 2010, and we will not have the ability to purchase child care in America for those who actually need it.

So the Congressional Black Caucus recognizes that and provides that funding. In addition we also, if you will, take care of Social Security.

In the President's mark, there is a mention of a Social Security transition cost, but there is no accounting for it. There is no money for it. So the Congressional Black Caucus budget takes into account affordable housing, Medicaid, the needs of our troops, investment in security and as well a provision for the Border Patrol agents and the Customs agents.

It is a comprehensive budget. It is a budget that should be passed. The Congressional Black Caucus budget is a budget for all of us to support.

Mr. Chairman, I rise today being very disturbed with the direction that the Republican proposed budget and this administration is taking our great nation. The prime reason for my concern is the national budget which stands before this body today. The Nussle budget clearly does not improve upon the severely flawed Bush administration budget. The needs of average Americans are still ignored. The interests of a wealthy few outweigh the needs of an entire nation in this budget. I say this not out of partisanship, but from a statement of the facts. I want to highlight a few areas in this budget that are particularly egregious.

This President and the majority party in this body have spent so much time talking about their record on education and as hard as I try I can not see what they have to be proud of. It is one thing to address areas of critical need with rhetoric, but to advocate a policy and then not fund it sufficiently is plain irresponsible. This budget eliminates 48 education programs that receive $4.3 billion this year. These eliminations include wiping out $1.3 billion for all vocational education programs, $522 million for all education technology programs, and $29 million for all civic education programs. The budget eliminates other large programs including the Even Start family literacy program ($225 million) and State grants for safe and drug-free schools and communities ($437 million). The President's budget cuts 2006 funding for the Department of Education by $1.3 billion below the amount needed to maintain purchasing power at the current level, and by $530 million below the 2005 enacted level of $56.6 billion. This is the first time since 1989 that an administration has submitted a budget that cuts the Department's funding. This administration and the majority in this Congress promised to leave no child behind, but clearly they have reneged on their promise.

Our brave American veterans are another group who were outraged by the President's budget and will unfortunately be disappointed with the Republican House Budget. I hear so much in this body from the majority party about the greatness of our Armed Forces, and their right, but again its just empty rhetoric on their part. Those brave men and women fighting on the front lines in our war against terror will come back home and find that the Republican Party looks at them differently once they become veterans. Almost all veterans need some form of health care, some will need drastic care for the rest of their lives because of the sacrifice they made in war, but the Republican budget continues to turn a blind eye to their needs. The fact is that $3.2 billion more than the current budget proposal is needed just to maintain the current level of health care programs for veterans.

The entire Department of Veterans Affairs is going to suffer because of the Republican agenda. I have heard from veterans groups throughout my district in Houston and I am sure each Member of this body has heard from groups in their own district because veterans are one group that come from all parts of this Nation. These brave veterans have told me their stories of how they are suffering now with the current state of Veterans Affairs, I am going to have trouble telling them that not only will things continue to stay bad but if this budget passes this body things will only continue to get worse. That is not what our returning soldiers from Iraq and Afghanistan should have to look forward to, a future where their needs are not only unprovided for, but are in fact ignored.

Education and Veterans Affairs are not the only two areas where Republican budget fails Americans. The truth is there are many other programs and services vital to our Nation that are at risk because of the Republican agenda. At this point, an average American may be asking why the Republican leadership finds it necessary to cut so many fundamental programs. The answer is simple, yet disturbing; the majority is cutting important programs in order to finance all their irresponsible tax cuts. They will continue to make the argument that tax cuts provide stimulus for our economy, but millions of unemployed Americans will tell you otherwise. In fact the Congressional Budget Office itself said "tax legislation will probably have a net negative effect on saving, investment, and capital accumulation over the next 10 years."

While the Republican leadership continues its offensive for irresponsible tax policies they allow our national deficit to grow increasingly larger. When President Bush came into office he inherited a budget surplus of $236 billion in 2000. Now, however, this administration has raided those surpluses and its fiscally irresponsible tax policies have driven the country ever deeper into debt. A $5.6 trillion 10-year projected surplus for the period 2002–2011 has been converted into a projected deficit for the same period of $3.9 trillion—a reversal of $9.5 trillion. Much like the President's budget, the resolution before us omits the longer-term costs of either the war in Iraq or fixing the AMT, yet still tries to make claims of reducing the deficit. It's clear that the Republican Party is hiding from the American people. This President and this majority in Congress have yet to advocate a fiscal policy that helps average Americans. Special interests have become king in this budget at the price of sound fiscal policies.

This body was made to stand for the will of all Americans; if we allow this budget proposal to take effect we will have failed our mandate. I for one will not stand by silently; I have a duty to my constituents and indeed to all Americans to work for their well being and I will continue to honor that duty.

Mr. NUSSLE. Mr. Chairman, I yield myself as much time as I may consume to just respond gently, firmly in some respects to some of the characterizations I disagree with of the budget that I am presenting and the Republicans are presenting.

I definitely respect the Congressional Black Caucus in their effort to put together a budget. I admire anybody who tries to go through this process and comes out of the other end with an actual work product that they can come to the floor to defend.

So, as a result of that, I am pleased to yield time so that they can present that budget.

Mr. Chairman, I yield 4 minutes to the gentleman from North Carolina (Mr. BUTTERFIELD) so that we can continue this discussion.

Mr. BUTTERFIELD. Mr. Chairman, first, I want to thank the chairman for yielding these 4 minutes to me. One of the hazards of being one of the lowest in seniority on this side of the aisle is that we run out of time so quickly. So I thank the chairman for yielding this time. I want to thank the ranking member for the work he has done in the process.

Mr. Chairman, I represent North Carolina's First District. We are the 15th poorest district in America. We are working very hard to lift our communities in meaningful ways and it is difficult.

The one area in which we are succeeding is in the area of making higher educational opportunities more available to minority and low-income students. I am so proud of the fact that we are beginning to eliminate the educational disparity that exists between black, white and brown.

One program, Mr. Chairman, that has significantly contributed to this success is the TRIO program. TRIO programs are working. This program is serving 6,200 young people in my district, a total of 17 projects. Across the country, more than 870,000 low-income Americans are being served.

TRIO has a Talent Search Program which serves young people in grades 6 through 12. In addition to counseling, participants receive information about college admissions requirements, scholarships and various student financial aid programs. This early intervention program helps people from families with incomes under $24,000 to better understand their educational opportunities and options. Over 387,000 Americans are enrolled in 471 Talent Search programs. The President's budget and the Republican budget eliminates these programs entirely.

TRIO has an Upward Bound Program which helps young students to prepare for higher education. Participants receive instruction in literature, composition, mathematics and science on college campuses after school, on Saturdays and during the summer. Currently, 770 programs are in operation throughout the country. This program, Mr. Chairman, is scheduled for extinction.

The alternative Congressional Black Caucus budget is a responsible document, and I want to thank the gentleman from North Carolina (Mr. WATT) and the gentleman from Virginia (Mr. SCOTT) for the work that they have done in developing this great document. This budget restores funding for TRIO. It reduces spending while maintaining strong funding for national defense and homeland security.

Mr. Chairman, I urge my colleagues to oppose the Republican budget and to vote for the Congressional Black Caucus budget as this budget restores funding for the TRIO program which is a very, very deserving program.

□ 1930

Mr. NUSSLE. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. WATT) to close the debate.

Mr. WATT. Mr. Chairman, I thank the gentleman from South Carolina (Mr. SPRATT) and the gentleman from Iowa (Chairman NUSSLE) for providing the Congressional Black Caucus a little extra time to talk about the CBC budget, and I want to summarize what our proposed budget which we will be introducing tomorrow will do.

It will roll back the tax cuts on people with adjusted gross incomes that exceed $200,000 per year. Most of the revenue raised in the CBC budget will be used to address disparities in America's communities. A substantial portion is reserved to reduce the deficit.

On the military side, we would roll back $7.8 billion in ballistic missile defense spending leaving using $1 billion for research to continue regarding the ballistic missile defense system. All of these funds are spent on other defense items to support our troops, homeland security needs, and veterans program and benefits. The total for defense, homeland security, and veterans is equal to the Republican budget.

The bottom line is that the CBC budget addresses critical domestic challenges and supports our troops. The CBC budget reduces the deficit by $167 billion compared to the House majority's budget over the next 5 years. This fiscal responsibility is rewarded by a reduction of $27 billion in interest payments, compared to the House majority's budget over that 5-year period. We will have a responsible budget, and I look forward to having the support of our colleagues in this body and look forward to discussing the proposed CBC budget in more detail tomorrow when our substitute is presented to the House.

Mr. SPRATT. Mr. Chairman, I yield myself the balance of my time for the purpose of closing general debate.

Mr. Chairman, we have put before the House a substitute resolution as an alternative to the resolution supported by the Republicans and reported by the committee.

What does our resolution do? First of all, in the realm of fiscal discipline, we would reimpose a rule found to work and work well during the 1990s, a rule that was first implemented by a bill signed into law by President Bush, the first President Bush, in 1990 as part of the Bush budget summit agreement, which laid the foundation for the phenomenal success in the 1990s when we finally moved the budget out of intractable deficits into a surplus in 1998 and into a monumental surplus of $236 billion in the year 2000.

Part of the budget process changes that helped us achieve those impressive results was a rule called pay-as-you-go, which simply stipulates that before anyone can increase an entitlement or mandatory spending program, add to its benefits, they have to either pay for the benefits by an identified revenue source, or they have to offset the increased expenditure by decreasing expenditures elsewhere.

In addition, it provides when anyone wants to cut taxes, when we have a deficit, must offset the tax cut so it will not contribute to the deficit; it will not further enlarge the problem on the bottom line. So we first of all would reinstate the PAYGO rule. As I said earlier, this is not just some notion we have concocted. Three times Chairman Alan Greenspan of the Federal Reserve has testified before the Committee on the Budget that he would reinstate the PAYGO rule and he would apply it to expiring tax cuts that are renewed.

On the spending side of the ledger, we have brought spending back to current services, in many cases restoring deep cuts made by the Republicans. We have brought it back to current services, but we have held it at that level. Current services is basically today's spending level carried forward with inflation.

What do we do by instituting those two practices? What do we accomplish? Well, our budget moves to balance in the year 2012, which the gentleman from Iowa (Chairman NUSSLE) cannot say with respect to his budget resolution.

Secondly, we incur less in deficits each year and over the 10-year period of time that we run out our numbers, even though we provide current services funding.

Thirdly, we protect Medicare and Medicaid. The Republicans would cut Medicaid by $60 billion. I met with Governors, Republicans and Democrats, who have told us a cut of that magnitude would be devastating and we should not cut Medicaid by any significant amount so that when the program is revised, it has to be revised in pursuit of some arbitrary savings number.

Finally, we match funding for defense, function 050, dollar for dollar the same as their resolution. We match funding for international affairs, function 150. There is no difference between us there, but we have made some changes in our budget resolution which recommends that resources within the defense budget be shifted to personnel benefits and in particular to see that the $400,000 life insurance increase just provided in the supplemental will be carried forward and that the $100,000 increase in death gratuities will also be carried forward and funded in the future.

So we have a budget resolution with many positive features to it, but also with fiscal discipline. A signature element is that in the year 2012 it gets to balance, but it gets there with balanced priorities.

Mr. NUSSLE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, first let me say to the gentleman from South Carolina (Mr. SPRATT), there is absolutely no one on the Democratic side that I admire more than the gentleman and the partnership we have in working on these budgets. This is the culmination when we come to the floor and have these debates, and I really respect the way he handled the debate. We appreciate that.

We disagree how we are going to accomplish the goals that our Nation needs to set, but we know the goals are pretty important. We have to keep the country strong. There is no question about that. It is really nonnegotiable. There is not a constituent I talk to that would suggest at this point in time in our history we do not want to protect the country. Our borders, everything from terrorism to illegals and drugs and all sorts of things coming into the country, we have to protect the country, number one.

Number two, we have to make sure that the economy keeps growing. That should not be an item up for negotiation. It is so important that families have the resources to deal with the challenges that they face every single day.

We come out here and talk about other people's money very easily on the floor of the House, what the taxpayers send us in order to solve problems; but we really do need to be mindful of the fact that the most important budget that we ought to be focused on is the budget decided and discussed and sweated over and argued about around kitchen tables across the country. That is such an important budget.

We worry about education here, but parents do that every night after their kids go to bed. We worry about health care here, but seniors do that every night when they are laying in a bed in a nursing home. We worry about creating jobs, but small business people do that every night in the quiet of their closed shop. They try and make sure their cash register all added up.

It is funny. I have heard people say we should not worry about the error rate in the food stamp program, which is now 6 percent. Mr. Chairman, 6 cents on every dollar in this country in food stamps is wasted. We say that is an improvement because it is down from 19 percent. The interesting and fascinating thing about that is if a small business person ended the night, closed that shop door and turned the open sign around to closed and rang up the cash register and they were missing six pennies, they would stay all night to find it, all night long to find those six pennies that did not add up in their cash register. But we say, oh, that is an improvement. Amazing. It really is amazing. That is what I turn to first.

This is the record of Federal Government spending over the last 10 years. In these numbers is what I was talking about, the concern of education, the concern of homeland security, the concern of national defense, the concern of job training, the concern of our environment, the concern of transportation, the concern of research and development. All of the concerns that we have talked about are embodied in numbers because in Washington we define compassion from one year to the next, solutions from one year to the next of spending more.

We have all seen that. If I spend just a little bit more from one year to the next year, I must care, I must be solving problems, I must be dealing with real solutions. If I just spend a little bit more money, I will solve all of the problems in the country. Every problem that every family ever addressed around their kitchen table can be solved with just a little bit more Washington spending. That is the fallacy of what we are debating tonight, and that is that if we believe, truly believe that all we have to do is take more money to Washington in the form of taxes and define and design and develop just one or two more programs that hires a number of more bureaucrats, that builds maybe a few more office buildings to be filled with those bureaucrats, and they drive in from Virginia or Maryland or wherever they drive in from, so that they care more about what is going on than the families back home, if we really believe that is solving problems, then Members are going to have a budget to vote for.

It spends more money, it increases taxes, and it purports to solve problems. Unfortunately, we are not solving those problems by doing that. My favorite saying that I heard on the floor, and I do not remember who said it, a long time ago, if you always do what you always did, you will always get what you always got.

If Members think about it, we have been trying to solve problems in Washington with more spending for quite some time now, and those problems do not seem to go away. Last year we decided to put the brakes on spending. We said yes, we have had the excuse of September 11, of the war on terror, of needing to deal with homeland security and needing to deal with our economy; but it is time to be done with all of that. And so what we did was we said let us put the brakes on spending just a little bit.

What happened? When the economy grows and when we control spending, just like the Republican budgets in the late 1990s when we got back to balance, and President Clinton can take credit for anything he wants, that is fine. But everyone who has studied government knows that the buck stops here when it comes to spending. When it comes to fiscal responsibility and article I of the Constitution, we are the ones in charge of the budget. Members know that.

As a result, last year with fiscal discipline and a growing economy, we were able to reduce the deficit 20 percent in 1 year. That is good news, but we need to build on that.

☐ 1945

What our budget does is it says, let us continue to build on that success every year with more and more deficit reduction. That is what we accomplish with the spending discipline within this budget. We say not only should we hold the line on discretionary spending, that is the spending we will argue about every day out here during the appropriations process. We want to actually reduce some spending there. We want to have the first reduction in non-security spending since Ronald Reagan was in town back in 1980. That is good news. We also know that we have to start tackling what we call the mandatory spending, or the automatic spending. And so we accomplish that because we know that mandatory spending, that is this yellow part, the part here that back in 1995 was half the budget and now is more than half the budget and is growing to even more than half the budget, almost two-thirds of the budget if we do not start controlling our spending in these accounts.

I want to give you an example of what we would have to do. As much as there will be all sorts of discussion today, and there has been, and tomorrow about Medicaid, you cannot find the word Medicaid in the budget. The reason is because what we do is we say the committees of jurisdiction, in this instance the Committee on Energy and Commerce, should be given responsibility to look through the programs and see if they cannot only find savings but reform the program, to do a better job of delivering the product to the people who need it. If it is true that people sit up at night worrying about how they are going to pay their bills, how they are going to meet their health care needs, then let us help them figure that out. But let us not continue to do a program that every single Governor would admit is unsustainable. We have got quotes from here to the end of the day from Governors who have written us that have said, This program cannot continue. It cannot continue.

All right. So what do we have? We have one budget on the Democratic side. We actually, I think, will have two or three budgets on the Democratic side that do nothing with regard to Medicaid. No reforms. No changes. Let us continue to always do what we have always done, and that is continue what has been what some people say is fraudulent transfers that are going on at the State level, where Governors and State legislators are put in a position where they actually have to figure out how to game the system, how to manipulate the system so that they can get more money from the Federal Government. I have heard of situations that colleagues of mine have told me from around the country where we actually have a situation where kids, teenagers who are eligible for foster care, good kids, good teenagers, that are difficult to find families for so that they can integrate and become part of a family again, but the State, a couple of States in particular, what they have done is they have devised a way to lock those kids into mental health residential treatment centers. Why? So they can get more money from the Federal Government. If you are a foster parent or you are someone who is thinking about adopting, opening up your heart, your family, your home to a child, to a kid, to a teenager and giving them a life, try doing that with a stigma of having mental health problems, of having challenges in that regard, because of the stigma of being part of that State program, not because they were helping the kid but because they wanted more money. We are hurting people with some of these programs.

I realize if you measure your compassion from one year to the next with spending, I cared at $92 billion this year. Oops, there I went and I cared a little bit more that year. Then I cared at $101 billion. Then I really cared at $108 billion. Boy, my caring and compassion is going up. That is not how we should measure it. We should measure it on results. Are these programs working? Are they helping families? Are they helping kids? Are they helping communities? Are they solving the problem that Medicaid ought to be solving for people with long-term health care concerns, people with disabilities, people who require indigent care? That is what we ought to be asking.

What do we do in this budget? We say, Commerce Committee, go to work. Invite the Governors to come to Washington to give us their proposal. The gentleman from South Carolina (Mr. SPRATT) and I sat in a room with Governors where they said, "Don't arbitrarily let the number drive the policy." That is exactly right. The number should not drive policy. This number should not drive policy any more than it ought to determine compassion. But there is only one way to get the Governors to come back to Washington. They were here the first time. The only way to get them back the second time is to have a process that requires reform and that is exactly what this budget does. It says, by September, we want you to come back with ideas for reform. Just as a result of this, they have committed to come back by June with a reform proposal that the Governors are going to offer that we can work together with the administration to try and come to a solution and try to come to some agreement on. That is a positive step forward. That helps us with a program that most people think is unsustainable and that helps us solve the problem of making sure that this goes to people who cannot help themselves.

What does the so-called reduction in growth look like? We have heard all the complaints on the floor today. One would think we were just eliminating the Medicaid program. I want to show you the chart of what this looks like after we are all done. This is what the Governors would complain about. This is what some of the advocates are complaining about. In other words, we are asking for just a little sliver, just slow down the growth. But it is growing every year. Every year it grows. We are just asking for a little bit of change, just a little bit of reform, make the program work better, less it help seniors, let it help people with disabilities, make sure it is solving the problem for families that do not have the resources to meet their health care needs. Let us also instill some personal responsibility. Do not just hand it out and give people first dollar Cadillac coverage without saying in return, Folks, you have got to be healthier, you have got to practice prevention, you have got to be personally responsible. That is what reform can give you and a budget without that reform will not give you.

I understand that between today and tomorrow we have got a big decision to make. The decision as it boils down to me is very simple. If you believe that taxing a little bit more, taking a little bit more out to Washington from all of these hardworking families across the country and hiring more bureaucrats and inventing more programs and trying to solve more of these problems from Washington, if you believe that is the solution, you need to vote for the Spratt budget. You need to vote for the Democrat alternative budget because that is what it does. It says increase taxes, increase spending and you will begin to solve these problems.

But there is an alternative and it is the majority. What the majority is saying, Stop the madness. It is the spending. We have got to get the spending under control. We know the other body left to their own devices may not do it on their own. We have already seen in a kind of a disappointing way that they have not really stepped up the way the President has and how we believe the way I have.

In closing, let me just say that we will be able to give, I believe, our kids and our grandkids the opportunity of a debt-free world if we begin with a small step again this year. I ask Members to support the majority budget.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. ENGLISH) and the gentlewoman from New York (Mrs. MALONEY) each will control 30 minutes on the subject of economic goals and policies.

The Chair recognizes the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

It is a real privilege to rise tonight to take on the role of discussing the statutorily required Humphrey-Hawkins side of this debate; that is, to consider how this budget fits into the overall economic policy of the United States.

We have heard so far a very engaging debate, and may I say, the chairman of the Committee on the Budget has done an extraordinary job of defending the details of this budget. He has been powerful and persuasive and intelligent and, I think, has made a compelling case. The argument that we are going to make in the next hour has to do more with how this fits into the overall economic priorities of the United States. This in my view is perhaps one of the most important reasons for passing this budget, because as we look at where America is today, as we look at the economic challenges we are facing, it is clear that we need to have a strong and responsible fiscal policy that encourages economic growth, that controls spending, and by controlling spending brings down our deficit over time, reassures capital markets and sends the message that the American economy continues to be the safest place in the world to invest. If we continue on the path directed by this budget resolution, we have an opportunity, I think, to lay the groundwork for an unprecedented expansion and to create opportunity and economic growth in the American economy that is so badly needed in many of our communities, including many parts of my district.

There is no question, Mr. Chairman, that the challenges we are facing today are substantial, the deficit is a serious problem and the proposed remedy contained in this budget resolution involves some very strong medicine and, for many individual Members of the House, some very, very difficult policy decisions. We need to pass this resolution because the broad parameters of spending that are the real budget resolution, the blueprint that is the substance of this budget resolution is precisely the vehicle we need to move in the right direction to make sure that we control spending and create the opportunity to continue the economic expansion which is only now just beginning.

Over the past few years, America has gone through a challenging time economically. Nowhere is that more evident than in my district, but at the same time there are very encouraging signs. We know that we have been running a deficit. We know we have been running a deficit because, first of all, understandably, we have been in the throes of a recession and we have never run a surplus during a recession. Second of all, we have never run a surplus in wartime. And even as we have been undergoing a very difficult episode, a combination of a slowdown which began during the last administration coupled with the substantial damage to our economy that occurred in the wake of 9/11, at the same time we have had to take on a war on terrorism that was not of our choosing. The combination of these two factors, the loss of revenue because of the slowdown of the economy and at the same time the challenge of meeting the war on terrorism have been a substantial drain on our resources. Yet our underlying economy continues to be sound and clearly we have a path that we can pursue that brings us back toward a balanced budget and providing the kind of policy in place that will continue to meet the needs of America.

This budget resolution is precisely what we need. We recognize that an uncontrolled deficit can put pressure on interest rates, increasing the cost of borrowing and putting the brakes on economic growth and investment. Without economic growth, we are not going to be able to generate the revenue to get back to a balanced budget. We also recognize that a lax fiscal policy could further weaken the U.S. dollar in global markets and undermine its standing as the reserve currency of the world economic system. This has been one of the core advantages that America has retained relative to our global competition. That is why the decision we make with this budget is going to be so very, very important.

This budget is a blueprint for injecting spending restraint while encouraging economic growth and stability. Its adoption will signal to the financial markets that a fiscally conservative Congress once more is prepared to sally forth to make difficult decisions necessary to control the Federal deficit and maintain our economy on a growth path. This budget vehicle provides fiscal discipline that will strengthen investor confidence in the renascent economy and act as a powerful tonic to continue on the path of economic growth. It provides for controlling spending without raising taxes, which is precisely the formula that has worked for us and can continue to work for us.

Mr. Chairman, we recognize that we need to maintain a pro-growth tax policy. That is essential to move America toward a balanced budget. This budget resolution allows us to continue and make permanent the successful tax policies that have allowed us to grow the economy. What it does in a nutshell is it cuts the deficit in half over a 5-year period. Perhaps more importantly, Mr. Chairman, it shrinks over time the national debt relative to the economy. That is the burden on the national economy that the capital markets understand. If we have a national debt that is growing relative to the economy, it will roil capital markets over time if it grows excessively. But what matters to the economy is not the absolute size of the debt, it is the size of the debt relative to the economy.

□ 2000

If we can continue to grow the economy and grow the economy faster than the national debt, then that will be a source of confidence and a source of growth in the economy. Mr. Chairman, that is precisely what this budget resolution does in a sound, responsible way. It maintains a strong commitment to economic growth and pro-growth tax policy by controlling discretionary and mandatory spending.

Mr. Chairman, I will have further remarks in support of this resolution.

Mr. Chairman, I reserve the balance of my time.

Mrs. MALONEY. Mr. Chairman, I yield myself such time as I may consume.

As a member of the Joint Economic Committee, I am pleased to speak on the economic goals and policies reflected in the budget.

When it comes to the economy, this is a record-setting administration. The problem is, the administration is setting records for debt and deficits. We now have the largest debt, the largest budget deficit, and the largest trade deficit in the history of our Nation. Republicans have become the party of debt and deficits.

Even worse, the administration continues to repeat the same economic mantras even as experience continues to prove them wrong and more wrong.

This administration has turned a surplus projected in January of 2001 to be almost $400 billion by 2004 into a budget deficit of over $400 billion. And, Mr. Chairman, there is no end in sight. The budget deficit for last month set another record as the first time the budget deficit has gone over $100 billion in a single month in the history of our country. The administration has raised the debt limit three times to a record $7.6 trillion, which means $26,000 of debt is owed for every man, woman, and child in America.

This week the lead story is our Nation's trade deficit; and to no one's surprise, this deficit is breaking records too. Data released today by the Department of Commerce shows that the trade deficit in 2004 was at an all-time high, nearly $666 billion, 5.7 percent of our GDP. Another unfortunate record. The all-time monthly trade deficit of more than $59 billion was set in November, and the total for January was just barely shy of setting a new record.

The administration keeps saying that the ever-weaker dollar will correct our trade deficit for the last several years, and this has proven to be wrong. Our deficits are soaring because it is the policy of this administration to spend money we do not have and to borrow from foreign sources to cover ourselves.

Since the administration is content importing money lent by foreign banks to cover the cost of foreign goods, we are increasingly at the mercy of our overseas benefactors. As of January, foreign governments own $1.2 trillion of our public debt, the highest it has ever been. What if one day they decide to stop propping up our spend-and-borrow habit? We had a tiny taste of that recently when South Korea hinted that they would not buy more dollars and the markets trembled.

America is the greatest economic engine in the world. We should never build our economic system on a foundation of foreign loans. Any day that foundation could become a house of cards. There is absolutely no evidence in the budget resolution before us in the House or in the policies of this budget that the majority understands or even cares about these risks to our economy.

This budget uses smoke and mirrors to give the allusion of cutting the deficit in half, but it leaves out necessary actions such as fixing the alternative minimum tax, which is hurting the middle class more and more and must be dealt with sooner rather than later.

This budget is also mean spirited. In order to preserve the Republican tax cuts, the budget cuts programs for Americans who are struggling just to make it in what for them is a very difficult economy.

Mr. Chairman, this President continues to have the worst job record since President Hoover and the Great Depression. Even worse, the gains the economy has made benefit the bottom line of large corporations at the expense of ordinary hard-working Americans. The gap between the haves and have-nots is growing, and that should be of great concern to everyone in America.

The administration continues to say the economy is recovering, but how good a recovery can it be if ordinary American families can buy less and less with their paychecks? Over the period of job gains since May of 2003, the average hourly earnings of workers in nonfarm industries has actually fallen by .6 percent after inflation.

The administration's budget does not even address the biggest and largest budget buster of them all: the President's plan to privatize Social Security. As a new study by the Joint Economic Committee Democratic staff shows, the President's plan for private accounts would create $5 trillion of new debt in the first 20 years, but it would do absolutely nothing to address Social Security's solvency and would do nothing to increase national saving. In fact, it would weaken the solvency of Social Security and probably reduce national saving, exactly the opposite of what is needed.

Mr. Chairman, I think the President's plan for Social Security is a perfect example of what is wrong with the economic goals and policies of this administration. It manufactures a false crisis around a real, but manageable, problem and then offers a proposal that makes things worse without even addressing the original problem. As I have seen in my own town meetings, Americans understand that privatization of Social Security is a bad idea. We need honest budgeting and an honest economic policy if we are to foster true economic prosperity to ordinary hard-working Americans.

Mr. Chairman, I reserve the balance of my time.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I yield 7 minutes to the distinguished gentleman from Texas (Mr. PAUL), a fellow member of the Joint Economic Committee.

Mr. PAUL. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I appreciate very much this opportunity to talk about the budget. In listening to the debate today on both sides of the aisle, there has been a lot of expression of concern about the deficit; and, of course, I am very concerned about the deficit as well.

But I would like to make a suggestion that we are not facing primarily a budgetary crisis or a budgetary problem. I see this more as a philosophic problem, dealing more with the philosophy of government rather than thinking that we can tinker with the budget, dealing with this as a tactical problem when really it is a strategic problem. So as long as we endorse the type of government that we have and there is a willingness for the people as well the Congress to finance it, we are going to continue with this process and the frustrations are going to grow because it is just not likely that these deficits will shrink.

And the gentleman from Pennsylvania rightly pointed out the concerns this might have in the financial markets. I am hoping that his optimism pans out because, indeed, if they do not, there could be some ramifications from these expanding deficits and what it means to our dollar.

But I would like to suggest that in dealing with the budget itself, I see only one problem that we have. And that problem to me is the budget is too big, and I would like to shrink the budget. I have toyed with the idea over the years to introduce and offer a constitutional budget to the House floor. That would not be too difficult because the budget would be so much smaller. It would mean essentially that if one is a strict constitutionalist that they would cut the budget approximately 80 percent.

What would that mean to the economy? It would be a boost because we would be injecting $2 trillion back into the economy, allowing the people to spend their own money. But being pretty realistic, I know that is not likely to happen or be offered or even be able to present that on the House floor. Besides, it could be rather embarrassing to bring something like that to the floor. Not so much embarrassing to me, because I am accustomed to voting in a small group of people on many occasions; but it could be embarrassing to others because, for the most part, most Members would not even conceive of the idea of having a strict interpretation of the Constitution and severely limiting the budget. So we would not want to put everybody on record for that.

The other day I heard an interview with one of our Members, and he was asked about a particular program about where the authority came from in the Constitution for that program. And his answer was very straightforward; and he explained that in the Constitution there was no prohibition against that program, so therefore it was permitted. In his mind, as it is in the minds of many Members of Congress, if there is no strict prohibition, it is permitted.

And that is just absolutely opposite of what was intended by the authors of the Constitution that we would only be able to do those things which are explicitly permitted in the Congress, and they are spelled out rather clearly in article I, section 8.

And then we are given the permission to write the laws that are necessary and proper to implement those powers that are delegated to us. Those powers that are not delegated are reserved to the States and to the people. So it means that those things that are not prohibited are permitted, but I would say that the conventional wisdom today is that people accept the notion that we can do anything that we want as long as it is not prohibited by the Constitution.

I think this improper understanding and following of the Constitution has brought us closer to a major crisis in this country, a crisis of our personal liberties, a crisis in our foreign policy, as well as a crisis in our budgeting.

But it is not simply the ignoring of the Constitution that I think is our problem. I think our other problem is our country and our people and our Congresses and our Senators have accepted the notion of faith in government, faith in the State, that the State can provide these great services and do it efficiently.

Really, there are only two areas that would have to be cut if we were to strive for a constitutional budget. There are only two things that we would have to cut, and it would be welfare and warfare. And then we would get back to some fundamentals. During World War I, a gentleman by the name of Randolph Bourne wrote a pamphlet called "War is the Health of the State," and I truly believe that. When we are at war, we are more likely to sacrifice our liberties; and, of course, we spend more money that we really have. I would like to suggest a corollary, that peace is the foundation of liberty because that is what the goal of all government should be: the preservation of liberty.

We have endorsed a program with this interpretation that spending is going to be endlessly increased, and we have devised a system whereby we have ignored the constraints through monetary policy by not only are we taxing too much and borrowing too much; we have now since 1971 endorsed a monetary system that if we come up short we just print the money. And I would suggest to the gentlewoman that one of the reasons why the workers' purchasing power is going down is we print too many dollars and they are the ones who are most likely and first to suffer from inflation.

And it is the philosophy of government and our philosophy on money that encourages these problems. And the current account deficits and this huge foreign indebtedness that are encouraged by our ability to maintain a reserve currency, it is going to lead to a crisis where this spending will have to come in check.

□ 2015

And that is why the gentleman from Pennsylvania is quite correct that we should be concerned about how the financial markets look at what we do. And hopefully we will be able to deal with this in a budgetary way and institute some restraints. But quite frankly I am a bit pessimistic about that. This program that we follow and this philosophy we followed prompted our Federal Reserve to create $620 billion in order to finance the system. That is the reason that the dollar becomes less valuable, because we just print too many to accommodate the politicians and the people who enjoy the excessive spending.

Mrs. MALONEY. Mr. Chairman, I yield 6 minutes to the gentleman from New York (Mr. HINCHEY), a member of the committee and a very outstanding colleague.

Mr. HINCHEY. I thank the gentlewoman from New York for yielding me the time. Mr. Chairman, this budget of course is a clear statement of the economic objectives of the people who have put it together, and it is illustrative of where they want this country to be over the course of the next year.

In understanding that, it is important for us to look back at previous budgets that they have constructed and the effect that those budgets have had on the economy of our country.

We have here in Washington today, and have for the last 4 years, a monolithic government. In other words, the Republican Party controls both Houses of the Congress, the House and the Senate, and the White House. So they are in complete control of the budget operation, how we take in money, and how we spend it, allegedly, on behalf of the American people.

Let us just take a look at the effects of their budgets and economic policies over the course of the last several years. First of all, the economy has endured the most protracted job slump since the 1930s. Last year we had some increase in jobs. Government payrolls, in fact, have expanded. And it is interesting, because our colleagues in the Republican Party talk about shrinking government. But what their budget policies have managed to do is to expand government.

At the same time, there were 544,000 fewer private nonfarm payroll jobs and 2.8 million fewer manufacturing jobs. Their budget policies have cost us nearly 3 million manufacturing jobs over the last several years.

The official unemployment rate is now 5.4 percent. But many more people than that would like to go to work if there was an opportunity for them to do so. When you include the 5 million people who have stopped looking but who would take a job if one were available to them and the 4.3 million people who have been forced to settle for part-time employment, when you consider all of those, the unemployment rate jumps to 9.3 percent.

Four years ago America enjoyed a $5.6 trillion 10-year projected budget surplus. Today our country is facing a $3.3 trillion 10-year projected budget deficit. That is a heroic accomplishment over the last 5 years by these Republican budgets, nearly $9 trillion in negative results.

The public debt has almost doubled and will probably reach $5 trillion before the end of this year, all of that as a result of these budgets, and this particular budget that we are addressing tonight continues these same policies.

One consequence of the low national savings associated with large budget deficits is that we are running now a very large trade deficit. In January, for example, the last month for which we have figures, it was $58.3 billion in trade deficit just for the month of January.

Last year we accomplished a record trade deficit. The trade deficit for the year 2004 was a record $617 billion. This budget continues those same policies. But those deficits are unsustainable. Our economy will not survive if we continue along the same road.

American workers are becoming more productive, but that productivity as a result of these budgets is not showing up in their wages. Private nonfarm industries' wages have fallen .6 percent, after being adjusted for inflation.

This year, this past year alone, typical households will make $1,500 less than they did 4 years ago as a result of the economic policies reflected in this and the previous budgets of the Republican Party.

Since November 2001, output per hour has increased from the average worker by an average of 3.9 percent per year. Over that same period, the hourly wages and benefits of the workers producing that increased output has increased by only 1.6 percent per year.

The current account deficit, which measures the amount we have to borrow from the rest of the world to finance our international trade imbalance, reached a record of over $600 billion. Increasingly, foreign central banks purchase U.S. treasury securities, and that means that we are increasingly deeper and deeper in debt to other foreign countries. That is also a result of these budgets. If foreigners become nervous about the falling value of the dollar, they could stop buying our treasury debt, which would cause the dollar to plunge. The consequence could be an international financial crisis, sharply higher inflation and interest rates, and also stop any economic recovery.

So the debate today on this budget resolution is critically important. The question is, are we going to continue the policies that have put us in this very difficult position where we find ourselves today as a result of the previous four budgets passed by this monolithic government, or are we finally going to wake up, realize the consequences of these policies and begin to take a new course? That vote will come tomorrow.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I reserve the balance of my time.

Mrs. MALONEY. Mr. Chairman, I yield 6 minutes to the gentleman from Maryland (Mr. CUMMINGS), the immediate past Chair of the Congressional Black Caucus.

Mr. CUMMINGS. Mr. Chairman, I thank the gentlewoman for yielding me time. As a member of the Joint Economic Committee, I rise today to speak on the economic policies of the budget resolution.

Mr. Chairman, both the Bush and Republican budgets suffer from the same infirmities, fiscal irresponsibility and self-serving and out-of-touch priorities. Both are wholly inadequate to meet the needs of our Nation and will pass along mounting deficits and debts to generations yet unborn.

First, the 5-year Republican budget will result in a deficit of $376 billion in 2006, $44 million over the President's projection.

The Republicans' budget proposal also has many cost omissions, because they know that their deficit numbers explode after 5 years. As such, this budget does not take into account the cost of fixing the AMT, which will cost at least $642 billion. It does not take into account the $774 billion needed to pay for the President's much-talked about but yet unveiled Social Security privatization plan.

I suppose the Republican budget proposal deserves a little credit for hiking its deficit projection as it at least includes $50 million in 2006 for the wars in Afghanistan and in Iraq. The President's budget proposal contained zero dollars. As a matter of fact, it reported that the costs could not be known. However, both figures are fantasy. The realistic figure over the next 10 years, in addition to the $80 billion that we just passed in the supplemental, is likely to be $384 billion.

To pay for its misguided policies, the House budget resolution cuts nondefense discretionary spending by $12 billion below the amount needed in fiscal 2006 just to maintain current spending levels, and it cuts spending on mandatory domestic programs by $8 billion.

To add insult to injury, the Republican budget provides $18 billion in additional tax cuts. These misguided tax cuts will actually cost much more when the tax cuts actually expire in 2010. In fact, 97 percent of these tax cuts will benefit taxpayers with incomes above $200,000. I think most reasonable people can agree that these priorities are not America's priorities.

While little good can be said about the Bush administration's budget, it at least provides detailed information on the programs it seeks to cut. The House resolution shrouds its cuts in darkness, leaving the American people to wonder what vital programs will find their way to the chopping block next.

Both the Republican and Bush budget proposals are travesties. When the Bush administration took office, the Nation was experiencing record surpluses. It has managed to turn a $521 billion surplus into a $367 billion deficit.

In contrast, the Spratt alternative budget, as well as the Congressional Black Caucus alternative budget that we will consider tomorrow, focus national spending on priorities that benefit all Americans and get us on the road to economic recovery. They do this by funding key domestic priorities which address the needs of working families while fully supporting the national defense and protection of our homeland and preserving Medicaid, Social Security, pension programs and student loans.

Let me speak particularly about the budget developed by the Congressional Black Caucus which corrects the irresponsible fiscal and economic policies contained in the House budget resolution by supporting existing programs that are essential to closing disparities, creating opportunities and helping our citizens build their future. It will get our country on the road to recovery, while funding meaningful national priorities for our children, for our seniors, for our veterans and for our communities.

Importantly, the Congressional Black Caucus budget supports these priorities, while also meeting our obligation to our troops in Iraq and in Afghanistan.

The CBC budget funds community development programs, including restoring funding to the Community Development Block Grant Program and supporting increased funding for elderly and disabled housing programs.

The Congressional Black Caucus budget will also restore funding for veterans' health care, rather than imposing new copayments on them for essential services and prescription drugs.

Importantly, the Congressional Black Caucus budget will reduce the budget deficit by $167 billion during the next 5 years below the deficit that will be produced by the House budget resolution.

Mr. Chairman, the Republican budget cuts educational, housing and health programs for our children, while bequeathing to them a public debt that has increased by $1.268 trillion over the last 4 years and that will exceed $4.6 trillion even before we begin fiscal year 2006.

□ 2030

These actions are not only irresponsible, they are unconscionable. In the end, one can only conclude that the Republican budget balances itself on the backs of Americans who can least afford it.

I urge the administration to reconsider its ill-conceived economic policies. The Congressional Black Caucus budget is the ultimate expression of our national priorities; and our priorities must be our children, our families, our elderly and our veterans and, of course, our soldiers.

Mrs. MALONEY. Mr. Chairman, I yield 4 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Chairman, I rise to speak in support of the Congressional Black Caucus alternative budget this evening.

This budget would not only add funding to close the glaring and shameful disparities which have existed too long for African Americans, but it is fiscally responsible. Our budget would provide additional protection for our troops today and provide more funding to honor the debt to our Nation's veterans, including those who are returning as we speak. It also protects us at home by adding funding to address unacceptable deficiencies in homeland security.

But our investment in homeland security goes beyond the important funds we provide for first responders, for fighting bio-terrorism, and providing interoperable communications. Our homeland security also depends on a well-educated citizenry, and so we fully fund Leave No Child Behind, TRIO programs as well as increased Pell grants.

Our homeland security depends on a healthy citizenry. The Congressional Black Caucus budget restores much of the funding for minority AIDS, Health Professions Training, and the Office of Minority Health, as well as provides funding to help close gaps in the Caribbean and Africa. And, Mr. Chairman, we do all of that and reduce the deficit by an additional $167 billion over 5 years; $167 billion more than the majority budget resolution does.

The Congressional Black Caucus budget would make us more economically secure.

Mr. Chairman, the CBC alternative budget, like the Congressional Black Caucus itself, speaks to the conscience, not only of the Congress but to the conscience of our country. It is a budget that reflects our values and seeks to create not just a stronger America but also a better America.

The Congressional Black Caucus alternative budget is a morally and fiscally responsible budget, and I urge all of my colleagues to support it when it comes to the floor tomorrow.

Mrs. MALONEY. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentlewoman from New York (Mrs. MALONEY) has 9 minutes remaining. The gentleman from Pennsylvania (Mr. ENGLISH) has 15 minutes remaining.

Mrs. MALONEY. Mr. Chairman, I yield 4 minutes to the gentleman from North Carolina (Mr. WATT), the Chair of the Congressional Black Caucus.

Mr. WATT. Mr. Chairman, I thank the gentlewoman for yielding me time.

Let me just go through some of the things that the Congressional Black Caucus budget will do in various areas. We are planning to submit this budget tomorrow, and we will be adding an additional $1 billion in the international affairs category for foreign aid to Africa and the Caribbean, Global AIDS Initiative in the State Department, Public Health and Preventable Illness initiatives.

We will be adding half a billion dollars in general science, space and technology in the following areas: NASA Research and Development, NASA Space Shuttle Safety, restore research and development funding for the National Science Foundation, Department of Energy. We will be adding an additional $50 million in the natural resources and environment, historically black colleges and university preservation program.

We will be adding $300 million in the agriculture budget in support of the 1890 land-grant historically black colleges and universities, expanded food and nutrition education programs, the U.S. Department of Agriculture Office of Civil Rights. And we will be restoring and modifying some of the Draconian cuts in agriculture programs that affect minorities in particular.

We will be adding $1 billion in commerce and housing credit for SBA loan programs, the 7(a) program, Microloan, and New Market Venture programs, adult training and dislocated worker programs, Manufacturing Extension Partnerships, home ownership initiatives.

We will be adding $150 million in transportation, most of which will go to Amtrak. We will be adding $1.5 billion to community and regional development to restore the cuts that have been proposed by the President in the Community Development Block Grants, increased funding for Brownfields Economic Development, Empowerment Zones, community development, financial institutions, economic development assistance.

We will be adding $23.9 billion in education and training with which we will fully fund the No Child Left Behind. That is $12 billion to fully fund No Child Left Behind.

We will be adding $50 million to elementary and secondary school counseling, vocational training, job training, adult education, Pell grants, Head Start, Individuals With Disabilities, IDEA, Historically Black Colleges and Universities, Hispanic Serving Institutions, TRIO, Gaining Early Awareness of Readiness. That is the GEAR-UP program, restoring that. Perkins loans, impact aid.

In the area of health we will be adding $1 billion. In the area of Administration of Justice we will be adding $1 billion. And over on the defense side we are going to be adding money for body armor, personal support equipment, and other protective gear for our troops, ammunition for the Marine Corps, small arms for the Army. We will be adding $4.65 billion for veterans programs, veterans health care, survivor benefit plans, disabled veterans plans, prosthetic needs for veterans, VA medical and prosthetic research, mental health care for veterans. And we will be adding $2 billion in homeland security for rail security and port security.

Now, you are wondering how can the Congressional Black Caucus do all of this? It is simple. Simply roll back the tax cut on people who make above $200,000 a year. And all we are saying to our Members in this body is that these things that I have just described are much higher priorities. Even to people that I know who make more than $200,000 a year, they think these things are higher priorities than getting a little extra tax cut. And I just entreat my Members to please support the Congressional Black Caucus budget. It is a sane budget. It is good.

Mrs. MALONEY. Mr. Chairman, I yield the balance of my time to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, when Lem Keyserling wrote the Full Employment Act of 1946, he was an ardent Keynesian, and he believed that the government had a major role to play in stimulating an economy, in seeking to maintain full employment. And if he believed that theoretically, he believed it even more deeply after the war when the enormous demand generated by the war for once made this a full employment economy. The whole country supported the concept.

Keynes believed in deficit financing when the economy was stuck in a liquidity trap and could not get loose. But he did not believe in the kind of deficit financing that we are running today. I think he would be appalled both by the current account deficit which we are running, $618 billion, more than most economists thought was sustainable. It exceeds 5 percent of the GDP. And certainly I do not think he would find at all pleasing to his understanding of economics a budget deficit expected this year to be $427 billion. Not even Maynard Keynes would look approvingly on that.

We have come so far from the year 2000 when after 6 or 7 straight years of fiscal discipline, we finally put the budget in surplus, a surplus of $236 billion. We had a meeting on the Democratic side of the Committee on the Budget with Mr. Greenspan about what is the best approach we should take to this surplus that we find ourselves enjoying. And it was agreed among everyone there and among Democrats and Republicans in the House that one thing surely we should do since we now have the resources to do it is no longer borrow and spend the Social Security trust fund, the surplus in it.

Indeed, our proposal was that we use this surplus in the future instead of funding new debt and buying new government bonds, instead going into the open market, buying outstanding Treasury bonds and that way reducing the Treasury debt held by the public, increasing net national savings which woefully deficient and lowering the cost of capital and boosting the economy.

It was the first and best step we could take towards shoring up Social Security and making it solvent. It was a truly conservative idea, and we urged it upon the Bush administration when they came into office. But they took a much, much different, almost opposite, path, and that is, big tax cuts tilted toward wealthy Americans.

We did not deal then with our long-range liabilities to Social Security as we could have for the first time in a long time, and today we are suffering the consequence of that. We are dealing with second-best proposals.

What do we have instead? Well, instead of being here on this pinnacle with a $236 billion deficit surplus, we are down here with a $427 billion deficit this year, according to CBO.

Now, the President has told us he has plans and a budget that will cut this deficit in half over a period of about 5 years. But when we put back into his budget everything we know is likely to be incurred as a cost, whether it is the costs of Iraq and Afghanistan, whether it is the cost of fixing the AMT, the deficit that we are dealing with today does not get better. It does not go away. It does not go down; it gets bigger. And by the end of our timeframe, 2015, we have a deficit of $621 billion.

Read the CBO analysis of the President's budget. By the end of that timeframe, we accumulated 5.135 trillion additional dollars as part of the national debt. That surely cannot be the kind of economy that Lem Keyserling or Maynard Keynes had in mind.

Look at this very simple table here, and it tells you a world of facts about what has happened over the last 4 years. Three times in 4 years this Congress at the request of President Bush in order to accommodate his budget had to raise the debt ceiling of the United States three times by $2.234 trillion.

At the present rate, we are adding $1 trillion to our national debt every year, every 18 months, $1 trillion every 18 to 20 months to our national debt. Nobody in his right mind thinks that that course can be sustained. And yet look at the Bush budget again. It only promises in our estimation more and more debt, not less debt.

How do we get away with this? No country in the world could have the kind of current account deficit we have or certainly have the kind of budget deficit that we mitigate the effects of it. Do not feel, do not see the consequences, and therefore do not feel compelled to do anything serious about it. We sell much of our debt to foreigners and that mitigates the effect.

These are not good vital signs for the economy of the United States. And surely one of the things we should be about now is the adoption of a resolution which will take us back to where we were in the year 2000, back to surpluses because we need to be saving, not spending as the baby boomers begin to retire.

□ 2045

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I yield myself the balance of my time.

I am particularly grateful for the opportunity to be here to make this presentation as required under law by Humphrey-Hawkins because I think it is very important perhaps that the record be set straight.

Any Member of the House who is serious about controlling the deficit, about maintaining the forward movement in the economy, growing jobs, and the social justice that could only come through economic growth should be prepared to strongly support this budget resolution.

Mr. Chairman, a couple of points I think need to be made in response to the interesting presentations that were made on the other side.

First of all, on the issue of jobs. We have heard the criticism that our friends on the other side of the aisle try to blame President Bush for an economic slowdown that he inherited from the Clinton administration that was exacerbated by 9/11. The truth is economic policies that have been adopted by this Congress, working with the administration, have been successful in helping the U.S. economy rebound from the recession into a sustained expansion, with strong growth in the gross domestic product and payroll jobs.

Despite all of the problems that this President inherited, the tax relief policies of the past 4 years that our friends on the other side of the aisle are striving to sabotage have helped to restore economic growth and job creation.

During 2004, real GDP grew 4.4 percent, the strongest annual performance in 5 years, one of the strongest growth performances of the past 20 years, belying the glooming forecast we have heard on the other side.

Private forecasters' projections for real GDP growth for this year are being revised upward. Growth for 2005 is expected to be at a 3.7 percent robust rate. More Americans, Mr. Chairman, are working today than at anytime in our Nation's history, and employment is at a record level of more than 140 million. The unemployment rate in February was 5.4 percent, lower than the averages for each of the last three decades. Payroll employment rose by 2.2 million jobs during 2004. It is up by more than 3 million jobs since May of 2003. Last month, we saw employment gains of 262,000 jobs, more than a quarter of a million new jobs in the month of February alone. This suggests that there is clearly forward motion in the economy.

Mr. Chairman, let us compare that to some of our trading partners. Those who last year invoked the Great Depression in describing recent economic conditions have been, after all, often favoring policies that would increase government intervention in the economy. Yet some of those countries where those sorts of policies are applied are not doing as well as we are.

Economic growth in Europe is generally slower than that of the United States. The unemployment rate in Europe is much higher than in the U.S. In January of 2005, Europe had an unemployment rate of 8.8 percent, substantially higher than our U.S. level of 5.4 percent.

The fact is, by following on a path of high growth and low taxes, we are moving the economy in the right direction, and ultimately, if we are prepared to put in place fiscal policies that restrain the deficit, that will allow us to grow the economy in the right direction.

I have heard a couple of extraordinary claims on the floor of the House that we are facing a record debt. I suppose that is true if we look at this in a purely static, green eyeshade perspective, but what really matters with the national debt, as I said before, is its size relative to the economy. The fact remains the national debt today is significantly lower, relative to the economy, than it was in the early 1990s when their party controlled Congress and controlled the reins of spending.

We have heard about record deficits, but here again we propose in our budget resolution to cut the deficits in half relative to the size of the economy. That will send the right message to global markets.

We have heard a little bit tonight about the trade deficit, and I must say that is something where I have some sympathy with the critics. Our trade deficit is much too high, but those who are making these claims tonight perhaps should be questioning whether they supported the Clinton-era trade policies that this administration inherited and put us firmly on the path to large trade deficits.

We have also heard from the other side that they are concerned that there is not enough room in this budget to deal with the problem of the AMT. As cochairman of the Zero AMT Caucus, I have to be sympathetic with their raising the issue, but the fact remains eliminating the AMT is only going to be possible as part of fundamental tax reform. This budget put lays in place, creates the groundwork for us to go forward later this year and take a look at fundamental tax reform.

We also, notwithstanding this budget, have every opportunity to move forward later this year and consider the issue of Social Security solvency. I believe that the President is right to raise this issue. Anyone who has studied this issue carefully has to concede that for the long-term health of the Social Security system we have a choice of either going forward with a laissez-faire approach that has long been advocated on the other side and ultimately have to see truly draconian cuts as a result, or if we act now we can put in place reforms that will allow us to preserve existing benefits, also provide a solid retirement for the next generation and do so by improving the rate of return within the Social Security system. Nothing in this budget resolution is inconsistent with that initiative.

I am very, very pleased to address the concerns raised by the gentleman from New York about the supposed monolithic government in the Congress that has worked with a Republican administration to do some things that the gentleman finds distasteful. The fact is our economic policies and our economic challenges today are at least partially the result of the gridlock that existed before the last election in which the Senate was at least not able to move forward on key issues like a stimulus bill, like an energy bill, like tort reform, that directly speak to our economic health because of the gridlock implicit in the rules that gave the minority a veto over many of these provisions. Monolithic government is not the issue. The issue here is whether we can move forward and get to a balanced budget ultimately. Our resolution clearly is the one strongest able to do that.

We continue to grow the economy without raising taxes, which clearly is the agenda on the other side, raising taxes that would slam the brakes on economic growth.

At the same time, it is obvious from the laundry list we have heard tonight if the other side were in the majority we would be contemplating a saturnalia of new spending. I can think of a lot of things that I would love to spend money on in the Federal budget, but the fact remains we need to set tough priorities if we are going to get back to a balanced budget. Our spending resolution does just that.

What we provide is low taxes, controlling Federal spending and ultimately the prospect of falling deficits and low debt and ultimately the right economic direction for this country, a true blueprint for economic growth, expansion and opportunity.

With that, I urge all of my colleagues to support the Republican budget resolution. Regardless of any concern about any particular program, we need to move forward with the broad outline of spending that this resolution fairly lays out and put it in place so that we are able to get to a balanced budget over time as we reassure capital markets that we are truly committed to controlling spending without raising taxes.

Mr. RUSH. Mr. Chairman, as a member of both the Congressional Black Caucus and the Energy and Commerce Committee, I rise in support of both the Democrat alternative and of the Congressional Black Caucus alternative to H. Con. Res. 95, the First Concurrent Resolution on the Budget. The CBC alternative offers to the American people and to this Congress a rational budget that is fiscally sound and morally responsible. The CBC alternative budget invests federal resources in the programs that benefit the constituencies of all of the Members of this House: education, health care, economic opportunity, retirement security and homeland security. And the CBC alternative budget makes these investments while reducing the federal deficit—which has spiraled out of control and out of sight over the last four years—by an additional $4.0 billion.

The Congressional Black Caucus budget alternative focuses on closing the disparities that exist in America's communities and invests in the future of this Nation by fully funding the No Child Left Behind Act at Fiscal Year 2006 authorization levels, expanding the Head Start Programs, doubling the funding for Historically Black Colleges and Universities and Hispanic serving institutions and increasing the size of the Pell grant allotment for college students.

The CBC alternative restores much-needed federal dollars to the Minority Health Initiative and for Community Health Centers that provide critical health services to urban-based congressional districts like mine and rural-based congressional districts as well. The CBC alternative also increases funding for law enforcement initiatives such as juvenile justice programs and prisoner reentry programs that are so critical to facilitating successful reentry into society by ex-offenders.

The Congressional Black Caucus Substitute invests in education and funding for the minority health initiative. The Congressional Black Caucus Substitute invests in our nation's veterans by restoring the cuts the President's budget proposed in veterans' health care and providing enhanced survivor benefits, medical and prosthetic research, long term care and mental health care.

To meet the needs of America and its citizens, the CBC changes some of the components of the President's tax program, and directs those revenues to making our troops safe in the battlefield and our citizens safe here at home. Mr. Chairman, the CBC's budget is America's hope for tomorrow.

Mr. Chairman, I urge my colleagues to join me in support of the CBC alternative budget.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

The text of H. Con. Res. 95 is as follows:

H. CON. RES. 95

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2006.

The Congress declares that the concurrent resolution on the budget for fiscal year 2006 is hereby established and that the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010 are set forth.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2005 through 2010:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2005: $1,483,971,000,000.
Fiscal year 2006: $1,589,905,000,000.
Fiscal year 2007: $1,693,266,000,000.
Fiscal year 2008: $1,824,251,000,000.
Fiscal year 2009: $1,928,663,000,000.
Fiscal year 2010: $2,043,903,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be reduced are as follows:

Fiscal year 2005: $53,000,000.
Fiscal year 2006: $16,622,000,000.
Fiscal year 2007: $24,414,000,000.
Fiscal year 2008: $4,927,000,000.
Fiscal year 2009: $8,570,000,000.
Fiscal year 2010: $9,063,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2005: $2,070,357,000,000.
Fiscal year 2006: $2,135,290,000,000.
Fiscal year 2007: $2,199,074,000,000.
Fiscal year 2008: $2,314,562,000,000.
Fiscal year 2009: $2,430,359,000,000.
Fiscal year 2010: $2,257,892,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2005: $2,052,551,000,000.
Fiscal year 2006: $2,154,404,000,000.
Fiscal year 2007: $2,206,300,000,000.
Fiscal year 2008: $2,298,338,000,000.
Fiscal year 2009: $2,402,719,000,000.
Fiscal year 2010: $2,507,365,000,000.

(4) DEFICITS (ON-BUDGET).—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2005: $568,580,000,000.
Fiscal year 2006: $564,499,000,000.
Fiscal year 2007: $513,034,000,000.
Fiscal year 2008: $474,087,000,000.
Fiscal year 2009: $474,056,000,000.
Fiscal year 2010: $463,462,000,000.

(5) DEBT SUBJECT TO LIMIT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2005: $4,685,000,000,000.
Fiscal year 2006: $5,071,000,000,000.
Fiscal year 2007: $5,389,000,000,000.
Fiscal year 2008: $5,649,000,000,000.
Fiscal year 2009: $5,891,000,000,000.

Fiscal year 2010: $6,105,000,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2005: $7,958,000,000,000.
Fiscal year 2006: $8,635,000,000,000.
Fiscal year 2007: $9,264,000,000,000.
Fiscal year 2008: $9,862,000,000,000.
Fiscal year 2009: $10,464,000,000,000.
Fiscal year 2010: $11,060,000,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2005 through 2010 for each major functional category are:

(1) National Defense (050):
Fiscal year 2005:
(A) New budget authority, $500,621,000,000.
(B) Outlays, $497,196,000,000.
Fiscal year 2006:
(A) New budget authority, $441,562,000,000.
(B) Outlays, $475,603,000,000.
Fiscal year 2007:
(A) New budget authority, $465,260,000,000.
(B) Outlays, $460,673,000,000.
Fiscal year 2008:
(A) New budget authority, $483,730,000,000.
(B) Outlays, $471,003,000,000.
Fiscal year 2009:
(A) New budget authority, $503,763,000,000.
(B) Outlays, $489,220,000,000.
Fiscal year 2010:
(A) New budget authority, $513,904,000,000.
(B) Outlays, $505,908,000,000.

(2) International Affairs (150):
Fiscal year 2005:
(A) New budget authority, $32,085,000,000.
(B) Outlays, $32,166,000,000.
Fiscal year 2006:
(A) New budget authority, $31,718,000,000.
(B) Outlays, $35,097,000,000.
Fiscal year 2007:
(A) New budget authority, $34,835,000,000.
(B) Outlays, $33,359,000,000.
Fiscal year 2008:
(A) New budget authority, $35,197,000,000.
(B) Outlays, $32,397,000,000.
Fiscal year 2009:
(A) New budget authority, $35,237,000,000.
(B) Outlays, $32,115,000,000.
Fiscal year 2010:
(A) New budget authority, $34,928,000,000.
(B) Outlays, $31,643,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 2005:
(A) New budget authority, $24,413,000,000.
(B) Outlays, $23,594,000,000.
Fiscal year 2006:
(A) New budget authority, $24,735,000,000.
(B) Outlays, $23,894,000,000.
Fiscal year 2007:
(A) New budget authority, $25,171,000,000.
(B) Outlays, $24,610,000,000.
Fiscal year 2008:
(A) New budget authority, $25,545,000,000.
(B) Outlays, $24,922,000,000.
Fiscal year 2009:
(A) New budget authority, $25,851,000,000.
(B) Outlays, $25,242,000,000.
Fiscal year 2010:
(A) New budget authority, $26,162,000,000.
(B) Outlays, $25,565,000,000.

(4) Energy (270):
Fiscal year 2005:
(A) New budget authority, $2,564,000,000.
(B) Outlays, $794,000,000.
Fiscal year 2006:
(A) New budget authority, $3,147,000,000.
(B) Outlays, $2,027,000,000.
Fiscal year 2007:
(A) New budget authority, $2,362,000,000.
(B) Outlays, $1,212,000,000.
Fiscal year 2008:
(A) New budget authority, $2,445,000,000.
(B) Outlays, $551,000,000.
Fiscal year 2009:
(A) New budget authority, $2,056,000,000.
(B) Outlays, $652,000,000.
Fiscal year 2010:
(A) New budget authority, $1,754,000,000.
(B) Outlays, $543,000,000.

(5) Natural Resources and Environment (300):
Fiscal year 2005:
(A) New budget authority, $32,527,000,000
(B) Outlays, $31,168,000,000.
Fiscal year 2006:
(A) New budget authority, $30,513,000,000.
(B) Outlays, $32,276,000,000.
Fiscal year 2007:
(A) New budget authority, $30,883,000,000.
(B) Outlays, $32,046,000,000.
Fiscal year 2008:
(A) New budget authority, $30,952,000,000.
(B) Outlays, $32,402,000,000.
Fiscal year 2009:
(A) New budget authority, $31,706,000,000.
(B) Outlays, $32,663,000,000.
Fiscal year 2010:
(A) New budget authority, $31,248,000,000.
(B) Outlays, $32,254,000,000.

(6) Agriculture (350):
Fiscal year 2005:
(A) New budget authority, $30,151,000,000.
(B) Outlays, $28,550,000,000.
Fiscal year 2006:
(A) New budget authority, $29,480,000,000.
(B) Outlays, $28,507,000,000.
Fiscal year 2007:
(A) New budget authority, $27,190,000,000.
(B) Outlays, $25,999,000,000.
Fiscal year 2008:
(A) New budget authority, $25,334,000,000.
(B) Outlays, $24,281,000,000.
Fiscal year 2009:
(A) New budget authority, $25,691,000,000.
(B) Outlays, $24,796,000,000.
Fiscal year 2010:
(A) New budget authority, $25,417,000,000.
(B) Outlays, $24,687,000,000.

(7) Commerce and Housing Credit (370):
Fiscal year 2005:
(A) New budget authority, $16,804,000,000.
(B) Outlays, $11,302,000,000.
Fiscal year 2006:
(A) New budget authority, $10,772,000,000.
(B) Outlays, $5,562,000,000.
Fiscal year 2007:
(A) New budget authority, $10,074,000,000.
(B) Outlays, $4,929,000,000.
Fiscal year 2008:
(A) New budget authority, $10,040,000,000.
(B) Outlays, $4,250,000,000.
Fiscal year 2009:
(A) New budget authority, $10,667,000,000.
(B) Outlays, $3,768,000,000.
Fiscal year 2010:
(A) New budget authority, $14,565,000,000.
(B) Outlays, $6,393,000,000.

(8) Transportation (400):
Fiscal year 2005:
(A) New budget authority, $72,506,000,000.
(B) Outlays, $67,703,000,000.
Fiscal year 2006:
(A) New budget authority, $70,007,000,000.
(B) Outlays, $70,393,000,000.
Fiscal year 2007:
(A) New budget authority, $70,130,000,000.
(B) Outlays, $72,421,000,000.
Fiscal year 2008:
(A) New budget authority, $70,501,000,000.
(B) Outlays, $74,167,000,000.
Fiscal year 2009:
(A) New budget authority, $70,911,000,000.
(B) Outlays, $75,500,000,000.
Fiscal year 2010:
(A) New budget authority, $72,254,000,000.
(B) Outlays, $77,356,000,000.

(9) Community and Regional Development (450):
Fiscal year 2005:
(A) New budget authority, $23,007,000,000.
(B) Outlays, $20,756,000,000.
Fiscal year 2006:
(A) New budget authority, $14,179,000,000.
(B) Outlays, $18,461,000,000.
Fiscal year 2007:
(A) New budget authority, $14,196,000,000.
(B) Outlays, $17,413,000,000.
Fiscal year 2008:
(A) New budget authority, $14,283,000,000.
(B) Outlays, $15,727,000,000.
Fiscal year 2009:
(A) New budget authority, $14,421,000,000.
(B) Outlays, $14,491,000,000.
Fiscal year 2010:
(A) New budget authority, $14,441,000,000.
(B) Outlays, $14,140,000,000.

(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2005:
(A) New budget authority, $94,001,000,000.
(B) Outlays, $92,798,000,000.
Fiscal year 2006:
(A) New budget authority, $91,978,000,000.
(B) Outlays, $90,981,000,000.
Fiscal year 2007:
(A) New budget authority, $89,925,000,000.
(B) Outlays, $90,360,000,000.
Fiscal year 2008:
(A) New budget authority, $89,980,000,000.
(B) Outlays, $88,864,000,000.
Fiscal year 2009:
(A) New budget authority, $90,194,000,000.
(B) Outlays, $88,363,000,000.
Fiscal year 2010:
(A) New budget authority, $89,652,000,000.
(B) Outlays, $88,181,000,000.

(11) Health (550):
Fiscal year 2005:
(A) New budget authority, $257,469,000,000.
(B) Outlays, $252,770,000,000.
Fiscal year 2006:
(A) New budget authority, $262,151,000,000.
(B) Outlays, $262,513,000,000.
Fiscal year 2007:
(A) New budget authority, $275,220,000,000.
(B) Outlays, $274,801,000,000.
Fiscal year 2008:
(A) New budget authority, $295,010,000,000.
(B) Outlays, $293,810,000,000.
Fiscal year 2009:
(A) New budget authority, $317,113,000,000.
(B) Outlays, $313,625,000,000.
Fiscal year 2010:
(A) New budget authority, $336,523,000,000.
(B) Outlays, $335,574,000,000.

(12) Medicare (570):
Fiscal year 2005:
(A) New budget authority, $292,587,000,000.
(B) Outlays, $293,587,000,000.
Fiscal year 2006:
(A) New budget authority, $331,181,000,000.
(B) Outlays, $330,944,000,000.
Fiscal year 2007:
(A) New budget authority, $371,875,000,000.
(B) Outlays, $372,167,000,000.
Fiscal year 2008:
(A) New budget authority, $395,312,000,000.
(B) Outlays, $395,364,000,000.
Fiscal year 2009:
(A) New budget authority, $420,234,000,000.
(B) Outlays, $419,828,000,000.
Fiscal year 2010:
(A) New budget authority, $448,111,000,000.
(B) Outlays, $448,442,000,000.

(13) Income Security (600):
Fiscal year 2005:
(A) New budget authority, $339,057,000,000.
(B) Outlays, $347,754,000,000.
Fiscal year 2006:

(A) New budget authority, $347,218,000,000.
(B) Outlays, $354,055,000,000.
Fiscal year 2007:
(A) New budget authority, $352,416,000,000.
(B) Outlays, $359,566,000,000.
Fiscal year 2008:
(A) New budget authority, $365,343,000,000.
(B) Outlays, $370,830,000,000.
Fiscal year 2009:
(A) New budget authority, $374,529,000,000.
(B) Outlays, $378,609,000,000.
Fiscal year 2010:
(A) New budget authority, $383,590,000,000.
(B) Outlays, $386,978,000,000.
(14) Social Security (650):
Fiscal year 2005:
(A) New budget authority, $15,849,000,000.
(B) Outlays, $15,849,000,000.
Fiscal year 2006:
(A) New budget authority, $15,891,000,000.
(B) Outlays, $15,891,000,000.
Fiscal year 2007:
(A) New budget authority, $17,704,000,000.
(B) Outlays, $17,704,000,000.
Fiscal year 2008:
(A) New budget authority, $19,768,000,000.
(B) Outlays, $19,768,000,000.
Fiscal year 2009:
(A) New budget authority, $21,743,000,000.
(B) Outlays, $21,743,000,000.
Fiscal year 2010:
(A) New budget authority, $24,029,000,000.
(B) Outlays, $24,029,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2005:
(A) New budget authority, $69,448,000,000.
(B) Outlays, $68,873,000,000.
Fiscal year 2006:
(A) New budget authority, $68,881,000,000.
(B) Outlays, $68,148,000,000.
Fiscal year 2007:
(A) New budget authority, $66,321,000,000.
(B) Outlays, $66,014,000,000.
Fiscal year 2008:
(A) New budget authority, $69,448,000,000.
(B) Outlays, $69,258,000,000.
Fiscal year 2009:
(A) New budget authority, $69,961,000,000.
(B) Outlays, $69,672,000,000.
Fiscal year 2010:
(A) New budget authority, $70,059,000,000.
(B) Outlays, $69,787,000,000.
(16) Administration of Justice (750):
Fiscal year 2005:
(A) New budget authority, $39,817,000,000.
(B) Outlays, $39,501,000,000.
Fiscal year 2006:
(A) New budget authority, $40,840,000,000.
(B) Outlays, $42,268,000,000.
Fiscal year 2007:
(A) New budget authority, $41,390,000,000.
(B) Outlays, $42,463,000,000.
Fiscal year 2008:
(A) New budget authority, $42,031,000,000.
(B) Outlays, $42,650,000,000.
Fiscal year 2009:
(A) New budget authority, $42,602,000,000.
(B) Outlays, $42,779,000,000.
Fiscal year 2010:
(A) New budget authority, $42,860,000,000.
(B) Outlays, $42,803,000,000.
(17) General Government (800):
Fiscal year 2005:
(A) New budget authority, $16,748,000,000.
(B) Outlays, $17,656,000,000.
Fiscal year 2006:
(A) New budget authority, $18,017,000,000.
(B) Outlays, $18,308,000,000.
Fiscal year 2007:
(A) New budget authority, $17,956,000,000.
(B) Outlays, $17,999,000,000.
Fiscal year 2008:
(A) New budget authority, $17,570,000,000.
(B) Outlays, $17,555,000,000.
Fiscal year 2009:
(A) New budget authority, $17,587,000,000.
(B) Outlays, $17,378,000,000.
Fiscal year 2010:
(A) New budget authority, $17,408,000,000.
(B) Outlays, $17,216,000,000.
(18) Net Interest (900):
Fiscal year 2005:
(A) New budget authority, $267,942,000,000.
(B) Outlays, $267,942,000,000.
Fiscal year 2006:
(A) New budget authority, $310,479,000,000.
(B) Outlays, $310,479,000,000.
Fiscal year 2007:
(A) New budget authority, $359,797,000,000.
(B) Outlays, $359,797,000,000.
Fiscal year 2008:
(A) New budget authority, $397,194,000,000.
(B) Outlays, $397,194,000,000.
Fiscal year 2009:
(A) New budget authority, $426,162,000,000.
(B) Outlays, $426,162,000,000.
Fiscal year 2010:
(A) New budget authority, $453,172,000,000.
(B) Outlays, $453,172,000,000.
(19) Allowances (920):
Fiscal year 2005:
(A) New budget authority, −$3,135,000,000.
(B) Outlays, −$3,304,000,000.
Fiscal year 2006:
(A) New budget authority, $47,903,000,000.
(B) Outlays, $24,359,000,000.
Fiscal year 2007:
(A) New budget authority, −$10,368,000,000.
(B) Outlays, −$2,845,000,000.
Fiscal year 2008:
(A) New budget authority, −$9,641,000,000.
(B) Outlays, −$10,363,000,000.
Fiscal year 2009:
(A) New budget authority, −$9,193,000,000.
(B) Outlays, −$13,636,000,000.
Fiscal year 2010:
(A) New budget authority, −$8,738,000,000.
(B) Outlays, −$14,484,000,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2005:
(A) New budget authority, −$54,104,000,000.
(B) Outlays, −$54,104,000,000.
Fiscal year 2006:
(A) New budget authority, −$55,362,000,000.
(B) Outlays, −$55,362,000,000.
Fiscal year 2007:
(A) New budget authority, −$63,263,000,000.
(B) Outlays, −$64,388,000,000.
Fiscal year 2008:
(A) New budget authority, −$65,480,000,000.
(B) Outlays, −$66,292,000,000.
Fiscal year 2009:
(A) New budget authority, −$60,876,000,000.
(B) Outlays, −$60,251,000,000.
Fiscal year 2010:
(A) New budget authority, −$63,447,000,000.
(B) Outlays, −$62,822,000,000.

TITLE II—RECONCILIATION AND REPORT SUBMISSIONS

SEC. 201. RECONCILIATION IN THE HOUSE OF REPRESENTATIVES.

(a) SUBMISSIONS TO SLOW THE GROWTH IN MANDATORY SPENDING AND TO ACHIEVE DEFICIT REDUCTION.—(1) Not later than September 16, 2005, the House committees named in paragraph (2) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(2) INSTRUCTIONS.—

(A) COMMITTEE ON AGRICULTURE.—The House Committee on Agriculture shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $797,000,000 in outlays for fiscal year 2006 and $5,278,000,000 in outlays for the period of fiscal years 2006 through 2010.

(B) COMMITTEE ON EDUCATION AND THE WORKFORCE.—The House Committee on Education and the Workforce shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $2,097,000,000 in outlays for fiscal year 2006 and $21,410,000,000 in outlays for the period of fiscal years 2006 through 2010.

(C) COMMITTEE ON ENERGY AND COMMERCE.—The House Committee on Energy and Commerce shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $630,000,000 in outlays for fiscal year 2006 and $20,002,000,000 in outlays for the period of fiscal years 2006 through 2010.

(D) COMMITTEE ON FINANCIAL SERVICES.—The House Committee on Financial Services shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $30,000,000 in outlays for fiscal year 2006 and $270,000,000 in outlays for the period of fiscal years 2006 through 2010.

(E) COMMITTEE ON THE JUDICIARY.—The House Committee on the Judiciary shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $123,000,000 in outlays for fiscal year 2006 and $603,000,000 in outlays for the period of fiscal years 2006 through 2010.

(F) COMMITTEE ON RESOURCES.—The House Committee on Resources shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $96,000,000 in outlays for fiscal year 2006 and $1,413,000,000 in outlays for the period of fiscal years 2006 through 2010.

(G) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—The House Committee on Transportation and Infrastructure shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $12,000,000 in outlays for fiscal year 2006 and $103,000,000 in outlays for the period of fiscal years 2006 through 2010.

(H) COMMITTEE ON VETERANS' AFFAIRS.—The House Committee on Veterans' Affairs shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $155,000,000 in outlays for fiscal year 2006 and $798,000,000 in outlays for the period of fiscal years 2006 through 2010.

(I) COMMITTEE ON WAYS AND MEANS.—The House Committee on Ways and Means shall report changes in laws within its jurisdiction sufficient to reduce the deficit by $3,907,000,000 for fiscal year 2006 and $18,680,000,000 for the period of fiscal years 2006 through 2010.

(b) SUBMISSION PROVIDING FOR CHANGES IN REVENUE.—The House Committee on Ways and Means shall report a reconciliation bill not later than June 24, 2005, that consists of changes in laws within its jurisdiction sufficient to reduce revenues by not more than $16,623,000,000 for fiscal year 2006 and by not more than $45,000,000,000 for the period of fiscal years 2006 through 2010.

(c)(1) Upon the submission to the Committee on the Budget of the House of a recommendation that has complied with its reconciliation instructions solely by virtue of section 310(b) of the Congressional Budget Act of 1974, the chairman of that committee may file with the House appropriately revised allocations under section 302(a) of such

Act and revised functional levels and aggregates.

(2) Upon the submission to the House of a conference report recommending a reconciliation bill or resolution in which a committee has complied with its reconciliation instructions solely by virtue of this section, the chairman of the Committee on the Budget of the House may file with the House appropriately revised allocations under section 302(a) of such Act and revised functional levels and aggregates.

(3) Allocations and aggregates revised pursuant to this subsection shall be considered to be allocations and aggregates established by the concurrent resolution on the budget pursuant to section 301 of such Act.

TITLE III—CONTINGENCY PROCEDURE

SEC. 301. CONTINGENCY PROCEDURE FOR SURFACE TRANSPORTATION.

(a) IN GENERAL.—If the Committee on Transportation and Infrastructure of the House reports legislation, or if an amendment thereto is offered or a conference report thereon is submitted, that provides new budget authority for the budget accounts or portions thereof in the highway and transit categories as defined in sections 250(c)(4)(B) and (C) of the Balanced Budget and Emergency Deficit Control Act of 1985 in excess of the following amounts:

(1) for fiscal year 2005: $42,806,000,000,

(2) for fiscal year 2006: $45,899,100,000,

(3) for fiscal year 2007: $47,828,700,000,

(4) for fiscal year 2008: $49,715,400,000, or

(5) for fiscal year 2009: $51,743,500,000,

the chairman of the Committee on the Budget may adjust the appropriate budget aggregates and increase the allocation of new budget authority to such committee for fiscal year 2005 and for the period of fiscal years 2005 through 2009 to the extent such excess is offset by a reduction in mandatory outlays from the Highway Trust Fund or an increase in receipts appropriated to such fund for the applicable fiscal year caused by such legislation or any previously enacted legislation.

(b) ADJUSTMENT FOR OUTLAYS.—For fiscal year 2006, in the House, if a bill or joint resolution is reported, or if an amendment thereto is offered or a conference report thereon is submitted, that changes obligation limitations such that the total limitations are in excess of $42,792,000,000 for fiscal year 2006 for programs, projects, and activities within the highway and transit categories as defined in sections 250(c)(4)(B) and (C) of the Balanced Budget and Emergency Deficit Control Act of 1985, and if legislation has been enacted that satisfies the conditions set forth in subsection (a) for such fiscal year, the chairman of the Committee on the Budget may increase the allocation of outlays and appropriate aggregates for such fiscal year for the committee reporting such measure by the amount of outlays that corresponds to such excess obligation limitations, but not to exceed the amount of such excess that was offset pursuant to subsection (a).

TITLE IV—BUDGET ENFORCEMENT

SEC. 401. EMERGENCY LEGISLATION.

(a) EXEMPTION OF OVERSEAS CONTINGENCY OPERATIONS.—(1) In the House, if any bill or joint resolution is reported, or an amendment is offered thereto or a conference report is filed thereon, that makes supplemental appropriations for fiscal year 2005 or fiscal year 2006 for contingency operations related to the global war on terrorism, then the new budget authority, new entitlement authority, outlays, and receipts resulting therefrom shall not count for purposes of sections 302, 303, 311, and 401 of the Congressional Budget Act of 1974 for the provisions of such measure that are designated pursuant to this subsection as making appropriations for such contingency operations.

(2) Amounts included in this resolution for the purpose set forth in paragraph (1) shall be considered to be current law for purposes of the preparation of the current level of budget authority and outlays and the appropriate levels shall be adjusted upon the enactment of such bill.

(b) EXEMPTION OF EMERGENCY PROVISIONS.—In the House, if a bill or joint resolution is reported, or an amendment is offered thereto or a conference report is filed thereon, that designates a provision as an emergency requirement pursuant to this section, then the new budget authority, new entitlement authority, outlays, and receipts resulting therefrom shall not count for purposes of sections 302, 303, 311, and 401 of the Congressional Budget Act of 1974.

(c) DESIGNATIONS.—

(1) GUIDANCE.—In the House, if a provision of legislation is designated as an emergency requirement under subsection (b), the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in paragraph (2). If such legislation is to be considered by the House without being reported, then the committee shall cause the explanation to be published in the Congressional Record in advance of floor consideration.

(2) CRITERIA.—

(A) IN GENERAL.—Any such provision is an emergency requirement if the underlying situation poses a threat to life, property, or national security and is—

(i) sudden, quickly coming into being, and not building up over time;

(ii) an urgent, pressing, and compelling need requiring immediate action;

(iii) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(iv) not permanent, temporary in nature.

(B) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

SEC. 402. COMPLIANCE WITH SECTION 13301 OF THE BUDGET ENFORCEMENT ACT OF 1990.

(a) IN GENERAL.—In the House, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974 and section 13301 of the Budget Enforcement Act of 1990, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocation under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration.

(b) SPECIAL RULE.—In the House, for purposes of applying section 302(f) of the Congressional Budget Act of 1974, estimates of the level of total new budget authority and total outlays provided by a measure shall include any discretionary amounts provided for the Social Security Administration.

SEC. 403. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution—

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the appropriate Committee on the Budget; and

(2) such chairman may make any other necessary adjustments to such levels to carry out this resolution.

SEC. 404. RESTRICTIONS ON ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—(1) In the House, except as provided in subsection (b), an advance appropriation may not be reported in a bill or joint resolution making a general appropriation or continuing appropriation, and may not be in order as an amendment thereto.

(2) Managers on the part of the House may not agree to a Senate amendment that would violate paragraph (1) unless specific authority to agree to the amendment first is given by the House by a separate vote with respect thereto.

(b) LIMITATION.—In the House, an advance appropriation may be provided for fiscal year 2007 or 2008 for programs, projects, activities or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading "Accounts Identified for Advance Appropriations" in an aggregate amount not to exceed $23,568,000,000 in new budget authority.

(c) DEFINITION.—In this subsection, the term "advance appropriation" means any discretionary new budget authority in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2006 that first becomes available for any fiscal year after 2006.

SEC. 405. SPECIAL RULE IN THE HOUSE FOR CERTAIN SECTION 302(b) SUBALLOCATIONS.

In the House, the Committee on Appropriations may make a separate suballocation for general appropriations for the legislative branch for the first fiscal year of this resolution. Such suballocation shall be deemed to be made under section 302(b) of the Congressional Budget Act of 1974 and shall be treated as such a suballocation for all purposes under section 302 of such Act.

SEC. 406. SPECIAL PROCEDURES TO ACHIEVE SAVINGS IN MANDATORY SPENDING THROUGH FY2014.

(a) FINDINGS.—The Congress finds that—

(1) the share of the budget consumed by mandatory spending have been growing since the mid-1970s, and now is about 54 percent;

(2) this portion of the budget is continuing to grow, crowding out other priorities and threatening overall budget control;

(3) mandatory spending is intrinsically difficult to control;

(4) these programs are subject to a variety of factors outside the control of Congress, such as demographics, economic conditions, and medical prices;

(5) Congress should make an effort at least every other year, to review mandatory spending; and

(6) the reconciliation process set forth in the Congressional Budget Act of 1974 is a viable tool to reduce the rate of growth in mandatory spending.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that concurrent resolutions on the budget for fiscal years 2007 through 2010 should include reconciliation instructions to committees, every other year, pursuant to section 310(a) of the Congressional Budget Act of 1974 to achieve significant savings in mandatory spending.

The CHAIRMAN. Pursuant to the rule and the order of the House, no amendment to the concurrent resolution is in order except the amendments printed in House Report 109–19. Each amendment may be offered only in the order printed in the report, except for amendment No. 2, may be offered only by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

Pursuant to the order of the House of today, it is now in order to consider amendment No. 2 printed in House report 109–19.

AMENDMENT NO. 2 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HENSARLING

Mr. HENSARLING. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment No. 2 in the nature of a substitute offered by Mr. HENSARLING:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2006.

(a) DECLARATION.—The Congress declares that the concurrent resolution on the budget for fiscal year 2006 is hereby established and that the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010 are hereby set forth.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2006.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Major functional categories.

TITLE II—RECONCILIATION AND REPORT SUBMISSIONS

Sec. 201. Reconciliation in the House of Representatives.
Sec. 202. Submission of report on savings to be used for members of the Armed Forces in Iraq and Afghanistan.

TITLE III—RESERVE FUNDS AND CONTINGENCY PROCEDURE

Sec. 301. Rainy Day Fund for nonmilitary emergencies.
Sec. 302. Contingency procedure for surface transportation.

TITLE IV—BUDGET ENFORCEMENT

Sec. 401. Point of Order Protection.
Sec. 402. Restrictions on advance appropriations.
Sec. 403. Automatic votes on expensive legislation.
Sec. 404. Turn off the Gephardt Rule.
Sec. 405. Restriction on the use of emergency spending.
Sec. 406. Compliance with section 13301 of the Budget Enforcement Act of 1990.
Sec. 407. Action pursuant to section 302(b)(1) of the Congressional Budget Act of 1974.
Sec. 408. Changes in allocations and aggregates resulting from realistic scoring of measures affecting revenues.
Sec. 409. Prohibition in using revenue increases to comply with budget allocation and aggregates.
Sec. 410. Application and effect of changes in allocations and aggregates.
Sec. 411. Entitlement safeguard.
Sec. 412. Budget Protection Mandatory Account.
Sec. 413. Budget Protection Discretionary Account.

TITLE V—SENSE OF THE HOUSE

Sec. 501. Sense of the House on spending accountability.
Sec. 502. Sense of the House on entitlement reform.
Sec. 503. Sense of the House regarding the abolishment of obsolete agencies and Federal sunset proposals.
Sec. 504. Sense of the House regarding the goals of this concurrent resolution and the elimination of certain programs.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2005 through 2010:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2005: $1,483,971,000,000.
Fiscal year 2006: $1,589,905,000,000.
Fiscal year 2007: $1,693,266,000,000.
Fiscal year 2008: $1,824,251,000,000.
Fiscal year 2009: $1,928,663,000,000.
Fiscal year 2010: $2,043,903,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be reduced are as follows:

Fiscal year 2005: $53,000,000.
Fiscal year 2006: $16,622,000,000.
Fiscal year 2007: $24,414,000,000.
Fiscal year 2008: $4,927,000,000.
Fiscal year 2009: $8,570,000,000.
Fiscal year 2010: $9,063,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2005: $2,070,357,000,000.
Fiscal year 2006: $2,125,130,000,000.
Fiscal year 2007: $2,185,198,000,000.
Fiscal year 2008: $2,291,682,000,000.
Fiscal year 2009: $2,404,965,000,000.
Fiscal year 2010: $2,497,636,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2005: $2,052,551,000,000.
Fiscal year 2006: $2,143,613,000,000.
Fiscal year 2007: $2,192,270,000,000.
Fiscal year 2008: $2,275,421,000,000.
Fiscal year 2009: $2,377,265,000,000.
Fiscal year 2010: $2,476,988,000,000.

(4) DEFICITS (ON-BUDGET).—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2005: $568,580,000,000.
Fiscal year 2006: $553,708,000,000.
Fiscal year 2007: $499,004,000,000.
Fiscal year 2008: $451,170,000,000.
Fiscal year 2009: $448,602,000,000.
Fiscal year 2010: $433,085,000,000.

(5) DEBT SUBJECT TO LIMIT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2005: $4,685,000,000,000.
Fiscal year 2006: $5,060,705,000,000.
Fiscal year 2007: $5,374,742,000,000.
Fiscal year 2008: $5,626,285,000,000.
Fiscal year 2009: $5,865,547,000,000.
Fiscal year 2010: $6,074,877,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2005: $7,958,232,000,000.
Fiscal year 2006: $8,623,729,000,000.
Fiscal year 2007: $9,249,860,000,000.
Fiscal year 2008: $9,839,054,000,000.
Fiscal year 2009: $10,438,512,000,000.
Fiscal year 2010: $11,029,815,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2005 through 2010 for each major functional category are as follows:

(1) National Defense (050):

Fiscal year 2005:
(A) New budget authority, $500,621,000,000.
(B) Outlays, $497,196,000,000.

Fiscal year 2006:
(A) New budget authority, $441,562,000,000.
(B) Outlays, $475,603,000,000.

Fiscal year 2007:
(A) New budget authority, $465,260,000,000.
(B) Outlays, $460,673,000,000.

Fiscal year 2008:
(A) New budget authority, $483,730,000,000.
(B) Outlays, $471,003,000,000.

Fiscal year 2009:
(A) New budget authority, $503,763,000,000.
(B) Outlays, $489,220,000,000.

Fiscal year 2010:
(A) New budget authority, $513,904,000,000.
(B) Outlays, $505,908,000,000.

(2) Homeland Security (100):

Fiscal year 2005:
(A) New budget authority, $30,896,000,000.
(B) Outlays, $25,830,000,000.

Fiscal year 2006:
(A) New budget authority, $29,323,000,000.
(B) Outlays, $28,186,000,000.

Fiscal year 2007:
(A) New budget authority, $29,673,000.
(B) Outlays, $30,029,000,000.

Fiscal year 2008:
(A) New budget authority, $30,081,000,000.
(B) Outlays, $31,244,000,000.

Fiscal year 2009:
(A) New budget authority, $32,910,000,000.
(B) Outlays, $31,200,000,000.

Fiscal year 2010:
(A) New budget authority, $31,404,000,000.
(B) Outlays, $31,703,000,000.

(3) International Affairs (150):

Fiscal year 2005:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2006:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2007:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2008:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2009:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2010:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

(4) General Science, Space, and Technology (250):

Fiscal year 2005:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2006:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2007:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2008:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2009:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2010:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

(5) Energy (270):

Fiscal year 2005:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2006:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2007:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2008:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2009:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2010:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

(6) Natural Resources and Environment (300):

Fiscal year 2005:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2006:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2007:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2008:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2009:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2010:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

(7) Agriculture (350):

Fiscal year 2005:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2006:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2007:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2008:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2009:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2010:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

(8) Commerce and Housing Credit (370):

Fiscal year 2005:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2006:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2007:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2008:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2009:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2010:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

(9) Transportation (400):

Fiscal year 2005:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2006:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2007:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2008:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2009:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2010:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

(10) Community and Regional Development (450):

Fiscal year 2005:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2006:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2007:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2008:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2009:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2010:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

(11) Education, Training, Employment, and Social Services (500):

Fiscal year 2005:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2006:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2007:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2008:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2009:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2010:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

(12) Health (550):

Fiscal year 2005:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2006:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2007:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2008:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2009:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2010:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

(13) Medicare (570):

Fiscal year 2005:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2006:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2007:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2008:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2009:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2010:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

(14) Income Security (600):

Fiscal year 2005:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2006:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2007:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2008:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2009:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2010:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

(15) Social Security (650):

Fiscal year 2005:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2006:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2007:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2008:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2009:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2010:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

(16) Veterans Benefits and Services (700):

Fiscal year 2005:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2006:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2007:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2008:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2009:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2010:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

(17) Administration of Justice (750):

Fiscal year 2005:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2006:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2007:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2008:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2009:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2010:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

(18) General Government (800):

Fiscal year 2005:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2006:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2007:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2008:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2009:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2010:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

(19) Net Interest (900):

Fiscal year 2005:

(A) New budget authority, $276,942,000,000.

(B) Outlays, $276,942,000,000.

Fiscal year 2006:

(A) New budget authority, $310,247,000,000.

(B) Outlays, $310,247,000,000.

Fiscal year 2007:

(A) New budget authority, $358,951,000,000.

(B) Outlays, $358,951,000,000.

Fiscal year 2008:

(A) New budget authority, $395,414,000,000.

(B) Outlays, $395,414,000,000.

Fiscal year 2009:

(A) New budget authority, $423,169,000,000.

(B) Outlays, $423,169,000,000.

Fiscal year 2010:

(A) New budget authority, $448,789,000,000.

(B) Outlays, $448,789,000,000.

(20) Allowances (920):

Fiscal year 2005:

(A) New budget authority, $1,325,002,000,000.

(B) Outlays, $1,315,687,000,000.

Fiscal year 2006:

(A) New budget authority, $1,399,360,000,000.

(B) Outlays, $1,384,939,000,000.

Fiscal year 2007:

(A) New budget authority, $1,394,577,000,000.

(B) Outlays, $1,407,005,000,000.

Fiscal year 2008:

(A) New budget authority, $1,477,937,000,000.

(B) Outlays, $1,444,052,000,000.

Fiscal year 2009:

(A) New budget authority, $1,505,999,000,000.

(B) Outlays, $1,493,927,000,000.

Fiscal year 2010:

(A) New budget authority, $1,566,983,000,000.

(B) Outlays, $1,553,407,000,000.

(21) Undistributed Offsetting Receipts (950):

Fiscal year 2005:

(A) New budget authority, −$54,104,000,000.

(B) Outlays, −$54,104,000,000.

Fiscal year 2006:

(A) New budget authority, −$55,362,000,000.

(B) Outlays, −$55,362,000,000.

Fiscal year 2007:

(A) New budget authority, −$63,263,000,000.

(B) Outlays, −$64,388,000,000.

Fiscal year 2008:

(A) New budget authority, −$65,480,000,000.

(B) Outlays, −$66,292,000,000.

Fiscal year 2009:

(A) New budget authority, −$60,876,000,000.

(B) Outlays, −$60,251,000,000.

Fiscal year 2010:

(A) New budget authority, −$63,447,000,000.

(B) Outlays, −$62,822,000,000.

TITLE II—RECONCILIATION AND REPORT SUBMISSIONS

SEC. 201. RECONCILIATION IN THE HOUSE OF REPRESENTATIVES.

(a) SUBMISSIONS PROVIDING FOR THE ELIMINATION OF WASTE, FRAUD, AND ABUSE IN MANDATORY PROGRAMS.—(1) Not later than July 15, 2005, the House committees named in paragraph (2) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(2) INSTRUCTIONS.—

(A) COMMITTEE ON AGRICULTURE.—The House Committee on Agriculture shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $893,000,000 in outlays for fiscal year 2006 and $5,959,000,000 in outlays for the period of fiscal years 2006 through 2010.

(B) COMMITTEE ON EDUCATION AND THE WORKFORCE.—The House Committee on Education and the Workforce shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $2,128,000,000 in outlays for fiscal year 2006 and $21,803,000,000 in outlays for the period of fiscal years 2006 through 2010.

(C) COMMITTEE ON ENERGY AND COMMERCE.—The House Committee on Energy and Commerce shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $1,419,000,000 in outlays for fiscal year 2006 and $30,725,000,000 in outlays for the period of fiscal years 2006 through 2010.

(D) COMMITTEE ON FINANCIAL SERVICES.—The House Committee on Financial Services shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $30,000,000 in new budget authority for fiscal year 2006 and $270,000,000 in new budget authority for the period of fiscal years 2006 through 2010.

(E) COMMITTEE ON GOVERNMENT REFORM.—The House Committee on Government Reform shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $268,000,000 in outlays for fiscal year 2006 and $3,164,000,000 in outlays for the period of fiscal years 2006 through 2010.

(F) COMMITTEE ON HOUSE ADMINISTRATION.—The House Committee on House Administration shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $57,000,000 in outlays for fiscal year 2006 and $2,673,000,000 in outlays for the period of fiscal years 2006 through 2010.

(G) COMMITTEE ON INTERNATIONAL RELATIONS.—The House Committee on International Relations shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $45,000,000 in outlays for fiscal year 2006 and $504,000,000 in outlays for the period of fiscal years 2006 through 2010.

(H) COMMITTEE ON THE JUDICIARY.—The House Committee on the Judiciary shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $144,000,000 in outlays for fiscal year 2006 and $826,000,000 in outlays for the period of fiscal years 2006 through 2010.

(I) COMMITTEE ON RESOURCES.—The House Committee on Resources shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $114,000,000 in outlays for fiscal year 2006 and $1,598,000,000 in outlays for the period of fiscal years 2006 through 2010.

(J) COMMITTEE ON SCIENCE.—The House Committee on Science shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $303,000,000 in outlays for fiscal year 2006 and $3,864,000,000 in outlays for the period of fiscal years 2006 through 2010.

(K) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—The House Committee on Transportation and Infrastructure shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $65,000,000 in outlays for fiscal year 2006 and $690,000,000 in outlays for the period of fiscal years 2006 through 2010.

(L) COMMITTEE ON VETERANS' AFFAIRS.—The House Committee on Veterans' Affairs shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $155,000,000 in outlays for fiscal year 2006 and $798,000,000 in outlays for the period of fiscal years 2006 through 2010.

(M) COMMITTEE ON WAYS AND MEANS.—The House Committee on Ways and Means shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $6,534,000,000 in outlays for fiscal year 2006 and $52,391,000,000 in outlays for the period of fiscal years 2006 through 2010.

(N) SPECIAL RULE.—The chairman of the Committee on the Budget may take into account legislation enacted after the adoption of this resolution that is determined to reduce the deficit and may make applicable adjustments in reconciliation instructions, allocations, and budget aggregates and may also make adjustments in reconciliation instructions to protect earned benefit programs.

(b) SUBMISSION PROVIDING FOR CHANGES IN REVENUE.—The House Committee on Ways and Means shall report a reconciliation bill not later than June 24, 2005, that consists of changes in laws within its jurisdiction sufficient to reduce revenues by not more than $17,700,000,000 for fiscal year 2006 and by not more than $105,900,000,000 for the period of fiscal years 2006 through 2010.

(c)(1) Upon the submission to the Committee on the Budget of the House of a recommendation that has complied with its reconciliation instructions solely by virtue of section 310(b) of the Congressional Budget Act of 1974, the chairman of that committee may file with the House appropriately revised allocations under section 302(a) of such Act and revised functional levels and aggregates.

(2) Upon the submission to the House of a conference report recommending a reconciliation bill or resolution in which a committee has complied with its reconciliation instructions solely by virtue of this section, the chairman of the Committee on the Budget of the House may file with the House appropriately revised allocations under section 302(a) of such Act and revised functional levels and aggregates.

(3) Allocations and aggregates revised pursuant to this subsection shall be considered to be allocations and aggregates established by the concurrent resolution on the budget pursuant to section 301 of such Act.

SEC. 202. SUBMISSION OF REPORT ON DEFENSE SAVINGS.

In the House, not later than May 15, 2005, the Committee on Armed Services shall submit to the Committee on the Budget its findings that identify $2,000,000,000 in savings from (1) activities that are determined to be of a low priority to the successful execution of current military operations; or (2) activities that are determined to be wasteful or unnecessary to national defense. Funds identified should be reallocated to programs and activities that directly contribute to enhancing the combat capabilities of the U.S. military forces with an emphasis on force protection, munitions, and surveillance capabilities. For purposes of this subsection, the report by the Committee on Armed Services shall be inserted in the Congressional Record by the chairman of the Committee on the Budget not later than May 21, 2005.

TITLE III—RESERVE FUNDS AND CONTINGENCY PROCEDURE

SEC. 301. RAINY DAY FUND FOR NON-MILITARY EMERGENCIES.

In the House of Representatives and the Senate, if the Committee on Appropriations reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides new budget authority (and outlays flowing therefrom) for nonmilitary emergencies, then the chairman of the Committee on the Budget of that House shall make the appropriate revisions to the allocations and other levels in this resolution by the amount provided by that measure for that purpose, but the total adjustment for all measures considered under this section shall not exceed $20,000,000,000 in new budget authority for fiscal year 2006 and outlays flowing therefrom.

SEC. 302. CONTINGENCY PROCEDURE FOR SURFACE TRANSPORTATION.

(a) IN GENERAL.—If the Committee on Transportation and Infrastructure of the House reports legislation, or if an amendment thereto is offered or a conference report thereon is submitted, that provides new budget authority for the budget accounts or portions thereof in the highway and transit categories as defined in sections 250(c)(4)(B) and (C) of the Balanced Budget and Emergency Deficit Control Act of 1985 in excess of the following amounts:

(1) for fiscal year 2005: $42,806,000,000,

(2) for fiscal year 2006: $45,899,100,000,

(3) for fiscal year 2007: $47,828,700,000,

(4) for fiscal year 2008: $49,715,400,000, or

(5) for fiscal year 2009: $51,743,500,000,

the chairman of the Committee on the Budget may adjust the appropriate budget aggregates and increase the allocation of new budget authority to such committee for fiscal year 2005 and for the period of fiscal years 2005 through 2009 to the extent such excess is offset by a reduction in mandatory outlays from the Highway Trust Fund or an increase in receipts appropriated to such fund for the applicable fiscal year caused by such legislation or any previously enacted legislation.

(b) ADJUSTMENT FOR OUTLAYS.—For fiscal year 2006, in the House, if a bill or joint resolution is reported, or if an amendment thereto is offered or a conference report thereon is submitted, that changes obligation limitations such that the total limitations are in excess of $42,792,000,000 for fiscal year 2006 for programs, projects, and activities within the highway and transit categories as defined in sections 250(c)(4)(B) and (C) of the Balanced Budget and Emergency Deficit Control Act of 1985, and if legislation has been enacted that satisfies the conditions set forth in subsection (a) for such fiscal year, the chairman of the Committee on the Budget may increase the allocation of outlays and appropriate aggregates for such fiscal year for the committee reporting such measure by the amount of outlays that corresponds to such excess obligation limitations, but not to exceed the amount of such excess that was offset pursuant to subsection (a).

TITLE IV—BUDGET ENFORCEMENT

SEC. 401. POINT OF ORDER PROTECTION.

(a) IN GENERAL.—(1) A report by the Committee on Rules on a rule or order that would waive section 302(f) or 303(a) (other than paragraph (2)) of the Congressional Budget Act of 1974 may not be called up for consideration (over the objection of any Member) except when so determined by a vote of a majority of the Members duly chosen and sworn, a quorum being present.

(2) A question of consideration under this paragraph shall be debatable for 20 minutes equally divided by a proponent and opponent of the question but shall otherwise be decided without intervening motion except one that the House adjourn.

(3) This paragraph does not apply to any rule providing for consideration of any legislation the title of which is as follows: "A bill to preserve Social Security."

(b) WAIVER PROHIBITION.—The Committee on Rules may not report a rule or order proposing a waiver of subsection (a).

SEC. 402. RESTRICTIONS ON ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—(1) In the House, except as provided in subsection (b), an advance appropriation may not be reported in a bill or joint resolution making a general appropriation or continuing appropriation, and may not be in order as an amendment thereto.

(2) Managers on the part of the House may not agree to a Senate amendment that would violate paragraph (1) unless specific authority to agree to the amendment first is given by the House by a separate vote with respect thereto.

(b) EXCEPTION.—In the House, an advance appropriation may be provided for fiscal year 2007 and fiscal years 2008 for programs, projects, activities or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading 'Accounts Identified for Advance Appropriations' in an aggregate amount not to exceed $23,568,000,000 in new budget authority.

(c) DEFINITION.—In this section, the term "advance appropriation" means any discretionary new budget authority in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2006 that first becomes available for any fiscal year after 2006.

SEC. 403. AUTOMATIC VOTES ON EXPENSIVE LEGISLATION.

In the House, the yeas and nays shall be considered as ordered when the Speaker puts the question on passage of a bill or joint resolution, or on adoption of conference report, which authorizes or provides new budget authority of not less $50,000,000. The Speaker may not entertain a unanimous consent request or motion to suspend this section.

SEC. 404. TURN OFF THE GEPHARDT RULE.

Rule XXVII shall not apply with respect to the adoption by the Congress of a concurrent resolution on the budget for fiscal year 2006.

SEC. 405. EMERGENCY SPENDING.

(a) EXEMPTION OF OVERSEAS CONTINGENCY OPERATIONS.—In the House, if a bill or joint resolution is reported, or an amendment is offered thereto or a conference report is filed thereon, that makes supplemental appropriations for fiscal year 2006 for contingency operations related to the global war on terrorism, then the new budget authority, new entitlement authority, outlays, and receipts resulting therefrom shall not count for purposes of sections 302, 303, and 401 of the Congressional Budget Act of 1974 for the provisions of such measure that are designated pursuant to this subsection as making appropriations for such contingency operations.

(b) EXEMPTION OF EMERGENCY PROVISIONS.—In the House, if a bill or joint resolution is reported, or an amendment is offered thereto or a conference report is filed thereon, that designates a provision as an emergency requirement pursuant to this section, then the new budget authority, new entitlement authority, outlays, and receipts resulting therefrom shall not count for purposes of sections 302, 303, 311, and 401 of the Congressional Budget Act of 1974.

(c) DESIGNATIONS.—

(1) GUIDANCE.—In the House, if a provision of legislation is designated as an emergency requirement under subsection (b), the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in paragraph (2). If such legislation is to be considered by the House without being reported, then the committee shall cause the explanation to be published in the Congressional Record in advance of floor consideration.

(2) CRITERIA.—

(A) IN GENERAL.—Any such provision is an emergency requirement if the underlying situation poses a threat to life, property, or national security and is—

(i) sudden, quickly coming into being, and not building up over time;

(ii) an urgent, pressing, and compelling need requiring immediate action;

(iii) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(iv) not permanent, temporary in nature.

(B) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(d) ENFORCEMENT.—It shall not be in order in the House of Representatives to consider any bill, joint resolution, amendment or conference report that contains an emergency designation unless that designation meets the criteria set out in subsection (c)(2).

(e) ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.—It shall not be in order in the House of Representatives to consider a rule or order that waives the application of subsection (d).

(f) DISPOSITION OF POINTS OF ORDER IN THE HOUSE.—As disposition of a point of order under subsection (d) or subsection (e), the Chair shall put the question of consideration with respect to the proposition that is the subject of the point of order. A question of consideration under this section shall be debatable for 10 minutes by the Member initiating the point of order and for 10 minutes by an opponent of the point of order, but shall otherwise be decided without intervening motion except one that the House adjourn or that the Committee of the Whole rise, as the case may be.

SEC. 406. COMPLIANCE WITH SECTION 13301 OF THE BUDGET ENFORCEMENT ACT OF 1990.

(a) IN GENERAL.—In the House, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974 and section 13301 of the Budget Enforcement Act of 1990, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocation under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration.

(b) SPECIAL RULE.—In the House, for purposes of applying section 302(f) of the Congressional Budget Act of 1974, estimates of the level of total new budget authority and total outlays provided by a measure shall include any discretionary amounts provided for the Social Security Administration.

SEC. 407. ACTION PURSUANT TO SECTION 302(b)(1) OF THE CONGRESSIONAL BUDGET ACT.

(a) COMPLIANCE.—When complying with Section 302(b)(1) of the Congressional Budget Act of 1974, the Committee on Appropriations of each House shall consult with the Committee on Appropriations of the other House to ensure that the allocation of budget outlays and new budget authority among each Committee's subcommittees are identical.

(b) REPORT.—The Committee on Appropriations of each House shall report to its House when it determines that the report made by the Committee pursuant to Section 302(b) of the Congressional Budget Act of 1974 and the report made by the Committee on Appropriations of the other House pursuant to the same provision contain identical allocations of budget outlays and new budget authority among each Committee's subcommittees.

(c) POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report providing new discretionary budget authority for Fiscal Year 2006 allocated to the Committee on Appropriations unless and until the Committee on Appropriations of that House has made the report required under paragraph (b) of this Section.

SEC. 408. CHANGES IN ALLOCATIONS AND AGGREGATES RESULTING FROM REALISTIC SCORING OF MEASURES AFFECTING REVENUES.

(a) Whenever the House considers a bill, joint resolution, amendment, motion or conference report, including measures filed in compliance with section 201(b) or 201(c), that propose to change federal revenues, the impact of such measure on federal revenues shall be calculated by the Joint Committee on Taxation in a manner that takes into account—

(1) the impact of the proposed revenue changes on—

(A) Gross Domestic Product, including the growth rate for the Gross Domestic Product;

(B) total domestic employment;

(C) gross private domestic investment;

(D) general price index;

(E) interest rates; and

(F) other economic variables;

(2) the impact on Federal Revenue of the changes in economic variables analyzed under subpart (1) of this paragraph.

(b) the Chairman of the Committee on the Budget may make any necessary changes to allocations and aggregates in order to conform this concurrent resolution with the determinations made by the Joint Committee on Taxation pursuant to paragraph (a) of this Section.

SEC. 409. PROHIBITION ON USING REVENUE INCREASES TO COMPLY WITH BUDGET ALLOCATIONS AND AGGREGATES.

(a) For the purpose of enforcing this concurrent resolution in the House, the Chairman of the Committee on the Budget shall not take into account the provisions of any piece of legislation which propose to increase revenue or offsetting collections if the net effect of the bill is to increase the level of revenue or offsetting collections beyond the level assumed in this concurrent resolution.

(b) Paragraph (a) of this section shall not apply to any provision of a piece of legislation that proposes a new or increased fee for the receipt of a defined benefit or service (including insurance coverage) by the person or entity paying the fee.

SEC. 410. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution—

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the appropriate Committee on the Budget; and

(2) such chairman may make any other necessary adjustments to such levels to carry out this resolution.

SEC. 411. ENTITLEMENT SAFEGUARD.

(a) It shall not be in order in the House of Representatives to consider an direct spending legislation that would increase an on-budget deficit or decrease an on-budget surplus as provided by paragraph (e) for any applicable time period.

(b) For purposes of this clause, the term "applicable time period" means any of the following periods:

(1) The period of the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget.

(2) The period of the 5 fiscal years following first 5 years covered in the most recently adopted concurrent resolution on the budget.

(c) For purposes of this section and except as provided in paragraph (d), the term "direct-spending legislation" means any bill, joint resolution, amendment, or conference report that affects direct spending as that term is defined by, and interpreted for purposes of, the Balanced Budget and Emergency Deficit Control Act of 1985.

(d) For purposes of this section, the term "direct-spending legislation" does not include—

(1) any legislation the title of which is as follows: "A bill to preserve Social Security."; or

(2) any legislation that would cause a net increase in aggregate direct spending of less than $100,000,000 for any applicable time period.

(e) If direct spending legislation increases the on-budget deficit or decreases an on-budget surpluses when taken individually, it must also increase the on-budget deficit or decrease the on-budget surplus when taken together with all direct spending legislation enacted since the beginning of the calendar year not accounted for in the baseline assumed for the most recent concurrent resolution on the budget, except that direct spending effects resulting.in net deficit reduction enacted pursuant to reconciliation instructions since the beginning of that same calendar year shall not be available.

(f) This section may be waived by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(g) For purposes of this section, the levels of budget authority and outlays for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget.

(h) The Committee on Rules may not report a rule or order proposing a waiver of paragraph (a).

SEC. 412. BUDGET PROTECTION MANDATORY ACCOUNT.

(a)(1) The chairman of the Committee on the Budget shall maintain an account to be known as the "Budget Protection Mandatory Account". The Account shall be divided into entries corresponding to the allocations under section 302(a) of the Congressional Budget Act of 1974 in the most recently adopted concurrent resolution on the budget, except that it shall not include the Committee on Appropriations.

(2) Each entry shall consist only of amounts credited to it under subsection (b). No entry of a negative amount shall be made.

(b)(1) Upon the engrossment of a House bill or joint resolution or a House amendment to a Senate bill or joint resolution (other than an appropriation bill), the chairman of the Committee on the Budget shall—

(A) credit the applicable entries of the Budget Protection Mandatory Account by the amounts specified in subparagraph (2); and

(B) reduce the applicable 302(a) allocations by the amount specified in subparagraph (2).

(2) Each amount specified in subparagraph (A) shall be the net reduction in mandatory budget authority (either under current law or proposed by the bill or joint resolution under consideration) provided by each amendment that was adopted in the House to the bill or joint resolution.

(c)(1) If an amendment includes a provision described in subparagraph (2), the chairman of the Committee on the Budget shall, upon the engrossment of a House bill or joint resolution or a House amendment to a Senate bill or joint resolution, other than an appropriation bill, reduce the level of total revenues set forth in the applicable concurrent resolution on the budget for the fiscal year or for the total of that first fiscal year and the ensuing fiscal years in an amount equal to the net reduction in mandatory authority (either under current law or proposed by a bill or joint resolution under consideration) provided by each amendment adopted by the House to the bill or joint resolution. Such adjustment shall be in addition to the adjustments described in subsection (b).

(2)(A) The provision specified in subparagraph (1) is as follows: "The amount of mandatory budget authority reduced by this amendment may be used to offset a decrease in revenues."

(B) All points of order are waived against an amendment including the text specified in subparagraph (A) provided the amendment is otherwise in order.

(d) As used in this rule, the term—

(1) "appropriation bill" means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of fiscal year 2006 or any subsequent fiscal year, as the case may be.

(2) "mandatory budget authority" means any entitlement authority as defined by, and interpreted for purposes of, the Congressional Budget Act of 1974.

(e) During the consideration of any bill or joint resolution, the chairman of the Committee on the Budget shall maintain a running tally, which shall be available to all Members, of the amendments adopted reflecting increases and decreases of budget authority in the bill or joint resolution.

SEC. 413. BUDGET DISCRETIONARY ACCOUNTS.

(a)(1) The chairman of the Committee on the Budget shall maintain an account to be known as the "Budget Protection Discretionary Account";. The Account shall be divided into entries corresponding to the allocation to the Committee on Appropriations, and the committee's suballocations, under section 302(a) and 302(b) of the Congressional Budget Act of 1974.

(2) Each entry shall consist only of amounts credited to it under subsection (b). No entry of a negative amount shall be made.

(b)(1) Upon the engrossment of a House appropriations bill, the chairman of the Committee on the Budget shall—

(A) credit the applicable entries of the Budget Protection Discretionary Account by the amounts specified in subparagraph (2).

(B) reduce the applicable 302(a) and (b) allocations by the amount specified in subparagraph (2).

(2) Each amount specified in subparagraph (A) shall be the net reduction in discretionary budget authority provided by each amendment adopted by the House to the bill or joint resolution.

(c)(1) If an amendment includes a provision described in subparagraph (2), the chairman of the Committee on the Budget shall, upon the engrossment of a House appropriations bill, reduce the level of total revenues set forth in the applicable concurrent resolution on the budget for the fiscal year or for the total of that first fiscal year and the ensuing fiscal years in an amount equal to the net reduction in discretionary budget authority provided by each amendment that was adopted by the House to the bill or joint resolution. Such adjustment shall be in addition to the adjustments described in subsection (b).

(2)(A) The provision specified in subparagraph (1) is as follows: "The amount of discretionary budget authority reduced by this amendment may be used to offset a decrease in revenues."

(B) All points of order are waived against an amendment including the text specified in subparagraph (A) provided the amendment is otherwise in order.

(d) As used in this rule, the term "appropriation bill" means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of fiscal year 2006 or any subsequent fiscal year, as the case may be.

(e) During the consideration of any bill or joint resolution, the chairman of the Committee on the Budget shall maintain a running tally, which shall be available to all Members, of the amendments adopted reflecting increases and decreases of budget authority in the bill or joint resolution.

TITLE V—SENSE OF THE HOUSE

SEC. 501. SENSE OF THE HOUSE ON SPENDING ACCOUNTABILITY.

It is the sense of the House that—

(1) authorizing committees should actively engage in oversight utilizing—

(A) the plans and goals submitted by executive agencies pursuant to the Government Performance and Results Act of 1993; and

(B) the performance evaluations submitted by such agencies (that are based upon the Program Assessment Rating Tool which is designed to improve agency performance):in order to enact legislation to eliminate waste, fraud, and abuse to ensure the efficient use of taxpayer dollars:

(2) all Federal programs should be periodically reauthorized and funding for unauthorized programs should be level-funded in fiscal year 2006 unless there is a compelling justification;

(3) committees should submit written justifications for earmarks and should consider not funding those most egregiously inconsistent with national policy;

(4) the fiscal year 2006 budget resolution should be vigorously enforced and legislation should be enacted establishing statutory limits on appropriations and a PAY-AS-YOU-GO rule for new and expanded entitlement programs; and

(5) Congress should make every effort to offset nonwar-related supplemental appropriations.

SEC. 502. SENSE OF THE HOUSE ON ENTITLEMENT REFORM.

(a) FINDINGS.—The House finds that welfare was successfully reformed through the application of work requirements, education and training opportunity, and time limits on eligibility.

(b) SENSE OF THE HOUSE.—It is the sense of the House that authorizing committees should—

(1) systematically review all means-tested entitlement programs and track beneficiary participation across programs and time;

(2) enact legislation to develop common eligibility requirements for means-tested entitlement programs;

(3) enact legislation to accurately rename means-tested entitlement programs;

(4) enact legislation to coordinate program benefits in order to limit to a reasonable period of time the Government dependency of means-tested entitlement program participants;

(5) evaluate the costs of, and justifications for, nonmeans-tested, nonretirement-related entitlement programs; and

(6) identify and utilize resources that have conducted cost-benefit analyses of participants in multiple means- and nonmeans-tested entitlement programs to understand their cumulative costs and collective benefits.

SEC. 503. SENSE OF HOUSE REGARDING THE ABOLISHMENT OF OBSOLETE AGENCIES AND FEDERAL SUNSET PROPOSALS.

(a) The House finds the following:

(1) The National Commission on the Public Service's recent report, "Urgent Business For America: Revitalizing The Federal Government For The 21st Century," states that government missions are so widely dispersed among so many agencies that no coherent management is possible. The report also states that fragmentation leaves many gaps, inconsistencies, and inefficiencies in government oversight and results in an unacceptable level of public health protection.

(2) According to the Commission, there are: more than 35 food safety laws administered by 12 different federal agencies; 541 clean air, water, and waste programs in 29 federal agencies; 50 different programs to aid the homeless in eight different Federal agencies; and 27 teen pregnancy programs operated in nine Federal agencies; and 90 early childhood programs scattered among 11 Federal agencies.

(3) According to the General Accounting Office (GAO), there are 163 programs with a job training or employment function, 64 welfare programs of a similar nature, and more than 500 urban aid programs.

(4) GAO also indicates 13 agencies coordinate 342 economic development programs, but there is very little or no coordination between them. This situation has created a bureaucracy so complex that many local communities stop applying for economic assistance. At the same time, the GAO reports that these programs often serve as nothing more than funnels for pork, have "no significant effect" on the economy, and cost as much as $ to create each job.

(5) In 1976, Colorado became the first state to implement a sunset mechanism. Today, about half of the Nation's States have some sort of sunset mechanism in effect to monitor their legislative branch agencies. On the Federal level, the United States Senate in 1978 overwhelmingly passed legislation to sunset most of the Government agencies by a vote of 87–1.

(6) In Texas, "sunsetting" has eliminated 44 agencies and saved the taxpayers $ million compared with expenditures of $ million for the Sunset Commission. Based on these estimates, for every dollar spent on the Sunset process, the State has received about $ in return.

(b) It is the Sense of the House that legislation providing for the orderly abolishment of obsolete Agencies and providing a federal sunset for government programs should be enacted during this Congress.

SEC. 504. SENSE OF THE HOUSE REGARDING THE GOALS OF THIS CONCURRENT RESOLUTION AND THE ELIMINATION OF CERTAIN PROGRAMS.

(a) The House of Representatives finds the following:

(1) The concurrent resolution on the budget for fiscal year 2006 should achieve the following key goals:

(A) Ensure adequate funding is available for essential government programs, in particular defense and homeland security.

(B) Foster greater economic growth and increased domestic employment by eliminating those provisions in the tax code that discourage economic growth and job creation and by extending existing tax relief provisions so as to prevent an automatic tax increase.

(C) Bring the Federal budget back into balance as soon as possible.

(2) The Government spends billions of dollars each year on programs and projects that are of marginal value to the country as a whole.

(3) Funding for these lower priority programs should be viewed in light of the goals of this concurrent resolution and whether or not continued funding of these programs advances or hinders the achievement of these goals.

(4) This concurrent resolution assumes that funding for many lower priority programs will be reduced or eliminated in order increase funding for defense and homeland security while at the same time controlling overall spending.

(b) It is the Sense of the House of Representatives that the following programs should be eliminated:

(1) Title X Family Planning.
(2) Corporation for Public Broadcasting.
(3) National Endowment for the Arts.
(4) Legal Services Corporation.
(5) the Advanced Technology Program.

The CHAIRMAN. Pursuant to House Resolution 154, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, spending is out of control in the Nation's capital, and if we do not work to control this spending, we will leave our children and grandchildren a legacy of debt, a legacy of a lower standard of living, a legacy of more government, of less freedom, of less opportunity.

Many people in this Chamber have risen tonight to say that we are not spending enough money. I think we should take a look at the facts.

Number one, Mr. Chairman, we are now spending over $20,000 for American families. For the first time since World War II are we spending this much money. For only the fourth time in the history of our Nation, and if we look back just 10 years, almost every government agency has grown by a huge multiple overinflation.

International affairs is up 93 percent; agriculture up 165 percent; transportation, 78 percent; education, 95 percent, and the list goes on and on and on. We have been growing government at twice the rate of inflation and 50 percent faster than the family budget.

We believe that these growth rates are unsustainable and let us just not look at the past. Let us look at the future.

According to the Congressional Budget Office, over the next decade Social Security is due to grow by 5.5 percent a year, Medicaid by almost 8 percent a year and Medicare by 9 percent a year. We have an explosion of government spending, and yet many in this Chamber want to spend even more, at the expense of American families.

Where is this leading us? Mr. Chairman, most recently, the Chairman of the Federal Reserve Alan Greenspan said, As a Nation we may have already made promises to coming generations of retirees that we will be unable to fulfill.

According to the General Accounting Office, Social Security faces a serious and growing solvency and sustainability challenge that is growing as time passes.

According to the Director of the Office of Management and Budget, referring to Social Security, such chronic and growing obligations in the Social Security program are properly understood by the American public, including investors, as a sign that the program is out of balance and headed for bankruptcy.

□ 2100

According to the trustees of the Social Security and Medicare trust funds, "We do not believe the currently projected long run growth rates of Social Security and Medicare are sustainable under current financing arrangements." The Comptroller General of the General Accountability Office said, "How this is resolved could effect not only our economic security but our national security. We are headed to a future where we will have to either double Federal taxes or cut Federal spending by 50 percent." Let me repeat that. We are headed to a future where we will have to double Federal taxes or cut Federal spending by 50 percent.

Mr. Chairman, that is why it is so critical that today, not tomorrow, not next week, that we do something, something to begin to control spending in the United States Congress.

First, I want to congratulate the gentleman from Iowa (Chairman NUSSLE) of the Committee on the Budget for bringing forth to this body a truly historic budget, the most fiscally responsible budget we have seen since the Reagan era, a budget that is serious about protecting the family budget from the Federal budget.

But a combination of hope and fear has propelled me, on behalf of the Republican Study Committee, to offer an alternative budget. The hope is, as historic as the gentleman's budget is, maybe given the seriousness of the challenge we have, maybe we can do just a little bit better on spending discipline. My fear is, as great as the budget is that the gentleman from Iowa (Chairman NUSSLE) has brought to this House, I want it to be a real budget. I want to ensure that we have the mechanisms in place to ensure that we enforce the spending discipline.

How does this particular budget differ from the committee budget? There are a number of similarities, but let me describe a couple of differences. Whereas in the chairman's budget we have a discretionary savings of a little less than 1 percent, this budget would achieve savings of roughly 2 percent. It would further double the reconciliation savings in the Nussle budget. And finally, it includes a number of enforcement mechanisms to ensure that we can live with this budget, that the budget is something more than a suggestion, the budget is something more than a goal or an aspiration, that it is actually a limit on spending, that we draw a line in the sand and say we are going to take this much money away from American families and say this is it, we are going to live within our budgets.

Mr. Chairman, budgets tend to be about priorities; and, indeed, this budget, the Republican Study Committee budget, is about priorities. We have a priority of saving Social Security, and we congratulate our President for bringing this issue to the American people. I believe when the American people focus on Social Security, what they will realize is that government has been part of the problem. They have raided the Social Security trust fund 59 times. Government took the money away from Social Security; government should give the money back.

How does government give the money back? Government can grow at a slower rate than it has in the past. The second theme of this budget, the second priority of this budget, is we believe we have to protect the family budget from the Federal budget. Is there really a compelling reason as families have to get around their kitchen table and have to make tough decisions that we in Congress cannot do the same thing? We do not believe that the Federal budget should grow faster than the family budget, and this budget achieves that goal.

Finally, we believe a budget ought to be a limit on spending. We ought to decide, subject to emergency spending that we understand, that we ought to draw a line in the sand and say this is all we care to take away from the American people; and when we tell the American people this is our budget, then this is the budget that we will live with.

Mr. Chairman, I reserve the balance of my time.

Mr. NUSSLE. Mr. Chairman, I claim the time in opposition, and I ask unanimous consent that the gentleman from South Carolina (Mr. SPRATT) be permitted to control 10 minutes, or half of the time in opposition.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Chairman NUSSLE) for 10 minutes.

Mr. NUSSLE. Mr. Chairman, I yield myself such time as I may consume.

I will vote against this budget, and let me say why. It is because of my responsibility and duty to protect the base bill, the base resolution, the product that was worked and crafted in a very genuine way through the committee process, one that has the support of our majority, one that has the support of our leadership, one that has the support of our chairman, and one that I dare say has, and I believe has, the support of my friends who bring forth the budget resolution tonight.

As I said before when the Congressional Black Caucus came forth, anyone who has the guts to come out here with their own budget I have to applaud. I may oppose it, but I have to applaud it because I know what it takes to put together a budget. Whether the alternative budget has one person who supports it or 80 Members or 218 Members to support it, I commend the coalition for coming forth with their budget. I said the same to the Congressional Black Caucus because they have done this in a very responsible way every year I have been in Congress and for many year before. I really mean that. Anyone who is willing to put the sweat equity into it gets my admiration.

I reluctantly oppose this alternative because if given the opportunity to have a perfect world could we, should we work for more spending control? Yes, there is no question. For all of the haranguing that happens out here about the cuts, we know there are a lot more weeds in the garden we could pull; we know there is more reform that we could drive. We know we could work harder and probably find more spending to control.

We have some practicalities, however. One is we have some committees that have to do the work of achieving those reforms. I have worked with each one of those committees and the committee chairmen to arrange the agreements which bring the base resolution here today; and I respect that process, and I will support that process.

In addition, we have a President who is for really I think the first time since I have been in Congress willing to step up during a very challenging time in our Nation's history when we are at war and say even though it would be easy to use the war as an excuse and not worry about what is happening on the domestic side, the President of the United States has said we are going to control spending, work on the entitlement programs, and try to reform the programs and to meet the needs out there.

The fact that the RSC comes forward with a budget that goes a little further, as I say, I respect that; but I do not think that we are going to get the support behind it that we need in order to get it done. At the end of the day, that is what we need. We need the budget to pass so we have something to enforce.

I want to speak to that briefly because as congressional watchers may have seen or misinterpreted, the intramural discussion that went on and fighting that may have seemed to be happening between friends and colleagues, I interpret what the RSC was doing, the Republican Study Committee was doing with regard to enforcement to be the exact right attitude to have. That is if you are going to do the work of having a budget, then let us enforce it.

The good news from my standpoint is last year when we were not able to get a budget through both bodies, the House took the version we passed, we deemed it, and we enforced it. We stuck to it. At the final analysis of the Congressional Budget Office when all of the smoke cleared and they finally were able to close all of the books, you know what we blew that budget by, a $2.4 trillion budget, and we missed it by $400 million.

Now Members could say we missed it, but I would say for not having a budget in both the House and Senate and not having the budget being the force of law with the President, I would say that is a pretty good track record and one that I give a lot of credit to our Speaker, in particular, for having accomplished. I give them much credit not only on the work product of coming forward with a budget, but also their desire to enforce it. I stand ready to work shoulder to shoulder and side by side with them as we not only get that budget done, but enforce the budget the rest of the year. I commend them on their work product, and I reluctantly will vote against their budget.

Mr. Chairman, I reserve the balance of my time.

Mr. SPRATT. Mr. Chairman, I yield 5 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Chairman, I thank the ranking member for his kindness in providing time for me and also the chairman for providing the time he has provided to other Congressional Black Caucus members.

Mr. Chairman, I am both pleased and proud today on the alternative budget that we, the Congressional Black Caucus, have crafted. It is a sensible and fiscally responsible budget that takes into consideration the needs of the average working American. This budget does not cater to the wealthy, but addresses the needs of ordinary Americans coping with the daily economic challenges that they face such as education, jobs, and housing. In short, Mr. Chairman, the CBC alternative budget works toward eliminating disparities in housing, small businesses, economic, educational, and other disparities created by the administration's fiscal year 2006 budget.

First, as we all know, a sound education is a stepping stone to economic opportunity, success, and prosperity. The CBC alternative budget has a comprehensive approach to education and training by increasing funding for education and training programs by $23.9 billion over the majority budget. It provides funds for school construction, fully funds No Child Left Behind, and provides critical funding for Head Start, Gaining Early Awareness and Readiness Programs, and Individuals with Disabilities Education Act, or IDEA. For those in college, the CBC budget appropriates $450 million for Pell grants. In addition, the CBC budget funds the Perkins loan programs, job training, and vocational education programs that are critical in today's global economy.

Our young people, particularly African Americans, are lagging in education when compared to other groups. This budget aims to close the achievement gap here at home while making our students more competitive worldwide. The CBC understands that Federal support for community and regional development helps promote growth in economically distressed urban and rural areas. To remedy these economic disparities, the CBC budget ensures that the community development block grant programs will continue to improve housing conditions in low- to moderate-income neighborhoods.

Our budget adds $1.5 billion to CDBG grants and improves housing conditions for moderate-income families. I cannot emphasize enough the importance of CDBG grants. They assist cities and counties with creating jobs, increasing economic development opportunities, and expanding homeownership. CDBG provides for these services in a way that recognizes the unique needs of distressed areas in rural, urban, and suburban communities. It is the signature program for cities and counties to stimulate local economies. I know that from experience because I once served as the mayor pro tempore on the city council for Carson, California.

In 2004, CDBG assisted 168,938 households across America with their housing needs, including financial assistance, construction, rehabilitation, and other improvements. At least 95 percent of the funds support activities benefiting low- and moderate-income families.

The alternative CBC budget also allocates funding to the Small Business Administration and the Manufacturing Extension Partnership and provides additional funding for adult training and dislocated workers programs. By supporting these programs, the CBC is working to close the existing economic disparities in the United States and to help entrepreneurs and ordinary Americans realize the American Dream.

The CBC alternative budget also allocates additional funding for enforcement initiatives such as juvenile justice and prison reentry programs. The CBC understands we need to protect the homeland, and our budget adds $2 billion to meet urgent homeland security needs that face our Nation. The alternative budget therefore devotes additional resources for guarding against terrorist attacks through our rail and ports, including cargo screening that prevents nuclear or radiological weapons from entering the United States.

It also supports essential funding for the Centers for Disease Control to help us prepare for a possible biological attack. The CBC alternative budget ensures that cities, towns, and hamlets will receive the resources that are urgently needed to protect our citizens, resources that are absolutely needed for our cities and towns.

We can accomplish this, all of these priorities, by reducing the tax cuts from 2001 and 2003 from an individual's adjusted gross income that exceeds $200,000 and closing tax loopholes. I urge all of my colleagues to support this budget.

□ 2115

Mr. HENSARLING. Mr. Chairman, I yield 3½ minutes to the gentleman from New Jersey (Mr. GARRETT), a member of the Budget Committee and a budget leader within the Republican Study Committee.

Mr. GARRETT of New Jersey. Mr. Chairman, before I begin, let me just say that in addition to rising in support of this amendment budget, I also rise to support the efforts of the gentleman from Iowa (Chairman NUSSLE) that he has done to move us in the right direction with the budget that he has released.

It was just a short time ago that I had the opportunity to finish reading a book by Chuck Colson which is entitled "How Now Shall We Live". And it is a title that is an intriguing title. It is a question that we really should all ask ourselves all the time. How shall we conduct ourselves in our private lives, in our lives with our families and our lives in our community, in our lives in our society, and it is really a question that every Member of Congress should be asking ourselves every day as we come down to the floor.

Now, with families, how shall we live. Well, we ask our families to do a simple thing, to live within our means. Families have many ways that we can be spending our money, on trips, on schools, on property, on houses and fancy cars. But at the end of the day, a responsible family knows it has to spend no more than it takes in at the end of the year and must live within its means because if it does not what will the family be doing but simply passing that financial burden on to their children and their grandchildren.

So Congress really has to set an example, and I guess you could say in a way we have been setting an example for years. But we have been setting a terrible example for families for years, and it is about time that we set a good one.

I serve on the Budget Committee, and if you ever come to those meetings you will see, from the other side of the aisle especially, their ways to live within our means is to increase the means by increasing the revenue by raising taxes, and they just did it last week again.

I have never had anyone explain to me how we improve the economy by taking more money out of the family budget and sending it down here to Washington so that we can spend it. So raising taxes obviously is not the answer to living within our means. It is spending less.

Just like families who have lots of things that we can spend money on, Congress has lots of things that we can spend money on and if you come to the budget meetings you will see. Every agency, every department, every program that comes before us, they all say the same thing basically, that they want more money to spend.

As a matter of fact, if you sat on a budget hearing last year you saw the gentleman from Minnesota (Mr. GUTKNECHT), who, where we put charts up on all the time of these various things, spending requests and what have you, the gentleman from Minnesota asked a question. He said, could you put up a chart behind us of all the agencies, all the programs, all the departments that have ever come before us to ask for their program, for their department to spend less money. And we all looked at the chart, and there was nothing on the chart, because no one ever asks for less money in Washington because we know we always spend more.

So I am rising in support of the bill sponsored by the gentleman from Texas (Mr. HENSARLING) because it moves us in that right direction. It moves us in the direction of spending within our means. And how does it do it? Not really hard at all. One of the things it does is it limits our spending on nonsecurity discretionary by reducing the spending by 2 percent. 2 percent. Many families have to do that all the time. It is not a heavy lift to reduce our spending in that area. We should be able to do the same thing.

The second area is by reducing the growth in mandatory spending from 6.4 to 6.1 percent. We are still increasing spending there by almost twice the increase in the inflation rate, but we are just lowering the curve a little bit.

So how now shall Congress live? We shall live as families have to live, within their means. And this bill sponsored by the gentleman from Texas (Mr. HENSARLING) does do that.

Mr. SPRATT. Mr. Chairman, I yield a minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, it is very interesting listening to my colleagues make a presentation on their budget. And I would ask them really the real question, this is not about what Congress would do. This is about the needs of the American people.

It is interesting that if there was a serious intent about a budget that really was fair and did not burden the children of the future, we would not be adopting both the gentleman from Iowa's budget and the gentleman from Texas' budget, $1.5 trillion in new tax cuts over the next 10 years as proposed by the President and taking every single penny from Social Security.

The budget that is on the floor right now does nothing to close the disparities between African Americans, Hispanics and others less fortunate than others in the United States of America.

The Congressional Black Caucus budget, fair, balanced, closing the deficit, protecting our troops, but it understands protecting Medicaid and education funds and health care funds and homeland security.

The budget that is on the floor today now supports a trillion dollars plus in tax cuts and does nothing for catastrophic possibilities that may happen, such as a terrorist attack. This is the wrong direction to go. The Congressional Black Caucus closes the disparities and supports the investment in the American people.

Mr. HENSARLING. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE), one of the most fiscally responsible Members of Congress.

Mr. FLAKE. Mr. Chairman, I want to thank the gentleman from Texas for helping put together this package and for all the work that he has done on behalf of the Republican Study Committee and for all of my colleagues there that have worked so hard on this alternative budget.

I want to also commend the gentleman from Iowa (Mr. NUSSLE) for the budget that is presented here. It makes cuts of .7 percent in nondefense discretionary.

Finally, we are actually doing what families would do when a large deficit looms in the future, though we need to do far more than that. This budget would cut 2 percent. When you look at what lies ahead, when you look at the unfunded liabilities that lie ahead, this is kid stuff. We are going to have to do much, much more in the future. If we are inching toward bankruptcy in Social Security, we are flat running toward it with Medicare. And when you look at the liabilities there, we added $7 trillion in unfunded liabilities with the Medicare prescription drug bill, for example, that we are going to have to somehow deal with, that our kids and grandkids are going to have to somehow deal with.

We have got to get ahold of this deficit. The problem is not tax cuts. That is part of the solution. We need more revenue coming in. You do that by cutting taxes. We have seen that time and time again. The problem here is spending. There is a culture of spending in this institution that is just difficult to stop. This alternative budget makes some progress toward that end, but I again want to stress this is kid stuff compared to what we are going to have to do in the coming years to get a handle on this culture of spending.

I commend my colleagues for putting this forward. I urge this House to support it.

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to respond to an observation the gentleman from Texas (Mr. HENSARLING) made that this was the most fiscally responsible budget since the Reagan years. I was surprised, first of all, that he chose the Reagan years as a frame of reference. Those are the years that the mushroom deficits first appeared. We had deficits of $200 billion, 5.6 percent of GDP in the early 1980s. It took us 15 years to get to those deficits. That would not be the kind of model that I would choose. If you want something to model a budget after, then there is a much more recent and much more valid model and that is what we did in 1990, 1993 and 1997.

In 1990, both sides sat down, President Bush took part in the negotiations through his staff and we came to the first agreement for the settlement of the budget deficit. The Bush balanced budget agreement of 1990 and 1991, laid the foundation for what we accomplished in the 1990s. In 1993, we did the Clinton budget. In 1997, we finished it up with the Balanced Budget Act. All of those acts contained three elements, the PAYGO rule which we are proposing to reinstate, caps on discretionary spending backed up by sequestration, and a multiyear 5-year budget, not just a 1-year budget but a 5-year budget with goals to attain each year. That is what is lacking here, the budget process, the budget discipline, the budget plan.

If you want to see where this budget is likely to lead us, I would like to say once again that everybody should look in his mail and he or she will find an analysis of the President's budgetary proposals for fiscal year 2006. This is essentially the President's budget with a few changes to it, but it is basically his budget. As I have said, you only have to read two pages. You come to table 1.1 and you look in the far right-hand column and you will see the total debt accumulation according to CBO that will be incurred if we follow the President's budget through 2015. That total is $5.135 trillion and that is before anything for fixing the alternative minimum tax which CBO tells us is going to cost at least $640 billion, and before anything is added to the cost side of the ledger for the war in Iraq. This is where we are going if we adopt this budget, right back where we were in 1980 with the budget that the gentleman from Texas (Mr. HENSARLING) said he admired so much as fiscally responsible.

Mr. Chairman, I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, growing government and putting us on a path to doubling taxes on the American people meets nobody's definition of fiscal responsibility.

Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. CHOCOLA), a real leader on budget enforcement in this Congress.

Mr. CHOCOLA. Mr. Chairman, I thank the gentleman for yielding time and I thank the gentleman from Texas for his leadership on this very important issue which I think is one of the most important issues that our Nation faces in the long term.

Mr. Chairman, I rise in support of the Hensarling amendment. I do so because of a lot of reasons. I do so because the amendment in this budget is about simplification. It changes our budget functions from 19 that are really unrelated to the way we spend money around here to four simple budget functions, defense, homeland security, nondefense discretionary and mandatory spending, making the budget much simpler and easier to understand. It is about honesty. It creates a rainy day fund where we actually budget for emergencies. Every single year we spend Federal money on emergencies but we never budget for them. It seems to me if we know we are going to spend money, we ought to be honest and we ought to budget for it. It also is about accountability. It makes all of us more accountable because it has mechanisms on how we can enforce the budget which I think is the least we can do is pass a budget and stick by it and do what we say we are going to do to the American people. But most of all it is about fiscal responsibility. It starts the process of moving from the measurement of success on how much we spend to how well we spend. It does so in a way, as has been pointed out, it reduces nondefense discretionary spending by 2 percent, it reduces the size of growth in government in mandatory spending by just a little bit, and there will be those that say this is very draconian. But it reminds me of a lot long ago when I was in the private sector and I was in other budget process meetings, I would sit down with general managers of the business and I would say, your expense budget is reduced and maybe it is reduced by as much as 10 percent. You might expect the world was going to come to an end, we were going to lose all our customers, we were going to lose all our employees, but every single year the fact of the matter was that at the end of the year after we reduced our expense budget and we measured how well we spend not by how much we spend, we grew our market share, we served our customers better, our employees were more secure in their employment because our company was stronger and more successful. In other words, we learned how to do more with less and we were better off for it.

I think that government should be no exception because no family and no business is an exception to the challenges that we face. This budget gets us on the path of being able to meet those challenges in a very responsible way. I thank the gentleman for his leadership.

Mr. SPRATT. Mr. Chairman, I yield back the balance of my time.

Mr. HENSARLING. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. MCHENRY), an outstanding freshman Member.

Mr. MCHENRY. Mr. Chairman, I want to first start by thanking the gentleman from Texas for offering this budget alternative. I think it is a fiscally conservative, sane budget and I think it is much needed here in Washington, D.C. Furthermore, I would like to thank the gentleman from Iowa (Mr. NUSSLE), the chairman of the Committee on the Budget, for putting forward a very strong, fiscally conservative, reasonable budget for the American people that is not just good for our priorities here in Washington, D.C., like funding national defense, like funding homeland security, but it is also a good way to rein in government spending and eliminate government programs that have gotten out of control and maybe are not responsive to individual taxpayers.

□ 2130

So I compliment our chairman in that regard.

But, Mr. Chairman, the reason why I address the House tonight is because we have a better alternative, a much more fiscally alternative budget put before us by the gentleman from Texas. This budget would further reduce spending, would further rein in government growth, and would take on the mandatory spending programs that are going to bankrupt our country.

What the gentleman from Texas does with this alternative budget is rein in government spending and mandatory programs further, further reduce nondiscretionary spending, while at the same time funding the President's budget when it comes to defense and homeland security, two top priorities of this Congress. But, additionally, it continues the tax cuts. It continues returning the taxpayers' money to them at home.

So I think it is important that we keep all those notions in mind as we vote for this budget. I encourage those on the other side of the aisle who ask for more fiscal discipline to come on over and vote for this budget because it is a reasonable thing to do, the right thing to do. It is the right thing to do for the taxpayers, the right thing to do for the American people; and I encourage them to vote for the budget.

Mr. HENSARLING. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. PENCE), one of the outstanding conservative leaders of this Congress, the chairman of the 100-member Republican Study Committee.

Mr. PENCE. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise to commend the gentleman from Texas (Mr. HENSARLING), who is a man of principle and a man of personal courage, in his quest to restore fiscal discipline to Washington, D.C. In just a few short years, the gentleman from Texas (Mr. HENSARLING) has emerged as a national leader on fiscal restraint in Washington, D.C., and it is an honor for me to be associated with his handiwork in support of the Hensarling amendment.

I too join in the chorus of those conservatives who have spoken tonight in commendation of the gentleman from Iowa (Chairman NUSSLE), who has, in fact, produced the most conservative budget since the historic years of the Reagan administration. And the gentleman from Iowa (Mr. NUSSLE), who history may be calling him to other duties sometime soon, will leave a lasting and indelible mark on the budget at the Federal level, and we are grateful for his principled leadership and support as well.

I do support the Hensarling amendment, though, which today was endorsed by the 350,000-member National Taxpayers Union, Americans for Tax Reform, just to name a few, because it is long past time for Congress to put our fiscal house in order.

The OMB estimates the total fiscal outlays in 2005 will be a stunning 33 percent higher than outlays as recently as fiscal year 2001. We have seen extraordinary growth in various departments, including spending in the Department of Education, which has grown at almost twice the rate of even military spending. Spending at the Labor Department will have risen 26 percent during the same period.

The RSC budget, known as the Hensarling amendment, would provide for needed restraint by reducing nondefense-related discretionary spending by 2 percent and calling for $57 billion more in savings than the Committee on the Budget's budget; but better yet, the RSC's budget would dramatically enhance the possibility that Members will adhere to the spending levels set out in the budget resolution by providing bold initiatives in process reform, point of order protection, forcing

Congress to define emergency spending and account for it in the budget, creating budget protection accounts that would allow spending cuts to be directed toward deficit reduction or tax relief, just to name a few proposals.

The RSC budget is an opportunity for Members of Congress to vote for the President's number on defense and homeland security and a little bit less than the Committee on the Budget's number on everything else. Voting for the RSC budget is voting for finding more savings in the largest category of Federal spending, mandatory spending. And voting for the RSC budget is voting for a way to enforce the budget that the House passes and to embrace a series of budget process reforms, which, if they are not successful in the Hensarling amendment, may yet be entertained by the 109th Congress in the months and days ahead.

I strongly support the gentleman from Texas (Mr. HENSARLING), his courage, his principle; and I urge support of all of my colleagues of the Hensarling amendment.

Mr. HENSARLING. Mr. Chairman, I yield myself the balance of my time.

For some people, Mr. Chairman, we just cannot get enough government. But we are drowning in a sea of red ink already.

This is not a debate about how much we are going to spend on health care and education and housing. This is a debate about who is going to do the spending. We believe families should do the spending. We believe good things come from freedom, from opportunity, and freedom for families to choose the health care that is right for them, to choose the education opportunities for their children that are right for them, to find the best job in a competitive market economy. We cannot have unlimited government and unlimited opportunity. The Republican Study Committee believes in unlimited opportunity.

Mr. Chairman, we urge the adoption of this amendment; but should it fail, please, we ask the House to vote for the Nussle budget.

Mr. NUSSLE. Mr. Chairman, I yield myself such time as I may consume.

As I said before, I rise with reluctant opposition. What the RSC has done is bold; it is worth consideration. It will be part of the consideration as we go through the process, I am sure, throughout the rest of the year as well as we consider the budgets in years to come. But I would ask, as the author of the amendment just did, that while consideration be given that we adopt the underlying bill. And, therefore, I oppose the amendment, but with a great amount of respect and admiration for the work that has been done.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. HENSARLING).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HENSARLING. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. HENSARLING) will be postponed.

Mr. NUSSLE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. DRAKE) having assumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1334, PROTECTION OF INCAPACITATED PERSONS ACT OF 2005

Mr. GINGREY, from the Committee on Rules, submitted a privileged report (Rept. No. 109–20) on the resolution (H. Res. 162) providing for consideration of the bill (H.R. 1334) to amend title 28, United States Code, to provide for the removal to Federal court of certain State court cases involving the rights of incapacitated persons, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. GINGREY, from the Committee on Rules, submitted a privileged report (Rept. No. 109–21) on the resolution (H. Res. 163) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken tomorrow.

PROTECTION OF INCAPACITATED PERSONS ACT OF 2005

Mr. SENSENBRENNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1332) to amend title 28, United States Code, to provide for the removal to Federal court of certain State court cases involving the rights of incapacitated persons, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1332

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protection of Incapacitated Persons Act of 2005".

SEC. 2. REMOVAL OF CERTAIN CASES TO FEDERAL COURT TO PROTECT THE RIGHTS OF INCAPACITATED PERSONS.

(a) RIGHT OF REMOVAL.—Chapter 89 of title 28, United States Code, is amended by adding at the end the following:

"§ 1453. Protection of rights of incapacitated persons

"(a) Notwithstanding any other provision of this chapter, not later than 30 days after available State remedies have been exhausted, an incapacitated person, or the next friend of an incapacitated person, may remove any claim or cause of action described in subsection (b) to the United States district court for the district in which the claim or cause of action arose, or was heard.

"(b) The claim or cause of action referred to in subsection (a) is one in which the State court authorizes or directs the withholding or withdrawal of food or fluids or medical treatment necessary to sustain the incapacitated person's life, but does not include a claim or cause of action in which no party disputes, and the court finds, that the incapacitated person, while having capacity, had executed a written advance directive valid under applicable law that clearly authorized the withholding or withdrawal of food or fluids or medical treatment in the applicable circumstances.

"(c) In hearing and determining a claim or cause of action removed under this section, the court shall only consider whether authorizing or directing the withholding or withdrawal of food or fluids or medical treatment necessary to sustain the incapacitated person's life constitutes a deprivation of any right, privilege, or immunity secured by the Constitution or laws of the United States.

"(d) The United States district court shall determine de novo any claim or cause of action considered under subsection (c), and no bar or limitation based on abstention, res judicata, collateral estoppel, procedural default, or any other doctrine of issue or claim preclusion shall apply.

"(e) As used in this section—

"(1) the term 'incapacitated person' means a born individual who is presently incapable of making relevant decisions concerning the provision, withholding, or withdrawal of food, fluids or medical treatment under applicable law; and

"(2) the term 'next friend' means an individual who has some significant relationship with the real party in interest, and includes a parent.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 89 of title 28, United States Code, is amended by adding at the end the following new item:

"1453. Protection of rights of incapacitated persons.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from New York (Mr. NADLER) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1332, the bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 1332, the Protection of Incapacitated Persons Act of 2005, which I introduced today with the gentleman from Florida (Mr. WELDON).

Madam Speaker, the Florida courts are poised to determine that Terri Schiavo will have her feeding tube removed on Friday. This legislation will protect Ms. Schiavo from starving to death by allowing her to have a Federal court consider her case anew, unrestricted by the findings of the State court.

H.R. 1332 authorizes the removal of cases in State court to U.S. Federal court to vindicate the Federal rights of incapacitated persons under the United States Constitution or any Federal law. Such proceedings would be authorized after an incapacitated person has exhausted available State remedies and the relevant papers must be filed in Federal court within 30 days after the exhaustion of available State remedies.

What is going on in Florida regarding Terri Schiavo is nothing short of inhumane. She is facing what amounts to a death sentence, ensuring that she will slowly starve to death over a matter of weeks. Terri Schiavo, a woman who smiles and cries and who is not on a respirator or any other 24-hour-a-day medical equipment, has committed no crime; and she has done nothing wrong. Yet the Florida courts seem bent on setting an extremely dangerous precedent by saying that we must stop feeding someone who cannot feed herself. Who is next? The disabled or those late in life? This legislation is humane and the right thing, not only to protect Terri Schiavo, but also to reinforce the law's commitment to justice and compassion for all, even the most vulnerable.

The bill applies to anyone who might find themselves in Terri Schiavo's situation, namely, those who are in an incapacitated state and facing a court order authorizing "the withdrawal or withholding of food or fluids or medical treatment necessary to sustain the incapacitated person's life." The bill applies only to incapacitated persons, not to convicted criminals or those facing the death penalty, for example.

Furthermore, it applies only to those who have not executed in advance a written directive, commonly known as a living will, that clearly authorizes the withholding or withdrawal of food, water, and medical treatment in the event the person becomes incapacitated.

What Terri Schiavo and all disabled people deserve in contested cases is for justice to tilt toward life. When a person's intentions regarding whether to receive lifesaving treatment are unclear, the clear choice is to provide an innocent person with the opportunity to have a Federal court provide a "double-check" for life under Federal law, unencumbered by the decisions of a State court. A measure of a Nation's commitment to innocent life is measured in its laws by the extent to which the laws go to save it. This bill takes that extra step, not just for Terri Schiavo but for all of us. And I urge every Member of this House to take that step with me and overwhelmingly pass this bill.

Madam Speaker, I reserve the balance of my time.

☐ 2145

Mr. NADLER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise to oppose this bill because it is a dangerously reckless way to deal with some very serious issues.

The Committee on the Judiciary was supposed to have a hearing to examine this legislation, or rather another piece of legislation on this subject. This bill was introduced only a few hours ago. That hearing today was canceled and then we were told that this bill would be brought up.

We are dealing with some of the most difficult issues likely to come before this Congress, end of life issues, discerning the wishes of those unable to speak for themselves, ensuring due process and a fair and careful fact finding process.

Does this legislation do the job, or does it make matters worse? Has anyone looked closely at this bill? Have we had a hearing? Have we had a markup? Has anyone had a chance to look at the competence of its drafting, at the effects of its language? No.

There is no way to make these judgments easy, even when the expressed desires of the patients are clear and unambiguous. Where there is disagreement on the medical facts or on the wishes of the patient, these cases can be heart rending, and sometimes bitter, beyond the comprehension of those who have been fortunate enough not to have to make those decisions.

Unfortunately, we have no choice. Even a decision to do nothing is a decision with consequences. Someone eventually will have to make that decision, either the patient or someone on behalf of the patient. In a dispute, a court must make the final call. I am grateful that burden has not fallen on my shoulders.

So what does this bill do? It would place the Federal judge and then Federal appellate judges in the middle of a case, after State courts, doctors, family members, counselors and clergy have struggled with that case perhaps for years. After everything is over, everything determined, everything adjudicated, and the participants finally sighing a sigh of relief that it is over, then a Federal judge jumps in.

It does not deal just with feeding tubes. It would allow intervention in any decision affecting any kind of medical care. Read the bill. It even says that the cause of action does not include a claim or cause of action in which no party disputes and the courts find that the incapacitated person while having capacity executed a written directive, et cetera.

What does that mean? It means that after someone writes a living will and says I do not want to be resuscitated, or do not use painful treatment beyond a certain point or whatever, and after the courts in that State have found that that is what happened, that that is what the person meant and that those instructions are to be followed, some busybody from outside can now come in and start the process all over again, notwithstanding the fact finding in the State courts, because we do not trust State courts any more. We do not trust the elected State courts, we want the unelected Federal judges that we normally excoriate in this Chamber. Now suddenly they are trustworthy and we want to come and say they should start a whole new proceeding after everything is over and drag the case on, to the anguish of the family members, for another few years.

This bill allows a large number of people, not just the spouse or a relative, to intervene in these cases, years into the proceeding, or even after everyone thought the proceeding was finished. Even if the incapacitated person has executed a written advance directive, any party can drag the matter into Federal court simply by "disagreeing." That is what the bill says.

Do we have no respect for families? Do we have no respect for the carefully established procedures our State legislatures and courts have set up to wrestle with these difficult situations? Do we have no interest in writing a law for the whole country that might actually do the job right?

Unfortunately, the leadership is determined to vote on this important life or death issue without giving the Members of this House the opportunity to actually look at the issue or even read the bill or to think about it.

These things should not be done in haste tonight. That may be par for the course these days, but it is irresponsible and shows real contempt for the families who will have to live with this.

If you think this is the only way to prevent the disconnection of Terri Schaivo's feeding tube, that we should not legislate this way, we should give Members the opportunity to read bills, we should not ride roughshod over State judiciaries, but here we have an emergency because the case is coming down right away in Florida, consider this: The Florida legislature is considering its own legislation on this matter. There is no need to enact radical legislation unconsidered for the whole country just for this one case. Florida, for better or worse, is addressing it.

We should take back this bill and look at it carefully. People should at least read it. We should hold hearings. We should get expert witnesses. We should tighten up the drafting so that not any busybody can come and insert himself or herself into a family's anguish. We owe American families that much.

I urge that this bill not be passed tonight, and that we stop, look, listen and think.

Madam Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Madam Speaker, I rise in strong support of the Protection of Incapacitated Persons Act of 2005, and I rise at this late hour to commend the author of this legislation, the distinguished chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER). I also offer commendation to its lead cosponsor, the gentleman from Florida (Mr. WELDON).

Without the vision and the compassion of this chairman and this physician-turned Congressman, we would not be here tonight, and in all likelihood Terri Schiavo's life would begin to end this Friday when her feeding tubes are removed.

As the gentleman from Wisconsin (Mr. SENSENBRENNER) just said, a nation's commitment to life can be judged by the way it treats its most vulnerable. The courts in Florida at this very hour are poised to have Terri Schiavo's feeding tubes removed Friday. But in a stroke of rhetorical and legislative brilliance, the gentleman from Wisconsin (Chairman SENSENBRENNER) has instead offered, instead of removing her feeding tubes, that Congress will make it possible to remove her case to Federal court.

Under the protection of the Incapacitated Persons Act of 2005, individuals in an incapacitated state would have the opportunity to have their cases removed to the Federal courts. The District Court's consideration is restricted to determining whether the State court's ruling violates any right, privilege or immunity secured by the Constitution.

I must say I am a bit befuddled by the gentleman from New York's objections to this bill. It seems to me that many of our colleagues on the left are often content, and rightly so, to have the Federal courts defend the constitutional rights of Americans, and here in the case of one of our most vulnerable citizens, the arguments are lost on me as to why as to securing those constitutional rights the Federal District Court would not be the proper jurisdiction.

And with this I close: The Bible tells us we have three duties: to do justice, to love kindness, to walk humbly with our God. This is a deeply meaningful moment to this Member of Congress. I am grateful to the gentleman from Florida (Mr. WELDON) for his leadership. I am profoundly grateful to the gentleman from Wisconsin (Chairman SENSENBRENNER) for his compassion and his vision in bringing this bill to the floor. In so doing, the gentleman from Wisconsin (Mr. SENSENBRENNER) brings justice and kindness to the law in this extraordinary case and comes alongside the family of Terri Schiavo to say the American people hear you and are anxious to bring you relief.

Mr. NADLER. Madam Speaker, I yield 5 minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Speaker, I appreciate the gentleman's courtesy in permitting me to speak on this measure this evening.

I must note in passing as I was listening to my colleague from Indiana I know speak from the heart, but I find irony that he talks about perceived inconsistencies by people on our side of the aisle.

I note that this is the same majority party that would seek to deny the Supreme Court the authority to be able to deal with matters that relate to marriage. They think that that is not appropriate for the Federal court. They do not trust the Supreme Court to deal with these personal issues. But if they are thinking that they can continue with efforts to have government interfere with some of the most painful, personal areas, then they are willing to cast aside consistency and move forward.

I have watched as a Member of this Chamber a consistent effort to try and interpose some people's version of what they sincerely believe from the heart, and I respect that.

But I have watched, for instance, in my State, where citizens have struggled with these sensitive issues of end of life. I come from Oregon. I have watched Oregonians struggle with a question of profound significance of how we are going to deal with end-of-life questions; who is going to have control, where is government going to intervene and how far are we going to extend it.

I have watched for 4 years as the Bush administration has engaged in an assault against the decision of the voters of Oregon, not unelected bureaucrats, not unelected judges. Oregonians, not once, but twice, decided to be the first State in the Union that was going to try and deal with these sensitive personal issues openly and honestly. Because I will tell you that in every State of the Union, every day, decisions are made by physicians and families that end up shortening life, maybe even terminating life.

The difference is in Oregon, that is the first State where we decided we are actually going to have a legal framework that deals with this, that provides guidance. The assisted suicide that we have requires not one but two doctors to work with citizens, to be able to provide a framework, finding among other things that they are at the end of their life, the last 6 months, and that they are not doing this out of an act of desperation or depression.

In fact, there is pretty pervasive evidence that by having this framework and giving people control, there are probably fewer suicides, because people have a sense that they control their own destiny, and that armed with this and a prescription that would end their life, many of them choose not to move forward.

But we have watched the assault against the decision of Oregonians, approved by the voters, by the Bush administration through the courts, that to this point has been thwarted. We found people in this Chamber who have seen fit to criminalize the practice of medicine by injecting the decision of prosecutors to determine the intent of physicians in these most personal of matters. Thus far, at least, it has been resisted.

Well, Madam Speaker, the assault by ideologues and the intolerants who would impose government on these most personal decisions continues. We have seen it in Florida. This is a case in Florida we have all been following, where the politicians repeatedly have been seeking to intervene over the objection of the husband in this case.

The courts in Florida have seen fit to render judgment, but it is not good enough for folks. They want to go ahead over the objection of the parties involved, and they want to remove this to the Federal courts. As I pointed out, the same people that wanted to deny the authority of the Federal courts to deal with issues; for example, of marriage, to interfere with decisions with which they disagree.

You may not be from Oregon or Florida, but make no mistake, this is a drumbeat to take away the authority of citizens to deal with these most personal of matters. No one will be safe if we allow this path to continue. Families, local courts, voters, are going to be overruled by people in their zeal to tell others how to lead their lives.

I strongly urge that this misguided proposal be rejected.

Mr. SENSENBRENNER. Madam Speaker, I yield 3½ minutes to the gentleman from Florida (Mr. WELDON), the principal cosponsor of this resolution.

□ 2200

Mr. WELDON of Florida. Madam Speaker, I thank the gentleman for yielding me time.

I practiced medicine for 15 years prior to my election to this body; and, unfortunately, I personally had to get involved on many instances in cases like this. And I would just share with Members there were instances where I did support families' wishes to withdraw food and water. For me, the dividing line always was, are you prolonging the death? Are you prolonging suffering or are you prolonging life?

The case that has precipitated this piece of legislation does not involve a dying person. It does not involve a person with a terminal disease. It is not a person in a vegetative state. She has an active EEG. She has eyes that respond, a face that tries to smile. She tries to vocalize.

In my opinion, this legislation that the chairman has brought forward is essentially the same thing as the bill I introduced last week. My legal remedy was a habeas corpus method of dealing with it. The chairman has, I believe, actually come up with a better solution; the removal act I think is a better way to deal with this.

I would just simply point out to all of my colleagues, we do not actually in this bill make a determination that her feeding tube will stay in. It simply allows a Federal review to make sure her rights under the Constitution are properly protected, the right to due process, the right to equal protection, and as well her right to life.

The annals of medical history are filled with numerous cases of people in these semi-comatose states who come out of it. And as we all know, the mother and father and the brothers and sisters desperately do not want her to be starved to death and that the original guardian in this case found the testimony of the husband that she, Terri, had prior voiced no life sustaining measures should she ever be in this condition. His testimony was not credible.

Let me tell Members. I have been there; and when people have voiced a sentiment that they do not want heroic measures should they ever be in this type of condition, it is brought up immediately. It is not brought up 7 years later. The person comes in, they have had a stroke, a car wreck and you hear immediately from the family members. Uncle Joe or grandma said if they were ever like this, she would not want life-sustaining measures. You do not have a 7-year pause in this case.

Just to close, we do not actually say this woman will continue to get her feedings. All we simply say is there will be a review; and I think there desperately needs to be a review. This is unprecedented for a judge to order the withdrawal of food and water from somebody. It has never been done before to my knowledge. And then to order that the family members cannot put a glass of water up to her mouth, this constitutes, in my opinion, cruel and unusual punishment.

I commend the chairman for what he has done.

Mr. NADLER. Madam Speaker, I yield 5 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the distinguished ranking member on the Subcommittee on the Constitution of the Committee on the Judiciary, both for his very thoughtful presentation and as well for the difficult position that we are in in highlighting the difficult position we are in to say to my friends on the other side of the aisle and proponents of this legislation that I too do not want to see Miss Schiavo lose her life or begin to lose her life Friday with the termination of any sort of assistance. But we find ourselves in a very complex and difficult posture.

One might argue that the more appropriate vehicle for this particular case is a private relief bill that we believe may be offered in the other body because this is certainly not a poster case for any sort of right way to handle this very tragic circumstance.

I agree with the gentleman from Florida (Mr. WELDON) that if you had had evidence that someone articulated their desire to not be in this condition, it seems that you would have brought this at an earlier time.

I think what draws me to this particular legislation and wishing that we had been able to do, as the gentleman from New York (Mr. NADLER) has suggested, and that is to have a full hearing on this matter, is to be able to answer these very difficult questions.

I think what draws me to this initiative is the fact that it does point to the fact that there is no written document, and there is an oral representation by someone that Miss Schiavo does not want to remain in this condition. The written document qualification is, I think, an important aspect of the initiative, and it has merit, and it gives the bill certainly more credibility.

Where I have difficulty, of course, is the definition of "next friend." I think it is too broad. It lends itself to the criticisms of my colleagues, which is, who is defined as such. We appreciate the passion of the parents of this young woman. I think they have legitimate standing. But "next friend" defined as an individual who has some significant relationship, does that mean a church member and family members are fighting against it?

So more thought on this particular bill as it expands itself to incapacitated persons is what I think that we would have needed. I think also we have a circumstance as to whether or not this does mean that you would interfere in all kinds of medical procedures as opposed to this unique and special circumstance. Is a person incapacitated temporarily or for a long period of time? If it is a temporary incapacitation, meaning they have come in with a terrible tragic accident and may have the ability to recover, what does that mean in terms of this particular initiative? Does it then come in at that point or is it a long-term incapacitation?

The idea that someone could argue or could utilize the courts, in this instance the courts in the State of Florida, to act on their desires to eliminate the feeding of an individual to me is abhorrent. But I hope that this legislation would not then be the precedent for interference in a woman's right to choose, and I think this is a difficulty when you jump the legislative process and come from a written legislative initiative and then come to the floor of the House with no opportunity to ask the hard questions and to answer the hard questions as well.

I would hope that the Private Relief Bill that is proposed in the other body is a route that is taken. I believe a bill that is as broad as this one needs a full hearing, and I believe that this also cries out for bipartisanship.

All of us feel the pain that the parents of this young woman are experiencing. All of us feel the pain of the dilemma of the decision-making as to what should happen. And all of us sense that there is a greater opportunity for her, meaning that she should have the opportunity, or many of us feel that she should have the opportunity, to live. I do. But I am certainly concerned that we would put it in this format with no opportunity for a full hearing, no opportunity for amendment, and no opportunity to fully understand the broadness of this legislative initiative.

I think the Federal court and the constitutional provisions have a great deal of merit. I think that this particular party has the right to have their constitutional rights assessed. I would hope that all of us would have that right.

There are those who choose to die and those who choose to live. It would be far better to have done so in a broader way.

Mr. SENSENBRENNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the gentlewoman from Texas (Ms. JACKSON-LEE) has said that the Private Relief Bill is the way to go rather than the legislation that is before us. If the Private Relief Bill were introduced or came over from the Senate, Terri Schiavo would be dead before we could consider it.

I would draw the Members' attention to rule XIII clause 1(a)(3) of the rules of the House of Representatives that says that the Private Calendar is provided in clause 5 of rule XV to which shall be referred all private bills and all private resolutions.

There is no exception to that.

And rule XV clause 5 says that the private calendar shall be called only on the first Tuesday of every month, and at the Speaker's discretion, in addition, the third Tuesday of the month.

Furthermore, clause 5 of rule XV says that the Speaker may not entertain a reservation of the right to object to the consideration of the bill or resolution under this clause.

That means that private bills go through without debate.

And furthermore, under the clause that I have just cited, two Members may object to the private bill in which case it is recommitted to the committee.

So if only two Members are opposed to a private bill and come to the floor and object, that kills it once and for all.

Now, those are the procedural hurdles against the private bill coming up. And that is why the only way to deal with this issue in a timely manner is through public legislation such as the bill that is currently under consideration.

Madam Speaker, I yield 2½ minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Madam Speaker, I thank the gentleman for yielding me time.

The genius of our federalist democracy is that it maximizes the power of people to govern themselves by explicitly requiring that those decisions that can be made at the local level are within the purview of local government. Those decisions that can be managed at a State level are within the purview of the State government, and that only in exceptional cases can Federal power override the power of State and local governments.

This is a very tragic situation. It is a difficult and serious issue. It is one that every State legislature has struggled with. And the laws in our different States are different because the people across our large and diverse democracy differ on some of these issues.

I personally believe that the reason America is still vital and strong is because we are a federalist democracy, and we do have this wonderful vitality and differences in how we govern ourselves at the State level.

For 7 or 8 years this has been a tragic and disputed case in Florida. It has been through the Florida court system. It has had review. And we are setting the precedent in this bill of creating a Federal option when people do not like what the laws they made for their own State deliver to them.

Under our system, they should just change those laws, and they had time to do that. It does not make me happy to speak against this bill. I am not on the committee. I have not had background in it, but I know from talking to many Members on the floor that this is a matter of very deep concern to them. They are very concerned about what we are doing here tonight, and I just want to put on the record not only has this bill had no hearings but Members had no notice. And many Members will be very surprised tomorrow morning to find out that we passed this bill in suspension.

That is an insult to democracy on such an important issue that I regret that this has come to the floor and I personally oppose it.

Mr. NADLER. Madam Speaker, I yield 5 minutes to the distinguished gentlewoman from the State of Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Madam Speaker, I thank the gentleman from New York (Mr. NADLER) for yielding me time.

□ 2215

I stand here as a Member representing the great State of Florida and as someone who served in the Florida Senate when this gut-wrenching issue was debated intensely almost 2 years ago, where we determined that Terri Schaivo would be allowed to have her feeding tube be reinserted by order of the Governor, who had decided that he was going to be able to usurp a court decision. That was ultimately ruled unconstitutional and for very good reason.

There is no doubt that this is a family tragedy. In fact, this is just about the most personal and heart-wrenching of all matters that could arise in any family, but this is a family matter, where there is no room for the Federal Government in this case or in any case that a family has to make the most personal of decisions when dealing with an end-of-life decision.

This case in particular related to Terri Schaivo has been through 10 court decisions, 10 court reviews, and each time the courts have sided with Terri's husband and Terri Schaivo's wishes, where they have ruled that she made it clear that she would not have wished to remain in a persistent vegetative state.

There is no reason on earth why the U.S. government should step in to circumvent the wishes of one dying woman, and the gentleman from Florida, my colleague from the great State of Florida, maintains that Terri is not in a persistent vegetative state. Yet, doctors who have examined her, and I would imagine that my colleague from the State of Florida has not examined Ms. Schaivo, doctors who have examined her have consistently said that she is in a persistent vegetative state. In fact, it is only physicians who the Schindlers have employed who have said she is not, and they have reviewed her via videotape. The doctors that have actually examined Ms. Schaivo have determined that she in a persistent vegetative state.

The courts independently arrived at the decision that they believe that Terri wished to never remain in a persistent vegetative state. They interviewed her husband, her sister-in-law and friends of the family, but the decision that they reached was based on the testimony independently retrieved from her brother, from her sister-in-law and friends. They all testified that Terri had made her intentions clear.

The court and the doctors that examined Ms. Schaivo found that she has no cerebral cortex; that the reactions and responses that we have seen on TV dozens of time, that she seems to respond to her parents when they talk to her, that those are all reflexive, that they are not direct responses to interaction with people.

The doctors have examined her, again have examined her, that have reviewed her records, that have reviewed her MRIs have said that she is in a persistent vegetative state.

This is a horrible case. No matter what the facts are, it is a horrible case, but Terri Schaivo made her wishes clear, and we should not interject this body, the Federal Government, the United States Congress, into a personal family matter.

We are taking one set of facts for one family, which is the tragedy of one family and applying it to tens of thousands of families who have or will have loved ones in nursing homes, in hospice facilities or even those being kept alive by their families in their own homes. We are reaching all the way into very personal family cases in communities all across the country, and we are trying to apply a one-size-fits-all solution to all of them. That is totally inappropriate, and I think if we ask just about any family in America whether they think it would be okay if the United States Congress made an end-of-life decision for their loved ones, they would resoundingly say no.

I find it particularly hypocritical that those that talk about the defense of marriage now want to interject the Federal Government between a husband and his wife on what was a personal family matter. I ask that we think about how we would feel if, God forbid, our own loved one were in a persistent vegetative state and were in the circumstances and faced the circumstances that Terri Schaivo does. Would we want the United States Congress making the decision or would we want to be involved in that decision ourselves solely on our own?

I think that most families would resoundingly say that they want to make that decision. There but for the grace of God go I.

Mr. SENSENBRENNER. Madam Speaker, I yield 1 minute to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Madam Speaker, I thank the chairman of the Committee on the Judiciary for yielding me time, and for bringing this bill, H.R. 1334, the Protection of Incapacitated Persons Act, to the floor, and I thank the gentleman from Florida (Mr. WELDON), my physician colleague, as coauthor of this bill.

I think part of the question here is whether or not Terri Schaivo is truly in a persistent vegetative state. I practiced medicine for 26 years, and in my opinion, no, I have not examined Ms. Schaivo, but I trust my colleague the gentleman from Florida (Mr. WELDON). I agree that she is not in a persistent vegetative state. The pictures of her, we have seen them on television, the balloon that she followed with her eyes, the smiles, the recognition of her family.

I think this lady deserves the right to live, and as a physician Member of this body, I feel very compelled to stand up here and passionately support this bill, and I hope my colleagues on the other side will join us because I think it is the right thing to do.

Mr. NADLER. Madam Speaker, I yield 1 minute to the distinguished gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Madam Speaker, this House has seen plenty of outrage, but this is the most outrageous thing I have ever seen.

You come with a bill that is not on the calendar. You pop it out in the middle of the night, when all the Members are down at the White House on the Republican side having dinner with the President. You try and change what is going on in a court because you do not like what is going on in a court.

How do you know what is going to come out of those courts in Florida? Oh, no, let us put it up in a Federal court or let us change everything.

The Members on the other side of this aisle do not believe in process. You do not believe in government by law. You believe in raw power. If you have power, you can bring anything out here at any time and run it through here without any debate and no hearings and no anything. You ought to be ashamed of yourself that you have no shame, that you would come on this floor like this with a bill that is as complicated as this and do it without a single moment of hearing. It is a disgrace.

Mr. SENSENBRENNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would just refer the membership to the text of the bill on the top of page 3, which says, and I read it, "In hearing and determining a claim or cause of action removed under this section, the court shall only consider whether authorizing or directing the withholding or withdrawal of food or fluids or medical treatment necessary to sustain the incapacitated person's life constitutes a deprivation of any right, privilege or immunity secured by the Constitution or laws of the United States."

Now, in every civil rights lawsuit that was removed to Federal court, the Federal court applied privileges and immunities and protections provided by the Constitution of the United States or Federal law, and all this bill does is to allow the same type of review on whether someone's Federal rights are deprived by action of the State court in the Federal court.

If we did not do this in the civil rights revolution of the 1960s, this country would be a lot different place and a lot worse place than it is today. It was Federal judges that applied Federal law in those cases, and if it was good enough to apply them in the civil rights cases of the 1960s, why is it not good enough to deprive a person who is incapacitated the same type of Federal judicial review on their Federal rights in a Federal court?

We should not deprive an incapacitated person of a judicial review in a Federal court of their Federal civil rights, and that is why this bill ought to pass.

Madam Speaker, I reserve the balance of my time.

Mr. NADLER. Madam Speaker, I yield myself the balance of the time.

Madam Speaker, the phrase that the distinguished chairman just read is a catch-all phrase. If a person thinks a court in a State is depriving someone of civil rights they can go into Federal court under a section 1983 action and say that there is an alleged deprivation of Federal rights under current law.

This is far broader. What we have heard from the distinguished gentlewoman from Florida about the facts of the case are compelling, but I would remind everybody this bill is way beyond the facts of this case.

It establishes for any interested person, someone who has a significant relationship with the incapacitated person, whatever that means, no definition, a right to come in, overturn what the courts have decided, overturn what the family has decided, what she has decided and subject that family to the agony of perhaps years of further litigation.

Maybe that has to be done in some cases, I do not know, but this kind of slapdash legislative procedure with no hearing, no consideration, no real understanding of what this bill does in cases far beyond Terri Schaivo should not be on this House floor tonight, and I urge a "no" vote.

Mr. SENSENBRENNER. Madam Speaker, I yield 1 minute to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Madam Speaker, I thank the Chair for allowing me to speak on this important bill tonight. I thank my colleague from Florida for bringing this issue before us tonight. Truly time is of a critical nature in this case.

Madam Speaker, all I would offer at this point is we would not be here discussing this bill if this patient had written down advance directives prior to her illness, and that is an important point that is being lost in this debate. This bill does nothing to undo a living will or an advanced directive.

An advance directive is available to any of us. A person does not need a lawyer to have one. They can go on the Internet, type in living will under their search engine and they will get a variety of options a person can complete themselves, leave with their family physician, their care giver, their hospital. I would urge people to consider filling out and filing an advance directive well in advance of any such illness and save families, spare families the difficulties that we have seen evidenced in this case.

Mr. SENSENBRENNER. Madam Speaker, I yield myself the balance of the time.

Madam Speaker, I agree with the gentleman from New York (Mr. NADLER) that this is a complicated bill, and it is an unusual procedure that we are bringing this matter before the House of Representatives tonight. However, if we do not deal with this issue, by the time we get around to having hearings and markups and debates and perhaps a conference committee this woman will have died, and that is why I think it shows the compassion of this House of Representatives and those who are supporting this bill to allow a Federal court to view whether or not this woman's civil rights, secured by the Constitution and laws of the United States, have been violated. I think she is entitled to have that kind of a Federal review before a final decision is made on whether to allow her to starve to death or to die of dehydration, and that is why we are here tonight.

It shows that the Congress can be compassionate, and it shows that we can deal with issues promptly, rather than saying oops, maybe something could have been done in the Federal court in a review of her Federal civil rights, but it is too late because she passed away.

Please pass the bill.

Madam Speaker, I yield back the balance of my time.

Mr. DAVIS of Florida. Madame Speaker, today, I rise before this House as a sad Floridian.

Along with millions of Americans, I am hoping and praying for the best for Terri Schiavo and her family.

Fifteen years ago, Terri and her family had so many things in life to look forward to. Never in their wildest dreams would they be able to foresee the tragic events that would raise a conflict so heated that the Federal Government would reach into their lives and alter their future.

As Terri's family works through their differences in court, one of the few things that could make this terrible situation worse is for Congress to turn this family's case into a political football.

But today, that is exactly what Congress is doing and it is exactly what the Florida Legislature is doing as well.

There are already laws in place dealing with both the guardianship rights granted to spouses under marriage and the terrible end-of-life choices that so many families must make. Since the beginning of our Nation, our Federal and State constitutions have provided the judicial branch the authority to determine if these laws are being fairly applied.

If the laws governing end-of-life cases needs to be improved, the Florida Legislature and Governor should have an open, honest debate about the issue and how any problems can be fixed for all families who struggle with these tough choices.

The U.S. House Republican leadership only made the situation worse by refusing to hold hearings and bringing this bill to the floor before my colleagues have even learned who Terri Schaivo, her husband and her family are, let alone the impact of the bill on other families.

In what only can be described as a stunning abuse of power, with little debate and zero respect for families, Congress is about to set a precedent that could strip every spouse of the right to make end-of-life decisions for his or her spouse.

So today, I have to ask my colleagues, "Do you think Congress is better suited to make an end-of-life decision for your spouse?"

I've spoken to a lot of my fellow Floridians about this tragic situation, but I don't think any of them have a living will in place that states "I want the politicians in Washington or Tallahassee to make decisions for me."

With every fiber of my being, I oppose this legislation. Congress' job is to fix problems with the law for all Americans. If Congress intervenes in this family matter, where will they stop?

Sadly, regardless of what we do today, no one wins. A husband may lose his wife and parents may lose their daughter. My heart and prayers go out to Terri and her family.

The SPEAKER pro tempore (Mrs. DRAKE). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1332, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 2230

THE JOURNAL

The SPEAKER pro tempore (Mrs. DRAKE). Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

EXCHANGE OF SPECIAL ORDER TIME

Mr. McDERMOTT. Madam Speaker, I ask unanimous consent to use the time of the gentleman from Ohio (Mr. BROWN).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

APPOINTMENT OF PAUL WOLFOWITZ AS PRESIDENT OF THE WORLD BANK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Madam Speaker, having watched that last bill, I continually am surprised in this House that I think I have seen everything, and then I see another one like this one tonight. But on the television today we saw an even more amazing thing. We saw the architect of the Iraq war and all the problems that still remain, the killings, the massacring of civilians, the instability of the government, the inability for them to pick their leadership, their inability to give security to the people of Iraq, we see that every day on the television. It is all the creation of a man named Paul Wolfowitz and his friend, Mr. Rumsfeld, the Secretary of War. The two of them together have put together this disaster that we now face.

Now, one would think that, given the failure of the planning and all of what went on in the Iraq war, you would be about to see the end of Mr. Wolfowitz one way or another. But history has some really interesting things in it.

Some of you may remember the Vietnam war. There was an architect for the Vietnam war. His name was Robert McNamara. Robert McNamara led us into the swamp; 58,000 people died. Tons and tons of folks died on the Vietnamese side. We wasted money. We put ourselves deeply in debt. And when it was over, Lyndon Johnson made him the head of the World Bank. Who would think that today the President of the United States would reward a man who has created the mess in Iraq with the job of being the head of the World Bank?

Now, what does the World Bank do? At the end of the Second World War we set up four institutions. We set up the World Bank, the United Nations. We set up the International Monetary Fund. They were all to stabilize what was going on economically and tie us together in trade.

And we take a man who is an avowed American imperialist, who believes in establishing hegemony across the whole world on the base of military power. That is really what the neocons believe. And the President says, you know, this is just the kind of guy we need at the head of the World Bank.

What does the World Bank do? Well, if a country wants to build a dam or they want to do some road improvement projects or they want to do some AIDS prevention or some AIDS treatment, they come to the World Bank and ask for loans. Imagine the world coming to the feet of Paul Wolfowitz and trying to get him to understand about rebuilding. This is a man who has flattened Afghanistan and flattened Iraq, has come in here and asked for $80 billion again and again and again, even today, 80 more billion dollars, and they still do not have the water running and the sewage moving, and they do not have electricity, and they do not have the basic requirements of a civil society in Iraq. And he comes in here, now to be the head of the World Bank. We are going to give him billions of dollars to hand out to the world to rebuild the very mess that he created. What in the world is the President thinking?

I suppose he thinks, well, maybe, you know, Paul created all those problems over there, bombed everything and led our neocon ideas, that if we could just get enough power, we just bomb enough, you could have a city like Fallujah in Iraq. It is a city of about 400,000 people. It is flat. Just like we did in the Second World War to Dresden, and we did with the atomic bomb in Hiroshima and Nagasaki. He flattened that city.

Well, that was to save it, you know, because they were so resistant in that city to American democracy that the only solution Paul Wolfowitz and his confreres in the department of war could think of was to bomb it flat. And now he is the World Bank president, and he will be letting the loans to put Fallujah back on its feet. Man, I have seen everything.

ORDER OF BUSINESS

Mr. OSBORNE. Madam Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

ALCOHOL AND NCAA ADVERTISING IS A BAD MIX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Madam Speaker, I do know Paul Wolfowitz and I guess I do not recognize the Paul Wolfowitz I know in comparison with the recent remarks. I hope people will evaluate him on what he has accomplished, which I think is rather substantial.

Madam Speaker, this weekend the NCAA basketball tournament begins. The tournament advertising provides millions of dollars to fund the NCAA. It is the primary source of funds for the NCAA. In 2003, alcohol producers spent $52 million on 4,747 beer commercials on college sports. Nearly one-half of the $52 million spent on alcohol advertising in 2003 was spent on the basketball tournament. Alcohol is the primary product marketed on NCAA sports broadcasts today.

I think this is a bad idea. Why? Number one, this advertising violates the NCAA's own bylaws. The NCAA bylaws, according to their handbook, are as follows: "Advertising policy of the association are designed to exclude those advertisements that do not appear to be in the best interest of higher education."

The leading cause of death on college campuses is alcohol related; 1,400 college students die each year from alcohol-related injuries. We have lost 1,500 in Iraq in 2 years, and we agonize over those deaths. We have 1,400 annually that die on college campuses. More than 70,000 students are victims of alcohol-related sexual assault, 500,000 students are injured under the influence of alcohol each year, and two of five college students currently are binge drinkers and sometimes are problem drinkers.

It does not seem to me that it is very logical that we would have the major social problem on college campuses be alcohol, and on the other hand turn around and use our athletic teams to promote alcohol advertising. It seems inconsistent, and it does seem to be in my mind at least to violate the bylaws of the NCAA.

Furthermore, the average young person today starts consuming alcohol at age 13, not 23, not 21. Age 13. So this has some tremendous implications I would like to discuss a little bit further because even though we are concerned about alcohol consumption on college campuses, and this is very damaging, I am even more concerned about alcohol consumption of teenagers because kids identify with athletes. Kids like sports. They see athletes on the television screen and in the stadium, and they want to be like the athletes, and there is a subtle connection between what they see on the courts and on the field and what they see on the commercials, which usually are young people, attractive people having a good time involved in alcohol-related activities. Therefore, there is a definite lure and a movement to move those kids toward consumption of alcohol.

The younger children are when they start to drink, the more alcoholism results. In other words, a young person who starts using alcohol at age 15 or earlier is 400 percent more likely to become alcohol-dependent than someone who starts consuming alcohol when they are the legal drinking age of 21. This causes tremendous devastation of these young people.

Also the younger you are when you start consuming alcohol, the more cognitive dysfunction occurs. Hence the second graph I would like to point out here. These are images of a teen, of teen brain activity performing memory tests. This is a 15-year-old male nondrinker. The brain is firing pretty well. This is a 15-year-old male heavy drinker. This is a young person not under the influence of alcohol, but someone who uses alcohol regularly and is a heavy drinker. You can see the differences in cognitive function. You can see the differences, the problem-solving ability that would be changed in these cases.

So our young people are having a difficult time because of alcohol. At the present time it is estimated that there are 3 million teenagers who are full-blown alcoholics. And those addicted to other kinds of drugs would number probably in the hundreds of thousands. It is a huge problem, much more weighted toward alcohol consumption.

Also alcohol kills six times more young people than all illicit drugs combined. So methamphetamine, cocaine, heroin, we can lump them all together, and alcohol kills six times more young people than all of those drugs combined. Also, under-age drinking costs the United States $53 billion annually, a huge cost.

So I think that we should really rethink this policy of the NCAA. There is no question that under-age drinking is still going to occur even if that advertising policy were to change.

Madam Speaker, I would say in conclusion that alcohol advertising on NCAA sports, number one, appears to violate the NCAA's own bylaws. And, secondly, such advertising promotes alcohol consumption on the college campus and also on the junior high school and on the high school campus. This is certainly very negative as far as our country is concerned.

I hope my colleagues will join me in simply urging through a resolution that the NCAA cease and desist this practice of alcohol advertising on amateur sports, particularly NCAA sports, because it does appear to be in violation of their own bylaws.

☐ 2245

TRIBUTE TO DR. MELVIN E. BANKS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. RUSH) is recognized for 5 minutes.

Mr. RUSH. Madam Speaker, I rise tonight to recognize Dr. Melvin E. Banks of Chicago, Illinois, on his company's 35th anniversary. Dr. Banks is the owner of Urban Ministries, Incorporated, which is the largest African American owned and operated Christian publishing and media company.

At the age of 12, Dr. Banks discovered the Lord and his subsequent calling after sharing his testimony on the back roads of Birmingham, Alabama. At that time an elderly gentleman overheard his testimony and provided the young Banks with a Bible verse that would have significant impact on his future pursuits. Hosea 4:6 states, "My people are destroyed for lack of knowledge." Upon hearing those words, Dr. Banks knew immediately that God's purpose for his life was to help spread knowledge of the gospel from an African American perspective.

After founding Urban Ministries in 1970, Dr. Banks and his small staff operated out of the basement of his home for 12 years. As Dr. Banks' faith grew, so did his media ministry. In 1982, Urban Ministries occupied the second floor of a building located at 1439 West 103rd street in Chicago, Illinois. Guided by a vision that others did not see, Dr. Banks moved Urban Ministries in 1996 to its current 46,000 square foot headquarters in the Chicagoland area.

Today, Urban Ministries serves over 40,000 Sunday school teachers throughout the United States, Haiti, the Bahamas, Nigeria and South Africa. Under Dr. Banks' leadership, souls have been touched and prayers have been answered as Urban Ministries moves closer to its goal of reaching every black Christian church with Christian education products and services.

Mr. Speaker, Dr. Banks holds a bachelor's degree from Moody Bible Institute as well as undergraduate, graduate and postgraduate degrees from Wheaton College in Illinois.

So on this day, I congratulate Dr. Banks on this momentous milestone in his company's history. My fellow colleagues, please join me in extending best wishes to Dr. Banks on 35 years of success and for another 35 years of success that surely will be approaching.

CHILD PREDATOR ACT OF 2005

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Madam Speaker, media stories about sex crimes against children are presently being reported at an alarming rate in the United States. These crimes are also some of the most underreported of criminal acts. Last month in Colorado, an ex-convict for sexual assault of a child, a child predator, continued his dastardly deeds against kids and assaulted several children. This child molester was able to slither and sneak into a quiet Colorado community and prey on the innocent children because of registration loopholes in current law.

One of the victim's grandmothers said, "People have the right to know where sex offenders are living. The police should know. The public should know." We know the number one thing child predators desire is to remain anonymous. Those days are over. No longer can ex-convicts for child sexual assault move in and out of our neighborhoods without us knowing who they are. While some States have registration laws for convicted child predators, when those criminals move across State lines, they slip through the system.

We know that the recidivism rate of a convicted child molester is extremely high. When many leave the penitentiary, they continue their evil ways against our greatest natural resource, our children.

So today, Madam Speaker, I am introducing my first bill, the Child Predator Act of 2005, to hold these outlaws accountable and impose tougher sentences for child predators who reoffend. This act closes loopholes in the present law and places tools in the hands of parents who want to safeguard their children from these people. This legislation amends the Wetterling Act of 1994 in six ways.

First, the Child Predator Act defines the term "child predator" as a person who has been convicted of a sexual offense against a victim who is a minor if the offense is sexual in nature and the minor is 13 years of age or younger.

Second, child predators must report change of residence within 10 days of a move.

Third, the Child Predator Act requires community notification. Child predators would have to notify, at a minimum, schools, public housing and at least two media outlets such as newspapers, television stations or radio stations covering that community.

Fourth, child predators who knowingly fail to register would be charged with a Federal felony.

Fifth, the Child Predator Act would also mandate a national registration database. This would be available on a free access Internet Web site.

Finally, the Child Predator Act would require prominent designation of a convicted offender as a child predator.

The National Center For Missing and Exploited Children confirms that the sexual victimization of children is overwhelming in magnitude, yet largely unrecognized and underreported in the United States. Statistics reveal that one in five girls and one in 10 boys are sexually exploited before they reach adulthood. Less than 35 percent of those child sexual assaults are reported to authorities.

While through previous legislation we have significantly reduced the prevalence of this terrible and real nightmare to children, we must stay the course. We must remain ever vigilant and keep in this fight. Child predators, like their criminal counterparts in other arenas, are innovative. They stalk neighborhoods, playgrounds, Cub Scout dens, houses of worship, and as of late they exploit the Internet to target youngsters.

Madam Speaker, we must put child predators on notice and let them know once and for all that we will not tolerate this continuing victimization of children. I wish to extend an invitation for Members of this body to consider enlisting in the Victims Rights Caucus that I recently founded and cochair with the gentlewoman from Florida (Ms. HARRIS).

During my 22 years as a felony court judge in Houston, Texas, I have seen scores of victims come through my courtroom. Ironically, as large a contingent that victims are, they are one of the most underrepresented groups in the United States. This session of Congress, in cooperation with my fellow representatives, I hope to change this.

We must always remember that victims do not choose to be victims. As L.H. Harrington of the President's task force on victims of crime once said, "Somewhere along the way, the criminal justice system began to serve lawyers, judges and defendants. Victims are treated with institutionalized disinterest. The neglect of crime victims is a national disgrace."

Madam Speaker, to be a victim is an unforgettable nightmare but to become a victim at the hands of the criminal justice system is an unforgivable travesty. The first duty of government is to protect its citizens. We as a people are not judged by the way we treat the rich, famous and influential but by the way we treat the weak, the innocent, the children.

NO DEMOCRACY IN THE PEOPLE'S HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Madam Speaker, we have just concluded our legislative day. A number of incidences and legislative initiatives have been addressed that I would like to comment on in this opportunity that I have during this special order.

We just completed our discussion dealing with incapacitated persons. I do want to remind my colleagues that the issue is not to ignore the tragedy of the case in Florida, it is to recognize the broadness of the responsibility of the Members of the United States Congress. The point that I made earlier, that I wish to clarify, is that I too would not like to see this loss of life if there is some alternative. But I did suggest that because this legislation that has just passed the floor of the House would have had a better approach, which is to have a full hearing before the Committee on the Judiciary and other committees of jurisdiction, that the same relief could have been given to this distressed situation by offering a private relief bill.

The opposition noted that a private relief bill would take a long time through the legislative process. Let me remind my Republican colleagues who are in the majority that rules could have been waived to move a private relief bill forward expeditiously as quickly as any bill that we have just put on the floor. So it is certainly a misstatement for anyone to rise to the floor of the House and suggest that an action of a private relief bill could not have brought relief and that the party in question in Florida might be dead before that occurred when they know full well that this House is controlled by Republicans and if they desired to move a private relief bill forward quickly, it could have been done.

And then, Madam Speaker, I want to quickly comment on a bill that appeared before us in the Committee on the Judiciary where not one single Democratic amendment was accepted.

In fact, the Republican majority made it very clear that they had a perfect bill from the Senate and they really did not want to do anything in the Committee on the Judiciary. So when amendments were offered by Democrats to protect veterans, it was denied. When amendments were offered by Democrats to increase the allowance for private and parochial schools that might be exempted when someone filed for bankruptcy, it was disallowed. When we asked to protect those who are paying the tuition of their children, it was disallowed. When we asked for relief dealing with identity theft debts, when someone would steal your credit cards, debt would pile up and all of a sudden you might have to pay that for some ridiculous reason, we asked for relief in that instance, it was denied.

When we asked for relief for those who were sexually assaulted and therefore we did not want the liability to be extinguished when someone went into the bankruptcy court, it was denied. It was denied that if you received dollars through a natural disaster such as the terrible flooding and hurricanes in Florida and you wanted to protect those dollars that you got from a natural disaster against a bankruptcy filing, it was denied.

Frankly, the democracy in this body has simply been denied. Democracy has shut down. This is a one-party government, one party in the administration, one party in the House, one party in the Senate, and there is no room for democracy. What a shame on us that we would push democracy in Afghanistan and Iraq and around the world, places that I have been, and we simply cannot have democracy in this body on behalf of the American people.

Let me also suggest that I am looking forward to responding to the request by Supreme Court Justice Rehnquist by offering a court security act for 2005 which responds to Justice Rehnquist and other Supreme Court Justices asking for more protection of judges and courthouses in America. It is a travesty that we would have the terrible, tragic act in Atlanta and the killing of the relatives of a judge in Illinois. It is time now to provide resources, training and, of course, security mechanisms to ensure that justice does occur, justice by way of protecting our courts and our court systems and all the parties who go into our court system for fairness and justice. I hope my colleagues will join me when I file the Securing American Courts Act of 2005. We owe our justice system that.

THIRTY-SOMETHING CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for half the time until midnight as the designee of the minority leader.

Mr. MEEK of Florida. Madam Speaker, I just want to say that it is an honor again to address the House and the American people, also. I am sharing this hour today with the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), also. It is a pleasure to be here on the floor with her one more time.

Ms. WASSERMAN SCHULTZ. Once again it is a pleasure to be here with you.

Mr. MEEK of Florida. Madam Speaker, if I may take just a moment to talk about a friend of ours and a pillar in Florida. Mr. Bill Lehman, Congressman William Lehman went on to glory today. He served our country well. He was blessed to be here for some 91 years. He passed away with his family by his side. He served in the 17th Congressional District, Madam Speaker, from the time of 1973 to 1992 with great distinction.

□ 2300

He was one of the longest serving, if not the longest serving, chairmen of the Transportation Subcommittee of the Committee on Appropriations and did good works while he was here. A quiet man but a man that enjoyed to have a good time, and we will appropriately honor him with an hour here on the floor, designated by the gentlewoman from California (Ms. PELOSI), Democratic leader, at a later date, with reflections of friends that served with him in the Congress and also those Members who knew him well. And we send our prayers and appreciation to his family for allowing him to serve this great government of ours and play his role in democracy as the annals will reflect.

Madam Speaker, I yield to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Madam Speaker, I thank the gentleman for yielding to me. My colleague from Florida is always so eloquent, and one of the things that has struck me from the time I have been privileged to serve in the Congress, for about 10 weeks now, is that we really stand on the shoulders of giants in this Chamber and there are precious few that fall into that category and that deserve that accolade. And Congressman Lehman was most definitely one of them.

I am privileged to represent a good portion of his district. I can only hope, as I am sure the gentleman can because he also represents a portion of his former district, that both he and I and our colleagues from South Florida can even begin to fill his shoes. Certainly it is our responsibility to carry on his legacy, and I know that is what we will strive to do every day on this floor, and I look forward to the hour that will be devoted to his life.

Mr. MEEK of Florida. Madam Speaker, I appreciate the opportunity. Not only I, but former Congresswoman Carrie Meek, the three of us had an opportunity to take a picture together. Congressman Lehman, in 1972, in the newly created 17th Congressional District, he ran for it. As the gentlewoman knows, he served in local government also and ran for that seat and won. So we are the only three that have served in the 17th Congressional District, and that was a good time. We have an opportunity to celebrate not only his life, but we will have an opportunity to celebrate his spirit for years to come. And I know that he is there with his good friend, Dante Fascell, and they are talking about old times when they used to run this House.

Ms. WASSERMAN SCHULTZ. That is right, Madam Speaker. And if the gentleman will continue to yield, the one thing I want to add is that for those who did not know Congressman Lehman, his name was far more widely known because there are far too numerous to mention car dealerships across Florida and, quite honestly, Congressman Lehman was a leader in transportation for good reason, because there are thousands and thousands of drivers who began their driving careers thanks to Mr. Lehman and his family. And he has been not just a pillar of the community but a giant when it comes to transportation, and I think that should not be lost on this body.

Mr. MEEK of Florida. Madam Speaker, I thank the gentlewoman for her comments; and like I said, we will honor him appropriately on this great House floor.

Madam Speaker, I just want to once again thank the gentlewoman from California (Ms. PELOSI) for allowing us to represent the minority side here tonight and also to all of the leadership on the Democratic side. And being a Member of the House, it is always a great honor and privilege to come to the floor. So many Members before us have had this opportunity.

The 30-something Working Group that was created, and we have to talk about this every time because we have to make sure that Members understand that we are here to come to this floor to share good information and to make sure the American people know exactly what we are doing for them and also in some instances what we are doing to them, and I think it is very important that we remember that.

We have been talking a lot about Social Security lately, but tonight we are going to talk about the deficit. And I want to once again commend those groups that are out there on the Social Security front, before we get into the budget, that have been out there working very hard.

The President today made some comments from the White House. One thing that he did say, and I am glad that he has decided to come with the American people, was that privatization of Social Security will not resolve the Social Security issue. Some may say crisis; I say issue because Social Security is going to be solvent for the next 47 years, providing 100 percent of the benefits to the American people as they enjoy today, the 48 million Americans who celebrate benefits from Social Security, including survivor benefits that individuals that are receiving from those individuals that have passed on and have left something for their children.

Social Security will not end tomorrow. So I said we are going to be here on the budget. But it is interesting, when we start talking about the budget, that none of the philosophy or principles, because there is no plan, is not reflected in the budget. So we will talk about that a little bit more. But I want to just say that Democrats believe that for every issue that is facing our Nation, it is our responsibility to ensure the policies that we pursue are consistent with the values that we cherish.

These guiding principles are particularly crucial when it comes to our children and the future generations.

The Bush administration budget and the Republican leadership budget fall short of protecting or investing in our children, in our young people. It is fiscally reckless, adding trillions to the deficit over the next 10 years, but we teach our children to save and be fiscally responsible.

It is morally irresponsible to slash health care programs that are for young people and seniors, I must add, in my opinion. Education and youth development programs that provide our children opportunities to achieve the American Dream are crucial.

In Proverbs it tells us to "train up a child in the way he should go and when he is old, he will not depart from it." I think that it is important that we hold that as a value and cherish that here in this House. If the lessons to our children and young people are reflected in the House Republican budget, then we have failed them and ourselves and the future of the democracy.

We have only about 20 more minutes to talk, but we are going to share some of the values of the Democratic budget versus the Republican budget. And I must say there are some individuals that are well intended on the majority side, I must add; but they are being overwhelmed by individuals who are willing to fight for others and not fight for all. So I think it is important that we share the facts here tonight.

And I would love to here some of the gentlewoman's opening comments, and hopefully we can get into some of these charts we have so that we can share with the American people what is happening here in this House.

Ms. WASSERMAN SCHULTZ. Absolutely, Madam Speaker. And I think it has to be said that the gentleman has been an incredible leader in co-chairing with our colleague from Ohio this 30-something Working Group. We are really here to talk to our generation, to talk to the American people in our generation about the policy decisions that are made here in Washington and how it affects them.

I think the gentleman is right. I think we have a number of well-intentioned colleagues on the other side. But, unfortunately, this train is being driven by the right. It is being driven by the right wing of the Republican Congress. They are driving the train here, and the moderate voice is just completely snuffed out. Absolutely snuffed out.

And I think we should spend a little bit of time talking about how the Bush administration's budget affects education because a lot has been said and the President has touted this Pell grant increase as being so fantastic and how he has really made a commitment to expanding access to higher education. When we sift through the facts and the reality as to how he gets to that $100 increase in Pell grants, it is really astonishing that they would claim it is an increase.

Essentially, when he was campaigning in 2000, the President pledged to make college more affordable and accessible by increasing the maximum Pell grant for college freshmen to $5,100.

☐ 2310

He broke his promise once again. Once again, he says one thing and does another. They talk about numbers over here, and they are much higher or much lower, the opposite of what they promise, again and again.

Since 2001, just to give the facts, the cost of attending a four year public college has increased by more than $2,300. And what was President Bush's response? To increase the maximum Pell grant by $10 to $4,150 in 2006. But that would only pay for 4 percent of the college cost increases since 2001.

The way he finances this Pell grant increase is by cutting, essentially decimating, many, many other student aid programs. We have a chart here that I will move over and try to walk you through.

Essentially the Bush budget completely eliminates the Perkins loan program, a $66 million cut. If that proposal is enacted, more than 670,000 borrowers in 2006 alone would lose out on loan forgiveness if they choose to serve this country by becoming teachers, law enforcement officers or serve in the military. It totally eliminates that program.

The Bush budget forces millions of low and middle income students to pay thousands more for their college loans, because they eliminate the current low fixed consolidation benefits. According to the nonpartisan, their numbers, Congressional Research Service, this change will force the typical student borrower to pay about $5,500 more in college loans.

The President also, in order to give you a measly $100 increase in your Pell grants, he also completely eliminates the funds for Gear Up, for Upward Bound and for the Talent Search programs. These programs ensure that high risk students succeed in high school and move on to college. If the President has his way, nearly 1.3 million students, 70 percent of whom are minorities, will lose the support they need to make it to college.

This is how we are improving access to higher education in the Bush budget. It is just astonishing.

Mr. MEEK of Florida. Well, reclaiming my time, I am so glad that the gentlewoman pointed that out, because I think it is important that the Members pay very close attention to what is happening. I think not only do we have the constitutional responsibility, but we have the responsibility to the people that elected us in our districts to make sure we are not followers, but leaders in this process.

I can tell you I take no pleasure, Madam Speaker, to be a part of a Congress that oversees the highest deficit in this history of the Republic. I must say at no other time in this country's history we have had the deficit that we have right now in, and it is very unfortunate that this is going to be passed on to not only my children and grandchildren, but definitely those that are yet unborn.

The gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) and I are both parents. In many instances our children are going to be okay because of who we are and why we are here. But I can tell you that my constituents, and I know your constituents, did not say, well, I want to send you all to Congress so you can have better health care than I have, so that your children will have better opportunities than my children have. They sent us here to make sure we do not hand their children a bad deal. Because the goal of any parent or grandparent is to make sure that their children and grandchildren have a better opportunity than what they had.

I have a chart here that I want to share with the Members. As you can see, this is what has happened as relates to the backsliding here into the deficit ditch. This deficit went from a surplus, I must add, during the Clinton years when he started, and this House I must add, balanced the budget without one Republican vote, I must add, balanced the budget, and we were into surplus, some $263 billion in the surplus.

Now we have found ourselves in a downward spiral since this administration and this emboldened Republican majority here in this House has taken us to some $4 trillion projected deficit. I think it is important that we understand that this is real money, these are just not numbers, and it is taking our children even further down.

I have another chart here, and I am going to talk rather quickly because I know we have to move on here. This is what is going on as relates to the interest payments on the deficit, on the debt, and I think that it is only getting worse.

As you can see here, in the 2004 budget, money that is being spent, we are spending more money on paying down the debt, and this number here is actually in the billions, I must add, some $150 billion in the 2004 budget. But better yet, here in education we are spending less than we are spending on taking down the debt.

Also as you start looking at the environment here in purple, we are spending far less than we are spending in paying off the debt because of irresponsible spending. And if you go further over, our veterans, our patriots, so many of us talk about them. I am on the Committee on Armed Services, we have a lot of chest beating going on in that committee about who loves the troops and who does not love the troops, and who loves veterans and who does not love veterans, and folks start talking about the tattoos on their chest that they love the troops and all of this.

But I can tell you one thing as it relates to our spending in the 2004 budget, it does not reflect our values. I was talking about Proverbs a little bit more, but I will come back to that a little later.

I think it is important for us to also look at the amounts spent by 2010 if we continue onto this track. This big red mountain here is not education, it is not the environment, it is not transportation, it is not spending money on our veterans, making sure that we hold up our end of the deal that we said we would provide to them if they serve our country. No, it is the debt. It is the Federal debt as the way we see it now and the way it will be seen up until 2010.

I think it is also important for you to see education and where it stands as it relates to the debt and environment and veterans and so on.

Ms. WASSERMAN SCHULTZ. If the gentleman will yield on the debt, I want to just follow up with what you are saying about debt. If we can come on over to this chart, this talks about how the debt actually impacts families. Because debt, when you talk about trillions, one thing I noticed about this job that we have that our constituents so graciously gave us, is that when you start talking about billions and trillions of dollars, people's eyes start to glaze over. I have learned the difference between a billion and a trillion, and it is a lot of money. And what this debt means is a lot of money to the average family of four.

Going up the scale here with the ever-increasing debt that the Bush budgets have put on us, we are now going to reach, in 2004, the Bush budget raises the debt tax, which is basically what the debt costs every family of four in America, right now it is costing every family in America almost $4,400.

You go up the scale with the Bush budget proposal, and we are not even talking about Social Security, we are talking about what we have got right here, right now, not even talking about privatizing Social Security. By 2015, each family of four would have $10,500 that they essentially would responsibility for in terms of a debt tax and how much the debt was going to cost them.

That is where we have gone in this country. We are just going to keep adding and adding and weighing people down. What happens with our generation, on the front page of the South Florida Sun Sentinel the other day, I was flying up here, and the front page talked about "Generation Debt."

Our generation is Generation Debt, because we are not the generation of savers. Our parents and our grandparents were the generation of savers, but we are not. So we are already shouldering a tremendous amount, way more than we should, in personal debt. On top of that, the President heaps this on top of us also, and it is just wrong.

If you are going to talk about what we are doing here, you have to talk about jobs and technology and how that is going to affect our generation.

The number one issue for young people right now, for our generation, is finding a job. We supposedly have this fantastic reemergence of the economy, but job creation is still totally flat.

The current unemployment rate for individuals 16 to 19 is 17 percent. And, more and more, those young people need a job. We are not just talking about a paper route anymore, we are talking about kids who are 16 to 19 years old who need to earn a salary to help pay the family's bills. If they do not have a job, then their family is falling down flat. And the President's budget contains absolutely no job growth stimulation proposals, it squanders $1.6 trillion on tax breaks to people who do not need them.

Job training: We have no proposals for job training. In fact, the President cuts job training in his budget. He consolidates it into a single block grant, and then cuts the funding for these programs, for job training programs, by $146 million.

He eliminates the Advanced Technology Program, and I am trying to speed along also, which funds research and emerging technologies.

His budget slashes by nearly 60 percent the funds from the Manufacturing Extension Partnership Program, which is a program that helps small manufacturers with new technologies.

And lastly, our generation cares about the Internet. There are so many opportunities in expanding access to high speed Internet. This President has proposed to slash broadband assistance guaranteed loans by $190 million, and he has called for the total elimination of broadband telecommunications grants.

Are they thinking about our folks? They are clearly not. They have no interest in what is going to happen to the generation coming behind the one that already has theirs.

□ 2320

That is what we have got to do. We have got to make sure we can refocus the attention that is paid to our generation because no one is thinking about us.

Mr. MEEK of Florida. I can tell the gentlewoman that tomorrow on this floor Members will not only vote on the Republican budget but will also vote on the Democratic budget that we have put forth, and I must say that our budget will balance out in the next 10 years.

There has been so much cake and ice cream given out in the last 4 years and from the majority side. I want us to confuse Members and start talking about the President. The President proposed the budget of course, but we come up with our own budget. And I can tell you if you think the President's budget is bad, you need to look at the majority-side budget.

I can tell you some of my friends are Republicans and I can tell you this, here in the House, some of them are fiscal conservatives but they do not want to make a career decision as it relates to their position in this House to vote against their very own budget.

I will also tell you this, if one is a fiscal conservative there is no way in the world they can vote for that budget. I am very proud of the work that the gentleman from South Carolina (Mr. SPRATT) and others have done on the budget. In our Democratic budget we have given $1.6 billion more than the Republican budget for veterans health care and also for other programs for 2006, and $17 billion more over the next 5 years. The Democratic budget also reversed the $798 million cut to veteran affairs which helped veterans and their families.

I must also share, not only with the Members, 77 percent of the troops that are in Iraq and Afghanistan are under the age of 30 years old. These young people should be paid the attention that the Congress should reflect their future and their families' future, and I think that is important.

I do not want to get too far away because I want to make sure people truly understand this because I know there are about 100 charts in this Chamber. I can tell you for every chart we have, we not only have the source, this is from the Treasury International Capital System from the House Committee on the Budget, the Democratic staff.

This is what foreign countries like China and others, what they pay for our debt. We go to them. We ask them for money. They buy our bonds and they pay our debt. Now we are 44 percent indebted to foreign countries. And you can see how it has risen since the majority party has been emboldened by having the President in the White House. First it was 30 percent in 2000. In 2001 it was 30 percent. In 2002 it was 34 percent. In 2003, 37 percent; and 2004, 44 percent and climbing. There is no decline. There is no effort to bring a decline now.

Ms. WASSERMAN SCHULTZ. There is a name for that.

Mr. MEEK of Florida. What is the name?

Ms. WASSERMAN SCHULTZ. Borrow and spend.

Mr. MEEK of Florida. That is very interesting because I heard some folks in here talking about borrowing and spending and blaming us. There is more spending that is going on, but it has not just been about the war. It has been about irresponsible policy-making here.

I want to say we want to thank those that contact us via e-mail. We receive quite a bit of e-mail from not only the American people, but also even within this Capitol complex. If you want to e-mail us at 30somethingdems@mail.house.gov, we would appreciate it.

If you want to learn more not only about Social Security but about the Democratic budget, you can go on to Democraticleader.house.gov/30something. But you can go on the Democratic leader's Web site and get what we are doing here and what we are proposing.

I think it is also important for us to talk about. One may say, why are you all talking about what the Republican budget, what they are doing to the American people?

The reason why we are talking about it is because we are not in the majority. We fought all day on this floor, 5 hours of amendments, 5 hours of debate to fight on behalf of the everyday worker and retired American in this country. And if we were in the majority, it would be totally different. Those numbers I gave on veterans, the veterans would have what they need. The true budget balancing will happen in 10 years. We have made Social Security, the issue of privatization, we can tell the President to stop spending the taxpayers' money and burning Federal jet fuel, because it is not going to happen.

So until we are able to get the majority, then we will not be able to do some of the things we are doing; but we will fight to the bitter end to make sure that we protect American people and their values.

Ms. WASSERMAN SCHULTZ. In the last several weeks I have tried to talk about the impact on women that the Bush administration's policies have had. For example, there are 20 million women in this country without health insurance and millions more who can barely afford to pay their premiums; but this budget does nothing to hold down health care costs. It slashes Medicaid by a total of $45 billion over the next 10 years. That is a devastating cut on women and children because women account for over 70 percent of adult Medicaid beneficiaries.

In terms of violence against women, the President's budget cuts the Violence Against Women Act programs by $19 million; child care, the budget freezes funding for the Maternal and Child Health block grant and eliminates the Universal Newborn Screening Program.

Now, I have a 19-month-old. You have young children. I have passed legislation in Florida that ensured that we expanded screening for genetic anomalies and problems in newborns, and this Bush budget reverses all of that progress.

If we do not make sure we screen newborns for hearing problems, then we will have learning disabilities that are directly related to hearing abnormalities and without any excuse. But we have got to make sure that we think about children and families when prioritizing and that is what we could do. And the proof is in the pudding that we do not.

Mr. MEEK of Florida. Does the gentlewoman have something else to talk about?

Ms. WASSERMAN SCHULTZ. I also wanted to talk a little bit about health care because one of the most important issues that we have in this country is the skyrocketing cost of health care.

We have 45 million Americans who do not have health insurance. That means when they are sick, they cannot go to the doctor and they have to let their health care problems spiral out of control until they have to go to the emergency room to get the problem solved. And young Americans, our generation, are the most likely group to be insured. We think we are invincible. We think we are not going to have to worry about having health insurance and going to the doctor, so we go without. But more often we also cannot afford it.

Thirty percent of young adults age 18 to 24 have no health insurance at all. Compare that with 18 percent of adults who are 35 to 44 and only 1 percent of seniors. So the health care crisis disproportionately affects our generation, and there is nothing in the Bush budget to improve that. Where is this President's leadership on expanding access to health care?

When I go down the street, when I go to the supermarket at home, when I go to street festivals, people stop me in the street. I have heard the gentleman talk about people stopping him in the street and talking about issues that are important to them. The thing that they stop me on the most often is education and health care.

They say, if my baby girl or my baby boy is sick, I have no health insurance and I cannot get them shots. If they have a cold, I cannot bring them to the doctor. I have to wait until the problem is bad enough to bring them to the emergency room, and no mother or father should have to suffer through something like that.

This President needs to exercise some leadership in this budget on how to solve this problem and he has not. It is an abdication of leadership.

Mr. MEEK of Florida. I want to close and touch a little on CDBG, which is the Community Development Block Grants.

The Republican budget cuts funding for Community Development Block Grants by $8 billion over the next 5 years. These cuts will likely fall on Community Development Block Grants which the Republicans have proposed to eliminate, I must add eliminate. These cuts will have a significant negative impact on the ability of State and local governments to be able to provide housing and community development needs.

Last year, 1.6 billion of CDBG dollars were used for housing, and the result of that was 120,000 homeowners received assistance for rehabbing or working on their homes; and 11,000 families became first-time home buyers, and 19,000 rental units were being rehabbed.

The proposed CDBG cuts will have a particularly severe impact on the resources provided by housing and job training, domestic violence prevention, child care assistance, homeless assistance, small business development, and other services.

The Democratic budget provides $2 billion more than the Republican budget for 2006 and $9 billion for over the next 5 years. Community and regional development will be eliminated and the downward spiral of these block grants will be detrimental to so many communities.

I want to say to the city and county mayors, you need to call your Congressman and your Congresswoman and the Members of the other body and the administration and say the cutting of what we need will hurt our communities.

□ 2330

SOCIAL SECURITY

The SPEAKER pro tempore (Mrs. DRAKE). Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Kentucky (Mrs. NORTHUP) is recognized for the remaining time until midnight as the designee of the majority leader.

GENERAL LEAVE

Mrs. NORTHUP. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of this Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Kentucky?

There was no objection.

Mrs. NORTHUP. Madam Speaker, I rise tonight to highlight an important issue that has been the topic of much discussion across the country, Social Security. The Republicans in Congress have joined together to form teams to highlight important issues facing our Nation today, and I am proud to serve as the chairman of the Retirement Security team and to be joined by a number of my colleagues to discuss this important topic tonight.

First, I would like to invite the gentlewoman from Tennessee (Mrs.

BLACKBURN), my colleague, to share with us some of her perspectives on Social Security and how we address those challenges.

Mrs. BLACKBURN. Madam Speaker, I thank the gentlewoman from Kentucky for yielding and allowing me to participate in this debate.

Madam Speaker, as we begin tonight, I tell my colleagues I just have to comment, listening to my colleagues from across the aisle, one would think if they were listening to this great debate that we are having here that they believe everything depends on the government; the panacea has to be the government; the solution to the problems, it has all got to be the government.

As we talk about Social Security, we want to welcome them and invite them to come participate in the debate, but I find it so interesting. They do not bring new ideas to this debate, and they keep saying let us let the government tend to it, but they do not want to talk about the importance of developing an ownership society. They do not want to talk about giving power to the people.

I always wonder when I hear someone say government is the solution, government has got the solution, leave it to government, let them work it out, let us grow a bigger government. I think about Ronald Reagan and how he always said it is all about the people. It is all about the people. That is where the solutions lie.

Whatever the debate is, whatever our colleagues across the aisle, whatever their view is on Social Security reform, I would hope that no one will oppose a discussion on this issue.

We are brought here to Washington, those of us that are elected, and we come to Congress to participate in big issues that are going to impact individuals' lives and the American people's lives. It is true that our country has a range of problems that we are facing right now, but I think it is fair to say and I think that my colleague would agree with me that strengthening and stabilizing Social Security is at the top of that list.

I would invite our colleagues from across the aisle to join us in this debate, bring some ideas and to participate in how we should look at Social Security for future generations. I think it is very unfortunate that so many across the aisle are following the lead of the gentlewoman from California (Ms. PELOSI), the minority leader, and nearly every Democrat in the House has chosen to stifle debate, rather than to engage in it, and I think that is not leadership. It is really obstructionism.

Madam Speaker, about a week ago, President Bush visited Memphis, Tennessee, which is just outside of my district, and I would have liked to have been there and been a part of that, but things did not quite work out that way for me on last Friday. That did not stop the Democratic National Committee from attacking both the President and me in a statewide radio ad.

Their ad was misleading at best, and it essentially said that we should not even debate reform. They are essentially saying that we should bury our head in the sand and ignore the problem until it just goes on and runs over us. I can tell my colleagues, the DNC attack ad generated two calls. Only two calls to my Shelby County, Memphis, area office in opposition to any type reform. They spent all their money, 70 stations, State-wide, and we got two negative calls. Fifty calls from people who said I think we can talk about Social Security reform but let us not squash the discussion.

In fact, I have an e-mail from a man in Collierville, which is in Shelby County near Memphis, and he says: I was listening to WREC radio today and heard a rather obnoxious DNC commercial telling me to contact you to vote against the President's effort to modify Social Security. I am contacting you but rather to encourage you to work with the President to pass a reform.

On the day of the President's visit, a front page article in the local news section of the Nashville Tennessean read, Bush trip puts Democrats' focus on Blackburn. President in Memphis for next stop in Social Security debate. All this because we want to have a discussion. We want to talk about a very real problem and what we are going to do about it.

Now, is it not amazing, here in America, here in the United States House of Representatives, here in Congress, when you want to lead on a discussion and bring to the attention of the American people something that is a problem, then it makes you a political target. That is absolutely incredible. Facing a problem, addressing and defining a problem and then working to find a solution, that is what is called leadership.

Since last fall, I have been holding town hall meetings and discussions across my district, and we have been talking about Social Security reform in these. We are letting constituents know the process that we are going through and how we are searching for the right thing, the right steps to take, and I will not sugarcoat things here. Some people are absolutely opposed to the discussion. They will not consider the idea of reform, any kind of reform, but that is not the norm. I found that most people are not only willing to discuss reform, but they have their own ideas of what we should do, and that tells me something. People are thinking about this issue.

The Democrats in the House are unwilling, really unwilling to discuss the topic. They refuse to come to the table and say, okay, let us see what we can do to fix this problem. They are out of touch with mainstream America. They were out of touch in the last election cycle, and they remain out of touch today.

I have brought with me today, Madam Speaker, a handful of the thousands of e-mails that I have received to share with you.

Here is one from a gentleman in Arlington, Tennessee. It is also in Shelby County, down near Memphis, and he says: While I agree privatization accounts should not be the number one focus, they are a significant factor in this issues reform. Please accept the correspondence as a vote in favor of President Bush's proposal. He goes on and details some of the things that he likes and does not like about what he is hearing.

On the other side, I have got one from a woman in Nashville, Tennessee: I am opposed to the privatization of Social Security. I am in favor of reform, but there are many people who could pay more into Social Security or maybe take less out.

Another man from Collierville, Tennessee: Can you help pass Social Security reform? I would appreciate the opportunity to invest a percentage of my Social Security payments.

Does that not sound like a pretty good debate. These people are not afraid to discuss it. America is discussing the issue. We would like to think that the Democrats would also.

We have several bills in the House and the Senate that are proposing different reforms, and I want Tennesseans to know that I am going to continue to review these ideas, to talk with them about the bills that are being brought forward, and we will continue to support committee action on a range of proposals.

Some of the e-mails that I have received ask why we are doing this now, why we cannot just put it off for another decade. It is similar to refinancing your house. You refinance your home mortgage today and get a much lower interest rate than you could probably 10 years from now. Why would you wait when conditions will never be better than they are now? Well, that is where with what we have to do with Social Security. Conditions for reform will not get any better than they are now. It makes no sense to wait.

□ 2340

Last week I wrote an op-ed that ran in the Memphis Commercial Appeal newspaper where I talked about four indisputable facts regarding Social Security that we should all be able to agree on regardless of our party affiliation or ideology. Those facts are these: in 1950, there were 16 workers paying into Social Security for every one retiree. Today there are only 3.3 workers for every retiree, and by the time my two children who are in their mid-twenties retire, there will only be two workers for every retiree. We have 13 years when the Social Security will begin taking in less money than it pays out to retirees.

It is time for us to move forward. We know that the American people are engaged in this debate. We know that they are participating in this debate. I have had a survey on my Web site running for a week now, and I have had a tremendous response to this. I will tell my colleagues on the other side of the aisle, they had better start taking part in this very real, very lively discussion because there is a widespread view that we should do something and do it now. The only people willing to work on this are the Republicans and the Republican leadership in Congress.

It is a disservice to our Nation that our colleagues across the aisle do not want to participate. It is not why we were sent here to Congress.

Mrs. NORTHUP. Madam Speaker, I want to thank the gentlewoman from Tennessee (Mrs. BLACKBURN) who has been such a leader in our conference and is so eager to participate in this conversation.

There is a lot of misinformation about Social Security that is being promulgated across this country, but I think the most important facts that we can share with our constituents is that of every program and every idea that has been put forward, nobody wants to change anything for today's seniors, and there is a good reason for that.

For today's seniors, there are enough workers in the system that their Social Security check is protected. They are going to be fine. For those people that are about to retire, there are enough workers and enough money in the system to protect them. But for younger workers who are going to bear the responsibility for those who retire before them, there will not be enough workers to provide for their Social Security check. So what we want is to allow younger workers to begin to build their own nest egg so they can prepare for their own retirement as they shoulder the responsibility for those that retire before them.

Madam Speaker, I welcome the gentleman from Indiana (Mr. CHOCOLA) and thank the gentleman for being part of this discussion tonight. I know the gentleman is involved in talking about Social Security in his community. Please discuss some of what you hear and some of the misconceptions.

Mr. CHOCOLA. Madam Speaker, I thank the gentlewoman for her leadership on this issue. She is a tremendous leader and a clear voice in the House on this issue.

The President has recently been in my district, and I thank the President for his leadership on this issue as well, and for him taking on one of the most important issues we face as a Nation today and critical to future generations of Americans.

The President understands that we solve problems through leadership and leaders do not pass along problems to future Presidents or future generations. It was an extraordinary event when the President was in South Bend, Indiana, at Notre Dame, which I know is an institution very dear to the gentlewoman's heart, and the numbers who engaged in the dialogue on this issue were astounding.

There were over 8,000 people at the Joyce Center at Notre Dame. They came to listen to the President talk about this issue. And there were 200 people outside of the Joyce Center that were protesting the President. I would say that is a pretty good ratio. That reflects the common sense of the American people. They understand we have a problem.

Mrs. NORTHUP. Madam Speaker, that is very reflective of the numbers in my district. There were about 2,000 inside listening to the President. There were a number of organizations that tried to stir up a lot of activity outside to protest. There were about 100 people outside protesting.

That morning AARP had held their own roundtable, their own town hall meeting in order to share why they thought the President was wrong on this issue. They of course have massive organization, a huge mailing list, and they actually got 40 people to their town hall meeting. So I think people know that the organizations that are saying there is no problem and we should not be doing anything about it, whether it is to seniors as in seniors that are retired or seniors as in seniors in college that might be found on the Notre Dame campus, both of those groups are eager to talk about it and be part of the discussion.

Mr. CHOCOLA. Madam Speaker, that is absolutely true. I think one of the reasons that the President got reelected and I think one of the reasons the gentlewoman has been reelected in a very competitive district is people appreciate leadership. It is easy to be against things, but we are elected as public servants to be for solutions; and the harder the issue, the more responsibility we have to step up to the plate and solve the problems that we face as a Nation.

What I heard the President say when he was in South Bend is we have a problem. We can call it a crisis, whatever we want; but it is clearly and undeniable challenge, and I think the American people understand that.

I heard the President say it is not the seniors' problem. If you are retired or near retirement, your benefits are safe and secure and you are going to get everything you have earned, and all options are on the table. This is a debate that should be engaged in by all. The President said it does not matter if it is a Republican idea, a Democrat idea, any good idea will be embraced and be part of the solution.

I think it is important that we focus on the facts. Recently, I sat in a hearing of the Committee on Ways and Means where David Walker who is the Comptroller General of the United States, a former trustee of Social Security, and he made a pretty profound statement that we need to focus on nonpartisan facts and a bipartisan solution. I think it is important that we all engage in this debate to find a solution that benefits every single generation.

He talked about the Social Security trust fund. In his words, the trust fund has no economic value. He called it an accounting device. One of the earliest lessons I learned in business was that balance sheets and income statements are fiction, and cash flow is reality. That is a challenge that we face is in the short term we have a cash flow problem. In the medium and long term, we have a solvency problem, and that is what we are talking about and that is what we have to solve.

Mrs. NORTHUP. Madam Speaker, sometimes I use the analogy of the American family. Adults in that family come home from work, and from every single paycheck if they put $100 in a cookie jar for their children's college education, and then they borrow to buy a car, buy clothes, go on vacation, whatever they used it for, when the child is 18, they would have a cookie jar full of IOUs. And there is still the bill for the college tuition and no money in the cookie jar. That is essentially what has happened.

Social Security was a pay-as-you-go system. Whatever came in, whether it was taken out as part of your payroll tax or part of your income tax or part of your FICA, it went into the general treasury. Those dollars paid old age benefits and paid for services that the government provided.

So none of the dollars have been saved. Maybe many of us wish, especially those of us about to retire, wish this was not a tough or impending crisis, wish back when it was established in 1945 and subsequently that they had truly put the money aside in a trust fund and it had been earning interest. But that was not done back then and it has not been done, and so we need to wrestle with the facts.

We have some good ideas. We have some ideas that will make this a good system that will be there for our children. We know it will be there for our moms and dads. My mom is 82. Obviously, I want to make sure that everything is fine for her. And I want to make sure that for those about to retire, the trust they have had in the system that they be reassured that their benefits are secure.

□ 2350

But when we talk about it as a crisis, I will use another analogy and say it is like jumping off an 80-story building.

As you pass the 40th floor, you can say, well, nothing bad has happened yet, but clearly intervention is needed. And intervention is needed today in Social Security.

Mr. CHOCOLA. I do think facts are very important in this debate. We need to focus on the facts because the facts are what is going to lead us to a solution. Unfortunately, our friends on the other side of the aisle really do not offer any solutions. They just criticize principles that the President has offered and others have offered. They call some of these principles a risky scheme. They say that we are putting Social Security at risk. But the reality is the riskiest thing we can do is nothing. The riskiest thing we can do is ignore this problem and pass it on to future generations and really suffer, I think, very negative consequences.

These are certain things we know. We know that the system cannot pay the benefits that are promised. If we do nothing, we know that there will be a benefit cut to future retirees of about 27 percent. We know that we have a $10.4 trillion unfunded liability. That is in present dollars. That is, if we had $10.4 trillion, and that is with a T, in the bank today earning interest that we could fund the unfunded liabilities. If we had to pay every year, it is something like $27 trillion that we have in unfunded liability. Just to put that in perspective, the current national debt is just over $7 trillion. So the unfunded liability that we know that we have to face in the future is four times the size of the national debt today. People say, well, if we would find a solution that would require us to make transition financing or transition costs, that might be $1 trillion or $2 trillion. The reality is that is not additional debt. If the Federal Government accounted like every business in America, and I will not get in the weeds here and talk about accrual accounting, but if the Federal Government recognized its unfunded liabilities like every business does, we would already have that on the books. It would already be part of our national debt. So finding a way to move some of these costs up is not additional debt, it simply, as the gentlewoman from Tennessee said, is prepaying our mortgage. It is finding a way to spend money now to reduce our real costs in the future and preserve the system, make it stronger and make sure it is here for every generation.

It has been one of the greatest programs in our Nation's history. It has served our seniors well. We need to make sure that the system is there to continue to serve future generations just as well as it is serving our seniors today.

Mrs. NORTHUP. It is amazing that people talk about this being a risky solution when, in fact, the riskiest thing we could do is to do nothing. The fact is that as we wait, each year it grows worse. In fact, right now because Social Security is bringing in a surplus, we still have a few years left where we could use those dollars to help fund a transition. For every year we wait, we lose one of these years that we are in surplus and we pick up at the other end of the 75-year spectrum that we are looking at, a year where we have $600 billion of additional unfunded liability. So we not only give a year of transition up, we gain a year where we have huge, impossible-to-meet deficits and unfunded liabilities.

I came to the House 8 years ago. There has not ever been a leader in the White House and certainly resolving this problem is going to take all the leadership potential that we have in this country and we need the White House. There has never been a leader in the White House that was willing to roll up their sleeves and to say, Let's work our way through this, let's bring everybody to the table, let's put all the ideas on the table and certainly a solution is going to take multiple ideas and maybe more than just one idea, personalized accounts or whatever. But if we had done this right when I first came to Congress back in 1996, before I understood how serious and how quickly the situation was deteriorating for future generations, I think if we had addressed the problem then, we would have gotten 8 more years of surpluses and certainly those surpluses before we had the war on terror, before we had some of the other challenges, and we would not be where we are today if we had addressed those. And so to wait even one more year is going to make the situation more costly, more difficult, we are going to lose a year of surplus that could help finance this transition. That looks like a crisis to me.

Mr. CHOCOLA. I think it is certainly a crisis depending on your time frame and certainly our seniors today are fine, those about to retire are fine, but those retiring in the future will face this crisis if we do not act now. Those that say that there is no problem, that there is no need to act until the year 2042 when the trust fund is exhausted really need to answer the question, how are they going to pay the benefits? If they would come to the floor or they would offer their solution by saying, well, if we raise payroll taxes by 50 percent, maybe we could address this crisis and they may be right. But the reality is that more Americans pay payroll taxes than they do income taxes. When you want less of something, increase taxes on it. When you increase taxes on jobs, it would be devastating to our economy, it would be devastating to many low- and middle-income families.

I think it is critical that we find a package of good ideas, and personal accounts may be one of those good ideas, but the people that want to raise taxes have to, I think, face up to the devastating effects that they would have on our economy and our families and they also have to face up to the fact that we have already raised taxes since Social Security was put into place 22 times. Each one of those times it did not solve the problem. If you add in when we raised the cap on earnings, which is currently $90,000, the total goes up to 39 times. And so it is critical that we find this package of good ideas that not only solves the problem today but permanently solves the problem so future Members of this body do not have to come down and engage in this debate and say why we failed to act and did not live up to our responsibility as elected officials.

Mrs. NORTHUP. We know that we could not possibly tax our way out of these problems, we could not raise taxes enough and have a viable economy left if we tried to solve the Social Security problem with tax increases. We can look across the ocean to economies, for example, France where they did not address the Social Security problem, the Social Security challenge that they have there and because now the cost of those senior survivor benefits are so high in France, their economy is crumbling under the weight of those costs. In fact, no matter what solution we have, we depend on growth in this economy to fund the transition. And so we have to have two things. We have to have a plan to save and strengthen Social Security for our children. It is safe for today's seniors but for our children, to make it safe and secure and solvent for them, and we need a growing economy so that they can have those good jobs, so that they can build the personal accounts while they meet the Social Security needs for those that were in the workforce before them. And so growth and a new plan to enhance the Social Security for future generations are both needed. We cannot trade a growing economy in order to strengthen Social Security, because raising taxes would have a chilling effect on our economy and at the same time it would only be a very short-term fix.

I think these conversations, conversations with the American people, conversations with our constituents when we go back home and conversations between each other are helping us grow to better understand, better analyze the problem and to put forth good ideas. I am excited about the ideas that are being put forth. They are not scary to me. They are exciting.

I yield to the gentleman from Indiana to share with us his closing thoughts.

Mr. CHOCOLA. Again I would like to thank the gentlewoman for her courageous leadership on this, willing to take the risk of leadership to solve important problems for our Nation. I, too, hear when I am at home doing town hall meetings, why do we not put the money aside, why do we not spend it on general fund items like Congress has been doing for 60 years now. There is a mechanism to make sure that the money can only be used for Social Security benefits. That mechanism is called personal accounts. When you allow people to set aside part of their payroll taxes into a personal account, that they have some discretion on how that money is invested in a very safe and secure investment. That money is theirs. It cannot be used for any other purpose and it is going back to a term that has been used in the past, a personal lockbox for every individual.

Again, I thank the gentlewoman for her leadership. This is a debate that will be ongoing and one that is critical to the future of our Nation.

Madam Speaker, I yield back the balance of my time.

COMMUNICATION FROM CHIEF OF STAFF OF THE HONORABLE PETE SESSIONS, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mrs. DRAKE) laid before the House the following communication from Charles Bauer, Chief of Staff of the Honorable PETE SESSIONS, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 8, 2005.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued by the 3rd Judicial District Court of Henderson County, Texas, for testimony.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the precedents and privileges of the House.

Sincerely,
CHARLES BAUER,
Chief of Staff.

COMMUNICATION FROM OUTREACH COORDINATOR OF THE HONORABLE PETE SESSIONS, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Flo Helton, Outreach Coordinator of the Honorable PETE SESSIONS, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 8, 2005.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued by the 3rd Judicial District Court of Henderson County, Texas, for testimony.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the precedents and privileges of the House.

Sincerely,
FLO HELTON,
Outreach Coordinator.

COMMUNICATION FROM THE HONORABLE PETE SESSIONS, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable PETE SESSIONS, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 15, 2005.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued by the 3rd Judicial District Court of Henderson County, Texas, for testimony.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the precedents and privileges of the House.

Sincerely,
PETE SESSIONS,
Member of Congress.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. OSBORNE, for 5 minutes, today.

Mr. POE, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today and March 17 and 18.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1160. An act to reauthorize the Temporary Assistance for Needy Families block grant program through June 30, 2005, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 384. An act to extend the existence of the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group for two years.

ADJOURNMENT

Mrs. NORTHUP. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at midnight), the House adjourned until today, Thursday, March 17, 2005, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the fourth quarter of 2004 and the first quarter of 2005, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. VANESSA GRIDDINE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 9 AND NOV. 16, 2004

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Vanessa Griddine	11/9	11/11	Austria	236.07	305.00	....	....	....	....	....	305.00
	11/11	11/14	Italy	1,548.00	2,000.00	....	....	....	....	....	2,000.00
	11/14	11/16	Russia	20,850	728.00	....	....	....	....	....	728.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. VANESSA GRIDDINE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 9 AND NOV. 16, 2004—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Committee total					3,033.00						3,033.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

VANESSA GRIDDINE.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. MARGARET PETERLIN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 23 AND NOV. 28, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Margaret Peterlin	11/28	11/30	Austria, Kosovo, Greece		2,210.00		(3)				2,210.00
Committee total					2,210.00						2,210.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

MARGARET PETERLIN, Jan. 2, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. VANESSA GRIDDINE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 2 AND DEC. 17, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Vanessa Griddine	12/2	12/4	Lithuania		510.00				(4)		510.00
	12/4	12/7	Bulgaria		271.00						271.00
	12/7	12/10	Morocco		978.00						978.00
	12/10	12/11	Tunisia		232.00						232.00
	12/11	12/13	Algeria		214.00						214.00
	12/13	12/17	Italy		2,550.00						2,550.00
Committee total					4,755.00						4,755.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[4] Business center.

VANESSA GRIDDINE.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. VANESSA GRIDDINE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 23 AND DEC 28, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Vanessa Griddine	12/23	12/28	Ukraine		1,236.00						1,236.00
Committee total					1,236.00						1,236.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

VANESSA GRIDDINE, Jan. 28, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. ALCEE HASTINGS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 9 AND NOV. 16, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Alcee Hastings	11/9	11/11	Austria	236.07	305.00						305.00
	11/11	11/14	Italy	1,548.00	2,000.00						2,000.00
	11/14	11/16	Russia	20,850	728.00						728.00
Committee total					3,033.00						3,033.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ALCEE L. HASTINGS, Chairman, Jan. 26, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. ALCEE HASTINGS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 4 AND DEC. 17, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Alcee Hastings	12/2	12/4	Lithuania		510.00						510.00
	12/4	12/7	Bulgaria		271.00						271.00
	12/7	12/10	Morocco		978.00						978.00
	12/10	12/11	Tunisia	280.02	232.00						232.00
	12/11	12/13	Algeria		214.00						214.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. ALCEE HASTINGS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 4 AND DEC. 17, 2004—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	12/13	12/17	Italy	1,922.00	2,550.00						2,550.00
Committee totals					4,755.00						4,755.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ALCEE L. HASTINGS, Chairman, Jan. 26, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. ALCEE HASTINGS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 23 AND DEC. 28, 2004

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Alcee Hastings	12/23	12/28	Ukraine		1,236.00						1,236.00
Committee total					1,236.00						1,236.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ALCEE L. HASTINGS, Chairman, Jan. 25, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. JANICE McKINNEY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 23 AND FEB. 27, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Janice McKinney	2/23	2/27	United Kingdom		1,118.18		6,087.33				7,205.51
Committee total					1,118.18		6,087.33				7,205.51

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

J. DENNIS HASTERT, Chairman, Mar. 3, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO VIETNAM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 8 AND JAN. 14, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Darrell Issa	1/8	1/14	Vietnam		781.00		2,077.65				2,858.65
Sam Stratman	1/8	1/14	Vietnam		781.00		4,192.00				4,973.00
Committee total					1,562.00		6,269.65				7,831.65

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DARRELL E. ISSA, Chairman, Feb. 2, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2004

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. John Boehner[5]	11/23	11/28	Austria, Kosovo & Greece								
Committee total											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[5] Expenses not yet available.

JOHN A. BOEHNER, Chairman, Feb. 23, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2004

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Ed Whitfield	11/3	11/7	Turkey		0.00		671.76		516.00		1,187.76
Hon. Darrell Issa	11/21	11/24	Czech Republic		500.00		6,683.00				7,183.00
	12/1	12/4	Thailand		1,137.00		0.00				1,137.00
	12/16	12/18	Austria		642.00		0.00				642.00
	12/18	12/20	Ukraine		599.50		0.00				599.50

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2004—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	12/20	12/21	Ireland		486.00		0.00				486.00
Hon. Joe Barton	12/11	12/15	Argentina		1,149.00		2,661.30				3,810.30
Michael Goo	11/21	11/27	Czech Republic		2,160.00		4,911.78				7,071.78
Bruce Harris	11/21	11/27	Czech Republic		2,160.00		4,911.78				7,071.78
Mark Menezes	12/11	12/16	Argentina		1,540.00		473.45				2,013.45
James Barnette	12/13	12/17	Argentina		1,540.00		4,782.00				6,322.00
Michael Goo	12/10	12/20	Argentina		2,156.00		1,052.00				3,208.00
Chris Knauer	12/5	12/7	England		914.00		813.74				1,727.74
	12/7	12/8	Netherlands		417.00						417.00
	12/8	12/11	France		1,386.00				129.74		1,515.74
Margaret Caravelli	11/20	11/27	Czech Republic		2,160.00		5,700.78				7,860.78
Kurt Bilas	11/20	11/25	Czech Republic		2,136.00		4,258.57				6,394.57
Richard Frandsen	10/25	10/29	Switzerland		2,107.84		920.70				3,028.54
Paige Anderson	11/21	11/27	Czech Republic		1,860.00		4,258.57				6,118.57
Hon. John Shimkus	10/12	10/13	Qatar		327.00						327.00
	10/13	10/15	Iraq								
	10/15	10/16	Germany		264.00						264.00
Hon. Mike Rogers	12/16	12/16	Belgium								
	12/16	12/19	Luxembourg		396.00						396.00
Committee total					26,037.34		42,099.43				68,136.77

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOE BARTON, Chairman, Mar. 3, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Kenya Bennett	11/30	12/1	Berlin								
	12/1	12/3	Amsterdam								
	12/3	12/5	Warsaw								
	12/5	12/7	Rome				5,665.43				5,665.43
Hon. F. James Sensenbrenner, Jr.	12/8	12/11	Canada		246.00		1,128.34				1,128.34
Philip Kiko	12/8	12/11	Canada		246.00		1,128.34				1,128.34
Committee total					492.00		7,922.11				8,414.11

[1] Per diem constitues lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

F. JAMES SENSENBRENNER, JR., Chairman, Feb. 4, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Bill Pascrell, Jr.	10/12	10/13	Qatar		330.00		(3)				330.00
Hon. Bill Shuster	10/12	10/13	Qatar		330.00		(3)				330.00
Hon. Todd Platts	10/12	10/13	Qatar		330.00		(3)				330.00
Hon. Bill Pascrell, Jr.	10/13	10/13	Iraq				(3)				
Hon. Bill Shuster	10/13	10/13	Iraq				(3)				
Hon. Todd Platts	10/13	10/13	Iraq				(3)				
Hon. Bill Pascrell, Jr.	10/14	10/15	Germany		270.00		(3)				270.00
Hon. Bill Shuster	10/14	10/15	Germany		270.00		(3)				270.00
Hon. Todd Platts	10/14	10/15	Germany		270.00		(3)				270.00
Hon. John Mica	10/15	10/20	Italy		1,962.00		5,585.75				7,547.75
Hon. Lincoln Davis	12/07	12/10	Pakistan		777.00						777.00
Hon. Chris Chocola	12/07	12/10	Pakistan		777.00						777.00
Hon. Lincoln Davis	12/11	12/12	Afghanistan		90.00						90.00
Hon. Chris Chocola	12/11	12/12	Afghanistan		90.00						90.00
Hon. Lincoln Davis	12/12	12/13	Uzbekistan		228.00						228.00
Hon. Chris Chocola	12/12	12/13	Uzbekistan		228.00		8,086.88				8,314.88
Hon. Lincoln Davis	12/13	12/14	Germany		382.00		7,751.32				8,133.32
Committee total					6,334.00		21,423.95				27,757.95

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

DON YOUNG, Chairman, Feb. 16, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Peter Hoekstra	11/6	11/7	Middle East		225.00		(3)				
	11/7	11/9	Middle East		540.75		(3)				
	11/9	11/10	Middle East		148.00		(3)				
	11/10	11/11	Middle East		238.00		(3)				
	11/11	11/12	Europe		253.00		(3)				1,404.75

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2004—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Jo Ann Davis	11/6	11/7	Middle East		225.00		(3)				
	11/7	11/9	Middle East		540.75		(3)				
	11/9	11/10	Middle East		148.00		(3)				
	11/10	11/11	Middle East		238.00		(3)				
	11/11	11/12	Europe		253.00		(3)				1,404.75
Hon. Mac Thornberry	11/6	11/7	Middle East		225.00		(3)				
	11/7	11/9	Middle East		540.75		(3)				
	11/9	11/10	Middle East		148.00		(3)				
	11/10	11/11	Middle East		238.00		(3)				
	11/11	11/12	Europe		253.00		(3)				1,404.75
Hon. Leonard Boswell	11/6	11/7	Middle East		225.00		(3)				
	11/7	11/9	Middle East		540.75		(3)				
	11/9	11/10	Middle East		148.00		(3)				
	11/10	11/11	Middle East		238.00		(3)				
	11/11	11/12	Europe		253.00		(3)				1,404.75
Hon. C.A. Ruppersberger	11/6	11/7	Middle East		225.00		(3)				
	11/7	11/9	Middle East		540.75		(3)				
	11/9	11/10	Middle East		148.00		(3)				
	11/10	11/11	Middle East		238.00		(3)				
	11/11	11/12	Europe		253.00		(3)				1,404.75
Hon. Jane Harman	11/6	11/7	Middle East		225.00		(3)				
	11/7	11/9	Middle East		540.75		(3)				
	11/9	11/10	Middle East		148.00		(3)				
	11/10	11/12	Middle East		628.00		(3)				5,886.29
Commercial aircraft transportation							4,344.54				
Kevin Schmidt	11/6	11/7	Middle East		225.00		(3)				
	11/7	11/9	Middle East		540.75		(3)				
	11/9	11/10	Middle East		148.00		(3)				
	11/10	11/11	Middle East		238.00		(3)				
	11/11	11/12	Europe		253.00		(3)				1,404.75
Kathleen Reilly	11/6	11/7	Middle East		225.00		(3)				
	11/7	11/9	Middle East		540.75		(3)				
	11/9	11/10	Middle East		148.00		(3)				
	11/10	11/11	Middle East		238.00		(3)				
	11/11	11/12	Europe		253.00		(3)				1,404.75
Marcel Lettre	11/6	11/7	Middle East		225.00		(3)				
	11/7	11/9	Middle East		540.75		(3)				
	11/9	11/10	Middle East		148.00		(3)				
	11/10	11/11	Middle East		238.00		(3)				
	11/11	11/12	Europe		253.00		(3)				1,404.75
John Keefe	11/6	11/7	Middle East		225.00		(3)				
	11/7	11/9	Middle East		540.75		(3)				
	11/9	11/10	Middle East		148.00		(3)				
	11/10	11/12	Middle East		628.00		(3)				5,886.29
Commercial aircraft transportation							4,344.54				
Wyndee Parker	12/8	12/10	North Africa		326.00						
	12/10	12/11	North Africa		182.00						
	12/11	12/12	North Africa		214.00						
	12/12	12/15	North Africa		1,530.00						
Commercial aircraft transportation							6,023.21				8,275.21
Hon. Peter Hoekstra	12/12	12/15	Europe		294.75						
Commercial aircraft transportation							6,838.31				7,133.06
Michael Merrmans	12/12	12/15	Europe		294.75						
Commercial aircraft transportation							6,155.81				6,450.56
Michael Ennis	12/12	12/15	Europe		294.75						
Commercial aircraft transportation							6,155.81				6,450.56
Kevin Schmidt	12/12	12/14	South America		566.00						
	12/14	12/16	South America		450.00						
Commercial aircraft transportation							3,038.04				4,054.04
David Barth	12/12	12/14	South America		566.00						
	12/14	12/16	South America		450.00						
Commercial aircraft transportation							2,538.04				3,554.04
Robert Myhill	12/12	12/14	South America		566.00						
	12/14	12/16	South America		450.00						
Commercial aircraft transportation							3,143.04				4,159.04
Hon. Bud Cramer	12/27	12/29	Europe		676.00						
	12/29	12/30	Europe		242.00						
	12/30	01/3	Europe		1,428.00						
Commercial aircraft transportation							6,568.56				8,914.56
Committee totals					5,394.00		15,287.68				7,2001.65

---

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

PETER HOEKSTRA, Chairman.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1227. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Fenbuconazole; Time-Limited Pesticide Tolerance [OPP-2004-0410; FRL-7699-2] received March 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1228. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Clofentezine; Pesticide Tolerance [OPP-2005-0022; FRL-7699-8] received March 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1229. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Captain Dan W. Davenport, United States Navy, to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

1230. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received February 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1231. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received February 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1232. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received February 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1233. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Kern County Air Pollution Control District [CA 311-0471a; FRL-7878-3] received March 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1234. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Idaho: Incorporation by Reference of Approved State Hazardous Waste Management Program [FRL-7877-4] received March 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1235. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plan for Designated Facilities and Pollutants: Nashville, Tennessee [R04-OAR-2004-TN- 0003-200428(a); FRL-7881-7] received March 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1236. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, Commonwealth of Pennsylvania; Delegation of Authority [R03-OAR-2005-PA-0001; FRL-7880-4] received March 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1237. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Arizona [AZ104-0083; FRL-7875-2] received March 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1238. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Revised Format for Materials Being Incorporated by Reference for South Dakota [R08-OAR-2005-SD-0001; FRL-7878-6] received March 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1239. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Redesignation of the City Weirton Including the Clay and Butler Magisterial Districts SO2 Nonattainment Area and Approval of the Maintenance Plan; Correction [R03-OAR-2004-WV-0002; FRL-7882-4] received March 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1240. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Notice of Availability of Class Deviation; Assistance Agreement Competition-Related Disputes Resolution Procedures [FRL-7863-3] received January 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1241. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes: Washington; Yakima PM-10 Nonattainment Area Limited Maintenance Plan [WA-04-006: FRL-7866-4] received January 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1242. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes: Washington; Yakima County Nonattainment Area Boundary Revision [WA-04-005: FRL-7866-3] received January 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1243. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

1244. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting pursuant to the Taiwan Relations Act, agreements concluded within the last sixty days, pursuant to 22 U.S.C. 3311(a); to the Committee on International Relations.

1245. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Board's Performance and Accountability Report for FY 2004, as required by the Government Performance and Results Act and the Accountability of Tax Dollars Act of 2002; to the Committee on Government Reform.

1246. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1247. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1248. A letter from the Chairman, Federal Maritime Commission, transmitting in accordance with OMB Circular No. A-11, Part 2, the Final Annual Performance Plan for FY 2006; to the Committee on Government Reform.

1249. A letter from the Executive Director, National Council on Disability, transmitting the Council's Annual Performance Report to the President and Congress Fiscal Year 2003, as required by the Government Performance and Results Act, pursuant to 31 U.S.C. 1116; to the Committee on Government Reform.

1250. A letter from the Chairman, Tennessee Valley Authority, transmitting the report in compliance with the Government in the Sunshine Act for Calendar Year 2004, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

1251. A letter from the Director, National Oceanic and Atmospheric Administration, transmitting the 2004 report on the Apportionment of Membership on the Regional Fishery Management Councils pursuant to section 302 (b)(2)(B) of the Magnuson-Stevens Fishery Conservation and Management Act; to the Committee on Resources.

1252. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting a copy of a report required by Section 202(a)(1)(C) of Pub. L. 107-273, the "21st Century Department of Justice Appropriations Authorization Act," related to certain settlements and injunctive relief; to the Committee on the Judiciary.

1253. A letter from the Administrator, FAA, Department of Transportation, transmitting the Capital Investment Plan (CIP) for fiscal years 2006-2010, pursuant to 49 U.S.C. app. 2203(b)(1); to the Committee on Transportation and Infrastructure.

1254. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River Mile 838.9 to Mile 830.0, Caruthersville, AR [COTP Memphis-04-003] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1255. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Wolf River Chute, Mile 1.0 to Mile 3.0, Memphis, TN [COTP Memphis-04-004] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1256. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; McCellan-Kerr Arkansas River Mile 0.0 to 1.0, Benzal, AR [COTP Memphis-04-005] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1257. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; McCellan-Kerr Arkansas River Mile 118.8 to 119.5, North Little Rock, AR [COTP Memphis-04-007] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1258. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; McCellan-Kerr Arkansas River Mile 118.0 to 118.5, Little Rock, AR [COTP Memphis 04-008] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1259. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; West Point, Yorktown, VA. [CGD05-04-187] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1260. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Spa Creek, Annapolis, MD [CGD05-04-192] (RIN: 1625-AA08) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A): to the Committee on Transportation and Infrastructure.

1261. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Display, Ferry Bar Channel, Baltimore Harbor, MD. [CGD05-04-194] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1262. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Delaware River, Phildelphia, PA and Camden, NJ [CGD05-04-195] (RIN: 1625-AA08) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1263. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Emergency Safety Zone; Thimble Shoal Channel, Virginia Beach, VA [CGD05-04-205] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1264. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Elizabeth River, Norfolk, Virginia [CGD05-04-213] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1265. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Elizabeth River, Portsmouth, Virginia [CGD05-04-222] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1266. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Great American Duck Derby, Intracoastal Waterway, Delray Beach, Florida. [CGD07-04-119] (RIN: 1625-AA08) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1267. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations: World Championship Super Boat Race, Deerfield Beach, Florida [CGD07-04-121] (RIN: 1625-AA08) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1268. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; 2004 Holiday Boat Parade of the Palm Beaches, Riviera Beach, Florida. [CGD07-04-141] (RIN: 1625-AA08) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1269. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations: 2004 Boca Raton Holiday Boat Parade, Riviera Beach, FL. [CGD07-04-142] (RIN: 1625-AA08) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1270. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations, Holiday Parade of Boats; Charleston, SC. [CGD07-04-144] (RIN: 1625-AA08) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1271. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Port Arkansas Channel — Tule Lake, TX [CGD08-05-011] received March 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1272. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gippsland Aeronautics Pty. Ltd. Model GA8 Airplanes [Docket No. FAA-2004-19442; Directorate Identifier 2004-CE-31-AD; Amendment 39-13956; AD 2005-01-11] (RIN: 2120-AA64) received March 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1273. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211 Series Turbofan Engines [Docket No. 2000-NE-13-AD; Amendment 39-13950; AD 2005-02-05] (RIN: 2120-AA64) received March 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1274. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney JT8D-209, -217, -217A, -217C, and -219 Series Turbofan Engines [Docket No. 98-ANE-80-AD; Amendment 39-13948; AD 2005-02-03] (RIN: 2120-AA64) received March 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1275. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasiliera de Aeronautica S.A. (EMBRAER) Model EMB-135BJ Series Airplanes [Docket No. FAA-2004-19526; Directorate Identifier 2004-NM-140-AD; Amendment 39-13952; AD 2005-02-07] (RIN: 2120-AA64) received March 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1276. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and MD-11F Airplanes Equipped with Pratt & Whitney PW4000 Series Engines [Docket No. FAA-2004-19449; Directorate Identifier 2004-NM-07-AD; Amendment 39-13951; AD 2005-02-06] (RIN: 2120-AA64) received March 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1277. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757 Series Airplanes Equipped With Rolls Royce Model RB211 Engines [Docket No. 2003-NM-252-AD; Amendment 39-13955; AD 2005-02-10] (RIN: 2120-AA64) received March 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1278. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and MD-11F Airplanes [Docket No. FAA-2004-19262; Directorate Identifier 2004-NM-54-AD; Amendment 39-13953; AD 2005-02-08] (RIN: 2120-AA64) received March 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1279. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No. 2000-NM-70-AD; Amendment 39-13954; AD 2005-02-09] (RIN: 2120-AA64) received March 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1280. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200, -300, and -300F Series Airplanes [Docket No. FAA-2004-19201; Directorate Identifier 2003-NM-100-AD; Amendment 39-13959; AD 2005-03-03] (RIN: 2120-AA64) received March 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1281. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 2001-NM-279-AD; Amendment 39-13957; AD 2005-03-01] (RIN: 2120-AA64) received March 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1282. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes; and Model 757-200 and -200CB Series Airplanes [Docket No. 2003-NM-221-AD; Amendment 39-13958; AD 2005-03-02] (RIN: 2120-AA64) received March 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1283. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pacific Aerospace Corporation, Ltd. Model 750XL Airplanes [Docket No. FAA-2004-19444; Directorate Identifier 2004-CE-33-AD; Amendment 39-13960; AD 2005-03-04] (RIN: 2120-AA64) received March 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1284. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for the Transportation Equipment Cleaning Point Source Category [OW-2004-11; FRL-7866-7] (RIN: 2040-AE65) received January 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1285. A letter from the Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting notice that Amtrak fully intends to comply with its legal requirement and will submit its FY06 Legislative and Grant Request shortly, pursuant to 49 U.S.C. 24315(a)(1); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GINGREY: Committee on Rules. House Resolution 162. Resolution providing for consideration of the bill (H.R. 1334) to amend title 28, United States Code, to provide for the removal to Federal court of certain State court cases involving the rights of incapacitated persons, and for other purposes (Rept. 109–20). Referred to the House Calendar.

Mr. GINGREY: Committee on Rules. House Resolution 163. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 109–21). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself and Mr. SIMMONS):

H.R. 1329. A bill to amend the Lacey Act Amendments of 1981 to treat nonhuman primates as prohibited wildlife species under that Act; to the Committee on Resources.

By Mr. SALAZAR:

H.R. 1330. A bill to provide that Social Security contributions are used to protect Social Security solvency by mandating that Trust Fund monies cannot be diverted to create private accounts; to the Committee on Ways and Means.

By Mr. WELLER (for himself and Mr. RANGEL):

H.R. 1331. A bill to provide for a fair and equitable resolution of claims relating to the work opportunity credit; to the Committee on Ways and Means.

By Mr. SENSENBRENNER (for himself, Mr. WELDON of Florida, Mr. DELAY, Mr. CHABOT, Mr. FEENEY, Mr. JENKINS, Mr. CANNON, Mr. KING of Iowa, Mr. BACHUS, Mr. FRANKS of Arizona, Mr. HOSTETTLER, Mr. KELLER, Mr. DANIEL E. LUNGREN of California, and Mr. PENCE):

H.R. 1332. A bill to amend title 28, United States Code, to provide for the removal to Federal court of certain State court cases involving the rights of incapacitated persons, and for other purposes; to the Committee on the Judiciary.

By Ms. HART (for herself, Mr. POMEROY, Mr. BISHOP of Utah, Mr. PLATTS, Mr. SHIMKUS, Mr. MCCOTTER, Mr. ROHRABACHER, Mr. SHUSTER, Mr. NORWOOD, Mr. PAUL, Mr. GARY G. MILLER of California, Mr. BOEHNER, Mr. GERLACH, Mr. YOUNG of Alaska, Mr. ETHERIDGE, Mr. WU, Mr. ROSS, Mr. DICKS, Mr. FORD, Mrs. JO ANN DAVIS of Virginia, Mr. GRIJALVA, Mr. FARR, Mr. KILDEE, Mr. TOWNS, Mr. COOPER, Mr. HINCHEY, Mr. JEFFERSON, Mr. MCNULTY, Ms. ROS-LEHTINEN, Mr. WEINER, Mr. TURNER, Mr. WILSON of South Carolina, Mr. ROGERS of Kentucky, Mr. ALEXANDER, Ms. WOOLSEY, Mr. MARIO DIAZ-BALART of Florida, Ms. KILPATRICK of Michigan, Mr. SOUDER, Mr. BRADLEY of New Hampshire, Mr. LINCOLN DIAZ-BALART of Florida, Mr. ROGERS of Alabama, Mr. LANGEVIN, Mr. HOSTETTLER, Mr. MILLER of North Carolina, Mr. GENE GREEN of Texas, Mr. SCHIFF, Mr. BECERRA, and Mr. PITTS):

H.R. 1333. A bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat Medicare beneficiaries without a requirement for a physician referral, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER (for himself, Mr. WELDON of Florida, Mr. DELAY, Mr. CHABOT, Mr. FEENEY, Mr. JENKINS, Mr. CANNON, Mr. KING of Iowa, Mr. BACHUS, Mr. FRANKS of Arizona, Mr. HOSTETTLER, Mr. KELLER, Mr. DANIEL E. LUNGREN of California, and Mr. PENCE):

H.R. 1334. A bill to amend title 28, United States Code, to provide for the removal to Federal court of certain State court cases involving the rights of incapacitated persons, and for other purposes; to the Committee on the Judiciary.

By Mr. BURTON of Indiana (for himself and Mr. RAMSTAD):

H.R. 1335. A bill to amend title 5, United States Code, to increase the mandatory retirement age for members of the Capitol Police from 57 to 60 years of age; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CUNNINGHAM:

H.R. 1336. A bill to amend the Harmonized Tariff Schedule of the United States to clarify the classification of laser light sources for semiconductor manufacturing; to the Committee on Ways and Means.

By Mrs. JO ANN DAVIS of Virginia (for herself, Mr. SULLIVAN, Mr. SOUDER, Mr. HAYES, Mr. FITZPATRICK of Pennsylvania, Mr. HERGER, Mr. AKIN, Mr. BONILLA, Mr. SMITH of New Jersey, Mr. WHITFIELD, Mr. KUHL of New York, Mr. MCHENRY, Mr. PEARCE, Mr. DUNCAN, Mr. WILSON of South Carolina, Mr. FOSSELLA, Mr. JONES of North Carolina, Mr. WESTMORELAND, Mr. GARRETT of New Jersey, Mr. KLINE, Mr. MCCAUL of Texas, Mr. ISSA, Mr. WICKER, Mr. CASE, Mr. SHAW, Mr. BARTLETT of Maryland, Mr. CANNON, Mr. ISTOOK, Mr. KENNEDY of Minnesota, Mr. GUTKNECHT, Mr. LIPINSKI, Mr. MCINTYRE, Mr. CHOCOLA, Mr. FORBES, and Mr. BOYD):

H.R. 1337. A bill to support certain national youth organizations, including the Boy Scouts of America, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO (for herself, Mr. CROWLEY, Mr. JEFFERSON, Mr. PALLONE, Mr. BRADLEY of New Hampshire, Mr. LARSON of Connecticut, Ms. LEE, Ms. SLAUGHTER, Mr. CONYERS, Mr. GENE GREEN of Texas, Mr. WEXLER, Mr. MICHAUD, Mr. MORAN of Virginia, Mr. ISRAEL, Mr. MCDERMOTT, Mr. FARR, Mr. WAXMAN, Mr. STRICKLAND, Mrs. JONES of Ohio, Mr. LANTOS, Mr. JACKSON of Illinois, and Mr. GONZALEZ):

H.R. 1338. A bill to amend the Higher Education Act of 1965 to permit refinancing of student consolidation loans, increase Pell Grant maximum awards, and for other purposes; to the Committee on Education and the Workforce.

By Mrs. EMERSON:

H.R. 1339. A bill to amend the Trade Sanctions Reform and Export Enhancement Act of 2000 to clarify allowable payment terms for sales of agricultural commodities and products to Cuba; to the Committee on Financial Services, and in addition to the Committees on International Relations, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EVANS:

H.R. 1340. A bill to amend title 38, United States Code, to increase the reporting fee payable by the Secretary of Veterans Affairs to educational institutions for reports or certifications which such educational institutions are required by law or regulation to submit to the Secretary; to the Committee on Veterans' Affairs.

By Mr. FATTAH:

H.R. 1341. A bill to require each State to provide a minimum level of access to health care to all citizens of such State as a condition for participation in Federal health care funding programs; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARRETT of New Jersey (for himself and Mr. LOBIONDO):

H.R. 1342. A bill to designate the facility of the United States Postal Service located at 1560 Union Valley Road in West Milford, New Jersey, as the "Brian P. Parrello Post Office Building"; to the Committee on Government Reform.

By Ms. HERSETH (for herself, Mr. ROSS, Mr. FORD, Mr. SANDERS, Mr. PAYNE, Mr. MCDERMOTT, and Mr. HASTINGS of Florida):

H.R. 1343. A bill to require reimbursement for non-TRICARE health insurance premiums paid by certain members of reserve components during the period the members were not eligible for TRICARE coverage; to the Committee on Armed Services.

By Mrs. JOHNSON of Connecticut (for herself, Mr. LARSON of Connecticut, Mr. SIMMONS, Ms. DELAURO, and Mr. SHAYS):

H.R. 1344. A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Farmington River and Salmon Brook in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Resources.

By Mrs. JOHNSON of Connecticut (for herself, Mr. RAMSTAD, Mr. LEWIS of Kentucky, and Mr. HAYWORTH):

H.R. 1345. A bill to amend the Internal Revenue Code of 1986 to expand the tip tax credit to employers of cosmetologists and to promote tax compliance in the cosmetology sector; to the Committee on Ways and Means.

By Mr. LARSON of Connecticut (for himself, Mr. ABERCROMBIE, Mr. CASE, Mr. DELAHUNT, Ms. DELAURO, Mr.

GREEN of Wisconsin, Mr. GRIJALVA, Ms. JACKSON-LEE of Texas, Mr. MCCOTTER, Ms. NORTON, and Mr. PALLONE):

H.R. 1346. A bill to amend title 38, United States Code, to provide for a more equitable geographic allocation of funds appropriated to the Department of Veterans Affairs for medical care; to the Committee on Veterans' Affairs.

By Mr. MORAN of Virginia (for himself, Ms. NORTON, and Mr. TOM DAVIS of Virginia):

H.R. 1347. A bill to provide funding for projects to reduce traffic congestion and improve travel options in the metropolitan Washington region; to the Committee on Transportation and Infrastructure.

By Ms. NORTON:

H.R. 1348. A bill to provide for nuclear disarmament and economic conversion in accordance with District of Columbia Initiative Measure Number 37 of 1992; to the Committee on Armed Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBERSTAR (for himself and Ms. NORTON):

H.R. 1349. A bill to amend title 40, United States Code, to provide a comprehensive regional approach to economic and infrastructure development in the most severely distressed regions in the Nation; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETERSON of Minnesota:

H.R. 1350. A bill to eliminate the safe-harbor exception for certain packaged pseudoephedrine products used in the manufacture of methamphetamine; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMEROY (for himself, Mr. OSBORNE, Mr. GREEN of Wisconsin, Mr. ANDREWS, Mr. BOEHLERT, Mr. OBERSTAR, Mr. BOSWELL, Ms. HERSETH, Mr. MOORE of Kansas, and Mr. UDALL of Colorado):

H.R. 1351. A bill to amend the Food Security Act of 1985 to encourage owners and operators of privately-held farm, ranch, and forest land to voluntarily make their land available for public access under programs administered by States and tribal governments, and for other purposes; to the Committee on Agriculture.

By Ms. SCHWARTZ of Pennsylvania (for herself and Mr. SCHWARZ of Michigan):

H.R. 1352. A bill to amend the Internal Revenue Code of 1986 to allow employers to claim a work opportunity credit for hiring military service personnel returning from service in Iraq or Afghanistan and for hiring their dependents and dependents of deceased personnel; to the Committee on Ways and Means.

By Mr. SENSENBRENNER (for himself, Mr. SESSIONS, and Mr. HOSTETTLER):

H.R. 1353. A bill to amend the Public Health Service Act to increase the provision of scientifically sound information and support services to patients receiving a positive test diagnosis for Down syndrome or other prenatally diagnosed conditions; to the Committee on Energy and Commerce.

By Mr. SIMMONS (for himself, Mrs. JOHNSON of Connecticut, Mr. SHAYS, Ms. DELAURO, and Mr. LARSON of Connecticut):

H.R. 1354. A bill to provide uniform criteria for the administrative acknowledgment and recognition of Indian tribes, and for other purposes; to the Committee on Resources.

By Mr. POE (for himself, Mr. FOLEY, Mr. MCCAUL of Texas, Mr. FRANKS of Arizona, Mr. GENE GREEN of Texas, Mr. WILSON of South Carolina, Mr. DENT, Mr. ALEXANDER, Mr. CULBERSON, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. BRADY of Texas, Mr. GINGREY, Mr. MILLER of Florida, Mr. CANTOR, Mr. WAMP, Mr. ADERHOLT, Mr. HOSTETTLER, Mr. COLE of Oklahoma, Mr. WESTMORELAND, and Mr. BARTLETT of Maryland):

H.R. 1355. A bill to improve the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Program by providing new protections for children, and for other purposes; to the Committee on the Judiciary.

By Mr. KOLBE (for himself and Mr. OBERSTAR):

H. Con. Res. 100. Concurrent resolution expressing the sense of Congress that the United States should establish an international education policy to foster mutual understanding among nations, promote a world free of terrorism, further United States foreign policy and national security, enhance United States leadership in the world, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MCCOLLUM of Minnesota (for herself and Mr. BLUMENAUER):

H. Con. Res. 101. Concurrent resolution calling upon the President to order an immediate moratorium on the rendition of persons to Syria and all countries that routinely use torture as reported by the Department of State's 2004 Country Reports on Human Rights Practices, and for other purposes; to the Committee on International Relations.

By Mr. SMITH of New Jersey (for himself and Mr. CARDIN):

H. Con. Res. 102. Concurrent resolution urging the appropriate representative of the United States to the 61st session of the United Nations Commission on Human Rights to introduce a resolution calling upon the Government of the Republic of Belarus to cease its human rights violations, and for other purposes; to the Committee on International Relations.

By Mr. NEY (for himself and Ms. MILLENDER-MCDONALD):

H. Res. 159. A resolution providing amounts for the expenses of the Committee on House Administration in the One Hundred Ninth Congress; to the Committee on House Administration.

By Mr. CONYERS (for himself and Mr. PITTS):

H. Res. 160. A resolution condemning the conduct of Chief Minister Narendra Modi for his actions to incite religious persecution and urging the United States to condemn all violations of religious freedom in India; to the Committee on International Relations.

By Mr. MENENDEZ:

H. Res. 161. A resolution electing a certain Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Mr. DAVIS of Illinois:

H. Res. 164. A resolution expressing the sense of the House of Representatives that there should be established a National School-Based Health Centers Month to raise awareness of health services provided by school health centers; to the Committee on Government Reform.

By Mr. HASTINGS of Washington:

H. Res. 165. A resolution providing amounts for the expenses of the Committee on Standards of Official Conduct in the One Hundred Ninth Congress; to the Committee on House Administration.

By Mr. MENENDEZ (for himself, Mrs. MALONEY, and Mr. BILIRAKIS):

H. Res. 166. A resolution urging Turkey to respect the rights and religious freedoms of the Ecumenical Patriarch; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. REHBERG, Mr. TOM DAVIS of Virginia, Mr. SMITH of Washington, and Mr. KLINE.

H.R. 20: Mr. WATT.

H.R. 21: Mr. EVANS, Mr. NEAL of Massachusetts, Mr. SERRANO, Ms. WATSON, Mr. KLINE, Mr. SOUDER, Mr. LANTOS, Mr. KIND, and Mr. DAVIS of Florida.

H.R. 22: Mr. SCHIFF.

H.R. 32: Mr. PETERSON of Minnesota and Mr. GOHMERT.

H.R. 37: Mrs. MUSGRAVE.

H.R. 68: Mr. PORTER.

H.R. 97: Mr. CARTER.

H.R. 110: Mr. CUMMINGS.

H.R. 115: Mr. RUPPERSBERGER.

H.R. 127: Mr. KUCINICH, Mr. KENNEDY of Rhode Island, and Mr. SANDERS.

H.R. 136: Mr. ALEXANDER.

H.R. 139: Mrs. MCCARTHY.

H.R. 180: Mr. NORWOOD.

H.R. 213: Ms. WATERS and Ms. BALDWIN.

H.R. 215: Mr. CUMMINGS and Mr. CRAMER.

H.R. 216: Mr. KENNEDY of Minnesota, Mr. MELANCON, Mr. BAKER, Mr. SHIMKUS, and Mr. MCCAUL of Texas.

H.R. 222: Mr. MILLER of Florida.

H.R. 269: Mr. GORDON.

H.R. 280: Mr. MCHUGH.

H.R. 282: Mr. POMBO, Mr. GENE GREEN of Texas, Mr. KUHL of New York, Mr. HERGER, Mr. MELANCON, Ms. GINNY BROWN-WAITE of Florida, Mr. VAN HOLLEN, and Mr. ALEXANDER.

H.R. 303: Mr. CRAMER, Mr. BROWN of Ohio, Ms. SLAUGHTER, and Mr. GONZALEZ.

H.R. 314: Mr. CLAY.

H.R. 328: Mr. KILDEE, Mr. WAMP, Mr. SNYDER, Ms. KAPTUR, and Ms. SCHWARTZ of Pennsylvania.

H.R. 333: Mr. SANDERS and Ms. WASSERMAN SCHULTZ.

H.R. 341: Mr. SHAYS.

H.R. 358: Mr. OBEY.

H.R. 366: Mr. UPTON, Mr. FORTUÑO, Mr. SHIMKUS, Mr. ENGLISH of Pennsylvania, and Mr. BROWN of South Carolina.

H.R. 373: Mr. MOLLOHAN and Mr. PASCRELL.

H.R. 376: Mr. LEWIS of Georgia.

H.R. 421: Mr. MCDERMOTT and Mr. RUSH.

H.R. 480: Mr. RUPPERSBERGER.

H.R. 496: Mr. HINCHEY and Mr. KUCINICH.

H.R. 500: Mr. MARCHANT, Mr. BONNER, Mr. BROWN of South Carolina, Mr. CANTOR, Mr. HENSARLING, Mr. GALLEGLY, and Mrs. BLACKBURN.

H.R. 515: Mr. HIGGINS and Mr. BUTTERFIELD.

H.R. 525: Mr. SULLIVAN, Mr. REHBERG, and Mr. HOBSON.

H.R. 535: Mr. SNYDER and Ms. SCHWARTZ of Pennsylvania.

H.R. 551: Mr. MEEKS of New York, Mr. FARR, Mr. HINCHEY, Mr. GUTIERREZ, Mr. PAUL, Mr. RUSH, Mrs. JONES of Ohio, Mr. GENE GREEN of Texas, Mr. MCGOVERN, and Mr. OBERSTAR.

H.R. 554: Mr. GINGREY.

H.R. 562: Mr. MCCOTTER.

H.R. 583: Mr. GUTIERREZ and Mrs. WILSON of New Mexico.

H.R. 594: Mr. MEEKS of New York.

H.R. 602: Mr. HASTINGS of Florida, Mr. GOODE, and Mr. HONDA.

H.R. 668: Mr. CUMMINGS.

H.R. 669: Mr. SAXTON, Mrs. DAVIS of California, Mr. BOREN, and Mr. HOLT.

H.R. 691: Mr. GILCHREST.

H.R. 700: Ms. GINNY BROWN-WAITE of Florida.

H.R. 731: Mr. DEFAZIO.

H.R. 739: Mrs. MUSGRAVE and Mr. BOUSTANY.

H.R. 740: Mrs. MUSGRAVE and Mr. BOUSTANY.

H.R. 741: Mrs. MUSGRAVE and Mr. BOUSTANY.

H.R. 742: Mrs. MUSGRAVE and Mr. BOUSTANY.

H.R. 759: Mr. NADLER.

H.R. 766: Mr. MILLER of Florida, Mr. GREEN of Wisconsin, Mr. WELDON of Florida, Mr. HALL, and Mrs. MUSGRAVE.

H.R. 769: Ms. CORRINE BROWN of Florida and Mr. MCCOTTER.

H.R. 772: Mr. HASTINGS of Florida and Mr. BOUCHER.

H.R. 788: Mr. SANDERS, Mr. STRICKLAND, and Mrs. CHRISTENSEN.

H.R. 792: Mr. KUCINICH and Mr. LEWIS of Georgia.

H.R. 793: Mr. BOUSTANY and Mr. WALSH.

H.R. 800: Mr. BUYER, Mr. DANIEL E. LUNGREN of California, Mr. CHABOT, Mr. GUTKNECHT, Mrs. EMERSON, Miss MCMORRIS, Mrs. DRAKE, Mr. DEAL of Georgia, Mr. GALLEGLY, Mr. TIAHRT, Mr. CARDOZA, Mr. CUELLAR, Mr. BACHUS, Mr. CHANDLER, Mr. RYAN of Ohio, Mr. FEENEY, and Mr. DAVIS of Alabama.

H.R. 810: Ms. MATSUI, Mr. HASTINGS of Florida, and Ms. WASSERMAN SCHULTZ.

H.R. 839: Mr. FRANK of Massachusetts, Mr. SHERMAN, Mr. BROWN of Ohio, Mr. FARR, and Mr. COSTELLO.

H.R. 859: Mr. GRAVES and Mr. PRICE of North Carolina.

H.R. 867: Mr. MORAN of Virginia.

H.R. 877: Mr. SIMMONS and Mr. COSTELLO.

H.R. 908: Mr. SOUDER.

H.R. 913: Mr. GOODLATTE and Ms. JACKSON-LEE of Texas.

H.R. 916: Mr. LANGEVIN, Mr. TOWNS, Ms. KAPTUR, Mr. GARY G. MILLER of California, Mr. BARRETT of South Carolina, Mr. WOLF, Mr. ENGEL, Mr. GORDON, Mr. GENE GREEN of Texas, Mr. WAMP, Mr. SHAW, Mr. STARK, Mr. LATOURETTE, Mr. VAN HOLLEN, Mr. TIERNEY, Mr. RUPPERSBERGER, Mrs. MCCARTHY, Mr. FOLEY, and Mr. MCNULTY.

H.R. 923: Mr. GORDON and Mr. RANGEL.

H.R. 934: Mr. DEFAZIO, Mr. PALLONE, Mr. PASTOR, and Mr. EMANUEL.

H.R. 952: Mr. DELAHUNT.

H.R. 983: Mr. MCNULTY, Mr. DEFAZIO, and Mr. CLAY.

H.R. 985: Ms. SCHWARTZ of Pennsylvania, Mr. RUPPERSBERGER, Mr. JONES of North Carolina, Mr. GUTKNECHT, Mrs. LOWEY, Mr. STRICKLAND, and Mr. SHERWOOD.

H.R. 987: Ms. BORDALLO and Mr. HASTINGS of Florida.

H.R. 998: Mr. BOOZMAN, Mr. LEACH, Mr. BONNER, Mr. ABERCROMBIE, Ms. HERSETH, and Mr. GONZALEZ.

H.R. 1001: Mr. CUELLAR.

H.R. 1048: Mr. MILLER of North Carolina, Mr. SCOTT of Georgia, Ms. HOOLEY, and Mrs. CAPPS.

H.R. 1059: Mr. GUTIERREZ.

H.R. 1073: Mr. BOUSTANY.

H.R. 1074: Mr. BOUSTANY.

H.R. 1075: Mr. BOUSTANY.

H.R. 1078: Mr. BROWN of Ohio.

H.R. 1088: Mr. FORTUÑO, Mrs. EMERSON, and Mr. GORDON.

H.R. 1105: Mr. BUTTERFIELD.

H.R. 1125: Mr. MCDERMOTT.

H.R. 1130: Mr. SERRANO, Mr. SANDERS, Mr. GEORGE MILLER of California, Mr. PAYNE, Mrs. JONES of Ohio, Mr. BLUMENAUER, Mr. GRIJALVA, Ms. KAPTUR, Mrs. CHRISTENSEN, Ms. CARSON, Mr. DAVIS of Alabama, Mr. RUSH, Mr. JACKSON of Illinois, Ms. MCCOLLUM of Minnesota, Mr. OWENS, Mr. KUCINICH, and Mr. RANGEL.

H.R. 1185: Mr. CROWLEY and Mr. MEEKS of New York.

H.R. 1204: Mr. RAHALL, Mrs. JOHNSON of Connecticut, Mr. CLEAVER, Mr. LEWIS of Georgia, Mr. HASTINGS of Florida, Mr. WALSH, Ms. BALDWIN, Ms. WOOLSEY, Mr. UDALL of Colorado, Mr. LOBIONDO, Ms. WATERS, and Mr. TANNER.

H.R. 1216: Mr. STRICKLAND.

H.R. 1217: Ms. ESHOO, Mr. ANDREWS, Mr. FILNER, Mr. BOUCHER, Mr. HONDA, Mr. FATTAH, Ms. CARSON, Mr. HIGGINS, and Mr. WAXMAN.

H.R. 1218: Mr. KUCINICH and Mr. BOEHLERT.

H.R. 1226: Mr. DAVIS of Alabama.

H.R. 1227: Mr. WALSH, Ms. SCHWARTZ of Pennsylvania, Ms. DEGETTE, Mr. OLVER, and Mr. LEACH.

H.R. 1238: Mr. CARSON.

H.R. 1245: Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. RANGEL, Mr. MARKEY, Mr. SHAW, Mrs. JONES of Ohio, Mr. CHANDLER, Ms. WATSON, and Ms. NORTON.

H.R. 1248: Mr. BOUSTANY.

H.R. 1277: Mr. CAPUANO and Mr. MEEKS of New York.

H.R. 1290: Ms. BORDALLO and Mr. MCDERMOTT.

H.R. 1298: Mr. JEFFERSON and Mr. MCDERMOTT.

H.R. 1305: Mr. BROWN of Ohio.

H. Con. Res. 34: Mr. CLAY, Mr. VAN HOLLEN, and Ms. MILLENDER-MCDONALD.

H. Con. Res. 42: Mr. MCDERMOTT.

H. Con. Res. 65: Mr. PENCE, Mr. BURTON of Indiana, Mr. WILSON of South Carolina, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FORD, Mr. ADERHOLT, Mr. TANCREDO, Mr. GILLMOR, and Mr. BERMAN.

H. Con. Res. 87: Ms. WOOLSEY, Ms. HARMAN, and Mr. CALVERT.

H. Con. Res. 90: Mrs. WILSON of New Mexico and Mr. MCCOTTER.

H. Con. Res. 96: Mr. WYNN, Mrs. CHRISTENSEN, Mr. THOMPSON of Mississippi, Mr. MCDERMOTT, Mrs. MALONEY.

H. Con. Res. 98: Mr. BROWN of Ohio.

H. Res. 67: Mrs. CHRISTENSEN, Ms. ROYBAL-ALLARD, Mr. NADLER, Mr. CONYERS, Mr. BERMAN, Ms. VELÁZQUEZ, Mr. CROWLEY, Mr. MICHAUD, Mr. DOGGETT, Mr. GENE GREEN of Texas, and Mr. HIGGINS.

H. Res. 84: Mr. LEWIS of Kentucky.

H. Res. 90: Mr. CAPUANO and Mr. SANDERS.

H. Res. 142: Mr. GONZALEZ, Ms. SCHWARTZ of Pennsylvania, and Mr. RUPPERSBERGER.

H. Res. 145: Mr. BOOZMAN and Mr. MILLER of Florida.

H. Res. 148: Mr. CAPUANO, Ms. HARRIS, and Mr. LEWIS of Kentucky.

H. Res. 155: Mr. BAIRD.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 525: Mr. MEEKS of New York.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

10. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 15 of 2005 petitioning the United States Congress to issue a Congressional Gold Medal to Welles Remy Crowther for his bravery and sacrifice in saving dozens of people from certain death on September 11, 2001, resulting in his own death that day; which was referred to the Committee on Financial Services.

SENATE—*Wednesday, March 16, 2005*

The Senate met at 9 a.m. and was called to order by the Honorable SAM BROWNBACK, a Senator from the State of Kansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God our help, before we begin the challenges of this day, we pause to acknowledge our need of You. We come to You for refuge. We need You to go with us to order our steps. Help us to shape today's priorities in a way that will please You. Go before us to touch the hearts of people we need to influence.

Guide the Members and officers of this body with Your wisdom. Strengthen them, Lord, as they seek to be faithful stewards of the great opportunities You have given them to serve.

O God of love, all the good things we have are from You. Give us the wisdom to slow down long enough to discover Your plan.

All this we ask in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAM BROWNBACK led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 16, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SAM BROWNBACK, a Senator from the State of Kansas, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. BROWNBACK thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will begin consideration of the budget resolution. We have an order in place from last night which sets aside specific debate times in relation to several amendments this morning. We will debate an NIH amendment, to be followed by additional debate on the ANWR amendment, to be followed by further debate on two veterans amendments. At the conclusion of those debates, we will vote on the pending Amtrak amendment and the pending ANWR amendment. We also anticipate that we will reach agreement to vote on some of the other previously discussed amendments. Senators could therefore expect a series of votes to begin sometime between 12:30 and 1 o'clock today.

I thank the chairman and ranking member of the Budget Committee for working out a reasonable approach for the consideration of these issues. Once again, we will continue through the afternoon and evening on additional amendments with votes throughout the session.

I yield the floor.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR THE FISCAL YEAR 2006

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. Con. Res. 18, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 18) setting forth the congressional budget for the United States Government for the fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

Pending:

Byrd amendment No. 158, to provide adequate funding of $1.4 billion in fiscal year 2006 to preserve a national intercity passenger rail system.

Cantwell.amendment No. 168, to strike section 201(a)(4) relative to the Arctic National Wildlife Refuge.

Akaka amendment No. 149, to increase veterans medical care by $2.8 billion in 2006.

Ensign amendment No. 171, to increase veterans medical care by $410,000,000 in fiscal year 2006.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from California, Mrs. FEINSTEIN, is recognized for up to 20 minutes.

Mrs. FEINSTEIN. I thank the Chair.

Mr. President, as we all know, this budget cuts a score of critical domestic programs: food for women and infants; community development block grants for cities, which cities use for vital purposes; and health and education programs for children. That is just a few. It cuts Medicaid by $15 billion over 5 years. It zeros out reimbursements to States and counties of the cost of incarcerating criminal aliens. It is an unfunded mandate in that regard. Yet this budget contains $41.3 million for nuclear weapons initiatives including $8.5 million for a nuclear program that scientists say is impossible to achieve.

The seriousness of the issue and the clear intent of this administration to renew funding this year for this nuclear initiative that was zeroed out by the Congress last year compel me to come to the floor today.

President Bush's fiscal year 2006 budget calls for $8.5 million, including $4 million for the Department of Energy and $4.5 million for the Department of Defense, for the research and development of a nuclear bunker buster, a 100-kiloton weapon called the robust earth nuclear penetrator. The purpose of the research is to determine whether a missile casing on a 100-kiloton warhead can survive a thrust into the earth and take out a hardened and deeply buried military target without spewing millions of cubic feet of radioactive debris into the atmosphere. Scientists know that the laws of physics will not allow that to happen.

It includes $25 million to lower the Nevada test site time-to-test readiness from the current 24 to 36 months to 18 months. This sends a clear signal of an urgent move to begin underground nuclear testing as soon as possible. This is despite the fact that our country has had a moratorium on nuclear testing since 1992. We have had it for more than 13 years.

It also contains $7.8 million for a so-called modern pit facility. This is a facility to build 450 new pits. These are the nuclear triggers for nuclear weapons, the shells in which the fissile material is contained and detonated. This is 450 new pits a year, some of which would be designed for new nuclear weapons.

Currently the United States has approximately 15,000 warheads. Under the Moscow Treaty, the United States is to decrease its strategic nuclear force to 1,700 to 2,200 by 2012. To maintain a 2,200-warhead force at replacement

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

level—and this is important—we would only need to build 50 pits a year, not 450 which is called for in this budget. So why build a new facility unless there are plans underway to develop a new generation of nuclear weapons?

Perhaps because the explosion and use of nuclear weapons took place at the end of World War II, we forget what it is like. I hope people will look at this and see what it is like. This is Hiroshima. This is at the end of World War II. This is a 15-kiloton nuclear weapon, not a 100-kiloton nuclear weapon. This is incomprehensible to me. This is what the Enola Gay dropped on Hiroshima. It cleared bare 4 square miles. It killed immediately 90,000 people. It caused hundreds of thousands of people to die of radiation sickness. Again, why fund this program?

Congress made a strong statement last year. We took out the appropriations for these new nuclear weapons. This defunding was made possible by the leadership of Representative DAVID HOBSON, the chairman of the House Appropriations Energy Committee, who was successful, with our support, in eliminating $27.5 million in funding for this 100-kiloton nuclear bunker buster and $9 million for the advanced weapons concepts initiative. This is a fallacious concept of creating low yield tactical nuclear weapons, under 5 kilotons, to use on a battlefield no less. Who would ever want to send their sons and daughters to any war where the battlefield had nuclear weapons? It also eliminated funding to lower the time-to-test readiness at the Nevada test site to 18 months and limited funding for the Modern Pit Facility to $7 million.

Congress spoke last year. We said: We will not approve appropriations for this program. And yet once again those appropriations have crept into this budget.

I will take a few minutes to make that evident to Members of the Senate. Last year was a consequential victory for those of us who believe very deeply—and I might say passionately—that the United States will not be safer because of this program and that the United States sends the wrong signal to the rest of the world by reopening the nuclear door and beginning the testing and development of a new generation of nuclear weapons.

This year, our message is clear: Don't reopen this nuclear door. Those of us who are appropriators will once again try to remove this funding from the budget.

I am so disappointed to learn that the administration has requested funding again this year for a 100-kiloton nuclear bunker buster, to lower the time-to-test readiness at the Nevada test site to 18 months, and to fund a modern plutonium pit facility that could produce 450 new plutonium pits a year when only 50 are needed.

There should be no doubt that this is the Secretary of Defense's program. He is determined to get it funded. It is that Secretary who requested the Secretary of Energy to place $4 million in the energy budget and $4.5 million in the defense budget. This is very clever. In this way Secretary Rumsfeld hopes to get it done in the defense budget, if he can't through energy appropriations.

I ask that the Senate know that the development of a 100-kiloton robust nuclear earth penetrator is simply not possible without spewing millions of tons of radioactive material and killing large numbers of people.

Secondly, the development of new nuclear weapons will only undermine our antiproliferation efforts and will make our Nation less safe, not more safe.

And thirdly, as a nation, we are sending the wrong message, a message that will only encourage nuclear proliferation by others. In fact, it already has.

The bottom line: There is simply no such thing as a clean or usable 100-kiloton nuclear bunker buster that could destroy a hardened and deeply buried military target without spewing radiation.

Consider this: A 1-kiloton nuclear weapon, detonated 25 to 50 feet underground, would dig a crater the size of Ground Zero in New York and eject 1 million cubic feet of radioactive debris into the air. Given the insurmountable physics problems associated with burrowing a warhead deep into the earth, you would need a weapon with more than 100 kilotons of yield to destroy an underground target at a depth of 1,000 feet. Yet the maximum feasible depth a bunker buster can penetrate is about 35 feet. At that depth, a 100-kiloton bunker buster would scatter 100 million cubic feet of radioactive debris into the atmosphere.

There is no known missile casing that can survive a 1,000-foot thrust into the earth to avoid overwhelming and catastrophic consequences. That is not me saying this, that is science saying this.

Let me give you the words of the head of the National Nuclear Security Administration, if you don't trust me. At the March 2, 2005, House Armed Services Strategic Forces Subcommittee, Congresswoman ELLEN TAUSCHER asked Ambassador Linton Brooks the following question:

> I just want to know, is there any way a [robust nuclear earth penetrator] of any size that we would drop will not produce a huge amount of radioactive debris?

The answer, according to the Ambassador:

> No, there is not.

When Congresswoman TAUSCHER asked him how deep he thought a bunker buster could go, using modern scientific concepts—in other words, here we get to the missile casing—he said:

> . . . a couple of tens of meters maybe. I mean certainly—I really must apologize for my lack of precision, if we in the administration have suggested that it was possible to have a bomb that penetrated far enough to trap all fallout. I don't believe that—I don't believe the laws of physics will ever let that be true.

So here we have the administration saying what we who have opposed this program from the start have said. The laws of physics will never allow the development of a "clean" 100-kiloton robust nuclear earth penetrator.

Again, simply stated, there is no casing that will withstand a 1,000-foot thrust into the earth—the depth at which a spewing of radioactivity might be contained. Such an admission begs the question: Why are we even spending a dime on this research? Or as Secretary Rumsfeld said to me in a Defense Appropriations Subcommittee hearing with a shrug, "Oh, this is just a study."

Do I believe that answer? Absolutely not. This has never been about a study. It has been about the intent of the administration to develop new nuclear weapons, and I have followed this for a long time now.

This year, this budget funds $8.5 million. In fiscal year 2007, it increases to $17.5 million, including $14 million for the Department of Energy and $3.5 million for the Pentagon.

While the administration is silent this year on how much it plans to spend on the program in future years, last year they let it all out. Last year's budget request called for spending $485 million on a 100-kiloton nuclear bunker buster over 5 years, which scientists say is impossible to devise. The laws of physics won't allow it, unless you are going to prepare one that is going to spew tons of radioactivity.

Let me, for a moment, mention the policies underlying this initiative. These policies began in 2002 with the document called the Nuclear Posture Review. That document places nuclear weapons as part of the strategic triad for the first time in our history, therefore, blurring the distinction between conventional and nuclear weapons—a very bad policy decision.

Then take National Security Directive 17, which came out later that year, which indicated for the first time in America's history that we would engage in a first use of nuclear weapons—a historic statement. We have never had a no-first-use policy, but we have never said that we would countenance a first use of nuclear weapons. And in National Security Directive 17 we do just that. We say we would engage in a first use of nuclear weapons—again, that is a historic statement—to respond to a chemical or biological attack against certain nations. The Nuclear Posture Review named seven nations against whom we would countenance a nuclear attack. One of those nations legally is a nuclear nation. This is ridiculous and foolish policy, and it jeopardizes the future of all Americans. But what it does also is it encourages other nations to develop their own nuclear weapons, thereby putting American lives and our national security at risk. That is why the North Koreans are moving ahead. They see what we are going to do. They see that we have said we would enter into a first use of nuclear weapons. North Korea is one of the seven nations named. That is what is happening in Iran now. Iran is one of the seven nations named. Other countries are now looking at advanced weapons concepts, based on the fact that we have moved in this direction.

The next nuclear nonproliferation review conference is in May, and it will allow parties to the treaty to measure progress in implementing their obligation and to discuss additional steps to meet the treaty's objectives.

In public statements—this is the hypocrisy—the administration recognizes the importance of the NPT. Last week, President Bush stated that the NPT "represents a key legal barrier to nuclear weapons proliferation and makes a critical contribution to international security," and that "the United States is firmly committed to its obligations under the treaty."

If we are indeed serious about strengthening our nonproliferation efforts and increasing international nuclear security, we should lead in reducing nuclear arsenals; we should lead in preventing nuclear proliferation; and we should know that a production of a 100-kiloton nuclear bunker buster is sheer hypocrisy on our part.

Make no mistake, the rest of the world is watching us and paying close attention to what we do. I believe the United States can take several actions to make better use of our resources and demonstrate our commitment to keeping the world's most dangerous weapons out of the hands of the most dangerous people. We have to strengthen the Nuclear Non-Proliferation Treaty at this May 2005 review conference.

This includes supporting tougher inspections to monitor compliance, more effective controls on sensitive technologies, accelerated programs to safeguard and eliminate nuclear weapon usable materials, and agreement that no state may withdraw from the treaty and escape responsibility for prior violations of the treaty.

We should expand and accelerate Nunn-Lugar threat reduction programs. I hear Senator after Senator saying they support the Nunn-Lugar program. We should provide the necessary resources to improve security and take the rest of the Soviet era nuclear chemical and biological weapons arsenal and infrastructure out of circulation.

Third, we should strengthen the ability of the DOE's global threat reduction initiative to secure and remove nuclear weapons usable material from vulnerable sites around the world.

Last year, Senator DOMENICI and I sponsored an amendment to the 2005 National Defense Authorization Act, which authorized the Secretary of Energy to lead an accelerated, comprehensive worldwide effort to secure, remove, and eliminate the threat by these materials.

Finally, we should improve—this has to do with the bunker buster—our intelligence capabilities in relation to underground targets and expand conventional options to put them at risk. Every underground target has entry and exit, has air vents, presents a way to take them out with conventional weapons. That is what we should be doing instead of exploring, doing research and development of a 100-kiloton nuclear bunker buster, which science says cannot be done without the spewing of millions of tons radiation. History repeats itself.

I yield the floor and suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WYDEN. I ask unanimous consent to speak for—may I have up to 10 minutes? I don't think I will go that long.

Mr. CONRAD. Mr. President, this is out of the amendment time, and there is 45 minutes on our side. We have many speakers. Can the Senator go for 7 minutes?

Mr. WYDEN. That would be gracious. I will try to do that.

Mr. CONRAD. If Senator SPECTER has not appeared by then, we can provide more time.

Mr. WYDEN. I thank my colleague.

The ACTING PRESIDENT pro tempore. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, those who advocate drilling in the Arctic claim that the drilling is needed to reduce our Nation's dependence on foreign oil. But what is included in the Senate budget resolution doesn't increase U.S. energy security. To the contrary, it is a license to export Alaskan oil outside the United States. With the inflated revenue projections of $2.5 billion from drilling in the Arctic included in the budget, the Federal Government will be forced to sell the oil to the highest bidder to even come close to reaching that amount.

Under the Senate budget, if the highest price is in South America, oil from that wildlife refuge would have to go to South America. If the highest price is in the Far East, Arctic oil would have to go to the Far East. If the highest price is in the Middle East, Arctic oil would have to go to the Middle East.

With the weak dollar, it would be a virtual certainty that the highest price for Arctic oil would be outside our country. It would not reduce our dependence on foreign oil one drop to export Arctic oil overseas, but that is exactly what could happen under the Senate budget resolution.

Now, last Congress, the House, in passing its Energy bill, recognized that drilling in the Arctic wildlife refuge won't help our Nation's energy security if the oil from that drilling is exported overseas. The House-passed Energy bill explicitly prohibited the export of oil from the Arctic wildlife refuge. But the Senate budget resolution fails to include an export prohibition. In fact, it invites exports by assuming revenues that can only be met by requiring the oil to be sold to the highest bidder, at a time when the dollar is weak.

If the goal is energy security, then including the Arctic drilling in the budget resolution in this fashion is the wrong way to go about it. We can get more energy security, and we can get it sooner than from Arctic oil drilling under the Senate budget resolution.

Last week, the President renewed his push for drilling in the Arctic by arguing it would produce nearly 10 million barrels per day. But the President acknowledged that that amount of oil would not be produced until 2025. We can get that much energy security and more, and we can get it now instead of waiting until 2025. We can get that added energy security by changing the current policies on exports of oil and petroleum and providing the right incentives for producers to develop the billions of barrels of recoverable oil that are in U.S. reserves but are not being developed today.

Right now our country is exporting about 1 million barrels a day of petroleum products. That happens every single day. We could in effect get 1 million barrels a day more oil for our country, 10 percent more energy security, and we could get it right now by ending those exports.

By comparison, the administration's Energy Information Administration says the amount of oil that the President says would be produced in the Arctic would only reduce our Nation's dependence by 3 percent, from 68 percent to 65 percent dependence on foreign oil. I seriously doubt the OPEC cartel will stop its anticompetitive practices because of a tiny increase in Arctic production 20 years from now that even the Energy Administration says would reduce our dependence on foreign oil by 3 percent. Our country can get more than three times that amount of increased energy security and we can get it now rather than 2025 by stopping exports of U.S.-produced petroleum products, and under the unrestricted export language of the Senate budget resolution we could end up with no additional energy security—no additional energy security, absolutely not. We can do much better than a 3-percent increase in energy security. We can do better than the 10-percent increase in security our country would get from eliminating exports. In fact, our country could produce an additional 40 billion barrels of oil, enough to replace all of our country's imports of oil for the next 10 years, and we could get that additional oil from existing reserves that could be produced in our country if the right incentives were provided.

If we want to get serious about energy security, we can start today. We should eliminate the budget resolution's license to export Arctic oil out of our country. We should replace the budget's Arctic oil export license with policies that provide real energy security for our Nation.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The journal clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I note the absence of a quorum with the condition that the time be charged equally against both sides.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The journal clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, the Senator from Pennsylvania, Mr. SPECTER, is recognized to offer an amendment relative to NIH on which there will be 45 minutes of debate equally divided in the usual form.

Mr. SPECTER. I thank the Chair.

AMENDMENT NO. 173

I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The journal clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for himself and Mr. HARKIN, proposes an amendment numbered 173.

Mr. SPECTER. I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Increase discretionary health and education funding by $2,000,000,000)

On page 17, line 16, increase the amount by $500,000,000.

On page 17, line 17, increase the amount by $500,000,000.

On page 18, line 16, increase the amount by $1,500,000,000.

On page 18, line 17, increase the amount by $1,500,000,000.

On page 26, line 14, decrease the amount by $2,000,000,000.

On page 26, line 15, decrease the amount by $2,000,000,000.

Mr. SPECTER. Mr. President, at the outset I submit a statement for the record and ask that it be included in its entirety at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. In order to summarize, since we have a relatively limited period of time, this amendment provides for increasing funding for the Department of Education by $500 million, which would bring it up to level funding, and an addition of $1.5 billion for the National Institutes of Health, and the offset would be across the board from Function 920. This reduction would not cut any programs but simply reduce administrative expenses, travel, and consulting services by .237 percent, which is minuscule in the overall scheme of things, I admit, very minor compared to the importance of having additional funding in education and additional funding in the National Institutes of Health.

NIH has made remarkable advances on an enormous list of very major diseases and they are worth itemizing because each one of these strikes thousands of Americans. They include:

Autism, stroke, obesity, Alzheimer's, Parkinson's, spinal muscular atrophy, scleroderma, ALS, muscular dystrophy, diabetes, osteoporosis, cancers, including breast, cervical and ovarian, lymphoma, multiple myeloma, prostate, pancreatic, colon, head and neck, brain, lung, pediatric renal disorders, multiple sclerosis, deafness and other communication disorders, glaucoma, macular degeneration, sickle cell anemia, heart disease, spinal cord injury, sudden infant death syndrome, arthritis, schizophrenia and other mental disorders, polycystic kidney disease, hepatitis, Cooley's anemia, primary immune deficiency disorders, and the list goes on and on.

As I read them off to itemize them, they are abstractions to people who suffer from these ailments. To families of people who suffer these ailments, they are catastrophic. Take someone who has autism, take someone who has Alzheimer's, this disrupts the family, these ailments are overwhelming. The National Institutes of Health has had increases in this budget on a commitment by this body to double NIH, and we have increased the funding very substantially. But last year and the year before and this year, the funding well has not proceeded as it should. When you talk about a budget of $28 billion for the National Institutes of Health, when you have an overall budget of approximately $2.67 trillion, $28 billion is totally insufficient.

If there is not an increase in funding for the National Institutes of Health, there will be 402 less grants awarded next year than last year. The increase of less than $200 million does not begin to approximate the replacement rate for chemical, biomedical research which is 3.5 percent. We have $1.7 billion which is being applied by NIH to bioterrorism. With all due respect, that ought to come out of homeland security, bioterrorism. It is coming out of the NIH budget because it is a medical issue. If there is not additional funding, these are some of the points of impact on the National Institutes of Health:

They will be unable to test safety of new behavioral treatments for autism; unable to initiate phase 3 to determine the relationship between infection and cardiovascular disease; unable to expand research on early identification preventing procurement impairment of newborns; delay by 1 year more research with industry to develop vaccines for hepatitis C infections; delay the evaluation of promising vaccines in a variety of contexts. It will delay programs for developing computer models for responding to infectious disease outbreaks such as avian flu, as well as bioterrorism attacks—here again these are abstractions, but to the people they hit, they are catastrophic—unable to expand the development of methamphetamine addiction; unable to initiate multicellular studies of aquaimmune hepatitis, and the list goes on and on.

The subject of adequacy of NIH research is one which I thought was of enormous importance before I was elected to the Senate in 1980, and my initial assignment on Appropriations took me to the Subcommittee on Health and Human Services. I have always been an advocate for increasing NIH funding. Then when I took over the chairmanship of the subcommittee in 1995, in a position to establish priorities, the Senate voted to double NIH funding, but then in the first year following defeated an effort to add $1 billion. Senator HARKIN and I have formed a partnership on a bipartisan basis, and he has had the gavel when the Democrats took over for 17 months in 2001 and when we have had a transfer of the gavel, it has been seamless, he and I and this partnership of established priorities within our subcommittee even when this body did not grant increases to NIH. We have found the money by establishing priorities. But the fact is that opportunity is gone. It is gone because there have been decreases in the other facets of the budget.

The Department of Labor budget has been cut by 3½ percent this year. I don't know how we are going to fund the necessary programs for worker safety. The education budget, believe it or not, has been cut by almost 1 percent, by some $500 million. I will come to that in a moment on the aspect of this amendment which seeks to raise education funding by $500 million. But it is not possible anymore to juggle the books. We cannot juggle the books and find money and priorities to add an additional $1.5 billion to the National Institutes of Health.

My interest in medical research occurred long before I developed a current problem, which has been publicized, with Hodgkin's, and I am glad to say that there is a cure for the particular problem I had. But in many forms of cancer there is no cure. President Nixon declared war on cancer in 1972. Here we are 33 years later, the wealthiest country in the world, the greatest talent in the world on research, and we spend $2.6 trillion. We spend it in many directions which are challenged by many people in our society, but we allocate $28 billion to NIH. And it is totally, totally, totally insufficient, and for families where they suffer from Alzheimer's or heart disease or the long list of maladies I recited, it is simply unacceptable. I know the distinguished chairman of the Budget Committee has enormous problems. I compliment him on taking on what is probably the toughest job in the Senate, to try to find a way to make allocations on the budget.

But among the priorities, I will say that the expression is frequently used, "none is higher." Well, that means it could be tied with a lot of others. But I would say health is highest. If you don't have your health, you can't do anything else. I could give an extended dissertation on that particular proposition because it has struck home to me. Not to overly personalize the matter, but when you go through the regimen for Hodgkin's, they fill your body full of poisons to fight the poisons which are in your body. It is quite a war of the worlds as it battles through you. It underscores the importance of health. For the people who were suffering from the long list I recited, it is the beginning and end of every day.

We ought to win the war on cancer. In the particular institute of a very distinguished doctor, John Glick, who is my oncologist, they had plans for a 57 percent increase in their funding. That was reduced to 42 percent. And that was eliminated. That is symbolic of what is going on across America. That reduction in funding means a lot of pain, a lot of suffering, and a lot of deaths. We have the capacity to do something about it. This $1.5 billion is a modest step.

Now on to education. The President's budget came over with a .9-percent decrease in education funding. It is a little hard for me to understand, given the importance of education. The Governors meet, the industrialists meet, and they decry the inadequacy of education in America. While the Federal Government provides a relatively small percentage of funding, we do have the leadership position.

Just last week, the Senate passed, 99 to 0, the reauthorization of the Perkins Vocational and Technical Education Program, which is a $2 billion program. But on the Education Department budget, this program is zeroed out. It was $2 billion, and we voted for it 99 to nothing. We looked good when we had the authorization vote, but when it comes to putting our money where our mouth is, we are AWOL, we are gone, we are not there.

There is an enormous number of educational programs which have been cut out totally. The GEAR UP program, which has been funded by my subcommittee over the last 6 years, which takes seventh graders and gives them mentoring and puts them on the right course through high school, an enormously important program not only for education but for crime control, where there is really the stark alternative of becoming a juvenile delinquent or becoming an educated America—it is gone.

The list is too long to read.

I ask unanimous consent the full text of these programs which are being cut be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EDUCATION DEPARTMENT FY 2006 DISCRETIONARY BUDGET, TERMINATIONS

[Dollars in thousands]

Program	2004 appropriation	2005 appropriation	2006 request
NCLB			
Foundations for Learning	0	992	0
Close Up Fellowships	1,481	1,469	0
Excellence in Economic Education	1,491	1,488	0
Women's Educational Equity	2,962	2,956	0
School Dropout Prevention	4,971	4,930	0
Mental Health Integration in Schools	0	4,960	0
Community Technology Centers	9,941	4,960	0
Exchanges with Historic Whaling and Trading Partners	8,450	8,630	0
Javits Gifted and Talented	11,111	11,022	0
Ready to Teach	14,321	14,291	0
School Leadership	12,346	14,880	0
Foreign Language Assistance	16,546	17,856	0
National Writing Project	17,894	20,336	0
Star Schools	20,362	20,832	0
Civic Education	28,642	29,405	0
SDFS Alcohol Abuse Reduction	29,823	32,736	0
Elementary School Counseling	33,799	34,720	0
Arts in Education	35,071	35,633	0
Parental Information and Resource Centers	41,975	41,886	0
Smaller Learning Communities	173,967	94,476	0
Comprehensive School Reform	233,614	205,344	0
Even Start	246,910	225,095	0
Safe and Drug-Free Schools State Grants	440,908	437,381	0
Educational Technology State Grants	691,841	496,000	0
Total, NCLB	2,078,426	1,762,278	0
Other K–12			
Tech-Prep Demonstration	4,939	4,900	0
Occupational and Employment Information	9,382	9,307	0
Vocational Education National Programs	11,852	11,757	0
Tech-Prep State Grants	106,665	105,812	0
Vocational Education State Grants	1,195,008	1,194,331	0
Total, Other K–12	1,327,846	1,326,107	0
Postsecondary			
B.J. Stupak Olympic Scholarships	988	980	0
Interest Subsidy Grants	1,988	1,488	0
Underground Railroad Program	2,222	2,204	0
Thurgood Marshall Legal Educational Opportunity Program	0	2,976	0
Demonstration Projects for Students Disabilities	6,913	6,944	0
Byrd Honors Scholarships	40,758	40,672	0
Leveraging Educational Assistance Partnership	66,172	65,643	0

EDUCATION DEPARTMENT FY 2006 DISCRETIONARY BUDGET, TERMINATIONS—Continued

[Dollars in thousands]

Program	2004 appropriation	2005 appropriation	2006 request
Federal Perkins Loans Cancellations	66,665	66,132	0
Teacher Quality Enhancement	88,888	68,337	0
TRIO Talent Search	144,230	144,887	0
GEAR UP	298,230	306,488	0
TRIO Upward Bound	312,451	312,556	0
Total, Postsecondary	1,029,505	1,019,307	0
All Other ED			
VR Migrant and Seasonal Farmworkers	2,321	2,302	0
VR Recreational Programs	2,564	2,543	0
Literacy Programs for Prisoners	4,971	4,960	0
VR Projects With Industry	21,799	21,625	0
State Grants for Incarcerated Youth Offenders	19,882	21,824	0
VR Supported Employment State Grants	37,680	37,379	0
Regional Educational Laboratories	66,665	66,131	0
Total, Other ED	155,882	156,764	0
Total (48 Terminations)	4,591,659	4,264,456	0

EXHIBIT 1

AMENDMENT TO INCREASE FUNCTION 550: HEALTH

Mr. President, I have sought recognition today to offer a $1.5 billion amendment to increase the health function and $500 million to increase the education function in this resolution. The amendment would add to the funding already included in the resolution for the National Institutes of Health and the Department of Education. The amendment is offset by an across-the-board reduction in Function 920. This reduction would not cut programs, but simply reduce administrative expenses, travel, and consulting services by 0.237 percent.

This amendment would provide NIH with a $1.5 billion increase over the President's budget. While this sounds like a tremendous increase, in reality it provides only 5.6 percent more than the previous year and provides a slight increase over biomedical research inflation.

As chairman of the Appropriations Subcommittee for Labor, Health and Human Services, Education and Related Agencies, I have said many times that the National Institutes of Health is the crown jewel of the Federal Government—perhaps the only jewel of the Federal Government. When I came to the Senate in 1981, NIH spending totaled $3.6 billion. The FY 2003 omnibus appropriations bill contained $27.2 billion for the NIH which completed the doubling begun in FY 1998. The successes realized by this investment in NIH have spawned revolutionary advances in our knowledge and treatment for diseases such as cancer, Alzheimer's disease, Parkinson's disease, mental illnesses, diabetes, osteoporosis, heart disease, ALS and many others. It is clear that Congress' commitment to the NIH is paying off. Now it is crucial that increased funding be continued in order to translate these advances into additional treatments and cures. Our investment has resulted in new generations of AIDS drugs which are reducing the presence of the AIDS virus in HIV infected persons to nearly undetectable levels. Death rates from cancer have begun a steady decline. With the sequencing of the human genome, we will begin, over the next few years, to reap the benefits in many fields of research. And if scientists are correct, stem cell research could result in a veritable fountain of youth by replacing diseased or damaged cells. I anxiously await the results of all of these avenues of remarkable research. This is the time to seize the scientific opportunities that lie before us.

On May 21, 1997, the Senate passed a Sense of the Senate resolution stating that funding for the NIH should be doubled over 5 years. Regrettably, even though the resolution was passed by an overwhelming vote of 98 to nothing, the Budget Resolution contained a $100 million reduction for health programs. That prompted Senator HARKIN and myself to offer an amendment to the budget resolution to add $1.1 billion to carry out the expressed sense of the Senate to increase NIH funding. Unfortunately, our amendment was tabled by a vote of 63–37. We were extremely disappointed that, while the Senate had expressed its druthers on a resolution, it was simply unwilling to put up the actual dollars to accomplish this vital goal.

The following year, Senator HARKIN and I again introduced an amendment to the Budget Resolution which called for a $2 billion increase for the NIH. While we gained more support on this vote than in the previous year, our amendment was again tabled by a vote of 57–41. Not to be deterred, Senator HARKIN and I again went to work with our subcommittee and we were able to add an additional $2 billion to the NIH account for fiscal year 1999.

In fiscal year 2000, Senator HARKIN and I offered another amendment to the Budget Resolution to add $1.4 billion to the health accounts, over and above the $600 million increase which had already been provided by the Budget Committee. Despite this amendment's defeat by a vote of 47–52, we were able to provide a $2.3 billion increase for NIH in the fiscal year 2000 appropriation's bill.

In fiscal year 2001, Senator HARKIN and I again offered an amendment to the Budget Resolution to increase funding for health programs by $1.6 billion. This amendment passed by a vote of 55–45. This victory brought the NIH increase to $2.7 billion for fiscal year 2001. However, after late night conference negotiations with the House, the funding for NIH was cut by $200 million below that amount.

In fiscal year 2002, the budget resolution once again fell short of the amount necessary to achieve the NIH doubling. Senator HARKIN and I, along with nine other Senators offered an amendment to add an additional $700 million to the resolution to achieve our goal. The vote was 96–4. The Senate Labor-HHS Subcommittee reported a bill recommending $23.7 billion, an increase of $3.4 billion over the previous year's funding. But during conference negotiations with the House, we once again fell short by $410 million. That meant that in order to stay on a path to double NIH, we would need to provide an increase of $3.7 billion in the fiscal year 2003. The fiscal year 2003 omnibus appropriations bill contained the additional $3.7 billion, which achieved the doubling effort. In FY 2004, I and Senator HARKIN offered an amendment to add an additional $2.8 billion to the budget resolution to ensure that the momentum achieved by the doubling could be maintained and translated into cures. The vote was 96–1. Unfortunately, the amendment was dropped in conference. We worked hard to find enough funding for a $1 billion increase in FY 2004. We fought long and hard to make the doubling of funding a reality, but until treatments and cures are found for the many maladies that continue to plague our society, we must continue our fight.

In FY 2005, once again, Senator HARKIN, Senator COLLINS and I offered an amendment to add $2 billion to discretionary health spending, including NIH. The amendment passed 72–24. However, the subcommittee's allocation did not reflect this increase. The final conference agreement contained an increase of $800 million over the FY 2004 funding level.

I, like millions of Americans, have benefited tremendously from the investment we have made in the National Institutes of Health and the amendment that we offer today will continue to carry forward the important research work of the world's premier medical research facility.

My amendment also intends to ensure that discretionary funding for the Department of Education is not cut below the amount provided by Congress last year. The resolution currently assumes a cut of $500 million below the FY 2005 appropriation. My amendment would add $500 million to Function 500 in order to prevent such a reduction.

Many members have pointed out that the budget for the Department of Education has been increased significantly over the past several years. In fact, funding has been raised from $24.7 billion in FY 1995 to $56.6 billion last year, an increase of 129 percent. My subcommittee has taken the lead in providing increases for Title I grants for Disadvantaged Students, Special Education and Pell grants. President Bush has made increases in these important programs a priority, which is why funding for Title I grants is up 45 percent since No Child Left Behind was passed in 2001, funding for Special Education is up 67 percent since FY 2001 and Pell grants are up 41 percent from the level when President Clinton was in office.

However, I am concerned that the budget resolution will force my subcommittee to make very difficult choices and cut one education program for another. For example, the budget proposes to eliminate $1.3 billion in funding for the Perkins Vocational and Technical Education program, $306.5 million for the GEAR UP program and $467 million

> for certain TRIO activities in order to fund a high school reform initiative. Yet, the Senate voted on Friday 99-0 to reauthorize the Perkins program, sending a powerful message to my subcommittee about the importance of this program.
>
> I believe that education is a capital investment. As District Attorney in Philadelphia, I have seen what happens when the right investments aren't made and kids turn to the streets without safe and productive learning environments. My amendment seeks to help States, colleges, teachers and families ensure that a quality education is available for all.

Mr. SPECTER. Mr. President, how much time remains of my 22.5 minutes?

The ACTING PRESIDENT pro tempore. The Senator has 8.5 minutes.

Who seeks time? The Senator from North Dakota.

Mr. CONRAD. Mr. President, we are now on the third day of the budget resolution.

I inquire of the desk, how much time do we have remaining?

The ACTING PRESIDENT pro tempore. On the Specter amendment, there is 22.5 minutes in opposition.

Mr. CONRAD. Could the Chair inform me how much time is left on the resolution?

The ACTING PRESIDENT pro tempore. The majority has 11 hours 4 minutes, the minority has 9 hours 23 minutes.

Mr. CONRAD. Mr. President, I want to alert my colleagues that the time is rapidly vanishing. We want to use this time we have efficiently and effectively. We don't want to have dead time here on the floor. We want Senators on both sides to have every opportunity to offer their amendments, so it is critically important that Senators take the opportunity that is available to them and come to discuss the amendments that are in front of us and discuss the amendments they may want to offer so this time is effectively used.

I know we are going to get into the situation where Senators are going to come to us and say: Can't we have some time? There is not going to be any time very shortly, and then we will go into vote-arama, in which there will be very limited time. I wanted to alert my colleagues.

Mr. GREGG. Will the Senator yield for a question?

Mr. CONRAD. I am happy to yield for a question.

Mr. GREGG. I believe the Senator from Wyoming was going to speak in opposition to the amendment of the Senator from Pennsylvania. He was going to talk about that. Did the Senator from North Dakota wish to go forward off the resolution? Is that the Senator's plan?

Mr. CONRAD. That was my plan, take time off the resolution.

The ACTING PRESIDENT pro tempore. That is how the time is being charged.

Mr. CONRAD. Mr. President, we have seen a dramatic deterioration in the budget situation since 2000. One can see what has happened. Back in 2000, we actually had a budget surplus. Then, despite the President's assurances that his fiscal policy would not lead to an expansion of deficits and debt, that is exactly what we have seen. In fact, we are now at record deficit levels, the biggest deficits we have ever had.

It is not just with respect to deficits that we have a problem. We are also seeing exploding debt. I remember so well, back in 2001, the Congressional Budget Office produced this chart of possible outcomes for the deficit. They said this was the range of possible outcomes. They adopted, in their forecast, a midrange. That was adopted by the President as well. They said, based on that scenario, that we would see $5.6 trillion of surpluses over the next 10 years, so many of my Republican colleagues assured me: Don't worry, we will get even more money because of the tax cuts. I remember being told repeatedly: You are going to get more money because of the tax cuts.

We didn't get more money. Here is what actually happened. This was the range of possible outcomes, according to the Congressional Budget Office. Now we can look back and see what actually happened. What actually happened was the deficits were far worse, they were below the bottom of their range of projected outcomes. All of that talk about how the tax cuts would generate more revenue just proved to be wrong.

The Comptroller General of the United States, the head of the General Accounting Office, warns us now that the fiscal outlook is worse than claimed. He says:

> The simple truth is that our Nation's financial condition is much worse than advertised.

The Comptroller General has it exactly right. Our fiscal condition, our financial condition is much worse than advertised. Why? Because when the President says to us he is going to reduce the deficit, he is going to cut it in half over the next 5 years, the only way he gets there is he just leaves out things.

What does he leave out? First of all, he leaves out of his budget any war costs past September 30 of this year. We have money for this year in a supplemental. Some of that will be spent next year as well. But that is $82 billion. The Congressional Budget Office says we ought to be budgeting $383 billion for residual war costs—Afghanistan, Iraq, the war on terror—but it is not in the President's budget.

Mr. SPECTER. Will the Senator from North Dakota yield for a question?

Mr. CONRAD. I certainly would.

Mr. SPECTER. This is a procedural question, not a substantive question. I thank the Senator from North Dakota.

On the scheduling of business, I have to chair an Appropriations subcommittee hearing on Health and Human Services at 10:30. We scheduled this amendment at 9:30. I wonder if I could prevail upon the Senator from North Dakota to permit Senator ENZI to respond to my arguments so that I can finish, conclude, and then ask unanimous consent, if that is agreeable, that you be recognized to continue your presentation?

Mr. CONRAD. I am happy to accommodate the Senator in that way. I understand, as I am hearing it, the Senator has another obligation, and he would like to finish his argument, and he would like to be able to respond.

Mr. SPECTER. I do.

Mr. CONRAD. Maybe we could work out some timing on this so we do not—maybe we could have a mini unanimous consent agreement so we can share this time in a way that does not force up the rest of our schedule here?

Mr. SPECTER. I thank the Senator from North Dakota. I think we can do that. I have 8 minutes remaining. There is 22 minutes in opposition. My speculation is that neither of us will use all of our time. I do not want to make a commitment to the other side on that, then, in advance, but probably no later than 10:20, 10:25, we can return to the Senator from North Dakota for his presentation, taking time off the bill.

Mr. President, I ask unanimous consent we follow that procedure.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. SPECTER. I thank the Senator from North Dakota and the Senator from Wyoming.

Mr. ENZI. Mr. President, I also thank the Senator from North Dakota and the Senator from Pennsylvania for making this arrangement so the flow of debate on this particular amendment can stay intact.

I do rise in opposition to the amendment of Senator SPECTER to increase discretionary spending by $2 billion. One of my favorite things—and I am sure everybody else's in this Chamber—is to give away money. You really don't get much opposition when you give away money. Unfortunately, we are in a situation where we do not have real money to give away—although, if we pass certain things, it turns into real money, and the deficit increases. We are making a very concentrated effort this year to hold down the deficit—not eliminate the deficit, but to hold it down. You have to do that a little bit at a time.

This concept is very similar to family budgeting. There are a lot of things a family would like to spend their money on, that they really feel they ought to spend their money on, but there is just not enough money to go around.

That is the case for virtually every amendment in this budget, there is a huge desire to be able to do some very specific things we know will make a difference. We have been doing that for a lot of years. That is part of the reason we are in the problem we are in right now.

This amendment increases discretionary funding for Function 500, which would include additional funding for education and job training—my favorite area—and Function 550, which would include additional funding for health—my second favorite area. That comes under the jurisdiction of my committee, the Health, Education, Labor, and Pensions Committee. It is a huge bite of the apple.

I am asked every once in awhile: How did that committee wind up with that much jurisdiction? I said it started out as just the Labor Committee, and then it picked up all the things that had to do with labor negotiations, the benefits that were negotiated, which include health benefits, job training, and pensions—Health, Education, Labor, and Pensions.

We have since then made it a four-part equal stool so we can have a comprehensive review of these things. We have been doing that, and we have been making some tremendous headway.

My colleague from Pennsylvania has indicated that the additional $1.5 billion in funding for Function 550, included in his amendment, would be allocated to the National Institutes of Health. While I strongly support the basic biomedical research and other important activities at this agency, I agree with Chairman GREGG that now is not the time to specifically determine the amount of funding for NIH. That can be difficult. That can be done as part of the appropriations process, and Senator SPECTER is certainly in charge of the major determinations after Chairman COCHRAN makes the allocation. This is not the time for specifically determining that, although we get the impression that very specific determinations are made as part of the budget process.

That is partly the fault of the President. The President sends us a billion-page paper that shows how he would spend the money if he were spending the money. He doesn't have the authority to spend the money. He doesn't spend $1 of the money. This body and the one at the other end of the building have to do all of the appropriations, and we have set up a process for doing it. This part of the process is not to go through the President's items in detail but to establish some caps on spending. How much are we willing to increase the deficit? That is what we are debating and deciding. Can we show restraint and fiscal responsibility so that over a period of time we reduce the amount that we are increasing the deficit? Can we reduce the rate of spending? We are not talking about huge cuts. We are talking about reducing the amount of increase, in most cases.

As you get into the specific details of the President's guidelines, you will find things that are very distressing because some of the places he chose to make increases might not be places we would. Some of the places he chose to make decreases might not be places we would. While the President might have a real desire to decrease a certain program, Congress might disagree—maybe because it is a pet program of ours. We have that authority, and we can override any of the baseline indicators the President has sent to us, and we do in a lot of instances.

I again want to remind people that this is setting the overall cap and, of course, giving some suggestions on how to do it.

As chairman of the HELP committee, I look forward to modernizing NIH through the reauthorization process later this year. I am excited to build on the great work of Dr. Zerhouni, the Director of NIH. We will be considering management reforms, including the NIH Roadmap, which will improve overall efficiency. This is particularly important given that the President has recently fulfilled his commitment to doubling the funding for the NIH. That is a monumental thing. We have doubled funding of NIH over the last several years. I applaud the President for improving scientific research, and I look forward to working with him and others to ensure that NIH has appropriate funding to fulfill its mission.

I commend the NIH for their process of peer review to see what research has the most potential to result in solutions to illnesses. I also commend the process NIH uses to give priorities to some very isolated diseases so that those get research, too. They do a marvelous job of allocating what they get. We confer with them regularly to see how they are doing, how quickly they can expand, and how easy it would be for them to include extra money. Like any Government agency or business, the more money they have, the more results they can get. The difficulty, again, is taking a look at the overall picture to see what we can do.

As chairman of the Health, Education, Labor, and Pensions Committee and a member of the Budget Committee, I am committed to ensuring that there is appropriate funding for all agencies within the Department of Health and Human Services while still keeping in mind the current budget deficit.

As we all know, the President's budget is a target, and the actual appropriations amount for NIH and other agencies at the Department of Health and Human Services will be more fully discussed after we have reauthorized the program.

Any time we reauthorize a program, there is a need to examine that program carefully and decide what legislative constraints exist that keep people from doing their job in the most efficient way possible. We need to look at the things NIH has discovered since the last reauthorization and decide what programs have been completed and can now be eliminated—this type of reauthorization leads to more efficiency and more cost effective solutions.

We want more cures. We have an agency that has the kind of direction and the capability to do more. As chairman of the authorizing committee that has jurisdiction over this agency, I look forward to working closely with Senator SPECTER and other appropriators to determine the agency's appropriate allocation of funding later this year. I strongly support the mission of NIH to pursue fundamental knowledge about nature and living systems and the application of that knowledge to extend healthy life and reduce the burdens of illness and disability.

That is one of the reasons that a couple of weeks ago we passed the genetics nondiscrimination legislation—to make sure people have more access to blood tests without any negative effects as a result of things learned from blood tests and the Genome Project. I was pleased that passed the Senate unanimously, which also shows the concern for doing the right thing with health.

We are making amazing progress, and I look forward to modernizing the process we use to achieve that progress through the reauthorization process later this year.

This amendment also assumes a $500 million increase in the Education Department to fund that Department at the 2005 level. I understand that some of my colleagues are concerned about the administration's proposed cuts to higher education programs such as TRIO, GEAR UP, and vocational education. Again, I want to point out the President's basic structure for arriving at a cap number. We are going to be working on this cap number. We are not going to be approving or disapproving the way the President got to those numbers. And, quite frankly, for the 8 years I have been in the Senate, there have been suggested changes by both Presidents that would affect TRIO, GEAR UP, and vocational education. Every time, the Senate has made sure those things did not happen.

We are interested in vocational education. For example, last week we passed the Perkins reauthorization for career and technical education. That was a commitment 99 to 0 by this body that we want to have career and vocational education at the high school level, and it is absolutely essential that we have that.

One of the things we are concerned about is the number of dropouts in high school. We want to reduce that. The amount that the Federal Government contributes to solving that problem is very small. In fact, mostly what we do is increase paperwork and tests that require additional time out of the classroom. That is not the best way to strengthen education for our kids.

We are looking for ways to decrease the dropout rate. I am pretty sure, if we eliminate career and technical education, we are going to increase the dropout rate.

But we have a plan within the committee authorization to be able to do the things we need to do in education, working them into a logical, staged mechanism so we can continue to provide and increase the number of things that are being done in education.

This year, the HELP Committee is scheduled to reauthorize the Higher Education Act. The budget resolution contains a $5 billion reserve fund for new higher education spending. I want to review all of these programs in the context of the higher education reauthorization. We need to make sure there is a good map for getting from here to there which reduces the dropout rate and the wasted senior year and eliminates the amount of remedial education kids have to do once they go to college. Twenty-eight percent of the kids have to take a remedial reading or math class when they get to college. That takes time and that takes money when it is done at the college level. Yet we have some wasted senior years. We want to move that back in the process. We think we have that capability in what we are already allowed to do. We looked carefully at the budget. It is not easy, but it is possible to do.

I thank the chairman of the committee for working with us so that we have some flexibility within our area so we can achieve what we need to do.

Finally, I would like to point out that if the Specter amendment is agreed to, it will be the first amendment to the 2006 budget resolution to be offset by using Function 920, which is currently an unfunded administrative account.

I urge my colleagues to vote no on the Specter amendment.

I yield the floor and reserve the remainder of my time.

Mr. ENSIGN. Mr. President, I rise today to discuss the amendment that has been offered by Senators SPECTER and HARKIN that would increase funding for the Individuals with Disabilities Education Act by $500 million.

While I support bolstering special education by $500 million, I cannot support reducing defense and veterans spending at a time of war.

In my time in the Senate, I have worked with my colleagues to almost double funding for IDEA. That increase has been echoed in my home state of Nevada, where the Federal investment in IDEA has almost doubled since 2001.

I recognize that we have a long way to go toward reaching the Federal Government's promise of funding 40 percent of the excess costs to educate, but we have made great strides toward that goal. The Federal Government now funds about 20 percent of the excess costs States and school districts face when educating children in special education programs.

We have an obligation to create the best education system for our children and their children—to do that we must eliminate waste and focus spending on programs that directly benefit our children. This budget accomplishes that goal. This budget, as did the President's budget, contains a $500 million increase for IDEA funding. While this is not the $1 billion increase many of us would like to see, it is a significant increase over last year's funding. During this time of large deficits and war in Iraq, it is necessary to temper funding increases. This includes funding for education.

This budget provides generous funding for the Appropriations Committee to work with. It is then the appropriators' job to determine which programs receive cuts or increases in funding. I look forward to working with my colleagues on the Appropriations Committee to ensure that IDEA receives the increase in funding it needs to stay on track and meet the Federal Government's 40-percent promise.

Mr. DOMENICI. Mr. President, I don't need any time to discuss the matter. I need a unanimous consent request. I wonder if the Senator will yield to me to do that.

Mr. SPECTER. I yield.

Mr. DOMENICI. This has to do with a time allotment on our side for the debate. We have 45 minutes on our side on debate with reference to the exploration in Alaska.

I ask unanimous consent that 45 minutes be distributed as follows to Senators on our side to speak on the Cantwell amendment up to 5 minutes each: Senator ALLEN, Senator TALENT, Senator THUNE, Senator MURKOWSKI, Senator INOUYE, who would have up to 10 minutes—he is the only exception—and Senator STEVENS and Senator DOMENICI. That would be 45 minutes. Some might use less and give it to other Senators.

I wanted the Republican Senators to know they are all in line at some point during the debate, with 45 minutes of our time for them.

I thank the chairman. I appreciate it.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Who yields time?

Mr. GREGG. Mr. President, what is the time situation?

The ACTING PRESIDENT pro tempore. On the Specter amendment, the Senator from Pennsylvania has 7 minutes 23 seconds. The Senator from New Hampshire has 7 minutes 30 seconds.

Mr. GREGG. Mr. President, let me speak, and then the Senator from Pennsylvania can wrap up.

Mr. SPECTER. Mr. President, I should be able to conclude and save some of that 7 minutes.

Mr. GREGG. Mr. President, I appreciate the Senator from Pennsylvania bringing this amendment forward. I know of his deep commitment to NIH and education, and as chairman of the Appropriations subcommittee which has jurisdiction over both of these accounts on the discretionary side, it is challenging, to say the least. He has the second largest appropriating account in the Senate after defense, but he probably has the job with the most demands on it well beyond defense, and he has attempted to balance those demands very effectively. However, in this instance, I believe we should stay with the basic numbers we have put forward in this budget.

It is critical if we are going to have fiscal discipline around here to have a top-line discretionary number which we have agreed to—843—and that we not within the budget process try to redirect funds within that number in a way that either negatively impacts other accounts or positively impacts accounts. That would be a unilateral activity of the Senator from Pennsylvania when he starts marking up the bill.

The 920 account, if it is used here, will have the practical effect of an across-the-board cut on all other accounts in the Government that are discretionary so that it creates a pressure that will be difficult to handle if it is put forward in this way.

On the specific issue of funding, we all recognize NIH is a premier institution and has done an extraordinary job, but we have to recognize this Congress has been extraordinarily generous over the last few years with NIH. Beginning at the beginning of the Bush administration, there was a decision to double the funding of NIH, and that is exactly what happened. It has grown at rates of 13 and 14 percent annually compounded. It has gone from $13 billion to a $27 billion account and $28 billion account in the last 5 years, a huge expansion in the commitment to research in the area of health care.

There are some concerns with whether we should not take a brief breathing period and make sure dollars are being used efficiently. The President has proposed an increase for NIH but not as much as maybe NIH believed it would like, but certainly in the context of the dramatic increase in funding over the last few years it is appropriate.

In the education accounts, this President has committed huge increases in education. The numbers are staggering, quite honestly. It is the commitment the administration has made relative to the prior administration. In the area, for example, of the overall discretionary budget, the Department of Education has gone up 33 percent since the Clinton years. In the area of No

Child Left Behind, it has gone up 46 percent, title I has gone up 52 percent, IDEA has gone up 75 percent. The way the President structured the budget was to say let's take a look at the miscellaneous educational programs that are targeted that have a small impact and see whether those priorities, in comparison with the big programs in which the Federal Government has a major role, such as No Child Left Behind, special education, Pell grants, and title I, the President decides to put more money into those programs rather than to the specific targeted programs.

Obviously, it will be up to the Senator from Pennsylvania, working with his committee and working with Senator ENZI, chairman of the Education Committee, to make decisions as to how that should shake out. But in this budget the President has proposed significant increases in the core educational programs. In special education he is up $450 million; in title I, he is up $1 billion; and in No Child Left Behind, up $1 billion; in Pell, which is not reflected appropriately, in my opinion, in this budget, or has not been discussed appropriately, he is up half a billion. We have specifically raised the cap—hopefully, it will end up there, but we have no control over how the allocations occur—to give Senator SPECTER's subcommittee an additional half billion specifically for Pell. So the grants can go from $4,150 and give it authority to allow the Pell grants to be restructured so you can get a $5,100 Pell grant under the new structure which is being proposed under this bill should Senator ENZI's committee decide that is how they want to proceed.

In addition, we have set aside $5.5 billion in the budget in a reserve fund specifically to fund a new Higher Education Act, the purpose of which is to dramatically expand the Pell grants and take them up to $5,100 for those who go to school 4 years and dramatically expand borrowing for students through the Guaranteed Student Loan Program.

Education is strong in this budget and I hope we will stay within the terms of this budget rather than expanding beyond that.

I recognize the problems the Senator from Pennsylvania has are difficult, probably the most difficult of any of the Appropriations subcommittees, and I understand why he brought this amendment forward.

I presume I have used all my time.

The PRESIDING OFFICER. One minute two seconds remains.

Mr. SPECTER. I disagree strongly with my distinguished colleague from New Hampshire. When he says we shouldn't redirect the funds, that is the purpose of this process. That is what the budget resolution is all about.

I say, in evaluating the funding for the National Institutes of Health and educational funding, as chairman of the subcommittee which has the appropriations responsibility, and having had a decade of experience there and 24 years experience on the subcommittee, that I am in a position to make an evaluation that may be preferable to the evaluation of the Budget Committee. But that is what this resolution is about. That is the purpose of Senators offering amendments.

When the Senator from New Hampshire talks about the funding which the President has increased in the past, I point out that a good bit of that has come from the Congress. And when you are looking at a budget for education in excess of $54 billion, if you figure the inflation cut, that is about $1.5 billion, and besides that, the level of funding is not even present. We have more than $500 million left from last year, an aggregate in education of $2 billion. Considering education is a major capital asset in this country, that is not an appropriate allocation of resources in the opinion of this Senator.

I think to add $500 million to the education budget is modest. When you talk about the Pell grants, that is a complicated matter, but it does not help the tremendous number of programs that have been cut.

If I might have a brief discussion with the distinguished Senator from Wyoming on a couple of points which were made, when he says there is no cut in NIH, I respectfully disagree. When you have biomedical research up 3.5 percent on $28 billion, what you have is a cut of $980 million, almost $1 billion. There was a modest increase, $145 million, so NIH is short in real dollars by $835 million. So I say it is not a matter of no increase, it is a matter of a cut.

The one question I have to ask my distinguished colleague is, on the Perkins vocational grants, he pointed out that it was a 99-to-0 vote. He voted for it as did I. And I agree totally with what the Senator from Wyoming has said, that it is "absolutely essential" to have career and vocational training, and if you don't there will be an "increase in the dropout rate." But the budget which has been submitted by the education department of my subcommittee zeros out the Perkins grant.

How can we reconcile the importance of the Perkins educational grant and eliminate the funding?

Mr. ENZI. Mr. President, again I say what we are looking at when we see the President's proposal is their suggestions for how we get to the budget cap number they talk about.

The House and the Senate agree and have made a decision—I am pretty sure the House voted on it—that is going to be an essential part of education. So as we have done in the past, we will take money from other areas and shift it into vocational training. The President's proposal was to take that money from vocational education and put it into the high school No Child Left Behind Program. Those numbers are even in the President's budget, but we have chosen that there are other ways we can do high school improvement other than taking away this vocational money and putting it into the high school No Child Left Behind Program.

What we are doing is flexing even within what the President said and taking the money they were going to take from the vocational education and put in some increased testing and accountability and moving them back into vocation.

Mr. SPECTER. Mr. President, the Senator from Wyoming does the best he can with his argument, but the difficulty is that when the subcommittee's budget has been cut from $143.5 billion to $141.3 billion, we don't have room to make reallocations. We just do not have the room.

If you take a look at a 3-percent inflation rate, that would be about another $4 billion. So what we are left with is a $6 billion shortfall. This is just illustrative of the Perkins programs which is a very important program. I agree with the Senator from Wyoming, it is a very important program, but one of many very important programs which are being eliminated.

That is why I say to my colleagues I have come here modestly asking for $500 million for education, and very modestly in asking for $1.5 million for the National Institutes of Health so we can win the war on sickness.

I ask unanimous consent Senator HARKIN be added as a cosponsor to this amendment. Senator HARKIN has other commitments, but had he been here he would have offered superb arguments at decibel levels substantially higher than that which has taken place here today.

If the Senator from Wyoming is prepared to yield back his remaining time, I am prepared to do the same and that would conclude the presentation on this amendment.

Mr. ENZI. I yield back our time.

Mr. SPECTER. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. All time is yielded.

Is there a sufficient second?

There is not a sufficient second.

Could the Senator restate his request for the yeas and nays?

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota is to be recognized.

The Senator from Washington.

AMENDMENT NO. 168

Ms. CANTWELL. I ask unanimous consent we move to the Cantwell amendment regarding ANWR and use up that time and recognize the Senator from North Dakota when he returns.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, there will now be 90 minutes for debate equally divided in the usual form in relation to amendment No. 168.

The Senator from Washington.

Ms. CANTWELL. Mr. President, I have submitted to the desk the amendment to strike the language out of the budget that would recognize revenue from drilling in the Arctic National Wildlife Refuge. We started this discussion last night with colleagues on both sides of the aisle to talk about why America should not be focusing on drilling in a wildlife refuge, turn down the recognition of this revenue, and focus instead on an energy policy that will put America in better stead, get us off our dependency on foreign oil, reduce pollution, and focus on the technology that will truly make us energy independent.

Many have discussed or seen the Arctic National Wildlife Refuge. To remind my colleagues, we established this refuge because we believed in protecting the wildlife that existed there—the porcupine caribou herd, the polar bears, grizzly bears, wolves, sheep, falcons, migratory birds as shown in this picture. We wanted to fulfill our international fish and wildlife treaty obligations. Also, we wanted to provide an opportunity for continued subsistence for local residents and we wanted to ensure water quality and necessary water quantity within the refuge.

These pictures from the refuge show a delicate coastline area in the northern parts of our country. The purpose of designating and protecting the wildlife refuge was because of its unique nature. One of the Episcopalian bishops from Alaska who was here yesterday spoke about the refuge as actual sacred ground and the fact that the preservation of it means so much to many Alaskans as it does to many people throughout America.

But we are here today on what I call a budget end run to recognize revenue in the budget as a way to try and open drilling in ANWR, to open drilling in this pristine wildlife area.

Now, why, if you want to support drilling in Alaska in the Arctic National Wildlife Refuge, do you want to try to do it on the budget? My point is, it starts a precedent for opening other areas by simply putting money in the budget. Why not expedite timber sales by simply recognizing revenues in the budget? Why not open drilling on the coastal regions of the country by recognizing revenues in the budget? Why not open drilling in Yellowstone National Park by recognizing revenues in the budget? It is a bad precedent.

It is a bad precedent for America because if you look at the President's potential U.S. oil and gas plan for America, you can see that the administration has oil plans for all over the country: up in the Northwest in the State of Washington, which I represent; and neighboring States, Oregon and California; along the eastern seaboard; in Florida, significant areas; up in the Great Lakes region. These are all the potential areas that the administration has designated as opportunities for oil drilling.

Do we want to stick in the budget revenue recognizing oil production in these areas and simply subvert the normal process that would allow us to debate and consider whether we should have these oil sources recognized?

This particular Senator agrees with some of the editorials around the country when it says this sets a bad precedent. In fact, there are many newspapers, particularly from coastal regions such as mine that are concerned. Let's go to the St. Petersburg newspaper. It said: So why should Floridians be concerned about the caribou? Obviously, there are no caribou in Florida. But the caribou being driven out of their icy habitat by oil rigs, because of this, for Florida, "means there, by the grace of Congress, go we."

That is what the St. Petersburg newspaper is trying to say. If you decide to drill in Alaska and recognize in the budget this revenue, what will stop them from doing this in other parts of the country?

Another Florida newspaper said:

> The costs and risks of drilling in the Alaskan refuge outweigh the benefits. [And] opposition to the drilling off Florida's coast would be compromised.

So this is not only this Senator saying this, these are people from across the country who are concerned about this process of sticking money in the budget as a way to achieve the goals of opening the Arctic National Wildlife Refuge.

Well, I can tell you, I think opening the Arctic National Wildlife Refuge to oil drilling is the wrong direction for America. It is the wrong direction for America for many reasons. As I said, we have a pristine wildlife area we want to protect. If someone thinks it can coexist, if somehow drilling for oil in this region and the wildlife refuge can coexist, I would like them to think about this.

In the Prudhoe Bay area, we have averaged 500 oil spills a year. From 1972 to 1986, the Alaska Department of Environmental Conservation reported 23,000 spills of oil and hazardous materials on the Northern Slope. Annual emissions from air pollutants on the Northern Slope include at least 4,000 tons of hydrocarbons, more than 6,000 tons of methane gas, 6,000 to 27,000 tons of nitrogen oxide.

If that is not enough, the U.S. Fish and Wildlife studies have reported that the snowfields around Prudhoe Bay have high concentrations of heavy metals such as zinc, lead, and copper. For some of those chemicals, the nitrogen oxide level is as much as in Washington, DC. And we are talking about just an area in Alaska.

If you think drilling in the Arctic Wildlife Refuge can coexist with the refuge, I would also like to suggest we take a look at the even newer Alaskan oilfields which have significant problems with environmental management.

In February 2000, one oil company was sentenced to pay $15.5 million in criminal fines and to implement new environmental management programs, and to serve 5 years probation for failure to report illegal dumping of hazardous materials in certain oil wells. They also paid an additional $6.5 million in civil penalties, while its contractor pled guilty to 15 counts of violating the Oil Pollution Act of 1990 and paid a $3 million fine.

A 2003 study of by National Academy of Sciences, which studied the cumulative effects of current drilling on the Northern Slope of Alaska, documented significant environmental and cultural effects that have accumulated after three decades of oil development on Alaska's Northern Slope.

So I think it is very foolish to say oil development and a wildlife refuge can coexist, not when we are talking about clean water, not when we are talking about preserving a wildlife habitat, not when we are talking about continuing to preserve what has been called a very unique area of our country.

But there is something I think the Senate needs to understand as we take this vote. This is a good proposal for Alaska, and I don't fault my colleagues for trying to propose this particular proposal. I would much rather, as I said last night, work with my colleagues on a natural gas proposal and provide the resources necessary to build a pipeline and access a significant source of natural gas supply that would help us in America getting off our dependence of oil in general and develop a much cleaner supply for Americans. But there is nothing in this language that guarantees the oil produced in the Arctic Wildlife Refuge would even stay in the United States. The oil companies are free to export that oil. So for those who say somehow this is going to affect gas prices—and, believe me, we will not see this oil for 10 years, and it is only a 6-month supply, and it will have a minimal impact on markets—it certainly has no guarantee to have an impact on price or supply in the rest of the U.S. market because the oil drilled in the refuge can be exported.

I also question whether the estimates of money in the budget resolution are even valid, whether the numbers are even correct. That is because current law requires that there be a 90-10 split between revenues that go to Alaska and the Federal Government. This budget resolution supposedly recognizes a 50-50 split, which I do not understand how one gets to that conclusion, because it is not current law. In any case, that split means Alaska residents would get $717 per person per year. So I get why it is a great deal for Alaskans. But it is not a great deal for Americans.

Americans need to move ahead and produce a variety of sources of energy supply. I am going to talk about that in a few minutes, but I want to recognize some of my colleagues who also want to speak.

What we need to recognize is that drilling in the refuge only increases America's reliance on fossil fuel, and that, according to another newspaper editorial in our country, is being recognized by Americans all over. They know that would increase America's reliance on fossil fuels and do little to limit our dependence on imported oil.

That is what the other side would like to say the debate is about, improving our independence. What we should do instead is invest in new technologies and change our strategy. We do not need to open a wildlife refuge and continue to depend on something that we know has a very high chance of polluting the environment and harming the wildlife, but get on to investing in the technology that will diversify our energy supply and give us a secure future.

Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator has 28 minutes.

Ms. CANTWELL. Mr. President, I would like to yield to the Senator from Massachusetts for 10 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 10 minutes.

Mr. KERRY. Mr. President, I thank Senator CANTWELL for her leadership.

I regret we are here at this time on the budget talking about a major legislative issue, a major energy policy issue which is being approached through the backdoor. This is the equivalent of the "nuclear option" that is being talked about with respect to judges. This is a "nuclear option" on the Arctic National Wildlife Refuge.

You cannot drill, you cannot have oil exploration and preserve a refuge, nor even a wilderness. The oil companies themselves have said that. They have made it crystal clear. ConocoPhillips pulled out the other day and said they do not want to drill in Alaska. BP does not want to drill in Alaska. And these companies have had the courage to admit publicly that wilderness and drilling simply do not coexist. But because the votes do not exist to do this through the proper channels of the Senate, there is a new process being put in place to do this on the budget.

It is symptomatic of what is happening in the Congress. The Ethics Committee in the House is importuning to change the rules for Congressman TOM DELAY. Now they are talking about changing the rules for how to get judges. They do not like the rules; change them.

This does not belong in the budget. It belongs in a debate on the energy policy of the United States. But even on the merits, every single argument that has been made about the Arctic Wildlife Refuge fails to withstand scrutiny. We have heard that drilling in the refuge can be done in an environmentally friendly manner. But even the administration's own reports, the National Academy of Sciences, and others, all show that is not true.

We have heard that drilling in the refuge will reduce our dependence on foreign oil. We have heard that drilling in the refuge is going to bring gas prices down at the pump. We have even heard that drilling in the refuge belongs in the national budget because of the revenues from the lease sales. We have heard it is the only available location to look for new oil, notwithstanding that the largest unexplored and as yet unexploited area of oil for the United States is in the offshore gulf, deepwater drilling. We have heard the oil industry is eager to do this even though oil industry executives tell you otherwise in private, and several major companies in public have pulled out of the effort.

We say here that less than 1 percent will be affected and only 2,000 acres is going to be the footprint. Yet there is nothing containing that 2,000 acres into one contiguous area.

The fact is, that 1.5 million acres will be opened and you could have 20 different sites or 40 different sites of individual drilling. The maps show the roads, the gravel pits, the gravel roads, and other needs of airport, and so forth, to service those particular areas.

I would think most of my colleagues would understand that by definition wilderness and an industrial zone do not coincide. By definition they cannot occupy the same space.

In 1960, the Eisenhower administration first recognized the extraordinary wilderness value of the area and it was established to provide a unique wildlife landscape. Building a massive oilfield, no matter how you describe this imprint—we do not have time, unfortunately, to go into great detail, but every description of how this would actually be done defies the notion that this is going to be contained to an area the size of Dulles Airport.

Oil companies want you to think whatever oil may be found in the refuge is in one compact area. But if you go look at the North Slope oilfields west of the Arctic Refuge, that development sprawls over an extraordinarily large area. It stretches across the Coastal Plain.

According to the U.S. Geological Survey, potential oil under the Coastal Plain is not concentrated in one large reservoir but it is spread across the Coastal Plain in many small deposits. To produce oil from this vast area requires a network of pipelines. Roads will be built. And that will change the habitat of the entire Coastal Plain.

Now, I acknowledge there is new technology. I know we have made progress with respect to horizontal drilling. We all understand that. And it is more efficient. And, yes, it is less harmful than we have been in the past. But the advantages are extraordinarily exaggerated, particularly with respect to what will happen to the imprint in the Arctic Wildlife Refuge. Even new technology such as directional drilling does irrevocable damage. Permanent gravel roads, busy airports are still used for access to production wells that are scattered across more than a million acres of coastal plain. And the entire complex, according to the analyses made by independent groups, will produce more pollution than the city of Washington itself.

No matter how well done, oil development has significant and lasting impacts on the environment. The industry itself has said this. British Petroleum has said:

> We can't develop fields and keep wilderness.

And if the facts and the frank admission of an oil company are not enough, colleagues ought to read the National Academy of Sciences study. They should read the Department of Interior study and others who have all come to the same conclusion.

In addition, let me point out that every onshore oilfield today on Alaska's North Slope has permanent gravel roads, every single one, even the original Alpine field promoted to this day as a roadless development. I read Secretary Horton's article in the New York Times on the weekend talking about roadless development. It isn't roadless. It has a road connecting its drill sites from the time it began pumping crude oil in the year 2000. In December of 2004, a new road into the National Petroleum Reserve-Alaska, and others, connected the initial oilfield pump to 33 miles of Alpine roads, and BLM predicted 122 more miles are going to be needed for the next phase of Alpine expansion.

Even today this promotion of "roadless" is fictitious. It is not going to happen. The roadless concept has not been abandoned. This is what the Bureau of Land Management says:

> The roadless concept has not been abandoned. Roadless development never meant no roads, only that the construction of permanent roads would be minimized.

How many times do the American people have to listen to clear skies that aren't clear, healthy forests that are not healthy, and now roadless rules that are not roadless? The fact is, this is going to be destructive. It changes wilderness forever.

What about dependence? We hear this is going to change America's dependence on oil in the world. Go talk to anybody on Wall Street who deals with oil. Go talk to any of the people who trade oil prices, crude barrels. The fact is that this is not going to have any impact. Ten years from now at the peak year, you may change the percentage of American dependency from 62 to 60 percent.

The United States only has 3 percent of the world's oil reserves. Nothing we could do in Alaska will affect the long-term security of the United States. The only thing that will do that is to recognize we need to move to alternative, renewable, different forms of fuel. The effort of the Senate should not be to destroy a wilderness area. The effort of the Senate ought to be to accelerate that research and development in America. Because with 3 percent of the oil reserves of the world in our hands, including Alaska, you can't drill your way out of America's predicament, you have to invent your way out of it. And that is not what this bill seeks to do. It is a drilling solution. It is a drilling solution with extraordinarily negative consequences.

The fact is, the price of oil will not drop. The price of energy will not drop. The price of gasoline will not drop. And one of the reasons why is that China, with its 1.2 billion people, and India, with its 1.-plus billion people, are all increasing their cars on the roads, increasing their development. That is raising the demand curve to a point that nothing the United States does is going to accelerate our production of oil sufficiently to have an impact.

May I have an additional 2 minutes?

The PRESIDING OFFICER. The time of the Senator has expired.

Ms. CANTWELL. I yield the Senator an additional 1 minute.

The PRESIDING OFFICER. The Senator is recognized.

Mr. KERRY. We should not take the energy policy of the United States and dump it into a tiny debate on the budget for a backdoor effort to find 50 votes-plus in order to do what has traditionally been done according to the rules of the Senate. This is an abuse of power. It is also an abuse of common sense. It will result in a policy that is against the will of the vast majority of the American people. Once again, special interest effort is defeating the desires of the American people to preserve wilderness and preserve something we have preserved to this date for future generations.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. Mr. President, I yield myself time off of the resolution.

The representation by the Senator from Massachusetts that somehow this is outside the rules to proceed within the rules is a very unique view of the rules. We are using the rules of the Senate. That is what they are. Reconciliation is a rule of the Senate set up under the Budget Act. It has been used before for purposes exactly like this on numerous occasions.

The fact is, all this rule of the Senate does is allow a majority of the Senate to take a position and pass a piece of legislation, support that position.

Is there something wrong with majority rules? I don't think so. The reason the Budget Act was written in this way was to allow certain unique issues to be passed with a majority vote. That is all that is being asked for here.

Mr. KERRY. Will the Senator yield for a question?

Mr. GREGG. No, I will not yield.

The point, of course, is this: If you have 51 votes for your position, you win. Fifty-one votes to say there should not be drilling, that there should not be exploration, that this small postage stamp of land in this vast area of land should not be looked at for the purposes of giving us some independence in the area of energy, addressing our energy needs as a nation—if you have 51 votes to say that, you win.

If, on the other hand, the Senators from Alaska, who feel that in good conscience they had a commitment from the Senate for many years that they would be allowed to pursue this initiative and that they can do it in an environmentally sound way, have 51 votes for their position, they win. That is the way the rules of the Senate are set up.

So it is totally inappropriate for a Senator to come to this floor and represent that this is some sort of unethical act, as was implied by the Senator from Massachusetts. We are using the rules of the Senate as they are set up to be used, and that happens to be the rule of the Senate.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Alaska is recognized.

Ms. MURKOWSKI. Mr. President, at this time I yield 5 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ALLEN. Mr. President, in listening to the debate, I will tell you what people in the real world care about and that is not process. What people care about, when you see them in the hallways, or anywhere across our country, they care about these high gasoline prices they are having to pay. I agree with the Senator from Washington, to some degree, that we do need to embrace a national energy policy that utilizes the advances of technology. We need more electricity being produced by clean coal technology, propulsion by fuel cell vehicles, and also we need to look at nuclear as a part of the mix, as opposed to natural gas for electricity base-load generation.

Rather than talk about process, let's talk about reality. The Senator from Massachusetts is talking about process that no one in the real world cares about. But what I understand is my own experience. I have been to the North Slope, Prudhoe Bay in late November. It was like the dark side of the moon. I also studied this over the years and have seen that Prudhoe Bay has development. I think it is a magnificent engineering feat. In the summer, it is full of mosquitoes, and at other times there are herds of animals that have to be fairly hardy animals to live up there.

So the argument ends up being, gosh, if there is a pipeline, there will be a gravel road. All of what happened in Prudhoe Bay has not had an adverse impact on the animals up there, or the mosquitoes, and if there is a gravel road in an area the size of Dulles Airport in a refuge the size of South Carolina, a few gravel roads won't have much impact. I know the occupant of the Chair, who is from South Carolina, knows that doesn't stop deer in his State. It certainly doesn't stop any other animals.

The reality is we have high gas prices, gasoline, and natural gas. It is affecting our travel and people in their homes. There are three reasons this amendment needs to stay and we get this revenue from this production. No. 1, security. We are overly dependent upon foreign sources of energy. We are being jerked around and sitting here reading e-mails to see what OPEC is going to do. Are they going to increase production by a few hundred thousand barrels? What impact will that have? Yes, other countries, such as India and China, are taking coal and taking energy, such as oil.

But the point is we should be less dependent and reliant for our own security on OPEC and Venezuela and all these different countries, primarily in the Middle East, for our own security. We are presently 58-percent dependent upon foreign oil. It is going to go up to 68 percent in the next 15 years. That is the estimate.

Second, this is for jobs. Jobs will be created. Hundreds of thousands of jobs in everything from manufacturing, mining, trade, services, construction, and others. It is going to have an impact mostly on Alaska, but also across the country. That is good for our country as well.

Talking about this being Yellowstone, I would not open up exploration at Yellowstone. Nobody is suggesting that. The west coast of Florida, the people there, if they want to have a reasonable distance from oil production that doesn't draw the line all the way to Mississippi and Louisiana, respect the will of the people of the west coast of Florida. If the people of Charleston, SC, don't want drilling off the coast of South Carolina, we ought to respect those people.

In Alaska, having been chairman of the Republican Senatorial Committee, looking at poll after poll last year, it is amazing how uniform the support is among the people of Alaska—Democrats, Republicans, Indians, Eskimos, and even in the sub-categorized liberals; liberals in Alaska are in favor of this pipeline. They understand it can be done in an environmentally sound way. It means jobs, revenues. And for us outside of Alaska, the lower 48, and Hawaii, this means energy security.

Finally, in addition to security and jobs, there is competitiveness. This country needs to have a reliable, affordable source of energy, whether that is oil or natural gas. Many fertilizer and chemical manufacturers, paper, plastic—even in Danville, VA, where they manufacture tires at a Goodyear plant, they are concerned about the skyrocketing costs of natural gas. Natural gas is available in other countries around the world at a more affordable price. They are competing to get Airbus airplane tires. They got the contract, but obviously tires can be made in Southeast Asia, or elsewhere in the world.

It is important for our competitiveness that we have a more stable and affordable energy supply. So I ask you all, my colleagues, to do what is right for the security of this country and jobs for Americans and, most important, for the competitiveness of our country. Support what the Budget Committee has done. Let's use those resources on the North Slope of Alaska for American job security and competitiveness and do what is right by the people in the real world, who would like to see us act, as opposed to worrying about what people in OPEC say about our gas prices.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I yield 5 minutes off the resolution to the Senator from Massachusetts so he may be able to answer the questions that were put to him.

Mr. KERRY. I thank the Senator from North Dakota. I would like to take 1 minute to say something about what we heard, because the Senator from Virginia tried to minimize the impact of what would happen out there. Let me read what happened from the Clean Air Act Violations in 2004:

> The Alaska Department of Environmental Conservation imposed an $80,000 civil penalty on ConocoPhillips for Clean Air Act violations in the Alpine oil field. In addition, over 2.3 million gallons of drilling muds—toxic, manmade fluids pumped into wells—disappeared into the Colville River in 1998. The following year, 24,654 gallons of hazardous drilling fluids spilled at the Colville River pipeline crossing.

Oil industry activities for the Alpine fields caused 170 spills, totaling 36,000 gallons of hazardous substances by 2004, and that is according to the Alaska Department of Environmental Conservation.

So this is not without harm. I stand by what I said about this being a violation of the rules, going outside the rules. I ask the Senator from North Dakota this, as he is a budget expert, respected by everybody in the Senate on the subject of the budget. The reconciliation process was put into place not to permit legislation for something that has been voted on as a matter of energy policy for years but for deficit reduction. This is not deficit reduction. I ask the Senator from North Dakota if that is not correct, that under the budget reconciliation rules, reconciliation is for the purpose of deficit reduction?

Mr. CONRAD. Mr. President, I would say, in answer to my colleague, my own belief is whatever one's views on opening the Alaska national wildlife refuge for exploration, whatever one's views are, my own belief is this is an inappropriate way to reach that policy conclusion.

The Senator is correct. Reconciliation is a process outside normal rules of the Senate. Reconciliation takes away from every Senator their most fundamental right, and that is the right to unlimited debate, the right to have an amendment, and the right as a member of the minority to resist the passage of legislation.

Reconciliation is a fast-track procedure that was put in place to try to address what was then record budget deficits. It was an attempt to provide a special protected procedure, not for the purpose of making policy changes that were incidental to the budget process but that were central to the budget process.

I do not think there is much question that this is a policy change being put in reconciliation that is incidental to the budget process. It is an attempt to change legislative policy that is far beyond an attempt to effect budget policy. For that reason, I personally believe, whatever one's views on ANWR, that this is an abuse of the process.

Mr. KERRY. I thank the distinguished Senator. If I could also ask him one further question, according to the expectations of drilling, the time it will take and when revenues would flow to the United States, there will be no revenue that will flow from this legislation that will reduce the deficit; is that correct?

Mr. CONRAD. I do not have before me the anticipated flow of revenue. But, really, that is not so important as the fundamental underlying question: Is this an attempt to do something by way of a policy change that is merely incidental to the budget process? I think one would have to answer: Clearly it is. That makes it an abuse of the process.

Reconciliation, again, for my colleagues, was designed to be used for deficit reduction. This cannot be seen, seriously, as a deficit reduction plan.

Mr. KERRY. I thank the Senator. This is not a deficit reduction plan. That is the fundamental choice here.

For those colleagues who are wavering about this, who wonder about it, this is a precedent. Some people around here may take these precedents casually and the moment may seem very opportune. What goes around comes around. Someday these folks over here may be in the minority and they will want the rules played by properly. That is really what is at stake, not just the issue of the Arctic Wildlife Refuge but how the Senate is living up to its own standards and its own rules.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

MS. MURKOWSKI. Mr. President, I yield 10 minutes from our side to the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for 10 minutes.

Mr. INOUYE. Mr. President, during the past several weeks, my office and I have received hundreds of letters, telephone calls, e-mails, most of them condemning drilling in the Arctic National Wildlife Refuge. Some were threatening. Some were very sensitive. I would like to take this opportunity to respond to these letters and telegrams and e-mails.

I do this with mixed feelings because I am well aware that the majority of my colleagues on the Democratic side are not with me and that I may be one of the very few on our side. But I have taken this position for many years. This is not the first time. So I think I have a few things I would like to share with you.

Last night, I watched a television ad put out by people who are not for the drilling. If one looked at it objectively, you got the impression that the drilling would be done in all of Alaska. It showed pristine scenes of wildlife, of plants. You could not help but feel, my God, are we going to destroy all of this?

How large is ANWR? As the Senator from Virginia stated, it is about the size of the State of South Carolina. The area that will be set aside for this drilling would be about 2,000 acres—2,000 acres out of 19 million acres.

Put another way, if ANWR were the size of a page of the Washington Post, and you put something on it about a square quarter inch, that would be about the size of the drilling footprint of ANWR.

We are not devastating the State of Alaska. We are not devastating ANWR.

This debate has gone on for a long time. Many of the debates centered around the statements of an Indian tribe, the Gwich'in. The Gwich'in village at one time offered their lands for lease to drill and develop oil. They had no conditions to it. They said just go ahead and drill on our land, we would like to have that done. But when the test drills were made and they found that there was no oil or gas, then, suddenly, the Gwich'ins found themselves in opposition.

There are 230 Indian tribes and tribal villages in the State of Alaska—230. One tribe is against it, the Gwich'in tribe. For the past 15 years I was chairman of the Indian Affairs Committee. My mandate from my colleagues was that we should listen to the Indians. Mr. President, 229 tribes said yes, we want it. One tribe said no.

The Gwich'ins have cousins on the Canadian side, and the Canadian side Gwich'in land is being drilled at the same time, and they seem to be happy.

The question comes up, how many barrels will ANWR produce? The U.S. Geological Survey suggests that ANWR holds between 5.7 billion and 16 billion barrels of oil, an average of about 10 billion barrels. The site will produce an additional 876,000 to 1.6 million barrels a day. This makes it the single greatest prospect for future oil production in the United States. It will produce over 36 million gallons of much needed gasoline, jet and diesel fuel and heating oil. To put this in perspective, while ANWR can produce 1.6 million barrels a day, Texas and California each offer about 1 million daily.

Development of ANWR alone will reduce U.S. dependence on foreign sources by 4 percent. Some would say: 4 percent, that's not much. Tell that to the driver who has to go to the pump today and pay that extra price. Four percent makes a big difference.

But equally as important, I have heard many of my colleagues suggest that the war in Iraq is a war on oil. If they believe so, why don't we produce our own oil so we don't have to fight for it?

I close by sharing with you something that happened many years ago when the Trans-Alaska Pipeline was being debated. It was a long time ago, and most of the Members of the Senate were not here at that time. Dire predictions were made. Environmentalists came forward and said: You are going to destroy Alaska. The caribou herd will be demolished and diminished. They will become extinct.

Those are the words that we heard. At the time the Congress authorized the Trans-Alaska Pipeline, there were 5,000 caribou. Today, there are 32,000 caribou. Instead of diminishing the herd, the pipeline apparently has helped them. But this is not a debate on the pipeline, it is a debate on ANWR.

I hope my colleagues will give this opportunity to the people of Alaska. When 229 out of 230 tribes tell me they want it, I am ready to respond, sir.

Thank you very much.

The PRESIDING OFFICER. Who yields time?

Ms. MURKOWSKI. Mr. President, I yield 5 minutes to the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 5 minutes.

Mr. THUNE. Mr. President, I thank the Senator for yielding.

How high do gas prices have to get? How over a barrel does OPEC have to get us before we realize what the American people realized a long time ago that we have an energy crisis in America today? We have gas prices that continue to soar. We have supply problems because we rely on the geopolitics of the Middle East.

Earlier this month, I was glad to join Energy Secretary Sam Bodman, Interior Secretary Gale Norton, and four of my colleagues, including the Senator from Alaska, Ms. MURKOWSKI, on a trip up to the Arctic Wildlife National Refuge. It is a big place.

Alaska is 386,000 square miles. My home State of South Dakota is 77,000 square miles. We think we have a lot of wide open space in South Dakota. But you could put seven of my States of South Dakota into the State of Alaska.

If you look at Alaska in its totality and look at what we are talking about in terms of the exploration and possible production in ANWR, it is 19.6 million acres on the wilderness area. ANWR area. Eight million acres of that is wilderness. The area we are talking about for development and exploration is 1.53 million acres.

Furthermore, the area that would be used under the legislation limits it to 2,000 acres.

That is the equivalent in South Dakota terms of about three sections of farmland in an area that is 19.6 million acres in a State that is 586,000 square miles, where we could put seven of the State of South Dakota.

We had the opportunity when I was up there to look at technology. It is remarkable what has transformed over the last 30 or 40 years. You probably can't see it on the map, but Prudhoe Bay technology is 1970s vintage technology compared to 1980s vintage technology. We went to a site called the Alpine site, which is the millennium technology. The changes that have taken place are dramatic, and the way it has evolved minimizes the impact and the footprint that is left. In fact, at the Alpine site, there were 97 acres, which included the runway where they land the planes to provide their supplies and the lake they get their water from. They are generating 120,000 barrels of oil a day on 97 acres. Why? Because the technology allows them to go underground, to drill horizontally, and to drill directionally. It minimizes the impact above the ground.

We saw where they use ice roads for exploration to get back and forth. In the winter, the roads disappear. Below the frozen tundra is the single largest and most promising onshore oil reserve in America—somewhere between 6 billion and 16 billion barrels of oil. The average of that would be 10 billion barrels.

How much is that? A million barrels a day that we could add to our production in this country. That is 5 percent of what we use—20 million barrels a day in the United States. We get 10 million barrels a day today from outside the United States.

This would lessen our dependence on foreign sources of energy.

Put another way, it could power the State of South Dakota for 499 years.

We are talking about a significant resource that we need because America is facing an energy crisis.

Gas is over $2 a gallon. A barrel of oil is near record highs. Make no mistake about it. America's energy crisis is an economic crisis that impacts every American. This country needs energy legislation which fosters more oil production and increases the alternatives, such as renewable fuels and ethanol that we produce in my home State of South Dakota.

I hope we can get a comprehensive energy bill that increases the use of ethanol in this country. Right now, we do about 3.5 billion gallons a year in ethanol, but we use 120 billion gallons a year of gasoline in this country. It has to come from somewhere.

Right now, we are paying all the money to the folks in the Middle East who have gotten us over a barrel. We need to change that. We need to reduce our dependence on politically unstable foreign sources of oil.

Specifically, the United States imports about 3 million barrels of oil a day from the Persian Gulf. The estimated daily domestic supply from ANWR would reduce that number by half.

Passing this legislation will reduce America's dependence on foreign sources of oil, strengthening our economic security, strengthening our energy security, and strengthening our national security.

When I was in the House, we passed an energy policy, but it got stuck in the Senate.

We have an opportunity to finally finish the job that the American people sent us here to do and to reduce our dependence on foreign sources of oil.

Listen to the people of Alaska. Mr. President, 57 out of 60 members of the Alaska State Legislature support this. You just heard the Senator from Hawaii talk about most of the tribes in Alaska support this. The congressional delegation, the Governor, the people's representatives here in Washington and in Alaska believe this is important to the future of that State.

It is important for the economy of this country and to the people who are having to pay the price at the pump because we fail and refuse to do something that is so important—to tap the vast reserves that exist right here in America rather than relying on the Middle East for our energy supply.

I hope my colleagues here today will join with me and with those in the past who have supported this and vote for this so that we can begin the process of lessening our dependence on foreign sources of energy.

I yield the floor.

Mr. CONRAD. Mr. President, I yield an additional 10 minutes off the resolution under the control of the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, I would like to yield 5 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 5 minutes.

Mrs. BOXER. Mr. President, I thank Senator CANTWELL for her wonderful leadership on this issue.

I sit here and I am listening to this debate which we have been involved in so many times. Now I know why Christie Todd Whitman wrote her book "It Is My Party, Too."

When you look at who set aside the Arctic National Wildlife Refuge, it was a Republican President. Here the biggest forces for opening drilling are coming from the Republican Party, fervor about how this is going to solve our energy problems when everyone admits if we get oil out of their at all it is not going to be for another 10 years, and the economically recoverable oil is 6 months, maybe. So the zealotry that we hear shows the changes in the Republican Party. That is a fact of life.

Now, let's see what President Eisenhower's Secretary of Interior, Fred Seaton, said about this area. He said this was "one of the most magnificent wildlife areas in North America . . . a wilderness experience not duplicated elsewhere." Senator GEORGE ALLEN called it the dark side of the Moon. So who is right—President Eisenhower or Senator ALLEN? Let's take a look at some of the photographs because we need to see this dark side of the Moon.

The first thing we see is the porcupine caribou herd, the mother and the little calf. Quite beautiful. It does not look much like the dark side of the Moon to me. The U.S. Geological Survey Biological Resource Division found the porcupine caribou herd may be particularly sensitive to oil development.

Let's look at the effects on the caribou and other animals, including bears. This is my favorite, a polar bear photograph taken by a wonderful photographer who spent 18 months in the wildlife refuge. It does not look much like the dark side of the Moon to me. And polar bears are particularly sensitive to oil development because they den in the winter—exactly the time the oil companies want to drill.

Millions of migratory birds—over 130 species—journey to our States, so our States will be impacted. To me, this is a God-given environment. With all the talk about faith-based politics, if you do believe, as I do, that these are gifts, then we have to be careful in what we are doing here today.

My friend from Alaska says we are going to do this very sensitively. They were very sensitive at the Exxon Valdez. They were very sensitive in Santa Barbara when we had the unbelievable oil spill that led to, actually, the very first Earth Day because it was so devastating to see what happens. We know that the economic activity that comes from oil drilling is going to have an impact. So anyone who tells you anything else simply is thinking in a wishful fashion. We are alive today, we see what happens with the spills. Let's be careful what we are doing. If this is something that will make us energy independent, that is one thing. But the fact is, it won't.

Let's look at some of the scenes because there was talk about how barren this area is. We will look at some of the landscapes because it is important to look at this and decide for ourselves if it is worth risking this for 6 months' worth of oil.

This is along Marsh Creek in the coastal plain, in the very area they say is completely barren. One of my colleagues said it only looks that way for a few weeks. Well, it certainly looks that way at a point in time. When I sent my environmental legislative assistant up to that area, she was overcome. I went to Alaska. It is true there are other magnificent areas of Alaska, but this is one of those beautiful areas.

Here is the issue. The oil companies are backing out. They do not want to be involved in this controversial area. Many have already backed out. BP, ConocoPhillips, and ChevronTexaco have pulled out because they know what they are walking into here, and they don't want to drill. It may be that even if we get the vote, no one will drill there. We are not sure of that. Why is this happening? I say it is happening because if they could open this area, they can open any area. Don't take my word for it; you can take the Bush administration's word for it. That is what they have said in essence. They admit it.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CONRAD. I alert my colleagues of the time situation. I gave 10 minutes off the resolution to Senator CANTWELL to control to even up the two sides. Here is the problem: I only have 3 minutes left on the resolution before the 1 o'clock vote. I would be happy to give the Senator from California 1 of those 3 minutes.

Mrs. BOXER. Here is the point. This area was set aside by a Republican President who found it to be most pristine. We understand there are certain times in this Senate when we do something as radical as this, which is to open up a wildlife refuge, we may want to have a few more votes. That is kind of the rules of the Senate. They are doing a backdoor, so they may get 51 votes here, and with 51 votes they open this—for what, maybe 6 months' worth of oil. If we close the SUV loopholes, if we said over time they should get the same mileage as cars, we would have seven ANWR fields over 40 or 50 years.

We do not need to do this. If you believe this is God-given land, let's protect it. At the end of the day, that is our job. I hope we get the votes. If we do not get them today, this will be a big issue out in the country. I hope the oil companies will continue to walk away from this because clearly it is very controversial to go into this pristine area.

I yield the floor.

Mr. LOTT. I have an inquiry.

The Senator from Washington has 5 minutes she was going to use. I was under the impression that the Senator from Washington had 5 minutes.

The PRESIDING OFFICER. That is correct.

Mr. LOTT. If she is willing to wait, I ask unanimous consent I be yielded 10 minutes off the underlying resolution.

Mr. CONRAD. Reserving the right to object, let me make certain I understand the request. The problem we have. I say to the Senator, all of the time has been allocated. Maybe there is some additional time you have on your side. We have locked in a 1 o'clock vote, and if you add the time for the veterans amendment and the ANWR amendment, there is 2 minutes remaining before 1 o'clock to come off the resolution.

Mr. LOTT. If I could, I understand there is a substantial amount of time on the underlying resolution. I was hoping to speak not just on ANWR but also on NIH and Amtrak. I thought it should come off the underlying resolution, not just Amtrak, and I have been sitting here for almost an hour. I thought, with the flow back and forth between supporters and opponents of the amendment, that it would be appropriate I be allowed to speak at this time.

Mr. GREGG. Mr. President, how much time do we have on the resolution on our side before we get to the 1 o'clock vote?

The PRESIDING OFFICER. There is 24 minutes 53 seconds. There is 4 minutes of unpromised time on the resolution before 1 o'clock.

Mr. GREGG. And we have coming up 45 minutes on the two veterans amendments.

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. Will the Senator yield?

The Senator from Washington has already taken 10 minutes off the resolution on this amendment.

Mr. CONRAD. If I might, I gave time off the resolution on our side, but I was very careful to check with the timekeeper that there was time that would not impinge on the 1 o'clock vote. That is the problem we have.

Mr. STEVENS. But it still unbalances this time. I ask unanimous consent I have 10 minutes, equal to the Senator from Washington, off the resolution.

Mr. LOTT. Mr. President, I believe it was my request that is pending.

Let me make a couple of observations. First, whenever Senator STEVENS wishes to speak, I will defer to him. Second, since we only have 4½ minutes of time, I would be willing to take just 4½ minutes to speak only on ANWR and come back on the other issues at another time.

I amend my request to ask that I be allowed to take this 4½ minutes if it is off the resolution so I can address this issue.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I have a pending request, also.

The PRESIDING OFFICER. The Senator from Mississippi has a request, and the request is to be recognized for 4½ minutes. Does anyone object?

Mr. CONRAD. Off the resolution. And that uses all the time until 1 o'clock.

The PRESIDING OFFICER. That is my understanding.

Mr. CONRAD. I do not object.

Mr. LOTT. Parliamentary inquiry. Could I inquire, has Senator STEVENS' time already been identified before this 1 o'clock vote?

The PRESIDING OFFICER. He has made the request.

Mr. LOTT. Has not been——

The PRESIDING OFFICER. He has made the request. The Senator has been recognized for 5 minutes on the ANWR amendment. But as the Chair understands it, the Senator from Alaska is asking to speak for 10 minutes before 1 o'clock and the time be taken off the underlying resolution.

Mr. GREGG. Mr. President, as a way to resolve this, I ask unanimous consent that Senator STEVENS be given 10 minutes off the resolution and that the vote occur at 1:10.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Mr. President, reserving the right to object, and I will not object, let me say to my colleagues, that is the last agreement I will enter into because we are rapidly running out of time on the resolution. We have spent a great deal of time on this matter. Certainly in recognition of Senator STEVENS' long service, and his intense interest on this issue, we will agree to that one moving back of the vote.

The PRESIDING OFFICER. It is the Chair's understanding we will proceed as follows: that the Senator from Mississippi will speak for 4 minutes, that the Senator from Alaska will be given 10 minutes, and the vote will be at 1:10, and the Senator from Washington has 5 minutes to be taken off the underlying resolution yet to be used. Is that correct?

Ms. CANTWELL. Mr. President, then how much time remains on the ANWR debate for both sides?

The PRESIDING OFFICER. There is 17 minutes 4 seconds for the minority; 24 minutes 53 seconds for the majority.

Ms. CANTWELL. Thank you.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Mississippi.

Mr. LOTT. Mr. President, I am glad I could assist the Chair in clarifying the time at this point. This is a very important issue. It is time, I agree, we should get it resolved. I think it should be resolved with a majority vote. We can argue over the rules as long as we like. But to me, this is a critical issue. It symbolizes what we are going to do about the future in the energy area.

I do not have some beautiful picture I am going to show today. If I were going to show one, I would show one of my four grandchildren. Are we going to have energy production in our country or not? Are we going to continue to put various areas off limits where we cannot have more production? There are some people, I guess, in this institution who think we can conserve ourselves into an energy policy.

We need to produce more oil, more natural gas, more coal with clean coal technology, hydropower, all of it, and have conservation and alternative fuels. And we should produce this oil in Alaska, or natural gas, or whatever it is up there.

When I came to the Senate, I spent some time talking to the experienced hands around here, and I asked about how you deal with different issues. One of the things I was taught by my predecessors here in this institution is you pay attention to the Senators from their State when it is an issue involving their State.

This is an issue that is supported by the two Senators from Alaska, supported by an overwhelming number of people in that State. It is supported by the Native Americans in that State. This is the right thing to do from their standpoint. I do not understand why Senators from Massachusetts and Washington and Maine are trying to dictate what should happen in this area in production that we need as a country. I am absolutely floored by all of this.

I think it is time we consider what is for the good of the overall country and get over all these dire threats of doom of what we might do if we have exploration in this very limited area. And, ladies and gentlemen, it is about jobs. It is about revenue. Why do you think most of the unions are supporting this? They were in my office today saying: We are for this, because they understand it would involve jobs. They understand it would involve more revenue coming into the Federal Treasury. They understand it is about energy independence.

When are we going to learn? The price of a barrel of oil is $54 a barrel. Gasoline is somewhere close to $2 a gallon, in some areas as much as, I think, $2.16 a gallon. Venezuela made it clear recently they would like to cut us off completely. We are dependent on a very volatile area of the world for our oil supply. Probably about 60 percent of our energy needs is supplied by foreign oil.

Even in this remote area of Alaska we are saying we cannot produce more oil and gas. Who is going to lose if we do not have energy sources? We are going to have it in my State. We are going to produce our own oil and natural gas and coal. We are going to have excess power. By the way, if they are willing to pay for it, we will be glad to wheel it up to Pennsylvania and Massachusetts and Connecticut. We will share.

But I will tell you, if we do not have oil and gas and coal to run our powerplants, the electricity is going off. It is time we get serious about this issue. We should vote down this amendment.

I commend Senator JUDD GREGG and the Budget Committee for taking this action. I think we should do this if for no other reason than because of support for the Senators, particularly Senator STEVENS, who has spent a career trying to do the right thing for Alaska. Who has done more for conservation and environmental issues in Alaska than Senator TED STEVENS? Nobody. He has made every possible plea for this. So I hope we will do it. It is the right thing to do. We should do it in his honor.

I thank my colleagues for giving me this opportunity to vent a little bit. I am amazed at the irresponsibility of this Congress and the previous Congress and the American people to a degree in the energy field. We want it, but we do not want to do anything to produce it. So I hope maybe this will be a sign today, when we vote to defeat this amendment, that we are finally getting serious about more energy production in this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, if I could take a few moments to point out that this Senator certainly wants America to move forward with the development of new energy supply. In fact, I am saying the whole debate should be about supply and not recognizing revenue in the budget for an ill-conceived project in a wildlife refuge.

We can get as much supply or more by doing the Alaska natural gas pipeline. That natural gas supply would save 6 billion barrels over 10 years; use of off-the-shelf renewables and energy efficiency technologies, 4.9 billion barrels in the next 10 years; increasing use of ethanol in our gasoline, 5.1 billion barrels over 10 years; improving tire inflation and automobile maintenance—

you don't have to come up with a new place to drill—5.4 billion barrels; increasing automobile fuel efficiency standards, 10 billion barrels. So we certainly are about supply; we are just for a cleaner supply.

Why are we for a cleaner supply? Because if you look at it, and you compare the various proposals I have outlined with drilling in the Arctic Refuge, you get increased pollution from refuge drilling, increased CO_2 levels, you impact Federal lands, and I don't believe you are going to have any immediate impact on our country's energy resources. These other actions I have outlined actually decrease pollution levels. Those are the actions we should be taking, not refuge drilling.

Now, a lot has been said about gasoline and gasoline prices. We ought to be investigating why gasoline prices are so high, not accepting that we are going to have to be more dependent on foreign oil. In fact, a recent attorneys general office statement stated that gasoline producers marked up prices 152 percent between January and March of 2003. In the first 3 months of 2003, average gasoline prices increased 57 cents in California alone.

A trade industry magazine talked about the peculiar incidence of exporting distillate. That is taking our supply and exporting it. What does that do? It decreases the supply in the United States, and it increases the spot market prices at refineries. There is nothing in the budget resolution that guarantees we are going to lower gasoline prices. And there is nothing in the language of the budget resolution that guarantees any supply recovered from the Arctic Refuge will even stay in the United States.

I wish my colleagues would embrace these facts and guarantee that if we are doing to go into a wildlife refuge and drill for oil, at least we should require that we keep whatever oil we produce in the United States for our domestic use. But I doubt they will guarantee that. So now we are talking about drilling in a wildlife area. In doing so, we will increase pollution and not get our country off our foreign oil dependence and certainly not lower gasoline prices any time in the near term.

Mr. President, I yield 5 minutes to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 5 minutes.

Mr. FEINGOLD. Mr. President, I rise today to express my strong support for the Cantwell amendment to strike the reconciliation instruction to the Energy Committee that allows for drilling in the Arctic National Wildlife Refuge. I first thank Senator CANTWELL for her tremendous leadership on environmental issues in general and especially her strong leadership on this very important environmental issue.

The other side can say what they want as many times as they want. The fact is, this provision is an abuse of the reconciliation process. Yes, it is. The Senator from New Hampshire may be right that it is technically not a violation of the rules of the Senate, but it is an abuse of the process. It is what you do when you get frustrated. You can't win under the normal rules, 60 votes, the way we have debated this issue year after year. You get frustrated and you say: Here is what we will do. We will use a revenue assumption in the budget so we only have to have 51 votes.

We should be debating this issue when we take up the Energy bill rather than engaging in a backdoor maneuver on the budget resolution. I feel strongly, as a Senator who has always worked on a bipartisan basis year after year on the budget and the budget rules, that this one is over the line.

This fact is clearly evidenced by the speculative nature of the revenue assumptions from drilling in the Wildlife Refuge. A February 21, 2005 New York Times article about the refuge quotes a Bush adviser as saying that "even if you gave the oil companies the refuge for free, they wouldn't want to drill there." He continued: "No oil company really cares about [the Arctic refuge.]"

British Petroleum, ConocoPhillips, and ChevronTexaco have all pulled out of the pro-drilling Arctic Power lobbying group. BP abandoned a test well right next to the Arctic Refuge because of a lack of production. ChevronTexaco has moved its executives from Alaska to Houston. A Halliburton official said that "enthusiasm of government officials about ANWR exceeds that of the industry" and that "evidence about ANWR is not promising."

CBO concedes it did not address the oil industry's lack of interest in drilling in the Arctic Wildlife Refuge in its projections. So these projections don't add up. Authorizing drilling in the Arctic Wildlife Refuge through the budget process is simply the latest in a series of abuses of Senate procedures, and I believe the American people know it.

This is a backdoor scheme for drilling because the drilling proponents don't have enough votes to deal with this issue in the Energy bill. The public doesn't want it; major oil companies don't appear to want it; and it does not belong in the budget resolution.

The proposed transfer of revenues from drilling in the Arctic Refuge to fund popular conservation programs is, on its face, also an accounting gimmick. The President's budget zeroed out the State recreation grant program of the land and water conservation fund and reduced Federal lands acquisition dollars to its lowest funding level in 10 years. To further erode our environmental protections by drilling in this pristine wildlife refuge to generate public revenues for these important conservation programs underscores the administration's insincerity in claiming to support conservation.

Even if you think we should drill in the Arctic Refuge, this is not the time or place for this debate. If we can contort the budget process to authorize drilling in a wildlife refuge, why couldn't we use the budget process to allow drilling off the coasts of Florida or California or the Carolinas or the Great Lakes? When you abuse the budget process in this way, it invites even greater mischief down the line and undermines the very purpose for which these procedures were established.

We should not abuse the budget and the budget reconciliation process, as one of our colleagues put it years ago, "in order to be immune from unlimited debate."

Allowing oil drilling in the Wildlife Refuge which many of us believe should be protected as pristine wilderness is too important an issue to be handled in this way. We should have this debate in the open during an energy debate, not a debate on the budget resolution.

Therefore, I will vote for the Cantwell amendment and I urge my colleagues to do the same.

Mr. LEAHY. Mr. President, I rise today to express my strong support for Senator CANTWELL's amendment to the budget resolution protecting the coastal plain of the Arctic National Wildlife Refuge. Senator CANTWELL's amendment aims to strike a controversial provision that effectively paves the way to allowing oil and gas exploration in one of our Nation's most pristine and unique wild places. This is a common-sense amendment, which upholds the will of the American people in preserving this remote area. I urge my colleagues to join me in supporting it.

There is a strong consensus among all of us here, on both sides of the aisle that decisive steps need to be taken by this Congress to secure our Nation's future energy needs. We know that energy demand is rising not only in our own country but around the world, especially in nations such as India and China. We also know that there are grave national security implications for remaining reliant on foreign oil. And we know first-hand from our constituents, many of whom are struggling to heat their homes this winter, that the price of oil remains disturbingly high.

Drilling proponents want us to believe that resource exploration in the Arctic Refuge will be a one-stop solution to these critical energy challenges and that by doing so we will be closer to securing our future energy needs. This insinuation is flat wrong.

Even drilling proponents concede that any recoverable oil that the coastal plain would yield would not reach world markets for at least another 7–12 years. This will do absolutely nothing to help my constituents who have sticker shock at the gas pump or are seeing record home heating prices today. Even during peak production, expected around 2025, the amount of oil from the Arctic Refuge would reduce American imports by only around three percent according to the Energy Information Agency.

On numerous occasions I have come to the Senate floor urging my colleagues to adopt real solutions to our Nation's pressing energy challenges. We should be increasing the nation's fuel economy standards, which have remained unchanged for over 10 years. We should also be making a stronger commitment to the development of renewable energy and energy conservation technologies by offering tax incentives to both producers and consumers. It is mind-boggling to me that drilling proponents have provided so little leadership in forwarding these policy solutions. Instead they continue to offer the American people a false choice between environmental protection and energy security.

In another bold move, the administration has tried to sugarcoat oil development in the Arctic Refuge by massively inflating the projected revenues from anticipated lease sales there. The administration claims that lease sales will generate $2.5 billion in revenue in 2007. To get to that amount, leases would have to sell for between $4,000 and $6,000 per acre. In comparison, leases on the North Slope of Alaska have averaged only $50 per acre over the last 20 years. When I questioned Interior Secretary Norton about this discrepancy she could not explain how the administration got to its $2.5 billion estimate. What Secretary Norton and the administration don't want to acknowledge is that these revenues are disturbingly inflated. They also don't want to acknowledge that oil companies have lost interest in drilling in the refuge. Only one company is still a member of the lobbying group pushing for this provision in the budget resolution. The fact is that there are other places the oil companies prefer—places where it is cheaper to drill and where the environmental impacts are far less.

So why are we here today? Opening the refuge will do nothing to help reduce gas prices. It will do nothing to make us less dependent on foreign oil. Most oil companies are not asking for it. I can certainly tell you that Vermonters do not want to see this special place developed. In Vermont, we cherish the natural resources of our state. We cherish the special resources of this country—Yellowstone, Acadia, the Grand Canyon. I would put the Arctic Refuge on the same level as these national treasures.

Let me make clear though. I do not oppose energy development in this country. But not here, not in the Arctic Refuge. It's time to put this issue behind us and devote our time to working together on a sustainable, reliable energy supply for the future.

Mr. REID. Mr. President, I rise today in support of the Cantwell amendment to strike the language in the budget resolution that would allow oil drilling in the Arctic National Wildlife Refuge.

The decision whether or not to allow drilling in the Arctic National Wildlife Refuge is a defining moment for national energy and environmental policy.

This debate reflects two divergent views of our Nation's values and future.

We have a choice: either we can continue building oil wells in environmentally sensitive areas, or we can broaden our Nation's energy base while honoring our commitment to our natural heritage.

Instead of diversifying our energy supply, investing in new energy technologies and promoting energy efficiency, the Bush administration's priority is to look for the next domestic oil field.

No matter how clever they view this backdoor scheme to insert this proposal into the budget, the proponents of drilling in the Arctic Refuge cannot escape the facts.

The Arctic Refuge is home to an unparalleled diversity of wildlife including 130 species of birds, caribou, polar bears, musk oxen, grizzly bears, and wolves.

Estimates show there may be only 6 months' worth of oil, and it would not be available for 10 years.

The three largest oil companies in Alaska have stated they are not interested in drilling in the Arctic Refuge.

This proposal will do nothing to reduce the price of gas at the pump and will do nothing to make our country more energy independent.

This issue is too important to the public and to future generations to be snuck through in the budget bill. It should be brought to a vote on its own merits.

Supporters of oil drilling will not stop at the Arctic Refuge. The White House and its allies continue to push to drill in the Arctic Refuge because they believe it will create momentum to drill in other environmentally sensitive areas in the Rocky Mountains and off the coasts of California and Florida.

Ninety-five percent of Alaska's North Slope is already open to drilling and exploration. The last 5 percent—the Arctic Refuge—is the only wild stretch of Alaska's North Slope that remains off limits.

America produces just 3 percent of the world's oil, yet we consume 25 percent of that supply.

The answer to our energy challenge will not be found in the Arctic Refuge. It will be found in our willingness to encourage American innovation and break the habit of spiraling energy consumption.

We have met this test in the past. In the 1970s, Congress increased fuel efficiency standards and began to encourage the development of renewable fuels.

Today, those fuel efficiency standards save our country the cost of three million barrels of oil every day, and renewable energy technologies produce the equivalent of the oil we currently import from Iraq daily.

I believe we have a moral responsibility to save wild places such as the Arctic Refuge for future generations. Our national park, wildlife refuge, and wilderness systems are a living legacy for all Americans, present and future, and are widely envied and emulated around the world. The Arctic Refuge is one of the greatest treasures. It should be protected.

I urge my colleagues to vote for the Cantwell amendment to strike the language to allow drilling in the Arctic National Wildlife Refuge.

Ms. STABENOW. Mr. President, I rise to speak in support of the Cantwell amendment.

First, as a member of the Senate Budget Committee, I strongly believe that the Arctic Refuge language does not belong in the budget bill and I am deeply concerned about the precedent this sets. The Arctic Refuge provision in the budget resolution provides special reconciliation protection to a major piece of environmental legislation. This is wrong and an abuse of the budget process. Reconciliation was designed to help Congress pass a large package of measures to reduce the deficit, not to be used to resolve one major policy issue.

If this provision is allowed to stand, those who advocate drilling in Alaska could pass a bill opening up Arctic Refuge and we would not be able to offer amendments to increase our use of renewable fuels unless we got 60 votes. This is unfair and would not allow for a full debate on energy and environmental policy like we had in last Congress.

Now let's talk about the facts when it comes to drilling in the Arctic refuge.

First, the Arctic Refuge would provide a 6-month supply of oil—which would not be available for 10 years. This is not a political argument but one based on nonpartisan scientific analysis of this issue. According to the 1998 U.S. Geological Survey study, there is estimated to be 3.2–5.2 billion barrels of economically recoverable oil in the Arctic Refuge. This is equivalent to the amount of oil the U.S. consumes in about 6 months. According to the nonpartisan Congressional Research Service, production from the Arctic refuge would not even come on line for 10 years or more.

The Arctic Refuge would not affect current oil or gasoline prices. The price of oil is a world price and is largely determined by the international market. Given the U.S. share of the global market, the amount of oil available from Arctic Refuge production would not significantly impact global oil prices, or U.S. oil or gasoline prices.

Ninety-five percent of Alaska's North Slope is already open to oil and gas drilling. Ninety-five percent of the potential oil reserves of Alaska's North Slope are already designated for potential leasing or open to exploration and drilling.

The last 5 percent—the coastal plain of the Arctic Refuge—is the only wild stretch of the coast of Alaska's North Slope that remains off-limits. Established by President Dwight Eisenhower in 1960, the Arctic Refuge remains the only conservation area in North America that protects a complete range of arctic and sub-arctic landscapes.

The Arctic Refuge would not reduce U.S. dependence on foreign oil. According to the Energy Information Administration, EIA, the independent analytical agency within the Department of Energy, drilling in the Arctic Refuge is projected to reduce the amount of foreign oil consumed by the U.S. in 2020 from 62 to 60 percent—only a 2 percent decrease! Drilling in the Arctic Refuge will not make a dent on our dependence on foreign oil.

One of the arguments I have heard from across the aisle is that drilling in Arctic Refuge would create jobs. My home State of Michigan currently has the second highest unemployment rate in the country. There is nothing more that I would like to see on the Senate floor than a bill to create jobs and I would vote wholeheartedly for such a proposal. But that's not what we have before us now.

We are not debating a well-funded highway bill that would create jobs. Last year's Senate bill would have created over 830,000 jobs across this country—99,000 jobs in Michigan alone—but it died in conference because of the Bush administration's opposition.

We are not debating the rising cost of health care and how it's hurting our manufacturers. In 2003, General Motors, the largest private purchaser of health care in the world, spent more covering 1.2 million individuals than it did on steel.

We are not debating how to stop Chinese currency manipulation which unfairly taxes our U.S. goods overseas, and is forcing our American manufacturers to close their doors.

We are not even debating the construction of the Alaska natural gas pipeline which would create more than 400,000 new jobs and provide a huge opportunity for our steel industry.

Instead we are debating drilling in one of the most environmentally pristine areas in the world just for a 6 month supply of oil. This isn't an energy solution and it certainly isn't a jobs solution. I urge my colleagues to support the Cantwell amendment.

Mr. SPECTER. Mr. President, I have sought recognition to outline my reasoning for my vote today against the Cantwell amendment to remove the assumption of Arctic National Wildlife Refuge, ANWR, oil and gas exploration lease revenues from the fiscal year 2006 budget resolution.

I have looked at this issue very closely. I have read a great deal of information, met with many concerned groups, and listened to arguments on both sides. And I have come to my own conclusions.

First, I believe exploration will have a minimal impact on the environment. The plans include drilling on a footprint the size of the Philadelphia Airport. It can be done safely by limiting the acreage eligible for exploration, combined with today's technology to mitigate environmental impacts of exploration in the area. Such technological advances include: The extended reach of multi-directional drilling, which can decrease "footprints", reduce waste, and increase the amount of product recovered; high resolution imaging that produces more precise well locations and consequently reduces the number of wells needed to access reserves; and the use of ice roads and winter season drilling techniques to maximize the season and reduce the amount of time to bring the reserves to market, while recognizing the needs of wildlife.

While there could be a network of pipelines, I have visited ANWR and looked at it personally. I saw caribou near the existing pipeline near ANWR. The environment in Alaska can be protected consistent with our laws and values.

Second, ANWR exploration can be part of our overall effort at oil independence. We should be doing a lot more, and I have led the fight on conservation measures. While debating energy policy during the 107th and 108th Congresses, I supported significant increases in renewable energy, generated from wind, the sun, biomass, water and geothermal sources. I have also supported expanding tax credits for clean coal technologies, and I led efforts to mandate a reduction of U.S. oil consumption by one million barrels per day by 2013.

It is only through concerted efforts to reduce projected U.S. oil consumption and to utilize domestic energy resources that our Nation will be able to become energy independent. If we do not take the steps I have outlined, our dependence on OPEC will grow. While fighting for these energy policies, I have pressed for the U.S. to sue OPEC under antitrust laws. I have urged the current and former administrations to take OPEC to the U.S. Federal courts for conspiracy to limit oil production and raise prices. This cartel has manipulated the oil markets in violation of U.S. and international law, and it should be pursued.

We must take action to address the rising costs of home heating oil, diesel fuel, gas at the pump, and our long-range national security needs. I believe that ANWR oil and natural gas reserves can and should play a role in this effort. I look forward to working with my colleagues in the Senate to ensure that any such action only proceed in the most environmentally safe manner.

Ms. COLLINS. Mr. President, I rise today to express my opposition to drilling in the Arctic National Wildlife Refuge.

A sound energy policy is critical to our Nation's security. The United States is currently 57.8 percent dependent on foreign oil. By 2025, this number is expected to rise to 68 percent. At that time, more than 66 percent of our imports will come from OPEC nations, a prospect that causes great concern.

In light of these statistics, what course should the United States take? Should we open ANWR, using up what well may be the last major U.S. reserve of oil or should we pursue alternative approaches that will encourage conservation and the development of alternative technologies?

Instead of rushing to deplete our last major oil reserves, I believe we should develop energy efficiency and alternative technologies. Doing so will not only make more of an immediate difference than drilling in the Arctic, but also will ensure we leave our children with ample energy supplies and a broader array of energy options.

President Teddy Roosevelt once stated: "I recognize the right and duty of this generation to develop and use our natural resources, but I do not recognize the right to waste them, or to rob by wasteful use, the generations that come after us." That is sound counsel.

Americans have a right to develop our energy resources, but not to waste them. We could do far more to reduce our reliance on foreign oil by increasing the efficiency of our automobiles, which would save one million barrels of oil a day. Drilling in the Arctic National Wildlife Refuge today would be akin to wasting resources that should rightfully be there for future generations. We must embrace an ethic of stewardship of our most treasured national resources.

According to one scientist who testified before the Senate Government Affairs Committee several years ago, the United States could cut reliance on foreign oil by more than 50 percent by increasing energy efficiency by 2.2 percent per year. This is a much greater benefit than drilling in ANWR would provide, and the benefits could start almost immediately. The United States has a tremendous record of increasing energy efficiency when we put our minds to it: Following the 1979 OPEC energy shock, the United States increased its energy efficiency by 3.2 percent per year for several years. With today's improvements in technology, 2.2 percent is attainable.

America needs to both increase fuel supplies and decrease demand, but in our effort to meet current energy needs we should not use up our last major reserves. If we increase energy efficiency and further develop alternative energy sources, we will reduce our reliance on foreign oil, save consumers money, increase our economic competitiveness and military effectiveness, and protect the environment.

In his parting words from the Oval Office, President Dwight Eisenhower—who first set aside the Arctic National Wildlife Refuge—told the Nation: "As we peer into society's future, we . . . must avoid the impulse to live only for today, plundering for our own ease and convenience, the precious resources of tomorrow."

I call upon my colleagues to leave intact the Arctic National Wildlife Refuge. Let us instead develop a balanced energy policy that protects our environment, improves efficiency, and develops our renewable resources.

Mrs. FEINSTEIN. Mr. President, I rise today as a cosponsor of Senator CANTWELL's amendment to strike the reconciliation instructions in the budget resolution to allow for the opening of the Arctic Refuge.

I am strongly opposed to opening the Alaskan wilderness to drilling for oil. Stated simply we cannot drill our way out of this problem.

While I agree that we are too dependent on foreign oil, and need to reduce that dependence, drilling for oil in the Arctic National Wildlife Refuge is simply not the answer.

Reducing oil consumption is the answer and raising our corporate average fuel economy—or CAFE—standards is the superior route to energy security.

The bottom line is that, according to estimates from the United States Geological Survey, the Arctic Refuge would likely yield less than 10 billion barrels of economically recoverable oil—less than a million barrels of oil per day at peak production, or less than 4 percent of the country's projected daily needs and the oil would not flow for at least 10 years.

In contrast, simply raising average fuel economy standards for sport utility vehicles could save us more than a million barrels per day by 2020. The savings would come sooner than oil from ANWR, and unlike oil from ANWR, the savings would not run out. Raising the standards for all vehicles would reduce even further the amount of oil used in the United States.

The United States contains only 2 percent of the world's oil reserves and only 4 percent of the world population. And yet Americans consume 25 percent of the oil produced worldwide. Almost two-thirds of that oil goes to fuel the Nation's transportation sector.

Given our current level of consumption in relation to our domestic reserves, it is clear that modest increases in domestic production—as from ANWR—will not solve our energy problems. Reducing consumption is the key to increasing America's energy security.

Drilling in ANWR would not save consumers money because drilling would not decrease the quantity consumed and would not affect the world price of oil.

So, unlike increasing CAFE standards, drilling in ANWR would not significantly increase our energy security, would not fight climate change, and would not save consumers money.

The Arctic National Wildlife Refuge is a crown jewel of the National Wildlife Refuge system. It is the only conservation unit in the U.S. encompassing a complete range of arctic ecosystems and serves as critical habitat for caribou, muskox, snow geese, polar bears and other species.

The coastal plain, which proponents of drilling paint as small and relatively insignificant, is the ecological heart of the refuge and the center of wildlife activity.

Developing the coastal plain would threaten the refuge's abundant wildlife. The approximately 130,000 caribou of the porcupine herd rely on the coastal plain as a calving area. One hundred thirty-five species of migratory birds use the coastal plain during the summer.

The coastal plain provides critical habitat for many of the refuge's species.

Drilling would also threaten the traditional livelihoods of the Gwich'in people dependent upon the porcupine caribou for subsistence.

Proponents of drilling would have us risk all of this damage for a small amount of oil that would not even begin to flow for 10 years and would barely reduce our dependence on foreign oil.

In short, the refuge's coastal plain is too precious, and contains too little oil, for us to allow drilling to take place.

Increasing fuel efficiency is the better solution.

Future generations will thank us for our foresight in protecting the coastal plain and its wildlife. They will thank us for finding other avenues to increased energy security.

I urge my colleagues to support Senator CANTWELL's amendment.

Mr. KOHL. Mr. President, today is a sad day for the environmental movement in this country. The Senate has taken the first step toward opening up the vulnerable Arctic National Wildlife Refuge by using an arcane budget maneuver that will protect this provision from a Senate filibuster. Supporters of drilling in the Arctic, knowing they could not defeat a filibuster, have shoehorned a provision into the budget process that goes against the spirit, if not the letter of the rules. This is a shame and sets a precedent that will certainly come to haunt this Chamber.

I oppose drilling for oil and gas in ANWR because of the irreparable damage that would be done to its fragile ecosystem that is inhabited by 45 species of land and marine mammals. I do not believe short-term economic considerations should take precedence over permanent damage to the environment. We only have to look at ANWR's neighbor in Alaska to see what environment cost drilling would have to this pristine landscape. At Prudhoe Bay, home to one of the world's largest industrial complexes, 43,000 tons of nitrogen oxides pollute the air each year. Hundreds of spills involving tens of thousands of gallons of crude oil and other petroleum products occur annually. Decades-old diesel spill sites still show little re-growth of vegetation. Why would this be different for ANWR if oil companies are allowed to drill there?

Along with the grave environmental impact drilling would cause ANWR the amount of useable oil is not sufficient to make a significant impact on oil prices. U.S. consumption of oil exceeds 18 million barrels per day, an amount higher than the yearly consumption for all of Europe, all of Africa, or all the States of the former Soviet Union. Based on the United States Geological Survey and Energy Information Agency, there are roughly 10.3 billion barrels of oil in all of ANWR's 19 million acres. Of this amount, only 2.6 billion barrels are "economically recoverable," the equivalent of a 6-month supply of oil. In addition, the cost of the infrastructure necessary to transport the oil to the lower 48 States makes this a money losing endeavor for the United States.

Supporters of drilling would have us believe that this oil will improve the energy security of the United States, but this is not accurate. The oil companies that will drill in ANWR have no commitment to sell this oil in the U.S. In fact, the oil that comes out of Alaska will be sold on the world market to the highest bidder. No one who supports drilling requires that the oil that comes out of our soil stay in our country. We should not be surprised then when oil from Alaska ends up in China, Korea, and Japan instead of Wisconsin.

I think it is clear that drilling in ANWR will not provide enough domestic oil supply to minimize the control that OPEC has on the petroleum market. Insulating ourselves from the world prices of oil will not come from increasing domestic production. We cannot drill ourselves out of our oil dependency, there is simply not enough oil within our borders. Instead, the U.S. can reduce its vulnerability to oil price shocks by decreasing its demand for oil altogether. The way to ease the impact of high oil prices on consumers is to give consumers tools to reduce their demand for oil. Cleary this debate should be about alternative energy sources, such as ethanol or hybrid vehicle technology, and not wasting our time with an oil reserve were the costs outweigh the benefits.

Mr. LAUTENBERG. Mr. President, I rise in support of the Cantwell amendment to protect America's National Arctic Wildlife Refuge.

I traveled to Alaska in the aftermath of the Exxon Valdez spill in 1989. What I saw there was terrible. More than 11 million gallons of oil had spewed into the Prince William Sound. I saw animals covered in oil, many of them dead. I saw workers wiping oil off of birds and other wildlife. It was a devastating tragedy, and it made a big impression on me.

I thought about my children and grandchildren. I felt that they deserve to inherit the earth in its beautiful natural State not ravaged at the hands of man.

In 1990, Exxon released a video claiming that long-term effects of the massive oil spill were minor. That's what Exxon said in 1990. But today, 16 years after the disaster, nature tells a different story. Today, large portions of the Prince William Sound remain contaminated.

Several Alaskan families visited my office last year to tell their story. One old fisherman said, "My grandson will never get to fish for herring. We've been fishing for herring for three generations in my family. But since the spill, there is no more herring."

Even today, pools of toxic oil can be found just below the surface and sometimes on top the ground. In my office, I have a sample that the Alaskan families left with me when they traveled all the way to Washington to ask for our help. They found rocks drenched in oil just a few inches beneath the surface of the ground.

Some might say nothing on such a scale could ever occur in the Arctic Refuge because the oil would be transported by pipeline, not tanker. But nothing built by humans is perfect or accident-proof. And even under a best-case scenario, drilling for oil could ruin the Arctic Refuge.

I had the privilege of visiting the Arctic Refuge a few years ago. It is a remarkable place where more than 100 species of birds breed. Caribou migrate 1600 miles to reach the Refuge, where they give birth to their calves.

Proponents of drilling in the refuge say it will have a negligible effect, barely noticeable in that vast expanse. I have seen the oil drilling complexes on the North Slope and I would hardly call them negligible.

The fact is the exploration for oil in the Arctic Refuge has already marred its pristine beauty. I visited there. I saw the debris of human intrusion, acres of rusting pipes and dilapidated structures. As my plane flew across Deadhorse, near Prudhoe Bay, I saw the tundra littered with refuse, oil rigs and other abandoned equipment.

This was left behind by the same oil companies that now promise they will be good stewards of the Arctic Refuge. Why would we risk devastating this national treasure? For what gain? Even under the most optimistic projections, the U.S. Geological Survey says the Arctic Refuge could provide about a million barrels of oil a day for 20 years. Compared to our total energy needs, this is not even a drop in the bucket it is a drop in the barrel.

There is a better way.

Simply by closing the loophole that exempts large SUVs from our fuel efficiency standards, we can save as much oil as the oil companies could possibly produce in the Arctic Refuge.

Mr. President, when President Eisenhower designated this special place as a Wildlife Refuge, our nation made a promise to future generations. We promised that some places on earth would always remain unspoiled by the hand of man.

Let's not break that promise. Let's not sell our children's birthright for a few barrels of oil.

Instead, let's develop a real energy strategy for the 21st Century—a strategy that uses oil more efficiently, and employs American know-how to harness new sources of energy.

Mr. President, the American people know what is at stake. My office has received 15,000 messages this week urging the Senate not to despoil the Arctic Refuge.

I will vote for the Cantwell amendment, and I urge all my colleagues to do likewise.

Mr. BUNNING. Mr. President, I rise in opposition to the amendment to strip ANWR from the budget resolution. I am pleased that ANWR is in the budget this year. As a matter of fact, I returned from ANWR just last week. After visiting it, I am even more confident in my support for drilling there.

I went with a group of Senators, Secretary Norton, and Secretary Bodman to ANWR to see firsthand what all the talk was about. We met with environmentalists and villagers on the border of ANWR and talked to them about the United States' desperate need for more domestic energy sources. There were a few residents who expressed opposition, but they were in the minority. The majority of the people living near ANWR—more than 75 percent—support drilling in ANWR.

I know that there are some in the Senate who are desperate to stop us from opening ANWR. The facts about ANWR, however, are not on their side. Some of these facts I think need to be repeated, especially for those Senators who are new to the debate.

ANWR itself is roughly the size of South Carolina. It's absolutely enormous. It's 19.6 million acres or 30,000 square miles. But, when we talk about drilling in ANWR, we're talking about clean drilling in an area of less than 2,000 acres—that's 0.001 percent of the total acreage of ANWR. It's smaller than many airports.

To say that drilling in this limited portion of ANWR threatens the entire environment of the refuge is farfetched and just plain wrong. During my trip, I visited the sites at Alpine and Prudhoe Bay. There is now no doubt in my mind that we can develop ANWR in a safe and effective manner.

Drilling will only be a small footprint in ANWR that can be carried out in an environmentally sound manner. State of the art techniques will lessen the environmental impact. The old stereotypes of dirty oil drilling just don't apply anymore. In fact, if we do start drilling in ANWR, the drilling operations would be conducted under the most comprehensive environmental regulations in the world.

We all want to do what we can to protect the environment.

But it's just not credible to say that looking for oil in this small, limited part of ANWR is a dangerous threat to the entire region. I also think that many environmentalists fail to see that if we do not begin oil production in ANWR, foreign oil companies will take up the slack and drill in places such as the Middle East where environmental regulations are much less restrictive than ours. Opening ANWR could actually be more environmentally sound than the alternative.

We consume over 20 million barrels of oil a day and our consumption is expected to increase to 28 million barrels a day over the next 20 years. Yet, we haven't built an oil refinery in the last 25 years. We must increase our energy supplies to keep up with the demand of our growing economy.

ANWR is the most promising domestic source of oil that we have. If the Senate passes ANWR, it will make a huge difference for our domestic consumption. There are 10 to 30 billion barrels of oil recoverable in ANWR. Just to put this in perspective, that's enough to fuel all of Kentucky's oil needs for at least 79 years.

ANWR would boost Alaska's oil production. And with the new Alaska pipeline, we could get it quickly to the rest of the United States. It would provide the United States with nearly 1 million barrels a day or 4.5 percent of today's consumption for the next 30 years.

Drilling in ANWR would also take a tremendous strike toward ensuring our national security. We currently import more than 55 percent of the oil we use. The price of oil has remained at over $50 a barrel. OPEC estimates that within 2 years the price of oil could jump to $80 a barrel. These high prices mean we are just throwing money needlessly at other countries.

If we open ANWR for drilling, that would mean we would not be sending over $800 billion to areas like the Middle East for our oil. Instead, we could be investing that money on American soil. Being dependent on oil imports from other regions of the world, puts America's energy and economic security at risk.

ANWR offers the realistic opportunity to produce enough oil to replace the volume we currently import from Saudi Arabia or Iraq for the next 25 years.

If the choice comes down to avoiding our domestic oil resources because of dated and irrational environmental concerns versus drilling in ANWR to lessen the chance that we will have to rely on undemocratic regimes in the Middle East for our oil, then there's no choice at all.

And ANWR would provide more than just oil to meet our energy needs. The region also has a vast amount of natural gas. We don't have enough natural gas supply in this country to meet our demand. Natural gas prices keep going up and up. In the area where drilling would take place, there is up to 10.9 trillion cubic feet of natural gas.

Right now, they are circular pumping the natural gas back into the reserves in Alaska.

Instead of pumping ANWR's natural gas back into the earth, we should use this for our energy needs. Opening ANWR up for drilling won't change our dependence on foreign sources of energy overnight. No single source can totally end our dependence on foreign energy.

But opening ANWR and boosting production will definitely be a huge step toward America becoming self sufficient for our own energy needs and strengthening our national security.

I urge my colleagues to vote no on this amendment and to support the energy independence which ANWR offers.

Mr. AKAKA. Mr. President, I rise today in support of Alaska's indigenous peoples, the Alaska natives. I will oppose the Cantwell amendment. My position is based on my experiences in Alaska when I visited the village of Kaktovik in 1995 and spoke to the Inupiat peoples who greatly desire this opportunity for economic self-determination. My position is not new—I have remained firm in the position for the last 10 years. In developing this position I have met with individuals and organizations who have advocated on both sides of this issue.

For me, this vote is not a vote just about preservation of the environment versus development. It is a vote about the self-determination of an indigenous people and their homeland. The Inupiat, who live within the boundaries of the coastal plain, are a people with strong cultural values, and are deeply in touch with their environment and everything that lives there. It is the Inupiat who have been the caretakers of the Arctic region for thousands of years.

To some of my colleagues, the debate about ANWR is about energy. To others, it is about the environment. To me, ANWR is really about whether or not the indigenous people who are directly impacted have a voice about the use of their lands. The Inupiat know every mile, every curve in the landscape of the coastal plain, and every animal that must survive there, for their own survival depends on this. They have the greatest incentive of anyone to preserve their environment, including the plants and animals that live on the coastal plain, in order to maintain their way of life.

They too depend on the caribou and they have participated in the protection of the caribou while monitoring and working with the oil industry at Prudhoe Bay. Their experience has demonstrated that a careful balance is possible, and that preservation and development are not mutually exclusive. My colleagues, I do not live on the coastal plain. For that reason, I trust the wisdom and knowledge of those who have lived and cared for the land there for many, many generations.

I will vote to provide the Inupiat with the opportunity to provide for themselves and their future generations. They have spoken and have been steadfast in their position for many, many years. I am confident that they will protect their homeland and utilize its resources with the native values that have served them well since time began. Their position is supported by the Alaska Federation of Natives, which represents 110,000 Alaska natives, and the native village of Kaktovic.

This has not been an easy decision for me given the fact that this is one of the few times that I am not voting with the majority of my colleagues in my party. As much as I would like to vote with my colleagues, I must remain true to myself and my values. For me, this is an issue about economic self-determination. This is an issue about allowing those who have lived on the coastal plain and cared for the coastal plain for many, many generations, to do what they believe is right with their lands.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I don't know what all the fight is about. If the comments are true, that they think no one will bid, why do they oppose this? I am interested in the Senator from Wisconsin and his great defense of wildlife refuges. This area we are talking about is not within a wildlife refuge. It is not wilderness. But in his State, he has three pipelines running through wildlife refuges. Wisconsin has stood aside for all that they want.

And as a matter of fact, the Senator from Washington, Ms. CANTWELL, said that only Alaskans benefit from oil development. This happens to be oil development on Federal land. It is not true that only Alaskans benefit from development of our State. We happen to have a unique State in that we share the income we get from royalties on oil and natural gas that came from Prudhoe Bay where the State owns the land.

Incidentally, I want to tell my friend, the former Presidential candidate, Mr. KERRY, I take umbrage at his comment that I am guilty of unethical conduct because I am supporting the budget resolution reported by the Budget Committee. That smacks very much of something that is a subject of personal privilege, and I shall consider that later. Maybe Senator KERRY would like to come explain why he has singled me out for unethical conduct. But beyond that, I must express my amazement that my colleague from Washington has offered this amendment.

In 1980, the former Senator from Washington and my good friend, Henry "Scoop" Jackson wrote a letter discussing the importance of ANWR and this 1.5 million acres. He said ANWR was:

> . . . crucial to the nation's attempt to achieve energy independence. One-third of our known petroleum reserves are in Alaska, along with an even greater proportion of our potential reserves. Actions such as preventing even the exploration of the Arctic Wildlife Range . . . is an ostrich-like approach that ill serves our nation in this time of energy crisis.

That is the former Senator from Washington. Not only does ANWR serve our important national security interests, it serves the economic interests of the State of Washington. As a matter of fact, Washington gets a great deal more out of Alaska's oil development than anyone. The economic health of the Puget Sound is tied directly to Alaska, as is illustrated by a report commissioned by the Tacoma-Pierce County and Greater Seattle Chambers of Commerce. Of particular importance is the oil production from the North Slope. Washington's refining industry purchases almost its entire crude stock from Alaska.

The report states that:

> Direct impact from the refining of Alaska crude oil within the Puget Sound region includes 1,990 jobs and $144.5 million in labor earnings. In 2003, oil refineries in the Puget Sound imported $2.8 billion worth of crude oil from Alaska.

Alaska oil provided 90 percent of the region's oil refinery needs. Oil development is a major contributor to the health of Washington's economy. As oil wealth in the State of Alaska increases, so does demand for Puget Sound goods and services. That is why the chambers of commerce of Washington State support ANWR. They understand that with Prudhoe Bay declining—today it only produces about 950 thousand barrels a day; it used to produce 2.1 million barrels a day—additional oil resources must be developed to ensure the continued economic viability of the Puget Sound region. The Puget Sound region has the luxury of purchasing our oil. Otherwise it would be purchasing oil from distant foreign shores.

The development of Prudhoe Bay has contributed more than $1.6 billion to the Washington economy. And ANWR alone is estimated to create over 12,000 new jobs in Washington State alone, in addition to the revenues it will generate. None of these benefits will take place if the Senator's amendment is allowed to pass. Not only are decreasing oil output and declining revenues affecting the health of Washington, its major businesses are feeling the heat, particularly the aviation industry.

The rise in fuel prices is greatly impacting Washington's aviation industry. Our airline industry has lost over $25 billion in the last 3 years. Sustained high jet fuel costs of $1.50 per gallon, which is almost three times that of 1999, continues to hamper the health of this critical industry. Every dollar per barrel the cost of oil rises costs the airline industry an additional $2 million per month. High energy prices also prevent job creation in the transportation sector. The Air Transport Association estimates that for every dollar increase in the price of fuel, they could fund almost 5,300 airline jobs. That should be worrisome to a person who represents the area of the aerospace industry of this country and wants to deny us access to this oil.

Let me speak about access to this oil. Washington consumes 17.6 million gallons of petroleum per day, including 7.3 million gallons of gasoline and $2.5 million for jet fuel. It produces no oil at all. Were it not for oil from my State, the Puget Sound region would be destitute.

Now, some people argue we should not develop ANWR because it would devastate the traditional lifestyle of Alaska's Natives. I think they do a disservice to the Alaskan Native people. They talk about the Gwich'ins. Let me be sure that everybody understands that the Gwich'ins, which the Democrats parade around this town, are from the South Slope. They are not in the North Slope. They have no traditional role in the North Slope. The only thing they share with the North Slope is the fact that the porcupine caribou herd, which comes from Canada up to the North Slope, goes through their area on up to the North Slope, and that is where they calve. But not every year. Some years they don't go. Why? Because their relatives in Canada kill too many.

The Gwich'ins hunt caribou in Canada and they can serve it commercially. For them, it is a sports animal versus a subsistence animal on our side. They have benefitted from oil production. They have provided revenues for schools, clean water, sanitation, electrical power, health clinics, roads, and Natives.

I don't think most people understand that because of the situation in terms of the Alaska Land Claims Settlement Act, when one region gets money from natural resources, it must share with the other 11 regions. The 7(i) concept is the most unique concept in America. That is why all of the Natives in Alaska have an interest in ANWR.

If the Natives of the North Slope get money—and they will—from this development, they must share that with the other 11 regions. I have worked closely with them to enact the strictest environmental standards on the planet, dealing with the developments on the North Slope.

People don't realize that the petroleum industry has been able to coexist with wildlife in the Arctic, and it really has the support of the Natives who live in that area. Thirty-three percent of unemployed Alaskans are Natives. Twenty percent of Alaskan Natives have incomes below the poverty line. Development of ANWR holds the potential to improve their situation. That is why they are in this city now trying to tell Members that they want ANWR developed.

We have been accused of trying to use strange procedures. I don't think it is strange. We had the same provision in last year and they were able to take it out. They knew they had the votes last year and they were not screaming like they are now. This year, things have changed. There has been an election.

Mr. GREGG. Will the Senator yield for a quick point?

Mr. STEVENS. Yes.

Mr. GREGG. Mr. President, I ask unanimous consent to have printed in the RECORD a list of the times the reconciliation process has been used for actions very similar to this, many of which were in periods when the Democrats controlled this Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SAMPLE OF "POLICIES" ENACTED IN RECONCILIATION BILLS

(Not an exhaustive list)

OMNIBUS BUDGET RECONCILIATION ACT OF 1982

Froze dairy price supports
Reduced COLAs for food stamps
Required home buyers to pay a lump-sum premium for FHA mortgage Insurance

CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT OF 1985

Raised offshore drilling revenues
Increased PBGC premium rate
Made Medicare HI tax mandatory for State and local government workers

OMNIBUS BUDGET RECONCILIATION ACT OF 1986

Required sale of government's share of Conrail

OMNIBUS BUDGET RECONCILIATION ACT OF 1987

Required sale of federally-held loans for rural electrification, telephone bank, and water projects
Reduced agriculture subsidies and price support programs

OMNIBUS BUDGET RECONCILIATION ACT OF 1989

Raised the SS wage base
Increased broadcasting and nuclear regulating fees
Limited Medicare hospital and physician reimbursement rates
Reduced spending on farm programs and subsidies
Tightened student loan program to deal with defaults

OMNIBUS BUDGET RECONCILIATION ACT OF 1990

Raised income taxes
Raised gasoline taxes
Extended unemployment insurance tax
Reduced spending on veterans' compensation and pension benefits

OMNIBUS BUDGET RECONCILIATION ACT OF 1993

Mandated auctioning of FCC licenses for spectrum
Reduced AFDC match rates
Delayed military COLAs by several months

PERSONAL RESPONSIBILITY, WORK OPPORTUNITY, AND MEDICAID RESTRUCTURING ACT OF 1996

Overhauled welfare (did welfare reform)
Restructured supplemental security income
Put in place new procedures to establish paternity and enforce child support orders
Restricted benefits for legal and illegal immigrants

BALANCED BUDGET ACT OF 1997

Set discretionary caps
Established Paygo rules
Raised the debt limit
Significantly altered Medicare—expanded choice, created MSAs, changed payment rates, changed Medicare reimbursements to hospitals, reduced payments for physician services
Gave more flexibility to Medicaid to put enrollees in managed care
Created state children's health insurance (SCHIP)
Further reformed welfare
Veterans cost savings
Education cost savings
Spectrum sales
Petroleum reserve—allowed foreign governments to lease unused space in Louisiana salt caves that stored the Strategic Petroleum Reserve

Mr. STEVENS. Mr. President, I am winding down. We have sent this item to the President to ask why we don't follow the usual procedures. President Clinton vetoed it on the request of the people on that side. We passed this in the Senate twice.

The trouble is, for 24 years we have tried to carry out commitments made by Senators Tsongas and Jackson that this area would be explored. For 24 years, there have been devices used by the other side to prevent it. But they forget even Congressman Mo Udall stated that nothing stops a future Congress from allowing exploration for these uses if they are of sufficient national importance. The question is whether they are of sufficient national importance.

Those who voted for this amendment will tell you they are voting against ANWR, but they won't tell you what they are for. Where are they going to get the oil? A vote for this amendment is a vote for the status quo.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. STEVENS. I will use a couple more minutes off of our allotted time.

My friend Ronald Reagan used to say that "status quo is Latin for 'the mess we are in.'" A vote for this amendment closes our domestic resources to production. It is a vote for continuing our current policy of importing more than 60 percent of our Nation's oil. It is a vote for outsourcing more than 1.3 million American jobs a year. A vote for this amendment is a vote for increasing home heating bills and transportation costs. It is a vote to diminish our national security by relying on rogue nations, nations with unstable regimes.

I don't think there is a Senator in this Congress who would offer a bill that exports 1.3 million American jobs every year, will cost $200 billion annually by 2025, and leaves our national security vulnerable to the whims of unfriendly foreign regimes. That is what this does.

A vote for this amendment is not just a vote against ANWR; it is a vote for closing our Nation's single greatest prospect for future oil development and backing out of the promise made to Alaskans in 1980—and all Americans—when Senators Jackson and Tsongas created section 1002 of the Alaska National Interest Lands Conservation Act.

A vote for this amendment is a vote against the people of Washington State, who rely almost completely on Alaska for their oil for their industrial base and energy consumption.

Above all, a vote for this amendment is against Alaska Natives who overwhelmingly support development in ANWR because they know they can balance stewardship and conservation with the development. Alaska Natives would use a portion of the revenues to finance schools, water systems, and health clinics while pursuing their way of life.

Again, every Alaska Native will share in the money that is received by the North Slope people. They all share because of the bill this Congress wrote, the Alaskan Native Land Claim Settlement Act.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Ms. CANTWELL. Mr. President, information was provided by the President's own economist and energy supply analysts who were asked recently about whether refuge drilling was going to have any impact on oil prices. Even the President's own economist at the Energy Information Administration found that opening ANWR will have negligible impact on prices.

I ask unanimous consent that a copy of the resolution by the National Congress of American Indians be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Resolution #SD-02-108

Supporting the Subsistence Lifeways of Alaska Tribes, Gwich'in, Inupiat, Tlingit, Athabaskan, and Saint Lawrence Island Native Peoples, and of Related Indigenous Peoples in Canada and Russia, and Opposing Efforts by Multinational Economic and Political Interests that Would Endanger These Lifeways

Whereas, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people and their way of life, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

Whereas, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

Whereas, the subsistence traditions of Alaska Native peoples and other related indigenous peoples vary considerably among regions and cultures but are tied together by the common strands of their importance for indigenous cultural survival, and their vulnerability to attack from outside parties that lack respect for these subsistence traditions and would destroy or endanger these traditions in pursuit of their multinational economic or political objectives; and

Whereas, like the Yupik people of the Akiak Native Community and the Yukon-Kuskokwim Delta of Southwest Alaska, the Gwich'in Athabaskan people of Eastern Alaska and Canada's Yukon Territory, the Athabaskan nations throughout Alaska, the Inupiat people of northern and western Alaska, the Saint Lawrence Island Natives of the Bering Sea, the Siberian Yupik Familial Relatives of Saint Lawrence Islanders who live on the Russian side of the Bering Sea, and other Indigenous peoples of Eastern Siberia, all depend on the perpetuation of their various subsistence traditions across the generations for the very survival of their indigenous cultures; and

Whereas, legal barriers and ecologically destructive practices imposed by multinational economic and political interests can and have disrupted indigenous hunting traditions in places around the world, and even where these disruptive actions may have ultimately proven temporary in nature, they have interfered with the perpetuation of indigenous subsistence traditions across the generations, thereby threatening the very survival of indigenous cultures; and

Whereas, the cultural survival of the Gwich'in is so tied to the survival and continuation of the migratory cycle of the Porcupine Caribou Herd of Canada and Alaska that the Gwich'in are known as the "People of the Caribou"; and

Whereas, the Inupiaq people have likewise been referred to as the "People of the Whale" because of their profound cultural relationship with the bowhead whale, which provides the foundation of their subsistence diet, and serves as a central organizing factor for a culture that is largely structured around whaling crew affiliations and associated familial relationships; and

Whereas, the Saint Lawrence Island natives are likewise dependent upon whaling for their cultural survival, and the Native peoples of eastern Siberia, have only recently begun the difficult task of trying to reclaim and reinvigorate subsistence whaling traditions suppressed under decades of Soviet rule; and

Whereas, the people of Southeastern Alaska are likewise dependent on herring for their subsistence lifeways; and

Whereas, all Alaska Natives are dependent on the river ways for their traditional lifeways related to the Salmon; and

Whereas, all of these subsistence traditions are currently threatened by multinational political and economic interests that place them at risk; and

Whereas, the cultural survival of the Gwich'in people is threatened by multinational oil companies and pro-industry officials in the highest ranks of the United States government forces that would callously place the survival of the Porcupine Caribou Herd at risk, by gambling that oil exploration and development on the Herd's calving grounds in the Arctic National Wildlife Refuge of Alaska would not have the devastating effects on the herd that many biologists and people with indigenous knowledge of the Caribou believe such actions would; and

Whereas, the cultural survival of the Inupiat people, the Saint Lawrence Island Natives, and the indigenous peoples of Eastern Siberia are likewise threatened by recent development before the International Whaling Commission, where Japan succeeded in blocking the allocation of whaling quotas for Alaska Natives and indigenous Siberians, beginning in 2003, and did so solely out of a desire to retaliate against the United States for its opposition to the resumption of a commercial whaling industry in Japan, as well as offshore exploration and drilling, and

Whereas, it is morally wrong and a violation of basic human rights for multinational corporations and national governments to place the survival of indigenous cultures at risk, especially to pursue excess wealth or international political advantage, and it is important that the NCAI oppose these assaults on indigenous lifeways that are currently being perpetuated in the international arena.

Now therefore be it resolved, that the NCAI does hereby oppose the efforts of multinational oil companies and certain high ranking federal officials to open the public lands of the Arctic Refuge to 1002 area to oil exploration and development in complete disregard of the risks such action would create for the cultural survival of the Gwich'in People of Alaska and Canada, and calls upon the government of the United States to reject any and all proposals that might create such risks, excluding any interest in the 92,000 acres of Kaktovik Inupiat Corporation (KIC) privately held land; and

Be it further resolved, that the NCAI similarly opposes the efforts of commercial fishing interests which adversely affect the subsistence salmon and herring customary and traditional fishing rights of all tribes of Alaska, and

Be it further resolved, that the NCAI similarly opposes the efforts of the government of Japan and Japanese commercial whaling interests to play international power politics by shutting down indigenous whaling in Alaska and Siberia at the expense of indigenous cultures that must be allowed to survive and perpetuate their way of life, and that NCAI calls upon the governments of the United States, Russia, and Japan to take appropriate steps to end this callous and abusive mistreatment of indigenous cultures on both sides of the Bering Sea border; and

Be it finally resolved, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

Ms. CANTWELL. We have heard a lot about tribes in Alaska. I want to point out to my colleagues that the National Congress of American Indians, an organization representing more than 500 tribes across the country, have previously opposed drilling in the wildlife refuge, and that certainly is what we are talking about—a debate of national significance.

I point out that many people in Puget Sound and across the country do believe this isn't going to do anything to meet our country's energy needs. This newspaper article says:

> Drilling in the refuge would increase America's reliance on fossil fuels and do little to limit our dependence on imported oil.

Mr. President, I yield 6 minutes to the Senator from Connecticut, who has been so outspoken and important to this debate. I thank him for his leadership on this issue.

The PRESIDING OFFICER. The Senator is recognized for 6 minutes.

Mr. LIEBERMAN. Mr. President, I thank the Senator for her principled leadership on this fight.

Mr. President, I come to this debate with some long history here, as other Members of the Senate have as well. This was one of the reasons I ran for the Senate. I was troubled by the plans to drill for oil in the Arctic refuge. It was an issue in my 1988 campaign. I have been battling this ever since.

Why does it matter so much to me? Sure, it relates to our national energy policy. Does it develop enough oil to really matter to price or availability? No. Can we drill our way out of energy dependence on foreign oil? No. We have to think and innovate and entrepreneurize our way out of it.

This all begins, for me, with the beginning—with the Bible and the instructions God gave to Adam and Eve that they should both work and guard the Garden of Eden, which is to say that they should develop and cultivate it but also protect it, because we are here for a short time. The Psalms tell us that the Earth is the Lord's and the fullness thereof. You have a responsibility to protect the beauty of nature that has been given to us for the generations that will follow us—to work and to guard.

Let me come to the North Slope.

We come to this day with a judgment having been made. Ninety-five percent of the North Slope in this part of Alaska is open for exploration, oil exploration and potential drilling. We drew a line. Our predecessors drew a line: This 5 percent should be preserved as a wildlife refuge; if you will, a small piece of Eden, preserved in this magnificent State.

Now we are going to break that line, we are going to destroy that remaining part and have an inevitable negative consequence, both on the wilderness, the wildlife there, and also on the native people who depend on it and of whose heritage it is part.

We can go back and forth about which side the native people are on.

I ask unanimous consent to have printed in the RECORD a letter from Robert Thompson, Kaktovik Arctic Adventurers, containing a petition drive, which has secured 57 signatures from the people in Kaktovik, likely a majority of the voting adults there—it sounds like Dicksville Notch, doesn't it?—who support Senator CANTWELL's proposal.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

KAKTOVIK ARCTIC ADVENTURES,
Kaktovik, AK, March 14, 2005.

TO THE SENATORS OF THE UNITED STATES: I am writing in regards to concerns relating to preserving the culture of my people, the inupiat, and the culture of my friends, the gwich'in.

There is an area that is being considered for oil and gas exploitation, the 1002 area of the arctic national wildlife refuge, for years there has been a perception that the inupiat of the north slope were all in favor of this. Perhaps previously this was so as it seemed the oil infrastructure was far away and people benefited from it. This is changing rather dramatically. A recent petition drive in Kaktovik, which is still in progress, has secured 57 signatures, that is likely a majority of the voting adults in Kaktovik.

Such a small amount considering the larger population of the U.S. However if this drive were to have taken place a month ago it is doubtful that there would have been more then ten sign. We have had many events happen in the Bush administration that make people realize that we don't really count for much in their plan.

The ocean is aggressively being leased. On Feb. 22, Gov. Murkowski clearly stated the state's position on developing state near shore, off-shore areas. He implied that if the residents were told that restrictions to drilling during whale migrations were offered we wouldn't mind. He did not consult with us. Our concerns go way beyond that. Oil spilled in the arctic ocean can not be cleaned up to any standard that is acceptable to us.

Federal offshore areas are being offered to oil companies also. This is the area that is central to our culture, our whaling culture. People are realizing that the 1002 area being sold is the last 5% of our lands. Big oil has access to 95% of the north slope. Leases are happening at a very fast pace. If the 1002 area is leased, big oil will have almost 100% of the north slope to exploit. Why is almost 100% of the north slope being sold to the oil companies? And why can't we save the last 5%? The people should know there is an area that is 23,500,000 acres, the national petroleum reserve that has huge quantities of oil, that in addition to known reserves that are readily available.

I am honored to be part of this movement to save our land, our ocean and our culture. When a person realizes that those signing this petition did so with the full realization that in doing so they would possibly be losing a large amount of money, it is magnified to an honorable action, it is people standing with their people for the good of all. I am not in a corporation here so my involvement is not the same. The signors are doing it for the preservation of our culture for future generations. I hope that you senators will give full consideration to this event. We are attempting to use the democratic process to save our culture.

Before this it could be said and often was, that we wanted all that oil money. You are now facing a group of people who are saying that no amount of money is worth exchanging our culture for. However this goes, future generations of inupiat can look back and say, those people who signed tried to do the right thing. Somehow, I feel that it will be important to them to know that someone cared.

In closing I would like to thank our friends in Hawaii for their efforts to help us save our culture. I have visited there and have heard people talk about the large corporations that had adverse effects on their culture and their stated desire to help us prevent that from happening to us.

Your many efforts are sincerely appreciated.

mahalo,

ROBERT THOMPSON.

Kaktovik's people don't want development on ANWR. Petition has a large number of voting adults opposing opening of the Refuge for oil development.

No doubt the oil industry has become commonplace for the Inupiaqs of the Slope. A tolerant culture of the oil industry has long been acclaimed as a righteous society of the North Slope as a result of the oil boom over the past 30 years. No taking into consideration the impacts in regards to the traditional, subsistence & social lifestyle of the Inupiaq & the corruption of the subsistence lands that we use. People of the Slope have accepted the oil industry indoctrination's by allowing them to sponsor our village events & celebrations designed to foster this for revenue propaganda without willing to ask or examine if this is a desirable outcome for the Inupiaq. Oblivious to the oil industry's subtle invasion & eradication of our subsistence hunting lands, as well as our traditional & cultural practices.

Perhaps it was a good idea in the beginning to use the revenues of the oil industry for the economy of the North Slope. But the oil & revenues have declined & the "for profit firms" & those that have become dependent on the oil revenue are now going after the last 5% of the land that is not open to drilling. This beautiful Arctic ecosystem that has sustained & provided the Inupiaqs in many ways could possibly be replaced with an oil industrialized city. Which is now realized that this is precious to them in terms of their subsistence ways. No one wants to see oil rigs when they are out hunting or camping like some of the other areas across the

Slope have seen, which has impacted their subsistence ways & social structure.

The people are realizing that ANWR may only bring temporary employment & revenue, for there may be no oil found in ANWR. Which will leave for our future generation the further despoilment of the land & subsistence lifestyle of the Inupiaq, if ANWR is opened up for oil development. Some no longer agree with the Government, the "for profit firms", or anyone's idea of trading the subsistence lands that the Inupiaq depend on for any amount of oil or revenue. We feel that it's not worth all in the long run for the future of generations of the Inupiaq. Our investment is in keeping the last remaining 5% of our land intact for our future generation to continue our subsistence & traditional way of life.

Because hunting and the relationship to the land are of profound cultural and spiritual importance to the Inuit of the North Slope. The meaning of life for most Inupiaq is still found in land and our subsistence lifestyle. Hunting off the land provides a link to the past and a cultural identity. It is valued for its contribution to independence, self-esteem, respect from others, psychological well-being, and healthy lifestyle. "Going out on the land" is a means of spiritual renewal and a method of re-establishing the ancient connection to the land that has sustained Inupiaq for thousands of years. A sense of personal pride and fulfillment is gained from providing food from the land for family and sharing with others in accordance with age-old tradition.

With the increasing threat of offshore development, which a majority of Inupiaq whalers across the Slope oppose. Many are beginning to realize that opening of the Arctic Refuge will set a precedent to offshore development. The drilling proponents have said as recently as February 22 that the network of industrial base camps in the Arctic Refuge will provide the jumping off point to develop a ring of oil rigs just north of the Refuge off shore in the Beaufort Sea. In fact Governor Murkowski mentioned there is a good possibility that offshore will develop in the future but mentions the interest off the oil companies is to wait for the determination of ANWR by Congress. Offshore leases have been offered in the past by the State of Alaska, in which no oil companies bid. It is more profitable & less hazardous to have the ground to lay the infrastructure down permanently then go offshore from there. The Inupiaq people have had so much of their traditional lands & subsistence lifestyle divested; now even the whaling culture is at stake.

A petition being circulated has nearly half of the voting adults in Kaktovik opposing opening the Arctic National Wildlife Refuge to oil development. In fact we are still collecting signatures & we are only short a few signatures to make more than half of Kaktovik's voting adults that oppose oil development. We haven't seen other Kaktovik residents that are away from the village at this point. Many across the Slope are beginning to feel the land of ANWR is essential to the longevity of our subsistence livelihood & our traditional ways. For oil development will directly affect all those across the Slope, not only the residents of Kaktovik, but others as well. For the precedent it will set for offshore development. The message in the past has been that the Inupiaq want ANWR opened for oil development, which has been spoken mainly by the "for profit corporations" which are paid interests of Arctic power. The Regional Corporation have signed exploration and option agreements with oil companies, and these regional corporations have begun to appear to be politically aligned with their oil corporate partners. And often has been the voice in Arctic for oil development.

A protest was held against Arctic Power paid group (Gail Norton, Lisa Murkowski & other senators) on their visit to Kaktovik on March 6th. But we did not get much media coverage opposing ANWR development despite the fact that the media had accompanied the Senators. For another thing the coverage they let out is very misleading & let's not forget these reporters came up to Alaska with Arctic Power. Sean Hannity presented a series of misleading claims to advance the Bush administration's efforts to permit oil drilling in Alaska's Arctic National Wildlife Refuge.

The caribou herd is not our main concern, we know it is thriving. It's the land that will be overcome by oil rigs & restricting our subsistence lifestyle & the impacts of our social structure that we Inupiaq are worried about. And the impacts in the Arctic ecosystem as a result of the worsening global warming problem, as more fossil fuels are burned are a concern for us. As well as the health concerns of the future as pollution gets worse. We don't even care the amount of oil if there is any. We don't want any more of the oil industries impacts inflicted upon us as a whole. Especially for our future generation. The public didn't get much notice about Arctic Power & the Senators visit to Kaktovik to begin with. And due to the fact that they came early on a Sunday morning, not many residents attended the meeting. Yet on their visit to Barrow Alaska, they did not even meet with the public. They only met with the for profit corporation entities that support oil development such as the ASRC representatives.—Mary Margaret Brower, Kaktovik, Alaska.

PETITION

The following residents of Kaktovik, are opposed to oil development in the 1002 area of the Arctic National Wildlife Refuge: (SIGNED BY 50 PEOPLE).

Mr. LIEBERMAN. Let me come to the process. While I am on the Bible, I was taught as a kid those famous words:

> Justice, justice shalt thou seek.

Why the double mention of justice? Because, I was told, you have to pursue what you believe is justice in a just way.

We have different ideas of what justice is, what a good result is here. But I want to speak to the method, and that is to do this as part of a budget resolution, which clearly is an end run around the existing rules, an end run around the healthy fair fight we have been having for a lot of years about whether oil drilling should be allowed in the Arctic Refuge and the 60-vote requirement that has stopped that from happening.

That is why the filibuster is there. People talk about the "nuclear option" with regard to judicial nominations. We have been looking over in this direction. The nuclear weapons have been fired from over here. This is the nuclear option. It sets a precedent. It allows anything that generates revenues, whether incidental or at the heart of the purpose, to be attached to the budget resolution and only require 51 votes.

Just listen to the advocates, my dear colleagues and respected friends, proponents of the drilling in the Arctic Refuge. They are not talking about generation of revenue as its main purpose. They are talking about the provision of oil, provision of jobs, energy independence. We can debate that. But the revenues obtained here are incidental, and our rules make clear that when that is so, this kind of provision should not be on this budget resolution.

It does set a precedent, where anything else, where the generation of revenues is merely incidental, whether on environmental matters or anything else, and something that has not been able to obtain the supermajority 60 will be able to be adopted by 51, when put on a budget resolution.

Incidentally, one effect of this budget process in Congress is the budget process has broken down. We do not pass a budget resolution anymore. If we start putting what I believe respectfully are extraneous amendments, substantive battles on to the budget resolution, it is going to be harder and harder to follow the orderly budget process that the law and our rules provide.

So for reasons of substance and reasons of procedure, I ask my colleagues to support the Cantwell amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Ms. MURKOWSKI. Mr. President, I yield 3 minutes to my colleague from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 3 minutes.

Mr. CRAIG. Mr. President, let me thank the Senator from Alaska for those few moments to speak to what I believe and many of us believe to be a phenomenally important issue for the Senate to be addressing. Let me try to set the record straight.

I believe it is now the noon hour, in the middle of the day. The Sun is up. The lights are on in this Chamber of the Senate. We are in the middle of a workweek. And somebody says this is not the place or the time to debate this issue? It is not midnight. It is not in a smoke-filled room. The lights are not turned down. C–SPAN is on and the American public is watching and you darned well bet this is the right place and the right time to debate a critical issue for the American people. So don't suffer the illusion or play the rhetorical game that says, "ain't never happened before."

The chairman of the Budget Committee has just submitted a long list of times when the other side used the budget resolution to produce major public policy. So it is the right time, the right place, the middle of the workweek; and we are doing the job of the American people, to debate this very critical and important issue.

I am always amazed when someone takes the coastal plain of Alaska, where today it might be 60 below and the wind may be 40 miles an hour, and calls it an Eden. That is not my vision of Eden. I am not suggesting it is not a rare place—it is. It is unique to the world, and we recognize that, and all of the environmental safeguards are in place. If we are allowed to go there and find oil and bring it to the lower 48, there will not be any damage to the environment. That is a fact for anybody who has been there.

Let us adjust the vision of Eden just a little bit. I don't think we are allowed to interpret it every way every day.

My last thought is quite simply somebody said—I believe the Senator from Washington just said—it will not bring down the price of oil. It probably will not. What it might do is stop the price of oil from going up. I just paid $2.11 a gallon for regular gas in the District of Columbia. I drive a very efficient small car. It still costs me $25 to fuel it. I have the good fortune of having a pretty-good-paying job, but there are a lot of Americans who do not. Just keeping the price of oil down, not letting it go up, would be a major victory for energy policy in this country. And it would fill the refinery at Anacordis that is now operating at 50-percent capacity. It would provide the jobs in the State of Washington that the Senator from Alaska spoke to. That is the reality of what we are talking about today—getting our country back into the business of producing energy for every American, whether they have high-paying or low-paying jobs. We live on our energy and it is time we put our country back into full production. I strongly support the resolution.

The PRESIDING OFFICER. Who yields time?

Ms. MURKOWSKI. Mr. President, how much time is remaining on our side?

The PRESIDING OFFICER. There remains 19 minutes 50 seconds.

Ms. MURKOWSKI. I ask the Chair to let me know when I have used 9 minutes.

The PRESIDING OFFICER (Mr. CRAIG). The Senator will be notified.

Ms. MURKOWSKI. Mr. President, it is important that we do attempt to set the record straight. It is interesting to listen to the back and forth that goes on across the aisle. If Alaska were not my home, if I were not born and raised there, if I had not had an opportunity to know and understand all parts of my incredibly beautiful and diverse State, I would think that they were talking about another place, another world that I was not familiar with. So I feel compelled as an Alaskan to stand before you and talk about the reality of ANWR, the reality of the world that exists up North.

The Senator from Massachusetts made a statement. I apologize if it is not exactly as he stated it, but the inference was that wilderness can't exist with industry, and that is why we should not move forward with opening ANWR to exploration.

The area we are talking about exploring is not in a protected wilderness area. It is in an area that has been designated "reserved," if you will, because of its vast potential oil and gas reserves. It has been recognized by the Congress, by the executive branch, for its potential. It is not in wilderness status. It is not in wilderness status like the 8 million acres directly below the 1002 coastal area. It is not in wilderness status like some 58 million acres of wilderness that are currently in the State of Alaska. The 1002 area is not wilderness.

Therefore, don't mix it in up. Don't make that suggestion.

Others have said we are talking about exploring and drilling in a wildlife refuge. As my colleague from Alaska mentioned to the Senator from Wisconsin, in his State of Wisconsin there are pipelines going through three separate wildlife refuges. There are currently nearly 400 producing wells in the national wildlife refuges nationwide.

The National Audubon Society has received $25 million in royalties from oil development in its sanctuary in Louisiana. It has been receiving this money for decades.

There is nothing unusual nor improper about allowing careful development in a refuge.

We are using 21st century technology. I haven't seen this wildlife refuge which the National Audubon Society has in Louisiana, but I am certain they are making sure, if they are developing it, that they are doing it in concert, in balance with the environment. That is exactly what we will be doing if we are given permission to go forward in ANWR. How can I tell you we will do that? Because we have been doing it up North for 30 years. We have been refining the technology, the Arctic engineering and technology that goes with extraction of a resource in a pretty harsh environment. Yet, as harsh as it is in the wintertime, it is a very fragile environment during those summer months. Alaskans appreciate our climate and our geography. We figured that we have to do it right or we could cause harm to the environment.

When we talk about the roadless areas we have available for exploration, we mean it. We do mean that we are going to put down an ice road that will disappear when the summer comes. In fact, we are so rigid on it, we don't even lay the ice road for the following year in the same area just so there is no impact to that tundra, no impact to that area.

I take great offense to the preliminary implication that some of my colleagues have made that, somehow or other, the North Slope is some industrial wasteland. They made the comment that the air and the skies were like the pollution in Washington, DC. Let me tell you, as an Alaskan, I am outright offended at that kind of a comment.

You come up North, you look at the air, and you breathe the air, if it is not too cold. The fact is, we have put environmental safeguards and standards on our industry unlike any other place in the world. I have seen what we have done in the lower 48. Quite honestly, I can understand why some of my colleagues are concerned about industry in Alaska, because they have seen it in their States. They have seen what they can do. But we have said no. We have learned from your mistakes. We are going to make sure that when you have a vehicle, you put a diaper under that vehicle. It sounds crazy, but we are not going to accept any kinds of spills. We are not going to accept any kind of environmental degradation. We have controls over it. We are going to make sure we do it right.

When they talk about the spills—I mentioned yesterday on the floor that we have spills. We require in the State of Alaska that everything you drop on the ground is reported. Do you know what is mostly reported? It is the seawater, the saltwater that is used to inject. Whether it is a spill of saltwater, whether it is a spill of chemicals, or a gallon of oil, hydraulic oils, you have to report it. You report it, and you clean it up.

When I took these colleagues North with me 2 weeks ago, they were amazed at the environmental culture within the industry. It is not necessarily because the industry has said we should do it; it is because we in Alaska care, and we are going to make sure you are going to do it right. If you are not going to do it right in our State, you are not welcome to do business. It is more expensive to do business in Alaska because we are a long way away, which sometimes makes it difficult. Part of it is we demand that you do it better.

Where does that put us? We are a nation reliant on oil. We are 58 percent reliant on foreign sources of oil. Oil just hit 56 bucks a barrel, and we are 58 percent reliant on foreign sources.

We have an opportunity to make a difference in this country.

I have had some of the opposition suggest there is not really that much there. Let us take the median. Let us just assume for purposes of discussion here today that we are able to get a million barrels of oil a day. At the height of the Prudhoe fields, we were at 2 million barrels a day through our pipeline. We were providing 20 percent of America's domestic needs.

What is a million barrels? Aside from the fact that you get a million barrels 365 days a year, what is it? It is enough fuel to run the State of Maryland for 100 years. It can fuel every car in every home in Washington State for 68 years. It is enough fuel to replace all of our imports from Saudi Arabia for 25 years—25 years. It is enough fuel to double all of the oil taken out of Texas for the past 75 years. It is enough oil to save America from writing a $54 million check to OPEC every day at the current prices. Fifty-four million dollars is what we are writing to OPEC today. Actually, I think that number goes up because the price of oil has now bumped up to $56 a barrel.

The fact is, it is not just about increased domestic production. We need to have balanced our energy policy. We know we can't drill our way out of it. We know we can't conserve our way out of it. We know we have to work on balance, promote conservation, efficiency, developing alternatives, but it has to also include more domestic production to reduce our dependency on OPEC and other unstable regimes.

We have to do more.

I used the phrase yesterday: We have to think globally and act locally. Let us not export our issues overseas. Let us not be reliant on Russia, Columbia, Africa, or Venezuela. We need to recognize, though, if we park every single car in America today and say that is it, we are going to take a step, we are not going to be so reliant on oil, the fact is we would still need oil, whether it is for Band-Aids, CDs, or heart replacement valves. We use oil every day in our world. We need to do what we can at the domestic level to meet our energy needs to the fullest extent possible. ANWR offers us that opportunity.

Please give us in Alaska the chance to show you how we will continue to do it right for years to come.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Ms. MURKOWSKI. Mr. President, I yield 10 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator controls 8 minutes.

Ms. MURKOWSKI. I yield the remainder of the time to the Senator from New Mexico.

The PRESIDING OFFICER. The Senate from New Mexico.

Mr. DOMENICI. Mr. President, how much time is on the other side?

The PRESIDING OFFICER. The other side has 5 minutes.

Mr. DOMENICI. Thank you, Mr. President.

(Ms. MURKOWSKI assumed the Chair.)

Mr. DOMENICI. Madam President, let me say to Senator STEVENS that it has been a pleasure working with him on this issue.

Some people have asked: Why don't we listen to the people of Alaska? It is their livelihood. They live there. I had the pleasure of going up there and talking with them. I can tell the Senate without any doubt that the overwhelming majority—maybe 70 to 75 percent—of Alaskans wants this to be developed. I think that means, at a minimum, they have seen some development, they have seen the benefits of it, and they have assured themselves that it can be done in such a way that it will not harm the environment which they so much cherish and in which they live. They don't want it to be destroyed.

Now, I want to talk about some comparables. Many ask—not that there is a direct relationship—why don't we do more in renewables? I want to talk about what 1 million barrels of oil a day means compared to a renewable source of energy such as wind production. For those that say we ought to do more in renewables like wind, to make sure we do things in an environmentally sound way, here is the evidence. One million barrels of oil a day is the equivalent to 24,000 megawatts of powerplant production per day. That equals 24 powerplants, which in turn equals 92,500 windmills. The anticipated production from ANWR would be the equivalent of 5,781 square miles of windmills, the combined size of the States of Rhode Island and Connecticut. And 70 percent of the surface of the State of Massachusetts would be covered with windmills in order to equal 1 million barrels a day in electric generating capacity.

I want to talk about a couple of things. First, how important this production is and that we proceed with it. The United States of America is in a state of crisis. Some people wonder whether this is serious. Indeed, it is. We do not know what to do and how to get out of our need for oil and oil products for American's daily lives, for our economic well-being, and for our transportation needs. I don't have an answer to that. We will all work hard to try to change that, but it will take many decades to change.

Some say we ought to conserve more and they say we should conserve instead of producing this oil. I can only say we need to do everything. We are in such a crisis we have to conserve and we have to produce where we can, because right now the United States of America is absolutely vulnerable to the fact that we import oil from a dangerous and fragile world.

What happens if oil is denied America by unfriendly foreign countries? Would you believe that this big superpower called America will be brought to her knees? We talk about our future security. We will not be a world power if somebody decides to deny us oil. I regret to say we are there now—not 10 years from now, today. And it will only get worse.

Alaska, of course, is a State in our great Union. This is not a foreign country. It is part of the United States. And we have by far the most promising site for onshore oil in the United States in this 1.5 million acres in the State of Alaska. You can call it what you want, but it says in the law that this 1002 area is open for exploration if Congress wants to so vote. That is what we are talking about here. We are not here to destroy anything. We are here to vote on the proposition that Congress originally set this 1.5 million acres aside for—to go and look for oil. The laws says Congress will make the decision. We are making the decision here today. Do we want to do that or not?

Let's talk about the United States and what a predicament we are in. The American reserves of oil, the entire reserves in all of our States, is 21.9 billion barrels. That is terrible. We are the 11th in the world for oil reserves. According to the estimate arrived at by the United States Geological Survey, the area at issue contains 10 billion barrels of oil. The USGS did a similar estimate for Prudhoe Bay but they underestimated it by 30 percent. But let's just use their numbers, which I call low: 10 billion barrels. With the oil estimated from ANWR, America's total reserves would be over 30 billion barrels of oil. That means this particular part of America contains one-third of the total reserves of oil of the United States of America.

Imagine saying we don't need it. Opponents want us to do something else instead.

Senator Everett Dirksen used to say about dollars, a billion dollars here and a billion dollars there and pretty soon it adds up. I can say to Senators and those listening, as far as America's energy future, a million barrels here and a million barrels there really adds up. And pretty soon it is terribly important to America's future. That is the first point.

No one knows how to get off this dependence. We have to find ways to minimize the damage while we conserve, change our ways and go to hydrogen cars, but none of that will happen for a long time.

In the meantime, we send all our money overseas, to foreign countries. The distinguished junior Senator from Alaska was talking about how many dollars a day we send out. On a yearly basis this 1 million barrels adds $18.6 billion to the merchandise trade deficit; that is, the trade deficit between us and the world. What we pay for foreign oil is almost 26 percent of the trade deficit. But it is not important, say some, that we increase our reserves by 10 billion barrels, which is adding one-third to our reserves for the future.

My second point has to do with the fact that some say this is not the right way to do it, that we should not be using a budget resolution. I said last night it happens to be that this Senator knows a little bit about budget resolutions. I know a little bit about reconciliation.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMENICI. I ask for 1 minute off the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. And I want to make sure our Senator, the senior Senator, speaks in wrap-up.

I close by saying there is no doubt in my mind that America must do something. This is an opportunity to do something very significant. We are not going to damage anything.

This is a picture of a production well. All of that is done off of ice roads. When we are finished, we take it away and you see the little speck is what remains, the end product of an exploratory well. You can go there and prove up the reserves and leave that speck in a 1.5-million-acre piece of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I ask for 2 minutes off the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. For the information of Senator KERRY, British Petroleum is currently investing over $500 million annually in Alaska and is drilling now over 100 new wells.

I hope my colleagues consider this amendment. What I really want to ask, finally, is to vote no. I have been fighting now for 24 years to get Congress to keep its word. In a fight such as this, the Senator really learns and realizes who his true friends are. I know those who vote against this amendment are doing so because it is the right thing to do for the country. But I count you among those of us from the World War II generation who understood that oil is ammunition and understand what it means to keep a promise. And I shall not forget it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. How much time remains?

The PRESIDING OFFICER. There are 5 minutes remaining. The Republican side has no time remaining.

Ms. CANTWELL. As we close debate on the Cantwell amendment, which I hope my colleagues will support, I feel we have had a hearty discussion this morning about what America should do as it relates to the Arctic Wildlife Refuge but, more importantly, what we should also do about planning for America's future.

I point out that today a Gallup poll was released that shows where the American people are. We may be very divided in the Senate, but the American public is consistent in its concern about and interest in conservation. In fact, Americans by a 2-to-1 margin say the United States should emphasize greater consumer conservation over existing energy supplies, rather than production of oil, gas, coal, or other supplies.

Now, that is what the American public wants. That is certainly what people in the State of Washington want. That is certainly what the people in Puget Sound want. I say that because I think they are like many Americans in that they want to reduce CO_2 emissions. They want to do something about global warming. They want to do something about diversifying our nation's energy supply. We have great companies in my state that are adding to the Washington economy, and they want to diversify into various energy technologies that will help us in the future.

So, no, the majority of Washingtonians do not want to see drilling in the Arctic National Wildlife Refuge. They want to see it protected. In fact, it is the one thing I think they feel most strongly about; that is, they want to lead the way on a new energy economy and show that we can have higher CAFÉ standards, produce alternative fuels, make a dent in our gasoline use by blending it with ethanol, and get energy conservation plans moving.

But when it comes to gasoline prices, I think they are like every other American, they are darn concerned about the high gasoline prices in America and wonder why they are so high when four refineries are located in the State of Washington. And for a market that was manipulated on electricity prices, and with very little help from the other side of the aisle in getting those market manipulation contracts voided, the Puget Sound economy remains concerned about why the price of gasoline, which is a commodity that is refined so close to home, is the highest price in the country.

Now, there is nothing in the budget resolution language that says that oil produced in the Arctic National Wildlife Refuge will stay in the United States. That is right, no guarantee at all. The oil will be exported to other countries. So as the President's economist has said, it will have negligible impact on the price of gasoline. To open up a wildlife refuge for a minimal amount of oil, that even the President's economist says will have a negligible effect on price and supply, is an ill-advised plan.

My colleagues have already talked about the pollution and the environmental problems caused by drilling. But I want to point out, America does have a different future. I will work with my colleagues from Alaska on a proposal that is three times the job creation for us and for Alaska—the Alaska natural gas pipeline.

America was smart enough, in the 1970s, to get off our dependence on home heating oil because we decided as a country we could not continue to be held hostage by Middle East oil policy. We had a 35-percent reduction in home heating oil use. It is time to do the same with gasoline, but not by producing more oil, but by changing and focusing on developing alternatives.

We can focus on building a pipeline to capture Alaska's natural gas; it is the equivalent of 6 billion barrels of oil. We can focus on efficiency and renewables. We can focus on ethanol. We can focus on improvements in efficiency of transportation, of tires, and increasing the fuel efficiency of our cars, which some of the speakers on the other side, I should note, do not support a higher automobile fuel efficiency standard. That would be a great way, by reducing the need for 10 billion barrels of oil over the next 10 years, of saving and getting us off of our overdependence.

A young woman who came in to see us yesterday presented us with a tire gauge, and she showed us that if Americans had the right level of inflation in their car's tires it could save over 200,000 barrels of oil a day.

So we have a choice. We have a choice about whether we are going to continue down this road of a fossil-fuel economy to the degree that we are going to say it is even worth it, it is even worth it to go into a wildlife refuge to find oil, or we are going to move our country forward on a new energy plan.

I encourage my colleagues to support the Cantwell amendment and strike this language from the budget resolution.

The PRESIDING OFFICER. All time has expired.

Ms. CANTWELL. Madam President, I ask unanimous consent that Senator SNOWE be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENTS NOS. 171 AND 149

The PRESIDING OFFICER. There will now be 35 minutes of debate on the veterans amendments No. 171 by Senator ENSIGN and No. 149 by Senator AKAKA.

Who yields time?

The Senator from Hawaii.

Mr. AKAKA. Madam President, I ask unanimous consent for 10 minutes of time to make this statement about my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Madam President, the budget resolution fails veterans. It is that simple. I am pleased to stand with my colleagues who joined me in offering this veterans health care amendment to add $2.85 billion for VA health care.

Let me say that I agree with the President on the overall amount needed for VA health care. But we differ in where to get the funding. And I must say, I enjoy working with my friend, the chairman of the committee, Senator CRAIG, and we both feel this committee needs more funding than it has. We are offering different amendments to try to reach that funding.

The President asks veterans to shoulder the burden with a higher copay for medications and a new user fee for middle-income veterans. I disagree. I am pleased that the Budget Committee summary rejected the President's proposals. As my colleagues pointed out last night, unfortunately, funds have not yet been included to compensate.

How did we arrive at this amount of $2.8 billion? The answer is that it comes directly from the administration's own estimates. VA needs $1.4 billion just to cover inflation. The level in the budget resolution before us does not even come close to covering that amount.

And VA requires funding to absorb new patient workload. The budget resolution before us doesn't contain funding for this.

We also need to reverse the President's decision to cutoff enrollment to middle-income veterans. To date, 200,000 veterans have been turned away—10 percent of whom live in Nevada, Louisiana, and Texas.

Our amendment provides the money to make the system truly accessible. It is just wrong to differentiate between veterans entitled to care. It is dangerous to say that some veterans deserve more than other veterans. This sends the message that serving during peacetime is not as important as going to war, or being drafted to serve is not as noble as volunteering to serve. Everyone who has served in our Armed Forces has contributed to our national security and to protecting the principles on which our Nation is founded. Needless to say, the budget resolution before us does not maintain open access for all veterans.

The other side of the aisle has offered an amendment, as well. In doing so, we at least are hearing for the first time an acknowledgment that the President's budget and the budget resolution before us do not go far enough. Unfortunately, neither do the amendments that are being offered.

The amendment on the other side adds $410 million for VA care. This is simply not enough to avoid the drug copay increase and the user fee for middle-income veterans. And it is not enough to avoid the President's cuts to nursing home beds. And the Ensign amendment will not help the 21,000 veterans who were turned away for care in Nevada, Louisiana, and Texas. All told, the Ensign amendment is nearly $2.5 billion short of what is needed.

The amendment on the other side can be considered a gesture. And since the Ensign amendment takes the money from global health accounts, it is a gesture that will likely hurt worldwide AIDS programs and other humanitarian assistance.

The President saw the value in this global health account and chose to increase spending for it. The Ensign amendment cuts funding for this account. Instead my amendment closes corporate tax loopholes rather than cutting funding for needed programs.

I would also like to say a word about the record when it comes to veterans funding. The Bush administration and my colleagues in the majority have stated that veterans funding has increased 47 percent during this President's tenure.

While funding has increased, it has been based on the efforts by Congress in supporting amendments such as the one I am offering. The simple fact is that the administration has requested less than half of the new funding made available to veterans during its tenure. Congress, by approving amendments to increase VA funding, has added another 39 percent of funding. Even with a 47 percent increase since FY 2001, this is an average annual increase of less than 10 percent to accommodate high medical care inflation and high annual growth in patients. It is a fact that per patient resources have increased by about 13 percent while the number of patients has increased by 25 percent since FY 2001. That means that the growth in the number of patients is almost twice the amount of growth in resources. These facts underscore the need to support my amendment.

We have an opportunity to fund the veterans health care system—to protect veterans from waiting times for appointments, from harsh new fees, and from cuts in long-term care. Let us go more than half-way to meet veterans' needs. Let us do the right thing. I ask all of my colleagues to join me in voting to provide the funds necessary to care for our veterans.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Will the Chair notify me when I have consumed 10 minutes of time?

The PRESIDING OFFICER. I will.

Mr. CRAIG. Madam President, we are on the floor today debating a very important portion of the budget resolution for the Senate. That is the moneys that will fund the Veterans' Administration and serve the millions of America's veterans who are in need of this service and new veterans coming in out of the Iraq/Afghanistan wars.

All of us who serve on that committee and examine the needs of our veterans recognize the importance of new dollars and the importance of sustaining what we have been able to do effectively over the last 4 or 5 years, to tremendously increase the quality of health care coming from the Veterans' Administration and increase enrollment.

The question is, when you look at the Murray amendment versus the Ensign amendment, how much is enough? How much is enough to sustain the work and the quality of work that goes on and to accept the incoming veterans who are truly needy of and deserving of the services provided by the Veterans' Administration?

Let me show a couple of charts that are fundamentally important and that many fail to recognize. Because the Senator from Hawaii is absolutely right: In 4 years we have increased spending in the Veterans' Administration by 43 percent. During that time enrollment has gone up from 4.9 million to about 7.7 million from October 1, 2000. And the quality of health care has gone right along up. Now the veterans health care facilities are rated as some of the finest in the Nation, ranking with the quality delivered from some of the top private health care facilities.

Here are the numbers: Medical care, 2001, $21.07 billion; 2005, $29.64 billion, a phenomenal increase, not millions, not hundreds of millions, but billions of dollars that the American taxpayer has committed to the quality care of veterans.

Let's look at the other portion of the veterans budget called discretionary spending. We have not been absent from that either. During the Bush years, 2001–2005, $25.7 billion up to $37.1 billion, again, billions of dollars. What was happening during the Clinton years? In two of those years, 1998 and 1999, the Clinton administration said: Let's cut veterans. Congress said no. Bush said no. We said no. We plused up what our President offered us. This President's budget is an increase. But we don't like the level of increase or how he has arrived at the increase. So we are changing those numbers substantially.

But the bottom line still remains, how much is enough to sustain this quality, to assure the door remains open, to assure that our veterans are served effectively? Do we throw money at it or, in a tight budget environment, do we constrain ourselves a little bit? Do we shape the issues? And in so doing, do we sustain levels of increase?

Here is what has happened in the last 4 years. Those are the numbers—a 43-percent increase. Probably no other area of the Federal Government has gone up that much outside of defense, and it hasn't, to my knowledge, gone up that much. But it does show a clear recognition on the part of Congress as to the importance of veterans to all of us.

If I may, for a few moments, I will break down the reality of what we are doing because we recognize, as certainly the Senators from Hawaii and Washington, that there are needs out there and that those needs must be met. We recognized in the President's budget that there were items we simply would not advance—copays, a nonstarter. I was willing to look at fees for sevens and eights in certain categories with higher incomes. But collectively Congress says, at least on this side of the Rotunda, no to that also. I accept that.

Here is what I recognize and here is what the Ensign amendment does. The President pluses up the budget by $751 million. The chairman's mark pluses it up again by $40 million. The Ensign-Craig-Vitter-Hutchison amendment pluses it up another $410 million, a net increase without reconciliation instructions. And that is very important. While that may be inside language for those of us who work the budget, it is very important to know that those are real dollars hitting the ground, not compromised, new money to the Veterans' Administration. Total it all up, between the President, the chairman's mark, and the Ensign amendment, and you have $1.201 billion, a 3.7-percent increase in a tight budget year.

I must say, this is one chairman of what I believe is an important committee who says that is responsible. That is the right thing to do. And we don't raise taxes to do it. We go inside Government spending and find the resources. And we have offset them appropriately in an account that last year increased 12 percent.

The irony is in the fact that in attempting to undo the President's proposal to charge additional fees on higher income vets, the Murray amendment charges another type of fee on veterans—and all Americans, for that matter—in the form of higher taxes. The Ensign-Craig amendment goes elsewhere inside current levels of spending. It does not do that. Yes, veterans do pay taxes. They are out there, hard-working Americans like nearly everyone else. And if you raise taxes, you raise it on them, too. I don't dispute the worthiness of the argument. I do dispute the resources involved and whether they are actually necessary in a very tight budget year when we are struggling to keep this economy alive, rewarding that economy that more money stays out there in it that stimulates job growth. And it has and it has proven that it is working because those numbers keep coming up in America as more Americans go back to work.

We ought not penalize that sector of our economy while we are truly trying to help a sector of our economy that is less fortunate and, most importantly, that has served this country well.

The men and women in uniform of our services, who stood in harm's way, we recognize their service but we also recognize there are limits within the budget. In those limits, we will have to say there are certain things we will do and certain things we cannot do. That is the choice, and it is a tough choice that we as Senators are asked to make when we shape budgets. But it is a necessary and a responsible choice. So we have said no to the enrollment fees, no to the copays.

We have also said no to something else very near and dear to the heart of the Senator from Washington, the Senator from Hawaii, and me, and that is State homes. Those beds, 20,000 across the Nation, with 285 in my State, are a cooperative relationship between the State and Federal Government in assuring that the truly needy of our veterans have a place to go—in their final years, in many instances. The administration had asked to drop that per diem. We said no to that and ensured the stability and the strength of those homes, at a time when States' budgets are tight—certainly in many instances tighter than ours. So I believe that was the right and responsible thing to do.

Last week, we heard extensively from all of the service organizations. What were their greatest frustrations? The fees, copays, and the homes. What have we done? We have taken all three of those major frustrations away because we listened to the service organizations. We heard them during that series of bicameral hearings, held both in the House and Senate.

Let me go back to my original statement. The question remains, whether you are looking at the amendment of the Senator from Washington or the amendment of the Senator from Nevada, how much is enough? Is a 1.201 plus-up, with no reconciliation instructions, enough? Does it sustain this quality of health care? Yes, it does. Or do we go further by asking the American people to pay higher taxes for more money that is questionably necessary? We could throw a lot more money at the Veterans' Administration, and we might get greater results. But we would be going beyond what I think is necessary and appropriate today, and I think most of my colleagues agree with me.

So we sustain the work we have done. I ask my colleagues in the Senate to support the Ensign amendment, support the work of the committee, sustain the vibrancy of the veterans health care system, and to vote down the Murray amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I yield 6 minutes to the Senator from Illinois.

Mr. OBAMA. Mr. President, I rise to discuss an issue on which I hope we can find common ground. Today, we have thousands of brave men and women risking their lives for us halfway around the world. At home, we have millions more who were equally courageous in defending our freedom during generations past. When it comes to honoring these soldiers and these veterans, there is never any shortage of words and praise from leaders of both parties, and there should not be.

I commend the previous speaker, the outstanding Senator from Idaho, who is also chairman of the Veterans Committee, for his deep concern and regard for our veterans. But I have to contest some of the statements that were made because, unfortunately, based on our analysis, this budget has a very real and unacceptable shortage of funding for the benefits and health care that our heroes have earned.

Make no mistake, these are not just complaints coming from Washington; these are complaints we are hearing from veterans all across the country—in Illinois, Washington, Hawaii, and Idaho.

Senator ENSIGN'S amendment increases the veterans health care budget by $410 million. That is a modest improvement and to be commended, compared to the original budget offered by the President. Yet, these dollars, I should point out, come directly out of important international programs that fund child health care, global AIDS assistance, disaster, famine assistance, and more. We can have a further discussion as to whether it is wise for us to rob Peter to pay Paul. But even if we go ahead and take this money from these vital programs and place it into veterans, it is still $2.5 billion short of sufficiently funding veterans health care services.

That is why I am joining my colleagues on the Veterans' Affairs Committee, ranking member AKAKA and Senator MURRAY, to support an amendment to increase funding for veterans health care by $2.85 billion.

Today, the state of care for America's veterans is not worthy of their service to this country. There are roughly 480,000 compensation and pension claims still unprocessed. This budget provides for 113 new employees to help deal with this backlog.

There are thousands of veterans who cannot afford to get the health care they need, and I am glad to see the Ensign amendment eliminates the copayments. But the budget in front of us still tells veterans who make as little as $30,000 a year they are too wealthy to enroll in the VA health care system.

There are VA hospitals on the brink of closing down around the country. But this budget cuts $351 million in funding for veterans nursing homes and eliminates more than $100 million in State grants that are desperately needed by VA facilities. When the troops who are fighting bravely in Iraq and Afghanistan return home as veterans, what kind of care will they find? Already we know that soldiers are coming home with post traumatic stress disorder, with traumatic brain injury that could lead to epilepsy, and with conditions that may result in over 100,000 soldiers requiring mental health treatment when they come home. If we cannot care for the veterans who are already here, how will we take care of the veterans who will be returning in a few years?

I urge my colleagues to join me in sending veterans the right message. Our amendment will provide funds for VA staff so veterans who are waiting to file disability claims are not waiting months to have their case heard. It will provide adequate funding so that veterans of all incomes can access the VA system, as was promised.

When it comes to America's veterans, it is not only our patriotic duty to care, it is also our moral duty. When our troops return from battle, we should welcome them with the promise of opportunity, not the threat of poverty.

Senator ENSIGN's amendment is a modest improvement over the President's original budget. But as Senator AKAKA has already stated, it still leaves the veterans short. It is time to reassess our priorities. A budget is more than a series of numbers on a page; it is the embodiment of our values. The President and everyone in this Chamber never hesitate to praise the service of our veterans and acknowledge the debt we owe them for their service, and I commend my colleagues and the President for that. But this budget does not reflect that praise or repay that debt. Neither does the budget resolution on the floor today.

Mr. CRAIG. Mr. President, I ask what time remains on both sides?

The PRESIDING OFFICER. The majority has 7 minutes. The minority has 4½ minutes.

The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I commend my colleagues from Hawaii and Illinois for standing up for veterans in this country and for their passion for their States and the people they represent.

We are here this afternoon because veterans throughout our country are waiting for the health care they have been promised, and it is our responsibility to make sure it is delivered. They are facing understaffed and overcrowded VA hospitals. They are dealing with paperwork and redtape, and they are not getting the service we promised them when we sent them to fight for all of us.

Every day the system is getting more and more crowded and the waiting lists are growing longer, and this body has to do something about it. I have heard several claims from the other side, and I want to take a few minutes to refute a few of them.

They claim we are going to be raising taxes. I remind you there will be $65 billion in this budget for tax cuts when our amendment passes. I believe we have a responsibility in this country to make sure we keep the promise to our veterans, and that is why I believe our amendment is responsible in its funding mechanisms.

Second, we have heard our opponents say that veterans funding has gone up by 43 percent, so veterans do not need another dime. I remind my colleagues that the number of veterans in VA care has gone up by 88 percent at the same time that medical inflation has gone up 92 percent. Inflation is rising, the cost of care is rising, and the number of veterans is rising. Forty-three percent is commendable, but it does not meet the promise we made to our servicemen when we sent them overseas that we would care for them when they returned.

Another claim we have heard over and over again is that the VA is sitting on $500 million. That does not stand with this Senator. I believe the VA officials here in Washington, DC, have a responsibility to get those funds out to our veterans across this country. They are in waiting lines. We do see clinics that are not opening or are closing. Our veterans need the services and the VA should not be withholding that money and it should go out there.

We have also heard from our opponents that veterans funding has increased by $900 million. That is simply not true. We had printed in the RECORD last night the true cost, which is $80 million, far less than the $900 million we have heard on this floor.

Let me just say I know veterans organizations across this country—VFW, AMVETS, Paralyzed Veterans of America, Disabled Veterans of America, American Legion, Vietnam Veterans—many other veterans organizations are watching us. They know there is a difference between the amendments offered on the Republican side and Democratic side. On the Republican side they are offering an additional $410 million; on our side, $2.85 billion—the difference between serving 68,000 additional veterans and 475,000 veterans; the difference between telling veterans, some of them, that they will be in waiting lines or will not get their service, and the ability for us to serve all of them.

Let me end my time today on this amendment by reminding all Senators what George Washington said back in 1789. I think it holds true today more than ever.

The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional as to how they perceive the veterans of earlier wars were treated and appreciated by their country.

These words hold true today. Voting for our amendment on our side will assure that we show these veterans that we appreciate and support their service. It will send a message to the next generation of young men and women we are asking to serve that we keep the promise.

I appreciate the Senator from Idaho, the chairman of the Veterans' Affairs Committee, for offering his amendment. But I say the veterans will know which amendment will make a difference in the lives of veterans across this country and I urge my colleagues to support the Akaka-Murray amendment.

Mr. JEFFORDS. Mr. President, I rise today to express my support for the Akaka amendment #149 to add desperately needed funds to this budget for veterans health care. I am pleased to be a cosponsor of this amendment.

The spending level in this budget for veterans health care defies logic. We are 2 years into a war. Yet this budget fails to provide adequate resources for those who have served this country so valiantly. American servicemembers are wounded in Iraq each day. Thanks to new advances in battlefield medicine, more wounded soldiers than ever before live to return home. But in a greater percentage of cases, they come home with horrific wounds, both visible and invisible. The Department of Defense should be commended for keeping wounded soldiers in its medical system for longer periods of time and for shouldering a greater share of the costs. However, the long-term costs of health care and rehabilitation still fall heaviest on the Veterans Administration. This budget responds to those needs by underfunding the VA by almost $16 billion over the next 5 years. This is simply not acceptable!

Over the past year, unprecedented numbers of National Guard and Reserve troops have been mobilized. When these Guard members and Reservists come off active duty, they are entitled to 2 years of access to the VA health care system. In my home State of Vermont, over 1400 National Guard members have been called to active duty. While I am incredibly proud of the White River Junction VA Hospital, which has done award-winning work in their field, even they cannot be expected to handle this new influx of veterans without additional funding. We owe it to both the veterans and the VA employees to provide them with the funding and services they require. The Akaka amendment would provide an additional $2.85 billion to the VA for just this mission.

A significant number of Iraq veterans have complex and long-term care issues. Improved body armor has saved many lives, but among the wounded, we now see a higher percentage of lost limbs and head injuries. These traumatic injuries have a significant emotional component to their care. It has been estimated that as many as one-third of all returning service members have some type of mental health needs. VA hospitals are working hard to ensure these needs are met immediately, before they develop into more serious manifestations such as post traumatic stress disorder. It has become increasingly clear that we need a better understanding of the emotional and mental health aspects of both the war and traumatic injury. I believe that we must increase VA research on mental health and post-traumatic stress disorder, research that is critical to both the Department of Defense and veterans health care. The National Center on Post Traumatic Stress Disorder is doing excellent work along these lines, but a great deal remains to be done. We must pass the Akaka amendment if we hope to do better on this score.

The Budget Committee thankfully removed two provisions from the President's budget that have caused a great deal of concern among veterans. The President proposed to charge some veterans a $250 fee just to enroll in the VA health care system. The President also put forward an increase in the co-pay for prescription drugs from $7 to $15. I am pleased that the Budget Committee saw the error in both of these provisions, and cut them out of its budget.

Mr. President, it is critical that we pass the Akaka amendment. This should not be a partisan vote. Support for our troops is not a partisan matter. Taking care of their health care needs should not be a partisan issue either. If we cannot come together on this fundamental issue of fairness, what can we agree on? For the sake of our veterans, and in honor of their service, I urge all my colleagues to support the Akaka amendment. We owe our veterans this, and more.

Ms. MIKULSKI. Mr. President, I rise in strong support of the Akaka amendment to increase funding for VA medical care.

When America is at war, there should be no greater priority than to sustain our brave men and women in uniform. And just as we owe a debt of gratitude to those brave men and women that are fighting to keep us safe in Iraq and Afghanistan and the far corners of the world, we owe that same debt to the veterans who served before them. We need to get behind our troops and our veterans, and use this budget to support them. Our veterans need to know that America is behind them, and behind their families, 100 percent.

As the former ranking member on the VA-HUD Appropriations Subcommittee, I fought to add more than $1 billion to last year's Presidential budget to make sure our veterans had the health care and benefits that they earned. Yet as Yogi Berra would say, we have deja vu all over again with this year's budget resolution.

Once again the White House has sent us a budget that does not keep the promises we made to our veterans.

At a time when private insurance is failing and the cost of prescription drugs is skyrocketing, the VA's 2006 budget request puts new toll charges and means tests on our veterans. It fails to fully cover the costs of medical inflation, and it cuts back on services for vulnerable veterans. And it fails to do enough to expand care for veterans returning from the Middle East—especially those with special mental health or prosthetics needs.

Specifically, the budget proposes four things. First, the budget proposes to keep the VA closed to Priority 8 veterans. These are veterans who are not disabled as a result of their service, whom the VA considers to be higher income.

Second, the budget proposes a new $250 enrollment fee for middle-income veterans in Priority Groups 7 and 8. Third, the budget proposes to increase prescription drug copayments from $7 to $15 for these same veterans. These two measures have been twice rejected by Congress, yet the administration included them yet again in the 2006 budget.

Finally, the budget proposes to slash long-term care availability for veterans in Priority Groups 4 through 8 who are not "catastrophically disabled." What does this mean? That means that VA won't provide long-term institutional care for many veterans, even some who are below the poverty line or have serious medical conditions that are not service-connected. The VA budget shifts the cost of paying for long-term care to Medicaid, Medicare, and private insurance, leaving some of the most vulnerable veterans without a safety net.

More than 2 years ago, the VA health care system stopped accepting new Priority 8 veterans. Manufacturing is fading and private health insurance is failing. And many of those affected are Priority 8 veterans. Many corporations involved in manufacturing had defined benefits plans that included health plans with guaranteed retiree coverage. For these veterans, VA healthcare is their last safety net, until they turn 65 and are eligible for Medicare.

Many of my colleagues have heard me talk about the plight of veterans who worked for the former Bethlehem Steel Corporation—in Maryland there are nore than 10,000 Bethlehem Steel retirees alone. Their situation sums up the needs that too many of our Nation's veterans face.

Many former Bethlehem steelworkers are Vietnam veterans. They came back from serving their country at war, and they continued to fight for America's national and economic security by working in our steel mills. But now, many have lost their health insurance because of Bethlehem Steel's bankruptcy. They are not eligible for Medicare yet. Under this budget, many will be turned away from VA—the safety net they counted on will not be there because VA will continue to shut out Priority 8 veterans.

Bethlehem Steel's veterans, and other veterans who worked in manufacturing or for other businesses that don't offer health insurance, fought for their country and now they will have to fend for themselves on the open market for health insurance. I am deeply concerned that this policy and many other potholes in VA's budget leave our veterans paying toll charges, standing in lines, or without any health care at all.

In the last 5 years, the VA-HUD subcommittee has provided large increases for medical care—$1.3 billion in 2001, $1 billion in 2002, $2.4 billion in 2003, $3 billion in 2004, and $1.2 billion in 2005. We did this to honor our commitment to our veterans, to give them the health care and benefits they have earned on the battlefield. We did it because our veterans didn't stand in waiting lines when they were called up or they volunteered to serve our country. So they shouldn't have to stand in line to see a doctor, and they shouldn't have to face toll charges to get the health care that is owned to them.

Mr. President, I urge my colleagues to support our veterans in this budget by supporting the Akaka amendment.

Mr. SALAZAR. Mr. President, I rise in support of amendment No. 149 by Senators AKAKA and MURRAY and to praise them for their years of work on veterans issues.

This is a needed amendment because the budget resolution, as written, will break our promises to America's veterans.

The budget resolution closely tracks an administration request that will do little to meet growing costs and will force the VA to continue to ration care.

I am angry that thousands of veterans are being turned away from the VA. This represents a fundamental breach of trust with our fighting men and women. Since January 2003 when the VA announced suspension of enrollment of new Priority 8 veterans, 192,000 veterans across the country and 2,000 Colorado veterans have sought VA care and been turned away. The administration's new budget hopes to kick 1.1 million more so-called low-priority veterans out of the system next year with draconian cuts in service and increased fees.

The administration's budget also would kick thousands of veterans out of nursing homes. It would limit the VA's per diem reimbursement to State VA nursing homes to priority ones, twos, and threes. These heartless cuts could kick 80 percent of State nursing home residents out onto the street. Last week, I met with the administrator of a State nursing home in Walsenburg, CO. She told me that these cuts would force her to kick out

93 of her 100 residents. State administrators tell me that these cuts could force the entire system to go under. These are our most vulnerable veterans, who often have no place else to go.

Another problem is waiting periods. Administrative backlogs at the VA have been reduced, but there are still 321,000 veterans waiting for disability and pension claims to be processed. At the VA clinic in Grand Junction, there is a 400-person waiting list. That is a 4 to 5-month wait. Just last week I asked Secretary Nicholson to explain to me why numerous Coloradans are waiting months to get their GI bill benefits, forcing them to miss tuition deadlines. This budget agreement will do little to cut these administrative backlogs.

Senator AKAKA's amendment would go a long way to restoring needed funding and I urge my colleagues to support it.

Mr. BYRD. Mr. President, this budget comes to Congress from the White House at a time when our country is fighting two wars. In Iraq and in Afghanistan, the young men and women of our Armed Forces are on the front lines, risking life and limb in service to our country.

These troops follow in a proud tradition that stretches back for generations. The troops who now serve in Baghdad or Kabul may well have fathers who served in Saigon or the Mekong Delta. The fathers of these fathers may have fought at Okinawa or Normandy, and their fathers might well have served in the second battle of the Marne. But no matter where these troops were sent to defend our country, no matter when they served our country, they have all earned the title, veteran.

Veterans have sacrificed for this country, but the budget proposed by the Bush Administration, and the budget resolution being debated on the floor of the Senate, forces more sacrifice upon our veterans. This budget short-changes veterans health care by billions. This budget would force many veterans to pay $250 dollar annual enrollment fees. This budget would require veterans to pay more for prescription medicines.

In fact, this budget is intended to drive so-called "low priority veterans" out of the VA health care system. The Department of Veterans Affairs budget documents foresee a 16 percent reduction in the number of "low priority veterans" that can receive care in VA hospitals.

What a shameful phrase that is: "low priority veteran." There were no "low priority soldiers" during the Tet offensive. There were no "low priority sailors" at the battle of Midway. There were no "low priority Marines" at the battle of Fallujah.

But when these same soldiers, sailors, and Marines go to the VA hospital to get the health care they earned through serving our country in times of war, the Bush Administration is trying to give some of them the brush-off: "Go somewhere else," this budget says to hundreds of thousands of veterans. "Your health care is a low priority for the U.S. Government."

It is no wonder that the Disabled American Veterans call the Bush budget proposal "one of the most tightfisted, miserly budgets for veterans programs in recent memory."

I stand shoulder-to-shoulder with our nation's leading veterans service organizations, as I have always stood with them, in calling for Congress to correct the President's ill-considered budget proposal that under funds veterans health care and raises fees for millions of so-called "low priority veterans."

During markup of the budget resolution in the Budget Committee, I voted for an amendment offered by Senator MURRAY to increase spending on veterans health care by $2.85 billion in the next fiscal year. This amendment would have provided the funds necessary to reverse the administration's policy on cutting access to VA health care by certain veterans. It is shameful that this amendment fell victim to a party line vote. Providing adequate funds to support our veterans should never be a partisan issue.

Mr. President, I am proud to once again support an amendment to add $2.85 billion to the veterans health care budget. I commend Senator AKAKA and Senator MURRAY for bringing this important amendment to the floor of the Senate. I stand with the veterans of West Virginia and the 49 other States of the Union in supporting these funds that are owed to those who have served our country in times of war, and I urge my colleagues to support this important amendment.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I have 7 minutes remaining?

The PRESIDING OFFICER. That is correct.

Mr. CRAIG. Let me again thank all who participated in this debate. There are differences as to how we approach providing for our veterans. You see those differences embodied in part in the two amendments that are before us, either the Murray amendment or the Ensign amendment. I think it is important, though, that we do, for the record, correct or at least add information to some of the statements. My colleague from Illinois is concerned, as we all are, about PTSD. The Ensign-Craig amendment would provide an additional $100 million that can be devoted to, of course, mental illness. It is of great concern to us as our veterans come home from Iraq, Afghanistan, possibly whole in body but not whole in mind. That is recognized both by the President, by the Veterans' Administration, and by all of us, and we plus up that budget substantially to do so.

Another area that has not been mentioned that is critically necessary for rural veterans who find themselves in an emergency environment and need to gain access to emergency rooms of the hospital and the community and not a veterans facility—we have $43 million in the budget to ensure that veterans who seek emergency care in nonveteran facilities are treated exactly the same as they would be as if they were in veterans facilities.

Let's do the numbers. The Senator from Washington says the President's numbers only include $80 million. That $80 million is general revenue and the balance is in collections and that is real money and that is there all the time and that is in the budget and that is $751 million. You have to do all the math, all the time. That is what we are doing here to make sure the numbers are accurate.

So you take the $751 million in the President's request, general fund revenue and collections, and you take the chairman's mark of $40 million, and you take the Craig-Enzi amendment or Enzi-Craig amendment of $410 million and add it up and it is a 1.201 increase, health care, 3.7 percent increase over last year. It is not a tax increase.

I always find the rhetoric interesting. My colleague from Washington says there are $70 billion worth of tax cuts in this proposal. They are not tax cuts. If you don't enact it, it is a tax increase. Those cuts are already in place. This is the assurance of the continuum of those tax cuts. Take them out, it is a tax increase. It is a matter of semantics. It is also a matter of fact. What is being offered by the Senator from Washington, as she pluses up the veterans budget, is gained by tax increases.

Let me put it this way: Taxes that would be asked to be paid by working men and women, America's workforce, America's veterans. They are not paying them now. They would pay them then. My suggestion is that is a tax increase.

Let me close with a couple of more analyses. We are mighty proud of what our President and what we have done over the last 4 years for the veterans of America and for the quality of health care and service delivery of the Veterans' Administration. Here it is, a 43-percent increase. We have gone from $48.8 billion in 2001 to $69.8 billion in 2005, and we are now plusing that up into the $70-plus billion range, $71 billion. That is total spending.

Let's look at health care for a moment. There are substantial increases there. We increased health care when veterans were asking for it. They went from over 4 million vets into the services in 2001 to now almost 8 million vets, and we have an increase from $21 billion in 2001 to $29.6 billion. In doing so, America now says the veterans health care service is one of the finest health care delivery services in the country.

The test for Senators ought to be: Do we damage it? No, we do not. Do we assure those coming out of Iraq and Afghanistan with the true needs of the services provided have access? Yes, we do. No question about that.

The President assured it. He approached it a different way. We assure it by approaching it from within the Federal budget instead of raising taxes to accomplish that.

I believe the Enzi-Craig-Vitter-Hutchison amendment does exactly what most Senators would want to ask of us in relation to the care for our veterans. It is a responsible approach. It is clearly a defensible approach. We believe that we have approached it in the right manner to solve the problems and retain the consistency of quality, of improvement and access to the veterans health care system.

I believe all time has expired.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator yields the remainder of his time. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask unanimous consent that prior to the vote which is about to occur on the amendment by Senator BYRD, there be 1 minute on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I also ask that be applied to the next vote, which will be on ANWR.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Mississippi.

AMENDMENT NO. 158

Mr. LOTT. Mr. President, I rise in opposition to the Amtrak amendment and would use the 1-minute time I believe was just allocated. Is that appropriate parliamentary procedure at this point?

The PRESIDING OFFICER. The Senator is correct.

Mr. LOTT. Mr. President, I have a long history of being supportive of Amtrak. I was chairman of the Surface Transportation Subcommittee when we passed the last reauthorization. I have the honor of serving there again this year. I am committed to trying to find a way to get a reauthorization and get a reliable stream of funds for Amtrak so its future can be certain and so this does not have to depend just on annual appropriations.

We are going to get that done. This puts the cart before the horse, before we get a reauthorization. We are going to designate more money for it.

To make matters worse, the $1.2 billion, while it is significant, will just continue the drip, drip, drip of funds for Amtrak but yet not enough for them to do what they need to do in track improvements and capital improvements.

I believe this is the wrong place to do this amendment.

Last but not least, it does it by raising unspecified taxes.

While I support the intent of the Senator from West Virginia and I support Amtrak and I am determined to get this job done, we shouldn't do it in this way at this point.

I yield the floor.

Mr. OBAMA. Mr. President, I rise today to urge my colleagues to support the Byrd amendment to restore funding to Amtrak—a critical mode of transportation in Illinois.

I want to emphasize that there are serious inefficiencies with Amtrak operations. I do not support the restoration of Amtrak funding because I believe in a return to the status quo. I do believe, however, that the elimination of all funding, as the President has proposed, and as this budget resolution reflects, will lead Amtrak not to reform but to ruin.

A strong national rail system is not just a convenience for travelers. It also serves other important national objectives, such as ensuring multiple travel options in the event of regional or national emergency, reducing our heavy dependence on foreign oil, and improving air quality. In recent years, Amtrak has increased the number of trains it operates and has achieved a record level of ridership, with more than 25 million passengers using Amtrak last year.

In Illinois alone, more than 3 million people use one or many of the 50 daily Illinois trains, including business leaders traveling to and from smaller cities and towns; tourists who visit Illinois attractions, and students who attend world-class Illinois colleges and universities.

Responding to calls for reform, Amtrak's leadership has streamlined its operating costs, engaged in ongoing discussions to evaluate current policies and increase efficiency, and created a strategic plan for future improvements. The proposed cuts in Federal funds would cripple Amtrak beyond repair.

We cannot—and should not—allow that to occur. I urge my colleagues to support the Byrd amendment and restore Federal funding for Amtrak to this year's budget.

Mr. JEFFORDS. Mr. President, I stand today to speak in support of Senator BYRD's amendment to restore funding for Amtrak. The amendment would increase funding for Amtrak by $200 million over last year's level of $1.2 billion.

Starving Amtrak into bankruptcy may appear to be the quick and easy solution to the bleak picture that some have imposed upon this fundamental element of America's transportation system. Nonetheless I remain convinced that the simplest and most effective answer lies with the amendment before us. I join my esteemed colleague Senator BYRD to insist that we fully fund rail travel in this country and guarantee Amtrak the opportunity to secure its future in the 21st century.

In just over three decades, Amtrak has grown to encompass a passenger rail network that connects 46 States, including my home State of Vermont. Through the years Amtrak has stood resilient in the face of financial peril and today it carries 24 million passengers annually and employs 22,000 Americans.

Amtrak serves a diverse ridership that depends on the continued existence of safe and reliable transportation. Amtrak shuttles commuters to their jobs, brings college students home for the holidays, and increases mobility for the elderly and the disabled. In urban areas, passenger rail relieves traffic on overcrowded highways. In rural States like Vermont, passenger rail ensures access to metropolitan centers and provides public transportation to regions where it might otherwise be too costly or unavailable.

As fuel prices remain unstable and our Nation's highways and airports suffer ever-increasing congestion and delays, Amtrak offers an invaluable alternative upon which Americans have come to rely.

I think one of my Vermont constituents expressed this sentiment best in a letter I recently received. Colby Crehan of Burlington, Vermont wrote of her Amtrak trip across the United States: "I was able to travel safely and comfortably on a train while seeing the beautiful landscape that covers so much of this country. Amtrak introduced me to the rest of America in a way that a car or plane trip could never do. These trips confirmed my feeling that train travel is the safest, most convenient and relaxing way to travel perhaps you can share my story."

Our choice today is clear. We can forfeit our prior investments and the investments of State and local governments back home, or we can uphold our responsibility to ensure that passenger rail remains an integral part of our Nation's transportation system. The future of passenger rail in this country belongs in the hands of Congress, not in the bankruptcy courts. I urge my colleagues to vote in favor of this amendment.

Mr. BIDEN. Mr. President, I am pleased to join Senator BYRD and my other colleagues to offer this amendment, to repair a major flaw in the budget resolution.

I was shocked when the President sent his budget here earlier this year, without a dime for intercity passenger rail. Not a dime. Not one red cent.

How could they possibly refuse to fund our passenger rail system, that carries 25 million passengers a year? What are they thinking? Where will those 25 million travelers go? Back onto our overcrowded highways? Should they take a place in the security lines in our airports?

We know what they are thinking, Mr. President. We have been told, in many public statements by the administration, that they intend to blackmail us in the Congress into accepting a plan to breakup Amtrak, in exchange for the funds the system needs to keep running.

Instead of fixing that problem, this resolution repeats the blackmail threat: breakup the system, or no funds.

No passenger rail system in the world operates without support. Almost no passenger rails system in the world operates on the low level of support inflicted on Amtrak over the years.

We have starved the system of one of its most basic needs: capital. From the day we created it over 30 years ago, Amtrak has been put in the impossible position of trying to increase its ridership, to increase its own revenues, while we have refused to provide it with the resources needed to do the job.

Railroading is a classic capital-intensive industry. The huge costs for the right of way itself, which Amtrak owns all along the Northeast corridor, the costs of maintaining the locomotives and passenger cars—those are the costs that virtually every other advanced industrial economy in the world undertakes today.

They don't do it out of nostalgia for the golden age of rail. They don't do it because they lack other kinds of transportation. They do it because modern economies need a full mix of transportation options, a balanced system. They do it because it takes pressure off highways and airports, because passenger rail is clean and safe.

Here on the Senate floor, we are told: Don't worry, we aren't serious. We didn't mean it when we refused to put a dime in this budget for passenger rail.

But the adminstration put it differently in its budget. They actually propose zeroing out Amtrak with the goal of causing a bankruptcy, which, and I quote, "would likely lead to the elimination of inefficient operations and reorganization of the railroad through bankrupcty proceedures."

That is their idea of reform. That is their idea of how to make transportation policy: Let a bankruptcy judge figure it out.

They are creating a crisis, and using the threat of bankruptcy to force changes on the system.

What is their plan? What do they propose?

First, they want to push more costs off onto the States. That is a theme we are seeing throughout the budget. It looks like saving money, but it simply shifts costs. Ask our mayors, ask our Governors what they think of the Federal Government shifting costs onto them. That is not a plan that will work.

They also want to break Amtrak up into capital and operating units. They tried something like that in Great Britain, and they regret it. Then they want to let other companies come in and bid to run operations on the most profitable lines. That is a formula for breaking up the system, encouraging cherry-picking, tearing up contracts with the unions, and leaving passengers stranded.

That is not reforming a national passenger rail system; that is breaking up the system we have.

This is no way to accomplish reform.

Right now Amtrak has a growing ridership, for good reasons. With security concerns and hassles, with the cost-cutting and crowding, air travel is less attractive. Our highways are already congested.

Amtrak has earned that new ridership, with its new fleet of high-speed Acela trains, with a commitment to maintaining and upgrading equipment. A lot of that work goes on in my State of Delaware, at our shops at Wilmington and at Bear.

But by starving the system of the capital it needs, we have put it into crisis. Without more investment, it cannot attract riders. Without more passengers, it cannot earn more money. The way out of the impasse is to make the investment in the passenger rail system our Nation needs.

Amtrak has a 5-year capital plan that could attract more passengers, and earn them more operating revenues, but they have not received the funding they need to make that plan work.

Starved of the capital they need to succeed, then blamed for not making money, now Amtrak is facing blackmail and bankruptcy under this budget.

Senator BYRD, who is our leader on this amendment, knows the history of Amtrak's funding problems. His amendment is not extravagant: in fact, it is less than we should be giving Amtrak as it struggles to improve. I am sure Senator BYRD feels the same way. But the $1.4 billion this amendment would provide would remove the threat of bankruptcy and keep the system running.

It is the only responsible anwer to an irresponsible budget.

While I am speaking Mr. President, there is one other aspect of passenger rail I want to mention: security. In the aftermath of the tragic events of September 11, over 3 years ago, I came to the floor with an amendent to the $15 billion airline bailout and security spending bill. That amendment would have begun the process of raising security on our rails, just as we recognized the need to increase security on our airlines.

In deference to the emergency in the airline industry, I withdrew that amendment. In the years since, I have tried, with the help of Senators MCCAIN, HOLLINGS, CARPER, SCHUMER, CLINTON, and others, to move legislation to upgrade rail security.

Over 3 years later, in the face of explicit warnings and evidence that terrorists are targetting passenger rail here in our country, a year after the tragic bombings in Madrid, we have done virtually nothing about Amtrak's security needs.

It should be a scandal that this Congress and this administration have not even authorized, much less spent a dime for, a plan to secure our rail system.

More people pass through Penn Station in New York City than through La Guardia and JFK airports combined.

Union Station, just two blocks from here, is the busiest site in Washington, DC, with 25 million people passing through.

Amtrak is expected to patrol those sites with its own meager forces. In Penn Station, only six to eight security guards patrol on weekdays. And they have the weekends off.

Whatever you think of passenger rail, it is unconscionable to propose no money—zero, nothing—to increase the security of the 25 million Americans who ride Amtrak every year.

This amendment by itself will not take care of those security needs, but it will address the basic needs of passenger rail in our country. I urge my colleagues to support it.

The PRESIDING OFFICER. Who yields time? The Senator from West Virginia.

Mr. BYRD. Mr. President, for fiscal year 2006, the President's budget seeks the complete elimination of direct subsidies for Amtrak. The budget resolution presumes enactment of the budget proposals for transportation which would result in bankruptcy for Amtrak. My amendment, which has cosponsors on both sides of the aisle, would increase Amtrak funding by $1.05 billion in fiscal year 2006.

If Senators really desire all Amtrak services to come to an immediate and grinding halt for lack of a Federal subsidy in 2006, they will vote against the amendment. Across the Northeast corridor, the busiest urban transportation corridor in the Nation, elimination of Amtrak's premier service would be a transportation disaster. Elimination of Amtrak service would have disastrous results in both rural and urban America.

The elimination of an Amtrak subsidy is not a recipe for a streamlined railroad; it is not a recipe for a more efficient railroad. It is a recipe for a dead railroad—a dead railroad, dead, dead, dead railroad.

I urge Senators to vote for my amendment.

I thank the Chair.

The PRESIDING OFFICER. The question is now on agreeing to the Byrd amendment No. 158.

Mrs. MURRAY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from Arkansas (Mr. PRYOR) and the Senator from Rhode Island (Mr. REED) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 52, as follows:

[Rollcall Vote No. 51 Leg.]

YEAS—46

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Collins
Conrad
Corzine
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (NE)
Obama
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Specter
Stabenow
Wyden

NAYS—52

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (FL)
Roberts
Santorum
Sessions
Shelby
Smith
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—2

Pryor
Reed

The amendment (No. 158) was rejected.

AMENDMENT NO. 168

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on the Cantwell amendment No. 168.

The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I urge my colleagues to vote against the Cantwell amendment. We have an opportunity today to open a very tiny portion of Alaska's coastal plain to exploration and opportunity. This is an opportunity for us to focus on energy security, economic security, and environmental security. The price of oil just bumped up to 56 bucks a barrel this morning. What we are talking about in terms of the security for domestic reserves is on average a million barrels of oil per day.

The other side has said it doesn't mean much. Let me tell you what it means. It is enough fuel to run the State of Maryland for 100 years. It is enough fuel for every car and every home in Washington State for 68 years. It is enough fuel to replace all of our imports from Saudi Arabia for 25 years. It is enough fuel to double all of the oil taken out of east Texas in the past 75 years. This needs to be part of an overall energy plan.

I urge the Senate to oppose this amendment.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I urge Members to support the Cantwell amendment. It is clear what our options are today. We can continue this proposal to try to drill in the Arctic Wildlife Refuge, even though Congress previously has said let's not do that and let's preserve the wildlife. We know that the amount of oil generated, according to the President's own economic advisers, will have a negligible impact on oil prices. Maybe that is because there is no guarantee that the revenue collected from this or the oil from the Arctic Wildlife Refuge will be kept in America. This oil will be exported, part of international markets, and do nothing to help us get our overdependence on oil off this track and on to the right track.

I urge my colleagues to turn this argument down and to start on an energy future that is about renewables, about conservation, about new energy technologies.

Our legacy on this floor is not going to be a pipeline in Alaska but preserving a wildlife area and getting on with an energy future that America wants and needs.

The PRESIDENT pro tempore. The question is on agreeing to amendment No. 168.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 49, nays 51, as follows:

[Rollcall Vote No. 52 Leg.]

YEAS—49

Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Coleman
Collins
Conrad
Corzine
Dayton
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Jeffords
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCain
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Smith
Snowe
Stabenow
Wyden

NAYS—51

Akaka
Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kyl
Landrieu
Lott
Lugar
Martinez
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

The amendment (No. 168) was rejected.

Mr. McCONNELL. Mr. President, I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. CONRAD. May we have order in the Chamber.

The PRESIDING OFFICER (Mr. ISAKSON). The Senate will come to order.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CONRAD. Is it the understanding of the Chair that all time has been used or yielded back on both sides on the three pending amendments; that is, the Akaka veterans amendment, the Ensign veterans amendment, and the Specter amendment on NIH?

The PRESIDING OFFICER. It is the Chair's understanding that is correct.

Mr. CONRAD. That is very helpful to us. I yield the floor. I think the chairman has a unanimous consent request.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, it is now our plan to move to what is known in the vernacular as the pay-go amendment, which Senator FEINGOLD is going to offer. We are going to spend an hour and a half on it.

I ask unanimous consent this amendment be in order for an hour and a half with the time equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wisconsin.

AMENDMENT NO. 186

Mr. FEINGOLD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. CHAFEE, Mr. SALAZAR, Ms. COLLINS, Mr. CONRAD, Ms. SNOWE, Mr. LIEBERMAN, Mr. VOINOVICH, Ms. CANTWELL, Mr. OBAMA, Mrs. FEINSTEIN, and Mr. HARKIN, proposes an amendment numbered 186.

Mr. FEINGOLD. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To fully reinstate the pay-as-you-go requirement)

On page 57, after line 2, insert the following:

SEC. 408. PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.

(a) Pay-as-you-go Point of Order in the Senate.—

(1) In general.—For purposes of Senate enforcement, it shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for any one of the three applicable time periods as measured in paragraphs (5) and (6).

(2) Applicable time periods.—For purposes of this subsection, the term "applicable time period" means any 1 of the 3 following periods:

(A) The first year covered by the most recently adopted concurrent resolution on the budget.

(B) The period of the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget.

(C) The period of the 5 fiscal years following the first 5 fiscal years covered in the most recently adopted concurrent resolution on the budget.

(3) Direct-spending legislation.—For purposes of this subsection and except as provided in paragraph (4), the term "direct-spending legislation" means any bill, joint resolution, amendment, motion, or conference report that affects direct spending as that term is defined by, and interpreted for purposes of, the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) Exclusion.—For purposes of this subsection, the terms "direct-spending legislation" and "revenue legislation" do not include—

(A) any concurrent resolution on the budget; or

(B) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990.

(5) Baseline.—Estimates prepared pursuant to this section shall—

(A) use the baseline surplus or deficit used for the most recently adopted concurrent resolution on the budget; and

(B) be calculated under the requirements of subsections (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal years beyond those covered by that concurrent resolution on the budget.

(6) Prior surplus.—If direct spending or revenue legislation increases the on-budget deficit or causes an on-budget deficit when taken individually, it must also increase the on-budget deficit or cause an on-budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under paragraph (5)(A), except that direct spending or revenue effects resulting in net deficit reduction enacted pursuant to reconciliation instructions since the beginning of that same calendar year shall not be available.

(b) Waiver.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) Appeals.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) Determination of Budget Levels.—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

(e) Sunset.—This section shall expire on September 30, 2010.

Mr. FEINGOLD. Mr. President, I am pleased to offer this amendment with the Senator from Rhode Island, Mr. Chafee, and a bipartisan group of other Senators. Our amendment is the same amendment we offered last year and that this body passed with bipartisan support. It would simply reinstate the pay-as-you-go rule that had been such an effective restraint on the fiscal appetites of both Congress and the White House.

Over the past 4 years, we have seen a dramatic deterioration in the Government's ability to perform one of its most fundamental jobs, and that is balancing the Nation's fiscal books.

We are all familiar with the history. In January of 2001, the Congressional Budget Office projected that in the 10 years thereafter, the Government would run a unified budget surplus of more than $5 trillion. Little more than 4 years later, we are now staring at almost a mirror image of that very positive 10-year projection, except that instead of healthy surpluses under any reasonable set of assumptions, we are now facing immense deficits and a backbreaking debt.

This has to stop. We have to stop running deficits because they cause the Government to use the surpluses of the Social Security trust fund for other Government purposes rather than to pay down the debt and help our Nation prepare for the coming retirement of the baby boom generation. We have to stop running deficits because every dollar we add to the Federal debt is another dollar we are forcing our children to pay back in higher taxes or fewer Government benefits.

When the Government and this generation choose to spend on current consumption and then to accumulate debt for our children's generation to pay, it does nothing less than rob our children of their own choices. We make our choices to spend on our wants, but we saddle our children and our grandchildren with the debts that they have to pay from tax dollars, their tax dollars, and their hard work.

We all know that is not right. That is why I am offering this bipartisan amendment to fully reinstate the pay-go rule. We need a strong budget process. We need to exert fiscal discipline.

Mr. President, you remember when the pay-go rule was in effect, tough fiscal discipline governed the budget process. Under the current approach, it is pretty much the opposite, it is the other way around. What happens now is the annual budget resolution determines how much fiscal discipline we are willing to impose on ourselves. This just hasn't worked. When Congress decides it would be nice to create a new entitlement or enact new tax cuts and then adjust its budget rules to permit those policies, we are really inviting a disastrous result, and that is just what we have seen happen.

As an example, if somebody wants to lose weight, you set the total number of calories you are allowed to consume first, and then you try to make the meals fit under that cap—not the other way around. Imagine if you tried to lose weight by deciding what you want to eat first and then setting a calorie limit to accommodate your various cravings. If you want to eat cake, fine, you just dial up that calorie intake limit and you are all set. If you want a couple of extra beers, that is fine, too, under this kind of system; you just raise the calorie limit accordingly.

It may taste pretty good at the time, but you will probably end up gaining weight, just like this Nation is racking up debt because this ill-advised diet is exactly how the current mutated version of pay-go works, and we have seen the results—the debt we are leaving our children and our grandchildren has been putting on massive amounts of weight. This amendment would simply return us to the rule by which Congress played for the decade of the 1990s, and that was instrumental in balancing the Federal budget.

Let's remember, that was not an era where one side had control of all the Government or the other side did. For most of the nineties, most of this time, we had a Democrat President and Republican control of both Houses, and we all agreed and we all worked together on the principle that the pay-go rules were helping us move toward the goal—in fact, the achievement—of having a balanced budget by the year 2000, by the time President Bush took office.

Many of us here lived under that rule, and we know just how effective it was. If this budget does nothing else, it should reinstate the classic, the old pay-go rule. If we do that, maybe we can begin to turn these annual budgets around and stop racking up these deficits and adding to the already enormous Federal debt.

I urge my colleagues to support this commonsense, time-tested fiscal discipline.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Arizona.

Mr. KYL. Mr. President, I ask the Presiding Officer to let me know when I have spoken for 5 minutes. I would appreciate that.

This amendment should be opposed primarily because there is a big difference between requiring offsets for spending increases and requiring offsets for tax cuts. They have dramatically different effects on economic growth. The goal here should be a strong private sector economy.

Let's go back to basic principles. Money does not belong to the Government, so we should not be concerned about how much a particular policy "costs" the Government. Money belongs to the people and when allowed to work in the private sector economy it can become a powerful engine for economic growth and job creation and a better standard of living and productivity for all Americans. And one more thing: it could really help the Federal Government because the more wealth that is produced, the more that is taxed, and the more revenues go to the Federal Government as taxes. So a growing, vibrant economy not only helps us all as individuals and families, it helps the Federal Government, too, because there is more economic growth and revenue and wealth to tax.

The key here is to keep economic growth going strong. We are also concerned about the size of the deficit, and that is why we have the so-called pay-go rule for spending. If we are going to raise spending in one area, what the budget says, and correctly so, in another area is we need to reduce it someplace else because we need to net it out at an even amount. We don't want to go above the spending level in the budget that the President and the Budget Committee have set. That makes sense.

But with respect to tax cuts, what is the purpose of a tax cut? The purpose of a tax cut is to ensure that we can continue to sustain economic growth, to create jobs, basically to provide more capital to be invested into businesses which can hire more people, can produce more goods, which can create more revenue. And again, what happens with that growing economy—revenue increases to the Treasury.

The purpose of the tax cut is to keep all of that going.

Suppose you had a pay-go rule that said you have to "pay" for tax cuts by giving the Federal Government an equivalent amount of money that you are reducing as a result of the tax cuts; in other words, that somehow the money belongs to the Federal Government, and if you are going to let people keep more of their own money somehow that has to be made up to the Federal Government.

That makes no sense at all. That is basically robbing Peter to pay Paul by taking money out of one pocket and putting it into another pocket—basically saying if we reduce taxes in the private sector in order to stimulate economic growth, somehow we have to go back in that private sector and pull an equivalent amount of money out to give it to the Federal Government to make up the difference. It makes no sense at all.

All you have do in that case is reduce the amount of money in the private sector, producing revenue by reducing the amount that goes to the Federal Government in revenues. This has been demonstrated. As a matter of fact, since the tax cut of 2003, if you judge the year from 2003 to 2004 in the same period, we saw an increase in revenues to the Treasury from taxes of 10.5 percent compared to the same time in 2003. The aftertax revenues to the Government were more than before we cut the tax rates.

How could that be? In economic theory—we know this to be true—take the case of capital gains taxes. Since both dividends and capital gains tax reductions are presumed to be included in this budget cut, we know that when the tax rates on capital gains were high, people didn't sell their assets. They didn't turn them over because they would have to pay a big tax. As soon as we reduced the tax rate on capital gains, it had an unlocking effect in the economy, and then people were willing to sell their assets because they did not have to pay nearly as much taxes on the gains.

Conversely, it is also true that the higher the rate, the less economic activity.

There was a direct relationship between reducing the taxes and increased revenue to the Treasury. The Nobel Prize economist, Dr. Edward Prescot, who teaches at Arizona State University, got his Nobel Prize for pointing out the same being true with respect to individual income tax rates. It is not true that the higher the income tax rate, the more revenue you bring in.

Suppose you had a 100-percent tax rate on your income. How many people would work? You are working the entire amount of time for the Federal Government. The highest possible income tax rate produces the least possible income tax revenue.

Instead, what you need is a rate at which people would feel they can continue to work and make enough money for themselves so it is worthwhile to continue to work. But at a certain point, you are taxing that next dollar earned at a point at which people will no longer work.

That is what has happened to the European economy. Their higher tax rates over there have resulted in less work, less productivity, less income to their treasury as a result of their taxes.

Pay-go works perfectly fine for the increases in spending that need to be offset, but it doesn't work at all—in fact, it is counterproductive—with respect to reductions in taxes, which is what we are trying to preserve by the budget by the reconciliation construction.

I reserve the remainder of the time on this side.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I yield 2 minutes to the Senator from Colorado who cosponsored this amendment.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 2 minutes.

Mr. SALAZAR. Mr. President, I rise in support of the classic pay-go amendment and commend my colleagues, especially Senator FEINGOLD for his leadership on this issue.

We took the first step in opening one of the country's most pristine areas for potential development. I would have preferred to have given my daughters Melinda and Andrea that choice to make in the future.

Let me put it plainly. I do not want to let my daughters down again. When we pass budgets with enormous deficits, that is the same as taxing our children and our grandchildren. They will be taxed to pay for our spending. They will be taxed to pay for our unwillingness to say that enough is enough.

Our kids and grandkids don't get to vote for the Senators and Congressmen who are imposing these future taxes on them. That is taxation without representation, and that is something the leaders of our War for Independence had some thought about.

It is wrong and it is un-American to impose taxes on our children and our grandchildren to pay for the spending spree of the Federal Government. It is long past time to restore to Congress the same commonsense budgetary approach that every family in America has to live by. That approach is simple. If you can't pay for it, don't spend it.

I yield the floor.

Mr. FEINGOLD. Mr. President, I thank the Senator from Colorado who made an important connection between the last vote on the Alaska refuge and this amendment.

On the Alaska amendment, one side became frustrated, so they decided to change the rules. We are going to decide that instead of having 60 votes for a normal procedure on an energy bill, we will go with 51 votes using the budget process, which I think is inappropriate. They won. Now we see a different attempt to deal with the rules.

We had rules on paying in the 1990s that worked, and worked very well. Both parties came together. We balanced the budget.

When the rules get in the way, apparently, they do not want to have any rules, any procedure, any discipline when it comes to either mandatory spending or tax cuts. They want to make sure they achieve their objective, regardless of rules.

That is a serious problem. It is a serious problem for this institution, it is a serious problem for this country, and as the Senator from Colorado said so eloquently, it is going to be a serious problem for our kids and grandchildren who will be bound by the kind of decision we make about the Arctic Refuge and having to acquire this huge debt which this Congress is refusing to address.

This Congress is, frankly, becoming openly hostile to the principle of fiscal discipline—openly hostile.

I thank the Senator from Colorado very much for his remarks.

I yield 5 minutes to the Senator from North Dakota and thank him for his great leadership on these issues.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I thank the Senator from Wisconsin. He has been the leader on pay-go and budget discipline that says no spending and no tax cuts. You can have them, but you have to pay for them. There is a novel idea around here. You have to pay for them.

Our colleague from Arizona indicated this concept—that if you cut taxes, you get more money. The only problem with that concept is it doesn't work in the real world. It is a wonderful idea. I wish it were true. But it isn't true.

Here is what happens with revenues as a percent of our national income. In 2000, we were getting 20.9 percent of gross domestic product in Federal revenue. We passed a series of tax cuts, and what happened to revenue? It plunged to the lowest since 1959.

That is what happened when we cut taxes. We got less revenue. The revenue side of the equation simply dropped out. That is why the deficits have exploded.

I can remember so well back in 2001 when the Congressional Budget Office told us the range of possible outcomes on the deficits was expressed by this chart, which I call the fan chart. This was what would happen on the low end of their forecast, and this is what would happen on the high end. They chose the midrange, as did the President, which told them we were going to get $5.6 trillion of surpluses over the period.

When I said to my Republican colleagues, let's not be so sure of that, let's not bet the farm on that, they assured me: Kent, you are being much too conservative. Don't you understand with the tax cuts we are putting in place we will get much more revenue? We are not going to be at the midpoint of the range, we will be above the midpoint of the range.

We can go back now and look at what actually happened. Here is what actually happened. We are not at the bottom of the range, we are below the bottom. Here is what happened in reality: we are way below the bottom.

All these tax cuts, what did they lead to? They led to less revenue, and coupled with the increases in spending for defense and homeland security as a result of September 11, the deficits exploded.

Here is what has happened: our Republican colleagues, who used to be fiscally conservative, have now become borrow-and-spend advocates. They have no intention of doing anything about these budget deficits except add to them. Here is what that policy has achieved: record budget deficits.

The question of pay-go, which is the budget discipline we had back in the 1980s and 1990s that helped us turn record deficits at that time into record surpluses, pay-go is a budget discipline that has worked, and the budget discipline that was in effect then is the budget discipline being offered by the Senator from Wisconsin now.

This is the Federal Reserve Chairman on the question of restoring real pay-go. Congressman SPRATT on the House side asked:

> Is it still your position that if we renew the paygo rule it should apply to both: that if we have tax cuts including the renewal of the expiring tax cuts in 2010, that these should be fully offset?

Chairman Greenspan:

> It is still my position. That we have some form of paygo system, which is agreed upon by the Congress, in my judgment, is the overriding consideration here, because, as you point out, it's been quite effective in actually stemming budget inefficiencies and expansion during a period that it was law.

Federal Reserve Chairman Greenspan:

> All I'm saying is that my general view is I would like to see the tax burden as low as possible. And in that context, I would like to see tax cuts continue. But, as I indicated earlier, that has got to be, in my judgment, in the context of a paygo resolution.

When further asked, the Chairman made clear a pay-go approach that applies to both spending and to taxes.

The pay-go ledger in the Senate GOP budget allows massive deficit increases. It allows a $33 billion increase from 2006 to 2010. It allows almost a $260 billion increase in deficits in the period 2011 to 2015.

Finally and in conclusion, the Republican budget before the Senate is advertised as cutting the deficit in half over the next 5 years. But the Republicans' own budget document shows something quite different from their assertions.

On page 5 of the Republican budget document they provide their forecast of how the debt will increase every year for the next 5 years. Here is what it shows: A $669 billion increase in the debt this year, a $636 billion next year, $624 billion the year after that, $622 billion in the fourth year, and $611 billion in the fifth year.

Those are the Republican estimates of the increase in debt if we pass their budget. That is a $3 trillion increase in the debt of the United States if this budget is passed. There is nothing in there that is going to protect us from massive increases of deficit and debt.

The opportunity to be fiscally disciplined is the opportunity offered in the amendment of the Senator from Wisconsin. I urge my colleagues to support it.

Mr. KYL. Mr. President, I yield 10 minutes to the chairman of the Finance Committee, the Senator from Iowa.

Mr. GRASSLEY. I rise in opposition to the Feingold amendment. I do that with a realization that there is a great need for deficit reduction. Who can find fault with the objectives of Senator FEINGOLD's amendment? Those objectives are good.

I am going to demonstrate that his proposal is not realistic. It also ignores the reality of the tax relief of the current law. It unwisely ignores a bipartisan will to maintain current tax relief for millions of taxpayers. Without maintaining existing tax policy, if we would just let that expire, we would have the biggest tax increase in the history of the country without Congress acting. It seems to me if we are going to have the biggest tax increase in the history of the country, Congress ought to make the decision to do it.

I will talk about how the Senate Finance Committee approaches tax policy. We have used pay-go on taxes, but we do it outside of the budget. Two kinds of tax relief bills have come out of the Finance Committee in the last 4 years. One set of bills contained widely applicable tax relief. Those bills, if you take them together, and they were done under reconciliation, were bipartisan. I emphasize that because everyone around the country thinks everything around here is partisan. But these tax cuts were bipartisan and they were net tax cuts for virtually every American taxpayer. Those bills enacted in 2001 and 2003 did not contain offsets.

The secondary category of bills our committee works on would cover all other bills coming as part of our committee business. Those bills dealt with specific categories of tax relief. I will give some examples: A charitable giving tax bill, the bill to deal with exports in manufacturing, a bill to deal with the Armed Forces tax relief for our folks in Iraq putting their lives on the line—there are many other examples of tax relief fully offset by our committee.

In a few rare cases, such as the energy tax relief, for example, bills were partially offset. Now, this pattern is applicable during my chairmanship of this committee, and it is fair for me to say there was a similar pattern occurring when my Democratic colleague and counterpart, Senator BAUCUS, was chairman of the Senate Finance Committee.

By and large, then, the Senate Finance Committee, when dealing with tax policy, has produced revenue-neutral bills. The exceptions occurred when there was bipartisan support for widely applicable tax relief. And I emphasize the word "bipartisan."

By the way, had we not responded with that bipartisan tax relief, there would have been no widespread economic stimulus that resulted. In other words, the economic depression that set in with the NASDAQ losing half of its value in the year 2000, and then with the September 11 attack on New York City and the resulting downturn in the economy, we would not have had in place an economic stimulus to bring back economic growth to where we are now.

Chairman Greenspan said tax relief was responsible for the economic turnaround.

Also, we had the most recent Nobel economic prize winner tell us that our tax relief in 2001 and 2003 was not as big as it should have been to get the maximum economic stimulus. But we have had an economic turnaround justifying, without question, those tax relief packages.

So let me be clear. With tax policy outside the budget, the Finance Committee has, in effect, operated on a pay-go basis. The exceptions were built into the budget, and those exceptions had bipartisan support.

I would like to challenge any of the critics of this budget to show the same record on the spending side. No, it seems like others want to spend. And all of these amendments that are being offered are adding up to positive proof that the same people who are against tax relief do not want to reduce the deficit. What they want to do is spend more money.

If I could ever find from the other side how high taxes had to be, how high they had to be to satisfy their appetite to spend money, I might go that high, if I knew I never had to go any higher. But I cannot ever get any consensus about that. So the only conclusion you come to: taxes can never be high enough.

The other point is, I might be willing to vote for some increase in taxes if every dollar increase in taxes resulted in a lower deficit, went to the bottom line to lower the deficit. But, no, every time we raise $1 of taxes around here, it is a license to spend $1.10, $1.20, and sometimes more. So we need out of the other side the same concerns about spending.

The Feingold amendment is not realistic about current tax relief. Senator FEINGOLD's amendment would undo the tax policy resources in the budget. Let me explain why. The budget's tax cut number covers expiring tax relief. It extends all widely applicable tax relief. It includes it all. The number covers dividends and capital gains. It also covers, through the year 2010, provisions the critics say they support: tuition deduction, low-income savers credit, small business expensing. The number also covers for 1-year provisions critics say they support: business extenders such as R&D, sales tax deductions, the alternative minimum tax hold harmless.

The number includes offsets that will get us $20 to $30 billion. So we are talking about $70 billion net. I repeat, that is $70 billion net. It covers a gross tax cut of $90 to $100 billion. That number covers all of the items that folks, particularly on the other side of the aisle, say they are for.

Now, critics cannot say they are for these items and not provide room in this budget for those tax cuts. You cannot have it both ways. So a vote for the Feingold amendment is a vote against expiring tax relief that a lot of these folks say we ought to pass.

Realistically, there is probably around $30 billion in offsets. Realistically, there is about $100 billion in costs. That is a realistic position. For instance, we have heard a lot about the alternative minimum tax. "When are you going to do something about it?" is a question from the other side. The cost of a 1-year hold harmless on the alternative minimum tax is $30 billion. That is $30 billion for AMT for 1 year alone. So don't tell people back home you are for AMT relief if you vote for the Feingold amendment.

Let's go through some of these other expiring tax relief provisions. Deduction for State and local sales tax: It is covered in the number in the budget. It is important for States such as Nevada, Washington, Florida, and South Dakota.

Mr. President, could I have more time?

Mr. KYL. Mr. President, I yield the chairman of the Finance Committee another 5 minutes, if that is sufficient.

The PRESIDING OFFICER. The Senator is recognized.

Mr. GRASSLEY. Thank you.

Mr. President, we have a savers credit, an incentive for low-income savers. It is covered in the budget number. Deduction for college tuition: It is covered in the budget number. Extension of research and development tax credit—it is important to lots of States—it is covered in the budget number. Extension of wind and alternative energy tax credit: It is covered in the budget. I know that is important to a lot of people, a lot of people who are critics of this budget.

So you cannot have it both ways. If you exclude room in the budget for tax relief, you cannot say you support that same tax relief. The two positions are not in sync. The budget resolution provides room for tax relief. So a vote for the Feingold amendment is a vote against expiring tax relief. You cannot have it both ways. Either you are for a budget that has a realistic plan to maintain current tax relief—and this budget has that realistic plan—or you are for the Feingold amendment, which means you are not serious—not serious—about maintaining current tax relief levels.

Now, the Feingold amendment is also a stealth tax increase. The premise of the Feingold amendment is that tax relief should be treated less favorably—less favorably—than spending. How can that be, you might ask? Well, here is the answer. Entitlement spending such as Social Security and Medicare and discretionary spending can grow under the Feingold notion of pay-go. Contrariwise, much of the current law of tax relief expires, and in some cases tax relief, such as the AMT hold harmless, runs out after year's end. That is 9 million tax filers, mostly middle-income families, who are hit by the Feingold regime.

There is no comparable hit on the spending side. See the bias for tax increases automatically, and no bias against spending increases. Entitlement spending would continue to grow without limit under the Feingold amendment. So the Feingold amendment backstops runaway entitlement spending. Taxpayers are left out. Taxpayers are out in the cold under the Feingold regime. A vote for the Feingold amendment is a vote against status quo tax relief and a vote for status quo spending. That does not sound like evenhanded fiscal discipline to me.

So I urge a vote against the Feingold amendment because it is defective on these several points. And most importantly for me, as the chairman of the Senate Finance Committee, it ignores the Finance Committee's prudence under both Democratic chairmanship and Republican chairmanship. It ignores the reality of current tax relief which is expiring. It contains a stealth tax increase on at least 9 million taxpayers who are going to be caught up in the alternative minimum tax. It creates a double standard by treating a dollar of out-of-control spending more favorably than a dollar of current tax relief.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I appreciate my colleagues engaging in a debate on this amendment. But I have to say, how did something that both of these Senators, the Senator from Arizona and the Senator from Iowa, supported vigorously in the 1990s suddenly become a Feingold regime? These are the pay-go rules of the 1990s. This is not some new scheme or new approach. These are exactly the rules we had before that both parties worked together on and used to balance the budget.

Both Senators suggest that this is going to prevent tax cuts. I ask them: How in the world, then, did we have the 1997 tax cut bill? If this regime, as they call it, prevents tax cuts, how did that happen? These rules were in place at that time.

These rules don't prevent tax cuts. These rules just say, either you pay for them or you get 60 votes. Last year there were a number of middle class tax cuts I supported. They received something like over 90 votes. We didn't prevent those tax cuts. They simply met a standard that was easily met of 60 votes.

The Senator from Iowa has mischaracterized this amendment grossly when he says it doesn't affect spending. It is my amendment that puts some rules back on mandatory spending. It is my amendment that covers mandatory spending. The reason why we had a $400-billion unfunded Medicare bill last year is because the current rules were in place rather than the amendment I have offered. This relates to spending as well as taxes.

The entire argument that somehow this isn't evenhanded, that it only applies to taxes and not to spending is absolutely false. That might be why we have four or five Republican cosponsors because they would never support something that favors spending over tax cuts.

It is very troubling when we have a debate and the debate is not about what is actually before us. What is before us is rules that have worked before, rules that relate to spending and taxes and merely require us to be responsible.

I now very happily yield 15 minutes to my cosponsor, Senator VOINOVICH.

The PRESIDING OFFICER. The Senator is recognized.

Mr. VOINOVICH. Mr. President, I rise in support of the Voinovich-Feingold amendment to restore integrity to our current pay-go process.

These are not ordinary times and it is not a time for business as usual. The United States is the largest debtor Nation in the world, and our trade deficit is the worst it has ever been. The U.S. dollar is weak, and too much of our debt is in the hands of other nations.

Just 2 weeks ago it was rumored that the Japanese central bank was pulling their money out of dollars which sent a shiver of panic in the markets. Alan Greenspan and David Walker have served as modern-day Paul Reveres alerting us to the need to do something now before it is too late.

I recommend to my colleagues the pamphlet issued by the GAO entitled "21st Century Challenges, Reexamining the Base of the Federal Government." It is well worth reading.

This is the beginning of my second term in the Senate. One of the reasons Ohio sent me back here is because they know I am committed to doing something about balancing the budget and paying down debt, fundamental, sound Republican principles to which I have been committed throughout my career.

At this stage in my life, I am more worried than ever about the legacy that our country will leave our children and grandchildren. God has blessed my wife Janet and me with three living children and six grandchildren. My daughter Betsy is expecting her third child. What kind of world will they live in?

One thing I know is that it will be more competitive than ever before, and they will have to work harder and be smarter to maintain the standard of living to which Americans have become accustomed.

I am sure you are asking: What does this have to do with pay-go? It has everything to do with pay-go because pay-go is a tool which Congress can use to enforce fiscal responsibility. Without fiscal responsibility, without responsible stewardship of the public's money, the gathering storm clouds of deficit and debt will darken more.

That is why I encourage my colleagues to do the right thing and support the amendment offered by Senator FEINGOLD and me to restore integrity to the current pay-go process. According to CBO estimates, the national debt increased by $600 billion between 2003 and 2004 and will increase by at least the same amount before October 2005. This is a $1.2 trillion increase in Federal debt in just 2 years.

Raising the debt limit has become an annual ritual. This chart shows where we are. It is interesting that some of the charts I have seen from some of my colleagues on my side of the aisle, all they show is that over the next 5 years we are going to bring the deficit down. But they never talk about the fact that our national debt is escalating up like a rocket. We are in trouble. Where is it going to end?

I am in favor of controlling spending. My votes in the Senate reflect that. This is a very tight budget when it comes to spending, and I support that. In fact, I commend Senator GREGG for producing the most fiscally responsible and honest budget resolution I have seen in 7 years in the Senate. I would like to point out, with all due fairness to my colleague from Wisconsin, that the fact is, in that budget are provisions that were in the Truth in Budgeting Act that Senator FEINGOLD and I introduced a week ago: Three-year discretionary spending caps; a new 60-vote point of order against legislation that would cost more than $5 billion in any 10-year period between 2015 and 2055; a 60-vote point of order against unfunded mandates—I particularly appreciate this provision because I worked very hard to get unfunded mandate relief passed when I was Governor of Ohio and active in the National Governors Association—a 60-vote point of order against legislating exceeding appropriations spending limits; a $23.4 billion cap on advance appropriations; limits on the use of emergency designations. All of these provisions were in the Voinovich-Feingold Truth in Budgeting Act. So we have those in the budget.

I only wish the budget resolution also forced us to make equally difficult choices about tax policy. None of us like to take tough votes on programs we believe in, but most of us are willing to cast the difficult vote if that is what it takes to get Federal spending under control.

I say to my colleagues, how can I or any of us stick to this tough budget that we have and at the same time say to people who are complaining: Senator, you are saying you want to do something about the deficit, but at the same time you voted to extend tax reductions. How do you justify these two positions?

I was interested to hear the chairman of the Finance Committee indicate that we are going to deal with AMT. I would like to remind my colleagues that that is not in the budget. AMT will be on the floor of the Senate before the end of this year. And the allegation that the Feingold-Voinovich amendment is going to prevent us doing anything about AMT is poppycock. What it will require is that a budget point of order would be made against it. We would debate it, and if there are 60 votes to waive the point of order, that would go into effect.

Another issue that I know is going to be on the floor of the Senate where we are going to have to borrow money is in dealing with Medicare reimbursement. We all know that today Medicare reimbursement, if we don't do anything, will be reduced by 5 percent. None of us want that to happen. Again, that will be brought to the floor of the Senate.

This amendment does not prevent that from happening. It says: Pay for it or, in the alternative, debate it on the floor and get 60 votes.

Last but not least, this budget sets out $50 billion for the war in Iraq and Afghanistan, doing things in Afghanistan. In my opinion, if you are realistic, it is not going to be enough money. We don't still know what the cost of this war is going to be to the American people.

One other aspect I have to point out is that this is against a backdrop in which most experts agree that by 2030, spending for Social Security, Medicare, and Medicaid alone will consume 18 percent of our GDP, about the same amount of money we are spending today for all operations of Government combined. That is why folks should read David Walker's pamphlet. It lays it out for us.

What does pay-go do? Pay-go forces us to stop and think before proposing legislation or amendments that will increase the deficit. Pay-go demonstrates the Senate is serious about reducing the deficit. Pay-go will provide a chance to stop and more carefully consider all alternatives before increasing spending or cutting taxes. Pay-go ensures that programs that will impose additional debt on our children and grandchildren must gain an overwhelming level of support.

Some of my colleagues wanted to ensure increased spending now or cut taxes now and hope that somehow the economy will save us or Congress will simply fix the problem. This would be a major mistake. Depending on the economy to save us from the impact of fiscal irresponsibility is like hoping that a hurricane misses your house.

Over the past 10 years, we have gone from having deficits to having surpluses and back to having deficits.

This is what has happened on this chart. During this period of time, we were running surpluses. We came here and then in 2003 we started to come down. Here is where we are now. The predictions are that they could go that way or that way.

I think all of us who are conservative would have to say that we have to prepare for this hurricane that may hit us and not take the rosy picture that everything is going to be all right; just keep reducing taxes, everything is going to be fine. We are going to grow our way out of this problem. I remember that during the 1980s when we saw the deficit climb substantially, which required in 1991 and 1993 the fact that we had to raise taxes. Borrowing money to run the Government is the equivalent of a future tax increase for the American people.

I urge my colleagues to look at this from a fairness point of view, to eliminate from the budget resolution the $70 billion that we have put in there to extend some of the taxes that are now in place. Let's pay for them. Alan Greenspan, David Walker, and Pete Peterson have all said the reduction on capital gains, on dividends, has helped the economy. But they all say pay for it. If you cannot pay for it, let's debate it on the floor of the Senate, as we did last year when we debated whether we were going to continue the marriage penalty relief, the lower marginal rates, the refundable child tax credit. But why sneak it into the budget resolution where we are only going to need 51 votes to get the job done? I think it is not fair.

I appeal to the common sense of my colleagues in the Senate. Here is where we are. We are putting this money in our budget resolution, instructions to the Finance Committee, to say $70 billion, and you can extend these tax reductions. At the same time we are doing that, we are telling the American people that we are going to have a flat-funded budget.

My feeling is, let's just clean it out of there. Take these extensions that everyone thinks are wonderful for the country and let's debate them. See if we can get 60 votes. If they are so good, they will get 60 votes. If they are not, we will pay for them. I just don't understand how we can continue to go this way. I think we are living in a dream world. This deficit continues to grow. We are the highest debtor Nation in the world. Our trade deficit is one of the worst we have ever seen. Unless we start to understand the seriousness of the situation we have, we are in deep trouble.

Mr. President, I think we all care about our families. We have to think about our legacy. I am 68 years old and I am running out of time. I think this country is running out of time. It is up to our generation to leave a better legacy than what it appears we are going to be leaving. There has to be some Republican who says: George, I agree with you. Let's do it.

If they vote for this amendment, they are simply saying we are not going to put the money in the budget resolution to give the instructions to the Finance Committee to go ahead and extend taxes up to $70 billion. What it will say is, Hey, guys, we are not going to do that. If we want to extend these, let's bring them up and debate them and let's either pay for them or waive the budget resolution and do it that way.

Thank you, Mr. President.

Mrs. FEINSTEIN. Mr. President, I rise today to join my colleague from Wisconsin, Senator FEINGOLD, in supporting a real pay-as-you-go system in the fiscal year 2006 budget.

This amendment is about restoring fiscal common sense to the budget. It would require 60 votes for tax cuts and mandatory spending increases that increase the deficit.

The current budget proposes a flawed paygo rule that expires in 2008, even though this is supposed to be a 5-year budget. It also includes exemptions and holes that effectively amount to a "pay-if-you'd-like" approach, not a bonafide paygo system.

What we're proposing are sensible and responsible guidelines that will reduce the record red ink that we've accumulated in the past 5 years.

The Federal budget outlines not only revenue and spending, but more critically how the Federal Government ranks its programmatic priorities. This budget resolution reveals only a glimpse of the long-term fiscal outlook without telling Americans the hard truth about how tax cuts and spending run amok in Washington.

For example, the budget ignores large expenses such as the costs of military operations in Iraq and Afghanistan beyond September 2006, and long-term relief from the alternative minimum tax, which could affect 41 million taxpayers in 2013, if Congress does not act. These are imminent expenses that we would be remiss to omit from the budget. Yet the President excludes the costs from his budget blueprint.

And I haven't even mentioned the upwards of $5 trillion in transitional costs over the next 20 years for the President's Social Security plan.

With regard specifically to paygo in the Budget Committee markup, one of my colleagues noted that a paygo rule that applies only to spending is akin to trying to keep a boat afloat by plugging one hole when, in fact, there are two holes in the boat. And this is precisely the case. That is precisely the fiction that this Budget Resolution promotes.

If made permanent, the tax cuts of 2001 and 2003 will cost the Federal Government $11 trillion over the next 75 years. That's more than three times the shortfall of Social Security over that period. But the President's budget doesn't apply paygo rules to these tax cuts.

Studies show that 25 percent of these tax cuts went to the wealthiest Americans, those with the top 1 percent annual income. According to the Congressional Budget Office, 74 percent of our budget deficits since 2001 have been caused by decreased revenues. Only 26 percent is due to increased spending.

We ought to be honest with ourselves about this fact. In my view, a paygo system that ignores revenues is not a paygo system at all.

If the Senate is sincere about restoring fiscal discipline, then we ought to establish rules that say, "If your legislation is going to cost money, you've got to pay for it, or get 60 votes."

I believe that this amendment poses a crucial question to this body: Do we recognize that decreased revenues increase the deficit? I, for one, will not turn a blind eye to the real budget picture.

If we are to balance the budget—as we did during the Clinton administration—we should not do so solely through draconian cuts in critical programs. This budget cuts back on programs for working Americans and local governments that cannot run budget deficits as the Federal Government can.

I do not believe that fiscal responsibility necessarily requires us to shift the financial burden to our towns, cities and States as this budget does through cuts to Medicaid and the Community Development Block Grants, to name just two. As a former mayor, I know the value of these programs in California and throughout the United States.

Tax cuts for the wealthiest Americans should not take precedence over the needs of law enforcement, our children, the elderly, and veterans. If my colleagues agree, then I ask that they join me in supporting this amendment.

It is time to get our fiscal house in order, and to do so, we ought to reinstate a true paygo rule.

Ms. SNOWE. Mr. President, I rise today to speak in support of the amendment offered by my colleagues Senator SMITH and Senator BINGAMAN to strike the reconciliation instructions to the Finance Committee and replace them with a reserve fund for the Bipartisan Commission on Medicaid to undertake a comprehensive review of the Medicaid program and make recommendations to Congress within 1 year.

The Medicaid program provides essential medical services to low-income and uninsured children and their families, pregnant women, senior citizens, individuals with disabilities, and others. Last year, nearly 55 million Americans were enrolled in Medicaid, including more than 300,000 in Maine where one in five people now receive health care services through MaineCare, my State's Medicaid program.

Individuals who rely upon Medicaid-funded health services have no other option. Without Medicaid, they would join the ever growing ranks of the uninsured in this country, which now numbers an all-time high of more than 45 million Americans who lacked health coverage at some point last year. These two groups represent a total of 100 million Americans who would have no health insurance, were it not for Medicaid coverage which reaches just over half of them. And to the extent that the Federal Government reduces its support for Medicaid funding, the numbers of uninsured Americans will rise even more rapidly.

Medicaid is a critical part of our Nation's health care system. It provides health coverage for people in the doctor's office, rather than the emergency rooms, where care is more expensive. It also plays a crucial role in preventing health care costs for the uninsured from being shifted to the private sector, which in turn increases hospitals' costs.

The economic downturn which state economies experienced several years ago, and from which many States are only now emerging, has continued to leave many families jobless and without health insurance, forcing them to turn to Medicaid. This has put an enormous strain on the states already strapped with budget scarcities. Many States reduced Medicaid benefits last year and even more restricted Medicaid eligibility in an effort to satisfy their budgetary obligations.

As the Senate considers the budget resolution for fiscal year 2006, I believe that we must take a balanced approach that is fiscally responsible yet reflects our long-standing commitments to provide health care for many of the low-income and uninsured through the Medicaid program. Decisions on Medicaid funding involve issues of fairness and balance, and it is our responsibility to balance these concerns on both the spending and revenue sides of the ledger.

I believe in fiscal responsibility, and I believe that reducing the deficit is critical for our Nation's fiscal health. We should not pass down a legacy of debt to our children. At the same time, we should do no less than to meet our obligations to our uninsured children and their families, senior citizens, and individuals with disabilities.

My home State of Maine is a relatively poor state which relies heavily on Medicaid matching funds. Maine's Federal match is roughly 65 percent, compared to the national average of about 57 percent. This means that for every dollar in State funds spent on Medicaid, the State receives nearly $2 in Federal matching funds. Of the $7.7 billion spent on health care in Maine in 2004, $2 billion—26 percent—came from the MaineCare program. Of the $2 billion in Medicaid spending, nearly two-thirds, or $1.4 billion, came from Federal Medicaid dollars.

Maine has suffered disproportionately from a loss of manufacturing jobs—and the health insurance coverage that goes with them. Medicaid has helped cover those uninsured, allowing our overall rate of uninsurance in Maine to stay even or improve for those with income below 200 percent of the poverty level.

Medicaid is also an essential program for providing health services to children and other vulnerable populations Children are nearly half—44 percent—of Maine's Medicaid clients yet they require less than one quarter of the funding, clearly a very cost-effective use of our health care dollars. Children need access to health care to do well in school, and to do well in life, and Medicaid plays a key role in narrowing the "achievement gap." Children who are in pain, or sick, are not able to pay attention and learn, and those with untreated illnesses can develop long-term disabilities, such as hearing impairments, that require expensive special education and make it harder for them to do well in school.

It is crucial that we continue to provide sufficient Federal funding for Medicaid, a program which has worked extremely well since it began providing care for some of our most vulnerable populations 40 years ago. That's why I believe we must proceed cautiously before making significant changes that could damage the program.

As we debate the budget resolution and consider the instructions for spending cuts that the Finance Committee would be required to produce—with Medicaid squarely in its sights—we must recognize that the Federal Government cannot simply abandon its responsibility to help states provide health care to our most vulnerable citizens. Finding workable solutions on the financial sustainability of Medicaid will take time, expertise, and bipartisan consensus and are more appropriately the province of a bipartisan medicaid commission than a budget debate.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, how much time do both sides have?

The PRESIDING OFFICER. The majority has 24 minutes 40 seconds. The Senator from Wisconsin has 14 minutes 20 seconds.

Mr. KYL. Mr. President, I yield 15 minutes to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. LOTT. Mr. President, we have had this debate before. Here we go again. I think it is an important debate and we need to think very carefully about it. I certainly agree with Senator FEINGOLD and Senator VOINOVICH that Congress has been spending money recklessly over the past few years. We need to restore fiscal discipline. Unfortunately, this amendment does very little to address that problem.

I cannot help but remember that during the late nineties and the early part of this century, we had a balanced budget for 4 years. We actually had surpluses. How did that happen? There was some fiscal responsibility. We forced President Clinton to join us in a balanced budget amendment in 1997. But we also cut taxes in a way that encouraged growth in the economy. We grew bigger.

That is one thing you need to think about. The economy is showing growth. It was pretty fragile last year, but it continues to show positive signs in terms of production, and unemployment is at 5.4 percent. It should be headed the other way. More people are being hired. There are positives in the economy. I talked to the experts about how did that happen. Part of it happened because we did tax cuts where we let people keep more of their money instead of bringing it to this city and wasting it. We encouraged growth in the economy. We encouraged family tax relief, families with children, research and development, we cut taxes on dividends. We took some actions that made a huge difference. That is how we had balanced budgets and surpluses.

But then, for a variety of reasons, we started spending more and more again. A variety of things happened. First, we got used to having surpluses, so we started spending money, whether we should or should not. We made commitments on Medicare and Medicaid that we should have made, and then the economy started going down. Then, we had 9/11 and we have had all the extra spending for the defense of our country, our military actions in Afghanistan and Iraq, and we spent a lot of money on homeland security. We wasted a lot of it, in my opinion. But we are doing a better job and we are doing some things that had to be done. We are going to continue to have to spend money to try to make America safe against terrorists.

But the combination of overspending in the beginning of the century, a falling economy in 2000 and 2001, and 9/11, has led us to the deficits we now have. One of the interesting things to me about this is that the focus is on, by the way, you cannot let people keep more of their money unless you cut spending or raise taxes. The focus should be on how we control spending. Year after year, this administration, previous administrations, and we have spent more and more and more. I will be glad when we get to the point where you cannot raise spending for Amtrak or NIH or anything else that you don't offset in some way. We need fiscal responsibility, but this is not the way to get it, in my opinion.

On the floor this week, there have been amendments offered on the budget—mostly by Democrats, with the complicity of some Republicans occasionally—to add $50 billion more in spending—just so far. By the time the smoke clears this week, there will be amendments that would add probably $200 billion or who knows how much more than what the President budgeted, which is a significant budget; $843 billion is not chicken feed. Then you add entitlements on top of that. So we have a problem.

Here is the real kicker. If we pass this amendment, this is really a tax increase. If we don't have the ability to extend some of these tax cuts that we already passed, we committed to the people—if you ask the experts what would happen if we didn't extend these tax cuts in these critical areas of capital gains and dividends, they would say: We are not worried about that. We have factored that into our economic thinking. You are going to do that.

Well, could we get 60 votes for it? Are we going to do that? Can we be assured we are going to get that accomplished? This would lead to tax increases of $70 billion on working Americans and families with children. That is why I cannot support it. You might say, well, I can go down the list and say one after the other to my colleagues on both sides, Do you think we ought to do something about the AMT tax relief problem, the fact that 9 million Americans are being forced into higher tax brackets because of the AMT that we got into years ago?

Do my colleagues think we should not address that? Why, the Senator from Ohio would say, we are going to have to do that; why, absolutely we are going to do that, and we should do that.

Does this mean we should not have money for the tax extenders for such things as R&D tax credit, the work opportunity tax credit which helps business employ millions of Americans who might not be employed otherwise? Oh, no, everybody says, no, I am for that.

Does this mean my colleagues do not want dollars for small business expensing, which is really a tax increase on small businesses? They are the ones where the jobs are really being created. That is where the real entrepreneurial spirit is. But most people say: No, no, I want to encourage small business, so I would want to extend that.

What about capital gains and dividends? Well, I guess some people in the Senate might say: I do not want to do that; that is the middle income or upper income people. Tell that to the millions of Americans now who do receive dividends, and they are not wealthy Americans, either.

So if we do not extend these, the result is going to be we are going to have a tax increase on millions of these working Americans. It would have a devastating effect on the economic growth that we are encouraging. There would be fewer jobs and even more dependency on the Government.

I have watched it over the years in my own State. Year after year we were one of the poorest States in the Nation. We thought we could spend our way out of poverty. We were not in debt because we had a constitutional amendment that said we could not do it. So we kept trying to spread money out to people, saying that if we keep supporting everybody—one-quarter of the entire population in my State is on Medicaid. Finally, a few years ago, we said: Wait, we are not going to be able to spend our way out of being the poorest State in the Nation. We are going to have to take some aggressive action to have better quality education, better infrastructure. We are going to have to go out there and create jobs, solicit jobs. We are going to have to have tax reform. We are going to have to cut taxes.

What has happened? We are creating jobs. We are not the poorest State in the Nation anymore. We are glad to give that title to another State, maybe South Dakota, West Virginia, or Arkansas. They can fight over that title. We do not want it. We finally got up off our knees and said: We are tired of being poor. We want to grow the economy. We want our people to have an opportunity to get a good education, have jobs, and create jobs.

That is why we have Nissan, Textron, International Harvester, and FedEx in my State. Northrop Grumman has two different new plants in my State to build unmanned aerial vehicles. That is why Lockheed Martin, Boeing, and Eurocopter, and now the newest steel mill in America is in Mississippi, because we quit trying to spend our way out of poverty. We started trying to figure out ways to attract people and create jobs and allow people to make more money, have a decent paying job, and keep more of their own money. Yes, we cut taxes, and we started growing. Hallelujah. We also had tort reform to get these frivolous class action lawsuits under control.

So that is why I think this is totally wrongheaded, goes absolutely in the wrong direction. I hope my colleagues will not fall into this trap. The Finance Committee would have to come up with at least $30 billion probably in revenue raisers over the next 5 years to cover dealing with these tax provisions. We would not really be getting anything for it in return.

Chairman GRASSLEY tells us that if we had to come up with this $30 billion, it would basically max us out because that is the bare minimum we need to prevent a tax increase on Americans without looking at what we need to have some growth in the economy and help working families in America.

This is a responsible budget that we have come up with. We should not put this provision in it. Let me understand this. We want to discourage tax cuts on working people being able to keep their money, and instead we want to force tax increases and spending cuts? I like the spending cuts idea. That is the only part I really heard that I like, but we need to think about what we are doing.

Finally, maybe we can begin to top out this spending orgy that we have been involved in and begin to come down. By the way, everybody on the floor, we are all screaming and hollering: Oh, my goodness, you do not mean agriculture, do you? Oh, wait, you are talking about some of our beloved education programs? No, we did not mean that. You do not have money for Amtrak, you do not have enough money for shipbuilding, you do not have enough money for highways?

Everybody ought to have to ante up a little bit. The problem is not tax cuts and tax relief for working Americans and families with children; the problem is we cannot control our insatiable appetite for spending.

By the way, I acknowledge that I am guilty. I have been a participant. I tried to get more of my fair share in Mississippi because for 135 years we did not get our fair share. Why did we not get it? Because we did not stand up and ask for it. We did not play on the national team.

This is not the way to go. Senator GREGG has provided leadership and courage. I have been speaking against things today and over the last 2 weeks. I support Amtrak. I am from an agriculture State. I want more highway money anyhow, anywhere, any way I can get it, but at some point we have to ask, how much is enough?

There is an amendment to add money for NIH. I have been a part of the Republican commitment over the past few years to double the spending for NIH, and we have done it. Now we are being told that is not enough, we need $2 billion. We need to sober up, and this resolution will help us do it. It is not going to be easy. We are going to have withdrawal pains, but we need to stop spending. We need to try to find some way to help reduce this deficit by encouraging growth in the economy.

I urge my colleagues, vote against this so-called pay-go provision, and let us go with this resolution the way it was written. I hope this time we can get a conference report, too, because if we do not, we are doomed around here. If we cannot do these little tiny cuts, some minimum reforms, wait until we really have to deal with the big choices. They are coming. They are coming down the road, and it is a Mack truck. Unfortunately, the roads are not in very good shape. I hope it does not fall into a pothole or a bridge before it gets here.

We need to pass a highway bill. As much as I would like for that highway bill to be $318 billion, $350 billion—we cannot come up with enough highway money to suit me—I am going to vote for some restraint. If it is over $184 billion and it is not paid for in an appropriate way, I will vote to sustain a veto. We have to all do this. We talk about it.

The Senator from North Dakota knows we need to do this. He wants to do it. We have to have some help. We have to have some "followership" and courage. Now is the time to do it. This amendment is not the way to do it.

I thank my colleagues.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I am going to yield to a couple of colleagues, but first I will say that the Senator from Mississippi indicates we need to sober up on the issue. I suggest that anybody who believes this is a responsible budget needs to sober up. In the 12 years I have been here, this is the most obviously outrageous and irresponsible budget I have ever seen. The notion that this is a tough budget that seriously addresses our deficit in the coming years is, frankly, absurd. The Senator from North Dakota has done a wonderful job of making that point.

I will turn to my Republican colleagues who support this amendment and think it makes sense. I yield first 2 minutes to the Senator from Ohio and then 5 minutes to the Senator from Rhode Island, who has been one of the true stalwarts on this issue and, frankly, the lead author, and has been with us all the way on the issue of pay-go.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I will correct the impression that my good friend, the Senator from Mississippi, shared with us. The fact is that this amendment would subject tax continuation to the same 60-vote point of order we have for spending. In other words, why should we not subject continuing tax reductions, two of which are not going to even be up until 2008, to a lesser vote than we do when we are talking about spending more money than what the budget provides?

Let us apply the same standard to tax extensions that we do to trying to spend more money on the Senate floor. It is not a tax increase. It absolutely is not. All it does is say that 51 votes can extend it. All we are saying is this: If we want to do that, then subject it to the same test that all of us are going to have to adhere to when someone tries to spend more money than what the budget provides. Fair is fair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I yield to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for up to 5 minutes.

Mr. CHAFEE. Mr. President, I rise today as a proud cosponsor of the amendment offered by the Senator from Wisconsin. I support this amendment because of my grave concern about our budget deficit. We in Congress have an obligation to put and keep this Nation's fiscal house in order. By passing this tough pay-go amendment, we can send a signal that we do not intend to shirk this duty.

I think all of the Members of the Senate know what this amendment does. It simply imposes a budget rule that requires any new tax cuts or entitlement spending to be offset. If no offset exists for new tax cuts or entitlement spending, then 60 Senators will need to vote to override the rule. In short, this amendment forces Congress to make the tough budget choices. There is no doubt that we would all like to provide the American people with more tax cuts. Many would also like to provide better and more efficient entitlement programs. Under the current budget rules, we are not forced to make many, if any, difficult decisions about our priorities. If we want more entitlement spending or tax cuts, we simply provide for them in the budget. That is no way to ensure fiscal discipline. I wonder what effect a true pay-go rule would have had on our debate regarding the new Medicare prescription drug benefit. Would Congress have thought the new benefit was so important that we were willing to reprioritize and actually pay for it?

I have listened to distinguished Senators argue against this amendment because the economy is showing improvement. But, the fact that aspects of the economy are improving does not mean that our Federal budget is in good shape. Forsaking measures that require budget discipline is the wrong policy. With all due respect, it is the type of thinking that got us into the current problem in the first place.

In 1990, Congress, which at that time included many of the same Senators here today, realized that Federal spending was out of control. Congressional will to control spending was not enough to put us on the path to fiscal responsibility. So, as part of the Omnibus Budget Reconciliation Act of 1990 Congress enacted some tough budget measures—including pay-go. Pay-go was extended in 1993 and again in 1997. Senators realized then that pay-go was a good idea and it was actually working.

We went from deficits and red ink "as far as the eye can see" in 1990 to an actual $236 billion budget surplus in 2000. It is at this point that Congress thought the need for budget discipline had ended. So, when pay-go expired in 2002, it was not extended. This has led us to the point where we find ourselves today. In 2004, the Federal deficit was $412 billion. In 5 short years, we have gone from a $236 billion surplus to a $412 billion deficit.

Pay-go is not perfect. Congress has found, and will continue to find if it is included in this budget, ways to get around it. But, despite its flaws, it does have a proven track record. It tests policies of both parties in the same way—pay for your priorities, or find 60 Senators willing to override the rule. This is the way it should be. At a time when our budget is awash in red ink it only makes sense to bring discipline and accountability back to the budget process. If new tax cuts or entitlement spending is so important, shouldn't we be able to find a way to address the costs? Including pay-go in the budget made sense in the 1990's, when the stock market was at historic highs and unemployment at historic lows, and, it makes sense today.

The PRESIDING OFFICER. Who yields time? The Senator from North Dakota.

Mr. CONRAD. Mr. President, we should follow the advice of the chairman of the Budget Committee on the matter before us. The chairman of the Budget Committee in a floor debate on June 5 of 2002 said this:

> The second budget discipline, which is pay-go, essentially says if you are going to add a new entitlement program or you are going to cut taxes during a period, especially of deficits, you must offset that event so that it becomes a budget neutral event.

He went on to say:

> . . . if we do not do this, if we do not put back in place caps and pay-go mechanisms, we will have no budget discipline in this Congress and as a result we will dramatically aggravate the deficit which, of course, impacts a lot of important issues but especially impacts Social Security.

That is the chairman of the Senate Budget Committee in 2002, saying pay-go ought to apply to both spending and to taxes. He was right then. And it is the right position now. Pay-go should apply to both spending and taxes. That is what the amendment of the Senator from Wisconsin does. It deserves our support.

I want to say a word about the remarks of the Senator from Mississippi, who said it is time to get serious, it is time to get tough on deficits. He is right. But he is badly mistaken if he thinks this budget does anything about deficits. The only thing this budget does about deficits is to make them worse.

This budget before us increases the deficit by $130 billion in excess of what would happen if we did nothing. If we just put this economy on autopilot, we would reduce the deficit by $130 billion compared to this budget.

I see my colleague is holding up a chart over there that shows the deficit going down. But what he ought to do is take a look at their own budget document on page 5 where it reveals how much the debt increases if this budget passes. This is not my estimate. This is their estimate. It says the debt is going to increase by over $600 billion each and every year of this budget resolution.

This is not a budget that does anything about reducing the increases in the debt, except to extend budgets that explode the debt.

They can put up all the fancy charts they want. This one shows the deficit being cut in half. The problem with it is it just leaves out things. The only reason they get to a reduction in the deficit under this plan is they just exclude things we all know are going to cost money.

I heard the Senator from Mississippi say we ought to do something about the alternative minimum tax. Indeed, we should. There is not a dime in this budget to do it—not a dime.

Under pay-go, you can have any tax cut you want. You can have any additional spending you want—if you pay for it or you get a supermajority vote. Paying for things, that is a new idea around here. Our Republican friends have adopted the policy of borrow and spend, borrow and spend, borrow and spend. They don't want to raise the revenue to cover their spending and they don't want to cut their spending to match the revenue they will support. Instead, they just want to put it on the charge card, run up the debt, shove it off on our kids and wait for the roof to cave in.

That is a mistake. Pay-go is restoring the budget disciplines that worked well in the past. We ought to adopt the amendment of the Senator from Wisconsin.

I thank the Chair and yield my time to the Senator from Wisconsin.

The PRESIDING OFFICER. Who yields time? The Senator from Texas.

Mr. CORNYN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. Without objection, the Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I want to speak briefly against this amendment. Really, what we are looking at is a tax increase unless this budget resolution passes. In other words, what they are saying is we are either going to have to find further cuts—and, of course, our friends on the other side of the aisle continue to oppose reductions in the rate of increase of entitlement spending like Medicaid or Medicare—but at the same time they say, in essence, you have to pay for these tax cuts. What they mean by that is you have to raise taxes to do so.

While I hate deficits as much as the next person, this budget actually works to reduce the Federal deficit by half, over the next 5 years.

We are taking a constructive approach to reduction of the deficit.

But let me point out that over the last 21 months since the last tax cut, we have seen 3 million new jobs in this country. Frankly, what our opponents are proposing is something that would raise taxes on the average American worker and kill the job creation engine that put America back to work.

Finally, in the short time we have, I want to speak briefly in support of an amendment that Senator HUTCHISON and Senator GREGG and others offered yesterday that would increase the number of Border Patrol agents to 1,000 per year for each of the next 5 years. Unlike some other amendments, this one is actually budget neutral because we find offsetting cuts to pay for it. Our security in this country ought to be and ought to remain our highest priority.

The fact is, our borders are uncontrolled and porous. While we know our Border Patrol agents do their job in a highly professional way with what they have, the fact is, they are underequipped and outmanned. The fact is, our 2,000-mile southwestern border is open game for anyone who wants to try to come across, notwithstanding the good work that is being done. We have a lot more to do, but we are not there yet. We need the Border Patrol agents and the equipment to get it done.

The fact is, these porous borders not only admit people who want to come to the United States and work, people for whom I have a great deal of compassion and sympathy, and we need to find a way to deal with that in a realistic way—and we will—but it also allows entry into this country of people who want to come here to kill us.

Deputy Homeland Security Secretary Admiral James Loy said it is no secret that al-Qaida and other enemies of this country are going to try to take advantage of our porous borders, our lack of personnel and equipment to protect our borders, to try to infiltrate this country and commit another heinous attack on civilians as we experienced on 9/11.

It is absolutely critical that the Federal Government live up to its responsibility and not foist upon State governments that happen to have large borders, such as Texas, Arizona, New Mexico, and California—it is absolutely essential that the Federal Government live up to its responsibility.

Only by adequately funding Border Patrol personnel, and only by continuing to deal with the porous nature of our borders can we be assured that we are doing everything humanly possible to protect America and to keep us safe.

I yield the remainder of my time to the manager.

The PRESIDING OFFICER. Who yields time?

The Senator from Arizona.

Mr. KYL. Mr. President, let me make a couple of comments, and then I think the other side will want to close the debate. I will reserve just a couple of minutes, if anyone else would like to speak on our side.

I think there is an important point that needs to be made. When we talk about pay-go, outside the Senate people might wonder what in the heck that means. On the spending side, when we increase spending, that means we also have to find a way to offset that. We have to find a revenue source or we have to cut spending somewhere else. So the net is the same. Just like in your household budget, you are going to spend money in one area, and you have to reduce the spending in another area so you can get back to even. That makes a lot of sense. But paying on the tax cut side is totally different.

Who pays to make up the lost revenue to the Federal Government? Taxpayers. So it is real easy for Senators to say, well, the taxpayers have to pay more money. But that is not right. It is their money. It is not ours. The Federal Government doesn't own any of that money.

When we make a deliberate decision to reduce taxes, our point is to let people keep more of their own money. It is not to have some new rule come in here and say, but however much you let people keep, you have to take from them some other way because the Government needs all of that money.

We are talking about the budget deficit. According to the Congressional Budget Office, which is the entity that does the scoring around here, under the assumptions of this budget, the green line is the deficit. You see it going from 2005, 3.2 percent of our gross domestic product, down to 2.8, 2.2, and 1.8. In less than 5 years, we cut the budget deficit in half. Those are under the assumptions that include the tax cuts that we passed in 2001 and 2003. We are going to reduce the deficit with the tax cuts in place.

What our colleagues on the other side are saying is, No, we have to let those tax cuts expire, creating the biggest tax increase in the history of this country because otherwise it won't be fair to the Federal Government. My concern is that we be fair to the taxpayers of this country. This budget assumes the tax cuts we want to continue, and that is the right way for us to budget. That is what the budget assumes, that is why we should adopt the budget, and that is why we should reject the amendment that has been offered by the Senator from Wisconsin.

I reserve the remainder of the time.

The PRESIDING OFFICER. Who yields time? If no one yields time, the time will be charged to both sides.

Mr. KYL. Mr. President, let me respond to two other issues that have been raised by the proponents of the Feingold amendment. One was that these are the same rules we had back in the 1990s. The fact is, though, they didn't work the same way. In the 1990s, Congress passed spending increases, and we also passed some tax cuts. The result of that under the rule was we were supposed to sequester or to spread those spending increases and tax cuts out over the remainder of the budget at the end of the year. But it turned out that at the end of each year we passed a bill that said forget about it, and the President signed that into law.

The fact is, while the rule was in place, we violated that rule. We cannot say this is the same rule we have had forever.

Second, my colleagues, particularly the chairman of the Finance Committee, made the point that there are a lot of things people on both sides of the aisle would like to accomplish this year that they will not be able to do if the Feingold amendment is agreed to.

We are not going to be able to do the leasehold improvement depreciation, by the way, which is a great idea. The Senator from North Dakota sponsored the bill, S. 621, to make the 15-year life for qualified leasehold improvements permanent. I cosponsored that bill.

We are not going to be able to accomplish that, if this pay-go rule is adopted.

There are other things we wouldn't be able to do, such as the R&D tax cut. The cost of that is $7 billion over 5 years. In fact, to extend the R&D tax credit for 1 year, just through 2006, is almost $7 billion.

There are simply not enough loopholes to close or revenue to generate in order to pay for that.

The small business spending, so-called section 179 spending, allows small businesses to elect to deduct all or part of the cost of certain qualifying property in the year that it is placed in service instead of over a specified recovery period. This immediate extension has been critical to supporting economic growth and job creation by small businesses. They will not be able to do it.

By the way, the cost of that is over $10 billion over 5 years.

The AMT relief we talked about before, there is enough within the budget to do some relief on AMT if we want to do it. Most of us would like to do that. We wouldn't be able to do it under the pay-go rule.

The State sales tax deduction that the chairman of the Finance Committee mentioned, the line deduction for college tuition costs, the welfare-to-work and work opportunity tax credit—if you want to do those things this year, you have to vote against the Feingold pay-go amendment because we wouldn't be able to do that.

Not only is it important to keep the economic growth going by ensuring that we don't suffer the worst tax increase in the history of this country, if we are going to continue some of these tax policies that all of us would like to see extended, we are not going to be able to do it if we adopt the Feingold amendment.

I encourage my colleagues to appreciate that every one of us wants to ensure that we have the smallest deficit possible. Under this budget and under the President's budget, we are going to cut the deficit in half within 5 years. The chart I showed a moment ago demonstrates that. Those are the budget figures. Those are not made up. Those are the CBO numbers.

As a result, if we stay on this path, we are going to achieve deficit reduction. Part of the reason for that is because we assume the tax cuts are permanent. We assume they will continue to generate job creation, economic growth, more wealth in this country which, when taxed even at the lower rates than currently exist, produces more revenue.

I hope my colleagues will not get into this notion that somehow all of the money belongs to the Government and if we are ever going to give it back to the people, we have to have 60 votes to do that instead of a mere majority vote. The reason we let people keep more of their money in the way of tax cuts is because we understand not only is that the right thing to do, but it is the most important thing for the economy. We cannot have a rule around here that you can never have a tax cut, you always have to make the money up some other way, so you never can change the amount of taxes paid by the American public. We have put in place a rule that would be grossly unfair as well as unwise in terms of economic recovery and, as I said, unwise in wanting more revenue to be collected by the Federal Government because a smaller economy produces less revenue to be taxed.

I urge my colleagues to vote against the Feingold amendment.

I yield back any time that remains on this side.

Mr. FEINGOLD. First, let me ask Senator CARPER of Delaware be added as the 13th sponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, it is false as speaker after speaker claims this pay-as-you-go rule prevents tax cuts. It is an absolute red herring. That is not what it does.

It says, if we are going to do additional tax cuts, either pay for it—and you do not have to pay for it through tax increases, you can pay for it with tax increases or spending cuts—or get 60 votes to allow it.

How can speaker after speaker come out and say this requirement of 60 votes to go beyond the budget is preventing a tax cut? That is not the fact of what has happened.

In 1997, under these very rules, significant tax cuts were enacted.

I correct the Senator from Arizona regarding his statement that the rule was different then. That is untrue. He was talking about the statute. This is the rule. It does not have sequestering. That is simply inaccurate.

Last year, when the question was, Do we continue the middle-class tax cuts, we voted on it, and I think it got 90 votes for the middle-class tax cuts, well over 30 votes over the 60-vote requirement. How can someone say a rule of 60 votes for tax cuts somehow prevents tax cuts.

The Senator from Mississippi talks about the need to deal with the alternative minimum tax. He is absolutely right. The Senator from North Dakota has pointed out that is critical for middle-income families. How many votes do you think that would get? Do you think it would be close? Do you think you would get 50 or 55 votes? That would get 90 or 100 votes.

There is no barrier whatever in this pay-go rule to tax cuts as long as you get enough votes or, better yet, if you pay for it.

What has happened in the leadership on the other side is they have become openly hostile to fiscal discipline; openly hostile to balancing the budget; openly hostile to anything that gets in the way of tax cuts regardless of what the consequences are for our budget and our economy. That is a sad moment. To paraphrase an old song, "where have all the deficit hawks gone."

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, it is now our plan to vote on four items in the following sequence: The first will be Senator FEINGOLD's amendment on pay-go; the second will be Senator ENSIGN's amendment on veterans; the third will be Senators MURRAY and AKAKA on veterans; and the fourth will be Senator SPECTER on NIH education. I ask unanimous consent that the time will run during the pendency of those votes.

Mr. President, I ask unanimous consent that the yeas and nays be deemed to have been ordered on all four amendments.

The PRESIDING OFFICER. The yeas and nays have been previously ordered on the Specter amendment.

Is there objection to ordering the yeas and nays on all three en bloc?

Without objection, it is so ordered.

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. CONRAD. Mr. President, reserving the right to object, and I shall not object, I just want to make sure we have a couple of refinements to this. If we could; one, give people 2 minutes equally divided to describe their amendment before the vote; second, that after the first vote, the subsequent votes be 10-minute votes. And can we send a very clear signal to our colleagues. Some colleagues have been missing votes. We have to ask people to stay in the Chamber. Cast your vote. Make sure you do not miss a vote. Let's try to get these votes off quickly.

We have had a couple of votes that took 28 minutes. That just slows down the process for everybody. We should make our colleagues understand that at this moment we have 150 amendments that have been noticed to the leaders—150 between the two sides. At three votes an hour, that would be 50 hours of straight voting.

Now, if we want to subject ourselves and our colleagues to that, we will just stay on the current course. If, instead, we want to bring some discipline and some order, then we have to agree to a series of short time limits on votes.

What we would like to do is try to conclude work on the budget resolution by some reasonable hour tomorrow night, like maybe 10 o'clock tomorrow night. That could be done, but it is only going to happen if people cooperate. It is only going to happen if we show some discipline.

I urge my colleagues, if you sent a notice that you have an amendment, please, if there are amendments that are on a similar topic, join with others. Let's try to remove a substantial number of these amendments so that we can conclude at some reasonable time.

Mr. GREGG. Mr. President, let me enthusiastically second the fine comments of the Senator from North Dakota.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, on the floor right now we have the Republican leader, the Democratic leader, and the managers of the bill. What we have said is absolutely critical. We have the opportunity—but it is going to be very difficult and challenging to do—to complete this bill at a reasonable hour tomorrow night. But it is going to take the absolute discipline and cooperation of our colleagues.

Right now what that means is the next vote is going to be a 15-minute vote, but thereafter in this series of votes they will be 10 minutes, and we will be cutting the votes off. Therefore, stay in the Chamber. With that, we are going to be able to finish this bill at a reasonable time tomorrow night. Each time—even after 25 minutes we have been cutting off the votes—people complain, saying: You shouldn't be cutting off the votes.

The message being sent from the leadership of both sides of the aisle and the managers is: We are going to adhere strictly to these time limits.

Mr. REID. Reserving the right to object, Mr. President, I ask unanimous consent that the request by my friend from New Hampshire be modified that there be no second-degree amendments in order regarding the Feingold amendment and that all votes be 10 minutes after the first one.

The PRESIDING OFFICER. Does the Senator so modify his request?

Mr. GREGG. Yes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 186

The PRESIDING OFFICER. The question is on agreeing to amendment No. 186 offered by the Senator from Wisconsin. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 53 Leg.]

YEAS—50

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Collins
Conrad
Corzine
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCain
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Stabenow
Voinovich
Wyden

NAYS—50

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Warner

The amendment (No. 186) was rejected.

Mr. GREGG. Mr. President, I move to reconsider the vote.

Mr. ENSIGN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 171

The PRESIDING OFFICER. Under the previous order, there is 2 minutes of debate on the Ensign amendment.

The Senator from Nevada is recognized for 1 minute.

Mr. ENSIGN. Mr. President, very simply, the amendment I have offered for myself, Senator CRAIG, Senator VITTER, and Senator HUTCHISON increases the spending for veterans medical care by $410 million.

The President had increased $751 million over last year's spending for veterans medical care, Chairman GREGG put in an additional $40 million, and we put in an additional $410 million, which in total is a $1.2 billion increase for veterans medical care. We did it without raising taxes. We did it with no new copays for the vets, and we did not increase the deficit.

The Murray amendment increases taxes to provide for our veterans. We did it in a fiscally responsible way. We provide for our veterans. As my colleagues can see, the last several years we have dramatically increased spending for veterans and veterans medical care because we should do it. It is the right thing to do to make sure we take care of those who have sacrificed for you and me and for our freedom.

I urge a "yes" vote on this amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from Washington.

Mrs. MURRAY. Mr. President, Senator ENSIGN's amendment is a nice gesture, but we all know that a wink and a nod is not going to make the waiting lines go away for the 700,000 veterans who are serving us honorably today. We all know about the understaffed and overcrowded VA hospitals. We know about the paperwork. We know about the redtape. We know our veterans are waiting for prescription drug coverage. They are waiting for posttraumatic stress syndrome treatment. That is for the veterans who have already served.

On top of that, we have new veterans coming home today, and it is our responsibility to make sure we do more than a gesture. That is what the Akaka-Murray amendment is that we will vote on after this amendment. I urge the adoption of the Murray-Akaka amendment. That would be the real vote to say whether we care for our veterans.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 171.

The yeas and nays have been previously ordered.

This is a 10-minute vote.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 96, nays 4, as follows:

[Rollcall Vote No. 54 Leg.]

YEAS—96

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chambliss
Clinton
Coburn
Cochran
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Martinez
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Warner
Wyden

NAYS—4

Chafee
Coleman
Lugar
Voinovich

The amendment (No. 171) was agreed to.

Mr. CRAIG. Mr. President, I move to reconsider the vote.

Mr. CHAMBLISS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 149

The PRESIDING OFFICER. There are 2 minutes equally divided on the Akaka-Murray amendment.

The Senator from Washington.

Mrs. MURRAY. Mr. President, the Senate is now going to consider the real amendment on whether we are going to help our veterans. The amendment we just passed was a token amount of money to help our veterans—laudable but nowhere near what we need. The amendment we are now considering will provide the funding so the 700,000 veterans who are waiting will get the services they need.

Why do we need this? Because the number of veterans receiving veterans care has gone up 88 percent. Medical inflation has gone up 92 percent. We made a commitment to those who serve us that we will be there to serve them. That is our responsibility.

Across this country, veterans are calling to see if we keep our promise to America's veterans to fund health care now. That is what this amendment will do. It is our responsibility. It implies we will keep the promise we made when we asked young people to serve us overseas, that we will be there when they come home. It is the responsibility of this body, and I urge its adoption.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, fellow Senators, you just voted to increase the veterans budget by $1.2 billion. A 3.7-percent increase over last year's spending meets all the service requirements, meets incoming new veterans out of Iraq, serves the needs of America's veterans. The amendment you are now being asked to vote on is nearly a $3 billion increase, and a major tax increase to offset it.

If you want to raise taxes, if you want to go way beyond what is necessary to keep the quality of veterans health care alive, you should vote for this. But I hope you would not only serve your veterans but would be fiscally responsible and wouldn't raise taxes on America's working men and women, especially America's working veterans.

We ought not have to tax them to serve them in their health care. But that is what the Akaka-Murray amendment does.

I ask for a "no" vote on this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 47, nays 53, as follows:

[Rollcall Vote No. 55 Leg.]

YEAS—47

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Coleman
Conrad
Corzine
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NAYS—53

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

The amendment (No. 149) was rejected.

Mr. CRAIG. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided on the Specter amendment.

Mr. GREGG. Mr. President, I ask unanimous consent that we suspend that process for a second so I may make a request for a unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, at the conclusion of the Specter amendment, which is about to be voted on, we are going to proceed with a series of amendments and debate. We will begin a debate for an hour, hopefully, around 5:10, 5:15 on a Medicaid amendment by Senator SMITH. That will be followed by debate from 6:15 to 7 o'clock on the Carper amendment dealing with reconciliation, followed by debate from 7 to 7:30 on a Wyden amendment on bargaining, followed by debate from 7:30 to 7:45 on a Harkin amendment on education, followed by debate from 7:45 to 8:05 on a Hutchison-Ensign amendment on Border Patrol, followed by debate from 8:05 to 8:20 on a Landrieu amendment on——

Mr. CONRAD. National Guard.

Mr. GREGG. National Guard, followed by debate from 8:20 to 8:35 on a Santorum amendment on HIV, followed by debate from 8:35 to 8:50 on a Voinovich sense of the Senate on budgeting, and followed by debate from 8:50 to 9 o'clock on a Dorgan amendment on——

Mr. CONRAD. Dorgan amendment on runaway plants.

Mr. GREGG. Dorgan amendment on runaway plants.

Mr. WYDEN. Will the Senator yield?

Mr. GREGG. For?

Mr. WYDEN. For a question.

Mr. GREGG. Mr. President, I ask unanimous consent that be the order of the amendments.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. Reserving the right to object.

Mr. GREGG. Yes.

Mr. WYDEN. I just heard in the cloakroom the amendment that I am involved in is the Snowe-Wyden amendment dealing with bargaining power with respect to holding down the cost of prescription drugs.

Mr. GREGG. That is the amendment we are presuming the Senator is going to be offering.

Mr. WYDEN. If it would be clear so colleagues understand that my colleague from Maine is the lead author of this amendment and I am her partner on our side. It will be the Snowe-Wyden amendment.

Mr. GREGG. All right. I will identify that from 7 to 7:30 the Snowe-Wyden amendment on bargaining relative to Medicare will be in order.

The PRESIDING OFFICER. Is there objection to the Senator's request?

Without objection, it is so ordered.

Mr. GREGG. At the end of this time, we will determine whether we are going to vote on these amendments tonight. I certainly hope we will.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, might I suggest one other refinement, that we agree on no second-degree amendments. That is the agreement we already made between us. Maybe that would give people some comfort.

Mr. GREGG. I think we have to see amendments first, but I presume there are going to be no second-degree amendments.

Mr. CONRAD. I think one thing we could say to people is, to make clear what we are trying to do between us, the managers. We are operating in some ways on faith here, faith of trust between us.

Mr. GREGG. There will be no second-degree amendments. We may have a side by side.

Mr. CONRAD. If we have a situation that requires a side by side, then the chairman and I will work it out so we get a side by side.

Mr. GREGG. Right.

Mr. CONRAD. All right.

Mr. REID. Has the unanimous consent been agreed to?

The PRESIDING OFFICER. The minority leader.

Mr. REID. Has the unanimous consent request been approved by the Chair?

The PRESIDING OFFICER. It has been approved by the Chair.

Who yields time?

The Senator from Pennsylvania is recognized.

AMENDMENT NO. 173

Mr. SPECTER. Mr. President, I ask unanimous consent to add Senators LINCOLN, TALENT, and CANTWELL as cosponsors of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, this amendment provides for an additional $1.5 billion for the National Institutes of Health. Unless this funding is provided, more than 400 applications will have to be rejected.

In 1972, President Nixon declared war on cancer, and we still have not made sufficient progress. In a budget of $2.6 trillion, $28 billion for NIH is not enough.

The amendment also adds $500 million to education which would bring education up to level funding from last year. The Subcommittee for Labor, Health, Human Services, and Education has taken a reduction of $2.2 billion. When you figure in inflation, it adds up to a cut of about $6, $7 billion.

Virtually everybody in this Chamber, if not everybody, comes to the subcommittee with special requests for programs and for funding on matters relating to safety, worker safety, health, and education. This is minimal.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SPECTER. I ask for your support.

The PRESIDING OFFICER. Who yields time?

The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask Senators to oppose this amendment. It is something we would all like to do, of course, but we are in a budget crunch and need to make some small decisions on restraining the rate of growth. This is one of those places where we need to start. It is always nice to give away money, but $1.5 billion on a fund where we met our obligation to double it is not appropriate at this time.

On the education front, we have taken a look at all of the funding that is needed. Of course, there are a lot of things we would like to do. I appreciate the Senator from New Hampshire allowing us a $5 billion reserve for higher education reauthorization as well as some obligations in the budget process.

This amendment uses a little different process than the rest of them. It is the first amendment we have had that balances out of account 920, which means there is no money in 920. It takes money from every other account and puts it in 920 so it can be used for this. So it would actually be stealing from every other priority you might have in the budget. I ask that Members vote against it.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 173.

The yeas and nays have been ordered. The clerk will call the roll.

The result was announced—yeas 63, nays 37, as follows:

[Rollcall Vote No. 56 Leg.]

YEAS—63

Akaka
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Coleman
Collins
Conrad
Corzine
Crapo
Dayton
DeWine
Dodd
Dole
Dorgan
Durbin
Feingold
Feinstein
Harkin
Hatch
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Shelby
Snowe
Specter
Stabenow
Stevens
Talent
Thune
Wyden

NAYS—37

Alexander
Allard
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Cornyn
Craig
DeMint
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Inhofe
Isakson
Kyl
Lott
Martinez
McCain
McConnell
Murkowski
Roberts
Sessions
Smith
Sununu
Thomas
Vitter
Voinovich
Warner

The amendment (No. 173) was agreed to.

AMENDMENT NO. 204

The PRESIDING OFFICER. Under the previous order, there will be a period of debate equally divided until 6:15 p.m. on the Smith amendment.

Who yields time?

The Senator from North Dakota.

Mr. CONRAD. We are in a quorum call?

The PRESIDING OFFICER. No, we are not in a quorum call.

Mr. CONRAD. Mr. President, if I could just alert colleagues, if we could hear from Senator LIEBERMAN's office and Senator CLINTON's office about their being able to discuss their amendments tonight, that would help us reach a conclusion on tonight's activities.

I ask Senator GREGG if it would not be wise for us to alert colleagues with respect to votes tonight before we start on this hour of discussion?

Mr. GREGG. Should we go through the list?

Mr. CONRAD. Well, I think people know who is on the list. I have just asked Senator LIEBERMAN's and Senator CLINTON's office to get in touch with us if they are able to proceed tonight, which I think they are. With respect to votes, if we could alert colleagues as to that, I think that would be useful before this discussion starts.

Mr. GREGG. Certainly. It is our expectation that we will run through these amendments this evening and have very vigorous debate on all of them, hopefully add a couple of other amendments. Senator LIEBERMAN and Senator CLINTON, and on our side hopefully Senator VITTER and Senator ALLEN will speak on their amendments. As a result, we will not have any further votes this evening, but my colleagues can expect that we will have a large number of votes tomorrow and plan to be here for awhile voting.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Mr. President, it is not easy for me to come to the Senate floor and propose an amendment that I know makes life difficult for my budget chairman. It is not easy for me to oppose the President of the United States, Secretary Leavitt, Dr. McClellan, or all those in the administration who are grappling with a budgetary tsunami approaching our country related to entitlements. I am brought here as a matter of conviction, conscience, passion, on a matter that I hold as a principle, that in good times and bad, the people we do not abandon or put at risk are those who are most needy in our society.

Twelve years ago, I first won public office as an Oregon State senator. By chance, I was given a seat on the Senate Health Care and Bioethics Committee. I went into that role knowing little about medicine and its many intricacies, knowing it only as a consumer and as a businessman trying to meet a payroll. I came to that committee at a time when Oregon was leading the country in many ways as a medical reformer, a pioneer.

Oregonians are used to blazing new trails, and the Oregon trail, in the spirit of my State, led to the creation of the Oregon health plan. The basis of that was to take the Medicaid resources, plus State revenues which we raised, to provide for the needy, the disabled, the chronically ill, the children of working but uninsured, preventive health medicine, and the most medical care available for the dollars available.

In the course of my service on that committee, I came to know quite a bit about Medicaid and about the plan that Oregon was developing. It has been with some consternation that I have watched, during the recent recession, Medicaid budgets all over this country pushed to extremes, and for that reason I was one of the Republicans on the Finance Committee last Congress to precondition my vote for tax relief with relief to the States to help try to find a bandaid so that we do not take the most vulnerable of our citizens, push them out of nursing homes, deny them the basic vaccines of preventive medicine, take the chronically ill and particularly the mentally ill whose lives are often imperiled at their own hands, and put them in a position where their only recourse is the emergency rooms of our hospitals, where the care might be well meaning but the outcome is least effective, and the costs incurred then are shifted on to the plans of private employers, further making it difficult to expand health care and provide for the uninsured. So we grow the uninsured population at the expense of the private sector.

I speak to this from personal experience—trying to meet a payroll that provides health care that is growing at unsustainable rates.

Now comes along a proposal in this budget from men I care for and admire, for whom I have deep personal affection, and I understand that Medicaid is a $300 billion annual bill. I understand that in the course of the next decade it is going to double. I also understand some States game the system. I understand wealthy people transfer their assets to their kids so they can get $60,000 in Medicaid in a nursing home at our expense. I understand there are all kinds of abuses. I am committed to Medicaid reform. But what I am not prepared to do is to put the budget ahead of the policy, and that is what is going to happen if this budget contains this provision.

I already mentioned 60,000 Oregonians—Medicaid recipients under the Oregon health plan—already lost their coverage last year. Who are they? They are the most vulnerable Oregonians, with a few exceptions of those who defraud the system. They are people who have no other recourse. So when it comes to saying to this Senator, let us just close our eyes, hold our nose, and vote for this budget, it will be okay, there will be an agreement with the Governors. I have talked to the Governors. There is less unity on this issue among them than there is among us. Most of them do not know where they are going to go, except to push people into the ranks of the uninsured. What that means is private insurers, employers, will continue to withdraw health care coverage from employees. About 3 percent a year do that. And the Medicaid rolls will grow by 3 or 3.5 percent.

I have to say again publicly, I know President Bush's heart. I know Governor Leavitt. I know Dr. McClellan. These are good men. I know they do not mean ill to these people. But I have no assurance that ill will not occur to these people.

Some say we are just slowing the rate of growth. I agree. We will get the reform. But I would rather do this right than do this fast. I believe, given that we have not had a serious Medicaid commission since its creation in 1965, that we ought to have one so that the policy determines the budget. I don't know whether the proposed $14 billion cut is too large or too small. Maybe it is too small. But I don't know that. And I don't know where the $14 billion came from. But I know what it is going to mean: Another 60,000 Oregonians maybe losing health care, pressuring private plans, overwhelming emergency rooms.

I would rather let the policy determine the budget. I pled with my leader, whom I want to sustain, to create this commission, but take this number out of reconciliation. Put in there a number that puts pressure on the commission to do its job before our next budget cycle so we in the Finance Committee can respond quickly to the ideas that they agree upon and we can get working on this, making reforms that everyone can agree with. But I can't in good conscience vote aye and watch what happens, because I have seen what happens.

I plead with my colleagues, Republican and Democrat alike, to do this right and not just fast. We can do it right. We can help to mitigate this entitlement tsunami, and we can weed out the waste, the fraud, the abuse, the gaming of Medicaid. But we can do it with an eye to those who it is designed to serve. They are the elderly in nursing homes; they are the children of the working uninsured; they are the chronically ill, those too poor to deal with cancer, HIV/AIDS. They are the disabled.

I think if we are going to say Medicaid is off the table—I didn't do that. They said Medicaid is off the table; no touching it. That is fine. Social Security is all in the fight here. So let's go to the only thing that is left, and that is the most vulnerable Americans. I am simply saying: Not so fast and not in a way that will do real human damage to people who cannot fend for themselves.

What do I do with this commission? The commission consists of the following: It will establish a panel of 23 members: One member appointed by the President; two House Members, current or former, appointed by the Speaker and minority leader; two Senators, current or former, appointed by the majority leader and minority leader; two Governors, designated by the NGA; two legislators designated by NCSL; two State Medicaid directors designated by NASMD; two local elected officials appointed by NACo; two consumer advocates appointed by congressional leadership; four providers appointed by congressional leadership; two program experts appointed by the Comptroller General. They will have, hopefully in this budget cycle with other budgetary pressures that are already on Medicaid, all the impetus in the world to fix this program. But to include these people.

I ask unanimous consent to have printed a list I have of over 130 organizations that support the Smith-Bingaman amendment that are scratching their heads about what this means in human terms if we do not do this right.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 14, 2005.

Senator GORDON SMITH,
U.S. Senate,
Washington, DC.
Senator JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATORS SMITH AND BINGAMAN: We, the undersigned organizations, strongly endorse the Smith-Bingaman amendment to the Senate fiscal year 2006 Budget Resolution, which would strike all Medicaid cuts. The elimination of such cuts is essential for the health care of Medicaid enrollees, the providers who serve them, and state and local units of governments.

We understand that the Senators' amendment will include the creation of a bipartisan commission in lieu of all cuts to consider the future efficient and effective operation of the Medicaid program. Medicaid is the essential source of health access for 53 million of our nation's most vulnerable citizens, and any changes to the program should be driven by policy and not by arbitrary cuts.

Sincerely,

AFL-CIO, AIDS Action, AIDS Alliance for Children, Youth & Families, Alliance for Children and Families, Alliance for Retired Americans, Alzheimer's Association, American Academy of Child and Adolescent Psychiatry, American Academy of Family Physicians, American Academy of HIV Medicine, American Academy of Pediatric Dentistry, American Academy of Pediatrics, American Association for Geriatric Psychiatry, American Association of Colleges of Pharmacy, American Association of Homes and Services for the Aging, American Association of People with Disabilities.

American Association on Mental Retardation, American College of Obstetricians and

Gynecologists, American Congress of Community Supports and Employment Services (ACCSES), American Counseling Association, American Dental Association, American Dental Education Association, American Dental Hygienists' Association, American Federation of State, County and Municipal Employees, American Federation of Teachers, American Group Psychotherapy Association, American Medical Student Association, American Network of Community Options and Resources, American Nurses Association, American Podiatric Medical Association, American Psychiatric Association.

American Psychological Association, American Public Health Association, American Society of Transplant Surgeons, Association for Community Affiliated Plans, Association of Academic Physiatrists, Association of Asian Pacific Community Health Organizations, Association of Jewish Aging Services of North America, Association of Jewish Family and Children's Agencies, Association of Maternal & Child Health Programs, Association of University Centers on Disabilities, Asthma and Allergy Foundation of America, Bazelon Center for Mental Health Law, Catholic Charities USA, Catholic Health Association of the United States, Center for Law and Social Policy.

Center for Medicare Advocacy, Inc., Center on Budget and Policy Priorities, CHAMP (Community HIV/AIDS Mobilization Project), Children & Adults with Attention-Deficit/Hyperactivity Disorder (CHADD), Children's Cause for Cancer Advocacy, Children's Defense Fund, Children's Dental Health Project, Coalition on Human Needs, Council for Health and Human Service Ministries, United Church of Christ, Council of Women's and Infants' Specialty Hospitals, Disability Service Providers of America (DSPA), Easter Seals, Eating Disorders Coalition for Research, Policy & Action, Epilepsy Foundation, Families USA, Family Voices.

Gay Men's Health Crisis, Generations United, HIV Medicine Association, Housing Works Inc., Human Rights Campaign, Institute for Reproductive Health Access, International Association of Jewish Vocational Services, Jewish Council for Public Affairs, Kids Project, Lutheran Services in America, March of Dimes, Medicaid Health Plans of America, Medicare Rights Center, National Academy of Elder Law Attorneys, National Alliance for the Mentally Ill, National Alliance of State and Territorial AIDS Directors.

National Association for Children's Behavioral Health, National Association for Home Care & Hospice, National Association for the Advancement of Orthotics and Prosthetics, National Association of Community Health Centers, National Association of County Behavioral Health and Developmental Disability Directors, National Association of Mental Health Planning and Advisory Councils, National Association of People with AIDS (NAPWA–US), National Association of Protection and Advocacy Systems, National Association of School Psychologists, National Association of Social Workers, National Citizens' Coalition for Nursing Home Reform, National Committee to Preserve Social Security and Medicare, National Council of La Raza, National Council on Independent Living, National Council on the Aging.

National Education Association, National Family Planning and Reproductive Health Association, National Head Start Association, National Health Council, National Health Law Program, National Immigration Law Center, National Indian Health Board, National Medical Association, National Mental Health Association, National Partnership for Women & Families, National Puerto Rican Coalition, National Respite Coalition, National Senior Citizens Law Center, National Women's Law Center Paper, Allied-Industrial, Chemical & Energy Workers International Union (PACE).

Parents' Action for Children, Pediatrix Medical Group, Presbyterian Church (U.S.A.) Washington Office, Project Inform, Racial and Ethnic Health Disparities Coalition (REHDC), Renal Leadership Council, RESULTS, Service Employees International Union, Special Care Dentistry, The AIDS Institute, The Alan Guttmacher Institute, The Arc of the United States, The Children's Partnership, The National Hemophilia Foundation, The Sexuality Information and Education Council of the United States.

Tourette Syndrome Association, U.S. Public Interest Research Group (U.S. PIRG), Union for Reform Judaism, Unitarian Universalist Association of Congregations, United Auto Workers (UAW), International Union, United Cerebral Palsy, United Jewish Communities, United States Psychiatric Rehabilitation Association, United Steelworkers of America, US Conference of Mayors, USAction, Voice for Adoption, Voice of the Retarded, Voices for America's Children, Volunteers of America, Welfare Law Center.

Mr. SMITH. They will come up with long-term goals. They will determine the populations that should be served and which ones should not. There will be financial sustainability in their work product, interaction with Medicare and the safety net providers. How about the dual eligibles? I don't have the answer to those things. That is why this amendment is so important. They will talk about quality of care and any other matter of importance to this program.

I heard from my friend, Mike Leavitt, that HHS currently deals with over 2,000 waiver requests from the States every year—2,000. Those probably represent 2,000 really good ideas. If they are out there, let's put them down, weed them out, take the best, leave the rest, and come up with a program that learns from the laboratory of all the States, from all these waivers; find the efficiencies, get the technologies in there, determine the populations to be served. But let's do it right; let's not do it fast. Let's let the policy drive the budget.

When we look at all the spending we do around here, and a tough budget we already are voting over and over on—and I am determined to support my leadership on this budget—I am determined that we not leave out these most vulnerable Americans or do it in a way that in any way discounts their vulnerability and the inevitable cost shifts to the private sector that is already overburdened.

I have said it enough. I will be quiet, now, with this plea: Please vote for this amendment, the Smith-Bingaman amendment. It may well be a matter of life and death for thousands of Americans.

I am pleased to be joined on the floor, not just by my cosponsor, but also by the Senator from Minnesota, Mr. COLEMAN, and yield to him such time as he needs.

I ask him to yield then to Senator BINGAMAN.

Mr. COLEMAN. Mr. President, first, I am pleased to rise in support of the amendment offered by my colleague from Oregon, Senator SMITH, as well as Senator BINGAMAN. I appreciate the challenges faced by the Budget Committee. Finances are tight. Tough decisions have to be made. We understand that.

My dad is a carpenter. He builds with his hands. He is very good at it. I think in this case I am not so good and I think greatness skipped a generation. But my dad builds with his hands. Early on he tried to teach me: Measure twice before we cut once.

Medicaid is the Nation's single largest payer of children's health services. Medicaid accounts, on average, for nearly 50 percent of the patient care revenue in children's hospitals. One out of every four children in the United States relies upon Medicaid for health coverage. It is an essential partner in providing high quality care to all children.

Before we start restructuring or talk about cutting growth—which is what my colleagues who support the chairman's mark will say, that we are just cutting growth—I suggest that we measure twice and cut once.

Medicaid is a safety net program that is intended, as my colleague from Oregon talked about, to protect vulnerable children as well as adults struggling with severe chronic illness and disabilities and mental illness. I suggest we need to measure twice and cut once.

Minnesota's Medicaid Program is the largest health care program, providing coverage for a monthly average of 464,000 low-income seniors, children, families, and people with disabilities. Families, children, and pregnant women make up the largest group, 69 percent, but only capped at 22 percent of expenditures. The majority of expenditures, more than 78 percent, are for people who are elderly or have a disability.

As I said, let us measure twice and cut once. What we are proposing is simply a commonsense approach to carefully consider an action of this magnitude before we are committed to it. With the commission, we stand a much better chance of doing the right thing, in the right way, with broad support.

Let us sit down at the table with all the stakeholders and together decide how to make Medicaid better.

We pride ourselves on being the world's greatest deliberative body. Yet today we are faced with the proposal that will substantially change and provide funding limitations impacting, as my colleague from Oregon said, the most vulnerable of Americans, the most vulnerable among us, and we are doing it without the kind of rigorous examination that this body should demand, should cry out for.

This amendment simply provides that kind of rigorous, vigorous examination—a years's worth—saying step back for 1 year, then put together a process that allows us to do the examination, deliberation, allow the commission to hold public hearings, conduct examination, issue its report and recommendations to the President and to the Congress and the public.

Let us do Medicaid reform. We need to do it. We need to get rid of the gaming. We need to get rid of those who are abusing the system. We need to cut the waste and the fraud, but let us do it in a way which ensures that any changes to Medicaid provide sustainability, promote access to health care, and doesn't hurt those who need the program the most.

Let us look before we leap. We need to look at Medicaid to be sure we are on solid ground.

I appreciate the tough challenges the Budget Committee is facing. I have deep respect for Chairman GREGG. He has a great heart. He wants the program to work. The chairman's mark is substantially better from where we began with this proposal.

Again, let us do the kind of review that needs to be done.

I urge my colleagues to vote for this amendment and establish a Medicaid commission to study this proposal before we act.

I urge my colleagues to support this thoughtful amendment.

I yield to my colleague who is a coauthor of the amendment, Senator BINGAMAN.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

AMENDMENT NO. 204

Mr. BINGAMAN. Mr. President, I thank my colleague for yielding. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for Mr. SMITH himself, Mr. BINGAMAN, Mr. COLEMAN, Mr. BAUCUS, Mr. DEWINE, Ms. SNOWE, and Mr. CHAFEE, proposes an amendment numbered 204.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To create a reserve fund for the establishment of a Bipartisan Medicaid Commission to consider and recommend appropriate reforms to the Medicaid program, and to strike Medicaid cuts to protect states and vulnerable populations)

On page 4, line 7, increase the amount by $1,784,000,000.

On page 4, line 8, increase the amount by $2,479,000,000.

On page 4, line 9, increase the amount by $3,252,000,000.

On page 4, line 10, increase the amount by $3,589,000,000.

On page 4, line 11, increase the amount by $3,932,000,000.

On page 4, line 16, increase the amount by $1,784,000,000.

On page 4, line 17, increase the amount by $2,479,000,000.

On page 4, line 18, increase the amount by $3,252,000,000.

On page 4, line 19, increase the amount by $3,589,000,000.

On page 4, line 20, increase the amount by $3,932,000,000.

On page 18, line 16, increase the amount by $1,784,000,000.

On page 18, line 17, increase the amount by $1,784,000,000.

On page 18, line 20, increase the amount by $2,479,000,000.

On page 18, line 21, increase the amount by $2,479,000,000.

On page 18, line 24, increase the amount by $3,252,000,000.

On page 18, line 25, increase the amount by $3,252,000,000.

On page 19, line 3, increase the amount by $3,589,000,000.

On page 19, line 4, increase the amount by $3,589,000,000.

On page 19, line 7, increase the amount by $3,932,000,000.

On page 19, line 8, increase the amount by $3,932,000,000.

On page 29, strike beginning with line 23 and all that follows through page 30, line 3.

On page 40, after line 8 insert the following:

SEC. . RESERVE FUND FOR THE BIPARTISAN MEDICAID COMMISSION

In the Senate, the Chairman of the Committee on the Budget shall revise the aggregates, functional totals, allocations, levels in section 404 of this resolution, and other appropriate levels and limits for fiscal year 2006 and for the period of fiscal years 2006 through 2010 by up to $1,500,000 in new budget authority for 2006 and the amounts of outlays flowing therefrom for an appropriations bill, amendment, or conference report that provides funding for legislation reported by the Senate Finance Committee authorizing and creating a 23 member, bipartisan Commission that—

(1) is charged with

(A) reviewing and making recommendations within one year with respect to the long-term goals, populations served, financial sustainability, interaction with Medicare and safety-net providers, quality of care provided, and such other matters relating to the effective operation of the Medicaid program as the Commission deems appropriate.

Mr. BINGAMAN. Mr. President, this amendment is being proposed by Senator SMITH and myself, Senator COLEMAN, Senator BAUCUS, and other cosponsors who are listed on the amendment.

I wanted to start by commending my colleague from Oregon for his leadership on this very important issue. He has made the exact, right points. I will be brief in my comments because other Senators are here wishing to speak as well. I want to give them an opportunity to do so.

Medicaid is the most important program that pays for health care coverage in my State today. There are over 400,000 people in the State of New Mexico who receive health care because of the Medicaid Program. As he pointed out, these are the people who are most in need of that care, who are least able to cover their own health care costs.

There are 53 million of our Nation's most vulnerable children, disabled, and elderly citizens that rely on Medicaid for their well-being and livelihood. And there are 45 million Americans without health insurance coverage.

The President offered a budget proposal that added $140 billion for health care spending. Even with the proposed reductions in Medicaid spending, he was proposing a net increase of $80 billion for health care.

In contrast, the budget before us provides no spending for the uninsured and a cut in Medicaid of $15 billion over 5 years. This is important because the administration only got a scored savings of $7.6 billion in Medicaid. So, it is $140 billion short of the President's proposal on the uninsured and the cut for Medicaid is scored at twice the level of the President's budget, according to CBO.

This budget is seeking to reduce the deficit, but sadly at the expense of the uninsured and our Nation's most vulnerable children, elderly, and disabled citizens that rely on the Medicaid program.

As a result, I am pleased to be here today with my colleague Senator SMITH in support of the bipartisan Smith-Bingaman-Coleman-Baucus amendment to strike the Medicaid cuts and to replace it with a bipartisan Medicaid Commission.

Senator SMITH and I strongly believe that Medicaid needs reform and improvement. For years, Medicaid has been neglected. Democrats are often trying to push for universal coverage and neglect fixing issues with Medicaid. Meanwhile, Republicans have proposed block granting the Medicaid program without addressing reform. Just 2 years ago, that proposal was defeated on the Senate floor.

Sadly, we are here again with a proposal to cut Medicaid, but no thoughts about how to reform and improve the Medicaid program. We are imposing cuts on Medicaid at twice the level the President proposed, as scored by CBO, with little more guidance than rhetoric about cutting "waste and fraud in the system."

According to the Budget Committee staff document, "at least 34 States are estimated to be receiving up to $6 billion a year in Federal Medicaid dollars inappropriately."

Which States? I think we all deserve to know who they are and what they are doing before voting to cut funding to them. In the Senate Finance Committee, a bipartisan group of Senators asked the Secretary for that list and we still do not have it.

However, anybody that asks is being assured not to worry because their State is not the problem. How can we cut $15 billion to the States without it seriously impacting any State or any of the 53 million people served by Medicaid? Even the best circus elephant or donkey cannot pull off such a feat.

To get scored savings, the Finance Committee will be forced to make major cuts in funding to the States. Let me emphasize, no State is protected.

Also, while some of the proposals have so little detail that we have no idea about the impact on individual States, we do know the budget assumes saving $1.5 billion by dropping the matching rate for targeted case management in Medicaid from the current matching rate to 50 percent Federal and 50 percent State. Again, there is nothing about reform here. It is simply about cutting Federal funding to States. And, in this case, we do know which States, and they are the poorest States in this country.

It may come as somewhat of a shock to some in the Senate, but the cuts would fall disproportionately on the 28 States of Mississippi, Montana, Arkansas, West Virginia, New Mexico, Utah, Idaho, Louisiana, Alabama, South Carolina, Kentucky, Oklahoma, Arizona, North Dakota, South Dakota, Tennessee, Iowa, North Carolina, Indiana, Maine, Missouri, Oregon, Texas, Georgia, Kansas, Ohio, Nebraska, and Florida. President Bush carried 26 of the 28 States and those States have 43 Republican Senators and 13 Democratic Senators.

Simple mathematics tells us that will not fly in the Senate. So, two of the largest proposals for savings truly have nothing to do with Medicaid reform and one does not have enough details to allow CBO to provide scored savings and the other has enough detail that we know it will never be enacted.

So, what we have here are proposed Medicaid budget cuts in search of a policy.

It is with that in mind that Senator SMITH and I come to the floor today to actually attempt to reform and improve the Medicaid program in a systematic way. Our proposal is to strike the arbitrary cuts in the budget before us and replace them with the establishment of a bipartisan medicaid commission.

Why a Commission? Just like Social Security, just like the 9/11 Commission which examined the intelligence system, and just like Medicare, we believe that Medicaid deserves a comprehensive and thorough examination of what is working and what is not by all stakeholders—federal officials, state and local government officials, providers, consumer representatives, and experts.

Medicaid is a very complicated program. In fact, it is not one program. It is really four programs.

First, it is a program that provides health insurance for 25 million low-income children.

Second, it provides a safety net of coverage to 14 million adults, primarily low-income working families that play by the rules and work but do not have access to or cannot afford health insurance.

Third, 42 percent of Medicaid spending is actually for what are known as "dual eligibles," which are over 7 million elderly and disabled citizens that have both Medicare and Medicaid coverage. Therefore, Medicaid fills the holes in both Medicare and private insurance by providing acute and long-term care services that neither Medicare or the private sector is able or willing to cover.

And fourth, Medicaid serves as a critical payment system for our Nation's safety net, including payments to disproportionate share hospitals for indigent care or to community health centers and other safety net providers. Without that funding, many of these critical community services would end.

Medicaid is a critically important health care safety net of four different programs that provides services to over 50 million of our Nation's most vulnerable children, pregnant women, the elderly, and people with disabilities.

In New Mexico, Medicaid is, in fact, the single largest payor for health care. All told, Medicaid covers the health care costs of more than 300,000 New Mexicans—nearly one-quarter of our State's population.

It is why I believe firmly we need to make sure that we do whatever we do right rather than quick. Medicaid is the back-stop to Medicare, the backstop to private insurance, and the major funding source for our Nation's safety net providers. Medicaid is, as Health Affairs has called it, "the glue that holds our Nation's health care system together." Therefore, we must make sure reform is done right and systematically, rather than quickly and without being thought through.

I would like to take a few moments to emphasize the importance of Medicaid to our Nation's children. Again, over 25 million children receive health care services through Medicaid. This includes an estimated 42 percent of our Nation's black children and 36 percent of our Nation's Hispanic children.

Children covered by Medicaid are far less likely than uninsured children to lack a usual source of medical care or have an unmet medical, dental, or prescription drug need.

During the last presidential election, the President recognized that 9 million children lacked health care coverage and made a proposal that he called "Cover The Kids."

In his own words:

> We'll keep our commitment to America's children by helping them get a healthy start in life. I'll work with governors and community leaders and religious leaders to make sure every eligible child is enrolled in our government's low-income health insurance program. We will not allow a lack of attention, or information, to stand between millions of children and the health care they need.

The President put that proposal into his budget, but I do not see it in this budget. We should not be going backwards on children's health, but we will in this budget unless this amendment we offer today passed.

We should take time and "first do not harm" to our Nation's health care safety net. We have tried to enact reform quickly before and it has created many problems. For example, in the Balanced Budget Act of 1997, Congress cut funding for disproportionate share hospitals and Medicare physician payments in rather indiscriminate ways. As a result, the Congress has come back in 1999, 2000, 2001, and 2003 to make what are known as "provider give-backs."

The cumulative pages of legislation to correct the Medicare and Medicaid changes from 1997 now far exceed the original legislation, the problems continue and, in some cases, even grow. In fact, we have a crisis with Medicare physician payments that everybody acknowledges will now cost billions and billions of dollars to correct.

Unfortunately, these "fixes" are not reflected in this budget, but we all know that the Congress will have to address the problem. I fear the budget, as currently proposed, will create more problems that need fixing rather than correcting the current problems.

Therefore, Senator SMITH and I call for a process by which we can enact reforms to Medicaid but do it correctly, rationally, and in a bipartisan fashion. For example, we should ensure that people have more access to home- and community-based care in Medicaid. Doing so would provide care in more cost-effective and appropriate settings for many Medicaid patients.

However, despite a lot of rhetoric about how this is one of the reasons Medicaid needs reform, the budget proposal before us does not address this problem.

There are those that believe Medicaid is "flawed and inefficient" and that costs are spiraling out of control so the program needs overhaul. On the other hand, there are those who believe there is absolutely nothing wrong with Medicaid. I firmly believe neither point of view is correct.

First, Medicaid is far from broken. The cost per person in Medicaid rose just 4.5 percent from 2000 to 2004. That compares to just over 7 percent in Medicare and 12.6 percent in monthly premiums for employer-sponsored insurance. If that is the comparison, Medicaid seems to be about the most efficient health care program around, even more so than Medicare.

The overall cost of Medicaid is going up largely, not because the program is inefficient, but because more and more people find themselves depending on this safety net program for their health care during a recession. While nearly 5 million people lost employer coverage between 2000 and 2003, Medicaid added nearly 6 million to its program. Costs rose in Medicaid precisely because it is working—and working well—as our Nation's safety net health program.

Consequently, Medicaid now provides care to 53 million low-income Americans, including nearly one-quarter of all New Mexicans.

On the other hand, it is also not true that Medicaid is not in need of improvement. The administration is rightly concerned about certain State efforts to "maximize Medicaid revenues" via "enhanced payments" to certain institutional providers. Secretary Leavitt, in a speech to the World Health Care Congress on February 1, 2005, referred to State efforts to maximize Federal funding as "the Seven Harmful Habits of Highly Desperate States." As a result, he called for "an uncomfortable, but necessary, conversation with our funding partners, the States."

I would agree. However, Medicaid cuts driven by a budget reconciliation process is not a dialogue or conversation. It is a one-way mechanism for the Federal Government to impose budget cuts on the States. The administration's budget calls for $60 billion in cuts to Medicaid over 10 years, including $34–40 billion that would directly harm States.

Where is the conversation in that? In fact, I believe the States would have quite a lot to say to the Federal Government in such a conversation. While I do not speak for the National Governors' Association, the National Conference of State Legislatures, or the National Association of Counties, some of their grievances are rather obvious and I share them.

For one, these cuts are merely a cost-shift to State and local governments that simply force State Medicaid programs to enact cuts in coverage to our Nation's most vulnerable populations or require tax increases to make up for the loss of Federal funding. It is pretty simple. If the Federal Government cuts $15 billion out of Medicaid, New Mexico will likely lose over $100 million in Federal funding for Medicaid. Either some of our State's most vulnerable citizens will lose coverage or benefits, or taxpayers will be asked to pay more.

Governor Richardson is a pretty impressive guy, but he cannot magically produce the $100 million that the Federal Government would cut to our State under this budget proposal.

Second, as figures from the Kaiser Family Foundation indicate, 42 percent of the costs in Medicaid are a result of services delivered to Medicare beneficiaries. These dual eligibles are also a major driver of health costs in Medicare and this is a prime example of where the Federal Government pushes costs on to Medicaid. Instead, better coordination between Medicare and Medicaid could improve both programs and delivery of care to "dual eligibles." States have been calling for better coordination for years to no avail.

Third, for all the rhetoric about being concerned about what States are doing in drawing down Federal funding, we should acknowledge that the Federal Government passes the buck on to States in other ways. For example, in the Medicare prescription drug bill that was passed by the Congress in 2003, the Federal Government imposed what is referred to as a "clawback" mechanism which forces the states to help pay for the federally-passed Medicare prescription drug benefit. Although States were expected to derive a financial windfall from the prescription drug bill, they are now finding that it will cost them millions of dollars more annually through what is referred to as the "clawback provision" than if the bill had never passed.

Furthermore, CBO estimated that States had $5.8 billion in added enrollment of dual eligibles in Medicaid due to what they refer to as a "woodworking" effect on dual eligibles trying to sign up for the low-income drug benefit discovering they are also eligible for Medicaid benefits. CBO further estimated that States had $3.1 billion in new administrative and other costs added by the prescription drug legislation.

States have no ability to "have a conversation" with the Federal Government about the imposition of such costs on them, but they should and will have that ability in our bipartisan commission on Medicaid.

Furthermore, due to a recent rebenchmarking done by the Department of Commerce's Bureau of Economic Affairs with respect to the calculation of per capita income in the States and the application of that data by the Centers for Medicare and Medicaid Services, or CMS, the Medicaid Federal Medical Assistance Percentage, or FMAP, many States, including New Mexico, will see a rather dramatic decline in their Federal Medicaid matching percentage. In fact, due to the rebenchmarking and other factors, 29 States will lose Medicaid funding in 2006 by an amount of in excess of $800 million. Again, this occurred with no dialogue or conversation.

I agree with Secretary Leavitt that there should be a conversation among all the stakeholders about the future of Medicaid and about what are the fair division of responsibilities between the Federal Government, States, local governments, providers, and the over 50 million people served by Medicaid. It is for this reason that the bipartisan commission on Medicaid includes all of those stakeholders at the table to have a full discussion and debate about the future of Medicaid.

It is our intent that the recommendations would not only be focused on spending inefficiencies but about improving health care delivery to our Nation's most vulnerable citizens. However, they are not mutually exclusive. In fact, both can and should be done.

Before closing, I thank Senator SMITH for his leadership on this issue and the over 100 organizations—State and local governments, providers, and consumer groups that have endorsed this amendment. We have the attention and support of all these groups to come to the table to make Medicaid more efficient and effective in the delivery of care to our Nation's most vulnerable citizens. We should not pass up that opportunity.

The policy needs to drive the budget.

As Senator SMITH said, and as Senator COLEMAN said, we cannot just take a figure out of the air and say we are going to cut Medicaid because we need to make up some money in the budget in order to get to the number that we predetermined we ought to get to. That kind of arbitrary cut in Medicaid, when we are doing nothing to constrain the growth of Medicare, when we are doing nothing to constrain the growth of spending in a lot of other areas, would be irresponsible. Exactly as Senator SMITH pointed out, it is important that we do this right, that we do this fast.

This first chart I wanted to point to shows the States in red which are going to suffer these cuts. There is $4 billion proposed for cuts in these States that are depicted in red on this map. It turns out that most of those are the States that supported the President's reelection in large numbers.

We have a couple of other charts which I very briefly would like to point out. One is a chart that points out that Medicaid is not the great inefficient program that everyone is pointing to. Medicaid has grown 4.5 percent per year the last few years. Medicare has grown over 7 percent. The private sector health care expenses have grown over 12 percent. There is enormous growth in Medicaid because more and more people are depending on Medicaid. That is the simple point.

This last chart points out that 42 percent of the cost of Medicaid is because of the "dual eligibles." These are people who are covered by Medicare, but Medicaid is having to pick up a substantial portion.

We need to understand these programs better before we begin cutting them. The Senator from Oregon has provided a real service to us in the Senate by focusing attention on this.

I hope my colleagues will support this amendment.

I yield the floor.

Mr. SMITH. Mr. President, I yield time to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. Mr. President, I appreciate the leadership that Senators SMITH and BINGAMAN are showing with regard to Medicaid.

I rise today to speak in support of the pending bipartisan amendment offered by Senators SMITH and BINGAMAN to eliminate the $15 billion in cuts to the Medicaid program mandated under this resolution. Instead of letting the budget process drive Medicaid reform, this amendment directs the creation of a bipartisan Medicaid commission to investigate and consider possible improvements to the Medicaid program. In other words, this amendment would ensure that policy drives Medicaid reform, not the arbitrary and unjustified cuts in this resolution.

Last week Senators WYDEN, MURRAY, JOHNSON and I offered a successful amendment during markup of this resolution. The sense of the Senate we offered, which was agreed to unanimously by the Budget Committee and is a part of this resolution, states that the Finance Committee shall not achieve any savings under reconciliation that would cap Federal Medicaid spending, shift Medicaid costs to the States or providers, or undermine the Federal guarantee of Medicaid health insurance.

It simply is not possible to cut $15 billion from the Medicaid program without violating this agreement. Cutting $15 billion from Medicaid means taking $15 billion directly from the States. It means that States will be left with the tough choices of decreasing reimbursements to providers, eliminating services like prescription drugs and specialized services for the mentally retarded for families and elderly who rely on Medicaid now for these services, or raising taxes to preserve these services.

These cuts come at a time in which States are already struggling with the escalating costs of the Medicaid program. In 1985, 8 percent of State budgets went to Medicaid. Today, on average, 22 percent of States' budgets are spent on Medicaid. In New Jersey, fourteen percent of the State budget is spent on Medicaid. States are having to make tough choices about whether to cut critical health services for their most vulnerable or reducing funding for education programs.

What this resolution says to States and the 53 million children, pregnant women, elderly, and disabled who would be uninsured without Medicaid coverage is that they are simply going to have tough decisions. We are in tough budget times so you are going to have to choose between cutting health care or education.

I would like to share with my colleagues a couple of charts that demonstrate the tough choices that Chairman GREGG and the President are asking us to make. This first chart compares the $15 billion in Medicaid cuts that the Chairman has assumed to balance the budget along with the $204 billion cost of making the President's tax cuts for millionaires permanent. These are the tough choices—preserving access to health care for millions of poor Americans or handing out hundreds of millions in taxes to the wealthiest in our country—which this budget poses. Frankly, I don't think this is a tough choice. It is an easy one. We must preserve access to health care for our Nation's most vulnerable and we must maintain our Federal obligation to the States to pay our fair share for these services.

I would like to point out that States are also facing massive costs as they work to transition their Medicaid beneficiaries who are dually eligible for Medicare into the new Medicare prescription drug benefit. States like New Jersey that have State pharmacy assistance programs for non-Medicaid eligible seniors will also have to bear significant new costs to ensure that these programs coordinate with the new Medicare drug benefit.

Not only are States going to have to bear enormous costs of transitioning these beneficiaries, but if they choose to provide more generous benefits than offered under the Medicare law they will have to finance those benefits with State dollars. My State of New Jersey, which plans to wraparound the Medicare benefit to ensure that those on Medicaid have access to the prescription drugs they need, has estimated that the State will spend an additional $92 million in 2005 and 2006 to pay for these costs.

Now, under this resolution, New Jersey would lose $90 million a year in Federal Medicaid funding. How much more money is the Federal Government going to demand from the States? It is outrageous and unfair and it is an abdication of our Federal responsibility to force these costs on the States.

I asked my State to tell me what kind of impact that a $90 million loss in Federal funding would have on New Jersey's Medicaid program. The Medicaid director in my State gave me two options: the State will either have to eliminate health insurance for more than 20,000 low-income children and pregnant women who are considered "optional" beneficiaries because they earn just above 133 percent of the poverty level, which is $20,000 for a family of four. Or the State could eliminate so called "optional" services, including dental care, pediatric and optometric care, hearing aid services, optical appliances, psychological services, hospice care, and medical day care for individuals with Alzheimer's and dementia. And of course, there is a third option—increasing taxes to maintain these services.

We simply can't address the underlying problem of escalating health care costs, which are driving up the costs of the Medicaid program, by asking States to cough up more money or by forcing them to eliminate critical services. We need meaningful, long-term solutions that will control health care costs across the board for Medicaid, as well as for Medicare and private insurance.

We need to change the fact that nationally 42 percent of Medicaid expenditures are spent on Medicare beneficiaries. This is because Medicare does not provide long-term care. So when we talk about a Medicaid crisis, what we really should talk about is the crisis in long-term care in this country. We are an aging population. As my generation retires, we will demand more long-term care services. Yet we have no long-term care system in this country. As it currently stands, the Medicaid program is our long-term care program.

The Smith-Bingaman amendment directs the creation of a bipartisan Medicaid commission to investigate these issues and to develop recommendations on how to decrease costs in the Medicaid program without burdening States or cutting services. A commission comprised of members of congress, governors, State Medicaid directors, and beneficiary advocates is necessary to develop real policies to strengthen Medicaid. It simply does not make sense to pull a number out of thin air like this resolution does. Policy should drive the numbers—not the other way around.

I urge all of my colleagues to adopt the sensible approach proposed by Senators SMITH and BINGAMAN.

I don't understand how we can have a process of Medicaid reform driven by budgets without thinking through where that is going to come from. We heard our other colleague talk about where the burden of those cuts will fall.

I specifically asked what would happen if the proportionate deduction of cuts in New Jersey were to occur, which would be by the Senate's version about $90 million to the State, and the gross-up would be $180 million.

We are talking about Alzheimer's daycare for seniors. We are talking about hospice care. We are talking about basic dental, chiropractic care, hearing aids, and optical for our seniors.

It is impossible to understand how we want to take this hard cut without knowing the direction we are going to take.

The PRESIDING OFFICER. The time of the opponents has expired.

Mr. CORZINE. Mr. President, I ask my colleagues to support the intelligent and responsible approach that

Senators SMITH and BINGAMAN proposed.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I will discuss for a few minutes this amendment and the Medicaid Program in our country.

I am glad I had a chance to hear the Senator from Oregon and the Senators from Minnesota, New Jersey, and New Mexico. Their amendment would direct the Finance Committee to reduce the growth of Medicaid spending by $14 billion over the next 5 years.

Before I say anything else, let me point out there is no cut—no cut, no cut—of any kind. Medicaid spending over the next 5 years will go up 41 percent if left alone. The Budget Committee recommends it go up 39 percent instead of 41 percent. Where I come from, that is no cut; that is a 39-percent increase in the amount of money.

The amendment also has a very good idea, which is to enact a commission to take a broad look at the Medicaid Program and report back to Congress in 1 year with its recommendations, which means in another year we might get around to doing something about it.

The Senator from Oregon talked about the tsunami coming. He is exactly right. He is talking about the tsunami in mandatory spending we have all been talking about and how important it is to get spending under control. If I may respectfully say, I believe his position could be fairly characterized as saying we heard the tsunami is coming; let's wait around a year or two before we get off the beach and appoint a commission to study. My position is appoint the commission, but the prudent thing is to move to higher ground while we study all of this. And we can move to higher ground.

What I want to say in the next few minutes is that in order to restrain the growth of Medicaid spending from 41 percent over the next 5 years to 39 percent over the next 5 years, which is $14 billion out of $1.12 trillion, we know exactly what to do to do it and we should move to higher ground and get going with this before we are drowned by this tsunami of mandatory spending Social Security and Medicaid and Medicare that will make it impossible to fund preschool education, to fund kindergarten through 12th grade, to fund our research laboratories, our research and health, and maintain the greatest research universities in the world. That is the choice we will have to make.

We heard chilling evidence—there is no other way to talk about it—chilling evidence in the Budget Committee this year from the most nonpartisan observers, the Comptroller of the Currency, for example, about the tsunami, as the Senator from Oregon discussed, and what it is going to do.

This chart shows all this red in Social Security, Medicare, and Medicaid spending as a percentage of gross domestic product today in the neighborhood of 7 or 8 percent. This is the amount of our gross product, everything we produce in the United States, that we spend on the total Federal Government—a little less than 20 percent. Here is where Medicare, Medicaid, and Social Security are headed. In other words, we will go down the road, 2030, and it is not so long away, and we will be spending 20 percent of everything we produce in the United States just on health care. We are not spending that much today on the whole Federal Government.

What the proposers of this amendment are saying is, we see this, we see it is coming, let's stay on the beach another year or two and not do one single, solitary thing about it except appoint a commission to talk about something every Governor in States worries about. We have committees in this Congress that have studied this for years. We know some things to do. We know how to take a few steps to higher ground.

Let me put a little perspective on this, if I may, for a moment. I ask to be told when I have 10 minutes remaining.

The PRESIDING OFFICER. The Senator has 20 minutes 46 seconds.

Mr. ALEXANDER. Let me make another point with another chart. This has to do with State government. I have a State perspective. Someone said, Alexander is still acting as though he were a Governor, and I hope he can get over that. I hope I never get over it because I think it is a contribution I can make from the point of view of a Governor.

What I struggled with as Governor was how to keep Medicaid growth under control, to create centers of excellence, and pay good teachers more for teaching well, and have low taxes. It was a fight every year. The red is the State spending in Medicaid. People here get Medicare and Medicaid confused, but Medicaid is a program, as earlier said, that helps many of our low-income Americans. It is administered by the State government, but it is funded, about 60 percent or so, by the Federal Government and run by the State government. The eligibility requirements are basically set up in Washington, and then you go down if you are the Governor and you have to run it according to what some Congressman decides you need to do. And then as you are running it and you make some decisions, the Federal courts come in and limit what you do. So you have eligibility requirements saying the caseload is going up 40 percent over 5 years. That is what the Governors are dealing with. And the CPI, the Consumer Price Index, for health care is three times that of the normal CPI and Governors are left sitting there with Federal eligibility requirements, rising health care costs, and courts not allowing them to make decisions, so they are stuck. I know that because I was a stuck Governor all during that time.

Let me point out what we are trying to say to do today. This is the amount of money we are going to spend on Medicaid from the Federal Government in the next 5 years, $1.11 trillion. This is the reduction in the growth of spending we are suggesting, $13.9 billion. We are suggesting instead of going up 41 percent, go up 39 percent.

That can be done. There are a few steps we know to do today to move to higher ground so we can do that while we are doing a full-fledged study of Medicare. But we cannot do it by repeating a litany of waste, fraud, and abuse, and better efficiency and flexibility. That will not cut it. We are going to have to change some laws here so Governors have more flexibility and so Federal courts do not interfere as much with the decisions that elected officials are supposed to make.

Let me make a few suggestions. I can suggest four or five steps we can take now and we can move to higher ground now that would help save this $14 billion so that States could serve people well while we are continuing to constrain the growth of Medicaid spending. These reforms would save money for both States and the Federal Government. They would be voluntary, giving the States flexibility, and they would not cut one person off Medicaid insurance options.

Here are the things we can do. These are a few of the most obvious things to do. We ought to be able to do them in 60 days. One, let Medicaid buy prescription drugs the same way Medicare does. That would save money, several billion a year in the first year, but it would require a change in our Federal law. Allow States to crack down on Medicaid spend-out abuses when wealthier individuals give away their money with the expectation that Medicaid will cover their health care costs if they become ill. We will have to change the law to permit that to be done.

Allow Governors to require copayments of benefits for optional Medicaid population. We require some people to be covered from here. States may add to that. When they do, they should have some flexibility.

No. 4, allow States to have flexibility to allow mothers and children in optional programs to enroll in what we call the SCHIP Program, a health insurance program.

Finally, make it easier for States to provide home and community-based care for beneficiaries who prefer it to more costly nursing home care.

We have a 2-year Congress here. We are here every week, about. We are here most weeks. We have lots of committees that have been studying this issue for a long time. We can adopt a budget in March and we can have a Finance Committee hearing and pass a law some time this year and we can restrain the growth of Medicaid spending by $14 billion and give Governors and States a chance to restrain the growth of spending and get budgets under control. That would save money here and it would save money in the States for preschool education and universities and other programs that Governors prefer.

There is another thing we need to do. We need to pass the legislation Senator PRYOR and I and Senator CORNYN and Senator NELSON and others have introduced and Representative COOPER in the House has introduced that would make it easier for Governors to run Medicaid and harder for courts and plaintiffs' lawyers to do it. We should put term limits on the outdated consent decrees that keep Governors like the Democratic Governor of Tennessee from doing what he was elected to do. He was elected to restrain the growth of Medicaid spending.

When I left the Governor's office, health care spending was 16 cents out of every State tax dollar, and education spending was 51 cents out of every tax dollar. Today, because of the growth of Medicaid spending in Tennessee, education is 40 cents out of every tax dollar, and health care is 26 cents out of every tax dollar, and going up.

We will not have great colleges and universities if we do not start today to restrain the growth of Medicaid spending. So I would respectfully suggest that a commission could be of some help. A commission could be of some help if we were serious about it, which I know its proposers are, but we are not going to be able to just move around the fringes. We are going to have to have a completely different view of health care in America. Then we are going to have to transform Medicare. Then we are going to have to transform Medicaid. And along the way, we are going to have to do what is a relatively easy thing to do compared to the other two, fix Social Security.

Together, those unfunded liabilities, that mandatory spending is going to grow. This red on the chart is going to grow to make this a noncompetitive United States of America and drown our States in debt.

I suggest that it is correct that the tsunami is coming. I suggest that this budget that Chairman GREGG has worked on makes only modest steps in fiscal discipline. Yes, it reduces our deficit if we stay on this path. By the time President Bush goes out of office, our annual deficit will only be half as much as it is this year. But our debt still goes up every year. Senator CONRAD has made that point time after time after time.

This is the only proposal in this budget to restrain the most difficult part of spending growth, which is mandatory spending. This budget overall spends $2.6 trillion for next year, $100 billion more than last year. That whole $100 billion is mandatory spending.

So we are suggesting: Let Medicaid grow at 39 percent instead of 41 percent. See the tsunami coming. Appoint a commission to study it. But do the prudent thing. Take a few steps to higher ground that are perfectly obvious while we are studying it. We can easily do that this year.

I urge that we reject the amendment and that we support the budget which takes a modest but important step toward controlling the biggest challenge we have budgetarily in Washington, DC, and that is controlling mandatory spending.

I see the chairman of the Finance Committee in the Chamber. I wonder if he would like to speak.

Mr. GRASSLEY. Ten minutes, please.

Mr. ALEXANDER. Mr. President, how much time remains?

The PRESIDING OFFICER. Eleven minutes 20 seconds.

Mr. ALEXANDER. Mr. President, I yield 10 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I probably will not use the full 10 minutes.

Mr. President, I have the utmost respect for the Senator from Oregon and the Senator from New Mexico. They are both members of the committee I chair. They are contributing members, very serious members of the Committee on Finance.

They are people who care deeply about providing health care coverage for our most vulnerable citizens.

I have listened with interest as my friend from Oregon talked with great passion about providing mental health services for these fragile individuals receiving public health services.

I share the commitment of the Senator from Oregon and the Senator from New Mexico to providing the necessary care to individuals with disabilities, our senior citizens, and mothers and their children.

And yet, knowing all this, I also have a concern that if their amendment passes, we will fail to enact meaningful improvements to the Medicaid system. If we fail to do that, we could ultimately end up hurting the very same individuals for whom we show so much concern.

I understand that the key feature of the Smith-Bingaman amendment would create a bipartisan Medicaid commission. I have said for a while there needs to be a common language associated with Medicaid reform. Republicans and Democrats alike do not agree even on what the word "reform" means when it is applied to Medicaid. Some believe it means curtailing costs. Others believe it means expanding coverage. A Medicaid commission could help bring us together in developing common themes and ideas of needed reforms.

However, the need to make some critical changes to Medicaid that would capture savings over the next few years and the creation of this commission are not mutually exclusive. We could have both.

If we simply let the program function in the way that it has been over the next few years, States will continue to be squeezed and will have no choice but to begin curtailing services for the elderly and the disabled. To some extent that has been happening in some States.

Everyone needs to realize when a State makes a decision to not serve Medicaid people and to save State dollars, that saves money at the Federal level, but that is not the wisest way to do this. The Federal Government should not be saving money because the States cannot do the things they need to do. What we need to do is give the States more leeway on serving their people in that particular State without assuming that we here in Washington have all the answers.

Quite frankly, we would be better off working together to see what could be saved, and save State dollars in an intelligent, rational way, and, at the same time, save Federal dollars in an intelligent, rational way, rather than making States do it in a crisis environment, which ends up saving us money at the Federal level. That is why it is necessary that we work together with the States to save this money. But you can also set up a commission that would make long-term suggestions on the change.

Now, I know that curtailing services for this class of people helped by Medicaid is not a scenario that Senators SMITH and BINGAMAN want to see unfold.

First, the Medicaid drug payment system is in significant need of reform. The average wholesale price system clearly overpays for drugs. Just as we took the average wholesale price out of Medicare in the Medicare bill 2 years ago, it seems to me we can and must change this payment system in Medicaid.

AWP, average wholesale price, is a flawed system, and we all know it. AWP is more known today as "Ain't What's Paid," instead of what it really meant to say, "Average Wholesale Price."

Capturing savings by making this commonsense improvement is not inconsistent with a commission. While there is much that we can learn from a commission, we do not need a commission to tell us that the average wholesale price system of paying for drugs is flawed.

A recent General Accounting Office study showed that the best price system is also significantly flawed. If

States are not getting the best price, it costs both the Federal Government and the State governments.

There is another Medicaid problem that we know about, and that is a proposal to crack down on the schemes that are currently legal whereby seniors divest themselves of their assets in order to qualify for Medicaid.

Mr. President, there is a virtual cottage industry that instructs seniors on how to give away their homes, properties, cars, and other assets in order for them to qualify for Medicaid. Surely, no one would agree this is in the best interest of the Medicaid Program, and surely you don't need a commission to tell us this.

The President has rightly put on the table new regulations that will govern asset transfers that allow a senior to go on Medicaid for long-term care. This commonsense proposal, as well, is not one that we need a commission to make and could ultimately save dollars so States can continue to spend the money on those who cannot afford care, as opposed to spending money on people who can afford care. This would be serving the elderly and the persons with disabilities who are very low income.

While the change the President is suggesting is simple, we must, in addition, continue to discuss the proper role of Medicaid and long-term care. The commission Senators SMITH and BINGAMAN are proposing would be very useful in that context. However, we should not let the perfect be the enemy of the good. There are things we can do this year to make improvements in the Medicaid Program, and we should do that.

We should eliminate wasteful practices and we should help States get the flexibility they need to better manage their programs, saving both Federal and State dollars.

We know Medicaid's share of State budgets is growing at an unsustainable rate. Medicaid spending is growing so fast that it is beginning to rival education as a cost in some States.

If we take no action this year, we will continue to put States in the position of having to choose between supporting education and providing services to vulnerable populations.

I am going to continue to work with Secretary Leavitt. He has been working with a bipartisan group of Governors to identify areas of agreement for making changes in Medicaid.

I will commit the Finance Committee to a bipartisan process, where we keep in mind principles that guide us in producing better Medicaid. The Finance Committee will look at proposals that produce shared savings for the Federal Government and our State funding partners. The Finance Committee will look at proposals that emphasize State flexibility through voluntary options for States. The Finance Committee will do this while making a commitment not to eliminate coverage for Medicaid beneficiaries.

But I cannot be more adamant that doing nothing has negative consequences. If we don't eliminate wasteful practices, if we don't provide States the necessary flexibility—and that is something the Governors are asking for—and if we don't provide States relief, they are simply going to do what they have to do: cut people off the rolls in order to balance their budgets.

Doing nothing is far worse for Medicaid beneficiaries than a rational, reasoned approach to protecting and strengthening the program.

While I appreciate the intent of my colleagues, I must oppose the Smith-Bingaman amendment, and I urge my colleagues to oppose it as well.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, how much time remains?

The PRESIDING OFFICER. There is 1 minute 14 seconds.

Mr. ALEXANDER. I thank the Senator for his commitment to work in a bipartisan way to create legislation that would give the States the flexibility they need to help people on the Medicaid Program and to restrain its growth and do it in a way that saves money for States and the Federal Government, that gives more flexibility, and then avoids cutting people off Medicaid.

I will sum up in this way. There is talk about fiscal discipline, about reducing the deficit. This is the only significant opportunity we have in this whole budget debate to reduce the growth of mandatory spending. What we are suggesting is, instead of letting it go up 41 percent, we let it go up 39 percent over 5 years. I suggest if we cannot do that, we cannot do anything this year, and we should not go home and say we are interested in fiscal discipline.

I don't believe there is anybody in this Chamber who is more of a defender of States than I am, but I believe that between March and October, we can take a few relatively minor steps, make a minor adjustment in the growth of spending, and give States important new flexibility.

I thank the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask unanimous consent that we amend the pending order of amendments being considered and add to the list Senator LIEBERMAN, from 9 to 9:30, on a homeland security amendment; Senator VITTER, from 9:30 to 9:45, on a port security amendment; and that at 9:45, Senator BROWNBACK be recognized for up to 15 minutes for debate purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I appreciate Senator CARPER being here, as his time is starting for a discussion on his amendment. The time on these amendments is going to run. If the Members don't show up, the time is still going to run. That will be their opportunity to put their amendment down and make their point. After Senator CARPER, I will note that Senators SNOWE and WYDEN will come on at 7 o'clock and then Senator HARKIN at 7:30, Senator ENSIGN and HUTCHISON are at 7:45, Senator LANDRIEU is at 8:05, Senator SANTORUM at 8:20, Senator VOINOVICH is at 8:35, Senator DORGAN is at 8:50. And we mentioned Senators LIEBERMAN and VITTER.

The PRESIDING OFFICER. There will now be a period of debate, equally divided, until 7 p.m. on the Carper amendment.

The Senator from Delaware is recognized.

AMENDMENT NO. 207

(Purpose: To provide for full consideration of tax cuts in the Senate under regular order)

Mr. CARPER. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. CARPER] proposes an amendment numbered 207:

Strike paragraph (b) of Section 201.

Mr. CARPER. Mr. President, the amendment I offer this evening is actually a fairly simple one. It strikes the section of the budget resolution that gives reconciliation protection to some $70 billion in tax cuts. The amendment doesn't prohibit those cuts. It simply says if we are going to cut our taxes by another $70 billion, we either need to come up with a way to pay for that or to sort of offset that with the Treasury or we need to be able to produce 60 votes here in the Senate.

At a time when deficits are already high, I, for one, believe we should not make it any easier to dig the hole deeper.

Sometimes I like to quote a former Chancellor of the Exchequer, a British fellow, who used to say this, talking about the theory of holes:

> The theory of holes is when you find yourself in a hole, stop digging.

The amendment we offer here tonight is based in part on that theory of holes made famous by the Chancellor of the Exchequer. Faced with the kinds of deficits that we do face when we are cutting domestic programs, reconciliation should not be used for tax cuts that dig the deficit hole even deeper. Our Nation should be getting its fiscal house in order, not undermining the foundation of that house.

If proponents of additional tax cuts wish to cut taxes further, they should pay for them. They should offset them, in my view. We already have that requirement on the spending side of the

Federal ledger. I believe we need to apply the same principle to the tax side. Now, the Senate voted on Senator FEINGOLD's and Senator VOINOVICH's amendment to reinstate pay-go requirements that require Congress to find offsets to pay for any new tax cuts or spending on any entitlement programs. My amendment takes the area of this budget resolution where we are actually spending more money—and that is $70 billion in tax cuts—and applies the pay-go standard.

As demonstrated by my vote on the Feingold-Voinovich amendment, I favor applying pay-go standards universally, both on the spending side and on the tax side. My views are pretty basic. I think when we are faced with budget deficits that are in the area of $400 billion again this year, if I or anybody else wants to raise spending, in effect making the deficit larger, I would have to come up with an offset for it.

If I can, I have to muster 60 votes for that offset. Similarly, in an era of $400 billion deficits, if I want to cut taxes, as well intentioned as that might be, but if doing so simply raises the budget deficit, I should be able to offer that amendment. My amendment says that anyone seeking to do so would have to muster 60 votes to cut taxes in a way that raises the budget deficit even further.

The reconciliation process is a fast-track procedure that was designed to facilitate the passage of deficit reduction legislation in the Congress. The process was intended to protect hard-to-pass deficit reduction legislation from a filibuster and to ensure that such legislation could pass with 51 votes rather than 60 votes in the Senate. In recent years, however, Congress has used these special procedural protections to make it easier to cut taxes, to increase deficits, and to increase our Nation's debt.

Tax cuts enacted in reconciliation bills in 2001 and again in 2003 cost the Treasury nearly $2 trillion over 10 years. The current tax reconciliation instruction would make it easier to pass an additional $70 billion in tax cuts without requiring that they be offset or paid for. This is the very opposite of the way these fast-track procedures were intended to be used, and the consequences for our fiscal situation have been mounting deficits and mounting debt.

When President Bush took office some 4 years ago, the Congressional Budget Office projected surpluses of $5.6 trillion over the next decade and that virtually all publicly held debt would be paid off by 2008. However, if we adopt the policies in this budget resolution, including these tax cuts, debt in 2008 will total $5.7 trillion based on CBO's estimate of this budget proposal. In a span of 4 years, we have really moved from a CBO projection of surpluses of $5.6 trillion over the next decade that would have enabled us to have paid off publicly held debt by 2008 to where we see ourselves in a situation where CBO says, no, forget that; rather, our debt in 2008 will be in $5.7 trillion—not paid off, it will have grown to $5.7 trillion.

This is not about being against tax cuts but about making the decision that at a time of unprecedented Federal budget deficits, if we are going to cut taxes further, those cuts ought to be offset.

Reconciliation evolved during the last period of large deficits to help Congress take the difficult steps necessary to balance the budget. It worked then and it can work again if we use these procedures to reduce deficits, not to make them larger.

My first tour of duty to Congress was at the beginning of 1983 as a Member of the House of Representatives. I had a lot to learn then. I still do. Among the things I needed to learn in 1983 was how the budget process worked because I did not understand it very well. I had been the treasurer of the State of Delaware for 6 years before that, and I was familiar with the budget process in my State, one that was similar to budget processes in many other States. In the State government in Delaware, the Governor proposes a budget sometime in the early part of a calendar year for a fiscal year that starts on July 1. There are hearings on the Governor's proposal. The legislature debates the Governor's proposal both for an operating budget and for a capital budget. Sometime before July 1, the legislature usually adopts an operating budget and a capital budget. We go out. We run the State. We use those budgets that have been adopted.

When I got here, I found out it was not that way at all. Sometime in the early part of the calendar year, the President proposes a budget that now kicks in around the beginning of the new fiscal year, around October 1. There are hearings before the Budget Committees in the House and the Senate on the President's budget proposal.

The next step is for the Congress to adopt a budget resolution, which is not a real specific budget; it is sort of a skeleton or a framework for the budget—roughly, we are going to spend our money in these areas, we are going to raise our money from these areas, and in the end hopefully it will all balance.

After we have adopted a budget resolution, we come back and put the meat on the bones, the meat being the 13 appropriations bills we have traditionally enacted that provide the real detail of the budget resolution.

At the end of the budget process, usually sometime in September, ideally, we do some cleanup in order to make sure that we are going to hit our balanced budget target or deficit reduction target. At the end of the process, we pass a reconciliation.

When the Budget Act was adopted in the mid-1970s, the notion was that budget reconciliation would be used to help make sure we made the tough decisions to cut spending or to raise revenues in order to balance our budget or to get us closer to a balanced budget. So keep in mind the initial idea, the reason we had reconciliation, was to ensure that the Congress made the tough decisions to reduce budget deficits—in fact, to try to balance our budget.

One of the great ironies today, is budget reconciliation has come to be used in an entirely different way. It is not used to help us make the tough decisions to reduce deficits, but, sadly, it is being used to make the deficits larger.

My point of view is this: Things are worth paying for whether they are veterans benefits, defense programs, education, or transportation. If they are worth having, we ought to pay for them. If we are not willing to raise the taxes to pay for them, we simply should not have as many or any of those programs in this country.

At the very least, I believe if we are going to allow a Member of the Senate to stand up and say, I want to raise spending on my favorite program, and we know that doing so makes the deficit bigger, there ought to be an offset. If they cannot come up with the offset to pay for that spending increase, they ought to be able to muster 60 votes to do so. I believe the same should apply if this Senator or any other Senator wants to come in and cut taxes, however well intentioned that might be. If doing so simply raises the deficit, we ought to have the right to offer that proposal, but if it is going to raise the deficit, we ought to also have to muster 60 votes just like we would on the spending side. So that is my amendment.

Will the Chair inform me as to how much time I have remaining?

The PRESIDING OFFICER. The Senator has 10 minutes remaining.

Mr. CARPER. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. I yield to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I yield myself such time as I might consume.

Mr. President, some on the other side on several different occasions have trotted out several multiple arguments against the tax relief reconciliation instructions to the Finance Committee that I chair. Now, I am not going to get into any debate over whether budget reconciliation can, in fact, be used for tax legislation because there has been plenty of precedent established over the years in the Senate, whether the Senate has been controlled by Republicans or controlled by Democrats.

As an aside, though, I find it intriguing to consider the views of some on the other side feeling so strongly, as they have indicated, that partisan tax increases such as the 1993 tax hike legislation should enjoy expedited reconciliation process, and somehow our using that this year is wrong. They care not a whit about raising $1 trillion in taxes as was done in the 1993 tax bill on a party-line vote under the process that is called reconciliation, but talk about bipartisan tax relief in reconciliation and somehow they get very irate. It seems to be a big double standard, so I come to the floor not to debate these points. Rather, I want to tell you why we should have a reconciled tax relief package.

Let's look back just to the last Congress as a precedent. In that Congress, late in an election year, we passed a couple of tax relief proposals that were allegedly supported on both sides of the aisle. With an election facing them, many on the other side reluctantly supported extension of the family tax relief proposals. Keep in mind that conference vehicle was opened a year earlier—a year earlier. You would think something that passed just before the election should have been considered over the course of a year, but it was not. You would think it would be simple, by how it finally passed, but there were obstacles put in the path of it all the time.

We were not as lucky when we took up the FSC/ETI legislation. That bill was drawn up in a bipartisan way by Senator BAUCUS and this Senator. The bill came out of the Finance Committee with only two dissenting votes, and those dissenting votes were Republican votes. Despite the bipartisan support, it actually took two cloture votes and the threat of a third cloture vote to break a Democrat filibuster on a tax relief bill Democrats claimed to support.

I have a chart behind me that represents goalposts on a football field. Tax relief bills have a way of becoming political footballs. We brought up the FSC/ETI legislation on March 3, 2004, and did not complete it until May 11, more than 2 months later, the same year. That is over 2 months to do a tax relief bill that had unanimous support from Democrats on my committee. Members, sometimes for partisan reasons, sometimes for other reasons, decide to filibuster by amendment or other tactics.

Now referring to another bill, referring to the charitable tax relief bill that we call the CARE Act, let me point out that we were unable to go to conference because of Democratic leadership objections over the years 2003 and 2004. Also, do not forget that we were unable to get energy tax relief because of a filibustered conference report.

So what happens? Reconciliation creates an opportunity for certainty. Reconciliation, obviously, is not my first choice. Reconciliation prevents must-do tax legislation from becoming political footballs, as you see the goalposts move from time to time. In this case, I had hoped that those who say they want to address issues such as alternative minimum tax hold harmless would not filibuster. If you say you care about expiring provisions that are going to expire this year, such as the college tuition deduction, you should care about reconciliation—if you want to get that done. It will be tough enough to address expiring tax relief provisions. There is demand for revenue of about $90 to $100 billion in this budget, and tax relief numbers of $70 billion. That means I have to find offsets for about a fourth of that, of $20 billion to $30 billion over 5 years, just to keep taxpayers where they are now. Not more tax relief—stopping existing tax policy from ending and having automatic increases in taxes. That will be tough enough without political football tactics of filibusters by amendment or otherwise, as we saw over the course of last year, that I am just using for an example.

But it is a lesson to be learned—to have a process in place where people who say they are for tax relief cannot say they are for tax relief and then stall the process forever and ever. Necessarily, I have to have a reconciliation option in this Finance Committee playbook. I appreciate the Budget Committee's efforts of providing that option. I urge my colleagues to retain that option. Otherwise you are not being realistic when you tell the folks back home that you support extending these tax relief provisions.

In other words, I would like to have us avoid the environment where people can say they are for something but then stall for 2 months to finally get it done, moving the football goalposts down the field. What reconciliation does is it gives us an opportunity to get done what people say they want done.

There are a lot of tax provisions that have to be worked on this year that have almost unanimous support. People can say they are for them but put roadblocks in the way, or move the goalposts to keep them from happening. Reconciliation is going to protect us from that sort of activity.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. CARPER. Mr. President, I would like to make a comment, and then I will yield time to Senator CONRAD.

For 8 years immediately before coming to the Senate I was privileged to serve as Governor of my State. During those 8 years we cut taxes 7 years out of 8. However, for 8 years in a row we also balanced our budget.

Tonight, as we gather here, we face a budget deficit for the year probably in the range of $400 billion again. We came off a budget deficit for last year of over $400 billion. Our Nation's trade deficit this year is expected to exceed $600 billion.

I say to my friends, that kind of lifestyle is not sustainable. We are not going to enjoy the standard of living that we do today if we continue down this path of spending ever more money as a country than we raise, and forever buying more from abroad than people buy from us—not by just a little bit but by a lot.

Our trade deficit for the month of January was, as I recall, about $60 billion. We can go back only as recently as 1990, and I think our trade deficit for the whole year was about $30 billion.

We are on a dangerous path. For us to continue willy-nilly along the same course is playing with fire. Again, the principle that is part of this, that really underlies this amendment, is if you have a big budget deficit and you want to cut taxes further, and it has the effect of raising the budget deficit, you can do that. But when you have a budget deficit of over $400 billion and as far ahead as we can see there is more red ink, we ought to make it a little more difficult to cut taxes and, frankly, we ought to make it more difficult to raise spending.

I yield to my friend from North Dakota, Senator CONRAD, for however much time he wishes to consume.

Mr. CONRAD. How much time is remaining on this side?

The PRESIDING OFFICER. Just under 8 minutes.

Mr. CONRAD. Would the Chair advise me after I have consumed 5 minutes?

The PRESIDING OFFICER. Certainly.

Mr. CONRAD. Mr. President, the more I listen to this debate about the budget, the more I feel as though I am in some time warp, or some sort of surreal out-of-body experience because the other side talks about the need for more tax cuts and more spending. They never talk about the fiscal condition of the country at this moment. They never talk about where it is all headed.

This is the circumstance we face tonight as we meet. This looks back to 1980. The green line is the revenue line, and the red line is the expenditure line of the Federal Government. The last time our Republican friends were in control back in the 1980s, we can see the expenditure line is way above the revenue line as a result of the massive deficits.

Then a Democrat took office, and the spending line came down steadily. The revenue line went up, and the result was we balanced the budget. We stopped using Social Security money for other purposes.

Then we got another Republican administration, and the revenue line collapsed, the spending line moved up, and the deficits again opened up dramatically. That is a fact. That is undeniable. That is what happened.

Our Republican friends are plenty ready to spend the money, but they do not want to raise the taxes to cover their spending, and they don't want to cut their spending to match their revenue. The result is deficits as far as the eye can see.

Here is what has happened since our Republican friends took over. The deficits have gone through the roof. It is not only the deficits, but the debt as well. The debt was $3.3 trillion—publicly held debt—and now it is headed for $9.4 trillion.

Our Republican friends come with a budget that they say is fiscally responsible, but their own numbers give lie to the rhetoric. If you look at their own budget document on page 5 where they estimate how much they are going to increase the debt each and every year of this budget, here is what it shows. They are going to increase the debt $669 billion this year, $636 billion next year, $624 billion the next year, $612 billion the next year, and $611 billion the fifth year. They say they are cutting the deficits in half, but the debt goes up every year by over $600 billion, according to their own estimates.

The Senator from Delaware comes with an amendment that says you shouldn't have special protection to further reduce the revenue base. You shouldn't have special protection that says we take the revenue base that has already collapsed and reduce it further with special protections from the traditional way of doing business in the Senate. Instead, if somebody wants to have more tax cuts, they should pay for them. There is an old-fashioned idea—pay for it. That is what the Senator from Delaware is saying. You can have more tax cuts, but pay for them, either reduce the spending to pay for them, or increase revenue somewhere else to pay for it, but don't tack it onto the debt. Don't add it to the deficit. Don't shove this onto our kids. Don't add this onto the already burgeoning Federal debt. It is a conservative idea. It says let us pay for what we do around here.

I thank the Senator for his comments.

The PRESIDING OFFICER. Who yields time?

The Senator from Colorado.

Mr. ALLARD. Mr. President, I happen to think we need to take care of those taxes where they are expiring. If we don't deal with them, the rates are going to go up. We have a number of tax provisions that are within the 5-year window of the budget resolution that is before us. Three of them are what we refer to as economic growth, taxes we reduced, investment and job creation incentive, and taxes we reduced.

I think one of the most effective taxes in stimulating the economy is reduction of capital gains. It is set to expire within this 5-year window.

If you look as far back as the Kennedy administration, he reduced capital gains to create more income during his administration so he could spend on other programs. Because you cut taxes doesn't mean it is going to reflect a decrease in revenue to the Federal Government. We have seen that happen from time to time. It happened during the Reagan administration. It helped pay for defense spending. We have seen it in my State of Colorado.

Right now, we happen to have in my State of Colorado a modified national tax where we build off of the Federal tax bottom line form. One time we didn't, and we reduced capital gains in the State of Colorado and, lo and behold, revenues increased to the State of Colorado.

We have seen this happen now under the Bush administration with the tax incentives we put in place, which included a 15-percent tax rate on capital gains income, and included a 150-percent tax rate on dividend income, and increased 100 percent the deduction for small business expenses. Having done that, here is what we have seen happen.

February's nonfarm payroll growth exceeded analysts' expectations and was broad-based. We saw nonfarm payroll increase 262,000 in February, above the 225,000 median analysts' estimates, according to Bloomberg. It was the largest nonfarm payroll gain since October of 2004 and only the second gain of over 200,000 since last May. We saw 121 consecutive months of job gains, and have added more than 3 million new jobs to the payroll. The unemployment rate declined to 5.4 percent from 5.6 percent a year ago. Now it is below the 1980s peak of 10.8 percent, the 1990 peak of 7.8 percent, and the 2000 year peak of 6.3 percent, according to OECD, which is an international organization that looked at the unemployment rate in the United States and compares it to other countries. According to its rating, the unemployment rate in the U.S. is low again in comparison to our major trading partners.

The United States has 5.5 percent, France's unemployment rate is 9.6 percent, 4.1 percent higher than in this country, Germany is 9.8 percent, the Euro area is 18.9 percent.

We look at all these figures, and I don't see how anybody can deny the fact that those taxes where we reduced them for the purpose of driving the economy didn't work. It did work. It created more revenue for the Federal Government.

We can tax things to the point where you get very little revenue to the Government. I think we have been through an era where spending and taxing both have been on the higher side. When that happens, you decrease production, and the result is you have less revenue. Just raising taxes doesn't mean you automatically are going to get more revenue to the Federal Government. On the other hand, because you cut taxes doesn't necessarily mean you are going to get less revenue to the Federal Government. It depends on where your tax rate is.

We have seen time and time again where we took a tax such as capital gains, we reduced it in the Kennedy era, we reduced it in the Reagan era, we reduced it in local States, and we have seen the effects by the adjustments within the States. We have seen it happen recently with the budget tax incentive and, lo and behold, revenues increased to the Federal Government.

That is why Members such as myself feel it is important that we keep in the reconciliation process the opportunity to begin to extend these taxes. Obviously, they are not going to be extended permanently. I prefer to extend them permanently. Obviously, that is not going to be possible around here. I am willing to go ahead and extend them again further on a temporary basis and deal with them later.

If you are going to stimulate the economy, I think you have to turn to the small business sector. That is the real engine that drives this economy. It is the small business sector. That is where innovation occurs. That is where individuals can own their own business and be motivated to produce. We see that time and time again in this country. I have seen it in my State of Colorado.

I am a small businessman myself, having had a veterinary practice. I understand the vital role small business will play in economies of cities throughout this country. We had a 100 percent deduction for small business on expensing. That had a phenomenal impact on revenues to the Federal Government in a positive way. It is one of the taxes that increased revenue to the Federal Government. We saw such a dramatic drop in the unemployment rate.

It is important we not do away with the goose that laid the golden egg. We need to look at what has worked historically and we need to continue that policy. If we do that, we will continue to see our economy grow.

The President is on the right track. This budget is on the right track to, at the very least, extend out those taxes.

There are some Members that would have liked to have seen more in the reconciliation bill. The $70.2 billion that is in here that they are talking about is a bare minimum as far as I am concerned. I wish we had a lot more. I think we could have done more to further stimulate the economy.

It is not the government that creates new jobs, it is the small business people out here that are working. They are the ones who really create jobs. It is the free enterprise system in this country that creates jobs. When you create jobs, you can hold down government expenses and you can generate more revenue to the Federal Government.

There are other expiring tax provisions that the Finance Committee can look at. They are not what I would classify necessarily as economic growth. They do not stimulate economic growth when you reduce them necessarily, but they help to contribute to the environment that helps our economy grow. I look at some of these that will expire within this window and I hate to turn my back on them, because they are popular, many of them, among the American people. Relief from individual alternative minimum tax; the research and experimentation tax credit; the deduction for teachers' classroom expenses; deduction for qualified education expenses; deduction of State and local sales taxes; cutting the welfare-to-work tax credit, work opportunity tax credit, credit for electricity produced from wind, biomass, and landfill gasses, tax credit for hybrid fuel cell vehicles; the first-time home buyer credit; and expensing of brownfields for mediation. Just a few of those taxes that will be expiring within the 5-year window that is provided for in this budget.

My view is if these are worthy programs, we are much better off to reduce taxes in a way that stimulates those programs to grow than to say we will spend Federal dollars and promote these programs and subsidize these businesses. That is the wrong way. We are better off to keep a competitive environment by reducing taxes on some of these programs that are vitally important.

I firmly believe the President is on the right track. I firmly believe the tax cuts we have put in place since the President was first elected to office are working, and it would be very disappointing to me and I think it would be a wrong track to somehow or other turn our back on those tax incentives that have proved to do so much for improving the economy in this country and improving revenue not only to the Federal Government but the State governments. The figures are looking better among State and local governments.

I for one am going to stand and say, look, we need to have those provisions in the budget because we want to continue to see economic growth so that we can continue to have a strong and competitive economy. If we just turn loose the free enterprise system, the American people will generate the revenue that we need to sustain our economy. We just need to give them the incentive to produce. We do that, we have done that in the past, and we need to extend these out. It is very important.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Delaware.

Mr. CARPER. How much time remains?

The PRESIDING OFFICER. Three minutes.

Mr. CARPER. My friend from Colorado has reflected on the fiscal behavior of his State and I reflected earlier on the fiscal policies of my own State of Delaware. We like to cut taxes from time to time in my State. We also understand that at the end of the day we need to balance the amount of money that is coming in with the amount of money we are spending.

There was a time when Delaware did not do such a good job of reaching that kind of balance. We were best in the country at spending more than we anticipated and writing in less than we estimated. In fact, we were the best in the country in that and ended with the worst credit rating in the country in 1977.

Whether it is Delaware, Colorado, or actually a country, we cannot forever live beyond our means. It is one thing to run budget deficits, which are a very small percentage of our gross domestic product, maybe for a short period of time. It is another matter when we run budget deficits which are a significant portion of our gross domestic product. When we look forward to the future, we do not see those deficits getting any smaller unless we assume we will not spend any money on Iraq or unless we assume we will not spend any money on Afghanistan and unless we assume things like we are not going to fix the alternative minimum tax.

We ought to fix the alternative minimum tax. I would like to extend the R&D tax credit. There are other provisions of the Tax Code I would like to extend as well. I am sure most of us would.

The point I am trying to make is this: If we elect to do those things, they have the effect of making our budget deficits larger and to increase our need to borrow money, then we ought to provide for an offset. We ought to provide for an offset by reducing the growth in spending in other portions of the budget or we need to collect more taxes, do a better job of collecting the taxes that are owed but not collected. We need to close some tax loopholes if there are things that are abusive that are part of our Tax Code in order to come up with the offset.

We cannot sustain this forever. As a nation, we cannot continue going around the world and borrowing ever larger sums of money to fund our national debt. We certainly cannot continue to buy so much more from other places around the world. This month alone $60 billion more we will buy from the rest of the world than we will sell. It is not sustainable. We need to instill a bit of old-fashioned common sense and fiscal discipline.

I started earlier talking about the Chancellor of the Exchequer theory of holes; my friends, we need to stop digging.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, could we be updated on the time situation.

The PRESIDING OFFICER. Earlier the Senator from Colorado yielded his time so there is no time on either side.

Mr. CONRAD. So the next amendment up would be Senator WYDEN; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. CONRAD. From 7 to 7:30 is the Snowe-Wyden amendment. We will put in a quorum call so they can prepare to offer their amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DEMINT). Without objection, it is so ordered.

Mr. ALLARD. Mr. President, we will recognize Senator SNOWE, and we will recognize her on the Democrats' time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine.

AMENDMENT NO. 214

Ms. SNOWE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. SNOWE], for herself, Mr. WYDEN, Mr. FEINGOLD, Mr. MCCAIN, and Mrs. FEINSTEIN, proposes an amendment numbered 214.

Ms. SNOWE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure that any savings associated with legislation that provides the Secretary of Health and Human Services with the authority to participate in the negotiation of contracts with manufacturers of covered part D drugs to achieve the best possible prices for such drugs under part D of title XVIII of the Social Security Act, that requires the Secretary to negotiate contracts with manufacturers of such drugs for each fallback prescription drug plan, and that requires the Secretary to participate in the negotiation for a contract for any such drug upon the request of a prescription drug plan or an MA-PD plan, is reserved for reducing expenditures under such part)

On page 40, after line 8, insert the following:

SEC. 1. RESERVE FUND FOR REDUCING EXPENDITURES UNDER MEDICARE PART D.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, functional totals, and other appropriate levels and limits in this resolution upon enactment of legislation that provides the Secretary of Health and Human Services with the authority to participate in the negotiation of contracts with manufacturers of covered part D drugs to achieve the best possible prices for such drugs under part D of title XVIII of the Social Security Act, that requires the Secretary to negotiate contracts with manufacturers of such drugs for each fallback prescription drug plan, and that requires the Secretary to participate in the negotiation for a contract for any such drug upon the request of a prescription drug plan or an MA–PD plan, by the amount of savings in that legislation, to ensure that those savings are reserved for reducing expenditures under such part.

Ms. SNOWE. Mr. President, I rise today, along with my good friend and colleague, Senator WYDEN, to offer this amendment, and on behalf, as well, of Mr. FEINGOLD, Mr. MCCAIN, and Mrs. FEINSTEIN. The amendment would repeal the prohibition that we now have and was included in the Medicare Modernization Act that passed last year that would have prevented the Secretary of Health and Human Services from negotiating prescription drug prices.

I think, as we all know, prescription drugs are an indispensable part of modern medicine today. Drug coverage was not originally part of the Medicare Program. We deemed it, rightfully so, to be part of the new Medicare Program for the future.

As we all well know, not only do pharmaceuticals play a critical role, but also we have seen the dramatic rise in prescription drug prices as well. In fact, starting within weeks of passage of the Medicare Modernization Act, we saw a vastly increased cost estimate for the prescription drug benefit. Mr. President, $534 billion from the administration was the reestimate. In fact, we cannot even get the Congressional Budget Office to give us a net cost of this benefit, which seems to be not only escalating but also changing from time to time since the passage of this legislation. And I think we can expect that to be the case in the future.

So it is no surprise that the annual growth in the cost of the benefit will far outpace inflation. As this chart indicates, we see an upward trajectory of drug prices that is two and three times the rate of inflation.

My good friend, Senator WYDEN, and I received a report from the Government Accountability Office, and the news was not good, as this chart illustrates, when you see drug prices going up two and three times the rate of inflation, especially so that this rate increased during the time of consideration of the Medicare Modernization Act. So you can see the major difference in the price changes that is two or three times over the rate of CPI.

It is actually even worse than what this graph would indicate. Those with fixed incomes, for example, have seen the long-term effects of the price increases that seniors are experiencing all across America, certainly in my State of Maine. A senior with $250 in monthly drug costs, in 1999, would need to spend $298 to purchase those same prescription drugs in 2003—not newer, not better drugs, but the same products.

But this is the trend. This trend indicates that purchasing power is eroding, and beneficiaries are not going to realize the full value, the full benefit, and the full promise of the act that passed that included this new Part D benefit.

Now, Senator WYDEN and I have introduced legislation repeatedly on the very question as to how we can maximize the value of this prescription drug benefit. It is in the interest of seniors. It is in the interest of taxpayers. It is certainly in the interest of good public policy.

One of the best tools we can give the Secretary of Health and Human Services is the ability to negotiate prescription drug prices. There was a prohibition in the Medicare Modernization Act, regrettably. There should not have been a prohibition. We should have been able to give the Secretary of Health and Human Services the same authority and prerogative that is utilized at the Veterans' Administration, that is utilized by the Department of Defense, very effectively, very successfully.

So why is it that the Secretary of Health and Human Services cannot have that same prerogative and the ability to control prices on prescription drugs, something that is utilized all across America, most certainly by seniors? It can make the difference between life and death, the progression of a disease that ultimately could result in more costly illnesses.

So that is what this is all about: whether we are prepared to give the Secretary of Health and Human Services the authority to negotiate prescription drug prices.

That is what our amendment does. It allows the Secretary to have that authority. It is permissive authority, but on the other hand, there will be two instances when it would be required. I think it would be in the interest of all of us to understand that this will be an improvement on the legislation that passed that provided the prescription drug benefit. One, as you know, there is a fallback provision in the legislation that passed. In areas of the country where there may not be competitive plans, we want to make sure those seniors, regardless of where they live in America—urban or rural areas—if there is a fallback plan, we want to make sure they get the best prices, competitive pricing.

That is why it would require the Secretary, in our amendment, to negotiate prices in those instances, so that they don't become victims of high prices because there is a lack of competitive plans to be offered in that particular area of the country.

The second instance would be, if providers would request assistance because the manufacturers are not negotiating in good faith. Again, that is another instance which we think would be desirable in the interest of good public policy to ensure that the Government is negotiating the very best prices because, ultimately, it is going to be the taxpayers. It will drive up the cost of the prescription drug plan that went from $400 billion up to $534 billion, and we don't have any idea how high it is going to go. CBO is not even prepared to estimate it at this time.

I cannot imagine why there would not be a willingness on the part of the Senate to embrace this approach and give the negotiating power to the Secretary of Health and Human Services. In fact, former Secretary Thompson indicated that he wished he had had that authority. At his press conference, during the time of his resignation as Secretary, he indicated:

> I would like to have had the opportunity to negotiate.

That is a very powerful statement coming from the former Secretary. He well understood that the vital ingredient for controlling the cost of prescription drugs was to have this negotiating power in order to ensure that we could maximize this legislation, this benefit on behalf of seniors, most certainly, and also on behalf of taxpayers. We have seen the annual increased projections of about 8.5 percent and the cost of the Part D benefit. I don't think any of us are under any illusion that if we, the Federal Government, don't have this ability to use and exercise this prerogative at key moments in time, we will lose and devalue this benefit for seniors because their purchasing power will erode quickly over time.

With that, I would like to yield to my colleague, Senator WYDEN of Oregon. I appreciate his leadership on this issue and working to make sure we have the very best initiative that would, hopefully, draw a majority of support in the Senate.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Parliamentary inquiry: I need to speak with the Senator from Colorado and the Senator from North Dakota. I haven't had a chance to speak. Senator SNOWE has done a superb job. In 3 or 4 minutes, I could sum up any additional comments. I know other colleagues want to speak and Senator STABENOW wants to speak. Could we work out something where we would have a few more minutes?

Mr. ALLARD. Before we work out that agreement, I would like to be able to give those Members in opposition an opportunity to speak. We had this time pretty well set between 7 and 7:30. The time was running when we were waiting. I would like to call on them and see how our time runs. That might be possible.

Mr. WYDEN. I think that is very fair. After Senator GRASSLEY is done, maybe we can work it out where I can have 4 minutes and Senator STABENOW can have 4 minutes.

Mr. ALLARD. We will see how the time goes. I will yield to Senator GRASSLEY first.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I would like to be notified when half of the time on this side is used. I want to reserve time for Senator HATCH. Will the Chair inform me?

The PRESIDING OFFICER. The Chair will do so.

Mr. GRASSLEY. Mr. President, the amendment by the Senator from Maine and the Senator from Oregon about the noninterference clause will not result in savings, and it is going to undermine a drug benefit that is not even up and running yet. I don't know how you can propose changes in legislation that effectively doesn't get started until January 1, 2006. How do you know things are not going to work until you have had some experience with it?

I have urged everybody to hold off on changing anything in the prescription drug bill until you actually see it functioning. It seems to me to be very difficult to work on a piece of legislation like this and try to change it before it has been operational.

First and foremost, let me be clear about something again. The Medication Modernization Act does not prohibit negotiations with drug companies. That could not be further from the truth. In fact, it requires the Medicare plans to negotiate with drugmakers for better prices. These negotiations are at the heart of the new Medicare drug benefit plan.

The absurd claim that the Government will not be negotiating with drugmakers comes from a noninterference clause in the Medicare law. This noninterference clause does not prohibit Medicare from negotiating with drugmakers. It prohibits otherwise the CMS from interfering with those negotiations that are provided for.

Let me be clear, the noninterference clause is at the heart of the bill's structure for delivering prescription drug coverage. This clause ensures those savings will result from market competition, rather than through price fixing by the Center for Medicaid Services bureaucracy.

Here is what is so funny about what we are discussing today. The same noninterference clause language that we have in the law right now was in the Daschle-Kennedy-Rockefeller bill and the Gephardt-Dingell-Stark bill in 2000. The Daschle bill was in 2002; the Gephardt bill was in the year 2000.

I want to read for you what this says:

> In administering the prescription drug benefit program established under this part, the Secretary may not (1) require a particular formulary or institute a price structure for benefits; (2) interfere in any way with the negotiations between private entities and drug manufacturers, and wholesalers; or (3) otherwise interfere with the competitive nature of providing a prescription drug benefit through private entities.

Now, where did that language come from? It comes from the bill introduced by Senator Daschle and cosponsored by 33 Democrats, including Senator KERRY. They all thought their approach, which was incorporated in our legislation passed in 2003, and has now been dubbed by opponents of it, including the sponsors of this amendment, as "preventing Medicare from negotiating," was a fine approach when it was suggested from the other side of the aisle.

In fact, at the time, this is what Senator Daschle had to say.

> Our plan gives seniors the bargaining power that comes with numbers. . . . Our plan mirrors the best practices used in the private sector. For beneficiaries in traditional Medicare, prescription drug coverage would be delivered by private entities that negotiate prices with drug manufacturers. This is the same mechanism used by private insurers.

Just for the record, opponents now also have claimed that Republicans insisted on including the so-called ban in the Medicare Modernization Act that somehow we "pushed through." I remind these people—and they are here right now—that the whole concept was developed by Democrats.

The Congressional Budget Office has concluded that the market-based approach in the new Medicare law will result in better, higher prescription drug cost management for Medicare than any other approach considered by Congress. That is the green eyeshade people in the Congressional Budget Office.

The PRESIDING OFFICER. The Senator is at 6 minutes.

Mr. ALLARD. Mr. President, I believe we have two speakers on this side who want 4 minutes apiece. I ask unanimous consent that we have 8 minutes on this side extended out and that we give Senator GRASSLEY another 4 minutes to wrap up his speech, and then another 4 minutes on the time of Senator HATCH, if we might. There have been some cancellations, and we can take it off the time later on.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GRASSLEY. Okay. I quoted the Congressional Budget Office. Here is what the Congressional Budget Office said about eliminating the noninterference clause in a letter just last year:

> The Secretary would not be able to negotiate prices that further reduce Federal spending to a significant degree.

The letter went on to say:

> CBO estimates that substantial savings will be obtained by the private plans.

That is the way we wrote this bill and what the Senator is trying to change.

Now, we also have an analysis from the Chief Actuary for the Medicare Program. The Chief Actuary is required by law to provide independent actuarial analysis on Medicare issues. The Chief Actuary's report states the view that the Medicare prescription drug plans will achieve average cost reductions of 15 percent initially, and that these cost reductions will rise to 25 percent over 5 years.

The Chief Actuary has concluded that he does not "believe that the current administration or future ones would be willing and able to impose price concessions that significantly exceed those that can be achieved in a competitive market."

In fact, more astonishing, the Chief Actuary points out that if Medicare establishes drug price levels, it will reduce competition, not increase it. Their report states:

> Establishment of drug price levels for Medicare by the Federal Government would eliminate the largest factor that prescription drug plans could otherwise use to compete against each other.

Further, their report points out that the past experience in the Medicare Program does not give one much, if any, confidence that Medicare will do a good job in setting prices. Far from it. As confirmed by the Actuary's report, prior to the enactment of the prescription drug bill, drugs in Part B "were reimbursed at rates that, in many instances, were substantially greater than prevailing price levels." So Medicare does not have a very good track record when it comes to price negotiations.

So let me be clear: Direct Government negotiations is not the answer. The Government does not negotiate drug prices. The Government sets prices, and it does not do a very good job at that.

The bill's entire approach is to give seniors the best deal through vigorous market competition, not price controls. Again, a quote from Senator Daschle when he outlined the principles of his Medicare prescription drug benefit:

> Fifth, we should take a lesson from the best private insurance companies: Cost-savings should be achieved through competition, not regulation or price controls.

Even The Washington Post editorial page wrote on February 17, 2004:

> Governments are notoriously bad at setting prices, and the U.S. Government is notoriously bad at setting prices in the medical realm.

The Congressional Budget Office said that such a proposal "could generate no savings or even increase Federal costs."

So we did not rely on Government price-fixing but instead created a new drug benefit that relies on strong market competition, an approach relied upon by the MEND Act as introduced by Senator Daschle and cosponsored by 33 Democrats.

The new Medicare drug benefit creates consumer choices among competing, at-risk private plans. The Medicare plans will leverage the buying power of millions of beneficiaries to lower drug prices. I urge my colleagues to oppose efforts to repeal the noninterference clause and oppose efforts to get the Government involved in setting drug prices. It is a prescription for higher costs and undermining the competitive market in the Medicare bill that will result in lower drug costs. Let us not interfere with that with some sort of attempt to strike the so-called noninterference clause.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, every time one turns around, the costs of the prescription drug program go up and up. The bipartisan Snowe-Wyden proposal is the only proposal that is being offered in the Senate to take steps to protect taxpayers and seniors. This does not undermine anything. Nothing is going to change other than the Snowe-Wyden legislation provides an additional tool in order to hold down the costs and protect taxpayers.

Without this proposal, Medicare is going to be like a fellow standing in line at the Price Club buying toilet paper one roll at a time. Nobody in America shops that way. If one is buying a car or buying anything at a store, they try to get the best value. That is what this legislation is all about. In fact, the only areas where anything is required is when the private sector says an additional boost in bargaining power is necessary or in the case of what are called the fallback plans which are so important in the rural areas where there are no restraints at all in terms of what can be charged.

Given the mounting concern about the cost of this program, where it has gone up almost every couple of months since it was signed, I would think that the other side, the opponents of the Snowe-Wyden legislation, would say: All right, we are going to oppose Snowe-Wyden, and here is our proposal. The fact is, the other side seems to say the status quo is just fine. The status quo with the costs going into the stratosphere is something that apparently they are not too upset about. Senator SNOWE and I see it differently. We believe it is important to provide an additional tool, the kind of tool that is used in the private sector, and we think it will be meaningful.

Ultimately, this vote is a vote about whose side the Senate is on. If my colleagues vote for this bipartisan legislation, they stand with taxpayers and seniors who would like this additional tool so that marketplace forces can be used to hold down costs. If my colleagues vote against this, in effect they are voting for the status quo because, I would just emphasize, there is no other proposal being offered by the opponents. They seem to say everything is fine.

We do not. We think there is a bipartisan approach that makes sense. It is the approach that is used every single day in the private sector of this country. It uses marketplace forces to get the best possible deal, and ultimately what the Snowe-Wyden proposal is all about is whether common sense is going to prevail.

I hope my colleagues will support it. Several additional colleagues—Senators LEAHY, CANTWELL, and KOHL—would like to serve as cosponsors.

I particularly want to thank Senator CONRAD for his patience as this has been developed and gone through various iterations. I note my friend Senator HATCH, who has great expertise in this area as well, wants to speak.

I wrap up by thanking Senator SNOWE. We have been at this for 4 years. Both of us support this legislation. This is an important effort to try to get it right. When we started, nobody expected that the costs would escalate the way they have. This is likely to be the only vote the Senate gets to cast this year on prescription drug cost containment. I hope my colleagues will not pass up the opportunity to take a bipartisan step in the right direction, the direction of making this program work at a critical time when seniors are going to start signing up for the benefit that starts next year.

I yield the floor.

The PRESIDING OFFICER. Who seeks time?

The Senator from Michigan.

Ms. STABENOW. Mr. President, I appreciate my colleagues allowing additional time for me to speak. I thank my friends who have introduced this amendment, which I am so pleased to be cosponsoring, Senators SNOWE and WYDEN, for their ongoing leadership. I very much appreciate their leadership and eloquence in talking about this issue.

I find it interesting in this debate that Senator Daschle is used in quotes from the other side, from the distinguished chairman of the Finance Committee. The reality is that was a different proposal. That was a Medicare prescription drug benefit very different than what we ended up passing.

What is most important is that the former Secretary of Health and Human Services, Tommy Thompson, said as he left office that he would have liked to have had the opportunity to negotiate lower prices. If that was in the bill, why, when he left, did he say he wished he had the ability to negotiate lower prices? I am sure it is because the former Secretary knows what every smart buyer knows, that in the marketplace, the more you buy of anything, the better deal you get. That is what we are talking about.

Right now, today, the only entity in the country that cannot negotiate for lower group prices is Medicare. What sense does that make when we are talking about precious dollars going to seniors and the disabled to buy medicine in this country. What sense does that make? States, Fortune 500 companies, large pharmacy chains, the Veterans Administration—they can all use bargaining clout to obtain lower drug prices for the patients they represent. In fact, the Veterans Administration has had great success in negotiating lower prices; in some cases, as much as 65 percent.

I am told, and I have seen studies that show, if we gave the same bargaining authority to Medicare that the VA has, you could actually close the gap in the prescription drug benefit. There is enough savings that you could close the gap so that everyone would be receiving prescription drugs without what has been commonly called the donut hole.

These are huge savings. As a member of the Budget Committee, I have watched the numbers go up for the Medicare bill. We thought it was $400 billion. Now CBO says $593 billion and counting over the next 10 years.

We have to do something, provide the tools for Health and Human Services to be able to negotiate, to be able to lower those prices. Right now we have a situation where that is not allowed. It makes absolutely no sense.

When I talk to people at home and they ask me, Why in the world Medicare is prohibited from using their full force to be able to negotiate, I say it is crazy. This makes absolutely no sense, unless you are one of those folks who does not want them negotiating, in terms of the prices.

So I urge the adoption of this amendment and thank my colleagues again for doing an outstanding job in putting it together. I urge the Snowe-Wyden amendment giving the Secretary of Health and Human Services the authority to negotiate drug prices on behalf of seniors and the people of our country with disabilities be agreed to. It would be wonderful to see a very strong bipartisan vote in favor of this very important amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from Utah.

Mr. HATCH. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 9 minutes and 43 seconds.

Mr. HATCH. For a minute there I was so out of it tonight when you were talking, I thought it was about the "Snow-White" amendment instead of Snowe-Wyden. It took me a little while to catch on here. I just couldn't resist that.

I have to say, I sat through all these meetings and I never once heard Secretary Thompson say that he wanted this authority. In any event, let me just speak about the Snowe-Wyden amendment, which they are trying to make into the "Snow-White" amendment, it seems to me.

In my opinion, this amendment guts one of the most important provisions of the Medicare Modernization Act of 2003.

Supporters of this amendment imply, wrongly in my opinion, that the price charged to beneficiaries is not subject to negotiation. That could not be further from the truth. The truth is, Medicare prescription drug plans will be negotiating with drug makers. These negotiations are the very heart of the new Medicare drug benefit. We do not want to open the door to Government price controls for prescription drugs.

The noninterference clause in the Medicare Modernization Act does not prohibit Medicare from negotiating with drug makers. It prohibits CMS from interfering in those negotiations. That is a far cry from some of the earlier statements that have been made on this floor regarding this provision.

I happen to care a great deal for the two sponsors of this amendment. I have worked very closely with them throughout their tenure and my tenure in the Senate. But they are simply wrong on this amendment.

Let me be clear, the non-interference clause is at the heart of the law's structure for delivering prescription drug benefits. This clause ensures those savings will result from market competition, rather than through price fixing by the CMS bureaucracy. That is what was behind this. Let's not distort these provisions.

What is ironic about what the other side is saying is that the same non-interference clause was in the Daschle-Kennedy-Rockefeller bill and the Gephardt-Dingell-Stark bills in the year 2000, as has been explained by our distinguished chairman of the Finance Committee.

In administering the prescription drug benefit program established under this part, the Secretary may not—No. 1, require a particular formulary or institute a price structure for benefits; No. 2, interfere in any way with negotiations between private entities and drug manufacturers, or wholesalers; or No. 3, otherwise interfere with the competitive nature of providing a prescription drug benefit through private entities.

What is the source of that language? It is from S. 2541, the Medicare Expansion for Needed Drugs, or MEND, Act, introduced in 2000. Think about it, some of the very people who are criticizing this provision in the Medicare Modernization Act tonight supported this language in 2000.

I must remind my colleagues that former Senator Daschle once said:

> Our plan gives seniors the bargaining power that comes with numbers. . . . Our plan mirrors the best practices used in the private sector. For beneficiaries in traditional Medicare, prescription drug coverage would be delivered by private entities that negotiate prices with drug manufacturers. This is the same mechanism used by private insurers.

Think about that. I think those who advance these arguments that you cannot have competitive work with regard to drug pricing are wrong and ought to quit playing politics with a bill that is so important for senior citizens all over this country.

Those who suggest this non-interference language will drive up the cost of implementing the law simply do not have the facts or the legislation on their side.

This is what the CBO said about eliminating the non-interference clause in a letter last year:

> [T]he Secretary would not be able to negotiate prices that further reduce federal spending to a significant degree.

I do not ever recall, and I sat through all of the meetings, day after day, hour after hour—I do never recall Secretary Thompson asking for that authority.

The CBO in that letter went on to say:

> CBO esimates that substantial savings will be obtained by the private plans.

Now, let us be clear: Direct Government negotiation is not the answer. The Government does not negotiate drug prices. That would be price control, and it would inevitably cause prices to rise as companies would not be able to do business in this country as they have in the past.

The Medicare Modernization Act's entire approach is to get Medicare beneficiaries the best deal through vigorous market competition, not price controls.

Let me conclude by saying that this amendment is not something that is in the best interest of our Medicare beneficiaries. Medicare beneficiaries do not want or need the Government to determine the cost of their drugs. Price fixing will lead to higher costs and does that help or hurt beneficiaries? I think everyone in this body knows the answer to that question but let me be clear—voting in favor of this amendment is not in the best interest of beneficiaries because they are going to have to pay more money for their prescriptions. Voting for this amendment will take away choice in prescription drug coverage—if this amendment passes, drug prices will not be dictated by the free market, they will be dictated by the Federal Government. I urge my colleagues to vote no on the Snowe-Wyden amendment.

Frankly, let me just make that point one more time: The Medicare Modernization Act does not prohibit Medicare from negotiating with drugmakers.

It prohibits CMS from interfering in those negotiations. That is a fact.

I urge my colleagues to vote no on the Snowe-Wyden amendment.

I appreciate my colleagues' desire to straighten out some of these matters, but the fact of matter is they are wrong on this issue and we should vote this amendment down.

Mr. ALLARD. Mr. President, I yield 2 minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine.

Mrs. SNOWE. Mr. President, I thank the Senator. I want to make some closing comments on behalf of myself and Senator WYDEN because it is important to reiterate several facts about this approach.

First of all, the point is the Medicare Modernization Act included a direct prohibition against the Secretary's authority to negotiate, an authority that is already utilized by the Veterans Administration and the Department of Defense. That is a fact.

The second fact is those soaring costs with respect to the Part D program as we know it. Within a month after the enactment, we had a restatement from the administration of $534 billion. The CBO isn't even prepared to give a net cost of that legislation. We only expect that the price is going to go up, up.

As Senator WYDEN indicated, the only tool we have to negotiate prices to keep those prices low, particularly in situations, for example, where the Congressional Budget Office indicated to us in a report that with sole-source drugs, where there are drugs that have no competition, we will realize savings. That is a responsibility we have to seniors and to the taxpayers with respect to this program.

Finally, it is indicated that Secretary Thompson made this comment. He said, "I would like to have the opportunity to negotiate."

He was asked a question in his final press conference as Secretary of Health and Human Services. The question was, "You listed the drug benefit as one of your proudest achievements. Was there anything you really pushed for in that bill that didn't get in or that you would like to see Medicare tackle in the future?"

Note the fact that the question didn't even suggest negotiations. But his answer was, "I would like to have had the opportunity to negotiate."

And for good reason, because the Secretary understood that the price of this program and the price of the benefit was only going to go in one direction, and that is up.

It defies logic that we would not allow the Secretary to have the ability to negotiate the very best prices in certain instances and in other instances which the Secretary deems worthwhile.

A final point: In a recent poll, 80 percent of the American people believe the Secretary should have the ability to negotiate on their behalf.

In the final analysis, this is the amendment that is going to save money—save money in the drug program, save money to the taxpayer, save money to the seniors.

It is hard for me to believe anyone would ultimately reject it.

I again thank Senator WYDEN for all of his support and leadership over the last few years to make this happen.

Mr. MCCAIN. Mr. President, I am pleased to lend my strong support for the amendment by Senators SNOWE and WYDEN.

Less than 2 years ago, Congress passed a massive expansion of our Nation's entitlement system, the Medicare Modernization Act, MMA, which added costly prescription drug coverage to the Medicare Program. At that time, we were told that the new benefit would cost an estimated $400 billion over 10 years a figure many of us believed to be far lower than the actual cost. Today, the same package is estimated to cost between $534 billion to $1.2 trillion over the next 10 years. Those costs can only be expected to grow further.

To add insult to injury, language was added to MMA which explicitly prohibited the Secretary of Health and Human Services from engaging in negotiations directly with drug companies. This language was included deliberately, even though other departments in the Federal Government and State governors, under the Medicaid Program, have similar authorities. Prohibiting the Secretary of Health and Human Services from engaging in such negotiations is an offense against the American taxpayer.

Earlier this year, I joined Senators SNOWE and WYDEN in introducing legislation which would amend the MMA and allow the Secretary to negotiate lower drug prices. The amendment we are debating now calls for those savings to be used for debt reduction a worthy goal given the massive burden we added to future generations through the passage of MMA.

I voted against the passage of MMA because I believe we can no longer afford to flagrantly spend taxpayer dollars and saddle future generations with the enormous burden of these programs, the cost of which is spiraling out of control. With the passage of that package, we missed a great opportunity to enact reforms that would have helped to ensure the Medicare program's financial solvency. Congress has an obligation to remedy that mistake and the Snowe/Wyden amendment is a good first step.

I strongly urge my colleagues to supporting this important amendment.

Mr. ALLARD. Mr. President, I ask unanimous consent that we give time limits from 7:45 to 8 p.m. for HARKIN on his education amendment; from 8 to 8:20 for ENSIGN-HUTCHISON on border security; 8:20 to 8:35 for LANDRIEU on National Guard; 8:35 to 8:50 for BUNNING on the AIDS budget process; and, after that time, we are expecting that maybe we are going to have some speakers drop out and we can ask for additional time as we need it.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Iowa.

AMENDMENT NO. 172

Mr. HARKIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, and Mr. KENNEDY, Mr. LEVIN, Mr. KOHL, Mr. DODD, Mr. DURBIN, and Mrs. MURRAY, proposes an amendment numbered 172.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To restore the Perkins Vocational Education program and provide for deficit reduction paid for through the elimination of the phase out of the personal exemption limitation and itemized deduction limitation for high income taxpayers now scheduled to start in 2006)

On page 3, line 10, increase the amount by $1,400,000,000.

On page 3, line 11, increase the amount by $2,800,000,000.

On page 3, line 12, increase the amount by $4,600,000,000.

On page 3, line 13, increase the amount by $6,500,000,000.

On page 3, line 14, increase the amount by $8,500,000,000.

On page 3, line 19, increase the amount by $1,400,000,000.

On page 3, line 20, increase the amount by $2,800,000,000.

On page 3, line 21, increase the amount by $4,600,000,000.

On page 4, line 1, increase the amount by $6,500,000,000.

On page 4, line 2, increase the amount by $8,500,000,000.

On page 4, line 7, increase the amount by $1,380,000,000.

On page 4, line 8, increase the amount by $1,430,000,000.

On page 4, line 9, increase the amount by $1,490,000,000.

On page 4, line 10, increase the amount by $1,550,000,000.

On page 4, line 11, increase the amount by $1,610,000,000.

On page 4, line 16, increase the amount by $40,000,000.

On page 4, line 17, increase the amount by $1,040,000,000.

On page 4, line 18, increase the amount by $1,350,000,000.

On page 4, line 19, increase the amount by $1,480,000,000.

On page 4, line 20, increase the amount by $1,540,000,000.

On page 4, line 24, increase the amount by $1,360,000,000.

On page 4, line 25, increase the amount by $1,760,000,000.

On page 5, line 1, increase the amount by $3,250,000,000.

On page 5, line 2, increase the amount by $5,020,000,000.

On page 5, line 3, increase the amount by $6,960,000,000.

On page 5, line 7, decrease the amount by $1,360,000,000.

On page 5, line 8, decrease the amount by $3,120,000,000.

On page 5, line 9, decrease the amount by $6,370,000,000.

On page 5, line 10, decrease the amount by $11,390,000,000.

On page 5, line 11, decrease the amount by $18,350,000,000.

On page 5, line 15, decrease the amount by $1,360,000,000.

On page 5, line 16, decrease the amount by $3,120,000,000.

On page 5, line 17, decrease the amount by $6,370,000,000.

On page 5, line 18, decrease the amount by $11,390,000,000.

On page 5, line 19, decrease the amount by $18,350,000,000.

On page 17, line 16, increase the amount by $1,380,000,000.

On page 17, line 17, increase the amount by $40,000,000.

On page 17, line 20, increase the amount by $1,430,000,000.

On page 17, line 21, increase the amount by $1,040,000,000.

On page 17, line 24, increase the amount by $1,490,000,000.

On page 17, line 25, increase the amount by $1,350,000,000.

On page 18, line 3, increase the amount by $1,550,000,000.

On page 18, line 4, increase the amount by $1,480,000,000.

On page 18, line 7, increase the amount by $1,610,000,000.

On page 18, line 8, increase the amount by $1,540,000,000.

On page 30, line 16, decrease the amount by $1,400,000,000.

On page 30, line 17, decrease the amount by $23,800,000,000.

On page 48, line 6, increase the amount by $1,380,000,000.

On page 48, line 7, increase the amount by $40,000,000.

On page 48, line 9, increase the amount by $1,430,000,000.

On page 48, line 12, increase the amount by $1,490,000,000.

Mr. HARKIN. Mr. President, I understand I have 7½ minutes. I yield myself 5 minutes.

The budget resolution for 2006, which we are now considering, essentially calls for the elimination of funding for an enormously effective and popular education program called the Perkins Vocational and Technical Education Act, which we all know as Voc Ed, vocational education. This amendment restores the funding to Perkins vocational education and also reduces the deficit by billions of dollars in the future.

The costs of these needed steps, restoring vocational education and reducing the deficit, are offset by rescinding two new tax cuts for the wealthy, tax cuts which have not even gone into effect yet, the so-called PEP and Pease phase-out provisions.

The budget resolution currently calls, under the President's proposal, for eliminating funding for vocational education while allowing these two new tax cuts, which will cost $23 billion in the coming 5 years and $146 billion in 10 years that follow, with 97 percent of the benefits going to those earning at least $200,000 a year.

That is what this chart shows. The distribution of tax benefits under the phase-out of PEP and Pease, 54 percent go to people making over $1 million when it is fully phased in. Another 43 percent go to those making $200,000 to $1 million a year—97 percent of all the benefits of these tax provisions which hasn't even gone into effect yet. It goes into effect next year unless we do something about it. Ninety-seven percent goes to people making over $200,000 a year.

We have choices. To govern is to choose. We have a choice. We recently restored the Vocational Education Act, the Perkins Act, on a bipartisan vote of 99–0.

We know that vocational education makes possible a broad range of technical education programs and vocational programs for millions of young people and adults. Vocational education combines classroom instruction, hands-on lab work, on-the-job training, and it is a true lifeline for students at risk of dropping out of school.

In Iowa alone, elimination of the Perkins Vocational Education Program would directly impact 93,000 high school students and more than 337,000 community college students. The impact nationwide would be a disaster for millions of students.

The only way that we can be assured of saving vocational education, the Perkins Program, is by adding more overall funding to the education budget for that purpose. That is it. That is the only way it can be assured. And that is what my amendment accomplishes.

But, moreover, my amendment reduces the deficit as well. By rescinding these two tax cuts which haven't taken effect yet—they take effect next year—and after they would fully be in effect, we then begin to save $146 billion over the next 10 years.

When the phase out of PEP and Pease, as they are called, were passed in 2001, the phase-out—I guess the case could be made that they were affordable. Thanks to the budget surpluses that President Bush inherited from President Clinton, we were looking at a cumulative surplus of over $5 trillion over the coming decade, enough to eliminate the national debt and then some. That was then and this is now. Now we are looking at projected deficits in excess of $200 billion a year for as far as the eye can see—annual deficits in excess of $500 billion a year, a decade from now, if we keep on this way.

It makes good sense to eliminate these two proposed tax cuts. We are not rescinding anything that has gone into effect. They start next year. There is no reason they should start next year.

Let us have some common sense here. This amendment says we will fully restore vocational education and we will reduce the deficit. And the people who are making over $200,000 a year I don't think really need this tax cut. People making over $1 million a year don't need it. But I will tell you who does need it—kids who need vocational education in the United States. And, the American people need to avoid an added $146 billion deficit explosion that will occur in the decade after these tax provisions take effect in 2010. That is who needs this.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. How much time does the Senator from Iowa have?

The PRESIDING OFFICER. The Senator from Iowa has 1 minute 54 seconds and the Senator from New Hampshire has 7½ minutes.

Mr. GREGG. Mr. President, this amendment is like a lot of other amendments that are being brought forth. It is well-intentioned. I don't deny that. But its practical implication is that it significantly raises spending and significantly raises taxes and it does not necessarily accomplish the goals which the Senator from Iowa wishes to accomplish.

The Senator from Iowa states he wishes to allocate more money to vocational education. The budget does not do that. The budget has virtually no impact on that other than to set a top-line number which in this case is $843 billion, which is divided between the Defense Department and the nondiscretionary defense spending of the Federal Government. The nondefense discretionary number is approximately $444 billion. Within that are a lot of accounts, one of which is vocational education. How that money flows is not controlled by the budget. The budget has no legislative, statutory effect on those accounts other than to set a top-line number and then allow the committees of jurisdiction to make the decision as to how that money will be spent.

In fact, the history has been that although the Budget Committee makes suggestions as to how money should be spent, and it actually has a number of different functions, those functions do not correspond to the various appropriating committees of the Senate and the Appropriations Committee, and the authorizing committees tend to generally ignore the suggestions of the Budget Committee relative to specific programs. If they did not ignore us, I would be much more specific, but I have learned it is a pointless exercise to try to tell appropriators or authorizers what to do relative to specific programs.

We give the Appropriations Committee a top-line number and we say to the authorizing committees they have to reconcile or you have this much money available under the mandatory accounts. But beyond that, we do not have a whole lot of impact on how they spend that money other than to say this is how much you have.

So it is the Appropriations Committee that makes that decision. The Senator from Iowa actually has a unique role relative to education because he has been both the chairman and he is now the ranking member of the subcommittee on Appropriations. I am sure he takes the position, as I am sure his ranking member has, because he has already offered an amendment that has been adopted, that there is not enough education money that is going to be allocated to his subcommittee for him to do everything he wants to do or for the subcommittee to do everything they want to do. I serve on that subcommittee. But that is our role around here. The priorities should be set by us, the different chairmen of the different appropriating committees and the ranking members, and we should move forward from there.

We should not, however, in my opinion, do a general raising of spending and a general raising of taxes which is what this does. Rather, we should live within the proposed levels of spending.

In the area of education, it should be pointed out this administration has sent up their ideas and, yes, in their ideas they suggest vocational education should be adjusted in the way it is funding. But this administration has a unique position over education. They have dramatically increased funding for education over the last 4 years. They increased it over the Clinton years by something like 40 percent. They have chosen as an administration, and I think it is probably the right choice, to pick certain elements of Federal activity and to fund those elements aggressively and recognize the Federal Government cannot be all things to all people, but it does have responsibility in specific areas and it should pursue those responsibilities aggressively. That is what they have done. They have increased funding for special education by somewhere around 60 percent; increased funding for title I by 45 percent. They have increased funding for No Child Left Behind by 46 percent. They have increased funding for the Pell grants, and I don't remember the exact figure, but it is a double-digit increase. Those are the accounts they have decided to focus on.

This bill assumes they will continue that effort, but that is not necessarily what will happen. The Appropriations subcommittee of which the Senator from Iowa is ranking member will have the opportunity to do what they wish. They can put the extra money into title I, they can put the extra money into special education, they can put the extra money in No Child Left Behind, or they can put more money in the Pell grants or into the program they decide is appropriate and that they think is a priority.

This budget itself has significantly focused on education. We set a reserve for higher education with $35.5 billion made available to the Education Committee to allow them to put in place a new and more aggressive higher education bill.

We have proposed in this bill an additional almost half a billion over what the President requested as the top line—in other words, instead of having a top line of $843 billion, we have a top line of $843.5 billion and the reason is because we expect that extra $500 million to be put into the Pell grants for next year and raise those grants from $4,050 to $4,150.

In addition, we suggested in this bill a proposal to the Education Committee—I hope they will follow it; they don't have to—which would allow them to increase Pell grants up to $5,100, a massive increase in Pell grants for students who go to school over 4 years either to a community college and vocational college and then move on to traditional college. Huge commitments which we have suggested can be accomplished under this budget.

The budget is aggressive in the context of a fiscally restrained effort in the area of education. This administration's record on education has been strong and vibrant over the last 4 years, uniquely so compared to the Clinton administration before and the budget itself, and I have to reinforce this point, does not address line items. So when you offer a bill, an amendment like this, all you are doing is spending more and taxing more. You are not necessarily in any way adjusting the budget.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I respectfully answer my friend from New Hampshire, first talking about priorities. This is priorities, all right. You want a tax provision that goes into effect, starts phasing in next year that 97 percent of the benefits go to people making over $200,000 a year; or do you want to fund vocational exercise? It is as simple as that. Who gets these tax breaks? When fully phased in, those with over $1 million income, you get $20,000 a year, and if you are under $75,000, you get a big fat zero.

It is about priorities. My friend from New Hampshire said something about raising taxes. All we are saying is a tax that has been in effect for 15 years will continue and will not be phased out. We are not raising anyone's taxes at all.

Third, I point out this is the first budget in 10 years that has a reduction in education. My friend from New Hampshire says, well, we can make the decision in Appropriations about what we want to do. It is like this. This is what my friend from New Hampshire has presented. It is like a puzzle as this chart shows. We have Pell grants, we have afterschool, we have title I, special education, bilingual, impact aid, all in this box. We have the money for that. He says, well, if you want to put voc in, put it in, but if you put it in, take a piece out.

Would the Senator from New Hampshire tell us which of these to cut? Ed tech or TRIO are all left out, but this is the box we are in.

The Senator from New Hampshire says, well, you can put it back in. But that means we have to take out special education or title I. The only way to do it, I say, is to enlarge the box. And that is what we do with this amendment.

The PRESIDING OFFICER. The next 20 minutes is devoted to the amendment of the Senator from Texas.

The Senator from Texas is recognized.

AMENDMENT NO. 218

Mrs. HUTCHISON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Texas [Mrs. HUTCHISON], for herself, Mr. ENSIGN, Mr. DOMENICI, Mr. CORNYN, Mr. KYL, Mr. MCCAIN, and Mrs. FEINSTEIN, proposes an amendment numbered 218.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: To fully fund the level of Border Patrol Agents authorized by National Intelligence Reform Act of 2004 and as recommended by the 9/11 Commission)
>
> On page 23, line 16, increase the amount by $352,400,000.
>
> On page 23, line 17, increase the amount by $317,000,000.
>
> On page 23, line 21, increase the amount by $35,400,000.
>
> On page 9, line 15, decrease the amount by $352,400,000.
>
> On page 9, line 16, decrease the amount by $317,000,000.
>
> On page 9, line 20, decrease the amount by $35,400,000.

Mrs. HUTCHISON. Mr. President, this is an amendment cosponsored by myself and Senator ENSIGN. Senator ENSIGN has done so much work in this area on the intelligence reform bill, assuring there would be 2,000 authorized Border Patrol agents. We also have as cosponsors Senators DOMENICI, CORNYN, MCCAIN, KYL, and FEINSTEIN. Mr. President, I would like to be notified at the end of 10 minutes, after which I will yield the rest of the time to the Senator from Nevada.

Earlier this month, FBI Director Mueller told Congress that people from countries with ties to al-Qaida are crossing into the United States through our porous border with Mexico.

Deputy Secretary of Homeland Security James Loy recently said that intelligence reports suggest al-Qaida is considering using the Southwest border to infiltrate into the United States, either with falsified documents or by crossing the border in other illegal ways.

We have today 11,000 Border Patrol agents for the borders between Mexico, the United States, and Canada, as well as in the Border Patrol centers that are throughout our country. It is clearly not enough.

Mr. President, 97 percent of illegal intruders are filtering through the Southwest border. But they do not stay in the South. They go throughout our country.

The Border Patrol does an amazing job. We applaud their work. But we need to give them more help. Recent stories and intelligence reports show that terrorists are planning to use our border, and it should be a wakeup call.

Since 2001, 1,300 agents have been added to the force. But we have 6,900 miles of border with Canada and Mexico. My State of Texas alone has over 1,200 miles of border with Mexico. In most places there are no fences. In Texas, the Rio Grande River can sometimes be waded across or is completely dry.

We are seeing an increase of 137 percent in immigrants who are from countries other than Mexico. These immigrants, which are called OTMs, "other than Mexicans," are coming into our country in the largest numbers we have ever seen. But due to a lack of resources, they are often caught and released, or they are not caught at all.

Recognizing our serious border vulnerability, Congress passed the intelligence reform bill last year and authorized an increase of 10,000 Border Patrol agents over 5 years. It included provisions to add 8,000 detention beds and 800 additional interior investigators. Unfortunately, the budget before us only allocated enough to cover 210 agents, 143 investigators, and 1,920 beds for detention.

The Commissioner of U.S. Customs and Border Protection recently said:

> We do not have enough agents; we don't have enough technology to give us the security we need.

Let me give you some examples of recent happenings.

In Detroit, Mahmoud Youssef Kourani was indicted in the Eastern District of Michigan on one count of conspiracy to provide material support to Hezbollah. Kourani was already in custody for entering the country illegally through Mexico and was involved in fundraising activities on behalf of Hezbollah.

The two groups of Arab males were discovered by patrol guards from Willcox, AZ. One field agent said:

> These guys didn't speak Spanish, and they were speaking to each other in Arabic. It's ridiculous that we don't take this more seriously. We're told not to say a thing to the media.

This is a field agent for the Border Patrol.

Last July, in Burlington, VT, police raided an international syndicate that forced Asian women to work as sex slaves. The women told investigators they had been smuggled from Asia to Mexico, entering the United States through Arizona, Texas, and other States. They ended up in Vermont.

Take the example of the capture of terrorist suspect Jose Padilla. The Justice Department says Padilla and an accomplice planned to enter the United States through Mexico to blow up apartment buildings in major cities such as New York.

Or the case of suspected al-Qaida sleeper agent Mohammed Junaid Babar, who told investigators of a scheme to smuggle terrorists across the Mexican border. He is tied to a terror plot to carry out bombings and assassinations in London.

Further stories indicate there are real concerns about terrorists entering our country through the southern border.

Along the Mexican border there have been stories of suspicious items picked up by local residents, including Muslim prayer rugs and notebooks written in both Arabic and Spanish. These items came from OTMs and a subcategory called special interest aliens, who are illegals coming from terrorist-sponsoring countries.

Intelligence reports suggesting that 25 Chechen terrorism suspects have illegally entered the United States from Mexico have refocused attention on a porous border from which many believe the next major attack on Americans could come.

Patrol agents told one Arizona newspaper that 77 males "of Middle Eastern descent" were apprehended in June of last year in 2 separate incidents. All were trekking through the mountains and are believed to have been part of a larger group of illegal immigrants. Many were released pending immigration hearings.

Also last July, an Egyptian man United States authorities described as one of their most wanted smugglers of humans was arrested on charges of operating a ring that illegally brought people from Egypt and other Middle Eastern countries to the United States. The indictment says Abdallah and his associates would direct people seeking to reach the United States to travel to one of several Latin American countries, and from there to Guatemala. They would then be transported to America through Mexico in return for payments of thousands of dollars in smuggling fees.

The amendment we are offering tonight will add $315 million to the President's request for the Border Patrol. This will provide for the training and equipping of 2,000 agents. This would be the full amount authorized and will have a dramatic impact on the security-related problems we have on the border.

In order to maintain a fiscally responsible bill, and not increase the top cap of discretionary spending, we are offsetting this increase with an equal reduction in the international affairs section of the budget because protecting our borders from foreign threats is an international affair.

Today, with my colleagues Senators ENSIGN, DOMENICI, CORNYN, MCCAIN, KYL, and FEINSTEIN, I am calling on Congress to do more than add 210 Border Patrol agents that are in the underlying budget. We are asking for the full contingent authorized of 2,000. This is still not enough. And I hope we will be able to come back next year and get up to the full 2,000 again.

But the warning flag has gone up. We must heed the warnings we have been given. Every incident I mentioned is a call to the United States to make sure that our borders with Mexico are secure. We need more Border Patrol agents and more detention facilities to make our borders secure.

The people of our country deserve this security, and our amendment will take one step in the right direction. I hope my colleagues will work with me to pass this in the budget and then later in the Appropriations bill. We must do everything to heed the warning call we have gotten.

Mr. President, I yield the rest of our time to the Senator from Nevada, who has also worked very hard on this amendment. I appreciate very much his cosponsoring this amendment with me today.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, I thank the senior Senator from Texas for all the work she has done to strengthen our borders. Living in a border State, she understands the difficult issues of protecting our borders. Since 9/11, protecting our borders has taken on a completely different meaning and has only increased the importance of what our amendment is attempting to do.

Mr. President, I rise to call for the Senate to stand by its commitment to increase border security by adding 2,000 new Border Patrol agents.

In the decade before 9/11, al-Qaida studied how to exploit gaps and weaknesses in the border entry systems of the United States and other countries.

This week, intelligence officials confirmed that the terrorist, Zarqawi, plans to infiltrate America through our porous borders and carry out attacks on soft targets—whether it is while we are taking our family to a movie theater, our friends to a restaurant, or our kids to school. Additionally, a yearlong investigation recently concluded after authorities captured 18 people in an alleged plot to smuggle grenade launchers, shoulder-fired missiles, and other Russian military weapons into this country.

Let's face it, the dual threat of the illegal border crossing of people who wish to kill us and the weapons they need to do it on a large scale is very real.

We are not dealing with rational actors. We are not dealing with people who respect life or freedom. We must continue to be diligent in our fight to defeat terror and to protect our homeland.

The amendment we are offering ties directly to one of the important 9/11 Commission Report recommendations prohibiting terrorist travel to our country.

Pre-9/11, INS had only 9,800 Border Patrol agents. With the priorities of the agency concentrated on immigration and narcotics, no major counterterrorism effort was underway.

More than 3 years after the devastating terrorist attacks, the men and women who serve at the border's front line of defense are overwhelmed.

Statistics show that with current personnel levels, our agents only catch about one-third of the estimated 3 million people who cross the border illegally each year. It only took 19 to change the course of this country.

We must commit resources to block terrorists who attempt to enter our country. Last year, I sponsored an amendment to the National Intelligence Reform Act that authorized 2,000 new agents to patrol our borders each year for the next 5 years.

Unfortunately, the President's budget this year only provides funding for 210 agents. This amendment allows Congress to fulfill its commitment by providing the additional $352.4 million needed to fully fund 2,000 Border Patrol agents, and it does it without raising taxes. It does it with an offset to what is called "function 150," or the international relations function.

Doubling the number of Border Patrol agents from pre-9/11 levels will allow increased protection on both our southern and our often neglected northern border, helping to thwart al-Qaida and prevent these terrorists from circumventing our security.

The Commission found that many of the 19 9/11 hijackers, including known operatives, could have been watch-listed and were vulnerable to detection by border authorities. However, without adequate staff and coordinated efforts, the evildoers were allowed unhampered entry.

The world has changed dramatically since 9/11, when terrorists used our open and trusting society against us.

We cannot allow a repeat of that tragedy. This amendment will help give those who guard our frontiers the tools they need to ensure the safety of the citizens of the United States of America.

Mr. President, I yield the floor and reserve the remainder of our time.

Mrs. HUTCHISON. Mr. President, how much time remains?

The PRESIDING OFFICER. There is 4½ minutes.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that Senator CRAIG be listed as a cosponsor of our amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Nevada. This is a team effort. I appreciate so much his working with me on this. Our border Senators have been trying to increase border patrol for years.

When I first came to Congress, we doubled our Border Patrol agents from 3,000 to 6,000. We were a country that was porous, both on the borders of Canada and Mexico. But, clearly, we have had more and more influx of illegal aliens that have become a burden in many parts of our country, and now we have a security threat from people who do not live on our borders but are using our borders as a conduit to come into our country. The examples that Senator ENSIGN and I have just mentioned, where we are finding Muslim prayer rugs and instructions in Arabic on how to cross the border of the Rio Grande River, are just wake-up calls that we cannot avoid. So we are, hopefully, going to have the support of Congress to add a full 2,000 Border Patrol agents.

But as important as it is to catch these people, we also need to be able to detain them. Today, many times, because we have no detention facilities, we will say to the people: You must promise to come back in 60 days for your hearing on illegally entering this country.

Well, guess how many come back. Ten percent come back for their hearing. What happened to the other 90 percent? We are finding them in places such as Vermont, New York, and Detroit, MI. That is what happened to them.

Mr. President, it would be irresponsible not to take this threat seriously. We need these Border Patrol agents. We need the detention facilities. We need to keep these people incarcerated to find out why they are trying to enter our country illegally. Every country has the right as a sovereign nation to protect their borders. It is our responsibility to do it.

I hope my colleagues will help us pass this amendment and do the right thing for homeland security. This is a priority, and it must be a priority accepted in this budget.

I yield back the remainder of my time.

AMENDMENT NO. 219

The PRESIDING OFFICER. The next amendment is the amendment of the Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I send my amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mrs. LANDRIEU] proposes an amendment numbered 219.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish a reserve fund in the event that legislation is passed to provide a 50 percent tax credit to employers that continue to pay the salaries of Guard and Reserve employees who have been called to active duty)

On page 40, after line 8 insert the following:

SEC. . DEFICIT NEUTRAL RESERVE FUND FOR PATRIOTIC EMPLOYERS OF NATIONAL GUARDSMEN AND RESERVISTS.

In the Senate, if a bill or joint resolution, or if an amendment is offered thereto, or if a conference report is submitted thereon, that provides a 50 percent tax credit to employers for compensation paid to employees who are on active duty status as members of the Guard or Reserve in order to make up the difference between the employee's civilian pay and military pay and/or for compensation paid to a worker hired to replace an active duty Guard or Reserve employee, the chairman of the Committee on the Budget shall adjust the revenue aggregates and other appropriate aggregates, levels, and limits in this resolution to reflect such legislation, to the extent that such legislation would not increase the deficit for fiscal year 2006 and for the period of fiscal years 2006 through 2010.

Ms. LANDRIEU. Mr. President, I come to the floor to lay down an amendment to provide a place in this budget for the men and women who are placing their lives on the line for us.

A couple of months ago, before we went on our break in December and January, I had the great privilege, actually, of holding this body in a filibuster for 3 days. It was not something that was planned, but it was something that evolved after I found out that the last huge FSC–ETI bill that we passed in the Senate managed to find tax relief, tax cuts, special tax considerations for seemingly everyone in America except for the men and women in uniform fighting for us.

I know people listening tonight will really not believe what I am saying is true. But they can go to Web sites on this budget to look at the record, or talk to their Guard and National Reserve to see that what I am saying is actually true.

We have passed trillions and trillions of dollars in tax cuts since 2001. It would be one thing if we were taking money out of the budget to do that, but we are actually borrowing money to give tax cuts. We are not just taking money that is just sitting there sort of waiting for us to decide how to use it and then giving it to tax cuts based on some reason about who would need it the most. We are borrowing money, charging it to our children and our grandchildren, and then giving tax cuts to people who arguably do not need it.

Many Democrats have come to the Senate floor and tried to make that case over and over again, and I hope that some of this is getting through.

But whether they are a Democrat, Republican, or Independent, or whether they were for the war in Iraq; whether they think the troops should stay there or come home; or whether they believe there were weapons of mass destruction and we went in for the right reasons or there were not and we went in for the wrong reasons, I think universally in America people believe, no matter what their political persuasion, that if we are going to continue to give tax cuts the first people who should get them are the people who are fighting to protect us.

But in this budget, on page 21, proposed by the President of the United States, in small print, which I am sorry cannot be picked up by the camera, it says:

The Committee-reported resolution assumes on-budget revenues are reduced by $70.2 billion over five years.

The resolution instructs the Senate Finance Committee to basically give out $70 billion in taxes. So if this budget passes the way it is now, $70 billion is going to have to be given out in taxes, in addition to the $2 trillion we have already passed—these numbers are just mind-boggling; it is impossible for me to describe how much money that is. But this President is intent basically on emptying the Treasury for tax cuts. So I have argued that is not what we should do.

I believe we should balance the budget. I was one of 50 Senators today who voted on the only amendment that actually would have gotten us there, which was the pay-go amendment. We lost by one vote. So I am not going to make that argument tonight again.

I believe that if we are going to give $70 billion in tax cuts, which is what this budget instructs us to do, please, Mr. President, could we please give a tax cut to the men and women in uniform? They are the ones who have left their homes in Louisiana, North Dakota, Tennessee, all over the country, and gone to the front lines to fight for us.

The sad thing about this is that 40 percent of those men and women who go from the Guard and Reserve take a pay cut to fight for us. It is inconceivable to me that this administration, or anybody in the Senate, would stand here tonight and argue for a budget that gives $70 billion in additional tax cuts to people who may or may not need them and yet at the same time ask our soldiers to go to the front line and take a pay cut.

When we come to the floor and go to the Finance Committee and beg and plead on their behalf, could they give them a few pennies, could they give them a few dollars, we are told over and over again, I am sorry, we cannot afford it.

The last "military tax relief" the Congress passed was a $1.2 billion bill. I wish I could show how tiny that is. I mean, $1.2 billion is a lot of money, but relative to what we are giving out to everybody else in tax cuts, it is so small. When we did that bill, I went to them and said: Look, can we do better? Our men and women need this tax break. Their employers are trying to keep their paychecks whole. If we give a tax cut to their employers who are voluntarily continuing to pay their active duty Guard and Reserve employees' salaries, perhaps they could at least keep their paycheck. We are not talking about extra money; we are just talking about letting them get their paycheck that they got when they were firemen, policemen, an architect, a doctor, or a lawyer. Let them keep that paycheck.

This is not even really for the soldiers, because these guys and gals are making the sacrifice. This is to keep their wives, their spouses, and their children in their homes, in their automobiles, getting them to the doctor.

For some reason—I do not know why—this Senate, particularly the Republican leadership, refuses to give a tax credit to the Guard and Reserve. So the last time a bill came through, I asked: Could you please attach this amendment to it?

Sorry, Senator LANDRIEU, we cannot afford it. We cannot possibly give the Guard and Reserve a tax cut. Do you not understand, we do not have any money.

I do not know what they are talking about, because this budget is going to give another $70 billion in tax cuts. So please do not even argue with me on the point. I am not going to listen. There is $70 billion given away in this budget again, and I am going to ask for the $1.2 billion out of $70 billion—pennies, pennies—for the Guard and Reserve.

Let me tell you how this affects Guard and Reserve families. This is a letter from Kansas, the State of Senators BROWNBACK and ROBERTS:

> After 9/11 [my husband] was activated . . . His pay was significantly decreased, his health care was in jeopardy, and I was pregnant. Here was my family, making so many sacrifices for our country and our country wasn't taking care of us at all. How could this be happening?

The PRESIDING OFFICER. The Senator from Louisiana has consumed her time.

Ms. LANDRIEU. I ask for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Continuing:

> Luckily, our country may not have been taking care of us under the circumstances, but [my husband's company] was. [They] sent us a check to make up the difference in pay for my husband's entire activation. They deserve to be recognized as a great supporter of our military by receiving this tax credit.

This tax credit would go to businesses that are doing the patriotic thing, helping the Guard and Reserve on the front line, keeping them and their families out of bankruptcy, not having to mortgage their house, not having to give up the car while they are fighting for us. This tax credit is going to benefit the thousands of Guard and Reserve in Louisiana and thousands of Guard and Reserve in our country. It is unconscionable that the Senate Finance Committee, or this budget, would contemplate yet more tax cuts for everybody in America and leave out the men and women in uniform.

What is worse about it is every picture we are in is taken with men and women in uniform, with that flag flying, but when it comes to putting them in the budget—we can put them in our campaign pictures, all right, but we cannot put them in the budget.

That is what my amendment does. We are going to vote on it tomorrow. It does not add one penny. It just says to the Finance Committee, go ahead and give away $70 billion again, but the first $1.2 billion is going to be given to the men and women in uniform. They deserve it. Shame on us if we do not put them in.

So we are not going to vote on this tonight, but for the Guard and Reserve in my State, for the Guard and Reserve in New Hampshire, for the Guard and Reserve in South Carolina, North Dakota, and South Dakota, I hope we will get 100 percent of the Senators to vote on this. If anybody wants to debate it, I will stay here all night and debate it as long as anybody wants, but I think my time has been limited.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I have a unanimous consent request to get an order for some more proposed amendments. Tomorrow morning, we are going to convene at 9. Beginning at 9, we have four Members of the Senate who are going to be recognized. We are going to return to the Smith Medicaid amendment for 60 minutes, then we will go to the Sarbanes CDBG amendment for 15 minutes, then to the Coleman CDBG amendment for 15 minutes, then Senator COCHRAN will be recognized for 10 minutes. After that, there are a series of individuals whose amendment time we are confirming but not necessarily the order in which those amendments will come. Those individuals are Senator KENNEDY on education for 15 minutes; Senators BAUCUS and CONRAD, agriculture, for 30 minutes: Senator BIDEN, COPS Program, for 15 minutes; Senator FEINSTEIN, the SCAAP Program, for 15 minutes; Senator BYRD, the Highway Program, for 15 minutes; Senator SNOWE, the SBA domestic program, for 15 minutes; Senator CLINTON, Prevention First Program, for 15 minutes; Senator LAUTENBERG, the debt limit amendment, for 10 minutes; Senator CONRAD and I will reserve 15 minutes each, for a total of 30 minutes between us.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GREGG. Mr. President, I now yield back the remainder of my time on this resolution, after the expiration of tonight's debate and after the expiration of the agreement which was just reached.

Mr. CONRAD. Mr. President, I will retain all of my time.

That was a joke. It would be a real interesting day tomorrow, wouldn't it?

I just think we should make clear that at the end of this evening we will be yielding back on both sides all of our time with the exception of the time we have laid out in this agreement. Is that correct?

Mr. GREGG. Can we do it right now?

Mr. CONRAD. Yes.

Mr. GREGG. We both yield back all of our time, as proposed.

The PRESIDING OFFICER. So ordered.

Mr. CONRAD. If I could briefly describe to my colleagues the negotiation we have had this evening? I know there will be colleagues who will come tomorrow who will be disappointed. Senator GREGG and I apologize to them in advance. Here is the circumstance that we confront. We have over 70 amendments still pending, not counting the 20-some amendments we have in the queue. If we just do the math, that is 90 amendments. We can do three amendments an hour. That would be 30 hours of steady voting. If we start at 1 o'clock tomorrow and we have to go 30 hours, do the math.

What Senator GREGG and I have tried to do is to at least begin the process at 1 o'clock tomorrow afternoon or thereabouts. Again, for colleagues who are disappointed, I apologize. I know Senator GREGG feels the same way. We would like to have every colleague get all of the time they desire. It is just not possible and reach conclusion.

One other thing I should say to my colleagues, for those who think, couldn't we just go over into Friday morning? We have a number of colleagues who, because of funerals, because of health conditions, cannot be here Friday morning. That means if we do not finish tomorrow night, we are going to be here Friday night. I do not think anybody who has been through this process doesn't understand if we are here Friday night we are going to be here Saturday.

To colleagues who are disappointed, I am sorry, but we have done our level best to give people some amount of time to offer their amendments. I think we have done it in as fair and as equitable a way as is possible.

Mr. GREGG. Mr. President, I do not wish to take time off of Senator SALAZAR's time, but I want to affirm what the Senator from North Dakota has said. I also want to thank the ranking member of the Senate committee and the Democratic leader and, of course, the Republican leader for working very hard to bring about this understanding as to how we are going to proceed on the budget. I think it is the fairest way to proceed, and it does allow the Members to get many of the core issues up and debated. That has been the key here, to make sure the high-visibility issues and the issues that are critical get up and get debated, in the context of the fact that we know these vote-athons take a huge amount of time.

Right now, if we start voting on the present number of amendments we have pending, we will have to vote for 30 straight hours. Obviously, we hope that will not happen, but that is a distinct possibility, that a large percentage of that time will have to be consumed in votes. So we need to get started fairly early tomorrow. That is the purpose of this agreement, so that we can get out of here very late, probably, or very early Friday morning.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 215

Mr. SALAZAR. Mr. President, I call up amendment No. 215, which I filed earlier this evening.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR] proposes an amendment numbered 215.

Mr. SALAZAR. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide additional funding for rural education, rural health access, and rural health outreach programs)

On page 9, line 15, decrease the amount by $65,000,000.

On page 9, line 16, decrease the amount by $14,000,000.

On page 9, line 20, decrease the amount by $36,000,000.

On page 9, line 24, decrease the amount by $12,000,000.

On page 10, line 3, decrease the amount by $3,000,000.

On page 17, line 16, increase the amount by $29,000,000.

On page 17, line 17, increase the amount by $1,000,000.

On page 17, line 21, increase the amount by $17,000,000.

On page 17, line 25, increase the amount by $9,000,000.

On page 18, line 4, increase the amount by $2,000,000.

On page 18, line 16, increase the amount by $36,000,000.

On page 18, line 17, increase the amount by $13,000,000.

On page 18, line 21, increase the amount by $19,000,000.

On page 18, line 25, increase the amount by $3,000,000.

On page 19, line 4, increase the amount by $1,000,000.

Mr. SALAZAR. Mr. President, I rise tonight at this late date to talk about forgotten America, the rural parts of our United States, and to address the issues of education and health care in rural America.

Let me say I want to extend my appreciation and thanks to Senator CONRAD and Senator COLLINS for their work on these issues in the past. I look forward to having their support as we move forward with these amendments.

My amendment will increase funding for the Rural Education Achievement Program, a program that came about through bipartisan efforts that recognize that our rural schools need our help. REAP provides supplemental funding for rural school districts which face significant challenges.

Let me just say that as we look at the issue of education in rural communities and we look at the issue of health care in rural communities, we have to understand that there is a part of the United States of America that has been forgotten, frankly, under both Republican and Democratic administrations. Across the country, some 3,000 counties continue to wither on the vine, where the people who live in those counties, who are mostly agriculturally dependent, do not have the infrastructure or the capacity to address the real needs that are affecting them every day. Those include the issues of education and the issues of health care.

I come from what is one of the poorest counties in America, the County of Conejos. That county has been the poorest county in the United States for a number of different years, so I know firsthand the kinds of challenges that are faced by communities like those communities in Conejos County. Across rural America, no matter where you go, no matter what State you are in, you are going to find these kinds of counties.

The two areas we address here with the amendment are education and health care. First of all, with respect to rural education, a few facts about our rural school districts. Our school districts in rural America account for about one-half of the school districts in our Nation. Rural school districts tend to be the poorest in the Nation. They average less than 40 percent of the per pupil spending in our urban school districts. Rural school districts have less access to technology, computers, and the Internet than their urban counterparts and, thus, are at risk of being left behind in our global economy.

Rural school districts tend to have higher dropout rates than their urban counterparts. Rural schoolteachers tend to make an average of 15 percent less than urban schoolteachers. Despite decreased pay, rural schoolteachers teach more subjects than their urban counterparts, and rural school districts face significant problems with teacher retention and face serious problems in meeting the Federal Government's definition of "highly qualified" under the No Child Left Behind Act.

Those of us who have traveled throughout this country, who have been in many of these rural school districts, know that educational opportunity being brought about for the students in rural schools is very different from that in urban schools. We know that in rural schools they do not have the teachers or the kinds of facilities—the computer technology, the swimming pools, the other parts of the physical facilities—that you find in the wealthier urban settings. So this amendment is a simple statement about the investment needed to help us have the kind of educational opportunity for the children of America who live in the rural parts of our country that have become the forgotten America.

My amendment also addresses the issue of rural health care, restoring funding for the Rural Health Outreach Program, and increases funding for the State Offices of Rural Health Program. These are two programs that are helping us address the health care issues that are faced in rural America. These programs enable the communities to partner with universities, with private practitioners, with hospitals and medical providers to make sure we address rural health care in the way that it is lacking in rural communities.

Let me say a word about the circumstance relating to rural health care. In Colorado, in many of my counties, there is only one nurse practitioner for the entire county. On the western part of our State, in Grand Junction, CO, veterans wait up to 5 months in order to see a doctor.

In Colorado, 756,000 of our citizens are uninsured, and a good majority of them live in rural areas. When they get sick, they either cannot afford to see a doctor or there is a shortage of physicians for them to see. Rural Coloradians tend to have more health care problems so that the lack of health care is life threatening.

We know health care access in our rural communities is in crisis. A few facts bear this out. Forty-five million Americans have no health insurance at all, but 10.2 million of those 45 million Americans live in rural America; 10.2 million of those 45 million Americans live in rural America.

Americans living in rural communities face some of the greatest challenges in obtaining and keeping health insurance.

There are many communities across my State—and I am sure across America—where families in rural communities simply cannot get health insurance, and when they get health insurance they have to pay anywhere from $1,000 to $2,000 a month just to keep that health insurance.

Rural residents are more likely to be covered by Medicaid than their urban counterparts. Residents in rural communities have less access to medical services because there is such a critical shortage of doctors in rural communities across our country.

My amendment will restore some of that funding so that our communities in forgotten America can continue to develop innovative programs to increase access to healthcare.

Let me conclude by saying this is a simple step to help us put the spotlight on the problems that are faced by rural America today. This is not a Republican or a Democratic issue. This is an issue where Democrats and Republicans should stand up and say that we value education in our rural communities and in our rural schools, that we understand the major problems of healthcare that are faced in our rural communities, and that we will stand up to make sure that we are addressing those issues of healthcare in rural America.

I ask unanimous consent that Senator CONRAD be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. I yield the floor.

Mr. CONRAD. Mr. President, can you advise us of the time remaining on this amendment?

The PRESIDING OFFICER. There is 37 seconds in favor of the amendment, 7½ in opposition.

Mr. CONRAD. I ask my colleague if I could have 1 minute of his time on this amendment.

Mr. GREGG. You can have all of it.

Mr. CONRAD. That is very kind. I will take just a minute.

I thank Senator SALAZAR for offering this amendment. This amendment is important to rural States such as mine. This amendment makes a real difference in States such as North Dakota and Colorado in rural education and in funding for rural healthcare outreach.

Senator SALAZAR has proposed an offset to take some of the very significant increase in international affairs and redirect it to rural America. Rural America is hurting in many parts of this Nation.

Right at the heart of the need for revitalization is education and healthcare. Those are two of the areas that have been targeted by Senator SALAZAR's amendment.

This is a very modest amount of money, but it sends a big signal. I hope my colleagues can find it possible to support this amendment.

I thank Senator SALAZAR for his leadership.

At this moment, I would like to call up Senator DORGAN's amendment No. 210 so that it is formally noticed and in the queue. We don't need to say any more about it. It will be part of the voting sequence tomorrow, and Senator DORGAN will have a chance to describe his amendment. Somebody will have a chance to say something on the other side.

Mr. GREGG. Mr. President, I believe Senator LIEBERMAN will be next. I think he is probably on his way. We are running a little ahead of schedule.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENSIGN). Without objection, it is so ordered.

AMENDMENT NO. 210

Mr. CONRAD. Mr. President, apparently Senator DORGAN's amendment No. 210 was not reported so we ask to call it up.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD], for Mr. DORGAN, for himself, Ms. MIKULSKI, Mr. FEINGOLD, Mr. LEVIN, Mr. KENNEDY, and Mr. LEAHY, proposes an amendment numbered 210.

Mr. CONRAD. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To repeal the tax subsidy for certain domestic companies which move manufacturing operations and American jobs offshore and to use the resulting revenues to reduce Federal deficits and debt by $3.2 billion over 5 years)

On page 3, line 10, increase the amount by $500,000,000.

On page 3, line 11, increase the amount by $600,000,000.

On page 3, line 12, increase the amount by $700,000,000.

On page 3, line 13, increase the amount by $700,000,000.

On page 3, line 14, increase the amount by $700,000,000.

On page 3, line 19, increase the amount by $500,000,000.

On page 3, line 20, increase the amount by $600,000,000.

On page 3, line 21, increase the amount by $700,000,000.

On page 4, line 1, increase the amount by $700,000,000.

On page 4, line 2, increase the amount by $700,000,000.

On page 4, line 24, increase the amount by $500,000,000.

On page 4, line 25, increase the amount by $600,000,000.

On page 5, line 1, increase the amount by $700,000,000.

On page 5, line 2, increase the amount by $700,000,000.

On page 5, line 3, increase the amount by $700,000,000.

On page 5, line 7, decrease the amount by $500,000,000.

On page 5, line 8, decrease the amount by $1,100,000,000.

On page 5, line 9, decrease the amount by $1,800,000,000.

On page 5, line 10, decrease the amount by $2,500,000,000.

On page 5, line 11, decrease the amount by $3,200,000,000.

On page 5, line 15, decrease the amount by $500,000,000.

On page 5, line 16, decrease the amount by $1,100,000,000.

On page 5, line 17, decrease the amount by $1,800,000,000.

On page 5, line 18, decrease the amount by $2,500,000,000.

On page 5, line 19, decrease the amount by $3,200,000,000.

On page 30, line 16, decrease the amount by $500,000,000.

On page 30, line 17, decrease the amount by $3,200,000,000.

Mr. CONRAD. We now have that amendment in the queue and that is what we wanted to accomplish.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 220

Ms. COLLINS. Mr. President, on behalf of the Senator from Connecticut, Mr. LIEBERMAN, and myself, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for Mr. LIEBERMAN, for himself and Ms. COLLINS, proposes an amendment numbered 220.

Ms. COLLINS. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To protect the American people from terrorist attacks by restoring $565 million in cuts to vital first responder programs in the Department of Homeland Security, including the State Homeland Security Grant program, by providing $150 million for port security grants and by providing $140 million to allow for 1000 new border patrol agents)

On page 16 line 15, increase the amount by $715,000,000.

On page 16 line 16, increase the amount by $102,000,000.

On page 16 line 20, increase the amount by $254,000,000.

On page 16 line 24, increase the amount by $220,000,000.

On page 17 line 3, increase the amount by $139,000,000.

On page 23 line 16, increase the amount by $140,000,000.

On page 23 line 17, increase the amount by $112,000,000.

On page 23 line 21, increase the amount by $14,000,000.

On page 23 line 25, increase the amount by $14,000,000.

On page 26 line 14, decrease the amount by $855,000,000.

Ms. COLLINS. Mr. President, I am pleased to join my friend and colleague from Connecticut in offering an amendment to restore funding for the Department of Homeland Security's first responder programs to increase security at our country's borders and to better secure our Nation's seaports.

The administration's budget, unfortunately, would impose severe reductions in grant funding for our first responders, those who are on the front lines in the war on terrorism.

Our amendment restores funding by adding a total of $855 million for Homeland Security funding. This includes $565 million for State Homeland Security programs that support our first responders, $150 million for port security grants, and $140 million to hire 1,000 additional Border Patrol agents.

Our amendment does not provide excessive funding. In fact, it is modest in scope. It would simply restore funding to last year's levels for Homeland Security grant programs such as State Homeland Security grants, the Fire Grant Program, and the Law Enforcement Terrorism Prevention Program.

The amendment will ensure at least the same amount of funding for our Nation's ports as last year, and it takes a modest first step toward increasing the number of border patrol agents as authorized by the Collins-Lieberman Intelligence Reform Act. I note that bill authorized the hiring of 2,000 additional Border Patrol agents. Our amendment authorizes the hiring of only 1,000 additional agents. I note that other Senators this evening, including the soon to be Presiding Officer, have also expressed the support for increasing the number of Border Patrol agents.

This amendment is also offset by reductions in the allowances account, so it will not increase the deficit.

It is a responsible amendment. As we set priorities through this budget resolution, we are faced with many worthy and competing needs and programs. But surely along with national defense improving the security of our homeland must be a priority, and that means providing adequate assistance to those who are on the front lines: Our firefighters, police officers, emergency medical personnel, State and local law enforcement, and emergency managers.

Former Secretary of Homeland Security Tom Ridge perhaps put it best when he said that Homeland Security starts with hometown security. Improving our preparedness is an investment that we must make to strengthen our ability to prevent, detect, and respond if required to terrorist attacks. After all, if the worst happens and we are subject to another attack from terrorists, our citizens are not going to dial the Washington, DC area code. They are going to pick up their phones and dial 9-1-1.

We should always remember who is first on the scene when disaster strikes. We have an obligation to help our first responders be prepared—as well prepared as we can be—because that strengthens the preparedness of our Nation.

Again, this is a modest amendment. There have been other proposals to increase Homeland Security grant funding by billions of dollars.

I recognize we have to strike a balance, that we are operating in an environment of severe budget constraints. That is why Senator LIEBERMAN and I have joined forces to propose what truly is a modest amendment, to simply restore funding to last year's levels.

I think it is the least we can do. I do expect the Senator from Connecticut to be here shortly. I reserve the remainder of our time.

Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent that under the prior agreement which was entered into by myself and Senator CONRAD the time be used in its usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 220

Mr. LIEBERMAN. Mr. President, I am honored to rise to speak on behalf of the amendment my distinguished colleague and friend Senator COLLINS of Maine has offered to this budget resolution. This amendment will make sure adequate funding is provided for key programs at the Department of Homeland Security.

I am very grateful to Senator COLLINS, who is the chair of the newly named Committee on Homeland Security and Governmental Affairs. I am privileged to serve as the ranking Democrat on that committee. I am very glad to join with Senator COLLINS in offering this amendment because it continues the statement that when it comes to security, whether in the world through the Armed Services Committee or here at home through the Homeland Security Committee, we ought to act in a bipartisan, nonpartisan fashion.

This is genuinely a bipartisan amendment. This amendment and the increases it provides would be paid for by reducing administrative expenses and would not increase the deficit. It would provide an additional $855 million that we believe is vitally needed to prepare our first responders, to secure our ports, and to strengthen our borders.

Our intelligence and security experts tell us the threat of terrorist attack here at home is one we are going to have to live with for some time to come. The Director of the Central Intelligence Agency, Porter Goss, recently said "it may only be a matter of time" before terrorists strike again within the United States with weapons of mass destruction. And new intelligence informs us that the Jordanian terrorist Abu Musab al-Zarqawi, now affiliated with Osama bin Laden, leading a group of terrorists in Iraq, may have conferred with bin Laden about attacks within the United States at nonobvious targets spread throughout this country of ours.

The fact is, we remain vulnerable. We are safer, as the 9/11 Commission said in its report last year, than we were on 9/11, but we are still not yet fully safe.

In a recent letter to the Senate Budget Committee, looking at what I took to be the needs of our country with regard to homeland security, I recommended an additional $8.4 billion in homeland security spending governmentwide, with $4.2 billion going to first responders.

In the current context, that is a large number, but I truly believe every dollar would have been well spent and would have improved and increased our sense of security from terrorism here at home.

The fact is, we have the best military in the world, in the history of the world, as we have seen in Afghanistan and Iraq in recent years. One of the reasons we do, in addition to the extraordinary commitment, skill, and bravery of our personnel, is we have been willing to invest money to provide that first-rate defense.

The same is true here at home. We will not become secure on the cheap. I understand that the $8.4 billion I proposed in my letter to the Budget Committee is not going to find majority support here on the Senate floor. But surely we can agree not to go backwards. Although the administration has recommended increases, some of them targeted to homeland security programs, in its fiscal year 2006 budget, those increases are very modest and very few. And, unfortunately, the proposed budget would actually cut key Department of Homeland Security first responder programs by 32 percent.

It has been said before, but it cannot be said often enough, that our first responders are on the front lines of the war on terror here at home. In fact, they are more than our first responders. They can be hundreds of thousands of additional first preventers. We must give them what they need to do their jobs effectively for us. That means dollars to help train and equip State and local police, firefighters, and emergency medical technicians to be first responders, preventers, and to help detect or disrupt terrorist activity before an attack, and dollars to ensure that should an attack occur, these men and women who serve us will have the training and the equipment they need to respond, to save lives, to localize the damage.

State and localities across our country are using a lot of their own money and taking a lot of initiative on their own to prepare to defend against terrorist attack. But they cannot do it alone, nor should they have to. Therefore, the amendment Senator COLLINS and I are proposing this evening would provide $565 million to restore the administration's proposed cuts to Homeland Security Department first responder programs, to get us back to where we have been.

That would include State homeland security grants, firefighter grants, and emergency management planning grants. Maintaining these programs at their current levels is the least we can do given the enormous demands on our first responders in our municipalities and States.

Mr. President, the Council on Foreign Relations Task Force, headed by our former colleague, Senator Warren Rudman, as an example of one standard of expenditures possibly necessary here, called for nearly $100 billion over 5 years just to prepare first responders. A recent survey by the National Governors Association found that communications interoperability is the top homeland security priority for many States. That is as it says. How can we make sure that in a moment of crisis those first responders from different agencies and different jurisdictions can, in fact, communicate with one another? Only a few States have achieved that interoperability because it is so expensive.

Just last week, New York's Center for Catastrophe Preparedness and Response reported that emergency medical services personnel generally lack not only proper equipment but also proper training.

Without more support, our first responders simply will not be able to provide the help we need if terror strikes.

Second, in our amendment, Senator COLLINS and I also provide for $150 million in dedicated funding for port security. The budget resolution provides none—no funds—in this area. It is hard to overstate the importance of our ports to our economy and transportation network. Ninety-five percent of all our trade flows through our ports, and a potential terrorist attack at one of them would cause economic havoc for our country. In fact, the U.S. Coast Guard has estimated it will cost more than $7 billion to effectively secure America's ports.

Unfortunately, this budget does not guarantee any spending for port security. Rather, it combines a large array of homeland security needs—including port security—into a catch-all fund for infrastructure protection. This fund is too small to cover all infrastructure protection needs. Therefore, the amendment that Senator COLLINS and I introduce tonight would guarantee that port security gets at least the fiscal year 2005 level of $150 million.

Finally, border security. The 9/11 Commission bill passed by Congress and signed by the President at the end of last year authorized 2,000 new Border Patrol agents for this year. The President's budget funds only 210 new agents. These new hires, as I see them, would basically replace agents who were moved from the southern border to beef up staffing at the northern border.

Our amendment would provide $140 million for border security. That would allow the Department of Homeland Security to hire 1,000 new agents in the coming fiscal year, which I am confident—and Senator COLLINS is, too—would be enough to make a noticeable difference in our border defenses.

Mr. President, bottom line: This is a modest proposal. In large part, it is a status quo proposal, keeping us at least where we have been and not moving backward. The experts have told us that we need to invest billions more than we are. We are still learning of new vulnerabilities all the time. We cannot afford to retreat in our efforts, when we know there is still a great distance to go before our first responders are well prepared and other gaps at our borders and ports are closed.

That is the intention of this bipartisan amendment. I urge my colleagues to support it. I thank the Chair and I thank Senator COLLINS for her leadership once again in proposing this amendment. I am proud to stand with her on this, as I have on so many other matters.

I yield the floor.

Mr. GREGG. Mr. President, what is the time situation on this amendment?

The PRESIDING OFFICER. There is no time agreement on this amendment.

Mr. GREGG. I thought we had a half hour from 9 o'clock to 9:30.

The PRESIDING OFFICER. That was not formally locked in.

Mr. GREGG. Assuming we had a half hour, how much time would be remaining?

The PRESIDING OFFICER. There would be 12 minutes left.

Mr. GREGG. So I would have 12 minutes, theoretically?

The PRESIDING OFFICER. Yes. 12 minutes is left in the total half hour. The Senator would control that entire 12 minutes.

Mr. GREGG. I notice that the Senator from Louisiana has an amendment. I think the Senators offering the amendment have completed their statements.

Ms. COLLINS. We are ready to rebut anything that might be said in opposition. But if there were no one speaking in opposition, I would be happy to conclude my remarks.

Mr. GREGG. I thank the Senator. I will give her the opportunity to rebut briefly. I will speak briefly in opposition, so that we can move to the Senator from Louisiana.

Mr. President, this amendment is well-intentioned. Obviously, first responders and the homeland security issues are major issues for us as a nation. We have done a significant amount in this area and, of course, there is a supplemental bouncing around the hallways that has a significant amount of increase for a number of homeland security initiatives.

Earlier this evening, we did an amendment offered by the Senator in the chair and the Senator from Texas, which would add 2,000 border agents. This adds 1,000 border agents. I am not sure when we stop adding border agents tonight. I am thinking maybe there should be a budget point of order that you can only add up to, say, 10,000 or 20,000 border agents in any one given evening.

But as a practical matter, it seems to me that we are getting a little carried away with the border agent additions—even in the context of making political statements.

The amendment itself takes the money out of the 920 fund. I think it is important that people understand that the 920 fund—when you authorize funds out of the 920 fund, you are saying essentially there will be an across-the-board cut in all other accounts of the Federal Government.

This amendment, which has approximately $800 million in it—or something like that—would mean that since it is a discretionary number, half of that would be assessed against the Department of Defense, which would mean you would be cutting DOD by $100 million, education by around $20 million, health care by about $140 million, $150 million. You would be cutting environmental protection by probably $100 million—and so on and so on because it is an across-the-board cut. It has to come from these other accounts on the discretionary side of the ledger. In fact, the education cut would be bigger, much bigger.

Obviously, we have to make choices, and this amendment has decided that homeland security and adding another 1,000 agents on top of the 2,000 already proposed is a priority. But I think it is important that people understand that this is not a situation where the money grows on trees. It comes from taxpayers, and we are trying to limit the amount of money that taxpayers have to spend. Therefore, choices have to be made.

This amendment essentially requires that other accounts of the Federal Government, which have some priority also, such as defense, education, health care, and environmental protection, will be reduced were this amendment to actually be carried to its natural fruition, which I hope it will not be. That being the case, I will reserve my time and, hopefully, we can move on to the Senator from Louisiana.

Does the Senator from Maine wish to comment?

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, if I could just make a couple of comments in response to the Senator from New Hampshire. I will be very quick because I know the Senator from Louisiana has been waiting.

It will be up to the Appropriations Committee to decide how to allocate the cuts that we are proposing in the allowances account. It would not necessarily cut across the board equally. In fact, almost certainly it would not, because the Appropriations Committee will set priorities.

The second point that I want to make has to do with the number of border agents proposed in our amendment. I think that it demonstrates how modest the amendment is that the Senator from Connecticut and I have offered. After all, even though our legislation, the intelligence reform bill, authorized 2,000 additional Border Patrol agents, because we recognized the constraints of the budget we have proposed only going halfway toward that goal, and that is why we chose to authorize just 1,000 additional border agents. It is in recognition of the budget constraints under which we are operating.

So I think the distinguished chairman of the Budget Committee actually helps make the point of how reasonable our approach is, that we chose to go for a more modest number than the previous amendment that was debated this evening.

Furthermore, I point out that that amendment, to the best of my knowledge, was not accepted this evening. It is still a pending amendment.

So this is about setting priorities, and surely we can provide funding just equal to last year's—we are not even proposing an inflation increase—to ensure that we continue to strengthen the preparedness of this Nation.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 223

Mr. VITTER. I call up amendment No. 223 which is at the desk.

The PRESIDING OFFICER. The clerk which report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 223.

Mr. VITTER. Mr. President. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate that Congress should provide dedicated funding for port security enhancements)

On page 63, strike line 24, after the second period insert the following: "In dealing with homeland security assistance grants that relate to port security, Congress should (1) allocate port security grants under a separate, dedicated program intended specifically for port security enhancements, rather than as part of a combined program for many different infrastructure programs that could lead to reduced funding for port security, (2) devise a method to enable the Secretary of Homeland Security to both distribute port security grants to the Nation's port facilities more quickly and efficiently and give ports the financial resources needed to comply with congressional mandates, and (3) allocate sufficient funding for port security to enable port authorities to comply with mandated security improvements, ensure the protection of our Nation's maritime transportation, commerce system, and cruise passengers, strive to achieve funds consistent with the needs estimated by the United States Coast Guard, and recognize the unique threats for which port authorities must prepare.".

Mr. VITTER. Mr. President, this amendment addresses the very important issue of port security which was spoken about a few minutes ago by another Senator. I am very concerned that the President's budget submission does not fully advance port security because it would merge the present support security grant program with other homeland security infrastructure programs. This amendment would address this issue.

Ports are vital to our Nation and our economy. There are 361 public ports in the U.S. handling over 95 percent of our overseas trade. That accounts for 2 billion tons, $800 billion of domestic and international freight annually. Ports and their maritime industry partners currently make up 27 percent of the GDP, and within the next 15 years many predict the amount of cargo that U.S. ports will handle will double. At that rate, our port facilities would account for as much as one-third of our GDP.

Of course, ports do not only handle imports and exports but also 7 million cruise ship passengers and 113 million passengers on ferries every year. Ports play a vitally important role in the war on terror. Many of our ports are vital to the deployment of our troops, and all of our ports are needed for sustainment cargo. The ports themselves supply 4 million jobs.

In my home State of Louisiana they are particularly important. They are a vital part of our way of life and our economy. We have 5 of the 15 busiest single ports in the Nation. As a Nation, 50 percent of our agricultural products go through our ports.

For all of these reasons, ports are an enormous target for the bad guys, for the terrorists. Therefore, we have been focusing, with good reason, on port security.

The problem is, the President's current budget submission would merge a current and very important port security grant program into other infrastructure programs. I think that would lose tremendous focus in the effort to beef up our port security and get the job done at our Nation's ports. My amendment would address that by doing several things.

First and most importantly, it would state the sense of the Senate that port security grants should not be combined with those other infrastructure programs. Again, we would lose focus by merging port security with all of those other programs.

Secondly, my amendment would say that Congress should determine a method to enable the Department of Homeland Security to more efficiently and more quickly deliver port security grants to our Nation's ports.

Third, the amendment states that Congress should state funding levels that would strive to get the full job done as estimated by the experts, the U.S. Coast Guard. The Coast Guard says that at least $7 billion is needed to make enhancements to our ports, although some experts say that might be as high as $16 billion.

So I encourage all Senators to support this amendment and help ensure that this important port security grant program is not merged and subsumed into a more general program.

I reserve any remaining time which I have, which I would like to use to talk about another amendment in a minute.

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

AMENDMENT NO. 224

Mr. VITTER. At this point I call up amendment No. 224, at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana (Mr. VITTER) proposes an amendment numbered 224.

Mr. VITTER. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To restore funding for Corps of Engineers environmental programs to fiscal year 2005 levels, and to offset that increase through reductions in general Government spending)

On page 12, line 15, increase the amount by $130,000,000.

On page 12, line 16, increase the amount by $91,000,000.

On page 12, line 19, increase the amount by $130,000,000.

On page 12, line 20, increase the amount by $130,000,000.

On page 12, line 23, increase the amount by $130,000,000.

On page 12, line 24, increase the amount by $130,000,000.

On page 13, line 2, increase the amount by $130,000,000.

On page 13, line 3, increase the amount by $130,000,000.

On page 13, line 6, increase the amount by $130,000,000.

On page 13, line 7, increase the amount by $130,000,000.

On page 24, line 16, decrease the amount by $130,000,000.

On page 24, line 17, decrease the amount by $97,500,000.

On page 24, line 20, decrease the amount by $130,000,000.

On page 24, line 21, decrease the amount by $130,000,000.

On page 24, line 24, decrease the amount by $130,000,000.

On page 24, line 25, decrease the amount by $130,000,000.

On page 25, line 3, decrease the amount by $130,000,000.

On page 25, line 4, decrease the amount by $130,000,000.

On page 25, line 7, decrease the amount by $130,000,000.

On page 25, line 8, decrease the amount by $130,000,000.

Mr. VITTER. Mr. President, this separate amendment numbered 224 is another vitally important part of the budget, which is the budget for the U.S. Army Corps of Engineers. This amendment would increase funding of the Corps of Engineers to nearly last year's levels. Unfortunately, the President has proposed a significant, $130 billion cut from last year's levels. This would simply stay steady from last year's levels, using full offsets so that it would not change the overall topline number of the budget.

The Corps of Engineers' mission is vitally important to the country in two areas in particular—first, for a lot of environmental purposes. This certainly affects Louisiana. In Louisiana, this Corps funding is critically important as we literally fight for our life in the fight against coastal erosion.

As noted by the President himself, over the past 75 years more than 1 million acres of Louisiana coastal plain have been lost into the Gulf of Mexico. Another third of a million could be lost by 2050.

This is such a crisis that we lose a football field of land, which is a fair amount of land, every 38 minutes. That clock does not stop. It is 24 hours a day, 7 days a week, 52 weeks a year.

This, of course, is just related to Louisiana. There are other vitally important environmental projects that the Corps is focused on outside of Louisiana, such as the Florida Everglades, upper Mississippi, and many other important projects.

The second area for which the Corps is vitally important is water projects that build and maintain waterways around the country. That goes directly to the maritime sector of our economy and our national economy and economic growth. The Corps builds and maintains and operates 8,000 water projects across the country. Every year it dredges 900 harbors, operates 275 locks and dams, 75 hydropower facilities, and it manages 4,300 recreation areas. All of this is very important to our country, our way of life and our economy. An enormous part of the economy is maintained by that important work of the Corps.

That is why I believe cutting the Corps' budget in real dollar amounts, by $130 million, is not the way to go. It would hurt our economy. It would hurt economic growth. So my amendment would simply propose to restore the Corps of Engineers' funding to last year's level—no more, what was actually appropriated last year.

It is important to note that my amendment contains a full offset and that would be a decrease in funding from the General Government account. This would be a 0.7 percent reduction in that account, an account which has been increased 8 percent, double the rate of inflation from last year.

I think this is the right thing to do. I urge all my fellow Senators to support this amendment.

I yield back my time.

The PRESIDING OFFICER. The time of the Senator has expired.

AMENDMENT NO. 197, AS MODIFIED

Mr. ALLEN. Mr. President, I will be sending an amendment to the desk and will ask for its immediate consideration. But while a final modification is being made, I will speak on the amendment. Once its been modified, I will ask to call up for consideration.

The amendment I am offering to the budget resolution this evening would provide additional funding for the Aeronautics Program at NASA. There has been much talk over the last 3 days about how Congress's budget is a representation of our Nation's priorities. If that is the case, I believe the priorities in this budget proposal are far out of place regarding our Nation's commitment to aeronautics research and development.

Aeronautics is a very vital and important science to our country. It provides vital innovations and breakthroughs in military and commercial aviation. Our Nation, from the beginning of flight, from the Wright brothers until very recently, has been unrivaled in military aviation power because of the research and development we have undertaken in the field of aeronautics.

My colleague from Virginia, Senator John Warner, and Senator DEWINE of Ohio are joining me in offering this amendment, which will restore vitally needed funds for the NASA Aeronautics Program.

The administration's 2006 budget proposes to cut over $700 million out of NASA's aeronautics budget over the next 5 years—$700 million over the next 5 years. That will reduce the effective levels of NASA's aeronautics investment to about half of the level that it is today. Today's level is about half the level that the funding, adjusted for inflation, was just a decade ago. So a decade ago there was an amount, that has been cut in half, and this proposal is to cut it in half again, which, in effect, means we have a quarter of the budget in research and development in aeronautics that we had just 10 years ago.

In fact, the fiscal year 2006 budget calls for eliminating NASA's entire Vehicle Systems Program, the very initiative that over the last 5 decades has provided major technology advances that have been used on every major civilian and military aircraft over that period of time. The Vehicle Systems Program is a vitally important aspect of NASA, aeronautics, and our country.

I am a competitive person. I think this country needs to be a leader in innovation and technology, whether that is nanotechnology, which is a key technology for the future in a variety of areas from life sciences to medical sciences to energy to microelectronics.

Another key area for our country's competitiveness and our security in the future is aeronautics. The share of the United States of global commercial aviation sales has been declining for the better part of the last three decades, dropping from 90 percent of market share in 1940 to just over 45 percent last year. In fact, last year was the first time the United States was not first in sales of commercial aircraft.

Despite this decline in market share, U.S. commercial aviation is one of the few areas of U.S. manufacturing where we actually have a positive balance of trade. The administration's proposal is shortsighted, and the kind of "penny wise, pound foolish" idea that will hinder the United States's economic growth and eliminate any chance that our commercial aviation industry will be able to regain market share against our global competitors.

Make no mistake, the European Airbus consortium has a specific, targeted, and funded effort to achieve overwhelming dominance of the commercial aviation market by the year 2020.

My amendment sends a message. The message is that as this year's budget process plays out, this Senator and my colleagues as well as colleagues from many parts of our country are going to fight the proposed unwise, harmful cuts to aeronautics research and development. I do not think Americans like losing in aeronautics. Our goal is not only to stop these cuts but also to build a national consensus towards investing even more in aeronautics at NASA.

Mr. President, I ask unanimous consent to have additional information printed in the RECORD on why aeronautics research is important to our Nation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE IMPORTANCE OF AERONAUTICS

1. Aeronautics is important to the safety of the nation's flying public because:

Air traffic will nearly double in the next decade and will triple in 20 years.

If you calculate out today's accident rate to the number of flights we will have 20 years from now, we will have a major accident once per week, an unacceptable rate.

Our interstate highway and railroad systems, which are already less safe than flying, are also already exceeding capacity and require a huge investment in infrastructure to meet anticipated demand.

2. Aeronautics is important to our national defense because:

Every military aircraft design the U.S. military currently flies incorporates advanced technologies that were developed at NASA Research Centers.

NASA engineers have developed military innovations such as shaping for stealth; multi-axis thrust vectoring exhaust nozzles integrated with aircraft flight-control systems; fly-by-wire flight control technologies; high-strength and high-stiffness fiber composite structures; and tilt-wing rotorcraft technology.

Losing experienced NASA aeronautics engineers and discouraging young engineers from entering this field only harms our national expertise in cutting edge aviation systems.

3. Aeronautics is important to our economy because:

The U.S. aerospace and aviation industry employed 2 million workers in 2001. These workers earn incomes that are 35% higher that the average income in the U.S.

The U.S. is losing serious market share in aviation to Europe; U.S. market share has dropped from 70 to 50 percent in just a decade. The Europeans' "Aeronautics Vision for 2020" plans include them gaining irreversible dominance in civil aviation manufacturing.

Many aerospace and aviation industry segments have lost jobs since 1996, and the manufacturing sector of this industry has lost 67,000 jobs since 1998 alone.

The aviation industry has the largest positive balance of trade of all U.S. industries ($33 billion in 1999).

Mr. ALLEN. Mr. President, this amendment would provide a relatively modest increase to the NASA program that has been proposed to be drastically cut in this budget. The Vehicle Systems Program conducts research on the feasibility of hypersonic flight. Hypersonic fight is speed beyond Mach 5, and also research on the development of zero emissions aircraft. The National Institute of Aeronautics is expected to release a report finding the need for increased aeronautics investment and specifically on greater focus on NASA's vehicle systems programs.

The amendment I will be offering would meet these recommendations over the next 5 years.

As I stated, the increases are relatively modest. For fiscal 2006, the amendment calls for an additional $207 million for the Vehicle Systems Program. This additional funding would be offset by reduction in funding for administrative services across all accounts.

I urge my colleagues to consider the importance of aeronautics research, not only for the jobs and the commercial importance for our country but also for our continued national security. Aeronautics is important, because if you look at the R&D and the advancements that will be coming in aeronautics compared to what is going on with our European competitors, our aeronautics engineers are generally older. If we are going to have the next generation of young people involved in aeronautics engineering, we need to have this commitment to R&D.

Moreover, it is essential that our men and women in the Armed Forces have the best aircraft. We currently have air superiority. The reason that we have it is because of the R&D over the past 5 decades. For this country to continue to protect the freedom that we enjoy here on the floor of the Senate and in this Congress we must be able to project our power into areas where precision, stealth, and speed are required. To continue being able to do that, aeronautics R&D is absolutely essential.

I request that my colleagues to support this amendment.

AMENDMENT NO. 197, AS MODIFIED

Mr. ALLEN. Mr. President, I send the amendment to the desk with a modification.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. ALLEN], for himself, Mr. WARNER, and Mr. DEWINE, proposes an amendment numbered 197, as modified.

Mr. ALLEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase, with an offset, by $1,582,700,000 over fiscal years 2006 through 2010 funding for Transportation (budget function 400) with the amount of the increase intended to be allocated to the Vehicle Systems account of the National Aeronautics and Space Administration for subsonic and hypersonic aeronautics research)

On page 15, line 15, increase the amount by $207,700,000.

On page 15, line 16, increase the amount by $207,700,000.

On page 15, line 19, increase the amount by $313,200,000.

On page 15, line 20, increase the amount by $313,200,000.

On page 15, line 23, increase the amount by $321,900,000.

On page 15, line 24, increase the amount by $321,900,000.

On page 16, line 2, increase the amount by $355,100,000.

On page 16, line 3, increase the amount by $355,100,000.

On page 16, line 6, increase the amount by $384,800,000.

On page 16, line 7, increase the amount by $384,800,000.

On page 26, line 14, decrease the amount by $207,700,000.

On page 26, line 15, decrease the amount by $207,700,000.

On page 26, line 17, decrease the amount by $313,200,000.

On page 26, line 18, decrease the amount by $313,200,000.

On page 26, line 20, decrease the amount by $321,900,000.

On page 26, line 21, decrease the amount by $321,900,000.

On page 26, line 23, decrease the amount by $355,100,000.

On page 26, line 24, decrease the amount by $355,100,000.

On page 21, line 1, decrease the amount by $384,800,000.

On page 21, line 2, decrease the amount by $384,800,000.

Mr. ALLEN. Thank you, Mr. President.

I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. ALLEN. I yield the floor.

AGRICULTURE MANDATORY SPENDING

Mr. CHAMBLISS. Mr. President, I rise today to discuss the budget resolution and its impact on Agriculture Committee mandatory spending programs. Would the distinguished chairman of the Budget Committee engage in a colloquy with me on this subject?

Mr. GREGG. I would be pleased to enter into such a colloquy.

Mr. CHAMBLISS. As I understand it, the budget resolution before us today assumes a total reduction in Agriculture Committee mandatory spending programs of $5.4 billion over the five-year period covering fiscal years 2006 through 2010. I further understand that $2.8 billion of this total is to be achieved by the Agriculture Committee by changing laws governing mandatory spending programs within its jurisdiction through the budget reconciliation process. Assuming the Agriculture Committee complies with its reconciliation instruction, this leaves an additional $2.6 billion in assumed, but un-reconciled, mandatory spending reductions in Agriculture Committee programs. My understanding is that the additional $2.6 billion in assumed reductions will not impact such programs if the Agriculture Committee chooses not to achieve them. Is my understanding correct?

Mr. GREGG. Yes, your understanding is correct. If the Agriculture Committee complies with its reconciliation instruction, the budget resolution contains no budget enforcement mechanism to achieve the additional $2.6 billion in assumed mandatory spending reductions.

Mr. CHAMBLISS. I would like to explore this a little further because it is an important point. It is possible that subsequent to the completion of the budget reconciliation process, the Agriculture Committee may wish to move legislation that affects programs within its jurisdiction. My understanding is that no budget points of order will lie against such an Agriculture Committee bill as long as it is spending neutral. Is my understanding correct?

Mr. GREGG. Yes, you are correct.

Mr. CHAMBLISS. This clarification is helpful. Unfortunately, there is a lot of confusion on this point. Yesterday, all Senators were sent a letter that among other things suggested that the budget resolution's assumed additional, but un-reconciled, reductions in Agriculture Committee mandatory spending would generally allow a budget point of order to be raised against Agriculture Committee bills subsequent to the completion of the budget reconciliation process. Have you had an opportunity to read this letter?

Mr. GREGG. I have and the letter is very definitely incorrect on this point.

Mr. CHAMBLISS. While I would prefer to not alter any programs under the Agriculture Committee's jurisdiction this year to achieve mandatory spending reductions, our committee has been willing in the past to contribute its fair share to help restrain mandatory spending in previous efforts to reduce the budget deficit. I believe our committee will be willing to do that again this year. In my view, a $2.8 billion reduction over five years in Agriculture Committee mandatory programs is a reasonable contribution given the President's proposal to reduce overall mandatory spending by $61.6 billion. Unfortunately, the House budget resolution instructs the House Agriculture Committee to achieve $5.3 billion in mandatory spending reductions. I strongly request that you keep the Agriculture Committee's reconciliation instruction in the final budget resolution conference report from rising above the Senate's $2.8 billion figure during conference with the House.

I thank the Chairman.

Mr. GREGG. I will do my best to maintain the Senate position in conference with the House.

Mr. VOINOVICH. Mr. President, the Senate is once again working late hours to enact a budget resolution totaling more than $2 trillion and setting major policy guidelines through the reconciliation process. So begins our annual budget process.

From now until September 30, Congress will conduct dozens of hearings and hold countless meetings, while Members of both Houses deliver innumerable speeches and spend long hours of debate over every subtle nuance of the Federal budget process.

Over the next 8 months, Congress will consider a budget resolution, a budget reconciliation package, and as many as 13 separate appropriations bills—the latter only if we do not combine those appropriations bills into one massive spending bill, as has been the practice in recent years.

By the time Congress adjourns—hopefully in early October but more likely in mid November—a majority of votes taken in the Senate will relate to the budget process.

Indeed, as my colleague, the distinguished chairman of the Budget Committee, Senator DOMENICI, has pointed out, 73 percent of the Senate's votes in 1996 were budget related, 65 percent in 1997, and 51 percent in 1998. It is no wonder each year it is quite common for the same subject to be voted upon three or four times during the course of the entire budget process. It is a heck of a way to run a railroad, but what is really unbelievable is this whole process is repeated each year.

I say enough is enough. It is time to bring rationality to our Nation's budget process.

It is a fact that Congress spends too large a portion of its time debating and voting on items related to the Federal budget. Meanwhile, most other congressional functions are not given proper attention. CBO reports that last year Congress appropriated over $170 billion for 167 programs whose authorizations had expired. This is not the fault of the appropriators. No one expects them to not fund veterans health care or other critical programs due to an expired authorization. It is the fault of a process that simply does not leave us enough time to adequately review and reauthorize important Government programs.

We need to reestablish our priorities so we may effectively do the work of the people, make sure that the Federal Government is running at peak efficiency and deliver value, which is quality service for the least amount of money.

I believe we have an excellent opportunity to do that this year.

One of the first bills I cosponsored when I became a Senator was a measure introduced by Senator PETE DOMENICI that would establish a 2-year budget—just like we have in about 20 States, including the State of Ohio. I believe enactment of this bill would have provided an important tool in the efficient use of Federal funds while strengthening Congress's proper oversight role. Unfortunately, we were unable to pass that legislation and the issue has lain idle over the past several years. Now is the time to take it up again.

Because Congress produces annual budgets, Congress does not spend nearly as much time as it should on oversight of the various Federal departments and agencies due to the time and energy consumed by the budget resolution, budget reconciliation, and appropriations process.

Not only is this a problem for Congress, but each executive branch agency and department must spend a significant amount of its time on each annual budget cycle.

Again, as my colleague, Senator DOMENICI pointed out in 2000, the executive branch spends 1 year putting together a Federal budget, 1 year explaining that Federal budget before Congress, and 1 year implementing the budget eventually passed by Congress.

Even the most diligent Cabinet Secretary cannot keep track of all the oversight he or she is supposed to accomplish if they are trapped in this endless budget cycle.

A biennial budget will help Congress and the executive branch avoid this lengthy process. Since each particular Congress lasts only 2 years, a biennial budget would allow us to consider a 2-year funding proposal during 1 year, while reserving the second year for Government oversight.

As chairman of the Subcommittee on Oversight of Government Management and Restructuring in the Governmental Affairs Committee, I have noted that even though the General Accounting Office conducts numerous reports documenting Government inefficiencies that need to be corrected, most GAO reports sit on the shelf because there is no time to conduct detailed hearings.

When oversight hearings are held, nearly everyone in the executive branch knows—from career bureaucrats to Cabinet Secretaries—that they need only weather the immediate storm when they are asked to come to the Hill to testify.

That is because once they answer the criticisms that have been leveled in these GAO reports, and explain how they are going to improve the situation, it is over; the worst has passed. Rarely do they have to worry about followup hearings to make sure they have implemented the proper remedies because they know Congress just will not have the time to conduct future hearings.

A 2-year budget cycle gives Congress time to do that legislative oversight and makes it harder for agencies to avoid giving answers.

Two-year budgeting also gives Congress and agencies time to plan for the future instead of always reacting to the past. Federal agencies are required to have 5-year strategic plans but they need longer term budgets to match their funding to their planning.

For my colleagues who are tired of the seemingly endless budget and appropriations cycles and are frustrated at the inability to devote enough time to the oversight duties of their committees, I urge them to join in cosponsoring this legislation. I also urge my House colleagues to review the merits of the biennial budget process and act upon legislation as expeditiously as possible for the good of America.

The point I am making is this. It is time for this Congress to adopt a 2-year budget cycle instead of the one we have had for too many years. It will help us do a better job in terms of budgeting; it will allow Congress and the agencies time to plan more effectively and certainly get us to do the oversight that is so badly needed by this Congress.

I sincerely wish we were about to vote on a biennial budgeting bill instead of merely a sense-of-the-Senate-resolution. Nevertheless, we can at least send a message to our colleagues telling them the Senate does not intend to let this issue simply fade away. I urge my colleagues to vote yes on this resolution. I ask that the text of my amendment No. 175 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

(Purpose: To express the sense of the Senate that Congress should enact a biennial budget for the Federal Government)

On page 65, after line 25, insert the following:

SEC. . SENSE OF THE SENATE SUPPORTING BIENNIAL BUDGETING.

It is the sense of the Senate that Congress should enact a biennial budget for the Federal Government.

Mr. CORZINE. Mr. President, the process of developing a budget each year provides an opportunity to take stock of our priorities as a nation.

The President outlines his priorities through his budget, but it is the Congress, with its control of the purse strings, that is ultimately charged with the responsibility of fashioning and enacting legislation.

Regrettably, the priorities reflected in this budget resolution—which mirror those in the administration's budget proposal—are wrong for America and certainly wrong for the people of New Jersey.

In New Jersey, we are particularly sensitive to the choices made by this administration and its allies in Congress, since we provide the greatest contribution of taxes paid relative to what we get back from the Federal Government. Our return on the Federal dollar has fallen from 70 cents to a meager 57 cents under the Bush administration. This budget will only further increase the strain on New Jersey's citizens, especially our most vulnerable: our children, our disabled, and our seniors.

According to the resolution before us, this administration and this congressional leadership's priorities include underfunding No Child Left Behind by an astounding $12 billion next year, which means that 53,152 students in New Jersey will not be served by the title I program and 32,822 fewer kids in New Jersey will have a safe place to go after school. I am disappointed that this body on Monday rejected an opportunity to restore some of this funding.

According to this resolution, Republican leadership's priorities include cutting $15 billion from the Medicaid Program over the next 5 years. If these cuts take effect, New Jersey would lose $90 million a year in Federal Medicaid funding.

I asked my State to tell me what they would do if they lost this funding. They told me there are two options: The State will either have to eliminate health insurance for more than 20,000 low-income children and pregnant women who are considered "optional" beneficiaries because they earn just above 133 percent of the poverty level, which is $20,000 for a family of four; or, the State could eliminate "optional" services, including dental care, hearing aid services, psychological services, and medical daycare for individuals with Alzheimer's and dementia.

The Republican leadership's priorities include cutting Amtrak's entire operating subsidy. I doubt the 82,000 commuters who ride New Jersey Transit trains every day would agree with this policy choice, since their trains operate along Amtrak's Northeast corridor rail. Neither, I know, would the literally millions who rely on Amtrak to travel interstate.

Let's not forget cuts for our veterans and first responders and weakened investment in community development. The list goes on and on.

All in all, under President Bush's budget, my home State of New Jersey stands to lose nearly $300 million next year, adjusted for inflation, according to the Center on Budget and Policy Priorities and that is before you even estimate his implied cuts to Medicaid. If Congress fails to act, cuts under our budget could be of a similar magnitude.

These cuts do not come as part of some shared sacrifice driven by tough fiscal times, as some would have us believe. Most of these program cuts are only a drop in the bucket compared to the cost of President Bush's tax cuts for the most fortunate.

In all, the Bush administration has reduced Federal revenues to their lowest level as a share of the economy since the 1950s. As a consequence, we no longer have the resources to deal with the Nation's priorities—that is why they want to cut funding for veterans and education and health care and community development.

Next year, people with incomes greater than $1 million will receive $32 billion from President Bush's tax breaks. Compare this $32 billion cost to the $220 million that the President has proposed cutting from the Low Income Heating Assistance Program, which helps low-income families and seniors pay their heating and cooling bills. We would literally be throwing people out in the cold—405,000 of them, to be precise, or more than 7,000 in New Jersey—to pay for less than 1 percent of President Bush's tax breaks for millionaires.

This choice simply does not reflect our Nation's fundamental values. I don't think it reflects the values of even those benefiting most from it. Nor does it address the real needs of working families in New Jersey and across America.

That reality includes rising health care costs that are driving families into bankruptcy like never before and preventing businesses from creating jobs. It includes growing wage disparity and a labor market that's stayed weaker for longer coming out of a recession than any other time on record.

According to the Tax Policy Center of the Urban Institute and the Brookings Institution, more than 70 percent of the benefits of the President's tax breaks enacted in 2001 and 2003 go to the 20 percent of taxpayers with the highest incomes. More than 25 percent of the taxcut benefits go to the top 1 percent.

I believe that America stays strong by investing in its people and its communities, not by abandoning them.

Let's remember the context. Since President Bush took office, the Federal budget deficit has deteriorated every year. This year, we are expected to be $427 billion in the hole.

In light of this record, President Bush and his Congressional allies' recent claims of fiscal responsibility simply are not credible. This budget makes those claims even less credible by achieving much of its purported "cost savings" by passing the buck to State and local governments.

Lowering the numbers here in Washington is not the same thing as fiscal discipline if this is simply an exercise in shifting cost burdens to states and communities. That is hardly a plus for the American people and certainly not for New Jersey.

Our States are already stretched too thin. In New Jersey, we have a budget shortfall of $4–$5 billion and annual property tax increases of 7 percent. Much of the reality for States in budget and tax policy has been the result of cost burdens and unfunded mandates passed down from this administration and its allies in Congress.

We have heard claims from the other side that their tax cuts for the most fortunate are somehow responsible for providing a boost to our economy. But as any serious minded economist not on the Republican payroll will tell you, the real story of our modest growth has been the longest sustained monetary expansion on record by the Federal Reserve.

Claims that the tax cuts are responsible for significant economic growth are reminiscent of a rooster taking credit for the Sun coming up.

The more noticeable result of the tax cuts has been an explosion in our Nation's debt, starting with the $1.8 trillion cost over 10 years of making the cuts permanent. If we continue along the path set by this administration, by 2015, each family's share of the national debt will be $73,563. This is simply unacceptable.

As we develop this year's budget, I hope we take a long, hard look at the priorities our Nation has followed under this president. Because, in my view, those priorities need major changes.

As I said earlier, it is the job of the President to reflect his priorities, but it is the role of Congress to reflect the priorities of America, of our families, and of our workers.

I hope we will not fail them.

Mr. THOMAS. Mr. President, as I listen to the arguments coming from the other side this week, I think it is important that we clear up a few misconceptions. A couple of common themes are being emphasized with which I fundamentally disagree.

First of all, it is being alleged that the Federal Government is "cutting" spending. In fact, we are not "cutting" anything. Defense spending under this budget would rise by 4.3 percent over last year. Other discretionary spending would also rise.

Mandatory spending will similarly increase—in some cases substantially. Medicare, for example, is slated to rise by 12.7 percent. So to say we are "decreasing" funding is just not true. The savings to which we refer result from slowing projected increases in spending. We should not assume that just because we go from one year to the next we should automatically be increasing all of our current obligations.

Secondly, it is alleged that we are "cutting" programs. In fact, what we are talking about here are overall budget numbers. Nothing about this resolution allocates specific dollars to specific programs. While it is true that the President's budget has made recommendations to cease Federal funding of certain programs, allocation of the final budget number is the job of the appropriators. In addition, the majority of the programs about which I have heard complaint are areas properly left to State authority and are not within the powers enumerated to the Federal Government. For example, of course education is a priority. But specifics of education and available programs are not within the purview of the Federal Government. They are properly left to the States. That said, under this President and this Congress, overall investment in elementary and secondary education exceeds $500 billion annually, surpassing spending on national defense and exceeding per-pupil education spending of every other country except Switzerland.

Finally, we are hearing a lot of rhetoric about "tax cuts for the rich." I would first point out that many of these "rich" are small business owners who are trying to make capital investments and meet payroll. Secondly, we must all remember that money belongs first to those who earn it, and taxes are the share an individual's earnings that is paid to support the Government. The money isn't ours first. It is theirs. Limiting Government to its essential purposes and allowing people to keep more of their own money is something we all should strive to accomplish. The burden of government has grown entirely too large and way beyond what our Founders intended.

These same people who rail about deficit increases "resulting from tax cuts for the rich" are not advocating fiscal restraint on the spending side. To the contrary, they consistently argue for bigger and bigger increases in Federal spending and more and more entitlement programs funded by the Federal Government. During last year's budget debate, many of these same Senators voted for $400 billion in additional spending.

If we are to be serious about reducing the deficit, we cannot continue to spend at the current pace. Our largest entitlement programs—Medicare; Medicaid, and Social Security—are already in deep financial trouble going forward into the near future. At some point, we have to hold the line.

Mr. ENZI. I want to begin by complimenting Chairman GREGG, Senator CONRAD, and our leadership for bringing the budget resolution to the floor. Last week the Budget Committee reported out the resolution on a party line vote, after a full day of debating and voting on amendments. I am encouraged by the pace at which we are moving forward. It was only 5 weeks ago that President Bush sent his proposal to the Hill for Congress to review.

Last year we passed a budget out of the committee and on the Senate floor but were unable to reach an agreement on a Conference Report. That was unfortunate for a lot of reasons. The Budget Resolution sets a blueprint that Congress is supposed to follow for the year. It establishes spending guidelines, and procedural hurdles for the floor when we fail to live by these guidelines. Chairman GREGG and Senator CONRAD have worked tirelessly to get us where we are today. I commend them for that, and hope that this pace will continue so we can have a budget resolution conference report voted on quickly.

The budget process forces Congress to contemplate our legislative and spending priorities each year. However, I'd like to remind everybody we're not debating appropriations today. My colleagues from the other side of the aisle will try to make this budget debate about proposed cuts to individual programs and pet projects, but we're not cutting any individual programs today. Let me say that again, we're not cutting any individual programs today. We are not making the decisions this week as to which individual programs will be funded. We are setting overall funding levels that will hold our colleagues' spending in check down the road.

However, despite this fact, we are going to hear amendment after amendment that proposes to increase funding for one program or another by increasing taxes.

For example, an amendment that proposes to increase funding under function 750 for COPS grants by eliminating tax relief for working Americans does not guarantee that funding will actually find its way into those grant accounts. That decision will be made by the appropriators and the Senate during the debate on appropriations. That means much of the rhetoric we will hear throughout the debate is political, not practical. Right now, we can only decide the amount of money, not where it will end up.

Setting the overall funding level for fiscal year 2006 is especially challenging, because I think most of us agree that deficit reduction must be a top priority. When I read the administration's budget request they presented in February, I saw that President Bush proposed the first budget since Ronald Reagan that cut non-security discretionary spending.

I have a long track record in support of deficit reduction, and I am committed to helping President Bush and Chairman GREGG achieve this goal. As we know from marking up the resolution last week, the committee-reported resolution contains instructions that would require authorizing committees to reduce mandatory spending. Many of these cuts will come from programs that I oversee in my role as chairman of the HELP Committee.

I am committed to reviewing and strengthening programs under HELP's jurisdiction to ensure they are cost effective, not duplicative, and that accountability is required. Because Federal dollars are limited, we need to focus our resources on opportunities where programs will make a difference, and where results can be measured.

One main priority for the committee this year is reauthorization of the Higher Education Act. The committee-reported resolution and the President's budget both propose spending cuts, while also making room for new initiatives. Critics of the President may claim that we are unreasonably cutting education spending. However, in addition to required savings, the resolution also contains a $5 billion reserve fund for new initiatives. My colleagues who have worked on education policy understand that there are reforms to lending programs we can work toward that shouldn't be contentious. I want to work with all of my colleagues, particularly those on the other side of the aisle, to craft a bipartisan reauthorization bill that enhances access to higher education for poor and middle class families. Higher ed reauthorization should be a bipartisan bill, like it has been historically.

The resolution also proposes deficit reduction from savings associated with changes to the Pension Benefit Guaranty Corporation. Right now the PBGC has a deficit of $23 billion. The Committee-reported Resolution incorporates a $5.3 billion reduction of that deficit over 5 years. Only a small part of this can be accomplished through reconciliation. The HELP Committee will collaborate with the Finance Committee to reach this goal in the context of comprehensive pension reform. Chairman GRASSLEY and I are committed to restoring the financial stability of the defined benefit system. The solvency of the PBGC is a critical component of these reforms.

I am pleased the resolution again identifies tax relief as a top priority this year. The resolution includes reconciliation instructions that will allow $70 billion of tax cuts through the reconciliation process. I hope this will enable the Finance Committee and our leadership to keep in place the tax relief that has produced 21 consecutive months of job creation and produced more than 3 million new jobs. These progrowth tax policies have jumpstarted American business, and yielded continued increases in technology, infrastructure and equipment investments. We need to keep the trend going. The committee-reported resolution allows the Finance Committee to extend key provisions like the reduction in tax rates on capital gains and dividends, the increase in expensing for small business under Section 179 and the ability of individuals in states without income taxes to deduct their local and state sales tax from their Federal income tax liability. I want to thank Chairman GRASSLEY for his leadership at the Finance Committee these past 4 years.

The resolution also demonstrates a commitment to energy development in Wyoming and in the entire United States. It is the first step towards developing a comprehensive energy policy in the 109th Congress. The energy reserve fund and the reconciliation instructions for an energy tax incentives package will lay the footwork for a policy that will help our Nation meet its energy needs in a fiscally responsible manner. Specifically, I would like to reinforce my support for recognizing the importance of developing lean coal technologies, something that is vital for the economy of Wyoming. I look forward to working so that these technologies receive the funding necessary to become viable.

I again want to thank Chairman GREGG and his staff for their hard work on this resolution. They have all worked tirelessly, through many weekends, to get us here today. I yield the floor.

Mr. GREGG. Mr. President, we are now at the end of the day. It has been a long day, especially for staff. We appreciate their effort and their courtesy.

I note that there are now pending approximately 25 amendments to this resolution. There are still approximately 70 or so amendments that we have been told may be offered. Tomorrow, when we begin voting, which will occur, it appears, around 1:20, we have to vote those 25 amendments, and that in and of itself would take 8 hours. If any percentage of the ones that are still pending have to be voted, you can presume a significant additional amount of time. So we could be here quite late tomorrow night, and our colleagues should be aware of that as they move into tomorrow.

It also should be noted that almost all the amendments that have been offered today—there have been one or two exceptions, or maybe three or four exceptions—have essentially attempted to increase spending. Some have offset that spending increase with reductions in accounts which actually exist. A couple of the amendments, such as one of the amendments on Border Patrol, takes the money that it spends on Border Patrol and moves it over from other accounts in international affairs. Most of the amendments spend additional funds by raising taxes or by doing what is known as the 920 account, which amounts to an across-the-board cut, for all intents and purposes, of other accounts within the Government.

It is going to be interesting to see when we have completed this budget process whether there really is a willingness to fiscal discipline within the Congress, especially within the Senate which is controlled by a party that alleges itself to be fiscally disciplined. We are going to determine that sometime very late tomorrow night or early Friday morning. But clearly the issue is in question.

MORNING BUSINESS

TRIBUTE TO THE REVEREND DENVIS RUSH

Mr. McCONNELL. Mr. President, I rise today to pay tribute to a lifelong Kentuckian who dedicated his life to serving others, the Reverend Denvis Rush. Known to many simply as "Preacher," the Reverend Rush was a Kentucky icon who passed away earlier this year at the age of 85 from complications of liver cancer.

The Reverend Rush began preaching at the age of 18. His 66-year career spanned eight different churches in Eastern Kentucky and allowed him to embark on mission trips to Indonesia, Africa, South America, and Korea. He touched thousands of lives by officiating at numerous baptisms, weddings, and funerals. Despite his illness, he continued to preach and stood before his congregation for a final time the Sunday before he passed away.

In addition to his ministerial duties, the Reverend Rush was a longtime chairman of the Oneida Baptist Institute's school board and served on the executive board of the Kentucky Baptist Convention. He was also active in other community organizations where he and his wife of 63 years, Juanita, would donate their time and energy to help improve the quality of life of those around them. The Reverend Rush is survived by his wife; a daughter, Joyce Rush Woods; four sisters; a brother; four grandchildren and seven great-grandchildren.

The Reverend Rush was a very modest man who, when asked to reflect on his lifetime of achievement, said, "I haven't done it. The Lord's done it, through a little old nobody." But the thousands of people he touched all certainly thought he was somebody, somebody special. Mr. President, today I ask my colleagues to join me in expressing our sympathy to the family and friends of the late Rev. Denvis Rush by honoring and recognizing all of the contributions he made to communities in Kentucky and around the world. He will be missed.

Mr. President, I ask unaminous consent to print in the RECORD an article from The Lexington Herald-Leader, "Denvis Rush, minister, dies," about the Reverend Rush's life.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Lexington Herald Leader, Feb. 9, 2005]

"DENVIS RUSH, MINISTER, DIES; HAD CONDUCTED REVIVALS ON 4 CONTINENTS"

(By Jennifer Hewlett)

The Rev. Denvis Rush held revivals on four continents. He officiated at thousands of funerals and weddings in Laurel and Clay counties and other Eastern Kentucky counties. For decades he preached several times a week at Kentucky churches.

When he found out that he had liver cancer in November, he declined to undergo chemotherapy because he knew it would sap his energy. He wanted to use every bit he had left to preach the word of God, friends said.

The Rev. Rush, a Baptist minister for more than 66 years, died Monday at Marymount Hospital in London. He was 85 and lived in London. In addition to his family, he leaves behind thousands of friends whose lives he deeply touched.

"There were times in his life when he had more influence on the people of Clay County than any elected official would have, and that's saying a whole lot," said the Rev. Thermon Taylor, pastor emeritus of Liberty Baptist Church in London and a longtime friend.

"He did so many things for the people in Clay County and Jackson and Perry and Leslie. . . His influence is extremely wide," Taylor said.

PREACHING AT 18

The Rev. Rush, a Laurel County native, began preaching at age 18 and pastored his first church, Laurel River Baptist Church in London, soon afterward. He was pastor of Providence Baptist Church near London at his death.

Before moving to Providence about 14 years ago, he pastored Horse Creek Baptist Church in Clay County for 37 years. During several of those years, the Rev. Rush pastored Lily Grove Baptist Church, an African-American church in Clay County, at the same time.

"There was no color barrier with him. He was color blind," Taylor said. "He helped them build a new church. He did a lot of the work himself with his two hands. . . . They loved him and he did them."

At one time, the Rev. Rush was a member of the executive board of the Kentucky Baptist Convention.

"Whenever decisions were to be made within our association, one of the questions always asked was 'What does Brother Rush think about it?'" said Roy Faulkner, director of missions for the Laurel River Baptist Association.

"He's an icon in Kentucky among Baptists."

For decades, Rev. Rush was Oneida Baptist Institute's biggest cheerleader, said Kay Underwood, administrative coordinator at the school and wife of the school's president, W.F. Underwood.

For several years, the Rev. Rush, who had been a longtime chairman of the school's board, hauled groceries donated by an area wholesale grocer to the Clay County school for the students, faculty and staff members. He bought a truck just for that purpose.

"He has really been a wonderful ambassador for Oneida," Kay Underwood said. "One of our buildings is named after him and his wife, Juanita."

The minister, Underwood said, wasn't a wealthy man who could give a lot of money to the school, which has more than 300 students in grades six through 12, but he was a major influence on others who could.

"One of the tender things to me . . . he had a heart for children. He loved anything a child did. . . . This was a man who was a preacher, a man of God who was busy, busy, busy, but he was never too busy for a little child. I think that's why he had such a heart for Oneida," she said.

For the past five years, the Rev. Rush was the mission's teacher and coordinator at Laurel Lake Baptist Camp outside Corbin.

When he was at the camp, "it was sort of like the Pied Piper, with kids following him all over the campus," Faulkner said.

CLEAR CREEK SCHOLARSHIPS

There is a scholarship at Clear Creek Bible College in Bell County named for the Rev. Rush, who studied there. Money for the scholarship was contributed by people whose lives he touched.

The Rev. Rush influenced many young preachers, Taylor said.

WORLDWIDE REVIVALIST

Over the years, the Rev. Rush held revivals not only in North America, but in Africa, Asia and South America.

Taylor recalled one mission trip to Brazil that the Rev. Rush took. While there, he gave witness to an elderly man on his front porch. A teenage girl inside the house told the Rev. Rush through an interpreter that she needed his help when he finished with the old man.

"She said, "I'm 16 years old and I've got AIDS and I'm dying.' He taught her how to become a Christian," Taylor said.

"He had more understanding. He knew how to talk to people," Taylor said.

"His heart was in missions. . . . He told me just a week or so ago that if he had one thing he could do again was he'd like to go back and preach in Kenya one more time," Faulkner said.

The Rev. Rush preached for the last time Sunday. He preached twice that day. He was to have preached at a funeral today, having agreed to do so less than a couple of hours before he died. After he found out he didn't have long to live, he held a revival and officiated at several funerals and weddings.

The Rev. Rush is survived by his wife, Juanita Rudder Rush; a daughter, Joyce Rush Woods of Manchester; four sisters; a brother; four grandchildren and seven great grandchildren.

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS LANDON GILES

Mrs. LINCOLN. Mr. President, I rise today to honor the life of Landon S. Giles. Private First Class Giles was a passionate and free-spirited young man who lived his life with an admirable sense of adventure and courage. He was also a brave soldier who proudly and honorably served his Nation in uniform. In doing so, he gave his life while improving the lives of those he saw as less fortunate while helping to bring freedom and hope to a land that has known only oppression and fear. The way he lived his life is a testament to the kind of person he was. The State of Arkansas and our Nation will mourn his loss but will remain forever grateful of the service he rendered on behalf of us all.

PFC Giles was born and raised in the southwestern Arkansas town of Arkadelphia. From an early age, his sense of adventure and his athleticism would contribute to the way he spent his childhood. If he wasn't playing golf, football or baseball, he was most likely hiking or on a hunting trip with friends and family. Above all, PFC Giles loved to travel, where he could experience foreign cultures, see new places and meet new people. His father's job required an extensive amount of travel overseas and it allowed him the opportunity to do just that.

Through travels with his father, PFC Giles had the opportunity to see much of the world. When he was just 12, he became a certified scuba diver while diving at Sipadan, an island off the coast of Malaysia. Additionally, he would go on to experience memorable journeys such as climbing volcanoes in the South Pacific, deep-sea fishing off the coast of Australia, surfing in Hawaii, and riding an elephant through parts of Thailand. It was a rare privilege of which he took full advantage. It was an adventure that required courage and imagination and he loved every minute of it. Such was his life.

Wherever that life took him, his friendly personality and outgoing nature provided him with a natural gift for making friends quickly and easily. At the same time, his work ethic, dedication, and discipline earned him the respect of his teachers and coaches. Throughout his time at Arkadelphia High School, PFC Giles would call upon these traits when he spoke of entering the military. Shortly before his graduation, he joined the United States Army through their delayed-entry program. Since he had not yet reached the age of 18, he asked his mother, Kim, to fill out the necessary paperwork. Although she disapproved of his decision, she also saw how determined and passionate he felt about it and ultimately complied.

A month after his graduation last May, PFC Giles entered the Army as an indirect fire infantryman, assigned to the Army's 3rd Infantry based in Fort Stewart, GA. The day he was deployed to the Middle East for Operation Iraqi Freedom, his sister, Jennifer, told him she didn't want him to go to war. In a gesture befitting of who he was, he replied simply "it's better I go and not come home than someone with a wife and children." In Iraq, his courage was surpassed only by his selflessness. He often spoke of his heartfelt belief that the Iraqis were being treated unjustly and had no one to fight for their rights. He became a champion of this cause and while proudly serving his country, was also proud to help the people of Iraq in their fight for freedom. Tragically, after serving in Iraq for only a few weeks, he was killed when an improvised explosive device detonated near his patrol on February 26.

Back in the community he called home, countless friends and neighbors, as well as strangers who simply wanted to pay their respects, lined the procession to his burial service. Many held small American flags in their hands, others simply held their hands over their heart. The community's outpouring of grief was tempered only by its outpouring of appreciation. Their fallen hero had returned home and it was readily apparent that his sacrifice would not soon be forgotten.

Landon Giles was an inspiration, not only because of the way he lived his life, but because of who he was. He was a loving son, brother, and friend, and he was also a hero. Although his time with us was way too short, his legacy will forever live on in the example he set and the many lives he touched. In the words of his mother Kim, "I want him to be remembered as a strong, brave, compassionate person who put his life on the line to defend our country and help those less fortunate than us.''

My thoughts and prayers go out to all those who knew and loved this special young man.

CO-SPONSORSHIP CHANGE S. 397

Ms. MIKULSKI. Mr President, today I rise to ask for a clarification in the CONGRESSIONAL RECORD from yesterday, dated March 15, 2004. The RECORD mistakenly reported that I was to be added as a cosponsor of S. 397, the Firearm Manufacturers Protection Act. Apparently, my name was typed into the RECORD instead of that of Senator MITCH MCCONNELL who had requested to be added as a cosponsor of that bill. I wanted the RECORD to reflect that I never requested to be added to the bill. As I hope my record reflects, I have been a strong opponent of the gun immunity bill because it puts one industry's bottomline ahead of the families and victims of gun violence. I opposed this bill and will continue to oppose it because it slams closed the courthouse door to those seeking justice for victims of gun violence, such as the victims of the horrific sniper who terrorized the citizens of DC, Maryland, and Virginia just a short time ago.

VOTE EXPLANATION

Mr. REED. Mr. President, I would like the RECORD to reflect that I was necessarily absent for the vote on the Byrd amendment offered to S. Con. Res. 118 on Wednesday, March 16, 2005. Had I been present for this vote, I would have voted in favor of the amendment.

COLONEL PETE BUNCE, USAF

Mr. CONRAD. Mr. President, today I would like to pay tribute to Colonel Pete Bunce of the United States Air Force. Over the past few years, he has earned my personal thanks many times over for a job well done.

Many of us in the Senate know Colonel Bunce, who for the last 3 years has served as liaison to the both the Budget and Appropriations Committees. He has been a strong advocate for the Air Force and has worked tirelessly to improve communications between the Air Force and the Senate.

Colonel Bunce has been a good friend to the State of North Dakota and to this Senator. He has provided important assistance to me in organizing many meetings with the top leadership of the Air Force and the Department of Defense. Community leaders from the three North Dakota communities with the closest ties to the Air Force—Fargo, Grand Forks, and Minot—have all been able to join me for high-level Pentagon visits thanks to his help. He and his staff have also always been tremendously helpful in the Budget Committee's deliberations on national defense spending.

His professional advice helped me better understand the costs and sacrifices made by our military personnel during this war. I know many of my colleagues feel the same way. His personal testimony as the parent of a troop in harm's way was even more valuable. Pete's son, Justin, came home wounded from Iraq. Just as he was recovering from that injury, he was in a serious car accident. I want Pete to know that he, Justin, and the entire Bunce family are in my thoughts and prayers.

While I have relied on Colonel Bunce's military advice, I have valued his friendship even more. Pete, as you enter into a well deserved retirement, please know that you go with the best wishes of this Senator and all of us in the Senate.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

Last February, a 37-year-old gay man was brutally murdered because of his sexual orientation. The attacker allegedly poured gasoline over the victim and set him on fire while he slept. The police are investigating the incident as a hate crime.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

CELEBRATING IDAHO HEROES

Mr. CRAIG. Mr. President, I rise to recognize Ms. Tina Taysom and Mr. Greg Cannell of American Falls, ID, for their heroic actions in saving the life of a rural mail carrier who skidded off a winding mountain road and into a nearby river in Idaho.

On December 1, 2003, Ron Meadville, a rural mail carrier, was returning from his 110-mile route along the remote North Fork road northwest of Salmon, ID. Friends Tina Taysom and Greg Cannell were traveling ahead of Meadville on the same road. They pulled over to look at some deer, and Meadville passed them. When they pulled back on the road and rounded a bend, they couldn't see the mail truck but saw a set of skid marks that veered off the road, toward the near-frozen river. Meadville had hit a patch of ice that sent his truck hurtling over the 25-foot embankment to land upside down in the Salmon River, in more than 5 feet of 33-degree water.

Greg Cannell and Tina Taysom acted immediately. They stopped their truck, jumped out, slid down the steep embankment, and plunged into the river. After several strenuous attempts, they were able to pull open the truck door, grab Meadville's hand, and pull him out through an opening between the seat and the doorjamb. By this time, Meadville was experiencing hypothermia. Taysom and Cannell pulled Meadville up the embankment to their vehicle. Meadville managed to tell them he lived about a mile away, and they took him to his home, where they helped Meadville's wife care for him. They refused any care for themselves until they knew Meadville was safe.

Greg Cannell and Tina Taysom put themselves in harm's way to save a stranger. They refuse to be called heroes, but they are truly heroes to Ron Meadville and his family. Without their courageous actions, Ron Meadville would not be alive today. Their actions truly were heroic, and it is a pleasure for me to honor them and share their story.

ADDITIONAL STATEMENTS

CONGRATULATIONS TO THE KENTUCKY NEW ERA/ROTARY REGIONAL MIDDLE SCHOOL ACADEMIC ALL-STAR TEAM PROGRAM

• Mr. BUNNING. Mr. President, I rise today to recognize nominees for the Regional Middle School Academic All-Star Team from the Pennyroyal region in western Kentucky.

The regional Academic All-Star program's purpose is to recognize top academic scholars and performers. Students from Caldwell, Christian, Trigg and Todd Counties of Kentucky were nominated based on their academic performance in seven disciplines: English, foreign language, journalism, mathematics, science, social studies, and the creative and performing arts. The students are judged on their core academic score, the curriculum of the student, their grade point average, academic honors earned, unique accomplishments and achievements, extracurricular activities, employment history, and an autobiographical essay.

Education is the foundation upon which we reach our human potential. Students in Kentucky are developing their talents, furthering their education, and pursuing their aspirations in life through programs like the Academic All-Star program. Encouragement and recognition develop confidence and achievement among young Americans—the future leaders of our country.

The following students have been nominated for their academic excellence: Alicia Lynn Morris, North Drive Middle School; Ashley Chewning, University Heights Academy; Brittany S. Hurt, Hopkinsville Middle School; Chelsea Barnett, Christian Co. Middle School; Corrinna M. Kinnard, Sts. Peter & Paul Catholic School; Janelle Nichol Gilmer, Todd Co. Middle School; Megan Gray, Mahaffey Middle School; Sam Mitchell, Caldwell Co. Middle School; Sherry Cheatham, Heritage Christian Academy; Wesley Croom, Trigg Co. Middle School; Bree Raquel Hokulani Goodwin, North Drive Middle School; Elizabeth Settle, University Heights Academy; Emily Beatty, Todd Co. Middle School; Kate Milani, Mahaffey Middle School; Laura Beth Baggett, Heritage Christian Academy; Morgan C. Murray, Sts. Peter & Paul Catholic School; Sarah C. Hazelmyer, Trigg Co. Middle School; Shelley L. Traylor, Caldwell Co. Middle School; Taylor Queen, Christian Co. Middle School; Wendy A. Johnson, Hopkinsville Middle School; Andrew Landreth, Caldwell Co. Middle School; Jacob Kyle Langston, North Drive Middle School; Jonathan A. Chavez, Sts. Peter & Paul Catholic School; Megan Jones, Mahaffey Middle School; Melissa Starks, Trigg Co. Middle School; Molly Ware Stuard, Todd Co. Middle School; Nadeem Ramzi Haroun, Hopkinsville Middle School; Rachel Brown, Heritage Christian Academy; Sarah Elaine Howell, Christian Co. Middle School; Sarah Elizabeth Fields, University Heights Academy; Chelsea Rae Prince, North Drive Middle School; Chris Kirkman, Heritage Christian Academy; Erin Hamilton Oakley, Trigg Co. Middle School; George W. Barnes, Sts. Peter & Paul Catholic School; Helen G. Crenshaw, Hopkinsville Middle School; Hunter Carroll, Todd Co. Middle School; John Paul Bointnott, Caldwell Co. Middle School; Kalleb Anderson Greene, University Heights Academy; Kelsey Fish, Mahaffey Middle School; Lindsay Elizabeth Gray, Christian Co. Middle School.

These students embody the spirit, commitment, and sacrifice that we all should strive for in our daily lives. The citizens of Kentucky should be proud to have these young men and women in their community. Their example of dedication and hard work should be an inspiration to the entire Commonwealth. I extend my thanks to these students for their efforts, and I am proud to bring their accomplishments to the attention of the Senate.●

BONEAL INCORPORATED

● Mr. BUNNING. Mr. President, I pay tribute and congratulate Boneal Incorporated of Means, KY. This company has been named Regional Prime Contractor of the Year for Region IV by the Small Business Administration in Washington, DC.

Boneal has been chosen for this award among companies from Kentucky, Tennessee, North Carolina, South Carolina, Mississippi, Alabama, Georgia and Florida. Boneal is now eligible to win the Small Business Administration's National Prime Contractor of the Year Award, which will be given out during Small Business Week from April 25 to 28.

This is not the first time Boneal has been recognized for its success. In both 2000 and 2001, Boneal received the Quality Supplier Award from the United States Postal Service. In 2002, the company was named "Kentucky Industry of the Year" by Associated Industries of Kentucky and received the "2002 Small Business Administration Award for Excellence."

The citizens of Kentucky should be proud of this small company. Their success serves as an example of how Kentucky's economy can take off and adjust to the 21st Century. Boneal Incorporated's know-how and hard work should be an inspiration to the business community of the Commonwealth. I wish them continued success in the future.●

HOUSING OPPORTUNITIES OF NORTHERN DELAWARE

● Mr. CARPER. Mr. President, I rise today to recognize Fair Housing Month and the efforts of Housing Opportunities of Northern Delaware, HOND. On April 4, 2005, HOND will hold their 22nd Annual Proclamation Signing Ceremony. Their theme for this year will be "Diversifying our neighborhoods with quality by building relationships through culture and lifestyles."

In April 2005, the nation will observe the 37th anniversary of the passage of the Fair Housing Act, the groundbreaking legislation that affirmed in this country the right of every citizen to obtain the housing of their choice without being limited by race, color, religion, national origin, sex, disability or familial status.

Housing Opportunities of Northern Delaware, Inc. is a non-profit organization promoting fair and equal housing opportunities in the sale and rental of housing in Delaware. HOND also provides housing programs which support the mission of equal access to housing and provides information about the law and housing programs available to Delaware residents. HOND is governed by a board of directors composed of a cross-section of business and community representatives.

HOND is unique in that they were created primarily to provide fair housing law education to Delaware residents. Their mission is to eradicate housing discrimination through education, advocacy, and enforcement of local and national laws, and to promote fair and equal access to housing in rental, sales, homeowner insurance, and mortgages wherever one may choose to live.

It is well known that fair housing opens doors of opportunity. To communicate this belief, HOND focuses its activities around six functions. The first is education. HOND provides current information about housing and fair housing practices to existing community groups and counseling agencies. A variety of workshops, seminars and literature are developed for consumers, community groups, housing professionals and private business persons.

The second is compliance. HOND works with and encourages realtors, bankers, apartment managers, landlords and others to comply with fair housing regulations. HOND also works closely with government agencies including FDIC, HUD, State Human Relations Office and Commission, the City of Wilmington and New Castle County.

Direct assistance is the third function. HOND provides assistance and counseling to individuals who believe they are victims of unfair housing practices. HOND works with community groups and counseling agencies that are interested in fair housing.

The fourth function is advocacy. HOND monitors legislation of local, State, and national levels and serves as an advocate for fair housing.

Research is the fifth function. HOND develops and conducts research projects to eliminate inequitable housing practices. Consumers, community groups, and public and private housing organizations participate in these research projects.

Finally, there are special projects. HOND works with community groups, agencies, and others who have projects in mind to promote fair housing.

I rise today to thank Housing Opportunities of Northern Delaware, Inc. for all that they do in Delaware to better the lives of our residents. Their focus on serving our community is laudable, and I look forward watching their continued success and the impact it has on the people of Delaware.●

THE VETERANS OF FOREIGN WARS NATIONAL HOME FOR CHILDREN

● Mr. LEVIN. Mr. President, I would like to take this opportunity to recognize the services of the Veterans of Foreign Wars, VFW, National Home for Children. Located in Eaton Rapids, MI, the VFW Home for Children has spent the past 80 years caring for the children and families of our Nation's veterans. The National Home's uniquely designed facility provides housing, food, health care, education, training, and counseling for the orphaned children and single-parent families in their care. With 70 buildings, 36 individual family homes, a community center, a guest lodge, and a chapel, the National Home is well-equipped to serve VFW-connected children from around the country.

The VFW National Home for Children provides two distinct programs for its residents: the Residential Program and the Single Parent Family Program. Children without a parent or guardian are placed in the Residential Program and live with professional childcare workers until they graduate from high school or are reunited with a family member. Single parent families are placed in a 3-year program that helps the parent or guardian develop the skills necessary to become self-sufficient. Both programs strive to ensure that the children maintain as normal a living arrangement as possible. Therefore, the community is structured as a typical American neighborhood and is fully integrated into the surrounding community. Children attend public school, live in brick homes instead of dormitories, and are encouraged to participate in community-wide events. Most importantly, both of these programs provide the children involved with what they need the most—a normal childhood.

The VFW National Home for Children is the only organization of its kind in the United States. Their innumerable services have touched the lives of thousands of children and families. Whether it is an orphaned child who has lived at the National Home since infancy, or a struggling family that needs help getting on their feet, virtually everyone leaves the National Home stronger and in a better position than when they arrived.

I know my Senate colleagues join me in offering our congratulations and sincere appreciation to the VFW National Home for Children. We applaud and admire the valuable work of the dedicated donors, staff, and volunteers. We commend the VFW National Home for Children as they continue to improve the lives of these families.●

MESSAGE FROM THE HOUSE

At 12:13 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following resolution:

H. Res. 147. Resolution electing members to the Joint Committee on Printing and the Joint Committee of Congress on the Library.

At 3:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1268. An act making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1268. An act making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; to the Committee on Appropriations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1294. A communication from the Acting Chair, Federal Subsistence Board, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D—2005–2006 Subsistence Taking of Fish and Shellfish Regulations" (RIN1018–AT46) received on March 16, 2005; to the Committee on Energy and Natural Resources.

EC–1295. A communication from the Assistant Secretary, Investment Management, Office of Regulatory Policy, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Redemption Fees for Redeemable Securities" (RIN3235–AJ17) received on March 16, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1296. A communication from the Principal Deputy for Personnel and Readiness, Office of the Under Secretary of Defense, Department of Defense, transmitting, pursuant to law, a report of the authorization to wear the insignia of the grade of rear admiral (lower half); to the Committee on Armed Services.

EC–1297. A communication from the Assistant Secretary for Administration and Management, Competitive Sourcing Official, Department of Labor, transmitting, pursuant to law, a report of the Department's 2004 Inventory of Inherently Governmental Activities and 2004 Inventory of Commercial Activities; to the Committee on Health, Education, Labor, and Pensions.

EC–1298. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the monthly report on the status of licensing and regulatory duties; to the Committee on Environment and Public Works.

EC–1299. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Alabama: Final Authorization of State Hazardous Waste Management Program Revision" (FRL No. 7884–4) received on March 16, 2005; to the Committee on Environment and Public Works.

EC–1300. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Maintenance Plan Revisions; Ohio" (FRL No. 7886–7) received on March 16, 2005; to the Committee on Environment and Public Works.

EC–1301. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maine; Control of Total Reduced Sulfur From Kraft Pulp Mills: Withdrawal of Direct Final Rule; and Correction" (FRL No. 7884–7) received on March 16, 2005; to the Committee on Environment and Public Works.

EC–1302. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Oregon Visibility Protection Plan" (FRL No. 7881–4) received on March 16, 2005; to the Committee on Environment and Public Works.

EC–1303. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Finding of Failure to Submit Section 110 State Implementation Plans; for Interstate Transport for the National Ambient Air Quality Standards for 8-hour Ozone and PM2.5" (FRL No. 7885–7) received on March 16, 2005; to the Committee on Environment and Public Works.

EC–1304. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Delegation of Authority of Texas" (FRL No. 7886–4) received on March 16, 2005; to the Committee on Environment and Public Works.

EC–1305. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Altering the Jurat to Avoid Tax" (Rev. Rul. 2005–18) received on March 16, 2005; to the Committee on Finance.

EC–1306. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Frivolous Arguments Regarding Waiver of Social Security Benefits Used to Avoid Tax" (Rev. Rul. 2005–17) received on March 16, 2005; to the Committee on Finance.

EC–1307. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Frivolous Arguments Regarding Opposition to Government Policies and Programs Used to Avoid Tax"

(Rev. Rul. 2005-20) received on March 16, 2005; to the Committee on Finance.

EC-1308. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Frivolous Constitutional Arguments Used to Avoid Tax" (Rev. Rul. 2005-19) received on March 16, 2005; to the Committee on Finance.

EC-1309. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Frivolous 'Straw Man' Claim Used to Avoid Tax" (Rev. Rul. 2005-21) received on March 16, 2005; to the Committee on Finance.

EC-1310. A communication from the Acting Chief, Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Charitable Remainder Trusts: Application of Ordering Rule" (RIN1545-AW35) received on March 16, 2005; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

S. 161. A bill to provide for a land exchange in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited Partnership (Rept. No. 109-40).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. DOMENICI for the Committee on Energy and Natural Resources.

*Patricia Lynn Scarlett, of California, to be Deputy Secretary of the Interior.

*Jeffrey Clay Sell, of Texas, to be Deputy Secretary of Energy.

*Nomination was reported with recommendation that it be confirmed subject to the nominees's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LUGAR:

S. 632. A bill to authorize the extension of unconditional and permanent nondiscriminatory treatment (permanent normal trade relations treatment) to the products of Ukraine, and for other purposes; to the Committee on Finance.

By Mr. JOHNSON:

S. 633. A bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CHAMBLISS:

S. 634. A bill to amend the Trade Sanctions Reform and Export Enhancement Act of 2000 to clarify allowable payment terms for sales of agricultural commodities and products to Cuba; to the Committee on Foreign Relations.

By Mr. SANTORUM (for himself, Mr. CONRAD, and Mrs. MURRAY):

S. 635. A bill to amend title XVIII of the Social Security Act to improve the benefits under the medicare program for beneficiaries with kidney disease, and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY:

S. 636. A bill to direct the Inspector General of the Department of Justice to submit semi-annual reports regarding settlements relating to false claims and fraud against the Federal Government; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DURBIN (for himself, Mrs. LINCOLN, Mr. CARPER, Mr. PRYOR, Ms. LANDRIEU, Mr. NELSON of Florida, Mr. CORZINE, Mr. LAUTENBERG, Ms. CANTWELL, and Mr. LIEBERMAN):

S. 637. A bill to establish a national health program administered by the Office of Personnel Management to offer health benefits plans to individuals who are not Federal employees, and for other purposes; to the Committee on Finance.

By Mrs. MURRAY (for herself, Ms. COLLINS, Mrs. BOXER, Ms. CANTWELL, Mrs. CLINTON, Mr. CORZINE, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. SCHUMER, Ms. SNOWE, and Mr. STEVENS):

S. 638. A bill to extend the authorization for the ferry boat discretionary program, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CORZINE (for himself, Mr. LAUTENBERG, Mrs. LINCOLN, Mr. LEAHY, Mr. REID, Mr. KERRY, Mr. JOHNSON, Mr. COCHRAN, Mr. NELSON of Nebraska , and Mr. DAYTON):

S. 639. A bill to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 years of age to 55 years of age; to the Committee on Armed Services.

By Mr. CHAMBLISS (for himself and Mr. NELSON of Nebraska):

S. 640. A bill to amend title 10, United States Code, to provide for the establishment of a unified combatant command for military intelligence, and for other purposes; to the Select Committee on Intelligence.

By Mrs. HUTCHISON (for herself, Mr. FRIST, and Mr. CORNYN):

S. 641. A bill to award a congressional gold medal to Michael Ellis DeBakey, M.D; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FRIST (for himself, Mr. ALEXANDER, Mr. TALENT, Mr. ENZI, Mr. ENSIGN, Mr. SESSIONS , Mr. CRAIG, Mr. ALLEN, Mr. BURNS, Mr. CHAMBLISS, Mr. BUNNING, Mr. SMITH, Mr. VITTER, Mr. GRAHAM, Mr. CORNYN, Mr. SANTORUM, Mr. GRASSLEY, Mr. INHOFE, Mr. BROWNBACK, Mr. NELSON of Nebraska, and Mr. NELSON of Florida):

S. 642. A bill to support certain national youth organizations, including the Boy Scouts of America, and for other purposes; to the Committee on the Judiciary.

By Mr. ROBERTS (for himself and Mr. HARKIN):

S. 643. A bill to amend the Agricultural Credit Act of 1987 to reauthorize State mediation programs; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BROWNBACK (for himself, Mr. BINGAMAN, Ms. CANTWELL, and Mr. DODD):

S. 644. A bill to establish new special immigrant categories, and for other purposes; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mr. CORZINE, Mr. SCHUMER, Mrs. BOXER, Mr. KENNEDY, Mr. DURBIN, Ms. MIKULSKI, Mr. SARBANES, Mr. REED, Mr. AKAKA, Mr. DODD, and Mrs. CLINTON):

S. 645. A bill to reinstate the Public Safety and Recreational Firearms Use Protection Act; to the Committee on the Judiciary.

By Mr. SHELBY:

S.J. Res. 10. A joint resolution proposing an amendment to the Constitution of the United States which requires (except during time of war and subject to suspension by Congress) that the total amount of money expended by the United States during any fiscal year not exceed the amount of certain revenue received by the United States during such fiscal year and not exceed 20 per centum of the gross national product of the United States during the previous calendar year; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S.J. Res. 11. A joint resolution proposing an amendment to the Constitution of the United States to abolish the electoral college and to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SANTORUM (for himself, Mrs. HUTCHISON, Mr. KENNEDY, Mr. MARTINEZ, Mr. LEVIN, and Mr. LUGAR):

S. Res. 83. A resolution commemorating the 65th Anniversary of the Black Press of America; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 185

At the request of Mr. NELSON of Florida, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 185, a bill to amend title 10, United States Code, to repeal the requirement for the reduction of certain Survivor Benefit Plan annuities by the amount of dependency and indemnity compensation and to modify the effective date for paid-up coverage under the Survivor Benefit Plan.

S. 296

At the request of Mr. KOHL, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 296, a bill to authorize appropriations for the Hollings Manufacturing Extension Partnership Program, and for other purposes.

S. 339

At the request of Mr. REID, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 339, a bill to reaffirm the authority of States to regulate certain hunting and fishing activities.

S. 378

At the request of Mr. BIDEN, the name of the Senator from Texas (Mr.

CORNYN) was added as a cosponsor of S. 378, a bill to make it a criminal act to willfully use a weapon with the intent to cause death or serious bodily injury to any person while on board a passenger vessel, and for other purposes.

S. 394

At the request of Mr. CORNYN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 394, a bill to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

S. 397

At the request of Mr. CRAIG, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 397, a bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others.

S. 468

At the request of Mr. AKAKA, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 468, a bill to amend the Higher Education Act of 1965 to enhance literacy in finance and economics, and for other purposes.

S. 484

At the request of Mr. WARNER, the names of the Senator from Montana (Mr. BURNS) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 495

At the request of Mr. BROWNBACK, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 495, a bill to impose sanctions against perpetrators of crimes against humanity in Darfur, Sudan, and for other purposes.

S. 513

At the request of Mr. GREGG, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 513, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions .

S. 539

At the request of Mr. MARTINEZ, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of S. 539, a bill to amend title 28, United States Code, to provide the protections of habeas corpus for certain incapacitated individuals whose life is in jeopardy, and for other purposes.

S. 558

At the request of Mr. REID, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 558, a bill to amend title 10, United States Code, to permit certain additional retired members of the Armed Forces who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special compensation and to eliminate the phase-in period under current law with respect to such concurrent receipt.

S. 586

At the request of Mr. BOND, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 586, a bill to amend the Internal Revenue Code of 1986 to provide for the proper tax treatment of certain disaster mitigation payments.

S. 589

At the request of Mr. CORNYN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 589, a bill to establish the Commission on Freedom of Information Act Processing Delays.

S. 593

At the request of Ms. COLLINS, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 593, a bill to amend title VII of the Tariff Act of 1930 to provide that the provisions relating to countervailing duties apply to nonmarket economy countries.

S. RES. 31

At the request of Mr. COLEMAN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. Res. 31, a resolution expressing the sense of the Senate that the week of August 7, 2005, be designated as "National Health Center Week" in order to raise awareness of health services provided by community, migrant, public housing, and homeless health centers, and for other purposes.

S. RES. 82

At the request of Mr. FRIST, his name was added as a cosponsor of S. Res. 82, a resolution urging the European Union to add Hezbollah to the Eurpoean Union's wide-ranging list of terrorist organizations.

AMENDMENT NO. 146

At the request of Mrs. DOLE, her name was added as a cosponsor of amendment No. 146 intended to be proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of amendment No. 146 intended to be proposed to S. Con. Res. 18, supra.

AMENDMENT NO. 149

At the request of Mr. AKAKA, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Washington (Ms. CANTWELL), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of amendment No. 149 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

AMENDMENT NO. 155

At the request of Mrs. CLINTON, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Rhode Island (Mr. REED), the Senator from New Jersey (Mr. CORZINE), the Senator from Indiana (Mr. BAYH) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of amendment No. 155 intended to be proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

AMENDMENT NO. 158

At the request of Mr. BAUCUS, his name was added as a cosponsor of amendment No. 158 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

AMENDMENT NO. 168

At the request of Ms. CANTWELL, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 168 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

AMENDMENT NO. 169

At the request of Mr. SANTORUM, the names of the Senator from Indiana (Mr. BAYH), the Senator from Arkansas (Mr. PRYOR) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of amendment No. 169 intended to be proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

AMENDMENT NO. 172

At the request of Mr. HARKIN, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from

Michigan (Mr. LEVIN), the Senator from Wisconsin (Mr. KOHL), the Senator from Connecticut (Mr. DODD) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of amendment No. 172 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR:

S. 632. A bill to authorize the extension of unconditional and permanent nondiscriminatory treatment (permanent normal trade relations treatment) to the products of Ukraine, and for other purposes; to the Committee on Finance.

Mr. LUGAR. Mr. President, I rise today in support of a bill that I have introduced authorizing the extension of permanent normal trade relations treatment. Ukraine is still subject to the provisions of the Jackson-Vanik amendment to the Trade Act of 1974, which sanctions nations for failure to comply with freedom of emigration requirements. Our bill would repeal permanently the application of Jackson-Vanik to Ukraine.

In the post Cold War era, Ukraine has demonstrated a commitment to meet these requirements, and in addition, has expressed a strong desire to abide by free market principles and good governance. Last November, I served as President Bush's personal representative to the runoff election between Prime Minister Yanukovich and Victor Yushchenko. During that visit, I promoted free and fair election procedures that would strengthen worldwide respect for the legitimacy of the winning candidate. Unfortunately, that was not possible. The Government of Ukraine allowed, or aided and abetted, wholesale fraud and abuse that changed the results of the election. It is clear that Prime Minister Yanukovich did not win the election.

In response, the people of Ukraine rallied in the streets and demanded justice. After tremendous international pressure and mediation, Ukraine repeated the runoff election on December 26. A newly named Central Election Commission and a new set of election laws led to a much improved process. International monitors concluded that the process was generally free and fair. This past weekend Victor Yushchenko was inaugurated as President of Ukraine.

Extraordinary events have occurred in Ukraine over the last three months. A free press has revolted against government intimidation and reasserted itself. An emerging middle class has found its political footing. A new generation has embraced democracy and openness. A society has rebelled against the illegal activities of its government. It is in our interest to recognize and protect these advances in Ukraine.

The United States has a long record of cooperation with Ukraine through the Nunn-Lugar Cooperative Threat Reduction. Ukraine inherited the third largest nuclear arsenal in the world with the fall of the Soviet Union. Through the Nunn-Lugar Program the United States has assisted Ukraine in eliminating this deadly arsenal and joining the Nonproliferation Treaty as a non-nuclear state.

One of the areas where we can deepen U.S.-Ukrainian relations is bilateral trade. Our trade relations between the U.S. and Ukraine are currently governed by a bilateral trade agreement signed in 1992. There are other economic agreements in place seeking to further facilitate economic cooperation between the U.S. and Ukraine, including a bilateral investment treaty which was signed in 1996, and a taxation treaty signed in 2000. In addition, Ukraine commenced negotiations to become a member of the World Trade Organization in 1993, further demonstrating its commitment to adhere to free market principles and fair trade. In light of its adherence to freedom of emigration requirements, democratic principles, compliance with threat reduction and several agreements on economic cooperation, the products of Ukraine should not be subject to the sanctions of Jackson-Vanik.

There are areas in which Ukraine needs to continue to improve. These include market access, protection of intellectual property and reduction of tariffs. The U.S. must remain committed to assisting Ukraine in pursuing market economic reforms. The permanent waiver of Jackson Yanik and establishment of permanent normal trade relations will be the foundation on which further progress in a burgeoning economic partnership can be made.

I am hopeful that my colleagues will join me in supporting this important legislation. It is essential that we act promptly to bolster this burgeoning democracy and promote stability and in this region.I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 632

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that Ukraine—

(1) allows its citizens the right and opportunity to emigrate, free of any heavy tax on emigration or on the visas or other documents required for emigration and free of any tax, levy, fine, fee, or other charge on any citizens as a consequence of the desire of such citizens to emigrate to the country of their choice;

(2) has received normal trade relations treatment since concluding a bilateral trade agreement with the United States that entered into force on June 23, 1992, which remains in force and provides the United States with important rights;

(3) has been found to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974 since 1997;

(4) has committed itself to ensuring freedom of religion and preventing intolerance;

(5) has committed itself to continuing its efforts to return religious property to religious organizations in accordance with existing law;

(6) has taken significant steps demonstrating its intentions to build a friendly and cooperative relationship with the United States including participating in peacekeeping efforts in Europe; and

(7) has made progress toward meeting international commitments and standards in the most recent Presidential runoff elections, including in the implementation of Ukraine's new elections laws.

SEC. 2. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO UKRAINE.

(a) PRESIDENTIAL DETERMINATIONS AND EXTENSION OF UNCONDITIONAL AND PERMANENT NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that such title should no longer apply to Ukraine; and

(2) after making a determination under paragraph (1) with respect to Ukraine, proclaim the extension of unconditional and permanent nondiscriminatory treatment (permanent normal trade relations treatment) to the products of that country.

(b) TERMINATION OF APPLICATION OF TITLE IV.—On and after the effective date of the extension under subsection (a)(2) of nondiscriminatory treatment to the products of Ukraine, chapter 1 of title IV of the Trade Act of 1974 shall cease to apply to that country.

By Mr. JOHNSON:

S. 633. A bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States; to the Committee on Banking, Housing, and Urban Affairs.

Mr. JOHNSON. Mr. President, I rise today to introduce the American Veterans Disabled for Life Commemorative Coin Act of 2005.

This bill will authorize the Secretary of the Treasury to mint a commemorative coin (500,000) honoring the millions of veterans of the United States Armed Forces who were disabled while serving our country. Revenues from the surcharge on the coin would go to the Disabled Veterans' LIFE Memorial Foundation to help cover the costs of building the American Veterans Disabled for Life Memorial in Washington, DC. The mint date is scheduled for January 1, 2010.

In its own distinctive way, the American Veterans Disabled for Life Memorial will also allow the American people to show their appreciation to those who died defending freedom by honoring the disabled veterans who still live among us. It is not only appropriate, but necessary, to recognize the special sacrifices that disabled veterans have made to this country. It has been said that "poor is the Nation which has no heroes. Poorer still is the Nation which has them, but forgets." The creation of this memorial will ensure that we, as a Nation, do not forget those who have been forever changed in service to our country.

The three-acre site for the Memorial is located on Washington Avenue at 2nd Street, SW., across from the U.S. Botanic Gardens, and in full view of the U.S. Capitol building. Federal legislation for the Memorial, Public Law 106–348, was signed into law by President Bill Clinton on October 24, 2000. Sponsors included Senator JOHN MCCAIN, Senator Max Cleland, Congressman SAM JOHNSON, and Congressman JACK MURTHA. The National Capital Planning Commission unanimously approved the Capitol Hill location on October 10, 2001.

We have an obligation to assure that the men and women who each day endure the costs of freedom are never forgotten. The American Veterans Disabled for Life Commemorative Coin Act of 2005 will honor these veterans and help fund the American Veterans Disabled for Life Memorial.

The Disabled Veterans LIFE Memorial Foundation was co-founded in 1996 by the Lois Pope Life Foundation and the Disabled American Veterans. Lois Pope, one of America's leading philanthropists, is the founder and President of the Lois Pope Leaders in Furthering Education Foundation. In addition to supporting veterans programs, this organization provides awards for medical research, scholarships, and summer camp programs. Formed in 1920, the Disabled American Veterans is a nonprofit organization representing America's disabled veterans, their families, and survivors.

The drive to build the Memorial, which is scheduled for completion within the next several years, is well under way, but has a long way to go. Prominent national figures including Retired Army General H. Norman Schwarzkopf, Poet Laureate Dr. Maya Angelou, and New York Giants star defensive end Michael Strahan are lending their support to this effort. I ask my colleagues in the Senate to join me in supporting America's disabled veterans with this important legislation.

By Mr. CHAMBLISS:

S. 634. A bill to amend the Trade Sanctions Reform and Export Enhancement Act of 2000 to clarify allowable payment terms for sales of agricultural commodities and products to Cuba; to the Committee on Foreign Relations.

Mr. CHAMBLISS. Mr. President, today I rise to introduce legislation to reverse the unilateral change by the Department of Treasury's Office of Foreign Assets Control (OFAC) that threatens future sales of U.S. agricultural products to Cuba.

Four years ago, Congress passed the Trade Sanctions Reform and Export Enhancement Act (TSREEA), allowing sales of food and medicine to Cuba for the first time in nearly four decades. The Act did not signal an end to the embargo or efforts to do so but merely exempted food and medicine from unilateral sanctions that harm local populations.

Cuba first purchased U.S. agricultural products under the new authorities in December 2001. Since that time, Cuba has contracted to purchase approximately $1.25 billion worth of U.S. agricultural goods. According to the U.S. Department of Agriculture, U.S. agriculture, fish and forest product exports to Cuba in fiscal year 2004 totaled $402 million, up 115 percent from a year earlier. The leading export items last year were rice, $65 million, poultry meat, $62 million, wheat, $57 million, corn, $51 million, and soybeans, $38 million, from more than 40 States in this country. Although U.S. agricultural trade with Cuba experienced tremendous growth in the past four years, the future is now in doubt.

Late last year, OFAC and the State Department started considering actions to further tighten trade requirements on Cuba. At issue is the term "cash in advance" and the sale of licensed agricultural products. On February 22, 2005, after repeated urgings by Members of Congress to the contrary, OFAC amended the Cuban Assets Control Regulations to clarify the term whereby goods cannot leave the U.S. port at which they are loaded until payment is received by the seller or the seller's agent. The interpretation by OFAC runs counter to general trade practices and will likely shut down U.S. agricultural exports to Cuba.

Currently, U.S. exporters require payment before turning over title and control of the goods. The exporters routinely ship U.S. goods to Cuba where they remain under the custody of the seller until such time as the seller certifies full payment. Only then are the goods released to Cuba. At no time is credit extended in any form to Cuba. This standard method of doing business has been in practice since sales to Cuba began.

TSREEA was meant to expand access for agricultural producers to the Cuban market. By taking into consideration the unique nature of agriculture trade with Cuba, my legislation intends to overturn OFAC's new definition of "cash in advance". We should not be making it harder to export agricultural products when the United States is experiencing a massive trade deficit. I am committed to helping expand opportunities at home and abroad for our nation's farmers and ranchers. I look forward to working with my colleagues in the Senate on this important issue.

By Mr. SANTORUM (for himself, Mr. CONRAD, and Mrs. MURRAY):

S. 635. A bill to amend title XVIII of the Social Security Act to improve the benefits under the medicare program for beneficiaries with kidney disease, and for other purposes; to the Committee on Finance.

Mr. CONRAD. Mr. President, I rise today in support of the Kidney Care Quality Act, which Senator SANTORUM and I introduce today. With all of the attention now being paid to improving the quality of health care Americans receive, we believe it is important for Congress to reaffirm our commitment to patients with kidney failure.

As part of this commitment, Congress should ensure that these patients receive high quality care and should take steps to improve the Medicare End Stage Renal Disease, ESRD, program. This bill would do just that. First, it establishes a quality demonstration project to reward high quality dialysis providers. It also establishes education programs to assist patients with kidney disease to learn important self-management skills that will help them manage their disease more effectively and improve their quality of life. The bill also seeks to help individuals before they develop irreversible kidney failure by teaching individuals about the factors that lead to chronic kidney disease, the precursor to kidney failure, and how to prevent it, treat it, and, most importantly, avoid it.

Additionally, we recognize that some patients who currently receive dialysis in dialysis facilities and hospitals could benefit by receiving the treatments in their homes. Even though home dialysis can improve patients' quality of life by allowing them to remain employed and to participate in other activities that promote well-being, only a small number of patients select the home dialysis option. According to the U.S. Renal Data System, less than one percent of all ESRD patients relied on home dialysis in 2001. The bill we are introducing today would require the Department of Health and Human Services to identify barriers patients face in choosing home dialysis benefits and take steps toward eliminating them.

Improving the ESRD program payment system is also a critical component of promoting high quality care for patients with kidney failure. Medicare established the first prospective payment system, PPS, in the ESRD program in the early 1980s. Since that time, we have learned a great deal about how the PPS methodology works. Yet, the ESRD program remains the only Medicare PPS that does not receive an annual update. As a result, dialysis facilities have difficulty hiring qualified health care professionals because they simply cannot match the salaries offered by hospitals and other providers that do receive an annual update. For 2005, MedPAC has calculated a projected margin on dialysis services of −0.03 percent when combining the composite rate and injectible drugs. Without a fair reimbursement rate, providers face significant hurdles in attracting high quality health care professionals. Our bill addresses this ongoing problem to ensure that providers receive fair payment for the services they provide.

Congress must reaffirm its commitment to Americans with kidney failure by improving the program through new educational programs, quality initiatives, and payment reform. The Kidney Care Quality Act is a comprehensive bill that moves the program in that direction. I urge my colleagues to join with me in supporting this important legislation.

By Mr. GRASSLEY:

S. 636. A bill to direct the Inspector General of the Department of Justice to submit semi-annual reports regarding settlements relating to false claims and fraud against the Federal Government; to the Committee on Homeland Security and Governmental Affairs.

Mr. GRASSLEY. Mr. President, today I am re-introducing a bill directing the Inspector General of the Department of Justice to submit semi-annual reports regarding settlements relating to false claims and fraud against the United States.

The False Claims Act, 31 U.S.C. §3729 et seq., is the government's single most effective program for recouping money improperly obtained from the United States by false claims and fraud. Initially passed during the Civil War at President Abraham Lincoln's request to suppress fraud against the Union Army, the FCA was modernized and updated in 1986. Since President Ronald Reagan signed the 1986 amendments into law, settlements and judgments in FCA cases have exceeded $13 billion. No other anti-fraud program of the Federal Government can match this result.

Despite the significance of these results, the Congress does not have a way to evaluate the performance of the FCA program. While the program, which is overseen by the Civil Division of the Department of Justice, appears to be doing well, it is not known at this time how the program is performing as compared to its potential. What percentage of the various frauds perpetrated against the United States is recouped in False Claims Act cases? How effectively does DoJ capture the multiple damages and penalties provided for by the act? How quickly does DoJ move FCA cases? How effectively does DoJ use the tools provided to it by the FCA, such as civil investigative demands? How effectively does DoJ use relators and how well does it reward them?

The purpose of this bill is to answer these questions. The bill requires DoJ to submit certain information that will allow Congress to evaluate the Department's performance in managing FCA cases. Thus, under this bill the Department of Justice will be required to describe its settlements of FCA cases. The report to Congress shall include a description of the estimated damages suffered by the United States, the amount recouped, the multiplier used to calculate the settlement amount, the criminal fines collected and whether the defendants were held liable in previous cases. The report will also inform Congress as to whether the defendants have been required to enter into corporate integrity agreements.

In addition, in order to understand how the program is working, the Department of Justice will be required to inform Congress as to whether civil investigative demands were issued. The Department will also be required to provide certain information about the conduct of qui tam cases initiated by whistleblowers. For example, Congress will receive information about the length of time cases are under seal, whether whistleblowers (technically termed "relators") sought a fairness hearing regarding a settlement and what share of the settlement they received. The Congress would also receive information about whether the agency that suffered from the fraud involved participated in the settlement.

In regard to cases involving Medicaid Fraud, the report will provide Congress with the details of how much money was returned to each state participating in the settlement. In a time when many states are struggling with their Medicaid budgets, the Congress needs to know how effectively DoJ is in suppressing Medicaid fraud and returning money to the states.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 636

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FALSE CLAIMS SETTLEMENTS.

Section 8E of the Inspector General Act (5 U.S.C. App.) is amended by adding at the end the following:

"(e)(1) In preparing the semi-annual report under section 5, the Inspector General of the Department of Justice shall describe each settlement or compromise of any claim, suit, or other action entered into with the Department of Justice that—

"(A) relates to an alleged violation of section 1031 of title 18, United States Code, or section 3729 of title 31, United States Code (including all settlements of alternative remedies); and

"(B) results from a claim of damages in excess of $100,000.

"(2) The descriptions of each settlement or compromise required to be included in the semi-annual report under paragraph (1) shall include—

"(A) the overall amount of the settlement or compromise and the portions of the settlement attributed to various statutory authorities;

"(B) the amount of actual damages estimated to have been sustained and the minimum and maximum potential civil penalties incurred as a consequence of the defendants that is the subject of the settlement or compromise;

"(C) the basis for the estimate of damages sustained and the potential civil penalties incurred;

"(D) the amount of the settlement that represents damages and the multiplier or percentage of the actual damages applied in the actual settlement or compromise;

"(E) the amount of the settlement that represents civil penalties and the percentage of the potential penalty liability captured by the settlement or compromise;

"(F) the amount of the settlement that represents criminal fines and a statement of the basis for such fines;

"(G) the length of time involved from the filing of the complaint until the finalization of the settlement or compromise, including—

"(i) the date of the original filing of the complaint;

"(ii) the time the case remained under seal;

"(iii) the date upon which the Department of Justice determined whether or not to intervene in the case; and

"(iv) the date of settlement or compromise;

"(H) whether any of the defendants, or any divisions, subsidiaries, affiliates, or related entities, had previously entered into 1 or more settlements or compromises related to section 1031 of title 18, United States Code, or section 3730(b) of title 31, United States Code, and if so, the dates and monetary size of such settlements or compromises;

"(I) whether the defendant or any of its divisions, subsidiaries, affiliates, or related entities—

"(i) entered into a corporate integrity agreement related to the settlement or compromise; and

"(ii) had previously entered into 1 or more corporate integrity agreements related to section 3730(b) of title 31, United States Code, and if so, whether the previous corporate integrity agreements covered the conduct that is the subject of the settlement or compromise being reported on or similar conduct;

"(J) in the case of settlements involving medicaid, the amounts paid to the Federal Government and to each of the States participating in the settlement or compromise;

"(K) whether civil investigative demands were issued in process of investigating the case;

"(L) in *qui tam* actions, the percentage of the settlement amount awarded to the relator, and whether or not the relator requested a fairness hearing pertaining to the percentage received by the relator or the overall amount of the settlement;

"(M) the extent to which officers of the department or agency that was the victim of the loss resolved by the settlement or compromise participated in the settlement negotiations; and

"(N) the extent to which relators and their counsel participated in the settlement negotiations.".

By Mrs. MURRAY (for herself, Ms. Collins, Mrs. Boxer, Ms. Cantwell, Mrs. Clinton, Mr. Corzine, Mrs. Feinstein, Mr. Kennedy, Mr. Schumer, Ms. Snowe, and Mr. Stevens):

S. 638. A bill to extend the authorization for the ferry boat discretionary program, and for other purposes; to the Committee on Environment and Public Works.

Mrs. MURRAY. Mr. President, I rise today to introduce legislation that will greatly enhance Federal participation in financing and improving our Nation's ferry transportation system.

Today I again introduce the Ferry Transportation Enhancement Act, or Ferry-TEA. I am proud to have Senators Collins, Boxer, Cantwell, Clinton, Corzine, Feinstein, Kennedy, Schumer, Snowe, and Stevens as original cosponsors. This bill will provide significantly more resources to State governments, public ferry systems, and public entities responsible for developing facilities for ferries.

Specifically, the bill would: provide $150 million a year for the Federal Highway Administration's Ferry Boat Discretionary Program. This is approximately four times the $38 million a year that is currently being provided under this program; add "ferry maintenance facilities" to the list of allowable use of funds under this program; add "ferries" to the Clean Fuels Program; establish a Ferry Joint Program Office to coordinate federal programs affecting ferry boat and ferry facility construction, maintenance, and operations and to promote ferry service as a component of the nation's transportation system; establish an information database on ferry systems, routes, vessels, passengers and vehicles carried; and establish an institute for ferries to conduct R&D, conduct training programs, encourage collaborative efforts to promote ferry service, and preserve historical information. This will parallel institutes that now exist for highways, transit, and rail.

Currently, the Federal investment in ferries is only one-tenth of one percent of the total Surface Transportation Program. There is virtually no coordination at the federal level to encourage and promote ferries as there are for other modes of transportation.

We need better coordinated ferry services because it's the sole means of surface transportation in many areas of the country, including, Hawaii, Alaska and my home State of Washington.

Ferries are also the preferred, and the only feasible, method of commuting from home to work in places like Washington State, New York/New Jersey, North Carolina, Hawaii and Alaska.

Finally, in many States like my home State of Washington they are an important part of the tourism industry and represent a part of our cultural identity.

The symbol of ferries moving people and vehicles on the waterways of the Puget Sound is as much a part of our cultural identity as computers, coffee, commercial aircraft and the Washington Apple.

Ferry use is growing.

In Washington State our ferry system—the Nation's largest—transports approximately 26 million passengers each year and carries 11 million vehicles. This is more passengers in my one state than Amtrak transports on a yearly basis nationwide.

Other systems that serve New York/New Jersey, North Carolina, San Francisco, and Alaska also have significant numbers of passengers using the ferries.

The Nation's six largest ferry systems recently carried 73 million people and 13 million vehicles in just one year.

The growth projection for ferry use is very high. For these larger systems, it is projected that by 2009 there will be a 14-percent increase in passengers and a 17-percent increase in vehicles being carried by ferries compared to 2002.

In San Francisco, that projection is a 46-percent increase.

It is clear that many people are using ferries and more will be using them in the future.

This is all with very little help from the Federal Government.

Our investment in ferries pails in comparison to the federal investments in highways and other forms of mass transit.

Our bill would provide the needed funding for these growing systems for new ferry boat construction, for ferry facilities and terminals, and for maintenance facilities.

The bill also would make ferries eligible under the Clean Fuels Program.

Like busses, ferries are a form of mass transit that is environmentally cleaner than mass use of cars and trucks. Making them eligible for the Clean Fuels Program will encourage boat makers to design cleaner and more efficient vessels in the future. This will make ferry travel an even more environmentally friendly means of transportation than it already is today.

During the 108th Congress, I, with the help of several of my colleagues, was able to attach an amendment to the surface transportation reauthorization bill—SAFETEA. That amendment would have increased the funding for the Ferry Boat Discretionary Program from $38 million per year to $120 million per year and make other changes.

I thank Chairman Inhofe, Chairman Bond, and Senators Jeffords and Reid for working with us to include that important amendment.

As we again move to the Senate consideration of the reauthorization bill in the near future, I look forward to working with my cosponsors and the leaders of the Committee, which now includes Senator Baucus, to see all the elements of Ferry-TEA is included in the bill.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 638

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ferry Transportation Enhancement Act".

SEC. 2. AUTHORIZATION OF FUNDING FOR CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.

(a) Funding.—Section 1064(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note) is amended to read as follows:

"(c) Funding.—

"(1) In general.—There shall be available, out of the Highway Trust Fund (other than the Mass Transit Account), to the Secretary for obligation at the discretion of the Secretary $150,000,000 for each of the fiscal years 2004 through 2009. Sums made available to carry out this section shall remain available until expended.

"(2) Allocation of funds.—The Secretary shall give priority in the allocation of funds under this section to those ferry systems, and public entities responsible for developing facilities for ferries, that carry the greatest number of passengers and vehicles, carry the greatest number of passengers in passenger-only service, or provide critical access to areas that are not well-served by other modes of surface transportation.".

SEC. 3. ELIGIBILITY OF FERRY MAINTENANCE FACILITIES FOR FEDERAL FUNDING.

(a) Maintenance Facilities.—Section 129(c) of title 23, United States Code, is amended—

(1) in the matter preceding paragraph (1), by inserting "and maintenance" after "terminal"; and

(2) in paragraph (3), by inserting "or maintenance" after "terminal" each place it appears.

(b) Conforming Amendments.—Section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note) is amended by inserting "and maintenance" after "terminal" each place it appears.

SEC. 4. ELIGIBILITY OF FERRIES FOR CLEAN FUELS PROGRAM.

Section 5308 of title 49, United States Code, is amended—

(1) in clauses (i) and (iii) of subsection (a)(3)(A) and in subsection (e), by inserting "or ferries" after "buses" each place it appears;

(2) in subsection (e), by inserting "or ferry" after "bus" each place it appears;

(3) in the heading for subsection (e)(2), by inserting "OR FERRIES" after "BUSES"; and

(4) in the heading for subsection (e)(3), by inserting "OR FERRY" after "BUS".

SEC. 5. FERRY JOINT PROGRAM OFFICE.

(a) Establishment.—The Secretary of Transportation shall establish a Ferry Joint Program Office (in this section, referred to as the "Office") to coordinate Federal programs affecting ferry boat and ferry facility construction, maintenance, and operations and to promote ferry service as a component of the Nation's transportation system. The

Ferry Joint Program Office shall coordinate ferry and ferry-related programs within the Department of Transportation (including the Federal Highway Administration, the Federal Transit Administration, the Maritime Administration, and the Bureau of Transportation Statistics) and with the Department of Homeland Security and other Federal and State agencies, as appropriate.

(b) FUNCTIONS.—The functions of the Office shall include—

(1) ensuring resource accountability;

(2) coordinating policy relating to ferry transportation among the various agencies of the Department of Transportation and other departments of the United States Government;

(3) providing strategic leadership for ferry research, development, testing, and deployment; and

(4) promoting ferry transportation as a means to reduce social, economic, and environmental costs associated with traffic congestion.

SEC. 6. NATIONAL FERRY DATA BASE.

(a) IN GENERAL.—The Secretary of Transportation shall maintain a national ferry database, which shall contain current information regarding ferry systems, routes, vessels, passengers and vehicles carried, funding sources, and any other information that the Secretary determines to be useful. The Secretary shall utilize data from the study conducted under section 1207(c) of the Transportation Equity Act for the 21st Century (23 U.S.C. 129 note), and make modifications to that data, as appropriate.

(b) UPDATED DATABASE.—The Secretary shall produce the first updated version of the national ferry database not later than 1 year after the date of enactment of this Act and shall update such database every 2 years after such date.

(c) PUBLIC ACCESSIBILITY.—The Secretary shall ensure that the national ferry database is easily accessible to the public.

SEC. 7. NATIONAL FERRY TRANSPORTATION INSTITUTE.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall award grants to an institution of higher education to establish a National Ferry Transportation Institute (referred to in this section as the "Institute").

(b) ADMINISTRATION.—The Secretary shall develop and administer the Institute in cooperation with the Department of Transportation, State transportation departments, public ferry transportation authorities, private ferry operators, ferry boat builders, ferry employees, and other institutions of higher education and research institutes.

(c) FUNCTIONS.—The Institute shall—

(1) conduct research and recommend development activities on methods of improving ferry transportation programs in the United States, including methods of reducing wake and providing alternative propulsion;

(2) develop and conduct training programs for ferry system employees, Federal Government employees, and other individuals, as appropriate, on recent developments, techniques, and procedures pertaining to the construction and operation of ferries;

(3) encourage and assist collaborative efforts by public and private entities to preserve, improve, and expand the use of ferries as a mode of transportation; and

(4) preserve, utilize, and display historical information about the use of ferries in the United States and in foreign countries.

(d) LOCATION.—In selecting the location for the Institute, the Secretary shall consider—

(1) the importance of public and private ferries to the region's transportation system, including both regional travel and long-range travel and service to isolated communities;

(2) the historical importance of ferry transportation to the region;

(3) the history and diversity of the region's maritime community, including ferry construction and repair and other shipbuilding activities;

(4) the anticipated growth of ferry service and ferry boat building in the region;

(5) the availability of public-private collaboration in the region; and

(6) the presence of nationally recognized research universities in the region.

(e) FUNDING.—There are authorized to be appropriated to the Secretary of Transportation $2,000,000 for each of the fiscal years 2004 through 2009, to carry out the provisions of this section. The Secretary may authorize the acceptance and expenditure of funding provided to the Institute by public and private entities.

(f) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit a report to Congress describing the activities of the Institute and the progress in carrying out this section.

By Mr. CORZINE (for himself, Mr. LAUTENBERG, Mrs. LINCOLN, MR. LEAHY, Mr. REID, Mr. KERRY, Mr. JOHNSON, Mr. COCHRAN, Mr. NELSON of Nebraska, and Mr. DAYTON):

S. 639. A bill to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 years of age to 55 years of age; to the Committee on Armed Services.

Mr. CORZINE. Mr. President, I rise today to introduce legislation lowering the retirement age for National Guard and Reserves from 60 to 55. This legislation, which I introduced last year, is an extremely modest step toward treating our reservists fairly and in accordance with the enormous sacrifices they are making. This bipartisan legislation is co-sponsored by Senators COCHRAN, LAUTENBERG, LINCOLN, LEAHY, REID, KERRY, JOHNSON, BEN NELSON and DAYTON.

This bill merely brings the retirement age for reservists down to the Federal civil servant retirement age, as was intended when the reservist retirement age was set fifty years ago. Our reservists are making enormous sacrifices, risking their lives in combat zones, and, in far too many instances, dying for their country. At the very least, they should have the same benefits as Federal civil servants.

But, there are other, bigger reasons for giving our reservists more equitable benefits. America has never placed greater demands on its reservists than it does now. Since September 11, 2001, more than 412,000 Guard and Reserve members have been called up, including 6,800 New Jersey National Guard members and 2,240 New Jersey Reservists. Many of them have been sent for yearlong combat tours in Iraq or Afghanistan.

We have entered a new era in which our reservists are no longer "weekend warriors." They are accepting the lengthy deployments and combat roles previously reserved to regular active duty forces. Well over forty percent of the troops currently serving in Iraq are members of the National Guard and Reserves. It is time that their benefits more closely reflect those granted to active duty servicemembers. Lowering the retirement age for reservists to 55, when active duty servicemembers receive retirement benefits after 20 years, regardless of age, is a modest step toward fairness and equity.

At a time when reservist recruitment is falling short, an improvement in benefits will help fill critical gaps. According to recent reports, the Army Guard missed its recruiting goal by 12 percent in the last fiscal year. For the first four months of fiscal 2005, recruitment is 24 percent behind. Just a few weeks ago, on February 24, Lt. Gen. Roger Schultz, director of the Army Guard, was quoted in the Dallas Morning News saying "No doubt, if we kept up this pace for extended periods, our force would come apart." And, as the Baltimore Sun reported, the head of the Army Reserve, Lt. Gen. James Helmly, told the Army Chief of Staff that his arm of the service was in danger of becoming a "broken force" under the current operations tempo.

By providing our reservists with the benefits they deserve, we can help reverse this course. We will also be sending a powerful message: that we value your service and recognize the incredible sacrifices you are making. And we will truly be honoring our heroes.

This bill has broad support and has been endorsed by key members of the Military Coalition, including the Reserve Officers Association, Veterans of Foreign Wars, the Military Officers Association of America, the Air Force Sergeants Association, the Air Force Association, the Retired Enlisted Association, the Fleet Reserve Association, the Naval Reserve Association, and the National Guard Association.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 639

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDUCTION IN AGE FOR RECEIPT OF MILITARY RETIRED PAY FOR NONREGULAR SERVICE.

(a) REDUCTION IN AGE.—Section 12731(a)(1) of title 10, United States Code, is amended by striking "at least 60 years of age" and inserting "at least 55 years of age".

(b) APPLICATION TO EXISTING PROVISIONS OF LAW OR POLICY.—With respect to any provision of law, or of any policy, regulation, or directive of the executive branch, that refers to a member or former member of the uniformed services as being eligible for, or entitled to, retired pay under chapter 1223 of title 10, United States Code, but for the fact that the member or former member is under 60 years of age, such provision shall be carried out with respect to that member or former member by substituting for the reference to being 60 years of age a reference to the age in effect for qualification for such retired pay under section 12731(a) of title 10, United States Code, as amended by subsection (a).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act and shall apply to retired pay payable for that month and subsequent months.

By Mrs. HUTCHISON (for herself, Mr. FRIST, and Mr. CORNYN):

S. 641. A bill to award a congressional gold medal to Michael Ellis DeBakey, M.D.; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. HUTCHISON. Mr. President, I rise today to acknowledge the lifetime achievements of Dr. Michael Ellis DeBakey, a public servant and world-renowned cardiologist, by offering legislation to award him the Congressional Gold Medal.

Throughout his life Dr. DeBakey has made numerous advances in the field of medicine. When he was only 23 years of age and still attending medical school, Dr. DeBakey developed a roller pump for blood transfusions—the precursor and major component of the heart-lung machine used in the first open-heart operation. This device later led to national recognition for his expertise in vascular disease. His service to our country did not stop there.

Dr. DeBakey put his practice on hold and volunteered for military service during World War II with the Surgeon General's staff. During this time, he received the rank of Colonel and Chief of Surgical Consultants Division.

As a result of his military and medical experience, Dr. DeBakey made numerous recommendations to improve the military's medical procedures. His efforts led to the development of mobile army surgical hospitals, better known as MASH units, which earned him the Legion of Merit in 1945.

After WWII, Dr. DeBakey continued his hard work by proposing national and specialized medical centers for those soldiers who were wounded or needed follow-up treatment. This recommendation evolved into the Veterans Affairs Medical Center System and the establishment of the commission on Veterans Medical Problems of the National Research Council.

In 1948, Dr. DeBakey joined the Baylor University College of Medicine, where he started its first surgical residency program and was later elected the first President of Baylor College of Medicine.

Adding to his list of accomplishments Dr. DeBakey performed the first successful procedure to treat patients with anyeurysms. In 1964, Dr. DeBakey performed the first successful coronary bypass surgery, opening the doors for surgeons to perform preventative procedures to save the lives of many people with heart disease. He was also the first to successfully use a partial artificial heart. Later that same year, President Lyndon B. Johnson appointed Dr. DeBakey as Chairman of the President's Commission on Heart Disease, Cancer and Stroke, which led to the creation of Regional Medical Programs. These programs coordinate medical schools, research institutions and hospitals to enhance research and training.

Dr. DeBakey continued to amaze the medical world when he pioneered the field of telemedicine by performing the first open-heart surgery transmitted over satellite and then supervised the first successful multi-organ transplant, where a heart, both kidneys and a lung were transplanted from a single donor into four separate recipients.

These accomplishments have led to national recognition. Dr. DeBakey has received both the Presidential Medal of Freedom with Distinction from President Johnson and the National Medal of Science from President Ronald Reagan.

Recently, Dr. DeBakey worked with NASA engineers to develop the DeBakey Ventricular Assist Device, which may eliminate the need for some patients to receive heart transplants.

I stand here today to acknowledge Dr. DeBakey's invaluable work and significant contribution to medicine by offering a bill to award him the Congressional Gold Medal. His efforts and innovative surgical techniques have since saved the lives of thousands, if not millions, of people. I ask my Senate colleagues to join me in recognizing the profound impact this man has had on medical advances, the delivery of medicine and how we care for our Veterans. Although, Dr. DeBakey is not a native of Texas, he has made Texas proud. He has guided the Baylor College of Medicine and the city of Houston into becoming a world leader in medical advancement. On behalf of all Texans, I thank Dr. DeBakey for his lifetime of commitment and service not only to the medical community but to the world. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 641

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress makes the following findings:

(1) Michael Ellis DeBakey, M.D., was born on September 7, 1908 in Lake Charles, Louisiana, to Shaker and Raheeja DeBakey.

(2) Dr. DeBakey, at the age of 23 and still a medical student, reported a major invention, a roller pump for blood transfusions, which later became a major component of the heart-lung machine used in the first successful open-heart operation.

(3) Even though Dr. DeBakey had already achieved a national reputation as an authority on vascular disease and had a promising career as a surgeon and teacher, he volunteered for military service during World War II, joining the Surgeon General's staff and rising to the rank of Colonel and Chief of the Surgical Consultants Division.

(4) As a result of this first-hand knowledge of military service, Dr. DeBakey made numerous recommendations for the proper staged management of war wounds, which led to the development of mobile army surgical hospitals or MASH units, and earned Dr. DeBakey the Legion of Merit in 1945.

(5) After the war, Dr. DeBakey proposed the systematic medical follow-up of veterans and recommended the creation of specialized medical centers in different areas of the United States to treat wounded military personnel returning from war, and from this recommendation evolved the Veterans Affairs Medical Center System and the establishment of the Commission on Veterans Medical Problems of the National Research Council.

(6) In 1948, Dr. DeBakey joined the Baylor University College of Medicine, where he developed the first surgical residency program in the City of Houston, and today, guided by Dr. DeBakey's vision, the College is one of the most respected health science centers in the Nation.

(7) In 1953, Dr. DeBakey performed the first successful procedures to treat patients who suffered aneurysms leading to severe strokes, and he later developed a series of innovative surgical techniques for the treatment of aneurysms enabling thousands of lives to be saved in the years ahead.

(8) In 1964, Dr. DeBakey triggered the most explosive era in modern cardiac surgery, when he performed the first successful coronary bypass, once again paving the way for surgeons world-wide to offer hope to thousands of patients who might otherwise succumb to heart disease.

(9) Two years later, Dr. DeBakey made medical history again, when he was the first to successfully use a partial artificial heart to solve the problems of a patient who could not be weaned from a heart-lung machine following open-heart surgery.

(10) In 1968, Dr. DeBakey supervised the first successful multi-organ transplant, in which a heart, both kidneys, and lung were transplanted from a single donor into 4 separate recipients.

(11) In 1964, President Lyndon B. Johnson appointed Dr. DeBakey to the position of Chairman of the President's Commission on Heart Disease, Cancer and Stroke, leading to the creation of Regional Medical Programs established "to encourage and assist in the establishment of regional cooperative arrangements among medical schools, research institutions, and hospitals, for research and training".

(12) In the mid-1960's, Dr. DeBakey pioneered the field of telemedicine with the first demonstration of open-heart surgery to be transmitted overseas by satellite.

(13) In 1969, Dr. DeBakey was elected the first President of Baylor College of Medicine.

(14) In 1969, President Lyndon B. Johnson bestowed on Dr. DeBakey the Presidential Medal of Freedom with Distinction, and in 1985, President Ronald Reagan conferred on him the National Medal of Science.

(15) Working with NASA engineers, he refined existing technology to create the DeBakey Ventricular Assist Device, one-

tenth the size of current versions, which may eliminate the need for heart transplantation in some patients.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design, to Michael Ellis DeBakey, M.D., in recognition of his many outstanding contributions to the Nation.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (referred to in this Act as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 4. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

SEC. 5. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund such amounts as may be necessary to pay for the costs of the medals struck pursuant to this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals authorized under section 3 shall be deposited into the United States Mint Public Enterprise Fund.

By Mr. FRIST (for himself, Mr. ALEXANDER, Mr. TALENT, Mr. ENZI, Mr. ENSIGN, Mr. SESSIONS, Mr. CRAIG, Mr. ALLEN, Mr. BURNS, Mr. CHAMBLISS, Mr. BUNNING, Mr. SMITH, Mr. VITTER, Mr. GRAHAM, Mr. CORNYN, Mr. SANTORUM, Mr. GRASSLEY, Mr. INHOFE, Mr. BROWNBACK, Mr. NELSON of Nebraska, and Mr. NELSON of Florida):

S. 642. A bill to support certain national youth organizations, including the Boy Scouts of America, and for other purposes; to the Committee on the Judiciary.

Mr. FRIST. Mr. President, I am pleased to announce that my Senate colleagues and I will be introducing the "Support Our Scouts Act of 2005" today.

This legislation will ensure that the Defense Department can and will continue to provide the Scouts the type of support it has provided in the past, such as at Jamborees and on bases. This bill also ensures Scouts have equal access to public facilities, forums, and programs that are open to a variety of other youth or community organizations.

Why am I introducing this legislation? Since the Supreme Court decided Boy Scouts of America v. Dale, Boy Scouts of America's relationship with government at all levels has been the target of multiple lawsuits.

The Federal Government is defending a lawsuit brought by the ACLU aimed at severing ties between Boy Scouts and the Department of Defense and the Department of Housing and Urban Development. The effect of these attempts at exclusion at the Federal, State, and local levels are far-reaching and has had a discernible "chilling" effect on government support for our Scouts.

This is the greatest legal challenge facing Boy Scouts today. Boy Scouts of America, like other non-profit youth organizations, depend, on its ability to use public facilities and participate in these programs and forums. The Support Our Scouts Act of 2005 addresses these issues by removing any doubt that Federal agencies may welcome Scouts to hold meetings and go camping on Federal property.

The Boy Scouts of America is a congressionally chartered organization. Pentagon support for Scouts is authorized in U.S. law. It serves a patriotic, charitable, and educational purpose. Since 1910, Boy Scout membership has totaled more than 110 million young Americans.

Today, more than 3.2 million youths and 1.2 million adults are members of the Boy Scouts and are dedicated to fulfilling the Boy Scouts' mission. That number includes more than 40 members of the United States Senate and more than 150 members of the House of Representatives who have been involved in Scouting. I was a Boy Scout, and all three of my sons were as well. This unique American institution is committed to preparing our youth for the future by instilling in them values such as honesty, integrity, and character.

Through exposure to the outdoors, hard work, and the virtues of civic duty, the Boy Scouts have developed millions of Americans into superb citizens and future leaders.

The Support Our Scouts Act ratifies our longstanding commitment to this valued civic organization. It clarifies that no Federal law, including any rule, regulation, directive, instruction, or order, shall be construed to limit any Federal agency from providing any form of support to the Boy Scouts of America or the Girl Scouts of the United States of America or any organization chartered by the Boy Scouts of America or the Girl Scouts of the United States of America.

Activities supported include holding meetings, jamborees, camporees, or other scouting activities on Federal property, or hosting or sponsoring any official event of such organization. The Scouts Act is also being introduced by a bipartisan group of Members in the House. I believe this bill will receive broad, bipartisan support in both chambers of Congress and that we will pass it this year. It is common sense legislation that all fair and reasonable people can support. I encourage Scout supporters—indeed, all Americans—to contact their Senators and Representatives and ask them to support the "Support Our Scouts Act of 2005."

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 642

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Support our Scouts Act of 2005".

SEC. 2. SUPPORT FOR YOUTH ORGANIZATIONS.

(a) DEFINITIONS.—In this section—

(1) the term "Federal agency" means each department, agency, instrumentality, or other entity of the United States Government; and

(2) the term "youth organization" means any organization described under part B of subtitle II of title 36, United States Code, that is intended to serve individuals under the age of 21 years.

(b) IN GENERAL.—

(1) SUPPORT FOR YOUTH ORGANIZATIONS.—No Federal law (including any rule, regulation, directive, instruction, or order) shall be construed to limit any Federal agency from providing any form of support for a youth organization (including the Boy Scouts of America or any group officially affiliated with the Boy Scouts of America) that would result in that Federal agency providing less support to that youth organization (or any similar organization chartered under the chapter of title 36, United States Code, relating to that youth organization) than was provided during each of the preceding 4 fiscal years.

(2) TYPES OF SUPPORT.—Support described under paragraph (1) shall include—

(A) holding meetings, camping events, or other activities on Federal property; and

(B) hosting any official event of such organization.

SEC. 3. EQUAL ACCESS FOR YOUTH ORGANIZATIONS.

Section 109 of the Housing and Community Development Act of 1974 (42 U.S.C. 5309) is amended—

(1) in the first sentence of subsection (b) by inserting "or (e)" after "subsection (a)"; and

(2) by adding at the end the following:

"(e) EQUAL ACCESS.—

"(1) DEFINITION.—The term 'youth organization' means any organization described under part B of subtitle II of title 36, United States Code, that is intended to serve individuals under the age of 21 years.

"(2) IN GENERAL.—No State or unit of general local government that has a designated open forum, limited public forum, or nonpublic forum and that is a recipient of assistance under this chapter shall deny equal access or a fair opportunity to meet to, or discriminate against, any youth organization, including the Boy Scouts of America or any group officially affiliated with the Boy Scouts of America, that wishes to conduct a meeting or otherwise participate in that designated open forum, limited public forum, or nonpublic forum.”.

By Mr. BROWNBACK (for himself, Mr. BINGAMAN, Ms. CANTWELL, and Mr. DODD):

S. 644. A bill to establish new special immigrant categories, and for other purposes; to the Committee on the Judiciary.

Mr. BROWNBACK. Mr. President, many innocent human beings are forced from their homes and separated from their families because of war and civil strife. We are seeing it right now in Darfur, Sudan where over 2 million have been displaced from their homes due to the conflict and ongoing genocide. It is frightening to think that some of those people are still susceptible to persecution just for being a woman or a child. I have heard stories that the refugees and internally displaced persons (IDPs) are still not safe from being persecuted by their attackers. Today, I am pleased to introduce legislation that will save the lives of some of the world's most vulnerable populations.

The Widows and Orphans Act of 2005, similar to the one I introduced last Congress, will benefit women and children fleeing war and civil strife, who are often vulnerable and in grave danger. They may not be fleeing political persecution—something that would allow them to apply for refugee status—but they may nevertheless be subjected to violence or exploitation. When a culture does not recognize female heads of households, when a young child loses his or her family structure, or when a woman's home community will not allow her to return at the end of hostilities, abuse and exploitation often follow.

For example, a widow fleeing an armed conflict risks being raped, being sold into sexual slavery or becoming a victim of violence. In another example, a child who loses his or her parents when fleeing a conflict is in grave danger of sexual exploitation and forced servitude. The child could even be forced into service as a child soldier, as we have seen happen to scores of children in Northern Uganda. Even within a refugee camp—a place that might otherwise be thought of as safe—women and children face forced prostitution and involuntary servitude.

U.S. and international law does not currently provide refugee protection for age and sex-based violence. The Widows and Orphans Act of 2005 is much-needed legislation which would fill this void by admitting as special immigrants children and females at risk of harm. Under this bill, government officials, the United Nations High Commissioner for Refugees (UNHCR), and appropriate non-governmental organizations will be able to identify vulnerable women and children for consideration as special immigrants who then can gain permanent residence in the United States.

This legislation will allow officials in the field—those monitoring armed conflict and civil strife and those in refugee camps—to identify women and children who face harm because of their sex or age and refer them for consideration as special immigrants. The bill will essentially speed up the acceptance process by allowing officials with first-hand knowledge of cases to step in and identify those in dire need. With reliable security measures, it will also help eliminate fraud and abuse from those who wish to do us harm.

For widows and orphans, abuse and exploitation are immediate dangers. This legislation provides officials at the grass-roots level the ability to prevent further harm from coming upon those who have already faced terrible situations.

More than 80 percent of the world's displaced people are women and children, and thousands of them are waiting patiently for the OK to enter our country. While they wait, they are often victimized; some even die waiting. We must not stand by as they are left to die.

By Mr. LAUTENBERG (for himself, Mr. CORZINE, Mr. SCHUMER, Mrs. BOXER, Mr. KENNEDY, Mr. DURBIN, Ms. MIKULSKI, Mr. SARBANES, Mr. REED, Mr. AKAKA, Mr. DODD, and Mrs. CLINTON):

S. 645. A bill to reinstate the Public Safety and Recreational Firearms Use Protection Act; to the Committee on the Judiciary.

Mr. LAUTENBERG. Mr. President, I rise to speak about a common sense bill that will protect American citizens and law enforcement officers. The Assault Weapons Ban and Law Enforcement Protection Act is designed to restore and strengthen the ban on assault weapons that expired on September 13, 2004.

The Government Accountability Office recently reported that 47 people on the terrorist watch list legally purchased firearms in this country last year. I personally believe that a person on the terrorist watch list, who isn't allowed to board a commercial airliner, should not be able to purchase any weapon. But they especially shouldn't be able to buy assault weapons, which possess unique, military-bred, anti-personnel design characteristics. These features, taken together, make it easy for a shooter to simply point a weapon—as opposed to taking careful aim—and quickly spray a wide area with a lethal hail of bullets.

These features make assault weapons especially attractive to terrorists and criminals, and virtually useless to hunters or sport shooters.

Before the previous ban on assault weapons expired last November, some attempted to justify that expiration by saying that it wasn't working as intended.

That is true. Some gun manufacturers were exploiting loopholes in the law by selling kits that made it possible to modify legal firearms into assault-style weapons, or by changing a few features of a weapon so it would slip through the legal definition of an assault rifle. The proper response to these abuses was not to let the ban expire, however. Instead, we should have fixed the ban so it really kept assault-style weapons out of the hands of criminals and terrorists. This bill will do that.

It improves and simplifies the definition of assault weapons; expands the scope of the ban to include conversion parts kits that can be purchased through the mail and used to build an assault weapon; regulates the transfer of grandfathered assault weapons; clarifies definitions of assault weapon characteristics; and enhances tracing of assault weapons.

Keeping assault weapons out of the hands of terrorists and criminals is simply a matter of common sense. Innocent lives are at stake—including the lives of law enforcement officers who are our last line of defense against terrorists who would attack our communities. Make no mistake—military-style assault weapons are a threat to cops on the street.

An analysis of FBI data found that one in five law enforcement officers slain in the line of duty between January 1, 1998, and December 31, 2001, were killed with assault weapons. How many of those officers would be alive today if criminals hadn't been able to get their hands on assault weapons?

Hundreds of organizations are on record in support of a ban on assault weapons, including the Anti-Defamation League, Brady Campaign to Prevent Gun Violence united with the Million Mom March, Consumer Federation of America, National Coalition Against Domestic Violence, National League of Cities, and Voices for America's Children. I urge all of my colleagues to support this common-sense measure.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 645

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Assault Weapons Ban and Law Enforcement Protection Act of 2005”.

SEC. 2. RESTRICTION ON MANUFACTURE, TRANSFER, AND POSSESSION OF CERTAIN SEMIAUTOMATIC ASSAULT WEAPONS.

(a) RESTRICTION.—Section 922 of title 18, United States Code, is amended by adding after subsection (u) the following:

"(v)(1) It shall be unlawful for a person to manufacture, transfer, or possess a semiautomatic assault weapon.

"(2) Paragraph (1) shall not apply to the possession or transfer of any semiautomatic assault weapon otherwise lawfully possessed under Federal law on the date of enactment of this subsection.

"(3) Paragraph (1) shall not apply to any firearm that—

"(A) is manually operated by bolt, pump, level, or slide action;

"(B) has been rendered permanently inoperable; or

"(C) is an antique firearm.

"(4) Paragraph (1) shall not apply to—

"(A) the manufacture for, transfer to, or possession by the United States or a department or agency of the United States or a State or a department, agency, or political subdivision of a State, or a transfer to or possession by a law enforcement officer employed by such an entity for purposes of law enforcement (whether on or off duty);

"(B) the transfer to a licensee under title I of the Atomic Energy Act of 1954 for purposes of establishing and maintaining an onsite physical protection system and security organization required by Federal law, or possession by an employee or contractor of such licensee onsite for such purposes or off-site for purposes of licensee-authorized training or transportation of nuclear materials;

"(C) the possession, by an individual who is retired from service with a law enforcement agency and is not otherwise prohibited from receiving a firearm, of a semiautomatic assault weapon transferred to the individual by the agency upon such retirement; or

"(D) the manufacture, transfer, or possession of a semiautomatic assault weapon by a licensed manufacturer or licensed importer for the purposes of testing or experimentation authorized by the Secretary.

"(5) It shall be unlawful for any person to transfer a semiautomatic assault weapon to which paragraph (1) does not apply, except through—

"(A) a licensed dealer, and for purposes of subsection (t) in the case of such a transfer, the weapon shall be considered to be transferred from the business inventory of the licensed dealer and the dealer shall be considered to be the transferor; or

"(B) a State or local law enforcement agency if the transfer is made in accordance with the procedures provided for in subsection (t) of this section and section 923(g).

"(6) The Attorney General shall establish and maintain, in a timely manner, a record of the make, model, and date of manufacture of any semiautomatic assault weapon which the Attorney General is made aware has been used in relation to a crime under Federal or State law, and the nature and circumstances of the crime involved, including the outcome of relevant criminal investigations and proceedings. The Attorney General shall annually submit the record to Congress and make the record available to the general public.".

(b) DEFINITION OF SEMIAUTOMATIC ASSAULT WEAPON.—Section 921(a) of title 18, United States Code, is amended by adding after paragraph (29) the following:

"(30) The term 'semiautomatic assault weapon' means any of the following:

"(A) RIFLES.—The following rifles or copies or duplicates thereof—

"(i) AK, AKM, AKS, AK–47, AK–74, ARM, MAK90, Misr, NHM 90, NHM 91, SA 85, SA 93, VEPR;

"(ii) AR–10;

"(iii) AR–15, Bushmaster XM15, Armalite M15, or Olympic Arms PCR;

"(iv) AR70;

"(v) Calico Liberty;

"(vi) Dragunov SVD Sniper Rifle or Dragunov SVU;

"(vii) Fabrique National FN/FAL, FN/LAR, or FNC;

"(viii) Hi-Point Carbine;

"(ix) HK–91, HK–93, HK–94, or HK–PSG–1;

"(x) Kel-Tec Sub Rifle;

"(xi) M1 Carbine;

"(xii) Saiga;

"(xiii) SAR–8, SAR–4800;

"(xiv) SKS with detachable magazine;

"(xv) SLG 95;

"(xvi) SLR 95 or 96;

"(xvii) Steyr AUG;

"(xviii) Sturm, Ruger Mini–14;

"(xix) Tavor;

"(xx) Thompson 1927, Thompson M1, or Thompson 1927 Commando; or

"(xxi) Uzi, Galil and Uzi Sporter, Galil Sporter, or Galil Sniper Rifle (Galatz).

"(B) PISTOLS.—The following pistols or copies or duplicates thereof—

"(i) Calico M–110;

"(ii) MAC–10, MAC–11, or MPA3;

"(iii) Olympic Arms OA;

"(iv) TEC–9, TEC–DC9, TEC–22 Scorpion, or AB–10; or

"(v) Uzi.

"(C) SHOTGUNS.—The following shotguns or copies or duplicates thereof—

"(i) Armscor 30 BG;

"(ii) SPAS 12 or LAW 12;

"(iii) Striker 12; or

"(iv) Streetsweeper.

"(D) DETACHABLE MAGAZINE RIFLES.—A semiautomatic rifle that has an ability to accept a detachable magazine, and that has—

"(i) a folding or telescoping stock;

"(ii) a threaded barrel;

"(iii) a pistol grip;

"(iv) a forward grip; or

"(v) a barrel shroud.

"(E) FIXED MAGAZINE RIFLES.—A semiautomatic rifle that has a fixed magazine with the capacity to accept more than 10 rounds, except for an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition.

"(F) DETACHABLE MAGAZINE PISTOLS.—A semiautomatic pistol that has the ability to accept a detachable magazine, and has—

"(i) a second pistol grip;

"(ii) a threaded barrel;

"(iii) a barrel shroud; or

"(iv) the capacity to accept a detachable magazine at a location outside of the pistol grip.

"(G) FIXED MAGAZINE PISTOLS.—A semiautomatic pistol with a fixed magazine that has the capacity to accept more than 10 rounds.

"(H) SEMIAUTOMATIC SHOTGUNS.—A semiautomatic shotgun that has—

"(i) a folding or telescoping stock;

"(ii) a pistol grip;

"(iii) the ability to accept a detachable magazine; or

"(iv) a fixed magazine capacity of more than 5 rounds.

"(I) OTHER SHOTGUNS.—A shotgun with a revolving cylinder.

"(J) FRAMES OR RECEIVERS.—A frame or receiver that is identical to, or based substantially on the frame or receiver of, a firearm described in any of subparagraphs (A) through (I) or (L).

"(K) CONVERSION KITS.—A conversion kit.

"(L) MILITARY OR LAW ENFORCMENT WEAPONS.—A semiautomatic rifle or shotgun originally designed for military or law enforcement use, or a firearm based on the design of such a firearm, that is not particularly suitable for sporting purposes, as determined by the Attorney General. In making the determination, there shall be a rebuttable presumption that a firearm procured for use by the United States military or any Federal law enforcement agency is not particularly suitable for sporting purposes, and a firearm shall not be determined to be particularly suitable for sporting purposes solely because the firearm is suitable for use in a sporting event.".

(c) PENALTIES.—

(1) VIOLATION OF SECTION 922(V).—Section 924(a)(1)(B) of title 18, United States Code, is amended by striking "or (q) of section 922" and inserting "(r), or (v) of section 922".

(2) USE OR POSSESSION DURING CRIME OF VIOLENCE OR DRUG TRAFFICKING CRIME.—Section 924(c)(1)(B)(i) of title 18, United States Code, is amended by inserting "or semiautomatic assault weapon," after "short-barreled shotgun,".

(d) IDENTIFICATION MARKINGS FOR SEMIAUTOMATIC ASSAULT WEAPONS.—Section 923(i) of title 18, United States Code, is amended by adding at the end the following: "The serial number of any semiautomatic assault weapon manufactured after the date of the enactment of this sentence shall clearly show the date on which the weapon was manufactured.".

(e) RELATED DEFINITIONS.—Section 921(a) of such title is amended by adding at the end the following:

"(36) BARREL SHROUD.—The term 'barrel shroud' means a shroud that is attached to, or partially or completely encircles, the barrel of a firearm so that the shroud protects the user of the firearm from heat generated by the barrel, but does not include a slide that encloses the barrel, and does not include an extension of the stock along the bottom of the barrel which does not encircle or substantially encircle the barrel.

"(37) CONVERSION KIT.—The term 'conversion kit' means any part or combination of parts designed and intended for use in converting a firearm into a semiautomatic assault weapon, and any combination of parts from which a semiautomatic assault weapon can be assembled if the parts are in the possession or under the control of a person.

"(38) DETACHABLE MAGAZINE.—The term 'detachable magazine' means an ammunition feeding device that can readily be inserted into a firearm.

"(39) FIXED MAGAZINE.—The term 'fixed magazine' means an ammunition feeding device contained in, or permanently attached to, a firearm.

"(40) FOLDING OR TELESCOPING STOCK.—The term 'folding or telescoping stock' means a stock that folds, telescopes, or otherwise operates to reduce the length, size, or any other dimension, or otherwise enhances the concealability, of a firearm.

"(41) FORWARD GRIP.—The term 'forward grip' means a grip located forward of the trigger that functions as a pistol grip.

"(42) PISTOL GRIP.—The term 'pistol grip' means a grip, a thumbhole stock, or any other characteristic that can function as a grip.

"(43) THREADED BARREL.—The term 'threaded barrel' means a feature or characteristic that is designed in such a manner to allow for the attachment of a firearm as defined in section 5845(a) of the National Firearms Act (26 U.S.C. 5845(a)).".

SEC. 3. BAN OF LARGE CAPACITY AMMUNITION FEEDING DEVICES.

(a) PROHIBITION.—Section 922 of title 18, United States Code, as amended by section 2(a), is amended by adding after subsection (v) the following:

"(w)(1)(A) Except as provided in subparagraph (B), it shall be unlawful for a person to transfer or possess a large capacity ammunition feeding device.

"(B) Subparagraph (A) shall not apply to the possession or transfer of any large capacity ammunition feeding device otherwise lawfully possessed in the United States on the date of enactment of this subsection.

"(2) It shall be unlawful for any person to import or bring into the United States a large capacity ammunition feeding device.

"(3) This subsection shall not apply to—

"(A) the manufacture for, transfer to, or possession by the United States or a department or agency of the United States or a State or a department, agency, or political subdivision of a State, or a transfer to or possession by a law enforcement officer employed by such an entity for purposes of law enforcement (whether on or off duty);

"(B) the transfer to a licensee under title I of the Atomic Energy Act of 1954 for purposes of establishing and maintaining an on-site physical protection system and security organization required by Federal law, or possession by an employee or contractor of such licensee onsite for such purposes or off-site for purposes of licensee-authorized training or transportation of nuclear materials; or

"(C) the manufacture, transfer, or possession of any large capacity ammunition feeding device by a licensed manufacturer or licensed importer for the purposes of testing or experimentation authorized by the Secretary.

"(4) It shall be unlawful for a licensed manufacturer, licensed importer, or licensed dealer who transfers a large capacity ammunition feeding device that was manufactured on or before the date of enactment of this subsection, to fail to certify to the Attorney General before the end of the 60-day period that begins with the date of the transfer, in accordance with regulations prescribed by the Attorney General, that the device was manufactured on or before the date of enactment of this subsection.".

(b) DEFINITION OF LARGE CAPACITY AMMUNITION FEEDING DEVICE.—Section 921(a) of title 18, United States Code, as amended by section 2(b), is amended by adding after paragraph (30) the following:

"(31) The term 'large capacity ammunition feeding device'—

"(A) means a magazine, belt, drum, feed strip, or similar device that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition; but

"(B) does not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition.".

(c) PENALTY.—Section 924(a)(1)(B) of title 18, United States Code, as amended by section 2(c), is amended by striking "or (v)" and inserting "(v), or (w)".

(d) IDENTIFICATION MARKINGS FOR LARGE CAPACITY AMMUNITION FEEDING DEVICES.—Section 923(i) of title 18, United States Code, as amended by section 2(d), is amended by adding at the end the following: "A large capacity ammunition feeding device manufactured after the date of the enactment of this sentence shall be identified by a serial number that clearly shows that the device was manufactured or imported after the effective date of this subsection, and such other identification as the Attorney General may by regulation prescribe.

(e) BAN ON TRANSFER OF SEMIAUTOMATIC ASSAULT WEAPON WITH LARGE CAPACITY AMMUNITION FEEDING DEVICE.—

(1) IN GENERAL.—Section 922 of title 18, United States Code, is amended by inserting at the end the following:

"(z) It shall be unlawful for any person to transfer any assault weapon with a large capacity ammunition feeding device.".

(2) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

"(8) Whoever knowingly violates section 922(z) shall be fined under this title, imprisoned not more than 10 years, or both.

"(9) Whoever knowingly violates section 922(w)(4) shall be fined under this title, imprisoned not more than 5 years, or both.".

SEC. 4. STUDY BY ATTORNEY GENERAL.

(a) STUDY.—The Attorney General shall investigate and study the effect of this Act and the amendments made by this Act, and in particular shall determine their impact, if any, on violent and drug trafficking crime. The study shall be conducted over a period of 18 months, commencing 12 months after the date of enactment of this Act.

(b) REPORT.—Not later than 30 months after the date of enactment of this Act, the Attorney General shall prepare and submit to Congress a report setting forth in detail the findings and determinations made in the study under subsection (a).

SEC. 5. UNLAWFUL WEAPONS TRANSFERS TO JUVENILES.

Section 922(x) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking the period and inserting a semicolon; and

(B) by adding at the end the following:

"(C) a semiautomatic assault weapon; or

"(D) a large capacity ammunition feeding device."; and

(2) in paragraph (2)—

(A) in subparagraph (B), by striking the period and inserting a semicolon; and

(B) by adding at the end the following:

"(C) a semiautomatic assault weapon; or

"(D) a large capacity ammunition feeding device.".

SEC. 6. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

By Mr. SHELBY:

S.J. Res. 10. A joint resolution proposing an amendment to the Constitution of the United States which requires (except during time of war and subject to suspension by Congress) that the total amount of money expended by the United States during any fiscal year not exceed the amount of certain revenue received by the United States during such fiscal year and not exceed 20 per centum of the gross national product of the United States during the previous calendar year; to the Committee on the Judiciary.

Mr. SHELBY. Mr. President, as we continue to debate the Federal Government's fiscal year 2006 budget, I can think of no better time to discuss the need for a balanced budget amendment to the Constitution. It is for that reason that I stand before you today—to introduce a balanced budget amendment to the Constitution.

This is the same amendment that I have introduced every Congress since the 97th Congress. Throughout my tenure in Congress, during good economic times and bad, I have devoted much time and attention to this idea because I believe that one of the most important things the Federal Government can do to enhance the lives of all Americans and future generations is to balance the Federal budget.

Our Founding Fathers, wise men indeed, had great concerns regarding the capability of those in government to operate within budgetary constraints. Alexander Hamilton once wrote that: ". . . there is a general propensity in those who govern, founded in the constitution of man, to shift the burden from the present to a future day." Thomas Jefferson commented on the moral significance of this "shifting of the burden from the present to the future." He said: "the question whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of government. We should consider ourselves unauthorized to saddle posterity with our debts and morally bound to pay them ourselves."

I completely agree with these sentiments. History has shown that Hamilton was correct. Those who govern have, in fact, saddled future generations with the responsibility of paying for their debts. Over the past 30 years, annual deficits have become routine and the Federal Government has built up massive debt. Furthermore, Jefferson's assessment of the significance of this is also correct: intergenerational debt shifting is morally wrong.

Over the years, we have witnessed countless "budget summits" and "bipartisan budget deals," and we have heard, time and again, the promises of "deficit reduction." But despite all of these charades, the Federal budget remains severely out of balance today. The truth is, it will never be balanced as long as the President and the Congress are allowed to shortchange the welfare of future generations to pay for current consumption. This is evidenced by the fact that I stood in this same place, introducing this same legislation during both the 106th and the 107th Congresses while the Federal budget was actually in balance. But alas, I stand here today with an enormous Federal deficit and a ballooning Federal debt.

A balanced budget amendment to the Constitution is the only certain mechanism to break the cycle of deficit spending and ensure that the Government does not continue to saddle our children and grandchildren with the current generation's debts. A permanently balanced budget would have a considerable impact in the everyday lives of the American people. A balanced budget would dramatically lower interest rates thereby saving money for anyone with a home mortgage, a student loan, a car loan, credit card debt, or any other interest rate sensitive payment responsibility. Simply by balancing its books, the Federal Government would put real money into the hands of hard working people. Moreover, if the governments demand for capital is reduced, more money would be available for private sector use, which in turn, would generate substantial economic growth and create thousands of new jobs.

More money in the pockets of Americans and more job creation by the economy can become a reality with a simple step—a balanced budget amendment. On the other hand, without a balanced budget amendment, the Government will continue to waste the taxpayers' money on unnecessary interest payments. In fiscal year 2004, the Federal Government spent more than $321 billion just to pay the interest on the national debt. That is more than the amount spent on all education, job training, and crime programs combined.

We might as well be taking these hard-earned tax dollars and pouring them down the drain. I believe that this money could be better spent on improving education, developing new medical technologies, finding a cure for cancer, or even returning it to the people who earned it in the first place. But instead, about 15 percent of the Federal budget is being wasted on interest payments because advocates of big government continue to block all efforts to balance the budget.

A balanced budget amendment to the Constitution can be the solution to this perpetual problem. A balanced budget amendment will put us on a path to paying off our national debt, which is currently almost $8 trillion. This amendment will help ensure that taxpayers' money will no longer be wasted on interest payments.

Opponents of a balanced budget amendment treat it as if it is something extraordinary. They are right, a balanced Federal budget would be extraordinary. And I believe that adopting an amendment that would require the Federal Government to do what every American already has to do—balance their checkbook—is exactly what this country needs to prove that Washington is serious about accomplishing this extraordinary feat. A balanced budget amendment is simply a promise to the American people that the Government will spend their hard-earned tax dollars responsibly. I think that we owe our constituents and future generations of Americans that much.

We do not need any more budget deals or false promises from Washington to reduce the deficit. What we need is a hammer to force Congress and the President to agree on a balanced budget, not just this year, but forever. A constitutional amendment to balance the Federal budget is the only hammer forceful enough to make that happen.

I urge my colleagues to join with me in supporting this important legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 10

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States, to be valid only if ratified by the legislatures of three-fourths of the several States within 7 years of the date of final passage of this joint resolution:

"ARTICLE—

"SECTION 1. The total amount of money expended by the United States in any fiscal year shall not exceed the total amount of revenue received by the United States during such fiscal year, except revenue received from the issuance of bonds, notes, or other obligations of the United States.

"SECTION 2. The total amount of money expended by the United States in any fiscal year shall not exceed the amount equal to 20 per centum of the gross national product of the United States during the last calendar year ending before the beginning of such fiscal year.

"SECTION 3. Sections 1 and 2 of this Article shall not apply during any fiscal year during any part of which the United States is at war as declared by Congress under section 8 of Article I of the Constitution.

"SECTION 4. Sections 1 and 2 of this Article may be suspended by a concurrent resolution approved by a three-fifths vote of the Members of each House of Congress. Any suspension of sections 1 and 2 of this Article under this section shall be effective only during the fiscal year during which such suspension is approved.

"SECTION 5. This Article shall take effect on the first day of the first fiscal year beginning after the date of the adoption of this Article.

"SECTION 6. Congress shall have power to enforce this Article by appropriate legislation.".

By Mrs. FEINSTEIN:

S.J. Res. 11. A joint resolution proposing an amendment to the Constitution of the United States to abolish the electoral college and to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation amending the Constitution to permit direct popular elections for the Presidency and Vice Presidency of the United States.

I am mindful of the fact that altering the text of one of our country's most sacred documents requires careful thought, study and debate. But for me the status quo raises too many problems and questions.

The Electoral College is an archaic system. It may have been suitable during the founding years of the Republic. But it is hardly appropriate for the 21st century modern democracy that we have become.

Fundamental fairness dictates that we have a single, nationwide count of popular votes. Hopefully my proposal represents the starting point for how best to structure a system to accomplish that.

My approach is simple: the President is elected through a direct popular vote of the American people. Every American's vote counts the same, whether they live in Florida, Maine, California, or Nebraska. All the complexities of the current electoral college system are swept away. With my legislation the winner of the presidency is the individual who tallies the most votes cast in the election.

For those who believe the Electoral College is a reasonable basis for electing the President, consider the following: would a foreign country today, creating a new democratic election system from scratch, rely on the U.S. Electoral College as a model? Not likely.

Let me begin by offering a few facts and observations about the current system: the Electoral College allows a candidate to lose 39 States in a general election but still win the Presidency; the Electoral College allows a candidate to lose a general election, by 10 million popular votes or more, yet still be elected President; in a recent presidential election a candidate received nearly 20 million popular votes, roughly 19 percent of all votes cast, but that translated into 0 electoral votes; the Electoral College allows an elector to refuse to represent the majority of popular votes cast for a presidential candidate in his State's election—he can arbitrarily switch sides and throw his lot in with an alternative candidate, which has happened nine times since 1820; when a presidential election produces a 269 to 269 tie in electoral votes between candidates, the President is chosen through a "contingent" election conducted by the House of Representatives with each state's delegation casting a single vote—which unfairly grants equal status to California, whose population is 35.5 million, and Wyoming, whose population is 500,000; making matters worse, when such a "contingent election" occurs, House members are not bound to support the candidate who won the popular vote in the State they collectively represent—they are free to vote as they see fit; the two "constant" or "senatorial" electors automatically assigned to each State give less populous states a disproportionate advantage in the Electoral College vote count compared to States with more sizable populations;

the winner-take-all concept for awarding a State's electoral votes disenfranchises all voters in a State who supported a losing candidate in that State; and finally, the Electoral College undermines national campaigns by causing presidential candidates to focus on a handful of contested States and ignore the concerns of tens of millions of Americans living in other States.

The political and substantive utility of this system, full of pitfalls and loopholes, is very hard to discern. Voter apathy is a function of a system signaling to people that their vote does not count, and the Electoral College manages that in spades.

Now, I don't take this effort on lightly, because we have amended the Constitution a mere twenty-seven times since the founding of the nation. But as a matter of practical necessity, fairness and common sense, we need to consider the inherent inequities involved with the Electoral College.

My hope is that we can treat this in a bipartisan and nonparochial manner that benefits the whole of the country. I appreciate that states and regions are affected differently, California among them, but my motivations derive from improving the American federalist system in a way that eliminates undue consequences.

I have not been solicited by any particular interest group, constituency, or voting bloc to amend the Constitution. At bottom, I believe this is a matter of serious import. Good public policy demands that we give this subject sustained attention and I intend to do that through the Senate hearing process.

There was a time, of course, when the Electoral College adequately represented the voting needs of the country. In the 1780s there were no formal political parties as such, no experience with conducting national campaigns for office, and no lack of mistrust among States large and small about protecting their interests.

The Founding Fathers understood: first, the social, economic and political disconnectedness that existed among the States; second, the federalist system of governance was only beginning to take root; third, the dearth of news and communications networks across the country made national campaigning difficult; and fourth, the likelihood that a local "favorite son" or regional candidate would prevail in a national presidential election.

This combination of factors justified an indirect election of the President through a College of Electors.

Inimical reasons existed for going this route as well. Had the Framers of the Constitution adopted the one man, one vote system, Northern States that permitted blacks to vote in popular national elections could have exercised greater influence in electing the President than southern states. And States that independently extended rights of suffrage to women also could have gained an advantage.

The 15th Amendment in 1870 extending voting rights to Black men and many years later women gaining those same rights laid these issues to rest. With the obstacles of racism and sexism now gone as reasons justifying the creation, of the Electoral College, the puzzlement over why we haven't updated the presidential election system only continues.

Regardless, as a means to reconcile the interests of State governments and the Federal government, of northern and southern states, of majority and minority interests groups, and to let all these voices be heard come election time, the Electoral College was considered a just compromise. Its basic form was adopted during the Constitutional Convention of 1787.

Political events occurred soon thereafter, though, prompting passage of the 12th Amendment and the first major changes in the Electoral College system. The presidential election of 1800, between Thomas Jefferson and Aaron Burr, ended in a tie of electoral votes, causing the House of Representatives to break the deadlock through a "contingent election". A messy political imbroglio ensued. It was only after many rounds of negotiations that Jefferson won the Presidency.

Importantly, the 12th Amendment to the Constitution passed in 1804 to streamline the process of contingent elections. I would observe that passage of the 12th Amendment confirmed that the Electoral College system was, and remains, appropriately subject to change.

Legislators in 1804 did not delay in amending the Constitution for reasons of fairness and practicality, and nor should we in 2004 fail to address the imperfect design that thwarts the will of the American public.

Even with the 12th Amendment in place, the Electoral College managed to turn logic on its head in presidential elections throughout the 19th century. Minority presidents, so-called for winning the electoral vote but losing the popular vote, were elected three times—John Quincy Adams in 1824, Rutherford B. Hayes in 1876, and Benjamin Harrison in 1888.

And in 2000 the same problem re-surfaced, the fourth time in our Nation's short history, with Vice President Al Gore edging George Bush by 537,895 popular votes, but losing the electoral college by a mere 5 votes.

The Nation can be thankful, frankly, that we have only had disputed elections in just these four instances. A shift of a few thousand votes from one candidate to another in past presidential elections could have ordained similar disarray. Some noteworthy examples include: despite losing the popular vote by the sizable margin of 1.7 million votes, Gerald Ford in 1976 needed only 5,559 more votes in Ohio and 3,687 in Hawaii to reach the magical number of 270 electoral votes and he would have been returned to the White House.

And had California, Illinois and Ohio posited 29,000 more votes in Thomas Dewey's column, he lost the over popular vote by a wide margin, 2.1 million, in 1948, the face of history may have been changed forever with Harry Truman never returning to the White House.

And most recently, a shift of a mere 68,000 votes in Ohio from President George Bush's column to JOHN KERRY would have allowed the Democrat to win the electoral vote count, 271 to 267, and the Presidency, even though Bush enjoyed a sizable 3.5 million margin in popular votes cast.

According to some estimates, we have had no fewer than 22 near misses, all of which could have ended up as contentious as the 2000 contest. We are tempting fate by ignoring this problem: sooner or later a dramatic incongruity will occur between an electoral vote winner contrasted against a different popular vote winner whose margin of victory runs into the millions.

Electoral College anomalies don't end with disparities between the electoral and popular vote winners. The phenomenon of the "Faithless Elector" reflects a further structural defect in the Electoral College System.

History shows that electors have not been faithful to the presidential and vice presidential tickets winning the most votes in their respective states. They may initially pledge to the winning candidate, but enjoy individual discretion to change their vote when electoral votes are formally counted.

Contemporary examples are as follows: in 1968, Dr. Lloyd Bailey, a North Carolina elector initially pledged to Republican Richard Nixon, switched his vote to George Wallace of the American Independent Party; in 1972, Roger MacBride, a Virginia elector for Richard Nixon switched his vote to John Hospers of the Libertarian Party; in 1976, Mike Padden, a Washington elector for Gerald Ford voted for Ronald Reagan; in 1988, Margarat Leach, a West Virginia elector for Michael Dukakis, voted instead for Lloyd Bentsen, an unusual decision to exchange the positions of the Presidential and Vice Presidential candidates; and in 2000, Barbara Lett-Simmons, a District of Columbia elector for Democrat Albert Gore Jr., cast a blank ballot.

These arbitrary decisions did not affect the outcome in each of those presidential election years. But they all flouted the electoral will of the people.

The fact that such capricious switching is permitted, irrespective of the outcomes of the popular vote results in the states in question, is cause for great concern. What might happen if electors break their pledges to a particular candidate en masse? Is that possible and legally enforceable? The answer appears to be yes.

In this vein, it does not require a stretch of the imagination to envision three or more candidates splitting the electoral tally of votes such that none received the requisite majority of 270 to win the White House.

In that situation, what prevents one of the candidates directing his electors to another candidate, before the formal meeting of the Electors to count and certify the electoral votes occurs in the month following the November election, to allow him to gain the necessary majority of 270 in exchange for policy concessions or worse, a massive cash payment? Would that kind of corrupt transaction be allowed? What element of the current Electoral College system prevents such an unfortunate outcome?

This may not be likely, given our strong two party system, but it is possible. Yet we tolerate the risk of it happening, year after year, because we assume it will never occur. Someday we may regret our indecision to fix what we know is wrong with the Electoral College system.

Twenty-five years ago in the 96th Congress, a majority of the Senate voted 51 to 48 to support abolishing the Electoral College and replace it with direct popular elections. That legislation, S.J. Res. 26, fell short of the necessary two-thirds required for a constitutional amendment, but I am encouraged that more than half the body supported the concept.

A few years before that, the House voted overwhelmingly in the 91st Congress, by a vote of 338 to 70, for the direct popular election of the President. Alas, the effort fell short in the Senate.

I am prepared to press the case for this idea, on a bipartisan basis, through extensive committee deliberations and onto the Senate floor. The time has come for the Senate to reconsider the essential building blocks of our democracy.

Some might claim that offering a constitutional amendment is a political gambit to overcome my own State's weak position in the Electoral College voting system. It is a fact that smaller States, such as South Dakota, Wyoming, and others, maintain disproportionate influence in the process compared to California.

I would respond to that as follows: my approach does equate the vote of a Californian, Rhode Islander and South Dakotan as being equal. But it also means that millions of votes cast for Republican candidates in future presidential races in my home state will have meaning and value. Their votes will count for something.

In the 2000 race, George Bush received over 4.5 million votes in California. That should have counted for something—but it did not. All 54 of California's electoral votes went to Vice President Al Gore.

Given the domination of Democratic presidential candidates in California in the modern era, it is clear that my party would not benefit from a direct popular election in California.

But for me, this is about principle over politics. It is the right thing to do, even if it gives renewed life to Republican presidential candidates in my home State.

As it stands now, California is not a place where Republican and Democratic presidential candidates genuinely compete for votes. They come to California to fill their campaign coffers but take a pass with real voters. That needs to change—for California, yes, but also for New York, Texas, for Utah and for so many other States in the country.

I have tried to understand the counterarguments to a nationwide popular vote. They reflect a desire to empower both regional and rural interests, and deny major population centers from having excessive power. I appreciate the notion that we don't want clusters of cities and particular regions where the greatest numbers of Americans reside, New York City, Chicago, Los Angeles, to dominate the electoral landscape.

At the same time, a presidential candidate's priorities, record and vision for the country will determine how far he goes in the nominating and general election process. Stitching together a cross section of American voters, who represent different economic and social backgrounds, professions, parts of the country, religious faiths, and so much more holds the key to attaining a winning plurality or majority of votes in presidential races.

I would contend that it is up to the candidates to appeal to the broadest group of Americans but to level the playing field in doing so. In that process each American's vote, regardless of where that person lives in the country, should be counted equally.

Right now, that is just not the case. Our system is not undemocratic, but it is imperfect, and we have the power to do something about it.

I ask unanimous consent that the text of the Electoral College Abolition Resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 11

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

"ARTICLE—

"SECTION 1. The President and Vice President shall be elected by the people of the several States and the district constituting the seat of government of the United States. The persons having the greatest number of votes for President and Vice President shall be elected.

"SECTION 2. The voters in each State shall have the qualifications requisite for electors of Representatives in Congress from that State, except that the legislature of any State may prescribe less restrictive qualifications with respect to residence and Congress may establish uniform residence and age qualifications. Congress may establish qualifications for voters in the district constituting the seat of government of the United States.

"SECTION 3. Congress may determine the time, place, and manner of holding the election, and the entitlement to inclusion on the ballot. Congress shall prescribe by law the time, place, and manner in which the results of the election shall be ascertained and declared.

"SECTION 4. Each voter shall cast a single vote jointly applicable to President and Vice President in any such election. Names of candidates shall not be joined unless both candidates have consented thereto, and no candidate shall consent to being joined with more than one other person.

"SECTION 5. Congress may by law provide for the case of the death of any candidate for President or Vice President before the day on which the President-elect or the Vice President-elect has been chosen, and for the case of a tie in any such election.

"SECTION 6. This article shall take effect one year after the twenty-first day of January following ratification.".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 83—COMMEMORATING THE 65TH ANNIVERSARY OF THE BLACK PRESS OF AMERICA

Mr. SANTORUM (for himself, Mrs. HUTCHISON, Mr. KENNEDY, Mr. MARTINEZ, Mr. LEVIN, and Mr. LUGAR) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 83

Whereas on February 29, 1940, the Black Press of America gathered for the first time in Chicago, Illinois;

Whereas the Black Press of America joins together over 200 African-American community newspapers from across the United States;

Whereas the African-American press has profoundly influenced the fight for the rights of African-Americans;

Whereas African-American newspapers articulated the ideals of freedom and equality during those times in the history of the United States when the country failed to honor its commitment to the founding principles of the Nation;

Whereas the African-American press has fostered pride, solidarity, and self-reliance within the African-American community;

Whereas the African-American press has had a profound influence on the rise of opinion, leadership, and group action among African-Americans;

Whereas the African-American press has operated as an instrument of social change for decades as it has protested inequality and spotlighted the achievements of African-Americans;

Whereas African-American newspapers continue to broaden the social discourse surrounding the struggle of today's African-Americans for equal opportunity; and

Whereas commemorating the Black Press of America acknowledges the significant role all African-American newspapers have played in the history of the United States: Now, therefore, be it

Resolved, That the Senate commemorates the 65th Anniversary of the Black Press of America by recognizing—

(1) the significant contributions all African-American newspapers have made from the time of slavery and segregation to today; and

(2) the continued contributions African-American newspapers make to the ideal of equal opportunity for all Americans.

AMENDMENTS SUBMITTED AND PROPOSED

SA 173. Mr. SPECTER (for himself, Mr. HARKIN, Mrs. LINCOLN, Mr. TALENT, and Ms. CANTWELL) proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

SA 174. Mr. COLEMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 175. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 176. Mr. COLEMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 177. Mr. KENNEDY (for himself, Mr. DODD, Mrs. MURRAY, Mr. LIEBERMAN, Mr. CORZINE, Mr. KERRY, Mr. SARBANES, and Mr. REED) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 178. Mr. LIEBERMAN (for himself, Mrs. CLINTON, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 179. Mr. BAUCUS (for himself, Mr. KENNEDY, Mrs. CLINTON, Mr. DODD, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 180. Ms. MIKULSKI (for herself, Mr. DODD, Mrs. MURRAY, Mr. KENNEDY, Mr. LEVIN, and Mr. CORZINE) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 181. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 182. Mr. LOTT (for himself, Mr. COCHRAN, Ms. COLLINS, Ms. SNOWE, Ms. LANDRIEU, and Mr. VITTER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 183. Mr. SALAZAR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 184. Mr. SALAZAR (for himself, Mr. DORGAN, Mr. OBAMA, Mr. CONRAD, Mrs. MURRAY, Mr. JEFFORDS, Ms. CANTWELL, Mr. LEVIN, Mr. KENNEDY, and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 185. Mr. SALAZAR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 186. Mr. FEINGOLD (for himself, Mr. CHAFEE, Mr. SALAZAR, Ms. COLLINS, Mr. CONRAD, Ms. SNOWE, Mr. LIEBERMAN, Mr. VOINOVICH, Ms. CANTWELL, Mr. OBAMA, Mrs. FEINSTEIN, Mr. HARKIN, and Mr. CARPER) proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

SA 187. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 188. Mrs. FEINSTEIN (for herself, Mr. KYL, Mrs. HUTCHISON, Mr. BINGAMAN, and Mr. AKAKA) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 189. Mr. DODD submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 190. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 191. Mr. DODD (for himself, Mrs. BOXER, Mr. KENNEDY, Mr. JEFFORDS, Mr. BIDEN, Ms. MIKULSKI, Mrs. MURRAY, Mrs. CLINTON, Mr. DURBIN, Mr. KERRY, Mr. KOHL, Mr. AKAKA, Mrs. FEINSTEIN, Mr. JOHNSON, Mrs. LINCOLN, Ms. STABENOW, Ms. CANTWELL, Mr. CORZINE, Mr. LAUTENBERG, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 192. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 193. Mr. DODD (for himself, Mr. LEAHY, Mrs. CLINTON, and Mr. KERRY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 194. Mr. HATCH (for himself, Mr. GRASSLEY, Mr. BAUCUS, Mr. ROCKEFELLER, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 195. Mr. KENNEDY (for himself, Ms. MIKULSKI, Mrs. MURRAY, Mr. LAUTENBERG, and Mr. OBAMA) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 196. Mrs. CLINTON submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 197. Mr. ALLEN (for himself, Mr. WARNER, and Mr. DEWINE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra.

SA 198. Mr. ALLEN (for himself, Mr. WARNER, and Mr. DEWINE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 199. Mr. KENNEDY (for himself, Mr. CORZINE, Mr. KERRY, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 200. Ms. CANTWELL submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 201. Mr. DODD submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 202. Mr. DAYTON (for himself, Mr. AKAKA, Mr. LIEBERMAN, and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 203. Mr. LEAHY (for himself, Mr. KENNEDY, Ms. MIKULSKI, Mr. FEINGOLD, Mr. DURBIN, Mr. BIDEN, and Mr. OBAMA) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 204. Mr. BINGAMAN (for Mr. SMITH (for himself, Mr. BINGAMAN, Mr. COLEMAN, Mr. BAUCUS, Mr. DEWINE, Ms. SNOWE, and Mr. CHAFEE)) proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

SA 205. Mr. BAYH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 206. Mr. BAUCUS (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 207. Mr. CARPER proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

SA 208. Mr. COCHRAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 209. Mr. COCHRAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 210. Mr. DORGAN (for himself, Ms. MIKULSKI, Mr. FEINGOLD, Mr. LEVIN, Mr. KENNEDY, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra.

SA 211. Mr. DORGAN (for himself, Ms. CANTWELL, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 212. Mr. DORGAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 213. Mr. PRYOR (for himself, Mrs. LINCOLN, Mr. REED, Ms. LANDRIEU, Mr. CORZINE, Mr. LEAHY, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 214. Ms. SNOWE (for herself, Mr. WYDEN, Mr. FEINGOLD, Mr. MCCAIN, and Mrs. FEINSTEIN) proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

SA 215. Mr. SALAZAR (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra.

SA 216. Ms. SNOWE submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 217. Mr. KOHL (for himself, Mr. HATCH, and Mr. BIDEN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 218. Mrs. HUTCHISON (for herself, Mr. CRAIG, Mr. ENSIGN, Mr. DOMENICI, Mr. CORNYN, Mr. KYL, Mr. MCCAIN, and Mrs. FEINSTEIN) proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

SA 219. Ms. LANDRIEU proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

SA 220. Ms. COLLINS (for Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mrs. CLINTON)) proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

SA 221. Mr. BAYH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 222. Mr. LEVIN (for himself, Mr. JEFFORDS, Ms. STABENOW, Mr. SARBANES, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 223. Mr. VITTER proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

SA 224. Mr. VITTER proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

TEXT OF AMENDMENTS

SA 173. Mr. SPECTER (for himself, Mr. HARKIN, Mrs. LINCOLN, Mr. TALENT, and Ms. CANTWELL) proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 17, line 16, increase the amount by $500,000,000.

On page 17, line 17, increase the amount by $500,000,000.

On page 18, line 16, increase the amount by $1,500,000,000.

On page 18, line 17, increase the amount by $1,500,000,000.

On page 26, line 14, decrease the amount by $2,000,000,000.

On page 26, line 15, decrease the amount by $2,000,000,000.

SA 174. Mr. COLEMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 17, line 16, increase the amount by $1,479,000,000.

On page 17, line 17, increase the amount by $354,960,000.

On page 17, line 21, increase the amount by $1,094,460,000.

On page 17, line 25, increase the amount by $29,580,000.

On page 24, line 16, decrease the amount by $1,479,000,000.

On page 24, line 17, decrease the amount by $354,960,000.

On page 24, line 21, decrease the amount by $1,094,460,000.

On page 24, line 25, decrease the amount by $29,580,000.

SA 175. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 65, after line 25, insert the following:

SEC. . SENSE OF THE SENATE SUPPORTING BIENNIAL BUDGETING.

It is the sense of the Senate that Congress should enact a biennial budget for the Federal Government.

SA 176. Mr. COLEMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 17, line 16, increase the amount by $1,479,000,000.

On page 17, line 17, increase the amount by $354,960,000.

On page 17, line 21, increase the amount by $1,094,460,000.

On page 17, line 25, increase the amount by $29,580,000.

On page 26, line 14, decrease the amount by $1,479,000,000.

On page 26, line 15, decrease the amount by $354,960,000.

On page 26, line 18, decrease the amount by $1,094,460,000.

On page 26, line 21, decrease the amount by $29,580,000.

SA 177. Mr. KENNEDY (for himself, Mr. DODD, Mrs. MURRAY, Mr. LIEBERMAN, Mr. CORZINE, Mr. KERRY, Mr. SARBANES, AND MR. REED) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On Page 3, line 10, increase the amount by $1,446,000,000.

On Page 3, line 11, increase the amount by $7,606,000,000.

On Page 3, line 12, increase the amount by $1,332,000,000.

On Page 3, line 13, increase the amount by $454,000,000.

On Page 3, line 14, increase the amount by $110,000,000.

On Page 3, line 19, increase the amount by $1,446,000,000.

On Page 3, line 20, increase the amount by $7,606,000,000

On Page 3, line 21, increase the amount by $1,332,000,000.

On Page 4, line 1, increase the amount by $454,000,000.

On Page 4, line 2, increase the amount by $110,000,000.

On Page 4, line 7, increase the amount by $5,389,000,000.

On Page 4, line 8, increase the amount by $5,000,000.

On Page 4, line 9, increase the amount by $15,000,000.

On Page 4, line 10, increase the amount by $25,000,000.

On Page 4, line 11, increase the amount by $40,000,000.

On Page 4, line 16, increase the amount by $723,000,000.

On Page 4, line 17, increase the amount by $3,803,000,000.

On Page 4, line 18, increase the amount by $666,000,000.

On Page 4, line 19, increase the amount by $227,000,000.

On Page 4, line 20, increase the amount by $55,000,000.

On page 4, line 24, increase the amount by $723,000.000.

On page 4, line 25, increase the amount by $3,803,000,000.

On page 5, line 1, increase the amount by $666,000,000.

On page 5, line 2, increase the amount by $227,000,000.

On page 5, line 3, increase the amount by $55,000,000.

On page 5, line 7, decrease the amount by $723,000,000.

On page 5, line 8, decrease the amount by $4,526,000,000.

On page 5, line 9, decrease the amount by $5,192,000,000.

On page 5, line 10, decrease the amount by $5,419,000,000.

On page 5, line 11, decrease the amount by $5,474,000,000.

On page 5, line 15, decrease the amount by $723,000,000.

On page 5, line 16, decrease the amount by $4,526,000,000.

On page 5, line 17, decrease the amount by $5,192,000,000.

On page 5, line 18, decrease the amount by $5,419,000,000.

On page 5, line 19, decrease the amount by $5,474,000,000.

On page 17, line 16, increase the amount by $5,389,000,000.

On page 17, line 17, increase the amount by $723,000,000.

On page 17, line 20, increase the amount by $5,000,000.

On page 17, line 21, increase the amount by $3,803,000,000.

On page 17, line 24, increase the amount by $15,000,000.

On page 17, line 25, increase the amount by $666,000,000.

On page 18, line 3, increase the amount by $25,000,000.

On page 18, line 4, increase the amount by $227,000,000.

On page 18, line 7, increase the amount by $40,000,000.

On page 18, line 8, increase the amount by $55,000,000.

On page 30, line 16, decrease the amount by $1,446,000,000.

On page 30, line 17, decrease the amount by $10,948,000,000.

On page 36, line 21, increase the amount by $8,000,000.

On page 36, line 22, increase the amount by $8,000,000.

On page 36, line 23, increase the amount by $93,000,000.

On page 36, line 24, increase the amount by $93,000,000

On page 48, line 6, increase the amount by $5,381,000,000.

On page 48, line 7, increase the amount by $715,000,000.

SA 178. Mr. LIEBERMAN (for himself, Mrs. CLINTON, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 3, line 10, increase the amount by $1,674,000,000.

On page 3, line 11, increase the amount by $1,420,000,000.

On page 3, line 12, increase the amount by $1,150,000,000.

On page 3, line 13, increase the amount by $640,000,000.

On page 3, line 14, increase the amount by $48,000,000.

On page 3, line 19, increase the amount by $1,674,000,000.

On page 3, line 20, increase the amount by $1,420,000,000.

On page 3, line 21, increase the amount by $1,150,000,000.

On page 4, line 1, increase the amount by $640,000,000.

On page 4, line 2, increase the amount by $48,000,000.

On page 4, line 7, increase the amount by $2,490,000,000.

On page 4, line 16, increase the amount by $837,000,000.

On page 4, line 17, increase the amount by $710,000,000.

On page 4, line 18, increase the amount by $575,000,000.

On page 4, line 19, increase the amount by $320,000,000.

On page 4, line 20, increase the amount by $24,000,000.

On page 4, line 24, increase the amount by $837,000,000.

On page 4, line 25, increase the amount by $710,000,000.

On page 5, line 1, increase the amount by $575,000,000.

On page 5, line 2, increase the amount by $320,000,000.

On page 5, line 3, increase the amount by $24,000,000.

On page 5, line 7, decrease the amount by $837,000,000.

On page 5, line 8, decrease the amount by $1,547,000,000.

On page 5, line 9, decrease the amount by $1,122,000,000.

On page 5, line 10, decrease the amount by $2,442,000,000.

On page 5, line 11, decrease the amount by $2,466,000,000.

On page 5, line 15, decrease the amount by $837,000,000.

On page 5, line 16, decrease the amount by $1,547,000,000.

On page 5, line 17, decrease the amount by $2,122,000,000.

On page 5, line 18, decrease the amount by $2,442,000,000.

On page 5, line 19, decrease the amount by $2,466,000,000.

On page 15, line 15, increase the amount by $700,000,000.

On page 15, line 16, increase the amount by $400,000,000.

On page 15, line 20, increase the amount by $144,000,000.

On page 15, line 24, increase the amount by $75,000,000.

On page 16, line 3, increase the amount by $33,000,000.

On page 16, line 7, increase the amount by $24,000,000.

On page 16, line 15, increase the amount by $1,550,000,000.

On page 16, line 16, increase the amount by $245,000,000.

On page 16, line 20, increase the amount by $542,000,000.

On page 16, line 24, increase the amount by $476,000,000.

On page 17, line 3, increase the amount by $287,000,000.

On page 23, line 16, increase the amount by $240,000,000.

On page 23, line 17, increase the amount by $192,000,000.

On page 23, line 21, increase the amount by $24,000,000.

On page 23, line 25, increase the amount by $24,000,000.

On page 30, line 16, decrease the amount by $1,674,000,000.

On page 30, line 17, decrease the amount by $4,932,000,000.

On page 48, line 6, increase the amount by $2,490,000,000.

On page 48, line 7, increase the amount by $837,000,000.

SA 179. Mr. BAUCUS (for himself, Mr. KENNEDY, Mrs. CLINTON, Mr. DODD, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 31, strike lines 15 through 22, and insert the following:

regardless of whether the committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974, the chairman of the Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, and other appropriate measures to reflect such legislation provided that such legislation would not increase the deficit for the period of fiscal years 2006 through 2010. The costs of such legislation shall not be scored for purposes of sections 302, 303, 401, and 425 of the Congressional Budget Act of 1974, section 404 of this resolution, and section 505 of the Concurrent Resolution on the Budget for Fiscal Year 2004 (H. Con. Res. 95), provided that such legislation does not increase the deficit for the period of the total of fiscal years 2006 through 2010.

SA 180. Ms. MIKULSKI (for herself Mr. DODD, Mrs. MURRAY, Mr. KENNEDY, Mr. LEVIN, and Mr. CORZINE) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 40, after line 8 insert the following:

SEC. _____. RESERVE FOR FUNDING OF HOPE CREDIT.

If the Committee on Finance of the Senate reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that increases the Hope credit to $4,000, makes the credit available for 4 years, and makes the credit fully refundable, the chairman of the Committee on the Budget may revise committee allocations for the Committee on Finance and other appropriate budgetary aggregates and allocations of new budget authority and outlays by the amount provided by that measure for that purpose, if that measure includes offsets including legislation closing corporate tax loopholes and would not increase the deficit for fiscal year 2006 and for the period of fiscal years 2006 though 2010.

SA 181. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 12, line 15, increase the amount by $60,000,000.

On page 12, line 16, increase the amount by $15,000,000.

On page 12, line 20, increase the amount by $18,000,000.

On page 12, line 24, increase the amount by $18,000,000.

On page 13, line 3, increase the amount by $6,000,000.

On page 13, line 7, increase the amount by $3,000,000.

On page 26, line 14, decrease the amount by $60,000,000.

On page 26, line 15, decrease the amount by $15,000,000.

On page 26, line 18, decrease the amount by $18,000,000.

On page 26, line 21, decrease the amount by $18,000,000.

On page 26, line 24, decrease the amount by $6,000,000.

On page 27, line 2, decrease the amount by $3,000,000.

SA 182. Mr. LOTT (for himself, Mr. COCHRAN, Ms. COLLINS, Ms. SNOWE, Ms. LANDRIEU, and Mr. VITTER) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 510. SENSE OF THE SENATE REGARDING THE ACQUISITION OF THE NEXT GENERATION DESTROYER (DDX).

(a) FINDINGS.—The Senate makes the following findings:

(1) The Quadrennial Defense Review to be conducted in 2005 has not been completed.

(2) The national security of the United States is best served by a competitive industrial base consisting of at least two shipyards capable of constructing major surface combatants.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) it is ill-advised for the Department of Defense to pursue a winner-take-all strategy for the acquisition of destroyers under the next generation destroyer (DDX) program; and

(2) the amounts identified in this resolution assume that the Department of Defense will not acquire any destroyer under the next generation destroyer program through a winner-take-all strategy.

(c) WINNER-TAKE-ALL STRATEGY DEFINED.—In this section, the term "winner-take-all strategy", with respect to the acquisition of destroyers under the next generation destroyer program, means the acquisition (including design and construction) of such destroyers through a single shipyard.

SA 183. Mr. SALAZAR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 3, line 10, increase the amount by $23,000,000.

On page 3, line 11, increase the amount by $27,000,000.

On page 3, line 12, increase the amount by $27,000,000.

On page 3, line 13, increase the amount by $9,000,000.

On page 3, line 14, increase the amount by $5,000,000.

On page 3, line 19, increase the amount by $23,000,000.

On page 3, line 20, increase the amount by $27,000,000.

On page 3, line 21, increase the amount by $27,000,000.

On page 4, line 1, increase the amount by $9,000,000.

On page 4, line 2, increase the amount by $5,000,000.

On page 4, line 7, increase the amount by $90,000,000.

On page 4, line 16, increase the amount by $23,000,000.

On page 4, line 17, increase the amount by $27,000,000.

On page 4, line 18, increase the amount by $27,000,000.

On page 4, line 19, increase the amount by $9,000,000.

On page 4, line 20, increase the amount by $5,000,000.

On page 12, line 15, increase the amount by $90,000,000.

On page 12, line 16, increase the amount by $23,000,000.

On page 12, line 20, increase the amount by $27,000,000.

On page 12, line 24, increase the amount by $27,000,000.

On page 13, line 3, increase the amount by $9,000,000.

On page 13, line 7, increase the amount by $5,000,000.

On page 30, line 16, decrease the amount by $23,000,000.

On page 30, line 17, decrease the amount by $90,000,000.

On page 48, line 6, increase the amount by $90,000,000.

On page 48, line 7, increase the amount by $23,000,000.

SA 184. Mr. SALAZAR (for himself, Mr. DORGAN, Mr. OBAMA, Mr. CONRAD, Mrs. MURRAY, Mr. JEFFORDS, Ms. CANTWELL, Mr. LEVIN, Mr. KENNEDY, and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 3, line 10, increase the amount by $13,000,000.

On page 3, line 11, increase the amount by $81,000,000.

On page 3, line 12, increase the amount by $98,000,000.

On page 3, line 13, increase the amount by $72,000,000.

On page 3, line 14, increase the amount by $28,000,000.

On page 3, line 19, increase the amount by $13,000,000.

On page 3, line 20, increase the amount by $81,000,000.

On page 3, line 21, increase the amount by $98,000,000.

On page 4, line 1, increase the amount by $72,000,000.

On page 4, line 2, increase the amount by $28,000,000.

On page 4, line 7, increase the amount by $150,000,000.

On page 4, line 16, increase the amount by $7,000,000.

On page 4, line 17, increase the amount by $40,000,000.

On page 4, line 18, increase the amount by $49,000,000.

On page 4, line 19, increase the amount by $36,000,000.

On page 4, line 20, increase the amount by $14,000,000.

On page 4, line 24, increase the amount by $6,000,000.

On page 4, line 25, increase the amount by $41,000,000.

On page 5, line 1, increase the amount by $49,000,000.

On page 5, line 2, increase the amount by $36,000,000.

On page 5, line 3, increase the amount by $14,000,000.

On page 5, line 7, decrease the amount by $6,000,000.

On page 5, line 8, decrease the amount by $47,000,000.

On page 5, line 9, decrease the amount by $96,000,000.

On page 5, line 10, decrease the amount by $132,000,000.

On page 5, line 11, decrease the amount by $146,000,000.

On page 5, line 15, decrease the amount by $6,000,000.

On page 5, line 16, decrease the amount by $47,000,000.

On page 5, line 17, decrease the amount by $96,000,000..

On page 5, line 18, decrease the amount by $132,000,000.

On page 5, line 19, decrease the amount by $146,000,000.

On page 22, line 16, increase the amount by $150,000,000.

On page 22, line 17, increase the amount by $7,000,000.

On page 22, line 21, increase the amount by $40,000,000.

On page 22, line 25, increase the amount by $49,000,000.

On page 23, line 4, increase the amount by $36,000,000.

On page 23, line 8, increase the amount by $14,000,000.

On page 30, line 16, decrease the amount by $13,000,000.

On page 30, line 17, decrease the amount by $292,000,000.

On page 48, line 6, increase the amount by $150,000,000.

On page 48, line 7, increase the amount by $7,000,000.

On page ___, line ___, increase/decrease the amount by $.

On page ___, line ___, increase/decrease the amount by $.

SA 185. Mr. SALAZAR submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 3, line 10, increase the amount by $28,000,000.

On page 3, line 11, increase the amount by $72,000,000.

On page 3, line 12, increase the amount by $24,000,000.

On page 3, line 13, increase the amount by $6,000,000.

On page 3, line 19, increase the amount by $28,000,000.

On page 3, line 20, increase the amount by $72,000,000.

On page 3, line 21, increase the amount by $24,000,000.

On page 4, line 1, increase the amount by $6,000,000.

On page 4, line 7, increase the amount by $65,000,000.

On page 4, line 16, increase the amount by $14,000,000.

On page 4, line 17, increase the amount by $36,000,000.

On page 4, line 18, increase the amount by $12,000,000.

On page 4, line 19, increase the amount by $3,000,000.

On page 4, line 24, increase the amount by $14,000,000.

On page 4, line 25, increase the amount by $36,000,000.

On page 5, line 1, increase the amount by $12,000,000.

On page 5, line 2, increase the amount by $3,000,000.

On page 5, line 7, decrease the amount by $14,000,000.

On page 5, line 8, decrease the amount by $50,000,000.

On page 5, line 9, decrease the amount by $62,000,000.

On page 5, line 10, decrease the amount by $65,000,000.

On page 5, line 11, decrease the amount by $65,000,000.

On page 5, line 15, decrease the amount by $14,000,000.

On page 5, line 16, decrease the amount by $50,000,000.

On page 5, line 17, decrease the amount by $62,000,000.

On page 5, line 18, decrease the amount by $65,000,000.

On page 5, line 19, decrease the amount by $65,000,000.

On page 17, line 16, increase the amount by $29,000,000.

On page 17, line 17, increase the amount by $1,000,000.

On page 17, line 21, increase the amount by $17,000,000.

On page 17, line 25, increase the amount by $9,000,000.

On page 18, line 4, increase the amount by $2,000,000.

On page 18, line 16, increase the amount by $36,000,000.

On page 18, line 17, increase the amount by $13,000,000.

On page 18, line 21, increase the amount by $19,000,000.

On page 18, line 25, increase the amount by $3,000,000.

On page 19, line 4, increase the amount by $1,000,000.

On page 30, line 16, decrease the amount by $28,000,000.

On page 30, line 17, decrease the amount by $130,000,000.

On page 48, line 6, increase the amount by $65,000,000.

On page 48, line 7, increase the amount by $14,000,000.

SA 186. Mr. FEINGOLD (for himself, Mr. CHAFEE, Mr. SALAZAR, Ms. COLLINS, Mr. CONRAD, Ms. SNOWE, Mr. LIEBERMAN, Mr. VOINOVICH, Ms. CANTWELL, Mr. OBAMA, Mrs. FEINSTEIN, Mr. HARKIN, and Mr. CARPER) proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 57, after line 2, insert the following:

SEC. 408. PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.

(a) PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.—

(1) IN GENERAL.—For purposes of Senate enforcement, it shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for any one of the three applicable time periods as measured in paragraphs (5) and (6).

(2) APPLICABLE TIME PERIODS.—For purposes of this subsection, the term "applicable time period" means any 1 of the 3 following periods:

(A) The first year covered by the most recently adopted concurrent resolution on the budget.

(B) The period of the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget.

(C) The period of the 5 fiscal years following the first 5 fiscal years covered in the most recently adopted concurrent resolution on the budget.

(3) DIRECT-SPENDING LEGISLATION.—For purposes of this subsection and except as provided in paragraph (4), the term "direct-spending legislation" means any bill, joint resolution, amendment, motion, or conference report that affects direct spending as that term is defined by, and interpreted for purposes of, the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) EXCLUSION.—For purposes of this subsection, the terms "direct-spending legislation" and "revenue legislation" do not include—

(A) any concurrent resolution on the budget; or

(B) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990.

(5) BASELINE.—Estimates prepared pursuant to this section shall—

(A) use the baseline surplus or deficit used for the most recently adopted concurrent resolution on the budget; and

(B) be calculated under the requirements of subsections (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal years beyond those covered by that concurrent resolution on the budget.

(6) PRIOR SURPLUS.—If direct spending or revenue legislation increases the on-budget deficit or causes an on-budget deficit when taken individually, it must also increase the on-budget deficit or cause an on-budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under paragraph (5)(A), except that direct spending or revenue effects resulting in net deficit reduction enacted pursuant to reconciliation instructions since the beginning of that same calendar year shall not be available.

(b) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

(e) SUNSET.—This section shall expire on September 30, 2010.

SA 187. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 30, strike lines 19 through 23.

SA 188. Mrs. FEINSTEIN (for herself, Mr. KYL, Mrs. HUTCHISON, Mr. BINGAMAN, and Mr. AKAKA) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING THE STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

(a) FINDINGS.—The Senate finds the following:

(1) Control of illegal immigration is a Federal responsibility.

(2) The State Criminal Alien Assistance Program (referred to in this section as "SCAAP") provides critical funding to States and localities for reimbursement of costs incurred as a result of housing undocumented criminal aliens.

(3) Congress appropriated $250,000,000 for SCAAP to reimburse State and local governments for these costs in fiscal year 2003.

(4) Congress appropriated $300,000,000 for SCAAP to reimburse State and local governments for these costs in fiscal year 2004.

(5) Congress appropriated $305,000,000 for SCAAP to reimburse State and local governments for these costs in fiscal year 2005.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this concurrent resolution assume that—

(1) Congress will appropriate $750,000,000 for SCAAP for fiscal year 2006; and

(2) Congress will enact long-term reauthorization of SCAAP to reimburse State and local governments for the financial burdens undocumented criminal aliens place on their local criminal justice systems.

SA 189. Mr. DODD submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 3, line 10, increase the amount by $300,000,000.0

On page 3, line 11, increase the amount by $1,134,000,000.

On page 3, line 12, increase the amount by $846,000,000.

On page 3, line 13, increase the amount by $424,000,000.

On page 3, line 14, increase the amount by $318,000,000.

On page 3, line 19, increase the amount by $300,000,000.

On page 3, line 20, increase the amount by $1,135,000,000.

On page 3, line 21, increase the amount by $846,000,000.

On page 4, line 1, increase the amount by $424,000,000.

On page 4, line 2, increase the amount by $318,000,000.

On page 4, line 7, increase the amount by $1,511,000,000.

On page 4, line 16, increase the amount by $150,000,000.

On page 4, line 17, increase the amount by $567,000,000.

On page 4, line 18, increase the amount by $423,000,000.

On page 4, line 19, increase the amount by $212,000,000.

On page 4, line 20, increase the amount by $159,000,000.

On page 4, line 24, increase the amount by $150,000,000.

On page 4, line 25, increase the amount by $567,000,000.

On page 5, line 1, increase the amount by $423,000,000.

On page 5, line 2, increase the amount by $212,000,000.

On page 5, line 3, increase the amount by $159,000,000.

On page 5, line 7, decrease the amount by $150,000,000.

On page 5, line 8, decrease the amount by $717,000,000.

On page 5, line 9, decrease the amount by $1,140,000,000.

On page 5, line 10, decrease the amount by $1,352,000,000.

On page 5, line11, decrease the amount by $1,511,000,000.

On page 5, line 15, decrease the amount by $150,000,000.

On page 5, line 16, decrease the amount by $717,000,000.

On page 5, line 17, decrease the amount by $1,140,000,000.

On page 5, line 18, decrease the amount by $1,352,000,000.

On page 5, line 19, decrease the amount by $1,511,000,000.

On page 16, line 15, increase the amount by $1,511,000,000.

On page 16, line 16, increase the amount by $150,000,000.

On page 16, line 20, increase the amount by $567,000,000.

On page 16, line 24, increase the amount by $423,000,000.

On page 17, line 3, increase the amount by $212,000,000.

On page 17, line 7, increase the amount by $159,000,000.

On page 30, line 16, decrease the amount by $300,000,000.

On page 30, line 17, decrease the amount by $3,022,000,000.

On page 48, line 6, increase the amount by $1,511,000,000.

On page 48, line 7, increase the amount by $150,000,000.

SA 190. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 40, after line 8 insert the following:

SEC. ___. DEFICIT NEUTRAL RESERVE FUND FOR PATRIOTIC EMPLOYERS OF NATIONAL GUARDSMEN AND RESERVISTS.

In the Senate, if a bill or joint resolution, if an amendment is offered thereto, or if a conference report is submitted thereon, that—

(1) provides a 50 percent tax credit to employers for compensation paid to employees who are on active duty status as members of the Guard or Reserve in order to make up the difference between the employee's civilian pay and military pay; and

(2) provides for employers of 50 or fewer employees who are eligible for the tax credit under paragraph (1) a 50 percent tax credit, not to exceed $12,000, for compensation paid to a worker hired to replace an active duty Guard or Reserve employee;

the chairman of the Committee on the Budget shall adjust the revenue aggregates and other appropriate aggregates, levels, and limits in this resolution to reflect such legislation, to the extent that such legislation would not increase the deficit for fiscal year 2006 and for the period of fiscal years 2006 through 2010.

SA 191. Mr. DODD (for himself, Mrs. BOXER, Mr. KENNEDY, Mr. JEFFORDS, Mr. BIDEN, Ms. MIKULSKI, Mrs. MURRAY, Mrs. CLINTON, Mr. DURBIN, Mr. KERRY, Mr. KOHL, Mr. AKAKA, Mrs. FEINSTEIN, Mr. JOHNSON, Mrs. LINCOLN, Ms. STABENOW, Ms. CANTWELL, Mr. CORZINE, Mr. LAUTENBERG, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 3, line 10, increase the amount by $50,000,000.

On page 3, line 11, increase the amount by $1,460,000,000.

On page 3, line 12, increase the amount by $756,000,000.

On page 3, line 13, increase the amount by $252,000,000.

On page 3, line 19, increase the amount by $50,000,000.

On page 3, line 20, increase the amount by $1,460,000,000.

On page 3, line 21, increase the amount by $756,000,000.

On page 4, line 1, increase the amount by $252,000,000.

On page 4, line 7, increase the amount by $1,259,000,000.

On page 4, line 16, increase the amount by $25,000,000.

On page 4, line 17, increase the amount by $730,000,000.

On page 4, line 18, increase the amount by $378,000,000.

On page 4, line 19, increase the amount by $126,000,000.

On page 4, line 24, increase the amount by $25,000,000.

On page 4, line 25, increase the amount by $730,000,000.

On page 5, line 1, increase the amount by $378,000,000.

On page 5, line 2, increase the amount by $126,000,000.

On page 5, line 7, decrease the amount by $25,000,000.

On page 5, line 8, decrease the amount by $755,000,000.

On page 5, line 9, decrease the amount by $1,133,000,000.

On page 5, line 10, decrease the amount by $1,259,000,000.

On page 5, line 11, decrease the amount by $1,259,000,000.

On page 5, line 15, decrease the amount by $25,000,000.

On page 5, line 16, decrease the amount by $755,000,000.

On page 5, line 17, decrease the amount by $1,133,000,000.

On page 5, line 18, decrease the amount by $1,259,000,000.

On page 5, line 19, decrease the amount by $1,259,000,000.

On page 17, line 16, increase the amount by $1,259,000,000.

On page 17, line 17, increase the amount by $25,000,000.

On page 17, line 21, increase the amount by $730,000,000.

On page 17, line 25, increase the amount by $378,000,000.

On page 18, line 4, increase the amount by $126,000,000.

On page 30, line 16, decrease the amount by $50,000,000.

On page 30, line 17, decrease the amount by $2,518,000,000.

On page 48, line 6, increase the amount by $1,259,000,000.

On page 48, line 7, increase the amount by $25,000,000.

SUMMARY OF DODD AFTERSCHOOL AMENDMENT

This Amendment is intended to raise the funding level for the 21st Century Community Learning Centers Program to the amount that is promised in the No Child Left Behind Act. The additional $1.25 billion that the amendment calls for is offset by eliminating tax loopholes and includes some deficit reduction.

SA 192. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 3, line 10, increase the amount by $4,000,000.

On page 3, line 11, increase the amount by $13,000,000.

On page 3, line 12, increase the amount by $21,000,000.

On page 3, line 13, increase the amount by $27,000,000.

On page 3, line 14, increase the amount by $32,000,000.

On page 3, line 19, increase the amount by $4,000,000.

On page 3, line 20, increase the amount by $13,000,000.

On page 3, line 21, increase the amount by $21,000,000.

On page 4, line 1, increase the amount by $27,000,000.

On page 4, line 2, increase the amount by $32,000,000.

On page 4, line 7, increase the amount by $32,000,000.

On page 4, line 8, increase the amount by $32,000,000.

On page 4, line 9, increase the amount by $32,000,000.

On page 4, line 10, increase the amount by $32,000,000.

On page 4, line 11, increase the amount by $32,000,000.

On page 4, line 16, increase the amount by $4,000,000.

On page 4, line 17, increase the amount by $13,000,000.

On page 4, line 18, increase the amount by $21,000,000.

On page 4, line 19, increase the amount by $27,000,000.

On page 4, line 20, increase the amount by $32,000,000.

On page 23, line 16, increase the amount by $32,000,000.

On page 23, line 17, increase the amount by $4,000,000.

On page 23, line 20, increase the amount by $32,000,000.

On page 23, line 21, increase the amount by $13,000,000.

On page 23, line 24, increase the amount by $32,000,000.

On page 23, line 25, increase the amount by $21,000,000.

On page 24, line 3, increase the amount by $32,000,000.

On page 24, line 4, increase the amount by $27,000,000.

On page 24, line 7, increase the amount by $32,000,000.

On page 24, line 8, increase the amount by $32,000,000.

On page 30, line 16, decrease the amount by $4,000,000.

On page 30, line 17, decrease the amount by $97,000,000.

On page 48, line 6, increase the amount by $32,000,000.

On page 48, line 7, increase the amount by $4,000,000.

On page 48, line 9, increase the amount by $32,000,000.

On page 48, line 12, increase the amount by $32,000,000.

At the appropriate place, insert the following:

SEC. ___. OFFSET FOR INCREASES IN FUNDING FOR THE COPS METHAMPHETAMINE ENFORCEMENT AND CLEAN UP PROGRAM.

It is the sense of the Senate that this resolution assumes that any increases in funding for the COPS Methamphetamine Enforcement Clean Up Program should be offset by increased revenues to be derived from closing corporate tax loopholes.

SA 193. Mr. DODD (for himself, Mr. LEAHY, Mrs. CLINTON, and Mr. KERRY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 3, line 10, increase the amount by $1,322,000,000.

On page 3, line 11, increase the amount by $322,000,000.

On page 3, line 19, increase the amount by $1,322,000,000.

On page 3, line 20, increase the amount by $322,000,000.

On page 4, line 7, increase the amount by $822,000,000.

On page 4, line 16, increase the amount by $740,000,000.

On page 4, line 17, increase the amount by $82,000,000.

On page 4, line 24, increase the amount by $582,000,000.

On page 4, line 25, increase the amount by $240,000,000.

On page 5, line 7, decrease the amount by $582,000,000.

On page 5, line 8, decrease the amount by $822,000,000.

On page 5, line 9, decrease the amount by $822,000,000.

On page 5, line 10, decrease the amount by $822,000,000.

On page 5, line 11, decrease the amount by $822,000,000.

On page 5, line 15, decrease the amount by $582,000,000.

On page 5, line 16, decrease the amount by $822,000,000.

On page 5, line 17, decrease the amount by $822,000,000.

On page 5, line 18, decrease the amount by $822,000,000.

On page 5, line 19, decrease the amount by $822,000,000.

On page 17, line 16, increase the amount by $95,000,000.

On page 17, line 17, increase the amount by $86,000,000.

On page 17, line 21, increase the amount by $9,000,000.

On page 24, line 16, increase the amount by $727,000,000.

On page 24, line 17, increase the amount by $654,000,000.

On page 24, line 21, increase the amount by $73,000,000.

On page 30, line 16, decrease the amount by $1,322,000,000.

On page 30, line 17, decrease the amount by $1,644,000,000.

On page 48, line 6, increase the amount by $822,000,000.

On page 48, line 7, increase the amount by $740,000,000.

SA 194. Mr. HATCH (for himself, Mr. GRASSLEY, Mr. BAUCUS, Mr. ROCKEFELLER, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. ____. DEFICIT-NEUTRAL RESERVE FUND FOR THE RESTORATION OF SCHIP FUNDS.

In the Senate, if the Committee on Finance reports a bill or joint resolution or an amendment is offered thereto or a conference report is submitted thereon, that provides for the restoration of unexpended funds under the State children's health insurance program that reverted to the Treasury on October 1, 2004, and that may provide for the redistribution of such funds for outreach and enrollment as well as for coverage initiatives, the chairman of the Committee on the Budget may revise allocations of new budget authority and outlays, revenue aggregates, and other appropriate measures to reflect such legislation, if such legislation would not increase the deficit for fiscal year 2006 and for the period of fiscal years 2006 through 2010.

SA 195. Mr. KENNEDY (for himself, Ms. MIKULSKI, Mrs. MURRAY, Mr. LAUTENBERG, and Mr. OBAMA) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 3, line 10, increase the amount by $3,500,000,000.

On page 3, line 19, increase the amount by $3,500,000,000.

On page 4, line 7, increase the amount by $3,500,000,000.

On page 4, line 16, increase the amount by $3,500,000,000.

On page 18, line 16, increase the amount by $3,500,000,000.

On page 18, line 17, increase the amount by $3,500,000,000.

On page 30, line 16, decrease the amount by $3,500,000,000.

On page 30, line 17, decrease the amount by $3,500,000,000.

On page 48, line 6, increase the amount by $3,500,000,000.

On page 48, line 7, increase the amount by $3,500,000,000.

SA 196. Mrs. CLINTON submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 55, strike lines 16 through 22 and insert the following:

increase in the deficit spending in excess of $5,000,000,000 in any of the four 10-year periods, and shall submit to the committee the estimate of the costs of the legislation.

(b) IN THE SENATE.—It shall not be in order to consider any bill, joint resolution, amendment, motion, or conference report that would cause a net increase in the deficit in excess of $5,000,000,000 in any of the four

---

SA 197. Mr. ALLEN (for himself, Mr. WARNER, and Mr. DEWINE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 15, line 15, strike "$69,683,000,000" and insert "$69,890,700,000".

On page 15, line 16, strike "$69,789,000,000" and insert "$69,996,700,000".

On page 15, line 19, strike "$71,030,000,000" and insert "$71,343,200,000".

On page 15, line 20, strike "$71,013,000,000" and insert "$71,326,200,000".

On page 15, line 23, strike "$74,7489,000,000" and insert "$74,810,900,000".

On page 15, line 24, strike "$72,775,000,000" and insert "$73,096,900,000".

On page 16, line 2, strike "$81,524,000,000" and insert "$81,879,100,000".

On page 16, line 3, strike "$75,693,000,000" and insert "$76,048,100,000".

On page 16, line 6, strike "$82,867,000,000" and insert "$83,251,800,000".

On page 16, line 7, strike "$79,335,000,000" and insert "$79,718,800,000".

On page 26, line 14, strike "$0" and insert "–$207,700,000".

On page 26, line 15, strike "$0" and insert "–$207,700,000".

On page 26, line 17, strike "$0" and insert "–$313,200,000".

On page 26, line 18, strike "$0" and insert "–$313,200,000".

On page 26, line 20, strike "$0" and insert "–$321,900,000".

On page 26, line 21, strike "$0" and insert "–$321,900,000".

On page 26, line 23, strike "$0" and insert "–$355,100,000".

On page 26, line 24, strike "$0" and insert "–$355,100,000".

On page 27, line 1, strike "$0" and insert "–$384,800,000".

On page 27, line 2, strike "$0" and insert "–$384,800,000".

SA 198. Mr. ALLEN (for himself, Mr. WARNER, and Mr. DEWINE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 510. SENSE OF THE SENATE REGARDING FUNDING FOR SUBSONIC AND HYPERSONIC AERONAUTICS RESEARCH BY THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

(a) FINDINGS.—The Senate makes the following findings:

(1) The economic and military security of the United States depends on the continued development of improved aeronautics technologies.

(2) Research and development on many emerging aeronautics technologies is often too expensive or removed in terms of time from commercial application to garner the necessary level of support from the private sector.

(3) The advances made possible by Government-funded research in emerging aeronautics technologies have enabled a long-standing positive balance of trade and air superiority on the battlefield for the United States in recent decades.

(4) The aeronautics industry has grown increasingly mature in recent years, with growth dependent on the availability of the research workforce and facilities provided by the National Aeronautics and Space Administration (NASA).

(5) Recent NASA studies have demonstrated the competitiveness, and scientific merit, and necessity of nearly all existing aeronautics wind tunnel and propulsion testing facilities.

(6) A minimum level of investment by NASA is necessary to maintain these facilities in operational condition and to prevent their financial collapse.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the level of funding provided for the Aeronautics Mission Directorate within the National Aeronautics and Space Administration should be increased by $1,582,700,000 between fiscal year 2006 and fiscal year 2010; and

(2) the increases provided should be applied to the Vehicle Systems portion of the Aeronautics Mission Directorate budget for use in subsonic and hypersonic aeronautical research.

SA 199. Mr. KENNEDY (for himself, Mr. CORZINE, Mr. KERRY, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 3, line 10, increase the amount by $1,800,000,000.

On page 3, line 11, increase the amount by $3,900,000,000.

On page 3, line 12, increase the amount by $3,700,000,000.

On page 3, line 13, increase the amount by $3,900,000,000.

On page 3, line 14, increase the amount by $4,000,000,000.

On page 3, line 19, increase the amount by $1,800,000,000.

On page 3, line 20, increase the amount by $3,900,000,000.

On page 3, line 21, increase the amount by $3,700,000,000.

On page 4, line 1, increase the amount by $3,900,000,000.

On page 4, line 2, increase the amount by $4,000,000,000.

On page 4, line 7, increase the amount by $1,800,000,000.

On page 4, line 8, increase the amount by $3,900,000,000.

On page 4, line 9, increase the amount by $3,700,000,000.

On page 4, line 10, increase the amount by $3,900,000,000.

On page 4, line 11, increase the amount by $4,000,000,000.

On page 4, line 16, increase the amount by $1,800,000,000.

On page 4, line 17, increase the amount by $ 3,900,000,000.

On page 4, line 18, increase the amount by $ 3,700,000,000.

On page 4, line 19, increase the amount by $3,900,000,000.

On page 4, line 20, increase the amount by $4,000,000,000.

On page 20, line 16, increase the amount by $1,800,000,000.

On page 20, line 17, increase the amount by $1,800,000,000.

On page 20, line 20, increase the amount by $3,900,000,000.

On page 20, line 21, increase the amount by $3,900,000,000.

On page 20, line 24, increase the amount by $3,700,000,000.

On page 20, line 25, increase the amount by $3,700,000,000.

On page 21, line 3, increase the amount by $3,900,000,000.

On page 21, line 4, increase the amount by $3,900,000,000.

On page 21, line 7, increase the amount by $4,000,000,000.

On page 21, line 8, increase the amount by $4,000,000,000.

On page 30, line 16, decrease the amount by $1,800,000,000.

On page 30, line 17, decrease the amount by $17,300,000,000.

At the end of title V, insert the following:

SEC.   . SENSE OF THE SENATE ON CHILD POVERTY.

SENSE OF THE SENATE.—It is the sense of the Senate that the numerical changes proposed to be made in the budget by this amendment shall be used to set a national goal of cutting child poverty in half within a decade, and eliminating it entirely as soon as possible thereafter; that funds should be raised through a one percent surtax on income over $1 million for joint filers, or over $500,000 for single filers to help achieve that goal; that the revenue raised is to be designated to a child poverty elimination fund and overseen by a child poverty elimination board, which shall design the poverty reduction program, set annual child poverty reduction targets, and recommend allocation of funds.

SA 200. Ms. CANTWELL submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 3 line 10, increase the amount by $44,000,000.

On page 3 line 11, increase the amount by $104,000,000.

On page 3 line 12, increase the amount by $188,000,000.

On page 3 line 13, increase the amount by $278,000,000.

On page 3 line 14, increase the amount by $344,000,000.

On page 3 line 19, increase the amount by $44,000,000.

On page 3 line 20, increase the amount by $104,000,000.

On page 3 line 21, increase the amount by $188,000,000.

On page 4 line 1, increase the amount by $278,000,000.

On page 4 line 2, increase the amount by $344,000,000.

On page 4 line 7, increase the amount by $100,000,000.

On page 4 line 8, increase the amount by $100,000,000.

On page 4 line 9, increase the amount by $200,000,000.

On page 4 line 10, increase the amount by $200,000,000.

On page 4 line 11, increase the amount by $200,000,000.

On page 4 line 16, increase the amount by $22,000,000.

On page 4 line 17, increase the amount by $52,000,000.

On page 4 line 18, increase the amount by $94,000,000.

On page 4 line 19, increase the amount by $139,000,000.

On page 4 line 20, increase the amount by $172,000,000.

On page 4 line 24, increase the amount by $22,000,000.

On page 4 line 25, increase the amount by $52,000,000.

On page 5 line 1, increase the amount by $94,000,000.

On page 5 line 2, increase the amount by $139,000,000.

On page 5 line 3, increase the amount by $172,000,000.

On page 5 line 7, decrease the amount by $22,000,000.

On page 5 line 8, decrease the amount by $74,000,000 .

On page 5 line 9, decrease the amount by $168,000,000.

On page 5 line 10, decrease the amount by $307,000,000.

On page 5 line 11, decrease the amount by $479,000,000.

On page 5 line 15, decrease the amount by $22,000,000.

On page 5 line 16, decrease the amount by $74,000,000.

On page 5 line 17, decrease the amount by $168,000,000.

On page 5 line 18, decrease the amount by $307,000,000.

On page 5 line 19, decrease the amount by $479,000,000.

On page 23 line 16, increase the amount by $100,000,000.

On page 23 line 17, increase the amount by $22,000,000.

On page 23 line 20, increase the amount by $100,000,000.

On page 23 line 21, increase the amount by $52,000,000.

On page 23 line 24, increase the amount by $200,000,000.

On page 23 line 25, increase the amount by $94,000,000.

On page 24 line 3, increase the amount by $200,000,000.

On page 24 line 4, increase the amount by $139,000,000.

On page 24 line 7, increase the amount by $200,000,000.

On page 24 line 8, increase the amount by $172,000,000.

On page 30 line 16, decrease the amount by $44,000,000.

On page 30 line 17, decrease the amount by $958,000,000.

On page 48 line 6, increase the amount by $100,000,000.

On page 48 line 7, increase the amount by $22,000,000.

On page 48 line 9, increase the amount by $100,000,000.

On page 48 line 12, increase the amount by $200,000,000.

SA 201. Mr. DODD submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 3, line 10, increase the amount by $216,000,000.

On page 3, line 11, increase the amount by $152,000,000.

On page 3, line 12, increase the amount by $8,000,000.

On page 3, line 13, increase the amount by $4,000,000.

On page 3, line 19, increase the amount by $216,000,000.

On page 3, line 20, increase the amount by $152,000,000.

On page 3, line 21, increase the amount by $8,000,000.

On page 4, line 1, increase the amount by $4,000,000.

On page 4, line 7, increase the amount by $190,000,000.

On page 4, line 16, increase the amount by $108,000,000.

On page 4, line 17, increase the amount by $76,000,000.

On page 4, line 18, increase the amount by $4,000,000.

On page 4, line 19, increase the amount by $2,000,000.

On page 4, line 24, increase the amount by $108,000,000.

On page 4, line 25, increase the amount by $76,000,000.

On page 5, line 1, increase the amount by $4,000,000.

On page 5, line 2, increase the amount by $2,000,000.

On page 5, line 7, decrease the amount by $108,000,000.

On page 5, line 8, decrease the amount by $184,000,000.

On page 5, line 9, decrease the amount by $188,000,000.

On page 5, line 10, decrease the amount by $190,000,000.

On page 5, line 11, decrease the amount by $190,000,000.

On page 5, line 15, decrease the amount by $108,000,000.

On page 5, line 16, decrease the amount by $184,000,000.

On page 5, line 17, decrease the amount by $188,000,000.

On page 5, line 18, decrease the amount by $190,000,000.

On page 5, line 19, decrease the amount by $190,000,000.

On page 17, line 16, increase the amount by $190,000,000.

On page 17, line 17, increase the amount by $108,000,000.

On page 17, line 21, increase the amount by $76,000,000.

On page 17, line 25, increase the amount by $4,000,000.

On page 18, line 4, increase the amount by $2,000,000.

On page 30, line 16, decrease the amount by $216,000,000.

On page 30, line 17, decrease the amount by $380,000,000.

On page 48, line 6, increase the amount by $190,000,000.

On page 48, line 7, increase the amount by $108,000,000.

SA 202. Mr. DAYTON (for himself, Mr. AKAKA, Mr. LIEBERMAN, and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 3, line 10, increase the amount by $12,100,000,000.

On page 3, line 11, increase the amount by $13,000,000,000.

On page 3, line 12, increase the amount by $13,600,000,000.

On page 3, line 13, increase the amount by $17,100,000,000.

On page 3, line 14, increase the amount by $17,966,000,000.

On page 3, line 19, increase the amount by $12,100,000,000.

On page 3, line 20, increase the amount by $13,000,000,000.

On page 3, line 21, increase the amount by $13,600,000,000.

On page 4, line 1, increase the amount by $17,100,000,000.

On page 4, line 2, increase the amount by $17,966,000,000.

On page 4, line 7, increase the amount by $12,977,000,000.

On page 4, line 8, increase the amount by $13,556,000,000.

On page 4, line 9, increase the amount by $14,236,000,000.

On page 4, line 10, increase the amount by $14,922,000,000.

On page 4, line 11, increase the amount by $15,600,000,000.

On page 4, line 16, increase the amount by $260,000,000.

On page 4, line 17, increase the amount by $8,836,000,000.

On page 4, line 18, increase the amount by $13,125,000,000.

On page 4, line 19, increase the amount by $14,021,000,000.

On page 4, line 20, increase the amount by $14,703,000,000.

On page 4, line 24, increase the amount by $11,840,000,000.

On page 4, line 25, increase the amount by $4,164,000,000.

On page 5, line 1, increase the amount by $475,000,000.

On page 5, line 2, increase the amount by $3,079,000,000.

On page 5, line 3, increase the amount by $3,263,000,000.

On page 5, line 7, decrease the amount by $11,840,000,000.

On page 5, line 8, decrease the amount by $16,004,000,000.

On page 5, line 9, decrease the amount by $16,479,000,000.

On page 5, line 10, decrease the amount by $19,558,000,000.

On page 5, line 11, decrease the amount by $22,821,000,000.

On page 5, line 15, decrease the amount by $11,840,000,000.

On page 5, line 16, decrease the amount by $16,004,000,000.

On page 5, line 17, decrease the amount by $16,479,000,000.

On page 5, line 18, decrease the amount by $19,558,000,000.

On page 5, line 19, decrease the amount by $22,821,000,000.

On page 17, line 16, increase the amount by $12,977,000,000.

On page 17, line 17, increase the amount by $260,000,000.

On page 17, line 20, increase the amount by $13,556,000,000.

On page 17, line 21, increase the amount by $8,836,000,000.

On page 17, line 24, increase the amount by $14,236,000,000.

On page 17, line 25, increase the amount by $13,125,000,000.

On page 18, line 3, increase the amount by $14,922,000,000.

On page 18, line 4, increase the amount by $14,021,000,000.

On page 18, line 7, increase the amount by $15,600,000,000.

On page 18, line 8, increase the amount by $14,703,000,000

On page 30, line 16, decrease the amount by $12,100,000,000.

On page 30, line 17, decrease the amount by $73,766,000,000.

At the end of Section 309, insert the following:

SEC 310. RESERVE FUND FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

The Chairman of the Committee on the Budget of the Senate shall, in consultation with the Members of the Committee on the Budget and the Chairman and Ranking Member of the appropriate committee, increase the allocations pursuant to section 302(a) of the Congressional Budget Act of 1974 to the Committee on Health, Education, Labor, and Pensions of the Senate by up to $12,977,000,000 in new budget authority and $260,000,000 in outlays for fiscal year 2006, and $71,292,000,000 in new budget authority and $50,944,000,000 in outlays for the total of fiscal years 2006 through 2010, for a bill, amendment, or conference report that would provide increased funding for part B grants, other than section 619, under the Individuals with Disabilities Education Act (IDEA), with the goal that funding for these grants, when taken together with amounts provided by the Committee on Appropriations, provides 40 percent of the national average per pupil expenditure for children with disabilities.

SA 203. Mr. LEAHY (for himself, Mr. KENNEDY, Ms. MIKULSKI, Mr. FEINGOLD, Mr. DURBIN, Mr. BIDEN, and Mr. OBAMA) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

At the end of title V, insert the following:

SEC. . SENSE OF THE SENATE ON THE CRIME VICTIMS FUND.

(a) FINDINGS.—The Senate finds the following:—

(1) The Victims of Crime Act of 1984 ("VOCA") was enacted to provide Federal financial support for services to victims of all

types of crime, primarily through grants to state crime victim compensation and victim assistance programs.

(2) VOCA created the Crime Victims Fund ("the Fund") as a separate account into which are deposited monies collected from persons convicted of Federal criminal offenses, including criminal fines, forfeitures and special assessments. There are no general taxpayer generated revenues deposited into the Fund.

(3) Each fiscal year, the Fund is used to support—

(A) Children's Justice Act grants to States to improve the investigation and prosecution of child abuse cases;

(B) victim witness coordinators in United States Attorney's Offices;

(C) victim assistance specialists in Federal Bureau of Investigation field offices;

(D) discretionary grants by the Office for Victims of Crime to provide training and technical assistance and services to victims of Federal crimes;

(E) formula grants to States to supplement State crime victim compensation programs, which reimburse more than 150,000 violent crime victims annually for out-of-pocket expenses, including medical expenses, mental health counseling, lost wages, loss of support and funeral costs;

(F) formula grants to States for financial assistance to upwards of 4,400 programs providing direct victim assistance services to nearly 4,000,000 victims of all types of crimes annually, with priority for programs serving victims of domestic violence, sexual assault and child abuse, and previously underserved victims of violent crime; and

(G) the Antiterrorism Emergency Reserve, to assist victims of domestic and international terrorism.

(4) Just 4 months ago, a strong bipartisan, bicameral majority in Congress affirmed its support for the Crime Victims Fund and increased its commitment to crime victims in the Justice for All Act of 2004 (Public Law 108-405), which establishes Federal crime victims rights and authorized 2 new VOCA-funded victim programs.

(5) Before fiscal year 2000, all amounts deposited into the Crime Victims Fund in each fiscal year were made available for authorized programs in the subsequent fiscal year.

(6) Beginning in fiscal year 2000, Congress responded to large fluctuations of deposits into the Fund by delaying obligations from the Fund above certain amount, as follows:

(A) For fiscal year 2000, $500,000,000.

(B) For fiscal year 2001, $537,500,000.

(C) For fiscal year 2002, $550,000,000.

(D) For fiscal year 2003, $600,000,000.

(E) For fiscal year 2004, $625,000,000.

(F) For fiscal year 2005, $625,000,000.

(7) In the conference report on an omnibus spending bill for fiscal year 2000 (Public Law 106-113), Congress explained that the reason for delaying annual Fund obligations was "to protect against wide fluctuations in receipts into the Fund, and to ensure that a stable level of funding will remain available for these programs in future years".

(8) VOCA mandates that ". . . all sums deposited in the Fund in any fiscal year that are not made available for obligation by Congress in the subsequent fiscal year shall remain in the Fund for obligation in future fiscal years, without fiscal year limitation".

(9) For fiscal year 2006, the President is recommending "rescission" of $1,267,000,000 from amounts in the Fund.

(10) The rescission proposed by the President would result in no funds being available to support crime victim services at the start of fiscal year 2007. Further, such rescission would make the Fund vulnerable to fluctuations in receipts into the Fund, and would not ensure that a stable level of funding will remain available for vital programs in future years.

(11) Retention of all amounts deposited into the Fund for the immediate and future use of crime victim services as authorized by VOCA is supported by many major national victim service organizations, including—

(A) Justice Solutions, NPO;

(B) National Organization for Victim Assistance;

(C) National Alliance to End Sexual Violence;

(D) National Children's Alliance;

(E) National Association of VOCA Assistance Administrators;

(F) National Association of Crime Victim Compensation Boards;

(G) Mothers Against Drunk Driving;

(H) National Center for Victims of Crime;

(I) National Organization for Parents of Murdered Children;

(J) National Coalition Against Domestic Violence;

(K) Pennsylvania Coalition Against Rape; and

(L) National Network to End Domestic Violence.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the funding levels in this resolution assume that all amounts that have been and will be deposited into the Crime Victims Fund, including amounts deposited in fiscal year 2006 and thereafter, shall remain in the Fund for use as authorized under the Victims of Crime Act of 1984.

SA 204. Mr. BINGAMAN (for Mr. SMITH (for himself, Mr. BINGAMAN, Mr. COLEMAN, Mr. BAUCUS, Mr. DEWINE, Ms. SNOWE, and Mr. CHAFEE)) proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 4, line 7, increase the amount by $1,784,000,000.

On page 4, line 8, increase the amount by $2,479,000,000.

On page 4, line 9, increase the amount by $3,252,000,000.

On page 4, line 10, increase the amount by $3,589,000,000.

On page 4, line 11, increase the amount by $3,932,000,000.

On page 4, line 16, increase the amount by $1,784,000,000.

On page 4, line 17, increase the amount by $2,479,000,000.

On page 4, line 18, increase the amount by $3,252,000,000.

On page 4, line 19, increase the amount by $3,589,000,000.

On page 4, line 20, increase the amount by $3,932,000,000.

On page 18, line 16, increase the amount by $1,784,000,000.

On page 18, line 17, increase the amount by $1,784,000,000.

On page 18, line 20, increase the amount by $2,479,000,000.

On page 18, line 21, increase the amount by $2,479,000,000.

On page 18, line 24, increase the amount by $3,252,000,000.

On page 18, line 25, increase the amount by $3,252,000,000.

On page 19, line 3, increase the amount by $3,589,000,000.

On page 19, line 4, increase the amount by $3,589,000,000.

On page 19, line 7, increase the amount by $3,932,000,000.

On page 19, line 8, increase the amount by $3,932,000,000.

On page 29, strike beginning with line 23 and all that follows through page 30, line 3.

On page 40, after line 8 insert the following:

SEC. . RESERVE FUND FOR THE BIPARTISAN MEDICAID COMMISSION.

In the Senate, the Chairman of the Committee on the Budget shall revise the aggregates, functional totals, allocations, levels in section 404 of this resolution, and other appropriate levels and limits for fiscal year 2006 and for the period of fiscal years 2006 through 2010 by up to $1,500,000 in new budget authority for 2006 and the amounts of outlays flowing therefrom for an appropriations bill, amendment, or conference report that provides funding for legislation reported by the Senate Finance Committee authorizing and creating a 23 member, bipartisan Commission that—

(1) is charged with

(A) reviewing and making recommendations within one year with respect to the long-term goals, populations served, financial sustainability, interaction with Medicare and safety-net providers, quality of care provided, and such other matters relating to the effective operation of the Medicaid program as the Commission deems appropriate.

SA 205. Mr. BAYH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 40, after line 8, insert the following:

SEC. ___. RESERVE FUND FOR GUARD AND RESERVE PAY RESTORATION.

The Chairman of the Committee on the Budget of the Senate may revise the aggregates, functional totals, allocations, discretionary spending limits, and other appropriate levels and limits in this resolution by up to $1,000,000,000 over the total of fiscal years 2006 through 2010 for a bill, joint resolution, motion, amendment, or conference report that would—

(1) provide resources for Guard and Reserve members who have been called up to active duty and are serving abroad and have experienced a loss in their wage income as a result of their active duty service; and

(2) provide tax relief to companies that voluntarily continue to pay the salaries of their Guard and Reserve employees during their active duty service;

provided that such legislation would not increase the deficit for the period of fiscal years 2006 through 2010.

SA 206. Mr. BAUCUS (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 40, after line 8, insert the following:

SEC. . RESERVE FUND FOR INDIAN HEALTH CARE.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, functional totals, and other appropriate levels and limits in this resolution upon enactment of legislation that achieves savings under the medicare program under title XVIII of the Social Security Act by reducing overpayments to Medicare Advantage plans (such as legislation that requires the full amount of savings from the implementation of risk adjusted payments to Medicare Advantage plans to accrue to the medicare program) and uses such savings to reduce the deficit in fiscal year 2006 and for the period 2006 through 2010 and to strengthen and improve health care for Native Americans and Alaska Natives, by extending expiring provisions related to health care for Indians through the medicare program, by ensuring that medicare Part D plans contract with the Indian Health Service or Tribal pharmacies, including Urban Indian Program pharmacies, and by allowing the Indian Health Service to provide financial assistance for patients who receive prescription drug coverage under medicare Part D.

SA 207. Mr. CARPER proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

Strike paragraph (b) of Section 201.

SA 208. Mr. COCHRAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 42, line 14, strike "that" and all that follows through "designates" on line 15, and insert: "that the Congress designates as an emergency requirement".

SA 209. Mr. COCHRAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 41, line 17, strike "au-" and all that follows through "in" on line 19, and insert: "authority in"

SA 210. Mr. DORGAN (for himself, Ms. MIKULSKI, Mr. FEINGOLD, Mr. LEVIN, Mr. KENNEDY, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 3, line 10, increase the amount by $500,000,000.

On page 3, line 11, increase the amount by $600,000,000.

On page 3, line 12, increase the amount by $700,000,000.

On page 3, line 13, increase the amount by $700,000,000.

On page 3, line 14, increase the amount by $700,000,000.

On page 3, line 19, increase the amount by $500,000,000.

On page 3, line 20, increase the amount by $600,000,000.

On page 3, line 21, increase the amount by $700,000,000.

On page 4, line 1, increase the amount by $700,000,000.

On page 4, line 2, increase the amount by $700,000,000.

On page 4, line 24, increase the amount by $500,000,000.

On page 4, line 25, increase the amount by $600,000,000.

On page 5, line 1, increase the amount by $700,000,000.

On page 5, line 2, increase the amount by $700,000,000.

On page 5, line 3, increase the amount by $700,000,000.

On page 5, line 7, decrease the amount by $500,000,000.

On page 5, line 8, decrease the amount by $1,100,000,000.

On page 5, line 9, decrease the amount by $1,800,000,000.

On page 5, line 10, decrease the amount by $2,500,000,000.

On page 5, line 11, decrease the amount by $3,200,000,000.

On page 5, line 15, decrease the amount by $500,000,000.

On page 5, line 16, decrease the amount by $1,100,000,000.

On page 5, line 17, decrease the amount by $1,800,000,000.

On page 5, line 18, decrease the amount by $2,500,000,000.

On page 5, line 19, decrease the amount by $3,200,000,000.

On page 30, line 16, decrease the amount by $500,000,000.

On page 30, line 17, decrease the amount by $3,200,000,000.

SA 211. Mr. DORGAN (for himself, Ms. CANTWELL, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 3, line 10, increase the amount by $500,000,000.

On page 3, line 11, increase the amount by $600,000,000.

On page 3, line 12, increase the amount by $700,000,000.

On page 3, line 13, increase the amount by $700,000,000.

On page 3, line 14, increase the amount by $700,000,000.

On page 3, line 19, increase the amount by $500,000,000.

On page 3, line 20, increase the amount by $600,000,000.

On page 3, line 21, increase the amount by $700,000,000.

On page 4, line 1, increase the amount by $700,000,000.

On page 4, line 2, increase the amount by $700,000,000.

On page 4, line 7, increase the amount by $1,000,000,000.

On page 4, line 16, increase the amount by $589,000,000.

On page 4, line 17, increase the amount by $195,000,000.

On page 4, line 18, increase the amount by $87,000,000.

On page 4, line 19, increase the amount by $66,000,000.

On page 4, line 20, increase the amount by $38,000,000.

On page 4, line 24, decrease the amount by $89,000,000.

On page 4, line 25, increase the amount by $405,000,000.

On page 5, line 1, increase the amount by $613,000,000.

On page 5, line 2, increase the amount by $634,000,000.

On page 5, line 3, increase the amount by $662,000,000.

On page 5, line 7, increase the amount by $89,000,000.

On page 5, line 8, decrease the amount by $316,000,000.

On page 5, line 9, decrease the amount by $929,000,000.

On page 5, line 10, decrease the amount by $1,563,000,000.

On page 5, line 11, decrease the amount by $2,225,000,000.

On page 5, line 15, increase the amount by $89,000,000.

On page 5, line 16, decrease the amount by $316,000,000.

On page 5, line 17, decrease the amount by $929,000,000.

On page 5, line 18, decrease the amount by $1,563,000,000.

On page 5, line 19, decrease the amount by $2,225,000,000.

On page 12, line 15, increase the amount by $135,000,000.

On page 12, line 16, increase the amount by $7,000,000.

On page 12, line 20, increase the amount by $20,000,000.

On page 12, line 24, increase the amount by $41,000,000.

On page 13, line 3, increase the amount by $41,000,000.

On page 13, line 7, increase the amount by $20,000,000.

On page 16, line 15, increase the amount by $330,000,000.

On page 16, line 16, increase the amount by $222,000,000.

On page 16, line 20, increase the amount by $80,000,000.

On page 16, line 24, increase the amount by $14,000,000.

On page 17, line 3, increase the amount by $4,000,000.

On page 17, line 7, increase the amount by $1,000,000.

On page 17, line 16, increase the amount by $80,000,000.

On page 17, line 17, increase the amount by $37,000,000.

On page 17, line 21, increase the amount by $34,000,000.

On page 17, line 25, increase the amount by $6,000,000.

On page 18, line 4, increase the amount by $2,000,000.

On page 18, line 16, increase the amount by $300,000,000.

On page 18, line 17, increase the amount by $270,000,000.

On page 18, line 21, increase the amount by $27,000,000.

On page 18, line 25, increase the amount by $3,000,000.

On page 20, line 16, increase the amount by $130,000,000.

On page 20, line 17, increase the amount by $47,000,000.

On page 20, line 21, increase the amount by $26,000,000.

On page 20, line 25, increase the amount by $18,000,000.

On page 21, line 4, increase the amount by $15,000,000.

On page 21, line 8, increase the amount by $14,000,000.

On page 23, line 16, increase the amount by $25,000,000.

On page 23, line 17, increase the amount by $6,000,000.

On page 23, line 21, increase the amount by $8,000,000.

On page 23, line 25, increase the amount by $5,000,000.

On page 24, line 4, increase the amount by $4,000,000.

On page 24, line 8, increase the amount by $3,000,000.

On page 30, line 16, decrease the amount by $500,000,000.

On page 30, line 17 decrease the amount by $3,200,000,000.

On page 48, line 6, increase the amount by $1,000,000,000.

On page 48, line 7, increase the amount by $589,000,000.

SA 212. Mr. DORGAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 3, line 10, decrease the amount by $8,000,000,000.

On page 3, line 19, decrease the amount by $8,000,000,000.

On page 4, line 24, decrease the amount by $8,000,000,000.

On page 6, line 4, increase the amount by $8,000,000,000.

SA 213. Mr. PRYOR (for himself, Mrs. Lincoln, Mr. Reed, Ms. Landrieu, Mr. Corzine, Mr. Leahy, and Mr. Kennedy) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 3, line 10, increase the amount by $1,200,000,000.

On page 3, line 19, increase the amount by $1,200,000,000.

On page 4, line 7, increase the amount by $1,200,000,000.

On page 4, line 16, increase the amount by $1,200,000,000.

On page 20, line 16, increase the amount by $1,200,000,000.

On page 20, line 17, increase the amount by $1,200,000,000.

On page 30, line 16, decrease the amount by $1,200,000,000.

On page 30, line 17, decrease the amount by $1,200,000,000.

On page 48, line 6, increase the amount by $1,200,000,000.

On page 48, line 7, increase the amount by $1,200,000,000.

SA 214. Ms. SNOWE (for herself, Mr. Wyden, Mr. Feingold, Mr. McCain, and Mrs. Feinstein) proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 40, after line 8, insert the following:

SEC. 1. RESERVE FUND FOR REDUCING EXPENDITURES UNDER MEDICARE PART D.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, functional totals, and other appropriate levels and limits in this resolution upon enactment of legislation that provides the Secretary of Health and Human Services with the authority to participate in the negotiation of contracts with manufacturers of covered part D drugs to achieve the best possible prices for such drugs under part D of title XVIII of the Social Security Act, that requires the Secretary to negotiate contracts with manufacturers of such drugs for each fallback prescription drug plan, and that requires the Secretary to participate in the negotiation for a contract for any such drug upon the request of a prescription drug plan or an MA–PD plan, by the amount of savings in that legislation, to ensure that those savings are reserved for reducing expenditures under such part.

SA 215. Mr. SALAZAR (for himself and Mr. Conrad) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 9, line 15, decrease the amount by $65,000,000.

On page 9, line 16, decrease the amount by $14,000,000.

On page 9, line 20, decrease the amount by $36,000,000.

On page 9, line 24, decrease the amount by $12,000,000.

On page 10, line 3, decrease the amount by $3,000,000.

On page 17, line 16, increase the amount by $29,000,000.

On page 17, line 17, increase the amount by $1,000,000.

On page 17, line 21, increase the amount by $17,000,000.

On page 17, line 25, increase the amount by $9,000,000.

On page 18, line 4, increase the amount by $2,000,000.

On page 18, line 16, increase the amount by $36,000,000.

On page 18, line 17, increase the amount by $13,000,000.

On page 18, line 21, increase the amount by $19,000,000.

On page 18, line 25, increase the amount by $3,000,000.

On page 19, line 4, increase the amount by $1,000,000.

SA 216. Ms. SNOWE submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 9, line 15, decrease the amount by $73,000,000.

On page 9, line 16, decrease the amount by $56,000,000.

On page 9, line 20, decrease the amount by $12,000,000.

On page 9, line 24, decrease the amount by $28,000,000.

On page 10, line 3, decrease the amount by $1,000,000.

On page 14, line 15, increase the amount by $73,000,000.

On page 14, line 16, increase the amount by $56,000,000.

On page 14, line 20, increase the amount by $12,000,000.

On page 14, line 24, increase the amount by $28,000,000.

On page 15, line 3, increase the amount by $1,000,000.

SA 217. Mr. KOHL. (for himself, Mr. Hatch, and Mr. Biden) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 23, line 16, increase the amount by $1,000,000,000.

On page 23, line 17, increase the amount by $120,000,000.

On page 23, line 21, increase the amount by $280,000,000.

On page 23, line 25, increase the amount by $250,000,000.

On page 24, line 4, increase the amount by $200,000,000.

On page 24, line 8, increase the amount by $150,000,000.

On page 26, line 14, decrease the amount by $1,000,000,000.

On page 26, line 15, decrease the amount by $120,000,000.

On page 26, line 18, decrease the amount by $280,000,000.

On page 26, line 21, decrease the amount by $250,000,000.

On page 26, line 24, decrease the amount by $200,000,000.

On page 27, line 2, decrease the amount by $150,000,000.

SA 218. Mrs. HUTCHISON (for herself, Mr. Craig, Mr. Ensign, Mr. Domenici, Mr. Cornyn, Mr. Kyl, Mr. McCain, and Mrs. Feinstein) proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 23, line 16, increase the amount by $352,400,000.

On page 23, line 17, increase the amount by $317,000,000.

On page 23, line 21, increase the amount by $35,400,000.

On page 9, line 15, decrease the amount by $352,400,000.

On page 9, line 16, decrease the amount by $317,000,000.

On page 9, line 20, decrease the amount by $35,400,000.

SA 219. Ms. LANDRIEU proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 40, after line 8 insert the following:

SEC. . DEFICIT NEUTRAL RESERVE FUND FOR PATRIOTIC EMPLOYERS OF NATIONAL GUARDSMEN AND RESERVISTS.

In the Senate, if a bill or joint resolution, or if an amendment is offered thereto, or if a conference report is submitted thereon, that provides a 50 percent tax credit to employers for compensation paid to employees who are on active duty status as members of the Guard or Reserve in order to make up the difference between the employee's civilian pay and military pay and/or for compensation paid to a worker hired to replace an active duty Guard or Reserve employee, the chairman of the Committee on the Budget shall adjust the revenue aggregates and other appropriate aggregates, levels, and limits in this resolution to reflect such legislation, to the extent that such legislation would not increase the deficit for fiscal year 2006 and for the period of fiscal years 2006 through 2010.

SA 220. Ms. COLLINS (for Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mrs. CLINTON)) proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 16, line 15, increase the amount by $715,000,000.

On page 16, line 16, increase the amount by $102,000,000.

On page 16, line 20, increase the amount by $254,000,000.

On page 16, line 24, increase the amount by $220,000,000.

On page 17, line 3, increase the amount by $139,000,000.

On page 23, line 16, increase the amount by $140,000,000.

On page 23, line 17, increase the amount by $112,000,000.

On page 23, line 21, increase the amount by $14,000,000.

On page 23, line 25, increase the amount by $14,000,000.

On page 26, line 14, decrease the amount by $855,000,000.

On page 26, line 15, decrease the amount by $214,000,000.

On page 26, line 18, decrease the amount by $268,000,000.

On page 26, line 21, decrease the amount by $234,000,000.

On page 26, line 24, decrease the amount by $139,000,000.

SA 221. Mr. BAYH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 65, after line 25, insert the following:

SEC. ___. SENSE OF THE SENATE ON FEDERAL AGENCY AUDITS.

It is the sense of the Senate that in the event that a Federal agency does not receive an unqualified opinion with no material weaknesses or noncompliance relating to their annual financial audits, the Committee on Appropriations shall freeze the salary and travel budget for all of the political appointees at that Federal agency for the following fiscal year.

SA 222. Mr. LEVIN (for himself, Mr. JEFFORDS, Ms. STABENOW, Mr. SARBANES, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 65, after line 25, insert the following:

SEC. . SENSE OF THE SENATE TO MAKE MORE EFFICIENT AND EQUITABLE, FISCALLY RESPONSIBLE APPROPRIATIONS AND REVENUE DECISIONS.

(a) FINDINGS.—The Senate finds the following:

(1) Federal programs and policies directly influence local growth patterns through the location of Federal facilities, spending on public infrastructure, tax incentives, and Federal regulations.

(2) A majority of Americans favor walkable neighborhoods, shorter commutes, and open space protection, which are land development patterns favored by smart growth.

(3) Federal programs and policies should support local development choices that improve communities through the revitalization of town centers, transit and pedestrian-oriented development, increased access to retail and public services, open space and parklands, and a greater mix of housing, commercial, and retail uses.

(4) Federal incentives should encourage enhanced community quality of life, fiscally sound reinvestment in existing infrastructure, a balanced transportation system, and safe, decent, affordable places for people to live.

(5) Investing in existing infrastructure is a fiscally responsible use of resources. When not properly planned, local development decisions may actually burden the Federal budget by requiring the construction of new water, sewer, and transportation infrastructure in low-density areas, rather than funding the maintenance of existing infrastructure. Poorly planned development also often results in increased commuting times, traffic congestion, impaired air quality, loss of open space and environmentally sensitive areas, public health problems, lack of affordable housing, and poor accessibility to critical services such as schools and hospitals.

(6) Improving and investing in communities through good planning and sustainable community development has positive effects, reflected, for example, in fiscal cost savings, lower energy consumption, and healthier environments. In addition, businesses are increasingly locating to areas that offer parks and open spaces, provide walkable mixed-use communities, and include a variety of housing options.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this resolution assume that in making appropriations and revenue decisions, the Senate should—

(1) support Federal policies that encourage growth patterns that make efficient and equitable use of available housing, transportation, and infrastructure resources, including such policies as brownfields development programs, farmland protection programs, the retention of the Community Development Block Grant Program (CDBG), and Federal facility decisions, such as those made by the General Services Administration that consider the benefits of utilizing existing infrastructure; and

(2) address the unintended consequences of urban and suburban sprawl resulting from specific Federal programs and policies through the allocation of budgetary authority to provide incentives for sustainable growth.

SA 223. Mr. VITTER proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 63, strike line 24, after the second period insert the following: "In dealing with homeland security assistance grants that relate to port security, Congress should (1) allocate port security grants under a separate, dedicated program intended specifically for port security enhancements, rather than as part of a combined program for many different infrastructure programs that could lead to reduced funding for port security, (2) devise a method to enable the Secretary of Homeland Security to both distribute port security grants to the Nation's port facilities more quickly and efficiently and give ports the financial resources needed to comply with congressional mandates, and (3) allocate sufficient funding for port security to enable port authorities to comply with mandated security improvements, ensure the protection of our Nation's maritime transportation, commerce system, and cruise passengers, strive to achieve funds consistent with the needs estimated by the United States Coast Guard, and recognize the unique threats for which port authorities must prepare.".

SA 224. Mr. VITTER proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 12, line 15, increase the amount by $130,000,000.

On page 12, line 16, increase the amount by $91,000,000.

On page 12, line 19, increase the amount by $130,000,000.

On page 12, line 20, increase the amount by $130,000,000.

On page 12, line 23, increase the amount by $130,000,000.

On page 12, line 24, increase the amount by $130,000,000.

On page 13, line 2, increase the amount by $130,000,000.

On page 13, line 3, increase the amount by $130,000,000.

On page 13, line 6, increase the amount by $130,000,000.

On page 13, line 7, increase the amount by $130,000,000.

On page 24, line 16, decrease the amount by $130,000,000.

On page 24, line 17, decrease the amount by $97,500,000.

On page 24, line 20, decrease the amount by $130,000,000.

On page 24, line 21, decrease the amount by $130,000,000.

On page 24, line 24, decrease the amount by $130,000,000.

On page 24, line 25, decrease the amount by $130,000,000.

On page 25, line 3, decrease the amount by $130,000,000.

On page 25, line 4, decrease the amount by $130,000,000.

On page 25, line 7, decrease the amount by $130,000,000.

On page 25, line 8, decrease the amount by $130,000,000.

NOTICE OF HEARINGS/MEETINGS

COMMITTEE ON VETERANS' AFFAIRS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, March 17, 2005, for a committee hearing titled "Back from the Battlefield: Are we providing the proper care for America's Wounded Warriors?"

The hearing will take place in Room 418 of the Russell Senate Office Building at 10 a.m.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 16, 2005, at 4:30 p.m. to receive a classified briefing regarding improvised explosive devices (IEDS).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, on Wednesday, March 16 at 11:30 a.m. to consider pending calendar business.

Agenda Item 1: To consider the nomination of Jeffrey Clay Sell, to be Deputy Secretary of Energy.

Agenda Item 2: To consider the nomination of Patricia Lynn Scarlett, to be the Deputy Secretary of the Interior.

In addition, the Committee may turn to any other measures that are ready for consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Wednesday, March 16, 2005 at 9:15 a.m. to conduct a hearing regarding S. 606 The Reliable Fuels Act and The Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005.

The hearing will be in SD 406.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, March 16, 2005 at 10:00 a.m., to hear testimony on "Expiring Tax Provisions: Live or Let Die."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session on Wednesday, March 16, 2005 at 2:30 p.m. to hold hearing on EU Arms to China.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 16, 2005 at 2:30 p.m. to hold a closed briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Airland be authorized to meet during the session of the Senate on March 16, 2005 at 9:30 a.m., in open session to receive testimony on army transformation and the future combat system in review of the defense authorization request for fiscal year 2006.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces be authorized to meet during the session of the Senate on March 16, 2005 at 3:00 p.m. in open session to receive testimony on national security space policy and programs in review of the defense authorization request for fiscal year 2006.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND PROPERTY RIGHTS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution, Civil Rights and Property Rights be authorized to meet to conduct a hearing on "Obscenity Prosecution and the Constitution" on Wednesday, March 16, 2005, at 3:00 p.m. in SD226. The tentative witness list is attached.

Panel I: Robert Destro, Professor of Law, Columbus School of Law, Catholic University of America, Washington, DC; Patrick Trueman, Senior Legal Counsel, Family Research Council, Former Chief, Child Exploitation and Obscenity Section, U.S. Department of Justice, Washington, DC; Frederick Schauer, Frank Stanton Professor of the First Amendment, Shorenstein Center, John F. Kennedy School of Government, Harvard University, Cambridge, MA.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that Paul Brand and Karen Pavese my staff be given floor privileges during the debate on the budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH. Mr. President, I ask unanimous consent that privilege of the floor be granted to Rachel Nuzum, a fellow in Senator BINGAMAN's office, and Jose Vito and Kent Ames, fellows in my office, during consideration of S. Con. Res. 18.

The PRESIDING OFFICER. Without objection, it is so ordered.

STAR PRINT—S. 428

Mr. GREGG. Mr. President, I ask unanimous consent that S. 428 be star printed with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. GREGG. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 24 and 25, and all nominations on the Secretary's desk. I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF THE TREASURY

Raymond Thomas Wagner, Jr., of Missouri, to be a Member of the Internal Revenue Service Oversight Board for a term expiring September 14, 2009.

FEDERAL HOUSING FINANCE BOARD

Ronald Rosenfeld, of Oklahoma, to be a Director of the Federal Housing Finance Board for the remainder of the term expiring February 27, 2009.

IN THE COAST GUARD

PN66 Coast Guard nomination of Vincent M. Weber, which was received by the Senate and appeared in the Congressional Record of January 6, 2005.

PH67 Coast Guard nominations (212) beginning John C. Adams, and ending Andrew H. Zuckerman, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN123 Coast Guard nominations (2) beginning Robert M. Keith, and ending Daniel E. Ward, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2005.

FOREIGN SERVICE

PN120-1 Foreign Service nominations (32) beginning Walter E. North, and ending Robert J. Wilson, which nominations were received by the Senate and appeared in the Congressional Record of January 24, 2005.

PN121 Foreign Service nominations (10) beginning Peter Fernandez, and ending Ross G. Kreamer, which nominations were received by the Senate and appeared in the Congressional Record of January 24, 2005.

PN137-1 Foreign Service nominations (9) beginning George Ruffner, and ending William Zarit, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PN138 National Oceanic and Atmospheric Administration nominations (2) beginning James D. Rathbun, and ending Andrew P. Seaman, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR THURSDAY, MARCH 17, 2005

Mr. GREGG. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9 a.m. on Thursday, March 17. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume consideration of S. Con. Res. 18, the Senate budget resolution; provided further that the Senate then resume debate on the Smith amendment under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GREGG. Mr. President, tomorrow it is my expectation that the Senate will complete action on the budget resolution. We will continue the amendment process tomorrow morning. Under the previous order, we will conclude debate on all remaining amendments during tomorrow morning's session. All time has been allocated for tomorrow. It is anticipated that we will begin voting on the remaining amendments around 1:20 or 1:30 tomorrow afternoon, and we will keep Senators posted as to the timing of this vote-arama. We are working through the list of filed and offered amendments so we can minimize the number of votes we will need to have during tomorrow's session. But Senators should be expected to stay on the floor throughout the afternoon and into the evening. These will be 10-minute votes, and Senators should plan their schedules around being on the floor in order not to miss any of these crucial votes.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. GREGG. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:48 p.m.. adjourned until Thursday, March 17, 2005, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate: Wednesday, March 16, 2005.

FEDERAL HOUSING FINANCE BOARD

RONALD ROSENFELD, OF OKLAHOMA, TO BE A DIRECTOR OF THE FEDERAL HOUSING FINANCE BOARD FOR THE REMAINDER OF THE TERM EXPIRING FEBRUARY 27, 2009.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF THE TREASURY

RAYMOND THOMAS WAGNER, JR., OF MISSOURI, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2009.

IN THE COAST GUARD

COAST GUARD NOMINATION OF VINCENT M. WEBER TO BE CAPTAIN.

COAST GUARD NOMINATIONS BEGINNING WITH JOHN C. ADAMS AND ENDING WITH ANDREW H. ZUCKERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

COAST GUARD NOMINATIONS BEGINNING WITH ROBERT M. KEITH AND ENDING WITH DANIEL E. WARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2005.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH WALTER E. NORTH AND ENDING WITH ROBERT J. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 24, 2005.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH PETER FERNANDEZ AND ENDING WITH ROSS G. KEAMER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 24, 2005.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH GEORGE RUFFNER AND ENDING WITH WILLIAM ZARIT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NATIONAL OCEANIC AND ATMOSPHERE ADMINISTRATION NOMINATIONS BEGINNING WITH JAMES D. RATHBUN AND ENDING WITH ANDREW P. SEAMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

EXTENSIONS OF REMARKS

HONORING THE ACHIEVEMENTS OF STATE REPRESENTATIVE YVONNE TOUREILLES

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Mr. CUELLAR. Mr. Speaker, rise today to honor the contributions of State Representative Yvonne Toureilles of my congressional district.

Yvonne Gonzalez Toureilles was born and raised in Texas. Her father worked as a truck driver while studying to become a pharmacist. With a family on the way, he helped Yvonne's mother finish her degree and become a teacher. Yvonne's parents did more than just tell her that education brings opportunity, they showed her.

She aimed high and graduated with honors from the University of Texas at Austin with a bachelor of arts degree. Later, she enrolled and received a juris doctor from the University of Texas School of Law.

After earning her law degree, Yvonne put her education to work for the State of Texas—first learning the process as a researcher at the Texas House of Representatives, then defending Department of Public Safety troopers for several years as an Assistant Attorney General. Yvonne also served as legal counsel for the Texas Workforce Commission.

Yvonne has served as treasurer and vice-president of the Coastal Bend Bar Association and is a member of the Coastal Bend Women Lawyers Association.

Yvonne Gonzalez Toureilles then came home to south Texas to raise her family. After marrying her high school sweetheart, Marc Toureilles, at the Saint Theresa Catholic Church in Premont, they gave birth to their first child, Genevieve, in Alice, Texas. Yvonne now lives and works in Alice where her practice primarily consists of family law.

Mr. Speaker, I am proud to have this opportunity to recognize State Representative Yvonne Gonzalez Toureilles.

CONGRATULATING ROBERT KERRIGAN, SR., AND ROBERT KERRIGAN, JR. ON RECEIVING THE MICHAEL F. KING, JR., ARMED FORCES VETERAN'S AWARD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to a father and son who have received the Michael F. King, Jr., Armed Forces Veteran's Award from the Quiet Man Society on behalf of the St. Patrick's Day Parade Association of Lackawanna County.

This award is presented annually to local individuals who, after serving in our country's military, returned to Northeastern Pennsylvania and by their actions and involvement in community events exhibited continued service to God, Family and Country.

The award was endowed by The Quiet Man Society in honor of Mr. King, an original member of the Society. Mr. King, a twice-wounded veteran of World War II, is most fondly remembered for the countless hours he selflessly worked on behalf of St. Paul's Church, Holy Rosary Church, Holy Family Residence, the Penn Ridge Club and the Irish American Men's Association.

The previous winners of the award had each served, as Mr. King, in World War II. The Award Committee, in selecting this year's honorees, has attempted to answer a question pondered not only by our region's World War II veterans but also by our country's Founding Fathers: Would there be individuals in future generations who would answer the "call to arms" to preserve and protect the freedoms and liberties that the prior generations had fought so hard to gain. The Committee believes that the sacrifices, dedication and service that the Kerrigans have given for our country and community provide the answer to that question.

Robert Kerrigan, Sr., is a native of Scranton and a 1966 graduate of Holy Rosary High School. He was drafted in August 1968 and served in the U.S. infantry during the Vietnam war from January 1969 to January 1970. He and his lovely wife, Ellen Bauer Kerrigan, reside in the East Mountain section of Scranton. They have four children: Michael, Robert Jr., Kevin, and Colleen.

Mr. Kerrigan Sr. is most widely recognized as a member of Local 81 IBEW, where he has served on the executive board for 12 years. In addition, he has been a member of IBEW's Joint Apprentice Training Council for several years. This council has overseen the electrical installation of lighting for numerous charitable organizations, including St. Joseph's Center, Friendship House and the Italian Festival.

Without hesitation, it can be said that the various events held by these groups were successful in large part because of the selfless commitment of Mr. Kerrigan Sr. and all the members of Local 81 IBEW. Because of their efforts, thousands of members of the community have enjoyed themselves at many festivals, and have had the opportunity to contribute to other very worthy causes.

Mr. Kerrigan Sr. is also a member of VFW Post 5209, Veterans of Vietnam Inc., Post 1.

The younger Mr. Kerrigan is a 1997 graduate of Scranton High School. He has attended Penn State University. He joined the U.S. Army Reserve in 2001 and was attached to the 828th Quartermaster Company. He has served with the 233rd Quartermaster Company in Operation Iraqi Freedom from April 2003 through November 2003. Most recently, he was awarded the Army Commendation Medal for Outstanding Duty and Selfless Commitment.

Mr. Speaker, please join me in congratulating Robert Kerrigan, Sr., and Robert Kerrigan, Jr., a father and son who have demonstrated their love of country and who are most deserving of this award.

IN HONOR OF FATHER TARAS CHUBENKO

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Father Taras Chubenko on his 25th anniversary as pastor of St. Demetrius Ukrainian Orthodox Cathedral. Father Chubenko celebrated the event at the Dinner and Dance on March 12, 2005, in Carteret, New Jersey.

During his time with the cathedral, Father Chubenko has worked diligently to help improve St. Demetrius and its services. Under his strong leadership, St. Demetrius has successfully completed various restructuring and renovation projects. Additionally, Father Chubenko is a member of the diocese's Metropolitan Council and has served as dean of the New Jersey Deanery. In the past, he held the positions of consistory business administrator and treasurer of the diocese for more than 7 years.

Father Chubenko is active in many organizations and plays an integral role in the community. For 25 years, he has been the chaplain to various groups in Carteret, including the Office of Emergency Management, the volunteer fire department, and the police department. At one time the president of the Carteret School Board of Education, he spent a total of 9 years as a member of the board. In the past, Father Taras served as the chairperson of the mayor's Children's Relief Fund and 9/11 World Trade Center Scholarship Fund Committee. He has also lent his wisdom and time as the mentor of two mayors of Carteret.

Born in Germany, Father Chubenko and his family immigrated to the United States when he was a child. He studied at St. Sophia's Seminary and became an ordained priest in 1980. That same year, he began his service at St. Demetrius, where he has remained ever since. For his outstanding service, Father Chubenko was promoted to the rank of protopriest in 1982 and later achieved the highest rank of protopresbyter in 1990.

He and his wife are the proud parents of four sons.

Today, I ask my colleagues to join me in honoring Father Taras Chubenko for his many

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

years of dedicated service to St. Demetrius Ukrainian Orthodox Cathedral and the people of Carteret. His strong leadership and active involvement in the community has helped revitalize the Cathedral and improve the lives of many.

TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Mr. ANDREWS. Mr. Speaker, my statement on March 10, 2005 during consideration of H. Res. 144 was specifically about my support for the Pascrell/Menendez/LoBiondo Pay-to-Play amendment, rather than the rule itself. Most importantly, I would like to thank Representatives PASCRELL, MENENDEZ, and LOBIONDO for their steadfast work on ensuring that New Jersey maintains the right to reform its ethical standards.

RECOGNIZING THE ACHIEVEMENTS OF HAYS COUNTY COMMISSIONER DEBBIE GONZALES INGALSBE

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize Hays County Commissioner Debbie Gonzales Ingalsbe for her accomplishments in public service.

Ms. Ingalsbe comes from a family with a tradition of public service—her father was also a Hays County commissioner. She is a lifelong resident of San Marcos, and has the distinction of being the first female commissioner in Hays County history.

Ms. Ingalsbe began her career in service as a deputy constable after graduating from the Travis County Sheriff's Academy. She has worked tirelessly as commissioner to improve the quality of life in Hays County. She has been especially involved in the issue of health care. She directed all of the county's tobacco settlement funds toward public health, permitting Hays County to build one of the most comprehensive and advanced public health facilities in the State.

Commissioner Ingalsbe continues to give of her time and energy to make the San Marcos area a better place to live. She is a member of a long list of community organizations, including San Marcos EMS, the Hays/Caldwell County Commission on Alcohol and Drug Abuse, and the San Marcos Area Food Bank. Her commitment to her fellow citizens is laudable.

Mr. Speaker, I am honored to have had this opportunity to recognize the many achievements of Hays County Commissioner Debbie Ingalsbe.

CONGRATULATING CAROL AND DAVID GREENWALD AS THEY RECEIVE COMMUNITY SERVICE AWARD FROM SELIGMAN J. STRAUSS LODGE NO. 139 OF B'NAI B'RITH

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Dr. David Greenwald and Carol Saidman Greenwald of Kingston, who have been selected to received the Seligman J. Strauss Lodge No. 139 of B'nai B'rith Community Service Award. They received the award at the 59th annual B'nai B'rith Lincoln Day Dinner at the Woodlands Inn and Resort in Plains.

The Community Service Award is presented to outstanding citizens who, by their courageous leadership and dedication on behalf of humanity, have made a valuable contribution to the fabric of our society. David and Carol exemplify these criteria because of their dedication to making their community a better place.

David is the founder of Medical Oncology Associates. He currently serves as chairman of the Cancer Committee of Wyoming Valley Health Care System and serves on the board of the Jewish Community Center and the Board of Trustees of Wyoming Seminary. He has served as past president of the Jewish Federation and past chairman of the United Jewish Campaign of the Wyoming Valley. He is a past board member of the United Way. David has served as Chief of Hematology/Oncology of Medical Staff of the Wyoming Valley Health Care System. David was a past president of the Medical Staff and was recently elected as president-elect.

David is a Magna Cum Laude 1966 graduate of Wilkes University and an Honor graduate of Temple University School of Medicine where he was named to Alpha Omega Alpha, the National Medical School Honor Society. David is a member of the Luzerne County Medical Society, the Pennsylvania Medical Society and a Diplomat of the American College of Physicians with board certifications in both Internal Medicine and the subspecialty of Medical Oncology. He was instrumental in establishing the Medical Oncology Patient Prescription Fund, a charitable endeavor that provides prescription assistance to cancer patients in need.

Carol is a National Certified and Licensed Professional Counselor and a Certified Grief and Death Education Therapist. She is also a Certified Sexual Assault and Domestic Abuse Counselor. She is a counselor at Medical Oncology Associates and a partner in Pierce Counseling, a private practice specializing in individual and family counseling. Additionally, Carol volunteers as a rape crisis counselor for the Victims Resource Center.

Carol was president of Hadassah from 1983–1985, a former president of Wyoming Seminary Upper School Parents Council and a member of the Wyoming Seminary Board of Trustees. She has served as a member of the Temple Israel Board of Trustees and the Boards of Directors of the Jewish Community Center of Wyoming Valley and the Victims Resource Center. Carol also served as the United Jewish Appeal Campaign co-chairperson and vice president of the Jewish Federation of Greater Wilkes-Barre. Carol is a member of the American Counseling Association, the American Psychological Associations, and the Association of Death Education and Counseling. She is a graduate of the 2000 class of Leadership Wilkes-Barre.

Carol graduated from Wilkes University in 1966 and in 1996 received a masters degree in community counseling from the University of Scranton. She was admitted to Chi Omega Iota, the International Counseling Honor Society, and was listed in "Who's Who Among Students in American Universities and Colleges."

Carol and David live in Kingston and are the parents of six children: Rachel, who is married to Jay Skaistis; Hannah; Nathaniel; Sarah; Naomi; and Zachary. They have one granddaughter, Talia Rose Skaistis.

Mr. Speaker, please join me in congratulating this couple who has given so much of their time and talents to their community and are most deserving of this award.

CONGRATULATING FAIRLEIGH DICKINSON UNIVERSITY ON THE 2005 NORTHEAST CONFERENCE CHAMPIONSHIP TITLE

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Mr. ROTHMAN. Mr. Speaker, I rise today with great pleasure to honor and commend the Fairleigh Dickinson University Men's Basketball Team, the Knights, who won the 2005 Northeast Conference Championship (NEC) game on March 9, 2005. The Knights are returning to the 2005 NCAA Tournament for the first time since 1998, and will face number one ranked Illinois on March 17 in Indianapolis.

The Knights hosted the NEC Tournament championship game last Wednesday evening, March 9th, at their home court in Hackensack, NJ, where they secured a hard fought win over the Wagner College Seahawks by a score of 58–52. The highlights of the game included Center Andrea Crosariol scoring 18 points, just two points shy of his career high, and junior guard Chad Timberlake scoring 11 points. Senior guard Mensah Peterson scored 7 of his 13 points in the final 3 minutes, with an impressive 3-point shot made with 24 seconds left on the clock to secure the Knights' triumph.

Head coach, Tom Green has had his fair share of accomplishments during his 22 years at Fairleigh Dickinson University. He has led the Knights to 17 winning seasons, 15 NEC Tournament semi-final appearances and eight NEC Championship games.

Today, Coach Green continues to lead a team of talented and bright young men. Junior forward Gordon Klaiber was named to the All-NEC First Team and senior guard Tamien

Trent was selected to the All-NEC Second Team in a vote conducted by the league's head coaches. The duo boasts a combined average of 32 points per game for the highest scoring offense in the NEC during the regular season.

Founded in 1942, Fairleigh Dickinson University, located in my congressional district, has provided northern Jersey with a quality level of higher education. The university's sixth president, Dr. J. Michael Adams, serves as an outstanding motivator by encouraging his students to expand their perspective of the world by embracing diversity and utilizing sophisticated technology in order to enact rapid change through education.

Mr. Speaker, I would like to thank Dr. Adams for his tireless efforts to continually raise the level of education at this fine institution. I also thank Coach Green and the outstanding team members of the Knights for their dedication to their school and for the passion they have for the sport of basketball. I commend the Fairleigh Dickinson University Knights for their stellar season, including the NEC Championship title, and I offer Coach Green and his team the best of luck in the Big Dance.

ENACTMENT OF THE 1965 VOTING RIGHTS BILL

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Mr. VAN HOLLEN. Mr. Speaker, it is my privilege to draw the attention of the House to a significant event in civil rights history which took place in this very chamber on March 15, forty years ago. It was on that evening, that President Lyndon Johnson addressed a joint session of the Congress to seek the enactment of the 1965 voting rights bill he was about to submit. It was the first time in 19 years that a President had addressed a joint session to request domestic legislation.

Tumultuous events taking place in Selma, Alabama, had influenced the timing of the President's request. In one of the most stirring appeals of his Presidency, Johnson said:

> At times history and fate meet at a single time in a single place to shape a turning point in man's unending search for freedom. So it was at Lexington and Concord . . . So it was last week in Selma, Alabama . . . What happened at Selma is part of a far larger movement which reaches into every state and section of America. It is the effort of American Negroes to secure for themselves the full blessings of American life. . . . Their cause must be our cause, too. Because it is not just Negroes, but really all of us who must overcome the crippling legacy of bigotry and injustice.
>
> And we shall—overcome!

Those exalted words drawn from the freedom hymn of the civil rights movement, spoken by the President of the United States, to the resounding ovation of the Congress, carried by television around the Nation and around the world, marked the crossing of a watershed of civil rights history. It was a clear affirmation that the heart and soul of American leadership was at last committed to the fight for unqualified freedom for all Americans.

Among those seated in the Presidential box that evening of the joint session was LeRoy Collins, the former Governor of Florida, who, with his wife, had been guests of the President and Mrs. Johnson at dinner that evening. This distinction was the President's way of acknowledging the special service rendered by Collins and the little known Federal agency he headed—the Community Relations Service—which had played an important behind-the-scenes role in Selma, helping to advance the civil rights goals of the protesters, and, at the same time, working to restrain the violence of resistance.

Just 9 months earlier Congress had created the Community Relations Service as a part of the Civil Rights Act of 1964. Title Ten of that act called into being a special agency composed of civil rights peace-makers—mediators who would go into troubled communities to conciliate racial conflict and promote voluntary compliance with civil rights laws. Such legislation had first been proposed by Senator Lyndon Johnson 7 years earlier.

In the years since Selma, the Community Relation Service, "CRS", has helped every major city and thousands of smaller communities, to resolve tens of thousands of confrontations involving school desegregation, police-minority relations, church burnings, urban violence and countless acts and allegations of racial and ethnic discrimination.

Nevertheless, because this division of the Department of Justice relies on quiet persuasion and skillful negotiation it takes special effort to avoid the limelight. As a result the American public has had little opportunity to know of its extraordinary achievements. In effect, the work of the Community Relations Service has been a missing chapter in America's civil rights history.

I am pleased to report, however, that this oversight has at last been rectified thanks to the efforts of Bertram Levine, a long-time resident of my district, whose history of the Community Relations Service has just been published by the University of Missouri Press. The book is entitled, Resolving Racial Conflict: The Community Relations Service and Civil Rights (1964–1989).

[From the 2004 Fall-Winter Catalogue of the University of Missouri Press]

RESOLVING RACIAL CONFLICT: THE COMMUNITY RELATIONS SERVICE AND CIVIL RIGHTS (1964–1989)

(By Bertram Levine)

In 1964, when the Civil Rights Act was passed, Congress wisely created an agency based in the U.S. Department of Justice to help forestall or resolve racial or ethnic disputes evolving from the act. Mandated by law and by its own methodology to shun publicity, the Community Relations Service developed self-effacement to a fine art. Thus the accomplishments, as well as the shortcomings, of this federal venture into conflict resolution are barely known in official Washington, and even less so by the American public. This first written history of the Community Relations Service uses the experiences of the men and women who sought to resolve the most volatile issues of the day to tell the fascinating story of this unfamiliar agency. This multiracial cadre of conciliation and mediation specialists worked behind the scenes in more than 20,000 confrontations involving racial and ethnic minorities.

From Selma to Montgomery, at the encampment of the Poor Peoples' Campaign in Resurrection City, to the urban riots of the sixties, seventies, and eighties, from the school desegregation battles north and south, at the siege of Wounded Knee, and during the Texas Gulf Coast fishing wars between Southeast Asian refugees and Anglos, these federal peacemakers lessened the atmosphere of racial violence in every major U.S. city and thousands of small towns. These confrontations ranged from disputes that attracted worldwide attention to the everyday affronts, assaults, and upheavals that marked the nation's adjustment to wider power sharing within an increasingly diverse population. While Resolving Racial Conflict examines some of the celebrated breakthroughs that made change possible, it also delves deeply into the countless behind-the-scenes local efforts that converted possibility to reality.

Among the many themes in this book that provide new perspective for understanding racial conflict in America are the effects of protest and conflict in engineering social change; the variety of civil rights views and experiences of African Americans, Native Americans, Asians, and Hispanics; the role of police in minority relations; and the development and refinement of techniques for community conflict resolution from seat-of-the-pants intervention to sophisticated professional practice. Resolving Racial Conflict will appeal to students of civil rights and American history in both the general and academic communities, as well as students of alternative dispute resolution and peace and conflict studies.

HONORING NATIONAL WOMEN'S HISTORY PROJECT AND PRESIDENT MOLLY MURPHY MACGREGOR

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Ms. WOOLSEY. Mr. Speaker, I rise today to honor the National Women's History Project, NWHP, and its president and co-founder, Molly Murphy MacGregor of Sonoma County, California, on the occasion of the 25th anniversary of the organization. The mission of the NWHP is to recognize and celebrate the diverse and historic accomplishments of women by providing information and educational materials and programs.

In 1978 in Sonoma County, Molly originated the plan for the first Women's History Week, which became an annual event. In 1980, she co-founded the NWHP in Santa Rosa, California with Mary Ruthsdotter, Maria Cuevas, Paula Hammett, and Bette Morgan. NWHP, with the assistance of Sunny Bristol and other supporters, spearheaded the movement for National Women's History Week leading to the designation of March as National Women's History Month in 1987.

Today, the group is known nationally as the only clearinghouse for information and training in multicultural women's history for educators, community organizations, and individuals wanting to expand their understanding of women's contributions to our Nation. The NWHP is in the forefront of national campaigns that call attention to women's achievements and has been recognized by a wide-range of organizations and commissions.

Molly's passion for women's history was first stoked in 1972 when she proposed teaching a semester class on the topic at a high school. A colleague commented that the whole class should take about an hour "because what have women ever done, anyway?" Molly did teach the well-received semester class then enrolled in the history graduate program at Sonoma State University where she created a multimedia slide show, "We, the Women," which was shown throughout California to enthusiastic reception by women and men.

As president of NWHP, Molly has worked with national women's organizations to build coalitions, develop programs, and encourage them to celebrate their own histories. She and her colleagues Mary Ruthsdotter, Maria Cuevas, Bonnie Eisenberg and Susanne Otteman have also worked with specialists around the country to integrate a women's perspective into the school curriculum. The NWHP has received funding for this outreach from the U.S. Department of Education and been recognized by the National Education Association, the National Association for Multicultural Education, and the Center for Women Policy Studies.

Molly has been honored by numerous groups including the California Commission on the Status of Women, the Sonoma County NAACP, and the Giraffe foundation (for "sticking her neck out). In 1999 she was chosen as one of three appointments from the White House to the Women's Progress Commission.

Mr. Speaker, as a long-time resident of Sonoma County, it has been my pleasure to work with Molly Murphy MacGregor and the National Women's History Project to promote understanding and appreciation of the role of women in our culture. Their vision has helped create a legacy that everyone in this country can honor and appreciate.

WELCOME TO THE WORLD, KEEGAN RILEY SHAW

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Mr. SHAW. Mr. Speaker, today, my wife Emilie and I are celebrating the arrival of our 15th grandchild—Keegan Riley Shaw. This morning at 7:51 a.m., 2 days before St. Patrick's Day, our son and daughter-in-law, J.C. and Angela Shaw, gave birth to this 7-pound, 10-ounce baby boy.

There is a special bond between grandparents and grandchildren. We are truly blessed.

HONORING THE CONTRIBUTIONS OF BEXAR COUNTY CONSTABLE JIMMY WILLBORN

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize Constable Jimmy Willborn for his exceptional career in law enforcement.

Jimmy Willborn has served in law enforcement for more than 40 years. He holds a Master Peace Officers License, and for 31 years, he worked to keep his fellow citizens safe as a member of the San Antonio Police Department.

During his career, he has been a consistent advocate for better law enforcement. He is the founder of the Blue Santa program, and the former director of the Texas Narcotics Control Program. He helped to build connections with other law enforcement agencies as the secretary/treasurer of CLEAT, the Combined Law Enforcement Associations of Texas. He put his expertise to work as a developer of the National and State Control Policy for Drug and Violent Crimes, in 1994 and 1995.

Jimmy Willborn currently serves as Constable for Precinct 2 of Bexar County, Texas. He also works as a lobbyist for the South West Texas Constable's and Justice of the Peace Association, attempting to help legislators craft bills that will strengthen the Texas Law enforcement community. He is currently lobbying in support of bills that will help to keep Texas' children safe by creating reduced-speed school zones around high schools.

Mr. Speaker, Constable Jimmy Willborn is a dedicated guardian for the people of Bexar County, and his community is safer and stronger as a result of his presence. I am proud to have the opportunity to recognize his service.

CONGRATULATING RON D'ELISEO ON BEING HONORED AS PERSON OF THE YEAR

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Ron D'Eliseo, who was recognized at a reception on February 20, 2005 at the Grammercy Ballroom in Pittston. The Sunday Dispatch chose Ron D'Eliseo as the Greater Pittston Person of the Year for 2004.

Ron D'Eliseo and his wife Brenda have three children, Robert, Ronnie and Christen. Robert, who will be 9 years old in July, has autism. Ron chose to channel his heartache into finding a way to help others. He decided to raise money for autism awareness and research, organizing a motorcycle benefit cruise called the Ride for Robert. The benefit has Robert riding with Ron on his American Iron Horse Texas Chopper or his old Harley Davidson.

The Earthly Angels Autism Fund of the Luzerne Foundation is a result of the Ride for Robert. The Ride, now in its sixth year, has helped raise more than $40,000. Ron's efforts have helped parents of autistic children understand this devastating illness. He established and maintains a library at Milestone's in Wyoming.

Through Earthly Angels, Ron has helped sponsor autistic children learn to ride horses at a summer camp, a swimming program at the Greater Pittston YMCA and a music therapy program at St. Joseph's Center in Scranton. More recently, Earthly Angels made a donation to the family of an autistic boy from Williamsport, Pennsylvania, who died from cold weather exposure when he wandered away from home.

Ron is planning an autism conference and dinner in 2006. Ron also is active in his church, Our Lady of Mount Carmel in Pittston.

Ron D'Eliseo is an everyday hero who took his pain and used it to help others. A humble man, I know that Ron does not take credit for what he has done. Instead, he praises his family and friends, people who have supported his cause, and perhaps most of all, Robert.

Mr. Speaker, please join me in congratulating this father who has given so much of himself.

THE RADIOPROTECTANT PROCUREMENT ACT OF 2005

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Mr. ISSA. Mr. Speaker, I rise today to introduce the Radioprotectant Procurement Act of 2005. This bill directs the Departments of Health and Human Services and Homeland Security to review all potentially viable radiation countermeasures and to move toward procurement of those which the government deems safe and effective against a nuclear or radiological attack.

The threat of a radiological or nuclear attack is one of the gravest faced by the United States. The results of such an attack could be catastrophic, causing death, widespread radiation sickness, economic hardship and at the very least, tremendous strain on public health resources. These effects could be mitigated if the proper radiation countermeasures are rapidly administered.

Currently, the medical options for responding to acute radiation exposure are very limited. Decontamination of individuals through showering and changing clothes is currently the main tool we have to "treat" large numbers of actual or suspected casualties. But this does little to prevent or mitigate the radiation sickness caused by initial radiation exposure or radioactive fallout.

The good news is that there are a number of drugs and other medical countermeasures that have the potential to counteract the health effects of radiation exposure. The Armed Forces Radiobiology Research Institute is now testing at least one product that might actually slow or stop the destruction of bone marrow caused by radiation and resulting diminution of the body's immune system—a leading cause of sickness and death from irradiation. Unfortunately, no such radioprotectants are stockpiled in amounts adequate enough to be effective against large-scale nuclear or radiological attacks.

In 2004, President George W. Bush signed into law the Project Bioshield Act of 2004, authorizing the Secretary of Health and Human Services to conduct and support research and development of effective countermeasures. The Radioprotectant Procurement Act seeks to accelerate these efforts, as every day that passes without progress in obtaining a needed countermeasure is another day that we remain vulnerable against that threat.

If we can give people a drug that will keep them alive and healthy after being exposed to high levels of radiation, then I think we should do everything we reasonably can to get that drug purchased and distributed as quickly as possible.

The bill I am introducing today calls upon the Federal Government to do just that, and to move as expeditiously as possible in this regard. I look forward to continuing to work with the administration and my colleagues in this body to make sure that these new and innovative medical countermeasures continue to be responsibly but quickly developed, tested, and stockpiled. The American people deserve nothing less.

Thank you, Mr. Speaker, and I ask my colleagues to join me in cosponsoring and enacting this important bill.

INTERNATIONAL DAY OF ACTION AGAINST THE CANADIAN SEAL HUNT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Mr. MORAN of Virginia. Mr. Speaker, I join many of my colleagues and 8.5 million members of the Humane Society of the United States in designating March 15 as the International Day of Action Against the Canadian Seal Hunt. Across the world in 50 cities, citizens will be coming together at Canadian Embassies and Consulates to call for an end to the horrific slaughter of harp and hooded seals.

The Canadian seal hunt season runs from November 15 to May 15 and occurs off the coasts of Newfoundland and Labrador. Anyone with a commercial sealing license or provincial hunting license can take part in the seal hunt.

The Canadian Government has authorized the killing of over 300,000 seals this year alone, and 975,000 from 2003–2005. They have also helped to pay for this hunt with $20 million in subsidies provided to the sealing industry between 1995 and 2001. While there are quotas in place, they are not enforced by the government. According to the Humane Society of the United States the number of seals killed in 2002 surpassed the quota by more than 37,000 seals, and in 2004, by nearly 16,000. These numbers do not take into account the number of seals who were wounded and perished later.

While this season's seal hunt opened on November 15, 2004, the bulk of the killings will begin taking place in the next few weeks as new seal pups are born. These new seal pups are called "beaters" by the hunters. While hunters do kill adult seals, an estimated 95 percent of those killed are 12 days to 12 months old. These seals, who are either clubbed or shot to death, are killed primarily for their skins.

In 1991, an independent team of veterinarians found that the seal hunt did not adhere to Canada's animal welfare regulations. Most disturbing of their findings is that 42 percent of the seals they studied had likely been skinned alive while conscious. This high percentage of live skinnings alone is a disturbing number, but combined with the other details of the seal hunt it is clear that it is time for an end to this practice.

The Canadian fishing industry claims that the seal hunt needs to continue because they eat too many cod and adversely impact the fish population. However, two Canadian Government marine scientists have stated clearly that the true cause of cod depletion was over fishing. They also noted that, "the consensus among the international community is that seals are not responsible for the collapse in cod stocks."

The Canadian Department of Fisheries and Oceans Minister hailed the seal hunt by saying it will harvest "a valuable natural resource." Harp and hooded seals are not a natural resource, but animals that should not have to endure the suffering inflicted through the government authorized seal hunt.

I join with not only the Humane Society of the United States, but also with Greenpeace, Nova Scotia Humane Society and the World Society for the Protection of Animals, among many other organizations, in calling for the Canadian Government to end this barbaric and inhumane practice.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Mr. BECERRA. Mr. Speaker, on Monday, March 14, 2005, I was unable to cast my floor vote on rollcall Nos. 66, 67, and 68. The votes I missed include rollcall No. 66 on motion to suspend the rules and agree to H. Res. 135, providing for the establishment of a commission in the House of Representatives to assist parliaments in emerging democracies; rollcall No. 67 on the motion to suspend the rules and agree to H. Res. 101, urging the European Union to add Hezbollah to the European Union's wide-ranging list of terrorist organizations; and on the motion to suspend the rules and agree to S. 384, to extend the existence of the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group for two years.

Had I been present for the votes, I would have voted "aye" on rollcall votes 66, 67, and 68.

HONORING THE CONTRIBUTIONS OF TEXAS STATE REPRESENTATIVE ROBERT PUENTE

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize Robert Puente for his distinguished career in public service.

Robert Puente is currently serving his eighth term in the Texas Legislature. He is Chair of the House Natural Resources Committee and serves on the Local Ways and Means Committee. Mr. Puente is especially involved in ensuring that Texas always has an adequate water supply; he is cochair of the Study Commission for Water on Environmental Flows, and is a member of the Texas Water Advisory Council.

Mr. Puente is a proud product of the Texas higher educational system. He graduated from St. Mary's University in San Antonio with a bachelor's degree in political science, and he received his doctorate in jurisprudence from the University of Texas Law School in 1982.

Included among Mr. Puente's many legislative accomplishments are his work on the passage of the Edwards Aquifer Authority legislation and the establishment of the Aquifer Authority's elected board, and his support for SB1, which implemented a comprehensive water plan for the state.

Representative Puente continues to live in San Antonio with his wife, Carmen Puente, and his three children. In addition to his legislative activities, he finds the time to participate in a number of different community organizations.

Mr. Speaker, Representative Robert Puente's farsighted legislative work has helped secure the future of San Antonio and our great state of Texas, and I am proud to have the opportunity to recognize him here.

PERSONAL EXPLANATION

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Mr. MENENDEZ. Mr. Speaker, I was absent from votes in the House on Monday, March 14, due to a previous and unavoidable commitment. Therefore, I was unable to vote on H. Res. 135 (rollcall No. 66), H. Res. 101 (rollcall No. 67), and S. 384 (rollcall No. 68). Had I been present, I would have voted "aye" on all three measures considered before the House.

TRIBUTE TO WING KAI FAT

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Mr. HONDA. Mr. Speaker, I rise today to pay my respects to an old friend and a wonderful man, Wing Kai Fat. He passed away on

Friday, February 25 after a full, rich life, at the age of 79. We should all be so lucky as to have the many close friends and the large and loving family that he did.

Wing Fat was born in Canton, China, in 1925. When he was 10 years old, along with his father he emigrated to America, settling in Sacramento. As a young adult, he served in the U.S. Air Force and graduated from Sacramento State University. For 66 years, Wing Fat worked in "Frank Fat's," his legendary father's restaurant, until his retirement just a few years ago. Before his retirement, the very successful Fat family restaurant business grew to include 10 restaurants.

Wing Fat and "Frank Fat's" were mainstays in the Sacramento political and cultural communities. A well-known location for political deal-making, the restaurant was renowned as much for Wing Fat's personality as it was for the great food. Wing Fat was a truly warm man, whose affectionate laugh and inviting presence always made those around him feel welcome and comfortable. Although he had much to boast, he was remembered as "one of the humblest men you could ever meet." His warmth and humility were matched only by his tact; his motto was "You listen, but you never tell." When he passed away he took decades of private politic information with him, gleaned from years of being a trusted host to the Sacramento political community. It is no surprise that Wing Fat became such a successful restaurateur and that his business became a trusted venue for those involved in Sacramento politics.

Mr. Fat generously shared his successes with his friends and his community. In addition to the counsel he offered countless mayors and council members, Mr. Fat founded a number of local cultural and civic organizations that will contribute to the Sacramento area for years to come. In November 2004, Mr. Fat culminated his truly generous philanthropic career with a $1 million donation to the Sacramento Asian Sports Foundation to build a new sports center in Laguna.

Mr. Speaker, Sacramento has lost a civic treasure and a wonderful man. Although it will never be the same without Wing Fat, he leaves behind a wonderful family, friends whose lives he touched, restaurants that continue to provide a warm place for people to gather, and charitable work and donations that will enrich Sacramento for years to come. I am honored to have an opportunity here to say not only "goodbye" to Mr. Fat, but also to say "thank you."

RECOGNIZING BENNETT COLLEGE ON THE OCCASION OF PRESIDENT JOHNNETTA B. COLE'S APPEARANCE BEFORE THE TIDEWATER ALUMNAE CHAPTER, MARCH 18–19, 2005

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Mr. FORBES. Mr. Speaker, I rise today in recognition of Bennett College and its president, Dr. Johnnetta B. Cole, on the occasion of her appearance before the Tidewater Alumnae Chapter for its annual White Breakfast on March 19, 2005.

Bennett College is an historically black college and university founded in 1873 in Greensboro, North Carolina, through the inspiration of newly emancipated slaves. Instruction was first held in the basement of St. Mathew's United Methodist Church until the Freedmen's Aid and Southern Education Society of the Methodist Episcopal Church assumed responsibility for support of the school in 1874. Through a $10,000 gift from philanthropist Lyman Bennett the school was able to prosper and grow, and the school was renamed in his honor. In 1926, the school was reorganized as a college for women, a role that it continues to serve today. In 1989, Bennett College had the distinction of having First Lady Barbara Bush as its commencement speaker.

For over 130 years, Bennett College has served the needs of the African American community in North Carolina and its surrounding area. Since 1930, Bennett College has graduated over 5,000 women, many serving in the education profession. My home city of Chesapeake, Virginia, has been particularly reliant on the service of Bennett College alumnae as career teachers in the Chesapeake Public School System. I am grateful to Bennett College for this contribution to my congressional district.

In 2002, the esteemed Dr. Johnnetta B. Cole became the 14th president of Bennett College. Her career as a college university professor and administrator spans over three decades. In 1987, she made history as the first African American woman to serve as president of Spelman College. In 2004, she made history again as the first African American woman to serve as chair of the board of the United Way of America. I am proud to have her visit my district and applaud the Tidewater Alumnae Chapter of Bennett College for bringing her to Virginia on the occasion of their annual White Breakfast.

The Tidewater Alumnae Chapter has distinguished itself in southeastern Virginia through its contribution to the community. Among their members are many present and former teachers of the Chesapeake Public School System. Their professional contribution to my district is significant, and I thank them for their accomplishments on the occasion of their annual White Breakfast.

Mr. Speaker, please join me in honoring Bennett College, Dr. Johnnetta B. Cole, and the Tidewater Alumnae Chapter of Bennett College for their record of service and contribution to our Nation and to my district. It is truly my honor and privilege to recognize Bennett College, Dr. Cole and the Tidewater Alumnae Chapter in the United States House of Representatives on this day.

HONORING THE CONTRIBUTIONS OF STATE SENATOR KEN ARMBRISTER

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many accomplishments of Texas State Senator Ken Armbrister, of my Congressional District.

Ken Armbrister began his public service career in law enforcement. After graduating from Sam Houston State University, he attended the FBI National Academy. He served as a police officer for 14 years, and rose to the rank of captain and director of the Victoria Regional Police Academy. He was honored with the Defender of the Peace award by the Sam Houston State University College of Criminal Justice, and was twice named a Top Ten Crime Fighter by the Greater Dallas Crime Commission.

Mr. Armbrister was elected to the Texas House of Representatives in 1983, and to the Texas Senate in 1987. He served as President Pro Tempore, as acting Governor, and was honored as one of the best legislators in Texas. He currently serves on the Senate Committees on Business and Commerce, Government Organization, and State Affairs, and is chairman of the Senate Committee on Natural Resources. He continues to work at the forefront of critical legislation, and authored the landmark legislation that established the Edwards Aquifer Authority that provided for the water needs of a 26 county area of south Texas.

Ken Armbrister repaid the trust of the people of Texas with a lifetime of dedicated and effective public service. He is an inspiration to the people of the community, of what and show's man's commitment and energy can accomplish.

Mr. Speaker, I am pleased to have the opportunity to recognize State Senator Ken Armbrister.

RECOGNIZING NEW JERSEY LAW ENFORCEMENT OFFICERS ASSOCIATION

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today to recognize the New Jersey State Law Enforcement Officers Association. Since 1938, the New Jersey Law Enforcement Officers Association and its members have worked to keep New Jersey safe from criminals and have sought to recognize those officers who go above and beyond the call of duty.

Our law enforcement officers risk their lives daily by placing the safety of others before themselves. We must never forget the sacrifice of our fallen officers who have given all to protect our families and communities.

Our local law enforcement officers are now a part of the front line in the battle to keep

America safe from terrorist threats and on a daily basis confront the specter of further attacks. We must recognize the crucial role our local law enforcement plays in the war on terror and provide them the support they need to keep us safe.

The New Jersey State Law Enforcement Officers Association, in recognition of the importance of coordinating law enforcement, numbers Federal, State, county and municipal law enforcement agents in its membership. By working together professionally and with the association, our law enforcement officers can easily share information about criminal threats.

Our thoughts and prayers are with our law enforcement officers and with their families. We owe a great debt to those who work to keep us safe and it is only fitting that Congress recognize the work of these guardians of peace.

LEGISLATION CONDEMNING RELIGIOUS PERSECUTION AND INTOLERANCE IN INDIA

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Mr. CONYERS. Mr. Speaker, I rise today to introduce this Resolution to condemn the alleged statements and actions of complacency by the government authorities in Gujarat, led by Chief Minister Narendra Modi, in the face of the religious persecution of the Gujarati people.

In February of 2002, India experienced its greatest human rights crisis in a decade: orchestrated violence against Muslims in the state of Gujarat that claimed at least 2,000 lives in a matter of days. Three years after that horrific incident, Narendra Modi, the Chief Minister of Gujarat has been indicted by various Indian and International human rights organizations for lending his hand to the violence.

Mr. Modi himself has not been shy about proudly professing his anti-Christian, anti-Muslim, and anti-tribal stances. He has repeatedly dehumanized the Muslim population of his state by accusing them of treachery; he has actively sought to interfere in the practice of the Christian faith in Gujarat, and he has caused wide-scale displacement of indigenous populations in the state in the face of stiff popular resistance. I find Mr. Modi's actions to be of the most reprehensible sort.

In an article in the Hindu Times on March 2, 2005, former Indian President K.R. Narayanan stated that "there was a 'conspiracy' between the BJP governments at the Centre and the state behind the 2002 Gujarat riots . . .". Further, a number of Indian human rights organizations, international human rights organizations, and a former Supreme Court Justice all recognize Chief Minister Modi's complicity in the violence.

He has attacked Muslims and Christians with vile venom, and according to both India's highest court and many international human rights groups, has condoned terrible, violent religious hate crimes, all the while, shielding those said to have committed them. In fact, in a scathing indictment of Mr. Modi, the Supreme Court of India referred to the Chief Minister and his government as "the modern day Neros." Moreover, in a recent unprecedented order, the Supreme Court of India ordered the reopening of all the criminal cases that Mr. Modi has closed, regarding over 2,000 police cases in which the non-Hindu victims filed reports of rapes, killings, and destruction of their property.

Such actions by high ranking government officials of any religion are unacceptable and must not be tolerated.

I urge my colleagues to join me in condemning religious intolerance and promoting religious freedom, so that others may see what our great democracy stands for.

HONORING THE CONTRIBUTIONS OF TEXAS REPRESENTATIVE CARLOS URESTI

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Mr. CUELLAR. Mr. Speaker rise to recognize State Representative Carlos I. Uresti for a lifetime of distinguished public service.

Representative Uresti is a native of San Antonio, and a graduate of McCollum High School. He continued his education by earning a bachelor of arts degree in political science and a teacher's certificate from Saint Mary's University. After graduation he served 4 years in the United States Marine Corps, where he was awarded the Naval Achievement Medal. When his service to the Marines was over he returned to San Antonio and enrolled at Saint Mary's school of Law, where he received his law degree in 1992. He is currently is a partner at the law offices of Gonzales Hoblit & Ferguson.

In June 1997 Carlos Uresti was elected to the Texas House of Representatives. He honorably serves as chairman of the Committee of Human Services, and as a member on the Committee on Elections and Select Committee on Healthcare Expenditures. As a former marine, he is proud to serve as a member of the Texas House Veterans Coalition and the United States Marine Corps League.

During his time in office, Representative Carlos Uresti fought to prevent child abuse and neglect. He was instrumental in the creation of Bexar County's Blue Ribbon Task Force, a coalition that brings community members together to fight the cause against child abuse, and is a member of numerous organizations that help educate our youth.

Mr. Speaker, Representative Carlos I. Uresti is a credit to his community and I am honored to have had this opportunity to recognize the many achievements of this great public servant.

THANKING MARY D. WATTS FOR HER SERVICE TO THE HOUSE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Mr. NEY. Mr. Speaker, on the occasion of her retirement in April 2005, we rise to thank Ms. Mary D. Watts for 26 years of distinguished service to the United States House of Representatives.

Mary began serving the United States House of Representatives in 1979 as a Technical Support Specialist working at House Information Systems. Milestones during her career at the House include conducting the first evaluations for office fax machines in 1980 and Personal Computers in 1984. She was instrumental in establishing training and support for House staff to make use of the new technologies associated with desktop computers.

As the Division Manager for the Customer Services Group, Mary managed the House computer helpdesk staff, Field Service Technicians and System Integrators providing technical support, and consulting services to every Member, Committee and Leadership office of the House.

Managing the day-to-day operations of the Technical Support Branch, Mary is responsible for information technology solutions and support services for 12,000 personal computers and over 4,000 BlackBerry wireless devices in Washington, DC, and more than 950 district offices across this country.

Mary's contributions while serving the United States House of Representatives have been significant. Her passionate customer service, organizational knowledge, and personnel management skills earned her the reputation among her colleagues and customers as a person with a calm demeanor and respect for everyone.

On behalf of the entire House community, we extend congratulations to Mary for her many years of dedication and outstanding contributions to the U.S. House of Representatives. We wish Mary many wonderful years in fulfilling her retirement dreams.

SMALL COMMUNITY OPTIONS FOR REGULATORY EQUITY ACT

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Mr. OTTER. Mr. Speaker, I rise today to introduce the Small Community Options for Regulatory Equity Act. Rural communities across my state and elsewhere are being unfairly burdened by Environmental Protection Agency regulations that have questionable benefit.

While we all want to ensure a clean, safe drinking water supply for our communities, we must remember that fiscal restraints sometimes require tradeoffs and accommodations. Many small communities believe that EPA regulations will do more harm than good by wasting limited public health funds complying with standards that do little to advance the interests of public health.

For those of you who may have forgotten the arsenic debate of just a few years ago, let me refresh your memory. The Safe Drinking Water Act was used in the past to clean up pollution caused by previous business practices. Now the EPA is using the act to clean up Mother Nature herself. Arsenic is a naturally occurring component in the soil and water of many Western states, including Idaho. Using questionable science, the EPA has committed to ensuring all domestic water systems meet the arbitrary 10 parts-per-billion standard for arsenic—no matter how small those systems are. This is down from the 50 parts-per-billion standard set in 1975.

When the Safe Drinking Water Act was passed, Congress provided flexibility for EPA to determine whether it is economically or technologically feasible to obtain a certain level of reduced contamination. Essentially, the act states that if it's too expensive, smaller systems simply need to get as close to the standard as they reasonably can. Unfortunately EPA has decided not to use that flexibility. EPA has determined that paying $1,000 per year per user for the smaller water systems to meet the arsenic standard is affordable.

We know that many of our rural communities have low-income residents who make difficult decisions each month. They must choose which bills to pay and which to put off. These folks aren't worried about the cable bill; they're worried about being able to cover their heat, food, power and even prescription drug costs every month. And when faced with those choices, they'll choose to pay their water bill first. But the EPA—in its infinite wisdom—has decided to place a higher priority on marginal reductions in arsenic level than such basic needs as food and shelter.

That is unacceptable, which is why I am introducing legislation today to allow small and rural communities, those under 10,000 in population, to choose whether they want EPA to enforce regulations on naturally occurring contaminants. If the eligible community determines it is too costly to comply with the rule, it can request an exemption from the regulation, which EPA must grant.

No one is talking about removing all the arsenic from the water. We are talking about removing parts per billion, which is removing a very small amount of something that is barely even there. There is no bright line of concentration at the parts-per-billion level beyond which arsenic becomes unsafe. EPA views 9.9 parts-per-billion as safe and 10.1 as unsafe, despite the fact that there is little health difference between such small differences. EPA can't determine how much arsenic ingestion above the federal standard is harmful. While EPA has said that arsenic concentrations above its standard don't necessarily present an unreasonable risk to health, concentrations above 10 parts-per-billion do create a significant financial burden for small communities.

This mandate doesn't consider the unintended consequences and it can't balance competing local priorities. Local communities are in the best position to determine where their scarce resources need to go. EPA is not going to the communities and suggesting ways they can comply or technology they can use. Rather than being a good partner, EPA is once again just an enforcer, and is waiting until 2006 to impose fines on communities that are not in compliance. Such one-size-fits-all government "solutions" do nothing to make the water cleaner. They only provoke bitterness and stifle cooperation.

One small community in Idaho already has had to lay off its only police officer in order to afford studies and other requirements related to complying with the arsenic regulation. Now we are asking people to choose between real public safety and a theoretical health benefit. Further compounding the problem for this rural community, the EPA recently denied its request for a compliance extension, as provided for in the agency's own regulation. Community leaders know they can't comply by 2006 and are trying to do the right thing—but EPA refuses to help them.

We are supposed to have a democratic process here in the United States. In this case, the EPA is overriding the will of local citizens. I believe it's time to put the power back into the hands of those most impacted to determine what truly is best for them.

I remain concerned that this regulation will have very adverse economic impacts on thousands of rural communities across the nation, without addressing legitimate human health concerns. Since there is no economically feasible way for small communities to meet this standard and the standard may result in no health benefits, I support allowing each eligible rural community to decide whether to comply. I encourage you to join me in cosponsoring the Small Community Options for Regulatory Equity Act.

HONORING THE CONTRIBUTIONS OF STATE REPRESENTATIVE EDMUND KUEMPEL

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize Texas State Representative Edmund Kuempel of my congressional district for his exceptional career in public service.

Mr. Kuempel was born and raised in Austin, Texas, and received his bachelor of arts in business from Texas Lutheran College in Seguin. He was first elected to the Texas State Legislature in 1983, and is currently the chairman of the House Administration Committee.

He has received numerous awards for his legislative work, including the Man of the Year Award from the Texas County Agricultural Agents Association, the Career Achievement Award from the Texas Chamber of Commerce, the Leader of Excellence Award from the Free Market Committee, and the Texas Chamber of Commerce Legislative Leadership Award.

Edmund Kuempel continues to serve the people of Wilson, Gonzales, and Guadalupe Counties with his hard work and dedication. He is a credit to the Texas State Legislature, and his dedication to his state and country are admirable.

Mr. Speaker, I am honored to have the opportunity to recognize the many achievements of State Representative Edmund Kuempel.

PERSONAL EXPLANATION

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Ms. WATSON. Mr. Speaker, I ask unanimous consent that on rollcall vote No. 67, I would like the record to reflect that I inadvertently voted "nay." I would like the record to reflect that I intended to vote "yea."

HONORING THE CONTRIBUTIONS OF TEXAS STATE REPRESENTATIVE RYAN GUILLEN

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize Representative Ryan Guillen for his commitment to building a better future for South Texas.

Ryan Guillen is a native of Starr County, with deep roots in the Texas business community. Before entering public service, he worked as a commodities trader, a rancher, a teacher, and an independent small businessman. This experience helped to shape his priorities: in the legislature, he acted to help teachers, firefighters and policemen with low interest loans, authored a bill to lower taxes for the disabled and elderly, and passed legislation to reform government in his county.

Representative Guillen was elected to the Texas House in November 2002, and quickly distinguished himself. He was named Freshman Legislator of the Year by the Freshman Democratic Caucus of the Texas House of Representatives, and passed more bills than any other member of the first-term Democratic class. He is the only Democrat appointed to the Legislative Council Board, a powerful committee which oversees the internal operations of the Texas Legislature.

He has been especially committed to the issue of education. He fought to restore cuts to teacher insurance, authored a bill to increase school district funding in Texas by $1.2 billion, and worked to protect the rights of all Texas children to an equal, high quality education.

Mr. Speaker, Representative Guillen has distinguished himself as a passionate and effective legislator, and he has a bright future ahead of him. I am proud to have the chance to recognize his work.

CONGRATULATING THE ST. JOSEPH HIGH SCHOOL INDIANS ON THEIR INDIANA CLASS 3A GIRLS STATE BASKETBALL CHAMPIONSHIP

HON. CHRIS CHOCOLA

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Mr. CHOCOLA. Mr. Speaker, I rise today to congratulate the South Bend St. Joseph's High School Indians on their Indiana High School Athletic Association Girls Basketball Class 3A state championship.

For the second time in 3 years, the St. Joe Indians' girls basketball team found themselves at the Conseco Fieldhouse in Indianapolis, Indiana for the state championship game. As the final game horn sounded on Saturday March 5, 2005, the Indians won by a score of 70–57 defeating Corydon Central High School.

Over 9,000 fans witnessed a 24–10 run in the fourth quarter allowing the Indians to bring home St. Joseph County's first state championship in girls basketball. This victory capped off a 25–1 record for the season.

I would like to acknowledge Head Coach Mike Megyese and Assistant Coaches Lou Megyese, Dan Applegate, Clem Litka and Brad Dunlap on an extraordinary season.

As their many fans know, this team has been led by an outstanding group of seniors who have taken St. Joseph's to an incredible 83–18 record during their 4 years.

On behalf of the citizens of Indiana's Second Congressional District, I would like to congratulate South Bend's newest champions including seniors Aimee Litka, Corey Jo Keim, Katie St. Clair, Erin Newsom; juniors Melissa Lechlitner, Ashley Miller, Becky Newsom; sophomores Sydney Smallbone, Kristen Dockery; and freshmen DeBorah Wilson and Cary Werntz.

Student Managers Sarah Pendl, Katie Dunlap, Christie Nurkowski, Courtney Szymanski, Gary Paczesny and Erin Rempala also deserve a special congratulation for their contributions to the team.

Mr. Speaker, I know that everyone in St. Joseph County including the Diocese of Fort Wayne—South Bend Superintendent Michelle Hittie, the St. Joseph High School staff including Principal Daniel Swygart, Athletic Director Frank Pomarico, Assistant Athletic Director Kristi Beechy, and all of the St. Joseph Indians' parents and fans are extremely proud of the accomplishment these young women have achieved.

Again, I would like to congratulate the Indians of St. Joseph High School on winning the county's first ever girls state basketball championship.

CIVIC PARTICIPATION AND REHABILITATION ACT OF 2005

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Mr. CONYERS. Mr. Speaker, today I rise to introduce the Civic Participation and Rehabilitation Act of 2005, legislation that will provide persons who have been released from incarceration the right to vote in Federal elections.

With just two States, Maine and Vermont, placing no restrictions on the voting rights of offenders or ex-offenders, the United States may have the most restrictive disenfranchisement policy in the world. Such prohibitions on the right to vote undermine both the voting system and the fundamental rights of ex-offenders. This legislation will serve to clarify and expand voting rights, as well as assist former felons with their reintegration into our democracy.

This past November it was estimated that approximately 2.3 percent of the voting age population, about 5 million people, were prohibited from voting because of state felon disenfranchisement laws. While it is undeniable that this group of disqualified voters was large enough to influence the outcome of close elections, partisan concerns obscure the fact that our varied, State-by-State approaches to ex-offender voting rights leads to confusion and disenfranchisement of legitimate voters under these existing laws. In the past two election cycles, flawed voter purges have deprived legitimate voters of their rights. Moreover, in Ohio, an erroneous interpretation of state law by the Secretary of State deprived thousands of ex-felons of even the right to register. Only Federal law can conclusively resolve the ambiguities in this area plaguing our voting system.

In addition to tainting this country's fundamental principle of the right to vote, denying voting rights to ex-offenders denies them of the opportunity to fully participate and contribute to their society. Disenfranchisement laws isolate and alienate ex-offenders, and serve as one more obstacle in their attempt to successfully reintegrate into society. Restricting voting rights, a critical tool of self-empowerment, can only lead to higher rates of recidivism, community apathy, and other social ills. We fail not just ex-offenders by denying them the right to vote, but the rest of a society that has struggled throughout its history to be legitimate and inclusive. Just like poll taxes and literacy tests prevented an entire class of citizens, namely African Americans, from integrating into society after centuries of slavery, felon disenfranchisement laws prevent ex-offenders from reintegrating into society after retribution.

Statistics on felon disenfranchisement indicate that congressional action is clearly warranted. The Sentencing Project estimates that 4.7 million Americans, or 1 in 43 adults, have currently or permanently lost the right to vote as a result of a felony conviction. 1.4 million or 13 percent of African American men are disenfranchised, a rate seven times the national average. Given current rates of incarceration, 3 in 10 of the next generation of African American men can expect to be disenfranchised at some point in their lifetime. An estimated 676,730 women are currently ineligible to vote as a result of a felony conviction. These statistics have prompted state responses. Most recently, Alabama, Nevada, Wyoming, and Connecticut, have adopted legislation that expands voting rights for ex-felons. We must now act at the Federal level.

HONORING THE CONTRIBUTIONS OF TEXAS STATE REPRESENTATIVE RUTH McCLENDON

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize Representative Ruth Jones McClendon for her dedicated service to the people of Texas.

Ruth McClendon has been a tremendous advocate for public safety and public health in the State of Texas. She is the creator of the Neighborhood Cellular on Patrol program, which has won acclaim from President George W. Bush for its effectiveness in reducing crime. She founded the Community Crime Prevention Network to fight neighborhood crime, sponsored legislation to support community policing and increase penalties for church burnings, and hosted a seminar with constituents to help them respond to gang activity.

While in the legislature, Representative McClendon passed two children's asthma bills, for which she received the American Lung Association of Texas Public Policy Award for 2001. She created a medical academy to prepare medical students to practice in inner city neighborhoods, and worked to pass a bill to dedicate $400 million for a pediatric cancer center in San Antonio.

Her legislative activity has brought her numerous awards, including listings in the World's Who's Who of Women and Who's Who in Texas. She is a graduate of Texas Southern University, and holds an honorary doctorate from Guadalupe College Theological Seminary. She was the first African-American woman elected to the San Antonio City Council, and was named a 2003 Headliner by the San Antonio Chapter of Women in Communications.

Mr. Speaker, Ruth Jones McClendon has been a tireless and effective public servant, and a role model and guardian for her community. She deserves our gratitude, and I am pleased to have this opportunity to recognize her for her work.

SOUTH PARK HIGH SCHOOL

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to call your attention to the great South Park High School in Buffalo, New York, which this year is celebrating 90 years of excellence in educating western New York's young people.

Ninety-one years ago this week, on St. Patrick's Day, the people of South Buffalo broke ground at 150 Southside Parkway for the construction of what would become city of Buffalo Public School Number 206.

That same year, on June 1, the cornerstone was placed at PS 206, also known as South Park High School, marking the institution as the fifth public high school built in the city of Buffalo.

On September 7, 1915, the doors of South Park opened; welcoming 680 students and 32 faculty members.

Home of the Sparks, the South Park faithful proudly display their school spirit through the black and red tradition.

Over the last nine decades the teachers and administrators at South Park have motivated, nurtured and educated thousands of Buffalo's youth, preparing each for the road ahead and providing all with the tools necessary to pursue a limitless future.

I am proud to call myself an alumnus of South Park and grateful for the wealth of knowledge and values I have obtained through my experiences at the school.

Today, Mr. Speaker, I thank you for the opportunity to commemorate the 90th anniversary of Buffalo's South Park High School and wish the institution continued success in installing pride and excellence in western New York young people for decades to come.

CONGRATULATING BETTY MILLER ON RECEIVING THE JOSEPH F. SAPORITO LIFETIME ACHIEVEMENT AWARD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Betty Miller, who was recognized at a reception held February 20, 2005, at the Grammercy Ballroom in Pittston. The Sunday Dispatch has chosen Betty Miller as the recipient of the Joseph F. Saporito Lifetime of Service Award.

My good friend Betty Miller is a selfless woman who has devoted her life to making life better for others. Of all her accomplishments—and there are many—Betty is perhaps proudest of the Wyoming Monument Association. She is in her 47th year as president of this organization, and she was preceded by her mother-in-law. Sarah Perkins Miller was president for 35 years.

The association has more than 350 members—all women—many of whom are direct descendents of those who died in the Wyoming Massacre of July 3, 1778. Betty's ancestors, William Reynolds and Elias Roberts, are listed on the monument among the victims of the Wyoming Massacre.

The first attempts to build a memorial date back to 1809. In the spring of 1841, the women of Luzerne County came together under the name Ladies Luzerne Monumental Association and raised the money for the monument. In 1860, the State of Pennsylvania gave the title to the land to the Wyoming Monument Association.

I was pleased to work with Betty in getting the Wyoming Monument rightfully listed on the National Register of Historic Places. Betty is proud of the Monument and proud of the role women have played in its history.

Betty became a member of the Daughters of the American Revolution 60 years ago. She has served as the First Vice President General of the national organization, making her the highest-ranked Pennsylvania member ever. Betty just stepped down after her second stint as chair of the Wyoming Valley Chapter.

Betty has served as state president of the General Federation of Women's Clubs in Pennsylvania, president of the Wyoming Woman's Club, and chair of the board of the Luzerne County Library System.

Betty has been actively involved with the Greater Pittston Salvation Army Advisory Board for 22 years and served as chair of the board on two occasions. During the latest Red Kettle Campaign, Betty—at the age of 88—rang a bell for the Salvation Army for 6 days in a row, from 9 in the morning to 5 in the evening.

In 1976, she was appointed to the Bicentennial Commission and participated in planning the Nation's observance of its 200th anniversary. She received a special commendation from the Governor for her role in the bicentennial.

Betty volunteers at the Veterans' Administration Hospital. Betty was presented with the Four Chaplains Legion of Honor Membership Award by the Chapel of the Four Chaplains in Philadelphia and later received the Humanitarian Award for "distinguished service to her fellow man."

Mr. Speaker, please join me in congratulating this fine lady who has given so much of herself. She is most deserving of accolades from The Sunday Dispatch.

REMEMBERING THE LIFE AND WORK OF SERBIAN PRIME MINISTER ZORAN DJINDJIC

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Mr. BURTON of Indiana. Mr. Speaker, on March 12, 2003, Serbia's Prime Minister Zoran Djindjic was brutally assassinated in broad day light on the streets of Belgrade, Serbia.

As Serbia's first democratically elected, noncommunist Prime Minister following the fall of Slobodan Milosevic, Zoran Djindjic brought to his office and the people of Serbia more than democracy and freedom—he brought with him the hopes and dreams of the Serbian people. Under the oppressive rule of tyrannical dictators and autocrats, the Serbian people were emotionally and physically battered and scarred by years of ethnic civil-war and bombings. Prime Minister Djindjic promised them a better future filled with peace and prosperity.

Along with other democratic allies, and antiwar protesters, Zoran Djindjic effectively protested and toppled the corrupt regime of Slobodan Milosevic through a steadfast, determined, yet peaceful process.

Along with his fellow reformers, Mr. Djindjic created the Democratic Party, and led it to a series of successful electoral victories, ultimately culminating in Mr. Djindjic's ascension to the post of Prime Minister of Serbia on January 25, 2001.

During his 2 years in office, Prime Minister Djindjic worked tirelessly to shed the image of a "backward" Serbia. Under his effective leadership, Prime Minister Djindjic systematically realigned Serbia with the Western ideals of democracy, reform, and capitalism.

Through a heroic and selfless act of courage, Prime Minister Djindjic arrested and extradited the man he helped remove from power, and sent Slobodan Milosevic, and his fellow fugitive war criminals to the International Criminal Tribunal for the Former Yugoslavia at The Hague (ICTY) where they were indicted and tried.

Prime Minister Djindjic went to great lengths to bring foreign investment and capital back into Serbia's economy by embracing free market concepts, thus laying the groundwork for Serbia's long-term fiscal security and prosperity.

In addition, Prime Minister Djindjic advanced Serbia's relationship with the Trans-Atlantic community. By centering Serbia's foreign policy initiatives, Prime Minister Djindjic has positioned Serbia to become a working and peaceful member of the European Union (EU) and the North Atlantic Treaty Organization (NATO).

Mr. Djindjic worked relentlessly to improve the lives of everyday Serbs through economic development, structural and political reform, and an open, and peaceful foreign policy.

Unfortunately for the people of Serbia, Mr. Djindjic's work was cut short by an assassin's bullet outside his office on March 12, 2003.

So, on this day, let the House of Representatives remember the life and work of Mr. Zoran Djindjic, Prime Minister of Serbia, and let us hope and pray for a better and more prosperous future for the people of Serbia, and the whole Balkan region.

PERSONAL EXPLANATION

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Mr. JONES of North Carolina. Mr. Speaker, on Thursday, March 10, 2005, I was unavoidably detained and could not cast a vote on final passage of H.R. 3—the Transportation Equity Act. Had I been here, I would have voted "yes."

HONORING THE CONTRIBUTIONS OF STATE SENATOR JEFF WENTWORTH

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize the many accomplishments of Texas State Senator Jeff Wentworth.

Senator Wentworth has deep roots in Texas. A fourth generation Texan, he graduated from Alamo Heights High School, went to college at Texas A&M, and received his law degree from Texas Tech University School of Law. He has been serving the public in many capacities for most of his adult life: his previous employment includes one year as a university system regent; 6 years as a county commissioner, 3 years as a congressional assistant, and 3 years as an Army counterintelligence officer.

He served five years in the Texas House of Representatives, and was first elected to the Texas Senate in 1992. He is currently the Senate President Pro Tempore, and chairman of the Senate Judiciary Committee. He chairs the Texas Legislative Tourism Caucus, and remains a practicing lawyer, with the firm of Loeffler Tuggey Pauerstein Rosenthal, LLP.

Senator Wentworth is now in his fifth term, and continues to work tirelessly for the more than 700,000 constituents in his district. Jeff Wentworth is a genuine American success story, and a tremendous advocate for the people of San Antonio and for all the people of Texas.

Mr. Speaker, I am honored to have this opportunity to recognize the many achievements of State Senator Jeff Wentworth.

A TRIBUTE TO ANNE L. BLUMENBERG

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Mr. CARDIN. Mr. Speaker, I rise today to pay special tribute to Anne L. Blumenberg, founder of the Community Law Center in Baltimore. Anne, who recently retired as the Law Center's long-time executive director, has been instrumental in developing legal strategies to empower neighborhoods and communities.

Anne is a remarkable women who has dedicated her life to improving our community. Over the years, she has performed groundbreaking work in the areas of low-income housing acquisition, community-based planning, coalition building and community advocacy. Through her efforts, the Community Law Center has become a leading advocacy organization for community and economic development in distressed neighborhoods. She has lead the way in fighting predatory real estate practices that have been so destructive to many Baltimore neighborhoods.

A graduate of Catholic University's Columbus School of Law, Anne founded the Community Law Center in 1983, becoming its executive director in 1986. The Community Law Center's philosophy has been that access to lawyers could help revitalize neighborhoods. Initially, most of the work focused on public safety. In recent years, that focus has shifted to real estate and economic development. The Center's successes include: enactment of legislation giving community groups legal standing in drug nuisance cases and legal action against owners of vacant properties.

I hope my colleagues in the U.S. House of Representatives will join me in saluting Anne L. Blumenberg for her work in helping neighborhoods and communities maintain some degree of control over their destinies.

THE CONTRIBUTIONS OF JENNIFER GRODSKY

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Ms. SOLIS. Mr. Speaker, today I rise to recognize Jennifer Grodsky, a dedicated, intelligent and compassionate woman whom I have been very fortunate to have as my Legislative Director for the past 4 years.

Jennifer joined my office shortly after I was elected to Congress in 2000. Having received excellent training as a Legislative Assistant for former Congressman Julian Dixon of California, Jennifer quickly assumed her role as Legislative Director with great ease and competence. She played an instrumental part in establishing my office protocol and creating a strong legislative staff.

As Legislative Director, Jennifer has coordinated my legislative agenda with much success. She has overseen my introduction of numerous bills, including two which have became law. Her extensive knowledge of the legislative process and a wide array of public policy issues has proved invaluable to my office. Since Jennifer's first day in the office, she has approached each and every task I have given her with the utmost professionalism and dedication.

Jennifer's keen understanding of the health care challenges facing my district and the nation has been particularly important to me as a member of the House Committee on Energy and Commerce and Chair of the Congressional Hispanic Caucus' Task Force on Health. Jennifer has organized numerous briefings and events to heighten awareness about accessing affordable health care and persisting racial and ethnic health disparities, including spearheading very successful events sponsored by the Congressional Hispanic, Black, and Asian Pacific American Caucuses in Los Angeles, California, and Miami, Florida. Jennifer played a lead role in developing the Healthcare Equality and Accountability Act, the Democratic Caucus' comprehensive bill to address racial and ethnic health disparities, and shares my strong concern for the growing HIV/AIDS epidemic. Her passion for improving our nation's health care system, particularly for the Latino and other minority communities, is one of Jennifer strongest attributes.

As my appropriations staffer for the past four years, Jennifer has helped me to secure millions of dollars in federal assistance for important projects in East Los Angeles and the San Gabriel Valley, including the expansion of the Azusa Health Clinic and the development of computer training classes at Project Amiga in South El Monte. These projects have, and will continue to make, an enormous difference in the lives of families living in the 32nd Congressional District of California.

Jennifer's intelligence, kindness, and professionalism have earned her the trust and respect of her colleagues. She has served as a mentor to all of the staff, teaching them about the legislative process and various public policy issues with patience and understanding, earning the nickname "Mama Grodsky" among my staff.

Jennifer's departure from my office will be a tremendous loss to my staff and me. While I am sad to see Jennifer leave my office, I am proud of her new career advancement as the Director of Federal Affairs for the University of Southern California. As a Magna Cum Laude graduate and proud alumnus of this renowned university, Jennifer will be an invaluable asset to her new office. The University of Southern California will be very fortunate to have such a talented and bright young woman to lead its new Washington, DC, office. I join my staff in Washington, DC, and district offices in El Monte and East Los Angeles in wishing Jennifer the best of luck in all of her future endeavors.

INTRODUCTION OF PROTECTION OF CIVIL LIBERTIES ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Mrs. MALONEY. Mr. Speaker, last year, using the 9/11 Commission Report as a guide, we passed the National Intelligence Reform Act. In addition to reorganizing our nation's intelligence system, it created a Civil Liberties Board. Unfortunately, this newly created Civil Liberties Board is only a shell of what is needed in order to be effective. Therefore we are introducing "The Protection of Civil Liberties Act" to amend the current board. With the exception of making the Board an independent agency, this bill would reinstate the provisions that were taken out in conference. These commonsense provisions give the Board the authority it needs. Specifically the bill:

1. Gives the Board subpoena power. Currently the board needs the permission of the Attorney General to issue a subpoena. Also, the Board lacks access to the private contractors who currently perform many critical intelligence functions.

2. Creates the Board as an independent agency in the executive branch. Currently the board is in the Executive Office of the President.

3. Requires that all 5 members of the Board be confirmed by the Senate. Currently only the Chair and the Vice Chair will be confirmed.

4. Requires that no more than 3 members can be from the same political party. Currently there is no provision that ensures a bipartisan Board.

5. Sets a term for Board members at 6 years. Currently members will serve at the pleasure of the President.

6. Creates the chairman as a full-time member of the Board. This increases the likelihood that the Board will meet regularly.

7. Restores the qualifications of Board members that were originally included in the Senate bill. This would require that members have prior experience with protecting civil liberties, among other things. Currently there are no such requirements.

8. Restores reporting requirements to Congress. One of the main recommendations of the 9/11 Commission was the need for more Congressional Oversight. Restoring the reporting requirement language requiring semiannual reports helps achieve this goal.

9. Requires each executive department or agency with law enforcement or antiterrorism functions should designate a privacy and civil liberties officer. Currently the law only expresses a sense of Congress that a privacy and civil liberties officer be established.

This is important legislation and I urge all of my colleagues to support it.

RESOLUTION RECOGNIZING THE IMPORTANCE OF EFFECTIVE RADIOPROTECTANT DRUG

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Mrs. DAVIS of California. Mr. Speaker, I rise today to bring attention to a pressing national need. The resolution I present here is a recognition of our responsibility to protect the American people from the horrors of radiation exposure as best we can.

In this era of terrorism, the ultimate fear has always been the detonation of either a nuclear or radiological device in an American city by terrorists. Even a low-yield nuclear device is capable of causing large-scale damage.

After a blast occurs the radiation that follows is also an enormous concern.

We cannot counter the effects of a thermonuclear explosion. However, science is developing countermeasures to the medical effects of radiation exposure. These whole-body drugs, known as radioprotectants, represent a great step forward in protecting American citizens from the horrors of terrorism in the nuclear age.

This resolution expresses the sense of Congress that these drugs, if proven safe and effective, should be purchased and stockpiled by the federal government at the earliest possible opportunity under Project Bioshield.

This resolution recognizes the potential these drugs stand for, and is the first step toward appropriating the first effective medical countermeasures to radiation sickness. I strongly urge my colleagues to join me in supporting this resolution as part of our responsibility to safeguard American lives.

PERSONAL EXPLANATION

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Mr. EVANS. Mr. Speaker, on the afternoon of March 10 until the morning of March 15, I was part of an official congressional delegation to commemorate the 60th anniversary of the Battle of Iwo Jima. The delegation also had official events in Guam and Hawaii. Due to my absence I was not able to make the following votes and would like the record to indicate that I would have voted "nay" on rollcall vote No. 62. I would have voted "aye" on rollcall votes Nos. 63, 64, 65, 66, 67, and 68.

TRIBUTE TO FLORIDA MEMORIAL UNIVERSITY, AN OUTSTANDING HBCU AND A TRULY GREAT INSTITUTION OF HIGHER LEARNING

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Mr. MEEK of Florida. Mr. Speaker, it is with great pride that I rise to pay tribute to Florida Memorial College, which will become Florida Memorial University during campus ceremonies to be held on Friday, March 18, 2005.

Founded in 1879 as the Florida Baptist Institute in Live Oak, Florida under the aegis of the Baptist Church and the leadership of the Rev. Matthew Gilbert, Florida Memorial is one of the oldest academic centers in Florida. It was later transferred to Jacksonville in 1892 as the Florida Baptist Academy. It was on this campus that faculty member J. Rosamond Johnson and his brother James Weldon Johnson co-wrote "Lift Ev'ry Voice and Sing," which is now known as the Negro National Anthem.

In 1968 the college moved to Miami, Florida where it has grown to include a student body of 1,378 students from all over Florida, the Nation and the Caribbean. President Dr. Albert E. Smith has provided inspired leadership of the institution and its 66-member faculty. Dr. Smith has been very effective in attracting talented professors and students, and in shaping one of Florida's most beautiful college campuses.

Florida Memorial offers 38 degree programs through its seven academic divisions. It is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools (SACS) and is recognized by the Association of Collegiate Business Schools and Programs (ACBSB) and the National Council for Accreditation of Teacher Education (NCATE).

Throughout its glorious history, Florida Memorial has graduated thousands of professionals who have made history and are making productive, innovative contributions to this Nation and the world. It is for this reason that this transformation from Florida Memorial College to Florida Memorial University is genuinely deserved, for it manifests in no small measure the excellence of its programs and its significance in our community.

My best wishes to President Smith, his staff, faculty, student body and alumni on this great achievement. It is thrilling to imagine what this great institution will achieve in the next 124 years.

A TRIBUTE TO SAM LAMANTIA, JR.

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Mr. CARDIN. Mr. Speaker, I rise today to pay special tribute to Sam Lamantia Jr., a man with a heart of gold who has spent 27 years raising money to help abused children. Sam is a master barber in Baltimore, and in 1978 he almost single-handedly started the Ed Block Courage Awards.

Sam Lamantia conceived of the award as a way to help abused children in Baltimore. Named for Ed Block, the athletic trainer for the Baltimore Colts, the award was first designed to honor one Baltimore Colt player a year. Since then, 17 Ed Block Courage Houses have opened in NFL cities around the Nation, helping abused children and their families.

Sam moved with his family from Italy to Baltimore as a young child. In Baltimore, he grew up playing and loving sports. As an adult, Sam and his boyhood friends from the Eastside Athletic Club began sponsoring sports teams and giving back to local charities. Eventually, they conceived of the Ed Block Courage Award, and Sam talked many of his clients who were members of the Baltimore Colts into helping. Sam's vision of giving back to the community has now grown to include 28 NFL teams and their players.

I hope my colleagues in the U.S. House of Representatives will join me in saluting Sam Lamantia Jr., a true hero who has found a way to help bring hope back into the lives of abused children.

RECOGNIZING VERIZON'S HISPANIC SUPPORT ORGANIZATION

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Ms. SOLIS. Mr. Speaker, I rise today to recognize the California Chapter of Verizon's Hispanic Support Organization for hosting the 7th Annual Hispanic Support Organization National Conference. Since its establishment in 1988, the Hispanic Support Organization, a Verizon employee resource group, has been working to advance the professional needs of Hispanic employees, improve the communities where Hispanics live in, and support Verizon's initiatives in the Hispanic community.

It is my pleasure to recognize groups like Verizon's Hispanic Support Organization for their service to the professional development of our Latino community. This year's theme for the conference is called: "Construyendo Nuestro Futuro y Destino/Building Our Future and Our Destiny." The Hispanic Support Organization has been doing this kind of investment in our community for more than 16 years. With the growth of the Hispanic community in the United States, it is important that organizations keep providing opportunities for the personal and professional development of Hispanics.

Verizon's Hispanic Support Organization has done an outstanding job with their mentorship program and scholarship program, while at the same time providing financial assistance to organizations that serve the needs of the Hispanic community. The intellectual and social benefit that the Hispanic Support Organization provides to its members fosters an environment of support and encourages the creation of leaders in our community. I wish the Hispanic Support Organization much success at its conference in Los Angeles this week and in the future.

INTRODUCTORY STATEMENT FOR H.R. 1292—SPECIALLY ADAPTED HOUSING CORRECTION

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Mr. BUYER. Mr. Speaker, Chapter 21 of title 38, United States Code, provides for grants to adapt or acquire suitable housing for certain severely disabled veterans, including veterans who are unable to ambulate without assistance. The maximum grant amount for a severely disabled veteran is $50,000.

Public Law 108–183 extended eligibility for the adaptive housing grant to severely disabled servicemembers who have not yet been processed for discharge from military service, but who will qualify for the benefit upon discharge due to the severity of their disabilities. Prior to Public Law 108–183, qualifying servicemembers were not allowed to apply for or receive the grant until they were actually discharged from military service.

Section 401 of S. 2486, Public Law 108–454, extends eligibility for specially adapted housing grants to veterans with permanent and total service-connected disabilities due to the loss, or loss of use, of both arms at or above both elbows.

An inadvertent error occurred in the drafting of the Veterans Benefits Improvement Act of 2004, which the Committee discovered too late to be corrected without jeopardizing passage of the same bill in both the House and Senate before adjournment. The error resulted in the omission of the change made by Public Law 108–183 for catastrophically disabled servicemembers. H.R. 1292 serves to correct that oversight.

Mr. Speaker, this is a necessary correction to ensure the Department of Veterans Affairs continues to assist those severely disabled servicemembers who require their homes be adapted to their disability. I urge my colleagues to support it.

HOUSE DEMOCRACY ASSISTANCE COMMISSION RESOLUTION

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Mr. HOLT. Mr. Speaker, yesterday I was pleased to vote in support of the resolution (H. Res. 135) sponsored by U.S. Representative DAVID DREIER from California. Adoption of this measure will establish the House Democracy Assistance Commission.

This new internal commission of House members will work closely with our legislative counterparts in other fledgling democracies to encourage the development of democratic processes and institutions. In addition, it will expand information exchanges and the sharing of first-hand knowledge of the inner workings of functioning democracies. Finally, this new commission will provide recommendations to the Administrator of the U.S. Agency for International Development on what types of material assistance, such as modem automation, information technology, and library systems will most help our counterpart parliamentarians to more effectively perform their vital tasks of representation and democratic participation.

The work that this commission will perform has already been validated in prior similar efforts. Between 1990 and 1996, the informal "Frost-Solomon Task Force" provided invaluable technical assistance and equipment to Albania, Bulgaria, Estonia, Hungary, Poland and Russia. The creation of this new commission will build upon that solid precedent in enhancing democratic institution-building where democratic engagement and republican government are new to what had previously been undemocratic societies.

INTRODUCTION OF LEGISLATION TO AWARD THE CONGRESSIONAL GOLD MEDAL TO THE TUSKEGEE AIRMEN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Mr. RANGEL. Mr. Speaker, I rise today to announce my recent introduction of legislation to award the Congressional Gold Medal to the Tuskegee Airmen. The Congressional Gold Medal was first awarded over 200 years ago to Americans whose courage and determination in battle exemplified the spirit of our nation.

In keeping with this tradition, I am honored to join with Senator LEVIN in concurrently introducing this legislation to bestow Congress' highest honor to this deserving group of individuals.

The Tuskegee Airmen overcame segregation and prejudice to become one of the most highly respected fighter groups of World War II. In so doing, they helped to destroy the racist conceptions of their time, and set in motion the eventual desegregation of the Armed Services.

Before 1940, African Americans were barred from flying for the U.S. military. However, the great threat posed by the Nazis, and the demands of Black Americans for full citizenship, including the right to fight for their country as patriots, persuaded the American government to provide an opportunity for African Americans to serve, even though in segregated units.

The Airmen completed 15,500 missions, destroyed 260 enemy aircraft, sank one enemy destroyer, and demolished numerous enemy installations. They also would have the World War II distinction of never losing a bomber under their escort, despite flying in some of the enemies' most heavily defended areas.

During their World War II service, the Airmen would earn 150 Distinguished Flying Crosses, 744 Air Medals, 8 Purple Hearts, and 14 Bronze Stars. At the war's end they had not only helped to defeat the Germans, they helped to set in motion the eventual desegregation of the armed services a few years later.

The Tuskegee Airmen were patriots in the truest sense of the word. Their belief in themselves, and in the promise of America, gave them the strength to overcome incredible obstacles, and accomplish what was then considered impossible. Their courage inspired a generation, and their determination strengthened a nation.

The Tuskegee Airmen deserve an honor befitting their contribution to our country, so I respectfully urge my fellow colleagues to support this legislation.

IN CELEBRATION OF ARTS ADVOCACY DAY 2005

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 2005

Mrs. JONES of Ohio. Mr. Speaker, I rise today in recognition of Arts Advocacy Day. As Congress considers the budget and appropriations bills for fiscal year 2006, the importance of the arts should be recognized for a number of reasons.

First, the arts contribute significantly to local economic development. As of January 2005 in the Eleventh Congressional District of Ohio there were 1,212 arts-related businesses that employed 10,174 people. This data, from Dun & Bradstreet, indicates that between 2004 and 2005, arts-related businesses grew at a faster rate than total U.S. business growth. At the same time, as total U.S. jobs shrank by 1.9 percent, the decline in arts-related businesses was 0.8 percent, in other words less than half that rate. Arts-related businesses are clearly good for business and good for the economy. But the arts have greater effects than these.

An examination of SAT scores from the College Board in the period 2002 through 2004 reflects a startling effect. Data from Ohio students that studied Art History, Dance, Drama, Music, Photography/Film, or Studio Art reflected higher Verbal and Math SAT scores than students that didn't study any of these subjects. To further quantify this effect, let me provide an example: Ohio students in music performance reflected a Mean Verbal SAT score of 554 in 2004 and a Mean Math score of 552. In contrast, Ohio students not exposed to arts courses demonstrated a 2004 Mean Verbal SAT score of 497 and a Mean Math score of 511. This forty point differential benefit is very easy to understand. Nationally, similar effects were reflected in the test scores of students that studied a variety of arts disciplines: Art History, Dance, Drama, Photography/Film, or Studio Art.

As schools focus on raising test scores, the importance of arts cannot be overstated. But conflicting attitudes and practices exist in Ohio's schools. A 2000 survey by the Ohio Alliance For Arts Education reflected that more than 70 percent of those surveyed in Ohio's public schools believed that music and visual arts are as important as other academic subjects. Yet, in practice over 11 years, public schools demonstrated overall reductions in arts and music education. Fewer private schools (than public schools) required achievement in the arts as a graduation requirement. But a higher percentage of private schools believed that creative writing, music, visual arts, and drama are as important as other academic subjects. Here, theory and practice don't match.

It is clear that the arts enhance student ability. During this time of enhanced accountability and high stakes academic testing, it would make sense to ensure that every child, kindergarten through twelfth grade, is provided an opportunity to participate in the arts. Many school districts are experiencing financial difficulty. To that end, instead of punishing schools for failing test scores, we should provide them with the resources needed to implement quality arts education programs—which correlate with increased test scores. Arts education enhances literacy. And we should go further than haphazardly sticking in a few programs here and there. Quality matters. We must be concerned about the quality of subject matter as well as teacher training and development.

The No Child Left Behind Act, NCLB, has recognized the arts as a core academic subject, making arts programs eligible for inclusion in broad funding categories such as teacher training, school reform, and technology. In spite of this designation, NCLB has led to the erosion of arts education. Economically disadvantaged schools don't have sufficient resources to cover enhanced intensive math and English studies, and quality arts education programs. A 2004 report by the Council for Basic Education found that "the greatest erosion of the curriculum is occurring in schools with high minority populations—the very populations whose access to such a curriculum has been historically most limited." We must do better. The arts impart discipline, improve literacy, and enhance cultural understanding. If we have determined that students and teachers need to be held accountable, we must also ensure that schools, particularly schools that serve disadvantaged students, have adequate resources to provide strong instruction in math and English, as well as the arts. Complex problems like student achievement require varied solutions and rich curricula.

Finally, as Congress considers the fiscal year 2006 appropriations bills, we should support increases in public funding. Each dollar of funding to the National Endowment for the Arts leverages at least $7 from other sources to support full time jobs. This returns revenue to the Federal Government in income taxes at a rate of nearly eight to one. That's not a bad investment. Public spending on the humanities through programs such as the National Endowment for the Humanities initiative We The People, advances understanding of American history, culture, and values. Increasingly, we live in an interdependent world in which cultural understanding is a key aspect of cooperative efforts ranging from economic development to security cooperation.

I salute the arts industries and cultural organizations of the Eleventh District of Ohio as well as the individual artists, educators, and advocates. I thank the arts community for effectively conveying its importance on Arts Advocacy Day, and hope that we as a Congress continue to demonstrate a level of support that will enable the arts to thrive.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 17, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 4

2 p.m.

Armed Services

Strategic Forces Subcommittee

To hold hearings to examine strategic forces and nuclear weapons issues in review of the Defense Authorization Request for fiscal year 2006; to be followed by a closed hearing in SR-232A.

SR-222

APRIL 6

10 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the nomination of Charles F. Conner, of Indiana, to be Deputy Secretary of Agriculture.

SR-328A

APRIL 14

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentations of the Military Officers Association of America, the National Association of State Director of Veterans Affairs, AMVETS, the American Ex-Prisoners of War, and Vietnam Veterans of America.

345 CHOB

APRIL 21

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentations of the Fleet Reserve Association, the Air Force Sergeants Association, the Retired Enlisted Association, and the Gold Star Wives of America.

345 CHOB

SEPTEMBER 20

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the American Legion.

345 CHOB

HOUSE OF REPRESENTATIVES—*Thursday, March 17, 2005*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

In the Book of the Deuteronomy we read:

"The Lord your God has chosen you from all the nations on the face of Earth to be a people especially his own. It was because the Lord loves you and because his fidelity to the oath he has sworn to your fathers that He brought you out with a strong hand from the place of slavery and ransomed you."

"Understand, then, that the Lord, your God, is God indeed, the faithful God who keeps his merciful covenant to the thousandth generation toward those who love him and keep his commandments."

Lord, as we prepare for the great feasts of Passover and the Sacred Triduum, Lord our God, breathe forth Your Spirit on all the Members of Congress and the people of this great Nation. Make of us Your own. Recreate us in Your imagine. Convert our hearts that we may long to do Your will and that we may lead others in the world by revealing Your self-giving love in our lives.

You are faithful, O God, now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Georgia (Mr. PRICE) come forward and lead the House in the Pledge of Allegiance.

Mr. PRICE of Georgia led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 5 one-minute speeches per side.

BILL SAVING TERRI SCHIAVO

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, last night when H.R. 1332 was passed by the House this Chamber did a good thing. It offered to the disabled an opportunity to live and it reaffirmed our culture's desire to value the right to life of each and every member of it regardless of disability.

This bill gives Terri Schiavo a right to appeal the ruling of the Florida State courts in Federal court, and it will allow her to challenge the ruling that she is to starve to death.

The bill applies only to medically incapacitated patients, not to convicted criminals. And it is further evidence that the disabled have a place in our culture, that life has a place in our culture.

I commend the chairman of the committee, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Florida (Mr. WELDON) for taking the lead and I thank the House leadership for expediting action on it. Now the Senate must do the same. Terri deserves to live.

MORALITY LACKING IN REPUBLICAN BUDGET

(Ms. LEE asked and was given permission to address the House for 1 minute.)

Ms. LEE. Mr. Speaker, I rise today in opposition to the Republican budget. This budget is fiscally reckless, morally irresponsible and represents a failure of leadership.

The budget slashes funding that provides a vital lifeline to our most vulnerable communities. It cuts funding for support of housing for the disabled by 50 percent. Where is the morality in turning our back on the disabled?

This budget will dramatically cut housing opportunities for people living with AIDS. Where is the morality in forcing people living with AIDS to choose between medication and housing?

At the same time, this budget seeks to extend tax cuts to the most wealthy. Where is the morality in turning people out into the streets in order to pay for these tax cuts?

As a person of deep religious conviction, I know that there is nothing moral about balancing the budget on the backs of those who can least afford it. A moral budget does not seek to punish the least of these.

Mr. Speaker, this is an example, a gross example of the moral irresponsibility of the Republican budget.

U.S. TRADE AMBASSADOR PORTMAN

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, for those who are Irish, those that think they are Irish, and those that wish they were Irish, happy, happy St. Patrick's Day.

I would also like to take a moment to congratulate and commend the President of the United States, George Bush, for his appointment of the gentleman from Ohio (Mr. PORTMAN), a member of the Committee on Ways and Means, as the next United States Trade ambassador.

The gentleman from Ohio (Mr. PORTMAN) is an outstanding, outstanding choice. He is one of the hardest working, most thoughtful members of our panel. He has immersed himself in the details of trade and tax law. He is an extraordinary individual who has served this President in a wonderful way as adviser to the White House and one of the closest confidants he has here on Capitol Hill.

I believe it is an extraordinary opportunity, not only for the gentleman from Ohio (Mr. PORTMAN) and his family but for the United States trade representation around the globe. I urge my colleagues on the other side of the building to quickly dispatch that name forward to the committee of responsibility and urge the passage and allow the gentleman from Ohio (Mr. PORTMAN) to show the great credentials he has displayed in our committee on this floor and ultimately as the next trade ambassador for the country.

SOCIAL SECURITY PRIVATIZATION HARMS AMERICANS

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Mr. Speaker, today I rise because the constituents in the 32nd Congressional District are very concerned about the privatization of Social Security.

There are nearly 60,000 Social Security beneficiaries in my district who are very concerned about the risky privatization scheme that the President is proposing. However, other young workers also are very concerned about the future of their retirement security.

To date my office has held well over 25 senior center visits, high school visits, parent centers visits, and health care facilities visits, and we have spoken to constituents about this proposed privatization plan. We have been asking them to fill out surveys on how they feel about Social Security. We have one in English and one in Spanish.

Overwhelmingly, my constituents are telling me that they are not in agreement with the proposed privatization plan. They would like to see a secure and a structured reform that would truly be available to every single individual that needs and requires Social Security assistance. I would like to tell Members that we have received well over 300 responses through e-mail and direct mail from our constituents who are resoundingly saying that the President should rethink his plan.

COMMENDING HARRY GILMORE

(Mr. RADANOVICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RADANOVICH. Mr. Speaker, I rise today to commend Harry Gilmore, the first American Ambassador to Armenia who is the latest U.S. official to publicly acknowledge the Armenian genocide and call for international recognition.

In an interview with Radio Free Europe/Radio Liberty, the retired diplomat recently said, "There is no doubt that the Armenian events were genocide."

Gilmore's comments followed those of the current U.S. Ambassador to Armenia, John Evans, who recently evoked the Armenian Genocide during his first stateside visit to Armenian communities across the country. During a series of public exchanges with Armenians late last month, Evans stated, "The Armenian genocide was the first genocide of the twentieth century."

As a proud member of the Congressional Caucus on Armenian Issues and an ardent supporter of Fresno's Armenian American community, I thank the Ambassadors for their statements and pledge to continue my efforts for a full United States affirmation of the Armenian genocide.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.J. Res. 23

Mr. CLEAVER. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.J. Res. 23.

The SPEAKER pro tempore (Mr. CARTER). Is there objection to the request of the gentleman from Missouri?

There was no objection.

SAVE COMMUNITY DEVELOPMENT BLOCK GRANTS

(Mr. CLEAVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEAVER. Mr. Speaker, I rise to express my opposition to the administration's budget proposal.

Although the Community Development Block Grant Program is now on its way out if this is approved, I think it is important for the Nation to know that on August 22, 1974, the Community Development Block Grant Act was signed into law by Republican President Gerald Ford, but it is the brain child of President Richard Nixon.

Today, there is a proposal that would allow for a consolidation of 18 other programs in the Department of Commerce, and the new commerce program would then be funded at a level that is 35 percent lower than the combined fiscal year 2005 appropriated level for all 18 programs.

The pro-rata reduction of CDBG alone would be $1.42 billion. That would devastate a program, Mr. Speaker.

When I was mayor of Kansas City, Missouri, we identified 60,000 homes in need of rehabilitation or repair. We were able to complete 12,000. What will happen to the 48,000 others?

STOP YUCCA MOUNTAIN PROJECT NOW

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, for the last 20 years the Nevada delegation, Republican and Democrat, have fought to keep the Yucca Mountain Project from becoming a reality.

What is the Yucca Mountain Project? 77,000 tons of toxic nuclear waste being transported across 43 States to be buried in a hole in the Nevada desert where we have groundwater issues, seismic activity, and volcanic activity.

The President when he approved this said that his decision was based on sound science. Sound science? There were 294 unresolved scientific and technical issues.

There is no canister that can safely store this radioactive waste, and we have a court decision that says that rather than a 10,000-year standard for radiation there should be a 300,000-year standard for radiation.

Now, as of yesterday, the new Secretary of Energy has come forward and disclosed that the scientific documentation for Yucca Mountain has been falsified. It is about time that the rest of the country knew what the Nevada delegation knows and has been saying for 20 years. This is not based on sound science. It is based on sound politics.

I have urged the Secretary of Energy to appoint an independent body to investigate the science. We know now it has been falsified. It is wrong. This is a bad project and I urge the President to rescind his order to Yucca Mountain and stop this project now.

CORPORATE TAX RATE

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Georgia. Mr. Speaker, more than 260,000 jobs were created last month making February the 21st straight month in which we have seen steady job gains. Companies are hiring more and more these days. More people are now collecting well-earned paychecks rather than unemployment checks. However, companies here in the U.S. are facing competition from around the globe, and to ensure economic prosperity over the long run we must be competitive in the world. To do this we have to address corporate tax rates.

Why do we penalize American companies for keeping their business here in the U.S.? Why are companies leaving America to go overseas? Should we not be trying to attract businesses rather than drive them away?

Mr. Speaker, the U.S. corporate tax rate is a whopping 40 percent. For every $10 a company earns, $4 has to be sent to the IRS. It is no wonder businesses are taking a look at moving out of the country. Our tax code is literally sucking jobs right out of the economy by depriving our businesses of the money that should be invested in hiring.

Only one other country, Japan, taxes its companies more than we, only one other country. Mr. Speaker, clearly that is not the road we want to travel and it is not the way we want to create jobs.

REJECT WOLFOWITZ AS WORLD BANK NOMINEE

(Ms. McCOLLUM of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. McCOLLUM of Minnesota. Mr. Speaker, I was disappointed to learn that President Bush has nominated the architect of the ongoing war of Iraq, Mr. Paul Wolfowitz, to head the World Bank.

The nominee's intimate relationship with the Iraq policy's gravest failures, phony intelligence, torture, contractor corruption, and incompetent planning, makes his nomination extremely disturbing.

☐ 1015

Mr. Wolfowitz may be qualified as an expert in conducting preemptive war, but he is far from qualified to battle global poverty, overcome the AIDS pandemic or to promote gender equity, all World Bank priorities.

The world community deserves a development expert to champion the

World Bank's mission of fighting poverty, a leader who can rally the world's support.

To enhance America's reputation in the world, to ensure that future success of the World Bank and to build a better future for the world's poorest citizens, I urge the World Bank's board of directors to reject this nomination.

GENERAL LEAVE

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 95.

The SPEAKER pro tempore (Mr. CANTOR). Is there objection to the request of the gentleman from Iowa?

There was no objection.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2006

The SPEAKER pro tempore. Pursuant to House Resolution 154 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the concurrent resolution, H. Con. Res. 95.

☐ 1016

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010, with Mr. SHAW (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on Wednesday, March 16, 2005, a request for a recorded vote on amendment No. 2 printed in House Report 109–19, offered by the gentleman from Texas (Mr. HENSARLING), had been postponed.

It is now in order to consider amendment No. 1 printed in House Report 109–19.

AMENDMENT NO. 1 OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. OBEY:

In section 101 (relating to recommended levels and amounts for the budget year):

(1) In paragraph (4) (relating to the deficit), the amount of the deficit for fiscal year 2006 shall be reduced by $10,091,000,000.

(2) In paragraph (1) (relating to Federal revenues), the recommended level of Federal revenues for fiscal year 2006 shall be increased by $18,073,000,000 and the amount by which the aggregate level of Federal revenues should be changed shall be increased by $18,073,000,000.

(3) In paragraph (2) (relating to new budget authority), the appropriate level of total new budget authority for fiscal year 2006 shall be increased by $15,800,000,000.

(4) In paragraph (3) (relating to budget outlays), the appropriate level of total budget outlays for fiscal year 2006 shall be increased by $7,982,000,000.

In section 102, for fiscal year 2006:

(1) In paragraph (1) (relating to National Defense (050)), the amount of new budget authority shall be reduced by $1,000,000,000 and the amount of outlays shall be reduced by $678,000,000.

(2) In paragraph (2) (relating to International Affairs (150)), the amount of new budget authority shall be reduced by $423,000,000 and the amount of outlays shall be reduced by $193,000,000.

(3) In paragraph (3) (relating to General Science, Space and Technology (250)), the amount of new budget authority shall be increased by $300,000,000 and the amount of outlays shall be increased by $150,000,000, to fund basic research and development to allow American workers to compete in the international economy.

(4) In paragraph (5) (relating to Natural Resources and Environment (300)), the amount of new budget authority shall be increased by $100,000,000 and the amount of outlays shall be increased by $63,000,000, to provide clean water and open spaces for future generations.

(5) In paragraph (6) (relating to Agriculture (350)), the amount of new budget authority shall be increased by $540,000,000 and the amount of outlays shall be increased by $446,000,000, to improve economic opportunities, infrastructure, and the quality of life for rural Americans.

(6) In paragraph (8) (relating to Transportation (400)), the amount of new budget authority shall be increased by $600,000,000 and the amount of outlays shall be increased by $460,000,000, to improve infrastructure development.

(7) In paragraph (10) (relating to Education, Training, Employment, and Social Services (500)), the amount of new budget authority shall be increased by $8,050,000,000 and the amount of outlays shall be increased by $2,977,000,000, to create opportunities for our children and young adults, and to address the needs of low-income communities and assist the long-term unemployed.

(8) In paragraph (11) (relating to Health (550)), the amount of new budget authority shall be increased by $1,950,000,000 and the amount of outlays shall be increased by $723,000,000, to provide health care for children and others in need, control infectious diseases, foster medical research, and alleviate shortages of nurses and other health professionals.

(9) In paragraph (13) (relating to Income Security (600)), the amounts of new budget authority shall be increased by $1,091,000,000 and the amount of outlays shall be increased by $695,000,000, to help provide housing and energy assistance to the poor and alleviate the impact of refugees on State and local communities.

(10) In paragraph (15) (relating to Veterans Benefits and Services (700)), the amounts of new budget authority shall be increased by $2,903,000,000 and the amount of outlays shall be increased by $2,447,000,000, to maintain quality health care for veterans.

(11) In paragraph (17) (relating to General Government (800)), the amounts of new budget authority shall be decreased by $56,000,000 and the amount of outlays shall be decreased by $44,000,000, which shall include the following changes:

(A) Increase new budget authority by $200,000,000 and outlays by $155,000,000, to ensure corporate responsibility.

(B) Reduce new budget authority by $256,000,000 and outlays by $199,000,000.

(12) To improve our hometown response capabilities, strengthen our borders and ports, and meet our security mandates, amounts of new budget authority and outlays for fiscal year 2006 shall be further modified as follows:

(A) In paragraph (9) (relating to community and regional development (450)), increase new budget authority by $660,000,000 and outlays by $121,000,000.

(B) In paragraph (16) (relating to Administration of Justice (750)), increase new budget authority by $935,000,000 and outlays by $759,000,000.

(C) In paragraph (11) (relating to Health (550)), increase new budget authority by $150,000,000 and outlays by $56,000,000.

In section 201(b) (relating to reconciliation in the House of Representatives), insert "(1)" after "(b)" and add at the end the following new paragraph:

(2) REDUCTION IN TAX CUTS FOR TAXPAYERS WITH INCOMES ABOVE $1,000,000.—The Committee on Ways and Means shall also include in the reconciliation bill reported pursuant to paragraph (1) changes in tax laws sufficient to increase revenues by $25,818,000,000, to be achieved by reducing or offsetting the tax reductions received during 2006 by taxpayers with adjusted gross income above $1,000,000 for taxpayers filing joint returns and comparable amounts for taxpayers with other filing statuses as a result of the Economic Growth and Tax Relief Reconciliation Act of 2001 and the Jobs and Growth and Tax Relief Reconciliation Act of 2003.

The Acting CHAIRMAN. Pursuant to House Resolution 154, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Florida (Mr. PUTNAM) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, this amendment will enable the House to choose between the social Darwinism of the President's budget and a different budget which more accurately reflects the message of the social gospel.

If we take a look at what the President has done, he inherited a $240 billion surplus when he came into office, and yet the budget he presents to the Congress today contains a $290 billion deficit. That deficit does not include the $80 billion that we spent yesterday on the war on Iraq. It does not include the $2 trillion it is estimated will be the cost of borrowing to pay for the personal or private accounts that the President wants to use to blow up Social Security. It does not include dollar one of the $1.2 trillion it is estimated that it will cost to make the President's previously passed tax cuts permanent. So we have a huge deficit as far as the eye can see, under the President's budget.

Then the President tries to reclaim the mantle of fiscal responsibility by making some well-publicized cuts in the domestic discretionary portion of the budget. In plain terms, that is the appropriated part of the budget that goes for programs like education, health care, science, veterans benefits, things like that.

The President's cuts in the domestic arena do not lay a glove on the deficit because the deficit is so large; but I would point out, for instance, that those cuts average only about 5 percent of the over $200 billion cost in this year's budget alone of the President's tax cuts. They are less than 20 percent of the over-$50 billion in costs, for the cost of the supersize tax cuts that the President has given to the top 1 percent of earners in this country. But those cuts are large enough, Mr. Chairman, to do great damage over time in the investments that we need to make in education, health care, science, veterans, community infrastructure and the like.

In real terms, those cuts amount, after you adjust for inflation, to about $16 billion; and if you further adjust them for population growth, that is a real reduction in services of about $19 billion for those programs.

So this amendment does basically three things. It cuts $5 million from some of the President's proposed initiatives, and it combines those cuts with savings on the tax front. What we do on the tax front is to just simply recognize the essential injustice of the fact that right now folks who make more than $1 million in this country this year will on average get a $140,000 tax cut. This amendment would limit that $140,000 tax cut to about $27,000 and save enough money to devote $10 billion to deficit reduction and to use the other $16 billion for the initiatives that we have outlined in the amendment in the area of education, health, science, veterans, homeland security, environment, law enforcement, and community development.

Now, within that framework, we are able to add $2.4 billion to programs that can do real things to reduce the pressures for abortions. Among the critical investments made by this amendment are a cluster of programs that would make it economically easier for low-income and vulnerable women who choose to carry pregnancies to term by providing additional funding for maternal and infant health care, for child care and Head Start and after-school programs, for low-income housing assistance, for the community service block grant, to provide people with the opportunity to get help in the education and training areas, and also to provide additional medical services such as dental care. We also provide additional funding for child abuse and domestic violence prevention programs.

Now, I would simply say that if our concern for life does not stop at the checkbook's edge, then these are initiatives which ought to be supported by everybody in this Chamber.

The reason I offer this amendment is because over the last 30 years something really bad has happened in this country. Thirty years ago, we had the smallest gap between rich and poor of any industrialized country in the world. Today, we have the largest gap between the rich and the poor of any industrialized country.

The wealthiest 1 percent of people in this country control 33 percent of the Nation's wealth. The poorest 40 percent are struggling to hang on to less than 3 percent of the Nation's wealth, and the President's budget makes it worse.

That is why I say that this amendment helps us choose between the social Darwinism of the President's package and values that more accurately reflect the social gospel.

Now, the opposition will say, "Oh, we do not need these additional education dollars because we have had such a large increase in education the past 2 years!" Let me point out the Republican majority has been dragged kicking and screaming into supporting those education increases.

If Congress had approved House Republican Labor-H bills for education over the past 10 years, we would be spending $19 billion less on education than we are spending today. On title I, if House Republican bills had passed, we would have spent $2.8 billion less for title I grants to school districts than we are spending today. After-school centers, if the administration's budget request had been passed throughout the years, we would be providing $1 million less to local school districts for help in that program, and the list goes on and on.

So I would ask, Mr. Chairman, do we really want to pay for $140,000 tax cuts for the most well-off people in this society by providing real cuts in the number of grants that the National Institutes of Health will be able to finance research grants into cancer, diabetes, Parkinson's and the like? Do we really want to pay for $120,000 in tax cuts for the most well-off in this society by continuing to mount barriers that prevent people without means to get a college education for their kids?

The College Board last year indicated that the average cost of attendance at a 4-year public university has increased by $2,300 over the past 4 years, biggest 4-year increase in history. The President's answer to that is to toss an extra hundred dollars on the table in the form of Pell grants, and then he pays for it by wiping out Perkins loans and a number of other education initiatives for those same people.

I really think that the issue is very simple. All this amendment does is to prevent real reductions in the kinds of programs that I have just talked about. What it does is to restore our ability to at least keep up with inflation on those programs by saying to the most well-off people in this country, "Sorry, folks, you are going to have to get along with a tax cut of only $27,000." Most of them I think would agree that this is a far more socially just and economically wise set of decisions to make than the budget resolution we have before us.

This applies only for 1 year. We do not get into any games about 5-year or 10-year budgets. This applies only for the next year. This is the priority statement which people will be able to make on appropriated portions of the budget for the coming year; and if they think these priorities are better, I hope they vote for the amendment. If they think they are not, then they have a perfect right to vote against it.

I would urge an "aye" vote.

Mr. Chairman, I reserve the balance of my time.

Mr. PUTNAM. Mr. Chairman, I yield myself such time as I may consume.

I rise with great respect for the distinguished ranking member of the Committee on Appropriations and in agreement, frankly, with his final comments about this, his alternative to our budget, laying out a different approach, a different set of priorities for this Nation, and that is the beauty of this deliberative body. Frankly, it was the beauty of the fairness of the rule I believe that was crafted that allowed four separate approaches, four separate sets of priorities in budgeting to be debated and considered on this House floor.

But I must strongly oppose the Obey amendment. It authorizes higher, uncontrolled spending, while at the same time cutting national defense in a time when our soldiers and sailors and Marines and airmen and Guardsmen and Reservists are engaged all around the world, an unacceptable notion.

In addition to cutting our spending on national defense, it raises taxes by an estimated $18 billion for the next fiscal year. It does increase education spending by $8 billion. It increases veterans spending and health care spending as well, but I would add that in a time when we are engaged in an unprecedented war on terror and waging a separate effort against growing budget deficits, that the level of growth laid out by the House Committee on the Budget's spending plan meets our national priorities, continues our commitment to veterans and education.

□ 1030

The Department of Education under the House budgets for the last 10 years, the Department of Education's spending has gone up 146 percent over the last decade. It is hard to argue that is an inadequate rate of growth. Veterans spending continues to grow. Investments in IDEA, the Individuals with

Disabilities Education Act have gone up dramatically higher than in the previous 10 years under a different management of this House.

This budget resolution that comes out of the House committee sets these priorities moving our Nation forward and protecting our homeland, investing in homeland security, investing in national defense and in our personnel who are in harm's way, and it maintains those policies of pro-growth that allows our economy to expand, that allows small businesses, medium businesses, and even large businesses to operate in a climate where they want to grow and hire employees and continue to open up new markets around the world, giving Americans new opportunities to move products and giving Americans the opportunity to achieve the American dream.

Congress has addressed extraordinary spending demands in the last several years. They bring us face to face with the reality that it is an unsustainable rate of spending growth, one that must be slowed. Last year's projected deficit was $521 billion, but we ended the year with a deficit of $412 billion, reducing that deficit by 20 percent. Although that number is staggeringly high, admittedly, this House-passed budget, the committee-passed budget, puts us on track to cut that deficit in half in 5 years. In doing so it makes some tough decisions, which is what we are paid to do around here.

It requires us to prioritize and make tradeoffs while ensuring that those highest priorities are fully funded and met, and in the House budget we identify that highest priority as being national security and homeland security. This amendment, the amendment we are debating today, cuts defense spending and we find that to be unacceptable in today's climate.

The budget slows the growth of mandatory spending by 0.1 percent over 5 years, from its current rate of 6.4 percent to 6.3 percent. I think that is an important fact. While we spend an awful lot of time in this Chamber talking about cuts, what we are doing is slowing the rate of growth. If someone were to offer workers a 6.3 percent pay raise, it would be a pretty good deal. The fact that these programs continue to grow at 6.3 rather than 6.4 percent is not throwing starving children into the streets. It is not taking food out of seniors' mouths. It is not wrecking our ability to be a compassionate and decent society, it is simply recognizing the simple fact that we cannot maintain the dramatic rates of growth we have been engaged in for the past decade and solve the deficit problem.

This budget resolution continues to make homeland and national security major priorities. Since September 11, Congress has spent nearly $1.9 trillion to provide for defense and homeland security, not including supplementals. Like last year's budget, this plan takes into account funding for the ongoing war in Iraq. The resolution budgets $50 billion to provide for the ongoing war against terrorism. The national defense budget continues the multiyear plan to enable our Armed Services both to fight the war against terrorism now and to transform itself to counter unconventional threats in the future. It fully accommodates the President's request for defense.

Mr. Chairman, the last time we made any real effort to rein in spending, that piece of spending in our budget that makes up 55 percent of the budget, was in 1997. That 55 percent is what we call mandatory spending. I know that the gentleman from Wisconsin (Mr. OBEY) is very familiar with this. As an appropriator, he has seen his share of the budget in discretionary shrink over time, and it will continue to without us making important reforms on the mandatory side of the ledger.

This budget, again for the first time since 1997, instructs the authorizing committees, those committees with the greatest expertise in their areas of jurisdiction, through the reconciliation process to find $7.8 billion in savings for next year and $68.6 billion in savings over the next 5 years. What that means is we are putting the people who understand these policy areas best, we are putting them on the trail to find out the ways to help make those programs be the most effective and the most efficient. They know best the successes and failures in the myriad of government programs that are now on autopilot through the mandatory spending process.

It is estimated that if mandatory spending grows at its current pace, by 2015 it will consume 62 percent of the Federal government. I think it is an important piece of our budget that we begin the process of mandatory spending reform. That reform happens through the reconciliation process.

A number of the President's key initiatives supported in this budget include $40 billion for homeland security outside the Department of Defense; an additional $2.5 billion for Project BioShield to secure new vaccines against smallpox, anthrax and other deadly bioterrorist threats. These funds follow on the heels of massive increases over the past several years to make sure our Nation is prepared to deal with the terrorist threats we know are out there.

I support our budget. It is an important, thoughtful, prioritized budget that makes some tough decisions. I appreciate the gentleman's right to offer an alternative vision. That is what this is. This is a clash of visions, a clash of priorities that our Nation faces. Do we grow our way out of the deficit by fostering a climate that encourages people to find work and start businesses and grow existing businesses, or do we take the approach that we should tax our way out of the deficits? Do we fund our priorities? And what are our highest priorities? Our approach is our highest priority in a time of war is national defense, and our high priority in a time of increased threats from terrorism is homeland security.

We believe that it is important to follow the lead of other Presidents, other administrations, other Congresses that have found themselves budgeting in a time of war to make necessary tradeoffs. The New Deal agencies when World War II came about did not continue to receive the same level of funding. In fact, it was President Roosevelt himself who curtailed and even eliminated a number of the agencies he created.

We recognize in our budget that we cannot continue to spend on the domestic side as aggressively as we had at a time of peace when we are at war, and to that end we call for a 0.8 percent reduction in nonsecurity domestic discretionary spending. While it is an important first step and it has not been done since the Reagan administration, it will hardly cause starvation and pandemonium in the streets at a 0.8 percent reduction. Nor will the directed reconciliation process to the authorizing committees do the same.

We make some tough choices. We admit that. We lay out our priorities, and we proudly defend them. And those priorities include investing in defense, caring for those most in need and creating an economic climate that allows people to succeed without raising the burden of taxation on them.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I appreciate the remarks of the gentleman from Florida (Mr. PUTNAM), but I think he must have been talking about a different amendment. The gentleman refers to significant cuts in national defense. There is only one cut in any program that can be considered at all related to national defense in this amendment, and that is a $1 billion reduction in the Star Wars account because they have had so many technical problems with that program that they cannot in the coming fiscal year spend all of the money that has been provided to them. So the practical impact on the program will be zero. That is the only reduction in defense.

I would point out that this comes on top of a $16 billion increase in the defense budget which is before us right now, and it comes on top of the $80 billion that we added yesterday for Iraq that was not counted in the President's budget. So I would suggest it is a red herring to claim this has any significant negative effect on defense. In fact, I will bet Members that considerably more than a billion dollars remains unspent from that Star Wars account at the end of the fiscal year because of technical problems that the Pentagon itself has admitted are there.

With respect to tax increases, I know the majority party likes to pretend that Democrats are talking about tax increases for the middle class. The facts are quite to the contrary. The only people who will lose anything by way of tax cuts in this amendment are people who make more than a million dollars a year. Under existing law if we leave things as they are right now, if you make less than $10,000, you average about an $8 tax cut under the President's package. If you make less than $20,000, you will get back the princely sum of $326. If you make $500,000 to $1 million, you will get on average a $27,000 tax cut. And if you make $1 million adjusted gross income or more, on average you will get a tax cut of $140,000.

I do not know many people in that bracket who would not feel that investing in children, investing in homeland security, investing in veterans' benefits is preferable to giving those folks a super-size tax cut. We are not saying they cannot have a tax cut, we are simply limiting the size of their tax cut to $27,000 so we can meet these other investment needs. I think the vast majority of citizens in this country would think that is a better balance and a better set of priorities.

Mr. Chairman, I reserve the balance of my time.

Mr. PUTNAM. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, it is a pleasure to be here on the floor once again, this time as a member of the Committee on the Budget. After being absent from this floor for 16 years, some things are comforting, such as the gentleman from Wisconsin (Mr. OBEY) still maintains his skepticism about the anti-missile system. I appreciate that. I appreciate that in terms of his concern about us spending too much money this year in that regard.

With respect to the comments made by some on the other side of the aisle that somehow the Republican budget is immoral, and I heard that during the one-minute speeches, and somehow it does not follow a standard of social justice or the social gospel, I tried to look at the numbers to see what we are talking about, and if one looks at any graph that looks at the mandatory spending, we see the difference between the baseline and what we have placed in this budget is almost indistinguishable.

So then I looked at some of the other areas that the gentleman has spoken to, and one is the National Institutes of Health. I thought since I have been gone and since the Republicans have taken over the House of Representatives that reflecting the comments about the Republican attitude toward NIH, that somehow we had denuded NIH in the time since Republicans had taken over. So I went back and checked it out, and under Republican Congresses, NIH spending has doubled between 1999 and the year 2003, rising from $13.6 billion in 1999 to $27.2 billion in the year 2003.

□ 1045

Again I heard a comment about veterans, that somehow Republicans are not concerned about veterans. I went back and checked the numbers since I was last here. Since 1995, total spending on veterans, that is, 1995 since the Republicans took over, total spending on veterans has increased from $38.2 billion to $67.6 billion. That is a 77 percent increase.

I wanted to see how that compared with the previous 10 years, again, most of which I was gone, but during which the Democrats were in control of the House; and I found out that there was a 40 percent increase during the previous 10 years.

I would not on this floor suggest that the Democrats were immoral in their approach to the veterans in their previous 10 years even though their increase for veterans was substantially lower than Republicans'. It is not a question of morality, it is not a question of social justice, it is not a question of social gospel, the words that I heard expressed just a moment ago; but, rather, it is a question as to where we are now. After we have had significant, hefty increases in these particular areas during the time that Republicans have been in control, is it a time for us to slow down that increased rate of growth during a time in which we finally are confronting the fiscal responsibility that is visited upon this House as our obligation and our authority?

During the time I was gone, I was able to observe this House from a distance, and I realized there is a real disconnect. People back home seem to think that we are spending too much. They are not arguing for increased taxes. I understand the gentleman believes that an increase in taxes on some people is not a general increase in taxes. We can always follow that old slogan, Don't tax you, don't tax me, tax that guy behind the tree. It is always that game, I will not call it a game, it is always that approach that can be relevant in debates such as this.

But the fact of the matter is that the gentleman from Wisconsin has with sincerity presented us an amendment that increases taxes and increases spending. That is the long and short of it. The suggestion is that somehow we have been unfaithful to our charge to be concerned about the education of the people of America and the veterans. That charge is just patently false. The fact of the matter is we now have established priorities overall for our spending. We believe we have done this in a responsible way. We believe we have done this in a way that most Americans would support. We believe we have made sure that we are not going to cut defense.

The gentleman has suggested $1 billion less spending in defense. I think most Members would not support that. We can suggest to the appropriators and the authorizing committees where they ought to cut, but we cannot demand that. So the gentleman's desire that they take the $1 billion out of a particular place is not necessarily where it is going to come out of. The only thing we know if we adopt the gentleman's amendment is that we will be spending $1 billion less on national defense at a time when very few Americans would support that.

With all due respect to the gentleman from Wisconsin, I appreciate his approach. It is a consistent approach that he has used; but it is an approach that, yes, increases spending and increases taxes.

Mr. OBEY. Mr. Chairman, I yield myself 3 minutes. I find the logic of the gentleman interesting. He says that this amendment will result in cutting defense $1 billion. It will not. It will result in a defense budget increase of $16 billion, not counting the $80 billion add-on that we provided yesterday. All we are doing is eliminating $1 billion of the increase because it cannot be spent because of technical problems in the program. That does not reduce the effective firepower of the United States by one bullet.

Let me also note the gentleman had some interesting comments on mandatories. This amendment does not touch mandatories. All we are dealing with in our amendment is the appropriated side of the budget for 1 year alone. We are not getting into the argument about mandatories. That is in the jurisdiction of another committee. So the gentleman's remarks are interesting, but irrelevant in terms of this amendment.

With respect to NIH, let me simply say, we can talk about how much it has been increased the past few years. If you think it is a good idea for us to have 500 fewer research grants out in the field attacking cancer, attacking Parkinson's, attacking diabetes, then by all means vote against my amendment. If you think we ought to correct that, I would urge you to vote for it. If you think we are spending enough on veterans, then by all means vote against this amendment. If you think we are not, then I would suggest you vote for our amendment which adds $3 billion to the veterans health care budget.

We have a huge hole in the services that we provide veterans. All you have to do to realize that is to talk to some of those soldiers who have come back missing arms, missing legs, missing eyes. If you are comfortable with the amount that we are providing for the VA now, by all means vote against my amendment. Otherwise, vote for it. If you are comfortable with the fact that the President's budget will make it harder for low-income seniors to keep their houses heated during wintertime, then by all means vote against the amendment.

But do not do what 40 Members of the majority party did last year. After they voted for a budget which required a squeeze on all kinds of domestic programs, then they wrote our committee a letter asking us to increase funding for LIHEAP, increase funding for education, something which we could not do under the budget which the majority imposed on us.

As the gentleman said, this is a question of priorities, and I make no apology for mine.

Mr. PUTNAM. Mr. Chairman, I appreciate the distinguished ranking member's suggestion that if we disagree we should vote against it, and I assure him that we shall.

Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa (Mr. NUSSLE), chairman of the Budget Committee.

Mr. NUSSLE. Mr. Chairman, I was listening and I heard the very distinguished gentleman from Wisconsin suggest that his cuts to defense were slowing down the rate of growth for defense. It is kind of an interesting argument. I hope that the Members on his side listened to that argument because we are doing the same thing. We are slowing down the rate of growth. All of the mandatory programs will receive increases. All of those automatic spending programs will receive increases. All we are asking for is reform in slowing down the rate of growth. I have enormous respect for the gentleman when it comes to his advocacy for finding savings in defense. We should look for savings in defense. We should look for reforms. I do not think we should do that necessarily today during a war; but when you argue to slow the rate of growth, I think it is a valuable argument. I hope that we hear that more often now. When we hear about these drastic, dramatic cuts to the mandatory programs in the future, I hope they will listen to the very distinguished gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I yield 30 seconds to the gentlewoman from Wisconsin (Ms. MOORE).

Ms. MOORE of Wisconsin. Mr. Chairman, I could not resist speaking this morning on this amendment that promotes, in my opinion, family values. The budget instructions call for $4.3 billion in cuts in education. How does that reflect family values? It calls for a $69 billion reduction in health care programs like Medicaid and food stamps. I as a parent and as a Member of this body would hope that the majority would see the wisdom in adopting the Obey amendment.

Mr. PUTNAM. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. CONAWAY), the newest member of the Budget Committee.

Mr. CONAWAY. I thank the gentleman for yielding time.

Mr. Chairman, he did mention I am the newest member, but I am also the only CPA on the committee. I brought that burden to the activities of the committee. It seems that every business that I have ever consulted with, every client that I have ever had, every family that I am aware of has to live within their means. All of us can at one point or another spend more money than we are bringing in, whether it is family or a business; but you cannot do it very long.

The only organization that can do it over an extended amount of time is this body, is the Federal Government here in Washington, DC. Just because it can should not mean that it should. And we should not be doing that. We are leaving debt to our children that they will have to pay off or that they will have to look their children in the eye and say, We're going to pass it on to you. Our grandparents passed it on to us, and we're going to keep passing this thing on.

The issue of living within our means means that you have to make some tough choices and you do have to set some priorities. The Budget Committee hearing on members' day, we sat there all day long and listened to a long litany of amendments just like this one, couched in the phrases that we have already heard, that these are not family values when you, quote-unquote, cut spending; these are not love for the military when you cut spending for veterans and veterans affairs. You can make these arguments that if you vote against mom, apple pie and the girl you left behind, you are a horrible person; but the truth of the matter is all across this Nation, all of us have to make tough decisions on where we spend our money.

I stand in opposition to this amendment. The budget that is going to be proposed later on today does in fact make some of those tough choices, begins to start that process of trying to force this government to live within its means. Tax revenues are going up because the economy that we live in is improving. That is the way that we ought to do it. But we have to hold down spending. Reducing the rate of growth overall in mandatory spending by one-tenth percent from 6.4 percent growth to 6.3 percent growth, I am hard pressed as an accountant and a CPA to understand why that is a cut. It is just a slowdown in the growth of increases.

The other side presents every one of these very good programs as if they are the best they can be, that they are totally efficient, that they are not spending money where they should not. I do not think that is the case. I stand in opposition to this gentleman's amendment.

Mr. OBEY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, let me simply cite a couple of other specifics. One of my objections to the President's budget is that the President is not asking to slow the rate of increase in education; the President is asking us to cut education funding below last year's level at the same time that we have laid the mother of all mandates on local school districts. Under No Child Left Behind, we have given them a whole set of marching orders. They are very expensive marching orders, but we have fallen more than $9 billion behind the amount that we promised in the authorization that we would be providing to those local school districts if we passed those education mandates. It seems to me we ought to live up to our promise.

Pell grants. Pell grants is the major program that enables young people from poor families to go to college so that "equal opportunity" is something other than a slogan in this country. Under the President's budget, the percentage of cost at a 4-year public university that will be paid for by Pell grants will drop from 41 percent to 34 percent. I do not call that progress.

I would also point out that the President's budget requires the imposition of new fees on veterans in order to gain access to the veterans health care system. I do not think we ought to do that.

So the issue before us is very simple. Do you want to insist that we give tax cuts of $140,000 on average to people who make over a million bucks? Or do you want to scale those tax cuts back to $27,000 on average and use that money to invest in more care for our veterans, to invest in better education for our kids, to invest in a stronger homeland defense, to invest in more efforts to protect our parks from encroachment?

The choice is simple. I think it is very clear where the American people come down on this.

I will repeat my assertion. I believe the President's budget adds to the gap between the wealthy and the poor in this country. In that sense, I think it is social Darwinism. I repeat that charge, I stand by it, and I think that this in contrast more nearly recognizes the message of the social gospel, which is that we do need to care about each other.

I would remind you of the words, "What you do for the least of these, you do for me." That is what this amendment is trying to do. I make no apology for it.

Mr. PUTNAM. Mr. Chairman, I yield myself such time as I may consume.

The gentleman is right. It is simple. His amendment is not a complete substitute for our budget. It is simply reducing the amount of growth in defense, as he clarified for us, and increasing taxes.

□ 1100

He points out the eight-tenths of 1 percent reduction in nonsecurity domestic discretionary spending. Does the gentleman believe that in amongst the stacks of GAO reports that come across his desk as the ranking member of the Committee on Appropriations, our desk in the Committee on the Budget, that there is not eight-tenths of 1 percent? Eight-tenths of 1 percent in one's personal budget they lose on diet Cokes on the way to work every morning. Eight-tenths of 1 percent cannot be found in negotiating a better deal on computer equipment, office supplies, travel, increased financial accounting?

Spending for education, one that he pointed out specifically, has gone up 146 percent over the last 10 years, and now we are talking about shaving eight-tenths of 1 percent off. Pell grants, the President calls for them to go up. Our budget would allow for that. Fees for veterans are not even budgeted for in this. While the gentleman rightly pointed out the President's budget, the President's budget is not up for debate today, and this budget that the House will vote on later does not call for fees on our veterans.

I urge a "no" vote on the Obey amendment and support for the underlying House budget.

Mr. OBEY. Mr. Chairman, I yield myself the balance of my time.

I would simply say the gentleman asked whether I thought that we could possibly find places in the budget that are wasteful that we could eliminate in order to meet the limits of the budget resolution. I would ask him how did he vote yesterday on our motion to create a Truman-like committee to investigate the fraud that is going on on the part of a number of military contractors in Iraq? We hear daily stories about how taxpayers are being ripped off. If the gentleman is concerned about taxpayers' money being wasted, why did he not vote for that amendment yesterday instead of voting against it like every other good soldier did over there yesterday? They all voted against it.

So, Mr. Chairman, what we have before us is very simple. We have a choice of sticking with the Committee on the Budget's budget, which will leave in place tax cuts of $140,000 on average for people who make over 1 million bucks or whether they think in the interest of social justice and compassion, we ought to scale back those tax cuts so they have to skimp by on only $27,000. The poor devils. They are going to have to get food stamps to get along, I guess, if they are only getting a $27,000 tax cut.

The question is, are we going to scale back those super-sized tax cuts so we can meet our obligations in the area of education, veterans health care, homeland security, and the other items I have just named? I think economically and morally it is not even a close choice.

The Acting CHAIRMAN (Mr. SHAW). All time for debate has expired.

The question is on the amendment offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, this 15-minute vote on the Obey amendment will be followed by a 5-minute vote, if ordered, on the Hensarling amendment on which proceedings were postponed last evening.

The vote was taken by electronic device, and there were—ayes 180, noes 242, not voting 12, as follows:

[Roll No. 82]

AYES—180

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—242

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Case
Castle
Chabot
Chocola
Cole (OK)
Conaway
Cooper
Costa
Cox
Cramer
Crenshaw
Culberson
Cunningham
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—12

Coble
Cubin
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Foley
Forbes
King (NY)
Larson (CT)
Portman
Reynolds
Young (FL)

☐ 1133

Messrs. SCHWARZ of Michigan. TERRY. CHOCOLA. DAVIS of Tennessee and FORD changed their vote from "aye" to "no."

Mr. MURTHA and Mr. BILIRAKIS changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FOLEY. Mr. Chairman, on rollcall No. 82 I was unavoidably detained at a meeting at the White House. Had I been present, I would have voted "no."

AMENDMENT NO. 2 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HENSARLING

The Acting CHAIRMAN (Mr. GILLMOR). The unfinished business is the demand for a recorded vote on the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. HENSARLING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment No. 2 in the nature of a substitute offered by Mr. HENSARLING:

Strike all after the resolving clause and insert the following:

SECTION. 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2006.

(a) DECLARATION.—The Congress declares that the concurrent resolution on the budget for fiscal year 2006 is hereby established and that the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010 are hereby set forth.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2006.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Major functional categories.

TITLE II—RECONCILIATION AND REPORT SUBMISSIONS

Sec. 201. Reconciliation in the House of Representatives.
Sec. 202. Submission of report on savings to be used for members of the Armed Forces in Iraq and Afghanistan.

TITLE III—RESERVE FUNDS AND CONTINGENCY PROCEDURE

Sec. 301 Rainy Day Fund for nonmilitary emergencies.
Sec. 302 Contingency procedure for surface transportation.

TITLE IV—BUDGET ENFORCEMENT

Sec. 401. Point of Order Protection.
Sec. 402. Restrictions on advance appropriations.
Sec. 403. Automatic votes on expensive legislation.
Sec. 404. Turn off the Gephardt Rule.
Sec. 405. Restriction on the use of emergency spending.
Sec. 406. Compliance with section 13301 of the Budget Enforcement Act of 1990.
Sec. 407. Action pursuant to section 302(b)(1) of the Congressional Budget Act of 1974.
Sec. 408. Changes in allocations and aggregates resulting from realistic scoring of measures affecting revenues.
Sec. 409. Prohibition in using revenue increases to comply with budget allocation and aggregates.
Sec. 410. Application and effect of changes in allocations and aggregates.
Sec. 411. Entitlement safeguard.
Sec. 412. Budget Protection Mandatory Account.
Sec. 413. Budget Protection Discretionary Account.

TITLE V—SENSE OF THE HOUSE

Sec. 501. Sense of the House on spending accountability.
Sec. 502. Sense of the House on entitlement reform.
Sec. 503. Sense of the House regarding the abolishment of obsolete agencies and Federal sunset proposals.
Sec. 504. Sense of the House regarding the goals of this concurrent resolution and the elimination of certain programs.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2005 through 2010:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2005: $1,483,971,000,000.
Fiscal year 2006: $1,589,905,000,000.
Fiscal year 2007: $1,693,266,000,000.
Fiscal year 2008: $1,824,251,000,000.
Fiscal year 2009: $1,928,663,000,000.
Fiscal year 2010: $2,043,903,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be reduced are as follows:

Fiscal year 2005: $53,000,000.
Fiscal year 2006: $16,622,000,000.
Fiscal year 2007: $24,414,000,000.
Fiscal year 2008: $4,927,000,000.
Fiscal year 2009: $8,570,000,000.
Fiscal year 2010: $9,063,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2005: $2,070,357,000,000.
Fiscal year 2006: $2,125,130,000,000.
Fiscal year 2007: $2,185,198,000,000.
Fiscal year 2008: $2,291,682,000,000.
Fiscal year 2009: $2,404,965,000,000.
Fiscal year 2010: $2,497,636,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2005: $2,052,551,000,000.
Fiscal year 2006: $2,143,613,000,000.
Fiscal year 2007: $2,192,270,000,000.
Fiscal year 2008: $2,275,421,000,000.
Fiscal year 2009: $2,377,265,000,000.
Fiscal year 2010: $2,476,988,000,000.

(4) DEFICITS (ON-BUDGET).—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2005: $568,580,000,000.
Fiscal year 2006: $553,708,000,000.
Fiscal year 2007: $499,004,000,000.
Fiscal year 2008: $451,170,000,000.
Fiscal year 2009: $448,602,000,000.
Fiscal year 2010: $433,085,000,000.

(5) DEBT SUBJECT TO LIMIT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2005: $4,685,000,000,000.
Fiscal year 2006: $5,060,705,000,000.
Fiscal year 2007: $5,374,742,000,000.
Fiscal year 2008: $5,626,285,000,000.
Fiscal year 2009: $5,865,547,000,000.
Fiscal year 2010: $6,074,877,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2005: $7,958,232,000,000.
Fiscal year 2006: $8,623,729,000,000.
Fiscal year 2007: $9,249,860,000,000.
Fiscal year 2008: $9,839,054,000,000.
Fiscal year 2009: $10,438,512,000,000.
Fiscal year 2010: $11,029,815,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2005 through 2010 for each major functional category are as follows:

(1) National Defense (050):

Fiscal year 2005:
(A) New budget authority, $500,621,000,000.
(B) Outlays, $497,196,000,000.
Fiscal year 2006:
(A) New budget authority, $441,562,000,000.
(B) Outlays, $475,603,000,000.
Fiscal year 2007:
(A) New budget authority, $465,260,000,000.
(B) Outlays, $460,673,000,000.
Fiscal year 2008:
(A) New budget authority, $483,730,000,000.
(B) Outlays, $471,003,000,000.
Fiscal year 2009:
(A) New budget authority, $503,763,000,000.
(B) Outlays, $489,220,000,000.
Fiscal year 2010:
(A) New budget authority, $513,904,000,000.
(B) Outlays, $505,908,000,000.

(2) Homeland Security (100):

Fiscal year 2005:
(A) New budget authority, $30,896,000,000.
(B) Outlays, $25,830,000,000.
Fiscal year 2006:
(A) New budget authority, $29,323,000,000.
(B) Outlays, $28,186,000,000.
Fiscal year 2007:
(A) New budget authority, $29,673,000.
(B) Outlays, $30,029,000,000.
Fiscal year 2008:
(A) New budget authority, $30,081,000,000.
(B) Outlays, $31,244,000,000.
Fiscal year 2009:
(A) New budget authority, $32,910,000,000.
(B) Outlays, $31,200,000,000.
Fiscal year 2010:
(A) New budget authority, $31,404,000,000.
(B) Outlays, $31,703,000,000.

(3) International Affairs (150):

Fiscal year 2005:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2006:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2007:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2008:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2009:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2010:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

(4) General Science, Space, and Technology (250):

Fiscal year 2005:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2006:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2007:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2008:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2009:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2010:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

(5) Energy (270):

Fiscal year 2005:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2006:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2007:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2008:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2009:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2010:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

(6) Natural Resources and Environment (300):

Fiscal year 2005:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2006:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2007:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2008:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2009:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2010:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

(7) Agriculture (350):

Fiscal year 2005:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2006:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2007:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2008:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2009:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2010:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

(8) Commerce and Housing Credit (370):

Fiscal year 2005:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2006:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2007:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2008:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2009:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2010:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

(9) Transportation (400):

Fiscal year 2005:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2006:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2007:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2008:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2009:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2010:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

(10) Community and Regional Development (450):

Fiscal year 2005:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2006:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2007:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2008:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2009:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2010:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

(11) Education, Training, Employment, and Social Services (500):

Fiscal year 2005:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2006:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2007:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2008:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2009:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2010:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

(12) Health (550):

Fiscal year 2005:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2006:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2007:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2008:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2009:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2010:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

(13) Medicare (570):

Fiscal year 2005:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2006:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2007:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2008:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2009:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2010:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

(14) Income Security (600):

Fiscal year 2005:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2006:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2007:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2008:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2009:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2010:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

(15) Social Security (650):

Fiscal year 2005:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2006:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2007:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2008:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2009:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2010:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

(16) Veterans Benefits and Services (700):

Fiscal year 2005:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2006:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2007:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2008:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2009:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2010:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

(17) Administration of Justice (750):

Fiscal year 2005:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2006:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2007:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2008:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2009:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2010:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

(18) General Government (800):

Fiscal year 2005:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2006:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2007:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2008:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2009:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

Fiscal year 2010:

(A) New budget authority, an amount to be derived from function 920.

(B) Outlays, an amount to be derived from function 920.

(19) Net Interest (900):

Fiscal year 2005:

(A) New budget authority, $276,942,000,000.

(B) Outlays, $276,942,000,000.

Fiscal year 2006:

(A) New budget authority, $310,247,000,000.

(B) Outlays, $310,247,000,000.

Fiscal year 2007:

(A) New budget authority, $358,951,000,000.

(B) Outlays, $358,951,000,000.

Fiscal year 2008:

(A) New budget authority, $395,414,000,000.

(B) Outlays, $395,414,000,000.

Fiscal year 2009:

(A) New budget authority, $423,169,000,000.

(B) Outlays, $423,169,000,000.

Fiscal year 2010:

(A) New budget authority, $448,789,000,000.

(B) Outlays, $448,789,000,000.

(20) Allowances (920):

Fiscal year 2005:
(A) New budget authority, $1,325,002,000,000.
(B) Outlays, $1,315,687,000,000.
Fiscal year 2006:
(A) New budget authority, $1,399,360,000,000.
(B) Outlays, $1,384,939,000,000.
Fiscal year 2007:
(A) New budget authority, $1,394,577,000,000.
(B) Outlays, $1,407,005,000,000.
Fiscal year 2008:
(A) New budget authority, $1,477,937,000,000.
(B) Outlays, $1,444,052,000,000.
Fiscal year 2009:
(A) New budget authority, $1,505,999,000,000.
(B) Outlays, $1,493,927,000,000.
Fiscal year 2010:
(A) New budget authority, $1,566,983,000,000.
(B) Outlays, $1,553,407,000,000.

(21) Undistributed Offsetting Receipts (950):
Fiscal year 2005:
(A) New budget authority, −$54,104,000,000.
(B) Outlays, −$54,104,000,000.
Fiscal year 2006:
(A) New budget authority, −$55,362,000,000.
(B) Outlays, −$55,362,000,000.
Fiscal year 2007:
(A) New budget authority, −$63,263,000,000.
(B) Outlays, −$64,388,000,000.
Fiscal year 2008:
(A) New budget authority, −$65,480,000,000.
(B) Outlays, −$66,292,000,000.
Fiscal year 2009:
(A) New budget authority, −$60,876,000,000.
(B) Outlays, −$60,251,000,000.
Fiscal year 2010:
(A) New budget authority, −$63,447,000,000.
(B) Outlays, −$62,822,000,000.

TITLE II—RECONCILIATION AND REPORT SUBMISSIONS

SEC. 201. RECONCILIATION IN THE HOUSE OF REPRESENTATIVES.

(a) Submissions Providing for the Elimination of Waste, Fraud, and Abuse in Mandatory Programs.—(1) Not later than July 15, 2005, the House committees named in paragraph (2) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(2) Instructions.—

(A) Committee on Agriculture.—The House Committee on Agriculture shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $893,000,000 in outlays for fiscal year 2006 and $5,959,000,000 in outlays for the period of fiscal years 2006 through 2010.

(B) Committee on Education and the Workforce.—The House Committee on Education and the Workforce shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $2,128,000,000 in outlays for fiscal year 2006 and $21,803,000,000 in outlays for the period of fiscal years 2006 through 2010.

(C) Committee on Energy and Commerce.—The House Committee on Energy and Commerce shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $1,419,000,000 in outlays for fiscal year 2006 and $30,725,000,000 in outlays for the period of fiscal years 2006 through 2010.

(D) Committee on Financial Services.—The House Committee on Financial Services shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $30,000,000 in new budget authority for fiscal year 2006 and $270,000,000 in new budget authority for the period of fiscal years 2006 through 2010.

(E) Committee on Government Reform.—The House Committee on Government Reform shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $268,000,000 in outlays for fiscal year 2006 and $3,164,000,000 in outlays for the period of fiscal years 2006 through 2010.

(F) Committee on House Administration.—The House Committee on House Administration shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $57,000,000 in outlays for fiscal year 2006 and $2,673,000,000 in outlays for the period of fiscal years 2006 through 2010.

(G) Committee on International Relations.—The House Committee on International Relations shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $45,000,000 in outlays for fiscal year 2006 and $504,000,000 in outlays for the period of fiscal years 2006 through 2010.

(H) Committee on the Judiciary.—The House Committee on the Judiciary shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $144,000,000 in outlays for fiscal year 2006 and $826,000,000 in outlays for the period of fiscal years 2006 through 2010.

(I) Committee on Resources.—The House Committee on Resources shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $114,000,000 in outlays for fiscal year 2006 and $1,598,000,000 in outlays for the period of fiscal years 2006 through 2010.

(J) Committee on Science.—The House Committee on Science shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $303,000,000 in outlays for fiscal year 2006 and $3,864,000,000 in outlays for the period of fiscal years 2006 through 2010.

(K) Committee on Transportation and Infrastructure.—The House Committee on Transportation and Infrastructure shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $65,000,000 in outlays for fiscal year 2006 and $690,000,000 in outlays for the period of fiscal years 2006 through 2010.

(L) Committee on Veterans' Affairs.—The House Committee on Veterans' Affairs shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $155,000,000 in outlays for fiscal year 2006 and $798,000,000 in outlays for the period of fiscal years 2006 through 2010.

(M) Committee on Ways and Means.—The House Committee on Ways and Means shall report changes in laws within its jurisdiction sufficient to reduce the level of direct spending for that committee by $6,534,000,000 in outlays for fiscal year 2006 and $52,391,000,000 in outlays for the period of fiscal years 2006 through 2010.

(N) Special Rule.—The chairman of the Committee on the Budget may take into account legislation enacted after the adoption of this resolution that is determined to reduce the deficit and may make applicable adjustments in reconciliation instructions, allocations, and budget aggregates and may also make adjustments in reconciliation instructions to protect earned benefit programs.

(b) Submission Providing for Changes in Revenue.—The House Committee on Ways and Means shall report a reconciliation bill not later than June 24, 2005, that consists of changes in laws within its jurisdiction sufficient to reduce revenues by not more than $17,700,000,000 for fiscal year 2006 and by not more than $105,900,000,000 for the period of fiscal years 2006 through 2010.

(c)(1) Upon the submission to the Committee on the Budget of the House of a recommendation that has complied with its reconciliation instructions solely by virtue of section 310(b) of the Congressional Budget Act of 1974, the chairman of that committee may file with the House appropriately revised allocations under section 302(a) of such Act and revised functional levels and aggregates.

(2) Upon the submission to the House of a conference report recommending a reconciliation bill or resolution in which a committee has complied with its reconciliation instructions solely by virtue of this section, the chairman of the Committee on the Budget of the House may file with the House appropriately revised allocations under section 302(a) of such Act and revised functional levels and aggregates.

(3) Allocations and aggregates revised pursuant to this subsection shall be considered to be allocations and aggregates established by the concurrent resolution on the budget pursuant to section 301 of such Act.

SEC. 202. SUBMISSION OF REPORT ON DEFENSE SAVINGS.

In the House, not later than May 15, 2005, the Committee on Armed Services shall submit to the Committee on the Budget its findings that identify $2,000,000,000 in savings from (1) activities that are determined to be of a low priority to the successful execution of current military operations; or (2) activities that are determined to be wasteful or unnecessary to national defense. Funds identified should be reallocated to programs and activities that directly contribute to enhancing the combat capabilities of the U.S. military forces with an emphasis on force protection, munitions, and surveillance capabilities. For purposes of this subsection, the report by the Committee on Armed Services shall be inserted in the Congressional Record by the chairman of the Committee on the Budget not later than May 21, 2005.

TITLE III—RESERVE FUNDS AND CONTINGENCY PROCEDURE

SEC. 301. RAINY DAY FUND FOR NON-MILITARY EMERGENCIES.

In the House of Representatives and the Senate, if the Committee on Appropriations reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides new budget authority (and outlays flowing therefrom) for nonmilitary emergencies, then the chairman of the Committee on the Budget of that House shall make the appropriate revisions to the allocations and other levels in this resolution by the amount provided by that measure for that purpose, but the total adjustment for all measures considered under this section shall not exceed $20,000,000,000 in new budget authority for fiscal year 2006 and outlays flowing therefrom.

SEC. 302. CONTINGENCY PROCEDURE FOR SURFACE TRANSPORTATION.

(a) In General.—If the Committee on Transportation and Infrastructure of the House reports legislation, or if an amendment thereto is offered or a conference report thereon is submitted, that provides new budget authority for the budget accounts or portions thereof in the highway and transit categories as defined in sections 250(c)(4)(B) and (C) of the Balanced Budget and Emergency Deficit Control Act of 1985 in excess of the following amounts:

(1) for fiscal year 2005: $42,806,000,000,
(2) for fiscal year 2006: $45,899,100,000,
(3) for fiscal year 2007: $47,828,700,000,
(4) for fiscal year 2008: $49,715,400,000, or
(5) for fiscal year 2009: $51,743,500,000,

the chairman of the Committee on the Budget may adjust the appropriate budget aggregates and increase the allocation of new budget authority to such committee for fiscal year 2005 and for the period of fiscal years 2005 through 2009 to the extent such excess is offset by a reduction in mandatory outlays from the Highway Trust Fund or an increase in receipts appropriated to such fund for the applicable fiscal year caused by such legislation or any previously enacted legislation.

(b) ADJUSTMENT FOR OUTLAYS.—For fiscal year 2006, in the House, if a bill or joint resolution is reported, or if an amendment thereto is offered or a conference report thereon is submitted, that changes obligation limitations such that the total limitations are in excess of $42,792,000,000 for fiscal year 2006 for programs, projects, and activities within the highway and transit categories as defined in sections 250(c)(4)(B) and (C) of the Balanced Budget and Emergency Deficit Control Act of 1985, and if legislation has been enacted that satisfies the conditions set forth in subsection (a) for such fiscal year, the chairman of the Committee on the Budget may increase the allocation of outlays and appropriate aggregates for such fiscal year for the committee reporting such measure by the amount of outlays that corresponds to such excess obligation limitations, but not to exceed the amount of such excess that was offset pursuant to subsection (a).

TITLE IV—BUDGET ENFORCEMENT

SEC. 401. POINT OF ORDER PROTECTION.

(a) IN GENERAL.—(1) A report by the Committee on Rules on a rule or order that would waive section 302(f) or 303(a) (other than paragraph (2)) of the Congressional Budget Act of 1974 may not be called up for consideration (over the objection of any Member) except when so determined by a vote of a majority of the Members duly chosen and sworn, a quorum being present.

(2) A question of consideration under this paragraph shall be debatable for 20 minutes equally divided by a proponent and opponent of the question but shall otherwise be decided without intervening motion except one that the House adjourn.

(3) This paragraph does not apply to any rule providing for consideration of any legislation the title of which is as follows: "A bill to preserve Social Security."

(b) WAIVER PROHIBITION.—The Committee on Rules may not report a rule or order proposing a waiver of subsection (a).

SEC. 402. RESTRICTIONS ON ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—(1) In the House, except as provided in subsection (b), an advance appropriation may not be reported in a bill or joint resolution making a general appropriation or continuing appropriation, and may not be in order as an amendment thereto.

(2) Managers on the part of the House may not agree to a Senate amendment that would violate paragraph (1) unless specific authority to agree to the amendment first is given by the House by a separate vote with respect thereto.

(b) EXCEPTION.—In the House, an advance appropriation may be provided for fiscal year 2007 and fiscal years 2008 for programs, projects, activities or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading 'Accounts Identified for Advance Appropriations' in an aggregate amount not to exceed $23,568,000,000 in new budget authority.

(c) DEFINITION.—In this section, the term "advance appropriation" means any discretionary new budget authority in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2006 that first becomes available for any fiscal year after 2006.

SEC. 403. AUTOMATIC VOTES ON EXPENSIVE LEGISLATION.

In the House, the yeas and nays shall be considered as ordered when the Speaker puts the question on passage of a bill or joint resolution, or on adoption of conference report, which authorizes or provides new budget authority of not less $50,000,000. The Speaker may not entertain a unanimous consent request or motion to suspend this section.

SEC. 404. TURN OFF THE GEPHARDT RULE.

Rule XXVII shall not apply with respect to the adoption by the Congress of a concurrent resolution on the budget for fiscal year 2006.

SEC. 405. EMERGENCY SPENDING.

(a) EXEMPTION OF OVERSEAS CONTINGENCY OPERATIONS.—In the House, if a bill or joint resolution is reported, or an amendment is offered thereto or a conference report is filed thereon, that makes supplemental appropriations for fiscal year 2006 for contingency operations related to the global war on terrorism, then the new budget authority, new entitlement authority, outlays, and receipts resulting therefrom shall not count for purposes of sections 302, 303, and 401 of the Congressional Budget Act of 1974 for the provisions of such measure that are designated pursuant to this subsection as making appropriations for such contingency operations.

(b) EXEMPTION OF EMERGENCY PROVISIONS.—In the House, if a bill or joint resolution is reported, or an amendment is offered thereto or a conference report is filed thereon, that designates a provision as an emergency requirement pursuant to this section, then the new budget authority, new entitlement authority, outlays, and receipts resulting therefrom shall not count for purposes of sections 302, 303, 311, and 401 of the Congressional Budget Act of 1974.

(c) DESIGNATIONS.—

(1) GUIDANCE.—In the House, if a provision of legislation is designated as an emergency requirement under subsection (b), the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in paragraph (2). If such legislation is to be considered by the House without being reported, then the committee shall cause the explanation to be published in the Congressional Record in advance of floor consideration.

(2) CRITERIA.—

(A) IN GENERAL.—Any such provision is an emergency requirement if the underlying situation poses a threat to life, property, or national security and is—

(i) sudden, quickly coming into being, and not building up over time;

(ii) an urgent, pressing, and compelling need requiring immediate action;

(iii) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(iv) not permanent, temporary in nature.

(B) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(d) ENFORCEMENT.—It shall not be in order in the House of Representatives to consider any bill, joint resolution, amendment or conference report that contains an emergency designation unless that designation meets the criteria set out in subsection (c)(2).

(e) ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.—It shall not be in order in the House of Representatives to consider a rule or order that waives the application of subsection (d).

(f) DISPOSITION OF POINTS OF ORDER IN THE HOUSE.—As disposition of a point of order under subsection (d) or subsection (e), the Chair shall put the question of consideration with respect to the proposition that is the subject of the point of order. A question of consideration under this section shall be debatable for 10 minutes by the Member initiating the point of order and for 10 minutes by an opponent of the point of order, but shall otherwise be decided without intervening motion except one that the House adjourn or that the Committee of the Whole rise, as the case may be.

SEC. 406. COMPLIANCE WITH SECTION 13301 OF THE BUDGET ENFORCEMENT ACT OF 1990.

(a) IN GENERAL.—In the House, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974 and section 13301 of the Budget Enforcement Act of 1990, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocation under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration.

(b) SPECIAL RULE.—In the House, for purposes of applying section 302(f) of the Congressional Budget Act of 1974, estimates of the level of total new budget authority and total outlays provided by a measure shall include any discretionary amounts provided for the Social Security Administration.

SEC. 407. ACTION PURSUANT TO SECTION 302(b)(1) OF THE CONGRESSIONAL BUDGET ACT.

(a) COMPLIANCE.—When complying with Section 302(b)(1) of the Congressional Budget Act of 1974, the Committee on Appropriations of each House shall consult with the Committee on Appropriations of the other House to ensure that the allocation of budget outlays and new budget authority among each Committee's subcommittees are identical.

(b) REPORT.—The Committee on Appropriations of each House shall report to its House when it determines that the report made by the Committee pursuant to Section 302(b) of the Congressional Budget Act of 1974 and the report made by the Committee on Appropriations of the other House pursuant to the same provision contain identical allocations of budget outlays and new budget authority among each Committee's subcommittees.

(c) POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report providing new discretionary budget authority for Fiscal Year 2006 allocated to the Committee on Appropriations unless and until the Committee on Appropriations of that House has made the report required under paragraph (b) of this Section.

SEC. 408. CHANGES IN ALLOCATIONS AND AGGREGATES RESULTING FROM REALISTIC SCORING OF MEASURES AFFECTING REVENUES.

(a) Whenever the House considers a bill, joint resolution, amendment, motion or conference report, including measures filed in compliance with section 201(b) or 201(c), that propose to change federal revenues, the impact of such measure on federal revenues shall be calculated by the Joint Committee on Taxation in a manner that takes into account—

(1) the impact of the proposed revenue changes on—

(A) Gross Domestic Product, including the growth rate for the Gross Domestic Product;

(B) total domestic employment;

(C) gross private domestic investment;

(D) general price index;

(E) interest rates; and

(F) other economic variables;

(2) the impact on Federal Revenue of the changes in economic variables analyzed under subpart (1) of this paragraph.

(b) the Chairman of the Committee on the Budget may make any necessary changes to allocations and aggregates in order to conform this concurrent resolution with the determinations made by the Joint Committee on Taxation pursuant to paragraph (a) of this Section.

SEC. 409. PROHIBITION ON USING REVENUE INCREASES TO COMPLY WITH BUDGET ALLOCATIONS AND AGGREGATES.

(a) For the purpose of enforcing this concurrent resolution in the House, the Chairman of the Committee on the Budget shall not take into account the provisions of any piece of legislation which propose to increase revenue or offsetting collections if the net effect of the bill is to increase the level of revenue or offsetting collections beyond the level assumed in this concurrent resolution.

(b) Paragraph (a) of this section shall not apply to any provision of a piece of legislation that proposes a new or increased fee for the receipt of a defined benefit or service (including insurance coverage) by the person or entity paying the fee.

SEC. 410. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution—

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the appropriate Committee on the Budget; and

(2) such chairman may make any other necessary adjustments to such levels to carry out this resolution.

SEC. 411. ENTITLEMENT SAFEGUARD.

(a) It shall not be in order in the House of Representatives to consider an direct spending legislation that would increase an on-budget deficit or decrease an on-budget surplus as provided by paragraph (e) for any applicable time period.

(b) For purposes of this clause, the term "applicable time period" means any of the following periods:

(1) The period of the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget.

(2) The period of the 5 fiscal years following first 5 years covered in the most recently adopted concurrent resolution on the budget.

(c) For purposes of this section and except as provided in paragraph (d), the term "direct-spending legislation" means any bill, joint resolution, amendment, or conference report that affects direct spending as that term is defined by, and interpreted for purposes of, the Balanced Budget and Emergency Deficit Control Act of 1985.

(d) For purposes of this section, the term "direct-spending legislation" does not include—

(1) any legislation the title of which is as follows: "A bill to preserve Social Security."; or

(2) any legislation that would cause a net increase in aggregate direct spending of less than $100,000,000 for any applicable time period.

(e) If direct spending legislation increases the on-budget deficit or decreases an on-budget surpluses when taken individually, it must also increase the on-budget deficit or decrease the on-budget surplus when taken together with all direct spending legislation enacted since the beginning of the calendar year not accounted for in the baseline assumed for the most recent concurrent resolution on the budget, except that direct spending effects resulting in net deficit reduction enacted pursuant to reconciliation instructions since the beginning of that same calendar year shall not be available.

(f) This section may be waived by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(g) For purposes of this section, the levels of budget authority and outlays for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget.

(h) The Committee on Rules may not report a rule or order proposing a waiver of paragraph (a).

SEC. 412. BUDGET PROTECTION MANDATORY ACCOUNT.

(a)(1) The chairman of the Committee on the Budget shall maintain an account to be known as the "Budget Protection Mandatory Account". The Account shall be divided into entries corresponding to the allocations under section 302(a) of the Congressional Budget Act of 1974 in the most recently adopted concurrent resolution on the budget, except that it shall not include the Committee on Appropriations.

(2) Each entry shall consist only of amounts credited to it under subsection (b). No entry of a negative amount shall be made.

(b)(1) Upon the engrossment of a House bill or joint resolution or a House amendment to a Senate bill or joint resolution (other than an appropriation bill), the chairman of the Committee on the Budget shall—

(A) credit the applicable entries of the Budget Protection Mandatory Account by the amounts specified in subparagraph (2); and

(B) reduce the applicable 302(a) allocations by the amount specified in subparagraph (2).

(2) Each amount specified in subparagraph (A) shall be the net reduction in mandatory budget authority (either under current law or proposed by the bill or joint resolution under consideration) provided by each amendment that was adopted in the House to the bill or joint resolution.

(c)(1) If an amendment includes a provision described in subparagraph (2), the chairman of the Committee on the Budget shall, upon the engrossment of a House bill or joint resolution or a House amendment to a Senate bill or joint resolution, other than an appropriation bill, reduce the level of total revenues set forth in the applicable concurrent resolution on the budget for the fiscal year or for the total of that first fiscal year and the ensuing fiscal years in an amount equal to the net reduction in mandatory authority (either under current law or proposed by a bill or joint resolution under consideration) provided by each amendment adopted by the House to the bill or joint resolution. Such adjustment shall be in addition to the adjustments described in subsection (b).

(2)(A) The provision specified in subparagraph (1) is as follows: "The amount of mandatory budget authority reduced by this amendment may be used to offset a decrease in revenues."

(B) All points of order are waived against an amendment including the text specified in subparagraph (A) provided the amendment is otherwise in order.

(d) As used in this rule, the term—

(1) "appropriation bill" means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of fiscal year 2006 or any subsequent fiscal year, as the case may be.

(2) "mandatory budget authority" means any entitlement authority as defined by, and interpreted for purposes of, the Congressional Budget Act of 1974.

(e) During the consideration of any bill or joint resolution, the chairman of the Committee on the Budget shall maintain a running tally, which shall be available to all Members, of the amendments adopted reflecting increases and decreases of budget authority in the bill or joint resolution.

SEC. 413. BUDGET DISCRETIONARY ACCOUNTS.

(a)(1) The chairman of the Committee on the Budget shall maintain an account to be known as the "Budget Protection Discretionary Account";. The Account shall be divided into entries corresponding to the allocation to the Committee on Appropriations, and the committee's suballocations, under section 302(a) and 302(b) of the Congressional Budget Act of 1974.

(2) Each entry shall consist only of amounts credited to it under subsection (b). No entry of a negative amount shall be made.

(b)(1) Upon the engrossment of a House appropriations bill, the chairman of the Committee on the Budget shall—

(A) credit the applicable entries of the Budget Protection Discretionary Account by the amounts specified in subparagraph (2).

(B) reduce the applicable 302(a) and (b) allocations by the amount specified in subparagraph (2).

(2) Each amount specified in subparagraph (A) shall be the net reduction in discretionary budget authority provided by each amendment adopted by the House to the bill or joint resolution.

(c)(1) If an amendment includes a provision described in subparagraph (2), the chairman of the Committee on the Budget shall, upon the engrossment of a House appropriations bill, reduce the level of total revenues set forth in the applicable concurrent resolution on the budget for the fiscal year or for the total of that first fiscal year and the ensuing fiscal years in an amount equal to the net reduction in discretionary budget authority provided by each amendment that was adopted by the House to the bill or joint resolution. Such adjustment shall be in addition to the adjustments described in subsection (b).

(2)(A) The provision specified in subparagraph (1) is as follows: "The amount of discretionary budget authority reduced by this amendment may be used to offset a decrease in revenues."

(B) All points of order are waived against an amendment including the text specified in subparagraph (A) provided the amendment is otherwise in order.

(d) As used in this rule, the term "appropriation bill" means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of fiscal year 2006 or any subsequent fiscal year, as the case may be.

(e) During the consideration of any bill or joint resolution, the chairman of the Committee on the Budget shall maintain a running tally, which shall be available to all Members, of the amendments adopted reflecting increases and decreases of budget authority in the bill or joint resolution.

TITLE V—SENSE OF THE HOUSE

SEC. 501. SENSE OF THE HOUSE ON SPENDING ACCOUNTABILITY.

It is the sense of the House that—

(1) authorizing committees should actively engage in oversight utilizing—

(A) the plans and goals submitted by executive agencies pursuant to the Government Performance and Results Act of 1993; and

(B) the performance evaluations submitted by such agencies (that are based upon the Program Assessment Rating Tool which is designed to improve agency performance);in order to enact legislation to eliminate waste, fraud, and abuse to ensure the efficient use of taxpayer dollars;

(2) all Federal programs should be periodically reauthorized and funding for unauthorized programs should be level-funded in fiscal year 2006 unless there is a compelling justification;

(3) committees should submit written justifications for earmarks and should consider not funding those most egregiously inconsistent with national policy;

(4) the fiscal year 2006 budget resolution should be vigorously enforced and legislation should be enacted establishing statutory limits on appropriations and a PAY-AS-YOU-GO rule for new and expanded entitlement programs; and

(5) Congress should make every effort to offset nonwar-related supplemental appropriations.

SEC. 502. SENSE OF THE HOUSE ON ENTITLEMENT REFORM.

(a) FINDINGS.—The House finds that welfare was successfully reformed through the application of work requirements, education and training opportunity, and time limits on eligibility.

(b) SENSE OF THE HOUSE.—It is the sense of the House that authorizing committees should—

(1) systematically review all means-tested entitlement programs and track beneficiary participation across programs and time;

(2) enact legislation to develop common eligibility requirements for means-tested entitlement programs;

(3) enact legislation to accurately rename means-tested entitlement programs;

(4) enact legislation to coordinate program benefits in order to limit to a reasonable period of time the Government dependency of means-tested entitlement program participants;

(5) evaluate the costs of, and justifications for, nonmeans-tested, nonretirement-related entitlement programs; and

(6) identify and utilize resources that have conducted cost-benefit analyses of participants in multiple means- and nonmeans-tested entitlement programs to understand their cumulative costs and collective benefits.

SEC. 503. SENSE OF HOUSE REGARDING THE ABOLISHMENT OF OBSOLETE AGENCIES AND FEDERAL SUNSET PROPOSALS.

(a) The House finds the following:

(1) The National Commission on the Public Service's recent report, "Urgent Business For America: Revitalizing The Federal Government For The 21st Century," states that government missions are so widely dispersed among so many agencies that no coherent management is possible. The report also states that fragmentation leaves many gaps, inconsistencies, and inefficiencies in government oversight and results in an unacceptable level of public health protection.

(2) According to the Commission, there are: more than 35 food safety laws administered by 12 different federal agencies; 541 clean air, water, and waste programs in 29 federal agencies; 50 different programs to aid the homeless in eight different Federal agencies; and 27 teen pregnancy programs operated in nine Federal agencies; and 90 early childhood programs scattered among 11 Federal agencies.

(3) According to the General Accounting Office (GAO), there are 163 programs with a job training or employment function, 64 welfare programs of a similar nature, and more than 500 urban aid programs.

(4) GAO also indicates 13 agencies coordinate 342 economic development programs, but there is very little or no coordination between them. This situation has created a bureaucracy so complex that many local communities stop applying for economic assistance. At the same time, the GAO reports that these programs often serve as nothing more than funnels for pork, have "no significant effect" on the economy, and cost as much as $ to create each job.

(5) In 1976, Colorado became the first state to implement a sunset mechanism. Today, about half of the Nation's States have some sort of sunset mechanism in effect to monitor their legislative branch agencies. On the Federal level, the United States Senate in 1978 overwhelmingly passed legislation to sunset most of the Government agencies by a vote of 87–1.

(6) In Texas, "sunsetting" has eliminated 44 agencies and saved the taxpayers $ million compared with expenditures of $ million for the Sunset Commission. Based on these estimates, for every dollar spent on the Sunset process, the State has received about $ in return.

(b) It is the Sense of the House that legislation providing for the orderly abolishment of obsolete Agencies and providing a federal sunset for government programs should be enacted during this Congress.

SEC. 504. SENSE OF THE HOUSE REGARDING THE GOALS OF THIS CONCURRENT RESOLUTION AND THE ELIMINATION OF CERTAIN PROGRAMS.

(a) The House of Representatives finds the following:

(1) The concurrent resolution on the budget for fiscal year 2006 should achieve the following key goals:

(A) Ensure adequate funding is available for essential government programs, in particular defense and homeland security.

(B) Foster greater economic growth and increased domestic employment by eliminating those provisions in the tax code that discourage economic growth and job creation and by extending existing tax relief provisions so as to prevent an automatic tax increase.

(C) Bring the Federal budget back into balance as soon as possible.

(2) The Government spends billions of dollars each year on programs and projects that are of marginal value to the country as a whole.

(3) Funding for these lower priority programs should be viewed in light of the goals of this concurrent resolution and whether or not continued funding of these programs advances or hinders the achievement of these goals.

(4) This concurrent resolution assumes that funding for many lower priority programs will be reduced or eliminated in order increase funding for defense and homeland security while at the same time controlling overall spending.

(b) It is the Sense of the House of Representatives that the following programs should be eliminated:

(1) Title X Family Planning.
(2) Corporation for Public Broadcasting.
(3) National Endowment for the Arts.
(4) Legal Services Corporation.
(5) the Advanced Technology Program.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 102, noes 320, not voting 12, as follows:

[Roll No. 83]

AYES—102

Akin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Brady (TX)
Brown-Waite, Ginny
Burgess
Cannon
Cantor
Case
Chabot
Chocola
Cole (OK)
Conaway
Cox
Deal (GA)
Diaz-Balart, M.
Drake
Duncan
English (PA)
Feeney
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gibbons
Gingrey
Gohmert
Goodlatte
Gutknecht
Harris
Hayworth
Hensarling
Herger
Hoekstra
Hostettler
Inglis (SC)
Istook
Jenkins
Jindal
Johnson, Sam
Keller
Kennedy (MN)
King (IA)
Kline
Kuhl (NY)
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McHenry
McMorris
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pence
Petri
Pitts
Poe
Pombo
Price (GA)
Radanovich
Reynolds
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Sodrel
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Walden (OR)
Wamp
Weller
Westmoreland
Wilson (SC)

NOES—320

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert

Bonilla
Bono
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
DeLauro
DeLay
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Ford
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillmor
Gonzalez
Goode
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—12

Coble
Cubin
Delahunt
Diaz-Balart, L.
Foley
Forbes
Jefferson
King (NY)
Larson (CT)
Melancon
Portman
Young (FL)

□ 1141

Mr. FITZPATRICK of Pennsylvania changed his vote from "aye" to "no."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FOLEY. Mr. Chairman, on rollcall No. 83 I was unavoidably detained at a meeting at the White House. Had I been present, I would have voted "no."

Mr. NUSSLE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TERRY) having assumed the chair, Mr. GILLMOR, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010, had come to no resolution thereon.

EXPRESSING GRAVE CONCERN OF CONGRESS REGARDING OCCUPATION OF REPUBLIC OF LEBANON BY SYRIAN ARAB REPUBLIC

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 32, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 32, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 419, nays 1, answered "present" 4, not voting 10, as follows:

[Roll No. 84]

YEAS—419

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)

Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—1

Paul

ANSWERED "PRESENT"—4

Hinchey
Kucinich
McDermott
McKinney

NOT VOTING—10

Coble
Cubin
Delahunt
DeLay
Foley
Forbes
King (NY)
Portman
Tiberi
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TERRY) (during the vote). Members are advised there are 2 minutes remaining in the vote.

☐ 1159

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the concurrent resolution was amended so as to read: "A concurrent resolution expressing the grave concern of Congress regarding the occupation of the Lebanese Republic by the Syrian Arab Republic.".

A motion to reconsider was laid on the table.

Stated for:

Mr. FOLEY. Mr. Chairman, on rollcall No. 84 I was unavoidably detained at a meeting at the White House. Had I been present, I would have voted "aye."

PROVIDING FOR FINAL PERIOD OF GENERAL DEBATE ON H. CON. RES. 95, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2006

Mr. NUSSLE. Mr. Speaker, I have a unanimous consent request that has been worked out between both sides. I ask unanimous consent that during further consideration of H. Con. Res. 95 in the Committee of the Whole, a final period of general debate shall be in order at the conclusion of consideration of the concurrent resolution for amendment, which shall not exceed 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2006

The SPEAKER pro tempore. Pursuant to House Resolution 154 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the concurrent resolution, H. Con. Res. 95.

☐ 1159

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010, with Mr. GILLMOR (Acting Chairman) in the chair.

The Clerk read the title of the concurrent resolution.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 2 printed in House Report 109–19, offered by the gentleman from Texas (Mr. HENSARLING), had been disposed of.

Pursuant to the order of the House of today, there shall be a final period of general debate at the conclusion of consideration of the concurrent resolution for amendment, which shall not exceed 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget.

It is now in order to consider amendment No. 3 printed in House Report 109–19.

AMENDMENT NO. 3 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. WATT

Mr. WATT. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Acting CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment No. 3 in the nature of a substitute offered by Mr. WATT:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2006.

The Congress declares that the concurrent resolution on the budget for fiscal year 2006 is hereby established and that the appropriate budgetary levels for fiscal years 2007 through 2010 are set forth.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2006 through 2010:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2006: $1,643,962,000,000.
Fiscal year 2007: $1,757,771,000,000.
Fiscal year 2008: $1,878,285,000,000.
Fiscal year 2009: $2,002,315,000,000.
Fiscal year 2010: $2,115,768,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 2006: $36,300,000,000.
Fiscal year 2007: $38,500,000,000.
Fiscal year 2008: $42,100,000,000.
Fiscal year 2009: $46,100,000,000.
Fiscal year 2010: $49,400,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2006: $2,167,892,000,000.
Fiscal year 2007: $2,234,617,000,000.
Fiscal year 2008: $2,347,844,000,000.
Fiscal year 2009: $2,462,004,000,000.
Fiscal year 2010: $2,567,326,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2006: $2,173,159,000,000.
Fiscal year 2007: $2,227,030,000,000.
Fiscal year 2008: $2,333,346,000,000.
Fiscal year 2009: $2,439,718,000,000.
Fiscal year 2010: $2,545,019,000,000.

(4) DEFICITS (ON-BUDGET).—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2006: $ – 529,197,000,000.
Fiscal year 2007: $ – 469,259,000,000.
Fiscal year 2008: $ – 455,061,000,000.
Fiscal year 2009: $ – 437,403,000,000.
Fiscal year 2010: $ – 429,251,000,000.

(5) DEBT SUBJECT TO LIMIT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2006: $8,602,000,000,000.
Fiscal year 2007: $9,188,000,000,000.
Fiscal year 2008: $9,767,000,000,000.
Fiscal year 2009: $10,333,000,000,000.
Fiscal year 2010: $10,896,000,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2006: $5,039,000,000,000.
Fiscal year 2007: $5,313,000,000,000.
Fiscal year 2008: $5,555,000,000,000.
Fiscal year 2009: $5,760,000,000,000.
Fiscal year 2010: $5,941,000,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2006 through 2010 for each major functional category are:

(1) National Defense (050):

Fiscal year 2006:

(A) New budget authority, $434,862,000,000.

(B) Outlays, $471,148,000,000.

Fiscal year 2007:

(A) New budget authority, $444,650,000,000.

(B) Outlays, $437,735,000,000.

Fiscal year 2008:

(A) New budget authority, $455,521,000,000.

(B) Outlays, $450,234,000,000..

Fiscal year 2009:

(A) New budget authority, $466,677,000,000.

(B) Outlays, $460,789,000,000.

Fiscal year 2010:

(A) New budget authority, $478,016,000,000.

(B) Outlays, $471,926,000,000.

(2) International Affairs (150):

Fiscal year 2006:

(A) New budget authority, $32,718,000,000.

(B) Outlays, $35,571,000,000.

Fiscal year 2007:

(A) New budget authority, $34,580,000,000.

(B) Outlays, $33,231,000,000.

Fiscal year 2008:

(A) New budget authority, $35,281,000,000.

(B) Outlays, $32,424,000,000.

Fiscal year 2009:

(A) New budget authority, $35,984,000,000.

(B) Outlays, $32,560,000,000.

Fiscal year 2010:

(A) New budget authority, $36,706,000,000.

(B) Outlays, $32,686,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 2006:

(A) New budget authority, $25,235,000,000.

(B) Outlays, $24,149,000,000.

Fiscal year 2007:

(A) New budget authority, $25,670,000,000.

(B) Outlays, $25,040,000,000.

Fiscal year 2008:

(A) New budget authority, $26,203,000,000.

(B) Outlays, $25,512,000,000.

Fiscal year 2009:

(A) New budget authority, $26,727,000,000.

(B) Outlays, $26,019,000,000.

Fiscal year 2010:

(A) New budget authority, $27,256,000,000.

(B) Outlays, $26,532,000,000.

(4) Energy (270):

Fiscal year 2006:

(A) New budget authority, $3,147,000,000.

(B) Outlays, $2,027,000,000.

Fiscal year 2007:

(A) New budget authority, $2,971,000,000.

(B) Outlays, $1,479,000,000.

Fiscal year 2008:

(A) New budget authority, $3,031,000,000.

(B) Outlays, $1,113,000,000.

Fiscal year 2009:

(A) New budget authority, $2,811,000,000.

(B) Outlays, $1,352,000,000.

Fiscal year 2010:

(A) New budget authority, $2,747,000,000.

(B) Outlays, $1,451,000,000.

(5) Natural Resources and Environment (300):

Fiscal year 2006:

(A) New budget authority, $30,563,000,000.

(B) Outlays, $32,306,000,000.

Fiscal year 2007:

(A) New budget authority, $31,660,000,000.

(B) Outlays, $32,394,000,000.

Fiscal year 2008:

(A) New budget authority, $32,494,000,000.

(B) Outlays, $33,420,000,000.

Fiscal year 2009:

(A) New budget authority, $34,118,000,000.

(B) Outlays, $34,556,000,000.

Fiscal year 2010:

(A) New budget authority, $34,896,000,000.

(B) Outlays, $35,317,000,000.

(6) Agriculture (350):

Fiscal year 2006:

(A) New budget authority, $29,780,000,000.

(B) Outlays, $28,733,000,000.

Fiscal year 2007:

(A) New budget authority, $27,324,000,000.

(B) Outlays, $26,190,000,000.

Fiscal year 2008:

(A) New budget authority, $25,576,000,000.

(B) Outlays, $24,545,000,000.

Fiscal year 2009:

(A) New budget authority, $26,073,000,000.

(B) Outlays, $25,195,000,000.

Fiscal year 2010:

(A) New budget authority, $26,012,000,000.

(B) Outlays, $25,220,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 2006:

(A) New budget authority, $11,772,000,000.

(B) Outlays, $5,629,000,000.

Fiscal year 2007:

(A) New budget authority, $12,124,000,000.

(B) Outlays, $6,245,000,000.

Fiscal year 2008:

(A) New budget authority, $12,151,000,000.

(B) Outlays, $5,938,000,000.

Fiscal year 2009:

(A) New budget authority, $12,235,000,000.

(B) Outlays, $5,143,000,000.

Fiscal year 2010:

(A) New budget authority, $12,326,000,000.

(B) Outlays, $4,810,000,000.

(8) Transportation (400):

Fiscal year 2006:

(A) New budget authority, $70,157,000,000.

(B) Outlays, $70,455,000,000.

Fiscal year 2007:

(A) New budget authority, $70,638,000,000.

(B) Outlays, $72,176,000,000.

Fiscal year 2008:

(A) New budget authority, $70,911,000,000.

(B) Outlays, $73,730,000,000.

Fiscal year 2009:

(A) New budget authority, $71,556,000,000.

(B) Outlays, $74,668,000,000.

Fiscal year 2010:

(A) New budget authority, $72,180,000,000.

(B) Outlays, $75,619,000,000.

(9) Community and Regional Development (450):

Fiscal year 2006:

(A) New budget authority, $15,679,000,000.

(B) Outlays, $18,727,000,000.

Fiscal year 2007:

(A) New budget authority, $15,537,000,000.

(B) Outlays, $16,668,000,000.

Fiscal year 2008:

(A) New budget authority, $15,754,000,000.

(B) Outlays, $15,257,000,000.

Fiscal year 2009:

(A) New budget authority, $16,056,000,000.

(B) Outlays, $14,295,000,000.

Fiscal year 2010:

(A) New budget authority, $16,357,000,000.

(B) Outlays, $14,061,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 2006:

(A) New budget authority, $115,878,000,000.

(B) Outlays, $100,398,000,000.

Fiscal year 2007:

(A) New budget authority, $117,983,000,000.

(B) Outlays, $112,710,000,000.

Fiscal year 2008:

(A) New budget authority, $120,075,000,000.

(B) Outlays, $116,968,000,000.

Fiscal year 2009:

(A) New budget authority, $122,075,000,000.

(B) Outlays, $119,556,000,000.

Fiscal year 2010:

(A) New budget authority, $124,711,000,000.

(B) Outlays, $121,907,000,000.

(11) Health (550):

Fiscal year 2006:

(A) New budget authority, $263,151,000,000.

(B) Outlays, $262,872,000,000.

Fiscal year 2007:

(A) New budget authority, $277,813,000,000.

(B) Outlays, $276,036,000,000.

Fiscal year 2008:

(A) New budget authority, $298,412,000,000.

(B) Outlays, $296,301,000,000.

Fiscal year 2009:

(A) New budget authority, $321,498,000,000.

(B) Outlays, $317,159,000,000.

Fiscal year 2010:

(A) New budget authority, $342,449,000,000.

(B) Outlays, $340,349,000,000.

(12) Medicare (570):

Fiscal year 2006:

(A) New budget authority, $331,181,000,000.

(B) Outlays, $330,944,000,000.

Fiscal year 2007:

(A) New budget authority, $372,132,000,000.

(B) Outlays, $372,353,000,000.

Fiscal year 2008:

(A) New budget authority, $395,766,000,000.

(B) Outlays, $395,759,000,000.

Fiscal year 2009:

(A) New budget authority, $420,916,000,000.

(B) Outlays, $420,450,000,000.

Fiscal year 2010:

(A) New budget authority, $449,089,000,000.

(B) Outlays, $449,346,000,000.

(13) Income Security (600):

Fiscal year 2006:

(A) New budget authority, $349,218,000,000.

(B) Outlays, $355,125,000,000.

Fiscal year 2007:

(A) New budget authority, $356,381,000,000.

(B) Outlays, $361,033,000,000.

Fiscal year 2008:

(A) New budget authority, $370,455,000,000.

(B) Outlays, $373,930,000,000.

Fiscal year 2009:

(A) New budget authority, $381,030,000,000.

(B) Outlays, $383,313,000,000.

Fiscal year 2010:

(A) New budget authority, $392,106,000,000.

(B) Outlays, $393,720,000,000.

(14) Social Security (650):

Fiscal year 2006:

(A) New budget authority, $15,891,000,000.

(B) Outlays, $15,891,000,000.

Fiscal year 2007:

(A) New budget authority, $17,704,000,000.

(B) Outlays, $17,704,000,000.

Fiscal year 2008:

(A) New budget authority, $19,768,000,000.

(B) Outlays, $19,768,000,000.

Fiscal year 2009:

(A) New budget authority, $21,743,000,000.

(B) Outlays, $21,743,000,000.

Fiscal year 2010:

(A) New budget authority, $24,029,000,000.

(B) Outlays, $24,029,000,000.

(15) Veterans Benefits and Services (700):

Fiscal year 2006:

(A) New budget authority, $73,351,000,000.

(B) Outlays, $71,594,000,000.

Fiscal year 2007:

(A) New budget authority, $72,849,000,000.

(B) Outlays, $71,561,000,000.

Fiscal year 2008:

(A) New budget authority, $77,093,000,000.

(B) Outlays, $76,029,000,000.

Fiscal year 2009:

(A) New budget authority, $78,864,000,000.

(B) Outlays, $77,734,000,000.

Fiscal year 2010:

(A) New budget authority, $80,676,000,000.

(B) Outlays, $79,461,000,000.

(16) Administration of Justice (750):

Fiscal year 2006:

(A) New budget authority, $41,840,000,000.

(B) Outlays, $43,013,000,000.

Fiscal year 2007:

(A) New budget authority, $41,551,000,000.

(B) Outlays, $42,249,000,000.

Fiscal year 2008:

(A) New budget authority, $42,635,000,000.

(B) Outlays, $42,926,000,000.

Fiscal year 2009:
(A) New budget authority, $43,741,000,000.
(B) Outlays, $43,575,000,000.
Fiscal year 2010:
(A) New budget authority, $44,880,000,000.
(B) Outlays, $44,599,000,000.
(17) General Government (800):
Fiscal year 2006:
(A) New budget authority, $18,017,000,000.
(B) Outlays, $18,308,000,000.
Fiscal year 2007:
(A) New budget authority, $18,442,000,000.
(B) Outlays, $18,080,000,000.
Fiscal year 2008:
(A) New budget authority, $18,549,000,000.
(B) Outlays, $18,290,000,000.
Fiscal year 2009:
(A) New budget authority, $19,135,000,000.
(B) Outlays, $18,673,000,000.
Fiscal year 2010:
(A) New budget authority, $19,755,000,000.
(B) Outlays, $19,275,000,000.
(18) Net Interest (900):
Fiscal year 2006:
(A) New budget authority, $308,584,000,000.
(B) Outlays, $308,584,000,000.
Fiscal year 2007:
(A) New budget authority, $355,775,000,000.
(B) Outlays, $355,775,000,000.
Fiscal year 2008:
(A) New budget authority, $391,505,000,000.
(B) Outlays, $391,505,000,000.
Fiscal year 2009:
(A) New budget authority, $419,077,000,000.
(B) Outlays, $419,077,000,000.
Fiscal year 2010:
(A) New budget authority, $444,335,000,000.
(B) Outlays, $444,335,000,000.
(19) Allowances (920):
Fiscal year 2006:
(A) New budget authority, $52,050,000,000.
(B) Outlays, $33,050,000,000.
Fiscal year 2007:
(A) New budget authority, $2,098,000,000.
(B) Outlays, $12,761,000,000.
Fiscal year 2008:
(A) New budget authority, $2,146,000,000.
(B) Outlays, $5,990,000,000.
Fiscal year 2009:
(A) New budget authority, $2,206,000,000.
(B) Outlays, $4,113,000,000.
Fiscal year 2010:
(A) New budget authority, $2,246,000,000.
(B) Outlays, $3,199,000,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2006:
(A) New budget authority, −$55,362,000,000.
(B) Outlays, −$55,362,000,000.
Fiscal year 2007:
(A) New budget authority, −$63,263,000,000.
(B) Outlays, −$64,388,000,000.
Fiscal year 2008:
(A) New budget authority, −$65,480,000,000.
(B) Outlays, −$66,292,000,000.
Fiscal year 2009:
(A) New budget authority, −$60,876,000,000.
(B) Outlays, −$60,251,000,000.
Fiscal year 2010:
(A) New budget authority, −$63,447,000,000.
(B) Outlays, −$62,822,000,000.

The Acting CHAIRMAN. Pursuant to House Resolution 154, the gentleman from North Carolina (Mr. WATT) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. WATT).

□ 1200

Mr. WATT. Mr. Chairman, I yield myself such time as I may consume.

I am honored to stand here as the Chair of the Congressional Black Caucus for the 109th Congress and to offer as this substitute amendment the Congressional Black Caucus' budget for this year.

We believe that a budget is a statement of priorities and in that respect Members should know where the money is coming from that is being budgeted and how the money is being spent.

Mr. Chairman, I yield 6½ minutes to the gentleman from Virginia (Mr. SCOTT), who has led the task force for the Congressional Black Caucus to put together the budget.

Mr. SCOTT of Virginia. Mr. Chairman, I thank the gentleman for yielding me this time.

The Congressional Black Caucus is offering an alternative budget proposal that differs from both the President's budget and the House majority's budget by putting America and Americans first. Its focus is to reduce disparities that exist in America's communities by investing in the priorities and challenges that Americans face today. It also provides significant support for our troops in Iraq. At the same time, the CBC budget alternative accomplishes these goals in a manner that is much more fiscally responsible than the Republican budget, so much so, as this chart shows, the budget deficit each year is much less, a total of a $167 billion deficit reduction over 5 years, so much so that it saves just in interest cost alone $27.5 billion over 5 years.

The Congressional Black Caucus alternative builds for America's future and addresses the domestic challenges our country faces. The bulk of the CBC budget has been applied to a comprehensive approach to education and training. With the intention of closing achievement and opportunity gaps in education, the CBC budget dramatically increases funding for education and training programs by $23.9 billion over the proposed Republican budget next year alone.

The CBC budget supports public education by fully funding No Child Left Behind, provides critical funding for Head Start, TRIO, IDEA, and elementary and secondary school counseling. To address the education needs of our military families, the CBC budget allocates more funding for Impact Aid. Millions of at-risk students are hoping to succeed in high school and enroll in college, and to make that dream a reality the CBC alternative allocates funding for the GEAR-UP program, raises the maximum amount for Pell Grants, increases funding for historically black colleges and universities and Hispanic-serving institutions. In addition, the CBC budget funds for the Perkins student loan program, as well as job training, adult education, and vocational education programs that are critical in today's global economy.

In order to close the existing economic disparities in the United States and to help entrepreneurs realize the American dream, the CBC alternative funds job creation programs under the Small Business Administration. It supports community development programs, including community development block grants, child nutrition programs, and health programs such as Community Health Centers.

The budget also addresses disparities in housing, and believes that everyone in the United States is entitled to a safe and comfortable home. It supports HOPE VI, section 8 housing programs, housing for the disabled and elderly, and low income energy assistance. The budget also provides funding for Amtrak and public transportation.

The CBC recognizes that advancements in technology and science are necessary to maintain America's competitiveness in today's global economy. The budget supports funding for research and development, particularly in aeronautics and NASA, and increases funding for the National Science Foundation, the National Institute of Standards and Technology, and the Department of Energy, as well as measures for space shuttle safety.

The Congressional Black Caucus budget alternative also recognizes the importance of adding to the safety of our communities by funding initiatives such as juvenile crime prevention programs and prisoner reentry programs.

The funding for these important domestic needs comes from rolling back tax cuts for an individual's adjusted gross income that is over $200,000, and eliminating several abusive tax loopholes, including corporate incentives to move jobs overseas. Moreover, the Congressional Black Caucus budget does not adopt the new tax cuts included in the Republican budget. The CBC revenues are used for the domestic and deficit reduction portions of the alternative budget.

The CBC budget is also committed to making America more secure. The funding for urgent homeland security needs, veterans programs and benefits, and additional support for defense and our troops in Iraq comes from a $7.8 billion reduction in ballistic missile defense, leaving $1 billion in the program for continued research.

It is a priority of the CBC to provide American soldiers with the equipment necessary to return home from Iraq in a safe, quick and successful manner. To that end, a portion of these funds have been reallocated to protect our troops in Iraq by providing them with body armor, vehicle armor, and other personal support equipment, as well as for the construction and maintenance of our Navy vessels, which will preserve jobs.

The CBC understands that providing homeland security requires appropriate funding to meet the many pressing needs in homeland security; and, therefore, we have substantial funding for port security grants and rail security grants as well as funding for first responders, Federal air marshals and border patrol agents.

The remainder of these funds are used to restore cuts in veterans' programs and benefits. The CBC understands that today's soldiers are tomorrow's veterans who deserve our respect and sacrifices, not just in word but in deed and in budget. Thus, the alternative budget makes critical increases in veterans' programs and benefits, a substantial portion of which is health care.

It also supports funding for long-term care initiatives, medical and prosthetic research, and mental health care, among others. We believe that the sum of these initiatives will make us more secure as a Nation.

The CBC is committed to reducing disparities in all of America's communities. At the same time, our budget recognizes that we cannot place the burden on our children and grandchildren. A top priority of the CBC is to address the exploding deficit problem, and that is why our budget reduces the deficit by $167 billion and saves $27 billion in interest payments compared to the House majority's budget.

Members of the CBC have worked tirelessly to create a budget that is fiscally responsible, supports our troops and recognizes the need of American individuals and American communities around the country. We believe this is a sound budget that will reduce disparities in America's communities and promote and protect the best that America and Americans have to offer.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I commend the gentleman from North Carolina (Mr. WATT) and his colleagues for bringing forth an alternative budget. We know how difficult it is to put together a budget of this magnitude. As the gentleman said, this is a substitute budget, a true alternative budget to what was passed out of the committee. It highlights the differences between the Democrats' strategy and the Republican budgeting strategy. The Democrats seem to love spending increases and tax increases, and that is exactly what this alternative budget does.

It increases spending compared to the committee budget that is on the floor. It increases spending by $32.5 billion in budget authority and also $18.9 billion increased spending in the year 2006. That is just in 1 year. It also increases spending by $173 billion in budget authority over 5 years and $149 billion in outlays in the next 5 years. It also massively increases taxes by $35.1 billion in fiscal year 2006 alone and $169 billion over the next 5 years as opposed to the budget that was passed by the Committee on the Budget.

Again, these tax increases are above and beyond, on top of enormous spending increases. But that is not the only problem that we have with this budget alternative. It also decreases defense spending. Again, while the Nation is at war, this alternative budget cuts defense spending by $10.7 billion in budget authority and $7 billion in outlays just in fiscal year 2006. Again, during fiscal years 2006 through 2010, this alternative budget would reduce defense spending by $149.5 billion in budget authority and $129 billion in outlays. So we have very clear differences that have been illustrated by these two budgets.

Once again, I commend the gentleman for doing the hard work and putting an alternative budget together that is being discussed right now. Again these two budgets obviously highlight the difference. This budget that they are proposing increases taxes and cuts spending on defense in a time of war.

Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. MCHENRY), a member of the Committee on the Budget who has done an incredible job and shown incredible leadership on this issue.

Mr. MCHENRY. Mr. Chairman, I thank the gentleman for yielding me this time.

First, I commend the gentleman from North Carolina (Mr. WATT) for offering a budget alternative. I know that the gentleman and his staff, along with the other members of the Congressional Black Caucus, worked very hard to put this budget together. Working on the Committee on the Budget this year, I realize how difficult it is to get agreement on the type of budget we need. Even to get a small group of people to agree on a budget is very difficult, so I commend the chairman of the Congressional Black Caucus for putting this together and I certainly respect what the gentleman has done.

But on so many issues we have disagreement on the content of the budget. First, I do not think we need to raise taxes at a time when our economy is trying to get its footing back. And at a time of war, we need to fully fund defense and homeland security. We have so many needs in this country that we have to fund and so many priorities that we must fund. I think our budget that we produced out of the Committee on the Budget is well balanced. I think it is appropriate for the time we are living, the time of war, the time of very strong homeland security needs, and we need to properly fund those items, which I believe our House budget that we produced out of the Committee on the Budget does.

So I am very proud of the work that the gentleman from Iowa (Mr. NUSSLE) has done to get a balanced approach for our budgeting.

I would like to talk more about the qualities of our House budget that we have on the floor today. I think that is why we need to pass that budget unamended. First, our House budget fully funds the defense budget request of our President. There is a 4.8 percent increase, which totals $419 billion in defense spending, and a net increase of 2.3 percent in nonmilitary appropriated accounts for homeland security, including $32.5 billion for the Department of Homeland Security.

But furthermore, I think it is important that we talk about what it does for veterans. With veterans I have a chart here today discussing, showing our increase in veterans programs and the spending we have increased in veterans programs. There is a rapid increase in veterans spending especially during this time of war. We are funding veterans programs appropriately in this Congress. We are funding more veterans health care programs. We are doing more for those serving to defend our country. The current House budget we have will increase veterans program spending to $67 billion. I think that is a move in the right direction.

Furthermore, spending per veteran has increased to $2,700 per veteran. I think it is appropriate to notice the rapid rise in veterans spending. So we are funding priorities. This budget, although restraining nondefense, nonhomeland security discretionary spending, and taking on mandatory government programs and finding savings, although slight, we are finding savings in those programs that will enable us to keep continuing to cut taxes and enable us to avoid raising taxes at the same time.

Mr. Chairman, as I said, I thank the gentleman from North Carolina (Mr. WATT) for offering this budget alternative. I respect what the gentleman is trying to do, but we have different ways of achieving the same result of funding the priorities and helping the American people.

□ 1215

Mr. WATT. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I thank the gentlemen for their kind words. If you listened to them, it would make it sound like we have the same budget, but I want to assure you and our colleagues that that is not the case. And I want to assure you that by the end of this debate, you are going to know what the differences are.

We set out at the beginning of this Congress to set an agenda for the Congressional Black Caucus. Our agenda is about closing disparities that exist between African American citizens and other citizens in this country and have persisted over time. They involve closing the achievement and opportunity gaps in education, closing the gaps in health care for every American, closing the gaps in employment and economic security in wealth and business opportunity in our country, closing the gaps that continue to exist in our justice system, closing the gaps that continue to exist in retirement security for our citizens, and closing the inequities that have persisted throughout our history in foreign policy.

Is it true that we have a different set of priorities? You bet we do. To close these disparities, we have set a different course, and we decided that it was more important to devote resources to closing these gaps and closing these disparities than it was to give a tax cut to people who make above $200,000 a year. We decided that these priorities were more important than continuing to fund a ballistic missile defense program that has already failed every single test that it has undergone. We believe that the education of our children is more important than tax cuts for people over $200,000.

I am not here to make any excuses about that. I want every Member of this Congress to understand that that is a choice that we have made and that is a choice that we are calling on this Congress to make. The people in my district who make over $200,000 a year have told me that they would rather educate our children and fully fund No Child Left Behind than they would have a tax cut. So this is a question of what your priorities are, no ifs, ands, buts about it. That is what you will be voting on today.

Mr. Chairman, I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I yield myself 15 seconds.

There are differences in the two budgets. The budget that we passed out of committee funds our essential services without raising taxes, without cutting defense, without hurting our economy. Unfortunately, this proposed alternative raises taxes and thoroughly cuts defense suspending in a time of war.

Mr. Chairman, I reserve the balance of my time.

Mr. WATT. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Chairman, I thank the gentleman from North Carolina (Mr. WATT) and the gentleman from Virginia (Mr. SCOTT). Their budget and our budget really is the compassionate budget that is fiscally responsible.

I have comments from the American Legion, from the national legislative director of AMVETS, from the national legislative director of the Disabled American Veterans, from the Veterans of Foreign Wars. I just want to paraphrase what they said:

We think cutting veterans benefits, talking about the majority budget, is, and I paraphrase, unacceptable, especially at a time when American soldiers, sons and daughters, are being wounded and killed every day in Iraq.

In addition, it appears that this pattern of shortchanging veterans medical care continues in the 109th Congress. American veterans and their families deserve better.

Let me just give a few examples of how we strengthen one national defense. I will put all of it in the RECORD; but clearly in this House, in closing, only the big dogs eat in this House.

I rise strongly to support the Congressional Black Caucus Budget. We are truly the conscience of this Congress.

This budget represents true compassion with fiscal responsibility. It includes increases in programs that the American people believe in and that the Republicans just give lip service to. Our budget includes increased funding for: education programs, school construction, job creation programs, child nutrition programs, community health centers, and Amtrak, which 800,000 American's use to get to work, and whose budget got Zeroed out by this foolish Administration.

And unlike the Republican's, it doesn't balance the budget on the backs of the veterans, the homeless, seniors, and the poor.

In the Republican's House, the Big Dogs Eat first, and everyone else has to get in line.

Do the right thing for the American people. Support the Congressional Black Caucus Budget.

I would like to thank Mr. WATT and Mr. SCOTT for their hard work on putting the CBC alternative budget together.

If we do not take care of our veterans now, we will not have the boots on the ground in the future to respond to any attack against us or our allies.

This budget straightens our priorities to include both defending our country and the freedom it cherishes and giving our veterans the chance they need to succeed once they leave the service.

All of the funds reduced from Ballistic Missile Defense are reallocated within various functions to provide for additional support for the troops in Iraq and other defense items necessary to maintain our military strength and jobs ($1.1 billion), homeland security needs ($2.05 billion), and veterans programs and benefits ($4.65 billion). All calculations are for changes above/below proposed Fiscal Year 2006 levels included in the Republican budget.

National Defense:	
Body armor, personal support equipment, and other protective gear for troops, and vehicle armor	$75 million.
Ammunition for Marine Corps	$10 million.
Small Arms for Army	$10 million.
Building/Maintenance of Navy ships	$1 billion.
To study instances of waste, fraud and abuse within DoD business processes and implement specific GAO recommendations for reform	$5 million.
Veterans: +$4.65 billion	
Veterans Health Care	$1 billion.
Survivor Benefit Plan	$100 million.
Disabled Veterans Tax ["concurrent receipt"]	$2.5 billion.
Fund long-term care initiatives for veterans	$400 million.
Remove proposed $250 enrollment fee on Priority 7&8 veterans	$300 million.
Remove proposed increases in co-payments for Priority 7&8 veterans	$150 million.
Prosthetic needs for veterans	$100 million.
VA Medical and Prosthetic Research	$50 million.
Mental Health Care for Veterans	$50 million.
Allowances (all for purposes of Homeland Security): +$2.05 billion	
Rail Security	$100 million.
Port Security, including air cargo screening, preventing nuclear/radiological weapons in cargo containers, research and development, and grants	$500 million.
Centers for Disease Control	$250 million.
First Responders	$900 million.
Interoperable communications systems for first responders	$85 million.
Federal air marshals	$65 million.
Internal Customs Enforcement/Border Patrol Agents	$150 million.
Total Defense Funds Used, All of Which Are Reallocated to Defense, Homeland Security Needs, and Veterans Programs and Benefits	$7.8 billion.

THE AMERICAN LEGION,
Washington, DC, March 17, 2005.

Hon. JIM NUSSLE,
Chairman, Committee on Budget, House of Representatives, Cannon House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The American Legion is deeply troubled with and cannot support your Committee's proposed budget resolution, H. Con. Res. 95, with regard to funding for the Department of Veterans Affairs (VA), especially the reconciliation instructions targeted at earned Veterans' benefits. Reducing mandatory appropriations for veterans' disability compensation, pensions, and educational benefits at a time of war is inconsistent with the thanks of a grateful Nation.

The American Legion believes VA's own admission that the cost of doing business increases annually about 13–14 percent because of Federal pay increases and inflation in the health care arena. The President's budget request is "scrubbed" by the Office of Management and Budget, so VA's true fiscal requirements to meet the health care needs of America's veterans are somewhat skewed. During the 108th Congress, former VA Secretary Principi reported to your colleagues that The FY 2005 proposed budget was $1.2 billion short of what he had actually requested. It appears this pattern of short-changing VA medical care continues in the 109th Congress. America's veterans and their families deserve better.

The American Legion recognizes and appreciates the Bradley Amendment adopted by the Committee, but believes it falls well short of the total funding needed in VA medical care. Unfortunately, the Committee rejected the Edwards Amendment that would have provided VA with adequate resources to maintain current services.

The American Legion would encourage adoption of one of the amendments to be offered by Representatives Spratt or Obey with regard to increasing VA funding. Clearly, both of these amendments are in the best interest of veterans and their families. Without adoption of one of these two amendments, The American Legion cannot support this budget resolution.

The American Legion appreciates your leadership and the hard work of your colleagues on behalf of America's veterans and their families.

Sincerely,

THOMAS P. CADMUS,
National Commander.

THE INDEPENDENT BUDGET,
March 17, 2005.

Hon. JIM NUSSLE,
Chairman, House Budget Committee, Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE NUSSLE: As you know, the President's fiscal year 2006 budget would provide an appropriation for veterans' medical care that is less than one-half of one percent above the FY 2005 appropriation. Because this amount would not begin to cover employee wage increases and other inflationary costs, it amounts to a substantial cut in funding and thus would unavoidably result in a reduction of critical medical care services for our Nation's sick and disabled veterans. Although we appreciate the adoption of the Bradley amendment which added $229 million to the President's recommendation for veterans' medical care, this is still grossly inadequate.

In addition, we understand that H. Con. Res. 95 includes instructions to cut spending on mandatory veterans' programs, such as disability compensation, by $798 million. We think cutting veterans' benefit programs is unconscionable, especially at a time when America's son and daughters are being wounded and killed every day in Iraq.

The four major veterans organizations of The Independent Budget, AMVETS, Disabled American Veterans, Paralyzed Veterans of America, and Veterans of Foreign Wars of the United States, therefore strongly urge support for amendments offered by Representatives Spratt and Obey to increase funding for veterans' programs. Passage of these amendments is crucial if the VA is to maintain an adequate level of health care and other services.

Sincerely,

RICK JONES,
National Legislative Director, AMVETS.

RICHARD B. FULLER,
National Legislative Director, Paralyzed Veterans of America.

JOSEPH A. VIOLANTE,
National Legislative Director, Disabled American Veterans.

DENNIS CULLINAN,
National Legislative Director, Veterans of Foreign Wars of the United States.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Mr. Chairman, I do want to respond to only the big dogs eat in this House. I am a small dog, and I think I am doing just fine.

Ms. CORRINE BROWN of Florida. Mr. Chairman, will the gentleman yield?

Mr. MCHENRY. I yield to the gentlewoman from Florida.

Ms. CORRINE BROWN of Florida. It is not you; it is your policy. When I say "big dog," I am talking about those huge tax cuts to the rich while we cut veterans programs, programs for health care, programs for the people that need it the most.

Mr. MCHENRY. Mr. Chairman, reclaiming my time, this is an interesting chart on the rapid increase in veterans spending per veteran. I think this is very important. We are spending $2,773 per veteran. We are fully funding our veterans' needs. That is a priority of this Congress. As a small fellow, I must admit, I do think it is important that we keep our taxes low so that we can create economic growth and development which will help us fully fund our programs going forward. A strong economy is what is going to move our Nation forward, not tax increases.

Mr. WATT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I want to thank the chairman of the Congressional Black Caucus, the gentleman from North Carolina (Mr. WATT), for his steadfast support of the development of this CBC budget alternative and also the gentleman from Virginia (Mr. SCOTT) for his leadership. I appreciate and applaud their steady stream of ideas and positions on issues we all care about.

This Republican budget proposal clearly ignores the needs of my State and all working Americans. The $2.57 trillion budget for fiscal year 2006 that President Bush laid before Congress is more out of touch than all the rest that he has submitted. It fails to include huge costs that taxpayers will have to bear, and its priorities do not match the needs of millions of people. It is, in short, a budget in need of a thorough congressional overhaul.

The level of funding proposed in the President's budget for research and development, especially basic research, is far from adequate. I believe that Federal investments in science and technology make sense. Americans have funded groundbreaking research into disease prevention and amazing new medical breakthroughs, cutting-edge business technology, energy efficiency and educational tools that help our children learn in new ways. But in this budget, funding for the National Science Foundation would struggle to keep up with inflation and programs at most other major agencies are cut.

There is a direct connection between investments in research and development today and economic prosperity and world leadership tomorrow. That is why the CBC budget plan would continue to invest in the National Science Foundation, in NASA, research at schools and universities and new energy technologies to give business consumers more affordable, cleaner energy. Just this week, EPA issued a statement that really rolls us back in protecting our air. We have no clean air in Texas. I do not know about anyplace else.

As lawmakers, we do have the responsibility to ensure that all Americans, including minorities, are able to move ahead to achieve the American Dream. Life, liberty, and the pursuit of happiness meant all people.

Mr. Chairman, it is up to the Congress to inject a dose of realism into this budget debate. Only then will the country get a budget that makes sense.

Mr. Chairman, I want to thank the Chairman of the Congressional Black Caucus, Mr. WATT, for his steadfast support of the development of this CBC budget alternate. I also want to thank Mr. SCOTT for his leadership. I appreciate and applaud their steady stream of ideas and positions on issues we all care about. I also would like to thank all of the members of the CBC and their staff for their help in completing this very worthwhile project.

The Republican budget proposal clearly ignores the needs of Texas and of all working Americans. The $2.57 trillion budget for fiscal 2006 that President Bush laid before Congress is more out of touch than most. It fails to include huge costs that taxpayers will have to bear, and its priorities don't match the needs of millions of people. It is, in short, a budget in need of a thorough congressional overhaul.

Mr. Chairman, the level of funding proposed in the President's budget for research and development, especially basic research, is far from adequate. I believe that federal investments in science and technology make sense. Americans have funded groundbreaking research into disease prevention and amazing new medical breakthroughs, cutting-edge business technology, energy efficiency, and educational tools that help our children learn in new ways. But in this budget package, funding for the National Science Foundation (NSF) would struggle to keep up with inflation, and programmes at most other major agencies are cut.

Bush's science and technology budget would drop from an estimated $61.7 billion in fiscal year 2005 to $60.8 billion in 2006. The science and technology includes programs such as space exploration, renewable energy, and agricultural research, as well as technology-related research and development at the National Institute of Standards and Technology (NIST).

There is a direct connection between investments in research and development today, and economic prosperity and world leadership tomorrow. That's why CBC budget plan would continue to invest in the National Science Foundation, NASA, research at schools and universities; and new energy technologies to give business and consumers more affordable, cleaner energy.

As lawmakers, we have the responsibility to ensure that all Americans, including minorities, are able to move ahead to achieve the American dream: life, liberty and the pursuit of happiness.

Mr. Chairman, it is up to Congress to inject a dose of realism into the budget debate. Only then will the country get a budget that makes sense.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I yield 30 seconds to the gentleman from North Carolina (Mr. McHENRY).

Mr. McHENRY. I am full of charts today, my friends.

I do want to address our funding for health and for research. Under a Republican-controlled Congress, we have doubled funding for NIH, the National Institutes of Health. I think it is important to note what we are doing in health research as an American government, and the American people need to know that we are fully funding these programs to look at innovative ways to solve pressing medical issues in our country. We have doubled the funding for NIH over the last 6 years.

Mr. WATT. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Chairman, more needs to be done to address the ongoing global challenges of health, poverty, disease, and disasters so that we can end the inequities in foreign policy. Therefore, the CBC budget increases funding for these core development accounts with the overall goals of reducing poverty disparities and improving quality of life.

There is $3.7 billion in the CBC budget for global AIDS, which is $500 million more than the President's budget. That is an increase of $900 million from last year and will support prevention, care and treatment for thousands more people.

Foreign aid to Africa and the Caribbean is increased by $250 million in the Congressional Black Caucus budget to allow developing countries to participate in the global economy. These funds support strategic priorities in the Caribbean region, improve good governance and reduce corruption, increase economic growth and free trade and reduce narcotics trafficking.

Public health and preventable illness initiatives is increased by $250 million in the CBC budget. More than one-third of the children in Africa are malnourished. In the last 10 years, approximately 2 million children have been killed in armed conflicts.

AFRICA

Overall disparity—Nearly 1.3 billion people around the world live in poverty and do not have safe drinking water; more than one-third of the world's children are malnourished; within the last ten years, approximately two million children have been killed in armed conflicts, many after being forced to be child soldiers; many poor countries spend 30%–40% of their annual budgets on repaying their foreign-held debt (often more than they spend on health and education combined); and horrific conditions can lead individuals to become more disaffected and susceptible to recruitment by terrorist organizations.

ERADICATING HUNGER, POVERTY, AND DISEASES MUST BE A PRIORITY

HIV/AIDS Solution—AIDS is a global humanitarian disaster that demands robust leadership from the United States. According to the need based numbers advanced by UNAIDS, The Stop TB Partnership, and Roll back Malaria, we believe the US should provide $6.7 billion next year. And at least $1.5 billion in funding this year for the Global Fund to operate efficiently and effectively.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I yield myself 30 seconds.

Again, what we have not heard from the sponsors of this amendment is part of what is in their amendment. Again, their amendment has massive increases in spending. It also has massive tax increases on the American people. And it also has massive reductions in defense spending in a time of war. Those are huge differences. I just want to make sure that everybody understands what the differences are.

Mr. Chairman, I reserve the balance of my time.

Mr. WATT. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, the CBC budget is sane, rational, logical, serious. It recognizes the tremendous need that exists in our country to assist those 2 million people who are currently in jails and prisons and the 650,000 who return home every year. Therefore, it increases juvenile justice programs by $300 million, $100 million for the weed and seed drug elimination program, and $300 million for prisoner reentry programs, and it does not raise taxes. It rolls back the tax breaks that were given in 2001 and 2003 to those individuals with adjusted gross incomes of more than $200,000. People in my community say, provide the services, don't give to the rich.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I yield myself 1½ minutes.

The gentleman from North Carolina (Mr. McHENRY) mentioned the fact that our budget does not increase taxes and the alternative budget that we are discussing today does increase taxes.

Does the gentleman know how many jobs are created because of this Republican Congress cutting taxes in the last year?

Mr. Chairman, I yield to the gentleman from North Carolina.

Mr. McHENRY. Mr. Chairman, I think I may have a chart on that.

Payroll jobs have rebounded because of tax cuts. With a weakness of the economy going into the Bush administration from the Clinton years and with the advent of 9/11, we had a weakening of the economy.

☐ 1230

But once the tax cuts took hold, we have rebounded. We have got over 3 million jobs because of this.

Beyond that, there has been reference to the fact that tax cuts have created the deficit. That is not true. Actually, that is borne out with statistical proof here. The largest cause of deficits between 2001 and 2004 was the economy. And the best way to address the economy and get the economy to rebound is by cutting taxes, spurring growth, reducing regulations, empowering small businesses and businesses all across the country to create more jobs, to increase earnings.

So what we see here, the largest cause, 49 percent of the cause of the deficit, was the economy. And because of that, we have been able to rebound. Because of the tax cuts and because of the rebound in the economy, we are reducing the deficit. We are taking on this, and we are going to further cut taxes in order to keep spurring the economy.

Mr. WATT. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise in strong support of the Congressional Black Caucus's budget that is being presented here today. This budget is more responsible certainly than the President's budget, certainly than the Republican budget, and it has taken into consideration the real needs of the people of this country. I want to talk a little bit about CDBG; that is, the Community Development Block grant.

By formula, every city, town, State in America receives funds from this Community Development Block Grant program. This money is block granted to these entities in order to assist these cities with everything from infrastructure development, assistance with housing so that people can get into homes, being assisted with down payments, with rental assistance: with 501(c)(3)s, nonprofit organizations, that are providing services for at-risk youth, for seniors, for the kinds of programs that these cities and towns could never fund without this block grant.

In many ways this money that is going to the cities is the last of the moneys to deal with poverty, to deal with the lack of resources because of the inability of these cities and towns to be able to raise the kind of revenue that could help them with the very basic needs of their cities.

This President decided to cut this particular block grant by 35 percent. I think that amounts to about $1.9 billion. The good thing about what this President has done is he has brought together from both sides of the aisle Representatives who know the value of this program and who are going to work together and support the kind of funding that has been put back into this budget by the CBC budget. The CBC funds CDBG to the 2005 level, and that is the way it should be.

I would urge support for the Congressional Black Caucus's very thoughtful and well developed budget.

Mr. Chairman, I rise in strong support of the CBC substitute budget. The CBC budget rejects the failed budget policies of the Bush Administration and would return us to a policy of investing in education, job training, housing, veterans and community development programs that millions of people depend on. It would reduce the deficit and restore fiscal responsibility to a budget process that has run amuck.

Mr. Chairman, because the CBC believes that education is the greatest legacy that we can provide to our children, the CBC's budget fully funds No Child Left Behind. We also provide an additional $2.5 billion for school construction and an additional $450 million for Pell Grants which will help thousands more students attend college. We also increase funding for Head Start by $2 billion over the Republican budget so that we can ensure that more low-income children are properly prepared to enter the first grade.

The CBC budget substitute recognizes the vital role that the Community Development Block Grant (CDBG) program plays in improving our communities. The Republican budget proposes to cut CDBG by at least $800 million and the cuts could end up as high as the $1.9 billion cut proposed by the President. These cuts to the CDBG program will leave a huge hole in the budgets of our local governments, a hole they cannot and will not be able to fill with their own resources.

The CBC budget substitute rejects these cuts, and instead provides an increase of $1.2 billion more than the Republican budget for CDBG.

We also reject the $286 million in cuts proposed for the Hope VI program and instead provide $500 million for Hope VI so that it may continue its important role in rehabilitating our nation's public housing. The CBC budget also provides an additional $880 million for Section 8 Housing Programs, preserving and expanding this vital safety net program for millions of people.

Mr. Chairman, the CBC substitute is a strong and compassionate budget that meets the needs of the American people. I urge my colleagues to support it and to reject the Republican budget.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I yield myself 30 seconds.

The House budget resolution addresses CDBGs. As a matter of fact, it adds $1.1 billion aimed specifically at that. The difference between our budget, though, and this proposed amendment is our budget does not raise taxes, does not reduce defense spending in a time of war.

Mr. Chairman, I reserve the balance of my time.

Mr. WATT. Mr. Chairman, how much time remains?

The Acting CHAIRMAN (Mr. GILLMOR). The gentleman from North Carolina (Mr. WATT) has 3 minutes remaining, and the gentleman from Florida (Mr. MARIO DIAZ-BALART) has 8½ minutes remaining.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina (Mr. WATT) and ask unanimous consent that he be allowed to control that time.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. WATT. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I yield 1 minute to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Chairman, I rise in strong support of the Congressional Black Caucus's alternative budget.

Among the critical investments it makes are those in health. Mr. Chairman, without these albeit moderate increases, we would do nothing to reduce the almost 100,000 premature preventable deaths that will occur in the African American community this year and every year because of our failure to act.

It is important to note that while the increases in the CBC budget apply specifically to programs that improve minority health, many studies have demonstrated that our lack of access, our poor health, and the failure of this country to focus on prevention in our communities contribute greatly to escalating health care costs and adversely impacts the quality of health care for everyone.

So the CBC budget through improving the health of African Americans and other people of color improves health and the quality of life for all Americans. And with the additional $167 billion reduction in our national deficit it provides, this is a budget that everyone can and should vote for.

I proudly applaud the gentleman from North Carolina (Mr. WATT) and the gentleman from Virginia (Mr. SCOTT) and this committee for this outstanding budget.

Mr. WATT. Mr. Chairman, I yield 1 minute to the gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK of Michigan. Mr. Chairman, I thank both our chairman as well as the gentleman from Virginia (Mr. SCOTT) for their leadership on this most important effort.

I rise to support the CBC budget, the only budget in this Congress at this time that invests in America's families.

There are three things wrong with America and why we are not doing well. The permanent tax cuts cost $1.2 trillion. On the war in Iraq we have spent $300 billion, and the deficit is blooming.

Our CBC budget reduces the deficit. Our CBC budget invests in defense, homeland security, and the veterans at the same numbers that were given to this House by the President.

We must support the CBC budget. Americans have to be outraged that we are not investing in their families and their children and their health care. I hope that we will do right. The CBC budget must be adopted.

SUPPORT THE CONGRESSIONAL BLACK CAUCUS FISCAL YEAR 2006 BUDGET SUBSTITUTE

The Congressional Black Caucus (CBC) fiscal year 2006 budget substitute focuses on the CBC's Agenda (Closing Disparities in America's Communities) and restoring fiscal responsibility to the federal budget process. The disparities that continue to exist in our society in education, health care, economic opportunity, justice, retirement security and foreign policy are addressed in the CBC budget. In addition, our budget focuses on strengthening our efforts at the Department of Homeland Security, meeting some of the critical needs of our troops and improving services to our veterans. And, while making these important investments in our country's future, our budget places a high priority on reducing the record federal budget deficit.

The CBC budget uses the Republican budget as the base budget and makes the following adjustments:

DOMESTIC

It includes a reduction in the tax cuts from 2001 and 2003 for an individual's adjusted gross income that exceeds $200,000; furthermore, it does not adopt the new Republican tax cuts.

Most of the revenue raised in the CBC budget is used to address disparities in America's communities; a substantial portion is reserved to reduce the deficit.

MILITARY

Ballistic Missile Defense spending is reduced by $7.8 billion, leaving $1 billion for research and development.

All of these funds are spent on other defense items to support our troops, homeland security needs, and veterans programs and benefits.

The total for defense, homeland security and veterans is equal to the Republican budget.

BOTTOM LINE

The CBC budget addresses critical domestic challenges, and supports our troops.

The CBC budget reduces the deficit by $167 billion compared to the House majority's budget over the next five years; this fiscal responsibility is rewarded by a reduction of $27 billion in interest payments compared to the House majority's budget.

The CBC budget focuses on closing disparities that exist in our society and investing in America's future. We hope you will join us in supporting these efforts by supporting the CBC budget substitute.

SUMMARY OF FISCAL YEAR 2006 CBC ALTERNATIVE BUDGET

Total general revenue: $32.4 billion.

Amount applied to deficit reduction: $3.9 billion.

FUNCTION 150—INTERNATIONAL AFFAIRS

The United States is facing unprecedented challenges to our national security and broader national interests. Although there is an overall increase in the President's request for international assistance for FY 06, more needs to be done to address the ongoing global challenges of health, poverty, disease, and disasters. Therefore, the CBC budget increases funding for these core development accounts with the overall goals of reducing poverty disparities and improving quality of life. +$1 billion.

FUNCTION 250—GENERAL SCIENCE, SPACE, AND TECHNOLOGY

The CBC supports the research and development efforts of NASA, the National Science Foundation (NSF), the National Institute of Standards and Technologies (NIST), and the Department of Energy. In addition to research and development, the CBC supports additional safety measures for the Space Shuttle program. +$500 million.

FUNCTION 300—NATURAL RESOURCES AND ENVIRONMENT

The CBC is concerned about adequate funding for the preservation of Historically Black Colleges and Universities. The alternative budget supports additional efforts to protect the historical heritage and important cultural role of HBCUs in the United States. +$50 million.

FUNCTION 350—AGRICULTURE

The CBC alternative budget supports farms owned by African-Americans and other minorities. The CBC realizes that these farmers continue to depend on the Department of Agriculture's loan and grant programs and has allocated funding to modify cuts in agriculture programs that affect minorities. The Caucus's priorities also include increasing funding for expanding food and nutrition education programs and for the USDA Office of Civil Rights. +$300 million.

FUNCTION 370—COMMERCE AND HOUSING CREDIT

The CBC alternative budget works towards eliminating the housing and small business disparities created by the President's FY06 budget. The alternative budget allocates funding to the Small Business Administration and the Manufacturing Extension Partnership (MEP), and provides additional funding for adult training and dislocated workers programs. By supporting these programs, the CBC is working to close the existing economic disparities in the U.S. and to help entrepreneurs realize the American dream. +$1 billion.

FUNCTION 400—TRANSPORTATION

The CBC believes that it is important to provide support for Amtrak. The Caucus is also determined to ease the transportation disparities in the United States by funding public transportation. +$150 million.

FUNCTION 450—COMMUNITY AND REGIONAL DEVELOPMENT

The CBC understands that federal support for community and regional development helps promote growth in economically distressed urban and rural communities. To remedy these economic disparities, the CBC would like to ensure that the Community Development Block Grant (CDBG) program will continue to improve housing conditions in low to moderate income neighborhoods. +$1.5 billion.

FUNCTION 500—EDUCATION AND TRAINING

The CBC alternative budget represents a comprehensive approach to education and training by closing the achievement and opportunity gaps in education. While the Administration proposes eliminating 48 programs ($4.3 billion cost), the CBC budget dramatically increases funding for education and training programs by $23.9 billion over the Republican budget. It provides funds for school construction, fully funds No Child Left Behind, and provides critical funding for Head Start, GEAR-UP, TRIO and IDEA. For those in college, the CBC budget raises the maximum amount of Pell Grants. In addition, the CBC budget funds the Perkins Loan Programs as well as job training, adult education, and vocational education programs that are critical in today's global economy. +$23.9 billion.

FUNCTION 550—HEALTH

The CBC alternative budget makes eliminating health care disparities a top priority by funding health care programs such as Community Health Centers. +$1 billion.

FUNCTION 600—INCOME SECURITY

Programs that serve children and families in times of need are essential to fixing the disparities that exist in the U.S. The CBC alternative budget supports additional funding for programs such as Hope VI, Section 8 Housing, housing for the disabled and the elderly, Low Income Home Energy Assistance and Child Nutrition. +$2 billion.

FUNCTION 750—ADMINISTRATION OF JUSTICE

The CBC is concerned about the proposed cuts that affect local law enforcement personnel and programs. The alternative budget will help fix these budget disparities and fund the programs that keep our streets and neighborhoods safe. Moreover, the CBC understands the importance of providing adequate funding to Juvenile Justice programs that promote prevention and intervention. These programs support effective local efforts that reduce crime and delinquency, save money, and save lives. +$1 billion.

Total Defense funds used, all of which are reallocated to Defense ($1.1 B), Homeland Security needs ($2.05 B), and veterans programs and benefits ($4.65 B): $7.8 billion.

FUNCTION 050—NATIONAL DEFENSE

It is a priority of the CBC to provide American soldiers with the equipment necessary to return home from Iraq in a safe, quick, and successful manner. Therefore, the CBC budget alternative reallocates $1.1 billion within defense. These funds are used to protect our troops with body armor, personal gear, small arms and ammunition, as well as vehicle armor; for the construction and maintenance of Navy vessels in order to maintain the U.S. Naval fleet and jobs associated with it; and for other defense purposes to maintain our military strength. −$6.7 billion.

FUNCTION 700—VETERANS

The CBC understands that today's soldiers are tomorrow's veterans who deserve our respect for the sacrifices they made. Thus, the CBC alternative budget aims to make critical increases in veterans programs, especially funding for veterans health care, as well as long-term care initiatives, VA medical and prosthetic research, and mental health care. +4.65 billion.

FUNCTION 920—ALLOWANCES (ALL FOR PURPOSES OF HOMELAND SECURITY)

The CBC understands that providing homeland security requires appropriate funding to meet the many pressing homeland security needs that face our nation. The alternative budget therefore devotes additional resources for guarding against terrorist attacks through our rails and ports, including cargo screening that prevents nuclear or radiological weapons from entering the U.S. It also supports essential funding for the Centers for Disease Control to help us prepare for a possible biological attack. Moreover, America depends on its first responders, federal air marshals, and boarder patrol agents; the CBC alternative budget ensures that they—and our collective homeland security effort—receive the resources that are urgently needed to protect the citizens of the United States. +$2.05 billion.

Mr. WATT. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I would like to thank again the gentleman from Virginia (Mr. SCOTT) and the gentleman from North Carolina, chairman of our Congressional Black Caucus, for their stellar leadership in spearheading this responsible budget. It should not be an alternative. This is the budget we should be voting on.

The Republican budget is fiscally reckless and morally irresponsible. The CBC budget, if we think about it, really is a faith-based budget. The CBC budget is not only fiscally responsible, but it is also morally responsible.

The Republican budget fails to live up to any standard of morality that speaks to the least of these. On the other hand, the Congressional Black Caucus budget acknowledges that in order to have a strong America, we must have all Americans who are not vulnerable. Our people cannot be desperate if, in fact, we want a strong America.

The Republican budget cuts housing, housing for the disabled by 50 percent. Where is the morality in that? That is turning our backs on the disabled. The CBC budget not only restores these cuts but adds $120 million for housing the disabled.

The Republican budget is an immoral budget, if one asks me. Vote for the

CBC budget because it is a faith-based budget that takes care of the least of these.

Mr. WATT. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. CONYERS), the Dean of the CBC.

Mr. CONYERS. Mr. Chairman, the Congressional Black Caucus has carefully considered its responsibility here, and they have asked me to point out a couple of things.

In the Justice Department we need to put more money into three programs that were cut: First, the programs that investigate gang-related crimes; secondly, the problems of juvenile delinquency; and, third, prison reentry. These are incredibly important.

And I just want to add that this budget that we are trying to replace ours with is one of the most mean-spirited documents that I have witnessed. Over 150 domestic program cuts. The $81 billion for Iraq was not even included in this budget, as if it was a supplemental consideration.

So I ask the Members to join with us and let us have a great number of people supporting the CBC budget this year.

Mr. WATT. Mr. Chairman, I yield 1 minute to the gentlewoman from Georgia (Ms. MCKINNEY), and I would like to wish her a happy birthday today. She thought I did not know that.

Ms. MCKINNEY. Mr. Chairman, I thank the gentleman and I will not tell my colleagues which birthday it is.

Mr. Chairman, I rise in support of the CBC budget and against the priorities of the Republican budget.

The Republican budget does nothing to decrease the racial disparities that exist in our country. In fact, it exacerbates them. Seventy-six years to close the college graduation gap, 581 years to close the wealth gap, 1,664 years to close the homeownership gap.

But when Republicans talk about growth, it is clear that too many American communities are just not included. It is also clear that the Republicans do not see our constituents because if they did, they would not legislate public policy that hurts them.

Even Alan Greenspan has decried the unsustainable income imbalances in our country. The Republicans continue to ignore him, us, and our constituents. It is a sad day when veterans, children, seniors, small business owners, rural Americans, and poor Americans have to take a back seat to the scions of industry and Wall Street.

I support the CBC budget and reject the priorities of the Republican budget.

I thank the gentleman for yielding me this time.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Mr. Chairman, again I want to commend the gentleman from North Carolina (Mr. WATT) for offering this alternative budget. I do commend him for his hard work and efforts on behalf of his constituents, which are my neighbors in North Carolina. I am very proud to have him as a neighbor. I am very proud of his leadership and the stature he brings back home to North Carolina.

With that, we do have a disagreement on policy. His version of the budget increase taxes at a time when we are just now recovering from those tough days of the late 1990s and early 2000s when our economy was soft.

I think it is important that we keep cutting taxes for years to come so that we can keep this economic growth going. And the best way to lift people up, the best way to give people an opportunity, to give them ownership, is by allowing them to keep more of their own money. In the last few years we have seen numerous people falling off the tax rolls because of tax cuts. We have seen strong job growth, new businesses being formed, greater homeownership in America. Across the board every group in America is increasing in homeownership. And I think it is important that we continue those policies to keep growth going while restraining government spending, cutting deficits, and funding national defense and homeland security.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I reserve the balance of my time.

Mr. WATT. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, happy birthday to my colleague.

Let me resoundingly support the Congressional Black Caucus' budget, and let me ask my colleagues what better budget to have than the one that saves $27.5 billion more in interest than the Republican budget? I cannot imagine that my good friend on the floor of the House would not welcome the opportunity of putting that interest into the needs of the American people.

We need affordable housing. We can go to any city, any rural community, and not see people standing in line to access affordable housing. Section 8 vouchers, which allows affordable housing for families of four and five and six hard-working Americans, there are 25,000 people on the list in Houston, Texas alone. Millions of people are still on the list because they do not have affordable housing.

□ 1245

Finally I congratulate the gentleman from Virginia (Mr. SCOTT) and the gentleman from North Carolina (Mr. WATT) on this budget because it also invests in homeland security. With all of the talk of the Republican budget, they do not fund immigration and customs officers. They do not fund border patrol officers to secure our borders and provide for internal security. The CBC budget does. The CBC budget puts $150 million in for Border and Customs needs. This is a strong budget for the American people. Vote for the Congressional Black Caucus budget. Save $27.5 billion in interest. I think you will like that in your pocket and in your savings account!

Mr. Chairman, I rise today to offer another choice to those Americans who are disheartened by the current budget proposal being offered by this Republican Congress. Today, we offer them the choice of accepting the Congressional Black Caucus's, CBC, alternative budget. Truly, it is the budget of hope and compromise; it is the budget that closes the disparities in America's communities. The CBC alternative budget provides both social and economic equality for Americans, instead of allowing the richest Americans to pay fewer taxes at the expense of vital programs needed by lower and middle class Americans. Surely, this administration and the Republican leadership in Congress will pay lip service to the needs of these Americans, but this budget does more. It demonstrates in writing that under our current budgetary situation it is possible to maintain necessary social programs while practicing true fiscal responsibility.

The CBC alternative budget is particularly strong in its support of educational programs, the greatest key we possess to close disparities in our society. This administration and the majority in this Congress promised to leave no child behind, but clearly they have reneged on their promise. The Republican budget eliminates 48 education programs that receive $4.3 billion this year. These eliminations include wiping out $1.3 billion for all vocational education programs, $522 million for all education technology programs, and $29 million for all civic education programs. The Republican budget eliminates other large programs including the Even Start family literacy program, $225 million, and state grants for safe and drug-free schools and communities, $437 million. In fact, the President's budget cuts 2006 funding for the Department of Education by $1.3 billion below the amount needed to maintain purchasing power at the current level, and by $530 million below the 2005 enacted level of $56.6 billion. This is the first time since 1989 that an administration has submitted a budget that cuts the Department's funding.

The CBC alternative budget in stark contrast provides a much needed boost of $23.9 billion to education and training, including $2.5 billion for school construction. The CBC alternative fully funds the fiscal year 2006 authorization level for No Child Left Behind, NCLB and provides for an expansion of the Head Start program. In addition, the CBC alternative doubles federal funding for Historically Black Colleges and Universities and Hispanic Serving Institutions; again closing the disparities often witnessed in higher education. In that regard the CBC alternative increases the Pell grant allotment for college students. Because as we all know, a mind, any mind, is a terrible thing to waste. Clearly, the CBC alternative emphasizes this ideal more than the Republican budget resolution.

Few things are more important to Americans than their home and their communities. While the President and this Republican Congress take steps to make it harder for average Americans to reach homeownership, the CBC alternative invests heavily in this vital sector. It funds home ownership initiatives that help families build real wealth. In the city of Houston alone we have 25,000 people waiting on a list to obtain affordable housing. These homes will provide them the stability and equity to build their lives and eventually achieve their own prosperity, we shame ourselves when we deny them the opportunity to do so. The CBC alternative also restores $1.122 billion for vital Community Block Grants which were gutted in the Republican budget resolution. Without the ability to build up our communities how can we change people's realities? Without community development we allow these disparities to continue unabated.

The CBC alternative budget does not remove any money from the overall Defense and Homeland Security budget. Instead, it takes $7.7 billion out of the Ballistic Missile Defense Program, which has so far proven to be a failure and redirects the money to additional support for the troops in Iraq, homeland security needs, and veterans programs and benefits. Among the items of support for the troops in Iraq is $75 million of body armor, personal support equipment, and other protective gear for troops, and vehicle armor; all of which we know the troops are in urgent need of. The CBC alternative provides an additional $2.05 billion for Homeland Security including funds for improving rail and port security, which have always been high risk targets for attack. This alternative budget provides $4.65 billion for veterans funding, so that when our brave men and women return home from fighting the war on terror they will know that their nation is ready and willing to take care of them.

The CBC alternative also funds the important sector of immigration. As the ranking member of the Subcommittee on Immigration, Border Security, and Claims I worked with the CBC to get funding for $150 million for Immigration and Customs Enforcement, ICE, agents and border patrol agents, truly we are undermanned in this vital sector. In addition, as a member of the House Science Committee I worked with the CBC to fund an additional $500 million for general science, space, and development and support the research and development efforts of NASA, the National Science Foundation, NSF, the National Institute of Standards and Technologies, NIST, and the Department of Energy. In addition to research and development, the CBC alternative also supports additional safety measures for the Space Shuttle program, which should be at the forefront of NASA's efforts after the *Columbia* Space Shuttle tragedy. Space and Science represent yet another way to eliminate disparities through knowledge and discovery.

This CBC alternative budget is proof positive that we can properly fund social programs while still paying down more of the national debt than the Republican budget. Again, I say that this budget represents hope instead of the despair we feel when looking at the Republican budget resolution. It is a hope for ending the disparities that continue to divide us and keep us to this day from achieving our full potential as a nation.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, if I may inquire of the gentleman from North Carolina how many speakers he has left.

Mr. WATT. Mr. Chairman, I was hoping that the gentleman would give us a little bit more time.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, if I may inquire of the gentleman how many speakers he has.

Mr. WATT. I have two speakers left.

Mr. MARIO DIAZ-BALART of Florida. And how much time does he have left, Mr. Chairman?

The Acting CHAIRMAN (Mr. GILLMOR). The gentleman from North Carolina has 2 minutes.

Mr. MARIO DIAZ-BALART of Florida. I believe I have 2½ minutes, Mr. Chairman. Is that correct?

The Acting CHAIRMAN. The gentleman from Florida has 2½ minutes remaining.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I will, in a spirit of incredible generosity to the opposition, yield another half minute to the gentleman.

The Acting CHAIRMAN. The gentleman from North Carolina now has 2½ minutes. The gentleman from Florida now has 2 minutes.

Mr. WATT. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT) who prepared this budget, has his imprint on it and knows more about it than anybody.

Mr. SCOTT of Virginia. Mr. Chairman, I thank the gentleman from North Carolina for yielding me this time. I want to make a couple of comments as we wrap up. One is the massive tax increase. What we did was started with the base budget, the Republican budget. On income we changed the revenue by rolling back the tax cuts to the level they were at in 2001 for income over 200,000. If someone makes more than $200,000, they get all the income tax cuts up to the 200,000, but no tax cuts after 200,000. Again, we spend $167 billion less deficit than the Republican budget, creating $27 billion less in interest payments.

Now, we have heard all of this about massive cuts in defense. Let us be very clear. All of the numbers on defense are exactly the same numbers as the Republican budget, with one exception. We fund missile defense at $1 billion rather than $8.8 billion.

If you look at defense, homeland security, and veterans, that total is the same because we use that money to fund defense, homeland security and veterans.

Now, on defense, I hope the gentleman from Florida is working with the Virginia delegation in maintaining a 12-aircraft carrier fleet. This budget, the Congressional Black Caucus budget, has a billion dollars more in shipbuilding than the underlying budget. We have $75 million more in shipbuilding than the underlying budget. We have $75 million more in body armor. We have in homeland security, $500 million for port security; $100 million for rail security, veterans benefits.

Those charts did not show what the present level of services would cost. It also did not show the fact that the Republican budget has co-pays and deductibles that our budget does not have. We say we have $4 billion more for veterans, over $1 billion more for shipbuilding, over $2 billion more for homeland security. So if you look at that as a group, we are more secure with the Congressional Black Caucus budget than the Republican budget.

I would hope that we would adopt the budget. It saves money and makes us more secure.

I include for the RECORD the fiscal year 2006 CBC alternative budget breakdown:

FISCAL YEAR 2006 CBC ALTERNATIVE BUDGET BREAKDOWN

Working off the Chairman's Mark, As Amended, all calculations are for changes above/below proposed Fiscal Year 2006 levels.

On behalf of the Congressional Black Caucus, this Amendment in the Nature of a Substitute seeks to offer to Congress and the American people an alternative budget that is fiscally responsible and aimed at reducing disparities in our communities. The CBC alternative budget raises revenue by reducing the tax cuts from 2001 and 2003 for an individual's adjusted gross income that exceeds $200,000 and not adopting the new Republican tax cuts, eliminating corporate tax incentives for off-shoring jobs, closing tax loopholes, abusive shelters, and methods of tax avoidance, and eliminating the repeal of the limitation on itemized deductions (Pease) and the phase-out of personal exemptions (PEP) scheduled to take place between 2006 and 2010. These funds total an estimated $36.3 billion in FY 2006. The CBC budget uses nearly $4 billion of these additional revenues for deficit reduction. The remaining funds are used to restore cuts and fund increases in specific budget function areas. These include full funding for No Child Left Behind and providing funds for school construction and increases for other education and job training programs. The CBC alternative budget allocates additional funding for job creation programs under SBA, community and regional development programs including community development block grants, and law enforcement initiatives such as juvenile justice and prisoner reentry programs. It provides funding for child nutrition programs, community health centers, NASA research and development, Amtrak, Hope VI and Section 8 housing programs, and housing for the disabled and the elderly.

In addition, the CBC alternative budget reduces funding for the Ballistic Missile Defense program by $7.8 billion. The CBC alternative budget reallocates all of this money for additional support for the troops in Iraq and other defense items necessary to maintain our military strength and jobs, homeland security needs, and veterans programs and benefits.

I. REVENUE RAISERS AND DEFENSE REALLOCATION [IN BILLIONS]

	FY06	FY07	FY08	FY09	FY10
General ($36.3 billion):					
Reduce Tax Cut Over $200k	22.9	24.5	25.5	27.6	28.9

	FY06	FY07	FY08	FY09	FY10
Elim Offshoring Incentives	10.0	10.0	10.0	10.0	10.0
Closing Tax Loopholes	2.0	2.0	2.0	2.0	2.0
Elim Repeal Pease & PEP	1.4	2.0	4.6	6.5	8.5
Defense ($7.8 billion):					
Reduce Ballistic Missile Def.	7.8				
Total	44.1				

General Revenue Raisers

A reduction in the tax cuts from 2001 and 2003 for an individual's adjusted gross income that exceeds $200,000; furthermore, the CBC budget alternative does not adopt the new Republican tax cuts.

Eliminating corporate tax incentives for off-shoring jobs.

The closing tax loopholes category includes closing abusive (tax) shelters and methods of tax avoidance.

Eliminating the repeal of the limitation on itemized deductions (Pease) and the phase-out of personal exemptions (PEP) scheduled to take place between 2006 and 2010.

The CBC budget applies nearly $4 billion out of the general revenue to deficit reduction in Fiscal Year 2006.

Defense Reallocation

The cost of the Ballistic Missile Defense program is $8.8 billion in Fiscal Year 2006. This budget leaves $1 billion in that program for research and development.

All of the funds reduced from that program are then reallocated to additional support for the troops in Iraq and other defense items necessary to maintain our military strength and jobs, homeland security needs (under the general allowances function), and veterans programs and benefits.

II. PROGRAMS (GENERAL): $36.3 BILLION

All functions except Function 050 (National Defense), Function 700 (Veterans), and Function 920 (Allowances). All calculations are for changes above/below proposed Fiscal Year 2006 levels included in the Republican budget.

Function 150—International Affairs	+$1 billion
Foreign Aid to Africa and the Caribbean	$250 million
Global AIDS Initiative/State Department	$500 million
Public Health and Preventable Illness Initiatives	$250 million

Function 250—General Science, Space, and Technology	+$500 million
NASA Aeronautics Research and Development	$200 million
NASA Space Shuttle safety	$100 million
Restore R & D funding for the NSF, DOE and NIST	$170 million
NOAA Funding	$30 million

Function 270—Energy	no change

Function 300—Natural Resources and Environment	+$50 million
Historically Black Colleges and Universities Historic Preservation Program	$50 million

Function 350—Agriculture	+$300 million
1890 Land-grant Historically Black Colleges and Universities	$75 million
Expanded Food and Nutrition Education Program	$100 million
USDA Office of Civil Rights	$25 million
Restore/modify draconian cuts in agriculture programs that affect minorities	$100 million

Function 370—Commerce and Housing Credit	+$1 billion
SBA Loan Programs—7(a), Microloan, PRIME, New Market Venture	$145 million
Adult training and dislocated workers program	$185 million
Manufacturing Extension Partnership	$70 million
Home Ownership Initiatives	$600 million

Function 400—Transportation	+$150 million
Amtrak	$100 million
Public Transportation	$50 million

Function 450—Community and Regional Development	+$1.5 billion
Community Development Block Grants	$1.122 billion
Brownfields Economic Development	$24 million
Empowerment Zones	$22 million
Community Development Financial Institutions	$48 million
Economic Development Assistance	$284 million

Function 500—Education and Training	+$23.9 billion
School Construction	$2.5 billion
Full Funding for No Child Left Behind, including:	$12 billion
Title I	
Safe and Drug Free Schools	
21st Century Learning Centers	
Teacher Quality Programs	
Education Technology	
Fund for the Improvement of Education	
English Language Acquisition	
Migrant Education	
Elementary and Secondary School Counseling	$50 million
Vocational Education	$1.5 billion
Job Training	$750 million
Adult Education	$400 million
Pell Grants	$450 million
Head Start	$2 billion
Individuals with Disabilities Education Act (IDEA)	$2 billion
Historically Black Colleges and Universities (HBCUs)	$500 million
Hispanic Serving Institutions	$400 million
TRIO	$500 million
Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR-UP)	$350 million
Perkins Loans	$100 million
Impact Aid	$300 million
SEOG	$100 million

Function 550—Health	+$1 billion
Minority Health and Eliminating Health Disparities	$490 million
Community Health Centers	$500 million
Office of Minority Health	$10 million

Function 570—Medicare	no change

Function 600—Income Security	+$2 billion
Section 8 Housing Program	$880 million
HOPE VI	$500 million
Low-Income Home Energy Assistance Program	$200 million
Child Nutrition Programs	$200 million
Housing for the Disabled	$120 million
Housing for the Elderly	$100 million

Function 650—Social Security	no change

Function 750—Administration of Justice	+$1 billion
Juvenile Justice	$600 million
Department of Justice Prisoner Reentry Program	$300 million
Weed and Seed and Drug Elimination Programs	$100 million

Function 800—General Government	no change
Total General	$32.4 billion
Amount to be applied to deficit reduction	$3.9 billion

III. PROGRAMS (DEFENSE, HOMELAND SECURITY AND VETERANS): $7.8 BILLION

All of the funds reduced from Ballistic Missile Defense are reallocated within various functions to provide for additional support for the troops in Iraq and other defense items necessary to maintain our military strength and jobs ($1.1 billion), homeland security needs ($2.05 billion), and veterans programs and benefits ($4.65 billion). All calculations are for changes above/below proposed Fiscal Year 2006 levels included in the Republican budget.

Function 050—National Defense	−$6.7 billion
Body armor, personal support equipment, and other protective gear for troops, and vehicle armor	$75 million

Ammunition for Marine Corps	$10 million
Small Arms for Army	$10 million
Building/Maintenance of Navy ships	$1 billion
To study instances of waste, fraud and abuse within DoD business processes and implement specific GAO recommendations for reform	$5 million
Function 700—Veterans	+$4.65 billion
Veterans Health Care	$1 billion
Survivor Benefit Plan	$100 million
Disabled Veterans Tax ("concurrent receipt")	$2.5 billion
Fund long-term care initiatives for veterans	$400 million
Remove proposed $250 enrollment fee on Priority 7&8 veterans	$300 million
Remove proposed increases in co-payments for Priority 7&8 veterans	$150 million
Prosthetic needs for veterans	$100 million
VA Medical and Prosthetic Research	$50 million
Mental Health Care for Veterans	$50 million
Function 920—Allowances (all for purposes of Homeland Security)	+$2.05 billion
Rail Security	$100 million
Port Security, including air cargo screening, preventing nuclear/radiological weapons in cargo containers, research and development, and grants	$500 million
Centers for Disease Control	$250 million
First Responders	$900 million
Interoperable communications systems for first responders	$85 million
Federal air marshals	$65 million
Internal Customs Enforcement/Border Patrol Agents	$150 million
Total defense funds used, all of which are reallocated to defense, Homeland Security needs, and veterans programs and benefits	$7.8 billion

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to clarify one thing, and then I will just close. I heard a few minutes ago that our budget, the House resolution does not fund the war against global terrorism. In fact, it does. There is $80 billion for 2004, plus an additional $50 million for 2005.

Again, I want to thank the chairman for bringing up a budget. The problem with that budget again is that it kills job creation with huge tax increases. But if you believe in huge taxes, you should vote for their amendment and not vote against it. It has, again, huge additional spending of the hardearned money of the American taxpayers. It has huge reductions in defense spending in a time of war. And because of all those reasons, Mr. Chairman, by the way, it also assumes that there is no waste in the Federal budget whatsoever because it does not go after one penny, not one little penny of waste in the Federal budget.

And for those reasons, Mr. Chairman, I would respectfully request that we vote down this amendment.

Mr. Chairman, I yield back the remaining part of my time.

Mr. WATT. Mr. Chairman, does the gentleman have time left that he might be able to yield to me instead of yielding back?

The Acting CHAIRMAN. The gentleman from Florida has yielded back his time and the gentleman from North Carolina has 30 seconds remaining.

Mr. WATT. Mr. Chairman, I yield myself my remaining time, and I thank the gentleman for his time. I want to thank all of the members of the Congressional Black Caucus, and I especially want to thank their staffs who have really gone to a lot of trouble to help us put this budget together. This is the budget, Members, that gives you the choice. And a budget is about making choices. That is really what a budget is.

In our own households, we have to make choices. The choices we have made favor closing disparities that exist in our society that have been here for years and years. The choice we make is to fund No Child Left Behind fully, and not to fund a ballistic missile system that has been a failure, even though we allow research to continue on that front.

So I would ask our friends to face up to these choices and resolve them in a way that helps us close these disparities that have existed throughout the history in this country.

Mr. BISHOP of Georgia. Mr. Chairman, I rise in support of the CBC Budget, a commonsense framework that embraces our values, that focuses on fiscal discipline and that invests in our nation's future.

To be frank, the budget that President Bush presented us with is a betrayal of the trust that is placed in us as legislators. It violates the commitments that we have made to our children, to our veterans, and to our farmers and it does so while amassing mountains of debt, that we have no means of repaying.

I stand in support of the CBC Budget because it is a fiscally responsible alternative that targets the disparities that plague our communities and puts our priorities where they belong. It lowers the astronomical budget deficit, by eliminating corporate tax loopholes and abusive tax shelters at the same time that it lowers tax cuts for individuals making more than $200,000 a year.

This adjustment would restore an estimated $36.3 billion in FY 2006, including nearly $4 billion for deficit reduction. We will fully fund No Child Left Behind; build and repair schools; increase investment in job training and job creation programs. We will not slash community and regional development programs, rather we will continue to invest in housing for those who need assistance. We provide funding for child nutrition programs, community health centers, NASA research and development, Amtrak, Hope VI and Section 8 housing programs, and housing for the disabled and the elderly. And we keep our commitments to our nation's farmers who are depending on us to keep the promises that we made in the 2002 Farm Bill.

Additionally, the CBC Budget allocates funding for Veterans and Defense above the president's requested level, to support our troops in Iraq and Afghanistan, bolster our homeland security needs, and fully fund our veterans programs and benefits.

Mr. Chairman, I believe in fiscal responsibility. I believe that in times of national and fiscal crisis, sacrifices need to be made. But, I also believe that they need to be made by all Americans. It is unfair to scale back government programs that benefit hard working families in order to fund tax cuts that most benefit the wealthiest of Americans. We all need to make sacrifices, but we must also keep our priorities straight.

I believe that the CBC Budget does just that.

Mr. OWENS. Mr. Chairman, this Congressional Black Caucus alternative budget continues the CBC tradition of advocating for increased federal aid to education as the first priority of the world's only superpower. For the last ten years the Members ofthe CBC have boldly trumpeted the fact that there is an Education State-of-Emergency in the African American community and in the mainstream of America.

The American people enhanced by universal quality education constitute the greatest Weapon of Mass Construction our nation can have. To maintain this Weapon of Mass Construction, to maximize Homeland Security, education must be our front line of defense. To confront violent fanatics and zealots in the military arena our soldiers must be the best trained and most educated fighting force in the world. To maintain, expand and guide the most complex economic system in the history of our civilization in ways that guarantee continued prosperity we must accept nothing less than overwhelming supremacy in education.

Our budget must reflect this overwhelming quest for supremacy. Members of the CBC have proudly supported an increase of 23.9 billion dollars in the education budget. More specifically we have supported the following restorations and increases:

Function 500—Education and Training	+$23.9 billion
School Construction	$2.5 billion

Full Funding for No Child Left Behind, including: Title I, Safe and Drug Free Schools, 21st Century Learning Centers, Teacher Quality Programs, Education Technology, Fund for the Improvement of Education, English Language Acquisition, and Migrant Education	$12 billion
Elementary and Secondary School Counseling	$50 million
Vocational Education	$1.5 billion
Job Training	$750 million
Adult Education	$400 million
Pell Grants	$450 million
Head Start	$2 billion
Individuals with Disabilities Education Act (IDEA)	$2 billion
Historically Black Colleges and Universities (HBCUs)	$500 million
Hispanic Serving Institutions	$400 million
TRIO	$500 million
Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR-UP)	$350 million
Perkins Loans	$100 million
Impact Aid	$300 million
SEOG	$100 million

The Acting CHAIRMAN. All time for debate has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from North Carolina (Mr. WATT).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 134, noes 292, answered "present" 3, not voting 5, as follows:

[Roll No. 85]

AYES—134

Abercrombie
Ackerman
Andrews
Baca
Baldwin
Becerra
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Cardin
Carson
Clay
Cleaver
Clyburn
Conyers
Crowley
Cuellar
Cummings
Davis (AL)
Davis (FL)
Davis (IL)
DeFazio
DeLauro
Dingell
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastings (FL)
Higgins
Hinchey
Hinojosa
Holt
Honda
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kilpatrick (MI)
Kucinich
Lantos
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rahall
Rangel
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Solis
Stark
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—292

Aderholt
Akin
Alexander
Allen
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Cole (OK)
Conaway
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Culberson
Cunningham
Davis (CA)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeGette
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Larsen (WA)
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Loretta
Saxton
Schiff
Schwartz (PA)
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

ANSWERED "PRESENT"—3

Capuano
Davis, Jo Ann
Ford

NOT VOTING—5

Coble
Cubin
Delahunt
Gohmert
Young (FL)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mrs. BIGGERT) (during the vote). Members are advised that there are 2 minutes remaining in the vote.

☐ 1328

Mrs. MUSGRAVE, Mr. GRAVES, Ms. HARRIS, and Mr. LANGEVIN changed their vote from "aye" to "no."

Mr. CARDIN, Mr. UDALL of New Mexico, Ms. KAPTUR, and MESSRS. DINGELL, LEVIN and DAVIS of Florida changed their vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Mr. BLUMENAUER. Madam Chairman, I move that the Committee do now rise.

The Acting CHAIRMAN (Mrs. BIGGERT). The question is on the motion to rise offered by the gentleman from Oregon (Mr. BLUMENAUER).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BLUMENAUER. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 101, noes 313, answered "present" 1, not voting 19, as follows:

[Roll No. 86]

AYES—101

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Becerra
Berkley
Berry
Bishop (NY)
Blumenauer
Boyd
Brown (OH)
Brown, Corrine
Butterfield
Capuano
Carnahan
Carson
Clay
Cleaver
Conyers
Costello
Crowley
Davis (AL)
Davis (FL)
Davis (IL)
DeFazio
DeLauro
Emanuel
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Hastings (FL)
Higgins
Hinchey
Holt
Hooley
Inslee
Israel
Jackson (IL)

Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kind
Kucinich
Larson (CT)
Lee
Lewis (GA)
Maloney
Markey
Matsui
McGovern
McKinney
Meehan
Meeks (NY)
Millender-McDonald
Miller, George
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Owens
Pastor
Payne
Pelosi
Rangel
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Serrano
Sherman
Slaughter
Smith (WA)
Solis
Strickland
Taylor (MS)
Thompson (MS)
Tierney
Towns
Udall (CO)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson

NOES—313

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Cole (OK)
Conaway
Cooper
Costa
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (CA)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
Engel
English (PA)
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Holden
Honda
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCollum (MN)
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meek (FL)
Melancon
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Loretta
Saxton
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Spratt
Stearns
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Udall (NM)
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)

ANSWERED "PRESENT"—1

Obey

NOT VOTING—19

Boehner
Cardoza
Coble
Cummings
Delahunt
Doolittle
Hinojosa
Jackson-Lee (TX)
Larsen (WA)
McCotter
McDermott
Ney
Olver
Stark
Sullivan
Watt
Waxman
Woolsey
Young (FL)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. BISHOP of Utah) (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1351

Messrs. MARCHANT, POMEROY, BOREN, HONDA and RUPPERSBERGER changed their vote from "aye" to "no."

Mr. TAYLOR of Mississippi changed his vote from "no" to "aye."

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. NEY. Mr. Chairman, I was unable to be present for rollcall vote No. 86, on the motion that the Committee rise. Had I been present, I would have voted "no" on rollcall vote No. 86.

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 109–19.

AMENDMENT NO. 4 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Acting CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment No. 4 in the nature of a substitute offered by Mr. SPRATT:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2006.

The Congress declares that the concurrent resolution on the budget for fiscal year 2006 is hereby established and that the appropriate budgetary levels for fiscal years 2005 and 2007 through 2015 are set forth.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2005 through 2015:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2005: $1,487,366,000,000.
Fiscal year 2006: $1,616,662,000,000.
Fiscal year 2007: $1,740,221,000,000.
Fiscal year 2008: $1,873,635,000,000.
Fiscal year 2009: $1,998,215,000,000.
Fiscal year 2010: $2,112,618,000,000.
Fiscal year 2011: $2,287,981,000,000.
Fiscal year 2012: $2,494,117,000,000.
Fiscal year 2013: $2,629,382,000,000.
Fiscal year 2014: $2,775,362,000,000.
Fiscal year 2015: $2,927,959,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 2005: $3,342,000,000.
Fiscal year 2006: $9,000,000,000.
Fiscal year 2007: $20,950,000,000.
Fiscal year 2008: $37,450,000,000.
Fiscal year 2009: $42,000,000,000.
Fiscal year 2010: $46,250,000,000.
Fiscal year 2011: $0.
Fiscal year 2012: $0.
Fiscal year 2013: $0.
Fiscal year 2014: $0.
Fiscal year 2015: $0.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2005: $2,073,647,000,000.
Fiscal year 2006: $2,164,495,000,000.
Fiscal year 2007: $2,243,088,000,000.
Fiscal year 2008: $2,363,415,000,000.
Fiscal year 2009: $2,486,979,000,000.
Fiscal year 2010: $2,593,294,000,000.
Fiscal year 2011: $2,717,544,000,000.
Fiscal year 2012: $2,792,862,000,000.
Fiscal year 2013: $2,923,694,000,000.
Fiscal year 2014: $3,051,690,000,000.
Fiscal year 2015: $3,187,568,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2005: $2,055,946,000,000.
Fiscal year 2006: $2,170,816,000,000.
Fiscal year 2007: $2,239,707,000,000.
Fiscal year 2008: $2,340,321,000,000.
Fiscal year 2009: $2,450,535,000,000.
Fiscal year 2010: $2,563,060,000,000.
Fiscal year 2011: $2,693,332,000,000.
Fiscal year 2012: $2,758,914,000,000.
Fiscal year 2013: $2,893,409,000,000.
Fiscal year 2014: $3,019,091,000,000.
Fiscal year 2015: $3,154,637,000,000.

(4) DEFICITS (ON-BUDGET).—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2005: $568,580,000,000.
Fiscal year 2006: $554,154,000,000.
Fiscal year 2007: $499,486,000,000.
Fiscal year 2008: $466,686,000,000.
Fiscal year 2009: $452,320,000,000.
Fiscal year 2010: $450,442,000,000.
Fiscal year 2011: $405,351,000,000.
Fiscal year 2012: $264,797,000,000.
Fiscal year 2013: $264,027,000,000.
Fiscal year 2014: $243,729,000,000.
Fiscal year 2015: $226,678,000,000.

(5) DEBT SUBJECT TO LIMIT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2005: $7,958,233,000,000.
Fiscal year 2006: $8,624,174,000,000.
Fiscal year 2007: $9,240,066,000,000.
Fiscal year 2008: $9,830,945,000,000.
Fiscal year 2009: $10,411,560,000,000.
Fiscal year 2010: $10,995,340,000,000.
Fiscal year 2011: $11,531,493,000,000.
Fiscal year 2012: $11,942,708,000,000.
Fiscal year 2013: $12,347,979,000,000.
Fiscal year 2014: $12,734,145,000,000.
Fiscal year 2015: $13,102,135,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2005: $4,685,413,000,000.
Fiscal year 2006: $5,061,151,000,000.
Fiscal year 2007: $5,364,948,000,000.
Fiscal year 2008: $5,618,176,000,000.
Fiscal year 2009: $5,838,595,000,000.
Fiscal year 2010: $6,040,401,000,000.
Fiscal year 2011: $6,180,515,000,000.
Fiscal year 2012: $6,167,267,000,000.
Fiscal year 2013: $6,142,850,000,000.
Fiscal year 2014: $6,089,270,000,000.
Fiscal year 2015: $6,012,424,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2005 through 2015 for each major functional category are:

(1) National Defense (050):
Fiscal year 2005:
(A) New budget authority, $500,621,000,000.
(B) Outlays, $497,196,000,000.
Fiscal year 2006:
(A) New budget authority, $441,562,000,000.
(B) Outlays, $475,603,000,000.
Fiscal year 2007:
(A) New budget authority, $465,260,000,000.
(B) Outlays, $460,673,000,000.
Fiscal year 2008:
(A) New budget authority, $483,730,000,000.
(B) Outlays, $471,003,000,000.
Fiscal year 2009:
(A) New budget authority, $503,763,000,000.
(B) Outlays, $489,220,000,000.
Fiscal year 2010:
(A) New budget authority, $513,904,000,000.
(B) Outlays, $505,908,000,000.
Fiscal year 2011:
(A) New budget authority, $527,137,000,000.
(B) Outlays, $524,649,000,000.
Fiscal year 2012:
(A) New budget authority, $540,658,000,000.
(B) Outlays, $529,197,000,000.
Fiscal year 2013:
(A) New budget authority, $554,406,000,000.
(B) Outlays, $546,731,000,000.
Fiscal year 2014:
(A) New budget authority, $568,726,000,000.
(B) Outlays, $560,789,000,000.
Fiscal year 2015:
(A) New budget authority, $583,342,000,000.
(B) Outlays, $575,262,000,000.

(2) International Affairs (150):
Fiscal year 2005:
(A) New budget authority, $32,085,000,000.
(B) Outlays, $32,166,000,000.
Fiscal year 2006:
(A) New budget authority, $31,718,000,000.
(B) Outlays, $35,097,000,000.
Fiscal year 2007:
(A) New budget authority, $34,835,000,000.
(B) Outlays, $33,359,000,000.
Fiscal year 2008:
(A) New budget authority, $35,197,000,000.
(B) Outlays, $32,397,000,000.
Fiscal year 2009:
(A) New budget authority, $35,237,000,000.
(B) Outlays, $32,115,000,000.
Fiscal year 2010:
(A) New budget authority, $34,928,000,000.
(B) Outlays, $31,643,000,000.
Fiscal year 2011:
(A) New budget authority, $35,089,000,000.
(B) Outlays, $31,375,000,000.
Fiscal year 2012:
(A) New budget authority, $35,251,000,000.
(B) Outlays, $31,332,000,000.
Fiscal year 2013:
(A) New budget authority, $35,951,000,000.
(B) Outlays, $31,770,000,000.
Fiscal year 2014:
(A) New budget authority, $36,713,000,000.
(B) Outlays, $32,388,000,000.
Fiscal year 2015:
(A) New budget authority, $37,377,000,000.
(B) Outlays, $33,165,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 2005:
(A) New budget authority, $24,413,000,000.
(B) Outlays, $23,594,000,000.
Fiscal year 2006:
(A) New budget authority, $24,757,000,000.
(B) Outlays, $24,164,000,000.
Fiscal year 2007:
(A) New budget authority, $25,181,000,000.
(B) Outlays, $24,612,000,000.
Fiscal year 2008:
(A) New budget authority, $25,704,000,000.
(B) Outlays, $25,038,000,000.
Fiscal year 2009:
(A) New budget authority, $26,219,000,000.
(B) Outlays, $25,525,000,000.
Fiscal year 2010:
(A) New budget authority, $26,738,000,000.
(B) Outlays, $26,026,000,000.
Fiscal year 2011:
(A) New budget authority, $27,005,000,000.
(B) Outlays, $26,415,000,000.
Fiscal year 2012:
(A) New budget authority, $27,274,000,000.
(B) Outlays, $26,711,000,000.
Fiscal year 2013:
(A) New budget authority, $27,547,000,000.
(B) Outlays, $26,984,000,000.
Fiscal year 2014:
(A) New budget authority, $27,822,000,000.
(B) Outlays, $27,257,000,000.
Fiscal year 2015:
(A) New budget authority, $28,099,000,000.
(B) Outlays, $27,529,000,000.

(4) Energy (270):
Fiscal year 2005:
(A) New budget authority, $2,564,000,000.
(B) Outlays, $794,000,000.
Fiscal year 2006:
(A) New budget authority, $3,308,000,000.
(B) Outlays, $2,128,000,000.
Fiscal year 2007:
(A) New budget authority, $3,175,000,000.
(B) Outlays, $1,643,000,000.
Fiscal year 2008:
(A) New budget authority, $3,327,000,000.
(B) Outlays, $1,366,000,000.
Fiscal year 2009:
(A) New budget authority, $3,225,000,000.
(B) Outlays, $1,717,000,000.
Fiscal year 2010:
(A) New budget authority, $3,278,000,000.
(B) Outlays, $1,927,000,000.
Fiscal year 2011:
(A) New budget authority, $2,910,000,000.
(B) Outlays, $1,597,000,000.
Fiscal year 2012:
(A) New budget authority, $2,942,000,000.
(B) Outlays, $1,839,000,000.
Fiscal year 2013:
(A) New budget authority, $2,975,000,000.
(B) Outlays, $1,764,000,000.
Fiscal year 2014:
(A) New budget authority, $3,006,000,000.
(B) Outlays, $2,014,000,000.
Fiscal year 2015:
(A) New budget authority, $3,041,000,000.
(B) Outlays, $2,255,000,000.

(5) Natural Resources and Environment (300):
Fiscal year 2005:
(A) New budget authority, $32,527,000,000.
(B) Outlays, $31,168,000,000.
Fiscal year 2006:
(A) New budget authority, $33,382,000,000.
(B) Outlays, $33,484,000,000.
Fiscal year 2007:
(A) New budget authority, $34,548,000,000.
(B) Outlays, $34,740,000,000.
Fiscal year 2008:
(A) New budget authority, $35,437,000,000.
(B) Outlays, $36,072,000,000.
Fiscal year 2009:
(A) New budget authority, $37,111,000,000.
(B) Outlays, $37,390,000,000.
Fiscal year 2010:
(A) New budget authority, $37,946,000,000.
(B) Outlays, $38,269,000,000.
Fiscal year 2011:
(A) New budget authority, $38,731,000,000.
(B) Outlays, $38,790,000,000.
Fiscal year 2012:
(A) New budget authority, $39,704,000,000.
(B) Outlays, $39,523,000,000.
Fiscal year 2013:
(A) New budget authority, $40,572,000,000.
(B) Outlays, $40,235,000,000.
Fiscal year 2014:
(A) New budget authority, $41,606,000,000.
(B) Outlays, $41,039,000,000.
Fiscal year 2015:
(A) New budget authority, $42,620,000,000.
(B) Outlays, $41,935,000,000.

(6) Agriculture (350):
Fiscal year 2005:
(A) New budget authority, $30,151,000,000.
(B) Outlays, $28,550,000,000.
Fiscal year 2006:
(A) New budget authority, $30,371,000,000.
(B) Outlays, $29,078,000,000.
Fiscal year 2007:
(A) New budget authority, $28,115,000,000.
(B) Outlays, $26,958,000,000.
Fiscal year 2008:
(A) New budget authority, $25,829,000,000.
(B) Outlays, $24,771,000,000.
Fiscal year 2009:
(A) New budget authority, $26,357,000,000.
(B) Outlays, $25,450,000,000.
Fiscal year 2010:
(A) New budget authority, $26,383,000,000.
(B) Outlays, $25,560,000,000.
Fiscal year 2011:
(A) New budget authority, $26,209,000,000.
(B) Outlays, $25,449,000,000.
Fiscal year 2012:
(A) New budget authority, $25,953,000,000.
(B) Outlays, $25,237,000,000.
Fiscal year 2013:
(A) New budget authority, $26,015,000,000.
(B) Outlays, $25,262,000,000.
Fiscal year 2014:
(A) New budget authority, $26,134,000,000.
(B) Outlays, $25,390,000,000.
Fiscal year 2015:
(A) New budget authority, $25,077,000,000.
(B) Outlays, $24,354,000,000.

(7) Commerce and Housing Credit (370):
Fiscal year 2005:
(A) New budget authority, $16,804,000,000.
(B) Outlays, $11,302,000,000.
Fiscal year 2006:
(A) New budget authority, $11,452,000,000.
(B) Outlays, $5,860,000,000.
Fiscal year 2007:
(A) New budget authority, $11,796,000,000.
(B) Outlays, $6,226,000,000.
Fiscal year 2008:
(A) New budget authority, $11,817,000,000.

(B) Outlays, $5,913,000,000.

Fiscal year 2009:

(A) New budget authority, $11,894,000,000.

(B) Outlays, $5,116,000,000.

Fiscal year 2010:

(A) New budget authority, $14,565,000,000.

(B) Outlays, $6,394,000,000.

Fiscal year 2011:

(A) New budget authority, $11,914,000,000.

(B) Outlays, $4,973,000,000.

Fiscal year 2012:

(A) New budget authority, $12,129,000,000.

(B) Outlays, $4,848,000,000.

Fiscal year 2013:

(A) New budget authority, $12,178,000,000.

(B) Outlays, $4,728,000,000.

Fiscal year 2014:

(A) New budget authority, $12,230,000,000.

(B) Outlays, $4,629,000,000.

Fiscal year 2015:

(A) New budget authority, $12,330,000,000.

(B) Outlays, $4,130,000,000.

(8) Transportation (400):

Fiscal year 2005:

(A) New budget authority, $72,506,000,000.

(B) Outlays, $67,703,000,000.

Fiscal year 2006:

(A) New budget authority, $74,479,000,000.

(B) Outlays, $71,735,000,000.

Fiscal year 2007:

(A) New budget authority, $76,841,000,000.

(B) Outlays, $75,331,000,000.

Fiscal year 2008:

(A) New budget authority, $78,975,000,000.

(B) Outlays, $77,196,000,000.

Fiscal year 2009:

(A) New budget authority, $81,576,000,000.

(B) Outlays, $76,726,000,000.

Fiscal year 2010:

(A) New budget authority, $82,261,000,000.

(B) Outlays, $77,820,000,000.

Fiscal year 2011:

(A) New budget authority, $83,014,000,000.

(B) Outlays, $79,230,000,000.

Fiscal year 2012:

(A) New budget authority, $83,792,000,000.

(B) Outlays, $80,694,000,000.

Fiscal year 2013:

(A) New budget authority, $84,609,000,000.

(B) Outlays, $82,316,000,000.

Fiscal year 2014:

(A) New budget authority, $85,439,000,000.

(B) Outlays, $83,873,000,000.

Fiscal year 2015:

(A) New budget authority, $86,293,000,000.

(B) Outlays, $85,917,000,000.

(9) Community and Regional Development (450):

Fiscal year 2005:

(A) New budget authority, $23,007,000,000.

(B) Outlays, $20,756,000,000.

Fiscal year 2006:

(A) New budget authority, $16,190,000,000.

(B) Outlays, $18,624,000,000.

Fiscal year 2007:

(A) New budget authority, $15,884,000,000.

(B) Outlays, $17,414,000,000.

Fiscal year 2008:

(A) New budget authority, $15,837,000,000.

(B) Outlays, $15,727,000,000.

Fiscal year 2009:

(A) New budget authority, $16,141,000,000.

(B) Outlays, $14,509,000,000.

Fiscal year 2010:

(A) New budget authority, $16,454,000,000.

(B) Outlays, $14,211,000,000.

Fiscal year 2011:

(A) New budget authority, $16,780,000,000.

(B) Outlays, $14,879,000,000.

Fiscal year 2012:

(A) New budget authority, $17,108,000,000.

(B) Outlays, $15,323,000,000.

Fiscal year 2013:

(A) New budget authority, $17,435,000,000.

(B) Outlays, $16,108,000,000.

Fiscal year 2014:

(A) New budget authority, $17,777,000,000.

(B) Outlays, $16,763,000,000.

Fiscal year 2015:

(A) New budget authority, $18,125,000,000.

(B) Outlays, $17,099,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 2005:

(A) New budget authority, $94,001,000,000.

(B) Outlays, $92,798,000,000.

Fiscal year 2006:

(A) New budget authority, $100,808,000,000.

(B) Outlays, $92,332,000,000.

Fiscal year 2007:

(A) New budget authority, $97,151,000,000.

(B) Outlays, $95,504,000,000.

Fiscal year 2008:

(A) New budget authority, $97,765,000,000.

(B) Outlays, $96,341,000,000.

Fiscal year 2009:

(A) New budget authority, $99,976,000,000.

(B) Outlays, $97,670,000,000.

Fiscal year 2010:

(A) New budget authority, $102,177,000,000.

(B) Outlays, $99,766,000,000.

Fiscal year 2011:

(A) New budget authority, $104,062,000,000.

(B) Outlays, $102,156,000,000.

Fiscal year 2012:

(A) New budget authority, $105,630,000,000.

(B) Outlays, $103,733,000,000.

Fiscal year 2013:

(A) New budget authority, $107,195,000,000.

(B) Outlays, $105,362,000,000.

Fiscal year 2014:

(A) New budget authority, $109,127,000,000.

(B) Outlays, $107,224,000,000.

Fiscal year 2015:

(A) New budget authority, $111,073,000,000.

(B) Outlays, $109,057,000,000.

(11) Health (550):

Fiscal year 2005:

(A) New budget authority, $257,497,000,000.

(B) Outlays, $252,798,000,000.

Fiscal year 2006:

(A) New budget authority, $264,672,000,000.

(B) Outlays, $263,620,000,000.

Fiscal year 2007:

(A) New budget authority, $279,286,000,000.

(B) Outlays, $277,318,000,000.

Fiscal year 2008:

(A) New budget authority, $299,465,000,000.

(B) Outlays, $297,259,000,000.

Fiscal year 2009:

(A) New budget authority, $322,543,000,000.

(B) Outlays, $318,142,000,000.

Fiscal year 2010:

(A) New budget authority, $343,513,000,000.

(B) Outlays, $341,356,000,000.

Fiscal year 2011:

(A) New budget authority, $368,302,000,000.

(B) Outlays, $365,939,000,000.

Fiscal year 2012:

(A) New budget authority, $393,878,000,000.

(B) Outlays, $391,254,000,000.

Fiscal year 2013:

(A) New budget authority, $421,907,000,000.

(B) Outlays, $418,984,000,000.

Fiscal year 2014:

(A) New budget authority, $452,506,000,000.

(B) Outlays, $449,129,000,000.

Fiscal year 2015:

(A) New budget authority, $485,809,000,000.

(B) Outlays, $482,145,000,000.

(12) Medicare (570):

Fiscal year 2005:

(A) New budget authority, $292,587,000,000.

(B) Outlays, $293,587,000,000.

Fiscal year 2006:

(A) New budget authority, $331,329,000,000.

(B) Outlays, $331,092,000,000.

Fiscal year 2007:

(A) New budget authority, $371,899,000,000.

(B) Outlays, $372,191,000,000.

Fiscal year 2008:

(A) New budget authority, $395,312,000,000.

(B) Outlays, $395,364,000,000.

Fiscal year 2009:

(A) New budget authority, $420,234,000,000.

(B) Outlays, $419,828,000,000.

Fiscal year 2010:

(A) New budget authority, $448,111,000,000.

(B) Outlays, $448,442,000,000.

Fiscal year 2011:

(A) New budget authority, $487,195,000,000.

(B) Outlays, $487,199,000,000.

Fiscal year 2012:

(A) New budget authority, $511,930,000,000.

(B) Outlays, $511,430,000,000.

Fiscal year 2013:

(A) New budget authority, $560,039,000,000.

(B) Outlays, $560,317,000,000.

Fiscal year 2014:

(A) New budget authority, $605,854,000,000.

(B) Outlays, $605,836,000,000.

Fiscal year 2015:

(A) New budget authority, $656,197,000,000.

(B) Outlays, $655,599,000,000.

(13) Income Security (600):

Fiscal year 2005:

(A) New budget authority, $339,184,000,000.

(B) Outlays, $347,817,000,000.

Fiscal year 2006:

(A) New budget authority, $349,208,000,000.

(B) Outlays, $355,280,000,000.

Fiscal year 2007:

(A) New budget authority, $356,831,000,000.

(B) Outlays, $361,653,000,000.

Fiscal year 2008:

(A) New budget authority, $371,394,000,000.

(B) Outlays, $375,040,000,000.

Fiscal year 2009:

(A) New budget authority, $382,459,000,000.

(B) Outlays, $384,918,000,000.

Fiscal year 2010:

(A) New budget authority, $393,827,000,000.

(B) Outlays, $395,586,000,000.

Fiscal year 2011:

(A) New budget authority, $408,830,000,000.

(B) Outlays, $410,380,000,000.

Fiscal year 2012:

(A) New budget authority, $396,680,000,000.

(B) Outlays, $398,288,000,000.

Fiscal year 2013:

(A) New budget authority, $412,123,000,000.

(B) Outlays, $412,753,000,000.

Fiscal year 2014:

(A) New budget authority, $423,634,000,000.

(B) Outlays, $422,232,000,000.

Fiscal year 2015:

(A) New budget authority, $434,824,000,000.

(B) Outlays, $433,325,000,000.

(14) Social Security (650):

Fiscal year 2005:

(A) New budget authority, $15,849,000,000.

(B) Outlays, $15,849,000,000.

Fiscal year 2006:

(A) New budget authority, $15,891,000,000.

(B) Outlays, $15,891,000,000.

Fiscal year 2007:

(A) New budget authority, $17,704,000,000.

(B) Outlays, $17,704,000,000.

Fiscal year 2008:

(A) New budget authority, $19,768,000,000.

(B) Outlays, $19,768,000,000.

Fiscal year 2009:

(A) New budget authority, $21,743,000,000.

(B) Outlays, $21,743,000,000.

Fiscal year 2010:

(A) New budget authority, $24,029,000,000.

(B) Outlays, $24,029,000,000.

Fiscal year 2011:

(A) New budget authority, $27,837,000,000.

(B) Outlays, $27,837,000,000.

Fiscal year 2012:

(A) New budget authority, $30,885,000,000.

(B) Outlays, $30,885,000,000.

Fiscal year 2013:

(A) New budget authority, $33,594,000,000.

(B) Outlays, $33,594,000,000.

Fiscal year 2014:

(A) New budget authority, $36,442,000,000.

(B) Outlays, $36,442,000,000.

Fiscal year 2015:

(A) New budget authority, $39,528,000,000.

(B) Outlays, $39,528,000,000.

(15) Veterans Benefits and Services (700):

Fiscal year 2005:

(A) New budget authority, $69,448,000,000.

(B) Outlays, $68,873,000,000.

Fiscal year 2006:

(A) New budget authority, $70,467,000,000.

(B) Outlays, $69,468,000,000.

Fiscal year 2007:

(A) New budget authority, $68,989,000,000.

(B) Outlays, $68,394,000,000.

Fiscal year 2008:

(A) New budget authority, $72,368,000,000.

(B) Outlays, $72,077,000,000.

Fiscal year 2009:

(A) New budget authority, $74,049,000,000.

(B) Outlays, $73,591,000,000.

Fiscal year 2010:

(A) New budget authority, $75,768,000,000.

(B) Outlays, $75,213,000,000.

Fiscal year 2011:

(A) New budget authority, $80,114,000,000.

(B) Outlays, $79,717,000,000.

Fiscal year 2012:

(A) New budget authority, $77,261,000,000.

(B) Outlays, $76,588,000,000.

Fiscal year 2013:

(A) New budget authority, $82,351,000,000.

(B) Outlays, $81,772,000,000.

Fiscal year 2014:

(A) New budget authority, $84,597,000,000.

(B) Outlays, $84,014,000,000.

Fiscal year 2015:

(A) New budget authority, $86,855,000,000.

(B) Outlays, $86,257,000,000.

(16) Administration of Justice (750):

Fiscal year 2005:

(A) New budget authority, $39,817,000,000.

(B) Outlays, $39,501,000,000.

Fiscal year 2006:

(A) New budget authority, $41,980,000,000.

(B) Outlays, $42,148,000,000.

Fiscal year 2007:

(A) New budget authority, $41,697,000,000.

(B) Outlays, $42,381,000,000.

Fiscal year 2008:

(A) New budget authority, $42,786,000,000.

(B) Outlays, $43,066,000,000.

Fiscal year 2009:

(A) New budget authority, $43,896,000,000.

(B) Outlays, $43,723,000,000.

Fiscal year 2010:

(A) New budget authority, $45,041,000,000.

(B) Outlays, $44,753,000,000.

Fiscal year 2011:

(A) New budget authority, $46,241,000,000.

(B) Outlays, $45,828,000,000.

Fiscal year 2012:

(A) New budget authority, $47,455,000,000.

(B) Outlays, $47,032,000,000.

Fiscal year 2013:

(A) New budget authority, $48,714,000,000.

(B) Outlays, $48,282,000,000.

Fiscal year 2014:

(A) New budget authority, $50,014,000,000.

(B) Outlays, $49,575,000,000.

Fiscal year 2015:

(A) New budget authority, $54,212,000,000.

(B) Outlays, $53,760,000,000.

(17) General Government (800):

Fiscal year 2005:

(A) New budget authority, $16,748,000,000.

(B) Outlays, $17,656,000,000.

Fiscal year 2006:

(A) New budget authority, $18,017,000,000.

(B) Outlays, $18,308,000,000.

Fiscal year 2007:

(A) New budget authority, $18,164,000,000.

(B) Outlays, $17,999,000,000.

Fiscal year 2008:

(A) New budget authority, $18,024,000,000.

(B) Outlays, $18,054,000,000.

Fiscal year 2009:

(A) New budget authority, $18,325,000,000.

(B) Outlays, $18,296,000,000.

Fiscal year 2010:

(A) New budget authority, $18,545,000,000.

(B) Outlays, $18,705,000,000.

Fiscal year 2011:

(A) New budget authority, $18,929,000,000.

(B) Outlays, $19,172,000,000.

Fiscal year 2012:

(A) New budget authority, $19,412,000,000.

(B) Outlays, $19,890,000,000.

Fiscal year 2013:

(A) New budget authority, $19,944,000,000.

(B) Outlays, $20,311,000,000.

Fiscal year 2014:

(A) New budget authority, $20,457,000,000.

(B) Outlays, $20,890,000,000.

Fiscal year 2015:

(A) New budget authority, $20,995,000,000.

(B) Outlays, $21,548,000,000.

(18) Net Interest (900):

Fiscal year 2005:

(A) New budget authority, $267,942,000,000.

(B) Outlays, $267,942,000,000.

Fiscal year 2006:

(A) New budget authority, $310,255,000,000.

(B) Outlays, $310,255,000,000.

Fiscal year 2007:

(A) New budget authority, $358,985,000,000.

(B) Outlays, $358,985,000,000.

Fiscal year 2008:

(A) New budget authority, $395,851,000,000.

(B) Outlays, $395,851,000,000.

Fiscal year 2009:

(A) New budget authority, $424,099,000,000.

(B) Outlays, $424,099,000,000.

Fiscal year 2010:

(A) New budget authority, $450,267,000,000.

(B) Outlays, $450,267,000,000.

Fiscal year 2011:

(A) New budget authority, $474,290,000,000.

(B) Outlays, $474,290,000,000.

Fiscal year 2012:

(A) New budget authority, $494,088,000,000.

(B) Outlays, $494,088,000,000.

Fiscal year 2013:

(A) New budget authority, $508,705,000,000.

(B) Outlays, $508,705,000,000.

Fiscal year 2014:

(A) New budget authority, $524,530,000,000.

(B) Outlays, $524,530,000,000.

Fiscal year 2015:

(A) New budget authority, $538,755,000,000.

(B) Outlays, $538,755,000,000.

(19) Allowances (920):

Fiscal year 2005:

(A) New budget authority, $0.

(B) Outlays, $0.

Fiscal year 2006:

(A) New budget authority, $50,000,000,000.

(B) Outlays, $32,000,000,000.

Fiscal year 2007:

(A) New budget authority, $0.

(B) Outlays, $11,000,000,000.

Fiscal year 2008:

(A) New budget authority, $0.

(B) Outlays, $4,000,000,000.

Fiscal year 2009:

(A) New budget authority, $0.

(B) Outlays, $2,000,000,000.

Fiscal year 2010:

(A) New budget authority, $0.

(B) Outlays, $1,000,000,000.

Fiscal year 2011:

(A) New budget authority, $0.

(B) Outlays, $0.

Fiscal year 2012:

(A) New budget authority, $0.

(B) Outlays, $0.

Fiscal year 2013:

(A) New budget authority, $0.

(B) Outlays, $0.

Fiscal year 2014:

(A) New budget authority, $0.

(B) Outlays, $0.

Fiscal year 2015:

(A) New budget authority, $0.

(B) Outlays, $0.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 2005:

(A) New budget authority, −$54,104,000,000.

(B) Outlays, −$54,104,000,000.

Fiscal year 2006:

(A) New budget authority, −$55,351,000,000.

(B) Outlays, −$55,351,000,000.

Fiscal year 2007:

(A) New budget authority, −$63,253,000,000.

(B) Outlays, −$64,378,000,000.

Fiscal year 2008:

(A) New budget authority, −$65,171,000,000.

(B) Outlays, −$65,983,000,000.

Fiscal year 2009:

(A) New budget authority, −$61,868,000,000.

(B) Outlays, −$61,243,000,000.

Fiscal year 2010:

(A) New budget authority, −$64,440,000,000.

(B) Outlays, −$63,815,000,000.

Fiscal year 2011:

(A) New budget authority, −$67,045,000,000.

(B) Outlays, −$66,545,000,000.

Fiscal year 2012:

(A) New budget authority, −$69,168,000,000.

(B) Outlays, −$68,980,000,000.

Fiscal year 2013:

(A) New budget authority, −$72,566,000,000.

(B) Outlays, −$72,566,000,000.

Fiscal year 2014:

(A) New budget authority, −$74,924,000,000.

(B) Outlays, −$74,924,000,000.

Fiscal year 2015:

(A) New budget authority, −$76,984,000,000.

(B) Outlays, −$76,984,000,000.

TITLE II—RESERVE FUNDS AND CONTINGENCY PROCEDURE

Subtitle A—Reserve Funds

SEC. 201. DEFICIT-NEUTRAL RESERVE FUND FOR HEALTH INSURANCE COVERAGE FOR THE UNINSURED.

In the House, if legislation is reported, or if an amendment thereto is offered or a conference report thereon is submitted, that provides affordable, comprehensive health insurance to the uninsured and builds upon and strengthens public and private coverage, including preventing the erosion of existing coverage under Medicaid, the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent such measure is deficit neutral (whether by changes in revenues or direct spending) in fiscal year 2006 and for the period of fiscal years 2006 through 2015.

SEC. 202. RESERVE FUND FOR NEGOTIATION OF LOWER MEDICARE DRUG PRICES.

(a) IN GENERAL.—In the House, if the Committee on Ways and Means or the Committee on Energy and Commerce reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides for a reduction in new budget authority and outlays under part D of title XVIII of the Social Security Act through authority described in subsection (b), insofar as such measure does not provide for new budget authority in the form of a reduction in beneficiary cost-sharing (which may include the partial or complete elimination of the so-called donut hole) under such part, the chairman of the Committee on the Budget shall revise the appropriate budgetary aggregates and allocations of new budget authority and outlays to reflect any resulting new savings from such measure.

(b) AUTHORITY DEFINED.—For purposes of subsection (a), the authority described in this subsection is authority for the Secretary of Health and Human Services to negotiate prescription drug prices under part D of title XVIII of the Social Security Act, which may include either or both of the following:

(1) Authority to negotiate prescription drug prices similar to the authority used by the Secretary of Veterans Affairs, the Secretary of Defense, and the heads of other Federal agencies and departments in the purchase of prescription drugs.

(2) Other methods that lower the price of covered part D drugs under such part D.

Subtitle B—Contingency Procedure

SEC. 211. CONTINGENCY PROCEDURE FOR SURFACE TRANSPORTATION.

(a) IN GENERAL.—If the Committee on Transportation and Infrastructure of the House reports legislation, or if an amendment thereto is offered or a conference report thereon is submitted, that provides new budget authority for the budget accounts or portions thereof in the highway and transit categories as defined in sections 250(c)(4)(B) and (C) of the Balanced Budget and Emergency Deficit Control Act of 1985 in excess of the following amounts:

(1) for fiscal year 2005: $42,806,000,000,

(2) for fiscal year 2006: $45,899,100,000,

(3) for fiscal year 2007: $47,828,700,000,

(4) for fiscal year 2008: $49,715,400,000, or

(5) for fiscal year 2009: $51,743,500,000,

the chairman of the Committee on the Budget may adjust the appropriate budget aggregates and increase the allocation of new budget authority to such committee for fiscal year 2005 and for the period of fiscal years 2005 through 2009 to the extent such excess is offset by a reduction in mandatory outlays from the Highway Trust Fund or an increase in receipts appropriated to such fund for the applicable fiscal year caused by such legislation or any previously enacted legislation.

(b) ADJUSTMENT FOR OUTLAYS.—For fiscal year 2006, in the House, if a bill or joint resolution is reported, or if an amendment thereto is offered or a conference report thereon is submitted, that changes obligation limitations such that the total limitations are in excess of $42,792,000,000 for fiscal year 2006 for programs, projects, and activities within the highway and transit categories as defined in sections 250(c)(4)(B) and (C) of the Balanced Budget and Emergency Deficit Control Act of 1985, and if legislation has been enacted that satisfies the conditions set forth in subsection (a) for such fiscal year, the chairman of the Committee on the Budget may increase the allocation of outlays and appropriate aggregates for such fiscal year for the committee reporting such measure by the amount of outlays that corresponds to such excess obligation limitations, but not to exceed the amount of such excess that was offset pursuant to subsection (a).

TITLE III—BUDGET ENFORCEMENT

SEC. 301. PAY-AS-YOU-GO POINT OF ORDER IN THE HOUSE.

(a) POINT OF ORDER.—It shall not be in order in the House of Representatives to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for any of the following periods:

(1) The budget year.

(2) The period of the budget year and the next 4 fiscal years.

(3) The period of the 5 fiscal years following the period specified in paragraph (2).

(b) ON-BUDGET DEFICIT.—

(1) DEFINITION.—For purposes of this section, the term "on-budget deficit" means a budget deficit that occurs in any year in which total outlays exceed total revenues, counting Federal revenues and outlays, except those of the old age, survivors and disability insurance trust funds established under title II of the Social Security Act, as provided in subtitle C, section 13301 of the Budget Enforcement Act of 1990.

(c) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the House of Representatives.

(d) EXPIRATION.—This section shall expire on December 31, 2015.

TITLE IV—SENSE OF THE HOUSE

SEC. 401. SENSE OF THE HOUSE ON DEFENSE PRIORITIES.

It is the sense of the House that—

(1) increasing Service members Group Life Insurance (SGLI) coverage to $400,000 and providing free coverage to those in combat, and increasing the death gratuity to $100,000, are high priorities which should not have been omitted from the President's budget request;

(2) continuing targeted pay increases for enlisted personnel and increasing reenlistment bonuses are also high priorities which should not have been omitted from the President's budget request because they are critical to the retention of experienced personnel;

(3) increasing funds for family service centers to support families of deploying service members is a high priority, and the President's budget should have requested sufficient funding for this purpose;

(4) increasing funds for community-based health care organizations is a high priority to enable injured service men and women to receive the care they need close to home, and the President's budget should have included sufficient funding for this purpose;

(5) funding cooperative threat reduction and nuclear nonproliferation programs at a level adequate to the task and the risks to our nation is also a high priority and was recommended five years ago by the Baker-Cutler Commission, and the President's budget should have requested sufficient funding in this area;

(6) funding the Missile Defense Agency at a substantial but lower level will ensure a more measured acquisition strategy, yet still support a robust ballistic missile defense program;

(7) funding satellite research, development, and procurement at a level above the amount enacted for 2005 but below the amount requested for 2006, which represents an increase of more than 50 percent, will provide adequate funding for new satellite technologies, while ensuring a more prudent acquisition strategy;

(8) improving financial management at the Department of Defense should identify billions of dollars of obligations and disbursements which the Government Accountability Office has found that the Department of Defense cannot account for, and should result in substantial annual savings;

(9) all savings that accrue from the actions recommended in paragraphs (6) through (8) should be used to fund higher priorities within the national security function of the budget, function 050, and especially those high priorities identified in paragraphs (1) through (5), as well as a strong ship force and defense-related homeland security activities.

SEC. 402. SENSE OF THE HOUSE ON EXTENSION OF THE PAY-AS-YOU-GO RULE OF 1997.

It is the sense of the House that in order to reduce the deficit, Congress should extend PAYGO in its original form in the Budget Enforcement Act of 1990, making the rule apply both to tax decreases and to mandatory spending increases.

SEC. 403. SENSE OF THE HOUSE REGARDING FUNDING FOR THE MANUFACTURING EXTENSION PARTNERSHIP.

It is the sense of the House that—

(1) this resolution provides a total of $110 million for the Manufacturing Extension Partnership for 2006, $63 million more than the President's request, and supports adequate funding throughout the period covered by this resolution; and

(2) this funding protects the viability of the Manufacturing Extension Partnership and provides the necessary resources for the Manufacturing Extension Partnership to continue helping small manufacturers reach their optimal performance and create jobs.

SEC. 404. SENSE OF THE HOUSE ON EDUCATION.

It is the sense of the House that—

(1) the resolution rejects the President's cuts to elementary and secondary education, as well as the President's proposals to increase student costs for college loans and to cut or eliminate programs that help students obtain a post-secondary education;

(2) the resolution provides a $100 annual increase in the maximum Pell Grant award in each of the next ten years, and assumes increased efficiency in the student loan programs; and

(3) the mandatory levels in this resolution provide the $4.3 billion needed to eliminate the current shortfall in the Pell Grant program, restoring the program to a sound financial basis.

SEC. 405. SENSE OF THE HOUSE ON HOMELAND SECURITY.

It is the sense of the House that—

(1) this resolution provides additional homeland security funding above the President's requested level for 2006 and every subsequent year;

(2) this resolution provides $9,800,000,000 above the President's requested level for 2006, and greater amounts in subsequent years, in the four budget functions (Function 400, Transportation; Function 450, Community and Regional Development; Function 550, Health; and Function 750, Administration of Justice) which fund most nondefense homeland security activities; and

(3) the homeland security funding provided in this resolution will help to strengthen the security of our Nation's transportation system and other critical infrastructure, including our seaports, and help secure our borders, increase the preparedness of our public health system, train and equip our first responders, and otherwise strengthen the Nation's homeland security.

SEC. 406. SENSE OF THE HOUSE REGARDING PAY PARITY.

It is the sense of the House that—

(1) compensation for civilian and military employees of the United States, without whom we cannot successfully serve and protect our citizens and taxpayers, must be sufficient to support our critical efforts to recruit, retain, and reward quality people effectively and responsibly; and

(2) to achieve this objective, the rate of increase in the compensation of civilian employees should be equal to that proposed for

the military in the President's fiscal year 2006 budget.

SEC. 407. POLICY.

It is the policy of this budget resolution to balance long-term deficit reduction with middle-income tax relief. To this end, this resolution assumes tax relief, subject to the PAYGO requirements as imposed in section 301, which includes the following:

(1) extension of the child tax credit;

(2) extension of marriage penalty relief;

(3) extension of the 10 percent individual bracket;

(4) modification of the alternative minimum tax to minimize its impact on middle-income taxpayers;

(5) elimination of estate taxes on all but the very largest estates by reforming and substantially increasing the unified credit;

(6) extension of the research and experimentation tax credit;

(7) extension of the deduction for State and local sales taxes.

To meet the revenue requirements of this resolution and to comply with the PAYGO requirements imposed in section 301, this budget resolution assumes revenue measures such as: strengthening tax compliance; imposing measures to close corporate tax avoidance devices; and continuing the current limitations on personal exemptions and itemized deductions (so-called "PEP" and "Pease")—the repeal of which disproportionately benefits taxpayers with annual incomes exceeding $1 million.

SEC. 408. SENSE OF THE HOUSE REGARDING THE NATIONAL RAILROAD PASSENGER CORPORATION.

It is the sense of the House that the budget should reject the cuts to Amtrak in the President's budget and should provide sufficient resources to allow Amtrak to carry forward its mission.

SEC. 409. SENSE OF THE HOUSE ON TAX SIMPLIFICATION AND TAX FAIRNESS.

It is the sense of the House that—

(1) the current tax system has been made increasingly complex and unfair to the detriment of the vast majority of working Americans;

(2) constant change and manipulation of the tax code have adverse effects on taxpayers understanding and trust in the Nation's tax laws;

(3) these increases in complexity and lack of clarity have made compliance more challenging for the average taxpayer and small business owner; and

(4) this budget resolution contemplates a comprehensive review of recent changes in the tax code, leading to future action to reduce the tax burden and compliance burden for middle-income workers and their families in the context of tax reform that makes the Federal tax code simpler and fairer to all taxpayers, and ensures that this generation of Americans does not force future generations to pay our bills.

The Acting CHAIRMAN. Pursuant to House Resolution 154, the gentleman from South Carolina (Mr. SPRATT) and the gentleman from Iowa (Mr. NUSSLE) each will control 20 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means.

Mr. RANGEL. Mr. Chairman, I want to personally thank the gentleman from South Carolina (Mr. SPRATT) so much for the work that he has done in having the record make it clear that we in the House of Representatives did have an alternative to what was presented to us.

There is a lot of talk about moral values that we hear about politically; but I do not care what your religious background is, there are always these stories about the sick and the poor in need; and on the other side, the option is for the rich and the greedy and the insensitive.

You do not have to be a Republican or a Democrat when you look at the document that was placed before us by the majority and then to take a look at the compassion and the common sense that is involved in the alternative that the gentleman from South Carolina and his team have brought to us. But I am not here to talk about compassion. I am too old to believe that it is going to change.

I am here to talk about national security, national security at a time that we are going through these economic deficits. It would just seem to me that it would make a lot of sense if we invested in our young people that are going to school, to make them more productive and make them tax-paying. It seems to me it would make a lot of sense to invest in someone's health so that they would not have to go to community centers, which are being cut back, that they would not have to go into the hospitals.

It seems to me that we would have a sense of national security by thanking our veterans who fight the war, keep the spirits up and not tax them for getting sick or having ailments. It seems to me that in the final analysis, what we have done is borrow money and ask that we make these tremendous tax cuts permanent and whatever our kids get and our grandchildren get will be the debt that this body can possibly place on them.

I just hope that somewhere along the line someone would say that if you really care about this country, that you will care about all of its people, you will be concerned about its working people and be concerned in making Social Security something that will be guaranteed for them because we promised them that it would be.

But I do not think that anyone takes this budget seriously, not if you leave out of it the alternative minimum tax, which no one would want to be able to tell their constituents that this $600 billion tax increase that we are going to place on them, that we did not mean to do it; and no matter how many cities the President goes to, no one would believe that he was sincere about reforming the Social Security system when he knows, Republicans know, Democrats know, that it is going to take money to do this and that is not in the budget. And there are so many other things that are left out. Even the money that is paid into Social Security, that is not counted as a part of our debt.

But one day, just one day, historians or maybe our kids and grandkids are going to ask each and every one of us, when this country was going into this deficit hellhole and when the poor were becoming poorer and the sick, we were cutting their benefits, what were you doing and how were you voting, and I am glad that we will have an opportunity just not to be able to vote against what the majority has given us, but that we have an alternative that the gentleman from South Carolina and the minorities on the Budget Committee and so many others have worked together to say that we are proud to be Americans, we are proud to be Members of Congress, and we are proud that we voted the right way.

Mr. NUSSLE. Mr. Chairman, I yield 4 minutes to the very distinguished gentleman from Florida (Mr. PUTNAM), a member of the committee.

Mr. PUTNAM. Mr. Chairman, I thank the gentleman for yielding me this time. I rise in strong opposition to the Spratt amendment. I respect the ranking member and the work that he has put into the Budget Committee, but I have to clarify a number of points that have been made by the prior speaker.

This budget goes a long way toward laying out priorities for this Nation. We have through this process been afforded the opportunity to see a variety of different sets of priorities. Members have had the opportunity to vote on four different blueprints for this Nation, across the ideological and political spectrum. I think that is a healthy thing. I do not think that happens enough in this House where we have good solid debate like this. The differences amongst those priorities, though, are stark.

Our budget lays out a blueprint that invests in defense and invests in homeland security, two things that we find to be most urgent at a time when our Nation has come under attack recently and where we are engaged in conflict against terrorism around the world. We create in this budget blueprint an opportunity for policies to move forward that create jobs, that allow for continued economic expansion, that allow us to build upon the fact that homeownership is at its highest rate ever, that Americans are enjoying a lower tax burden that allows them to make decisions about their children's higher education, about their small business, about their opportunity to carve out their piece of the American Dream.

It does not raise taxes on those same small business men and women who are taxed at the individual rate because they are an S corporation, because they are a small business, because they are the neighborhood barber or diner or farmer. We lay out a policy that also calls for fiscal restraint, and we balance the approach to fiscal restraint on both the discretionary side of the ledger and the mandatory side of the ledger.

For those who are uninformed about Washingtonese, the mandatory side of the ledger now consumes over half of the Federal budget and soon will consume over two-thirds. It is on automatic pilot. You cannot get your arms around the deficit without tackling mandatory spending. Our side knows that. The other side knows that.

You cannot be serious about budget reform without simultaneously addressing discretionary spending and mandatory spending. We do that. We shave the rate of growth by one-tenth of 1 percent. Yet the New Testament is invoked on a regular basis from the other side's talking points to claim that there will be blood in the streets, that there will be mass pandemonium and starvation because one-tenth of 1 percent of mandatory spending's rate of growth has been shaven off.

On the discretionary side, we bring eight-tenths of a percent cut to programs that have experienced double-digit increases over the last decade. You cannot look at the spending history of this House and this Congress' budget in veterans, in students with disabilities, in HUD, in education, in homeland security and defense and find anyone who has experienced real pain or real cuts in the last decade. There have been substantial increases. Our budget lays out that priority, investing in defense, creating economic opportunity and beginning that long process of making tough decisions, the decisions we are paid to make to get our arms around the deficit so that future generations are not burdened and that the current generation, current workers, current employers, current small businesses are not seeing their tax burden go up.

Vote for the underlying House budget and defeat the Spratt amendment.

Mr. SPRATT. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, 5 years ago, the budget was in surplus. Hard to believe, but it was in surplus by $236 billion. We are here today grappling with a deficit of $427 billion, the deficit expected this year, basically because of policy choices that were made since 2001, made since President Bush came to office.

□ 1400

The Bush administration bet the budget on a blue sky estimate and went for huge tax cuts that left no margin for error. I stood here in the well of this House in 2001 and warned that those projections of $5.6 trillion surplus could disappear in a blink of an economist's eye. When the surpluses of $5.6 trillion failed to materialize, the budget sank into deficit: $375 billion in 2003, $412 billion in 2004, and an expected $427 billion this year and on and on and on.

I know there have been random events that no one foresaw, terrorism, and recession, but that is part of budgeting, reserving for such contingencies. The Bush Republican budgets of the last 4 years not only failed to provide for such contingencies, by budgeting right to the margin, but when deficits replaced surpluses, nevertheless they kept coming with tax cuts, tax cuts after tax cuts. This budget has $106 billion in additional tax cuts included in it, knowing full well that all of those tax cuts will go straight to the bottom line and will add dollar for dollar to the deficit. That is one reason that the CBO says, in yesterday's production of the President's budget, that the President's budget makes this deficit worse, not better, by $1.6 trillion. In other words, if we left it on autopilot, at current services, it would be $1.6 trillion more in implementing the President's budget.

So let us be clear. We are here because of policy choices that Republicans have made, the White House and the Congress, over the last 4 years, and you were forewarned and took the risk. Given the thrust of this budget that is before us, we will be back grappling again for years to come with deficits as far as the eye can see.

Sitting here for the last 2 days I have heard their budget praised warmly by Members on the other side, and there are features of it, frankly, that I would praise too. For example, it includes $50 billion, as a rough cost, for our forces in Iraq and Afghanistan for another year, which is more than one can say for the President's budget, which does not include a dime. But this budget excludes the likely cost, according to CBO, in 2007, 2008, 2009, 2010, which CBO estimates to be $384 billion. This budget stops abruptly in 2010, running out 5 years of numbers instead of 10 years of numbers. That is a convenient place to stop because it avoids recognizing the cost of Social Security privatization, which the administration acknowledges will be $754 billion between 2009 and 2015, but which it omits from the budget altogether. And while it calls for renewal of the 2001 and 2003 tax cuts, with the revenue impact of $1.6 trillion, not a dime of that revenue loss is included because it falls after 2010, but it clearly affects the outyears. Add back these omitted items, and it is clear there is no way, no way, that we are going to cut the deficit in half in 4 years, 5 years, 6 years. Indeed if we pass Social Security privatization, as the President proposes, it will add $4.9 trillion, as this chart shows, to the deficits of the United States over the next 20 years. In that case we will not see the budget balanced again in our lifetime. That is an undeniable fact, but it is a fact that this budget avoids acknowledging.

Sitting here for the last 2 days, I have also heard the claim that this budget takes on entitlements. In fact, the gentleman who was in the well just before me emphasized this as one of the sterling features of this amendment. But let us be clear. It does not take on Social Security. I do not think it should, but it does not. It does not take on Medicare. It does not do anything to the farm program.

The chairman here has made it clear that these are not to be the objects of reconciliation savings. Reconciliation will mainly fall on Medicaid and on other programs like Medicaid, Medicaid being the health care program of last resort for the least among us. The President has proposed cutting Medicaid over 10 years by $60 billion, but when the Congressional Budget Office scored his savings and said we cannot find $20 billion of savings here, maybe 13, maybe 14, but not $20 billion in these proposals, nevertheless, the committee has said to the Committee on Energy and Commerce to cut $20 billion anyway. Three Governors were here to speak with the gentleman from Iowa (Mr. NUSSLE) and me and to plead with us, "Please do not subject us to an arbitrary budget savings number. This program needs to be reformed. It needs to be restructured, but do not let reform be driven by an arbitrary number."

That is exactly what this budget resolution does. It lets reform be driven by an arbitrary savings number. It cannot tell us what, where, or how those savings will be achieved. When what is off limits in the $68 billion of reconciliation is made clear, we can see where the cuts are likely to fall. Medicaid for sure, big-time cuts, but also the earned income tax credit, the child care and development block grant, food stamps, TANF, veterans benefits. In other words, the safety net. These cuts will shred the safety net. They are not intended for the major entitlement programs but for the smaller ones that are for the least of these who need the help, the most vulnerable among us.

It will be argued, I know, that this is necessary to balance the budget, but, in truth, none of the $68 billion in reconciliation savings goes to balance the budget. That is because it is more than offset by the $106 billion in additional tax cuts. When we net these out, there is no spending reduction to put on the bottom line. There is no net reduction to the bottom line. The bottom line actually gets worse. Instead of using these mandatory spending cuts in Medicaid to reduce the deficit, as they would have us assume, these cuts actually are used to offset tax cuts. For whom we do not know, but, nevertheless, we do know they do not go to the bottom line and they do not mitigate the deficit.

So there are major problems in this budget, particularly when it comes to the key objective, and that is reduction of the deficit. And I will return to that in a minute.

Mr. Chairman, I yield 4 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished whip on the House Democratic side.

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, this Republican budget conclusively demonstrates one thing: that when it comes to audacity, our friends on the other side of the aisle have an unlimited supply.

Yesterday Republican leaders, including the gentleman from Texas (Mr. DELAY), majority leader; and the gentleman from California (Mr. DREIER), chairman of the Committee on Rules, claimed on this floor that the policies adopted by the Republican Party last year reduced last year's budget deficit by $109 billion. What an extraordinary Lewis Carroll "Alice in Wonderland" representation.

You incurred over $350 billion of deficit, as you well know. The only thing you reduced was the inflated figure the White House came with at the beginning of the year. A figure that, by the way, was supposed to be zero, as I recall, the 2001 budget.

On the Republican Party's watch, the Federal Government recorded the worst budget deficit in American history, $412 billion in fiscal year 2004. Four hundred and twelve billion dollars of deficit spending, and that is counting using every nickel of Social Security, which you said you were not going to do, which the President said you were not going to do. And you had a "lockbox." It is a sieve box.

Our Republican friends, it appears, are the only people who believe that a $412 billion deficit is something to brag about. For years they have preened as fiscal conservatives, but in less than 48 months they have turned the projected 10-year budget surplus, a $5.6 trillion surplus that they were handed, that President Bush from this rostrum said we had as a result of the 8 years of the Clinton administration, $5.6 trillion, into a deficit today in 48 months. I will put up 8. Forty-eight months, $4 trillion dollars. That is a $9.6 trillion turnaround or $2 trillion plus a year.

We ought to be ashamed of that. We ought to be ashamed to tell our children that that is what we have done to them. We ought to be ashamed to tell our grandchildren, of which I have three, that that is what we have done to them and their generation. We have added more than $2.2 trillion to the national debt in 48 months. The entire debt of the United States of America from 1789 to 1981, when I came to Congress, was $985 billion, cumulative debt. From 1789 to 1981, $985 billion. Last year we raised the debt $984 billion in one year. That is the height of fiscal irresponsibility, and I suggest it is also a fiscally immoral act and is the abuse of our children and grandchildren and generations yet to come, who in their time will face a challenge perhaps like Iraq, perhaps like AIDS, perhaps a tsunami or other natural disaster, and they will look around for resources to respond to their crisis in their time and say, oh, my goodness, the resources were spent by this Congress and by the previous Congress. What a shame.

The Democratic budget that the gentleman from South Carolina (Mr. SPRATT) offers has balance by 2012. It has the PAYGO system, which Mr. Greenspan is for, but you are not for because you do not want to pay. You talk about cutting taxes or raising taxes, but what you are really saying is you do not want to pay for what you are buying. And you buy because all the spending that we have incurred is in your budgets. All of the spending is in budgets. We cannot control the budgets. So all of the spending, but there is very little of the pain. That is fiscally irresponsible.

I would like to see who is going to vote for the bankruptcy bill when it comes on the floor that want responsible borrowers.

I will vote for the Spratt alternative because it is a responsible alternative, and I will enthusiastically and proudly and morally vote against the Republican alternative.

Mr. NUSSLE. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri (Mr. BLUNT), our distinguished majority whip.

Mr. BLUNT. Mr. Chairman, I want to thank the gentleman from Iowa (Mr. NUSSLE) for his hard work on this budget and for yielding me this time to talk about his budget and this alternative.

Certainly his committee and he under his leadership have worked hard to bring us a fiscally responsible budget. The base bill we are debating today is the most fiscally conservative budget resolution we have considered since we joined the Congress.

The cuts we are hearing about in Medicaid are really a reduction of the growth. The cut in Medicaid, as I read the base budget, is a cut in the growth rate of 7.5 percent to a growth rate of 7.3 percent. Where I live, and I suspect where most of us live, 7.3 percent growth would not be seen as a cut.

The committee's budget permits us to extend recently enacted tax relief so that American families will not see a tax increase. What we have found is that if we trust the American people and American families, our economy grows again and it is growing. Passage of the committee's budget will provide for a real reduction of nearly 1 percent in nonsecurity discretionary spending. After holding the line on that category of spending at almost no growth in the last budget year, we hope to do even better this year and actually have a reduction of 1 percent below last year's spending.

Furthermore, the budget calls for a reduction in the rate of growth of mandatory spending. In addition to reducing spending, this bill will ultimately save taxpayers almost $69 billion over the next 5 years. Only rarely has the Congress even been willing to discuss looking at mandatory spending. Almost all of our debate about spending is about the increasingly declining percentage of the budget that is discretionary. We are increasingly losing our control over the budget because we have not been willing to tackle mandatory spending.

☐ 1415

The chairman's budget, the committee's budget, says that mandatory spending can be, must be, and will be dealt with. It sets the targets for the authorizing committees to do their work and find the places to make this process more efficient and cut the growth in spending in those mandatory categories that the chairman's budget, the committee's budget, sets out. That does put us on a path to cutting the deficit in half within 5 years.

The chairman's budget, the committee's budget, Mr. Chairman, is a good budget. I am proud of the work the Budget Committee and the chairman have done. I urge we move this budget forward today, we do the tough things in discretionary spending and mandatory spending it asks us to do, that we defeat the substitute and get on with our work.

Mr. NUSSLE. Mr. Chairman, could I inquire how much time is remaining on both sides.

The Acting CHAIRMAN (Mr. FOSSELLA). The gentleman from South Carolina (Mr. SPRATT) has 5 minutes remaining, and the gentleman from Iowa (Mr. NUSSLE) has 13 minutes remaining.

Mr. NUSSLE. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Texas (Mr. HENSARLING), a member of the committee.

Mr. HENSARLING. I thank the gentleman for yielding me this time.

Mr. Chairman, we have now come down to two budgets: one offered by the gentleman from Iowa (Chairman NUSSLE) and the majority and the most fiscally responsible budget we have seen in quite some time here; and another budget that wants to tax more and spend more, and that is their answer to the Nation's fiscal woes.

Clearly, we agree that this Nation has a deficit and a deficit that is too large. But those on the other side of the aisle seem to act like spending has nothing to do with the equation in the deficit. We have been spending money here at over twice the rate of inflation, 50 percent faster. The Federal budget has been growing 50 percent faster than the family budget. We are on an unsustainable growth path on the growth of Federal Government. We must do something to control the growth of Federal Government.

Now, previous speakers, I believe, have used the term "auto pilot," that this budget puts the Nation on auto pilot. Well, let me tell you about the auto pilot that their budget puts this Nation on. That is an auto pilot that, if we do not do anything about spending, according to the General Accounting Office we are heading to a future where we will have to double Federal taxes or cut Federal spending by 50 percent.

Well, they do not want to cut any Federal spending. So what that means is we are on auto pilot to double Federal taxes on the American family.

Now, frankly, on our side, we have done our part. Tax revenues are up. We listened to the other side, and they talk about all the massive tax cuts. Well, I am sitting here, Mr. Chairman, and I have the latest reports out of the Congressional Budget Office. And guess what? We have cut marginal tax rates on the American family on small businesses. And guess what? Tax revenues have increased. Tax revenues are up. People go out and they save more and they invest more and they start small businesses.

I was in Jacksonville, Texas, a small town in my district, not too long ago and visited with a small business there that does aluminum die casting. Prior to the Bush tax relief package, they were getting ready because of competitive pressures to have to lay off two people. But because of tax relief, they were able to modernize their plant and equipment, and instead of laying off two people, they hired three new people. Now, that is five people that could have been on welfare, five people that could have been on unemployment. But instead, five people who represent part of that over two million new jobs that have been created in America, five people that are paying in taxes, as opposed to taking out. And that is why we see that tax revenues have increased.

And so, frankly, tax relief has been part of the deficit solution. And even if it were not, we are talking about a $2.6 trillion budget. And if you look at the line item, tax relief is $17 billion. Now, if you do the math, that means that tax relief is less than 1 percent of this Federal budget. So even if it was not bringing in new revenues to the government, how could tax relief amount to all of this problem?

The challenge has been on the spending side. Just look over the last 15 years: international affairs up 93 percent, agriculture up 165 percent, transportation 78 percent, education 95 percent. And the list goes on and on and on.

Now, often we get good things for our tax expenditures. We can have student loans; we can have Kevlar vests for our soldiers. But, unfortunately, quite often we do not get good things for our tax expenditures. Sometimes we get wheelchairs from Medicare that cost five times as much as those of the VA. Sometimes we get multimillion dollar studies of how college students decorate their dorms.

We are talking about reducing the growth rate of government. And I cannot believe, and no American family would ever believe, that you cannot find seven-tenths of 1 percent, less than 1 percent, of waste or fraud or abuse or duplication. American families would laugh at that.

And if we do not do this, Mr. Chairman, we are looking at this future, this auto pilot future that I believe is fiscally immoral, that will double taxes on our children and grandchildren. We need a budget, not for the next election; we need a budget for the next generation. And that is why I so strongly support the committee budget, the gentleman from Iowa (Chairman NUSSLE's) budget, because it is that fiscally responsible budget for the next generation.

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before yielding to the gentleman from Texas, I would simply like to say that I have here a copy of the CBO's report on the budget, January 2005, which shows that in the year 2000 we had revenues of $1.004 trillion under the individual income tax. Last year, in the year 2004, revenues were $809 billion. That is not an increase. That is a $200 billion decrease.

One of the big differences between us and them is that we provide more for veterans health care and for veterans benefits. And now on that point, I recognize and yield 1 minute to the gentleman from Texas, Mr. EDWARDS.

Mr. HOYER. Mr. Chairman, will the gentleman yield for a question?

Mr. SPRATT. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I just went back to my office after I spoke, and I heard the gentleman speaking just now. And he talked about waste, fraud and abuse. And my question to the gentleman is, you have been through the budget hearings. Why do you suppose it is that the Bush administration over the last 50 months has not rooted out that waste, fraud, and abuse?

Mr. SPRATT. Mr. Chairman, the opportunity is certainly theirs, having run the government for 4 years and having direct hands-on opportunities to reduce waste, fraud, and abuse.

Mr. HOYER. Mr. Chairman, if the gentleman will yield further, that occurred to me as well. I thank the gentleman for his response.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, the American people and America's veterans deserve to know the fact. The fact is that the Republican budget being pushed during a time of war would cut veterans benefits compared to today's services by $14 billion over 5 years. This bill is inadequate, and it is unconscionable in its treatment of veterans. But do not believe me; that is what America's veterans leaders have said about it.

They have called it "grossly inadequate" and "unconscionable." This came from the Disabled American Veterans and the Veterans of Foreign Wars, two nonpartisan organizations. Maybe Republican leaders do not like it when veterans leaders point out the truth, but it is the truth.

I am deeply disappointed that during a time of war we would have Members of this House pay lip service to the service of our veterans; but yet when it comes to what really counts, supporting medical care, they are going to cut it by $14 billion. That is 2 million veterans who will not receive health care under this budget.

Vote for the Spratt amendment.

Mr. Chairman, I include the following correspondence for the RECORD:

THE INDEPENDENT BUDGET,
March 17, 2005.

Hon. JIM NUSSLE,
Chairman, House Budget Committee, Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE NUSSLE: As you know, the President's fiscal year 2006 budget would provide an appropriation for veterans' medical care that is less than one-half of one percent above the FY 2005 appropriation. Because this amount would not begin to cover employee wage increases and other inflationary costs, it amounts to a substantial cut in funding and thus would unavoidably result in a reduction of critical medical care services for our Nation's sick and disabled veterans. Although we appreciate the adoption of the Bradley amendment which added $229 million to the President's recommendation for veterans' medical care, this is still grossly inadequate.

In addition, we understand that H. Con. Res. 95 includes instructions to cut spending on mandatory veterans' programs, such as disability compensation, by $798 million. We think cutting veterans' benefit programs is unconscionable, especially at a time when America's sons and daughters are being wounded and killed every day in Iraq.

The four major veterans organizations of The Independent Budget, AMVETS, Disabled American Veterans, Paralyzed Veterans of America, and Veterans of Foreign Wars of the United States, therefore strongly urge support for amendments offered by Representatives Spratt and Obey to increase funding for veterans' programs. Passage of these amendments is crucial if the VA is to maintain an adequate level of health care and other services.

Sincerely,

RICK JONES,
National Legislative Director, AMVETS.
RICHARD B. FULLER,
National Legislative Director, Paralyzed Veterans of America.
JOSEPH A. VIOLANTE,
National Legislative Director, Disabled American Veterans.

DENNIS CULLINAN,
National Legislative Director, Veterans of Foreign Wars of the United States.

THE AMERICAN LEGION,
Washington, DC, March 17, 2005.

Hon. JIM NUSSLE,
Chairman, Committee on Budget, House of Representatives, Cannon House Office Building Washington, DC.

DEAR MR. CHAIRMAN: The American Legion is deeply troubled with and cannot support your Committee's proposed budget resolution, H. Con. Res. 95, with regard to funding for the Department of Veterans Affairs (VA), especially the reconciliation instructions targeted at earned veterans' benefits. Reducing mandatory appropriations for veterans' disability compensation, pensions, and educational benefits at a time of war is *inconsistent with the thanks of a grateful Nation.*

The American Legion believes VA's own admission that the cost of doing business increases annually about 13–14 percent because of Federal pay increases and inflation in the health care arena. The President's budget request is "scrubbed" by the Office of Management and Budget, so VA's true fiscal requirements to meet the health care needs of America's veterans are somewhat skewed. During the 108th Congress, former VA Secretary Principi reported to your colleagues that The FY 2005 proposed budget was $1.2 billion short of what he had actually requested. It appears this pattern of shortchanging VA medical care continues in the 109th Congress. America's veterans and their families deserve better.

The American Legion recognizes and appreciates the Bradley Amendment adopted by the Committee, but believes it falls well short of the total funding needed in VA medical care. Unfortunately, the Committee rejected the Edwards Amendment that would have provided VA with adequate resources to maintain current services.

The American Legion would encourage adoption of one of the amendments to be offered by Representatives Spratt or Obey with regard to increasing VA funding. Clearly, both of these amendments are in the best interest of veterans and their families. Without adoption of one of these two amendments, The American Legion cannot support this budget resolution.

The American Legion appreciates your leadership and the hard work of your colleagues on behalf of America's veterans and their families.

Sincerely,

THOMAS P. CADMUS,
National Commander.

Mr. NUSSLE. Mr. Chairman, I yield 4 minutes to the gentleman from New Hampshire (Mr. BRADLEY), a member of the committee.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, this budget values the service of our veterans. It not only values their service, but it meets the needs of our country, a strong defense, a growing economy, while we also reduce our deficit. I would like to talk about where veterans spending has gone over the last 10 years for just a moment.

As you can see from this chart, this is the overall spending on veterans programs over that period of time, from 1995 to 2005. We talk about veterans health care, perhaps we could bring that chart up, that has increased from about $16.2 billion to $29.9 billion. That is substantial progress in honoring the commitment of our Nation's veterans.

We have done a number of other things for veterans over the last several years, and perhaps if I could have the last chart. We have allowed Guard and Reservists to qualify for medical benefits; we have increased the GI education benefit over those years; we have opened up the VA system for all veterans to participate in and have funded it enough so that at least Priorities 1 through 7 are able to participate in that; and we have gone from 2.5 million veterans served under the VA to 4.8 million.

We have increased survivor benefits. We finally dealt with the whole issue of concurrent receipts, so that a disabled veteran is able to collect either his or her disability benefit, as well as their retirement benefit. We have reduced the wait times to get into the VA hospitals, and the VA has maintained its excellent care.

Let me talk about this budget, because under the leadership of the gentleman from Iowa (Chairman NUSSLE), we started at the President's mark, which was about $30.8 billion for veterans health care, and the chairman's mark increased that to $31.5 billion. Working with the chairman, I introduced an amendment that raised that by $229 million. So as a result of the hard work of the veterans and the Committee on the Budget, we have increased from the President's baseline by $877 million, which in these difficult fiscal times is a 2.8 percent increase.

Further under the leadership of the chairman, we have reduced the reconciliation number to a number I believe is very manageable. If you recall, the President assumed copayments on drugs and an enrollment fee. But the chairman's mark, because it is so much lower, going from $424 million to $155 million, I believe working together in the Committee on Veterans' Affairs with the Committee on the Budget that we can in fact look for waste, fraud, and abuse and eliminate those types of things, without having to have an enrollment fee, without having to have drug copayments. Let me repeat that. The chairman's budget does not assume either enrollment fees or those drug copayment fees.

I look forward to working to make sure that we honor our commitment to our Nation's veterans. This is an excellent budget. It maintains a strong defense; it allows our economy to grow; and it meets critical needs for those who have defended our liberties, our Nation's veterans.

Mr. SPRATT. Mr. Chairman, I yield 30 seconds to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, if I were voting for a budget that cut veterans benefits by $14 billion over the next 5 years, I guess I would want to talk about the past rather than the future as well.

The difference is very clear, and it is very simple. Republicans voting for this bill say that it is okay to cut veterans health care benefits by $14 billion over the next 5 years. Democrats and national veterans organizations say it is wrong. In fact, the DAV, the VFW say it is a grossly inadequate budget, it is an unconscionable budget, especially at a time when America's sons and daughters are being killed and wounded every day in Iraq.

Mr. SPRATT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, before voting on this budget resolution, everyone should ask, what does it do to education, what does it do to the development of our communities, what does it do for veterans health care, and what does it do to the bottom line?

In seeking an answer to those questions, I would recommend that you look no further than a publication which came to your offices yesterday from the CBO, fresh off the press. Read table 1.1, page 2, and look in the far upper right-hand corner, and you will see the amount of debt we will incur over the next 10 years if this budget, which is essentially the President's budget, is adopted and implemented: $5.135 trillion in additional debt.

☐ 1430

But that is without funding the war in Iraq after 2005. It is without fixing the alternative minimum tax estimated to cut revenues by $640 billion. And it is without reflecting one cent for Social Security privatization which the administration acknowledges to be a cost of $754 billion between 2009 and 2015.

Adjust for these additional costs and this budget will add $7 trillion to the national debt over the next 10 years. It will double the debt.

If that is the legacy you want to leave your children and your grandchildren, then vote for this bill. But if you want to put the budget back on a path to balance as it was in the year 2000, if you want to avoid the accumulation of that mountain of debt, then vote for the Spratt or Democratic alternative.

Our budget resolution gets to balance by the year 2012. It accumulates $1.7 trillion less in debt over the next 10 years than the Republican budget base bill.

Ours also protects priorities, our children's education, our veterans, health care, our communities' development, and it supports defense, fully funds it at the same level as theirs, and it applies a rule proven to work called the pay-as-you-go rule.

This rule rigorously applied will do more for deficit reduction, exponentially more than the Republican resolution for all its huffing and puffing can ever purport to do. The right vote here is for the Spratt amendment or substitute, the Democratic substitute, and against the base bill, the Republican budget resolution.

Mr. Chairman, I yield back the balance of my time.

Mr. NUSSLE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we are coming to the end of the debate on the final amendment in the way of a substitute. I want to congratulate the gentleman from South Carolina (Mr. SPRATT) and the Democrats for coming forward with a substitute. It is never an easy thing to write a budget, as we all know. But I appreciate the fact that so many of our colleagues came forward with a budget.

The prime argument that is being made here today is, first of all, that the Republicans seem to have caused the deficit, number one, and, number two, that the only way to get out of the deficit is to listen to the Democrats and increase taxes and increase spending.

So let me just take those because that is basically what the argument is. First of all, with regard to the deficit. Now, maybe my memory is just fading but I am trying to remember back to before the world changed on September 10 of 2001, and we were running a surplus. We had more money in the Treasury, in the Federal Treasury than we were paying out, but we also discovered something that next morning.

On September 11 of 2001 we discovered that we were running some deficits that we did not know about because the balance sheet did not give us much perspective on it. We were running a deficit in homeland security. We were not protecting the country. We were running a deficit in national defense. We were not able to project our strength around the world and protect freedom. We had a deep recession that we needed to climb out of that got a gut punch that morning and it lasted for quite a while longer.

So we made some very deliberate decisions that next day and days after. In a bipartisan way we said, it is time to reduce taxes, stimulate the economy. It is time to protect the country, do whatever it takes. It is time to fund our national defense. It is time to protect our borders. It is time to do all of these things and let us not ask the question today how we are going to pay for it. Let us do it. And we did it. And you voted for every one of those bills, every single one.

Do not shake your head. I will show you the votes. You voted for every single one of those bills to protect the country. You protected the country with every single one of your votes.

So instead of coming down here today and blaming the Republicans for partisan purposes, why do you not remember the history you know, that it is Osama bin Laden that had as much to do with this deficit as anybody in this country. And instead of trying to get political points, you ought to just relax and try and figure out a way to get out of it.

So this is how we decided to get out of it. We said, let us control spending. Let us stimulate the economy. And look at what has happened as a result of that. Not only did the tax cuts not get us into that deficit, but because of the work that we have done, we are climbing out of it, because we are protecting the country, because we are stimulating the economy and are creating jobs. Because of all of that we have the opportunity in this budget to reduce the deficit and build on the progress we had from last year.

Last year we cut the deficit 20 percent, 20 percent in one year with a growing economy and controlling spending. And so we are starting on a glidepath, reducing that deficit every year. The deficit was not caused overnight. It is going to take some time to get it down and we have a plan to accomplish that.

Now, I also want to put this deficit in some perspective. You have got to compare the deficit to something. You cannot just say $500 billion is a lot of money or $200 billion is a lot of money. Of course it is a lot of money. But compared to what is it a lot of money? Compared to our economy is the measure that every single economist says you have got to compare it to.

And as you look at the deficit as it is compared to our economy, you can see here that this year we are at 3.6 percent of our economy. If we stick to this belt tightening that is responsible over time, we will be able to get down to 1 percent of the economy.

And why is that important? Well, first of all let me show you deficits in the past. This is not even the biggest deficit we have ever run. This is not the biggest deficit. Look back in 1946 after World War II, we were running a deficit that was 7 percent of our economy. Let us look to the year I first came to Congress. It was 3.9 percent of the economy back in 1990 when the gentleman from Texas (Mr. EDWARDS) and I came to Congress. Let us look back to the early eighties when we complained. It was 5 percent.

We are talking about an economy that is chugging along and growing. We are talking about a deficit plan that gets us below the rate of growth that we need to get to in order to have a responsible budget, and we need to pass this plan and get on with business. We do not need tax increases and we do not need more spending.

Vote down the Spratt substitute.

Mr. KIND. Mr. Chairman, we are here today in this Chamber to consider a fantasy budget. It is ludicrous for the House leadership to move forward with this budget debate by ignoring the issues of the day merely to lock in huge tax cuts and offer damaging spending cuts to health care, education, veterans' services and much more. We need a better plan. The Democratic alternative that I support would reinstate the pay-as-you-go rule and balance the budget by 2012, just as the Baby Boomers begin their massive retirement, while maintaining significant support for our national defense, veterans programs, education, and health care, which will help grow our economy and create jobs.

I do commend the President for recognizing the importance of the Milk Income Loss Compensation (MLLC) Program as a safety net for America's dairy farmers and including an extension of the program in the Administration's proposed budget. The Republican budget, however, recklessly zeros out this important program, placing struggling family farmers across this nation in peril.

We know that the budget has not included the long-term cost of Iraq, which already cost the country $275 billion, the estimated $5 trillion in the next 20 years for privatizing Social Security, and the full costs of the tax cuts. in fact, it does not even include a full ten-year budget report. The report lacks detail and leaves many programs vulnerable to steep cuts. I would expect a complete and full report in a document as important as the United States Budget. As the campaign in Iraq continues, our thoughts and prayers go out to the young men and women in uniform as well as to their families. May they complete their mission quickly and decisively so they can return home soon and safe.

Our veterans are returning home as we speak. These are the fine men and women who fought to help bring democracy to Iraq. The budget plan calls for cuts in veterans' health care benefits and reduces medical personal by more than 3,000, along with cutting $9 million from other areas in the already overstretched VA. While the budget cuts to veterans' programs, Medicaid grants, and other important programs represent a very small amount of the overall budget, they will make a large difference to the families who depend on them.

The projected budget deficit of $427 billion for FY06 is revolting. Perhaps the worst aspect of this budget is that it is not paid for. This is the classic recipe for exploding budget deficits as far as the eye can see; it's the height of fiscal irresponsibility occurring at exactly the wrong moment during our Nation's history when 80 million Americans, the so-called baby boomers, are rapidly approaching retirement. This is a demographic time bomb ready to explode. That is why the Republican budget proposal, in effect, constitutes taxation without representation because it will be our children and our grandchildren who will be asked to pay for this fiscal mess. I couldn't think of doing anything more unfair to them. The children are our future, and we owe it to them to give them a stable foundation.

As the father of two little boys, I did not come to this Congress to leave a legacy of debt for them or future generations to climb out of. Our Democratic alternative, however, anticipates this demographic time bomb by achieving balance, while offering an economic stimulus plan now that is fair, quick, and responsible. It supports our troops, but it also supports our nation's veterans, our seniors, and our children's education programs.

So I urge my colleagues to support the Democratic substitute. I would call on the leadership in the House to pull their budget resolution so that we can have an honest debate with honest figures, factoring in a realistic cost of the Iraq operation.

The Acting CHAIRMAN (Mr. FOSSELLA). All time for debate has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from South Carolina (Mr. SPRATT).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SPRATT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 165, noes 264, answered "present" 1, not voting 4, as follows:

[Roll No. 87]

AYES—165

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Cardin
Carnahan
Carson
Clay
Cleaver
Clyburn
Conyers
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Strickland
Stupak
Tauscher
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wu
Wynn

NOES—264

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Case
Castle
Chabot
Chandler
Chocola
Cole (OK)
Conaway
Cooper
Costa
Cox
Cramer
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lee
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Salazar
Sanchez, Loretta
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stark
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Young (AK)

ANSWERED "PRESENT"—1

Capuano

NOT VOTING—4

Coble
Delahunt
Ryun (KS)
Young (FL)

□ 1515

Messrs. GRAVES, CHOCOLA and COX changed their vote from "aye" to "no."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN (Mr. FOSSELLA). Pursuant to the order of the House of today, it is now in order to consider a period of final debate on the concurrent resolution.

The gentleman from Iowa (Mr. NUSSLE) and the gentleman from South Carolina (Mr. SPRATT) each will control 5 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, during much of this debate, as I noted earlier, my Republican colleagues have taken the attitude that today's deficits were unforeseeable, unavoidable, beyond their control. But we warned here in 2001 and in every year thereafter when this resolution came before this House that the other side of the aisle was betting the budget on a blue sky forecast and leaving no margin for error. It is their policy choices made in the face of our objections that have brought us to the point we find ourselves today.

In deficit this year by $427 billion, last year by $412 billion, the year before by $375 billion, each year has broken a record for a bigger and bigger deficit.

□ 1515

You control the House, you control the Senate, you control the White House; but you have not been able to control the budget, and you cannot escape responsibility for its dismal condition.

As we stand here at the threshold of passing another budget resolution, I want to forewarn you, you will not take the deficit away, this resolution will not. You will not move the deficit down. It will only move it up and out, year after year after year to come.

But do not take my word for it. I am partisan. I am the Democratic ranking member on this committee. Read what our neutral, nonpartisan budget shop, the Congressional Budget Office, has to say in a report that we request every year as a matter of law, analysis of the President's budgetary proposals for fiscal year 2006. Every Member has one of these in his or her office. You only have to read to the second page and look in the upper right-hand corner, and you will see there that the Congressional Budget Office says if the

President's budget is passed and implemented over the next 10 years, it will accumulate $5.135 trillion in additional debt of the United States. Table 1.1, it is laid out there.

But as you all know and understand the way CBO does these estimates, they do not include all the costs. Since the President does not have costs in his budget for Afghanistan and Iraq after 2005, this resolution, this estimate does not assume it, even though CBO estimates that the additional costs will be $384 billion. It does not include a dime for fixing the alternative minimum tax, even though we are warned that by 2010 there will be 30 million taxpayers paying it rather than the regular tax schedule. And CBO says the cost of fixing it over 10 years is $640 billion.

It includes nothing for the President's signature initiative, the one he is pushing hardest and first and that is to partially privatize Social Security. The President has indicated himself that the cost of doing that, the additional deficits we will add if we do that between 2009 and 2015 will be $754 billion.

When you add all of these additional costs into the mix, then the debt incurred through 2016 will be $7 trillion. We will double the debt of the United States. If indeed we do what the President is proposing and allow workers to peel 4 percentage points off FICA and put those payments into a private account, we will incur $4.9 trillion in debt over the next 20 years. We will not see the budget balanced again in our lifetime.

CBO is our forecaster, our neutral, nonpartisan budget shop. They are warning us this budget will not bring the deficit down. This budget will not do away with the deficit. It will make the deficit worse. Indeed, they tell us in this report, same page, page 2, that the President's budget, basically your budget, the President's budget, makes the situation $2 trillion worse than if we just left things on automatic pilot for current services.

I would simply close by saying, vote against this resolution. Let us go back to the drawing board. We can do better.

Mr. Chairman, I reserve the balance of my time.

Mr. NUSSLE. Mr. Chairman, I yield myself such time as I may consume.

If I might take just a brief moment in introducing my first speaker, I would like to just say on behalf of our side in particular but I think on behalf of the entire Congress, we always respect Members who go on to bigger and better things and today the President made a wise announcement in nominating the gentleman from Ohio (Mr. PORTMAN) to become our U.S. Trade Representative.

The applause meter made it look pretty good for confirmation there, I say to my very good friend, and he is my friend. He has been the vice chairman of the Committee on the Budget, and he has been a great wing man and personal friend to so many.

Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from Ohio (Mr. PORTMAN), vice chairman of the Committee on the Budget.

Mr. PORTMAN. Mr. Chairman, I thank the gentleman for yielding me this time. I promise I will not talk about trade. But I will talk about this budget. I want to start by saying this budget is not all the details. It is a blueprint. The authorizing committees, the appropriating committees, will fill out those details. But it is a blueprint that says something about who we are. And the three pillars in this budget, I think, reflect the principles and the priorities of this House.

First, we believe that our country ought to be protected and strength is emphasized. That is our national security and our homeland security. Second is to be sure we have a strong economy. The tax relief has worked: 4.4 percent growth last year; 3 million jobs added to our economy in the last 21 months alone. The economy is strong and growing. We need to be sure that continues and that is why tax increases are not part of this budget.

And, third, to be sure that we do as the gentleman from South Carolina (Mr. SPRATT) says appropriately, keep our spending under control, we take responsible steps to restrain spending both in domestic discretionary and in the entitlement area.

Those are the three pillars. By doing so, we reduce the deficit in half within 4 years. I commend the chairman for coming up with this budget.

The process by which we got here also says something about who we are. I want to commend the ranking member from South Carolina (Mr. SPRATT) for his civility. I want to commend the members of the Committee on the Budget for the great debate that we had over the last month or so. I want to commend the Members on the floor who have had a great debate here, and I want to commend, finally, the chairman of the Committee on the Budget. The gentleman from Iowa has conducted himself in the Committee on the Budget and here on the floor through an open, honest process where people have had the opportunity to say their peace. He has done a great job in listening carefully to the concerns of so many of us in this conference and in the entire Congress to be sure we come up with a document that does indeed reflect the priorities, I believe, of our House, the strength of our country, the growth of our economy, and getting spending under control.

I strongly urge my colleagues to support this budget which is, although just a blueprint, the appropriate statement of who we are and does indeed get us to the point where we are reducing our deficit, which is so important, but also funding the key priorities in our country. I urge a "yes" vote on the resolution.

Mr. SPRATT. Mr. Chairman, I yield the balance of my time to the gentlewoman from California (Ms. PELOSI), the minority leader of the House.

Ms. PELOSI. Mr. Chairman, I thank the distinguished gentleman from South Carolina for yielding me this time, and I thank him for his great leadership in putting together a budget that is a statement of our values, that is balanced in terms of our priorities and balanced fiscally. He has always conducted the process of creating a budget in a way that has informed Members, has done so with great dignity and great fairness and great respect for all points of view. I wish we would all join in acknowledging the great leadership of the gentleman from South Carolina, our ranking member on the Committee on the Budget.

Mr. Chairman, in 1994, the first item in the Republicans' Contract with America was the Fiscal Responsibility Act. Republicans pledged "to restore fiscal responsibility to an out-of-control Congress, requiring them to live under the same budget constraints as families and businesses." More than 10 years later, an out-of-touch Republican majority has taken fiscal responsibility to a new low. It is clear that in the 10 years the Republicans have become addicted to deficits.

The budget deficit for this year is a record $427 billion. The February budget deficit, my colleagues, of $114 billion for the month of February, a deficit of $114 billion, is the highest monthly deficit ever and the first time it ever went over $100 billion in one month. In 2001, President Clinton left President Bush with a projected $5.6 trillion in surplus. In just 4 years, President Bush has turned that record surplus into a record deficit of nearly $4 trillion, a $10 trillion swing in the wrong direction.

Make no mistake, these deficits are the direct result of Republican policies, huge tax cuts for the wealthy, a refusal to pay as you go, poor planning for a war of choice in Iraq. The list goes on and on and on. America is awash in red ink because of Republican budget irresponsibility.

Tragically, this Republican budget is yet another missed opportunity to return to fiscal discipline. Not only is this budget fiscally irresponsible; the Republican budget is dishonest. It does not cut the deficit in half as Republicans claim. In fact, it makes the deficit worse. Republicans leave out the realistic cost of the war, the cost of expiring tax provisions, the true cost of fixing the alternative minimum tax and the cost of any changes to Social Security. The budget is dishonest in another way: it fails to show any deficit figures at all after 2010.

In our New Partnership for America's Future, Democrats have made a commitment to honor the value of accountability, including eliminating deficit spending and holding those in power accountable for their actions with a high ethical standard. Democrats support honest, accountable budgets that pay as you go. The Democratic alternative offered by the gentleman from South Carolina achieves balance by 2012. The Republican budget never reaches balance. It heaps tons of debt onto our children and grandchildren, and it will eventually lower our standard of living. We cannot let that happen to our country. And on top of all of that, the Republican budget undermines the solvency of Social Security.

While Republicans ignore the real crisis of ballooning budget deficits, the President falsely claims there is a crisis in Social Security. But just because the President says it does not make it so. He is simply wrong. According to the nonpartisan Congressional Budget Office, Social Security's trust fund will grow every year until a high of $8.3 trillion in 2032 and continues to be solvent until 2052.

I want to call your attention to this chart, my colleagues. The left bar represents the deficit in the general fund between now and 2035, a staggering $15 trillion. The Bush administration has taken us onto a trajectory of reckless budgeting that will take us to $15 trillion in deficit in 2035. From 2006 to 2035, $15 trillion in deficit.

This bar here, the second bar, Social Security, 2006 to 2080, twice as long, more than twice as long, the Social Security deficit is $2 trillion. It is clear that there would be plenty of money to deal with the Social Security trust fund if the President were not using the Social Security trust fund as a slush fund to give tax cuts to the wealthiest people in America. Instead of doing that, we have a moral and legal obligation to pay back to the trust fund the money the President has taken out. We cannot let the President do this.

By running enormous deficits, the Republicans want to force the government to break its promises to the elderly. How on Earth are they going to pay the Social Security trust fund back if they have gone broke on the other side by running up these deficits in the general fund? Democrats will keep America's promises to our seniors. Democrats have done it before, and we will do it again. When Bill Clinton was President, we had 3 years of surpluses.

☐ 1530

And with the surpluses, imagine, think of it. Zero deficits. $427 billion in deficit for this year, over $100 billion in deficit for the month of February alone, this year. And when President Clinton was President, the 3 years at the end of his term, we had zero deficits. And with the surpluses that were produced he was able to pay nearly $400 billion off of our indebtedness, strengthening the solvency of Social Security.

Likewise the Democratic alternative that was offered today included pay-as-you-go rules that would block new tax or spending legislation that is not paid for.

Not only is the Republican budget fiscally reckless and dishonest, it is morally irresponsible. The leaders of five Protestant denominations, the Episcopal Church USA, the Evangelical Lutheran Church in America, the Presbyterian Church USA, the United Church of Christ and the United Methodist Church recently called President Bush's budget unjust. They reminded us of the words of the prophet, Micah, who said, "What does the Lord require of you but to do justice, to love mercy and to walk humbly with your God?" Does this budget do justice for Americans? You be the judge. Is it doing justice to our children to give tax cuts to people making more than $500,000 a year, while underfunding Head Start, No Child Left Behind, student loans and grants and other education initiatives by $2.5 billion? Is that doing justice to our children? Is it doing justice to our communities to give tax cuts to the wealthy while funding for community police and local fire fighters who are vital to our homeland security by cutting them by $280 million? Is that justice? Is it doing justice to those who serve in uniform to give those tax cuts while underfunding health care benefits for veterans by $14 billion short of what is needed over the next 5 years? Is that justice for our veterans? And is it doing justice to give tax cuts to the wealthy while launching a shameful attack on the poor? This budget cuts $20 billion from Medicaid, a cut that Governors, on a bipartisan basis, oppose, and which the other body today has just rejected.

Let us hear it for the other body. It undermines the Community Development Block Grant Initiative with all considered restructuring and a massive 35 percent cut. It makes huge cuts to the earned income tax which takes 2 million children, lifts 2 million children out of poverty. But this budget, the Republican budget, makes cuts there. No. The Republican budget does not do justice, it does great damage to our country. Instead of being a statement of our values, the Republican budget is an assault on our values. And it is a blueprint for financial disaster.

I urge my colleagues to return to fiscal discipline, to honor our values and to oppose this disgraceful Republican budget. Thank you, my colleagues. Vote "no" on this budget.

The Acting CHAIRMAN (Mr. FOSSELLA). The gentleman from Iowa (Mr. NUSSLE) is recognized for 3 minutes.

Mr. NUSSLE. Mr. Chairman, for those of you who have read the prophet Micah, I know that he was not speaking to the Congressional Budget Office. He was speaking to the human heart, and that is the biggest difference between the policies that we have before us today. We believe that the individual should be free and should be allowed to determine their destiny. We do not believe that government should make decisions that people can make better for themselves. We do not believe that money equals compassion. We do not believe that money often equals success. Money is not getting us results. And all that is offered on the other side is more money, more spending, higher taxes, more government, more bureaucracy, more regulation, more laws, more politicians making decisions that individuals and families and communities should be making for themselves in the freest nation on the face of the Earth. And that is why our budget calls for strengthening our country, growing our economy, giving power to individuals, and recognizing that if we do not control the size of government, government will take our freedom, and it will not succeed the way we want to be able to allow people to succeed.

My friends, government is growing out of control. What we are asking for in this budget is something that we should do every day in Washington, and that is look at the results of the programs that we have put in place. Government, we believe, should be there to help people who cannot help themselves. And oftentimes, we have invented more government to try and take the place of families, take the place of neighbors, take the place of communities in order to solve problems. And too often we are not getting the results for all the extra money that we are spending. And too often, in this well of the House, we debate between percentages and dollar increases as if, if I spend $6 and you spend $7 you must care $1 more. And that is not the way our debate should evolve. Our debate should be based on results. We need a results revolution in government. We need to look at the results we are getting from the programs we have put in place. If they are not working, we should reform them, and that is what this budget calls for. It says we are going to slow the rate of growth. It gives instructions to the committees to go through the budget of the Federal Government and look for ways to ensure that programs deliver the results that we require in order to help people who are truly in need and, at the same time, make sure we are defending the country, growing the economy and controlling spending.

Just like last year, the House will lead. We led last year. We led when we got to a balanced budget in the late 1990s, and we will lead again today by passing what I believe is the strongest budget, the best blueprint, to get out of deficits, to make sure that we get results from the programs and the dollars that we are spending and make sure we get back on a path to freedom in this country.

I urge adoption of this budget.

Mr. DINGELL. Mr. Chairman, I will oppose this ill-advised budget proposal and I urge my colleagues to join me. Every year, we set our priorities through our budget. The priorities in this budget are all wrong. Our priorities should focus on helping those who need help before we begin to help those who don't. However, although we may not all agree with these concerns, one priority which we can all agree on is that we must reduce the deficit. Incredibly, the proposal before us does absolutely nothing to accomplish this goal. Despite all the assurances I have heard from my colleagues and the Administration, this legislation actually increases the deficit!

With record deficit levels, how is it possible that the majority has completely ignored fiscal responsibility? By passing tax givebacks, over half of which go to households earning over $1 million—that's 0.2 percent of the population. Although many of us find this appalling, unfortunately, it has become predictable behavior of the majority party.

How can we justify this fiscal recklessness to our children and grandchildren? How can we justify it to hard-working Americans who live paycheck to paycheck, unable to save money for emergencies or even just to see the doctor? Can we honestly look them in the eye and tell them that we are more concerned with millionaires and billionaires than with struggling middle-class Americans, brave soldiers, the sick, the poor and the hungry? I, for one, dread the thought. Yet, that is the message this budget sends. And, although my colleagues try to cloud its destruction with their transparent gimmicks, the message shines through crystal clear.

The resolution before us provides for total tax giveaways of $106 billion over five years. Every child in America knows that you must save first before you splurge. They know that they must patiently fill their piggy banks with coins until they have enough to buy that toy they have been eyeing for weeks.

My colleagues do not seem to understand this common notion of balancing income and spending. They continue to splurge on our national credit card, racking up astronomical bills which our children and grandchildren will be obliged to pay. Soon they will ask for their fourth credit increase in four years, to enable the continuation of this reckless abuse of hard-earned taxpayer dollars.

The pay-as-you-go rule, or PAYGO, would solve the issue of unlimited spending by requiring new spending to be offset in other areas of the budget. Again, common sense would dictate that tax giveaways, totaling $106 billion over five years, would count as new spending. The money is being removed from the country's revenue without replacement. The PAYGO rule would essentially require us to stop and think about how we are going to pay for things before we hastily enact them and end up in this ill-fated fiscal jam. Not surprisingly, however, many of my collegues have insisted on exempting the billions of dollars in tax givebacks from the PAYGO rule. They do so without an explanation of how they plan to restore the lost revenue. There is no good reason, particularly when we are running record deficits, to reject the very successful practice we used in the 1990's to produce record surpluses.

Unlike the federal government, states are not permitted to spend without restraint. States cannot run up their credit card bills or repeatedly increase their credit limits. Yet, this budget increases the financial burden on the states. The federal government has an agreement with the states—we will help pay for programs which we mandate—programs vital to America, including education, healthcare and job training. And we have been successful in our partnership with the states, ensuring that millions of Americans are able to go to school, to the doctor and to work.

However, in their spending schemes, my Republican colleagues neglect our obligation to the states. More and more, states are picking up the tab for unpaid federal bills.

At a time when states are struggling under the burden of Medicare cost shifts and a growing number of uninsured, I find it particularly disturbing that the Republicans have chosen to cut funding for Medicaid—a critical safety net for our most vulnerable citizens.

The Republicans are specifically proposing to cut an unprecedented $60 billion from the program, which is the equivalent of completely eliminating the Children's Health Insurance Program over 10 years.

These cuts would roll back health care coverage and protections for millions of Americans including the elderly in nursing homes, individuals with disabilities, infants and working families. Also, hospitals, physicians and other safety net providers will face payment reductions threatening their viability—and these reductions will mean more lost jobs in our communities.

The assault on the environment also continues, including a massive, unjustified cut to the Superfund program. The Inspector General has identified, and senior EPA officials have acknowledged, that in FY2003 there was a funding shortfall of $174.9 million, and it has been widely reported that the funding shortfall for FY2004 reached approximately $250 million. This leaves dozens of highly contaminated Superfund sites where cleanups are being delayed due to inadequate funding. Public health is endangered and local economic redevelopment hurt, yet this budget irresponsibly seeks to reduce cleanup funding.

These are just two examples of critical programs this budget neglects and two examples of why I will oppose this legislation and I urge my colleagues to vote no on the Republican budget.

Mr. MOORE of Kansas. Mr. Chairman, I rise today in opposition to the FY06 budget resolution, and reluctant opposition to the Democratic alternative.

Unfortunately, I do not believe that the choices before us today adequately confront the serious deficiencies in our budget process. The congressional budget process is broken, and badly in need of real reforms that will reinstate fiscal responsibility into Congress. The Blue Dog Coalition, of which I am a member, has introduced a twelve-step plan that takes the necessary first steps toward reforming our budget process.

While I support many of the provisions in the Democratic budget, including a partial restoration of "pay-as-you-go" [PAYGO] rules and level funding for domestic priorities such as education, veterans' health care, and local law enforcement, I am disappointed that this alternative did not include any of the Blue Dog budget process reforms.

The Blue Dog twelve-step plan would stop Congress's recent borrow-and-spend practices by reinstating PAYGO rules for the *entire* budget, including spending and revenue measures. Budget enforcement rules that apply to only certain parts of the budget will not have a significant impact on our rising deficits, as Federal Reserve Chairman Alan Greenspan mentioned in his recent testimony before the House Budget Committee.

Additionally, the Blue Dog budget process reform plan would: create a "rainy day" fund for emergency spending, which forty-five states currently have; require a roll call vote on any bill calling for more than $50 million in new spending; repeal the House rule that allows the House to avoid a direct, up-or-down vote on debt limit increases; and require cost estimates by the Congressional Budget Office [CBO] for every bill that Congress votes on.

These reasonable, common-sense reforms are necessary for a functioning budget process and long overdue. The fiscal situation in our country is now out of control, and only tough budget discipline will get us back on track.

On February 17, 2004, the national debt of the United States exceeded $7 trillion for the first time in our country's history. One year later, our national debt is $7.7 trillion. In the past year, our country has added $700 billion to our national debt.

The out-of-control rise in our national debt over the last year is just another sign of the astonishing fiscal turnaround that our country has experienced over the last four years, and another sign of the terrible fiscal position that we now find ourselves in.

In 2001, we had ten-year projected surpluses of $5.6 trillion [2002–2011]. Now, over that same time period, we have likely ten-year deficits of $3.9 trillion. That's a $9.5 trillion reversal in our ten-year fiscal outlook.

Whether intentional or otherwise, our country's current fiscal policies are depriving the Federal Government of future revenue at a time when we ought to be preparing for an unprecedented demographic shift that will strain Social Security and Medicare. Our current fiscal irresponsibility will eventually land squarely on the shoulders of our children and grandchildren, who will be forced to pay back the debt we are accumulating today with interest.

This "debt tax" that we are imposing on our children and grandchildren cannot be repealed, and can only be reduced if we take responsible steps now to improve our situation.

Both parties need to work together in a bipartisan fashion to bring our budget back into balance so we can avoid the higher long-term interest rates and weakened dollar that are a consequence of rising deficits and a high national debt.

This fiscal year alone, interest on the national debt is expected to rise to $178 billion, and the administration projects that that figure will increase to $211 billion during the next fiscal year.

To put that figure in perspective, projected interest on our national debt next year will be $75 billion more than projected spending on education, public health, health research, and veterans' benefits combined [$138 billion].

In addition to assuming an ever-larger share of our annual budgets, the interest on our debt, and the debt itself, is increasing our reliance on foreign borrowers, which will weaken our position in the world and increase the risk that another nation will be able to assert greater leverage over America.

Finally, our deficits and debt threaten the Social Security and Medicare programs that have lifted so many of our seniors out of poverty and helped sustain the strongest middle class in history.

Unfortunately, the administration's FY06 budget, which was released last month, would spend $2.6 trillion of the projected Social Security surplus over the next ten years.

With a projected 75 year unfunded liability of $3.7 trillion, both parties in Congress need to work together to address Social Security's solvency problem.

It is time for Congress to stop playing games with our national debt, with Social Security, and with our kids and grandkids' futures and take a commonsense, bipartisan approach to solve our budget problems.

Mr. HASTINGS of Florida. Mr. Chairman, I rise today to oppose the Republican majority's ill-sighted budget resolution.

This budget goes beyond bad all the way to dangerous. It's dangerous for our country, and it's dangerous for Florida. This budget cuts the COPS program by 96 percent, a program which has put over 7,000 police officers on Florida streets. Their budget cuts more than $40 million from homeland security formula grants in the state of Florida alone. The President is clearly unaware there is more to defending our homeland than invading foreign countries.

But the addled decision-making in the Republican budget doesn't stop there. The Majority is proposing to decimate countless invaluable social welfare programs from Medicaid to Head Start and Even Start. It cuts almost $200 million in funding for Florida housing, employment counseling, transitional assistance, and small business loans. This budget also includes significant cuts to veterans' health care. What a great message to send to our troops: Thanks for serving your country, but now you're on your own.

The Republican budget also fails our nation's youth. The budget cuts TRIO funding by over $700,000 in my district, and over $10 million just in the state of Florida. These costs will result in a loss of over 11,000 students to the TRIO program in the state of Florida. Without these programs, these students will not make it to college. This is not a prediction, it's a fact.

I meet with representatives from various organizations in my district every day. Yesterday, I met with 31 people from different types of organizations. Every one of them told me their programs are being cut, and they don't know how they are going to survive because it is going to affect their programs ranging from children to the elderly to people without housing.

I've met with local officials telling me the same thing. These budget cuts are forcing them to seek alternative means of revenue. In other words, taxes. I don't know if citizens will be taxed here in Washington or in Ft. Pierce or Riviera Beach, but somewhere along the line we are going to have to learn to share the responsibility for giving our communities the support they need.

Where will all this money supposedly trimmed from the national budget go? Well, clearly not to balance the budget or solve the federal deficit crisis. The Republican budget will result in a spending deficit of $376 billion in 2006 alone. Unbelievably, this figure does not include the costs of several ill-conceived Republican initiatives such as the costs of privatizing social security or the President's war in Iraq.

We have all heard President Bush tout his grand scheme to privatize social security, yet not only has he put forth no coherent plan to do so, but he has failed to include the financial requirements of such a plan. Vice President CHENEY has suggested "transition costs" of up to $2 trillion or more. How can this cost not be included in any budget proposal?

But there are alternatives. Both the Congressional Black Caucus and Representative SPRATT have suggested sane alternatives to the Republican madness. Both of these budgets represent an approach to meeting the needs of regular Americans while maintaining the fiscal responsibility this nation needs.

Mr. Chairman, I was going to stand here and tell you that the Republicans are balancing the budget on the backs of the poor, but they are not balancing this budget on anyone's backs because this budget doesn't reach that far! The people that are hurt by this budget are not only the poor but the average American. As Members of Congress, we have a solemn responsibility to protect the welfare of all our nation's citizens, and the Republican budget fails to meet that responsibility.

I urge my colleagues to oppose this damaging and devastating attack on the social welfare of this country masquerading as a budget.

Mr. LANGEVIN. Mr. Chairman, today I rise in support of the Spratt Substitute and in opposition to H. Con. Res. 95, the House Republican budget. A budget is a blueprint of values and priorities—a road map for where we want to move the country. It is no surprise that the Republican budget for fiscal year 2006 is more of the same: continued tax cuts for the wealthy paid for by slashing programs that Rhode Islanders depend on. However, the Spratt Substitute contains thoughtful policies to balance the budget by 2012 without individual tax rate increases or harmful cuts to security, health care, education, veterans' benefits, and other programs that improve the quality of life for Rhode Island's working families.

While the Republicans claim that budget cuts are needed to return to fiscal discipline, they forget their own policies caused today's financial problems. Without the tax cuts for the wealthiest 1 percent of Americans enacted since 2001, our nation's fiscal health would be much rosier, and the neediest and most vulnerable Americans would not be forced to sacrifice. Their fiscal year 2006 budget proposal continues to move in the wrong direction, and next year's deficit will likely be the largest in history, with at least $400 billion added to the national credit card.

How does this blueprint make us safer? While the Department of Homeland Security receives an overall increase in funding, the budget largely follows the President's request, which cuts needed resources for the first responders who risk their lives every day to protect us. The Spratt Substitute contains $1.1 billion more than the Republican budget for vital law enforcement programs such as COPS, FIRE grants, and Byrne Grants. These programs provide Rhode Island's police and fire departments with the equipment and training to keep us safe.

How does this blueprint make us healthier? The Republican budget requires $20 billion in cuts to Medicaid. This reduction will jeopardize a critical health care safety net for seniors, children and people with disabilities and shift more of the burden to states. Medicaid cuts would result in $80 million less for Rhode Island. The loss of federal funding places an enormous burden on states like Rhode Island, by pressuring them to cut eligibility for Medicaid. My state has successfully leveraged federal Medicaid dollars and currently offers coverage to many vulnerable, low-income pregnant women, parents of young children, and other groups not included in the federal mandate. Without Medicaid, these people would likely join the increasing ranks of the uninsured. Lacking proper preventative care, these patients will be forced to go to emergency rooms, leading to long waits and higher costs for everyone. These cuts will also threaten programs such as Rite Share, an employer buy-in program, funded in part by Medicaid. The Republican Medicaid cuts are restored in the Spratt Substitute.

How does this blueprint prepare children for the future? Again, the Republican budget matches the President's proposal to eliminate 48 education programs that provide assistance with vocational education, education technology, civic education, and school counselors. In contrast, the Spratt Substitute provides $4.5 billion in additional funding for No Child Left Behind and other valuable programs such as student loans and school lunches, giving students the resources to succeed.

How does this blueprint honor those who serve our country in uniform? Perhaps most egregiously during this time of war, the Republicans want to cut veterans' health care by $14 billion over five years, impose new fees, and increase copayments for veterans' health care, adding an undue burden to those who have served their country so bravely. The Spratt Substitute provides $17 billion over five years to provide veterans the services they have earned through their patriotism and sacrifice.

The Republican blueprint does not make us safer or healthier, prepare children for the future, or honor veterans. By continuing failed tax policies while cutting effective programs that Rhode Islanders depend on, their proposal is a misguided and unjust starting point. As Democrats show, it is possible to create a realistic blueprint that is fiscally responsible and builds on the needs of the American people. I urge my colleagues to support the Spratt Substitute and reject H. Con. Res. 95.

Mr. BLUMENAUER. Mr. Chairman, the Republican budget resolution is a body blow to Oregon and the country. I have heard from constituents, school teachers, local government officials, medical professionals, housing advocates and many others throughout the communities in my district, all with detailed stories about how this budget will have devastating impacts.

The budget cuts both ways. First, by exploding the federal deficit, adding $376 billion to the national debt and spending every penny of the $185 billion Social Security trust fund surplus coming in during the year. Then, by eliminating and reducing key domestic priorities, such as cutting $4.3 billion of education programs, slashing $1.5 billion for affordable housing and development programs, and underfunding veterans' programs by nearly $800 million.

How do we face both increased deficits and program cuts? By continuing to focus on tax cuts for those who need them the least. This is unnecessary and, frankly, dangerous as we continue to create an abyss between the haves and have-nots in society, and are putting our financial markets on edge by borrowing trillions from foreign investors. This is not a budget representative of the priorities and values of Oregonians.

Mr. STARK. Mr. Chairman, I rise in strong opposition to the Republican budget. It's dishonest. It's immoral. It's wrong for America's future.

Republicans dishonestly proclaim their budget is fiscally responsible. The only way their numbers work out is if you use slick accounting gimmicks or fuzzy math.

Let me give you some examples of their clever sleight of hand:

The Republicans' top priority to privatize Social Security through private accounts will cost billions of dollars. You'd think that'd be accounted for in this budget? No.

The billions of dollars that will be needed for the Iraq war. In the budget? No.

The cost to our children of extending the massive Bush tax cuts to the wealthy that will balloon our massive deficit? You guessed it. Not in the budget.

Even as they leave out all this massive spending, Republicans still claim fiscal responsibility. Don't be fooled. They're lying to the American public. The true costs of this budget are far higher than Republicans claim and our children and grandchildren will pay the tab for this deceit for decades to come.

This budget isn't just dishonest—it's immoral. It imposes deep cuts to vital programs that Americans depend upon.

As our weak economy is forcing more people to rely on Medicaid's health safety net, Republicans are cutting the program by $20 billion. Income support programs that keep low-income families afloat economically are being axed. Some 48 education programs, vital environmental protections, community development grants and veteran's health care programs are being gutted.

If you're an average American family this will affect you and your economic security. But, while you're tightening your belt watching funding for child's education and your family's health care diminish, billions of dollars are going to big business and special interests. While every other priority is sacrificed in the GOP budget, billions of dollars more are being funneled into the bloated defense contracts or frittered away in corporate tax giveaways.

Mr. Chairman, the federal budget is supposed to be a statement of our nation's priorities. This budget is a punch line to a sick joke being played on the American people.

I urge my colleagues to oppose this dishonest, immoral and irresponsible budget.

Mr. SALAZAR. Mr. Chairman, I rise today to express my concern about the current state of our Nation's budget woes.

I've been running the family ranch for several years and I know what it means to work within a budget. You may have to count your pennies, but you spend your money where it matters the most to you and your community.

This Administration proposes to cut funding for agricultural programs in addition to denying promised benefits to veterans and military widows. These are the wrong priorities for our country. We cannot pass the burden of the debt onto the backs of our farmers and veterans.

Agriculture is the backbone of this great nation. I have always said that there are only two things that can bring this country down—our dependence on other countries to produce our food and our dependence on foreign oil. Agriculture must become a real part of our renewable energy supply. Research and education are the only way we can grow and develop these new technologies. This is the worst time to cut agriculture research programs.

Desperate times call for desperate measures, but turning our backs on our country's service personnel and veterans isn't desperate, it's crazy. We need to put our resources toward meeting the promises we have made to our veterans, servicemen, and their families—in rural Colorado, that means making sure that veterans don't have to drive five hours to get the health care they were promised.

I will never support breaking the promise to the brave men and women who served our country in the name of freedom and democracy.

BLUE DOG 12 POINT PLAN

I am a proud member of the Congressional Blue Dog Coalition, a group of Democrats that fights for fiscal responsibility. Fiscal responsibility means spending your money where it matters most. We can do that without increasing taxes.

First off—our Nation's taxpayers deserve an honest budget that gives an account of all future spending. If this Administration wants to privatize Social Security, then the budget should have included the trillions of dollars it would take to change the system.

Secondly—we need to reduce the deficit. As a farmer, I know this firsthand—you can't spend money you don't have. Congress is already facing a $589 billion dollar deficit—increasing the amount of our national debt to $1 trillion dollars. The Blue Dog Coalition created a 12 Point Reform Plan to cure the Nation's addiction to deficit spending. For starters, the Blue Dog Plan would require that any new spending would have to be paid for. This common-sense rule, "pay-as-you-go" is mandatory in Colorado. In the 1990's, "pay-as-you-go" brought the budget into surplus and is supported by Federal Reserve Chairman Alan Greenspan. Our plan also includes a provision for a "rainy day fund" in case there is a need for emergency spending.

Neither the Administration's budget, nor the Democratic alternative, incorporate a single component of the Blue Dog 12 Point Plan. As Members of Congress, we must discuss a budget that has included input from both parties. It is for that reason, I voted "No" on both budget proposals. I will not vote for an increase in taxes. And I will not vote to cut the programs that matter to our communities.

The Federal Government and this Congress need to take a lesson from small business owners and get back to creating a budget where all the numbers add up.

Mr. HONDA. Mr. Chairman, the federal budget should be a statement of our country's values. It should reflect the priorities of the American people: good jobs, safe communities, quality education, and access to health care. The Republican budget, H. Con. Res. 95, is not aligned with these priorities; and I, therefore, rise in opposition to its passage.

Like President Bush's budget proposal, the Republican budget calls for sweeping cuts in mandatory and non-defense discretionary spending that could harm the effectiveness of vital Federal programs.

Perhaps in an effort to obfuscate the truth, House Republicans fail to provide the specificity the President does in his budget, so we are left to wonder which programs may get slashed or eliminated.

But we do know this: the Republican budget resolution instructs various House committees to make almost $69 billion in cuts to mandatory spending programs. The Energy and Commerce Committee, for example, would be forced to find $20 billion in savings over five years. All indications are that Medicaid, which provides health coverage for more than 52 million low-income Americans, will take the brunt of the cuts.

The proposed budget will also cut veterans' health care by $14 billion, education programs by $2.5 billion and clean water programs by $700 million. It will slash economic development programs by $1.5 billion, possibly leading to the elimination of the extraordinarily successful Community Development Block Grant (CDBG) program. The CDBG provides Federal funding for locally-identified projects, like affordable housing, economic redevelopment, roads and public libraries.

The Republican budget, in fact, neither adequately funds our national priorities, nor does it offer a strategy for achieving fiscal discipline. The resolution calls for a $376 billion deficit in FY 2006, but the deficit is worse than it appears. In calculating the deficit, House Republicans use surpluses in the Social Security trust funds to offset spending on other programs. If the Social Security surpluses are not counted, the projected deficit for FY 2006 would be $564.5 billion.

Democrats, on the other hand, will be offering an alternative proposal today that reflects the priorities of the American people. The Democratic budget provides $4.5 billion more for education and training programs, $1.6 billion more for veterans programs, $2 billion more for community and regional development and $1.1 billion more for law enforcement and justice programs. It does all this while instituting a plan to balance the budget by 2012 and protecting Medicaid and Social Security.

Mr. Chairman, it is clear that the Republicans have chosen to neglect the needs of the many in order to maintain and extend tax cuts for the elite few; it is clear where their priorities lie. I urge my colleagues to align their priorities with those of the American people, and vote against the Republican budget resolution and for the Democratic alternative.

Ms. DELAURO. Mr. Chairman, I rise in strong opposition to this budget. The budget should encourage fiscal, personal and social responsibility at the same time it moves us further down the road to making. opportunity real for people. In that sense, it should reflect the values and priorities of Americans. But by deepening income inequality and raising the barriers for those working to do better, this budget does neither. If anything, it reflects priorities that are out of step with ordinary Americans.

By calling for $1.8 trillion in tax cuts, primarily to the wealthiest Americans, the president's budget compromises both our ability to face our most pressing challenges and strengthen the social safety net that might rescue those living in poverty. Experts estimate that over the next 75 years, the cost of the tax cuts for the top 1 percent of households alone is nearly equivalent to the shortfall in Social Security—this at a time when another 1.3 million Americans fell into poverty last year.

And with this budget's cuts to Medicaid, job training, veterans health care, and child care will only exacerbate those startling figures. The decision to eviscerate Medicaid by as much as $20 billion will leave many low-income families with nowhere to turn for medical care, and many seniors with no way to afford long-term care. Its growth in recent years is simply a reflection of its success in providing care for the thousands of Americans who would otherwise have joined the ranks of the uninsured during the economic downturn.

And states are already struggling to keep up. This year, the governor in my state of Connecticut proposed increased co-payments and premiums for families receiving SCHIP. If the president succeeds in cutting Medicaid, there will be no way for states to make up the shortfall. We cannot let Medicaid fall victim to its own success.

Mr. Chairman, the cost of this Administration's poor decisions should not be borne by those least able to afford it. Budgets are moral documents. They should promote, first and foremost, the common good of the Nation. And turning our backs on that now as this budget does is not only bad policy—it is immoral.

Mr. UDALL of Colorado. Mr. Chairman, I cannot vote for this budget resolution. It does reflect the priorities of the Republican leadership, but I do not think those are the right priorities for our country.

Over the last five years the federal budget has gone from projected surpluses to undeniable deficits. The result has been to reverse a decade of progress that saw the budget go from the $290 billion deficit when President Clinton took office to a surplus of $236 billion in 2000, which was where things stood when the current President Bush came to office.

Unfortunately, the combination of recession, the need to increase spending for defense and homeland security, and excessive and unbalanced tax cuts have taken us to the largest deficits in our Nation's history—a $375 billion deficit two years ago, a deficit of $412 billion last year, and for this year, according to the Bush Administration itself, a deficit of $427 billion. That is three record-setting years in a row.

And, regrettably, the budget resolution before us reflects the proposals of the Bush Administration—and we know, or should know, what that means.

According to the nonpartisan Congressional Budget Office, following the path suggested by the Bush Administration and this budget resolution will add $5.135 trillion to our national debt over the next 10 years. I do not think this is the right way to go.

That is why I voted for the more responsible and better balanced alternative offered by the distinguished gentleman from South Carolina, Mr. SPRATT.

That alternative budget combined a balanced budget, real budget discipline, and protection for Social Security while still providing the same resources for Defense and Homeland Security as the Republican budget.

The alternative also would have provided more resources for important priorities and would have laid the basis for more responsible tax policy. It was better fiscally and better in terms of the education of our children, the health care of our veterans, the development of our communities, and the quality of our environment.

It would have brought spending in the domestic discretionary accounts back to baseline, that is, to current services, enough to prevent them from being eroded away by inflation, but not any significant increase.

Unfortunately, that alternative was not adopted, and the only remaining choice is to vote for or against the Republican leadership's proposal. Because I am convinced that it is not right for our communities or our country, I must vote against it.

Mr. SCOTT of Georgia. Mr. Chairman, the Republican's 2006 budget resolution makes the wrong choices for our Nation. It reflects skewed priorities and runs counter to our deepest held beliefs. The budget embraces disastrous economic policies while at the same time failing to put forward a vision of what the United States should be. What America needs instead is responsible policies that reflect our values, help bring our Nation together, and invests in the future by expanding opportunity. Many programs important to Georgia are cut, including $800 million from the Centers for Disease Control, funding for firefighters by 30 percent and $26.7 million in Homeland Security Funding for Georgia. These programs provide front-line protections to Georgia communities. Further, this budget hurts my state's military installations and veterans by cutting $60 million from last year's spending for military construction projects and cutting healthcare for 2 million Georgian veterans.

Communities are harmed by cutting Community Development Block Grants (CDBG) by $211.9 million over the next four years. Representatives from the cities of Riverdale and Powder Springs told me this week that their plans for building community centers depend on funding of CDBG. The budget will also eliminate the HOPE VI program, which is revitalizing public housing in Georgia. The Section 8 housing vouchers cut would remove 8,700 families from the program in Georgia.

This budget proposes to cut vital domestic investments and services for the middle class and poor, while continuing to accumulate huge budget deficits. Education is cut by $366.8 million affecting 91,050 Georgia children by under funding the No Child Left Behind Act. TRIO programs by almost $13 million for Georgia, affecting 13,000 students and vocational and adult education in Georgia would be reduced by $173.7 million from 2006–2010. Healthcare would be affected by an estimated $7.9 million cut to Southern Regional Hospital. These Medicaid cuts hurt Clayton County where 24.2 percent of the population in 2003 utilized Medicaid. About 10 percent of Clayton County is below the Federal Poverty Level.

Despite these cuts, every Georgia family's share of the national debt has been increased by $38,281.

The federal budget should be an honest blueprint for the spending priorities of the government. However, this budget is not honest. It is passing our obligations, responsibilities and challenges to our children and grandchildren, while cutting programs that benefit the poorest among us.

We need not accept a federal budget that singles out hard-working middle-class families, those who have served our Nation, and our society's most vulnerable citizens. Americans deserve an honest budget that reflects their priorities and that honors their hard work. I urge my colleagues to reject these unnecessary cuts and work to improve the capacity of programs to address critical community needs.

Mr. BACA. Mr. Chairman, I rise in strong opposition of H. Con. Res. 95, the Budget Resolution for Fiscal Year 2006.

This budget contains painful spending cuts to critical programs, continued large deficits, and a spiraling debt.

It is fiscally reckless, morally irresponsible and is a clear failure of leadership.

This budget is a sham. It fails to include funding for many of the President's key programs—such as Social Security privatization, the war in Iraq, and the cost of the Alternative Minimum Tax. It does not cut the deficit in half, as the Administration claims. When all omitted costs are included, it will raise the deficit by $2 trillion over five years.

This growing debt will be passed on to our children and grandchildren, leaving them to shoulder the burden of our fiscal irresponsibility.

This budget cuts critical programs that working families depend on, like Medicaid, education, community development and veterans' health care.

We have soldiers fighting for us in Iraq, and this budget doesn't even provide enough funding to pay for their health care when they return.

The budget will also endanger the health of millions of Americans, by proposing a $1.1 billion cut to food stamps, the Nation's number one investment in nutrition and defense against hunger.

If this budget passes, we will be forcing working families to make hard choices between buying groceries and paying their bills.

The budget also spends every single penny of the $1.1 trillion Social Security trust fund. We need to return to pay as you go budget rules, so that we can provide a solid source of funding for Social Security.

What is most disturbing, is that the resolution before us today is even more dangerous than the version the President sent to Congress.

The budget fails to offer the specifics of the President's budget. It proposes large cuts in funding, but without targeting specific programs, it leaves a myriad of programs vulnerable to cuts.

I urge my colleagues to vote "no." We need a plan that is fiscally responsible and will fund the programs working families depend on.

Ms. ESHOO. Mr. Chairman, the proposed reductions in Medicaid under this Budget Resolution plan are unacceptable. For 40 years Medicaid has always been a crucial support system for low-income individuals. Medicaid has made health care available to millions of Americans who have no other access to health care.

The Budget Resolution will require $14–$20 billion in cuts from the program over the next five years and it will almost certainly lead to changes to state funding rules, administrative payment cuts, and prescription drug payment changes. This comes at a time when poverty is up, wages are down, and the number of uninsured Americans is at a record in our nation's history.

The Medicaid program serves nearly 50 million Americans. As people lost jobs and income during the recent economic downturn, Medicaid enrollment increased by nearly one-third. The decreasing number of those who receive health care benefits through employment adds additional burdens to the Medicaid system. States and local governments rely on federal assistance to help provide a safety-net to these individuals. Any cuts to the Medicaid program will shift the burden entirely onto state and local governments that are already straining to meet increasing demands on the program and severe budget pressures of their own. In many states, Medicaid costs exceed education costs.

In California, our Medicaid program, Medi-Cal, matches every dollar of federal funding with a dollar in state funding. This shared commitment is critical since the state receives $20 billion in federal funding. Reducing federal Medicaid funding to states at a time of rising health care costs, increased numbers of uninsured, and states' increasing difficulties in paying their share of Medicaid costs, is bound to force states to reduce coverage and increase the numbers of uninsured. Uninsured patients without access to care will instead seek treatment in emergency rooms, further burdening an already overtaxed system.

The Medicaid program is not only critical for low-income individuals, but it's also fundamental to the operation of California's safety-net hospitals. The President's budget calls for eliminating the use of intergovernmental transfers for hospital funding. This means there will be at least $11.9 billion in direct cuts to safety-net providers nationwide. Many states rely on IGTs to fund their Medicaid budgets. The low-income and uninsured rely on these hospitals to receive access to needed health care services. Without the continuation of federal Medicaid funds targeted to safety net hospitals, millions of Californians will not have access to necessary health care services. This budget resolution advances this march to folly for so many Americans and that's why 242 national groups and 785 state groups, including the National Governors Association and the National Association of Counties oppose changes in Medicaid.

We have an obligation to care for the less fortunate, and the Congress should not be cutting critical health care and other services from those in need. Rather, we should maintain our partnership with the states to ensure that Medicaid benefits remain available for the most vulnerable in our society.

I urge all my colleagues in the House to oppose the Budget Resolution.

Ms. SCHAKOWSKY. Mr. Chairman, I rise today in opposition to the Republican budget of mass destruction and in support of the Democratic and Congressional Black Caucus alternative budgets which recognize the true needs and values of our Nation.

We do not need to call in weapons inspectors to find the threat to the majority of Americans in this budget, nor do we need a warning system. We know exactly what, when, and where the damage will be because the Republican budget, once again, puts the tax cuts of the few above the needs of the many.

Under the Republican budget, the vast majority of Americans are asked to sacrifice, with one exception: the wealthy who can most afford to give something up. Their tax cuts—the same tax cuts that brought us unprecedented deficits—are protected and even extended under this proposal. They will cost our country an additional $106 billion, of which 75 percent will go to people making over $200,000 a year.

In order to pay for those tax cuts, the Republicans are literally proposing to take away food and health care from low-income families, kill 48 education programs by eliminating the $4.3 billion that funds them, slash veterans' health care—including cutting $9 million from medical and prosthetic research, and undermine community development in struggling neighborhoods by cutting $1.5 billion in grant programs. Despite Republican claims, these cuts will do nothing to help our country's bottom line, but they will be devastating for the children, working families, veterans and seniors who will be asked to go without. This is not only irresponsible, but immoral.

In the that state of Illinois, we could see the Earned Income Tax Credit—the most effective anti-poverty program—cut by $164.2 million, Temporary Assistance for Needy Families and child care grants lose $84.3 million, and Supplemental Security Income—which helps poor seniors and people with disabilities—slashed by $174 million. Thousands of vulnerable peoples' lives will be destroyed if the Republican budget passes.

The House Republican budget is even worse than the President's proposal. For instance, they propose even greater cuts to Medicaid than under his plan. The $20 billion in Medicaid cuts included in this budget resolution are unwise, unjustifiable and almost certainly lethal. As health care costs continue to rise, the number of uninsured Americans exceeds 45 million, and employers continue to cut back on coverage, Medicaid has provided a guarantee of support for pregnant women and children, persons with disabilities, persons living with AIDS or mental illnesses, and senior citizens needing medical care or long term care services. Without those services, millions of Americans will no longer be able to get the physical health, mental health, and long term care services they need to remain healthy and productive.

In my state of Illinois, Medicaid covers 40 percent of all births, 30 percent of all children, and 65 percent of all nursing home residents. In Illinois, under the leadership of our governor, we are working to expand Medicaid to cover more children and more families in face of a growing crisis in health care. This is not just the right thing to do, it is the cost-effective course to take. Medicaid costs less than private health insurance and its per capita costs are growing more slowly than private insurance premiums. But, if the Republican budget cuts re enacted, it may no longer be there for the millions of Americans who have no other source of care—other than bankrupting their families or mortgaging their futures to pay for their parents' long term care needs or their children's medical services.

Budgets are not just about numbers, they are about values and priorities. Based on the Republicans' proposal, maintaining and making permanent tax cuts for millionaires has been and continues to be a higher priority than meeting the needs of the majority of Americans. And, they are shifting the responsibility of their fiscal mess onto the backs of our children who will see decreased services and will be asked to deal with deficits for years to come.

The Democratic and CBC budgets recognize that this is the wrong thing to do and a great threat to our nation's future well-being and prosperity. It is time to reverse course so that we do not continue to mortgage our country's future and our children's prosperity in order to pay for tax cuts for the rich that we cannot afford and that they do not need. I urge my colleagues to vote against the Republican WMD and for the Democratic and CBC budgets.

Mr. NEUGEBAUER. Mr. Chairman, I rise today in support of the House of Representatives' budget plan and thank Chairman NUSSLE and his committee for their dedicated work on this legislation.

I think many of us agree that a federal budget of more than $2.5 trillion dollars provides enough resources for the government. As I tell my constituents, we don't have an income problem herein Washington; we have a spending problem. Even as our economy has grown and revenues have increased in the past year, we continue to spend more than we take in. Our House budget takes important steps to address this spending problem while ensuing that our nation's most pressing needs are being met.

We are at war, so defense and security funding remain a priority. Much of the increased spending in the past few years has gone toward national defense and security, including $258 billion in extra funding since September 11, 2001. Our House budget matches President Bush's commitment to our national defense needs with a 4.8 percent increase.

Beyond national security, this budget provides sufficient funds to meet our priorities, but it also take important steps to begin addressing Congress' spending problem.

First, our budget does not raise taxes in order to pay for more spending, as some are proposing in their alternatives. Second, our budget actually reduces non-defense and non-homeland security discretionary spending by .8 percent. Third, this budget will set us on course to reduce the growth in mandatory spending, which is growing far faster than our economy and comprises nearly two-thirds of all federal spending.

By maintaining the tax relief and not allowing for tax increases, our House budget ensures that the economy will continue to grow and create jobs. Sustained economic growth resulting from sustained lower taxes also narrows the budget deficit.

While non-defense discretionary spending is only about 20 percent of federal spending, it is the area in which Congress exercises the most direct annual control. We know there are programs that are wasteful, duplicative or unnecessary. By reducing spending in this area by .8 percent, we force ourselves to do better at finding the waste and consolidating or eliminating the programs we don't need in order to make the best use of the resources available.

For the first time in eight years, Congress is finally dealing with the unchecked growth of mandatory spending in this budget. Let's be clear—despite what we are hearing from some on the other side, this budget does not "cut" any programs that help those in need. More will still be spent this year than was spent last year, and by my West Texas definition, that is not a cut. What this budget does is set on the track to slow the rate of growth on the mandatory side, which is currently unsustainable. In the last ten years, federal Medicaid spending has nearly doubled, growing at an average of 8 percent each year. Even with the savings called for in this budget, Medicaid will still grow by 7.3 percent over the next 10 years, as opposed to increasing by 7.6 percent.

With regard to the mandatory spending reduction set for agriculture. I am concerned that the target in this bill is more than agriculture's total share of mandatory spending. As we conference with the Senate, I ask that the Budget Committee work toward a number that is more in line with agriculture's 4.7 percent share of mandatory spending.

What we are doing here with respect to agriculture is allowing the Agriculture Committee to look at all mandatory spending at USDA and have full discretion on how we reach our savings total. We can do this without "reopening" the Farm Bill. All USDA mandatory spending, including nutrition programs, must be considered.

During the first three years of the 2002 Farm Bill, farm programs have cost $14 billion less than the Congressional Budget Office predicted when the legislation passed. The 2002 Farm Bill has proven to be a very effective safety net for our producers, providing support in times of lower prices, and reducing support when it is not needed. And even though spending will increase somewhat this year due to lower prices, total spending over the life of this Farm Bill is still projected to be less than was predicted.

Changing the rules of the game now, and then again in two years, is not sound policy. Budget decisions we make in agriculture today will not only affect the 2007 Farm Bill, but they will also affect our negotiating position in the World Trade Organization. If we take all of our chips off the table now, we will not have anything left to negotiate with as our trade representatives continue efforts to open new markets and reduce other barriers to U.S. products.

During meetings with constituents throughout my district, farmers understood the importance of balancing the budget, and they are willing to do their part to reduce the deficit. However, they do not support agriculture bearing a disproportionate share of the burden. Neither do I, and I am committed to working in conference to ensure our final budget outline for the year treats agriculture fairly.

Our constituents are looking to us to make responsible decisions about the use of their hard-earned tax dollars. They are counting on us to set the right priorities and follow through on past commitments. I believe our House budget sets us on the right path toward reducing spending, keeping our economy growing and protecting our nation.

Mr. EDWARDS. Mr. Chairman, a federal budget is a statement of values. It says more about our values that any speeches, any rhetoric, any time.

Sadly, this partisan budget reflects the failed values of fiscal irresponsibility. And misplaced priorities. It locks in massive deficits for as far as the eye can see, adding hundreds of billions of dollars to a huge national debt that will slow our Nation's economic growth, put Social Security benefits at risk and bury your children in a sea of red ink for the rest of their lives.

Large deficits and underinvestment in education, research and health care are not prescriptions for a healthy economic future—they are prescriptions for economic stagnation and decline.

In my opinion, this budget is immoral. It asks the most from those who have the least and asks the least from those who have the most. That fails the values test of every major religious faith in our society.

This budget makes it harder for millions of students to attend college by increasing the gap between college costs vs student financial aid.

This budget says to veterans, including Iraqi war veterans that pensions for disabilities, compensation checks and G.I. education benefits will be cut by $795 million over five years, thus making a mockery of the American principle of shared sacrifice during time of war. 14 billion over 5 years. I would imagine that budget item won't be discussed by supporters of this bill in their Veterans Day speeches this November.

This budget says to thousands of seniors who need nursing home care under the Medicaid program that you'll just have to go without that care. In my book, that's not a very respectful way of honoring thy father and mother.

To the working woman I met yesterday who works hard to help troubled youth in my hometown in Texas, this budget says your housing program will be cut, making it more difficult for her to find decent housing on a limited income.

Yet, to the fortunate person who makes one million dollars this year on dividend income, this budget says you can keep every dime of the $220,000 tax break you have received recently.

Asking seniors, students, veterans and hard-working families to sacrifice so those in the top one-tenth of one percent of income in America can keep all of their recent tax cuts does not pass the fairness test.

If this is a faith-based initiative, I would like to know on which faith it is based.

By refusing once again to require tax cuts to be paid for, my House Republican colleagues are endorsing the largest deficits in American history for the third year in a row. They have preached to us for five years the all gain, no pain budget built on the free lunch philosophy.

Unfortunately, the bill collector is now calling and the deficits caused by that failed philosophy have been financed by the Japanese and Communist Chinese who own tens of billions of our national debt and with it, the ability to wreck our American economy.

If House Republican leaders want to preach fiscal responsibility to individuals by toughening our bankruptcy law, then they had better start practicing what they preach. It is ironic that those who are condemning the personal debt of citizens have been the architects of three consecutive years of the largest federal deficits in American history.

Burdening America's middle class with greater debt and under investing in education and health care for working families is neither fair nor fiscally responsible.

Vote no on this budget. We can do much better, and the American people and our children deserve much better.

Mr. COOPER. Mr. Chairman, I would like the Record to reflect my views on the horrendous and deliberate deficits our Nation faces—these articles appeared today in Roll Call and last week in the New York Times.

[From the New York Times, Mar. 11, 2005]

Rescission Time in Congress

(By Jim Cooper)

President Bush regularly calls on Congress to restrain spending. But he has yet to put his pen where his mouth is by using his veto—a blunt instrument, to be sure, but one that very few American presidents have failed to wield, especially during times of high deficits. Mr. Bush says he prefers a sharper veto power: the ability to cut spending programs within larger bills. He called for line-item veto power in his first press conference after his re-election and in his 2006 budget.

But such a statute is not only out of reach—it would probably require a constitutional amendment—it is also unnecessary. Why? Because Mr. Bush can already cut individual programs out of larger legislation with a scalpel that's almost as sharp as the line-item veto. An obscure law passed during the Nixon administration gives the president extraordinary power to stop any discretionary spending. All he has to do is persuade Republicans on Capitol Hill to go along.

It's called rescission. Under the Congressional Budget and Impoundment Control Act of 1974, the president can select any appropriated Federal program for reduction or elimination by sending a message to Congress, which then has 45 days to approve his decision with a simple majority in each house. If Congress agrees, the president can reshape Federal government to his liking. If Congress disagrees, or fails to act, the cut disappears.

This law gives Mr. Bush more power than he has sought for his battles on trade promotion or new Federal judges. With it, he can pick his targets, put fast-track pressure on Congress to respond, and win by gaining a simple majority approval—in other words, rescission is filibuster-proof.

So why haven't presidents been vigorously using the Impoundment Act to manage the budget in the last 31 years? The reason is that different parties usually controlled the White House and Congress, making large cuts impossible. For example, President Clinton won 111 of the 163 rescissions he requested from a divided Congress, but was able to save only several billion dollars.

Although Republicans now control both the House and Senate, Mr. Bush has not asked for any rescissions, large or small. Why has Mr. Bush kept this knife in a dusty drawer, especially given the staggering deficit, his public stance on the need to curb spending and his close ties with the Republican Congressional leadership? Surely he knows how often Mr. Clinton resorted to it.

Perhaps his unwillingness stems from the knowledge that, with rescission, Americans know who wielded the knife and what programs were cut or kept. But to govern is to choose. If Republicans really want to cut spending and reduce the deficit, they have more weapons than any political party has had in decades.

Jim Cooper, Democrat of Tennessee, is a member of the House Budget Committee.

[From the Rollcall, Mar. 17, 2005]

THE MISSING-IN-ACTION PRESIDENT

Today Congress will vote on a 5-year budget for the Nation. Usually contentious, this year's debate is relatively quiet as the richest nation in the world begs foreigners to finance our lifestyle.

Most Americans can name the President's top four policy priorities—tax cuts, war in Iraq, Social Security reform, and Medicare drug legislation. What Americans don't know is that these were either omitted from, or low-balled in, the President's own budget and his $82 billion supplemental request. It's as if Bush budgeted for someone else's presidency.

The President's budget pays for only six months of the war in Iraq and completely overlooks the transition costs of Social Security reform. The Administration always lied about the cost of the Medicare drug bill. Extending the tax cuts will produce a sea of red ink just beyond the Bush budget's five-year window.

The House Republican budget is based largely on the President's, adding a tiny bit of compassion and $50 billion for the war. Its deficits are still so large that, by the last year of the Bush administration, we will be paying more money to our Nation's creditors than to our own citizens in non-defense domestic discretionary spending. According to the GAO, by 2040 our current policies will result in creditors getting *all* of our defense, Social Security, Medicare, veterans' benefits, or any other program to help Americans.

Republican control of the executive and legislative branches means that they have the power to budget honestly for our Nation and reduce our deficits. President Clinton was able to achieve budget surpluses despite a divided government.

Take the veto. Bush is the first president since James Garfield in 1881 not to veto a single bill. Garfield only had six months in office; Bush has had over 4 years.

Bush did threaten to veto any effort to repeal the 2003 Medicare drug law that added $8.1 trillion in unfunded liabilities to our Nation. This one entitlement program will twice as hard for future generations to afford as the alleged "crisis" in Social Security. Bush brandished his veto pen to force Congress to spend money we do not have.

Take the rescission power. Few people realize that Bush could slash any program in Federal government with the approval of a simple majority in the Senate and the House. He has "fast-track" authority and no worries about filibusters. In other words, Republicans already have the "nuclear option" top cut spending, they've never used it. They don't even want you to know they have it.

President Clinton was able to pass 111 of his 163 rescission requests, saving taxpayers billions of dollars. President Bush has requested no rescissions.

Bush himself repeatedly calls for line-item veto power in order to tame spending. But why wait years for a constitutional amendment when he has never used the power he already has? Every second counts. Delay costs us over a billion dollars a day in additional borrowing.

Bush may be a strong leader in the war on terrorism, but on budget deficits he is missing-in-action. Conservative think tanks like the Heritage Foundation and Cato Institute have criticized Bush for his big increases in spending, which far exceed those of the Clinton era. Meanwhile tax revenues as a percent of GNP are the lowest since Eisenhower days.

Democrats are accustomed to Republicans routinely violating their term-limits pledges, and forgetting their Contract-with-America idealism (including the Balanced Budget Amendment), but Republicans are doing serious damage to the Nation with their irresponsibility on budget issues. As Head of State and Party, the President is being particularly irresponsible.

Is government spending the problem, as Republicans claim? If so, they have all the tools to stop it—more tools than any political party in modern times. Why won't Bush use his budget, his veto, his rescission, or simple restraint? Could it be that Republicans have fallen in love with "big government"? They are just refusing to pay her expenses.

Jim Cooper, a Democrat from Tennessee, serves on the House Budget Committee and as Co-Chair of the Blue Dog Coalition, a group of Democratic fiscal and defense hawks.

Mr. TIERNEY. Mr. Chairman, throughout the year, Members often express support for certain policies and programs or advocate for fiscal discipline. However, during the consideration of the Budget Resolution our true commitment to those priorities comes to light.

What this Republican Budget Resolution reveals is that the Majority is more concerned with advancing a narrow ideological agenda. Carefully making sure to allow for a total of $106 billion in tax cuts over five years for high-end earners, this GOP Budget Resolution carelessly exacts severe cuts to critical services that benefit students of all ages, veterans, first responders, poor and working families, and communities interested in economic development.

What this Republican Budget Resolution reveals is that the Majority is more interested in advancing a reckless, unsustainable economic policy than restoring fiscal responsibility. In fact, the Majority's proposal calls for a deficit of $376 billion in 2006—$78 billion more than the Congressional Budget Office's estimate. This budget, which only accounts for five years, never reaches balance.

The Republican Budget signifies a failure in honest accounting not just because of what is included, but also for what it disingenuously leaves out. Excluded from this Budget are the details of the President's estimated $754 billion 10-year Social Security privatization plan ($20 Billion over the next decade), the cost of the over $800 billion (and growing) Medicare drug bill, the longer term costs of the war in Iraq, the cost to stop the alternative minimum tax from penalizing regular families, and the implications of extending the tax cuts.

Feigning fiscal discipline and fundamentally at odds with what I believe are the real priorities and concerns of the American people, this GOP Budget Resolution also offers no 21st Century competitive strategy for our country and further shreds what is left of our ever-fraying safety net.

A much needed competitive strategy would start with education, which is the vehicle through which students of all ages can achieve and become what they may never have otherwise dreamed possible. Going to college and attaining a degree is, unfortunately, not a right of passage for the vast majority in our country. Achieving this goal must not be minimized. Each year, a young man or woman becomes the first member of his or her family to graduate from college. For them, and for all their relatives and loved ones, obtaining a diploma means progress and instills pride. A college degree translates into hard dollars: over their lifetime, college graduates will earn on average $1 million more than they would have if they did not attend post-secondary school.

Schools continue to serve as the source where we can view the promise of America in progress, and our country's legacy depends upon how well we educate our young people. For those not completing four years of college, higher job skills and technical abilities acquired through vocational and technological training and education are the path to the middle class.

The Majority's budget cuts education programs by $2.5 billion in 2006 and $38 billion over the next five years and completely eliminates 48 programs, including the $1.3 billion vocational education program, the $437 million Safe and Drug-Free Schools Program, the $306 million GEAR-UP program, and the $225 million Even Start family literacy program.

These cuts come at a time when the cost of attending a four-year public college has increased more than $2,300. In fact, according to the 2003 National Center for Public Policy and Higher Education survey, Massachusetts had the largest tuition increase in four-year public institutions (24 percent), and the second largest in community colleges (26 percent).

They attack our increasingly successful community college and vocational-technical training programs.

These cuts come at a time when there is an increased need to college access programs, including GEAR-UP and TRIO, that help high school students prepare for, apply to, and find financial aid for college.

These cuts come at a time when many communities across the country are struggling with a growing methamphetamine and opiate problem. In Massachusetts, according to statistics from the state's Department of Public Health, the number of deaths from opiates has risen over 300%—from 108 in 1991 to 468 in 2001, which is the most recent year for which statistics are available.

The Safe and Drug-Free Schools and Communities State Grants program has assisted states and school districts in developing youth anti-drug education initiatives, which has, in turn, helped parents and teachers learn more about the prevalence of drugs in the community. The program has been a source through which Massachusetts has been successful in obtaining $40 million in funds over the past five years.

It is not just those who are looking to improve themselves through education that this GOP Budget Resolution betrays, but it also advances the Administration's all-out assault against those that depend on our longstanding safety net, those programs that assist the poor, children, elderly, and people with disabilities. Meanwhile, let me reiterate, the Republican proposal calls for $106 billion in additional tax cuts. According to the Urban Institute-Brookings Institution Tax Policy Center, 46% of those who will benefit from these tax cuts in 2005 will be households who earn $1 million, which comprise only .2 percent of all households nationwide. The average tax cut for this income bracket was greater than $30,000 in 2003.

This GOP Budget Resolution finances its hundred billion-dollar tax cut for the highest income earners at the expense of the most vulnerable and least fortunate in society. That is wrong.

As required by the Republican Budget, the Agriculture Committee would be forced to cut spending by more than $5 billion over five years. With the general reluctance to alter or scale back farm subsidies, the food stamp program would bear the brunt of these cuts. This is not a program that has been riddled with so-called "waste, fraud, and abuse." The Center for Budget and Policy Priorities calculates that "over 95 percent of food stamp benefits go to households with income below the federal poverty level. Virtually all of the remainder goes to the elderly and people with disabilities."

Further, their budget makes deeper cuts in Medicaid than the President's budget, directing the Ways and Means Committee and the Energy and Commerce Committee to cut $19 and $20 billion respectively. It is expected that the bulk of such cuts will fall on low-income programs such as the Earned Income Tax Credit, the Child Tax Credit, unemployment benefits, Temporary Assistance for Needy Families, foster care, and Medicaid.

According to the Center for Budget and Policy Priorities, "these Medicaid cuts are likely to push hard-pressed states to eliminate coverage for a substantial number of low income people, increasing the ranks of the uninsured and the underinsured."

The Center for Budget and Policy Priorities estimates that, should these cuts affect all states proportionally, this would translate into a loss of over $117 million for Massachusetts.

This is not the direction in which this country should be headed. What is being proposed in the Republican Majority's Budget Resolution is not a blueprint for success.

Certainly, our constituents want to know that their tax dollars are being well spent. There is no question about that.

But parents also do not want to pass on huge amounts of debt to their children, which is what the GOP Budget Resolution does.

Parents do not want their children to be denied opportunities to learn and advance in ways beyond what they achieved in life. Moms and dads want to ensure that their kids are educated about drugs. They want their kids to know how to maximize their chances of gaining acceptance at a college and have programs available to help minimize the cost.

They want to know there are enough police and fire fighters on the street to be able to respond effectively to emergencies, they want our country's veterans to receive adequate care after they return home from service, and they want to protect the environment so their sons and daughters inherit cleaner air and safer drinking water.

At the same time, they take offense to denying food stamps or eliminating Medicaid coverage for those who depend on such services just to make room for another hundred billion dollar tax cut for the already well-off. That doesn't meet their standard of fundamental fairness.

Their Budget Resolution does nothing to improve upon our long-term fiscal outlook, fails students, and exploits the poor. We must do better. We implement solutions that honestly and effectively address the budget deficit, chart a course that allows our students to competitively excel, and adequately provide for those who need the most help.

A Better Way: The Democratic Budget is a more fiscally responsible approach to balancing the budget. It achieves balance by 2012, while accumulating less debt and wastes fewer resources on interest payments needed to service the national debt.

The Democratic alternative is based on essential two-sided pay-as-you-go budget enforcement rules that led to a balanced budget in the 1990's. The cost of any additional spending, or any new tax cut, must be paid for by curbing spending, offsetting spending cuts, or new revenues. The 1990 pay-as-you-go rules had bipartisan support, including the support of the first President Bush. Those rules turned record deficits into record surpluses in large part because they subjected all parts of the budget, discretionary and mandatory spending, as well as revenues, to budget discipline. The Republican budget contains no such enforcement provisions.

The Democratic budget provides $4.5 billion more for education and training programs than the Republican budget for 2006 and $41 billion more over the next five years. It rejects the $21 billion in cuts that the Republican budget requires the Education and the Workforce Committee to make over five years, increases the maximum Pell Grant by $100 in each of the next ten years—twice the Republican increase—and eliminates the program's current $4.3 billion funding shortfall.

The Democratic budget provides $2 billion more than the Republican budget for 2006 and $9 billion more over five years for community and regional development, blocking the President's proposal to eliminate the Community Development Block Grant (CDBG). Cuts in food stamps, housing, elderly services and other safety-net protections would not be necessary.

The Democratic Budget works towards elimination of the deficit, paring it down dramatically in the next five years, and thus saving us from huge interest payments needed to service the national debt.

We pay for all this by not extending the tax cuts for those earning over $200,000. According to the Urban Institute-Brookings Institution Tax Policy Center this would provide $223.5 billion between calendar year 2005 and 2010.

The tax cuts were originally promoted as temporary—if extended, they will cost $1.5 trillion over the next 10 years. Coupled with the costly challenges in Iraq and Afghanistan and the need to invest in our future, the tax cuts prove an unbalanced approach that creates huge deficits and shortchanges America's priorities.

It is time to seize the opportunity to restore sanity and candor to the budget process and to pass a budget that promotes the security and values of the American people without imposing increased social inequities and crushing debt to future generations.

Ms. McCOLLUM of Minnesota. Mr. Chairman, I rise in opposition to H. Con. Res. 95, the Republican Budget Resolution, and in support of the Democratic Substitute offered by Mr. SPRATT.

The Republican budget does not reflect the priorities of our Nation or my Minnesota constituents and will almost certainly have a negative impact on America's families. This legislation reduces support for law enforcement, fire fighters and local units of government. It fails to meet our commitment to our veterans—at a time when we are asking more and more of our military and their families. Even the Republicans' most creative use of accounting gimmicks and phony projections still yields a record federal budget deficit, makes no allowance for the President's plan for Social Security, and fails to include the Iraq war in the budget—which is currently costing taxpayers $5 billion a month.

This budget eliminates opportunities for our children to be successful, including vocational education programs, safe and drug free schools, and Even Start. Republicans continue to underfund No Child Left Behind and college loan programs that provide access to higher education for millions of Americans. The budget proposes to make deep cuts in Medicaid—a proposal that will hurt low-income families, the elderly and disabled, health care workers and our hospitals. These health care cuts will also create severe budget difficulties for our states and have been strongly opposed by a bipartisan group of governors. The Republican budget slashes funding for clean water programs, farm conservation measures and funding for brownfields development.

In fact, the proposal put forward by the Majority inflicts so much burden on average families that it has been called 'unjust' by a broad religious coalition and was opposed by the major veterans organizations. If the federal budget is a document that reflects the values of President Bush and the Republicans in Congress then this budget is not only 'unjust' but void of mainstream American values.

I want fiscally responsibility, not larger deficits. My constituents demand a common sense budget that returns our nation to sound fiscal decision making and balances the budget within seven years using common sense, pay-as-you-go budgeting like every family does. We need to put family priorities first by maintaining strong national security, strengthening education, protecting veterans' health care and ensuring families are economically secure. For these reasons I strongly support the Democratic budget, a common sense alternative to the dangerous and irresponsible Republican plan.

This Congress must make a real effort, as proposed by the Democrats, to reduce the deficit rather than allow it to grow and remain a burden for the next generation. We need to be honest about the cost of the war in Iraq, rather than continue to pass so-called "emergency" supplemental appropriations as we did earlier this week. And we need to put families first. The President and House Republicans choose tax breaks for corporations over students and veterans' as their top priority.

The Democratic substitute restores fiscal discipline and reduces the deficit while protecting the services our families depend upon, keeping our communities and economy strong. I am proud to support the Democratic substitute and I will continue to fight to ensure our families priorities are the priorities of Congress.

The Acting CHAIRMAN. There being no further amendments to the concurrent resolution, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. FOSSELLA, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010, pursuant to House Resolution 154, he reported the concurrent resolution back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the concurrent resolution.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 218, nays 214, not voting 3, as follows:

[Roll No. 88]

YEAS—218

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goodlatte
Granger
Graves
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NAYS—214

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gerlach
Gonzalez
Goode
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—3

Coble
Delahunt
Young (FL)

☐ 1603

Mr. FRANK of Massachusetts and Mr. DOGGETT changed their vote from "yea" to "nay".

Ms. PRYCE of Ohio changed her vote from "nay" to "yea".

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

EXPRESSING CONCERN REGARDING VIOLATION OF HUMAN RIGHTS BY SYRIA

The SPEAKER pro tempore (Mr. LAHOOD). The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 18, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 18, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 402, nays 3, not voting 29, as follows:

[Roll No. 89]

YEAS—402

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—3

Kucinich
McKinney
Paul

NOT VOTING—29

Baca
Becerra
Berman
Bono
Boucher
Brown-Waite, Ginny
Calvert
Capps
Coble
Davis, Jo Ann
DeGette
Delahunt
Dicks
Evans
Frelinghuysen
Gallegly
Garrett (NJ)
Harris
Hinchey
Leach
Lofgren, Zoe
Markey
Miller, Gary
Nadler
Napolitano
Portman
Smith (WA)
Thompson (CA)
Young (FL)

□ 1621

Ms. MCKINNEY changed her vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 65

Mr. WEXLER. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 65.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Florida?

There was no objection.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. DELAY. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 103) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 103

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, March 17, 2005, Friday, March 18, 2005, or Saturday, March 19, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, April 5, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and then when the Senate recesses or adjourns on any day from Thursday, March 17, 2005, through Saturday, March 26, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, April 4, 2005, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, APRIL 6, 2005

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, April 6, 2005.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONDITIONAL ADJOURNMENT OF THE HOUSE TO MONDAY, MARCH 21, 2005

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday, March 21, 2005, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 103, in which case the House shall stand adjourned pursuant to that concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

APPOINTMENT OF HON. FRANK R. WOLF OR HON. TOM DAVIS OF VIRGINIA TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH APRIL 5, 2005

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC, *March 17, 2005.*

I hereby appoint the Honorable FRANK R. WOLF or, if he is not available to perform this duty, the Honorable TOM DAVIS to act as Speaker pro tempore to sign enrolled bills and joint resolutions through April 5, 2005.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

MOURNING THE LOSS OF SPRING HILL MAYOR RAY WILLIAMS

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute.)

Mrs. BLACKBURN. Mr. Speaker, it is with sorrow that I rise to mourn the loss of Spring Hill, Tennessee, mayor Ray Williams.

He was elected in 1999 and proved to be an effective and dedicated public servant during his years as mayor.

Mayor Williams both managed Spring Hill's tremendous growth over the past few years and helped preserve the wonderful standard of living the community enjoys. He ran an efficient government and lowered property taxes every year that he was in office.

He set a standard many of my colleagues here in Congress should adopt when he instituted the Spring Hill Taxpayer Bill of Rights. It is a resolution that requires any proposed property tax increase to be approved by the taxpayers and that surplus funds be returned to the taxpayers.

It is clear that Ray was a wonderful public servant, a loving, devoted husband and father; and we thank his family for his service to our community.

WASHINGTON NATIONAL GUARD RECOGNITION

(Mr. REICHERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REICHERT. Mr. Speaker, I rise today to recognize the soldiers of Washington State's 81st Brigade Combat Team.

The men and women of the United States Armed Services are the finest in the world. Some of them have given the ultimate sacrifice, and those that are serving across the world today and serving in our country and other countries across the world today sacrifice time with their families, and we should recognize that and understand that they are giving up a lot to fight for us and protect our country and preserve our freedom.

The 81st Brigade Combat Team made history as the largest deployment of a National Guard unit from Washington State since World War II; and last month, the first group of soldiers from the 81st Brigade have begun to return home.

There are no words that we can really say to thank them; but today I just want to say thank you to the 81st Brigade from Washington State.

HONORING DAVID EMERSON HOUSEL

(Mr. ADERHOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADERHOLT. Mr. Speaker, today I rise to honor Mr. David Emerson Housel on the occasion of his retirement as Auburn University Director of Athletics. I am honored to stand before this body of Congress and this Nation to recognize his many accomplishments.

David is truly a man who embodied American principles of hard work, dedication to one's family, and service to one's community.

On April 1, 1994, David Housel became Auburn University's thirteenth Director of Athletics. Upon accepting the job, he stated that his one goal was to leave Auburn and the athletic department better than he found it. This goal was achieved.

Mr. Speaker, I could go on much longer about this gentleman who was born and grew up in Pickens County, Alabama in the Fourth District but time does not permit this morning.

It is a great privilege to honor David Emerson Housel for his many accomplishments and his enduring impact on his country, his community, friends and of course family. He is a man of great dignity and character who takes pride in the accomplishments of those he has helped over the years. David continues to be an inspiring role model for all of us and is the embodiment of the Auburn creed.

I know I join the Auburn faithful and all Alabamians in wishing David God's richest blessing in his retirement.

Mr. Speaker, today I have the privilege to honor Mr. David Emerson Housel on the occasion of his retirement as Auburn University's Director of Athletics. I am honored to stand before this body of Congress and this Nation to recognize his many accomplishments. He is truly a man who embodies the American principles of hard work, dedication to one's family, and service to one's community.

David Emerson Housel was born on October 18, 1946 and grew up in the small, west Alabama town of Gordo. In 1956, at the age of ten, David attended his first Auburn University football game, a 34–7 victory over the University of Alabama at Legion Field in Birmingham. After the game he wrote letters to both schools asking for information about their football teams. David told the story to Mr. Neal Sims of the Birmingham News in the December 26, 2004 issue: "Auburn sent a football guide, along with a note thanking me for being an Auburn fan. I got an Alabama media guide and a bill for two dollars". As Mr. Sims reports: "Alabama got its two bucks. Auburn got his heart, and together school and devotee have been linked ever since he grew from child to man."

David graduated from Gordo High School in 1965 and enrolled in Auburn University on June 9 of the same year. He graduated with a degree in journalism in 1969 and, after eight months with the Huntsville News (during which time he maintained a mailing address in Auburn) he returned to his Alma Mater to accept a job in the Ticket Office, where he worked from 1970 to 1972. He taught journalism from 1972 to 1980 when he rejoined the athletic staff as Assistant Sports Information Director, He was named Director in 1981 and Assistant Athletic Director in 1985.

On April 1, 1994 David became Auburn's thirteenth Director of Athletics. Upon accepting the job he said, "People may agree or disagree with decisions that are made, but they will never be able to question the reasons for those decisions. There will be no agenda other than the betterment of Auburn." His one goal was to leave Auburn and the athletic program better than he found it. This goal was achieved. Under David's leadership Auburn won seven team national championships (in the previous thirty-eight years Auburn had captured only one national championship). Auburn has won twenty-nine Southeastern Conference titles in the last ten years (in the previous ten seasons, Auburn had won eight titles). During David's tenure, the Athletic Department has posted its highest graduation rates ever. Also, the Department operated in the black financially every year, one of the very few Division 1A programs to do so on a consistent annual basis.

Being the humble man that he is, David refuses to take credit for these accomplishments. Instead he gives credit to the Board of Trustees, the President, and above all, to the Auburn people. "This is the work of Auburn people," he says. "Whatever we have been able to accomplish is a direct reflection of Auburn people and their support of the school they love."

David is a past president of the SEC Sports Information Directors, a former chair of the NCAA Public Relations and Communications Committees. He served on the District III Postgraduate Scholarship Committee and has served as chair of the Dean's Council for Auburn's College of Liberal Arts. He also served as a member of the NCAA Championships Cabinet and the Executive Committee of the Southeastern Conference.

He serves on the Board of Directors for Auburn Bank, the Auburn Wesley Foundation, the Lee County Red Cross and is a member of the Birmingham Pledge Advisory Board. He is an honorary member of the Auburn Football Lettermen Club and the University Singers. He is a member of the Sports Information Directors' Hall of Fame, the Tony Brandino Hall of Fame and the Gordo Athletics Hall of Fame. He is also an award winning free lance writer and has written two books, "Saturdays to Remember" and "From the Desk of David Housel, A Collection of Auburn Stories."

In 1982 the Alabama Chapter of the National Football Foundation recognized David with their Contribution to Amateur Football Award. He has also received the Distinguished Service Award from the Walter Camp Foundation of New Haven, Connecticut and the Birmingham Monday Morning Quarterback Club for his career contributions to the sport of college football.

Of all of David's accomplishments, perhaps his greatest achievement was convincing the former Susan McIntosh to marry him. Susan is a retired third grade teacher at Wright's Mill Road Elementary School in Auburn and they were married on June 15, 1985. David and Susan are faithful members of Auburn First United Methodist Church.

Mr. Speaker, it is a great privilege to honor David Emerson Housel for his many accomplishments and his enduring impact on his country, community, friends and family. He is a man of great dignity and character who takes pride in the accomplishments of those he has helped over the years. David continues to be an inspiring role model for all of us and is the embodiment of the Auburn Creed. I know I join the Auburn faithful in wishing David God's richest blessings in his retirement.

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. DRAKE). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE BLUE DOG BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Madam Speaker, just a few minutes ago the House passed a budget that puts this body on record as effectively turning our back on future generations, saddling our children and grandchildren with mounting deficits and debt, with no end in sight.

The majority's management of this Nation's finances has resulted in more than $2.2 trillion in additional debt since 2001. With this budget, the majority party has made a bad problem worse.

Our colleagues on the other side of the aisle who control the House, the Senate, and the Presidency are in total command of our economy. The majority continues to talk about fiscal responsibility, about waste, about fraud, and about the abuse of the American people's money. Yet they have proposed a budget that is fundamentally dishonest, a budget that omits the cost of the war in Iraq and masks the costs that we will incur down the road as the deficit continues to explode.

Our men and women in uniform sacrifice each day. They leave behind their jobs and their families, often on very short notice, and at great personal and financial cost. Unfortunately, too many of them have made the ultimate sacrifice for this Nation. Yet this Congress continues to demonstrate a complete lack of fortitude to ask the American people to also make a sacrifice during this time of war; and it has the indignity to ask our children to bear the burden alone.

For years, members of the Blue Dog Coalition have warned that we were spending money we did not have; that the administration had no economic plan; and that tax cuts were not a substitute for an economic program for our country's future; but the majority in Congress continue to reject our budget reform proposals, efforts to budget in the same way that your family and mine do, by paying as you go.

This year the Blue Dog Coalition developed a clear 12-step plan to put our fiscal house back in order by restoring discipline and accountability to the budget process. A few days ago, a proposal to include 11 of these 12 steps in the budget resolution was wholly rejected by the majority in the House Committee on Rules.

By rejecting consideration of the Blue Dog reforms, the majority turned its back on the call to return to some measure of fiscal discipline. Since no debate was permitted, I would like to take this opportunity to share some of the key features of this plan with the American people.

The Blue Dog 12-point reform plan embraces the first rule of holes: when you find yourself in one, stop digging. Our plan takes the shovel away from Congress by imposing tough new rules to restrain congressional spending. The plan also stops Congress from buying on credit and restores PAYGO, strongly supported by Federal Reserve Chairman Alan Greenspan.

The Blue Dog plan also puts a lid on spending by holding down discretionary spending to the levels proposed by the President in this year's budget. It closes a giant loophole that allows almost any spending to be designated an emergency by requiring Congress to have a separate vote on items designated as such.

Every day, I hear from my constituents who ask me where are their tax dollars going. The Blue Dog plan answers this call with a number of commonsense reforms to keep the taxpayers better educated about where their hard-earned dollars go.

☐ 1630

The plan says that if Congress wants to increase the national debt we should do it completely out in the open with a separate vote. The plan says that if Congress wants to call for more than $50 million in new spending, that bill gets a roll call vote. It says if Congress wants to push through earmarks for pet projects we should require clear written justification for those projects.

Madam Speaker, this year's deficit is projected to be at much as $589 billion, not counting the Social Security surplus, almost 5 percent of the Gross Domestic Product. By 2009 interest payments alone on our national debt will exceed what we spend on discretionary spending on national parks, public schools, fire fighters, law enforcement and our veterans.

We owe it to the American people to stop imperiling the Nation's economic future by borrowing money to pay for irresponsible policies.

Yesterday the Judiciary Committee on which I sit spent an entire day working on the massive bankruptcy bill. During the debate revolving around issues of debt and finances, my colleagues on the other side of the aisle often talked about the importance of personal responsibility.

If your family or mine budgeted in the same way this House demonstrated today, we would all go bankrupt. Our constituents know exactly what it is like to balance a checkbook at the end of each month and at the end of the year. It is now time for the majority to exercise some of the personal responsibility they are so fond of and balance our Nation's books.

EXCHANGE OF SPECIAL ORDER TIME

Mrs. BLACKBURN. Madam Speaker, I ask unanimous consent to claim the time of the gentleman from Indiana (Mr. BURTON).

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Tennessee?

There was no objection.

HONORING OUTSTANDING CONSTITUENTS FROM TENNESSEE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 5 minutes.

Mrs. BLACKBURN. Madam Speaker, we have a wonderful gentleman who was a Tennessee resident, citizen and someone we are terribly proud of. His name is Alex Haley, and many around the world know of his writings. And one of the things that Mr. Haley would often say is "Find the good and praise it". And that is something that we have more or less adopted in Tennessee, when folks do things that should be praised. And today I want to recognize some of our outstanding citizens in our State.

One is Mr. Hubert Seaton of Henderson, Tennessee. And he was recognized during the annual Henderson, Tennessee Membership and Awards Banquet, and the Chester County Chamber of Commerce named him as their 2004 citizen of the year. What an outstanding honor for an outstanding man who was the first citizen of Chester County to be drafted during World War II.

He devoted himself to serving his country with honor and dignity and was awarded both the Bronze Star and the Purple Heart.

In 1960 he was elected to the Chester County Quarterly Court and faithfully served his community for 42 years. While presiding as a county judge and chairman of the court he continued to demonstrate his devotion to the citizens of Chester County, a life well lived, an honor well deserved.

We also honor today Mr. Ed Rufo. He is the recipient of the Army Public Service Award, and it is the second highest distinction granted to a civilian by the Secretary of the Army.

As founder and president of Operation Eagle's Nest, Mr. Rufo has contributed enormously to providing both financial and moral aid to Fort Campbell soldiers and their families.

This started out as a fund raising endeavor to assist the families of soldiers deployed to Iraq. Operation Eagle's Nest rapidly obtained support from the Military Affairs Committees of Hopkinsville and Oak Grove, Kentucky and Clarksville, Tennessee, which is in my 7th Congressional District. To date contributions total more than $250,000. It is clear that Eagle's Nest is having a substantial positive impact on the lives of our soldiers.

When our Nation called Fort Campbell and the 101st Airborne to Operation Iraqi Freedom, they responded with enthusiasm and with dedication.

When Mr. Rufo saw an opportunity to thank the men, women and their families, he answered with Operation Eagle's Nest, and we thank him for that.

We have got a couple of educators that are doing great work. Since 1990 Dr. Ronald Griffeth has dedicated himself to the students and the faculty of Battle Ground Academy in Franklin, Tennessee. He was the academy's president and headmaster. And while everyone in our community is sad to see him retire, we know that he is leaving a lasting legacy in the community. And in recognition of that legacy, the Tennessee Association of Independent Schools honored him with the distinguished Sawney Webb Award.

Not only has he helped to lead and expand the academy, he has been actively involved in the community with Boys and Girls Clubs and with working with young people in so many endeavors.

Mrs. Pam Stackhouse also works with young people. She has been recognized as the Wal-Mart Tennessee Teacher of the Year Award Winner. She received a $10,000 education grant to benefit her school, Selmer Elementary.

She has demonstrated tremendous enthusiasm for learning for her students, and for more than three decades she has devoted her energy and her talent to Selmer students. As a music teacher for the last 8 years she has given her students appreciation for all things good. The Selmer community is truly blessed to have her enriching the lives of their children.

And Madam Speaker, I rise to wind up talking about our Chester County girls basketball team. They have had a tremendous season, and Saturday night these young women won the Tennessee AA State Championship.

We know that great basketball brings small towns together across Tennessee, and in Henderson they have been coming together for years to watch the Eaglettes hit the hardwood. And while dedicated to their team, the fans have been waiting nearly 3 decades to take another shot at that title. The wait is over.

After 27 years the Eaglettes carried home the State championship trophy and had three players make the State All tournament team. One was the MVP, the other Tennessee's Miss Basketball. Congratulations to all of the team members.

Madam Speaker, we want to say congratulations to all these outstanding constituents who allow us to see their good and to praise it.

RECORD TRADE DEFICITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Madam Speaker, the United States set a new record officially, and that is something, unfortunately, which will haunt us for decades to come, a new record trade deficit of $665.9 billion. We have two growing categories of exports as the leading industrialized nation in the world, and one is waste. We are exporting more waste paper, bottles, cans and things to the world's fastest growing industrial giant, China, which they turn into high value added goods and ship back to us.

Our second greatest export, or actually the greatest export is U.S. dollars. We are borrowing $665.9 billion from overseas producers to bring goods into this country without adding to the economic industrial base, in fact to the detriment of the economic industrial base of the United States.

Japan today holds $820 billion, China $610 billion. China will soon eclipse Japan. Within 3 years, China will have a trillion dollars of IOUs from the United States Government. They will have not only a stranglehold over the production of goods, because we are buying so many things from them and so many U.S. companies have put capital into China instead of jobs here, but they will have a stranglehold over the dollar.

Let us image a confrontation over Taiwan, and the Chinese say we are not going to take you on militarily yet, it is 10 or 15 years until we have eclipsed you militarily, although we have eclipsed you industrially, but we are going to dump dollars tomorrow. We are going to take the dollar down to the value of a rupee or even less. They could threaten to dump that trillion dollars onto the world market, cause an economic catastrophe here at home and around the world. They would not have to fire a single shot.

This administration thinks it is just peachy. They say the U.S. is growing so fast, that is why we have these huge trade deficits. Yes, we are growing so fast on borrowed money and purchasing products made overseas. That is not exactly my idea of adding to the economic industrial base might of the United States of America and putting our own people into productive work. Members wonder why wages are dropping in the U.S. and people are not doing so well, because the good jobs, the manufacturing jobs, the high-paying jobs, the jobs with benefits, are going to China and other unfair trading nations.

And this administration, and to give them some due, the last administration was afraid to take on China on their unfair trade practices. They can steal products, like they have from companies in my own district, clone them in China, including translating the U.S. patents into Chinese, and this administration and the last will not lift a finger to stop that. This administration said bring them to the WTO, rules-based trade, and then we will go after them. They have only filed one complaint against China. The billions that they are pirating from our companies, one complaint and who was it for, Pfizer, the big drug company, the only company that this administration would file a complaint at the WTO on behalf of, not the electronics company in my district, not the wood products company in my district, not other companies all across America who are being pirated by the Chinese, just Pfizer who could probably take care of themselves, but these other little guys cannot.

We have a failed trade policy in this country. We cannot continue to borrow here at home, $1.3 million a minute with our current account deficit to run the government, and borrowing $2 billion a day from overseas from countries that are potential future enemies, or at least competitors, like China. It is crazy. It is not sustainable.

Even the great guru, Alan Greenspan, the head political economic hack in this town, has said it is not sustainable. When will this administration wake up?

COMMUNITY HEALTH CENTERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MURPHY) is recognized for 5 minutes.

Mr. MURPHY. Madam Speaker, let me talk about something good for America. Community health centers offer primary and preventive health care services to everyone, including low-income, underinsured and uninsured families. While low-income individuals have access to Medicaid and the elderly and the disabled have access to Medicare, uninsured and underinsured families often delay seeing a doctor or turn to emergency departments where treatment is several times more expensive.

Community health centers, however, provide comprehensive and preventive care that adjusts charges for patient care according to family income. The Federal Government spends over $23 billion a year to offset losses incurred by hospitals for patients unable to pay their bills, and the Department of Health and Human Services tell us that medical care at community health centers cost only about $1.30 per pay per patient served. In fact, medical care at community health centers is around $250 less than the average annual expenditure for an office-based medical provider.

In short, community health centers offer an affordable source of quality health care, but the problem is we need more of them. The President has proposed a $304 million increase for community health center programs to create 1,200 new or expanded sites to serve an additional 6.1 million people by next year. In order to meet that goal, the centers must double their workforce by adding double the clinicians by 2006. Hiring that many doctors would be costly, but encouraging more to volunteer would help to meet this need. While many physicians are willing to volunteer their services at these centers, they often hesitate due to the high cost of medical liability insurance. As a result, there are too few volunteer physicians to meet our health care needs.

By comparison, volunteer physicians at free health clinics and paid physicians at community health centers already receive comprehensive medical liability coverage under the Federal Tort Claims Act, or FTCA.

Accordingly, I am introducing the Community Health Center Volunteer Physician Protection Act of 2005 to extend the medical liability protections of FTCA to volunteer physicians at community health centers. These protections are necessary to ensure that the centers can continue to play an important role in lowering our Nation's health care costs and meeting the needs for affordable and access quality health care. The Community Health Center Volunteer Physician Protection Act of 2005 is supported by the National Association of Community Health Centers, the American Medical Association and the American Osteopathic Association. I would encourage my colleagues to cosponsor this important piece of legislation to ensure access to health care for those who need it most.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 415

Mr. FOLEY. Madam Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 415, and my name be added to H.R. 414.

The SPEAKER pro tempore. Without objection, the gentleman's name will be removed as a cosponsor of H.R. 415.

There was no objection.

The SPEAKER pro tempore. The primary sponsor of H.R. 414 will have to add the gentleman's name as a cosponsor.

□ 1645

ORDER OF BUSINESS

Ms. WOOLSEY. Madam Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

SMART SECURITY AND FUNDING PRIORITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, between the $81 billion supplemental appropriations bill passed by the House yesterday and the outrageous budget resolution that came on the floor today, the Bush administration's funding priorities are dangerous, dishonorable, and downright hazardous to the safety of our Nation. The $81 billion supplemental and the fiscal year 2006 budget will do little more than continue the President's arrogant foreign policies, particularly his shameful misadventures in Iraq which have made Americans much less safe over the past 2 years by creating a new generation of terrorists whose common tie is their hatred of the United States.

The supplemental appropriations bill that passed the House yesterday underscores the lack of planning and arrogance that have characterized this war. $200 billion will have been appropriated for Iraq after this latest bill clears through the Senate. That is about $675 for every man, woman, and child.

The most disturbing thing about the President's request for more Iraq funding is the lack of accountability. Why did Congress approve another check for a mission that has been so badly botched? Who is being held accountable for the misuse of the $150 billion we appropriated over the last 2 years? By once again funding the war in Iraq through a supplemental spending bill, the Bush administration is continuing to pull a fast one on the American people. Instead of spending billions to build permanent bases in Iraq, our funds should go towards the National Guard and Reserve forces who have left their families and their homes to serve their country and who have been abandoned as sitting ducks in Iraq.

Despite the President's solemn promise to fight terrorism, the Bush administration has overwhelmingly concentrated the country's resources on developing bigger and more expensive weapons at the expense of other more suitable security tools which will truly keep Americans safe. Even Secretary of Defense Donald Rumsfeld has stated that there is $22 billion of waste in the Pentagon's budget every year.

The fiscal year 2006 budget that passed the House today is just the latest example of questionable Republican spending priorities. This budget wastes billions of dollars in outdated Cold War-era weapons systems that fail to address America's true security needs. We do not need millions of dollars for the outdated F–22 fighter jet which the military no longer relies on during combat. We do not need millions of dollars for a new generation of nuclear weapons, the so-called "bunker buster bomb," and we certainly do not need another $8 billion for a missile defense system that has never been proven to work.

The proper response to the supposed threat of a missile attack from North Korea is not to build a multibillion-dollar missile defense system. We should be addressing this situation through aggressive diplomacy and country-to-country talks. Certainly the nonmilitary approach will not cost the United States taxpayers $8 billion a year, and ultimately the non-$8 billion approach will keep America safer. In fact, if the Bush administration spent even 1 percent of the time on diplomacy that it does on trying to develop a missile defense shield, we would probably be on good terms with Iran and North Korea by now.

We need a new approach to security that places a greater emphasis on nonmilitary security. Only by shifting our spending priorities accordingly will we be able to address today's true security challenges. That is why I have developed a SMART security platform for the 21st century. SMART is a Sensible, Multilateral American Response to Terrorism. SMART security will ensure that our spending priorities match the security threats that we face.

Madam Speaker, this Congress needs to stop signing blank checks to a fiscally reckless administration. If we are going to spend billions and billions of dollars, let us at least spend it on the people who deserve it, the brave troops in the field who have sacrificed so much for their country. Let us spend it on our Nation's veterans, like 24-year-old Tim Goodrich who came to my office yesterday and shared stories about his service in Afghanistan. One of Tim's friends was supposed to come with him, but he was so troubled by his experience in Iraq that he was not able to make it to our meeting because he has trouble sleeping at night.

Let us spend it on the 32-year-old naval officer who was in my office who had no prior experience in rebuilding war-torn regions before he was put in charge of the reconstruction of an entire city in Iraq.

This officer told me he couldn't in good conscience recruit Iraqis to work on his projects, because he knew their lives would be in danger if they worked with the American military.

It's time we honor the commitment of young veterans like Tim and others by providing them the resources they need and deserve, and by promising not to send our military in harm's way unless the very security of our nation depends on it. It's time to refocus our fiscal priorities on the true security needs of the American people.

IN DEFENSE OF CHAIRMAN GREENSPAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Madam Speaker, I come to the floor today to bring up a subject that is of great concern to me and that is the tarnishing of a gentleman's reputation in this town and that is Alan Greenspan, the head of the Federal Reserve. I do not always agree with Alan Greenspan; but over the last couple of days, he has been called a political hack, he has been called a lot of things, and I think it is important to come to the floor to defend somebody's credibility in this town that has been largely responsible for the tranquil waters we find ourselves in on the financial markets.

Alan Greenspan has been reappointed by Republican and Democratic Presidents because of his ability to manage our national economy, his ability to see through problems that have cropped up around the world, his ability to intervene at times when it has saved the countries that we have assisted; and now because he has disagreed, or at least ventured an opinion on private accounts relative to Social Security, he has now come under scrutiny, ridicule, and been called things like political hack. Senator REID made these comments on TV recently. Senator CLINTON made the comments recently. Senator CLINTON, I would remind her that her husband reappointed Alan Greenspan to this post.

I think it is important to note that how dare anybody disagree with the other side of the aisle and if they do so, they will find themselves subjected to the kind of terminology like political hacks. It takes me back to the Medicare debate that we had in this Congress when AARP decided to embrace the Republican plan. Up until that day, the other side of the aisle described the AARP as the gold standard of organizations out protecting the welfare of seniors in America. The day they chose to embrace a plan offered by President Bush, they became the scoundrels, the leadership of their party went down and picketed at their front door and declared that the AARP was an enemy of senior citizens.

What a difference a year makes. Now that they are opposing any plans even to consider personal accounts, they are back in the good graces and AARP once again is fighting for people. What is desperate about this attack is that Alan Greenspan has presided over the economy in an extraordinary fashion. It is interesting that when Mr. Greenspan speaks, the world listens. The Wall Street market-makers listen. Political leaders around the world listen. His words are carried across every wire story in the world because of the impact his words have on the economies of our Nation and our allies. He is not viewed as a political hack by those allies. He is viewed as a sage, stable, steady hand on the controls and levers of the American economy.

As I said earlier, I do not agree with Mr. Greenspan on all issues. I think sometimes we raise rates too slowly or raise them too quickly and then ultimately do not lower them enough to get the kind of economic recovery that we had hoped through rate adjustment. That being said, though, I hardly would describe a man that is lauded by virtually every facet of the American economy as a political hack or somebody whose time has come for them to leave.

So I just make the point that I do not mind debating the intricacies of Social Security; I do not mind having a debate representing the fifth largest Medicare-eligible population in America, the various opinions on whether you raise caps, change age of retirement, consider for a moment personal accounts just as a conversation point; it does not have to necessarily end up in law, but let us at least talk about it to see if it fixes Social Security. But it does trouble me that somebody of Mr. Greenspan's credibility, somebody of his reputation, somebody who has certainly served this Nation in a wonderful way would be pilloried by a political party simply because he chose to talk about how we may solve the woes of Social Security in the future.

I commend him for his work. I salute him for his brilliance on handling America's markets. I ask the other side of the aisle to reflect back on the history of his service to this country as the Federal Reserve chairman. I ask them to look at the collapsing of some economies in Asia during his tenure when he sought and was able to rescue those economies from fiscal collapse. It is often said if the United States gets a cold, the rest of the world gets the flu. The same could happen if you allowed the economies of these nations to collapse without our intervention.

I salute Mr. Greenspan, and I do ask that my colleagues refrain from making him the object of their political ire. Let us debate the merits and the wisdom of our direction, but let us not ruin somebody's personal and business career simply to get even for their statements or their opinions.

AMERICA'S INCREASING DEPENDENCE ON FOREIGN OIL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, if Mr. Greenspan had been doing such a good job, the value of the dollar would not be declining every single week. Let me just say that the budget that just passed here is a national disgrace. It only passed by a couple of votes. If two people had changed, we might have gotten a real budget resolution on this floor, just by the narrowest of margins.

Last week, the U.S. Commerce Department announced the largest one-month budget deficit in U.S. history. Somebody better pay attention. Mr. Greenspan ought to pay attention. In fact, now we have the second largest trade deficit in history. The ships are lined up outside L.A. harbor as far as you can see out into the Pacific and they go back empty. What is wrong with these accounts?

Gas prices, by the way, are up 19 percent. The value of the dollar has declined by more than 33 percent, more than a third against the Euro in the past 3 years, and our economy is sputtering. The demand for oil is just about to increase with summer and vacations on the way. No wonder the stock market fell more than 100 points last week, based on investors' fears about, you guessed it, rising oil prices.

The February budget deficit of $114 billion was the first time the deficit for any one month exceeded $100 billion. Every day America goes more in hock to foreign lenders. They are the ones that are propping us up. In fact, if you just look between a year ago, October 2003 and November 2004, you can see who we are in hock to. Japan holds most of the paper, over $714 billion now. Next comes Europe, over $380 billion. China, Hong Kong, but they are going up very fast, $241 billion. We get down here to the oil exporting countries. OPEC, over $141 billion. And every day we owe them more and more interest as America goes into hock to foreign lenders who now own about 40 percent of us.

Equally troubling is the record trade deficit in January which increased to $58.3 billion as imports coming into our country continued to swamp exports going out. Even the lower value of the dollar has not helped with exports because the fundamentals are bad. Higher deficits mean more U.S. jobs get shipped to China, to India, to Latin America, jobs everywhere, good jobs. But not here in the United States. U.S. light crude flirted with $55 a barrel, near-record levels of last October and Ohio's gasoline prices at the pump rose 15 cents, up from the last week of February. Currently, Ohioans are paying over $2.10 for their gasoline and the upward trend just keeps on going. What is truly dangerous and tragic about this trend is America's utter dependence on foreign sources of oil.

Here we have it. We are supposed to be energy independent in this country. You go back to 1982, every single year America has become more and more dependent on imported petroleum. It means we are strategically vulnerable to disruptions, as over half the petroleum we use is imported. It is time for a new age of American energy independence.

But is this Congress or the White House up the street paying any attention? The Wall Street Journal reported last week on corn-based ethanol and whether the visionary farmers who are leading this effort across the Corn Belt would lose their shirts as some of these multinational interests would come in and buy up the meager investments that they had been able to make out of their own back pockets. This is where the Federal Government needs to step in.

My Biofuels Energy Independence Act of 2005, H.R. 388, does exactly this by helping these visionary Americans hedge predatory oil companies who lock their product out at every gas pump in this country.

☐ 1700

They need long-term financing, not a comatose President and Congress. Imagine an America that was energy independent again and where energy independence rose to a national priority and where we put the dollars we are paying for imported fuel into the pockets of producers here at home.

The administration is cutting support for advancing biofuels by over $84 million this year alone. I ask people who is locking out a new energy age for America? Who is locking them out at pumps across this country? Who is putting their hand in people's pockets?

Freedom for America in the 21st century should mean freedom from dependence on petroleum. America could create thousands and thousands and thousands of new jobs and billions of new dollars back in our own pockets if we but understood what is affecting every single user of petroleum in this country and why we are falling further and further into hock.

It is time for an age of American energy independence again. Will Washington hear the message from the countryside?

ORDER OF BUSINESS

Mr. KIRK. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore (Mr. PRICE of Georgia). Is there objection to the request of the gentleman from Illinois?

There was no objection.

THE WORLD BANK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. KIRK) is recognized for 5 minutes.

Mr. KIRK. Mr. Speaker, when the World Bank was founded in 1944, its official title was the International Bank for Reconstruction and Development, the IBRD. The reconstruction of Europe and Asia was the primary mission of the World Bank, and reconstruction has always been central to the Bank's mission.

Since 1944, the Bank has helped Germany and Japan rebuild. It was then crucial to the reconstruction of South Korea and played a key role in the renaissance of Eastern Europe after the fall of communism. Today, Germany, Japan, South Korea, and many Eastern European nations have now become donors to the Bank, supporting its work, rather than recipients.

As of today, I am the only Member of Congress who has served in the World Bank, and it is a noble institution, with thousands of professional staff helping people in poorer nations rise up to realize their full potential. The challenge before the Bank today has been the reconstruction of Iraq. Republicans and Democrats by wide margins agree that the international community should do more through multilateral institutions in helping the people of Iraq build greater incomes and more security and do it in cooperation with other nations.

But there is a problem. There is a very disappointing record of the World Bank in Iraq. The World Bank promised Iraq $387 million in cash to be contributed for the benefit of the Iraqi people, and as of just 6 months ago the Bank has committed only $43.6 million for the reconstruction of Iraq, about 13 percent of what was actually promised. Now, 2 years later after the fall of Saddam Hussein, the problem is worse because the pace of World Bank funding for projects in Iraq is extraordinarily slow. As of just 6 months ago, there were only nine postings for projects in Iraq funded by the World Bank.

This is an institution which not only promised $387 million from its own account but also led a pledging conference, putting together $32 billion in pledges for the people of Iraq. To compare, the United States pledged $18.4 billion for the reconstruction and has already obligated 7 billion of that. Of the 32 billion, only a tiny percentage has been completed.

Much of the fault of this very slow progress is at the hands of the current President of the World Bank, President Wolfensohn. President Wolfensohn to date has not allowed any World Bank staff to be stationed in Iraq. Despite the presence of hundreds of international staff working for a wide variety of international development organizations, President Wolfensohn will not even allow staff of the World Bank to volunteer to do the important work of helping the Iraqi people build a new democracy and create higher incomes for Iraqi working families.

That is why it was such good news to hear that Paul Wolfowitz will be named as the United States' new nominee to take over the World Bank in July. No one more than Deputy Secretary of Defense Wolfowitz knows how important it is to set a new example of helping the international community to help a democracy rise in Iraq.

We have seen great changes in the Middle East of late, in Syria and in Egypt and in other places, just sponsored by what has already happened in Iraq. Think if we could actually have a president of the World Bank put to use the $32 billion in international funds or at least the $387 million promised by World Bank to actually help the people of Iraq. From my view, we could not have Secretary Wolfowitz take over the leadership of the Bank faster. Under President Wolfensohn we are mired in the mud, unable to move very much assistance, and unable to do what on a bipartisan level so many of us want to do, to get the international community involved in the reconstruction of Iraq and the building of a new democracy.

I am very happy with this new nomination. I think Secretary Wolfowitz as an Assistant Secretary for East Asian and Pacific Affairs, as our Ambassador to Indonesia, and as someone who has provide a leadership role in the Department of Defense, can make a real difference. With more aid to Iraq and more reconstruction, we can bring the troops home faster.

THE FISCAL YEAR 2006 BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. SCOTT) is recognized for 5 minutes.

Mr. SCOTT of Georgia. Mr. Speaker, the 2006 budget that we just passed that now moves to a conference committee makes the wrong choices for our Nation. It reflects secured priorities and runs counter to our deepest held beliefs. This budget embraces disastrous economic policies while at the same time fails to put forward a vision of what this great country of the United States should be.

What America needs instead are responsible policies that reflect our values and helps bring our Nation together and invests in the future by expanding opportunity. But this budget proposes to cut vital domestic investments and services for the middle class, for our veterans, for our seniors, for our children, for the needy among us, while continuing to accumulate a huge budget deficit.

And, Mr. Speaker, there is no State in the union that is hurt more from this budget, from the cuts of it these budgets, than our State of Georgia. And keep in mind, Mr. Speaker, this is a State that just recently voted overwhelmingly for the President. But yet here we are in Georgia suffering more from this budget than any other State, $800 million cut from the Centers For Disease Control when we need all of the help we can get to fight the mounting diseases, life threatening diseases, that are moving across our Nation.

Sixty million dollars have been cut from last year's spending for military construction projects in Georgia, $366.8 million dollars from 91,050 Georgia children by underfunding No Child Left Behind, $26.7 million in homeland security funding in Georgia has been cut under this budget, $7.9 million has been cut from the Georgia Regional Hospital: TRIO programs for almost 13 million Georgians, affecting 13,000 students and many of these students from impoverished backgrounds, many of these students first-time members of college from families. Thirty-seven million dollars have been cut in Perkins scholarships in Georgia. And one particular project, Mr. Speaker, $75,000 has been cut from an educational and recreational center in Powder Springs in Cobb County, Georgia, in the midst of construction, which halts the construction of this badly needed project.

And let me turn to HOPE VI, one of the most successful housing programs this Nation has ever produced. It is being eliminated completely from the budget, which revitalizes public housing. And in Atlanta, Georgia, in the metropolitan area, HOPE VI is the greatest success story among HOPE VI projects in the entire Nation, but it is costing our community $120 million in economic loss, not to count the millions that is lost from leveraging those badly needed dollars and improving the surrounding communities. Heartless and cruel are words that come to mind.

Section 8 families are cut by 8,700 in Georgia. Community Development Block Grants, which our cities and our counties and our local communities live by, cut by $211.9 million. And health care for 2 million Georgia veterans cut. Funding for firefighters cut by 30 percent.

This is not a budget of vision. This is not a budget of hope. This is a great country. This budget does not reflect the vision of a great country. This budget cuts nearly $2 billion out of Georgia's economy. And on top of that in spite of the cuts, each Georgia family's share of the national debt has been increased by $38,281. This budget is irresponsible, and the cuts are going to hurt an awful lot of America's precious people.

As a member of the Blue Dogs, we have repeatedly said we must pay as we go. We have repeatedly said that the Federal budget should be an honest blueprint for spending of priorities of the Federal Government. However, this budget is not honest. It is passing our obligations and responsibilities and challenges to our children and our grandchildren while cutting vital programs. This budget increases the national debt. It increases the deficit while cutting important programs.

Now we must work, Mr. Speaker, and implore this House/Senate joint conference committee to do the responsible thing for America and let us move with the vision, the courage that the people of America expect us to do and restore these cuts and move forward with a responsible budget.

THE NATIONAL DEBT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LORETTA SANCHEZ) is recognized for 5 minutes.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to talk about the Republicans' budget that was just passed in this House a little while ago. H. Con. Res. 95. Principally I think it fails to address the crucial and central issue which this Congress should address, and that is fixing our national budget.

Somebody in my area the other day asked me the question, what keeps me awake at night? And my answer was pretty simple. Being an investment banker by profession before I came to this House, I said our deficit and our debt.

We have a serious problem, Mr. Speaker, our Treasury is over $7 trillion in debt.

☐ 1715

We continue to borrow every year under this administration at something over $500 billion a year. And how does this Congress react? We signed up for another credit card. Interest rates are low. We can afford it. And when we max out our new credit card, we will just go and get another credit card. Free money. That is what this Congress is doing.

But even if the money is cheap, it is not free. And while it may be cheap now, at some point what went down must come up. Interest rates will rise. That is the history when you look at the markets. They always do.

I wonder if the American public fully appreciates that this Congress and this President continue to borrow on their credit cards the way we do. Do they know, for example, that our deficits are being financed by the Chinese? As of last year, $1.9 trillion of our debt, or 40 percent of it, was owned by foreign investors. The Chinese own about $217 billion of that, the Japanese cover about $668 billion, the oil-rich OPEC countries own about $48 billion, and the list goes on and on.

So we keep cutting our taxes so we are not sending that money to Washington, D.C., but we keep spending as if we had that revenue, as long as our friends the Chinese and the Japanese and other foreign investors continue to prop up our debt. How long will that last?

We need to protect our financial security. Carrying around this much debt is making us incredibly vulnerable. We are essentially being held hostage by our own financial obligations. As long as we continue down this road, we weaken our position as a world leader because our financial stability is in the hands of other nations.

This is not just a national security problem. Running a big deficit and debt is also a problem for the economic health of this country. As a Nation, personal savings has dropped from almost 11 percent in 1984 to about 1 percent in 2004. We are not saving.

We are also weak in investment, despite historically low interest rates. In fact, if you look at this budget, you will see that we are spending about $1.5 billion a week in the war in Iraq and Afghanistan, $1.5 billion a week. But we are cutting education, and we are cutting the health care system. We are cutting our national parks budget; we are cutting transportation. We are not investing and reinvesting in our water and sewage systems. All the investment that we need to be a productive country, we are not investing.

Do you think the Chinese are investing $1.5 billion a week in Iraq in a war? No. They are building their water systems, they are educating their people, they are building their transportation systems, their telecommunications systems. They are investing. We are just spending.

It is poor fiscal judgment; and this Congress, led by this side, is guilty of putting that on a credit card that all Americans will end up paying.

My background is in finance. I used to do that. I used to finance for companies, for people. I used to tell them how to do things. I have never seen this kind of disregard, this structural problem that we are creating.

So I hope, Mr. Speaker, that this Congress begins to make the tough choices, and that is the reason I opposed H. Con. Res. 95 today.

CONGRATULATING MAUI ECONOMIC OPPORTUNITY, INC., ON ITS 40TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. CASE) is recognized for 5 minutes.

Mr. CASE. Mr. Speaker and fellow citizens of our country, and especially of my Great State of Hawaii, and of the great County of Maui, celebrating its centennial this year and the place to where my own great-grandparents moved and made their life home in 1900, aloha.

"Maui no ka oi." Maui is the best, not just because of its scenery and lifestyle, but because it has always been an innovator, and because, like all of our Hawaii, it takes care of its own. And there is no better example of the true spirit of Maui than Maui Economic Opportunity, Inc., which I stand today to congratulate on the occasion of its 40th anniversary.

Mr. Speaker, Maui Economic Opportunity, Inc., MEO, is a private, nonprofit Community Action Partnership Agency, which was chartered on March 22, 1965, by Federal mandate under the Economic Opportunity Act of 1964. MEO provides an enormous array of community services annually to over 20,000 people throughout Maui County, encompassing the four islands of Maui, Molokai, Lanai, and Kahoolawe.

MEO's model is "Helping People, Changing Lives." Its mission is simple and direct: to help the poor, the elderly, children and youth, persons with disabilities, immigrants, other disadvantaged people, and the general public to help themselves, so that they may become self-sufficient.

MEO has more than fulfilled this mission. In 2003, for example, MEO was one of only four agencies out of 1,000 community action agencies nationwide to receive an Agency of Excellence Award from the National Community Action Partnership. This prestigious award, for MEO's superior administrative operations and program excellence, is a true testament to its advocacy and its outstanding services tailored to the specific and often unique needs of Maui County.

Among those many services, MEO provides the largest specialized transportation program in Maui County, with vehicles carrying the elderly, low-income, persons with disabilities, youth, Head Start children, and the public, 7 days a week and up to 18 hours a day. MEO's award-winning Head Start program provides services to 384 children through 14 centers countywide. The MEO YouthBank, including an AmeriCorps program, provides opportunities for youths ages 14 to 26 to work, learn and prepare for their future.

The MEO community services staff works tirelessly in challenging situations, providing emergency assistance, job placement, training and other support services. The MEO Development Corporation provides loans and training to start small businesses, create jobs, and boost the community's economy. MEO's Anlace Hispano provides services to the Hispanic-speaking and immigrant population, and the Being Empowered and Safe Together reintegration program serves individuals making the difficult transition from prison back into the community.

Moreover, MEO has never hesitated to go above and beyond its core mission in times of dire community need. In the aftermath of 9/11, for example, MEO, in partnership with the County of Maui, distributed $1.5 million to residents affected economically when Maui's tourism industry slumped. Just a few weeks ago, MEO volunteered its services to assist employees dislocated through the destruction by fire of Kahului Mall.

Of course, the secret of MEO's success has always been its wonderful, dedicated and caring staff, led by some truly extraordinary executive directors throughout the last 4 decades. My former State House of Representatives Speaker and colleague, Joe Souki, well laid the groundwork for the modern era and was followed for the last 2 decades by the irrepressible Gladys Baisa, who will soon retire. Maui County will truly miss your leadership, Gladys; but you and MEO chose well in your successor, Sandy Bas.

So you can see, Mr. Speaker, that Maui Economic Opportunity, Inc., has truly created a better community for everyone and richly deserves these happy birthday greetings before it moves on into a bright and equally rewarding future. Mahalo, and aloha.

PAYING TRIBUTE TO THE VETERANS OF THE PERSIAN GULF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. RYAN) is recognized for 5 minutes.

Mr. RYAN of Ohio. Mr. Speaker, today I rise to pay tribute to the veterans of the Persian Gulf who are from the Mahoning Valley in Ohio. Our valley has long been blessed to have local sons and daughters willing to volunteer to serve in our country's military, and our most recent veterans of the Persian Gulf are cut from the same cloth. When they were called on to serve overseas in the Middle East, leaving their families and friends for extended periods of time to fight in a foreign land, they answered the call, even though they faced great physical risk, even death; and I thank them for their service, for their patriotism, and for their sacrifice.

We as a country owe them a tremendous debt and are forever grateful. We need to ensure that they are provided the equipment and support they need in the field to complete their jobs effectively, that their families are taken care of when they are away, that they have jobs to come home to when they return, and that they receive the benefits that they have earned as veterans.

We have no higher legislative priority. I know myself and speaking for the gentleman from Ohio (Mr. STRICKLAND), than fully funding the veterans benefits that they have been promised.

Yesterday, I voted for the supplemental funding bill for the war in Iraq and Afghanistan. I believe that we need to finish the job we started in the Middle East and bring stability to that region and then to immediately bring our troops home.

God bless the men and women who have served during the war on terror, and God bless the men and women who are still serving on the other side of the world. These veterans have protected this country for years, since its inception; and the highest honor that we could bestow upon them is to make sure that we take care of them.

Mr. Speaker, we have the freedoms we enjoy today because of the sacrifices that our soldiers have made throughout history, and I am proud today to honor the men and women of the Mahoning Valley who have served this country in the Persian Gulf and have served so nobly.

Mr. Speaker, I yield to my good friend, the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Speaker, I wanted to thank my friend, the gentleman from Ohio (Mr. RYAN), for sharing these moments with me as we stand here in the Chamber of the people's House, the House of Representatives, to honor those from our region.

Ohio is a patriotic State, and the great Mahoning Valley is certainly a patriotic region of Ohio. Over the years, literally thousands of young men and women have left the great Mahoning Valley and have served in this country's Armed Forces. They are serving today, so many of them, in harm's way, unselfishly giving up of their time and their talents, while their loving families wait at home, hoping and praying that they will be safe.

Both the gentleman and I have visited Walter Reed Hospital. We have talked with Americans who have lost their legs, many have been blinded, so many have sustained brain injuries. I have been to the Bethesda Naval Hospital and seen young people walking down the hallways with their families walking with them, young people who have been terribly disfigured.

We are paying a great price for the war that is currently under way; and the least we can do, the very least we can do as a Nation is to make sure that when these honored people come home that they are treated with justice and fairness, that they are able to receive the health care that they have been promised and that they deserve.

As we stand here in the safety of this great Chamber, we should never forget that many of our friends and the families and loved ones from the great Mahoning Valley are in harm's way. So we honor them, and we honor their families, because they have joined in the sacrifice as well.

Mr. RYAN of Ohio. Mr. Speaker, reclaiming my time, I thank the gentleman.

We also want to recognize all our friends in Youngstown at this time, where at the Italian-American War Veterans Post 3 the veterans and community leaders on April 14 will hold a tribute honoring the Mahoning Valley area sons and daughters at war.

We would like to thank Herman Adams, Ray Ornelas, and Dom Medina for all their help in putting this together and organizing it, helping us to honor those troops.

□ 1730

KEEP SECURITY IN SOCIAL SECURITY

The SPEAKER pro tempore (Mr. PRICE of Georgia). Under a previous order of the House, the gentleman from Texas (Mr. CUELLAR) is recognized for 5 minutes.

Mr. CUELLAR. Mr. Speaker, in the ongoing debate on Social Security, I think it is essential that we take the time to put a face on the people served by and protected by Social Security.

All of the numbers and charts help us make the outline of the arguments, but it is the letters that I receive from my constituents that show the real face of Social Security. I would like to take the time to show one of those letters, one of the 400-plus letters I have received.

A gentleman named Hector MacDonald from Laredo, Texas. It says, "Dear Congressman CUELLAR, As a member of the National Committee to preserve Social Security and Medicare, I am writing to urge you please oppose any legislation or plan that would divert dedicated Social Security payroll taxes into private individual accounts or in any way harm the benefits, structure or traditional role of Social Security.

As you know, President Roosevelt and Congress created Social Security in 1935 to protect retired Americans from experiencing a poverty ridden old age. And America's more than 35 million seniors have invested their hard earned money into Social Security during their long working lives. Social Security represents a covenant between government and its citizens. I therefore stand against the administration's policy and plans to reform Social Security through partial privatization or any other plan that would undermine the promise of the program's full guaranteed lifetime benefits.

One of my top priorities as a citizen and a voter is the protection of Social Security benefits for all current and future retirees. I sincerely hope among your top priorities as an elected official that you will also help defeat the privatization and other proposals that threatened our retirement security.

I urge you to work closely with the National Committee to Preserve Social Security and Medicare and protect the benefits we have worked for, paid for and have earned. Very sincerely, Mr. Hector MacDonald" from Laredo, Texas.

Again, I have received many letters like this, and I think this letter, Mr. Speaker, speaks for itself. I received over 400 letters like this one opposing the privatization of Social Security.

I have taken the time to read these letters, and I have taken a great deal of time to carefully review the proposal and listen to all sides of the debate; and after a thorough analysis I have come to see clearly that this proposal to privatize Social Security does not pass my legislative test. That is, it will not make our families stronger.

The current proposal to privatize Social Security jeopardizes our safety net by pulling the security out of Social Security. It takes our guaranteed benefits and gambles them on a stock market. It threatens to pose benefit cuts, raising the retirement age. And finally it assures adding a tremendous sum to our existing $7 trillion debt.

Social Security has always been the one source free from risk and designed to reserve as a bedrock guarantee for our seniors.

The system was created and has served for generations as social insurance, not social investment; and we owe it to ourselves and our children, especially our seniors, to preserve that bedrock guarantee.

APPOINTMENT OF MEMBERS TO UNITED STATES GROUP OF THE NORTH ATLANTIC ASSEMBLY

The SPEAKER pro tempore. Pursuant to 22 United States Code, 1928a, the order of House of January 4, 2005, and clause 10 of rule I, the Chair announces the Speaker's appointment of the following Members of the House to the United States Group of the North Atlantic Assembly:

Mr. TANNER of Tennessee,
Mr. ROSS of Arkansas,
Mr. CHANDLER of Kentucky,
Mrs. TAUSCHER of California.

FIGHTING TERRORISM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Kentucky (Mr. DAVIS) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mr. DAVIS of Kentucky. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. DAVIS of Kentucky. Mr. Speaker, this is an exciting time in the history of the United States, in the history of the world, and in the advancement of freedom.

This afternoon a member of minority made a statement that this war was not a war of choice. Contrary to that opinion, which certainly one has a right to share in this body, I would remind all Members of this House and the people that this was in fact a war that was chosen by Osama bin Laden and even before that by people like Saddam Hussein, those who have subjugated and terrorized their people for decades and even generations.

Osama bin Laden turned his hatred on America after we responded to the request of the Saudi and Kuwaiti governments after Saddam Hussein's invasion of Kuwait in 1990. His aggression was one of the key sparks in the current activities that we find ourselves engaged in right now.

This is a decisive time. In fact, we face the most serious threat to our freedoms and our liberties that we have faced since the end of the Second World War. We are fighting an enemy who has proven it will use whatever violent means necessary to further its cause. Indeed, we are not going to lose because of military strength, but we would lose only if the people of the United States have a loss of resolve.

My encouragement is to stay the course. As we see the development over the past several months around the world there are many, many things to be hopeful for. We recoil in horror at the report of suicide bombers and strolling into crowded markets or onto packed buses and detonating themselves. Are they primarily focusing on our soldiers? No. The preponderance of causalities are attacks on their own people. In fact, this is not an insurgency in the classic sense. It is led by frankly a group of thugs, people filled with hatred, bitterness, criminals by any measure of merit, killing innocent men, women and children.

We watch in stunned belief when such a terror group announces it has taken hostage Americans or others who are innocent, working in Iraq peacefully to make it a safe place. A place where people can wake up in the morning, go to work, provide for their families, and then come home for a peaceful dinner, which so many of us, the vast and overwhelming majority of citizens in the United States, enjoy.

But our hearts swell glancing at pictures of the 8 million Iraqis who risked their lives to vote for a better way of life, one that does not include violence and brutal dictators. Every person who had the courage in his or her hearts to dip his or her finger in the purple ink on January 30 to vote in Iraq's first democratically held elections in decades, took a courageous stand for freedom and liberty and we applaud that.

I proudly joined my colleagues yesterday to pass the Emergency Wartime Supplemental Budget which we approved 388 to 43. The supplemental provides for $76.8 billion in defense spending for pay, benefits, supplies and equipment for our troops because we will assure that our troops have the training, the tools and the equipment that they need to carry on to victory in this war.

We needed to move quickly to secure this money and we could not afford to wait for the budget process to wind its way to a finish. The military has told us they needed the funds by May 1 and Congress just cannot move that quickly on the entire defense appropriations bill.

The supplemental is money well spent to show our soldiers that we fully support them and that we are doing everything we can to provide for their safety. It shows our commitment to both our allies and also we show our enemies that we mean business, that we will continue to fight. We will pursue them in every corridor where they exist and, finally, win this war on terror.

This is not a fight we will lose, again, I reiterate because of military strength or lack of it. It is a fight that we can only lose if we choose to walk away, and we must not walk away.

This is a revolutionary time throughout the world. In the entire latitude 10–40 window, the doors of freedom are opening for the first time in decades, for the first time in history in some cases. We are seeing the fruit of the valor of our men and women in uniform in the developments in Lebanon, the developments in Egypt, the developments in Saudi Arabia. It is an exciting time. It is exciting to see the values of the United States being carried forward, not being imposed but being embraced. Those are not a value of culture but a value of freedom and liberty, the dignity of the individual, the rights of every human being to life, liberty and the pursuit of happiness.

I am proud of what the Iraqi people are doing after the bombings that have come on recruiting stations, on stores, on schools, on polling places. What we are seeing happening is an exciting thing, and that is the next morning the recruits are coming back. The next morning the security forces are coming to work. The next morning the police are on patrol. They are beginning to stand up and it is imperative that we stand with them.

We will continue to be strong and defend liberty so that other people may have the same freedoms that we enjoy.

I want to thank my distinguished colleagues who are here today with me to discuss the supplemental, the impact that it will have on our continued war on terror, one that we will see all the way through to victory.

Mr. Speaker, right now I would like to yield to the distinguished gentleman from New Jersey (Mr. SAXTON), the chairman of the Subcommittee on Terrorism, Unconventional Threats, and Capabilities.

Mr. SAXTON. Mr. Speaker, I thank the gentleman for yielding to me.

I would like to make a few remarks to kind of put in perspective at least my view of the war on terror. Before I do that let me thank the gentleman from Kentucky (Mr. DAVIS) for taking out this time to permit several of us to makes these remarks.

Let me just say that the gentleman from Kentucky (Mr. DAVIS) has been a very energetic Member of the House of Representatives in spite of the fact that he has been here a relatively short time as a member of the Committee on Armed Services, and we certainly enjoy having him here and serving with him.

We all know that we have many people deployed overseas in a number of places. The most often talked about today, of course, are Afghanistan and Iraq, and I think it is fitting at this time to thank and pay tribute to the members of our Armed Services who are, in fact, a part of that deployed force, and to note as others already have today that they often times pay a very high price for volunteering to help their country in this way.

In addition to those folks who are members of the military, there are civilians in Iraq and Afghanistan as well, members of private securities forces that are employed by the Iraqi government and by our State Department and other agencies to provide the security that is necessary. They put themselves in harm's way as well.

I am reminded of one of my constituent families who lost a civilian son who went to Iraq to carry out his private pursuits. And so there are many people who have volunteered, and we thank them all for the sacrifice they and their families have made in carrying out the mission that the gentleman from Kentucky (Mr. DAVIS) has described as trying to solve a set of issues, a problem that is perhaps the most serious international problem that we have had since World War II.

The use of terror in carrying out political objectives is certainly not new. It goes back well over a century and we can find examples of it throughout the world and primarily perhaps in the Middle East as far back as 1900. And, of course, in 1928 it bubbled up in Egypt, where organizations were formed for the purpose of carrying out various types of ill-conceived missions, ill-conceived goals. And, of course, in modern history it has become very prevalent, for example, subsequent to the establishment of the country of Israel, those who wished the Israeli government and the Israeli people ill will and tried to create harm and perhaps do away with the state of Israel, began a war of terror in the Middle East and has continued, I think it is fair to say, continues today. It certainly did very recently.

I first became interested in these issues in the late eighties when on a trip to Israel I happened to pick up a Time Magazine and read a story, an article about Hamas. When I got there I began to ask Israeli officials about this group and they enlightened me over the period of time that I was in Israel on that trip, and I came home convinced that the subject of terrorism was something that our country was going to have to pay attention to and that, in fact, it could end up in the situation where we were going to have a very significant problem. And, of course, the rest of that story is history.

We know that during the nineties we suffered attacks in Saudi Arabia on American interests. We suffered attacks in two countries, in Africa on our embassies there, and we suffered the attack on the USS *Cole* in Yemen. Of course, in 2001 on September 11 our country was attacked here in the homeland.

We had been fairly passive, I must say, about this subject during the decade of 1990s and before. But subsequent to 9/11 and President Bush, who stood at this podium and talked about the global war on terror and declared the war on terror, our country has had some tremendous successes overseas. And through the help of people, some of whom have paid the ultimate sacrifice, but all of whom sacrificed in one way or another, we have had some great successes.

For example, in Afghanistan with the use of air power and some folks on the grounds, we were able to take down the regime that we know as the Taliban, and we were able to disburse the al Qaeda forces that were supported by the government known as the Taliban.

□ 1745

The al Qaeda forces were scattered. We believe that we have captured or taken down in one way or another something in the neighborhood of 75 percent of their leadership and have, in effect, provided an opportunity for our country to claim a success with regard to the al Qaeda organization.

Of course, I had the opportunity along with some of my colleagues to travel to Afghanistan last February and to see the progress that has been made in that country because of our country's policies. Obviously, along with routing out the Taliban and taking down much of the al Qaeda leadership, the economy of Afghanistan is growing in leaps and bounds. It is not the kind of economy that we know, but still, it is an indigenous economy that is, in fact, growing at a good pace.

The Karzai government has been stood up. In talking with President Karzai, much progress has been made in the goals of education and society generally in that country. Of course, with the coming legislative elections, we will have another democratic victory in Afghanistan when the parliament is actually elected.

We had another opportunity in Iraq. We had problems in Iraq and took advantage of the opportunity in Iraq to take down one of the most despotic, tyrannical governments in the history of the world, the government run by Saddam Hussein and his Baathist party. So we move forward in the war on terror and we fight against insurgents and terrorists in Iraq and rebuild Iraq, bring its economy back up and provide opportunities for the Iraqi people, not only to have their economy grow but also to have that election that was symbolized by the purple finger of over 8 million Iraqi people who stood in line, sometimes being shot at, in order to be able to vote for their new government.

These things have all gone forward and they have set an example for the rest of the world, and as President Bush said not long ago, any country in the world that wants to establish a democracy, we will be there to help.

Today, as we look around the world, in Egypt, there are tendencies that are developing for democratic opportunities. The first real election perhaps in the history of Egypt will be held this year, and of course, in Lebanon, we all see on the news every day that the democracy there is progressing as well as in the West Bank and with regard to the Palestinians who are also in the process of forming a new government and providing for the elections that were recently held.

This is a problem. Terrorism is a problem, always has been. It has become a major issue today, however, primarily I believe because of the possibility of terrorists acquiring the possession of weapons of mass destruction which, of course, would be a very serious and unthinkable kind of a situation.

Once again, let me commend the gentleman from Kentucky for taking out this time to give me and others who will follow me an opportunity to express our views of the current situation and the successes that are our military men and women and our government and the newly elected democratic governments in the Middle East are having.

Mr. DAVIS of Kentucky. Mr. Speaker, I thank the gentleman from New Jersey for his aggressive and energetic leadership in the Subcommittee on Terrorism, Unconventional Threats and Capabilities of the Committee on Armed Services. In the 20 years that he has served in the House, he has seen the end of the Cold War, of one dramatically large threat replaced by an even more pernicious threat with the rise of global terror and asymmetric threats.

This is a decisive time in our history, and it is important that we stand together as a people. I regret the occasional rhetoric that we hear even in this body that tears down the efforts of our leaders, of our soldiers, sailors, airmen and Marines to effectively carry out their mission.

But there is also a mission at home that we have. As the dynamics of the threats to the United States have changed, it intruded upon our lives on September 11, the protection of our homeland, of our communities, of our children and our families. It is a critical, critical priority.

It is now a special opportunity to introduce a distinguished member of law enforcement who is also now a distinguished Member in this body from the State of Washington. I would like to yield to the gentleman from Washington (Mr. REICHERT), who has established a great record of persistence, the ultimate captor with a great team of law enforcement people of the Green River Killer, who also brings profound insights into law enforcement and port security, homeland security, domestic law enforcement and is now adding great value to the entire people of the United States here in the House. I yield to the gentleman from Washington.

Mr. REICHERT. Mr. Speaker, I thank my good friend the gentleman from Kentucky (Mr. DAVIS) for allowing me a few minutes to speak tonight.

I have had experience on the streets of this country and in protecting our communities and our families, and it has been an honor to serve for 33 years in the King County sheriff's office in Seattle, Washington.

Since September 11, our job has changed a little bit. We have had to focus on possible terrorists in our community. This country is at war. It is a different war, a war like we have never fought before. We call it the War on Terror.

Some may disagree with how we got into this war, why we are here and may want to even end this War on Terror. Some have even called it a war of choice. This was not a war of choice. Our country, our Nation was attacked. On September 11, we suffered human loss in a tragic attack on this Nation.

Then what happened? Our armed services jumped into action, and the men and women of our military came to our aid, came to protect this country and went to war.

Some might ask, well, why would people volunteer for the armed services, why would anyone, law enforcement officers or people who serve in the military, why would they volunteer to sacrifice their life? Why would they volunteer to sacrifice time away from their families or put them in need for their care and attention and put their lives in danger? Why would men and women do that?

As I thought about that, it reminded me of a story that happened a few years ago. I have a 28-year-old son who now is or he was 10 when this happened, but it was a hot summer day in Seattle. It was one of the few hot summer days we had, and I was mowing the lawn and he was following behind me. As we were mowing the lawn and he was tugging on my shirt, he said, Dad, let me mow the lawn, I know I can do this. I was a little bit unsure about having my 10-year-old son run the lawn mower. My wife came out and said, Dave, the phone was ringing; it is for you.

I went in to answer the phone. My son was still tugging at my shirttail, Dad, I can do this, let me mow the lawn. So I said, Dan, if you can start that lawn mower, you can mow the lawn.

So I watched from the window as I was on the telephone, and Dan pulled and tugged and pulled and tugged and pulled and tugged on this rope to start this lawn mower, and the sweat was just pouring down his face, and I thought soon he would give up, but he kept on going.

Finally, then he came to the point where he was so exhausted he had to stop and pause, and he put his head down and he wondered, where do I turn now, what do I do. This was a proud moment for me as a father because he stopped, he looked up, he put his hands together, and you could read his lips. He said, please, Lord, start this lawn mower. Then he bent over and pulled on the rope, and the lawn mower started. So I thought to myself, you know what, if God wants Dan to mow the lawn, I am not going to stop him.

Here is the moral of the story. Here is a young boy who has faith and hope and trust that small children have. If you stop and think about the faith and the hope and the trust that our kids have, that our children and grandchildren have today in each and every one of us, parents, grandparents, aunts, uncles, Members of Congress, I do not care who you are, those children are looking to us for leadership.

What has happened here is our military is fighting, sacrificing their lives because they know they cannot give in to terrorists because those little eyes that you look into, that hold that faith, that hope and that trust must never lose that hope, faith and trust.

This country needs to be free. We must support our men and women in uniform to preserve the faith, hope and trust that every one of our children in this Nation have, and when we passed the supplemental yesterday and supporting our troops for the training, equipment and tools that they need to conduct this war and do their job, we sent them a clear message: We support you and we love you. We care for you and we thank you for keeping our country free and for making sure that our children never lose that faith, hope and trust that they have in all of us and in this great Nation.

Mr. DAVIS of Kentucky. Mr. Speaker, I thank the gentleman from Washington State and also salute all members of law enforcement, our fire, EMS and first responders who are working literally around the clock to make this Nation safe.

Indeed, I want to salute our soldiers, sailors, airmen and Marines. My former comrades, classmates, former comrades when I was an enlisted soldier and those who I went to the military academy with and served on active duty with, who are still serving this country today. I applaud your efforts. We love you and we thank you for the sacrifices that you are making to give us a safer tomorrow, a safer Nation, a safer future and hope for the world.

In our have it now, you deserve a break, have it your way society we can easily forget that all true freedom came at a great price. It came with persistence. It came with faith. It came with hope and real hope is not what we see now. Hope is something that we do not yet have, that we are waiting for, that we are pursuing aggressively with great hunger, and that freedom ultimately, as all true freedom came, with the shedding of blood, the willingness to lay down our lives for our friends.

In the prior generations, that has been done willingly, acceptingly, and now we have a great generation that has raised up to defend this Nation to prepare and protect this country for our children and grandchildren as they come forward.

There is a liberal intellectual elite in this country that say the people of the Arabic world are not capable of embracing freedom. I wholeheartedly disagree with that. As one who has learned to love the Arabic culture over the last 27 years, I have seen in ordinary men and women that spark of desire for freedom, a desire to be free, a desire to give their children hope and opportunity and freedom and to grow up in a safe community, to be able to pass on the tenets of their faith, to live with a future that is secure, a future that has promise.

Let me share with you another perspective, another view. I want to share some excerpts from an e-mail that I received from my neighbor down the street. His name is Colonel Charlie Waylon, and he is a reservist.

Working as an emergency room physician, he answered the call after September 11 to join a special forces unit first in the liberation of Afghanistan. Then he came back again in Operation Iraqi Freedom and is now on his third tour in theater, willingly serving, making a difference in the lives of our soldiers and Marines but also making a difference in the lives of the Iraqi people.

He is a colonel, and his son reports soon to Fort Benning, Georgia, for infantry basic training. They, along with the rest of our soldiers, are constantly in my prayers and my wife Pat's prayers. It is e-mails like this that I receive on a regular basis that convince me that we are doing the right thing, and not only that, that we are winning.

Before my friend went to Iraq, he was asked three questions by one of his neighbors: Are we winning? Is it worth the price? Are we accomplishing anything?

Having spent some time now in theater for the third time, he says the answers to all three are an unequivocal yes. Let me say that again. It is an unequivocal yes.

What gives him that authority to speak is his experience on the ground, having seen that situation develop over time.

First, let us focus on the big picture. We are not engaged in a war in Iraq itself, the main war on the ground. We are engaged in a war of world views, one that does not value freedom, one that values hatred and closed societies over openness and freedom and true discourse; one that does not value the true dignity of the individual, the preciousness of all life but discards that for the sake of a theology of hatred. It does not represent the center of mass of people in that part of the world.

The fact that the Iraqis would rise up and go to the polls in numbers greater than turnout in elections in the United States of America says the man and woman on the street cares deeply, deeply about embracing this opportunity for freedom. Who are we to walk away from them in their time of need right now?

□ 1800

We are now fighting a counterinsurgency, and it has two goals. One, it wants to overthrow the democratically elected government of Iraq which has just held its first session, and try to run the United States out of the country.

What needs to be clear is that we are not alone in facing this enemy. 70 percent of the eligible voters in Iraq turned out for the election. Outside the Sunni Triangle that number approached 85 percent. In my district in the 2002 election only 38 percent of the registered voters turned out to vote. Who are we to criticize those efforts of those valiant people?

We all mourned when we heard that a bomb exploded outside an Iraqi police training center and killed 120 recruits. But if we can find one positive aspect in that needless tragedy, that atrocity, it is that 120 Iraqis felt safe enough to even sign up to become police officers; that they had courage to invest their lives, to lay their lives down, to put them on the line to protect their families, their communities and ultimately their nation. And the exciting thing is that the men come back the next day. They come back to serve because they understand what is at stake.

Moderate Shiite clerics are not asking us to leave Iraq. The Kurds are not asking us to leave, and the overwhelming majority of Iraqis are not asking us to leave. They want us to stay, to stand by them while they train up, while they become strong and stabilize their own country and bring forth their flavor in terms of their culture of the freedoms that they are taking hold of.

Let us look at what has been achieved so far by those detractors of the policy of this country who have said that this war was a war of choice. It was imposed upon us, I might remind them.

And I would also state, Mr. Speaker, that since in the last year Libya has denounced weapons of mass destruction and opens its doors to the United Nations weapons inspectors, it has opened its doors to Western trade, a desire to become part of the community of nations, and it has renounced terrorism. A former perpetrator of terrorism has repented of that and now are beginning to walk in a new direction, seeing the inevitability of the rise of freedom in the Middle East.

In the fall of 2004 Afghanistan held free and open elections. Women who under the rule of the Taliban could barely leave their homes walked freely to polling places and voted.

In January Palestine elected a national leader in a United Nations supervised election in which women also voted. We are hopeful that the situation with the Palestinian people will lead to a free government, a peaceful government that can coexist alongside the democracy in Israel.

Also in January the Iraqis held their unprecedented election, and again, women voted in overwhelming numbers.

One of my West Point classmates shared with me in a confidential e-mail his perspective on seeing women coming to the polls to vote. He saw elderly women, young mothers with their children clinging to them standing, ignoring the ordnance flying about them, who had the courage to take hold of this once in a lifetime, once in a generation, once in a century opportunity to make a difference, to transform what had been an oppressive atrocity ridden, closed society in which the individual did not matter, but only to feed an appetite of megalomaniacal power of a dictator. That has been cast down. These people are seizing that opportunity.

The unfolding events in Lebanon and Syria's declaration that it will begin withdrawing from Lebanon is an outstanding indicator that as we stay the course and we link arms with freedom loving peoples in that part of the world, that we will see peaceful resolution to the challenges that we face, and these terrorists will be repudiated for the inhumane individuals that they are.

My friend ends his e-mail by stating that it is not just men and women who are helping lead their countries toward a brighter future. Women who spent years living under dictatorial regimes that demanded their silence are stepping up and playing a major role in the spread of democracy.

He says, and I quote, I want women fully enfranchised throughout this part of the world. I want them voting. I want them involved in government because in my opinion, he states, if they are, this will be a safer, saner and less militant world.

As we transition to other topics relating to this, I would like to introduce a distinguished colleague of mine, a member of my entering class in the Congress. He is the gentleman from Texas (Mr. McCAUL). He brings a very pertinent record of professional achievement into this body, and can speak with an authority on a wide variety of issues related to the global war on terror.

Prior to being elected to the United States Congress, Mr. McCAUL served as an Assistant United States Attorney whose charge was counterterrorism investigation and prosecution in the great State of Texas.

Mr. Speaker, I now yield to the gentleman from Texas.

Mr. McCAUL of Texas. Mr. Speaker, I thank the gentleman from Kentucky for his leadership in managing this very important debate here today. As the gentleman mentioned, I have a background in counterterrorism in the Justice Department. I know this war on terror firsthand. I serve on the Homeland Security Committee and the International Relations Committee.

You know, many believe that the war on terror began on September the 11th, 2001, but the fact of the matter is we have been at war for several decades. You do not have to go back very far for evidence of that. As recently as 1993 an individual by the name of Ramzi Yousef entered the United States claiming political asylum. He was detained and given a notice to appear. He failed to appear at that hearing. Instead he would join the first al Qaeda cell in downtown Manhattan.

We recently passed the REAL ID Act to make it more difficult for those like Ramzi Yousef to obtain political asylum in this country.

After joining his fellow classmates from the bin Laden academy, he engaged in a conspiracy to blow up the World Trade Center. Fortunately, the Towers remained standing that day. But that day would come later. And that was Osama bin Laden's dream.

Then the embassies in Africa were bombed, and the USS *Cole*. In 1997, bin Laden openly and publicly declared war against the United States. The only thing that troubled him was that the United States would not respond back to his declaration of war. It seemed like the United States was a sleeping giant, and it would not be until the bloodiest alarm of 9/11 that the giant would finally awake.

And now, to the present. There is positive news in this war on terror. We have rooted out al Qaeda in its caves in Afghanistan. We have killed or captured nearly 75 percent of the leadership. We have liberated Afghanistan and held free elections for the first time in the country's history, and we have liberated Iraq. We know that Zarqawi in Iraq has significant ties to bin Laden. We know that al Qaeda today says it has the right to kill 4 million Americans, 2 million of them children. It is a threat that we take very serious today, and it is a threat that we are responding to.

We have seen significant and positive developments in terms of the Syrians pulling out of Lebanon.

Rarely in the history of the world has freedom moved so swiftly through a region. In places where oppression, tyranny and inhumane treatment once flourished, we now find nations waking up to the reality of self-ruled governments and the benefits that come with their new democracies. In Iraq for the first time in more than a generation, people are speaking up for or questioning governments, a new right for many of them. And this discourse is occurring not in closed rooms or the hidden chambers of a dictator's prison, but in the legislative halls of a free Iraq and Afghanistan.

As recently as this week, we as a Congress passed an emergency wartime supplemental bill. We have an opportunity to continue our commitment to the brave fighting men and women who are helping ensure this birth of democracy by providing the necessary tools to protect themselves, by providing the body armor that they need, by providing the armed Humvees that they need, and by increasing death benefits from $12,000 to $100,000.

The United States Government and Coalition Forces have trained and equipped nearly 82,000 Iraqi police and highway patrol officers, and along with soldiers, the United States and its allies are well on the way to helping Iraqis defend and protect themselves in their own country.

In all, more than 142,000 Iraqi police officers and soldiers, many of whom have already taken over the responsibilities of protecting their freedom, have received training. About 130,000 of those troops helped ensure the success of the Iraqi elections, some even died to protect those vital votes. Add to that of Iraq's 18 provinces, 12 are now being patrolled and policed by Iraqis. And on February 21, the 40th Iraqi National Guard Brigade officially assumed control of its area of operation in and around Baghdad. This is the first Iraqi brigade to stand alone and have direct control over an area of operation. While the Coalition Partners continue to advise the brigade, the areas will be under complete Iraqi control.

With the $5.7 billion proposed to train Iraqi troops in the supplemental budget, we are making a confident investment in a nation that will uphold the democracy those in those lands have fought so hard for.

But our need to help spread freedom also includes Afghanistan. We voted on a $1.3 billion investment to be made there to stabilize this emerging democracy and eventually reduce U.S. forces in the area. We have seen American forces quietly making tremendous progress in a land which for so long had none. Already, Americans have trained 36,000 national and local Afghani police officers, 1,000 border security agents and 400 highway patrol officers. Coalition Forces have set up six training locations to make it efficient to train these troops, and we must remember by training these troops we are spreading and securing democracy, and therefore making us safer here at home. With each and every Iraqi and Afghanistan troop trained, America is one step closer to bringing its sons, its daughters, its husbands and wives home for good.

I would like to close with a very powerful story. It is a story of Janet and Bill Norwood. It is the story of Sergeant Byron Norwood. As many Members recall, at the State of the Union, Mr. and Mrs. Norwood sat right over there. The President talked about how their son, Byron, lost his life. He lost his life in an incredibly brave story. He rescued seven Marines held hostage by insurgents. He saved seven Marines' lives from the insurgence in Iraq, and paid the ultimate sacrifice in the process. It was a defining moment in the State of the Union, the warm embrace between Janet Norwood and Safia from Iraq.

I would like to close by reading a card that I received from Mrs. Norwood. With each parent I have talked to who lost a loved one in Iraq, they all said the same thing, "Finish the job."

This is a picture of Sergeant Byron Norwood. And in the card written to me, Mrs. Norwood said, "Dear Representative McCAUL.

"We want you to know how much we have appreciated your visits to our home. It was a pleasure to meet you and Linda and to be able to share more about Byron with you. Knowing that you and so many other Americans honor and respect his sacrifice helps greatly to ease our sorrow.

"Thank you also for the flags. The one that was flown over the Capitol on the day that Byron died will always have a special place in a beautifully displayed box with other treasures from Byron's Marine Corps service. He would be so amazed and so proud.

"The whole idea of the Post Office naming is such a stunning honor. One of the things we worried about was that people would soon forget about Byron. If your bill passes, that will never happen, and that is such a great comfort.

"If you ever become aware of any way I can be of service in my new role as a Gold Star Mother, either to the government or to the Gold Star Moms, please let me know. Sincerely, Janet."

Mr. Speaker, this is what it is all about. This brings this war on terror home to the homes of every family in this Nation, and it is a war that we will prevail in.

Mr. DAVIS of Kentucky. Mr. Speaker, I thank the gentleman for his profound words. No more powerful words can be spoken than those of a mother who has lost a son, whose blood was shed literally to protect our freedoms, the lives of his fellow men.

In the words of our Lord, We share no greater love as a person than he who lays down his life for his friends.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. COBLE (at the request of Mr. DeLAY) for today on account of attending a funeral.

Mr. GARY G. MILLER of California (at the request of Mr. DeLAY) for today after 4:00 p.m. on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. SCHIFF, for 5 minutes, today.

Mr. DeFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. CARDOZA, for 5 minutes, today.

Mr. COOPER, for 5 minutes, today.

Mr. ROSS, for 5 minutes, today.

Mr. SCOTT of Georgia, for 5 minutes, today.

Mr. BOYD, for 5 minutes, today.

Mr. SALAZAR, for 5 minutes, today.

Ms. LORETTA SANCHEZ of California, for 5 minutes, today.

Mr. CUELLAR, for 5 minutes, today.

Mr. FRANK of Massachusetts, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. CASE, for 5 minutes, today.

(The following Members (at the request of Mrs. BLACKBURN) to revise and extend their remarks and include extraneous material:)

Mrs. BLACKBURN, for 5 minutes, today.

Mr. MURPHY, for 5 minutes, today.

Mr. WELDON of Florida, for 5 minutes, today.

Mr. KIRK, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. FOLEY, for 5 minutes, today.

Mr. RYAN of Ohio, for 5 minutes, today.

ADJOURNMENT

Mr. DAVIS of Kentucky. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly, pursuant to the previous order of the House of today, the House stands adjourned until 2 p.m. on Monday, March 21, 2005, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 103, in which case the House shall stand adjourned pursuant to that concurrent resolution.

Thereupon, (at 6 o'clock and 15 minutes p.m.), pursuant to the previous order of the House of today, the House adjourned until 2 p.m. on Monday, March 21, 2005, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 103, in which case the House shall stand adjourned pursuant to that concurrent resolution.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1286. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Peanuts, Tree Nuts, Milk, Soybeans, Eggs, Fish, Crustacea, and Wheat; Exemption from the Requirement of a Tolerance; Technical Correction [OPP-2005-0001; FRL-7698-9] received February 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1287. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983; and Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarborization Vessels Constructed After August 17, 1983 [OAR-2002-0049; FRL-7874-9] (RIN: 2060-AJ68) received February 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1288. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; North Carolina Update to Materials Incorporated by Reference [NC-200429; FRL-7868-7] received February 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1289. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, El Dorado County Air Quality Management District (Mountain Counties Portion), Imperial County Air Pollution Control District, and South Coast Air Quality Management District [CA 307-0460a; FRL-7874-6] received February 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1290. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revised Format of 40 CFR Part 52 for Materials Being Incorporated by Reference [PA200-4200; FRL-7843-2] received February 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1291. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Minnesota; Revised Format of 40 CFR Part 52 for Materials Being Incorporated by Reference [MN-86-1; FRL-7867-5] received February 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1292 A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Mississippi: Final Authorization of State Hazardous Waste Mangement Program Revision [FRL-7875-7] received February 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1293. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District [CA 207-0435a; FRL-7871-1] received February 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1294. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plan for Designated Facilities and Pollutants; Forsyth County, Mecklenburg County and Buncombe County, North Carolina, and Chattanooga-Hamilton County, Knox County, and Memphis-Shelby County, Tennessee [R04-OAR-2004-NC-0003-200426; FRL-7877-3] received February 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1295. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California

State Implementation Plan, Great Basin Unified Air Pollution Control District and Ventura County Air Pollution Control District [CA 309-0474; FRL-7872-4] received February 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1296. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Connecticut; Plan for Controlling MWC Emissions From Existing Municipal Waste Combustors [R01-OAR-2004-CT-0004; A-1-FRL-7877-6] received February 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1297. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Management System; Identification and Listing of Hazardous Waste: Dyes and/or Pigments Production Wastes; Land Disposal Restrictions for Newly Identified Wastes; CERCLA Hazardous Substance Designation and Reportable Quantities; Designation of Five Chemicals as Appendix VIII Constituents; Addition of Four Chemicals to the Treatment Standards of F039 and the Universal Treatement Standards [RCRA-2003-0001; FRL-7875-8] (RIN: 2050-AD80) received February 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1298. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Rates for Pilotage on the Great Lakes [USCG-2002-11288] (RIN: 1625-AA38) received March 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1299. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations; Rowing Regattas, Indian Creek, Miami Beach, Florida [CGD07-05-010] (RIN: 1625-AA08) received March 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1300. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Events; Severn River, College Creek, Weems Creek and Carr Creek, Annapolis, MD [CGD05-04-196] (RIN: 1625-AA08) received March 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1301. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Regulated Navigation Area; Humboldt Bay Bar Channel and Humboldt Bay Entrance Channel, Humboldt Bay, California [CGD11-04-010] (RIN: 1625-AA11) received March 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1302. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: Fireworks Display for the Columbian Government, Bayside Park, Miami, Florida [COTP Miami 04-105] (RIN: 1625-AA87) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1303. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Fireworks for Disney at Bay Front Park, Miami, Florida [COTP Miami 04-140] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1304. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Miami New Year's Fireworks Display at Bay Front Park, Miami, FL. [COTP Miami 04-149] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1305. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: Dunkin Donuts Fireworks—Boston, Massachusetts. [CGD01-04-119] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1306. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: Mononhansett Island, Massachusetts [CGD01-04-131] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1307. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: Dunkin Dounuts Fireworks Display, Providence, Rhode Island [CGD01-04-134] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1308. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Red Sox Fireworks—Boston, Massachusetts. [CGD01-04-135] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1309. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Metro North Railroad Bridge over the Norwalk River, Norwalk, Connecticut [CGD01-04-136] (RIN: 1625-AA00) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1310. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Regulated Navigation Area; East Rockaway Inlet to Atlantic Beach Bridge, Nassau County, Long Island, New York [CGD01-04-150] (RIN: 1625-AA11) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. House Concurrent Resolution 53. Resolution expressing the sense of the Congress regarding the issuance of the 500,000th design patent by the United States Patent and Trademark Office (Rept. 109–22). Referred to the House Calendar.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 683. A bill to amend the Trademark Act of 1946 with respect to dilution by blurring or tarnishment; with an amendment (Rept. 109–23). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1038. A bill to amend title 28, United States Code, to allow a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial, and for other purposes (Rept. 109–24). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 366. A bill to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to strengthen and improve programs under that Act; with an amendment (Rept. 109–25). Referred to the Committee of the Whole House on the State of the Union.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 185. A bill to require the review of Government programs at least once every 5 years for purposes of evaluating their performance (Rept. 109–26). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. OBERSTAR (for himself, Mr. Dingell, Mr. Leach, Ms. Pelosi, Ms. Eddie Bernice Johnson of Texas, Mr. Ehlers, Mr. Nadler, Mr. Boehlert, Mr. Michaud, Mr. Wolf, Mr. Honda, Mr. Gilchrest, Mr. Blumenauer, Mr. Shays, Mr. Pascrell, Mr. Saxton, Mr. Filner, Mr. Castle, Mr. Bishop of New York, Mr. Cummings, Mr. DeFazio, Mr. Capuano, Ms. Norton, Mr. Menendez, Mr. Weiner, Mr. Chandler, Ms. Carson, Mr. Thompson of California, Mrs. Tauscher, Mr. Carnahan, Ms. Berkley, Ms. Schwartz of Pennsylvania, Mr. Walsh, Mr. Van Hollen, Ms. Jackson-Lee of Texas, Mr. Lynch, Mr. Kildee, Mr. Grijalva, Mr. Owens, Mr. Sabo, Mr. Kucinich, Mr. McNulty, Mr. Case, Ms. Lee, Mr. Andrews, Mr. Sherman, Mr. Payne, Ms. Waters, Mr. McDermott, Mr. Sanders, Mr. Langevin, Mr. Allen, Mrs. Capps, Ms. Slaughter, Mr. Pallone, Ms. McCollum of Minnesota, Mr. Lewis of Georgia, Mr. Larson of Connecticut, Mr. Gordon, Mr. Gonzalez, Mrs. Napolitano, Mr. Wexler, Ms. Woolsey, Mr. Gutierrez, Ms. Kilpatrick of Michigan, Mr. Moran of Virginia, Mr. Frank of Massachusetts, Ms. Eshoo, Mr. George Miller of California, Mr. Holt, Mr. Crowley, Mr. Hinchey, Mr. Inslee, Mr. Levin, Ms. Zoe Lofgren of California, Mr. Visclosky, Mrs. Lowey, Mr. Neal of Massachusetts, Mr. Farr, Mr. Kind, Mr. Ruppersberger, Mr. Brown of Ohio, Mr. Lantos, Ms. DeLauro, Mr. Doyle, Mr. Udall of Colorado, Mr. Hastings of Florida, Mr. McGovern, Ms. Schakowsky, Ms. DeGette, Mr. Schiff, Mr. Doggett, Ms. LINDA T. SÁNCHEZ of California, Mr. SPRATT, Mr. MILLER of North Carolina, Mr. LIPINSKI, Mr. UDALL of New Mexico, Mr. ISRAEL, Mr. STARK, Mr. STRICKLAND, Mr. THOMPSON of Mississippi, Mr. DAVIS of Alabama, Mr. CARDIN, Mr. PRICE of North Carolina, Mrs. MCCARTHY, Mr. MARKEY, Mr. WU, Mr. CONYERS, Mr. SERRANO, Mr. RANGEL, Mr. STUPAK, Mr. BERMAN, Mr. BUTTERFIELD, Mr. RYAN of Ohio, Mr. ENGEL, Mrs. DAVIS of California, Mr. WAXMAN, Mr. JACKSON of Illinois, Mr. KENNEDY of Rhode Island, Mrs. CHRISTENSEN, Mrs. JONES of Ohio, Ms. WASSERMAN SCHULTZ, Mr. EVANS, Mr. BECERRA, Mr. KANJORSKI, and Ms. SOLIS):

H.R. 1356. A bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States; to the Committee on Transportation and Infrastructure.

By Mr. WELDON of Florida (for himself, Mr. STUPAK, Mr. SENSENBRENNER, Mrs. MILLER of Michigan, Mr. WOLF, Mr. OBERSTAR, Mr. CANTOR, Mr. RYUN of Kansas, Mr. MURTHA, Mr. PITTS, Mr. HOSTETTLER, Mr. SULLIVAN, Mr. FERGUSON, Mr. NEUGEBAUER, Mr. GARRETT of New Jersey, Mr. BUYER, Mr. CHABOT, Mr. TAYLOR of Mississippi, Mr. AKIN, Ms. FOXX, Mr. SHUSTER, Mr. NORWOOD, Mr. SMITH of New Jersey, Mr. WHITFIELD, Ms. ROS-LEHTINEN, Mrs. JO ANN DAVIS of Virginia, Mr. BERRY, Mr. WILSON of South Carolina, Mr. DELAY, Mr. SHIMKUS, Mr. BRADY of Texas, Mr. TERRY, Mr. KENNEDY of Minnesota, Mr. SOUDER, Mr. BILIRAKIS, Mr. MCINTYRE, Mr. SESSIONS, Mr. PETRI, Mr. BAKER, Mr. RENZI, Mr. HAYES, Mr. BACHUS, Mr. TANCREDO, Mr. TIAHRT, Mr. GOODE, Mr. BURGESS, Mr. STEARNS, Mr. BARRETT of South Carolina, Mr. MCCOTTER, Mr. COSTELLO, Mr. KING of Iowa, Mr. MCHENRY, Mr. NEY, Ms. HART, Mr. KINGSTON, Mr. SKELTON, Mr. MOLLOHAN, Mr. WAMP, Mr. FOSSELLA, Mr. HERGER, Mr. ADERHOLT, Mr. HAYWORTH, Mr. BROWN of South Carolina, Mr. SHADEGG, Mr. GUTKNECHT, Mr. JONES of North Carolina, Mr. LUCAS, Mr. GRAVES, Mr. GINGREY, Mr. BOUSTANY, Mr. WALSH, Mr. MILLER of Florida, Mr. WESTMORELAND, Mr. THORNBERRY, Mr. MCCAUL of Texas, Mr. BISHOP of Utah, Mr. RYAN of Wisconsin, Mr. BLUNT, Mr. POMBO, Mrs. MYRICK, Mr. EHLERS, Mr. PENCE, Mr. SAM JOHNSON of Texas, Mrs. CAPITO, Mr. WICKER, Mr. EVERETT, Mr. GREEN of Wisconsin, Mr. DAVIS of Kentucky, Mr. PICKERING, Mr. FORBES, Mrs. BLACKBURN, Mr. WELLER, Mr. FITZPATRICK of Pennsylvania, Mr. MARSHALL, Mrs. CUBIN, Mr. FRANKS of Arizona, Mr. PLATTS, Mr. DUNCAN, Mr. ROGERS of Michigan, Mr. INGLIS of South Carolina, Mr. LEWIS of Kentucky, Mr. GOODLATTE, Mr. CRENSHAW, and Mr. HALL):

H.R. 1357. A bill to amend title 18, United States Code, to prohibit human cloning; to the Committee on the Judiciary.

By Mr. HAYES:

H.R. 1358. A bill to amend title 10, United States Code, relating to payment of mental health counselors under TRICARE; to the Committee on Armed Services.

By Mr. DAVIS of Florida:

H.R. 1359. A bill to amend the Federal Water Pollution Control Act to extend the pilot program for alternative water source projects; to the Committee on Transportation and Infrastructure.

By Mr. KIRK (for himself, Mr. BASS, Mr. PLATTS, Mr. SHIMKUS, Mr. KENNEDY of Minnesota, and Mr. DENT):

H.R. 1360. A bill to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, Ways and Means, Education and the Workforce, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DREIER:

H.R. 1361. A bill to improve the ability of the Federal Government to coordinate and conduct stabilization and reconstruction operations in countries or regions that are in, are in transition from, or are likely to enter into, conflict or civil strife, and for other purposes; to the Committee on International Relations.

By Mr. LIPINSKI (for himself and Mr. INGLIS of South Carolina):

H.R. 1362. A bill to amend title XVIII of the Social Security Act to provide for the public disclosure of prices for hospital and ambulatory surgical center procedures and drugs; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHABOT (for himself and Mr. HYDE):

H.R. 1363. A bill to establish a statute of repose for durable goods used in a trade or business; to the Committee on the Judiciary.

By Mrs. DAVIS of California:

H.R. 1364. A bill to amend title 28, United States Code, to enable the Supreme Court to review decisions in which the Court of Appeals for the Armed Forces denied relief; to the Committee on the Judiciary.

By Mr. BACA (for himself, Mr. BECERRA, Mr. CARDOZA, Mr. COSTA, Mr. CUELLAR, Mr. GONZALEZ, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HINOJOSA, Mr. MENENDEZ, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. PASTOR, Mr. REYES, Ms. ROYBAL-ALLARD, Mr. SALAZAR, Ms. LORETTA SANCHEZ of California, Ms. LINDA T. SÁNCHEZ of California, Mr. SERRANO, Ms. SOLIS, Ms. VELÁZQUEZ, Mr. HONDA, Mr. CONYERS, Mr. DOGGETT, Mr. LANTOS, Mr. BERMAN, Mr. AL GREEN of Texas, Ms. LEE, Ms. WATERS, Mr. SCHIFF, Ms. WATSON, Ms. MILLENDER-MCDONALD, Mr. CASE, Mr. SANDERS, Mr. FARR, Mr. UDALL of New Mexico, Ms. ESHOO, Ms. SLAUGHTER, Mr. VAN HOLLEN, Mr. PALLONE, Mr. KIND, Mr. GEORGE MILLER of California, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MCCOLLUM of Minnesota, Mr. INSLEE, Mr. GENE GREEN of Texas, Mr. BUTTERFIELD, Mr. WEINER, Ms. ZOE LOFGREN of California, Ms. CARSON, Mr. SCOTT of Georgia, Mr. MORAN of Virginia, Mr. SNYDER, Mrs. CHRISTENSEN, Mr. JACKSON of Illinois, Ms. KAPTUR, Ms. SCHAKOWSKY, Ms. DELAURO, Mr. OWENS, Mr. KUCINICH, Mr. MARKEY, Mr. MOORE of Kansas, Ms. DEGETTE, Mr. MCGOVERN, Mrs. CAPPS, Mr. TOWNS, Mr. CUMMINGS, Mr. RANGEL, Mr. HASTINGS of Florida, Mr. JEFFERSON, Mr. WAXMAN, Mr. MEEKS of New York, Ms. WOOLSEY, Mr. MCDERMOTT, Mrs. MCCARTHY, Mr. KENNEDY of Rhode Island, Ms. PELOSI, Mr. NADLER, Mr. FALEOMAVAEGA, Mr. HINCHEY, Ms. HARMAN, Ms. BORDALLO, Mr. PASCRELL, Ms. WASSERMAN SCHULTZ, Mr. WYNN, Mr. KILDEE, Mr. MEEHAN, Mr. NEAL of Massachusetts, Mr. FRANK of Massachusetts, and Mr. UDALL of Colorado):

H.R. 1365. A bill to award a congressional gold medal on behalf of Cesar E. Chavez in recognition of his service to the Nation; to the Committee on Financial Services.

By Mr. BILIRAKIS:

H.R. 1366. A bill to amend title 10, United States Code, to expand eligibility for Combat-Related Special Compensation paid by the uniformed services in order to permit certain additional retired members who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for that disability and Combat-Related Special Compensation by reason of that disability; to the Committee on Armed Services.

By Mr. BOUCHER (for himself, Mr. COSTELLO, Mr. RAHALL, and Mr. STRICKLAND):

H.R. 1367. A bill to amend title 11 of the United States Code to protecting the labor rights of current and former employees of coal industry employers that are debtors under such title; to the Committee on the Judiciary.

By Mr. BURGESS (for himself, Mr. POE, and Mr. MARCHANT):

H.R. 1368. A bill to provide the Secretary of the Army with additional and enhanced authority with respect to water resources projects, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CANNON (for himself, Mr. CARTER, Mr. SMITH of Texas, and Mr. GOHMERT):

H.R. 1369. A bill to prevent certain discriminatory taxation of natural gas pipeline property; to the Committee on the Judiciary.

By Mr. CANNON (for himself, Mr. FLAKE, Mr. DUNCAN, Mr. PETERSON of Pennsylvania, and Mrs. MUSGRAVE):

H.R. 1370. A bill to require the Secretary of the Interior to develop a multipurpose cadastre of Federal real property to assist with Federal land management, resource conservation, and development of Federal real property, including identification of any such property that is no longer required to be owned by the Federal Government, and for other purposes; to the Committee on Resources.

By Mrs. CAPITO:

H.R. 1371. A bill to amend title 37, United States Code, to ensure equal treatment for members of reserve components who perform inactive-duty training in determining their entitlement for hazardous duty pay, aviation incentive pay, diving duty special pay, and foreign language proficiency pay; to the Committee on Armed Services.

By Mrs. CAPPS (for herself and Mr. SIMMONS):

H.R. 1372. A bill to amend title XVIII of the Social Security Act to impose minimum nurse staffing ratios in Medicare participating hospitals, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARDOZA (for himself and Mrs. JO ANN DAVIS of Virginia):

H.R. 1373. A bill to amend title 10, United States Code, to provide leave for members of the Armed Forces in connection with adoptions of children, and for other purposes; to the Committee on Armed Services.

By Mr. COOPER (for himself, Mr. FOLEY, Mr. WAMP, and Mr. GORDON):

H.R. 1374. A bill to amend the Immigration and Nationality Act to permit aliens who are independent living assistants to be accorded status as J nonimmigrants to provide in-home living and home support services to adults with disabilities; to the Committee on the Judiciary.

By Mr. CULBERSON (for himself, Mr. AL GREEN of Texas, Mrs. BIGGERT, Mr. BRADY of Texas, Mr. BURGESS, Mr. CUELLAR, Mr. FRANKS of Arizona, Mr. GOHMERT, Mr. GONZALEZ, Mr. GENE GREEN of Texas, Mr. HALL, Mr. HOYER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DANIEL E. LUNGREN of California, Mr. MCCAUL of Texas, Mr. NEUGEBAUER, Mr. POE, Ms. SCHAKOWSKY, Mr. SESSIONS, and Mr. THORNBERRY):

H.R. 1375. A bill to award a congressional gold medal to Michael Ellis DeBakey, M.D; to the Committee on Financial Services.

By Mr. TOM DAVIS of Virginia (for himself, Mr. WAXMAN, Mr. PLATTS, Mr. ABERCROMBIE, Mr. TIBERI, Mr. RUPPERSBERGER, Mr. RAMSTAD, Mrs. CAPPS, Mr. LAHOOD, Mrs. CHRISTENSEN, Mr. TERRY, Mr. JACKSON of Illinois, Mr. LEACH, Ms. ZOE LOFGREN of California, Mr. SHAYS, Mr. MCDERMOTT, Ms. PRYCE of Ohio, Mr. FILNER, Mr. KIRK, Mr. HINCHEY, Mrs. MILLER of Michigan, Ms. LEE, Mr. MORAN of Virginia, Mr. SHERMAN, Mr. VAN HOLLEN, Mr. RUSH, Mr. WYNN, and Mrs. MALONEY):

H.R. 1376. A bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products; to the Committee on Energy and Commerce.

By Mr. DOGGETT (for himself, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Ms. BALDWIN, Mr. BECERRA, Mr. BERMAN, Mr. BLUMENAUER, Mr. BROWN of Ohio, Mrs. CAPPS, Mr. CAPUANO, Mr. CONYERS, Mr. CROWLEY, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Ms. ESHOO, Mr. EVANS, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOLT, Mr. HONDA, Ms. HOOLEY, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Ms. KILPATRICK of Michigan, Mr. KIND, Mr. KUCINICH, Mr. LANGEVIN, Mr. LANTOS, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LIPINSKI, Ms. ZOE LOFGREN of California, Mr. LYNCH, Mrs. MALONEY, Mr. MARKEY, Mr. MATHESON, Mrs. MCCARTHY, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. MEEHAN, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. OBERSTAR, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Mr. PLATTS, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. RYAN of Ohio, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SERRANO, Mr. SHERMAN, Ms. SLAUGHTER, Mr. SNYDER, Ms. SOLIS, Mr. STARK, Mrs. TAUSCHER, Mr. TIERNEY, Mrs. JONES of Ohio, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Ms. VELÁZQUEZ, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, Mr. WEINER, Ms. WOOLSEY, and Mr. WU):

H.R. 1377. A bill to amend the Internal Revenue Code of 1986 to deter the smuggling of tobacco products into the United States, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. EMERSON (for herself and Mr. BERRY):

H.R. 1378. A bill to amend the Controlled Substances Act with respect to the regulation of ephedrine alkaloids, including ephedrine and pseudoephedrine, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. MCCRERY, Mr. MURPHY, Mr. FOLEY, Mr. HERGER, Mr. SHAW, Mr. GREEN of Wisconsin, Ms. BALDWIN, Mr. PETERSON of Pennsylvania, and Mr. SAM JOHNSON of Texas):

H.R. 1379. A bill to amend the Internal Revenue Code of 1986 to treat electric transmission property as 15-year property for depreciation purposes; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. FORD, Mr. SENSENBRENNER, Mr. HOLT, Mr. WAXMAN, Mr. PLATTS, and Mr. PALLONE):

H.R. 1380. A bill to amend the Internal Revenue Code of 1986 to expand incentives for education; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. TANNER, and Mrs. WILSON of New Mexico):

H.R. 1381. A bill to amend title XVIII of the Social Security Act to provide incentives linking quality to payment for skilled nursing facilities and to establish a Long-Term Care Financing Commission; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE (for himself, Mr. MCHENRY, Mr. FEENEY, Mr. MILLER of Florida, Mr. PENCE, Mr. PAUL, Mr. TANCREDO, and Mr. JONES of North Carolina):

H.R. 1382. A bill to provide for a one-year delay in the implementation of the voluntary prescription drug benefit program, and to provide for a one-year extension of the Medicare prescription drug discount card and transitional assistance program and of the coverage of prescription drugs under the Medicaid Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORD:

H.R. 1383. A bill to direct the President to transmit to the Congress each year a comprehensive report on the national homeland security strategy of the United States; to the Committee on Homeland Security.

By Mr. GINGREY (for himself, Mr. KINGSTON, Mr. BRADLEY of New Hampshire, Mr. JINDAL, Mr. SOUDER, Mr. WILSON of South Carolina, Mr. MARSHALL, Mr. MCCOTTER, Mr. DUNCAN, Mr. MCHENRY, Mr. SESSIONS, Mr. HENSARLING, Mrs. MUSGRAVE, Mr. BARRETT of South Carolina, Mr. WESTMORELAND, and Mr. MILLER of Florida):

H.R. 1384. A bill to amend chapter 44 of title 18, United States Code, to update certain procedures applicable to commerce in firearms and remove certain Federal restrictions on interstate firearms transactions; to the Committee on the Judiciary.

By Mr. GOODE:

H.R. 1385. A bill to include Nelson County, Virginia, in the Appalachian region for purposes of the programs of the Appalachian Regional Commission; to the Committee on Transportation and Infrastructure.

By Mr. HASTINGS of Florida (for himself, Mr. REHBERG, Mr. OSBORNE, Ms. HERSETH, Mr. CASE, Mr. OTTER, Ms. CORRINE BROWN of Florida, Mr. SCOTT of Georgia, Mr. UDALL of New Mexico, Mrs. CHRISTENSEN, Mrs. NAPOLITANO, Mr. HAYWORTH, Mr. SIMPSON, Mr. PLATTS, Mr. UDALL of Colorado, Mr. TERRY, Ms. BORDALLO, Mr. BLUMENAUER, Mr. HINOJOSA, Mr. SALAZAR, Mr. DAVIS of Florida, Mr. ETHERIDGE, Mr. WEXLER, Mr. GRIJALVA, and Mrs. CUBIN):

H.R. 1386. A bill to establish a National Drought Council within the Department of Agriculture, to improve national drought preparedness, mitigation, and response efforts, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Resources, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HERGER (for himself, Mr. BRADY of Texas, Mr. BERRY, Mr. MCCRERY, and Mr. COSTA):

H.R. 1387. A bill to amend the Internal Revenue Code of 1986 to clarify the excise tax exemptions for aerial applicators of fertilizers or other substances; to the Committee on Ways and Means.

By Mr. HERGER:

H.R. 1388. A bill to amend the Internal Revenue Code of 1986 to make permanent the increase in expensing of certain depreciable business assets enacted by the Jobs and Growth Tax Relief Reconciliation Act 2003 and extended by the American Jobs Creation Act of 2004; to the Committee on Ways and Means.

By Mr. HINCHEY:

H.R. 1389. A bill to prohibit the importation, manufacture, distribution, or storage of ammonium nitrate compound without a license, to prohibit the receipt of ammonium nitrate compound without a license or permit, and for other purposes; to the Committee on the Judiciary.

By Mr. HOLT (for himself, Mr. George Miller of California, Mr. Simmons, Mr. Owens, Mr. Payne, Mr. Andrews, Ms. Woolsey, Mr. Hinojosa, Mrs. McCarthy, Mrs. Davis of California, Mr. Grijalva, Mr. Van Hollen, Mr. Bishop of New York, Mr. Brown of Ohio, Ms. Corrine Brown of Florida, Mrs. Jones of Ohio, Ms. Millender-McDonald, Ms. Lee, Mr. Holden, Mr. Delahunt, Mr. Rush, Ms. Baldwin, Ms. Carson, Mr. McDermott, Mr. Thompson of Mississippi, Ms. Slaughter, and Mr. Allen):

H.R. 1390. A bill to provide access and assistance to increase college attendance and completion by part-time students; to the Committee on Education and the Workforce.

By Mr. HOLT:

H.R. 1391. A bill to suspend temporarily the duty on allyl ureido monomer; to the Committee on Ways and Means.

By Mr. HOLT:

H.R. 1392. A bill to suspend temporarily the duty on methacrylamido etheleneurae monomer; to the Committee on Ways and Means.

By Ms. HOOLEY (for herself, Mr. McCotter, Ms. Zoe Lofgren of California, Mr. Cummings, and Mr. Brady of Pennsylvania):

H.R. 1393. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to make volunteer members of the Civil Air Patrol eligible for Public Safety Officer death benefits; to the Committee on the Judiciary.

By Ms. HOOLEY:

H.R. 1394. A bill to amend the Small Business Act to clarify that the Administrator of the Small Business Administration is authorized to make economic injury disaster loans in response to disasters caused by drought; to the Committee on Small Business.

By Ms. HOOLEY:

H.R. 1395. A bill to amend the Controlled Substances Act to provide a minimum mandatory prison sentence for manufacturing methamphetamine on properties where children reside, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL:

H.R. 1396. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish recall authority regarding drugs, to increase criminal penalties for the sale or trade of prescription drugs knowingly caused to be adulterated or misbranded, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. JOHNSON of Connecticut (for herself, Mr. McNulty, and Mr. Larson of Connecticut):

H.R. 1397. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for certain energy-efficient property; to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 1398. A bill to amend the Clean Air Act to require that, after the year 2010, all gasoline sold in the United States for motor vehicles contain not less than 10 percent ethanol and that all diesel fuel sold in the United States for motor vehicles contain not less than 5 percent biodiesel, and for other purposes; to the Committee on Energy and Commerce.

By Ms. KAPTUR (for herself and Mr. LaTourette):

H.R. 1399. A bill to expand the number of individuals and families with health insurance coverage, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KELLER:

H.R. 1400. A bill to amend title 18, United States Code, to provide penalties for aiming laser pointers at airplanes, and for other purposes; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island:

H.R. 1401. A bill to amend the Public Health Service Act to establish a program of grants for the detection and control of colorectal cancer; to the Committee on Energy and Commerce.

By Mr. KENNEDY of Rhode Island (for himself and Mr. Ramstad):

H.R. 1402. A bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits; to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. KILPATRICK of Michigan (for herself, Ms. Lee, Ms. Woolsey, Mr. DeFazio, Mrs. Napolitano, Mr. Towns, Ms. Watson, Mr. McDermott, Mr. Pallone, and Mrs. Maloney):

H.R. 1403. A bill to amend title 10, United States Code, to establish in the Department of Defense an Office of the Victim Advocate, to prescribe the functions of that office, and for other purposes; to the Committee on Armed Services.

By Ms. KILPATRICK of Michigan (for herself, Mr. Cooper, Mr. Wamp, Ms. Bordallo, Mr. McDermott, Mr. Payne, Mr. Conyers, Mr. Lewis of Georgia, Mr. Owens, Mrs. Jones of Ohio, Ms. Jackson-Lee of Texas, Mr. Rush, Mr. Rangel, Ms. Norton, Mr. Meehan, Mr. Jefferson, Mrs. Maloney, and Mr. Gordon):

H.R. 1404. A bill to posthumously award a congressional gold medal to Wilma G. Rudolph; to the Committee on Financial Services.

By Mr. LARSON of Connecticut (for himself, Ms. DeLauro, Mr. English of Pennsylvania, Mr. Etheridge, Mrs. Johnson of Connecticut, Mrs. McCarthy, Mr. McIntyre, Mr. Shays, Mr. Simmons, and Mr. Weldon of Pennsylvania):

H.R. 1405. A bill to amend the Internal Revenue Code of 1986 to exclude from income and employment taxes and wage withholding property tax rebates and other benefits provided to volunteer firefighters and emergency medical responders; to the Committee on Ways and Means.

By Mr. LATHAM:

H.R. 1406. A bill to amend title 37, United States Code, to increase the authorized weight allowances for the shipment of baggage and household effects of senior noncommissioned officers of the uniformed services; to the Committee on Armed Services.

By Mr. LaTOURETTE:

H.R. 1407. A bill to provide that certain wire rods shall not be subject to any antidumping duty or countervailing duty order; to the Committee on Ways and Means.

By Ms. LEE (for herself, Mr. Leach, Mr. Faleomavaega, Mr. Pallone, Mr. Lantos, Ms. Ros-Lehtinen, and Mr. Ackerman):

H.R. 1408. A bill to provide assistance to combat HIV/AIDS in India, and for other purposes; to the Committee on International Relations.

By Ms. LEE (for herself, Mr. Hyde, Mr. Lantos, Mr. Leach, and Ms. McCollum of Minnesota):

H.R. 1409. A bill to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries, and for other purposes; to the Committee on International Relations.

By Ms. LEE (for herself, Mr. Payne, and Mr. Owens):

H.R. 1410. A bill to provide for coverage of hormone replacement therapy for treatment of menopausal symptoms, and for coverage of an alternative therapy for hormone replacement therapy for such symptoms, under the Medicare and Medicaid Programs, group health plans and individual health insurance coverage, and other Federal health insurance programs; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, Government Reform, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LINDER:

H.R. 1411. A bill to amend the Internal Revenue Code of 1986 to clarify that a convention or association of churches includes individuals (with or without voting rights) as well as churches; to the Committee on Ways and Means.

By Mr. LoBIONDO (for himself, Mr. Saxton, Mr. Andrews, Mr. Castle, and Ms. Schwartz of Pennsylvania):

H.R. 1412. A bill to amend the Ports and Waterways Safety Act to require notification of the Coast Guard regarding obstructions to navigation, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. LOWEY (for herself, Mr. Shays, Mrs. Maloney, Ms. Kaptur, Mr. Doggett, Mr. George Miller of California, Mr. Evans, Mr. Wexler, Mr. Moore of Kansas, Ms. Woolsey, Mrs. Jones of Ohio, Mr. English of Pennsylvania, Mr. Engel, Ms. Solis, Mr. Serrano, Mr. Owens, Mr. Cummings, Mr. McDermott, Mr. Payne, Mr. Brown of Ohio, Ms. Zoe Lofgren of California, Mr. Kucinich, Mr. Lewis of Georgia, Mr. Sanders, Mr. Boehlert, Mr. Waxman, Mr. Lipinski, Mr. Allen, Ms. Corrine Brown of Florida, Ms. Norton, Mr. Delahunt, Mr. Grijalva, Mr. Crowley, Ms. Schakowsky, Mr. Lantos, and Mr. McIntyre):

H.R. 1413. A bill to make the protection of vulnerable populations, especially women and children, who are affected by a humanitarian emergency a priority of the United States Government, and for other purposes; to the Committee on International Relations.

By Mr. MARKEY (for himself, Ms. NORTON, Mr. KUCINICH, Mr. PALLONE, Ms. LEE, Mrs. MALONEY, Mr. THOMPSON of Mississippi, Mr. HOLT, Mrs. JONES of Ohio, Ms. BERKLEY, Mr. GRIJALVA, and Mr. DOGGETT):

H.R. 1414. A bill to direct the Secretary of Homeland Security to issue regulations concerning the shipping of extremely hazardous materials, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MCCARTHY (for herself and Mr. DINGELL):

H.R. 1415. A bill to improve the National Instant Criminal Background Check System, and for other purposes; to the Committee on the Judiciary.

By Mrs. MCCARTHY:

H.R. 1416. A bill to repeal the reduction in Medicare payment for therapeutic shoes and inserts for individuals with diabetes effected by section 627 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCRERY (for himself, Mr. NEAL of Massachusetts, Mr. SHAW, Mr. HERGER, Mr. SAM JOHNSON of Texas, Mr. ENGLISH of Pennsylvania, Mr. WELLER, Mr. HULSHOF, Mr. LEWIS of Kentucky, Mr. FOLEY, Mr. CANTOR, Ms. HART, Mr. BEAUPREZ, Mr. MCDERMOTT, Mr. JEFFERSON, Mr. BECERRA, and Mr. CROWLEY):

H.R. 1417. A bill to amend the Internal Revenue Code of 1986 to permanently extend the subpart F exemption for active financing income; to the Committee on Ways and Means.

By Mr. MEEHAN (for himself and Mr. WEINER):

H.R. 1418. A bill to amend chapter 89 of title 5, United States Code, and chapter 55 of title 10, United States Code, to provide that any health benefits plan which provides obstetrical benefits shall be required also to provide coverage for the diagnosis and treatment of infertility; to the Committee on Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MENENDEZ:

H.R. 1419. A bill to require that Homeland Security grants related to terrorism preparedness and prevention be awarded based strictly on an assessment of risk, threat, and vulnerabilities; to the Committee on Homeland Security.

By Mr. MORAN of Virginia (for himself, Mr. DUNCAN, and Mr. ROSS):

H.R. 1420. A bill to prohibit as indecent the broadcasting of any advertisement for a medication for the treatment of erectile dysfunction; to the Committee on Energy and Commerce.

By Mr. NUSSLE (for himself, Mr. TANNER, Mr. LATHAM, Mr. KING of Iowa, Mr. BOSWELL, Mrs. JOHNSON of Connecticut, Mr. LEWIS of Kentucky, and Mr. WAMP):

H.R. 1421. A bill to amend the Internal Revenue Code of 1986 to allow for an energy efficient appliance credit; to the Committee on Ways and Means.

By Mr. OSBORNE (for himself, Mr. SHAYS, Mr. KING of New York, Mr. ETHERIDGE, and Mr. LEACH):

H.R. 1422. A bill to prohibit high school and college sports gambling in all States including States where such gambling was permitted prior to 1991; to the Committee on the Judiciary.

By Mr. PASCRELL (for himself, Mrs. MCCARTHY, Mr. KENNEDY of Rhode Island, Mr. WEINER, Mr. DELAHUNT, Mr. PAYNE, Mrs. MALONEY, Mr. CAPUANO, and Ms. SCHAKOWSKY):

H.R. 1423. A bill to ban the manufacture, sale, delivery, and transfer of handguns that cannot be personalized, and to provide for a report to the Congress on the commercial feasibility of personalizing firearms; to the Committee on the Judiciary.

By Mr. PAYNE (for himself, Mr. TANCREDO, Mr. MEEKS of New York, Ms. LEE, Mr. CAPUANO, Mr. CONYERS, Mr. RANGEL, Mr. PITTS, Mr. THOMPSON of Mississippi, and Mr. RUSH):

H.R. 1424. A bill to impose sanctions against perpetrators of crimes against humanity and genocide in Darfur, Sudan, and for other purposes; to the Committee on International Relations.

By Mr. PETRI (for himself, Mr. GEORGE MILLER of California, Mr. DOGGETT, Mr. BROWN of Ohio, Mr. SANDERS, Mr. BISHOP of New York, Mr. FILNER, Mr. MCDERMOTT, Ms. KILPATRICK of Michigan, Ms. LEE, Mr. GRIJALVA, Mr. HINCHEY, Mr. KUCINICH, Mr. WU, Mr. VAN HOLLEN, Ms. WATSON, Mr. ETHERIDGE, Ms. MOORE of Wisconsin, Mr. CUMMINGS, Ms. MCCOLLUM of Minnesota, Mr. ISRAEL, Mrs. JONES of Ohio, Ms. BORDALLO, Mr. CROWLEY, Ms. SCHAKOWSKY, Mr. HASTINGS of Florida, Mr. TIERNEY, Mr. KILDEE, Mr. BROWN of South Carolina, Ms. PELOSI, and Mr. ALEXANDER):

H.R. 1425. A bill to ensure that the Federal student loans are delivered as efficiently as possible, so that there is more grant aid for students; to the Committee on Education and the Workforce.

By Mr. PICKERING (for himself, Mr. DOYLE, Mr. TAYLOR of Mississippi, Mr. LARSON of Connecticut, Mr. LYNCH, Mr. TANNER, Mr. DUNCAN, Mr. KILDEE, Mr. MCCOTTER, Mr. ABERCROMBIE, Mr. WICKER, Mr. RYUN of Kansas, Mr. PAYNE, Mr. HYDE, Mr. HINCHEY, Mr. WALSH, Mr. TERRY, Mrs. WILSON of New Mexico, Mr. SHIMKUS, and Mrs. BLACKBURN):

H.R. 1426. A bill to amend title XIX of the Social Security Act to provide public access to quality medical imaging procedures and radiation therapy procedures; to the Committee on Energy and Commerce.

By Mr. PLATTS:

H.R. 1427. A bill to amend title 31, United States Code, to eliminate the 10-year limitation on the collection of nontax debt; to the Committee on the Judiciary.

By Mr. POMBO (for himself, Mr. GILCHREST, and Mr. DICKS):

H.R. 1428. A bill to authorize appropriations for the National Fish and Wildlife Foundation, and for other purposes; to the Committee on Resources.

By Ms. PRYCE of Ohio (for herself, Ms. ROS-LEHTINEN, Mrs. MILLER of Michigan, Mrs. BLACKBURN, Ms. GINNY BROWN-WAITE of Florida, Mrs. CAPITO, Ms. HARRIS, Mrs. JOHNSON of Connecticut, Mr. LATOURETTE, Mrs. MYRICK, Mrs. BONO, Mrs. KELLY, Ms. FOXX, Mrs. DRAKE, Ms. HART, Mr. DENT, Mrs. MALONEY, Ms. MCCOLLUM of Minnesota, Ms. HOOLEY, Ms. SLAUGHTER, Mrs. DAVIS of California, Ms. ESHOO, Ms. KILPATRICK of Michigan, Ms. KAPTUR, Mrs. CAPPS, Ms. BALDWIN, Ms. CARSON, Ms. DELAURO, Ms. ZOE LOFGREN of California, Ms. JACKSON-LEE of Texas, Mrs. JONES of Ohio, and Ms. WOOLSEY):

H.R. 1429. A bill to provide for the conveyance of certain real property by the Administrator of General Services; to the Committee on Transportation and Infrastructure.

By Mr. RADANOVICH (for himself and Mr. CARDOZA):

H.R. 1430. A bill to authorize the Secretary of the Interior to complete a study of the feasibility of establishing the National Parks Institute in Central California; to the Committee on Resources.

By Mr. RAHALL (for himself, Mr. FARR, Mr. KIND, Mr. LEACH, and Mr. SHAYS):

H.R. 1431. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to modify requirements for the appointment and training of members of Regional Fishery Management Councils, and for other purposes; to the Committee on Resources.

By Mr. RANGEL:

H.R. 1432. A bill to require the Secretary of the Treasury to redesign the $1 coin to commemorate Dr. Martin Luther King, Jr; to the Committee on Financial Services.

By Mr. RANGEL:

H.R. 1433. A bill to require the Secretary of the Treasury to mint coins in commemoration of Associate Justice Thurgood Marshall; to the Committee on Financial Services.

By Mr. RANGEL:

H.R. 1434. A bill to designate the Federal building to be constructed at 799 First Avenue in New York, New York, as the "Ronald H. Brown United States Mission to the United Nations Building"; to the Committee on Transportation and Infrastructure.

By Mr. RANGEL:

H.R. 1435. A bill to amend the Internal Revenue Code of 1986 to deny the foreign tax credit and the benefits of deferral to companies doing business directly or through subsidiaries in Sudan until the Government of Sudan takes demonstrable steps to end genocide in Sudan; to the Committee on Ways and Means.

By Mr. RENZI:

H.R. 1436. A bill to remove certain use restrictions on property located in Navajo County, Arizona; to the Committee on Resources.

By Mr. ROHRABACHER:

H.R. 1437. A bill to eradicate the poppy plant in Afghanistan; to the Committee on International Relations.

By Mr. ROHRABACHER (for himself, Mr. TANCREDO, Mr. CUNNINGHAM, Mr. GOODE, Mr. SULLIVAN, and Mr. GARRETT of New Jersey):

H.R. 1438. A bill to amend title II of the Social Security Act to exclude from creditable wages and self-employment income wages earned for services by aliens illegally performed in the United States and self-employment income derived from a trade or business illegally conducted in the United States; to the Committee on Ways and Means.

By Mr. RUSH (for himself, Mr. ENGEL, Mr. PALLONE, Ms. KILPATRICK of Michigan, Mr. TOWNS, Ms. NORTON, Mr. DAVIS of Illinois, Mr. OWENS, Mr.

Hinojosa, Mr. Payne, Ms. Linda T. Sánchez of California, Mr. Lewis of Georgia, Mr. Gutierrez, Mr. Fattah, Ms. Millender-McDonald, Ms. Woolsey, Mr. Kucinich, Mrs. Christensen, Mr. Meeks of New York, Mr. Lipinski, Mr. Costello, Mr. Wexler, and Mr. Andrews):

H.R. 1439. A bill to authorize the Secretary of Education to enter into a partnership with a qualified local educational agency to conduct a model school-to-work program, and for other purposes; to the Committee on Education and the Workforce.

By Mr. SANDERS (for himself, Mr. Abercrombie, Mr. Paul, Mr. Boucher, Mr. McDermott, and Ms. Watson):

H.R. 1440. A bill to prohibit the Federal Communications Commission from imposing penalties for indecent broadcasts on providers of video over cable television systems, satellite carriers, the Internet, or non-broadcast providers; to the Committee on Energy and Commerce.

By Ms. SCHAKOWSKY (for herself, Mr. Grijalva, Mr. Lantos, Ms. Jackson-Lee of Texas, Ms. Woolsey, Ms. Bordallo, Mrs. Christensen, Ms. Lee, Mr. Rangel, Mr. Pallone, Ms. Baldwin, Ms. Carson, Ms. Watson, and Mr. Farr):

H.R. 1441. A bill to require all newly constructed, federally assisted, single-family houses and town houses to meet minimum standards of visitability for persons with disabilities; to the Committee on Financial Services.

By Mr. SENSENBRENNER (for himself and Mr. Conyers):

H.R. 1442. A bill to complete the codification of title 46, United States Code, "Shipping", as positive law; to the Committee on the Judiciary.

By Mr. SESSIONS (for himself, Mr. Waxman, Mr. Terry, Mr. Dingell, Mr. McHugh, Mr. McNulty, Mr. Abercrombie, Mr. Brown of Ohio, Mr. Van Hollen, Mr. Ford, Mr. Kind, Mr. Langevin, Mr. Towns, Mr. Ross, Mrs. Christensen, Mrs. Capps, Mr. Grijalva, Mr. Pallone, Mr. Paul, Mr. Moran of Virginia, Ms. Lee, Mr. Lantos, Mr. Doggett, Mr. Schiff, Mr. Allen, Mr. Davis of Florida, Ms. Schakowsky, Mr. Strickland, Mr. Gordon, Mr. Engel, Mr. Hinchey, Mr. Cooper, Ms. Baldwin, and Mr. McDermott):

H.R. 1443. A bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the Medicaid Program for such children, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SHAYS:

H.R. 1444. A bill to suspend temporarily the duty on certain meatless frozen food products; to the Committee on Ways and Means.

By Mr. SOUDER (for himself, Mrs. McCarthy, Mr. Jindal, Mr. Weiner, Mr. Cantor, Mr. Van Hollen, and Mr. Price of North Carolina):

H.R. 1445. A bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes; to the Committee on Education and the Workforce.

By Mr. SOUDER (for himself, Mr. Burton of Indiana, Mr. Peterson of Pennsylvania, Mr. Boehlert, Ms. Bordallo, Mr. Case, and Mr. Kennedy of Minnesota):

H.R. 1446. A bill to amend the Controlled Substances Act to eliminate the safe-harbor exception for certain packaged pseudoephedrine products used in the manufacture of methamphetamine, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STRICKLAND (for himself, Ms. Ros-Lehtinen, Mr. Wilson of South Carolina, Mr. Westmoreland, Mr. Towns, and Mr. Waxman):

H.R. 1447. A bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services under part B of the Medicare Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 1448. A bill to direct the Commandant of the Coast Guard to convey the Coast Guard Cutter MACKINAW, upon its scheduled decommissioning, to the City and County of Cheboygan, Michigan, to use for purposes of a museum; to the Committee on Transportation and Infrastructure.

By Mr. SULLIVAN (for himself, Mrs. Musgrave, Mr. Wicker, Mr. Radanovich, Mr. Wilson of South Carolina, Mr. Souder, Mr. Norwood, Mrs. Myrick, Mr. McHenry, Mr. Inglis of South Carolina, Mr. Flake, and Mr. King of Iowa):

H.R. 1449. A bill to preserve open competition and Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded construction projects; to the Committee on Government Reform.

By Mr. TANCREDO:

H.R. 1450. A bill to require additional tariffs be imposed on products of any nonmarket economy country until the President certifies to the Congress that that country is a market economy country, and to direct the Secretary of the Treasury to deposit the amounts generated from those tariffs into the Social Security trust funds; to the Committee on Ways and Means.

By Mr. WAXMAN (for himself, Mr. Boehlert, Mr. Allen, Mr. Gilchrest, Mr. Grijalva, Mrs. Johnson of Connecticut, Ms. Schakowsky, Mrs. Kelly, Mrs. Capps, Mr. McHugh, Mr. Doggett, Mr. Saxton, Mr. Markey, Mr. Shays, Ms. Solis, Mr. Smith of New Jersey, Mr. Engel, and Mr. Walsh):

H.R. 1451. A bill to amend the Clean Air Act to reduce emissions from electric powerplants, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KING of New York (for himself, Mr. Fossella, Mr. Neal of Massachusetts, Mr. McHugh, Mr. Crowley, Mr. Israel, Mrs. McCarthy, Mrs. Maloney, Mr. Engel, Mr. Ackerman, Mr. Wilson of South Carolina, Mr. Souder, Mr. Payne, Mr. Delahunt, Mr. Meehan, Mr. Evans, Mr. Brady of Pennsylvania, Mr. Holden, and Mr. Bishop of New York):

H.J. Res. 38. A joint resolution recognizing Commodore John Barry as the first flag officer of the United States Navy; to the Committee on Armed Services.

By Mr. DANIEL E. LUNGREN of California (for himself, Mr. Bachus, Mr. Stearns, Mrs. Emerson, Mr. Rogers of Alabama, Mr. Alexander, Mr. Bartlett of Maryland, Mr. Davis of Tennessee, Mr. Taylor of Mississippi, and Mr. Gohmert):

H.J. Res. 39. A joint resolution proposing an amendment to the Constitution of the United States relating to marriage; to the Committee on the Judiciary.

By Mr. DELAY:

H. Con. Res. 103. Concurrent resolution providing for an adjournment of the two Houses; considered and agreed to.

By Mr. BASS:

H. Con. Res. 104. Concurrent resolution congratulating Bode Miller for winning the 2004-2005 World Cup overall title in Alpine skiing; to the Committee on Government Reform.

By Ms. BERKLEY (for herself, Mr. Gibbons, and Mr. Porter):

H. Con. Res. 105. Concurrent resolution recognizing the 100th anniversary of the founding of Las Vegas, Nevada; to the Committee on Government Reform.

By Mrs. CAPITO:

H. Con. Res. 106. Concurrent resolution expressing the sense of Congress that a site in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the 40 members of the Armed Forces who lost their lives in the air crash at Bakers Creek, Australia, on June 14, 1943; to the Committee on Veterans' Affairs.

By Mr. HASTINGS of Florida:

H. Con. Res. 107. Concurrent resolution supporting the goal of increased homeownership in the United States and recognizing the importance of homeownership programs, fair lending laws, and fair housing laws in achieving that goal; to the Committee on Financial Services.

By Ms. KILPATRICK of Michigan:

H. Con. Res. 108. Concurrent resolution expressing the sense of the Congress that the community development block grant program should remain under the administration of the Secretary of Housing and Urban Development; to the Committee on Financial Services.

By Mr. RANGEL:

H. Con. Res. 109. Concurrent resolution honoring Army Specialist Shoshana Nyree Johnson, former prisoner of war in Iraq; to the Committee on Armed Services.

By Mr. RANGEL:

H. Con. Res. 110. Concurrent resolution expressing the sense of Congress that Katherine Dunham should be recognized for her groundbreaking achievements in dance, theater, music, and education, as well as for her work as an activist striving for racial equality throughout the world; to the Committee on Education and the Workforce.

By Mr. RANGEL:

H. Con. Res. 111. Concurrent resolution expressing the sense of Congress that Lionel Hampton should be honored for his contributions to American music; to the Committee on Education and the Workforce.

By Mr. RANGEL:

H. Con. Res. 112. Concurrent resolution expressing the sense of the House of Representatives that Lena Horne should be recognized as one of the most popular performers of the 1940s and 1950s and for her outspoken opposition to racial and social injustice; to the Committee on Government Reform.

By Mr. RANGEL:

H. Con. Res. 113. Concurrent resolution expressing the sense of the Congress that the United States Postal Service should issue a postage stamp commemorating Congressman Adam Clayton Powell, Jr; to the Committee on Government Reform.

By Mr. RANGEL:

H. Con. Res. 114. Concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued by the United States Postal Service honoring Roy Campanella, and that the Citizens' Stamp Advisory Committee should recommend the Postmaster General that such a stamp be issued; to the Committee on Government Reform.

By Mr. RANGEL:

H. Con. Res. 115. Concurrent resolution expressing the sense of Congress that Romare Howard Bearden should be recognized as one of the preeminent artists of the 20th century for his artistic genius and visual creativity in the depiction of the complexity and richness of African American life in the United States; to the Committee on Government Reform.

By Mr. RANGEL:

H. Con. Res. 116. Concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued by the United States Postal Service honoring Arthur Ashe, and that the Citizens Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued; to the Committee on Government Reform.

By Mr. RANGEL:

H. Con. Res. 117. Concurrent resolution expressing the sense of Congress that Zora Neale Hurston should be recognized for her achievements as a novelist and anthropologist, and for her contributions to the Harlem Renaissance movement; to the Committee on Government Reform.

By Mr. RANGEL:

H. Con. Res. 118. Concurrent resolution expressing the sense of Congress that Madame C. J. Walker should be recognized for her achievements in business, her inventions, and her commitment to the African-American community; to the Committee on Government Reform.

By Mr. RANGEL:

H. Con. Res. 119. Concurrent resolution expressing the sense of Congress that Arthur Schomburg should be recognized for his leadership and contributions in documenting, recording, and researching the historical contributions to society of peoples of African descent and for his efforts to combat racial and ethnic discrimination in the United States; to the Committee on the Judiciary.

By Ms. SCHAKOWSKY (for herself, Mr. GRIJALVA, Mr. BROWN of Ohio, Mr. HINCHEY, Mr. MCDERMOTT, Mrs. JONES of Ohio, Ms. WOOLSEY, Ms. KAPTUR, Mr. JACKSON of Illinois, Ms. WATERS, Mr. MCGOVERN, Mr. MARKEY, Mr. BAIRD, Ms. CARSON, Mr. LANTOS, Mr. PAYNE, Mr. MCNULTY, Mr. EMANUEL, Mr. OWENS, Mr. SERRANO, Mr. HASTINGS of Florida, Ms. SOLIS, Mr. RANGEL, and Mr. CROWLEY):

H. Con. Res. 120. Concurrent resolution expressing the sense of the Congress with regard to the world's freshwater resources; to the Committee on International Relations, and in addition to the Committees on Financial Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JONES of North Carolina:

H. Res. 167. A resolution expressing the sense of the House of Representatives with respect to Second Lieutenant Ilario Pantano, United States Marine Corps; to the Committee on Armed Services.

By Mr. MCHENRY (for himself, Mr. SAM JOHNSON of Texas, Mr. FLAKE, Mr. BARTLETT of Maryland, Mr. FEENEY, Mr. CULBERSON, Mr. LUCAS, Mr. COLE of Oklahoma, Mr. SHADEGG, Mr. GINGREY, Mr. NEUGEBAUER, Mrs. MYRICK, Mr. PITTS, Mr. AKIN, Mr. WELDON of Florida, Mr. TANCREDO, Mr. PAUL, Mr. PENCE, Mr. MILLER of Florida, and Ms. HART):

H. Res. 168. A resolution expressing the sense of the House of Representatives that Social Security is a vital program facing bankruptcy, which must be reformed; to the Committee on Ways and Means.

By Mr. BILIRAKIS (for himself and Ms. ESHOO):

H. Res. 169. A resolution recognizing the importance of sun safety, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KUCINICH (for himself, Mr. HINCHEY, Mr. DEFAZIO, Ms. WATSON, Mr. JACKSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CLAY, Mr. CLEAVER, Mr. STARK, Ms. LORETTA SANCHEZ of California, Mr. SANDERS, Mr. PAYNE, Ms. SCHAKOWSKY, Ms. WOOLSEY, Mr. SERRANO, Ms. LEE, Mr. OWENS, Mr. GRIJALVA, Mr. NADLER, Mrs. MALONEY, Ms. WATERS, Mr. FARR, Mr. RAHALL, Mr. PALLONE, Mr. MEEKS of New York, Mr. DAVIS of Illinois, Mr. MCDERMOTT, Mrs. JONES of Ohio, Mr. HONDA, Mr. ABERCROMBIE, Ms. BALDWIN, Mr. RYAN of Ohio, Mr. FILNER, Ms. KAPTUR, Mr. GUTIERREZ, Mr. BROWN of Ohio, and Mr. GEORGE MILLER of California):

H. Res. 170. A resolution of inquiry requesting the President to transmit certain information to the House of Representatives respecting a claim made by the President on February 16, 2005, at a meeting Portsmouth, New Hampshire, that there is not a Social Security trust; to the Committee on Ways and Means.

By Mr. DREIER:

H. Res. 171. A resolution supporting the creation of the Office of the Coordinator for Reconstruction and Stabilization at the Department of State, and for other purposes; to the Committee on International Relations.

By Mr. BURTON of Indiana (for himself, Mr. EMANUEL, Mr. TANCREDO, Mr. FRANKS of Arizona, Mr. CHABOT, and Ms. WATSON):

H. Res. 172. A resolution expressing the condemnation of the House of Representatives on the one year anniversary of ethnic violence in Kosovo that occurred on March 17 and 18, 2004, and expressing condolences to the families of individuals who were killed or injured; to the Committee on International Relations.

By Ms. HARMAN (for herself, Mr. HASTINGS of Florida, Mr. REYES, Mr. BOSWELL, Mr. CRAMER, Ms. ESHOO, Mr. HOLT, Mr. RUPPERSBERGER, and Mr. TIERNEY):

H. Res. 173. A resolution expressing the sense of the House of Representatives that the Director of National Intelligence should establish and oversee the implementation of a uniform, multi-level security clearance system across the intelligence community to fully leverage the cultural and linguistic skills of subject matter experts and others proficient in foreign languages critical to national security; to the Committee on Intelligence (Permanent Select).

By Mr. MEEKS of New York (for himself, Mrs. JONES of Ohio, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCNULTY, Mr. SESSIONS, Mr. CONYERS, Mr. CROWLEY, Mr. JEFFERSON, Mr. ISSA, Mr. SANDERS, Ms. BORDALLO, and Ms. SOLIS):

H. Res. 174. A resolution congratulating the people of Malaysia and honoring Datuk Siti Norma Binti Yaacob regarding her recent appointment as the first female Chief Judge of Malaya, Malaysia; to the Committee on International Relations.

By Mr. NADLER (for himself, Mr. TOWNS, Mr. MCNULTY, Mrs. MCCARTHY, Mr. SERRANO, Mr. HINCHEY, Mr. CROWLEY, Mrs. MALONEY, Mr. WEINER, Mr. ACKERMAN, Mr. HIGGINS, Mrs. LOWEY, Mr. OWENS, Mr. MEEKS of New York, Mr. BOEHLERT, Mr. BISHOP of New York, Mr. ISRAEL, Mr. ENGEL, Mr. KUHL of New York, Mr. RANGEL, Ms. VELÁZQUEZ, Mr. KING of New York, Mr. FOSSELLA, Mr. MCHUGH, Mr. REYNOLDS, Mr. SWEENEY, Mr. WALSH, Mrs. KELLY, and Ms. SLAUGHTER):

H. Res. 175. A resolution recognizing the importance of establishing a national memorial at the World Trade Center site to commemorate and mourn the events of February 26, 1993, and September 11, 2001; to the Committee on Resources.

By Mr. RANGEL:

H. Res. 176. A resolution honoring Dick Brown: New York's greatest ambassador to Washington; to the Committee on Government Reform.

By Mr. RANGEL:

H. Res. 177. A resolution expressing the sense of the House of Representatives that Sugar Ray Robinson should be recognized for his athletic achievements and commitment to young people; to the Committee on Government Reform.

By Mr. RANGEL:

H. Res. 178. A resolution honoring the life of Betty Shabazz; to the Committee on Government Reform.

By Mr. RANGEL:

H. Res. 179. A resolution expressing the sense of the House of Representatives that A. Philip Randolph should be recognized for his lifelong leadership and work to end discrimination and secure equal employment and labor opportunities for all Americans; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WYNN (for himself, Mr. LEACH, Mr. TOWNS, Mr. CUMMINGS, Ms. KILPATRICK of Michigan, Mr. MCGOVERN, and Mr. FRANK of Massachusetts):

H. Res. 180. A resolution expressing the sense of the House of Representatives that a United Nations Emergency Peace Service capable of intervening in the early stages of a humanitarian crisis could save millions of lives, billions of dollars, and is in the interests of the United States; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. GORDON.
H.R. 20: Mr. SMITH of Texas.

H.R. 21: Mr. Tancredo, Mr. Brady of Texas, Ms. Waters, Ms. Velázquez, and Mr. Smith of Texas.

H.R. 22: Mr. McDermott.

H.R. 23: Mr. Hastings of Florida, Ms. Loretta Sanchez of California, Mr. Moran of Virginia, Ms. Millender-McDonald, Ms. Schakowsky, Mr. Pascrell, Mr. Berman, Mr. Ross, Mr. Neal of Massachusetts, Mr. Cummings, Mr. Lynch, Ms. Corrine Brown of Florida, Mr. McGovern, Mr. Carnahan, Mr. Rohrabacher, Mr. Payne, Mr. Wexler, Mr. Pallone, Mr. Weiner, Mr. Davis of Alabama, Mr. Cardoza, and Mr. Garrett of New Jersey.

H.R. 29: Mr. Moore of Kansas.

H.R. 34: Mr. Neugebauer, Ms. Foxx, Mr. Cooper, Mr. Ryan of Ohio, Mr. Conaway, Mr. Shuster, Mr. Rogers of Alabama, Mr. Udall of Colorado, Mr. Emanuel, and Mr. Smith of Washington.

H.R. 47: Mr. Boren.

H.R. 63: Mr. Rush, Mr. Frank of Massachusetts, Mr. Holden, Mr. Peterson of Minnesota, Mr. Jackson of Illinois, Mr. Davis of Illinois, and Mr. Crowley.

H.R. 68: Mr. Cardoza.

H.R. 98: Mr. Gerlach.

H.R. 131: Mr. Blumenauer, Mr. Grijalva, and Mr. McDermott.

H.R. 151: Mr. Weiner and Mr. Wexler.

H.R. 197: Mr. Filner.

H.R. 198: Mr. Gordon.

H.R. 215: Mr. Frank of Massachusetts.

H.R. 216: Mr. Lewis of Kentucky.

H.R. 225: Mr. Towns.

H.R. 239: Mrs. Drake and Mrs. Musgrave.

H.R. 282: Mr. Sessions, Mr. Carter, Mr. Simpson, Mr. Knollenberg, Mr. Cuellar, Mr. Gutierrez, and Mr. Scott of Georgia.

H.R. 297: Mr. Wu, Mr. Price of North Carolina, Mr. Tierney, Mr. Tom Davis of Virginia, Mr. Kennedy of Rhode Island, Ms. Berkley, and Ms. Lee.

H.R. 302: Mrs. Drake.

H.R. 303: Mr. Rangel and Mr. Ruppersberger.

H.R. 305: Mrs. Musgrave and Mr. Hobson.

H.R. 311: Mr. Boren.

H.R. 312: Mr. Gutierrez, Mr. Jenkins, and Mr. Ruppersberger.

H.R. 341: Mr. Moran of Kansas.

H.R. 356: Mr. Inglis of South Carolina, Mr. Sullivan, Mr. Jones of North Carolina, and Mr. Mollohan.

H.R. 359: Mr. Otter.

H.R. 366: Mr. Souder, Mr. Kuhl of New York, and Mr. Weller.

H.R. 373: Mr. Emanuel, Ms. McCollum of Minnesota, Ms. Kilpatrick of Michigan, Mr. Case, and Mr. Conyers.

H.R. 376: Mr. Rahall and Ms. Waters.

H.R. 400: Mr. Kolbe and Mr. Flake.

H.R. 407: Mrs. Drake.

H.R. 457: Mr. Marshall.

H.R. 458: Mr. Lewis of Kentucky and Mr. Pomeroy.

H.R. 475: Ms. Schakowsky.

H.R. 489: Mr. Matheson and Mr. Salazar.

H.R. 500: Ms. Harris.

H.R. 513: Mr. Lewis of Georgia.

H.R. 517: Mr. Udall of Colorado, Mr. Larsen of Washington, and Mr. Simpson.

H.R. 525: Mr. Gallegly and Mr. Beauprez.

H.R. 537: Mr. Bass.

H.R. 550: Mr. Butterfield, Mr. Dingell, and Mr. Berry.

H.R. 583: Mr. Whitfield, Mr. Pearce, Mr. Carnahan, and Mr. Bishop of New York.

H.R. 595: Mr. Sanders and Mr. Case.

H.R. 596 Mr. Fitzpatrick of Pennsylvania.

H.R. 606 Mr. Lewis of Georgia and Ms. Bordallo.

H.R. 627 Mrs. Johnson of Connecticut, Mr. Larson of Connecticut, and Mr. Simmons.

H.R. 653 Mr. Gonzalez and Mr. Brown of Ohio.

H.R. 658 Mr. Kuhl of New York.

H.R. 669 Mr. Price of North Carolina.

H.R. 670 Mr. Lewis of Georgia, Mr. Simmons, and Mr. Hyde.

H.R. 682 Mr. Sodrel.

H.R. 685 Mr. Weldon of Florida, Mr. Shaw, Mr. Lincoln Diaz-Balart of Florida, Mr. Istook, and Mr. Matheson.

H.R. 691 Mr. Ruppersberger.

H.R. 697 Mr. Platts, Mr. Ruppersberger, Mrs. Miller of Michigan, Mr. Moran of Virginia, Mr. Ryan of Ohio, Mr. Sherman, Mr. Meehan, and Ms. Herseth.

H.R. 698 Mr. Shadegg and Mr. Sessions.

H.R. 699 Mr. Goode and Mrs. Musgrave

H.R. 710 Mr. Kind and Mrs. Maloney.

H.R. 712 Mr. Feeney and Mr. Forbes.

H.R. 713 Mr. Wicker.

H.R. 719 Mr. Green of Wisconsin, Mr. Peterson of Minnesota, Mr. Boswell, Mr. Moore of Kansas, Mr. Shimkus, and Mr. Pickering.

H.R. 721 Mr. Conaway.

H.R. 747: Mr. Smith of Washington, Mr. Gene Green of Texas, Mrs. Napolitano, Mr. Cuellar, Mr. Grijalva, and Mr. Baca.

H.R. 752: Mr. Ruppersberger.

H.R. 765: Mr. Miller of Florida, Mrs. Musgrave, Mr. Baker, Mr. Hostettler, Mr. Boucher, and Mr. Terry.

H.R. 771: Mr. Paul.

H.R. 791: Ms. Schwartz of Pennsylvania.

H.R. 793: Mr. Cardin, Mr. Cummings, and Mr. LoBiondo.

H.R. 798: Mr. Smith of New Jersey, Mr. Walden of Oregon, Mrs. Emerson, and Mr. Berry.

H.R. 799: Ms. Schakowsky.

H.R. 800: Mr. Cox, Mr. Hostettler, Ms. Ginny Brown-Waite of Florida, Mr. Green of Wisconsin, Mr. Cole of Oklahoma, Mr. Tiberi, Mr. Shadegg, and Mr. Linder.

H.R. 809: Mr. Otter.

H.R. 817: Mr. Kennedy of Rhode Island and Mr. Tom Davis of Virginia.

H.R. 827: Mr. McDermott.

H.R. 838: Mr. Davis of Florida, Mr. Rangel, and Ms. Slaughter.

H.R. 845: Mrs. Musgrave.

H.R. 867: Mr. Moran of Kansas.

H.R. 869: Mr. McDermott and Mr. Waxman.

H.R. 871: Mr. Farr.

H.R. 881: Mr. Owens, Ms. Granger, Mr. Garrett of New Jersey, and Mr. Wamp.

H.R. 884: Mr. Walsh, Mr. Farr, Mrs. Johnson of Connecticut, Ms. Roybal-Allard, Mr. Shimkus, Mr. Kuhl of New York, and Mr. Grijalva.

H.R. 896: Mr. Engel.

H.R. 914: Mr. Souder.

H.R. 916: Mr. Hinchey, Mr. McIntyre, and Mr. Kildee.

H.R. 923: Mr. Meehan and Mrs. Drake.

H.R. 927: Mr. Regula.

H.R. 928: Mr. Gonzalez, Mr. Grijalva, and Ms. Watson.

H.R. 934: Mrs. McCarthy and Mr. Abercrombie.

H.R. 935: Ms. Loretta Sanchez of California, Mr. Frank of Massachusetts, Mr. Scott of Georgia, Ms. Lee, Mr. Burton of Indiana, Ms. Woolsey, Mr. Clay, and Ms. Zoe Lofgren of California.

H.R. 969: Mr. Becerra and Ms. Corrine Brown of Florida.

H.R. 972: Mr. Sanders, Ms. Eddie Bernice Johnson of Texas, Mr. Delahunt, Mr. Butterfield, and Ms. Slaughter.

H.R. 973: Mr. Baird.

H.R. 974: Mr. Baird.

H.R. 985: Mr. Fitzpatrick of Pennsylvania, Mr. Shaw, and Mr. Barrow.

H.R. 997: Mr. Radanovich and Mr. Davis of Kentucky.

H.R. 998: Mr. Lewis of Kentucky and Mr. Larson of Connecticut.

H.R. 1001: Mr. Reyes and Mr. Gonzalez.

H.R. 1049: Mr. Sam Johnson of Texas.

H.R. 1106: Mr. Frank of Massachusetts and Mr. Rangel.

H.R. 1107: Ms. McCollum of Minnesota and Mr. Rangel.

H.R. 1120: Mr. Sabo.

H.R. 1124: Mr. LaHood, Mr. Frank of Massachusetts, and Mr. Case.

H.R. 1125: Mrs. McCarthy.

H.R. 1130: Ms. Norton, Mr. Cummings, Mr. Abercrombie, Mr. Brown of Ohio, and Mr. Farr.

H.R. 1131: Mr. Langevin.

H.R. 1145: Mr. Shimkus, Mr. Ortiz, Mr. Gonzalez, and Mr. Miller of North Carolina.

H.R. 1147: Mr. Butterfield and Mr. Lantos.

H.R. 1158: Mr. Ehlers.

H.R. 1183: Mr. Tiberi.

H.R. 1185: Ms. Velázquez.

H.R. 1186: Mr. Tiberi.

H.R. 1194: Mr. Ross.

H.R. 1202: Mr. Levin.

H.R. 1214: Mr. McGovern, Mr. Hinchey, and Mr. Carnahan.

H.R. 1216: Mr. Murphy.

H.R. 1217: Mr. Capuano, Mr. Strickland, Mr. Walsh, and Mr. Bishop of New York.

H.R. 1219: Mr. Forbes, Mr. Gillmor, and Mr. Sessions.

H.R. 1237: Mr. McNulty, Mr. English of Pennsylvania, Mr. McGovern, Mr. Simmons, Mr. Brown of Ohio, and Mr. Butterfield.

H.R. 1245: Mr. Shays, Mr. Filner, Ms. Solis, Mr. Lincoln Diaz-Balart of Florida, Mr. Ryan of Ohio, Mr. Baird, and Mr. Grijalva.

H.R. 1246: Mr. Moore of Kansas, Mr. Case, Mr. Foley, Mr. Pallone, Mr. Gene Green of Texas, Mr. Edwards, Ms. Schakowsky, Mr. Davis of Florida, Mr. Marchant, Mr. Strickland, Mr. Hobson, Mr. Olver, Mr. Terry, and Mr. Kildee.

H.R. 1247: Mrs. Musgrave.

H.R. 1248: Mrs. Musgrave.

H.R. 1249: Mr. Costello, Mr. Meehan, Mr. Gordon, and Ms. Schakowsky.

H.R. 1259: Mr. Butterfield, Mrs. McCarthy, Mr. Scott of Virginia, Mr. McDermott, and Ms. Bordallo.

H.R. 1286: Mr. Garrett of New Jersey, Mr. Shimkus, and Mr. McHugh.

H.R. 1290: Mrs. Davis of California and Mr. Wexler.

H.R. 1293: Mr. Davis of Illinois.

H.R. 1295: Mr. Ford and Mr. Thompson of Mississippi.

H.R. 1299: Mrs. Cubin and Mr. Beauprez.

H.R. 1300: Mr. Brown of Ohio, Mr. Davis of Alabama, Mr. Kucinich, Mr. Sanders, Ms. Woolsey, Mr. McDermott, and Mr. Cummings.

H.R. 1306: Mr. Shaw, Mr. Souder, Mr. Boswell, and Mr. Sam Johnson of Texas.

H.R. 1309: Ms. Woolsey, Mr. McDermott, Mrs. Jones of Ohio, and Mr. Owens.

H.R. 1313: Mr. McHugh, Mr. McCotter, Mr. Alexander, Mr. Souder, Mrs. Davis of California, and Mr. Bilirakis.

H.R. 1322: Mr. Olver, Mr. McDermott, Mr. Sherman, Mr. George Miller of California, and Mr. Waxman.

H.R. 1335: Mr. Pascrell.

H.R. 1345: Mr. Chocola.

H.J. Res. 10: Mr. Cardoza.

H.J. Res. 23: Mr. Rehberg.

H.J. Res. 27: Mr. DeFazio.

H.J. Res. 37: Ms. Schwartz of Pennsylvania.

H. Con. Res. 43: Mr. SESSIONS.

H. Con. Res. 47: Mrs. DAVIS of California.

H. Con. Res. 50: Mr. MCCAUL of Texas.

H. Con. Res. 57: Mr. BUTTERFIELD and Mr. MEEK of Florida.

H. Con. Res. 69: Mrs. MUSGRAVE.

H. Con. Res. 74: Mr. GRIJALVA, Mr. OWENS, and Ms. MILLENDER-MCDONALD.

H. Con. Res. 76: Mrs. MUSGRAVE.

H. Con. Res. 83: Mr. SCOTT of Georgia and Mr. HOSTETTLER.

H. Con. Res. 87: Mr. KILDEE and Mr. WEXLER.

H. Con. Res. 91: Mr. BISHOP of New York, Mr. MCNULTY, Mr. ACKERMAN, Mr. WAXMAN, Mr. MOORE of Kansas, Ms. LINDA T. SÁNCHEZ of California, Mr. ROSS, Mr. SNYDER, Mr. BERRY, Mr. BOREN, Ms. SLAUGHTER, Mr. NADLER, Mr. SHERMAN, Mr. Crowley, Mrs. MCCARTHY, Mrs. LOWEY, Mr. SERRANO, Mr. OTTER, Mr. WEINER, Mr. MEEK of Florida, Mr. RYAN of Ohio, and Ms. WASSERMAN SCHULTZ.

H. Con Res. 96: Mr. EHLERS.

H. Con Res. 97: Mr. VAN HOLLEN.

H. Res. 27: Ms. LEE, Mr. KUCINICH, Mr. SHAW, Ms. KAPTUR, Mrs. JONES of Ohio, Mr. BLUMENAUER, Mr. OWENS, Ms. CARSON, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. MCNULTY, Ms. JACKSON-LEE of Texas, Ms. SLAUGHTER, Mr. PAYNE, and Mr. ENGEL.

H. Res. 30: Mr. ALEXANDER, Mr. BUTTERFIELD, Ms. CARSON, Mr. CUELLAR, Mr. GREEN of Wisconsin, Mrs. MCCARTHY, and Mr. MCDERMOTT.

H. Res. 67: Mr. RUPPERSBERGER, Ms. CORRINE BROWN of Florida, Mr. DAVIS of Illinois, Mr. FALEOMAVAEGA, Ms. HERSETH, Ms. KAPTUR, Mr. LANTOS, Mr. MORAN of Virginia, Ms. PELOSI, Mrs. CAPPS, and Mrs. MCCARTHY.

H. Res. 84: Mr. HOBSON.

H. Res. 85: Mr. GILCHREST.

H. Res. 127: Mr. COSTA and Mr. HINOJOSA.

H. Res. 131: Mr. FALEOMAVAEGA and Ms. MATSUI.

H. Res. 137: Mr. DAVIS of Tennessee, Mr. SALAZAR, Mr. NORWOOD, and Mr. FORTENBERRY.

H. Res. 146: Mr. SOUDER.

H. Res. 148: Mr. FITZPATRICK of Pennsylvania.

H. Res. 158: Mr. KIND, Mr. WAXMAN, and Mr. BOSWELL.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were detailed from public bills and resolutons as follows:

H.R. 65: Mr. WEXLER.

H.R. 415: Mr. FOLEY.

H.J. Res. 23: Mr. CLEAVER.

SENATE—*Thursday, March 17, 2005*

The Senate met at 9 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray. We look to You today, O God, maker of heaven and earth. Unless You lay the foundation of our plans, we labor in vain. Unless You guard our Nation, our efforts to find security are futile.

As Your servants in the Senate seek to do Your will today, make it clear to them the path they should follow. In the flowing of pressure, help them to hear the whisper of Your wisdom. Empower them to anticipate the forces that threaten the freedom of this good land. Plant in each of our hearts a reverential awe of You that will lead to life.

We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR THE FISCAL YEAR 2006

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. Con. Res. 18, which the clerk will report.

The legislative clerk read as follows:

> A concurrent resolution (S. Con. Res. 18) setting forth the congressional budget for the United States Government for the fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 and 2010.

Pending:

Bingaman (for Smith) Amendment No. 204, to create a reserve fund for the establishment of a Bipartisan Medicaid Commission to consider and recommend appropriate reforms to the Medicaid program, and to strike Medicaid cuts to protect states and vulnerable populations.

Carper Amendment No. 207, to provide for full consideration of tax cuts in the Senate under regular order.

Snowe Amendment No. 214, to ensure that any savings associated with legislation that provides the Secretary of Health and Human Services with the authority to participate in the negotiation of contracts with manufacturers of covered part D drugs to achieve the best possible prices for such drugs under part D of title XVIII of the Social Security Act, that requires the Secretary to negotiate contracts with manufacturers of such drugs for each fallback prescription drug plan, and that requires the Secretary to participate in the negotiation for a contract for any such drug upon request of a prescription drug plan or an MA-PD plan, is reserved for reducing expenditures under such part.

Harkin Amendment No. 172, to restore the Perkins Vocational Education program and provide for deficit reduction paid for through the elimination of the phase out of the personal exemption limitation and itemized deduction limitation for high-income taxpayers now scheduled to start in 2006.

Hutchison Amendment No. 218, to fully fund the level of Border Patrol Agents authorized by the National Intelligence Reform Act of 2004 and as recommended by the 9/11 Commission.

Landrieu Amendment No. 219, to establish a reserve fund in the event that legislation is passed to provide a 50 percent tax credit to employers that continue to pay the salaries of Guard and Reserve employees who have been called to active duty.

Salazar/Conrad Amendment No. 215, to provide additional funding for rural education, rural health access, and rural health outreach programs.

Conrad (for Dorgan) Amendment No. 210, to repeal the tax subsidy for certain domestic companies which move manufacturing operations and American jobs offshore.

Collins (for Lieberman/Collins) Amendment No. 220, to protect the American people from terrorist attacks by restoring $565 million in cuts to vital first-responder programs in the Department of Homeland Security, including the State Homeland Security Grant program, by providing $150 million for port security grants and by providing $140 million for 1,000 new border patrol agents.

Vitter Amendment No. 223, to express the sense of the Senate that Congress should provide dedicated funding for port security enhancements.

Vitter Amendment No. 224, to restore funding for Corps of Engineers environmental programs to fiscal year 2005 levels.

Allen Modified Amendment No. 197, to increase by $1,582,700,000 over fiscal years 2006 through 2010 funding for Transportation (budget function 400) with the amount of the increase intended to be allocated to the Vehicle Systems account of the National Aeronautics and Space Administration for subsonic and hypersonic aeronautics research.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will immediately resume consideration of the budget resolution. We have an order in place from last night which sets aside specific debate times in relation to several amendments this morning. There is no debate time remaining on the resolution beyond this time agreement. Senators, therefore, can expect a lengthy series of votes to begin sometime around 1:30 today. This vote-arama will necessitate continued cooperation from all Members. I cannot stress enough the importance of every Senator staying on the floor or very close by throughout the afternoon and into the evening. This is always a trying and challenging period because of the unusual nature of what happens over the course of the day. But beginning around 1:30, we will start a series of votes that will go on for a while.

I encourage my colleagues to work with the managers to use restraint in not offering amendments if they are purely message amendments and are not substantive. It is going to be a challenge to bring everything to closure over the course of today and early into this evening already, so please use restraint in terms of whether to offer amendments.

TERRI SCHIAVO

I know we want to get started, but I did want to bring to the attention of my colleagues an issue that we do have to act on before we leave. I do so on behalf of a number of my colleagues on both sides of the aisle who have come up and said: There is an important issue facing the country that we have not addressed in the past and that other systems of government and other branches of government have inadequately addressed, and, therefore, it is time for the U.S. Senate to speak.

It centers on the fact that if we don't act or if somebody does not act, a living person who has a level of consciousness, who is self-breathing, will be starved to death in the next 2 weeks—thus the action that is required to be done either later tonight or tomorrow in order to prevent that starvation to death by Terri Schiavo.

I first heard about the situation facing Terri Schiavo actually several years ago, but the immediacy of it has played out in the last several days because of this decision that has been made, not by her parents who want to keep her alive, not by her family who wants to keep her alive, but by her husband.

From a medical standpoint, I wanted to know a little bit more about the case itself, so I had the opportunity to review the initial tapes that were made, the physical examination on which the case was ultimately based, the fact that she was in a persistent vegetative state, and scores of neurologists had come forward and said that it

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

doesn't look like she is in a persistent vegetative state. It is a strange word, "vegetative state," that connotes all sorts of things to lay people. It is a medical term that means that she is not in a coma. Persistent vegetative state is a specific diagnosis that typically has to be made over a period of multiple examinations, usually multiple days, and some neurologists say should be made over several weeks. The facts of this case are that it was made by a single, or maybe two, but a single examination over a very short period of time. The professionals themselves who have viewed those tapes question that initial diagnosis.

The other questions arise: Does she have any hope of being rehabilitated? I talked personally to one of the neurologists who examined her, and he said, absolutely, she can greatly improve, substantially improve if she is given the appropriate rehabilitation. I asked myself, had she expressed her wishes about the end of her life? She had no written directive in terms of what would happen if such an event struck her. Did she have an advanced medical directive? The answer is no.

So we have come to the point where on this floor we are going to have to face the question of whether we believe that a conscious woman who is breathing on her own—and yes, she has a severe disability, similar to what cerebral palsy might be. She can't physically feed herself. She can't verbally express her desires at this juncture, but she has no legal direction.

The question is, Should we allow her to be starved to death? I mention that because it is an important case. It has to do with the culture of life. I believe this body is going to have to speak on this particular matter before we leave for recess.

I yield the floor.

AMENDMENT NO. 204

The PRESIDENT pro tempore. Under the previous order, there will be 60 minutes of debate equally divided in the usual form in relation to the Medicaid amendment No. 204 offered by the Senator from Oregon, Mr. SMITH. Who yields time?

The Senator from Oregon.

Mr. SMITH. Mr. President, on the Bingaman amendment, I would like to yield 4 minutes to Senator BAUCUS, 4 minutes to Senator CORZINE. I believe after that Senator STABENOW will take 4 minutes and Senator CLINTON for 4 minutes as well, and perhaps Senator ROCKEFELLER following if time remains.

The PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, I strongly support the Smith-Bingaman-Coleman amendment to strike the reconciliation instruction to the Finance Committee to cut Medicaid by $15 billion. Some say this amendment is not important because the budget is just a blueprint and the Finance Committee would never make these cuts. That is just not true. A vote for this budget is a vote for cuts, plain and simple. If the reconciliation instruction is to cut, the Finance Committee is under instruction to cut.

Once we pass this budget, the reconciliation instructions are binding. The Finance Committee would be bound to find the $15 billion in savings. Although it would be difficult for the committee to reach agreement on these cuts, the committee would make the cuts. The Finance Committee has never failed to comply with reconciliation instructions. I do not believe that it would start this year. Those who say it is just a blueprint, that is a smokescreen. It is not accurate.

The administration says we need to address waste and abuse in Medicaid. They say these cuts will end the abuse of intergovernmental transfers. I urge my colleagues to not be swayed by these allegations. The administration has been negotiating reform of intergovernmental transfers on a State-by-State basis for the past 2 years. They have already squeezed significant savings through this new policy, and there will not be much further savings if Congress goes down this road. How do I know this? Because Montana is one of the States that was required to revise its intergovernmental program to comply with new State rules last year.

Keep in mind that the change in policy has never been published. There has been no notice, no invited comments, no rulemaking—never; no State Medicaid director's letter, none.

So how much in savings remains in reform of intergovernmental transfers? The Congressional Budget Office says zero, no savings. So let's not fool ourselves into thinking we are really cutting fraud and abuse in Medicaid with these cuts. Rather, these cuts will hurt people. In fact, in Montana, the proposed cuts would mean a loss of health coverage for 2,800 seniors or more than 12,000 children.

These cuts are definitely shortsighted. If Congress simply starts cutting Medicaid without considering the overall effects, it would force people to seek care in emergency rooms, and even higher spending would result, or even more people could lose coverage altogether.

Some say these are small and represent only a 1-percent cut in the program's growth over 5 years. But the President's $45 billion net Medicaid cut over 10 years is more than the $39 billion Congress has allocated to CHIP coverage for millions of uninsured children during the 10-year lifetime of that program.

I applaud the leadership of Senators Bingaman, Smith, and Coleman. I urge my colleagues to join me in supporting this important amendment.

This is important. I strongly urge our colleagues to do what is right, to not make these cuts. It is going to directly affect people. Support the Smith amendment.

The PRESIDENT pro tempore. The Senator from New Jersey is recognized for 4 minutes.

Mr. CORZINE. Mr. President, I, too, rise to speak strongly and forcefully in support of the bipartisan amendment Senators SMITH and BINGAMAN have offered. The idea of cutting $15 billion in the Medicaid Program mandated under this resolution is a bad fundamental choice for our Nation. It is also a bad policy-setting device because it lets the budget process drive Medicaid reform. This amendment directs the creation of a Medicaid commission to investigate and consider possible improvements.

A thoughtful, reasoned approach to limiting the growth in the cost of the Medicaid Program, which is driven by enrollments and the high cost of health care. And while there may be fraud and abuse, the big issue is that we have a health care problem and how do we finance it. It is being ignored by using what I think is a shotgun approach as opposed to the thoughtful, reasoned approach of how Medicaid reform should be done. That is what this amendment does.

Last week, Senators WYDEN, MURRAY, JOHNSON, and I offered a successful amendment during the markup of the budget resolution. The sense of the Senate was agreed to unanimously by the Budget Committee. As a part of this resolution, it states that the Finance Committee shall not achieve any savings under reconciliation that would cap Federal Medicaid spending, shift Medicaid costs to the States or providers, or undermine the Federal guarantee of Medicaid health insurance.

If this amendment is not accepted—and it is not possible, in my view, to cut $15 billion from Medicaid without violating that agreement—what we are going to be doing is shifting $15 billion to the States; if not to the States, to the local governments; if not to the local governments, to the health care providers. It is going to be charity care. It is going to be paid for. We are making a clear choice of transferring the responsibility for all of this care to someone else, moving it off the Federal books on to State and local or even private providers. Maybe we are shifting it on to the streets of our cities and the homeless.

We are making another choice, too, which is unacceptable. The fact is, we are trying to force others to make a choice of whether we say hospice care is more important than mental illness treatment or more important than people having the ability to have hearing and other kinds of specialty treatments. We are taking away the options of how we treat health care and, by the way, preventative care. We are also making a choice which I find completely hard to understand. Why have we decided that this $15 billion we have mandated the Finance Committee to find, why are we saying this $15 billion is so much more important than the cumulative $204 billion or the tax cuts for those making over $1 million? Isn't this a society that believes in sharing the responsibility for all of us to have access to a better life? We live in a society which provides enormous opportunity for so many, and many of us have benefitted from it, and we are making a clear choice that it is more important that this $15 billion be cut than $204 billion that is accumulating for tax cuts to the very wealthy. I do not think these are the choices the American people would make if they had those choices laid before them.

I don't understand. We are saying the most vulnerable should be dealt with without rational and reasoned expectations of where those cuts are going to come, and we are making all kinds of choices that are embedded in these kinds of issues. I believe the idea of a commission to stand back and find that reasoned and informed judgment is important.

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. GREGG. Will the Senator yield for a question, and I will give him a minute to answer it?

Mr. CORZINE. Certainly.

Mr. GREGG. Does this amendment raise taxes to pay for the $15 billion that would be called for to put in this budget, or does it increase the deficit with more spending?

Mr. CORZINE. The Senator from New Hampshire knows very well that what we are discussing is whether you extend tax cuts for those who earn over a million dollars. It is a debate we can have about language, about extension or raising, but at least this Senator would argue that it is more important to make sure that we have a health insurance program for everyone in this society rather than tax cuts for millionaires. These cuts will force states to raise taxes in order to raise the funds that will be necessary to maintain health care under Medicaid.

Mr. GREGG. To reclaim the time, the Senator did not answer the question. Maybe he is not familiar with the answer, but the answer is that this amendment increases the deficit by $15 billion.

The PRESIDENT pro tempore. The Senator's time has expired.

Four minutes is yielded to Senator STABENOW.

Ms. STABENOW. I thank the Chair.

First I say to our esteemed colleague who chairs the Budget Committee, I think, as I have said before, he has done an excellent job on the committee and the floor in allowing important discussions and input. We all know this is about choices and priorities. We last year passed the tax loophole closings, as they have been called, some $23 billion in a business tax bill, a tax bill that I supported that did not end up becoming law. We have already joined saying there are dollars we believe would better be spent in other ways, in fairness from a tax standpoint that tax loopholes should be closed, and those equal more than what we are talking about here in terms of health care for our most vulnerable citizens.

We also, as my colleague from New Jersey has said, have choices in this country about where everyone will contribute to the quality of life, what it means to be an American, to the strength of America, to what we are proud of and our best values, or whether only some people will do that. This is a debate about values and choices. That is what a budget resolution is. It is a picture of who we are. It is a picture of our values. I can't think of anything that is worse in this budget resolution than the picture that says for the most vulnerable children, the poorest children, or poorest seniors in the country, we are going to take away health care for them. That doesn't fit with what I know about my faith and beliefs about helping the least of these. It does not reflect what the people of Michigan believe about what is important in supporting each other in community and caring about each other.

In a way it balances priorities. Obviously, we want dollars that are spent efficiently and effectively, and we want to give the States flexibility. In my home State, I am very proud of what they have been able to do in bulk purchasing for prescription drugs under Medicaid and working with other States and saving dollars, and we certainly know we want flexibility for them under Medicaid. But we also know that Medicaid is the single greatest provider of health insurance, covering over 21 million children, our future; 800,000 children in Michigan, our future. How many times do we say children are our future?

Well, this budget does not reflect that. It does not reflect that as it relates to funding their future skills and technology and education, and it certainly doesn't reflect their future if you are a poor child whose parents do not have health care.

Let me speak about a couple of people in Michigan. Betty Counts, who lives in Detroit with her daughter Yvette, who has mental and physical handicaps, is quoted in the Detroit News as saying, "It's getting more frustrating trying to get the services I need and the help my daughter needs." And the budget cuts will certainly make things worse for her.

Ask Jimia Williams how much Medicaid means to her. She lives in Flint and has a 19-month-old son who has seizures and asthma. She works 35 to 40 hours a week—and most of the people we are talking about are people who are working; 80 percent of the uninsured are working 1 job, 2 jobs, 3 jobs that do not provide health insurance—but her only source of health insurance right now is Medicaid. Medicaid pays for her young son to see a neurologist and get treatments for his seizures and his asthma, and it also pays for his medication, inhalers for both of them. She said, "Without Medicaid I would not be able to pay for my son's medical needs."

I could go on to so many different situations, but the bottom line of this vote is about our values and our choices.

The PRESIDENT pro tempore. The Senator's time has expired.

Ms. STABENOW. This amendment reflects what is best about America. I urge its adoption.

The PRESIDENT pro tempore. Who yields time?

The Senator from New York is recognized for 4 minutes.

Mrs. CLINTON. Mr. President, I, too, come to the floor in support of the Smith-Bingaman amendment, and I thank our colleagues for bringing this amendment forward. What it does is very simply and very profoundly say, wait a minute, let's not cut Medicaid right now. Let's take the $15 billion in cuts that are in this budget resolution and restore them. But that is not the end of it. Let's also put together a bipartisan commission so that we can take a hard look at Medicaid and try to figure out how to improve service delivery and quality and do more to make it cost effective.

I am very proud to cosponsor this amendment because I believe this is the right way to go. I believe wholeheartedly that we should be on a much faster track to return to fiscal discipline and to reduce the unprecedented deficits we are running. But I do not believe slashing Medicaid funding is the answer to getting our fiscal house in order, and it is regrettable that we would have in this same budget room for millions and millions of dollars more in tax cuts while we attempt to balance our budget on the backs of our most vulnerable citizens.

I can look at the growth in Medicaid and certainly see the same strategy that everyone else has. In part it is part of the sluggish economy, the loss of health insurance benefits for so many people who do still have jobs. I know in my own State the Medicaid Program grew between 2000 and 2004. In fact, in the last 4 years in America, we have seen 35 million more Americans receive their health insurance through Medicaid. We now have 45 million uninsured Americans. I think that number would be above 50 million if we did not have Medicaid as a health care safety net.

This budget resolution hits New York especially hard, cutting our Medicaid funding by almost $2 billion. Let me just tell you what that means. We provide insurance to 4.1 million New Yorkers through Medicaid. That includes 1.7 million children, 1.4 million adults, and 1 million elderly and disabled beneficiaries. These are people who are the frail elderly in nursing homes. These are the children of those who are working but do not have health insurance. These are people living with chronic diseases. For these people, Medicaid truly is their last resort. They have nowhere else to turn.

As some of you know, I just spent 5 days in the hospital in New York City with my husband, and we are very fortunate we can go to one of the finest hospitals in the world to get the care that is necessary, but I know very well that that hospital has two-thirds of its income coming in Medicare and Medicaid. It is in an area in New York City where there are a lot of poor people, people who get up every day and go to work. They get on the subways, the trains, they get to work, they work hard, but they do not have health insurance. Medicaid enables them to go to that hospital just like my husband can go to that hospital.

We need Medicaid reform. That is what Senators SMITH and BINGAMAN are proposing. Let us do the right diagnosis about what is wrong with Medicaid. Let us do what we need to do to get it on a better footing, but let me add that the costs in Medicaid have gone up more than the cost of private insurance. This is not just a problem in Medicaid, this is a problem in the health care system, and we are going to make our problem worse if we do this cutting of Medicaid without this type of bipartisan amendment.

If we tried to cut in New York, for example, we would have to make some horrible choices. Should we cut out children? Should we eliminate 100,000 beneficiaries, most of whom are in nursing homes?

The PRESIDING OFFICER (Mr. SUNUNU). The Senator's time has expired.

Mrs. CLINTON. I urge adoption of this very important and necessary amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BINGAMAN. Mr. President, let me once again do what I did last evening, and that is commend Senator SMITH for his leadership on this important issue. This is a very important test of what our priorities are and also whether we are essentially going to try to take advantage of those we think are less organized to resist.

There are a lot of ways we can save money in health care costs that the Federal Government underwrites. In fact, I have an amendment I am going to be offering later on today where I will propose some significant cuts, substantially more than we are talking about here, that can be saved in Medicare because I believe we should look at health care as an area where we need to constrain the growth in costs. But the problem is this budget does not do anything about Medicare. This budget particularly does not do anything about the enormous growth in the cost of Medicare as a result of last year's prescription drug bill. There are a lot of provisions in that bill which clearly overfund health maintenance organizations, HMOs, provide a slush fund to be used by the Secretary of Health and Human Resources. There is an enormous amount of money sloshing around in that legislation, but there is no effort in the budget to get at any of that. Instead, we have said, let's go after $15 billion of cuts in the areas that affect these less organized lobbies, these less organized groups, these groups that are not going to speak up so strongly and resist the cuts.

That is why Senator SMITH's initiative is so important. That is why it is so important that we have a national commission to give us recommendations as to how we can intelligently save money in health care costs in future years.

There are ways that we can better coordinate health care delivery under Medicare and health care delivery under Medicaid. Forty-two percent of the cost of Medicaid is spent on people who are covered by Medicare. Now, we need to do a better job of coordinating those programs, and there are opportunities for saving money. Of course, none of that has been studied, and none of that has been given to us in the way of recommendations. All we are presented with in this budget is a recommendation that we cut $15 billion and somehow or another essentially shift that cost to the States.

I know there is some discussion up and down the halls that maybe Secretary Leavitt has made some arrangement with the Governors and they are agreeable to this $15 billion cut. I have spoken with our Governor, Governor Richardson of New Mexico, who is head of the western Democratic Governors—maybe all the Governors; I am not exactly sure of the title he holds these days. He is a leader on this issue, and he has assured me there is no deal and that these cuts that are proposed in this budget will adversely affect us in New Mexico.

We are struggling to continue the services we have traditionally provided under Medicaid. We are struggling to deal with the fact that more and more people are insisting on services in Medicaid because they are losing their private health insurance. That is why the cost of Medicaid overall has been going up, because more and more people are dependent on Medicaid.

This is an important amendment. Senator SMITH deserves the support of all of our colleagues on this amendment. I urge all our colleagues to support it. I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SMITH. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Oregon has 8 minutes remaining.

Mr. SMITH. Mr. President, a vote for this amendment to defer these cuts to this commission and a reform effort that is bipartisan is not about being against reducing the deficit. It is, in fact, a way to achieve reductions, if that is what it comes to, in a way that takes care of the most vulnerable people in our society.

We are talking about 52 million Americans. Of these, we are talking about the elderly who are in nursing homes. Of these, we are talking about the chronically ill people without income who suffer from cancer or HIV. We are talking about the children of the working uninsured. We are talking about people who have no other recourse except, if they lose their health care, to go to the emergency rooms of our community hospitals. When they go there without the ability to pay, they are served, but we are all then later served the passing on of these costs in the form of higher prices to private plans and businesses—small businesses especially—that struggle mightily to continue providing health care.

Right now every year 3 percent—and it grows by that number—lose their insurance from their businesses because of the escalating costs largely driven by the inefficient distribution of health care.

It is very important for my colleagues to understand that this is not a vote against a budget of fiscal responsibility. This is a way to proceed toward fiscal responsibility in a way that is thoughtful. It is really important, when we talk about a population that is vulnerable—those covered by Medicaid—that we do this carefully, that we do it thoughtfully, that we do it right instead of just doing it fast.

The truth is, when you put this kind of cut, $15 billion, under reconciliation, that means it will be cut. Reconciliation is a Damocles sword that hangs over this place and has the ability to disrupt the regular process, taking it from a committee and right to the floor without the participation that, frankly, we have the privilege to provide but the duty not to shirk.

It is my belief that this proposal of a commission, made up of 23 members—Governors, Senators, Congressmen, providers, advocates, local officials—a bipartisan commission that can deal with the necessary reforms that must come to Medicaid can do them in a way that works for the population that has to be served and to disqualify those who game the system or abuse the system.

I readily acknowledge there is much in Medicaid that is broken. The truth is, we have not had a Medicaid commission since Medicaid's creation in 1965, and now we propose to let the budget drive the policy when we ought to be letting the policy drive the budget.

Given that we are going to do this and need to do it to modernize Medicaid, given the vulnerability of the population served, given the chance to do this right instead of just doing it fast, to let the policy drive the budget instead of the budget driving the policy with this vulnerable population, I plead with my colleagues to stand up to their duty and make sure that Congress is not circumvented, to defend the 52 million people in America who are counting on us to do it right, and not just to do it fast.

If we pass this, the reductions will come, but the reforms and the flexibility necessary at the State level to accommodate that will not be done in a more thoughtful and bipartisan way.

I see no others of my colleagues seeking recognition, so I simply close by asking Republicans and Democrats to be careful with this issue. Of all the choices we make around here on issues affecting the American people, this one calls for the most care, the most caution, the most thought, and the greatest degree of sensitivity because it involves the blind, the lame, the poor, the needy, those who have no recourse if we pull away this central strand in the safety net of America's social promise.

Ms. STABENOW. Mr. President, will my friend from Oregon yield for a moment?

Mr. SMITH. I will be happy to yield.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise to thank the Senator from Oregon for his leadership. He and the Senator from New Mexico, Mr. BINGAMAN, have led an effort I am proud to cosponsor. His eloquence is meaningful. This is an opportunity for us to work in a bipartisan way, to lay out a process to achieve what we all want in terms of efficiencies, but to do it in a way that is thoughtful, caring, and appropriate, and to allow us to make the best decisions without hurting the most vulnerable people in this country.

I thank the Senator for his leadership.

Mr. SMITH. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. SMITH. Mr. President, I thank the Senator from Michigan for her kind words. I also say to my friend, the chairman of the Budget Committee, Senator GREGG is a terrific fellow, one of the best people I know in this place. He has a tough job. I know I have made it more difficult. I, at a personal level, apologize to him for that, but I want him to know—I want all my colleagues to know—how personally and passionately I feel about this as someone who helped to create the Oregon health plan, to find ways to serve more with preventive medicine, in ways that stretch the dollar and serve more people who have no other recourse. I take that responsibility very seriously.

I am trying to reflect that with the best of motives, with an equal commitment to finding a budget that will represent our values and our views that includes all the Members; that does, perhaps for a few days, delay some of the cuts that would fall, but if these cuts fall badly, we will hurt the most vulnerable people.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SMITH. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I had the great good fortune when I went to college to be taught by one of the historically strongest history professors in our Nation, a man named David Truman. He went on to be president of Mount Holyoke. He wrote probably the definitive treatise on American Government. One chapter in that treatise was dedicated to committees and commissions. He said that the commission is the place where you send issues when you do not want to have to deal with them, when you want to ignore them, when you want to obfuscate the issue, and when you want to basically kick the can down the road.

He was a brilliant professor and usually right, and in this case obviously totally correct.

This amendment, if it is adopted, will guarantee that the issue of Medicaid is not addressed. That is a guarantee in this decade. It does not kick the can down the road, it kicks the can down the road a decade because we will not do reconciliation again for a long time, I suspect. Next year is an election year, and Congresses are not inclined to make tough choices in election years. It has been 10 years since we did the last reconciliation bill, so it is unlikely reconciliation will occur again. And we are not going to pass in this Congress a bill which reforms a significant program on the entitlement side without using reconciliation because the courage simply is not here.

So let's talk about why it is absolutely critical that this year we address the Medicaid issue and why it is not going to impact any children and why all this "wearing your heart on the sleeve" language we heard around here is a large amount of puffery.

We had some very disturbing testimony—and I believe that is the term used by the Senator from North Dakota, and it is accurate—from the Comptroller of the Currency as we talked about the liabilities already on the books that our children are going to have to pay because our generation put them on the books. They add up now to $44 trillion. That is "trillion" dollars. Mr. President, $44 trillion of liabilities is already on the books.

This chart shows that, $44 trillion. To try to put that in perspective because a trillion dollars is something nobody can understand. If you take all the taxes paid in America since the Revolution, it adds up to $38 trillion. So we have on the books more liabilities today than taxes paid in this country in the history of this country.

In fact, if you take the entire net worth of the United States today, and every American adds up all their net worth—all their houses, all their cars, all their jewelry, whatever they have, stocks, bonds, assets, real estate, it comes to $47 trillion. So we have on the books almost as much obligation as we have net worth.

The practical effect of that is that we are overwhelming the next generation with obligations which they will have to pay. Our children and our grandchildren are going to have to pay the taxes to support that $44 trillion worth of obligations we put on the books. So it is important that we look at from where those obligations come.

They come primarily from what is known as entitlement accounts, specifically three major accounts: Social Security, Medicare, and Medicaid. In fact, the vast majority of them do not come from Social Security, they come from Medicare and Medicaid. Health care represents $27 trillion of that $44 trillion of costs that are on the books that our children are going to have to pay because we have already committed them to do that to support the baby boom generation when it retires.

It is entitlements that are the issue. My colleagues have come forward and said: But we do not have to deal with Social Security, even though the President has been willing to discuss it. We do not have to deal with it. no: stiff arm Social Security. OK, that is off the table.

The President says he just amended the Medicare law, so he does not want to move on Medicare this year. OK, that is off the table.

That leaves one issue, one major program that should be looked at this year at least, and that, of course, is Medicaid.

The other side of the aisle and three speakers this morning have already said you can just address this problem by raising taxes. I note—it does not appear to be anybody has focused on this at all—but the amendment before us does not raise taxes, it raises the deficit. We heard all of yesterday, the day before, and the day before that how the other side of the aisle did not want to raise the deficit; they wanted to be the party that was opposed to deficit spending. Today they come forward and the vast majority of the people sponsoring and supporting the program, the bill before us, which dramatically raises the deficit by $14 billion in the 5-year period, something like $60 billion in the 10-year period.

But even if you accept the fact that they want to raise taxes to pay for it, the issue is, Could you solve this problem, this outyear liability that is caused by all these entitlement accounts, Medicare, Medicaid, and Social Security, by raising taxes?

You cannot do it. This chart shows it so clearly. The cost of Medicare, Medicaid, and Social Security is the red line here. The blue line is the historical amount that the Federal Government spends, 20 percent of GDP. That is what we have historically spent, since World War II, essentially. You can see that the red line crosses the blue line in about the year 2029, 2028, in that period. These three programs—Social Security, Medicare, and Medicaid—will actually cost the Federal Government more than 20 percent of the gross national product.

What does that mean in practical terms? It means you wouldn't be able to spend any money on education, any money on roads, any money on national defense, because the entire Federal Government would be absorbed by paying for these three programs. Or, alternatively, you could take the approach the other side wants to take, which is raise taxes.

If you did that, you would have to double the tax rate on Americans in order to pay for this program. Working Americans, young Americans, these pages who are here today and are going to get a job, would find their ability to have a decent lifestyle would be dramatically reduced because they would have to pay twice as much in taxes as our generation has paid in order to support these Federal programs which are already on the books.

You cannot tax your way out of this. I don't care if you confiscate all the income of the two top brackets, you cannot get this system under control through taxes. You have to address the other side of the ledger, which is spending responsibly on these programs. That is what this bill tries to do. That is what the budget tries to do.

In a most minor way, a minuscule way, almost, we suggest in this budget we want to save $15 billion in the rate of growth—not cuts—in the rate of growth of Medicaid over the next 5 years; $15 billion. You say $15 billion is a lot of money. It is a lot of money, but you have to put it in context. Over the next 5 years, the Medicaid system is going to spend $1.12 trillion—that is trillion with a "t"—and $15 billion on that amount is 1 percent, essentially. What we are actually trying to save in this bill is $14 billion.

This chart shows it. Medicaid spending will go up dramatically. It will go up by 39 percent. It will not go up by 41 percent. That is what it would do. It would go up by 41 percent if this bill doesn't go into place, but if this bill goes into place, it will go up by 39 percent. A 39-percent rate of growth in this program is what we are planning.

We have heard people come down here, especially the Senator from Oregon, and say if this language passes, lives will be lost. I think he said that. Children will be lost. That is absurd, misleading, inaccurate, and a total gross exaggeration. I wish the Senator had been a Governor because he would know that the Medicaid system today does not benefit children as much as he thinks it does. There is a large chunk of the Medicaid system today which is being gamed out of the system by States and being used in the general operations by the States to build roads, to put police officers on the road—a large chunk of it. That could be saved.

There is a large chunk of the Medicaid system today which is going to pharmaceuticals to pay dramatically more than what we pay under any other program for pharmaceutical products. That could be saved.

There is a large chunk of the Medicaid system today which is going to people who are gaming the system by what is known as spending down. That is when you, in a rather fraudulent way, get rid of your assets—give them to your kids or give them to somebody else in your family so that you can then come to the Government and say, Support me in a nursing home. So all the other Americans in this country who are playing by the rules end up supporting people who are breaking the rules and who are gaming the system through spending down. Huge amounts of dollars are pouring out of the system under those accounts.

A lot of money is being lost in this system simply because it is inefficiently run, because the Governors do not have the flexibility they need in order to get more service because they know how to deliver it, but instead they are hamstrung by all sorts of rules and regulations which make no sense to them and which undermine their capacity to deliver the service efficiently.

The President and innumerable Governors, responsible Governors in this country, have come forward and said you give more flexibility to the Governors and they can take a little less rate of increase in spending and deliver much more service to many more kids. So this concept that you cannot get to this 1-percent savings, that you cannot live on a 39-percent rate of growth in Medicaid without having children lose their lives and be not able to go to the emergency room for care, is scare tactics. Not only that, it is not right. Because if you cannot step up—especially as a Republican who supposedly is committed to fiscal responsibility, because that is what our party is supposed to be committed to—and say that you can deliver better service with more flexibility, then you are probably not a very good Governor. I doubt there are any Republican Governors, at least, and I suspect there are not a lot of Democratic Governors who don't believe they can do more with a lot more flexibility.

The President has listed seven or eight—actually, Governor Leavitt has—seven or eight different proposals, none of which impact services one iota and, in fact, some of which would significantly expand services to children, which could be accomplished if we reform the program and would slow the rate of growth in this program along the lines projected here.

So it is unconscionable that people would claim a $14 billion reduction in the rate of growth when you are having a $1.1 trillion expenditure, a reduction which represents 1 percent over 5 years, could not be accomplished in the context of a program where there are obviously so many problems which need to be addressed and which could deliver more efficient and more effective service.

It gets back to this point, of course. If we do not do this now, we are not going to do it. This is not an amendment to set up a commission, the purpose of which is to resolve the problem. This is an amendment to set up a commission to make sure the problem is never resolved. It is irresponsible because of that.

I do think it is important to note how this budget has been structured. A lot of people say this Federal budget is pretty meaningless and it is sort of a process we go through here. Of course, 2 out of the last 4 years we didn't even have one. To some degree they are correct, I regret to say.

We have in this budget three basic elements: discretionary spending, entitlement spending, and the other is taxes. On the discretionary side we set a discretionary cap. We have already seen 24 amendments or so offered on the floor that will affect that cap—in other words, Members not willing to accept the spending levels of this budget. They have to put money into this program or that program. We have another hundred or so amendments also pending which do exactly the same. So the willingness to discipline the discretionary side of the ledger is, to say the least, tepid. One would suspect there are going to be a lot of games played with that cap even if it gets into place before we get to the appropriations process. But it does, hopefully, limit the rate of growth and it does have some impact. But regrettably I have to admit it is at the margin.

Then there is a tax side. Most of the taxes, in this budget at least, are taxes which most people are going to vote for. That point was made yesterday—whether there are reconciliation instructions, most of these tax cuts are going to be extended. They are very popular: R&D, spousal stuff, tuition tax stuff.

No, the essence of this budget is whether we are going to address the fastest growing function of the Federal Government, the function of the Federal Government which is going to bankrupt our children and give them much less of a quality of life than we have had; whether our generation, the baby boom generation, which is now the generation that governs, is going to be willing to stand up and admit that we put too much on the books for our children to bear. That is the essence of this amendment. This amendment knocks out the only significant effort—well, there is one other dealing with the PBGC—the only significant effort to bring under control the rate of growth in the Federal Government in the outyears; the major piece of fiscal discipline.

In the short term you can argue the discretionary caps may help. But in the long term, which is where our big problem is and where we all acknowledge it to be, the only thing that is going to address that is if we reconcile the Medicaid number. If we do not do it this year, it is not going to be done. That is why I find this amendment to be so pernicious, because it is put forward as if the people who support it are for fiscal discipline when in fact its practical implication is to gut the only thing in this budget which actually will generate fiscal discipline. And it is being done by Republicans. You have to ask yourself how they get up in the morning and look in the mirror.

In any event, that is where we stand. I am not going to deny that this isn't a crucial vote. This is a crucial vote. If the Medicaid language is passed, if it is knocked out of the bill, I think I put in context the effect it has on this budget. More important, I hope I have put in context the effect it is going to have on our kids and our grandkids, because we will have said that in none of the three areas where the explosive growth is occurring—in none of these three areas where we are headed to this disaster, where our children are not going to be able to afford the costs that we have stuck them with—that in none of these three areas is this Congress willing to act. That would be more than an unfortunate event.

I reserve the remainder of my time.

Do I have any time?

The PRESIDING OFFICER. The Senator has 10 minutes 45 seconds.

Mr. GREGG. Mr. President, I reserve that time and yield the floor. I yield the remainder of the time on my side to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I thank Senator GREGG for the leadership he provided at the Budget Committee. This is never an easy job. I worked with Senator PETE DOMENICI when he was chairman, and we had this vote-arama and critical votes year after year. We got it done every year except for 2 out of the last 3 years. We need this blueprint in place so we can go forward, so we can have some modicum of controlling ourselves, controlling spending.

I don't like everything in this resolution, particularly. I think right now the aggregate of money for a State is too much; the aggregate amount of money for Treasury and IRS is too much. I would like to have more in agriculture, education, transportation. But if each one of us picks our issue where, "Oh, no, we can't have any restraint here," we will never have any.

I enjoy listening to my colleagues on both sides of the aisle get up and give these great speeches about how we have a problem with the deficit, we have to have restraint, and then when it comes time to have restraint, to do things to help the economy grow, or control spending in any area, we all say: No, not my area.

We have to do it across the board. We know that the problem in the Federal Government is not on the discretionary side. It is not how much we are going to be spending on highways or education. The growth there has been relatively restrained. That is true in most of these categories. The problem is in the mandatory area. Frankly, I have never liked mandatory areas. What does mandatory mean, you get it no matter what? Then a Governor or legislature can keep adding people, keep adding people, perhaps for good reason, perhaps political reasons.

All of a sudden, you have a program that grows like topsy-turvy, totally out of control. It is going to bust State budgets. It already has. It will have a huge impact on the Federal budget.

These mandatory programs are going to cause situations where we cannot continue to afford to spend what we are spending in the future, what we committed to on Social Security, Medicare, and Medicaid.

Do I think this is a great program? Yes. I personally know what they mean. I have benefited from them. I have seen what they don't do. When my father was killed in an automobile accident after 30 years of paying into Social Security, because of the marital situation and my age, our family got nothing out of it.

I would like to have some sort of system where people pay and they have an opportunity for their families to benefit, if they so choose.

Medicare—I know what it means to people who are aged and have health problems. I think what we did on the prescription drug issue was a huge mistake. We didn't have real reforms. In fact, we put more burdens on Medicare, and we are not going to be able to afford what we have gotten into on Medicare. But Medicaid is the subject for discussion. My State has wrestled with this. Over the past few years, we kept adding people and programs to it until it was not a problem for a while, but for the last 2 years it is absolutely totally out of control, and my poor State of Mississippi, there is a $270 million hole. The Governor and legislature fought about it, cussed about it, struggled with it. Finally, last Sunday night at midnight they came up with an agreement.

What was the agreement? They couldn't figure out any way to pay for it or to cut it, and they borrowed the money from the tobacco trust fund, and said: Don't worry, we will pay it back later. Excuse me? I don't think that is a very good or permanent solution. The States need help. We need to be thoughtful in how we reform Medicaid to make sure those we are committed to giving help really do get it, and that it is done in a controllable, reasonable way.

The Federal Government is part of the problem. We have to match the funds.

The President made a very small recommendation of some savings in the Medicaid area. Then the Senator from New Hampshire took that, and actually he took some of the savings and added some of it back in areas where it was badly needed, for a net savings of only $14 billion in this resolution over 5 years. If we cannot support that, we might as well fold our tent.

Let me say to my colleagues here, too, that we are going to have to do this. We are going to have to do it now and later.

When we come back out of conference, we are going to have serious reforms, or a way to get to reforms and some savings in the Medicaid area because we cannot continue down this road.

I am sorry. I am embarrassed to say that Democrats seem to not want to have any kind of restraint, and, unfortunately, some of my Republicans colleagues, too.

This is an important vote. It is not the only important vote. It is not one that will destroy the whole process, but it is going to tell a whole lot about who we are.

I don't see how anybody who votes for this amendment to knock out this little, tiny savings can ever raise their voice again and say they are worried about deficits and Federal Government spending to go on too long. I realize I am talking in very broad terms and not going into any specificity.

This is an important vote. I plead with my colleagues, show some restraint. We have shown so little restraint for several years. We have all been a part of that. But now we are paying the price. We have these deficits which we have to cut. It is estimated this resolution would cut the deficit about half over the next 5 years. I believe that is right. It is probably not enough. We probably should do more.

The red line and the red ink on the chart in these entitlement programs is going to swamp us. Some people say we can do that later. Can we do it better later? No. Every year we wait, it gets worse. It makes the reforms and the necessary savings more difficult and larger.

I just wanted to urge my colleagues to support the Budget Committee's action and support this resolution. Don't vote to take out the tiny savings in Medicaid that is included here. The States have to be doing some of that. They show a lot more restraint and leadership than we do on them. They have one thing that is different: they have to have balanced their budgets every year. It is in their constitutions. My poor State does. Maybe someday we will still have to come back to that at the Federal level.

I thank Senator GREGG for his leadership, and I thank him for yielding.

Mr. GREGG. I appreciate the appropriate comments of the Senator from Mississippi.

Mr. JOHNSON. Mr. President, I rise today to discuss devastating cuts to Medicaid included the fiscal year 2006 budget we are now debating. Medicaid has been the most successful health care safety net program our nation has ever established, protecting low-income children, the elderly and the disabled from being uninsured. Fifty-two million people count on this program and without it, these individuals would be forced to seek out care in our emergency rooms, and would likely mean that many low-income seniors in nursing homes would not have appropriate care in older age.

As you know, the budget before us includes $14 billion in cuts to the Medicaid program over the next 5 years. This is a startling number and represents the single largest cut to any program in this budget. Fourteen billion in cuts is almost as large as the entire State Health Insurance Program or SCHIP budget for the next 3 years, and equal to Federal Medicaid spending in six mid-sized States or 18 small States. If we allow this reconciliation instruction to move forward, it will have very harmful effects for those most in need all across America. These reductions will force states to cut services as well as cut access entirely for certain populations.

In my home State of South Dakota, it is estimated that these Medicaid cuts could cause a loss of coverage for 800 elderly people. These are largely individuals with severe chronic illnesses that require nursing home care. It will also cut coverage for 4.000 children in South Dakota by the end of 2010; children who would have otherwise been covered under the program if the Federal dollars would continue. These are the most vulnerable citizens in my State whose families have likely sold the farm and exhausted all of their resources just to pay for health care. They are the sickest and the poorest, and this budget tells them that we do not care.

Beyond the devastating effect on those most in need, the budget cuts will inappropriately shift the entire burden of care to cash-strapped States that are already struggling with growing health care costs and will not be able to afford these additional burdens. More than half of all States will see their Federal matching rates decline in 2006 and they will also be required to start making payments back to the Federal Government to finance the new Medicare drug coverage for dual eligibles or those people eligible for both Medicare and Medicaid. Additional Medicaid burdens are of great concern to me and the majority of Governors have also expressed their opposition to the current Medicaid budget.

These budget cuts not only mean that many South Dakotans will lose State coverage, but it also means that the State will have to cut services for those who are lucky enough not to be dropped from the Medicaid program. Cuts in services may mean that people on Medicaid will no longer be able to obtain health services such as breast cancer treatment, rehabilitative care or prescription drugs. The impact of these cuts in care will not just go away because Medicaid stops paying for treatment. Hospitals, health centers and other providers will wind up treating those patients in our emergency rooms and as charity care patients, absorbing those costs. Also, individuals who lose coverage will not have access to preventive care and will likely delay treatment until hospital care is needed. This increases the costs to the system, since a trip to the hospital is going to be much more expensive than if they would have had coverage to go to the doctor or get a prescription drug before getting sick.

Costs within the program are rising, but this is not because the Medicaid program is inefficient. The driving force behind rising costs is the result of many things. The surge in costs are due in part to Congress having failed to deal with the millions of low-income workers who are uninsured, and that Medicare does not pay for long-term nursing home care. Census data has revealed that there were 5.1 million more people uninsured in 2003 than in 2000. An unstable economy has left workers with lower incomes and employers dropping health coverage. Statistics show that two-thirds of those losing coverage are in low-income jobs. Because of these access to coverage problems, Medicaid is filling a critical gap that most in our nation support—ensuring kids have basic medical care, providing low-income working families with health coverage that keeps them healthy and productive, and making sure that seniors have the care they need in old age. These factors do not make the case for cuts to Medicaid, but rather indicate that we should be doing more to expand the program for those who lack coverage. The SCHIP program was a great example of that, and we should be doing more to pull those that are low-income and uninsured under this umbrella.

The overall rise in health care costs are also contributing to the increased expenses in Medicaid. New technologies and the skyrocketing costs of prescription drugs are sending all health care costs through the roof. Under these circumstances, Medicaid's spending per enrollee has actually been more efficient than other health care payors. The program spending has increased more slowly than private insurance spending and Medicare.

More and more poor people will need programs like Medicaid if the trends continue as they have in recent years. We should be working on solutions to reduce the costs of health care in the United States, but cutting Medicaid is not the answer. We need to closely examine our care system broadly and reduce costs by promoting the use of information technology in health, emphasizing prevention techniques that keep people healthy, and reducing the costs of prescription drugs. It will also be crucial that we closely examine our long-term care system, which accounts for almost one-third of Medicaid spending and will likely increase as our senior population increases in numbers. This is where the discussion must turn to, rather than placing the blame on the Medicaid program which has been a cost efficient, successful program ensuring coverage for millions of Americans most in need.

We will be voting soon on an important amendment offered by Senators SMITH and BINGAMAN, as well as many others, that will strike the reconciliation instructions to the Finance Committee for Medicaid, and strike the function that directs that committee to cut the $14 billion for that program. In its place, the amendment will create a $1.5 million reserve fund to create a Medicaid Commission. I am pleased to be a cosponsor of this amendment. We do have a need to address the skyrocketing costs of our Federal health care programs and health care in general, and I think the establishment of a commission on Medicaid is a smart way to begin to find solutions. I will support this amendment and I urge all of my colleagues to do the same. We need to get our priorities straight with this budget. A budget that proposes to cut billions in health care coverage for our most vulnerable citizens while at the same time including $23 billion in tax cuts for capital gains and dividends is not a budget that represents my values or the values of the American people.

AMENDMENT NO. 204

Mr. McCAIN. Mr. President, our Nation is facing very difficult fiscal realities which are only going to become more difficult and expensive the longer we wait to take action. The Federal Government can no longer afford "business as usual." According to the GAO, the unfunded Federal financial burden for public debt, including future Social Security, Medicare, and Medicaid payments, totals more than $40 trillion or $140,000 per man, woman and child. At what point do we listen to the wake up call?

The Federal Reserve Chairman, Alan Greenspan, has recently warned Congress and the Nation that, "In the end, the consequences for the U.S. economy of doing nothing could be severe. But the benefits of taking sound, timely action could extend many decades into the future." We must all work together to reduce the crippling $412 billion budget deficit and the mounting unfunded Federal financial burden.

I commend the administration for submitting a budget request that proposes reduced funding for a number of programs. I clearly understand that every program is important to certain constituencies, and Medicaid is at the top of the list for many. The Medicaid program provides critical services to some of the most vulnerable people in our nation. In my home State of Arizona, we have an outstanding Medicaid program, the Arizona Health Care Cost Containment System, that represents a model for other States.

Unfortunately, not every state Administers its program as efficiently as Arizona. The reality is, Medicaid costs are skyrocketing out of control. It is time we took a long hard look at this program—as every other program for that matter and develop proposals to ensure that Medicaid will continue to serve the neediest Americans over the long term.

Let me be clear. I do not support across the board cuts to the Medicaid program. In fact, I believe such an action could have a disastrous effect on many important efforts that ensure access to care for many Americans who have nowhere else to turn. Additionally, I recognize that cuts to Medicaid that result in reduction of covered individuals would flood hospital emergency rooms with additional uninsured patients, forcing hospitals to absorb additional cost for uncompensated care. Arizona has one of the highest uninsured populations in the country and a large number of undocumented immigrants, our hospitals are already struggling to absorb the cost of providing uncompensated care, dramatically reducing medicare eligible populations could severely impact the hospital system in my State and in many others.

In debating potential cuts to the Medicaid program, we must work to ensure that the federal government does not further exacerbate these existing problems. Any effort to reform Medicaid must be made in a cautious and deliberative manner.

We simply must start to control spending and make some very difficult decisions among competing priorities. I was pleased to have joined with Senators SMITH and BINGAMAN in cosponsoring S. 338, the bipartisan commission on Medicaid Act of 2005, which was introduced on February 9, 2005. I cannot vote for the pending amendment because I believe strongly that the fiscal reality of Medicaid must be addressed sooner rather than later. And I have been around here long enough to know that too often we need to have our feet held to the fire to really make meaningful progress on difficult issues. So I hope that we can agree to cut waste in the Medicaid program and also create a bipartisan task force to provide recommendations for how best to reform the program for the long run. In my judgment, only through comprehensive reforms can we prevent across the board cuts in Medicaid in the long term. We should begin our reform efforts today.

Mr. KOHL. Mr. President, I rise today in strong support of the Smith-Bingaman amendment. I am proud to cosponsor this amendment to strike the proposed $15 billion in cuts to Medicaid and instead create a Medicaid Commission.

In an effort to climb our way out of record Federal budget deficits, the Budget resolution we are considering this week will cut Medicaid by $15 billion over the next 5 years. This cut would be devastating to millions of low-income families, children, disabled and senior citizens who are served by Medicaid.

I recognize that Medicaid—like all health care programs continues to face higher health care costs. But it is unconscionable to arbitrarily slash billions of dollars from a safety net program like Medicaid, and at the same time, give away billions of dollars worth of tax cuts in the same budget.

The main problem causing Medicaid spending growth is not that it is bloated or inefficient. New studies by the Urban Institute and the Kaiser Family Foundation show that Medicaid spends less, per patient, than private health insurance plans and that its costs have grown more slowly in the last four years than private-sector insurance premiums.

The real cost driver in Medicaid is the economy, which continues to cause a strain on the ability of businesses to offer health insurance coverage to their employees. More and more employers are dropping health insurance coverage, pushing low-wage working families onto public programs, while the overall cost of health care continues to skyrocket. Cutting $15 billion from Federal Medicaid spending is only going to make matters worse by forcing the problem down to States, which already face severe budget crises.

A $15 billion cut in Medicaid could translate to a loss of $300 million for Wisconsin. It would be extremely difficult for Wisconsin and other States to absorb a cut of this magnitude while continuing to provide the level of services on which families depend. A cut of this size has the potential to deprive thousands of poor families needed medical care and greatly increase the already record number of uninsured Americans.

I do not object to having a thorough discussion about how we can make Medicaid work better to serve low-income Americans. But it is unacceptable to force arbitrary cuts in Medicaid without first taking the time to consider the future efficiency and operation of the Medicaid program. Medicaid is an essential source of health care for 53 million of our nation's most vulnerable citizens, and any changes to the program should be driven by informed, reasoned policy and not by arbitrary budget targets.

I urge my colleagues to reject these harmful cuts.

Mr. ROCKEFELLER. Mr. President, I rise today to talk about Medicaid, a program that is very important to my home State of West Virginia. Over the past few days I have listened to my colleagues characterize the $15 billion in Medicaid cuts contained in this budget as marginal, minor, and not a big deal. I want to remind my colleagues that this budget isn't simply about numbers. It is about the policies behind the numbers that have an impact on real people who would not have access to health care in the absence of Medicaid.

Medicaid is the absolute bedrock of our nation's health care system. It is the fulfillment of the promise the Federal Government has made to our Nation's most vulnerable citizens that they will have access to affordable health care when times get tough.

It finances nearly 40 percent of all births in the United States. Without it, many pregnant women would forego the prenatal visits and pregnancy-related care that are vital for a child's healthy start. Medicaid provides coverage for one in five of our Nation's children, many of whom would otherwise be uninsured. It pays for half of all nursing home care and is the largest single purchaser of long-term care services in the country.

In every State throughout our Nation, Medicaid keeps hospitals, doctors, nursing homes, and clinics operating in our communities. And, more importantly, it provides our most vulnerable citizens—pregnant women, children, the elderly, and the disabled—with access to meaningful and affordable health care.

The $15 billion in Medicaid cuts being proposed by this administration matter to the more than 50 million children, pregnant women, seniors, and disabled individuals who rely on Medicaid to meet their health care needs. Some of my colleagues would have you believe that these cuts will have no impact at all on the number of kids covered by Medicaid or the number of people who can access care in nursing homes. They even argue that these cuts will lead to Medicaid expansions because Governors will have greater flexibility over the use of their dollars.

Well, these statements simply are not true. Fewer dollars do not equal greater flexibility. Fewer dollars mean that States, medical providers, and individual beneficiaries are going to have to shoulder more of the burden of rapidly rising health care costs. Cost-shifts of this magnitude will undoubtedly lead to eligibility restrictions, benefit reductions, increased beneficiary cost-sharing, and provider payment cuts or freezes.

States are already struggling with the numerous unfunded mandates that the Federal Government has passed down in recent years. Twenty-nine states, including my home state of West Virginia, are facing a drop in their Federal medical assistance percentage, FMAP, next year because of a change in the statutory formula used to compute FMAP.

When the Medicare drug benefit starts on January 1, 2006, states will be required to finance a significant portion of the cost. This will be the first time since the enactment of Medicare and Medicaid in 1965 that a specific Medicare benefit will be financed in significant part by state payments. The Congressional Budget Office, CBO estimates that, at a minimum, states will pay $48 billion toward the Medicare prescription drug benefit in the first 5 years. These costs could be much greater if more dual eligibles sign up for prescription drug coverage or if States have to cover the costs of drugs for dual eligibles that private drug plans do not cover.

West Virginia is scheduled to lose $36 million in Federal Medicaid matching funds in 2006. And, it is still unclear how much implementation of the Medicare prescription drug law will cost. The additional cuts proposed by the President could result in West Virginia losing as much as $100 million in Federal Medicaid matching funds next year alone. The hospitals, doctors, nursing homes and clinics in my State cannot afford to absorb cuts of this magnitude.

This budget isn't about reducing the Federal deficit. Otherwise, we would have eliminated the $70 billion in tax cuts that are contained this budget. We would have taken an objective look at entitlement spending, and not just focused on the program that provides health benefits to the working poor. We would have reined in excessive overpayments to private plans under Medicare and found ways to lower Medicare prescription drug costs.

This budget isn't about reforming the Medicaid program for the better. Otherwise, it would have addressed the real reasons Medicaid cost are going up: significant decreases in employer-sponsored health coverage and Medicare's gaps in long-term care coverage. Otherwise, the administration would have provided specific policy proposals for strengthening Medicaid for the future, instead of vague ideas that even the Congressional Budget Office could not score. If this budget were truly about improving Medicaid, then the administration would not be attempting to shoehorn sweeping changes to the program into an arbitrary budget number. Instead, Medicaid policy would determine the budget number.

I would like to say to my colleagues that Democrats are happy to discuss strengthening the Medicaid program for the future. We are happy to work toward reforming the program for the better. However, the prescription for Medicaid must adequately address the larger problems with our health care system that have an impact on the program. This is clearly not the case with this budget.

The bottom line is that this budget is about choices, and this administration has chosen to unfairly target low-income working families. This budget robs the most vulnerable in our society, while simultaneously giving greater tax breaks to the rich. This is unacceptable. The Federal Government has a responsibility to maintain its commitment to Medicaid in order to protect access to health care for working Americans.

That is why I oppose the $15 billion in Medicaid cuts included in the budget and will vote for the Smith-Bingaman amendment to strike these cuts from the budget resolution.

Mr. AKAKA. Mr. President, I support the floor amendment offered by my colleagues Senators BINGAMAN and SMITH to strike the cuts from Medicaid and the State Children's Health Insurance Program, SCHIP, in the budget resolution.

The budget resolution includes $15.2 billion in reductions in mandatory programs that are part of Function 550, which is limited to health programs. Medicaid and SCHIP are the only mandatory programs in this category that are under the jurisdiction of the Senate Finance Committee.

The reductions in Medicaid included in the budget resolution will lead to further cuts in coverage and benefits for people in need. They will prevent individuals from being able to access health care, which will increase the burden on our public health system. In Hawaii, Medicaid and QUEST, Hawaii's program that provides health coverage through managed care plans for eligible lower income residents, provided essential health services to nearly 190,000 people in 2002. For those in rural Hawaii, particularly the elderly, Medicaid provides access to health care that they might otherwise have to go without. The Medicaid cuts will further erode the ability of hospitals, clinics, physicians, and other medical providers to meet the health care needs of our communities. These very same health care providers already are confronted with inadequate reimbursements, rising costs, and an increasing demand to provide care for the uninsured.

Without doubt, the Medicaid reductions in the Senate budget plan would adversely affect health care coverage for low-income, uninsured Americans. Medicaid programs are demanding a larger share of state spending than they have in recent years. Reducing the Federal commitment to Medicaid will push additional costs to the States and increase the number of people who are uninsured or under-insured.

Contributing to the obstacles in delivering quality health care to those who need it the most are the critical losses that a majority of states will see in their Federal Medical Assistance Percentage, FMAP. The FMAP formula is designed to pay a higher FMAP to states with lower per capita income relative to the national average. According to the Federal Funds Information for States in its report, Fiscal year 2006 FMAP projections, 30 States are projected to experience cuts in their FMAP. This aggregate FMAP cut translates into an $850 million reduction in FY 2006 Medicaid grants to the impacted states. The five states facing the largest FMAP decreases include Alaska, Wyoming, New Mexico, North Dakota, and South Dakota.

Hawaii faces a projected FMAP decline of 0.7 percent for FY 2006, which translates to a loss of $655,000 that could be used to provide health care to the citizens of my state. While it may seem like a small decline compared to larger, more prosperous states, let me assure you that the loss will be felt. In a June 2004 report by the Families USA organization, nearly one out of three people under the age of 65 went without health insurance for all or part of the 2-year period from 2002–2003 in Hawaii. More alarming is the statistic that nearly 82 percent of uninsured people in Hawaii are members of working families. The report went on to make the distinction that 61 percent of families in Hawaii, at or below 200 percent of the Federal poverty level, were uninsured.

In 2005, it is estimated that the Hawaii Medicaid program will spend just over $929 million. Of this, the Federal Government will contribute nearly $544 million. A substantial portion of Hawaii's health care industry relies on Medicaid spending. In 2002, Medicaid payments infused Hawaii's hospital system with more than $106 million. In addition, Medicaid is the primary payer for 70 percent of Hawaii's certified nursing facility residents. Any cut in Medicaid funding will have a profound effect on the economic viability of Hawaii's health care system and its ability to care for people in need.

Medicaid costs for States have soared in recent years, driven by rising health-care costs, an aging population that relies largely on Medicaid to pay for nursing homes, and a recession that sent more people to state-supported health care. Medicaid reform needs to have a reform discussion that is not driven by an arbitrary budget number.

While I support improving the health care delivery system for all citizens of our country, the need for unique legislation to satisfy an essential, fundamental need is indicative of the flaws in the current Medicaid system and an issue that the commission proposed by this amendment can address. Medicaid needs more funding, not less. Escalating costs, the increase in the number of uninsured, FMAP cuts, and the clawback provision in the 2003 Medicare drug benefit legislation only serve to put more pressure on state budgets. I urge my colleagues to support this amendment to restore dollars available to provide essential Medicaid coverage to our country's most vulnerable citizens.

Mr. KENNEDY. Mr. President, Medicaid provides a critical safety net for 53 million Americans—low-income children, parents, disabled and elderly citizens who have nowhere else to turn for health care. Medicaid now provides health care for 1 in every 5 children. It pays for one-third of all births in this country, almost 40 percent of all long-term care expenses, a sixth of all drug costs, and half of the States' mental health services. It also is the largest payer of services for AIDS patients.

What does it say about the leadership of this Senate that it proposes to cut $15 billion from Medicaid? That program provides health care for 25 million children, 13 million low-income adults, and 15 million disabled and elderly Americans. These cuts are proposed at the very same time the budget once again proposes large new tax cuts tilted toward higher income households. Our colleagues say they have no choice but to make these cuts to Medicaid because of the large deficit. But the large deficit was created by the large tax breaks for the rich, not by Medicaid.

The budget is a blueprint of Congress' priorities for the Nation. This Congress once again shows that it cares more about those who have the most than it does about those who have the least. How can we possibly continue to give tax breaks each year to the wealthy, and reduce health benefits for the poor to pay for them. Those are not the values we stand for.

In fact, the budget cuts in the Senate resolution are even deeper than the cuts proposed in the administration budget. Even if the Finance Committee adopts every cut the President proposed to Medicaid, they will still need to come up with an additional $7 billion in cuts to meet the target in this bill.

We need to maintain the Federal commitment to medical care for the poorest of the poor. If we weaken the Federal commitment, these men, women, and children will go without care, or show up at the emergency room door. We know that lack of access to care causes harmful consequences. We cannot abandon our responsibility to provide for those among us who are less fortunate.

This budget will force the States to pick up costs that the Federal Government should be covering. It will result in a massive shift of responsibility from the Federal Government to the States. We already have shifted much of the cost of the elderly to the States, costs that should be covered by Medicare. More than 40 percent of all Medicaid expenditures are used to fill the gaps in Medicare. Medicaid pays for their long-term care, their prescription drugs, and their cost-sharing.

Medicaid is the largest source of long-term care today. The more than 7 million persons who are eligible for both Medicare and Medicaid are among the most vulnerable. Seventy percent of them have incomes below $10,000. Nearly one in four live in long-term care facilities. They are twice as likely to have Alzheimer's disease, and more likely to have diabetes and stroke than others on Medicare beneficiaries. They are a small proportion of the Medicaid population, but their costs are among the highest. Medicare will start paying for prescription drugs for the dually eligible next January, but the states will see little or no relief. In fact, because of the so-called "clawback" formula in the prescription drug law, many states will end up sending the federal government more money for picking up these drug costs than they would have spent without the drug bill. What kind of relief is that?

We can all agree that we need to improve Medicaid. We have an opportunity to improve the program, but that is not what this budget does. This budget is not driven by policy—it is driven by an arbitrary number that was picked by the leadership as their deficit reduction target. The Federal Government needs to maintain its commitment to health care, not try to weaken it and dump the costs on the states. We need to help the states provide health care, not cut federal funding and put a bigger burden on them. But that is exactly what this budget does.

Some on the other side describe these cuts as minor, or as reductions in growth, or as necessary Medicaid reforms. Don't believe a word of that. Nothing is further from the truth. There are no policy reasons for these cuts. They are large, harmful cuts that are being made so that they can say they are reducing the deficit. But if you look at the numbers, this budget doesn't reduce the deficit—it increases it over the next 5 years. Despite these harmful cuts in Medicaid, they add yet another round of tax breaks. Where is the fairness in that? It is Robin Hood in reverse steal from the poor to give to wealthy.

Our colleagues say we need to cut Medicaid because it is growing too fast. The reason is obvious. It is growing because over the past 4 years, more people are losing their jobs and their health care, falling into poverty, and finding themselves with no option but Medicaid. That is what is responsible for Medicaid's growth.

Over the past 4 years, the number of uninsured has climbed from 40 million to 45 million, and it is expected to continue growing for the foreseeable future. The number of uninsured would have been much greater without Medicaid. During the same time period that the number of uninsured increased by 5 million, the number of Americans on Medicaid grew by 9 million. If Medicaid had not been available to them, we would be facing 54 million uninsured. Is that the kind of policy the Nation wants to promote?

Medicaid enrollment grew 40 percent over the past 5 years, and it is projected to grow another 5 percent this year. Enrollment growth is causing Medicaid's rising cost, not inefficiencies, or fraud, or abuse. In fact, the cost of private employer-sponsored health insurance has grown at twice the rate of Medicaid. The percentage of Americans with employer-sponsored health insurance fell, but the number of Americans on Medicaid grew, and that growth was largely caused by the bad economy, the continuing decline of employer health insurance, and the soaring cost of prescription drugs.

Cutting costs is the wrong prescription for Medicaid. This amendment will give us time to assess Medicaid fairly, and base any changes on sound policy, not arbitrary budget cuts. These cuts will have a real impact on real people. Millions may lose their only hope for health care if we allow these cuts to stand. Emergency rooms will have more and more patients with nowhere else to turn, and the Nation's health care safety net will continue to fray. That is not the kind of budget we ought to be approving.

I urge my colleagues to vote for the Smith-Bingaman amendment. Our goal on Medicaid is to improve it, not dismantle it.

Mr. OBAMA. Mr. President, over the last century, the Nation has witnessed tremendous advances in medical science and technology. We now have treatments and cures for diseases and conditions that were at one time surely fatal. Thirty years ago, if children developed cancer, doctors couldn't save their lives. Today, more than three-quarters of children with cancer survive. Heart disease is no longer the leading cause of death because of significant improvements in medical treatment and surgical procedures. Americans with AIDS are living many years longer and spending more time at home and not in hospitals because of new drug cocktails that prevent infections and other deadly complications.

The unfortunate and bitter irony is that while the number of medical breakthroughs continues to increase, so does the number of Americans who will never benefit from them. Right now, 45 million Americans have no health care coverage, and this number continues to rise. Over a 2-year period, over 85 million Americans have not had continuous insurance coverage. In this land of plenty and opportunity, 350,000 uninsured children with earaches and sore throats will never see a doctor. Sixteen million uninsured Americans cannot afford to fill prescriptions. Uninsured women who develop breast cancer are 40 percent more likely to die, as are 50 percent of uninsured men with prostate cancer. The Institute of Medicine has reported that 18,000 adults die every year because they are uninsured.

For many Americans, Medicaid represents their only real hope of obtaining health care. Nationally, 53 million people rely on Medicaid coverage, including 25 million children, 13 million low-income adults, and 15 million disabled and elderly Americans. Nearly 16 percent of people who live in rural areas have Medicaid coverage, including more than 1 in 4 children in these areas. One quarter of African Americans and 20 percent of Hispanics rely on Medicaid, as do 9 percent of women.

In my home State of Illinois, Medicaid provides health coverage for 2 million residents. Over 30 percent of children in Illinois receive health care through KidCare. Nearly 65 percent of nursing home residents rely on Medicaid coverage.

Despite Medicaid's critical role in providing access to care, the Republican budget proposes to cut Medicaid by $15 billion. This cut translates into an estimated $287 million loss for Illinois. Experts report this funding could provide health care coverage for 200,000 children or 135,000 working parents in my State.

Some of my colleagues argue that we have no choice but to make large cuts to Medicaid because of the deficit. But these deficits were created by huge tax breaks for the rich, not by Medicaid, and we should not balance the budget at the expense of health care for low-income children, their parents, pregnant women and seniors. We cannot keep tax cuts for the rich and cut basic health care for the poor. We cannot retreat from our Federal commitment to Medicaid and leave the States holding the bag.

I agree the Medicaid Program is not perfect. The Smith-Bingaman amendment to create a commission to study the program and make recommendations for improvement is a reasonable approach. Sound policy, not politics or deficit concerns, should guide any changes to the Medicaid Program, and I am not convinced that we have examined or discussed the full range of Medicaid-related issues and options before us.

We cannot and should not deny millions of Americans access to basic health care. Medicaid is the Nation's safety net, and we should strengthen it, not destroy it. I am going to vote yes for the Smith-Bingaman amendment to strike proposed cuts in funding for Medicaid, and I urge my colleagues to join me.

AMENDMENT NO. 229

Mr. GREGG. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, the pending amendment will be set aside, and the clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for Mr. FRIST, proposes an amendment numbered 229.

Mr. GREGG. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate regarding medicaid reconciliation legislation consistent with recommendations from the secretary of health and human services)

Beginning on page 58, strike line 11 and all that follows through page 61, line 24, and insert the following:

SEC. 504. SENSE OF THE SENATE REGARDING MEDICAID RECONCILIATION LEGISLATION CONSISTENT WITH RECOMMENDATIONS FROM THE SECRETARY OF HEALTH AND HUMAN SERVICES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Medicaid program provides essential health care and long-term care services to more than 50,000,000 low-income children, pregnant women, parents, individuals with disabilities, and senior citizens. It is a Federal guarantee that ensures the most vulnerable will have access to needed medical services.

(2) The Medicaid program will spend $189,000,000,000 in fiscal year 2006.

(3) During the period from fiscal year 2006 through fiscal year 2010, the Medicaid program will spend $1,100,000,000,000.

(4) Over the same period, spending for the Medicaid program will increase by 40 percent.

(5) Medicaid provides critical access to long-term care and other services for the elderly and individuals living with disabilities, and is the single largest provider of long-term care services. Medicaid also pays for personal care and other supportive services that are typically not provided by private health insurance or Medicare, but are necessary to enable individuals with spinal cord injuries, developmental disabilities, neurological degenerative diseases, serious and persistent mental illnesses, HIV/AIDS, and other chronic conditions to remain in the community, to work, and to maintain independence.

(6) Medicaid supplements the Medicare program for more than 6,000,000 low-income elderly or disabled Medicare beneficiaries, assisting them with their Medicare premiums and co-insurance, wrap-around benefits, and the costs of nursing home care that Medicare does not cover. The Medicaid program spent nearly $40,000,000,000 on uncovered Medicare services in 2002.

(7) This resolution assumes $163,000,000 in spending to extend Medicare cost-sharing under the Medicaid program for the Medicare part B premium for qualifying individuals through 2006.

(8) Medicaid provides health insurance for more than 1/4 of America's children and is the largest purchaser of maternity care, paying for more than 1/3 of all the births in the United States each year. Medicaid also provides critical access to care for children with disabilities, covering more than 70 percent of poor children with disabilities.

(9) More than 16,000,000 women depend on Medicaid for their health care. Women comprise the majority of seniors (71 percent) on Medicaid. Half of nonelderly women with permanent mental or physical disabilities have health coverage through Medicaid. Medicaid provides treatment for low-income women diagnosed with breast or cervical cancer in every State.

(10) Medicaid is the Nation's largest source of payment for mental health services, HIV/AIDS care, and care for children with special needs. Much of this care is either not covered by private insurance or limited in scope or duration. Medicaid is also a critical source of funding for health care for children in foster care and for health services in schools.

(11) Medicaid funds help ensure access to care for all Americans. Medicaid is the single largest source of revenue for the Nation's safety net hospitals, health centers, and nursing homes, and is critical to the ability of these providers to adequately serve all Americans.

(12) Medicaid serves a major role in ensuring that the number of Americans without health insurance, approximately 45,000,000 in 2003, is not substantially higher. The system of Federal matching for State Medicaid expenditures ensures that Federal funds will grow as State spending increases in response to unmet needs, enabling Medicaid to help buffer the drop in private coverage during recessions. More than 4,800,000 Americans lost employer-sponsored coverage between 2000 and 2003, during which time Medicaid enrolled an additional 8,400,000 Americans.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Committee on Finance shall not report a reconciliation bill that achieves spending reductions that would—

(A) undermine the role the Medicaid program plays as a critical component of the health care system of the United States;

(B) cap Federal Medicaid spending, or otherwise shift Medicaid cost burdens to State or local governments and their taxpayers and health providers, forcing a reduction in access to essential health services for low-income elderly individuals, individuals with disabilities, and children and families; or

(C) undermine the Federal guarantee of health insurance coverage Medicaid provides, which would threaten not only the health care safety net of the United States, but the entire health care system;

(2) the Secretary of Health and Human Services, working with bipartisan, geographically diverse members of the National Governors Association and in consultation with key stakeholders, shall make recommendations for changes to the Medicaid program that reflect the principles specified in paragraph (3); and

(3) the Committee on Finance, consistent with such recommendations, shall report a reconciliation bill that—

(A) allows any Medicaid savings to be shared by the Federal and State governments;

(B) would emphasize State flexibility through voluntary options for States; and

(C) would not cause Medicaid recipients to lose coverage.

Mr. GREGG. I yield back such time as I have.

The PRESIDING OFFICER. Under the previous order, the Senator from Maryland is recognized.

Mr. SARBANES. Madam President, I ask what the time situation is and the parliamentary situation.

The PRESIDING OFFICER. The Senator will have 15 minutes equally divided on the amendment.

Mr. SARBANES. I yield myself 3 minutes of the 7½ minutes that I have available.

AMENDMENT NO. 156

Mr. SARBANES. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Mr. SARBANES], for himself, Mr. NELSON of Florida, Ms. STABENOW, Mrs. MURRAY, Mr. CORZINE, Mr. FEINGOLD, Mr. REED, Mr. LEAHY, Mr. KENNEDY, Mrs. CLINTON, Mr. DURBIN, Mrs. FEINSTEIN, Ms. MIKULSKI, Mr. SCHUMER, Mr. DAYTON, Mr. JEFFORDS, Mr. DODD, Mr. OBAMA, Mrs. BOXER, Mr. HARKIN, Mr. BAUCUS, Mr. BAYH, Mr. BYRD, Mrs. LINCOLN, Mr. JOHNSON, Mr. KERRY, and Mr. LIEBERMAN, proposes an amendment numbered 156.

Mr. SARBANES. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To restore funding for the Community Development Block Grant (CDBG) program and other programs proposed to be eliminated and to retain the administration of these programs at their current agencies by adopting proposals to close certain tax loopholes that were approved by the Senate in the last Congress)

On page 3 line 10, increase the amount by $427,000,000.

On page 3 line 11, increase the amount by $627,000,000.

On page 3 line 12, increase the amount by $455,000,000.

On page 3 line 13, increase the amount by $214,000,000.

On page 3 line 14, increase the amount by $103,000,000.

On page 3 line 19, increase the amount by $427,000,000.

On page 3 line 20, increase the amount by $627,000,000.

On page 3 line 21, increase the amount by $455,000,000.

On page 4 line 1, increase the amount by $214,000,000.

On page 4 line 2, increase the amount by $103,000,000.

On page 4 line 7, increase the amount by $1,890,000,000.

On page 4 line 16, increase the amount by $427,000,000.

On page 4 line 17, increase the amount by $627,000,000.

On page 4 line 18, increase the amount by $455,000,000.

On page 4 line 19, increase the amount by $214,000,000.

On page 4 line 20, increase the amount by $103,000,000.

On page 16 line 15, increase the amount by $1,219,000,000.

On page 16 line 16, increase the amount by $38,000,000.

On page 16 line 20, increase the amount by $365,000,000.

On page 16 line 24, increase the amount by $442,000,000.

On page 17 line 3, increase the amount by $207,000,000.

On page 17 line 7, increase the amount by $103,000,000.

On page 17 line 16, increase the amount by $671,000,000.

On page 17 line 17, increase the amount by $389,000,000.

On page 17 line 21, increase the amount by $262,000,000.

On page 17 line 25, increase the amount by $13,000,000.

On page 18 line 4, increase the amount by $7,000,000.

On page 30 line 16, decrease the amount by $427,000,000.

On page 30 line 17, decrease the amount by $1,826,000,000.

On page 48 line 6, increase the amount by $1,890,000,000.

On page 48 line 7, increase the amount by $427,000,000.

Mr. SARBANES. Madam President, first, let me say at the outset, because I neglected to do so the other day in the general debate, that I commend both the chairman of the Budget Committee and the ranking minority member of the Budget Committee for the fair and expeditious way in which consideration of this resolution was conducted in the committee. We have a new chairman. It is always a challenge, and I want to express to him my recognition of the fair process conducted in the committee, which is, of course, essential to the Senate working through controversial issues and trying to reach a solution.

This amendment would restore approximately $1.89 billion in cuts that are in the administration's proposed budget to the Community Development Block Grant Program and a number of other development programs that have been proposed for elimination. It would bring all of those programs back to the 2005 level. It is my view, and the view of a majority of the Members of the Senate expressed in a letter sent to Chairman GREGG and Senator CONRAD, that the administration of these 18 programs should remain as they are currently constituted.

In other words, the community development block grant should continue to be housed at HUD, the rural programs at USDA, and this effort to shift all of them over to the Department of Commerce, an idea which has not been considered, not examined, not brought to the floor of the Congress, ought not to be carried through.

I am going to focus on the CDBG Program primarily because very substantial cuts have been proposed in the budget.

Roy Bernardi, the Deputy Secretary of HUD, a former mayor of Syracuse, has said that the foundation of virtually all community and economic development occurring across the Nation is CDBG. This is the Deputy Secretary of HUD, formerly mayor of Syracuse. He said:

> We must continue to support and build upon programs that work, those that have a proven record of flexibility and the ability to fit in with locally determined needs. CDBG is such a program and ranks among our Nation's oldest and most successful programs.

I have two letters strongly supporting full funding for the CDBG Program at HUD, signed by a host of State, city, and county organizations, such as the National League of Cities, the U.S. Conference of Mayors, National Association of Counties, and the National Governors Association.

I ask unanimous consent those two letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 4, 2005.

Hon. JUDD GREGG,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.
Hon. KENT CONRAD,
Ranking Member, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR CHAIRMAN GREGG AND RANKING MEMBER CONRAD: As you prepare to consider the FY 2006 Budget Resolution, we the undersigned organizations want to convey our opposition to proposed cuts in the FY 2006 Department of Housing and Urban Development (HUD) budget. We respectfully request that you craft a Budget Resolution that will provide adequate budget authority for all HUD programs and maintain important community and economic development functions and funding at HUD.

Of particular concern to us is the proposed elimination of the Community Development Block Grant (CDBG) program along with 17 other federal community and economic development grant programs. We oppose in the strongest terms the elimination of CDBG, and we urge you to reject the proposed "Strengthening America's Communities" (SAC) Initiative and support full funding for the CDBG program at HUD.

As you know, the FY 2006 Budget would effectively eliminate 18 community and economic development programs, including CDBG, and create an entirely new initiative to be operated by the Department of Commerce. Proposed funding for this "consolidated" program would be $3.7 billion, a 35% reduction in funding when compared to total FY 2005 appropriations for the 18 programs targeted for elimination under the initiative. Consider that Congress funded the CDBG program alone at $4.7 billion in FY 2005, $1 billion more than the entire proposed budget for the SAC initiative.

Eliminating these 18 programs and substantially reducing the federal investment in community and economic development would have a devastating impact on state and local governments. Each of these existing programs is an important and necessary component of urban, suburban, and rural communities' efforts to revitalize neighborhoods, expand affordable housing opportunities and create economic growth. We believe that CDBG is the glue that holds these efforts together.

For 30 years, the CDBG program has served as the cornerstone of the federal government's commitment to partnering with state and local governments to strengthen our nation's communities and improve the quality of life for low- and moderate-income Americans. Since its inception, CDBG has made a real and positive difference in communities across America, and there is no shortage of CDBG success stories. Many of the groups that signed this letter have been working in partnership with HUD and the Office of Management and Budget (OMB) in a good faith effort to improve the CDBG program's ability to measure performance. As a result of this effort, HUD plans to unveil a new outcome-based measurement system in early 2005. As recently as November 2004, OMB endorsed this undertaking. We believe this new system will verify what is already obvious: CDBG works.

CDBG's emphasis on flexibility and local determination of priority needs through citizen participation is allowing state and local governments to achieve real results. According to HUD's "Highlights of FY 2004 CDBG Accomplishments," CDBG funding led to the creation or retention of more than 90,000 jobs in the last year alone. Thanks to CDBG, in 2004 over 130,000 rental units and single-family homes were rehabbed, 85,000 individuals received employment training, 1.5 million youth were served by after-school enrichment programs and other activities, and child care services were provided to 100,065 children in 205 communities across the country. CDBG also funded nearly 700 crime prevention and awareness programs. Additionally, more than 11,000 Americans became homeowners last year thanks to CDBG funding. CDBG remains a smart, efficient form of investment, as it continues to leverage around three dollars for every dollar of federal investment. It certainly did not come as a surprise to us when HUD Secretary Alphonso Jackson, in a March 2nd appearance before the House Financial Services Committee, stated, "The program works."

The CDBG program's design is especially successful at targeting resources to those who need them most. In 2004, 95 percent of funds expended by entitlement grantees and 96 percent of state CDBG funds expended were for activities that principally benefited low- and moderate-income persons. A full half of persons directly benefiting from CDBG-assisted activities were minorities, including African Americans, Hispanics, Asians, and American Indians. Despite the fact that economic challenges and pockets of poverty exist in almost all American communities, adoption of the SAC initiative would almost certainly result in a complete loss of funding for a significant number of communities.

For all of the reasons detailed above, we believe that CDBG should remain at HUD and receive full funding of at least $4.7 billion in FY 2006. We also believe it is premature for the Budget Resolution to even address such a far-reaching change to the program before the numerous committees of jurisdiction have had sufficient opportunity to hold appropriate hearings on the topic. We urge you to craft a Budget Resolution reflecting those sentiments. More specifically, we strongly encourage you to include hnguage in your Resolution clearly stating that the Resolution "does not assume enactment of the proposed 'Strengthening America's Communities' Initiative nor the proposed reduction in funding for the CDBG program included in the Administration's FY 2006 budget."

We thank you for your favorable consideration of this request.

Sincerely,

Council of State Community Development Agencies.
The Enterprise Foundation.
Habitat for Humanity International.
Housing Assistance Council.
Local Initiatives Support Corporation.
National Association for County Community and Economic Development.
National Association of Counties.
National Association of Housing and Redevelopment Officials.
National Association of Local Housing Finance Agencies.
National Community Development Association.
National Conference of Black Mayors.
National League of Cities.
National Low Income Housing Coalition.
United States Conference of Mayors.

MARCH 15, 2005.

Hon. BILL FRIST,
Majority Leader, Office of the Senate Majority Leader, Capitol Building, Washington, DC.
Hon. HARRY REID,
Minority Leader, Office of the Senate Minority Leader, Capitol Building, Washington, DC.

DEAR MAJORITY LEADER FRIST AND MINORITY LEADER REID: As a diverse coalition of organizations representing the nation's community and economic development practitioners, elected officials and constituency groups, we are writing to express our overwhelming opposition to the Administration's proposal to eliminate 18 federal community and economic development programs and reduce federal grant assistance for distressed and underserved local communities by $2 billion each year. We strongly urge you to restore these vital resources as part of the FY2006 congressional budget resolution.

At a time when nearly every American business and community is confronting intense competition from emerging and developing nations, the federal government should be expanding its resources and assistance for local community and economic development. Instead, the Administration is recommending a 34 percent funding cut and more unfunded mandates for our nation's state and local governments. The President's plan would also significantly diminish and eviscerate the federal role in community development projects such as providing first-time access to clean and drinkable water, affordable housing and community facilities for our nation's poorer areas and citizens.

From our perspective as the constituencies at the frontlines of community and economic development, we feel strongly that the current federal investment of $5.7 billion each year is a solid, wise and effective investment in our nation's local communities. While we understand and recognize the current federal budget climate, we must point out that the proposed funding cut represents less than one-half of a percent of last year's federal deficit. More importantly, the $2 billion reduction in federal investments will result in the loss of at least $18 billion in matching and leveraging investments by the private sector and other governmental and nonprofit programs at the state and local level.

Our nation's distressed regions, communities and neighborhoods need national leadership, models of innovation and matching funds for locally-led projects and initiatives. Instead, we fear the Administration's proposal will result in more communities marking time in the land of lost opportunity.

Sincerely,

American Planning Association.
American Public Works Association.
Association for Enterprise Opportunity.
Center for Rural Affairs.
Coalition of Community Development Financial Institutions.
US Conference of Mayors.
Council of State Community Development Agencies.
Local Initiatives Support Corporation.
National Association of Counties.
National Association of Development Organizations.
National Association of Regional Councils.
National Association of RC&D Councils.
National Association of Local Housing Finance Agencies.
National Community Capital Association.
National Community Development Association.
National Farmers Union.
National Low Income Housing Coalition.
National Rural Funders Collaborative.
National Rural Housing Coalition.
Northeast-Midwest Institute.
Rural Community Advancement Program.
The Enterprise Foundation.

Mr. SARBANES. Madam President, the private sector strongly supports CDBG.

Doug Woodruff, Senior Vice President of the Bank of America, said at a recent Hill briefing:

> From the perspective of the private sector, the CDBG program provides a valuable and irreplaceable function in the continuum of efforts that surround many revitalization projects.
>
> The success of CDBG is unquestionable. It has produced over 2 million jobs in its 30-year history, and generated more than $50 billion in personal earnings.

I want to address one other point; that is, how do we restore the funding? That is always a question. It is a matter of priorities.

This amendment proposes to restore the funding by eliminating tax loopholes that were closed by this body in the last Congress. Ninety-two Members voted to do this. A lot of those provisions were dropped in conference.

Just 2 weeks ago, colleagues supported closing these loopholes in the context of the minimum wage debate. Obviously, these loopholes should be closed. The headlines are screaming "abusive tax shelter schemes." The GAO recently reported that 60 of the Nation's largest corporations used and abused tax shelter services in recent years.

Some want to cut other programs but this would mean taking from Peter to pay Paul. We have a perfect opportunity here to recoup valuable revenues that are now being lost through these tax shelter schemes. That is the tradeoff in this amendment.

I urge my colleagues to support it.

How much time do I have remaining?

The PRESIDING OFFICER. Two minutes forty seconds.

Mr. SARBANES. I yield half of that time to the Senator from Michigan.

Ms. STABENOW. Madam President, I appreciate very much having an opportunity to support this amendment and to be a cosponsor. I thank my colleague from Maryland for his leadership.

This is a small way in which we support local communities to create jobs, revitalize neighborhoods, support infrastructure, water, sewer, roads—those things that help create jobs.

From the highlights of the 2004 CDBG accomplishments, they show very specifically that they created or had the retention of more than 90,000 jobs last year. In a State like Michigan, this is incredibly important. Over 130,000 rental units and single-family homes were rehabbed, 85,000 individuals received employment training, 1.5 million children were served with afterschool enrichment programs, childcare services were provided to over 100,000 children and their families, 700 crime prevention and awareness programs, and 11,000 Americans became homeowners.

What is more important to each of us as parents than to be able to make sure we have shelter and a home for our children?

These are partnerships with local communities, small amounts of revenue that we bring together with our communities to make major impacts on the quality of life. That is what we are about—to partner with our local communities.

I urge the support of the amendment.

Mr. KENNEDY. Mr. President, I strongly support the Sarbanes amendment, which will prevent one the greatest failings of this President's Budget—its elimination of more than $2 billion from critically needed economic development and social service programs and the proposed consolidation of 18 valuable Federal programs into a single block grant under the so-called "Strengthening America's Communities Initiative."

I am heartened that so many of my colleagues have come together in opposition to these cuts—55 Senators wrote to the Budget Committee in an important show of bipartisanship 2 weeks ago.

Under the President's plan most American cities can expect at least a 35 percent cut in assistance from the Federal Government to help secure investment, house the poor, provide health care to the uninsured, and counsel the abused.

If the administration dislikes helping cities, they should have the decency to say so, instead of this charade where they try to hide massive cuts under the cloak of streamlining.

Their proposal insults the intelligence of mayors, community development officials, and social service agencies across the country—by cynically suggesting that somehow these cuts are going to make life better and be helpful to cities across America.

What makes these cuts so objectionable is they come at a time of great stress and difficulty for Americans who live in poverty. 1We are the wealthiest nation on earth. We are blessed with great abundance. Yet despite our great wealth, too many of our fellow citizens remain in the shadows, the prisoners of persistent and increasing urban and rural poverty.

The numbers are alarming. Today, nearly 36 million Americans live in poverty, and 3 million more working Americans live in hunger or on the verge of hunger today than in 2000. One out of five American children goes to bed hungry each night. We have it in our power to eliminate so much of this poverty.

At the very least, we shouldn't do anything to make it worse which is exactly what this "Strengthening America's Communities" plan from the White House would do. In the powerful words of the Gospel, "To whom much is given, much is required."

We need to pass the Sarbanes amendment, so that the work of tens of thousands of public officials, health officials, educators, community development experts toiling to improve living conditions in our cities isn't made any more difficult.

Mayors across the country on the front lines every day are struggling to create new jobs and attract capital investment. They are struggling to educate and house the children of the poor, and they are not fooled by this administration's misleading slogan "Strengthening America's Communities," because they know it is the exact opposite.

My friend, Mayor Clare Higgins of Northampton isn't fooled. She recently wrote me urging Congress to save Community Development Block Grants, one of the very few tools she has to meet Northampton's needs and one of the biggest programs on the President's chopping block.

Most recently, Northampton invested $300,000 of these Federal funds to acquire the Interfaith Cold Weather Emergency Homeless shelter—the only cold weather shelter serving Hampshire County. It is a collaborative effort between area church groups and ServiceNet Inc., a local human service provider. Without these funds, there would be no cold weather shelter in Hampshire County.

Mayor Higgins wrote:

> Without CDBG funds, the City will be unable to develop a planned senior center, public services that provide emergency food, homeless services, child care and after school programming, literacy skills and health care would not be funded; the City's ability to promote and develop affordable housing will be severely limited, parks and playgrounds will not be improved, and the City's ability to provide funding for the redevelopment of the former Northampton State Hospital will cease.

Mayor Tom Menino of Boston—the former head of the U.S. Conference of Mayors—isn't fooled. He knows what's at stake and recently conducted an analysis of the budget cuts on his city.

> Since 1998 alone—

Mayor Menino stated at a recent press conference—

> the City of Boston has permitted almost 5,000 new units of affordable housing and permitted more than 12,000 other units. We have invested a total of $7.8 million in CDBG funds in 19 large developments that have created a total of 1,175 apartments including 517 units for the formerly homeless.

He went on to say that this budget for housing, community development, and social services threatens to "throw the nation into the dark ages."

That doesn't sound like he believes his community will be "strengthened" by the Bush administration's cuts.

Mayor Menino believes the President's budget will mean the loss of $8 million in Community Development Block Grant funding for Boston and the loss of $5.5 million in Community Services Block Grant funding.

On any given night in the City of Boston, there are nearly 6,000 homeless men, women, and children in the city. Shelters in Massachusetts have been overflowing for 6 straight years, with 4 beds available for every 5 adults.

Yet the very support he has relied on to help build 133 units of affordable housing for homeless people, to help 500 low-income homeowners rehabilitate their properties, and to provide 130 first-time homebuyers with their down payments is now in grave danger.

How exactly is the mayor supposed to strengthen Boston when the support he needs to do it is getting the axe under this budget?

Other local officials tell the same story.

A letter I recently received from Elizabeth Cohen, Executive Director of Rape Crises Services of Greater Lowell, says:

> Dear Senator Kennedy:
>
> We need your help . . . We use CDBG Funds to support multilingual sexual assault support services. We are the only program in the

> Greater Lowell area and the only agency to have certified rape crisis counselors who speak Spanish and Khmer. With the elimination of this funding, we will have to cut back on these services, which will result in 100 Khmer-speaking clients being unable to have a counselor in their language . . .
>
> As you know, immigrants and refugees already have many struggles when they move to a new city or new country. Having to deal with the trauma of sexual violence on top of the difficulties in housing, education, food and school can paralyze a family . . . Please don't let the President take away this funding for Lowell.

I ask the Senate, does this sound like we are strengthening communities with this budget?

In Lawrence—one of Massachusetts' and the Nation's poorest cities—CDBG funds have been used to amazing effect to leverage nearly $110 million of investment in the remedation and redevelopment of an abandoned industrial brownfield site known as the Lawrence Gateway Project.

The city has invested nearly $6 million of its CDBG funds in the project and formed a model partnership with GenCorp, a private company that has invested $75 million so far in the redevelopment.

Today, Lawrence is continuing to use its CDBG funds to meet debt service payments on loans made to clean the properties.

Without these Federal funds, the partnership with GenCorp could not exist, and the City would not be able to do anything about this 15-acre, fenced-in, desolate property, which would stand as a stark reminder of the city's industrial past rather than as a symbol of the kind of innovative development needed to build a stronger future for the city.

How will we be strengthening Lawrence by eliminating one of the best ways they have to create investment partnerships with private businesses?

In addition to the community development block grant, the Sarbanes amendment will also preserve the community services block grant. These funds strengthen communities by funding local agencies, which provide services such as literacy, child health care, after school activities, low-income housing, food stamps, emergency shelter, and other support.

In Worcester, Patsy Lewis of the Worcester Community Action Council sent me a letter on just how devastating the President's plans to eliminate this program are.

Simply put, Patsy wrote, they would have to reduce or close their GED classes and partnerships for at-risk students in the public schools. The agency may even be forced to close.

Perhaps the President can explain how a community can be "strengthened" by eliminating GED programs.

Another person who isn't fooled about the effect of the President's devastating "Strengthening America's Communities," budget cuts is Steve Teasdale, executive director of the Main South Community Development Corporation in Worcester, which is doing incredible work attacking poverty in one of Massachusetts most economically distressed neighborhoods.

The Main South Community Development Corporation was formed in 1986, when concerned citizens came together to revitalize the neighborhood surrounding Clark University, which was reeling from the economic and social devastation wrought by the loss of Worcester's industrial base.

The obstacles in Main South's path are considerable:

Between 1960 and 2000, the population of the neighborhood fell 35 percent from 5,600 to 3,700. The housing stock fell by 29 percent.

Over 40 percent of the population lives below the poverty line—and 17 percent have incomes lower than 50 percent of the poverty level.

At 11.4 percent, unemployment is double the city's rate of 6.3 percent. Over half of neighborhood households are headed by single parents.

The challenges confronting the community are great, and Federal funds made available through the community services block grant, the community development block grant, and HUD's section 108 loan program have been absolutely essential to the extraordinary successes of Main South in recent years.

CDBG funds were used at the outset to match a challenge grant from the Ford Foundation that provided for the creation of the entity, and enabled Main South to attract outside investment. The result is numerous accomplishments for the neighborhood.

Since 1988, Main South has acquired and rehabilitated 246 units of low and moderate income housing—137 of which had been abandoned, and 78 of which were fire-damaged, many from arson. The new homes added $500,000 annually to Worcester's tax rolls.

In addition, as a direct result of Main South's housing rehabilitation, over $20 million of investment has flowed back into the community. Three ongoing private developments represent another $40 million of capital brought into the area.

Because of this Federal support, Main South has been able to be a true partner to Clark University, providing greater educational opportunity to neighborhood families—through a homework center, computer training classes, and career placement services.

In fact, because of the success of the partnership, Clark University lets neighborhood high school students take college classes and provides full tuition to neighborhood students who make the grade academically. This is extraordinary.

All of this has been made possible by the commitment and dedication of concerned community leaders—and the relatively modest sums of Federal support that are in danger with this budget before us.

Now Main South is taking on its greatest project, the Kilby-Gardner-Hammond Neighborhood Project.

This partnership between the Boys and Girls Club, the City, Clark University, and Main South will revitalize 30 acres of distressed industrial property consisting of over 40 vacant, trash-strewn lots.

It aims to transform the neighborhood through the construction of a $7 million new Boys and Girls Club, between 70 to 80 affordable housing units, and a new outdoor track and field complex for Clark University students and neighborhood children alike.

It is a transformative project, with a total investment impact of $30 million, much of that made possible by Section 108 loan guarantees that this budget would eliminate.

Without Section 108, Teasdale and Main South would never have been able to acquire the properties to put this project together. This fact alone should cause us to reject the administration's "strengthening communities" proposal—because it will do nothing of the sort.

> The question has to be asked, [Teasdale recently wrote] is what would happen in these neighborhoods if such funding was severely restricted or cut back. The answer can only be assumed to be that the current problems in these areas would get worse as capital investment once again withdraws to safer havens and the social service needs of the resident populations are stripped away. Crime, substance abuse, lack of recreational and educational opportunities for the youth of these areas and the incidence of poverty can all be expected to increase if CDBG funding is no longer available.
>
> The long-term social and financial costs associated with such cut backs would be deeply damaging and although the immediate impact would be most severely felt in our poorer urban communities the resulting social distress would eventually affect everyone.

Steve Teasdale and the leadership of the Main South Community Development Corporation know more about the day-to-day challenges affecting our poorer urban communities and the difficulties associated with urban economic revitalization than any of us, because they live it every day.

I ask my colleagues to consider his words and vote for the Sarbanes amendment, so we can save these critically important poverty prevention and economic development programs.

The Senate has a moral obligation not to make it harder for communities to solve the complicated issues of poverty and community development they face. Without the Sarbanes amendment, that is exactly what the Senate will allow to happen.

Mrs. FEINSTEIN. I rise today in support of Senator SARBANES' amendment to the Budget resolution that would restore funding to the Community Development Block Grant, CDBG, program and 17 other community and economic development programs proposed to be eliminated.

These programs are vital to our Nation's low and moderate income neighborhoods, as these are the communities who need these programs the most.

Despite the proven results of the CDBG program and the other 17 community and economic development programs, the fiscal year 2006 budget proposes to consolidate these programs into a single Commerce Department program, resulting in a $1.89 billion cut.

In fiscal year 2005, the total budget for all 18 community and economic development programs proposed to be consolidated, including CDBG, was $5.6 billion.

The administration's proposal only provides $3.7 billion for all 18 programs, leading to a $1.89 billion cut in community development funds.

This major reduction would have a devastating impact on our Nation's neediest communities and families who rely on these programs.

The loss of funds would also impact our Nation's economy, affecting small businesses who receive loans to finance projects that lead to the creation and retention of jobs.

The Sarbanes' amendment would restore the proposed $1.89 billion cuts to the CDBG program and 17 other community and economic development programs, such as the Community Development Loan Guarantees Program and Community Development Financial Institutions Fund; retain the administration of these important programs at their current agencies. For example, the CDBG program would remain at HUD and not be transferred to the Department of Commerce; accomplish this by closing tax loopholes that an overwhelming majority of Senators voted to close in the last Congress.

While the vote to close tax loopholes was not enacted, it offers us a bipartisan way to save community and economic development programs.

The Community Development Block Grant Program is one of the most effective Federal domestic programs to revitalize urban and rural communities.

Over the past 30 years, cities, counties, and States have used more than $105 billion in CDBG funds.

Over 95 percent of CDBG funds have gone to projects and activities principally benefiting low- and moderate-income individuals and families such as housing development, recreation centers, clinics, day-care facilities, and job creation and training.

According to HUD's "Highlights of Fiscal Year 2004 CDBG Accomplishments," CDBG funding led to the creation and retention of more than 90,000 jobs and 85,000 individuals received employment training nationwide in the last year alone.

In 2004, CDBG funds also helped with the rehabilitation of over 130,000 rental units and single family homes, and allowed more than 11,000 Americans to achieve the American Dream and become homeowners.

Additionally, nearly 700 crime prevention and awareness programs were funded and child care services were provided to 100,065 children in 205 communities across the country.

In my State of California, CDBG grants are critical to both urban and rural cities who rely on these funds to serve many low-income neighborhoods.

In fiscal year 2005, California received over $526 million in CDBG funds, accounting for 12.8 percent of the total $4.1 billion grant program.

Of these funds, for example, California cities and counties received $82.8 million to the city of Los Angeles and $34.6 million to Los Angeles County; $24.6 million to the city of San Francisco; $11.5 million to Riverside County; $8.4 million to San Bernardino County; and $5.5 million to Fresno County.

Over the past 5 years, the diverse use of CDBG funds have allowed Los Angeles County to develop almost 9,000 affordable housing units, to create and preserve over 2,000 jobs, to remove over 32 million square feet of graffiti, and to provide loans and technical assistance to over 5,000 businesses among other programs.

Cuts to the CDBG program would greatly hurt Los Angeles County's low income residents, the primary beneficiaries of CDBG-funded services.

According to 2000 Census data, 17.9 percent of Los Angeles County residents had incomes below the poverty level, a far higher poverty rate than the 12.4 percent national average.

CDBG funds have not only benefited large urban counties like Los Angeles, but rural counties and cities in California as well. Here are a few examples:

The city of Porterville in the Central Valley, which has a population of over 39,000 and an unemployment rate of 12.3 percent, has utilized CDBG funds to rehabilitate over 50 homes and assist more than 200 first time homebuyers purchase their first home. Many of these first time homebuyers are farm worker families.

The city of Victorville, located in San Bernardino County, served over 2,900 senior citizens, youth, homeless, disabled, victims of domestic violence, and low-income families in 2004 with CDGB funds. Over $551,550 in CDBG grants were provided to low-income senior and disabled homeowners to rehabilitate their homes, ensuring that Victorville citizens have a safe place to live.

As you can see, CDBG funds are crucial to closing the disparity between rich and poor in so many communities in California and throughout the country.

As a former mayor, I know that CDBG resources are the most flexible dollars within city government, making them extremely valuable to the economic vitality of local communities.

We cannot allow these funds to be cut.

To do so would send the wrong message to our country's neediest communities and families who rely on these funds the most.

Although CDBG is one of the main community development programs slated for consolidation and cuts in the fiscal year 2006 budget, there are 17 other important programs that would be impacted as well.

Specifically, I would like to touch on a few of the following programs that have had a substantial benefit to counties and cities:

Community Development Loan Guarantees, section 108 loan program, funded at $7 million in fiscal year 2005, is used often with CDBG funds to finance the construction of new facilities and economic development activities such as business loans.

Through the section 108 Loan Program, the city of San Francisco has been able to construct 13 new childcare facilities which created 599 new slots for children of low-income families, and created 200 new jobs through 8 business start ups and expansions.

Brownfields Economic Development Initiative, which received $24 million in fiscal year 2005, used with the section 108 loan program, helps finance the redevelopment of seriously contaminated sites.

Cities throughout California and the Nation have received assistance through these funds to conduct environmental engineering assessments for site cleanup activities.

This amendment would also restore funding for the Community Development Financial Institutions, CDFI, which provides private sector investors with tax credits to raise money for hard to finance development projects in low-income areas, as well as other economic development programs. CDFI received $55 million in funding this year.

These community and economic development programs proposed to be cut in the fiscal year 2006 budget put Federal dollars where they are needed most by funding projects that are unique to the problems they address.

The proposed cuts to the CDBG program and 17 other programs would result in higher unemployment, diminish business creation and retention, increase the number of blighted buildings, and the number of homeless people who cannot find affordable housing.

The loss of these dedicated funds would profoundly affect our country's low and moderate income communities and residents.

We must not allow this to happen.

I urge my colleagues to vote for the Sarbanes amendment to restore funding for CDBG and the 17 other community and economic development programs proposed to be eliminated.

Mr. LEAHY. Mr. President, I rise today to address shortfalls in the budget resolution for key community and economic development programs. The budget before us includes a reduction of roughly $2 billion in Federal assistance to distressed and underserved communities. These cuts are short-sighted, ill-advised and represent a significant retreat from our long-standing commitment to invest in our Nation's communities. I join Senator SARBANES in offering an amendment to restore funding for these programs to their fiscal year 2005 levels.

Last year the Federal Government invested $5.7 billion in communities across the country through a network of community and economic development programs. These programs were used to enhance social services, invest in infrastructure, promote affordable housing, provide public services and revitalize our downtowns. These investments changed the face of our cities and helped improve the standards of living across the Nation.

Unfortunately, the President has proposed to eliminate this network of programs and replace them with a single block grant at the Department of Commerce. Eighteen programs are on the chopping block, including the Community Development Block Grant, CDBG, the Community Development Financial Institutions Fund, CDFI, the Community Services Block Grant, CSBG, Brownfields Economic Development Initiatives and the Economic Development Agency, EDA. I find this proposal underwhelming and unacceptable. To add insult to injury the President has proposed, and this budget includes, only $3.7 billion for community and economic development activities covered under this initiative—a 34-percent reduction in all programs combined. This is simply not adequate.

Each of the programs slated for elimination was created for a specific purpose, each serves targeted constituencies and addresses distinct needs. Consolidating and under funding these programs would leave critical gaps in the web of support for our Nation's cities and towns. I question the President's assertion that these programs are ineffective or inefficient and I question the wisdom of starting a new program at a new agency when the old system is not broken.

I am particularly concerned with the elimination of the Community Development Block Grant program. CDBG is the centerpiece of the Federal government's efforts to help States and localities meet the needs of low-income communities. CDBG funds vital housing rehabilitation, supportive services, public improvements and economic development projects in communities across the Nation. It serves more than 1,100 entitlement communities, urban counties and States, and more than 3,000 rural communities.

Last year over 95 percent of CDBG funds went to activities benefiting low and moderate income persons. CDBG housing projects assisted over 160,000 households, public service projects benefited over 13 million individuals, and economic development projects helped create or retain over 90,000 jobs. Vermont used CDBG grants to rehabilitate over 270 units of affordable housing and help create or preserve over 150 jobs.

I recently led a bipartisan letter with Senator COLEMAN to the Budget Committee attesting to the effectiveness of CDBG and urged that it be fully funded and retained at the Department of Housing and Urban Development. Fifty-seven members of the Senate joined me in this letter.

I ask unanimous consent to print this letter in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, March 2, 2005.

Hon. JUDD GREGG,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.
Hon. KENT CONRAD,
Ranking Member, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN GREGG AND RANKING MEMBER CONRAD: The Community Development Block Grant (CDBG) Program funds housing rehabilitation, supportive services, public improvements and economic development projects in communities across the nation. CDBG serves more than 1,100 entitlement communities, urban counties and states, and more than 3,000 rural communities. We urge the Budget Committee to maintain the Federal government's current commitment to community development programs at the Department of Housing and Urban Development and support a budget allocation of $4.732 billion in Function 450 for CDBG, Section 108 economic development loan guarantees, and the Brownfields Economic Development Initiative.

HUD is the Federal Department principally responsible for community economic development. CDBG is the center piece of the Federal government's efforts to help states and localities meet the needs of low-income communities. Section 101 of the Housing and Community Development Act created the CDBG program to consolidate a number of complex and overlapping programs of financial assistance in order to encourage community development activities which are consistent with comprehensive local and areawide development planning; to further the national housing goal of a decent home and a suitable living environment for every American family; and to foster the undertaking of housing and community development activities in a coordinated and mutually supportive manner by Federal agencies and programs, as well as by communities. HUD's community development programs coupled with HUD's housing and homeless programs and supportive services, provide communities with a comprehensive approach to serving the needs of residents. CDBG is the glue that holds other Federal programs serving low-income communities together.

The Strengthening America's Community proposal aims to create strong accountability standards, offer flexibility to communities and create a more unified federal approach. These goals are already hallmarks of the CDBG program. On the 30th Anniversary of CDBG in 2004, HUD Deputy Secretary Roy Bernardi said the following about the program: "HUD has a long history of 'being there' and providing help for people, particularly those with the greatest needs—our lower income constituents. CDBG has certainly been there, during boom years and most importantly in times of tightening budgets, which place greater demands on existing services. We must continue to support and build upon programs that work, those that have a proven record of flexibility and the ability to fit in with locally determined needs. CDBG is such a program and ranks among our nation's oldest and most successful programs. It continues to set the standard for all other block grant programs."

The Strengthening America's Communities proposal would recreate a block grant program similar to CDBG within the Deparment of Commerce. The Department of Commerce, however, does not have the vital infrastructure or institutional capacity to provide a comprehensive approach to neighborhood development. Replicating HUD's CDBG program within the Department of Commerce would require rebuilding HUD's "infrastructure" and would result in inefficiencies, greater complexity and less aid to fewer cities, an approach which does not serve America's communities or taxpayers. CDBG's success depends on a locally driven, citizen participation process that provides flexibility and does not take a "one-size-fits-all" approach. The needs of Nashua, New Hampshire; Bismarck, North Dakota; Cincinnati, Ohio and Kansas City, Missouri are very different from the needs of Miami, Florida; El Paso, Texas; Pueblo, Colorado; or San Diego, California. CDBG is capable of addressing the diverse needs of these communities whether it is housing rehabilitation, homeownership, supported services for the elderly or children, business development or infrastructure improvements.

CDBG is one of the most effective Federal domestic programs to revitalize neighborhoods with proven results. Over 95 percent of CDBG funds went to activities principally benefiting low- and moderate-income persons. Twenty-eight percent of CDBG funds supported housing activities in distressed communities, 24 percent supported public improvements, 15 percent went to the provision of public services, and 7 percent supported economic development activities. In FY2004, CDBG housing projects assisted 168,938 households. Public service projects funded with CDBG served 13,312,631 individuals. Economic development programs funded by CDBG in fiscal 2004 created or retained 90,637 jobs for Americans and public improvement projects benefited 9,453,993 persons. CDBG also has a strong record in business retention: CDBG ensured that over 80 percent of the businesses assisted through the program were still in operation after three years.

Thank you for your consideration. We look forward to working with you to ensure that communities across the country can provide good jobs, affordable housing, and public services to meet the needs of all Americans.

Sincerely,

Norm Coleman, Patrick Leahy, Jack Reed, Kit Bond, Mike DeWine, Paul

Sarbanes, Evan Bayh, Barbara Mikulski, Ted Kennedy, George Voinovich, Jeff Bingaman.

Debbie Stabenow, Rick Santorum, Frank R. Lautenberg, Carl Levin, Olympia Snowe, Jon S. Corzine, Charles Schumer, Lincoln Chafee, Dick Durbin, Herb Kohl, Kay Bailey Hutchison.

Chris Dodd, Hillary Rodham Clinton, Mel Martinez, Max Baucus, Joe Lieberman, Arlen Specter, Byron L. Dorgan, Tom Harkin, John F. Kerry, Conrad Burns, Mary L. Landrieu.

Barbara Boxer, David Vitter, Maria Cantwell, Tim Johnson, Gordon Smith, Mark Dayton, Patty Murray, Jim Talent, Russ Feingold, Ken Salazar, Barack Obama.

Bill Nelson, Dianne Feinstein, Ron Wyden, Jay Rockefeller, Daniel K. Akaka, Jim Jeffords, Blanche L. Lincoln, E. Benjamin Nelson, Joe Biden, Tom Carper, Mark Pryor, Saxby Chambliss, Daniel K. Inouye.

Mr. LEAHY. Mr. President, I believe you will find similar support for each of the other programs under this umbrella.

I challenge each Member to go back to their State and find one community that has not reaped the benefits of a CDBG investment. I challenge each member to visit with their local community action groups and hear how they use the Community Services Block Grant to support the neediest in their communities. These programs fill a real need and have proven results. A cut of $2 billion in Federal funds will result in the loss of at least $18 billion in matching funds from local and State governments and nonprofit and private sector investments. I fail to see the wisdom in dismantling programs that are so vital to our communities.

Our amendment would restore nearly $2 billion for community and economic development programs and urges the Senate to retain the administration of these programs at their current agencies. We fully pay for the increase in funds by closing egregious tax loop holes that over 90 Members of this Chamber has already gone on record in support of closing.

I encourage my colleagues to join me in support of this amendment and express their support for these important programs.

Mr. BAUCUS. Mr. President, I rise to speak in support of the amendment of my friend and to express my support of the Community Development Block Grant Program, the Economic Development Administration, and the 16 other economic and community development programs that are dramatically underfunded in this budget. It is no surprise to see this amendment coming from my distinguished colleague from Maryland. I thank him for his work on this issue, both now and in the past. Throughout his career in the Senate he has been a powerful advocate for CDBG and similar community development programs.

The CDBG Program has for 31 years provided vital funding to communities all over the United States and throughout my home State of Montana. CDBG is especially valuable to economically distressed communities that often lack basic public infrastructure. It funds a diverse range of projects. Just last year, CDBG dollars helped fund head start facilities in Havre and Kalispell, and money to help Dodson modernize their wastewater system.

A CDBG grant helped Big Horn County renovate Memorial Hospital. In Anaconda, where we have a Jack Nicklaus-designed golf-course, a CDBG loan helped renovate the Old Works Hotel, dramatically improving the region's tourism industry.

These CDBG investments leveraged millions of State and local dollars. In Montana, CDBG dollars are primarily administered at the State level, so local officials can direct the funding to the areas of greatest need. CDBG is a program that works. It is a good investment of taxpayer money that communities leverage to fund vital projects they could not complete on their own.

And the CDBG Program has been supporting community development for the past 30 years with great success. Providing small infusions of Federal funding to jumpstart projects, CDBG has touched hundreds of Montana communities, and thousands of lives.

Unfortunately, CDBG isn't the only program on the chopping block. The Economic Development Administration is a small but crucial program that invests to help communities—particularly economically distressed communities—get ready for new businesses. EDA has a documented record of success. Since its inception in 1964, the EDA has created more than 4 million jobs and leveraged more than $18 billion in private sector investment in thousands of communities all across the country.

EDA investments in Montana have helped Montana farmers, suffering from years of draught. The Bear Paw economic development district in northern Montana used an EDA planning grant to help farmers study the feasibility of growing carrots and other vegetables in a region dominated by wheat growth for more than a century. The study demonstrated the viability of these crops, and farmers are excited to have a variety of crops to choose amongst.

Why, then, does this budget propose to eliminate it? At a time when it is critical for our country to maintain competitiveness in the global economy a proposal to eliminate a successful catalyst for economic growth is a mistake.

The growing budget deficit is a concern. But continued economic growth is central to everyone's plan to reduce the deficit. Why then are we cutting programs that spur economic growth? EDA creates jobs, more than 4 million in its history. It is essential that we preserve this job creating agency.

Our economy is in recovery, and as this recovery continues, EDA is working to make sure that all of America recovers. EDA targets its funding at economically disadvantaged communities. Areas that have recently experienced a factory closure, or a military base closure. The people who benefit the most from EDA are those who have been hurt the most by outsourcing.

States, counties, and cities are experiencing ever greater demands on their budgets. The choices they make, just like the choices we make here in the Senate, are tough, and getting tougher. The rising costs of health care, education, and other investments programs are straining local budgets to the breaking point. In some communities they have been forced to raise local taxes so high the benefits from recent tax cuts are all but gone.

We are robbing Peter to pay Paul. And it doesn't make sense to do it with agencies that have the ability to leverage their funds and ripple through their communities. For us here in Washington to eliminate Federal programs like the CDBG and EDA would devastate communities.

Cities will be forced to choose between school for our children or housing for our seniors, between improving decaying infrastructure needed to create new jobs and providing health coverage for our children. This amendment doesn't solve all of these problems, but it is a giant step to improving our communities.

Once again, I thank my colleague from Maryland, as well as all of our other cosponsors. I urge my colleagues to support this amendment. These programs create jobs and improve lives and communities all over our country. Let's not shortchange our communities that need this help the most.

Mr. REED. Mr. President, today many Americans in communities across the Nation are being left behind in our economy. Federal community and economic development programs, such as Community Development Block Grants, Community Development Financial Institutions, and Economic Development Administration grants, have a history of "being there" for communities—providing funding for housing rehabilitation, job creation, and infrastructure. I thank Senator SARBANES for offering his amendment to save these important programs from elimination, and I am glad to be a cosponsor. Senator SARBANES' amendment will restore funding to these vital programs by closing tax loopholes that the majority of the Senate supported closing in the FSC/ETI bill.

The President's Strengthening America's Communities Initiatives, SACI, would fundamentally change Federal economic and community development programs serving our communities.

The President's fiscal year 2006 budget eliminates 18 successful programs serving low-income urban, rural, and Native American communities. It reduces the Federal commitment to funding community development by 33 percent, cutting funding from $5.6 billion to $3.71 billion. And the President's proposal will also reduce the number of communities served. A program that serves fewer Americans with less resource can only place more families and low-income neighborhoods at risk, rather than create vibrant and strong economies as CDBG, CDFI, EDA, the Brownfields Economic Development Initiative and Section 108 loan guarantees are doing.

The real issue with federal community development assistance is the lack of financial resources for the thousands of communities struggling to remain economically competitive, not the current structure of the existing programs. While the budget resolution includes funding for tax loopholes that the Senate voted to close last year, it fails to adequately fund programs that provide affordable housing to American workers, programs that create or retain jobs in the economy, and programs that provide vital public services to our senior citizens.

In fiscal year 2003, the economy lost 486,000 jobs. CDBG projects created or retained 108,700 jobs for Americans. CDBG also has a strong record in business retention. While businesses have left American shores for other countries, CDBG ensured that over 80 percent of the businesses assisted through this program were still in operation after 3 years.

There is overwhelming opposition to the Strengthening America's Community Initiative. Mayors, local and State community development agencies, housing assistance agencies, and others from Rhode Island to Utah, and from Michigan to Texas, have written letters to Congress and to the administration opposing these devastating cuts and changes to Federal economic and community development assistance. They know that CDBG, CDFI, and EDA programs are the foundation of strong communities—these programs are literally the building blocks of community development. A unified grant program, as proposed by the administration, will leave gaping holes in community and economic development assistance.

CDBG is the glue that holds other Federal programs serving low-income communities together. On the 30th Anniversary of CDBG in 2004, HUD Deputy Secretary Roy Bernardi said the following about the program:

> HUD has a long history of 'being there' and providing help for people, particularly those with the greatest needs—our lower income constituents. CDBG has certainly been there, during boom years and most importantly in times of tightening budgets, which place greater demands on existing services. We must continue to support and build upon programs that work, those that have a proven record of flexibility and the ability to fit in with locally determined needs. CDBG is such a program and ranks among our nation's oldest and most successful programs. It continues to set the standard for all other block grant programs.

I want to tell my colleagues about CDBG's history of "being there." In Rhode Island, CDBG was there when the West Elmwood Housing Development Corporation, a not-for-profit community based organization, needed to build and renovate affordable homes. CDBG gave Rhode Island families, who would otherwise be unable to achieve the American dream of homeownership, the chance to own their own home. In Florida, Congress turned to CDBG to provide relief after last year's devastating hurricane season, and in New York City, CDBG helped the city rebuild after the September 11 tragedy. In New Hampshire, CDBG is there for the Concord Area Trust for Community Housing to layer with Low-Income Housing Tax Credits to build affordable housing. In Ohio, Community Development Financial Institutions are there for communities across the State helping to finance businesses and microenterprises that support new jobs in the economy. And EDA was there to provide planning and technical assistance to help save 466 existing jobs and create 78 new jobs near Billings, MT. There are no other Federal programs or tax loophole that have the history of "being there" like CDBG, CDFI, and EDA.

Senator SARBANES' amendment to restore funding to these programs deserves the full support of my Senate colleagues, whether Republican or Democratic, representing an urban state such as Rhode Island or a rural state such as Montana. I hope my colleagues will join me in voting for Senator SARBANES' amendment so that all workers, families, neighborhoods, and communities can participate in our Nation's economic growth.

Mr. GREGG. Madam President, what is the time?

The PRESIDING OFFICER. The Senator from New Hampshire has 7 minutes 25 seconds.

Mr. GREGG. Madam President, this amendment increases spending by $2.5 billion, exceeding the cap, and it increases taxes by the same amount of money. It is a tax-and-spend amendment. Therefore, I would oppose it. There are a lot of other reasons I would oppose it, but I wanted to give the Senator from Missouri an opportunity to say a couple of words on something else.

I yield to the Senator from Missouri, and I yield the remainder of my time on this amendment.

Mr. TALENT. Madam President, I thank my friend, the chairman. I would like to speak briefly on a separate amendment that I am going to offer and ask for a vote on it during the vote-arama today.

I am pleased to be joined in this effort by Senators THUNE, STABENOW, and WYDEN.

This amendment is endorsed by all the major transportation groups—including ASSHTO, Associated General Contractors, the Road Builders, the American Public Transportation Association, the U.S. Chamber of Commerce, and the Heavy Highway Alliance, representing major trade unions. These groups understand the importance of this amendment and many will be scoring it as one of their key transportation votes of this session.

As has been the case in past resolutions, the current budget resolution in the Reserve Fund section allows the budget chairman to make adjustments to the allocation for surface transportation.

However, the Senate language as written significantly restricts the transportation reauthorization funding options available to the Finance Committee.

In the fiscal year 2004 budget resolution, last year's resolution, we agreed to reserve fund language that allowed new transportation funding so long as it was offset by an increase in receipts of any kind to the highway trust fund. That is as it should be. We ought to allow the Finance Committee to have the full range of funding options.

As written in this year's resolution, the resolution takes away the flexibility of the Finance Committee, the EPW Committee, the Banking and Commerce Committees, to consider all available funding mechanisms for the reauthorization bill. It precludes the use of resolutions used in past authorization bills, some of which the administration has agreed to and which passed last year by 74 bipartisan votes. Among the funding options that would be blocked are interest on the highway trust fund's unexpended balances; the motor fuels refund reform for over-the-road and lend-lease vehicles; and drawdown of the highway trust fund balance.

My amendment simply changes the language to be consistent with the language in the House budget resolution and the fiscal year 2005 conference report. The amendment is narrowly targeted and does not affect the budget neutrality of the final transportation bill. The amendment simply ensures we have that debate at the right time on the highway bill with all the funding options on the table. I urge my colleagues who support transportation funding to vote for this amendment. It restores the flexibility to use revenue sources approved in the past and gets us out of the box that the current language traps us in and makes it easier to adequately fund our transportation needs within the limits of a revenue-neutral bill.

I will be asking for a vote at the appropriate time on the amendment. I thank my cosponsors, including the Senator from Michigan.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. What is the time situation on Senator SARBANES' amendment?

The PRESIDING OFFICER. The Senator from New Hampshire controls 4 minutes and the Senator from Maryland controls 1 minute 19 seconds.

Ms. STABENOW. As the cosponsor with my colleague from Missouri, I would appreciate a couple of minutes to speak on the Talent-Stabenow amendment before proceeding with the other amendments.

Mr. GREGG. We do not have any time on this side.

The PRESIDING OFFICER. Who yields time?

Ms. STABENOW. I ask for 2 minutes off the resolution.

The PRESIDING OFFICER. There is no time remaining.

Mr. SARBANES. I yield the balance of my time.

The PRESIDING OFFICER. The balance of the time is 1 minute 19 seconds.

Ms. STABENOW. To my colleagues, I rise to speak in support of the Talent-Stabenow amendment. It is very simple, as my colleague indicated. It is extremely important as the Senate begins the work of SAFETEA transportation legislation.

As in past resolutions, the current budget resolution in the reserve fund section allows the budget chairman to make adjustments to the surface transportation allocation. However, this budget resolution as written ties the hands of the Finance Committee and restricts the transportation funding options available to them such as using interest from the highway trust fund and drawing down the trust fund balance.

All the Talent-Stabenow amendment would do is modify the language to put all the funding options on the table. This change would be identical to the provision in the current House budget resolution and what has been included in past House and Senate budget resolutions.

We all know how critical SAFETEA is. Transportation issues in each of our States are absolutely critical. The transportation bill creates jobs. It supports communities. It uplifts all of our roads and highways and bridges in a critically important way. I am hopeful this amendment will receive strong bipartisan support so we can pass a strong safety bill with all the options on the table and make sure we have the options available to make it the very best bill we possibly can, given all of the concerns regarding funding.

Mr. GREGG. We yield back.

The PRESIDING OFFICER. All time is expired.

AMENDMENT NO. 230

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized.

Mr. COLEMAN. Madam President, I have an amendment I send to the desk for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. COLEMAN] proposes an amendment numbered 230.

Mr. COLEMAN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Mr. COLEMAN (for himself) proposes an amendment to the concurrent resolution S. Con. Res. 18 setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2006 through 2010; as follows:

(Purpose: To fully fund the Community Development Block Grant Program and related pograms, including Community Services Block Grant Program, Brownfield Redevelopment, Empowerment Zones, Rural Community Advancement Program, EDA, Native American CDBG, Native Hawaiian CDBG, and Rural Housing and Economic Development)

On page 16, line 15, increase the amount by $1,454,000,000.

On page 16, line 16, increase the amount by $29,080,000.

On page 16, line 20, increase the amount by $465,280,000.

On page 16, line 24, increase the amount by $610,680,000.

On page 17, line 3, increase the amount by $203,560,000.

On page 17, line 7, increase the amount by $72,700,000

On page 17, line 16, increase the amount by $619,000,000.

On page 17, line 17, increase the amount by $359,020,000.

On page 17, line 21, increase the amount by $241,410,000.

On page 17, line 25, increase the amount by $12,380,000.

On page 18, line 4, increase the amount by $6,190,000.

On page 26, line 14, decrease the amount by $2,073,000,000.

On page 26, line 15, decrease the amount by $388,100,000.

On page 26, line 18, decrease the amount by $706,690,000.

On page 26, line 21, decrease the amount by $623,060,000.

On page 26, line 24, decrease the amount by $209,750,000.

On page 27, line 2, decrease the amount by $72,700,000.

Mr. COLEMAN. Madam President, let me express my thanks to my colleague from Maryland, Senator SARBANES, for his work on this issue and for his leadership in the Senate. We serve together on the Foreign Relations Committee. It is a great honor. He brings great compassion, great respect, great dignity to the committee, to the institution, and his service is greatly appreciated. It is my honor as a relatively new Senator to be working on an issue that is so important to him as it is to me and to the folks I represent, both as a Senator from Minnesota, but as I represented as mayor in the city of St. Paul.

My amendment is simple. It says no cuts to the Community Development Block Grant Program. It says no moving CDBG, no to program changes that limit CDBG's effectiveness.

I share the President's goal of reducing the deficit and bringing fiscal accountability to Washington. But like so many things in Washington, the devil is in the details. In the case of CDBG, the details in the budget need to be reworked quite a bit.

I have a simple philosophy: Don't kill those things that build the economy and help cut deficits. I strongly supported tax cuts that create investment and grow jobs. CDBG grows jobs. Community development block grants grow communities.

When I talk to the folks back in Minnesota, whether they are city administrators or mayors or county commissioners, they all say the same thing: The Community Development Block Grant Program is the lifeblood of community development. That is why I am offering this amendment to fully fund CDBG along with the Community Service Block Grant Program, the Brownfield Redevelopment Program, and the Rural Housing and Economic Development Program, to name a few. These are things that work. Let's change and reshape things that do not work. But when you go home and folks say across the board—big town, small town, urban, rural—that it works, work with it.

CDBG was enacted in 1974 and has been assisting America's communities for 30 years. It is a program that helps State and local government tap their most serious community development challenges, including infrastructure, housing, and economic development. Over the first 25 years, it has created 2 million jobs and contributed in excess of $129 billion to the Nation's gross domestic product.

CDBG and public-private partnerships are the cornerstone of the economic revitalization across the country and in many of our cities in recent years. They have provided the tools to provide economic opportunity and hold jobs.

When you deal with the budget, there is a question of fiscal responsibility. Does the program work? Fair question. Is it cost effective? Fair question. What does it achieve?

I know CDBG works because when I was mayor, before coming to Washington, I worked with it. In coming here, my hope was to be Minnesota's mayor in Washington. I always take pride in the fact that a mayor's focus is on getting things done. They are at the bottom of the political food chain but really responsive. That was the bottom line. It was getting things done. If streets were unplowed in the city of St. Paul, I heard about it. So as a former mayor I know something about fiscal responsibility, about having to reduce needless bureaucracy, about turning deficits into surpluses, and setting money aside for a rainy day, all while submitting budgets that contained no tax increases in 8 years. Part of my ability to do that was the growth I saw in my communities and the public-private partnerships that CDBG created and shaped and was a part of. Community centers and crime prevention, affordable housing, and business and economic development—the heart and soul of Federal help to our cities.

The Presiding Officer serves the great State of Alaska, which has challenges. They are not awash in a surplus of cash. The Presiding Officer understands, as I understand, we have to support those things that grow our communities.

The fact is, jobs in St. Paul's economy have not grown without CDBG. We used CDBG to revitalize neighborhoods, and it is through this effort we were successful.

I can personally testify that dollar for dollar there is no better initiative to help States and localities renew and rebuild our cities and create economic growth and jobs than the Community Development Block Grant Program.

As Minnesota's mayor in Washington, I still believe that Government is beholden to the people; that individuals, with the help of their local representatives, can plan their lives better than bureaucrats in some distant capital.

That is what I like, and the idea behind CDBG, a very conservative idea that we should not have 1,500 command and control programs rush out of Washington trying to micromanage the needs of communities. Instead, we should help communities meet those needs and priorities through one block grant. With all the unfunded mandates coming from Washington, CDBG is a way we help communities across the country meet some very critical priorities. CDBG is a fiscally responsible program that exponentially produces more than it costs and is a truly conservative initiative enabling local leaders to meet local needs.

CDBG works. Last year, the Office of Management and Budget celebrated CDBG under the theme "performance counts." Since then, the Office of Management and Budget may have changed its mind, but America hasn't.

Let me state what CDBG means to my home State in Minnesota. When I became mayor of St. Paul, we got businesses and jobs growing. But not all St. Paul was benefiting from the turnaround. An area around Ames Lake on the east side of St. Paul, one of my toughest neighborhoods, needed help, needed growth. They could not take part in the surrounding economic boom because the buildings were in total disrepair and businesses were looking to move out, not move in. It would have been an impossible situation if not for CDBG. But thanks to CDBG, we were able to leverage Federal funds to attract millions of private dollars to improve infrastructure and replace the blight of city sprawl with green space, and build a community center to keep kids off the street.

I was at the League of City meetings the other day and talking to the member who represents the east side of St. Paul. In that community, they had a shopping center that was blighted, with nothing there. Reeds grew up through the concrete. We figured out the Good Lord was saying there was a wetland in the heart of the city. We got rid of the shopping center, got rid of the concrete, and created wetlands. Now he is telling me we have housing in the worst areas of St. Paul; the most blighted areas are growing and prospering. Again, CDBG was an important part of it.

In other words, thanks to CDBG, Ames Lake is now moving in the right direction. St. Paul is located within Ramsey County. And like all counties with a big city, Ramsey County struggles with sort of a split identity. On one hand, it has suburbs that are doing well compared to parts of the big city. Within the city is land intense with industrial projects such as car parks and truck sites that big cities need. Now these projects are great to have when they are up and running, but when they shut down, they are so large they take whole communities with them that is happened with the Glendenning Truck site.

It was in bad condition, and local officials knew something had to be done about it. Using CDBG, they were able to replace a dilapidated truck site with thriving businesses and jobs.

Ramsey County also used CDBG to transform the Vadnais Highlands apartment complex into safe, attractive and affordable housing.

I give another example of how community development becomes economic development. There is a town of 502 people in Minnesota called Brewster. In 1997, Brewster was awarded a one time community development block grant. This grant allowed Brewster to renew and rejuvenate its infrastructure by tearing down its dilapidated structures and replacing them with 40 homes. As a result of this investment, when Minnesota Soybean Processors was looking for a new home, there was no better place than Brewster.

The relocation of Minnesota Soybean Processors immediately created 40 jobs. In fact, that CDBG grant is still creating jobs as Minnesota Soybean Processors are now opening a biodiesel division which will employ 10 more people.

In another example, the city of Rochester, MN, used CDBG to fund the Aldrich Memorial Nursery School, providing pre-school kids with a safe place to be while mom and dad are working.

The city of Minneapolis uses CDBG to improve housing, stimulate job growth, improve public infrastructure, provide public health services, and school readiness programs.

A reduction in CDBG could hinder the city's current efforts to help 200 moms and dads to find jobs; efforts to develop 150 multifamily homes; efforts to acquire and demolish 110 vacant and boarded up houses; efforts to provide capital improvements to child care facilities, and efforts to reduce lead hazards in 70 homes and provide youth employment training to 300 kids. That is a lot of bang for the buck.

Minneapolis is a big city, but community development block grants are just as important to our rural communities. As you may know, America's rural communities often lack the resources to improve their infrastructure and housing.

The town of Detroit Lakes is located in Becker County, MN, and has about 7,500 residents. It is the heart of Lake Country in the land of 10,000 lakes. If you have not visited there, you should. Spend some money there while enjoying the lakes. The beach is right in town. At 119 Pioneer Street is the Graystone Hotel.

Built in 1916 to accommodate the region's growing tourism industry, the Graystone Hotel had since fallen on hard times. Its once grand exterior had degenerated into an unsightly mess, and its rooms all but abandoned. In short, what was once one of Detroit Lakes' flagship buildings, was now its biggest detraction.

Using CDBG along with private funding, the Graystone Hotel now includes 41 residential units and a variety of businesses and nonprofit enterprises ranging from Lakeland Medical Health Center to Godfather's Pizza.

St. Louis County, which is located in northern Minnesota and is one of the more rural areas in Minnesota, has also used CDBG. Since 1993, CDBG has helped create 560 jobs in St. Louis County; it has provided 2,900 residents of St. Louis County with business training resulting in 159 new start-up businesses; 450 homes were improved through local housing rehabilitation programs in the county.

Hundreds of first-time home buyers participated in a first-time home buyer program, resulting in the purchase of 600 single family homes.

In St. Louis County, CDBG also helps fund community soup kitchens, emergency shelters, child daycare projects, programs combating domestic violence, and a number of infrastructure improvements such as the water treatment facility in Aurora. St. Louis County has been able to leverage $5 in private dollars for every dollar they received through the CDBG program.

CDBG works, but don't take my word for it, just 1 ask the folks in Detroit Lakes, St. Paul, or St. Louis County.

I was pleased to work with Senator PATRICK LEAHY in leading a bipartisan coalition of 57 Senators in sending a message to the Senate Budget Committee signifying our strong commitment to CDBG and reminding folks that cities from Montpelier to Minneapolis need CDBG to create economic opportunity and to grow jobs.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, March 2, 2005.

Hon. JUDD GREGG,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.
Hon. KENT CONRAD,
Ranking Member, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN GREGG AND RANKING MEMBER CONRAD: The Community Development Block Grant (CDBG) Program funds housing rehabilitation, supportive services, public improvements and economic development projects in communities across the nation. CDBG serves more than 1,100 entitlement communities, urban counties and states, and more than 3,000 rural communities. We urge the Budget Committee to maintain the Federal government's current commitment to community development programs at the Department of Housing and Urban Development and support a budget allocation of $4.732 billion in Function 450 for CDBG, Section 108 economic development loan guarantees, and the Brownfields Economic Development Initiative.

HUD is the Federal Department principally responsible for community economic development. CDBG is the centerpiece of the Federal government's efforts to help states and localities meet the needs of low-income communities. Section 101 of the Housing and Community Development Act created the CDBG program to consolidate a number of complex and overlapping programs of financial assistance in order to encourage community development activities which are consistent with comprehensive local and areawide development planning; to further the national housing goal of a decent home and a suitable living environment for every American family; and to foster the undertaking of housing and community development activities in a coordinated and mutually supportive manner by Federal agencies and programs, as well as by communities. HUD's community development programs coupled with HUD's housing and homeless programs and supportive services, provide communities with a comprehensive approach to serving the needs of residents. CDBG is the glue that holds other Federal programs serving low-income communities together.

The Strengthening America's Community proposal aims to create strong accountability standards, offer flexibility to communities and create a more unified federal approach. These goals are already hallmarks of the CDBG program. On the 30th Anniversary of CDBG in 2004, HUD Deputy Secretary Roy Bernardi said the following about the program:

"HUD has a long history of 'being there' and providing help for people, particularly those with the greatest needs—our lower income constituents. CDBG has certainly been there, during boom years and most importantly in times of tightening budgets, which place greater demands on existing services. We must continue to support and build upon programs that work, those that have a proven record of flexibility and the ability to fit in with locally determined needs. CDBG is such a program and ranks among our nation's oldest and most successful programs. It continues to set the standard for all other block grant programs."

The Strengthening America's Communities proposal would recreate a block grant program similar to CDBG within the Department of Commerce. The Department of Commerce, however, does not have the vital infrastructure or institutional capacity to provide a comprehensive approach to neighborhood development. Replicating HUD's CDBG program within the Department of Commerce would require rebuilding HUD's "infrastructure" and would result in inefficiencies, greater complexity and less aid to fewer cities, an approach which does not serve America's communities or taxpayers. CDBG's success depends on a locally driven, citizen participation process that provides flexibility and does not take a "one-size-fits-all" approach. The needs of Nashua, New Hampshire; Bismarck, North Dakota; Cincinnati, Ohio; and Kansas City, Missouri are very different from the needs of Miami, Florida; El Paso, Texas; Pueblo, Colorado; or San Diego, California. CDBG is capable of addressing the diverse needs of these communities whether it is housing rehabilitation, homeownership, supported services for the elderly or children, business development or infrastructure improvements.

CDBG is one of the most effective Federal domestic programs to revitalize neighborhoods with proven results. Over 95 percent of CDBG funds went to activities principally benefiting low- and moderate-income persons. Twenty-eight percent of CDBG funds supported housing activities in distressed communities, 24 percent supported public improvements, 15 percent went to the provision of public services, and 7 percent supported economic development activities. In FY2004, CDBG housing projects assisted 168,938 households. Public service projects funded with CDBG served 13,312,631 individuals. Economic development programs funded by CDBG in fiscal 2004 created or retained 90,637 jobs for Americans and public improvement projects benefited 9,453,993 persons. CDBG also has a strong record in business retention: CDBG ensured that over 80 percent of the businesses assisted through the program were still in operation after three years.

Thank you for your consideration. We look forward to working with you to ensure that communities across the country can provide good jobs, affordable housing, and public services to meet the needs of all Americans.

Sincerely,

Norm Coleman, Patrick J. Leahy, Jack Reed, Mike DeWine, Evan Bayh, Edward M. Kennedy, Jeff Bingaman, Rick Santorum, Carl Levin, Jon S. Corzine, Christopher S. Bond, Paul S. Sarbanes, Barbara Mikulski, George V. Voinovich, Debbie Stabenow, Frank R. Lautenberg, Olympia J. Snowe, Charles E. Schumer, Lincoln Chafee, Herb Kohl, Christopher J. Dodd, Mel Martinez, Joseph I. Lieberman, Byron L. Dorgan, John F. Kerry, Mary L. Landrieu, Richard Durbin, Kay Bailey Hutchison, Hillary Rodham Clinton, Max Baucus, Arlen Specter, Tom Harkin, Conrad R. Burns, Barbara Boxer, David Vitter, Tim Johnson, Mark Dayton, Jim Talent, Ken Salazar, Bill Nelson, Ron Wyden, Daniel K. Akaka, Maria Cantwell, Gordon Smith, Patty Murray, Russell D. Feingold, Barack Obama, Dianne Feinstein, John D. Rockefeller IV, James M. Jeffords, Blanche L. Lincoln, Joseph R. Biden, Mark Pryor, E. Benjamin Nelson, and Thomas R. Carper.

Mr. COLEMAN. I also ask unanimous consent to have printed in the RECORD a letter of support for the community development block grant program from the U.S. Conference of Mayors, the National Governors Association, the National Community Development Association, National Association of Counties, the National League of Cities, the Council of State Community Development Agencies, the Local Initiatives Support Corporation, the Enterprise Foundation, the National Association of Housing and Redevelopment Officials, the National Association of Local Housing Finance Agencies, the National Council of State Housing Agencies, and the National Congress for Community Economic Development.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 4, 2005.

Hon. JUDD GREGG,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.
Hon. KENT CONRAD,
Ranking Member, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR CHAIRMAN GREGG AND RANKING MEMBER CONRAD: As you prepare to consider the FY 2006 Budget Resolution, we the undersigned organizations want to convey our opposition to proposed cuts in the FY 2006 Department of Housing and Urban Development (HUD) budget. We respectfully request that you craft a Budget Resolution that will provide adequate budget authority for all HUD programs and maintain important community and economic development functions and funding at HUD.

Of particular concern to us is the proposed elimination of the Community Development Block Grant (CDBG) program along with 17 other Federal community and economic development grant programs. We oppose in the strongest terms the elimination of CDBG, and we urge you to reject the proposed "Strengthening America's Communities" (SAC) Initiative and support full funding for the CDBG program at HUD.

As you know, the FY 2006 Budget would effectively eliminate 18 community and economic development programs, including CDBG, and create an entirely new initiative to be operated by the Department of Commerce. Proposed funding for this "consolidated" program would be $3.7 billion, and 35 percent reduction in funding when compared to total FY 2005 appropriations for the 18 programs targeted for elimination under the initiative. Consider that Congress funded the CDBG program alone at $4.7 billion in FY 2005, $1 billion more than the entire proposed budget for the SAC initiative.

Eliminating these 18 programs and substantially reducing the Federal investment in community and economic development would have a devastating impact on State and local governments. Each of these existing programs is an important and necessary component of urban, suburban, and rural communities' efforts to revitalize neighborhoods, expand affordable housing opportunities and create economic growth. We believe that CDBG is the glue that holds these efforts together.

For 30 years, the CDBG program has served as the cornerstone of the Federal government's commitment to partnering with state and local governments to strengthen our Nation's communities and improve the quality of life for low- and moderate-income Americans. Since its inception, CDBG has made a real and positive difference in communities across America, and there is no shortage of CDBG success stories. Many of the groups that signed this letter have been working in partnership with HUD and the Office of Management and Budget (OMB) in a good faith effort to improve the CDBG program's ability to measure performance. As a result of this effort, HUD plans to unveil a new outcome-based measurement system in early 2005. As recently as November 2004, OMB endorsed this undertaking. We believe this new system will verify what is already obvious: CDBG works.

CDBG's emphasis on flexibility and local determination of priority needs through citizen participation is allowing state and local governments to achieve real results. According to HUD's "Highlights of FY 2004 CDBG Accomplishments," CDBG funding led to the creation or retention of more than 90,000 jobs in the last year alone. Thanks to CDBG, in 2004 over 130,000 rental units and single-family homes were rehabbed, 85,000 individuals received employment training, 1.5 million youth were served by after-school enrichment programs and other activities, and child care services were provided to 100,065 children in 205 communities across the country. CDBG also funded nearly 700 crime prevention and awareness programs. Additionally, more than 11,000 Americans became homeowners last year thanks to CDBG funding. CDBG remains a smart, efficient form of investment, as it continues to leverage around three dollars for every dollar of Federal investment. It certainly did not come as a surprise to us when HUD Secretary Alphonso Jackson, in a March 2nd appearance before the House Financial Services Committee, stated, "The program works."

The CDBG program's design is especially successful at targeting resources to those who need them most. In 2004, 95 percent of funds expended by entitlement grantees and 96 percent of State CDBG funds expended were for activities that principally benefited low- and moderate-income persons. A full half of persons directly benefiting from CDBG-assisted activities were minorities, including African Americans, Hispanics, Asians, and American Indians. Despite the fact that economic challenges and pockets of poverty exist in almost all American communities, adoption of the SAC initiative would almost certainly result in a complete loss of funding for a significant number of communities.

For all of the reasons detailed above, we believe that CDBG should remain at HUD and receive full funding of at least $4.7 billion in FY 2006. We also believe it is premature for the Budget Resolution to even address such a far-reaching change to the program before the numerous committees of jurisdiction have had sufficient opportunity to hold appropriate hearings on the topic. We urge you to craft a Budget Resolution reflecting those sentiments. More specifically, we strongly encourage you to include language in your Resolution clearly stating that the Resolution "does not assume enactment of the proposed 'Strengthening America's Communities' Initiative nor the proposed reduction in funding for the CDBG program included in the Administration's FY 2006 budget."

We thank you for your favorable consideration of this request.

Sincerely,

Council of State Community Development Agencies.
The Enterprise Foundation.
Habitat for Humanity International.
Housing Assistance Council.
Local Initiatives Support Corporation.
National Association for County Community and Economic Development.
National Association of Counties.
National Association of Housing and Redevelopment Officials.
National Association of Local Housing Finance Agencies.
National Community Development Association.
National Conference of Black Mayors.
National League of Cities.
National Low Income Housing Coalition.
United States Conference of Mayors.

Mr. COLEMAN. I urge my colleagues to adopt my amendment and show their support for these community leaders by fully funding the community development block grant program, keeping it at HUD, and rejecting any harmful changes.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. GREGG. There is 7½ minutes remaining in opposition?

The PRESIDING OFFICER. That is correct.

Mr. GREGG. There is story after story for everything in this country. The problem is, if we start funding all the stories, we will run out of money and tax our kids so they cannot afford it and tax ourselves so we cannot afford it.

The issue is setting priorities. The President has suggested a priority in the area of CDBGs. I suspect this Congress is not going to accept that priority, but it should function within the caps that have been set in order to decide whether it chooses that priority.

This is a reasonable approach, to set a cap and then say to the Appropriations Committee, you decide whether CDBGs make more sense than some other program that would compete for the same amount of money.

I will not vote for either of these amendments, but if I had to vote for one or the other, I would be more inclined to vote for the one from the Senator from Minnesota because he does not impact caps and takes it out of something called 800 which is the general operation of the Government which means basically a cut to IRS and other operating accounts within the Government.

I don't think that should be the way we should approach this. We should, rather, allow the Appropriations Committee to make decisions on this and we should not be arbitrarily in the Senate reallocating money from IRS over to the CDBG Program on the basis of anything, including stories.

I understood the Senator from Maryland wanted a couple of minutes.

I yield the Senator 2 minutes.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Madam President, I commend the Senator from Minnesota for a very eloquent statement about the effectiveness of the CDBG program. Of course, he has absolutely firsthand experience with it having been a mayor of one of our great cities. I appreciate his analysis of the worth of the CDBG program.

I simply make this point, and this is a broader priorities question: The amendment I have offered derives the funding, in order to restore the money, by closing tax loopholes—the very provisions that passed the Senate overwhelmingly last year 92 to 4 on the FSC/ETI bill. A lot of these provisions were dropped in conference. The ones dropped would produce $27 billion over a 5-year period. So there is not much argument about the necessity of closing these loopholes. The overwhelming judgment here was that ought to be done. That would then avoid cutting other programs.

There is a dilemma here. I understand that. If we are trying to keep things neutral as far as contributing to the deficit is concerned, then the question becomes, do you cut other programs in what is, I think, an already extremely tight budget. So you fund CDBG, but you would diminish the funding for housing, education, and other programs—across the board. The alternative is to find a revenue source in which there is general agreement in terms of an abuse of the Tax Code.

Now, the chairman refers to that as taxing and spending. I do not know how you spend if you do not tax unless you are going to run up a deficit. I regard that as responsible budget making.

You always have to use reasoned judgement and analysis in terms of what is fair and right. The proposal here is to close some of those tax loopholes. There has been an overwhelming judgment that those loopholes should be closed. The amount of revenue produced by closing the loopholes dropped in conference is three times what it would cost to restore the CDBG Program. Thus closing only some of them would produce sufficient revenue to restore these programs.

The PRESIDING OFFICER. The Senator has consumed 2 minutes

Mr. SARBANES. I thank the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I thank the Senator from Maryland.

I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

The Senator from Mississippi.

AMENDMENT NO. 208

(Purpose: to modify the designation authority for an emergency requirement)

Mr. COCHRAN. Madam President, I call up amendment No. 208, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] proposes an amendment numbered 208.

On page 42, line 14, strike "that" and all that follows through "designates" on line 15 and insert: "that the Congress designates as an emergency requirement".

The PRESIDING OFFICER. There is 10 minutes evenly divided on this amendment.

The Senator from Mississippi.

Mr. COCHRAN. Madam President, section 402 of the pending budget resolution establishes a procedure for designating emergency appropriations that I believe creates a new and unnecessary hurdle for Congress in responding to emergency situations. It distorts the balance of power between Congress and the President.

Section 402 permits an emergency designation of an appropriation to be challenged on a point of order and provides that the point of order can be waived only by a vote of three-fifths of the Senate. That point of order has been incorporated in budget resolutions for several years now. It was put in place to curb what was seen as an overuse of the emergency designation to escape the limitations of the caps on discretionary spending. It has served successfully to impose restraint on emergency designations.

But now, in this resolution, the distinguished chairman of the Budget Committee has included, in addition to that requirement, the further requirement that the President must also designate the appropriation as an emergency in order for it to escape being counted against the budget resolution caps for discretionary spending.

While it is true the Presidential designation was part of the process in the original Budget Enforcement Act of 1990, that legislation was a comprehensive measure with a number of budget enforcement provisions, and was before the three-fifths or 60-vote requirement had been imposed on the process. It seems to me we do not need both the 60-vote requirement and the new Presidential designation requirement.

Let me suggest a hypothetical situation. Let us say this provision were in place when this body takes up the President's emergency supplemental request, which has been passed by the other body. Let us say that an amendment is offered on the floor to address an emergency situation not included in the President's budget request, and its emergency designation is challenged by a point of order here in the Senate, and, further, that an overwhelming majority of the Senate votes to approve the emergency designation. Despite the size of the vote in the Senate, so long as it is over 60, and even if the President signs the bill into law, if the President declines to specifically and expressly concur with the congressional emergency designation, the appropriation will be counted against the discretionary cap by the Budget Committee scorekeepers. This is even though the President approves the appropriation.

My suggestion is by signing the bill the President approves the decision of the Congress that the funds are needed, and that they should be spent, and that they are needed to address an emergency.

So despite a substantial majority vote here in the Senate on a particular appropriation provision, despite congressional approval of an appropriations bill, including its emergency designation, and despite the President signing the bill, approving the bill with this provision in it, the President can effectively nullify the action of the Congress relative to the caps on spending set by Congress in its own budget resolution.

I believe the inclusion of this additional Presidential power should be stricken from this resolution and we should enforce our budget provisions with the 60-vote point of order as provided by our rules and under the law. Congressionally imposed caps on spending should be set and enforced by Congress, not by the President.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time in opposition?

Mr. GREGG. Madam President, I rise in opposition.

Mr. BYRD. Madam President, will the Senator yield?

Mr. GREGG. How much time would the Senator need?

Mr. BYRD. Two minutes.

Mr. GREGG. Madam President, I yield the Senator 2 minutes.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, I thank the distinguished Senator, the chairman of the committee, for his characteristic courtesy.

I rise, Madam President, to express my admiration for Senator COCHRAN as he assumes the duties of chairman of the Senate Appropriations Committee. Today, I stand with Chairman COCHRAN in support of his amendment concerning the authority of Congress to designate funding as an emergency.

In the Constitution, there is no ambiguity about which branch of Government has the power of the purse. It is the congressional power of the purse which is the central pillar of the system of checks and balances under our Constitution. The budget resolution that is before the Senate includes a provision which makes the ability of the Congress to designate funding as an emergency subject to the approval of the President.

The measure that is before the Senate is a budget resolution. It is not a law. It will not be sent to the President for his approval. The Congress should not use a budget resolution to tie its own hands on spending decisions. The Congress should not tie its own hands in determining whether an expenditure for war, or an expenditure for victims of a flood, hurricane, or earthquake is an emergency. The Senate should not have to get on its knees and plead with any President for his permission to designate a provision as an emergency. The Congress is a coequal branch of Government under our Constitution, and it should jealously guard the prerogatives associated with the power of the purse, so wisely preserved for the legislative branch by our Founding Fathers.

If the Senate wants to provide emergency funding for agriculture disaster relief, or for responding to a recent flood or hurricane, or to provide additional funding to the Department of Defense for body armor, it must have that authority. The Cochran amendment makes clear Congress retains that authority.

I urge adoption of the amendment.

Again, I thank the chairman.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, a lot of folks around here talk about budget reform, and this is budget reform in that it returns us to the days when the President was treated essentially this way, back under President Clinton, under President Bush the first. I think it is important to know what the issue is.

The issue is not defense spending, because the proposed budget point of order and the Presidential involvement does not apply to defense spending. So with regard to the supplemental that is coming at us, the majority of which is defense spending, it does not affect that. It is nondefense areas where basically emergency designations are used to avoid the cap.

The cap is the enforcement mechanism on the discretionary side. There are going to be instances where we are going to have to go through the cap because there are legitimate emergencies—hurricanes, the tsunami. But the simple fact is, there are also instances where we have used the emergency designation, such as for oyster farming, where maybe they were not quite emergencies, and yet they allowed the cap to be avoided for that spending item.

This tries to put some balance back into the process of when we are going to have domestic emergencies and when we are not, and making sure the President is part of that process, which has traditionally been the way we did it around here. So I think it is reasonable change.

I understand the chairman and the ranking member of the Appropriations Committee are concerned because it may well impact them, although I suspect with this President they will be able to work out an understanding that they will agree on. But I do think it is an enforcement mechanism that is appropriate at this time.

Madam President, do I have any time left?

The PRESIDING OFFICER. There is 1 minute 20 seconds remaining.

Mr. GREGG. I yield that back.

The PRESIDING OFFICER. Time is yielded back.

The Senator from New Hampshire.

Mr. GREGG. Madam President, I ask unanimous consent that following this debate which has just been completed, the following times be allocated specifically for Members to offer their amendments; provided further, that if the Senator is not here during the allocated time, the clock run against the time reserved for the amendment.

I send a list of those allocations to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Massachusetts.

AMENDMENT NO. 177

Mr. KENNEDY. Madam President, I inquire. I believe in the order of matters it is appropriate now to consider amendment No. 177, and there is a 15-minute time limit on it. Am I correct?

The PRESIDING OFFICER. There is a 15-minute time limit on the education amendment. Does the Senator call up the amendment?

Mr. KENNEDY. Yes, I call up the amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Mr. DODD, Mrs. MURRAY, Mr. LIEBERMAN, Mr. CORZINE, Mr. KERRY, Mr. SARBANES, and Mr. REED, proposes an amendment numbered 177.

The amendment is as follows:

(Purpose: To reduce the deficit by $5.4 billion and support college access an equal amount by closing $10.8 billion in corporate tax loopholes and: (1) restoring education program cuts slated for vocational education, adult education, GEAR UP, and TRIO, (2) increasing the maximum Pell Grant scholarship to $4,500 immediately, and (3) increasing future math and science teacher student loan forgiveness to $23,000)

On page 3, line 10, increase the amount by $1,446,000,000.

On page 3, line 11, increase the amount by $7,606,000,000.

On page 3, line 12, increase the amount by $1,332,000,000.

On page 3, line 13, increase the amount by $454,000,000.

On page 3, line 14, increase the amount by $110,000,000.

On page 3, line 19, increase the amount by $1,446,000,000.

On page 3, line 20, increase the amount by $7,606,000,000.

On page 3, line 21, increase the amount by $1,332,000,000.

On page 4, line 1, increase the amount by $454,000,000.

On page 4, line 2, increase the amount by $110,000,000.

On page 4, line 7, increase the amount by $5,389,000,000.

On page 4, line 8, increase the amount by $5,000,000.

On page 4, line 9, increase the amount by $15,000,000.

On page 4, line 10, increase the amount by $25,000,000.

On page 4, line 11, increase the amount by $40,000,000.

On page 4, line 16, increase the amount by $723,000,000.

On page 4, line 17, increase the amount by $3,803,000,000.

On page 4, line 18, increase the amount by $666,000,000.

On page 4, line 19, increase the amount by $227,000,000.

On page 4, line 20, increase the amount by $55,000,000.

On page 4, line 24, increase the amount by $723,000,000.

On page 4, line 25, increase the amount by $3,803,000,000.

On page 5, line 1, increase the amount by $666,000,000.

On page 5, line 2, increase the amount by $227,000,000.

On page 5, line 3, increase the amount by $55,000,000.

On page 5, line 7, decrease the amount by $723,000,000.

On page 5, line 8, decrease the amount by $4,526,000,000.

On page 5, line 9, decrease the amount by $5,192,000,000.

On page 5, line 10, decrease the amount by $5,419,000,000.

On page 5, line 11, decrease the amount by $5,474,000,000.

On page 5, line 15, decrease the amount by $723,000,000.

On page 5, line 16, decrease the amount by $4,526,000,000.

On page 5, line 17, decrease the amount by $5,192,000,000.

On page 5, line 18, decrease the amount by $5,419,000,000.

On page 5, line 19, decrease the amount by $5,474,000,000.

On page 17, line 16, increase the amount by $5,389,000,000.

On page 17, line 17, increase the amount by $723,000,000.

On page 17, line 20, increase the amount by $5,000,000.

On page 17, line 21, increase the amount by $3,803,000,000.

On page 17, line 24, increase the amount by $15,000,000.

On page 17, line 25, increase the amount by $666,000,000.

On page 18, line 3, increase the amount by $25,000,000.

On page 18, line 4, increase the amount by $227,000,000.

On page 18, line 7, increase the amount by $40,000,000.

On page 18, line 8, increase the amount by $55,000,000.

On page 30, line 16, decrease the amount by $1,446,000,000.

On page 30, line 17, decrease the amount by $10,948,000,000.

On page 36, line 21, increase the amount by $8,000,000.

On page 36, line 22, increase the amount by $8,000,000.

On page 36, line 23, increase the amount by $93,000,000.

On page 36, line 24, increase the amount by $93,000,000.

On page 48, line 6, increase the amount by $5,381,000,000.

On page 48, line 7, increase the amount by $715,000,000.

Mr. KENNEDY. Madam President, during the last few days, we have voted on various education amendments. I want to direct the attention of our Members to some of the facts as we are coming to the final consideration of this amendment.

Fact No. 1: The chairman's mark in the 2006 budget, if you look on page 5, you will see education, training programs, and you see that there will be cut $2.5 billion now, $4 billion in the second year. According to the best estimate we have, from the Center on Budget and Policy Priorities, cumulatively over 5 years this will be $40 billion. Those who are opposed to our amendment will say, you have a $5 billion higher education trust fund. But as the chairman of our committee pointed out, that basically is a phony mark.

The chairman of our committee, Mr. ENZI, says that chairman's mark contains a $5 billion reserve for new initiatives coupled with approximately $5 billion in spending cuts. In order to get the $5 billion in reserve funds, you have to effectively have these cuts plus the reconciliation cuts. What we are talking about basically are very dramatic and significant cuts in education.

This amendment does two basic things. First, it will ensure that we will reach $4,500 in Pell grants. Second, it will fund the cuts that are proposed by the President in terms of TRIO and GEAR UP so that we will help the needy children in that area. Third, it will ensure that we are going to provide funding for vocational education, special skills, the adult education program, so we are going to have a continuing upgrade of American skills. That is one important part of this amendment.

The second important part is the part of the amendment that gives attention to where the United States is in terms of a global challenge. I personally believe that the greatest challenge we are facing today is globalization, and the challenge we ought to respond to is to make sure that our people will be able to deal with the global challenge. And that means investing in math and science.

This amendment will fund education for math and science teachers in a similar way that we did at the time we were threatened with sputnik in 1957. With this amendment we will effectively get 50,000 to 60,000 more math and science teachers every year.

We have seen what has happened to the United States in the area of math and science. In 1975, we were third in the world in terms of math and science and engineering degrees. By the year 2000, we were 15th in the world, and we are going down. This budget resolution will drive us down further. This amendment provides a stopgap to that and the opportunity to make significant gains. That is what this is about.

We know that the Chinese are graduating three times as many engineers as the United States will this year. India is graduating three times as many computer scientists as we are. If we just think that we can go along with business as usual, we are missing an enormously important opportunity and responsibility. We need this kind of investment. We need it so that we will be able to compete globally in terms of the economy. We need this investment so that we will be able to compete from a national security point of view. Investing in our young people is an essential part of our national security. We cannot tolerate the kinds of cuts that are included in this legislation. This amendment addresses that.

Those on the other side will say we have increased education funding by all these percentages in recent years. We have increased funding in education, but it is still totally inadequate. The fact is, most of the increase has been the result of action on this side. I wish we had been able to meet our responsibilities.

If you look at what is happening currently in terms of high school dropouts, these are three of the large high schools in Los Angeles—it is difficult to see, but you should be able to see the trend lines—Roosevelt High School, Garfield High School, and Huntington Park High School. You see the dramatic dropout that is taking place across the country. That is happening in our high schools.

Talk to any principal, talk to any school board, talk to any of those involved in education—they know what is not happening; that is, getting a good education.

Finally, for every 100 ninth graders, 68 of those graduate from high school out of every 100; 40, when they graduate, will enroll in college. Only 27 will stay enrolled as sophomores, and only 18 graduate from college on time out of the 100.

Money is not the only answer. Money in a number of instances isn't the answer. But investing in resources is an indication of our national priority. It does seem to me that we can afford the $5.4 billion which is offset and paid for with the close of tax loopholes in a proposal that also includes $71 billion in tax reductions for individuals. That is what this whole proposal is about. That is what this budget is about: the question of priorities. This is a $5.5 billion investment in our children, offset—not increasing the deficit—with the closing of tax loopholes which has been accepted by the Senate in a proposal that is already providing $71 billion in tax reductions. It does seem to me that this is more of an expression of the values of the American people. Five billion is a lot, but we know that investing in our young people, investing in math and science, is key to our future. It seems to me to be something that the American people should and will support. I hope this amendment will be accepted.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, the Senator from Massachusetts is correct. Money does not solve the problem of education. If it did, the city of Washington would have the finest schools and the best academic experience in the country instead of the worst. The students regrettably score at the bottom of the Nation year in and year out. Yet on a per capita basis, more money is spent per child here in Washington than any place else in America: $12,000 a year per child. I congratulate the present Mayor for trying to address the issue through creating choice within the school system. But that is a fact. Money does not necessarily solve education problems.

However, in the area of money, this Presidency has done a dramatically better job than the prior President in his commitment to increasing education dollars. Since coming into office, President Bush's increase in education exceeds that of President Clinton by 33 percent. His increase in funding for title I exceeds that of President Clinton by 52 percent. His increase in IDEA funding exceeds that of President Clinton by 75 percent. His increase in funding of No Child Left Behind exceeds President Clinton's areas in approximately the same programs by 46 percent. In this budget proposal, the President has proposed adding another $500 million in IDEA, $600 million in title I, $1 billion in No Child Left Behind, and half a billion dollars into Pell grants.

In addition, this budget itself sets up the process for significant increases in funding in the Pell grant area so that we can get to a $4,150 grant next year. And if we follow the proposal of this budget, we will get to a $5,100 grant for people who use Pell grants and go to college for 4 years and complete their schooling.

In addition, we put in $5.5 billion, approximately, in order to reauthorize the Higher Education Act. And yes, it is paid for in large part, but it is paid for by basically ratcheting down on lenders. I suspect the Senator from Massachusetts will be comfortable with many of the pay-fors which Senator ENZI comes up with in committee. So the education commitment of this administration has been extraordinarily strong, and this budget puts forth some very creative and unique ideas for going forward on that aggressive approach.

This amendment is not the way to proceed. The Senator from Massachusetts has never been a wilting violet on the concept of increasing taxes. This amendment reinforces that fine track record as it increases taxes by $10.9 billion. In fact, the entire other side of the aisle has not been much in the way of wilting violets on the issue of increasing taxes.

So far we have had approximately seven amendments that we have accounted for. I think there are a lot more floating around here that we have not yet accounted for that had they been passed or if they are passed—four of them were, fortunately, defeated—would have added $47 billion. That doesn't count this $10 billion. So we are up to almost $60 billion of new taxes that has been proposed so far. I suspect that number is understated because I think we are missing five or six amendments that had been suggested in the last few hours late last evening.

So there is no question but there is a philosophy on the other side which this side is trying not to subscribe to, which is that you just raise taxes and you spend more money and that solves the problem. That doesn't solve the problem. The problem is that we have to set priorities, and within those priorities, some programs of the Federal Government should be funded more aggressively than others.

What the President has suggested specifically is that the core educational initiatives of the Federal Government—No Child Left Behind, title I, special education, Pell grant, higher education—will be funded extremely aggressively. The Congress may not decide to choose to follow that course of action, but at least we should go forward with the concept that we are going to set the priorities within a budget that we can afford and not break that budget and raise taxes on the American people.

Therefore, I oppose this amendment.

I yield back the balance of my time.

Ms. COLLINS. Mr. President, I am pleased to rise in support of Senator KENNEDY's amendment to increase education funding in the budget by $5.4 billion. This amendment will provide additional budget authority for the purpose of addressing many important education needs, including ensuring continued funding for TRIO, GEAR UP, and Perkins vocational education. In addition, this amendment will include funding to raise the maximum Pell grant award to $4,500 this year, which is one of my top legislative priorities for this year.

Our system of higher education is in many ways the envy of the world, but its benefits have not been equally available. Unfortunately, it is still the case that one of the most determinative factors of whether students will pursue higher education is their family income. Students from families with incomes above $75,000 are more than twice as likely to attend college as students from families with incomes of less that $25,000.

To help remedy these inequities, the Federal Government has wisely invested in a need-based system of student financial aid designed to remove these economic barriers. Central to this effort for the past 30 years has been the Pell grant program.

The Pell grant program is the single largest source of grant aid for postsecondary education funded by the Federal Government. It provides grants to students based on their level of financial need to support their studies at the institutions they have chosen to attend.

I have long supported efforts to raise the Pell grant maximum award. I am pleased by the efforts of the Budget Committee to provide a $100 increase in the Pell grant maximum award for this year. But I believe it is imperative that we succeed in providing a more substantial increase in the maximum grant this year.

That is why, as my first legislation of this year, I introduced Senate Resolution 8, calling on the Senate to increase the Pell grant to $4,500 this year. I am very pleased to have Senators FEINGOLD, COLEMAN, KENNEDY, and DURBIN joining me as cosponsors of this resolution. They are all leaders in the effort to expand access to higher education.

The amendment before us builds on the efforts of my resolution, by following up to ensure sufficient budget authority to meet this goal.

While I understand that we face many difficult decisions on the budget resolution before us, I believe that a $450 increase is an imminently reasonable and achievable goal for this year—especially in light of the fact that the Pell maximum grant has gone essentially unchanged for 4 years. After receiving a modest increase of $50 in 2002, the maximum award has been stuck at the $4,050 level for 2003, 2004, and 2005.

In the meantime, the cost of attending college has continued to rise. The combination of these factors over the past 4 years has led to a significant erosion in the purchasing power of the Pell grant, and has forced students to rely increasingly on loans to finance their higher education.

In 1975, the maximum Pell grant covered approximately 80 percent of the costs of attending a public, 4-year institution. Today, it covers less than 40 percent of these costs, forcing students to make up the difference by taking on larger and larger amounts of debt.

The decline in the value of grant aid and the growing reliance on loans have serious consequences for access to higher education for low-income students. The staggering amount of loans causes some students to abandon their plans to attend college altogether. According to the College Board, low-income families are significantly less willing, by almost 50 percent, to finance a college education through borrowed money than their wealthier counterparts.

That does not surprise me. Many working families in Maine are committed to living within their means. Understandably, they are extremely wary of the staggering amount of debt that is now required to finance a college education.

I also know this to be true from my experiences as a college administrator at Husson College in Maine. At Husson, 85–90 percent of students currently receive some sort of Federal financial aid, and—approximately 60 percent of students receive Pell grants.

As Linda Conant, the financial aid director at Husson told me:

> You cannot imagine how difficult it is to sit with a family and to explain to them the amount of loans that are needed to finance a post-secondary degree. It scares them. That is why Pell grant aid is so important for low-income families. For these families, loans don't always work, but Pell does.

We also know that having a well-educated workforce is crucial to our economic future and competitiveness in the global economy. The Bureau of Labor Statistics has projected that over the next 10 years, there will be significant growth in jobs requiring at least some post-secondary education. So increasingly, higher education is going to be necessary to ensure employability and to prepare Americans to participate in tomorrow's economy.

That is why Pell grants are so important. Pell grants make the difference in whether students have access to higher education, and a chance to participate fully in the American dream.

Mr. President, Pell grants are targeted to the neediest of students—recipients have a median family income of only $15,200. An additional $450 in Pell grant aid may very well be the deciding factor on whether these students can pursue their college dreams.

The Pell grant program is the foundation of making good on the American promise of access to higher education. Now is the time for us to make a commitment to raising the Pell maximum award to $4,500 for the upcoming award year. I hope that my colleagues will join me in supporting this amendment.

Mr. REED. Mr. President, I am pleased to cosponsor Senator KENNEDY's amendment to the, fiscal year 2006 budget resolution. This amendment would ensure the necessary investment in education to secure our Nation's continued prosperity.

This amendment would focus on three areas critical to boosting educational opportunity and our economy. First, it would make college more affordable and accessible. The amendment would raise the maximum Pell grant by $450, to $4,500, a long overdue and necessary increase for millions of students who struggle to keep up with ever-rising college tuition. It also would restore a host of programs that give low-income Americans a lifeline to college. The President seeks to eliminate programs like TRIO, GEAR UP, and LEAP, which have opened doors for students who otherwise might never consider a college education, let alone be able to afford it.

Second, this amendment would make a crucial difference for high-need schools. We cannot remain global leaders in technology if we do not maintain a world-class standard of education in math and the sciences for all students. Yet we have a shortage of highly qualified teachers in these very areas. This amendment would use loan forgiveness as an incentive to attract and retain 57,000 teachers in math, science, and another woefully understaffed arena, special education.

Finally, this amendment would ensure the future competitiveness of the workforce by preserving investments in workforce development, adult literacy, and vocational education. In voting to reauthorize and improve the Carl D. Perkins Career and Technical Education Act, 99 Senators just last week recognized the indispensable nature of the act, despite the President's efforts to eliminate it. With this amendment we can restore funding for Perkins programs as well as for job training and literacy programs that give adults the tools they need to be economically productive.

The investment in these commonsense measures is one we cannot afford to forego. I urge my colleagues to join me in voting for this amendment.

AMENDMENT NO. 234

The PRESIDING OFFICER (Mr. ENSIGN). There will now be 30 minutes of debate equally divided on the Baucus-Conrad amendment on agriculture.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

> The Senator from Montana [Mr. BAUCUS] proposes an amendment numbered 234.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure that legislation to make cuts in agriculture programs receives full consideration and debate in the Senate under regular order, rather than being fast-tracked under reconciliation procedures)

On page 28, strike lines 14 through 20.

Mr. BAUCUS. Mr. President, this amendment is critical to my home State of Montana and to most States in the Nation. It is agriculture. Agriculture is the financial engine that drives, certainly, my State's economy. It brings in $2 billion of annual revenue plus benefits to rural communities and to our State generally. One in five Montana workers is employed in agriculture or a related field.

But this amendment is important not just to Montana; it is important to the Nation. America's agricultural producers provide us with the safest and highest quality food supply in the world. We all know that. It is worth repeating. It is worth remembering. Sometimes we take things for granted. Our agricultural producers in America provide us with the safest, highest quality food supply in the world. Americans are extremely fortunate to enjoy those benefits.

Agriculture is a small part of the Federal budget, but it is expected to shoulder huge cuts, very disproportionate cuts in this budget resolution.

The Senate budget resolution calls for a reduction in mandatory agricultural programs of $5.4 billion over 5 years. The budget resolution puts $2.8 billion of those savings on fast track through reconciliation.

I was one of the farm bill negotiators and supporters of that legislation, but I disagree with some of the provisions within the law. The 2002 farm bill represented a delicate balance between diverse interests. It was very tough to put that together. The 2002 farm bill was a 6-year bill, not an on-and-off bill but a 6-year bill, and people had reason to expect it settled farm policy for 6 years. People have to plan, to have a sense of what is going on. It is not just farmers, but bankers, equipment suppliers, and farm implement dealers. Producers and bankers who made financial decisions to enter into contracts with the understanding that the farm bill would not be renegotiated until 2007, that was their understanding.

If Congress proceeds with the agriculture cuts in this budget resolution, we will be cutting nutrition, not just the six basic crops in the farm bill, but cutting nutrition, conservation, and forestry programs. These cuts are not directed solely at the commodity programs. In fact, they are directed at many other segments of the whole agriculture bill.

The Senate should put off the policy discussions that are behind these cuts until we begin debate on the new farm legislation. That is the appropriate time to debate these policy discussions, not in the budget resolution to cut for the sake of cutting. The commitment that Congress and the President made to farmers, to conservatives, and the neediest in our society should be maintained until a new farm bill is developed.

Proposed mandatory spending cuts will also unilaterally disarm our trade negotiators, especially our agricultural trade negotiators. The United States recently lost its appeal of the World Trade Organization dispute panel decision concerning domestic cotton. It is not widely known, but it should be well understood, the implications of that decision.

At the same time, we are negotiating a new global trade agreement with the WTO, of which agriculture is a critical part. That decision is going to put our agricultural producers and our agriculture program in jeopardy. We should, therefore, not commit to the substantial agriculture policy changes that this resolution would require while we are engaged in those trade talks. We should not unilaterally disarm. It makes no sense, and I cannot understand for the life of me why this budget resolution unilaterally disarms our farmers before we go into negotiations. Some argue the proposed cuts are good for our negotiators because they demonstrate to other countries that the United States is serious about agriculture reform.

I have learned through very hard, bitter experience that no country altruistically, out of the goodness of its heart, if it has any sense, is going to lower a trade barrier. They do not unless they have to. You have to provide leverage. There are many examples where the United States had to exercise leverage to get other countries to lower a trade barrier. It takes leverage. They just do not do it out of the goodness of their heart.

If we do that, think what the Europeans are going to do. They are going to say: Oh, those Americans, they have already eliminated their agriculture program, they have cut their supports, so we Europeans do not have to go quite so far. I tell you, it makes no sense, no sense whatsoever for this Congress to pass a budget resolution which cuts agriculture by such a dramatic amount.

In 2002, total EU domestic supports plus export subsidies totaled $37 billion. What was ours? What was the U.S. comparable figure? It is about $17 billion, and that is just actual spending.

Look at that: Europeans have twice the amount of agricultural support payments that we have, twice as much as the United States has—more than twice as much as the United States has. Yet we are coming before this body and saying we are going to cut agriculture even more, while the Europeans have close to three times the amount of subsidies we have. I do not think that makes much sense.

The total amount agreed to in the WTO Uruguay Round is $81 billion for the EU and $19 billion for the United States. Just think of that. That was the Uruguay Round. That was a mistake. Mr. President, 81 for them, 19 for us. These cuts contained in the budget resolution, to which I am opposed, are, therefore, clearly ill timed. This is the wrong time to do this. Developing countries, in particular, have offered very little in agricultural talks. If we pass this resolution, they are going to ask themselves: Why should they? They can keep their sky-high tariffs on agricultural products and still get the United States to cut its support of U.S. agricultural programs.

We also lose bargaining power to push for changes to the European's agricultural policy. That policy transformed postwar Europe from the world's largest food importer to one of the world's largest net exporter of agricultural products.

Let me state what happened. This pretty much demonstrates what happened in this country, why agricultural producers in the United States are in tough shape. In the 1970s, the European Union was the world's largest net importer of agricultural products. They decided that is wrong; we have to do something about it. So they did. What did they do? They implemented massive agricultural support payments for their farmers so that in a 10-year time in the mid-1980s, Europe became the largest net exporter of agricultural products. It was a big shift from the world's largest importer to the world's largest exporter in 10 years, and that is where they stayed. That is what we face. That is why it is wrong right now in this budget resolution to further cut agricultural payments which are disproportionate right now.

Our farmers and our ranchers can compete with anybody in the world just as long as the playing field is level, but we should not put American farmers and ranchers at a disadvantage by cutting U.S. programs just as we are seeking changes in other countries' programs. We should not unilaterally disarm. We should not unilaterally disarm agriculture just as the trade talks reach a critical point. They are upcoming. To do so would not just be unwise, it would be reckless.

Agriculture is being asked to make a substantial and disproportionate contribution to spending reductions. This is unjustified. There are other cuts in this budget not nearly as great as the ones agriculture will face. I just think it is sensible to support this amendment so we do not cut agriculture the way proposed in this resolution. It makes no sense.

I see some of my colleagues on the floor who wish to speak on this amendment. I see Senator CONRAD. I yield 5 minutes to the Senator from North Dakota.

Mr. CONRAD. I thank my colleague.

Mr. President, the amendment before the Senate strikes the budget reconciliation instructions to the Senate Committee on Agriculture. The amendment deletes the requirement that the

Senate Agriculture Committee report legislation that reduces outlays by $2.8 billion. It does not change the other budgetary assumptions for agriculture contained in the resolution.

The fact is, agriculture has already contributed substantially to deficit reduction. We are far below in funding what the farm bill called for. We are $16 billion below what the farm bill anticipated. If the national media ever reported something incorrectly, they reported incorrectly the effect of the last farm bill on agriculture spending. You would have thought, reading the national press, that agriculture got an enormous increase, a 60-percent increase. Wrong. Agriculture did not get an increase, agriculture got less money. What they left out were the disaster bills we had been reporting and passing year after year. Here is the pattern of farm program spending, and this shows the spending went down. It did not go up. The national media just got it wrong.

This is in the midst of a circumstance in which our major competitors are providing far more funding to their producers than we are providing to ours. Our major competitors are the Europeans. Here is what they are doing. They are providing $277 an acre of support each and every year for their producers. The comparable amount in the United States is $48. So they are outgunning us over 5 to 1.

It is not just in domestic support. It is also in international subsidies, subsidies for export. Here is the European Union's part of world agricultural subsidies. They account for 87 percent of world agricultural export subsidies. This is the U.S. share—1 percent. They are outgunning us 87 to 1.

Right now we are entering negotiations with the WTO to try to level the playing field. Let me remind my colleagues, this is what Europe is doing for their farmers. These are not KENT CONRAD's numbers, these are the international scorekeepers' numbers, OECD: Europe, $277 an acre per year per producer; the United States, $48. On export subsidy, Europe accounts for 87 percent of all the world's agricultural export subsidy; the United States is 1 percent. They are outgunning us 87 to 1.

We are just entering negotiations to try to level the playing field. Why would we ever unilaterally disarm in the midst of a trade dispute? We would never do that in a military confrontation. Why would we do it in a trade confrontation?

Unilaterally cutting in the midst of the farm bill, in the midst of international negotiations, is a profound mistake. If anybody doubts what is happening, Europe has gone from being the biggest importing region in the world to the biggest exporting region, and they are now equivalent to us in world market share. Keep up with this strategy and America is going to become a second-class agricultural power.

This year, USDA forecasts we are going to import more agricultural production than we will export. That is a stunning turnaround for the United States. We should not continue down that path.

I thank the Chair. I thank my colleague and yield back my time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, how much time is remaining on this side?

The PRESIDING OFFICER. There is 40 seconds remaining.

Mr. BAUCUS. Mr. President, I ask the distinguished Senator from North Dakota if he might have time he can allocate to other Senators, insomuch as the time remaining on this amendment has virtually expired.

Mr. CONRAD. The short answer is I do not. Under the agreement that has been reached, all time has been allocated among these various amendments, so there is no time remaining to allocate.

Mr. BAUCUS. I wonder if I can impose upon the very gracious generosity of the Senator from New Hampshire and ask if perhaps he could give a little time on this side.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CONRAD. Mr. President, I do have 5 minutes, I have been informed, that I can allocate. Let me give that 5 minutes that I have available.

Mr. BAUCUS. I thank the Senator. I yield 2 minutes to the Senator from North Dakota.

Mr. DORGAN. Mr. President, this is a critically important issue. I appreciate the work of my colleague from Montana and my colleague from North Dakota. This is about family farmers. The reconciliation instruction to take money from an account that is critically important for the survival of family farmers is just a bad instruction. My colleague from Montana wants to abolish that instruction.

Look, family farmers, in my judgment, have a lot of fights. They fight every year. They fight against bad weather, crop disease and insects, and they have to fight grain markets trying to make a living out under the yard light on the family farm. They should not have to fight the U.S. Congress and the administration.

We made a deal on the farm program. We made commitments on food programs. The family farmers should not have to face jeopardy from this Congress.

The fact is, this Congress has decided for family farmers that we want to provide a bridge across price valleys, so that when prices precipitously drop, we don't wash away all of the family farmers of this country. So we put together a farm program, an account in the budget that deals with ag. It all works together. I believe the recommendation to cut these funds is a recommendation that pulls the rug out from under America's family farmers.

Bad trade deals have undermined our farmers. Weather and insects and grain markets have undermined our family farmers. The last thing that should happen is for us to pull the rug out from under our family farmers.

I rise in strong support of the amendment offered by my colleague, Senator BAUCUS, from Montana. I hope the Senate will adopt this amendment.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. I yield 1 minute to the Senator from Arkansas, Mr. PRYOR.

Mr. PRYOR. Mr. President, in 2002, this Congress entered into a contract with our farmers, and today what we are discussing is—believe it or not—actually breaking that contract with America's farmers. Let's not just focus on the farmers, because the agriculture bill is much broader than that, including children and nutrition programs, poor people on food stamps, and every consumer who buys food in this country. As it now stands, America spends less on food than any other nation in the world. If this passes, that might change.

I support deficit reduction. We know that. The farmers have already contributed over $16 billion to deficit reduction. That is according to CBO. When you look at the numbers, they are very clear. Farm spending only amounts to less than one-half of 1 percent of Federal spending, but accounts for 17 percent of the Nation's GDP and 25 million jobs.

Mr. BAUCUS. Mr. President, I yield 1 minute to the senior Senator from Arkansas.

Mrs. LINCOLN. Mr. President, there is not enough time in the day for me to talk about agriculture because it is in my veins. I do come to the floor to support my colleague from Montana. A few weeks ago, I came to the floor to note my extreme disappointment in President Bush's ag budget proposal, and really his entire budget proposal as it relates to rural America. I reiterate my support for our farmers and our rural communities by speaking in strong support of this amendment.

Our agricultural producers and the folks who live in rural America are every bit a part of the fabric of this American family. There is no reason why they should be asked to carry a disproportionate share of the sacrifice in dealing with this historic debt. I join President Bush in wanting to deal with this historic debt. But there is no reason in this world why rural communities and agricultural producers——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BAUCUS. Mr. President, is there any of my time remaining?

The PRESIDING OFFICER. There are 45 seconds.

Mr. BAUCUS. I yield that to the Senator from Arkansas.

Mrs. LINCOLN. Thank you. I do want people in this country to know that the people in rural America, whether it is ag producers, who have absolutely no certainty about the things that contribute to what they have to do; they have no control over the weather, no substantial control over trade. Yet, they did have a role to play, as everybody in this body did, in the contract that came about in the farm bill.

This is not the appropriate place to breach that contract. It is not the appropriate place to turn on the people of rural America that support this great Nation in the safest, most abundant and affordable food supply in the world. We have an opportunity to look at what we can do for rural America.

I encourage my colleagues to support the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors to my amendment: HARKIN, STABENOW, DAYTON, PRYOR, LINCOLN, SALAZAR, and CONRAD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I yield to the Senator from Montana for the purpose of a colloquy.

Mr. BURNS. Mr. President, I thank my chairman, who has almost an impossible job on this budget.

I rise to discuss this resolution and its impact on agriculture. I ask the Senator, is my understanding correct that this budget resolution directs the Senate Agriculture Committee to contribute toward deficit reduction by reducing mandatory program spending by $2.8 billion over the next 5 years? Is my understanding correct?

Mr. GREGG. Mr. President, I appreciate the question of the Senator from Montana. Yes, the Senator's understanding is correct. We took great care to assure that this budget resolution was constructed to provide the Agriculture Committee with the flexibility needed to achieve a reduction in the deficit while ensuring continued support for programs that provide a critical safety net for farmers and ranchers, promote conservation, and reduce hunger.

Mr. BURNS. I thank the chairman. I understand the challenges of attempting to reduce the budget deficit by reducing spending. I believe we have to get a budget resolution passed, and I know that the Senator has to make some difficult choices. I also note that $2.8 billion is a lot of money in Montana, especially given skyrocketing energy prices and the likelihood that this will be another drought year in Montana.

I ask the Senator, is it true that the House has asked their Agriculture Committee to reduce mandatory spending at a higher level than has been proposed by this budget resolution?

Mr. GREGG. Yes, the Senator is correct. I believe the House budget resolution proposes reducing mandatory spending for agriculture by $5.3 billion over the next 5 years. I add that the President's budget proposed to reduce mandatory program spending for agriculture by nearly $9 billion.

Mr. BURNS. I thank the Senator. In a perfect world, I would prefer no reduction in spending for agriculture at all. As you know, the 2002 farm bill has already contributed significantly to deficit reduction. Over the past 3 years, farm programs spending has been about $17 billion less than projected. So a lot of my farmers in Montana feel like they already "gave at the office."

However, we must face up to the reality of our budget situation and address this deficit. In doing so, however, reductions in spending must be proportionate. I urge the chairman, in the strongest manner possible, to keep the final budget resolution from asking for a higher level of mandatory program savings from agriculture than the $2.8 billion that we have included in this budget resolution.

Mr. GREGG. Mr. President, I will state that the Senator from Montana has been extremely persuasive. We started out with a budget number in this budget that essentially tracked the President's number in agriculture. But as a result of listening to the Senator from Montana and the Senator from Georgia, chairman of the Agriculture Committee, we have backed that number down rather dramatically from the original request of $9 billion by the President's $2.8 billion. And we have, as the Senator from Montana noted, at the request of the Senator from Georgia, given maximum flexibility to the Agriculture Committee so that they can reach that number. Remember, that is a 5-year number, not a 1-year number; the $2.8 billion is spent over 5 years. They can reach that number however it is deemed best in looking at it through the lens of the Agriculture Committee, where the real expertise resides.

I thank the Senator from Montana for his very constructive effort in this area. I assure the people of Montana he has certainly held their interests and put their interests first and aggressively pursued it.

Mr. BURNS. I thank the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. GREGG. I yield the balance of our time to the Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I want to start out today by acknowledging the cooperation and thanking the chairman of the Budget Committee for working together with those of us who have real concerns about agriculture and, particularly, relative to, obviously, the numbers that are contained in the President's budget and the final number agreed upon between the Budget Committee, as well as the Agriculture Committee. I thank my friend, Senator BURNS from Montana, for his outstanding input into this and his persuasive arguments. It is because of things like that that we have been able to negotiate this number down to something that we think is now fair and reasonable.

Let me, first of all, say that I, too—like my Democratic colleagues on the other side alluded to earlier—came to the floor immediately after the President's budget was sent to the Hill. He was extremely critical of that budget relative to the requested deficit savings in agriculture.

I, too, was at the table when we negotiated the 2002 farm bill. On the House side, we felt like we had a good farm bill, and we got together with folks on the Senate side and crafted a bill that provides a real safety net for our farmers across America.

The fact is that that farm bill has worked exactly like those of us who crafted the farm bill wanted it to work—that is, philosophically. When times and yields are good and prices are up, there are very few Government payments going to our farmers. In tough times, when prices are low and yields are low, whether it be from drought or other circumstances, in agriculture country the Federal Government does extend a helping hand not to guarantee any farmer a profit, but it allows them to get through to the next year when times might get better.

That having been said, I discussed not just on the floor of the Senate my displeasure with the administration relative to their budget proposals, but I went directly to the President. I told the President face to face that I was very disappointed in the numbers that had been sent down here and that, at the end of the day, I really did feel like America's farmers and ranchers would be willing to pay their fair share for deficit reduction, but we were simply not going to pay a disproportionate amount when times are difficult in agriculture country, and when we have farmers who have depended on that 6-year farm bill and have made financial plans, whether it is the purchase or lease of land, purchase of farm equipment, or planning for the growing and harvesting of crops, as they have done, depending on that 6-year farm bill being in place.

Therefore, as chairman of the Senate Agriculture Committee, I made a commitment to our farmers and ranchers that we are going to do everything possible to make sure that the policy of that farm bill is not changed. We can do that.

The folks on the other side, frankly, have made my argument for me. That is this: They have said, correctly, that in 2002 when the farm bill was passed and signed into law, fiscal conservatives all across the country and the media really chastised those of us that crafted that farm bill for spending way too much of the American taxpayers' money on agriculture programs. We knew that if the farm bill worked right, we would never spend what was projected. In actuality, it was projected that we would spend $52 billion on commodity programs in 2002, 2003, and 2004, and because we have had good yields and good prices in those years, we have spent only $37 billion. That is just in one title of the farm bill. So we have achieved savings of $15 billion in 3 years.

We also have the food stamp title, where no projected savings have been talked about at this point. Maybe some can be achieved. When I came to Congress in 1995, USDA reported that the Food Stamp Program error rate was 10 percent.

Last week, USDA testified before the House Appropriations Subcommittee on Agriculture and said that the error rate has now been reduced to 6 percent. That is because of the hard work of everybody in this body on both sides of the aisle and everybody in the House on both sides of the aisle. We have squeezed that program down to where the error rate is still at 6 percent. That is too much. But still it is coming way down.

We can probably achieve some additional savings there. Also, we have the conservation title, which has not been discussed. We are going to spend about $33 billion this year on the Food Stamp Program, about 2.5 on conservation, and projected about 18 on commodities.

Now, if we have saved $15 billion on the commodity title alone in 3 years, am I hearing this right, that folks on the other side are saying we cannot achieve $2.8 billion over the next 5 years, not just from commodities but from all three titles in the farm bill? I think that is kind of a ludicrous argument for us to say that when we are in tough times—times have changed since we passed this farm bill in 2002, where we were in surplus times. Times have changed because we are now in a deficit situation and we must be fiscally responsible in this body, just as our colleagues on the House side must be fiscally responsible.

I cannot imagine anybody saying that we cannot be treated fairly when we are going to be cutting and asked to be finding savings in Medicaid, in transportation, in education, and in other mandatory programs, that farmers and ranchers and their respective States are not going to be willing to participate when we have already saved an average of $5 billion per year, that we are now being asked to save $2.8 billion over 5 years, that our farmers and ranchers would not be willing to participate in their fair share, so long as, and I emphasize this, we do not change the policy in the farm bill.

We have entered into a colloquy with the distinguished chairman of the Budget Committee that as he goes into conference he is going to do everything within his power to make sure we hold this $2.8 billion figure because we already know the House has come in with a number in excess of that. I would again say if the requested deficit savings on agriculture are disproportionate in any way, we need to look at it and we need to rethink where we are today. But when we look at the $2.8 billion and the fact that we have saved an average of $5 billion a year, I know and understand we have not been asked to share in an amount that requires that the deficit reduction requested by the President be taken out on the backs of farmers and ranchers. I would rather not have any, but being fiscally responsible is as important as writing a good farm bill.

I close by saying that as I have gone around the country—and I have over the last 2 weeks. I have been in the far West, I have been in the Midwest, and I have been in the Southeast, talking to farmers and ranchers, and I am very pleased with the reaction that farmers and ranchers have given to me personally when we have explained to them how we are going to approach these deficit savings. What I have told them is we are going to be fair and equitable in each and every title, and that we are going to ask all of agriculture to share somewhat in the pain, but it is not going to be disproportionate, and we are going to keep the policy of the farm bill in place and we are going to find reductions in savings that will allow the greatest patriots in America—and that is farmers—to participate once again in deficit reduction, and when we do this we want to assure, in all probability, that farmers and ranchers will have this $2.8 billion returned to them in interest savings alone, because we all know if we continue down this trail of deficit spending, interest rates are going to rise. If we act responsibly in this body and also on the House side relative to this issue of deficit spending, we can either hold interest rates in line or maybe see them reduced again, which will be of tremendous benefit to our farmers and ranchers.

I am proud to represent agriculture country. I come from the heart and soul of agriculture country in my State, and farmers and ranchers all across America are the salt-of-the-Earth people who make this country the great country it is. They have always been willing to do their fair share, and that is simply what we are asking for, nothing more.

I yield back.

Mr. HARKIN. Mr. President, I support this amendment because it would prevent the damage this budget resolution seeks to inflict on Americans throughout our country in all walks of life who benefit from the whole range of programs within the jurisdiction of the Committee on Agriculture, Nutrition and Forestry, where I am proud to serve as ranking Democratic member.

It is said that the cuts to these programs required by this resolution are no cause for worry, no sweat. With respect, I must say the facts are otherwise. The 2002 farm bill has already suffered serious cuts in three annual appropriations cycles. This budget resolution contains further and even deeper cuts—both in appropriations and through budget reconciliation instructions to our committee and the House Agriculture Committee. To be sure, the $2.8 billion reconciliation instruction in this resolution is less than in the President's budget, and it is less than the $5.3 billion reconciliation instruction in the House's version of the budget resolution. However, I would note that the Senate resolution does assume additional budget reductions of $2.7 billion, so the total assumed budget savings from the Committee on Agriculture, Nutrition and Forestry is $5.5 billion in this resolution.

The budget reconciliation figures in these resolutions are a direct assault on the progress we made in writing a balanced farm bill in 2002 that covered a whole range of needs from helping protect farm income, to providing food to poor families and children, to improving conservation and environmental practices, to promoting farm-based renewable energy, to increasing food and agriculture research, to assisting rural economic development and others. We need to protect that balance.

Where is the budgetary justification for making these cuts and upsetting the balance we struck and the progress we made in the farm bill? There is no justification. We have been fiscally responsible in the programs falling in our committee's jurisdiction. We were provided a budget allocation to write the 2002 farm bill and we stayed within it. We repaired Freedom to Farm and reinstated a countercyclical commodity program. Thanks to that countercyclical feature, the commodity programs have cost some $15 billion less than they were expected to cost over the first three years of the 2002 farm bill. We also carefully and responsibly invested some of our farm bill budget allocation to strengthen programs and adopt innovative new initiatives in conservation, agricultural trade, rural development, nutrition, agricultural research and renewable energy.

The direct harm from these budget cuts would be serious enough, but in addition they can only upset carefully struck balances in the 2002 farm bill and reopen old arguments and old fault lines. We had broadly based bipartisan support for the 2002 farm bill, but this budget resolution threatens to tear that all apart. This resolution would pit one group and its interests against others—one title of the farm bill against others. As a result, we would be looking to the next farm bill with a reduced budget baseline and a fractured farm bill coalition, which would surely make it all the harder and more contentious to write the next farm bill.

Less than 3 years ago we passed a farm bill to repair our Nation's farm income protection system. It would be irresponsible to weaken that system now and create new uncertainty—especially when we need bargaining leverage in the midst of global agricultural trade negotiations in the WTO. Farm commodity programs are less than a half of a percent of the Federal budget. It is terribly misguided to propose that cutting farm income protection can significantly help solve Federal budget deficits.

Nor is there money to be spared in the farm bill's conservation, rural economic development, research or renewable energy initiatives—some of the most innovative and forward-looking parts of the 2002 farm bill which have already suffered the most and seem to be at the greatest risk of further cuts. These initiatives constitute investments in the future of our Nation's food and agriculture system, our rural communities and our environment and natural resources. Believe me, we are not investing too much in these initiatives. We are investing far too little.

This resolution is especially threatening to Federal food assistance and nutrition programs if history is our guide. The last time there was budget reconciliation, recipients of Federal food assistance took the heaviest hit of anyone. Think about the fairness of that. Those cuts did not come from waste, fraud, and abuse, but instead were taken from across-the-board benefit reductions that affected nearly all recipient households, including families with children, the working poor, the elderly, and people with disabilities.

This year we are hearing the same claims about waste, fraud, and abuse in Federal nutrition programs. In reality, we have worked hard to improve the program integrity of nutrition programs, and we have done it on a bipartisan basis. The error rate in the Food Stamp Program is now at an all-time low. There is not a realistic way to wring significant budget savings out of waste, fraud and abuse in nutrition programs. It is not there. Instead, this resolution would take away food from American families, most of them with children and most of them working or trying to find work. We should not add new hardship to the lives of working American families by cutting food assistance programs.

For all of these reasons, I support and am proud to cosponsor the amendment of Senator BAUCUS and urge my colleagues to support it.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Could I take a minute off of managers' time?

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, let us be very clear what this amendment is about. Agriculture represents less than 1 percent of Federal spending. It is being asked to take 9 percent of the mandatory cuts. If the Medicaid amendment is adopted, agriculture will be asked to take 16.5 percent of the cuts, and we are less than 1 percent of the budget. That is not fair. That sets a precedent.

Mr. CHAMBLISS. Will the Senator yield?

Mr. CONRAD. I will not yield.

That sets a precedent that is a profound mistake for agriculture and we will rue the day when we are in the midst of negotiations that we cut the heart out of our negotiators' ability to level the playing field for our producers. That is a mistake.

I reserve the remainder of my time.

AMENDMENT NO. 239

The PRESIDING OFFICER. There will now be 15 minutes of debate equally divided on the Biden amendment on COPS. Who yields time?

The Senator from Delaware.

Mr. BIDEN. Mr. President, I send the amendment to the desk, which I do not have in my hand, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN], for himself, Mr. DORGAN, Mr. LEAHY, Mr. KENNEDY, Mr. SCHUMER, Mr. KOHL, and Mr. SALAZAR, proposes an amendment numbered 239.

Mr. BIDEN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To enhance the ability of state and local law enforcement to prevent crime and terrorism by adding $1 billion to restore funding to the Office of Community Oriented Policing Services. This amendment is fully off-set by closing corporate loopholes and will generate $2 billion in revenue with $1 billion allocated to the COPS program and the remaining billion to reduce the deficit)

On page 3, line 10, increase the amount by $240,000,000.

On page 3, line 11, increase the amount by $560,000,000.

On page 3, line 12, increase the amount by $500,000,000.

On page 3, line 13, increase the amount by $400,000,000.

On page 3, line 14, increase the amount by $300,000,000.

On page 3, line 19, increase the amount by $240,000,000.

On page 3, line 20, increase the amount by $560,000,000.

On page 3, line 21, increase the amount by $500,000,000.

On page 4, line 1, increase the amount by $400,000,000.

On page 4, line 2, increase the amount by $300,000,000.

On page 4, line 7, increase the amount by $1,000,000,000.

On page 4, line 16, increase the amount by $120,000,000.

On page 4, line 17, increase the amount by $280,000,000.

On page 4, line 18, increase the amount by $250,000,000.

On page 4, line 19, increase the amount by $200,000,000.

On page 4, line 20, increase the amount by $150,000,000.

On page 4, line 24, increase the amount by $120,000,000.

On page 4, line 25, increase the amount by $280,000,000.

On page 5, line 1, increase the amount by $250,000,000.

On page 5, line 2, increase the amount by $200,000,000.

On page 5, line 3, increase the amount by $150,000,000.

On page 5, line 7, decrease the amount by $120,000,000.

On page 5, line 8, decrease the amount by $400,000,000.

On page 5, line 9, decrease the amount by $650,000,000.

On page 5, line 10, decrease the amount by $850,000,000.

On page 5, line 11, decrease the amount by $1,000,000,000.

On page 5, line 15, decrease the amount by $120,000,000.

On page 5, line 16, decrease the amount by $400,000,000.

On page 5, line 17, decrease the amount by $650,000,000.

On page 5, line 18, decrease the amount by $850,000,000.

On page 5, line 19, decrease the amount by $1,000,000,000.

On page 23, line 16, increase the amount by $1,000,000,000.

On page 23, line 17, increase the amount by $120,000,000.

On page 23, line 21, increase the amount by $280,000,000.

On page 23, line 25, increase the amount by $250,000,000.

On page 24, line 4, increase the amount by $200,000,000.

On page 24, line 8, increase the amount by $150,000,000.

On page 30, line 16, decrease the amount by $240,000,000.

On page 30, line 17, decrease the amount by $2,000,000,000.

On page 48, line 6, increase the amount by $1,000,000,000.

On page 48, line 7, increase the amount by $120,000,000.

On page 65, after line 25 insert the following:

FUNDING FOR DEPARTMENT OF JUSTICE COMMUNITY ORIENTED POLICING SERVICES PROGRAMS.

(a) FINDINGS.—The Senate finds that—

(1) State and local law enforcement officers provide essential services that preserve and protect our freedom and safety;

(2) with the support of the Community Oriented Policing Services program (referred to in this section as the "COPS program"), State and local law enforcement officers have succeeded in dramatically reducing violent crime;

(3) on July 15, 2002, the Attorney General stated, "Since law enforcement agencies

began partnering with citizens through community policing, we've seen significant drops in crime rates. COPS provides resources that reflect our national priority of terrorism prevention.";

(4) on February 26, 2002, the Attorney General stated, "The COPS program has been a miraculous sort of success. It's one of those things that Congress hopes will happen when it sets up a program.";

(5) the Federal Bureau of Investigation's Assistant Director for the Office of Law Enforcement Coordination has stated, "The FBI fully understands that our success in the fight against terrorism is directly related to the strength of our relationship with our State and local partners.";

(6) a 2003 study of the 44 largest metropolitan police departments found that 27 of them have reduced force levels;

(7) shortages of officers and increased homeland security duties has forced many local police agencies to rely on overtime and abandon effective, preventative policing practices. And, as a result police chiefs from around the nation are reporting increased gang activity and other troubling crime indicators;

(8) several studies have concluded that the implementation of community policing as a law enforcement strategy is an important factor in the reduction of crime in our communities;

(9) In addition, experts at the Brookings Institute have concluded that community policing programs are critical to our success in the war against terrorism.

(10) the continuation and full funding of the COPS program through fiscal year 2010 is supported by several major law enforcement organizations, including—

(A) the International Association of Chiefs of Police;

(B) the International Brotherhood of Police Officers;

(C) the Fraternal Order of Police;

(D) the National Sheriffs' Association;

(E) the National Troopers Coalition;

(F) the Federal Law Enforcement Officers Association;

(G) the National Association of Police Organizations;

(H) the National Organization of Black Law Enforcement Executives;

(I) the Police Executive Research Forum; and

(J) the Major Cities Chiefs;

(11) Congress appropriated $928,912,000 for the COPS program for fiscal year 2003, $756,283,000 for fiscal year 2004, and $499,364,000 for fiscal year 2005, and

(12) the President requested $117,781,000 for the COPS program for fiscal year 2006, $381,583,000 less than the amount appropriated for fiscal year 2004.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that an increase of $1,000,000,000 for fiscal year 2006 for the Department of Justice's community oriented policing program will be provided without reduction and consistent with previous appropriated and authorized levels.

Mr. BIDEN. Mr. President, I only have a few minutes. I consider this, as my colleagues might guess—in all my years working on this, I sound a little like a broken record, but this amendment restores money for local law enforcement.

I want to make a stark point. In the past, we had an opportunity to deal with actually affecting violent crime. The way we did that was we passed a COPS bill that did a simple thing. It put more cops on the street in the Nation's cities and rural communities. It had a funny effect, a profound effect. Violent crime dropped on average 8 percent per year since the bill passed in 1994.

We began to struggle with this concept and this notion even after the former Attorney General said the crime bill has worked miraculously, and then announced the administration was eliminating the funding for the COPS Program.

In that process, we went from spending over $400 million on hiring additional cops at the local level—not we, but local law enforcement, local mayors, local town councils, local State police hired more cops, and in the year 2001 we spent over $400 million on hiring new cops. That number is now down to zero in this budget.

All of my colleagues know, notwithstanding the fact they may subscribe to this notion of devolution of Government, meaning the Federal Government should not do anything the States can do, they have not only decimated the program that allows for hiring of law enforcement agencies locally but they have eliminated the big three, the COPS Program, the local law enforcement block grants, and the Byrne grants.

Total support for local law enforcement from the Federal Government has gone down from $2.2 billion we were sending to local law enforcement in the year 2002 to $118 million this year. Will someone on this floor tell me how that possibly makes sense?

Local law enforcement is facing what I would call the perfect storm. First, the FBI has been taken out of local law enforcement. The FBI accounted for somewhere between 2 and 10 percent of all the enforcement done at the local level, depending on the jurisdiction, for bank robberies, interstate auto theft, and a whole range of other issues. But necessarily, the FBI has been taken out of that and put in counterterrorism. Violent crime task forces are gone. The Federal arm has been withdrawn.

Secondly, of the 46 or so major police agencies in the United States of America, 27 of them have had to cut the number of cops they have. In New York, it is 3,400 cops down; Cleveland, 250; Minneapolis, 140; New Orleans, 100. There are some 3,373 pending applications for additional cops from 3,373 jurisdictions in America, totaling well over a request for more than 10,000 additional law enforcement officers.

What is the last part of this perfect storm? The last part in the perfect storm is that State and local budgets are crunched. Now, I realize I only have 7 minutes so I will conclude with this simple point: I hear my friends say that Homeland Security is going to fill in the blanks. There is not one penny in Homeland Security allowing for the hiring of an additional local law enforcement officer, No. 1. No. 2, if anybody is going to find a terrorist about to put sarin gas into the heating system or cooling system of the largest mall in Little Rock, AR, or in Savannah, GA, it is not going to be some guy wearing fatigues and night-vision goggles who is a special forces officer in the U.S. military. It is going to be a local cop on his way from a Dunkin' Donut shop on his rounds behind that shopping center.

So we are making a tragic mistake. I do not understand the President's rationale. My legislation calls for funding the COPS Program at over $1 billion to eliminate the current backlog in applications and to meet State and local needs. We do it by cutting corporate loopholes and we provide an additional $1 billion in deficit reduction as well.

The COPS office has met its goal of funding over 100,000 cops, but it is like cutting grass. Everybody says what a great job it did. Well, when one cuts their grass this summer, the first week it looks great. Two weeks later, when one does not cut it, it looks a little ragged. Six weeks later, it is a wheatfield. That is how crime is.

The idea with an expanding population that we can use fewer resources to fight crime is absolutely mindless, and that is exactly what we continue to do.

These law enforcement officers taking this money over the years are a victim of their own success. They made it work.

I will close with a quote from the president of the International Association of Chiefs of Police, IACP:

> But when I first read President Bush's budget for 2006, I felt as if someone had punched me in the stomach.

I ask any one of my colleagues to go home and ask any one of their law enforcement agencies, State, municipal, town, county, whether they need this help. I will be dumbfounded if they find anybody who says they do not. The idea that this is not a Federal responsibility is beyond me.

Where do my colleagues think the dope is coming from that is coming into their cities and towns? It is because of a failed Federal policy on interdiction at our borders. It is because of a failed Federal policy relating to all the poppy being grown in Afghanistan, a failed Federal policy of all the cocaine coming out of the Andes.

This is a Federal responsibility. To quote President Reagan—I do not know who he was quoting, but he is most associated with the comment—if it ain't broke, do not fix it.

This ain't broke. It is working. Do not try to fix it by eliminating funding for local law enforcement from in 2002 over $2 billion to in this budget less than $118 million.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BIDEN. I yield the floor.

Mr. GREGG. To quote President Reagan: The only thing in this city that has eternal life is a Federal program.

COPS is the No. 1 poster child for that statement. Why is the COPS Program being wound down? Because when it was started, it was supposed to end after 3 years.

Mr. BIDEN. Not true.

Mr. GREGG. That was the agreement. When President Clinton offered this proposal, which I supported, which I funded—I happened to chair the subcommittee that funded this proposal—the understanding was it would be a 3-year program. The cities and towns would come in, they would get their police officers approved, and then after 3 years those police officers would be off the Federal payroll, on the local payroll, and when we got to 100,000 police officers, the program would end. In the year 2000, we got to 100,000 police officers; in the year 2001, we got to 110,000 police officers—and the program goes on and on.

There was an agreement 2 years ago that we would only fund those officers who were sort of the end of the line—in rural communities, essentially—and then we would terminate the program the way it was supposed to be originally terminated. That has not happened, either.

Finally, the President, living up to the commitment of President Clinton, has said: Enough is enough. The program did what it was supposed to do, it put over 100,000 police officers on the street. As a result of doing that, it has succeeded. Let's declare victory relative to this program because it accomplished what it was supposed to accomplish—it added 110,000 or 120,000 officers, I guess, in the end—and let's take these funds which were being used here and move them to another account, specifically accounts which are going to be more focused on a targeted response—primarily to the threat of terrorism—versus a general response.

The police officers, obviously, have a terrorism role, but they have a lot broader portfolio when they walk on that street, from moving-vehicle crimes to, obviously, violent crimes to drug crimes. But the dollars that were being spent on the COPS Program have been moved over, essentially to homeland defense and other accounts, the purpose of which is to get the Federal role together in an area where we have a priority, which is fighting terrorism.

The officers who were put on the street by this program are theoretically still on the street because the communities that use this program to basically gear these officers up—I think we paid 75 percent the first year, 55 percent the second year, 25 percent the third year, and then it goes on the community's payroll, that officer's salary—those officers are still out there, one presumes.

It is just extremely ironic that there would be such an outcry to keep a program that the prior administration fully expected and put forward as a program that was going to be focused on getting 100,000 police officers on the street, and when it accomplished that it would terminate. It accomplished that and more, and it should be terminated.

So I hope maybe we could prove President Reagan wrong once. He has been right on just about everything he ever did as a President, but maybe we could just prove him wrong once—I'm sure it would make the other side happy—by showing all programs are not eternal in this city and we can terminate one—the COPS Program.

I yield the remainder of my time on this amendment, then, and we will move on to the next amendment, which I guess is Senator FEINSTEIN's.

AMENDMENT NO. 188

The PRESIDING OFFICER. There will now be 15 minutes of debate equally divided on the Feinstein amendment on SCAAP.

The Senator from California.

Mrs. FEINSTEIN. Mr. President, I call up amendment No. 188 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself, Mr. KYL, Mrs. HUTCHISON, Mr. BINGAMAN, Mr. AKAKA, Mr. CORNYN, Mr. SCHUMER, Mr. FEINGOLD, and Mrs. CLINTON, proposes an amendment numbered 188.

Mrs. FEINSTEIN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate that Congress should enact a long term reauthorization of the State Criminal Alien Assistance Program and appropriate $750,000,000 for the program in fiscal year 2006)

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING THE STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

(a) FINDINGS.—The Senate finds the following:

(1) Control of illegal immigration is a Federal responsibility.

(2) The State Criminal Alien Assistance Program (referred to in this section as "SCAAP") provides critical funding to States and localities for reimbursement of costs incurred as a result of housing undocumented criminal aliens.

(3) Congress appropriated $250,000,000 for SCAAP to reimburse State and local governments for these costs in fiscal year 2003.

(4) Congress appropriated $300,000,000 for SCAAP to reimburse State and local governments for these costs in fiscal year 2004.

(5) Congress appropriated $305,000,000 for SCAAP to reimburse State and local governments for these costs in fiscal year 2005.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this concurrent resolution assume that—

(1) Congress will appropriate $750,000,000 for SCAAP for fiscal year 2006; and

(2) Congress will enact long-term reauthorization of SCAAP to reimburse State and local governments for the financial burdens undocumented criminal aliens place on their local criminal justice systems.

Mrs. FEINSTEIN. Mr. President, this is a sense-of-the-Senate amendment sent to the floor by Senator KYL, Senator HUTCHISON, Senator BINGAMAN, Senator AKAKA, Senator CORNYN, Senator SCHUMER, Senator FEINGOLD, and Senator CLINTON. It is a sense-of-the-Senate amendment to urge this Congress to reauthorize the SCAAP Program, the State Criminal Alien Assistance Program.

On every desk there is a chart that shows how much each State received for this program. What does this program do? What this program does is reimburse the State for the cost of the incarceration of an illegal alien. In other words, when someone comes to our country, commits a crime, is convicted of that crime, is in jail or is in State prison, the Federal Government—it is their responsibility for all matters pertaining to immigration—has reimbursed the State. The program reimburses the State for less than 20 percent of the actual cost to the State. The authorization is due to expire. We are asking in the sense of the Senate that it be considered for reauthorization.

Before I speak further, my main author, Senator KYL, wanted to make a few comments and then Senator CORNYN, if I might.

I yield briefly to Senator KYL.

Mr. KYL. Mr. President, I thank the Senator from California for helping, again, to lead this effort to get adequate reimbursement to the States for the incarceration of illegal immigrants. In the past, the amount of reimbursement had been roughly one-third of their costs. That is not enough, but at least it helped to defray the expenses of the States in housing these people who were convicted of crimes and who were ultimately the responsibility of the Federal Government.

In the last couple of years, the amount of money has gone down to the point that, as the Senator said, last year it was about 17 cents on the dollar. That is absolutely unacceptable. If the Federal Government cannot do what is necessary to control the border and prevent illegal immigration, at least it can help the States defray some part of their cost in incarcerating the people who come here and commit crimes. Surely we can authorize a program that could reimburse the States again at the level of approximately one-third of their costs. That will be our goal.

That is why I am very proud to, again, work with Senator FEINSTEIN to try to get adequate reimbursement to the States for this program. I fully support her effort. I compliment her for her leadership, and I hope my colleagues will join in accepting this sense-of-the-Senate resolution.

Mrs. FEINSTEIN. Mr. President, I yield my portion of the time to the Senator from Texas.

The PRESIDING OFFICER. The Senator is recognized.

Mr. CORNYN. Mr. President, I also want to express my gratitude to the Senator from California for taking the leadership on this issue again this year.

This is a common theme among those of us who represent border States, to ask the Federal Government to live up to its responsibilities. It is clear that the cost of housing aliens who are committing crimes in our country is a Federal responsibility. Yet for year upon year upon year they have thrust that burden on the States, and indeed on the counties at the local level.

In my State, about 8,700 criminal aliens have been detained at a cost of roughly three times what this provision would reimburse my State. This is about one-third of the money that is a Federal responsibility that would go back to my State and the States that bear that Federal expense.

I am all for the Federal Government living within its means, and I support this budget at the top-line number. I think part of budgeting is not only living within your means but it is making sure you fund your priorities. It is arguably a Federal priority to deal with the detention of illegal aliens who come into the country and commit crimes. It is a scandal that this sense of the Senate is even necessary again this year.

I want to express in closing again my gratitude to Senator FEINSTEIN for taking the leadership on this, and I certainly commend this to our colleagues.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I very much thank the Senators from Texas and Arizona for their support on this matter.

I know Senator KENNEDY has an urgent matter he would like to be able to present. I will not yield my time, but I would be hopeful that the President would give him time.

Mr. KENNEDY. Mr. President, I ask unanimous consent to be able to proceed for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I thank the Senator from California and others.

CONDEMNING VIOLENCE BY THE IRISH REPUBLICAN ARMY IN NORTHERN IRELAND

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 84, submitted earlier today by myself, Senator McCAIN, Senator DODD, and others.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 84) condemning violence and criminality by the Irish Republican Army in Northern Ireland.

There being no objection, the Senate proceeded to consider the resolution.

Mr. GREGG. Mr. President, I ask unanimous consent to be added as a cosponsor of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 84) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 84

Whereas on January 30, 2005, a Catholic citizen of Belfast, Northern Ireland, Robert McCartney, was brutally murdered by members of the Irish Republican Army, who attempted to cover-up the crime and ordered all witnesses to be silent about the involvement of Irish Republican Army members;

Whereas the sisters of Robert McCartney, Catherine McCartney, Paula Arnold, Gemma McMacken, Claire McCartney, and Donna Mary McCartney, and his fiancée, Bridgeen Karen Hagans, refused to accept the code of silence and have bravely challenged the Irish Republican Army by demanding justice for the murder of Robert McCartney;

Whereas when outcry over the murder increased, the Irish Republican Army expelled 3 members, and 7 members of Sinn Fein, the political wing of the Irish Republican Army, were suspended from the party;

Whereas the leadership of Sinn Fein has called for justice, but has not called on those responsible for the murder or any of those who witnessed the murder to cooperate directly with the Police Service of Northern Ireland;

Whereas on March 8, 2005, the Irish Republican Army issued an outrageous statement in which it said it "was willing to shoot the killers of Robert McCartney"; and

Whereas peace and violence cannot coexist in Northern Ireland: Now, therefore, be it

Resolved, That—

(1) the Senate joins the people of the United States in deploring and condemning violence and criminality by the Irish Republican Army in Northern Ireland; and

(2) it is the sense of the Senate that—

(A) the sisters and fiancée of Robert McCartney deserve the full support of the United States in their pursuit of justice;

(B) the leadership of Sinn Fein should insist that those responsible for the murder and witnesses to the murder cooperate directly with the Police Service of Northern Ireland and be protected fully from any retaliation by the Irish Republican Army; and

(C) the Government of the United States should offer all appropriate assistance to law enforcement authorities in Northern Ireland to see that the murderers of Robert McCartney are brought to justice.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR THE FISCAL YEAR 2006—Continued

AMENDMENT NO. 188

Mr. GREGG. Mr. President, how much time is remaining?

The PRESIDING OFFICER. There is 2 minutes 13 seconds on the side of the Senator from California, and 7½ minutes on the other side.

Mrs. FEINSTEIN. Mr. President, this is a bipartisan sense of the Senate. President Bush, when he was Governor, used this program. The Governor of my State, Governor Schwarzenegger, supports it. It is a huge item, as has been stated by Senators KYL and CORNYN, for border States.

This is a tremendous responsibility to the Federal Government. It is an unfunded mandate. It is a program that should not be allowed to lapse.

We have come to the floor with this sense of the Senate to ask the Senate to pass this resolution so that those of us on the authorizing committee and on Appropriations can move to get this job done.

As I mentioned, this is a 7-year reauthorization. The amounts requested for each year are spelled out in the resolution. This is a total Federal responsibility, and I am hopeful that the Senate will accept their responsibility.

I yield the floor at this time and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from California has 1 minute remaining; the Senator from New Hampshire has 7½ minutes remaining.

Mr. GREGG. Mr. President, this is a sense-of-the-Senate resolution. Therefore, it has no impact that involves actual events or activity. It expresses the sense of the Senate as to what we think we should do on something. We have had a few of those.

The attempt has been, of course, to reduce the number of sense-of-the-Senate amendments. This would be subject to a 60-vote point of order on a sense-of-the-Senate budget resolution. I will not make that point of order.

I will say this: We will probably take this sense of the Senate. This is about SCAAP. SCAAP has some serious problems. That is why it has always been looked at in a fairly suspect way, not only by the Bush administration but before that the Clinton administration had concerns about it. And the concerns are these: It essentially is a revenue-sharing event. Essentially these dollars go back to the States in very large amounts of money. They go to the border States, primarily California and Texas, New Mexico and Arizona, but primarily California and Texas are the two major beneficiaries of this program. But they go back without any strings attached.

The theory is that they are going to be spent to relieve some of the burden that is put on these States relative to incarcerating illegal aliens who are captured in those States and are detained within those States in State prison facilities. That is a legitimate purpose. We should be assisting those States in that area because we are putting pressure on those States in a unique way. Other States don't have the same pressure. But there is nothing to say the money has to be spent that way. It is literally a check which the Federal Government writes to the States of Texas, California, or Arizona. And if the Governors want to use it to build a road or use it to buy a new school or for some other activity, the Governors can do that.

I have always said let us put some language into this which makes it clear that this money is going to go to the States for the purpose of giving those States assistance with detaining illegal aliens but isn't going to end up being used, as I suspect, for primarily a basic State commitment to its own correctional system.

I think you can make a pretty good case that there is a history here of this money essentially being used to supplement efforts on the part of the States in their own correctional systems.

I hope when we reauthorize this language, which will come through the Senate's Judiciary Committee, that type of language which makes it clear this money has to be used for the purpose for which it is designated will be included. That is a debate between the authorizing committee and the appropriating committee. The Budget Committee doesn't have any direct impact on that. We don't do programmatic activity at the Budget Committee level.

I haven't read the sense of Senate yet, but I suspect we will simply accept it. After I read it, I may change my mind. That can be a mistake, as we know, around here. That is my concern and reservation about the program.

I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from California.

Mrs. FEINSTEIN. Mr. President, I respond to the distinguished Senator that essentially what he said is correct. I have no objection to an amendment in the program. My State is a big user of this program at $111 million last year. He is right, Texas, California, and the big immigrant States are the States that are most affected by this program.

Moneys go to every single State. I have no objection to mandating the money must go directly into the State prison system or the county jail system, whatever that might be.

I point out also to the Senator when I was mayor, we had a revenue-sharing program. We had a community block grant program, all of which looked as though they were going to go by the boards, certainly CDBG with this budget. This is a total Federal responsibility. For our Government not to take that responsibility and recompense those States that provide the incarceration—these people are not in Federal prison, they are in State prisons—is a huge mistake.

I have objection, certainly, to mandating where the funds would go. If the managing Senator wishes to move this by unanimous consent, I certainly have no objections to that, either.

AMENDMENT NO. 240

The PRESIDING OFFICER. There are now 15 minutes of debate equally divided on the Byrd amendment on highways.

Mr. BAUCUS. Mr. President, the Senator from West Virginia is not here at this moment, so I yield myself a couple of minutes for the proponents of the amendment.

I strongly support this amendment. There are many Senators who are very distressed with the very low level in the amount of transportation obligation funds passed out of the Environment and Public Works Committee the other day. There are donor States that are very upset with the donor levels not being high enough, and the so-called donee States are concerned that they are not properly taken care of. There are States that believe the minimum obligation should be higher.

In my experience, I have never experienced such consternation among so many Senators so concerned we are not paying enough for our infrastructure and our highways as is the case now, compared with the previous highway bill we passed a few years ago; that is, with TEA-21, which was passed about 6 years ago.

In the meantime, the Finance Committee is working on a provision to administer money to the highway bill. Chairman GRASSLEY and I are working diligently to find a way to administer money to the highway bill. We hope to bring that amendment to the floor. We will not raise gasoline prices. We will not raise gasoline prices. There will be offsets, so it will be budget neutral. The offsets will be in the nature of fuel fraud, to prevent fuel fraud, and close corporate or tax loopholes which we all agree should be closed.

I strongly urge Members to recognize we do need more money. We all know that. We are finding ways in the Finance Committee to find more money. I do not know the exact amount, but it will not be a significant amount. It will help solve the problems that Senators have in meeting their legitimate concerns as we try to meet the formula and have enough money in the highway program to build our roads and streets. This amendment will not be a huge amount, but it will be helpful.

I urge Members to support the amendment that is offered by the senior Senator from West Virginia. Senator BYRD is in the Senate, and I highly compliment the Senator for his work. He has been a champion over the years. I am so impressed with the efforts he undertook about 6 years ago when they got TEA-21 up and passed. I thank the Senator.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Montana for his overly charitable and very gracious comments concerning my efforts. I thank him for his work, likewise.

Mr. President, I rise to offer an amendment to allow the Senate to once again pass a $318 billion highway bill. That is precisely the bill that the Senate approved last year by a vote of 76 to 21.

Now, my good friend, the chairman of the Budget Committee, Senator GREGG, was among the 21 Senators who voted against last year's highway bill. I don't have any expectations he will support the amendment. My plea is to the 73 Senators still serving in the Senate who voted for that highway bill last year, Republicans and Democrats alike. We must reverse the continuing deterioration of the highways and transit systems in our State. We know the right vote was cast in February of last year when we approved a $318 billion highway bill despite the veto threats of the President.

We know that the highway and transit needs in the States have not diminished one thin dime since that vote last year. Today I am asking my colleagues to vote again for a budget that will allow for a $318 billion highway bill.

Just yesterday, the Environment and Public Works Committee marked up a new highway will. The bill marked up yesterday in committee provides far less funding than the bill passed last year, so that the bill's total would stay within the level of funding that President Bush has said he would accept, namely, $284 billion. That lower level of funding, $284 billion, is the level incorporated in the budget resolution before the Senate. The product of yesterday's committee markup is harsh medicine—harsh medicine, indeed—to all 50 States in our Nation. The bill approved in committee yesterday distributes almost $25 billion less to our States in formula funds than the bill approved by more than three-quarters of the Senate last year.

We now see precisely the amount of money that States will lose as a result of this retreat because it represents the elimination of almost 1.2 million jobs that would have been created without that lost funding. A major benefit of the committee having marked up its bill yesterday is that every Senator can see what their State will lose as a result of this retreat.

Currently sitting on every Senator's desk is a table comparing the amount of funding that was distributed by a formula to every State between 2005 and 2009 under the bill approved by the Senate last year and the smaller bill approved by the Environment and Public Works Committee yesterday. I have taken the liberty of including in this table the size of the job loss that results from these funding reductions. I ask unanimous consent this table be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BYRD-BAUCUS HIGHWAY AMENDMENT

[Allows for $318 billion highway bill as passed by the Senate in 2004 (S. 1072) instead of $284 billion bill as reported by the EPW Committee yesterday. Comparison of formula highway funds (2005–2009)[1]]

State	S. 1072 ($318 billion bill)	Committee mark ($284 billion bill)	Dollars lost	Job impact
Alabama	$3,967,449,985	$3,472,225,781	−$495,224,205	−23,523
Alaska	2,326,918,084	2,036,548,572	−290,369,512	−13,793
Arizona	3,556,974,477	3,121,926,693	−435,047,784	−20,665
Arkansas	2,597,760,761	2,273,503,615	−324,257,145	−15,402
California	18,750,888,489	16,344,615,836	−2,406,272,652	−114,298
Colorado	2,793,809,201	2,326,138,934	−467,670,267	−22,214
Connecticut	2,293,088,141	2,290,133,475	−2,954,666	−140
Delaware	862,695,605	755,012,396	−107,683,209	−5,115
District of Columbia	864,263,485	822,116,229	−42,147,257	−2,002
Florida	9,548,774,411	8,246,098,078	−1,302,676,334	−61,877
Georgia	7,115,765,835	6,082,989,118	−1,032,776,717	−49,057
Hawaii	826,702,443	781,329,399	−45,373,044	−2,155
Idaho	1,513,187,851	1,324,372,488	−188,815,363	−8,969
Illinois	6,884,778,734	5,862,481,848	−1,022,296,886	−48,559
Indiana	4,740,670,388	4,593,762,346	−146,908,042	−6,978
Iowa	2,372,759,973	2,086,840,102	−285,919,871	−13,581
Kansas	2,232,304,505	2,027,523,441	−204,781,063	−9,727
Kentucky	3,449,665,049	3,019,071,686	−430,593,363	−20,453
Louisiana	3,194,285,787	2,767,992,424	−426,293,364	−20,249
Maine	973,735,177	864,100,335	−109,634,842	−5,208
Maryland	3,221,907,656	2,781,180,790	−440,726,866	−20,935
Massachusetts	3,463,753,865	2,996,476,126	−467,277,739	−22,196
Michigan	6,557,195,753	5,567,499,010	−989,696,743	−47,011
Minnesota	3,340,524,677	2,859,562,905	−480,961,772	−22,846
Mississippi	2,452,424,244	2,143,929,053	−308,495,191	−14,654
Missouri	4,597,342,251	4,114,985,174	−482,357,077	−22,912
Montana	1,952,017,932	1,708,506,206	−243,511,726	−11,567
Nebraska	1,578,571,858	1,397,005,328	−181,566,530	−8,624
Nevada	1,428,924,158	1,236,850,936	−192,073,221	−9,123
New Hampshire	864,818,872	787,790,327	−77,028,545	−3,659
New Jersey	5,284,405,725	4,500,421,114	−783,984,611	−37,239
New Mexico	1,930,483,549	1,689,597,705	−240,885,844	−11,442
New York	8,607,728,987	8,073,731,680	−533,997,306	−25,365
North Carolina	5,615,881,566	4,867,103,624	−748,777,942	−35,567
North Dakota	1,305,293,542	1,142,642,190	−162,651,352	−7,726
Ohio	7,226,566,093	6,212,521,762	−1,014,044,330	−48,167
Oklahoma	3,133,178,446	2,655,098,512	−478,079,934	−22,709
Oregon	2,293,629,067	2,069,306,196	−224,322,871	−10,655
Pennsylvania	8,425,351,109	7,624,587,002	−800,764,106	−38,036
Rhode Island	1,112,169,279	1,007,600,842	−104,568,437	−4,967
South Carolina	3,290,202,776	2,796,636,275	−493,566,501	−23,444
South Dakota	1,421,096,306	1,243,712,523	−177,383,783	−8,426
Tennessee	4,408,379,071	3,826,099,458	−582,279,614	−27,658
Texas	16,368,596,229	13,936,619,918	−2,431,976,311	−115,519
Utah	1,540,948,466	1,346,529,810	−194,418,656	−9,235
Vermont	954,366,407	860,265,456	−94,100,951	−4,470
Virginia	5,222,632,481	4,460,488,633	−762,143,848	−36,202
Washington	3,741,040,933	3,267,728,615	−473,312,317	−22,482
West Virginia	2,202,672,830	1,927,731,267	−274,941,563	−13,060
Wisconsin	3,546,203,750	3,066,054,558	−480,149,192	−22,807
Wyoming	1,367,566,340	1,191,647,378	−175,918,961	−8,356
Total	199,322,352,596	174,458,693,169	−24,863,659,427	−1,181,024

[1] Extrapolated from FHWA data.

Mr. BYRD. I ask every Senator to take a close look at this table before voting on this amendment. Senators should be aware of precisely the amount of investment and the number of jobs their State will be losing if they vote against this amendment. In my state of West Virginia, failure to adopt this amendment will mean a loss of almost $275 million and this amendment will mean a loss of almost $275 million and more than 13,000 desperately needed jobs.

For several larger States—such as Florida, Georgia, and Ohio—the loss over a 5-year period to each State is more than $1 billion and more than 50,000 jobs.

Mr. President, before any Senator argues that my amendment just increases spending without ensuring it will be spent on highways and mass transit, let me point out that my amendment restores the special highway and transit budget categories. Every additional penny provided by this amendment will be required to be spent on our highways or mass transit programs.

The offset for my amendment is the very same type of financing mechanism that served to enhance the receipts to the highway trust fund and were included in last year's highway bill with the bipartisan support of the Senate Finance Committee.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD. Mr. President, may I ask for 1 additional minute?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. Mr. President, I know that some Members are saying that it is foolhardy to try to pass a highway bill at $318 billion because the President has already vowed to veto a measure of that size. But I wish to remind my colleagues that our job—our job here—is to legislate based on our recognition of what is needed by our States and by the Nation. It is the President's job to either sign that bill or veto it.

So I ask my colleagues, why do our constituents send us here if we do not look out for their needs? We have been sent here to vote our conscience and to stand for the needs of our constituents. So in offering this amendment today, I am saying to my colleagues, let's do our job. Let's adopt a budget that will enable us to pass a highway bill that we believe addresses the transportation and commerce needs of the Nation. The President will review that piece of legislation, and he will either sign or veto it. That is his job. That is his prerogative. But now is not the time to back away from the country's transportation needs.

When the roll is called on this amendment, Senators will be faced with a stark choice. They can either vote for the level of highway spending that they received in last year's highway bill or they can resign their constituents to ever worsening congestion.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD. I thank the Chair and implore my colleagues to vote for the amendment.

Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself and Mr. BAUCUS, proposes an amendment numbered 240.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 10 increase the amount by $1,458,000,000.

On page 3, line 11 increase the amount by $3,536,000,000.

On page 3, line 12 increase the amount by $3,605,000,000.

On page 3, line 13 increase the amount by $2,922,000,000.

On page 3, line 14 increase the amount by $2,316,000,000.

On page 4, line 7 increase the amount by $8,920,000,000.

On page 4, line 8 increase the amount by $8,332,000,000.

On page 4, line 9 increase the amount by $8,332,000,000.

On page 4, line 10 increase the amount by $9,568,000,000.

On page 4, line 16 increase the amount by $1,458,000,000.

On page 4, line 17 increase the amount by $3,536,000,000.

On page 4, line 18 increase the amount by $3,605,000,000.

On page 4, line 19 increase the amount by $2,922,000,000.

On page 4, line 20 increase the amount by $2,316,000,000.

On page 15, line 15 increase the amount by $8,920,000,000.

On page 15, line 16 increase the amount by $1,458,000,000.

On page 15, line 19 increase the amount by $8,332,000,000.

On page 15, line 20 increase the amount by $3,536,000,000.

On page 15, line 23 increase the amount by $8,332,000,000.

On page 15, line 24 increase the amount by $3,605,000,000.

On page 16, line 2 increase the amount by $9,568,000,000.

On page 16, line 3 increase the amount by $2,922,000,000.

On page 16, line 7 increase the amount by $2,316,000,000.

On page 48, line 6 increase the amount by $579,000,000.

On page 48, line 7 decrease the amount by $40,372,000,000.

On page 48, line 8, after "outlays for the discretionary category" add the following "and $34,740,000,000 for the highway category and $7,099,000,000 for the transit category".

Mr. KENNEDY. Mr. President, I urge all our colleagues to support Senator BYRD's amendment, because our Nation's interstates, roads, and subways are at the breaking point, and our future economic health is at stake.

This shouldn't be a hard vote, because we did it before. Just last year, the Senate voted 76-21 to support the funding levels called for by the Byrd amendment.

Senators BOND, BAUCUS, INHOFE, JEFFORDS, SHELBY, and SARBANES have worked hard to construct a transportation bill under the constraints they have been placed, but the fact is they don't have enough money.

The White House has issued an edict: $284 billion or nothing. Let's do what we know is right for our States, for our economy, for our Nation's future.

The U.S. DOT says that each $1 billion of transportation investment supports and sustains 47,000 jobs.

Let's pass the Byrd amendment, and reaffirm our commitment to a strong U.S. economy and good-paying American jobs.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Can I ask the Chair what the status of the time is, Mr. President?

The PRESIDING OFFICER. The Senator has 7 minutes 30 seconds at his disposal.

Mr. GREGG. Mr. President, this proposal increases spending over the bill by approximately $30 billion. That is a fairly significant amount of money. It also raises taxes by $14 billion, which is also a significant amount of money. We are now at a point where amendments offered from the other side of the aisle increase spending by approximately $100 billion and increase taxes by approximately $60 billion. At some point you must ask the question, What is the purpose of a budget if the only purpose is to simply increase taxes and increase spending?

From my viewpoint, the purpose of the budget is to actually try to put in fiscal discipline and have some controls over spending and, as a result, have some controls over the amount of money we are taking out of people's pockets. Remember, it is their money, not our money, and spending it for them rather than allowing them to spend it themselves.

So I obviously oppose this amendment. As the Senator from West Virginia noted, I voted against the $318 billion when it came through the first time. And I do note that, yes, there were a number of people who voted for that at the time. But I do note the President, working with the Members of the Congress, has reached an agreement as to what we can afford in the area of highway funds, and that agreement is $284 billion.

Now, we put that in the budget. That is what we put in the budget. Now, some might say, well, that is not enough, but actually I think it is almost $50 billion more than where we started. I think we started at $236 billion for this highway bill, or somewhere in that range.

So there has been a fair amount of movement upward toward trying to address the issue of infrastructure in this country and making sure that highway construction is adequately funded. So $284 billion is not a small amount of change. It is a rather significant amount of money and is a very strong commitment to the highways.

There is a second amendment floating around here on the issue of highways, which is offered by the Senator from Missouri, and was discussed earlier today, which would change the way that we might add money into the highway bill. We put in the budget resolution a reserve fund which essentially said that more dollars could go into the highway bill, you could get to the number the Senator from West Virginia proposed, if you legitimately raised revenues to pay for it. And legitimately raising revenues means having proposals which actually will produce revenues as versus ones that are a lot of smoke and a lot of mirrors.

So the language is not overly restrictive, it is reasonable. But it does expect that if we raise this highway fund up, it will be done in a way that is paid for appropriately out of highway-related activity, not out of the general fund.

That is a very important point because when this highway bill was put together there was some movement of dollars from the general fund into the highway fund through basically moving around the accounting mechanism for the ethanol tax. So we put in place this reserve fund which does allow for the dollars spent on highways to go up.

I put that in because there were a lot of people here who believed $284 billion was not an acceptable number.

Now, the President says it is an acceptable number. In fact, he said he will veto anything over that number. But I believed as long as it has hard pay-fors we will consider it. And that is reasonable.

Now, the amendment that is floating around here would basically take those hard pay-fors and move them back to what I would call, not illusory because they are not that specious, but they really are not very hard pay-fors. There could be a lot of games played with the language that is being proposed relative to what the pay-fors would be, and you might end up, unfortunately, spending the money but not ever getting the revenues in to cover those costs.

So I oppose that language, too, because I do feel very strongly that if we are going to go above the $284 billion level, we need to go above it with hard pay-fors that come out of highway activity, not out of the general fund.

So these two amendments are floating around here. I guess they are going to be voted in sequence probably. I just want to point out that I think both of them do damage to this budget in the area of fiscal discipline. And the one that is before us right now would raise taxes by $14 billion and increase spending by $35 billion, which is just too much to handle in the context of this budget, where the highway number is an agreed-to number between the two bodies and the President.

Mr. President, I yield the remainder of my time on this amendment.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 241

Mr. BUNNING. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. Is there objection to reporting the amendment? Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. BUNNING] proposes an amendment numbered 241.

Mr. BUNNING. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: to repeal the 1993 tax increase on Social Security benefits)

On page 3, line 9, decrease the amount by $0.

On page 3, line 10, decrease the amount by $4,800,000,000.

On page 3, line 11, decrease the amount by $12,500,000,000.

On page 3, line 12, decrease the amount by $14,000,000,000.

On page 3, line 13, decrease the amount by $15,600,000,000.

On page 3, line 14, decrease the amount by $17,000,000,000.

On page 3, line 18, decrease the amount by $0.

On page 3, line 19, decrease the amount by $4,800,000,000.

On page 3, line 20, decrease the amount by $12,500,000,000.

On page 3, line 21, decrease the amount by $14,000,000,000.

On page 4, line 1, decrease the amount by $15,600,000,000.

On page 4, line 2, decrease the amount by $17,000,000,000.

On page 4, line 23, decrease the amount by $0.

On page 4, line 24, decrease the amount by $4,800,000,000.

On page 4, line 25, decrease the amount by $12,500,000,000.

On page 5, line 1, decrease the amount by $14,000,000,000.

On page 5, line 2, decrease the amount by $15,600,000,000.

On page 5, line 3, decrease the amount by $17,000,000,000.

On page 5, line 6, increase the amount by $0.

On page 5, line 7, increase the amount by $4,800,000,000.

On page 5, line 8, increase the amount by $17,300,000,000.

On page 5, line 9, increase the amount by $31,300,000,000.

On page 5, line 10, increase the amount by $46,900,000,000.

On page 5, line 11, increase the amount by $63,900,000.

On page 5, line 14, increase the amount by $0.

On page 5, line 15, increase the amount by $4,800,000,000.

On page 5, line 16, increase the amount by $17,300,000,000.

On page 5, line 17, increase the amount by $31,300,000,000.

On page 5, line 18, increase the amount by $46,900,000,000.

On page 5, line 19, increase the amount by $63,900,000.

On page 30, line 16, increase the amount by $4,800,000,000.

On page 30, line 17, increase the amount by $63,900,000,000.

Mr. BUNNING. Mr. President, today, I rise to offer a very important amendment dealing with taxes on Social Security benefits. For too many years, senior citizens have carried an unnecessary and unfair tax burden on their shoulders. Today we have an opportunity to remove it.

Historically, Social Security benefits were not taxed. However, in 1983, Congress changed the rules of the game. That year, Congress passed legislation to begin taxing up to 50 percent of a senior's Social Security benefit if their income was over $25,000 for a single individual or $32,000 for a couple.

This move subjected many seniors across the country to an unanticipated tax increase and forced them to send a portion of their Social Security benefit back to the IRS.

In 1993, Congress was at it again, and that year the Clinton tax was passed. The Clinton tax allows 85 percent of a senior's Social Security Benefit to be taxed if their income is above $34,000 for a single and $44,000 for a couple.

The additional money this tax raises doesn't even go to help Social Security's solvency—instead it goes into the Medicare program.

I was in Congress in 1993, and I fought with many of my colleagues against the Clinton tax. Unfortunately, we lost that fight and the tax went into place.

Some people may argue that this is a tax only on so-called "rich" seniors, but that just isn't the case. In fact, the income thresholds both for the 50 percent tax and the 85 percent tax haven't changed since they were first enacted back in 1983 and 1993.

A lot has changed in the last two decades, and more and more seniors are being affected by these taxes. In fact, it is estimated that over 15 million beneficiaries pay taxes on their Social Security benefits.

Eleven million of these pay taxes on up to 85 percent of their Social Security benefit.

On one hand, we tell seniors to plan and save for retirement, and on the other we tax them for doing just that. In the past, there have been efforts by members of Congress—including myself—to remove the Clinton tax.

Today, the amendment I am introducing finally takes steps to repeal the Clinton tax. The amendment provides additional money under reconciliation so that this tax can be rolled back.

This means that the 85 percent tax tier would be eliminated and the maximum amount of Social Security benefits that could be taxed would be 50 percent.

This amendment will allow millions of seniors to keep more of their Social Security benefits in their pocket. Some of us have been trying to undo this tax for years, and this amendment finally gives us an opportunity to do that.

I urge my colleagues to support this amendment and to end this unfair tax on seniors and their Social Security benefits.

Mr. President, I yield back my time.

The PRESIDING OFFICER. Who yields time off the Republican debate time?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, Senator GREGG and I will work out how the time is used right here. It will either come out of the time in opposition or perhaps we could work out how we are using the balance of the time here, the 7½ minutes. Did the Senator want to use the time in opposition or should I use this time?

Mr. GREGG. The Senator may use the time.

Mr. CONRAD. I will use the time and talk about the side by side. So we will be using the 7½ minutes on the other side of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. It is the best way, I say to my colleagues, to try to keep this all on track. We are trying to get to the 1 o'clock mark and be able to proceed with all of the amendments that are stacked.

AMENDMENT NO. 243

Mr. CONRAD. I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD] proposes an amendment numbered 243.

Mr. CONRAD. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate that the tax cuts assumed in the budget resolution should include the repeal of the 1993 increase in the income tax on Social Security benefits)

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE ON REDUCING THE TAX ON SOCIAL SECURITY BENEFITS.

It is the sense of the Senate that the tax cuts assumed in this resolution include repeal of the 1993 law that subjects 85% of certain Social Security benefits to the income tax, provided that the revenue loss to the Medicare Hospital Insurance Trust Fund is fully replaced so that the seniors' access to health care is not adversely affected. If the inclusion of these proposals would otherwise cause the cost of the tax cuts to exceed the level authorized in the resolution, any excess should be fully offset by closing corporate tax loopholes.

Mr. CONRAD. Mr. President, this amendment is very simple. It says it is the sense of the Senate that the tax cuts assumed in this resolution include repeal of the 1993 law that subject 85 percent of certain Social Security benefits to the income tax, provided that the revenue lost to the medical hospital insurance trust fund is fully replaced so that seniors' access to health care is not adversely affected. If the inclusion of these proposals would otherwise cause the cost of the tax cuts to exceed the level authorized in the resolution, any excess should be fully offset by closing corporate tax loopholes.

We are proposing eliminating that tax on Social Security, as Senator BUNNING is proposing. We are proposing doing it in a way that the revenue lost to the Medicare hospital insurance trust fund is fully replaced so that seniors' access to health care is not adversely affected. As I have indicated, if the inclusion of these proposals would otherwise cause the cost of the tax cuts to exceed the level authorized in the underlying resolution, any excess should be fully offset by closing corporate tax loopholes.

This will now be in the queue, along with the Bunning amendment.

I retain my time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I ask the Senator from North Dakota, through the Chair, if he would mind yielding a couple of minutes off the 7½ minutes to the Senator from Kentucky to respond to the Senator's point.

Mr. CONRAD. I am happy to yield 2 minutes to the Senator.

Mr. BUNNING. It won't take long. I am encouraged that the Senator from North Dakota agrees with me that this is an unfair tax. Everybody here knows what a sense of the Senate is. It does not get into law. It is just how we feel and makes ourselves feel good by offering a sense of the Senate. The amendment I have offered actually removes the 35 percent increase that was put on in 1993. The sense of the Senate doesn't touch it. It just says: We should take a look at it. We feel good about doing it. But we are not going to do it at this time.

I urge all of my colleagues who are watching, listening, if they want to really reduce the tax on Social Security recipients, they should vote for the Bunning amendment. If they want to feel good about what they are doing and not really remove the 35 percent tax, then I would encourage them to vote for the amendment of the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Let's be very clear: The legal effect of our two amendments is precisely the same—precisely the same. Why is that the case? Because a budget resolution cannot compel the Finance Committee to do anything in terms of policy. That is just a fact. I know it is confusing to our colleagues, but the chairman has said a dozen times at least on the floor of the Senate that the budget resolution cannot compel the Finance Committee to make any specific policy determination with respect to revenue. All we are doing is telling them how much revenue to raise. That is the same with respect to the appropriations committees. A budget resolution does not tell the appropriators what specific way they are to reach the numbers. It just gives them a number.

So let us be absolutely clear—the force and effect of our two amendments is no different. Senator BUNNING is attempting to send a signal to the Finance Committee about how they should treat the reconciliation process. That is what my amendment does as well. We are sending the same signal in the sense that we are both saying, take this Social Security benefits tax as it relates to income tax off the table.

The place where I think he has made a very important point is that, since these taxes were put in place back in 1993, there has never been any change in the income levels that it relates to.

That is something that I think we can absolutely agree on. This just doesn't make any sense. It is indefensible that there has not been any adjustment. So we are sending this amendment to our colleagues with the hope and the expectation that they will pay the same attention to it that they will pay to the amendment of the Senator from Kentucky. We are about to enter the time when we will cast a series of votes. I don't know how many votes we now have in the queue; I think it is approaching 30 amendments. It may be useful at this point to send a message to our colleagues about how we are going to try to conduct these votes.

We are going to be asking our colleagues to accept short time limits on the votes. People will have a chance to make arguments for and against the amendments to remind people of the subject of their amendments. It is important for colleagues to structure their schedules for the remainder of the day that will allow them to stay in or close to the Chamber. We don't want colleagues to miss votes.

At the same time, we want to move these votes as expeditiously as possible. Thirty votes is just the beginning. Let us alert our colleagues one more time. In addition to the 30 votes, or thereabouts, already in the queue, we have dozens and dozens of additional amendments that have been noticed. When the first vote starts, we will be asking the leadership—at least on our side, and the Senator can speak to his side—to go to Members who have noticed amendments and ask them to sharply reduce the number of amendments they intend to offer.

I thank the Chair.

Mr. GREGG. Mr. President, I will yield 1 minute off of my time, if the Senator from Kentucky needs it.

The PRESIDING OFFICER. There are 3 minutes left on Senator BUNNING's time.

Mr. BUNNING. The only thing I want to say is that my amendment gives the Finance Committee the resources to do this. A sense of the Senate does not give the Finance Committee the resources to make the changes in the law that reduces the 35 percent tax on senior citizens.

I yield back my time.

Mr. REID. Mr. President, what is the next amendment in order?

The PRESIDING OFFICER. The Clinton amendment.

Mr. REID. It is my understanding that on this amendment there are 20 minutes equally divided.

The PRESIDING OFFICER. Fifteen minutes equally divided.

AMENDMENT NO. 244

(Purpose: To expand access to preventive health care services that reduce unintended pregnancy (including teen pregnancy), reduce the number of abortions, and improve access to women's health care)

Mr. REID. Mr. President, I send an amendment to the desk on behalf of Senator CLINTON and others.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mrs. CLINTON, Mr. KERRY, Mr. CORZINE, Mrs. MURRAY, Mr. LAUTENBERG, and Mrs. FEINSTEIN, proposes an amendment numbered 244.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. Mr. President, whether you are pro-life or pro-choice, Democrat or Republican, this amendment advances goals we should all share: reducing the number of unintended pregnancies, abortions, and improving access to women's health care.

This amendment would allow us to increase funding for national family planning, title X, pass the measure Senator SNOWE and I have worked on, and improve awareness of emerging contraception and improved teen pregnancy prevention programs.

One-half of the unintended pregnancies in this country wind up with abortion. Why can't we move forward with this amendment? It should be bipartisan. It is an amendment that would really help—$100 million to help these programs. These moneys come from closing tax loopholes for corporations that go overseas and, I believe, cheat Americans out of their rightful tax dollars. This money would stay in America.

There was a column in the paper yesterday that said this bill—now this amendment—has been greeted with the sound of one party clapping: the Democrats. Why can't we get support from the majority party for this amendment? We continually talk about the issue of abortion. Here is a way to cut as many as 3 million abortions over a 2-year period of time. That seems like a worthy goal. That is what this amendment is all about. It is about fairness, about making progress in a problem that is creating problems in this country. We should hold our heads high in doing this.

I hope this doesn't become a pro-life, pro-choice issue. This is an American issue. It is good for the American people, and it is especially good for young girls, teenagers. We need to stop the scourge of teenage pregnancy. There are only a couple of nations in the world that we are behind in teenage pregnancies. I hope that this amendment will be adopted by an overwhelming vote. I have some doubts that it will be, because we seem to be in partisan mode here, and that is too bad.

I suggest the absence of a quorum and ask that the time run equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. How much time remains on both sides?

The PRESIDING OFFICER. There are 4½ minutes for Senator CLINTON and 7 minutes for the majority.

Mr. CONRAD. Mr. President, I am going to use time off Senator CLINTON's time on this amendment.

We have before us a budget resolution that purports to be fiscally responsible. This budget resolution before us is anything but that. The hard reality is that the budget before us increases the debt every year of its terms by over $600 billion.

When they say this is going to cut the deficit in half, their own document shows their projections of debt increase are over $600 billion a year, each and every year of this budget. That is not fiscally responsible.

I see that the Senator from New York has arrived in the Chamber. I advise her that she has about 3 minutes left of her time.

Mrs. CLINTON. Mr. President, I thank my friend, who knows more about the budget than I think anybody in Washington. He has, once again, done a tremendous job in trying to help educate all of us about the consequences.

I strongly endorse the amendment that Senator REID and I have offered, the Prevention First amendment. This is an area where Senator REID and I absolutely agree that we need to do more to cut the rate of unintended pregnancies; therefore, the rate of abortions in our country.

The statistics are pretty stark that half of the pregnancies in the United States are unintended, and nearly half of those are terminated. Making contraception more accessible will help us reduce the number of unintended pregnancies and abortions.

The Prevention First amendment will ensure there is money in the budget that will provide more family planning services and that will change our health insurance law to give women equal rights of access to prescription contraception. It just boggles my mind that insurance companies pay for Viagra and they will not pay for birth control. I do not understand that at all. That is just backward, in my mind.

It increases the title X services that are so important in providing that support, as well as ending insurance discrimination when it comes to contraceptive coverage.

It provides better public awareness for emergency contraception, which could prevent many thousands of abortions. It is a prescription drug that, if FDA approves over the counter, does not interrupt or disrupt an established pregnancy. According to the Journal of the American Medical Association, there is no risk associated with emergency contraception.

Finally, this amendment provides funding to programs dedicated to decreasing teen pregnancy. In my husband's 1995 State of the Union Address, he made that a goal of his administration, and we accomplished a lot. But we still have a long way to go.

If you are pro-choice or pro-life, if you believe we should do more to find common ground on this often difficult and contentious issue, and if you want to spend some money to save money and decrease abortions and unintended pregnancies, then please support the Clinton-Reid amendment to the budget.

I thank the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I suggest the absence of a quorum, with the time to be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Parliamentary inquiry: In terms of the time, when we are charging the time equally at this point, we are charging time equally off the amendment; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. CONRAD. I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, parliamentary inquiry: What is left in the queue, so colleagues who are watching can be informed where we stand with respect to the schedule?

The PRESIDING OFFICER. There is the Lautenberg debt limit amendment with 10 minutes equally divided, and Senator GREGG has 5 minutes 40 seconds on the Clinton amendment remaining.

Mr. CONRAD. To recap, if I can, so colleagues understand about where we are, is this correct, that we would have 10 minutes on the Lautenberg amendment equally divided which is in relationship to debt limit?

The PRESIDING OFFICER. That is correct.

Mr. CONRAD. And then Senator GREGG has 5 minutes in relationship to the Clinton amendment.

The PRESIDING OFFICER. That is correct.

Mr. CONRAD. Then the schedule of going to the votes that are in sequence would start at 1 o'clock?

The PRESIDING OFFICER. That is correct.

Mr. CONRAD. So our colleagues should be advised that the voting will begin at or about 1 o'clock. Can the Chair advise us of how many amendments are pending?

The PRESIDING OFFICER. There are 25 amendments pending, with the Lautenberg amendment. The Senator from North Dakota has 9 minutes of manager time still left which he can use at any time. The Senator from New Hampshire has 15 minutes remaining.

Mr. CONRAD. So I think it is fair, in terms of advising our colleagues, very shortly we are going to start on a voting sequence that will include—is it 25 amendments?

The PRESIDING OFFICER. Yes, 25.

Mr. CONRAD. So 25 amendments are in queue. We can generally do—correct me if I am wrong—we can roughly do three votes an hour.

The PRESIDING OFFICER. Maybe four.

Mr. CONRAD. I just say, I have never seen us accomplish four. We have tried.

The PRESIDING OFFICER. The Senator from South Carolina is in the chair; we will do four, but he is leaving in a few minutes.

Mr. CONRAD. With 25 votes stacked, we are talking about 8 hours of voting; would that not be correct?

The PRESIDING OFFICER. The math seems sound, yes.

Mr. CONRAD. I thank the Chair. We are awaiting Senator LAUTENBERG to take up the 10 minutes on his amendment, unless Senator GREGG wants the remaining time on the Clinton amendment.

The PRESIDING OFFICER. That is correct.

Mr. CONRAD. I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, will the Chair advise us when the time on the Clinton amendment has been eliminated and the time on the Lautenberg amendment commences?

The PRESIDING OFFICER. There is 1 minute 37 seconds left on the majority side. All time has expired on the minority side.

Mr. CONRAD. I thank the Chair. I again suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 187

Mr. LAUTENBERG. I call up amendment No. 187 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from New Jersey [Mr. LAUTENBERG], for himself and Mr. SCHUMER, proposes amendment numbered 187.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: To strike the debt ceiling reconciliation instruction)
>
> On page 30, strike lines 19 through 23.

Mr. LAUTENBERG. I ask unanimous consent that Senator SCHUMER be added as a cosponsor to amendment No. 187.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, this budget resolution includes a reconciliation instruction to raise the debt limit by $446 billion. That is a lot of money. That is $1,510 for every man, woman, and child in America. I think the Senate ought to have a debate on whether to add $1,500 to the indebtedness of each and every American, and that is why I am offering this amendment.

The amendment is to strike the reconciliation instruction. This budget resolution includes a debt limit increase automatically for one reason: that my friends on the other side of the aisle do not want to have a debate about how exploding budget deficits are piling up our national debt. Instead, what we see is an attempt to hide yet another debt limit increase by burying it deep in the budget.

We used to have debt limit increase debates on a regular basis, and we made it hard to increase the debt limit because we knew ultimately the deficits would overwhelm us.

This record-setting deficit the administration is running will have real consequences for every family. As the Government borrows more money, much of it from foreign central banks, eventually it is going to cause interest rates to go up. It is inevitable. When interest rates go up, it hurts each and every American. Houses cost more. Cars cost more. College certainly costs more. Investment capital for small businesses costs more.

We often hear the money our Government spends is the people's money. That is true, but it is also true that the money our Government borrows is the people's debt.

We passed a bankruptcy bill that I think is punitive to working Americans who lose their jobs, have a catastrophic illness or an injury, or run up their credit card debt to try to pay their bills. Over and over again, our friends on the other side say people have to pay their debts. Well, is this any different?

What I have here is the Bush administration's credit card. We like to use this as a reference. It is issued by the Bank of Our Children's Future. That is what it says. It says the President is over the limit. That is because public debt under this administration has been run up to $7.7 trillion and each American's share of that debt is over $26,000. Hear this: Every American is going to be saddled with a debt amounting to $26,000 as a result of our increasing indebtedness. But $7.7 trillion apparently is not enough, which is where we are. President Bush wants this credit limit increased.

When they make that kind of request, it usually needs some scrutiny. The majority party in the Senate wants to give him that increase, but they want to do it without anybody noticing, without any conversation about it. So they bury it in the budget resolution.

We need to discuss whether it is a good idea to increase this credit limit because each and every American gets stuck paying the bill, including our children and our grandchildren.

We should be talking about paying off the debt on this card, as we did in 1997. I was then the ranking member of the Budget Committee.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LAUTENBERG. I ask unanimous consent for an additional 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Let us face up to our responsibility. Let us quit piling debt on the backs of our children and grandchildren. I urge my colleagues, support this amendment, let the debate begin, and let us examine it in the light of day.

I ask for the yeas and nays, and I yield the floor.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. GREGG. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from New Hampshire has 4½ minutes.

Mr. GREGG. Mr. President, it is not a unique procedure to use reconciliation to address the debt limit. The debt limit is something that as a Government we have to do. If the debt is run up, the debt limit has to be run up or else the bonds cannot be issued in order to set up the debt properly.

If that is not done, what happens? The Government shuts down. So in a number of instances, and I believe even in the Democratic Party, in two instances when the Democratic Party controlled the Senate, reconciliation included the debt limit. So it is the responsible thing to do to have this vehicle available.

That does not mean the Finance Committee will use it. It may be that we will not use it. But we need to have this vehicle available in order to make sure the Government continues to operate. In fact, one could argue that if this amendment were to pass, it would put in jeopardy at some point down the road the operation of the Government because the debt limit might be put in the position where it could not pass. That is not hyperbole. That is a distinct possibility and a hypothetical that could actually occur.

So the responsible thing to do is to have debt limit reconciliation instructions as one of the elements. That is why the Budget Act allows for it. Interestingly enough, this is not something we created. It was created by the

Budget Act which was, of course, written under a Democratic Congress. As I mentioned, it has been used twice when the Democratic Party was in the majority. So it is a reasonable approach. It is something that needs to be included within the budget, and I would certainly hope this amendment would be rejected.

I yield back the remainder of my time on the amendment.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, is there a response time available on this?

The PRESIDING OFFICER. All time has expired.

Mr. CONRAD. I yield an additional minute to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator is yielded an additional minute.

Mr. LAUTENBERG. I thank the Senator.

Mr. President, I say to the distinguished chairman of the Budget Committee, yes, we have to pay our bills. We cannot ignore our obligations. But when one borrows money, there is a contract that is signed and it is done with an open mind. Here we are being asked to take on more debt without having any discussion about what it is that would compel us to increase the national debt.

The national debt is going to drown us and we now have a chance to examine it in the light of day, and that is what I would like to see us do. That is why we should take it from this budget resolution and discuss it in an open debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, parliamentary inquiry: Having now reached the hour of 1, the order would provide that the votes start at 1; is that correct?

The PRESIDING OFFICER. Votes may begin at this time. Each manager has additional time that does not have to be utilized.

Mr. CONRAD. The chairman of the committee and I have agreed we will put in a quorum call at this moment, and we will remind colleagues that we will begin the voting very shortly.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MARTINEZ). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent the time remaining which I have and the Democratic manager has, Senator CONRAD, that we be able to reserve that time and use it at a later period in the day, during the voting.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I now move that we go to the first issue, which is going to be the Medicaid amendment offered by Senator FRIST, the majority leader, and I yield myself a minute on that. Each side has a minute?

The PRESIDING OFFICER. The Senator is recognized for 1 minute.

Mr. GREGG. Mr. President, I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent that when we begin to vote the order of votes will be as follows, for the initial set of amendments.

We will begin with the majority leader's amendment relative to Medicaid, which is No. 229; followed by the Bingaman for Senator SMITH amendment on Medicaid, No. 204; followed by the Carper amendment on full consideration of tax cuts, No. 207; followed by the Snowe-Wyden drug pricing amendment, No. 214; followed by the Harkin vocational education amendment, No. 172; followed by the Hutchison-Ensign Border Patrol amendment, No. 218; followed by the Landrieu National Guard amendment, No. 219; followed by the Salazar-Conrad rural education and health amendment, No. 215; followed by the Dorgan runaway corporations amendment, No. 210; followed by the Lieberman-Collins first responder amendment, No. 220; followed by the Vitter port security, amendment, No. 223; followed by the Vitter Corps of Engineers amendment, No. 224; followed by the Allen, as modified, NASA amendment, No. 197; followed by the Sarbanes CDBG amendment, No. 156, followed by the Coleman CDBG amendment, No. 230; followed by the Cochran emergency retirement amendment, No. 208; followed by the Kennedy education amendment, No. 177; followed by the Baucus-Conrad amendment No. 234, agriculture; followed by the Biden COPS amendment, No. 239; followed by the Feinstein State Criminal Assistance Program, No. 188; followed by the Byrd highways amendment, No. 240; followed by the Talent highway amendment, No. 225; followed by the Conrad sense of the Senate regarding Social Security tax, No. 243; followed by the Bunning repeal of Social Security tax, No. 241; followed by the Clinton-Reid prevention first amendment, No. 244; followed by the Lautenberg debt limit amendment, No. 187.

That is the first group of amendments which we will be taking up.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, we are going to move to the Frist amendment in a few minutes, and begin to vote.

The PRESIDING OFFICER. The minority leader.

Mr. REID. Mr. President, through the Chair to the two managers of the bill, it is my personal feeling we shouldn't have the 1 minute on each side. It is an inordinate amount of time. It never amounts to 1 minute. I think we should just vote. When we take 1 minute when we have 25 or 30 votes, it will add an inordinate amount of time to these amendments. I have not spoken to the majority leader, but it would be my feeling that the Members have had their say and we should run right through the votes.

Mr. GREGG. I think the Democratic leader has made a very constructive suggestion for the process. I would be happy to accept that.

Mr. CONRAD. Mr. President, I personally think that would be a mistake. My experience here has been when we have so many votes occurring that if there is not some explanation, people literally may not know what they are voting on. If we want to reduce it to 30 seconds, I think you need at least a moment for people to have it brought to their attention what the vote pertains to.

I urge us to have at least a limited amount of time for those who are for and against to have some explanation before the vote.

Mr. REID. This can only be done by unanimous consent, obviously. One of the managers of the bill doesn't agree. I should tell everyone this is going to add at least an hour to the votes—I will bet more than that. We have staff here. We have nice staff. If people do not know what the votes are, that is unfortunate. But, anyway, it takes unanimous consent, and I understand that.

Mr. CONRAD. Mr. President, if I could say this: Yes, people have staff. But the staff who are here are the staff of those of us who are managing this resolution. Many individuals don't have staff in this Chamber. I have found that when we start having 25 or 30 votes in a row. Members can get almost disoriented about what they are voting on. I think it would be a mistake not to have a chance to say what it is.

Mr. REID. Does the Senator think that 30 seconds for each side would be better than the 1 minute? Could we accept that? I am indicating that if everything goes well, we will be finished with this stuff at 12 or 1 o'clock tonight.

Mr. CONRAD. I absolutely agree with the Senator on the need to compress the time. As the Senator knows, we have been working diligently to try to organize this in a way that reduces the time. I would accept going to 30 seconds on a side.

Mr. GREGG. I am happy to go to 30 seconds for each side.

Mr. REID. I have not checked with Senator FRIST. I wouldn't want to do anything without checking with him. I don't think it would be appropriate. If he doesn't agree to this, I would be happy to rescind the unanimous consent request. In the meantime, I ask unanimous consent the time between votes be 30 seconds per side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GREGG. Mr. President, recognizing that the first amendment to be considered is the Frist amendment, are the yeas and nays ordered?

The PRESIDING OFFICER. They are not.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GREGG. Mr. President, I ask unanimous consent that all amendments after this amendment be 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, before we start, I know the majority leader would agree. We have to keep a better tab on the time around here. It is possible to speed things up. I am sure this vote will take more than 10 minutes. After that I think we should enforce the 10-minute rule. If people can't get here to vote because they have business to conduct, they may have to miss some votes.

I hope the majority would allow the 10-minute vote to be a 10-minute vote. I understand that if there is a vote which is close and people have to play around the votes a little bit, that stalls a little bit. The majority has the right to call votes to a close. I hope they would do it, recognizing that every minute they allow these votes to go beyond the 10 minutes is additional time people could be doing other things.

AMENDMENT NO. 229

The PRESIDING OFFICER. There is now 30 seconds on each side.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, I rise on behalf the majority leader, who is detained at another location. The majority leader's amendment simply accomplishes the best of both worlds in the sense that he continues the reconciliation instruction so we will move forward with Medicaid reform.

This year, he also sets up a commission which makes it very clear that Medicaid reform will not impact services to children or people who are in need but would, rather, look at how we improve this process of delivering Medicaid services without undermining the process of Medicaid services.

As I said before, if we do not move forward with reconciliation this year, we are not going to do it at all.

The PRESIDING OFFICER. Who yields time?

The Senator from Oregon.

Mr. SMITH. Mr. President, 200-plus groups who support the Smith-Bingaman amendment believe this would be a poison pill. I fear the same because it tries to put the Senate on record as requiring the Senate Finance Committee, under the Damocles sword of reconciliation, to report out an agreement that Secretary Leavitt may reach with any group of Governors—not even a majority, not even from the National Governors Association.

I urge a "no" vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The result was announced—yeas 49, nays 51, as follows:

[Rollcall Vote No. 57 Leg.]

YEAS—49

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—51

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Coleman
Collins
Conrad
Corzine
Dayton
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Smith
Snowe
Stabenow
Wyden

The amendment (No. 229) was rejected.

AMENDMENT NO. 204

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate on the Smith amendment.

Mr. GREGG. It is my understanding that the proponents will speak first. We will let the time run.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. SMITH. Mr. President, briefly, all the arguments have been made. Everybody knows we are dealing with a Damocles sword when you put reconciliation on Medicaid that covers the most vulnerable Americans. I think right now is simply the time to say vote your conscience.

Thank you.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. Mr. President, to the extent there is a Damocles sword, it is hanging over the generations to come who are going to have to pay the bills for our generation. The failure to address those bills today is going to make it virtually impossible for our children and their children to have the quality of life we have had because of the tax burden we are going to pass on. I hope people vote "no."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. FRIST. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 58 Leg.]

YEAS—52

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Coleman
Collins
Conrad
Corzine
Dayton
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Smith
Snowe
Specter
Stabenow
Wyden

NAYS—48

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

The amendment (No. 204) was agreed to.

Mr. GREGG. I move to reconsider the vote.

Mr. FRIST. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. ALEXANDER). The majority leader.

Mr. FRIST. Mr. President, I make another appeal to our colleagues. We are going to start strictly cutting off the votes. We are going to ask people to stay in the Chamber or right outside the Chamber. Again, we have a lot of votes. We have to get through them.

I also want to take 2 minutes to address an issue that I mentioned this morning in opening, and it has to do with a particular case in Florida, the Terri Schiavo case. Over the course of the day and, indeed, yesterday, we have been working together, both sides of the aisle, to bring resolution to an issue that has fallen to us which we, for the most part in this body, agree we need to address before leaving today.

I am going to propound two unanimous consent requests. We do not want to have at this point a large debate or discussion on the issue, but it is important that we act now because in working with the House of Representatives, we do, at the end of the day, want to pass legislation. And because they will be going out shortly over the course of the day, we want to make it clear it is an issue we are all working toward and I believe we can solve today and, thus, I will propound will have these two unanimous consent requests. I will explain very briefly the first of the two unanimous consent requests. The House has a bill they have passed. It is a bill that, for the most part, on both sides of the aisle there has been some concern that we have not been able to get unanimous consent just in our discussions. That will be the first unanimous consent request.

The second unanimous consent request will be a private relief bill that is targeted to this particular case. It is a bill that both sides are discussing, and it is a bill on which I think over the next several hours we can come to some sort of mutual agreement.

What is important is that this body act. If we do not act, there is a possibility that a woman who is alive today—and everybody agrees she is alive today—while we are on recess will have termination of all feeding and water. She will be starved to death. Without going into a lot of details—a lot of people are discussing it—that is what we would do from a procedural standpoint.

The first unanimous consent request relates to a House bill that many people told me is unacceptable. The second unanimous consent request relates to a bill on which we worked together and is very targeted.

UNANIMOUS CONSENT REQUEST—H. R. 1332

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1332, the House-passed legislation relating to Theresa Marie Schiavo, that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

The majority leader has the floor.

UNANIMOUS CONSENT REQUEST—S. 653

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 653, a bill introduced by Senator MARTINEZ regarding Theresa Marie Schiavo, that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. I object.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Reserving the right to object, we are working with a number of Senators on this side of the aisle to see if we can work out something on this legislation. So I tell the majority leader that we need more time because there is a number of Senators who have concerns. So I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. FRIST. Mr. President, I will be happy to yield to the floor manager.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I rise as a strong supporter of the bill of the Senator from Florida. I think it is absolutely imperative that we as a body take action to give a Federal court an opportunity to review this determination.

A woman's life is at stake, and it is absolutely imperative that we take action today. We are working diligently on both sides—I thank the majority leader and I thank the Senator from Pennsylvania, Mr. SANTORUM—and we are going to take action today. So we have to try to work through some issues to make certain we get that opportunity. But I pledge as the manager of this bill that we will interrupt this bill at any time when we have a resolution so that we can take action to save this woman's life or to give a court an opportunity to review this case.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, there will be opportunities later when we address the bill for people who feel passionately about it to speak. We are on the budget resolution. People know we are working in a bipartisan way to resolve this matter to save her life which, at the end of the day, is the goal.

I request people not say a lot right now so we can proceed with the budget votes unless there is something new to be said; otherwise, we will have an opportunity later tonight.

Mr. REID. I ask for the regular order.

Mr. FRIST. Regular order.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Delaware.

Mrs. FEINSTEIN. Excuse me?

The PRESIDING OFFICER. The question is on the amendment of the Senator from Delaware.

Mrs. FEINSTEIN. May I make a point of parliamentary inquiry?

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I would like to know with whom this legislation has been shared? It certainly has not been shared with me, and I do not intend to just sit here while we change the nature of all of these things to put this in the political arena without a hearing.

AMENDMENT NO. 207

The PRESIDING OFFICER. There is 30 seconds on each side on the Carper amendment No. 207. Who yields time?

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, this is a simple amendment.

This is a straightforward amendment. If my colleagues agree with me, a U.S. Senator who wants to reduce taxes in a way that decreases the budget deficit, it is OK to do that.

For this Senator or any Senator who wishes to reduce taxes, we can do that under this amendment, but if those taxes increase the budget deficit and the debt for this country, we need to muster 60 votes. The moneys for the offset can come from other taxes or they can come from reducing spending to provide the offset.

The PRESIDING OFFICER. The Senator's 30 seconds have expired.

Mr. CARPER. I urge a "yes" vote, Mr. President.

The PRESIDING OFFICER. Who yields time?

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the effect of this amendment is obviously to take the reconciliation process out of the budget. The reconciliation process is going to guarantee to the Senate the opportunities to get things done that need to be done without making tax issues a political football. That tax policy was made in 2001 and 2003 to keep that current law. We have seen too many times that laws that have widespread political support are filibustered and do not get passed.

Mr. SESSIONS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 207.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 49, nays 51, as follows:

[Rollcall Vote No. 59 Leg.]

YEAS—49

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper

Chafee
Clinton
Collins
Conrad
Corzine
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCain
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Stabenow
Voinovich
Wyden

NAYS—51

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McConnell
Murkowski
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Warner

The amendment (No. 207) was rejected.

AMENDMENT NO. 214

The PRESIDING OFFICER. The next order of business is amendment No. 214 by Senators SNOWE and WYDEN. There is 1 minute evenly divided. Who yields time?

The Senator from Maine

Ms. SNOWE. Mr. President, I am going to be speaking for 30 seconds for both myself and Senator WYDEN on this amendment.

This is the one initiative before the Senate that addresses the escalating costs with respect to Medicare Part D that, as we know, has been reestimated by the administration from $400 billion to $534 billion.

The CBO has stated that our amendment would be able to negotiate real savings. They said there is a potential for some savings if the Secretary were to have the authority to negotiate prices with the manufacturers of single source drugs. Former Secretary Thompson said he wished that he had the opportunity to negotiate. He said that in his press conference upon his resignation.

Finally, 80 percent of seniors support this authority, and so does the American Medical Association for the first time.

The PRESIDING OFFICER. Who yields time in opposition? The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I am surprised that there are so many wise Members of this Senate who know exactly how the prescription drug bill is going to work when it doesn't even start until January 1, 2006. We took language in Democratic proposals on this subject and put them in a bipartisan bill so that there was a consensus of what ought to be done. Now they want to strike them out.

The chief actuary and OMB says this will not save money. It will not increase competition because we have competition written into this by the plans competing against each other. Don't strike that out.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. GRASSLEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Ohio (Mr. VOINOVICH).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 60 Leg.]

YEAS—49

Akaka
Bayh
Biden
Bingaman
Boxer
Brownback
Byrd
Cantwell
Carper
Chafee
Clinton
Collins
Conrad
Corzine
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCain
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Stabenow
Wyden

NAYS—50

Alexander
Allard
Allen
Baucus
Bennett
Bond
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McConnell
Murkowski
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Warner

NOT VOTING—1

Voinovich

The amendment (No. 214) was rejected.

AMENDMENT NO. 172

The PRESIDING OFFICER. The next order of business is the amendment No. 172 by Senator HARKIN. There is 1 minute equally divided.

Mr. HARKIN. Mr. President, this amendment restores the Perkins Vocational Education Program and pays for it by eliminating two tax provisions that haven't even come into force yet. We are not raising anyone's taxes. We are not rolling back anything. There are two items in the 2001 tax bill called PEP and Pease. They start next year. They don't have to go into effect.

Who gets the benefits? Ninety-seven percent of the benefits go to people making more than $200,000 a year, and 54 percent go to people making over $1 million a year.

I am just saying, don't let that go into effect. That saves $146 billion over 10 years. This amendment would reduce the deficit with the money, and also put the money into restoring the Perkins Vocational Education Program.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, this amendment increases taxes by $24 billion and purports to give $7.5 billion to vocational education. The bill only controls the top discretionary number Government-wide. So the motion isn't enforceable and would likely be ignored by the committee of jurisdiction. The money could go over into some other account. There is no guarantee that the tax-and-spend amendment will result in one dollar of education.

The subcommittee chairman and the chairman for Education have looked at the budget, and there is money available for it. We know where to get it to make sure vocational education happens. That is why we put the Perkins through already.

I ask the Senate to reject it.

Mr. HARKIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 44, nays 56, as follows:

[Rollcall Vote No. 61 Leg.]

YEAS—44

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Corzine
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed (RI)
Reid (NV)
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NAYS—56

Alexander
Allard
Allen
Baucus
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

The amendment (No. 172) was rejected.

AMENDMENTS NOS. 218 AND 215, EN BLOC

The PRESIDING OFFICER. The next order of business is proposed by Senators ENSIGN and HUTCHISON, amendment No. 218.

Mr. GREGG. I ask unanimous consent we accept the Hutchison-Ensign amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. CONRAD. I ask unanimous consent we accept the Salazar amendment No. 215.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc numbered 218 and 215.

The amendments (Nos. 218 and 215) were agreed to.

AMENDMENT NO. 219

The PRESIDING OFFICER (Mr. COLEMAN). The next amendment in order is No. 219 proposed by Senator LANDRIEU, with 1 minute equally divided.

Mr. GREGG. Mr. President, the time will run.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from North Dakota.

Mr. CONRAD. Mr. President, I ask unanimous consent that Senator LINDSEY GRAHAM be added as a cosponsor on Senator LANDRIEU's amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, has the minute run?

The PRESIDING OFFICER. The time has been used.

Mr. GREGG. I suggest we go to a vote.

The PRESIDING OFFICER. All time is yielded back.

Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on the amendment.

The clerk will call the roll.

The assistant bill clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 62 Leg.]

YEAS—100

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

The amendment (No. 219) was agreed to.

Mr. GREGG. Mr. President, can I have order. I am going to suggest something, and I would like to get everyone's attention.

The PRESIDING OFFICER. The Senate will come to order.

Mr. GREGG. We are going to move to the Dorgan amendment.

Mr. CONRAD. Could we have order because we are going to be talking about something Members need to hear.

The PRESIDING OFFICER. The Senate will come to order.

AMENDMENT NO. 223

Mr. GREGG. Mr. President, to begin with, I ask unanimous consent that the Vitter amendment No. 223 on port security, a sense of the Senate, be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 223) was agreed to.

Mr. GREGG. Mr. President, we are now going to go to the Dorgan amendment for which we will have the 10-minute vote, but we have decided—Senator CONRAD and myself, after consulting with the leadership—that for the next 3 amendments there will be 5-minute votes. There will be no statements between the votes. That will be the Lieberman-Collins amendment on first responders, the Vitter amendment on the Corps of Engineers, and the Allen amendment, as modified, on NASA. I ask unanimous consent that be the order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, let me very quickly explain why we are going to try this experiment on three votes. Here is the situation we face. In 2 hours we have done six amendments. We have 26 amendments in this queue. We have 40 or 50 amendments after that. You do the math: 20 and 40 is 60; three amendments an hour; that is 20 more hours of voting.

Now, we can either subject ourselves to that or try to find a way to break through this morass and make more progress. The leadership has agreed to try on three amendments an experiment: 5-minute votes. Please, colleagues, let's see if we can't make this go more efficiently.

AMENDMENT NO. 210

The PRESIDING OFFICER. The pending question is the Dorgan amendment.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, are we doing 1 minute a side?

The PRESIDING OFFICER. Thirty seconds.

Mr. DORGAN. Mr. President, the purpose of this amendment is to repeal the provision of the Tax Code that actually rewards companies to shut down their American plant and move their jobs overseas. Yes, we actually reward companies in the current Tax Code for shutting down their American plants and moving jobs. It is the most pernicious part of the Tax Code. In my judgment, this is only a baby step in the right direction.

A vote against this amendment is a vote against fairness and a vote against American jobs. I hope this Senate will approve this amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Is all time yielded back?

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk to called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Arizona (Mr. KYL).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 59, as follows:

[Rollcall Vote No. 63 Leg.]

YEAS—40

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Carper
Clinton
Conrad
Corzine
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Obama
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NAYS—59

Alexander
Allard
Allen
Baucus
Bennett
Bond
Brownback
Bunning
Burns
Burr
Cantwell
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Jeffords
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Pryor
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—1

Kyl

The amendment (No. 210) was rejected.

AMENDMENT NO. 220

The PRESIDING OFFICER (Mr. ISAKSON). The question is on agreeing to the Lieberman-Collins amendment No. 220.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, at the request of a number of Senators who are sponsors of amendments, we have decided that we are going to restore the minute that was equally divided so Members can explain their amendments. But we are staying with the 5-minute vote for the next three amendments. However, we are skipping over Senator ALLEN's amendment because we hope to work that out. That would mean that Senator SARBANES' amendment on CDBG would be the third 5-minute vote. But there will be a minute equally divided before the votes.

I believe we are now on the Lieberman amendment.

The PRESIDING OFFICER. Who yields time on the Lieberman amendment?

The Senator from Maine.

Ms. COLLINS. Mr. President, the amendment Senator LIEBERMAN and I have offered would restore homeland security grant funding to last year's level for the first responder programs and for port security. It is a very modest amendment. Let us remember that when disaster strikes, our citizens do not dial the 202 Washington, DC, area code, they dial 911. It is our firefighters and police officers and our emergency medical personnel who are first on the scene. It is fully offset.

The PRESIDING OFFICER. Who yields time in opposition?

The time is yielded back.

The question is on agreeing to amendment No. 220.

Mr. CONRAD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 63, nays 37, as follows:

[Rollcall Vote No. 64 Leg.]

YEAS—63

Akaka
Allen
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Coleman
Collins
Conrad
Corzine
Dayton
DeWine
Dodd
Dole
Dorgan
Durbin
Feingold
Feinstein
Harkin
Hutchison
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Specter
Stabenow
Talent
Thune
Vitter
Warner
Wyden

NAYS—37

Alexander
Allard
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Cornyn
Craig
Crapo
DeMint
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Inhofe
Kyl
Lott
McCain
McConnell
Santorum
Sessions
Shelby
Smith
Stevens
Sununu
Thomas
Voinovich

The amendment (No. 220) was agreed to.

AMENDMENT NO. 223, AS MODIFIED

Mr. GREGG. Mr. President, I ask unanimous consent that amendment No. 223, agreed to earlier, be modified with the language at the desk. It has been cleared on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 223), as modified, is as follows:

On page 63, line 24, after the second period insert the following: "In dealing with homeland security assistance grants that relate to port security, Congress should (1) allocate port security grants under a separate, dedicated program intended specifically for port security enhancements, rather than as part of a combined program for many different infrastructure programs that could lead to reduced funding for port security, (2) devise a method to enable the Secretary of Homeland Security to both distribute port security grants to the Nation's port facilities more quickly and efficiently and give ports the financial resources needed to comply with congressional mandates, and (3) allocate sufficient funding for port security to enable port authorities to comply with mandated security improvements taking into consideration national, economic, and strategic defense concerns, ensure the protection of our Nation's maritime transportation, commerce system, and cruise passengers, strive to achieve funds consistent with the needs estimated by the United States Coast Guard, and recognize the unique threats for which port authorities must prepare.".

AMENDMENT NO. 224

Mr. GREGG. Mr. President, I ask unanimous consent that amendment No. 224 be agreed to, regarding the Corps of Engineers.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 224) was agreed to.

Mr. CONRAD. Mr. President, the previous Vitter amendment is vitiated because this is a replacement—it is modified.

Mr. GREGG. Yes.

Mr. CONRAD. Modified by 224.

AMENDMENT NO. 156

Mr. GREGG. Mr. President, we are now on the Sarbanes amendment. If this experiment is going to work—and I am not sure it is—I think it would be more likely to succeed if everybody sat at their desks as the clerk called the roll. Again, we are on the Sarbanes amendment.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, this is a community development block grant amendment. Our mayors, Governors, and county officials are all desperate for this program. This restores the cuts, keeps it in HUD. Bernardi, the Deputy Secretary, said:

> We must continue to support and build upon programs that work, those that have a proven record of flexibility and the ability to fit in the local determined needs. CDBG is such a program and ranks among our Nation's oldest and most successful programs.

This amendment would fund it by using the closing of tax loopholes, which previously passed this body. I urge support for the amendment.

Mr. GREGG. Mr. President, it has the practical effect of increasing spending by $1.9 billion and increasing taxes by $1.9 billion. Of course, there is no binding language that would have any effect on the Appropriations Committee. Jurisdiction as to how this money would be spent would be entirely with the Appropriations Committee, and they could spend it any way they want. It breaks the cap and raises taxes. I hope we oppose it.

Mr. SARBANES. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 51, as follows:

[Rollcall Vote No. 65 Leg.]

YEAS—49

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Coleman
Conrad
Corzine
Dayton
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Voinovich
Wyden

NAYS—51

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Collins
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson

Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Warner

The amendment (No. 156) was rejected.

The PRESIDING OFFICER. The Senator from Texas.

CHANGE OF VOTE

Mrs. HUTCHISON. Mr. President, on rollcall No. 65, I voted "yea". It was my intention to vote "nay." Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. GREGG. We have now done a 5-minute vote two times. Senator CONRAD and I were wondering what the reaction of the Chamber is. We thought we would ask for a show of hands.

How many want to keep going 5 minutes or go back to 10 minutes? All those in favor of 5 minutes raise your hand.

(Showing of hands.)

Mr. GREGG. How many want to stay at 10 minutes?

(Showing of hands.)

Mr. GREGG. We are going to try 5 minutes some more. What a democracy. It is very impressive.

AMENDMENT NO. 230

The PRESIDING OFFICER. The question is on the Coleman amendment No. 230. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, my amendment is simple. It says no cuts in the Community Development Block Grant Program or other programs such as the Community Service Block Grant Program, the Brownfield Redevelopment Program, and the Rural Housing and Economic Development Program.

My amendment is fully offset by function 920.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. COLEMAN. Yes, I yield.

Mr. SARBANES. Mr. President, having lost the previous amendment, I support the amendment of the Senator from Minnesota. It is not my preference to do an across-the-board cut of other programs, but the CDBG Program is so important that we should adopt this amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, of course, the committee of jurisdiction will have the decision on how these monies are spent and what decisions are made. But the practical effect—I think Members should know this—the practical effect of a 920 cut is an across-the-board cut. So, for example, a $2 billion item such as this means a billion dollars comes out of defense and a certain percentage comes out of education, a certain percentage comes out of health care, a certain percentage comes out of homeland security. That is the way this would work were the Appropriations Committee to follow these instructions.

The PRESIDING OFFICER. The question is agreeing to amendment No. 230.

Mr. SARBANES. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 68, nays 31, as follows:

[Rollcall Vote No. 66 Leg.]

YEAS—68

Akaka
Allen
Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Burns
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coleman
Collins
Conrad
Corzine
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Feingold
Feinstein
Harkin
Hutchison
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lugar
Martinez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Smith
Snowe
Specter
Stabenow
Talent
Thune
Vitter
Voinovich
Warner
Wyden

NAYS—31

Alexander
Allard
Bennett
Brownback
Bunning
Burr
Coburn
Cochran
Cornyn
Craig
Crapo
DeMint
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Inhofe
Kyl
Lott
McCain
McConnell
Roberts
Sessions
Shelby
Stevens
Sununu
Thomas

NOT VOTING—1

Lieberman

The Amendment (No. 230) was agreed to.

Mr. GREGG. Mr. President, please recognize Senator BAYH.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

CHANGE OF VOTE

Mr. BAYH. Mr. President, on rollcall vote No. 66, I was present and voted "aye." The official record has me listed as "absent." Therefore, I ask unanimous consent that the official record be corrected to accurately reflect my vote. This will in no way change the outcome of the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. BURNS. Mr. President, I ask unanimous consent on amendment No. 230 to change my vote. I voted "nay". I ask unanimous consent to change my vote to "yea". This change does not alter the outcome of the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. COLEMAN. I move to reconsider the vote.

MR. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 208

The PRESIDING OFFICER. There is 1-minute debate on Cochran amendment No. 208.

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, this amendment seeks to ensure that it is Congress who sets the discretionary caps and enforces them. It does not transfer to the President a new power of enforcement. If the President submits an urgent supplemental, as he has done now, and the House passes a supplemental bill and it comes to the Senate, if we add an emergency designation for an item, you can make a 60-vote point of order against that if it exceeds the caps, and we enforce that cap in that fashion.

This adds that the President has to enforce it by specifically agreeing that it is an emergency. That is not in the law now, and it should not be added on this resolution.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, this returns us to a point of order that existed in prior days when the President participated in emergency designations relative to nondefense activity. It only applies to nondefense activity. It avoids issues such as placing in emergency bills items which are clearly not emergency issues unless the President agrees they are emergency issues also.

I think it creates a much more balanced approach to how we address spending, and it protects the cap and does not allow the emergency bills to basically circumvent the cap.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 208.

Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Pennsylvania, (Mr. SANTORUM).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 73, nays 26, as follows:

[Rollcall Vote No. 67 Leg.]

YEAS—73

Akaka
Allard
Allen
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Corzine
Craig
Dayton
DeWine
Dole
Domenici
Dorgan
Durbin
Feingold
Feinstein
Harkin
Hatch
Hutchison
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Martinez
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sarbanes
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Talent
Thune
Warner
Wyden

NAYS—26

Alexander
Bayh
Chafee
Coburn
Cornyn
Crapo
DeMint
Dodd
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Inhofe
Kyl
Lieberman
Lugar
McCain
Schumer
Sessions
Sununu
Thomas
Vitter
Voinovich

NOT VOTING—1

Santorum

The amendment (No. 208) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 177, AS MODIFIED

The PRESIDING OFFICER. There is now 1 minute of debate on the Kennedy amendment.

Mr. KENNEDY. Mr. President, I have a modification at the desk and ask that my amendment be modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 177), as modified, is as follows:

(Purpose: To maintain college access and close corporate tax loopholes by an amount equal to $5.4 billion, enough to: (1) restore education program cuts slated for vocational education, adult education, GEAR UP, and TRIO, (2) increase the maximum Pell Grant scholarship to $4,500 immediately, and (3) increase future math and science teacher loan forgiveness to $23,000 without increasing the deficit)

On page 3, line 10, increase the amount by $723,0000.

On page 3, line 11, increase the amount by $3,803,000,000.

On page 3, line 12, increase the amount by $666,000,000.

On page 3, line 13, increase the amount by $227,000,000.

On page 3, line 14, increase the amount by $55,000,000.

On page 3, line 19, increase the amount by $723,000,000.

On page 3, line 20, increase the amount by $3,803,000,000.

On page 3, line 21, increase the amount by $666,000,000.

On page 4, line 1, increase the amount by $227,000,000.

On page 4, line 2, increase the amount by $55,000,000.

On page 4, line 7, increase the amount by $5,389,000,000.

On page 4, line 8, increase the amount by $5,000,000.

On page 4, line 9, increase the amount by $15,000,000.

On page 4, line 10, increase the amount by $25,000,000.

On page 4, line 11, increase the amount by $40,000,000.

On page 4, line 16, increase the amount by $723,000,000.

On page 4, line 17, increase the amount by $3,803,000,000.

On page 4, line 18, increase the amount by $666,000,000.

On page 4, line 19, increase the amount by $227,000,000.

On page 4, line 20, increase the amount by $55,000,000.

On page 17, line 16, increase the amount by $5,389,000,000.

On page 17, line 17, increase the amount by $723,000,000.

On page 17, line 20, increase the amount by $5,000,000.

On page 17, line 21, increase the amount by $3,803,000,000.

On page 17, line 24, increase the amount by $15,000,000.

On page 17, line 25, increase the amount by $666,000,000.

On page 18, line 3, increase the amount by $25,000,000.

On page 18, line 4, increase the amount by $227,000,000.

On page 18, line 7, increase the amount by $40,000,000.

On page 18, line 8, increase the amount by $55,000,000.

On page 30, line 16, decrease the amount by $723,000,000.

On page 30, line 17, decrease the amount by $5,474,000,000.

On page 36, line 21, increase the amount by $8,000,000.

On page 36, line 22, increase the amount by $8,000,000.

On page 36, line 23, increase the amount by $93,000,000.

On page 36, line 24, increase the amount by $93,000,000.

On page 48, line 6, increase the amount by $5,381,000,000.

On page 48, line 7, increase the amount by $715,000,000

Mr. KENNEDY. I have cleared that both with the majority leader and minority leader.

Mr. President, my amendment as modified increases the education funding by $5.4 billion paid for by the corporate tax loophole closure and now includes no additional deficit reduction.

The amendment does three things. No. 1, it will make immediately available the Pell grant increase to $4.500. No. 2, it provides for the protection of the GEAR UP Program, the TRIO Programs, and vocational education. No. 3, it will ensure 60,000 math and science teachers every single year. That is effectively what this amendment does.

The PRESIDING OFFICER. The time has expired.

The Senator from Wyoming.

Mr. ENZI. Mr. President, I would agree that this amendment does increase taxes by $5.4 billion. I could not agree that it will actually wind up adding money for education. It gives the nonbinding suggestion that it be directed toward various higher education programs, but it does not guarantee it. The Budget Resolution controls the top-line discretionary number government-wide. No such suggestion is enforceable. There is no guarantee that this tax-and-spend amendment will result in one new dollar for education, let alone the programs suggested by the amendment. I ask that my colleagues vote no.

Mr. KENNEDY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 177, as modified.

The clerk will call the roll.

The assistant journal clerk called the roll.

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 68 Leg.]

YEAS—51

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Coleman
Collins
Conrad
Corzine
Dayton
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Specter
Stabenow
Wyden

NAYS—49

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

The amendment (No. 177), as modified. was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. KERRY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 234

The PRESIDING OFFICER. There is 1 minute each on the next amendment. Senator BAUCUS is recognized.

Mr. BAUCUS. Mr. President, could we have order, please?

The PRESIDING OFFICER. The Senate will be in order. The Senator from Montana.

Mr. BAUCUS. Mr. President, this amendment strikes the cuts in the budget resolution with respect to agriculture. Two main points: Today, agricultural spending constitutes 1 percent of total Federal spending. These cuts here constitute 16 percent of the cuts in the budget resolution. It is just not right to single out agriculture 16 times more than other cuts in this resolution.

No. 2, the Europeans today spend $37 billion a year on agricultural price supports. We spend about $17 billion, half of what they spend. We should not unilaterally disarm now, before the Doha WTO talks.

Two points why the amendment should be agreed to. We should not make these cuts.

Mr. CHAMBLISS. Mr. President, the Senator from Montana is correct; that the cuts in agricultural spending now constitute 16 percent. That is another good reason why we should have supported Medicaid savings. We wouldn't be in this position now.

What we committed to do relative to agriculture savings is, first of all, not to change the policy in the farm bill. We are not going to do that. We are simply not going to change policy.

Lastly, let me just say that over the last 3 years, farmers themselves have saved $5 billion per year from the projected farm bill expenditures in 2002. If we cannot find $2.8 billion over the next 5 years, then something is wrong. We are going to find it. We are going to treat every commodity fairly and equitably, and every title of the farm bill fairly and equitably in achieving these savings. I urge a "no" vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. BAUCUS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 46, nays 54.

[Rollcall Vote No. 69 Leg.]

YEAS—46

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NAYS—54

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

The amendment (No. 234) was rejected.

AMENDMENT NO. 239

The PRESIDING OFFICER. There is 1 minute equally divided on the Biden amendment.

Mr. CONRAD. Mr. President, if we might have a moment to review for our colleagues where we stand, I think it is important to do so at this moment. I alert our colleagues that we have nine more amendments in this queue. We have 33 additional amendments noticed. That is 42 total. We are doing just over four amendments an hour. If we continue on this course, we are going to be here until 2 or 2:30 this morning.

There are a number of colleagues who have multiple amendments still noticed. I am asking colleagues to please notify leadership, please notify the whip, of what amendments you can wait on until another vehicle and another time.

At this point, I plead with colleagues. Let us not have a situation in which we are here until 3 o'clock this morning. This is our opportunity now during these votes for Members to notify which amendments they are willing to hold off on. Please do that.

Mr. REID. Mr. President, the manager of our bill, the Senator from North Dakota, is very busy, and his person to work with on these amendments is Senator DURBIN. If people would help Senator DURBIN and Senator CONRAD and help us move through amendments on our side.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, my amendment restores $1 billion for local law enforcement, three big programs that have essentially been zeroed out, the COPS Program, the law enforcement block grants. Four years ago we spent $2.3 billion helping local law enforcement. It is down to $118 million.

My friend from New Hampshire said we are going to prove we can end the program. Let us pick one that is not working to end. This one works.

I urge my colleagues to support the amendment.

Mr. GREGG. Mr. President, the COPS Program was a program put in place by President Clinton. It was supposed to have expired 5 years ago. It was fully funded under President Clinton, and 100,000 police officers were put on the streets; in fact, 110,000. It continues to exist even though it has served its purpose, and there was a consensus that it would not go any longer. It is time to ask the program to be terminated.

I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. CORNYN). Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The assistant journal clerk called the roll.

The result was announced—yeas 45, nays 55, as follows:

[Rollcall Vote No. 70 Leg.]

YEAS—45

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NAYS—55

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

The amendment (No. 239) was rejected.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MARTINEZ. I ask unanimous consent the call for the quorum be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOR THE RELIEF OF THE PARENTS OF THERESA MARIE SCHIAVO

Mr. FRIST. Mr. President, if we could have regular order, just a very brief explanation and we will proceed. We are going to interrupt the budget for a few minutes to discuss a bill we have been talking about over the course of the day. It has to do with a particular case in Florida. We will talk a little bit about the background for a very limited period of time. Then we will resume with the debate on the budget and the amendment process. This should take a total of about 15 or 16 minutes. It is important we do it now. The House is preparing to leave—if they have not left—and the immediacy of this bill centers on the life of a particular person. That is why we are interrupting the debate now.

With that, I turn to my colleague.

Mr. REID. Mr. President, I extend my appreciation to many Members of this caucus for their cooperation. This is a very difficult issue. It has been hard for everyone. I especially applaud my friend from Michigan, Senator LEVIN. I joke with him sometimes, but he is a Harvard-educated lawyer, and he really lives every minute of that. He understands the law, and he has helped the Senate get something that is appropriate for what we are trying to do. I appreciate that very much. A number of other Senators, including the distinguished Senator from Oregon, have worked with us, and I will not run through the entire list, but we have had Senator BAUCUS, Senator FEINSTEIN, Senator HARKIN, Senator MURRAY. We have had a lot of cooperation. I apologize because I have left some names out. It is very difficult.

We believe we have an obligation to do something. Something is going to happen anyway. I think this will wind up being the best of what we could do.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. I ask unanimous consent that the Senate now proceed to the immediate consideration of S. 653, which is at the desk, that relates to Terri Marie Schiavo; that there be 15 minutes of debate on the bill equally divided between the two leaders or their designees; provided further no amendments be in order; following that debate the bill be read the third time, and the Senate proceed to a vote on passage of the bill, with no further intervening action or debate.

Mr. REID. Reserving the right to object, the amendment that has been worked on the past few hours, is it at the desk?

Mr. MARTINEZ. The language is at the desk.

Mr. LEVIN. Reserving the right to object.

The PRESIDING OFFICER. The bill is at the desk.

Mr. REID. Mr. President, I also ask consent that this be increased to 16 minutes because the Senator from Florida, Mr. NELSON, wishes to spend a couple minutes on it.

Mr. WYDEN. Mr. President, reserving the right to object, and I do not intend to object, there is going to be 15 minutes on each side?

Mr. REID. No. Seven and a half minutes to you, a minute to the Senator from Florida, and that is the only request for time I have received.

Mr. WYDEN. I thank the Senator and withdraw my reservation.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, there has been a little confusion because there has been different versions of this bill circulating. I want everybody to know the version of the bill we are working on, which the unanimous consent relates to, is a brand new bill as of a few moments ago which contains the modifications that we have worked out.

Mr. REID. That is true.

Mr. MARTINEZ. Yes.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (S. 653) for the relief of the parents of Theresa Marie Schiavo.

Mr. MARTINEZ. Mr. President, in 1990, at the age of 27, Theresa Marie Schiavo, a Florida resident, suffered a heart attack which resulted in brain damage from a lack of oxygen. As a result, she was taken to the hospital and a feeding tube was inserted at that time to provide nutrition and hydration to keep her alive.

Over the last 15 years, there has been a very difficult and long protracted legal struggle in Florida over whether the parents' wishes should prevail, who wish for her to continue to receive food and hydration, or the husband's wishes.

A court order has been entered. The effect of that court order is that tomorrow, on March 18 of this year, the food and hydration would be withdrawn from this woman.

The effort of our bill is very narrowly tailored to provide relief to this young woman so that a Federal judge in Florida will have the opportunity to do a de novo review of all that pertains to this case to ensure that her constitutional rights have been protected, to ensure that under the 14th amendment due process has been exhausted, and to ensure, without precluding either outcome in the case, that the Federal review of this case could provide the same type of relief that we would provide to any other person in the State of Florida who might be put to death as a result of a court order, including those who might be doing so because of criminal conduct.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Whoever has time, could they just yield 1 minute to me?

Mr. President, first of all, I want to thank people who have worked out the changes in this bill, which make it a better bill. From my perspective, it is still a mistake, and I intend to vote no if there is a rollcall vote.

A number of people have asked me whether I now favor this bill with the changes. My answer is no. I think it is a better bill with the changes. It is a bill which avoids some damaging precedents.

We can explain the changes. The most important one is explicitly this does not create a precedent. Secondly, it is not a 12-month period the parents can proceed in. It is a 30-day period that they have. So we do not have a situation where they wait 12 months prior to initiating the case.

The court has discretion to issue a stay. It is not mandatory. It is not a bill for the relief of Theresa Marie Schiavo. It is a bill which gives the parents the opportunity, within a short period of time, to go to court, so it is technically for their relief, not for her relief.

So I wanted to make it clear to the people in the Senate who asked, "Does this mean you now favor this?" If there is a rollcall, I intend to vote no. I think it is a mistake. If it is a voice vote, I intend to vote no, for whatever relevance that has, except I do not want to mislead anybody, by proposing these things, that now suddenly I think this is the right thing to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, first of all, I thank the Senator from Florida for helping accept these modifications. I thank the leaders on both sides, Senator FRIST and Senator REID, for a determined effort in the last few hours to make certain this bill goes to the House in time.

I think all of us have in our mind's eye the face of that lovely young woman. It is very much in my mind, the smile of that young woman. Her parents want to give her a chance. I think of my own daughter. We ought to give her a chance. And this is our opportunity to do it. I hope very much the House will give this a chance.

I also thank my colleague from Pennsylvania, Senator SANTORUM, who first brought this to my attention this afternoon. This is the right thing to do, colleagues. Let's pass this.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I yield 2 minutes to the majority leader.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, will the majority leader yield for just a brief statement?

Mr. FRIST. I will.

Mr. REID. Mr. President, I talked about everybody except one of the most important people, if not the most important person, this afternoon, and that is Senator NELSON from Florida. He has been here during the whole day, and I want to extend my appreciation to him.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I will be very brief. This is an opportunity to talk to a number of my colleagues.

As most people know, this is coming to the floor very quickly. And the real, fundamental reason is, if we do not act, there is a good chance that a living human being would be starved to death in a matter of days. That is why the action now. That is why we are, not rushing things, but deliberating quickly, so we can get it to the House of Representatives.

She will be starved to death next Friday. I have had the opportunity to look at the video footage upon which the initial facts of this case were based. And from my standpoint as a physician, I would be very careful before I would come to the floor and say this, that the facts upon which this case were based are inadequate. To be able to make a diagnosis of persistent vegetative state—which is not brain dead; it is not coma; it is a specific diagnosis and typically takes multiple examinations over a period of time because you are looking for responsiveness—I have looked at the video footage. Based on the footage provided to me, which was part of the facts of the case, she does respond.

That being the case, and also recognizing she has not had a complete neurological exam by today's standards—allegedly, she has not had a PET scan or MRI scan; not that those are definitive, but before you let somebody die, before you starve somebody to death, you want a complete exam and a good set of the facts of the case upon which to make that decision.

All we are saying today is, do not starve her to death now—forever, I would argue—but establish the facts based on medical science today, and then make a determination in the future. That is what we will accomplish with passage of this bill.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, the Senate is now addressing probably the most gut-wrenching decision that an American family can ever face. Without even a single hearing, without any debate whatever, the Senate is tackling an extraordinarily sensitive concern that involves morals and ethics and religious principles, and this troubles me greatly.

The practice of medicine and the regulation of it throughout our history has been properly left by the Constitution to the States. Now, regardless of how a Senator might feel about this tragic case in Florida—and feelings certainly run very high—a Senator ought to reflect on the implications of Federal intrusion before we cast this vote.

I am particularly troubled at the prospect of setting a precedent that is going to have the Congress, in effect, playing "medical czar" in case after case because, colleagues, there will be thousands of cases just like this.

I would ask the Senators, will the steps of the Capitol be the new gathering place for America to wrestle with these situations that all concerned consider tragic? I think that is a mistake. That is why I am going to vote against this legislation.

Now, this legislation has particular repercussions for the people of my State. We have voted twice for assisted suicide. I will tell colleagues, I voted against both of those measures on assisted suicide. And I joined all of you, I think, here today in opposing Federal funding for assisted suicide. But I think these matters are not ones where we should trample on the prerogatives of the State quickly. And that is what we are doing today—without a single hearing, without a single opportunity for us to even hear from those most knowledgeable in the field.

I know many colleagues want to speak on this, and I want to respect them. I would note that as a result of the cooperation shown, particularly by colleagues on the other side of the aisle, Senator FRIST and others, there has been language added to this proposal so as to at least attempt to protect any State that has acted in this area. My guess is, when the Supreme Court tackles this, they are going to declare it unconstitutional.

But as we go to the vote on this matter, I would urge colleagues to think about what it is going to mean when people from all over this country, all of our States, all of our communities, ask the Congress to step in on these kinds of cases. I think that is a very troubling precedent. It is my intention to vote no.

I thank my colleagues, and particularly the majority leader for his courtesy. I yield the floor, as many others wish to speak on this matter.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I yield 3 minutes to Senator SANTORUM from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I thank all those involved. I thank the two leaders for their conscientious effort in getting this accomplished. I thank Senator CONRAD, and Senator MARTINEZ, obviously, for his sponsorship of this legislation, and all the others who worked with us. Even though, as Senator LEVIN and Senator WYDEN said, they oppose this legislation, they understood the importance of this issue to colleagues on both sides of the aisle and were willing to work with us to improve the bill and, nevertheless, to allow us its passage. So I want to thank everyone concerned.

I want to explain, very briefly, what this bill does. This bill simply gives a Federal court the ability to review the State court's action. Just yesterday, in California, a man was sentenced to death for killing two people. He will have ample opportunity to have everything the California courts did reviewed by the Federal court under a habeas corpus appeal. He will have multiple appeals for Federal courts to look to see whether the State court in California properly behaved in providing him his due process rights under the 14th amendment—a multiple murder.

Terri Schiavo has done one thing wrong: she did not have a living will. But the Florida courts gave her a death sentence. They said that her feeding tube and hydration will be removed until she is dead. And no one but for this bill and the Federal courts will have any right to look to see if her due process rights were followed by the Florida courts.

This does not get us involved in a medical decision. This does not get us involved in making decisions of life and death. It simply protects the constitutional rights of someone whose only—only—mistake was not to have a living will. Should we not give someone who is in that situation, who has been sentenced to death by a court on a State level, the right for Federal court review to determine whether her rights were protected by those courts? That is all we ask in this piece of legislation. It is narrow. It applies only to her, to no one else. It sets no precedent. We specified, thanks to Senator WYDEN's amendment, that it sets no precedent for any other action.

So I would encourage my colleagues, as we just have been through a horrific death penalty case in California, to understand that there is a proper role for Federal courts to look to make sure that due process was followed. That is all we are asking for here today.

Thank you, Mr. President.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, how much time is left on both sides?

The PRESIDING OFFICER. The minority has 1 minute 41 seconds. The majority has 1 minute 54 seconds.

Mr. REID. Mr. President, I yield 1 minute to the Senator from Florida, and 42 seconds to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, this bill we are considering is a good-faith, bipartisan effort to allow a Federal court in my State to review this case. One of the improvements of this legislation was that it changed the original draft directing a Federal court how it should issue injunctive relief because constitutionally we cannot direct a Federal court, even in law.

I support this bill so that this case can be reviewed and decided in a timely manner. And, indeed, it underscores the need for us to promote living wills so that a person's wants and desires will be carried out when they are in an incapacitated condition.

Mr. HARKIN. Mr. President, I thank both Senators from Florida. Senator MARTINEZ came to me with this last week. We are doing this personal bill because it is so time sensitive. But let's not forget that there are hundreds and thousands of people with disabilities, both physical and mental, who face similar situations. That is why last week when this was brought to my attention, I said to my friend from Florida that we ought to do some kind of a habeas type of proceedings for these people that are at the end of the rope and yet there is no one speaking for them. So while we pass this today for a woman in Florida, I hope when we come back after the recess we can work together in a bipartisan fashion to fashion some kind of legislation that will give people with disabilities the ability to take one last look at their case before the plug is pulled.

I hope we can work on that so we don't have case after case after case coming in here, but we can deal with it in a broad, general context to protect the rights of people with disabilities.

Mr. MARTINEZ. Mr. President, I yield 1 minute to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I thank the Senator from Florida for his outstanding leadership on this extraordinary remedy for a woman who, when I observed her on videotapes, clearly is conscious and has the ability to feel.

I believe in the sanctity of human life. I think most of us feel in good conscience we can't just sit by and allow this innocent woman to starve to death. Just because she has lost her ability to verbally communicate her feelings in no way means that she has lost her desire to live or her right to life. When in doubt, I think it is appropriate and, indeed, logical to presume that people want to live.

I am proud of the Senate and Senator MARTINEZ for his leadership in helping to protect Terri Schiavo's right to life.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. To close, I thank the leadership of the minority and majority. I never anticipated that my first legal measure on the floor of the Senate would be something such as this. I am very pleased that we have had the cooperation we have had. I thank Senators HARKIN and CONRAD and so many others on our side of the aisle who have worked with me tirelessly to get to this point and the encouragement they provided me.

By voting for this bill, we will simply be allowing the Federal judge to give one last review, one last look in a case that has so many questions, that has so many anxieties, and that will provide us the kind of assurance before the ultimate fate of this woman is decided to know that we did all we could do and that every last measure of review was given her, just like it would have been given to a death row inmate convicted and sentenced to die.

I ask for a vote in support of the measure that we might keep Terry Schiavo alive and give her a chance to have a Federal review of her case.

The PRESIDING OFFICER. All time has expired.

Mr. LEVIN. Mr. President, I ask unanimous consent to speak for 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I want to make it clear that although I believe it is a mistake for Congress to be moving into this area with this haste and speed, in the most difficult decision-making a family could ever face—I intend to vote no—the language in section 1 also makes it clear that a Federal court would have to find a violation of a constitutional right or a right under U.S. law in order to provide an order that she be maintained on life support.

It is very clear in here that there has to be a violation of the U.S. Constitution or Federal law for a Federal court to provide the continuation of life support.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is on the passage of the bill.

The bill (S. 653) was passed, as follows:

S. 653

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RELIEF OF THE PARENTS OF THERESA MARIE SCHIAVO.

The United States District Court for the Middle District of Florida shall have jurisdiction to hear, determine, and render judgment on a suit or claim by or on behalf of Theresa Marie Schiavo for the alleged violation of any right of Theresa Marie Schiavo under the Constitution or laws of the United States relating to the withholding or withdrawal of food, fluids, or medical treatment necessary to sustain her life.

Mr. REID. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR THE FISCAL YEAR 2006—Continued

AMENDMENT NO. 188

The PRESIDING OFFICER. There is now 1 minute of debate on Feinstein amendment No. 188. Who yields time?

The Senator from California.

Mrs. FEINSTEIN. I thank the Chair.

Mr. President, this is a sense-of-the-Senate resolution, submitted by myself and Senators KYL, HUTCHISON, CORNYN, SCHUMER, and CLINTON, having to do with the State Criminal Alien Assistance Program.

As we all know, illegal immigration is the responsibility of the Federal Government. Since early 1990, the Federal Government has provided some reimbursement to States. That authorization has run out. We have just passed it out of the Judiciary Committee this morning.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, we have serious reservations about SCAAP which we discussed earlier when we debated this amendment. However, since this amendment is a sense of the Senate and since we are getting to a point where some of these sense of the Senates we think we can take, this one is clearly at the margin on that exercise, but rather than going through the exercise of a vote on it, we accept the amendment with prejudice.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 188) was agreed to.

AMENDMENT NO. 240

The PRESIDING OFFICER. There is now 1 minute for debate on Byrd amendment No. 240.

The Senator from West Virginia.

Mr. BYRD. Mr. President, this amendment would boost the amount of funding in the budget to allow for a highway bill totaling $318 billion. That is the same size as the highway bill we passed last year. Every Senator should look at the table on their desk and see how much money and how many jobs he or she is foregoing by voting against this amendment. The offsets for the amendment are not new taxes. The offsets are precisely the same offsets that were used in the finance title of last year's highway bill. I urge the Senate to approve the amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, there is an agreement—and it is fairly well agreed to, not only within this body but on the House side and with the President—that the highway bill will be $284 billion. That is funded in this budget resolution. This would increase that funding by approximately $30 billion. In addition, it raises taxes by $14 billion. It is a classic tax-and-spend amendment. I hope it will be defeated.

The PRESIDING OFFICER (Mr. VITTER). The question is on agreeing to amendment No. 240.

Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Texas (Mr. CORNYN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 54. as follows:]

[Rollcall Vote No. 71 Leg.]

YEAS—45

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NAYS—54

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—1

Cornyn

The amendment (No. 240) was rejected.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

AMENDMENTS NOS. 159; 160; 164; 194; 209; 226; 180, AS MODIFIED; 198; 153, AS MODIFIED, AND 182, EN BLOC

Mr. GREGG. Mr. President, I wish to propound a set of unanimous consent requests. We have 11 amendments that have been cleared as a result of extensive work and in an effort to be cooperative by both sides of the aisle, which I appreciate.

I ask unanimous consent that these amendments be approved en bloc. First is amendment No. 159, by Senator OBAMA, regarding Avian Flu; No. 160, by Senator LEAHY, regarding UNICEF; No. 164, by Senators GRASSLEY and KENNEDY, regarding the Family Opportunity Act; No. 194, by Senators HATCH and GRASSLEY, regarding S-CHIP Program; No. 209, by Senators COCHRAN and BYRD, regarding advance appropriation scoring: No. 226, by Senators THOMAS and CONRAD, regarding rural health: No. 180, by Senator MIKULSKI, as modified, regarding HOPE credit; No. 198, by Senators ALLEN, VOINOVICH, DODD, WARNER and DEWINE, a sense of the Senate relative to NASA aeronautics; No. 153, as modified, by Senators DEWINE and DODD, on HIV/AIDS; amendment No. 182, by Senator LOTT, on DDX destroyer.

I send the modifications to the desk on behalf of the Senators, and I ask unanimous consent that those amendments be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 159

(Purpose: To prevent and, if necessary, respond to an international outbreak of the avian flu)

On page 9, line 15, increase the amount by $25,000,000.

On page 9, line 16, increase the amount by $6,000,000.

On page 9, line 20, increase the amount by $11,000,000.

On page 9, line 24, increase the amount by $5,000,000.

On page 10, line 3, increase the amount by $2,000,000.

On page 26, line 14, decrease the amount by $25,000,000.

On page 26, line 15, decrease the amount by $6,000,000.

On page 26, line 18, decrease the amount by $11,000,000.

On page 26, line 21, decrease the amount by $5,000,000.

On page 26, line 24, decrease the amount by $2,000,000.

AMENDMENT NO. 160

(Purpose: To increase funding for UNICEF and other international organizations)

On page 9, line 15, increase the amount by $44,000,000.

On page 9, line 16, increase the amount by $40,000,000.

On page 9, line 20, increase the amount by $3,000,000.

On page 9, line 24, increase the amount by $1,000,000.

On page 26, line 14, decrease the amount by $44,000,000.

On page 26, line 15, decrease the amount by $40,000,000.

On page 26, line 18, decrease the amount by $3,000,000.

On page 26, line 21, decrease the amount by $1,000,000.

AMENDMENT NO. 164

(Purpose: To provide a reserve fund for the Family Opportunity Act)

At the end of title III, add the following:

SEC. . DEFICIT-NEUTRAL RESERVE FUND FOR THE FAMILY OPPORTUNITY ACT.

In the Senate, if the Committee on Finance reports a bill or joint resolution or an amendment is offered thereto or a conference report is submitted thereon, that provides families of disabled children with the opportunity to purchase coverage under the medicaid coverage for such children (the Family Opportunity Act), and provided that the committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974, the chairman of the Committee on the Budget may revise allocations of new budget authority and outlays, revenue aggregates, and other appropriate measures to reflect such legislation if any such measure would not increase the deficit for fiscal year 2006 and for the period of fiscal years 2006 through 2010.

AMENDMENT NO. 194

(Purpose: To provide a deficit-neutral reserve fund for the restoration of SCHIP funds)

At the end of title III, add the following:

SEC. _____. DEFICIT-NEUTRAL RESERVE FUND FOR THE RESTORATION OF SCHIP FUNDS.

In the Senate, if the Committee on Finance reports a bill or joint resolution or an amendment is offered thereto or a conference report is submitted thereon, that provides for the restoration of unexpended funds under the State children's health insurance program that reverted to the Treasury on October 1, 2004, and that may provide for the redistribution of such funds for outreach and enrollment as well as for coverage initiatives, the chairman of the Committee on the Budget may revise allocations of new budget authority and outlays, revenue aggregates, and other appropriate measures to reflect such legislation, if such legislation would not increase the deficit for fiscal year 2006 and for the period of fiscal years 2006 through 2010.

AMENDMENT NO. 209

(Purpose: To modify a provision defining advance appropriations subject to limit)

On page 41, line 17, strike "au-" and all that follows through "in" on line 19, and insert: "authority in"

AMENDMENT NO. 226

(Purpose: To restore discretionary funding levels for crucial rural health programs, such as the rural health outreach grant program, the rural hospital flexibility grant program, the small hospital improvement program, telehealth, trauma programs, and rural AED programs to fiscal year 2005 levels and offset this change by reductions in overall government travel expenses)

On page 18, line 16, increase the amount by $100,000,000.

On page 18, line 17, increase the amount by $100,000,000.

On page 24, line 16, decrease the amount by $100,000,000.

On page 24, line 17, decrease the amount by $100,000,000.

AMENDMENT NO. 180, AS MODIFIED

(Purpose: To provide a deficit neutral reserve fund for the Hope credit)

On page 40, after line 8 insert the following:

SEC. _____. RESERVE FOR FUNDING OF HOPE CREDIT.

If the Committee on Finance of the Senate reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that increases the Hope credit to $4,000 and makes the credit available for 4 years, the chairman of the Committee on the Budget may revise committee allocations for the Committee on Finance and other appropriate budgetary aggregates and allocations of new budget authority and outlays by the amount provided by that measure for that purpose, if that measure includes offsets including legislation closing corporate tax loopholes and would not increase the deficit for fiscal year 2006 and for the period of fiscal years 2006 though 2010.

AMENDMENT NO. 198

(Purpose: To express the sense of the Senate regarding funding for the National Aeronautics and Space Administration for subsonic and hypersonic aeronautics research)

At the end of title V, add the following:

SEC. 510. SENSE OF THE SENATE REGARDING FUNDING FOR SUBSONIC AND HYPERSONIC AERONAUTICS RESEARCH BY THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

(a) FINDINGS.—The Senate makes the following findings:

(1) The economic and military security of the United States depends on the continued development of improved aeronautics technologies.

(2) Research and development on many emerging aeronautics technologies is often too expensive or removed in terms of time from commercial application to garner the necessary level of support from the private sector.

(3) The advances made possible by Government-funded research in emerging aeronautics technologies have enabled a long-standing positive balance of trade and air superiority on the battlefield for the United States in recent decades.

(4) The aeronautics industry has grown increasingly mature in recent years, with growth dependent on the availability of the research workforce and facilities provided by the National Aeronautics and Space Administration (NASA).

(5) Recent NASA studies have demonstrated the competitiveness, and scientific merit, and necessity of nearly all existing aeronautics wind tunnel and propulsion testing facilities.

(6) A minimum level of investment by NASA is necessary to maintain these facilities in operational condition and to prevent their financial collapse.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the level of funding provided for the Aeronautics Mission Directorate within the National Aeronautics and Space Administration should be increased by $1,582,700,000 between fiscal year 2006 and fiscal year 2010; and

(2) the increases provided should be applied to the Vehicle Systems portion of the Aeronautics Mission Directorate budget for use in subsonic and hypersonic aeronautical research.

AMENDMENT NO. 153 AS MODIFIED

(Purpose: To express the sense of the Senate concerning the care and treatment of children with HIV/AIDS)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE CONCERNING CHILDREN WITH HIV/AIDS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Approximately 2,200,000 million children under the age of 15 are infected with the HIV virus, and 1,900 children worldwide are infected with HIV each day.

(2) In 2004, it was estimated that of the 4,900,000 people newly infected with HIV, 640,000 were children. The vast majority of them were infected through mother-to-child transmission, which includes transmission at any point during pregnancy, labor, delivery, or breastfeeding.

(3) Effective implementation of prevention of mother-to-child transmission of HIV and care and treatment services in the United States has resulted in the near elimination (less than 2 percent transmission) of mother-to-child transmission of HIV/AIDS. By contrast, in resource-poor settings less than 10 percent of pregnant women living with HIV have access to services to prevent mother-to-child transmission of HIV.

(4) Currently, more than 4,000,000 children worldwide are estimated to have died from AIDS.

(5) In 2004, approximately 510,000 children died of AIDS, resulting in almost 1,400 AIDS deaths in children per day.

(6) According to the Joint United Nations Programme on HIV/AIDS, if current trends continue by 2010, 3,500,000 of the 45,000,000 people infected worldwide will be children under the age of 15.

(7) At least a quarter of newborns infected with HIV die before the age of one, up to 60 percent die before reaching their second birthday, and overall, most die before they are 5 years of age.

(8) HIV threatens to reverse the child survival and developmental gains of past decades.

(9) Research and practice have shown conclusively that timely initiation of antiretroviral therapy to infants or young children with HIV/AIDS can preserve or restore their immune functions, promote normal growth and development, and prolong life.

(10) There is clear evidence in resource-rich countries that antiretroviral treatment in children is very effective. For example, many children who were infected through mother-to-child transmission in the United States are living with HIV as young adults.

(11) Few programs specifically target the treatment of children with HIV/AIDS in resource-poor countries due to significant challenges in diagnosing and treating infants and young children with HIV. Such challenges include difficulty in diagnosing HIV in infants less than 18 months of age, lack of appropriate and affordable pediatric HIV/AIDS medicines, and lack of trained health care providers.

(12) Children are not small adults and treating them as such can seriously jeopardize their health.

(13) Children should not be forgotten in the fight against the global HIV/AIDS pandemic.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that this resolution assumes that—

(1)(A) assistance should be provided to support the expansion of programs to prevent mother-to-child transmission of HIV as an integral component of a comprehensive approach to fighting HIV/AIDS;

(B) to facilitate the expansion described in subparagraph (A)—

(i) more resources are needed for infrastructure improvements and education and training of health care workers; and

(ii) better linkages between mother-to-child transmission and broader care and treatment programs should be created for women, children, and families who are in need of access to expanded services;

(2) assistance should be provided to support the care and treatment of children with HIV/AIDS, including the development and purchase of high-quality, Food and Drug Administration-approved pediatric formulations of antiretroviral drugs and other HIV/AIDS medicines, including fixed-dose combinations, pediatric-specific training to doctors and other health-care personnel, and the purchase of pediatric-appropriate technologies;

(3) antiretroviral drugs intended for pediatric use should include age-appropriate dosing information;

(4) health care sites in resource-poor countries need better diagnostic capacity and appropriate supplies to provide care and treatment services for children, and additional training is required to ensure that health care providers can administer specialized care services for children; and

(5) pediatric care and treatment should be integrated into the existing health care framework so children and families can be treated simultaneously.

AMENDMENT NO. 182

(Purpose: Expressing the sense of the Senate on the acquisition of the next generation destroyer (DDX))

At the end, add the following:

SEC. 510. SENSE OF THE SENATE REGARDING THE ACQUISITION OF THE NEXT GENERATION DESTROYER (DDX).

(a) FINDINGS.—The Senate makes the following findings:

(1) The Quadrennial Defense Review to be conducted in 2005 has not been completed.

(2) The national security of the United States is best served by a competitive industrial base consisting of at least two shipyards capable of constructing major surface combatants.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) it is ill-advised for the Department of Defense to pursue a winner-take-all strategy for the acquisition of destroyers under the next generation destroyer (DDX) program; and

(2) the amounts identified in this resolution assume that the Department of Defense will not acquire any destroyer under the next generation destroyer program through a winner-take-all strategy.

(c) WINNER-TAKE-ALL STRATEGY DEFINED.—In this section, the term "winner-take-all strategy", with respect to the acquisition of destroyers under the next generation destroyer program, means the acquisition (including design and construction) of such destroyers through a single shipyard.

AMENDMENT NO. 180

Ms. MIKULSKI. Mr. President, this amendment would increase the Hope credit to $4,000 and make it available for 4 years of college. The core of the American Dream is getting a college education and I want to make sure that every student has access to that dream. I want to help families who are trying to send their children to college and adults who are going back to school for their first degree or their third.

Our middle-class families are stressed and stretched. Families in my state of Maryland are worried—they're worried about their jobs and they're terrified of losing their healthcare when costs keep ballooning. Many are holding down more than one job to make ends meet. They're racing from carpools to work and back again. But most of all, they don't know how they can afford to send their kids to college. And they want to know what we in the United States Senate are doing to help them.

That's why I want to give every family sending a child to college a $4,000 tuition tax credit. This amendment would give help to those who practice self help—the families who are working and saving to send their child to college or update their own skills.

College tuition is on the rise across America. Tuition at the University of Maryland has increased by almost 40 percent since 2002. Tuition for Baltimore Community College rose by $300 in one year. The average total cost of going to a 4-year public college is $10,635 per year, including tuition, fees, room and board. University of Maryland will cost more than $15,000 for a full time undergraduate student who lives on campus.

Financial Aid isn't keeping up with these rising costs. Pell Grants cover only 40 percent of average costs at 4-year public colleges. Twenty years ago, Pell Grants covered 80 percent of average costs. Our students are graduating with so much debt it's like their first mortgage. The average undergraduate student debt from college loans is almost $19,000. College is part of the American Dream: it shouldn't be part of the American financial nightmare.

Families are looking for help. I'm sad to say, the President doesn't offer them much hope. The Republican budget has all the wrong priorities. President Bush proposed increasing the maximum Pell Grant by just $100 to $4,150. I want to double Pell Grants. Instead of easing the burden on middle class families, the Republican budget helps out big business cronies with lavish tax breaks while eating into Social Security and creating deficits as far as the eye can see.

We need to do more to help middle-class families afford college. We need to immediately increase the maximum Pell Grant to $4,500 and double it over the next 6 years. We need to make sure student loans are affordable. And we need a bigger tuition tax credit for the families stuck in the middle who aren't eligible for Pell Grants but still can't afford college.

A $4,000 tax credit for tuition will go a long way. It will give middle class families some relief by helping the first-time student at our 4-year institutions like University of Maryland and the midcareer student at our terrific community colleges. A $4,000 tax credit would be 60 percent of the tuition at Maryland and enough to cover the cost of tuition at most community colleges. My amendment would help make college affordable for everyone.

College education is more important than ever: 40 percent of new jobs in the next 10 years will require post-secondary education. College is important to families and it's important to our economy. To compete in the global economy, we need to make sure all our children have 21st century skills for 21st century jobs. And the benefits of education help not just the individual but society as a whole.

To have a safer America and a stronger economy, we need to have a smarter America. We need to invest in our human capital to create a world class workforce. That means making a college education affordable.

Mr. GREGG. Mr. President, there is a genuine effort going forward to reduce the number of amendments pending before the body. We still have an incredible number of amendments out there—somewhere in the vicinity of 30, at the minimum. At the rate we are going, that is about 8 to 9 hours of voting. It would be helpful if folks would sit down with the leadership on both sides, if they have amendments, and try to determine ways to deal with those and determine if it is necessary to go forward with them, or maybe we can do them in a more expeditious way than to formally vote on them. I hope we can get that sort of assistance.

Mr. CONRAD. Mr. President, just to report to the colleagues, we have five more amendments in this queue. We have five amendments that we are working to try to get approved. We have 23 amendments beyond that.

I make an appeal. There are a number of Senators with multiple amendments. We have 8 Senators that, among them, have 20 amendments. I appeal to those Senators, please work with leadership to try to reduce those amendments. We are working diligently to get, as we have just seen described by the chairman, a series of amendments approved. Let's work and make modifications where necessary, where we can get others handled in that way. If we don't do this, we are going to be here at 3:30 tomorrow morning. So please, let's get these amendments worked out. These are 5-minute votes.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

AMENDMENT NO. 225

Mr. TALENT. Mr. President, I call up my amendment No. 225.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri, [Mr. TALENT], for himself, Mr. THUNE, Ms. STABENOW, and Mr. WYDEN, proposes an amendment numbered 225.

The amendment is as follows:

(Purpose: To provide the flexibility to consider all available transportation funding options)

On page 39, lines 8 and 9 strike "net new user-fee receipts related to the purposes of" and insert "receipts to".

Mr. TALENT. Mr. President, I will just take 30 seconds.

This amendment is endorsed by all the major transportation groups. The budget resolution restricts the transportation funding available to the Finance Committee. Our amendment changes the language to be consistent with past conference reports and budget resolutions. It ensures that transportation funding options are on the table when we consider the highway bill. It doesn't affect the budget neutrality.

Mr. GREGG. Mr. President, this takes the fund, the purpose of which is to allow the Senate to spend more than the $284 billion but requires that that be genuinely paid for, and turns it into a reserve fund. The pay-fors will become not necessarily illusory but close to that. I don't think it is good policy to do that. I would rather we had a strong statement that if we are going to go over the $284 billion, it is really going to be paid for.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. CONRAD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The result was announced—yeas 81, nays 19, as follows:

[Rollcall Vote No. 72 Leg.]

YEAS—81

Akaka
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Dayton
DeWine
Dodd
Dole
Dorgan
Durbin
Feingold
Feinstein
Grassley
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Martinez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NAYS—19

Alexander
Allard
Burr
Coburn
DeMint
Domenici
Ensign
Enzi
Frist
Graham
Gregg
Hagel
Kyl
Lugar
McCain
McConnell
Sessions
Stevens
Sununu

The amendment (No. 225) was agreed to.

Mr. REID. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 243

The PRESIDING OFFICER. The question is on the Conrad amendment No. 243. There is 1 minute equally divided.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, this amendment says simply that we ought to repeal the tax that applies to Social Security benefits; that we should do it in a way that does not cut Medicare funding and that does not further increase deficits and debt.

I urge my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Mr. President, this is a sense-of-the-Senate amendment. It has no meaning at all, and it is not paid for by any method, so it means nothing. The senior citizen is still stuck with the additional 35-percent tax on their benefits on Social Security.

I urge a "no" vote.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, 30 seconds off my leader time. This amendment is fully paid for, and it has exactly the same force and effect of law, as does the amendment of the Senator from Kentucky.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 243.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The result was announced—yeas 94, nays 6, as follows:

[Rollcall Vote No. 73 Leg.]

YEAS—94

Akaka
Alexander
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Martinez
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Warner
Wyden

NAYS—6

Allard
Bunning
Hagel
Kyl
Lugar
Voinovich

The amendment (No. 243) was agreed to.

Mr. DURBIN. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 241

The PRESIDING OFFICER. The question now is on amendment No. 241.

The Senator from Kentucky.

Mr. BUNNING. For my 94 colleagues who just voted for that sense-of-the-Senate amendment, they now have a chance to vote for the real thing that actually pays for it. We put instructions in our resolution to the Finance Committee to actually set aside money to pay for this. The amendment my colleagues voted for last time made them feel good, but it did not do anything for our senior citizens and reduce the tax of 35 percent on the Social Security income they get. This is a chance to do just that. I urge a "yes" vote.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, let us be clear, the Bunning amendment doubles the tax cut, undermines funding for Medicare, and provides absolutely no assurance that the additional tax cut will be used to eliminate the tax on Social Security benefits.

So let's be clear. It doubles the tax cut. It undermines funding for Medicare. It provides no assurance that the money would be used to reduce the tax on Social Security benefits.

The PRESIDING OFFICER. All time has expired.

Mr. CONRAD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 241.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 55, nays 45, as follows:

[Rollcall Vote No. 74 Leg.]

YEAS—55

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Byrd
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Landrieu
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (FL)
Nelson (NE)
Roberts
Salazar
Santorum
Sessions
Shelby
Smith
Specter
Sununu
Talent
Thomas
Thune
Vitter
Warner

NAYS—45

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Cantwell
Carper
Chafee
Clinton
Conrad
Corzine
Dayton
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Obama
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Stabenow
Stevens
Voinovich
Wyden

The amendment (No. 241) was agreed to.

Mr. BYRD. Mr. President, I oppose the taxation of Social Security benefits. Nevertheless, deficits continue to rise to alarming levels, and the tax cuts authorized by this budget resolution will worsen those deficits significantly. I urge the Finance Committee to pay for any tax cuts included in the reconciliation bill authorized by this budget resolution.

Mr. GREGG. Mr. President, can we get order so we can discuss where we are? We still have a lot of amendments pending and we are going to be here well into tomorrow morning at this rate. It would be very helpful if Members would come forward and agree to either adjust their amendment so they didn't have to have it heard tonight or reach an agreement where we did not have to vote on it. Otherwise, we are heading for the wee hours of tomorrow morning. I know Senator CONRAD had some thoughts on how we might address this.

Mr. CONRAD. Mr. President, there has been excellent cooperation. I thank our colleagues. We have removed at least 80 amendments. But here is where we stand at the moment. We still have 24 or 25 amendments. We need to take a break because we need to have the desk crew take a break. They have worked nonstop. We are going to need to take about a 30-minute break. But to be able to do that and not wind up right back at 3 a.m., because we have made some progress now, we are headed for about 1:45 right now if all the amendments are voted on that are in queue, we have to ask colleagues to please let us know if you can accept a vote on your amendment on a later vehicle. That is the only way we are going to avoid it.

You can do the math yourself: 25 votes, 4 an hour, 6 more hours—that is right back at 2 o'clock in the morning.

So, please, during these next two votes, those who have amendments that do not have to be on this vehicle, come to us and let's see if we cannot work something out.

Senator CLINTON is next up.

AMENDMENT NO. 244, AS MODIFIED

The PRESIDING OFFICER. The Senator from New York is recognized on amendment 244.

Mrs. CLINTON. Mr. President, I send a modified version of the amendment to the desk, and ask unanimous consent that it be considered.

The PRESIDING OFFICER. Is there objection? The amendment is modified.

The amendment, (No. 244) as modified, is as follows:

On page 3, line 10, increase the amount by $36,000,000.

On page 3, line 11, increase the amount by $54,000,000.

On page 3, line 12, increase the amount by $7,000,000.

On page 3, line 13, increase the amount by $2,000,000.

On page 3, line 19, increase the amount by $36,000,000.

On page 3, line 20, increase the amount by $54,000,000.

On page 3, line 21, increase the amount by $7,000,000.

On page 4, line 1, increase the amount by $2,000,000.

On page 4, line 7, increase the amount by $100,000,000.

On page 4, line 16, increase the amount by $36,000,000.

On page 4, line 17, increase the amount by $54,000,000.

On page 4, line 18, increase the amount by $7,000,000.

On page 4, line 19, increase the amount by $2,000,000.

On page 18, line 21, increase the amount by $54,000,000.

On page 18, line 25, increase the amount by $7,000,000.

On page 18, line 16, increase the amount by $100,000,000.

On page 18, line 17, increase the amount by $36,000,000.

On page 19, line 4, increase the amount by $2,000,000.

On page 30, line 16, decrease the amount by $36,000,000.

On page 30, line 17, decrease the amount by $54,000,000.

On page 48, line 6, increase the amount by $100,000,000.

On page 48, line 7, increase the amount by $36,000,000.

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE CONCERNING PREVENTIVE HEALTH CARE SERVICES.

(a) FINDINGS.—The Senate makes the following findings:

(1) Although the Centers for Disease Control and Prevention included family planning in its published list of the Ten Great Public Health Achievements in the 20th Century, the United States still has one of the highest rates of unintended pregnancies among industrialized nations.

(2) Increasing access to family planning services will improve women's health and reduce the rates of unintended pregnancy, abortion, and infection with sexually transmitted infections.

(3) Contraceptive use saves public health dollars. Every dollar spent on providing family planning services saves an estimated $3 in expenditures for pregnancy-related and newborn care for Medicaid alone.

(4) Each year, 3,000,000 pregnancies, nearly half of all pregnancies, in the United States are unintended, and nearly half of unintended pregnancies end in abortion.

(5) In 2002, 34,000,000 women--half of all women of reproductive age were in need of contraceptive services and supplies to help prevent unintended pregnancy, and half of those were in need of public support for such care.

(6) The United States also has the highest rate of infection with sexually transmitted infections of any industrialized country. In 2003 there were approximately 19,000,000 new cases of sexually transmitted infections. According to the Centers for Disease Control and Prevention (November 2004), these sexually transmitted infections impose a tremendous economic burden with direct medical costs as high as $15,500,000,000 per year.

(7) The child born from an unintended pregnancy is at greater risk of low birth weight, dying in the first year of life, being abused, and not receiving sufficient resources for healthy development.

(8) Each year, services under title X of the Public Health Service Act enable Americans to prevent approximately 1,000,000 unintended pregnancies, and one in three women of reproductive age who obtains testing or treatment for sexually transmitted infections does so at a title X-funded clinic. In 2003, title X-funded clinics provided 2,800,000 Pap tests, 5,100,000 sexually transmitted infection tests, and 526,000 HIV tests.

(9) The increasing number of uninsured individuals, stagnant funding, health care inflation, new and expensive contraceptive technologies, and improved but expensive screening and treatment for cervical cancer and sexually transmitted infections, have diminished the ability of clinics funded under title X of the Public Health Service Act to adequately serve all those in need. Taking medical inflation into account, funding for the program under such title X declined by 59 percent between 1980 and 2004.

(10) Although employer-sponsored health plans have improved coverage of contraceptive services and supplies, largely in response to State contraceptive coverage laws, there is still significant room for improvement. Half of the 45,000,000 women of reproductive age currently live in the 29 States without contraceptive coverage policies. These women may still find the most effective forms of contraceptives beyond their financial reach due to a lack of coverage.

(11) Including contraceptive coverage in private health care plans saves employers money. Not covering contraceptives in employee health plans costs employers 15 to 17 percent more than providing such coverage.

(12) Approved for use by the Food and Drug Administration, emergency contraception is a safe and effective way to prevent unintended pregnancy after unprotected sex. It is estimated that the use of emergency contraception could cut the number of unintended pregnancies in half, thereby reducing the need for abortion. New research confirms that easier access to emergency contraceptives does not increase sexual risk-taking or sexually transmitted infections.

(13) In 2000, 51,000 abortions were prevented by the use of emergency contraception. Increased use of emergency contraception accounted for up to 43 percent of the total decline in abortions between 1994 and 2000.

(14) Thirteen percent of all teens give birth before age 20. Eighty-eight percent of births to teens age 17 or younger were unintended. Twenty-four percent of Hispanic females gave birth before the age of 20. (Centers for Disease Control and Prevention, December 2004).

(15) Children born to teen moms begin life with the odds against them. They are less likely to be ready for kindergarten, more likely to be of low-birth weight, 50 percent more likely to repeat a grade, more likely to live in poverty, and significantly more likely to be victims of abuse and neglect.

(16) Research shows that a range of initiatives, including sex education, youth development and service learning programs, can encourage teens to behave responsibly by delaying sexual activity and pregnancy. Federal tax dollars are best invested in programs with research-based evidence of success.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that this resolution assumes that—

(1) $100,000,000 of the amount provided for under function category 550 (health) for fiscal year 2006 may be used for any or all of the following—

(A) to fund increases in amounts appropriated to carry out title X of the Public Health Service Act (42 U.S.C. 300 et seq.) above amounts appropriated for fiscal year 2005;

(B) to fund legislation that would require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans;

(C) to fund legislation that would create a public education program administered through the Centers for Disease Control and Prevention concerning the use, safety, efficacy, and availability of emergency contraception that is—

(i) approved by the Food and Drug administration to prevent pregnancy; and

(ii) used post-coitally; or

(D) to fund legislation that would permit the Secretary of Health and Human Services to award, on a competitive basis, grants to public and private entities to establish or expand teenage pregnancy prevention programs or to disseminate information to educators and parents about the most effective strategies for preventing teen pregnancy (funds made available under the authority of this subparagraph are not intended for use by abstinence-only education programs);

(2) the prevention programs described in paragraph (1) are cost effective and will achieve savings by—

(A) reducing the number of unintended pregnancies;

(B) reducing the rate of sexually transmitted infections;

(C) reducing the costs to the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

(D) providing for the early detection of HIV and early detection of breast and cervical cancer; and

(3) the increase in funding described in paragraph (1) is offset by an increase in revenues of not to exceed $200,000,000 to be derived from closing corporate tax loopholes, of which the remaining $100,000,000 (after amounts are expended pursuant to this section) should be used for deficit reduction.

Mrs. CLINTON. Mr. President, this is the Clinton-Reid prevention first amendment. What it does is try to put us on record and provide funding for the important goal of preventing unintended pregnancies and abortions. What this amendment does is to increase public health funding for the National Family Planning Program and enact the EPIC bill which says to insurance companies, if you are going to provide insurance coverage for Viagra you should provide insurance coverage for contraception. It increases funding to improve awareness and education about emergency contraception, which is a prevention program, not termination, and finally funds a new teen prevention program.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, this amendment increases taxes by $200 million and raises spending by $200 million and would prevent abstinence-only programs from receiving funds under it. It would also create a mandated insurance coverage which will increase the cost of insurance and create more uninsured individuals today, so I recommend a vote against it.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 47, nays 53, as follows:

[Rollcall Vote No. 75 Leg.]

YEAS—47

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Collins
Conrad
Corzine
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Stabenow
Wyden

NAYS—53

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

The amendment (No. 244) as modified, was rejected.

AMENDMENT NO. 187

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I believe my amendment is next in order. I would like to be able to confirm that.

The PRESIDING OFFICER. The amendment of the Senator from New Jersey is at the desk.

Mr. LAUTENBERG. Mr. President, in the last 4 years we have raised the Nation's debt limit three times, from less than $6 trillion to more than $8 trillion. Now we are being asked to add $446 billion of new debt, $1,500 for every man, woman, and child, without debate. My amendment says we ought to have a debate and answer the question after we have discussed it. The issue ought to be debated. Nothing poses a greater threat to our future security. The President said he doesn't think it is right to avoid facing up to tough issues that our children will have to deal with in the future. Let us face up to our responsibilities.

Mr. GREGG. Mr. President, for the edification of our colleagues, after this vote is completed, we will take a half hour recess to give the staff a rest for a little bit. Then we will be back and voting, I presume, sometime around quarter of 8.

The use of reconciliation on the debt ceiling is a very common procedure. Our colleagues across the aisle, when they were in the majority, used it a number of times. It is an option that should be made available. We have to pay our debt and, therefore, we have to raise that debt ceiling. This is a very typical and appropriate way to handle the debt ceiling should the Finance Committee choose to pursue it. We are just giving them this tool and this option.

The PRESIDING OFFICER. The yeas and nays have been ordered on this amendment.

The question is on agreeing to the amendment. The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Georgia (Mr. CHAMBLISS).

The PRESIDING OFFICER (Mr. BURR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 54, as follows:

[Rollcall Vote No. 76 Leg.]

YEAS—45

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCain
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NAYS—54

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chafee
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McConnell
Murkowski
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—1

Chambliss

The amendment (No. 187) was rejected.

RECESS

Mr. GREGG. Mr. President, it is now our plan to recess until 7:45, at which time we will vote on the Boxer amendment. That is what we will vote on at 7:45. It will be a 10-minute vote and we will hold that 10-minute vote. In other words, there will not be any effort to go past 10 minutes. We will close it out after 10 minutes.

I ask unanimous consent that we recess until 7:45 and at 7:45 we shall vote on the Boxer amendment which has been submitted to both sides.

There being no objection, the Senate, at 7:15 p.m., recessed until 7:45 p.m., and reassembled when called to order by the Presiding Officer (Mr. BURR).

AMENDMENT NO. 257

Mr. GREGG. Is the amendment at the desk?

Mrs. BOXER. Yes. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 257.

Mrs. BOXER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish a point of order in the Senate against any appropriations bill if it allows funds to be provided for prepackaged news stories that do not have a disclaimer that continuously runs through the presentation which says, "Paid for by the United States Government.")

At the appropriate place, insert the following:

SEC. ___. POINT OF ORDER.

(a) POINT OF ORDER IN THE SENATE.—It shall not be in order in the Senate to consider any appropriations bill if it allows funds to be provided for prepackaged news stories that do not have a disclaimer that continuously runs through the presentation which says, "Paid for by the United States Government.".

(b) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Mrs. BOXER. Mr. President, the Comptroller General of GAO tells us that prepackaged news that is put together by Federal agencies is unacceptable and that—I am quoting them—"Americans deserve to know when their Government is spending taxpayer money to try to influence them."

My amendment simply encourages agencies to add a disclaimer to those prepackaged news stories that says "Paid for by the United States Government."

This is very important for the taxpayers to know it is their money that is being spent. I hope and I wish the other side would agree to this amendment. If not, I guess we will have to have a vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, this amendment creates a point of order on language which probably is not able to be given a conciseness that would make it effective. What does "prepackaging" mean? It would be virtually impossible to exercise this point of order, and I think it would set a bad precedent for the Senate to create such a point of order.

I oppose the amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. GREGG. This will be a 10-minute vote, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The clerk will call the roll.

The bill clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Montana (Mr. BURNS).

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 54, as follows:

[Rollcall Vote No. 77 Leg.]

YEAS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Conrad
Corzine
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NAYS—54

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burr
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—2

Burns
Clinton

The amendment (No. 257) was rejected.

AMENDMENT NO. 259

Mr. GREGG. Mr. President, I yield a minute to the Senator from California to make a comment on her amendment.

Mrs. BOXER. Mr. President, I thank Senators Gregg, Conrad, Stevens, and Sununu. We are all working together to make sure that our oceans can finally get the attention they deserve. We have a new commission on oceans. Admiral Watkins is working hard on that commission. What we are doing, which has been agreed to on all sides, is simply saying we need to enact a comprehensive, coordinated, integrated national ocean policy that will ensure the long-term economic and ecological health of the U.S. oceans, coasts, and lakes.

I think it is wonderful that we can come together on this, and on the Commerce Committee we will be working to make sure this happens.

I thank the Chair.

Mr. GREGG. I thank the Senator.

Mrs. BOXER. I ask that this amendment be adopted.

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 259) was agreed to, as follows:

(Purpose: To express the sense of the Senate regarding the need for a comprehensive, coordinated, and integrated national ocean policy)

On page 65, after line 25, insert the following:

SEC. 510. SENSE OF THE SENATE REGARDING THE NEED FOR A COMPREHENSIVE, COORDINATED, AND INTEGRATED NATIONAL OCEAN POLICY.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States Commission on Ocean Policy and the Pew Ocean Commission have each completed and published independent findings on the state of the United States oceans, coasts, and Great Lakes.

(2) The findings made by the Commissions include the following:

(A) The United States oceans, coasts, and Great Lakes are a vital component of the economy of the United States.

(B) The resources and ecosystems associated with the United States oceans, coasts, and Great Lakes are in trouble.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the President and the Congress should—

(1) expeditiously consider the recommendations of the United States Commission on Ocean Policy during the 109th Congress; and

(2) enact a comprehensive, coordinated, and integrated national ocean policy that will ensure the long-term economic and ecological health of the United States oceans, coasts, and Great Lakes.

Mrs. BOXER. Mr. President, I move to reconsider the vote.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CONRAD. Mr. President, we just had a good example, one amendment cleared and one dropped. We need to do more of that. We have 20 amendments left here, 7 on the other side; that is 27. We have a lot of work to do. We need Senators to be willing to give up some of these amendments. They can offer them at a later time. I ask my colleagues to consider that.

I thank the Senator from California.

AMENDMENT NO. 211

Mr. GREGG. Mr. President, the next item will be a 5-minute vote, with 1 minute to speak about it. It is Senator DORGAN's amendment.

Mr. DORGAN. Mr. President, this is amendment No. 211. This amendment adds back $1 billion to the Indian accounts. We all know we have a bona fide crisis in health care, housing, and education on Indian reservations in this country. Many of those appropriations have been cut. This amendment restores some of that cut. It is $1 billion, which would be paid for by closing a tax loophole.

Mr. GREGG. Mr. President, this amendment would raise taxes by $3.25 billion. It is a tax-and-spend amendment. There is absolutely no assurance that any of these funds would go as represented on the amendment. That would be a decision made by the proper authorizing or appropriating committee.

Mr. DORGAN. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Ms. CANTWELL, and Mrs. MURRAY, proposes an amendment numbered 211.

The amendment is as follows:

(Purpose: To restore funding for tribal programs and provide necessary additional funding based on recommendations from Indian country and to reduce the deficit.)

On page 3 line 10, increase the amount by $500,000,000.

On page 3 line 11, increase the amount by $600,000,000.

On page 3 line 12, increase the amount by $700,000,000.

On page 3 line 13, increase the amount by $700,000,000.

On page 3 line 14, increase the amount by $700,000,000.

On page 3 line 19, increase the amount by $500,000,000.

On page 3 line 20, increase the amount by $600,000,000.

On page 3 line 21, increase the amount by $700,000,000.

On page 4 line 1, increase the amount by $700,000,000.

On page 4 line 2, increase the amount by $700,000,000.

On page 4 line 7, increase the amount by $1,000,000,000.

On page 4 line 16, increase the amount by $589,000,000.

On page 4 line 17, increase the amount by $195,000,000.

On page 4 line 18, increase the amount by $87,000,000.

On page 4 line 19, increase the amount by $66,000,000.

On page 4 line 20, increase the amount by $38,000,000.

On page 4 line 24, decrease the amount by $89,000,000.

On page 4 line 25, increase the amount by $405,000,000.

On page 5 line 1, increase the amount by $613,000,000.

On page 5 line 2, increase the amount by $634,000,000.

On page 5 line 3, increase the amount by $662,000,000.

On page 5 line 7, increase the amount by $89,000,000.

On page 5 line 8, decrease the amount by $316,000,000.

On page 5 line 9, decrease the amount by $929,000,000.

On page 5 line 10, decrease the amount by $1,563,000,000.

On page 5 line 11, decrease the amount by $2,225,000,000.

On page 5 line 15, increase the amount by $89,000,000.

On page 5 line 16, decrease the amount by $316,000,000.

On page 5 line 17, decrease the amount by $929,000,000.

On page 5 line 18, decrease the amount by $1,563,000,000.

On page 5 line 19, decrease the amount by $2,225,000,000.

On page 12 line 15, increase the amount by $135,000,000.

On page 12 line 16, increase the amount by $7,000,000.

On page 12 line 20, increase the amount by $20,000,000.

On page 12 line 24, increase the amount by $41,000,000.

On page 13 line 3, increase the amount by $41,000,000.

On page 13 line 7, increase the amount by $20,000,000.

On page 16 line 15, increase the amount by $330,000,000.

On page 16 line 16, increase the amount by $222,000,000.

On page 16 line 20, increase the amount by $80,000,000.

On page 16 line 24, increase the amount by $14,000,000.

On page 17 line 3, increase the amount by $4,000,000.

On page 17 line 7, increase the amount by $1,000,000.

On page 17 line 16, increase the amount by $80,000,000.

On page 17 line 17, increase the amount by $37,000,000.

On page 17 line 21, increase the amount by $34,000,000.

On page 17 line 25, increase the amount by $6,000,000.

On page 18 line 4, increase the amount by $2,000,000.

On page 18 line 16, increase the amount by $300,000,000.

On page 18 line 17, increase the amount by $270,000,000.

On page 18 line 21, increase the amount by $27,000,000.

On page 18 line 25, increase the amount by $3,000,000.

On page 20 line 16, increase the amount by $130,000,000.

On page 20 line 17, increase the amount by $47,000,000.

On page 20 line 21, increase the amount by $26,000,000.

On page 20 line 25, increase the amount by $18,000,000

On page 21 line 4, increase the amount by $15,000,000.

On page 21 line 8, increase the amount by $14,000,000.

On page 23 line 16, increase the amount by $25,000,000.

On page 23 line 17, increase the amount by $6,000,000.

On page 23 line 21, increase the amount by $8,000,000.

On page 23 line 25, increase the amount by $5,000,000.

On page 24 line 4, increase the amount by $4,000,000.

On page 24 line 8, increase the amount by $3,000,000.

On page 30 line 16, decrease the amount by $500,000,000.

On page 30 line 17, decrease the amount by $3,200,000,000.

On page 48 line 6, increase the amount by $1,000,000,000.

On page 48 line 7, increase the amount by $589,000,000.

Mr. CONRAD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 55, as follows:

[Rollcall Vote No. 78 Leg.]

YEAS—45

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NAYS—55

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

The amendment (No. 211) was rejected.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, the next amendment will be from the Senator from Wisconsin for 30 seconds.

AMENDMENT NO. 258

Mr. FEINGOLD. I call up amendment No. 258.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself and Mr. BINGAMAN, proposes an amendment numbered 258.

The amendment is as follows:

(Purpose: To ensure that savings associated with legislation that reduces overpayments to Medicare Advantage plans is reserved for deficit reduction and to strengthen the Federal Hospital Insurance Trust Fund)

On page 40, after line 8, insert the following:

SEC. . RESERVE FUND FOR DEFICIT REDUCTION AND TO STRENGTHEN THE PART A TRUST FUND.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, functional totals, and other appropriate levels and limits in this resolution upon enactment of legislation that achieves savings under the medicare program under title XVIII of the Social Security Act by reducing overpayments to Medicare Advantage plans (such as legislation that requires the full amount of savings from the implementation of risk adjusted payments to Medicare Advantage plans to accrue to the medicare program, that eliminates the plan stabilization fund under section 1858(e) of such Act, and that adjusts the MA area-specific non-drug monthly benchmark amount under part C of such title to exclude payments for the indirect costs of medical education under section 1886(d)(5)(B) of such Act), by the amount of savings in that legislation, to ensure that those savings are reserved for deficit reduction and to strengthen the Federal Hospital Insurance Trust Fund.

Mr. FEINGOLD. Mr. President, in deference to the request of our two floor leaders, I will not ask for a rollcall vote, but I do hope my colleagues will voice their support for this amendment.

This is real deficit reduction. The other side keeps asking us to cut spending. This amendment does just that. This amendment cuts over $20 billion from the Medicare Program and unnecessary overpayments to private Medicare plans.

We have a simple choice: subsidize private health insurance companies or reduce the deficit. The private Medicare plans are successful in bringing costs down and if the senior supposedly wants to choose private plans, then why should American taxpayers pay private companies more money than traditional Medicare?

We heard a lot of talk from the other side about the need to cut spending. This amendment is a fiscally responsible effort to bring down the deficit. I urge my colleagues' support.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, it is amazing to me that this is the second time tonight that we have had people who are standing around wanting to change the Medicare Modernization Act, and it does not even go into effect until the 2006. We do not even know that all this money my colleague wants to save will ever be spent in the first place, and if it is spent, it is to bring the plans to rural Wisconsin so that his folks in rural Wisconsin can have the same benefits as people in Florida or Los Angeles. It was a major compromise of this bill. We ought to preserve that compromise because it is for rural America.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GREGG. I suggest a voice vote on this amendment.

The PRESIDING OFFICER. The Senator from Wisconsin already suggested a voice vote. The question is on agreeing to amendment No. 253.

The amendment (No. 258) was rejected.

Mr. GREGG. Mr. President, the next amendment is an amendment from the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 203

Mr. LEAHY. Mr. President, I am offering a sense-of-the-Senate amendment intended to head off the administration's plans to raid the Crime Victims Fund of more than $1.2 billion. I am joined by Senators KENNEDY, MIKULSKI, FEINGOLD, BIDEN, DURBIN, OBAMA, and DODD on this amendment.

We created this fund under the Victims Crime Act of 1984 to be used for the victims of crime. We made a solemn promise these funds would be there. The budget resolution rescinds all amounts remaining in the fund. It is wrong. We should not be saying your suffering—even though we promised with great fanfare, the President and everybody else promised that your suffering is going to be our concern. We should not say it is no longer that way.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I suspect under the rules adopted earlier this evening, with the way things are going to be accounted for in the Appropriations Committee, the point of this amendment will be moot.

I suggest a voice vote.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself, Mr. KENNEDY, Ms. MIKULSKI, Mr. FEINGOLD, Mr. DURBIN, Mr. BIDEN, and Mr. OBAMA, proposes an amendment numbered 203.

The amendment is as follows:

(Purpose: To express the sense of the Senate in support of full funding and availability of the Crime Victims Fund)

At the end of title V, insert the following:

SEC. ___. SENSE OF THE SENATE ON THE CRIME VICTIMS FUND.

(a) FINDINGS.—The Senate finds the following:—

(1) The Victims of Crime Act of 1984 ("VOCA") was enacted to provide Federal financial support for services to victims of all types of crime, primarily through grants to state crime victim compensation and victim assistance programs.

(2) VOCA created the Crime Victims Fund ("the Fund") as a separate account into which are deposited monies collected from persons convicted of Federal criminal offenses, including criminal fines, forfeitures and special assessments. There are no general taxpayer generated revenues deposited into the Fund.

(3) Each fiscal year, the Fund is used to support—

(A) Children's Justice Act grants to States to improve the investigation and prosecution of child abuse cases;

(B) victim witness coordinators in United States Attorney's Offices;

(C) victim assistance specialists in Federal Bureau of Investigation field offices;

(D) discretionary grants by the Office for Victims of Crime to provide training and technical assistance and services to victims of Federal crimes;

(E) formula grants to States to supplement State crime victim compensation programs, which reimburse more than 150,000 violent crime victims annually for out-of-pocket expenses, including medical expenses, mental health counseling, lost wages, loss of support and funeral costs;

(F) formula grants to States for financial assistance to upwards of 4,400 programs providing direct victim assistance services to nearly 4,000,000 victims of all types of crimes annually, with priority for programs serving victims of domestic violence, sexual assault and child abuse, and previously underserved victims of violent crime; and

(G) the Antiterrorism Emergency Reserve, to assist victims of domestic and international terrorism.

(4) Just 4 months ago, a strong bipartisan, bicameral majority in Congress affirmed its support for the Crime Victims Fund and increased its commitment to crime victims in the Justice for All Act of 2004 (Public Law 108–405), which establishes Federal crime victims rights and authorized 2 new VOCA-funded victim programs.

(5) Before fiscal year 2000, all amounts deposited into the Crime Victims Fund in each fiscal year were made available for authorized programs in the subsequent fiscal year.

(6) Beginning in fiscal year 2000, Congress responded to large fluctuations of deposits into the Fund by delaying obligations from the Fund above certain amount, as follows:

(A) For fiscal year 2000, $500,000,000.

(B) For fiscal year 2001, $537,500,000.

(C) For fiscal year 2002, $550,000,000.

(D) For fiscal year 2003, $600,000,000.

(E) For fiscal year 2004, $625,000,000.

(F) For fiscal year 2005, $625,000,000.

(7) In the conference report on an omnibus spending bill for fiscal year 2000 (Public Law 106–113), Congress explained that the reason for delaying annual Fund obligations was "to protect against wide fluctuations in receipts into the Fund, and to ensure that a stable level of funding will remain available for these programs in future years".

(8) VOCA mandates that ". . . all sums deposited in the Fund in any fiscal year that are not made available for obligation by Congress in the subsequent fiscal year shall remain in the Fund for obligation in future fiscal years, without fiscal year limitation".

(9) For fiscal year 2006, the President is recommending "rescission" of $1,267,000,000 from amounts in the Fund.

(10) The rescission proposed by the President would result in no funds being available to support crime victim services at the start of fiscal year 2007. Further, such rescission would make the Fund vulnerable to fluctuations in receipts into the Fund, and would not ensure that a stable level of funding will remain available for vital programs in future years.

(11) Retention of all amounts deposited into the Fund for the immediate and future use of crime victim services as authorized by VOCA is supported by many major national victim service organizations, including—

(A) Justice Solutions, NPO;

(B) National Organization for Victim Assistance;

(C) National Alliance to End Sexual Violence;

(D) National Children's Alliance;

(E) National Association of VOCA Assistance Administrators;

(F) National Association of Crime Victim Compensation Boards;

(G) Mothers Against Drunk Driving;

(H) National Center for Victims of Crime;

(I) National Organization for Parents of Murdered Children;

(J) National Coalition Against Domestic Violence;

(K) Pennsylvania Coalition Against Rape; and

(L) National Network to End Domestic Violence.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the funding levels in this resolution assume that all amounts that have been and will be deposited into the Crime Victims Fund, including amounts deposited in fiscal year 2006 and thereafter, shall remain in the Fund for use as authorized under the Victims of Crime Act of 1984.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 203.

The amendment (No. 203) was agreed to.

Mr. LEAHY. I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. Mr. President, the next amendment will be offered by the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 169

Mr. SANTORUM. Mr. President, this is one of the most important things we can do to meet the pandemic afflicting Africa right now. The President came up with a great number for bilateral aid. We are still a little short on the global fund. This is to add half a billion dollars to the global fund to make sure we can meet our commitment to provide drugs and services to this pandemic.

I yield the remainder of my time to the Senator from Illinois.

Mr. DURBIN. Mr. President, I am happy to join the Senator from Pennsylvania in a bipartisan effort to attack the deadliest epidemic in modern times. I encourage my colleagues to support this amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM], for himself, Mr. DURBIN, Mr. BINGAMAN, Mrs. CLINTON, Mr. CORZINE, Mr. DODD, Mrs. FEINSTEIN, Mr. JOHNSON, Mr. KERRY, Mr. KOHL, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. MURRAY, and Ms. STABENOW proposes an amendment numbered 169.

The amendment is as follows:

(Purpose: Reaffirming that the United States maintain a one-to-two ratio for contributions to the Global Fund, that the United States not exceed contributing more than 33 percent of the Global Fund's revenue, and that the United States contribute an additional $500,000,000 to the Global Fund for Fiscal Year 2006, for a total of not less than $3,700,000,000 for all international HIV/AIDS, tuberculosis, and malaria programs)

On page 9, line 15, increase the amount by $500,000,000.

On page 9, line 16, increase the amount by $500,000,000.

On page 26, line 14, decrease the amount by $500,000,000.

On page 26, line 15, decrease the amount by $500,000,000.

At the appropriate place, insert the following:

SEC. . UNITED STATES RESPONSE TO GLOBAL HIV/AIDS, TUBERCULOSIS, AND MALARIA.

(a) FINDINGS.—Congress makes the following findings:

(1) The HIV/AIDS pandemic has reached staggering proportions. At the end of 2004, an estimated 40,000,000 people were infected with HIV or living with AIDS. HIV/AIDS is estimated to kill 3,000,000 men, women and children each year. Each year, there are estimated to be 5,000,000 new HIV infections.

(2) The United States was the first, and remains the largest, contributor to the Global Fund.

(3) The Presidential Administration of George W. Bush (referred to in this section as the "Administration") has supported language in the Global HIV/AIDS authorization bill that links United States contributions to the Global Fund to the contributions of other donors, permitting the United States to provide 33 percent of all donations, which would match contributions on a one-to-two basis.

(4) Congress has provided one-third of all donations to the Global Fund every year of the Fund's existence.

(5) For fiscal year 2006, the Global Fund estimates it will renew $2,400,000,000 worth of effective programs that are already operating on the ground, and the Administration and Fund Board have said that renewals of existing grants should receive priority funding.

(6) The Global Fund is an important component of United States efforts to combat AIDS, tuberculosis and malaria, and supports approximately 300 projects in 130 countries.

(7) For fiscal year 2006, the President has requested $300,000,000 for the United States contribution to the Global Fund.

(8) Through a mid-year review process, Congress and the Administration will assess contributions to date and anticipated contributions to the Global Fund, and ensure that United States contributions, at year-end, are at the appropriate one-to-two ratio.

(9) Congress and the Administration will monitor contributions to the Global Fund to ensure that United States contributions do not exceed one-third of the Global Fund's revenues.

(10) In order to cover one-third of renewals during fiscal year 2006, and to maintain the one-to-two funding match, the United States will need to contribute an additional $500,000,000 above the President's request for the Global Fund for fiscal year 2006 to keep good programs funded at a level of $800,000,000.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying this budget resolution assume that none of the offsets needed to provide $800,000,000 for the Global Fund will come from international humanitarian assistance programs.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 169.

The amendment (No. 169) was agreed to.

Mr. DURBIN. I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. CONRAD. What is the next amendment in the queue?

The PRESIDING OFFICER. The only amendment that has been proposed but not disposed of is the Allen amendment.

Mr. GREGG. Is this the Allen amendment relative to NASA?

The PRESIDING OFFICER. The Senator from New Hampshire is correct.

Mr. GREGG. That amendment was agreed to by unanimous consent, as modified, in a tranche of amendments we did earlier this evening. We will get this clarified, Mr. President.

Mr. CONRAD. Mr. President, I ask that we recognize Senator LINCOLN for the purpose of offering an amendment.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 192

Mrs. LINCOLN. Mr. President, I would imagine that everyone in this body has heard equally as much from their local sheriffs as I have about the problem of methamphetamines across this country, particularly in rural America.

What this amendment does is it takes and restores the funding from the COPS initiative to methamphetamine enforcement and cleanup. We have seen tremendous increases across this great Nation in this destructive drug and what it is doing to rural America.

I compliment some of my colleagues on the other side—Senator COLEMAN and Senator TALENT—who have done a lot of work on this issue. We have good cosponsors on this side.

We pay for this initiative by some of the tax loopholes that did not seem to get closed in the FSC/ETI package. We are glad to work with our colleagues in any way possible to get this funding out to our States, out to our local law enforcement officers. They are having a devastating time trying to address this issue, and I hope my colleagues will take a look at the amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I yield myself a minute off the managers' time. I was under the impression that the Senator's amendment took the funds from 920. Are you saying the Senator's amendment pays for this with an increase in taxes?

Mrs. LINCOLN. We will be more than willing to work with the other side on how we pay for it. It does need to be paid for.

Mr. GREGG. Mr. President, I reserve my time.

Mrs. LINCOLN. We can modify the amendment if the Senator would like.

Mr. GREGG. Why don't we reserve action on the Senator's amendment until we have a couple seconds to talk about it?

Mr. President, I would like to clarify that the Allen amendment has been adopted.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I ask unanimous consent to modify my amendment that I have just offered and that the funds necessary to implement this amendment be taken from the 920——

The PRESIDING OFFICER. Does the Senator from Arkansas call up her amendment?

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arkansas [Mrs. LINCOLN] proposes an amendment numbered 192.

Mr. CONRAD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To restore funding to the COPS Methamphetamine Enforcement and Clean Up Program to 2005 levels and to close corporate tax loopholes)

On page 3, line 10, increase the amount by $4,000,000.

On page 3, line 11, increase the amount by $13,000,000.

On page 3, line 12, increase the amount by $21,000,000.

On page 3, line 13, increase the amount by $27,000,000.

On page 3, line 14, increase the amount by $32,000,000.

On page 3, line 19, increase the amount by $4,000,000.

On page 3, line 20, increase the amount by $13,000,000.

On page 3, line 21, increase the amount by $21,000,000.

On page 4, line 1, increase the amount by $27,000,000.

On page 4, line 2, increase the amount by $32,000,000.

On page 4, line 7, increase the amount by $32,000,000.

On page 4, line 8, increase the amount by $32,000,000.

On page 4, line 9, increase the amount by $32,000,000.

On page 4, line 10, increase the amount by $32,000,000.

On page 4, line 11, increase the amount by $32,000,000.

On page 4, line 16, increase the amount by $4,000,000.

On page 4, line 17, increase the amount by $13,000,000.

On page 4, line 18, increase the amount by $21,000,000.

On page 4, line 19, increase the amount by $27,000,000.

On page 4, line 20, increase the amount by $32,000,000.

On page 23, line 16, increase the amount by $32,000,000.

On page 23, line 17, increase the amount by $4,000,000.

On page 23, line 20, increase the amount by $32,000,000.

On page 23, line 21, increase the amount by $13,000,000.

On page 23, line 24, increase the amount by $32,000,000.

On page 23, line 25, increase the amount by $21,000,000.

On page 24, line 3, increase the amount by $32,000,000.

On page 24, line 4, increase the amount by $27,000,000.

On page 24, line 7, increase the amount by $32,000,000.

On page 24, line 8, increase the amount by $32,000,000.

On page 30, line 16, decrease the amount by $4,000,000.

On page 30, line 17, decrease the amount by $97,000,000.

On page 48, line 6, increase the amount by $32,000,000.

On page 48, line 7, increase the amount by $4,000,000.

On page 48, line 9, increase the amount by $32,000,000.

On page 48, line 12, increase the amount by $32,000,000.

At the appropriate place, insert the following:

SEC. ___. OFFSET FOR INCREASES IN FUNDING FOR THE COPS METHAMPHETAMINE ENFORCEMENT AND CLEAN UP PROGRAM.

It is the sense of the Senate that this resolution assumes that any increases in funding for the COPS Methamphetamine Enforcement Clean Up Program should be offset by increased revenues to be derived from closing corporate tax loopholes.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. TALENT. Mr. President, I ask the Senator from Arkansas, is the Senator from Minnesota, Mr. COLEMAN, listed as a cosponsor?

Mrs. LINCOLN. Senator COLEMAN did ask to be listed as a cosponsor. I ask unanimous consent that both Senator TALENT and Senator COLEMAN be added as cosponsors to my amendment.

Mr. TALENT. Yes, I ask unanimous consent to be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. LINCOLN. Mr. President, I now ask unanimous consent to modify my amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 192), as modified, is as follows:

(Purpose: To restore funding to the COPS Methamphetamine Enforcement and Clean Up Program to 2005 levels and to close corporate tax loopholes)

On page 23, line 16, increase the amount by $32,000,000.

On page 23, line 17, increase the amount by $4,000,000.

On page 23, line 20, increase the amount by $32,000,000.

On page 23, line 21, increase the amount by $13,000,000.

On page 23, line 24, increase the amount by $32,000,000.

On page 23, line 25, increase the amount by $21,000,000.

On page 24, line 3, increase the amount by $32,000,000.

On page 24, line 4, increase the amount by $27,000,000.

On page 24, line 7, increase the amount by $32,000,000.

On page 24, line 8, increase the amount by $32,000,000.

On page 26, line 14, decrease the amount by $32,000,000.

On page 26, line 15, decrease the amount by $4,000,000.

On page 26, line 17, decrease the amount by $32,000,000.

On page 26, line 18, decrease the amount by $13,000,000.

On page 26, line 20, decrease the amount by $32,000,000.

On page 26, line 21, decrease the amount by $21,000,000.

On page 26, line 23, decrease the amount by $32,000,000.

On page 26, line 24, decrease the amount by $27,000,000.

On page 27, line 1, decrease the amount by $32,000,000.

On page 27, line 2, decrease the amount by $32,000,000.

At the appropriate place, insert the following:

SEC. ___. OFFSET FOR INCREASES IN FUNDING FOR THE COPS METHAMPHETAMINE ENFORCEMENT AND CLEAN UP PROGRAM.

It is the sense of the Senate that this resolution assumes that any increases in funding for the COPS Methamphetamine Enforcement Clean Up Program should be offset by increased revenues to be derived from closing corporate tax loopholes.

Mr. GREGG. I suggest we have a voice vote on this amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 192, as modified.

The amendment (No. 192), as modified, was agreed to.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 197 WITHDRAWN

Mr. ALLEN. Mr. President, in the two matters that were listed, so we have this all straight, my amendment No. 197, which has not been acted on—we passed my amendment 198, which was a sense of the Senate insofar as aeronautics funding which has been adopted—I ask unanimous consent that amendment No. 197 be withdrawn.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 253

Mr. CONRAD. Mr. President, I ask that we consider the Baucus amendment that is pending. Senator BAUCUS can give us 30 seconds on his amendment and then perhaps we could get it accepted.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for himself, Mr. GRASSLEY, Mr. LEAHY, Mr. BINGAMAN, Mrs. MURRAY, and Mr. TALENT, proposes an amendment numbered 253.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To support full funding for HIDTAs)

On page 65, after line 25, insert the following:

SEC. ___. SENSE OF THE SENATE SUPPORTING FUNDING FOR HIDTAS.

(a) FINDINGS.—The Senate finds the following:

(1) The High Intensity Drug Trafficking Area (HIDTA) program encompasses 28 strategic regions, 355 task forces, 53 intelligence centers, 4,428 Federal personnel, and 8,459 State and local personnel.

(2) The purposes of the HIDTA program are to reduce drug trafficking and drug production in designated areas in the United States by—

(A) facilitating cooperation among Federal, State, and local law enforcement agencies to share information and implement coordinated enforcement activities;

(B) enhancing intelligence sharing among Federal, State, and local law enforcement agencies;

(C) providing reliable intelligence to law enforcement agencies needed to design effective enforcement strategies and operations; and

(D) supporting coordinated law enforcement strategies which maximize use of available resources to reduce the supply of drugs in HIDTA designated areas.

(3) In 2004, HIDTA efforts resulted in disrupting or dismantling over 509 international, 711 multi-State, and 1,110 local drug trafficking organizations.

(4) In 2004, HIDTA instructors trained 21,893 students in cutting-edge practices to limit drug trafficking and manufacturing within their areas.

(5) The HIDTAs are the only drug enforcement coalitions that include equal partnership between Federal, State, and local law enforcement leaders executing a regional approach to achieving regional goals while pursuing a national mission.

(6) The proposed budget of $100,000,000 for the HIDTA program is inadequate to effectively maintain all of the operations currently being supported.

(7) The proposed budget of $100,000,000 for the HIDTA program would undermine the viability of this program and the efforts of law enforcement around the country to combat illegal drugs, particularly methamphetamine.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the spending level of budget function 750 (Administration of Justice) is assumed to include $227,000,000 for the High Intensity Drug Trafficking Areas; and

(2) unless new legislation is enacted, it is assumed that the HIDTA program will remain with the Office of National Drug Control Policy, where Congress last authorized it to reside.

Mr. BAUCUS. Mr. President, this is very simple. It is to restore a cut in the HIDTA funding. HIDTA is called the High Intensity Drug Trafficking Administration. This is the major law enforcement mechanism. It covers lots of different law enforcement agencies, in the west, particularly rural areas, to fight methamphetamine. We need the resources to fight methamphetamine. Methamphetamine is probably the largest scourge in many rural parts of America. This is designed to enable us to have the resources to fight methamphetamine in our country.

The PRESIDING OFFICER. All time has expired.

Mr. GREGG. Mr. President, I suggest a voice vote on this amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, on our side, we want to signal strong support for this amendment, and we can voice vote the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 253.

The amendment (No. 253) was agreed to.

Mr. TALENT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

AMENDMENT NO. 202

Mr. CONRAD. Mr. President, I ask that we recognize Senator DAYTON for the purpose of offering an amendment and that Senator DAYTON have 1 minute to describe his amendment.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 1 minute.

Mr. DAYTON. Mr. President, I call up amendment No. 202 and ask for its immediate consideration.

The PRESIDING OFFICER. The Senator will suspend.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, I recognize that there is a lot going on right now and I apologize for a touch of confusion, but if Senator DAYTON has been yielded 1 minute as a result of a unanimous consent, we ask unanimous consent for 1 minute on our side in opposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Minnesota [Mr. DAYTON], for himself, Mr. AKAKA, Mr. LEVIN, Mr. LIEBERMAN, and Ms. MIKULSKI, proposes an amendment numbered 202.

Mr. DAYTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide full funding for the Individuals with Disabilities Education Act, IDEA, part B grants over five years. This amendment is fully offset by restoring the uppermost marginal income tax rate for millionaires only, and by closing corporate tax loopholes. The amendment will also provide for $2.5 billion in deficit reduction over the five-year period)

On page 3, line 10, increase the amount by $12,100,000,000.

On page 3, line 11, increase the amount by $13,000,000,000.

On page 3, line 12, increase the amount by $13,600,000,000.

On page 3, line 13, increase the amount by $17,100,000,000.

On page 3, line 14, increase the amount by $17,966,000,000.

On page 3, line 19, increase the amount by $12,100,000,000.

On page 3, line 20, increase the amount by $13,000,000,000.

On page 3, line 21, increase the amount by $13,600,000,000.

On page 4, line 1, increase the amount by $17,100,000,000.

On page 4, line 2, increase the amount by $17,966,000,000.

On page 4, line 7, increase the amount by $12,977,000,000.

On page 4, line 8, increase the amount by $13,556,000,000.

On page 4, line 9, increase the amount by $14,236,000,000.

On page 4, line 10, increase the amount by $14,922,000,000.

On page 4, line 11, increase the amount by $15,600,000,000.

On page 4, line 16, increase the amount by $260,000,000.

On page 4, line 17, increase the amount by $8,836,000,000.

On page 4, line 18, increase the amount by $13,125,000,000.

On page 4, line 19, increase the amount by $14,021,000,000.

On page 4, line 20, increase the amount by $14,703,000,000.

On page 4, line 24, increase the amount by $11,840,000,000.

On page 4, line 25, increase the amount by $4,164,000,000.

On page 5, line 1, increase the amount by $475,000,000.

On page 5, line 2, increase the amount by $3,079,000,000.

On page 5, line 3, increase the amount by $3,263,000,000.

On page 5, line 7, decrease the amount by $11,840,000,000.

On page 5, line 8, decrease the amount by $16,004,000,000.

On page 5, line 9, decrease the amount by $16,479,000,000.

On page 5, line 10, decrease the amount by $19,558,000,000.

On page 5, line 11, decrease the amount by $22,821,000,000.

On page 5, line 15, decrease the amount by $11,840,000,000.

On page 5, line 16, decrease the amount by $16,004,000,000.

On page 5, line 17, decrease the amount by $16,479,000,000.

On page 5, line 18, decrease the amount by $19,558,000,000.

On page 5, line 19, decrease the amount by $22,821,000,000.

On page 17, line 16, increase the amount by $12,977,000,000.

On page 17, line 17, increase the amount by $260,000,000.

On page 17, line 20, increase the amount by $13,556:000,000.

On page 17, line 21, increase the amount by $8,836,000,000.

On page 17, line 24, increase the amount by $14,236,000,000.

On page 17, line 25, increase the amount by $13,125,000,000.

On page 18, line 3, increase the amount by $14,922,000,000.

On page 18, line 4, increase the amount by $14,021,000,000.

On page 18, line 7, increase the amount by $15,600,000,000.

On page 18, line 8, increase the amount by $14,703,000,000

On page 30, line 16, decrease the amount by $12,100,000,000.

On page 30, line 17, decrease the amount by $73,766,000,000.

At the end of Section 309, insert the following:

SEC. 310. RESERVE FUND FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

The Chairman of the Committee on the Budget of the Senate shall, in consultation with the Members of the Committee on the Budget and the Chairman and Ranking Member of the appropriate committee, increase the allocations pursuant to section 302(a) of the Congressional Budget Act of 1974 to the Committee on Health, Education, Labor, and Pensions of the Senate by up to $12,977,000,000 in new budget authority and $260,000,000 in outlays for fiscal year 2006, and $71,292,000,000 in new budget authority and $50,944,000,000 in outlays for the total of fiscal years 2006 through 2010, for a bill, amendment, or conference report that would provide increased funding for part B grants, other than section 619, under the Individuals with Disabilities Education Act (IDEA), with the goal that funding for these grants, when taken together with amounts provided by the Committee on Appropriations, provides 40 percent of the national average per pupil expenditure for children with disabilities.

Mr. DAYTON. Mr. President, I thank my cosponsors, Senators DURBIN, MIKULSKI, LIEBERMAN, STABENOW, and AKAKA. My amendment would increase the Federal share of funding for special education to the level of 40 percent of the cost that was promised when IDEA was established almost 30 years ago. Despite the increases that President Bush has proposed and that this Congress has enacted in the last 4 years, that Federal share is still less than half of what was promised back then. My colleagues have before them as a part of the letter that I submitted what the difference is for their respective States. For Minnesota, it is about $250 million. That money would be badly needed and best used by our local school districts.

As a result of the shortfall in Minnesota, and I suspect other States, funds that are supposed to go to regular education get shifted over to cover the shortfall for special education, meaning the quality of education for all of our students goes down.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DAYTON. I ask my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, this amendment would add $74 billion in spending and would increase taxes by $74 billion. It comes in the context of the fact that it would actually exceed the authorized level of IDEA as just reauthorized. In addition, it ignores the fact that this President has made a stronger commitment to IDEA than any President in history, especially in comparison to the prior President. This President has increased IDEA funding by 74 percent in his first 4 years in office, and he has made a commitment in this budget to add another $500 million in IDEA. It is obviously a classic tax-and-spend amendment, and I certainly hope my colleagues would defeat it.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. GREGG. I would suggest that this be a 10-minute vote since we had a break in the voting.

The PRESIDING OFFICER. There appears to be a sufficient second.

The question is on agreeing to amendment No. 202.

This will be a 10-minute vote.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 37, nays 63, as follows:

[Rollcall Vote No. 79 Leg.]

YEAS—37

Akaka
Baucus
Bayh
Biden
Boxer
Byrd
Cantwell
Chafee
Clinton
Corzine
Dayton
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Obama
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—63

Alexander
Allard
Allen
Bennett
Bingaman
Bond
Brownback
Bunning
Burns
Burr
Carper
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kohl
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (FL)
Nelson (NE)
Roberts
Salazar
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

The amendment (No. 202) was rejected.

Mr. CONRAD. Mr. President, can I just say for the information of my colleagues—could I have order?

The PRESIDING OFFICER. The Senator will suspend. The Senate will come to order.

Mr. CONRAD. Can I say for the information of my colleagues, we are getting close now. We are under 10 amendments to go. We are trying to work things out. We have a number of other amendments. I see the chairman is back now. I think there are three more amendments that we could take on a unanimous consent basis, is that not correct?

Mr. GREGG. We can in probably just a few minutes, yes.

Mr. CONRAD. So, for the information of our colleagues, if they will continue to work with us we can reach conclusion at a reasonable time. We have made enormous progress in the last hour, I say to my colleagues. Again, we are at about 10 amendments left. We have a number that we can work out.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 155, 216, AS MODIFIED, 157, AS MODIFIED, 163, 167, AND 154, AS MODIFIED, EN BLOC

Mr. GREGG. Mr. President, I list the following amendments which have been agreed to. We will ask they be accepted en bloc by unanimous consent: the Gregg-Clinton-Kennedy flu reserve amendment, No. 155; the Snowe-Kerry SBA, as modified, No. 216; the Bayh sense of the Senate on a GAO study of debt, No. 157; the Santorum amendment No. 163, a sense of the Senate on charitable activity; the Chafee clean water, Baucus-Grassley SSA—Social Security Administration—No. 167; the Clinton comparative effectiveness sense of the Senate, No. 154.

I ask unanimous consent those amendments be agreed to.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 155

(Purpose: To establish a deficit neutral reserve fund for influenza vaccine shortage prevention)

At the appropriate place, insert the following:

SEC. ___. DEFICIT NEUTRAL RESERVE FUND FOR INFLUENZA VACCINE SHORTAGE PREVENTION.

If the Committee on Health, Education, Labor, and Pensions of the Senate reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that increases the participation of manufacturers in the production of influenza vaccine, increases research and innovation in new technologies for the development of influenza vaccine, and enhances the ability of the United States to track and respond to domestic influenza outbreaks as well as pandemic containment efforts, the chairman of the Committee on the Budget shall revise committee allocations for the Committee on Health, Education, Labor, and Pensions and other appropriate budgetary aggregates and allocations of new budget authority and outlays by the amount provided by that measure for that purpose, regardless of whether the committee is within its 302(a) allocations, and such legislation shall be exempt from sections 302, 303, 311, and 425 of the Congressional Budget Act, and from section 505 of the concurrent resolution on the budget for fiscal year 2004 (H. Con. Res. 95), if that measure would not increase the deficit for fiscal year 2006 and for the period of fiscal years 2006 through 2010.

AMENDMENT NO. 216, AS MODIFIED

(Purpose: To increase funding for the SBA's programs such as Microloans, Small Business Development Centers, Women's Business Centers, the HUBZone program and other small business programs and to offset the cost through a reduction in funds under function 150 for foreign microloans and other programs)

On page 9, line 15, decrease the amount by $78,000,000.

On page 9, line 16, decrease the amount by $60,000,000.

On page 9, line 20, decrease the amount by $13,000,000.

On page 9, line 24, decrease the amount by $28,000,000.

On page 10, line 3, decrease the amount by $1,000,000.

On page 14, line 15, increase the amount by $78,000,000.

On page 14, line 16, increase the amount by $60,000,000.

On page 14, line 20, increase the amount by $13,000,000.

On page 14, line 24, increase the amount by $28,000,000.

On page 15, line 3, increase the amount by $1,000,000.

AMENDMENT NO. 157, AS MODIFIED

(Purpose: To express the sense of the Senate regarding the amount of United States debt that is foreign-owned)

On page 65, after line 25, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING FOREIGN-OWNED DEBT.

It is the sense of the Senate that the Secretary of the Treasury and the Comptroller General should each conduct a study to examine the economic impact of United States publicly-held debt that is held by foreign governments, institutions, and individuals. The study should provide an analysis of the following:

(1) The amount of foreign-owned debt dating back to 1980, broken down by foreign governments, foreign institutions, and foreign private investors, and expressed in nominal terms and as a percentage of the total amount of publicly-held debt in each year.

(2) The economic impact that the increased foreign ownership of United States publicly-held debt has had on the ability of the United States to maintain a stable dollar policy.

(3) The impact that foreign ownership of United States publicly-held debt has had, or could have, on United States trade policy.

AMENDMENT NO. 163

(Purpose: To express the sense of the Senate regarding tax relief to encourage charitable giving incentives)

At the end of title V, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING TAX RELIEF TO ENCOURAGE CHARITABLE GIVING.

(a) FINDINGS.—The Senate finds that—

(1) the CARE Act, which represents a part of the President's faith-based initiative, will spur charitable giving and assist faith-based and community organizations that serve the needy;

(2) more than 1,600 small and large organizations from around the Nation have endorsed the CARE Act, and in the 108th Congress the CARE Act had bipartisan support and was sponsored by 23 Senators;

(3) although the CARE Act passed the Senate on April 9, 2003, by a vote of 95 to 5, and the House of Representatives passed companion legislation on September 17, 2003, by

a vote of 408 to 13, a conference committee on the CARE Act was never formed and a final version was not passed in the 108th Congress; and

(4) charities around the Nation continue to struggle, and the passage of the incentives for charitable giving contained in the CARE Act would provide significant dollars in private and public sector assistance to those in need.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that a relevant portion of amounts in this budget resolution providing for tax relief should be used—

(1) to provide the 86,000,000 Americans who do not itemize deductions an opportunity to deduct charitable contributions;

(2) to provide incentives for individuals to give tax free contributions from individual retirement accounts for charitable purposes;

(3) to provide incentives for an estimated $2,000,000,000 in food donations from farmers, restaurants, and corporations to help the needy, an equivalent of 878,000,000 meals for hungry Americans over 10 years;

(4) to provide at least 300,000 low-income, working Americans the opportunity to build assets through individual development accounts or IDAs, which can be used to purchase a home, expand educational opportunity, or to start a small business; and

(5) to provide incentives for corporate charitable contributions.

AMENDMENT NO. 167

(Purpose: To express the sense of the Senate that the full amount of the President's request for the administrative costs of the Social Security Administration for fiscal year 2006 should be funded)

At the appropriate place insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING FUNDING OF ADMINISTRATIVE COSTS OF SOCIAL SECURITY ADMINISTRATION.

It is the sense of the Senate that Congress should approve the full amount of the President's request for the administrative costs of the Social Security Administration for fiscal year 2006, including funds for the implementation of the low-income prescription drug subsidy under part D of title XVIII of the Social Security Act (as added by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003).

AMENDMENT NO. 154, AS MODIFIED

(Purpose: To express the sense of the Senate concerning comparative effectiveness studies)

At the appropriate place in title III, insert the following:

SEC. . SENSE OF THE SENATE CONCERNING COMPARATIVE EFFECTIVENESS STUDIES.

It is the Sense of the Senate that—

(1) the overall discretionary levels set in this resolution assume $75,000,000 in new budget authority in fiscal year 2006 and new outlays that flow from this budget authority in fiscal year 2006 and subsequent years, to fund research and ongoing systematic reviews, consistent with efforts currently undertaken by the Agency for Health Care Research and Quality designed to improve scientific evidence related to the comparative effectiveness and safety of prescription drugs and other treatments and to disseminate the findings from such research to health care practitioners, consumers, and health care purchasers; and

(2) knowledge gaps identified through such efforts be addressed in accordance with the authorizing legislation and with oversight from the committees of subject matter jurisdiction.

Mr. SARBANES. Mr. President, will the chairman, the manager of the bill, yield for a question?

Mr. GREGG. Yes.

Mr. SARBANES. I understand in the list you just read was a sense of the Senate by Senator CHAFEE on clean water, is that correct?

Mr. GREGG. That is correct.

Mr. SARBANES. I inform the managers that I have an amendment involving clean water, but I will not offer it.

Mr. GREGG. I thank the Senator. That is very helpful.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant Journal clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 217, AS MODIFIED

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment by Senator KOHL dealing with juvenile accountability block grants, No. 217, be agreed to.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 217) as modified, was agreed to, as follows:

(Purpose: To restore $1 billion to juvenile justice and local law enforcement programs funded by the Department of Justice, including the Juvenile Accountability Block Grant Program, the Byrne Justice Assistance Grant Program, the COPS Program, and the High Intensity Drug Trafficking Area (HIDTA) Program)

On page 23 line 16, increase the amount by $500,000,000.

On page 23 line 17, increase the amount by $60,000,000.

On page 23 line 21, increase the amount by $140,000,000.

On page 23 line 25, increase the amount by $125,000,000.

On page 24 line 4, increase the amount by $100,000,000.

On page 24 line 8, increase the amount by $75,000,000.

On page 26 line 14, decrease the amount by $500,000,000.

On page 26 line 15, decrease the amount by $60,000,000.

On page 26 line 18, decrease the amount by $140,000,000.

On page 26 line 21, decrease the amount by $125,000,000.

On page 26 line 24, decrease the amount by $100,000,000.

On page 27 line 2, decrease the amount by $75,000,000.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant Journal clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 155, AS MODIFIED, AND 157, AS MODIFIED

Mr. GREGG. Mr. President, I ask that the previously agreed-to Bayh and Gregg amendments be modified with the modifications which are at the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 154, AS MODIFIED

Mr. GREGG. I ask that it also apply to the Clinton amendment No. 154.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I ask that we now turn our attention to the Pryor LIHEAP amendment and that we recognize Senator PRYOR for 30 seconds to present that amendment.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 213

Mr. PRYOR. Mr. President, I call up amendment No. 213.

The PRESIDING OFFICER. The clerk will report.

The assistant Journal clerk read as follows:

The Senator from Arkansas [Mr. PRYOR] proposes an amendment numbered 213.

Mr. PRYOR. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for the Low-Income Home Energy Assistance Program and reduce the national debt by closing corporate tax loopholes)

On page 3, line 10, increase the amount by $1,200,000,000.

On page 3, line 19, increase the amount by $1,200,000,000.

On page 4, line 7, increase the amount by $1,200,000,000.

On page 4, line 16, increase the amount by $1,200,000,000.

On page 20, line 16, increase the amount by $1,200,000,000.

On page 20, line 17, increase the amount by $1,200,000,000.

On page 30, line 16, decrease the amount by $1,200,000,000.

On page 30, line 17, decrease the amount by $1,200,000,000.

On page 48, line 6, increase the amount by $1,200,000,000.

On page 48, line 7, increase the amount by $1,200,000,000.

Mr. PRYOR. Mr. President, I offer an amendment to increase the funding for LIHEAP from $1.8 billion to $3 billion. This amendment is fully offset. LIHEAP has received level funding for more than 20 years, but energy prices have not remained level. They have not remained stable. In fact, they are at all-time highs. We all have stories such as this from our States. Recently, a mother of two from Arkansas turned on her electric oven in order to heat the house, burned the house down, and killed her two daughters. We all have similar stories such as that from around the Nation.

This is an amendment that will help the people who need it most in all of our States.

Mr. GREGG. Mr. President, this amendment actually increases spending on the program by $1.2 billion. It is a bit excessive, and, therefore, I will oppose this amendment and ask for a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 213) was rejected.

Mr. CONRAD. Mr. President, I want to say for the information of Senators that we are now very close. We have six or seven amendments left to do. We are working hard to try to clear some of them. Some of them no doubt will still require votes. We ask for our colleagues' patience. We have, I think, made enormous progress. You will remember when we started this, we were headed for being here until 3 o'clock in the morning. Very substantial progress has been made because of the cooperation of Members on both sides. If we can be patient a few more minutes, we can clear additional amendments and then be prepared to push to the end.

AMENDMENT NO. 254, AS MODIFIED

Mr. GREGG. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant Journal clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for Mr. SALAZAR, proposes an amendment numbered 254, as modified.

Mr. GREGG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To restore funding for the payment in lieu of taxes program (PILT), in order to compensate rural counties for deceased tax revenues as a result of non-taxed federally owned county lands. The increase is offset using Function 150)

On page 9, line 15, decrease the amount by $150,000,000.

On page 9, line 16, decrease the amount by $150,000,000.

On page 24, line 16, increase the amount by $150,000,000.

On page 24, line 17, increase the amount by $150,000,000.

Mr. GREGG. I ask unanimous consent the amendment be accepted.

The PRESIDING OFFICER. The question is on agreeing to the modified amendment.

The amendment (No. 254), as modified, was agreed to.

Mr. CONRAD. This is another good example of a Senator cooperating, I might add. We got one amendment worked out, he dropped another amendment. This is a very good way to proceed.

I ask the Chair if we could turn our attention to Senator PRYOR.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 252, AS MODIFIED

Mr. PRYOR. I call amendment 252, as modified, to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. PRYOR], for himself and Mr. BAUCUS, proposes an amendment numbered 252, as modified.

Mr. PRYOR. I ask unanimous consent the reading of the amendment be dispensed.

The amendment, as modified, is as follows:

(Purpose: To create a reserve fund for extension of the treatment of combat pay as earned income for purposes of the earned income tax credit and the child tax credit)

At the end of title III, insert:

SEC. . RESERVE FUND FOR EXTENSION OF TREATMENT OF COMBAT PAY FOR EARNED INCOME AND CHILD TAX CREDITS.

If the Committee on Finance reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that makes permanent the taxpayer election to treat combat pay otherwise excluded from gross income under section 112 of the Internal Revenue Code as earned income for purposes of the earned income credit and makes permanent the treatment of such combat pay as earned income for purposes of the child tax credit, provided that the Committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974, the Chairman of the Committee on the Budget may revise the allocations of budget authority and outlays, the revenue aggregates, and other appropriate measures, provided that such legislation would not increase the deficit for the period of fiscal year 2006 or the total of fiscal years 2006 though 2010.

Mr. GREGG. Mr. President, if the Senator from Arkansas wants to proceed.

Mr. PRYOR. Mr. President, amendment 252, as modified, creates a reserve fund for the extension of the treatment of combat pay as earned income for purposes of the earned-income tax credit and the child tax credit. This actually is something the Senate signed off on last year, but it was knocked out in conference. I certainly would appreciate positive consideration for this amendment.

Mr. GREGG. I ask unanimous consent the amendment be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the modified amendment.

The amendment, (No. 252), as modified, was agreed to.

Mr. GREGG. As the Senator from North Dakota has mentioned, we are moving rather close to completion. There are a couple of amendments still pending on which votes may be required. Hopefully, we can proceed promptly to those and wrap this up also promptly.

AMENDMENT NO. 238, AS MODIFIED

Mr. GREGG. Mr. President, I suggest the Senator from Michigan has an amendment.

Mr. LEVIN. Mr. President, I send modified amendment numbered 288 to the desk for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. DEWINE, Ms. STABENOW, Mr. LIEBERMAN, and Mr. BINGAMAN, proposes an amendment numbered 238, as modified.

The amendment is as follows:

(Purpose: To promote innovation and U.S. competitiveness by expressing the sense of the Senate urging the Senate Appropriations Committee to make efforts to fund the Advanced Technology Program, which supports industry-led research and development of cutting-edge technologies with broad commercial potential and societal benefits)

In the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE ADVANCED TECHNOLOGY PROGRAM.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate Committee on Appropriations should make every effort to provide funding for the Advanced Technology Program in fiscal year 2006.

Mr. LEVIN. Mr. President, this amendment is on behalf of Senator DEWINE, myself, Senator LIEBERMAN, and others. We have lost 2.8 million manufacturing jobs in this country in the last 4 years. We have a very modest program called the Advanced Technology Program, which, according to the Department of Commerce, in their publication, which I would be happy to share with those who can come to take a look at it, according to the Department of Commerce, this program has had a result eight times more in technologies developed than the amount of money we have put into the program. It is an eight-time return—multiple—in advanced technologies which is achieved when the Department of Commerce partners with industry.

Mr. GREGG. Mr. President, this amendment would suggest we continue a program which has certainly outlived its day. It is essentially walking around money for the technology industries, picking winners and losers in the area of commercial products that the Government has no role in doing. It is money that could be better spent on basic research—for example, at the NIH.

I strongly oppose this amendment and hope we will defeat it.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. This is now a sense of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment numbered 238. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Pennsylvania (Mr. SANTORUM).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 46, as follows:

[Rollcall Vote No. 80 Leg.]

YEAS—53

Akaka
Allen
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Coleman
Conrad
Corzine
Dayton
DeWine
Dodd
Dorgan
Durbin
Feinstein
Harkin
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Shelby
Snowe
Specter
Stabenow
Voinovich
Warner
Wyden

NAYS—46

Alexander
Allard
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chafee
Chambliss
Coburn
Cochran
Collins
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Feingold
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Sessions
Smith
Stevens
Sununu
Talent
Thomas
Thune
Vitter

NOT VOTING—1

Santorum

The amendment (No. 238), as modified, was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I think the RECORD should show that Senator SANTORUM, through no fault of his own, missed the last vote. And I regret that we cannot, through unanimous consent, correct that.

Mr. GREGG. I think that is a very appropriate statement by the Senator from North Dakota, which we all can agree with.

Mr. President, I yield to the Senator from Vermont for an amendment.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 237, AS MODIFIED

Mr. LEAHY. Mr. President, I have an amendment at the desk regarding Boys and Girls Clubs.

The PRESIDING OFFICER. The clerk will report the amendment.

Mr. LEAHY. I ask to send a modification of the amendment to the desk. If they cannot find the amendment at the desk, I ask that it be in order to have the modification be the amendment to be considered. It is amendment No. 237.

The PRESIDING OFFICER. The clerk will report.

The assistant Journal clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 237, as modified.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for Boys and Girls Clubs)

On page 23 line 16, increase the amount by $25,000,000.

On page 23 line 17, increase the amount by $6,000,000.

On page 23 line 21, increase the amount by $8,000,000.

On page 23 line 25, increase the amount by $5,000,000.

On page 24 line 4, increase the amount by $4,000,000.

On page 24 line 8, increase the amount by $3,000,000.

On page 26, line 14, decrease the amount by $25,000,000.

On page 26, line 15, decrease the amount by $6,000,000.

On page 26, line 18, decrease the amount by $8,000,000.

On page 26, line 21, decrease the amount by $5,000,000.

On page 26, line 24, decrease the amount by $4,000,000.

On page 27, line 2, decrease the amount by $3,000,000.

Mr. LEAHY. Mr. President, this is an amendment to restore funding for the Boys & Girls Clubs of America to their current fiscal year level. From my days as a prosecutor, throughout my career in the Senate, I have seen the great value of Boys and Girls Clubs. This is not a Democratic or Republican issue.

We have a responsibility to make sure that our children are safe and secure. I know firsthand how well Boys and Girls Clubs work and what top-notch organizations they are. When I was a prosecutor in Vermont, I was convinced of the great need for Boys and Girls Clubs because we rarely encountered children from these kinds of programs. In fact, after I became a U.S. Senator, a police chief was such a big fan of the clubs that he asked me to help fund a Boys and Girls Club in his district rather than helping him add a couple more police officers.

In Vermont, Boys and Girls Clubs have succeeded in preventing crime and supporting our children. The first club was established in Burlington 63 years ago. Now we have 20 club sites operating throughout the State in Addison, Chittenden, Orange, Rutland, Washington, Windham and Windsor Counties. There are also four new Boys and Girls Clubs in the works in Winooski, Brattleboro, Barre and Vergennes. These clubs will serve well over 10,000 kids statewide.

As a senior member of the Senate Appropriations Committee, I have pushed for more Federal funding for Boys and Girls Clubs. Since 1998, Congress has increased Federal support for Boys and Girls Clubs from $20 million to $85 million in this fiscal year. Due in large part to this increase in funding, there now exist 3,500 Boys and Girls Clubs in all 50 States serving more than 4 million young people.

Because of these successes, I was both surprised and disappointed to see that the President requested a reduction of $25 million for fiscal year 2006. That request will leave thousands of children and their Clubs behind. We cannot allow such a thing to happen.

Last year, Senator HATCH and I worked together to shepherd into law a reauthorization of Justice Department grants at $80 million for fiscal year 2006, $85 million for fiscal year 2007, $90 million for fiscal year 2008, $95 million for fiscal year 2009 and $100 million for fiscal year 2010 to Boys and Girls Clubs to help establish 1,500 additional Boys and Girls Clubs across the Nation with the goal of having 5,000 Boys and Girls Clubs in operation by December 31, 2010.

If we had a Boys and Girls Club in every community, prosecutors in our country would have a lot less work to do in the courtroom. Each time I visit a club in Vermont, I am approached by parents, educators, teachers, grandparents and law enforcement officers who tell me "Keep doing this! These clubs give our children the chance to grow up free of drugs, gangs and crime."

You cannot argue that these are just Democratic or Republican ideas, or conservative or liberal ideas—they are simply good sense ideas. We need safe havens where our youth—the future of our country—can learn and grow up free from the influences of drugs, gangs and crime. That is why Boys and Girls Clubs are so important to our children.

Across the Nation, Boys and Girls Clubs are preventing crime and supporting our children. My amendment will restore funding for the Boys and Girls Clubs of America to the fiscal year 2005 level of $85 million. It provides a full offset at $50 million split evenly for the Boys and Girls Clubs and for deficit reduction by, for example, closing corporate tax loopholes. It also expresses the sense of the Senate on the value of Boys and Girls Clubs in their mission to inspire and enable all young people, especially those from disadvantaged circumstances, to realize their full potential as productive, responsible and caring citizens.

Congress has authorized and appropriated increased levels of funding for the Boys and Girls Clubs of America in each of the last 8 years because of the clubs' proven role in discouraging youth gangs, drug abuse and youth violence. The budget resolution, following the President's lead, reduces funding for Boys and Girls Clubs by $25 million—from $85 million to $60 million—and completely ignores the 5-year authorization for the Boys and Girls Club grant program enacted by Congress and signed by the President in October 2004. A drop to $60 million in the coming fiscal year will likely result in an across-the-board decrease of 30 percent to club pass-thru grants, as well as a 30 percent cut to the overall increase in youth served. In connection with my amendment I have offered to substitute other offsets.

Mr. President, I urge the Senate to adopt the Leahy amendment to restore funding by $25 million for the 2006 fiscal year for the Boys and Girls Clubs of America. Our country's strength and ultimate success lies with our children. Our greatest responsibility is to help them inhabit this century the best way possible and we can help do that by supporting the Boys and Girls Clubs of America.

Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment be adopted.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 237), as modified, was agreed to.

Mr. LEAHY. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 262

Mr. GREGG. Mr. President, I send to the desk, on behalf of Senators GRASSLEY, BAUCUS, ENZI, and KENNEDY, an amendment and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for Mr. GRASSLEY, proposes an amendment numbered 262.

Mr. GREGG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate with respect to pension reform)

At the end of title V, insert the following:

SEC. ___. SENSE OF THE SENATE WITH RESPECT TO PENSION REFORM.

(a) FINDINGS.—The Senate finds the following:

(1) The rules for calculating the funded status of pension plans and for determining calculations, premiums, and other issues should ensure strong funding of such plans in both good and bad economic times.

(2) The expiration of the interest rate provisions of the Pension Funding Equity Act of 2004 at the end of 2005 and the need to address the deficit at the Pension Benefit Guaranty Corporation (referred to in this section as the "PBGC") demand enactment of pension legislation this year.

(3) Thirty-four million active and retired workers are relying on their defined benefit plans to provide retirement security, and a failure by Congress to reform the defined benefit system will place at risk the pensions of millions of Americans.

(4) Stabilization of the defined benefit pension system and the PBGC may require significant and structural changes in the Employee Retirement and Income Security Act of 1974 and the Internal Revenue Code of 1986, which must be undertaken in a single comprehensive set of reforms.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate conferees shall insist on the Senate position expressed in this resolution with respect to PBGC premiums.

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment be adopted.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 262) was agreed to.

Mr. GREGG. Mr. President, I yield to the Senator from Ohio.

AMENDMENT NO. 161, AS MODIFIED

Mr. DEWINE. Mr. President, amendment No. 161 is at the desk, with modifications.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. DEWINE], for himself and Mr. LEAHY, proposes an amendment numbered 161, as modified.

The amendment is as follows:

(Purpose: To increase funding for Child Survival and Maternal Health Programs)

On page 9, line 15, increase the amount by $76,000,000.

On page 9, line 16, increase the amount by $15,000,000.

On page 9, line 20, increase the amount by $34,000,000.

On page 9, line 24, increase the amount by $14,000,000.

On page 10, line 3, increase the amount by $7,000,000.

On page 10, line 7, increase the amount by $3,000,000.

On page 26, line 14, decrease the amount by $76,000,000.

On page 26, line 15, decrease the amount by $15,000,000.

On page 26, line 18, decrease the amount by $34,000,000.

On page 26, line 21, decrease the amount by $14,000,000.

On page 26, line 24, decrease the amount by $7,000,000.

On page 27, line 2, decrease the amount by $3,000,000.

Mr. DEWINE. Mr. President, today I join my friend and colleague, Senator LEAHY, in offering this amendment that would increase the funding level for the child survival and maternal health program to $400 million.

Basically, by voting for this amendment we will save many lives. It provides money for vaccinations, immunizations, and vitamins that will save lives around the world.

Mr. LEAHY. I join the Senator and urge adoption of the amendment.

Mr. CONRAD. Mr. President, we now have the DeWine amendment before us.

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 161), as modified, was agreed to.

PARITY ASSUMPTION

Mr. DOMENICI. Mr. President, I begin by complimenting my friend from New Hampshire and the Chairman of the Senate Budget Committee on a job well done. As the new Chairman, he has skillfully navigated a difficult course to produce the budget resolution before us today. Congratulations.

I also want to tell him that even though this is his first year as the Budget Committee chairman, he has handled the job like a seasoned veteran.

I would like to raise the issue of mental health parity as the Senate debates the FY 2006 Senate Budget Resolution.

It is my understanding the resolution before us assumes the revenue impact of enacting a mental health parity law at a cost of $1.5 billion over 5 years. However, I want to make sure that this is indeed the case because the assumption I just mentioned is not specifically referenced in S. Con. Res. 18. Rather, the overall revenue number is such that it assumes Congress will pass mental health parity legislation.

Mr. GREGG. I understand the concern of the distinguished senior Senator from New Mexico regarding mental health parity legislation and I would concur with my colleague's assessment. S. Con. Res. 18 does assume the revenue impact of enacting mental health parity legislation.

Mr. DOMENICI. I thank the distinguished Chairman for his consideration and explanation of this important matter.

ENERGY SAVINGS PERFORMANCE CONTRACTS

Mr. INHOFE. Mr. President, I would like to bring to the Budget Committee's attention a great program that saves the Federal Government both money and energy—it is called Energy Savings Performance Contracting or ESPC. Under this public-private initiative, the private sector upgrades our aging federal facilities and military bases with new energy efficient equipment, at no upfront cost to the government. The private sector is then paid back over time with the savings from the government's utility bills. The beauty of this program is that under the law, the energy savings must cover the project costs and also guarantee that there will be additional savings to the government, as codified per the Energy Policy Act of 1992:

H.R. 776

Energy Policy Act of 1992 (Enrolled as Agreed to or Passed by Both House and Senate)

SEC. 155. ENERGY SAVINGS PERFORMANCE CONTRACTS.

(a) IN GENERAL.—Section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287) is amended—

(1) by striking "The head" and inserting the following:

"(a) IN GENERAL.—(1) The head"; and

(2) by inserting at the end the following:

"(2)(A) Contracts under this title shall be energy savings performance contracts and shall require an annual energy audit and specify the terms and conditions of any Government payments and performance guarantees. Any such performance guarantee shall provide that the contractor is responsible for maintenance and repair services for any energy related equipment, including computer software systems.

"(B) Aggregate annual payments by an agency to both utilities and energy savings performance contractors, under an energy savings performance contract, may not exceed the amount that the agency would have paid for utilities without an energy savings performance contract (as estimated through the procedures developed pursuant to this section) during contract years. The contract shall provide for a guarantee of savings to the agency, and shall establish payment schedules reflecting such guarantee, taking into account any capital costs under the contract.

"(C) Federal agencies may incur obligations pursuant to such contracts in finance energy conservation measures provided guaranteed savings exceed the debt service requirements."

It's a win-win program for the government and taxpayers.

The problem is that under the current CBO budget scoring methodology, the entire contract cost is scored up front and there is no accounting for the guaranteed savings which are required by law. Since these guaranteed savings are not recognized, this program is scored as costing the government money when in reality this is not the case. The Office of Management and Budget views the program as budget neutral, and the program has strong support from the Administration.

This current scoring dilemma for the ESPC program has been problematic in the reauthorization of this valuable program. I respectfully ask that the Budget Committee work with the Congressional Budget Office to resolve this scoring problem for the ESPC program.

Mr. BINGAMAN. I want to thank the Senator from Oklahoma for raising this issue, and I will ask the Budget Committee staff to look into the scoring of the ESPC program with an eye towards accounting for the mandatory savings and thus resolving the matter.

IT/P4P RESERVE FUND

Mr. KENNEDY. Mr. President, I commend the chairman and ranking member of the Budget Committee for working with me, and with the chairman of the HELP Committee, as well as with the chairman and ranking member of the Finance Committee to include within the budget resolution a reserve fund to provide incentives for adoption of modern information technology to improve quality in health care and for performance-based payments that are based on accepted clinical performance measures that improve the quality of health care.

The goal of this fund is to allow for legislation to create a program through which incentives would be provided in the initial years of the program to encourage health care providers to enhance their use of information technology and improve quality. The fund would achieve deficit neutrality through the savings that will accrue to public programs through better use of information technology and higher quality care. The reserve fund thus requires deficit neutrality over the 5 years of the budget resolution.

It was the intent of all those Members who worked on this proposal to require the program to achieve deficit neutrality over the 5 years of the budget resolution, but not to require deficit neutrality in the initial year of the program or, on a year-by-year basis, in subsequent years. I ask the distinguished chairman of the Budget Committee whether what I have just described reflects their understanding of the intent of the program to be established in accordance with this reserve fund.

Mr. GREGG. Mr. President, the description of the intent of the reserve fund that my colleague from Massachusetts just provided also reflects my understanding and intent in supporting the inclusion of this fund. I believe the intent of the reserve fund would be satisfied by legislation reported by the HELP Committee or the Finance Committee that is not deficit neutral in the initial year or any other single year during fiscal years 2006 to 2010 but that otherwise complies with the conditions of the reserve fund. I do not intend to raise or support a budget point of order raised against such legislation on the basis that it is not deficit neutral in any particular year during fiscal years 2006–2010.

Mr. BAUCUS. Mr. President, the description of the intent of the reserve fund offered by my colleagues from Massachusetts and from New Hampshire also reflects my understanding of the intent of including this fund in the budget resolution. I commend the chairman and ranking member of the Budget Committee for their leadership in including this reserve fund in the Senate budget resolution. And I commend my colleagues from New Hampshire and Massachusetts and others for their willingness to work toward this signal of our bipartisan commitment to improving the quality and safety of health care in this country, and to addressing the problem of health care costs. These are critically important issues facing our nation today, and I look forward to continuing our bipartisan dialogue, making the best use of this important reserve fund, and working together on legislation to encourage the adoption of health information technology for quality improvement and to develop performance-based payment systems.

AMENDMENT NO. 204

Mr. BYRD. Mr. President, I voted in support of Senator SMITH's amendment to strike $14 billion in Medicaid cuts from the budget resolution and instead create a bipartisan Medicaid commission to study how to best reform the program.

Sound policy—not arbitrary budget cuts—should be the driving force for strengthening and improving the Medicaid program. A Medicaid commission could help foster a much-needed dialogue about how to take prudent steps to make this critical safety net stronger and sustainable in the long term.

More than 40 million Americans, including 300,000 West Virginians, rely on Medicaid. In West Virginia, the health care safety net—comprised of hospitals, nursing homes, home health agencies, physician offices, and community health centers—relies heavily on Federal Medicaid funding to care for the poor, disabled, and elderly.

If Medicaid funding is capped at an arbitrary funding level, states, such as West Virginia, will be left to shoulder the burden of increasing health care costs on their own. The health care needs of low-income people do not magically disappear just because there are fewer federal funds made available.

It is my hope that a bipartisan consensus of policies can be reached to best address the challenges confronting the Medicaid program. The passage of the Smith Amendment to establish a Medicaid commission is a constructive first step toward that goal.

AMENDMENT NO. 216

Mr. KERRY. Mr. President, on January 20, 2005, President Bush said in his Inaugural speech, "We will widen the ownership of homes and businesses. . . ." Two weeks later he turned around and submitted a budget that cut funding for the only agency dedicated to cultivating small business ownership in this country, the Small Business Administration. How much did he cut? 20 percent. This is nothing new. The President's track record is even worse. Since President Bush took office in 2001, he has reduced small business resources available through the SBA by 36 percent, the most of any government agency. You may not think the SBA is important, but, last year alone, through the SBA, more than 88,000 small businesses in this country got loans and venture capital, totaling more than $21 billion. A lot more than that, 1.5 million, turned to the SBA and its partners last year for management counseling so that they could start a business, keep their doors open. or expand their business. Think of the SBA next time you get ice cream from Ben & Jerry's, see a mother with a "boppy" baby pillow, take a road trip and see a Winnebago, send a package Federal Express, type on an Apple computer, or swing a Callaway golf club. All these companies were helped by the SBA. Where would these companies have been when they were shut out from financing if the SBA had not existed? Imagine the void in our economy without the taxes they generate and all the people without jobs if those companies didn't exist. SBA more than pays for itself.

The SBA is a good return on the investment for our country. As my colleague from Maine, Senator SNOWE, pointed out at our recent hearing on the SBA's fiscal year 2006 budget, the SBA's budget represents less than 3/100ths of a percent of all Federal spending. And a lot of that funding for the SBA supports emergency loans that help families and businesses when disaster strikes. We are all for fiscal responsibility, but cutting this resource that is so important to our economy is not responsible. Instead of weakening this resource, we should be maximizing it to leverage more businesses and creating more jobs.

Evidently my colleagues agree because tonight they agreed unanimously to adopt a bi-partisan amendment to restore $78 million to the SBA's budget for fiscal year 2006. Senator SNOWE and I both had our own amendments, but in the end we joined together so that we could get a win for small business. I thank the Chair for her cooperation and leadership.

My amendment would have restored $139 million to the SBA, including $42 million in fee relief for borrowers and lenders in the 7(a) Loan Guarantee program; $30 million for microloans and $20 million for microloan technical assistance; $5 million for PRIME; $24 million to restore funding New Markets Venture Capital that was unfairly and unwisely rescinded; $3.6 million for 7(j) contracting assistance to disadvantage small businesses; $2 million for Native American Outreach; $109 million for Small Business Development Centers; a combined $4 million for SBIR FAST and Rural Outreach; $7 million for SCORE; $5 million for the U.S. Export Assistance Centers; $2 million for Veterans Business Outreach; $16.5 million for Women's Business Centers; and $6.5 million for 65 procurement center representatives. That would have raised SBA's funding to $732 million, still far less than the $900 million provided to the SBA 5 years ago. It was a responsible and reasonable increase.

Nevertheless, to get things done, we must reach across the aisle and work together. So, as I said earlier, I joined my colleague of the Small Business and Entrepreneurship Committee, Chair SNOWE, to pass Senate amendment No. 216. It did not go as far as I would have liked, but it is still a big step in the right direction. As part of the compromise, Senator SNOWE agreed to include $5 million for the PRIME micro business program. The Snowe-Kerry compromise includes: $15 million for Microloan Technical Assistance, which the President recommended terminating; $1.91 million to fund $20 million in microloans, which the President recommended terminating; $5 million for the Program for Investment in Microentrepreneurs, PRIME, which the President recommended terminating. $3 million for the Small Business Innovation Research, SBIR, FAST Program, which the President recommended terminating; $1 million for the SBIR Rural Outreach Program, which the President recommended terminating; $21 million for Small Business Development Centers, increasing funding to $109 million overall; $10 million to fund procurement center representatives, PCRs, in order to hire 100 new representatives; $7.7 million for the HUBZone program, increasing funding to $10 million; $4.5 million for the Women's Business Centers Program, increasing funding to $16.5 million; $3.5 million for U.S. Export Assistance Centers, increasing funding to $5 million; $2 million for the SCORE program, increasing funding to $7 million; $750,000 for Veterans Outreach, increasing funding to $1.5 million; and $500,000 for the 7(j) contracting assistance program, increasing funding to $2.5 million.

These amounts are important to include in the RECORD so that the public knows our intentions. I thank my colleagues, Senators SNOWE, CONRAD, and GREGG, for their help and also their staffs. In advance, I ask my colleagues on the appropriations committee to match our requests.

AMENDMENT NO. 169

Mr. SANTORUM. Mr. President, the HIV/AIDS pandemic has reached staggering proportions. At the end of 2004, an estimated 40 million people were living with HIV/AIDS. Each year, 5 million more people become infected.

The United States has demonstrated important leadership fighting the AIDS epidemic. And this leadership is yielding results. At the end of 2004, an estimated 700,000 people in the developing world were receiving antiretroviral therapy. Many of these individuals were receiving treatment thanks to U.S.-supported bilateral and multilateral programs.

The President's budget request for fiscal year 2006 includes $2.9 billion for bilateral programs for AIDS, tuberculosis, and malaria. This amendment would maintain full funding for this component of the President's request.

The Global Fund to Fight AIDS, tuberculosis, and malaria is an important component of U.S. efforts, and supports approximately 300 projects in 130 countries. The United States was the first and remains the largest contributor to the Global Fund.

To balance the U.S. share and encourage contributions from other donors, the administration supported language in the U.S. Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 that links U.S. contributions to the Fund to the contributions of other donors.

Together with Senator DURBIN, I believe Congress should fulfill the commitment implied in the act by matching, on a one-to-two basis, the contributions of other donors. Through a mid-year review process, Congress and the administration should assess anticipated contributions to the Global Fund and ensure that U.S. contributions, at year-end, are at the appropriate one-to-two ratio, and that the U.S. does not exceed 33 percent of total contributions to the fund.

For fiscal year 2005, the Global Fund estimates it will renew $2.4 billion worth of effective programs that are already operating on the ground. The administration and the Global Fund Board have said that renewing existing grants should receive funding priority.

In order to cover one-third of renewals during fiscal year 2006, and to maintain the one-to-two funding match, the U.S. will need to contribute an additional $500 million above the President's request to keep well-functioning programs funded at a level of $800 million.

Senator DURBIN and I consider this number to be the necessary level of funding. Failing to renew grants could cut off life-saving treatments in proven programs.

Senator DURBIN and I firmly believe that funding the global fight against AIDS is a top priority. If adopted by the Senate, this amendment will ensure a level of $3.7 billion for international AIDS, tuberculosis, and malaria assistance, including $800 million for the Global Fund.

AMENDMENT NO. 238

Mr. LEVIN. Mr. President, for the second year in a row, the President proposes to completely eliminate the Advanced Technology Program, ATP. Last year, Congress wisely chose to fund the ATP program at $142.3 million. The bottom line is that the ATP promotes the development of new, innovative products that are made and developed in the United States, helping American companies compete against their foreign competitors and contribute to the growth of the U.S. economy.

I hope Congress will continue to fund this important program in fiscal year 2006. Doing so will help strengthen the technological and economic leadership of America's high technology manufacturing companies that is necessary for them to remain competitive in today's global marketplace. It will also help ensure that the most cutting-edge companies can continue to innovate, expand and create jobs.

My amendment expresses the sense of the Senate calling on the Senate Committee on Appropriations to make every effort to restore funding for the Advanced Technology Program in fiscal year 2006.

Continued ATP funding would encourage public-private cooperation and investment in economically important technology R&D. Through a cost-shared program, the ATP provides grants to support research and development of high-tech, cutting-edge technologies with commercial potential and societal benefits. The ATP focuses on improving the competitiveness of American companies and funds many research and development projects that have the potential to create broad-based U.S. economic benefits and that otherwise may not get developed or that would be developed too slowly to take advantage of market opportunities.

According to one study, the manufacturing sector, more than any other, helps to generate increased economic activity in other industries with every dollar of goods produced generating an additional $1.43 in economic activity in other industries or sectors.

According to the U.S. Department of Commerce, returns for the American people on the ATP, as measured from 41 of the 736 projects—just 6 percent of the portfolio—have exceeded $17 billion in economic benefits, more than eight times the amount invested in ATP.

Manufacturers' investment in innovation account for almost two-thirds of all private-sector research and development. This investment in turn leads to advances in other manufacturing sectors and spillover into nonmanufacturing activities in the United States.

ATP involvement accelerates the development and commercialization of new technologies. Time to market was reduced by 1 year in 10 percent of projects, by 2 years in 22 percent of projects, and by 3 years in 26 percent of projects.

The ATP program supports small business. Over 65 percent of ATP projects have been led by small businesses. This is exceptional given that small businesses lead in the creation of job growth and new technology advancement in our country.

ATP has received applications from 50 States and made awards to high technology businesses in 40 States plus the District of Columbia.

The Biotechnology Industry Organization, BIO, the Industrial Research Institute, the Alliance for Science and Technology Research in America, and the American Chemical Society have expressed support for ATP.

Unfortunately, current funding levels do not meet the demand for ATP. Over 1,000 proposals submitted in 2002 alone yielded enough high quality projects to absorb the total funding available in both fiscal year 2002 and fiscal year 2003. Fiscal year 2004 saw the second highest number of applications for funding in ATP history, 870, but funding was available for only 59 awards.

The ATP is one of the few Federal programs available to help American manufacturers remain competitive in the global economy. This high octane economic development engine should be supported by Democrats and Republicans alike. If we want NIST to continue making these important job-creating ATP awards, we have to fund it.

According to the Bureau of Labor Statistics, nationally we have lost nearly 2.8 million manufacturing jobs since January 2001. In the face of these losses and strong global economic competition, we should be doing all we can to promote programs that help create jobs and strengthen the technological innovation of American companies. Supporting the ATP program is one way to do this.

AMENDMENT NO. 253

Mr. BAUCUS. Mr. President, I rise today to speak to an amendment with my good friend and colleague, Senator GRASSLEY, expressing the sense of the Senate on the High Intensity Drug Trafficking area, or HIDTA, program. My amendment assumes that the HIDTA program will be fully funded at $227 million in fiscal year 2006 and that the HIDTA program will remain with the Office National Drug Control Policy, ONDCP, where it was last authorized by Congress to be. Additional cosponsors are Senators LEAHY, BINGAMAN, MURRAY, and TALENT. I would also like to add Senators GORDON SMITH and DEWINE as cosponsors to this amendment. I thank my colleagues for their strong support.

I am proud to offer this much-needed amendment. The proposed budget would cut the HIDTA program by 56 percent, assuming only $100 million for HIDTA. The President's Budget also proposes to shift the program from ONDCP to the Organized Crime Drug Enforcement Task Force program within the Department of Justice. Both of these proposals could derail the highly successful HIDTA program.

As many of my colleagues know, methamphetamine is a powerful and highly addictive central nervous system stimulant that is associated with violence and crime. It can cause paranoia, aggression, and mood swings. The byproducts of making meth are highly toxic and flammable and require costly clean ups. They also endanger many children who are exposed when their parents cook meth within the home. Since its inception in 1990, HIDTA has become one of the most effective and comprehensive programs we have to fight meth.

Specifically, a HIDTA designation provides states like Montana with increased resources, information and intelligence to fight methamphetamine use and production. The Federal funding and increased cooperation among Federal, State and local law enforcement frees up state resources that allow, for example, the Montana Department of Justice to better support Montana's rural communities. It provides law enforcement officials with new technology to coordinate their efforts at the local, State, and Federal level.

Montana fought hard and successfully to join the Rocky Mountain HIDTA in 2002. Since that time, Montana has successfully cut the number of meth labs it busts in half. I have been told by law enforcement across my State that the proposed cuts to HIDTA, combined with cuts proposed by the President to other Justice assistance programs like the Byrne and COPS programs, would be a disaster for Montana. It would effectively end drug enforcement in rural Montana and would set the clock back years in our efforts to fight the rapid spread of meth in our state.

Yesterday, I was proud to cosponsor and support Senator STABENOW's amendment to restore funding for our first responder programs, Byrne and COPS. Sadly, that amendment failed. I also proudly supported Senator BIDEN's amendment to fully fund the COPS program. That amendment unfortunately also failed. We must do everything we can to make sure these programs survive and so far Congress is not holding up their end of the bargain.

Although my amendment specifically focuses on the HIDTA program, let me list again what the Montana Board of Crime Control has told me would happen to Montana if the President's fiscal year 2006 budget is enacted:

1. Montana will lose its multi-jurisdiction drug enforcement capacity, including seven multijurisdictional drug task forces. This means that already stretched local law enforcement agencies will have to do what they can to address drug enforcement at the local level, without broader support from the drug task forces.

2. Montana will lose 33 drug enforcement offices throughout the State.

3. Montana will experience a significant increase in drug availability, manufacturing and trafficking and drug-related crime.

4. Montana would experience an increase in clandestine labs that manufacture methamphetamine.

5. Montana would experience a reduction in the amounts of illegal drugs and guns removed from our communities.

6. Montana would experience the elimination of funds for rural law enforcement agencies' manpower, equipment and training.

Again, the above scenario is only the tip of the iceberg. The manufacturing, trafficking, drug addiction and crime will have a ripple effect throughout the State in our public health and correction systems and the courts, negatively affecting public safety and the quality of life in Montana and across the United States.

As the findings in the Baucus-Grassley amendment explain, the HIDTA program encompasses 28 strategic regions, 355 task forces, 53 intelligence centers, 4,428 Federal personnel, and 8,459 State and local personnel. In 2004, HIDTA efforts resulted in disrupting or dismantling over 509 international, 711 multi-State, and 1,110 local drug trafficking organizations. In 2004, HIDTA instructors trained 21,893 students in cutting-edge practices to limit drug trafficking and manufacturing within their areas.

The HIDTAs are successful drug enforcement coalitions that include equal partnership among Federal, State, and local law enforcement leaders. This is what Congress created the HIDTA's to do—to provide coordination of drug enforcement efforts in critical regions of the country. That's why full funding for the HIDTA's is so important, and that's what the first part of the Baucus-Grassley sense of the Senate addresses—assuming that Congress will fully fund the HIDTA program at fiscal year 2005 levels.

The second part of the Baucus-Grassley Sense of the Senate on HIDTA would address the administration's decision to shift the HIDTA program from ONDCP to the Organized Crime Drug Enforcement Task Force, OCDETF, program within the Department of Justice. Moving the program from ONDCP to OCDETF is a mistake. The OCDETF program has a different mission and purpose than ONDCP and the HIDTA's. The HIDTA program has worked well at ONDCP and is a complement to the OCDETF mission. I do not understand why the Administration would want to shift it from its Congressionally authorized home within ONDCP.

Montana law enforcement tell me that moving the HIDTA program to OCDETF will do nothing to improve law enforcement capabilities and will undermine the unique partnerships and innovation that the HIDTA program has helped to create nationwide and that have been so successful in curbing the spread of meth in Montana. HIDTA's are about coordination and collaboration. OCDETF is more centrally managed, with an assumed Federal lead, and with a focus on investigation and prosecution—an important mission, but not the same as the HIDTA mission. Additionally, according to the National Narcotics Officers Association, the vast majority of OCDETF's cases originate within HIDTA funded operational task forces. The current organization works; why change it?

I urge my colleagues to support this important amendment. I also hope that we can adopt one of the many amendments that would actually increase funding for all Justice assistance programs, like Byrne and COPS, but this amendment is an important step in the right direction.

AMENDMENT NO. 193

Mr. DODD. Mr. President, it had been my intent to offer an amendment No. 193, to S. Con. Res. 18, the FY 06, Congressional Budget Resolution, to fully fund the Help America Vote Act, HAVA, P.L. 107-252, by increasing discretionary spending in FY 06 by $822 million. This issue is too important, however, to be relegated to 30 seconds, or less, of debate, and so under the circumstances, I will not offer this amendment to fully fund HAVA today.

However, I want to serve notice to my colleagues, that Congress must act soon to provide funds to the States to finance the mandatory election reform requirements we imposed on the States in HAVA. If not, we will have created an unjustified and unfunded mandate on State and local governments and lost the opportunity to ensure that every eligible American voter has an equal opportunity to cast a vote and have that vote counted in the 2006 Federal elections.

The amendment was supported by a broad coalition of organizations representing the civil rights communities, voting rights groups, disabilities groups, and State and local governments, spearheaded by the Leadership Conference on Civil Rights and the National Association of Secretaries of State. I am grateful to LCCR and NASS for their consistent leadership in ensuring that Congress, and the President, fulfill our commitment to fully fund the HAVA reforms. I applaud the non-partisan work of the LCCR/NASS Coalition and look forward to continuing to work with them to see this commitment come to fruition.

No civil right is more fundamental to the vitality and endurance of a democracy of the people, by the people, and for the people, than the people's right to vote. In the words of Thomas Paine, "The right of voting for representatives is the primary right by which other rights are protected." To ensure this right, Congress passed the bipartisan Help America Vote Act. At a time when we are spending millions of dollars to ensure the spread of democracy across the globe, we must also remember that building democracy and freedom for every American must begin at home. Ensuring that primary right to vote for all eligible American voters was the bipartisan goal of HAVA.

Nearly two and one-half years ago, the Senate overwhelmingly passed this bipartisan landmark legislation and on October 29, 2002, President Bush signed HAVA into law. At the White House signing ceremony, surrounded by a bipartisan group of Members, President Bush said in a brief speech, "When problems arise in the administration of elections, we have a responsibility to fix them . . . Every registered voter deserves to have confidence that the system is fair and elections are honest, that every vote is recorded and that the rules are consistently applied. The legislation I sign today will add to the nation's confidence."

I could not agree more with the President. However, for the second year in a row, while the President's budget assumes millions in funding for democratic elections in foreign countries, the President's budget assumes no funding for elections at home. Our shared bipartisan vision for HAVA as the vehicle to restore the nation's confidence in the results of our elections cannot be realized without the promised funding to the States.

In the aftermath of historic elections in Iraq, it is critical that America take stock of our own decentralized elections systems. There is much we can learn from the Iraqi experiment in democracy that can strengthen the equal opportunity for participation of all Americans in our democracy. In light of the continuing barriers that Americans found at polling places across this Nation in November 2004, we cannot fail to fully fund HAVA. America's ability to promote free societies abroad is inextricably linked to our ability to promote, expand and secure Federal elections at home.

HAVA has been acknowledged as the "first civil rights law of the 21st century." For the first time in our Nation's history, Congress acknowledged the responsibility of the Federal government to provide leadership and funding to States and local governments in the administration of Federal elections. Congress required States to conduct Federal elections according to minimum Federal requirements for provisional balloting, voting system standards, and statewide voter registration lists, including new requirements to prevent voter fraud. Finally, Congress refused to impose an unfunded mandate on States by authorizing nearly $4 billion in payments to States over three fiscal years to implement the HAVA requirements and disability access services.

To date, Congress has appropriated over $3 billion for these purposes and States are currently in varying stages of implementing HAVA requirements to meet the pending 2006 effective date. But Congress has failed to fully fund HAVA and as a consequence, there remains a $822 million shortfall in Federal funds. In addition to the $600 million authorized in FY 05, but not appropriated, Congress has underfunded HAVA by an additional $222 million for a total of $822 million.

To remedy this, the amendment I intended to offer would have increased function 800 by $727 million in BA in FY 06 for election reform requirements payments to the States, and increased function 500 by $95 million in BA in FY 06 to fund election reform disability access payments to the States. The amendment was fully offset by adjusting the reconciliation savings assigned to the Finance Committee in order to allow for the closing of corporate tax loopholes and provided additional deficit reduction in an equivalent amount in the amount of $822 million.

The absence of these funds will at best impede, or at worst stop, statewide election reforms for the 2006 Congressional elections, the 2008 Presidential elections, and beyond. According to a letter issued by the LCCR/NASS Coalition in support of my amendment, State and local governments cannot enact the requirement reforms on time without full Federal funding. The coalition letter states, in pertinent part: "Without full federal funding, state and local governments will encounter serious fiscal shortfalls and will not be able to afford complete implementation of important HAVA mandates."

Similarly, the National Association of Counties, NACO, in a letter dated March 17, 2005, noted that a recent NACO report "demonstrates that the funds counties have received so far for implementation of the Help America Vote Act are clearly insufficient." The letter goes on to conclude that HAVA has "clearly become an unfunded mandate on the nation's counties."

Some have expressed concerns that States do not need additional Federal funding, nor should Congress appropriate additional funding, because States still have millions in unspent HAVA funding. This argument is contrary to both the law and the facts. As a matter of law, HAVA does not require States to spend Federal funding by a date-certain within any fiscal year. To the contrary, HAVA merely requires States to comply with specific Federal requirements by certain effective date deadlines, depending upon the timing of the first Federal election in that State. Since the time, place and manner of Federal elections may differ from state to state, HAVA accommodates the diversity of state circumstances by ensuring that States could retain Federal funding without making premature obligations or expenditures and without threats of a Federal recoupment of such funds.

Similarly, HAVA did not mandate a "one-size" fits all approach to how States will implement the HAVA requirements or other election reforms. As a result, HAVA contains a savings clause requiring that Federal funds remain available until expended pursuant to 42 USC 15462. As a matter of fact, while some States have unspent HAVA dollars today, it is also a fact that all States are in varying degrees of compliance with HAVA, including enacting state implementing legislation, establishing certain processes such as administrative complaints procedures, contacting or obligating funds for new or retro-fitted voting systems, or otherwise enhancing any number of election-related programs and procedures to improve state-based election administration. At this time, there does not appear to be any State that is fully compliant with HAVA and that also has a significant surplus of funds.

Moreover, the most important requirements in the Act do not have to be implemented by the States until the first Federal elections on or after January 1, 2006. Also, because of the delay in the issuance of the voluntary voting system standards by the Election Assistance Commission, some States have delayed purchases of voting systems and technology until that guidance is issued. Consequently, such States have unexpended funds.

However, that does not lessen the critical need for full funding in fiscal year 2006. Although the FY 06 funds will not be available to the States until October 1, 2005, just 3 months before some States must have these requirements in place, States will be able to issue contracts, obligate funds for programs, and otherwise fully implement real election reforms if Congress signals its intent to provide these necessary funds.

After the concerns raised by the November 2000 general election, Congress made a commitment to the States, and to the voters of this Nation, that we would be a full partner in the conduct of Federal elections. While Congress accomplished much with the passage of HAVA, 4 years later in the November 2004 general election, voters faced many of the same barriers in different forms and new barriers to voting that HAVA promised to remove. After the 2000 November elections, Americans recognized that real election reform changes must be made to ensure the integrity and security of our democracy. We can do better and we must do better. Full Federal funding is critical to ensuring that America will do better.

HAVA began a new era in election law—one where the Federal Government is a supporting partner to help State and local governments, in conjunction with civil rights, voting rights and disability rights organizations, to conduct fair, free and transparent elections in our Nation. HAVA is our collective promise to the American people to fix the problems in our Federal elections.

If we fail to honor our commitment now and provide the States with only partial funding, we may jeopardize the opportunity of the States to implement the most historic and comprehensive election reforms in American history and may ensure that the public's confidence was misplaced in Congress. Full Federal funding is critical to ensuring the integrity and security of Federal elections and the confidence of the American people in the final results of those elections.

It is time to fulfill that promise and we must do so yet this year.

I ask unanimous consent that a letter issued by the coalition of organizations spearheaded by the Leadership Conference on Civil Rights and the National Association of Secretaries of State dated March 8, 2005 and a letter issued by the National Association of Counties, dated March 17, 2005, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAKE ELECTION REFORM A REALITY; FULLY FUND THE "HELP AMERICA VOTE ACT"

DEAR SENATORS: We, the undersigned organizations, urge you to support full funding for the Help America Vote Act of 2002 (HAVA) and include $822 million in the upcoming FY06 Senate Budget Resolution. This figure represents the authorized HAVA funds that remain unappropriated.

HAVA, which passed with overwhelming bipartisan support, includes an important list of reforms that states must implement for federal elections. State and local governments have been working on such reforms as improving disability access to polling places, updating voting equipment, implementing new provisional balloting procedures, developing and implementing a new statewide voter registration database system, training poll workers and educating voters on new procedures and new equipment.

To help state and local governments pay for these reforms, HAVA authorized $3.9 billion over three fiscal years. To date, Congress has generously appropriated $3 billion between FY03 and FY04. Unfortunately, while HAVA authorized funding for states for FY05, none was appropriated. The states and localities need the remaining authorized funding to implement the requirements of HAVA, and the federal EAC needs to be fully funded to carry out its responsibilities as well.

States and localities are laboring to implement the requirements of HAVA based on a federal commitment that HAVA would not be an unfunded mandate. State officials have incorporated the federal amounts Congress promised when developing their HAVA implementation budgets and plans. Without full federal funding, state and local governments will encounter serious fiscal shortfalls and will not be able to afford complete implementation of important HAVA mandates. According to a state survey, lack of federal funding for HAVA implementation will result in many states scaling back on their voter and poll worker education initiatives and on voting equipment purchase plans, both of which are vital components to making every vote count in America.

We are thankful that you have seen the importance of funding the work of the Election Assistance Commission in FY06. States, localities and civic organizations look forward to the work products from the EAC that will aid in the implementation of HAVA, e.g., voting system standards, statewide database guidance, and studies on provisional voting, voter education, poll worker training, and voter fraud and voter intimidation.

We thank you for your support of funding for the Help America Vote Act, and we look forward to working with you on this critical issue. Should you have any questions, please contact Leslie Reynolds of the National Association of Secretaries of State at (202) 624-3525 or Rob Randhava of the Leadership Conference on Civil Rights at (202) 466-6058, or any of the individual organizations listed below.

Sincerely,

Organizations Representing State and Local Election Officials

Council of State Governments.

International Association of Clerks, Recorders, Election Officials and Treasurers.

National Association of County Recorders, Election Officials and Clerks.

National Association of Counties.

National Association of Latino Elected and Appointed Officials Educational Fund.

National Association of Secretaries of State.

National Association of State Election Directors.

National Conference of State Legislatures.

Civil and Disability Rights Organizations

Advancement Project.

Alliance for Retired Americans.

American Association of People with Disabilities.

American Federation of Labor—Congress of Industrial Organizations.

Asian American Legal Defense & Education Fund.

Asian Pacific American Labor Alliance, AFL-CIO.

Asian Pacific American Legal Center.

Association of Community Organizations for Reform Now.

Brennan Center for Justice at NYU School of Law.

Common Cause.

Dēmos: A Network for Ideas & Action.

FairVote: The Center For Voting and Democracy.

Hadassah, the Women's Zionist Organization of America.

Jewish Council for Public Affairs.

Lawyers' Committee for Civil Rights Under Law.

Leadership Conference on Civil Rights.

League of Women Voters.

NAACP Legal Defense & Educational Fund, Inc.

National Asian Pacific American Legal Consortium.

National Association for the Advancement of Colored People.

National Coalition on Black Civic Participation.

Project Vote.

Public Citizen.

United Auto Workers.

United States Student Association.

U.S. Public Interest Research Group.

NATIONAL ASSOCIATION OF COUNTIES,
Washington, DC, March 17, 2005.

Hon. MITCH MCCONNELL,
U.S. Senate,
Washington, DC.
Hon. BOB NEY,
House of Representatives, Washington, DC.
Hon. CHRISTOPHER DODD,
U.S. Senate, Washington, DC.
Hon. STENY HOYER,
House of Representatives, Washington, DC.

DEAR SENATORS MCCONNELL AND DODD AND REPRESENTATIVES NEY AND HOYER: On behalf of county officials across the nation, I would like to reiterate our appreciation for your efforts on behalf of counties in the development of the Help America Vote Act of 2001. As you remember, NACo and other organizations representing state and local government officials supported the Help America Vote Act based on an assumption that the federal government would meet numerous deadlines set forth in the legislation and would provide the full authorized level of funding. Thanks to your leadership, sufficient funding was provided in fiscal years 2003 and 2004. However, no funds were provided for FY 2005 and total funding for the Help America Vote Act remains more than $800 million short of the authorized amount.

Attached is an excerpt from a recent report of the National Association of Counties that demonstrates that the funds counties have received so far for implementation of the Help America Vote Act are clearly insufficient. This excerpt, from a recent snapshot survey conducted by the National Association of Counties on the costs that counties have identified for compliance with unfunded federal mandates, shows that the Help America Vote Act has clearly become an unfunded mandate on the nation's counties.

This funding shortfall is a particular burden for counties because the federal government did not live up to its commitment to issue federal voting systems standards by January 1, 2004. These standards are not expected until later this year; the delay is creating uncertainty surrounding compliance with HAVA and is driving up costs for many counties. We look forward to working with you and your staff to secure additional funding and assist counties in meeting the deadlines in the Help America Vote Act.

Sincerely,

LARRY NAAKE,
Executive Director.

EXCERPT FROM UNFUNDED MANDATES: A SNAPSHOT SURVEY

A report issued in March 2005 by the National Association of Counties based on a snapshot survey conducted during a two-week period from January 26 through February 11, 2005. The full report provides a snapshot of the continuing unfunded mandates burden facing counties on the tenth anniversary of the Unfunded Mandates Reform Act.

HELP AMERICA VOTE ACT

The Help America Vote Act requires most counties in the nation to purchase new voting equipment that permits all voters to cast a secret ballot regardless of disability. The accelerated timetable nationwide and lack of federal standards are driving up the cost for counties to purchase equipment. In addition, counties are working in cooperation with the states to merge existing voter registration databases into a statewide list and to implement new voting procedures, such as provisional ballots.

Thirty six provided information on their costs related to the Help America Vote Act. The counties who responded represent a broad mix of states that have moved forward with reform, those that are nearing compliance and those have not yet budgeted for or issued contracts on voting equipment. Some of the figures that counties provided below do not include the full cost of purchasing voting equipment:

	2003	2004	2005	Population
Cochise County, AZ	$53,626.00	$48,390.00	$36,090.00	122,161
Butte County, CA	40,000.00	850,000.00	2,000,000.00	212,010
Colusa County, CA	3,050.00	9,590.00	46,350.00	19,678
Kern County, CA	5,000,000.00			713,087
Mesa County, CO	19,535.00	157,700.00	124,676	
Brevard County, FL		43,000.00	2,442,500.00	505,711
Escambia County, FL		344,663.00		295,886
Lee County, FL	6,200,000.00	100,000.00	300,000.00	492,210
Polk County, IA		20,000.00	750,000.00	388,606
Scott County, IA		3,500.00	200,000.00	159,414
Idaho County, ID	34,480.00	36,560.00	36,560.00	15,413
Hamilton County, IN			25,000.00	216,826
Lake County, IN			2,120,900.00	487,476
Sedgwick County, KS	44,700.00	29,600.00	29,350.00	462,896
Calvert County, MD		9,300.00	77,158.00	84,110
Anoka County, MN		793,178.00		314,074
Blue Earth County, MN		55,000.00	56,650.00	57,306
Durham County, NC			5,000.00	236,781
Gaston County, NC			21,441.00	193,097
Northhampton County, NC			8,000.00	21,782
Richland County, ND		2,522.00		17,598
Rolette County, ND		7,931.77	0.00	13,732
Ward County, ND		22,225.00	2,825.00	56,721
Williams County, ND	2,368.38	17,757.27	5,000.00	19,316
Clark County, NY		997,566.00	131,825.00	1,576,541
Clermont County, OH			7,110.00	185,799
Montgomery County, OH		300,000.00	2,000,000.00	555,187
Chester County, PA	1,168,935.00	8,208,611.00	1,648,480.00	457,393
Monroe County, PA	10,000.00	44,000.00	45,000.00	154,495
County of Gloucester, VA	1,785.00	1,788.00	58,788.00	36,698
Fairfax County, VA	184,388.00	194,092.00	203,797.00	1,000,405
Prince George, VA		6,783.00	7,340.00	34,305
Kitsap County, WA		8,768.00		240,719
Greenbrier, WV			490,000.00	34,656
Monongalia County, WV		4,000.00		84,370

The highest cost was reported by Chester County, Pennsylvania, which spent in excess of $8 million of its own source revenue on HAVA compliance in FY 2004. Over the three-year period, the total cost for a family of four in Chester County is $96.42. Idaho County, Idaho, is spending $27.92 per family of four. Greenbrier County, West Virginia, is spending $56.56 per family of four in FY 2005. Montgomery County, Ohio, is spending $2.3 million for FY 2004–FY 2005, or $16.57 per person. Taxpayers in Butte County, California, are spending $54.53 per family of four to update their voting equipment over the three-year period and voters in Lake County, Indiana are paying $17.40 per family in FY 2005.

Notes and additions to the data:

Henrico County, Virginia has subsequently reported county funding for FY 2004 of $805,000 for the purchase of new voting equipment. The federal share of the total is $650,000: the state is providing $2 million. The registrar's office also anticipates spending $307,141 in the operating budget for FY 2005 for costs associated with the new voting machines.

The following explanations from individual counties are likely typical of county costs reported in the snapshot survey:

Scott County, Iowa has explained that their data includes $3,500 is a rough estimate of staff time used in the planning process that has not been reimbursed by state or federal funds. The $200,000 figure for FY 2005 is an estimate of the county share of the cost of new machines and software net of federal and state funds.

Polk County, Iowa has indicated that their figure for FY 2004 is associated with administrative costs such as reprinting forms. The figure for FY 2005 represents the county cost, less federal and state reimbursements, for the purchase of accessible voting equipment.

Clermont County, Ohio, has indicated that none of their reported costs are for the actual purchase of equipment. The entire figure is for administrative labor and travel associated with review of proposed equipment except for $300 for printing and processing of provisional ballots.

AMENDMENT NO. 253

Mr. GRASSLEY. Mr. President, I am pleased to rise today and join Senator BAUCUS and our colleagues in offering this Sense of the Senate resolution calling for full funding of the High Intensity Drug Trafficking Areas program.

In all areas the President proposes and Congress disposes, and the budget is no different. While I support the President's efforts to control Federal spending to address the budget deficit, I have concerns about how some of his proposals would affect law enforcement efforts to identify, arrest, and prosecute drug trafficking organizations selling their poison to our kids and grand kids. I think it is critically important that we not hinder their ability to protect citizens, especially from the dangers of drugs.

In particular, the proposal to transfer to the Department of Justice and reduce the funding for the High Intensity Drug Trafficking Areas program—also known as the HIDTA program—would have a major impact on drug enforcement efforts. With the continued growth of meth in Iowa and throughout the Midwest, we cannot afford to reduce programs designed to increase cooperation and coordination. Just as modern technology allows our businesses and our citizens to freely move around the country, the criminal element within the United States can take advantages of these same opportunities. That's why it is essential that they be able to work together, across jurisdictions, so that our laws against drug trafficking can be effectively enforced.

Congress provided the Office of National Drug Control Policy with the responsibility for the management—and effectiveness—of the High Intensity Drug Trafficking Areas program. For a relatively modest investment, Federal, State, and local law enforcement have tremendously benefitted from the increased information sharing and improved coordination that HIDTAs create. The task forces created through the HIDTA program can serve as models for initiatives against terrorism, money laundering, and other modern threats to civil society.

This amendment is consistent with the views expressed by the Budget Committee. It is consistent with the views expressed in the legislation introduced last year to reauthorize the Office of National Drug Control Policy.

I hope that all of our colleagues will join us in supporting this amendment.

AMENDMENT NO. 197

Mr. DEWINE. Mr. President, I rise today to join Senator ALLEN in urging the Senate to adopt budget language reinforcing our Nation's commitment to vital aeronautics research. For decades, the National Aeronautics and Space Administration has conducted a wide array of aeronautics research programs that have helped ensure our economic and military security and revolutionize the way we travel. NASA's work in aeronautics has captured the spirit of the Wright Brothers, spawning generation after generation of progress. The amendment before us, which I am cosponsoring, will help make certain that progress continues for many years to come.

Members of this body, including me, will fly to their home states later today or tomorrow when we have completed the budget, and when we do, we will benefit from countless innovations first developed in NASA aeronautics programs over the years—efficient jet engines, safe and secure air traffic control networks, advanced de-icing technologies, and so on.

The impact of NASA's work is indeed widespread. The U.S. aviation industry supports over 11 million jobs and contributes $1 trillion in economic activity. Our airlines carry 750 million passengers per year, with that number expected to grow to a billion within 15 years. We ship 52 percent of our exports by air, and in fact, the aviation industry contributes more to the U.S. balance of trade than any other domestic manufacturing industry.

Today we are at grave risk of losing the staff, facilities, and expertise necessary to continue the long history of NASA's aeronautics research programs. We are at risk of essentially allowing the first "A" in NASA—the one that stands for aeronautics—to die over the next several years. What a tragedy that would be for the traveling public, for our aviation industries, for our military, and really for our entire economy.

The budget we have before us does not contain specific references to aeronautics funding. Nonetheless, we know of NASA's plans for aeronautics from its fiscal year 2006 budget request. We know that the agency intends to reduce overall aeronautics funding by over 17 percent from fiscal year 2004, dropping another 12 percent by 2009. That is nearly one-third in just 5 years.

The cuts are even more severe within the "vehicle systems" account—the portion of NASA's aeronautics program that focuses on making aircraft safer, faster, quieter, more fuel efficient, and dynamic. NASA has announced its intention to cut over 28 percent of its budget in this area relative to fiscal year 2004, with plans to eventually cut even deeper in the out years. What will the practical consequences of these cuts be?

For starters, the cuts mean that all subsonic and hypersonic research will be terminated. This is the research that focuses on designing stronger airframes and better turbine engines—technologies that with just a little work can be taken from the lab and applied directly to functional aircraft, whether commercial or military. As a result, domestic aircraft and engine producers will lack the ability to draw on a body of solid pre-competitive research, while competitors abroad benefit from well financed efforts, such as the European Union's "Vision 2020" aeronautics program. Ultimately, the consequence may be the loss of our longstanding global leadership in civil aviation and all the economic benefits that flow from that leadership.

Second, many of the facilities necessary to design and test new aeronautics technologies will likely be closed as a result of budget shortfalls. Wind tunnels and propulsion test facilities are used by government, academia, and industry—often on a pay-for-use basis—and require minimal funding to maintain. A recent RAND National Defense Research Institute determined that over 84 percent of these NASA facilities serve strategic national needs, and concluded that the success of the U.S. aerospace industry "relies on our workforce and test facility infrastructure . . . and will continue to need to predict airflow behavior over a range of designs." If we allow wind tunnels and propulsion labs to close, there will, in fact, be no way to serve these needs.

So these proposed aeronautics cuts are a double threat to the U.S. aviation industry: On the one hand, they get NASA out of the business of subsonic research, and on the other, they may well lead to the closure of the very facilities industry and academia would need to replace that research. There would, of course, be consequences for cross-cutting technologies used by the military and for the scores of Americans employed in these areas. On balance, the overall long-term impact would be devastating.

Instead of focusing on these subsonic and hypersonic aeronautics program areas, NASA intends to focus on "barrier breaking" flight demonstrations. These are exciting projects that involve UAVs and aircraft capable of quietly crossing the sound barrier, and they may pay off 15, 20, or 25 years down the road. By then, however, it could be too late for our aviation industry. The language offered by Senator ALLEN today addresses that fact head-on by restoring balance in NASA's aeronautics programs.

We need to step back and re-evaluate where we are with aeronautics research, where we want to be in 5, 10, 15 years, and make a commitment to do what it takes to get us there. A study specifically requested by Congress in the fiscal year 2004 omnibus appropriations bill mapping this course will be unveiled later this month by the National Institute of Aerospace. Just yesterday, the House Science Committee held an important hearing on the direction of aeronautics research.

There is movement on these issues, and we will have opportunities to define our goals as the year progresses. What Senator ALLEN is proposing to do is to say that we must keep all of our options open and our areas of expertise healthy until we are able to come to a conclusion between Congress, the administration, industry, academia, and really our Nation on what our direction will be. Senator ALLEN's language, in essence, ensures that our debate on how to approach aeronautics will not be over before it begins.

AMENDMENT NO. 220

Ms. COLLINS. Mr. President, the Lieberman-Collins amendment No. 220 provides $855 million to restore cuts to vital first responder programs in the Department of Homeland Security and the Department of Justice, and for port security grants. The amendment provides an additional $565 million for programs that support our first responders, including State homeland security formula grants, Urban Area Security Initiative grants, FIRE Act grants, SAFER grants, Emergency Management Planning Grants, and the Metropolitan Medical Response System. It would restore $140 million for community policing and local law enforcement efforts under the COPS and Byrne Grant programs. It would also provide $150 million for port security grants, ensuring at least the same amount of funding for the Nation's ports as last year.

AMENDMENT NO. 217

Mr. KOHL. Mr. President, I submitted an amendment to the budget resolution with Senator HATCH, Senator SPECTER, Senator BIDEN, Senator DEWINE, Senator LEAHY, and Senator BAUCUS to restore funding for juvenile justice and local law enforcement programs closer to last year's levels. Our amendment will increase funding for these programs funded by the Department of Justice by $500 million. Specifically, this money will add $173 million to the Office of Juvenile Justice and Delinquency Prevention, OJJDP, budget, $200 million for the Byrne Justice Assistance Grant Program and the COPS program, and $127 million to the High Intensity Drug Trafficking Area, HIDTA, program. The amendment accomplishes this by raising the functional total for the justice allocation by $500 million offset in function 920, which gives the Appropriations Committee the flexibility to design the exact offsets.

Let me briefly illustrate why we must put money back into these programs. Following the administration's lead, the Senate Budget Committee allocated $187 million to the OJJDP budget, which is about $173 million less than what we appropriated last year. I am particularly disturbed that the Senate budget resolution assumes complete elimination of the Juvenile Accountability Block Grant program, JABG, which received $55 million last year. JABG provides funding for intervention programs that address the urgent needs of juveniles who have had run-ins with the law.

The Budget Committee seems to feel that the JABG program is ineffective. An example from my home State of Wisconsin proves otherwise. Using Federal dollars from the JABG program, the Southern Oaks Girls School, a juvenile detention center outside of Racine, WI, built a new mental health wing to provide much-needed counseling services for the girl inmates. The administrator of this school cites a 56 drop in violent behavior since the new mental services have been offered. This is just one example of JABG's many successes, a record that supports keeping JABG alive and well-funded.

The same is true of title V Local Delinquency Prevention Program, the only Federal program solely dedicated to juvenile crime prevention. The Senate budget assumes a $50 million cut to title V, penny pinching now that will cost us dearly in the future. According to many experts in the field, every dollar spent on prevention saves three or four dollars in costs attributable to juvenile crime. And who can put a dollar value on the hundreds, even thousands of young lives turned from crime and into productive work and community life by the juvenile crime prevention programs supported by title V?

Following the President's lead, the Senate Budget Committee also drastically cuts the programs most important to state and local law enforcement. Congress appropriated a little more than $700 million last year in both discretionary and formula funds for the Byrne Justice Assistance Grant program. The budget before us assumes no funding for this program at all. Byrne grants pay for State and local drug task forces, community crime prevention programs, substance abuse treatment programs, prosecution initiatives, and many other local crime control programs.

Talk to any police chief or sheriff back in Wisconsin and they will tell you that the Byrne program is the backbone of Federal aid for local law enforcement. Do we really want to walk away from a program with more than 30 years of success supporting our local police chiefs, sheriffs, and district attorneys?

The COPS program is another victim of this budget. The budget assumes $118 million for the COPS program. That is down from $388 million last year. What is worse is that, within the COPS program, popular initiatives like the COPS Universal Hiring Program and the COPS Technology Grants Program are zeroed out entirely. We should remember that just 3 years ago, the overall COPS program received more than a billion dollars. Of that amount, $330,000,000 was for the hiring program that helped provide police officers for towns in Wisconsin like Ashland and Onalaska. Another $154,000,000 was for the COPS technology program that helped fund critical communications upgrades in cities, like Milwaukee and Madison and many other cities, not only in Wisconsin, but across the Nation.

Almost 3 years ago, I asked Attorney General Ashcroft him why the COPS program was being cut. He answered that that the COPS program was a "good thing", that it "worked very well" and that it had been one of the "most successful programs" we have ever had. I call on the Senate to heed our former Attorney General's words and restore funding for COPS in our budget.

Finally, The Senate budget assumes cuts in the High Intensity Drug Trafficking Areas, HIDTA program from $227 top $100 million. The HIDTA program is a vital collaboration between Federal, State and local law enforcement to combat drug trafficking through intelligence-gathering and cooperation. This proposed cut in the overall HIDTA program threatens the future of smaller HIDTAs like the one in Milwaukee, a program that has been extremely successful in stemming crime.

The downward spiral of juvenile justice and local law enforcement funding is a disturbing budget trend with ugly real world implications. As a result of the Byrne, COPS, JABG, HIDTA and title V programs, we have enjoyed steadily decreasing crime rates for the past decade. But, if we do not, at a minimum, maintain funding for crime fighting, we cannot be surprised if crime again infests our cities, communities, and neighborhoods.

The budget assumes more than $1.2 billion will be cut from what it would take to fully fund OJJDP, the Byrne Grant Program, COPS, and HIDTA at last year's level adjusted for inflation. We restore $500 million of that, not enough to make these important crime fighting programs whole, but enough to keep them functioning and working to keep our communities and families safe. Though some of us would prefer an even higher increase, my amendment represents a step in the right direction. I urge my colleagues to support this amendment.

AMENDMENT NO. 214

Mr. KOHL. Mr. President, I rise today in strong support of the Snowe-Wyden amendment. I am proud to cosponsor this amendment to allow the Secretary of Health and Human Services to negotiate for the lowest prescription drug prices in Medicare.

Americans pay the highest drug prices in the world. Americans pay, on average, two-thirds more than the Canadians, 80 percent more than the Germans, and 60 percent more than the British. While drug companies argue that they need high prices in America in order to fund research and development for new drugs, drug companies spend more on marketing, advertising, and administration than they spend on research.

Our seniors deserve a Medicare prescription drug benefit that gets the best prices for their medication. But the Medicare prescription drug law actually prohibits the Federal Government from negotiating with drug companies for lower prices. This is a missed opportunity and a waste of taxpayers' dollars.

In light of the growing concerns over the rising cost of this benefit—$57 billion more than originally expected—every effort should be made to save our seniors and taxpayers dollars.

This amendment requires the Secretary of Health and Human Services to use the tremendous purchasing power of the 41 million Medicare beneficiaries to assist the private drug plans in getting the lowest price for seniors. The savings provided by this amendment would go to pay for deficit reduction.

I urge my colleagues to support this commonsense effort to lower prescription drug prices and reduce the deficit.

AMENDMENT NO. 172

Mr. KOHL. Mr. President, I rise today in strong support of the Harkin amendment. I am proud to be a cosponsor of this amendment, which preserves funding for Perkins career and technical education for the next 5 years. While the Administration has determined that Perkins is ineffective, I rise today to defend Perkins and highlight its proven effectiveness in my home State of Wisconsin.

Perkins provides over $24 million in education and job training to Wisconsin students. These funds are allocated between the Wisconsin Technical College System and the Wisconsin Department of Public Instruction.

Over the past 5 years, 97 percent of Wisconsin's high schools have participated in the federally funded Perkins career and technical education programs. This includes over 98 percent of 11th and 12th grade students, as well as secondary special students in the State. As the result of this investment in career and technical programs, 96 percent of Wisconsin students completing high school career and technical education programs graduate, compared to the State's overall graduation rate of 91 percent.

The Wisconsin Technical College System and its 16-member colleges receive $13 million in Perkins funding to reach 25,000 students statewide. Students who qualify for Perkins-funded services are those most in need of assistance to ensure their future success in the workforce. Many are academically and economically disadvantaged. Some have disabilities, are single parents or have limited English proficiency. These students are provided counseling, disability support services, services related to increasing students enrolled in non-traditional occupations, remedial instruction, and transition services that help students successfully move from K–12 education to technical colleges and from technical colleges to the workforce.

Our technical colleges have demonstrated success helping their students meet these unique challenges. Six months after graduation, 91 percent of graduates are employed with an annual median salary of over $30,000. Five years after graduation, 97 percent are employed making nearly $36,000 a year. These graduates positively contribute to their communities and meet the needs of local businesses.

The loss of Perkins funding would significantly weaken our Nation's educational quality and economic competitiveness. This amendment is fully offset and provides deficit reduction. I urge my colleagues to support Senator HARKIN's amendment to ensure that students in Wisconsin and elsewhere continue to benefit from Perkins to compete in the 21st century economy.

Mr. SARBANES. Mr. President, I was pleased to join with my colleague Senator CHAFEE in sponsoring a sense of the Senate resolution which sought to restore the Clean Water State Revolving Funds to the fiscal year 2004 enacted level of $1.35 billion.

For the past 2 years, Senators CRAPO, JEFFORDS, and I, along with other Members of this body, have offered successful amendments to the budget resolution on the Senate floor seeking to boost funding for this program from $1.35 billion to $3.2 billion.

Unfortunately, these amendments were not accepted by the conference committee for fiscal year 2004, and there was no budget resolution in fiscal year 2005.

There is a tremendous need for increased funding for wastewater treatment infrastructure improvements throughout the country. As we underscore in this resolution, in 2002 the Congressional Budget Office estimated a spending gap for clean water needs between $132 billion and $388 billion over 20 years. This year we are proposing a very modest amendment simply to hold the line.

All States will be affected by the President's proposed cut in spending, a cut of 33 percent from the fiscal year 2005 enacted funding and a cut of 46 percent from the 2004 enacted level.

This cut will have a devastating impact on the ability of States and communities to continue upgrading their wastewater infrastructure and to meet the requirements of the Clean Water Act.

This request to restore the funding has broad bipartisan support: 41 Senators joined me in a letter seeking this restoration.

Americans overwhelmingly believe that clean and safe water should be a national issue and a national priority. Protecting our Nation's water is an essential Federal role, not just a State and local responsibility.

In a recent poll, nearly three-quarters of Americans agreed that "clean and safe water is a national issue that requires dedicated national funding." More than two-thirds think Federal spending to ensure clean and safe water is more important than tax cuts. Across the Nation, our wastewater systems are aging. Some systems currently in use were built more than a century ago and have outlived their useful life.

Many communities cannot meet water-quality goals with their current systems. The American Society of Civil Engineers recently released its 2005 Report Card for America's Infrastructure and gave Wastewater systems a D minus, down from a D 2 years ago.

Obviously, I would like to see a significant increase in these clean water State revolving funds, which have been a highly effective means for improving wastewater treatment for communities across the Nation. However, at a minimum, I urge a simple restoration of the funding to the 2004 enacted level.

Mr. GRASSLEY. Mr. President, my colleague, Senator ENZI, and I filed our amendment dealing with the defined benefit plan reform proposals in this budget. The amendment provides the necessary flexibility with respect to revenues and outlay savings between our two committees.

Unfortunately, a last-minute objection from staff on the other side sidetracked our amendment. We will pursue this amendment in the conference on the resolution.

VOTE EXPLANATION

Mr. PRYOR. Mr. President, yesterday I inadvertently missed a vote on an amendment to increase funding for AMTRAK by $1.4 billion. The amendment would have been paid for by closing corporate tax loopholes. If I were present I would have voted yea.

AMTRAK is important to Arkansas. By shifting the AMTRAK funding burden to States we are doing a real disservice to those people in rural America who rely on rail service. And without adequate assistance, I fear we will witness a rapid decrease in Amtrak's performance and infrastructure, and the end of rail service for my State.

I think it should be a goal of AMTRAK to achieve economic viability and I am open to discussions on how best to achieve that goal. But in this budget we should not ignore their funding needs or the needs of our rail passengers and State and local governments. I commend Senator ROBERT BYRD for this amendment and I regret having inadvertently missed this vote.

VOTE EXPLANATION

Mr. LIEBERMAN. Mr. President, had I been present for vote number 66, amendment No. 230 sponsored by Senator COLEMAN, to restore funding for Community Development Block Grants and other programs, I would have voted in favor of the amendment.

Due to the rapid scheduling of amendments at this time, I was unable to be here for that vote. However, my position with respect to CDBG funding is crystal clear. In fact, I was a cosponsor of the Sarbanes amendment to restore CDBG funding, which unfortunately failed on a 50–50 vote.

Although I preferred the offset in the Sarbanes amendment, I nonetheless would have voted for the Coleman amendment as well. CDBG provides critical funds to many communities in my State. It is one of the Federal Government's most effective neighborhood privatization programs. I am please that the Coleman amendment passed this body today, and I will continue to work in the Senate to ensure that the President's proposed cuts are not enacted into law.

Mr. BUNNING. Mr. President, I rise today to express my support for the Budget resolution before us.

Let's start with the revenue reconciliation instructions. We have already seen many amendments to raise taxes and I am sure we will see more. But there is another tax increase on the horizon. I am referring to the tax increase our constituents will feel in their pocketbooks and wallets if we fail to extend current tax law.

The so-called "tax cuts" the other side keeps referring to is really nothing more than just keeping current tax law. There are over 40 provisions that American families and employers have come to rely on that will expire at the end of this year if we do nothing.

The $70 billion in reconciliation that this resolution calls for is needed to prevent a massive tax increase. This is about provisions in current law that are important to our constituents and to our economy. We cannot afford to allow them to expire and therefore be raised.

Let's take a look at the items that the Finance Committee, which I serve on, will examine this year. There is the R&D tax credit. This is an important provision of the Tax Code that spurs innovation and new technologies and one that I and most others here support.

In fact, the bill introduced in the Senate in the last Congress to make this provision permanent had 40 cosponsors, including 22 Democrats. It will cost $7 billion to extend this provision alone for the 5 years of this budget.

Then there is the deduction for tuition expenses that will cost $10 billion to extend for 5 years. And we need to address the ability of taxpayers to deduct their State sales taxes from their Federal taxes. This will cost $2 billion for just 1 year.

We have a temporary, 1-year fix for the alternative minimum tax that will cost $30 billion.

Other items that expire this year include: the work opportunity and welfare-to-work tax credits, mental health parity, a provision regarding military pay and the earned income tax credit, a deduction for teachers who buy classroom supplies, the wind energy tax credit, oil and gas tax provisions, tax credit bonds for school renovations. I could go on and on.

Again, over 40 provisions in total will expire this year. Let me be clear, these are not new tax proposals. This is simply current law. If we do not extend these provisions we will cause a substantial increase in the tax bills of American families and businesses.

Our Finance Committee needs every cent of the $70 billion in the reconciliation instruction to make that happen. And that is even before we turn our attention to the dividends and capital gains tax provisions that have been important to our economy. I will push hard to extend these through the end of the budget window.

The amendments we have seen the last few days also deal with "closing tax loopholes" to get so-called "corporate cheats". I serve on the Senate Finance Committee and I can tell my colleagues that no one is more committed to closing tax loopholes than Chairman GRASSLEY.

In fact, the last tax bill we passed, the Jobs bill, had tens of billions of dollars in tax loophole closers. If any doubts that CHUCK GRASSLEY will take every opportunity to shut down tax cheats, then I suggest they go talk to him and look at the record on this issue.

And for the record, it has been a Republican Congress and President that has gone after these loopholes and tax cheats in the Finance Committee.

In addition to the over 40 tax extenders I referred to, we also have other priorities, such as the tax title of the Energy bill and charitable provisions in the Care Act. Charities do such important work in America and offer incredible compassion. They touch lives in ways the Government never can.

And if we want to be energy independent and less dependent on foreign sources, then we need to encourage the development of energy alternatives for the cleaner burning of fuels, such as clean coal technologies.

So I hope we can avoid getting caught in the rhetoric that calls the reconciliation instruction "unnecessary." It is absolutely necessary if we are to prevent a massive tax increase. And it is especially vital when our economy is showing real signs of continuing solid growth.

I also want to address some of the complaints that we have heard about the horrible so-called "cuts" in Medicaid spending that the president asked for and we assumed in this budget.

Medicaid spending is projected to grow $1.112 trillion in the next 5 years. The president's plan would call for a spending increase of $1.098 trillion over 5 years.

Notice that I said a spending increase of more than $1 trillion. That works out to an annual growth rate of 7.2 percent. On what planet is an increase of 7.2 percent a year a cut? Let's get honest about the complaints we are hearing. What we are hearing are complaints that an increase of 40 percent in 5 years is just too little. Think about that: 40 percent.

All we are asking of the Medicaid program, as we hand them a more than $1 trillion funding increase, is to cut out $14 billion in abuse and waste. I don't understand how anyone can say with a straight face that it is impossible to save less than 2 percent of the budget of any program over a 5-year period. It absolutely can be done. We just need to have the will to do it.

We absolutely must get a handle on entitlement and mandatory spending because the numbers are alarming. By 2030 Medicare, Medicaid and Social Security spending alone will be 13 percent of GDP. Unless we reform entitlement spending, we simply cannot continue on our current path.

This budget is a first step, a very small first step, toward beginning to address the entitlement spending that threatens to overburden our economy.

I support this budget before us. It recognizes the realities of our world with the need to limit spending and extend current tax law to create jobs and keep America on the road to economic recovery. I congratulate Chairman GREGG on crafting a strong budget and I urge my colleagues to support it.

Mr. HATCH. Mr. President, I rise to express my support for the concurrent budget resolution presently before the Senate.

I want to start by congratulating Senator JUDD GREGG, the new chairman of the Budget Committee, along with the other members of that committee, for accomplishing the difficult task of putting together and reporting to the Senate a budget resolution that begins to address our spending and deficit challenges in a modest yet significant way.

As with many of my fellow Utahns, I am very concerned about the large and persistent deficits with which our Federal Government still wrestles. I continue to hear from constituents who seem discouraged that the Government has not been able to find more success in bringing the budget into balance, particularly after the several years of surplus we enjoyed in the latter part of the last decade.

Many Utahns have written to me to express their concerns that this generation is leaving a huge and growing burden on our children and grandchildren, one that perhaps will be too onerous for them to bear. As a longtime advocate of fiscal responsibility in families and in Government, I understand and agree with these concerns. The deficit and the mountain of public debt owed by the Federal Government do matter, and will make life harder for Americans in the future.

And so, those of us from Utah share a collective frustration that this budget does not make more progress toward cutting the deficit.

As I examine the budget resolution, however, I am struck by the fact that we, as a nation, are still facing turbulent conditions that seem to defy our best efforts to control our fiscal destiny. As we get farther and farther from the monumental events of the early part of this decade that have shaped our current landscape in so many ways, perhaps it is becoming easier to think that things are slowly returning to normal in our country.

But we need to remember that this Nation is still at war, and we still face tremendous challenges in protecting our homeland from further terrorist attacks. These needs are paramount and eclipse even the importance of balancing the budget. This budget resolution reflects these facts and provides for increases, although a relatively modest 4.1 percent growth in defense and homeland security spending.

At the same time, the budget places a virtual freeze on the growth of the remainder of discretionary spending accounts. This is in stark contrast to recent years, where such spending has grown at a relatively high rate. I believe this nondefense/homeland security freeze is a very important feature of this budget. Even though this restraint is rather modest, it is being met with a great deal of concern from many who had hoped to see more growth in the programs that fall under this category.

The budget also makes some small progress in bringing mandatory spending under control. Over the 5-year budget period provided by this resolution, this type of spending growth is cut by $32 billion. Although this is just a fraction of the growth in entitlement spending projected over this period, it is significant that this budget represents the first attempt to cut mandatory spending growth since 1997.

The results of these changes on the deficit are not dramatic, but they are noteworthy. The President set a goal last year to cut the deficit for fiscal year 2004, which was $521 billion, or 4.5 percent of GDP, in half within 5 years. The budget resolution before us projects this goal being met in fiscal year 2008 with a deficit of $258 billion that year, and falling to $208 billion by 2010. In relative terms, the deficit is projected to be 1.8 percent of GDP by 2008 and just 1.3 percent by 2010. While still too large, these deficits are certainly more manageable than those of recent years.

To meet these goals, the resolution provides some pretty tough discretionary spending caps for the next three fiscal years, and retains the pay-as-you-go rule from the fiscal year 2004 budget resolution.

Some of my colleagues are questioning the need for the budget to provide for approximately $70 billion in tax relief over the next 5 years. We need this money set aside to prevent tax increases that would be damaging to our growing economy.

Specifically, two provisions that have shown to be very important to increasing Federal revenue growth and helping the economy to recover are set to expire at the end of 2008. These are the reduced tax rates for dividend income and capital gain income that were enacted as part of the Jobs and Growth Tax Relief Reconciliation Act of 2003.

If Congress allows these lower tax rates to expire, we would, in effect, be placing a significant tax increase on the economy. Capital gains rates would increase from a maximum of 15 percent to 20 percent, and the tax rate on dividends would leap from 15 percent to as high as 35 percent.

There is no doubt that these tax rate reductions, combined with the other tax cuts we passed in 2001, 2002, and 2003 have contributed to the recovery of the economy. After declining for 3 years, 2001–2003, Federal collections began increasing again in 2004, rising by 5.5 percent that year. For the current fiscal year, 2005, revenues are projected to jump by an impressive 9.4 percent. Moreover, revenues are expected to increase by an average of 6.4 percent each year until the end of the decade. This demonstrates to me the wisdom of our earlier decisions to cut taxes to get the economy growing again.

Allowing tax rates to increase might seem to some to be a smart way to fight the deficit, but I believe these revenue trends illustrate that such a move would be counterproductive and exactly the wrong thing to do. Therefore, it is very important that this budget include the reconciliation instructions that provide the opportunity for the Finance Committee to report the legislation that will prevent these tax cuts from expiring.

I look forward to working my colleagues on the Finance Committee in crafting a bill to extend both the dividends and capital gains tax rate reductions, as well as extending other important tax provisions that expire later this year.

While this budget resolution perhaps does not go as far as I would like to see in reducing the deficit and addressing spending growth, it is probably as strong as we can make it. I also recognize that this resolution has to garner a majority of votes in both the Senate and the House for it to take effect. Each one of my colleagues also has his or her own ideas of what would be the best combination of spending priorities for this coming fiscal year. In the end, what counts is what we can get a majority of us to agree upon the lowest common denominator.

Given the circumstances, the balances achieved in the budget resolution may well be the best we can do. It is not perfect, but it is a start, and it deserves our support.

Mr. BROWNBACK. Mr. President, for the past few years I have been advancing a concept that embodies fiscal responsibility, a concept that—if enacted—would be a sure sign to hard-working Americans that the Federal Government is serious about fiscal discipline.

Federal spending is at an all time high, now topping $20,000 per household, and that does not include spending from state and local taxes. This is the highest level of federal spending since World War II.

The Federal Government is now spending $2,292,000,000 per year on discretionary and mandatory spending, including Social Security.

Mr. President, $2.292 trillion is a lot of money. My Kansas constituents often say: "I don't mind paying my taxes, but make sure my hard-earned money gets spent wisely."

Does Federal spending need to be so high? We would all agree that the Federal Government has an essential role to play in various capacities, but are taxpayers getting the most out of every dollar sent to Washington? Again, I ask, does the Federal Government really need $20,000 per American household in order to operate?

And what real safeguards do we have in place to ensure that these $2.292 trillion are being spent wisely?

I am proud to have been elected to serve my constituents on a platform of reducing wasteful Federal spending and reforming Government. After 10 years though, I can testify that it takes a great deal of effort to keep a positive attitude. Balancing the budget, reducing Federal spending and returning taxpayer dollars to the families that earned them is hard work.

The reason for the difficulty in achieving success, in what would seem to be an obvious thing to do—reducing government waste and prioritizing spending—is that the specific interests trump the general interest on Capitol Hill.

For instance, there is a general interest to discourage smoking, and we spend many taxpayer dollars both to this end and on the treatment of lung cancer; however, taxpayer dollars are also still spent to subsidize tobacco because there is such specific interest pressure to keep tobacco subsidies alive.

The budget we are debating cuts the deficit in half in 5 years. I think we should balance the budget in seven years, but to be effective, we must work within the parameters of the system.

Systems matter, and to get solid reform accomplished you must have an approach that recognizes this reality. The problem with our current system—with the specific interest crowding out the general—is that it makes reform very difficult. Former Senator Phil Gramm taught me this truth in the Senate.

I believe that we need a new systematic approach to spending in Congress. This whole week, amendment after amendment has been offered on the Senate floor; generally speaking, each one of these amendments has the voice of a particular specific interest behind it. After all of the specific interest issues are raised, I will be happy if we can just cut the deficit in half in five years.

We need to create another mechanism, which will allow for the general interest to overcome the specific. Therefore, I put forward a new systematic approach.

Over the last few years, I have developed the Commission on the Accountability and Review of Federal Agencies, CARFA Act, which is a systematic approach.

Last year, we had a bipartisan hearing on the measure, in which all witnesses supported this new concept. In this year's version of the bill, we are incorporating some of the suggestions made at that hearing.

CARFA would take all of the Federal Government agencies and programs and put them under the review of a bipartisan commission—the members of which are appointed by both Congress and the White House.

The commission would review Federal agencies and programs, and present draft legislation to the Congress to realign or eliminate duplicative, wasteful, outdated, and failed agencies and programs.

Each house of Congress would get one vote on the bill—up or down—without amendment.

For example, if the commission finds 563 programs that are duplicative, wasteful, or already have accomplished their purpose and recommends their realignment or termination, then the Congress would vote—up or down—without amendment to realign or eliminate all of them or keep all of them. And you get only one vote—one vote in the House and one vote in the Senate—to send it forward to the President.

It is a systematic approach to address the specific interests dominating the debate in Washington.

The CARFA approach tries to get at the issue and create a systematic approach by giving the general interest a voice in the system. So now you have these 563 or 284 programs, and people come up to me and say: "Well, what if you've got an agriculture program that has some benefit to Kansas, that you want to help and keep?"

Then, I look at the program and see that it does help Kansas, but I only get one vote and there are all of these other programs that I really do think need to be eliminated. And it makes the overall goal of balancing the Federal budget more achievable.

I am pleased that, once again this year, the chairman of the Budget Committee has seen the need for this measure and recognized how vitally important it is, as he has included a sense of the Senate calling for a commission along the lines of CARFA.

It is my hope that we will be able to work with the leadership this year and see the new CARFA systematic approach become a reality.

Mr. STEVENS. The amendment to strip development in ANWR from the budget yesterday ignores the outlook for the global consumption of oil. I am pleased that the Senate took a proactive approach to our current energy crisis, and voted to keep ANWR in the budget.

After listening at length to the statements of those opposed to responsible development on Alaska's North Slope, I was struck by the lack of concern over the national security implications of our dependence on foreign oil.

The global outlook for oil consumption is sobering, and it validates our decision yesterday to increase our domestic production by opening ANWR. One of the most serious areas of concern is the projected increase in China's oil consumption, which is set to grow at staggering rates.

China's economy is doubling every 8 to 10 years. This level of growth is expected to continue for at least 25 years.

To do this, China will need access to an increasing supply of oil. Milton Copulos, the President of the National Defense Council Foundation, told our House colleagues yesterday that fueling this economic growth will require "so much oil . . . that the ability of current suppliers to produce it may be stretched to the breaking point."

Jeffery Logan, Senior Energy Analyst and China Program Manager for the International Energy Agency, testified that, the average Chinese citizen consumed only one fourteenth of the oil consumed by the average American in 2004, but Chinese consumption is poised to increase rapidly.

Mr. Logan noted that in late 2003 China surpassed Japan to become the world's second largest petroleum consumer. He said:

> In 2004, Chinese demand expanded nearly 16 percent to 6.83 million barrels per day . . . [but] Domestic crude output in China has grown only very slowly over the past five years . . . Imports now account for 40 percent of Chinese oil demand.

To put this in perspective, Chinese oil consumption was responsible for 40 percent of the growth in global oil demand over the past four years. This trend will continue and China's consumption is projected to rise from 5.56 million barrels per day in 2003 to 12.8 million barrels in 2025.

Mr. Logan told the subcommittee that eventually China's "import dependency" will reach 75 percent stressing an already tenuous world oil supply.

Milton Copulos explained the consequences of this increase in Chinese consumption. He said:

> Under the best circumstances, the competition for oil generated by the explosive economic growth in Asia will serve to put a tremendous upward pressure on prices, driving them well above the current $50 plus per barrel average. OPEC officials have said oil prices could rise to as much as $80 a barrel and they may well be correct.
>
> Under the worst circumstances, . . . the competition for oil could lead to armed conflict—particularly with China.

I remember well the days of the 1970's oil embargo, and I agree with Mr. Copulos that, "America is heading head-long into a disaster. Today our situation is far worse in 1973."

I also agree with his assessment that:

> The simple truth is that America's energy endowment is more than sufficient to provide for all of our needs, both today and in the future. The only real shortfall that we have is a shortfall of the political will to find

innovative ways to fully utilize the resources we are blessed with.

Mr. Copulos discussed several areas where having the political will to take action could help turn our situation around. As an Alaskan, I am proud that our state can play a key role in the solutions he proposed.

The reality that some people do not want to face is the world is changing. China's economy is growing at a staggering pace, and without new domestic production, our country will face unimaginable competition for oil. ANWR is part of the solution to this looming crisis, and I am pleased Congress has finally had the political will to face this challenge and take proactive steps to prevent it.

Mr. LEVIN. Mr. President, this budget, like the President's budget, reflects the wrong priorities. This budget short changes public services such as education and health care for all Americans in order to further cut taxes mainly for the wealthiest Americans. This budget resolution is starkly out of touch with the vast majority of working families in Michigan and across the United States. The American people deserve better.

To create the impression that the budget cuts the deficit in half over the next 5 years, it simply leaves out several major expenses. These omissions include the cost of the wars in Iraq and Afghanistan, the cost of the personnel added to the Army and Marines and the cost of reforming the alternative minimum tax. Leaving these costs out of the budget paints an incomplete picture of the deepening Federal deficit and the damage being done to the Nation's fiscal outlook.

If the deficit continues to expand at its current rate, by 2015, each American's share of the debt will be at least $30,000. The bigger the deficit grows, the more likely it is that we will face rising long-term interest rates and slower economic growth. This will make it more expensive to buy a house, pay for college or pay off credit card debt. This is an unfair burden to pass on to our children and grandchildren.

The President's tax cuts are a major cause of our Nation's swing from a record budget surplus into an increasingly deep deficit ditch. Yet this resolution seeks $71 billion in additional tax breaks most of which are for the wealthiest Americans. The cornerstone of these proposed tax cuts is the extension of the capital gains and dividend tax cuts. These tax cuts would overwhelmingly benefit the wealthiest among us.

Largely as a result of its reckless tax cuts, this budget would actually increase, rather than decrease, the deficit. But this budget resolution, such as the President's budget, attempts to conceal the damage it is doing to the Nation's fiscal outlook by using 5-year projections instead of the customary 10-year numbers. Hidden just beyond the 5-year budget window is the exploding cost of the tax cut proposals and its growing effect on the deficit.

I am disappointed that the Senate did not adopt the Feingold-Chafee amendment to reinstate pay-as-you-go rules that would require both entitlement spending increases and tax cuts to be fully paid for or face a 60-vote point of order in the Senate. The pay-as-you-go rule, like the one which was successful in the 1990s, would have helped restrain the deficit without unduly harming critical public services.

I am pleased that the Senate rejected severe cuts to the Medicaid Program in a crucial vote earlier today. This is a victory for the 53 million children, pregnant women, elderly and disabled who rely on Medicaid to meet their health care needs. It is also a victory for the people that make our health care delivery system work.

Still the budget plan which is before the Senate today fails to address some of our Nation's most pressing problems, such as the loss of millions of manufacturing jobs, cuts in education funding, and environmental protection.

I am also saddened that the Senate rejected an amendment to continue to protect the Arctic National Wildlife Refuge. We have a responsibility to promote a balanced energy plan that invests in America's future and protects our environment, not one that damages our protected lands. Rather than drilling in our pristine wilderness, the United States should be investing in alternative sources of power, renewable energy programs and fuel efficient automotive technology to improve fuel economy without harming our environment.

This budget slashes funding for vital programs for working families in order to extend massive and fiscally irresponsible tax cuts that significantly lower the Nation's revenue and explode the deficit. These are the wrong priorities for America. I cannot support it.

Mr. KENNEDY. Mr. President, this budget does not adequately protect children. That is why I filed an amendment to help lift millions of children out of poverty. I will plan to offer this amendment at the next appropriate time.

In the last 4 years, over 4 million of our fellow citizens have fallen into poverty. Nearly 36 million Americans live below the poverty line; 3 million more Americans live in hunger or on the verge of hunger today than in the year 2000.

Today, nearly 13 million children live in poverty in the United States. It is shameful that in the richest and most powerful nation on Earth, nearly a fifth of all children go to bed hungry at night. Poverty is a moral issue, and we have a moral obligation to address it.

Current policies are failing, and it is time to take a stronger stand. We should set a national goal of reducing child poverty by 50 percent within a decade and to eliminate it entirely as soon as possible after that. To help meet this commitment, we should enact a one percent surtax for income over $1 million. This surtax, paid by our wealthiest citizens, will raise $3.5 billion this year, and more in subsequent years, to meet the needs of our most vulnerable citizens.

The amendment will create a child poverty elimination fund with a board to oversee the fund, and design the child poverty elimination plan.

We know how to achieve this goal. All it requires is the will, and the leadership, to do it. Prime Minister Tony Blair made a commitment to do so in Britain, and they have begun to reach the goal. Their approach is to support both parents and children. They have pledged to increase employment opportunities, raise incomes for those who work, increase support for those who cannot work, and improve public services for children and families.

It is time for America to make a similar commitment, and give real hope, real opportunity and real fairness to children and families mired in poverty in communities in all parts of our country.

We cannot continue to look the other way while millions of our fellow citizens work hard, play by the rules, and still cannot escape a lifetime in poverty.

Everywhere we look, the current budget is a nightmare for those who need our help the most. It cuts the Women, Infants, and Children Program, which provides health information and nutritious meals to low income pregnant women and their children. It cuts food stamps. It cuts Medicaid. It cuts low-income housing. It cuts low-income education. That is unacceptable. And yet the White House pretends it has an anti-poverty agenda. Nonsense. This budget is not anti-poverty, it is anti-poor.

As the wealthiest country on Earth, we are blessed with great abundance. In the powerful words of the Gospel, "To whom much is given, much is required." That should be our national commitment to every American living in poverty today. I urge my colleagues to support this amendment.

Mr. AKAKA. Mr. President, I rise today to speak about a program very important to the children and families of Hawaii, as well as those who reside in other parts of the United States, the 21st Century Community Learning Centers Program. This program provides funding through a competitive grant process to fund "centers that provide extended learning opportunities for students and related services to their families."

The afterschool hours, those from 3 p.m. to 6 p.m., are a venturesome time for the youth of our country. Many school age children are unsupervised during these 3 risky hours. Many of them lack constructive activities such as sports or other school or community sponsored programs. Those who lack such activities become vulnerable to mischief or even danger whether they are the victim of a crime or the perpetrator. Whether they are considering the use of tobacco, alcohol or drugs, or doing a myriad of other activities detrimental to their well-being, they would be better served in supervised afterschool activities, the kind of activities supported by the 21st Century Community Learning Centers Program.

According to FightCrime, an organization of law enforcement professionals representing all 50 states, "Being unsupervised after school doubles the risk that 8th graders will smoke, drink alcohol or use drugs." They also report a study in Hawaii which noted an 84-percent drop in criminal convictions among school-aged males involved in quality afterschool programs funded by the 21st Century Community Learning Centers Program.

Afterschool programs can provide a critical link to positive growth for many of these students. The academic support and socialization provided by them will help many at-risk youth. These programs can provide that extra bit of help to enable children to succeed, in academics, and in life. This is what we are talking about, and this is just what this program provides.

The President's own evaluation system, the PART analysis, says that this program gets "high scores for purpose, planning and management." This program was part of the President's signature education initiative, the No Child Left Behind Act, and is authorized at $2.25 billion for fiscal year 2006. Sadly, the President's fiscal year 2006 budget funds afterschool programs at the level-funded amount of $0.999 billion, less than 45 percent of its authorized level. In my own State of Hawaii, this underfunding results in more than 8,800 school-age children not being able to take advantage of programs to help with their education, character development or physical fitness, nor provide programs to ensure a safe environment during the afterschool hours.

The Dodd amendment to S. Con. Res. 18 attempts to address this funding shortfall. I am glad to be a cosponsor, and I thank him and the other members of the Afterschool Caucus, of which I am a part, for the leadership in trying to restore funding for this essential program.

Mr. JEFFORDS. Mr. President, a Federal budget is about setting priorities, and the priorities contained in this budget are all wrong.

About a year ago, Tom Friedman of the New York Times, described the President's budget as "faith-based." Faith-based tax cuts were going to generate faith-based revenues, and we were all going to be better off. Well, the deficit is skyrocketing, interest rates are going up, and additional revenues haven't magically appeared.

If the budget before us were to pass unchanged, the deficit would increase each and every year for the foreseeable future. Vermonters understand that this is a burden we don't want to pass on to our grandchildren. We have fallen into a borrowing pattern that makes this Yankee cringe.

But let me emphasize that the deficits that we are now facing are primarily caused by a drop in revenues, not by wasteful spending on such things as education, veterans' benefits, and Amtrak. We could eliminate all of the Federal Government's discretionary spending outside of defense and we would still have a deficit.

On the mandatory side of the budget, I agree that we need to get a handle on increases in Medicaid spending and the pressures on Social Security due to the aging baby boom generation. But this budget fails to confront these challenges and in the case of Social Security pretends there is no problem.

How can we pass a budget that ignores the cost of the Iraq War after September 30? How can we pass a budget that includes more tax cuts for the few, but doesn't budget for the reform of the alternative minimum tax or the President's own Social Security proposal?

How can we pass a budget that forces us to "pay for" any increases in programs for our neediest citizens but doesn't require us to "pay for" tax cuts for the well-to-do? If we are to reinstate the pay-as-you-go rule, then it should, as it always has, include paying for both new spending and new tax cuts.

Speaking of tax cuts, I have grown very tired of the economic doublespeak now in fashion. If tax cuts were the policy of choice when we had large surpluses, and they are still the policy of choice when we now have large deficits, when if ever are tax cuts not the appropriate policy? Perhaps the families in Vermont who used up their heating assistance funds before winter was over, or the veteran on a waiting list for a medical procedure at a VA hospital, would prefer an increase in government spending to a tax cut.

Priorities, it is all about priorities.

We are 2 years into a war. American service men and women continue to come home with horrific wounds, both physical and mental. While the Department of Defense is keeping wounded soldiers in its medical system for longer periods of time and is shouldering a greater share of the costs, the long-term costs of health care and rehabilitation still fall heaviest on the Veterans Administration.

This budget responds by underfunding the VA by almost $16 billion over the next 5 years. How can we do this in the midst of a war? How can the President in good conscience insist on maintaining large numbers of troops in Iraq, and yet refuse to provide for the health care needs of veterans? This is unacceptable.

This budget drastically cuts the Community Development Block Grant, CDBG, program and other programs that our communities rely on. These programs now benefit so many Vermonters who struggle to make ends meet. This budget would consolidate 18 programs, including the CDBG, and slashes their funding by 34 percent. In Vermont, this budget would most harshly affect middle and low-income citizens by making safe and affordable housing unattainable, ending quality childcare programs, and compromising nutrition assistance. Funding for these important economic development programs must be restored.

I am very concerned that agriculture, conservation, and food assistance programs are faced with drastic cuts in funding. The Milk Income Loss Contract Program, MILC, which the President saw fit to include in his proposed budget, has been left out of this budget resolution. The MILC Program is necessary to help family farmers through tough times when milk prices are low.

This budget would also seriously compromise conservation programs that are used to restore our land and clean our water. Perhaps most unsettling will be the cuts to food assistance and nutrition programs, including food stamps. In Vermont, 30 percent of children live in low-income households that depend on food stamps for their basic needs and the medical safety net for their healthcare.

Vermont, together with States throughout the Nation, is facing a serious budget shortfall in providing the most basic level of healthcare to our most vulnerable citizens. Instead of facing that fact and providing temporary fiscal assistance to the States, the President called for billions of dollars in cuts in the Medicaid program, which the Senate fortunately rejected.

I am most disappointed that the Senate did not vote to provide additional funding for the Nation's water infrastructure. Spending on environmental programs from the national parks to programs that keep our water, land, and air clean will have to be reduced if this budget is enacted.

Priorities, it is all about priorities.

Even though education amendments passed, which I supported, that added money back to the Senate budget proposal, that is still insufficient to adequately fund important Federal education initiatives. I remain concerned that the budget resolution will eliminate funding for several key education programs, such as the $1.3 billion Perkins Career and Technical Education Act. This is especially depressing since just last week the Senate, on a vote of 99-0, passed the Perkins bill. Then just a few days later, no funding is provided in the budget to carry out the program that was just passed.

In addition, the budget proposal does not provide the meaningful increases necessary to carry out the 4-year-old No Child Left Behind Act and the updated IDEA law that was enacted last December.

President Bush often mentions that education is a priority. He and I obviously define priority differently. To me, priority means you pay for the promises you make. I do not believe priority means you sign laws requiring more accountability to improve student performance, and then, in the next breath, send up a budget that doesn't provide the dollars needed to carry out the purposes of those laws.

I have spent a substantial part of my career calling for the full funding of special education. When the Individuals with Disabilities Education Act was enacted in 1975, Congress promised to pay 40 percent of the cost. In the current fiscal year, Congress will finance only 19 percent of the program, forcing States and localities to make up the difference.

I have tried to fulfill this promise in each of the last few years by making IDEA funding mandatory. The President and his allies have said that mandatory funding is not necessary, that we can meet the promise of IDEA by increasing funding by $1 billion each year. In this budget, IDEA funding is increased by only half of that amount.

This budget tells our children, their parents, and our local taxpayers that they are not a priority, and that we will not keep our word.

There is no question we are living through difficult budgetary times and savings must be sought at every opportunity. But we must not delude the American people into thinking that we can cut taxes, fight wars overseas, improve education, take care of our environment, and repair the Nation's transportation and water infrastructure all at the same time.

I cannot support the budget resolution because it does not adequately fund important domestic programs and promote tax cuts to the detriment of other priorities. At the same time, it does little to put our Nation's fiscal house in order.

Mr. KOHL. Mr. President, I am in strong opposition to this budget. As I have listened to the arguments of my colleagues on the other side of the aisle in favor of the budget, I am reminded of the Indian parable of the blind men and the elephant. Each could feel only one portion of the elephant, so each came to wildly different—and wildly inaccurate—conclusions as to what it was.

Similarly, it is hard for me to believe that those who are supporting this budget are looking at the whole picture. How can they call this budget fiscally responsible, when it would increase deficits $130 billion over where they would be if we did nothing at all? How can they brag that the budget tackles the difficult issue of entitlement reform, when nowhere is there mention of Social Security and Medicare, our two largest entitlement programs?

How can they refer to this as a blueprint for Congressional action, when it leaves out major spending and tax initiatives that we know the leadership wants to pursue: funding for the Iraq war beyond 2006; the cost of fixing the alternative minimum tax; the multi-trillion dollar cost of the President's plan to privatize Social Security?

No one can defend this budget as a reasonable or complete response to the serious fiscal challenges this country faces. No one can defend this budget as accurately reflecting the priorities of our nation—for on those grounds, it is indefensible.

The President—along with Alan Greenspan and countless other wise pundits—have focused our attention on the severe budgetary consequences of the coming retirement of the baby boomers. Entitlements are growing at an unsustainable rate—and the time to address their growth is now.

Congress should act to strengthen Social Security now, rather than wait for the moment of crisis. Social Security can pay full benefits for another 40 or 50 years. After that—even if nothing is done—Social Security could still pay 70 to 80 percent of promised benefits. But if we act sooner rather than later, Social Security's long-term financial imbalance can be fixed through relatively modest adjustments. At the same time, we need to recognize that growing budget deficits will strain our ability to sustain not just Social Security, but other important programs like Medicare and Medicaid. We need to look at the entire Federal budget and act to bring these deficits under control so we can preserve programs that will put a strain on our budget in coming years.

How—given the President's crusade to "save" Social Security with private accounts, given the coming retirement of the Baby Boom—can this budget ignore Social Security and Medicare? Not a dollar assumed saved from either. Not a penny paid back to the Social Security trust fund. Not even an acknowledgement of the huge cost of the President's plan to divert Social Security payroll taxes into private accounts. Either this budget is incomplete or it is insincere.

I suppose we should be relieved not to see any provision made in the budget for the President's proposed private accounts. The President has chosen to make Social Security his top domestic priority, but so far he has only proposed the idea of private accounts, which he admits would do absolutely nothing to improve Social Security's finances. Borrowing to pay for the transition cost would add up to $5 trillion to the national debt. And because the President has taken all other options off the table, the private accounts would require massive benefit cuts to achieve solvency.

Obviously, Social Security reform—or entitlement reform in general—is not a priority to those who support this budget. And obviously, continued tax cuts financed with reductions in important government programs and with debt are. The budget puts on the fast track $70 billion in tax cuts—and not one penny of offsets. In fact, the Senate rejected Senator FEINGOLD's amendment, which I supported, that would have prohibited using debt to finance this sort of raid on the Treasury.

Instead, the Senate chose to expedite tax cuts that would disproportionately affect the wealthy. The budget facilitates the extension through 2010 of tax cuts on capital gains and dividend income. Nearly half of this will benefit households with incomes in excess of $1 million; in contrast, only 12 percent of the cuts will benefit families with incomes under $100,000. It is fiscal irresponsibility in truest form, to speed tax cuts through the Senate that will directly add to our growing deficit. In addition, the $70 billion figure includes permanent estate tax repeal. This provision, despite the fact that its true effect won't be felt until 2011, carries with it a price tag of more than $9 billion—$9 billion that will truly benefit the wealthiest Americans.

And while the budget finds plenty of room to reward millionaires with billion dollar tax cuts, it nickels and dimes the government programs the average American family relies on.

American seniors pay the highest drug prices in the world. Our seniors deserve a Medicare prescription drug benefit that gets the best prices for their medication. But the Medicare prescription drug law actually prohibits the Federal government from negotiating with drug companies for lower prices. This is a missed opportunity and a waste of taxpayers' dollars. Now, in light of the growing concerns over the rising cost of this benefit—more than $57 billion than originally expected—every effort should be made to save our seniors and taxpayers dollars. We missed a golden opportunity in the Budget today to accept an amendment that I was proud to cosponsor and require the Secretary of Health and Human Services to use the tremendous purchasing power of the 41 million Medicare beneficiaries to assist the private drug plans in getting the lowest price for seniors. The savings provided by this amendment would have gone to pay for deficit reduction.

Unfortunately, this commonsense effort to lower prescription drug prices and reduce the deficit was rejected.

However, I do applaud my colleagues on both sides of the aisle for having the courage to stop the proposed $15 billion cut to Medicaid. Stopping these drastic cuts will ensure that thousands of poor families, disabled Americans and the elderly get the proper medical care they need. The proposed $15 billion Medicaid cut would have translated to a loss of $300 million for Wisconsin. It would be extremely difficult for Wisconsin and other states to absorb a cut of this magnitude while continuing to provide the level of services 53 million Americans depend on. Now, there should be a thorough discussion about how Medicaid can work better to serve low-income Americans. But we should never force arbitrary cuts in Medicaid without first taking the time to consider the future efficiency and operation of the Medicaid program. Medicaid is an essential source of health care for millions of our Nation's most vulnerable citizens, and any changes to the program should be driven by informed, reasoned policy and not by arbitrary budget targets. I am pleased to have cosponsored the amendment that passed the Senate to protect Medicaid from these drastic cuts.

We have a continuing responsibility to meet the health care needs of our children, families, and elderly. But—even with the improvement in the Medicaid policy, the cuts proposed in this budget do not match those needs. Older Americans Act programs are level funded even as our population ages and the need for services grows. LIHEAP funding is cut by $182 million as more families and seniors face higher energy costs. Funding for health professions training has been reduced by 64 percent at a time when we face health care workforce shortages. And funding for rural health programs has been slashed by 80 percent when rural areas are in desperate need of adequate health resources.

Perhaps the worst failure of this budget—it fails our nation's children. This budget proposes the first cut in education spending in a decade. Yet again, this budget fails to fully fund No Child Left Behind, leaving the Act underfunded by $39 billion since enactment. It fails to set special education on a glide path to full funding—it is slated to be nearly $4 billion short of what was authorized four months ago. This budget should reflect our values and needs in education. It clearly does not.

This budget still fails to fulfill our commitment to our veterans. The American people made a promise to our men and women in uniform that when they had completed their service, the Veterans Administration would be there to help them meet their health care needs. When we made that commitment, it was not conditional, and it did not involve high fees. Today we seem to be slowly changing the terms of service. We now say to our veterans that they will have to wait months for an appointment, and some veterans are of such low priority to the system that they may never receive care at all. I supported an amendment that would have bridged the funding gap between the President's budget and the funding level that the veterans' groups believe is necessary. Unfortunately, Senator AKAKA's amendment was not agreed to. With that "no" vote, the Senate made a decision that some veterans did not deserve the benefits they had been promised.

I am also disappointed over the funding levels for transportation in this bill. I am especially disappointed that the Senate did not remedy the shortfall in funding for Amtrak. I was proud to cosponsor an amendment that would have fully funded Amtrak's basic needs at a level of $1.4 billion. The President's budget zeroed out funding for Amtrak, providing only $360 million to the Surface Transportation Board—and that would only be provided if Amtrak is forced to shut down in the Northeast Corridor. What the Administration fails to recognize, is that ridership in other areas of the country has increased; in Wisconsin, this means that 540,000 used Amtrak this past year. To force these 540,000 people onto our overcrowded roads and airports would be irresponsible, and I hope the Senate will reconsider before the end of the fiscal year.

While I am glad that we put the Senate on record opposing cuts to the Community Development Block Grant program, it is up to the Appropriators to decide whether to reverse the $2 billion cut in this vital program. CDBG and the 17 other federal community and economic development programs which the Administration proposed consolidating in the Commerce Department provide funds that are critical to meeting the needs of distressed and underserved communities. In my state of Wisconsin, at least 19 entitlement communities and many other smaller communities across the state are slated to lose millions of dollars if we do not stand firm and reverse this proposal.

I also regret that the Senate has decided to open up the Arctic National Wildlife Refuge to oil drilling. In the past bipartisan group of senators came together to protect this fragile ecosystem, but this year we failed to beat back drilling. By using the budget rules in a new, and some would say questionable, way a place that had been set aside as too valuable to be spoiled by drilling was opened to potential environmental degradation. The real tragedy here is that the oil we get from ANWR will have no impact on the price of oil. There is simply not enough oil in Alaska to have any real impact on the worldwide price. We have decided to risk irrevocable environmental damage but gained no additional control over our thirst for foreign oil. Until we aggressively address our domestic demand for oil, we will never be able to end our dependence on OPEC.

Following the administration's lead, the Senate Budget Committee allocated $187 million to the Office of Juvenile Justice and Delinquency Prevention, OJJDP, budget, which is about $173 million less than what we appropriated last year. I am particularly disturbed that the Senate Budget Resolution assumes complete elimination of the Juvenile Accountability Block Grant Program, JABG, which received $55 million last year. JABG provides funding for intervention programs that address the urgent needs of juveniles who have had run-ins with the law.

The same is true of Title V Local Delinquency Prevention Program, the only federal program solely dedicated to juvenile crime prevention. The Senate budget assumes a $50 million cut to Title V—penny pinching now that will cost us dearly in the future. According to many experts in the field, every dollar spent on prevention saves three or four dollars in costs attributable to juvenile crime. And who can put a dollar value on the hundreds, even thousands of young lives turned from crime and into productive work and community life by the juvenile crime prevention programs supported by Title V?

Following the President's lead, the Senate Budget Committee also drastically cuts the programs most important to state and local law enforcement. Congress appropriated a little more than $700 million last year in both discretionary and formula funds for the Byrne Justice Assistance Grant Program. The Budget before us assumes no funding for this program at all. Byrne grants pay for state and local drug task forces, community crime prevention programs, substance abuse treatment programs, prosecution initiatives, and many other local crime control programs.

The COPS program is another victim of this budget. The Budget assumes $118 million for the COPS program—that is down from $388 million last year. What's worse is that, within the COPS program, popular initiatives like the COPS Universal Hiring Program and the COPS Technology Grants Program are zeroed out entirely. We should remember that just three years ago, the overall COPS program received more than a billion dollars. Of that amount, $330,000,000 was for the hiring program and roughly $154,000,000 for the COPS technology program that helped fund critical communications upgrades in cities—like Milwaukee and Madison—and many other towns—like Ashland and Onalaska—across Wisconsin and the nation.

Finally, the Senate budget assumes cuts in the High Intensity Drug Trafficking Areas, HIDTA, program from $227 to $100 million. The HIDTA program is a vital collaboration between federal, state and local law enforcement to combat drug trafficking through intelligence-gathering and cooperation. This proposed cut in the overall HIDTA program threatens the future of smaller HIDTAs like the one in Milwaukee—a program that has been extremely successful in stemming crime.

The downward spiral of juvenile justice and local law enforcement funding is a disturbing budget trend with ugly real world implications. As a result of the Byrne, COPS, JABG, HIDTA and Title V programs, we have enjoyed steadily decreasing crime rates for the past decade. But, if we do not, at a minimum, maintain funding for crime fighting, we cannot be surprised if crime again infests our cities, communities, and neighborhoods.

That is why I offered an amendment with Senators HATCH and BIDEN to restore this dramatic loss of juvenile justice and local law enforcement funding. Cuts to these programs total more than $1.2 billion. Our amendment restores $1 billion of that—not enough to make these important crime fighting programs whole, but enough to keep them functioning and working to keep our communities and families safe.

For rural America, this budget leaves so much to be desired that it's hard to know where to begin. If you assume the President's vision on discretionary spending is carried out, as this budget proposes, basic agricultural research will be slashed beyond recognition. Rural housing, rural development and conservation will suffer. Nutrition for kids and food stamps for the working poor will be on the chopping block. And the fundamental fabric of rural America will be put at risk.

A budget is a statement of who we are as a nation. I do not believe we are a country that takes from the poor and sick to make the rich richer. I do not believe we are a country that steals from our children's future to indulge ourselves today. I do not believe we are a country that ignores threats to our prosperity and stability. I do not believe we are who this budget says we are, and I will vote against it.

Let me make one final point. Often, we hear that it would be irresponsible for Congress to reject a budget. Not this year. If we reject this budget,—if we do nothing at all—deficits will be $130 billion less than had we acted. A vote against the budget is a vote for deficit reduction. It is also a vote for responsible accounting, for honoring our commitments to our seniors and our children, for compassion towards those who are hungry, sick, or just struggling to raise a family in an uncertain world. For that reason, I will vote against this budget, and I urge my colleagues to do the same.

Mr. BIDEN. Mr. President, to govern is to choose. Nowhere are our priorities and our values made clearer than in the budgets we write here every year.

In these times, we face many tough choices. This budget ducks them all. It chooses the powerful over those without a voice. It chooses to reward wealth instead of work. It chooses the present over the future. It chooses debt and borrowing over sound finance.

This budget rejects the very rules that brought our budget into balance just a few years ago. It ducks our duty to take responsibility for our choices, and sends the bill to our children and grandchildren.

I will vote against this budget, and I urge my colleagues to reject it, too.

Just 4 years ago we were considering the first budget of the new Bush administration. At that time, we could look forward to a decade of budget surpluses, totaling $5.6 trillion.

We were paying down the national debt, and with every dollar accumulating in surplus, we were making our future stronger. Social Security funds were not being spent, as they are today, to fund the other functions of Government. Interest payments on the debt were shrinking, not growing.

With the impending retirement of the Baby Boom generation, with the need to educate and train a workforce to take on the world of the 21st Century, we were doing the right thing—saving for challenges we could see coming.

But instead of seeing those surpluses as an opportunity to get our house in order, instead of increasing our national savings by paying down the debt, the incoming administration insisted on a course that has resulted in the most dramatic reversal in our Nation's finances in our history.

The record at that time is full of warnings that tax cuts of that magnitude would make it difficult, if not impossible, to meet the known challenges ahead, much less any surprises that history could throw at us.

We were assured that the surpluses had to go, that we had all the money we needed to deal with recession, national security threats, natural disasters—anything we might have to face. We would be able to balance the budget, put money away for the surge in retirees, and meet every threat and challenge.

A lot of us did not buy it. The record is full of warnings about the long-term damage of massive tax cuts without regard for our future obligations.

But those tax cuts were passed. And more tax cuts followed every year, in time of economic boom, in time of recession, in peacetime, in wartime, when our budget was in surplus, and increasingly, as our budget deficits grew. Regardless of the situation, regardless of the facts, more tax cuts.

In the face of all the challenges we face, we are now running our Government on a level of revenue not seen since the 1950s. A 21st Century superpower, on a 1950s budget.

By the time they expire, the tax cuts we have put into law over the last 4 years will cost almost $2 trillion.

But we will be asked to extend those cuts past their expiration. Not to do so, we are told, would be a tax increase. But those expiration dates were chosen to make the tax cuts look smaller. Extending those cuts will raise the total cost to over $5 trillion through 2015.

That should cause serious people to stop and think. We are now engaged in an open-ended global war on terror, in a shooting war and reconstruction in Iraq. Security challenges from domestic threats to nuclear proliferation will continue to demand additional resources.

Medicare and Medicaid are facing real crises, driven by an aging population and rising health care costs. Social Security has a long term funding problem that will have to be confronted, the sooner the better.

As the global economy brings billions of new workers and customers into its scope, our country is in a real fight to protect and create good-paying jobs. That means strengthening our schools and universities, increasing research and innovation, investing in 21st Century infrastructure. All of that takes money.

This budget chooses to ignore those priorities. In fact, it cuts the resources we need to meet those challenges.

But it does not touch a dime of the $5 trillion the tax cuts will cost if they are all extended. Not a moment's pause, not a penny reconsidered.

The President constantly reminds us that the world has changed profoundly in the past four years. That is true. He tells us that we face unprecedented challenges. That is also true.

But his budget, the budget before us today, ignores those truths. It continues the most reckless budget policies I have seen in my 30 years in the Senate. Those policies have taken us from the strongest fiscal position we have known to the brink of the abyss. There is no way under these policies that we will ever get out of debt again.

We are now debating the most basic priorities of our Government. The budget document we will vote on today will be the statement of this Senate on what we value, and what I we do not value.

I am sorry to say that the most basic premise of this budget, is wrong. This budget protects tax cuts for those who need them least, and cuts the health care, housing, and education of those who need the most.

It protects the largest tax cuts in our history, in the face of the largest deficits we have ever seen.

The priorities in this budget are wrong. I do not think they are the priorities of the vast majority of people in this country. I know that they are not my priorities.

Time and again during the week of debate. we have tried to provide funding for some priorities. and to reduce the money going to others.

During this debate, I offered an amendment to restore money for the COPS program that has put 100,000 policemen on the streets of our country. To cover those costs, I proposed closing loopholes used by corporations who move overseas to avoid paying taxes. But that amendment was voted down. Cops versus corporate tax breaks. Cops lose.

I voted to provide money for our veterans' health care, so sorely needed in these times. To pay for that, I was ready to close tax those tax loopholes. That amendment was voted down. Veterans versus corporate tax breaks. Veterans lose.

I voted to increase funding for first responders, our first line of defense against terrorism here at home. It was paid for by closing those loopholes. That amendment was rejected. Fighting terrorism versus corporate tax breaks. First responders lose.

I voted restore money for our national passenger rail system that carries 25 million people a year, for which not a dime has been put into this budget. But that amendment was voted down. Passenger rail versus corporate tax breaks. Passenger rail loses.

These and many other examples reveal the real priorities of this budget. Nothing makes that clearer than the outright rejection of the kind of common sense budget rules that helped us balance the budget during the 1990s.

Facing deficits of historical size, with no end in sight, most folks would consider it just common sense to set up some rules to rein this problem in. If you want to cut taxes, then cut spending to match. If you want to increase spending, you have to raise taxes to match.

Pay-as-you-go rules would require us to make tough choices, to take responsibility for our choices, and not just add to the mountains of debt we will dump on our children.

But not only does this budget reject those rules, it actually makes it easier to go deeper into debt, by protecting tax cuts, in time of record deficits. Senator FEINGOLD and Senator CARPER both offered amendments to correct that, and both amendments were rejected.

This budget is not just irresponsible, it is openly hostile to any attempt to make us live within our means.

This budget fails to address our most basic needs in these difficult times. It ducks our responsibility to pay for our own decisions. It does not reflect our Nation's priorities.

I urge my colleagues to join me in rejecting it.

Mrs. LINCOLN. Mr. President, today I rise to express my views on our budget and the priorities and ideas I believe we must focus on as a nation. First, I want to reiterate my extreme disappointment in President Bush's budget with respect to how it affects our rural communities. While reducing our Nation's historic deficit is essential, the burden and sacrifice shouldn't rest disproportionately on the backs of rural America—all Americans should share the burden. In my opinion, the President's budget relies too heavily on working families in rural America to make sacrifices while the President continues to advocate additional tax cuts for the ultrawealthy.

We have to find a responsible way for all Americans to share in this burden, and I think that my constituents stand ready to accept their share of that sacrifice. However, I am not going to ask the working families of this country to shoulder the entire burden. Rural programs are often the first programs on the chopping block, yet these are among the most important to our local communities and the economies they support. Our spending cuts must be balanced even if it requires rolling back the tax cuts for the ultrawealthy.

I have a long standing commitment to rural America and our Nation's farmers and I understand the challenges they face to maintain and strengthen their way of life. That is why I am so disappointed that this President has decided, through his budget, that our farmers and our rural communities are no longer a priority for him and his Administration.

I would like to take a few moments to focus on five areas where I believe the President failed rural America. The first area that the President's budget has come up short is with respect to rural law enforcement.

The President's budget cuts close to $1.9 billion in funding for local and state law enforcement and first responders. These cuts will be particularly crippling to rural law enforcement and inhibit a wide range of services including their ability to combat Arkansas' growing methamphetamine problem.

The President's budget includes a 27 percent cut, totaling approximately $455 million, in first responders funding. These cuts would hinder critical state and local efforts to protect our communities by making less funding available for the preparedness of first responders and citizens, public health, infrastructure security and other public safety activities. I am particularly concerned with how these cuts would affect the amount of federal Homeland Security funding provided to small and rural states such as Arkansas.

The President's budget includes a $215 million cut which would force rural fire departments to cut back on equipment purchase, safety training, fire prevention programs, and the purchase of new vehicles. These grants are especially important to Arkansas' rural and volunteer fire departments. Since 2001, the FIRE Act grant program has provided vital resources to many of Arkansas' 900 fire departments, 85 percent of which are voluntary. Since last Spring, more than 180 awards have been granted to Arkansas fire departments, totaling over $12 million.

Also, the President's budget proposes eliminating the Edward Byrne Memorial Justice Assistance Grant Program, which was budgeted at $536.5 million last year. I am deeply concerned with the elimination of this important program because it would significantly impact the ability of Arkansas law enforcement to combat the state's growing meth problem. The existence of 19 Drug Task Forces, funded by the Byrne Grants, are especially crucial in a state like Arkansas, which was recently ranked third in the nation, per capita, in terms of the number of meth labs seized and has recently seen the number of labs seized per year exceed 1,200.

The President's budget includes an 80 percent cut, totaling approximately $489 million, in COPS funding. Since Congress created this successful initiative with my support in 1994, the COPS Programs has assisted Arkansas law enforcement agencies in reducing violent crime across the state. In doing so, it has helped counties throughout Arkansas hire additional officers for community policing and homeland security activities by helping provide for their salaries and benefits. Since 1998, the Drug Enforcement Administration has used COPS funds for the training and certification of 379 state and local law enforcement officers as of June, 2004.

I want to make a special note of the fact that this budget cuts the COPS Methamphetamine Enforcement and Clean-Up by $32.5 million. These cuts would be greatly felt in Arkansas, where the use of methamphetamine is growing and has become the #1 priority for my state's drug law enforcement. COPS funding provided for the clean up and disposal of hazardous wastes found at 810 meth lab sites seized by Arkansas state and local law enforcement in 2003, and funded the cost which totaled more than $1.39 million.

The President's budget includes a 49 percent cut, totaling approximately $186 million, in Juvenile Justice Programs. These cuts would dramatically weaken the Juvenile Justice System, whose funds support state and local efforts to prevent juvenile delinquency and address juvenile crime. The President also seeks the elimination of the Juvenile Accountability Block Grants, JABG, which was funded by Congress in FY 2005 at $55 million. All of these cuts will significantly hamper rural law enforcement.

The second area where this President's budget short changes rural America is in healthcare. At a time when 45 million Americans are uninsured, the President's budget eliminates 28 important health programs, which total $1.369 billion. Two of the most important programs for rural health are Medicaid and the Area Health Education Centers or AHECs.

With respect to Medicaid, Arkansas will lose more than $560 million in Medicaid dollars over the next 10 years under the President's cuts. In 2010, Arkansas will lose more than $55 million. Mr. President, these cuts would cause more than 5,700 Arkansas seniors and 22,000 children to lose their healthcare coverage.

One of the most devastating cuts affects Arkansas' Area Health Education Centers. Arkansas has six such centers. The President's budget would eliminate these vital centers for health and health education.

The third area where this budget fails rural America is in regard to education. The President has proposed cutting education funding by $530 million nationwide. Such a funding cut would hurt rural school districts in Arkansas that rely on federal dollars such as Title I, which provides services to low income students. The President's cuts to Title I could affect more than 28,000 Arkansas children.

Arkansas school districts are already struggling to meet the demands of the new No Child Left Behind law, which the President has never fully funded, so now is not the time to cut such vital funding. I note with special interest that the President's budget proposes extending the No Child Left Behind law to high schools at the expense of eliminating 48 programs, including all the vocational and technical education programs, education technology state grants, GEAR UP, Safe and Drug-Free Schools initiatives and the Communities State Grants, TRIO Talent Search and Upward Bound programs.

This budget proposes funding Arkansas' program at $128 million, nearly $90 million less than what the No Child Left Behind Law calls for. This budget proposes funding Arkansas' After School program at $12 million below what No Child Left Behind mandates. This could affect more than 15,000 Arkansas children. On top of that the President's budget cuts IDEA funding by more than $37 million.

The fourth area where this budget fails rural America is in relation to economic development. The President's budget would drastically cut economic initiatives relied on by Arkansas' rural communities. The economic development initiatives specifically benefit communities in Arkansas of 3,000 or fewer residents.

The President's budget restructures how Community Development Block Grant (CDBG) Program grants are allocated. Last year, CDBG alone was funded at $4.8 billion. The President proposes to consolidate CDBG with 17 other local assistance programs and fund the entire group at $3.71 billion. This would make it more difficult for Arkansas' Department of Economic Development to compete for this type of funding. These cuts could severely impair the state's ability to provide grants to Arkansas' rural communities. In addition, this move would directly impact the 14 entitlement cities that receive CDBG funds (cities include: Bentonville, Conway, Fort Smith, Jonesboro, Rogers, Texarkana, Fayetteville, Hot Springs, Jacksonville, Little Rock, North Little Rock, Pine Bluff, Springdale, and West Memphis). CDBG funds have been used for a variety of projects in Arkansas, including senior citizen centers, public health facilities, childcare facilities, affordable housing rehabilitation and construction projects, and rural fire stations.

The fifth area where this budget fails rural America is with respect to agriculture. The fine print of the President's budget includes drastic cuts in farm and commodity programs that are vital to Arkansas' farmers. The President's proposed cuts would break a firm promise the Federal government has made to American farmers and ranchers. Furthermore, the President's proposed cuts in Food Stamps will severely impact rural Arkansans.

The President did not have to propose cuts in these programs. The entire farm bill is one-half percent of the Federal budget. Yet, he chose these cuts that endanger entire communities in rural America. He chose to protect tax cuts for the ultra wealthy above our working farm families who are the backbone of rural America.

This should be a wake up call to the heartland of this country—many of whom supported President Bush's reelection. These programs have huge impacts on the quality of life in our rural communities. From his recent proposal to privatize Social Security, to these devastating cuts in his budget—the President has made it abundantly clear that he's going after working families in rural America.

Unfortunately, the FY 2006 Senate budget resolution we are debating today is only marginally better than the President's request. In my opinion, this resolution doesn't reflect the values and priorities of my state or the nation. The proposal before us ignores critical needs in my state and in rural communities across our nation. Specifically, the resolution, like the President's budget, would cut funding for Veterans, for education and training, for local law enforcement, for transportation and for agriculture and nutrition programs.

I am pleased we have made some improvements in the budget presented by the President during consideration in the Senate but unfortunately I believe the burden imposed by this budget still falls disproportionately on the backs of working families, especially those in rural communities throughout Arkansas and the nation.

Even though I am compelled to oppose the budget before the Senate today, I will continue to stand up for the priorities that are critical to the citizens of my state during the appropriations process ahead.

Mr. LEAHY. Mr. President, the President is setting a course that jettisons sound stewardship of fiscal policy and that ignores America's real needs, from education to first responders, and this budget resolution largely facilitates that reckless course.

Iraq's needs fare well in the President's spending priorities, but America's needs deserve to fare better. In record time, the administration's policies already have converted record surpluses into record deficits, and if these new policies are enacted, the worst is yet to come. More tax cuts for the wealthy, more borrowing, more deficits, and fewer investments in the priorities that really count in the everyday lives of America's families and communities.

We hear a lot in this town about "compassionate conservatism." We hear speeches about declining family values and the breakdown of the traditional family. And we hear about streamlining Government and making it run more like a business based on cost-benefit analysis.

But the truth is, this budget before the Senate today is neither compassionate nor conservative. On the one hand it slashes, freezes, or totally eliminates funding for programs that help the poorest and the most vulnerable Americans, and on the other it uses smoke and mirrors to conceal the creation of a federal deficit larger than any other in our Nation's history.

This is a difficult time for many Americans, and this budget will only make things worse. Fifteen million American households cannot find affordable housing, yet this budget would force housing costs onto state and local governments.

Forty-four million Americans do not have health insurance, yet the budget that was brought to the floor would force the costs of Medicaid right back onto our cash-strapped State and local governments. I am pleased that we were able to soften this crushing blow to our states' Medicaid programs—for now—with a successful amendment. But there will be determined efforts to undo that vote at every step of the legislative process that lies ahead.

At a time when American companies are forced to hire from abroad because the students here lag behind in math and science skills, this budget would eliminate education programs by the dozen and severely underfund No Child Left Behind programs and funding for low-income schools. Perhaps most disturbingly, as we see more and more young troops coming back from Iraq and Afghanistan in need of long term medical and psychological care, this budget would dramatically reduce benefits and services to veterans.

I recently received a letter from a charitable organization that I believe does great work, Catholic Charities USA, describing their views on the proposed budget. I think it will surprise many members what they say. I ask unanimous consent that March 8, 2005, Catholic Charities letter addressed to me be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 8, 2005.

Hon. PATRICK J. LEAHY,
U.S. Senate, 433 Russell Senate Office Building, Washington, DC.

DEAR SENATOR LEAHY: On behalf of Catholic Charities USA, I urge you to support budget priorities for FY2006 that will strengthen the capacity of states, localities, and private agencies to protect and assist the poorest and most vulnerable members of our society.

Although our economy has recovered somewhat from the economic recession that began in late 2000, increasing numbers of Americans ate facing significant hardship. Unemployment remains high, as over 9 percent of the working population is either unemployed or underemployed, according to the Bureau of Labor Statistics. Poverty rates are rising again, and 35 million people—including 12 million children—are now living under the federal poverty line.

For millions of families, the difficulties presented by the weak economy have been exacerbated by other challenges. Fifteen million American households cannot find affordable housing, while forty-four million people in the U.S. lack health insurance. High housing costs, unexpected health costs, chronic illnesses aggravated by inconsistent health care—these and other factors contribute to the economic instability experienced by many families.

We at Catholic Charities USA are witness to the human toll of the failure to address these problems adequately. For instance, our agencies, which provide food, shelter, and other forms of emergency assistance to 4.5 million people annually, are reporting strong increases in requests for emergency assistance, especially among families with children. According to the U.S. Conference of Mayors, our experience is not unique. Their 2004 survey of 27 cities revealed that requests for emergency food and shelter increased 14 and 6 percent, respectively.

We therefore urge you to produce a budget that will protect funding for critical services and supports to help the millions of families struggling to achieve stability and self-sufficiency. Every decision of economic policy, including the setting of national budget priorities, must be judged in light of its impact on those who do not share in the abundance of the American economy. At a time when the United States is spending more on defense and homeland security, a question arises about who will pay for it. It should not be our nation's poorest citizens. We therefore ask you to support the following budget priorities:

Place a priority on investments in federal programs that protect and support low-income families and other vulnerable populations. Funding for many poverty programs was already cut or frozen in 2005. Others, such as Temporary Assistance for Needy Families (TANF), the Child Care and Development Block Grant (CCDBG), and the Social Services Block Grant (SSBG) have been frozen since 1996. Congress should address the budget deficit in a fair and balanced way maintaining investments in our children, protecting programs assisting seniors and persons with disabilities, and enhancing our national security.

Oppose the inclusion of Medicaid cuts in fiscal year 2006 budget reconciliation: Medicaid provides essential health coverage to over 50 million of our most vulnerable low-income children, working families, seniors, and people with disabilities. Neatly every state has already enacted painful cuts to its Medicaid program, including eligibility levels, services, and provider payments, and many states are facing deep Medicaid cuts again this year. Federal funding reductions would force states to implement even deeper cuts further restricting eligibility, eliminating or reducing critical health benefits, and cutting or freezing provider reimbursement rates. As a result, state Medicaid funding cuts could add millions more people to the ranks of the uninsured who would go without care, endangering their own health and public health.

The budget resolution should not place arbitrary caps on discretionary spending. The Administration has proposed statutory rules to cap discretionary spending over the next five years at its proposed 2006 spending levels. Such caps would require cuts of $200 billion in spending for domestic programs over the next five years, including funding for education, veterans' health care, rental assistance, utility assistance, and childcare. Such cuts would have a devastating impact on agencies and communities that are already struggling to meet the basic needs of vulnerable citizens.

We ask that Congress not attempt to balance the federal budget through reductions in discretionary programs assisting low-income families. Because domestic discretionary spending constitutes only 16 percent of the federal budget, even deep cuts in these programs would offer little help with the federal deficit, while sharply reducing assistance to families struggling to meet their basic needs.

If Pay-As-You-Go (PAYGO) rules are included in budget reconciliation, they should be balanced. If Congress chooses to reinstate PAYGO provisions, we urge that they be implemented in a neutral manner that does not encourage revenue reductions at the expense of critical programs serving the nation's most vulnerable families. Under the President's proposed PAYGO rules, entitlement program increases would have to be offset by entitlement reductions elsewhere. In contrast, tax reductions would require no offsets in the federal budget. This unbalanced policy would unfairly burden programs such as Medicaid that provide families with critical assistance, and would likely fail to achieve significant deficit reductions.

We recognize that Congress is faced with many difficult choices. In your deliberations, please remember those who have the fewest choices.

Respectfully,

FR. LARRY SNYDER.

Mr. LEAHY. Mr. President, what does this charitable religious group ask? Less funding for family planning efforts? No. More tax cuts for the wealthy? No. Tougher bankruptcy standards to help credit card companies? No. Class action relief for big corporations? No. Yet those have been the White House's and the Congress's priorities so far this year, and those are their priorities in this budget. But what this charitable religious group convincingly asks that we do is far different. They ask for the following: They ask Congress and the President to make a higher priority in the budget of federal programs that protect and support low-income families and other vulnerable people in our society. Oppose the inclusion of Medicaid cuts in Fiscal Year 2006 budget reconciliation. The budget resolution should not place arbitrary caps on discretionary spending. And if pay-as-you-go rules are included in budget reconciliation, they should be balanced.

Now, these sound like reasonable proposals that would help the neediest among us. Those sound like priorities that would benefit the 35 million people—including 12 million children—now living below the federal poverty line. These proposals truly sound compassionate.

Some claim that the cuts in this budget are steps toward fiscal responsibility. But anyone who looks closely at this budget will see that any semblance of fiscal responsibility is lost because this budget leaves out a number of Governmental costs in the outyears. It leaves out the costs of ongoing U.S. responsibilities in Iraq and Afghanistan. It leaves out the cost of any repair of the alternative minimum tax system. It leaves out the cost of extending the President's tax cuts. And most incredibly, it leaves out any of the expected $4.5 trillion in costs for the President's plan to privatize Social Security. With these costs factored in to the equation, the nonpartisan Congressional Budget Office predicts that by 2012, the United States deficit will reach $527 billion, making each family's share of the debt an astonishing $85,967.

I take very seriously this warning from the Government Accountability Office in their February 2005 report titled "21st Century Challenges: Reexamining the Base of the Federal Government:"

> Absent significant changes on the spending and/or revenue sides of the budget, these long term deficits will encumber a growing share of federal resources and test the capacity of current and future generations to afford both today's and tomorrow's commitments. Continuing on this unsustainable path will gradually erode, if not suddenly damage, our economy, our standard of living and ultimately our national security.

This budget will plunge the United States into red ink as far as the eye can see. We have an obligation to be honest about the true costs of our budget to the people who are paying for it. If we continue to follow this path of fiscal irresponsibility, we will be leaving our children and grandchildren with a debt that they cannot possibly begin to afford. We need to turn around the massive loss in total revenues that we have seen during the Bush years. We need to strengthen our current Social Security system so that less money is drained from the trust fund. And we need to realign our budget priorities with the real needs of the American people and discard these politically motivated budget cuts.

I may be seen in this town as a progressive Senator from Vermont, but I have a conservative message for my colleagues today. We cannot continue down this reckless path of financial irresponsibility that we have been led down for the past four years. We need to get our fiscal house in order. Foreign investors are growing weary of our record debt. Our sons and daughters in uniform—including those in our National Guard and Reserves—are in harm's way overseas and need to be properly equipped and to have the health insurance they deserve. And essential programs for disadvantaged people across the country are being slashed to squeeze out more money for tax cuts to the wealthiest among us. This is not the American way. We are a more compassionate people than this budget resolution assumes we are.

The American people deserve better than fiscal and budget policies such as these, and I will vote against this budget resolution.

Mr. GREGG. Mr. President, much to my amazement, and I suspect that of the Senator from North Dakota, we are at the end of this exercise.

I will yield to the Senator from North Dakota for a closing comment. Before I do that, I want to thank the staffs on both sides, the majority staff and the Democratic staff. They have done exceptional work under extremely intense, very difficult conditions. They have worked night and day for weeks on this, and now in the last few days they have been going 24 hours a day.

I also thank the members of the staff of the Senate for their extreme courtesy and extraordinary professionalism. Amendments have been thrown at them in an aggressive way, and they have handled it well. We thank them for their professionalism.

I yield to the Senator from North Dakota.

Mr. CONRAD. Mr. President, very briefly, I thank Senator GREGG for the tone he set not only in committee, but on the floor. I thank his staff for their professionalism and cooperation. We have gotten to know them and have worked closely with them and have enjoyed the experience.

I thank Members of the Senate who worked cooperatively. Just hours ago, we could have been faced with being here until 3 o'clock in the morning. Senators on both sides of the aisle really cooperated to allow us to complete business at this hour.

With all of that said, I urge Members to oppose this budget resolution. As I read it, this budget would increase the deficit by over $200 billion over and above what would happen if we just put this entire Government on autopilot. In addition, as I read this budget, it increases the debt each and every year by over $600 billion.

Mr. President, this is at a time when we already have record deficits and soaring debt and are increasingly vulnerable to the decisions of foreign central banks, as we have increased our borrowing from them by nearly 100 percent in just 3 years.

Finally, I don't think this budget has the right priorities for America. This has a dramatic cut in the COPS program, virtually eliminating it. It has cuts in things like firefighters grants and, at the same time, substantial tax cuts for the very wealthiest among us, a tax cut of more than $35,000 for millionaires in 2006 alone. That is at a time when we are reducing funding for a whole series of national priorities, including veterans and education beyond what was authorized.

Again, let me conclude by thanking colleagues on both sides for the professionalism with which this debate has been conducted.

I yield the floor.

Mr. GREGG. Mr. President, let me add a note of appreciation to the majority leader and the assistant leader on our side and the Democratic leader and his assistant leader. They have done an exceptional job of helping us on the bill.

Let me especially thank the Senator from North Dakota for the expeditious and fair way this bill was handled. It was, in large part, due to his extraordinary effort. I thank him for that. I thank his staff, led by Mary Naylor, and I thank Scott Gudes of my staff and the extraordinary team I have for the great work they have done.

This is not the perfect bill, not the bill I would choose had I controlled the magic wand. But it is a bill that is in the middle of the process, and, hopefully, it will evolve into a better bill as we go through the process.

I hope colleagues will join in passing it, as it is our obligation as a Government that we have a budget in order to guide the Government as we go forward.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. We will not end until the leader has worked things out, but the chairman was concluding his statement.

Mr. GREGG. My verbosity obviously got the best of me. I was concluded, and I thought it was an excellent conclusion. I appreciate the input of the Senator from Nevada. He brought it to an end at the appropriate time. I hope we can move forward.

Mr. CONRAD. Mr. President, I thank my staff very much for an extraordinary effort. Thank you very much.

Mr. REID. Mr. President, we cannot leave until the majority leader gets on the floor. We have to find out what we are going to do when we get back here.

Mr. BIDEN. We can check the RECORD. Let's vote.

Mr. REID. Does the leader have an idea what we are going to do when we get back?

Mr. FRIST. Mr. President, through the Chair, we are going to have a busy session when we get back. I would love to continue our discussion. We have a number of issues such as patient safety, and we have a couple of district judges that we need to do. We will see how far we get with welfare reform. We can have a busy 3 weeks.

Mr. REID. Tuesday will be our first vote?

Mr. FRIST. Tuesday would be our first vote, if we vote Tuesday. We would not vote on the first Monday back.

Mr. BYRD. Mr. President, may I inquire of the distinguished majority leader, will there be a session tomorrow?

Mr. FRIST. Mr. President, I have not had a full discussion with the Democratic leader about a session tomorrow. We can either have a discussion now or during the vote. We will discuss during the vote whether or not we will have a session.

Mr. BYRD. If we are not going to have a session, my first inquiry would be, how many days will the RECORD remain open for statements?

Mr. FRIST. Mr. President, through the Chair, in response to how many days the RECORD will be open, we will work that out as well during the vote.

Mr. BYRD. Mr. President, I ask unanimous consent that, upon the conclusion of the vote, I may be recognized to make some statements for the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the concurrent resolution, as amended.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 81 Leg.]

YEAS—51

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint

Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Warner

NAYS—49

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Corzine
Dayton
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Stabenow
Voinovich
Wyden

The concurrent resolution (S. Con. Res. 18), as amended, was agreed to.

(The concurrent resolution will be printed in a future edition of the RECORD.)

Mr. GREGG. Mr. President, I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, the narrow 51–49 vote on the budget resolution we just passed reveals the delicate balance that our leadership forged between spending restraints and the funding priorities of the American people. On the one hand, there is a clear need to dry up the red ink which threatens to plague our children, their children and generations to come. As the author of the Balanced Budget Constitutional amendment I am clearly aware of the need to maintain fiscal discipline.

At the same time, I also have a responsibility to the citizens of UT to make certain that important programs in our state receive the funding they need to operate on a sound basis.

Today, we cast many difficult votes which forced us to choose between those two competing priorities. One of those votes was on the Smith Medicaid amendment. I am extremely concerned about the $60 billion reduction in proposed spending growth for Medicaid in the President's budget. At the same time, it is important to note that even under the President's budget, Medicaid is projected to grow about 7 percent per year.

I feel that it is incumbent upon the Finance Committee and its members, Secretary Mike Leavitt and the President to work with States and communities to ensure that we preserve the safety net Medicaid offers to the elderly, the disabled and the low income. I have pledged to Chairman CHUCK GRASSLEY and Secretary Leavitt that I will work with them to ensure that there is adequate funding for this vital program. I am very concerned that we do right by this program which helps so many, many Utahns each year. We can't allow it to be torn apart.

Another difficult amendment facing the Senate today was the amendment offered by Senator NORM COLEMAN to restore funding in the budget for the Community Development Block Grant program, CDBG. As my colleagues are aware, I wrote to the Budget Committee and urged strongly that they include adequate room for the appropriators to fund the CDBG program. I was very disappointed that funding was not reflected in the budget reported by the Senate Budget Committee.

I consider the Community Development Block grant program to be an effective tool and an extremely important program for communities throughout the State of Utah. I feel it is important to note that the purpose of the Budget Resolution is to set out the framework for the FY 2006 priorities which will determine the allocations provided to each of the Appropriations Subcommittees. We all know it is very difficult to begin the appropriations process without having a budget in place to guide our work. Whether or not the final budget agreement which emerges from the House-Senate conference includes an explicit funding reference for the CDBG or not, action will turn to the Appropriations Committee which has the full authority, and indeed the responsibility, to provide funding for this program.

Let me make it perfectly clear to the communities in Utah that I will not drop my fight to secure adequate funding for the CDBG.

I want to assure my colleagues that my votes on the budget today do not reflect any lessened commitment on my part to the CDBG, Medicaid or other vital programs in UT.

Mr. DODD. Mr. President, I rise today to talk about the budget resolution that the Senate just voted on. This budget is irresponsible and takes the country in the wrong direction. It adds to our Nation's debt, continues to slash taxes for those in our Nation who least need tax breaks, and would enact massive cuts in critical domestic priorities. And it is for these reasons that I was unable to support this budget resolution.

The budget of the United States is a declaration of our Nation's moral priorities. It is a statement of where our Nation is now, and where we aim to be, years down the line. On all of these counts, this budget fails to reflect this Nation's values.

I know that Members of this body have strong differences on our budget priorities, but I think that we can all agree on the following two items. First, that our Nation is currently experiencing record-high deficits.

Second, that these deficits are impeding our ability to meet our needs in education, transportation, communication, health care, national security, and homeland security. There are strong views on both sides on how we got here. I believe that our change from record surpluses to record deficits was not an accident, nor was it a product of unforeseen events, but was a direct result of the fiscal policies pursued by the current administration. This result was not unforseen, not unexpected, and in some corridors even desired since there are those who have told us that deficits are "good" on the theory that chronically high deficits will preclude what they consider to be unwise and wasteful government spending, by which they mean spending on education, transportation, research and development, among other priorities.

Unfortunately, the budget that just passed does not in good faith address our record deficits. In fact, it worsens our Nation's fiscal health. This budget is a continuation of the reckless and unfair policies that have been pushed forward by this administration since its first days in office, and by its supporters in Congress. The majority's budget resolution would make deficits and debt worse, not better as they have claimed. Over the next 5 years, this budget proposal would increase deficits by $130 billion over what they would be under current law. And while the majority claims to be cutting the deficit in half with this budget resolution, I am afraid that that this assertion is false. This budget resolution actually leaves out large and significant costs, and in so doing masks the true size of the deficit.

The reality of the fact is that when omitted costs are factored in, such as the 10-year cost of AMT reform, $770 billion, and ongoing war costs, $380 billion, the operating deficits will remain above $500 billion and climb to $569 billion in 2010. These figures do not include the President's Social Security privatization plan, which would likely add an additional $4.4 trillion over 20 years to the national debt.

To make matters worse, by failing to provide estimates of the effects of its proposals beyond 2010, this budget resolution, obscures the fact that its tax cuts would increase the deficit by a much larger amount in the second 5 years—2011 through 2015—than in the first 5 years—2006 through 2010. According to the Congressional Budget Office, the tax cuts proposed in the budget would increase the deficit by another $1.4 trillion from 2011 through 2015.

The national debt would continue to skyrocket under this budget resolution. In 2001, when President Bush took office we were actually having serious conversations about paying off the national debt by 2008. Under this budget resolution, including the costs of AMT reform and ongoing war costs, we will see the publicly held debt go from its current level of $4.3 trillion to at least $5.9 trillion by 2008. In 2001, this would have seemed inconceivable. This budget resolution also includes a reconciliation instruction for a $446 billion debt increase which means that a debt increase could happen in an expedited manner without affording the Senate full and proper consideration. While there was an amendment to remove the reconciliation instruction on the debt increase, it unfortunately did not pass.

Over the past few years, the administration has told us that figures like the deficit and the national debt are merely numbers that have little impact on Americans' lives. This is yet another reflection of an administration out of touch with reality.

What will be the ultimate result of our record budget and trade deficits? Higher interest rates on small business loans, families' mortgages, and education loans. These amount to a tax hike on working families and small businesses.

Americans may wonder, how does their government finance these deficits? The answer is that our government does much what many families or businesses do when faced with bills they can't pay—we borrow money. The money our government spends has to come from somewhere—and with each passing year, more and more of it comes from foreign nations.

Since President Bush took office, foreign debt holdings have increased almost 100 percent. We now owe $700 billion to Japan, $200 billion to China, and $69 billion to South Korea. This makes us more vulnerable to the decisions of foreign central bankers since they can decide that it's time to collect their debt—and we will have to pay up. If this were to happen, the implications for our economy would be catastrophic.

The majority had an opportunity this week to truly tackle the skyrocketing deficit—by restoring a strong pay-as-you-go rule, PAYGO, that would require any new mandatory spending or tax legislation to be paid for, or require 60 votes to pass. In 1983, I was one of the first Senators to offer a pay-as-you-go budget. It is smart budgeting; it works. One major reason why we were able to move from deficit to surplus in the 1990s is because we had a strong PAYGO rule. Unfortunately, the majority refused to support this important amendment this week, thereby sending a message that it is okay that we continue to drown in deficits.

As I said at the outset, the budget that the Senate just passed is not just a fiscal document. It is a statement about the majority's values. And just as this budget is fiscally irresponsible, it is also morally irresponsible.

This budget will cause pain and debilitation to working families throughout our country. In essence this budget tells working families that they need to do more with less. This budget tells them that as a nation we just do not have money to buy new computers for schools, to provide better health care, to provide services to the poor, the sick, the frail, and the elderly. This is appalling, but what makes it even more so is that at the same time, this budget turns around to the affluent of this country and gives more to them. This budget finds room to include tax cuts for millionaires, but does not have enough for the needs of middle-class families.

Despite record deficits and debt, and despite our efforts to address this, the budget before us provides for another $70 billion in tax cuts over 5 years using the "reconciliation" process which is a fast-track process that ensures that such legislation would need 51, rather than 60 votes to pass. "Reconciliation" was originally established to ensure fiscal responsibility, and here the majority is now using it to extend the tax cuts on dividends and capital gains. These tax breaks, which would average $35,000 a year, would disproportionately go to households that have incomes in excess of $1 million, a group that constitutes only 0.2 percent of all households.

Such policies will bankrupt the country and unfairly place the burden on the backs of middle-class workers. I strongly believe that this budget sets us on a dangerous course when we consider the challenges we face in the coming years.

In the global economy of the 21st century, America faces ever-increasing competition from foreign nations. How we fare in that competition will be a direct consequence of our willingness to make concrete investments in the capabilities of our greatest and most abundant resource: the American people.

Investing in the American people begins with ensuring each and every American receives a quality education. A quality education—beginning when a child is only a few years old, and continuing through college and beyond—is the key that opens the doorway to a lifetime of opportunity. Our competitors—nations like India and China—have realized that. They are making serious investments in the intellectual capacity of their citizens.

What are we doing?

One in every three programs slated for elimination in the President's budget are education programs. Aside from the eliminations, No Child Left Behind is underfunded by $12 billion, special education is underfunded by $3.6 billion, and afterschool programs are underfunded by $1.25 billion. How does the administration expect schools to raise the level of achievement for students without the resources needed to do it?

In today's global economy, we can ill afford to give our children any less than the best education available. As I have said many times before, education may be expensive but ignorance costs even more.

I was also appalled when I saw how little this budget provides for concrete investments in scientific progress.

In real terms, the total Federal R&D portfolio would decline for the first time since 1996. Total Federal support of research—basic and applied—would fall 0.6 percent to $54.8 billion.

The proposed Federal Research and Development portfolio in fiscal year 2006 is $132.3 billion, 0.6 percent or $733 million above this year's funding level, far short of the $2.2 billion increase needed to keep pace with inflation.

In many respects, I feel as if those who wrote this budget have forgotten the lessons of history. If we look at the groundbreaking scientific innovations over the past two centuries, we learn that an overwhelming number of them have been inextricably linked to real investments this Nation has made in research and development.

Where will we see the next great scientific achievement? Will it be here in the United States? Or will it be in China? Or England? Or Japan? Or Italy? The answer to that question lies in our willingness to make the right choices. Unfortunately, this budget does just the opposite.

While the budget contains an overall shortfall in R&D funding, I am pleased, however, that an amendment that was introduced by our colleague Senator GEORGE ALLEN and myself was accepted and included in the budget resolution. The budget had proposed to cut over $700 million out of NASA's Aeronautics budget over the next five years. Our amendment increases subsonic and hypersonic aeronautics research and development funding by $1.58 billion over 5 years, with an offset.

Aerospace and aviation are important assets for America and for my home State of Connecticut. In addition to its obvious national security benefits, the aeronautics industry makes a critical contribution to our Nation's economic growth and standard of living. We cannot continue to just give the minimum to aeronautics research and development if we want to be able to effectively compete in aeronautics and in the world economy. Acceptance of this amendment is a step forward in demonstrating that the United States is committed to our aviation and aeronautics industry and innovation.

If I listed every area in which this budget fails our Nation, I would be here much longer than my allotted time. But I would like to quickly outline just a few more of the critical priorities that this budget has shortchanged in order to provide tax cuts for millionaires:

Veterans funding would by cut by $14.5 billion. This administration constantly preaches the rhetoric of supporting our troops, yet it has consistently come up short when it comes to meeting the needs of those who have made great sacrifices for our freedoms.

Just as this budget fails those who protected our freedoms abroad, it endangers those who keep us safe here at home. It cuts firefighter assistance grants—grants that have helped fire departments buy new trucks, safety equipment, radios, hazmat suits—by 31 percent. It cuts funding for the COPS program—which supports police officers throughout our nation—by 96 percent.

We have known since the first roads of the Roman Empire that the fate of nations hinges in many respects on their ability to move people, goods, and services as efficiently as possible. Yet this budget cuts $15.9 billion in transportation funding.

Reductions in natural resource and environmental programs would total $29 billion over five years. This budget also fails to protect the Arctic refuge from drilling.

The budget also cuts child care assistance for 300,000 children through 2009. It is absurd to be cutting child care assistance for struggling parents at the same time that the President proposes that more low-income parents work longer hours. It is not just absurd, it is irresponsible. If you want welfare reform, you simply must have child care, as well.

This budget would terminate the Community Services Block Grant, leaving working poor families affected by the President's budget cuts with nowhere to turn for assistance.

I know that we can do better than this budget. Actually, we must do better, so that we can truly move our country forward, and do what is best for families everywhere.

HORIZON MINERS

Mr. BYRD. Mr. President, Smithers, WV, is a town of 904 residents on the banks of the Kanawha River, just outside of the state capitol of Charleston. Last October some 1,500 active coal miners and retirees, along with their wives, their children, their families, sat inside a hot and crowded gymnasium trying to cope with how, in a few short weeks, their lives had been turned upside down.

Two months earlier, a bankruptcy judge whom they had never met, and who resides in another state, vitiated their collective bargaining agreement. In West Virginia, this judge cost 270 active miners their jobs, and, along with 1,270 retirees and their dependents, rescinded their health benefits. These folks gathered in that gymnasium trying to understand what had happened and what could be done.

They are the Horizon miners. They are good, strong people. They devote themselves to their labors, and take pride in their work. They are committed, hardworking individuals who contribute much and ask for nothing more than simple fairness. And so imagine how they are made to feel, the anguish, frustration, and betrayal they are made to feel, when they learn the health benefits they labored for, the job security they I toiled for, has been taken away.

One can hardly blame these workers for feeling as though the world has ganged up on them. Their former employer, Horizon Natural Resources, for which they loyally worked for many years, had lobbied intensely in bankruptcy court to eliminate the health benefits of its own employees. In a U.S. court, where every honest man should expect a fair shake from an impartial judge, these workers were betrayed by the judicial system.

The judge, with the rap of a gavel, vitiated the 1992 Coal Industry Retiree Health Benefit Act, legislation passed by the Congress and signed by the President, to provide qualified coal miners with guaranteed health benefits, a promise dating back to President Harry S. Truman's pledge to John L. Lewis in 1946. One judge overturned a 60-year-old promise that had been codified by the Congress and endorsed by three Presidents. It was a disgraceful, shameful act.

These Horizon coal miners, betrayed by their employer, beguiled by the courts, now turn to their elected representatives in the Congress for help. And, thanks in large part to the efforts of Congressman NICK RAHALL and Senators ROCKEFELLER and SPECTER, the Senate is in a position to get something done.

Building on Senator ROCKEFELLER's efforts, Senator SPECTER has introduced legislation to help the Horizon miners. I urge the Judiciary Committee to take a careful look at that legislation. I urge the committee to hold hearings, and to listen to the plight of those coal miners and their families affected by Horizon's bankruptcy. This is an issue that affects not just the Horizon coal miners, but workers across the Nation who have seen their pension and health benefits taken from them.

It is happening across West Virginia. It is happening across the Appalachian region. It is happening in Indiana, Kentucky, and Illinois. In West Virginia, it is affecting elderly workers who are near retirement. What security they had is gone. What they had been promised, they have no time to get back. In such circumstances, it is incumbent upon the Congress to take action.

I urge the Finance Committee, as well as the Judiciary Committee, to consider these issues. I urge both committees to hold hearings and solicit testimony from those workers affected. The chairman of the Finance Committee has said that his committee ought to look at the issues raised by Senators SPECTER and ROCKEFELLER in the context of a comprehensive review and a comprehensive solution. That makes sense, and I am encouraged by his statement.

Abraham Lincoln reminds us that "Inasmuch [as] most good things are produced by labor, it follows that [all] such things of right belong to those whose labor has produced them."

The Horizon miners labored for their health benefits, and they ought by right have them. Let us organize our efforts. Let us build momentum, and let us, at long last, take a stand in defense of the men and women who epitomize America's time-honored work ethic.

LIONS AND LAMBS

Mr. BYRD. Mr. President, this Sunday is special for two reasons. It is the first day of spring and it is also Palm Sunday, the beginning of the Christian Holy Week. Both events mark triumphant arrivals, of Jesus into Jerusalem, and the start of the season of rebirth, of lengthening days, warm earth, and growing things.

At this time of year, many people quote an adage to the effect that "March comes in like a lion, and goes out like a lamb." An unknown poet said it better:

> The March wind roars
> Like a lion in the sky,
> And makes us shiver
> As he passes by.
>
> When winds are soft,
> And the days are warm and clear,
> Just like a gentle lamb,
> Then spring is here.

The exact origins of the March saying are not clear. Observers of the weather may assert that the saying reflects common springtime weather patterns, when shifting pressure gradients create the strong gusty winds so closely associated with March. Indeed, March marks the beginning of the tornado season in North America. We have certainly seen some strong cold winds recently, shaking the few remaining dry brown leaves out of the trees and whirling them across lawns and roads. Daffodils and crocus have been lured into bloom only to be buried under snow or ice. This year, winter is still roaring in March, with howling winds, snowstorms, ice, and rain across the nation. The poet Henry Van Dyke (1852–1933) once observed that:

> The first day of spring is one thing, and first spring day is another. The difference between them is sometimes as great as a month.

We can but hope that the gentle lamb-like weather arrives soon.

Some skywatchers believe the adage has a heavenly source. They point out that the constellation Leo, the lion, is rising in the eastern horizon at the beginning of March, hence the "coming in like a lion," while Aries, the ram, sets on the western horizon at the end of March, and so "departs like a lamb." Some Christian observers point out that March is typically a Lenten month, in which Jesus, the Lamb of God, is sacrificed on the cross, only to return in the future as the Lion of Judah to rule over the world of men.

I do not know which theory is correct, but each is plausible and intriguing. They provide food for thought as gardeners rake out flower beds and till vegetable plots on the warm, sunny afternoons that crop out amid the rain and late snow flurries. They reassure us that, whichever is true, the world is behaving normally. If we are only patient a little while longer, the March winds will push winter along and leave the glorious spring in their wake.

Age is supposed to bring with it patience, but I find that each year I am just as eager for spring to arrive as I was when I was a boy. I may be even more eager than I was as a boy, since snowball fights and sledding down hills have been replaced with shoveling walks, scraping icy windshields, and higher heating bills. I am ready to shed my winter coat, ready to feel the sun on my face, ready to see the flowers bloom and the grass grow. I am ready to plant a few tomatos. I may not run through the fields and woods anymore, but I like to sit outside with my wife, Erma, and watch our little dog explore the backyard. I look forward to watching my grandchildren hunt for Easter eggs in the soft, new grass.

The vernal equinox marks the first day of spring, the perfect balance of light and dark, day and night. On Sunday, for the first time each year, day and night are equal. But then the sun triumphs over the dark days of winter. Each day through the spring, the period of sunlight grows a little longer, like the grass in the yard. Each day, the birds start singing a little earlier, and continue their song just a little later in the evening.

For winter's rains and ruins are over,
And all the season of snows and sins;
The days dividing lover and lover,
The light that loses, the night that wins;
And time remembered is grief forgotten
And frosts are slain and flowers begotten,
And in green underwood and cover Blossom
by blossom the spring begins.

So wrote the poet Algernon Charles Swinburne—1837-1909—in his 1965 poem, "Atalanta in Calydon." In March, the daffodils, crocus, and forsythia bloom, adding their springtime yellow and Lenten purple to winter's faded palette of gray and brown. But look closely, and you can see buds swelling into life on twigs and branches. Vibrant reddish buds reassure gardeners that the roses came through the winter, and will soon grace us with their beauty and sweet fragrance. The glorious parade of bloom and blossom will soon begin.

It seems more than happy coincidence that Easter is a springtime event. Like spring itself, the story of Easter is one of rebirth, of light triumphing over darkness. Palm Sunday, the arrival of Jesus into Jerusalem those many years ago, is shadowed with the knowledge of the dark days to come—Jesus' betrayal, capture, and tortured procession with the cross on his back and crown of thorns on his brow. But after his death comes his resurrection and ascension, his rise from the darkness of the tomb to the light of Heaven.

Each spring, as we relive his great sacrifice for us, we can rejoice in his great promise of rebirth, even as we are surrounded by the earth's rebirth.

The celebration of birth and growth persists even in the most commercialized aspects of today's Easter celebration. Like the March winds adage, the origins of the Easter egg have been lost to time, but for untold centuries, eggs have symbolized fertility, resurrection and new life. The ancient Greeks, Persians, and Chinese exchanged eggs during their spring festivals. Some pagan traditions held that Heaven and Earth were formed from two halves of an egg.

Christian traditions have adapted this ancient symbol to the Easter ritual, wedding the ideas of earthly rebirth to spiritual resurrection. Once forbidden during Lent in the Middle Ages, eggs reappeared on Easter Sunday on the dinner table as well as being given as gifts. In Greece, eggs are dyed red to represent the blood of Christ. In Germany and Austria, green eggs are exchanged on Maundy, or Holy, Thursday. Many cultures have developed elaborate decorations for blown or hardboiled eggs, from the graphic Russian 'pysanki' eggs to those with religious symbols and scenes carefully painted on them.

Whatever the tradition, Easter eggs remain a springtime delight. The fun of making them is overcome only by the fun of hiding them and watching small hands tightly clutching decorated baskets loaded with their brightly colored bounty. Of course, today's Easter baskets are also filled with chocolate eggs, jelly beans, and marshmallow treats—some 90 million chocolate Easter bunnies, 700 million marshmallow Peeps, and 16 billion jellybeans each year, according to some reports. Older Easter food traditions, such as the hot cross buns once given to the poor by monks, and pretzels, with crossed arms resembling a person at prayer, have fallen from favor before this onslaught of sugar.

As Erma and I watch our children, our children's children, and now, our great-grandchildren, continue this happy custom, we are thankful once again for these, our blessings. Their new lives, like those of children everywhere, are treasured gifts. On this coming Easter, in this first week of spring, I know I am not alone in giving thanks.

I close with a short poem by Louise Seymour Jones, called "Who Loves a Garden." In just a few lines, she marries the spheres of heaven and earth, the greening of the land, the rebirth of the flowers as well as the spirit, and work that is a labor of love.

WHO LOVES A GARDEN

Who loves a garden
Finds within his soul
Life's whole;
He hears the anthem of the soil
While ingrates toil;
And sees beyond his little sphere
He waving fronds of heaven, clear.

Mr. President, I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. BYRD. Can the Chair inform the Senate as to how many days speeches will be received for printing in the RECORD before the recess formally begins?

The PRESIDING OFFICER. The Chair is not in a position at this point to share with the Senator what that may be, but it is our hope that it will be available soon.

Mr. BYRD. Very well. I am informed, Mr. President, that the Senate will be in this coming Monday for a brief period for acceptance of speeches only. Yes. All right. I thank the Chair. That answers my question sufficiently.

Mr. President, I thank all Senators, I thank the staff, and I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

TERRI SCHIAVO

Mr. SANTORUM. Thank you, Mr. President.

Today we had an opportunity to discuss and pass a very important piece of legislation. Most people would think I am referring to the budget, which we spent the better part of the day on, but we spent 15 precious minutes talking about an issue that many Americans are thinking about tonight; that is, the case of Terri Schiavo in the State of Florida. I wanted to congratulate my colleague from Florida, Senator MARTINEZ, for his effort in drafting the piece of legislation that could get, frankly, the impossible done—to get in the midst of an at times rancorous budget debate—a very unique consensus in this place, unique in this respect: 100 Senators had to agree to pass this bill. It is difficult enough to get 100 people, much less 100 Senators, to agree to do anything, particularly during an often difficult process that we have been going through, but not only did we get 100 Senators to agree to allow this bill to be passed, but we did so when some Members on the other side of the aisle were not supporting the bill. That is somewhat remarkable.

I give a lot of credit to the Senator from Florida, Senator MARTINEZ, the two leaders, the ranking member of the Budget Committee, Senator CONRAD, Senator HARKIN, and others who worked to bring this issue to the Senate floor and to deal with it in a way that accomplished something vitally important; that is, giving the family of Terri Schiavo hope that the end will not begin tomorrow.

I will talk more specifically about it. I will yield to my colleague, Senator MARTINEZ, and Senator BROWNBACK. Both have been obviously incredibly active and helpful.

We are still working this process. The House has passed one bill, and we have passed a different one. I have been, as well as many here in this Chamber, back and forth between the House. I missed the next to the last vote because of meetings I was having over in the House. I never like to miss a vote, but I guess if we miss a vote, this is probably as good a reason to miss one.

We are still working very hard to see if we can find some common ground so we can address this issue that is so vitally important—not allowing a death sentence to be handed down to a young woman without a Federal court review.

We are working here on the Senate side very diligently. Not only do we work together to pass the bill Senator MARTINEZ authored, but we are working on the House bill. There will be meetings tomorrow with several Members of the Senate who have concerns about that bill to determine whether there is a possibility that we can, in fact, accept the House bill on this side of the aisle. Those meetings will take place tomorrow, and we will have a session on Monday in which we can potentially, if we get an agreement, pass that bill. But that is something we are going to work on.

I can tell you, having spoken to both Senator REID and Senator DURBIN, and others on the other side of the aisle—they have helped us arrange meetings with Members who have concerns about that issue, the House bill on the Democratic side of the aisle. We are putting those meetings together. We are going to have those discussions, we are going to see if this is something that can be acceptable and passed, and again we have to pass with unanimous consent. That process is underway.

Many in this Chamber believe the House bill is a superior way to go. I know the House strongly feels that way. Relief provided in the House bill does something that is essential; that is, take the case out of the hands of the judge who seems determined to end the life of Terri Schiavo. Removing that case from that judge into the Federal court is the most effective way to get a fair hearing. I think that has a lot of merit.

We are hopeful we can have this good discussion. But I will tell you we have had an air of cooperation here in the Senate that, candidly, was heartwarming. We sort of got past not just the particulars, because I don't think there is any politics in this, but even some of the philosophical and policy concerns that people have and understood the genuine concern that many Members here have for the evolving situation in Florida.

I commend my colleagues. This was a very fine moment for the Senate. It is continuing to be that as we continue to search for an answer—an answer that can get the House and the Senate together. I am hopeful that the House will do likewise, will reflect on the Senate bill. I know it is a very difficult row to hoe for the House.

We will be back in session on Monday. The House will be back in session on Monday. Again, I don't know whether we will be able to get anything solved by then. But I will tell you at least on the Senate side we will continue to work on that. We will continue to see if we can find some common ground. I am hopeful we will be able to reach—in fact, we must reach a conclusion.

It would be unconscionable to leave with both parties having expressed a will to do something. Both bodies with identical intent and cannot find the words to come together to accomplish that joint intent that has passed overwhelmingly in both Chambers. That would be a crime on top of a crime that is being committed in the State of Florida.

I am happy to yield to the Senator from Florida.

Mr. MARTINEZ. Mr. President, I thank my colleague from Pennsylvania for the incredible work he has been doing on behalf of this woman in Florida. His guidance and leadership have been a great sign to me of how effective a Senate can be and how compassionate a heart can be as well. I echo his comments in terms of the cooperation in the Senate.

I believe today Members of both parties came together to pass a bill that is designed to ensure this woman has an opportunity to have a review of her case by a Federal judge in the hopes that maybe her parents may prevail, but whatever the outcome may be, so she may have and we may be assured that every last measure of justice has been given to her.

I also am very pleased the House of Representatives acted swiftly outside normal procedure in order to make this happen. I am very grateful for their work. I am grateful for what they did. It is unfortunate we came at it because of the rush of business over the last several days, the very shortened period of time we had available to end up with two versions of this bill that differ. Their approach, which is a removal of approach, is not specific to any one individual. I know the House, for very good reasons, for historical reasons of good faith and for very good reasons, has had a reticence to do a private or individual bill. I understand that concern. I also know how difficult it was for some Members on the other side of the aisle particularly to go along with that measure because it was interpreted by some to maybe be too broad.

We are acting in good faith, and their concerns were, again, reasonable, while maybe I would disagree with them. Unfortunately, the only vehicle we could find in this very short timeframe was to utilize the bill we had in the Senate which found favor enough for there to be unanimous consent to proceed.

A number of inquiries have been made whether this is over. It is not. We continue to work diligently. We continue to work toward a solution, toward bringing the two bodies together so we can get a bill to the President. I am encouraged the President today has made it clear he will sign a bill if we get it to him. We must continue to work in this spirit of cooperation, not only among both sides of the aisle, majority and minority in the Senate, but also across this building, one end to the other, House and Senate, all intent on a result that will give this final review by a Federal court the opportunity for this woman to have that final measure of compassion, and at the end I am hopeful we will reach a solution.

As my colleague from Pennsylvania stated, we will be in session on Monday, and we will continue to work and negotiate on this over the weekend, tomorrow, and I am very hopeful we will find a solution. I am an optimist, and I am of the belief that we will be able to prevail in this matter. I am very grateful for the help and cooperation from our leader, who has been working very diligently, who did the research medically, who became convinced about this case. I have had Members from both sides of the aisle say all day there is something about this case, that it seems like it ought to have one more review. That is the spirit in which we say this.

I am happy to yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. I join my colleagues from Pennsylvania and Florida to talk about Terri Schiavo's case, and to the names of the people around the world who are praying for Terri Schiavo, a lady they have never known. They have seen pictures of her on television, but something is just striking at them, saying, this woman deserves to live. She deserves to have another review. The covenant with death needs to be broken, and will be.

This body has spoken tonight in a bipartisan, unanimous fashion to work on this. There are a lot of opinions on the factual and legal issues surrounding it, but we came together unanimously to give her that right to have one more review by a Federal court.

I thank Senator REID from Nevada, who was very helpful in working this, Senator WYDEN, who worked on things for his State, and Senator LEVIN. A number of people helped to make this move forward, and Senator MARTINEZ carried the freight with Senator SANTORUM.

This is a fine moment for this body, but it should not end here. I plead with those people involved directly, the courts directly involved in this, let this process move forward. Don't pull the tubes out tomorrow. We passed one bill in the House and one bill in the Senate. That should be extraordinary enough that they say this deserves one more look. Why wouldn't we give one more look? This is a purely innocent life we are talking about. The lengths we will go to for people who are convicted of a crime—we give much further review by a court of law. Here is a purely innocent life. Tomorrow, this could all end. But it shouldn't. It must not end that way.

We have some differences between the House and Senate version. Frankly, for myself, I think the House version is good. We could not move that through. We will keep meeting here. I met with the House leadership and chairman in the House with concerns, feeling theirs is a better approach. That is accurate. That is the way to go.

We are at a point in time where we should no longer have debate. We have to try to come together and plead with the court to hold this off so we can get moving. And more than that, a moral code in America right now is being discussed and is being acted upon through one person's life. It is so critical this be done right and be done thoughtfully and every chance for final review be given for an innocent life. A purely innocent life is at stake.

I am confident we can come forward with that. We must come forward with that for the sake of Terri Schiavo and for the sake of this country and for its message around the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

STATUS OF U.S. AND EUROPEAN UNION AIRCRAFT FINANCING NEGOTIATIONS

Ms. CANTWELL. Mr. President, today the President of the United States nominated former Representative Rob Portman to serve as our next U.S. representative and trade ambassador. I am hopeful that my colleagues on the Senate Finance Committee will move expeditiously to hold a hearing and approve his nomination as soon as possible.

In January of this year, the current U.S. trade representative and a team of European Union negotiators agreed to sit down to try to negotiate a new agreement for how aerospace markets will work in the future. We are 60 days into the 90-day period that they set for their own discussions. Even though our current trade representative, Ambassador Zoellick, has been confirmed as Deputy Secretary of State, he is going to continue negotiating on behalf of the U.S. Government. I know these negotiations are in very capable hands, and I applaud the aggressive stance being taken by the Administration on these trade talks.

These trade talks were entered into by both sides knowing full well that World Trade Organization sanctions were a real possibility if the playing field in aerospace does not become fairer. Both sides demonstrated a willingness to get rid of unfair subsidies and a good faith stance on both sides to negotiate. That is why I come to the Senate floor now to make sure the European Union knows we in the United States Senate remain very committed to these discussions. We are also very concerned that they are not at the table in good faith, if in fact the clock is ticking away and we are not making progress towards the goal of eliminating unfair subsidized financing of airplanes.

That 90-day clock is indeed ticking, and if a settlement is going to be reached on this matter without WTO intervention, it needs to happen immediately. There are fewer than 30 days left in the agreed time frame.

From the news reports, these discussions seem to be at a standstill. Obviously, these discussions need to be reenergized and, hopefully, achieve a successful end result. Otherwise, as I have mentioned, the parties will be forced into a WTO battle, and I am sure Congress will consider other tools that are at our disposal, as the administration continues to seek swift and firm action in this case.

To date, the Bush administration and the trade negotiators have shown solid leadership and strong resolve, first in bringing this case to the WTO last fall. Second, it approached subsequent negotiations with the EU in a serious commitment to reach an end resolution.

I have to say, in the beginning it seemed that the Europeans were equally interested in a settlement because Commissioner Mandelson, the European Union's chief negotiator, signaled in a public comment, "We need to make progress, and I intend to do so." This was reported by the Bloomberg News Service. He also said: "The objectives of the negotiations are primarily to establish fair market-based competition between Boeing and Airbus."

Despite these public comments, EU negotiator actions and subsequent rhetoric suggest something different than ending unfair subsidized financing. Instead of a genuine commitment to end subsidies, the Europeans have walked away from their commitment to this goal.

Now, it seems that the discussions may be dragged out over a much longer period of time, maybe avoiding resolution or delaying a path to actually eliminating these subsidies. It is very important that the EU meet its commitment to end these negotiations on time.

When these parties reached an initial accord in 1992, a number of important issues were unresolved. We do not want to make the same mistake this time by leaving too much on the table, only to see the WTO come in, in a process that we know will be more of a winner-take-all process.

In particular, EU negotiators must remain intent in staying at the table to discuss the issue of launch aid, the single most troublesome issue that I think we need to discuss. The United States cannot stand by while the EU stalls these discussions about launch aid.

Today, we all know the aerospace industry remains very important to the United States. The aerospace sector generates about 15 percent of our Nation's gross domestic product. However, I think the real issue for us is that the United States builds and finances planes through Wall Street and the private marketplace. Our domestic companies should not have to compete against the backing of European governments, against the deep pockets of governments that distort the global marketplace.

If, in fact, the EU drags its feet, how will these issues be resolved? Will they continue to argue that these launch aid subsidies are not the issue? Launch aid has provided Airbus with over $15 billion in subsidization, really unfairly propping up Airbus at the expense of the U.S. aerospace market and its workers. In the last 15 years, the U.S. aerospace industry has lost about 700,000 jobs.

Essentially, launch aid becomes a risk-free, low-cost government bank for the development of new lines of aircraft. The company only needs to repay the loans if the new product succeeds. Nowhere in our private sector does anybody, any company, get such a deal that they only have to pay the banker back if, in fact, the product succeeds. So this is a very important issue.

Obviously, launch aid puts our domestic manufacturers at an unfair competitive disadvantage. Airbus remains unfettered by the realities of the marketplace when launching new jetliners, while American companies must assume substantial market risk every time they unveil a new product. If Airbus bets on the wrong plane, no problem, no harm, no foul, the loans are forgiven. This means Airbus can proceed with the design and production of a new plane without ever turning a profit on an existing product line. It also means that Airbus can undercut the price and pursue more aggressive financing practices than the U.S. can. Obviously, you can see the end result is that Airbus can offer a cheaper plane in the marketplace by unfairly subsidizing the financing of their planes.

Well, nevertheless, Airbus has continued, even though it has grown into a mature company, to receive 33 percent of the funding for its product development from European governments since 1992, translating into billions in launch aid loans at below market rates. At the same time, it has avoided an additional $35 billion in current debt due to this subsidy. This launch aid distorts the global marketplace.

What we want to see in aerospace is competition that drives opportunities for the consumers. I believe that is why the United States has taken its aggressive position in saying that it will go to the WTO if necessary. I think it is time now to make sure that these negotiations between the United States and the European Union, which originally were announced in January, are completed as soon as possible. But maybe it is not surprising that they are lagging at this moment.

I say that because Airbus has moved ahead with a plan to submit $1.7 billion in an application for new launch aid for a new airplane, the A–350, which is designed to compete head-to-head with the Boeing 787. While negotiations to end launch aid are ongoing, there is simultaneously a new application to the European Union to support launch aid for a new plane. I believe that is probably why the Airbus CEO stated, about the new plane, the A–350: " . . . is easily financeable [sic] by Airbus without launch aid, but as long as there is refundable launch aid available, we will apply for it." This means, as long as they can get refunds later on launch aid, they will apply for it.

So while the European Union is supposedly at the table negotiating with the United States about getting rid of launch aid subsidies, it is continuing to discuss deals about launch aid for new planes.

It is clear that this does not paint a pretty picture. The European Union cannot have it both ways. It cannot pretend to be serious about negotiations with the United States to end launch aid subsidies and all the while sending a wink to Airbus about launch aid for the A–350.

The EU must level with the American public and the global community on whether it is serious about ending unfair subsidized financing of their aircraft.

Specifically, I think Commissioner Mandelson and the EU should consider the following actions: first, EU negotiators should declare their opposition to the launch aid for the A–350 and summarily reject the pending application that Airbus has prepared. Second, the EU should also reject all launch aid for future aircraft models.

We need to address these unfair subsidized financing issues and put an end to launch aid so that aircraft financing is on a level playing field. Failure to follow these processes will lead to swift action by our administration and the U.S. Government. Today, the U.S. stands ready to reach a resolution on this issue, but we must have a willing partner. The White House has expressed a strong commitment to finding an agreement, and the President has the backing of this Senator, and I believe many in Congress, to seek a resolution to this issue. I am sure my colleagues will join me in considering all options at our disposal to help find a resolution to this issue.

Last week, I was invited to the Smithsonian for a commemorative celebration of Space Ship One, a successful marvel, sponsored by Paul Allen and many others. The celebration marked the successful launch of the first commercial, manned spaceflight-something from which individual consumers will benefit in the future. The Smithsonian. National Air and Space Museum gave that award, and the flight signaled a new chapter in aviation history. There's something about the spirit of competition, about a group of people who came together to compete towards an exciting new chapter of aviation, and a level playing field of competition that delivered a great result.

Which is exactly what we have to get from the Europeans—a level playing field, to deliver a better result for the entire global community, for consumers, and for purchasers of aerospace and commercial aviation equipment by guaranteeing that we are going to have a level playing field.

I hope that these negotiations will continue in earnest and I am confident that Ambassador Zoellick and the new nominee, Mr. PORTMAN, will continue to be aggressive in resolving this issue. I believe we in the United States have fostered an environment for true competition for the private sector, to drive this industry to the next level. However, we need fair and balanced trade to make that successful.

I hope the Europeans will not stall these discussions, but that they will embrace the idea of fair competition as the end result.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H. CON. RES. 95

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate receives H. Con. Res. 95 from the House, the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Further, that all after the resolving clause be stricken and the text of S. Con. Res. 18 as agreed to be inserted in lieu thereof; further, that the resolution then be agreed to as amended and the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. I ask unanimous consent that there now be a period for morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TARGETED ENERGY INCENTIVES TO ACHIEVE A NATIONAL ENERGY STRATEGY

Mr. BYRD. Mr. President, on March 9, 2005, President Bush went to Columbus, OH for one of his many town hall meetings. Besides attempting to sell his Social Security plan, he also spoke about the need for a national energy policy. Not surprisingly, he raised the specter of high gas prices, increasing natural gas rates, and electricity blackouts as a justification to pass his energy plan. However, this issue needs more than just rhetoric. It needs real solutions.

The American people need look no further than the President's budget request to question that commitment to a serious energy policy. The President has cut funding for a number of important energy programs in his budget. For example, he has said that he supports clean coal technologies. He started professing his support on the campaign trail in October 2000, and he promised to commit $2 billion over 10 years for the Clean Coal Technology demonstration program. This is the very program that I started back in 1985. Yet, each of his five budgets has failed to meet that goal. This year, he only requested $50 million, instead of the promised $200 million. In effect, he has promised those in the coal fields one dollar but has only anted up two bits. Furthermore, he touts the need for the FutureGen project but cannot say where the funding for this facility is going to come from down the road. His only option right now is to raid other clean coal programs, and I will not stand by and let him rob Peter to pay Paul.

The White House has proposed and the Majority has adopted just $4.56 billion in energy tax incentives over five years in this Fiscal Year 2006 budget. How much did the President include for clean coal tax incentives in this year's budget request, or in previous years' budget requests? Nothing! We cannot demonstrate and deploy the next generation of clean coal technologies based on what this administration is actually willing to put on the table. The administration's co-called support for the clean coal technology programs is indicative of its support for so many important energy programs. This administration's much narrower package of energy tax incentives is inadequate to achieve our national energy policy goals.

I have long believed that the U.S. needs a comprehensive and balanced national energy policy. The looming concerns of electricity blackouts, energy prices, and increased dependence on foreign energy sources represent ominous clouds on the horizon. Sadly, our energy problems, like so many other challenges, are being addressed with ever shrinking funds and band-aid solutions. The pattern has been repeated over and over again. The Bush administration generates new initiatives, fails to fully fund them, and then simultaneously cuts other important programs. At the same time, we have witnessed attempts to put a moratorium on federal gas taxes, to tap the Strategic Petroleum Reserve, and to make secretive deals with Saudi Arabia to produce more oil. We have endeavored to treat the symptoms, rather than the core problem, for far too long. This President may talk a good game, but how are we going to fix our energy ills with this President's prescription?

The United States needs affordable, reliable, and clean energy resources and technologies to support a growing economy and a healthy environment. We need a comprehensive, balanced, and diversified national energy policy that will promote a strong energy efficiency program and bolster our Nation's coal, natural gas, oil, renewable, nuclear, and other clean domestic energy technologies. A strong energy policy must help to maintain and upgrade these our critical energy infrastructure and support, retain, and create energy-related manufacturing and other service jobs that are an underpinning of our economy. A bipartisan energy strategy should encourage increased use of the most advanced energy supply and energy efficiency technologies and must support increased investments in an array of energy research and development programs.

Our Nation needs to begin defining alternative pathways and new approaches that go beyond the extremist debates and simplistic solutions that define our very demanding energy security and environmental challenges. It is time to move along that path. I urge my colleagues in the Senate to support an appropriate, equitable, and diversified mixture of at least $15.5 billion in targeted energy tax incentives over the next ten years, and I urge the Finance Committee to find offsets so that this can be done in a fiscally sound way.

In the 108th Congress, the Senate supported a similar level for energy incentives. The Senate's Fiscal Year 2004 Budget Resolution, the last budget that Congress passed, provided for $15.5 billion in energy tax incentives over ten years. In 2003, the Senate Finance Committee adopted and the Senate passed a balanced and bipartisan package of energy tax incentives in the amount of $19.8 billion over ten years as a part of the Senate Energy Policy Act of2003, part of which was offset. I supported that energy tax package as it provided an array of targeted energy incentives, including approximately $2 billion to deploy advanced clean coal technologies.

Such an energy tax incentives package would help strengthen the economy, enhance our Nation's energy resources, promote an array of advanced energy technologies, increase jobs, and provide for a healthy environment. Is there a Member in this Chamber who is opposed to that? If there are going to be tax cuts in this budget, then we must increase funding for a range of energy tax incentives. Supporting at least $15.5 billion in energy tax incentives will send a strong message that these incentives are necessary to develop a national energy policy, and I urge my colleagues to stand with me in this request. Unless we can increase the pie for all of these energy technology approaches, there will not be enough to achieve our energy goals in any serious way.

HONORING OUR ARMED FORCES

STAFF SERGEANT MELVIN L. BLAZER

Mr. INHOFE. Mr. President, I wish to honor a brave Oklahoma soldier who gave the last full measure to protect our freedom. Staff Sergeant Melvin Blazer of the United States Marine Corps embodied the spirit of service and the values that make this country what it is.

Sergeant Blazer was a great Marine. He joined soon after graduating from Moore High School in 1984. As he rose through the ranks, he developed a reputation of dependability. He was serving as a platoon leader with the 3rd Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force when his unit was deployed to Iraq.

Sergeant Blazer was no stranger to the hazards of duty. He survived an improvised explosive device attack that struck his convoy last November and was awarded a Purple Heart.

Sergeant Blazer was also a family man. He married his wife, Dana, in 1989 and they had two children, Alyssa and Erik. As his wife recalls, "To know my husband was to love my husband. Everybody loved him and admired him and respected him and held him in such high regard. He was a hero In his everyday life."

Sergeant Blazer was also a Christian. He told relatives he was excited to see Iraq because the Bible talks about it and was proud to help and serve an oppressed people.

On December 12, 2004, Sergeant Blazer was killed by enemy small arms fire in the city of Fallujah. He was 38 years old. He loved God, devoted himself to his family and gave the highest sacrifice to his country. He leaves behind many who know what a true hero he is. As a son of Oklahoma and a fine example of what this country stands for, Staff Sergeant Blazer deserves our honor and remembrance.

LANCE CORPORAL JORDAN D. WINKLER

Mr. President, I wish to honor one of Oklahoma's fallen sons, Marine LCpl Jordan Winkler. From an early age he felt called to defend our country and the freedom it stands for. For his life of service and his final sacrifice, we are eternally indebted to him.

Corporal Winkler admired the military even before he was old enough to join. His parents still have a letter from the Marine Corps that he received when he was fifteen. While in Union High School in Tulsa, he was active in sports and respected by his peers. Through family friends and recruiters, he gained an accurate picture of what would be required of him if he joined. During his senior year he was able to pursue his dream and joined the Marines through a delayed entry program. Those who knew him say he wore the uniform with pride.

Corporal Winkler is remembered for his determination, honesty and integrity. As his teacher Paul Todd said, "You knew where he stood. He lived by his principles and he was a good role model for everyone that knew him."

After training, he was assigned to the Combat Service Support Battalion 1, Combat Service Support Group 11, 1st Force Service Support Group, 1st Marine Expeditionary Force, normally stationed at Camp Pendleton, California. This unit was deployed to Iraq to contribute to the ongoing US effort to rid the country of tyranny and the influence of terrorism. On November 26, 2004, in Camp Fallujah, Corporal Winkler died in a non-combat incident. He was buried at Tulsa's Memorial Park Cemetery with military honors.

Corporal Winkler made a deep impact on those who knew him, but those who most deeply loved him look forward with hope. As his family said in a statement, "Jordan was a dedicated Marine who was proud to be in Iraq serving his country and doing his job as a Marine. We will miss him more than words can say. However, we know we will see him again. Jordan Winkler was a Christian and knew that no matter what happened in his life, God was always in control."

Lance Corporal Jordan Winkler was worthy of deep respect and embodies all the qualities that make our Armed Forces and our country great. He was a soldier and a man of integrity, and he will be deeply missed.

SERGEANT CARL W. LEE

Mr. President, today I stand in proud memory of an American hero. Army Sgt Carl W. Lee was a native of Oklahoma City, OK. He graduated from Crooked Oak High School in 2000 and enlisted in the Army. Although Sergeant Lee initially expected to stay only for the 3-year commitment, he soon chose to make a career of military service. He was assigned to the United States Army's 1st Battalion, 503rd Infantry Regiment, 2nd Brigade Combat Team, 2nd Infantry Division.

Sergeant Lee is remembered as an example of service and motivation. As Rusty McMurtrey, Lee's 21-year-old brother, emotionally recalled, "He was the reason I graduated school and got as far as I did. Since I can remember, Carl was the only one who'd been there for me." Rusty credited his older brother with saving him from a life of gangs and violence. The two planned on starting an automotive business together.

When he had any free time, Sergeant Lee would volunteer with a local Special Olympics. It was his heart that his friends and family remember most.

Sergeant Lee's unit, usually stationed at Camp Howze, South Korea, was deployed to Iraq. He served there as part of the effort to free the Iraqi people from the chains of tyranny and terrorism. On November 28, 2004, his unit was conducting a foot patrol in Ar Ramadi when it came under enemy small arms fire. Sergeant Lee was hit twice and died from those wounds.

Mr. President, it is difficult to express the pain of those he left behind; Sgt Carl Lee meant so much to so many and he will forever be remembered as a hero. By putting himself in harm's way he showed bravery and self-sacrifice that few of us will ever know. He gave the ultimate measure, and we are in his eternal debt. I honor Oklahoma's son and America's warrior, Sgt Carl W. Lee.

STAFF SERGEANT MELVIN L. BLAZER

Mr. President, I wish to honor a brave Oklahoma soldier who gave the last full measure to protect our freedom. Staff Sergeant Melvin Blazer of the United States Marine Corps embodied the spirit of service and the values that make this country what it is.

Sergeant Blazer was a great Marine. He joined soon after graduating from Moore High School in 1984. As he rose through the ranks, he developed a reputation of dependability. He was serving as a platoon leader with the 3rd Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force when his unit was deployed to Iraq.

Sergeant Blazer was no stranger to the hazards of duty. He survived an improvised explosive device attack that struck his convoy last November and was awarded a Purple Heart.

Sergeant Blazer was also a family man. He married his wife, Dana, in 1989 and they had two children, Alyssa and Erik. As his wife recalls, "To know my husband was to love my husband. Everybody loved him and admired him and respected him and held him in such high regard. He was a hero in his everyday life."

Sergeant Blazer was also a Christian. He told relatives he was excited to see Iraq because the Bible talks about it and was proud to help and serve an oppressed people.

On December 12, 2004, Sergeant Blazer was killed by enemy small arms fire in the city of Fallujah. He was 38 years old. He loved God, devoted himself to his family and gave the highest sacrifice to his country. He leaves behind many who know what a true hero he is. As a son of Oklahoma and a fine example of what this country stands for, Staff Sergeant Blazer deserves our honor and remembrance.

LANCE CORPORAL JORDAN D. WINKLER

Mr. President, I wish to honor one of Oklahoma's fallen sons, Marine Lance Corporal Jordan Winkler. From an early age he felt called to defend our country and the freedom it stands for. For his life of service and his final sacrifice, we are eternally indebted to him.

Corporal Winkler admired the military even before he was old enough to join. His parents still have a letter from the Marine Corps that he received when he was fifteen. While in Union High School in Tulsa, he was active in sports and respected by his peers. Through family friends and recruiters, he gained an accurate picture of what would be required of him if he joined. During his senior year he was able to pursue his dream and joined the Marines through a delayed entry program. Those who knew him say he wore the uniform with pride.

Corporal Winkler is remembered for his determination, honesty and integrity. As his teacher Paul Todd said, "You knew where he stood. He lived by his principles and he was a good role model for everyone that knew him."

After training, he was assigned to the Combat Service Support Battalion 1, Combat Service Support Group 11, 1st Force Service Support Group, 1st Marine Expeditionary Force, normally stationed at Camp Pendleton, CA. This unit was deployed to Iraq to contribute to the ongoing US effort to rid the country of tyranny and the influence of terrorism. On November 26, 2004, in Camp Fallujah, Corporal Winkler died in a non-combat incident. He was buried at Tulsa's Memorial Park Cemetery with military honors.

Corporal Winkler made a deep impact on those who knew him, but those who most deeply loved him look forward with hope. As his family said in a statement, "Jordan was a dedicated Marine who was proud to be in Iraq serving his country and doing his job as a Marine. We will miss him more than words can say. However, we know we will see him again. Jordan Winkler was a Christian and knew that no matter what happened in his life, God was always in control."

Lance Corporal Jordan Winkler was worthy of deep respect and embodies all the qualities that make our Armed Forces and our country great. He was a soldier and a man of integrity, and he will be deeply missed.

CORPORAL STEPHEN M. MCGOWAN

Mr. CARPER. Mr. President, I would like to set aside a few moments today to reflect on the life of Stephen McGowan. Steve epitomized the best of our country's brave men and women who fought to free Iraq and to secure a new democracy in the Middle East. He exhibited unwavering courage, dutiful service to his country, and above all else, honor. In the way he lived his life—and how we remember him—Steve reminds each of us how good we can be.

A 1996 graduate of St. Mark's High School, Steve was the son of Ms. Bobbie McGowan, a personal friend of my family. Steve then attended the University of Delaware and Wilmington College, studying criminal justice. He joined the Army 3 years ago, wanting to serve in the Army partly because he could not find a job with enough challenge and adrenaline in other careers he had considered. According to his family, Steve enjoyed the challenge, especially physical challenge and the mental challenge that went with a military career—the challenge to try harder, get stronger, and push the limits. That was true in all aspects of his life. He played soccer until he graduated from high school, but when that grew too tame for him, he switched to rugby.

Steve enlisted on September 17, 2002, and was selected for combat medic training, which he pursued with distinction at the U.S. Army Medical School at Sam Houston, Texas.

Before being deployed to Iraq, Stephen earned a parachutist badge at the U.S. Army Airborne School and served for approximately 15 months with the 2nd Infantry Division near the DMZ in Korea. Steve volunteered to join his unit's 2nd Brigade Combat Team to spare medics with spouses and children and arrived with the unit in Kuwait in early August 2004. Within a few weeks, he deployed to Ramadi, about 45 miles west of Baghdad, where his unit supported the 1st Marine Expeditionary Force and was responsible for VIP escort, area security and other "highly operated missions." He died when an improvised explosive device detonated near his military vehicle in Ramadi, Iraq. Before returning home, Steve was awarded the Global War on Terrorism Service Medal, the National Defense Service Medal, the Korean Defense Service Medal, Good Conduct Medal, Purple Heart, Army Commendation Medal, Army Achievement Medal, Armed Service Ribbon, and Global War on Terror Expedition Medal. A Bronze Star will be awarded posthumously.

Steve was a highly regarded young soldier. He joined the military in support of Operation Iraqi Freedom because he felt that as a single person with no children, he could go and take someone else's spot. His family remembers him as the embodiment of pride, honor and dignity. He was admired by every man and woman he worked with and every commanding officer with whom he served. According to his sister, Michaela, "Steve was raised with the values that you find in the military and he lived them. Steve touched so many lives and I'm so proud of the man he became."

Despite the close calls and the fact U.S. forces in Iraq are fighting insurgents who wear civilian clothes and hide among the general population, Steve and his squad carried toys and athletic equipment with them when they went on patrol. Last year, he asked family and friends to send him small items that he could hand out as gifts for Iraqi children rather than Christmas presents.

In one e-mail, he said that Iraqi girls had become entranced by the sight of some Beanie Baby dolls the soldiers handed out. The story so touched his mother, Bobbie McGowan, that she organized a Beanie Baby drive at the Charter School of Wilmington, where she is dean of humanities. Students reacted so positively to her request for the dolls that she was swamped with them. Students donated so many dolls that she had to send them to her son in small lots because he did not have room to store them all. His mother, Bobbie, takes comfort in the fact that her son had not only saved lives in Iraq as a medic but that he had also touched many more lives by passing out toys to children. This was a true testament to the kind of soldier—the kind of man—Steve was.

He was a soccer, biking, and outdoor enthusiast and will be remembered especially for his rugby adventures with the University of Delaware, the Wilmington's Men League and the 2nd Infantry Division Rugby Club. In 2001, Steve took a trip to New Zealand while accompanying his rugby mate who was exploring professional rugby opportunities. Steve's favorite team was the All Blacks. Traveling in New Zealand gave him the opportunity to do what he loved—experience new cultures and have a new adventure.

This tragedy strikes particularly close to home. Stephen's mother, Bobbie, is a highly regarded member of the faculty at the Charter School of Wilmington, where our sons attend high school. Steve's death is a terrible blow to his family and a source of deep sorrow for those of us privileged to know his family. I rise today to commemorate Steve, to celebrate his life, and to offer his family our support and our deepest sympathy on their tragic loss.

CHANGES TO RULES OF PROCEDURE—SELECT COMMITTEE ON INTELLIGENCE

Mr. ROBERTS. Mr. President, pursuant to rule XXVI, paragraph 2 of the Standing Rules of the Senate, I am submitting for publication in the CONGRESSIONAL RECORD changes to the Rules of Procedure for the Select Committee on Intelligence. I ask unanimous consent that the rules of the committee be printed, in the RECORD to reflect the amendments adopted by the committee.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE FOR THE SELECT COMMITTEE ON INTELLIGENCE, UNITED STATES SENATE

Adopted June 23, 1976, Amended June 26, 1987, Amended October 24, 1990, Amended February 25, 1993, Amended February 22, 1995, Amended January 26, 2005, Amended March 15, 2005

RULE 1. CONVENING OF MEETINGS

1.1 The regular meeting day of the Select Committee on Intelligence for the transaction of Committee business shall be every other Wednesday of each month, unless otherwise directed by the Chairman.

1.2 The Chairman shall have authority, upon notice, to call such additional meetings of the Committee as he may deem necessary and may delegate such authority to any other member of the Committee.

1.3 A special meeting of the Committee may be called at any time upon the written request of five or more members of the Committee filed with the Clerk of the Committee.

1.4 In the case of any meeting of the Committee, other than a regularly scheduled meeting, the Clerk of the Committee shall notify every member of the Committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, D.C. and at least 48 hours in the case of any meeting held outside Washington, D.C.

1.5 If five members of the Committee have made a request in writing to the Chairman to call a meeting of the Committee, and the Chairman fails to call such a meeting within seven calendar days thereafter, including the day on which the written notice is submitted, these members may call a meeting by filing a written notice with the Clerk of the Committee who shall promptly notify each member of the Committee in writing of the date and time of the meeting.

RULE 2. MEETING PROCEDURES

2.1 Meetings of the Committee shall be open to the public except as provided in S. Res. 9, 94th Congress, 1st Session.

2.2 It shall be the duty of the Staff Director to keep or cause to be kept a record of all Committee proceedings.

2.3 The Chairman of the Committee, or if the Chairman is not present the Vice Chairman, shall preside over all meetings of the Committee. In the absence of the Chairman and the Vice Chairman at any meeting, the ranking majority member, or if no majority member is present the ranking minority member present, shall preside.

2.4 Except as otherwise provided in these Rules, decisions of the Committee shall be by majority vote of the members present and voting. A quorum for the transaction of Committee business, including the conduct of executive sessions, shall consist of no less than one-third of the Committee members, except that for the purpose of hearing witnesses, taking sworn testimony, and receiving evidence under oath, a quorum may consist of one Senator.

2.5 A vote by any member of the Committee with respect to any measure or matter being considered by the Committee may be cast by proxy if the proxy authorization: (1) is in writing; (2) designates the member of the Committee who is to exercise the proxy; and (3) is limited to a specific measure or matter and any amendments pertaining thereto. Proxies shall not be considered for the establishment of a quorum.

2.6 Whenever the Committee by roll call vote reports any measure or matter, the report of the Committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the Committee.

RULE 3. SUBCOMMITTEES

Creation of subcommittees shall be by majority vote of the Committee. Subcommittees shall deal with such legislation and oversight of programs and policies as the Committee may direct. The subcommittees shall be governed by the Rules of the Committee and by such other rules they may adopt which are consistent with the Rules of the Committee. Each subcommittee created shall have a chairman and a vice chairman who are selected by the Chairman and Vice Chairman, respectively.

RULE 4. REPORTING OF MEASURES OR RECOMMENDATIONS

4.1 No measures or recommendations shall be reported, favorably or unfavorably, from the Committee unless a majority of the Committee is actually present and a majority concur.

4.2 In any case in which the Committee is unable to reach a unanimous decision, separate views or reports may be presented by any member or members of the Committee.

4.3 A member of the Committee who gives notice of his intention to file supplemental, minority, or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than three working days in which to file such views, in writing with the Clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report.

4.4 Routine, non-legislative actions required of the Committee may be taken in accordance with procedures that have been approved by the Committee pursuant to these Committee Rules.

RULE 5. NOMINATIONS

5.1 Unless otherwise ordered by the Committee, nominations referred to the Committee shall be held for at least 14 days before being voted on by the Committee.

5.2 Each member of the Committee shall be promptly furnished a copy of all nominations referred to the Committee.

5.3 Nominees who are invited to appear before the Committee shall be heard in public session, except as provided in Rule 2.1.

5.4 No confirmation hearing shall be held sooner than seven days after receipt of the background and financial disclosure statement unless the time limit is waived by a majority vote of the Committee.

5.5 The Committee vote on the confirmation shall not be sooner than 48 hours after the Committee has received transcripts of the confirmation hearing unless the time limit is waived by unanimous consent of the Committee.

5.6 No nomination shall be reported to the Senate unless the nominee has filed a background and financial disclosure statement with the Committee.

RULE 6. INVESTIGATIONS

No investigation shall be initiated by the Committee unless at least five members of the Committee have specifically requested the Chairman or the Vice Chairman to authorize such an investigation. Authorized investigations may be conducted by members of the Committee and/or designated Committee staff members.

RULE 7. SUBPOENAS

Subpoenas authorized by the Committee for the attendance of witnesses or the production of memoranda, documents, records or any other material may be issued by the Chairman, the Vice Chairman, or any member of the Committee designated by the Chairman, and may be served by any person designated by the Chairman, Vice Chairman or member issuing the subpoenas. Each subpoena shall have attached thereto a copy of S. Res. 400, 94th Congress, 2nd Session and a copy of these Rules.

RULE 8. PROCEDURES RELATED TO THE TAKING OF TESTIMONY

8.1 Notice.—Witnesses required to appear before the Committee shall be given reasonable notice, and all witnesses shall be furnished a copy of these Rules.

8.2 Oath or Affirmation.—Testimony of witnesses shall be given under oath or affirmation which may be administered by any member of the Committee.

8.3 Interrogation.—Committee interrogation shall be conducted by members of the Committee and such Committee staff as are authorized by the Chairman, the Vice Chairman, or the presiding member.

8.4 Counsel for the Witness.—(a) Any witness may be accompanied by counsel. A witness who is unable to obtain counsel may inform the Committee of such fact. If the witness informs the Committee of this fact at least 24 hours prior to his or her appearance before the Committee, the Committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain such counsel will not excuse the witness from appearing and testifying.

(b) Counsel shall conduct themselves in an ethical and professional manner. Failure to do so shall, upon a finding to that effect by a majority of the members present, subject such counsel to disciplinary action which may include warning, censure, removal, or a recommendation of contempt proceedings.

(c) There shall be no direct or cross-examination by counsel. However, counsel may submit in writing any question he wishes propounded to his client or to any other witness and may, at the conclusion of his client's testimony, suggest the presentation of other evidence or the calling of other witnesses. The Committee may use such questions and dispose of such suggestions as it deems appropriate.

8.5 Statements by Witnesses.—A witness may make a statement, which shall be brief and relevant, at the beginning and conclusion of his or her testimony. Such statements shall not exceed a reasonable period of time as determined by the Chairman, or other presiding members. Any witness desiring to make a prepared or written statement for the record of the proceedings shall file a copy with the Clerk of the Committee, and insofar as practicable and consistent with the notice given, shall do so at least 72 hours in advance of his or her appearance before the Committee.

8.6 Objections and Rulings.—Any objection raised by a witness or counsel shall be ruled upon by the Chairman or other presiding member, and such ruling shall be the ruling of the Committee unless a majority of the Committee present overrules the ruling of the Chair.

8.7 Inspection and Correction.—All witnesses testifying before the Committee shall be given a reasonable opportunity to inspect, in the office of the Committee, the transcript of their testimony to determine whether such testimony was correctly transcribed. The witness may be accompanied by counsel. Any corrections the witness desires to make in the transcript shall be submitted in writing to the Committee within five days from the date when the transcript was made available to the witness. Corrections shall be limited to grammar and minor editing, and may not be made to change the substance of the testimony. Any questions arising with respect to such corrections shall be decided by the Chairman. Upon request, those parts of testimony given by a witness in executive session which are subsequently quoted or made part of a public record shall be made available to that witness at his or her expense.

8.8 Requests to Testify.—The Committee will consider requests to testify on any matter or measure pending before the Committee. A person who believes that testimony or other evidence presented at a public hearing, or any comment made by a Committee member or a member of the Committee staff, may tend to affect adversely his or her reputation, may request to appear personally before the Committee to testify on his or her own behalf, or may file a sworn statement of facts relevant to the testimony, evidence, or comment, or may submit to the Chairman proposed questions in writing for the cross-examination of other witnesses. The Committee shall take such action as it deems appropriate.

8.9 Contempt Procedures.—No recommendation that a person be cited for contempt of Congress shall be forwarded to the Senate unless and until the Committee has, upon notice to all its members, met and considered the alleged contempt, afforded the person an opportunity to state in writing or in person why he or she should not be held in contempt, and agreed, by majority vote of the Committee, to forward such recommendation to the Senate.

8.10 Release of Name of Witness.—Unless authorized by the Chairman, the name of any witness scheduled to be heard by the Committee shall not be released prior to, or after, his or her appearance before the Committee. Upon authorization by the Chairman to release the name of a witness under this paragraph, the Vice Chairman shall be notified of such authorization as soon as practicable thereafter. No name of any witness shall be released if such release would disclose classified information, unless authorized under Section 8 of S. Res. 400 of the 94th Congress or Rule 9.6.

RULE 9. PROCEDURES FOR HANDLING CLASSIFIED OR SENSITIVE MATERIAL

9.1 Committee staff offices shall operate under strict precautions. At least one security guard shall be on duty at all times by the entrance to control entry. Before entering the office all persons shall identify themselves.

9.2 Sensitive or classified documents and material shall be segregated in a secure storage area. They may be examined only at secure reading facilities. Copying, duplicating, or removal from the Committee offices of such documents and other materials is prohibited except as is necessary for use in, or preparation for, interviews or Committee meetings, including the taking of testimony, and in conformity with Section 10.3 hereof. All documents or materials removed from the Committee offices for such authorized purposes must be returned to the Committee's secure storage area for overnight storage.

9.3 Each member of the Committee shall at all times have access to all papers and other material received from any source. The Staff Director shall be responsible for the maintenance, under appropriate security procedures, of a registry which will number and identify all classified papers and other classified materials in the possession of the Committee, and such registry shall be available to any member of the Committee.

9.4 Whenever the Select Committee on Intelligence makes classified material available to any other Committee of the Senate or to any Member of the Senate not a member of the Committee, such material shall be accompanied by a verbal or written notice to the recipients advising of their responsibility to protect such material pursuant to Section 8 of S. Res. 400 of the 94th Congress. The Clerk of the Committee shall ensure that such notice is provided and shall maintain a written record identifying the particular information transmitted and the Committee or members of the Senate receiving such information.

9.5 Access to classified information supplied to the Committee shall be limited to those Committee staff members with appropriate security clearance and a need-to-know, as determined by the Committee, and, under the Committee's direction, the Staff Director and Minority Staff Director.

9.6 No member of the Committee or of the Committee staff shall disclose, in whole or in part or by way of summary, to any person not a member of the Committee or the Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, any testimony given before the Committee in executive session including the name of any witness who appeared or was called to appear before the Committee in executive session, or the contents of any papers or materials or other information received by the Committee except as authorized herein, or otherwise as authorized by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such a manner as may be determined by the Senate. For purposes of this paragraph, members and staff of the Committee may disclose classified information in the possession of the Committee only to persons with appropriate security clearances who have a need-to-know such information for an official governmental purpose related to the work of the Committee. Information discussed in executive sessions of the Committee and information contained in papers and materials which are not classified but which are controlled by the Committee may be disclosed only to persons outside the Committee who have a need-to-know such information for an official governmental purpose related to the work of the Committee and only if such disclosure has been authorized by the Chairman and Vice Chairman of the Committee, or by the Staff Director and Minority Staff Director, acting on their behalf.

9.7 Failure to abide by Rule 9.6 shall constitute grounds for referral to the Select Committee on Ethics pursuant to Section 8 of S. Res. 400. Prior to a referral to the Select Committee on Ethics pursuant to Section 8 of S. Res. 400, the Chairman and Vice Chairman shall notify the Majority Leader and Minority Leader.

9.8 Before the Committee makes any decision regarding the disposition of any testimony, papers, or other materials presented to it, the Committee members shall have a reasonable opportunity to examine all pertinent testimony, papers, and other materials that have been obtained by the members of the Committee or the Committee staff.

9.9 Attendance of persons outside the Committee at closed meetings of the Committee shall be kept at a minimum and shall be limited to persons with appropriate security clearance and a need-to-know the information under consideration for the execution of their official duties. Notes taken at such meetings by any person in attendance shall be returned to the secure storage area in the Committee's offices at the conclusion of such meetings, and may be made available to the department, agency, office, Committee or entity concerned only in accordance with the security procedures of the Committee.

RULE 10. STAFF

10.1 For purposes of these rules, Committee staff includes employees of the Committee, consultants to the Committee, or any other person engaged by contract or otherwise to perform services for or at the request of the Committee. To the maximum extent practicable, the Committee shall rely on its full-time employees to perform all staff functions. No individual may be retained as staff of the Committee or to perform services for the Committee unless that individual holds appropriate security clearances.

10.2 The appointment of Committee staff shall be confirmed by a majority vote of the Committee. After confirmation, the Chairman shall certify Committee staff appointments to the Financial Clerk of the Senate in writing. No Committee staff shall be given access to any classified information or regular access to the Committee offices, until such Committee staff has received an appropriate security clearance as described in Section 6 of S. Res. 400 of the 94th Congress.

10.3 The Committee staff works for the Committee as a whole, under the supervision of the Chairman and Vice Chairman of the Committee. The duties of Committee staff shall be performed, and Committee staff personnel affairs and day-to-day operations, including security and control of classified documents and materials, shall be administered under the direct supervision and control of the Staff Director. All Committee staff shall work exclusively on intelligence oversight issues for the Committee. The Minority Staff Director and the Minority Counsel shall be kept fully informed regarding all matters and shall have access to all material in the files of the Committee.

10.4 The Committee staff shall assist the minority as fully as the majority in the expression of minority views, including assistance in the preparation and filing of additional, separate and minority views, to the end that all points of view may be fully considered by the Committee and the Senate.

10.5 The members of the Committee staff shall not discuss either the substance or procedure of the work of the Committee with any person not a member of the Committee or the Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, either during their tenure as a member of the Committee staff or at any time thereafter except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such a manner as may be determined by the Senate.

10.6 No member of the Committee staff shall be employed by the Committee unless and until such a member of the Committee staff agrees in writing, as a condition of employment to abide by the conditions of the non-disclosure agreement promulgated by the Senate Select Committee on Intelligence, pursuant to Section 6 of S. Res 400 of the 94th Congress, 2d Session, and to abide by the Committee's code of conduct.

10.7 No member of the Committee staff shall be employed by the Committee unless and until such a member of the Committee staff agrees in writing, as a condition of employment, to notify the Committee, or in the event of the Committee's termination the Senate, of any request for his or her testimony, either during his or her tenure as a member of the Committee staff or at any time thereafter with respect to information which came into his or her possession by virtue of his or her position as a member of the Committee staff. Such information shall not be disclosed in response to such requests except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such manner as may be determined by the Senate.

10.8 The Committee shall immediately consider action to be taken in the case of any member of the Committee staff who fails to conform to any of these Rules. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the Committee staff.

10.9 Within the Committee staff shall be an element with the capability to perform audits of programs and activities undertaken by departments and agencies with intelligence functions. Such element shall be comprised of persons qualified by training and/or experience to carry out such functions in accordance with accepted auditing standards.

10.10 The workplace of the Committee shall be free from illegal use, possession, sale or distribution of controlled substances by its employees. Any violation of such policy by any member of the Committee staff shall be grounds for termination of employment. Further, any illegal use of controlled substances by a member of the Committee staff, within the workplace or otherwise, shall result in reconsideration of the security clearance of any such staff member and may constitute grounds for termination of employment with the Committee.

10.11 In accordance with Title III of the Civil Rights Act of 1991 (P.L. 102-166), all personnel actions affecting the staff of the Committee shall be made free from any discrimination based on race, color, religion, sex, national origin, age, handicap or disability.

RULE 11. PREPARATION FOR COMMITTEE MEETINGS

11.1 Under direction of the Chairman and the Vice Chairman, designated Committee staff members shall brief members of the Committee at a time sufficiently prior to any Committee meeting to assist the Committee members in preparation for such meeting and to determine any matter which the Committee member might wish considered during the meeting. Such briefing shall, at the request of a member, include a list of all pertinent papers and other materials that have been obtained by the Committee that bear on matters to be considered at the meeting.

11.2 The Staff Director shall recommend to the Chairman and the Vice Chairman the testimony, papers, and other materials to be presented to the Committee at any meeting. The determination whether such testimony, papers, and other materials shall be presented in open or executive session shall be made pursuant to the Rules of the Senate and Rules of the Committee.

11.3 The Staff Director shall ensure that covert action programs of the U.S. Government receive appropriate consideration by the Committee no less frequently than once a quarter.

RULE 12. LEGISLATIVE CALENDAR

12.1 The Clerk of the Committee shall maintain a printed calendar for the information of each Committee member showing the measures introduced and referred to the Committee and the status of such measures; nominations referred to the Committee and their status; and such other matters as the Committee determines shall be included. The Calendar shall be revised from time to time to show pertinent changes. A copy of each such revision shall be furnished to each member of the Committee.

12.2 Unless otherwise ordered, measures referred to the Committee shall be referred by the Clerk of the Committee to the appropriate department or agency of the Government for reports thereon.

RULE 13. COMMITTEE TRAVEL

13.1 No member of the Committee or Committee staff shall travel abroad on Committee business unless specifically authorized by the Chairman and Vice Chairman. Requests for authorization of such travel shall state the purpose and extent of the trip. A full report shall be filed with the Committee when travel is completed.

13.2 When the Chairman and the Vice Chairman approve the foreign travel of a member of the Committee staff not accompanying a member of the Committee, all members of the Committee are to be advised, prior to the commencement of such travel, of its extent, nature and purpose. The report referred to in Rule 13.1 shall be furnished to all members of the Committee and shall not be otherwise disseminated without the express authorization of the Committee pursuant to the Rules of the Committee.

13.3 No member of the Committee staff shall travel within this country on Committee business unless specifically authorized by the Staff Director as directed by the Committee.

RULE 14. CHANGES IN RULES

These Rules may be modified, amended, or repealed by the Committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken.

APPENDIX A

S. RES. 400

May 19, 1976—Considered, amended, and agreed to

RESOLUTION

To establish a Standing Committee of the Senate on Intelligence, and for other purposes.

Resolved, That it is the purpose of this resolution to establish a new select committee of the Senate, to be known as the Select Committee on Intelligence, to oversee and make continuing studies of the intelligence activities and programs of the United States Government, and to submit to the Senate appropriate proposals for legislation and report to the Senate concerning such intelligence activities and programs. In carrying out this purpose, the Select Committee on Intelligence shall make every effort to assure that the appropriate departments and agencies of the United States provide informed and timely intelligence necessary for the Executive and Legislative branches to make sound decisions affecting the security and vital interests of the Nation. It is further the purpose of this resolution to provide vigilant legislative oversight over the intelligence activities of the United States to assure that such activities are in conformity with the Constitution and laws of the United States.

SEC. 2. (a)(1) There is hereby established a select committee to be known as the Select Committee on Intelligence (hereinafter in this resolution referred to as the "select committee"). The select committee shall be composed of not to exceed fifteen members appointed as follows:

(A) two members from the Committee on Appropriations;

(B) two members from the Committee on Armed Services:

(C) two members from the Committee on Foreign Relations;

(D) two members from the Committee on the Judiciary; and

(E) not to exceed seven members to be appointed from the Senate at large.

(2) Members appointed from each committee named in clauses (A) through (D) of paragraph (1) shall be evenly divided between the two major political parties and shall be appointed by the President pro tempore of the Senate upon the recommendations of the majority and minority leaders of the Senate. Of any members appointed under paragraph (1)(E), the majority leader shall appoint the majority members and the minority leader shall appoint the minority members, with the majority having a one vote margin.

(3)(A) The majority leader of the Senate and the minority leader of the Senate shall be ex officio members of the select committee but shall have no vote in the Committee and shall not be counted for purposes of determining a quorum.

(B) The Chairman and Ranking Member of the Committee on Armed Services (if not already a member of the select Committee) shall be ex officio members of the select Committee but shall have no vote in the Committee and shall not be counted for purposes of determining a quorum.

(b) At the beginning of each Congress, the Majority Leader of the Senate shall select a chairman of the select Committee and the Minority Leader shall select a vice chairman for the select Committee. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. Neither the chairman nor the vice chairman of the select committee shall at the same time serve as chairman or ranking minority member of any other Committee referred to in paragraph 4(e)(1) of rule XXV of the Standing Rules of the Senate.

(c) The select Committee may be organized into subcommittees. Each subcommittee shall have a chairman and a vice chairman who are selected by the Chairman and the Vice Chairman of the select Committee, respectively.

SEC. 3. (a) There shall be referred to the select committee all proposed legislation, messages, petitions, memorials, and other matters relating to the following:

(1) The Central Intelligence Agency and the Director of Central Intelligence.

(2) Intelligence activities of all other departments and agencies of the Government, including, but not limited to, the intelligence activities of the Defense Intelligence Agency, the National Security Agency, and other agencies of the Department of Defense; the Department of State; the Department of Justice; and the Department of the Treasury.

(3) The organization or reorganization of any department or agency of the Government to the extent that the organization or reorganization relates to a function or activity involving intelligence activities.

(4) Authorizations for appropriations, both direct and indirect, for the following:

(A) The Central Intelligence Agency and Director of Central Intelligence.

(B) The Defense Intelligence Agency.

(C) The National Security Agency.

(D) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(E) The intelligence activities of the Department of State.

(F) The intelligence activities of the Federal Bureau of Investigation, including all activities of the Intelligence Division.

(G) Any department, agency, or subdivision which is the successor to any agency named in clause (A), (B), or (C); and the activities of any department, agency, or subdivision which is the successor to any department, agency, bureau, or subdivision named in clause (D), (E), or (F) to the extent that the activities of such successor department, agency, or subdivision are activities described in clause (D), (E), or (F).

(b)(1) Any proposed legislation reported by the select Committee except any legislation involving matters specified in clause (1) or (4)(A) of subsection (a), containing any matter otherwise within the jurisdiction of any standing committee shall, at the request of the chairman of such standing committee, be referred to such standing committee for its consideration of such matter and be reported to the Senate by such standing committee within 10 days after the day on which such proposed legislation, in its entirety and including annexes, is referred to such standing committee; and any proposed legislation reported by any committee, other than the select Committee, which contains any matter within the jurisdiction of the select Committee shall, at the request of the chairman of the select Committee, be referred to the select Committee for its consideration of such matter and be reported to the Senate by the select Committee within 10 days after the day on which such proposed legislation, in its entirety and including annexes, is referred to such committee.

(2) In any case in which a committee fails to report any proposed legislation referred to it within the time limit prescribed in this subsection, such Committee shall be automatically discharged from further consideration of such proposed legislation on the 10th day following the day on which such proposed legislation is referred to such committee unless the Senate provides otherwise, or the Majority Leader or Minority Leader request, prior to that date, an additional 5 days on behalf of the Committee to which the proposed legislation was sequentially referred. At the end of that additional 5 day period, if the Committee fails to report the proposed legislation within that 5 day period, the Committee shall be automatically discharged from further consideration of such proposed legislation unless the Senate provides otherwise.

(3) In computing any 10 or 5 day period under this subsection there shall be excluded from such computation any days on which the Senate is not the session.

(4) The reporting and referral processes outlined in this subsection shall be conducted in strict accordance with the Standing Rules of the Senate. In accordance with such rules, committees to which legislation is referred are not permitted to make changes or alterations to the text of the referred bill and its annexes, but may propose changes or alterations to the same in the form of amendments.

(c) Nothing in this resolution shall be construed as prohibiting or otherwise restricting the authority of any other committee to study and review any intelligence activity to the extent that such activity directly affects a matter otherwise within the jurisdiction of such committee.

(d) Nothing in this resolution shall be construed as amending, limiting, or otherwise changing the authority of any standing committee of the Senate to obtain full and prompt access to the product of the intelligence activities of any department or agency of the Government relevant to a matter otherwise within the jurisdiction of such committee.

SEC. 4. (a) The select committee, for the purposes of accountability to the Senate, shall make regular and periodic, but not less than quarterly, reports to the Senate on the nature and extent of the intelligence activities of the various departments and agencies of the United States. Such committee shall promptly call to the attention of the Senate or to any other appropriate committee or committees of the Senate any matters, requiring the attention of the Senate or such other committee or committees. In making such report, the select committee shall proceed in a manner consistent with section 8(c)(2) to protect national security.

(b) The select committee shall obtain an annual report from the Director of the Central Intelligence Agency, the Secretary of Defense, the Secretary of State, and the Director of the Federal Bureau of Investigation. Such reports shall review the intelligence activities of the agency or department concerned and the intelligence activities of foreign countries directed at the United States or its interest. An unclassified version of each report may be made available to the public at the discretion of the select committee. Nothing herein shall be construed as requiring the public disclosure in such reports of the names of individuals engaged in intelligence activities for the United States or the divulging of intelligence methods employed or the sources of information on which such reports are based or the amount of funds authorized to be appropriated for intelligence activities.

(c) On or before March 15 of each year, the select committee shall submit to the Committee on the Budget of the Senate the views and estimates described in section 301(c) of the Congressional Budget Act of 1974 regarding matters within the jurisdiction of the select committee.

SEC. 5. (a) For the purposes of this resolution, the select committee is authorized in its discretion (1) to make investigations into any matter within its jurisdiction, (2) to make expenditures from the contingent fund of the Senate, (3) to employ personnel, (4) to hold hearings, (5) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (6) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (7) to take depositions and other testimony, (8) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, and (9) with the prior consent of the government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The chairman of the select committee or any member thereof may administer oaths to witnesses.

(c) Subpoenas authorized by the select committee may be issued over the signature of the chairman, the vice chairman or any member of the select committee designated by the chairman, and may be served by any person designated by the chairman or any member signing the subpoenas.

SEC. 6. No employee of the select committee or any person engaged by contract or otherwise to perform service for or at the request of such committee shall be given access to any classified information by such committee unless such employee or person has (1) agreed in writing and under oath to be bound by the rules of the Senate (including the jurisdiction of the [Select Committee on Ethics]) and of such committee as to the security of such information during and after the period of his employment or contractual agreement with such committee; and (2) received an appropriate security clearance as determined by such committee in consultation with the Director of Central Intelligence. The type of security clearance to be required in the case of any such employee or person shall, within the determination of such committee in consultation with the Director of Central Intelligence, be commensurate with the sensitivity of the classified information to which such employee or person will be given access by such committee.

SEC. 7. The select committee shall formulate and carry out such rules and procedures as it deems necessary to prevent the disclosure, without the consent of the person or persons concerned, of information in the possession of such committee which unduly infringes upon the privacy or which violates the constitutional rights of such person or persons. Nothing herein shall be construed to prevent such committee from publicly disclosing any such information in any case in which such committee determines the national interest in the disclosure of such information clearly outweighs any infringement on the privacy of any person or persons.

SEC. 8. (a) The select committee may, subject to the provisions of this section, disclose publicly any information in the possession of such committee after a determination by such committee that the public interest would be served by such disclosure. Whenever committee action is required to disclose any information under this section, the committee shall meet to vote on the matter within five days after any member of the committee requests such a vote. No member of the select committee shall disclose any information, the disclosure of which requires a committee vote, prior to a vote by the committee on the question of the disclosure of such information or after such vote except in accordance with this section.

(b)(1) In any case in which the select committee votes to disclose publicly any information which has been classified under established security procedures, which has been submitted to it by the Executive branch, and which the Executive branch requests be kept secret, such committee shall—

(A) first, notify the Majority Leader and Minority Leader of the Senate of such vote; and

(B) second, consult with the Majority Leader and Minority Leader before notifying the President of such vote.

(2) The select committee may disclose publicly such information after the expiration of a five-day period following the day on which notice of such vote is transmitted to the Majority Leader and the Minority Leader the President, unless, prior to the expiration of such five-day period, the President, personally in writing, notifies the committee that he objects to the disclosure of such information, provides his reason therefore, and certifies that the threat to the national interest of the United States posed by such disclosure is of such gravity that it outweighs any public interest in the disclosure.

(3) If the President, personally, in writing, notifies the Majority Leader and Minority Leader of the Senate and the select Committee of his objections to the disclosure of such information as provided in paragraph (2), the Majority Leader and Minority Leader jointly or the select Committee, by majority vote, may refer the question of the disclosure of such information to the Senate for consideration.

(4) Whenever the select committee votes to refer the question of disclosure of any information to the Senate under paragraph (3), the chairman shall not later than the first day on which the Senate is in session following the day on which the vote occurs, report the matter to the Senate for its consideration.

(5) One hour after the Senate convenes on the fourth day on which the Senate is in session following the day on which any such matter is reported to the Senate, or at such earlier time as the majority leader and the minority leader of the Senate jointly agree upon in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate, the Senate shall go into closed session and the mater shall be the pending business. In considering the matter in closed session the Senate may—

(A) approve the public disclosure of all or any portion of the information in question, in which case the committee shall publicly disclose the information ordered to be disclosed.

(B) disapprove the public disclosure of all or any portion of the information in question, in which case the committee shall not publicly disclose the information ordered not to be disclosed, or

(C) refer all or any portion of the matter back to the committee, in which case the committee shall make the final determination with respect to the public disclosure of the information in question.

Upon conclusion of the consideration of such matter in closed session, which may not extend beyond the close of the ninth day on which the Senate is in session following the day on which such matter was reported to the Senate, or the close of the fifth day following the day agreed upon jointly by the majority and minority leaders in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate (whichever the case may be), the Senate shall immediately vote on the disposition of such matter in open session, without debate, and without divulging the information with respect to which the vote is being taken. The Senate shall vote to dispose of such matter by one or more of the means specified in clauses (A), (B), and (C) of the second sentence of this paragraph. Any vote of the Senate to disclose any information pursuant to this paragraph shall be subject to the right of a Member of the Senate or move for reconsideration of the vote within the time and pursuant to the procedures specified in rule XIII of the Standing Rules of the Senate, and the disclosure of such information shall be made consistent with that right.

(c)(1) No information in the possession of the select committee relating to the lawful intelligence activities of any department or agency of the United States which has been classified under established security procedures and which the select committee, pursuant to subsection (a) or (b) of this section, has determined should not be disclosed shall be made available to any person by a Member, officer, or employee of the Senate except in a closed session of the Senate or as provided in paragraph (2).

(2) The select committee may, under such regulations as the committee shall prescribe to protect the confidentiality of such information, make any information described in paragraph (1) available to any other committee or any other Member of the Senate. Whenever the select committee makes such information available, the committee shall keep a written record showing, in the case of any particular information, which committee or which Members of the Senate received such information. No Member of the Senate who, and no committee which, receives any information under this subsection, shall disclose such information except in a closed session of the Senate.

(d) It shall be the duty of the [Select Committee on Ethics] to investigate any unauthorized disclosure of intelligence information by a Member, officer or employee of the Senate in violation of subsection (c) and to report to the Senate concerning any allegation which it finds to be substantiated.

(e) Upon the request of any person who is subject to any such investigation, the [Select Committee on Ethics] shall release to such individual at the conclusion of its investigation a summary of its investigation together with its findings. If, at the conclusion of its investigation, the [Select Committee on Ethics] determines that there has been a significant breach of confidentiality or unauthorized disclosure by a Member, officer, or employee of the Senate, it shall report its findings to the Senate and recommend appropriate action such as censure, removal from committee membership, or expulsion from the Senate, in the case of a Member, or removal from office or employment or punishment for contempt, in the case of an officer or employee.

SEC. 9. The select committee is authorized to permit any personal representative of the President, designated by the President to serve as a liaison to such committee, to attend any closed meeting of such committee.

SEC. 10. Upon expiration of the Select Committee on Government Operations with Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress, all records, files, documents, and other materials in the possession, custody, or control of such committee, under appropriate conditions established by it, shall be transferred to the select committee.

SEC. 11. (a) It is the sense of the Senate that the head of each department and agency of the United States should keep the select committee fully and currently informed with respect to intelligence activities, including any significant anticipated activities, which are the responsibility of or engaged in by such department or agency: *Provided*, That this does not constitute a condition precedent to the implementation of any such anticipated intelligence activity.

(b) It is the sense of the Senate that the head of any department or agency of the United States involved in any intelligence activities should furnish any information or document in the possession, custody, or control of the department or agency, or person paid by such department or agency, whenever requested by the select committee with respect to any matter within such committee's jurisdiction.

(c) It is the sense of the Senate that each department and agency of the United States should report immediately upon discovery to the select committee any and all intelligence activities which constitute violations of the constitutional rights of any person, violations of law, or violations of Executive orders, Presidential directives, or departmental or agency rules or regulations; each department and agency should further report to such committee what actions have been taken or are expected to be taken by the departments or agencies with respect to such violations.

SEC. 12. Subject to the Standing Rules of the Senate, no funds shall be appropriated for any fiscal year beginning after September 30, 1976, with the exception of a continuing bill or resolution, or amendment thereto, or conference report thereon, to, or for use of, any department or agency of the United States to carry out any of the following activities, unless such funds shall have been previously authorized by a bill or joint resolution passed by the Senate during the same or preceding fiscal year to carry out such activity for such fiscal year:

(1) The activities of the Central Intelligence Agency and the Director of Central Intelligence.

(2) The activities of the Defense Intelligence Agency.

(3) The activities of the National Security Agency.

(4) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(5) The intelligence activities of the Department of State.

(6) The intelligence activities of the Federal Bureau of Investigation, including all activities of the Intelligence Division.

SEC. 13. (a) The select committee shall make a study with respect to the following matters, taking into consideration with respect to each such matter, all relevant aspects of the effectiveness of planning, gathering, use, security, and dissemination of intelligence:

(1) the quality of the analytical capabilities of United States foreign intelligence agencies and means for integrating more closely analytical intelligence and policy formulation;

(2) the extent and nature of the authority of the departments and agencies of the Executive branch to engage in intelligence activities and the desirability of developing charters for each intelligence agency or department;

(3) the organization of intelligence activities in the Executive branch to maximize the effectiveness of the conduct, oversight, and accountability of intelligence activities; to reduce duplication or overlap; and to improve the morale of the personnel of the foreign intelligence agencies;

(4) the conduct of covert and clandestine activities and the procedures by which Congress is informed of such activities;

(5) the desirability of changing any law, Senate rule or procedure, or any Executive order, rule, or regulation to improve the protection of intelligence secrets and provide for disclosure of information for which there is no compelling reason for secrecy;

(6) the desirability of establishing a standing committee of the Senate on intelligence activities;

(7) the desirability of establishing a joint committee of the Senate and the House of Representatives on intelligence activities in lieu of having separate committees in each House of Congress, or of establishing procedures under which separate committees on intelligence activities of the two Houses of Congress would receive joint briefings from the intelligence agencies and coordinate their policies with respect to the safeguarding or sensitive intelligence information;

(8) the authorization of funds for the intelligence activities of .the Government and whether disclosure of any of the amounts of such funds is in the public interest; and

(9) the development of a uniform set of definitions for terms to be used in policies or guidelines which may be adopted by the executive or legislative branches to govern, clarify, and strengthen the operation of intelligence activities.

(b) The select committee may, in its discretion, omit from the special study required by this section any matter it determines has been adequately studied by the Select Committee to Study Governmental Operations with Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress.

(c) The select committee shall report the results of the study provided for by this section to the Senate, together with any recommendations for legislative or other actions it deems appropriate, no later than July 1, 1977, and from time to time thereafter as it deems appropriate.

SEC. 14. (a) As used in this resolution, the term "intelligence activities" includes (1) the collection, analysis, production, dissemination, or use of information which relates to any foreign country, or any government, political group, party, military force, movement, or other association in such foreign country, and which relates to the defense, foreign policy, national security, or related policies of the United States, and other activity which is in support of such activities; (2) activities taken to counter similar activities directed against the United States; (3) covert or clandestine activities affecting the relations of the United States with any foreign government, political group, party, military force, movement or other association; (4) the collection, analysis, production, dissemination, or use of information about activities of persons within the United States, its territories and possessions, or nationals of the United States abroad whose political and related activities pose, or may be considered by any department, agency, bureau, office, division, instrumentality, or employee of the United States to pose, a threat to the internal security of the United States, and covert or clandestine activities directed against such persons. Such term does not include tactical foreign military intelligence serving no national policymaking function.

(b) As used in this resolution, the term "department or agency" includes any organization, committee, council, establishment, or office within the Federal Government.

(c) For purposes of this resolution, reference to any department, agency, bureau, or subdivision shall include a reference to any successor department, agency, bureau, or subdivision to the extent that such successor engages in intelligence activities now conducted by the department, agency, bureau, or subdivision referred to in this resolution.

SEC. 15. (a) In addition to other committee staff selected by the select Committee, the select Committee shall hire or appoint one employee for each member of the select Committee to serve as such Member's designated representative on the select Committee. The select Committee shall only hire or appoint an employee chosen by the respective Member of the select Committee for whom the employee will serve as the designated representative on the select Committee.

(b) The select Committee shall be afforded a supplement to its budget, to be determined by the Committee on Rules and Administration, to allow for the hire of each employee who fills the position of designated representative to the select Committee. The designated representative shall have office space and appropriate office equipment in the select Committee spaces. Designated personal representatives shall have the same access to Committee staff, information, records, and databases as select Committee staff, as determined by the Chairman and Vice Chairman.

(c) The designated employee shall meet all the requirements of relevant statutes, Senate rules, and committee security clearance requirements for employment by the select Committee.

(d) Of the funds made available to the select Committee for personnel—

(1) not more than 60 percent shall be under the control of the Chairman; and

(2) not more than 40 percent shall be under the control of the Vice Chairman.

SEC. 16. Nothing in this resolution shall be construed as constituting acquiescence by the Senate in any practice, or in the conduct of any activity, not otherwise authorized by law.

SEC. 17. (a) The select Committee shall have jurisdiction for reviewing, holding hearings, and reporting the nominations of civilian persons nominated by the President to fill all positions within the intelligence community requiring the advice and consent of the Senate.

(b) Other committees with jurisdiction over the nominees' executive branch department may hold hearings and interviews with such persons, but only the select Committee shall report such nominations.

APPENDIX B

94th Congress, 1st Session

S. RES. 9

RESOLUTION

Amending the rules of the Senate relating to open committee meetings

Resolved, That paragraph 7(b) of rule XXV of the Standing rules of the Senate is amended to read as follows:

"(b) Each meeting of a standing, select, or special committee of the Senate, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a portion or portions of any such meetings may be closed to the public if the committee or subcommittee, as the case may be, determines by record vote of a majority of the members of the committee or subcommittee present that the matters be discussed or the testimony to be taken at such portion or portions—

"(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

"(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

"(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

"(4) will disclose the identity of any informer or law enforcement agency or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement; or

"(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

"(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

"(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such persons.

Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt."

SEC. 2. Section 133A(b) of the Legislative Reorganization Act of 1946, section 242(a) of the Legislative Reorganization Act of 1970, and section 102(d) and (e) of the Congressional Budget Act of 1974 are repealed.

APPENDIX C

108th Congress 2d Session

S. RES. 445

October 9, 2004—Considered, amended, and agreed to

RESOLUTION

To eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence.

Resolved,

SEC. 100. PURPOSE.

It is the purpose of titles I through V of this resolution to improve the effectiveness of the Senate Select Committee on Intelligence, especially with regard to its oversight of the Intelligence Community of the United States Government, and to improve the Senate's oversight of homeland security.

TITLE I—HOMELAND SECURITY OVERSIGHT REFORM

SEC. 101. HOMELAND SECURITY.

(a) COMMITTEE ON HOMELAND SECURITY AND GOVERNMENT AFFAIRS.—The Committee on Governmental Affairs is renamed as the Committee on Homeland Security and Governmental Affairs.

(b) JURISDICTION.—There shall be referred to the committee all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

(1) Department of Homeland Security, except matters relating to—

(A) the Coast Guard, the Transportation Security Administration, the Federal Law Enforcement Training Center or the Secret Service; and

(B)(i) the United States Citizenship and Immigration Service; or

(ii) the immigration functions of the United States Customs and Border Protection or the United States Immigration and Custom Enforcement or the Directorate of Border and Transportation Security; and

(C) the following functions performed by any employee of the Department of Homeland Security—

(i) any customs revenue function including any function provided for in section 415 of the Homeland Security Act of 2002 (Public Law 107-296);

(ii) any commercial function or commercial operation of the Bureau of Customs and Border Protection or Bureau of Immigration and Customs Enforcement, including matters relating to trade facilitation and trade regulation; or

(iii) any other function related to clause (i) or (ii) that was exercised by the United States Customs Service on the day before the effective date of the Homeland Security Act of 2002 (Public Law 107-296).

The jurisdiction of the Committee on Homeland Security and Governmental Affairs in this paragraph shall supersede the jurisdiction of any other committee of the Senate provided in the rules of the Senate: *Provided*, That the jurisdiction provided under section 101(b)(1) shall not include the National Flood Insurance Act of 1968, or functions of the Federal Emergency Management Agency related thereto.

(2) Archives of the United States.

(3) Budget and accounting measures, other than appropriations, except as provided in the Congressional Budget Act of 1974.

(4) Census and collection of statistics, including economic and social statistics.

(5) Congressional organization, except for any part of the matter that amends the rules or orders of the Senate.

(6) Federal Civil Service.

(7) Government information.

(8) Intergovernmental relations.

(9) Municipal affairs of the District of Columbia, except appropriations therefor.

(10) Organization and management of United States nuclear export policy.

(11) Organization and reorganization of the executive branch of the Government.

(12) Postal Service.

(13) Status of officers and employees of the United States, including their classification, compensation, and benefits.

(c) ADDITIONAL DUTIES.—The committee shall have the duty of—

(1) receiving and examining reports of the Comptroller General of the United States and of submitting such recommendations to the Senate as it deems necessary or desirable in connection with the subject matter of such reports;

(2) studying the efficiency, economy, and effectiveness of all agencies and departments of the Government;

(3) evaluating the effects of laws enacted to reorganize the legislative and executive branches of the Government; and

(4) studying the intergovernmental relationships between the United States and the States and municipalities, and between the United States and international organizations of which the United States is a member.

(d) JURISDICTION OF BUDGET COMMITTEE.—Notwithstanding paragraph (b)(3) of this section, and except as otherwise provided in the Congressional Budget Act of 1974, the Committee on the Budget shall have exclusive jurisdiction over measures affecting the congressional budget process, which are—

(1) the functions, duties, and powers of the Budget Committee;

(2) the functions, duties, and powers of the Congressional Budget Office;

(3) the process by which Congress annually establishes the appropriate levels of budget authority, outlays, revenues, deficits or surpluses, and public debt—including subdivisions thereof—and including the establishment of mandatory ceilings on spending and appropriations, a floor on revenues, timetables for congressional action on concurrent resolutions, on the reporting of authorization bills, and on the enactment of appropriation bills, and enforcement mechanisms for budgetary limits and timetables;

(4) the limiting of backdoor spending devices;

(5) the timetables for Presidential submission of appropriations and authorization requests;

(6) the definitions of what constitutes impoundment—such as "rescissions" and "deferrals";

(7) the process and determination by which impoundments must be reported to and considered by Congress;

(8) the mechanisms to ensure Executive compliance with the provisions of the Impoundment Control Act, title X—such as GAO review and lawsuits; and

(9) the provisions which affect the content or determination of amounts included in or excluded from the congressional budget or the calculation of such amounts, including the definition of terms provided by the Budget Act.

(e) OMB NOMINEES.—The committee on the Budget and the Committee on Homeland Security and Governmental Affairs shall have joint jurisdiction over the nominations of persons nominated by the President to fill the positions of Director and Deputy Director for Budget within the Office of Management and Budget, and if one committee votes to order reported such a nomination, the other must report within 30 calendar days session, or be automatically discharged.

TITLE II—INTELLIGENCE OVERSIGHT REFORM

SEC. 201. INTELLIGENCE OVERSIGHT.

(a) COMMITTEE ON ARMED SERVICES MEMBERSHIP.—Section 2(a)(3) of Senate Resolution 400, agreed to May 19, 1976 (94th Congress) (referred to in this section as "S. Res. 400") is amended by—

(1) inserting "(A)" after "(3)"; and

(2) inserting at the end the following:

"(B) The Chairman and Ranking Member of the Committee on Armed Services (if not already a member of the select Committee) shall be ex officio members of the select Committee but shall have no vote in the Committee and shall not be counted for purposes of determining a quorum.".

(b) NUMBER OF MEMBERS.—Section 2(a) of S. Res. 400 is amended—

(1) in paragraph (1), by inserting "not to exceed" before "fifteen members";

(2) in paragraph (1)(E), by inserting "not to exceed" before "seven"; and

(3) in paragraph (2), by striking the second sentence and inserting "Of any members appointed under paragraph (1)(E), the majority

leader shall appoint the majority members and the minority leader shall appoint the minority members, with the majority having a one vote margin".

(c) ELIMINATION OF TERM LIMITS.—Section 2 of Senate Resolution 400, 94th Congress, agreed to May 19, 1976, is amended by striking subsection (b) and by redesignating subsection (c) as subsection (b).

(d) APPOINTMENT OF CHAIRMAN AND VICE CHAIRMAN.—Section 2(b) of S. Res 400, as redesignated by subsection (c) of this section, is amended by striking the first sentence and inserting the following: "At the beginning of each Congress, the Majority Leader of the Senate shall select a chairman of the select Committee and the Minority Leader shall select a vice chairman for the select Committee.".

(e) SUBCOMMITTEES.—Section 2 of S. Res. 400, as amended by subsections (a) through (d), is amended by adding at the end the following:

"(c) The select Committee may be organized into subcommittees. Each subcommittee shall have a chairman and a vice chairman who are selected by the Chairman and Vice Chairman of the select Committee, respectively.".

(f) REPORTS.—Section 4(a) of S. Res 400 is amended by inserting ", but not less than quarterly," after "periodic".

(g) STAFF.—Section 15 of S. Res. 400 is amended to read as follows:

"SEC. 15. (a) In addition to other committee staff selected by the select Committee, the select Committee shall hire or appoint one employee for each member of the select Committee to serve as such Member's designated representative on the select Committee. The select Committee shall only hire or appoint an employee chosen by the respective Member of the select Committee for whom the employee will serve as the designated representative on the select Committee.

"(b) The select Committee shall be afforded a supplement to its budget, to be determined by the Committee on Rules and Administration, to allow for the hire of each employee who fills the position of designated representative to the select Committee. The designated representative shall have office space and appropriate office equipment in the select Committee spaces. Designated personal representatives shall have the same access to Committee staff, information, records, and databases as select Committee staff, as determined by the Chairman and Vice Chairman.

"(c) The designated employee shall meet all the requirements of relevant statutes, Senate rules, and committee security clearance requirements for employment by the select Committee.

"(d) Of the funds made available to the select Committee for personnel—

"(1) not more than 60 percent shall be under the control of the Chairman; and

"(2) not less than 40 percent shall be under the control of the Vice Chairman.".

(h) NOMINEES.—S. Res. 400 is amended by adding at the end the following:

"SEC. 17. (a) The select Committee shall have jurisdiction for reviewing, holding hearings, and reporting the nominations of civilian persons nominated by the President to fill all positions within the intelligence community requiring the advice and consent of the Senate.

"(b) Other committees with jurisdiction over the nominees" executive branch department may hold hearings and interviews with such persons, but only the select Committee shall report such nominations.".

(i) JURISDICTION.—Section 3(b) of S. Res. 400 is amended to read as follows:

"(b)(1) Any proposed legislation reported by the select Committee except any legislation involving matters specified in clause (1) or (4)(A) of subsection (a), containing any matter otherwise within the jurisdiction of any standing committee shall, at the request of the chairman of such standing committee, be referred to such standing committee for its consideration of such matter and be reported to the Senate by such standing committee within 10 days after the day on which such proposed legislation, in its entirety and including annexes, is referred to such standing committee; and any proposed legislation reported by any committee, other than the select Committee, which contains any matter within the jurisdiction of the select Committee shall, at the request of the chairman of the select Committee, be referred to the select Committee for its consideration of such matter and be reported to the Senate by the select Committee within 10 days after the day on which such proposed legislation, in its entirety and including annexes, is referred to such committee.

"(2) In any case in which a committee fails to report any proposed legislation referred to it within the time limit prescribed in this subsection, such Committee shall be automatically discharged from further consideration of such proposed legislation on the 10th day following the day on which such proposed legislation is referred to such committee unless the Senate provides otherwise, or the Majority Leader or Minority Leader request, prior to that date, an additional 5 days on behalf of the Committee to which the proposed legislation was sequentially referred. At the end of that additional 5 day period, if the Committee fails to report the proposed legislation within that 5 day period, the Committee shall be automatically discharged from further consideration of such proposed legislation unless the Senate provides otherwise.

"(3) In computing any 10 or 5 day period under this subsection there shall be excluded from such computation any days on which the Senate is not in session.

"(4) The reporting and referral processes outlined in this subsection shall be conducted in strict accordance with the Standing Rules of the Senate. In accordance with such rules, committees to which legislation is referred are not permitted to make changes or alterations to the text of the referred bill and its annexes, but may propose changes or alterations to the same in the form of amendments.".

(j) PUBLIC DISCLOSURE.—Section 8 of S. Res 400 is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "shall notify the President of such vote" and inserting "shall—

"(A) first, notify the Majority Leader and Minority Leader of the Senate of such vote; and

"(B) second, consult with the Majority Leader and Minority Leader before notifying the President of such vote.";

(B) in paragraph (2), by striking "transmitted to the President" and inserting "transmitted to the Majority Leader and the Minority Leader and the President"; and

(C) by amending paragraph (3) to read as follows:

"(3) If the President, personally, in writing, notifies the Majority Leader and Minority Leader of the Senate and the select Committee of his objections to the disclosure of such information as provided in paragraph (2), the Majority Leader and Minority Leader jointly or the select Committee, by majority vote, may refer the question of the disclosure of such information to the Senate for consideration.".

TITLE III—COMMITTEE STATUS

SEC. 301. COMMITTEE STATUS.

(a) HOMELAND SECURITY.—The Committee on Homeland Security and Governmental Affairs shall be treated as the Committee on Governmental Affairs listed under paragraph 2 of rule XXV of the Standing Rules of the Senate for purposes of the Standing Rules of the Senate.

(b) INTELLIGENCE.—The Select Committee on Intelligence shall be treated as a committee listed under paragraph 2 of rule XXV of the Standing Rules of the Senate for purposes of the Standing Rules of the Senate.

TITLE IV—INTELLIGENCE-RELATED SUBCOMMITTEES

SEC. 401. SUBCOMMITTEE RELATED TO INTELLIGENCE OVERSIGHT.

(a) ESTABLISHMENT.—There is established in the Select Committee on Intelligence a Subcommittee on Oversight which shall be in addition to any other subcommittee established by the select Committee.

(b) RESPONSIBILITY.—The Subcommittee on Oversight shall be responsible for ongoing oversight of intelligence activities.

SEC. 402. SUBCOMMITTEE RELATED TO INTELLIGENCE APPROPRIATIONS.

(a) ESTABLISHMENT.—There is established in the Committee on Appropriations a Subcommittee on Intelligence. The Committee on Appropriations shall reorganize into 13 subcommittees as soon as possible after the convening of the 109th Congress.

(b) JURISDICTION.—The Subcommittee on Intelligence of the Committee on Appropriations shall have jurisdiction over funding for intelligence matters, as determined by the Senate Committee on Appropriations.

TITLE V—EFFECTIVE DATE

SEC. 501. EFFECTIVE DATE.

This resolution shall take effect on the convening of the 109th Congress.

ANTI-SECESSION LAW OF THE PEOPLE'S REPUBLIC OF CHINA

Mr. ROCKEFELLER. Mr. President, on March 14 the National Congress of the People's Republic of China passed a bill termed the "Anti-Secession" law that preemptively positions China to take military action should it judge Taiwan to be moving toward formal independence. While the threat of force from Beijing is not new, legislation that refers to "non-peaceful means," even described as a "last resort" can only be seen as counterproductive. At a minimum, it is not conducive to building confidence between Taiwan and China nor facilitating dialogue, which are key to future stability in the straits and to peace and prosperity for both sides. This is not an issue that can be successfully resolved through military means. All would lose.

The timing of this law is equally unfortunate. Since the beginning of this year, Chinese and Taiwanese officials have taken concrete, pragmatic steps to build better relations—such as direct flights, shipping links, and increased trade. There have also been gestures of personal respect and there has been a lowering of the rhetorical temperature, on both sides. These are heartening developments. I encourage both parties to seek to expand upon them. I am convinced that this is the right road for China and Taiwan, to focus on mutually beneficial programs and to continue to create opportunities for more personal contacts.

In contrast, the Anti-Secession law is awkward and unhelpful. While I recognize that it also does stress the chance for peaceful settlement of the Taiwan issue, its thrust, coupled with an ongoing Chinese military build-up, will be viewed by Taiwan as inimical. I urge the Chinese government to move beyond this legislation, and this moment, and to demonstrate its good faith intent to work toward renewed discussions and better relations. If Beijing does so, certainly I hope that Taipei will respond in kind.

IN HONOR OF WOMEN'S HISTORY MONTH

Mrs. FEINSTEIN. Mr. President, I rise today in honor of Women's History Month to recognize the advancements that women have made this year and to reflect on the challenges and opportunities for the years ahead.

We have set aside this month to formally pay tribute to the contributions of women in the United States and around the world.

I would like to start by paying tribute to the women in Iraq and Afghanistan who are working to build their countries and to make a better life for themselves and their families. These women have been freed from oppressive regimes and as their nations rebuild now must secure their rights for all time.

Women throughout the Arab World are making their way into public life. In some countries, they are being elected to office, named to cabinet-level posts and appointed to leading positions in powerful civil society organizations—these are the thought-leaders and the pioneers. But there is another, parallel movement that has also begun: the quiet leadership of ordinary women who are doing extraordinary things.

On January 30, scores of Iraqi women poured into polling stations in cities and rural communities. Braving bullets, bombs, and substantial personal threat, they joined their fellow countrymen to vote in the nation's first free election, an act that warrants our deepest respect.

When I reflect on their courage, I realize that in the United States we have no point of reference to understand what they must have felt on that Monday in January. Though the women in our Nation have fought and continue to fight for justice and equal opportunity, the trip from our homes to the voting booth has never involved a life or death decision. The fact that 8 million people, 60 percent of whom were women according to some estimates, chose to risk their lives to vote is, quite frankly, astounding to me.

These women have grasped at democracy and they now clench it with tightened fists. I think we can learn something from this. I would like to call attention to their sacrifices and to highlight the lessons that their courage can teach women in the United States and around the world.

It is easy to take for granted today, but women in America also had to fight for the right to vote. After a decades' long struggle, women finally secured the right to vote in 1920 and since that time women have made incredible advancements.

Women have risen to the top of Fortune 500 companies and fill the domes of capitols and the halls of universities—today approximately 56 percent of college students are female, compared to 44 percent in 1973. The wage gap, however, is still alarming. Women who work full-time earned about 79.5 cents on the dollar compared to their male counterparts in 2003.

Women are a true political force and continue to contribute every day all across this country. In the years that I have been in politics, women have changed the face of American politics.

Issues that were once relegated to the back burner—education, health care, children, and seniors—are now at the top of America's political agenda.

Since I was first elected to the Senate in 1992, we have made remarkable progress for women by:

Increasing breast cancer research funding by 800 percent;

Tripling funding for domestic abuse shelters;

Raising lending to women through the Small Business Administration;

Passing the Family and Medical Leave Act and the Violence against Women Act;

Covering mammogram screening for Medicare and Medicaid beneficiaries;

Extending maternity hospitalization to 48 hours; and

Requiring health care companies to fund breast reconstruction after mastectomies.

We have come a long way, but we still have a long way to go.

That is why I am cosponsoring the Equal Rights Amendment to the Constitution. This amendment is essential to guarantee that the rights and freedoms granted by our Founding Fathers apply equally to men and women.

In addition, women's reproductive rights are under attack in Congress like never before, and I remain deeply committed to protecting a woman's right to choose guaranteed by Roe v. Wade. I also believe that it is extremely important that we reduce the number of unintended pregnancies and abortions.

I have spoken on this issue before and it is something that I feel very strongly about. Recently, we have seen considerable setbacks in the battle for reproductive rights and I fear that the advances we have fought so hard for are now threatened.

I am part of a generation of women who remember a time when a woman did not have the right to decide when and if she would give birth. I will not stand by and let us return to that time.

The decline of our rights under this administration has been slow but steady. Subtle encroachments occur either through the high-profile path of judicial appointments or through the silent passageways of regulations, obscure amendments tacked on to large bills, or grant limitations.

The current administration has systematically chipped away at the rights of women, and they have done so shielded from public scrutiny by employing these quiet forms of repression and intimidation. I am here to say: we have noticed, we are paying attention and we will fight.

These are issues that affect every woman in the United States. Let us not become complacent. Let us take inspiration from the women in Iraq who risked their lives to exercise their rights as we continue the struggle to defend our own. The time for basking in the glory of past achievements has passed; this is a battle that must be fought by the everyday women warriors. It is time to roll up our sleeves and get back to work.

Because of the women who have come before us, we are fortunate to participate in our democratic system of justice. We cannot take that opportunity and responsibility for granted.

THE PRENATALLY DIAGNOSED CONDITIONS AWARENESS ACT

Mr. BROWNBACK. Mr. President, I recently introduced S. 609, the Prenatally-diagnosed Conditions Awareness Act, with my colleague, the senior Senator from Massachusetts. This bill will accomplish the following:

One, ensure that pregnant women facing a positive prenatal test result will be more likely to receive up-to-date, scientific information about the life expectancy, clinical course, intellectual and functional development, and prenatal and postnatal treatment options for their child;

Two, provide pregnant women referrals to support services such as hotlines, Web sites, information clearinghouses, registries of families willing to adopt babies with disabilities, and parent-to-parent programs where people with children with disabilities meet with the newly diagnosed family to provide support and real-world information;

Three, improve epidemiologic understanding of prenatally-diagnosed conditions, within a strict set of confidentiality protections;

Four, support health care providers who perform prenatal tests and deliver results; and

Five, authorize a study of the effectiveness of existing health care and family support services for children with disabilities and their families.

The need for this legislation and the public dialogue I hope it encourages could not be more urgent. Medical science has provided the opportunity to obtain a massive amount of information about our own bodies and health and that of our children. But I am concerned that our ethical dialogue has not kept pace with new ethical challenges. We have been able to screen for certain conditions in the womb for quite some time now, but I am concerned that we don't have a great track record for handling that information very well. For some conditions that can be detected in the womb, such as Down Syndrome, we are aborting 80 percent or more of the babies who test positive. The effect of this sort of "weeding out" represents a sort of new eugenics, a form of systematic, disability-based discrimination.

Worse, trends suggest that this atrocity doesn't just end in the womb. The Netherlands has recently enacted policies that make it acceptable for doctors to end the lives of terminally ill children up to age 12, resulting in about 100 cases of pediatrician-induced homicides of children with severe handicaps each year. Belgium is considering similar policies. Unfortunately, these policies are starting to trickle into our own country. In Texas, a court recently upheld a hospital's decision to remove life support from a 6-month-old handicapped baby, against his mother's wishes.

It sounds too crazy to be true, but it is not just fringe thinking—leading so-called ethics experts have supported the killing of children with disabilities, such as Princeton Professor Peter Singer, who wrote in 1993 in his book Practical Ethics, "killing a defective infant is not morally equivalent to killing a person . . . sometimes it is not wrong at all." These ideas echo back to Nazi Germany, and, unfortunately, there is a tragic history, even in our own country, of abuse of institutionalized people with disabilities, only a few decades ago. Once one goes down the path of valuing some lives more than others, of saying that people with disabilities don't have the same dignity and right to live as others, there are very few means that don't justify the so-called "worthy end" of a disability-free society.

When I see beautiful children with Down Syndrome, spina bifida and other differences, I can't imagine why our society would ever condone this sort of unnatural selection. We don't want a world where parents feel driven to justify their children's existence. In addition to the many abilities that people with disabilities have which are equivalent to others, these individuals so often have a perspective the rest of us don't have. We learn compassion, heroism, humility, courage and self-sacrifice from these special individuals, and their gift to us is to inspire us, by their example, to achieve these virtues ourselves.

Published surveys suggest that our legislation is desperately needed. A survey of 499 primary care physicians delivering a prenatal diagnosis of Down Syndrome to expectant parents found that 10 percent actively "urged" parents to terminate the pregnancies, and 13 percent indicated that they "emphasized the negative aspects of Down Syndrome so that parents would favor a termination."

This bill offers support to ensure that prenatal testing need not be a negative experience for those whose children are diagnosed with a condition like Down Syndrome. For instance, some pregnant women might choose to carry their child to term if they knew there were waiting lists of families willing to adopt children with Down Syndrome. Some parents might be reassured about keeping their children if they were able to spend some time talking with a family that has a special needs child about their real-life experience. Some parents would be helped by hearing a positive message about the potential and joy of living with children with disabilities, while also being presented with a realistic assessment of the challenges.

There are many people to thank for helping prepare this bill for introduction, and I hope they will continue to help us as we move this bill towards the President's desk. In particular, I am honored to have my friend the senior Senator from Massachusetts as a lead Democrat on this bill. Senator KENNEDY is an incredible champion for people with disabilities. As we have worked together, he has educated me about some of the challenges faced by families with children with disabilities. In particular, I want to thank Connie Garner on Senator KENNEDY's staff, whose tireless advocacy for the dignity and rights of people with disabilities has been an inspiration to me and my staff.

Many thanks to our partners in the House of Representatives, who I hope will speedily pass the companion version of this bill, especially lead sponsor Chairman SENSENBRENNER. Key House support has also come from my friend Congressman PETE SESSIONS and Congressman JOHN HOSTETTLER.

I urge my colleagues to co-sponsor this legislation and I look forward to working with my colleague from Wyoming, the Chairman of the Committee on Health, Education, Labor and Pensions, and the majority leader, to speed Senate passage of this important legislation.

FRATERNAL BENEFIT SOCIETIES

Mr. SANTORUM. Mr. President, on January 27, the staff of the Joint Committee on Taxation released a report requested by Senate Finance Chairman GRASSLEY and the ranking member, Senator MAX BAUCUS, entitled "Options To Improve Tax Compliance and Reform Tax Expenditures." While I fully expect that many of the recommendations will be the subject of extended debate in the Senate over the coming year, I want to highlight one recommendation that should be rejected immediately: the joint committee staff's proposal to revoke the tax-exempt status of fraternal benefit societies.

Beginning with the Tariff Act of 1894, every Federal tax law has contained a specific exemption for fraternal benefit societies, and with good reason. These organizations, some of which have existed since the Civil War, are a major force for good in America today. Last year, for example, these organizations incurred almost $360 million in direct fraternal and charitable expenditures, while their individual members devoted more than 80 million volunteer hours—valued at $1.4 billion—in community and social services. Fraternal benefit societies support their communities in every possible way, including helping families with critically ill children, supporting homeless shelters and homes for the aged, raising funds and supporting local food banks, repairing playgrounds and other community facilities, and helping underprivileged youth stay away from drugs. Fraternal benefit societies are among our Nation's most important first responders; they acted quickly to provide almost $17 million in financial relief to families affected by 9/11, and have raised upwards of $8 million in tsunami relief and counting.

What makes this extraordinary effort possible is the requirement under the Internal Revenue Code that fraternal societies also make available to their members insurance against death, disease, and disability, a tradition of mutual aid that goes back to the earliest days of fraternalism. I am troubled, Mr. President, by the fact that the Joint Committee staff has dredged up an old idea that has been rejected once before. In 1984, the Treasury Department made a similar recommendation that resulted in Congress mandating an extensive study of fraternal benefit societies that was issued in 1993. In that study, Treasury concluded that fraternal societies do not use their tax exemption to compete unfairly against commercial insurers, but instead, use the revenues from insurance to support their fraternal and charitable activities. Treasury left the decision up to Congress, but noted that if the exemption was taken away, these fraternal and charitable activities would be extinguished.

If anything, the rationale for encouraging fraternal benefit societies is greater today than it has been at any other time in our history. Fraternal societies have shown us that the private sector can and will step in to make a difference. As our need for fraternal societies has grown, so too has their devotion to our communities. Fraternal and charitable expenditures were approximately $242 million in 1985, and the number of volunteer hours on behalf of society members was just over 26 million. Last year fraternal and charitable expenditures were almost $365 million and the number of volunteer hours had grown to 83 million. At the same time, the share of the insurance market represented by fraternals during this time period has remained steady at around 1.5 percent. In other words, the good that these organizations do has gone way up; they are no more a threat to commercial businesses today than they were 20 years ago. Moreover, I can tell you from personal experience that the 10 million Americans who join fraternal societies are more devoted today to the cause that brought them together—whether religious, patriotic, or a shared heritage—than ever before. Pennsylvania is fortunate to be home to many of these organizations and dedicated citizens.

The Joint Committee staff has concluded that revoking the tax-exemption of fraternal benefit societies would raise $500 million over 10 years. This pales by comparison to the $4 billion that fraternal societies are likely to put back into their communities over the same time frame in direct fraternal and charitable expenditures, and the annual $1.4 billion that their members devote in volunteer time throughout the country.

Recognizing the importance of fostering this type of private sector support for our communities, it is interesting to note that the platform of the Republican National Committee in 2004, 2000, and 1996 contained the following statement: "Because of the vital role of religious and fraternal benevolent societies in fostering charity and patriotism, they should not be subject to taxation."

Mr. President, it often has been said that the power to tax is the power to destroy. This is the time to encourage, not destroy, organizations that devote themselves to social good, organizations from which this Nation has benefited immeasurably for more than 150 years. As Congress concluded in 1985, let us again make sure that this joint committee recommendation is taken off the table.

TAXATION OF FEMA DISASTER MITIGATION GRANTS

Mr. BOND. Mr. President, last week I introduced a bill, S. 586, as an alternative to my previous bill, S. 290, regarding the taxation of FEMA disaster mitigation grants. Both bills are designed to prevent the IRS from taxing these grants.

With the help of Senators VITTER, TALENT, VOINOVICH, NELSON, FEINSTEIN, and LANDRIEU, I introduced this new legislation as a companion to Congressman MARK FOLEY's bill, H.R. 1134, in House of Representatives. I commend Mr. FOLEY for his hard work and dedication to this proposal. Also, I commend the Department of Treasury for recognizing the serious nature of this issue and committing to work with Congress to resolve it.

This new legislation adds additional language to ensure that FEMA disaster mitigation grant recipients do not abuse the tax-free nature of the grant by capitalizing on the increased value of his/her property. In addition, the new language provides for a prospective effective date.

It is important to note, however, that the President's budget proposal gives the Treasury Department the administrative authority to apply the policies of S. 586 and H.R. 1134 to cases involving mitigation payments where the statue of limitations has not expired. It is my understanding that the Department of Treasury has agreed to issue a notice to the IRS clearly indicating that, in accordance with the policies of S. 586 and H.R. 1134, those taxpayers who are in receipt of these mitigation grants prior to the enactment of this legislation will not be subject to extra tax liabilities.

This legislation came about as a result of a direct threat by the IRS to tax these disaster mitigation grants. As I have said before, I am absolutely stunned at this latest antic by the IRS. The last thing Americans who are working to prevent potential destruction from floods, tornadoes, and hurricanes need is for Government-grant funding to be subject to tax. My bill ensures that the IRS's disaster tax does not see the light of day.

I ask unanimous consent that two letters from the Department of Treasury be printed in the RECORD. These letters are written to the chairmen of both the Senate Finance Committee and the House Ways and Means Committee expressing support for S. 586 and H.R. 1134 and committing to prevent retroactive taxation at the request of Congress.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE TREASURY,
Washington, DC., March 14, 2005.

Hon. CHARLES GRASSLEY,
Chairman, Committee on Finance, U.S. Senate, Washington, DC.

DEAR CHAIRMAN GRASSLEY: I am writing to express the Administration's support for legislation to provide tax relief to property owners who participate in Federal Emergency Management Agency (FEMA) hazard mitigation projects, specifically H.R. 1134 and S. 586 sponsored by Representative Mark Foley and Senator Bond respectively.

FEMA provides grants through State and local governments to mitigate potential damage from future natural hazards. Examples of mitigation projects include demolition, retro-fitting, and elevation of buildings. As a result, these grant projects are distinguishable from other grant programs in that their goal is to avoid the larger costs of damage that otherwise would be compensated in the future out of the taxpayer funded Disaster Relief Fund, National Flood Insurance Program, other Federal assistance programs, and State, local and private sources. Through hazard mitigation programs, FEMA has funded community mitigation projects affecting individual properties for over fifteen years. In particular, FEMA makes grants under the Flood Mitigation Assistance program, the Hazard Mitigation Grant Program, and the Pre-Disaster Mitigation program.

Under current law, gross income generally includes all income from whatever source derived. Generally, the mitigation grants from FEMA (or construction services paid by grants) represent income to the recipients. Under specific statutory and administrative exceptions, gross income does not include certain government payments made to individuals in response to need resulting from particular disasters. However, grants under the three FEMA mitigation programs described above often are made in anticipation of future disasters and other natural hazards and are not need based. Consequently, the mitigation grants generally do not qualify for these specific exceptions.

Similarly, if a property owner participates in a FEMA-assisted acquisition of his or her property, the property owner generally is required to include in income any gain from the sale of the property (subject to the $250,000/$500,000 exclusion from income of gain from the sale of a principal residence).

By explicitly excluding FEMA mitigation grants from income, the Foley/Bond legislation provides tax relief to home and property owners that receive the grants. Because participation by property owners in FEMA projects is voluntary, there is concern that owners of at-risk properties might decline to participate because of the potential tax obligation under current law, thus adding to long term taxpayer funded recovery costs. This presents a potential impediment to the policy Congress initially sought to implement through these grant programs.

Finally, it is also my understanding that the effective dates of the Foley/Bond legislation are prospective and that the tax exemption for these FEMA mitigation grants will be recognized upon date of enactment of the bill. Because the issue of retroactivity is also one of fairness, it is our hope that Congress, consistent with the Administration's budget proposal, will encourage the Treasury Department to provide retroactive relief to those individuals who have utilized FEMA mitigation grants in the past.

I commend the House for acting quickly to address this issue and urge the Congress to send this legislation to the President for his signature.

Sincerely,

JOHN W. SNOW.

DEPARTMENT OF THE TREASURY,
Washington, DC, March 14, 2005.

Hon. WILLIAM THOMAS,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR CHAIRMAN THOMAS: I am writing to express the Administration's support for legislation to provide tax relief to property owners who participate in Federal Emergency Management Agency (FEMA) hazard mitigation projects, specifically H.R. 1134 and S. 586 sponsored by Representative MARK FOLEY and Senator BOND respectively.

FEMA provides grants through State and local governments to mitigate potential damage from future natural hazards. Examples of mitigation projects include demolition, retro-fitting, and elevation of buildings. As a result, these grant projects are distinguishable from other grant programs in that their goal is to avoid the larger costs of damage that otherwise would be compensated in the future out of the taxpayer funded Disaster Relief Fund, National Flood Insurance Program, other Federal assistance programs, and State, local and private sources. Through hazard mitigation programs, FEMA has funded community mitigation projects affecting individual properties for over fifteen years. In particular, FEMA makes grants under the Flood Mitigation Assistance program, the Hazard Mitigation Grant Program, and the Pre-Disaster Mitigation program.

Under current law, gross income generally includes all income from whatever source derived. Generally, the mitigation grants from FEMA (or construction services paid by grants) represent income to the recipients. Under specific statutory and administrative exceptions, gross income does not include certain government payments made to individuals in response to need resulting from particular disasters. However, grants under the three FEMA mitigation programs described above often are made in anticipation of future disasters and other natural hazards and are not need based. Consequently, the mitigation grants generally do not qualify for these specific exceptions.

Similarly, if a property owner participates in a FEMA-assisted acquisition of his or her property, the property owner generally is required to include in income any gain from the sale of the property (subject to the $250,000/$500,000 exclusion from income of gain from the sale of a principal residence).

By explicitly excluding FEMA mitigation grants from income, the Foley/Bond legislation provides tax relief to home and property owners that receive the grants. Because participation by property owners in FEMA projects is voluntary, there is concern that owners of at-risk properties might decline to participate because of the potential tax obligation under current law, thus adding to long term taxpayer funded recovery costs. This presents a potential impediment to the policy Congress initially sought to implement through these grant programs.

Finally, it is also my understanding that the effective dates of the Foley/Bond legislation are prospective and that the tax exemption for these FEMA mitigation grants will be recognized upon date of enactment of the bill. Because the issue of retroactivity is also one of fairness, it is our hope that Congress, consistent with the Administration's budget proposal, will encourage the Treasury Department to provide retroactive relief to those individuals who have utilized FEMA mitigation grants in the past.

I commend the House for acting quickly to address this issue and urge the Congress to send this legislation to the President for his signature.

Sincerely,

JOHN W. SNOW.

CONDEMNING VIOLENCE AND CRIMINALITY IN NORTHERN IRELAND

Mr. DODD. Mr. President, I rise today to join my colleagues, Senators KENNEDY, MCCAIN and others in condemning ongoing violence and criminality by the Irish Republican Army.

Our actions are prompted in part by our meeting yesterday with the sisters and fiance of Robert McCartney, a Catholic resident of Belfast who was brutally murdered on January 30, by individuals who are members of the IRA. These six young women, Catherine McCartney, Paula Arnold, Gemma McMacken, Claire McCartney, Donna Mary McCartney, and Bridgeen Karen Hagans, have publicly challenged the code of silence that generally surrounds IRA activities, including the brutal murder of their brother, an innocent bystander.

These brave women came to Washington seeking our help to ensure that this heinous act is not forgotten as time passes and that justice is done, not only on behalf of their brother, but for all the people of Northern Ireland—Protestant and Catholic alike. They have called upon the IRA and Sinn Fein to stop covering up Robert's murder, and to begin immediately to cooperate directly with the Northern Ireland Policing Service in order to bring to justice those responsible for this heinous crime.

In response to their appeal we believe that it is important that the United States Senate express itself on their behalf. That is why we have asked the Senate to act on the pending resolution. That is why President Bush met personally with these brave women at the White House earlier today—to highlight the importance of justice being done.

Our actions on this resolution and the President's meeting earlier today put the world on notice that we condemn such acts. In addition, with this resolution we call on the leadership of Sinn Fein to insist that everyone responsible for this murder be brought to justice and that anyone with knowledge about the crime cooperate fully and directly with the Police Service of Northern Ireland in making that possible.

As an Irish American, I look forward to the annual celebration of Saint Patrick's Day. Earlier today we participated in the Annual Speaker's luncheon with visiting Prime Minister of Ireland, Bertie Ahern to commemorate this day.

I must tell you that we did so with less exuberance than in past years when there was frankly more to be joyful about.

Ten years ago on this day, there was excitement and promise at our Saint Patrick's Day celebration—the 1994 IRA ceasefire had been in place for more than 6 months and there existed a positive climate conducive to finding a political resolution to a quarter century of sectarian violence.

Seven years ago, in 1998, there was even more concrete evidence that sectarian violence was over as we were literally days away from the parties signing the Good Friday Accords which they did on April 9 of that year. That document was crafted by the political parties under the able leadership of former Majority Leader George Mitchell with the active involvement of President Bill Clinton, and Prime Ministers Tony Blair and Bertie Ahern. It spelled out in black and white an agenda and institutions for delivering justice and equality to both traditions within a framework of inclusive self-government.

Our annual Saint Patrick's Day celebrations since 1998 have been an opportunity to take stock of the progress toward full implementation of the Good Friday Accords. I for one have approached this day each year with the hope that we might finally declare that the Accords were fully functioning, and that violence and terror were no longer a part of the fabric of Northern Ireland's society.

Sadly, this Saint Patrick's day we struggle to call the glass half full with respect to progress on the Accords. The Northern Ireland Assembly is in suspension, the assembly's Executive is vacant. The parties are deadlocked over what must be done to restart the process. Collectively, Northern Ireland's political leaders must accept responsibility for the political impasse that now exists. But Sinn Fein and the IRA carry a heavier burden than others for restarting the process. Sinn Fein, as an organization, must commit itself fully and unequivocally to solely political means to advance its agenda of equality and inclusion. There is no place in a democracy for a political organization to have its own private paramilitary organization. Sinn Fein cannot call itself a democratic organization if it does not severe all ties with the IRA, an organization which espouses, condones, and covers up unlawful acts such as murder and robbery. And, if the IRA is in fact committed to the full implementation of the Peace Accords as it has publicly stated, then it must fully and verifiably decommission its weapons and go out business entirely.

In my opinion, nothing short of these actions is going to repair the damage done to the peace process by the recent acts of criminality by the IRA. Public demonstrations by the Catholic community in Belfast in support of the McCartney sisters' quest for justice made it patently obvious that whatever support might have existed for the IRA in that community exists no longer. It is very clear that the people of Northern Ireland want to live in peace—they want an end to vigilantism and intimidation—they want transparency and the rule of law. They want a future for themselves and their children.

Today, Northern Ireland is a struggling democracy—at a crossroad. Elections have occurred. Elected representatives have been chosen. The mechanisms of self-government are clearly spelled out in the Good Friday Accords. Everyone knows what needs to be done to move the process forward. I hope and pray that those with the power to make a difference will have the courage to do the right thing. The people of Northern Ireland deserve and expect nothing less.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

Last week, a 15-year-old high school student was charged with assault after attacking a fellow student. According to police, the attacker yelled disparaging remarks about the victim's sexual orientation before the fight broke out. The victim was taken to the doctor with bruised ribs after he was repeatedly kicked.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

OPPOSING THE NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT

Mr. KYL. Mr. President, it has come to my attention that persons outside of the Senate have told Senators that I do not oppose S. 147, the latest incarnation of a bill that would create a tribal government for Native Hawaiians. This is untrue; it is probably being said because I agreed that the issue could be brought to the Senate floor for a vote. I continue to believe that this bill is profoundly unconstitutional and poses serious moral and political problems. I oppose this bill, and urge my colleagues to do so.

I ask unanimous consent that the following three news columns by Bruce Fein, constitutional scholar and former Reagan administration Justice Department official, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Mar. 11, 2005]

THE PINEAPPLE TIME BOMB

(By Bruce Fein)

It is not because Native Hawaiians should be cherished less but that equality under the law should be loved more that the Akaka Bill to create a race-based government should be opposed. The Senate Committee on Indian Affairs blithely approved the legislation Wednesday without seriously examining its constitutionality. The bill previously passed the House in 2000 as a "noncontroversial," like treating South Carolina's firing on Fort Sumter as a July Fourth celebration.

The proposed legislation would ordain a Native Hawaiian Governing Entity cobbled together by Native Hawaiians meeting a threshold of Native Hawaiian blood. The Entity would negotiate with the United States and the State of Hawaii for lands, natural resources, civil and criminal jurisdiction, and other matters within the customary purview of a sovereign. It would be a race-based state within a state: a government of Native Hawaiians, by Native Hawaiians, for Native Hawaiians. It does not deserve birth.

The grandeur of the United States has been a history of escape from ugly racial, ethnic or class distinctions. The nation celebrates equality of opportunity and merit rather than birth as the touchstone of destiny. American citizenship is defined by common ideals and aspirations unstained by hierarchy: no divisions between patricians or clergy, nobles and commoners. Indeed, the Constitution forbids titles of nobility.

Accordingly, Supreme Court Justice Antonin Scalia instructed in Adarand Constructors v. Pena (1995): "To pursue the concept of racial entitlement—even for the most admirable and benign of purposes—is to reinforce and preserve for future mischief the way of thinking that produced race slavery, race privilege and race hatred. In the eyes of government, we are but one race here. It is American."

The United States has flourished by overcoming stains on its creed of equality. Black slavery was ended by the 13th Amendment, and Jim Crow died with the Civil Rights Act of 1964 and Voting Rights Act of 1965. Individual Japanese-Americans got an apology and compensation for race-based maltreatment in World War II in the Civil Liberties Act of 1988.

Racism is defeated by its renunciation, not its practice. The latter pits citizen against citizen and invites strife and jealousies that weaken rather than strengthen.

An exclusive Native Hawaiian government is no exception. Justice Anthony Kennedy persuasively discredited the argument that the Akaka Bill will bring reconciliation between Native Hawaiians and their co-citizens in Rice v. Caytano (2000). In voiding a race-based restriction on the franchise for trustees of the Office of Hawaiian Affairs, Justice Kennedy sermonized: "One of the principal reasons race is treated as a forbidden classification is that it demeans the dignity and worth of a person to be judged by ancestry instead of by his or her own merit and essential qualities. . . . [T]he use of racial classifications is corruptive of the whole legal order democratic elections seek to preserve. The law itself may not become an instrument for generating the prejudice and hostility all too often directed against persons whose particular ancestry is disclosed by their ethnic characteristics and cultural traditions."

The Akaka Bill would create an unprecedented race-based government in Hawaii. Prior to the 1893 dethronement of Queen Lili'uokalani, the monarchy treated Native Hawaiians and immigrants alike. Each enjoyed equal rights under the law. Ditto under the successor government and territorial authority after Hawaii's annexation by the United States in 1898. In other words, the race-based legislation would not restore the 1893 legal landscape, but enshrine an odious political distinction amongst Hawaii's inhabitants that never before existed.

A Native Hawaiian enjoys the same freedoms as other Americans. Native Hawaiians may celebrate a distinctive culture under the protection of the Constitution, like the Amish. Racial discrimination against a Native Hawaiian is illegal. And the civil and political rights of Native Hawaiians dwarf what was indulged by the sovereign under the former monarchy.

Stripped of rhetorical adornments, the Akaka Bill is racial discrimination for the sake of racial discrimination; a dishonoring of the idea of what it means to be an American and a formula for domestic convulsions.

[From the Washington Times, Oct. 5, 2004]

A RACE-BASED DRIFT?

(By Bruce Fein)

The nation's mindless celebration of multiculturalism and denigration of the American creed has reached a new plateau of destructiveness. A bill recently reported by the Senate Appropriations Committee (S. 344) would establish a race-based government for Native Hawaiians unconstrained by the restrictions of the U.S. Constitution. The bill's enactment would mark the beginning of the end of the United States, akin to the sack of Rome by Alaric the Great in 410 A.D. A country that wavers in its fundamental political and cultural values—like a nation half slave and half free—will not long endure.

S. 344 would erect an independent government for the lineal descendants of Native Hawaiians to honor their asserted "rights as native people to self-determination and self-governance." Best estimates place their number at more than 400,000. Like Adolf Hitler's blood tests for Jews, a minuscule percentage of Native Hawaiian ancestry would establish an entitlement to participate in the new racially exclusive domain.

The right to self-determination means the right of a people to choose their sovereign destiny, whether independence, federation, accession to another nation or otherwise. Thus, the bill would overturn the past and prevailing understanding of the Civil War. As Chief Justice Salmon Portland Chase lectured, Ulysses S. Grant's defeat of Robert E. Lee established an indivisible national unity among indestructible states.

The Native Hawaiian government would be unbothered by the "irritants" of the U.S. Constitution. Thus, it might choose theocracy over secularism; summary justice over due process; indoctrination over freedom of speech; property confiscations over property rights; subjugation over equality; or, group quotas over individual merit. The Native Hawaiian citizens of the Native Hawaiian government would also be exempt from swearing or affirming allegiance to the United States of America or the U.S. Constitution.

The race-based sovereignty created by S. 344 is first cousin to a revolution against the

United States. As the Declaration of Independence elaborates, revolutions may be justified by repression or deafness to pronounced grievances. Thomas Jefferson's indictment of King George III is compelling on that score. But S. 344 does not and could not find Native Hawaiians are oppressed or maltreated in any way. They are first-class American citizens crowned with a host of special privileges. Indeed, the proposed legislation acknowledges that, "Native Hawaiians . . . give expression to their rights as native peoples to self-determination and self-governance through the provision of governmental services to Native Hawaiians, including the provision of health care services, educational programs, employment and training programs, children's services, conservation programs, fish and wildlife protection, agricultural programs, native language immersion programs and native language immersion schools from kindergarten through high school."

The annexation of Hawaii by the United States in 1898 has proven a bright chapter in the history of democracy and human rights. Native Hawaiians had failed for centuries to build a democratic dispensation and the rule of law. When Queen Lili'uokulani was ousted from power in 1893, the potentate was no more eager to yield monarchical powers than was the shah of Iran. Annexation and statehood in 1959 brought all Hawaiian residents irrespective of race or ethnicity the blessings of the U.S. Constitution—government of the people, by the people, for the people. Native Hawaiians prospered far beyond the destiny available under Queen Lili'uokulani and her royal successors. Suppose Japan had attacked Pearl Harbor when under the queen's sovereignty. The Hawaiian Islands would have been colonized and brutalized as was Korea from 1910–1945.

American civilization has been a boon, not an incubus, for the Native Hawaiians living today. Generally speaking, they thrive from the benefits of science, medicine, literature, higher education, free enterprise, private property and freedom of inquiry, amenities and enjoyments not found in lands untouched by Western values and practices. As elaborated in the report of Senate Committee of Indian Affairs accompanying S. 344, Native Hawaiians' nagging resistance to complete assimilation seems to explain their suboptimal demographics. Hawaiian law, for example, has invariably guaranteed subsistence gathering rights to the people to retain native customs and traditions.

Not a crumb of legitimate grievance justifies the odious race-based government championed by S. 344. To borrow from Associate Supreme Court Justice Antonin Scalia in Adarand Construction vs. Pena (1995), in the eyes of the law and the creed of the United States, there is only one race in the nation. It is American. And to be an American is to embrace the values of freedom, individual liberty and equality acclaimed in the Declaration of Independence, Constitution and Gettysburg Address. S. 344 would create a distinct race of Native Hawaiians subject to a race-based Native Hawaiian government with the purpose of creating and preserving non-American values: namely, "Native Hawaiian political and cultural identity in accordance with their traditions, beliefs, customs and practices, language, and social and political institutions."

Native Hawaiians hold no more right to a race-based government than countless other racial or ethnic groups in the United States. They are no more entitled to secede from the jurisdiction of the U.S. Constitution than were the Confederate States of America. Enacting S. 344 would surrender the intellectual and moral underpinnings of the United States.

E PLURIBUS UNUM—DEBATING THE LEGALITY OF THE AKAKA BILL

(By Bruce Fein)

Hawaii Attorney General Mark Bennett is dead wrong in his support of the Akaka Bill.

The proposed legislation celebrates race-based divisiveness over America's highest aspirations for unity and equality. The bill is blatantly unconstitutional.

E Pluribus Unum is the nation's birth certificate.

Ben Franklin sermonized that if we do not all hang together; we assuredly shall all hang separately. Abraham Lincoln preached that "A house divided against itself cannot stand." Supreme Court Justice Benjamin Cardozo in Baldwin v. Seelig (1935) observed: "The Constitution was framed . . . upon the theory that the peoples of the several states must sink or swim together, and that in the long run prosperity and salvation are in union and not division." Justice Antonin Scalia lectured in Adarand Constructors v. Pena (1995) that the Constitution acknowledges only one race in the United States. It is American.

Attorney General Mark J. Bennett's spirited defense of the Akaka Bill (Hawaii Reporter, December 20, 2004) ignores this wisdom. It is nonsense on stilts. He talks about Congress' power to recognize tribes, but the Akaka Bill is not about recognizing a real tribe that truly exists. Instead, it proposes to crown a racial group with sovereignty by calling it a tribe. But to paraphrase Shakespeare, a racial group by any other name is still a racial group. Congress cannot circumvent the Constitution with semantics. The United States Supreme Court in United States v. Sandoval (1913) expressly repudiated congressional power arbitrarily to designate a body of people as an Indian tribe, whether Native Hawaiians, Jews, Hispanics, Polish Americans, Italian Americans, Japanese Americans, or otherwise. Associate Justice Willis Van Devanter explained with regard to congressional guardianship over Indians: "[I]t is not meant by this that Congress may bring a community or body of people within the range of this power by arbitrarily calling them an Indian tribe, but only that in respect of distinctly Indian communities the questions whether, to what extent, and for what time they shall be recognized and dealt with as dependent tribes requiring guardianship and protection of the United States are to be determined by Congress, and not by the courts."

Attorney General Bennett incorrectly argues that the Supreme Court has interpreted the Indian Commerce Clause to endow Congress with plenary "power to deal with those it finds to be Indian Tribes. . . ." No such interpretation has ever been forthcoming, and thus Mr. Bennett is unable to cite a single case to support his falsehood. Indeed, it is discredited by the Sandoval precedent.

Congress enjoys limited powers under the Constitution. They are generally enumerated in Article I, section 8, and include the power to regulate commerce "with the Indian tribes." Clause 18 also empowers Congress to make all laws "necessary and proper" for executing its enumerated authorities. Contrary to the Hawaii Attorney General, the Indian Commerce Clause has been understood by the Supreme Court as conferring a power to regulate the nation's intercourse with Indian Tribes, but not to summon a tribe into being with a statutory bugle. The Attorney General is also unable to articulate a connection between any enumerated power of Congress and the Akaka Bill's proposal to endow Native Hawaiians with the quasi-sovereignty and immunities of Indian Tribes.

He absurdly insists that the Founding Fathers intended an open-ended definition of Indian Tribe because contemporary dictionaries defined tribe as "[a] distinct body of people as divided by family or fortune or any other characteristic." But the Constitution's makers employed "Indian" to modify tribe. That modifier was understood to include only peoples with an Indian ancestry coupled with a primitive culture that necessitated federal protection from predation by States or private citizens. In Sandoval, for example, Congress properly treated Pueblos as an Indian tribe because "considering their Indian lineage, isolated and communal life, primitive customs and limited civilization, this assertion of guardianship over them cannot be said to be arbitrary. . . ." Chief Justice John Marshall in The Cherokee Nation v. Georgia (1831) likened an Indian Tribe's dependency on the United States to the relation of a ward to his guardian. The Akaka Bill, however, does not and could not find that Native Hawaiians need the tutelage of the United States because of their backwardness or child-like vulnerability to exploitation or oppression. Indeed, their political muscle has made them spoiled children of the law, as Attorney General Bennett himself underscores. Finally, the Constitution aimed to overcome, not to foster, parochial conflicts or jealousies. That goal would be shipwrecked by a congressional power to multiply semi-sovereign Indian tribes at will.

He stumbles again in attributing to a court the statement, "Indian tribes do not exist in Alaska in the same sense as in [the] continental United States." The statement was made by the Secretary of the Interior in a letter noting that Alaskan tribes occupied land which had not been designated as "reservations," in contrast to Indian tribes.

Section 2 of the Fourteenth Amendment further undermines the Attorney General's accordion conception of Indian Tribe. It apportions Representatives among the States according to population, but "excluding Indians not taxed." Mr. Bennett's argument would invite the majority in Congress to manipulate apportionment by designating entire States that generally voted for the opposition as Indian Tribes.

Finally, the Attorney General wrongly insinuates that Congress would be powerless to rectify historical wrongs to Native Hawaiians absent the Akaka Bill. Congress enjoys discretion to compensate victims or their families when the United States has caused harm by unconstitutional or immoral conduct, as was done for interned Japanese Americans in the Civil Liberties Act of 1988. Congress might alternatively establish a tribunal akin to the Indian Claims Commission to entertain allegations of dishonest or unethical treatment of Native Hawaiians. As the Supreme Court amplified in United States v. Realty Co. (1896): "The nation, speaking broadly, owes a 'debt' to an individual when his claim grows out of general principles of right and justice; when, in other words, it is based on considerations of a moral or merely honorary nature, such as are binding on the conscience or the honor of the individual, although the debt could obtain no recognition in a court of law. The power of Congress extends at least as far as the recognition of claims against the government which are thus founded."

TRIBUTE TO DECLAN CASHMAN

Mr. DAYTON. Mr. President, I rise to pay tribute to Ms. Declan Cashman who tomorrow marks her 20th year of service in the Senate.

Declan began her career in the Senate back in 1985 as a legislative secretary for my distinguished friend, Senator Dave Durenberger of Minnesota. She was promoted to positions on the Subcommittee on Intergovernmental Relations, the Permanent Subcommittee on Investigations, and the Committee on Health, Education, Labor, and Pensions. Today, she serves as my executive assistant, where she is invaluable to me and so many others on my staff. I do not sign a letter without first asking, "Has Declan looked at this?"

Despite her busy work schedule, Declan has many creative pursuits. She is both a lover of the theater and a talented actress herself. Recently, she has performed at Washington's Studio Theater, the Chevy Chase Players, and the Silver Spring stage.

Declan is an inspiration to the young men and women who come to work in Washington every year. Every morning, she is the first to arrive in my office, where she proceeds to scour her hometown Boston Globe, the New York Times, the Washington Post's Style section, and Page Six, over a cup of black coffee. As her coworkers arrive, she enthusiastically shares the best stories with them.

On behalf of her Senate coworkers over the past 20 years and the thousands of constituents she has assisted, I thank Declan for her dedication and excellent public service. I hope that she will grace my office with her presence for the next 2 years. Then someone else will be my fortunate successor.

RECOGNITION OF THE 80TH ANNUAL PRINCE OF PEACE EASTER PAGEANT

Mr. INHOFE. Mr. President, I rise today in recognition of the 80th Annual "The Prince of Peace" Easter Pageant that has been performed annually in the historic Holy City of the Wichitas since 1926. I am very proud of this truly outstanding Oklahoma tradition and would like to congratulate the dedicated performers and organizers both past and present who have kept it alive all these years.

The pageant was the brainchild of a young pastor, Reverend Anthony Mark Wallock, of the First Congregational Church in Lawton, OK. Eighty years ago, he gathered a few hardy souls from his church and Sunday school class on a mountain peak at Medicine Park, OK, where he conducted a short Easter morning service. That worship ceremony, which was carried out in word, song, and pantomime, eventually became the world-renowned Easter pageant, "The Prince of Peace."

Word about the pageant spread quickly, and began attracting a larger audience. As a result, the pageant was moved to the foot of Mount Roosevelt in the heart of the Wichita Mountains Wildlife Refuge. The twenty-two buildings at the new site were completed and dedicated on March 31, 1935, and the first pageant there, performed on April 21, drew a crowd of 82,000 people.

In the 1940's, the pageant even drew the attention of Hollywood and in 1948 the film, "The Lawton Story—The Prince of Peace" was produced with the participation of many local citizens in Lawton and the surrounding area. Although Reverend Wallock passed away on December 26 of that year, the story of the pageant he founded lived on in the community that he loved.

Since then, hundreds upon thousands of volunteers have carried on the annual tradition of presenting this historic production. It has become the longest continuously running outdoor Easter pageant in America. Every Easter season, on Palm Sunday Eve and Easter Eve, starting at 9:00 in the evening, 300 costumed volunteer performers bring the pageant to life.

The voices of the characters come from the reading cast. Their timed speaking gives life to the pantomiming actors. Those in charge of music, sound effects, and the all-important lighting give realism to the story. The brilliant costumes, live animals, and surprise special effects all contribute to a rich and beautiful depiction of the life of Christ.

Mr. President, as the Easter season approaches and this storied pageant enters its 80th year, I extend my gratitude for all those who have committed to keep its flame burning. The message of hope and human redemption that is at the heart of this pageant is one that we sorely need today, and I hope that Reverend Wallock's inspiring legacy will live on for 80 more years and beyond.

IN MEMORY OF JAY CUTLER

Mr. SPECTER. Mr. President, I have sought recognition to inform the Senate of the passing of Jay Cutler on March 4, 2005. Jay was a dear friend to many in Washington, a loving husband, father, and grandfather to his family, and a true asset to Capitol Hill and the field of mental health policy. Both on the Hill and in his role as the lobbyist for the American Psychiatric Association, Jay worked diligently to educate people about mental health and to alleviate the stigma attached to mental illness. I had the pleasure of working closely with Jay on a number of issues affecting millions of Americans afflicted with these maladies.

Most importantly, Jay had an overwhelming love for his family, especially his wife, children, and grandchild. They, along with me, the United States Senate and Washington, DC will miss Jay dearly because he was a true inspiration to us all. In memory of Jay Cutler, I ask unanimous consent that Rabbi Joseph B. Meszler's eulogy of Jay be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JAY CUTLER (YOSEF BEN MOISHE)

RABBI JOSEPH B. MESZLER, WASHINGTON HEBREW CONGREGATION, MARCH 7, 2005

Sometimes, when people reach retirement, they experience what people call a second childhood. They are able to be a kid again and enjoy themselves. Jay Cutler, however, never stopped knowing how to be a kid, how to enjoy life to the utmost, and how to marvel at people and places and situations. He was always a big, wonderful, loving man whose warmth you felt almost instantly. Perhaps the pain at the injustice of his sudden death is tempered by the fact that he did not wait until his retirement to go out and enjoy life. Jay Cutler was a good man who was a wonderful husband and father, and the best grandfather. He was an extremely generous man in every sense of the word. A Hebrew proverb says, Neir Adonai nishmat adam; the light of God is a person's soul. Jay's soul gave a great deal of light and warmth.

We are here in this unbelievable situation, to grieve for the death of Jay, to try to accept the reality of this loss, and to feel the pain of grief. His family and friends are gathered because it feels like a huge light has gone out, and we are groping in the dark. At the same time, Jay would always find something light and even funny even in the darkest situations. And in telling stories about Jay, we are liable to laugh just as much as cry.

Jay was born the only child to Murray and Shirley Cutler in Brooklyn. He was not only the only child but also the first grandchild, and so his grandparents closed down the street and had a block party for him upon his arrival into this world. It would foreshadow a great deal of Jay's spirit in times to come.

Jay loved his parents, and they loved him dearly. He attended Tilden High School and then went to New York University as a business major. In his neighborhood, attending his same high school, was a young woman named Randy. Randy was on the cheering squad, and her friend wanted to set her up with this guy named Jay. "You'll have a great time," her friend assured her. "He makes great seal noises." They went to Jahn's Ice Cream Parlor. Jay was 19, and Randy was 16. Later, Jay would make the time to drive his car over to Randy's house so the two of them could wash it together. His car must have been very dirty because he did this almost every day. On weekends, they would go out on dates. They were married on April 5, 1952 at a synagogue in Brooklyn, and while they did not have a honeymoon, Jay and Randy said that they honeymooned for many years on many trips after that. Their marriage took place before Jay had to go overseas during the Korean War, and Randy remembers well their time in Georgia when they shared a house with other couples before Jay was shipped out.

Jay and Randy's love for each other was something to behold. They simply loved being together, and it is hard if not impossible to think of them apart. They have been married for almost 53 years, and they shared everything.

When Jay came back from the service, he went to Brooklyn Law School. In order to get by, they needed family support, and Jay clerked for his Uncle Julie and also worked at night in order to bring in some money. Soon Hollie was born, and Jay studied for the bar while Randy tried to keep her quiet.

In 1958, the family moved to Washington, DC, where Perri was born. Jay went to work for Granik & Marshall, a lobbying law firm that dealt often with public television, and Jay became especially interested in the production end of things. He worked there for ten years, but then Jay went to work for Senator Jacob Javitz of New York on Capital Hill.

Jay loved working on the Hill. He loved writing legislation and being a part of the process. He was also unusual. He was not only competent but helpful and friendly when many other people were not. A plaque in his office read, "Mirthful Jay Cutler." Hollie was especially proud when people at work would meet her and say, "You're Jay Cutler's daughter?" And even though he was extremely modest, Jay accomplished a great deal. He would never put on airs or boast, but he was extremely good at getting people together and getting things done. A book that was written at the time called The Dance of Legislation which followed the development of the National Health Service Corps, and it featured Jay as one of its subjects. It became clear with regards to this major legislation that a great deal would not have happened if it weren't for Jay.

After working on Capitol Hill for ten years, Jay went to work as a lobbyist for the American Psychiatric Association. He worked for them for some 25 years, and he made a name for himself as not only a professional but as a mentor to others. He was well-respected and well-liked, and it might not be an exaggeration to say that he mentored half of the health lobbyists working on Capitol Hill today. Jay and Randy also did a tremendous amount of traveling, going all over the world on numerous trips. It was part of their life together to go to new places. He retired just last year and was looking forward to doing more consulting.

Upon his retirement, the Congressional Record, entered on April 30, 2003 by Senator Kennedy, praises Jay for his work. It explains that Jay was part and parcel of legislation having to do with mental illness reform and substance abuse treatment, and he believed passionately in improving the government's policies, alleviating suffering, and removing the stigma that mental illness can often bring. It also makes sure to mention Randy, his ever-present companion and support. Jay was, after all, first and foremost a family man. And all know him for the giving soul that he was. He was very generous, and gave of himself and his time freely.

As a father, Jay was always incredibly loving and playful with Hollie and Perri. He could make any child smile, laugh, and play. And he was not above stealing the chocolate frosting off of someone's plate if you left the table or pouring sugar into ashtrays at restaurants and setting them on fire. His children remember how much he loved the beach and could be found there from ten in the morning until sunset, and he would have been there earlier if he didn't like sleeping in while on vacation. He always seemed to have a permanent tan.

Jay was always there for his children, present but not intrusive, and was always positive and upbeat. Hollie knows what a special father she had, and she, too, went to law school. And Perri especially remembers her trip to King's Dominion with him and how he went on the rides with her even though he was somewhat horrified at the thought. And for the whole family, for Randy's siblings and their partners, Zelda and Arthur, Louis and Barbara, for his nieces and nephews: Sherry, Bonnie, Scott, Darrell, and Craig, and to his son-in-law Eric, bringing Rachael into his life, Jay was a source of happiness and strength.

But the center of his life was his love for his granddaughter, Mikayla. Jay's sun rose and set on this beautiful little girl who would lovingly call him "Ga." He would do anything for her, and to her, he was one big, lovable toy. Only she was allowed to mess up his hair, and only she could bring him to entirely new levels of joy. His love and his life will have an impact on her far into the future.

Someone once wrote that life and death are not in our hands. Just as we do not choose to be born, so we do not choose to die. Jay's death is profoundly unfair. But he leaves a legacy of love and life that is hard to beat. He would have us smiling. His soul is certainly one of God's lights. Zichrono livracha. Jay's memory will always be a blessing.

LOSS OF FEDERAL AGENT DAVID WILHELM

Mrs. DOLE. Mr. President, tragedy struck Atlanta, GA this past Friday, March 11, 2005. A quiet day in a county courthouse turned into a horrific shooting spree that took the lives of four innocent people throughout the Georgia capital. Among those who fell victim that day was U.S. Immigration and Customs Enforcement Assistant Special Agent-in-Charge David Wilhelm, who was shot and killed while working to finish his Atlanta home. Friday's heartbreak touches everyone in this country, and is sincerely felt in my hometown of Salisbury, NC, which Special Agent David Wilhelm also called home.

David Wilhelm is remembered as a true patriot, whose commitment to hard work, justice, and the enforcement of the law were admired by all who knew him. After graduating from West Rowan High School in 1982, Special Agent Wilhelm earned a criminal justice degree at the University of North Carolina at Charlotte. He began his Federal service as a U.S. Customs Agent in June 1987, in Beaufort, SC, and also served in Charlotte, NC and Norfolk, VA before relocating to Atlanta, GA last November. In Atlanta, he was second in command, managing the U.S. Immigration and Customs Enforcement investigations involving financial crimes, narcotics smuggling, human smuggling, and customs violations. His law enforcement colleagues knew him to be tenacious professionally and a superb team-builder with ace investigative skills and a generous spirit.

David Wilhelm's 18-year commitment to Federal service is most commendable. He spent 16 years with the U.S. Customs Service and 2 years with U.S. Immigration and Customs Enforcement. In 2001, he was recognized for his dedication and was awarded the prestigious U.S. Customs Service Blue Eagle Award for work on an important narcotics smuggling case resulting in the seizure of approximately two tons of marijuana and $2.4 million in cash. The Blue Eagle Award is bestowed annually for significant work that goes beyond the expected daily duties.

I have immense respect for the many Federal law enforcement agents who risk their lives daily to protect Americans. I am truly saddened by the loss of David Wilhelm, and my thoughts and prayers are certainly with his wife Candee, his brother Patrick, who serves as an Immigration and Customs Enforcement Agent in Atlanta, GA, and all his family and friends. May Special Agent David Wilhelm's dedication, sense of duty and honor never be forgotten. In addition, I would like to send my sincere condolences to the families, friends, and co-workers of the other three victims of Friday's violence, Judge Rowland Barnes, court reporter Julie Ann Brandau, and Sergeant Hoyt Teasley of the Fulton County Sheriff's Department.

RETIREMENT OF CAROLE GEAGLEY

Mr. SPECTER. Mr. President, at the end of March, 2005, Carole Geagley is retiring from the U.S. Senate, and I rise today to pay her tribute.

Carole began her Capitol Hill career in 1977 when she began working for the Joint Economic Committee, where she rose to the position of personal assistant to the executive director. Before that Carole was the office manager at the law firm of Seltzer and Suskind, from 1971 to 1977.

In 1990 she joined the Senate Appropriations Committee staff. At first Carole worked for the Subcommittee on Agriculture, Rural Development, and Related Agencies. She then made the move to Labor, Health and Human Services, Education, and Related Agencies. As the Senate majority changed over the years she worked for both Senator HARKIN and myself, helping manage the seamless transition between chairmanships for more than 15 years. As office administrator Carole has toiled behind the scenes to efficiently prepare many hearings this subcommittee has conducted. She has done everything from letters of invitation to witnesses, preparing background information for hearing books, creating data tables, and maintaining Member requests from Members of the Senate. For the professionalism of her work, she will be missed.

Yet it is for Carole's many other attributes that we will miss her the most. The youngest of four siblings, Carole's cheerful disposition, effervescent personality, and her famous cakes have made her the Perle Mesta of the Appropriations Committee. Her cakes and pies are so well known that Tom Harkin, who is quite the chef himself, has asked for her recipes—especially her Coca-Cola cake. It should also be noted that her award-winning cheesecake is featured at a well-known restaurant in her home State of Maryland.

Carole has many other talents as well. She and her husband, Ron, are championship bridge players and have played in many national tournaments. In fact, that is how she met Ron, at a bridge tournament in 1975. They were married in 1977 and raised a beautiful daughter, Lori. They are now blessed with three grandchildren who we can all hope will inherit their grandmother's knack at cooking. My best wishes to Carole and her family on this occasion of her retirement.

Mr. HARKIN. I join my colleague in thanking Carole Geagley for her service to the U.S. Senate and wishing her well as she embarks in a new phase of her life.

Carole is an institution on the Appropriations Committee and not one that will soon be forgotten. She spent the longest period of her Appropriations life assisting the group of offices that staff call "the Bullpen," a crowded space in the Hart Building that holds anywhere from five to seven subcommittee staffs. With different bills moving at different paces through the Senate, that area is often the locus for much activity, and Carole managed those interactions with a calm demeanor.

In that capacity, Carole came into contact with many Senators and many Senate offices. She is a storehouse of institutional knowledge, which she imparted to younger staffers when perspective and history needed to be their guides. And just as importantly, she fed them. Every staff birthday was celebrated with a Carole Geagley creation. One thing is certain: Appropriations Committee staff will never eat as well as they did when they worked with Carole.

I know that Carole will treat retirement with the same gusto with which she performed her various duties in the Senate. So today we congratulate Carole. We thank her for her longtime service to this institution and we wish the whole Geagley family the best.

ADDITIONAL STATEMENTS

TRIBUTE TO A GREAT NEW MEXICAN: J. PAUL TAYLOR

• Mr. BINGAMAN. Mr. President, I am pleased to come to the floor today to express my gratitude to J. Paul Taylor—a man of great passion for his wife and children, art and culture, education, border health, progressive politics, and last but definitely not least, improving the economic, social, and spiritual well-being of the people in the Mesilla Valley in southern New Mexico.

J. Paul Taylor has touched the lives of so many of the people throughout our great State of New Mexico, but what is most remarkable is that he has done so in so many different facets of life. News articles about him have never really captured but one small piece of his life, as they focus on: J. Paul Taylor: The Artist; J. Paul Taylor: The Historian; J. Paul Taylor: The Educator; J. Paul Taylor: The Politician; J. Paul Taylor: The Father of Border Health; J. Paul Taylor: The Advocate for the Poor; J. Paul Taylor: Children's Advocate.

Only J. Paul Taylor could be honored in the wide array of ways he has, including having New Mexico State University establish the J. Paul Taylor Endowment in the College of Education, the New Mexico Human Needs Coordinating Council establishing the J. Paul Taylor Legislative Champion Award to honor other legislators, the New Mexico Library Association naming him a "New Mexico Library Treasure," getting the Lifetime Achievement Award with his wife from the New Mexico Historic Preservation Division, receiving the Voice for Children Award from the New Mexico Voices for Children, and the awards go on and on.

Representative Taylor was recently honored by his legislative colleagues in the New Mexico Roundhouse, both Democrats and Republicans. As the Las Cruces Sun-News reported, "Taylor was described as 'the great gentleman of New Mexico politics,' and 'a populist advocate for the poor and disenfranchised.' He was also lauded for his effort to create the Office of Childhood Development and for the donation of his home in Mesilla, to be converted into a museum following the death of Taylor and his wife, Mary."

Earlier this month, J. Paul Taylor was unanimously confirmed as a member of the New Mexico National Hispanic Cultural Center and the awards and recognitions just keep on coming.

I am so pleased to have worked closely with J. Paul Taylor for the good of New Mexico and the people of the Mesilla Valley throughout my career and think words are impossible to express my gratitude to him for all that he has done for the people of New Mexico. He embodies the very best of our State—its culture and its heart and soul.•

CONGRATULATING THE UNIVERSITY OF ARKANSAS TRACK AND FIELD PROGRAM

• Mr. PRYOR. Mr. President, today I pay tribute to the University of Arkansas Track and Field Team on earning their 40th NCAA Title last weekend. This win also marks the team's 18th indoor track title, the most of any Division 1 athletic program in the Nation.

Saturday's win continues a long tradition of excellence for a program that boasts some the best attendance at track events nationwide. A crowd of 5,461 faithful fans cheered them on to victory in Fayetteville, AR last Saturday. The success of our talented athletes and coaches is a source of pride for all Arkansans.

Under the leadership of Head Coach John McDonnell, the Razorbacks have been a consistent powerhouse in collegiate athletics, earning him the honors as the Nation's winningest track and field coach. In his 33rd year as head coach, McDonnell has won 74 conference championships, 31-straight cross-country conference titles, and 5 NCAA triple crowns.

In fact, Coach McDonnell's team has won at least one national title in cross country, indoor or outdoor track in 20 of the past 21 years. It is no wonder that he has been named National Coach of the Year a total 27 times for his work with Arkansas athletics. Indeed, his record of success reads like a page out of the Guinness Book of World Records. His ability to recruit and hone the talents of the most outstanding athletes in collegiate track and field rightly identifies him with the greatest names in the history of college sports.

The young men that join the University of Arkansas track squad are models of athletic excellence. Their hard work and dedication to the sport are a source of pride and inspiration for Arkansans and sports fans everywhere. Among them are 156 All-American athletes who have won a total of 585 All-American honors for individual events, and the members of the Arkansas track and field team have earned a remarkable 102 national championships for individual events. In fact, the official web site of Razorback Athletics, www.hogwired.com, boasts that "[track and field] athletes who letter four years are likely to leave with more rings than fingers." Additionally, twenty-five U of A track athletes have gone on to compete in the Olympic Games, the highest honor for an amateur athlete.

I would be remiss if I neglected to mention the essential contribution that the University of Arkansas's Athletic Director, Frank Broyles, makes to the success of the track program. Frank is a steadfast supporter of track and field, and by appointing Coach McDonnell to head the program in 1977 and funding the track program at an optimal level for the many years thereafter, this 40th National Title is a tribute to him and his work to make Arkansas athletics what it is today. A legend in the world of collegiate athletics and a model Arkansan, it is fitting the Arkansas Democrat-Gazette named Frank Broyles the most influential figure in athletics in the state during the 20th Century.

The Senate has a tradition of recognizing particularly extraordinary accomplishments of Americans, whether in military service, scholarly research, the arts, athletics or other fields. I believe that the University of Arkansas Track and Field Program deserve this recognition. Out of profound respect for the achievements of all the outstanding athletes that have played a role in the success of the Arkansas track and field program, the coaching staff under the direction of John McDonnell, and all the athletic staff at the University of Arkansas, I am pleased to express my congratulations to the Arkansas Razorbacks on their 40th National Track and Field Title.●

PAUL KLEBNIKOV

● Mrs. CLINTON. Mr. President, I will take some time today to tell the Senate about a New Yorker named Paul Klebnikov. Paul Klebnikov was an American journalist who was shot and killed in Moscow on July 9, 2004, as he left his office after work. The most plausible reason for his killing appears to be his investigative journalism, which has explored the connections between business, politics, and crime in Russia. The stilling of Paul Klebnikov's voice represents a direct challenge to independent journalism, democracy, and the rule of law in Russia. According to the Committee to Protect Journalists, CPJ, in the last 5 years, 11 journalists in Russia, including Paul Klebnikov, have died in "contract-style" killings.

Mr. Klebnikov's murder illustrates in tragic terms one of several threats faced by the press in today's Russia. Observers have described these threats as including the lack of accountability for the killing of journalists and government restrictions on the media.

It is in the broader context of the challenges to press freedom in Russia that the importance of Paul Klebnikov's murder has been brought home to me in a very personal way by his family, which has long ties to New York. Paul, with family roots in Russia, grew up in New York, and his wife and their children still reside in New York. At the time of his death at age 41, Paul Klebnikov was working in Moscow as the editor-in-chief of Forbes Russia, after having served as a senior editor at Forbes.

Paul Klebnikov's contributions to press freedom have received special recognition since his death. He was a recipient of the CPJ 2004 International Press Freedom Award. He was also a recipient of the 2004 Knight International Press Fellowship Award for achievements in the face of threats.

At the CPJ 2004 International Press Freedom Awards ceremony, Paul's widow Musa underlined Paul's deep sympathy for the plight of the Russian people and the way in which he chose to translate his ideals into action: "Being surrounded by criminality, greed and misuse of power has made people suffer from apathy and hopelessness. Paul wanted to help ordinary Russians find courage. He was thrilled to edit a magazine for Russians, and use it to expose economic and moral corruption, and offer positive models instead."

As Paul's widow Musa makes clear, a free press is an essential component of the effort to enhance transparency. A free and vital press helps to keep citizens informed and knowledgeable regarding the most important issues in their lives. Without accurate information on the most pressing public issues of the day, people are hindered in the exercise of their other rights, as well as in the conduct of the many other civic activities that are essential to the healthy functioning of a democracy.

That is why I have been seeking ways to bring attention to the contract-style killing of Paul Klebnikov at the highest levels of government. I have joined with a bipartisan group of my colleagues on the US Helsinki Commission, on which I serve, in writing to President Putin urging him to ensure the case is aggressively investigated and all those responsible are brought to justice.

And I wrote to President Bush to ask him to raise the issue of Paul's murder with President Putin during their meeting in Bratislava, Slovakia on February 24th. That meeting with President Putin presented an opportunity to make clear that all those involved in instigating, ordering, planning and carrying out the murder should be prosecuted to the full extent of the law.

I expressed to President Bush that his personal involvement would contribute enormously to the effort to bring all those responsible for Paul's murder to justice. And that such a result, in turn, would help to move Russia along the path to freedom and democracy, and strengthen Russian civil society.

Recent comments by Secretary Rice encourage me in my hope that the administration will emphasize, both in public to the world, as well as in private to Russian officials, the vital role a free press has to play in Russia. During Secretary Rice's February fifth visit to Warsaw, she underlined that it "is important that Russia make clear to the world that it is intent on strengthening the rule of law, strengthening the role of an independent judiciary, permitting a free and independent press to flourish. These are all the basics of democracy."

And around the same time as the Bratislava meeting between President Bush and President Putin, we learned of encouraging news reports. According to these reports, two suspects in the murder of Paul Klebnikov, who had been arrested in Belarus, were extradited to Russia; and one of them was charged in connection with Paul's murder.

Nonetheless, under the current state of affairs in Russia, I am convinced that if all those responsible for this crime are to be brought to justice, it is absolutely essential for President Bush and senior members of his Administration personally to raise Paul's case with senior officials of the Russian Government, including President Putin. It is my hope that if consistent pressure is applied in a determined manner by the U.S. Government, the Russian government will have the strongest incentive to follow through on the investigative efforts already begun, and pursue the leads in this case wherever, and however high, they reach.

It is vital that all those responsible for the murder of Paul Klebnikov be held accountable. Bringing those involved in his murder to justice will help to end any perception that those perpetrating violence against journalists in Russia are immune from the reach of the law. A free press, not threatened by violence or coercion, will aid the Russian people immeasurably in their quest for freedom and democracy. It is our obligation to continue to impress on the Russian Government the importance of bringing to justice those responsible for Paul Klebnikov's murder, both for Paul's sake and to strengthen the rule of law and a free press in Russia.●

IN PRAISE OF DAVID VIGLIAROLO BAUER

● Mrs. CLINTON. Mr. President, I am proud to submit this statement in praise of David Vigliarolo Bauer, a New York City public school student who won the top $100,000 prize in this year's Intel Science Talent Search, STS. David attends Manhattan's Hunter College High School, known for its excellence and high educational standards. His project, which was inspired by the events of September 11, began in the bio-organic chemistry lab of Professor Valeria Balogh-Nair at the City College of New York, CCNY. A coworker at the CCNY lab had been exposed to asbestos at Ground Zero the day of the attack. David has designed a new type of universal sensor for neurotoxins in the body which he believes has the potential to save thousands of lives by rapidly detecting and evaluating individual exposure to biochemical agents.

The Intel STS is often considered the "junior Nobel Prize" and is America's oldest and most highly regarded precollege science competition. Alumni of the program hold more than 100 of the world's most coveted science and math honors, including six Nobel Prizes.

David and his family can be proud of this outstanding achievement, and I am heartened by his interest in using science to the potential benefit of our first responders in the war on terrorism. I ask that the following New York Times article of March 16, 2005 be printed in the RECORD. I congratulate David Bauer for his creativity and leadership.

The article follows:

[March 16, 2005]

NEW YORKER TAKES TOP PRIZE IN INTEL SCIENCE CONTEST

(By Lia Miller)

New York City public school student whose project was inspired by the events of Sept. 11 has won the top prize of a $100,000 scholarship in this year's Intel Science Talent Search.

The winner, David L.V. Bauer, is a 17-year-old senior at Hunter College High School in Manhattan. He worked on a new method to detect toxic agents in the nervous system. Mr. Bauer said that his study could result in a patch, worn somewhat like a radiation patch is on a jacket, that would quickly detect how much neurotoxin a person had been exposed to.

"I was thinking more in terms of paramedics and individual exposure, so in the event of a terrorist attack, we would know the nature of the attack," he said.

Forty finalists have been competing for the last five days in Washington for $530,000 in scholarship money. Each finalist will receive at least $5,000.

Mr. Bauer began his study last year while working in the bio-organic chemistry lab of Prof. Valeria Balogh-Nair at the City College of New York. He said that a co-worker at the lab had been at ground zero the day of the attack. Mr. Bauer was amazed to hear that testing showed that the co-worker had a different level of exposure to asbestos in the bloodstream than others in the same area. It was this finding, Mr. Bauer said, that led him to begin thinking of a way to quickly determine a person's neurotoxin exposure levels through the use of fluorescent nanocrystals.

Mr. Bauer, who is from the Bronx, plans to attend the CUNY Honors College in the fall to study chemistry and hopes to teach at the university level one day.

Now that the competition is over, he said he was looking forward to taking up some of his other interests, which include fencing and overseeing an organization he founded called United Liberia, which runs a Web site that provides news about Liberia. Since seventh grade, Mr. Bauer has attended Hunter College High, a public high school administered by the college.

Professor Balogh-Nair, who was Mr. Bauer's mentor, said: "He is an unusual student, both by the depth of his understanding of science—but he is multitalented—you seldom find a combination of talents in one person. He has great people skills, too."

The last time a student from the New York metropolitan area won the top prize was in 2000, when Viviana Risca from Paul D. Schreiber Senior High School in Port

Washington, N.Y., won for encrypting a message on a DNA strand. This year there were 13 finalists from New York State, but only Mr. Bauer made the top 10.

The second-place winner was Tim Credo, 17, a senior from the Illinois Mathematics and Science Academy. He won a $75,000 scholarship for a study involving particle accelerators and a more precise way to measure brief intervals of time known as picoseconds. Third place went to Kelly Harris, 17, from C.K. McClatchy High School in Sacramento. She won a $50,000 scholarship for her study on Z-DNA and viral proteins.

The technology company Intel has sponsored the contest since 1999. Before then, the Westinghouse Electric Corporation sponsored it.●

RUTH CHICKERING CLUSEN

● Mr. FEINGOLD. Mr. President, I was deeply saddened at the passing of Ruth Chickering Clusen, a true champion for the environment and women's causes, and a dear friend whose memory I will always cherish.

Ruth's deep dedication to women's rights led to her outstanding leadership as president of both the Wisconsin and National League of Women Voters. As president, Ruth was at the forefront of the League's historic effort to pass an Equal Rights Amendment. Her national leadership put her at the center of the 1976 Presidential campaign when she hosted a debate between Gerald Ford and Jimmy Carter.

Ruth's commitment to women's rights was mirrored in her advocacy for the environment. Her tireless activism eventually led to her work as an Assistant Secretary on the environment in President Carter's Department of Energy, and to make a run for Congress in Wisconsin in 1982.

Whether she was teaching English to students or moderating Presidential candidates, Ruth was a true inspiration to those around her, and I am grateful to have been able to call her a friend.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 9:43 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker of the House of Representatives has signed the following enrolled bills:

S. 384. An act to extend the existence of the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group for two years.

H.R. 1160. An act to reauthorize the Temporary Assistance for Needy Families block grant program through June 30, 2005, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. STEVENS).

At 10:06 a.m., a message from the House of Representatives, delivered by Mr. Chiappardi, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1270. An act to amend the Internal Revenue Code of 1986 to extend the Leaking Underground Storage Tank Trust Fund financing rate.

H.R. 1332. An act to amend title 28, United States Code, to provide for the removal to Federal court of certain State court cases involving the rights of incapacitated persons, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 98. Concurrent resolution expressing the grave concern of Congress regarding the recent passage of the anti-secession law by the National People's Congress of the People's Republic of China.

At 5:32 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 18. Concurrent resolution expressing the grave concern of Congress regarding the continuing gross violations of human rights and civil liberties of the Syrian and Lebanese people by the Government of the Syrian Arab Republic.

H. Con. Res. 32. Concurrent resolution expressing the grave concern of Congress regarding the occupation of the Republic of Lebanon by the Syrian Arab Republic.

H. Con. Res. 103. Concurrent resolution providing for an conditional adjournment or recess of the two Houses.

MEASURES REFERRED

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 18. Concurrent resolution expressing the grave concern of Congress regarding the continuing gross violations of human rights and civil liberties of the Syrian and Lebanese people by the Government of the Syrian Arab Republic; to the Committee on Foreign Relations.

H. Con. Res. 32. Concurrent resolution expressing the grave concern of Congress regarding the occupation of the Republic of Lebanon by the Syrian Arab Republic; to the Committee on Foreign Relations.

H. Con. Res. 98. Concurrent resolution expressing the grave concern of Congress regarding the recent passage of the anti-secession law by the National People's Congress of the People's Republic of China; to the Committee on Foreign Relations.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 841. To require States to hold special elections to fill vacancies in the House of Representatives not later than 49 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1311. A communication from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Scope Waiver for Intangibles Accounting Method Changes" (Rev. Proc. 2005-17) received on March 16, 2005; to the Committee on Finance.

EC–1312. A communication from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Bureau of Labor Statistics Price Indexes for Department Stores—January 2005" (Rev. Rul. 2005–22) received on March 16, 2005; to the Committee on Finance.

EC–1313. A communication from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "State and Local General Sales Tax Deduction" (Notice 2005–31) received on March 16, 2005; to the Committee on Finance.

EC–1314. A communication from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Qualified Amended Returns" (TD 9186) received on March 16, 2005; to the Committee on Finance.

EC–1315. A communication from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Coordinated Issue: Losses Reported from Inflated Basis Assets from Lease Stripping Transactions" (Uniform Issue List Number: 9226.01–00) received on March 16, 2005; to the Committee on Finance.

EC–1316. A communication from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Transaction Relief for Certain Partnerships and Other Pass-Thru Entities under Section 470" (Notice 2005–29) received on March 16, 2005; to the Committee on Finance.

EC–1317. A communication from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice-Dollar Approximate Separate Transactions Method" (Notice 2005–27) received on March 16, 2005; to the Committee on Finance.

EC–1318. A communication from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Sections 142(a)(14); 142(l)—Project Nominations under the Brownfields Demonstration Program for Qualified Green Building and Sustainable Design Projects" (Notice 2005–28) received on March 16, 2005; to the Committee on Finance.

EC–1319. A communication from the Acting Chief, Publication and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Deposits Made to Suspend the Running of Interest on Potential Underpayments" (Rev. Proc. 2005–18) received on March 16, 2005; to the Committee on Finance.

EC–1320. A communication from the Chief, Publication and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Disclosure of Return Information to the Bureau of the Census" ((RIN1545–BE01) (TD 9188)) received on March 16, 2005; to the Committee on Finance.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–34. A resolution adopted by the General Assembly of the State of Ohio relative to the protection of the Defense Supply Center Columbus (DSCC) from the Base Realignment and Closure process; to the Committee on Armed Services.

SENATE RESOLUTION NO. 36

Whereas, the DSCC is the twelfth largest employer in central Ohio, employing more than six thousand Ohioans; and

Whereas, the DSCC is known throughout the world by more than twenty-four thousand military and civilian customers as one of the largest suppliers of weapons systems parts; and

Whereas, the proud men and women of our armed forces rely on the proven competence, efficiency, and effectiveness of the DSCC; and

Whereas, the DSCC is economically vital to central Ohio, managing almost two million items and accounting for more than two billion dollars in annual sales; and

Whereas, the employees of the DSCC, along with the employees' family members, are active members of central Ohio's communities, schools, and neighborhoods' and

Whereas, State and local leaders and leaders from businesses, organizations, and various associations around central Ohio have formed a team, known as "Team DSCC," to promote and preserve the DSCC. "Team DSCC" has made strong efforts to save DSCC from closure, which include increasing local- and federal-level advocacy, increasing awareness about DSCC, and striving to relocate military personnel to the base: Now, therefore be it

Resolved, The members of the Senate offer support of the Defense Supply Center Columbus, its mission, and its employees, recognizing that they are an integral part of central Ohio's economy and community, as well as the nation's defense. The members of the Senate join "Team DSCC" in recognizing and promoting the current capabilities and future growth opportunities of the DSCC. The members of the Senate stand ready to assist as necessary to protect the DSCC from the Base Realignment and Closure process; and be it further

Resolved, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the President of the United States, to the Secretary of Defense, to the members of the Ohio Congressional delegation, to the Speaker and Clerk of the United States House of Representatives, to the President Pro Tempore and Secretary of the United States Senate, and to the news media of Ohio.

POM–35. A resolution adopted by the City Council of the City of Seattle, Washington relative to the Community Development Block Grant (CDBG) Program; to the Committee on Banking, Housing, and Urban Affairs.

POM–36. A resolution adopted by the City Council of the City of Seattle, Washington relative to the federal government's proposal to charge market rates for electricity sold by the Bonneville Power Administration to its preference customers; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with amendments:

S. 48. A bill to reauthorize appropriations for the New Jersey Coastal Heritage Trail Route, and for other purposes (Rept. No. 109-41).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment:

S. 182. A bill to provide for the establishment of the Uintah Research and Curatorial Center for Dinosaur National Monument in the States of Colorado and Utah, and for other purposes (Rept. No. 109-42).

By Mr. SPECTER, from the Committee on the Judiciary, without amendment:

S. 188. A bill to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2005 through 2011 to carry out the State Criminal Alien Assistance Program.

S. 589. A bill to establish the Commission on Freedom of Information Act Processing Delays.

By Mr. GRASSLEY, from the Committee on Finance, without amendment:

S. 667. An original bill to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

*Anthony Joseph Principi, of California, to be a Member of the Defense Base Closure and Realignment Commission.

*John Paul Woodley, Jr., of Virginia, to be an Assistant Secretary of the Army.

*George M. Dennison, of Montana, to be a Member of the National Security Education Board for a term of four years.

*James William Carr, of Arkansas, to be a Member of the National Security Education Board for a term of four years.

*Kiron Kanina Skinner, of Pennsylvania, to be a Member of the National Security Education Board for a term of four years.

Air Force nomination of Maj. Gen. Claude R. Kehler to be Lieutenant General.

Air Force nominations beginning with Colonel Robert R. Allardice and ending with Colonel Robert Yates, which nominations were received by the Senate and appeared in the Congressional Record on March 1, 2005.

Air Force nominations beginning with Col. James J. Dougherty III and ending with Col. Patricia C. Lewis, which nominations were received by the Senate and appeared in the Congressional Record on March 8, 2005.

Army nomination of Maj. Gen. Stanley E. Green to be Lieutenant General.

Army nomination of Col. Charles K. Ebner to be Brigadier General.

Army nominations beginning with Col. James O. Barclay III and ending with Col. Dennis E. Rogers, which nominations were received by the Senate and appeared in the Congressional Record on February 28, 2005.

Army nominations beginning with Brigadier General Byron S. Bagby and ending with Brigadier General Richard P. Zahner, which nominations were received by the Senate and appeared in the Congressional Record on March 1, 2005.

Army nominations beginning with Brig. Gen. Donald L. Jacka, Jr. and ending with Col. Jerry D. La Cruz, Jr., which nominations were received by the Senate and appeared in the Congressional Record on March 2, 2005.

Navy nomination of Rear Adm. Evan M. Chanik, Jr. to be Vice Admiral.

Navy nomination of Rear Adm. Barry M. Costello to be Vice Admiral.

Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Arlene D. Adams and ending with Robert G. Young, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Air Force nominations beginning with Erik L. Abrames and ending with Duojia Xu, which nominations were received by the Senate and appeared in the Congressional Record on February 28, 2005.

Air Force nomination of Steven F. Reck to be Colonel.

Air Force nomination of Mark D. Miller to be Colonel.

Air Force nomination of Nancy B. Grane to be Colonel.

Air Force nomination of Jack M. Davis to be Colonel.

Air Force nominations beginning with Ramon Morales and ending with Frank M. Wood, which nominations were received by the Senate and appeared in the Congressional Record on March 1, 2005.

Air Force nominations beginning with Richard E. Ando, Jr. and ending with Kenneth S. Papier, which nominations were received by the Senate and appeared in the Congressional Record on March 1, 2005.

Air Force nominations beginning with Stephen H. Gregg and ending with Robert L. Shaw, which nominations were received by the Senate and appeared in the Congressional Record on March 1, 2005.

Air Force nominations beginning with John P. Albright and ending with Louis B. Miller, which nominations were received by the Senate and appeared in the Congressional Record on March 1, 2005.

Air Force nominations beginning with Lester H. Bakos and ending with Gregory G. Movsesian, which nominations were received by the Senate and appeared in the Congressional Record on March 1, 2005.

Air Force nominations beginning with Charles M. Bolin and ending with James A. Withers, which nominations were received by the Senate and appeared in the Congressional Record on March 1, 2005.

Air Force nominations beginning with Bruce Steuart Ambrose and ending with Patricia L. Wildermuth, which nominations were received by the Senate and appeared in the Congressional Record on March 1, 2005.

Air Force nominations beginning with Karen A. Baldi and ending with Paul E. Wright, which nominations were received by the Senate and appeared in the Congressional Record on March 1, 2005.

Air Force nominations beginning with Vickie Z. Beckwith and ending with Gayle Seifullin, which nominations were received by the Senate and appeared in the Congressional Record on March 1, 2005.

Air Force nominations beginning with Paul N. Austin and ending with Florence A. Valley, which nominations were received by the Senate and appeared in the Congressional Record on March 1, 2005.

Air Force nominations beginning with Edmund O. Anderson and ending with Scott A. Young, which nominations were received by the Senate and appeared in the Congressional Record on March 1, 2005.

Air Force nomination of Kenneth M. Francis to be Lieutenant Colonel.

Air Force nomination of Vito Manente to be Lieutenant Colonel.

Air Force nomination of Jeffrey H. Wilson to be Lieutenant Colonel.

Air Force nominations beginning with David C. Abruzzi and ending with Michael J. Zuber, which nominations were received by the Senate and appeared in the Congressional Record on March 4, 2005.

Air Force nominations beginning with Steven G. Allred and ending with John R. Wrockloff, which nominations were received by the Senate and appeared in the Congressional Record on March 4, 2005.

Air Force nominations beginning with Travis R. Adams and ending with Wendy J. Wyse, which nominations were received by the Senate and appeared in the Congressional Record on March 4, 2005.

Air Force nominations beginning with Christopher N. Aasen and ending with Ronald J. Zwickel, which nominations were received by the Senate and appeared in the Congressional Record on March 4, 2005.

Army nominations beginning with Peter W. Aubrey and ending with Jeffrey K. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nominations beginning with Michael J. Arinello and ending with James E. Whaley III, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nominations beginning with Donna A. Alberto and ending with Douglas A. Wild, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nominations beginning with Ronald P. Alberto and ending with X2800, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Army nomination of Gerald L. Dunlap to be Colonel.

Army nomination of Robert D. Saxon to be Colonel.

Army nominations beginning with Richard R. Guzzetta and ending with Robert J. Johnson, which nominations were received by the Senate and appeared in the Congressional Record on February 15, 2005.

Army nominations beginning with James R. Hajduk and ending with Fritz W. Kirklighter, which nominations were received by the Senate and appeared in the Congressional Record on February 15, 2005.

Army nominations beginning with Brian E. Baca and ending with Anthony E. Baker, Sr., which nominations were received by the Senate and appeared in the Congressional Record on February 15, 2005.

Army nomination of William T. Monacci to be Colonel.

Army nominations beginning with Brian J. Tenney and ending with Karen T. Welden, which nominations were received by the Senate and appeared in the Congressional Record on February 28, 2005.

Army nominations beginning with David J. Bricker and ending with Wayne A. Steltz, which nominations were received by the Senate and appeared in the Congressional Record on February 28, 2005.

Army nominations beginning with Larry N. Barber and ending with David D. Worcester, which nominations were received by the Senate and appeared in the Congressional Record on February 28, 2005.

Army nominations beginning with Hays L. Arnold and ending with William C. Otto, which nominations were received by the Senate and appeared in the Congressional Record on February 28, 2005.

Army nomination of John P. Guerreiro to be Major.

Army nomination of Evelyn I. Rodriguez to be Major.

Army nomination of Demetres William to be Major.

Army nominations beginning with Kenneth A. Beard and ending with Karen E. Semeraro, which nominations were received by the Senate and appeared in the Congressional Record on March 4, 2005.

Army nominations beginning with Stanley P. Allen and ending with Henry J. Young, which nominations were received by the Senate and appeared in the Congressional Record on March 4, 2005.

Marine Corps nominations beginning with Robert S. Abbott and ending with Ronald M. Zich, which nominations were received by the Senate and appeared in the Congressional Record on January 6, 2005.

Marine Corps nominations beginning with Carlton W. Adams and ending with Wayne R. Zuber, which nominations were received by the Senate and appeared in the Congressional Record on January 31, 2005.

Marine Corps nominations beginning with Keith R. Anderson and ending with Gary K. Wortham, which nominations were received by the Senate and appeared in the Congressional Record on January 31 , 2005.

Marine Corps nominations beginning with Michael S. Driggers and ending with Robert R. Sommers, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2005.

Navy nominations beginning with Donald R. Bennett and ending with George B. Younger, which nominations were received by the Senate and appeared in the Congressional Record on February 28, 2005.

Navy nomination of Matthew S. Gilchrist to be Lieutenant.

By Mr. GRASSLEY for the Committee on Finance.

Daniel R. Levinson, of Maryland, to be Inspector General, Department of Health and Human Services.

By Mr. SPECTER for the Committee on the Judiciary.

William Gerry Myers III, of Idaho, to be United States Circuit Judge for the Ninth Circuit.

Paul A. Crotty, of New York, to be United States District Judge for the Southern District of New York.

J. Michael Seabright, of Hawaii, to be United States District Judge for the District of Hawaii.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BUNNING (for himself, Mrs. LINCOLN, Mr. LOTT, Mr. BOND, and Mr. CHAMBLISS):

S. 646. A bill to amend the Internal Revenue Code of 1986 to allow distilled spirits wholesalers a credit against income tax for their cost of carrying Federal excise taxes prior to the sale of the product bearing the tax; to the Committee on Finance.

By Mrs. LINCOLN (for herself, Mr. SPECTER, Mr. ENSIGN, Ms. LANDRIEU, and Mr. DAYTON):

S. 647. A bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat medicare beneficiaries without a requirement for a physician referral, and for other purposes; to the Committee on Finance.

By Mr. SMITH:

S. 648. A bill to amend the Reclamation States Emergency Drought Relief Act of 1991 to extend the authority for drought assistance; to the Committee on Energy and Natural Resources.

By Mr. ALLARD:

S. 649. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to make volunteer members of the Civil Air Patrol eligible for Public Safety Officer death benefits; to the Committee on the Judiciary.

By Mr. LUGAR (for himself, Mr. HARKIN, Mr. HAGEL, Mr. NELSON of Nebraska, Mr. GRASSLEY, Mr. CONRAD, Mr. FRIST, Mr. JOHNSON, Mr. TALENT, Mr. DORGAN, Mr. COLEMAN, Mr. DURBIN, Mr. THUNE, Mr. BAYH, Mr. DEWINE, Ms. STABENOW, Mr. BUNNING, Mr. DAYTON, Mr. OBAMA, Mr. SALAZAR, and Mr. BOND):

S. 650. A bill to amend the Clean Air Act to increase production and use of renewable fuel and to increase the energy independence of the United States, and for other purposes; to the Committee on Environment and Public Works.

By Mr. REID:

S. 651. A bill to amend title 5, United States Code, to make creditable for civil service retirement purposes certain periods of service performed with Air America, Incorporated, Air Asia Company Limited, or the Pacific Division of Southern Air Transport, Incorporated, while those entities were owned or controlled by the Government of the United States and operated or managed by the Central Intelligence Agency; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SPECTER (for himself and Mr. SANTORUM):

S. 652. A bill to provide financial assistance for the rehabilitation of the Benjamin Franklin National Memorial in Philadelphia, Pennsylvania, and the development of an exhibit to commemorate the 300th anniversary of the birth of Benjamin Franklin; to the Committee on Energy and Natural Resources.

By Mr. MARTINEZ (for himself, Mr. FRIST, Mr. ALEXANDER, Mr. BUNNING, Mr. COLEMAN, Mr. ENSIGN, Mr. BROWNBACK, Mr. COBURN, Mr. CORNYN, Mr. INHOFE, Mr. SESSIONS, Mr. SANTORUM, Mr. VITTER, Mr. HAGEL, Mr. DEMINT, Mr. STEVENS, Mr. CONRAD, Mr. ISAKSON, and Mr. DEWINE):

S. 653. A bill for the relief of the family of Theresa Marie Schiavo; considered and passed.

By Mr. LEAHY (for himself, Mr. DURBIN, Mr. KENNEDY, and Mr. DODD):

S. 654. A bill to prohibit the expulsion, return, or extradition of persons by the United States to countries engaging in torture, and for other purposes; to the Committee on Foreign Relations.

By Mr. ISAKSON (for himself and Mr. CHAMBLISS):

S. 655. A bill to amend the Public Health Service Act with respect to the National Foundation for the Centers for Disease Control and Prevention; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED:

S. 656. A bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence; to the Committee on the Judiciary.

By Mr. ENSIGN (for himself and Ms. LANDRIEU):

S. 657. A bill to amend title XVIII of the Social Security Act to make a technical correction in the definition of outpatient speech-language pathology services; to the Committee on Finance.

By Mr. BROWNBACK (for himself, Ms. LANDRIEU, Mr. ALLARD, Mr. BUNNING, Mr. BURR, Mr. CHAMBLISS, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DEWINE, Mrs. DOLE, Mr. DOMENICI, Mr. ENSIGN, Mr. GRAHAM, Mr. GRASSLEY, Mr. HAGEL, Mr. INHOFE, Mr. KYL, Mr. MARTINEZ, Ms. MURKOWSKI, Mr. SANTORUM, Mr. SESSIONS, Mr. SHELBY, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, and Mr. TALENT):

S. 658. A bill to amend the Public Health Service Act to prohibit human cloning; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWNBACK:

S. 659. A bill to amend title 18, United States Code, to prohibit human chimeras; to the Committee on the Judiciary.

By Mrs. DOLE (for herself and Mr. BURR):

S. 660. A bill to provide for the acknowledgement of the Lumbee Tribe of North Carolina, and for other purposes; to the Committee on Indian Affairs.

By Mr. HATCH (for himself, Mr. BAUCUS, Mr. GRASSLEY, and Mrs. LINCOLN):

S. 661. A bill to amend the Internal Revenue Code of 1986 to provide for the modernization of the United States Tax Court, and for other purposes; to the Committee on Finance.

By Ms. COLLINS (for herself, Mr. CARPER, and Mr. VOINOVICH):

S. 662. A bill to reform the postal laws of the United States; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BINGAMAN (for himself, Mr. THOMAS, Mr. ISAKSON, and Mr. BURNS):

S. 663. A bill to amend the Internal Revenue Code of 1986 to allow self-employed individuals to deduct health insurance costs in computing self-employment taxes; to the Committee on Finance.

By Mr. LEAHY:

S. 664. A bill to adjust the boundaries of Green Mountain National Forest; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DORGAN (for himself, Mr. GRAHAM, and Mr. AKAKA):

S. 665. A bill to reauthorize and improve the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 to establish a program to commercialize hydrogen and fuel cell technology, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DEWINE (for himself, Mr. KENNEDY, Mr. LUGAR, Mr. HARKIN, Ms. COLLINS, Mr. DURBIN, Mr. SMITH, Mr. DODD, Mr. CORNYN, Mr. LAUTENBERG, Mr. MCCAIN, Mr. REED, Ms. SNOWE, Ms. MURKOWSKI, Mr. CHAFEE, and Mr. SPECTER):

S. 666. A bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY:

S. 667. An original bill to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; from the Committee on Finance; placed on the calendar.

By Mr. SPECTER:

S. 668. A bill to provide enhanced criminal penalties for willful violations of occupational standards for asbestos; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH (for himself, Mrs. LINCOLN, Mr. THOMAS, and Mr. DORGAN):

S. 669. A bill to amend the Internal Revenue Code of 1986 to treat natural gas distribution lines as 15-year property for purposes of depreciation; to the Committee on Finance.

By Mr. MCCAIN (for himself and Mr. SALAZAR):

S. 670. A bill to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez and the farm labor movement; to the Committee on Energy and Natural Resources.

By Mr. LIEBERMAN (for himself, Ms. SNOWE, Mr. SMITH, and Mr. AKAKA):

S. 671. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for certain fuel cell property; to the Committee on Finance.

By Mr. SMITH (for himself, Mr. BAUCUS, Mr. MCCAIN, Mr. BINGAMAN, Mr. JOHNSON, Ms. CANTWELL, Mr. COCHRAN, and Mr. DOMENICI):

S. 672. A bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas; to the Committee on Finance.

By Mr. SMITH (for himself, Mr. BINGAMAN, and Mr. CONRAD):

S. 673. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to clarify that federally recognized Indian tribal governments are to be regulated under the same government employer rules and procedures that apply to Federal, State, and other local government employers with regard to the establishment and maintenance of employee benefit plans; to the Committee on Finance.

By Mr. CORZINE:

S. 674. A bill to provide assistance to combat HIV/AIDS in India, and for other purposes; to the Committee on Foreign Relations.

By Mr. DORGAN (for himself, Mr. HAGEL, Mr. BROWNBACK, Mr. JOHNSON, Mr. DURBIN, Mr. BURNS, Mr. CONRAD, Mr. DAYTON, and Mr. HARKIN):

S. 675. A bill to reward the hard work and risk of individuals who choose to live in and help preserve America's small, rural towns, and for other purposes; to the Committee on Finance.

By Mr. STEVENS (for himself, Mr. FRIST, Mr. SPECTER, Mr. ALEXANDER, Mr. DEWINE, Mrs. CLINTON, and Mrs. HUTCHISON):

S. 676. A bill to provide for Project GRAD programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANTORUM (for himself, Mr. KERRY, Mr. ENSIGN, Mr. LIEBERMAN, Mr. BROWNBACK, Mrs. CLINTON, Mr. SMITH, Mr. SCHUMER, Mr. TALENT, Mr. CORZINE, Mr. COBURN, and Mr. HATCH):

S. 677. A bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID:

S. 678. A bill to amend the Federal Election Campaign Act of 1971 to exclude communications over the Internet from the definition of public communication; to the Committee on Rules and Administration.

By Mr. COLEMAN (for himself and Mr. LEVIN):

S. 679. A bill to amend title 10, United States Code, to require the registration of contractors' taxpayer identification numbers in the Central Contractor Registry database of the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Ms. SNOWE (for herself, Mrs. FEINSTEIN, Mr. MCCAIN, and Mr. DURBIN):

S. 680. A bill to provide for various energy efficiency programs and tax incentives, and for other purposes; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. DODD, Mr. BROWNBACK, Mr. HARKIN, and Mr. SPECTER):

S. 681. A bill to amend the Public Health Service Act to establish a National Cord Blood Stem Cell Bank Network to prepare, store, and distribute human umbilical cord blood stem cells for the treatment of patients and to support peer-reviewed research using such cells; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD:

S. 682. A bill to authorize the establishment of a Social Investment and Economic Development Fund for the Americas to provide assistance to reduce poverty and foster increased economic opportunity in the countries of the Western Hemisphere, and for other purposes; to the Committee on Foreign Relations.

By Mr. LAUTENBERG (for himself and Mr. CORZINE):

S. 683. A bill to ban the manufacture, sale, delivery, and transfer of handguns that cannot be personalized, and to provide for a report to Congress on the commercial feasibility of personalizing firearms; to the Committee on the Judiciary.

By Mr. REED:

S. 684. A bill to amend the Natural Gas Act to provide additional requirements for the siting, construction, or operation of liquefied natural gas import facilities; to the Committee on Energy and Natural Resources.

By Mr. AKAKA:

S. 685. A bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KENNEDY (for himself, Mr. MCCAIN, Mr. DODD, Mrs. CLINTON, Mr. BIDEN, Mr. LEAHY, Mr. LAUTENBERG, Mr. SMITH, and Mr. GREGG):

S. Res. 84. A resolution condemning violence and criminality by the Irish Republican Army in Northern Ireland; considered and agreed to.

By Mr. THOMAS (for himself, Mr. BURNS, Mr. INHOFE, Mr. DORGAN, Mr. CRAPO, Mr. SALAZAR, and Mr. ENZI):

S. Res. 85. A resolution designating July 23, 2005, and July 22, 2006, as "National Day of the American Cowboy"; to the Committee on the Judiciary.

By Mr. HAGEL (for himself, Mr. BINGAMAN, Ms. CANTWELL, Mr. BURNS, Mr. INOUYE, Mr. JOHNSON, Mrs. DOLE, Mrs. BOXER, Ms. LANDRIEU, Mr. ALEXANDER, Ms. SNOWE, Mrs. CLINTON, Mr. REID, Mr. COCHRAN, Mr. GREGG, Mr. BURR, Mr. ISAKSON, Mr. HATCH, and Mr. REED):

S. Res. 86. A resolution designating August 16, 2005, as "National Airborne Day"; to the Committee on the Judiciary.

By Mr. THUNE (for himself, Mr. CRAIG, Mr. INHOFE, Mr. BOND, Mr. DOMENICI, Mr. TALENT, Mr. CRAPO, Mr. BUNNING, Mr. JOHNSON, and Mr. ROBERTS):

S. Res. 87. A resolution expressing the sense of the Senate regarding the resumption of beef exports to Japan; to the Committee on Finance.

By Mr. AKAKA (for himself, Mr. SARBANES, Mr. CORZINE, Mr. BAUCUS, Mr. COCHRAN, Mr. CRAPO, Mr. DODD, Mr. DURBIN, Mr. INOUYE, Mr. JOHNSON, Mr. KENNEDY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mrs. LINCOLN, Mrs. MURRAY, Mr. PRYOR, Mr. SANTORUM, Mr. SCHUMER, Ms. STABENOW, and Mr. THOMAS):

S. Res. 88. A resolution designating April 2005 as "Financial Literacy Month"; considered and agreed to.

By Mr. BURNS (for himself and Mr. BAUCUS):

S. Res. 89. A resolution congratulating the Montana FFA on its 75th Anniversary and celebrating the achievements of Montana FFA members; considered and agreed to.

By Mr. LUGAR (for himself, Mr. BAYH, Mr. CORZINE, and Mrs. DOLE):

S. Res. 90. A resolution designating the week of May 1, 2005, as "Holocaust Commemoration Week"; considered and agreed to.

By Mr. SMITH (for himself, Mr. BIDEN, Mr. BROWNBACK, Mr. KYL, Mr. CHAMBLISS, Mr. ENSIGN, Mrs. DOLE, Mr. DEWINE, Mr. LIEBERMAN, and Mr. ALLEN):

S. Res. 91. A resolution urging the European Union to maintain its arms export embargo on the People's Republic of China; considered and agreed to.

By Mr. COCHRAN (for himself and Mr. LAUTENBERG):

S. Con. Res. 20. A concurrent resolution expressing the need for enhanced public awareness of traumatic brain injury and support for the designation of a National Brain Injury Awareness Month; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALLEN:

S. Con. Res. 21. A concurrent resolution expressing the grave concern of Congress regarding the recent passage of the anti-secession law by the National People's Congress of the People's Republic of China; to the Committee on Foreign Relations.

By Mr. SUNUNU (for himself and Mr. GREGG):

S. Con. Res. 22. A concurrent resolution congratulating Bode Miller for winning the 2004–2005 World Cup overall title in Alpine skiing; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 98

At the request of Mr. TALENT, his name was added as a cosponsor of S. 98, a bill to amend the Bank Holding Company Act of 1956 and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 151

At the request of Mr. PRYOR, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 151, a bill to amend title 38, United States Code, to require an annual plan on outreach activities of the Department of Veterans Affairs.

S. 268

At the request of Mr. HARKIN, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 268, a bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 328

At the request of Mr. CRAIG, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 328, a bill to facilitate the sale of United States agricultural products to Cuba, as authorized by the Trade Sanctions Reform and Export Enhancement Act of 2000.

S. 331

At the request of Mr. JOHNSON, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 331, a bill to amend title 38, United States Code, to provide for an assured adequate level of funding for veterans health care.

S. 337

At the request of Mr. GRAHAM, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 337, a bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service, to expand certain authorities to provide health care benefits for Reserves and their families, and for other purposes.

S. 359

At the request of Mr. CRAIG, the name of the Senator from Utah (Mr. HATCH) was withdrawn as a cosponsor of S. 359, a bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H–2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

At the request of Mr. CRAIG, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 359, supra.

S. 360

At the request of Ms. SNOWE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 360, a bill to amend the Coastal Zone Management Act.

S. 397

At the request of Mr. CRAIG, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 397, a bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others.

S. 453

At the request of Mr. SMITH, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 453, a bill to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide for an extension of eligibility for supplemental security income through fiscal year 2008 for refugees, asylees, and certain other humanitarian immigrants.

S. 484

At the request of Mr. WARNER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 493

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 493, a bill to amend title II of the Higher Education Act of 1965 to increase teacher familiarity with the educational needs of gifted and talented students, and for other purposes.

S. 539

At the request of Mr. MARTINEZ, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 539, a bill to amend title 28, United States Code, to provide the protections of habeas corpus for certain incapacitated individuals whose life is in jeopardy, and for other purposes.

S. 580

At the request of Mr. SMITH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 580, a bill to amend the Internal Revenue Code of 1986 to allow certain modifications to be made to qualified mortgages held by a REMIC or a grantor trust.

S. 589

At the request of Mr. CORNYN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 589, a bill to establish the Commission on Freedom of Information Act Processing Delays.

S. 602

At the request of Ms. MIKULSKI, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 602, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. RES. 64

At the request of Mr. JEFFORDS, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 64, a resolution expressing the sense of the Senate that the United States should prepare a comprehensive strategy for advancing and entering into international negotiations on a binding agreement that would swiftly reduce global mercury use and pollution to levels sufficient to protect public health and the environment.

S. RES. 83

At the request of Mr. SANTORUM, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Michigan (Ms. STABENOW), the Senator from New Mexico (Mr. DOMENICI) and the Senator from Missouri (Mr. TALENT) were added as cosponsors of S. Res. 83, a resolution commemorating the 65th Anniversary of the Black Press of America.

AMENDMENT NO. 151

At the request of Mr. BIDEN, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from New York (Mr. SCHUMER), the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KERRY), the Senator from Colorado (Mr. SALAZAR), the Senator from Florida (Mr. NELSON), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Delaware (Mr. CARPER), the Senator from Illinois (Mr. DURBIN), the Senator from Maryland (Mr. SARBANES), the Senator from Rhode Island (Mr. REED), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Arkansas (Mr. PRYOR), the Senator from Michigan (Mr. LEVIN), the Senator from West Virginia (Mr. BYRD), the Senator from New Jersey (Mr. CORZINE), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of amendment No. 151 intended to be proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

At the request of Mr. REID, his name was added as a cosponsor of amendment No. 151 intended to be proposed to S. Con. Res. 18, supra.

AMENDMENT NO. 153

At the request of Mr. DEWINE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of amendment No. 153 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

AMENDMENT NO. 154

At the request of Mrs. CLINTON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 154 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

AMENDMENT NO. 156

At the request of Mr. SARBANES, the names of the Senator from Indiana (Mr. BAYH), the Senator from West Virginia (Mr. BYRD), the Senator from Arkansas (Mrs. LINCOLN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 156 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

At the request of Mr. KOHL, his name was added as a cosponsor of amendment No. 156 proposed to S. Con. Res. 18, supra.

AMENDMENT NO. 159

At the request of Mr. OBAMA, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 159 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

AMENDMENT NO. 169

At the request of Mr. SANTORUM, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of amendment No. 169 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

At the request of Mr. OBAMA, his name was added as a cosponsor of amendment No. 169 proposed to S. Con. Res. 18, supra.

AMENDMENT NO. 172

At the request of Mr. HARKIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 172 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

AMENDMENT NO. 177

At the request of Mr. OBAMA, his name was added as a cosponsor of amendment No. 177 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

At the request of Mr. HARKIN, his name was added as a cosponsor of amendment No. 177 proposed to S. Con. Res. 18, supra.

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 177 proposed to S. Con. Res. 18, supra.

At the request of Ms. CANTWELL, her name was added as a cosponsor of amendment No. 177 proposed to S. Con. Res. 18, supra.

AMENDMENT NO. 180

At the request of Ms. MIKULSKI, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of amendment No. 180 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

AMENDMENT NO. 187

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of amendment No. 187 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

AMENDMENT NO. 188

At the request of Mrs. FEINSTEIN, the names of the Senator from Texas (Mr. CORNYN), the Senator from New York (Mr. SCHUMER), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from New York (Mrs. CLINTON) and the Senator from California (Mrs. BOXER) were added as cosponsors of amendment No. 188 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

AMENDMENT NO. 189

At the request of Mr. DODD, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Michigan (Mr. LEVIN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Maryland (Mr. SARBANES), the Senator from New York (Mrs. CLINTON), the Senator from Washington (Mrs. MURRAY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New York (Mr. SCHUMER), the Senator from Massachusetts (Mr. KERRY) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of amendment No. 189 intended to be proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

AMENDMENT NO. 192

At the request of Mrs. LINCOLN, the names of the Senator from Indiana (Mr. BAYH), the Senator from New Mexico (Mr. BINGAMAN), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Washington (Ms. CANTWELL), the Senator from Missouri (Mr. TALENT) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of amendment No. 192 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

AMENDMENT NO. 195

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 195 intended to be proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

AMENDMENT NO. 197

At the request of Mr. ALLEN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of amendment No. 197 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

AMENDMENT NO. 199

At the request of Mr. KENNEDY, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of amendment No. 199 intended to be proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

AMENDMENT NO. 202

At the request of Mr. DAYTON, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Michigan (Ms. STABENOW) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 202 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

AMENDMENT NO. 204

At the request of Mr. BINGAMAN, the names of the Senator from New Jersey (Mr. CORZINE), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Washington (Mrs. MURRAY), the Senator from Massachusetts (Mr. KERRY), the Senator from Vermont (Mr. JEFFORDS), the Senator from Arkansas (Mrs. LINCOLN), the Senator from New York (Mrs. CLINTON), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New York (Mr.

SCHUMER), the Senator from Washington (Ms. CANTWELL), the Senator from Hawaii (Mr. AKAKA), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from California (Mrs. FEINSTEIN), the Senator from Illinois (Mr. OBAMA), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Iowa (Mr. HARKIN), the Senator from Michigan (Ms. STABENOW), the Senator from Florida (Mr. NELSON), the Senator from Wisconsin (Mr. KOHL), the Senator from Rhode Island (Mr. REED), the Senator from South Dakota (Mr. JOHNSON), the Senator from Maryland (Ms. MIKULSKI), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of amendment No. 204 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

AMENDMENT NO. 214

At the request of Mr. WYDEN, the names of the Senator from Florida (Mr. NELSON), the Senator from Vermont (Mr. LEAHY), the Senator from Washington (Ms. CANTWELL), the Senator from Michigan (Ms. STABENOW) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 214 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

At the request of Mr. OBAMA, his name was added as a cosponsor of amendment No. 214 proposed to S. Con. Res. 18, supra.

AMENDMENT NO. 216

At the request of Mr. KERRY, his name was added as a cosponsor of amendment No. 216 proposed to S. Con. Res. 18, supra.

AMENDMENT NO. 217

At the request of Mr. CONRAD, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Ohio (Mr. DEWINE), the Senator from Vermont (Mr. LEAHY) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of amendment No. 217 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

AMENDMENT NO. 218

At the request of Mrs. HUTCHISON, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of amendment No. 218 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

At the request of Mr. HATCH, his name was added as a cosponsor of amendment No. 218 proposed to S. Con. Res. 18, supra.

AMENDMENT NO. 219

At the request of Ms. LANDRIEU, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Washington (Mrs. MURRAY), the Senator from North Dakota (Mr. DORGAN), the Senator from Virginia (Mr. ALLEN) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of amendment No. 219 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

At the request of Mr. CONRAD, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of amendment No. 219 proposed to S. Con. Res. 18, supra.

At the request of Mr. OBAMA, his name was added as a cosponsor of amendment No. 219 proposed to S. Con. Res. 18, supra.

AMENDMENT NO. 220

At the request of Mr. AKAKA, his name was added as a cosponsor of amendment No. 220 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

At the request of Mr. LIEBERMAN, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from New Jersey (Mr. CORZINE) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of amendment No. 220 proposed to S. Con. Res. 18, supra.

AMENDMENT NO. 222

At the request of Mr. LEVIN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of amendment No. 222 intended to be proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

AMENDMENT NO. 223

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 223 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

At the request of Mr. VITTER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 223 proposed to S. Con. Res. 18, supra.

AMENDMENT NO. 224

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 224 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

At the request of Mr. VITTER, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 224 proposed to S. Con. Res. 18, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BUNNING (for himself, Mrs. LINCOLN, Mr. LOTT, Mr. BOND, and Mr. CHAMBLISS):

S. 646. A bill to amend the Internal Revenue code of 1986 to allow distilled spirits wholesalers a credit against income tax for their cost of carrying Federal excise taxes prior to the sale of the product bearing the tax; to the Committee on Finance.

Mr. BUNNING. Mr. President, I rise today to introduce legislation that will resolve a longstanding inequity in the tax treatment of U.S. distilled spirits that penalizes the wholesalers, and some suppliers, of these products.

Under current law, wholesalers of distilled spirits are not required to pay the Federal excise tax on imported spirits until after the product is removed from a bonded warehouse for sale to a retailer.

In contrast, the tax on domestically produced spirits is included as part of the purchase price and passed on from the supplier to wholesaler. After factoring in the Federal excise tax (FET)—which is $13.50 per proof gallon—domestically produced spirits can cost wholesalers 40 percent more to purchase than comparable imported spirits.

In some instances, wholesalers and even suppliers can carry this tax-paid inventory for an average of 60 days before selling it to a retailer. Interest charges—more commonly referred to as float—resulting from financing the Federal excise tax can be quite considerable.

For example, at a 5 percent interest rate on the sale of 100,000 cases of domestic spirits, a wholesaler will incur finance charges of $21,106.85 for loans related to underwriting the cost of paying the Federal excise tax. It is important to note that it is not uncommon for wholesalers to sell a million or more cases per year of domestic spirits.

The costs associated with financing Federal excise taxes amount to a tax on a tax, making the effective rate of the Federal excise tax for domestic spirits much higher than $13.50 per proof gallon.

The Domestic Spirits Tax Equity Act would give wholesalers and suppliers in bailment States a tax credit toward the cost of financing the FET for domestically produced products.

I believe this legislation is fundamentally fair and will help protect and create jobs for the wholesale tier in Kentucky and many other States. This legislation, which has broad support in both chambers and on both sides or the aisle, has passed the Senate Finance Committee and the House Ways and Means Committee several times, and has reached the President's desk under a previous Administration. It's time to finally get this legislation over the goal line.

I wish to emphasize, however, that I will reject any connection between a repeal of Section 5010 of the Internal Revenue Code or an increase in Federal taxes for distilled spirits. Tax equity for one tier should not be achieved by placing additional burden on other tiers within the same industry.

My colleagues, Senators LINCOLN, LOTT and BOND join me in introducing this legislation, I which the Joint Tax Committee estimates would reduce Federal revenues by approximately $249 million over ten years. I understand that similar legislation will be introduced in the House of Representatives. I urge my colleagues to support this legislation when it comes before the Senate.

By Mr. LUGAR (for himself, Mr. HARKIN, Mr. HAGEL, Mr. NELSON of Nebraska, Mr. GRASSLEY, Mr. CONRAD, Mr. FRIST, Mr. JOHNSON, Mr. TALENT, Mr. DORGAN, Mr. COLEMAN, Mr. DURBIN, Mr. THUNE, Mr. BAYH, Mr. DEWINE, Ms. STABENOW, Mr. BUNNING, Mr. DAYTON, Mr. OBAMA, Mr. SALAZAR, and Mr. BOND):

S. 650. A bill to amend the Clean Air Act to increase production and use of renewable fuel and to increase the energy independence of the United States, and for other purposes; to the Committee on Environment and Public Works.

LUGAR. Mr. President, I am pleased to rise today to introduce bi-partisan legislation to increase the security of our Nation, improve our environment, and add job opportunities in all 50 States in the union. This legislation has the strong support of 20 of my fellow colleagues and is the product of a great deal of bipartisan work.

This legislation seeks to curb the negative consequences that stem from our Nation's insatiable appetite for oil. Oil has served America well and indeed has fueled a dramatic portion of this Nation's rise to prosperity. However, our dependence on oil carries a multitude of risks and costs in addition to the ever higher prices paid by Americans at the fuel pump.

Oil is a magnet for conflict. The problem is simple—everyone needs energy, but the sources of the world's transportation fuel are concentrated in relatively few countries. Well over two-thirds of the world's remaining oil reserves lie in the Middle East.

Energy is vital to a country's security and material well-being. A state unable to provide its people with adequate energy supplies or desiring added leverage over other people often resorts to force. Consider Saddam Hussein's 1990 invasion of Kuwait, driven by his desire to control more of the world's oil reserves, and the international response to that threat. The underlying goal of the U.N. force, which included 500,000 American troops, was to ensure continued and unfettered access to petroleum.

This unwelcome dependence keeps U.S. military forces tied to the Persian Gulf, forces foreign policy compromises and sinks many developing nations into staggering debt as they struggle to pay for expensive dollar-denominated oil.

The growth of economies in China and India, representing a third of the world's population that grows by 200,000 people per day, will bring greater stress on the finite supply of natural resources, refining capacity and distribution capability, and the consequential skyrocketing prices would be a destabilizing economic blow.

In addition, oil causes environmental conflict. The possibility that greenhouse gases will lead to catastrophic climate change is substantially increased by the 40 million barrels of oil burned every day by vehicles. Subsequent environmental problems are often predicted as destabilizing factors in the form of drought, flooding or famine.

Such political, economic and environmental trauma is preventable if we are on a course of developing more homegrown energy and developing new technology.

That is why I have joined with my colleagues to introduce the Fuels Security Act of 2005. This act would more than double the current production of renewable fuels derived from sources available in every corner of the United States. More importantly, this increased production and use will spur investment in critical infrastructure that will allow for the economical use of renewable fuels by all Americans. Specifically, this bill would require the use of 4 billion gallons of renewable fuels per year in 2006 increasing to 8 billion gallons per year by 2012. Thereafter the requirements may be increased based on the nation's production and use of these fuels, as well as consideration of our economy and environment. While these figures may sound impressive, they still only represent a small portion of our nation's transportation fuel use of over 185 billion gallons last year.

Some critics have argued that the production of renewable fuels benefits only corn and soybean farmers in the Midwest. And while I agree that agriculture communities will benefit, farmers will be less reliant upon direct government subsidy payments while encouraging land conservation and providing energy security for our country. Additionally, many farmers view their ability to produce domestic fuels as a matter of patriotism in defense of this nation. However, the current ability of U.S. grains to free us from the shackles of oil dependence does have its limits. This is why I have long supported efforts to increase the production of fuels from all parts of a plant, which could be grown throughout the United States.

When I was chairman of the Agriculture, Nutrition and Forestry Committee, I initiated a biofuels research program to help decrease U.S. dependency on foreign oil. The Biomass Research and Development Act of 2000, which I authored and worked to pass, remains the nation's premier legislation guiding renewable fuels research. During a time of relatively low fuel prices I also co-authored "The New Petroleum" in Foreign Affairs with former CIA Director James Woolsey, extolling the need to accelerate the use of ethanol, especially that derived from cellulose, in order to stem future world conflict. It is clear from this research and the evolving instability in oil-rich regions of our world that it is time to act to enhance the use of renewable fuels.

This legislation is an important and rational step forward in our nation's overall security and economic well-being. I look forward to working with my colleagues in the Senate in passing this bill for the good of the American people.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 650

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Fuels Security Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—GENERAL PROVISIONS

Sec. 101. Renewable content of motor vehicle fuel.
Sec. 102. Federal agency ethanol-blended gasoline and biodiesel purchasing requirement.
Sec. 103. Data collection.

TITLE II—FEDERAL REFORMULATED FUELS
Sec. 201. Elimination of oxygen content requirement for reformulated gasoline.
Sec. 202. Public health and environmental impacts of fuels and fuel additives.
Sec. 203. Analyses of motor vehicle fuel changes.
Sec. 204. Additional opt-in areas under reformulated gasoline program.
Sec. 205. Federal enforcement of State fuels requirements.
Sec. 206. Fuel system requirements harmonization study.
Sec. 207. Review of Federal procurement initiatives relating to use of recycled products and fleet and transportation efficiency.

TITLE I—GENERAL PROVISIONS

SEC. 101. RENEWABLE CONTENT OF MOTOR VEHICLE FUEL.

(a) IN GENERAL.—Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) by redesignating subsection (o) as subsection (q); and

(2) by inserting after subsection (n) the following:

"(o) RENEWABLE FUEL PROGRAM.—

"(1) DEFINITIONS.—In this subsection:

"(A) ETHANOL.—

"(i) CELLULOSIC BIOMASS ETHANOL.—The term 'cellulosic biomass ethanol' means ethanol derived from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, including—

"(I) dedicated energy crops and trees;

"(II) wood and wood residues;

"(III) plants;

"(IV) grasses;

"(V) agricultural residues; and

"(VI) fibers.

"(ii) WASTE DERIVED ETHANOL.—The term 'waste derived ethanol' means ethanol derived from—

"(I) animal wastes, including poultry fats and poultry wastes, and other waste materials; or

"(II) municipal solid waste.

"(B) RENEWABLE FUEL.—

"(i) IN GENERAL.—The term 'renewable fuel' means motor vehicle fuel that—

"(I)(aa) is produced from grain, starch, oilseeds, or other biomass; or

"(bb) is natural gas produced from a biogas source, including a landfill, sewage waste treatment plant, feedlot, or other place where decaying organic material is found; and

"(II) is used to replace or reduce the quantity of fossil fuel present in a fuel mixture used to operate a motor vehicle.

"(ii) INCLUSION.—The term 'renewable fuel' includes—

"(I) cellulosic biomass ethanol;

"(II) waste derived ethanol;

"(III) biodiesel (as defined in section 312(f) of the Energy Policy Act of 1992 (42 U.S.C. 13220(f)); and

"(IV) any blending components derived from renewable fuel, except that only the renewable fuel portion of any such blending component shall be considered part of the applicable volume under the renewable fuel program established by this subsection.

"(C) SMALL REFINERY.—The term 'small refinery' means a refinery for which average aggregate daily crude oil throughput for the calendar year (as determined by dividing the aggregate throughput for the calendar year by the number of days in the calendar year) does not exceed 75,000 barrels.

"(2) RENEWABLE FUEL PROGRAM.—

"(A) IN GENERAL.—

"(i) REGULATIONS.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall promulgate regulations ensuring that motor vehicle fuel sold or dispensed to consumers in the contiguous United States, on an annual average basis, contains the applicable volume of renewable fuel specified in subparagraph (B).

"(ii) COMPLIANCE.—Regardless of the date of promulgation, the regulations shall contain compliance provisions for refiners, blenders, and importers, as appropriate, to ensure that the requirements of this subsection are met, but shall not restrict where renewable fuel can be used, or impose any per-gallon obligation for the use of renewable fuel.

"(iii) NO REGULATIONS.—If the Administrator does not promulgate the regulations, the applicable percentage referred to in paragraph (3), on a volume percentage of gasoline basis, shall be 3.2 in 2006.

"(B) APPLICABLE VOLUME.—

"(i) CALENDAR YEARS 2006 THROUGH 2012.—For the purpose of subparagraph (A), the applicable volume for any of calendar years 2006 through 2012 shall be determined in accordance with the following table:

"Applicable volume of renewable fuel

Calendar year:	**(In billions of gallons)**
2006	4.0
2007	4.7
2008	5.4
2009	6.1
2010	6.8
2011	7.4
2012	8.0

"(ii) CALENDAR YEARS 2013 AND THEREAFTER.—For the purpose of subparagraph (A), the applicable volume for calendar year 2013 and each calendar year thereafter shall be determined by the Administrator, in coordination with the Secretary of Energy and the Secretary of Agriculture, based on a review of the implementation of the program during calendar years 2006 through 2012, including a review of—

"(I) the impact of the use of renewable fuels on the environment, air quality, energy security, job creation, and rural economic development; and

"(II) the expected annual rate of future production of renewable fuels, including cellulosic ethanol.

"(iii) LIMITATION.—An increase in the applicable volume for a calendar year under clause (ii) shall be not less than the product obtained by multiplying—

"(I) the number of gallons of gasoline that the Administrator estimates will be sold or introduced into commerce during the calendar year; and

"(I) the quotient obtained by dividing—

"(aa) 8,000,000,000; by

"(bb) the number of gallons of gasoline sold or introduced into commerce during calendar year 2012.

"(3) APPLICABLE PERCENTAGES.—

"(A) PROVISION OF ESTIMATE OF VOLUMES OF GASOLINE SALES.—Not later than October 31 of each of calendar years 2006 through 2011, the Administrator of the Energy Information Administration shall provide to the Administrator of the Environmental Protection Agency an estimate of the volumes of gasoline that will be sold or introduced into commerce in the United States during the following calendar year.

"(B) DETERMINATION OF APPLICABLE PERCENTAGES.—

"(i) IN GENERAL.—Not later than November 30 of each of calendar years 2006 through 2011, based on the estimate provided under subparagraph (A), the Administrator shall determine and publish in the Federal Register, with respect to the following calendar year, the renewable fuel obligation that ensures that the requirements under paragraph (2) are met.

"(ii) REQUIRED ELEMENTS.—The renewable fuel obligation determined for a calendar year under clause (i) shall—

"(I) be applicable to refiners, blenders, and importers, as appropriate;

"(II) be expressed in terms of a volume percentage of gasoline sold or introduced into commerce; and

"(III) subject to subparagraph (C)(i), consist of a single applicable percentage that applies to all categories of persons specified in subclause (I).

"(C) ADJUSTMENTS.—In determining the applicable percentage for a calendar year, the Administrator shall make adjustments—

"(i) to prevent the imposition of redundant obligations to any person specified in subparagraph (B)(ii)(I); and

"(ii) to account for the use of renewable fuel during the previous calendar year by small refineries that are exempt under paragraph (11).

"(4) EQUIVALENCY.—For the purpose of paragraph (2), 1 gallon of either cellulosic biomass ethanol or waste derived ethanol shall be considered to be the equivalent of 2.5 gallons of renewable fuel.

"(5) CREDIT PROGRAM.—

"(A) REGULATIONS.—The regulations promulgated to carry out this subsection shall provide for—

"(i) the generation of an appropriate amount of credits by any person that refines, blends, or imports gasoline that contains a quantity of renewable fuel that is greater than the quantity required under paragraph (2);

"(ii) the generation of an appropriate amount of credits for biodiesel fuel; and

"(iii) if a small refinery notifies the Administrator that the small refinery waives the exemption provided by this subsection, the generation of credits by the small refinery beginning in the year following the notification.

"(B) USE OF CREDITS.—A person that generates credits under subparagraph (A) may use the credits, or transfer all or a portion of the credits to another person, for the purpose of complying with paragraph (2).

"(C) LIFE OF CREDITS.—A credit generated under this paragraph shall be valid to demonstrate compliance for the calendar year in which the credit was generated.

"(D) INABILITY TO PURCHASE SUFFICIENT CREDITS.—The regulations promulgated to carry out this subsection shall include provisions permitting any person that is unable to generate or purchase sufficient credits to meet the requirement under paragraph (2) to carry forward a renewables deficit if, for the calendar year following the year in which the renewables deficit is created—

"(i) the person achieves compliance with the renewables requirement under paragraph (2); and

"(ii) generates or purchases additional renewables credits to offset the renewables deficit of the preceding year.

"(6) SEASONAL VARIATIONS IN RENEWABLE FUEL USE.—

"(A) STUDY.—For each of calendar years 2006 through 2012, the Administrator of the Energy Information Administration shall conduct a study of renewable fuels blending to determine whether there are excessive seasonal variations in the use of renewable fuels.

"(B) Regulation of excessive seasonal variations.—If, for any calendar year, the Administrator of the Energy Information Administration, based on the study under subparagraph (A), makes the determinations specified in subparagraph (C), the Administrator shall promulgate regulations to ensure that 35 percent or more of the quantity of renewable fuels necessary to meet the requirements under paragraph (2) is used during each of the periods specified in subparagraph (D) of each subsequent calendar year.

"(C) Determinations.—The determinations referred to in subparagraph (B) are that—

"(i) less than 35 percent of the quantity of renewable fuels necessary to meet the requirements under paragraph (2) has been used during 1 of the periods specified in subparagraph (D) of the calendar year;

"(ii) a pattern of excessive seasonal variation described in clause (i) will continue in subsequent calendar years; and

"(iii) promulgating regulations or other requirements to impose a 35 percent or more seasonal use of renewable fuels will not prevent or interfere with the attainment of national ambient air quality standards or significantly increase the price of motor fuels to the consumer.

"(D) Periods.—The 2 periods referred to in this paragraph are—

"(i) April through September; and

"(ii) January through March and October through December.

"(E) Exclusions.—Renewable fuels blended or consumed in 2006 in a State that has received a waiver under section 209(b) shall not be included in the study under subparagraph (A).

"(7) Waivers.—

"(A) In general.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, may waive the requirements under paragraph (2), in whole or in part, on a petition by 1 or more States by reducing the national quantity of renewable fuel required under this subsection—

"(i) based on a determination by the Administrator, after public notice and opportunity for comment, that implementation of the requirement would severely harm the economy or environment of a State, a region, or the United States; or

"(ii) based on a determination by the Administrator, after public notice and opportunity for comment, that there is an inadequate domestic supply to meet the requirement.

"(B) Petitions for waivers.—Not later than 90 days after the date on which a petition is received by the Administrator under subparagraph (A), the Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, shall approve or disapprove the petition.

"(C) Termination of waivers.—A waiver granted under subparagraph (A) shall terminate on the date that is 1 year after the date on which the waiver was granted, but may be renewed by the Administrator, after consultation with the Secretary of Agriculture and the Secretary of Energy.

"(8) Small refineries.—

"(A) In general.—Paragraph (2) shall not apply to small refineries until the first calendar year beginning more than 5 years after the first year set forth in the table in paragraph (2)(B)(i).

"(B) Study.—Not later than December 31, 2008, the Secretary of Energy shall complete for the Administrator a study to determine whether the requirements under paragraph (2) would impose a disproportionate economic hardship on small refineries.

"(C) Small refineries and economic hardship.—For any small refinery that the Secretary of Energy determines would experience a disproportionate economic hardship, the Administrator shall extend the small refinery exemption for the small refinery for not less than 2 additional years.

"(D) Economic hardship.—

"(i) Extension of exemption.—A small refinery may at any time petition the Administrator for an extension of the exemption from the requirements under paragraph (2) for the reason of disproportionate economic hardship.

"(ii) Evaluation.—In evaluating a hardship petition, the Administrator, in consultation with the Secretary of Energy, shall consider the findings of the study in addition to other economic factors.

"(iii) Deadline for action on petitions.—The Administrator shall act on any petition submitted by a small refinery for a hardship exemption not later than 90 days after the receipt of the petition.

"(E) Credit program.—Paragraph (6)(A)(iii) shall apply to each small refinery that waives an exemption under this paragraph.

"(F) Opt-in for small refiners.—A small refinery shall be subject to paragraph (2) if the small refinery notifies the Administrator that the small refinery waives the exemption under subparagraph (C).".

(b) Penalties and enforcement.—Section 211(d) of the Clean Air Act (42 U.S.C. 7545(d)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking "or (n)" and inserting "(n), or (o)" each place it appears; and

(B) in the second sentence, by striking "or (m)" and inserting "(m), or (o)"; and

(2) in the first sentence of paragraph (2), by striking "and (n)" and inserting "(n), and (o)" each place it appears.

SEC. 102. FEDERAL AGENCY ETHANOL-BLENDED GASOLINE AND BIODIESEL PURCHASING REQUIREMENT.

Title III of the Energy Policy Act of 1992 is amended by striking section 306 (42 U.S.C. 13215) and inserting the following:

"SEC. 306. FEDERAL AGENCY ETHANOL-BLENDED GASOLINE AND BIODIESEL PURCHASING REQUIREMENT.

"(a) Ethanol-Blended Gasoline.—The head of each Federal agency shall ensure that, in areas in which ethanol-blended gasoline is reasonably available at a generally competitive price, the Federal agency purchases ethanol-blended gasoline containing at least 10 percent ethanol rather than nonethanol-blended gasoline, for use in vehicles used by the agency that use gasoline.

"(b) Biodiesel.—

"(1) Definition of biodiesel.—In this subsection, the term 'biodiesel' has the meaning given the term in section 312(f).

"(2) Requirement.—The head of each Federal agency shall ensure that the Federal agency purchases, for use in fueling fleet vehicles that use diesel fuel used by the Federal agency at the location at which fleet vehicles of the Federal agency are centrally fueled, in areas in which the biodiesel-blended diesel fuel described in subparagraphs (A) and (B) is available at a generally competitive price—

"(A) as of the date that is 5 years after the date of enactment of this paragraph, biodiesel-blended diesel fuel that contains at least 2 percent biodiesel, rather than nonbiodiesel-blended diesel fuel; and

"(B) as of the date that is 10 years after the date of enactment of this paragraph, biodiesel-blended diesel fuel that contains at least 20 percent biodiesel, rather than nonbiodiesel-blended diesel fuel.

"(3) Requirement of Federal Law.—The provisions of this subsection shall not be considered a requirement of Federal law for the purposes of section 312.

"(c) Exemption.—This section does not apply to fuel used in vehicles excluded from the definition of 'fleet' by subparagraphs (A) through (H) of section 301(9).".

SEC. 103. DATA COLLECTION.

Section 205 of the Department of Energy Organization Act (42 U.S.C. 7135) is amended by adding at the end the following:

"(m)(1) In order to improve the ability to evaluate the effectiveness of the renewable fuels mandate of the United States, the Administrator shall conduct and publish the results of a survey of renewable fuels demand in the motor vehicle fuels market in the United States monthly, and in a manner designed to protect the confidentiality of individual responses.

"(2) In conducting the survey, the Administrator shall collect information both on a national and regional basis, including—

"(A) information on—

"(i) the quantity of renewable fuels produced;

"(ii) the quantity of renewable fuels blended;

"(iii) the quantity of renewable fuels imported; and

"(iv) the quantity of renewable fuels demanded; and

"(B) market price data.".

TITLE II—FEDERAL REFORMULATED FUELS

SEC. 201. ELIMINATION OF OXYGEN CONTENT REQUIREMENT FOR REFORMULATED GASOLINE.

(a) Elimination.—

(1) In general.—Section 211(k) of the Clean Air Act (42 U.S.C. 7545(k)) is amended—

(A) in paragraph (2)—

(i) in the second sentence of subparagraph (A), by striking "(including the oxygen content requirement contained in subparagraph (B))";

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively;

(B) in paragraph (3)(A), by striking clause (v); and

(C) in paragraph (7)—

(i) in subparagraph (A)—

(I) by striking clause (i); and

(II) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively; and

(ii) in subparagraph (C)—

(I) by striking clause (ii); and

(II) by redesignating clause (iii) as clause (ii).

(2) Effective date.—The amendments made by paragraph (1) take effect on the date that is 1 year after the date of enactment of this Act, except that the amendments shall take effect upon that date of enactment in any State that has received a waiver under section 209(b) of the Clean Air Act (42 U.S.C. 7543(b)).

(b) Maintenance of Toxic Air Pollutant Emission Reductions.—Section 211(k)(1) of the Clean Air Act (42 U.S.C. 7545(k)(1)) is amended—

(1) by striking "Within 1 year after the enactment of the Clean Air Act Amendments of 1990," and inserting the following:

"(A) In general.—Not later than November 15, 1991,"; and

(2) by adding at the end the following:

"(B) MAINTENANCE OF TOXIC AIR POLLUTANT EMISSIONS REDUCTIONS FROM REFORMULATED GASOLINE.—

"(i) DEFINITION OF PADD.—In this subparagraph, the term 'PADD' means a Petroleum Administration for Defense District.

"(ii) REGULATIONS REGARDING EMISSIONS OF TOXIC AIR POLLUTANTS.—Not later than 270 days after the date of enactment of this subparagraph, the Administrator shall establish, for each refinery or importer, standards for toxic air pollutants from use of the reformulated gasoline produced or distributed by the refinery or importer that maintain the reduction of the average annual aggregate emissions of toxic air pollutants for reformulated gasoline produced or distributed by the refinery or importer during calendar years 2001 and 2002, determined on the basis of data collected by the Administrator with respect to the refinery or importer.

"(iii) STANDARDS APPLICABLE TO SPECIFIC REFINERIES OR IMPORTERS.—

"(I) APPLICABILITY OF STANDARDS.—For any calendar year, the standards applicable to a refinery or importer under clause (ii) shall apply to the quantity of gasoline produced or distributed by the refinery or importer in the calendar year only to the extent that the quantity is less than or equal to the average annual quantity of reformulated gasoline produced or distributed by the refinery or importer during calendar years 2001 and 2002.

"(II) APPLICABILITY OF OTHER STANDARDS.—For any calendar year, the quantity of gasoline produced or distributed by a refinery or importer that is in excess of the quantity subject to subclause (I) shall be subject to standards for toxic air pollutants promulgated under subparagraph (A) and paragraph (3)(B).

"(iv) CREDIT PROGRAM.—The Administrator shall provide for the granting and use of credits for emissions of toxic air pollutants in the same manner as provided in paragraph (7).

"(v) REGIONAL PROTECTION OF TOXICS REDUCTION BASELINES.—

"(I) IN GENERAL.—Not later than 60 days after the date of enactment of this subparagraph, and not later than April 1 of each calendar year that begins after that date of enactment, the Administrator shall publish in the Federal Register a report that specifies, with respect to the previous calendar year—

"(aa) the quantity of reformulated gasoline produced that is in excess of the average annual quantity of reformulated gasoline produced in 2001 and 2002; and

"(bb) the reduction of the average annual aggregate emissions of toxic air pollutants in each PADD, based on retail survey data or data from other appropriate sources.

"(II) EFFECT OF FAILURE TO MAINTAIN AGGREGATE TOXICS REDUCTIONS.—If, in any calendar year, the reduction of the average annual aggregate emissions of toxic air pollutants in a PADD fails to meet or exceed the reduction of the average annual aggregate emissions of toxic air pollutants in the PADD in calendar years 2001 and 2002, the Administrator, not later than 90 days after the date of publication of the report for the calendar year under subclause (I), shall—

"(aa) identify, to the maximum extent practicable, the reasons for the failure, including the sources, volumes, and characteristics of reformulated gasoline that contributed to the failure; and

"(bb) promulgate revisions to the regulations promulgated under clause (ii), to take effect not earlier than 180 days but not later than 270 days after the date of promulgation, to provide that, notwithstanding clause (iii)(II), all reformulated gasoline produced or distributed at each refinery or importer shall meet the standards applicable under clause (ii) not later than April 1 of the year following the report under this subclause and for subsequent years.

"(vi) REGULATIONS TO CONTROL HAZARDOUS AIR POLLUTANTS FROM MOTOR VEHICLES AND MOTOR VEHICLE FUELS.—Not later than July 1, 2006, the Administrator shall promulgate final regulations to control hazardous air pollutants from motor vehicles and motor vehicle fuels, as provided for in section 80.1045 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this subparagraph).".

(c) CONSOLIDATION IN REFORMULATED GASOLINE REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall revise the reformulated gasoline regulations under subpart D of part 80 of title 40, Code of Federal Regulations (or any successor regulations), to consolidate the regulations applicable to VOC-Control Regions 1 and 2 under section 80.41 of that title by eliminating the less stringent requirements applicable to gasoline designated for VOC-Control Region 2 and instead applying the more stringent requirements applicable to gasoline designated for VOC-Control Region 1.

(d) AUTHORITY OF ADMINISTRATOR.—Nothing in this section affects or prejudices any legal claim or action with respect to regulations promulgated by the Administrator of the Environmental Protection Agency before the date of enactment of this Act regarding—

(1) emissions of toxic air pollutants from motor vehicles; or

(2) the adjustment of standards applicable to a specific refinery or importer made under the prior regulations.

(e) DETERMINATION REGARDING A STATE PETITION.—Section 211(k) of the Clean Air Act (42 U.S.C. 7545(k)) is amended by inserting after paragraph (10) the following:

"(11) DETERMINATION REGARDING A STATE PETITION.—

"(A) IN GENERAL.—Notwithstanding any other provision of this section, not later than 30 days after the date of enactment of this paragraph, the Administrator shall determine the adequacy of any petition received from a Governor of a State to exempt gasoline sold in that State from the requirements under paragraph (2)(B).

"(B) APPROVAL.—If a determination under subparagraph (A) is not made by the date that is 30 days after the date of enactment of this paragraph, the petition shall be considered to be approved.".

SEC. 202. PUBLIC HEALTH AND ENVIRONMENTAL IMPACTS OF FUELS AND FUEL ADDITIVES.

Section 211(b) of the Clean Air Act (42 U.S.C. 7545(b)) is amended—

(1) in paragraph (2)—

(A) by striking "may also" and inserting "shall, on a regular basis,"; and

(B) by striking subparagraph (A) and inserting the following:

"(A) to conduct tests to determine potential public health and environmental effects of the fuel or additive (including carcinogenic, teratogenic, or mutagenic effects); and"; and

(2) by adding at the end the following:

"(4) STUDY ON CERTAIN FUEL ADDITIVES AND BLENDSTOCKS.—

"(A) IN GENERAL.—Not later than 2 years after the date of enactment of this paragraph, the Administrator shall—

"(i) conduct a study on the effects on public health, air quality, and water resources of increased use of, and the feasibility of using as substitutes for methyl tertiary butyl ether in gasoline—

"(I) ethyl tertiary butyl ether;

"(II) tertiary amyl methyl ether;

"(III) di-isopropyl ether;

"(IV) tertiary butyl alcohol;

"(V) other ethers and heavy alcohols, as determined by the Administrator;

"(VI) ethanol;

"(VII) iso-octane; and

"(VIII) alkylates;

"(ii) conduct a study on the effects on public health, air quality, and water resources of the adjustment for ethanol-blended reformulated gasoline to the VOC performance requirements otherwise applicable under sections 211(k)(1) and 211(k)(3); and

"(iii) submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the results of these studies.

"(B) CONTRACTS FOR STUDY.—In carrying out this paragraph, the Administrator may enter into one or more contracts with nongovernmental entities including but not limited to National Energy Laboratories and institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).".

SEC. 203. ANALYSES OF MOTOR VEHICLE FUEL CHANGES.

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by inserting after subsection (o) (as added by section 101(a)(2)) the following:

"(p) ANALYSES OF MOTOR VEHICLE FUEL CHANGES AND EMISSIONS MODEL.—

"(1) ANTI-BACKSLIDING ANALYSIS.—

"(A) DRAFT ANALYSIS.—Not later than 4 years after the date of enactment of this subsection, the Administrator shall publish for public comment a draft analysis of the changes in emissions of air pollutants and air quality due to the use of motor vehicle fuel and fuel additives resulting from implementation of the amendments made by the Fuels Security Act of 2005.

"(B) FINAL ANALYSIS.—After providing a reasonable opportunity for comment, but not later than 5 years after the date of enactment of this paragraph, the Administrator shall publish the analysis in final form.

"(2) EMISSIONS MODEL.—For the purposes of this subsection, as soon as the necessary data are available, the Administrator shall develop and finalize an emissions model that reasonably reflects the effects of gasoline characteristics or components on emissions from vehicles in the motor vehicle fleet during calendar year 2005.".

SEC. 204. ADDITIONAL OPT-IN AREAS UNDER REFORMULATED GASOLINE PROGRAM.

Section 211(k)(6) of the Clean Air Act (42 U.S.C. 7545(k)(6)) is amended—

(1) by striking "(6) OPT-IN AREAS.—(A) Upon" and inserting the following:

"(6) OPT-IN AREAS.—

"(A) CLASSIFIED AREAS.—

"(i) IN GENERAL.—Upon";

(2) in subparagraph (B), by striking "(B) If" and inserting the following:

"(ii) EFFECT OF INSUFFICIENT DOMESTIC CAPACITY TO PRODUCE REFORMULATED GASOLINE.—If";

(3) in subparagraph (A)(ii) (as redesignated by paragraph (2))—

(A) in the first sentence, by striking "subparagraph (A)" and inserting "clause (i)"; and

(B) in the second sentence, by striking "this paragraph" and inserting "this subparagraph"; and

(4) by adding at the end the following:

"(B) OZONE TRANSPORT REGION.—

"(i) APPLICATION OF PROHIBITION.—

"(I) IN GENERAL.—In addition to the provisions of subparagraph (A), upon the application of the Governor of a State in the ozone transport region established by section 184(a), the Administrator, not later than 180 days after the date of receipt of the application, shall apply the prohibition specified in paragraph (5) to any area in the State (other than an area classified as a marginal, moderate, serious, or severe ozone nonattainment area under subpart 2 of part D of title I) unless the Administrator determines under clause (iii) that there is insufficient capacity to supply reformulated gasoline.

"(II) PUBLICATION OF APPLICATION.—As soon as practicable after the date of receipt of an application under subclause (I), the Administrator shall publish the application in the Federal Register.

"(ii) PERIOD OF APPLICABILITY.—Under clause (i), the prohibition specified in paragraph (5) shall apply in a State—

"(I) commencing as soon as practicable but not later than 2 years after the date of approval by the Administrator of the application of the Governor of the State; and

"(II) ending not earlier than 4 years after the commencement date determined under subclause (I).

"(iii) EXTENSION OF COMMENCEMENT DATE BASED ON INSUFFICIENT CAPACITY.—

"(I) IN GENERAL.—If, after receipt of an application from a Governor of a State under clause (i), the Administrator determines, on the Administrator's own motion or on petition of any person, after consultation with the Secretary of Energy, that there is insufficient capacity to supply reformulated gasoline, the Administrator, by regulation—

"(aa) shall extend the commencement date with respect to the State under clause (ii)(I) for not more than 1 year; and

"(bb) may renew the extension under item (aa) for 2 additional periods, each of which shall not exceed 1 year.

"(II) DEADLINE FOR ACTION ON PETITIONS.—The Administrator shall act on any petition submitted under subclause (I) not later than 180 days after the date of receipt of the petition.".

SEC. 205. FEDERAL ENFORCEMENT OF STATE FUELS REQUIREMENTS.

Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) is amended—

(1) by striking "(C) A State" and inserting the following:

"(C) AUTHORITY OF STATE TO CONTROL FUELS AND FUEL ADDITIVES FOR REASONS OF NECESSITY.—

"(i) IN GENERAL.—A State"; and

(2) by adding at the end the following:

"(ii) ENFORCEMENT BY THE ADMINISTRATOR.—In any case in which a State prescribes and enforces a control or prohibition under clause (i), the Administrator, at the request of the State, shall enforce the control or prohibition as if the control or prohibition had been adopted under the other provisions of this section.".

SEC. 206. FUEL SYSTEM REQUIREMENTS HARMONIZATION STUDY.

(a) STUDY.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency and the Secretary of Energy shall jointly conduct a study of Federal, State, and local requirements concerning motor vehicle fuels, including—

(A) requirements relating to reformulated gasoline, volatility (measured in Reid vapor pressure), oxygenated fuel, and diesel fuel; and

(B) other requirements that vary from State to State, region to region, or locality to locality.

(2) REQUIRED ELEMENTS.—The study shall assess—

(A) the effect of the variety of requirements described in paragraph (1) on the supply, quality, and price of motor vehicle fuels available to the consumer;

(B) the effect of the requirements described in paragraph (1) on achievement of—

(i) national, regional, and local air quality standards and goals: and

(ii) related environmental and public health protection standards and goals;

(C) the effect of Federal, State, and local motor vehicle fuel regulations, including multiple motor vehicle fuel requirements, on—

(i) domestic refineries;

(ii) the fuel distribution system; and

(iii) industry investment in new capacity;

(D) the effect of the requirements described in paragraph (1) on emissions from vehicles, refineries, and fuel handling facilities;

(E) the feasibility of developing national or regional motor vehicle fuel slates for the 48 contiguous States that, while protecting and improving air quality at the national, regional, and local levels, could—

(i) enhance flexibility in the fuel distribution infrastructure and improve fuel fungibility;

(ii) reduce price volatility and costs to consumers and producers;

(iii) provide increased liquidity to the gasoline market; and

(iv) enhance fuel quality, consistency, and supply; and

(F) the feasibility of providing incentives, and the need for the development of national standards necessary, to promote cleaner burning motor vehicle fuel.

(b) REPORT.—

(1) IN GENERAL.—Not later than June 1, 2006, the Administrator of the Environmental Protection Agency and the Secretary of Energy shall submit to Congress a report on the results of the study conducted under subsection (a).

(2) RECOMMENDATIONS.—

(A) IN GENERAL.—The report shall contain recommendations for legislative and administrative actions that may be taken—

(i) to improve air quality;

(ii) to reduce costs to consumers and producers; and

(iii) to increase supply liquidity.

(B) REQUIRED CONSIDERATIONS.—The recommendations under subparagraph (A) shall take into account the need to provide advance notice of required modifications to refinery and fuel distribution systems in order to ensure an adequate supply of motor vehicle fuel in all States.

(3) CONSULTATION.—In developing the report, the Administrator of the Environmental Protection Agency and the Secretary of Energy shall consult with—

(A) the Governors of the States;

(B) automobile manufacturers:

(C) motor vehicle fuel producers and distributors; and

(D) the public.

SEC. 207. REVIEW OF FEDERAL PROCUREMENT INITIATIVES RELATING TO USE OF RECYCLED PRODUCTS AND FLEET AND TRANSPORTATION EFFICIENCY.

Not later than 180 days after the date of enactment of this Act, the Administrator of General Services shall submit to Congress a report that details efforts by each Federal agency to implement the procurement policies specified in Executive Order No. 13101 (63 Fed. Reg. 49643; relating to governmental use of recycled products) and Executive Order No. 13149 (65 Fed. Reg. 24607; relating to Federal fleet and transportation efficiency).

SEC. 208. REPORT ON RENEWABLE MOTOR FUEL.

Not later than January 1, 2007, the Secretary of Energy and the Secretary of Agriculture shall jointly prepare and submit to Congress a report containing recommendations for achieving, by January 1, 2025, at least 25 percent renewable fuel content (calculated on an average annual basis) for all gasoline sold or introduced into commerce in the United States.

FUELS SECURITY ACT OF 2005

Mr. HARKIN. Mr. President, today, along with my colleague, Senator LUGAR, and a bipartisan coalition of 19 other Senators, am introducing important legislation to set an ambitious Renewable Fuels Standard for this country. This legislation will more than double the amount of ethanol and biodiesel in the Nation's fuel supply to at least 8 billion gallons a year by 2012. It firmly commits our Nation to clean sources of domestic energy, and is a bold step toward energy security, a strong rural economy, and a healthier environment.

We have a growing problem of energy supplies and prices in this country. Today, 97 percent of our transportation fuel comes from oil, nearly two-thirds of which is from foreign sources.

This heavy dependence on petroleum undermines our energy security. It wreaks havoc on consumers, with record high prices now for gasoline. It costs jobs—27,000 lost U.S. jobs for every $1 billion in imported oil—and threatens our environment. A full one-third of greenhouse gases now come from vehicle emissions.

We have a choice. We can stand by and fuel our addiction to foreign oil, or we can make an aggressive shift toward clean, domestic renewable fuels like ethanol and biodiesel.

In the 108th Congress, we approved an RFS of 5 billion gallons a year by 2012. At the time, this represented a strong push for renewable fuels. But since that time, renewable fuels production in this country has grown dramatically. Domestic ethanol production grew 21 percent in 2004 to 3.4 billion gallons, helping to buffer rising crude oil prices.

The Environment and Public Works Committee, recognizing this success, reported yesterday a modestly increased RFS of 6 billion gallons a year by 2012. I applaud this step forward, but we can do more. The Energy Future Coalition has said that "increased production of domestic renewable fuels is the single most important step the

United States could take to reduce its dependence on foreign oil," and I agree.

Our Nation already has the capacity to produce nearly 4 billion gallons of ethanol a year, almost a third of it in Iowa. The biofuels industry's output is on track to surpass even our ambitious target of 8 billion gallons a year by 2012. Several studies further indicate that renewable fuels could provide more than 25 percent of our transportation fuel by 2025. Our bill will ensure that market demand for these fuels grows accordingly.

Many of the biofuels plants that will be built will be farmer-owned, bringing tremendous added value to our rural economies. For example, according to a recent study, each typical ethanol plant built in the United States creates 700 jobs, expands the local economic base by over $140 million, and increases the local corn price by 5 to 10 cents a bushel. Iowa's ethanol plants are expected to contribute $4 billion annually to our state's economy once all are in production. This RFS is expected to create over 200,000 new jobs nationwide, add nearly $200 billion to our GDP, and do more to reduce foreign oil dependence than all of the oil in the Alaska National Wildlife Refuge could possibly do.

This legislation has built-in flexibility through a system of tradable credits for refiners who exceed their minimum requirement. It takes strong measures to protect air and water quality, and it rewards production of second-generation biofuels such as cellulosic ethanol that promise tremendous value to farmers, consumers and the environment.

For these reasons, our bill has generated strong support from a broad range of interests. I have here a letter endorsing our bill signed by more than a dozen groups, including the Iowa Renewable Fuels Association, the National Renewable Fuels Association, the Energy Future Coalition, the National Farmers Union, the National Corn Growers Association, the American Farm Bureau Federation, the American Soybean Association, the American Coalition for Ethanol, and many others.

Farmers and biofuel producers are ready to lead our Nation toward a future based on renewable energy. I sincerely hope that Congress and the administration will get behind commonsense energy policy and support this ambitious RFS. I ask unanimous consent that the text of the bill, along with the letter, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 17, 2005.

Re the Fuels Agreement and the Renewable Fuels Standard.

The Hon. BILL FRIST,
U.S. Senate Majority Leader,
Washington, DC.
The Hon. HARRY REID,
U.S. Senate Minority Leader,
Washington, DC.

DEAR MAJORITY LEADER FRIST AND MINORITY LEADER REID: The undersigned organizations are writing to express our strong support for S. 650, legislation establishing a Renewable Fuels Standard (RFS) growing to 8 billion gallons by 2012. This landmark legislation would increase the nation's energy independence, protect air and water quality, provide increased flexibility for refiners, and stimulate rural economies through the increased production of domestic, renewable fuels.

The ethanol and biodiesel industries have undergone unprecedented growth over the past several years. In fact, the U.S. currently has the capacity to produce more than 3.7 billion gallons of ethanol and biodiesel, and plants under construction will add an additional 700 million gallons of capacity by the end of the year. Most of this growth has been in farmer-owned plants, which taken as a whole, now represent the single largest producer in the country. Clearly, the renewable fuels industry is poised to make a significant contribution to this nation's energy supply.

With rising crude oil and gasoline prices hurting consumers, and record petroleum imports exacerbating our trade imbalance and slowing economic growth, we need to be maximizing the production and use of domestic renewable fuels such as ethanol and biodiesel. Enacting an RFS that would provide a market of 8 billion gallons by 2012 demonstrates a firm commitment to reducing this nation's foreign oil dependence while providing a significant impact to the American economy. Specifically (in 2005 dollars):

The production and use of 8 billion gallons of ethanol, biodiesel and other renewable fuels by 2012 will displace over 2 billion barrels of crude oil and reduce the outflow of dollars largely to foreign oil producers by $64.1 billion between 2005 and 2012. As a result of the RFS, America's dependence on imported oil will be reduced from an estimated 68 percent to 62 percent.

The renewable fuels sector will spend an estimated $6 billion to build 4.3 billion gallons of new ethanol and biodiesel capacity between 2005 and 2012.

The renewable fuels sector will spend nearly $70 billion on goods and services required to produce 8 billion gallons of ethanol and biodiesel by 2012. Purchases of corn, grain sorghum, soybeans, corn stover and wheat straw, alone will total $43 billion between 2005 and 2012.

The combination of this direct spending and the indirect impacts of those dollars " circulating throughout the economy will:

Add nearly $200 billion to GDP between 2005 and 2012.

Generate an additional $43 billion of household income for all Americans between 2005 and 2012, and

Create as many as 234,840 new jobs in all sectors of the economy by 2012.

We urge your support of this important bill as the Congress considers comprehensive energy policy legislation. The RFS is a vital and necessary component of any energy policy designed to reduce our nation's dependence on foreign sources of petroleum.

Sincerely,

Renewable Fuels Association, American Farm Bureau Federation, National Corn Growers Association, American Soybean Association, National Grain Sorghum Producers, American Coalition for Ethanol, National Biodiesel Board, Energy Future Coalition, Biotechnology Industry Organization, New Uses Council, National Sunflower Association, United States Canola Association, Ethanol Producers & Consumers, Environmental & Energy Study Institute, National Farmers Union.

Mr. JOHNSON. Mr. President, I rise today to join twenty of my Senate colleagues in introducing landmark legislation that will double the amount of ethanol used in motor fuel by 2012.

The Fuels Security Act of 2005 establishes a renewable fuels standard program beginning with 4 billion gallons in 2006 and culminating in 8 billion gallons in 2012—nearly a 40 percent increase from legislation that I first sponsored in 2003. The legislation creates a functioning and flexible market for ethanol produced from South Dakota's farmer-owned plants. South Dakota has more farmer-owned ethanol plants than any other State, and South Dakota producers deliver a greater percentage of corn for ethanol production than any neighboring State. Revising and strengthening the proposed RFS is important to South Dakota producers and our value-added economy.

In 2004, the domestic ethanol industry produced a record 3.4 billion gallons of ethanol and an additional 700 million gallons of capacity will be added in 2005. Because of the strong increase in ethanol production over the last few years it is necessary to revisit and revise the proposed RFS to more accurately reflect the growing market. Increasing the RFS schedule to 8 billion gallons in 2012 ensures market stability and encourages investment in ethanol plants and transportation infrastructure.

Ethanol stands out as an agriculture sector that is resisting the move toward greater consolidation and concentration. The Fuels Security Act of 2005 goes a long way toward ensuring that farmers retain market power and will continue to play a leading role in renewable energy production.

While adjusting the schedule to match growth is crucial, equally important is ensuring that the schedule and standard are not eroded by a permissive credit program or inconsistent and suspect waiver authority provisions. To that end, the Fuels Security Act of 2005 creates a one-year credit program to provide flexibility to blenders without diluting the RFS requirement. An ill-defined or open-ended credit program will cause investors to hedge against investing in new ethanol facilities as the guarantee of an increased baseline is weakened through multi-year credit trading language.

Additionally, the bill includes an effective tool to ensure that after 2012, America's renewable fuel market does not diminish and capacity and production match demand. The bill directs the Secretaries of Agriculture and Energy, as well as the Environmental Protection Agency to ensure the RFS schedule grows with the overall motor vehicle fuel pool after 2013.

I am proud to stand with over a dozen agriculture, clean energy and renewable fuels organizations that support this legislation. Accordingly, I ask unanimous consent that a letter written by over a dozen agriculture and energy groups be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1)

Mr. JOHNSON. Mr. President, I am encouraged that as a consequence of the strong bipartisan support for increasing the RFS to 8 billion gallons, my colleagues and I can add this bill to a comprehensive energy proposal working through the Senate.

Furthermore, as a member of the Senate Energy and Natural Resources Committee, I remain committed to working with my Senate colleagues, Chairman DOMENICI and Majority Leader FRIST and Minority Leader REID toward ensuring that the Fuels Security Act of 2005 becomes law.

EXHIBIT 1

MARCH 17, 2005.

Re the Fuels Agreement and the Renewable Fuels Standard.

Hon. BILL FRIST,
U.S. Senate Majority Leader,
Capitol Building, Washington, DC.
Hon. HARRY REID,
U.S. Senate Minority Leader,
Capitol Building, Washington, DC.

DEAR MAJORITY LEADER FRIST AND MINORITY LEADER REID: The undersigned organizations are writing to express our strong support for S. 650, legislation establishing a Renewable Fuels Standard (RFS) growing to 8 billion gallons by 2012. This landmark legislation would increase the nation's energy independence, protect air and water quality, provide increased flexibility for refiners, and stimulate rural economies through the increased production of domestic, renewable fuels.

The ethanol and biodiesel industries have undergone unprecedented growth over the past several years. In fact, the U.S. currently has the capacity to produce more than 3.7 billion gallons of ethanol and biodiesel, and plants under construction will add an additional 700 million gallons of capacity by the end of the year. Most of this growth has been in farmer-owned plants, which taken as a whole, now represent the single largest producer in the country. Clearly, the renewable fuels industry is poised to make a significant contribution to this nation's energy supply.

With rising crude oil and gasoline prices hurting consumers, and record petroleum imports exacerbating our trade imbalance and slowing economic growth, we need to be maximizing the production and use of domestic renewable fuels such as ethanol and biodiesel. Enacting an RFS that would provide a market of 8 billion gallons by 2012 demonstrates a firm commitment to reducing this nation's foreign oil dependence while providing a significant impact to the American economy. Specifically (in 2005 dollars):

The production and use of 8 billion gallons of ethanol, biodiesel and other renewable fuels by 2012 will displace over 2 billion barrels of crude oil and reduce the outflow of dollars largely to foreign oil producers by $64.1 billion between 2005 and 2012. As a result of the RFS, America's dependence on imported oil will be reduced from an estimated 68 percent to 62 percent.

The renewable fuels sector will spend an estimated $6 billion to build 4.3 billion gallons of new ethanol and biodiesel capacity between 2005 and 2012.

The renewable fuels sector will spend nearly $70 billion on goods and services required to produce 8 billion gallons of ethanol and biodiesel by 2012. Purchases of corn, grain sorghum, soybeans, corn stover and wheat straw, alone will total $43 billion between 2005 and 2012.

The combination of this direct spending and the indirect impacts of those dollars circulating throughout the economy will:

Add nearly $200 billion to GDP between 2005 and 2012.

Generate an additional $43 billion of household income for all Americans between 2005 and 2012, and

Create as many as 234,840 new jobs in all sectors of the economy by 2012.

We urge your support of this important bill as the Congress considers comprehensive energy policy legislation. The RFS is a vital and necessary component of any energy policy designed to reduce our nation's dependence on foreign sources of petroleum.

Sincerely,

Renewable Fuels Association; American Farm Bureau Federation; National Corn Growers Association; American Soybean Association; National Grain Sorghum Producers; American Coalition for Ethanol; National Biodiesel Board; Energy Future Coalition; Biotechnology Industry Organization; New Uses Council; National Sunflower Association; United States Canola Association; Ethanol Producers & Consumers; Environmental & Energy Study Institute.

Mr. OBAMA. Mr. President, I am pleased to join as a cosponsor of the Fuels Security Act of 2005, which sets a renewable fuels standard for the years 2006 to 2012.

To lessen our dependence on foreign oil and strengthen our economy here at home, renewable fuels like ethanol ought to be a larger part of our domestic fuel supply. This bill will contribute to that objective, and I commend Senators LUGAR and HARKIN for their leadership in crafting this legislation.

Yesterday, during the markup of a similar bill in the Senate Environment and Public Works Committee, I expressed strong support for establishing a meaningful renewable fuels standard as an important part of a comprehensive national energy policy. The bill before the Committee set targets at 3.8 billion gallons in 2006 and 6 billion gallons in 2012, improving upon last year's RFS provision in the energy bill conference report that set targets at 3.1 billion gallons and 5 billion gallons, respectively.

I voted for the chairman's mark yesterday because it gets the RFS debate rolling in the new Congress. However, I also noted that it has been widely reported in the trade press that the 30-state Governors Ethanol Coalition has recommended to the President that refiners be required to purchase a minimum volume of ethanol of at least 4 billion gallons in 2006, rising to 8 billion gallons in 2012. This recommendation adds weight to the view expressed by me and others that the committee's targets are too conservative.

Why are these specific targets so important? They are important if we are to maximize the ethanol industry's ability to boost farm income by providing a new market for corn; to promote economic growth in rural communities by increasing production in existing plants and attracting investment in new community-sized ethanol facilities; and to reduce our alarming dependence on imported oil by expanding the volume of ethanol in our transportation fuel mix.

These are important objectives. They matter. And that is why it is important to get the specific targets right.

In committee yesterday, I suggested that since ethanol production is expected to reach 4 billion gallons this year, we ought to adjust the committee bill's RFS targets on the Senate floor to reflect current market reality. I am pleased that Chairman INHOFE seemed open to that debate.

I think the Governors Ethanol Coalition recommendation of at least 4 billion gallons in 2006 and 8 billion gallons in 2012 is a good place to start this debate. I think any RFS legislation enacted by Congress should contain these levels.

That is why I am pleased to cosponsor the Fuels Security Act introduced by Senators LUGAR and HARKIN today. The ethanol volume targets in this bill—4 billion gallons in 2006 and 8 billion gallons in 2012—are in much greater alignment with expected ethanol production in future years than those in the Committee bill.

Earlier this week, I had the opportunity to tour the Aventine ethanol plant in Pekin, IL. My visit reminded me of the work of a Pekin native more than 50 years ago. That person—Senator Everett Dirksen—encouraged federal lawmakers to consider "processing our surplus farm crops into an alcohol . . . to create a market in our own land for our own people."

Today, farmers across Illinois, including farmers near Pekin, are growing corn for fuel, both strengthening our energy security and providing an economic boost to rural communities. By enacting a meaningful RFS, we are displacing more foreign oil with home-grown energy. We are expanding the market for Illinois corn. And we are promoting the use of renewable fuel. Remember, unlike other energy sources, when you run out of ethanol, you can simply grow more.

For too many years, America has been overly dependent on foreign oil to meet its domestic energy needs. And, despite rising crude oil prices and unsettling volatility in the Persian Gulf, that trend is increasing, not declining. Renewable fuels such as ethanol can help address this dangerous dependence on foreign oil. And a strong renewable fuels standard will maximize this contribution.

By Mr. REID:

S. 651. A bill to amend title 5, United States Code, to make creditable for civil service retirement purposes certain periods of service performed with Air America, Incorporated, Air Asia Company Limited, or the Pacific Division of Southern Air Transport, Incorporated, while those entities were owned or controlled by the Government of the United States and operate or managed by the Central Intelligence Agency; to the Committee on Homeland Security and Governmental Affairs.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 651

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS.

(a) IN GENERAL.—Section 8332(b) of title 5, United States Code, is amended—

(1) by striking "and" at the end of paragraph (16);

(2) by striking the period at the end of paragraph (17) and inserting "; and";

(3) by adding after paragraph (17) the following:

"(18) any period of service performed before 1977, while a citizen of the United States, in the employ of Air America, Incorporated, Air Asia Company Limited (a subsidiary of Air America, Incorporated), or the Pacific Division of Southern Air Transport, Incorporated, at a time when that corporation (or subsidiary) was owned or controlled by the Government of the United States and operated or managed by the Central Intelligence Agency."; and

(4) by adding at the end the following: "For purposes of this subchapter, service of the type described in paragraph (18) of this subsection shall be considered to have been service as an employee, and the Office of Personnel Management shall accept the certification of the Director of the Central Intelligence Agency or his designee concerning any such service.".

(b) EXEMPTION FROM DEPOSIT REQUIREMENT.—Section 8334(g) of title 5, United States Code, is amended—

(1) by striking "or" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting "; or"; and

(3) by adding after paragraph (6) the following:

"(7) any service for which credit is allowed under section 8332(b)(18) of this title.".

SEC. 2. APPLICABILITY.

(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this Act shall apply with respect to annuities commencing on or after the effective date of this Act.

(b) PROVISIONS RELATING TO CURRENT ANNUITANTS.—Any individual who is entitled to an annuity for the month in which this Act becomes effective may, upon application submitted to the Office of Personnel Management within 2 years after the effective date of this Act, have the amount of such annuity recomputed as if the amendments made by this Act had been in effect throughout all periods of service on the basis of which such annuity is or may be based. Any such recomputation shall be effective as of the commencement date of the annuity, and any additional amounts becoming payable for periods before the first month for which the recomputation is reflected in the individual's regular monthly annuity payments shall be payable to such individual in the form of a lump-sum payment.

(c) PROVISIONS RELATING TO INDIVIDUALS ELIGIBLE FOR (BUT NOT CURRENTLY RECEIVING) AN ANNUITY.—

(1) IN GENERAL.—Any individual (not described in subsection (b)) who becomes eligible for an annuity or for an increased annuity as a result of the enactment of this Act may elect to have such individual's rights under subchapter III of chapter 83 of title 5, United States Code, determined as if the amendments made by this Act had been in effect, throughout all periods of service on the basis of which such annuity is or would be based, by submitting an appropriate application to the Office of Personnel Management within 2 years after—

(A) the effective date of this Act; or

(B) if later, the date on which such individual separates from service.

(2) COMMENCEMENT DATE, ETC.—

(A) IN GENERAL.—Any entitlement to an annuity or to an increased annuity resulting from an application under paragraph (1) shall be effective as of the commencement date of such annuity (subject to subparagraph (B), if applicable), and any amounts becoming payable for periods before the first month for which regular monthly annuity payments begin to be made in accordance with the amendments made by this Act shall be payable to such individual in the form of a lump-sum payment.

(B) RETROACTIVITY.—Any determination of the amount, or of the commencement date, of any annuity, all the requirements for entitlement to which (including separation, but disregarding any application requirement) would have been satisfied before the effective date of this Act if this Act had then been in effect (but would not then otherwise have been satisfied absent this Act) shall be made as if application for such annuity had been submitted as of the earliest date that would have been allowable, after such individual's separation from service, if such amendments had been in effect throughout the periods of service referred to in the first sentence of paragraph (1).

(d) RIGHT TO FILE ON BEHALF OF A DECEDENT.—The regulations under section 4(a) shall include provisions, consistent with the order of precedence set forth in section 8342(c) of title 5, United States Code, under which a survivor of an individual who performed service described in section 8332(b)(18) of such title (as amended by section 1) shall be allowed to submit an application on behalf of and to receive any lump-sum payment that would otherwise have been payable to the decedent under subsection (b) or (c). Such an application shall not be valid unless it is filed within 2 years after the effective date of this Act or 1 year after the date of the decedent's death, whichever is later.

SEC. 3. FUNDING.

(a) LUMP-SUM PAYMENTS.—Any lump-sum payments under section 2 shall be payable out of the Civil Service Retirement and Disability Fund.

(b) UNFUNDED LIABILITY.—Any increase in the unfunded liability of the Civil Service Retirement System attributable to the enactment of this Act shall be financed in accordance with section 8348(f) of title 5, United States Code.

SEC. 4. REGULATIONS AND SPECIAL RULE.

(a) IN GENERAL.—Except as provided in subsection (b), the Director of the Office of Personnel Management, in consultation with the Director of the Central Intelligence Agency, shall prescribe any regulations necessary to carry out this Act. Such regulations shall include provisions under which rules similar to those established pursuant to section 201 of the Federal Employees' Retirement System Act of 1986 (Public Law 99-335; 100 Stat. 514) shall be applied with respect to any service described in section 8332(b)(18) of title 5, United States Code (as amended by section 1) that was subject to title II of the Social Security Act.

(b) OTHER REGULATIONS.—The Director of the Central Intelligence Agency, in consultation with the Director of the Office of Personnel Management, shall prescribe any regulations which may become necessary, with respect to any retirement system administered by the Director of the Central Intelligence Agency, as a result of the enactment of this Act.

(c) SPECIAL RULE.—For purposes of any application for any benefit which is computed or recomputed taking into account any service described in section 8332(b)(18) of title 5, United States Code (as amended by section 1), section 8345(i)(2) of such title shall be applied by deeming the reference to the date of the "other event which gives rise to title to the benefit" to refer to the effective date of this Act, if later than the date of the event that would otherwise apply.

SEC. 5. DEFINITIONS.

For purposes of this Act—

(1) the terms "unfunded liability", "survivor", and "survivor annuitant" have the meanings given under section 8331 of title 5, United States Code; and

(2) the term "annuity", as used in subsections (b) and (c) of section 2, includes a survivor annuity.

SEC. 6. EFFECTIVE DATE.

This Act shall take effect on the first day of the first fiscal year beginning after the date of the enactment of this Act.

By Mr. SPECTER (for himself and Mr. SANTORUM):

S. 652. A bill to provide financial assistance for the rehabilitation of the Benjamin Franklin National Memorial in Philadelphia, Pennsylvania, and the development of an exhibit to commemorate the 300th anniversary of the birth of Benjamin Franklin; to the Committee on Energy and Natural Resources.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce a bill to authorize Federal funding for the rehabilitation of the Benjamin Franklin National Memorial. This memorial, an attraction for some 1 million visitors annually, is truly a national treasure, yet it has come under significant deterioration. The Franklin statue has not been thoroughly cleaned since 1998; there are structural impacts to the statue from changes in temperature and humidity; the lighting and sound systems are obsolete; and the marble walls and stained glass dome are discolored from days when smoking was permitted. The bill that Senator SANTORUM and I are introducing today will help ensure that Federal funding is made available to preserve and protect our Nation's memorial to Benjamin Franklin, America's distinguished scientist, statesman, inventor, and diplomat.

In the 108th Congress, Senator SANTORUM and I introduced similar legislation to authorize this much needed funding and we were pleased that Senator DOMENICI, Senator THOMAS, and their colleagues on the Senate Committee on Energy and Natural Resources favorably reported an amended version of our legislation to the Senate on September 28, 2004. Subsequently, this legislature passed the Senate on October 10, 2004; however, the limited time available prior to adjournment of the 108th Congress precluded passage of this measure by the House of Representatives.

Unlike other national memorials, the Benjamin Franklin National Memorial does not receive an annual allocation of Federal funds to provide for preventative maintenance or other important activities.

The significant burden of maintaining this national memorial has become a challenge to the Franklin Institute Science Museum of Philadelphia, Pennsylvania, custodian of the Benjamin Franklin National Memorial. In 1972, The Institute—a non-profit organization—absorbed the sole responsibility for providing the funds necessary to preserve and maintain the memorial when Public Law 92-511 designated the Memorial Hall at The Franklin Institute Science Museum as the Benjamin Franklin National Memorial. In 1973, a Memorandum of Agreement was executed by the U.S. Department of the Interior and the Franklin Institute that directed the Department to cooperate with the Institute in "all appropriate and mutually agreeable ways in the preservation and presentation of the Benjamin Franklin National Memorial Hall as a national memorial," however, the Department has not provided any Federal funding to the Franklin Institute for those purposes other than $300,000 that Senator SANTORUM and I secured from the "Save America's Treasures" program in the Fiscal Year 2000 Interior Appropriations Act to help improve handicap accessibility to the memorial.

The Benjamin Franklin National Memorial at the Franklin Institute serves as the Nation's primary location honoring Franklin's life, legacy, and ideals. As we expect visitors to converge on Philadelphia, Pennsylvania from throughout the world for the Benjamin Franklin Tercentenary Celebration beginning in January 2006, it is important that the Franklin Institute, as custodian of the Memorial, begin a meticulous restoration and enhancement promptly. I urge my colleagues to support this legislation to preserve this national tribute to Benjamin Franklin for years to come.

By Mr. LEAHY (for himself, Mr. DURBIN, Mr. KENNEDY, and Mr. DODD):

S. 654. A bill to prohibit the expulsion, return, or extradition of persons by the United States to countries engaging in torture, and for other purposes; to the Committee on Foreign Relations.

Mr. LEAHY. Mr. President, our Nation has a proud history as the leading advocate of human rights around the world. Throughout this history, we have committed ourselves to numerous international human rights treaties, including the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The bill that I introduce today will reaffirm our obligations under this Convention and reassure the world that we are a nation committed to the rule of law. I want to thank my cosponsors, Senators DURBIN, KENNEDY, and DODD, for working with me on this legislation, and for their leadership on these issues.

It has been nearly a year since the first horrific images from Abu Ghraib prison appeared in the media, shocking the world and shattering the image of the United States. As the Administration circled the wagons and claimed the abuses were committed by a "few bad apples," new details about the widespread abuse of detainees continued to emerge. I have spoken many times about the need for a comprehensive, independent investigation into the abuse of detainees. I have no doubt that such an investigation would be painful, but it is also a necessary step to moving forward.

Prisoner abuse by U.S. personnel is deeply troubling, but it is only one aspect of a broader and serious problem. While we must ensure that prisoners are treated humanely by our own personnel, we must also prohibit the use of so-called "extraordinary renditions" to send people to other countries where they will be subject to torture. Article 3 of the Convention Against Torture states that "no State Party shall expel, return or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture." The bill I introduce today, the "Convention Against Torture Implementation Act," will ensure that we honor this commitment.

We have addressed this issue before. Congress implemented Article 3 of the Convention Against Torture in the Foreign Affairs Reform and Restructuring Act of 1998, but this Administration has exploited loopholes in that law to transfer detainees to countries where they are subjected to torture. Attorney General Gonzales recently said that U.S. policy is not to send detainees "to countries where we believe or we know that they're going to be tortured," but he acknowledged that we "can't fully control" what other nations do, and added that he does not know whether countries have always complied with their promises. In fact, they have not.

My proposed legislation does not broaden the obligations that we agreed to by ratifying the Convention Against Torture; it simply closes the loopholes in the 1998 law and ensures that we honor our commitment not to outsource torture to other countries.

The case of Maher Arar provides a chilling example of extraordinary rendition, and illustrates why this bill is necessary. Mr. Arar, a Canadian and Syrian citizen, was stopped by immigration officers at John F. Kennedy International Airport in September 2002 as he attempted to change planes on his way home to Canada from Tunisia. He claims that he was interrogated by an FBI agent and a New York City police officer, and that he was denied access to a lawyer. He further claims that he repeatedly told U.S. officials that he feared he would be tortured if deported to Syria. After being detained for nearly two weeks in a Federal detention center in New York, Mr. Arar was transferred by U.S. authorities to Syria and held at the Bush administration's request. Mr. Arar claims that he was physically tortured during the first two weeks of his detention in Syria, and that he was subjected to severe psychological abuse over the following 10 months, including being held in a grave-like cell and being forced to undergo interrogation while hearing the screams of other prisoners.

According to Administration officials, the CIA received diplomatic assurances from Syria that it would not torture Mr. Arar. But those assurances amounted to little more than a wink and a nod. Unnamed intelligence officials were later quoted in the press, saying that Arar confessed under torture in Syria that he had gone to Afghanistan for terrorist training. Syria has a well-documented history of state-sponsored torture. In fact, President Bush stated on November 7, 2003, that Syria has left "a legacy of torture, oppression, misery, and ruin" to its people.

Rather than rely on assurances that a country will not torture an individual, we must make our own unbiased determination. We already have the necessary information to do so. Each year, as required by law, the State Department publishes country reports on human rights practices. The most recent report on Syria states that its torture methods include "administering electrical shocks; pulling out fingernails; forcing objects into the rectum; beating, sometimes while the victim was suspended from the ceiling; hyperextending the spine; bending the detainees into the frame of a wheel and whipping exposed body parts; and using a backward-bending chair to asphyxiate the victim or fracture the victim's spine."

Some will argue that the post-9/11 world is different; that we must use any and all means available to extract information from suspected terrorists. Their argument might be more credible if every person who turned up on a terrorist watch list were, in fact, a terrorist. I cannot say whether Mr. Arar had ties to terrorist groups or not, but we do know that he was never charged with a crime. After enduring months of torture at the hands of the Syrians, he was released and sent back to Canada.

Nor was Mr. Arar's experience an isolated incident. A recent article in The New Yorker titled "Outsourcing Torture" provides disturbing details about how the administration embraced the use of rendition after the 9/11 attacks. Several press reports detail the CIA's use of its own Gulfstream V and Boeing 737 jets to secretly transfer detainees to countries around the world, where it is likely that they will be tortured.

The Convention Against Torture Implementation Act addresses the extraordinary rendition problem in a straightforward manner. It requires the State Department to produce annually a list of countries where torture is known to occur. The list would be based on information contained in the State Department's country reports on human rights practices. The bill prohibits the transfer of individuals to any country on this list or to any other country if there are substantial grounds for believing that the person would be tortured. It also provides reasonable exceptions to this prohibition to allow for legal extraditions and removals.

Most importantly, the bill closes the diplomatic assurances loophole. We would no longer accept assurances from governments that we know engage in torture. Our past reliance on diplomatic assurances is blatantly hypocritical. How can our State Department denounce countries for engaging in torture while the CIA secretly transfers detainees to the very same countries for interrogation? The President says he does not condone torture, but transferring detainees to other countries where they will be tortured does not absolve our government of responsibility. By outsourcing torture to these countries, we diminish our own values as a nation and lose our credibility as an advocate of human rights around the world.

Last June, in the aftermath of the Abu Ghraib scandal, the President was asked if he had authorized abusive interrogation techniques. He replied, "The authorization I issued was that anything we did would conform to U.S. law and would be consistent with international treaty obligations." The legislation I introduce today will help us fulfill the President's promise.

The Senate gave its advice and consent to the ratification of the Convention Against Torture more than a decade ago. It is time to honor our commitment and show the world that we will hold ourselves to the same standards that we demand of others.

Mr. President, I ask unanimous consent that the text of the bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 654

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Convention Against Torture Implementation Act of 2005".

SEC. 2. PROHIBITION ON CERTAIN TRANSFERS OF PERSONS.

(a) PROHIBITION.—No person in the custody or control of a department, agency, or official of the United States Government, or of any contractor of any such department or agency, shall be expelled, returned, or extradited to another country, whether directly or indirectly, if—

(1) the country is included on the most recent list submitted to Congress by the Secretary of State under section 3; or

(2) there are otherwise substantial grounds for believing that the person would be in danger of being subjected to torture.

(b) EXCEPTIONS.—

(1) WAIVERS.—

(A) AUTHORITY.—The Secretary of State may waive the prohibition in subsection (a)(1) with respect to a country if the Secretary certifies to the appropriate congressional committees that—

(i) the acts of torture that were the basis for including that country on the list have ended; and

(ii) there is in place a mechanism that assures the Secretary in a verifiable manner that a person expelled, returned, or extradited to that country will not be tortured in that country, including, at a minimum, immediate, unfettered, and continuing access, from the point of return, to such person by an independent humanitarian organization.

(B) REPORTS ON WAIVERS.—

(i) REPORTS REQUIRED.—For each person expelled, returned, or extradited under a waiver provided under subparagraph (A), the head of the appropriate government agency making such transfer shall submit to the appropriate congressional committees a report that includes the name and nationality of the person transferred, the date of transfer, the reason for such transfer, and the name of the receiving country.

(ii) FORM.—Each report under this subparagraph shall be submitted, to the extent practicable, in unclassified form, but may include a classified annex as necessary to protect the national security of the United States.

(2) EXTRADITION OR REMOVAL.—The prohibition in subsection (a)(1) may not be construed to apply to the legal extradition of a person under a bilateral or multilateral extradition treaty or to the legal removal of a person under the immigration laws of the United States if, before such extradition or removal, the person has recourse to a United States court of competent jurisdiction to challenge such extradition or removal on the basis that there are substantial grounds for believing that the person would be in danger of being subjected to torture in the receiving country.

(c) ASSURANCES INSUFFICIENT.—Written or verbal assurances made to the United States by the government of a country that persons in its custody or control will not be tortured are not sufficient for believing that a person is not in danger of being subjected to torture for purposes of subsections (a)(2) and (b)(2), or for meeting the requirement of subsection (b)(1)(A)(ii).

SEC. 3. REPORTS ON COUNTRIES USING TORTURE.

Not later than 30 days after the effective date of this Act, and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report listing each country where torture is known to be used. The list shall be compiled on the basis of the information contained in the most recent annual report of the Secretary of State submitted to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate under section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)).

SEC. 4. REGULATIONS.

(a) INTERIM REGULATIONS.—Not later than 60 days after the effective date of this Act, the heads of the appropriate government agencies shall prescribe interim regulations for the purpose of carrying out this Act and implementing the obligations of the United States under Article 3 of the Convention Against Torture, subject to any reservations, understandings, declarations, and provisos contained in the Senate resolution advising and consenting to the ratification of the Convention Against Torture, and consistent with the provisions of this Act.

(b) FINAL REGULATIONS.—Not later than 180 days after interim regulations are prescribed under subsection (a), and following a period of notice and opportunity for public comment, the heads of the appropriate government agencies shall prescribe final regulations for the purposes described in subsection (a).

SEC. 5. SAVINGS CLAUSE.

Nothing in this Act shall be construed to eliminate, limit, or constrain in any way the obligations of the United States or the rights of any individual under the Convention Against Torture or any other applicable law.

SEC. 6. REPEAL OF SUPERSEDED AUTHORITY.

Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (Public Law 105–277; 8 U.S.C. 1231 note) is repealed. Regulations promulgated under such section that are in effect on the date this Act becomes effective shall remain in effect until the heads of the appropriate government agencies issue interim regulations under section 4(a).

SEC. 7. DEFINITIONS.

(a) DEFINED TERMS.—In this Act:

(1) APPROPRIATE GOVERNMENT AGENCIES.—The term "appropriate government agencies" means—

(A) the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))); and

(B) elements of the Department of State, the Department of Defense, the Department of Homeland Security, the Department of Justice, the United States Secret Service, the United States Marshals Service, and any other Federal law enforcement, national security, intelligence, or homeland security agency that takes or assumes custody or control of persons or transports persons in its custody or control outside the United States, other than those elements listed or designated as elements of the intelligence community under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committees on Armed Services, Homeland Security and Government Affairs, Judiciary, Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committees on Armed Services, Homeland Security, Judiciary, International Relations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(3) CONVENTION AGAINST TORTURE.—The term "Convention Against Torture" means the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York on December 10, 1984, entered into force on June 26, 1987, signed by the United States on April 18, 1988, and ratified by the United States on October 21, 1994 (T. Doc. 100–20).

(4) EXPELLED PERSON.—A person who is expelled is a person who is involuntarily transferred from the territory of any country, or a port of entry thereto, to the territory of another country, or a port of entry thereto.

(5) EXTRADITED PERSON.—A person who is extradited is an accused person who, in accordance with chapter 209 of title 18, United States Code, is surrendered or delivered to another country with jurisdiction to try and punish the person.

(6) RETURNED PERSON.—A person who is returned is a person who is transferred from the territory of any country, or a port of entry thereto, to the territory of another country of which the person is a national or where the person has previously resided, or a port of entry thereto.

(b) SAME TERMS AS IN THE CONVENTION AGAINST TORTURE.—Except as otherwise provided, the terms used in this Act have the meanings given those terms in the Convention Against Torture, subject to any reservations, understandings, declarations, and provisos contained in the Senate resolution advising and consenting to the ratification of the Convention Against Torture.

SEC. 8. EFFECTIVE DATE.

This Act shall take effect on the date that is 30 days after the date of the enactment of this Act.

SEC. 9. CLASSIFICATION IN UNITED STATES CODE.

This Act shall be classified to the United States Code as a new chapter of title 50, United States Code.

Convention Against Torture Implementation Act of 2005 Section-by-Section Analysis

Sec. 1. Short Title. The Convention Against Torture Implementation Act of 2005.

Sec. 2. Prohibition on Certain Transfers of Persons. This section implements Article 3 of the Convention Against Torture, which prohibits expelling, returning, or extraditing persons to countries where they are in danger of being subjected to torture. Subsection (a) prohibits the transfer of a person in the custody or control of the United States government to a country included on a list generated by the State Department, as required by Section 3 of this Act, or to countries where there are substantial grounds for believing that the person would be in danger of being subjected to torture. Subsection (b) allows exceptions to the prohibition if the Secretary of State waives the prohibition or if the transfer is done under an extradition treaty or as a legal removal under United States immigration laws. Agencies that transfer a detainee under the waiver exception must submit a report of the transfer to appropriate congressional committees. Subsection (c) states that assurances made to the United States by another government that persons in its custody will not be tortured are not sufficient for the United States to conclude that a person will not be subjected to torture.

Sec. 3. Reports on Countries Using Torture. This section requires the Secretary of State, on an annual basis, to compile a list of countries where torture is known to be used. The United States is prohibited from transferring persons to the countries on this list, except in accordance with the exceptions contained in section 2. The list shall be compiled based on information contained in the most recent State Department country reports on human rights practices, which the Department submits annually in accordance with section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)).

Sec. 4. Regulations. This section requires appropriate government agencies (as defined in section 7) to prescribe regulations in accordance with this Act. Interim regulations must be prescribed within 60 days of the effective date of the Act. Final regulations must be prescribed, through notice and comment rulemaking, not more than 180 days thereafter.

Sec. 5. Savings Clause. This section ensures that the Act does not eliminate, limit, or constrain the obligations of the United States or the rights of any individual under the Convention Against Torture or any other applicable law.

Sec. 6. Repeal of Superseded Authority. This section repeals section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (Public Law 105–277; 8 U.S.C. 1231 note). This law also implemented Article 3 of the Convention Against Torture, but lacked specific guidance for agencies and allowed the United States to rely on diplomatic assurances that a government would not torture a person transferred to its custody. This section also requires agency regulations promulgated under section 2242 to remain in effect until the appropriate government agencies issue new regulations in accordance with section 4 of this Act.

Sec. 7. Definitions. This section defines "Appropriate Government Agencies," "Appropriate Congressional Committees," "Expelled Person," "Extradited Person," "Returned Person," and "Convention Against Torture." It also states that terms used in the Act, unless otherwise provided, have the meanings given to those terms in the Convention Against Torture.

Sec. 8. Effective Date. Makes the Act effective 30 days after its enactment.

Sec. 9. Classification in United States Code. This section requires the Act to be classified as a new chapter of title 50 in the United States Code. The superseded authority was classified as a note in title 8 in the United States Code. Given the scope and applicability of the Act, it is more accurate to classify it in the War and National Defense title than in the Aliens and Nationality title.

Mr. KENNEDY. Mr. President, the entire world continues to wait for signs that the administration takes seriously its moral and legal responsibilities to eliminate torture and abuse. It is long past time for the administration to give the American people and the world an ironclad assurance that these shameful tactics are no longer being used in any prison or detention facility under American control and that we are not outsourcing our torture to regimes well known for using them.

I strongly support the legislation that Senator LEAHY has introduced to deal with this urgent problem and to see that our Nation is not farming out abusive interrogations to other countries. The bill makes crystal clear that we can't torture by proxy.

Abhorrence to torture is a fundamental value. Our attitude toward torture speaks volumes about our national conscience, our dedication to the rule of law, and our essential ideals. 9/11 is no excuse for abandoning our ideals.

The line separating right from wrong must clearly exclude the reprehensible practice called extraordinary rendition, the ridiculous code word for torture by proxy. Article 3 of the Treaty Against Torture, which the United States has ratified, provides: "No State Party shall expel, return, or extradite a person to another State where there are substantial grounds for believing he would be in danger of being subjected to torture." The secretive U.S. practice of rendition is a violation of international law because it involves detaining prisoners without a shred of due process and delivering them for interrogation into the hands of countries known to commit torture. As one commentator noted: "In terms of bad behavior, it stands side by side with contract killings."

Ask Maher Arar. In the fall of 2002, Arar, a Canadian citizen, was returning to Montreal from a family visit in Tunisia and he made a stopover at Kennedy Airport in New York City. Acting in part on flawed intelligence from Canadian officials, U.S. Immigration officials seized Mr. Arar at the airport. He was not charged with a crime, or given a chance to talk with a lawyer. Instead, he was held in Brooklyn and interrogated for days by U.S. law enforcement authorities.

When the interrogation failed to produce incriminating information, Mr. Arar was flown to Jordan and handed over to Jordanian authorities. He was chained, blindfolded, and beaten in a van that transported him to the Syrian border. In Syria, he was placed in a small, dark cell—three feet by six feet, like a grave—and was held there for almost a year. He was slapped, beaten, and whipped on his palms, wrists, and back with an electric cable. He begged them to stop. He heard other prisoners screaming as they were tortured. He signed any confessions he was told to sign.

Mr. Arar was released in October 2003. Syrian officials told reporters that their investigators found no link between Mr. Arar and al-Qaida. His confession turned out to be worthless and his suffering was pointless. Mr. Arar is now home in Canada.

How can any of us stand idly by knowing that this country condoned and facilitated such brutality?

Tragically, Mr. Arar is not the only victim. On March 6, 60 Minutes aired a report on rendition. On the program, Michael Scheuer, a recently retired CIA official who created its rendition program, admitted that he would "have to assume" that suspects the U.S. sends to Egypt are tortured. "It's very convenient," he said. "It's finding someone else to do your dirty work."

The Defense Department has attempted to justify this tactic. On June 25, 2003, Defense Department General Counsel William Haynes wrote to Senator LEAHY, stating that whenever the U.S. transfers an individual to another country. "United States policy is to obtain specific assurances from the receiving country that it will not torture the individual being transferred to that country. We can assure you that the United States would take steps to investigate credible allegations of torture and take appropriate action if there were reason to believe that those assurances were not being honored."

Mr. Haynes' "assurances," are difficult to accept. The State Department's annual human rights report, released last month, criticized numerous countries for a range of interrogation practices it labeled as torture. The State Department identified Syria, Egypt, and Saudi Arabia, among others, as countries practicing torture. Press reports make clear that since 9/11, the U.S. has flown 100–150 suspects to countries such as these. The State Department condemns Syria for torturing its prisoners, but Mr. Haynes blindly relies on Syria's promise that the prisoners we send there will be treated humanely.

Recent press reports also suggest that the assurances of humane treatment sought by the CIA are worth very little. According to today's Washington Post, "one government official who visited several foreign prisons where suspects were rendered by the CIA said . . . 'It's widely understood that the interrogation practices that would be illegal in the U.S. are being used.'" The official also said, "they say they are not abusing them . . . but we all know they do."

According to the Post, an Arab diplomat, whose country is actively engaged in counterterrorism alongside the CIA said it was unrealistic to believe the CIA really wants to follow up on assurances. He said: "It would be stupid to keep track of them because then you would know what's going on." He said, "it's like don't ask don't tell."

So, it seems that we are not fooling anybody but the American public.

We are a Nation of laws, not hypocrites. Our country is strong and our constitutional system has endured because it permits us to do great things and still ensure that we treat people fairly and humanely. We are not supposed to "disappear" people here.

Yet, that is exactly what rendition and the related tactic of "ghost detainees" amounts to, making people vanish into a shadowy world of secret abuse. In his report on the abuses at Abu Ghraib prison, MG. Antonio Taguba wrote that prisoners had not been registered as required by Army regulations and they were being moved around to avoid detection by the Red Cross. General Taguba called the practice "deceptive, contrary to Army doctrine, and in violation of international law." Last September, Army investigators told the Senate Armed Services Committee that as many as 100 detainees at Abu Ghraib had been hidden from the Red Cross at the CIA's direction.

Last month, the Associated Press reported that one of the "ghost detainees" held at Abu Ghraib, Manadel al-Jamadi, died in November 2003 under CIA interrogation. He had been suspended by his wrists, with his hands cuffed behind his back. According to an Army guard who was asked by the interrogator to adjust al-Jamadi's position, blood gushed from his mouth "as if a faucet had been turned on" after he was released from his shackles.

Behavior like that forces us all to ask, "what has America become?"

The issue shows no signs of abating. Article 49 of the Fourth Geneva Convention states that transfers of detainees from occupied territory to any other country "are prohibited, regardless of their motive." Violations of the Article constitute "grave breaches" of the Treaty and qualify as "war crimes" under Federal law. Nevertheless, a Justice Department memorandum in March, 2004 re-interpreted the Treaty to allow the CIA to remove prisoners from Iraq for the purpose of "facilitating interrogation." According to press reports, the CIA used this "Goldsmith Memorandum" as justification to transport "as many as a dozen detainees" out of Iraq. The legal analysis in the memorandum is an embarrassment. Yet it appears to have provided the legal justification for the CIA to commit war crimes.

The New York Times recently reported that the U.S. plans to transfer as many as half the 550 detainees held at Guantanamo Bay to prisons in other countries. This week, a Federal judge blocked the government from transferring 13 citizens of Yemen until a hearing can be held on the propriety of the move. Lawyers for the detainees expressed concern that the prisoners would be delivered into the hands of torture.

Even worse, last week Attorney General Gonzales defended the practice of rendition, despite admitting that he "can't fully control" what other nations do and that he doesn't know whether countries have always complied with their promises.

Congress can't allow these shameful tactics to continue. Senator LEAHY's bill is designed to prevent them. It states that no person in the custody or control of the United States can be sent to another country on the State Department list of countries that commit torture. Nor, may any person be sent to a country, even if it is not on the State Department list, where there are grounds to believe the person would be in danger of being tortured. The bill states that mere diplomatic assurances that detainees will be treated humanely are not sufficient to permit a detainee's transfer. Instead, in certain circumstances, the act permits delivery of the detainee where there is an actual mechanism to verify that the person will not be tortured, such as by allowing unfettered access to the detainee by humanitarian organizations.

The Bush administration's has clearly condoned the use of torture and abuse by our own government, as well as handing prisoners over to other countries for the same purpose. Officials have approved and used interrogation techniques that include feigning suffocation, feigning drowning, "stress positions," sleep deprivation, and the use of unmuzzled dogs. According to one report, "The methods employed by the CIA are so severe that senior officials of the Federal Bureau of Investigation have directed its agents to stay out of many of the interviews of the high-level detainees . . . "because the FBI fears that the techniques could subject their agents to criminal lawsuits.

The anti-rendition bill offered today is a way to start addressing the problem. It deserves to pass as soon as possible. Torture and other abuses of prisoners in Iraq, Afghanistan, and Guantanamo have done immense damage to America's standing in the world and has clearly made the war on terrorism harder to win. We need to repair that damage and re-claim our national commitment to fairness and decency.

As Edmund Burke said, "The only thing necessary for the triumph of evil is for good men to do nothing." We in Congress have it in our power to prevent the triumph of an evil practice. Knowing what we now know, the Senate cannot simply look away and do nothing. I urge my colleagues to support us in ending these despicable abuses.

By Mr. ENSIGN (for himself and Ms. LANDRIEU):

S. 657. A bill to amend title XVIII of the Social Security Act to make a technical correction in the definition of outpatient speech-language pathology services; to the Committee on Finance.

Mr. ENSIGN. Mr. President, today I introduced a bill that would expand access to speech-language pathology care.

Speech-language pathology, or speech therapy, includes services for patients with speech, hearing and language disorders, which result in communication disabilities. Speech therapy also includes the diagnosis and treatment of swallowing disorders, regardless of the presence of communications disability. Communications disabilities most frequently affect patients who suffer from a stroke, tumor, head injury, or have been diagnosed with Parkinson's disease, amyotrophic lateral sclerosis (ALS), or other neuromuscular diseases.

As a result of a legislative anomaly, patients cannot receive Medicare coverage for speech-language pathology care in a private practice setting. Under the Medicare program, the same patient is able to receive such care in a hospital, skilled nursing facility, or rehabilitation facility. This bill would not create a new benefit. Rather, it would provide a technical correction to a section of Medicare statute that originated more than 30 years ago. Under current law, physical therapy and occupational therapy care can be received by patients in the private practice setting.

In 1972, speech-language pathology services were added to the Medicare statute under the physical therapy definition section. 14 years later, occupational therapy was defined under a separate section. Unlike speech-language pathology services, occupational therapy services were not incorporated within the physical therapy definition. As a result, a patient can receive both physical and occupational therapy care in an independent practice setting. The legislation I am introducing today would enable patients to likewise receive speech-language therapy services in private practice settings.

Without this legislative fix, beneficiaries may confront situations in which they either do not have access to a Medicare-covered setting or do not meet the requirements to receive care from other settings. This can be especially problematic in rural communities with fewer hospitals, skilled nursing facilities, and rehabilitation facilities.

For example, consider an elderly patient who is discharged from a hospital, but requires follow-up physical therapy and speech-language pathology care. The patient would be able to obtain necessary physical therapy care in an independent practice setting, but would not be able to receive necessary speech-language pathology care in the same setting. The patient would have to see the necessary speech-language pathology care in another Medicare setting, possibly having to travel farther distances to receive such care or not receive it all.

Essentially, the legislation I am introducing today would ensure that patients have access to speech-language pathology services, particularly in rural areas. I urge my colleagues to join me in supporting this commonsense legislation.

This legislation compliments the measure I introduced last month, called the Medicare Access to Rehabilitation Services Act (S. 438). Both bills ensure access to needed therapy care within the Medicare program. I am committed to working toward their enactment and believe that they will help Medicare beneficiaries obtain the quality health care that they deserve.

By Mr. BROWNBACK (for himself, Ms. LANDRIEU, Mr. ALLARD, Mr. BUNNING, Mr. BURR, Mr. CHAMBLISS, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DEWINE, Mrs. DOLE, Mr. DOMENICI, Mr. ENSIGN, Mr. GRAHAM, Mr. GRASSLEY, Mr. HAGEL, Mr. INHOFE, Mr. KYL, Mr. MARTINEZ, Ms. MURKOWSKI, Mr. SANTORUM, Mr. SESSIONS, Mr. SHELBY, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, and Mr. TALENT):

S. 658. A bill to amend the Public Health Service Act to prohibit human cloning; to the Committee on Health, Education, Labor, and Pensions.

Mr. BROWNBACK. Mr. President, I rise to speak on the Brownback-Landrieu Human Cloning Prohibition Act, which we introduce today.

The Brownback-Landrieu Human Cloning Prohibition Act remains the only effective ban on human cloning.

This legislation has passed the U.S. House of Representatives twice by large margins. This bill would also bring the U.S. into conformity with the recent vote at the United Nations, where the General Assembly called on all member states "to prohibit all forms of human cloning" by a strong 84 to 34 margin.

President Bush has also spoken eloquently on the Brownback-Landrieu Human Cloning Prohibition Act, when he "wholeheartedly" endorsed the legislation.

The President said: "Human cloning is deeply troubling to me, and to most Americans. Life is a creation, not a commodity.

"Our children are gifts to be loved and protected, not products to be designed and manufactured. Allowing cloning would be taking a significant step toward a society in which human beings are grown for spare body parts, and children are engineered to custom specifications; and that's not acceptable. . . .

"I strongly support a comprehensive law against all human cloning. And I endorse the bill wholeheartedly endorse the bill—sponsored by Senator BROWNBACK and Senator MARY LANDRIEU."

The President could hardly have been clearer.

We should take a stand against those that would turn young human beings into commodities and spare parts. We should not use human life for research purposes.

The legislation introduced by Sen. LANDRIEU and myself, along with over one quarter of the Senate, answers that human life should not be used for research purposes.

Let there be no doubt. Science affirms that the young human, at his or her earliest moments of life, is a human. It is wrong to treat another person as a piece of property that can be bought and sold, created and destroyed, all at the will of those in power.

The issue of human cloning—and specifically how we treat the young human—will determine the kind of future we will give to our children and grandchildren.

The essential question is whether or not we will allow human beings to be produced, to preordained specifications, for their eventual implantation or destruction, depending upon the intentions of the technicians who created them.

Will we create life simply to destroy it?

I firmly believe that human life should be cherished and that human dignity should be protected.

I also firmly believe that ethically-sound research should proceed in the search for cures. The legislation that we introduce today takes a very thoughtful approach and is careful not to ban or interfere with gene therapy, IVF practices, or DNA, cell or tissue cloning—other than with cloned embryos.

Now, some of our colleagues will tell you that they oppose 'reproductive cloning,' but then turn around and call for 'therapeutic cloning' or 'SCNT.' Whether intentional or not, to argue that there are different types of human cloning creates a distinction that simply does not exist.

All human cloning is 'reproductive.' The question is simply: What do you do with the young, cloned human? Do you implant it and bring it to birth—like the sheep Dolly—or do you research on and kill the young human being, as advocates of so-called 'therapeutic' cloning would have us do?

Any other so-called human cloning bans, outside of the Brownback-Landrieu Human Cloning Prohibition Act, are not enforceable. Once the young human has been cloned, you cannot distinguish it from any other human embryo produced by IVF or embodied sexual intercourse.

If so-called 'therapeutic' human cloning proceeds—and there are no laws in the U.S. against it—one of these human clones will be implanted, and there is nothing we can do to stop human cloning once we reach this point.

Even if we detected a clonal human pregnancy, nothing could be done about it. Any remedies or punishments would be highly unpopular and unenforceable.

As I have already stated, over a quarter of all U.S. Senators have agreed to be original cosponsors of this bill, and it is our intention to press for a clean vote in the Senate during the 109th Congress.

By Mr. HATCH (for himself, Mr. BAUCUS, Mr. GRASSLEY, and Mrs. LINCOLN):

S. 661. A bill to amend the Internal Revenue Code of 1986 to provide for the modernization of the United States Tax Court, and for other purposes, to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to introduce the Tax Court Modernization Act. I am joined in this legislation by the Chairman and Ranking Democrat of the Finance Committee, Senator GRASSLEY and Senator BAUCUS, and my colleague Senator LINCOLN.

The United States Tax Court plays an important role in our tax system. However, it has been years since Congress has taken a good hard look at the Tax Court. This bipartisan piece of legislation will improve this Court in a number of ways, and I would like to take a moment to summarize some of its provisions.

First, the TCMA would make minor changes in the Tax Court's jurisdiction. These are small changes that will have a big impact on the Court's efficiency. For example, the bill would allow the Tax Court to hire employees on its own, just as other courts do. Currently, the Tax Court is forced to hire through the Executive Branch's Office of Personnel Management, entangling the executive power with the judicial power. Restoring the constitutional separation of powers in the hiring process will increase the independence of the Tax Court.

Second, the TCMA would improve the way that Tax Court judges receive retirement benefits and other non-salary benefits. I believe that Tax Court judges should be treated the same way that bankruptcy, Court of Federal Claims, and Article III judges are treated when it comes to fringe benefits.

Tax Court judges are often not provided with the same benefits as similarly appointed Article I and Article III judges. For example, Congress allows Article III, bankruptcy, and Court of Federal Claims judges to participate in the Thrift Savings Plan in addition to the Civil Service Retirement System, while Tax Court judges are ineligible to participate in this program. These disparities in the treatment of our Tax Court judges affect the Court's ability to attract and retain seasoned judges, as well as talented employees.

This legislation is non-controversial and is the result of many years of work. The Finance Committee passed the bill three separate times during the 108th Congress, but it unfortunately was not included in a vehicle that made it to enactment. Hopefully, we will be able to get these provisions to the President's desk this year.

I have spent many years observing the Federal judiciary. I have spent many years trying to improve the Judicial Branch of our government and to make it the very finest court system the world has ever known. I look forward to working with my colleagues on the Senate Finance Committee on this important piece of legislation. I urge my colleagues, both on the Finance Committee and in the Senate as a whole, to support this legislation.

I ask unanimous consent to print in the RECORD a summary of the provisions of the U.S. Tax Court Modernization Act.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. TAX COURT MODERNIZATION ACT

SUMMARY OF PROVISIONS

Jurisdiction of Tax Court over collection due process cases. Currently, if a taxpayer's underlying tax liability does not relate to income taxes or a type of tax over which the Tax Court normally has deficiency jurisdiction, there is no opportunity for Tax Court review and the taxpayer must file in a District Court to obtain review. This provision consolidates judicial review of collection due process activity in the Tax Court.

Authority for special trial judges to hear and decide certain employment status cases. This provision clarifies that the Tax Court may authorize its special trial judges to enter decisions in employment status cases that are subject to small case proceedings under section 7436(c).

Confirmation of authority of Tax Court to apply doctrine of equitable recoupment. The common-law principle of equitable recoupment permits a party to assert an otherwise time-barred claim to reduce or defeat an opponent's claim if both claims arise from the same transaction. This provision confirms statutorily that the Tax Court may apply equitable recoupment principles to the same extent as District Courts and the Court of Federal Claims.

Tax Court filing fee in all cases commenced by filing petition. This provision clarifies, in keeping with current Tax Court procedure, that the Tax Court is authorized to impose a $60 filing fee for all cases commenced by petition. The proposal would eliminate the need to amend section 7451 each time the Tax Court is granted new jurisdiction.

Amendments to appoint employees. Currently, the Tax Court has to go to the executive branch, the Office of Personnel Management, to change a position. It is inappropriate to require the Tax Court to seek permission from the executive since that branch is a party (Commissioner of Internal Revenue) before the Tax Court. This change would allow the Tax Court to be independent in fact and perception from the Executive Branch while ensuring that basic employee rights, protections, and remedies are retained or required in an appropriate way (e.g., whistleblower protection, civil rights, merit system principles, etc.).

Expanded use of Tax Court practice fee for pro se taxpayers. The Tax Court is authorized to charge practitioners a fee of up to $30 per year and to use these fees to pursue disciplinary matters. The provision expands use of these fees to provide services to pro se taxpayers. Fees could be used for education programs for pro se taxpayers.

Annuities for survivors of Tax Court judges who are assassinated. The reality is that many people do not like to pay taxes. There is as much risk of a Tax Court judge being assassinated as any other Federal judge. The proposal would conform the treatment of Tax Court judges to District Court judges.

Cost-of-living adjustments for Tax Court judicial survivor annuities. All Federal employees have this provision except the Tax Court. Survivors of Tax Court judges are subject to an obsolete method of indexing.

Life insurance coverage for Tax Court judges. This simply codifies current Office of Personnel Management interpretation, as was previously done for District Court judges.

Cost of life insurance coverage for Tax Court judges age 65 or over. Congress established the Tax Court in 1969 and required that Tax Court judges receive the same compensation as District Court judges. The District Court judges were given this benefit to ensure that there was no diminution of their compensation (as required by the Constitution). This provision is in keeping with the original intent of Congress.

Modification of timing of lump-sum payment of judge's accrued annual leave. District Court judges are allowed to receive a lump-sum payment due to the life-time tenure of Article III judges. Tax Court judges, while they have a 15 year term, effectively have a life-time term because they are always subject to recall.

Participation of Tax Court judges in the Thrift Savings Plan. The proposal would allow Tax Court judges to participate in Thrift Savings Plan. Currently, only 19 federal government employees are left out of the Thrift Savings Plan (i.e., Tax Court judges).

Exemption of teaching compensation of retired judges for limitation on outside earned income. After retirement, Tax Court judges should have the same ability to teach as District Court judges.

General provisions relating to magistrate judges of the Tax Court. "Magistrate" is more recognizable to the American public because it is the term used by Article III courts. The provision changes the term "Special Trial Judge" to "Magistrate Judge of the United States Tax Court" and provides for alignment of term of office and removal applicable to District Court magistrate judges.

Annuities to surviving spouses and dependent children of magistrate judges of the Tax Court. This section gives Magistrates/Special Trial Judges the same advantages as Tax Court judges, thus ensuring a greater pool of participants in the fund.

Retirement and annuity program for magistrate judges. A retirement and annuity program more aligned with District Court Magistrates and the Tax Court judges is key for attracting and retaining qualified judges.

Incumbent magistrate judges of the Tax Court. The provision provides transition rules similar to those given to the District Court magistrate judges.

Provisions for recall. Article III judges are "self-recalling" (i.e., they decide for themselves whether they are recalled). In contrast, Tax Court judges are subject mandatory recall by the Chief Judge. These provisions authorize the recall in a manner similar to those now applicable to the regular judges of the Court.

Mr. BAUCUS. Mr. President, I rise today to support the United States Tax Court Modernization Act. I am pleased to be an original cosponsor of this important legislation along with Senators HATCH, GRASSLEY and LINCOLN.

In 1969, Congress elevated the U.S. Tax Court as a Federal court of record under Article I of the Constitution of the United States. Congress created the Tax Court to provide a judicial forum in which affected persons could dispute tax deficiencies determined by the Commissioner of the Internal Revenue Service prior to payment of the disputed amounts. That means that the Tax Court's jurisdictional requirements are, in part, a recognition that lower and middle income taxpayers cannot necessarily pay the tax deficiency before taking their dispute to court.

Congress also closely linked the legislation governing the Tax Court with the laws governing the Article III District Courts. Unfortunately, the Congress did not include the Tax Court in the changes made for Article III courts.

This legislation is designed to restore parity between the Tax Court and Article III courts, and to modernize their personnel and pension systems.

I thank Senator HATCH for sponsoring the legislation. I also want to thank former Senator Breaux, who sponsored the legislation in the last Congress and who was a strong advocate for the Tax Court as well as this package of modernization provisions.

This modernization package is noncontroversial and long overdue. In the 108th Congress, the Finance Committee passed the Tax Court legislation three times: as a stand alone bill, as part of the National Employee Savings and Trust Equity Guarantee Act, and as part of the Tax Administration Good Government Act.

The Finance Committee intends to mark-up the United States Tax Court Modernization Act next month. I fully expect the Committee to once again unanimously pass the legislation. I also hope that, soon after Committee action, Majority Leader FRIST and Minority Leader REID will bring the United States Tax Court Modernization Act to the floor for swift passage.

The Finance Committee and the House Ways & Means Committee fought to retain jurisdiction over the Tax Court as an Article I, rather than an Article III court. The Committees recognized the benefit to the American taxpayer of having a court composed of technical tax law experts. History has proven the wisdom of this decision. The Tax Court is composed of dedicated, talented, nonpartisan tax experts. Their commitment to public service is noble. We should recognize the commitment of our Tax Court judges by acting upon the responsibility that the Members before us, our predecessors on the Finance Committee and the House Ways and Means Committee, fought to retain by ensuring that the Tax Court modernization provisions become law during the 109th Congress.

By Ms. COLLINS (for herself, Mr. CARPER, and Mr. VOINOVICH):

S. 662. A bill to reform the postal laws of the United States; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I rise today with my friend and colleague, Senator CARPER, to introduce the Postal Accountability and Enhancement Act of 2005, a bill designed to help the 225-year-old Postal Service meet the challenges of the 21st Century. This legislation represents the culmination of a process that began in the summer of 2002 when I introduced a bill to establish a Presidential Commission charged with examining the problems the Postal Service faces, and developing specific recommendations and legislative proposals that Congress and the Postal Service could implement.

I originally introduced the Postal Accountability and Enhancement Act last May. In June of 2004, the bill was unanimously reported out of the the Homeland Security and Governmental Affairs Committee. That bill, S. 2468, had the strong endorsements of the National Rural Letter Carriers Association, the National Association of Letter Carriers, the National Association of Postmasters of the United States, and the Coalition for a 21st Century Postal Service—which represents thousands of the major mailers, employee groups, small businesses, and other users of the mail. It also had the strong bi-partisan support of twenty-two members of the United States Senate. Unfortunately, due to a variety of factors, my efforts to have the bill considered before the full Senate were stalled.

Since last Fall, Administration representatives have become actively engaged in postal reform efforts, and have given me their commitment to working with Congress to ensure passage of a reform bill this year. I have every expectation that this will be the year comprehensive postal reform legislation is signed into law.

It has long been acknowledged that the financial and operational problems confronting the Postal Service are serious. At present, the Postal Service has more than $90 billion in unfunded liabilities and obligations, which include $1.8 billion in debt to the U.S. Treasury, $7.6 billion for Workers' Compensation claims, $3.5 billion for retirement costs, and as much as $47 billion to cover retiree health care costs. The Government Accountability Office's Comptroller General, David Walker, has pointed to the urgent need for "fundamental reforms to minimize the risk of a significant taxpayer bailout or dramatic postal rate increases." The Postal Service has been on GAO's "High-Risk" List since April of 2001. The Postal Service is at risk of a "death spiral" of decreasing volume and increasing rates that lead to further decreases in volume.

In December of 2003, President Bush announced the creation of a bipartisan commission charged with identifying the operational, structural, and financial challenges facing the U.S. Postal Service. The President charged this commission with examining all significant aspects of the Postal Service with the goal of recommending legislative and administrative reforms to ensure its long-term viability.

The President's Commission conducted seven public hearings across the country at which they heard from numerous witnesses. On July 31, 2003, the Commission released its final report, making 35 legislative and administrative recommendations for the reform of the Postal Service.

As I read through the Commission's report, I was struck by what I considered the Commission's wake up call to Congress: its statement that "an incremental approach to Postal Service reform will yield too little, too late given the enterprise's bleak fiscal outlook, the depth of current debt and unfunded obligations, the downward trend in First-Class mail volumes and the limited potential of its legacy postal network that was built for a bygone era." That is a very strong statement, and one that challenged both the Postal Service and Congress to embrace far-reaching reforms.

To the relief of many, including myself, the Commission did not recommend privatization of the Postal Service. Instead, the Commission sought to find a way for the Postal Service to do, as Co-Chair Jim Johnson described to me, "an overwhelmingly better job under the same general structure."

The Postal Service plays a vital role in our economy. The Service itself employs more than 750,000 career employees. Less well known is the fact that it is also the linchpin of a $900-billion mailing industry that employs 9 million Americans in fields as diverse as direct mailing, printing, catalog production, paper manufacturing, and financial services. The health of the

Postal Service is essential to the vitality of thousands of companies and the millions that they employ.

One of the greatest challenges for the Postal Service is the decrease in mail volume as business communications, bills and payments move more and more to the Internet. The Postal Service has experienced declining volumes of First-Class mail for three straight years. This is highly significant, given that First-Class mail accounts for 48 percent of total mail volume, and the revenue it generates pays for more than two-thirds of the Postal Service's institutional costs.

The Postal Service also faces the difficult task of trying to cut costs from its nationwide infrastructure and transportation network. These costs are difficult to cut. Even though volumes may be decreasing, carriers must still deliver six days a week to more than 139 million addresses.

As Chairman of the Committee on Homeland Security and Governmental Affairs, I held a series of eight hearings, including a joint hearing with the House, during which we reviewed the recommendations of the President's Commission. The bill Senator CARPER and I introduce today reflects what the Committee learned from dozens of witnesses.

First and foremost, the Collins-Carper bill preserves the basic features of universal service—affordable rates, frequent delivery, and convenient community access to retail postal services. As a Senator representing a large, rural State, I want to ensure that my constituents living in the northern woods, or on the islands, or in our many rural small towns have the same access to postal services as the people of our cities. If the Postal Service were no longer to provide universal service and deliver mail to every customer, the affordable communication link upon which many Americans rely would be jeopardized. Most commercial enterprises would find it uneconomical, if not impossible, to deliver mail and packages to rural Americans at rates charged by the Postal Service.

The Collins-Carper bill allows the Postal Service to maintain its current mail monopoly, and retain its sole access to customer mailboxes. It grants the Postal Service Board of Governors the authority to set rates for competitive products like Express Mail and Parcel Post, as long as these prices do not result in cross subsidy from market-dominant products. As a safeguard, our bill establishes a 30 day prior review period during which the proposed rate changes shall be reviewed by the Postal Regulatory Commission.

It replaces the current lengthy and litigious rate-setting process with a rate cap-based structure for market-dominant products such as First-Class Mail, periodicals and library mail. This would allow the Postal Service to react more quickly to changes in the mailing industry. The rate caps would be linked to the Consumer Price Index. The goal would be to make rate increases more predictable and less frequent and to provide incentives for the Postal Service to operate efficiently. Price changes for market-dominant products would be subject to a 45 day prior review period by the Postal Regulatory Commission.

Our bill would introduce new safeguards against unfair competition by the Postal Service in competitive markets. Subsidization of competitive products by market-dominant products would be expressly forbidden, and an equitable allocation of institutional costs to competitive products would be required.

The President's Commission recommended that the regulator be granted the authority to make changes to the Postal Service's universal service obligation and monopoly. The vast majority of the postal community, however, shared my belief that these are important policy determinations that should be retained by Congress. The Collins-Carper bill keeps those public policy decisions in congressional hands.

The existing Postal Rate Commission would be transformed into the Postal Regulatory Commission with greatly enhanced authority. Under current law, the Rate Commission has very narrow authority. We wanted to ensure that the Postal Service management has both greater latitude and stronger oversight. Among other things, the Postal Regulatory Commission will have the authority to regulate rates for non-competitive products and services; ensure financial transparency; establish limits on the accumulation of retained earnings by the Postal Service; obtain information from the Postal Service, if need be, through the use of new subpoena power; and review and act on complaints filed by those who believe the Postal Service has exceeded its authority. Members of the Postal Regulatory Board will be selected solely on the basis of their demonstrated experience and professional standing. Senate confirmation of all Board Members will be required.

To meet the Presidential Commission's call for increased financial transparency, the Collins-Carper bill will require the Postal Service to file with the Postal Regulatory Commission certain Securities and Exchange Commission financial disclosure forms, along with detailed annual reports on the status of the Postal Service's pension and postretirement health obligations.

The Governmental Affairs Committee dedicated two hearings to the examination of the Commission's workforce-related recommendations. The Postal Service is a highly labor intensive organization, using $3 out of every $4 to pay the wages and benefits of its employees. Their workforce is comprised of more than 700,000 dedicated letter carriers, clerks, mail handlers, postmasters, and others, many of whom place great value on their right to collectively bargain. Our bill reaffirms that right. This bill only makes changes to the bargaining process that have been agreed to by both the Postal Service and the four major unions. We replace the rarely used fact-finding process with mediation, and shorten statutory deadlines for certain phases of the bargaining process.

Additionally, the Collins-Carper bill corrects what I believe to be an anomaly in the federal workers' compensation law that results in high costs for the Postal Service. Under the Federal Employees Compensation Act (FECA), federal employees with dependents are eligible for 75 percent of their take-home pay, tax free, plus cost of living allowances. In addition, there is no maximum dollar cap on FECA payments. As a result, employees often opt not to retire, staying on the more generous workers' compensation program permanently.

According to a March 2003 audit issued by the Postal Service's Office of Inspector General, the Postal Service's workers' compensation rolls include 81 cases that originated 40 to 50 years ago, with the oldest recipient being 102 years old. The IG's office found 778 cases that originated 30 to 40 years ago; and 1,189 cases that originated 20 to 29 years ago.

The Collins-Carper bill works to protect the financial resources of the Postal Service by converting workers' compensation benefits for total or partial disability to a retirement annuity when the affected employee reaches 65 years of age. This change would reflect the fact that disabled postal employees would likely retire at some point were they not receiving workers' compensation. I would like to note that the average postal employee retires far earlier than age 65, so this is still a generous program. It is important to point out that the Postal Service has reduced their workplace injury rate by twenty-eight percent over the past three years.

The Collins-Carper bill also puts into place a three-day waiting period before an employee is eligible to receive 45 days of continuation of pay. This is consistent with every state's workers' compensation program that requires a three- to seven-day waiting period before benefits are paid.

To address the President's Commission's recommendation for improved executive compensation, this bill will allow the Postal Service to raise their overall executive compensation level from Executive Level 1 to that of the Vice President. This would bring the Postal Service in line with authority granted to federal agencies. This new authority will be contingent upon the development of a meaningful performance appraisal system.

Our bill has reached an important compromise on the issue of workshare discounts. The workshare program was developed by the Postal Service and the Postal Rate Commission to enable customers to pay lower rates when they perform mail preparation or transportation activities. The language in our bill supports the principle that workshare discounts should generally not exceed the costs that the Postal Service avoids as a result of the worksharing activity. However, the bill spells out certain circumstances under which workshare discounts in excess of avoided costs are warranted.

Finally, our bill would repeal a provision of Public Law 108–18 which requires that money owed to the Postal Service due to an overpayment into the Civil Service Retirement System Fund be held in an escrow account. Repealing this provision would essentially "free up" $78 billion over a period of 60 years. These savings would be used to not only pay off debt to the U.S. Treasury and to fund health care liabilities, but also to mitigate rate increases as well. In fact, failure to release these escrow funds could mean, for mailers, a double-digit rate increase in 2006—an expense most American businesses and many consumers are ill-equipped to afford.

The bill would also return to the Department of Treasury the responsibility for funding CSRS pension benefits relating to the military service of postal retirees. No other agency is required to make this payment. Ratepayers should not be held responsible for this $27 billion obligation.

The Postal Service has reached a critical juncture. If we are to save and strengthen this vital service upon which so many Americans rely for communication and their livelihoods, the time to act is now.

I look forward to working with all of my colleagues in the Senate, and House Government Reform and Oversight Committee Chairman TOM DAVIS, who, together with Congressman JOHN MCHUGH, also recently introduced a postal reform bill, H.R. 22.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 662

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Postal Accountability and Enhancement Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—DEFINITIONS; POSTAL SERVICES

Sec. 101. Definitions.
Sec. 102. Postal services.

TITLE II—MODERN RATE REGULATION

Sec. 201. Provisions relating to market-dominant products.
Sec. 202. Provisions relating to competitive products.
Sec. 203. Provisions relating to experimental and new products.
Sec. 204. Reporting requirements and related provisions.
Sec. 205. Complaints; appellate review and enforcement.
Sec. 206. Clerical amendment.

TITLE III—MODERN SERVICE STANDARDS

Sec. 301. Establishment of modern service standards.
Sec. 302. Postal service plan.

TITLE IV—PROVISIONS RELATING TO FAIR COMPETITION

Sec. 401. Postal Service Competitive Products Fund.
Sec. 402. Assumed Federal income tax on competitive products income.
Sec. 403. Unfair competition prohibited.
Sec. 404. Suits by and against the Postal Service.
Sec. 405. International postal arrangements.

TITLE V—GENERAL PROVISIONS

Sec. 501. Qualification and term requirements for Governors.
Sec. 502. Obligations.
Sec. 503. Private carriage of letters.
Sec. 504. Rulemaking authority.
Sec. 505. Noninterference with collective bargaining agreements.
Sec. 506. Bonus authority.

TITLE VI—ENHANCED REGULATORY COMMISSION

Sec. 601. Reorganization and modification of certain provisions relating to the Postal Regulatory Commission.
Sec. 602. Authority for Postal Regulatory Commission to issue subpoenas.
Sec. 603. Appropriations for the Postal Regulatory Commission.
Sec. 604. Redesignation of the Postal Rate Commission.
Sec. 605. Financial transparency.

TITLE VII—EVALUATIONS

Sec. 701. Assessments of ratemaking, classification, and other provisions.
Sec. 702. Report on universal postal service and the postal monopoly.
Sec. 703. Study on equal application of laws to competitive products.
Sec. 704. Report on postal workplace safety and workplace-related injuries.
Sec. 705. Study on recycled paper.

TITLE VIII—POSTAL SERVICE RETIREMENT AND HEALTH BENEFITS FUNDING

Sec. 801. Short title.
Sec. 802. Civil Service Retirement System.
Sec. 803. Health insurance.
Sec. 804. Repeal of disposition of savings provision.
Sec. 805. Effective dates.

TITLE IX—COMPENSATION FOR WORK INJURIES

Sec. 901. Temporary disability; continuation of pay.
Sec. 902. Disability retirement for postal employees.

TITLE X—MISCELLANEOUS

Sec. 1001. Employment of postal police officers.
Sec. 1002. Expanded contracting authority.
Sec. 1003. Report on the United States Postal Inspection Service and the Office of the Inspector General of the United States Postal Service.
Sec. 1004. Sense of Congress regarding Postal Service purchasing reform.

TITLE I—DEFINITIONS; POSTAL SERVICES

SEC. 101. DEFINITIONS.

Section 102 of title 39, United States Code, is amended by striking "and" at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting a semicolon, and by adding at the end the following:

"(5) 'postal service' refers to the physical delivery of letters, printed matter, or packages weighing up to 70 pounds, including physical acceptance, collection, sorting, transportation, or other functions ancillary thereto;

"(6) 'product' means a postal service with a distinct cost or market characteristic for which a rate or rates are applied;

"(7) 'rates', as used with respect to products, includes fees for postal services;

"(8) 'market-dominant product' or 'product in the market-dominant category of mail' means a product subject to subchapter I of chapter 36; and

"(9) 'competitive product' or 'product in the competitive category of mail' means a product subject to subchapter II of chapter 36; and

"(10) 'year', as used in chapter 36 (other than subchapters I and VI thereof), means a fiscal year.".

SEC. 102. POSTAL SERVICES.

(a) IN GENERAL.—Section 404 of title 39, United States Code, is amended—

(1) in subsection (a), by striking paragraph (6) and by redesignating paragraphs (7) through (9) as paragraphs (6) through (8), respectively; and

(2) by adding at the end the following:

"(c) Except as provided in section 411, nothing in this title shall be considered to permit or require that the Postal Service provide any special nonpostal or similar services.".

(b) CONFORMING AMENDMENTS.—(1) Section 1402(b)(1)(B)(ii) of the Victims of Crime Act of 1984 (98 Stat. 2170; 42 U.S.C. 10601(b)(1)(B)(ii)) is amended by striking "404(a)(8)" and inserting "404(a)(7)".

(2) Section 2003(b)(1) of title 39, United States Code, is amended by striking "and nonpostal".

TITLE II—MODERN RATE REGULATION

SEC. 201. PROVISIONS RELATING TO MARKET-DOMINANT PRODUCTS.

(a) IN GENERAL.—Chapter 36 of title 39, United States Code, is amended by striking sections 3621 and 3622 and inserting the following:

"§ 3621. Applicability; definitions

"(a) APPLICABILITY.—This subchapter shall apply with respect to—

"(1) first-class mail letters and sealed parcels;

"(2) first-class mail cards;

"(3) periodicals;

"(4) standard mail;

"(5) single-piece parcel post;

"(6) media mail;

"(7) bound printed matter;

"(8) library mail;

"(9) special services; and

"(10) single-piece international mail,

subject to any changes the Postal Regulatory Commission may make under section 3642.

"(b) RULE OF CONSTRUCTION.—Mail matter referred to in subsection (a) shall, for purposes of this subchapter, be considered to have the meaning given to such mail matter under the mail classification schedule.

"§ 3622. Modern rate regulation

"(a) AUTHORITY GENERALLY.—The Postal Regulatory Commission shall, within 12 months after the date of enactment of this section, by regulation establish (and may from time to time thereafter by regulation revise) a modern system for regulating rates and classes for market-dominant products.

"(b) OBJECTIVES.—Such system shall be designed to achieve the following objectives:

"(1) To reduce the administrative burden and increase the transparency of the ratemaking process while affording reasonable opportunities for interested parties to participate in that process.

"(2) To create predictability and stability in rates.

"(3) To maximize incentives to reduce costs and increase efficiency.

"(4) To enhance mail security and deter terrorism by promoting secure, sender-identified mail.

"(5) To allow the Postal Service pricing flexibility, including the ability to use pricing to promote intelligent mail and encourage increased mail volume during nonpeak periods.

"(6) To assure adequate revenues, including retained earnings, to maintain financial stability and meet the service standards established under section 3691.

"(7) To allocate the total institutional costs of the Postal Service equitably between market-dominant and competitive products.

"(c) FACTORS.—In establishing or revising such system, the Postal Regulatory Commission shall take into account—

"(1) the establishment and maintenance of a fair and equitable schedule for rates and classification system;

"(2) the value of the mail service actually provided each class or type of mail service to both the sender and the recipient, including but not limited to the collection, mode of transportation, and priority of delivery;

"(3) the requirement that each class of mail or type of mail service bear the direct and indirect postal costs attributable to each class or type of mail service plus that portion of all other costs of the Postal Service reasonably assignable to such class or type;

"(4) the effect of rate increases upon the general public, business mail users, and enterprises in the private sector of the economy engaged in the delivery of mail matter other than letters;

"(5) the available alternative means of sending and receiving letters and other mail matter at reasonable costs;

"(6) the degree of preparation of mail for delivery into the postal system performed by the mailer and its effect upon reducing costs to the Postal Service;

"(7) simplicity of structure for the entire schedule and simple, identifiable relationships between the rates or fees charged the various classes of mail for postal services;

"(8) the relative value to the people of the kinds of mail matter entered into the postal system and the desirability and justification for special classifications and services of mail;

"(9) the importance of providing classifications with extremely high degrees of reliability and speed of delivery and of providing those that do not require high degrees of reliability and speed of delivery;

"(10) the desirability of special classifications from the point of view of both the user and of the Postal Service;

"(11) the educational, cultural, scientific, and informational value to the recipient of mail matter;

"(12) the need for the Postal Service to increase its efficiency and reduce its costs, including infrastructure costs, to help maintain high quality, affordable, universal postal service; and

"(13) the policies of this title as well as such other factors as the Commission determines appropriate.

"(d) REQUIREMENTS.—

"(1) IN GENERAL.—The system for regulating rates and classes for market-dominant products shall—

"(A) require the Postal Regulatory Commission to set annual limitations on the percentage changes in rates based on inflation using indices, such as the Consumer Price Index for All Urban Consumers unadjusted for seasonal variation over the 12-month period preceding the date the Postal Service proposes to increase rates;

"(B) establish a schedule whereby rates, when necessary and appropriate, would change at regular intervals by predictable amounts;

"(C) not later than 45 days before the implementation of any adjustment in rates under this section—

"(i) require the Postal Service to provide public notice of the adjustment;

"(ii) provide an opportunity for review by the Postal Regulatory Commission;

"(iii) provide for the Postal Regulatory Commission to notify the Postal Service of any noncompliance of the adjustment with the limitation under subparagraph (A); and

"(iv) require the Postal Service to respond to the notice provided under clause (iii) and describe the actions to be taken to comply with the limitation under subparagraph (A); and

"(D) notwithstanding any limitation set under subparagraphs (A) and (C), establish procedures whereby rates may be adjusted on an expedited basis due to unexpected and extraordinary circumstances.

"(2) LIMITATIONS.—

"(A) CLASSES OF MAIL.—The annual limitations under paragraph (1)(A) shall apply to a class of mail, as defined in the Domestic Mail Classification Schedule as in effect on the date of enactment of the Postal Accountability and Enhancement Act.

"(B) ROUNDING OF RATES AND FEES.—Nothing in this subsection shall preclude the Postal Service from rounding rates and fees to the nearest whole integer, if the effect of such rounding does not cause the overall rate increase for any class to exceed the Consumer Price Index for All Urban Consumers.

"(e) WORKSHARE DISCOUNTS.—

"(1) DEFINITION.—In this subsection, the term 'workshare discount' refers to rate discounts provided to mailers for the presorting, prebarcoding, handling, or transportation of mail, as further defined by the Postal Regulatory Commission under subsection (a).

"(2) REGULATIONS.—As part of the regulations established under subsection (a), the Postal Regulatory Commission shall establish rules for workshare discounts that ensure that such discounts do not exceed the cost that the Postal Service avoids as a result of workshare activity, unless—

"(A) the discount is—

"(i) associated with a new postal service, a change to an existing postal service, or with a new workshare initiative related to an existing postal service; and

"(ii) necessary to induce mailer behavior that furthers the economically efficient operation of the Postal Service and the portion of the discount in excess of the cost that the Postal Service avoids as a result of the workshare activity will be phased out over a limited period of time;

"(B) a reduction in the discount would—

"(i) lead to a loss of volume in the affected category or subclass of mail and reduce the aggregate contribution to the institutional costs of the Postal Service from the category or subclass subject to the discount below what it otherwise would have been if the discount had not been reduced to costs avoided;

"(ii) result in a further increase in the rates paid by mailers not able to take advantage of the discount; or

"(iii) impede the efficient operation of the Postal Service;

"(C) the amount of the discount above costs avoided—

"(i) is necessary to mitigate rate shock; and

"(ii) will be phased out over time; or

"(D) the discount is provided in connection with subclasses of mail consisting exclusively of mail matter of educational, cultural, scientific, or informational value.

"(3) REPORT.—Whenever the Postal Service establishes or maintains a workshare discount, the Postal Service shall, at the time it publishes the workshare discount rate, submit to the Postal Regulatory Commission a detailed report that—

"(A) explains the Postal Service's reasons for establishing or maintaining the rate;

"(B) sets forth the data, economic analyses, and other information relied on by the Postal Service to justify the rate; and

"(C) certifies that the discount will not adversely affect rates or services provided to users of postal services who do not take advantage of the discount rate.

"(f) TRANSITION RULE.—Until regulations under this section first take effect, rates and classes for market-dominant products shall remain subject to modification in accordance with the provisions of this chapter and section 407, as such provisions were last in effect before the date of enactment of this section.".

(b) REPEALED SECTIONS.—Sections 3623, 3624, 3625, and 3628 of title 39, United States Code, are repealed.

(c) REDESIGNATION.—Chapter 36 of title 39, United States Code (as in effect after the amendment made by section 601, but before the amendment made by section 202) is amended by striking the heading for subchapter II and inserting the following:

"SUBCHAPTER I—PROVISIONS RELATING TO MARKET-DOMINANT PRODUCTS".

SEC. 202. PROVISIONS RELATING TO COMPETITIVE PRODUCTS.

Chapter 36 of title 39, United States Code, is amended by inserting after section 3629 the following:

"SUBCHAPTER II—PROVISIONS RELATING TO COMPETITIVE PRODUCTS

"§ 3631. Applicability; definitions and updates

"(a) APPLICABILITY.—This subchapter shall apply with respect to—

"(1) priority mail;

"(2) expedited mail;

"(3) bulk parcel post;

"(4) bulk international mail; and

"(5) mailgrams;

subject to subsection (d) and any changes the Postal Regulatory Commission may make under section 3642.

"(b) DEFINITION.—For purposes of this subchapter, the term 'costs attributable', as used with respect to a product, means the direct and indirect postal costs attributable to such product.

"(c) RULE OF CONSTRUCTION.—Mail matter referred to in subsection (a) shall, for purposes of this subchapter, be considered to have the meaning given to such mail matter under the mail classification schedule.

"(d) LIMITATION.—Notwithstanding any other provision of this section, nothing in this subchapter shall be considered to apply with respect to any product then currently in the market-dominant category of mail.

"§3632. Action of the Governors

"(a) AUTHORITY TO ESTABLISH RATES AND CLASSES.—The Governors, with the written concurrence of a majority of all of the Governors then holding office, shall establish rates and classes for products in the competitive category of mail in accordance with the requirements of this subchapter and regulations promulgated under section 3633.

"(b) PROCEDURES.—

"(1) IN GENERAL.—Rates and classes shall be established in writing, complete with a statement of explanation and justification, and the date as of which each such rate or class takes effect.

"(2) PUBLIC NOTICE; REVIEW; AND COMPLIANCE.—Not later than 30 days before the date of implementation of any adjustment in rates under this section—

"(A) the Governors shall provide public notice of the adjustment and an opportunity for review by the Postal Regulatory Commission;

"(B) the Postal Regulatory Commission shall notify the Governors of any noncompliance of the adjustment with section 3633; and

"(C) the Governors shall respond to the notice provided under subparagraph (B) and describe the actions to be taken to comply with section 3633.

"(c) TRANSITION RULE.—Until regulations under section 3633 first take effect, rates and classes for competitive products shall remain subject to modification in accordance with the provisions of this chapter and section 407, as such provisions were as last in effect before the date of enactment of this section.

"§3633. Provisions applicable to rates for competitive products

"(a) IN GENERAL.—The Postal Regulatory Commission shall, within 180 days after the date of enactment of this section, promulgate (and may from time to time thereafter revise) regulations to—

"(1) prohibit the subsidization of competitive products by market-dominant products;

"(2) ensure that each competitive product covers its costs attributable; and

"(3) ensure that all competitive products collectively cover their share of the institutional costs of the Postal Service.

"(b) REVIEW OF MINIMUM CONTRIBUTION.—Five years after the date of enactment of this section, and every 5 years thereafter, the Postal Regulatory Commission shall conduct a review to determine whether the institutional costs contribution requirement under subsection (a)(3) should be retained in its current form, modified, or eliminated. In making its determination, the Commission shall consider all relevant circumstances, including the prevailing competitive conditions in the market, and the degree to which any costs are uniquely or disproportionately associated with any competitive products.".

SEC. 203. PROVISIONS RELATING TO EXPERIMENTAL AND NEW PRODUCTS.

Subchapter III of chapter 36 of title 39, United States Code, is amended to read as follows:

"SUBCHAPTER III—PROVISIONS RELATING TO EXPERIMENTAL AND NEW PRODUCTS

"§3641. Market tests of experimental products

"(a) AUTHORITY.—

"(1) IN GENERAL.—The Postal Service may conduct market tests of experimental products in accordance with this section.

"(2) PROVISIONS WAIVED.—A product shall not, while it is being tested under this section, be subject to the requirements of sections 3622, 3633, or 3642, or regulations promulgated under those sections.

"(b) CONDITIONS.—A product may not be tested under this section unless it satisfies each of the following:

"(1) SIGNIFICANTLY DIFFERENT PRODUCT.—The product is, from the viewpoint of the mail users, significantly different from all products offered by the Postal Service within the 2-year period preceding the start of the test.

"(2) MARKET DISRUPTION.—The introduction or continued offering of the product will not create an unfair or otherwise inappropriate competitive advantage for the Postal Service or any mailer, particularly in regard to small business concerns (as defined under subsection (h)).

"(3) CORRECT CATEGORIZATION.—The Postal Service identifies the product, for the purpose of a test under this section, as either market-dominant or competitive, consistent with the criteria under section 3642(b)(1). Costs and revenues attributable to a product identified as competitive shall be included in any determination under section 3633(3)(relating to provisions applicable to competitive products collectively). Any test that solely affects products currently classified as competitive, or which provides services ancillary to only competitive products, shall be presumed to be in the competitive product category without regard to whether a similar ancillary product exists for market-dominant products.

"(c) NOTICE.—

"(1) IN GENERAL.—At least 30 days before initiating a market test under this section, the Postal Service shall file with the Postal Regulatory Commission and publish in the Federal Register a notice—

"(A) setting out the basis for the Postal Service's determination that the market test is covered by this section; and

"(B) describing the nature and scope of the market test.

"(2) SAFEGUARDS.—For a competitive experimental product, the provisions of section 504(g) shall be available with respect to any information required to be filed under paragraph (1) to the same extent and in the same manner as in the case of any matter described in section 504(g)(1). Nothing in paragraph (1) shall be considered to permit or require the publication of any information as to which confidential treatment is accorded under the preceding sentence (subject to the same exception as set forth in section 504(g)(3)).

"(d) DURATION.—

"(1) IN GENERAL.—A market test of a product under this section may be conducted over a period of not to exceed 24 months.

"(2) EXTENSION AUTHORITY.—If necessary in order to determine the feasibility or desirability of a product being tested under this section, the Postal Regulatory Commission may, upon written application of the Postal Service (filed not later than 60 days before the date as of which the testing of such product would otherwise be scheduled to terminate under paragraph (1)), extend the testing of such product for not to exceed an additional 12 months.

"(e) DOLLAR-AMOUNT LIMITATION.—

"(1) IN GENERAL.—A product may only be tested under this section if the total revenues that are anticipated, or in fact received, by the Postal Service from such product do not exceed $10,000,000 in any year, subject to paragraph (2) and subsection (g).

"(2) EXEMPTION AUTHORITY.—The Postal Regulatory Commission may, upon written application of the Postal Service, exempt the market test from the limit in paragraph (1) if the total revenues that are anticipated, or in fact received, by the Postal Service from such product do not exceed $50,000,000 in any year, subject to subsection (g). In reviewing an application under this paragraph, the Postal Regulatory Commission shall approve such application if it determines that—

"(A) the product is likely to benefit the public and meet an expected demand;

"(B) the product is likely to contribute to the financial stability of the Postal Service; and

"(C) the product is not likely to result in unfair or otherwise inappropriate competition.

"(f) CANCELLATION.—If the Postal Regulatory Commission at any time determines that a market test under this section fails to meet 1 or more of the requirements of this section, it may order the cancellation of the test involved or take such other action as it considers appropriate. A determination under this subsection shall be made in accordance with such procedures as the Commission shall by regulation prescribe.

"(g) ADJUSTMENT FOR INFLATION.—For purposes of each year following the year in which occurs the deadline for the Postal Service's first report to the Postal Regulatory Commission under section 3652(a), each dollar amount contained in this section shall be adjusted by the change in the Consumer Price Index for such year (as determined under regulations of the Commission).

"(h) DEFINITION OF A SMALL BUSINESS CONCERN.—The criteria used in defining small business concerns or otherwise categorizing business concerns as small business concerns shall, for purposes of this section, be established by the Postal Regulatory Commission in conformance with the requirements of section 3 of the Small Business Act.

"(i) EFFECTIVE DATE.—Market tests under this subchapter may be conducted in any year beginning with the first year in which occurs the deadline for the Postal Service's first report to the Postal Regulatory Commission under section 3652(a).

"§3642. New products and transfers of products between the market-dominant and competitive categories of mail

"(a) IN GENERAL.—Upon request of the Postal Service or users of the mails, or upon its own initiative, the Postal Regulatory Commission may change the list of market-dominant products under section 3621 and the list of competitive products under section 3631 by adding new products to the lists, removing products from the lists, or transferring products between the lists.

"(b) CRITERIA.—All determinations by the Postal Regulatory Commission under subsection (a) shall be made in accordance with the following criteria:

"(1) The market-dominant category of products shall consist of each product in the sale of which the Postal Service exercises sufficient market power that it can effectively set the price of such product substantially above costs, raise prices significantly, decrease quality, or decrease output, without risk of losing substantial business to other firms offering similar products. The competitive category of products shall consist of all other products.

“(2) Exclusion of products covered by postal monopoly.—A product covered by the postal monopoly shall not be subject to transfer under this section from the market-dominant category of mail. For purposes of the preceding sentence, the term ‘product covered by the postal monopoly’ means any product the conveyance or transmission of which is reserved to the United States under section 1696 of title 18, subject to the same exception as set forth in the last sentence of section 409(e)(1).

“(3) Additional considerations.—In making any decision under this section, due regard shall be given to—

“(A) the availability and nature of enterprises in the private sector engaged in the delivery of the product involved;

“(B) the views of those who use the product involved on the appropriateness of the proposed action; and

“(C) the likely impact of the proposed action on small business concerns (within the meaning of section 3641(h)).

“(c) Transfers of Subclasses and Other Subordinate Units Allowable.—Nothing in this title shall be considered to prevent transfers under this section from being made by reason of the fact that they would involve only some (but not all) of the subclasses or other subordinate units of the class of mail or type of postal service involved (without regard to satisfaction of minimum quantity requirements standing alone).

“(d) Notification and Publication Requirements.—

“(1) Notification requirement.—The Postal Service shall, whenever it requests to add a product or transfer a product to a different category, file with the Postal Regulatory Commission and publish in the Federal Register a notice setting out the basis for its determination that the product satisfies the criteria under subsection (b) and, in the case of a request to add a product or transfer a product to the competitive category of mail, that the product meets the regulations promulgated by the Postal Regulatory Commission under section 3633. The provisions of section 504(g) shall be available with respect to any information required to be filed.

“(2) Publication requirement.—The Postal Regulatory Commission shall, whenever it changes the list of products in the market-dominant or competitive category of mail, prescribe new lists of products. The revised lists shall indicate how and when any previous lists (including the lists under sections 3621 and 3631) are superseded, and shall be published in the Federal Register.

“(e) Prohibition.—Except as provided in section 3641, no product that involves the physical delivery of letters, printed matter, or packages may be offered by the Postal Service unless it has been assigned to the market-dominant or competitive category of mail (as appropriate) either—

“(1) under this subchapter; or

“(2) by or under any other provision of law.”.

SEC. 204. REPORTING REQUIREMENTS AND RELATED PROVISIONS.

(a) Redesignation.—Chapter 36 of title 39, United States Code (as in effect before the amendment made by subsection (b)) is amended—

(1) by striking the heading for subchapter IV and inserting the following:

“SUBCHAPTER V—POSTAL SERVICES, COMPLAINTS, AND JUDICIAL REVIEW”; and

(2) by striking the heading for subchapter V and inserting the following:

“SUBCHAPTER VI—GENERAL”.

(b) Reports and Compliance.—Chapter 36 of title 39, United States Code, is amended by inserting after subchapter III the following:

“SUBCHAPTER IV—REPORTING REQUIREMENTS AND RELATED PROVISIONS

“§ 3651. Annual reports by the Commission

“(a) In General.—The Postal Regulatory Commission shall submit an annual report to the President and the Congress concerning the operations of the Commission under this title, including the extent to which regulations are achieving the objectives under sections 3622, 3633, and 3691.

“(b) Information From Postal Service.—The Postal Service shall provide the Postal Regulatory Commission with such information as may, in the judgment of the Commission, be necessary in order for the Commission to prepare its reports under this section.

“§ 3652. Annual reports to the Commission

“(a) Costs, Revenues, Rates, and Service.—Except as provided in subsection (c), the Postal Service shall, no later than 90 days after the end of each year, prepare and submit to the Postal Regulatory Commission a report (together with such nonpublic annex to the report as the Commission may require under subsection (e))—

“(1) which shall analyze costs, revenues, rates, and quality of service in sufficient detail to demonstrate that all products during such year complied with all applicable requirements of this title; and

“(2) which shall, for each market-dominant product provided in such year, provide—

“(A) product information, including mail volumes; and

“(B) measures of the service afforded by the Postal Service in connection with such product, including—

“(i) the level of service (described in terms of speed of delivery and reliability) provided; and

“(ii) the degree of customer satisfaction with the service provided.

Before submitting a report under this subsection (including any annex to the report and the information required under subsection (b)), the Postal Service shall have the information contained in such report (and annex) audited by the Inspector General. The results of any such audit shall be submitted along with the report to which it pertains.

“(b) Information Relating to Workshare Discounts.—The Postal Service shall include, in each report under subsection (a), the following information with respect to each market-dominant product for which a workshare discount was in effect during the period covered by such report:

“(1) The per-item cost avoided by the Postal Service by virtue of such discount.

“(2) The percentage of such per-item cost avoided that the per-item workshare discount represents.

“(3) The per-item contribution made to institutional costs.

“(c) Service Agreements and Market Tests.—In carrying out subsections (a) and (b) with respect to service agreements and experimental products offered through market tests under section 3641 in a year, the Postal Service—

“(1) may report summary data on the costs, revenues, and quality of service by service agreement and market test; and

“(2) shall report such data as the Postal Regulatory Commission requires.

“(d) Supporting Matter.—The Postal Regulatory Commission shall have access, in accordance with such regulations as the Commission shall prescribe, to the working papers and any other supporting matter of the Postal Service and the Inspector General in connection with any information submitted under this section.

“(e) Content and Form of Reports.—

“(1) In general.—The Postal Regulatory Commission shall, by regulation, prescribe the content and form of the public reports (and any nonpublic annex and supporting matter relating to the report) to be provided by the Postal Service under this section. In carrying out this subsection, the Commission shall give due consideration to—

“(A) providing the public with timely, adequate information to assess the lawfulness of rates charged;

“(B) avoiding unnecessary or unwarranted administrative effort and expense on the part of the Postal Service; and

“(C) protecting the confidentiality of commercially sensitive information.

“(2) Revised requirements.—The Commission may, on its own motion or on request of an interested party, initiate proceedings (to be conducted in accordance with regulations that the Commission shall prescribe) to improve the quality, accuracy, or completeness of Postal Service data required by the Commission under this subsection whenever it shall appear that—

“(A) the attribution of costs or revenues to products has become significantly inaccurate or can be significantly improved;

“(B) the quality of service data has become significantly inaccurate or can be significantly improved; or

“(C) such revisions are, in the judgment of the Commission, otherwise necessitated by the public interest.

“(f) Confidential Information.—

“(1) In general.—If the Postal Service determines that any document or portion of a document, or other matter, which it provides to the Postal Regulatory Commission in a nonpublic annex under this section or under subsection (d) contains information which is described in section 410(c) of this title, or exempt from public disclosure under section 552(b) of title 5, the Postal Service shall, at the time of providing such matter to the Commission, notify the Commission of its determination, in writing, and describe with particularity the documents (or portions of documents) or other matter for which confidentiality is sought and the reasons therefor.

“(2) Treatment.—Any information or other matter described in paragraph (1) to which the Commission gains access under this section shall be subject to paragraphs (2) and (3) of section 504(g) in the same way as if the Commission had received notification with respect to such matter under section 504(g)(1).

“(g) Other Reports.—The Postal Service shall submit to the Postal Regulatory Commission, together with any other submission that the Postal Service is required to make under this section in a year, copies of its then most recent—

“(1) comprehensive statement under section 2401(e);

“(2) strategic plan under section 2802;

“(3) performance plan under section 2803; and

“(4) program performance reports under section 2804.

"§ 3653. Annual determination of compliance

"(a) OPPORTUNITY FOR PUBLIC COMMENT.—After receiving the reports required under section 3652 for any year, the Postal Regulatory Commission shall promptly provide an opportunity for comment on such reports by users of the mails, affected parties, and an officer of the Commission who shall be required to represent the interests of the general public.

"(b) DETERMINATION OF COMPLIANCE OR NONCOMPLIANCE.—Not later than 90 days after receiving the submissions required under section 3652 with respect to a year, the Postal Regulatory Commission shall make a written determination as to—

"(1) whether any rates or fees in effect during such year (for products individually or collectively) were not in compliance with applicable provisions of this chapter (or regulations promulgated thereunder); or

"(2) whether any service standards in effect during such year were not met.

If, with respect to a year, no instance of noncompliance is found under this subsection to have occurred in such year, the written determination shall be to that effect.

"(c) IF ANY NONCOMPLIANCE IS FOUND.—If, for a year, a timely written determination of noncompliance is made under subsection (b), the Postal Regulatory Commission shall take any appropriate remedial action authorized by section 3662(c).

"(d) REBUTTABLE PRESUMPTION.—A timely written determination described in the last sentence of subsection (b) shall, for purposes of any proceeding under section 3662, create a rebuttable presumption of compliance by the Postal Service (with regard to the matters described under paragraphs (1) and (2) of subsection (b)) during the year to which such determination relates.".

SEC. 205. COMPLAINTS; APPELLATE REVIEW AND ENFORCEMENT.

Chapter 36 of title 39, United States Code, is amended by striking sections 3662 and 3663 and inserting the following:

"§ 3662. Rate and service complaints

"(a) IN GENERAL.—Any person (including an officer of the Postal Regulatory Commission representing the interests of the general public) who believes the Postal Service is not operating in conformance with the requirements of chapter 1, 4, or 6, or this chapter (or regulations promulgated under any of those chapters) may lodge a complaint with the Postal Regulatory Commission in such form and manner as the Commission may prescribe.

"(b) PROMPT RESPONSE REQUIRED.—

"(1) IN GENERAL.—The Postal Regulatory Commission shall, within 90 days after receiving a complaint under subsection (a), either—

"(A) begin proceedings on such complaint; or

"(B) issue an order dismissing the complaint (together with a statement of the reasons therefor).

"(2) TREATMENT OF COMPLAINTS NOT TIMELY ACTED ON.—For purposes of section 3663, any complaint under subsection (a) on which the Commission fails to act in the time and manner required by paragraph (1) shall be treated in the same way as if it had been dismissed under an order issued by the Commission on the last day allowable for the issuance of such order under paragraph (1).

"(c) ACTION REQUIRED IF COMPLAINT FOUND TO BE JUSTIFIED.—If the Postal Regulatory Commission finds the complaint to be justified, it shall order that the Postal Service take such action as the Commission considers appropriate in order to achieve compliance with the applicable requirements and to remedy the effects of any noncompliance including ordering unlawful rates to be adjusted to lawful levels, ordering the cancellation of market tests, ordering the Postal Service to discontinue providing loss-making products, and requiring the Postal Service to make up for revenue shortfalls in competitive products.

"(d) AUTHORITY TO ORDER FINES IN CASES OF DELIBERATE NONCOMPLIANCE.—In addition, in cases of deliberate noncompliance by the Postal Service with the requirements of this title, the Postal Regulatory Commission may order, based on the nature, circumstances, extent, and seriousness of the noncompliance, a fine (in the amount specified by the Commission in its order) for each incidence of noncompliance. Fines resulting from the provision of competitive products shall be paid out of the Competitive Products Fund established in section 2011. All receipts from fines imposed under this subsection shall be deposited in the general fund of the Treasury of the United States.

"§ 3663. Appellate review

"A person, including the Postal Service, adversely affected or aggrieved by a final order or decision of the Postal Regulatory Commission may, within 30 days after such order or decision becomes final, institute proceedings for review thereof by filing a petition in the United States Court of Appeals for the District of Columbia. The court shall review the order or decision in accordance with section 706 of title 5, and chapter 158 and section 2112 of title 28, on the basis of the record before the Commission.

"§ 3664. Enforcement of orders

"The several district courts have jurisdiction specifically to enforce, and to enjoin and restrain the Postal Service from violating, any order issued by the Postal Regulatory Commission.".

SEC. 206. CLERICAL AMENDMENT.

Chapter 36 of title 39, United States Code, is amended by striking the heading and analysis for such chapter and inserting the following:

"CHAPTER 36—POSTAL RATES, CLASSES, AND SERVICES

"SUBCHAPTER I—PROVISIONS RELATING TO MARKET-DOMINANT PRODUCTS

"Sec.
"3621. Applicability; definitions.
"3622. Modern rate regulation.
"[3623. Repealed.]
"[3624. Repealed.]
"[3625. Repealed.]
"3626. Reduced Rates.
"3627. Adjusting free rates.
"[3628. Repealed.]
"3629. Reduced rates for voter registration purposes.

"SUBCHAPTER II—PROVISIONS RELATING TO COMPETITIVE PRODUCTS

"3631. Applicability; definitions and updates.
"3632. Action of the Governors.
"3633. Provisions applicable to rates for competitive products.
"3634. Assumed Federal income tax on competitive products.

"SUBCHAPTER III—PROVISIONS RELATING TO EXPERIMENTAL AND NEW PRODUCTS

"3641. Market tests of experimental products.
"3642. New products and transfers of products between the market-dominant and competitive categories of mail.

"SUBCHAPTER IV—REPORTING REQUIREMENTS AND RELATED PROVISIONS

"3651. Annual reports by the Commission.
"3652. Annual reports to the Commission.
"3653. Annual determination of compliance.

"SUBCHAPTER V—POSTAL SERVICES, COMPLAINTS, AND JUDICIAL REVIEW

"3661. Postal Services.
"3662. Rate and service complaints.
"3663. Appellate review.
"3664. Enforcement of orders.

"SUBCHAPTER VI—GENERAL

"3681. Reimbursement.
"3682. Size and weight limits.
"3683. Uniform rates for books; films, other materials.
"3684. Limitations.
"3685. Filing of information relating to periodical publications.
"3686. Bonus authority.

"SUBCHAPTER VII—MODERN SERVICE STANDARDS

"3691. Establishment of modern service standards.".

TITLE III—MODERN SERVICE STANDARDS

SEC. 301. ESTABLISHMENT OF MODERN SERVICE STANDARDS.

Chapter 36 of title 39, United States Code, as amended by this Act, is further amended by adding at the end the following:

"SUBCHAPTER VII—MODERN SERVICE STANDARDS

"§ 3691. Establishment of modern service standards

"(a) AUTHORITY GENERALLY.—Not later than 12 months after the date of enactment of this section, the Postal Service shall, in consultation with the Postal Regulatory Commission, by regulation establish (and may from time to time thereafter by regulation revise) a set of service standards for market-dominant products consistent with the Postal Service's universal service obligation as defined in sections 101 (a) and (b) and 403.

"(b) OBJECTIVES.—Such standards shall be designed to achieve the following objectives:

"(1) To enhance the value of postal services to both senders and recipients.

"(2) To preserve regular and effective access to postal services in all communities, including those in rural areas or where post offices are not self-sustaining.

"(3) To reasonably assure Postal Service customers delivery reliability, speed and frequency consistent with reasonable rates and best business practices.

"(4) To provide a system of objective external performance measurements for each market-dominant product as a basis for measurement of Postal Service performance.

"(c) FACTORS.—In establishing or revising such standards, the Postal Service shall take into account—

"(1) the actual level of service that Postal Service customers receive under any service guidelines previously established by the Postal Service or service standards established under this section;

"(2) the degree of customer satisfaction with Postal Service performance in the acceptance, processing and delivery of mail;

"(3) the needs of Postal Service customers, including those with physical impairments;

"(4) mail volume and revenues projected for future years;

"(5) the projected growth in the number of addresses the Postal Service will be required to serve in future years;

"(6) the current and projected future cost of serving Postal Service customers;

"(7) the effect of changes in technology, demographics, and population distribution on the efficient and reliable operation of the postal delivery system; and

"(8) the policies of this title and such other factors as the Commission determines appropriate.

"(d) Review.—The regulations promulgated pursuant to this section (and any revisions thereto) shall be subject to review upon complaint under sections 3662 and 3663.

SEC. 302. POSTAL SERVICE PLAN.

(a) In General.—Within 6 months after the establishment of the service standards under section 3691 of title 39, United States Code, as added by this Act, the Postal Service shall, in consultation with the Postal Regulatory Commission, develop and submit to Congress a plan for meeting those standards.

(b) Contents.—The plan under this section shall—

(1) establish performance goals;

(2) describe any changes to the Postal Service's processing, transportation, delivery, and retail networks necessary to allow the Postal Service to meet the performance goals;

(3) describe any changes to planning and performance management documents previously submitted to Congress to reflect new performance goals; and

(4) contain the matters relating to postal facilities provided under subsection (c).

(c) Postal Facilities.—

(1) Findings.—Congress finds that—

(A) the Postal Service has more than 400 logistics facilities, separate from its post office network;

(B) as noted by the President's Commission on the United States Postal Service, the Postal Service has more facilities than it needs and the streamlining of this distribution network can pave the way for the potential consolidation of sorting facilities and the elimination of excess costs;

(C) the Postal Service has always revised its distribution network to meet changing conditions and is best suited to address its operational needs; and

(D) Congress strongly encourages the Postal Service to—

(i) expeditiously move forward in its streamlining efforts; and

(ii) keep unions, management associations, and local elected officials informed as an essential part of this effort and abide by any procedural requirements contained in the national bargaining agreements.

(2) In general.—The Postal Service plan shall include a description of—

(A) the long-term vision of the Postal Service for rationalizing its infrastructure and workforce; and

(B) how the Postal Service intends to implement that vision.

(3) Content of facilities plan.—The plan under this subsection shall include—

(A) a strategy for how the Postal Service intends to rationalize the postal facilities network and remove excess processing capacity and space from the network, including estimated timeframes, criteria, and processes to be used for making changes to the facilities network, and the process for engaging policy makers and the public in related decisions;

(B) a discussion of what impact any facility changes may have on the postal workforce and whether the Postal Service has sufficient flexibility to make needed workforce changes; and

(C) an identification of anticipated costs, cost savings, and other benefits associated with the infrastructure rationalization alternatives discussed in the plan.

(4) Annual reports.—

(A) In general.—Not later than 90 days after the end of each fiscal year, the Postal Service shall prepare and submit a report to Congress on how postal decisions have impacted or will impact rationalization plans.

(B) Contents.—Each report under this paragraph shall include—

(i) an account of actions taken during the preceding fiscal year to improve the efficiency and effectiveness of its processing, transportation, and distribution networks while preserving the timely delivery of postal services, including overall estimated costs and cost savings;

(ii) an account of actions taken to identify any excess capacity within its processing, transportation, and distribution networks and implement savings through realignment or consolidation of facilities including overall estimated costs and cost savings;

(iii) an estimate of how postal decisions related to mail changes, security, automation initiatives, worksharing, information technology systems, excess capacity, consolidating and closing facilities, and other areas will impact rationalization plans;

(iv) identification of any statutory or regulatory obstacles that prevented or will prevent or hinder the Postal Service from taking action to realign or consolidate facilities; and

(v) such additional topics and recommendations as the Postal Service considers appropriate.

(d) Alternate Retail Options.—The Postal Service plan shall include plans to expand and market retail access to postal services, in addition to post offices, including—

(1) vending machines;

(2) the Internet;

(3) Postal Service employees on delivery routes;

(4) retail facilities in which overhead costs are shared with private businesses and other government agencies; or

(5) any other nonpost office access channel providing market retail access to postal services.

(e) Reemployment Assistance and Retirement Benefits.—The Postal Service plan shall include—

(1) a plan under which reemployment assistance shall be afforded to employees displaced as a result of the automation of any of its functions or the closing and consolidation of any of its facilities; and

(2) a plan, developed in consultation with the Office of Personnel Management, to offer early retirement benefits.

(f) Inspector General Report.—

(1) In general.—Before submitting the plan under subsection (a) and each annual report under subsection (c) to Congress, the Postal Service shall submit the plan and each annual report to the Inspector General of the United States Postal Service in a timely manner to carry out this subsection.

(2) Report.—The Inspector General shall prepare a report describing the extent to which the Postal Service plan and each annual report under subsection (c)—

(A) are consistent with the continuing obligations of the Postal Service under title 39, United States Code;

(B) provide for the Postal Service to meet the service standards established under section 3691 of title 39, United States Code; and

(C) allow progress toward improving overall efficiency and effectiveness consistent with the need to maintain universal postal service at affordable rates.

(g) Continued Authority.—Nothing in this section shall be construed to prohibit the Postal Service from implementing any change to its processing, transportation, delivery, and retail networks under any authority granted to the Postal Service for those purposes.

TITLE IV—PROVISIONS RELATING TO FAIR COMPETITION

SEC. 401. POSTAL SERVICE COMPETITIVE PRODUCTS FUND.

(a) Provisions Relating to Postal Service Competitive Products Fund and Related Matters.—

(1) In general.—Chapter 20 of title 39, United States Code, is amended by adding at the end the following:

"§ 2011. Provisions relating to competitive products

"(a)(1) In this subsection, the term 'costs attributable' has the meaning given such term by section 3631.

"(2) There is established in the Treasury of the United States a revolving fund, to be called the Postal Service Competitive Products Fund, which shall be available to the Postal Service without fiscal year limitation for the payment of—

"(A) costs attributable to competitive products; and

"(B) all other costs incurred by the Postal Service, to the extent allocable to competitive products.

"(b) There shall be deposited in the Competitive Products Fund, subject to withdrawal by the Postal Service—

"(1) revenues from competitive products;

"(2) amounts received from obligations issued by Postal Service under subsection (e);

"(3) interest and dividends earned on investments of the Competitive Products Fund; and

"(4) any other receipts of the Postal Service (including from the sale of assets), to the extent allocable to competitive products.

"(c) If the Postal Service determines that the moneys of the Competitive Products Fund are in excess of current needs, the Postal Service may request the investment of such amounts as the Postal Service determines advisable by the Secretary of the Treasury in obligations of, or obligations guaranteed by, the Government of the United States, and, with the approval of the Secretary, in such other obligations or securities as the Postal Service determines appropriate.

"(d) With the approval of the Secretary of the Treasury, the Postal Service may deposit moneys of the Competitive Products Fund in any Federal Reserve bank, any depository for public funds, or in such other places and in such manner as the Postal Service and the Secretary may mutually agree.

"(e)(1)(A) Subject to the limitations specified in section 2005(a), the Postal Service is authorized to borrow money and to issue and sell such obligations as the Postal Service determines necessary to provide for competitive products and deposit such amounts in the Competitive Products Fund.

"(B) Subject to paragraph (5), any borrowings by the Postal Service under subparagraph (A) shall be supported and serviced by—

"(i) the revenues and receipts from competitive products and the assets related to the provision of competitive products (as determined under subsection (h)); or

"(ii) for purposes of any period before accounting practices and principles under subsection (h) have been established and applied, the best information available from the Postal Service, including the audited statements required by section 2008(e).

"(2) The Postal Service may enter into binding covenants with the holders of such obligations, and with any trustee under any agreement entered into in connection with the issuance of such obligations with respect to—

"(A) the establishment of reserve, sinking, and other funds;

"(B) application and use of revenues and receipts of the Competitive Products Fund;

"(C) stipulations concerning the subsequent issuance of obligations or the execution of leases or lease purchases relating to properties of the Postal Service; and

"(D) such other matters as the Postal Service, considers necessary or desirable to enhance the marketability of such obligations.

"(3) Obligations issued by the Postal Service under this subsection—

"(A) shall be in such forms and denominations;

"(B) shall be sold at such times and in such amounts;

"(C) shall mature at such time or times;

"(D) shall be sold at such prices;

"(E) shall bear such rates of interest;

"(F) may be redeemable before maturity in such manner, at such times, and at such redemption premiums;

"(G) may be entitled to such relative priorities of claim on the assets of the Postal Service with respect to principal and interest payments; and

"(H) shall be subject to such other terms and conditions,

as the Postal Service determines.

"(4) Obligations issued by the Postal Service under this subsection—

"(A) shall be negotiable or nonnegotiable and bearer or registered instruments, as specified therein and in any indenture or covenant relating thereto;

"(B) shall contain a recital that such obligations are issued under this subsection, and such recital shall be conclusive evidence of the regularity of the issuance and sale of such obligations and of their validity;

"(C) shall be lawful investments and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of any officer or agency of the Government of the United States, and the Secretary of the Treasury or any other officer or agency having authority over or control of any such fiduciary, trust, or public funds, may at any time sell any of the obligations of the Postal Service acquired under this section;

"(D) shall not be exempt either as to principal or interest from any taxation now or hereafter imposed by any State or local taxing authority; and

"(E) except as provided in section 2006(c), shall not be obligations of, nor shall payment of the principal thereof or interest thereon be guaranteed by, the Government of the United States, and the obligations shall so plainly state.

"(5)(A) Subject to subparagraph (B), the Postal Service shall make payments of principal, or interest, or both on obligations issued under this subsection from—

"(i) revenues and receipts from competitive products and assets related to the provision of competitive products (as determined under subsection (h)); or

"(ii) for purposes of any period before accounting practices and principles under subsection (h) have been established and applied, the best information available, including the audited statements required by section 2008(e).

"(B) Based on the audited financial statements for the most recently completed fiscal year, the total assets of the Competitive Products Fund may not be less than the amount determined by multiplying—

"(i) the quotient resulting from the total revenue of the Competitive Products Fund divided by the total revenue of the Postal Service; and

"(ii) the total assets of the Postal Service.

"(f) The receipts and disbursements of the Competitive Products Fund shall be accorded the same budgetary treatment as is accorded to receipts and disbursements of the Postal Service Fund under section 2009a.

"(g) A judgment (or settlement of a claim) against the Postal Service or the Government of the United States shall be paid out of the Competitive Products Fund to the extent that the judgment or claim arises out of activities of the Postal Service in the provision of competitive products.

"(h)(1)(A) The Secretary of the Treasury, in consultation with the Postal Service and an independent, certified public accounting firm and other advisors as the Secretary considers appropriate, shall develop recommendations regarding—

"(i) the accounting practices and principles that should be followed by the Postal Service with the objectives of—

"(I) identifying and valuing the assets and liabilities of the Postal Service associated with providing competitive products, including the capital and operating costs incurred by the Postal Service in providing such competitive products; and

"(II) subject to subsection (e)(5), preventing the subsidization of such products by market-dominant products; and

"(ii) the substantive and procedural rules that should be followed in determining the assumed Federal income tax on competitive products income of the Postal Service for any year (within the meaning of section 3634).

"(B) Not earlier than 6 months after the date of enactment of this section, and not later than 12 months after such date, the Secretary of the Treasury shall submit the recommendations under subparagraph (A) to the Postal Regulatory Commission.

"(2)(A) Upon receiving the recommendations of the Secretary of the Treasury under paragraph (1), the Commission shall give interested parties, including the Postal Service, users of the mails, and an officer of the Commission who shall be required to represent the interests of the general public, an opportunity to present their views on those recommendations through submission of written data, views, or arguments with or without opportunity for oral presentation, or in such other manner as the Commission considers appropriate.

"(B)(i) After due consideration of the views and other information received under subparagraph (A), the Commission shall by rule—

"(I) provide for the establishment and application of the accounting practices and principles which shall be followed by the Postal Service;

"(II) provide for the establishment and application of the substantive and procedural rules described under paragraph (1)(A)(ii); and

"(III) provide for the submission by the Postal Service to the Postal Regulatory Commission of annual and other periodic reports setting forth such information as the Commission may require.

"(ii) Final rules under this subparagraph shall be issued not later than 12 months after the date on which recommendations are submitted under paragraph (1) (or by such later date on which the Commission and the Postal Service may agree). The Commission may revise such rules.

"(C)(i) Reports described under subparagraph (B)(i)(III) shall be submitted at such time and in such form, and shall include such information, as the Commission by rule requires.

"(ii) The Commission may, on its own motion or on request of an interested party, initiate proceedings (to be conducted in accordance with such rules as the Commission shall prescribe) to improve the quality, accuracy, or completeness of Postal Service information under subparagraph (B)(i)(III) whenever it shall appear that—

"(I) the quality of the information furnished in those reports has become significantly inaccurate or can be significantly improved; or

"(II) such revisions are, in the judgment of the Commission, otherwise necessitated by the public interest.

"(D) A copy of each report described under subparagraph (B)(i)(III) shall be submitted by the Postal Service to the Secretary of the Treasury and the Inspector General of the United States Postal Service.

"(i)(1) The Postal Service shall submit an annual report to the Secretary of the Treasury concerning the operation of the Competitive Products Fund. The report shall address such matters as risk limitations, reserve balances, allocation or distribution of moneys, liquidity requirements, and measures to safeguard against losses.

"(2) A copy of the most recent report submitted under paragraph (1) shall be included in the annual report submitted by the Postal Regulatory Commission under section 3652(g).".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 20 of title 39, United States Code, is amended by adding after the item relating to section 2010 the following:

"2011. Provisions relating to competitive products.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITION.—Section 2001 of title 39, United States Code, is amended by striking "and" at the end of paragraph (1), by redesignating paragraph (2) as paragraph (3), and by inserting after paragraph (1) the following:

"(2) COMPETITIVE PRODUCTS FUND.—The term 'Competitive Products Fund' means the Postal Service Competitive Products Fund established by section 2011; and".

(2) CAPITAL OF THE POSTAL SERVICE.—Section 2002(b) of title 39, United States Code, is amended by striking "Fund." and inserting "Fund and the balance in the Competitive Products Fund.".

(3) POSTAL SERVICE FUND.—

(A) PURPOSES FOR WHICH AVAILABLE.—Section 2003(a) of title 39, United States Code, is amended by striking "title." and inserting "title (other than any of the purposes, functions, or powers for which the Competitive Products Fund is available).".

(B) DEPOSITS.—Section 2003(b) of title 39, United States Code, is amended by striking "There" and inserting "Except as otherwise provided in section 2011, there".

(4) RELATIONSHIP BETWEEN THE TREASURY AND THE POSTAL SERVICE.—Section 2006 of title 39, United States Code, is amended—

(A) in subsection (a), in the first sentence, by inserting "or 2011" after "section 2005";

(B) in subsection (b)—

(i) in the first sentence, by inserting "under section 2005" before "in such amounts"; and

(ii) in the second sentence, by inserting "under section 2005" before "in excess of such amount."; and

(C) in subsection (c), by inserting "or 2011(e)(4)(E)" after "section 2005(d)(5)".

SEC. 402. ASSUMED FEDERAL INCOME TAX ON COMPETITIVE PRODUCTS INCOME.

Subchapter II of chapter 36 of title 39, United States Code, as amended by section 202, is amended by adding at the end the following:

"§ 3634. Assumed Federal income tax on competitive products income

"(a) Definitions.—For purposes of this section—

"(1) the term 'assumed Federal income tax on competitive products income' means the net income tax that would be imposed by chapter 1 of the Internal Revenue Code of 1986 on the Postal Service's assumed taxable income from competitive products for the year; and

"(2) the term 'assumed taxable income from competitive products', with respect to a year, refers to the amount representing what would be the taxable income of a corporation under the Internal Revenue Code of 1986 for the year, if—

"(A) the only activities of such corporation were the activities of the Postal Service allocable under section 2011(h) to competitive products; and

"(B) the only assets held by such corporation were the assets of the Postal Service allocable under section 2011(h) to such activities.

"(b) Computation and Transfer Requirements.—The Postal Service shall, for each year beginning with the year in which occurs the deadline for the Postal Service's first report to the Postal Regulatory Commission under section 3652(a)—

"(1) compute its assumed Federal income tax on competitive products income for such year; and

"(2) transfer from the Competitive Products Fund to the Postal Service Fund the amount of that assumed tax.

"(c) Deadline for Transfers.—Any transfer required to be made under this section for a year shall be due on or before the January 15th next occurring after the close of such year.".

SEC. 403. UNFAIR COMPETITION PROHIBITED.

(a) Specific Limitations.—Chapter 4 of title 39, United States Code, is amended by adding after section 404 the following:

"§ 404a. Specific limitations

"(a) Except as specifically authorized by law, the Postal Service may not—

"(1) establish any rule or regulation (including any standard) the effect of which is to preclude competition or establish the terms of competition unless the Postal Service demonstrates that the regulation does not create an unfair competitive advantage for itself or any entity funded (in whole or in part) by the Postal Service;

"(2) compel the disclosure, transfer, or licensing of intellectual property to any third party (such as patents, copyrights, trademarks, trade secrets, and proprietary information); or

"(3) obtain information from a person that provides (or seeks to provide) any product, and then offer any postal service that uses or is based in whole or in part on such information, without the consent of the person providing that information, unless substantially the same information is obtained (or obtainable) from an independent source or is otherwise obtained (or obtainable).

"(b) The Postal Regulatory Commission shall prescribe regulations to carry out this section.

"(c) Any party (including an officer of the Commission representing the interests of the general public) who believes that the Postal Service has violated this section may bring a complaint in accordance with section 3662.".

(b) Conforming Amendments.—

(1) General powers.—Section 401 of title 39, United States Code, is amended by striking "The" and inserting "Subject to the provisions of section 404a, the".

(2) Specific powers.—Section 404(a) of title 39, United States Code, is amended by striking "Without" and inserting "Subject to the provisions of section 404a, but otherwise without".

(c) Clerical Amendment.—The analysis for chapter 4 of title 39, United States Code, is amended by inserting after the item relating to section 404 the following:

"404a. Specific limitations.".

SEC. 404. SUITS BY AND AGAINST THE POSTAL SERVICE.

(a) In General.—Section 409 of title 39, United States Code, is amended by striking subsections (d) and (e) and inserting the following:

"(d)(1) For purposes of the provisions of law cited in paragraphs (2)(A) and (2)(B), respectively, the Postal Service—

"(A) shall be considered to be a 'person', as used in the provisions of law involved; and

"(B) shall not be immune under any other doctrine of sovereign immunity from suit in Federal court by any person for any violation of any of those provisions of law by any officer or employee of the Postal Service.

"(2) This subsection applies with respect to—

"(A) the Act of July 5, 1946 (commonly referred to as the 'Trademark Act of 1946' (15 U.S.C. 1051 and following)); and

"(B) the provisions of section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair or deceptive acts or practices.

"(e)(1) To the extent that the Postal Service, or other Federal agency acting on behalf of or in concert with the Postal Service, engages in conduct with respect to any product which is not reserved to the United States under section 1696 of title 18, the Postal Service or other Federal agency (as the case may be)—

"(A) shall not be immune under any doctrine of sovereign immunity from suit in Federal court by any person for any violation of Federal law by such agency or any officer or employee thereof; and

"(B) shall be considered to be a person (as defined in subsection (a) of the first section of the Clayton Act) for purposes of—

"(i) the antitrust laws (as defined in such subsection); and

"(ii) section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition.

For purposes of the preceding sentence, any private carriage of mail allowable by virtue of section 601 shall not be considered a service reserved to the United States under section 1696 of title 18.

"(2) No damages, interest on damages, costs or attorney's fees may be recovered, and no criminal liability may be imposed, under the antitrust laws (as so defined) from any officer or employee of the Postal Service, or other Federal agency acting on behalf of or in concert with the Postal Service, acting in an official capacity.

"(3) This subsection shall not apply with respect to conduct occurring before the date of enactment of this subsection.

"(f) To the extent that the Postal Service engages in conduct with respect to the provision of competitive products, it shall be considered a person for the purposes of the Federal bankruptcy laws.

"(g)(1) Each building constructed or altered by the Postal Service shall be constructed or altered, to the maximum extent feasible as determined by the Postal Service, in compliance with 1 of the nationally recognized model building codes and with other applicable nationally recognized codes. To the extent practicable, model building codes should meet the voluntary consensus criteria established for codes and standards as required in the National Technology Transfer and Advancement Act of 1995 as defined in Office of Management and Budget Circular A1190. For purposes of life safety, the Postal Service shall continue to comply with the most current edition of the Life Safety Code of the National Fire Protection Association (NFPA 101).

"(2) Each building constructed or altered by the Postal Service shall be constructed or altered only after consideration of all requirements (other than procedural requirements) of zoning laws, land use laws, and applicable environmental laws of a State or subdivision of a State which would apply to the building if it were not a building constructed or altered by an establishment of the Government of the United States.

"(3) For purposes of meeting the requirements of paragraphs (1) and (2) with respect to a building, the Postal Service shall—

"(A) in preparing plans for the building, consult with appropriate officials of the State or political subdivision, or both, in which the building will be located;

"(B) upon request, submit such plans in a timely manner to such officials for review by such officials for a reasonable period of time not exceeding 30 days; and

"(C) permit inspection by such officials during construction or alteration of the building, in accordance with the customary schedule of inspections for construction or alteration of buildings in the locality, if such officials provide to the Postal Service—

"(i) a copy of such schedule before construction of the building is begun; and

"(ii) reasonable notice of their intention to conduct any inspection before conducting such inspection.

Nothing in this subsection shall impose an obligation on any State or political subdivision to take any action under the preceding sentence, nor shall anything in this subsection require the Postal Service or any of its contractors to pay for any action taken by a State or political subdivision to carry out this subsection (including reviewing plans, carrying out on-site inspections, issuing building permits, and making recommendations).

"(4) Appropriate officials of a State or a political subdivision of a State may make recommendations to the Postal Service concerning measures necessary to meet the requirements of paragraphs (1) and (2). Such officials may also make recommendations to the Postal Service concerning measures which should be taken in the construction or alteration of the building to take into account local conditions. The Postal Service shall give due consideration to any such recommendations.

"(5) In addition to consulting with local and State officials under paragraph (3), the Postal Service shall establish procedures for soliciting, assessing, and incorporating local community input on real property and land use decisions.

"(6) For purposes of this subsection, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States.

"(h)(1) Notwithstanding any other provision of law, legal representation may not be furnished by the Department of Justice to the Postal Service in any action, suit, or proceeding arising, in whole or in part, under any of the following:

"(A) Subsection (d) or (e) of this section.

"(B) Subsection (f) or (g) of section 504 (relating to administrative subpoenas by the Postal Regulatory Commission).

"(C) Section 3663 (relating to appellate review).

The Postal Service may, by contract or otherwise, employ attorneys to obtain any legal representation that it is precluded from obtaining from the Department of Justice under this paragraph.

"(2) In any circumstance not covered by paragraph (1), the Department of Justice shall, under section 411, furnish the Postal Service such legal representation as it may require, except that, with the prior consent of the Attorney General, the Postal Service may, in any such circumstance, employ attorneys by contract or otherwise to conduct litigation brought by or against the Postal Service or its officers or employees in matters affecting the Postal Service.

"(3)(A) In any action, suit, or proceeding in a court of the United States arising in whole or in part under any of the provisions of law referred to in subparagraph (B) or (C) of paragraph (1), and to which the Commission is not otherwise a party, the Commission shall be permitted to appear as a party on its own motion and as of right.

"(B) The Department of Justice shall, under such terms and conditions as the Commission and the Attorney General shall consider appropriate, furnish the Commission such legal representation as it may require in connection with any such action, suit, or proceeding, except that, with the prior consent of the Attorney General, the Commission may employ attorneys by contract or otherwise for that purpose.

"(i) A judgment against the Government of the United States arising out of activities of the Postal Service shall be paid by the Postal Service out of any funds available to the Postal Service, subject to the restriction specified in section 2011(g).".

(b) TECHNICAL AMENDMENT.—Section 409(a) of title 39, United States Code, is amended by striking "Except as provided in section 3628 of this title," and inserting "Except as otherwise provided in this title,".

SEC. 405. INTERNATIONAL POSTAL ARRANGEMENTS.

(a) IN GENERAL.—Section 407 of title 39, United States Code, is amended to read as follows:

"§407. International postal arrangements

"(a) It is the policy of the United States—

"(1) to promote and encourage communications between peoples by efficient operation of international postal services and other international delivery services for cultural, social, and economic purposes;

"(2) to promote and encourage unrestricted and undistorted competition in the provision of international postal services and other international delivery services, except where provision of such services by private companies may be prohibited by law of the United States;

"(3) to promote and encourage a clear distinction between governmental and operational responsibilities with respect to the provision of international postal services; and

"(4) to participate in multilateral and bilateral agreements with other countries to accomplish these objectives.

"(b)(1) The Secretary of State shall be responsible for formulation, coordination, and oversight of foreign policy related to international postal services and shall have the power to conclude postal treaties and conventions, except that the Secretary may not conclude any postal treaty or convention if such treaty or convention would, with respect to any competitive product, grant an undue or unreasonable preference to the Postal Service, a private provider of international postal services, or any other person.

"(2) In carrying out the responsibilities specified in paragraph (1), the Secretary of State shall exercise primary authority for the conduct of foreign policy with respect to international postal services, including the determination of United States positions and the conduct of United States participation in negotiations with foreign governments and international bodies. In exercising this authority, the Secretary—

"(A) shall coordinate with other agencies as appropriate, and in particular, should consider the authority vested by law or Executive order in the Postal Regulatory Commission, the Department of Commerce, the Department of Transportation, and the Office of the United States Trade Representative in this area;

"(B) shall maintain continuing liaison with other executive branch agencies concerned with postal and delivery services;

"(C) shall maintain continuing liaison with the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives;

"(D) shall maintain appropriate liaison with both representatives of the Postal Service and representatives of users and private providers of international postal services and other international delivery services to keep informed of their interests and problems, and to provide such assistance as may be needed to ensure that matters of concern are promptly considered by the Department of State or (if applicable, and to the extent practicable) other executive branch agencies; and

"(E) shall assist in arranging meetings of such public sector advisory groups as may be established to advise the Department of State and other executive branch agencies in connection with international postal services and international delivery services.

"(3) The Secretary of State shall establish an advisory committee (within the meaning of the Federal Advisory Committee Act) to perform such functions as the Secretary considers appropriate in connection with carrying out subparagraphs (A) through (D) of paragraph (2).

"(c) Before concluding any postal treaty or convention that establishes a rate or classification for a product subject to subchapter I of chapter 36, the Secretary of State shall request the Postal Regulatory Commission to submit its views on whether such rate or classification is consistent with the standards and criteria established by the Commission under section 3622.

"(d) Nothing in this section shall be considered to prevent the Postal Service from entering into such commercial or operational contracts related to providing international postal services as it deems appropriate, except that—

"(1) any such contract made with an agency of a foreign government (whether under authority of this subsection or otherwise) shall be solely contractual in nature and may not purport to be binding under international law; and

"(2) a copy of each such contract between the Postal Service and an agency of a foreign government shall be transmitted to the Secretary of State and the Postal Regulatory Commission not later than the effective date of such contract.

"(e)(1) With respect to shipments of international mail that are competitive products within the meaning of section 3631 that are exported or imported by the Postal Service, the Customs Service and other appropriate Federal agencies shall apply the customs laws of the United States and all other laws relating to the importation or exportation of such shipments in the same manner to both shipments by the Postal Service and similar shipments by private companies.

"(2) In exercising the authority under subsection (b) to conclude new postal treaties and conventions related to international postal services and to renegotiate such treaties and conventions, the Secretary of State shall, to the maximum extent practicable, take such measures as are within the Secretary's control to encourage the governments of other countries to make available to the Postal Service and private companies a range of nondiscriminatory customs procedures that will fully meet the needs of all types of American shippers. The Secretary of State shall consult with the United States Trade Representative and the Commissioner of Customs in carrying out this paragraph.

"(3) The provisions of this subsection shall take effect 6 months after the date of enactment of this subsection or such earlier date as the Customs Service may determine in writing.".

(b) EFFECTIVE DATE.—Notwithstanding any provision of the amendment made by subsection (a), the authority of the United States Postal Service to establish the rates of postage or other charges on mail matter conveyed between the United States and other countries shall remain available to the Postal Service until—

(1) with respect to market-dominant products, the date as of which the regulations promulgated under section 3622 of title 39, United States Code (as amended by section 201(a)) take effect; and

(2) with respect to competitive products, the date as of which the regulations promulgated under section 3633 of title 39, United States Code (as amended by section 202) take effect.

TITLE V—GENERAL PROVISIONS

SEC. 501. QUALIFICATION AND TERM REQUIREMENTS FOR GOVERNORS.

(a) QUALIFICATIONS.—

(1) IN GENERAL.—Section 202(a) of title 39, United States Code, is amended by striking "(a)" and inserting "(a)(1)" and by striking the fourth sentence and inserting the following: "The Governors shall represent the public interest generally, and shall be chosen solely on the basis of their demonstrated ability in managing organizations or corporations (in either the public or private sector) of substantial size. Experience in the fields of law and accounting shall be considered in making appointments of Governors. The Governors shall not be representatives of specific interests using the Postal Service, and may be removed only for cause.".

(2) APPLICABILITY.—The amendment made by paragraph (1) shall not affect the appointment or tenure of any person serving as a Governor of the United States Postal Service under an appointment made before the date

of enactment of this Act however, when any such office becomes vacant, the appointment of any person to fill that office shall be made in accordance with such amendment. The requirement set forth in the fourth sentence of section 202(a)(1) of title 39, United States Code (as amended by subsection (a)) shall be met beginning not later than 9 years after the date of enactment of this Act.

(b) CONSULTATION REQUIREMENT.—Section 202(a) of title 39, United States Code, is amended by adding at the end the following:

“(2) In selecting the individuals described in paragraph (1) for nomination for appointment to the position of Governor, the President should consult with the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate.”.

(c) 5-YEAR TERMS.—

(1) IN GENERAL.—Section 202(b) of title 39, United States code, is amended in the first sentence by striking “9 years” and inserting “5 years”.

(2) APPLICABILITY.—

(A) CONTINUATION BY INCUMBENTS.—The amendment made by paragraph (1) shall not affect the tenure of any person serving as a Governor of the United States Postal Service on the date of enactment of this Act and such person may continue to serve the remainder of the applicable term.

(B) VACANCY BY INCUMBENT BEFORE 5 YEARS OF SERVICE.—If a person who is serving as a Governor of the United States Postal Service on the date of enactment of this Act resigns, is removed, or dies before the expiration of the 9-year term of that Governor, and that Governor has served less than 5 years of that term, the resulting vacancy in office shall be treated as a vacancy in a 5-year term.

(C) VACANCY BY INCUMBENT AFTER 5 YEARS OF SERVICE.—If a person who is serving as a Governor of the United States Postal Service on the date of enactment of this Act resigns, is removed, or dies before the expiration of the 9-year term of that Governor, and that Governor has served 5 years or more of that term, that term shall be deemed to have been a 5-year term beginning on its commencement date for purposes of determining vacancies in office. Any appointment to the vacant office shall be for a 5-year term beginning at the end of the original 9-year term determined without regard to the deeming under the preceding sentence. Nothing in this subparagraph shall be construed to affect any action or authority of any Governor or the Board of Governors during any portion of a 9-year term deemed to be 5-year term under this subparagraph.

(d) TERM LIMITATION.—

(1) IN GENERAL.—Section 202(b) of title 39, United States Code, is amended—

(A) by inserting “(1)” after “(b)”; and

(B) by adding at the end the following:

“(2) No person may serve more than 3 terms as a Governor.”.

(2) APPLICABILITY.—The amendments made by paragraph (1) shall not affect the tenure of any person serving as a Governor of the United States Postal Service on the date of enactment of this Act with respect to the term which that person is serving on that date. Such person may continue to serve the remainder of the applicable term, after which the amendments made by paragraph (1) shall apply.

SEC. 502. OBLIGATIONS.

(a) PURPOSES FOR WHICH OBLIGATIONS MAY BE ISSUED.—The first sentence of section 2005(a)(1) of title 39, United States Code, is amended by striking “title.” and inserting “title, other than any of the purposes for which the corresponding authority is available to the Postal Service under section 2011.”.

(b) INCREASE RELATING TO OBLIGATIONS ISSUED FOR CAPITAL IMPROVEMENTS.—Section 2005(a)(1) of title 39, United States Code, is amended by striking the third sentence.

(c) AMOUNTS WHICH MAY BE PLEDGED.—

(1) OBLIGATIONS TO WHICH PROVISIONS APPLY.—The first sentence of section 2005(b) of title 39, United States Code, is amended by striking “such obligations,” and inserting “obligations issued by the Postal Service under this section,”.

(2) ASSETS, REVENUES, AND RECEIPTS TO WHICH PROVISIONS APPLY.—Subsection (b) of section 2005 of title 39, United States Code, is amended by striking “(b)” and inserting “(b)(1)”, and by adding at the end the following:

“(2) Notwithstanding any other provision of this section—

“(A) the authority to pledge assets of the Postal Service under this subsection shall be available only to the extent that such assets are not related to the provision of competitive products (as determined under section 2011(h) or, for purposes of any period before accounting practices and principles under section 2011(h) have been established and applied, the best information available from the Postal Service, including the audited statements required by section 2008(e)); and

“(B) any authority under this subsection relating to the pledging or other use of revenues or receipts of the Postal Service shall be available only to the extent that they are not revenues or receipts of the Competitive Products Fund.”.

SEC. 503. PRIVATE CARRIAGE OF LETTERS.

(a) IN GENERAL.—Section 601 of title 39, United States Code, is amended by striking subsection (b) and inserting the following:

“(b) A letter may also be carried out of the mails when—

“(1) the amount paid for the private carriage of the letter is at least the amount equal to 6 times the rate then currently charged for the 1st ounce of a single-piece first class letter;

“(2) the letter weighs at least 12½ ounces; or

“(3) such carriage is within the scope of services described by regulations of the United States Postal Service (as in effect on July 1, 2001) that permit private carriage by suspension of the operation of this section (as then in effect).

“(c) Any regulations necessary to carry out this section shall be promulgated by the Postal Regulatory Commission.”.

(b) EFFECTIVE DATE.—This section shall take effect on the date as of which the regulations promulgated under section 3633 of title 39, United States Code (as amended by section 202) take effect.

SEC. 504. RULEMAKING AUTHORITY.

Paragraph (2) of section 401 of title 39, United States Code, is amended to read as follows:

“(2) to adopt, amend, and repeal such rules and regulations, not inconsistent with this title, as may be necessary in the execution of its functions under this title and such other functions as may be assigned to the Postal Service under any provisions of law outside of this title;”.

SEC. 505. NONINTERFERENCE WITH COLLECTIVE BARGAINING AGREEMENTS.

(a) LABOR DISPUTES.—Section 1207 of title 39, United States Code, is amended to read as follows:

“§ 1207. Labor disputes

“(a) If there is a collective-bargaining agreement in effect, no party to such agreement shall terminate or modify such agreement unless the party desiring such termination or modification serves written notice upon the other party to the agreement of the proposed termination or modification not less than 90 days prior to the expiration date thereof, or not less than 90 days prior to the time it is proposed to make such termination or modification. The party serving such notice shall notify the Federal Mediation and Conciliation Service of the existence of a dispute within 45 days after such notice, if no agreement has been reached by that time.

“(b) If the parties fail to reach agreement or to adopt a procedure providing for a binding resolution of a dispute by the expiration date of the agreement in effect, or the date of the proposed termination or modification, the Director of the Federal Mediation and Conciliation Service shall within 10 days appoint a mediator of nationwide reputation and professional stature, and who is also a member of the National Academy of Arbitrators. The parties shall cooperate with the mediator in an effort to reach an agreement and shall meet and negotiate in good faith at such times and places that the mediator, in consultation with the parties, shall direct.

“(c)(1) If no agreement is reached within 60 days after the expiration or termination of the agreement or the date on which the agreement became subject to modification under subsection (a) of this section, or if the parties decide upon arbitration but do not agree upon the procedures therefore, an arbitration board shall be established consisting of 3 members, 1 of whom shall be selected by the Postal Service, 1 by the bargaining representative of the employees, and the third by the 2 thus selected. If either of the parties fails to select a member, or if the members chosen by the parties fail to agree on the third person within 5 days after their first meeting, the selection shall be made from a list of names provided by the Director. This list shall consist of not less then 9 names of arbitrators of nationwide reputation and professional nature, who are also members of the National Academy of Arbitrators, and whom the Director has determined are available and willing to serve.

“(2) The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims, and an opportunity to present their case in person, by counsel or by other representative as they may elect. Decisions of the arbitration board shall be conclusive and binding upon the parties. The arbitration board shall render its decision within 45 days after its appointment.

“(3) Costs of the arbitration board and mediation shall be shared equally by the Postal Service and the bargaining representative.

“(d) In the case of a bargaining unit whose recognized collective-bargaining representative does not have an agreement with the Postal Service, if the parties fail to reach the agreement within 90 days after the commencement of collective bargaining, a mediator shall be appointed in accordance with the terms in subsection (b) of this section, unless the parties have previously agreed to another procedure for a binding resolution of their differences. If the parties fail to reach agreement within 180 days after the commencement of collective bargaining, and if they have not agreed to another procedure for binding resolution, an arbitration board shall be established to provide conclusive and binding arbitration in accordance with the terms of subsection (c) of this section.”.

(b) NONINTERFERENCE WITH COLLECTIVE BARGAINING AGREEMENTS.—Except as otherwise provided by the amendment made by subsection (a), nothing in this Act shall restrict, expand, or otherwise affect any of the rights, privileges, or benefits of either employees of or labor organizations representing employees of the United States Postal Service under chapter 12 of title 39, United States Code, the National Labor Relations Act, any handbook or manual affecting employee labor relations within the United States Postal Service, or any collective bargaining agreement.

(c) FREE MAILING PRIVILEGES CONTINUE UNCHANGED.—Nothing in this Act or any amendment made by this Act shall affect any free mailing privileges accorded under section 3217 or sections 3403 through 3406 of title 39, United States Code.

SEC. 506. BONUS AUTHORITY.

Chapter 36 of title 39, United States Code, is amended by inserting after section 3685 the following:

“§ 3686. Bonus authority

“(a) IN GENERAL.—The Postal Service may establish 1 or more programs to provide bonuses or other rewards to officers and employees of the Postal Service in senior executive or equivalent positions to achieve the objectives of this chapter.

“(b) LIMITATION ON TOTAL COMPENSATION.—

“(1) IN GENERAL.—Under any such program, the Postal Service may award a bonus or other reward in excess of the limitation set forth in the last sentence of section 1003(a), if such program has been approved under paragraph (2). Any such award or bonus may not cause the total compensation of such officer or employee to exceed the total annual compensation payable to the Vice President under section 104 of title 3 as of the end of the calendar year in which the bonus or award is paid.

“(2) APPROVAL PROCESS.—If the Postal Service wishes to have the authority, under any program described in subsection (a), to award bonuses or other rewards in excess of the limitation set forth in the last sentence of section 1003(a)—

“(A) the Postal Service shall make an appropriate request to the Board of Governors of the Postal Service in such form and manner as the Board requires; and

“(B) the Board of Governors shall approve any such request if the Board certifies, for the annual appraisal period involved, that the performance appraisal system for affected officers and employees of the Postal Service (as designed and applied) makes meaningful distinctions based on relative performance.

“(3) REVOCATION AUTHORITY.—If the Board of Governors of the Postal Service finds that a performance appraisal system previously approved under paragraph (2)(B) does not (as designed and applied) make meaningful distinctions based on relative performance, the Board may revoke or suspend the authority of the Postal Service to continue a program approved under paragraph (2) until such time as appropriate corrective measures have, in the judgment of the Board, been taken.

“(c) REPORTING REQUIREMENT RELATING TO BONUSES OR OTHER REWARDS.—Included in its comprehensive statement under section 2401(e) for any period shall be—

“(1) the name of each person receiving a bonus or other reward during such period which would not have been allowable but for the provisions of subsection (b);

“(2) the amount of the bonus or other reward; and

“(3) the amount by which the limitation referred to in subsection (b)(1) was exceeded as a result of such bonus or other reward.”.

TITLE VI—ENHANCED REGULATORY COMMISSION

SEC. 601. REORGANIZATION AND MODIFICATION OF CERTAIN PROVISIONS RELATING TO THE POSTAL REGULATORY COMMISSION.

(a) TRANSFER AND REDESIGNATION.—Title 39, United States Code, is amended—

(1) by inserting after chapter 4 the following:

“CHAPTER 5—POSTAL REGULATORY COMMISSION

“Sec.
“501. Establishment.
“502. Commissioners.
“503. Rules; regulations; procedures.
“504. Administration.
“505. Officer of the Postal Regulatory Commission representing the general public.

“§ 501. Establishment

“The Postal Regulatory Commission is an independent establishment of the executive branch of the Government of the United States.

“§ 502. Commissioners

“(a) The Postal Regulatory Commission is composed of 5 Commissioners, appointed by the President, by and with the advice and consent of the Senate. The Commissioners shall be chosen solely on the basis of their technical qualifications; professional standing, and demonstrated expertise in economics, accounting, law, or public administration, and may be removed by the President only for cause. Each individual appointed to the Commission shall have the qualifications and expertise necessary to carry out the enhanced responsibilities accorded Commissioners under the Postal Accountability and Enhancement Act. Not more than 3 of the Commissioners may be adherents of the same political party.

“(b) No Commissioner shall be financially interested in any enterprise in the private sector of the economy engaged in the delivery of mail matter.

“(c) A Commissioner may continue to serve after the expiration of his term until his successor has qualified, except that a Commissioner may not so continue to serve for more than 1 year after the date upon which his term otherwise would expire under subsection (f).

“(d) One of the Commissioners shall be designated as Chairman by, and shall serve in the position of Chairman at the pleasure of, the President.

“(e) The Commissioners shall by majority vote designate a Vice Chairman of the Commission. The Vice Chairman shall act as Chairman of the Commission in the absence of the Chairman.

“(f) The Commissioners shall serve for terms of 6 years.”;

(2) by striking, in subchapter I of chapter 36 (as in effect before the amendment made by section 201(c)), the heading for such subchapter I and all that follows through section 3602;

(3) by redesignating sections 3603 and 3604 as sections 503 and 504, respectively, and transferring such sections to the end of chapter 5 (as inserted by paragraph (1)); and

(4) by adding after such section 504 the following:

“§ 505. Officer of the Postal Regulatory Commission representing the general public

“The Postal Regulatory Commission shall designate an officer of the Postal Regulatory Commission in all public proceedings who shall represent the interests of the general public.”.

(b) APPLICABILITY.—The amendment made by subsection (a)(1) shall not affect the appointment or tenure of any person serving as a Commissioner on the Postal Regulatory Commission (as so redesignated by section 604) under an appointment made before the date of enactment of this Act or any nomination made before that date, but, when any such office becomes vacant, the appointment of any person to fill that office shall be made in accordance with such amendment.

(c) CLERICAL AMENDMENT.—The analysis for part I of title 39, United States Code, is amended by inserting after the item relating to chapter 4 the following:

“5. Postal Regulatory Commission .. 501”

SEC. 602. AUTHORITY FOR POSTAL REGULATORY COMMISSION TO ISSUE SUBPOENAS.

Section 504 of title 39, United States Code (as so redesignated by section 601) is amended by adding at the end the following:

“(f)(1) Any Commissioner of the Postal Regulatory Commission, any administrative law judge appointed by the Commission under section 3105 of title 5, and any employee of the Commission designated by the Commission may administer oaths, examine witnesses, take depositions, and receive evidence.

“(2) The Chairman of the Commission, any Commissioner designated by the Chairman, and any administrative law judge appointed by the Commission under section 3105 of title 5 may, with respect to any proceeding conducted by the Commission under this title or to obtain information to be used to prepare a report under this title—

“(A) issue subpoenas requiring the attendance and presentation of testimony by, or the production of documentary or other evidence in the possession of, any covered person; and

“(B) order the taking of depositions and responses to written interrogatories by a covered person.

The written concurrence of a majority of the Commissioners then holding office shall, with respect to each subpoena under subparagraph (A), be required in advance of its issuance.

“(3) In the case of contumacy or failure to obey a subpoena issued under this subsection, upon application by the Commission, the district court of the United States for the district in which the person to whom the subpoena is addressed resides or is served may issue an order requiring such person to appear at any designated place to testify or produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt thereof.

“(4) For purposes of this subsection, the term ‘covered person’ means an officer, employee, agent, or contractor of the Postal Service.

“(g)(1) If the Postal Service determines that any document or other matter it provides to the Postal Regulatory Commission under a subpoena issued under subsection (f), or otherwise at the request of the Commission in connection with any proceeding or other purpose under this title, contains information which is described in section 410(c) of this title, or exempt from public disclosure under section 552(b) of title 5, the Postal Service shall, at the time of providing such matter to the Commission, notify the Commission, in writing, of its determination (and the reasons therefor).

“(2) Except as provided in paragraph (3), no officer or employee of the Commission may, with respect to any information as to which the Commission has been notified under paragraph (1)—

"(A) use such information for purposes other than the purposes for which it is supplied; or

"(B) permit anyone who is not an officer or employee of the Commission to have access to any such information.

"(3)(A) Paragraph (2) shall not prohibit the Commission from publicly disclosing relevant information in furtherance of its duties under this title, provided that the Commission has adopted regulations under section 553 of title 5, that establish a procedure for according appropriate confidentiality to information identified by the Postal Service under paragraph (1). In determining the appropriate degree of confidentiality to be accorded information identified by the Postal Service under paragraph (1), the Commission shall balance the nature and extent of the likely commercial injury to the Postal Service against the public interest in maintaining the financial transparency of a government establishment competing in commercial markets.

"(B) Paragraph (2) shall not prevent the Commission from requiring production of information in the course of any discovery procedure established in connection with a proceeding under this title. The Commission shall, by regulations based on rule 26(c) of the Federal Rules of Civil Procedure, establish procedures for ensuring appropriate confidentiality for information furnished to any party.".

SEC. 603. APPROPRIATIONS FOR THE POSTAL REGULATORY COMMISSION.

(a) Authorization of Appropriations.—Subsection (d) of section 504 of title 39, United States Code (as so redesignated by section 601) is amended to read as follows:

"(d) There are authorized to be appropriated, out of the Postal Service Fund, such sums as may be necessary for the Postal Regulatory Commission. In requesting an appropriation under this subsection for a fiscal year, the Commission shall prepare and submit to the Congress under section 2009 a budget of the Commission's expenses, including expenses for facilities, supplies, compensation, and employee benefits.".

(b) Budget Program.—

(1) In general.—The next to last sentence of section 2009 of title 39, United States Code, is amended to read as follows: "The budget program shall also include separate statements of the amounts which (1) the Postal Service requests to be appropriated under subsections (b) and (c) of section 2401, (2) the Office of Inspector General of the United States Postal Service requests to be appropriated, out of the Postal Service Fund, under section 8G(f) of the Inspector General Act of 1978, and (3) the Postal Regulatory Commission requests to be appropriated, out of the Postal Service Fund, under section 504(d) of this title.".

(2) Conforming amendment.—Section 2003(e)(1) of title 39, United States Code, is amended by striking the first sentence and inserting the following: "The Fund shall be available for the payment of (A) all expenses incurred by the Postal Service in carrying out its functions as provided by law, subject to the same limitation as set forth in the parenthetical matter under subsection (a); (B) all expenses of the Postal Regulatory Commission, subject to the availability of amounts appropriated under section 504(d); and (C) all expenses of the Office of Inspector General, subject to the availability of amounts appropriated under section 8G(f) of the Inspector General Act of 1978.".

(c) Effective Date.—

(1) In general.—The amendments made by this section shall apply with respect to fiscal years beginning on or after October 1, 2002.

(2) Savings provision.—The provisions of title 39, United States Code, that are amended by this section shall, for purposes of any fiscal year before the first fiscal year to which the amendments made by this section apply, continue to apply in the same way as if this section had never been enacted.

SEC. 604. REDESIGNATION OF THE POSTAL RATE COMMISSION.

(a) Amendments to Title 39, United States Code.—Title 39, United States Code, is amended in sections 404, 503 and 504 (as so redesignated by section 601), 1001 and 1002, by striking "Postal Rate Commission" each place it appears and inserting "Postal Regulatory Commission";

(b) Amendments to Title 5, United States Code.—Title 5, United States Code, is amended in sections 104(1), 306(f), 2104(b), 3371(3), 5314 (in the item relating to Chairman, Postal Rate Commission), 5315 (in the item relating to Members, Postal Rate Commission), 5514(a)(5)(B), 7342(a)(1)(A), 7511(a)(1)(B)(ii), 8402(c)(1), 8423(b)(1)(B), and 8474(c)(4) by striking "Postal Rate Commission" and inserting "Postal Regulatory Commission".

(c) Amendment to the Ethics in Government Act of 1978.—Section 101(f)(6) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking "Postal Rate Commission" and inserting "Postal Regulatory Commission".

(d) Amendment to the Rehabilitation Act of 1973.—Section 501(b) of the Rehabilitation Act of 1973 (29 U.S.C. 791(b)) is amended by striking "Postal Rate Office" and inserting "Postal Regulatory Commission".

(e) Amendment to Title 44, United States Code.—Section 3502(5) of title 44, United States Code, is amended by striking "Postal Rate Commission" and inserting "Postal Regulatory Commission".

(f) Other References.—Whenever a reference is made in any provision of law (other than this Act or a provision of law amended by this Act), regulation, rule, document, or other record of the United States to the Postal Rate Commission, such reference shall be considered a reference to the Postal Regulatory Commission.

SEC. 605. FINANCIAL TRANSPARENCY.

(a) In General.—Section 101 of title 39, United States Code, is amended—

(1) by redesignating subsections (d) through (g) as subsections (e) through (h), respectively; and

(2) by inserting after subsection (c) the following:

"(d) As an independent establishment of the executive branch of the Government of the United States, the Postal Service shall be subject to a high degree of transparency to ensure fair treatment of customers of the Postal Service's market-dominant products and companies competing with the Postal Service's competitive products.".

(b) Financial Reporting Requirements and Enforcement Powers Applicable to Postal Service.—Section 503 of title 39, United States Code (as so redesignated by section 601 and 604) is amended by—

(1) inserting "(a)" before "The Postal Regulatory Commission shall promulgate"; and

(2) adding at the end the following:

"(b)(1) Beginning with the first full fiscal year following the date of enactment of the Postal Accountability and Enhancement Act, the Postal Service shall file with the Postal Regulatory Commission —

"(A) within 35 days after the end of each fiscal quarter, a quarterly report containing the information prescribed in Form 10-Q of the Securities and Exchange Commission under section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m), or any revised or successor form;

"(B) within 60 days after the end of each fiscal year, an annual report containing the information prescribed in Form 10-K of the Securities and Exchange Commission under section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m), or any revised or successor form; and

"(C) periodic reports within the time frame and containing the information prescribed in Form 8-K of the Securities and Exchange Commission under section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m), or any revised or successor form.

"(2) For purposes of preparing the reports required under paragraph (1), the Postal Service shall be deemed to be the registrant described in the Securities and Exchange Commission forms, and references contained in such forms to Securities and Exchange Commission regulations are applicable.

"(3) For purposes of preparing the reports required under paragraph (1), the Postal Service shall comply with the rules prescribed by the Securities and Exchange Commission implementing section 404 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7262; Public Law 107-204) beginning with fiscal year 2007 and in each fiscal year thereafter.

"(c)(1) The reports required under subsection (b)(1)(B) shall include, with respect to the financial obligations of the Postal Service under chapters 83, 84, and 89 of title 5 for retirees of the Postal Service—

"(A) the funded status of such obligations of the Postal Service;

"(B) components of the net change in the fund balances and obligations and the nature and cause of any significant changes;

"(C) components of net periodic costs;

"(D) cost methods and assumptions underlying the relevant actuarial valuations;

"(E) the effect of a one-percentage point increase in the assumed health care cost trend rate for each future year on the service and interest costs components of net periodic cost and the accumulated obligation of the Postal Service under chapter 89 of title 5 for retirees of the Postal Service;

"(F) actual contributions to and payments from the funds for the years presented and the estimated future contributions and payments for each of the following 5 years;

"(G) the composition of plan assets reflected in the fund balances; and

"(H) the assumed rate of return on fund balances and the actual rates of return for the years presented.

"(2)(A) Beginning with the fiscal year 2007 and in each fiscal year thereafter, for purposes of the reports required under subsection (b)(1) (A) and (B), the Postal Service shall include segment reporting.

"(B) The Postal Service shall determine the appropriate segment reporting under subparagraph (A), after consultation with the Postal Regulatory Commission.

"(d) For purposes of the annual reports required under subsection (b)(1)(B), the Postal Service shall obtain an opinion from an independent auditor on whether the information listed under subsection (c) is fairly stated in all material respects, either in relation to the basic financial statements as a whole or on a stand-alone basis.

"(e) The Postal Regulatory Commission shall have access to the audit documentation and any other supporting matter of the Postal Service and its independent auditor in connection with any information submitted under subsection (b)(1)(B).

"(f) The Postal Regulatory Commission may, on its own motion or on request of an interested party, initiate proceedings (to be conducted in accordance with regulations that the Commission shall prescribe) to improve the quality, accuracy, or completeness of Postal Service data required by the Commission under this section whenever it shall appear that the data—

"(1) have become significantly inaccurate;

"(2) can be significantly improved; or

"(3) are not cost beneficial.".

TITLE VII—EVALUATIONS

SEC. 701. ASSESSMENTS OF RATEMAKING, CLASSIFICATION, AND OTHER PROVISIONS.

(a) IN GENERAL.—The Postal Regulatory Commission shall, at least every 3 years, submit a report to the President and Congress concerning—

(1) the operation of the amendments made by this Act; and

(2) recommendations for any legislation or other measures necessary to improve the effectiveness or efficiency of the postal laws of the United States.

(b) POSTAL SERVICE VIEWS.—A report under this section shall be submitted only after reasonable opportunity has been afforded to the Postal Service to review the report and to submit written comments on the report. Any comments timely received from the Postal Service under the preceding sentence shall be attached to the report submitted under subsection (a).

SEC. 702. REPORT ON UNIVERSAL POSTAL SERVICE AND THE POSTAL MONOPOLY.

(a) REPORT BY THE POSTAL REGULATORY COMMISSION.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Postal Regulatory Commission shall submit a report to the President and Congress on universal postal service and the postal monopoly in the United States (in this section referred to as "universal service and the postal monopoly"), including the monopoly on the delivery of mail and on access to mailboxes.

(2) CONTENTS.—The report under this subsection shall include—

(A) a comprehensive review of the history and development of universal service and the postal monopoly, including how the scope and standards of universal service and the postal monopoly have evolved over time for the Nation and its urban and rural areas;

(B) the scope and standards of universal service and the postal monopoly provided under current law (including sections 101 and 403 of title 39, United States Code), and current rules, regulations, policy statements, and practices of the Postal Service;

(C) a description of any geographic areas, populations, communities (including both urban and rural communities), organizations, or other groups or entities not currently covered by universal service or that are covered but that are receiving services deficient in scope or quality or both; and

(D) the scope and standards of universal service and the postal monopoly likely to be required in the future in order to meet the needs and expectations of the United States public, including all types of mail users, based on discussion of such assumptions, alternative sets of assumptions, and analyses as the Postal Service considers plausible.

(b) RECOMMENDED CHANGES TO UNIVERSAL SERVICE AND THE MONOPOLY.—The Postal Regulatory Commission shall include in the report under subsection (a), and in all reports submitted under section 701 of this Act—

(1) any recommended changes to universal service and the postal monopoly as the Commission considers appropriate, including changes that the Commission may implement under current law and changes that would require changes to current law, with estimated effects of the recommendations on the service, financial condition, rates, and security of mail provided by the Postal Service;

(2) with respect to each recommended change described under paragraph (1)—

(A) an estimate of the costs of the Postal Service attributable to the obligation to provide universal service under current law; and

(B) an analysis of the likely benefit of the current postal monopoly to the ability of the Postal Service to sustain the current scope and standards of universal service, including estimates of the financial benefit of the postal monopoly to the extent practicable, under current law; and

(3) such additional topics and recommendations as the Commission considers appropriate, with estimated effects of the recommendations on the service, financial condition, rates, and the security of mail provided by the Postal Service.

SEC. 703. STUDY ON EQUAL APPLICATION OF LAWS TO COMPETITIVE PRODUCTS.

(a) IN GENERAL.—The Federal Trade Commission shall prepare and submit to the President and Congress, and to the Postal Regulatory Commission, within 1 year after the date of enactment of this Act, a comprehensive report identifying Federal and State laws that apply differently to the United States Postal Service with respect to the competitive category of mail (within the meaning of section 102 of title 39, United States Code, as amended by section 101) and similar products provided by private companies.

(b) RECOMMENDATIONS.—The Federal Trade Commission shall include such recommendations as it considers appropriate for bringing such legal discrimination to an end, and in the interim, to account under section 3633 of title 39, United States Code (as added by this Act), for the net economic advantages provided by those laws.

(c) CONSULTATION.—In preparing its report, the Federal Trade Commission shall consult with the United States Postal Service, the Postal Regulatory Commission, other Federal agencies, mailers, private companies that provide delivery services, and the general public, and shall append to such report any written comments received under this subsection.

(d) COMPETITIVE PRODUCT REGULATION.—The Postal Regulatory Commission shall take into account the recommendations of the Federal Trade Commission in promulgating or revising the regulations required under section 3633 of title 39, United States Code.

SEC. 704. REPORT ON POSTAL WORKPLACE SAFETY AND WORKPLACE-RELATED INJURIES.

(a) REPORT BY THE INSPECTOR GENERAL.—

(1) IN GENERAL.—Not later than 6 months after the enactment of this Act, the Inspector General of the United States Postal Service shall submit a report to Congress and the Postal Service that—

(A) details and assesses any progress the Postal Service has made in improving workplace safety and reducing workplace-related injuries nationwide; and

(B) identifies opportunities for improvement that remain with respect to such improvements and reductions.

(2) CONTENTS.—The report under this subsection shall also—

(A) discuss any injury reduction goals established by the Postal Service;

(B) describe the actions that the Postal Service has taken to improve workplace safety and reduce workplace-related injuries, and assess how successful the Postal Service has been in meeting its injury reduction goal; and

(C) identify areas where the Postal Service has failed to meet its injury reduction goals, explain the reasons why these goals were not met, and identify opportunities for making further progress in meeting these goals.

(b) REPORT BY THE POSTAL SERVICE.—

(1) REPORT TO CONGRESS.—Not later than 6 months after receiving the report under subsection (a), the Postal Service shall submit a report to Congress detailing how it plans to improve workplace safety and reduce workplace-related injuries nationwide, including goals and metrics.

(2) PROBLEM AREAS.—The report under this subsection shall also include plans, developed in consultation with the Inspector General and employee representatives, including representatives of each postal labor union and management association, for addressing the problem areas identified by the Inspector General in the report under subsection (a)(2)(C).

SEC. 705. STUDY ON RECYCLED PAPER.

(a) IN GENERAL.—Within 12 months after the date of enactment of this Act, the Government Accountability Office shall study and submit to the Congress, the Board of Governors of the Postal Service, and to the Postal Regulatory Commission a report concerning—

(1) the economic and environmental efficacy of establishing rate incentives for mailers linked to the use of recycled paper;

(2) a description of the accomplishments of the Postal Service in each of the preceding 5 years involving recycling activities, including the amount of annual revenue generated and savings achieved by the Postal Service as a result of its use of recycled paper and other recycled products and its efforts to recycle undeliverable and discarded mail and other materials; and

(3) additional opportunities that may be available for the United States Postal Service to engage in recycling initiatives and the projected costs and revenues of undertaking such opportunities.

(b) RECOMMENDATIONS.—The report shall include recommendations for any administrative or legislative actions that may be appropriate.

TITLE VIII—POSTAL SERVICE RETIREMENT AND HEALTH BENEFITS FUNDING

SEC. 801. SHORT TITLE.

This title may be cited as the "Postal Civil Service Retirement and Health Benefits Funding Amendments of 2004".

SEC. 802. CIVIL SERVICE RETIREMENT SYSTEM.

(a) IN GENERAL.—Chapter 83 of title 5, United States Code, is amended—

(1) in section 8334(a)(1)(B), by striking clause (ii) and inserting the following:

"(ii) In the case of an employee of the United States Postal Service, no amount shall be contributed under this subparagraph."; and

(2) by amending section 8348(h) to read as follows:

"(h)(1) In this subsection, the term 'Postal surplus or supplemental liability' means the estimated difference, as determined by the Office, between—

"(A) the actuarial present value of all future benefits payable from the Fund under this subchapter to current or former employees of the United States Postal Service and attributable to civilian employment with the United States Postal Service; and

"(B) the sum of—

"(i) the actuarial present value of deductions to be withheld from the future basic pay of employees of the United States Postal Service currently subject to this subchapter under section 8334;

"(ii) that portion of the Fund balance, as of the date the Postal surplus or supplemental liability is determined, attributable to payments to the Fund by the United States Postal Service and its employees, minus benefit payments attributable to civilian employment with the United States Postal Service, plus the earnings on such amounts while in the Fund; and

"(iii) any other appropriate amount, as determined by the Office in accordance with generally accepted actuarial practices and principles.

"(2)(A) Not later than June 15, 2006, the Office shall determine the Postal surplus or supplemental liability, as of September 30, 2005. If that result is a surplus, the amount of the surplus shall be transferred to the Postal Service Retiree Health Benefits Fund established under section 8909a by June 30, 2006. If the result is a supplemental liability, the Office shall establish an amortization schedule, including a series of annual installments commencing September 30, 2006, which provides for the liquidation of such liability by September 30, 2043.

"(B) The Office shall redetermine the Postal surplus or supplemental liability as of the close of the fiscal year, for each fiscal year beginning after September 30, 2006, through the fiscal year ending September 30, 2038. If the result is a surplus, that amount shall remain in the Fund until distribution is authorized under subparagraph (C), and any prior amortization schedule for payments shall be terminated. If the result is a supplemental liability, the Office shall establish a new amortization schedule, including a series of annual installments commencing on September 30 of the subsequent fiscal year, which provides for the liquidation of such liability by September 30, 2043.

"(C) As of the close of the fiscal years ending September 30, 2015, 2025, 2035, and 2039, if the result is a surplus, that amount shall be transferred to the Postal Service Retiree Health Benefits Fund, and any prior amortization schedule for payments shall be terminated.

"(D) Amortization schedules established under this paragraph shall be set in accordance with generally accepted actuarial practices and principles, with interest computed at the rate used in the most recent valuation of the Civil Service Retirement System.

"(E) The United States Postal Service shall pay the amounts so determined to the Office, with payments due not later than the date scheduled by the Office.

"(3) Notwithstanding any other provision of law, in computing the amount of any payment under any other subsection of this section that is based upon the amount of the unfunded liability, such payment shall be computed disregarding that portion of the unfunded liability that the Office determines will be liquidated by payments under this subsection.".

(b) CREDIT ALLOWED FOR MILITARY SERVICE.—In the application of section 8348(g)(2) of title 5, United States Code, for the fiscal year 2006, the Office of Personnel Management shall include, in addition to the amount otherwise computed under that paragraph, the amounts that would have been included for the fiscal years 2003 through 2005 with respect to credit for military service of former employees of the United States Postal Service as though the Postal Civil Service Retirement System Funding Reform Act of 2003 (Public Law 108–18) had not been enacted, and the Secretary of the Treasury shall make the required transfer to the Civil Service Retirement and Disability Fund based on that amount.

SEC. 803. HEALTH INSURANCE.

(a) IN GENERAL.—

(1) FUNDING.—Chapter 89 of title 5, United States Code, is amended—

(A) in section 8906(g)(2)(A), by striking "shall be paid by the United States Postal Service." and inserting "shall be paid first from the Postal Service Retiree Health Benefits Fund up to the amount contained in the Fund, with any remaining amount paid by the United States Postal Service."; and

(B) by inserting after section 8909 the following:

"§8909a. Postal Service Retiree Health Benefit Fund

"(a) There is in the Treasury of the United States a Postal Service Retiree Health Benefits Fund which is administered by the Office of Personnel Management.

"(b) The Fund is available without fiscal year limitation for payments required under section 8906(g)(2)(A).

"(c) The Secretary of the Treasury shall immediately invest, in interest-bearing securities of the United States such currently available portions of the Fund as are not immediately required for payments from the Fund. Such investments shall be made in the same manner as investments for the Civil Service Retirement and Disability Fund under section 8348.

"(d)(1) Not later than June 30, 2006, and by June 30 of each succeeding year, the Office shall compute the net present value of the future payments required under section 8906(g)(2)(A) and attributable to the service of Postal Service employees during the most recently ended fiscal year.

"(2)(A) Not later than June 30, 2006, the Office shall compute, and by June 30 of each succeeding year, the Office shall recompute the difference between—

"(i) the net present value of the excess of future payments required under section 8906(g)(2)(A) for current and future United States Postal Service annuitants as of the end of the fiscal year ending on September 30 of that year; and

"(ii)(I) the value of the assets of the Postal Retiree Health Benefits Fund as of the end of the fiscal year ending on September 30 of that year; and

"(II) the net present value computed under paragraph (1).

"(B) Not later than June 30, 2006, the Office shall compute, and by June 30 of each succeeding year shall recompute, an amortization schedule including a series of annual installments which provide for the liquidation by September 30, 2045, or within 15 years, whichever is later, of the net present value determined under subparagraph (A), including interest at the rate used in that computation.

"(3) Not later than September 30, 2006, and by September 30 of each succeeding year, the United States Postal Service shall pay into such Fund—

"(A) the net present value computed under paragraph (1); and

"(B) the annual installment computed under paragraph (2)(B).

"(4) Computations under this subsection shall be made consistent with the assumptions and methodology used by the Office for financial reporting under subchapter II of chapter 35 of title 31.

"(5) After consultation with the United States Postal Service, the Office shall promulgate any regulations the Office determines necessary under this subsection.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 89 of title 5, United States Code, is amended by inserting after the item relating to section 8909 the following:

"8909a. Postal Service Retiree Health Benefits Fund.".

(b) TRANSITIONAL ADJUSTMENT FOR FISCAL YEAR 2006.—For fiscal year 2006, the amounts paid by the Postal Service in Government contributions under section 8906(g)(2)(A) of title 5, United States Code, for fiscal year 2006 contributions shall be deducted from the initial payment otherwise due from the Postal Service to the Postal Service Retiree Health Benefits Fund under section 8909a(d)(3) of such title as added by this section.

SEC. 804. REPEAL OF DISPOSITION OF SAVINGS PROVISION.

Section 3 of the Postal Civil Service Retirement System Funding Reform Act of 2003 (Public Law 108–18) is repealed.

SEC. 805. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided under subsection (b), this title shall take effect on October 1, 2005.

(b) TERMINATION OF EMPLOYER CONTRIBUTION.—The amendment made by paragraph (1) of section 802(a) shall take effect on the first day of the first pay period beginning on or after October 1, 2005.

TITLE IX—COMPENSATION FOR WORK INJURIES

SEC. 901. TEMPORARY DISABILITY; CONTINUATION OF PAY.

(a) TIME OF ACCRUAL OF RIGHT.—Section 8117 of title 5, United States Code, is amended—

(1) by striking "An employee" and inserting "(a) An employee other than a Postal Service employee"; and

(2) by adding at the end the following:

"(b) A Postal Service employee is not entitled to compensation or continuation of pay for the first 3 days of temporary disability, except as provided under paragraph (3) of subsection (a). A Postal Service employee may use annual leave, sick leave, or leave without pay during that 3-day period, except that if the disability exceeds 14 days or is followed by permanent disability, the employee may have their sick leave or annual leave reinstated or receive pay for the time spent on leave without pay under this section.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 8118(b)(1) of title 5, United States Code, is amended to read as follows:

"(1) without a break in time, except as provided under section 8117(b), unless controverted under regulations of the Secretary".

SEC. 902. DISABILITY RETIREMENT FOR POSTAL EMPLOYEES.

(a) TOTAL DISABILITY.—Section 8105 of title 5, United States Code, is amended—

(1) in subsection (a), by adding at the end the following: "This section applies to a Postal Service employee, except as provided under subsection (c)."; and

(2) by adding at the end the following:

"(c)(1) In this subsection, the term 'retirement age' has the meaning given under section 216(*l*)(1) of the Social Security Act (42 U.S.C. 416(*l*)(1)).

“(2) Notwithstanding any other provision of law, for any injury occurring on or after the date of enactment of the Postal Accountability and Enhancement Act, and for any new claim for a period of disability commencing on or after that date, the compensation entitlement for total disability is converted to 50 percent of the monthly pay of the employee on the later of—

“(A) the date on which the injured employee reaches retirement age; or

“(B) 1 year after the employee begins receiving compensation.”.

(b) PARTIAL DISABILITY.—Section 8106 of title 5, United States Code, is amended—

(1) in subsection (a), by adding at the end the following: “This section applies to a Postal Service employee, except as provided under subsection (d).”; and

(2) by adding at the end the following:

“(d)(1) In this subsection, the term ‘retirement age’ has the meaning given under section 216(*l*)(1) of the Social Security Act (42 U.S.C. 416(*l*)(1)).

“(2) Notwithstanding any other provision of law, for any injury occurring on or after the date of enactment of this subsection, and for any new claim for a period of disability commencing on or after that date, the compensation entitlement for partial disability is converted to 50 percent of the difference between the monthly pay of an employee and the monthly wage earning capacity of the employee after the beginning of partial disability on the later of—

“(A) the date on which the injured employee reaches retirement age; or

“(B) 1 year after the employee begins receiving compensation.”.

TITLE X—MISCELLANEOUS

SEC. 1001. EMPLOYMENT OF POSTAL POLICE OFFICERS.

Section 404 of title 39, United States Code (as amended by this Act), is further amended by adding at the end the following:

“(d) The Postal Service may employ guards for all buildings and areas owned or occupied by the Postal Service or under the charge and control of the Postal Service, and may give such guards, with respect to such property, any of the powers of special policemen provided under section 1315 of title 40. The Postmaster General, or the designee of the Postmaster General, may take any action that the Secretary of Homeland Security may take under section 1315 of title 40, with respect to that property.

SEC. 1002. EXPANDED CONTRACTING AUTHORITY.

(a) AMENDMENT TO TITLE 39, UNITED STATES CODE.—

(1) CONTRACTS WITH AIR CARRIERS.—Subsection (e) of section 5402 of title 39, United States Code, is amended—

(A) by striking the matter preceding paragraph (2) and inserting the following:

“(e)(1) The Postal Service may contract with any air carrier for the transportation of mail by aircraft in interstate air transportation, including the rates for that transportation, either through negotiations or competitive bidding.”;

(B) by redesignating paragraph (2) as paragraph (4); and

(C) by inserting after paragraph (1) the following:

“(2) Notwithstanding subsections (b) through (d), the Postal Service may contract with any air carrier or foreign air carrier for the transportation of mail by aircraft in foreign air transportation, including the rates for that transportation, either through negotiations or competitive bidding, except that—

“(A) any such contract may be awarded only to—

“(i) an air carrier holding a certificate required by section 41101 of title 49 or an exemption therefrom issued by the Secretary of Transportation;

“(ii) a foreign air carrier holding a permit required by section 41301 of title 49 or an exemption therefrom issued by the Secretary of Transportation; or

“(iii) a combination of such air carriers or foreign air carriers (or both);

“(B) mail transported under any such contract shall not be subject to any duty-to-carry requirement imposed by any provision of subtitle VII of title 49 or by any certificate, permit, or corresponding exemption authority issued by the Secretary of Transportation under that subtitle;

“(C) during the 5-year period beginning 1 year after the date of enactment of the Postal Accountability and Enhancement Act, the Postal Service may not under this paragraph—

“(i) contract for service between a pair or combination of pairs of points in foreign air transportation with—

“(I) a foreign air carrier; or

“(II) an air carrier to the extent that service provided would be offered through a code sharing arrangement in which the air carrier’s designator code is used to identify a flight operated by a foreign air carrier; or

“(ii) tender mail in foreign air transportation under contracts providing for the carriage of mail in foreign air transportation over all (or substantially all, as determined by the Postal Service) of a carrier’s routes or all or substantially all of a carrier’s routes within a geographic area determined by the Postal Service on the basis of a common unit price per mile and a separate terminal price to—

“(I) a foreign air carrier; or

“(II) an air carrier to the extent that service provided would be offered through a code sharing arrangement in which the air carrier’s designator code is used to identify a flight operated by a foreign air carrier, unless—

“(aa) with respect to clause (i) and this clause, fewer than 2 air carriers capable of providing service to the Postal Service adequate for its purposes between the pair or combination of pairs of points in foreign air transportation offer scheduled service between the pair or combination of pairs of points in foreign air transportation which are the subject of the contract or tender;

“(bb) with respect to clause (i), after competitive solicitation, the Postal Service has not received at least 2 offers from eligible air carriers capable of providing service to the Postal Service adequate for its purposes between the pair of combination of pairs of points in foreign air transportation; or

“(cc) with respect to this clause, after competitive solicitation, fewer than 2 air carriers under contract with the Postal Service offer service adequate for the Postal Service’s purposes between the pair or combination of pairs of points in foreign air transportation for which tender is being made;

“(D) beginning 6 years after the date of enactment of the Postal Accountability and Enhancement Act, every contract that the Postal Service awards to a foreign air carrier under this paragraph shall be subject to the continuing requirement that air carriers shall be afforded the same opportunity to carry the mail of the country to and from which the mail is transported and the flag country of the foreign air carrier, if different, as the Postal Service has afforded the foreign air carrier; and

“(E) the Postmaster General shall consult with the Secretary of Defense concerning actions that affect the carriage of military mail transported in foreign air transportation.

“(3) Paragraph (2) shall not be interpreted as suspending or otherwise diminishing the authority of the Secretary of Transportation under section 41310 of title 49.”.

(2) DEFINITIONS.—Section 5402(a) of title 39, United States Code, is amended by striking paragraph (2) and inserting the following:

“(2) The terms ‘air carrier’, ‘air transportation’, ‘foreign air carrier’, ‘foreign air transportation’, ‘interstate air transportation’, and ‘mail’ have the meanings given such terms in section 40102(a) of title 49.”.

(b) AMENDMENTS TO TITLE 49, UNITED STATES CODE.—

(1) AUTHORITY OF POSTAL SERVICE TO PROVIDE FOR INTERSTATE AIR TRANSPORTATION OF MAIL.—Section 41901(a) of title 49, United States Code, is amended to read as follows:

“(a) TITLE 39.—The United States Postal Service may provide for the transportation of mail by aircraft in air transportation under this chapter and under chapter 54 of title 39.”.

(2) SCHEDULES FOR CERTAIN TRANSPORTATION OF MAIL.—Section 41902 of title 49, United States Code, is amended—

(A) by striking subsection (b) and inserting the following:

“(b) STATEMENTS ON PLACES AND SCHEDULES.—Every air carrier shall file with the Secretary of Transportation and the United States Postal Service a statement showing—

“(1) the places between which the carrier is authorized to transport mail in Alaska;

“(2) every schedule of aircraft regularly operated by the carrier between places described under paragraph (1) and every change in each schedule; and

“(3) for each schedule, the places served by the carrier and the time of arrival at, and departure from, each place.”;

(B) in subsection (c), by striking “(b)(3)” and inserting “(b)”; and

(C) in subsection (d), in the first sentence, by striking “(b)(3)” and inserting “(b)”.

(3) PRICES FOR FOREIGN TRANSPORTATION OF MAIL.—Section 41907 of title 49, United States Code, is amended—

(A) by striking “(a) LIMITATIONS.—”; and

(B) by striking subsection (b).

(4) TECHNICAL AND CONFORMING AMENDMENTS.—Sections 41107, 41901(b)(1), 41902(a), and 41903 (a) and (b) of title 49, United States Code, are amended by striking “in foreign air transportation or”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of enactment of this Act.

SEC. 1003. REPORT ON THE UNITED STATES POSTAL INSPECTION SERVICE AND THE OFFICE OF THE INSPECTOR GENERAL OF THE UNITED STATES POSTAL SERVICE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Government Accountability Office shall review the functions, responsibilities, and areas of possible duplication of the United States Postal Inspection Service and the Office of the Inspector General of the United States Postal Service and submit a report on the review to the Committee on Homeland Security and Governmental Affairs of the Senate.

(b) CONTENTS.—The report under this section shall include recommendations for legislative actions necessary to clarify the roles of the United States Postal Inspection Service and the Office of the Inspector General of the United States Postal Service to strengthen oversight of postal operations.

SEC. 1004. SENSE OF CONGRESS REGARDING POSTAL SERVICE PURCHASING REFORM.

It is the sense of Congress that the Postal Service should—

(1) ensure the fair and consistent treatment of suppliers and contractors in its current purchasing policies and any revision or replacement of such policies, such as through the use of competitive contract award procedures, effective dispute resolution mechanisms, and socioeconomic programs; and

(2) implement commercial best practices in Postal Service purchasing policies to achieve greater efficiency and cost savings as recommended in July 2003 by the President's Commission on the United States Postal Service, in a manner that is compatible with the fair and consistent treatment of suppliers and contractors, as befitting an establishment in the United States Government.

POSTAL ACCOUNTABILITY AND ENHANCEMENT ACT OF 2005

Mr. CARPER. Mr. President, I rise today to join my friend from Maine, Senator COLLINS, in introducing the Postal Accountability and Enhancement Act of 2005, legislation that makes the reforms necessary for the Postal Service to thrive in the 21st Century and to better serve the American people. This bill is almost identical to S. 2468, the version of the Postal Accountability and Enhancement Act that was unanimously reported out of the Governmental Affairs Committee last June on a 17–0 vote.

When I rose with Senator COLLINS to introduce S. 2468 last year, I noted that some of our colleagues may wonder why we need postal reform. Most of us probably receive few complaints from our constituents about the Postal Service. Most Americans like the Postal Service just the way it is and don't want to see it changed. We must keep in mind, however, that, despite the fact that the mailing industry, and the economy as a whole, have changed radically over the years, the Postal Service has, for the most part, remained unchanged for more than three decades now.

Senator COLLINS and I are re-introducing this bill today, then, because the Postal Service continues to operate under a business model created a generation ago.

In the early 1970s, Senator STEVENS led the effort in the Senate to create the Postal Service out of the failing Post Office Department. At the time, the Post Office Department received about 20 percent of its revenue from taxpayer subsidies. Labor-management relations were at their worst, service was suffering and there was little hope the department would be able to muster the resources necessary to service a growing delivery network.

By all accounts, the product of Senator STEVENS' labors, the Postal Reorganization Act signed into law by President Nixon in 1971, has been a phenomenal success. The Postal Service today receives virtually no taxpayer support. The service its hundreds of thousands of employees provide to every American, nearly every day is second to none. The Postal Service now delivers to 141 million addresses each day and is the anchor of a $900 billion mailing industry.

As we celebrate the success of the Postal Reorganization Act, however, we need to be thinking about what needs to be done to help the Postal Service continue to thrive in the years to come.

The Postal Service is clearly in need of modernization once again. Back in the early 1970s, none of the Postal Service's customers had access to fax machines, cell phones or pagers. Nobody imagined that we would ever enjoy conveniences like e-mail and electronic bill pay that could replace a First Class letter. That, of course, is no longer the case. Most of the mail I receive from my constituents these days arrives via fax and e-mail instead of hard copy mail, a marked change from my days in the House and even from my more recent days as Governor of Delaware.

This continuing electronic diversion of mail, coupled with a slow economy and the threat of terrorism, has made for some rough going at the Postal Service of late. In 2001, as Postmaster General Potter came onboard, the Postal Service was projecting its third consecutive year of deficits. They lost $199 million in 2000 and $1.68 billion in 2001. They were projecting losses of up to $4 billion in fiscal year 2002. Mail volume was falling, revenues were below projections and the Postal Service was estimating that it needed to spend $4 billion on security enhancements in order to prevent a repeat of the tragic anthrax attacks that took several lives. The Postal Service was also perilously close to its $15 billion debt ceiling and had been forced to raise rates three times in less than two years in order to pay for its operations.

A number of positive steps have been taken since 2001. General Potter has led a commendable effort to improve productivity and make the Postal Service more efficient. Billions of dollars in costs have been taken out of the system—some $4.3 billion since 2002—according to the Postal Service's most recent annual report. Thousands of positions have been eliminated through attrition and successful automation programs have yielded great benefits, resulting in the smallest workforce seen at the Postal Service since the early 1980s.

Perhaps most dramatically, the Postal Service learned in 2002 that an unfunded pension liability they once believed was as high as $32 billion was actually significantly lower. Senator COLLINS and I responded with legislation, the Postal Civil Service Retirement System Funding Reform Act, which cut the amount the Postal Service must pay into the Civil Service Retirement System each year by nearly $3 billion. This has freed up money for debt reduction and prevented the need for further rate increases until at least next year. The Postal Service's debt to the Treasury now stands at about $1.8 billion—the lowest it's been in more than 20 years—and rates have remained stable since the passage of the pension bill.

Aggressive cost cutting and a lower pension payment, then, have put off the postal emergency we thought was right around the corner just a few years ago. But cost cutting can only go so far and will not solve the Postal Service's long-term challenges. These long-term challenges were laid out in stark detail last year when Postmaster General Potter and then-Postal Board of Governors Chairman David Fineman testified before the House Government Reform Committee's Special Panel on Postal Reform. Mr. Fineman pointed out in his testimony that the total volume of mail delivered by the Postal Service has declined by more than 5 billion pieces since 2000. Over the same period, the number of homes and businesses the Postal Service delivers to have increased by more than 5 million. First Class mail, the largest contributor to the Postal Service's bottom line, is leading the decline in volume. Some of those disappearing First Class letters are being replaced by advertising mail, which earns significantly less. Many First Class letters have likely been lost for good to fax machines, e-mail and electronic bill pay.

Despite electronic diversion, the Postal Service continues to add between 1.6 million and 1.9 million new delivery points each year, creating the need for thousands of new routes and thousands of new letter carriers to work them. In addition, faster-growing parts of the country will need new or expanded postal facilities in the coming years. As more and more customers turn to electronic forms of communication, however, letter carriers are bringing fewer pieces of mail to each address they serve. The rate increases that will be needed to maintain the Postal Service's current infrastructure, finance retirement obligations to its current employees, pay for new letter carriers and build facilities in growing parts of the country will only erode mail volume further.

The Postal Service has been trying to modernize on its own. General Potter and his management team are making progress, but there is only so much they can do without legislative change. Even if the Postal Service begins to see volume and revenues pick up, we will still need to make fundamental changes in the way the Postal Service operates in order to make them as successful in the 21st Century as they were in the 20th Century.

This is where the Postal Accountability and Enhancement Act comes in.

First, our bill begins the process of developing a modern rate system for pricing Postal Service products. The new system, to be developed by a strengthened Postal Rate Commission, renamed the Postal Regulatory Commission, would allow retained earnings, provide the Postal Service significantly more flexibility in setting prices and streamline today's burdensome rate making process. To provide stability, predictability and fairness for the Postal Service's customers, rates would remain within a cap to be set each year by the Regulatory Commission.

The second major provision in the Postal Accountability and Enhancement Act requires the Postal Service to set strong service standards for its Market Dominant products, a category made up mostly of those products, like First Class mail, that are part of the postal monopoly. The new standards will improve service and will be used by the Postal Service to establish performance goals, rationalize its physical infrastructure and streamline its workforce.

Third, the Postal Accountability and Enhancement Act ensures that the Postal Service competes fairly. The bill prohibits the Postal Service from issuing anti-competitive regulations. It also subjects the Postal Service to state zoning, planning and land use laws, requires them to pay an assumed Federal income tax on products like packages and Express Mail that private firms also offer and requires that these products as a whole pay their share of the Postal Service's institutional costs. The Federal Trade Commission will further study any additional legal benefits the Postal Service enjoys that its private sector competitors do not. The Regulatory Commission will then find a way to use the rate system to level the playing field.

Fourth, the Postal Accountability and Enhancement Act improves Postal Service accountability, mostly by strengthening oversight. Qualifications for membership on the Regulatory Commission would be stronger than those for the Rate Commission so that Commissioners would have a background in finance or economics. Commissioners would also have the power to demand information from the Postal Service, including by subpoena, and have the power to punish the Postal Service for violating rate and service regulations. In addition, the Regulatory Commission will make an annual determination as to whether the Postal Service is in compliance with existing rate regulations and service standards and will have the power to punish them for any transgressions.

Fifth, the Postal Accountability and Enhancement Act revises two provisions from the "Postal Civil Service Retirement System Funding Reform Act in an effort to shore up the Postal Service's finances in the years to come. As our colleagues may be aware, that bill required the Postal Service, beginning in 2006, to deposit any savings it enjoys by virtue of lower pension payments into an escrow account. In this bill, we eliminate that requirement in order to allow the Postal Service to spend the money that would have gone into escrow to begin pre-funding on a current basis its $50 billion retiree health obligation. Leftover savings would be used to continue paying down debt to the Treasury and to maintain rate stability.

The bill Senator COLLINS and I are introducing today also reverses the provision in the Postal Civil Service Retirement System Funding Reform Act that made the Postal Service the only Federal agency shouldered with the burden of paying the additional pension benefits owed to their employees by virtue of past military service.

Finally, and most importantly, the Postal Accountability and Enhancement Act preserves universal service and the postal monopoly and forces the Postal Service to concentrate solely on what it does best—processing and delivering the mail to all Americans. Our bill limits the Postal 'Service, for the first time, to providing "postal services," meaning they would be prohibited from engaging in other lines of business, such as e-commerce, that draw time and resources away from letter and package delivery. It also explicitly preserves the requirement that the Postal Service "bind the Nation together through the mail" and serve all parts of the country, urban, suburban and rural, in a non-discriminatory fashion. Any service standards established by the Postal Service will continue to ensure delivery to every address, every day. In addition, the bill maintains the prohibition on closing post offices solely because they operate at a deficit, ensuring that rural and urban customers continue to enjoy full access to retail postal services.

As I mentioned at the beginning of my remarks, this bill that Senator COLLINS and I are introducing today is almost identical to the version of the Postal Accountability and Enhancement Act that was unanimously reported out of the Governmental Affairs Committee last June on a 17-0 vote. A similar bill was unanimously reported out of the House Government Reform Committee last year as well. Neither bill was considered on the floor of the Senate or the House, however, due—I'm told—to objections raised by the administration.

I was deeply disappointed that we were unable to complete action on postal reform last year. However, Senator COLLINS and I, our staffs and our colleagues in the House have had a series of discussions with administration officials since the 108th Congress adjourned last year and have narrowed our differences with them on these issues significantly. I'm pleased to report that this bill contains a handful of new provisions drafted to address specific concerns raised by the Administration.

First, we demand even greater financial transparency from the Postal Service. The Postal Accountability and Enhancement Act gives the Postal Service more room to operate like a private business. For quite some time, however, it's been clear that the financial reporting required of the Postal Service has been lacking. It's difficult to look at the Postal Service's financial reports and learn as much as we'd like to learn about its current condition and its future liabilities. For this reason, our bill requires the Postal Service to begin filing the very same quarterly and annual Securities and Exchange Commission disclosure forms that private sector firms must file.

Second, we add language drafted at the request of the Treasury Department that would ensure that the Postal Service does its banking and investing with the Federal Financing Bank. Our original bill would have given the Postal Service almost total freedom to invest any revenue earned by its competitive products in the market as if they were a private business. Treasury feared this could have a negative impact on the markets and the issuance of federal debt.

Third, we give the Postal Board of Governors the ability to better reward top Postal Service executives for their performance and recruit top talent. We accomplish this by raising the cap on executive pay at the Postal Service to the level of compensation given to the Vice President. This will allow the Board to reward high-performing managers. It should also make it easier to recruit and retain qualified managers.

Fourth, we ensure that the rate cap to be developed by the Postal Regulatory Commission is truly workable by requiring that the cap be based on the Consumer Price Index. A CPI-based cap should guarantee that the Postal Service has the room to operate each year without breaking the cap or turning to the Treasury for assistance while still giving mailers the predictability they need.

This is significant progress but we still have our work cut out for us. I look forward to working in the coming weeks with Chairman COLLINS, my colleagues on the Homeland Security and Governmental Affairs Committee, our House counterparts and the administration to work out any remaining differences we have. It's vitally important that we succeed.

The Postal Board of Governors voted last month to go forward with a rate increase. If approved by the Postal Rate Commission, this increase will go into effect sometime next year. Thanks to increased productivity, this is expected to be a lower increase than many observers feared. Without postal reform, however, especially the language freeing the Postal Service from the escrow requirement and the military pension obligation, future rate increases will be higher. Probably much higher. This will only speed the flight from hard copy mail to electronic forms of communication. The impact of this flight will be significant, not just at the Postal Service but throughout the entire economy.

A recent study conducted by the Envelope Manufacturers Association Foundation's Institute for Postal Studies found that, if mail volume were to decline by 10 percent more than 780,000 mail-related jobs will be at risk across the country. More than 2,000 of those jobs are in Delaware. If mail volume were to decline by 20 percent more than 1,500,000 mailing industry jobs will be at risk across the country. More than 4,000 of those jobs are in Delaware. We need to act soon to prevent this from happening.

In closing, I'd like to point out how amazing it is to me to think that the Postal Service, something Senator STEVENS was literally able to put together at his kitchen table at the very beginning of his career, could have lasted so long and had such an enduring impact on every American. I'm hopeful that the model Senator COLLINS and I have set out in this bill today can last at least that long and have just as positive an impact on our nation and our economy as the Postal Service has had over the past 35 years.

COLLINS AND GREGG COLLOQUY ON POSTAL REFORM

Ms. COLLINS. Mr. President, today I introduce the Postal Accountability and Enhancement Act of 2005, a bill designed to help the 225-year-old Postal Service meet the challenges of the 21st century. I originally introduced this bill last May. In June of 2004, the bill was unanimously reported out of the Homeland Security and Governmental Affairs Committee. That bill, S. 2468, had the strong endorsements of the National Rural Letter Carriers Association, the National Association of Letter Carriers, the National Association of Postmasters of the United States, and the Coalition for a 21st Century Postal Service—which represents thousands of the major mailers, employee groups, small business, and other users of the mail. It also had the strong bipartisan support of twenty-two members of the United States Senate. Unfortunately, the 108th Congress expired before my bill passed the Senate.

It has long been acknowledged that the financial and operational problems confronting the Postal Service are serious. At present, the Postal Service has roughly $70 billion to $80 billion in unfunded liabilities and obligations, which include $1.8 billion in debt to the U.S. Treasury, $7.6 billion for workers' compensation claims, $3.5 billion for retirement costs, and as much as $47 billion to cover retiree health care costs. The Government Accountability Office's Comptroller General, David Walker, has pointed to the urgent need for "fundamental reforms to minimize the risk of a significant taxpayer bailout or dramatic postal rate increases." The Postal Service has been on GAO's "High-Risk" List since April of 2001. The Postal Service is at risk of a "death spiral" of decreasing volume and increasing rates that lead to further decreases in volume.

The Postal Service is the linchpin of a $900-billion mailing industry that employs 9 million Americans in fields as diverse as direct mailing, printing, catalog production, and paper manufacturing. The health of the Postal Service is essential to the vitality of thousands of companies and the millions that they employ.

First and foremost, my bill preserves the basic features of universal service—affordable rates, frequent delivery, and convenient community access to retail postal services. If the Postal Service were no longer to provide universal service and deliver mail to every customer, the affordable communication link upon which many Americans rely would be jeopardized.

This postal reform legislation grants the Postal Service Board of Governors the authority to set rates for competitive products like Express Mail and Parcel Post, as long as these prices do not result in cross subsidy from market-dominant products. It replaces the current lengthy and litigious rate-setting process with a rate cap-based structure for market-dominant products such as first-class mail, periodicals, and library mail. The bill also introduces new safeguards against unfair competition by the Postal Service in competitive markets.

The Postal Accountability and Enhancement Act will greatly improve the financial transparency of the Postal Service. The USPS would be required to file with the Postal Regulatory Commission certain Securities and Exchange Commission financial disclosure forms, along with detailed annual reports on the status of the Postal Service's pension and post-retirement health obligations in order to ensure increased financial transparency.

The legislation repeals a provision of Public Law 108-18 which requires that money owed to the Postal Service due to an overpayment into the Civil Service Retirement System Fund be held in an escrow account, which would essentially "free up" $78 billion over a period of 60 years. These savings would be used to not only pay off debt to the U.S. Treasury and to fund health care liabilities, but also to mitigate rate increases. It also returns to the Department of the Treasury the responsibility for funding CSRS pension benefits relating to the military service of postal retirees—a responsibility that the Treasury Department bears for all executive branch departments and agencies.

The bill also converts workers' compensation benefits for total or partial disability to a retirement annuity when the affected employee reaches 65 years of age, and puts into place a 3-day waiting period before an employee is eligible to receive 45 days of continuation of pay. These changes will save the Postal Service approximately $50 million in workers' compensation costs over a 10-year period.

The Postal Service has reached a critical juncture. If we are to save and strengthen this vital service upon which so many Americans rely for communication and their livelihoods, the time to act is now.

I therefore ask the Senior Senator from New Hampshire and chairman of the Senate Budget Committee whether I can count on his assistance and support to help pass this legislation this Congress.

Mr. GREGG. I thank the chairman of the Homeland Security and Governmental Affairs Committee for her question. I do recognize the economic importance of a healthy postal service, and as a Senator from the rural State of New Hampshire, I appreciate the role of a healthy Postal Service in meeting the universal service needs of rural residents. I look forward to reading the bill, reading the CBO cost estimate of the bill, and working with the Senator from Maine to ensure that a true, fiscally responsible postal reform bill is enacted.

Ms. COLLINS. I thank my friend from New Hampshire and look forward to working with him on this important piece of legislation.

By Mr. BINGAMAN (for himself, Mr. THOMAS, Mr. ISAKSON, and Mr. BURNS):

S. 663. A bill to amend the Internal Revenue Code of 1986 to allow self-employed individuals to deduct health insurance costs in computing self-employment taxes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, today my colleague, Senator THOMAS, and I along with Senator ISAKSON are re-introducing the "Equity for Our Nation's Self-Employed Act of 2005." This important legislation corrects an inequity that currently exists in our tax code that forces self-employed workers to pay payroll taxes on the funds used to pay for their health insurance while larger businesses do not. Because of this inequity, health insurance is more expensive for the self-employed. At a time when the uninsured are growing at an alarming rate, we need to find ways to reduce the cost of health insurance. This legislation is a first logical step.

Under current law, the self-employed are allowed an income tax deduction for the amount they pay for health insurance, but must still calculate their payroll taxes as if they were not allowed this income tax deduction. The result is that the self-employed are paying payroll taxes on the amount they pay for health insurance. As previously stated, larger businesses do not include pay payroll taxes on the amount they pay for health insurance. The legislation we are introducing today would stop this inequitable tax treatment and allow the self-employed to deduct the amount they pay for health insurance from their calculation of payroll taxes.

This problem affects all self-employed who provide health insurance to their families. According to the Census Bureau, there are almost 74,000 self-employed workers in New Mexico. While we have no idea how many of these people in New Mexico have health insurance, we do know that roughly 3.6 million working families in the United States paid self-employment tax on their health insurance premiums. Estimates indicate that roughly 60 percent of our Nation's uninsured are either self-employed or work for a small business. According to the Kaiser Family Foundation, self-employed workers spend more than $9,000 per year to provide health insurance for their family. Because they cannot deduct this as an ordinary business expense, those that spend this amount will pay a 15.3 percent tax on their premiums resulting in almost $1,400 of taxes annually.

This problem was identified by the National Taxpayer Advocate in several of her annual reports to Congress and our legislation to correct it is supported by a variety of groups including the National Association for the Self-Employed, the National Small Business Association, the National Federation of Independent Businesses, the U.S. Chamber of Commerce, the U.S. Hispanic Chamber of Commerce, and the Small Business Legislative Council.

I look forward to working with my colleagues to get this important legislation passed.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 663

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Equity for Our Nation's Self Employed Act of 2005".

SEC. 2. DEDUCTION FOR HEALTH INSURANCE COSTS IN COMPUTING SELF-EMPLOYMENT TAXES.

(a) IN GENERAL.—Section 162(l) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. DORGAN (for himself, Mr. GRAHAM, and Mr. AKAKA):

S. 665. A bil. to reauthorize and improve the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 to establish a program to commercialize hydrogen and fuel cell technology, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DORGAN. Mr. President, I rise today to introduce a piece of legislation, along with Mr. GRAHAM, that I believe is needed to solve our long-term energy need. It is imperative that our Nation implements a roadmap to achieving our goal of creating a hydrogen fuel-cell economy. I believe this measure is the best way to diversify our energy portfolio and protect our national security interests.

This legislation would invest $7.9 billion over 10 years in hydrogen fuel cell research and deployment. Additionally, the measure would change the current direction of the hydrogen program, allowing each program related to developing hydrogen to build off of each other. Similar to what has been recommended by the National Academies, it realizes a more conscious systems approach to program design.

You see, currently the hydrogen program is like a series of small block grants. We send money to the Department of Energy, DOE, and simply tell them to come up with a program. Under this scenario, with little accountability or direction, the program has not moved as swiftly as we would like.

Changing the structure of the hydrogen program will ensure that the long-term goal is reached and the benefits are reaped. What this legislation does is compartmentalize each program at DoE related to hydrogen development. Instead of sending a chunk of money, the funds will now be targeted to programs that will be the foundation for building and commercializing a hydrogen fuel-cell economy.

Additionally, this measure uses the successful "learning demonstration" technique of building institutional relationships among key industries and with the Government that has strong support from both the fuels industry and the auto sector, and applies this as a program design to all large scale systems demonstrations. These demonstrations are then linked to refining the R&D tasks again after the demonstrations complete their early phases, so that concrete learning is integrated directly into a final round of more focused R&D.

This bill enables a more strategic approach to program planning in the formation of a hydrogen economy. It also includes more interaction between R&D and demonstrations—with emphasis on development—that is the key to accelerating commercialization and movement to market.

This measure does not reinvent the wheel. Instead, it takes what we have learned thus far and focuses our efforts for the future. Providing developmental targets and accountability will also allow us to adjust our priorities appropriately.

Introduction of this measure could not come at a more critical time. Today, oil prices are at an all time high of $57.00 a barrel. This increase has directly hit consumers where it hurts most—in their wallets. Today in the State of North Dakota, consumers will spend $330,000 more for gasoline than they did this time last year. This is nothing more than an additional tax on hard working families who have to drive around during the course of their daily lives. It is no longer a question of whether you can afford to sign your children up for extra curricular activities like baseball or ballet; it is now a question of whether you can afford to even take them to these activities.

It shouldn't be this way, especially in America. However, we continue to be beholden to the same generational argument: Where can we dig and drill next? We need to jump over this debate and I believe this measure does that.

Let me describe why I think we ought to do this and why focusing our attention and resources is important. I will harken back to the Apollo program. On May 25, 1961, President John F. Kennedy announced our Nation was establishing a goal of sending a man to the Moon and having a safe return by the end of the decade.

The Apollo project was an enormous undertaking. The NASA annual budget increased from $500 million in 1960 to $5.2 billion in 1965. It represented 5.3 percent of the Federal budget in 1965. Think about that. In today's terms, that would be over $115 billion. NASA engaged private industry, university research, and academia in a massive way and contractor employees increased by a factor of 10, to 376,000 people, in 1965.

When President Kennedy said in 1961 it was his vision to have a man walk on the Moon by the end of the decade, there was no technological capability to do so at that moment and no guarantee it could even be done. During the height of the cold war, the Soviets had an advantage in space flight and that advantage was of great concern to us. They had put up a satellite called Sputnik and the technological barriers facing the U.S. in catching up were very significant. The expense and resolve were daunting, but yet, on July 20, 1969, Neil Armstrong and Buzz Aldrin stood on the surface of the Moon and pantomimed a golf game. In a single decade, the President and the country set and reached an unthinkable goal.

Now let's talk about another goal, another big idea, one that we ought to establish now for this country and for its future. That is the goal of deciding, as President Bush has suggested, that we move toward a hydrogen economy and fuel-cells for our vehicles. I will describe why I think this is important.

America's energy security is threatened by our dependence on foreign oil. Oil prices are at record highs and America now imports 62 percent of the oil it consumes. Our import level is expected to grow to 68 percent by 2025. Nearly all of our cars and trucks run on gasoline, and they are the main reason America imports so much oil. Two-thirds of the oil Americans use each day is used for transportation; fuel-cell vehicles offer the best hope of dramatically reducing our long-term dependence on foreign oil and protecting our national security interests.

The American economy is and will be held hostage by our ability to find and import oil from outside of our country's borders. Should this cause all of us great concern? Yes. This is a very serious problem. If we wake up tomorrow morning, God forbid, and terrorists have interrupted the supply of oil to this country—and, yes, that could happen—this country's economy will be flat on its back. It will be flat on its back because we rely on oil from sources outside this country, much of it from very troubled parts of the world. And our dependence is only expected to increase.

Whenever we discuss oil, the debate centers around two issues—drilling in ANWR and CAFE standards. If it is only those two issues, we lose. We need to move beyond these issues. Yes, we can address them, but it seems to me if these are our only options, every few years we will debate exactly the same issues: Where do we drill next? and, How much more efficient can we make a carburetor, through which we run gasoline?

If our energy strategy for this country's future is simply digging and drilling, then it is a strategy I call 'yesterday forever,' which means it doesn't really change very much. Every few years we can debate the issue of how dependent we are on oil imports and how dangerous it is for us. I think we should have a different debate, one that breaks our normal cycle.

That does not mean we should not dig and drill. We will, we can, and we should. We will always use fossil fuels. But these resources must be used in a sustainable and efficient manner. We will continue to dig and drill, but that cannot be all we do. If it is, we really have not moved the ball forward at all. So what else can we do? I believe we should chart a different course.

First of all, using fuel-cells and hydrogen is twice as efficient in getting power to a wheel as using the internal combustion engine. Second, when we use hydrogen fuel-cells in automobiles or vehicles, we are sending water vapor out the tailpipe. What a wonderful thing for our environment and our economy. We double the efficiency of the energy source, while at the same time eliminating the pollution out of the tailpipe. That makes great sense to me.

In the past I have introduced legislation saying let's move to a different kind of technology, a different kind of energy economy; let's move to a hydrogen economy using fuel-cells. This bill is different from my previous bills because it would not only authorize higher funding levels, but just as importantly, it would change the way the program works.

My point is simple. We need accountability and targets and timetables in all the programs developing hydrogen. While this measure specifically states that we should set a target of 100,000 vehicles on the road by 2010 and 2.5 million by 2020, it also includes developmental milestones within each program, essentially giving us a roadmap of where we need to go and how to get there. If we do not set this out, we will not get there. If we do not have the same resolve towards establishing a hydrogen fuel-cell economy as President Kennedy had in putting a man on the Moon then we are not going to get there. Not without the focus and commitment needed.

Are there issues that need to be resolved? Sure there are, but we will never resolve them unless we implement a plan to do so. That is why I feel this legislation is the best approach. We focus on what is needed, while building on what we have. Instead of having two or more projects moving in different directions, with no connection, we set out a more focused approach where we can see exactly the progress we are making.

This commitment is what is needed and this direction is supported throughout the hydrogen industry. We cannot let this opportunity pass us by. If we sit and do nothing when the price of oil is at its highest, then I fear we will never do anything. This type of commitment and resolve is needed for our economic future, as well as to ensure our national security interests.

If we start now, I have no doubt that hydrogen fueled vehicles will be to our grandchildren what gasoline was to our grandparents.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 665

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Hydrogen and Fuel Cell Technology Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Hydrogen and fuel cell technology authorization.
Sec. 3. Public utilities.
Sec. 4. Tax incentives to build the hydrogen economy.

SEC. 2. HYDROGEN AND FUEL CELL TECHNOLOGY AUTHORIZATION.

The Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12401 et seq.) is amended to read as follows:

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990.'.

"(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

"Sec. 1. Short title; table of contents.
"Sec. 2. Definitions.
"Sec. 3. Findings.
"Sec. 4. Purposes.

"TITLE I—HYDROGEN AND FUEL CELLS

"Sec. 101. Hydrogen and fuel cell technology research and development.
"Sec. 102. Task Force.
"Sec. 103. Technology transfer.
"Sec. 104. Authorization of appropriations.

"TITLE II—HYDROGEN AND FUEL CELL DEMONSTRATION

"Sec. 201. Hydrogen supply and fuel cell demonstration program.
"Sec. 202. Authorization of appropriations.

"TITLE III—TRANSITION TO MARKET

"Sec. 301. Federal procurement of fuel cell vehicles and hydrogen energy systems.
"Sec. 302. Federal procurement of stationary and micro fuel cells.

"TITLE IV—REGULATORY MANAGEMENT

"Sec. 401. Codes and standards.
"Sec. 402. Authorization of appropriations.

"TITLE V—REPORTS

"Sec. 501. Deployment of hydrogen technology.
"Sec. 502. Authorization of appropriations.

"TITLE VI—TERMINATION OF AUTHORITY

"Sec. 601. Termination of authority.

"SEC. 2. DEFINITIONS.

"In this Act:

"(1) CARBON FOOTPRINT.—The term 'carbon footprint' means the sum of carbon equivalent emissions from all energy conversion processes occurring from raw material through hydrogen production, distribution, and use.

"(2) DEPARTMENT.—The term 'Department' means the Department of Energy.

"(3) FUEL CELL.—The term 'fuel cell' means a device that directly converts the chemical energy of a fuel and an oxidant into electricity by electrochemical processes occurring at separate electrodes in the device.

"(4) INFRASTRUCTURE.—The term 'infrastructure' means the equipment, systems, or facilities used to produce, distribute, deliver, or store hydrogen (except for onboard storage).

“(5) SECRETARY.—The term ‘Secretary’ means the Secretary of Energy.

“(6) STATIONARY; PORTABLE.—The terms ‘stationary’ and ‘portable’, when used in reference to a fuel cell, include—

“(A) continuous electric power; and

“(B) backup electric power.

“(7) TASK FORCE.—The term ‘Task Force’ means the Hydrogen and Fuel Cell Technical Task Force established under section 102(a).

“(8) TECHNICAL ADVISORY COMMITTEE.—The term ‘Technical Advisory Committee’ means the independent Technical Advisory Committee of the Task Force selected under section 102(d).

“SEC. 3. FINDINGS.

“Congress finds that—

“(1) the United States imports 60 percent of all the oil and products that it consumes, most of it used in transportation;

“(2) there is little fuel diversity in the transportation sector of the United States, making it extremely sensitive to volatile oil supplies;

“(3) rapidly rising energy prices have raised the imported oil bill of the United States to nearly $250,000,000,000 in 2004, which is a direct offshore wealth transfer from the U.S. that could otherwise be invested in a hydrogen economy to create many new jobs;

“(4) although the United States has become a more efficient and cleaner user of energy, total energy use continues to grow as the economy expands, along with total vehicle emissions;

“(5) without dramatic action, 68 percent of oil demand will come from imports by 2025;

“(6) over the next 10 years, oil imports could cost nearly $3,000,000,000,000, while protecting foreign supplies adds even more to that cost;

“(7) hydrogen and fuel cells offer the best hope of realizing more efficient, cleaner means of regaining control of the energy security of the United States, and achieving quality economic growth;

“(8) in the spirit of the Apollo project that put us on the Moon, and the practical vision that built the United States interstate highway system, the U.S. needs to commit sufficient public investment to develop and commercialize hydrogen and fuel cell technologies, in partnership with our private sector; and

“(9) economies must grow to sustain their health, and strong public investments in research and development will harness the skills of our universities, national laboratories, and innovative private industry to create the hydrogen economy.

“SEC. 4. PURPOSES.

“The purposes of this Act are—

“(1) to enable and promote comprehensive development, demonstration, and commercialization of hydrogen and fuel cell technology in partnership with industry;

“(2) to make critical public investments in building strong links to private industry, universities, national laboratories, and research institutions to expand innovation and industrial growth;

“(3) to build a mature hydrogen economy that creates fuel diversity in the massive transportation sector of the United States;

“(4) to sharply decrease the dependency of the United States on imported oil, eliminate most emissions from the transportation sector, and greatly enhance our energy security; and

“(5) to create, strengthen, and protect a sustainable national energy economy.

“TITLE I—HYDROGEN AND FUEL CELLS

“SEC. 101. HYDROGEN AND FUEL CELL TECHNOLOGY RESEARCH AND DEVELOPMENT.

“(a) IN GENERAL.—The Secretary, in consultation with other Federal agencies and the private sector, shall conduct a research and development program on technologies relating to the production, purification, distribution, storage, and use of hydrogen energy, fuel cells, and related infrastructure.

“(b) GOAL.—The goal of the program shall be to demonstrate and commercialize the use of hydrogen for transportation (in light and heavy vehicles), utility, industrial, commercial, residential, and defense applications.

“(c) FOCUS.—In carrying out activities under this section, the Secretary shall focus on mutually supportive developmental factors that are common to the development of hydrogen infrastructure and the supply of vehicle and electric power for critical consumer and commercial applications, and that achieve continuous technical evolution and cost reduction, particularly for hydrogen production, the supply of hydrogen, storage of hydrogen, and end uses of hydrogen that—

“(1) steadily increase production, distribution, and end use efficiency and reduce carbon footprints;

“(2) resolve critical problems relating to catalysts, membranes, storage, lightweight materials, electronic controls, and other problems that emerge from research and development;

“(3) enhance sources of renewable fuels and biofuels for hydrogen production; and

“(4) enable widespread use of distributed electricity generation and storage.

“(d) PUBLIC EDUCATION AND RESEARCH.—In carrying out this section, the Secretary shall support enhanced public education and university research in fundamental sciences, application design, and systems concepts (including education and research relating to materials, subsystems, manufacturability, maintenance, and safety) relating to hydrogen and fuel cells.

“(e) FUNDING.—

“(1) IN GENERAL.—The Secretary shall carry out the activities under this section through a competitive, merit-based review process consistent with any generally applicable Federal law (including regulations) that applies to an award of financial assistance, a contract, or another agreement.

“(2) RESEARCH CENTERS.—The Secretary may provide funds to a university-based or Federal laboratory or research center in accordance with paragraph (1) to carry out an activity under this section.

“(f) COST SHARING.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the cost of carrying out any project or activity under this section shall be 80 percent.

“(2) WAIVER OF NON-FEDERAL SHARE.—The Secretary may waive the non-Federal share of the cost of carrying out a project or activity under this section if the non-Federal share would otherwise be paid by a small business or an institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)), as determined by the Secretary.

“SEC. 102. TASK FORCE.

“(a) ESTABLISHMENT.—The Secretary, in cooperation with the Secretary of Defense, the Secretary of Transportation, and the Secretary of Commerce, shall establish an interagency Task Force, to be known as the ‘Hydrogen and Fuel Cell Technical Task Force’ to advise the Secretary in carrying out programs under this Act.

“(b) MEMBERSHIP.—

“(1) IN GENERAL.—The Task Force shall be comprised of such representatives of the Council on Environmental Quality, the Office of Science and Technology Policy, the Council of Economic Advisors, the Environmental Protection Agency, and the National Security Council, and such other representatives of Federal agencies, conferences of governors, and regional organizations, as the Secretary, Secretary of Defense, Secretary of Transportation, and Secretary of Commerce determine to be appropriate.

“(2) VOTING.—A member of the Task Force that does not represent a Federal agency shall serve on the Task Force only in a nonvoting, advisory capacity.

“(c) DUTIES.—The Task Force shall review and make any necessary recommendations to the Secretary on implementation and conduct of programs under this Act.

“(d) TECHNICAL ADVISORY COMMITTEE.—

“(1) IN GENERAL.—The Secretary shall select such number of members as the Secretary considers to be appropriate to form an independent, nonpolitical Technical Advisory Committee.

“(2) MEMBERSHIP.—

“(A) IN GENERAL.—Each member of the Technical Advisory Committee shall have scientific, technical, or industrial expertise, as determined by the Secretary.

“(B) NATIONAL LABORATORIES.—At least 1 member of the Technical Advisory Committee shall represent a national laboratory.

“(3) DUTIES.—The Technical Advisory Committee shall provide technical advice and assistance to the Task Force and the Secretary.

“SEC. 103. TECHNOLOGY TRANSFER.

“In carrying out this Act, the Secretary shall carry out programs that—

“(1) provide for the transfer of critical hydrogen and fuel cell technologies to the private sector;

“(2) accelerate wider application of those technologies in the global market;

“(3) foster the exchange of generic, nonproprietary information; and

“(4) assess technical and commercial viability of technologies relating to the production, distribution, storage, and use of hydrogen energy and fuel cells.

“SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

“(a) HYDROGEN SUPPLY.—There are authorized to be appropriated to carry out projects and activities relating to hydrogen production, storage, distribution and dispensing, transport, education and coordination, and technology transfer under this title—

“(1) $200,000,000 for fiscal year 2006;
“(2) $210,000,000 for fiscal year 2007;
“(3) $220,000,000 for fiscal year 2008;
“(4) $230,000,000 for fiscal year 2009;
“(5) $250,000,000 for fiscal year 2010;
“(6) $240,000,000 for fiscal year 2011;
“(7) $230,000,000 for fiscal year 2012;
“(8) $220,000,000 for fiscal year 2013;
“(9) $180,000,000 for fiscal year 2014; and
“(10) $120,000,000 for fiscal year 2015.

“(b) FUEL CELL TECHNOLOGIES.—There are authorized to be appropriated to carry out projects and activities relating to fuel cell technologies under this title—

“(1) $160,000,000 for fiscal year 2006;
“(2) $170,000,000 for fiscal year 2007;
“(3) $180,000,000 for fiscal year 2008;
“(4) $200,000,000 for fiscal year 2009;
“(5) $210,000,000 for fiscal year 2010;
“(6) $200,000,000 for fiscal year 2011;
“(7) $190,000,000 for fiscal year 2012;
“(8) $170,000,000 for fiscal year 2013;
“(9) $150,000,000 for fiscal year 2014; and
“(10) $100,000,000 for fiscal year 2015.

"TITLE II—HYDROGEN AND FUEL CELL DEMONSTRATION

"SEC. 201. HYDROGEN SUPPLY AND FUEL CELL DEMONSTRATION PROGRAM.

"(a) IN GENERAL.—The Secretary, in consultation with the Task Force and the Technical Advisory Committee, shall carry out a program to demonstrate developmental hydrogen and fuel cell systems for mobile, portable, and stationary uses, using improved versions of the learning demonstrations program concept of the Department, including demonstrations involving—

"(1) light duty vehicles;

"(2) fleet delivery vans;

"(3) heavier duty vehicles;

"(4) specialty industrial and farm vehicles; and

"(5) commercial and residential portable, continuous, and backup electric power generation.

"(b) OTHER DEMONSTRATION PROGRAMS.—To develop widespread hydrogen supply and use options, and assist evolution of technology, the Secretary shall—

"(1) carry out demonstrations of evolving hydrogen and fuel cell technologies in national parks, remote island areas, and on Indian tribal land, as selected by the Secretary;

"(2) in accordance with any code or standards developed in a region, fund prototype, pilot fleet, and infrastructure regional hydrogen supply corridors along the interstate highway system in varied climates across the United States; and

"(3) fund demonstration programs that explore the use of hydrogen blends, hybrid hydrogen, and hydrogen reformed from renewable agricultural fuels, including the use of hydrogen in hybrid electric, heavier duty, and advanced internal combustion-powered vehicles.

"(c) SYSTEM DEMONSTRATIONS.—

"(1) IN GENERAL.—As a component of the demonstration program under this section, the Secretary shall provide grants, on a cost share basis as appropriate, to eligible entities (as determined by the Secretary) for use in—

"(A) devising system design concepts that provide for the use of advanced composite vehicles in programs under title III that—

"(i) have as a primary goal the reduction of drive energy requirements;

"(ii) after 2010, add another research and development phase to the vehicle and infrastructure partnerships developed under the learning demonstrations program concept of the Department; and

"(iii) are managed through an enhanced FreedomCAR program within the Department that encourages involvement in cost-shared projects by domestic and international manufacturers and governments; and

"(B) designing a local distributed energy system that—

"(i) incorporates renewable hydrogen production, off-grid electricity production, and fleet applications in industrial or commercial service;

"(ii) integrates energy or applications described in clause (i), such as stationary, portable, micro, and mobile fuel cells, into a high-density commercial or residential building complex or agricultural community; and

"(iii) is managed in cooperation with industry, State, tribal, and local governments, agricultural organizations, and nonprofit generators and distributors of electricity.

"(2) COST SHARING.—The Federal share of the cost of a project or activity carried out using funds from a grant under paragraph (1) shall not exceed 50% percent, as determined by the Secretary.

"(d) IDENTIFICATION OF NEW RESEARCH AND DEVELOPMENT REQUIREMENTS.—In carrying out the demonstrations under subsection (a), the Secretary, in consultation with the Task Force and the Technical Advisory Committee, shall—

"(1) after 2008 for stationary and portable applications, and after 2010 for vehicles, identify new research and development requirements that refine technological concepts, planning, and applications; and

"(2) during the second phase of the learning demonstrations under subsection (c)(1)(A)(ii), redesign subsequent research and development to incorporate those requirements.

"SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title—

"(1) $185,000,000 for fiscal year 2006;

"(2) $200,000,000 for fiscal year 2007;

"(3) $300,000,000 for fiscal year 2008;

"(4) $350,000,000 for fiscal year 2009;

"(5) $425,000,000 for fiscal year 2010;

"(6) $335,000,000 for fiscal year 2011;

"(7) $310,000,000 for fiscal year 2012;

"(8) $270,000,000 for fiscal year 2013;

"(9) $200,000,000 for fiscal year 2014; and

"(10) $100,000,000 for fiscal year 2015.

"TITLE III—TRANSITION TO MARKET

"SEC. 301. FEDERAL PROCUREMENT OF FUEL CELL VEHICLES AND HYDROGEN ENERGY SYSTEMS.

"(a) PURPOSES.—The purposes of this section are—

"(1) to stimulate acceptance by the market of fuel cell vehicles and hydrogen energy systems;

"(2) to support development of technologies relating to fuel cell vehicles, public refueling stations, and hydrogen energy systems; and

"(3) to require the Federal government, which is the largest single user of energy in the United States, to adopt those technologies as soon as practicable after the technologies are developed, in conjunction with private industry partners.

"(b) FEDERAL LEASES AND PURCHASES.—

"(1) REQUIREMENT.—

"(A) IN GENERAL.—Not later than January 1, 2010, the head of any Federal agency that uses a light-duty or heavy-duty vehicle fleet shall lease or purchase fuel cell vehicles and hydrogen energy systems to meet any applicable energy savings goal described in subsection (c).

"(B) LEARNING DEMONSTRATION VEHICLES.—The Secretary may lease or purchase appropriate vehicles developed under the learning demonstrations program concept of the Department under title II to meet the requirement in subparagraph (A).

"(2) COSTS OF LEASES AND PURCHASES.—

"(A) IN GENERAL.—The Secretary, in cooperation with the Task Force and the Technical Advisory Committee, shall pay to Federal agencies (or share the cost under interagency agreements) the difference in cost between—

"(i) the cost to the agencies of leasing or purchasing fuel cell vehicles and hydrogen energy systems under paragraph (1); and

"(ii) the cost to the agencies of a feasible alternative to leasing or purchasing fuel cell vehicles and hydrogen energy systems, as determined by the Secretary.

"(B) COMPETITIVE COSTS AND MANAGEMENT STRUCTURES.—In carrying out subparagraph (A), the Secretary, in consultation with the agency, may use the General Services Administration or any commercial vendor to ensure—

"(i) a cost-effective purchase of a fuel cell vehicle or hydrogen energy system; or

"(ii) a cost-effective management structure of the lease of a fuel cell vehicle or hydrogen energy system.

"(3) EXCEPTION.—

"(A) IN GENERAL.—If the Secretary determines that the head of an agency described in paragraph (1) cannot find an appropriately efficient and reliable fuel cell vehicle or hydrogen energy system in accordance with paragraph (1), that agency shall be excepted from compliance with paragraph (1).

"(B) CONSIDERATION.—In making a determination under subparagraph (A), the Secretary shall consider—

"(i) the needs of the agency; and

"(ii) an evaluation performed by—

"(I) the Task Force; or

"(II) the Technical Advisory Committee.

"(c) ENERGY SAVINGS GOALS.—

"(1) IN GENERAL.—

"(A) REGULATIONS.—Not later than December 31, 2006, the Secretary shall—

"(i) in cooperation with the Task Force, promulgate regulations for the period of 2008 through 2010 that extend and augment energy savings goals for each Federal agency, in accordance with any Executive order issued after March 2000; and

"(ii) promulgate regulations to expand the minimum Federal fleet requirement and credit allowances for fuel cell vehicle systems under section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212).

"(B) REVIEW, EVALUATION, AND NEW REGULATIONS.—Not later than December 31, 2010, the Secretary shall—

"(i) review the regulations promulgated under subparagraph (A);

"(ii) evaluate any progress made toward achieving energy savings by Federal agencies; and

"(iii) promulgate new regulations for the period of 2011 through 2015 to achieve additional energy savings by Federal agencies relating to technical and cost-performance standards.

"(2) OFFSETTING ENERGY SAVINGS GOALS.—An agency that leases or purchases a fuel cell vehicle or hydrogen energy system in accordance with subsection (b)(1) may use that lease or purchase to count toward an energy savings goal of the agency.

"(3) USE OF ENERGY SAVINGS PERFORMANCE CONTRACTS.—An agency that leases or purchases a fuel cell vehicle or hydrogen energy system in accordance with subsection (b)(1) may use any energy savings performance contract under title VIII of the National Energy Conservation Policy Act (42 U.S.C. 8287 et seq.) (including a pilot program for mobility uses in an expanded energy savings performance contract) to count toward an energy savings goal of the agency.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

"(1) $10,000,000 for fiscal year 2008;

"(2) $15,000,000 for fiscal year 2009;

"(3) $50,000,000 for fiscal year 2010;

"(4) $100,000,000 for fiscal year 2011;

"(5) $150,000,000 for fiscal year 2012;

"(6) $165,000,000 for fiscal year 2013;

"(7) $195,000,000 for fiscal year 2014; and

"(8) $200,000,000 for fiscal year 2015.

"SEC. 302. FEDERAL PROCUREMENT OF STATIONARY, PORTABLE, AND MICRO FUEL CELLS.

"(a) PURPOSES.—The purposes of this section are—

"(1) to stimulate acceptance by the market of stationary, portable, and micro fuel cells; and

"(2) to support development of technologies relating to stationary, portable, and micro fuel cells.

"(b) FEDERAL LEASES AND PURCHASES.—

"(1) IN GENERAL.—Not later than January 1, 2006, the head of any Federal agency that uses electrical power from stationary, portable, or microportable devices shall lease or purchase a stationary, portable, or micro fuel cell to meet any applicable energy savings goal described in subsection (c).

"(2) COSTS OF LEASES AND PURCHASES.—

"(A) IN GENERAL.—The Secretary, in cooperation with the Task Force and the Technical Advisory Committee, shall pay the cost to Federal agencies (or share the cost under interagency agreements) of leasing or purchasing stationary, portable, and micro fuel cells under paragraph (1).

"(B) COMPETITIVE COSTS AND MANAGEMENT STRUCTURES.—In carrying out subparagraph (A), the Secretary, in consultation with the agency, may use the General Services Administration or any commercial vendor to ensure—

"(i) a cost-effective purchase of a stationary, portable, or micro fuel cell; or

"(ii) a cost-effective management structure of the lease of a stationary, portable, or micro fuel cell.

"(3) EXCEPTION.—

"(A) IN GENERAL.—If the Secretary determines that the head of an agency described in paragraph (1) cannot find an appropriately efficient and reliable stationary, portable, or micro fuel cell in accordance with paragraph (1), that agency shall be excepted from compliance with paragraph (1).

"(B) CONSIDERATION.—In making a determination under subparagraph (A), the Secretary shall consider—

"(i) the needs of the agency; and

"(ii) an evaluation performed by—

"(I) the Task Force; or

"(II) the Technical Advisory Committee of the Task Force.

"(c) ENERGY SAVINGS GOALS.—

"(1) OFFSETTING ENERGY SAVINGS GOALS.—An agency that leases or purchases a stationary, portable, or micro fuel cell in accordance with subsection (b)(1) may use that lease or purchase to count toward an energy savings goal described in section 301(c)(1) that is applicable to the agency.

"(2) USE OF ENERGY SAVINGS PERFORMANCE CONTRACTS.—An agency that leases or purchases a stationary, portable, or micro fuel cell in accordance with subsection (b)(1) may use any energy savings performance contract under title VIII of the National Energy Conservation Policy Act (42 U.S.C. 8287 et seq.) (including a pilot program in an expanded energy savings performance contract) to count toward an energy savings goal of the agency.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

"(1) $20,000,000 for fiscal year 2006;

"(2) $50,000,000 for fiscal year 2007;

"(3) $75,000,000 for fiscal year 2008;

"(4) $100,000,000 for fiscal year 2009;

"(5) $100,000,000 for fiscal year 2010;

"(6) $100,000,000 for fiscal year 2011;

"(7) $55,000,000 for fiscal year 2012;

"(8) $50,000,000 for fiscal year 2013;

"(9) $50,000,000 for fiscal year 2014; and

"(10) $25,000,000 for fiscal year 2015.

"TITLE IV—REGULATORY MANAGEMENT

"SEC. 401. CODES AND STANDARDS.

"(a) IN GENERAL.—The Secretary, in cooperation with the Task Force, shall provide grants to, or offer to enter into contracts with such professional organizations, public service organizations, and government agencies as the Secretary determines appropriate to support timely and extensive development of safety codes and standards relating to fuel cell vehicles, hydrogen energy systems, and stationary, portable, and micro fuel cells.

"(b) EDUCATIONAL EFFORTS.—The Secretary shall support educational efforts by organizations and agencies described in subsection (a) to share information, including information relating to best practices, among those organizations and agencies.

"SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this title—

"(1) $4,000,000 for fiscal year 2006;

"(2) $7,000,000 for fiscal year 2007;

"(3) $8,000,000 for fiscal year 2008;

"(4) $8,000,000 for fiscal year 2009;

"(5) $10,000,000 for fiscal year 2010;

"(6) $9,000,000 for fiscal year 2011; and

"(7) $9,000,000 for fiscal year 2012.

"TITLE V—REPORTS

"SEC. 501. DEPLOYMENT OF HYDROGEN TECHNOLOGY.

"(a) SECRETARY.—Subject to subsection (c), not later than 2 years after the date of enactment of the Hydrogen and Fuel Cell Technology Act of 2005, and biannually thereafter, the Secretary shall submit to Congress—

"(1) a report describing—

"(A) any activity carried out by the Department of Energy under this Act, including a research, development, demonstration, and commercial application program for hydrogen and fuel cell technology;

"(B) measures the Secretary has taken during the preceding 2 years to support the transition of primary industry (or a related industry) to a fully-commercialized hydrogen economy;

"(C) any change made to a research, development, or deployment strategy of the Secretary relating to hydrogen and fuel cell technology to reflect the results of a learning demonstration under title II;

"(D) progress, including progress in infrastructure, made toward achieving the goal of producing and deploying not less than—

"(i) 100,000 hydrogen-fueled vehicles in the United States by 2010; and

"(ii) 2,500,000 hydrogen-fueled vehicles by 2020;

"(E) progress made toward achieving the goal of supplying hydrogen at a sufficient number of fueling stations in the United States by 2010 can be achieved by integrating—

"(i) hydrogen activities; and

"(ii) associated targets and timetables for the development of hydrogen technologies;

"(F) any problem relating to the design, execution, or funding of a program under this Act; and

"(G) progress made toward and goals achieved in carrying out this Act and updates to the developmental roadmap, including the results of the reviews conducted by the National Academy of Sciences under subsection (d) for the fiscal years covered by the report; and

"(2) a strategic plan describing—

"(A) a remedy for any problems described in paragraph (1)(D); and

"(B) any approach by which the Secretary could achieve a substantial decrease in the dependence on and consumption of natural gas and imported oil by the Federal Government, including by increasing the use of fuel cell vehicles, stationary and portable fuel cells, and hydrogen energy systems described in title III.

"(b) TASK FORCE.—Subject to subsection (c), not later than 3 years after the date of enactment of the Hydrogen and Fuel Cell Technology Act of 2005, and triennially thereafter, the Task Force shall submit to Congress a report describing—

"(1) the degree of success of each program under this Act; and

"(2) the degree to which the success of programs under this Act has led to evolution of a hydrogen economy and improved potential for economic growth.

"(c) COMBINATION OF REPORTS.—

"(1) IN GENERAL.—The Secretary may decide to combine the reports under subsections (a) and (b) before the reports are submitted to Congress, as the Secretary determines appropriate.

"(2) REQUIREMENTS.—If the Secretary decides to combine the reports under paragraph (1), the Secretary shall—

"(A) not later than 2 years after the date of enactment of the Hydrogen and Fuel Cell Technology Act of 2005, provide notice of the decision to the Task Force; and

"(B) not later than 3 years after the date of enactment of the Hydrogen and Fuel Cell Technology Act of 2005, and triennially thereafter, submit the combined reports to Congress.

"(3) TASK FORCE.—Not later than 180 days after receiving notice from the Secretary under paragraph (2)(A), and triennially thereafter, the Task Force shall submit to the Secretary a report in accordance with subsection (b).

"(d) NATIONAL ACADEMY OF SCIENCES.—

"(1) IN GENERAL.—Not later than September 30, 2007, and triennially thereafter, the National Academy of Sciences shall conduct and submit to the Secretary—

"(A) the results of a review of the projects and activities carried out under this Act; and

"(B) recommendations for any new authorities or resources needed to achieve strategic goals.

"(2) REAUTHORIZATION.—The Secretary shall use the results of reviews conducted under paragraph (1) in proposing to Congress any legislative changes relating to reauthorization of this Act.

"SEC. 502. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this title $900,000 for each of fiscal years 2006 through 2015.

"TITLE VI—TERMINATION OF AUTHORITY

"SEC. 601. TERMINATION OF AUTHORITY.

"This Act and the authority provided by this Act terminate on September 30, 2015.".

SEC. 3. TAX INCENTIVES TO BUILD THE HYDROGEN ECONOMY.

It is the sense of the Senate that Congress should provide any necessary tax incentives to encourage investment in and production and use of hydrogen and fuel cell systems during critical stages of market growth, including—

(1) a hydrogen fuel cell motor vehicle credit;

(2) a credit for the installation of hydrogen fuel cell motor vehicle fueling stations;

(3) a credit for residential fuel cell property; and

(4) a credit for business installation of qualified fuel cells.

THE HYDROGEN AND FUEL CELL TECHNOLOGY ACT OF 2005

Mr. AKAKA. Mr. President, I rise today in support of the Hydrogen and Fuel Cell Technology Act of 2005, a bill to amend the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990. A reauthorization of the Matsunaga Act is badly needed. I have introduced bills in the 106th Congress, in the 107th Congress jointly with my friend Senator HARKIN, and in the 108th Congress to reauthorize the essential hydrogen research and development programs in the Department of Energy. The core provisions of these bills were included in each of the omnibus energy bills, whether we were in the majority or in the minority, suggesting widespread, bipartisan agreement that we need a robust hydrogen program for the future.

As a founding member of the Senate's Hydrogen and Fuel Cell Caucus, I have worked with my colleagues to draft this bill and am pleased to be an original cosponsor. The caucus has heard from a wide variety of interest groups, engineers, and scientists providing input on the potential for a "hydrogen economy." The caucus, under the able coleadership of my colleagues Senator DORGAN and Senator GRAHAM, has actively solicited input from fuel cell producers anti councils, automobile manufacturers, oil and gas companies, utilities, university research institutes, the Department of Energy, and national associations. The recommendations of the National Commission on Energy Policy and the National Academy of Sciences were instrumental in developing this bill.

I am more convinced than ever that we need to move now to reauthorize the Matsunaga Act and to refine and enhance the Department of Energy's responsibilities while maintaining strong oversight over the progress of the activities. We cannot delay the move to a "hydrogen economy."

This bill does several things that are important for the management of hydrogen programs in the Department of Energy and will help move the nation toward using hydrogen as an energy source in our daily lives. It provides greater focus for the hydrogen fuel cell technology research and development programs without losing the focus on renewable sources of hydrogen. It emphasizes factors that are critical to the development of hydrogen infrastructure and the supply of vehicles and electric power. It directs the Secretary to carry out activities to improve technology with the goal of cost reduction, particularly for hydrogen production, the supply of hydrogen, storage of hydrogen, and the end uses of hydrogen. The bill authorizes $200 million for hydrogen supply and $160 million for fuel cell technologies in fiscal year 2006. It emphasizes the importance of enhancing sources of renewable fuels and biofuels for hydrogen production, a factor that is critical to remote areas and island states such as Hawaii where we need local sources of energy.

This bill is a realistic one, providing specific footpaths to the hydrogen economy domestically and internationally. The bill acknowledges that transportation and the availability of reasonably priced cars may be the first market break through for the hydrogen economy.

Title II authorizes demonstration programs through the Department of Energy for fuel cell systems for mobile, portable, and stationary uses. Demonstrations are a critical component of moving a product to market. Title III of the bill, "Transition to Market," succinctly states the goal of this section. Section 301 authorizes Federal procurement of fuel cell vehicles and hydrogen energy systems. This provision is intended to stimulate the market by requiring the Federal Government, the largest single user of energy in the United States, to adopt hydrogen technologies as soon as practicable. Energy savings are an important part of this title. The Department is required to collect data on energy savings as a result of this program and to evaluate whether the program is achieving energy savings.

Lastly, this bill provides important directions to the Secretary to address the development of safety codes and standards relating to fuel cell vehicles, hydrogen energy systems, and stationary, portable, and micro fuel cells. This provision recognizes the importance of public acceptance of hydrogen as a safe and secure energy source; and it recognizes the industry's needs for standards of safety codes and standards for hydrogen energy systems whether stationary, mobile, or portable. The bill does not require the standards to be developed "in-house" within the Department of Energy, but importantly authorizes the Secretary of Energy to enter into cooperative agreements, grants, and contracts with industry groups and with the cooperation of the Federal interagency Hydrogen and Fuel Cell Technical Task Force.

Mr. President, I urge my colleagues in the Senate to support this bill.

By Mr. DEWINE (for himself, Mr. KENNEDY, Mr. LUGAR, Mr. HARKIN, Ms. COLLINS, Mr. DURBIN, Mr. SMITH, Mr. DODD, Mr. CORNYN, Mr. LAUTENBERG, Mr. McCAIN, Mr. REED, Ms. SNOWE, Ms. MURKOWSKI, Mr. CHAFEE, and Mr. SPECTER):

S. 666. A bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products; to the Committee on Health, Education, Labor, and Pensions.

Mr. DEWINE. Mr. President, today I join our colleagues Senators KENNEDY, LUGAR, COLLINS, SMITH, CORNYN, McCAIN, SNOWE, HARKIN, DURBIN, DODD, LAUTENBERG, REED, MURKOWSKI, CHAFEE and SPECTER to introduce a bill designed to help protect consumers—especially children—from the dangers of tobacco. Simply, our bill would finally give the Food and Drug Administration (FDA) the authority it needs to effectively regulate the manufacture and sale of tobacco products.

I say finally, because there are some tobacco proponents who would have you believe that the Master Settlement Agreement, which was signed in 1998 by 46 states, resolved the issue of tobacco use by imposing advertising restrictions.

I say finally, because my colleagues—first Senator McCAIN, then Senator FRIST, then Senator GREGG, and then Senator KENNEDY and I—have been seeking FDA regulation of tobacco products since the mid- to late-1990's.

And, I say finally, because the bill that we are introducing today is the product of long and hard discussions and negotiations that I have had with Senator KENNEDY and public interest groups and industry. Our bill has the support of the Campaign for Tobacco Free Kids, Philip Morris, the American Heart Association, the American Lung Association, and the American Cancer Association. It is a bill that I am proud of—one that is worthy of the Senate's consideration, and one that will provide the FDA—finally—with strong and effective authority over the regulation of tobacco products.

The introduction of this bill couldn't come at a better time. The budget is on the Floor, and people anticipate the slowed-spending in Medicaid, and the economic burden of cigarettes is enormous. According to the 2004 Surgeon General's Report entitled The Health Consequences of Smoking, from 1995 to 1999, smoking-related costs totaled $157.7 billion each year. This figure includes more than $75 billion in direct medical costs for adults (things like ambulatory care, hospital care, prescription drugs, nursing homes, and other care), about $82 billion in indirect costs from lost productivity, and $366 million for neonatal care. This equals an estimated $3,000 per smoker, per year.

In a budget year when Congress is looking to find savings in Medicaid—in the ballpark of $15 billion over 5 years—Congress should look at the cost savings that would be made possible by FDA regulation of tobacco. We already know that doing nothing costs our country, our taxpayers, and our employers and employees $157 billion a year. Isn't it time that the federal government consider that it has a responsibility to find savings through the regulation of tobacco?

Not having access to all the information about this deadly product makes no sense and it is something that needs to change. By introducing this bill, we are saying that. we are not going to let tobacco manufacturers have free reign over their markets and consumers any more. We are taking a step toward making sure the public gets adequate information about whether to continue to smoke or even to start smoking in the first place. With this bill, we are not just saying "buyer beware." We are saying "tobacco companies be honest." We are saying "tobacco companies stop marketing to innocent children and tell consumers about what they are really buying."

Ultimately, our bill would give consumers the information they need to make healthier and better choices about tobacco use. I have faith that informed consumers make better choices, and those choices could lead to cost-savings for the society overall.

Our bill would give the FDA the authority to regulate a product that has gone unregulated for far too long—a product that for the past century has not revealed its ingredients to the consumer—a product whose manufacturing facilities are not inspected or accountable for following good manufacturing practices—a product that is never reviewed or approved before reaching the hands of 40 million consumers, many of whom are just children. Mr. President, Congress should put an end to this. Congress should put an end to the marketing of tobacco products to our children. Congress should put an end to the ability of tobacco companies to make claims, whether they are implied claims or direct claims, about their products. Congress should put an end to tobacco companies putting any ingredient they want into their products without disclosing it to the consumer. It is time Congress gives the FDA authority to it needs to fix these problems.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 666

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Family Smoking Prevention and Tobacco Control Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Purpose.
Sec. 4. Scope and effect.
Sec. 5. Severability.

TITLE I—AUTHORITY OF THE FOOD AND DRUG ADMINISTRATION

Sec. 101. Amendment of Federal Food, Drug, and Cosmetic act.
Sec. 102. Interim final rule.
Sec. 103. Conforming and other amendments to general provisions.

TITLE II—TOBACCO PRODUCT WARNINGS; CONSTITUENT AND SMOKE CONSTITUENT DISCLOSURE

Sec. 201. Cigarette label and advertising warnings.
Sec. 202. Authority to revise cigarette warning label statements.
Sec. 203. State regulation of cigarette advertising and promotion.
Sec. 204. Smokeless tobacco labels and advertising warnings.
Sec. 205. Authority to revise smokeless tobacco product warning label statements.
Sec. 206. Tar, nicotine, and other smoke constituent disclosure to the public.

TITLE III—PREVENTION OF ILLICIT TRADE IN TOBACCO PRODUCTS

Sec. 301. Labeling, recordkeeping, records inspection.
Sec. 302. Study and report.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The use of tobacco products by the Nation's children is a pediatric disease of considerable proportions that results in new generations of tobacco-dependent children and adults.

(2) A consensus exists within the scientific and medical communities that tobacco products are inherently dangerous and cause cancer, heart disease, and other serious adverse health effects.

(3) Nicotine is an addictive drug.

(4) Virtually all new users of tobacco products are under the minimum legal age to purchase such products.

(5) Tobacco advertising and marketing contribute significantly to the use of nicotine-containing tobacco products by adolescents.

(6) Because past efforts to restrict advertising and marketing of tobacco products have failed adequately to curb tobacco use by adolescents, comprehensive restrictions on the sale, promotion, and distribution of such products are needed.

(7) Federal and State governments have lacked the legal and regulatory authority and resources they need to address comprehensively the public health and societal problems caused by the use of tobacco products.

(8) Federal and State public health officials, the public health community, and the public at large recognize that the tobacco industry should be subject to ongoing oversight.

(9) Under article I, section 8 of the Constitution, the Congress is vested with the responsibility for regulating interstate commerce and commerce with Indian tribes.

(10) The sale, distribution, marketing, advertising, and use of tobacco products are activities in and substantially affecting interstate commerce because they are sold, marketed, advertised, and distributed in interstate commerce on a nationwide basis, and have a substantial effect on the Nation's economy.

(11) The sale, distribution, marketing, advertising, and use of such products substantially affect interstate commerce through the health care and other costs attributable to the use of tobacco products.

(12) It is in the public interest for Congress to enact legislation that provides the Food and Drug Administration with the authority to regulate tobacco products and the advertising and promotion of such products. The benefits to the American people from enacting such legislation would be significant in human and economic terms.

(13) Tobacco use is the foremost preventable cause of premature death in America. It causes over 400,000 deaths in the United States each year and approximately 8,600,000 Americans have chronic illnesses related to smoking.

(14) Reducing the use of tobacco by minors by 50 percent would prevent well over 10,000,000 of today's children from becoming regular, daily smokers, saving over 3,000,000 of them from premature death due to tobacco induced disease. Such a reduction in youth smoking would also result in approximately $75,000,000,000 in savings attributable to reduced health care costs.

(15) Advertising, marketing, and promotion of tobacco products have been especially directed to attract young persons to use tobacco products and these efforts have resulted in increased use of such products by youth. Past efforts to oversee these activities have not been successful in adequately preventing such increased use.

(16) In 2002, the tobacco industry spent more than $12,466,000,000 to attract new users, retain current users, increase current consumption, and generate favorable long-term attitudes toward smoking and tobacco use.

(17) Tobacco product advertising often misleadingly portrays the use of tobacco as socially acceptable and healthful to minors.

(18) Tobacco product advertising is regularly seen by persons under the age of 18, and persons under the age of 18 are regularly exposed to tobacco product promotional efforts.

(19) Through advertisements during and sponsorship of sporting events, tobacco has become strongly associated with sports and has become portrayed as an integral part of sports and the healthy lifestyle associated with rigorous sporting activity.

(20) Children are exposed to substantial and unavoidable tobacco advertising that leads to favorable beliefs about tobacco use, plays a role in leading young people to overestimate the prevalence of tobacco use, and increases the number of young people who begin to use tobacco.

(21) The use of tobacco products in motion pictures and other mass media glamorizes its use for young people and encourages them to use tobacco products.

(22) Tobacco advertising expands the size of the tobacco market by increasing consumption of tobacco products including tobacco use by young people.

(23) Children are more influenced by tobacco advertising than adults, they smoke the most advertised brands.

(24) Tobacco company documents indicate that young people are an important and often crucial segment of the tobacco market. Children, who tend to be more price-sensitive than adults, are influenced by advertising and promotion practices that result in drastically reduced cigarette prices.

(25) Comprehensive advertising restrictions will have a positive effect on the smoking rates of young people.

(26) Restrictions on advertising are necessary to prevent unrestricted tobacco advertising from undermining legislation prohibiting access to young people and providing for education about tobacco use.

(27) International experience shows that advertising regulations that are stringent and comprehensive have a greater impact on overall tobacco use and young people's use than weaker or less comprehensive ones.

(28) Text only requirements, although not as stringent as a ban, will help reduce underage use of tobacco products while preserving the informational function of advertising.

(29) It is in the public interest for Congress to adopt legislation to address the public health crisis created by actions of the tobacco industry.

(30) The final regulations promulgated by the Secretary of Health and Human Services in the August 28, 1996, issue of the Federal Register (61 Fed. Reg. 44615–44618) for inclusion as part 897 of title 21, Code of Federal Regulations, are consistent with the First Amendment to the United States Constitution and with the standards set forth in the amendments made by this subtitle for the regulation of tobacco products by the Food and Drug Administration and the restriction on the sale and distribution, including access to and the advertising and promotion of, tobacco products contained in such regulations are substantially related to accomplishing the public health goals of this Act.

(31) The regulations described in paragraph (30) will directly and materially advance the Federal Government's substantial interest in reducing the number of children and adolescents who use cigarettes and smokeless tobacco and in preventing the life-threatening health consequences associated with tobacco use. An overwhelming majority of Americans who use tobacco products begin using such products while they are minors and become addicted to the nicotine in those products before reaching the age of 18. Tobacco advertising and promotion plays a crucial role in the decision of these minors to begin using tobacco products. Less restrictive and less comprehensive approaches have not and will not be effective in reducing the problems addressed by such regulations. The reasonable restrictions on the advertising and promotion of tobacco products contained in such regulations will lead to a significant decrease in the number of minors using and becoming addicted to those products.

(32) The regulations described in paragraph (30) impose no more extensive restrictions on communication by tobacco manufacturers and sellers than are necessary to reduce the number of children and adolescents who use cigarettes and smokeless tobacco and to prevent the life-threatening health consequences associated with tobacco use. Such regulations are narrowly tailored to restrict those advertising and promotional practices which are most likely to be seen or heard by youth and most likely to entice them into tobacco use, while affording tobacco manufacturers and sellers ample opportunity to convey information about their products to adult consumers.

(33) Tobacco dependence is a chronic disease, one that typically requires repeated interventions to achieve long-term or permanent abstinence.

(34) Because the only known safe alternative to smoking is cessation, interventions should target all smokers to help them quit completely.

(35) Tobacco products have been used to facilitate and finance criminal activities both domestically and internationally. Illicit trade of tobacco products has been linked to organized crime and terrorist groups.

(36) It is essential that the Food and Drug Administration review products sold or distributed for use to reduce risks or exposures associated with tobacco products and that it be empowered to review any advertising and labeling for such products. It is also essential that manufacturers, prior to marketing such products, be required to demonstrate that such products will meet a series of rigorous criteria, and will benefit the health of the population as a whole, taking into account both users of tobacco products and persons who do not currently use tobacco products.

(37) Unless tobacco products that purport to reduce the risks to the public of tobacco use actually reduce such risks, those products can cause substantial harm to the public health to the extent that the individuals, who would otherwise not consume tobacco products or would consume such products less, use tobacco products purporting to reduce risk. Those who use products sold or distributed as modified risk products that do not in fact reduce risk, rather than quitting or reducing their use of tobacco products, have a substantially increased likelihood of suffering disability and premature death. The costs to society of the widespread use of products sold or distributed as modified risk products that do not in fact reduce risk or that increase risk include thousands of unnecessary deaths and injuries and huge costs to our health care system.

(38) As the National Cancer Institute has found, many smokers mistakenly believe that "low tar" and "light" cigarettes cause fewer health problems than other cigarettes. As the National Cancer Institute has also found, mistaken beliefs about the health consequences of smoking "low tar" and "light" cigarettes can reduce the motivation to quit smoking entirely and thereby lead to disease and death.

(39) Recent studies have demonstrated that there has been no reduction in risk on a population-wide basis from "low tar" and "light" cigarettes and such products may actually increase the risk of tobacco use.

(40) The dangers of products sold or distributed as modified risk tobacco products that do not in fact reduce risk are so high that there is a compelling governmental interest in insuring that statements about modified risk tobacco products are complete, accurate, and relate to the overall disease risk of the product.

(41) As the Federal Trade Commission has found, consumers have misinterpreted advertisements in which one product is claimed to be less harmful than a comparable product, even in the presence of disclosures and advisories intended to provide clarification.

(42) Permitting manufacturers to make unsubstantiated statements concerning modified risk tobacco products, whether express or implied, even if accompanied by disclaimers would be detrimental to the public health.

(43) The only way to effectively protect the public health from the dangers of unsubstantiated modified risk tobacco products is to empower the Food and Drug Administration to require that products that tobacco manufacturers sold or distributed for risk reduction be approved in advance of marketing, and to require that the evidence relied on to support approval of these products is rigorous.

SEC. 3. PURPOSE.

The purposes of this Act are—

(1) to provide authority to the Food and Drug Administration to regulate tobacco products under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), by recognizing it as the primary Federal regulatory authority with respect to the manufacture, marketing, and distribution of tobacco products;

(2) to ensure that the Food and Drug Administration has the authority to address issues of particular concern to public health officials, especially the use of tobacco by young people and dependence on tobacco;

(3) to authorize the Food and Drug Administration to set national standards controlling the manufacture of tobacco products and the identity, public disclosure, and amount of ingredients used in such products;

(4) to provide new and flexible enforcement authority to ensure that there is effective oversight of the tobacco industry's efforts to develop, introduce, and promote less harmful tobacco products;

(5) to vest the Food and Drug Administration with the authority to regulate the levels of tar, nicotine, and other harmful components of tobacco products;

(6) in order to ensure that consumers are better informed, to require tobacco product manufacturers to disclose research which has not previously been made available, as well as research generated in the future, relating to the health and dependency effects or safety of tobacco products;

(7) to continue to permit the sale of tobacco products to adults in conjunction with measures to ensure that they are not sold or accessible to underage purchasers;

(8) to impose appropriate regulatory controls on the tobacco industry;

(9) to promote cessation to reduce disease risk and the social costs associated with tobacco related diseases; and

(10) to strengthen legislation against illicit trade in tobacco products.

SEC. 4. SCOPE AND EFFECT.

(a) INTENDED EFFECT.—Nothing in this Act (or an amendment made by this Act) shall be construed to—

(1) establish a precedent with regard to any other industry, situation, circumstance, or legal action; or

(2) affect any action pending in Federal, State, or Tribal court, or any agreement, consent decree, or contract of any kind.

(b) AGRICULTURAL ACTIVITIES.—The provisions of this Act (or an amendment made by this Act) which authorize the Secretary to take certain actions with regard to tobacco and tobacco products shall not be construed to affect any authority of the Secretary of Agriculture under existing law regarding the growing, cultivation, or curing of raw tobacco.

SEC. 5. SEVERABILITY.

If any provision of this Act, the amendments made by this Act, or the application of any provision of this Act to any person or circumstance is held to be invalid, the remainder of this Act, the amendments made by this Act, and the application of the provisions of this Act to any other person or circumstance shall not be affected and shall continue to be enforced to the fullest extent possible.

TITLE I—AUTHORITY OF THE FOOD AND DRUG ADMINISTRATION

SEC. 101. AMENDMENT OF FEDERAL FOOD, DRUG, AND COSMETIC ACT.

(a) DEFINITION OF TOBACCO PRODUCTS.—Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

"(nn)(1) The term 'tobacco product' means any product made or derived from tobacco that is intended for human consumption, including any component, part, or accessory of a tobacco product (except for raw materials other than tobacco used in manufacturing a component, part, or accessory of a tobacco product).

"(2) The term 'tobacco product' does not mean—

"(A) a product in the form of conventional food (including water and chewing gum), a product represented for use as or for use in a conventional food, or a product that is intended for ingestion in capsule, tablet, softgel, or liquid form; or

“(B) an article that is approved or is regulated as a drug by the Food and Drug Administration.

“(3) The products described in paragraph (2)(A) shall be subject to chapter IV or chapter V of this Act and the articles described in paragraph (2)(B) shall be subject to chapter V of this Act.

“(4) A tobacco product may not be marketed in combination with any other article or product regulated under this Act (including a drug, biologic, food, cosmetics, medical device, or a dietary supplement).”.

(b) FDA AUTHORITY OVER TOBACCO PRODUCTS.—The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended—

(1) by redesignating chapter IX as chapter X;

(2) by redesignating sections 901 through 907 as sections 1001 through 1007; and

(3) by inserting after section 803 the following:

“CHAPTER IX—TOBACCO PRODUCTS

“SEC. 900. DEFINITIONS.

“In this chapter:

“(1) ADDITIVE.—The term ‘additive’ means any substance the intended use of which results or may reasonably be expected to result, directly or indirectly, in its becoming a component or otherwise affecting the characteristic of any tobacco product (including any substances intended for use as a flavoring, coloring or in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding), except that such term does not include tobacco or a pesticide chemical residue in or on raw tobacco or a pesticide chemical.

“(2) BRAND.—The term ‘brand’ means a variety of tobacco product distinguished by the tobacco used, tar content, nicotine content, flavoring used, size, filtration, or packaging, logo, registered trademark or brand name, identifiable pattern of colors, or any combination of such attributes.

“(3) CIGARETTE.—The term ‘cigarette’ has the meaning given that term by section 3(1) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332(1)), but also includes tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette or as roll-your-own tobacco.

“(4) CIGARETTE TOBACCO.—The term ‘cigarette tobacco’ means any product that consists of loose tobacco that is intended for use by consumers in a cigarette. Unless otherwise stated, the requirements for cigarettes shall also apply to cigarette tobacco.

“(5) COMMERCE.—The term ‘commerce’ has the meaning given that term by section 3(2) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332(2)).

“(6) COUNTERFEIT TOBACCO PRODUCT.—The term ‘counterfeit tobacco product’ means a tobacco product (or the container or labeling of such a product) that, without authorization, bears the trademark, trade name, or other identifying mark, imprint or device, or any likeness thereof, of a tobacco product listed in a registration under section 905(i)(1).

“(7) DISTRIBUTOR.—The term ‘distributor’ as regards a tobacco product means any person who furthers the distribution of a tobacco product, whether domestic or imported, at any point from the original place of manufacture to the person who sells or distributes the product to individuals for personal consumption. Common carriers are not considered distributors for purposes of this chapter.

“(8) ILLICIT TRADE.—The term ‘illicit trade’ means any practice or conduct prohibited by law which relates to production, shipment, receipt, possession, distribution, sale, or purchase of tobacco products including any practice or conduct intended to facilitate such activity.

“(9) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given such term in section 4(e) of the Indian Self Determination and Education Assistance Act (25 U.S.C. 450b(e)).

“(10) LITTLE CIGAR.—The term ‘little cigar’ has the meaning given that term by section 3(7) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332(7)).

“(11) NICOTINE.—The term ‘nicotine’ means the chemical substance named 3-(1-Methyl-2-pyrrolidinyl) pyridine or C[10]H[14]N[2], including any salt or complex of nicotine.

“(12) PACKAGE.—The term ‘package’ means a pack, box, carton, or container of any kind or, if no other container, any wrapping (including cellophane), in which a tobacco product is offered for sale, sold, or otherwise distributed to consumers.

“(13) RETAILER.—The term ‘retailer’ means any person who sells tobacco products to individuals for personal consumption, or who operates a facility where self-service displays of tobacco products are permitted.

“(14) ROLL-YOUR-OWN TOBACCO.—The term ‘roll-your-own tobacco’ means any tobacco which, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes.

“(15) SMOKE CONSTITUENT.—The term ‘smoke constituent’ means any chemical or chemical compound in mainstream or sidestream tobacco smoke that either transfers from any component of the cigarette to the smoke or that is formed by the combustion or heating of tobacco, additives, or other component of the tobacco product.

“(16) SMOKELESS TOBACCO.—The term ‘smokeless tobacco’ means any tobacco product that consists of cut, ground, powdered, or leaf tobacco and that is intended to be placed in the oral or nasal cavity.

“(17) STATE.—The term ‘State’ means any State of the United States and, for purposes of this chapter, includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, Johnston Atoll, the Northern Mariana Islands, and any other trust territory or possession of the United States.

“(18) TOBACCO PRODUCT MANUFACTURER.—Term ‘tobacco product manufacturer’ means any person, including any repacker or relabeler, who—

“(A) manufactures, fabricates, assembles, processes, or labels a tobacco product; or

“(B) imports a finished cigarette or smokeless tobacco product for sale or distribution in the United States.

“(19) UNITED STATES.—The term ‘United States’ means the 50 States of the United States of America and the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, Johnston Atoll, the Northern Mariana Islands, and any other trust territory or possession of the United States.

“SEC. 901. FDA AUTHORITY OVER TOBACCO PRODUCTS.

“(a) IN GENERAL.—Tobacco products shall be regulated by the Secretary under this chapter and shall not be subject to the provisions of chapter V, unless—

“(1) such products are intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease (within the meaning of section 201(g)(1)(B) or section 201(h)(2)); or

“(2) a claim is made for such products under section 201(g)(1)(C) or 201(h)(3);

other than modified risk tobacco products approved in accordance with section 911.

“(b) APPLICABILITY.—This chapter shall apply to all tobacco products subject to the regulations referred to in section 102 of the Family Smoking Prevention and Tobacco Control Act, and to any other tobacco products that the Secretary by regulation deems to be subject to this chapter.

“(c) SCOPE.—

“(1) IN GENERAL.—Nothing in this chapter, or any policy issued or regulation promulgated thereunder, or the Family Smoking Prevention and Tobacco Control Act, shall be construed to affect the Secretary's authority over, or the regulation of, products under this Act that are not tobacco products under chapter V or any other chapter.

“(2) LIMITATION OF AUTHORITY.—

“(A) IN GENERAL.—The provisions of this chapter shall not apply to tobacco leaf that is not in the possession of a manufacturer of tobacco products, or to the producers of tobacco leaf, including tobacco growers, tobacco warehouses, and tobacco grower cooperatives, nor shall any employee of the Food and Drug Administration have any authority to enter onto a farm owned by a producer of tobacco leaf without the written consent of such producer.

“(B) EXCEPTION.—Notwithstanding any other provision of this subparagraph, if a producer of tobacco leaf is also a tobacco product manufacturer or controlled by a tobacco product manufacturer, the producer shall be subject to this chapter in the producer's capacity as a manufacturer.

“(C) RULE OF CONSTRUCTION.—Nothing in this chapter shall be construed to grant the Secretary authority to promulgate regulations on any matter that involves the production of tobacco leaf or a producer thereof, other than activities by a manufacturer affecting production.

“SEC. 902. ADULTERATED TOBACCO PRODUCTS.

“A tobacco product shall be deemed to be adulterated if—

“(1) it consists in whole or in part of any filthy, putrid, or decomposed substance, or is otherwise contaminated by any added poisonous or added deleterious substance that may render the product injurious to health;

“(2) it has been prepared, packed, or held under insanitary conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health;

“(3) its package is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

“(4) it is, or purports to be or is represented as, a tobacco product which is subject to a tobacco product standard established under section 907 unless such tobacco product is in all respects in conformity with such standard;

“(5)(A) it is required by section 910(a) to have premarket approval and does not have an approved application in effect; or

“(B) it is in violation of the order approving such an application;

“(6) the methods used in, or the facilities or controls used for, its manufacture, packing or storage are not in conformity with applicable requirements under section 906(e)(1) or an applicable condition prescribed by an order under section 906(e)(2); or

“(7) it is in violation of section 911.

"SEC. 903. MISBRANDED TOBACCO PRODUCTS.

"(a) In General.—A tobacco product shall be deemed to be misbranded—

"(1) if its labeling is false or misleading in any particular;

"(2) if in package form unless it bears a label containing—

"(A) the name and place of business of the tobacco product manufacturer, packer, or distributor;

"(B) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count;

"(C) an accurate statement of the percentage of the tobacco used in the product that is domestically grown tobacco and the percentage that is foreign grown tobacco; and

"(D) the statement required under section 921(a),

except that under subparagraph (B) reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the Secretary;

"(3) if any word, statement, or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements or designs in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

"(4) if it has an established name, unless its label bears, to the exclusion of any other nonproprietary name, its established name prominently printed in type as required by the Secretary by regulation;

"(5) if the Secretary has issued regulations requiring that its labeling bear adequate directions for use, or adequate warnings against use by children, that are necessary for the protection of users unless its labeling conforms in all respects to such regulations;

"(6) if it was manufactured, prepared, propagated, compounded, or processed in any State in an establishment not duly registered under section 905(b), 905(c), 905(d), or 905(h), if it was not included in a list required by section 905(i), if a notice or other information respecting it was not provided as required by such section or section 905(j), or if it does not bear such symbols from the uniform system for identification of tobacco products prescribed under section 905(e) as the Secretary by regulation requires;

"(7) if, in the case of any tobacco product distributed or offered for sale in any State—

"(A) its advertising is false or misleading in any particular; or

"(B) it is sold or distributed in violation of regulations prescribed under section 906(d);

"(8) unless, in the case of any tobacco product distributed or offered for sale in any State, the manufacturer, packer, or distributor thereof includes in all advertisements and other descriptive printed matter issued or caused to be issued by the manufacturer, packer, or distributor with respect to that tobacco product—

"(A) a true statement of the tobacco product's established name as described in paragraph (4), printed prominently; and

"(B) a brief statement of—

"(i) the uses of the tobacco product and relevant warnings, precautions, side effects, and contraindications; and

"(ii) in the case of specific tobacco products made subject to a finding by the Secretary after notice and opportunity for comment that such action is appropriate to protect the public health, a full description of the components of such tobacco product or the formula showing quantitatively each ingredient of such tobacco product to the extent required in regulations which shall be issued by the Secretary after an opportunity for a hearing;

"(9) if it is a tobacco product subject to a tobacco product standard established under section 907, unless it bears such labeling as may be prescribed in such tobacco product standard; or

"(10) if there was a failure or refusal—

"(A) to comply with any requirement prescribed under section 904 or 908; or

"(B) to furnish any material or information required under section 909.

"(b) Prior Approval of Label Statements.—The Secretary may, by regulation, require prior approval of statements made on the label of a tobacco product. No regulation issued under this subsection may require prior approval by the Secretary of the content of any advertisement, except for modified risk tobacco products as provided in section 911. No advertisement of a tobacco product published after the date of enactment of the Family Smoking Prevention and Tobacco Control Act shall, with respect to the language of label statements as prescribed under section 4 of the Cigarette Labeling and Advertising Act and section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 or the regulations issued under such sections, be subject to the provisions of sections 12 through 15 of the Federal Trade Commission Act (15 U.S.C. 52 through 55).

"SEC. 904. SUBMISSION OF HEALTH INFORMATION TO THE SECRETARY.

"(a) Requirement.—Not later than 6 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, each tobacco product manufacturer or importer, or agents thereof, shall submit to the Secretary the following information:

"(1) A listing of all ingredients, including tobacco, substances, compounds, and additives that are, as of such date, added by the manufacturer to the tobacco, paper, filter, or other part of each tobacco product by brand and by quantity in each brand and subbrand.

"(2) A description of the content, delivery, and form of nicotine in each tobacco product measured in milligrams of nicotine in accordance with regulations promulgated by the Secretary in accordance with section 4(a)(4) of the Federal Cigarette Labeling and Advertising Act.

"(3) A listing of all constituents, including smoke constituents as applicable, identified by the Secretary as harmful or potentially harmful to health in each tobacco product, and as applicable in the smoke of each tobacco product, by brand and by quantity in each brand and subbrand. Effective beginning 2 years after the date of enactment of this chapter, the manufacturer, importer, or agent shall comply with regulations promulgated under section 916 in reporting information under this paragraph, where applicable.

"(4) All documents developed after the date of enactment of the Family Smoking Prevention and Tobacco Control Act that relate to health, toxicological, behavioral, or physiologic effects of current or future tobacco products, their constituents (including smoke constituents), ingredients, components, and additives.

"(b) Data Submission.—At the request of the Secretary, each tobacco product manufacturer or importer of tobacco products, or agents thereof, shall submit the following:

"(1) Any or all documents (including underlying scientific information) relating to research activities, and research findings, conducted, supported, or possessed by the manufacturer (or agents thereof) on the health, toxicological, behavioral, or physiologic effects of tobacco products and their constituents (including smoke constituents), ingredients, components, and additives.

"(2) Any or all documents (including underlying scientific information) relating to research activities, and research findings, conducted, supported, or possessed by the manufacturer (or agents thereof) that relate to the issue of whether a reduction in risk to health from tobacco products can occur upon the employment of technology available or known to the manufacturer.

"(3) Any or all documents (including underlying scientific or financial information) relating to marketing research involving the use of tobacco products or marketing practices and the effectiveness of such practices used by tobacco manufacturers and distributors.

An importer of a tobacco product not manufactured in the United States shall supply the information required of a tobacco product manufacturer under this subsection.

"(c) Time for Submission.—

"(1) In general.—At least 90 days prior to the delivery for introduction into interstate commerce of a tobacco product not on the market on the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the manufacturer of such product shall provide the information required under subsection (a).

"(2) Disclosure of additive.—If at any time a tobacco product manufacturer adds to its tobacco products a new tobacco additive or increases the quantity of an existing tobacco additive, the manufacturer shall, except as provided in paragraph (3), at least 90 days prior to such action so advise the Secretary in writing.

"(3) Disclosure of other actions.—If at any time a tobacco product manufacturer eliminates or decreases an existing additive, or adds or increases an additive that has by regulation been designated by the Secretary as an additive that is not a human or animal carcinogen, or otherwise harmful to health under intended conditions of use, the manufacturer shall within 60 days of such action so advise the Secretary in writing.

"(d) Data List.—

"(1) In general.—Not later than 3 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, and annually thereafter, the Secretary shall publish in a format that is understandable and not misleading to a lay person, and place on public display (in a manner determined by the Secretary) the list established under subsection (e).

"(2) Consumer research.—The Secretary shall conduct periodic consumer research to ensure that the list published under paragraph (1) is not misleading to lay persons. Not later than 5 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall submit to the appropriate committees of Congress a report on the results of such research, together with recommendations on whether such publication should be continued or modified.

"(e) Data Collection.—Not later than 12 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall establish a list of harmful and potentially harmful constituents, including smoke constituents, to health in each tobacco product by brand and by quantity in each brand and subbrand. The

Secretary shall publish a public notice requesting the submission by interested persons of scientific and other information concerning the harmful and potentially harmful constituents in tobacco products and tobacco smoke.

“SEC. 905. ANNUAL REGISTRATION.

“(a) DEFINITIONS.—In this section:

“(1) MANUFACTURE, PREPARATION, COMPOUNDING, OR PROCESSING.—The term ‘manufacture, preparation, compounding, or processing’ shall include repackaging or otherwise changing the container, wrapper, or labeling of any tobacco product package in furtherance of the distribution of the tobacco product from the original place of manufacture to the person who makes final delivery or sale to the ultimate consumer or user.

“(2) NAME.—The term ‘name’ shall include in the case of a partnership the name of each partner and, in the case of a corporation, the name of each corporate officer and director, and the State of incorporation.

“(b) REGISTRATION BY OWNERS AND OPERATORS.—On or before December 31 of each year every person who owns or operates any establishment in any State engaged in the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products shall register with the Secretary the name, places of business, and all such establishments of that person.

“(c) REGISTRATION OF NEW OWNERS AND OPERATORS.—Every person upon first engaging in the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products in any establishment owned or operated in any State by that person shall immediately register with the Secretary that person's name, place of business, and such establishment.

“(d) REGISTRATION OF ADDED ESTABLISHMENTS.—Every person required to register under subsection (b) or (c) shall immediately register with the Secretary any additional establishment which that person owns or operates in any State and in which that person begins the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products.

“(e) UNIFORM PRODUCT IDENTIFICATION SYSTEM.—The Secretary may by regulation prescribe a uniform system for the identification of tobacco products and may require that persons who are required to list such tobacco products under subsection (i) shall list such tobacco products in accordance with such system.

“(f) PUBLIC ACCESS TO REGISTRATION INFORMATION.—The Secretary shall make available for inspection, to any person so requesting, any registration filed under this section.

“(g) BIENNIAL INSPECTION OF REGISTERED ESTABLISHMENTS.—Every establishment in any State registered with the Secretary under this section shall be subject to inspection under section 704, and every such establishment engaged in the manufacture, compounding, or processing of a tobacco product or tobacco products shall be so inspected by 1 or more officers or employees duly designated by the Secretary at least once in the 2-year period beginning with the date of registration of such establishment under this section and at least once in every successive 2-year period thereafter.

“(h) FOREIGN ESTABLISHMENTS SHALL REGISTER.—Any establishment within any foreign country engaged in the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products, shall register under this section under regulations promulgated by the Secretary. Such regulations shall require such establishment to provide the information required by subsection (i) of this section and shall include provisions for registration of any such establishment upon condition that adequate and effective means are available, by arrangement with the government of such foreign country or otherwise, to enable the Secretary to determine from time to time whether tobacco products manufactured, prepared, compounded, or processed in such establishment, if imported or offered for import into the United States, shall be refused admission on any of the grounds set forth in section 801(a).

“(i) REGISTRATION INFORMATION.—

“(1) PRODUCT LIST.—Every person who registers with the Secretary under subsection (b), (c), (d), or (h) shall, at the time of registration under any such subsection, file with the Secretary a list of all tobacco products which are being manufactured, prepared, compounded, or processed by that person for commercial distribution and which has not been included in any list of tobacco products filed by that person with the Secretary under this paragraph or paragraph (2) before such time of registration. Such list shall be prepared in such form and manner as the Secretary may prescribe and shall be accompanied by—

“(A) in the case of a tobacco product contained in the applicable list with respect to which a tobacco product standard has been established under section 907 or which is subject to section 910, a reference to the authority for the marketing of such tobacco product and a copy of all labeling for such tobacco product;

“(B) in the case of any other tobacco product contained in an applicable list, a copy of all consumer information and other labeling for such tobacco product, a representative sampling of advertisements for such tobacco product, and, upon request made by the Secretary for good cause, a copy of all advertisements for a particular tobacco product; and

“(C) if the registrant filing a list has determined that a tobacco product contained in such list is not subject to a tobacco product standard established under section 907, a brief statement of the basis upon which the registrant made such determination if the Secretary requests such a statement with respect to that particular tobacco product.

“(2) BIANNUAL REPORT OF ANY CHANGE IN PRODUCT LIST.—Each person who registers with the Secretary under this section shall report to the Secretary once during the month of June of each year and once during the month of December of each year the following:

“(A) A list of each tobacco product introduced by the registrant for commercial distribution which has not been included in any list previously filed by that person with the Secretary under this subparagraph or paragraph (1). A list under this subparagraph shall list a tobacco product by its established name and shall be accompanied by the other information required by paragraph (1).

“(B) If since the date the registrant last made a report under this paragraph that person has discontinued the manufacture, preparation, compounding, or processing for commercial distribution of a tobacco product included in a list filed under subparagraph (A) or paragraph (1), notice of such discontinuance, the date of such discontinuance, and the identity of its established name.

“(C) If since the date the registrant reported under subparagraph (B) a notice of discontinuance that person has resumed the manufacture, preparation, compounding, or processing for commercial distribution of the tobacco product with respect to which such notice of discontinuance was reported, notice of such resumption, the date of such resumption, the identity of such tobacco product by established name, and other information required by paragraph (1), unless the registrant has previously reported such resumption to the Secretary under this subparagraph.

“(D) Any material change in any information previously submitted under this paragraph or paragraph (1).

“(j) REPORT PRECEDING INTRODUCTION OF CERTAIN SUBSTANTIALLY-EQUIVALENT PRODUCTS INTO INTERSTATE COMMERCE.—

“(1) IN GENERAL.—Each person who is required to register under this section and who proposes to begin the introduction or delivery for introduction into interstate commerce for commercial distribution of a tobacco product intended for human use that was not commercially marketed (other than for test marketing) in the United States as of June 1, 2003, shall, at least 90 days prior to making such introduction or delivery, report to the Secretary (in such form and manner as the Secretary shall prescribe)—

“(A) the basis for such person's determination that the tobacco product is substantially equivalent, within the meaning of section 910, to a tobacco product commercially marketed (other than for test marketing) in the United States as of June 1, 2003, that is in compliance with the requirements of this Act; and

“(B) action taken by such person to comply with the requirements under section 907 that are applicable to the tobacco product.

“(2) APPLICATION TO CERTAIN POST JUNE 1, 2003 PRODUCTS.—A report under this subsection for a tobacco product that was first introduced or delivered for introduction into interstate commerce for commercial distribution in the United States after June 1, 2003, and prior to the date that is 15 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act shall be submitted to the Secretary not later than 15 months after such date of enactment.

“(3) EXEMPTIONS.—

“(A) IN GENERAL.—The Secretary may by regulation, exempt from the requirements of this subsection tobacco products that are modified by adding or deleting a tobacco additive, or increasing or decreasing the quantity of an existing tobacco additive, if the Secretary determines that—

“(i) such modification would be a minor modification of a tobacco product authorized for sale under this Act;

“(ii) a report under this subsection is not necessary to ensure that permitting the tobacco product to be marketed would be appropriate for protection of the public health; and

“(iii) an exemption is otherwise appropriate.

“(B) REGULATIONS.—Not later than 9 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall issue regulations to implement this paragraph.

“SEC. 906. GENERAL PROVISIONS RESPECTING CONTROL OF TOBACCO PRODUCTS.

“(a) IN GENERAL.—Any requirement established by or under section 902, 903, 905, or 909 applicable to a tobacco product shall apply to such tobacco product until the applicability of the requirement to the tobacco product has been changed by action taken under section 907, section 910, section 911, or subsection (d) of this section, and any requirement established by or under section

902, 903, 905, or 909 which is inconsistent with a requirement imposed on such tobacco product under section 907, section 910, section 911, or subsection (d) of this section shall not apply to such tobacco product.

"(b) INFORMATION ON PUBLIC ACCESS AND COMMENT.—Each notice of proposed rulemaking under section 907, 908, 909, 910, or 911 or under this section, any other notice which is published in the Federal Register with respect to any other action taken under any such section and which states the reasons for such action, and each publication of findings required to be made in connection with rulemaking under any such section shall set forth—

"(1) the manner in which interested persons may examine data and other information on which the notice or findings is based; and

"(2) the period within which interested persons may present their comments on the notice or findings (including the need therefore) orally or in writing, which period shall be at least 60 days but may not exceed 90 days unless the time is extended by the Secretary by a notice published in the Federal Register stating good cause therefore.

"(c) LIMITED CONFIDENTIALITY OF INFORMATION.—Any information reported to or otherwise obtained by the Secretary or the Secretary's representative under section 903, 904, 907, 908, 909, 910, 911, or 704, or under subsection (e) or (f) of this section, which is exempt from disclosure under subsection (a) of section 552 of title 5, United States Code, by reason of subsection (b)(4) of that section shall be considered confidential and shall not be disclosed, except that the information may be disclosed to other officers or employees concerned with carrying out this chapter, or when relevant in any proceeding under this chapter.

"(d) RESTRICTIONS.—

"(1) IN GENERAL.—The Secretary may by regulation require restrictions on the sale and distribution of a tobacco product, including restrictions on the access to, and the advertising and promotion of, the tobacco product, if the Secretary determines that such regulation would be appropriate for the protection of the public health. The Secretary may by regulation impose restrictions on the advertising and promotion of a tobacco product consistent with and to full extent permitted by the first amendment to the Constitution. The finding as to whether such regulation would be appropriate for the protection of the public health shall be determined with respect to the risks and benefits to the population as a whole, including users and non-users of the tobacco product, and taking into account—

"(A) the increased or decreased likelihood that existing users of tobacco products will stop using such products; and

"(B) the increased or decreased likelihood that those who do not use tobacco products will start using such products.

No such regulation may require that the sale or distribution of a tobacco product be limited to the written or oral authorization of a practitioner licensed by law to prescribe medical products.

"(2) LABEL STATEMENTS.—The label of a tobacco product shall bear such appropriate statements of the restrictions required by a regulation under subsection (a) as the Secretary may in such regulation prescribe.

"(3) LIMITATIONS.—

"(A) IN GENERAL.—No restrictions under paragraph (1) may—

"(i) prohibit the sale of any tobacco product in face-to-face transactions by a specific category of retail outlets; or

"(ii) establish a minimum age of sale of tobacco products to any person older than 18 years of age.

"(B) MATCHBOOKS.—For purposes of any regulations issued by the Secretary, matchbooks of conventional size containing not more than 20 paper matches, and which are customarily given away for free with the purchase of tobacco products shall be considered as adult written publications which shall be permitted to contain advertising. Notwithstanding the preceding sentence, if the Secretary finds that such treatment of matchbooks is not appropriate for the protection of the public health, the Secretary may determine by regulation that matchbooks shall not be considered adult written publications.

"(e) GOOD MANUFACTURING PRACTICE REQUIREMENTS.—

"(1) METHODS, FACILITIES, AND CONTROLS TO CONFORM.—

"(A) IN GENERAL.—The Secretary may, in accordance with subparagraph (B), prescribe regulations (which may differ based on the type of tobacco product involved) requiring that the methods used in, and the facilities and controls used for, the manufacture, preproduction design validation (including a process to assess the performance of a tobacco product), packing and storage of a tobacco product, conform to current good manufacturing practice, as prescribed in such regulations, to assure that the public health is protected and that the tobacco product is in compliance with this chapter. Good manufacturing practices may include the testing of raw tobacco for pesticide chemical residues regardless of whether a tolerance for such chemical residues has been established.

"(B) REQUIREMENTS.—The Secretary shall—

"(i) before promulgating any regulation under subparagraph (A), afford the Tobacco Products Scientific Advisory Committee an opportunity to submit recommendations with respect to the regulation proposed to be promulgated;

"(ii) before promulgating any regulation under subparagraph (A), afford opportunity for an oral hearing;

"(iii) provide the advisory committee a reasonable time to make its recommendation with respect to proposed regulations under subparagraph (A); and

"(iv) in establishing the effective date of a regulation promulgated under this subsection, take into account the differences in the manner in which the different types of tobacco products have historically been produced, the financial resources of the different tobacco product manufacturers, and the state of their existing manufacturing facilities, and shall provide for a reasonable period of time for such manufacturers to conform to good manufacturing practices.

"(2) EXEMPTIONS; VARIANCES.—

"(A) PETITION.—Any person subject to any requirement prescribed under paragraph (1) may petition the Secretary for a permanent or temporary exemption or variance from such requirement. Such a petition shall be submitted to the Secretary in such form and manner as the Secretary shall prescribe and shall—

"(i) in the case of a petition for an exemption from a requirement, set forth the basis for the petitioner's determination that compliance with the requirement is not required to assure that the tobacco product will be in compliance with this chapter;

"(ii) in the case of a petition for a variance from a requirement, set forth the methods proposed to be used in, and the facilities and controls proposed to be used for, the manufacture, packing, and storage of the tobacco product in lieu of the methods, facilities, and controls prescribed by the requirement; and

"(iii) contain such other information as the Secretary shall prescribe.

"(B) REFERRAL TO THE TOBACCO PRODUCTS SCIENTIFIC ADVISORY COMMITTEE.—The Secretary may refer to the Tobacco Products Scientific Advisory Committee any petition submitted under subparagraph (A). The Tobacco Products Scientific Advisory Committee shall report its recommendations to the Secretary with respect to a petition referred to it within 60 days after the date of the petition's referral. Within 60 days after—

"(i) the date the petition was submitted to the Secretary under subparagraph (A); or

"(ii) the day after the petition was referred to the Tobacco Products Scientific Advisory Committee,

whichever occurs later, the Secretary shall by order either deny the petition or approve it.

"(C) APPROVAL.—The Secretary may approve—

"(i) a petition for an exemption for a tobacco product from a requirement if the Secretary determines that compliance with such requirement is not required to assure that the tobacco product will be in compliance with this chapter; and

"(ii) a petition for a variance for a tobacco product from a requirement if the Secretary determines that the methods to be used in, and the facilities and controls to be used for, the manufacture, packing, and storage of the tobacco product in lieu of the methods, controls, and facilities prescribed by the requirement are sufficient to assure that the tobacco product will be in compliance with this chapter.

"(D) CONDITIONS.—An order of the Secretary approving a petition for a variance shall prescribe such conditions respecting the methods used in, and the facilities and controls used for, the manufacture, packing, and storage of the tobacco product to be granted the variance under the petition as may be necessary to assure that the tobacco product will be in compliance with this chapter.

"(E) HEARING.—After the issuance of an order under subparagraph (B) respecting a petition, the petitioner shall have an opportunity for an informal hearing on such order.

"(3) COMPLIANCE.—Compliance with requirements under this subsection shall not be required before the period ending 3 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act.

"(f) RESEARCH AND DEVELOPMENT.—The Secretary may enter into contracts for research, testing, and demonstrations respecting tobacco products and may obtain tobacco products for research, testing, and demonstration purposes without regard to section 3324(a) and (b) of title 31, United States Code, and section 5 of title 41, United States Code.

"SEC. 907. TOBACCO PRODUCT STANDARDS.

"(a) IN GENERAL.—

"(1) SPECIAL RULE FOR CIGARETTES.—A cigarette or any of its component parts (including the tobacco, filter, or paper) shall not contain, as a constituent (including a smoke constituent) or additive, an artificial or natural flavor (other than tobacco or menthol) or an herb or spice, including strawberry, grape, orange, clove, cinnamon, pineapple, vanilla, coconut, licorice, cocoa, chocolate, cherry, or coffee, that is a characterizing flavor of the tobacco product or tobacco smoke.

Nothing in this subparagraph shall be construed to limit the Secretary's authority to take action under this section or other sections of this Act applicable to menthol or any artificial or natural flavor, herb, or spice not specified in this paragraph.

"(2) REVISION OF TOBACCO PRODUCT STANDARDS.—The Secretary may revise the tobacco product standards in paragraph (1) in accordance with subsection (b).

"(3) TOBACCO PRODUCT STANDARDS.—The Secretary may adopt tobacco product standards in addition to those in paragraph (1) if the Secretary finds that a tobacco product standard is appropriate for the protection of the public health. This finding shall be determined with respect to the risks and benefits to the population as a whole, including users and non-users of the tobacco product, and taking into account—

"(A) the increased or decreased likelihood that existing users of tobacco products will stop using such products; and

"(B) the increased or decreased likelihood that those who do not use tobacco products will start using such products.

"(4) CONTENT OF TOBACCO PRODUCT STANDARDS.—A tobacco product standard established under this section for a tobacco product—

"(A) shall include provisions that are appropriate for the protection of the public health, including provisions, where appropriate—

"(i) for the reduction of nicotine yields of the product;

"(ii) for the reduction or elimination of other constituents, including smoke constituents, or harmful components of the product; or

"(iii) relating to any other requirement under (B);

"(B) shall, where appropriate for the protection of the public health, include—

"(i) provisions respecting the construction, components, ingredients, additives, constituents, including smoke constituents, and properties of the tobacco product;

"(ii) provisions for the testing (on a sample basis or, if necessary, on an individual basis) of the tobacco product;

"(iii) provisions for the measurement of the tobacco product characteristics of the tobacco product;

"(iv) provisions requiring that the results of each or of certain of the tests of the tobacco product required to be made under clause (ii) show that the tobacco product is in conformity with the portions of the standard for which the test or tests were required; and

"(v) a provision requiring that the sale and distribution of the tobacco product be restricted but only to the extent that the sale and distribution of a tobacco product may be restricted under a regulation under section 906(d); and

"(C) shall, where appropriate, require the use and prescribe the form and content of labeling for the proper use of the tobacco product.

"(5) PERIODIC RE-EVALUATION OF TOBACCO PRODUCT STANDARDS.—The Secretary shall provide for periodic evaluation of tobacco product standards established under this section to determine whether such standards should be changed to reflect new medical, scientific, or other technological data. The Secretary may provide for testing under paragraph (4)(B) by any person.

"(6) INVOLVEMENT OF OTHER AGENCIES; INFORMED PERSONS.—In carrying out duties under this section, the Secretary shall endeavor to—

"(A) use personnel, facilities, and other technical support available in other Federal agencies;

"(B) consult with other Federal agencies concerned with standard-setting and other nationally or internationally recognized standard-setting entities; and

"(C) invite appropriate participation, through joint or other conferences, workshops, or other means, by informed persons representative of scientific, professional, industry, agricultural, or consumer organizations who in the Secretary's judgment can make a significant contribution.

"(b) ESTABLISHMENT OF STANDARDS.—

"(1) NOTICE.—

"(A) IN GENERAL.—The Secretary shall publish in the Federal Register a notice of proposed rulemaking for the establishment, amendment, or revocation of any tobacco product standard.

"(B) REQUIREMENTS OF NOTICE.—A notice of proposed rulemaking for the establishment or amendment of a tobacco product standard for a tobacco product shall—

"(i) set forth a finding with supporting justification that the tobacco product standard is appropriate for the protection of the public health;

"(ii) set forth proposed findings with respect to the risk of illness or injury that the tobacco product standard is intended to reduce or eliminate; and

"(iii) invite interested persons to submit an existing tobacco product standard for the tobacco product, including a draft or proposed tobacco product standard, for consideration by the Secretary.

"(C) STANDARD.—Upon a determination by the Secretary that an additive, constituent (including smoke constituent), or other component of the product that is the subject of the proposed tobacco product standard is harmful, it shall be the burden of any party challenging the proposed standard to prove that the proposed standard will not reduce or eliminate the risk of illness or injury.

"(D) FINDING.—A notice of proposed rulemaking for the revocation of a tobacco product standard shall set forth a finding with supporting justification that the tobacco product standard is no longer appropriate for the protection of the public health.

"(E) CONSIDERATION BY SECRETARY.—The Secretary shall consider all information submitted in connection with a proposed standard, including information concerning the countervailing effects of the tobacco product standard on the health of adolescent tobacco users, adult tobacco users, or non-tobacco users, such as the creation of a significant demand for contraband or other tobacco products that do not meet the requirements of this chapter and the significance of such demand, and shall issue the standard if the Secretary determines that the standard would be appropriate for the protection of the public health.

"(F) COMMENT.—The Secretary shall provide for a comment period of not less than 60 days.

"(2) PROMULGATION.—

"(A) IN GENERAL.—After the expiration of the period for comment on a notice of proposed rulemaking published under paragraph (1) respecting a tobacco product standard and after consideration of such comments and any report from the Tobacco Products Scientific Advisory Committee, the Secretary shall—

"(i) promulgate a regulation establishing a tobacco product standard and publish in the Federal Register findings on the matters referred to in paragraph (1); or

"(ii) publish a notice terminating the proceeding for the development of the standard together with the reasons for such termination.

"(B) EFFECTIVE DATE.—A regulation establishing a tobacco product standard shall set forth the date or dates upon which the standard shall take effect, but no such regulation may take effect before 1 year after the date of its publication unless the Secretary determines that an earlier effective date is necessary for the protection of the public health. Such date or dates shall be established so as to minimize, consistent with the public health, economic loss to, and disruption or dislocation of, domestic and international trade.

"(3) POWER RESERVED TO CONGRESS.—Because of the importance of a decision of the Secretary to issue a regulation establishing a tobacco product standard—

"(A) banning all cigarettes, all smokeless tobacco products, all little cigars, all cigars other than little cigars, all pipe tobacco, or all roll your own tobacco products; or

"(B) requiring the reduction of nicotine yields of a tobacco product to zero,

Congress expressly reserves to itself such power.

"(4) AMENDMENT; REVOCATION.—

"(A) AUTHORITY.—The Secretary, upon the Secretary's own initiative or upon petition of an interested person may by a regulation, promulgated in accordance with the requirements of paragraphs (1) and (2)(B), amend or revoke a tobacco product standard.

"(B) EFFECTIVE DATE.—The Secretary may declare a proposed amendment of a tobacco product standard to be effective on and after its publication in the Federal Register and until the effective date of any final action taken on such amendment if the Secretary determines that making it so effective is in the public interest.

"(5) REFERENCE TO ADVISORY COMMITTEE.—The Secretary may—

"(A) on the Secretary's own initiative, refer a proposed regulation for the establishment, amendment, or revocation of a tobacco product standard; or

"(B) upon the request of an interested person which demonstrates good cause for referral and which is made before the expiration of the period for submission of comments on such proposed regulation,

refer such proposed regulation to the Tobacco Products Scientific Advisory Committee, for a report and recommendation with respect to any matter involved in the proposed regulation which requires the exercise of scientific judgment. If a proposed regulation is referred under this paragraph to the Tobacco Products Scientific Advisory Committee, the Secretary shall provide the advisory committee with the data and information on which such proposed regulation is based. The Tobacco Products Scientific Advisory Committee shall, within 60 days after the referral of a proposed regulation and after independent study of the data and information furnished to it by the Secretary and other data and information before it, submit to the Secretary a report and recommendation respecting such regulation, together with all underlying data and information and a statement of the reason or basis for the recommendation. A copy of such report and recommendation shall be made public by the Secretary.

"SEC. 908. NOTIFICATION AND OTHER REMEDIES.

"(a) NOTIFICATION.—If the Secretary determines that—

"(1) a tobacco product which is introduced or delivered for introduction into interstate commerce for commercial distribution presents an unreasonable risk of substantial harm to the public health; and

“(2) notification under this subsection is necessary to eliminate the unreasonable risk of such harm and no more practicable means is available under the provisions of this chapter (other than this section) to eliminate such risk,

the Secretary may issue such order as may be necessary to assure that adequate notification is provided in an appropriate form, by the persons and means best suited under the circumstances involved, to all persons who should properly receive such notification in order to eliminate such risk. The Secretary may order notification by any appropriate means, including public service announcements. Before issuing an order under this subsection, the Secretary shall consult with the persons who are to give notice under the order.

“(b) No Exemption From Other Liability.—Compliance with an order issued under this section shall not relieve any person from liability under Federal or State law. In awarding damages for economic loss in an action brought for the enforcement of any such liability, the value to the plaintiff in such action of any remedy provided under such order shall be taken into account.

“(c) Recall Authority.—

“(1) In general.—If the Secretary finds that there is a reasonable probability that a tobacco product contains a manufacturing or other defect not ordinarily contained in tobacco products on the market that would cause serious, adverse health consequences or death, the Secretary shall issue an order requiring the appropriate person (including the manufacturers, importers, distributors, or retailers of the tobacco product) to immediately cease distribution of such tobacco product. The order shall provide the person subject to the order with an opportunity for an informal hearing, to be held not later than 10 days after the date of the issuance of the order, on the actions required by the order and on whether the order should be amended to require a recall of such tobacco product. If, after providing an opportunity for such a hearing, the Secretary determines that inadequate grounds exist to support the actions required by the order, the Secretary shall vacate the order.

“(2) Amendment of order to require recall.—

“(A) In general.—If, after providing an opportunity for an informal hearing under paragraph (1), the Secretary determines that the order should be amended to include a recall of the tobacco product with respect to which the order was issued, the Secretary shall, except as provided in subparagraph (B), amend the order to require a recall. The Secretary shall specify a timetable in which the tobacco product recall will occur and shall require periodic reports to the Secretary describing the progress of the recall.

“(B) Notice.—An amended order under subparagraph (A)—

“(i) shall not include recall of a tobacco product from individuals; and

“(ii) shall provide for notice to persons subject to the risks associated with the use of such tobacco product.

In providing the notice required by clause (ii), the Secretary may use the assistance of retailers and other persons who distributed such tobacco product. If a significant number of such persons cannot be identified, the Secretary shall notify such persons under section 705(b).

“(3) Remedy not exclusive.—The remedy provided by this subsection shall be in addition to remedies provided by subsection (a) of this section.

“SEC. 909. RECORDS AND REPORTS ON TOBACCO PRODUCTS.

“(a) In General.—Every person who is a tobacco product manufacturer or importer of a tobacco product shall establish and maintain such records, make such reports, and provide such information, as the Secretary may by regulation reasonably require to assure that such tobacco product is not adulterated or misbranded and to otherwise protect public health. Regulations prescribed under the preceding sentence—

“(1) may require a tobacco product manufacturer or importer to report to the Secretary whenever the manufacturer or importer receives or otherwise becomes aware of information that reasonably suggests that one of its marketed tobacco products may have caused or contributed to a serious unexpected adverse experience associated with the use of the product or any significant increase in the frequency of a serious, expected adverse product experience;

“(2) shall require reporting of other significant adverse tobacco product experiences as determined by the Secretary to be necessary to be reported;

“(3) shall not impose requirements unduly burdensome to a tobacco product manufacturer or importer, taking into account the cost of complying with such requirements and the need for the protection of the public health and the implementation of this chapter;

“(4) when prescribing the procedure for making requests for reports or information, shall require that each request made under such regulations for submission of a report or information to the Secretary state the reason or purpose for such request and identify to the fullest extent practicable such report or information;

“(5) when requiring submission of a report or information to the Secretary, shall state the reason or purpose for the submission of such report or information and identify to the fullest extent practicable such report or information; and

“(6) may not require that the identity of any patient or user be disclosed in records, reports, or information required under this subsection unless required for the medical welfare of an individual, to determine risks to public health of a tobacco product, or to verify a record, report, or information submitted under this chapter.

In prescribing regulations under this subsection, the Secretary shall have due regard for the professional ethics of the medical profession and the interests of patients. The prohibitions of paragraph (6) continue to apply to records, reports, and information concerning any individual who has been a patient, irrespective of whether or when he ceases to be a patient.

“(b) Reports of Removals and Corrections.—

“(1) In general.—Except as provided in paragraph (2), the Secretary shall by regulation require a tobacco product manufacturer or importer of a tobacco product to report promptly to the Secretary any corrective action taken or removal from the market of a tobacco product undertaken by such manufacturer or importer if the removal or correction was undertaken—

“(A) to reduce a risk to health posed by the tobacco product; or

“(B) to remedy a violation of this chapter caused by the tobacco product which may present a risk to health.

A tobacco product manufacturer or importer of a tobacco product who undertakes a corrective action or removal from the market of a tobacco product which is not required to be reported under this subsection shall keep a record of such correction or removal.

“(2) Exception.—No report of the corrective action or removal of a tobacco product may be required under paragraph (1) if a report of the corrective action or removal is required and has been submitted under subsection (a).

“SEC. 910. APPLICATION FOR REVIEW OF CERTAIN TOBACCO PRODUCTS.

“(a) In General.—

“(1) New tobacco product defined.—For purposes of this section the term ‘new tobacco product’ means—

“(A) any tobacco product (including those products in test markets) that was not commercially marketed in the United States as of June 1, 2003; or

“(B) any modification (including a change in design, any component, any part, or any constituent, including a smoke constituent, or in the content, delivery or form of nicotine, or any other additive or ingredient) of a tobacco product where the modified product was commercially marketed in the United States after June 1, 2003.

“(2) Premarket approval required.—

“(A) New products.—Approval under this section of an application for premarket approval for any new tobacco product is required unless—

“(i) the manufacturer has submitted a report under section 905(j); and

“(ii) the Secretary has issued an order that the tobacco product—

“(I) is substantially equivalent to a tobacco product commercially marketed (other than for test marketing) in the United States as of June 1, 2003; and

“(II)(aa) is in compliance with the requirements of this Act; or

“(bb) is exempt from the requirements of section 905(j) pursuant to a regulation issued under section 905(j)(3).

“(B) Application to certain post June 1, 2003 products.—Subparagraph (A) shall not apply to a tobacco product—

“(i) that was first introduced or delivered for introduction into interstate commerce for commercial distribution in the United States after June 1, 2003, and prior to the date that is 15 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act; and

“(ii) for which a report was submitted under section 905(j) within such 15-month period, until the Secretary issues an order that the tobacco product is not substantially equivalent.

“(3) Substantially equivalent defined.—

“(A) In general.—In this section and section 905(j), the terms ‘substantially equivalent’ or ‘substantial equivalence’ mean, with respect to the tobacco product being compared to the predicate tobacco product, that the Secretary by order has found that the tobacco product—

“(i) has the same characteristics as the predicate tobacco product; or

“(ii) has different characteristics and the information submitted contains information, including clinical data if deemed necessary by the Secretary, that demonstrates that it is not appropriate to regulate the product under this section because the product does not raise different questions of public health.

“(B) Characteristics.—In subparagraph (A), the term ‘characteristics’ means the materials, ingredients, design, composition, heating source, or other features of a tobacco product.

“(C) Limitation.—A tobacco product may not be found to be substantially equivalent to a predicate tobacco product that has been removed from the market at the initiative of the Secretary or that has been determined by a judicial order to be misbranded or adulterated.

“(4) HEALTH INFORMATION.—

“(A) SUMMARY.—As part of a submission under section 905(j) respecting a tobacco product, the person required to file a premarket notification under such section shall provide an adequate summary of any health information related to the tobacco product or state that such information will be made available upon request by any person.

“(B) REQUIRED INFORMATION.—Any summary under subparagraph (A) respecting a tobacco product shall contain detailed information regarding data concerning adverse health effects and shall be made available to the public by the Secretary within 30 days of the issuance of a determination that such tobacco product is substantially equivalent to another tobacco product.

“(b) APPLICATION.—

“(1) CONTENTS.—An application for premarket approval shall contain—

“(A) full reports of all information, published or known to, or which should reasonably be known to, the applicant, concerning investigations which have been made to show the health risks of such tobacco product and whether such tobacco product presents less risk than other tobacco products;

“(B) a full statement of the components, ingredients, additives, and properties, and of the principle or principles of operation, of such tobacco product;

“(C) a full description of the methods used in, and the facilities and controls used for, the manufacture, processing, and, when relevant, packing and installation of, such tobacco product;

“(D) an identifying reference to any tobacco product standard under section 907 which would be applicable to any aspect of such tobacco product, and either adequate information to show that such aspect of such tobacco product fully meets such tobacco product standard or adequate information to justify any deviation from such standard;

“(E) such samples of such tobacco product and of components thereof as the Secretary may reasonably require;

“(F) specimens of the labeling proposed to be used for such tobacco product; and

“(G) such other information relevant to the subject matter of the application as the Secretary may require.

“(2) REFERENCE TO TOBACCO PRODUCTS SCIENTIFIC ADVISORY COMMITTEE.—Upon receipt of an application meeting the requirements set forth in paragraph (1), the Secretary—

“(A) may, on the Secretary's own initiative; or

“(B) may, upon the request of an applicant, refer such application to the Tobacco Products Scientific Advisory Committee for reference and for submission (within such period as the Secretary may establish) of a report and recommendation respecting approval of the application, together with all underlying data and the reasons or basis for the recommendation.

“(c) ACTION ON APPLICATION.—

“(1) DEADLINE.—

“(A) IN GENERAL.—As promptly as possible, but in no event later than 180 days after the receipt of an application under subsection (b), the Secretary, after considering the report and recommendation submitted under paragraph (2) of such subsection, shall—

“(i) issue an order approving the application if the Secretary finds that none of the grounds for denying approval specified in paragraph (2) of this subsection applies; or

“(ii) deny approval of the application if the Secretary finds (and sets forth the basis for such finding as part of or accompanying such denial) that 1 or more grounds for denial specified in paragraph (2) of this subsection apply.

“(B) RESTRICTIONS ON SALE AND DISTRIBUTION.—An order approving an application for a tobacco product may require as a condition to such approval that the sale and distribution of the tobacco product be restricted but only to the extent that the sale and distribution of a tobacco product may be restricted under a regulation under section 906(d).

“(2) DENIAL OF APPROVAL.—The Secretary shall deny approval of an application for a tobacco product if, upon the basis of the information submitted to the Secretary as part of the application and any other information before the Secretary with respect to such tobacco product, the Secretary finds that—

“(A) there is a lack of a showing that permitting such tobacco product to be marketed would be appropriate for the protection of the public health;

“(B) the methods used in, or the facilities or controls used for, the manufacture, processing, or packing of such tobacco product do not conform to the requirements of section 906(e);

“(C) based on a fair evaluation of all material facts, the proposed labeling is false or misleading in any particular; or

“(D) such tobacco product is not shown to conform in all respects to a tobacco product standard in effect under section 907, compliance with which is a condition to approval of the application, and there is a lack of adequate information to justify the deviation from such standard.

“(3) DENIAL INFORMATION.—Any denial of an application shall, insofar as the Secretary determines to be practicable, be accompanied by a statement informing the applicant of the measures required to place such application in approvable form (which measures may include further research by the applicant in accordance with 1 or more protocols prescribed by the Secretary).

“(4) BASIS FOR FINDING.—For purposes of this section, the finding as to whether approval of a tobacco product is appropriate for the protection of the public health shall be determined with respect to the risks and benefits to the population as a whole, including users and nonusers of the tobacco product, and taking into account—

“(A) the increased or decreased likelihood that existing users of tobacco products will stop using such products; and

“(B) the increased or decreased likelihood that those who do not use tobacco products will start using such products.

“(5) BASIS FOR ACTION.—

“(A) INVESTIGATIONS.—For purposes of paragraph (2)(A), whether permitting a tobacco product to be marketed would be appropriate for the protection of the public health shall, when appropriate, be determined on the basis of well-controlled investigations, which may include 1 or more clinical investigations by experts qualified by training and experience to evaluate the tobacco product.

“(B) OTHER EVIDENCE.—If the Secretary determines that there exists valid scientific evidence (other than evidence derived from investigations described in subparagraph (A)) which is sufficient to evaluate the tobacco product the Secretary may authorize that the determination for purposes of paragraph (2)(A) be made on the basis of such evidence.

“(d) WITHDRAWAL AND TEMPORARY SUSPENSION.—

“(1) IN GENERAL.—The Secretary shall, upon obtaining, where appropriate, advice on scientific matters from an advisory committee, and after due notice and opportunity for informal hearing to the holder of an approved application for a tobacco product, issue an order withdrawing approval of the application if the Secretary finds—

“(A) that the continued marketing of such tobacco product no longer is appropriate for the protection of the public health;

“(B) that the application contained or was accompanied by an untrue statement of a material fact;

“(C) that the applicant—

“(i) has failed to establish a system for maintaining records, or has repeatedly or deliberately failed to maintain records or to make reports, required by an applicable regulation under section 909;

“(ii) has refused to permit access to, or copying or verification of, such records as required by section 704; or

“(iii) has not complied with the requirements of section 905;

“(D) on the basis of new information before the Secretary with respect to such tobacco product, evaluated together with the evidence before the Secretary when the application was approved, that the methods used in, or the facilities and controls used for, the manufacture, processing, packing, or installation of such tobacco product do not conform with the requirements of section 906(e) and were not brought into conformity with such requirements within a reasonable time after receipt of written notice from the Secretary of nonconformity;

“(E) on the basis of new information before the Secretary, evaluated together with the evidence before the Secretary when the application was approved, that the labeling of such tobacco product, based on a fair evaluation of all material facts, is false or misleading in any particular and was not corrected within a reasonable time after receipt of written notice from the Secretary of such fact; or

“(F) on the basis of new information before the Secretary, evaluated together with the evidence before the Secretary when the application was approved, that such tobacco product is not shown to conform in all respects to a tobacco product standard which is in effect under section 907, compliance with which was a condition to approval of the application, and that there is a lack of adequate information to justify the deviation from such standard.

“(2) APPEAL.—The holder of an application subject to an order issued under paragraph (1) withdrawing approval of the application may, by petition filed on or before the 30th day after the date upon which such holder receives notice of such withdrawal, obtain review thereof in accordance with subsection (e).

“(3) TEMPORARY SUSPENSION.—If, after providing an opportunity for an informal hearing, the Secretary determines there is reasonable probability that the continuation of distribution of a tobacco product under an approved application would cause serious, adverse health consequences or death, that is greater than ordinarily caused by tobacco products on the market, the Secretary shall by order temporarily suspend the approval of the application approved under this section. If the Secretary issues such an order, the Secretary shall proceed expeditiously under paragraph (1) to withdraw such application.

"(e) SERVICE OF ORDER.—An order issued by the Secretary under this section shall be served—

"(1) in person by any officer or employee of the department designated by the Secretary; or

"(2) by mailing the order by registered mail or certified mail addressed to the applicant at the applicant's last known address in the records of the Secretary.

"(f) RECORDS.—

"(1) ADDITIONAL INFORMATION.—In the case of any tobacco product for which an approval of an application filed under subsection (b) is in effect, the applicant shall establish and maintain such records, and make such reports to the Secretary, as the Secretary may by regulation, or by order with respect to such application, prescribe on the basis of a finding that such records and reports are necessary in order to enable the Secretary to determine, or facilitate a determination of, whether there is or may be grounds for withdrawing or temporarily suspending such approval.

"(2) ACCESS TO RECORDS.—Each person required under this section to maintain records, and each person in charge or custody thereof, shall, upon request of an officer or employee designated by the Secretary, permit such officer or employee at all reasonable times to have access to and copy and verify such records.

"(g) INVESTIGATIONAL TOBACCO PRODUCT EXEMPTION FOR INVESTIGATIONAL USE.—The Secretary may exempt tobacco products intended for investigational use from the provisions of this chapter under such conditions as the Secretary may by regulation prescribe.

"SEC. 911. MODIFIED RISK TOBACCO PRODUCTS.

"(a) IN GENERAL.—No person may introduce or deliver for introduction into interstate commerce any modified risk tobacco product unless approval of an application filed pursuant to subsection (d) is effective with respect to such product.

"(b) DEFINITIONS.—In this section:

"(1) MODIFIED RISK TOBACCO PRODUCT.—The term 'modified risk tobacco product' means any tobacco product that is sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products.

"(2) SOLD OR DISTRIBUTED.—

"(A) IN GENERAL.—With respect to a tobacco product, the term 'sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products' means a tobacco product—

"(i) the label, labeling, or advertising of which represents explicitly or implicitly that—

"(I) the tobacco product presents a lower risk of tobacco-related disease or is less harmful than one or more other commercially marketed tobacco products;

"(II) the tobacco product or its smoke contains a reduced level of a substance or presents a reduced exposure to a substance; or

"(III) the tobacco product or its smoke does not contain or is free of a substance;

"(ii) the label, labeling, or advertising of which uses the descriptors 'light', 'mild', or 'low' or similar descriptors; or

"(iii) the tobacco product manufacturer of which has taken any action directed to consumers through the media or otherwise, other than by means of the tobacco product's label, labeling or advertising, after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, respecting the product that would be reasonably expected to result in consumers believing that the tobacco product or its smoke may present a lower risk of disease or is less harmful than one or more commercially marketed tobacco products, or presents a reduced exposure to, or does not contain or is free of, a substance or substances.

"(B) LIMITATION.—No tobacco product shall be considered to be 'sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products', except as described in subparagraph (A).

"(c) TOBACCO DEPENDENCE PRODUCTS.—A product that is intended to be used for the treatment of tobacco dependence, including smoking cessation, is not a modified risk tobacco product under this section and is subject to the requirements of chapter V.

"(d) FILING.—Any person may file with the Secretary an application for a modified risk tobacco product. Such application shall include—

"(1) a description of the proposed product and any proposed advertising and labeling;

"(2) the conditions for using the product;

"(3) the formulation of the product;

"(4) sample product labels and labeling;

"(5) all documents (including underlying scientific information) relating to research findings conducted, supported, or possessed by the tobacco product manufacturer relating to the effect of the product on tobacco-related diseases and health-related conditions, including information both favorable and unfavorable to the ability of the product to reduce risk or exposure and relating to human health;

"(6) data and information on how consumers actually use the tobacco product; and

"(7) such other information as the Secretary may require.

"(e) PUBLIC AVAILABILITY.—The Secretary shall make the application described in subsection (d) publicly available (except matters in the application which are trade secrets or otherwise confidential, commercial information) and shall request comments by interested persons on the information contained in the application and on the label, labeling, and advertising accompanying such application.

"(f) ADVISORY COMMITTEE.—

"(1) IN GENERAL.—The Secretary shall refer to an advisory committee any application submitted under this subsection.

"(2) RECOMMENDATIONS.—Not later than 60 days after the date an application is referred to an advisory committee under paragraph (1), the advisory committee shall report its recommendations on the application to the Secretary.

"(g) APPROVAL.—

"(1) MODIFIED RISK PRODUCTS.—Except as provided in paragraph (2), the Secretary shall approve an application for a modified risk tobacco product filed under this section only if the Secretary determines that the applicant has demonstrated that such product, as it is actually used by consumers, will—

"(A) significantly reduce harm and the risk of tobacco-related disease to individual tobacco users; and

"(B) benefit the health of the population as a whole taking into account both users of tobacco products and persons who do not currently use tobacco products.

"(2) SPECIAL RULE FOR CERTAIN PRODUCTS.—

"(A) IN GENERAL.—The Secretary may approve an application for a tobacco product that has not been approved as a modified risk tobacco product pursuant to paragraph (1) if the Secretary makes the findings required under this paragraph and determines that the applicant has demonstrated that—

"(i) the approval of the application would be appropriate to promote the public health;

"(ii) any aspect of the label, labeling, and advertising for such product that would cause the tobacco product to be a modified risk tobacco product under subsection (b)(2) is limited to an explicit or implicit representation that such tobacco product or its smoke contains or is free of a substance or contains a reduced level of a substance, or presents a reduced exposure to a substance in tobacco smoke;

"(iii) scientific evidence is not available and, using the best available scientific methods, cannot be made available without conducting long-term epidemiological studies for an application to meet the standards set forth in paragraph (1); and

"(iv) the scientific evidence that is available without conducting long-term epidemiological studies demonstrates that a measurable and substantial reduction in morbidity or mortality among individual tobacco users is anticipated in subsequent studies.

"(B) ADDITIONAL FINDINGS REQUIRED.—In order to approve an application under subparagraph (A) the Secretary must also find that the applicant has demonstrated that—

"(i) the magnitude of the overall reductions in exposure to the substance or substances which are the subject of the application is substantial, such substance or substances are harmful, and the product as actually used exposes consumers to the specified reduced level of the substance or substances;

"(ii) the product as actually used by consumers will not expose them to higher levels of other harmful substances compared to the similar types of tobacco products then on the market unless such increases are minimal and the anticipated overall impact of use of the product remains a substantial and measurable reduction in overall morbidity and mortality among individual tobacco users;

"(iii) testing of actual consumer perception shows that, as the applicant proposes to label and market the product, consumers will not be misled into believing that the product—

"(I) is or has been demonstrated to be less harmful; or

"(II) presents or has been demonstrated to present less of a risk of disease than 1 or more other commercially marketed tobacco products; and

"(iv) approval of the application is expected to benefit the health of the population as a whole taking into account both users of tobacco products and persons who do not currently use tobacco products.

"(C) CONDITIONS OF APPROVAL.—

"(i) IN GENERAL.—Applications approved under this paragraph shall be limited to a term of not more than 5 years, but may be renewed upon a finding by the Secretary that the requirements of this paragraph continue to be satisfied based on the filing of a new application.

"(ii) AGREEMENTS BY APPLICANT.—Applications approved under this paragraph shall be conditioned on the applicant's agreement to conduct post-market surveillance and studies and to submit to the Secretary the results of such surveillance and studies to determine the impact of the application approval on consumer perception, behavior, and health and to enable the Secretary to review the accuracy of the determinations upon which the approval was based in accordance with a protocol approved by the Secretary.

"(iii) ANNUAL SUBMISSION.—The results of such post-market surveillance and studies described in clause (ii) shall be submitted annually.

"(3) BASIS.—The determinations under paragraphs (1) and (2) shall be based on—

"(A) the scientific evidence submitted by the applicant; and

"(B) scientific evidence and other information that is available to the Secretary.

"(4) BENEFIT TO HEALTH OF INDIVIDUALS AND OF POPULATION AS A WHOLE.—In making the determinations under paragraphs (1) and (2), the Secretary shall take into account—

"(A) the relative health risks to individuals of the tobacco product that is the subject of the application;

"(B) the increased or decreased likelihood that existing users of tobacco products who would otherwise stop using such products will switch to the tobacco product that is the subject of the application;

"(C) the increased or decreased likelihood that persons who do not use tobacco products will start using the tobacco product that is the subject of the application;

"(D) the risks and benefits to persons from the use of the tobacco product that is the subject of the application as compared to the use of products for smoking cessation approved under chapter V to treat nicotine dependence; and

"(E) comments, data, and information submitted by interested persons.

"(h) ADDITIONAL CONDITIONS FOR APPROVAL.—

"(1) MODIFIED RISK PRODUCTS.—The Secretary shall require for the approval of an application under this section that any advertising or labeling concerning modified risk products enable the public to comprehend the information concerning modified risk and to understand the relative significance of such information in the context of total health and in relation to all of the diseases and health-related conditions associated with the use of tobacco products.

"(2) COMPARATIVE CLAIMS.—

"(A) IN GENERAL.—The Secretary may require for the approval of an application under this subsection that a claim comparing a tobacco product to 1 or more other commercially marketed tobacco products shall compare the tobacco product to a commercially marketed tobacco product that is representative of that type of tobacco product on the market (for example the average value of the top 3 brands of an established regular tobacco product).

"(B) QUANTITATIVE COMPARISONS.—The Secretary may also require, for purposes of subparagraph (A), that the percent (or fraction) of change and identity of the reference tobacco product and a quantitative comparison of the amount of the substance claimed to be reduced shall be stated in immediate proximity to the most prominent claim.

"(3) LABEL DISCLOSURE.—

"(A) IN GENERAL.—The Secretary may require the disclosure on the label of other substances in the tobacco product, or substances that may be produced by the consumption of that tobacco product, that may affect a disease or health-related condition or may increase the risk of other diseases or health-related conditions associated with the use of tobacco products.

"(B) CONDITIONS OF USE.—If the conditions of use of the tobacco product may affect the risk of the product to human health, the Secretary may require the labeling of conditions of use.

"(4) TIME.—The Secretary shall limit an approval under subsection (g)(1) for a specified period of time.

"(5) ADVERTISING.—The Secretary may require that an applicant, whose application has been approved under this subsection, comply with requirements relating to advertising and promotion of the tobacco product.

"(i) POSTMARKET SURVEILLANCE AND STUDIES.—

"(1) IN GENERAL.—The Secretary shall require that an applicant under subsection (g)(1) conduct post market surveillance and studies for a tobacco product for which an application has been approved to determine the impact of the application approval on consumer perception, behavior, and health, to enable the Secretary to review the accuracy of the determinations upon which the approval was based, and to provide information that the Secretary determines is otherwise necessary regarding the use or health risks involving the tobacco product. The results of post-market surveillance and studies shall be submitted to the Secretary on an annual basis.

"(2) SURVEILLANCE PROTOCOL.—Each applicant required to conduct a surveillance of a tobacco product under paragraph (1) shall, within 30 days after receiving notice that the applicant is required to conduct such surveillance, submit, for the approval of the Secretary, a protocol for the required surveillance. The Secretary, within 60 days of the receipt of such protocol, shall determine if the principal investigator proposed to be used in the surveillance has sufficient qualifications and experience to conduct such surveillance and if such protocol will result in collection of the data or other information designated by the Secretary as necessary to protect the public health.

"(j) WITHDRAWAL OF APPROVAL.—The Secretary, after an opportunity for an informal hearing, shall withdraw the approval of an application under this section if the Secretary determines that—

"(1) the applicant, based on new information, can no longer make the demonstrations required under subsection (g), or the Secretary can no longer make the determinations required under subsection (g);

"(2) the application failed to include material information or included any untrue statement of material fact;

"(3) any explicit or implicit representation that the product reduces risk or exposure is no longer valid, including if—

"(A) a tobacco product standard is established pursuant to section 907;

"(B) an action is taken that affects the risks presented by other commercially marketed tobacco products that were compared to the product that is the subject of the application; or

"(C) any postmarket surveillance or studies reveal that the approval of the application is no longer consistent with the protection of the public health;

"(4) the applicant failed to conduct or submit the postmarket surveillance and studies required under subsection (g)(2)(C)(ii) or (i); or

"(5) the applicant failed to meet a condition imposed under subsection (h).

"(k) CHAPTER IV OR V.—A product approved in accordance with this section shall not be subject to chapter IV or V.

"(l) IMPLEMENTING REGULATIONS OR GUIDANCE.—

"(1) SCIENTIFIC EVIDENCE.—Not later than 2 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall issue regulations or guidance (or any combination thereof) on the scientific evidence required for assessment and ongoing review of modified risk tobacco products. Such regulations or guidance shall—

"(A) establish minimum standards for scientific studies needed prior to approval to show that a substantial reduction in morbidity or mortality among individual tobacco users is likely;

"(B) include validated biomarkers, intermediate clinical endpoints, and other feasible outcome measures, as appropriate;

"(C) establish minimum standards for post market studies, that shall include regular and long-term assessments of health outcomes and mortality, intermediate clinical endpoints, consumer perception of harm reduction, and the impact on quitting behavior and new use of tobacco products, as appropriate;

"(D) establish minimum standards for required postmarket surveillance, including ongoing assessments of consumer perception; and

"(E) require that data from the required studies and surveillance be made available to the Secretary prior to the decision on renewal of a modified risk tobacco product.

"(2) CONSULTATION.—The regulations or guidance issued under paragraph (1) shall be developed in consultation with the Institute of Medicine, and with the input of other appropriate scientific and medical experts, on the design and conduct of such studies and surveillance.

"(3) REVISION.—The regulations or guidance under paragraph (1) shall be revised on a regular basis as new scientific information becomes available.

"(4) NEW TOBACCO PRODUCTS.—Not later than 2 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall issue a regulation or guidance that permits the filing of a single application for any tobacco product that is a new tobacco product under section 910 and for which the applicant seeks approval as a modified risk tobacco product under this section.

"(m) DISTRIBUTORS.—No distributor may take any action, after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, with respect to a tobacco product that would reasonably be expected to result in consumers believing that the tobacco product or its smoke may present a lower risk of disease or is less harmful than one or more commercially marketed tobacco products, or presents a reduced exposure to, or does not contain or is free of, a substance or substances.

"SEC. 912. JUDICIAL REVIEW.

"(a) RIGHT TO REVIEW.—

"(1) IN GENERAL.—Not later than 30 days after—

"(A) the promulgation of a regulation under section 907 establishing, amending, or revoking a tobacco product standard; or

"(B) a denial of an application for approval under section 910(c),

any person adversely affected by such regulation or denial may file a petition for judicial review of such regulation or denial with the United States Court of Appeals for the District of Columbia or for the circuit in which such person resides or has their principal place of business.

"(2) REQUIREMENTS.—

"(A) COPY OF PETITION.—A copy of the petition filed under paragraph (1) shall be transmitted by the clerk of the court involved to the Secretary.

"(B) RECORD OF PROCEEDINGS.—On receipt of a petition under subparagraph (A), the Secretary shall file in the court in which such petition was filed—

"(i) the record of the proceedings on which the regulation or order was based; and "(ii) a statement of the reasons for the issuance of such a regulation or order.

"(C) Definition of record.—In this section, the term 'record' means—

"(i) all notices and other matter published in the Federal Register with respect to the regulation or order reviewed;

"(ii) all information submitted to the Secretary with respect to such regulation or order;

"(iii) proceedings of any panel or advisory committee with respect to such regulation or order;

"(iv) any hearing held with respect to such regulation or order; and

"(v) any other information identified by the Secretary, in the administrative proceeding held with respect to such regulation or order, as being relevant to such regulation or order.

"(b) Standard of Review.—Upon the filing of the petition under subsection (a) for judicial review of a regulation or order, the court shall have jurisdiction to review the regulation or order in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief, including interim relief, as provided for in such chapter. A regulation or denial described in subsection (a) shall be reviewed in accordance with section 706(2)(A) of title 5, United States Code.

"(c) Finality of Judgment.—The judgment of the court affirming or setting aside, in whole or in part, any regulation or order shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28, United States Code.

"(d) Other Remedies.—The remedies provided for in this section shall be in addition to, and not in lieu of, any other remedies provided by law.

"(e) Regulations and Orders Must Recite Basis in Record.—To facilitate judicial review, a regulation or order issued under section 906, 907, 908, 909, 910, or 916 shall contain a statement of the reasons for the issuance of such regulation or order in the record of the proceedings held in connection with its issuance.

"SEC. 913. EQUAL TREATMENT OF RETAIL OUTLETS.

"The Secretary shall issue regulations to require that retail establishments for which the predominant business is the sale of tobacco products comply with any advertising restrictions applicable to retail establishments accessible to individuals under the age of 18.

"SEC. 914. JURISDICTION OF AND COORDINATION WITH THE FEDERAL TRADE COMMISSION.

"(a) Jurisdiction.—

"(1) In general.—Except where expressly provided in this chapter, nothing in this chapter shall be construed as limiting or diminishing the authority of the Federal Trade Commission to enforce the laws under its jurisdiction with respect to the advertising, sale, or distribution of tobacco products.

"(2) Enforcement.—Any advertising that violates this chapter or a provision of the regulations referred to in section 102 of the Family Smoking Prevention and Tobacco Control Act, is an unfair or deceptive act or practice under section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45(a)) and shall be considered a violation of a rule promulgated under section 18 of that Act (15 U.S.C. 57a).

"(b) Coordination.—With respect to the requirements of section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333) and section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402)—

"(1) the Chairman of the Federal Trade Commission shall coordinate with the Secretary concerning the enforcement of such Act as such enforcement relates to unfair or deceptive acts or practices in the advertising of cigarettes or smokeless tobacco; and

"(2) the Secretary shall consult with the Chairman of such Commission in revising the label statements and requirements under such sections.

"SEC. 915. CONGRESSIONAL REVIEW PROVISIONS.

"In accordance with section 801 of title 5, United States Code, Congress shall review, and may disapprove, any rule under this chapter that is subject to section 801. This section and section 801 do not apply to the regulations referred to in section 102 of the Family Smoking Prevention and Tobacco Control Act.

"SEC. 916. REGULATION REQUIREMENT.

"(a) Testing, Reporting, and Disclosure.—Not later than 24 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary, acting through the Commissioner of the Food and Drug Administration, shall promulgate regulations under this Act that meet the requirements of subsection (b).

"(b) Contents of Rules.—The regulations promulgated under subsection (a) shall require testing and reporting of tobacco product constituents, ingredients, and additives, including smoke constituents, by brand and sub-brand that the Secretary determines should be tested to protect the public health. The regulations may require that tobacco product manufacturers, packagers, or importers make disclosures relating to the results of the testing of tar and nicotine through labels or advertising or other appropriate means, and make disclosures regarding the results of the testing of other constituents, including smoke constituents, ingredients, or additives, that the Secretary determines should be disclosed to the public to protect the public health and will not mislead consumers about the risk of tobacco related disease.

"(c) Authority.—The Food and Drug Administration shall have the authority under this chapter to conduct or to require the testing, reporting, or disclosure of tobacco product constituents, including smoke constituents.

"SEC. 917. PRESERVATION OF STATE AND LOCAL AUTHORITY.

"(a) In General.—

"(1) Preservation.—Nothing in this chapter, or rules promulgated under this chapter, shall be construed to limit the authority of a Federal agency (including the Armed Forces), a State or political subdivision of a State, or the government of an Indian tribe to enact, adopt, promulgate, and enforce any law, rule, regulation, or other measure with respect to tobacco products that is in addition to, or more stringent than, requirements established under this chapter, including a law, rule, regulation, or other measure relating to or prohibiting the sale, distribution, possession, exposure to, access to, advertising and promotion of, or use of tobacco products by individuals of any age, information reporting to the State, or measures relating to fire safety standards for tobacco products. No provision of this chapter shall limit or otherwise affect any State, Tribal, or local taxation of tobacco products.

"(2) Preemption of certain state and local requirements.—

"(A) In general.—Except as provided in paragraph (1) and subparagraph (B), no State or political subdivision of a State may establish or continue in effect with respect to a tobacco product any requirement which is different from, or in addition to, any requirement under the provisions of this chapter relating to tobacco product standards, premarket approval, adulteration, misbranding, labeling, registration, good manufacturing standards, or modified risk tobacco products.

"(B) Exception.—Subparagraph (A) does not apply to requirements relating to the sale, distribution, possession, information reporting to the State, exposure to, access to, the advertising and promotion of, or use of, tobacco products by individuals of any age, or relating to fire safety standards for tobacco products. Information disclosed to a State under subparagraph (A) that is exempt from disclosure under section 554(b)(4) of title 5, United States Code, shall be treated as trade secret and confidential information by the State.

"(b) Rule of Construction Regarding Product Liability.—No provision of this chapter relating to a tobacco product shall be construed to modify or otherwise affect any action or the liability of any person under the product liability law of any State.

"SEC. 918. TOBACCO PRODUCTS SCIENTIFIC ADVISORY COMMITTEE.

"(a) Establishment.—Not later than 1 year after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall establish a 11-member advisory committee, to be known as the 'Tobacco Products Scientific Advisory Committee'.

"(b) Membership.—

"(1) In general.—

"(A) Members.—The Secretary shall appoint as members of the Tobacco Products Scientific Advisory Committee individuals who are technically qualified by training and experience in the medicine, medical ethics, science, or technology involving the manufacture, evaluation, or use of tobacco products, who are of appropriately diversified professional backgrounds. The committee shall be composed of—

"(i) 7 individuals who are physicians, dentists, scientists, or health care professionals practicing in the area of oncology, pulmonology, cardiology, toxicology, pharmacology, addiction, or any other relevant specialty;

"(ii) 1 individual who is an officer or employee of a State or local government or of the Federal Government;

"(iii) 1 individual as a representative of the general public;

"(iv) 1 individual as a representative of the interests in the tobacco manufacturing industry; and

"(v) 1 individual as a representative of the interests of the tobacco growers.

"(B) Nonvoting members.—The members of the committee appointed under clauses (iv) and (v) of subparagraph (A) shall serve as consultants to those described in clauses (i) through (iii) of subparagraph (A) and shall be nonvoting representatives.

"(2) Limitation.—The Secretary may not appoint to the Advisory Committee any individual who is in the regular full-time employ of the Food and Drug Administration or any agency responsible for the enforcement of this Act. The Secretary may appoint Federal officials as ex officio members.

"(3) Chairperson.—The Secretary shall designate 1 of the members of the Advisory Committee to serve as chairperson.

"(c) Duties.—The Tobacco Products Scientific Advisory Committee shall provide advice, information, and recommendations to the Secretary—

"(1) as provided in this chapter;

"(2) on the effects of the alteration of the nicotine yields from tobacco products;

"(3) on whether there is a threshold level below which nicotine yields do not produce dependence on the tobacco product involved; and

"(4) on its review of other safety, dependence, or health issues relating to tobacco products as requested by the Secretary.

"(d) COMPENSATION; SUPPORT; FACA.—

"(1) COMPENSATION AND TRAVEL.—Members of the Advisory Committee who are not officers or employees of the United States, while attending conferences or meetings of the committee or otherwise engaged in its business, shall be entitled to receive compensation at rates to be fixed by the Secretary, which may not exceed the daily equivalent of the rate in effect for level 4 of the Senior Executive Schedule under section 5382 of title 5, United States Code, for each day (including travel time) they are so engaged; and while so serving away from their homes or regular places of business each member may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(2) ADMINISTRATIVE SUPPORT.—The Secretary shall furnish the Advisory Committee clerical and other assistance.

"(3) NONAPPLICATION OF FACA.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Advisory Committee.

"(e) PROCEEDINGS OF ADVISORY PANELS AND COMMITTEES.—The Advisory Committee shall make and maintain a transcript of any proceeding of the panel or committee. Each such panel and committee shall delete from any transcript made under this subsection information which is exempt from disclosure under section 552(b) of title 5, United States Code.

"SEC. 919. DRUG PRODUCTS USED TO TREAT TOBACCO DEPENDENCE.

"The Secretary shall—

"(1) at the request of the applicant, consider designating nicotine replacement products as fast track research and approval products within the meaning of section 506;

"(2) consider approving the extended use of nicotine replacement products (such as nicotine patches, nicotine gum, and nicotine lozenges) for the treatment of tobacco dependence; and

"(3) review and consider the evidence for additional indications for nicotine replacement products, such as for craving relief or relapse prevention.

"SEC. 920. USER FEE.

"(a) ESTABLISHMENT OF QUARTERLY USER FEE.—The Secretary shall assess a quarterly user fee with respect to every quarter of each fiscal year commencing fiscal year 2005, calculated in accordance with this section, upon each manufacturer and importer of tobacco products subject to this chapter.

"(b) FUNDING OF FDA REGULATION OF TOBACCO PRODUCTS.—The Secretary shall make user fees collected pursuant to this section available to pay, in each fiscal year, for the costs of the activities of the Food and Drug Administration related to the regulation of tobacco products under this chapter.

"(c) ASSESSMENT OF USER FEE.—

"(1) AMOUNT OF ASSESSMENT.—Except as provided in paragraph (4), the total user fees assessed each year pursuant to this section shall be sufficient, and shall not exceed what is necessary, to pay for the costs of the activities described in subsection (b) for each fiscal year.

"(2) ALLOCATION OF ASSESSMENT BY CLASS OF TOBACCO PRODUCTS.—

"(A) IN GENERAL.—Subject to paragraph (3), the total user fees assessed each fiscal year with respect to each class of importers and manufacturers shall be equal to an amount that is the applicable percentage of the total costs of activities of the Food and Drug Administration described in subsection (b).

"(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A) the applicable percentage for a fiscal year shall be the following:

"(i) 92.07 percent shall be assessed on manufacturers and importers of cigarettes;

"(ii) 0.05 percent shall be assessed on manufacturers and importers of little cigars;

"(iii) 7.15 percent shall be assessed on manufacturers and importers of cigars other than little cigars;

"(iv) 0.43 percent shall be assessed on manufacturers and importers of snuff;

"(v) 0.10 percent shall be assessed on manufacturers and importers of chewing tobacco;

"(vi) 0.06 percent shall be assessed on manufacturers and importers of pipe tobacco; and

"(vii) 0.14 percent shall be assessed on manufacturers and importers of roll-your-own tobacco.

"(3) DISTRIBUTION OF FEE SHARES OF MANUFACTURERS AND IMPORTERS EXEMPT FROM USER FEE.—Where a class of tobacco products is not subject to a user fee under this section, the portion of the user fee assigned to such class under subsection (d)(2) shall be allocated by the Secretary on a pro rata basis among the classes of tobacco products that are subject to a user fee under this section. Such pro rata allocation for each class of tobacco products that are subject to a user fee under this section shall be the quotient of—

"(A) the sum of the percentages assigned to all classes of tobacco products subject to this section; divided by

"(B) the percentage assigned to such class under paragraph (2).

"(4) ANNUAL LIMIT ON ASSESSMENT.—The total assessment under this section—

"(A) for fiscal year 2005 shall be $85,000,000;

"(B) for fiscal year 2006 shall be $175,000,000;

"(C) for fiscal year 2007 shall be $300,000,000; and

"(D) for each subsequent fiscal year, shall not exceed the limit on the assessment imposed during the previous fiscal year, as adjusted by the Secretary (after notice, published in the Federal Register) to reflect the greater of—

"(i) the total percentage change that occurred in the Consumer Price Index for all urban consumers (all items; United States city average) for the 12-month period ending on June 30 of the preceding fiscal year for which fees are being established; or

"(ii) the total percentage change for the previous fiscal year in basic pay under the General Schedule in accordance with section 5332 of title 5, United States Code, as adjusted by any locality-based comparability payment pursuant to section 5304 of such title for Federal employees stationed in the District of Columbia.

"(5) TIMING OF USER FEE ASSESSMENT.—The Secretary shall notify each manufacturer and importer of tobacco products subject to this section of the amount of the quarterly assessment imposed on such manufacturer or importer under subsection (f) during each quarter of each fiscal year. Such notifications shall occur not earlier than 3 months prior to the end of the quarter for which such assessment is made, and payments of all assessments shall be made not later than 60 days after each such notification.

"(d) DETERMINATION OF USER FEE BY COMPANY MARKET SHARE.—

"(1) IN GENERAL.—The user fee to be paid by each manufacturer or importer of a given class of tobacco products shall be determined in each quarter by multiplying—

"(A) such manufacturer's or importer's market share of such class of tobacco products; by

"(B) the portion of the user fee amount for the current quarter to be assessed on manufacturers and importers of such class of tobacco products as determined under subsection (e).

"(2) NO FEE IN EXCESS OF MARKET SHARE.—No manufacturer or importer of tobacco products shall be required to pay a user fee in excess of the market share of such manufacturer or importer.

"(e) DETERMINATION OF VOLUME OF DOMESTIC SALES.—

"(1) IN GENERAL.—The calculation of gross domestic volume of a class of tobacco product by a manufacturer or importer, and by all manufacturers and importers as a group, shall be made by the Secretary using information provided by manufacturers and importers pursuant to subsection (f), as well as any other relevant information provided to or obtained by the Secretary.

"(2) MEASUREMENT.—For purposes of the calculations under this subsection and the information provided under subsection (f) by the Secretary, gross domestic volume shall be measured by—

"(A) in the case of cigarettes, the number of cigarettes sold;

"(B) in the case of little cigars, the number of little cigars sold;

"(C) in the case of large cigars, the number of cigars weighing more than 3 pounds per thousand sold; and

"(D) in the case of other classes of tobacco products, in terms of number of pounds, or fraction thereof, of these products sold.

"(f) MEASUREMENT OF GROSS DOMESTIC VOLUME.—

"(1) IN GENERAL.—Each manufacturer and importer of tobacco products shall submit to the Secretary a certified copy of each of the returns or forms described by this paragraph that are required to be filed with a Government agency on the same date that those returns or forms are filed, or required to be filed, with such agency. The returns and forms described by this paragraph are those returns and forms related to the release of tobacco products into domestic commerce, as defined by section 5702(k) of the Internal Revenue Code of 1986, and the repayment of the taxes imposed under chapter 52 of such Code (ATF Form 500.24 and United States Customs Form 7501 under currently applicable regulations).

"(2) PENALTIES.—Any person that knowingly fails to provide information required under this subsection or that provides false information under this subsection shall be subject to the penalties described in section 1003 of title 18, United States Code. In addition, such person may be subject to a civil penalty in an amount not to exceed 2 percent of the value of the kind of tobacco products manufactured or imported by such person during the applicable quarter, as determined by the Secretary.

"(h) EFFECTIVE DATE.—The user fees prescribed by this section shall be assessed in fiscal year 2005, based on domestic sales of tobacco products during fiscal year 2004 and shall be assessed in each fiscal year thereafter.".

SEC. 102. INTERIM FINAL RULE.

(a) CIGARETTES AND SMOKELESS TOBACCO.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services shall publish in the Federal Register an interim final rule regarding cigarettes and smokeless tobacco, which is hereby deemed to be in compliance with the Administrative Procedures Act and other applicable law.

(2) CONTENTS OF RULE.—Except as provided in this subsection, the interim final rule published under paragraph (1), shall be identical in its provisions to part 897 of the regulations promulgated by the Secretary of Health and Human Services in the August 28, 1996, issue of the Federal Register (61 Fed. Reg., 44615–44618). Such rule shall—

(A) provide for the designation of jurisdictional authority that is in accordance with this subsection;

(B) strike Subpart C—Labeling and section 897.32(c); and

(C) become effective not later than 1 year after the date of enactment of this Act.

(3) AMENDMENTS TO RULE.—Prior to making amendments to the rule published under paragraph (1), the Secretary shall promulgate a proposed rule in accordance with the Administrative Procedures Act.

(4) RULE OF CONSTRUCTION.—Except as provided in paragraph (3), nothing in this section shall be construed to limit the authority of the Secretary to amend, in accordance with the Administrative Procedures Act, the regulation promulgated pursuant to this section.

(b) LIMITATION ON ADVISORY OPINIONS.—As of the date of enactment of this Act, the following documents issued by the Food and Drug Administration shall not constitute advisory opinions under section 10.85(d)(1) of title 21, Code of Federal Regulations, except as they apply to tobacco products, and shall not be cited by the Secretary of Health and Human Services or the Food and Drug Administration as binding precedent:

(1) The preamble to the proposed rule in the document entitled “Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco Products to Protect Children and Adolescents” (60 Fed. Reg. 41314–41372 (August 11, 1995)).

(2) The document entitled “Nicotine in Cigarettes and Smokeless Tobacco Products is a Drug and These Products Are Nicotine Delivery Devices Under the Federal Food, Drug, and Cosmetic Act” (60 Fed. Reg. 41453–41787 (August 11, 1995)).

(3) The preamble to the final rule in the document entitled “Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents” (61 Fed. Reg. 44396–44615 (August 28, 1996)).

(4) The document entitled “Nicotine in Cigarettes and Smokeless Tobacco is a Drug and These Products are Nicotine Delivery Devices Under the Federal Food, Drug, and Cosmetic Act; Jurisdictional Determination” (61 Fed. Reg. 44619–45318 (August 28, 1996)).

SEC. 103. CONFORMING AND OTHER AMENDMENTS TO GENERAL PROVISIONS.

(a) AMENDMENT OF FEDERAL FOOD, DRUG, AND COSMETIC ACT.—Except as otherwise expressly provided, whenever in this section an amendment is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference is to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(b) SECTION 301.—Section 301 (21 U.S.C. 331) is amended—

(1) in subsection (a), by inserting “tobacco product,” after “device,”;

(2) in subsection (b), by inserting “tobacco product,” after “device,”;

(3) in subsection (c), by inserting “tobacco product,” after “device,”;

(4) in subsection (e), by striking “515(f), or 519” and inserting “515(f), 519, or 909”;

(5) in subsection (g), by inserting “tobacco product,” after “device,”;

(6) in subsection (h), by inserting “tobacco product,” after “device,”;

(7) in subsection (j), by striking “708, or 721” and inserting “708, 721, 904, 905, 906, 907, 908, 909, or section 921(b)”;

(8) in subsection (k), by inserting “tobacco product,” after “device,”;

(9) by striking subsection (p) and inserting the following:

“(p) The failure to register in accordance with section 510 or 905, the failure to provide any information required by section 510(j), 510(k), 905(i), or 905(j), or the failure to provide a notice required by section 510(j)(2) or 905(i)(2).”;

(10) by striking subsection (q)(1) and inserting the following:

“(q)(1) The failure or refusal—

“(A) to comply with any requirement prescribed under section 518, 520(g), 903(b)(8), or 908, or condition prescribed under section 903(b)(6)(B)(ii)(II);

“(B) to furnish any notification or other material or information required by or under section 519, 520(g), 904, 909, or section 921; or

“(C) to comply with a requirement under section 522 or 913.”;

(11) in subsection (q)(2), by striking “device,” and inserting “device or tobacco product,”;

(12) in subsection (r), by inserting “or tobacco product” after “device” each time that it appears; and

(13) by adding at the end the following:

“(aa) The sale of tobacco products in violation of a no-tobacco-sale order issued under section 303(f).

“(bb) The introduction or delivery for introduction into interstate commerce of a tobacco product in violation of section 911.

“(cc)(1) Forging, counterfeiting, simulating, or falsely representing, or without proper authority using any mark, stamp (including tax stamp), tag, label, or other identification device upon any tobacco product or container or labeling thereof so as to render such tobacco product a counterfeit tobacco product.

“(2) Making, selling, disposing of, or keeping in possession, control, or custody, or concealing any punch, die, plate, stone, or other item that is designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any tobacco product or container or labeling thereof so as to render such tobacco product a counterfeit tobacco product.

“(3) The doing of any act that causes a tobacco product to be a counterfeit tobacco product, or the sale or dispensing, or the holding for sale or dispensing, of a counterfeit tobacco product.

“(dd) The charitable distribution of tobacco products.

“(ee) The failure of a manufacturer or distributor to notify the Attorney General of their knowledge of tobacco products used in illicit trade.”.

(c) SECTION 303.—Section 303 (21 U.S.C. 333(f)) is amended in subsection (f)—

(1) by striking the subsection heading and inserting the following:

“(f) CIVIL PENALTIES; NO-TOBACCO-SALE ORDERS.—”;

(2) in paragraph (1)(A), by inserting “or tobacco products” after “devices”;

(3) in paragraph (2)(C), by striking “paragraph (3)(A)” and inserting “paragraph (4)(A)”;

(4) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), and inserting after paragraph (2) the following:

“(3) If the Secretary finds that a person has committed repeated violations of restrictions promulgated under section 906(d) at a particular retail outlet then the Secretary may impose a no-tobacco-sale order on that person prohibiting the sale of tobacco products in that outlet. A no-tobacco-sale order may be imposed with a civil penalty under paragraph (1).”;

(5) in paragraph (4) as so redesignated—

(A) in subparagraph (A)—

(i) by striking “assessed” the first time it appears and inserting “assessed, or a no-tobacco-sale order may be imposed,”; and

(ii) by striking “penalty” and inserting “penalty, or upon whom a no-tobacco-order is to be imposed,”;

(B) in subparagraph (B)—

(i) by inserting after “penalty,” the following: “or the period to be covered by a no-tobacco-sale order,”; and

(ii) by adding at the end the following: “A no-tobacco-sale order permanently prohibiting an individual retail outlet from selling tobacco products shall include provisions that allow the outlet, after a specified period of time, to request that the Secretary compromise, modify, or terminate the order.”; and

(C) by adding at the end, the following:

“(D) The Secretary may compromise, modify, or terminate, with or without conditions, any no-tobacco-sale order.”;

(6) in paragraph (5) as so redesignated—

(A) by striking “(3)(A)” as redesignated, and inserting “(4)(A)”;

(B) by inserting “or the imposition of a no-tobacco-sale order” after “penalty” the first 2 places it appears; and

(C) by striking “issued.” and inserting “issued, or on which the no-tobacco-sale order was imposed, as the case may be.”; and

(7) in paragraph (6), as so redesignated, by striking “paragraph (4)” each place it appears and inserting “paragraph (5)”.

(d) SECTION 304.—Section 304 (21 U.S.C. 334) is amended—

(1) in subsection (a)(2)—

(A) by striking “and” before “(D)”; and

(B) by striking “device.” and inserting the following: “, (E) Any adulterated or misbranded tobacco product.”;

(2) in subsection (d)(1), by inserting “tobacco product,” after “device,”;

(3) in subsection (g)(1), by inserting “or tobacco product” after “device” each place it appears; and

(4) in subsection (g)(2)(A), by inserting “or tobacco product” after “device” each place it appears.

(e) SECTION 702.—Section 702(a) (21 U.S.C. 372(a)) is amended—

(1) by inserting “(1)” after “(a)”; and

(2) by adding at the end thereof the following:

“(2) For a tobacco product, to the extent feasible, the Secretary shall contract with the States in accordance with paragraph (1) to carry out inspections of retailers within that State in connection with the enforcement of this Act.”.

(f) SECTION 703.—Section 703 (21 U.S.C. 373) is amended—

(1) by inserting “tobacco product,” after “device,” each place it appears; and

(2) by inserting “tobacco products,” after “devices,” each place it appears.

(g) SECTION 704.—Section 704 (21 U.S.C. 374) is amended—

(1) in subsection (a)(1)(A), by inserting "tobacco products," after "devices," each place it appears;

(2) in subsection (a)(1)(B), by inserting "or tobacco product" after "restricted devices" each place it appears; and

(3) in subsection (b), by inserting "tobacco product," after "device,".

(h) SECTION 705.—Section 705(b) (21 U.S.C. 375(b)) is amended by inserting "tobacco products," after "devices,".

(i) SECTION 709.—Section 709 (21 U.S.C. 379) is amended by inserting "or tobacco product" after "device".

(j) SECTION 801.—Section 801 (21 U.S.C. 381) is amended—

(1) in subsection (a)—

(A) by inserting "tobacco products," after "devices," the first time it appears;

(B) by inserting "or section 905(j)" after "section 510"; and

(C) by striking "drugs or devices" each time it appears and inserting "drugs, devices, or tobacco products";

(2) in subsection (e)(1), by inserting "tobacco product," after "device,"; and

(3) by adding at the end the following:

"(p)(1) Not later than 2 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, and annually thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report regarding—

"(A) the nature, extent, and destination of United States tobacco product exports that do not conform to tobacco product standards established pursuant to this Act;

"(B) the public health implications of such exports, including any evidence of a negative public health impact; and

"(C) recommendations or assessments of policy alternatives available to Congress and the Executive Branch to reduce any negative public health impact caused by such exports.

"(2) The Secretary is authorized to establish appropriate information disclosure requirements to carry out this subsection.".

(k) SECTION 1003.—Section 1003(d)(2)(C) (as redesignated by section 101(a)) is amended—

(1) by striking "and" after "cosmetics,"; and

(2) inserting a comma and "and tobacco products" after "devices".

(l) GUIDANCE AND EFFECTIVE DATES.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall issue guidance—

(A) defining the term "repeated violation", as used in section 303(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(f)) as amended by subsection (c), by identifying the number of violations of particular requirements over a specified period of time at a particular retail outlet that constitute a repeated violation;

(B) providing for timely and effective notice to the retailer of each alleged violation at a particular retail outlet;

(C) providing for an expedited procedure for the administrative appeal of an alleged violation;

(D) providing that a person may not be charged with a violation at a particular retail outlet unless the Secretary has provided notice to the retailer of all previous violations at that outlet;

(E) establishing a period of time during which, if there are no violations by a particular retail outlet, that outlet will not be considered to have been the site of repeated violations when the next violation occurs; and

(F) providing that good faith reliance on the presentation of a false government issued photographic identification that contains a date of birth does not constitute a violation of any minimum age requirement for the sale of tobacco products if the retailer has taken effective steps to prevent such violations, including—

(i) adopting and enforcing a written policy against sales to minors;

(ii) informing its employees of all applicable laws;

(iii) establishing disciplinary sanctions for employee noncompliance; and

(iv) requiring its employees to verify age by way of photographic identification or electronic scanning device.

(2) GENERAL EFFECTIVE DATE.—The amendments made by subsection (c), other than the amendment made by paragraph (2) of such subsection, shall take effect upon the issuance of guidance described in paragraph (1).

(3) SPECIAL EFFECTIVE DATE.—The amendments made by paragraph (2) of subsection (c) shall take effect on the date of enactment of this Act.

TITLE II—TOBACCO PRODUCT WARNINGS; CONSTITUENT AND SMOKE CONSTITUENT DISCLOSURE

SEC. 201. CIGARETTE LABEL AND ADVERTISING WARNINGS.

Section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333) is amended to read as follows:

"SEC. 4. LABELING.

"(a) LABEL REQUIREMENTS.—

"(1) IN GENERAL.—It shall be unlawful for any person to manufacture, package, sell, offer to sell, distribute, or import for sale or distribution within the United States any cigarettes the package of which fails to bear, in accordance with the requirements of this section, one of the following labels:

'WARNING: Cigarettes are addictive'.

'WARNING: Tobacco smoke can harm your children'.

'WARNING: Cigarettes cause fatal lung disease'.

'WARNING: Cigarettes cause cancer'.

'WARNING: Cigarettes cause strokes and heart disease'.

'WARNING: Smoking during pregnancy can harm your baby'.

'WARNING: Smoking can kill you'.

'WARNING: Tobacco smoke causes fatal lung disease in non-smokers'.

'WARNING: Quitting smoking now greatly reduces serious risks to your health'.

"(2) PLACEMENT; TYPOGRAPHY; ETC.—

"(A) IN GENERAL.—Each label statement required by paragraph (1) shall be located in the upper portion of the front and rear panels of the package, directly on the package underneath the cellophane or other clear wrapping. Except as provided in subparagraph (B), each label statement shall comprise at least the top 30 percent of the front and rear panels of the package. The word 'WARNING' shall appear in capital letters and all text shall be in conspicuous and legible 17-point type, unless the text of the label statement would occupy more than 70 percent of such area, in which case the text may be in a smaller conspicuous and legible type size, provided that at least 60 percent of such area is occupied by required text. The text shall be black on a white background, or white on a black background, in a manner that contrasts, by typography, layout, or color, with all other printed material on the package, in an alternating fashion under the plan submitted under subsection (b)(4).

"(B) HINGED LID BOXES.—For any cigarette brand package manufactured or distributed before January 1, 2000, which employs a hinged lid style (if such packaging was used for that brand in commerce prior to June 21, 1997), the label statement required by paragraph (1) shall be located on the hinged lid area of the package, even if such area is less than 25 percent of the area of the front panel. Except as provided in this paragraph, the provisions of this subsection shall apply to such packages.

"(3) DOES NOT APPLY TO FOREIGN DISTRIBUTION.—The provisions of this subsection do not apply to a tobacco product manufacturer or distributor of cigarettes which does not manufacture, package, or import cigarettes for sale or distribution within the United States.

"(4) APPLICABILITY TO RETAILERS.—A retailer of cigarettes shall not be in violation of this subsection for packaging that is supplied to the retailer by a tobacco product manufacturer, importer, or distributor and is not altered by the retailer in a way that is material to the requirements of this subsection except that this paragraph shall not relieve a retailer of liability if the retailer sells or distributes tobacco products that are not labeled in accordance with this subsection.

"(b) ADVERTISING REQUIREMENTS.—

"(1) IN GENERAL.—It shall be unlawful for any tobacco product manufacturer, importer, distributor, or retailer of cigarettes to advertise or cause to be advertised within the United States any cigarette unless its advertising bears, in accordance with the requirements of this section, one of the labels specified in subsection (a) of this section.

"(2) TYPOGRAPHY, ETC.—Each label statement required by subsection (a) of this section in cigarette advertising shall comply with the standards set forth in this paragraph. For press and poster advertisements, each such statement and (where applicable) any required statement relating to tar, nicotine, or other constituent (including a smoke constituent) yield shall comprise at least 20 percent of the area of the advertisement and shall appear in a conspicuous and prominent format and location at the top of each advertisement within the trim area. The Secretary may revise the required type sizes in such area in such manner as the Secretary determines appropriate. The word 'WARNING' shall appear in capital letters, and each label statement shall appear in conspicuous and legible type. The text of the label statement shall be black if the background is white and white if the background is black, under the plan submitted under paragraph (4) of this subsection. The label statements shall be enclosed by a rectangular border that is the same color as the letters of the statements and that is the width of the first downstroke of the capital 'W' of the word 'WARNING' in the label statements. The text of such label statements shall be in a typeface pro rata to the following requirements: 45-point type for a whole-page broadsheet newspaper advertisement; 39-point type for a half-page broadsheet newspaper advertisement; 39-point type for a whole-page tabloid newspaper advertisement; 27-point type for a half-page tabloid newspaper advertisement; 31.5-point type for a double page spread magazine or whole-page magazine advertisement; 22.5-point type for a 28 centimeter by 3 column advertisement; and 15-point type for a 20 centimeter by 2 column advertisement. The label statements shall be in English, except that in the case of—

"(A) an advertisement that appears in a newspaper, magazine, periodical, or other publication that is not in English, the statements shall appear in the predominant language of the publication; and

"(B) in the case of any other advertisement that is not in English, the statements shall appear in the same language as that principally used in the advertisement.

"(3) MATCHBOOKS.—Notwithstanding paragraph (2), for matchbooks (defined as containing not more than 20 matches) customarily given away with the purchase of tobacco products, each label statement required by subsection (a) may be printed on the inside cover of the matchbook.

"(4) ADJUSTMENT BY SECRETARY.—The Secretary may, through a rulemaking under section 553 of title 5, United States Code, adjust the format and type sizes for the label statements required by this section or the text, format, and type sizes of any required tar, nicotine yield, or other constituent (including smoke constituent) disclosures, or to establish the text, format, and type sizes for any other disclosures required under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et. seq.). The text of any such label statements or disclosures shall be required to appear only within the 20 percent area of cigarette advertisements provided by paragraph (2) of this subsection. The Secretary shall promulgate regulations which provide for adjustments in the format and type sizes of any text required to appear in such area to ensure that the total text required to appear by law will fit within such area.

"(c) MARKETING REQUIREMENTS.—

"(1) RANDOM DISPLAY.—The label statements specified in subsection (a)(1) shall be randomly displayed in each 12-month period, in as equal a number of times as is possible on each brand of the product and be randomly distributed in all areas of the United States in which the product is marketed in accordance with a plan submitted by the tobacco product manufacturer, importer, distributor, or retailer and approved by the Secretary.

"(2) ROTATION.—The label statements specified in subsection (a)(1) shall be rotated quarterly in alternating sequence in advertisements for each brand of cigarettes in accordance with a plan submitted by the tobacco product manufacturer, importer, distributor, or retailer to, and approved by, the Secretary.

"(3) REVIEW.—The Secretary shall review each plan submitted under paragraph (2) and approve it if the plan—

"(A) will provide for the equal distribution and display on packaging and the rotation required in advertising under this subsection; and

"(B) assures that all of the labels required under this section will be displayed by the tobacco product manufacturer, importer, distributor, or retailer at the same time.

"(4) APPLICABILITY TO RETAILERS.—This subsection and subsection (b) apply to a retailer only if that retailer is responsible for or directs the label statements required under this section except that this paragraph shall not relieve a retailer of liability if the retailer displays, in a location open to the public, an advertisement that is not labeled in accordance with the requirements of this subsection and subsection (b).".

SEC. 202. AUTHORITY TO REVISE CIGARETTE WARNING LABEL STATEMENTS.

Section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333), as amended by section 201, is further amended by adding at the end the following:

"(d) CHANGE IN REQUIRED STATEMENTS.—The Secretary may, by a rulemaking conducted under section 553 of title 5, United States Code, adjust the format, type size, and text of any of the label requirements, require color graphics to accompany the text, increase the required label area from 30 percent up to 50 percent of the front and rear panels of the package, or establish the format, type size, and text of any other disclosures required under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), if the Secretary finds that such a change would promote greater public understanding of the risks associated with the use of tobacco products.".

SEC. 203. STATE REGULATION OF CIGARETTE ADVERTISING AND PROMOTION.

Section 5 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1334) is amended by adding at the end the following:

"(c) EXCEPTION.—Notwithstanding subsection (b), a State or locality may enact statutes and promulgate regulations, based on smoking and health, that take effect after the effective date of the Family Smoking Prevention and Tobacco Control Act, imposing specific bans or restrictions on the time, place, and manner, but not content, of the advertising or promotion of any cigarettes.".

SEC. 204. SMOKELESS TOBACCO LABELS AND ADVERTISING WARNINGS.

Section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402) is amended to read as follows:

"SEC. 3. SMOKELESS TOBACCO WARNING.

"(a) GENERAL RULE.—

"(1) It shall be unlawful for any person to manufacture, package, sell, offer to sell, distribute, or import for sale or distribution within the United States any smokeless tobacco product unless the product package bears, in accordance with the requirements of this Act, one of the following labels:

'WARNING: This product can cause mouth cancer'.

'WARNING: This product can cause gum disease and tooth loss'.

'WARNING: This product is not a safe alternative to cigarettes'.

'WARNING: Smokeless tobacco is addictive'.

"(2) Each label statement required by paragraph (1) shall be—

"(A) located on the 2 principal display panels of the package, and each label statement shall comprise at least 30 percent of each such display panel; and

"(B) in 17-point conspicuous and legible type and in black text on a white background, or white text on a black background, in a manner that contrasts by typography, layout, or color, with all other printed material on the package, in an alternating fashion under the plan submitted under subsection (b)(3), except that if the text of a label statement would occupy more than 70 percent of the area specified by subparagraph (A), such text may appear in a smaller type size, so long as at least 60 percent of such warning area is occupied by the label statement.

"(3) The label statements required by paragraph (1) shall be introduced by each tobacco product manufacturer, packager, importer, distributor, or retailer of smokeless tobacco products concurrently into the distribution chain of such products.

"(4) The provisions of this subsection do not apply to a tobacco product manufacturer or distributor of any smokeless tobacco product that does not manufacture, package, or import smokeless tobacco products for sale or distribution within the United States.

"(5) A retailer of smokeless tobacco products shall not be in violation of this subsection for packaging that is supplied to the retailer by a tobacco products manufacturer, importer, or distributor and that is not altered by the retailer unless the retailer offers for sale, sells, or distributes a smokeless tobacco product that is not labeled in accordance with this subsection.

"(b) REQUIRED LABELS.—

"(1) It shall be unlawful for any tobacco product manufacturer, packager, importer, distributor, or retailer of smokeless tobacco products to advertise or cause to be advertised within the United States any smokeless tobacco product unless its advertising bears, in accordance with the requirements of this section, one of the labels specified in subsection (a).

"(2) Each label statement required by subsection (a) in smokeless tobacco advertising shall comply with the standards set forth in this paragraph. For press and poster advertisements, each such statement and (where applicable) any required statement relating to tar, nicotine, or other constituent yield shall—

"(A) comprise at least 20 percent of the area of the advertisement, and the warning area shall be delineated by a dividing line of contrasting color from the advertisement; and

"(B) the word 'WARNING' shall appear in capital letters and each label statement shall appear in conspicuous and legible type. The text of the label statement shall be black on a white background, or white on a black background, in an alternating fashion under the plan submitted under paragraph (3).

"(3)(A) The label statements specified in subsection (a)(1) shall be randomly displayed in each 12-month period, in as equal a number of times as is possible on each brand of the product and be randomly distributed in all areas of the United States in which the product is marketed in accordance with a plan submitted by the tobacco product manufacturer, importer, distributor, or retailer and approved by the Secretary.

"(B) The label statements specified in subsection (a)(1) shall be rotated quarterly in alternating sequence in advertisements for each brand of smokeless tobacco product in accordance with a plan submitted by the tobacco product manufacturer, importer, distributor, or retailer to, and approved by, the Secretary.

"(C) The Secretary shall review each plan submitted under subparagraph (B) and approve it if the plan—

"(i) will provide for the equal distribution and display on packaging and the rotation required in advertising under this subsection; and

"(ii) assures that all of the labels required under this section will be displayed by the tobacco product manufacturer, importer, distributor, or retailer at the same time.

"(D) This paragraph applies to a retailer only if that retailer is responsible for or directs the label statements under this section, unless the retailer displays in a location open to the public, an advertisement that is not labeled in accordance with the requirements of this subsection.

"(c) TELEVISION AND RADIO ADVERTISING.—It is unlawful to advertise smokeless tobacco on any medium of electronic communications subject to the jurisdiction of the Federal Communications Commission.".

SEC. 205. AUTHORITY TO REVISE SMOKELESS TOBACCO PRODUCT WARNING LABEL STATEMENTS.

Section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402), as amended by section 203, is further amended by adding at the end the following:

"(d) AUTHORITY TO REVISE WARNING LABEL STATEMENTS.—The Secretary may, by a rulemaking conducted under section 553 of title 5, United States Code, adjust the format, type size, and text of any of the label requirements, require color graphics to accompany the text, increase the required label area from 30 percent up to 50 percent of the front and rear panels of the package, or establish the format, type size, and text of any other disclosures required under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), if the Secretary finds that such a change would promote greater public understanding of the risks associated with the use of smokeless tobacco products.".

SEC. 206. TAR, NICOTINE, AND OTHER SMOKE CONSTITUENT DISCLOSURE TO THE PUBLIC.

Section 4(a) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333 (a)), as amended by section 201, is further amended by adding at the end the following:

"(4)(A) The Secretary shall, by a rulemaking conducted under section 553 of title 5, United States Code, determine (in the Secretary's sole discretion) whether cigarette and other tobacco product manufacturers shall be required to include in the area of each cigarette advertisement specified by subsection (b) of this section, or on the package label, or both, the tar and nicotine yields of the advertised or packaged brand. Any such disclosure shall be in accordance with the methodology established under such regulations, shall conform to the type size requirements of subsection (b) of this section, and shall appear within the area specified in subsection (b) of this section.

"(B) Any differences between the requirements established by the Secretary under subparagraph (A) and tar and nicotine yield reporting requirements established by the Federal Trade Commission shall be resolved by a memorandum of understanding between the Secretary and the Federal Trade Commission.

"(C) In addition to the disclosures required by subparagraph (A) of this paragraph, the Secretary may, under a rulemaking conducted under section 553 of title 5, United States Code, prescribe disclosure requirements regarding the level of any cigarette or other tobacco product constituent including any smoke constituent. Any such disclosure may be required if the Secretary determines that disclosure would be of benefit to the public health, or otherwise would increase consumer awareness of the health consequences of the use of tobacco products, except that no such prescribed disclosure shall be required on the face of any cigarette package or advertisement. Nothing in this section shall prohibit the Secretary from requiring such prescribed disclosure through a cigarette or other tobacco product package or advertisement insert, or by any other means under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

"(D) This paragraph applies to a retailer only if that retailer is responsible for or directs the label statements required under this section, except that this paragraph shall not relieve a retailer of liability if the retailer sells or distributes tobacco products that are not labeled in accordance with the requirements of this subsection.".

TITLE III—PREVENTION OF ILLICIT TRADE IN TOBACCO PRODUCTS

SEC. 301. LABELING, RECORDKEEPING, RECORDS INSPECTION.

Chapter IX of the Federal Food, Drug, and Cosmetic Act, as added by section 101, is further amended by adding at the end the following:

"SEC. 921. LABELING, RECORDKEEPING, RECORDS INSPECTION.

"(a) ORIGIN LABELING.—The label, packaging, and shipping containers of tobacco products for introduction or delivery for introduction into interstate commerce in the United States shall bear the statement 'sale only allowed in the United States.'

"(b) REGULATIONS CONCERNING RECORDKEEPING FOR TRACKING AND TRACING.—

"(1) IN GENERAL.—Not later than 9 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall promulgate regulations regarding the establishment and maintenance of records by any person who manufactures, processes, transports, distributes, receives, packages, holds, exports, or imports tobacco products.

"(2) INSPECTION.—In promulgating the regulations described in paragraph (1), the Secretary shall consider which records are needed for inspection to monitor the movement of tobacco products from the point of manufacture through distribution to retail outlets to assist in investigating potential illicit trade, smuggling or counterfeiting of tobacco products.

"(3) CODES.—The Secretary may require codes on the labels of tobacco products or other designs or devices for the purpose of tracking or tracing the tobacco product through the distribution system.

"(4) SIZE OF BUSINESS.—The Secretary shall take into account the size of a business in promulgating regulations under this section.

"(5) RECORDKEEPING BY RETAILERS.—The Secretary shall not require any retailer to maintain records relating to individual purchasers of tobacco products for personal consumption.

"(c) RECORDS INSPECTION.—If the Secretary has a reasonable belief that a tobacco product is part of an illicit trade or smuggling or is a counterfeit product, each person who manufactures, processes, transports, distributes, receives, holds, packages, exports, or imports tobacco products shall, at the request of an officer or employee duly designated by the Secretary, permit such officer or employee, at reasonable times and within reasonable limits and in a reasonable manner, upon the presentation of appropriate credentials and a written notice to such person, to have access to and copy all records (including financial records) relating to such article that are needed to assist the Secretary in investigating potential illicit trade, smuggling or counterfeiting of tobacco products.

"(d) KNOWLEDGE OF ILLEGAL TRANSACTION.—If the manufacturer or distributor of a tobacco product has knowledge which reasonably supports the conclusion that a tobacco product manufactured or distributed by such manufacturer or distributor that has left the control of such person may be or has been—

"(A) imported, exported, distributed or offered for sale in interstate commerce by a person without paying duties or taxes required by law; or

"(B) imported, exported, distributed or diverted for possible illicit marketing,

the manufacturer or distributor shall promptly notify the Attorney General of such knowledge.

"(2) KNOWLEDGE DEFINED.—For purposes of this subsection, the term 'knowledge' as applied to a manufacturer or distributor means—

"(A) the actual knowledge that the manufacturer or distributor had; or

"(B) the knowledge which a reasonable person would have had under like circumstances or which would have been obtained upon the exercise of due care.".

SEC. 302. STUDY AND REPORT.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of cross-border trade in tobacco products to—

(1) collect data on cross-border trade in tobacco products, including illicit trade and trade of counterfeit tobacco products and make recommendations on the monitoring of such trade;

(2) collect data on cross-border advertising (any advertising intended to be broadcast, transmitted, or distributed from the United States to another country) of tobacco products and make recommendations on how to prevent or eliminate, and what technologies could help facilitate the elimination of, cross-border advertising.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the study described in subsection (a).

Mr. KENNEDY. Mr. President, today, Senator DEWINE and I are introducing legislation to give the Food and Drug Administration broad authority to regulate tobacco products for the protection of the public health. We cannot in good conscience allow the fuderal agency most responsible for protecting the public health to remain powerless to deal with the enormous risks of tobacco, the most deadly of all consumer products.

Last year, a large bipartisan majority of the Senate voted to grant the FDA authority to regulate tobacco products. It was a major step forward in the long-term effort to enact this legislation, which health experts believe is the most important action Congress could take to protect children from this deadly addiction. Unfortunately, the legislation was blocked by a small group of House conferees.

We are reintroducing our bill today and we are hopeful that 2005 will be the year when Congress takes the final steps to enact this extraordinarily important health legislation. This bill has majority support in the Senate and strong support amongst rank and file members in the House. Now is the time to make it the law of the land.

The stakes are vast. Five thousand children have their first cigarette every day, and two thousand of them become daily smokers. Nearly a thousand of them will die prematurely from tobacco-induced diseases. Smoking is the number one preventable cause of death in the nation today. Cigarettes kill well over four hundred thousand Americans each year. That is more lives lost than from automobile accidents, alcohol abuse, illegal drugs, AIDS, murder, suicide, and fires combined. Our response to a public health problem of this magnitude must consist of more than half-way measures.

We must deal firmly with tobacco company marketing practices that target children and mislead the public. The Food and Drug Administration needs broad authority to regulate the sale, distribution, and advertising of cigarettes and smokeless tobacco.

The tobacco industry currently spends over eleven billion dollars a year to promote its products. Much of that money is spent in ways designed to tempt children to start smoking, before they are mature enough to appreciate the enormity of the health risk. The industry knows that more than 90 percent of smokers begin as children and are addicted by the time they reach adulthood.

Documents obtained from tobacco companies prove, in the companies' own words, the magnitude of the industry's efforts to trap children into dependency on their deadly product. Recent studies by the Institute of Medicine and the Centers for Disease Control show the substantial role of industry advertising in decisions by young people to use tobacco products.

If we are serious about reducing youth smoking, FDA must have the power to prevent industry advertising designed to appeal to children wherever it will be seen by children. This legislation will give FDA the ability to stop tobacco advertising which glamorizes smoking from appearing where it will be seen by significant numbers of children. It grants FDA full authority to regulate tobacco advertising "consistent with and to the full extent permitted by the First Amendment."

FDA authority must also extend to the sale of tobacco products. Nearly every state makes it illegal to sell cigarettes to children under 18, but surveys show that those laws are rarely enforced and frequently violated. FDA must have the power to limit the sale of cigarettes to face-to-face transactions in which the age of the purchaser can be verified by identification. This means an end to self-service displays and vending machine sales. There must also be serious enforcement efforts with real penalties for those caught selling tobacco products to children. This is the only way to ensure that children under 18 are not able to buy cigarettes.

The FDA conducted the longest rulemaking proceeding in its history, studying which regulations would most effectively reduce the number of children who smoke. Seven hundred thousand public comments were received in the course of that rulemaking. At the conclusion of its proceeding, the Agency promulgated rules on the manner in which cigarettes are advertised and sold. Due to litigation, most of those regulations were never implemented. If we are serious about curbing youth smoking as much as possible, as soon as possible; it makes no sense to require FDA to reinvent the wheel by conducting a new multi-year rulemaking process on the same issues. This legislation will give the youth access and advertising restrictions already developed by FDA the immediate force of law, as if they had been issued under the new statute.

The legislation also provides for stronger warnings on all cigarette and smokeless tobacco packages, and in all print advertisements. These warnings will be more explicit in their description of the medical problems which can result from tobacco use. The FDA is given the authority to change the text of these warning labels periodically, to keep their impact strong.

Nicotine in cigarettes is highly addictive. Medical experts say that it is as addictive as heroin or cocaine. Yet for decades, tobacco companies have vehemently denied the addictiveness of their products. No one can forget the parade of tobacco executives who testified under oath before Congress that smoking cigarettes is not addictive. Overwhelming evidence in industry documents obtained through the discovery process proves that the companies not only knew of this addictiveness for decades, but actually relied on it as the basis for their marketing strategy. As we now know, cigarette manufacturers chemically manipulated the nicotine in their products to make it even more addictive.

The tobacco industry has a long, dishonorable history of providing misleading information about the health consequences of smoking. These companies have repeatedly sought to characterize their products as far less hazardous than they are. They made minor innovations in product design seem far more significant for the health of the user than they actually were. It is essential that FDA have clear and unambiguous authority to prevent such misrepresentations in the future. The largest disinformation campaign in the history of the corporate world must end.

Given the addictiveness of tobacco products, it is essential that the FDA regulate them for the protection of the public health. Over forty million Americans are currently addicted to cigarettes. No responsible public health official believes that cigarettes should be banned. A ban would leave forty million people without a way to satisfy their drug dependency. FDA should be able to take the necessary steps to help addicted smokers overcome their addiction, and to make the product less toxic for smokers who are unable or unwilling to stop. To do so, FDA must have the authority to reduce or remove hazardous ingredients from cigarettes, to the extent that it becomes scientifically feasible. The inherent risk in smoking should not be unnecessarily compounded.

Recent statements by several tobacco companies make clear that they plan to develop what they characterize as "reduced risk" cigarettes. This legislation will require manufacturers to submit such "reduced risk" products to the FDA for analysis before they can be marketed. No health-related claims will be permitted until they have been verified to the FDA's satisfaction. These safeguards are essential to prevent deceptive industry marketing campaigns, which could lull the public into a false sense of health safety.

Smoking is the number one preventable cause of death in America. Congress must vest FDA not only with the responsibility for regulating tobacco products, but with full authority to do the job effectively.

This legislation will give the FDA the legal authority it needs—to reduce youth smoking by preventing tobacco advertising which targets children—to prevent the sale of tobacco products to minors—to help smokers overcome their addiction—to make tobacco products less toxic for those who continue to use them—and to prevent the tobacco industry from misleading the public about the dangers of smoking.

Enacting this bill this year is the right thing to do for America's children.

By Mr. SPECTER:

S. 668. A bill to provide enhanced criminal penalties for willful violations of occupational standards for asbestos; to the Committee on Health, Education, Labor, and Pensions.

Mr. SPECTER. Mr. President, today I rise to introduce the "Asbestos Standards Enforcement Act." This legislation provides for enhanced criminal penalties for willful violations of occupational standards for asbestos.

Currently, the Occupational Safety and Health Act provides for criminal sanctions only in those cases where a willful violation of standards results in the death of a worker. This circumstance is not likely to occur when an employer is cited for an asbestos violation, due to the long latency of the disease, and the fact that the Occupational Safety and Health Administration is required to issue citations within six months after inspectors find workplace violations.

This legislation would subject employers who willfully violate OSHA asbestos standards to fines at levels set by the Uniform Criminal Code, as well as imprisonment of up to five years, or both. If the conviction is for a violation committed after a first conviction, this legislation would provide punishment by penalties in accordance with the Uniform Criminal Code, imprisonment for not more than ten years, or both.

Strong enforcement actions against parties that violate OSHA asbestos rules are necessary to avoid putting workers and the public at risk of asbestos related diseases. I have incorporated these strong measures in my discussion draft of the "Fairness in Asbestos Injury Resolution Act." While that legislation is being considered, there is no reason not to proceed with OSHA legislation that would come before the Senate Health, Education, Labor, and Pension Committee.

There are still egregious practices by employers, particularly when it comes to asbestos abatement, that must be stopped. In a recent case, owners of an asbestos removal firm were convicted of exposing hundreds of workers to such high levels of asbestos that many of these workers are almost certain to contract asbestosis, lung cancers, and mesothelioma. Yet this case involved criminal prosecution under environmental laws because the OSHA Act does not contain sufficient authority for criminal prosecution in such cases. In many other asbestos cases, it may not be possible to successfully apply environmental laws to protect workers. The bill I am introducing today would permit criminal prosecution directly under the OSHA Act, the law that is supposed to protect safety and health in the workplace. I urge the Senate to pass this legislation.

By Mr. McCAIN (for himself and Mr. SALAZAR):

S. 670. A bill to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez and the farm labor movement; to the Committee on Energy and Natural Resources.

Mr. McCAIN. Mr. President, I am pleased to be joined today by Senator SALAZAR in introducing the Cesar Estrada Chavez Study Act. This legislation would authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Chavez. Mr. Chavez's legacy is an inspiration to us all and he will be remembered for helping Americans to transcend distinctions of experience and share equally in the rights and responsibilities of freedom. It is important that we honor his struggle and do what we can to preserve appropriate sites that are significant to his life.

Cesar Chavez, an Arizonan born in Yuma, was the son of migrant farm workers. While his formal education ended in the eighth grade, his insatiable intellectual curiosity and determination helped make him known as one of the great American leaders for his successes in organizing migrant farm workers. His efforts on behalf of some of the most oppressed individuals in our society is an inspiration and through his work he made America a bigger and a better nation.

While Chavez and his family migrated across the southwest looking for farm work, he evolved into a defender of worker's rights. He founded the National Farm Workers Association in 1962, which later became the United Farm Workers of America. He gave a voice to those who had no voice. In his words, "We cannot seek achievement for ourselves and forget about progress and prosperity for our community . . . our ambitions must be broad enough to include the aspirations and needs of others, for their sakes and for our own."

This legislation, which passed the Senate unanimously during the last Congress, has received an overwhelming positive response, not only from my fellow Arizonans, but from Americans all across the Nation. The bill would direct the Secretary of the Interior to determine whether any of the sites significant to Chavez's life meet the criteria for being listed on the National Register of Historic Landmarks. The goal of this legislation is to establish a foundation for future legislation that would then designate land for the appropriate sites to become historic landmarks.

Cesar Chavez was a humble man of deep conviction who understood what it meant to serve and sacrifice for others. His motto in life, "sí se puede" or it can be done, epitomizes his life's work and continues to influence those wishing to improve our Nation. Honoring the places of his life will enable his legacy to inspire and serve as an example for our future leaders.

Mr. SALAZAR. Mr. President, I rise today to speak about an exemplary American and passionate champion of human and civil rights, Cesar Estrada Chavez, and to introduce legislation that takes an important first step in memorializing his tremendous contributions to our country.

Together with Senator JOHN McCAIN, I will introduce the Cesar Estrada Chavez Study Act. This bill will direct the Secretary of the Interior to conduct a study of sites associated with the life of Cesar Chavez and will lay the necessary groundwork for the preservation of these sites as national historic landmarks. In the 108th Congress, Senator McCAIN and Representative Hilda Solis sponsored similar legislation in the House of Representatives, and I am pleased to join their efforts.

Like many great American heroes, Cesar Chavez came from humble roots, but his strength of character led him to achieve great things. Chavez was born on March 31, 1927 in Yuma, AZ, where he spent his early years on his family's farm. At age 10, his family lost their farm in a bank foreclosure, forcing them to join the thousands of farm workers that wandered the Southwest to find work. They worked in fields and vineyards, harvesting the fresh fruits and vegetables that people throughout the world enjoyed unaware of the daily hardships endured by farm workers.

Cesar Chavez experienced these hardships and witnessed first hand the injustices in farm worker life. He became determined to bring dignity to farm workers and in 1962, he founded the National Farmworkers Association, which would later become the United Farmworkers of America (UFW). Through the UFW, Chavez called attention to the terrible working and living conditions of America's farm workers. Most importantly, he organized thousands of migrant farm workers to fight for fair wages, health care coverage, pension benefits, livable housing, and respect.

Like Cesar Chavez, I am the son of farmers. Everyday, I am reminded of my family's tradition of working the land by the sign on my desk that reads "No Farms, No Food." And without farm workers, who would harvest the fruits and vegetables we all enjoy? Cesar Chavez understood this—he championed the rights of these forgotten Americans and helped shine a light of their plight. He once remarked, "It is my deepest belief that only by giving our lives do we find life." He gave his life to ensure farm workers, and all workers, were afforded the rights and dignity they deserved.

For these reasons and many more, I proudly join my colleague from Arizona in introducing significant legislation that will honor Cesar Chavez. It is my hope that Congress can work together to quickly pass this important bill that honor the places of Chavez' life and allow his legacy to inspire and serve as an example for our future leaders.

By Mr. CORZINE:

S. 674. A bill to provide assistance to combat HIV/AIDS in India, and for other purposes; to the Committee on Foreign Relations.

Mr. CORZINE. Mr. President, today I am introducing legislation to make India eligible for assistance under the Emergency Plan for AIDS Relief (PEPFAR).

India is at a tipping point. A silent tsunami is at hand, and we can either act now or witness the preventable deaths of millions of people. An estimated 5.1 million people are infected with the HIV virus in India, second only to South Africa. HIV/AIDS has been reported in almost all the states and union territories of the country. In some parts of the country, the prevalence rates are similar to those in the hardest-hit areas of sub-Saharan Africa. In Belgaun in Karnataka, for instance, a district whose population is greater than that of Ireland, 4.5 percent are infected.

The epidemic is spreading rapidly from urban to rural areas and from high-risk groups such as sex workers and IV drug users to the general population. The mobility of India's population threatens to spread HIV/AIDS around the country. And with an overall population larger than the whole of

Africa, there exists a serious threat of catastrophe. One estimate, by the CIA, predicted that 20 to 25 million could be infected by 2010, more than in any other country in the world.

India's political leaders, public health officials, non-governmental organizations, and medical and scientific communities have taken important steps to combat HIV/AIDS. India, the world's largest democracy, has skilled governmental and civil society actors who are committed to a new awareness of the AIDS crisis and strategic approaches to combating the disease. But significant gaps remain in the Indian health care system's ability to address the crisis. Only 29 cents per capita are spent in India to combat HIV/AIDS. This amount is significantly less than in countries that have succeeded at stemming the disease, such as Thailand (55 cents) and Uganda ($1.85).

There is an urgent need for assistance in care and treatment. More resources are necessary for public education, as demonstrated by the fact that 90 percent of Indians with HIV do not know they are infected. There is also a desperate need for assistance in tracking and monitoring the epidemic, merely to ascertain its full scope. These and other gaps require immediate and sustained U.S. engagement and contribution of resources.

The U.S. government is doing important work to combat HIV/AIDS in India, but the available resources are insufficient. To provide the necessary assistance, and to demonstrate America's commitment to helping India combat HIV/AIDS, it is critical that India become eligible for the President's Emergency Plan for AIDS Relief. Smaller countries may seem more manageable. Combating HIV/AIDS in a country the size of India may seem daunting. But if we invest now in stopping this epidemic, if we take advantage of this window of opportunity, we can head off a catastrophe.

In addition to adding India to the list of countries eligible for PEPFAR assistance, this bill authorizes whatever funds are necessary to provide this assistance. It thus ensures that confronting the epidemic in India does not come at the expense of other countries. We must continue to expand the list of eligible countries in recognition of the global nature of this pandemic. We must also accelerate assistance to African and Caribbean countries already included as focus countries. Finally, we must increase overall funding to combat HIV/AIDS.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 674

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ASSISTANCE TO COMBAT HIV/AIDS IN INDIA.

Section 1(f)(2)(B)(ii)(VII) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(f)(2)(B)(ii)(VII)) is amended by inserting "India," after "Haiti,".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

In addition to any amounts otherwise available for such purpose, there is authorized to be appropriated to the President such sums as may be necessary for fiscal years 2006 through 2008 to provide assistance to India pursuant to the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7601 et seq.) and the amendments made by that Act.

By Mr. DORGAN (for himself, Mr. HAGEL, Mr. BROWNBACK, Mr. JOHNSON, Mr. DURBIN, Mr. BURNS, Mr. CONRAD, Mr. DAYTON, and Mr. HARKIN):

S. 675. A bill to reward the hard work and risk of individuals who choose to live in and help preserve America's small, rural towns, and for other purposes; to the Committee on Finance.

Mr. DORGAN. Mr. President, today Senators HAGEL, BROWNBACK, JOHNSON and many of our colleagues are re-introducing the New Homestead Act that will help address one of the most serious threats to the future of America's Heartland—the loss of its residents and Main Street businesses.

Over the past several years, we have described for our colleagues—and the American people—the economic devastation that population loss has had on America's Heartland. Hundreds of thousands of people have left small towns in rural areas throughout the Great Plains in search of opportunities elsewhere.

In North Dakota, we have experienced greater than 10 percent net out-migration in nearly 90 percent of our counties over the past two decades. My home county, Hettinger, saw its population dwindle from 4,257 in 1980 to just 2,715 in 2000. Its population is projected to drop to just 1,877 by 2020.

However, this out-migration problem isn't limited to North Dakota. Nearly all of America's Heartland is facing population losses of epic proportions. Seventy percent of the rural counties in the Great Plains have seen their population shrink by at least one-third.

If you are a business owner, mayor, school board member, minister or resident of one of these rural communities, you know firsthand about this problem. People who are from these areas know that you simply can't grow or run a business in an environment where the overall economy is shrinking, current and potential customers are leaving, and public and private investment is falling. Too many communities in North Dakota and other rural States lack the critical mass of people and resources it takes to keep a community alive and growing.

The New Homestead Act of2005 that we are introducing today will help stem the problem of chronic rural out-migration and allow many rural areas to grow and prosper again. This one-of-a kind bill is virtually identical to the bill we introduced in the last Congress. The New Homestead Act gives people who are willing to commit to live and work in high out-migration areas for 5 years added incentives to buy a home, pay for college, build a nest egg, and start a business—or just plain get ahead in life. These incentives include repaying a portion of college loans, offering a tax credit for the purchase of a new home, protecting home values by allowing losses in home value to be deducted from Federal income taxes, and establishing Individual Homestead Accounts that will help people build savings and have access to credit.

This legislation also would establish a new venture capital fund with state and local governments as partners to ensure that entrepreneurs and companies in these areas get the capital they need to start and grow their businesses.

Our rural areas have been fighting for their very survival for years, yet until recently, most Amen:s didn't even know about this struggle. Today, however, general awareness about the problem of chronic rural out-migration is growing. This issue has been the subject of national symposiums, forums, town hall meetings and congressional hearings.

Last year, the U.S. Senate acted on some provisions from the New Homestead Act that offer state and local governments much-needed tools to encourage businesses to locate or stay in rural areas that are suffering from high out-migration. With the help of the leaders of the tax-writing Senate Finance Committee, Chairman CHUCK GRASSLEY of Iowa and Ranking Democrat MAX BAUCUS of Montana, the Senate passed two key investment tax credit measures in the New Homestead Act as part of a major corporate tax bill considered last year. These investment tax credits would have been used to encourage businesses to move to or expand their operations in high out-migration rural counties. Together, these rural investment tax provisions would have made an estimated $641 million in tax credits available for business over the next decade.

Regrettably, these tax provisions were dropped from the final tax bill sent to the President. But the Senate's action sent a message of hope and opportunity to many rural communities: Federal policymakers do understand that rural out-migration is a serious threat to the economic well-being of the Nation's Heartland and that the New Homestead Act is a serious proposal for addressing it.

I think our colleagues would agree that our Nation's rural areas are great places to live and raise a family. Most rural communities have good schools, low crime rates, and a level of civic involvement that would make any public official proud. But unfortunately it has been a constant struggle for many rural communities in North Dakota and the Great Plains to survive. This shouldn't be the case.

I look forward to working with all of my Senate colleagues to try to reverse the trend of population loss and grow the economies of rural areas in North Dakota, Nebraska, Iowa, Kansas and the rest of America's Heartland. Enacting the policy changes recommended in the New Homestead Act is a very good place to start.

I urge my colleagues to support the New Homestead Act in the 109th Congress by cosponsoring it and helping us move this important bill forward, once again, in the legislative process.

By Mr. STEVENS (for himself, Mr. FRIST, Mr. SPECTER, Mr. ALEXANDER, Mr. DEWINE, Mrs. CLINTON, and Mrs. HUTCHISON):

S. 676. A bill to provide for Project GRAD programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. STEVENS. Mr. President, I have introduced today the Graduation Really Achieves Dreams, GRAD, Act, which will help improve our nation's graduation rate by authorizing a program that has a proven track record—Project GRAD USA. I am joined by my colleagues, Senators FRIST, CLINTON, ALEXANDER, DEWINE, HUTCHISON and SPECTER.

Currently in our Nation, we graduate only 70 percent of our students from high school. In high poverty urban districts, we often graduate fewer than half that many—one in three. In rural areas, where one-third of American students are educated—only 58.8 percent of students attend colleges and universities, compared with 68.2 percent in urban and suburban areas. The problem is especially acute in Alaska, where Alaska Natives are almost twice as likely as other students to drop out of high school.

We must provide better support and resources for our most vulnerable students. Project GRAD USA is already doing that job in 12 sites nationwide, including one in my own State of Alaska.

Project GRAD USA is a national program to increase the number of low-income and at-risk students who attend college and earn degrees. Unlike other national programs, Project GRAD USA is a comprehensive non-profit K–12 education reform program. It serves at-risk students, beginning in kindergarten, and staying with them through college, by offering research-based programs in reading, math, classroom management, social services, and college preparation. Students who qualify then receive a four-year college scholarship. Scholarships are funded by private-industry donations and foundation grants, as well as previously-appropriated Federal dollars.

In Alaska, Project GRAD established a program in the Kenai Peninsula and serves six K–12 schools and one K–10 school, reaching 600 students. Three schools serve small Alaska Native communities; three serve Russian Old Believer communities; and the seventh school serves a mixed community of Alaska Natives, Russians and other Caucasians. More than 47 percent of the students Project GRAD Kenai serves are at poverty level, and 49.2 percent of Kenai students report that a language other than English is spoken at home. Project GRAD is committed to maintaining cultural relevance in each of the schools it serves and creating individualized components developed with community leaders, teachers and families.

This legislation would provide funds so Project GRAD can continue to grow in the States where it now operates and expand its proven model elsewhere. It also requires the local sites to match federal funds it receives with local dollars and in-kind support. In this way, federal funds are leveraged to increase support for needed educational reform and enhancement.

When I visit the Kenai Peninsula in Alaska, I see first hand the impact Project GRAD has made on the students in this district as well as the significant economic impact to the overall Peninsula. In the first five years of the program, over $6 million will be invested in program development and implementation and nearly $250,000 will be awarded in scholarships.

Project GRAD USA has proven its effectiveness nationwide and now serves over 133,000 students. High school graduation rates for long-term participants have increased by 85 percent, and those who have gone on to college have earned college degrees at a rate of 89 percent above the national average. These results have not gone unnoticed as President Bush and Majority Leader FRIST have both strongly supported the program. Further, Fortune magazine chose GRAD as its "charity of choice" for 2004.

Proven education, retention and graduation initiatives aimed at our students most at-risk deserve every policy maker's attention as we aim to do the most good with limited resources. I am proud to support this legislation, and I encourage my colleagues to join me to ensure Project GRAD's continued success for our children.

By Mr. SANTORUM (for himself, Mr. KERRY, Mr. ENSIGN, Mr. LIEBERMAN, Mr. BROWNBACK, Mrs. CLINTON, Mr. SMITH, Mr. SCHUMER, Mr. TALENT, Mr. CORZINE, Mr. COBURN, and Mr. HATCH):

S. 677. A bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. SANTORUM. Mr. President, I rise today to introduce the Workplace Religious Freedom Act. I am pleased to be joined in this effort by Senator KERRY and appreciate the work he has done on this bill over the years. I am also pleased to have a number of Senators, both Democrats and Republicans, liberals and conservatives, join me in cosponsoring this important legislation.

The bill we introduce today is intended to ensure that employees are not forced to choose between their religious beliefs and practices and keeping their jobs. It recognizes that an individual's faith impacts every part of their life, including the many hours spent in the workplace. America is distinguished internationally as a land of religious freedom, and it should be a place where people are not forced to choose between keeping their faith and keeping their job. This simple proposition is why we are re-introducing the Workplace Religious Freedom Act (WRFA), which provides a balanced approach to reconciling the needs of people of faith in the workplace with those of employers.

Title VII of the Civil Rights Act of 1964 was meant to address conflicts between religion and work. It requires employers to reasonably accommodate the religious needs of their employees so long as it does not impose an undue hardship on the employer. The problem is that our federal courts have essentially ruled that any hardship is an undue hardship and have thus left religiously observant workers with little or no legal protection. WRFA will re-establish the principle that employers must reasonably accommodate the religious needs of employees. This legislation is carefully crafted and strikes an appropriate balance, respecting religious accommodation while ensuring that an undue burden is not forced upon employers. WRFA is also careful to ensure that the accommodation of an individual employee's religious conscience will not adversely affect the delivery of products or services to an employer's customers or clients.

The balance that this legislation seeks to establish is evident in the broad spectrum of groups supporting this bill, including the Union of Orthodox Jewish Congregations, the Southern Baptist Convention, the National Council of Churches, the North American Council for Muslim Women, the Sikh Resource Taskforce, the Seventh Day Adventist Church, the American Jewish Committee, Agudath Israel of America, the U.S. Conference of Catholic Bishops and many others.

America is a great nation because we honor not only the freedom of conscience, but also the freedom to exercise one's religion according to the dictates of that religious conscience. This fundamental freedom is protected and strengthened in this legislation by reestablishing an appropriate balance between the demands of work and the principles of faith.

Mr. President, I ask unanimous consent that a copy of this legislation be printed in the RECORD after my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 677

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Workplace Religious Freedom Act of 2005".

SEC. 2. AMENDMENTS.

(a) DEFINITIONS.—Section 701(j) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(j)) is amended—

(1) by inserting "(1)" after "(j)";

(2) by inserting ", after initiating and engaging in an affirmative and bona fide effort," after "unable";

(3) by striking "an employee's" and all that follows through "religious" and inserting "an employee's religious"; and

(4) by adding at the end the following:

"(2)(A) In this subsection, the term 'employee' includes an employee (as defined in subsection (f)), or a prospective employee, who, with or without reasonable accommodation, is qualified to perform the essential functions of the employment position that such individual holds or desires.

"(B) In this paragraph, the term 'perform the essential functions' includes carrying out the core requirements of an employment position and does not include carrying out practices relating to clothing, practices relating to taking time off, or other practices that may have a temporary or tangential impact on the ability to perform job functions, if any of the practices described in this subparagraph restrict the ability to wear religious clothing, to take time off for a holy day, or to participate in a religious observance or practice.

"(3) In this subsection, the term 'undue hardship' means an accommodation requiring significant difficulty or expense. For purposes of determining whether an accommodation requires significant difficulty or expense, factors to be considered in making the determination shall include—

"(A) the identifiable cost of the accommodation, including the costs of loss of productivity and of retraining or hiring employees or transferring employees from 1 facility to another;

"(B) the overall financial resources and size of the employer involved, relative to the number of its employees; and

"(C) for an employer with multiple facilities, the geographic separateness or administrative or fiscal relationship of the facilities.".

(b) EMPLOYMENT PRACTICES.—Section 703 of such Act (42 U.S.C. 2000e-2) is amended by adding at the end the following:

"(o)(1) In this subsection:

"(A) The term 'employee' has the meaning given the term in section 701(j)(2).

"(B) The term 'leave of general usage' means leave provided under the policy or program of an employer, under which—

"(i) an employee may take leave by adjusting or altering the work schedule or assignment of the employee according to criteria determined by the employer; and

"(ii) the employee may determine the purpose for which the leave is to be utilized.

"(2) For purposes of determining whether an employer has committed an unlawful employment practice under this title by failing to provide a reasonable accommodation to the religious observance or practice of an employee, for an accommodation to be considered to be reasonable, the accommodation shall remove the conflict between employment requirements and the religious observance or practice of the employee.

"(3) An employer shall be considered to commit such a practice by failing to provide such a reasonable accommodation for an employee if the employer refuses to permit the employee to utilize leave of general usage to remove such a conflict solely because the leave will be used to accommodate the religious observance or practice of the employee.".

SEC. 3. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by section 2 take effect on the date of enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by section 2 do not apply with respect to conduct occurring before the date of enactment of this Act.

By Mr. REID:

S. 678. A bill to amend the Federal Election Campaign Act of 1971 to exclude communications over the Internet from the definition of public communication; to the Committee on Rules and Administration.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 678

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATION OF DEFINITION OF PUBLIC COMMUNICATION.

Paragraph (22) of section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(22)) is amended by adding at the end the following new sentence: "Such term shall not include communications over the Internet.".

By Mr. COLEMAN (for himself and Mr. LEVIN):

S. 679. A bill to amend title 10, United States Code, to require the registration of contractors' taxpayer identification numbers in the Central Contractor Registry database of the Department of Defense, and for other purposes; to the Committee on Armed Services.

Mr. COLEMAN. Mr. President, today I am reintroducing the Central Contractor Registry Act. This legislation is particularly relevant this week, as we debate a tough budget to restore fiscal discipline.

Last year the Government Accountability Office testified at a hearing before the Permanent Subcommittee on Investigations that over 27,000 contractors at the Department of Defense owed over $3 billion in unpaid Federal taxes. If we want to demonstrate fiscal discipline, it seems to me that we ought to be looking at places like this before we start talking about cuts to Medicaid or the farm bill. Asking companies that win lucrative government contracts to simply pay their taxes seems like common sense to me.

That's why I have introduced the Central Contractor Registry Act. This bill will close a $3 billion tax loophole and will help to recover over $100 million annually from federal contractors who have not filed federal tax returns or who have not paid the taxes they owe the government.

The bill is simple: it establishes a centralized contractor database within the Department of Defense, and requires federal contractors who register in that database to provide their taxpayer identification number and their consent to verifying that number with the Internal Revenue Service as a condition that must precede the awarding of a contract by the Department of Defense.

Normally, companies that are delinquent in paying their taxes are levied 15 percent of the payments they receive as government contractors. In fiscal year 2002, this should have amounted to over $100 million from tax delinquent Department of Defense contractors. However, actual collections for that year were less than $500,000. And in 2001, over 26,000 of the defense contracts submitted to the IRS to determine contractors' tax liability were unusable.

One of the principal reasons for this anemic state of collections and the large volume of unusable information returns is the inability of the Department of Defense and the Internal Revenue Service to reach an accord on verifying the taxpayer identification numbers of the contractors who have registered in the Department of Defense's Central Contractor Registration database. Under current law, the Department of Defense's authority to verify contractors' taxpayer identification numbers is limited to those contractors who have contracts with the Department of Defense and for whom the department is required to report miscellaneous income to the Internal Revenue Service on a Form 1099 information return. However, there are contractors who have registered in the Central Contractor Registration for whom the Department of Defense lacks authority to verify their taxpayer identification numbers, including individuals and companies who would like to contract with the federal government and contractors who have contracts with agencies and departments other than the Department of Defense. And often the numbers provided are incorrect, but there is no recourse.

My bill will resolve the impasse between the Department of Defense and the Internal Revenue Service by requesting contractors' consent to the validation of their taxpayer identification number as part of the registration process. Contractors will not be required to provide their consent. But if they do not, they will not be awarded a contract by the Department of Defense.

Further, my bill requires the Department of Defense to warn contractors as part of the registration process that if they do not provide a valid taxpayer identification number they may be subject to backup withholding. This would apply to those contractors who list an invalid taxpayer identification number, have a contract with the Department of Defense, and will earn miscellaneous income that is required to be reported to the Internal Revenue Service.

I would like to briefly summarize the major provisions of my bill. It provides a statutory basis for the Central Contractor Registration and renames the database as the Central Contractor Registry. It requires that the registry contain contractors' taxpayer identification numbers, their consent to verifying their numbers with the Internal Revenue Service and for the Internal Revenue Service to provide a corrected number if possible. It requires that registrants furnish this information as a condition for registration, and requires the Department of Defense to warn contractors who fail to provide a valid taxpayer identification number that they may be subject to backup withholding and requires implementation of backup withholding in cases where it is required. It precludes awarding a contract to any registrant who has not provided a valid taxpayer identification number and excludes from coverage any registrant who is not required to have a taxpayer identification number. It directs the Secretary of Defense to apply to the Internal Revenue Service for inclusion in the Taxpayer Identification Number Matching Program and directs the Commissioner of Internal Revenue to provide response to the Department of Defense. It directs the Secretary of Defense to provide any registrant who is determined to have an invalid taxpayer identification number with an opportunity to provide a valid number. It further requires that the Central Contractor Registry clearly indicate whether a registrant's taxpayer identification number is valid, under review, invalid, or not required. Finally, it requires that contractors' taxpayer identification numbers be treated as confidential by federal contract officers who have access to the Central Contractor Registry.

This bill will ensure that tax cheats are not rewarded with Federal contracts. As we debate the budget this week, I encourage my colleagues to join me in supporting this bill.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 679

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Central Contractor Registry Act of 2005".

SEC. 2. CENTRAL CONTRACTOR REGISTRY DATABASE.

(a) Authority.—Chapter 137 of title 10, United States Code, is amended by inserting after section 2302d the following new section:

"§ 2302e. Central contractor registry

"(a) Establishment.—The Secretary of Defense shall maintain a centralized, electronic database for the registration of sources of property and services who seek to participate in contracts and other procurements entered into by the various procurement officials of the United States. The database shall be known as the 'Central Contractor Registry'.

"(b) Taxpayer Information.—(1) The Central Contractor Registry shall include the following tax-related information for each source registered in that registry:

"(A) Each of that source's taxpayer identification numbers.

"(B) The source's authorization for the Secretary of Defense to obtain from the Commissioner of Internal Revenue—

"(i) verification of the validity of each of that source's taxpayer identification numbers; and

"(ii) in the case of any of such source's registered taxpayer identification numbers that is determined invalid, the correct taxpayer identification number (if any).

"(2)(A) The Secretary of Defense shall require each source, as a condition for registration in the Central Contractor Registry, to provide the Secretary with the information and authorization described in paragraph (1).

"(B) The Secretary shall—

"(i) warn each source seeking to register in the Central Contractor Registry that the source may be subject to backup withholding for a failure to submit each such number to the Secretary; and

"(ii) take the actions necessary to initiate the backup withholding in the case of a registrant who fails to register each taxpayer identification number valid for the registrant and is subject to the backup withholding requirement.

"(3) A source registered in the Central Contractor Registry is not eligible for a contract entered into under this chapter or title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) if that source—

"(A) has failed to provide the authorization described in paragraph (1)(B);

"(B) has failed to register in that registry all valid taxpayer identification numbers for that source; or

"(C) has registered in that registry an invalid taxpayer identification number and fails to correct that registration.

"(4)(A) The Secretary of Defense shall make arrangements with the Commissioner of Internal Revenue for each head of an agency within the Department of Defense to participate in the taxpayer identification number matching program of the Internal Revenue Service.

"(B) The Commissioner of Internal Revenue shall cooperate with the Secretary of Defense to determine the validity of taxpayer identification numbers registered in the Central Contractor Registry. As part of the cooperation, the Commissioner shall promptly respond to a request of the Secretary of Defense or the head of an agency within the Department of Defense for electronic validation of a taxpayer identification number for a registrant by notifying the Secretary or head of an agency, respectively, of—

"(i) the validity of that number; and

"(ii) in the case of an invalid taxpayer identification number, any correct taxpayer identification number for such registrant that the Commissioner can promptly and reasonably determine.

"(C) The Secretary shall transmit to a registrant a notification of each of the registrant's taxpayer identification numbers, if any, that is determined invalid by the Commissioner of Internal Revenue and shall provide the registrant with an opportunity to substitute a valid taxpayer identification number.

"(5) The Secretary of Defense shall require that, at the place in the Central Contractor Registry where the taxpayer identification numbers of a registrant are to be displayed, the display bear (as applicable)—

"(A) for each taxpayer identification number of that registrant, an indicator of whether such number has been determined valid, is being reviewed for validity, or has been determined invalid; or

"(B) an indicator that no taxpayer identification number is required for the registrant.

"(6) This subsection applies to each source who registers any information regarding that source in the Central Contractor Registry after December 31, 2005, except that paragraphs (1), (2), and (3) do not apply to a source who establishes to the satisfaction of the Secretary of Defense that such source is not required to have a taxpayer identification number.

"(c) Confidentiality of Information.—The Secretary of Defense shall ensure that taxpayer identification numbers in the Central Contractor Registry are not made available to the public. The Secretary shall prescribe a requirement for procurement officials of the United States having access to such numbers in that registry to maintain the confidentiality of those numbers.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2302d the following new item:

"2302e. Central Contractor Registry.".

INTRODUCING CENTRAL CONTRACTOR REGISTRY ACT

Mr. LEVIN. Mr. President, I join my colleagues, Senators Norm Coleman, Susan Collins and Jack Reed, in introducing the Central Contractor Registry Act of 2005. The purpose of this bipartisan bill is to strengthen the ability of the Federal Government to stop tax cheats from obtaining Federal contracts, and for those who have managed to obtain contracts, to use a portion of their contract payments to repay their tax debts.

Now, even more than when we introduced a similar bill in May 2004, it is clear that new legislation is essential to confront the problem of Federal contractor tax debt. Last year the Permanent Subcommittee on Investigations, on which Senator COLEMAN and I sit, raised this issue in a hearing based on a report issued by the Government Accountability Office, GAO. The report showed that over 27,000 contractors at the Department of Defense, DOD, owed $3 billion in unpaid taxes. Approximately 90 percent of these unpaid taxes were payroll taxes, money that should be going to help fund the social security and medicare expenditures that are climbing so rapidly. Too many contractors are continuing to duck payment of these payroll taxes, while at the same time holding out their hands for taxpayer dollars.

Beyond the loss in substantial government revenue, allowing tax cheats to bid on Federal contracts is a disservice to all citizens who meet their tax obligations. It is also a disservice to all of the honest companies that compete for the same government contracts, since companies that do not pay their taxes have lower costs and a competitive advantage over the companies that do.

Current law requires DOD and other government agencies to identify any government contractor with unpaid taxes, to withhold 15 percent or more of their contract payments, and to forward that money to the IRS to be applied to the contractor's tax debt. The official title of the DOD program to carry out this obligation is the Federal Payment Levy Program, sometimes referred to as the DOD tax levy program.

In order to identify tax delinquent contractors before they receive payment, DOD and other agencies participate in a computer matching program administered by the Treasury Department that cross-checks lists of upcoming contractor payments with IRS lists of delinquent taxpayers. If a match occurs, DOD—in the case of defense contractors—and the Treasury Department for all other government contractors is supposed to withhold money from the identified contractor's upcoming contract payments.

The problem is that the computer matching program has so far produced relatively few matches. In 2003, for example, DOD collected only about $680,000 of back taxes through its tax levy program instead of the $100 million that GAO estimates should have been collected. That means DOD collected less than one percent of the back taxes it should have.

One major impediment to the computer matching program has been that it depends upon a Federal agency's providing the correct taxpayer identification number or TIN for each of its contractors, when many contractors have either failed to submit a TIN or supplied an incorrect number. When a TIN is incorrect or missing, the computer matching program is unable to determine whether the relevant government contractor is on the IRS list of delinquent taxpayers. For example, in 1 year, data indicates that DOD sent the IRS over 26,000 invalid TINs that could not be used.

To increase the efficiency of the computer matching program, the IRS has tried to improve the accuracy of the TINs in agency contractor data. The IRS has, for example, set up a computer-based TIN validation system that can electronically verify a TIN number in seconds. This electronic system is available for use by DOD and all other federal agencies. Unfortunately, the IRS has also interpreted certain tax laws as prohibiting DOD from obtaining TIN validations for many types of contracts. In addition, in the case of TIN numbers with clerical errors, the IRS has interpreted current taxpayer confidentiality laws as prohibiting it from supplying a DOD with a corrected number.

The bill we are introducing today would eliminate this bureaucratic redtape and significantly increase the effectiveness of the tax levy program by increasing the accuracy of the TINs used by DOD.

The bill would strengthen TIN accuracy by focusing primarily on the TINs in the Central Contractor Registry, a government-wide database of persons wishing to bid on Federal contracts. This registry is currently administered by DOD, and current Federal regulations require potential bidders to self-register in the system by supplying specified information. As part of the process, registrants are supposed to supply a TIN, but many either do not or supply an incorrect number. The bill would, for the first time, impose a legal requirement on registrants to supply a valid TIN and would also bar contracts from being awarded to contractors who fail to supply a valid TIN.

In addition, the bill would require registrants to authorize DOD to validate their TINs with the IRS and obtain a corrected TIN from the IRS, if needed and possible. This requirement would apply to all registrants in the Central Contractor Registry, no matter what type of contract is involved and whether the contract is with DOD or another Federal agency. It would also allow the IRS to supply corrected TINs where it can promptly and reasonably do so.

If, by chance, a registrant managed to obtain a DOD contract without having supplied a valid TIN, the bill would direct DOD to withhold a portion of their contract payments to satisfy their tax debt as specified under existing law. Although this backup holding requirement has been on the books for years, DOD has not implemented it. The bill would require DOD to start doing so.

Finally, the bill would provide a number of protections. It would protect privacy by prohibiting DOD and other Federal procurement officials from making TIN numbers available to the public. The information would be kept confidential within the procurement community using the Central Contractor Registry. It would explicitly exempt from the TIN requirements any contractor, such as a foreign business, not required by U.S. law to have a taxpayer identification number. The bill would also require DOD to show in the registry database whether a particular TIN has been validated, is awaiting validation, has been found invalid, or is not required, so that procurement officials using the database will know the status of a contractor's TIN. If the IRS were to determine that a particular TIN was invalid, the bill would require DOD to give the relevant contractor an opportunity to correct the number. The bill would also require DOD to warn all registrants in the Central Contractor Registry of the possibility of backup withholding in the event a contractor fails to provide a valid TIN.

DOD and the IRS have indicated that they are willing to undertake many of the changes suggested in the legislation, such as requiring all CCR registrants, as a condition of their registration, to authorize DOD to validate their TINs with the IRS and obtain a corrected TIN from the IRS, if needed and possible. DOD has even drafted possible language to accomplish this objective. The IRS, however, has yet to agree to the specific language or to take steps to improve TIN validation efforts, despite the passage of nearly a year since we introduced this bill in last Congress, and despite the fact that some CCR registrants continue either to omit their TINs or to provide an invalid TIN. Even if the IRS and DOD were to act as promised, the CCR and the privacy protections mentioned earlier would benefit from specific statutory language addressing this issue. That is why we are re-introducing this bill in the 109th Congress.

It is common business sense for the Federal Government to require contractors who want to be paid with Federal taxpayer dollars to allow the United States to determine whether they owe any taxes and, if so, to offset a portion of their contract payments to reduce their tax debts. To accomplish that objective, the Federal Government has to do a better job in identifying federal contractors with unpaid taxes. Our bill, by improving the accuracy of taxpayer identification numbers in the Central Contractor Registry, will strengthen DOD's ability to identify tax delinquent contractors and either deny them new contracts or reduce their tax debts.

I hope all my colleagues will join us in supporting this legislation's enactment during this Congress.

By Mr. HATCH (for himself, Mr. DODD, Mr. BROWNBACK, Mr. HARKIN, and Mr. SPECTER):

S. 681. A bill to amend the Public Health Service Act to establish a National Cord Blood Stem Cell Bank Network to prepare, store, and distribute human umbilical cord blood stem cells for the treatment of patients and to support peer-reviewed research using such cells; to the Committee on Health, Education, Labor, and Pensions.

Mr. HATCH. Mr. President, I am pleased to introduce "The Cord Blood Stem Cell Act of 2005." I am particularly gratified that Senators DODD, BROWNBACK, HARKIN, and SPECTER have joined me as cosponsors of this bipartisan bill. Since I first introduced this bill last Congress, there has been strong interest in Federal support for public cord blood banks as a widely accepted source of hematopoietic stem cells for transplant and research. The purpose of the Cord Blood Stem Cell Act is to create an easily accessible network to prepare, store, and distribute human umbilical cord blood stem cells for the treatment of patients and to support research using such cells.

Today, thousands of Americans receive and are saved by bone marrow transplants each year. But thousands more die for lack of an appropriate donor. The good news is that research now suggests that the blood and stem cells from human placenta and umbilical cords may in some cases provide an alternative to bone marrow transplantation. For some patients, particularly those for whom a bone marrow match cannot be found, transplantation of these cells may be a life-saving therapy. Cord blood stem cell transplants are readily available, and they require less stringent matching from donors to recipients, thus decreasing the difficulty of finding a fully matched donor.

Cord blood transplantation has been used successfully to treat leukemia, lymphoma, immunodeficiency diseases, sickle cell anemia, and certain metabolic diseases. However, the number of available cord blood stem cell units in the United States is insufficient to meet the need. The Cord Blood Stem Cell Act of 2005 proposes to establish an inventory of 150,000 cord blood stem cell units that reflects the diversity of the United States. In conjunction with the 5 million registered bone marrow donors, this registry will enable 95 percent of Americans to receive an appropriately matched transplant. The inventory would provide a critical additional resource for those in need of transplants and allocate a certain proportion of units to sustain further research on cord blood stem cells.

In 2004, Congress asked the Institute of Medicine to provide an assessment of existing cord blood programs and inventories and to make recommendations to enhance the structure, function, and utility of such programs. Following a year-long process of review and evaluation, the Institute of Medicine will soon issue recommendations on the best methods to create and implement this public cord blood bank network. I look forward to reviewing these recommendations and ensuring that they are appropriately reflected in any legislation.

Let me be clear—I am open to all options. It is my goal to create the best system to provide patients, clinicians, and families with access to these lifesaving treatments by ensuring that the number of cord blood units available for transplant and research increases in the coming years.

The system will include a network of qualified donor banks which will collect, test, and preserve cord blood stem cells. In addition, the system should educate and recruit donors, facilitate the rapid matching of donors and recipients, and quickly make such cells available to transplant centers for stem cell transplantation.

I also strongly endorse the excellent work done by the National Marrow Donor Program (NMDP), which Congress created in 1986 and continues to fund. This registry already lists more than 42,000 units of umbilical cord blood and provides important patient advocacy and support services. It also provides an online service which allows physicians to compare potential cord blood matches with potential adult volunteer donor matches so that they can select the source of cells that best meets their patients' needs. Cord blood should be used to expand patient choices, not to restrict them. Patients, in consultation with their physicians, should have the ability to decide which is best for them.

The establishment of a national infrastructure for cord blood will help save the lives of thousands of critically ill Americans. And while this legislation is not perfect, it is my hope that its introduction will encourage discussions on cord blood and the federal government's role in helping to increase the inventory of cord blood units in the United States.

In my opinion, we must be sure that our nation can meet the needs of patients and physicians by ensuring a strong future for cord blood in this country. My primary goal is to ensure that the number of cord blood units available for transplant and research increases in the coming years. The only way that goal may be accomplished is through strong federal support. I look forward to working with my colleagues on doing everything possible to provide transplant patients with the best possible options by ensuring a strong future for cord blood transplantation in this country.

Mr. DODD. Mr. President, I am pleased to join Senator HATCH and Senator BROWNBACK in introducing legislation to advance the use of umbilical cord blood for clinical applications and research. I first became aware of the potential therapeutic benefits of cord blood when my first daughter was born three and a half years ago. At that time, our doctor informed me and my wife that preserving a small amount of blood from the umbilical cord could prove enormously beneficial later in her life. Should she become ill with a disease requiring bone marrow reconstitution, such as leukemia, her own cord blood stem cells could be used. This would eliminate the need to find a suitable bone marrow donor.

The bill that we are introducing today will begin a new national commitment to the development of this technology—which has the potential to reduce pain and suffering and save the lives of so many Americans afflicted with some of the most debilitating illnesses. Cord blood has already been used successfully in treating a number of diseases, including sickle cell anemia and certain childhood cancers. However, the use of cord blood is still fledgling. Recent developments have suggested that the stem cells derived from cord blood may be useful in treating a much wider range of diseases, such as Parkinson's disease, diabetes, and heart disease.

Like many Americans, I had never heard of cord blood before the birth of my daughter. It is not widely used—at least in this country. Approximately 95 percent of all bone marrow reconstitutions were done using a bone marrow transplant. Only five percent used cord blood. This figure is surprising when we consider the potential benefits of cord blood relative to bone marrow.

First, it can be very difficult to find a suitable bone marrow donor. According to a General Accounting Office (GAO) report, of the 15,231 individuals needing bone marrow transplants between 1997 and 2000 who conducted a preliminary search of the National Bone Marrow Donor Registry (NBMDR), only 4,056 received a transplant—a 27 percent success rate. This number is even lower for minorities. Cord blood would not only produce an additional source of donation; it also does not require as exact a match as bone marrow.

In addition, cord blood is readily available. While it can take months between finding a bone marrow match and actually receiving a transplant, a unit of cord blood can be utilized in a matter of days or weeks. Cord blood also lowers the risk of complications for both the donor and the recipient. The need to extract bone marrow from the donor is eliminated, and the risk of infection or rejection by the recipient is significantly reduced. Finally, research has suggested that cord blood might produce better outcomes than bone marrow in children.

Why then, given all of these benefits, has the use of cord blood not become much more prevalent in the United States? In Japan, where the use of cord blood in clinical setting is more advanced, nearly half of all transplants now use cord blood rather than bone marrow.

The relatively infrequent use of cord blood in our country is at least partly attributable to the lack of a national infrastructure for the matching and distribution of cord blood units. There are a handful of cord blood banks around the country doing excellent work, but there is a much more developed infrastructure for bone marrow. This is thanks to legislation passed by Congress in 1986 that established a National Registry for bone marrow. By the way, that legislation is due to be reauthorized—and I would like to voice my strong support for that reauthorization.

Our bill would create a similar infrastructure for cord blood. Specifically, it would direct the Secretary of Health and Human Services (HHS), acting through the Administrator of the Health Resources and Services Administration (HRSA), to establish a National Cord Blood Stem Cell Bank Network, as well as a registry of available cord blood units. The network and registry would be required to collect a minimum of 150,000 units, which should be sufficient to provide a suitable match for 90 percent of the U.S. population.

Donor banks would also be required to educate the general public about the potential benefits of cord blood, and encourage an ethnically diverse population of cord blood donors. Given the untapped potential of cord blood, at least ten percent of the available units must also be made available for research. Finally, the legislation authorizes an appropriation of $15 million for fiscal year 2006, and such sums as may be necessary for fiscal years 2007 through 2010.

Before finishing today I would like to make it clear that I strongly support the continuation of the excellent work done by the National Marrow Donor Program (NMDP). Cord blood should act as a complement to—not a replacement for—bone marrow. In many cases, a bone marrow transplant is still the preferred therapy. Physicians should have the ability to decide on a case by case basis which is best for their patient.

In the coming weeks, the Institute of Medicine (IOM) will release a report with recommendations about the appropriate structure for a cord blood registry. I look forward to reviewing those recommendations and, if necessary, making the appropriate changes to our legislation.

I firmly believe that the creation of a national infrastructure for cord blood will, in time, save the lives of thousands of gravely ill Americans. We have a responsibility to encourage use of cord blood where appropriate today, and invest in research to fully tap the potential of this technology. I urge my colleagues to support this legislation.

By Mr. DODD:

S. 682. A bill to authorize the establishment of a Social Investment and Economic Development Fund for the Americans to provide assistance to reduce poverty and foster increased economic opportunity in the countries of the Western Hemisphere, and for other purposes; to the Committee on Foreign Relations.

Mr. DODD. Mr. President. I rise today to introduce the Social Investment and Economic Development Fund for the Americas Act of 2005. This legislation would authorize critical assistance to fight poverty and increase economic opportunity in the countries of the Western Hemisphere.

In January, my colleagues Senator BILL NELSON, Senator LINCOLN CHAFEE and I visited Venezuela, Paraguay, Argentina, Peru and Ecuador. Our trip and discussions with political and economic leaders throughout the region underscored to me the danger that poverty and economic inequality continue to pose to regional stability, the rule of law, and to the continuation of market reforms.

One third of the population in Latin America currently lives in poverty. 128 million people survive on less than two dollars a day, and 50 million people on less than one dollar a day. In Haiti, the poorest country in the Western Hemisphere, 65 percent of the population lives below the poverty line. Despite economic growth throughout the 1990s, moreover, unemployment in Latin America actually increased. And as we all know such factors have the potential to increase instability and undermine democratic reforms and the rule of law. Indeed, individuals living in poverty are often forced by circumstances to engage in illicit activity, including narco-trafficking and even supporting terrorist related activities.

But there is not only tremendous poverty. Income inequality in Latin America is the highest in the world. To illustrate that fact, consider that the richest one-tenth of all Latin Americans earn 48 percent of the total national income, whereas the bottom one tenth earns only 1.6 percent. By contrast, in developed countries, the top ten percent earns 29.1 percent, and the bottom 10 percent earns 2.5 percent. Is it any wonder that economic inequality in Uruguay, the most equal country in Latin America, is still greater than in the most unequal country in Eastern Europe?

Poverty and inequality are not simply social injustices. They threaten the political stability of Latin America and the national interests of the United States. Indeed, according to a 2004 report by the United Nations Development Program, progress in extending elective democracy across Latin America is threatened by ongoing social and economic turmoil. Most troubling, the report suggests that over 50 percent of the population of Latin America would be willing to sacrifice democratic government for real progress on the economic and social fronts. That is a frightening statistic. And it should make crystal clear the urgency of this situation. Two decades of progress in our hemisphere is at risk.

The Social Investment and Economic Development Fund for the Americas Act of 2005 would seek to address these issues by investing in the peoples of the Americas. This important legislation would make it United States policy to promote market-based principles, economic integration, social development, and inter-American trade. To that end, it would authorize $250 million annually in bilateral economic assistance to the hemisphere through fiscal year 2010. It would also authorize multilateral assistance, directed through the Inter-American Development Bank, of no more than $250 million per year and $1.25 billion in total.

Certainly, strong trade relations remain a key to creating healthy economies both here in the United States and throughout the region. But trade alone cannot address the myriad challenges facing Latin America, when millions of citizens in the hemisphere remain marginalized by economic insecurity and social dislocation. That is another reason why this bill is so critical.

To confront these challenges, we have to start at the grass roots. We have to start with the people. And the Social Investment and Economic Development Fund for the Americas would do that by supporting public-private partnerships and micro-enterprise developments. It would give honest, hardworking families the chance to become entrepreneurial and to create a broad based ownership society in their countries. We promote these values here at home, and we should do so abroad.

Investing in people also means investing in human capital. And there is clearly a need. According to the World Bank large portions of the population do not receive adequate services such as education and health care. Education, in particular, is identified as critical to development. Yet the quality of education varies significantly based on social status and income distribution. In Mexico, for example, the average individual in the bottom 20 percent income bracket has only 3.5 years of schooling, whereas an individual in the top 20 percent income bracket has 11.6 years. My legislation would address these inequities by targeting assistance at projects which would invest in education. It would also build human capital by investing in basic needs such as health care, disease prevention, nutrition, and housing.

To move forward, we also have to help the people invest in good governance. Public corruption remains an especially persistent and pernicious problem in this hemisphere. Both Transparency International and the World Economic Forum report high levels of corruption throughout the region. Moreover, while full citizen participation in government is a key to strengthening democracy and ensuring that civil services work, many Latin American citizens do not express confidence in their political institutions. This Act would attempt to overcome these barriers to progress by enhancing efficiency and transparency in government services as well as increasing civil society participation in government.

Lastly, marginalized populations, including indigenous groups, people of African descent, women, and people with disabilities, are particularly affected by problems of poverty and income inequality. This act would target funds to reduce poverty and decrease social dislocation among these populations.

The funds authorized by this act would be distributed on the basis of competitive bidding and inter-American cooperation. To do so, this legislation would establish technical review committees which will partner with consultative committees in each country to make determinations on funding requests.

Finally, the historic Summits of the Americas made it clear that economic and social integration are the responsibilities of all nations in the Western Hemisphere. Through this act, the United States would send a strong signal to others in the region that we take these responsibilities seriously. And it will challenge the other countries in the hemisphere to collectively match our efforts.

We stand today at a moment of great opportunity and great risk in this hemisphere. The past two decades have witnessed the rise of democratic governments in nations that long languished under dictatorship. Yet this progress is endangered. Economic and social conditions for millions of men and women continue to lag dangerously far behind. It is in our moral and strategic interests to provide the necessary economic assistance to fight the scourges of poverty and social dislocation in this hemisphere. The Social Investment and Economic Development Fund for the Americas Act of 2005 is a vital first step to achieving this goal. I ask my colleagues to join me in supporting this important legislation.

I ask unamimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 682

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Investment and Economic Development Fund for the Americas Act of 2005".

SEC. 2. FINDINGS; STATEMENT OF POLICY.

(a) FINDINGS.—Congress finds the following:

(1) The historic economic, political, cultural, and geographic relationships among the countries of the Western Hemisphere are unique and of continuing special significance to the United States.

(2) The interests of the countries of the Western Hemisphere are more interrelated today than ever before. Consequently, sound economic, social, and democratic progress in each of the countries continues to benefit other countries, and lack of it in any country may have serious repercussions in others.

(3) Following the historic Summits of the Americas, the 1994 Summit in Miami, the 1998 Summit in Santiago, Chile, the 2001 Summit in Quebec City, Canada, and the 2004 Special Summit in Monterrey, Mexico, the heads of state of the countries of the Western Hemisphere accepted the formidable challenge of economic and social integration in and between their respective countries.

(4) To make progress toward economic and social integration, there is a compelling need to focus on the social development of the people of the Americas which, in turn, will promote the economic and political development of the region,

(5) Investment in social development in the Americas, including investment in human and social capital, specifically in education, health, housing, and labor markets with the goal of combating social exclusion and social ills, will consolidate political democracy and the rule of law and promote regional economic integration and trade in the region.

(6) The challenge of achieving economic integration between one of the world's most developed economies and some of the poorest and most vulnerable countries requires a special effort to promote social equality, develop skills, and modernize the infrastructure in poorer countries that will enable the people of these countries to maximize the amount of benefits accrued from economic integration.

(7) The particular challenge facing social and economic development in Latin America is the historic and persistent highly unequal distribution of wealth. Latin America suffers from the most unequal distribution of wealth in the world with huge inequities in the distribution of assets including education, land, and credit.

(8) Latin America also confronts the challenge of an increasing number of poor people. As of today, approximately one-third of the population lives in poverty and increasing numbers live in extreme poverty. Poverty exists in all Latin American countries but 70 percent of the region's poor live in the five largest middle-income countries.

(9) Marginalized groups, including indigenous populations, people of African descent, women, people with disabilities, and rural populations, are socially excluded and suffer from poverty, stigma, and discrimination.

(10) Democratic values are dominant throughout the Americas, and nearly all governments in the region have come to power through democratic elections.

(11) Nonetheless, existing democratic governments and their constituent institutions remain fragile and face critical challenges including effective democratic civilian authority over these institutions, including the military, the consolidation or establishment of independent judicial institutions and the rule of law, and the elimination of corruption.

(12) The prosperity, security, and well-being of the United States is linked directly to peace, prosperity, and democracy in the Americas. The entire region benefits by reducing poverty, strengthening the middle class, and promoting the rule of law which will also increase markets for United States goods and create a better environment for regional investment by United States businesses.

(13) Section 101 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151) establishes as a principal objective of United States foreign assistance the "encouragement and sustained support of the people of developing countries in their efforts to acquire the knowledge and resources essential to development and to build the economic, political, and social institutions which will improve the quality of their lives".

(14) It is in the national interests of the United States to assist developing countries in the Western Hemisphere as they implement the economic and political policies which are necessary to achieve equitable economic growth.

(15) The Summit of the Americas has directly charged the multilateral institutions of the Americas, including the Organization of American States (OAS), the Inter-American Development Bank (IADB), and the Inter-American Agency for Cooperation and Development with mobilizing private-public sector partnerships among industry and civil society to help achieve equitable development objectives.

(16) By supporting the purposes and objectives of development and applying such purposes and objectives to the Americas, a Social Investment and Economic Development Fund for the Americas has the potential to advance the national interests of the United States and directly improve the lives of the poor and marginalized groups, encourage broad-based economic growth while protecting the environment, build human capital and knowledge, support meaningful participation in democracy, and promote peace and justice in the Americas.

(b) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to promote market-based principles, economic integration, social development, and trade in and between countries of the Americas by—

(A) nurturing public-private partnerships and microenterprise development;

(B) improving the quality of life and investing in human capital, specifically targeting education, health and disease prevention, nutrition, and housing;

(C) strengthening the rule of law through improved efficiency and transparency in government services and increasing civil society participation in government; and

(D) reducing poverty and eliminating the exclusion of marginalized populations, including people of African descent, indigenous groups, women, and people with disabilities; and

(2) to establish an investment fund for the Western Hemisphere to advance the national interests of the United States, directly improve the lives of the poor and marginalized,

encourage broad-based economic growth while protecting the environment, build human capital and knowledge, support meaningful participation in democratic institutions and processes, and promote peace and justice in the Americas.

SEC. 3. AMENDMENT TO FOREIGN ASSISTANCE ACT OF 1961.

Part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following:

"CHAPTER 13—SOCIAL INVESTMENT AND ECONOMIC DEVELOPMENT FUND FOR THE AMERICAS

"SEC. 499H. AUTHORIZATION OF ASSISTANCE.

"(a) Statement of Policy.—It is the policy of the United States—

"(1) to promote market-based principles, economic integration, social development, and trade in and between countries of the Americas by—

"(A) nurturing public-private partnerships and microenterprise development;

"(B) improving the quality of life and investing in human capital, specifically targeting education, health and disease prevention, nutrition, and housing;

"(C) strengthening the rule of law through improved efficiency and transparency in government services and increasing civil society participation in government; and

"(D) reducing poverty and eliminating the exclusion of marginalized populations, including people of African descent, indigenous groups, women, and people with disabilities; and

"(2) to establish an investment fund for the Western Hemisphere to advance the national interests of the United States, directly improve the lives of the poor and marginalized, encourage broad-based economic growth while protecting the environment, build human capital and knowledge, support meaningful participation in democratic institutions and processes, and promote peace and justice in the Americas.

"(b) In General.—The President, acting through the Administrator of the United States Agency for International Development, shall provide assistance to reduce poverty and foster increased economic opportunity in the countries of the Western Hemisphere by—

"(1) nurturing public-private partnerships and microenterprise development;

"(2) improving the quality of life and investing in human capital, specifically targeting education, health and disease prevention, nutrition, and housing;

"(3) strengthening the rule of law through improved efficiency and transparency in government services and increasing civil society participation in government; and

"(4) reducing poverty and eliminating the exclusion of marginalized populations, including people of African descent, indigenous groups, women, and people with disabilities.

"(c) Terms and Conditions.—Assistance under this chapter may be provided on such other terms and conditions as the President may determine, consistent with the goal of promoting economic and social development.

"SEC. 499I. TECHNICAL REVIEW COMMITTEE.

"(a) In General.—There is established within the United States Agency for International Development a technical review committee.

"(b) Membership.—

"(1) In general.—The President, by and with the advice and consent of the Senate, shall appoint to serve on the technical review committee—

"(A) individuals with technical expertise with respect to the development projects, including grassroots development of Latin America and the Caribbean; and

"(B) citizens of the United States with technical expertise with respect to development projects and business experience.

"(2) Criteria for appointment.—Technical expertise shall be the sole criterion in making appointments to the technical review committee.

"(c) Duties.—The technical review committee shall review all projects proposed for funding using assistance provided under section 499H(a), and make recommendations to the President with respect to the guidelines to be used in evaluating project proposals and the suitability of the proposed projects for funding.

"(d) Conflicts of Interest.—A member of the technical review committee shall not be permitted to review an application submitted by an organization with which the member has been or is affiliated.

"SEC. 499J. CONSULTATIVE COMMITTEE.

"(a) In General.—A country that receives assistance under this chapter shall establish a Consultative Committee to make recommendations regarding how such assistance should be used to carry out the policy set out in section 499H(a).

"(b) Membership.—A Consultative Committee should include individuals from civil society organizations that represent or have experience in working in the following:

"(1) Marginalized populations.

"(2) Trade and small farmer unions.

"(3) Rural development and agrarian reform.

"(4) Microenterprise and grassroots development.

"(5) Access to government social services.

"(6) Rule of law and government reform.

"(c) Duties.—A Consultative Committee for a country shall—

"(1) make recommendations to the technical review committee established under section 499I and to the appropriate country mission of the United States Agency for International Development on projects proposed to receive assistance under section 499H(a) that affect such country;

"(2) have access documents and other information related to project proposals and funding decisions that affect such country; and

"(3) develop and publish rules and procedures under which the Committee will carry out its duties.

"(d) Conflicts of Interest.—A member of the Consultative Committee may not be permitted to review an application submitted by an organization with which the member has been or is affiliated.

"SEC. 499K. REPORT.

"The President shall prepare and transmit to the Committee on Foreign Relations of the Senate, the Committee on International Relations of the House of Representatives, and other appropriate congressional committees an annual report on the specific programs, projects, and activities carried out under this chapter during the preceding year, including an evaluation of the results of such programs, projects, and activities.

"SEC. 499L. AUTHORIZATION OF APPROPRIATIONS.

"(a) In General.—There are authorized to be appropriated to carry out this chapter $250,000,000 for each of the fiscal years 2006 through 2010.

"(b) Additional Authorities.—Amounts appropriated pursuant to subsection (a)—

"(1) may be referred to as the 'United States Social Investment and Economic Development Fund for the Americas';

"(2) are authorized to remain available until expended; and

"(3) are in addition to amounts otherwise available for such purposes.

"(c) Funding Limitation.—Not more than 7 percent of the amounts appropriated pursuant to subsection (a) for a fiscal year may be used for administrative expenses.".

SEC. 4. AMENDMENT TO THE INTER-AMERICAN DEVELOPMENT BANK ACT.

The Inter-American Development Bank Act (22 U.S.C. 283 et seq.) is amended by adding at the end the following:

"SEC. 39. SOCIAL INVESTMENT AND ECONOMIC DEVELOPMENT FUND FOR THE AMERICAS.

"(a) In General.—The Secretary of the Treasury shall instruct the United States Executive Director of the Bank to use the voice, vote, and influence of the United States to urge the Bank to establish an account to be known as the 'Social Investment and Economic Development Fund for the Americas' (in this section referred to as the 'Fund'), which is to be operated and administered by the Board of Executive Directors of the Bank consistent with subsection (b). The United States Governor of the Bank may vote for a resolution transmitted by the Board of Executive Directors which provides for the establishment of such an account, and the operation and administration of the account consistent with subsection (b).

"(b) Governing Rules.—

"(1) Use of funds.—The Fund shall be used to provide assistance to reduce poverty and foster increased economic opportunity in the countries of the Western Hemisphere by—

"(A) nurturing public-private partnerships and microenterprise development;

"(B) improving the quality of life and investing in human capital, specifically targeting education, health and disease prevention, nutrition, and housing;

"(C) strengthening the rule of law through improved efficiency and transparency in government services and increasing civil society participation in government; and

"(D) reducing poverty and eliminating the exclusion of marginalized populations, including people of African descent, indigenous groups, women, and people with disabilities.

"(2) Application for funding through a competitive process.—Any interested person or organization may submit an application for funding by the Fund.

"(3) Technical review committee.—

"(A) In general.—The Fund shall have a technical review committee.

"(B) Membership.—

"(i) In general.—The Board of Executive Directors of the Bank shall appoint to serve on the technical review committee individuals with technical expertise with respect to the development of Latin America and the Caribbean.

"(ii) Criteria for appointment.—Technical expertise shall be the sole criterion in making appointments to the technical review committee.

"(C) Duties.—The technical review committee shall review all projects proposed for funding by the Fund, and make recommendations to the Board of Executive Directors of the Bank with respect to the guidelines to be used in evaluating project proposals and the suitability of the proposed projects for funding.

"(D) Conflicts of interest.—A member of the technical review committee shall not be permitted to review an application submitted by an organization with which the member has been or is affiliated.

"(4) Review of proposed projects.—Not more frequently than once each year, the

Board of Executive Directors of the Bank shall review and make decisions on applications for projects to be funded by the Fund, in accordance with procedures which provide for transparency. The Board of Executive Directors shall provide advance notice to all interested parties of any date on which such a review will be conducted.

"(5) CONSULTATIVE COMMITTEE.—

"(A) IN GENERAL.—Each country that receives assistance under this section shall establish a Consultative Committee to make recommendations regarding how such assistance should be used to carry out the policy set out in section 2(b) of the Social Investment and Economic Development Fund for the Americas Act of 2005.

"(B) MEMBERSHIP.—A Consultative Committee should include individuals from civil society organizations that represent or have experience in the following:

"(i) Marginalized populations.

"(ii) Trade and small farmer unions.

"(iii) Rural development and agrarian reform.

"(iv) Microenterprise and grassroots development.

"(v) Access to government social services.

"(vi) Rule of law and government reform.

"(C) DUTIES.—A Consultative Committee in a country shall—

"(i) make recommendations to the technical review committee established under paragraph (3) and appropriate country representative of the Bank on projects to receive assistance provided under this section that affect such country;

"(ii) have access documents and other information related to project proposals and funding decisions that affect such country; and

"(iii) develop and publish rules and procedures under which the Committee will carry out its duties.

"(D) CONFLICTS OF INTEREST.—A member of a Consultative Committee may not be permitted to review an application submitted by an organization with which the member has been or is affiliated.

"(c) CONTRIBUTION AUTHORITY.—To the extent and in the amounts provided in advance in appropriations Acts, the United States Governor of the Bank may contribute $1,250,000,000 to the Fund.

"(d) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—For the contribution authorized by subsection (c), there are authorized to be appropriated for payment to the Secretary of the Treasury $250,000,000 for each fiscal year beginning with the fiscal year in which the resolution described in subsection (a) is adopted.

"(2) ADDITIONAL AUTHORITIES.—Amounts appropriated pursuant to paragraph (1)—

"(A) are authorized to remain available until expended; and

"(B) are in addition to amounts otherwise available for such purposes.

"(3) FUNDING LIMITATION.—Not more than 7 percent of the amounts appropriated pursuant to paragraph (1) for a fiscal year may be used for administrative expenses.".

SEC. 5. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the countries of the Western Hemisphere should collectively provide assistance equal to the amount of United States bilateral assistance provided under chapter 13 of part I of the Foreign Assistance Act of 1961, as added by section 3 of this Act, and multilateral assistance provided by the Social Investment and Economic Development Fund for the Americas under section 39 of the Inter-American Development Bank Act, as added by section 4 of this Act, for the same purpose for which such assistance was provided;

(2) funds authorized to be appropriated to carry out this Act or the amendments made by this Act should be in addition to funds otherwise made available on an annual basis to countries in the Americas pursuant to other United States foreign assistance programs; and

(3) it should be the policy of the United States to seek to increase the amount of assistance provided to the countries of the Americas from the United States and other members of the Inter-American Development Bank for a fiscal year beginning after the date of the enactment of this Act to an amount that is more than such amount provided during fiscal years beginning prior to such date.

By Mr. REED:

S. 684. A bill to amend the Natural Gas Act to provide additional requirements for the siting, construction, or operation of liquefied natural gas import facilities; to the Committee on Energy and Natural Resources.

Mr. REED. Mr. President, today I introduce the Liquefied Natural Gas Safety and Security Act of 2005.

The siting of liquefied natural gas (LNG) import terminals is an issue that has taken on critical importance for me and for the people of Rhode Island in recent months, as the Federal Energy Regulatory Commission (FERC) is now considering proposals by KeySpan Energy and Weaver's Cove Energy to establish LNG marine terminals in Providence, RI and Fall River, MA, respectively.

I recognize that natural gas is an important and growing component of New England's and the Nation's energy supply, and that imported LNG offers a promising new supply source to complement our domestic natural gas supplies. In a post-September 11 world, however, we must consider the substantial safety and security risks associated with siting LNG marine terminals in urban communities and requiring LNG tankers to pass within close proximity to miles of densely populated coastline.

The LNG Safety and Security Act would address these concerns by improving FERC's siting process, requiring closer collaboration between FERC and the Coast Guard, and protecting States' permitting rights under Federal and State law.

First, the bill would improve FERC's approval process for LNG terminals. Instead of reviewing proposed LNG projects on a first come-first served basis, the bill would require FERC to work with states and the Coast Guard to pursue a regional approach to LNG terminal siting, including a review of offshore and remote sites and a determination of how many LNG terminals a region needs. To address the substantial new costs faced by state and local agencies responsible for security and safety at the LNG terminal and along shipping routes, the bill would require the developer to create a cost-sharing plan describing direct cost reimbursements to these agencies. To make sure that FERC addresses all relevant safety and security issues in its Final Environmental Impact Statement (EIS) for an LNG terminal—and that the public has access to this information before FERC makes a final decision—the bill requires FERC to await the completion of an Incident Action Plan by the Coast Guard before issuing a Final EIS. It would require FERC to incorporate the non-security sensitive components of the Incident Action Plan into the Final EIS, including all safety and security resource requirements identified by the Coast Guard.

Second, to ensure that States continue to have the authority to establish meaningful safety and security standards and to protect their fragile coastal environments, the bill requires FERC to comply with Federal laws that may be enforced by States, including the National Historic Preservation Act, the Coastal Zone Management Act, the Clean Water Act, and the Clean Air Act; clarifies the right of a State to review an application to site an LNG facility under any of these laws; and establishes that FERC has no authority to preempt a State permitting determination under federal or state law.

Third, to ensure that the Department of Transportation's safety standards for LNG terminals truly encourage remote siting as Congress intended, the bill requires the Secretary of Transportation to issue new regulations establishing standards to promote the remote siting of LNG terminals.

Finally, to protect coastal communities along LNG shipping routes, the bill requires the Coast Guard to issue regulations establishing thermal and vapor exclusion zones for vessels transporting LNG, based on existing DOT regulations for LNG terminals on land.

I again want to emphasize that I recognize LNG's important role in the energy infrastructure of Rhode Island and the Nation, and I look forward to working with my colleagues to ensure reliable supplies of natural gas to our homes and businesses without siting LNG import terminals in densely populated urban areas. I am confident that we can achieve this goal by requiring FERC and other federal agencies to explore a broad list of alternatives—including offshore LNG facilities—to bring more natural gas to our communities while minimizing the risk to our citizens.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 684

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Liquefied Natural Gas Safety and Security Act of 2005".

SEC. 2. SITING OF LIQUEFIED NATURAL GAS IMPORT FACILITIES.

Section 3 of the Natural Gas Act (15 U.S.C. 717b) is amended by adding at the end the following:

"(d)(1) Before issuing an order authorizing an applicant to site, construct, expand, or operate a liquefied natural gas import facility, the Commission shall require the applicant, in cooperation with the Commandant of the Coast Guard and State and local agencies that provide for the safety and security of the liquefied natural gas import facility and any vessels that serve the facility, to develop a cost-sharing plan.

"(2) A cost-sharing plan developed under paragraph (1) shall include a description of any direct cost reimbursements that the applicant agrees to provide to any State and local agencies with responsibility for security and safety—

"(A) at the liquefied natural gas import facility; and

"(B) in proximity to vessels that serve the facility.

"(e)(1) In this subsection, the term 'region' means a census region designated by the Bureau of the Census as of the date of enactment of this subsection.

"(2) Not later than 90 days after the date of enactment of this subsection and annually thereafter, the Commission shall—

"(A) review all applications for the siting, construction, expansion, or operation of a liquefied natural gas import facility in a region that are pending with the Commission;

"(B) consult with States in the region to identify remote sites for the development of potential liquefied natural gas import facilities in the region; and

"(C) in collaboration with the Commandant of the Coast Guard, review—

"(i) any offshore liquefied natural gas projects proposed for a region; and

"(ii) other potential offshore sites for the development of liquefied natural gas.

"(3) Based on the reviews and consultations under paragraph (1), the Commission shall determine—

"(A) whether liquefied natural gas import facilities are needed in a region; and

"(B) if the Commission determines under subparagraph (A) that liquefied natural gas import facilities are needed for a region, the number of liquefied natural gas import facilities that are needed for the region.

"(4) The Commission shall cooperate with the Commandant of the Coast Guard and States to ensure that—

"(A) the Commission approves only the number of liquefied natural gas import facilities that are needed for a region, as determined under paragraph (3)(B); and

"(B) any liquefied natural gas import facilities approved under subparagraph (A) are sited in locations that provide maximum safety and security to the public.

"(f)(1) Notwithstanding any other provision of law, the Commission shall not issue a final environmental impact statement or similar analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to a proposed liquefied natural gas facility before the date on which—

"(A) the applicant completes—

"(i) a security assessment for the proposed facility; and

"(ii) a security plan for the proposed facility; and

"(B) the Commandant of the Coast Guard completes an incident action plan that identifies the resources needed to support appropriate air, land, and sea security measures during the transit and offload of a liquefied natural gas vessel.

"(2) The Commission shall incorporate into the final environmental impact statement or similar analysis the non-security sensitive components of the incident action plan and all other safety and security resource requirements identified by the Commandant of the Coast Guard for a proposed liquefied natural gas import facility.

"(g)(1) For purposes of reviewing and approving or disapproving an application to site, construct, or operate a liquefied natural gas import facility, the Commission shall—

"(A) consult with the State in which the facility is proposed to be located; and

"(B) comply with all applicable Federal laws, including—

"(i) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

"(ii) the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.);

"(iii) sections 401 and 402(b) of the Federal Water Pollution Control Act (33 U.S.C. 1341, 1342(b)); and

"(iv) sections 107, 111(c), and 116 of the Clean Air Act (42 U.S.C. 7401, 7411(c), 7416).

"(2) Nothing in this section precludes or denies the right of any State to review an application to site, construct, or operate a liquefied natural gas import facility under—

"(A) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

"(B) the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.);

"(C) sections 401 and 402(b) of the Federal Water Pollution Control Act (33 U.S.C. 1341, 1342(b)); and

"(D) sections 107, 111(c), and 116 of the Clean Air Act (42 U.S.C. 7401, 7411(c), 7416).

"(3) Notwithstanding any other provision of law, the Commission shall have no authority to preempt a State permitting determination with respect to a liquefied natural gas import facility that is made under Federal or State law.".

SEC. 3. STANDARDS FOR LIQUEFIED NATURAL GAS PIPELINE FACILITIES.

Section 60103 of title 49, United States Code, is amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(2) by inserting after subsection (d) the following:

"(e) REMOTE SITING STANDARDS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate regulations establishing standards to promote the remote siting of liquefied natural gas pipeline facilities.".

SEC. 4. THERMAL AND VAPOR DISPERSION EXCLUSION ZONES.

As soon as practicable after the date of enactment of this Act, the Commandant of the Coast Guard shall issue regulations establishing thermal and vapor dispersion exclusion zone requirements for vessels transporting liquefied natural gas that are based on sections 193.2057 and 193.2059 of title 49, Code of Federal Regulations (or any successor regulations).

By Mr. AKAKA:

S. 685. A bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60; to the Committee on Health, Education, Labor, and Pensions.

Mr. AKAKA. Mr. President, last year, the Pension Benefit Guaranty Corporation, PBGC, announced that it was moving to assume responsibility for the pensions of more than 14,000 active and retired pilots at United Airlines. Today, the Air Line Pilots Association, which represents 6,400 active United pilots, is trying to negotiate an alternative to such a takeover.

Mr. President, one of the reasons I am here today talking about United's pilots is that they are at risk of losing a significant amount of their pension, not just because the PBGC may be taking over their pension, but because of the age that they are mandated to retire. While I believe that Congress needs to address the issue of underfunded pension plans, I believe that it is also important for us to address an inequity with airline pilots that are mandated to retire at age 60.

The bill that I introduced in the 108th Congress, and am reintroducing today, will ensure the fair treatment of commercial airline pilot retirees. The Pension Benefit Guaranty Corporation Pilots Equitable Treatment Act will lower the age requirement to receive the maximum pension benefits allowed by Pension Benefit Guaranty Corporation to age 60 for pilots, who are mandated by the Federal Aviation Administration, FAA, to retire before age 65.

Again, with the airline industry experiencing severe financial distress, we need to enact this legislation to assist pilots whose companies have been or will be unable to continue their defined benefit pension plans. My bill will slightly alter Title IV ofthe Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation to take into account the fact that pilots are required to retire at the age of 60, when calculating their benefits.

The Pension Benefit Guaranty Corporation was established to ensure that workers with defined benefit pension plans are able to receive some portion of their retirement income in cases where the employer does not have enough money to pay for all of the benefits owed. After the employer proves to the PBGC that the business is financially unable to support the plan, the PBGC takes over the plan as a trustee and ensures that the current and future retirees receive their pension benefits within the legal limits. Four of the ten largest claims in PBGC's history have been for airline pension plans. Although airline employees account for only two percent of participants historically covered by the PBGC, they have constituted approximately 17 percent of claims. For example, Eastern Airlines, Pan American, Trans World Airlines, and US Airways have terminated their pension plans and their retirees rely on the PBGC for their basic pension benefits.

The FAA requires commercial aviation pilots to retire when they reach the age of 60. Pilots are therefore denied the maximum pension benefit administered by the PBGC because they are required to retire before the age of 65. Herein lies the problem. Mr. President, if pilots want to work beyond the age 60, they have to request a waiver from the FAA. It is my understanding that the FAA does not grant many of these waivers, and I have even heard from some pilots that the FAA has never granted these waivers. Therefore, most of the pilots, if not all, do not receive the maximum pension guarantee because they are forced to retire at age 60.

The maximum guaranteed pension at the age of 65 for plans that terminate in 2003 is $43,977.24. However, the maximum pension guarantee for a retiree is decreased to $28,585.20 if a participant retires at the age of 60. This significant reduction in benefits puts pilots in a difficult position. With drastically reduced pensions and a prohibition on reentering the piloting profession because of age, many pilots are subjected to undue hardship. While it is my sincere hope that existing airlines will be able to maintain their pension programs and that the change this bill makes will not be needed for any additional airline pension programs, I believe that my legislation is necessary to ensure that, at the minimum, airline pilots are not unfairly penalized for their employer's ability to maintain a pension plan. My legislation ensures that pilots can obtain the maximum PBGC benefit without being unfairly penalized for having to retire at 60, if their pension plan is terminated.

I urge my colleagues to support this bill. I ask that the text of my bill be printed in the Record.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 685

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pension Benefit Guaranty Corporation Pilots Equitable Treatment Act".

SEC. 2. AGE REQUIREMENT FOR EMPLOYEES.

(a) Single-Employer Plan Benefits Guaranteed.—Section 4022(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322(b)) is amended in the flush matter following paragraph (3), by adding at the end the following: "If, at the time of termination of a plan under this title, regulations prescribed by the Federal Aviation Administration require an individual to separate from service as a commercial airline pilot after attaining any age before age 65, paragraph (3) shall be applied to an individual who is a participant in the plan by reason of such service by substituting such age for age 65.".

(b) Multiemployer Plan Benefits Guaranteed.—Section 4022B(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322b(a)) is amended by adding at the end the following: "If, at the time of termination of a plan under this title, regulations prescribed by the Federal Aviation Administration require an individual to separate from service as a commercial airline pilot after attaining any age before age 65, this subsection shall be applied to an individual who is a participant in the plan by reason of such service by substituting such age for age 65.".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to benefits payable on or after the date of enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 84—CONDEMNING VIOLENCE AND CRIMINALITY BY THE IRISH REPUBLICAN ARMY IN NORTHERN IRELAND

Mr. KENNEDY (for himself, Mr. McCain, Mr. Dodd, Mrs. Clinton, Mr. Biden, Mr. Leahy, Mr. Lautenberg, Mr. Smith, and Mr. Gregg) submitted the following resolution; which was considered and agreed to:

S. Res. 84

Whereas on January 30, 2005, a Catholic citizen of Belfast, Northern Ireland, Robert McCartney, was brutally murdered by members of the Irish Republican Army, who attempted to cover-up the crime and ordered all witnesses to be silent about the involvement of Irish Republican Army members;

Whereas the sisters of Robert McCartney, Catherine McCartney, Paula Arnold, Gemma McMacken, Claire McCartney, and Donna Mary McCartney, and his fiancée, Bridgeen Karen Hagans, refused to accept the code of silence and have bravely challenged the Irish Republican Army by demanding justice for the murder of Robert McCartney;

Whereas when outcry over the murder increased, the Irish Republican Army expelled 3 members, and 7 members of Sinn Fein, the political wing of the Irish Republican Army, were suspended from the party;

Whereas the leadership of Sinn Fein has called for justice, but has not called on those responsible for the murder or any of those who witnessed the murder to cooperate directly with the Police Service of Northern Ireland;

Whereas on March 8, 2005, the Irish Republican Army issued an outrageous statement in which it said it "was willing to shoot the killers of Robert McCartney"; and

Whereas peace and violence cannot coexist in Northern Ireland: Now, therefore, be it

Resolved, That—

(1) the Senate joins the people of the United States in deploring and condemning violence and criminality by the Irish Republican Army in Northern Ireland; and

(2) it is the sense of the Senate that—

(A) the sisters and fiancée of Robert McCartney deserve the full support of the United States in their pursuit of justice;

(B) the leadership of Sinn Fein should insist that those responsible for the murder and witnesses to the murder cooperate directly with the Police Service of Northern Ireland and be protected fully from any retaliation by the Irish Republican Army; and

(C) the Government of the United States should offer all appropriate assistance to law enforcement authorities in Northern Ireland to see that the murderers of Robert McCartney are brought to justice.

SENATE RESOLUTION 85—DESIGNATING JULY 23, 2005, AND JULY 22, 2006, AS "NATIONAL DAY OF THE AMERICAN COWBOY"

Mr. THOMAS (for himself, Mr. Burns, Mr. Inhofe, Mr. Dorgan, Mr. Crapo, Mr. Salazar, and Mr. Enzi) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. Res. 85

Whereas pioneering men and women, recognized as cowboys, helped establish the American West;

Whereas that cowboy spirit continues to infuse this country with its solid character, sound family values, and good common sense;

Whereas the cowboy embodies honesty, integrity, courage, compassion, respect, a strong work ethic, and patriotism;

Whereas the cowboy loves, lives off of, and depends on the land and its creatures, and is an excellent steward, protecting and enhancing the environment;

Whereas the cowboy continues to play a significant role in America's culture and economy;

Whereas approximately 800,000 ranchers are conducting business in all 50 of these United States and are contributing to the economic well being of nearly every county in the Nation;

Whereas rodeo is the sixth most-watched sport in America;

Whereas membership in rodeo and other organizations surrounding the livelihood of a cowboy transcends race and gender and spans every generation;

Whereas the cowboy is an American icon;

Whereas to recognize the American cowboy is to acknowledge America's ongoing commitment to an esteemed and enduring code of conduct; and

Whereas the ongoing contributions made by cowboys to their communities should be recognized and encouraged: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 23, 2005, and July 22, 2006, as "National Day of the American Cowboy"; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

Mr. THOMAS. Mr. President, I rise today to submit a resolution designating July 23, 2005, and July 26, 2006, as "National Day of the American Cowboy."

Although cowboys are typically characterized as young, single men, those of us who come from the West know that cowboys come in any age, race, marital status, and gender. One 19th-century definition described "cowboy" as "anybody with guts and a horse." I personally believe trying to define a cowboy is like trying to rope the wind, but you certainly recognize one when you see them.

The Cowboy played a significant role in American history, specifically in establishing the American West. After the Civil War, there was an acute shortage of beef in the northern States. Western ranchers were burdened with an abundance of cattle and no railroads on which to ship them to market. Realizing the immense profit to be made, these cattlemen looked for the nearest railheads. Thus, began the era of the long cattle drive and the Cowboy.

As a result of these drives, cow towns sprung up at cattle shipping points. These areas began to grow and thrive as western communities. Even after the cattle drive era passed, many cow towns remained solid business and farming communities. Many remain so to this day.

The Cowboy continues to impact America through our economy and culture. Currently, there are approximately 800,000 ranchers conducting business in every State. These folks contribute to the economic well being of nearly every county in the Nation. Every 1 dollar in cattle sales generates about 5 dollars in additional U.S. business activity. Outside of business, cowboys also contribute significantly to humanitarian causes. The Professional Rodeo Cowboys Association's activities alone raise millions of dollars for local and national charities each year.

Culturally, Americans have always idolized cowboys and their way of life. Most of us have fond memories of playing cowboys and outlaws, hearing stories of Buffalo Bill Cody's famous Wild West Show, or watching cowboy icons such as Roy Rogers, Dale Evans, Gene Autry and John Wayne. Western publications, music, television shows, movies and sporting events remain as abundant and popular as ever. In fact, rodeo, a sport which developed from the skills cowboys needed in their daily routine, is the sixth most watched sport in America.

Our country looks to cowboys as role models because we admire their esteemed and enduring code of conduct. Gene Autry's Cowboy Code does a nice job of illustrating the way a cowboy chooses to live. Cowboys are honest; they do not go back on their word. They have integrity and courage in the face of danger. Cowboys respect others, defend those who cannot defend themselves and hold their families dear. They are good stewards of the land and all its creatures, possess a strong work ethic, and are loyal to their country. The Cowboy lives his or her life in a way most cannot help but admire.

In my State, you do not have to go to the movie theater or a rodeo to see a cowboy. You see them every day on the street, in the grocery store, or driving into town from their ranches. Many of the Wyoming cowboys you see today are decedents of the cowboys that braved the frontier before Wyoming was a State. Like those before them, these folks still enjoy Wyoming's open spaces, know the satisfying feeling at the end of a good, hard day at work, and appreciate a smile or tip of the hat from a friendly neighbor. These westerners feel at home in Wyoming because they know it was, is and always will be cowboy country.

I know my State would not be the same without the contributions of cowboys, past and present, and I am sure many of my colleagues feel the same way. It is time for the American Cowboy to be recognized.

SENATE RESOLUTION 86—DESIGNATING AUGUST 16, 2005, AS "NATIONAL AIRBORNE DAY"

Mr. HAGEL (for himself, Mr. BINGAMAN, Ms. CANTWELL, Mr. BURNS, Mr. INOUYE, Mr. JOHNSON, Mrs. DOLE, Mrs. BOXER, Ms. LANDRIEU, Mr. ALEXANDER, Ms. SNOWE, Mrs. CLINTON, Mr. REID, Mr. COCHRAN, Mr. GREGG, Mr. BURR, Mr. ISAKSON, Mr. HATCH, and Mr. REED) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 86

Whereas the airborne forces of the United States Armed Forces have a long and honorable history as units of adventuresome, hardy, and fierce warriors who, for the national security of the United States and the defense of freedom and peace, project the effective ground combat power of the United States by Air Force air transport to the far reaches of the battle area and, indeed, to the far corners of the world;

Whereas August 16, 2005, marks the anniversary of the first official validation of the innovative concept of inserting United States ground combat forces behind the battle line by means of a parachute;

Whereas the United States experiment of airborne infantry attack began on June 25, 1940, when the Army Parachute Test Platoon was first authorized by the United States Department of War, and was launched when 48 volunteers began training in July of 1940;

Whereas the Parachute Test Platoon performed the first official Army parachute jump on August 16, 1940;

Whereas the success of the Parachute Test Platoon in the days immediately preceding the entry of the United States into World War II led to the formation of a formidable force of airborne units that, since then, have served with distinction and repeated success in armed hostilities;

Whereas among those units are the former 11th, 13th, and 17th Airborne Divisions, the venerable 82nd Airborne Division, the versatile 101st Airborne Division (Air Assault), and the airborne regiments and battalions (some as components of those divisions, some as separate units) that achieved distinction as the elite 75th Ranger Regiment, the 173rd Airborne Brigade, the 187th Infantry (Airborne) Regiment, the 503rd, 507th, 508th, 517th, 541st, and 542nd Parachute Infantry Regiments, the 88th Glider Infantry Regiment, the 509th, 551st, and 555th Parachute Infantry Battalions, and the 550th Airborne Infantry Battalion;

Whereas the achievements of the airborne forces during World War II provided a basis of evolution into a diversified force of parachute and air assault units that, over the years, have fought in Korea, Vietnam, Grenada, Panama, the Persian Gulf Region, and Somalia, and have engaged in peacekeeping operations in Lebanon, the Sinai Peninsula, the Dominican Republic, Haiti, Bosnia, and Kosovo;

Whereas the modern-day airborne force that has evolved from those World War II beginnings is an agile, powerful force that, in large part, is composed of the 82nd Airborne Division, the 101st Airborne Division (Air Assault), and the 75th Ranger Regiment which, together with other units, comprise the quick reaction force of the Army's XVIII Airborne Corps when not operating separately under a regional combatant commander;

Whereas that modern-day airborne force also includes other elite forces composed entirely of airborne trained and qualified special operations warriors, including Army Special Forces, Marine Corps Reconnaissance units, Navy SEALs, Air Force combat control teams, all or most of which comprise the forces of the United States Special Operations Command;

Whereas in the aftermath of the terrorist attacks on the United States on September 11, 2001, the 75th Ranger Regiment, special forces units, and units of the 82nd Airborne Division and the 101st Airborne Division (Air Assault), together with other units of the Armed Forces, have been prosecuting the war against terrorism by carrying out combat operations in Afghanistan, training operations in the Philippines, and other operations elsewhere;

Whereas in the aftermath of the President's announcement of Operation Iraqi Freedom in March 2003, the 75th Ranger Regiment, special forces units, and units of the 82nd Airborne Division, the 101st Airborne Division (Air Assault) and the 173rd Airborne Brigade, together with other units of the Armed Forces, have been prosecuting the war against terrorism, carrying out combat operations, conducting civil affair missions, and assisting in establishing democracy in Iraq.

Whereas the airborne forces are and will continue to be at the ready and the forefront until the Global War on Terrorism is concluded;

Whereas of the members and former members of the United States combat airborne forces, all have achieved distinction by earning the right to wear the airborne's "Silver Wings of Courage", thousands have achieved the distinction of making combat jumps, 69 have earned the Medal of Honor, and hundreds have earned the Distinguished-Service Cross, Silver Star, or other decorations and awards for displays of such traits as heroism, gallantry, intrepidity, and valor;

Whereas the members and former members of the United States combat airborne forces are members of a proud and honorable fraternity of the profession of arms that is made exclusive by those distinctions which, together with their special skills and achievements, distinguish them as intrepid combat parachutists, special operation forces, and (in former days) glider troops; and

Whereas the history and achievements of the members and former members of the airborne forces of the United States Armed Forces warrant special expressions of the gratitude of the American people as the airborne community celebrates August 16, 2005, as the 65th anniversary of the first official jump by the Army Parachute Test Platoon: Now, therefore, be it

Resolved, That the Senate—

(1) designates August 16, 2005, as "National Airborne Day"; and

(2) requests that the President issue a proclamation calling on Federal, State, and local administrators and the people of the United States to observe "National Airborne Day" with appropriate programs, ceremonies, and activities.

Mr. HAGEL. Mr. President, on behalf of Senators BINGAMAN, CANTWELL, BURNS, INOUYE, JOHNSON, DOLE, BOXER, LANDRIEU, ALEXANDER, SNOWE, CLINTON, REID, COCHRAN, BURR, ISAKSON, HATCH and REED, I am proud to submit this Senate Resolution which designates August 16, 2005 as "National Airborne Day." This date marks the 65th anniversary of the first official jump by the Army Parachute Test Platoon.

On June 25, 1940, the War Department authorized the Parachute Test Platoon to experiment with the potential use of airborne troops. The Parachute Test Platoon, which was composed of 48 volunteers, performed the first official Army parachute jump on August 16, 1940.

The success of the Platoon led to the formation of a large and successful airborne contingent that has served from World War II until the present. The 11th, 13th, 17th, 82nd, and 101st Airborne Divisions and numerous other regimental and battalion size airborne units were also organized following the success of the Parachute Test Platoon.

In the last 65 years, these airborne forces have performed in important military and peace-keeping operations all over the world, including Operation Iraqi Freedom, and it is only appropriate that we designate a day to salute the contributions they have made to our Nation.

Through passage of "National Airborne Day," the Senate will reaffirm our support for the members of the airborne community.

I would like to thank Airborne veterans and Airborne units for their tireless commitment to our Nation's defense and for the ideals of duty, honor, country they embody. Airborne!

Mr. AKAKA. Mr. President, I rise today to submit a resolution designating April 2005, as Financial Literacy Month. As in previous years, this is a bipartisan effort, and I thank several of my colleagues for standing with me in advancing financial and economic literacy for our citizens.

We must raise public awareness about the importance of financial education in the U.S. and the serious consequences that may be associated with a lack of understanding about personal finances. Efforts to combat financial illiteracy are taking place in our school systems, across communities, in the business and banking sectors, and in Federal, State, and local government agencies, and I commend everyone in those areas for what they are doing.

For example, the School District of Philadelphia, PA, has implemented a financial literacy and financial independence curriculum for all grades. Hundreds of high school seniors in South Dakota will be getting a course in credit cards before they head off to college or start their first job. The National Black Caucus of States Institute recently launched a new financial literacy campaign to promote savings within the African American community in support of the expansion of financial education for African Americans. In my home State, the Hawaii Council on Economic Education continues to accomplish much in increasing the awareness of economic and financial literacy and pooling resources to combat economic and financial illiteracy. Entities like the HCEE are being assisted in their efforts for K through 12 education by funding through the Excellence in Economic Education Act. At the Federal Government level, I continue to work closely with the Financial Literacy and Education Commission, and Office of Financial Education in the Department of the Treasury, as they continue to develop a national strategy and work to improve and expand economic and financial literacy tools and resources to people in this country.

Furthermore in education, a 2004 survey of States by the National Council on Economic Education found that 49 States include economics, and 38 States include personal finance, in their elementary and secondary education standards. This is an increase from 48 States and 31 States, respectively, in 2002. In addition, a 2004 study by the Jump$tart Coalition for Personal Financial Literacy found an increase since 1997 in high school seniors' scores on an exam about credit cards, retirement funds, insurance, and other personal finance basics. While progress needs to be recognized, much more needs to be done. Although the NCEE survey found that more States have standards in place, only 26 States measure progress in economic education and 9 States in personal finance education through testing. And for the Jump$tart study, 65 percent of students still earned failing grades. These figures do not bode well for the first National Assessment of Educational Progress in economics, which will have several questions based in personal finance and will be conducted in 2006.

There are other signs that we can do even more in economic and financial literacy. Credit is readily and abundantly available in the form of many different products with a multitude of features. Marketing campaigns by financial institutions, finance companies, and other credit extending businesses are aggressively pursuing consumers and marketing available credit as the answer to instant gratification, to take that dream vacation, to buy that plasma television, or satisfy some other indulgence, without fully understanding the financial ramifications of their actions. These successful marketing initiatives have led to unprecedented levels of borrowing. In addition, marketing campaigns are in place to promote the use of credit cards for small ticket, everyday items. Last year, Americans charged more than $35 billion in purchases of less than $10, up from $23.7 billion in 2003. Credit or debit card sales of transactions of $5 or less grew from $10.8 billion in 2003 to $13.5 billion in 2004. According to the Federal Reserve, consumer debt levels have more than doubled in the last 10 years. A U.S. Public Interest Research Group and Consumer Federation of America analysis of Federal Reserve data indicates that the average household with debt carries approximately $10,000 to $12,000 in total revolving debt. Debt payments eat up more and more disposable income, while certain members of the financial industry encourage the use of more and more debt. Through financial literacy efforts, consumers are becoming aware of the pitfalls associated with excessive leverage and enter into debt relationships understanding the impact of additional debt on their current and future financial position. However, we must do more to enhance our efforts in this area.

Current statistics confirm that consumer debt remains more popular than ever. The present level of consumer debt, coupled with the lack of consumer savings, is indicative of the need to continue to support financial literacy in this country in an effort to get people to better understand the ramifications of their financial decisions. Part of the problem is that many people do not understand fully how consumer debt can overtake them. According to the Federal Reserve, as of year end 2004, there was over $2.1 trillion in consumer credit and $10.1 trillion in mortgage debt outstanding. Consumer credit increased 4.5 percent from its 2003 level. Of the total outstanding consumer debt, approximately $791 billion is revolving debt. Meanwhile, consumers paid out $24 billion in credit card fees last year, an 18 percent increase from 2003.

Compounding the debt pressures consumers are facing is the fact that they have cashed out an estimated $480 billion in home equity during the refinancing boom of 2001–2004. According to Freddie Mac, in hard-dollar terms, American homeowners converted $41 billion in real estate equity into spendable cash in the third quarter of 2004 alone. According to the Federal Reserve, as of June 30, 2004, Americans owed $766.2 billion on home equity loans and lines of credit, more than twice as much as in 1998. Lenders have reduced settlement fees and streamlined the closing process for loans dramatically, increasing the consumer friendliness and speed at which loans are originated. The days of using your home as a nest egg for life changing events, such as job loss, medical emergencies or divorce, are over. The home has become a catch all financing option, while increasing individual consumers' debt burdens. Meanwhile, consumer savings is at one of the lowest levels in history, 0.2 percent.

The combination of increasing debt burdens and marginal savings in America has created a catalyst for bankruptcy. Through November 2004, nearly 1.9 million individuals filed for bankruptcy in the U.S., modestly below last year's record level, but at a level that continues to merit concern. In considering that statistic, it is important to remember that this number consists of affected individuals. When you add in non-filing spouses and children, the number of people impacted by bankruptcy can more than double. In reviewing these numbers, I believe it is readily apparent that increased financial literacy is needed to offset unchecked consumer exuberance and aggressive marketing practices.

Beyond the statistics I just quoted, financial illiteracy is creating roadblocks to achieving part of the American dream, home ownership. Fannie Mae's 2003 National Housing Survey found that a significant roadblock to home ownership is lacking accurate information about the homebuying process. For the unhoused to become housed, a banking or financial relationship is part of the process. However, for the nation as a whole, approximately 10 percent of individual households remain "unbanked." The unbanked are those who forego a relationship with a financial institution. By not participating in the financial mainstream, the unbanked miss out on the convenience, security, efficiency, and wealth-building opportunities that financial institutions offer. I think we can all agree that wealth-building and saving for the future are vital to the future economic success of the U.S. Extending financial literacy initiatives to all, from the unbanked, to students, to debt-burdened adults, is in all of our best interests.

We must be committed to providing people of all ages with the financial skills and insight to help them achieve financial independence and to make good choices when spending money and taking on additional debt. Prevention remains key, and education lies at the heart of prevention. I think my colleagues would agree that as society moves more and more toward an "ownership society" with the advent of health savings accounts and private accounts as currently proposed in the President's Social Security reform plan, the need for improving the financial literacy of this country is now, and the delivery and content of these literacy and economic programs needs to broaden and expand to all Americans, no matter the age.

I encourage my colleagues in the Senate to join me in commemorating efforts to forward financial and economic literacy in this country by recognizing April 2005 as Financial Literacy Month. But more than that, I hope that each of my colleagues becomes a champion of economic and financial literacy education so that all citizens in this country are prepared to contribute and participate in our evolving asset ownership society. I once again thank my colleagues from both sides of the aisle for cosponsoring this resolution, and I urge the support of our other colleagues as well.

SENATE RESOLUTION 87—EXPRESSING THE SENSE OF THE SENATE REGARDING THE RESUMPTION OF BEEF EXPORTS TO JAPAN

Mr. THUNE (for himself, Mr. CRAIG, Mr. INHOFE, Mr. BOND, Mr. DOMENICI, Mr. TALENT, Mr. CRAPO, Mr. BUNNING, Mr. JOHNSON, and Mr. ROBERTS) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 87

Whereas the livestock industry in the United States, including farmers, ranchers, processors, and retailers, is a vital component of rural communities and the entire United States economy;

Whereas United States producers take pride in delivering an abundant and safe food supply to our Nation and to the world;

Whereas Japan has prohibited imports of beef from the United States since December 2003, when a single case of Bovine Spongiform Encephalopathy (BSE) was found in a Canadian-born animal in Washington State;

Whereas the United States agriculture industry as a whole has been negatively affected by the Japanese ban and the loss of a $1,700,000,000 export market to Japan;

Whereas the United States has undertaken a rigorous and thorough surveillance program and has exceeded internationally recognized standards of the World Organization for Animal Health (OIE) for BSE testing and has implemented safeguards to protect human and animal health;

Whereas Japan is a member of the OIE and has agreed to such standards;

Whereas the Agreement on the Application of Sanitary and Phytosanitary Measures of the World Trade Organization (WTO) calls for WTO members to apply sanitary and phytosanitary measures only to the extent necessary to protect human, animal, and plant health, based on scientific principles;

Whereas the United States and Japan concluded an understanding on October 23, 2004, that established a process that would lead to the resumption of imports of beef from the United States, yet such imports have not resumed;

Whereas despite the best efforts of officials within the United States Department of State, the United States Department of Agriculture, and the Office of the United States Trade Representative, the Government of Japan continues to delay imports of beef from the United States on the basis of factors not grounded in sound science and consumer safety;

Whereas the Agreement on the Application of Sanitary and Phytosanitary Measures does not provide to WTO members the right to discriminate and restrict trade arbitrarily; and

Whereas Japan has been provided a reasonable timeframe to establish appropriate trade requirements and resume beef trade with the United States, and the Government of Japan is putting a long and profound bilateral trading history at risk: Now, therefore, be it

Resolved, That it is the sense of the Senate that if the Government of Japan continues to delay meeting its obligations to resume beef imports from the United States under the understanding reached with the United States on October 23, 2004, the United States Trade Representative should immediately impose retaliatory economic measures against Japan.

SENATE RESOLUTION 88—DESIGNATING APRIL 2005 AS "FINANCIAL LITERACY MONTH"

Mr. AKAKA (for himself, Mr. SARBANES, Mr. CORZINE, Mr. BAUCUS, Mr. COCHRAN, Mr. CRAPO, Mr. DODD, Mr. DURBIN, Mr. INOUYE, Mr. JOHNSON, Mr. KENNEDY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mrs. LINCOLN, Mrs. MURRAY, Mr. PRYOR, Mr. SANTORUM, Mr. SCHUMER, Ms. STABENOW, and Mr. THOMAS) submitted the following resolution; which was considered and agreed to:

S. RES. 88

Whereas at the end of 2004, Americans carried 657,000,000 bank credit cards, 228,000,000 debit cards, and 550,000,000 retail credit cards;

Whereas based on the number of total United States households, there are now 6.3 bank credit cards, 2.2 debit cards, and 6.4 retail credit cards per household;

Whereas Americans consumer credit debt continues to increase, and has reached a level of in excess of $2,100,000,000,000 as of year end 2004, of which $791,000,000,000 is revolving consumer credit;

Whereas a United States Public Interest Research Group and Consumer Federation of America analysis of Federal Reserve data indicates that the average household with debt carries approximately $10,000 to $12,000 in total revolving debt;

Whereas Americans owe $766,200,000,000 on home equity loans and lines of credit, more than twice as much as in 1998;

Whereas Americans converted $41,000,000,000 in real estate equity into spendable cash in the third quarter of 2004 alone;

Whereas the current level of personal savings as a percentage of personal income is at one of the lowest levels in history, 2 percent, a decline from 7.5 percent in the early 1980s;

Whereas through November 2004, 1,869,343 individuals filed for bankruptcy;

Whereas a 2002 Retirement Confidence Survey found that only 32 percent of workers surveyed have calculated how much money they will need to save for retirement;

Whereas only 30 percent of those surveyed in a 2003 Employee Benefit Trend Study are confident in their ability to make the right financial decisions for themselves and their families, and 25 percent have done no specific financial planning;

Whereas approximately 10 percent of individual households remain unbanked, i.e., not using mainstream, insured financial institutions;

Whereas expanding access to the mainstream financial system provides individuals with lower cost, safer options for managing their finances and building wealth;

Whereas a greater understanding and familiarity with financial markets and institutions will lead to increased economic activity and growth;

Whereas financial literacy empowers individuals to make wise financial decisions and reduces the confusion of an increasingly complex economy;

Whereas the Spring 2004 Student Monitor Financial Services Survey found that 46 percent of college students have a general purpose credit card in their own name and 37 percent carry over a credit card balance from month to month;

Whereas 45 percent of college students are in credit card debt, with the average debt being $3,066;

Whereas only 26 percent of 13- to 21-year-olds reported that their parents actively taught them how to manage money;

Whereas a 2004 study by the Jump$tart Coalition for Personal Financial Literacy found an increase in high school seniors' scores on an exam about credit cards, retirement funds, insurance, and other personal finance basics for the first time since 1997; however, 65 percent of students still failed the exam;

Whereas a 2004 survey of States by the National Council on Economic Education found that 49 States include economics, and 38 States include personal finance, in their elementary and secondary education standards, up from 48 States and 31 States, respectively, in 2002;

Whereas personal financial management skills and life-long habits develop during childhood;

Whereas personal financial education is essential to ensure that individuals are prepared to manage money, credit, and debt, and become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens; and

Whereas Congress found it important enough to ensure coordination of Federal financial literacy efforts and formulate a national strategy that it established the Financial Literacy and Education Commission in 2003 and designated the Office of Financial Education of the Department of the Treasury to provide support for the Commission: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2005 as "Financial Literacy Month" to raise public awareness about the importance of financial education in the United States and the serious consequences that may be associated with a lack of understanding about personal finances; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the people of the United States to observe the month with appropriate programs and activities.

SENATE RESOLUTION 89—CONGRATULATING THE MONTANA FFA ON ITS 75TH ANNIVERSARY AND CELEBRATING THE ACHIEVEMENTS OF MONTANA FFA MEMBERS

Mr. BURNS (for himself and Mr. BAUCUS) submitted the following resolution; which was considered and agreed to:

S. RES. 89

Whereas in 2005, the Montana FFA, chartered in 1930, celebrates its 75th anniversary as a premier student development organization where members gain life and leadership skills;

Whereas more than 40,000 Montanans have been FFA members;

Whereas Montana FFA alumni provide outstanding leadership to agriculture and agribusiness at the local, State, and Federal levels;

Whereas the Montana FFA Association is the largest career and technical student organization in the State, with over 2,550 members from 75 chapters;

Whereas the mission of the FFA is to make a positive difference in the lives of students by developing their potential for premier leadership, personal growth, and career success through agriculture education;

Whereas FFA is an integral component of agriculture education in the public school system; and

Whereas the National FFA Organization is a federally-chartered organization:

Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Montana FFA on its 75th anniversary; and

(2) directs the Secretary of the Senate to transmit to the Montana FFA an enrolled copy of this resolution for appropriate display.

SENATE RESOLUTION 90—DESIGNATING THE WEEK OF MAY 1, 2005, AS "HOLOCAUST COMMEMORATION WEEK"

Mr. LUGAR (for himself, Mr. BAYH, Mr. CORZINE, and Mrs. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 90

Whereas the year 2005 marks the 60th anniversary of the end of the Holocaust, which was ruthlessly and tragically carried out by Nazi Germany under the leadership of Adolf Hitler and his collaborators;

Whereas the Holocaust involved the murder of millions of innocent Jewish men, women, and children along with millions of others, and an enormity of suffering inflicted on the many survivors through mistreatment, brutalization, violence, torture, slave labor, involuntary medical experimentation, death marches, and numerous other acts of cruelty that have come to be known as "genocide" and "crimes against humanity"; and

Whereas in the past 60 years, the Holocaust has provided the peoples of the world with an object lesson in the importance of compassion, caring, and kindness; an awareness of the dangers inherent in bigotry, racism, intolerance, and prejudice; and an understanding of the importance of an appreciation of the sensitivity to diversity: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of May 1, 2005, as "Holocaust Commemoration Week";

(2) commemorates the occasion of the 60th anniversary of the end of World War II and the liberation of the concentration camps; and

(3) encourages all Americans to commemorate the occasion through reflection, acts of compassionate caring, and learning about the terrible consequences and lessons of the Holocaust.

SENATE RESOLUTION 91—URGING THE EUROPEAN UNION TO MAINTAIN ITS ARMS EXPORT EMBARGO ON THE PEOPLE'S REPUBLIC OF CHINA

Mr. SMITH (for himself, Mr. BIDEN, Mr. BROWNBACK, Mr. KYL, Mr. CHAMBLISS, Mr. ENSIGN, Mrs. DOLE, Mr. DEWINE, Mr. LIEBERMAN, and Mr. ALLEN) submitted the following resolution; which was considered and agreed to:

S. RES. 91

Whereas, on June 4, 1989, the Communist Government of the People's Republic of China ordered the People's Liberation Army to carry out an unprovoked, brutal assault on thousands of peaceful and unarmed demonstrators in Tiananmen Square, resulting in hundreds of deaths and thousands of injuries;

Whereas, on June 5, 1989, President George H.W. Bush condemned these actions of the Government of the People's Republic of China, and the United States took several concrete steps to respond to the military assault, including suspending all exports of items on the United States Munitions List to the People's Republic of China;

Whereas, on June 27, 1989, the European Union (then called the European Community) imposed an arms embargo on the People's Republic of China in response to the Government of China's brutal repression of protestors calling for democratic and political reform;

Whereas the European Council, in adopting that embargo, "strongly condemn[ed] the brutal repression taking place in China" and "solemnly request[ed] the Chinese authorities to put an end to the repressive actions against those who legitimately claim their democratic rights";

Whereas the poor human rights conditions that precipitated the decisions of the United States and the European Union to impose and maintain their respective embargoes have not improved;

Whereas the Department of State 2004 Country Reports on Human Rights Practices states that, during 2004, "[t]he [Chinese] Government's human rights record remained poor, and the Government continued to commit numerous and serious abuses";

Whereas, according to the same Department of State report, credible sources estimated that hundreds of persons remained in prison in the People's Republic of China for their activities during the June 1989 Tiananmen demonstrations;

Whereas the Government of the People's Republic of China continues to maintain that its crackdown on democracy activists in Tiananmen Square was warranted and remains unapologetic for its brutal actions, as demonstrated by that Government's handling of the recent death of former Premier and Communist Party General Secretary, Zhao Ziyang, who had been under house arrest for 15 years because of his objection to the 1989 Tiananmen crackdown;

Whereas, since December 2003, the European Parliament, the legislative arm of the European Union, has rejected in five separate resolutions the lifting of the European Union arms embargo on the People's Republic of China because of continuing human rights concerns in China;

Whereas the February 24, 2005, resolution passed by the European Parliament stated that the Parliament "believes that unless and until there is a significant improvement in the human rights situation in China, it would be wrong for the EU to envisage any lifting [of] its embargo on arms sales to China, imposed in 1989" and that it "requests that the Commission formally oppose such a move when it is discussed in the [European] Council";

Whereas the governments of a number of European Union member states have individually expressed concern about lifting the European Union arms embargo on the People's Republic of China, and several have passed resolutions of opposition in their national parliaments;

Whereas the European Union Code of Conduct on Arms Exports, as a non-binding set of principles, is insufficient to control European arms exports to the People's Republic of China;

Whereas public statements by some major defense firms in Europe and other indicators suggest that such firms intend to increase military sales to the People's Republic of China if the European Union lifts its arms embargo on that country;

Whereas the Department of Defense fiscal year 2004 Annual Report on the Military Power of the People's Republic of China found that "[e]fforts underway to lift the European Union (EU) embargo on China will provide additional opportunities to acquire specific technologies from Western suppliers";

Whereas the same Department of Defense report noted that the military modernization and build-up of the People's Republic of China is aimed at increasing the options of the Government of the People's Republic of China to intimidate or attack democratic Taiwan, as well as preventing or disrupting third-party intervention, namely by the United States, in a cross-strait military crisis;

Whereas the June 2004, report to Congress of the congressionally-mandated, bipartisan United States-China Economic and Security Review Commission concluded that "there has been a dramatic change in the military balance between China and Taiwan," and that "[i]n the past few years, China has increasingly developed a quantitative and qualitative advantage over Taiwan";

Whereas the Taiwan Relations Act (22 U.S.C. 3301 et seq.) codifies in United States law the basis for continued relations between the United States and Taiwan, affirmed that the decision of the United States to establish diplomatic relations with the People's Republic of China was based on the expectation that the future of Taiwan would be determined by peaceful means;

Whereas the balance of power in the Taiwan Straits and, specifically, the military capabilities of the People's Republic of China, directly affect peace and security in the East Asia and Pacific region;

Whereas the Foreign Minister of Japan, Nobutaka Machimura, recently stated that Japan is opposed to the European Union lifting its embargo against the People's Republic of China and that "[i]t is extremely worrying as this issue concerns peace and security environments not only in Japan but also in East Asia as a whole";

Whereas the United States has numerous security interests in the East Asia and Pacific region, and the United States Armed Forces, which are deployed throughout the region, would be adversely affected by any Chinese military aggression;

Whereas the lifting of the European Union arms embargo on the People's Republic of China would increase the risk that United States troops could face military equipment and technology of Western or United States origin in a cross-strait military conflict;

Whereas this risk would necessitate a reevaluation by the United States Government of procedures for licensing arms and dual-use exports to member states of the European Union in order to attempt to prevent the reexport or retransfer of United States exports from such countries to the People's Republic of China;

Whereas the report of the United States-China Economic and Security Review Commission on the Symposia on Transatlantic Perspectives on Economic and Security Relations with China, held in Brussels, Belgium and Prague, Czech Republic from November 29, 2004, through December 3, 2004, recommended that the United States Government continue to press the European Union to maintain the arms embargo on the People's Republic of China and strengthen its arms export control system, as well as place limitations on United States public and private sector defense cooperation with foreign firms that sell sensitive military technology to China;

Whereas the lax export control practices of the People's Republic of China and the continuing proliferation of technology related to weapons of mass destruction and ballistic missiles by state-sponsored entities in China remain a serious concern of the Government of the United States;

Whereas the People's Republic of China remains a primary supplier of weapons to countries such as Burma and Sudan where, according to the United States Commission on International Religious Freedom, the military has played a key role in the oppression of religious and ethnic minorities;

Whereas the most recent Central Intelligence Agency Unclassified Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions, 1 July Through 31 December 2003, found that "Chinese entities continued to work with Pakistan and Iran on ballistic missile-related projects during the second half of 2003," and that "[d]uring 2003, China remained a primary supplier of advanced conventional weapons to Pakistan, Sudan, and Iran";

Whereas, as recently as December 27, 2004, the Government of the United States determined that seven entities or persons in the People's Republic of China, including several state-owned companies involved in China's military-industrial complex, are subject to sanctions under the Iran Nonproliferation Act of 2000 (Public Law 106–178; 50 U.S.C. 1701 note) for sales to Iran of prohibited equipment or technology;

Whereas the authority under the Iran Nonproliferation Act of 2000 to impose sanctions on Chinese persons or entities was used 23 times in 2004; and

Whereas the assistance provided by these entities to Iran works directly counter to the efforts of the United States Government and several European governments to curb illicit weapons activities in Iran: Now, therefore, be it

Resolved, That the Senate—

(1) strongly supports the United States embargo on the People's Republic of China;

(2) strongly urges the European Union to continue its ban on all arms exports to the People's Republic of China;

(3) requests that the President raise United States objections to the potential lifting of the European Union arms embargo against the People's Republic of China in any upcoming meetings with European officials;

(4) encourages the Government of the United States to make clear in discussions with representatives of the national governments of European Union member states that a lifting of the European Union embargo on arms sales to the People's Republic of China would potentially adversely affect transatlantic defense cooperation, including future transfers of United States military technology, services, and equipment to European Union countries;

(5) urges the European Union—

(A) to strengthen, enforce, and maintain its arms embargo on the People's Republic of China and in its Code of Conduct on Arms Exports;

(B) to make its Code of Conduct on Arms Exports legally binding and enforceable in all European Union member states;

(C) to more carefully regulate and monitor the end-use of exports of sensitive military and dual-use technology; and

(D) to increase transparency in its arms and dual-use export control regimes;

(6) deplores the ongoing human rights abuses in the People's Republic of China; and

(7) urges the United States Government and the European Union to cooperatively develop a common strategy to seek—

(A) improvement in the human rights conditions in the People's Republic of China;

(B) an end to the military build-up of the People's Republic of China aimed at Taiwan;

(C) a permanent and verifiable end to the ongoing proliferation by state and non-state owned entities and individuals in the People's Republic of China of munitions, materials, and military equipment and the trade in such items involving countries, such as Burma and Sudan, whose armies have played a role in the perpetration of violations of human rights and of humanitarian law against members of ethnic and religious minorities;

(D) improvement in the administration and enforcement of export controls in the People's Republic of China; and

(E) an end to the ongoing proliferation by state and non-state owned entities and individuals in the People's Republic of China of technology related to conventional weapons, weapons of mass destruction, and ballistic missiles.

SENATE CONCURRENT RESOLUTION 20—EXPRESSING THE NEED FOR ENHANCED PUBLIC AWARENESS OF TRAUMATIC BRAIN INJURY AND SUPPORT FOR THE DESIGNATION OF A NATIONAL BRAIN INJURY AWARENESS MONTH

Mr. COCHRAN (for himself and Mr. LAUTENBERG) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. Con. Res. 20

Whereas traumatic brain injury is a leading cause of death and disability among children and young adults in the United States;

Whereas at least 1,400,000 people in the United States sustain a traumatic brain injury each year;

Whereas each year, more than 80,000 people in the United States sustain permanent lifelong disabilities from a traumatic brain injury, that can include the serious physical, cognitive, and emotional impairments;

Whereas every 21 seconds, a person in the United States sustains a traumatic brain injury;

Whereas at least 5,300,000 people in the United States currently live with permanent disabilities resulting from a traumatic brain injury;

Whereas most cases of traumatic brain injury are preventable;

Whereas traumatic brain injuries cost the Nation $56,300,000,000 annually;

Whereas the lack of public awareness is so vast that traumatic brain injury is known in the disability community as the Nation's "silent epidemic";

Whereas the designation of a National Brain Injury Awareness Month will work toward enhancing public awareness of traumatic brain injury; and

Whereas the Brain Injury Association of America has recognized March as Brain Injury Awareness Month: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the life-altering impact traumatic brain injury may have both on people living with the resultant disabilities and on their families;

(2) recognizes the need for enhanced public awareness of traumatic brain injury;

(3) supports the designation of an appropriate month as National Brain Injury Awareness Month; and

(4) encourages the people of the United States to observe National Brain Injury Awareness Month with appropriate programs and activities.

SENATE CONCURRENT RESOLUTION 21—EXPRESSING THE GRAVE CONCERN OF CONGRESS REGARDING THE RECENT PASSAGE OF THE ANTI-SECESSION LAW BY THE NATIONAL PEOPLE'S CONGRESS OF THE PEOPLE'S REPUBLIC OF CHINA

Mr. ALLEN submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. Con. Res. 21

Whereas on December 9, 2003, President George W. Bush stated it is the policy of the United States to 'oppose any unilateral decision, by either China or Taiwan, to change the status quo';

Whereas in the past few years, the Government of the United States has urged both Taiwan and the People's Republic of China to maintain restraint;

Whereas the National People's Congress of People's Republic of China passed its anti-secession law on March 14, 2005, which constitutes a unilateral change to the status quo in the Taiwan Strait;

Whereas the passage of China's anti-secession law escalates tensions between Taiwan and the People's Republic of China and is an impediment to cross-strait dialogue;

Whereas the purpose of China's anti-secession law is to create a legal framework for possible use of force against Taiwan and mandates Chinese military action under certain circumstances, including when 'possibilities for a peaceful reunification should be completely exhausted';

Whereas the Department of Defense's Report on the Military Power of the People's Republic of China for Fiscal Year 2004 documents that, as of 2003, the Government of the People's Republic of China had deployed approximately 500 short-range ballistic missiles against Taiwan;

Whereas the escalating arms buildup of missiles and other offensive weapons by the People's Republic of China in areas adjacent to the Taiwan Strait is a threat to the peace and security of the Western Pacific area;

Whereas given the recent positive developments in cross-strait relations, including the Lunar New Year charter flights and new proposals for cross-strait exchanges, it is particularly unfortunate that the National People's Congress adopted this legislation;

Whereas since its enactment in 1979, the Taiwan Relations Act (22 U.S.C. 3301 et seq.), which codified in law the basis for continued commercial, cultural, and other relations between the people of the United States and the people of Taiwan, has been instrumental in maintaining peace, security, and stability in the Taiwan Strait;

Whereas section 2(b)(2) of the Taiwan Relations Act declares the 'peace and stability in the area are in the political, security, and economic interests of the United States, and are matters of international concern';

Whereas, at the time the Taiwan Relations Act was enacted into law, section 2(b)(3) of such Act made clear that the United States decision to establish diplomatic relations with the People's Republic of China rested upon the expectation that the future of Taiwan would be determined by peaceful means;

Whereas section 2(b)(4) of the Taiwan Relations Act declares it the policy of the United States to consider any effort to determine the future of Taiwan by other than peaceful means, including by boycotts or embargoes, a threat to the peace and security of the Western Pacific area and of grave concern to the United States;

Whereas section 2(b)(6) of the Taiwan Relations Act declares it the policy of the United States 'to maintain the capacity of the United States to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan'; and

Whereas any attempt to determine Taiwan's future by other than peaceful means and other than with the express consent of the people of Taiwan would be considered of grave concern to the United States: Now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That it is the sense of the Congress that—

(1) the anti-secession law of the People's Republic of China provides a legal justification for the use of force against Taiwan, altering the status quo in the region, and thus is of grave concern to the United States;

(2) the President of the United States should direct all appropriate officials of the United States Government to reflect the grave concern with which the United States views the passage of China's anti-secession law in particular, and the growing Chinese military threats to Taiwan in general, to their counterpart officials in the Government of the People's Republic of China;

(3) the Government of the United States should reaffirm its policy that the future of Taiwan should be resolved by peaceful means and with the consent of the people of Taiwan; and

(4) the Government of the United States should continue to encourage dialogue between Taiwan and the People's Republic of China.

SENATE CONCURRENT RESOLUTION 22—CONGRATULATING BODE MILLER FOR WINNING THE 2004–2005 WORLD CUP OVERALL TITLE IN ALPINE SKIING

Mr. SUNUNU (for himself and Mr. GREGG) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. Con. Res. 22

Whereas on March 12, 2005, Bode Miller became the first United States skier in 22 years to win the Alpine skiing World Cup overall title;

Whereas on the previous day Bode Miller won the World Cup super G title for the 2004–2005 season when he tied teammate Daron Rahlves for first place in the final super G race of the season;

Whereas Bode Miller won gold medals in the downhill and super G at the 2005 World Alpine Ski Championships in Bormio, Italy;

Whereas in the 2004–2005 season Bode Miller accomplished what only two other men have done in the history of the Alpine skiing World Cup by leading the overall standings from the season's start to finish;

Whereas Bode Miller finished the 2004–2005 World Cup season with seven victories and became only the second athlete to win in all four disciplines (slalom, giant slalom, super G, and downhill) in a single season;

Whereas Bode Miller was raised in Easton, New Hampshire, began skiing at age 3 at nearby Cannon Mountain, and began competing at age 11;

Whereas in 1990 Bode Miller became a competitive ski racer at Carrabassett Valley Academy in Maine at age 13 and debuted in World Cup competition in 1998, finishing 11th in his first race;

Whereas Bode Miller has skied in every World Cup race over the last three seasons;

Whereas Bode Miller's career accomplishments include the 2003–2004 World Cup giant slalom title, six World Cup victories in 2004, two gold medals and a silver medal at the 2003 World Alpine Ski Championships, two Olympic silver medals, and six U.S. National Championships gold medals; and

Whereas Bode Miller's 2004–2005 championship season helped the entire U.S. Ski Team complete its most successful season ever by finishing second in the final 2005 Nations Cup standings: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) congratulates Bode Miller for winning the 2004–2005 World Cup overall title in Alpine skiing and establishing himself as the top alpine skier in the world; and

(2) directs the Secretary of the Senate to make available an enrolled copy of this resolution to Bode Miller.

AMENDMENTS SUBMITTED AND PROPOSED

SA 225. Mr. TALENT (for himself, Mr. THUNE, Ms. STABENOW, Mr. WYDEN, Mr. JEFFORDS, Mr. BAUCUS, Mr. INHOFE, Mr. LEVIN, Mr. LIEBERMAN, Mr. WARNER, and Mr.

VOINOVICH) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

SA 226. Mr. THOMAS (for himself, Mr. CONRAD, Mr. THUNE, Mrs. MURRAY, Ms. CANTWELL, Mr. FEINGOLD, Mr. HARKIN, Mr. SALAZAR, Ms. COLLINS, and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra.

SA 227. Mr. BAYH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 228. Mr. BUNNING submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 229. Mr. GREGG (for Mr. FRIST) proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

SA 230. Mr. COLEMAN proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

SA 231. Mrs. CLINTON (for herself, Ms. COLLINS, Mr. LEVIN, Mr. SARBANES, Mrs. MURRAY, Mr. CORZINE, Mr. DODD, Ms. LANDRIEU, Mr. LAUTENBERG, Ms. MIKULSKI, Ms. CANTWELL, Mr. OBAMA, Mr. KENNEDY, Mr. JEFFORDS, Mr. KERRY, Mr. BINGAMAN, Mr. AKAKA, Mr. PRYOR, Mr. INOUYE, Mrs. LINCOLN, Ms. STABENOW, Mr. SCHUMER, Mr. HARKIN, and Mr. DURBIN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 232. Mrs. LINCOLN (for herself and Mr. KENNEDY) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 233. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 234. Mr. BAUCUS (for himself, Mr. CONRAD, and Ms. STABENOW) proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

SA 235. Mr. COLEMAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 236. Mr. DURBIN (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 237. Mr. LEAHY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra.

SA 238. Mr. LEVIN (for himself, Mr. DEWINE, Ms. STABENOW, Mr. LIEBERMAN, Mr. BINGAMAN, and Mr. KERRY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra.

SA 239. Mr. BIDEN (for himself, Mr. DORGAN, Mr. LEAHY, Mr. KENNEDY, Mr. SCHUMER, Mr. KOHL Mr. SALAZAR, Mrs. CLINTON, Mr. KERRY, Mr. NELSON of Florida, Mr. FEINGOLD, Mr. CARPER, Mr. DURBIN, Mr. SARBANES, Mr. REED, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. PRYOR, Mr. LEVIN, Mr. BYRD, Mr. CORZINE, Ms. MIKULSKI, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra.

SA 240. Mr. BYRD (for himself and Mr. BAUCUS) proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

SA 241. Mr. BUNNING proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

SA 242. Mr. SMITH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 243. Mr. CONRAD proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

SA 244. Mr. REID (for Mrs. CLINTON (for herself, Mr. REID, Mr. KERRY, Mr. CORZINE, Mrs. MURRAY, Mr. LAUTENBERG, and Mrs. FEINSTEIN)) proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

SA 245. Mr. REED (for himself, Mr. KENNEDY, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 246. Mr. REED (for himself, Mr. KENNEDY, Mr. FEINGOLD, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 247. Mr. REED (for himself, Mr. SARBANES, Mr. LEAHY, Mr. SCHUMER, Mr. KENNEDY, Ms. STABENOW, Mrs. CLINTON, Mr. DURBIN, Mrs. MURRAY, Mr. CORZINE, Mr. DODD, and Mr. KERRY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 248. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 249. Mr. KERRY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 250. Mr. CORZINE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 251. Mr. CORZINE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 252. Mr. PRYOR (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra.

SA 253. Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. LEAHY, Mr. BINGAMAN, Mrs. MURRAY, Mr. TALENT, Mr. SMITH, and Mr. DEWINE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra.

SA 254. Mr. SALAZAR (for himself, Mr. ENSIGN, Mr. ALLARD, Mr. BINGAMAN, Mr. CRAIG, and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra.

SA 255. Mr. SALAZAR (for himself, Ms. COLLINS, Mr. DORGAN, Mr. OBAMA, Mr. CONRAD, Mrs. MURRAY, Mr. JEFFORDS, Ms. CANTWELL, Mr. LEVIN, Mr. KENNEDY, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 256. Mr. CHAFEE (for himself, Mr. SARBANES, Mr. VOINOVICH, Mr. INHOFE, Mr. JEFFORDS, Mrs. CLINTON, Mr. LAUTENBERG, Mr. LEAHY, Mr. REED, Mr. LEVIN, Mr. KENNEDY, Ms. SNOWE, Mr. DEWINE, Mr. LIEBERMAN, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 257. Mrs. BOXER submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 18, supra.

SA 258. Mr. FEINGOLD (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra.

SA 259. Mrs. BOXER proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

SA 260. Mr. SMITH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 261. Mr. CHAFEE (for himself, Mr. SARBANES, Mr. VOINOVICH, Mr. INHOFE, Mr. JEFFORDS, Mrs. CLINTON, Mr. LAUTENBERG, Mr. LEAHY, Mr. REED, Mr. LEVIN, and Mr. KENNEDY) proposed an amendment to the concurrent resolution S. Con. Res. 18, supra.

SA 262. Mr. GREGG (for Mr. GRASSLEY) submitted an amendment intended to be proposed by Mr. Gregg to the concurrent resolution S. Con. Res. 18, supra.

SA 263. Mr. GRASSLEY (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, supra; which was ordered to lie on the table.

SA 264. Mr. FRIST proposed an amendment to the resolution S. Res. 43, designating the first day of April 2005 as "National Asbestos Awareness Day".

TEXT OF AMENDMENTS

SA 225. Mr. TALENT (for himself, Mr. THUNE, Ms. STABENOW, Mr. WYDEN, Mr. JEFFORDS, Mr. BAUCUS, Mr. INHOFE, Mr. LEVIN, Mr. LIEBERMAN, Mr. WARNER, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 39, lines 8 and 9 strike "net new user-fee receipts related to the purposes of" and insert "receipts to".

SA 226. Mr. THOMAS (for himself, Mr. CONRAD, Mr. THUNE, Mrs. MURRAY, Ms. CANTWELL, Mr. FEINGOLD, Mr. HARKIN, Mr. SALAZAR, Ms. COLLINS, and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 18, line 16, increase the amount by $100,000,000.

On page 18, line 17, increase the amount by $100,000,000.

On page 24, line 16, decrease the amount by $100,000,000.

On page 24, line 17, decrease the amount by $100,000,000.

SA 227. Mr. BAYH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 56, after line 13 insert the following:

SEC. . POINT OF ORDER REQUIRING BUDGETING FOR EMERGENCY SPENDING.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider a concurrent resolution on the budget that does not include—

(1) a major functional category entitled "Emergencies";

(2) in the major functional category entitled "Emergencies", budget authority for each year covered by that resolution that is equal to the average annual amounts of budget authority appropriated for declared emergencies in the past 10 completed fiscal years and outlays for each year covered by that resolution equal to the outlays expended for declared emergencies in the past 10 completed fiscal years; and

(3) a provision that the budget authority and outlays included in the major functional category entitled "Emergencies" shall not be included in the amounts allocated to the committees on appropriations pursuant to section 302(a) of the Congressional Budget and Impoundment Control Act of 1974, but shall be included in the appropriate recommended levels and amounts in that resolution.

(b) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 228. Mr. BUNNING submitted an amendment intended to be proposed by him to be concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 3, line 9, decrease the amount by $0.

On page 3, line 10, decrease the amount by $4,800,000,000.

On page 3, line 11, decrease the amount by $12,500,000,000.

On page 3, line 12, decrease the amount by $14,000,000,000.

On page 3, line 13, decrease the amount by $15,600,000,000.

On page 3, line 14, decrease the amount by $17,000,000,000.

On page 3, line 18, decrease the amount by $0.

On page 3, line 19, decrease the amount by $4,800,000,000.

On page 3, line 20, decrease the amount by $12,500,000,000.

On page 3, line 21, decrease the amount by $14,000,000,000.

On page 4, line 1, decrease the amount by $15,600,000,000.

On page 4, line 2, decrease the amount by $17,000,000,000.

On page 4, line 23, decrease the amount by $0.

On page 4, line 24, decrease the amount by $4,800,000,000.

On page 4, line 25, decrease the amount by $12,500,000,000.

On page 5, line 1, decrease the amount by $14,000,000,000.

On page 5, line 2, decrease the amount by $15,600,000,000.

On page 5, line 3, decrease the amount by $17,000,000,000.

On page 5, line 6, increase the amount by $0.

On page 5, line 7, increase the amount by $4,800,000,000.

On page 5, line 8, increase the amount by $17,300,000,000.

On page 5, line 9, increase the amount by $31,300,000,000.

On page 5, line 10, increase the amount by $46,900,000,000.

On page 5, line 11, increase the amount by $70,923,000,000.

On page 5, line 14, increase the amount by $0.

On page 5, line 15, increase the amount by $4,800,000,000.

On page 5, line 16, increase the amount by $17,300,000,000.

On page 5, line 17, increase the amount by $31,300,000,000.

On page 5, line 18, increase the amount by $46,900,000,000.

On page 5, line 19, increase the amount by $70,923,000,000.

On page 30, line 16, increase the amount by $4,800,000,000.

On page 30, line 17, increase the amount by $63,900,000,000.

SA 229. Mr. GREGG (for Mr. FRIST) submitted an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

Beginning on page 58, strike line 11 and all that follows through page 61, line 24, and insert the following:

SEC. 504. SENSE OF THE SENATE REGARDING MEDICAID RECONCILIATION LEGISLATION CONSISTENT WITH RECOMMENDATIONS FROM THE SECRETARY OF HEALTH AND HUMAN SERVICES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Medicaid program provides essential health care and long-term care services to more than 50,000,000 low-income children, pregnant women, parents, individuals with disabilities, and senior citizens. It is a Federal guarantee that ensures the most vulnerable will have access to needed medical services.

(2) The Medicaid program will spend $189,000,000,000 in fiscal year 2006.

(3) During the period from fiscal year 2006 through fiscal year 2010, the Medicaid program will spend $1,100,000,000,000.

(4) Over the same period, spending for the Medicaid program will increase by 40 percent.

(5) Medicaid provides critical access to long-term care and other services for the elderly and individuals living with disabilities, and is the single largest provider of long-term care services. Medicaid also pays for personal care and other supportive services that are typically not provided by private health insurance or Medicare, but are necessary to enable individuals with spinal cord injuries, developmental disabilities, neurological degenerative diseases, serious and persistent mental illnesses, HIV/AIDS, and other chronic conditions to remain in the community, to work, and to maintain independence.

(6) Medicaid supplements the Medicare program for more than 6,000,000 low-income elderly or disabled Medicare beneficiaries, assisting them with their Medicare premiums and co-insurance, wrap-around benefits, and the costs of nursing home care that Medicare does not cover. The Medicaid program spent nearly $40,000,000,000 on uncovered Medicare services in 2002.

(7) This resolution assumes $163,000,000 in spending to extend Medicare cost-sharing under the Medicaid program for the Medicare part B premium for qualifying individuals through 2006.

(8) Medicaid provides health insurance for more than ¼ of America's children and is the largest purchaser of maternity care, paying for more than ⅓ of all the births in the United States each year. Medicaid also provides critical access to care for children with disabilities, covering more than 70 percent of poor children with disabilities.

(9) More than 16,000,000 women depend on Medicaid for their health care. Women comprise the majority of seniors (71 percent) on Medicaid. Half of nonelderly women with permanent mental or physical disabilities have health coverage through Medicaid. Medicaid provides treatment for low-income women diagnosed with breast or cervical cancer in every State.

(10) Medicaid is the Nation's largest source of payment for mental health services, HIV/AIDS care, and care for children with special needs. Much of this care is either not covered by private insurance or limited in scope or duration. Medicaid is also a critical source of funding for health care for children in foster care and for health services in schools.

(11) Medicaid funds help ensure access to care for all Americans. Medicaid is the single largest source of revenue for the Nation's safety net hospitals, health centers, and nursing homes, and is critical to the ability of these providers to adequately serve all Americans.

(12) Medicaid serves a major role in ensuring that the number of Americans without health insurance, approximately 45,000,000 in 2003, is not substantially higher. The system of Federal matching for State Medicaid expenditures ensures that Federal funds will grow as State spending increases in response to unmet needs, enabling Medicaid to help buffer the drop in private coverage during recessions. More than 4,800,000 Americans lost employer-sponsored coverage between 2000 and 2003, during which time Medicaid enrolled an additional 8,400,000 Americans.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Committee on Finance shall not report a reconciliation bill that achieves spending reductions that would—

(A) undermine the role the Medicaid program plays as a critical component of the health care system of the United States;

(B) cap Federal Medicaid spending, or otherwise shift Medicaid cost burdens to State or local governments and their taxpayers and health providers, forcing a reduction in access to essential health services for low-income elderly individuals, individuals with disabilities, and children and families; or

(C) undermine the Federal guarantee of health insurance coverage Medicaid provides, which would threaten not only the health care safety net of the United States, but the entire health care system;

(2) the Secretary of Health and Human Services, working with bipartisan, geographically diverse members of the National Governors Association and in consultation with key stakeholders, shall make recommendations for changes to the Medicaid

program that reflect the principles specified in paragraph (3); and

(3) the Committee on Finance, consistent with such recommendations, shall report a reconciliation bill that—

(A) allows any Medicaid savings to be shared by the Federal and State governments;

(B) would emphasize State flexibility through voluntary options for States; and

(C) would not cause Medicaid recipients to lose coverage.

SA 230. Mr. COLEMAN proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 16, line 15, increase the amount by $1,454,000,000.

On page 16, line 16, increase the amount by $29,080,000.

On page 16, line 20, increase the amount by $465,280,000.

On page 16, line 24, increase the amount by $610,680,000.

On page 17, line 3, increase the amount by $203,560,000.

On page 17, line 7, increase the amount by $72,700,000.

On page 17, line 16, increase the amount by $619,000,000.

On page 17, line 17, increase the amount by $359,020,000.

On page 17, line 21, increase the amount by $241,410,000.

On page 17, line 25, increase the amount by $12,380,000.

On page 18, line 4, increase the amount by $6,190,000.

On page 26, line 14, decrease the amount by $2,073,000,000.

On page 26, line 15, decrease the amount by $388,100,000.

On page 26, line 18, decrease the amount by $706,690,000.

On page 26, line 21, decrease the amount by $623,060,000.

On page 26, line 24, decrease the amount by $209,750,000.

On page 27, line 2, decrease the amount by $72,700,000.

SA 231. Mrs. CLINTON (for herself, Ms. COLLINS, Mr. LEVIN, Mr. SARBANES, Mrs. MURRAY, Mr. CORZINE, Mr. DODD, Ms. LANDRIEU, Mr. LAUTENBERG, Ms. MIKULSKI, Ms. CANTWELL, Mr. OBAMA, Mr. KENNEDY, Mr. JEFFORDS, Mr. KERRY, Mr. BINGAMAN, Mr. AKAKA, Mr. PRYOR, Mr. INOUYE, Mrs. LINCOLN, Ms. STABENOW, Mr. SCHUMER, Mr. HARKIN, and Mr. DURBIN) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 3, line 10, increase the amount by $39,000,000.

On page 3, line 11, increase the amount by $526,000,000.

On page 3, line 12, increase the amount by $139,000,000.

On page 3, line 13, increase the amount by $70,000,000.

On page 3, line 19, increase the amount by $39,000,000.

On page 3, line 20, increase the amount by $526,000,000.

On page 3, line 21, increase the amount by $139,000,000.

On page 4, line 1, increase the amount by $70,000,000.

On page 4, line 7, increase the amount by $774,000,000.

On page 4, line 16, increase the amount by $39,000,000.

On page 4, line 17, increase the amount by $526,000,000.

On page 4, line 18, increase the amount by $139,000,000.

On page 4, line 19, increase the amount by $70,000,000.

On page 17, line 16, increase the amount by $774,000,000.

On page 17, line 17, increase the amount by $39,000,000.

On page 17, line 21, increase the amount by $526,000,000.

On page 17, line 25, increase the amount by $139,000,000.

On page 18, line 4, increase the amount by $70,000,000.

On page 30, line 16, decrease the amount by $39,000,000.

On page 30, line 17, decrease the amount by $774,000,000.

On page 48, line 6, increase the amount by $774,000,000.

On page 48, line 7, increase the amount by $39,000,000.

SA 232. Mrs. LINCOLN (for herself and Mr. KENNEDY) submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

Strike section 303 and insert the following:

SEC. 303. RESERVE FUND FOR HEALTHCARE COVERAGE FOR THE UNINSURED.

If the Committee on Health, Education, Labor, and Pensions or the Committee on Finance of the Senate reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that expands group healthcare coverage for uninsured individuals in a manner that—

(1) moves toward the goal of providing high quality healthcare coverage for every American, so that every American will have healthcare coverage at least as good as the coverage enjoyed by Members of Congress;

(2) reduces healthcare costs for working families and employers;

(3) significantly increases the number of people with high quality healthcare coverage;

(4) builds on the proven success of existing programs, such as the Children's Health Insurance Program, the medicaid program, and the medicare program; and

(5) is offset by increased revenues of not less than $60,000,000,000 derived from closing corporate tax loopholes and closing the tax gap;

the chairman of the Committee on the Budget shall revise committee allocations for the Committee on Health, Education, Labor, and Pensions or the Committee on Finance and other appropriate budgetary aggregates and allocations of new budget authority and outlays by the amount provided by that measure for that purpose, but not to exceed $60,000,000,000 in new budget authority and $60,000,000,000 in outlays for the 5-fiscal year period beginning with fiscal year 2006, regardless of whether the committee is within its 302(a) allocations.

SA 233. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 3, line 10, increase the amount by $22,000,000.

On page 3, line 11, increase the amount by $532,000,000.

On page 3, line 12, increase the amount by $148,000,000.

On page 3, line 13, increase the amount by $38,000,000.

On page 3, line 19, increase the amount by $22,000,000.

On page 3, line 20, increase the amount by $532,000,000.

On page 3, line 21, increase the amount by $148,000,000.

On page 4, line 1, increase the amount by $38,000,000.

On page 4, line 7, increase the amount by $370,000,000.

On page 4, line 16, increase the amount by $11,000,000.

On page 4, line 17, increase the amount by $266,000,000.

On page 4, line 18, increase the amount by $74,000,000.

On page 4, line 19, increase the amount by $19,000,000.

On page 4, line 24, increase the amount by $11,000,000.

On page 4, line 25, increase the amount by $266,000,000.

On page 5, line 1, increase the amount by $74,000,000.

On page 5, line 2, increase the amount by $19,000,000.

On page 5, line 7, decrease the amount by $11,000,000.

On page 5, line 8, decrease the amount by $277,000,000.

On page 5, line 9, decrease the amount by $351,000,000.

On page 5, line 10, decrease the amount by $370,000,000.

On page 5, line 11, decrease the amount by $370,000,000.

On page 5, line 15, decrease the amount by $11,000,000.

On page 5, line 16, decrease the amount by $277,000,000.

On page 5, line 17, decrease the amount by $351,000,000.

On page 5, line 18, decrease the amount by $370,000,000.

On page 5, line 19, decrease the amount by $370,000,000.

On page 17, line 16, increase the amount by $370,000,000.

On page 17, line 17, increase the amount by $11,000,000.

On page 17, line 21, increase the amount by $266,000,000.

On page 17, line 25, increase the amount by $74,000,000.

On page 18, line 4, increase the amount by $19,000,000.

On page 30, line 16, decrease the amount by $22,000,000.

On page 30, line 17, decrease the amount by $740,000,000.

On page 48, line 6, increase the amount by $370,000,000.

On page 48, line 7, increase the amount by $11,000,000.

SA 234. Mr. BAUCUS (for himself, Mr. CONRAD, and Ms. STABENOW) proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 28, strike lines 14 through 20.

SA 235. Mr. COLEMAN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table: as follows:

At the end of title V. insert the following.

SEC. . SENSE OF THE SENATE IN SUPPORT OF THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

It is the sense of the Senate that the Community Development Block Grant (CDBG) Program and related programs, including Community Services Block Grant Program, Brownfield Redevelopment, Empowerment Zones, Rural Community Advancement Program, EDA, Native American CDBG, Native Hawaiian CDBG, and Rural Housing and Economic Development by fully funded.

SA 236. Mr. DURBIN (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

At the end of title IV, insert the following:

SEC.___. POINT OF ORDER REQUIRING THAT THE AMT BE DEALT WITH BEFORE OTHER TAX CUTS FOR THE WEALTHY.

(a) POINT OF ORDER IN THE SENATE.—It shall not be in order in the Senate to consider a bill, amendment, motion, joint resolution, or conference report that would cut taxes for taxpayers with annual adjusted gross incomes of greater than $285,000 unless that measure or a previously enacted measure permanently reduces the number of taxpayers and families with annual adjusted gross incomes of less than $150,000 that will be subject to the alternative minimum tax over the next decade.

(b) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 237. Mr. LEAHY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 3 line 10, increase the amount by $11,000,000.

On page 3 line 11, increase the amount by $15,000,000.

On page 3 line 12, increase the amount by $10,000,000.

On page 3 line 13, increase the amount by $8,000,000.

On page 3 line 14, increase the amount by $6,000,000.

On page 3 line 19, increase the amount by $11,000,000.

On page 3 line 20, increase the amount by $15,000,000.

On page 3 line 21, increase the amount by $10,000,000.

On page 4 line 1, increase the amount by $8,000,000.

On page 4 line 2, increase the amount by $6,000,000.

On page 4 line 7, increase the amount by $25,000,000.

On page 4 line 16, increase the amount by $6,000,000.

On page 4 line 17, increase the amount by $8,000,000.

On page 4 line 18, increase the amount by $5,000,000.

On page 4 line 19, increase the amount by $4,000,000.

On page 4 line 20, increase the amount by $3,000,000.

On page 4 line 24, increase the amount by $6,000,000.

On page 4 line 25, increase the amount by $8,000,000.

On page 5 line 1, increase the amount by $5,000,000.

On page 5 line 2, increase the amount by $4,000,000.

On page 5 line 3, increase the amount by $3,000,000.

On page 5 line 7, decrease the amount by $5,000,000.

On page 5 line 8, decrease the amount by $12,000,000.

On page 5 line 9, decrease the amount by $17,000,000.

On page 5 line 10, decrease the amount by $21,000,000.

On page 5 line 11, decrease the amount by $24,000,000.

On page 5 line 15, decrease the amount by $5,000,000.

On page 5 line 16, decrease the amount by $12,000,000.

On page 5 line 17, decrease the amount by $17,000,000.

On page 5 line 18, decrease the amount by $21,000,000.

On page 5 line 19, decrease the amount by $24,000,000.

On page 23 line 16, increase the amount by $25,000,000.

On page 23 line 17, increase the amount by $6,000,000.

On page 23 line 21, increase the amount by $8,000,000.

On page 23 line 25, increase the amount by $5,000,000.

On page 24 line 4, increase the amount by $4,000,000.

On page 24 line 8, increase the amount by $3,000,000.

On page 30 line 16, decrease the amount by $11,000,000.

On page 30 line 17, decrease the amount by $50,000,000.

On page 48 line 6, increase the amount by $25,000,000.

On page 48 line 7, increase the amount by $6,000,000.

SEC. . FINDINGS.

FINDING.—The Congress finds that—

(1) the Boys and Girls Clubs of America, chartered by an Act of Congress on December 10, 1991 [Pub. L. 102-199], during its 99-year history as a national organization, has proven itself as a positive force in the communities it serves;

(2) not only are the Boys and Girls Clubs reaching America's most distressed communities, they are also bringing to those youths opportunities they cannot get elsewhere.

(3) the Boys and Girls Clubs of America is a national leader in providing opportunities for personal growth and development, which help children to become productive, law abiding teenagers and contributing adults;

(4) there are 3,500 Boys and Girls Clubs facilities throughout the United States, Puerto Rico, and the United States Virgin Islands, as well as American youths living on United States military bases around the world, serving more than 4,000,000 youths nationwide;

(5) the Boys and Girls Clubs of America are growing at a rate of 1 new club every business day and have been doing so for the last 8 years;

(6) the Boys and Girls Clubs have endeavored to increase their presence in rural states and isolated areas where youths, often facing the unique challenges of poverty and geography, have few options after the school day ends, and have enabled those youths to participate in educational, safe and enriching activities;

(7) 71 percent of the young people who benefit from Boys and Girls Clubs programs live in our inner cities and urban areas;

(8) Boys and Girls Clubs are locally run and have been exceptionally successful in balancing public funds with private sector donations and maximizing community involvement;

(9) Boys and Girls Clubs are located in 450 public housing sites across the Nation;

(10) there will exist by 2006 there approximately 200 Clubs located on Native American Lands;

(11) public housing projects in which there is an active Boys and Girls Club have experienced a 25 percent reduction in the presence of crack cocaine, a 22 percent reduction in overall drug activity, and a 13 percent reduction in juvenile crime;

(12) these results have been achieved in the face of national trends in which more than 7.5 million individuals aged 12 to 17 have reported having used an illicit drug at least once in their lifetime;

(13) these results have been achieved in the face of national trends in which students in grades nine through twelve have indicated that 40.2 percent had used marijuana, 12.1 percent had used inhalants, 11.1 percent had used ecstasy, 8.7 percent had used cocaine, 7.6 percent had used methamphetamine, 6.1 percent had illegally used steroids, 3.3 percent had used heroin, and 3.2 percent had injected an illegal drug one or more times during their lifetime;

(14) many public housing projects and other distressed areas are still underserved by Boys and Girls Clubs.

SEC. . SENSE OF THE SENATE.

SENSE OF THE SENATE.—It is the sense of the Senate that, in recognition of the proven success of the Boys and Girls Clubs of America to inspire and enable all young people, especially those from disadvantaged circumstances, to realize their full potential as productive, responsible and caring citizens, the funding levels in this resolution assume that all amounts that have been and will be authorized for the Boys and Girls Clubs of America under the Economic Espionage act of 1996 (42 U.S.C. 13751 note), as amended, will provide adequate resources in the form of seed money for the Boys and Girls Clubs of America to establish 1,500 additional local clubs where needed, with particular emphasis placed on establishing clubs in public housing projects and distressed areas, and to ensure that there are a total of not less than 5,000 Boys and Girls Clubs of America facilities in operation by December 31, 2010, serving not less than 5,000,000 young people.

SA 238. Mr. LEVIN (for himself, Mr. DEWINE, Ms. STABENOW, Mr. LIEBERMAN, Mr. BINGAMAN, and Mr. KERRY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 3, line 10, increase the amount by $400,000,000.

On page 3, line 11, increase the amount by $102,000,000.

On page 3, line 12, increase the amount by $102,000,000.

On page 3, line 13, increase the amount by $32,000,000.

On page 3, line 14, increase the amount by $10,000,000.

On page 3, line 19, increase the amount by $400,000,000.

On page 3, line 20, increase the amount by $102,000,000.

On page 3, line 21, increase the amount by $102,000,000.

On page 4, line 1, increase the amount by $32,000,000.

On page 4, line 2, increase the amount by $10,000,000.

On page 4, line 7, increase the amount by $146,000,000.

On page 4, line 16, increase the amount by $23,000,000.

On page 4, line 17, increase the amount by $51,000,000.

On page 4, line 18, increase the amount by $51,000,000.

On page 4, line 19, increase the amount by $16,000,000.

On page 4, line 20, increase the amount by $5,000,000.

On page 4, line 24, increase the amount by $377,000,000.

On page 4, line 25, increase the amount by $51,000,000.

On page 5, line 1, increase the amount by $51,000,000.

On page 5, line 2, increase the amount by $16,000,000.

On page 5, line 3, increase the amount by $5,000,000.

On page 5, line 7, decrease the amount by $377,000,000.

On page 5, line 8, decrease the amount by $428,000,000.

On page 5, line 9, decrease the amount by $479,000,000.

On page 5, line 10, decrease the amount by $495,000,000.

On page 5, line 11, decrease the amount by $500,000,000.

On page 5, line 15, decrease the amount by $377,000,000.

On page 5, line 16, decrease the amount by $428,000,000.

On page 5, line 17, decrease the amount by $479,000,000.

On page 5, line 18, decrease the amount by $495,000,000.

On page 5, line 19, decrease the amount by $500,000,000.

On page 14, line 15, increase the amount by $146,000,000.

On page 14, line 16, increase the amount by $23,000,000.

On page 14, line 20, increase the amount by $51,000,000.

On page 14, line 24, increase the amount by $51,000,000.

On page 15, line 3, increase the amount by $16,000,000.

On page 15, line 7, increase the amount by $5,000,000.

On page 30, line 16, decrease the amount by $400,000,000.

On page 30, line 17, decrease the amount by $646,000,000.

On page 48, line 6, increase the amount by $146,000,000.

On page 48, line 7, increase the amount by $23,000,000.

SA 239. Mr. BIDEN (for himself, Mr. DORGAN, Mr. LEAHY, Mr. KENNEDY, Mr. SCHUMER, Mr. KOHL, Mr. SALAZAR, Mrs. CLINTON, Mr. KERRY, Mr. NELSON of Florida, Mr. FEINGOLD, Mr. CARPER, Mr. DURBIN, Mr. SARBANES, Mr. REED, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. PRYOR, Mr. LEVIN, Mr. BYRD, Mr. CORZINE, Ms. MIKULSKI, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 3, line 10, increase the amount by $240,000,000.

On page 3, line 11, increase the amount by $560,000,000.

On page 3, line 12, increase the amount by $500,000,000.

On page 3, line 13, increase the amount by $400,000,000.

On page 3, line 14, increase the amount by $300,000,000.

On page 3, line 19, increase the amount by $240,000,000.

On page 3, line 20, increase the amount by $560,000,000.

On page 3, line 21, increase the amount by $500,000,000.

On page 4, line 1, increase the amount by $400,000,000.

On page 4, line 2, increase the amount by $300,000,000.

On page 4, line 7, increase the amount by $1,000,000,000.

On page 4, line 16, increase the amount by $120,000,000.

On page 4, line 17, increase the amount by $280,000,000.

On page 4, line 18, increase the amount by $250,000,000.

On page 4, line 19, increase the amount by $200,000,000.

On page 4, line 20, increase the amount by $150,000,000.

On page 4, line 24, increase the amount by $120,000,000.

On page 4, line 25, increase the amount by $280,000,000.

On page 5, line 1, increase the amount by $250,000,000.

On page 5, line 2, increase the amount by $200,000,000.

On page 5, line 3, increase the amount by $150,000,000.

On page 5, line 7, decrease the amount by $120,000,000.

On page 5, line 8, decrease the amount by $400,000,000.

On page 5, line 9, decrease the amount by $650,000,000.

On page 5, line 10, decrease the amount by $850,000,000.

On page 5, line 11, decrease the amount by $1,000,000,000.

On page 5, line 15, decrease the amount by $120,000,000.

On page 5, line 16, decrease the amount by $400,000,000.

On page 5, line 17, decrease the amount by $650,000,000.

On page 5, line 18, decrease the amount by $850,000,000.

On page 5, line 19, decrease the amount by $1,000,000,000.

On page 23, line 16, increase the amount by $1,000,000,000.

On page 23, line 17, increase the amount by $120,000,000.

On page 23 line 21, increase the amount by $280,000,000.

On page 23 line 25, increase the amount by $250,000,000.

On page 24 line 4, increase the amount by $200,000,000.

On page 24 line 8, increase the amount by $150,000,000.

On page 30 line 16, decrease the amount by $240,000,000.

On page 30 line 17, decrease the amount by $2,000,000,000.

On page 48 line 6, increase the amount by $1,000,000,000.

On page 48 line 7, increase the amount by $120,000,000.

On Page 65, after line 25 insert the following:

FUNDING FOR DEPARTMENT OF JUSTICE COMMUNITY ORIENTED POLICING SERVICES PROGRAMS.

(a) FINDINGS.—The Senate finds that—

(1) State and local law enforcement officers provide essential services that preserve and protect our freedom and safety;

(2) with the support of the Community Oriented Policing Services program (referred to in this section as the "COPS program"), State and local law enforcement officers have succeeded in dramatically reducing violent crime;

(3) on July 15, 2002, the Attorney General stated, "Since law enforcement agencies began partnering with citizens through community policing, we've seen significant drops in crime rates. COPS provides resources that reflect our national priority of terrorism prevention.";

(4) on February 26, 2002, the Attorney General stated, "The COPS program has been a miraculous sort of success. It's one of those things that Congress hopes will happen when it sets up a program.";

(5) the Federal Bureau of Investigation's Assistant Director for the Office of Law Enforcement Coordination has stated, "The FBI fully understands that our success in the fight against terrorism is directly related to the strength of our relationship with our State and local partners.";

(6) a 2003 study of the 44 largest metropolitan police departments found that 27 of them have reduced force levels;

(7) shortages of officers and increased homeland security duties has forced many local police agencies to rely on overtime and abandon effective, preventative policing practices. And, as a result police chiefs from around the nation are reporting increased gang activity and other troubling crime indicators;

(8) several studies have concluded that the implementation of community policing as a law enforcement strategy is an important factor in the reduction of crime in our communities;

(9) In addition, experts at the Brookings Institute have concluded that community policing programs are critical to our success in the war against terrorism.

(10) the continuation and full funding of the COPS program through fiscal year 2010 is supported by several major law enforcement organizations, including—

(A) the International Association of Chiefs of Police;

(B) the International Brotherhood of Police Officers;

(C) the Fraternal Order of Police;

(D) the National Sheriffs' Association;

(E) the National Troopers Coalition;

(F) the Federal Law Enforcement Officers Association;

(G) the National Association of Police Organizations;

(H) the National Organization of Black Law Enforcement Executives;

(I) the Police Executive Research Forum; and

(J) the Major Cities Chiefs;

(11) Congress appropriated $928,912,000 for the COPS program for fiscal year 2003, $756,283,000 for fiscal year 2004, and $499,364,000 for fiscal year 2005, and

(12) the President requested $117,781,000 for the COPS program for fiscal year 2006, $381,583,000 less than the amount appropriated for fiscal year 2004.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that an increase of $1,000,000,000 for fiscal year 2006 for the Department of Justice's community oriented policing program will be provided without reduction and consistent with previous appropriated and authorized levels.

SA 240. Mr. BYRD (for himself and Mr. BAUCUS) proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 3, line 10 increase the amount by $1,458,000,000.

On page 3, line 11 increase the amount by $3,536,000,000.

On page 3, line 12 increase the amount by $3,605,000,000.

On page 3, line 13 increase the amount by $2,922,000,000.

On page 3, line 14 increase the amount by $2,316,000,000.

On page 4, line 7 increase the amount by $8,920,000,000.

On page 4, line 8 increase the amount by $8,332,000,000.

On page 4, line 9 increase the amount by $8,332,000,000.

On page 4, line 10 increase the amount by $9,568,000,000.

On page 4, line 16 increase the amount by $1,458,000,000.

On page 4, line 17 increase the amount by $3,536,000,000.

On page 4, line 18 increase the amount by $3,605,000,000.

On page 4, line 19 increase the amount by $2,922,000,000.

On page 4, line 20 increase the amount by $2,316,000,000.

On page 15, line 15 increase the amount by $8,920,000,000.

On page 15, line 16 increase the amount by $1,458,000,000.

On page 15, line 19 increase the amount by $8,332,000,000.

On page 15, line 20 increase the amount by $3,536,000,000.

On page 15, line 23 increase the amount by $8,332,000,000.

On page 15, line 24 increase the amount by $3,605,000,000.

On page 16, line 2 increase the amount by $9,568,000,000.

On page 16, line 3 increase the amount by $2,922,000,000.

On page 16, line 7 increase the amount by $2,316,000,000.

On page 48, line 6 increase the amount by $579,000,000.

On page 48, line 7 decrease the amount by $40,372,000,000.

On page 48, line 8, after "outlays for the discretionary category" add the following "and $34,740,000,000 for the highway category and $7,099,000,000 for the transit category".

SA 241. Mr. BUNNING proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 3, line 9, decrease the amount by $0. .

On page 3, line 10, decrease the amount by $4,800,000,000.

On page 3, line 11, decrease the amount by $12,500,000,000.

On page 3, line 12, decrease the amount by $14,000,000,000.

On page 3, line 13, decrease the amount by $15,600,000,000.

On page 3, line 14, decrease the amount by $17,000,000,000.

On page 3, line 18, decrease the amount by $0.

On page 3, line 19, decrease the amount by $4,800,000,000.

On page 3, line 20, decrease the amount by $12,500,000,000.

On page 3, line 21, decrease the amount by $14,000,000,000.

On page 4, line 1, decrease the amount by $15,600,000,000.

On page 4, line 2, decrease the amount by $17,000,000,000.

On page 4, line 23, decrease the amount by $0.

On page 4, line 24, decrease the amount by $4,800,000,000.

On page 4, line 25, decrease the amount by $12,500,000,000.

On page 5, line 1, decrease the amount by $14,000,000,000.

On page 5, line 2, decrease the amount by $15,600,000,000.

On page 5, line 3, decrease the amount by $17,000,000,000.

On page 5, line 6, increase the amount by $0.

On page 5, line 7, increase the amount by $4,800,000,000.

On page 5, line 8, increase the amount by $17,300,000,000.

On page 5, line 9, increase the amount by $31,300,000,000.

On page 5, line 10, increase the amount by $46,900,000,000.

On page 5, line 11 ,increase the amount by $63,900,000.

On page 5, line 14, increase the amount by $0.

On page 5, line 15, increase the amount by $4,800,000,000.

On page 5, line 16, increase the amount by $17,300,000,000.

On page 5, line 17, increase the amount by $31,300,000,000.

On page 5, line 18, increase the amount by $46,900,000,000.

On page 5, line 19, increase the amount by $63,900,OOO.

On page 30, line 16, increase the amount by $4,800,000,000.

On page 30, line 17, increase the amount by $63,900,000,000.

SA 242. Mr. SMITH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table: as follows:

At the appropriate place in the bill, insert:

"In response to the ongoing drought in certain western states, Congress should allocate $15,000,000 to the Bureau of Reclamation's Drought Emergency Assistance Program from within fiscal year 2006 funds available in the Water and Related Resources account for bureauwide programs of the Bureau of Reclamation, an agency of the Department of the Interior."

SA 243. Mr. CONRAD proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

At the appropriate place insert the following:

SEC.____. SENSE OF THE SENATE ON REDUCING THE TAX ON SOCIAL SECURITY BENEFITS.

It is the sense of the Senate that the tax cuts assumed in this resolution include repeal of the 1993 law that subjects 85% of certain Social Security benefits to the income tax, provided that the revenue loss to the Medicare Hospital Insurance Trust Fund is fully replaced so that seniors' access to health care is not adversely affected. If the inclusion of these proposals would otherwise cause the cost of the tax cuts to exceed the level authorized in the resolution, any excess should be fully offset by closing corporate tax loopholes.

SA 244. Mr. REID (for Mrs. CLINTON (for herself, Mr. REID, Mr. KERRY, Mr. CORZINE, Mrs. MURRAY, Mr. LAUTENBERG, and Mrs. FEINSTEIN)) proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 3, line 10, increase the amount by $72,000,000.

On page 3, line 11, increase the amount by $108,000,000.

On page 3, line 12, increase the amount by $14,000,000.

On page 3, line 13, increase the amount by $4,000,000.

On page 3, line 19, increase the amount by $72,000,000.

On page 3, line 20, increase the amount by $108,000,000.

On page 3, line 21, increase the amount by $14,000,000.

On page 4, line 1, increase the amount by $4,000,000.

On page 4, line 7, increase the amount by $100,000,000.

On page 4, line 16, increase the amount by $36,000,000.

On page 4, line 17, increase the amount by $54,000,000.

On page 4, line 18, increase the amount by $7,000,000.

On page 4, line 19, increase the amount by $2,000,000.

On page 4, line 24, increase the amount by $36,000,000.

On page 4, line 25, increase the amount by $54,000,000.

On page 5, line 1, increase the amount by $7,000,000.

On page 5, line 2, increase the amount by $2,000,000.

On page 5, line 7, decrease the amount by $36,000,000.

On page 5, line 8, decrease the amount by $90,000,000.

On page 5, line 9, decrease the amount by $97,000,000.

On page 5, line 10, decrease the amount by $99,000,000.

On page 5, line 11, decrease the amount by $99,000,000.

On page 5, line 15, decrease the amount by $36,000,000.

On page 5, line 16, decrease the amount by $90,000,000.

On page 5, line 17, decrease the amount by $97,000,000.

On page 5, line 18, decrease the amount by $99,000,000.

On page 5, line 19, decrease the amount by $99,000,000.

On page 18, line 16, increase the amount by $100,000,000.

On page 18, line 17, increase the amount by $36,000,000.

On page 19, line 4, increase the amount by $2,000,000.

On page 30, line 16, decrease the amount by $72,000,000.

On page 30, line 17, decrease the amount by $198,000,000.

On page 48, line 6, increase the amount by $36,000,000.

At the appropriate place, insert the following:

SEC.___. SENSE OF THE SENATE CONCERNING PREVENTIVE HEALTH CARE SERVICES.

(a) FINDINGS.—The Senate makes the following findings:

(1) Although the Centers for Disease Control and Prevention included family planning in its published list of the Ten Great Public Health Achievements in the 20th Century, the United States still has one of the highest rates of unintended pregnancies among industrialized nations.

(2) Increasing access to family planning services will improve women's health and reduce the rates of unintended pregnancy, abortion, and infection with sexually transmitted infections.

(3) Contraceptive use saves public health dollars. Every dollar spent on providing family planning services saves an estimated $3 in expenditures for pregnancy-related and newborn care for Medicaid alone.

(4) Each year, 3,000,000 pregnancies, nearly half of all pregnancies, in the United States are unintended, and nearly half of unintended pregnancies end in abortion.

(5) In 2002, 34,000,000 women—half of all women of reproductive age were in need of contraceptive services and supplies to help prevent unintended pregnancy, and half of those were in need of public support for such care.

(6) The United States also has the highest rate of infection with sexually transmitted infections of any industrialized country. In 2003 there were approximately 19,000,000 new cases of sexually transmitted infections. According to the Centers for Disease Control and Prevention (November 2004), these sexually transmitted infections impose a tremendous economic burden with direct medical costs as high as $15,500,000,000 per year.

(7) The child born from an unintended pregnancy is at greater risk of low birth weight, dying in the first year of life, being abused, and not receiving sufficient resources for healthy development.

(8) Each year, services under title X of the Public Health Service Act enable Americans to prevent approximately 1,000,000 unintended pregnancies, and one in three women of reproductive age who obtains testing or treatment for sexually transmitted infections does so at a title X-funded clinic. In 2003, title X-funded clinics provided 2,800,000 Pap tests, 5,100,000 sexually transmitted infection tests, and 526,000 HIV tests.

(9) The increasing number of uninsured individuals, stagnant funding, health care inflation, new and expensive contraceptive technologies, and improved but expensive screening and treatment for cervical cancer and sexually transmitted infections, have diminished the ability of clinics funded under title X of the Public Health Service Act to adequately serve all those in need. Taking medical inflation into account, funding for the program under such title X declined by 59 percent between 1980 and 2004.

(10) Although employer-sponsored health plans have improved coverage of contraceptive services and supplies, largely in response to State contraceptive coverage laws, there is still significant room for improvement. Half of the 45,000,000 women of reproductive age currently live in the 29 States without contraceptive coverage policies. These women may still find the most effective forms of contraceptives beyond their financial reach due to a lack of coverage.

(11) Including contraceptive coverage in private health care plans saves employers money. Not covering contraceptives in employee health plans costs employers 15 to 17 percent more than providing such coverage.

(12) Approved for use by the Food and Drug Administration, emergency contraception is a safe and effective way to prevent unintended pregnancy after unprotected sex. It is estimated that the use of emergency contraception could cut the number of unintended pregnancies in half, thereby reducing the need for abortion. New research confirms that easier access to emergency contraceptives does not increase sexual risk-taking or sexually transmitted infections.

(13) In 2000, 51,000 abortions were prevented by the use of emergency contraception. Increased use of emergency contraception accounted for up to 43 percent of the total decline in abortions between 1994 and 2000.

(14) Thirteen percent of all teens give birth before age 20. Eighty-eight percent of births to teens age 17 or younger were unintended. Twenty-four percent of Hispanic females gave birth before the age of 20. (Centers for Disease Control and Prevention, December 2004).

(15) Children born to teen moms begin life with the odds against them. They are less likely to be ready for kindergarten, more likely to be of low-birth weight, 50 percent more likely to repeat a grade, more likely to live in poverty, and significantly more likely to be victims of abuse and neglect.

(16) Research shows that a range of initiatives, including sex education, youth development and service learning programs, can encourage teens to behave responsibly by delaying sexual activity and pregnancy. Federal tax dollars are best invested in programs with research-based evidence of success.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that this resolution assumes that—

(1) $100,000,000 of the amount provided for under function category 550 (health) for fiscal year 2006 may be used for any or all of the following—

(A) to fund increases in amounts appropriated to carry out title X of the Public Health Service Act (42 U.S.C. 300 et seq.) above amounts appropriated for fiscal year 2005;

(B) to fund legislation that would require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans;

(C) to fund legislation that would create a public education program administered through the Centers for Disease Control and Prevention concerning the use, safety, efficacy, and availability of emergency contraception that is—

(i) approved by the Food and Drug administration to prevent pregnancy; and

(ii) used post-coitally; or

(D) to fund legislation that would permit the Secretary of Health and Human Services to award, on a competitive basis, grants to public and private entities to establish or expand teenage pregnancy prevention programs or to disseminate information to educators and parents about the most effective strategies for preventing teen pregnancy (funds made available under the authority of this subparagraph are not intended for use by abstinence-only education programs);

(2) the prevention programs described in paragraph (1) are cost effective and will achieve savings by—

(A) reducing the number of unintended pregnancies;

(B) reducing the rate of sexually transmitted infections;

(C) reducing the costs to the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

(D) providing for the early detection of HIV and early detection of breast and cervical cancer; and

(3) the increase in funding described in paragraph (1) is offset by an increase in revenues of not to exceed $200,000,000 to be derived from closing corporate tax loopholes, of which the remaining $100,000,000 (after amounts are expended pursuant to this section) should be used for deficit reduction.

SA 245. Mr. REED (for himself, Mr. KENNEDY, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 3, line 10, increase the amount by $90,000,000.

On page 3, line 11, increase the amount by $1,920,000,000.

On page 3, line 12, increase the amount by $780,000,000.

On page 3, line 13, increase the amount by $210,000,000.

On page 3, line 19, increase the amount by $90,000,000.

On page 3, line 20, increase the amount by $1,920,000,000.

On page 3, line 21, increase the amount by $780,000,000.

On page 4, line 1, increase the amount by $210,000,000.

On page 4, line 7, increase the amount by $1,500,000,000.

On page 4, line 16, increase the amount by $45,000,000.

On page 4, line 17, increase the amount by $960,000,000.

On page 4, line 18, increase the amount by $390,000,000.

On page 4, line 19, increase the amount by $105,000,000.

On page 4, line 24, increase the amount by $45,000,000.

On page 4, line 25, increase the amount by $960,000,000.

On page 5, line 1, increase the amount by $390,000,000.

On page 5, line 2, increase the amount by $105,000,000.

On page 5, line 7, decrease the amount by $45,000,000.

On page 5, line 8, decrease the amount by $1,005,000,000.

On page 5, line 9, decrease the amount by $1,395,000,000.

On page 5, line 10, decrease the amount by $1,500,000,000.

On page 5, line 11, decrease the amount by $1,500,000,000.

On page 5, line 15, decrease the amount by $45,000,000.

On page 5, line 16, decrease the amount by $1,005,000,000.

On page 5, line 17, decrease the amount by $1,395,000,000.

On page 5, line 18, decrease the amount by $1,500,000,000.

On page 5, line 19, decrease the amount by $1,500,000,000.

On page 17, line 16, increase the amount by $1,500,000,000.

On page 17, line 17, increase the amount by $45,000,000.

On page 17, line 21, increase the amount by $960,000,000.

On page 17, line 25, increase the amount by $390,000,000.

On page 18, line 4, increase the amount by $105,000,000.

On page 30, line 16, decrease the amount by $90,000,000.

On page 30, line 17, decrease the amount by $3,000,000,000.

On page 48, line 6, increase the amount by $1,500,000,000.

On page 48, line 7, increase the amount by $45,000,000.

SA 246. Mr. REED (for himself, Mr. KENNEDY, Mr. FEINGOLD, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 3, line 10, increase the amount by $710,000,000.

On page 3, line 11, increase the amount by $2,188,000,000.

On page 3, line 12, increase the amount by $60,000,000.

On page 3, line 19, increase the amount by $710,000,000.

On page 3, line 20, increase the amount by $2,188,000,000.

On page 3, line 21, increase the amount by $60,000,000.

On page 4, line 7, increase the amount by $1,479,000,000.

On page 4, line 16, increase the amount by $355,000,000.

On page 4, line 17, increase the amount by $1,094,000,000.

On page 4, line 18, increase the amount by $30,000,000.

On page 4, line 24, increase the amount by $355,000,000.

On page 4, line 25, increase the amount by $1,094,000,000.

On page 5, line 1, increase the amount by $30,000,000.

On page 5, line 7, decrease the amount by $355,000,000.

On page 5, line 8, decrease the amount by $1,449,000,000.

On page 5, line 9, decrease the amount by $1,479,000,000.

On page 5, line 10, decrease the amount by $1,479,000,000.

On page 5, line 11, decrease the amount by $1,479,000,000.

On page 5, line 15, decrease the amount by $355,000,000.

On page 5, line 16, decrease the amount by $1,449,000,000.

On page 5, line 17, decrease the amount by $1,479,000,000.

On page 5, line 18, decrease the amount by $1,479,000,000.

On page 5, line 19, decrease the amount by $1,479,000,000.

On page 17, line 16, increase the amount by $1,479,000,000.

On page 17, line 17, increase the amount by $355,000,000.

On page 17, line 21, increase the amount by $1,094,000,000.

On page 17, line 25, increase the amount by $30,000,000.

On page 30, line 16, decrease the amount by $710,000,000.

On page 30, line 17, decrease the amount by $2,958,000,000.

On page 48, line 6, increase the amount by $1,479,000,000.

On page 48, line 7, increase the amount by $355,000,000.

SA 247. Mr. REED (for himself, Mr. SARBANES, Mr. LEAHY, Mr. SCHUMER, Mr. KENNEDY, Ms. STABENOW, Mrs. CLINTON, Mr. DURBIN, Mrs. MURRAY, Mr. CORZINE, Mr. DODD, and Mr. KERRY) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 3, line 10, increase the amount by $3,200,000,000.

On page 3, line 19, increase the amount by $3,200,000,000.

On page 4, line 7, increase the amount by $3,200,000,000.

On page 4, line 16, increase the amount by $3,200,000,000.

On page 20, line 16, increase the amount by $3,200,000,000.

On page 20, line 17, increase the amount by $3,200,000,000.

On page 30, line 16, decrease the amount by $3,200,000,000.

On page 30, line 17, decrease the amount by $3,200,000,000.

On page 48, line 6, increase the amount by $3,200,000,000.

On page 48, line 7, increase the amount by $3,200,000,000.

SA 248. Mr. ENSIGN submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 9, line 15, decrease the amount by $1,000,000,000.

On page 9, line 16, decrease the amount by $421,000,000.

On page 9, line 20, decrease the amount by $349,000,000.

On page 9, line 24, decrease the amount by $75,000,000.

On page 10, line 3, decrease the amount by $5,000,000.

On page 17, line 16, increase the amount by $850,000,000.

On page 17, line 17, increase the amount by $421,000,000.

On page 17, line 22, increase the amount by $349,000,000.

On page 17, line 25, increase the amount by $75,000,000.

On page 18, line 4, increase the amount by $5,000,000.

On page 24, line 16, increase the amount by $150,000,000.

On page 24, line 17, increase the amount by $150,000,000.

SA 249. Mr. KERRY submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 3, line 10, increase the amount by $113,000,000.

On page 3, line 11, increase the amount by $26,000,000.

On page 3, line 19, increase the amount by $113,000,000.

On page 3, line 20, increase the amount by $26,000,000.

On page 4, line 7, increase the amount by $139,000,000.

On page 4, line 16, increase the amount by $113,000,000.

On page 4, line 17, increase the amount by $26,000,000.

On page 14, line 15, increase the amount by $139,000,000.

On page 14, line 16, increase the amount by $113,000,000.

On page 14, line 20, increase the amount by $26,000,000.

On page 30, line 16, decrease the amount by $113,000,000.

On page 30, line 17, decrease the amount by $139,000,000.

On page 48, line 6, increase the amount by $139,000,000.

On page 48, line 7, increase the amount by $113,000,000.

SA 250. Mr. CORZINE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 3, line 10, increase the amount by $1,100,000,000.

On page 3, line 11, increase the amount by $1,700,000,000.

On page 3, line 12, increase the amount by $1,700,000,000.

On page 3, line 13, increase the amount by $1,700,000,000.

On page 3, line 14, increase the amount by $1,800,000,000.

On page 3, line 19, increase the amount by $1,100,000,000.

On page 3, line 20, increase the amount by $1,700,000,000.

On page 3, line 21, increase the amount by $1,700,000,000.

On page 4, line 1, increase the amount by $1,700,000,000.

On page 4, line 2, increase the amount by $1,800,000,000.

On page 4, line 24, increase the amount by $1,100,000,000.

On page 4, line 25, increase the amount by $1,700,000,000.

On page 5, line 1, increase the amount by $1,700,000,000.

On page 5, line 2, increase the amount by $1,700,000,000.

On page 5, line 3, increase the amount by $1,800,000,000.

On page 5, line 7, decrease the amount by $1,100,000,000.

On page 5, line 8, decrease the amount by $2,800,000,000.

On page 5, line 9, decrease the amount by $4,500,000,000.

On page 5, line 10, decrease the amount by $6,200,000,000.

On page 5, line 11, decrease the amount by $8,000,000,000.

On page 5, line 15, decrease the amount by $1,100,000,000.

On page 5, line 16, decrease the amount by $2,800,000,000.

On page 5, line 17, decrease the amount by $4,500,000,000.

On page 5, line 18, decrease the amount by $6,200,000,000.

On page 5, line 19, decrease the amount by $8,000,000,000.

On page 30, line 16, decrease the amount by $1,100,000,000.

On page 30, line 17, decrease the amount by $8,000,000,000.

SA 251. Mr. CORZINE submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

At the end of title V, insert the following:

SEC. ___. SENSE OF THE SENATE ON SUPPORT FOR THE INVESTOR PROTECTION MISSION OF THE SECURITIES AND EXCHANGE COMMISSION.

(a) FINDINGS.—The Senate finds the following:

(1) Investor protection is essential to the mission of the Securities and Exchange Commission (hereafter referred to as the "Commission"), which is to promote fair, orderly, and competitive financial markets.

(2) The integrity of America's securities markets depends on accurate financial disclosure and transparency.

(3) Public confidence in our securities markets is enhanced by the continued independence of the Commission.

(4) Cuts to the Securities and Exchange Commission budget that would force the agency to delay hiring or the implementation of technology projects could undermine the ability of the Commission to protect investors.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the functional totals in this resolution assume that there will be no cuts to the Securities and Exchange Commission budget that would diminish the ability of the Commission to protect investors.

SA 252. Mr. PRYOR (for himslf and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

At the end of title III, insert:

SEC. ___. RESERVE FUND FOR EXTENSION OF TREATMENT OF COMBAT PAY FOR EARNED INCOME AND CHILD TAX CREDITS.

If the Committee on Finance reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that makes permanent the taxpayer election to treat combat pay otherwise excluded from gross income under section 112 of the Internal Revenue Code as earned income for purposes of the earned income credit and makes permanent the treatment of such combat pay as earned income for purposes of the child tax credit, the Chairman of the Committee on the Budget may revise the allocations of budget authority and outlays, the revenue aggregates, and other appropriate measures, provided that such legislation would not increase the deficit for the period of fiscal year 2006 or the total of fiscal years 2006 though 2010.

SA 253. Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. LEAHY, Mr. BINGAMAN, Mrs. MURRAY, Mr. TALENT, Mr. SMITH, and Mr. DEWINE) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 65, after line 25, insert the following:

SEC. ___. SENSE OF THE SENATE SUPPORTING FUNDING FOR HIDTAS.

(a) FINDINGS.—The Senate finds the following:

(1) The High Intensity Drug Trafficking Area (HIDTA) program encompasses 28 strategic regions, 355 task forces, 53 intelligence centers, 4,428 Federal personnel, and 8,459 State and local personnel.

(2) The purposes of the HIDTA program are to reduce drug trafficking and drug production in designated areas in the United States by—

(A) facilitating cooperation among Federal, State, and local law enforcement agencies to share information and implement coordinated enforcement activities;

(B) enhancing intelligence sharing among Federal, State, and local law enforcement agencies;

(C) providing reliable intelligence to law enforcement agencies needed to design effective enforcement strategies and operations; and

(D) supporting coordinated law enforcement strategies which maximize use of available resources to reduce the supply of drugs in HIDTA designated areas.

(3) In 2004, HIDTA efforts resulted in disrupting or dismantling over 509 international, 711 multi-State, and 1,110 local drug trafficking organizations.

(4) In 2004, HIDTA instructors trained 21,893 students in cutting-edge practices to limit drug trafficking and manufacturing within their areas.

(5) The HIDTAs are the only drug enforcement coalitions that include equal partnership between Federal, State, and local law enforcement leaders executing a regional approach to achieving regional goals while pursuing a national mission.

(6) The proposed budget of $100,000,000 for the HIDTA program is inadequate to effectively maintain all of the operations currently being supported.

(7) The proposed budget of $100,000,000 for the HIDTA program would undermine the viability of this program and the efforts of law enforcement around the country to combat illegal drugs, particularly methamphetamine.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the spending level of budget function 750 (Administration of Justice) is assumed to include $227,000,000 for the High Intensity Drug Trafficking Areas; and

(2) unless new legislation is enacted, it is assumed that the HIDTA program will remain with the Office of National Drug Control Policy, where Congress last authorized it to reside.

SA 254. Mr. SALAZAR (for himself, Mr. ENSIGN, Mr. ALLARD, Mr. BINGAMAN, Mr. CRAIG, and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 4, line 7, decrease the amount by $5,000,000.

On page 4, line 16, increase the amount by $42,000,000.

On page 4, line 17, decrease the amount by $21,000,000.

On page 4, line 18, decrease the amount by $12,000,000.

On page 4, line 19, decrease the amount by $6,000,000.

On page 4, line 24, decrease the amount by $42,000,000.

On page 4, line 25, increase the amount by $21,000,000.

On page 5, line 1, increase the amount by $12,000,000.

On page 5, line 2, increase the amount by $6,000,000.

On page 5, line 3, increase the amount by $3,000,000.

On page 5, line 7, increase the amount by $42,000,000.

On page 5, line 8, increase the amount by $21,000,000.

On page 5, line 9, increase the amount by $9,000,000.

On page 5, line 10, decrease the amount by $18,000,000.

On page 5, line 15, increase the amount by $42,000,000.

On page 5, line 16, increase the amount by $21,000,000.

On page 5, line 17, increase the amount by $9,000,000.

On page 5, line 18, decrease the amount by $18,000,000.

On page 9, line 15, decrease the amount by $52,000,000.

On page 9, line 16, decrease the amount by $5,000,000.

On page 9, line 20, decrease the amount by $21,000,000.

On page 9, line 24, decrease the amount by $12,000,000.

On page 10, line 3, decrease the amount by $6,000,000.

On page 10, line 7, decrease the amount by $3,000,000.

On page 24, line 16, increase the amount by $47,000,000.

On page 24, line 17, increase the amount by $47,000,000.

On page 48, line 7, increase the amount by $42,000,000.

SA 255. Mr. SALAZAR (for himself, Ms. Collins, Mr. Dorgan, Mr. Obama, Mr. Conrad, Mrs. Murray, Mr. Jeffords, Ms. Cantwell, Mr. Levin, Mr. Kennedy, and Ms. Snowe) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

On page 3, line 10, increase the amount by $13,000,000.

On page 3, line 11, increase the amount by $81,000,000.

On page 3, line 12, increase the amount by $98,000,000.

On page 3, line 13, increase the amount by $72,000,000.

On page 3, line 14, increase the amount by $28,000,000.

On page 3, line 19, increase the amount by $13,000,000.

On page 3, line 20, increase the amount by $81,000,000.

On page 3, line 21, increase the amount by $98,000,000.

On page 4, line 1, increase the amount by $72,000,000.

On page 4, line 2, increase the amount by $28,000,000.

On page 4, line 7, increase the amount by $150,000,000.

On page 4, line 16, increase the amount by $7,000,000.

On page 4, line 17, increase the amount by $40,000,000.

On page 4, line 18, increase the amount by $49,000,000.

On page 4, line 19, increase the amount by $36,000,000.

On page 4, line 20, increase the amount by $14,000,000.

On page 4, line 24, increase the amount by $6,000,000.

On page 4, line 25, increase the amount by $41,000,000.

On page 5, line 1, increase the amount by $49,000,000.

On page 5, line 2, increase the amount by $36,000,000.

On page 5, line 3, increase the amount by $14,000,000.

On page 5, line 7, decrease the amount by $6,000,000.

On page 5, line 8, decrease the amount by $47,000,000.

On page 5, line 9, decrease the amount by $96,000,000.

On page 5, line 10, decrease the amount by $132,000,000.

On page 5, line 11, decrease the amount by $146,000,000.

On page 5, line 15, decrease the amount by $6,000,000.

On page 5, line 16, decrease the amount by $47,000,000.

On page 5, line 17, decrease the amount by $96,000,000.

On page 5, line 18, decrease the amount by $132,000,000.

On page 5, line 19, decrease the amount by $146,000,000.

On page 22, line 16, increase the amount by $150,000,000.

On page 22, line 17, increase the amount by $7,000,000.

On page 22, line 21, increase the amount by $40,000,000.

On page 22, line 25, increase the amount by $49,000,000.

On page 23, line 4, increase the amount by $36,000,000.

On page 23, line 8, increase the amount by $14,000,000.

On page 30, line 16, decrease the amount by $13,000,000.

On page 30, line 17, decrease the amount by $292,000,000.

On page 48, line 6, increase the amount by $150,000,000.

On page 48, line 7, increase the amount by $7,000,000.

SA 256. Mr. CHAFEE (for himself, Mr. Sarbanes, Mr. Voinovich, Mr. Inhofe, Mr. Jeffords, Mrs. Clinton, Mr. Lautenberg, Mr. Leahy, Mr. Reed, Mr. Levin, Mr. Kennedy, Ms. Snowe, Mr. DeWine, Mr. Lieberman, and Ms. Collins) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.___. SENSE OF SENATE REGARDING WATER INFRASTRUCTURE.

(a) Findings.—The Senate finds that—

(1) payments to States from the Federal Water Pollution Control State Revolving Fund under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) are essential to protect public health, fisheries, wildlife, and watersheds, and to ensure opportunities for public recreation and economic development;

(2) despite important progress in protecting and enhancing water quality since the enactment of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) in 1972, serious water pollution problems persist throughout the United States;

(3) the report of the Environmental Protection Agency dated September 30, 2002, and relating to clean water and drinking water infrastructure gap analysis found that there will be a $535,000,000,000 gap between current spending and projected needs for water and wastewater infrastructure over the next 20 years if additional investments are not made;

(4) in November 2002, the Congressional Budget Office estimated the annual investment in clean water infrastructure needs to be at least $13,000,000,000 for capital construction and $20,300,000,000 for operation and maintenance; and

(5) the Federal Government is a vital partner with State and local governments and must continue to share in the burden of maintaining and improving the water infrastructure of the United States.

(b) Sense of the Senate.—It is the sense of the Senate that payments to States from the Federal Water Pollution Control State Revolving Fund under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) should be increased to $1,350,000,000 for fiscal year 2006 to assist States and local communities in meeting water quality standards and restoring the health and safety of the water of the United States.

SA 257. Mrs. BOXER submitted an amendment intended to be proposed by her to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

At the appropriate place, insert the following:

SEC. . POINT OF ORDER.

(a) Point of Order in the Senate.—It shall not be in order in the Senate to consider any appropriations bill if it allows funds to be provided for prepackaged news stories that do not have a disclaimer that continuously runs through the presentation which says, "Paid for by the United States Government.".

(b) Supermajority Waiver and Appeal.—This section may be waived or suspended in the Senate only by an affirmative vote of $\frac{3}{5}$ of the Members, duly chosen and sworn. An affirmative vote of $\frac{3}{5}$ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 258. Mr. FEINGOLD (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 40, after line 8, insert the following:

SEC.___. RESERVE FUND FOR DEFICIT REDUCTION AND TO STRENGTHEN THE PART A TRUST FUND.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, functional totals, and other appropriate levels and limits in this resolution upon enactment of legislation that achieves savings under the medicare program under title XVIII of the Social Security Act by reducing overpayments to Medicare Advantage plans (such as legislation that requires the full amount of savings from the implementation of risk adjusted payments to Medicare Advantage plans to accrue to the medicare program, that eliminates the plan stabilization fund under section 1858(e) of such Act, and that adjusts the MA area-specific non-drug monthly benchmark amount under part C of such title to exclude payments for the indirect costs of medical education under section 1886(d)(5)(B) of such Act), by the amount of savings in that legislation, to ensure that those savings are reserved for deficit reduction and to strengthen the Federal Hospital Insurance Trust Fund.

SA 259. Mrs. BOXER proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

On page 65, after line 25, insert the following:

SEC. 510. SENSE OF THE SENATE REGARDING THE NEED FOR A COMPREHENSIVE, COORDINATED, AND INTEGRATED NATIONAL OCEAN POLICY.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States Commission on Ocean Policy and the Pew Ocean Commission have each completed and published independent findings on the state of the United States oceans, coasts, and Great Lakes.

(2) The findings made by the Commissions include the following:

(A) The United States oceans, coasts, and Great Lakes are a vital component of the economy of the United States.

(B) The resources and ecosystems associated with the United States oceans, coasts, and Great Lakes are in trouble.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the President and the Congress should—

(1) expeditiously consider the recommendations of the United States Commission on Ocean Policy during the 109th Congress; and

(2) enact a comprehensive, coordinated, and integrated national ocean policy that will ensure the long-term economic and ecological health of the United States oceans, coasts, and Great Lakes.

SA 260. Mr. SMITH submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, insert:

SEC. . SENSE OF THE SENATE REGARDING DROUGHT ASSISTANCE PROGRAM.

It is the sense of the Senate that, in response to the ongoing drought in certain western states, Congress should allocate $15,000,000 to the Bureau of Reclamation's Drought Emergency Assistance Program from within fiscal year 2006 funds available in the Water and Related Resources account for bureauwide programs of the Bureau of Reclamation, an agency of the Department of the Interior.

SA 261. Mr. CHAFEE (for himself, Mr. SARBANES, Mr. VOINOVICH, Mr. INHOFE, Mr. JEFFORDS, Mrs. CLINTON, Mr. LAUTENBERG, Mr. LEAHY, Mr. REED, Mr. LEVIN, and Mr. KENNEDY) proposed an amendment to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

At the appropriate place, insert the following:

SEC.___. SENSE OF SENATE REGARDING WATER INFRASTRUCTURE.

(a) FINDINGS.—The Senate finds that—

(1) payments to States from the Federal Water Pollution Control State Revolving Fund under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) are essential to protect public health, fisheries, wildlife, and watersheds, and to ensure opportunities for public recreation and economic development;

(2) despite important progress in protecting and enhancing water quality since the enactment of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) in 1972, serious water pollution problems persist throughout the United States;

(3) the report of the Environmental Protection Agency dated September 30, 2002, and relating to clean water and drinking water infrastructure gap analysis found that there will be a $535,000,000,000 gap between current spending and projected needs for water and wastewater infrastructure over the next 20 years if additional investments are not made;

(4) in November 2002, the Congressional Budget Office estimated the annual investment in clean water infrastructure needs to be at least $13,000,000,000 for capital construction and $20,300,000,000 for operation and maintenance; and

(5) the Federal Government is a vital partner with State and local governments and must continue to share in the burden of maintaining and improving the water infrastructure of the United States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that payments to States from the Federal Water Pollution Control State Revolving Fund under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) should be increased to $1,350,000,000 for fiscal year 2006 to assist States and local communities in meeting water quality standards and restoring the health and safety of the water of the United States.

SA 262. Mr. GREGG (for Mr. GRASSLEY) submitted an amendment intended to be proposed by Mr. GREGG to the concurrent resolution S. Con. Res. 18, setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; as follows:

At the end of title V, insert the following:

SEC.___. SENSE OF THE SENATE WITH RESPECT TO PENSION REFORM.

(a) FINDINGS.—The Senate finds the following:

(1) The rules for calculating the funded status of pension plans and for determining calculations, premiums, and other issues should ensure strong funding of such plans in both good and bad economic times.

(2) The expiration of the interest rate provisions of the Pension Funding Equity Act of 2004 at the end of 2005 and the need to address the deficit at the Pension Benefit Guaranty Corporation (referred to in this section as the "PBGC") demand enactment of pension legislation this year.

(3) Thirty-four million active and retired workers are relying on their defined benefit plans to provide retirement security, and a failure by Congress to reform the defined benefit system will place at risk the pensions of millions of Americans.

(4) Stabilization of the defined benefit pension system and the PBGC may require significant and structural changes in the Employee Retirement and Income Security Act of 1974 and the Internal Revenue Code of 1986, which must be undertaken in a single comprehensive set of reforms.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate conferees shall insist on the Senate position expressed in this resolution with respect to PBGC premiums.

SA 263. Mr. GRASSLEY (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the concurrent resolution S. Con. Res. 18, setting for the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010; which was ordered to lie on the table; as follows:

SEC.____. SPECIAL RULE WITH RESPECT TO PENSION REFORM

In the Senate, if the Committee on Finance or the Committee on Health, Education, Labor, and Pensions reports a bill or joint resolution that includes pension reform and that measure achieves not less than $476 million in net outlay reductions in fiscal year 2006 and $3.306 billion in net outlay reductions for the period of fiscal years 2006 through 2010, and provided both committees have met their respective spending reconciliation instructions pursuant to Sec. 201(a), the Chairman of the Committee on the Budget may file with the Senate appropriately revised allocations, function levels and aggregates as long as the cumulative value of the adjustments do not increase overall Federal Government outlays. Function levels or aggregate spending levels for fiscal year 2006 or for the period of fiscal years 2006 through 2010.

Such revised allocations, function levels and aggregates shall be considered as allocations, function levels, and aggregates contained in the most recently agreed to concurrent resolution on the budget.

SA 264. Mr. FRIST proposed an amendmend to the resolution S. Res. 43, designating the first day of April 2005 as "National Asbestos Awareness Day"; as follows:

Strike the preamble and insert the following:

Whereas dangerous asbestos fibers are invisible and cannot be smelled or tasted;

Whereas the inhalation of airborne asbestos fibers can cause significant damage;

Whereas these fibers can cause mesothelioma, asbestosis and other health problems;

Whereas asbestos-related diseases can take 10 to 50 years to present themselves;

Whereas the expected survival time for those diagnosed with mesothelioma is between 6 and 24 months;

Whereas generally little is known about late stage treatment and there is no cure for asbestos-related diseases;

Whereas early detection of asbestos-related diseases may give some patients increased treatment options and might improve their prognosis;

Whereas the United States has substantially reduced its consumption of asbestos yet continues to consume almost 7,000 metric tons of the fibrous mineral for use in certain products throughout the Nation;

Whereas asbestos-related diseases have killed thousands of people in the United States;

Whereas asbestos exposures continue and safety and prevention will reduce and has reduced significantly asbestos exposure and asbestos-related diseases;

Whereas asbestos has been a cause of occupational cancer;

Whereas thousands of workers in the United States face significant asbestos exposure;

Whereas thousands of Americans die from asbestos related diseases every year;

Whereas a significant percentage of all asbestos-related disease victims were exposed to asbestos on naval ships and in shipyards;

Whereas asbestos was used in the construction of a significant number of office buildings and public facilities built before 1975; and

Whereas the establishment of a "National Asbestos Awareness Day" 'would raise public awareness about the prevalence of asbestos-related diseases and the dangers of asbestos exposure: Now, therefore, be it

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, April 6, at 10 a.m. in 366 Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nomination of David Garman to be Under Secretary of Energy.

For further information, please contact Judy Pensabene of the Committee staff at (202) 224-1327.

AUTHORITY FOR COMMITTEES TO MEET

COMMITEE ON ARMED SERVICES

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 17, 2005, at 9:30 a.m., in open and closed session to receive testimony on current and future worldwide threats to the national security of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, March 17, 2005, at 11 a.m. to mark up an original bill entitled the Federal Public Transportation Act of 2005.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open Executive Session during the session on Thursday, March 17, 2005, at 2:30 p.m., to consider favorably reporting the nomination of Daniel R. Levinson, to be Inspector General, Department of Health and Human Services, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Thursday, March 17, 2005 at 9:30 a.m. in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, March 17, 2005 at 9:30 a.m. in Senate Dirksen Office Building Room 226.

Agenda:

I. Nominations: William G. Myers, III, to be U.S. Circuit Judge for the Ninth Circuit; Terrence W. Boyle, II, to be U.S. Circuit Judge for the Fourth Circuit; Robert J. Conrad, Jr., to be U.S. District Judge for the Western District of North Carolina; James C. Dever, III, to be U.S. District Judge for the Eastern District of North Carolina; Thomas B. Griffith, to be U.S. Circuit Judge for the District of Columbia Circuit; Paul A. Crotty, to be U.S. District Judge for the Southern District of New York; J. Michael Seabright, to be U.S. District Judge for the District of Hawaii.

II. Bills: Asbestos—S. 378, Reducing Crime and Terrorism at America's Seaports Act of 2005, Biden, Specter, Feinstein, Kyl; S. 188, State Criminal Alien Assistance Program Reauthorization Act of 2005, Feinstein, Kyl, Schumer, Cornyn, Durbin, Specter; S. 119, Unaccompanied Alien Child Protection Act of 2005, Feinstein, Schumer, Durbin, DeWine, Feingold, Kennedy, Brownback, Specter; S. 589, a bill to establish the Commission on Freedom of Information Act Processing Delays, Cornyn, Leahy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, March 17, 2005, for a committee hearing titled "Back from the Battlefield: Are We Providing the Proper Care for America's Wounded Warriors?"

The hearing will take place in Room 418 of the Russell Senate Office Building at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FISHERIES AND COAST GUARD

Mr. GREGG. Mr. President, I ask unanimous consent that the Subcommittee on Fisheries and Coast Guard be authorized to meet on Thursday, March 17, 2005, at 10 a.m. on Coast Guard Operational Readiness/Mission Balance/FY 2006 Budget Request in SR-253.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEAPOWER

Mr. GREGG. Mr. President, I ask unanimous consent that the Subcommittee on Seapower be authorized to meet during the session of the Senate on March 17, 2005, at 3 p.m., in open session to receive testimony on the posture of the U.S. Transportation Command in review of the Defense Authorization Request for fiscal year 2006.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that Mindy Lanie, a sign language interpreter from congressional support services, be granted the privileges of the floor during consideration of the budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that Kathleen

Strottman be granted the privilege of the floor during consideration of the budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR AND DISCHARGE

Mr. FRIST. I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 27, 28, 29, 31, 32, 33, 34, 36, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, and 54, and all nominations on the Secretary's desk. Further, that Harold Damelin, PN87, be discharged from the Governmental Affairs Committee, and the Senate also proceed to its consideration.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

David B. Bolton, of the District of Columbia, for the rank of Ambassador during his tenure of service as Deputy Assistant Secretary of State for Oceans and Fisheries. (New Position)

Joseph R. DeTrani, of Virginia, for the rank of Ambassador during his tenure of service as Special Envoy for the Six Party Talks. (New Position)

John Thomas Schieffer, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Japan.

R. Nicholas Burns, of Massachusetts, to be an Under Secretary of State (Political Affairs).

C. David Welch, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be an Assistant Secretary of State (Near Eastern Affairs).

Christopher R. Hill, of Rhode Island, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (East Asian and Pacific Affairs).

Rudolph E. Boschwitz, of Minnesota, for the rank of Ambassador during his tenure of services as Representative of the United States of America on the Human Rights Commission of the Economic and Social Council of the United Nations.

DEPARTMENT OF ENERGY

Jeffrey Clay Sell, of Texas, to be Deputy Secretary of Energy.

NATIONAL SECURITY EDUCATION BOARD

George M. Dennison, of Montana, to be a Member of the National Security Education Board for a term of four years.

James William Carr, of Arkansas, to be a Member of the National Security Education Board for a term of four years.

Kiron Kanina Skinner, of Pennsylvania, to be a Member of the National Security Education Board for a term of four years.

AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Claude R. Kehler, 6600

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Colonel Robert R. Allardice, 0051
Colonel C. D. Alston, 3231
Colonel Michael J. Basla, 6753
Colonel Francis M. Bruno, 3512
Colonel Brooks L. Bash, 3966
Colonel Thomas K. Andersen, 8905
Colonel Herbert J. Carlisle, 9032
Colonel Charles R. Davis, 8766
Colonel Donald Lustig, 4218
Colonel James M. Kowalski, 3604
Colonel Frank J. Kisner, 0380
Colonel Jimmie C. Jackson, Jr., 9118
Colonel Mary K. Hertog, 9595
Colonel Blair E. Hansen, 0421
Colonel Frank Gorenc, 1011
Colonel Gregory A. Feest, 5242
Colonel Daniel R. Dinkins, Jr., 2842
Colonel Robert Yates, 5708
Colonel Janet A. Therianos, 7369
Colonel Mark S. Solo, 7827
Colonel Stephen D. Schmidt, 3532
Colonel Paul G. Schafer, 7952
Colonel Albert F. Riggle, 3194
Colonel Joseph Reynes, Jr., 5709
Colonel Joseph M. Reheiser, 0899
Colonel Robin Rand, 6920
Colonel Ellen M. Pawlikowski, 2245
Colonel Mark H. Owen, 6573
Colonel Joseph F. Mudd, Jr., 8962
Colonel Harold W. Moulton, II5, 917
Colonel Christopher D. Miller, 9947
Colonel Gary S. Connor, 3923

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. James J. Dougherty, III, 8516
Col. Patricia C. Lewis, 2054

ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title, 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Stanley E. Green, 4130

The following named officer for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Charles K. Ebner, 6011

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. James O. Barclay, III, 4493
Col. Arthur M. Bartell, 7214
Col. Donald M. Campbell, Jr., 3215
Col. Dennis E. Rogers, 6273

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brigadier General Byron S. Bagby, 3934
Brigadier General Vincent E. Boles, 8885
Brigadier General Thomas P. Bostick, 3680
Brigadier General Howard B. Bromberg, 2959
Brigadier General Sean J. Byrne, 2057
Brigadier General Charles A. Cartwright, 2898
Brigadier General Thomas R. Csrnko, 1332
Brigadier General John DeFreitas, III, 7924
Brigadier General Robert E. Durbin, 9354
Brigadier General David A. Fastabend, 5081
Brigadier General Charles W. Fletcher, Jr.,
Brigadier General Daniel A. Hahn, 0301
Brigadier General Rhett A. Hernandez, 7009
Brigadier General Mark P. Hertling, 3917
Brigadier General Charles H. Jacoby, Jr., 3627
Brigadier General Jerome Johnson, 6280
Brigadier General Gary M. Jones, 0483
Brigadier General William M. Lenaers, 8865
Brigadier General Douglas E. Lute, 2691
Brigadier General Benjamin R. Mixon, 7168
Brigadier General James R. Myles, 2299
Brigadier General Roger A. Nadeau, 8893
Brigadier General David M. Rodriguez, 1850
Brigadier General Richard J. Rowe, Jr., 5346
Brigadier General Jeffrey J. Schloesser, 3460
Brigadier General Jeffrey A. Sorenson, 3510
Brigadier General Abraham J. Turner, 5542
Brigadier General Robert M. Williams, 6304
Brigadier General Richard P. Zahner, 3707

The following named officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Donald L. Jacka, Jr., 5508

To be brigadier general

Col. Jerry D. La Cruz, Jr., 0400

NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Evan M. Chanik, Jr., 9906

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Barry M. Costello, 3332

AIR FORCE

PN149 AIR FORCE nominations (54) beginning Arlene D. * Adams, and ending Robert G. * Young, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

PN247 AIR FORCE nominations (54) beginning Erik L. Abrames, and ending Duojia Xu, which nominations were received by the Senate and appeared in the Congressional Record of February 28, 2005.

PN261 AIR FORCE nominations of Steven F. Reck, which was received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN262 AIR FORCE nomination of Mark D. Miller, which was received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN263 AIR FORCE nomination of Nancy B. Grane, which was received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN264 AIR FORCE nomination of Jack M. Davis, which was received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN265 AIR FORCE nominations (2) beginning Ramon Morales, and ending Frank M. Wood, which nominations were received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN266 AIR FORCE nominations (6) beginning Richard E. Ando Jr., and ending Kenneth S. Papier, which nominations were received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN267 AIR FORCE nominations (4) beginning Stephen H. Gregg, and ending Robert L. Shaw, which nominations were received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN268 AIR FORCE nominations (6) beginning John P. Albright, and ending Louis B. Miller, which nominations were received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN269 AIR FORCE nominations (6) beginning Lester H. Bakos, and ending Gregory G. Movesesian, which nominations were received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN270 AIR FORCE nominations (9) beginning Charles M. Bolin, and ending James A. Withers, which nominations were received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN271 AIR FORCE nominations (14) beginning Bruce Steuart Ambrose, and ending Patricia L. Wildermuth, which nominations were received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN272 AIR FORCE nominations (15) beginning Karen A. Baldi, and ending Paul E. Wright, which nominations were received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN273 AIR FORCE nominations (19) beginning Vickie Z. Beckwith, and ending Gayle Seifullin, which nominations were received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN274 AIR FORCE nominations (23) beginning Paul N. Austin, and ending Florence A. Valley, which nominations were received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN275 AIR FORCE nominations (66) beginning Edmond O. Anderson, and ending Scott A. Young, which nominations were received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN276 AIR FORCE nomination of Kenneth M. Francis, which was received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN277 AIR FORCE nomination of Vito Manente, which was received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN278 AIR FORCE nominations of Jeffrey H. Wilson, which was received by the Senate and appeared in the Congressional Record of March 1, 2005.

PN287 AIR FORCE nominations (1425) beginning David C. Abruzzi, and ending Michael J. Zuber, which nominations were received by the Senate and appeared in the Congressional Record of March 4, 2005.

PN288 AIR FORCE nominations (57) beginning Steven G. Allred, and ending John R. Wrockloff, which nominations were received by the Senate and appeared in the Congressional Record of March 4, 2005.

PN290 AIR FORCE nominations (134) beginning Travis R. * Adams, and ending Wendy J. * Wyse, which nominations were received by the Senate and appeared in the Congressional Record of March 4, 2005.

PN291 AIR FORCE nominations (2173) beginning Christopher N. * Aasen, and ending Ronald J. * Zwickel, which nominations were received by the Senate and appeared in the Congressional Record of March 4, 2005.

ARMY

PN39 ARMY nominations (54) beginning Peter W Aubrey, and ending Jeffrey K Wilson, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN40 ARMY nominations (28) beginning Michael J Arinello, and ending James E Whaley III, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN41 ARMY nominations (33) beginning Donna A Alberto, and ending Douglas A Wild, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

P43 ARMY nominations (344) beginning Ronald P Alberto, and ending X2800, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN216 ARMY nomination of Gerald L. Dunlap, which was received by the Senate and appeared in the Congressional Record of February 15, 2005.

PN217 ARMY nomination of Robert D. Saxon, which was received by the Senate and appeared in the Congressional Record of February 15, 2005.

PN218 ARMY nominations (2) beginning Richard R. Guzzetta, and ending Robert J. Johnson, which nominations were received by the Senate and appeared in the Congressional Record of February 15, 2005.

PN219 ARMY nominations (2) beginning James R. Hajduk, and ending Fritz W. Kirklighter, which nominations were received by the Senate and appeared in the Congressional Record of February 15, 2005.

PN220 ARMY nominations (2) beginning Brian E. Baca, and ending Anthony E. Baker Sr., which nominations were received by the Senate and appeared in the Congressional Record of February 15, 2005.

PN248 ARMY nomination of William T. Monacci, which was received by the Senate and appeared in the Congressional Record of February 28, 2005.

PN249 ARMY nominations (2) beginning Brian J. Tenney, and ending Karen T. Welden, which nominations were received by the Senate and appeared in the Congressional Record of February 28, 2005.

PN250 ARMY nominations (5) beginning David J. Bricker, and ending Wayne A. Steltz, which nominations were received by the Senate and appeared in the Congressional Record of February 28, 2005.

PN251 ARMY nominations (35) beginning Larry N Barber, and ending David D Worcester, which nominations were received by the Senate and appeared in the Congressional Record of February 28, 2005.

PN252 ARMY nominations (2) beginning Hays L. Arnold, and ending William C. Otto, which nominations were received by the Senate and appeared in the Congressional Record of February 28, 2005.

PN253 ARMY nomination of John P. Guerreiro, which was received by the Senate and appeared in the Congressional Record of February 28, 2005.

PN254 ARMY nomination of Evelyn I. Rodriguez, which was received by the Senate and appeared in the Congressional Record of February 28, 2005.

PN255 ARMY nomination of Demetres William, which was received by the Senate and appeared in the Congressional Record of February 28, 2005.

PN292 ARMY nominations (13) beginning Kenneth A Beard, and ending Karen E Semeraro, which nominations were received by the Senate and appeared in the Congressional Record of March 4, 2005.

PN294 ARMY nominations (48) beginning Stanley P. Allen, and ending Henry J. Young, which nominations were received by the Senate and appeared in the Congressional Record of March 4, 2005.

MARINE CORPS

PN64 MARINE CORPS nominations (127) beginning Robert S Abbott, and ending Ronald M Zich, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2005.

PN131 MARINE CORPS nominations (577) beginning Carlton W Adams, and ending Wayne R Zuber, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2005.

PN132 MARINE CORPS nominations (99) beginning Keith R Anderson, and ending Gary K Wortham, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2005.

PN174 MARINE CORPS nominations (5) beginning Michael S. Driggers, and ending Robert R. Sommers, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2005.

NAVY

PN256 NAVY nominations (79) beginning Donald R Bennett, and ending George B Younger, which nominations were received by the Senate and appeared in the Congressional Record of February 28, 2005.

PN257 NAVY nomination of Matthew S. Gilchrist, which was received by the Senate and appeared in the Congressional Record of February 28, 2005.

DEPARTMENT OF THE TREASURY

Harold Damelin, of Virginia, to be Inspector General, Department of the Treasury.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

MEASURE READ THE FIRST TIME—H.R. 841

Mr. FRIST. Mr. President, I understand there is a bill at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill.

The legislative clerk read as follows:

> A bill (H.R. 841) to require States to hold special elections to fill vacancies in the House of Representatives not later than 49 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances.

Mr. FRIST. I now ask for a second reading and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. The bill will be read the second time on the next legislative day.

APPOINTMENT AUTHORITY

Mr. FRIST. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards conferences, or other interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY TO FILE LEGISLATIVE AND EXECUTIVE ITEMS ON WEDNESDAY, MARCH 30, 2005

Mr. FRIST. I ask unanimous consent that not withstanding the recess, committees be allowed to file legislative and executive items on Wednesday, March 30, between the hours of 10 a.m. and 12 noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL ASBESTOS AWARENESS DAY

Mr. FRIST. I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. Res. 43, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution designating the first day of April 2005 as "National Asbestos Awareness Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent the resolution be agreed to, the Frist amendment be agreed to, the preamble, as amended, be agreed to, and the motions to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 43) was agreed to.

The amendment (No. 264) was agreed to, as follows:

Strike the preamble and insert the following:

Whereas dangerous asbestos fibers are invisible and cannot be smelled or tasted;

Whereas the inhalation of airborne asbestos fibers can cause significant damage;

Whereas these fibers can cause mesothelioma, asbestosis and other health problems;

Whereas asbestos-related diseases can take 10 to 50 years to present themselves;

Whereas the expected survival time for those diagnosed with mesothelioma is between 6 and 24 months;

Whereas generally little is known about late stage treatment and there is no cure for asbestos-related diseases;

Whereas early detection of asbestos-related diseases may give some patients increased treatment options and might improve their prognosis;

Whereas the United States has substantially reduced its consumption of asbestos yet continues to consume almost 7,000 metric tons of the fibrous mineral for use in certain products throughout the Nation;

Whereas asbestos-related diseases have killed thousands of people in the United States;

Whereas asbestos exposures continue and safety and prevention will reduce and has reduced significantly asbestos exposure and asbestos-related diseases;

Whereas asbestos has been a cause of occupational cancer;

Whereas thousands of workers in the United States face significant asbestos exposure;

Whereas thousands of Americans die from asbestos related diseases every year;

Whereas a significant percentage of all asbestos-related disease victims were exposed to asbestos on naval ships and in shipyards;

Whereas asbestos was used in the construction of a significant number of office buildings and public facilities built before 1975; and

Whereas the establishment of a "National Asbestos Awareness Day" would raise public awareness about the prevalence of asbestos-related diseases and the dangers of asbestos exposure: Now, therefore, be it

The preamble, as amended, was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 43

Whereas deadly asbestos fibers are invisible and cannot be smelled or tasted;

Whereas when airborne fibers are inhaled or swallowed, the damage is permanent and irreversible;

Whereas these fibers can cause mesothelioma, asbestosis, lung cancer, and pleural diseases;

Whereas asbestos-related diseases can take 10 to 50 years to present themselves;

Whereas the expected survival rate of those diagnosed with mesothelioma is between 6 and 24 months;

Whereas little is known about late stage treatment and there is no cure for asbestos-related diseases;

Whereas early detection of asbestos-related diseases would give patients increased treatment options and often improve their prognosis;

Whereas asbestos is a toxic and dangerous substance and must be disposed of properly;

Whereas nearly half of the more than 1,000 screened firefighters, police officers, rescue workers, and volunteers who responded to the World Trade Center attacks on September 11, 2001, have new and persistent respiratory problems;

Whereas the industry groups with the highest incidence rates of asbestos-related diseases, based on 2000 to 2002 figures, were shipyard workers, vehicle body builders (including rail vehicles), pipefitters, carpenters and electricians, construction (including insulation work and stripping), extraction, energy and water supply, and manufacturing;

Whereas the United States imports more than 30,000,000 pounds of asbestos used in products throughout the Nation;

Whereas asbestos-related diseases kill 10,000 people in the United States each year, and the numbers are increasing;

Whereas asbestos exposure is responsible for 1 in every 125 deaths of men over the age of 50;

Whereas safety and prevention will reduce asbestos exposure and asbestos-related diseases;

Whereas asbestos has been the largest single cause of occupational cancer;

Whereas asbestos is still a hazard for 1,300,000 workers in the United States;

Whereas asbestos-related deaths have greatly increased in the last 20 years and are expected to continue to increase;

Whereas 30 percent of all asbestos-related disease victims were exposed to asbestos on naval ships and in shipyards;

Whereas asbestos was used in the construction of virtually all office buildings, public schools, and homes built before 1975; and

Whereas the establishment of a "National Asbestos Awareness Day" would raise public awareness about the prevalence of asbestos-related diseases and the dangers of asbestos exposure: Now, therefore, be it

Resolved, That the Senate designates the first day of April 2005 as "National Asbestos Awareness Day".

AMENDING THE INTERNAL REVENUE CODE OF 1986

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 1270, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1270) to amend the Internal Revenue Code of 1986 to extend the Leaking Underground Storage Tank Trust Fund financing rate.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1270) was read the third time and passed.

FINANCIAL LITERACY MONTH

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 88, submitted earlier today by Senators AKAKA, SARBANES, COCHRAN, BAUCUS, and others.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 88) designating April 2005 as "Financial Literacy Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent the resolution and preamble be agreed to en bloc, the motion to reconsider be laid on the table, and any statements be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 88) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 88

Whereas at the end of 2004, Americans carried 657,000,000 bank credit cards, 228,000,000 debit cards, and 550,000,000 retail credit cards;

Whereas based on the number of total United States households, there are now 6.3 bank credit cards, 2.2 debit cards, and 6.4 retail credit cards per household;

Whereas Americans consumer credit debt continues to increase, and has reached a level of in excess of $2,100,000,000,000 as of year end 2004, of which $791,000,000,000 is revolving consumer credit;

Whereas a United States Public Interest Research Group and Consumer Federation of America analysis of Federal Reserve data indicates that the average household with debt carries approximately $10,000 to $12,000 in total revolving debt;

Whereas Americans owe $766,200,000,000 on home equity loans and lines of credit, more than twice as much as in 1998;

Whereas Americans converted $41,000,000,000 in real estate equity into spendable cash in the third quarter of 2004 alone;

Whereas the current level of personal savings as a percentage of personal income is at one of the lowest levels in history, 2 percent, a decline from 7.5 percent in the early 1980s;

Whereas through November 2004, 1,869,343 individuals filed for bankruptcy;

Whereas a 2002 Retirement Confidence Survey found that only 32 percent of workers surveyed have calculated how much money they will need to save for retirement;

Whereas only 30 percent of those surveyed in a 2003 Employee Benefit Trend Study are confident in their ability to make the right financial decisions for themselves and their families, and 25 percent have done no specific financial planning;

Whereas approximately 10 percent of individual households remain unbanked, i.e., not using mainstream, insured financial institutions;

Whereas expanding access to the mainstream financial system provides individuals with lower cost, safer options for managing their finances and building wealth;

Whereas a greater understanding and familiarity with financial markets and institutions will lead to increased economic activity and growth;

Whereas financial literacy empowers individuals to make wise financial decisions and reduces the confusion of an increasingly complex economy;

Whereas the Spring 2004 Student Monitor Financial Services Survey found that 46 percent of college students have a general purpose credit card in their own name and 37 percent carry over a credit card balance from month to month;

Whereas 45 percent of college students are in credit card debt, with the average debt being $3,066;

Whereas only 26 percent of 13- to 21-year-olds reported that their parents actively taught them how to manage money;

Whereas a 2004 study by the Jump$tart Coalition for Personal Financial Literacy found an increase in high school seniors' scores on an exam about credit cards, retirement funds, insurance, and other personal finance basics for the first time since 1997; however, 65 percent of students still failed the exam;

Whereas a 2004 survey of States by the National Council on Economic Education found that 49 States include economics, and 38 States include personal finance, in their elementary and secondary education standards, up from 48 States and 31 States, respectively, in 2002;

Whereas personal financial management skills and life-long habits develop during childhood;

Whereas personal financial education is essential to ensure that individuals are prepared to manage money, credit, and debt, and become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens; and

Whereas Congress found it important enough to ensure coordination of Federal financial literacy efforts and formulate a national strategy that it established the Financial Literacy and Education Commission in 2003 and designated the Office of Financial Education of the Department of the Treasury to provide support for the Commission: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2005 as "Financial Literacy Month" to raise public awareness about the importance of financial education in the United States and the serious consequences that may be associated with a lack of understanding about personal finances; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the people of the United States to observe the month with appropriate programs and activities.

CONGRATULATING THE MONTANA FFA ON ITS 75TH ANNIVERSARY

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 89 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 89) congratulating the Montana FFA on its 75th anniversary.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BURNS. Mr. President, this year marks the 75th anniversary of the Montana FFA, an organization near and dear to my heart. As a former blue jacket myself, I know firsthand how much this organization contributes to the development of leadership skills. A number of my staff, including my chief of staff, are former Montana FFA officers. I couldn't be prouder to introduce today, along with my colleague, Senator BAUCUS, a resolution congratulating the Montana FFA on its 75th anniversary.

With over 2,500 current members from 75 chapters, the Montana FFA provides outstanding career and technical education to students across the State. Over 40,000 Montanans have participated in FFA programs.

As this resolution states, the mission of the FFA, a federally chartered national organization, is to make a positive difference in the lives of students by developing their potential for premier leadership, personal growth, and career success through agriculture education. In Montana, that mission is achieved every day. Whether focusing on public speaking skills, or developing business expertise, or learning about horticulture at the new greenhouse at Park High in Livingston, FFA ensures that our students are ready to embrace all the opportunities the future holds for them.

When the national FFA began in 1928, it did so with just 33 members. Today, it has blossomed into a powerful force for career education, with over 475,000 members. Each year, the halls of Congress are filled with the familiar blue-and-gold jackets, as FFA students from across the nation come to share their thoughts and concerns with us.

The contributions of both the Montana FFA and the national FFA are numerous, and I am pleased to have the opportunity to honor this great organization today. I know this program will continue to flourish and offer our youngsters skills in leadership, personal growth, and career options in the agricultural community as it has done every day since its inception back in Kansas City.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 89) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 89

Whereas in 2005, the Montana FFA, chartered in 1930, celebrates its 75th anniversary as a premier student development organization where members gain life and leadership skills;

Whereas more than 40,000 Montanans have been FFA members;

Whereas Montana FFA alumni provide outstanding leadership to agriculture and agribusiness at the local, State, and Federal levels;

Whereas the Montana FFA Association is the largest career and technical student organization in the State, with over 2,550 members from 75 chapters;

Whereas the mission of the FFA is to make a positive difference in the lives of students by developing their potential for premier leadership, personal growth, and career success through agriculture education;

Whereas FFA is an integral component of agriculture education in the public school system; and

Whereas the National FFA Organization is a federally-chartered organization:

Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Montana FFA on its 75th anniversary; and

(2) directs the Secretary of the Senate to transmit to the Montana FFA an enrolled copy of this resolution for appropriate display.

HOLOCAUST COMMEMORATION WEEK

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 90 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 90) designating the week of May 1, 2005, as "Holocaust Commemoration Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 90) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 90

Whereas the year 2005 marks the 60th anniversary of the end of the Holocaust, which was ruthlessly and tragically carried out by Nazi Germany under the leadership of Adolf Hitler and his collaborators;

Whereas the Holocaust involved the murder of millions of innocent Jewish men, women, and children along with millions of others, and an enormity of suffering inflicted on the many survivors through mistreatment, brutalization, violence, torture, slave labor, involuntary medical experimentation, death marches, and numerous other acts of cruelty that have come to be known as "genocide" and "crimes against humanity"; and

Whereas in the past 60 years, the Holocaust has provided the peoples of the world with an object lesson in the importance of compassion, caring, and kindness; an awareness of the dangers inherent in bigotry, racism, intolerance, and prejudice; and an understanding of the importance of an appreciation of the sensitivity to diversity: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of May 1, 2005, as "Holocaust Commemoration Week";

(2) commemorates the occasion of the 60th anniversary of the end of World War II and the liberation of the concentration camps; and

(3) encourages all Americans to commemorate the occasion through reflection, acts of compassionate caring, and learning about the terrible consequences and lessons of the Holocaust.

EUROPEAN ARMS EMBARGO ON THE PEOPLE'S REPUBLIC OF CHINA

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 91 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 91) urging the European Union to maintain its arms export embargo on the People's Republic of China.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SMITH. Mr. President, I rise today to support an updated version of S. Res. 59, which I submitted on February 17 that calls on the European Union to maintain its arms embargo against the People's Republic of China.

I am pleased that all of the original cosponsors of S. Res. 59 are joining me in submitting this revised legislation. This resolution states our strong support of the United States arms embargo on China and urges the European Union to strengthen, enforce, and maintain its embargo as well. It encourages the EU to examine its current arms control policies, close any loopholes, and examine their trade with China inn light of serious human rights concerns.

The human rights abuses at Tiananmen Square in 1989 led the United States and the EU to impose this embargo. Now is not the time to lift it. If the EU proceeds down this road, there will be negative consequences to our relationship—an outcome their officials claim they do not want. This resolution expresses the Senate's view that maintaining the embargo is in our mutual security interests.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table en bloc, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 91) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 91

Whereas, on June 4, 1989, the Communist Government of the People's Republic of China ordered the People's Liberation Army to carry out an unprovoked, brutal assault on thousands of peaceful and unarmed demonstrators in Tiananmen Square, resulting in hundreds of deaths and thousands of injuries;

Whereas, on June 5, 1989, President George H. W. Bush condemned these actions of the Government of the People's Republic of China, and the United States took several concrete steps to respond to the military assault, including suspending all exports of items on the United States Munitions List to the People's Republic of China;

Whereas, on June 27, 1989, the European Union (then called the European Community) imposed an arms embargo on the People's Republic of China in response to the Government of China's brutal repression of protestors calling for democratic and political reform;

Whereas the European Council, in adopting that embargo, "strongly condemn[ed] the brutal repression taking place in China" and "solemnly request[ed] the Chinese authorities ... to put an end to the repressive actions against those who legitimately claim their democratic rights";

Whereas the poor human rights conditions that precipitated the decisions of the United States and the European Union to impose and maintain their respective embargoes have not improved;

Whereas the Department of State 2004 Country Reports on Human Rights Practices states that, during 2004, "[t]he [Chinese] Government's human rights record remained poor, and the Government continued to commit numerous and serious abuses";

Whereas, according to the same Department of State report, credible sources estimated that hundreds of persons remained in prison in the People's Republic of China for their activities during the June 1989 Tiananmen demonstrations;

Whereas the Government of the People's Republic of China continues to maintain that its crackdown on democracy activists in Tiananmen Square was warranted and remains unapologetic for its brutal actions, as demonstrated by that Government's handling of the recent death of former Premier and Communist Party General Secretary, Zhao Ziyang, who had been under house arrest for 15 years because of his objection to the 1989 Tiananmen crackdown;

Whereas, since December 2003, the European Parliament, the legislative arm of the European Union, has rejected in five separate resolutions the lifting of the European Union arms embargo on the People's Republic of China because of continuing human rights concerns in China;

Whereas the February 24, 2005, resolution passed by the European Parliament stated that the Parliament "believes that unless and until there is a significant improvement in the human rights situation in China, it would be wrong for the EU to envisage any lifting [of] its embargo on arms sales to China, imposed in 1989" and that it "requests that the Commission formally oppose such a move when it is discussed in the [European] Council";

Whereas the governments of a number of European Union member states have individually expressed concern about lifting the European Union arms embargo on the People's Republic of China, and several have passed resolutions of opposition in their national parliaments;

Whereas the European Union Code of Conduct on Arms Exports, as a non-binding set of principles, is insufficient to control European arms exports to the People's Republic of China;

Whereas public statements by some major defense firms in Europe and other indicators suggest that such firms intend to increase military sales to the People's Republic of China if the European Union lifts its arms embargo on that country;

Whereas the Department of Defense fiscal year 2004 Annual Report on the Military Power of the People's Republic of China found that "[e]fforts underway to lift the European Union (EU) embargo on China will provide additional opportunities to acquire specific technologies from Western suppliers";

Whereas the same Department of Defense report noted that the military modernization and build-up of the People's Republic of China is aimed at increasing the options of the Government of the People's Republic of China to intimidate or attack democratic Taiwan, as well as preventing or disrupting third-party intervention, namely by the United States, in a cross-strait military crisis;

Whereas the June 2004, report to Congress of the congressionally-mandated, bipartisan United States-China Economic and Security Review Commission concluded that "there has been a dramatic change in the military balance between China and Taiwan," and that "[i]n the past few years, China has increasingly developed a quantitative and qualitative advantage over Taiwan";

Whereas the Taiwan Relations Act (22 U.S.C. 3301 et seq.) codifies in United States law the basis for continued relations between the United States and Taiwan, affirmed that the decision of the United States to establish diplomatic relations with the People's Republic of China was based on the expectation that the future of Taiwan would be determined by peaceful means;

Whereas the balance of power in the Taiwan Straits and, specifically, the military capabilities of the People's Republic of China, directly affect peace and security in the East Asia and Pacific region;

Whereas the Foreign Minister of Japan, Nobutaka Machimura, recently stated that Japan is opposed to the European Union lifting its embargo against the People's Republic of China and that "[i]t is extremely worrying as this issue concerns peace and security environments not only in Japan but also in East Asia as a whole";

Whereas the United States has numerous security interests in the East Asia and Pacific region, and the United States Armed Forces, which are deployed throughout the region, would be adversely affected by any Chinese military aggression;

Whereas the lifting of the European Union arms embargo on the People's Republic of China would increase the risk that United States troops could face military equipment and technology of Western or United States origin in a cross-strait military conflict;

Whereas this risk would necessitate a reevaluation by the United States Government of procedures for licensing arms and dual-use exports to member states of the European Union in order to attempt to prevent the reexport or retransfer of United States exports from such countries to the People's Republic of China;

Whereas the report of the United States-China Economic and Security Review Commission on the Symposia on Transatlantic Perspectives on Economic and Security Relations with China, held in Brussels, Belgium and Prague, Czech Republic from November 29, 2004, through December 3, 2004, recommended that the United States Government continue to press the European Union to maintain the arms embargo on the People's Republic of China and strengthen its arms export control system, as well as place limitations on United States public and private sector defense cooperation with foreign firms that sell sensitive military technology to China;

Whereas the lax export control practices of the People's Republic of China and the continuing proliferation of technology related to weapons of mass destruction and ballistic missiles by state-sponsored entities in China remain a serious concern of the Government of the United States;

Whereas the People's Republic of China remains a primary supplier of weapons to countries such as Burma and Sudan where, according to the United States Commission on International Religious Freedom, the military has played a key role in the oppression of religious and ethnic minorities;

Whereas the most recent Central Intelligence Agency Unclassified Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions, 1 July Through 31 December 2003, found that "Chinese entities continued to work with Pakistan and Iran on ballistic missile-related projects during the second half of 2003," and that "[d]uring 2003, China remained a primary supplier of advanced conventional weapons to Pakistan, Sudan, and Iran";

Whereas, as recently as December 27, 2004, the Government of the United States determined that seven entities or persons in the People's Republic of China, including several state-owned companies involved in China's military-industrial complex, are subject to sanctions under the Iran Nonproliferation Act of 2000 (Public Law 106–178; 50 U.S.C. 1701 note) for sales to Iran of prohibited equipment or technology;

Whereas the authority under the Iran Nonproliferation Act of 2000 to impose sanctions on Chinese persons or entities was used 23 times in 2004; and

Whereas the assistance provided by these entities to Iran works directly counter to the efforts of the United States Government and several European governments to curb illicit weapons activities in Iran: Now, therefore, be it

Resolved, That the Senate—

(1) strongly supports the United States embargo on the People's Republic of China;

(2) strongly urges the European Union to continue its ban on all arms exports to the People's Republic of China;

(3) requests that the President raise United States objections to the potential lifting of the European Union arms embargo against the People's Republic of China in any upcoming meetings with European officials;

(4) encourages the Government of the United States to make clear in discussions with representatives of the national governments of European Union member states that a lifting of the European Union embargo on arms sales to the People's Republic of China would potentially adversely affect transatlantic defense cooperation, including future transfers of United States military technology, services, and equipment to European Union countries;

(5) urges the European Union—

(A) to strengthen, enforce, and maintain its arms embargo on the People's Republic of China and in its Code of Conduct on Arms Exports;

(B) to make its Code of Conduct on Arms Exports legally binding and enforceable in all European Union member states;

(C) to more carefully regulate and monitor the end-use of exports of sensitive military and dual-use technology; and

(D) to increase transparency in its arms and dual-use export control regimes;

(6) deplores the ongoing human rights abuses in the People's Republic of China; and

(7) urges the United States Government and the European Union to cooperatively develop a common strategy to seek—

(A) improvement in the human rights conditions in the People's Republic of China;

(B) an end to the military build-up of the People's Republic of China aimed at Taiwan;

(C) a permanent and verifiable end to the ongoing proliferation by state and non-state owned entities and individuals in the People's Republic of China of munitions, materials, and military equipment and the trade in such items involving countries, such as Burma and Sudan, whose armies have played a role in the perpetration of violations of human rights and of humanitarian law against members of ethnic and religious minorities;

(D) improvement in the administration and enforcement of export controls in the People's Republic of China; and

(E) an end to the ongoing proliferation by state and non-state owned entities and individuals in the People's Republic of China of technology related to conventional weapons, weapons of mass destruction, and ballistic missiles.

AUTHORIZATION TO SIGN LEGISLATION

Mr. FRIST. Mr. President, I ask unanimous consent that during this adjournment of the Senate, the majority leader, the assistant majority leader, and the senior Senator from Virginia be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

THE PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 96–388, as amended by Public Law 97–84 and Public Law 106–292, appoints the following Senators to the United States Holocaust Memorial Council:

The Senator from Wisconsin, Mr. Feingold, and the Senator from New Jersey, Mr. Lautenberg.

TERRI SCHIAVO

Mr. FRIST. Mr. President, in closing tonight, I will take a few final moments to speak on an issue that I opened with early this morning, about 14 hours ago, an issue which Senators MARTINEZ and SANTORUM were on the floor speaking to about 45 minutes ago. It has to do with the Terri Schiavo case in Florida.

I close this evening speaking more as a physician than as a U.S. Senator and speak to my involvement as a physician and as a Senator and as leader in the Senate in what has been a fascinating course of events for us over the last 48 hours, a saga which has not ended but one which we took major steps toward tonight in seeing that this woman is not starved to death tomorrow beginning at 1 o'clock, about 13 hours from now.

When I first heard about the situation facing Terri Schiavo, I immediately wanted to know more about the case from a medical standpoint. I asked myself, just looking at the newspaper reports, is Terri clearly in this diagnosis called persistent vegetative state. I was interested in it in part because it is a very difficult diagnosis to make and I have been in a situation such as this many, many times before as a transplant surgeon.

When we do heart transplants and lung transplants—and they are done routinely and were done routinely at the transplant center that I directed at Vanderbilt—in each and every case when you do a heart transplant or a lung transplant or a heart-lung transplant, the transplanted organs come from someone who is brain dead and death is clearly defined with a series of standardized clinical exams over a period of time, as well as diagnostic tests.

Even brain death is a difficult diagnosis to make, and short of brain death, there are stages of incapacitation that go from coma to this persistent vegetative state to a minimally conscious state. They are tough diagnoses to make. You can make brain death with certainty, but short of that it is a difficult diagnosis and one that takes a series of evaluations over a period of time because of fluctuating consciousness.

So I was a little bit surprised to hear a decision had been made to starve to death a woman based on a clinical exam that took place over a very short period of time by a neurologist who was called in to make the diagnosis rather than over a longer period of time. It is almost unheard of. So that raised the first question in my mind.

I asked myself, does Terri clearly have no hope of being rehabilitated or improved in any way? If you are in a true persistent vegetative state, that may be the case. But, again, it is a very tough diagnosis to make and only by putting forth that rehabilitative therapy and following over time do you know if somebody is going to improve. At least from the reporting, that has not been the case.

Then I asked myself, because we have living wills now and we have written directives which are very commonplace now, but 10 years ago they were not that common and, to be honest with you, a lot of 20- and 30-year-olds do not think about their own mortality and do not offer those written directives. They did not 10 years ago. Now they do with increasing frequency. I encourage people to do that.

So, I asked, did they have a written directive? And the answer was no. And did she have a clear-cut oral directive? And the answer was no.

So my curiosity piqued as I asked to see all of the court affidavits. I received those court affidavits and had the opportunity to read through those over the last 48 hours. My curiosity was piqued even further because of what seemed to be unusual about the case, and so I called one of the neurologists who did evaluate her and evaluated her more extensively than what at least was alleged other neurologists had. And he told me very directly that she is not in a persistent vegetative state. I said, well, give me a spectrum from this neurologist who examined her. To be fair, he examined her about 2 years ago and, to the best of my knowledge, no neurologist has been able to examine her. I am not positive about that, but that is what I have been told in recent times. But at that exam, clearly she was not in a persistent vegetative state, and of 100 patients this neurologist would take care of, she was not at the far end of being an extreme patient in terms of her disability. He described it as if there were 100 patients, she might have been the 70th but not the 80th or 90th or 100th.

So I was really curious that a neurologist who has spent time with her says she is not in a persistent vegetative state but they will begin starving her to death tomorrow at 1 o'clock because of what another neurologist said.

I met with her family and her son. Her son says she has a severe disability. A lot of people have severe disabilities, such as cerebral palsy and receptive aphasia, but her brother said that she responds to her parents and to him. That is not somebody in persistent vegetative state.

I then met in person with the chairman of the Judiciary Committee 2 days ago in Florida to discuss the case. He told me that they had exhausted all options in the State of Florida to reverse what was going to be inevitable tomorrow, Friday, the 18th of March; and that is, that feedings and hydration were going to stop, that everything had been exhausted.

He said the courts have been exhausted, and that all of the court decisions and the court cases had not been based on the facts because the facts were very limited and were the conclusions of one judge and two neurologists, and that was it, and that there were, in terms of the affidavits—I will get the exact number that I read—there were something like 34 affidavits from other doctors, who said that she could be improved with rehabilitation.

So then it came to, what do you do? Here is the U.S. Senate that normally does not and should not get involved in all of these private-action cases. It is not our primary responsibility here in the U.S. Senate. But with an exhaustion of a State legislature, an exhaustion of the court system in a State—yet all of this is based on what one judge had decided on what, at least initially, to me, looks like wrong data, incomplete data. But somebody is being condemned to death—somebody who is alive; there is no question she is alive—is being condemned to death.

It takes an action to pull out a feeding tube. It takes an action to stop feeding. The inaction of feeding becomes an action. And thus, as I started talking about it this morning, the question was, what do we do? Bills had been put forth broadly on the floor, and Senator MARTINEZ had very effective legislation, but it had to do with the habeas corpus, a very large issue that we have not had hearings on and debated.

So what we decided to do was to fashion a bill that was very narrow, aimed specifically at this case that would say she is not going to be starved to death tomorrow, but let's go and collect more information, have neurologists come in and obtain a body of facts before such a decision would be made.

That is what we have done. As Senator MARTINEZ said, and Senator SANTORUM said, we are not there yet. We have three different tracks going on that will be going on over the course of tonight. In my office, right now, letters are being written and being sent out, and we will not give up, and we have not given up. We passed the bill here tonight. The House has a bill. And I am confident if we continue working, and we are going to stay in session—we are not staying in session tonight but we are going to stay in session until we complete action.

Let me just comment a little bit about the Terri Schiavo case because what I said is how we got involved. What I am about to say is a little bit more information than we have been able to talk about on the floor today because of the focus on the Budget Committee, although when we were just off the floor in the cloakroom behind us and in my office, we have been going nonstop on this all day long—all day long.

Terri Schiavo is right now in a Florida hospice. She is breathing on her own. So she does not have a ventilator keeping her lungs expanding. She is breathing on her own. She is not a terminal case. She is, as I said, disabled. Under court order, this feeding tube was to be removed tomorrow, in about 14 hours from now. When her feeding tube is removed, she does not receive food; she starves to death. She has no hydration and she becomes dehydrated, has cardiovascular collapse, her heart and lungs would work overtime, and, of course, she would die.

Her parents, Bob and Mary Schindler, have been fighting for over 10 years to prevent her death. Imagine, if you and your spouse had a daughter, and you said: Don't let her die. We will take care of her. We will financially take care of her. How in the world can you have somebody come in and remove a feeding tube? That is what they have been saying for 10 years. They love her. They say that she responds to them. They would welcome the chance—welcome the chance—to be her guardian.

As I understand it, Terri's husband will not divorce Terri and will not allow her parents to take care of her. Terri's husband, who I have not met, does have a girlfriend he lives with, and they have children of their own.

A single Florida judge ruled that Terri is in this persistent vegetative state. And this is the same judge who has denied new testing, new examinations of Terri by independent and qualified medical professionals. They have not been allowed.

As I mentioned, the attorneys for Terri's parents have submitted 33 affidavits from doctors and other medical professionals, all of whom say that Terri should be re-evaluated. About 15—I read through the affidavits—and about 14 or 15 of these affidavits are from board certified neurologists. Some of these doctors, very specifically, say they believe, on the data they had seen, that Terri could benefit from therapy.

There have been many comments that her legal guardian, that is Terri's husband, has not—it ranges. It is either that he has not been aggressive in rehabilitation, to other reports saying that he has thwarted rehabilitation since 1992. I can only report what I have read there because I have not met him.

Persistent vegetative state, which is what the court has ruled, I say that I question it, and I question it based on a review of the video footage which I spent an hour or so looking at last night in my office here in the Capitol. And that footage, to me, depicted something very different than persistent vegetative state.

One of the classic textbooks we use in medicine today is called "Harrison's Principles of Internal Medicine." And in the 16th edition, which was published just this year, 2005, on page 1625, it reads:

> . . . the vegetative state signifies an awake but unresponsive state. These patients have emerged from coma after a period of days or weeks to an unresponsive state in which the eyelids are open, giving the appearance of wakefulness.

This is from "Harrison's Principles of Internal Medicine."

This "unresponsive state in which the eyelids are open"—I quote that only because on the video footage, which is the actual exam by the neurologist, when the neurologist said, "Look up," there is no question in the video that she actually looks up. That would not be an "unresponsive state in which the eyelids are open."

Skipping on down to what the Harrison's textbook says about "vegetative state," I quote:

> There are always accompanying signs that indicate extensive damage in both cerebral hemisphere, e.g. decerebrate or decorticate limb posturing and absent responses to visual stimuli.

And then, let me just comment, because it says: "absent responses to visual stimuli." Once again, in the video footage—which you can actually see on the Web site today—she certainly seems to respond to visual stimuli that the neurologist puts forth.

And lastly—I will stop quoting from the classic internal medicine textbook—one other sentence:

> In the closely related minimally conscious state the patient may make intermittent rudimentary vocal or motor responses.

I would simply ask, maybe she is not in this vegetative state and she is in this minimally conscious state, in which case the diagnosis upon which this whole case has been based would be incorrect.

Fifteen neurologists have signed affidavits that Terri should have additional testing by unbiased, independent neurologists. I am told that Terri never had an MRI or a PET scan of her head, and that disturbs me only because it suggests she hasn't been fully evaluated by today's standards. You don't have to have an MRI or PET scan to make a diagnosis of persistent vegetative state, but if you are going to allow somebody to die, starve them to death, I would think you would want to complete a neurological exam. She has not had an MRI or a PET scan, which suggests she has not had a full neurological exam.

I should also note that the court sided with the testimony of Dr. Ronald Cranford, who is an outspoken advocate of physician-assisted suicide.

A 1996 British Medical Journal study conducted in England's Royal Hospital for Neurodisability concluded there was a 43 percent error rate in the diagnosis of PVS. It takes a lot of time, as I mentioned earlier, to make this diagnosis with a very high error rate. If you are going to be causing somebody to die with purposeful action, like withdrawal of the feeding tube, you are not going to want to make a mistake in terms of the diagnosis.

I mentioned that Terri's brother told me Terri laughs, smiles, and tries to speak. That doesn't sound like a women in a persistent vegetative state. So the Senate has acted tonight and the House of Representatives acted last night. The approaches are different, and over the course of tonight and tomorrow, I hope we can resolve those differences. It is clear to me that Congress has a responsibility, since other aspects of government at the State level had failed to address this issue, that we do have a responsibility given the uncertainties that I have outlined over the last few minutes.

Remember, she has family members—her parents and brother—who say they love her, they will take care of her, they will be responsible for her, and they will support her. There seems to be insufficient information to conclude that Terry Schiavo is in a persistent vegetative state. Securing the facts, I believe, is the first and proper step at this juncture. Whoever spends time making the diagnosis with Terri needs to spend enough time to make an appropriate diagnosis.

At this juncture, I don't see any justification in removing hydration and nutrition. Prudence and caution and respect for the dignity of life must be the undergirding principles in this case.

I will close with an e-mail a friend sent me once they saw that we in this body were involved in this case. It reads:

> I know you are dealing with so many major issues, but I believe this one threatens to send us down another shameful path we may never recover from.
>
> I don't think I ever had an occasion to tell you that I have a severely brain damaged adult daughter that I cared for in my home for 20 years. Sasha's functioning level is far below Terri's, but she has been such a blessing in my life. Dietrich Bonhoffer said, "Not only do the weak need the strong, but the strong need the weak." It's hard to explain that in a day and age where physical perfection is so highly valued, but I know it to be true.
>
> Senator Frist, as you fight this battle today, hold fast. If ever the weak needed a champion, it is now.
>
> on behalf of my sweet Sasha . . .

Then the e-mail is signed.

I close tonight with those powerful words.

ORDERS FOR MONDAY, MARCH 21, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 4 p.m. on Monday, March 21; I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time for the two leaders be reserved, and the Senate begin a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. On Monday, the Senate will convene for a short period of morning business. There will be no rollcall votes, although we hope to finish our business with respect to the legislation relating to my comments on the Theresa Marie Shiavo case.

I want to take this opportunity to thank Chairman GREGG and Senator CONRAD for the tremendous, outstanding work on the budget resolution this week. Today alone, we conducted 25 votes to complete this resolution. Although it was not a record in terms of votes in 1 day, I would guess that we broke the land speed record as to the greatest number of votes in the shortest timeframe. We started voting at 1:17 and finished our last vote just after 10 p.m. It is ironic, but last night, I believe, on the floor in the evening we predicted—and it is rare to predict—that we would finish sometime around 10 p.m. tonight, and indeed we may have missed it by a couple of minutes.

I thank all of our colleagues for their patience and endurance. I hope we finish our work on the Schiavo issue early next week and, if so, we will begin the Easter break.

ADJOURNMENT UNTIL MONDAY, MARCH 21, 2005 AT 4 P.M.

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 11:48 p.m., adjourned until Monday, March 21, 2005, at 4 p.m.

NOMINATIONS

Executive nominations received by the Senate March 17, 2005:

DEPARTMENT OF TRANSPORTATION

JOSEPH H. BOARDMAN, OF NEW YORK, TO BE ADMINISTRATOR OF THE FEDERAL RAILROAD ADMINISTRATION, VICE ALLAN RUTTER, RESIGNED.

DEPARTMENT OF STATE

JOHN ROBERT BOLTON, OF MARYLAND, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, AND THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS.

JOHN ROBERT BOLTON, OF MARYLAND, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS.

ENVIRONMENTAL PROTECTION AGENCY

STEPHEN L. JOHNSON, OF MARYLAND, TO BE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE MICHAEL O. LEAVITT.

EXECUTIVE OFFICE OF THE PRESIDENT

JOHN D. NEGROPONTE, OF NEW YORK, TO BE DIRECTOR OF NATIONAL INTELLIGENCE. (NEW POSITION)

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

ROBERT B. ROTTSCHAFER, 8330

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

CHRISTINE A. LIDDLE, 5958

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

CECIL D. ALLEN, 2400
LAWRENCE J. ASHLEY, 3753
WAYNE E. KOWAL, 9371

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

THOMAS E. BERON, 1014
ANDREW R. BRADBURY, 7461
KENNETH J. VEGA, 8112

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

BRAD K. BLACKNER, 2482
KEVIN M. CIEPLY, 0839
WILLARD G. FINCH, 0817
MORRIS E. NELSON, 3785
MARVIN A. ZERR, 2316

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

MICHAEL J. BOUCHARD, 5784
PHILIP E. DYER, 9892
CAROL A. EGGERT, 3145
JOHN T. GERESKI, JR. 0183
DEBRA A. ROSE, 4478

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT AS PERMANENT PROFESSORS AT THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 4333(B):

To be lieutenant colonel

GREGORY L. DANIELS, 0107
MICHAEL D. PHILLIPS, 2022

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

CINDY W. BALTRUN, 8818

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

RICHARD L. URSONE, 1820

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

THANH MINH DO, 1351

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 531, 624, AND 3064:

To be major

LORINE LAGATTA, 1035

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 531 AND 624:

To be major

GARY ZEITZ, 4813

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

AMY V. DUNNING, 0523

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

DAVID J. WILSON, 6365

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MICHAEL AKSELRUD, 4776

THE FOLLOWING NAMED OFFICERS FOR ORIGINAL REGULAR APPOINTMENT AS PERMANENT LIMITED DUTY OFFICERS TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5589:

To be captain

CHARLES R. BAUGHN, 5383
CHRISTOPHER F. BERGERON, 9889
ROBERT BOYERO, 1510
KEITH D. BURGESS, 4180
RICHARD CANEDO, 6750
CHRISTOPHER J. COX, 0249
DOUGLAS R. CUNNINGHAM, 2345
CHRISTOPHER A. DAVIS, 5004
MORRIS A. DESIMONE III, 2760
DANIEL E. DESMIT, 6675
JOHN DIGIOVANNI, 8710
MICHAEL D. DODSON, 1782
JAMES S. DUCKER, 1900
MICHAEL W. DUNCAN, 7056
CHRISTOPHER S. EICHNER, 0141
RICHARD D. EKBORG, 9667
JOSE A. FALCHE, 2854
CHRISTOPHER L. FIELDS, 6043
PEDRO B. GOMEZ, 8722
MICHAEL A. GRAHAM, 9449
GERALD D. HABIGER, 1681
KYLE B. HANNER, 5468
JULIE C. HENDRIX, 8418
MARK L. HOBIN, 3897
BRANDEE G. HOLBROOK, 5564
JOHN L. HYATT, JR., 9586
DONALD A. JOHNSON, 6913
TROY A. KACZMARSKI, 1037
DANIEL C. KOCH, 8772
THOMAS J. LIPPERT, 3234
JUNIOR L. LOGAN, 9113
ROBERT M. MANNING, 5093
LUIS A. MARIN, 8916
LARRY MIYAMOTO, 3244
CHRISTOPHER N. NORRIS, 7882
TERRY G. NORRIS, 5264
RICHARD P. OWENS, 8620
PAUL E. QUICKENTON, 1642
DONALD E. REID, JR., 8903
JAMES R. REUSSE, JR., 1501
JAMES C. ROSE, 4124
RONALD J. ROSTEK, JR., 8394
MARK S. ROY, 1198
SHANNON W. SIMS, 2551
SAMUEL W SPENCER III, 2822
BRIAN J SPOONER, 9541
BRYAN S TEET, 9896
JAMES R TOWNEY, 0738
WILLIAM C TRAQUAIR, 1505
BRIAN L WHITE, 6607
TIMOTHY P WOODRING, 0471
PHILLIP J WOODWARD, 1126

CONFIRMATIONS

Executive nominations confirmed by the Senate March 17, 2005:

DEPARTMENT OF STATE

DAVID B. BALTON, OF THE DISTRICT OF COLUMBIA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS DEPUTY ASSISTANT SECRETARY OF STATE FOR OCEANS AND FISHERIES.

JOSEPH R. DETRANI, OF VIRGINIA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS SPECIAL ENVOY FOR THE SIX PARTY TALKS.

JOHN THOMAS SCHIEFFER, OF TEXAS, TO BE AMBASSADOR TO JAPAN.

R. NICHOLAS BURNS, OF MASSACHUSETTS, TO BE AN UNDER SECRETARY OF STATE (POLITICAL AFFAIRS).

C. DAVID WELCH, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (NEAR EASTERN AFFAIRS).

CHRISTOPHER R. HILL, OF RHODE ISLAND, TO BE AN ASSISTANT SECRETARY OF STATE (EAST ASIAN AND PACIFIC AFFAIRS).

RUDOLPH E. BOSCHWITZ, OF MINNESOTA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE HUMAN RIGHTS COMMISSION OF THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS.

DEPARTMENT OF ENERGY

JEFFREY CLAY SELL, OF TEXAS, TO BE DEPUTY SECRETARY OF ENERGY.

NATIONAL SECURITY EDUCATION BOARD

GEORGE M. DENNISON, OF MONTANA, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS.

JAMES WILLIAM CARR, OF ARKANSAS, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS.

KIRON KANINA SKINNER, OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF THE TREASURY

HAROLD DAMELIN, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF THE TREASURY.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. CLAUDE R. KEHLER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL ROBERT R. ALLARDICE
COLONEL C. D. ALSTON
COLONEL THOMAS K. ANDERSEN
COLONEL BROOKS L. BASH
COLONEL MICHAEL J. BASLA
COLONEL FRANCIS M. BRUNO
COLONEL HERBERT J. CARLISLE
COLONEL GARY S. CONNOR
COLONEL CHARLES R. DAVIS
COLONEL DANIEL R. DINKINS, JR.
COLONEL GREGORY A. FEEST
COLONEL FRANK GORENC
COLONEL BLAIR E. HANSEN
COLONEL MARY K. HERTOG
COLONEL JIMMIE C. JACKSON, JR.
COLONEL FRANK J. KISNER
COLONEL JAMES M. KOWALSKI
COLONEL DONALD LUSTIG
COLONEL CHRISTOPHER D. MILLER
COLONEL HAROLD W. MOULTON II
COLONEL JOSEPH F. MUDD, JR.
COLONEL MARK H. OWEN
COLONEL ELLEN M. PAWLIKOWSKI
COLONEL ROBIN RAND
COLONEL JOSEPH M. REHEISER
COLONEL JOSEPH REYNES, JR.
COLONEL ALBERT F. RIGGLE
COLONEL PAUL G. SCHAFER
COLONEL STEPHEN D. SCHMIDT

COLONEL MARK S. SOLO
COLONEL JANET A. THERIANOS
COLONEL ROBERT YATES

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. JAMES J. DOUGHERTY III
COL. PATRICIA C. LEWIS

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. STANLEY E. GREEN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. CHARLES K. EBNER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. JAMES O. BARCLAY III
COL. ARTHUR M. BARTELL
COL. DONALD M. CAMPBELL, JR.
COL. DENNIS E. ROGERS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL BYRON S. BAGBY
BRIGADIER GENERAL VINCENT E. BOLES
BRIGADIER GENERAL THOMAS P. BOSTICK
BRIGADIER GENERAL HOWARD B. BROMBERG
BRIGADIER GENERAL SEAN J. BYRNE
BRIGADIER GENERAL CHARLES A. CARTWRIGHT
BRIGADIER GENERAL THOMAS R. CSRNKO
BRIGADIER GENERAL JOHN DEFREITAS III
BRIGADIER GENERAL ROBERT E. DURBIN
BRIGADIER GENERAL DAVID A. FASTABEND
BRIGADIER GENERAL CHARLES W. FLETCHER, JR.
BRIGADIER GENERAL DANIEL A. HAHN
BRIGADIER GENERAL RHETT A. HERNANDEZ
BRIGADIER GENERAL MARK P. HERTLING
BRIGADIER GENERAL CHARLES H. JACOBY, JR.
BRIGADIER GENERAL JEROME JOHNSON
BRIGADIER GENERAL GARY M. JONES
BRIGADIER GENERAL WILLIAM M. LENAERS
BRIGADIER GENERAL DOUGLAS E. LUTE
BRIGADIER GENERAL BENJAMIN R. MIXON
BRIGADIER GENERAL JAMES R. MYLES
BRIGADIER GENERAL ROGER A. NADEAU
BRIGADIER GENERAL DAVID M. RODRIGUEZ
BRIGADIER GENERAL RICHARD J. ROWE, JR.
BRIGADIER GENERAL JEFFREY J. SCHLOESSER
BRIGADIER GENERAL JEFFREY A. SORENSON
BRIGADIER GENERAL ABRAHAM J. TURNER
BRIGADIER GENERAL ROBERT M. WILLIAMS
BRIGADIER GENERAL RICHARD P. ZAHNER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DONALD L. JACKA, JR.

To be brigadier general

COL. JERRY D. LA CRUZ, JR.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. EVAN M. CHANIK, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. BARRY M. COSTELLO

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH ARLENE D. ADAMS AND ENDING WITH ROBERT G. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH ERIK L. ABRAMES AND ENDING WITH DUOJIA XU, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 28, 2005.

AIR FORCE NOMINATION OF STEVEN F. RECK TO BE COLONEL.

AIR FORCE NOMINATION OF MARK D. MILLER TO BE COLONEL.

AIR FORCE NOMINATION OF NANCY B. GRANE TO BE COLONEL.

AIR FORCE NOMINATION OF JACK M. DAVIS TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH RAMON MORALES AND ENDING WITH FRANK M. WOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 1, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH RICHARD E. ANDO, JR. AND ENDING WITH KENNETH S. PAPIER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 1, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH STEPHEN H. GREGG AND ENDING WITH ROBERT L. SHAW, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 1, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH JOHN P. ALBRIGHT AND ENDING WITH LOUIS B. MILLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 1, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH LESTER H. BAKOS AND ENDING WITH GREGORY G. MOVSESIAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 1, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH CHARLES M. BOLIN AND ENDING WITH JAMES A. WITHERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 1, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH BRUCE STEUART AMBROSE AND ENDING WITH PATRICIA L. WILDERMUTH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 1, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH KAREN A. BALDI AND ENDING WITH PAUL E. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 1, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH VICKIE Z. BECKWITH AND ENDING WITH GAYLE SEIFULLIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 1, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH PAUL N. AUSTIN AND ENDING WITH FLORENCE A. VALLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 1, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH EDMUND O. ANDERSON AND ENDING WITH SCOTT A. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 1, 2005.

AIR FORCE NOMINATION OF KENNETH M. FRANCIS TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATION OF VITO MANENTE TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATION OF JEFFREY H. WILSON TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH DAVID C. ABRUZZI AND ENDING WITH MICHAEL J. ZUBER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 4, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH STEVEN G. ALLRED AND ENDING WITH JOHN R. WROCKLOFF, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 4, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH TRAVIS R. ADAMS AND ENDING WITH WENDY J. WYSE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 4, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH CHRISTOPHER N. AASEN AND ENDING WITH RONALD J. ZWICKEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 4, 2005.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH PETER W. AUBREY AND ENDING WITH JEFFREY K. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATIONS BEGINNING WITH MICHAEL J. ARINELLO AND ENDING WITH JAMES E. WHALEY III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATIONS BEGINNING WITH DONNA A. ALBERTO AND ENDING WITH DOUGLAS A. WILD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATIONS BEGINNING WITH RONALD P. ALBERTO AND ENDING WITH X2800, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

ARMY NOMINATION OF GERALD L. DUNLAP TO BE COLONEL.

ARMY NOMINATION OF ROBERT D. SAXON TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH RICHARD R. GUZZETTA AND ENDING WITH ROBERT J. JOHNSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 15, 2005.

ARMY NOMINATIONS BEGINNING WITH JAMES R. HAJDUK AND ENDING WITH FRITZ W. KIRKLIGHTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 15, 2005.

ARMY NOMINATIONS BEGINNING WITH BRIAN E. BACA AND ENDING WITH ANTHONY E. BAKER, SR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 15, 2005.

ARMY NOMINATION OF WILLIAM T. MONACCI TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH BRIAN J. TENNEY AND ENDING WITH KAREN T. WELDEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 28, 2005.

ARMY NOMINATIONS BEGINNING WITH DAVID J. BRICKER AND ENDING WITH WAYNE A. STELTZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 28, 2005.

ARMY NOMINATIONS BEGINNING WITH LARRY N. BARBER AND ENDING WITH DAVID D. WORCESTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 28, 2005.

ARMY NOMINATIONS BEGINNING WITH HAYS L. ARNOLD AND ENDING WITH WILLIAM C. OTTO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 28, 2005.

ARMY NOMINATION OF JOHN P. GUERREIRO TO BE MAJOR.

ARMY NOMINATION OF EVELYN I. RODRIGUEZ TO BE MAJOR.

ARMY NOMINATION OF DEMETRES WILLIAM TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH KENNETH A. BEARD AND ENDING WITH KAREN E. SEMERARO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 4, 2005.

ARMY NOMINATIONS BEGINNING WITH STANLEY P. ALLEN AND ENDING WITH HENRY J. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 4, 2005.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING WITH ROBERT S. ABBOTT AND ENDING WITH RONALD M. ZICH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2005.

MARINE CORPS NOMINATIONS BEGINNING WITH CARLTON W. ADAMS AND ENDING WITH WAYNE R. ZUBER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2005.

MARINE CORPS NOMINATIONS BEGINNING WITH KEITH R. ANDERSON AND ENDING WITH GARY K. WORTHAM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2005.

MARINE CORPS NOMINATIONS BEGINNING WITH MICHAEL S. DRIGGERS AND ENDING WITH ROBERT R. SOMMERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2005.

IN THE NAVY

NAVY NOMINATIONS BEGINNING WITH DONALD R. BENNETT AND ENDING WITH GEORGE B. YOUNGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 28, 2005.

NAVY NOMINATION OF MATTHEW S. GILCHRIST TO BE LIEUTENANT.

EXTENSIONS OF REMARKS

HONORING THE CONTRIBUTIONS OF ATASCOSA COUNTY JUDGE DIANA BAUTISTA

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor the many contributions of Judge Diana Bautista.

Judge Bautista works day after day for the betterment of the 40,000 members of Atascosa County in Texas. It is because of people like her that the legislation we do on this very floor is able to run the country so efficiently. Through her post as Judge of Atascosa County, Diana Bautista works for the betterment of the people in the community that she so vigorously serves.

Judge Bautista's service did not begin with her current position as a county judge; she has held other public service positions in law enforcement. She has been an official of the Pleasanton Police Department and the Atascosa County Sheriff's Office where she ensured the safety of the general public. It was during her tenure with public service offices such as these that she gained the necessary experience to understand what the people of Atascosa County need.

In 2002, she was elected to her post as the Atascosa County Judge, and has served there ever since. Judge Bautista always puts the people of Atascosa County first in whatever she does. She serves on numerous committees throughout the area to make sure her constituents are getting all the necessary tools from the local government they need.

Mr. Speaker, I am proud to have this opportunity to recognize the contributions of Atascosa County Judge Diana Bautista.

IN HONOR OF ALBERT O'NEILL JR.

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to honor and pay tribute to Albert O'Neill Jr. upon his nomination as a Jefferson Award finalist. Mr. O'Neill Jr. is a patient care volunteer with Delaware Hospice and a member of the Delaware Lions Foundation. Mr. O'Neill Jr. is instrumental in collecting donated items and distributing them throughout the world to persons in need.

Since 1998, Mr. O'Neill has donated over 15,000 pairs of shoes and over 1.2 million pounds of donated items. Mr. O'Neill's efforts have meant that thousands of needy people have not gone without.

Mr. Speaker, I commend and congratulate Mr. O'Neill Jr. upon his nomination as a finalist for the Jefferson Award. Mr. O'Neill's selflessness serves as an example to us all.

A TRIBUTE TO JANICE Y. JONES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. TOWNS. Mr. Speaker, I rise in honor of Janice Y. Jones in recognition of her strong commitment to her family and dedication to educating our children.

Janice Y. Jones was born in the Bedford-Stuyvesant neighborhood of Brooklyn, New York to James and Clara Jones. At the age of five the family moved to East New York, where Janice attended local public schools, P.S. 159, I.S. 218 and Franklin Lane High School. Janice won a scholarship to Connecticut College. After a year at Connecticut, she returned home to help her mother care for her three younger brothers due to the death of her father.

Janice went back to Lane where she was hired as an Educational Assistant. She went through the Career Training Program and obtained her degree from York College and her Teaching License.

During her tenure at Lane, she worked closely with the activities director, the guidance department and was one of the coaches for the cheerleading squad. She accompanied her mother to numerous community and school meetings as well.

Although Lane did not have a teaching position for Janice, Transit Tech High School hired her as a Special Education Teacher. After one year of teaching, Janice became the Coordinator of Student Activities at Transit Tech. The title included many duties such as the leadership program for students, senior activities, the Transit Tech Volunteer Program, SkillsUSA (VICA), and a parent and community liaison.

She worked closely with and underwent training by the Anti-Defamation League, the National Conference of Community, the Department of Justice, and the Department of Education Conflict Resolution and Negotiation Team where she now is a trainer herself. Janice has served on the Board of Trustees for New York City VICA and as the Vice Chairperson of the New York State VICA Board of Trustees.

Janice is very devoted to her students and tries to encourage them to reach for greatness and realize their potential. When time allows, she is also an active volunteer in the community.

Mr. Speaker, Janice Y. Jones has dedicated herself to her community and to educating our children. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

CONGRATULATING THE FRIENDLY SONS OF ST. PATRICK OF LACKAWANNA COUNTY ON THEIR 100TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to a group of men from the past and present who are part of a proud tradition in Northeastern Pennsylvania. The Friendly Sons of St. Patrick of Lackawanna County will celebrate its 100th anniversary on St. Patrick's Day, March 17, 2005.

The Friendly Sons of St. Patrick is a group of men who gets together each year on St. Patrick's Day to partake in dinner and camaraderie in a celebration of the Irish-American experience. The Friendly Sons dinners are a tradition in Lackawanna County that have grown considerably since the first one in 1906—from about 80 men in 1906 to 1,200 this year. This year's dinner was sold out months in advance.

The Friendly Sons had its beginning as the Irish-American Society of Lackawanna County, formed by Judge Edward F. Blewitt, former Scranton Diocese Bishop M.J. Hoban, Col. F.J. Fitzsimmons and Scranton Times publisher E.J. Lynett. The organization wanted a more formal way to mark St. Patrick's Day than with the parades in downtown Scranton.

The Lackawanna County group called itself the Irish-American Society until 1940. Members felt that a hyphenated name was no longer appropriate. World War II was just beginning and the organization wanted to have people united as Americans, not identified because of their descent.

For the first few years, the dinner took place at the old Hotel Jermyn. It moved to the former Hotel Casey in 1911, where it remained for 60 years. As time went on, the Friendly Sons had to find another venue because the Hotel Casey could not accommodate the expanding guest list. Some attendees were even forced to sit in the hotel coffee shop or in the nearby Preno's Restaurant and watch the evening's festivities on tiny television monitors.

Eventually, the dinner moved again—this time to St. Mary's Center and then in 1984 to Genetti Manor in Dickson City, where it has been held since.

The dinner has earned quite a reputation for hosting one notable speaker after another. Typically, the organization tries to have two main speakers—a lay person and a member of the clergy. The list of prominent names dates back to the dinner's 1909 speaker, John Mitchell, revered labor leader and international president of United Mineworkers of America.

President Harry S. Truman spoke at the dinner twice—in 1943 and 1956. In 1943, he was

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

a little-known senator from Missouri who spoke about foreign policy during the Cold War. When he came back to the Friendly Sons dinner in 1956, he had served two terms as president.

Perhaps the most notable speaker came in 1964. The Friendly Sons dinner was the first public appearance made by then-U.S. attorney general Robert F. Kennedy following the assassination of his brother, President John F. Kennedy. In September of that year, Robert Kennedy resigned to run for the U.S. Senate in New York. A column written 10 years later by one of his aides stated that Mr. Kennedy made his decision to remain in public service because of the amazing support and outpouring of affection shown to him in Scranton as 2,000 people lined the streets to greet him.

Many politicians have spoken at the Friendly Sons dinner. Beginning with John K. Tener in 1911 and including our current governor, Ed Rendell, in 2003, almost all Pennsylvania governors have attended the dinner, including Lackawanna County residents William W. Scranton and the late Robert P. Casey, who himself was a member of the Friendly Sons.

My good friend former U.S. Rep. Joseph McDade, also a Friendly Sons member, spoke in 1986. U.S. senators, including Eugene McCarthy, Henry "Scoop" Jackson, John Glenn, and Delaware's JOSEPH BIDEN—a native of Scranton—have spoken at the dinner.

Guests from abroad have also graced the stage, including former Irish Prime Ministers Garret FitzGerald and Albert Reynolds, Sinn Fein leader Gerry Adams and British Parliament member Martin McGuiness.

The Friendly Sons organization has about 900 members and elects officers each year. The president has the intimidating job of organizing the dinner and arranging for the speaker.

This year's president is Dr. Joseph T. Kelly Sr. and the speaker is Alex Maskey, the first Catholic mayor of Belfast, Northern Ireland.

Mr. Speaker, please join me and my fellow colleagues in the House of Representatives in congratulating the Friendly Sons of St. Patrick of Lackawanna County, an organization steeped in rich traditions, as they celebrate their 100th anniversary.

RECOGNIZING THE WE THE PEOPLE CIVICS TEAM FROM FREMONT, CALIFORNIA'S IRVINGTON HIGH SCHOOL

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. STARK. Mr. Speaker, I rise to congratulate the 2005 "We the People: The Citizen and the Constitution" class of Fremont, California's Irvington High School in my district for winning the state championship in January.

The We the People competition is an educational program administered by the Center for Civic Education of Los Angeles and funded by the U.S. Department of Education. The main focus of the program is to commemorate the framing and adoption of the Constitution and the Bill of Rights and to revitalize educational programs on the Constitution in our Nation's schools. It provides a course of instruction on the basic principles of our Nation's constitutional democracy and the history of the Constitution and the Bill of Rights. Participants then enter into competitive simulated congressional hearings following the course of study.

Students who wish to participate in the program must go through an interview process the year prior to the start of the class. The applicants must answer questions similar to the ones they will be asked during competition.

Accepted applicants learn and familiarize themselves with current event topics along with curriculum taught in the class. There are six different areas that are taught in the course and each participant must become an expert in each and every area.

The participants prepare for several months before testifying to a panel made up of judges representing the community. The judges ask detailed follow-up questions regarding the presentation, which require the students to think quickly and provide spontaneous answers. They compete first at two competitions at the local level before going to the state championships. Those who win at the state level go on to compete nationally.

In January, students from ten schools representing various areas of California came to Sacramento to compete in the state We the People championship. I am proud to say that the Irvington High School team, coached by their teacher Mrs. Cook-Kallio, won the competition and will be representing California during the national finals, which will be held from April 30th through May 3rd here, in Washington, DC.

The victory reflects the hard work and dedication these students put together after about nine months of preparation. The Irvington team spent countless hours in and out of class getting ready for the competition. Most groups stayed past 10 p.m. on some nights to take part in practice sessions where their teacher, Mrs. Cook-Kallio, along with other teachers and alumni of Irvington High School, drilled them on their subjects to try and simulate the environment of the competition.

I applaud the We the People class, Mrs. Cook-Kallio, and Irvington High School in reaching the national finals and am honored to have them represent the state of California at the national level. I join with other admirers and members in the community of Fremont in wishing the team luck. I hope to be giving another congratulatory speech once they become National champions.

HONORING THE CONTRIBUTIONS OF BEXAR COUNTY CONSTABLE ROBERT "MIKE" BLOUNT

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize Constable Robert Blount in my congressional district, for his exceptional career in law enforcement.

Robert Blount was elected as Constable of Precinct Four in January 2005, but has been actively serving his community for the last sixteen years. He believes in establishing a solid law enforcement agency that is committed to the needs of the community, and has devoted his department to serve the public through honesty and integrity .

Constable Blount is an excellent example of an elected official who understands the needs of his community. The mission for his department is to promote safety in the community by enforcing court orders, supporting early intervention activities, and to work together with neighboring law enforcement agencies.

Constable Blount is a man who believes in the value of community involvement and intervention. Currently he is focusing his department on lowering truancy levels and high school dropout rates, reducing neighborhood crime, and maintaining clear communication within the people in his community.

Mr. Speaker, I am proud to honor Bexar County Constable Robert "Mike" Blount for his dedication and service to the community.

IN HONOR OF AUDREY HOPE-MILTON

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. CASTLE. Mr. Speaker it is with great pleasure that I rise today to honor and pay tribute to Audrey Hope-Milton upon her nomination as a Jefferson Award finalist. Ms. Hope-Milton is a volunteer to the Stop the Violence Coalition, as the program administrator for the Playstation Too Mentoring Program. Ms. Hope-Milton is predominately concerned with the health, welfare and safety of young people and takes great care to make sure that they are not overlooked or forgotten.

Ms. Hope-Milton's passion for volunteer work comes from a religious family legacy of working with today's youth. Ms. Hope-Milton's success is a result of her giving back what was given to her. Ms. Hope-Milton's tireless efforts to help young people have touched the lives of many in our community.

Mr. Speaker, I commend and congratulate Ms. Hope-Milton upon her nomination as a finalist for the Jefferson Award. Ms. Hope-Milton's selflessness serves as an example to us all.

DEATH OF AGENT DAVID WILHELM

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. THOMPSON of Mississippi. Mr. Speaker, I would like to express my condolences to the family, friends, and colleagues of Immigration and Customs Enforcement Agent David Wilhelm who was killed by a gunman in Atlanta, Georgia this past weekend. I join Agent

Wilhelm's family, including the law enforcement community in America, in mourning the tragic loss of Agent Wilhelm.

Mr. Wilhelm dedicated his 18-year career in law enforcement to protecting America. He was one of the many men and women who put their lives on the line every single day, no matter what the danger. He was one of the good guys who helped to make America safer by putting away the bad guys. His specialty was investigating financial crimes, narcotics smuggling, and human smuggling.

Agent Wilhelm's service was distinguished. He was awarded the 2001 Blue Eagle Award for his work on a narcotics investigation—Operation Prospero. Mr. Wilhelm received the award because he went far beyond the call of duty. Indeed, he was the sole recipient of the award in 2001.

Agent Wilhelm's service will not be forgotten. His service will be remembered every day as our law enforcement officers continue his work, carrying on the mission Agent Wilhelm loved so much and did so well.

I would also like to extend my sincere sympathies to the families of Superior Court Judge Rowland Barnes, Julie Brandau, and Hoyt Teasley, who were killed at the Fulton County Courthouse. Our hearts go out to their families and loved ones as well. Their lives will be remembered in the work we do here in Congress.

CHINA'S ANTI-SECESSION LAW

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. ACKERMAN. Mr. Speaker, late last year, the Standing Committee of the Chinese National People's Congress took a very destabilizing action when it voted to submit an "Anti-Secession Law" to the full Congress, which convened on March 5. That Anti-Secession Law was subsequently adopted by the full Congress and is now Chinese law.

There can be absolutely no doubt about the intent of this law, which is to create the legal justification for a military attack against Taiwan.

The law spells out a range of activities which, if taken by the Taiwanese people and their democratically elected leaders, would legally constitute secession to the Chinese. Many of these activities, such as Constitutional reform and popular referenda, are the mainstay of any democracy. Yet the Chinese would use them as an excuse for a military attack on the 21 million people on Taiwan.

The United States fully understands Taiwan is in a very difficult bind. It is a flourishing democracy, one of the most vibrant in Asia, with freedoms of speech, the press and assembly and intensely competitive free political parties. Yet it is claimed as a sovereign territory by the People's Republic of China, which is not a democracy and has no freedom of the press, speech or assembly. And this neighbor now threatens to annex Taiwan by force.

Under the terms of the Taiwan Relations Act, which is the legal bedrock of our policy, the United States insists that the future of Taiwan must be determined by peaceful means. And we have stated that no actions should be taken by either Taiwan or the People's Republic of China, that endanger the peace and stability that now exists across the Taiwan Strait.

Mr. Speaker, during the past year, the Bush Administration cautioned Taiwan about actions which might appear to challenge this status quo. Now the PRC, through this provocative legislation, is challenging the status quo in a very big way. The State Department said this legislation is highly unhelpful. I strongly agree with this position and register my strong opposition to the enactment of the Anti-Secession Law.

IN HONOR OF JENNIFER CROUSE

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to honor and pay tribute to Jennifer Crouse upon her nomination as a Jefferson Award finalist. Ms. Crouse is the founder of Fun Packs. Fun Packs are for use by children patients at area hospitals to help young children through difficult times in their lives. In 2001, the program was expanded to include Care Packs, which were distributed to service people who were deployed through the Dover Air Force base. Ms. Crouse has volunteered within the community for more than 10 years, and has logged more than 3,200 volunteer hours.

Ms. Crouse's volunteer efforts have touched the lives of many in our community. Ms. Crouse is a deserving candidate for the Jefferson Award.

Mr. Speaker, I commend and congratulate Ms. Crouse upon her nomination as a finalist for the Jefferson Award. Ms. Crouse is truly worthy of this honor.

A TRIBUTE TO BEATRICE JACKSON-WALLS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. TOWNS. Mr. Speaker, I rise in honor of Beatrice Jackson-Walls in recognition of her commitment to her church and her community.

Beatrice is a vivacious, effervescent Virginia Belle. A member of Cornerstone Baptist Church in Brooklyn for 57 years, she has dedicated her teenage and young adult life to serving in the Youth Fellowship, Young People's Choir and as a teacher in the Baptist Training Union, Junior Department.

Professionally, Beatrice serves Cornerstone Baptist Church as a skillful efficient Administrative Assistant and has had the honor and pleasure of working with three spiritual giants: the late Pastor Emeritus, Reverend Dr. Sandy F. Ray; the Reverend Dr. Harry S. Wright; and her present Pastor, the Reverend Lawrence E. Aker, III.

Artistically, Beatrice is a gifted soprano soloist in the Senior Choir and has performed in concerts throughout the New York Metropolitan area, including Carnegie Recital Hall and the prestigious St. Peters Church in Manhattan. A past Sunday School Teacher, she continues to utilize her educational and volunteer leadership skills as Secretary of the Board of Directors of the Cornerstone Day Care Center, Inc., Chair of Special Projects of the Capital Fuhd Raising Committee, President of the Senior Choir, Corresponding Secretary of the Brooklyn Ecumenical Choir of Bedford Stuyvesant, and Chairman of the Board of Directors of the Food Pantry. She also served on the Board of Directors of the American Lung Association of Brooklyn.

A product of the school systems in Virginia and Delaware, she pursued her education at New York Community College (now New York Technical College) in Brooklyn. She is the recipient of numerous religious, community and business awards and honors. Her hobbies include stained glass designing, traveling, serving, gardening, poetry and people.

God blessed her with 39 years of marriage to the late Deacon Joseph M. Walls. She is mother of two sons, Joseph Demetrius and Darryl Christopher and the grandmother of three of the most precious and special children, Jasmyne Marie, D. Christopher II, and Amara Aurellia.

Mr. Speaker, Beatrice Jackson-Walls has strengthened her community through her numerous volunteer efforts with her church. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

HONORING THE CONTRIBUTIONS OF HAYS COUNTY COMMISSIONER SUSIE CARTER

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize the many accomplishments of Hays County Commissioner Susie Carter.

Susie Carter is a proud lifelong citizen of Hays County. She and her husband, John, live on the same farm where Susie grew up. She earned degrees from Southwest Texas State University and the University of Texas at Austin, and returned to rural Hays County to serve her neighbors.

Susie has served Hays County in a variety of capacities: as a health professional, college instructor, character education consultant, and public servant. She was elected President of the Concerned Taxpayers of Hays County, and remains an advocate for taxpayer rights and fiscal responsibility.

As county commissioner, Susie has consistently worked to make Hays County a better place to live. She led the reconstruction of some of the county's worst roads, installed traffic signals to make intersections safer, passed resolutions to protect the local environment and water supply, and fought against illegal dumping. She has been an advocate for low taxes and budget discipline, and a watchdog for the rights of taxpaying citizens and local government. Susie Carter has been a farsighted and effective advocate for her county.

Mr. Speaker, I am honored to have had this opportunity to recognize the many achievements of Hays County Commissioner Susie Carter.

CONGRATULATING MICHAEL PATRICK HINCHEY ON BEING NAMED MAN OF THE YEAR BY THE WILKES-BARRE FRIENDLY SONS OF ST. PATRICK

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Michael Patrick Hinchey, who will receive the Man of the Year Award from the Wilkes-Barre Friendly Sons of St. Patrick on St. Patrick's Day, March 17, 2005.

Mr. Hinchey, a native of Kingston, is the son of the late John H. Hinchey Jr. and Margaret Jennings Hinchey. He has three brothers: John III, Frank and Edward.

Michael had a distinguished professional career as vice president of the Matheson Transfer Company. He is also co-owner and vice president of the Matheson Warehouse Company, where he still serves in his official capacity along with his three brothers.

Michael is a member of St. Ignatius Church in Kingston, as well as the Church's Holy Name Society. He was a past president of the Friendly Sons of St. Patrick in 1984 and was dinner chairman in 1983. Michael is a founding Legacy Member of the Forty Fort Lions Club, an organization in which he served as president, vice president and secretary. He is a board member, golf chairman and building chairman of the Fox Hill Country Club and an active member of the Westmoreland Club as development chairman, historical committee chairman and golf club co-chairman. He is also a committee member of the Pennsylvania Movers Storage Association.

Michael is active in many service organizations, including the American Heart Association, American Red Cross, American Cancer Society, Boy Scouts, Keystone College, King's College, St. Vincent de Paul Kitchen, United Way, YMCA and Wilkes University.

Michael has been married to the former Sharon Cravatta for 28 years. He is the proud father of two beautiful daughters, Westyn Layne and Collyn Michael.

Michael was raised by two wonderful parents who instilled in him a love of family and devotion to community. Michael attributes his pride in his Irish heritage to his grandfather, who was a first generation immigrant.

Mr. Speaker, please join me in congratulating Michael Patrick Hinchey upon being named Man of the Year by the Wilkes-Barre Friendly Sons of St. Patrick.

CONSTRUCTIVE DEMOCRATIC DEVELOPMENT IN TURKEY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. HASTINGS of Florida. Mr. Speaker, we spend a great deal of time in this chamber speaking about democracy and how to ensure its continuance at home and how to instill it abroad. Encouragingly, one of our most important friends and allies, Turkey, has worked very hard over the past few years to deepen, strengthen and ensure democracy in that country.

Over the past several years Turkey has debated, in the fullness of an open legislature, measures covering human rights, foreign investment, governance, protection of minority interests, freedom of speech and association. A majority of the duly elected members of that body have voted in the affirmative to amend old laws and pass new ones. Many of these changes have been enshrined as permanent parts of Turkish law through amendments to its national constitution.

There are literally hundreds of changes but among the most important are abolition of the death penalty, ability to broadcast in minority languages, ability to be educated in minority languages and cementing civilian control over the military. While we still look forward to more improvements to their democratic infrastructure, Turkey's future looks promising.

Many of these reforms were driven by the demands of the European Union. But to be fair, and to give Turkey its due, irrespective of the reasons why there was a consideration of the need for reform, no reforms would have occurred without the political will of that nation's people and government to squarely face these issues, debate them and overturn, in some cases, policies that have been in existence since the 1923 founding of the Turkish Republic.

Last December 17th, the European Union extended the formal invitation to our friend and ally to begin discussions that will lead to eventual Turkish membership in the EU—the first predominantly Muslim nation to be so considered.

Muslim nations wrestling with the movement toward democracy. I hope all of my colleagues welcome and applaud Turkey's actions.

RECOGNIZING SANDY ALLMON ANDERSON AND HER INDUCTION INTO WOMEN IN AVIATION INTERNATIONAL PIONEER HALL OF FAME

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. BURGESS. Mr. Speaker, I rise today to commend Sandy Allmon Anderson, from Lewisville, located in the 26th Congressional District of Texas, for her contributions of women in the aviation field.

I congratulate Sandy Anderson for this outstanding achievement. Anderson helped pave the way for women in aviation. She was the first female pilot to check-out in the left seat and the captain's seat, of both the Boeing 727 and 747, first Northwest Airlines Boeing 727 female instructor and check airman, first female Fleet Check Captain among the major U.S. airlines, and the first and only female chief pilot that Northwest Airlines has ever had. Ms. Anderson is the senior female on every flight she takes and one of five females on the Boeing 747–400. She was the second female hired to Northwest Airlines some twenty-two years ago. As a fellow pilot, I recognize the dedication and continual commitment to education that flying demands.

Ms. Anderson was inducted into the Lewisville High School Hall of Fame in 2001 and honored as a Distinguished Alumni at Texas Woman's University in 1996. Sandy Anderson established and managed the first endowment fund as a founding board member representing the airline aviation industry for international organization. In the first seven years of the fund's existence, it has distributed more than $3 million in aviation scholarships.

Today, Anderson speaks at conferences and schools to spread the message of reaching for your dreams. She has an especially close connection with the young girls who have dreams of being in traditionally male occupations. Anderson believes that these girls need support along the way if they too are to accomplish their dreams.

I am proud of representing such a heroine. Sandy Anderson is an astonishing example of a determined person who would not settle and made her dreams a reality against the odds. She is a role model not only to women but also for everyone who has obstacles to overcome in reaching their goals.

INTRODUCTION OF LEGISLATION CONDEMNING RELIGIOUS PERSECUTION AND INTOLERANCE IN INDIA

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. CONYERS. Mr. Speaker, I rise today on behalf of Mr. PITTS and myself to introduce this Resolution to condemn the alleged statements and actions of complacency by the government authorities in Gujarat, led by Chief Minister Narendra Modi, in the face of the religious persecution of the Gujarati people.

In February of 2002, India experienced its greatest human rights crisis in a decade: orchestrated violence against Muslims in the state of Gujarat that claimed at least 2,000 lives in a matter of days. Three years after that horrific incident, Narendra Modi, the Chief Minister of Gujarat has been indicted by various Indian and International human rights organizations for lending his hand to the violence.

Mr. Modi himself has not been shy about proudly professing his anti-Christian, anti-Muslim, and anti-tribal stances. He has repeatedly dehumanized the Muslim population of his state by accusing them of treachery; he has actively sought to interfere in the practice of the Christian faith in Gujarat, and he has caused wide-scale displacement of indigenous populations in the State in the face of stiff popular resistance. I find Mr. Modi's actions to be of the most reprehensible sort.

In an article in the Hindu Times on March 2, 2005, former Indian President K.R. Narayanan stated that "there was a 'conspiracy' between the BJP governments at the Centre and the state behind the 2002 Gujarat riots . . .". Further, a number of Indian human rights organizations, international human rights organizations, and a former Supreme Court Justice all recognize Chief Minister Modi's complicity in the violence.

He has attacked Muslims and Christians with vile venom, and according to both India's highest court and many international human rights groups, has condoned terrible, violent religious hate crimes, all the while, shielding those said to have committed them. In fact, in a scathing indictment of Mr. Modi, the Supreme Court of India referred to the Chief Minister and his government as "the modern day Neros". Moreover, in a recent unprecedented order, the Supreme Court of India ordered the reopening of all the criminal cases that Mr. Modi has closed, regarding over 2000 police cases in which the non-Hindu victims filed reports of rapes, killings, and destruction of their property.

Such actions by high ranking government officials of any religion are unacceptable and must not be tolerated.

I urge my colleagues to join me in condemning religious intolerance and promoting religious freedom, so that others may see what our great democracy stands for.

REMEMBERING THE LIFE OF FORMER U.S. REPRESENTATIVE WILLIAM LEHMAN

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. HASTINGS of Florida. Mr. Speaker, today we mark the passing of William Lehman, retired Member of this august body and exemplary human being. Mr. Lehman was born in Selma, Alabama on October 5, 1913. His reputation for honesty was developed early in life when he moved to Miami and opened a used car business. Television viewers got to know "Alabama Bill" through his commercial advertising. Auto buyers in Dade County quickly realized that he always treated his customers fairly.

In the early 1960s, he began teaching English literature in Dade County public schools, where he was highly valued and greatly respected by his colleagues and his students. Building on his success as an educator, he was elected to the school board in 1966 and became its chairman in 1970.

In 1972, Bill ran for Congress in the newly created 13th District, winning easily. From then until his retirement in 1992, he was a tireless advocate for the citizens of northeast Dade County. He quickly rose to a position of prominence in the House of Representatives, becoming chairman of the Appropriations Committee's subcommittee that oversaw highways, seaports and mass transit systems. Public transit was always important to Bill Lehman, as he knew it was a lifeline to employment, grocery shopping, doctor visits and other necessary services for poor and working class citizens.

In addition to normal Congressional business, Mr. Lehman's career in the House of Representatives was noted for many remarkable deeds. Among those were his trips to Cuba and Argentina to secure the release of political prisoners and the brave venture of smuggling an artificial heart valve into the Soviet Union to save the life of a critically ill woman. Throughout his career in Congress, Bill Lehman was known as an "unbending liberal." This is one of many characteristics that endeared him to me. He was a friend of more than thirty years, a mentor and a very important role model. By his very nature, he was a constant source of inspiration and encouragement to people who work every day to make our world a better place.

Florida, America, and the world have lost a giant with the passing of William Lehman. To paraphrase another famous American political leader known for his honesty, Abraham Lincoln, the world will greatly note and long remember the life of Bill Lehman. May he rest in peace.

HONORING THE CONTRIBUTIONS OF WEBB COUNTY JUDGE LOUIS BRUNI

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to tell the Congress about a man who works constantly to ensure the people of Webb County Texas get the services they need from the local government. Judge Louis Bruni is and always has been committed to working for others; he is the ideal public servant.

The sixth-generation Laredoan has held multiple positions of service to the community from his first position in 1994 as a Laredo City Councilman up to his current position as the Webb County Judge. Every post Judge Louis Bruni has occupied he has pumped out results to the people he so faithfully serves. As Laredo City Councilman he played an influential role in securing funding for roads and recreational areas within his district and also was a driving force behind the construction of the city library.

In 2001 he was elected to serve as the Webb County Judge. It can be seen in this position that he currently holds how dear to his heart the people of Webb County are. He has efficiently allocated the resources of Webb County to better serve the populace in a countless number of ways. Take for instance his environmentally conscious idea of turning all carbon-based waste materials into electric power creating an extra energy source sufficient enough to power 800 additional houses. Not only is he a crusader for the proper usage of the environment, he also wants to ensure all his fellow members of Webb County get the first-class economy they deserve. His life in the public sphere should be a model for people who want to give all they can to their communities.

Mr. Speaker, Judge Bruni is not alone a public servant but also a father of two amazing children Fredick and Allison, and I am proud to that him for everything he had done for our community.

IN MEMORY OF JUNE RITCHIE CHAMBERS, M.D.

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Ms. ESHOO. Mr. Speaker, I rise today to honor the memory of a distinguished American, Dr. June Ritchie Chambers, who died on January 24, 2005, at the age of eighty.

June Ritchie was born in Parkersburg, West Virginia, and graduated from West Virginia University. She attended its School of Medicine before transferring to the Western Reserve University School of Medicine in Cleveland, Ohio. She completed residencies in Internal Medicine and Psychiatry at Charleston Area Medical Center Memorial Hospital, practicing Psychiatry at Shawnee Hills and working as an Internal Medicine specialist as well.

June Ritchie Chambers was married to her husband John T. "Jack" Chambers, also a Charleston physician, for 57 years. In 2002, together with their son and wife, John and Elaine Chambers, my constituents, they donated $1.5 million to their alma mater, West Virginia University, establishing a program to train students in electronic business techniques.

Mr. Speaker, I ask my colleagues to join me in extending our deep sympathy to the family of June Ritchie Chambers and to honor her lifetime of remarkable accomplishments and service to her community and her country.

HONORING THE ACCOMPLISHMENTS AND CONTRIBUTIONS OF MRS. MARGIT WORSHAM

HON. WILLIAM L. JENKINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. JENKINS. Mr. Speaker, I rise today to pay tribute to Mrs. Margit Worsham, a resident of the First Congressional District of Tennessee. Mrs. Worsham is being recognized for her extraordinary efforts by the Tennessee General Assembly, and I would appreciate having the opportunity to recognize her efforts here in the United States House of Representatives as well.

Margit, along with her husband Earl, has been a tireless contributor to Sevier County, Tennessee. Through her efforts she has been directly involved and/or responsible for raising over $2,500,000 in benefits to aid those in need.

Margit has served as the Sevier County United Way Chairman, breaking fundraising records during her tenure. She has also served in a variety of capacities within the community; serving as Board Chair of the Sevier County Arts Council, Board Member of the Gatlinburg Gateway Foundation, Board member of Leadership Sevier, member of the Gatlinburg First and Lasting Impressions Committee, Board Member of the Sevier County Bear & Boar Club, and the Sevier County Representative on the Nine Counties One Vision organization. On top of that, Margit has also served as an organizing member of Gatlinburg's Fourth of July Parade, Taste of Autumn event, Vision Conference, and the Leadership Sevier Graduation Event.

While those missions should be enough to keep Margit fully occupied, she also serves with several conservation groups working to protect the Great Smoky Mountains National Park and the Atlantic Salmon.

When asked to describe her personality, a fellow volunteer remarked that her enthusiasm, friendliness, positive attitude, and energy made her a natural leader. It was also noted that Margit never delegates a job she is not willing to do herself, and never asks for contributions until and unless she has done so herself.

Mr. Speaker, residents like Margit Worsham are the reason many local communities flourish. Margit, and thousands like her, contributes so much time and effort to ensure that important causes and important people continue to be assisted or protected. We should always recognize these valuable personal assets to our local communities, and I ask that the House join me in honoring this remarkable woman.

IN HONOR OF ROBERT BRANDT

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to honor and pay tribute to Robert Brandt upon his nomination as a Jefferson Award finalist. For nearly 19 years, Mr. Brandt has aided Delawareans confronting personal crisis. Mr. Brandt has logged over 8,000 hours of volunteer service and over 3,000 hours as a help line listener.

Mr. Brandt's tireless dedication to the well being of others is an inspiration to all Americans. Mr. Brandt has touched the lives of countless individuals as one of the organizations most committed rape crisis volunteers. He is a most worthy candidate for the Jefferson Award and a truly outstanding Delawarean.

Mr. Speaker, I commend and congratulate Mr. Ellison upon his nomination as a finalist for the Jefferson Award. Mr. Brandt's selflessness serves as an example to us all.

A TRIBUTE TO MAGGIE HARVEY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. TOWNS. Mr. Speaker, I rise in honor of Maggie Harvey who has committed herself strengthening her community and has had an accomplished thirty-year career in finance.

Maggie was born in Georgetown, Guyana. The second of two girls and two boys, she was born to Uric and Gwendoline Harris-Haynes. She was baptized in St. George Cathedral.

During her early years, she was dedicated as a soldier in the Salvation Army and worshiped at the Citadel Corp. She received her early education and professional training in Guyana and upon graduation, accepted the position of personal secretary to the Divisional Commander of the Salvation Army.

In 1970, she immigrated to the United States and married Ronald Harvey, who is also Guyanese. Maggie and Ronald have three daughters.

During her 30 years of employment with JP Morgan Chase & Co., she has worked in various departments of the bank. Presently, she is in the Legal Department, Corporate Compliance/Money Laundering and Foreign Assets Control.

In 1988, she was received into fellowship at Miracle Temple Ministries in Brooklyn (formerly Church of the First Born), where Bishop E. Stewart is the Pastor. She serves on the Bishop's Anniversary Committee and also has responsibility for the Church's weekly bulletin.

She is also a Home League Member of the Salvation Army Bedford Temple Corp. in Brooklyn. Members of the organization sew handmade blankets, lap throws, cosmetic bags for personal items and smocks, which are given to the homeless, sick and nursing home shut-ins. Maggie finds this work very rewarding, and takes a leading role in the organization as the Service Chairperson for the Home Leaguers. She looks forward to doing greater things through Christ, which strengthens her.

Mr. Speaker, Maggie Harvey has served her community while launching a successful career in the financial industry. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

CONGRATULATING JAMES CONLON JR. AS HE IS NAMED MAN OF THE YEAR BY THE GREATER PITTSTON FRIENDLY SONS OF ST. PATRICK

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to James Conlon Jr. as he receives the Man of the Year Award from the Greater Pittston Friendly Sons of St. Patrick on St. Patrick's Day, March 17, 2005.

Mr. Conlon is a lifelong resident of Inkerman. He is the son of the late James and Mary McAndrew Conlon. James graduated from Jenkins Township High School in 1944 and was drafted into the Army the following September. He served overseas with the Third Army, 90th Division, fighting in campaigns in Central Europe and Rhineland, Germany.

In 1956, James took a position with the Wilkes-Barre Record and worked there until 1978, when unionized workers went on strike and formed The Citizens' Voice newspaper. He was a member of the board of directors of The Citizens' Voice and was foreman of the plate department until he retired in 1989.

James has been a member of the Jenkins Township Volunteer Fire Department since 1948 and served as Fire Chief from 1970 through 1991. He also belonged to the Luzerne County Fire Chiefs Association and the Greater Pittston Mutual Aid.

James is a member of the Greater Pittston Friendly Sons of St. Patrick, Fox Hill Country Club, Knights of Columbus JFK Council #372 as Fourth Degree Knight, and a lifelong member of St. Mark's Church in Inkerman.

James and his wife, the former Jean McGarry, celebrated their 50th wedding anniversary last year. The couple has five children: James III, Mary Jo Pacchioni, William, Robert and Maureen Fetchko. They have seven grandchildren: Kathryn, James IV, Kelly, Mary Kate, William Jr., Michael and Megan.

Mr. Speaker, please join me in congratulating James Conlon Jr. upon being named Man of the Year by the Greater Pittston Friendly Sons of St. Patrick.

HONORING THE DEDICATION OF HARLANDALE INDEPENDENT SCHOOL DISTRICT BOARD MEMBER JOSHUA J. CERNA

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor the dedication of Harlandale Independent School District Board Member Joshua J. Cerna, of my Congressional District for a lifetime of distinguished public service.

Mr. Cerna is a San Antonio native and a graduate of Harlandale High School. He received a Bachelor's of Science Degree at Mississippi State University. Currently he is serving his community as an educator, contributing much of his time and efforts to educational matters.

Joshua Cerna was elected to District 1 Board of Trustees in 2002, and through his years of service he has held the position of the Board's Vice President, Secretary, and currently he serves as President. His active role in the District has led him to join various committees such as the Building Committee, Finance Committee, and for the past three years he has been the Chairman of the Curriculum Committee.

Mr. Cerna was one of the architects of the Bexar County School Board Coalition, which brings together different School Board leaders to communicate ideas that will lead to a higher level of education for students, parents, and teachers. He also serves as a member of the TASB Legislative Advisory Council, and TASB School Board Advisory network.

Mr. Speaker, I am proud to have had this opportunity to thank Harlandale Independent School District Board President Joshua J. Cerna for all he has done in my community.

TRIBUTE TO DAWN STALEY

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor Dawn Staley, a three-time Olympic and World Championship gold medalist who is also the outstanding coach of the Temple University women's basketball team. The team, the Temple Women's Owls, just last week captured the Atlantic Ten Conference NCCA tournament championship. The Owls team has won a school record 27 games which includes the last 24 which represents the longest current winning streak for any Division I basketball team, men's or women's.

As a member of the 2004 U.S. Olympic team Ms. Staley was voted by other U.S. team Olympic captains to carry the flag and lead the U.S. delegation into the coliseum, in Athens, Greece. A fixture on U.S. basketball teams since the 1989 Junior World Championship, she competed in the old American Basketball League (ABL) from 1997–1999 where she was a two-time all ABL honoree. She is also just one of three University of Virginia Cavaliers to have their number retired. She twice was named National Player of the Year, during her junior and senior seasons at UVA.

Born in North Philadelphia, as a young girl Ms. Staley played basketball with the boys as a way of staying out of trouble. She attended Dobbins High School and the University of Virginia, where she was all-American. As a sports phenomenon she strives to be the role model that she says she was in search of as a child. In 1996 she created the Dawn Staley Foundation whose mission is to create a future of hope for at-risk youth by providing opportunities to help them realize their dreams and become productive and responsible citizens. Because of her efforts to give back to her community she was awarded the 1998 American Red Cross Spectrum Award and she also received the 1999 WNBA Entrepreneurial Spirit Award.

Dawn Staley is an outstanding athlete, coach and inspiration. She is a champion in the truest sense of the word.

RECOGNIZING TOM HARPOOL FOR HIS ENDLESS COMMUNITY SERVICE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. BURGESS. Mr. Speaker, I rise today to commend Tom Harpool, from Denton, Texas, in the heart of the 26th Congressional District of Texas, for his dedicated service to the community.

Tom Harpool makes helping his community a high priority in his life. He has spent so much of his time dedicated to assisting others in throughout the community. From education to banking, Tom Harpool has made a difference in our lives.

In 1954, Mr. Harpool began the first of six terms on the Denton Independent School District Board of Trustees serving as its board president from 1969 until 1973. Mr. Harpool has also been a part of the United Way of Denton County, Boy Scouts of America, 4–H Club and Saint Andrew Presbyterian Church for years. In addition, Mr. Harpool has served on the boards of a local bank and savings & loan before becoming a board member of the Upper Trinity River Authority.

In his own, Mr. Harpool has become a "Master Gardener" and enjoys sharing this hobby with the community through a gardening organization. He has been an active member of the Kiwanis Club for over 50 years and dutifully served on their board. Mr. Harpool has even dabbled in politics by being an active supporter of many candidates in both local and national races.

I am proud to represent Tom Harpool—a man who has given so much back to his community. Mr. Harpool's advice, council and support to the community, whether directly or indirectly, over the years, are certainly something for which to be thankful. I am grateful that can represent such wonderful citizens like Mr. Harpool.

TRIBUTE TO TEMPLE BETH JACOB ON THE OCCASION OF THE SEVENTY-FIFTH ANNIVERSARY OF ITS FOUNDING

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Ms. ESHOO. Mr. Speaker, I rise today to honor Temple Beth Jacob as it celebrates the 75th anniversary of its founding. As the oldest congregation on the San Francisco Peninsula, Temple Beth Jacob stands as a testament to the long tradition of involvement of the Jewish community in the religious and public life in the Bay Area.

Founded in 1930, Temple Beth Jacob was the first Jewish religious institution created between the cities of San Francisco and San Jose. Its membership today is burgeoning with a vibrant congregation of more than 450 families from throughout the Peninsula to worship, to learn, and to strengthen both the Jewish community and the Bay Area community as a whole.

The congregation is led by Rabbi Nathaniel Ezray, who is now in his tenth year as the head of this congregation. Over the years, he's demonstrated a sincere commitment to translating the lessons of faith into actions that will benefit the community. In a 1995 interview, he said, "What's compelling for me is the social justice of Judaism. I want our congregation to respond together to domestic violence, AIDS, black-Jewish relations. My passion is teaching, but the pulpit allows me the opportunity to teach in many different ways and to create meaning and relevance." He lives with his wife, Mimi, and their daughter, Emily, and son, Ethan, in Redwood City.

In the decades before Rabbi Ezray began at the synagogue, Rabbi H. David Teitelbaum led the congregation at Temple Beth Jacob for 38 years. Under his leadership, the congregation grew from only 100 active families to its present size of nearly four times that number. A longtime advocate for civil rights, Rabbi Teitelbaum traveled to Selma, Alabama in the 1960's to march with Dr. Martin Luther King, Jr., believing that the history of persecution of the Jewish people creates in them a special obligation to protect the human rights of all. He continues to serve as a beacon for the community and his former congregation in his current role as Executive Director of the Board of Rabbis of Northern California.

Temple Beth Jacob has a long tradition of coordinating with other religious institutions in the Bay Area to provide vital services to the community at large. In addition to providing a school and a pre-school to the community, Temple Beth Jacob's efforts have helped to house the homeless through the Interfaith Homeless Network and feed the hungry through the Urban Ministry's "Breaking Bread" program. They are annual cosponsors of the Martin Luther King observance in Redwood City, and have hosted the event over the years. All told, Temple Beth Jacob is a model of dedicated community action.

Mr. Speaker, I'm proud to honor Temple Beth Jacob as it celebrates its 75th anniversary. After three quarters of a century, Temple Beth Jacob remains a source of pride for the Peninsula, and promises to be a center of our community for decades to come.

UNITED STATES AND RUSSIA ENERGY DIALOG

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. SESSIONS. Mr. Speaker, much attention has been paid to the recent conversations President Bush and President Putin have had about democracy. Less attention has been paid to their other discussions regarding market economics, supply and demand, and U.S. energy security.

Although there are varying ideas in American political discourse about the proper role of government, in the post-September 11th world there can be no disagreement that our government's main concern is security of American citizens. National security discussions usually focus on threats to public safety, but I would like to call attention to a less-noticed facet of American security: the importance of our energy security. One of the great strengths of our nation is our access to affordable, reliable energy. Safeguarding that energy security means ensuring that access to energy continues.

In earlier Administrations, energy policies concentrated on lowering the United States' increasing dependence on imported oil. But the oil embargo of 1973 changed America's approach to energy policy. The focus shifted to reducing dependence on other countries to meet our energy needs and to minimizing the economic impact of future oil disruptions. The measures put in place (enhanced energy efficiency, increased industrial fuel switching capabilities, decreased use of oil for power generation, and others) altered America's use of energy by decoupling energy growth from GDP growth and decreasing our average energy intensity, important factors in making the U.S. less vulnerable to oil supply disruptions. Other measures such as developing strategic stocks (building and filling the strategic petroleum reserve, or SPR), developing international institutions to respond collectively to energy disruptions, and diversifying the sources of oil imported into the United States have brought more certainty and stability to the energy market. While energy security policies have not stopped oil disruptions (nor stopped the growth of oil imports which are at 58 percent of to day's consumption) they have enhanced our ability cope with disruptions while limiting economic and market impacts.

Diversifying the sources of energy refers to both fuel and geographic diversity, as well as work to develop other types of energy supplies. Increasingly, America is looking to imports of liquefied natural gas (LNG) to fill the supply gap with diverse, reliable, long-term supplies as United States demand increases, domestic supplies decrease and imports from Canada stabilize. The Bush Administration has identified liquefied natural gas (LNG) imports as one important way to decrease our overdependence on a small number of countries.

Russia plays an important role in both gas and oil markets, as the location of the world's largest gas reserves and the world's largest producer and exporter. In the international oil market, Russia is challenging Saudi Arabia as the largest crude oil producer. The Bush Administration recognized Russia's increased importance in energy markets, and launched an energy dialogue in May 2002 to enhance United States investment opportunities in Russia and to enhance Russian opportunities for energy trade with the United States.

Results under the Energy Dialogue have been mixed. American company investment opportunities in Russia have been dampened by recent events. Despite President Putin's attempts to mollify the international investment community by indicating that Russia is open to foreign investment, the Russian investment environment has deteriorated through actions undermining the rule of law and contract sanctity such as renationalizing oil assets and limiting bidding on strategic leases in oil, gas, and mining sectors. U.S.-Russian oil trade, however, has been stymied through lack of Russian infrastructure (a deepwater port that would make it economical to ship crude in large vessels to the U.S.) and pipeline decisions directing future crude oil shipments to the Far East. The more rational, economic choice of a pipeline to the Barents Sea in the north of Russia and the development of a deepwater port near Murmansk has been delayed despite backing by both Russian and American firms.

But there is positive news coming from the Russian gas market, which is dominated by Gazprom, of which the government owns 38 percent. Gazprom exports one third of its production to Europe via pipeline supplying about 25 percent of Europe's gas needs. Over the last two or three decades of service, there has been only one day of interruption in gas service due to a payment problem in Belarus. Gazprom now is seeking to expand and diversify its markets, through both expansion of its pipelines and entry into the LNG trade. Gazprom spoke at the U.S. LNG Summit in December 2003, and the U.S. held a workshop at Gazprom's headquarters in June 2004, again urging Gazprom to focus on the U.S. market. Gazprom President Alexsey Miller signed agreements last year with three U.S. multinationals to explore developing Russian gas and LNG facilities, and marketing the LNG to the U.S. In fact, Gazprom expects to enter the U.S. LNG market indirectly by 2006, and directly by 2010. After the summit meeting, the joint communiqúe from President Bush and President Putin referred to this issue, saying, "We are interested in increasing U.S. commercial investment in Russia, so as to create additional capacity for liquefied natural gas (LNG) in Russia, and also with the aim of increasing LNG exports to U.S. markets. We would welcome increased Russian oil exports to the world market and an increased presence of imports from Russia in the United States." That would be welcome news to the U.S. market.

The U.S. must remain engaged in the U.S.-Russia Energy Dialogue, despite recent adversities. We should not shrink from discussing these setbacks openly, frankly and seriously. But we need to support the May 2002 agreement to increase energy trade between the U.S. and Russia in both oil and gas, since it would enhance U.S. energy security through diversity of supply, while helping to stabilize Russia's economy and tie its interests to American success. Both countries will benefit from a long-term, stable trade in both oil and gas.

HONORING THE CONTRIBUTIONS OF LAREDO POLICE CHIEF AGUSTIN DOVALINA III

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor the important achievements of Laredo Police Chief Agustin Dovalina III in Laredo, TX in my Congressional District.

Agustin Dovalina III was named interim police chief for the City of Laredo Police Department in 1996, and was subsequently named as the LPD chief in 1997. He began his law enforcement career with the Laredo Police Department in 1978 as a patrolman and rose through the ranks of Laredo's finest. He has served prior posts as a Patrol Officer, Detective, Sergeant, Lieutenant, and Captain.

Under this administration, the police department has evolved into a thriving, highly successful, and professional organization with unprecedented personnel and equipment growth. He currently oversees a multi-million dollar departmental budget and over 500 employees, including over 400 full-time police officers. Recognized nationally, Chief Dovalina is a firm believer and staunch advocate of community-based policing philosophies as evidenced by the continued commitment of the Laredo Police Department to continually enhance its delivery of Community-Oriented Policing Services in our city. Chief Agustin was one of the featured speakers at the 2002 National Community Policing Conference, where the Laredo Police Department was honored for the success of its community-based policing efforts.

Police Chief Dovalina has both a Bachelor and a Master of Science Degree in Criminal Justice and is a graduate of the Harvard University Kennedy School of Government's State & Local Executives Program. He is also a graduate of the 178th session of the Federal Bureau of Investigation National Academy. He holds a Master Peace Officer Certification and Police Instructor Certification from the Texas Commission on Law Enforcement Officers Standards & Education and, is an active member of the Texas Chapter of FBI NA Associates. He also serves as Regional Representative to the National Criminal Justice Association and is an adjunct professor of Criminal Justice.

Mr. Speaker, I am proud to have this opportunity to recognize the dedication of Laredo Police Chief Agustin Dovalina III.

IN HONOR OF VIRGINIA LANIER BIASOTTO

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to honor and pay tribute to Virginia Lanier Biasotto upon her nomination as a Jefferson Award finalist. Ms. Biasotto is the founder of Reading ASSIST® Institute. This institute is a nonprofit organization that trains volunteer tutors to implement a one-on-one help method using scientific research-based instruction for struggling readers. This program is provided at no cost to families or schools.

Beginning in 1980, Ms. Biasotto developed a reading curriculum based on the Orton-Gillingham model, and trained friends at her kitchen table. One sound at a time, one child at a time, the groups persistence offered the education community a way to deal with the challenge of reading difference.

Mr. Speaker, I commend and congratulate Ms. Biasotto upon her nomination as a finalist for the Jefferson Award. Ms. Biasotto's determination and drive to educate and empower others serves as an example to us all. She is truly worthy of this honor.

A TRIBUTE TO QUEENIE MARY CORLEY WOOTEN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. TOWNS. Mr. Speaker, I rise in honor of Queenie Mary Corley Wooten in recognition of her public service and numerous contributions to her community.

Queenie has made a difference in many people's lives. She was born into a family of ten in Salley, South Carolina to the late James and Estella Hunt Corely. She is the wife of the late James Wooten and the companion of Dr. Raymond B. Croskey for the past 21 years.

She has encountered many challenges during her life and has embraced them all with courage and dignity, which exemplifies the type of person she is. Queenie graduated from Medgar Evers College in 1974 with a Bachelor of Arts degree in education. She took additional courses, which enhanced her long and remarkable career in education. Presently, she is working in Region #5 as a Coordinator of External Community Programs. In addition to networking with East New York and Brownsville city agencies, she serves on the cabinets of Planning Board #5 and #16.

Queenie is developing innovative and creative external programs to improve educational and developmental outcomes for students. She coordinates activities with the external community, also assists the director with setting priorities and selecting high quality collaborative programs. She mobilizes resources for regional and school priorities, collaborates with schools in Region #5 to create inter-agency regional advisory councils, and volunteers on Planning Board #5, working with the committee on education. Additionally, she works diligently with students to help them get credit for community service.

Queenie is one of the founders of the American College of Counselors, for the New York Branch, and was recently honored by the Department of Education for her service of 41 years. In fact, she has received numerous honors and awards for her work including: an award from Medgar Evers College as one of its first graduates; the Sojourner Truth Award from the Brooklyn Club of the Negro Business & Professional Women's Club; an honoree of the Women's League of Science and Medicine Inc; and the education award from Van Siclen Block Association. Organizations such as National Sickle Cell Research and the Latin Souls Little League Baseball have honored her as well. Queenie serves on the Board of Directors for Medgar Evers Alumni Association, as the Youth Advisor for the Brooklyn Youth Club, and the chair of North East Committee of Elections.

She notes that all of her accomplishments would not have been possible without the spiritual leadership of Rev. Jacob Underwood. Queenie has been a faithful member of Grace Baptist for the past 35 years.

Mr. Speaker, Queenie Mary Corley Wooten has been dedicated to serving her community through her work on numerous community boards and volunteer efforts. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

CONGRATULATING JOSEPH J. CARMODY AS HE IS AWARDED THE W. FRANCIS SWINGLE AWARD BY THE GREATER PITTSTON FRIENDLY SONS OF ST. PATRICK

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Judge Joseph J. Carmody as he is awarded the W. Francis Swingle Award by the Greater Pittston Friendly Sons of St. Patrick at their annual banquet on St. Patrick's Day, March 17, 2005.

W. Francis Swingle, a lifelong Pittstonian, was a professor of English at King's College and tirelessly aided the community and encouraged college students to give back to society. To that end, Judge Carmody has proven himself a worthy recipient of this award.

Judge Carmody is a lifelong resident of Greater Pittston and a former Past President of the Friendly Sons. He was elected to serve as the West Side District Justice in 2004.

Judge Carmody has been an attorney in the area for more than 27 years. In his career, he has served as First Assistant District Attorney of Luzerne County and Solicitor to the Wyoming Area School District and several municipalities. He is a member of St. Mary of Assumption Church and a 4th Degree member of the Knights of Columbus. He has served on numerous boards, including St. Michael's School for Boys and the Fox Hill Country Club.

Judge Carmody is the son of Jule Carmody of West Pittston and the late Joseph Carmody. He is married to the former Catherine Sowa, and the couple has five children: Joseph, Christopher, Matthew, Sara and Michael.

Mr. Speaker, please join me in congratulating Judge Joseph J. Carmody as he receives the W. Francis Swingle Award from the Greater Pittston Friendly Sons of St. Patrick.

SALUTING THE GRAND OPENING OF THE TRI-STATE WARBIRD MUSEUM IN CLERMONT COUNTY, OHIO

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. PORTMAN. Mr. Speaker, I rise today to salute the grand opening on May 20, 2005 of the extraordinary new Tri-State Warbird Museum in Clermont County, Ohio.

The museum, based at the Clermont County Airport, will showcase the history of fighter planes in World War II and Vietnam. Housed in a new 20,000 square foot state of the art facility, the museum features an exhibit area for historic artifacts; a library of reference books; a classroom; a professional restoration shop for the preservation and restoration of original historic aircraft; and a storage area for specialized tools and parts.

Historic aircraft are invaluable to understanding our nation's history, and examples of these planes are few in number and in danger of being lost forever. With the museum's painstaking preservation efforts, they will come to life for everyone to learn from and enjoy. Thanks to this museum, the importance of these airplanes to our enduring freedom and the sacrifice of those involved—from engineers to mechanics to the pilots—will never be lost.

The Tri-State Warbird Museum's unique building has resulted from the hard work and expertise of man volunteers and supporters. In 2003, a group of volunteers, led by business leader David O' Maley, formed to preserve the memory of those who sacrificed their lives for our freedom. Museum President Paul Redlich, a pilot and professional technician with more than twenty years of historic aviation expertise, closed his business and moved his family to Cincinnati to run the museum. The facility also boasts two professional technicians committed to Warbird painstaking restoration and maintenance: Greg Muir and Nathan Dalrymple.

The museum also boasts an advisory board composed of a broad group of area citizens who have unique talents and experience in aviation and history. Members of the advisory board include: Neil Armstrong; Howard Becker; Jim Bushman; Jack Brown; Joe Campanella; Mark Clark; Richard Cross; Tad Lawrence; Dr. Francis LeRoy; Phil Myers; Buck Niehoff; David O'Maley; Jim Orr; Scott Robertson; Hal Shevers; Dudley Taft; and Oliver Waddell. Of particular note is the extraordinary commitment of the advisory board members and the museum's capital campaign committee, which resulted in the museum's entire cost being funded by private donations.

Mr. Speaker, all of us in Southern Ohio congratulate the many professionals and volunteers who have helped to make this wonderful new museum a reality.

HONORING THE CONTRIBUTIONS OF STAFF SERGEANT MICHAEL PAUL BARRERA

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor the outstanding contributions of SSG Michael Paul Barrera, and to acknowledge the renaming of Veterans Elementary School as SSG Michael P. Barrera Veterans Elementary.

After enlisting in the Army in December of 1995 at the age of 18, he completed his basic training in Fort Knox, KY. Michael was always passionate about his job and strove to be the best.

His commanding officers recognized him with such commendations and achievement awards as a Bronze Star and a Purple Heart.

On April 9 of 2003 Michael was sent to Iraq with the 4th Infantry Division from Fort Hood, TX, in support of "Operation Iraqi Freedom." During a routine trip for food as Michael and his crew were returning to camp, an improvised explosive device that had been buried in the sand was set off by remote control as the tank rolled over it. As a result of his injuries, Michael passed away on October 28, 2003, at the age of 26.

Michael joined a long list of family members in service. In light of his outstanding service, he was appointed Sergeant by the young age of 20. He sought to make a career in the Army, aspiring to become an ROTC instructor.

Mr. Speaker, I am honored today to have this opportunity to recognize the bravery and dedication of SSG Michael Paul Barrera.

ANTHONY BARSAMIAN SPEAKS ELOQUENTLY ABOUT THE ARMENIAN GENOCIDE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. FRANK of Massachusetts. Mr. Speaker, last month, Anthony Barsamian, Chairman of the Board of Directors for the Armenian Assembly of America, made an eloquent speech at the "International Refuge, Relief and Recognition Tribute" hosted by the Armenian-American community in California. Mr. Barsamian eloquently stressed the importance to all of us of remembering that "the history of genocide must remain inviolable and periodically affirmed regardless of political discomfort or cost so that we may learn its lessons."

Mr. Speaker, I think it is a grave error that this Congress has not been allowed to vote on a resolution affirming this important point with regard to the terrible history of the genocide perpetrated against the Armenians. We cannot allow current foreign policy considerations to override our obligation in this critical area. Anthony Barsamian cogently and forcefully reminds us why such an omission is unacceptable, and I ask that his moving, thoughtful remarks be printed here.

ASSEMBLY BOARD OF DIRECTORS CHAIRMAN ANTHONY BARSAMIAN'S REMARKS AT THE "INTERNATIONAL REFUGE, RELIEF AND RECOGNITION TRIBUTE"—FEBRUARY 24, 2005

Your Eminence, Reverend clergy, Your Excellencies, Ladies and Gentlemen,

This remembrance and recognition highlights two issues of critical importance to the horrific recurrence of Genocide and the apparent impotence of the world to stop this crime against us all.

First, the history of genocide must remain inviolable and periodically affirmed regardless of political discomfort or cost so that we may learn its lessons.

Second, the actions of 3rd parties are vital to raising awareness about the crime as soon as it becomes known, to taking resolute steps to end the genocidal process, to bring to account the perpetrators, to provide comfort to the survivors, and to forever remember all instances of genocide.

This is why the Armenian Assembly joined with the AGBU and the Diocese to remember those nations and organizations that took action while the Armenian Genocide was being carried out and subsequently. Armenians remain deeply indebted to all who refused the easy path of indifference and inaction. You saved lives, you affirmed the truth, and you bore witness so that the world would be better equipped to act on the meaning of "Never Again".

As is evident today, the Republic of Turkey refuses to accept the judgment of history that the Ottoman Turkish government committed genocide against its Armenian minority. Instead, Turkey attempts to impose its revisionism on a civilized world that knows better, but occasionally succumbs to Turkish demands and intimidation by refraining from affirming the truth. Nations who had initially committed to participate in this recognition commemoration withdrew in the face of such Turkish pressure. This solves nothing. The dead are not honored for their sacrifice. The actions of the righteous are not recalled. And ironically, the descendants of the victimizers are not allowed to come to terms with the truth.

Nevertheless, we pause today as we begin this 90th commemorative year to give thanks to all nations and organizations that came to our aid—but particularly to those that attended today despite the Turkish government's campaign to stop you.

For Turkey's state sponsored denial effort, having this event is a defeat. This is a good day for the truth. As Armenian-Americans, we recall with special appreciation the leading role of the United States in attempting to prevent the Armenian Genocide and in aiding those that survived. As Armenian-Americans, we look to the United States to continue this proud chapter of American history by reaffirming the facts of this most calamitous chapter of Armenian history. There is an inevitability to universal affirmation of the Armenian Genocide, and America has not and will not be an exception.

A case in point is the recently concluded visit of U.S. Ambassador to Armenia John Evans with major Armenian-American communities across the country. In his public commentaries, Ambassador Evans repeatedly employed the words "Armenian Genocide" to properly characterize the attempted annihilation of our people by Ottoman Turkey.

This is in keeping with President Reagan's proclamation of April 22, 1981 where he stated in part, "like the genocide of the Armenians before it, and the genocide of the Cambodians which followed it—and like too many other persecutions of too many other people—the lessons of the Holocaust must never be forgotten". . .

And also with the thrust of President Bush's 2001 to 2004 April 24 messages that set forth the textbook definition of genocide without using the word. Ambassador Evans completed the thought.

The Ambassador's characterization also is in keeping with the public declarations of over 120 renowned Holocaust and Genocide scholars regarding "the incontestable fact of the Armenian Genocide".

Further, Ambassador Evans' characterization conforms to the summary conclusion of the International Center for Transitional Justice on the use of the term Armenian Genocide. ICTJ stated that "the Events, viewed collectively, can thus be said to include all of the elements of the crime of genocide as defined in the Convention, and legal scholars as well as historians, politicians, journalists and other people would be justified in continuing to so describe them."

The Armenian-American community will not rest until the United States formally and irrevocably reaffirms the Armenian Genocide. By so doing, we forever advance the special role of the United States in genocide prevention.

Today, we are here to honor 17 nations who have joined the movement towards universal affirmation of the Armenian Genocide. You have appropriately remembered this instance of man's inhumanity to man. You have stepped forward to combat denial and revisionism. We will never forget your solidarity.

As Voltaire said, "to the living we owe respect, but to the dead we owe only the truth".

INTRODUCTION OF THE "END GRIDLOCK ACT"

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. MORAN of Virginia. Mr. Speaker, I am pleased to join my colleagues ELEANOR HOLMES NORTON and TOM DAVIS in introducing the "End Gridlock Act." This bill is a refinement of a proposal, the "Washington Regional Transportation Act" (H.R. 2882) that I introduced last session.

Unfortunately, this region is not yet prepared to embrace last year's proposal and establish a regional transportation authority. Last year's bill called for the creation of a regional transportation authority, one that could receive a dedicated revenue source, issue bonds and be in an ideal position to coordinate land use and transportation funding decisions. I regret that the time is not ripe for this a proposal.

The defeat of the Northern Virginia transportation referendum in 2002, in my view, moved us away from real progress in solving our transportation problems. Unfortunately, poor management of the state's transportation programs and false promises by past state officials left the public distrustful that any meaningful solutions were possible.

I'd trade the price of a daily cup of coffee for real investments in transit and road improvements, something that would shave 10 minutes off my commute. I think a majority of the public share this view, but they have been skeptical and fear that the money raised would not be spent wisely or spent on projects that have their own built-in opposition and controversy.

The legislation I am introducing today does not to create a regional authority, it won't build new roadways. Instead, it focuses on making improvements to what already exists. It is a small but important first step that I hope builds the foundation for greater regional coordination and cooperation and builds public confidence for longer term solutions.

Believe me, we need better coordination and cooperation. We need to rebuild confidence. The legislation I am introducing today borrows from some of the best, simplest and most cost-effective proposals. Some of the ideas were drawn from local transportation and planning experts. They are small ticket items, but if they prove successful, maybe the consensus will be there to support a more ambitious agenda. The Washington Post highlighted some of these potential projects in a series featured last year.

These investments included building sidewalks and pedestrian and bike paths to connect communities to schools, transit centers, Metrorail stations and commercial centers. This legislation will provide grants to help localities synchronize traffic lights signals on major transportation corridors which will reduce travel time and improve capacity. The bill provides money to encourage more businesses to offer greater telework and telecommuting options. It will provide grants to give transit riders real-time information on bus and rail schedules so they can time their departures from home and work to arrive at a transit stop just when the bus pulls up. It will also fund advance technologies to allow buses to slip through interchanges before the traffic lights change and on and offload passengers without blocking traffic.

These simple measures can be done for a few million dollars as opposed to the tens or hundreds of millions other projects require but for lack the funds are not being built and would take years to complete. It is said that if you can encourage just 3 percent to today's drivers to carpool or take the bus, you can reduce congestion by 10 percent.

In addition to these type of investments, the bill also allows the regional governments to fund a transportation incident management operations center. The center would be modeled after the New York-New Jersey-Connecticut program, known as TRANSCOM, where a full-time staff is focused on helping the public get around congestion problems when they occur. How many people remember the "Tractor Man" episode? There were hundreds of law enforcement and emergency response people on the scene, but it was hours before anyone there began to try to figure out how to move traffic around when all the adjacent streets were closed.

Similarly, how many times do commuters find road or utility construction closing traffic lanes in a haphazard manner. Jurisdictions should be working together to coordinate their construction schedule to minimize the time a lane along a transportation corridor remains closed. A New York-New Jersey TRANSCOM-type program for the National Capital Region would be on point for coordinating critical transportation information 24/7.

These are simple solutions, but ones that are not in the interest of any one jurisdiction to fund. But, if a federal grant was offered as an incentive, the local governments might all be willing to contribute, or better yet, compete to pull down the extra federal money. Mr. Chairman, this bill is the first step to end this region's gridlock. It gets us started and could bring measurable quality of life improvements to this region's citizens at a relatively small cost.

I will be working with my colleagues from this region to try to incorporate this proposal into this year's surface transportation reauthorization bill.

HONORING THE CONTRIBUTIONS OF BEXAR COUNTY DISTRICT ATTORNEY SUSAN REED

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize Susan Reed for her distinguished career in law, and her many contributions to the justice system in the state of Texas.

Susan Reed was raised in San Antonio, Texas, and graduated from Alamo Heights High School. She attended the University of Texas at Austin, where she received an undergraduate degree in Economics, and completed her JD at the University of Texas Law School in 1974.

Ms. Reed began her legal career as an Assistant District Attorney for Bexar County in 1974. She served in that position for eight years, and was chief prosecutor in the 144th and 187th District Courts.

Following a successful career in civil practice, Ms. Reed served as Judge of the 144th District Court for 12 years. She was Administrative Judge for the District Courts of Bexar County in 1996 and 1997, and spearheaded the development of the gang unit within the Adult Probation Department, which she counts as one of her proudest accomplishments. Her work on this project resulted in her being awarded the Judge of the Year Award by the Texas Gang Investigators Association.

Since 1998, Susan Reed has served the people of Bexar County as District Attorney. She is a member of the National Advisory Council on Violence Against Women, and a member of the Regional Anti-Terrorism Task Force. She has been a tireless advocate for victims of crime, and a powerful force for making our communities and our State safer.

Mr. Speaker, the people of Bexar County have benefited greatly from Susan Reed, and I am proud to have the opportunity to thank her today.

IN MEMORY OF DR. JAMES O. McBRIDE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. BURGESS. Mr. Speaker, I rise today to give tribute to Dr. James O. McBride, from Fort Worth in the 26th Congressional District of Texas, for his lifelong contributions to his community and to medicine. Dr. McBride started the first open-heart surgery program in Fort Worth. Dr. Brooks died on March 11th at the age of 86.

I would like to recognize and celebrate Dr. McBride's life today. Dr. McBride was a third generation Fort Worth resident. Dr. McBride graduated from Central High School before going on to college at Texas Christian University. He then went to the University of Texas Medical Branch in Galveston and received his PhD in 1942. When Dr. McBride finished his internship in Fort Worth, he went on active duty with the Navy as a surgeon in the Pacific Theater. There, he earned a Navy Unit Citation and nine battle stars.

Upon completion of his active duty in 1946, Dr. McBride completed medical residencies at Bellevue Hospital and Columbia Presbyterian Hospital in New York. In 1951, Dr. McBride moved back to Fort Worth where he set up a thoracic surgery practice. He was known for visiting with patients' families after performing an operation, which was virtually unheard of then. While at Saint Joseph Hospital, Dr. McBride began the first open-heart surgery program in Fort Worth. He was later promoted to chief of surgery at Saint Joseph Hospital. Dr. McBride was also the chief of thoracic surgery at John Peter Smith Hospital.

Dr. McBride was very active in several philanthropic organizations and served on the board or as a chairman for the Fort Worth Chapter of the American Lung Association, YMCA's Camp Carter, Joseph White Foundation, Carter Blood Center, and Country Day School and Union Bank. Dr. McBride's community realized his great services in 1989 when he was presented with the Gold-Headed Cane Award by Tarrant County Medical Society. Only a doctor who has been a society member for 20 or more years can receive the award.

I respected him as a fellow doctor and was honored to represent him here in Congress. I extend my sympathies to his family and friends. Dr. McBride was described by one of his sons as a "source of guidance for whoever sought his counsel." Such a man can never be replaced and will be dearly missed.

RECOGNIZING DR. R. DUNCAN LUCE ON THE OCCASION OF HIS RECEIVING THE 2003 NATIONAL MEDAL OF SCIENCE

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. COX. Mr. Speaker, I am proud to rise today to recognize Dr. R. Duncan Luce of the University of California-Irvine for his outstanding contributions to the scientific community. Professor Luce is one of eight U.S. scientists and engineers—and one of four Californians—to receive the 2003 National Medal of Science, the Nation's highest scientific honor.

Professor Luce is no stranger to high honors. Over his 50-year career, Professor Luce has been awarded the Society of Experimental Psychologists' Norman Anderson Award, the Decision Analysis Society's Frank P. Ramsey Medal, and the American Psychological Foundation's Gold Medal for Life Achievement in the Science of Psychology. Among his many influential publications are the seminal texts Games and Decisions (1957) and Individual Choice Behavior (1959), both of which remain in widespread academic use. His pioneering work in game and choice theory has resulted in dramatic advances in the fields of economics and psychology, and is applied to a variety of disciplines, including the analysis and prediction of stock market fluctuations.

Professor Luce has made vital contributions to Orange County in the course of his 20 years of service at the University of California-Irvine. He first came to UCI in 1972 before leaving in 1975 to serve in a variety of positions at the forefront of mathematical research at some of the Nation's finest universities, including the Massachusetts Institute of Technology, Columbia University, Harvard University, and the University of Pennsylvania. In 1988, he returned to Irvine, where he created UCI's Institute for Mathematical Behavioral Sciences, thereby reinforcing the campus's reputation as a leader in that field. He has served on search committees for three UCI chancellors.

Mr. Speaker, I know that all of our colleagues join me in paying tribute to Dr. R. Duncan Luce. In behalf of all of us in the United States Congress, I am pleased to recognize Professor Luce's remarkable achievements, and to thank him and his family for all that they have given to the improvement of learning and the betterment of our society.

HONORING COLONEL BILL GUINN

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. SHUSTER. Mr. Speaker, I rise today to honor Colonel Bill Guinn, Commander of Letterkenny Army Depot in Chambersburg, Pennsylvania. Colonel Guinn, a native of San Bernardino, California, will have served as Commander of Letterkenny for an unprecedented 3 years on July 18, 2005.

While most Commanders assume posts for only 2 years, Letterkenny has been fortunate to have Colonel Guinn as Commander for 3. On July 29th, 2005, Colonel Guinn will complete his command duty and pursue another endeavor to add to an already impressive career of service to his country. He has commanded the 123rd Main Support Battalion, 1st Armored Division in Bosnia, Croatia, and Germany. Highlights of his honors include the Defense Superior Service Medal, the Legion of Merit Medal, the NATO Medal, and the Army Achievement Medal with Oak Leaf Cluster.

Devoted to Letterkenny's mission of supporting the Global War on Terror, Colonel Guinn ensures the best equipment is available to field units throughout the world but especially in Afghanistan and Iraq. Colonel Guinn's concern and care for his soldiers enhances the effectiveness of their missions and has established a new level of commitment among the troops.

However, what makes Colonel Guinn remarkable is not only his outstanding military credentials and devotion to country, but also to his immediate community. He has taken personal interest in the economic growth of Chambersburg and the surrounding area of Franklin County Pennsylvania. As Letterkenny transitions into the 21st century it has ceded some of its unused land to Franklin County to be used for private enterprise. Colonel Guinn has been there every step of the way with a spirit of cooperation and mutual support for the developing Cumberland Valley Business Park.

Colonel Guinn takes his leadership beyond the gates of Letterkenny by personally participating in community events and pro-actively informing and educating the surrounding community as to the efforts of the Army Depot. A good neighbor in the truest sense of the word, Colonel Guinn ensures the community is welcomed onto the installation by way of annual picnics, Armed Forces Day activities, and provides recreational land for the Cub Scout Program.

I know Chambersburg and all of Franklin County join me in grateful thanks for the spirit of service, patriotism, and dedication Colonel Guinn, his wife Karen, and their two daughters have inspired and provided to so many. My best wishes to him on the completion of his tremendous service at Letterkenny Army Depot.

HONORING KEITH WOOD MEURLIN

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. WOLF. Mr. Speaker, it is my pleasure to draw the attention of the House to the retirement of Keith Wood Meurlin from the position of vice president and airport manager of Washington Dulles International Airport. He will leave his position at the end of March.

Keith has helped Washington Dulles grow from an airport that was used by few to an airport that is well respected world-wide. I remember attending an event on the runway of Dulles Airport when I was first elected to Congress. Last year alone 22.9 million passengers traveled through Dulles Airport.

As airport manager, Mr. Meurlin directed operations, maintenance, and commercial activities at Dulles, which employs nearly 17,000 people and is one of the busiest in the country in terms of aircraft operations. During Keith's tenure as airport manager, the Metropolitan Washington Airports Authority (MWAA) has invested nearly $1.5 billion in expanding the airport facilities in the late 1990's and is currently undertaking an additional $3 billion construction program to keep pace with current and future growth.

Mr. Meurlin came to the Washington airports in 1977 following his active duty in the United States Air Force. He began his service as an airport operations officer and successively advanced through the organization in engineering and maintenance and operations management positions before becoming the airport manager in 1989.

Mr. Meurlin helped guide Dulles after the September 11 terrorist attacks and has helped lead the way as the airport and the aviation industry have grown since that time. Last year at Dulles saw a passenger increase of almost 35 percent compared to 2003.

Keith has been extensively involved in the community. He has served on the Board of Directors of the Greater Reston and the Loudoun Chambers of Commerce; Board of Directors of the Loudoun County Convention and Visitors Association; member of Leadership Fairfax; the Board of the United Way for both Loudoun County and the National Capital Area; and is the past chairman of the Heart Association of Northern Virginia.

He was also the recipient of the 2000 Citizen of the Year award from the Loudoun Rotary and the 2002 Tower of Dulles Award from the Committee for Dulles.

In addition to his service with MWAA, Mr. Meurlin has continued his military service in the Air Force Reserve where he has attained the rank of major general, the highest rank a traditional reservist can achieve.

I wish Keith and his family the best as he retires from MWAA and again thank him for his efforts to make Dulles Airport the thriving aviation center it is today.

INTRODUCTION OF NUCLEAR DISARMAMENT AND ECONOMIC CONVERSION ACT OF 2005

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Ms. NORTON. Mr. Speaker, today, I am again introducing the Nuclear Disarmament and Economic Conversion Act, NDECA, as I have done since 1994. I have introduced this bill every year based on a ballot initiative passed by D.C. residents in 1993. NDECA will require the United States to disable and dismantle its nuclear weapons when all other nations possessing nuclear weapons enact laws to do the same. NDECA further provides that when U.S. nuclear weapons are dismantled, the resources used to support nuclear weapon programs would be diverted to our growing human and infrastructure needs, such as housing, health care, Social Security and the environment.

This year's introduction of this bill has special meaning because this is the sixtieth anniversary of the U.S. bombing of Hiroshima and Nagasaki. Only the United States has used an atom bomb, but today the number of nations with this capability has grown dangerously and continues without effective intervention by the Bush administration.

In addition to the economic cost of nuclear weapons, the weapons have increased as a destabilizing force in world affairs. North Korea, at least in part in response to stepped up aggressive talk and U.S. policies, has responded in a dangerously paranoid fashion by announcing that it is expanding its nuclear capabilities and even that it now has a nuclear weapon, although these claims have not been entirely verified. Iran also appears to be pursuing greater nuclear capability and is resisting inspections. India and Pakistan have moved back from the precipice of several years ago but each remains poised with nuclear weapons.

This country must lead the world community in redoubling efforts to push back the new surge of nuclear proliferation. Our country would be better able to dissuade other nations who aspire to become or remain nuclear powers if we ourselves took greater initiative in dismantling our own nuclear weapons program. We moved in the right direction when the Senate ratified the Moscow Treaty in 2003, which provides that by 2012 both the

U.S. and Russia will reduce their long-range warheads two thirds from approximately 6,000 warheads each to 2,200. However, the administration has failed to build on this effort. According to a recent study, "Securing The Bomb: An Agenda for Action" May 2004; prepared by the Belfer Center, Harvard University Kennedy School of Government: "Total nuclear-threat reduction spending remains less than one quarter of one percent of the U.S. military budget. Indeed, on average, the Bush administration requests for nuclear-threat reduction spending over FY 2002–2005 have been less, in real terms, than the last Clinton administration request, made long before the 9/11 attacks ever occurred."

However, the problem today is far more complicated than nuclear disarmament by nation states. The greatest threat today is from inadequately defended and guarded sites in many countries where there is enough material to make nuclear weapons and many opportunities for terrorists to secure nuclear materials. Astonishingly, because of the absence of Presidential leadership, less nuclear material was seized in the 2 years following the 9/11 attacks than in the 2 years immediately preceding the attacks ("Securing The Bomb: An Agenda for Action", May 2004).

I serve on the Prevention of Nuclear and Biological Attack Subcommittee of the Homeland Security Committee. I know that threats from nuclear proliferation and available nuclear material are more dangerous in the post 9/11 era than at any time since I first introduced this bill in 1994. The way to begin is closing down nuclear capability here and around the world.

With 45 million people still without health insurance, Social Security without the benefits for the huge baby boomer generation, an economy burdened with a dangerous deficit, and millions of Americans pushed back into poverty during the last 4 years, the time has come to begin the transfer of nuclear weapons funds to urgent domestic needs.

HONORING THE CONTRIBUTIONS OF WILSON COUNTY JUDGE MARVIN QUINNEY

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize Wilson County Judge Marvin Quinney for a lifetime of dedicated public service.

A native Texan, Marvin Quinney grew up in Wilson County. In 1968 he worked with the Texas Department of Safety. Mr. Quinney served his community as a DPS state trooper in Wilson County for 27 years. He also served his country as a Military Police Officer in Vietnam and in the United States.

Providing a valuable service to our courts, Marvin Quinney has spent years as a Court Security Officer at the John Wood Federal Courthouse in San Antonio. He also belongs to numerous trooper organizations and participates in multiple safety projects for the citizens residing in his county.

Marvin Quinney currently serves as the County Judge of Wilson County, and currently serves as the presiding officer of the Wilson County Commissioners Court. He has been instrumental in the growth and infrastructure development of Wilson County, and serves the office with honor and distinction.

Mr. Speaker, Wilson County Judge Marvin Quinney is a credit to his community and a tremendous resource to his country. His concern for the people and his willingness to work hard has enabled him to accomplish great things and help serve the people of his community.

IN RECOGNITION OF HEATHER RAY

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to recognize an outstanding young woman in my district, Heather Ray. Heather is a sophomore at Northglenn High School. She was recently honored with the Human Rights Campaign 1st Annual Colorado Youth Award. Heather was selected for her exceptional commitment to diversity.

Specifically, she was instrumental in forming a diversity group at Northglenn High School called "Students Teaching Not Discrimination" or STAND. This organization is designed to give students a safe environment to talk about issues involving sexual orientation, discrimination and the peer pressure that can often lead young people to contemplate dropping out of school, or even worse, suicide.

Heather and her fellow students in STAND have spoken out against the violence and hatred that so many young people are subjected to, and no matter what your position or religious views may be on controversial issues like gay marriage or sexual orientation, I believe we can all applaud this young woman for having the courage of her convictions, and for pursuing a constructive vehicle to explore these issues.

Heather's teacher and mentor, Victoria Bull, describes Heather as an exceptional young person who not only cares passionately about equal right and human dignity but is also tenacious in her desire to affect change. Heather understands the importance of language and insists that those around her take care to make sure their words reflect the values of respect due all human beings. She plans to become a lawyer or a teacher so that she can continue to educate about and defend human rights.

I ask my colleagues to join me in honoring Heather for her commitment to diversity. I join her family and friends in acknowledging her courage and idealism.

HONORING THE ACCOMPLISHMENTS OF ANDREA LEEDS

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. ISRAEL. Mr. Speaker, I rise today to honor the accomplishments of Andrea Leeds. Andrea's steadfast involvement in the community has truly enriched the lives of children and families in our Long Island communities.

Upon graduating from Boston University with a BA in Psychology, Andrea began her career in Human Resources at Kenyon and Eckhardt Advertising. She continued in the Wall Street offices of Chemical Bank as a Corporate Training Specialist. Finally, as Assistant Director of Human Resources at Ziff Davis Publishing, she met her favorite applicant and most notable "hire"—Michael Leeds. Following their engagement, Andrea left Ziff Davis to become Director of Human Resources at Lebhar Friedman Publishing.

While Michael was expanding CMP Media, Andrea became a full-time mom—raising three daughters. With her focus on the family, she became very involved in numerous school activities—most notably the PTA and girls' athletics.

Andrea's involvement in the community extends far beyond her own family. As a founding member and President of the Woodbury Jewish Center Sisterhood, Andrea was honored by the community as "Woman of Achievement." She is currently a Trustee of the Woodbury Jewish Center and is the Board liaison to the Senior Citizens Group.

Andrea also co-chairs the United Jewish Agencies Long Island Legislative Committee and is Executive Vice President and a member of the Board of Directors of the North Shore Child and Family Guidance Center. Throughout her service to center, which is the largest non-profit mental health center on Long Island, Andrea has led numerous initiatives including the establishment of the Trauma and Bereavement Center. Along with her husband, Michael, Andrea was recognized with the prestigious "Family Life Award" in 2002.

Together, this dynamic spouse-team runs the Andrea and Michael Leeds Family Foundation, which focuses on community health care, education and support for Israel. The Center upholds one of Andrea's core beliefs that the "key to success and understanding each other begins with education." This statement is one that Andrea maintains throughout her abundant work in our community, and I applaud her many achievements and contributions.

PERSONAL EXPLANATION

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I was out on Monday, March 14, and as a result, missed three votes. Had I been present:

For Roll Call No. 66—H.Res. 135, I would have voted "yea."

For Roll Call No. 67—H. Res. 101, I would have voted "yea."

For Roll Call No. 68—H. Res. 151, I would have voted "yea."

HONORING EARL V. JONES, SR.

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. DOYLE. Mr. Speaker, I rise today to honor a great American and Pittsburgher, Mr. Earl V. Jones, Sr. Mr. Jones is a constituent of mine and the founder of the worldwide Peace on Earth Campaign.

The Peace on Earth Campaign is centered on community leaders and the many volunteers in the community who do their part day in and day out. Local firefighters, police and paramedics have co-sponsored Mr. Jones' project which is showcased by a flag designed by Mr. Jones himself. The flag and symbol for the world peace campaign is a dove and globe in red, black, brown, yellow, and white to acknowledge the ongoing struggle for world peace.

In a post-9/11 world where terrorism and war surround us, Mr. Jones' Peace on Earth Campaign is a symbol for all nations to strive towards. The Peace on Earth campaign has been recognized and endorsed by President George W. Bush, former President Bill Clinton and Former Russian President Boris Yeltsin.

Mr. Jones organizes numerous events to promote community involvement in the Peace on Earth Campaign. One of the many events Mr. Jones' organization promotes is a highly successful student essay program in our public schools. Each essay is designed to bring awareness of the theme of peace on Earth to the youth of the world.

With his efforts to promote the noble goal of peace on Earth, Mr. Jones truly epitomizes the American values of peace, community, and brotherhood. I commend Mr. Jones on his countless hours of volunteer work spent as the ambassador and organizer for the Peace on Earth Campaign.

RECOGNIZING THE ARMENIAN GENOCIDE

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. LANGEVIN. Mr. Speaker, I rise today to commend U.S. Ambassador to Armenia John Evans for properly labeling the atrocities committed by the Ottoman Empire against the Armenians as genocide and to urge the President to follow his example and accurately characterize this crime against humanity in his commemorative statement next month.

Ambassador Evans recently completed his first U.S. visit to major Armenian-American communities to share his initial impressions of Armenia and our programs there. During his public exchanges with Armenian-American communities throughout the United States late last month, Ambassador Evans declared that "the Armenian Genocide was the first genocide of the twentieth century."

By employing this term, the Ambassador is building on previous statements by Presidents Reagan and Bush, as well as the repeated declarations of numerous world-renowned scholars. In effect, Evans has done nothing more than succinctly name the conclusions enunciated by those before him.

In 1981, President Reagan issued a presidential proclamation that said in part: "like the genocide of the Armenians before it, and the genocide of the Cambodians which followed it—and like too many other persecutions of too many other people—the lessons of the Holocaust must never be forgotten . . ." President Bush, himself, has invoked the textbook definition of genocide in his preceding April 24th statements by using the expressions "annihilation" and "forced exile and murder" to characterize this example of man's inhumanity to man.

Furthermore, Evans' remarks correspond with the signed statement in 2000 by 126 Genocide and Holocaust scholars affirming that the World War I Armenian Genocide is an incontestable historical fact and accordingly urging the governments of Western democracies to likewise recognize it as such. The petitioners, among whom is Nobel Laureate for Peace Elie Wiesel, also asked the Western Democracies to urge the Government and Parliament of Turkey to finally come to terms with a dark chapter of Ottoman-Turkish history and to recognize the Armenian Genocide.

The Ambassador's declarations also conform to the summary conclusions of the International Center for Transitional Justice (ICTJ) when it facilitated an independent legal study on the applicability of the 1948 Genocide Convention to events that occurred during the early twentieth century. The ICTJ report stated that "the Events, viewed collectively, can thus be said to include all of the elements of the crime of genocide as defined in the Convention, and legal scholars as well as historians, politicians, journalists and other people would be justified in continuing to so describe them."

The Armenian people's ability to survive in the face of the repression carried out against them stands as a monument to their endurance and will to live. Therefore, it is critically important that the United States speak with one voice in condemning the horrors committed against the Armenians. Only by working to preserve the truth about the Armenian Genocide can we hope to spare future generations from the horrors of the past.

In conclusion, Mr. Speaker, I join the Armenian Caucus Co-Chairs, Representatives Frank Pallone and Joe Knollenberg, in applauding the statements of Ambassador Evans and others, and in urging the President to reaffirm the U.S. record on the Armenian Genocide.

IN HONOR OF ROBERT MANCUSO

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. FARR. Mr. Speaker, I rise today to honor Mr. Robert J. Mancuso, C.E.C., Executive Chef for the world-renowned Sardine Factory Restaurant on Cannery Row, who has been named Chef of the Year by the Monterey Bay Chapter of the American Culinary Federation.

Mancuso won high honors at the Culinary Institute of America in Hyde Park, New York, graduating in 1990. He also earned an associate's degree in culinary arts, and in April of 2003, he received the prestigious Certified Executive Chef certification from The American Culinary Federation.

His career has taken him to prominent restaurants throughout the United States, giving him a strong background in the diversity of dining styles in this country. According to Mancuso, "California is a culinary mecca and as the Executive Chef at The Sardine Factory, I will have the opportunity to strengthen American cuisine by working with individual agriculture growers. The resources are here—coastal seafood, fresh vegetables, and prime poultry."

His outstanding talents have won him numerous national and international culinary awards, including 13 gold medals in national and international competitions. He is a member of Les Toques Blanches, an honor society of chefs in the United States. In 1996 he was on the Culinary Olympic Team USA, representing 25,000 chefs from the American Culinary Federation.

In addition, Mancuso is a regular participant in fundraising for charity events in the local community and has mentored many students in the culinary field. Mr. Speaker, I wish to honor Chef Robert Mancuso for his many accomplishments, for his dedication to his art, and to express my sincere gratitude for his service to the community.

RECOGNIZING THE ACHIEVEMENTS OF THE 341ST DISTRICT COURT JUDGE ELMA T. SALINAS ENDER

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor the important achievements of Judge Elma T. Salinas Ender in Laredo, Texas of my Congressional District.

Appointed as Judge of the 341st District Court by Governor Mark White, Judge Elma T. Salinas Ender became the first Mexican-American woman appointed and elected to a district court bench in state and U.S. history. Her knowledge and commitment that she has brought to the bench has made her an inspiration too many.

Professional activities include: member of the Governor's Juvenile Standards Task Force; the Funding/Judiciary branch of Government in Texas; State Bar of Texas; and has served on the Texas Bar Association council for "Women in Law." Judge Salinas Ender is involved in numerous civic and community activities, i.e. Laredo 1010 Youth Task Force; Communities in Schools; and Leadership Laredo.

She holds a Juris Doctor degree from St. Mary's University School of Law in San Antonio, Texas. Judge Salinas Ender is a fine example to women in our community, demonstrating what hard word and dedication can accomplish.

Mr. Speaker, I am proud to have this opportunity to recognize the contributions of Judge Elma T. Salinas Ender.

INTRODUCING THE REGIONAL ECONOMIC AND INFRASTRUCTURE DEVELOPMENT ACT

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. OBERSTAR. Mr. Speaker, today Congresswoman NORTON and I have introduced the "Regional Economic and Infrastructure Development Act". A detailed summary of the bill's provisions is attached.

The bill organizes four regional commissions under a common framework, thereby providing a more uniform method for distributing economic development funds throughout the regions most in need of such assistance. It reauthorizes the Delta Regional Authority and the Northern Great Plains Regional Authority and creates two new regional commissions: the Southeast Crescent Regional Commission and the Southwest Border Regional Commission. Both of these latter commissions have been proposed in legislation introduced in the previous Congress and are designed to address problems of systemic poverty and chronic underdevelopment in those regions. Every county or parish that is currently included in a commission through enacted or proposed legislation is similarly included in that same commission under this bill. While the bill follows the successful organizational model of the Appalachian Regional Commission (ARC), it does not include the ARC or the Denali Commission (a wholly intrastate commission) in its framework.

Regional commissions provide vital assistance to the development of the Nation's most chronically poor and distressed regions. They are true federal-state partnerships, bringing together federal, state, and local governments to expand the economic and development opportunities of a chronically distressed region. These regions typically experience rates of poverty and unemployment that are more than 150 percent of the national average. Further, some of these areas lack the transportation and basic public infrastructure necessary to support business development, and importantly, create jobs in the region.

The regional commissions are designed to assist areas in overcoming chronic economic distress by focusing on the distressed region as a whole. By recognizing that systemic economic distress follows geographic and natural resource realities, rather than arbitrary state or political subdivision borders, the commissions are able to concentrate their efforts over the entire region—regardless of state lines. One way that federally designated regional commissions work within the region to overcome the effects of chronic underdevelopment is through investment in infrastructure, including transportation, telecommunications, and other basic public infrastructure. The commissions also assist the region in obtaining job skills training, entrepreneurship, technology, and business development. Through these efforts, commissions work to improve the economic development of these systemically distressed regions.

Regional commissions also supplement the state share of other federal programs to ensure that areas that do not even have the economic means of meeting a required state or local funding share are not denied the opportunity to participate in these programs. Regional commissions assist in local development planning by helping provide local development districts with the resources and expertise necessary to formulate and follow a comprehensive, strategic regional development plan. Often it is the local development planning that is the key for the successful implementation of economic and infrastructure development programs.

The Regional and Economic Infrastructure Development Act is modeled after the statute authorizing the ARC. The ARC has demonstrated that regional commissions are successful in fighting chronic underdevelopment and poverty. Since the ARC's creation in 1965, employment in the thirteen-state region has grown by nearly 66 percent. In contrast, in the decade preceding its creation, employment in the region had declined by 1.5 percent. Further, the poverty rate of the region has been cut by more than one half—from 31.1 percent in 1960 to 13.6 percent in 2000.

As the Nation continues to suffer through a weakened economy, the need for these commissions becomes even more important. In February 2005, the national unemployment rate reached 5.4 percent. Further, since January 2001, the number of people unemployed increased from 6 million to 8 million—an increase of 2 million people, or 33 percent. Moreover, workers who have lost their jobs are having more trouble finding new jobs. The average length of unemployment is now almost 20 weeks, and more than one in five unemployed workers have been out of work for more than six months.

As the economy continues to struggle, it is these historically depressed regions—the regions that have already been struggling—that suffer a disproportionate share of the burden. Now, perhaps more than ever, there is a greater need for these regional commissions. This bill recognizes the importance of the regional commissions to these chronically distressed areas. The bill strengthens the commissions by establishing a uniform organizational structure, under which an affirmative vote of a commission requires a majority of state members plus the affirmative vote of the federal cochairperson. With this voting structure, the bill ensures that the federal and state roles in a commission are equal and interdependent, thereby promoting a true federal-state partnership.

In addition, the bill establishes a coordinating council for the regional commissions consisting of representatives from all the commissions, including the Appalachian Regional Commission and the Denali Commission. The coordinating council is directed to meet biannually to discuss issues facing regions that suffer chronic distress and successful strategies for promoting regional development. While the council will assist the commissions in promoting regional development, it has no decision-making authority over any of the commissions.

Finally, the bill authorizes sufficient funds for each commission so that a commission will have the means available to fulfill its mission of promoting economic and infrastructure development. The bill authorizes $30 million for each commission in fiscal year 2006 (the amount currently authorized for the Delta and Northern Great Plains Regional Authorities) and increases that authorization by $5 million for each successive year through fiscal year 2010.

Frankly, I am concerned about this Administration's lack of funding for existing regional commissions and lack of interest in promoting economic development programs that create jobs and improve communities. In its fiscal year 2006 budget proposal, the Administration proposes $6 million for the Delta Regional Authority and only $1 million for the Northern Great Plains Regional Authority. Further, the Administration's budget proposes to dismantle 18 different economic development programs and instead "consolidate" these programs into a formula-based program housed in the Department of Commerce. Presently these 18 programs include funding for grants and other economic development activities that total $5.5 billion. The new program will be funded at $3.7 billion—a reduction of nearly $2 billion in economic development program funds!

It is time that we affirm our commitment to regional economic development by authorizing these commissions and providing the funding necessary from them to break the cycle of chronic distress in these regions. I believe this bill will help us do that.

SUMMARY OF THE REGIONAL ECONOMIC AND INFRASTRUCTURE DEVELOPMENT ACT

The Regional Economic and Infrastructure Development Act organizes four regional commissions under a common framework, thereby providing a more uniform method for distributing economic assistance throughout the regions most in need of such assistance. It reauthorizes the Delta Regional Authority and the Northern Great Plains Regional Authority and creates two new regional commissions: the Southeast Crescent and the Southwest Border Regional Commission. Both of these latter commissions have been proposed in legislation introduced in the previous Congress and are designed to address problems of systemic poverty and chronic underdevelopment in those regions. Every county or parish that is currently included in a commission through enacted or proposed legislation is similarly included in that same commission under this bill. While the bill follows the successful organizational model of the Appalachian Regional Commission (ARC), it does not include the ARC or the Denali Commission (a wholly intrastate commission) in its framework.

PURPOSE

To organize the regional commissions in the lower 48 states (with the exception of the Appalachian Regional Commission) under a common framework, providing a more uniform organization structure among the commissions and a more uniform method for distributing economic assistance throughout the country.

COMMISSIONS

The bill reauthorizes the Delta Regional Commission and the Northern Great Plains Regional Commission, and creates the Southeast Crescent Regional Commission and the Southwest Border Regional Commission. The Delta Regional Commission and the Northern Great Plains Regional Commission are composed of the same states, counties, and parishes included in the existing

Delta Regional Authority and Northern Great Plains Regional Authority. The Southeast Crescent Regional Commission and the Southwest Border Regional Commission are composed of the same states and counties proposed in legislation introduced in the 108th Congress to create a Southeast Crescent Regional Authority and a Southwest Border Regional Commission.

Each commission is authorized to receive appropriations of $30 million for fiscal year 2006; $35 million for fiscal year 2007; $40 million for fiscal year 2008; $45 million for fiscal year 2009; and $50 million for fiscal year 2010.

Currently, some counties qualify for membership in more than one regional commission. The bill does not change that. However, the bill provides that an individual county may only receive economic assistance from one regional commission. Therefore, if a county is eligible for membership in more than one commission, it must select one commission in which it would like to participate and be eligible to receive funds. A county or parish can change its selection 90 days before the start of the fiscal year.

The Denali Commission and the Appalachian Regional Commission are not included in this statute.

COMPOSITION

Each commission includes a Federal cochairperson and a state cochairperson, who is selected from among the state members. Like current law, the Northern Great Plains Commission also includes a tribal cochairperson.

An affirmative vote of a commission requires an affirmative vote of the federal cochairperson plus a majority of state members.

Like the current laws authorizing regional commissions, the bill sets forth provisions for the salaries of commission members, the appointment of alternatives, and the hiring of additional staff, including an Executive Director.

The bill establishes a coordinating council for the regional commissions consisting of representatives from all the commissions, including the Appalachian Regional Commission and the Denali Commission. The coordinating council is directed to meet biannually to discuss issues facing regions that suffer chronic distress and successful strategies for promoting regional development. The council has no decision-making authority.

Also like current law, each state must develop a comprehensive economic development plan and each commission must develop an economic and infrastructure development plan.

Commissions are required to designate distressed, transitional and attainment counties, and isolated areas of distress within attainment counties, within their region and must allocate at least 50 percent of the appropriations made available to the commission to projects in distressed counties and isolated areas of distress.

ECONOMIC AND COMMUNITY DEVELOPMENT GRANTS

Commissions have the authority to make grants to State and local governments, and public and nonprofit organizations, for economic development projects, with an emphasis on infrastructure projects, including transportation, basic public, and telecommunications infrastructure projects.

The bill provides for a commission share of 50 percent of the costs of projects; that percentage increases to up to 80 percent for distressed counties. These shares are increased by 10 percent (to 60 percent and 90 percent, respectively) for those projects that have a significant regional impact, including projects that involve 3 or more counties or more than one State.

Commissions have the authority to make grants to local development districts to assist in the payment of the administration of the district. The commission of these grants is limited to 80 percent of the administrative expenses of the local development district receiving the grant.

Commissions have the authority to supplement part of the basic Federal contribution to projects authorized under other Federal grant programs and to increase the Federal contribution above the fixed maximum part of the cost. The federal share is the same for projects (50 percent and 80 percent for distressed counties, with a 10 percent bonus for regional projects), with the stipulation that the total federal contribution cannot exceed 80 percent.

IN MEMORY OF THE KURDISH VICTIMS OF MARCH 16, 1988

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in remembering the horrible events that took place in Halabja, Iraq, on March 16, 1988. Today is the 17th anniversary of Saddam Hussein's chemical weapons attack on his own people during a battle waged between a Kurdish force resisting Saddam's oppression and Saddam's Iraqi army. This attack was part of Saddam's systematic genocidal attack on the Kurds known as the Anfal campaign.

In seeking to subdue Kurdish resistance, Saddam Hussein used chemical weapons indiscriminately against Kurdish fighters and civilians alike. The attack on Halabja was one of some forty chemical assaults staged by Hussein against the Kurdish people. In fact, the Kurds of Halabja and neighboring towns constitute the largest civilian population ever exposed to chemical weapons, including sarin, VX, tabun, and mustard gas. As a result of the extensive and devastatingly cruel Anfal campaign, hundreds of Kurdish villages were totally destroyed and as many as 200,000 Kurds were killed.

The tragedy of Halabja should yield lessons for those concerned about responding to future chemical and biological emergencies. The world stood by as innocent men, women, and children suffered and died at the hands of a barbarous regime, and, for 14 long years, the Saddam Hussein dictatorship went unpunished for the murder of hundreds of thousands of innocent Iraqis, the use of banned chemical weapons against Iraqi Kurds, and innumerable other human rights violations. During those 14 years, the number of his victims, Kurdish and non-Kurdish, increased dramatically, as the discovery of mass graves testifies.

Mr. Speaker, now history has avenged Saddam's victims, however belatedly and inadequately, and soon Saddam Hussein will face the consequences of his war crimes. I ask that my colleagues join me in speaking out against oppression and against the use of chemical and biological weapons. That is now the best way to commemorate the suffering of the people of Halabja and all the victims of Saddam's inhuman Anfal campaign and of his subsequent depredations.

TRIBUTE TO SOUTH PARK HIGH SCHOOL

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to call your attention to the great South Park High School in Buffalo, New York which this year is celebrating ninety years of excellence in educating Western New York's young people.

Ninety-one years ago this week, on St. Patrick's Day, the people of South Buffalo broke ground at 150 Southside Parkway for the construction of what would become City of Buffalo Public School Number 206.

That same year, on June 1st, the cornerstone was placed at PS 206, also known as South Park High School, marking the institution as the fifth public high school built in the City of Buffalo.

On September 7, 1915 the doors of South Park opened, welcoming 680 students and 32 faculty members.

Home of the Sparks, the South Park faithful proudly display their school spirit through the black and red tradition.

Over the last nine decades the teachers and administrators at South Park have motivated, nurtured and educated thousands of Buffalo's youth, preparing each for the road ahead and providing all with the tools necessary to pursue a limitless future.

I am proud to call myself an alumnus of South Park and grateful for the wealth of knowledge and values I have obtained through my experiences at the school.

Today, Mr. Speaker, I thank you for the opportunity to commemorate the 90th Anniversary of Buffalo's South Park High School and wish the institution continued success in instilling pride and excellence in Western New York young people for decades to come.

ON THE INTRODUCTION OF A RESOLUTION URGING TURKEY TO RESPECT THE RIGHTS AND RELIGIOUS FREEDOMS OF THE ECUMENICAL PATRIARCH

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. MENENDEZ. Mr. Speaker, today I am proud to introduce a resolution urging Turkey to respect the human rights and religious freedoms of the Ecumenical Patriarch, which are being violated by the Turkish government.

The Ecumenical Patriarch is the spiritual leader of 300 million Orthodox Christians around the world, including millions of Americans. The Turkish government continuously violates the Ecumenical Patriarch's religious rights and freedoms by refusing to recognize its international status. Training for the clergy has also been effectively banned because the Turkish government refuses to reopen the Greek Orthodox Halki seminary. Furthermore, the Turkish government requires all candidates for the Patriarchate be Turkish nationals, thus severely limiting the field. Additionally, the Turkish government has confiscated 75 percent of Ecumenical Patriarchal properties since 2002 and has levied a 42 percent retroactive tax on the Balukli Hospital, a philanthropic institution run by the Ecumenical Patriarchate. Meanwhile, Turkey is scheduled to begin accession negotiations with the European Union in October 2005.

Mr. Speaker, the legislation I am introducing today is very simple. This resolution calls on Turkey to meet the criteria on eliminating all forms of discrimination set forth by the European Union, particularly those based on race or religion. This bill urges the Turkish government to grant the Ecumenical Patriarch appropriate international recognition and ecclesiastic succession, the right to train clergy of all nationalities, and demands that Turkey respect the property rights and human rights of the Ecumenical Patriarchate. These are simple demands, Mr. Speaker. The path of democracy must be laid with the bricks of freedom and tolerance—without them, democracy becomes a hollow word devoid of promise and hope. We must take a stand for religious rights and freedoms. We must call on Turkey to fulfill its obligations to the European Union and stop violating the human and religious rights of the Ecumenical Patriarchate.

STATEMENT BY THE FRIENDS OF IRELAND ST. PATRICK'S DAY 2005

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. WALSH. Mr. Speaker, the Friends of Ireland in the Congress join 38 million Irish Americans in celebrating the unique ties between America and the island of Ireland. We welcome the Taoiseach Bertie Ahern to the United States, and we send our warmest greetings to all the people of Ireland and Northern Ireland.

Irish Americans care deeply about Northern Ireland, and we commend President Bush for his efforts to keep the American government involved in the pursuit of peace. We also praise Mitchell Reiss, the President's special envoy to Ireland, for his unwavering commitment and his bi-partisan American approach to the process.

We do regret that none of the political parties from Northern Ireland will be represented at the Shamrock Ceremony or the Speaker's Luncheon this year, but this should be taken as a clear signal reflecting the severity of the situation, and the immediate need for all parties to return to the negotiating table.

In 1998, the parties to the Good Friday Agreement committed to partnership, equality and mutual respect as the basis for moving forward. We continue to believe that inclusive power sharing—based on those three defining qualities—is essential to the viability and advancement of the democratic process in Northern Ireland. A political system based on inclusive power sharing requires trust and confidence. The parties to the Good Friday Agreement also affirmed their total and absolute commitment to exclusively democratic and peaceful means.

The recent events in Northern Ireland involving alleged and admitted criminality by IRA members have put tremendous pressure on all the governments and have seriously undermined the trust and confidence that are essential to advance the process. We deplore this tragic setback. Circumstances on both the Nationalist and Unionist sides have created great chasms of mistrust. Neither side is blameless in this tragic breakdown, and the British, Irish and United States Governments must devote themselves to instill the trust and continue the forward movement.

Clearly, there is essential work to be done in ending all paramilitary activity, permanently restoring the democratic institutions, progressing with demilitarization, and advancing an equality agenda. It is also imperative, in all democratic societies, for all parties to be willing to work with the criminal justice system or in this case the Police Service.

We regret that the dramatic effort to reach an agreement over the Christmas Holiday fell short. The world watched as the framework was set, and all parties were steps away from a victorious moment in history. We must remind all the parties that this framework is still in place and there was a reason why an agreement was almost settled only a few months ago. It is from this point that negotiations must resume.

We commend the Irish and British Governments for their ongoing efforts to work with the political leaders in Northern Ireland to restore the trust and confidence that are essential to advance the peace. On this St. Patrick's Day, we look forward to the day when the Good Friday Agreement will be finally and fully implemented, and to the day when stable democratic institutions, peace, and justice will be achieved in Northern Ireland.

PERSONAL EXPLANATION

HON. BRIAN BAIRD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 2005

Mr. BAIRD. Mr. Speaker, due to circumstances stemming from the recent birth of my two sons, William and Walter, I was not able to be present for legislative business on the morning of March 16, 2005, during which time the House considered and passed H.R. 1268. Had I been present, I would have voted as follows:

On House Amendment #60 I would have voted "aye."

On the motion to recommit H.R. 1268 to the Committee on Appropriations with instruction to provide an additional $100 million for veterans healthcare, and $50 million for veterans job training and transitional assistance, I would have voted "aye."

HONORING THE CONTRIBUTIONS OF SAN MARCOS CITY COUNCILMAN JOHN THOMAIDES

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor the important contributions of San Marcos City Councilman John Thomaides, of my Congressional District.

In 2003 John Thomaides was elected to San Marcos City Council. Mr. Thomaides was chosen to represent the Council on the Convention and Visitors Bureau Board of Directors. He has been active in city affairs since he came to San Marcos ten years ago. John has served on the City's Drainage Advisory Board, the Citizen Review Commission, and as chair to the Transportation Advisory Board.

After arriving in San Marcos John opened Alpha Pure Water Company, and has quickly become a leader in business and community organizations. In January 2003 the Area Chamber of Commerce awarded him "Small Business Person of the Quarter" and in October 2003 he was honored again with "Small Business Person of the Year."

John Thomaides has consistently worked to improve the quality of life for his constituents, and is a 2003 graduate of the Leadership Academy of Public Service. He has served as president of the San Marcos Tennis Association, and as Ambassador for the Area Chamber of Commerce.

Mr. Speaker, John Thomaides serves as an example of what discipline, courage, and dedication can accomplish, and I am proud to have had this opportunity to thank him.

A TRIBUTE TO ADELE ANDRADE-STADLER, 29TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2005

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. SCHIFF. Mr. Speaker, I rise today in honor of Women's History Month. Each year, we pay special tribute to the contributions and sacrifices made by our nation's women during the month of March. It is an honor to pay homage to outstanding women who are making a difference in my Congressional District.

I would like to recognize an outstanding woman in my Congressional District, the Honorable Adele Andrade-Stadler. For many years, Adele has brought an abounding spirit and energy to her service in the community. Those fortunate enough to meet and work with Adele instantly recognize her enthusiasm and commitment to education and children.

A native of Southern California, Adele was raised in Monterey Park. She attended Alhambra public schools, graduated from East Los Angeles College and attended California State University, Los Angeles. While attending college she worked part time for the Los Angeles Unified School District as a bi-lingual instructional aide. She also studied early childhood development at Pacific Oaks College in Pasadena.

Adele was the Director of the Foothill Developmental School, a non-profit pre-school that provided special services for disabled and non-disabled children in Monrovia, California. During the 1990s, she developed and implemented a curriculum for the Union Bank Child Care Center, one of the first centers in the San Gabriel Valley area to provide on-site childcare to its employees. In 1999, Adele became a Field Representative for then State Senator HILDA SOLIS, continuing on as a Field Representative and Caseworker, then District Director for Congresswoman SOLIS. In that capacity, Adele advocated for children, families, women, immigrants, senior citizens, veterans, and other constituents that needed federal assistance.

Ms. Andrade-Stadler's volunteer record in education is truly impressive. She has been in the Alhambra Parent Teacher Association (PTA) for nearly ten years, serving as PTA Council President. She has volunteered in the Alhambra Unified School District, at the Methodist Cooperative Preschool, and has been a long-time Sierra Club member and volunteer. Adele was a key organizer for the Alhambra School Bond Measures A and AA and led and coordinated the School Traffic Safety Plan at Fremont Elementary School. Currently, she is an advisor to the School Site Title I Council and Chair of the Traffic Commission for the City of Alhambra. In 2004, Adele was elected to the Alhambra Unified School Board.

I ask all Members to join me today in honoring an outstanding woman of California's 29th Congressional District, Adele Andrade-Stadler. The entire community joins me in thanking Adele for her success and continued efforts toward making the 29th Congressional District a more enjoyable place in which to live and work.

REMEMBERING THE LIFE OF JACK HOLMES THOMAS, SR.

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. PICKERING. Mr. Speaker, on March 11, Jack Holmes Thomas Sr. passed away after a short battle with acute leukemia at age 80. Jack was a man of God who served his family, community and country honorably and with distinction and I take this opportunity to remember his life.

Born on January 10, 1925 in Natchez, Mississippi, Jack was the husband of Helen Putt Thomas and the father of two sons: Jack H. Thomas Jr. and Robert Bryan Thomas. He had five grandchildren: Chris, Mallory, Chase, Tiffany and Heather.

Jack was part of "the greatest generation" and served in the US Marine Corps in World War II where he earned the Purple Heart. He graduated from Mississippi State University in 1951 with a bachelor of science in agricultural education and served the US Department of Agriculture for thirty-three years before retiring.

Jack was a past president of the Mississippi Federation of the National Association of Retired Federal Employees, an active life member of the Elk Lodge, a past president of the Starkville Shriners Club, and a strong Mississippi State University supporter and avid Bulldog fan.

Jack was a faithful member and deacon of First Baptist Church of Starkville and taught Sunday school and discipleship training while in Oklahoma.

Mr. Speaker, Jack Thomas has long been a blessing to his family and friends, but one that was felt beyond those people in the community at large. We mourn his passing, but we celebrate his life.

DEEPENING OUR RELATIONS WITH KAZAKHSTAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. TOWNS. Mr. Speaker, the current situation in our world prompts the United States to seek and deepen relations with countries who share our principles and values, one such country is the Republic of Kazakhstan.

In the course of its development, Kazakhstan has achieved tremendous results despite some ups and downs. In fact, the people of Kazakhstan have gained long awaited freedom thirteen years ago and have chosen the right path consistently moving towards their ultimate goal of building a democratic and civil society with a strong market economy. The recent state of the nation address by President Nursultan Nazarbayev of Kazakhstan is strong proof of that.

I have read this document and must note that it is indeed a milestone for the country. It provides an outstanding description of the state and perspectives of the development of Kazakhstan's society. It is a comprehensive address which I kindly ask, Mr. Speaker, to submit to the CONGRESSIONAL RECORD for those of my colleagues who follow the development of this young and promising country. Let me mention a few highlights.

It is amazing how this country, which for many years existed under a totalitarian regime without any idea of market reforms has managed to achieve tremendous results in a very short period. Average income has grown almost fivefold during the last ten years, monthly salaries have increased by about 6 times, the minimum wage has gone up 25 times, average monthly pensions have increased by 4.6 times, and personal and average per capita bank deposits by 35 and 37 times. Compared to 2003, state expenditures on guaranteed free health care have risen 1.7 times. The most impressive part of the message is the massive social component of the Kazakh leader's program aimed at significant improvement of wellbeing of all levels of society, especially the poor, elderly, disabled and children.

The President's annual address also reflects the desire of a young nation to become a bulwark of democracy in a vitally important region. Since gaining independence from the Soviet Union in 1991, Kazakhstan has become a leader in promoting political and democratic transformations in the post Soviet states. Most importantly, Kazakhstan is not going to stop half way to this goal, but is eager to deepen this process based on Western standards of democracy. I support President Nazarbayev's initiative to create a National Program of Political Reforms in which the key player will be the people. I strongly believe that the evolution of Kazakh society inevitably will lead to a triumph of democracy. It is dictated by the will and aspirations of the people. I also agree with President Nazarbayev when he said that today "Kazakhstan is regarded in the world as a regional power possessing a strong economy and a solid position in the international community".

I congratulate the people and the Government of Kazakhstan for their achievements and am sincerely happy for them.

I am very glad that the United States has been instrumental in aiding the development of Kazakhstan. Our bilateral relations have gained the status of a strategic partnership. I am absolutely convinced successful cooperation between the U.S. and Kazakhstan is the cornerstone of stability in a crucial region and it is in the interest of both our countries and the world as a whole.

Today, it is vital for America to demonstrate its gratitude to the people of Kazakhstan who stood side by side with us after 9/11 and is today living up to its commitment in helping to build a free Iraq. I urge my colleagues and the administration to render them assistance and support their endeavors to be among the truly democratic countries of the world.

CONGRATULATING MRS. MARIETTA MURRAY URQUHART ON RECEIPT OF THE MOBILE CITY COUNCIL OF BETA SIGMA PI INTERNATIONAL SORORITY'S 2004 "FIRST LADY OF THE YEAR" AWARD

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. BONNER. Mr. Speaker, it is with great pride and pleasure that I rise to honor Mrs. Marietta Murray Urquhart on the occasion of her being honored by the Mobile City Council of Beta Sigma Pi International Sorority with the organization's 2004 "First Lady of the Year" Award.

Beta Sigma Pi International Sorority was founded in 1931 for the purpose of providing women with opportunities for community service and as an outlet for cultural and social activities. Seven local chapters of the organization are currently active in Mobile, and since 1945 one woman has been selected each year for the "First Lady of the Year" Award. This honor is bestowed to an individual based on her contributions to the business, cultural, and civic life of the community.

Mrs. Urquhart has been a distinguished and active member of the Mobile, Alabama, community for over two decades. In 1982, she and her husband, Bill, chose to make Mobile their home upon Bill's completion of medical school and his residency. Almost immediately, she took a strong role in the life of her city, with special emphasis on issues involving children and education.

Over the next 22 years, she became extremely involved in several local organizations. She has served as president of the board of directors of Leadership Mobile and as a member of the board of Volunteer Mobile. Additionally, she was selected to serve as president for the St. Paul's Episcopal Church Women of the Church. Her strong interest in the development and growth of the Mobile community also led to her service on the board of directors for the Providence Hospital Foundation, the Providence Foundation Flower Show, and for the Maritime Museum and the Mobile Tricentennial Commission.

Mrs. Urquhart has also devoted a tremendous amount of time and effort to expanding opportunities for children in the Mobile community. She has served on the Mobile Advisory Board for the Department of Human Resources, and has been actively involved with the Salvation Army. As president for the Junior League of Mobile, she was committed to establishing wide-ranging community goals for children and worked extensively with the Mobile County School System, the United Way, and the Greater Mobile Area Chamber of Commerce. Finally, she served with distinction on the UMS-Wright Preparatory School Board of Trustees and was the first woman ever selected to chair that organization.

Finally, Mrs. Urquhart has served on the boards of the Medical Alliance of Mobile County, Mobile 2000, and the Alabama State Commission for Volunteer and National Service. Most recently, she was nominated to serve as a member of The University of Alabama Board of Trustees.

The nomination submitted by the Medical Society of Mobile County for this award included the following passage: "Our Nominee lives by the philosophy: 'Commitment is what transforms a promise into reality. Words speak boldly of intentions. Actions speak louder than words. It is making time when there is none. It is coming through time after time, year after year. Commitment is the stuff character is made of, the power to change the face of things. It is the daily triumph of integrity over skepticism.'" Over the years, I have seen Marietta put this philosophy into action time and again and make one significant and meaningful contribution after another for her community. Our city and our state are richer because of her work, and I am proud and honored to call her my friend.

Mr. Speaker, there are few individuals more dedicated or more committed to helping their communities than Marietta Murray Urquhart, and I would like to offer my congratulations on both the "First Lady of the Year" Award and for her many personal and professional achievements. I know her husband, Bill, and her many family and friends join with me in praising her accomplishments and extending thanks for her many efforts on behalf of Mobile and the state of Alabama.

TRIBUTE TO CAPTAIN RAY COTA

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. CALVERT. Mr. Speaker, my congressional district in Riverside, California is extremely fortunate to have a dynamic and dedicated group of community leaders who willingly and unselfishly give of their time and talents to ensure the well-being of our city and county. These individuals work tirelessly to develop voluntary community action to improve the community's economy, its education, its environment and its overall quality of life. One individual, who is a member of this group, is Captain Ray Cota.

On the 19th of March, Ray will be honored with the Ira D. "Cal" Calvert Distinguished Service Award by the Corona-Norco Family YMCA. The award is given in memory of my father, "Cal" Calvert, and his enumerable philanthropic gifts to the community and his efforts to encourage others to serve their community in a similar fashion. The award recognizes Ray for his exceptional devotion to developing community volunteerism.

Ray has been a police officer with the Corona Police Department for over 25 years. Throughout his career, he has been involved in the community and specifically with youth service organizations. He has served as President of the Circle City Kiwanis, helped organize an annual golf tournament that raises money for at-risk youth, and participated in the Corona High Parent Teacher Student Association. Additionally, Ray has served with the Corona Police Activities League, which provides sports and recreational activities to neighborhood youth and seeks to reach out to other deserving youth in the community.

Ray and his wife Rebecca have been married for 21 years. They have a 13 year old son, Raymond, who attends Corona Fundamental Intermediate School.

Ray's tireless passion for community service has contributed immensely to the betterment of the community of Corona, California. Ray has been the heart and soul of many community organizations and events and I am proud to call Ray a fellow community member, American and friend.

IN RECOGNITION OF COACH FRANK TOLBERT

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to pay tribute to Coach Frank Tolbert of Auburn High School in Auburn, Alabama. Coach Tolbert is a man of great accomplishment—a highly respected mentor for our youth who was recently inducted into the Alabama High School Sports Hall of Fame after leading the boys' basketball team to victory at the Class 6–A State Championship.

Since 1969 Coach Tolbert has been coaching boys' basketball in the Auburn City Schools, and has achieved an outstanding record of 535 wins including area and state championships.

Because of his record of accomplishment, Coach Tolbert was honored recently on two separate occasions. On March 15 the Auburn City Council commemorated Coach Tolbert and his team at the local council meeting. In addition the citizens of Auburn recently observed March 16, 2005, as "Coach Frank Tolbert Day" in recognition of his unique accomplishments.

I am proud to acknowledge Coach Tolbert in the House today and congratulate him on this remarkable and memorable occasion.

BLACK AND YOUTH UNEMPLOYMENT IN NEW YORK CITY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. RANGEL. Mr. Speaker, today we come before this chamber to be heard on an issue of national consequence and one that is particularly relevant to Black Americans. While we are being told that the economy is showing signs of recovery, that point of view is not reflected in what I, and many of my colleagues in the House, see in our districts. In fact, conditions appear to be consistently bad as more people face extended periods of joblessness—and Blacks remain at a disadvantage to whites in the labor market.

Black Americans have continued to endure chronic unemployment relative to whites in the nation. The Department of Labor Bureau of Labor Statistics Employment Situation Summary for February reveals that while the Nation's unemployment rate is 5.4 percent, Black unemployment is 10.9 percent.

The BLS data confirms what has become a long-term trend of Black Americans exclusion from the labor market. The disparity is all the more glaring given that white unemployment was only 4.6 percent last month. Unemployment for Black women hovered at 9.1 percent and for teenagers, age 16 to 19, unemployment was 31.5 percent; a numbing statistic considering economic conditions in our community.

Though the economy gained 262,000 jobs last month it was of little benefit to Blacks seeking work, considering much of the gains were in the construction trades—an area from which Blacks have historically been excluded, retail—where mergers and acquisitions between major retail companies signal another round of downsizing, and in areas such as temporary employment services and food services—where wages may not be sufficient for self sustenance.

What these numbers tell us is that we have arrived at a place somewhere beyond crisis for Black Americans and their relation to the world of work. It is a chilling reminder of the systemic failure of the economy to fairly apportion opportunity and shed any vestiges of racially discriminatory practices. It is why we convene today to discuss this national imperative and urge our President to take immediate action to make jobs and income security a national priority.

A good wage job is the foundation for the economic security of all Americans, and particularly so for people of color who have historically been denied opportunity in our country. Rhetoric about "family values" is disingenuous if large segments of our Nation are not given the chance to earn a good wage and provide for their children, spouses, and increasingly parents, whose retirement income is not sufficient to sustain independent living.

This is quite evident in my city—New York City—the Nation's largest metropolis and home to the panorama of racial and ethnic groups that represent the emerging face of America. In this great city, and in many others across the country, the economic devastation has hit close to home. Last year one of our city's leading nonpartisan, not-for-profit social policy and advocacy organizations—the Community Service Society or "CSS"—issued a landmark report on the crisis of Black male unemployment.

For those of you not familiar with the Community Service Society, it is an organization that has a 160-year history of working to alleviate conditions of poverty affecting low-income New Yorkers. CSS' roots in working to raise living conditions for city residents can be traced back to the settlement house movement in New York City and its role in founding the Columbia University School of Social Work. It is an organization that has played an invaluable role historically in the life of our city and continues to be a voice of conscience today.

The study revealed some 50 percent of Black men in New York City were removed from the labor market. Fifty percent! By any standards it should be unacceptable for half of any group to be without work. Now to be fair, the latest CSS report indicates some improvement in jobholding for Black men but they have steadily lost ground relative to other groups in the city. It is a tragedy that should evoke shame and outrage in the 21st century.

CSS also issued a report that revealed the degree to which young people in our city, age 16 to 24, are not in school and out of work—tagged "disconnected" for the manner in which they are excluded from civic life. In total, the report calculated that there are 170,000 disconnected young people in our communities—a population that surpasses our state capital of Albany and many mid-size American cities.

We know there are a number of factors fueling this crisis. Many of our public schools serving the population of young people the CSS report identified as disconnected are not equipped to prepare them for the realities of today's work world. And while we all advocate for higher standards, improved test scores absent any connection to a good wage job is a hollow victory. Many of us, including myself, understand the importance of retooling vocational and technical education so students who do not see college as an immediate option will have the opportunity to earn a living.

Likewise, we are aware of traditional barriers that have obstructed Black Americans from economic opportunity. In the spirit of bipartisanship I recently accepted an invitation by the mayor of our city, Mayor Michael Bloomberg, a Republican, to serve on a city commission that will identify ways to eliminate barriers to employment in the construction trades for minorities, veterans and women. Joining me on that commission is the CEO of the Community Service Society, David Jones.

It is an important first step in taking an industry-by-industry, sector-by-sector audit of impediments that are driving these dramatic disparities in employment. And the onus for change is not wholly on the private sector. The public sector must do a better job in ensuring equity in employment. For instance, the Fire Department of New York, a great and storied agency by most measures, has failed to be forward thinking in its hiring practices. In its most recent probationary class, minorities are only 14 percent of the new recruits. White males comprise 92 percent of the department. It is for that reason that the Justice Department has launched an investigation into the FDNY's hiring and promotion practices. So we know that government must also take corrective action.

Now, against this backdrop we have a White House that is moving in the opposite direction of widening opportunity. In fact, President Bush's budget proposal has several elements that will only widen the gap I have described. The President proposes to cut the Workforce Investment Act by $61.5 million, end the program to reintegrate young offenders in communities, and reduces federal student loans by $10.7 billion over 10 years. Our president has also proposed eliminating the Perkins Vocational and Technical Education Act, a cut that means an estimated loss of $65 million to New York State.

And New Yorkers most affected by these proposed cuts are clear on their priorities. In a survey of low-income New Yorkers commissioned by the Community Service Society, and tied to their labor market research, respondents expressed support for job training and education, and the upgrading of vocational and technical education.

It is a significant snapshot of the opinions of the city's working poor—the first of its kind in the nation that I know of that seeks to ferret out the views of the economically disadvantaged.

None of this is good news for New Yorkers or most residents of our nation's large urban centers. And most certainly for Black Americans in general, and Black men specifically. Combined with the risk that the President's misguided Social Security proposal poses for Black seniors, President Bush's budget has placed us on the cusp of an economic disaster of cataclysmic proportion in the Black community.

We are not alone in New York City facing this crisis. Many American cities, big and small, are experiencing the same problems to varying degrees. We cannot sit by idly and see families devastated and communities destroyed while economic opportunity passes us by. That is why I have asked several of my colleagues in the House to join me on this Special Order to educate the American public and sensitize the White House to the economic imperative facing our constituents.

HONORING MR. RANDY TEAGUE

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. HENSARLING. Mr. Speaker, today I would like to honor Mr. Randy Teague of Mabank, Texas for his longtime support of agriculture in and around Henderson County of Texas. From 2000 to 2004, Mr. Teague served on the Henderson County Beef Committee, serving as its chairman in 2004. He has been an organizer of the Henderson County Livestock Show since 2000, and is a member of the Henderson County Show Board.

A father to three children, John Carter, Clara Jane, and Cash, Mr. Teague married his wife, Amy Morris, in January of 1999. Along with his agricultural activities, Mr. Teague is the Chairman of the Nominating Committee at the First Baptist Church in Mabank. He is also a supporter of the Kaufman County Women's and Children shelter, the Gold Card Luncheon Program for Mabank High School, the Special Olympics, and the Make a Wish Foundation.

As a father, a husband, a devout churchgoer, and a community leader, Mr. Randy Teague has embodied the values of family, faith, and hard work that lie at the core of American society. As his representative in Congress, it is my distinct pleasure to honor him today on the floor of the United States House of Representatives.

SALUTE TO LIEUTENANT COLONEL ANDREW LOTWIN ON HIS RETIREMENT

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mrs. TAUSCHER. Mr. Speaker, I rise today to salute Lieutenant Colonel Andrew Lotwin on his retirement after 20 years of distinguished service in the United States Army. I had the good fortune to have Lt. Col. Lotwin serve as a Military Fellow in my office for a year, and the further good fortune of developing a lasting friendship with him and his wonderful family. I can say without reservation that Lt. Col. Lotwin truly exemplifies what it means to wear the uniform of our great nation. His patriotism, intelligence and integrity and service are an example to all.

Lt. Col. Lotwin began what would become a distinguished military career more than twenty years ago when he entered the United States Military Academy at West Point. During his military career he also received master's degrees from the University of California at Los Angeles and Webster University, and studied national security at Georgetown University. He also served as a faculty member at the United States Military Academy and at other prestigious military schools and conferences.

Throughout his career, Lt. Col. Lotwin specialized in intelligence issues, military procurement and relations with Congress. He served as a program manager in the Joint Program office for the Predator UAV. He formed a joint government-industry team to support a fielding plan for the JSTARS program. And as the U.S. Army representative to the NATO Alliance Ground Surveillance Steering Committee, Lt. Col. Lotwin saved the U.S. Government millions of dollars by establishing the JSTARS Common Ground Station as the baseline architecture for this NATO initiative.

Early in his career, Lt. Col. Lotwin served as a special agent in the Pentagon's Counterintelligence Detachment. He returned to the field of intelligence in recent years in his capacity as Special Assistant to the Assistant Secretary of Defense for Legislative Affairs. Lt. Col. Lotwin represented the Department of Defense in the areas of Intelligence, Space, Special Access Programs, and Information Technology critical to the Global War on Terrorism. Lt. Col. Lotwin displayed his trademark skills of leadership, management, professionalism and discretion. They served him well on Capitol Hill, where he became a vital link between Congress and the Pentagon and helped facilitate a better understanding of complicated matters vital to our national security.

Mr. Speaker, I got to know Lt. Col. Lotwin best during the year he served as my Military Fellow. He was an invaluable and truly wonderful presence in my office. He's the kind of guy who instantly earns your friendship with his humor and your respect with his intelligence. He brought not just a career-long knowledge of the Army and our Armed Forces, but his interest and aptitude in a wide array of other issues made him a valuable member of my team. His insight and advice helped me represent and serve the people of the Tenth Congressional District in California.

Andrew and his wife Holly are blessed with three wonderful children—Amanda, Dana, and Noah. I really believe that military families are one of our country's most precious military resources, and this is certainly the case with the Lotwins. Holly's devotion to Andrew, their family and our country are evident. Like Andrew, she is a great American hero.

As Andrew Lotwin begins what is sure to be a remarkable second career, I wish him and his family all the best. America has been blessed to have him in our Armed Forces, and I applaud him for his continued service to our country.

HONORING JERRY KALOV

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. ISSA. Mr. Speaker, on February 28 we lost a great American when Jerry Kalov passed away after a long battle against leukemia.

Jerry Kalov was a great American because he lived the rags to riches story. He grew up poor in Chicago and worked in several stores and rose to lead major companies including International Jensen and Harman International.

But Jerry's "riches" were not his degrees or his money. Jerry had no college degree and he died without a fortune. Jerry was one of America's richest men because of the huge number of lives he affected, including mine.

Jerry's passion was helping people become leaders. He took so many under his wing and he mentored us without judging us but always making us better.

For me, he took a successful businessman and taught me about humility, diplomacy and patience. He continued to mentor me even after I entered Congress and helped keep me grounded in what is a rare and heady atmosphere.

For Consumer Electronics Association president Gary Shapiro he took a brash lawyer and instilled business savvy and people skills. Jerry taught him that if you care about your employees, results will follow. He mentored Gary and several volunteer CEA chairmen and helped transform a sleepy small association into a top 20 economic and political powerhouse.

Among the CEA leaders he mentored was Kathy Gornik. Kathy owns a small Kentucky loudspeaker company. Jerry convinced her that she could lead a major national association and with Jerry's help, Kathy tripled the association's membership and created a special focus on smaller entrepreneurial companies.

Jerry mentored several others including JEDEC president John Kelly, NARDA president Elly Valas and Casio president John McDonald.

We have lost a friend, an influencer of people and a model for sharing through mentoring. Jerry reminds me that a man's worth is measured by the people he affected. Jerry helped shape many of us and we will miss him.

INTRODUCING THE NATIONAL DROUGHT PREPAREDNESS ACT

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. HASTINGS of Florida. Mr. Speaker, I rise today with Representatives REHBERG, HERSETH, and OSBORNE to introduce the National Drought Preparedness Act. The companion to our bill is will also be introduced in the other body by Senators PETE DOMENICI and MAX BAUCUS in the near future.

In 1998, Congress passed legislation creating the National Drought Policy Commission. The Commission was tasked with the responsibility to examine current U.S. policy on drought. To summarize the Commission's fifty-page report in a few short words, "The U.S. does not have a policy on drought."

I wish I had just made a joke. The fact that we don't have a drought policy, however, is a joke—and not a good one at that.

Drought is not just an agriculture issue, nor is it only a water management issue. When droughts occur, forest fires erupt, small businesses close, crop yields decrease, and in many instances, people die.

In my home state of Florida, we are always taking steps to mitigate the affects of hurricanes and floods—regardless of what season it is. In the Midwest, similar efforts are made to plan for tornadoes, and in the West, the same could be said for wildfire prevention and earthquakes.

It is time for America to move away from the costly, ad-hoc, and response-oriented approach to drought, and toward a more pro-active approach that focuses on preparation and planning. Coordination between federal, state, and local governments, in addition to watershed groups, farmers and ranchers, and resource dependent businesses, is the only way we will successfully curb the effects of drought before we find ourselves in one. The bill we are introducing today provides a new focus on an otherwise often ignored natural disaster.

Our bill accomplishes four major goals.

First, the bill begins to move the country away from the costly, ad-hoc, and response-oriented approach to drought, and toward a more pro-active approach focused on preparation and planning. The new national policy will provide the tools and focus for Federal, State, tribal and local governments to address the diverse impacts and costs caused by drought.

Second, the bill will improve the delivery of Federal drought programs. To ensure improved program delivery, integration and leadership, the National Drought Preparedness Act establishes the National Drought Council under the direction of the Secretary of Agriculture. The Council will provide the coordinating and integrating function for the more than 80 federal drought programs currently in existence.

Third, the bill establishes new tools for drought preparedness planning. Building on current water policy, the Drought Council will assist states, local governments, tribes, and other entities in the development and implementation of drought preparedness plans. The bill does not mandate state and local planning, but is intended to facilitate the development and implementation of drought plans through the establishment of a Drought Assistance Fund. Importantly, the bill also preserves state authority over water allocation.

Fourth, the bill improves our forecasting and monitoring abilities. Under our legislation, the Drought Council will facilitate the development of the National Integrated Drought Information System in order to improve the characterization of current drought conditions and the forecasting of future droughts, as well as provide a better basis to trigger federal drought assistance.

Mr. Speaker, the creation of a coordinated and comprehensive National Drought Council will provide efficient and time sensitive coordination between federal agencies in preparing for and responding to droughts, as well as assisting Congress in identifying our immediate and long term needs in providing drought relief.

I am looking forward to working with my colleagues and moving this bill forward. Americans are hurting throughout this country today because of water shortages and prolonged droughts. Congress must act immediately, and time is of the essence.

I ask my colleagues to support this bill, and I urge the House leadership to bring this bill to the floor for its swift consideration.

RECOGNIZING THE WORK OF DR. FRANK SPLITT

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to call attention to the work of Dr. Frank Splitt, a McCormick Faculty Fellow at Northwestern University. As a member of The Drake Group, Dr. Splitt has worked to bring attention to the need for reform in college athletics. I would like to submit this article, "Why Congress Should Review Policies that Facilitate the Growth and Corruption of Big-Time College Sports" for the review of my colleagues. I hope that during this session of Congress we can begin to work to improve the system for the sake of our athletes, teachers, fans, and entire educational system.

"Why Congress Should Review Policies that Facilitate the Growth and Corruption of Big-Time College Sports" by Dr. Frank Splitt

Despite many wakeup calls and warnings over the years, the situation with big-time college sports is much worse than many could ever have imagined. Two questions loom large: What's going on? And, where are the people who are willing to speak the truth about the academic corruption spawned by the college-sports entertainment colossus and to do something about it? To find the answer to the first question, one need only look at the usual suspect—money. Big money, together with greed, avid sports fans, an apathetic public, and governmental policies make college sports a lucrative and growing tax-free business enterprise. Key enablers for the continuing growth of this business are higher education professionals in a state of denial over the unflattering reality of academic corruption, a relatively ineffectual NCAA, and facilitating government policies involving privacy law and the subsidy of athletic departments and favorable tax treatment of related projects.

The Drake Group (TDG), a grass-roots faculty organization, provides a partial answer to the second question. It works on the premise that college sports aren't themselves evil, but rather, it's the related academic corruption that should be exposed and eliminated. TDG has sponsored the publication of two papers on college-sports reform, "Reclaiming Academic Primacy in Higher Education," and a sequel, "The Faculty-Driven Movement to Reform Big-Time College Sports," see www.ece.northwestern.edu/EXTERNAL/Splitt/. The first paper served as another wakeup call to university presidents, trustees, administrators and faculties. The sequel focused on a TDG initiative to help restore academic integrity by working to change the Family Educational Rights and Privacy of 1974 (FERPA)—also known as the Buckley Amendment.

As an unintended consequence of the Buckley Amendment, evidence of academic corruption and shenanigans in big-time college sports are hidden from real public scrutiny and the NCAA and schools (via waivers) can exploit and control their athletes while only releasing news favorable to themselves.

In their Wisconsin Law Review article, "Cleaning Up Buckley: How The Family Educational Rights and Privacy Act Shields Academic Corruption In College Athletics," Matthew Salzwedel and Jon Ericson make a compelling case for simple changes that would permit an appropriate level of disclosure. It is my view that those changes would lead to exposure of institutional misbehavior via publication of information about the academic courses that athletes take, as well as their choice of professors and academic majors. Over time, that disclosure would work to ensure that college athletes are getting a legitimate college education.

Changes to the Buckley Amendment require governmental intervention. TDG made a formal request for a review of the amendment to LeRoy S. Rooker, Director of the U.S. Department of Education Family Policy Compliance Office. In his response, Director Rooker stated that TDG's concerns were largely those that can only be addressed by Congress. Follow up with the chairs of the appropriate Congressional Committees has been initiated by TDG.

It should be clear that, no matter how bad college sports related scandals may become, how appropriate any one of a number of reform measures may be, or, how intense the urging of the Knight Commission, there is little likelihood that these kinds of measures would be adopted on a voluntary basis. The reason is simple: Universal adoption would likely prove to be successful in curbing the rampant excesses of the college sports and level the playing field, but put at risk the big, tax-free money flow into the NCAA cartel. Substantive reform measures all seem to make sense to the reform minded, but not to those that are to be reformed—setting the stage for endless debate. Nothing of consequence happens.

The NCAA's proposed reforms in the wake of the University of Colorado-Boulder recruiting scandal came under critical review at a House Energy and Commerce subcommittee on May 18, 2004. That hearing, titled "Supporting Our Intercollegiate Student-Athletes: Proposed NCAA Reforms" was called to examine the NCAA response to the recruiting practices and polices of intercollegiate athletics. The Subcommittee expressed concern that some of the NCAA's new proposals don't go far enough and mentioned a possible motivational tool for Congress to get what it wants: the tax-exempt status of NCAA programs. Those remarks spawn hope that the NCAA and its members will be forced to pay serious attention to reform and enforcement as well as tell the truth about their financial operations.

With a public now fatigued with terrorist related threats and numbed by grievous wrongdoing, scandals, and cover ups in their financial and political worlds, the challenge for Congress is to take on the tasks of working for disclosure via "cleaning up Buckley"—penetrating the closed society of higher education and its "See no evil, Speak no evil, Hear no evil," modus operandi—and calling for an IRS audit of the NCAA cartel. When buttressed by compelling arguments for reform and intensive scrutiny by the media, these efforts can surmount the formidable barriers that have thus far shielded intercollegiate athletics from serious reform.

IN MEMORY OF HON. GLENN BOX

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. SESSIONS. Mr. Speaker, Mr. HENSARLING and I rise to honor the memory of the late Honorable Glenn Box. Glenn served his fellow citizens with distinction on the Dallas City Council from 1989 to 1995. We are greatly saddened by his passing, as Dallas lost one of its strongest advocates to cancer.

Glenn passed away from a rare form of cancer, mesothelioma, on February 17, 2005 at Baylor University Medical Center. We mourn the loss of such a great civic leader for the people of Dallas. At the age of thirty, Glenn had already been elected to the Dallas City Council, and would serve as the chairman of the Public Safety Committee from 1991 to 1995. Upon his retirement from public service, Glenn joined the Coca-Cola Company and most recently served as a regional vice-president for Coke sales throughout eleven Midwestern states.

Glenn was born and raised in Dallas, graduating from W.T. White High School and then attended Southern Methodist University for his undergraduate degree. After earning his law degree from the University of Texas at Austin, he returned to Dallas to join the law firm of Jackson & Walker.

In addition to his loving wife and mother, Glenn is survived by his two sons and his brother and sister. We join the Box family in honoring the memory of Glenn's life and his tireless service to improving the lives of the citizens of Dallas.

CODIFICATION OF TITLE 46 OF THE UNITED STATES CODE "SHIPPING"

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. SENSENBRENNER. Mr. Speaker, today I am introducing a bill to complete the codification of title 46, United States Code, "Shipping", as positive law. This bill is an updated version of H.R. 4319 which was introduced in the 108th Congress.

This bill has been prepared by the Office of the Law Revision Counsel of the House of Representatives in accordance with 2 U.S.C. 285b(1). That Office received comments on the predecessor bill and made appropriate changes which are reflected in this bill.

Questions about this bill should be addressed to Richard B. Simpson, Senior Counsel, Office of the Law Revision Counsel, U.S. House of Representatives, H2–304 Ford House Office Building, Washington, D.C. 20515. The telephone number is 202–226–9059. Additional information can be found on the Law Revision Counsel website at http://uscode.house.gov/cod/t46.

RECOGNIZING THE CONTRIBUTIONS OF SAN MARCOS CITY COUNCILMAN JOHN A. DIAZ

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize the contributions of San Marcos City Councilman John A. Diaz, of my Congressional District.

John Diaz is lifelong resident of San Marcos and has been an active participant in the community throughout his lifetime. He is a proud graduate of San Marcos High School, and also attended the Austin School of Fine Arts. He is an inspiring businessman, and is the self-employed owner of Sign-Arts.

Mr. Diaz works constantly to ensure the people of San Marcos, Texas get the services they need from the local government. John is a board member of the San Marcos Area Chamber of Commerce and San Marcos Hispanic Chamber Board of Directors.

John has served on the City Planning and Zoning Commission, the Central Texas Higher Education Authority, and the San Marcos School Board. He has been a constant fixture of the League of United Latin American Citizens (LULAC). Throughout his years with the organization he has served as President, State Secretary, and District Director.

Mr. Speaker, Councilman John A. Diaz understands the concerns of the citizens, small businesses and everything else that is the great city of San Marcos. It is because of this connection with the populace and his long standing record of public service that I am proud to let the people know of the commitment of John Diaz to the community.

A TRIBUTE TO ALICE LAN-HUA HWANG 29TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2005

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. SCHIFF. Mr. Speaker, I rise today, in honor of Women's History Month. Each year, we pay special tribute to the contributions and sacrifices made by our nation's women during the month of March. It is an honor to pay homage to outstanding women who are making a difference in my Congressional District.

I would like to recognize an outstanding woman in my Congressional District, Alice Lan-Hua Hwang. For many years, Alice has brought an abounding spirit and energy to her service in the community. Those fortunate enough to meet and work with Alice instantly recognize her dedication and commitment to education.

Raised in a diplomatic family, Alice lived in Asia and Latin America before coming to the United States in 1967 when her father was assigned to the Los Angeles Chinese Consulate. Her parents, who were educators, instilled in Alice the spirit of altruism and the importance of education. Alice received her education under 5 different educational systems on 3 continents.

Alice moved to South Pasadena, California in 1983. In 1989, Alice was elected to the South Pasadena Board of Education and was the first Asian American woman to be elected to that body. She served on the board for 8 years, serving as President for one term, until her retirement in 1997.

Together with her late husband, Dr. Karl J. Hwang, and former South Pasadena City Councilman Paul Zee, Alice co-founded the South Pasadena Chinese American Club. The club has been successful in fostering understanding between the Chinese American community and other ethnic groups, raises funds to provide grants to South Pasadena teachers, and awards college scholarships.

After her husband's untimely death, Alice returned to school and earned a multiple subjects and bi-lingual teaching credential in 1993. Currently an ESL teacher in the Adult Division of the Alhambra School District, she is also a member of the California Teachers of English to Speakers of Other Languages and a presenter at their annual state conference in 2003.

Alice has served as a board member of the Young Men's Christian Association, the South Pasadena Educational Foundation and the South Pasadena Chinese American Club, and on the committee to protect the South Pasadena Public Library system. She is also a volunteer for the Pacific Asia Museum and serves as an interpreter for parents in the local schools. In 1993 she received the Outstanding Woman of the Year Award from the Kiwanis Club and an award from the Los Angeles County Commission on the Status of Women in 1996.

In addition to her service to the community, Alice sings in her church choir, is a classical pianist and guitarist and a former member of the Arroyo Singers. She is the proud mother of Victor and Michael.

I ask all Members to join me today in honoring an outstanding woman of California's 29th Congressional District, Alice Lan-Hua Hwang. The entire community joins me in thanking Alice for her success and continued efforts toward making the 29th Congressional District a more enjoyable place in which to live and work.

REMEMBERING THE LIFE OF MERTIS LOUISE FLOYD SCOTT

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. PICKERING. Mr. Speaker, Mertis Louise Floyd Scott, Deputy Chief Nurse of the G.V. "Sonny" Montgomery Veterans Administration Medical Center in Jackson Mississippi, passed away unexpectedly after a very short illness on October 15, 2004 at the young age of 48. She dedicated her life to the care of others and I take this opportunity to remember that life that so blessed us.

Mertis exemplified the meaning of nursing and received numerous professional awards during her twenty-six years of service at the VA Medical Center. In May of 1989, Mertis was named recipient of the Secretary's Award for Excellence in Nursing, presented to her by Secretary of the Department of Veterans Affairs Edward J. Derwinski in Washington, DC. She also received a citation from President George H.W. Bush.

Mertis held high the values of leadership and exhibited a continual quest for knowledge. She had a commitment to service through any challenge with a positive attitude.

Mr. Speaker, Mertis always remembered her faith and commitment to serve God and man. She defined her humanity by her service to patients and health providers alike. Her colleagues defined her life with these words: loving, caring, nurturing, generosity, patience, angelic personality. She was an inspiration to the lives she touched both personally and professionally. We mourn her passing, but we remember and celebrate her life.

A TRIBUTE TO PAMELA M. JUNIOR

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. TOWNS. Mr. Speaker, I rise in honor of Pamela Mary Johnson-Junior who has committed herself to strengthening her community through her work on the Community Planning Board.

Pamela was born in the Bedford-Stuyvesant section of Brooklyn and still resides there today. Pamela and her twin brother are the last of 10 children born to Booker T. Johnson and Ina L. Johnson.

At age 16, Pamela graduated a year early from high school and attended Long Island University. Later, she transferred to John Jay College of Criminal Justice and majored in Criminal Justice Administration and Planning.

Pamela learned at a very early age the importance of community involvement and as a teenager, she became actively involved in her Block Association. Soon thereafter, she was elected President of the Teenage Association of the 500 Decatur Street Block Association. However, her interests in politics extended beyond the local level. When Jesse Jackson ran for the Presidency of the United States, she took a two month leave of absence from her position as a Legal Assistant at one of Wall Street's top law firms, where she had been employed for over 16 years, to volunteer her services at Jesse Jackson's Bedford Stuyvesant based campaign headquarters. Nearly twenty years later, Pam continues to maintain a 50+ hour work week at the firm.

In the 1990's, Pamela became actively involved in Bedford-Stuyvesant community affairs and began attending monthly community meetings at Community Board No. 3 and at the 81st Precinct. This opportunity provided her with first-hand experience and knowledge of the needs of the community. In 1996, she was appointed to Community Planning Board No. 3 by then Borough President Howard Golden. In 2000, she was elected to the position of 2nd Vice President of the Board and in 2001 she was elected to the position of 1st

Vice President of the Board, which she has held for several years.

During her tenure as Economic Development Chairperson of the Board, Pamela has spearheaded the 197a Plan for Bedford-Stuyvesant, collaborating with health professionals, churches, tenant associations, community activists, block associations, and Pratt Institute. She also solicited and helped raise over $250,000 to fund the 197a Plan. Pamela has forged relationships between the Community Planning Board and various New York City agencies in an effort to build the commercial corridors in Bedford-Stuyvesant and has worked closely with the Brooklyn Chamber of Commerce and elected officials in the development of the Fulton F.I.R.S.T. Initiative. Finally, she has held weekly meetings during the summer months to ensure that community residents were informed of new and upcoming developments.

Mr. Speaker, Pamela Mary Johnson-Junior has been a leader in her community through her efforts to improve our educational system and serve those in need. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

RECOGNIZING THE WORK OF QUIN HILLYER OF THE MOBILE REGISTER

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. BONNER. Mr. Speaker, I rise today to recognize a recent contribution of Mr. Quin Hillyer, editorial writer for the Mobile Register.

As many in this chamber are aware, former Alabama Attorney General and current 11th Circuit Court of Appeals Judge William Pryor has faced numerous difficulties with his nomination to a full-time position on that court by the President. As I speak today, it is my understanding that Judge Pryor's nomination to a lifetime appointment will again come up for consideration within the next few months.

During introductory remarks I delivered at the original confirmation hearing for then-Attorney General Pryor, I stated that he has earned the political respect of many, including his political foes. He has consistently sided with constitutional precedent in making his decisions, and throughout his career he has received very high ratings for his legal ability and very high ethical standards. Judge Pryor has received the backing and strong support for a lifetime appointment to the 11th Circuit from men and women from all across Alabama's political spectrum.

Mr. Speaker, I am hopeful Judge Pryor will receive a favorable and impartial decision on the matter of a permanent appointment to the 11th Circuit Court of Appeals, and I would encourage those involved in that process to take a fair and unbiased look at his record. To that end, Mr. Hillyer has written what I feel is a very impassioned and well-reasoned argument for why Judge Pryor should receive this appointment. This article appeared in the Wall Street Journal on March 3, 2005, and I ask my colleagues to carefully consider the comments he makes here.

CROSS COUNTRY: PRYOR IMPRESSIONS

(By Quin Hillyer, Mobile Register)

If judicial nominations represent the spear-point of all of the partisan battles in Washington, former Alabama Attorney General Bill Pryor is the poison on the spear. Judge Pryor, whose renomination to the 11th Circuit Court of Appeals could get a Senate hearing as early as March 9, has become a folk hero to conservatives nationwide while drawing fierce denunciations from liberal editorial pages. Come to Alabama, though, and the cognoscenti from all shades of the political spectrum find the controversy badly misguided.

Here, the Republican Pryor—at age 42, now serving a mere temporary appointment to the 11th Circuit—is the darling not just of right-leaning editorial boards. He enjoys near-universal support even from newspapers that endorsed Al Gore and John Kerry, from elected officials both Democrat and Republican, black and white—and even from the Democrat who Mr. Pryor defeated for attorney general.

The liberal Anniston Star, for instance, in the same editorial that urges filibusters against most of President Bush's nominees, writes that "Pryor, who possesses a brilliant legal mind, cannot be so easily dismissed. . . . Pryor has been proven capable of setting aside his ideology when it matters most. . . . [He] helped shut down [Alabama Chief Justice Roy Moore's Ten Commandments] sideshow and, in the process, displayed personal courage. That alone ought to convince Democrats currently blocking a vote on Pryor to give him a chance."

Why do Alabamians so strongly back Judge Pryor? Because they've seen him in action defending Democratic lawmakers against Republican lawsuits, defying the Republican governor (Fob James) who appointed him, and spending countless hours establishing a youth mentorship program through the attorney general's office. They know him, up close, as a man of integrity and compassion.

National critics have gone to prodigious lengths to muddy that home-state record. Unfairly so. Consider that critics have accused Judge Pryor of being insensitive to women because he successfully argued against one small portion of the Violence Against Women Act. But Judge Pryor's constitutional point was virtually incontrovertible, namely that rape doesn't qualify as "interstate commerce." His goal was to keep authority for prosecuting rapes in state courts, where (in Alabama at least) the juries are likely to be harder on rapists than elsewhere. Meanwhile, he has been praised throughout Alabama by groups that aid victims of domestic violence. Mobile's Penelope House women's shelter even named him to its Law Enforcement Hall of Fame.

The story is similar on every issue on which he has been criticized. Somebody served Sen. Dianne Feinstein poorly, for example, when providing her a quote from Judge Pryor that made it sound like he advocated the Christianization of government. But the quote came from a speech to his alma mater—McGill-Toolen Catholic High School, in Mobile—the point of which was not that the government should be Christian but that Catholics have a duty to be good citizens. (As it turned out, he was citing St. Thomas Aquinas, hardly a great threat to the American order.)

Critics have also accused him of race-based opposition to one portion of the Voting Rights Act. Why, then, is Judge Pryor supported by Alabama's lone black, Democratic congressman, and by its two most prominent black, Democratic legislators, and by its black Democratic National Committeeman? And on the case in question, Judge Pryor was backed by Georgia's black, Democratic AG, Thurbert Baker, who also endorsed Bill Pryor's judicial nomination.

Obviously, there is a disconnect between the interest-group and liberal-media assumption that Southern conservatives, especially Alabama ones, likely have racist tendencies, and the obvious reality of Judge Pryor's genuinely warm relationships with so many of Alabama's black leaders. Part of the explanation lies in the fact that Alabama has indeed come a long way since Bull Connor. Also important is that Judge Pryor's native Mobile, especially its old-line Catholic sector in which he grew up, handled civil rights with far more aplomb than Bull Connor's Birmingham—and with virtually no violence. Early on, then-Mayor Joseph Langan peacefully integrated the city's bus lines. And Bill Pryor's own high school, where his father was band director, integrated comfortably in the '60s, well before he matriculated.

Judge Pryor would say, correctly, that his jurisprudence aims at helping neither victims nor powerful interests, but merely at following precedent and the Constitution. In his closing arguments against the judicial vigilantism of Alabama's then-Chief Justice Roy Moore, he said: "In our system, a judge must follow the final decision of other judges, even when he is convinced they're wrong. . . . The answer this court must provide to every judge in Alabama is that no judge is above the law."

That's why, against his own personal predilections, he refused, as attorney general, to enforce part of a new state law against partial birth abortions: because that section contradicted clear U.S. Supreme Court precedent. That's why, against his own predilections, he enforced the very portion of the Voting Rights Act that he and his Georgia Democratic counterpart opposed. And that's why the leader of Alabama's top black, Democratic organization endorsed him as a judge who "will uphold the law without fear or favor," while former Democratic AG Bill Baxley said Judge Pryor always acts "without race, gender, age, political power, wealth, community standing, or any other competing interest affecting his judgment."

Yes, we in Alabama proudly support Bill Pryor. His career—as public intellectual, successful prosecutor, cultural-bridge-builder and man of conscience even at his own political peril—represents many of the traits the national media has always said Alabama lacks. Until he came along, our most famous exemplar of such character was the fictional Atticus Finch. Now that we can offer a real-life Atticus, we're more than a little angry that the Washington elites want to reject him.

TRIBUTE TO TOM KENNEY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. CALVERT. Mr. Speaker, my congressional district in Riverside, California is extremely fortunate to have a dynamic and dedicated group of community leaders who willingly and unselfishly give of their time and talents to ensure the well-being of our city and county. These individuals work tirelessly to develop voluntary community action to improve the community's economy, its education, its environment and its overall quality of life. One individual, who is a member of this group, is Tom Kenney.

On the 19th of March, Tom will be honored with the Ira D. "Cal" Calvert Distinguished Service Award by the Corona-Norco Family YMCA. The award is given in memory of my father, "Cal" Calvert, and his enumerable philanthropic gifts to the community and his efforts to encourage others to serve their community in a similar fashion. The award recognizes Tom for his exceptional devotion to developing community volunteerism.

Tom was born in Pennsylvania, but moved to California during his service with the Navy. He met and married Barbara Keith, a school teacher in the Corona-Norco Unified School District, attended Riverside Community College and graduated from the University California, Riverside. After 12 years with Prudential Insurance Company, and earning an M.B.A. from University of Southern California, Tom moved to take what became a series of executive jobs. In 1995, Tom and Barb, with their sons Christopher and Patrick, took the opportunity to purchase the Key-Freeman Agency and move back to their California home. Tom has been involved in many community organizations, serving on the boards of Corona-Norco United Way, the Corona Rotary Club, the Corona Library Foundation, and the Corona Chamber of Commerce.

Tom's tireless passion for community service has contributed immensely to the betterment of the community of Corona, California. Tom has been the heart and soul of many community organizations and events and I am proud to call Tom a fellow community member, American and friend.

IN RECOGNITION OF MR. ROSS DUNN

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to pay tribute to the late Ross Dunn, a longtime Chambers County Commissioner who recently passed away. In January, Mr. Dunn was honored for his service to the community and to the state. He was always eager to serve mankind.

After graduating from Lanier High School, he pursued his dream of serving in the military by enlisting in the Army. Following his service to the nation, Mr. Dunn earned his degree at Alabama State University.

Throughout his life, Mr. Dunn exemplified his ability to promote change by becoming the first African American to serve in many organizations. Among his many achievements, he was the first to serve on the Chambers County Pension and Security Board, the first to serve as principal of two schools in Harris County, and the first to be elected to the Chambers County Commission. He has been listed in "Men of Achievement," "Personalities of the South," "Personalities of America," and all the editions of "Who's Who Among Black Americans."

Words cannot express the sense of sadness we have for his family, and for the gratitude our community feels for his service. Our community will remember him for years to come, and I am honored to be able to recognize his achievements on this day.

JUSTICE FOR THE VICTIMS OF THE TULSA RACE RIOTS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. RANGEL. Mr. Speaker, I rise today to discuss a matter of justice. The Tulsa Race Riots remain today a matter unresolved in our national conscience. More than 80 years after the occurrence of this horrible event, the time has come to bring closure. A March 13th article in the New York Daily News sheds light on the Tulsa Race Riots and the current effort underway to obtain justice for the victims.

Tulsa, Oklahoma in 1921 was something of an African American success story. The city's Black community, known as Greenwood, had developed into a prosperous area of shops, hotels, gaming halls and restaurants that was known throughout the Southwest. So significant was its reputation, that the famous Black leader Booker T. Washington would dub Greenwood "the Black Wall Street."

However, the Black community's prosperity was a source of resentment among many of city's white residents. Racial tension in the city was palpable. This and other factors would eventually manifest themselves, with deadly consequences.

The Tulsa Race Riots began May 31, 1921, when police arrested a black youth for allegedly assaulting a white woman, a charge later dismissed. A crowd of whites gathered outside the courthouse where the youth was being held, calling for his lynching.

According to a 2001 report commissioned by the State of Oklahoma, Black citizens from the Greenwood neighborhood armed themselves and went to the courthouse to defend the young man. After an initial period of confusion, a shot was fired and a gunfight ensued.

A white mob then marched to the Greenwood area of the city and began to destroy the 40-block neighborhood. Left unobstructed by police and Oklahoma National Guard troops, the white mob burned nearly all of Greenwood to the ground, leaving nearly 9,000 people homeless. A total of 1,256 homes were destroyed, along with "virtually every other structure, including churches, business, schools, even a hospital and a library.

The mob also killed many Black citizens in the process. Officially, the death count for the Riots had been put at 38 people, but the 2001 Oklahoma State report put the figure closer to 300 individuals.

In the immediate aftermath of the destruction, more than 100 Greenwood residents unsuccessfully filed lawsuits attempting to recover damages. A grand jury convened to determine the cause of the riot and actually faulted the city's African-American residents. Subsequently, the issue would seemingly disappear for nearly eighty years.

However, after the publication of the 2001 Oklahoma state report, a group of 150 Riot survivors and their descendants, represented by Harvard law professor Charles Ogletree, sued the state of Oklahoma, the city of Tulsa, the city's police department and its police chief.

Lower courts dismissed the case on the grounds that a two-year statute of limitations on the 1921 incident had long since passed. Prof. Ogletree has argued that the statute of limitations should not have started until 2001, when the state commission appointed to investigate the riots completed its report, and revealed the culpability of state and local government.

In March 2004, U.S. District Court Judge James O. Ellison ruled that the statute-of limitations should extend to a time when the defendants could receive a fair hearing in court, but he also argued that such an opportunity was present as early as the 1960s.

The 10th Circuit Court of Appeals upheld that ruling in September 2004, but argued that the case should have been brought during 1980s, when a book about the Riots was published—thus giving the plaintiffs the evidence they needed in bringing the case.

Prof. Ogletree has argued that not all the victims knew about the book, and that the government still had not acknowledged its culpability until the state commission report in 2001. Furthermore, until the state commission's report, the official stance of the State of Oklahoma was that the Black citizens of Tulsa were responsible for the Riots.

As a result of the recent decision against the plaintiffs by the 10th Circuit Court of Appeals, Prof. Ogletree and his legal team are now seeking to have the case brought before the United States Supreme Court. The Court received a petition brief from Prof. Ogletree and his team on March 9th, and a decision is pending.

Millions of children around our nation recite a daily pledge, an oath of allegiance to a nation which promises "justice for all." Unfortunately, our country has not always exhibited the national virtues descried in that pledge. The victims of the Tulsa Race Riots have undoubtedly been denied justice, and now a legal technicality threatens to ensure that they will never obtain it. Let us not allow this to happen—for the sake of the Tulsa Race Riot victims, and for the sake of our nation.

TIME TO FIX RIOT'S WRONGS

By E.R. Shipp

[From the Daily News, Mar. 13, 2005]

To white folks back in the day, it was Niggertown. To black folks during that same time, it was The Black Wall Street. It was the Greenwood section of Tulsa, Okla. And the gap in perception is the frame of the issue that might be decided ultimately by the U.S. Supreme Court: reparations.

Reparations make sense when one can demonstrate that one has suffered a loss. That is not the case for most black folk who, when they hear politicians and college professors say "reparations," are hoping that the government will become their Lotto ticket to wealth.

If the high court agrees to take on the Tulsa case, laid out in a petition filed last week by lawyers—led by Harvard's Charles Ogletree—the justices might see that Tulsa is a whole different matter.

The 1921 Tulsa race riot began when police arrested a black youth for allegedly assaulting a white woman, a charge later dismissed. A crowd of whites gathered outside the courthouse where the youth was jailed, and there was a rumor that he would be lynched.

According to the state's 2001 report, men from Greenwood armed themselves and went to the courthouse to defend the youth. A gunfight erupted, and the outnumbered blacks retreated to Greenwood. A white mob followed them and burned the neighborhood.

A "white mob ransacked Greenwood, shooting indiscrimately at African-Americans and burning almost every building in the community. Not only did the state and city fail to stop the destruction, but state and local officials participated in the violence and deputized and armed members of the white mob," states the petition, filed on behalf of the riot's survivors and their descendants.

From the get-go, Oklahomans set roadblocks to any kind of recompense for the hundreds of homeowners and businesses devastated during the riot. And then, after a state commission finally concluded in 2001—four years ago!—that more than attention must be paid to what transpired, the courts said to these black folks: Sorry. Too late. You should have filed your claims years ago. Too bad. So sad.

So, justices of the highest court in the land, rise to the dignity of your titles and do justice in this case. Do justice by 102-year-old Otis Clarke, a Greenwood victim. Do more than pay lip service to the immorality of what transpired. Reparations in the form of money, not just penance, must be paid for this act of domestic terrorism.

The lower courts said it's too late. But the Supreme Court has the chance to do what's right, and the time for that is now.

HONORING THE 65TH ANNIVERSARY OF THE MINEOLA ROTARY CLUB

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. HENSARLING. Mr. Speaker, today I would like to commemorate two significant anniversaries of Rotary International. On February 23, 2005, Rotary International celebrated its 100th anniversary. From its humble roots in Chicago, Illinois, Rotary International has grown into a worldwide organization of business and professional leaders whose mission is to provide humanitarian service, encourage high ethical standards in all vocations, and help build goodwill and peace in the world. Since 1943, Rotary International has distributed more than $1.1 billion to combat polio, promote cultural exchanges, and encourage community service.

I also want to provide special recognition to an important member of this outstanding organization, the Rotary Club of Mineola, Texas, for their sixty-five years of service to Wood County. Throughout its sixty-five year history, the Mineola Rotary Club has achieved great successes in carrying out the mission of Rotary International.

In past years, the Mineola Rotary Club has raised money to provide scholarships to local students, sponsored a reading program at the local library for students trying to learn English, and planted trees throughout the county. In addition, the club is an active fundraiser for the local library, has sponsored programs to teach students Spanish, and has been active with the Meals on Wheels program that brings food to the elderly population in the area.

Through these actions, the Rotary Club of Mineola, Texas, has exemplified the values of service and charity that lie at the heart of American society. As the congressional representative of the members of this outstanding organization, it is my distinct pleasure to be able to honor them today on the floor of the United States House of Representatives.

HONORING BEVERLY HANSON

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. ISSA. Mr. Speaker, I rise today to honor the work of one of my constituents, Ms. Beverly Hanson of Oceanside.

Several months ago, Southeast Asia was devastated by a tsunami. This terrible tragedy claimed the lives of countless thousands of people and caused horrific damage to the lives of those who survived it. Ms. Hanson was deeply touched and saddened by the lives of the children affected. Seeking to make a difference in the lives of these traumatized children, she started a toy drive she called "Teddy Bears for Tsunami Children."

Ms. Hansen set up boxes with signs at local retail establishments, banks, and nonprofit organizations requesting donations of new and previously loved clean teddy bears and small, plush toys. The first shipment of 240 stuffed animals left San Diego for India, tightly packed into the suitcases and duffle bags of 62 doctors and nurses with Project Compassion. Approximately 300 more animals were sent in a package to Sri Lanka by Debbie and Mano Appapillai of Carmel Valley, California. Ms. Hanson is currently collecting 500 or more toys which will find their new homes this month. Ms. Hanson has worked very hard to publicize her project into North San Diego County. She utilized newspapers, drop off points, and television to get her message out. Her determination and effort are rare and worthy of the highest praise. Mr. Speaker, I am honored to have Beverly Hanson as a constituent.

CONGRATULATING GEORGE K. LAI ON BEING NAMED 2005 GUAM SMALL BUSINESSPERSON OF THE YEAR BY THE SMALL BUSINESS ADMINISTRATION

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Ms. BORDALLO. Mr. Speaker, I rise today to congratulate and commend Mr. George K. Lai on being named 2005 Guam Small Businessperson of the Year by the United States Small Business Administration. George Lai's hard work and perserverance embody the spirit of the American Dream, and the SBA could not have selected a more worthy recipient.

Like many of this Nation's great entrepreneurs, George came to the United States as an immigrant. Having grown up in Hong Kong with very little formal education in the English language, he worked hard to take advantage of opportunities for formal secondary education in Guam. After graduating from Guam's John F. Kennedy High School with honors, George gained admission to Texas Agriculture and Mining University, where he earned a B.S. in Petroleum Engineering in 1982. After several years of working for Dower Schlumberger, a Houston-based oil service company, he and his wife, Deborah Larsen Lai, moved back to Guam and established Quality Distributors in 1986. Quality Distributors has since become the largest food wholesaler on the island.

George has provided sound leadership for Quality Distributors, which led to its awarding as "New Contractor of the Year" by the Defense Logistics Agency in 2002. Quality Distributors was subsequently awarded "Prime Vendor of the Year" by the Defense Supplies Center of Philadelphia in 2003 in recognition of its outstanding performance in the Pacific Region. Under George's leadership, Quality Distributors has continued to provide efficient wholesale services to local retailers and value to Federal procurement officers. Because of this sound business leadership, Quality Distributors helps foster local economic growth and new jobs.

In addition to providing business leadership, George is an active participant in local trade organizations that work to enhance the overall competitiveness of firms located in Guam. He has served on the Board of Directors for the Guam Hotel and Restaurant Association and for the Guam Environmental Protection Agency; as Vice President of the Chinese Merchant Association; and has maintained an active role in the Guam Chamber of Commerce and Guam Visitors Bureau. He has also supported the Guam community by serving as Treasurer and Director of Finance for the Guam Football and Soccer Association and as Chairman of the Women's National Soccer Team. George has also been generous in providing corporate sponsorships for important programs supporting public education, youth sports, and disaster relief in the Pacific Region.

George is a business leader, an inspiration for us all, and an individual deeply committed to utilizing his talents for the benefit of the entire Guam community. I congratulate George for being selected as the 2005 Guam Small Businessperson of the Year. Our island celebrates his national recognition with his wife Deborah and daughters Samantha and Breanna. George, we are all proud of you and we wish you continued success.

PERSONAL EXPLANATION

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. CONYERS. Mr. Speaker, yesterday, I inadvertently voted "yes" on H.R. 1268, the Emergency Supplemental Wartime Appropriations Act. My intention was to vote "no" for the following reasons:

The President is asking for another blank check, despite the fact that its policies in Iraq have made our country and the world less safe.

The President has neither accounted for the funds spent pursuing these unsuccessful policies nor have they offered the American people a plan to stabilize the situation in Iraq and bring our troops home.

March 19, 2005, is the second anniversary of the war in Iraq and the world is a more dangerous place. To date 1,500 American troops have died in Iraq and 11,000 have been wounded.

I want to make clear that I support the courageous men and women in combat and I think it is imperative that we bring our troops home as quickly and safely as possible.

HONORING THE CONTRIBUTIONS OF SAN MARCOS CITY COUNCIL MEMBER GAYLORD BOSE

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize the contributions of San Marcos City Councilman Gaylord Bose, of my Congressional District.

Gaylord Bose was born near Avoca, Nebraska near Cass County, and graduated in 1957 from Avoca High School. In 1958 he enrolled at the University of Nebraska, and in 1960 he began his own business.

Mr. Bose was involved in many community activities in their hometown, he served on the school board, as a member of the Weeping Water co-op Association, Secretary of the Volunteer Fire Department, president of the local sports program for young people, a 4–H club leader, church council, Sunday school teacher, and member of the Cass County 4–H Board.

In 1982 Gaylord and his family moved to Waller, Texas to work for Star of Hope Rescue Mission, a substance abuse rehabilitation program. Wanting to expand his ability to help others, he enrolled at the University of Houston and studied chemical abuse counseling program. He later earned a license as a chemical dependency counselor. In 1989 he was offered a job with the Wackenhut Corporation and became the Center Director of the Kyle facility.

After Gaylord Bose moved to San Marcos he became an active member Greater Castle Forest Neighborhood Association, and he was appointed by the San Marcos City Council to the Transportation Committee.

Mr. Speaker, I am proud to have this opportunity to recognize Gaylord Bose for his dedication and contributions in the community.

A TRIBUTE TO DEBRA A. JOHNSON, 29TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2005

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. SCHIFF. Mr. Speaker, I rise today in honor of Women's History Month. Each year, we pay special tribute to the contributions and sacrifices made by our nation's women during the month of March. It is an honor to pay homage to outstanding women who are making a difference in my Congressional District.

I would like to recognize an outstanding woman in my Congressional District, Ms. Debra A. Johnson. For many years, Debra has brought an abounding spirit and energy to her service in the community. Those fortunate enough to meet and work with Debra instantly recognize her joy, enthusiasm and passion for helping others, especially young people.

Born in New York, Debra moved to California in 1974, while working as a Marketing Representative for Pacific Bell, now SBC. She began her nearly 30 year volunteer career in the Pasadena Unified School District (PUSD) in 1978. She has been a parent/student advocate, a youth mentor, Etiquette Institute volunteer and has served on PUSD's Youth Motivational Task Force—in fact, she has volunteered at nearly all of PUSD's elementary, middle and high schools. Additionally, Debra has volunteered for South Pasadena High School, serving as a swim/track team motivator and the historian for the Parent Teacher Student Association.

In 1992, Debra founded SMILE Productions Inc., a 501(c)3 organization dedicated to supporting, motivating, investing, loving and educating youth. Her main goal is to help youth fulfill their dreams and to express themselves in creative ways through poetry, music, drama and dance, and to teach them basic etiquette, oral communication, job grooming, interviewing skills and self-esteem. Ms. Johnson also produces her own SMILE cable television talk show.

Debra is active in numerous organizations, including the Altadena Branch of the NAACP, Black Child Development Institute Inc. Pasadena, the Pasadena Tournament of Roses Association, Rosemary Children's Services, HearZero Deaf Advocates, Los Angeles County Probation Department's Operation Read, NewCo Youth Pasadena, and St. Mark's Episcopal Church, where she teaches Sunday School.

In addition to her service to the community, Debra attends Pasadena City College, working to obtain her degree in forensic social work and public relations. She and her husband Landy reside in Altadena and together they have five children and four grandchildren.

I ask all Members to join me today in honoring an outstanding woman of California's 29th Congressional District, Debra A. Johnson. The entire community joins me in thanking Debra for her success and continued efforts toward making the 29th Congressional District a more enjoyable place in which to live and work.

HONORING THE 50-YEAR MINISTRY OF KERMIT McGREGOR

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. PICKERING. Mr. Speaker, on March 12, the First Baptist Church of Starkville celebrated Dr. Kermit McGregor's 50 years in the ministry. Fifty years in service to any calling is noteworthy, but it is my particular pleasure to honor him for his decades of dedication to God.

Dr. McGregor is currently serving as the transitional pastor in Starkville, but he has been a blessing to many congregations across Mississippi. Since beginning the ministry at age 16—the same year he and his wife Phyllis were married—he has preached the Gospel in Pontotoc, Dumas, Smithdale, New Albany, Bruce, Winona, Hattiesburg, Clinton, Mendenhall and now in Starkville. Additionally, he has served as director of public relations at the Baptist Children's Village in Clinton, and as a trustee and chairman of the Board of Midwestern Baptist Theological Seminary in Kansas City, Missouri.

A graduate of Blue Mountain College, New Orleans Baptist Theological Seminary and William Carey College, Dr. McGregor says he works today just as hard as he did before his "retirement" 6 years ago. But he maintains that in his calling, one never actually retires.

Mr. Speaker, Dr. McGregor has over the years encountered several major heart attacks and has even been clinically dead for a short amount of time. But he persevered and lives now following a heart transplant over 10 years ago. I believe his current health, his longevity, his sharpness of mind and his continued service to God and man comes not from his physical heart, but from his heart for God which never ceased beating in the past 50 years.

A TRIBUTE TO JOAN EASTMOND

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. TOWNS. Mr. Speaker, I rise in honor of Joan Eastmond who has dedicated her life to strengthening our educational system and improving her community.

Joan was born the youngest of 6 children into the Eastmond family and long time member of Bedford-Stuyvesant's royalty. The Eastmond family's record of community service had a profound influence on her development and ultimately, her achievements. The birth of her son, Brian, was noted by Essence Magazine.

She has always been committed to public service. As a teen she got involved with NAACP Youth Committee. She also participated in the School Integration Movement, led by her former minister, the late Dr. Milton Galamison (Siloam Presbyterian Church). She also had a unique role as a teacher. She struggled against the wishes of the prejudiced school system and the biases of the UFT. Her classroom at JHS 271 in the late 1960s was a model of "africentricism" and educational liberation.

A Training Coordinator of AFRAM Associates, she nurtured her decision-making role of parents on 9 different sites, public and private, located in 5 different States and the District of Columbia. She co-developed with Preston Wilcox and the late Kenneth W. Haskins, a tested and copyrighted educational model: Parent Implementation (Decision-Making) in Education. She also is the author of a major AFRAM Publication: The HAMPTON Experiences.

Currently employed at the Fort Greene Senior Citizens Center where she combines a variety of services for senior citizens, youth and graduate students (Lincoln University of Human Services Program), into a simulated social mission.

Joan is best known for the services she provides to the community as Joan has never forgotten where she came from. While serving "at-risk" youth at Bed-Stuy Restoration, her commitment to others became quite evident. She did not approach these youth as potential problems. Instead, she worked to convince them that they were in fact, "diamonds in the rough."

Mr. Speaker, Joan Eastmond has been a leader in her community through her efforts to improve our educational system and serve those in need. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

HONORING THE MEMORY OF MR. JOEL O. SWANSON

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. BONNER. Mr. Speaker, Mobile County, and indeed the entire State of Alabama, recently lost a dear friend, and I rise today to honor him and pay tribute to his memory.

Mr. Joel O. Swanson was a devoted family man and dedicated community leader throughout his life. A native of Mobile, Alabama, Mr. Swanson moved at an early age to Port Arthur, Texas, with his father and mother, Captain and Mrs. Joel Arvid Swanson. In 1951, he and his family moved back to Mobile and established the advertising department for a local supermarket chain, Delchamps. Over the next four decades, he worked tirelessly to continue Delchamps' growth in the Mobile area, serving as advertising manager, corporate secretary, and executive vice president. He continued to work in the family business until his retirement in 1991.

In the midst of his intense professional schedule, Mr. Swanson always found time to serve with many community organizations and on several boards of directors. He served as president of the boards for the Mobile Mental Health Association, the Lions Club of Mobile, the Mobile Opera, and Symphony Concerts of Mobile. Additionally, he was a member of the Lions Club of Mobile and took an active role in the Museum of Mobile Board and the Friends of the Library.

Mr. Speaker, I ask my colleagues to join me in remembering a dedicated community leader and friend to many throughout South Alabama. Mr. Swanson will be deeply missed by his family—his wife of 61 years, Marilyn Morris Swanson; his children, Jan Swanson, Joel Craig Swanson, and Kirk Swanson; and one granddaughter—as well as the countless friends he leaves behind. Our thoughts and prayers are with them all at this difficult time.

HONORING MR. LARRY TEAGUE

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. HENSARLING. Mr. Speaker, today I would like to honor Mr. Larry Teague, Mayor of Mabank, Texas for his longtime support of agriculture in and around Mabank, Texas. Mr. Teague is a recipient of the Woodrow Walker Award from the Henderson County Livestock Show Association, for which he has served as a buyer for 25 years, In addition, Mr. Teague has also been a buyer for the Kaufman County Junior Livestock Show and a member and officer of the Mabank Ag Booster Club.

A father to three children, Randy, Rachelle, and Robby, Mr. Teague married his wife, Linda Carter, in June of 1972. Along with his agricultural activities, Mr. Teague is a member, deacon, and trustee at the First Baptist Church in Mabank. He is the president of Mabank Economic Development, and a supporter of a number of charitable programs including Kids Across America, the Special Olympics, and the Make a Wish Foundation.

As a father, a husband, a devout churchgoer, and a community leader, Mr. Larry Teague has embodied the values of family, faith, and hard work that lie at the core of American society. As his representative in Congress, it is my distinct pleasure to honor him today on the floor of the United States House of Representatives.

RECOGNIZING THE DEDICATION OF "A GIRL'S PLACE" IN FAIRFIELD, CA

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mrs. TAUSCHER. Mr. Speaker, I rise to recognize the March 24, 2005 dedication of "A Girl's Place," the Fairfield Facility of the Girl Scout Council of Napa-Solano.

This facility symbolizes a commitment from the community to ensuring that girls have a place to feel safe and to call their own. In June 1931, the residents of the City of Fairfield and Solano County came together to dedicate a building for the Girl Scouts of their community. Today, 75 years later, they have joined together again to reaffirm their pledge to the Girl Scouts and to dedicate a new facility. This new building replaces the old, which made way for modernization and offers the community hope and vision for the future.

"A Girl's" Place" will stand as an icon in the community, offering a safe haven for girls ages 5–17 and a place for adults who give freely of their time and love to come together to gain knowledge of our ever-changing young women.

The Girl Scouts of Napa-Solano serve 4,500 girls and 1,300 adult volunteers; nearly 1 in every 10 girls is a Girl Scout. Today Girl Scouts are reaching out into the community to provide a solid foundation for every girl, everywhere. Girls are participating in Girl Scouting in homes, schools, boys and girls clubs, juvenile halls, low-income housing complexes, emergency women's shelters, foster care programs, and churches. Girl Scouting helps girls mold their values and teaches self-confidence, leadership, teamwork and pride in her community. This collaboration inspires us all.

As the Girl Scouts' Honorary Congressional Co-Troop Leader, I am honored to recognize "A Girls' Place" as a proud addition to our community and I look forward to the generations of strong women who will spring from its steps.

INTRODUCING A RESOLUTION SUPPORTING THE GOAL OF INCREASED HOMEOWNERSHIP IN THE UNITED STATES AND RECOGNIZING THE IMPORTANCE OF HOMEOWNERSHIP PROGRAMS, FAIR LENDING LAWS, AND FAIR HOUSING LAWS IN ACHIEVING THIS GOAL

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce a resolution that supports the goal of increased homeownership in the United States and recognizes the importance of homeownership programs, fair lending laws, and fair housing laws in achieving those goals.

This resolution specifically urges the President to designate April 2005 as National Fair Housing Month. It also urges the House of Representatives to recommit itself to making fair housing and homeownership a legislative priority in the 109th Congress.

We owe it to our constituents and the American people to support first-time homeownership programs, which help families who have never owned a home experience the benefits of home ownership.

Mr. Speaker, this resolution contains the importance of first-time homeownership, combating disparities in minority home ownership, and fighting the scourge of predatory lending. As the land of opportunity, we must ensure that all U.S. citizens are given a fair opportunity to achieve the American Dream, a significant component of which is homeownership.

Mr. Speaker, I urge my colleagues to support this resolution. As Members of Congress, it is our moral responsibility to ensure that all citizens have the opportunity to purchase a home, no matter their ethnicity, race, or religion. I look forward to working with my colleagues and moving this promising resolution forward.

IN RECOGNITION OF RABBI ARTHUR SCHNEIER ON HIS 75TH BIRTHDAY AND 50TH YEAR AS RABBI

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mrs. MALONEY. Mr. Speaker, I rise to acknowledge the achievements of Rabbi Arthur Schneier, a tireless public servant, friend to all New Yorkers and one of our Nation's foremost spiritual leaders. On Sunday, March 20, 2005, Rabbi Schneier will celebrate his 75th birthday and 50th year as Rabbi at a dinner benefitting the Rabbi Arthur Schneier Center for International Affairs at Yeshiva University, which was established in 2004 to promote international peace and the exchange of ideas across cultural divides.

As a young man, Rabbi Schneier was a resident of Nazi-occupied Bucharest, where he experienced firsthand the depths of mankind's capacity for evil. Throughout his distinguished career, Rabbi Schneier has turned his experience as a Holocaust survivor into an incredible drive to stamp out hatred and intolerance throughout the world. In 1965, Rabbi Schneier founded the Appeal of Conscience Foundation, which works to foster religious freedom and human rights and to end ethnic conflicts.

During the long and bloody war in the former Yugoslavia, Rabbi Schneier convened the Religious Summit on the Former Yugoslavia in Switzerland and the Conflict Resolution Conference in Vienna, Austria, mobilizing religious leaders to help end the ethnic violence plaguing leaders to help end the ethnic violence plaguing the region. Additionally, in Sarajevo, Rabbi Schneier met with top government and religious leaders to promote healing and conciliation amond the Serbian Orthodox, Muslim, Catholic and Jewish communities.

Rabbi Schneier has also served our Nation in an official capacity as an Alternate U.S. Representative to the U.N. General Assembly.

Additionally, as Chairman of the U.S. Commission for the Preservation of America's Heritage Abroad, Rabbi Schneier was one of three American religious leaders appointed by President Bill Clinton to initiate a dialogue on religious freedom with Chinese President Jiang Zemin. Recently, Rabbi Schneier was a member of the U.S. delegation to the Stockholm International Forum for the Prevention of Genocide.

Rabbi Schneier's accomplishments here at home have been equally impressive. He is the Senior Rabbi of the Park East Synagogue, established in 1890 to serve the Jewish community of the Upper East Side of Manhattan. Centered in the heart of the largest Jewish population outside of Israel, the Synagogue has expanded significantly under Rabbi Schneier's leadership and is an invaluable part of New York City's spiritual and cultural life. Additionally, Rabbi Schneier, recognizing the growing desire among the American Jewish community to provide their children with a strong Jewish education, initiated and led a successful effort to establish a Jewish day school in New York. In 1977, both the Minks Cultural Center and the Park East Day School opened, furthering the Synagogue's ability to meet the Upper East Side's educational and social needs.

Mr. Speaker, I request that my colleagues join me in paying tribute to Rabbi Arthur Schneier and wishing him a wonderful 75th birthday celebration. Rabbi Schneier's dedication to tolerance and international peace serves as an inspiration to us all.

HONORING THE CONTRIBUTIONS OF ATASCOSA COUNTY COMMISSIONER WELDON P. CUDE

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor the distinguished public service of Commissioner Weldon P. Cude.

A seventh generation Atascosa resident, Mr. Cude started his career as a Texas water well driller in 1984. In 1988 he became Pleasanton's "Young Citizen of the Year," and later became the youngest person elected as an Atascosa County Commissioner.

Commissioner Weldon P. Cude is no stranger to the needs of his community. In 1996, he was elected. Pleasanton's "Business Person of the Year," and has served as Director of "The County Bank," the "Atascosa County Economic Development Corporation," and the "Atascosa County Appraisal Board."

Since 1983 Mr. Cude has served as a pillar of the business community. As an independent business person, he has contributed as President of both Premium Well Drilling Incorporated and the Fat Cowboys Steakhouse. He has also served his community as Vice President for Goldwell Investments Incorporated. Employing over 150 employees, he understands the values of hard work and dedication.

Commissioner Weldon P. Cude lives in Atascosa with his wife Gayla Cude, and his five daughters: Aubry, Stephanie, Jennie, Lindsey, and Jessica.

It is a pleasure to recognize the accomplishments of Commissioner Cude, his dedication to the community has helped to make Atascosa a better place to live and work.

Mr. Speaker, County Commissioner Weldon P. Cude is an exemplary public servant. I am proud to have the chance to thank him here today for all he has done for his fellow Texans.

HONORING THE LIFE AND SACRIFICE OF SERGEANT MICHAEL ESPISITO

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. ISRAEL. Mr. Speaker, I rise today to honor the life and sacrifice of Sergeant Michael Espisito, U.S. Army. On March 18, 2004, SGT Espisito made the ultimate sacrifice for his Nation—he gave his life while fighting on the frontiers of freedom in the small town of Miam Do, Afghanistan.

Referring to heroes of World War II, Sir Winston Churchill once stated, "Never in the field of human conflict was so much owed by so many to so few." I believe that Churchill's sentiments reign truer then ever when applied to today's historically small contingent of service men and women. The challenge facing us is similarly great: the defeat of terrorism. But the number bearing that burden has never been so small.

Michael Espisito not only recognized that challenge, he embraced it. He volunteered to serve, to bear that burden, and he loved it. In a letter to Michael's parents, Captain Jorge Cordeiro, Michael's Company Commander, reflected back on the first battle he fought in with Michael. Captain Cordeiro wrote, "I can recall him telling me it was the best day of his life and how proud he felt to have fought for his country."

Assigned as a Team Leader in A Company, 2nd Battalion, 22nd Infantry Regiment of the 10th Mountain Division, Sergeant Espisito took each word in his title to heart.

Team: Sergeant Espisito never cared as much about himself as he did about the men surrounding him, his brothers in arms. He put their interests first; he put their safety first; he put their success ahead of his own. But Michael Espisito's team extended beyond those he fought with. His team was the Army, his family, his Nation and, in many ways, the people of Afghanistan. Just before Sergeant Espisito was mortally wounded in Afghanistan he successfully evacuated two women from the same building in which he was fighting. Those women were on SGT Espisito's team and they were saved because of it.

Leader: In the U.S. Army infantry there is a short slogan that is often repeated: "Follow me!" Michael Espisito didn't just say "follow me," he lived it. He led his men from the front in every combat maneuver they took part in. In so doing, he earned the trust, the respect and the confidence of all around him. As his Battalion Commander wrote of him, "He was a shining example of a soldier and non-commissioned officer to the end." SGT Espisito was leading from the front when he breached a door in an enemy compound and was mortally wounded in an exchange of fire.

Michael Espisito was a special human being. He was different. He was a hero. You get the feeling he was put on this earth to serve. He knew his mission, he understood his roll and he embraced it. And he lived his life, did his work and executed his missions with dignity, vigor and excellence. Our world is better because of his sacrifice but it is poorer because of his loss.

Churchill reminds us how much we owe to those few men and women like Michael Espisito. We owe Michael our commitment to a better world. We owe Michael our commitment to living better, more principled, more service oriented lives. And we owe Michael the memorializing of his life and his sacrifice, best completed by living the lives he would have wished for each us. Michael is gone but he will never be forgotten.

TRIBUTE TO JAY B. CUTLER

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. CARDIN. Mr. Speaker, I rise today to pay tribute to the life of Jay B. Cutler—a dedicated public servant, a champion for mental health parity, a gifted attorney, and a dear friend. Mr. Cutler passed away on March 4 at the age of 74.

A native New Yorker, Mr. Cutler's accomplished career includes service as administrative assistant to former U.S. Senator Jacob Javits and minority counsel and staff director to the Senate Health and Human Resources Committee. From 1977 to 2003, he directed government relations efforts for the 35,000–member American Psychiatric Association. He will be remembered as a passionate and trusted advocate who fought to improve the quality of, and access to, America's mental health system.

All who were fortunate enough to be lobbied by Jay Cutler recognized that he was so much more than a lobbyist. Over the years, his name became synonymous with the cause of mental health parity. Because of his untiring efforts, millions of Americans received better, more compassionate care. His unwavering commitment to protecting patient confidentiality, broadening coverage for psychiatric and substance abuse treatment, and improving patients' rights will continue to serve as an inspiration to those of us who fight for these causes today.

I ask my colleagues to join me in expressing condolences to Mr. Cutler's wife, Randy, his two daughters, Hollie S. Cutler and Perri E. Cutler, and his granddaughter, Makayla Lipsetts. We are deeply saddened by his death, and we are warmed by the memory of his remarkable life.

A TRIBUTE TO DONNA ANDERSON 29TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2005

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. SCHIFF. Mr. Speaker, I rise today in honor of Women's History Month. Each year, we pay special tribute to the contributions and sacrifices made by our nation's women during the month of March. It is an honor to pay homage to outstanding women who are making a difference in my Congressional District.

I would like to recognize an outstanding woman in my Congressional District, Ms. Donna Anderson. For many years, Donna has brought an abounding spirit and energy to her service in the community. Those fortunate enough to meet and work with Donna instantly recognize her joy, enthusiasm and passion for helping others.

Donna was born in Glendale and grew up in the Glendale/Burbank area along with her 11 sisters and brothers.

As a young mother of Angela and Mark, Donna volunteered as a teacher's aids at Mountain View Grade School, as an office worker at Our Lady of Lourdes Grade School, and visited patients twice weekly at Queen of Angeles Hospital in Los Angeles. She was a co-leader of her daughter's Girl Scout troop and a co-leader of her son's Cub and Boy Scout troops for many years.

Donna began working for the City of Burbank in 1986, and in 2001 was elected as Burbank's City Treasurer, a position she holds today. She returned to college during this time and received her Bachelor of Arts in Business Finance. A long-time board member of the Burbank National Management Association, she is active in the Burbank Sunrise Kiwanis Club, where she is currently Vice President-Elect, and in the Zonta Club of Burbank, where she will become President in May of 2005. In 2001 Donna received the Hixon Fellowship Award from the Burbank Sunrise Kiwanis Club for her service to the community.

Ms. Anderson actively participates in the annual Burbank Police Officers' Relay for Breast Cancer Walk and walks for the ALS Foundation of Los Angeles. Other organizations that Donna supports are the Guide Dogs of America, the Burbank Family Service Agency, Friends of the Griffith Park Observatory, and the John Burroughs High School Vocal Music Association.

I ask all Members to join me today in honoring an outstanding woman of California's 29th Congressional District, Donna Anderson. The entire community joins me in thanking Donna for her success and continued efforts toward making the 29th Congressional District a more enjoyable place in which to live and work.

RECOGNIZING CHARLES E. "CHARLIE" WEATHERLY

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. PICKERING. Mr. Speaker, on February 11, Mississippi State University named Charles E. "Charlie" Weatherly the 2005 National Alumnus of the Year. This is the highest honor that the MSU Alumni Association can bestow on a member and recognizes Charlie out of the nearly 100,000 alumni in the association.

I know of no one in the Mississippi State family more deserving for this award than Charlie Weatherly. He has devoted 43 years of his life to the university and it is my distinct pleasure to honor him for that service today.

Charlie graduated from Mississippi State College (now Mississippi State University) with a degree in industrial management in 1959. He was a star football player for the Bulldogs and active in campus activities. In 1962, he became the first full time field representative for the alumni association and served in this capacity until 1967, when he was appointed the association's executive secretary. In 1976, he was named Director of Alumni Affairs and served admirably in this position until 1986, when he became coordinator of special projects for both the Alumni Association and the MSU Foundation. Charlie was the prime fundraiser and coordinator for constructing the Eugene Butler Guest House, as well as serving as director of the first constituency based fund drive. Prior to retirement, he served as director of development for Agriculture, Forestry, and Veterinary Medicine and remains a member of the board of directors of the MSU Alumni Foundation, a scholarship assistance program for deserving MSU students.

Mr. Speaker, our university experiences educate and shape our lives for many years to come. They are not just sources of academic expansion but also economic engines for communities like Starkville and states like Mississippi. It is notable to give back in some capacity to an institution that provides an improved quality of life for so many. For Charlie Weatherly, this was not a one time gift or occasional favor, but a lifetime of service and commitment that continues today. I am proud that the Mississippi State University Alumni Association has so properly bestowed this honor on him.

TWO SIKHS ACQUITTED IN AIR INDIA CASE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. TOWNS. Mr. Speaker, I was pleased to learn that this past Wednesday, two Sikhs named Ajaib Singh Bagri and Ripudaman Singh Malik, who were accused of carrying out the 1985 Air India bombing, were acquitted. These Sikhs were found innocent because the witnesses against them were not believable.

The Indian government has maintained for 20 years that the Sikhs were responsible for the Air India disaster and has used it as an excuse to kill Sikhs and tighten the repression against them. Now it is clear that they were not responsible.

Why did India grant a loan of $2 million to the main financial backer of the organization that carried out the bombing? Why did Indian operatives approach Lal Singh, offering him "2 million dollars and settlement in a nice country" if he would offer false testimony against the two accused Sikhs? Why did the Consul General of India in Toronto call in a detailed description of the disaster just hours later when it took the Canadian investigators weeks to find that information? How did he know so much? Why was the Consul General later expelled?

His successor as Consul General was quoted as saying that Sikhs who support Khalistan, the independent Sikh homeland, are terrorists, but the movement for Sikh independence is led by the Council of Khalistan, which is committed to achieving an independent Khalistan by peaceful, democratic, nonviolent means.

The book Soft Target, which is the definitive account of the Air India case, quotes a Canadian Security Investigative Service investigator as saying, "If you really want to clear the incidents quickly, take vans down to the Indian High Commission and the consulates in Toronto and Vancouver, load up everybody and take them down for questioning. We know it and they know it that they are involved." And the acquittal of the Sikhs accused just provides further substantiation of India's guilt.

Mr. Speaker, this country must not support terrorism. We cannot support the people who bombed the Air India airliner and killed 329 innocent people, especially at a time when we are fighting terrorism around the world. It is time to cut off all our aid and trade with India and support freedom and self-determination for all the nations struggling for their independence in South Asia. That is the best way to establish peace, freedom, security, and dignity for all in that troubled region of the world.

I would like to insert the press release on the acquittal of these two Sikhs from the Council of Khalistan into the RECORD, Mr. Speaker. I believe it will clearly show who is responsible for this terrible act of terrorism.

MALIK, BAGRI ACQUITTED OF ALL CHARGES IN AIR INDIA CASE

JUSTICE HAS BEEN DONE DESPITE PRESSURE FROM INDIAN REGIME

WASHINGTON, DC, March 16, 2005. Ripudaman Singh Malik and Ajaib Singh Bagri have been acquitted of all charges in the Air India bombing case, in a major rebuke to the Indian regime. Malik and Bagri were found not guilty today in the deaths of 329 people who perished when Air India Flight 182 was brought down by a bomb on June 23, 1985 in Canada's worst case of mass murder. Justice Ian Josephson delivered the verdicts this afternoon, saying he didn't believe many of the witnesses.

"Justice has been done for these Sikhs," said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, which leads the Sikh struggle for independence. "Despite the effort of the Indian government to blame these Sikhs for its own acts, they have been found innocent. This is a major setback for the Hindustani regime," he said. Canadian Member of Parliament wrote in 1989 that the Canadian government had spent $60 million on the case. "On behalf of over 600,000 Sikhs in Canada and the 25 million Sikhs worldwide, we would like to express our gratitude to Judge Josephson for doing the right thing and not caving in to the pressure of the Indian government," Dr. Aulakh said.

Air India flight 182 was blown up off Ireland in 1985. It was on its way from Toronto to Bombay. It was supposed to be blown up at the London airport when no passengers would be aboard, but due to delays it blew up over Ireland. The book Soft Target by Canadian journalists Zuhair Kashmeri of the Toronto Globe and Mail and Brian McAndrew of the Toronto Star exposed India's responsibility for this bombing. In the book, Kashmeri and McAndrew quoted a Canadian Security Investigative Service (CSIS) investigator as saying, "If you really want to clear the incidents quickly, take vans down to the Indian High Commission and the consulates in Toronto and Vancouver, load up everybody and take them down for questioning. We know it and they know it that they are involved."

The book shows that within hours after the flight was blown up, the Indian Consul General in Toronto, Surinder Malik (no relation to Ripudaman Singh Malik), called in a detailed description of the bombing and the names of those he said were involved, information that the Canadian government didn't discover until weeks later. Mr. Malik said to look on the passenger manifest for the name "L. Singh." This would turn out to be Lal Singh, who told the press that he was offered "two million dollars and settlement in a nice country" by the Indian regime to give false testimony in the case.

In his book Betrayal: The Spy Canada Abandoned, Member of Parliament David Kilgour wrote that Canadian-Polish double agent Ryszard Paszkowski was approached to join a plot to carry out a second bombing. The people who approached Paszkowski were connected to the Indian government.

The main backer of the group that was supposedly behind the Air India bombing had received a $2 million loan from the State Bank of India just before the plane was attacked, according to Soft Target. The year after the bombing, three Indian consuls general were asked to leave the country. At the time of the bombing, the Congress Party needed the Sikhs as scapegoats to win votes on a law-and-order platform. The attack also served as justification for the government to shed more Sikh blood.

The Indian government has murdered over 250,000 Sikhs since 1984, more than 300,000 Christians since 1948, over 90,000 Muslims in Kashmir since 1988, and tens of thousands of Tamils, Assamese,

Manipuris, Dalits, Bodos, and others. The Indian Supreme Court called the Indian government's murders of Sikhs "worse than a genocide." According to a report by the Movement Against State Repression (MASR), 52,268 Sikhs and tens of thousands of other minorities are being held as political prisoners in India without charge or trial. Some have been in illegal custody since 1984! We demand the immediate release of all these political prisoners.

The Sikh Nation declared its independence from India on October 7, 1987 and formed the Council of Khalistan at that time to lead the struggle for independence. When India became independent, Sikhs were equal partners in the transfer of power and were to receive their own state, but the weak and ignorant Sikh leaders of the time were tricked into staying with India on the promise that they would have "the glow of freedom" and no law affecting the Sikhs would pass without their consent. Sikhs ruled an independent and sovereign Punjab from 1710 to 1716 and again from 1765 to 1849 and were recognized by most of the countries of the world at that time. Sikhs do not accept the Indian constitution. No Sikh representative has ever signed it.

V.P. Singh, who was the Indian Consul General in Toronto when Soft Target came out, was quoted in the June 22, 1989 issue of the Washington Times, as saying that Sikhs who support Khalistan are terrorists. The Council of Khalistan, which leads the Sikh struggle to liberate Khalistan, openly repudiated militancy and has an 18-year record of working to free Khalistan by peaceful, democratic, nonviolent means.

Indian police arrested human-rights activist Jaswant Singh Khalra after he exposed their policy of mass cremation of Sikhs, in which over 50,000 Sikhs have been arrested, tortured, and murdered, then their bodies were declared unidentified and secretly cremated. Khalra was murdered in police custody. His body was not given to his family. No one has been brought to justice for the kidnapping and murder of Jaswant Singh Khalra. The police never released the body of former Jathedar of the Akal Takht Gurdev Singh Kaunke after SSP Swaran Singh Ghotna murdered him. He has never been tried for the Jathedar Kaunke murder. In 1994, the U.S. State Department reported that the Indian government had paid over 41,000 cash bounties for killing Sikhs.

Missionary Graham Staines was murdered along with his two sons, ages 8 and 10, by a mob of militant, fundamentalist Hindu nationalists who set fire to the jeep, surrounded it, and chanted "Victory to Hannuman," a Hindu god. None of the people involved has been tried. The persons who have murdered priests, raped nuns, and burned Christian churches have not been charged or tried. The murderers of 2,000 to 5,000 Muslims in Gujarat have never been brought to trial. An Indian newspaper reported that the police were ordered not to get involved in that massacre, a frightening parallel to the Delhi massacre of Sikhs in 1984.

India is not one country; it is a polyglot thrown together for the convenience of the British colonialists. It is doomed to break up as they did. Last year, the Punjab Legislative Assembly passed a bill cancelling the government's daylight robbery of Punjab river water. The Assembly explicitly stated the sovereignty of Punjab.

"The Indian regime stands exposed for the bloody tyranny that it is," said Dr. Aulakh. "This verdict is a major setback to their repressive drive for hegemony over all of South Asia," he said. "This is a victory not only for the Sikh Nation, but for freedom-loving people everywhere."

"I urge the international community to help us free Khalistan from Indian occupation," Dr. Aulakh said. "Freedom is the birthright of all people and nations," he said. "As Professor Darshan Singh, a former Jathedar of the Akal Takht, said, 'If a Sikh is not for Khalistan, he is not a Sikh'," Dr. Aulakh noted. "We must continue to press for freedom," he said. "Without political power, religions cannot flourish and nations perish. A sovereign Khalistan is essential for the survival of the Sikh religion and the Sikh Nation."

HONORING THE CONTRIBUTIONS OF ATASCOSA COUNTY COMMISSIONER FREDDIE OGDEN

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize Atascosa County Commissioner Freddie Ogden for his dedicated service to the people of Texas.

Mr. Ogden was born in Poteet, TX, in 1950. He attended Poteet High School, and began his career in public service soon after, working for Atascosa County Precinct 2 as a motor grader operator. Beginning in 1975, he worked for the Atascosa County Sheriff's Office, and in 1976, he graduated from the Alamo Area Law Enforcement Academy and became Police Chief for the city of Poteet.

While continuing his career as a law enforcement officer, Freddie Ogden also married Danna Roby, moved to Charlotte, TX, and raised two sons, one of whom has continued the family tradition of law enforcement as a corrections officer. Mr. Ogden began working for the Atascosa County Sheriff's Office in 1978, and was promoted to Assistant Chief Deputy and Chief Deputy Sheriff in 1982 and 1984. He was recognized for his extraordinary service, winning Law Enforcement Officer of the Year in 1985.

Mr. Ogden was rewarded for his service with an appointment as County Commissioner of Atascosa Precinct 3, a post which he still holds. He further contributes to the public good through his work as a volunteer deputy for the Atascosa County Sheriff.

Mr. Speaker, Freddie Ogden remains a tireless public servant, and I applaud his energy, competence, and dedication.

HONORING THE 75TH ANNIVERSARY OF THE ATHENS ROTARY CLUB

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. HENSARLING. Mr. Speaker, today I would like to commemorate two significant anniversaries of Rotary International. On February 23, 2005, Rotary International celebrated its 100th anniversary. From its humble roots in Chicago, Illinois, Rotary International has grown into a worldwide organization of business and professional leaders whose mission is to provide humanitarian service, encourage high ethical standards in all vocations, and help build goodwill and peace in the world. Since 1943, Rotary International has distributed more than $1.1 billion to combat polio, promote cultural exchanges, and encourage community service.

I also want to provide special recognition to an important member of this outstanding organization, the Rotary Club of Athens, Texas, on the occasion of their 75th anniversary on December 1, 2004. Throughout its seventy-five year history, the Athens Rotary Club has achieved great successes in carrying out the mission of Rotary International.

In past years, the Athens Rotary Club has raised money to combat Polio, provided scholarships to two seniors from each high school in Henderson County, and sponsored exchange students from around the world. In addition, the club is active with the Boy Scouts of America, the Henderson County 4H club, the YMCA, the local Food Pantry, and numerous other charitable and civic organizations in and around Athens, Texas.

Through these actions, the Rotary Club of Athens, Texas, has exemplified the values of service and charity that lie at the heart of American society. As the congressional representative of the members of this outstanding organization, it is my distinct pleasure to be able to honor them today on the floor of the United States House of Representatives.

IN RECOGNITION OF ELAINE GROTHMANN FOR HER 30 YEARS OF SERVICE TO THE CONTRA COSTA COUNTY DEPARTMENT OF EMPLOYMENT AND HUMAN SERVICES

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mrs. TAUSCHER. Mr. Speaker, I rise today to honor the career accomplishments of Elaine Grothmann for her 30 years of service to the Contra Costa County Department of Employment and Human Services.

Ms. Grothmann represents the highest standards of professionalism in her life work with the Department. She is respected and trusted by her colleagues for her sincerity, constancy, and the outstanding quality of her work. Her managers know that when Elaine takes on an assignment, the end product is going to be assured, timely, and a credit to the Department.

Over her career, Elaine's work has benefited a wide range of the Department's customers, including dependent children, refugees, foster children, and parents entering and reentering the job market after having received welfare. She has been an innovator and mainstay of programs for CalWORKs participants, creating and implementing services in child care, substance abuse, mental health, and learning disabilities that buoy employability. The training program she spearheaded for CalWORKs participants to become licensed child care providers and preschool teachers is an inspired, lasting design that continues to meet multiple, compatible needs of the participants.

Elaine's respect for those who are served by the Department shows in her work on their behalf and confers respect on the Department. Her creativity, expertise, dedication, and amiability—not to mention her affinity for good times and monthly trips to Disneyland—are going to be missed by everyone who has worked with Elaine and benefited from her good work.

I thank Elaine Grothmann for her career contributions to the Contra Costa County Department of Employment and Human Services, and I wish her a well-deserved retirement in the community she has done so much to improve.

SUPPORTING THE HOUSE DEMOCRACY ASSISTANCE COMMISSION RESOLUTION

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in support of H. Res. 135, the House Democracy Assistance Commission Resolution. This Resolution forms a commission within the House of Representatives to assist emerging democracies around the world. As the standard-bearer for a modern democratic nation, it is only fitting that Congress lend its expertise to all countries attempting to follow our example.

In the previous decade, Congress formed a task force to provide equipment and technical assistance to emerging democracies in Eastern and Central Europe. The results of that task force, known as the "Frost-Solomon Task Force," can be seen in the strengthening of the democratic institutions in these countries. The recent elections in Ukraine are a perfect example of how democracy is beginning to take hold in these nations. One of the hallmarks of a truly democratic nation is the smooth transition of power from one political party to another. While democracy eventually prevailed in Ukraine, the political turmoil during its elections serves as a reminder of how new and fragile these democracies are. It is crucial that we, as a nation, continue to support all countries in their progress towards maintaining a stable democracy.

The establishment of a commission to lend assistance to these emerging democracies is an important and common-sense action Congress can take to support and foster the global spread of democracy. This commission will lend experience and expertise to nations around the world. It will further allow members and staff of parliaments of selected countries to visit the House of Representatives and its support agencies in order to gain first hand knowledge. This commission is a valuable and cost-effective diplomatic tool our nation can employ to assist in spreading the freedom of democracy around the world.

Mr. Speaker, I am pleased to support the formation of a commission to assist emerging democracies. I urge my colleagues' support for this important legislation.

RECOGNITION OF BATON ROUGE MAGNET HIGH SCHOOL AS A WINNER OF THE KENNEDY CENTER CREATIVE TICKET NATIONAL SCHOOL OF DISTINCTION AWARD

HON. WILLIAM J. JEFFERSON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. JEFFERSON. Mr. Speaker, I rise today to recognize a valued educational institution—Baton Rouge Magnet High School—a 2003–04 school year Winner of the Kennedy Center Alliance for Arts Education Network Creative Ticket National School of Distinction Award. This school is an institution that combines academic excellence with tradition, achieving excellence in the arts.

The John F. Kennedy Center for the Performing Arts has recognized five schools as recipients for the 2003–04 award. The Creative Ticket National School of Distinction Award recognizes schools that have done an outstanding job of making the arts an essential part of the education of their students.

In addition to their recognition of excellence in the Performing Arts by the Kennedy Center, Baton Rouge Magnet High School held its Blue Ribbon award ceremony on Thursday, October 23, 2003. The Blue Ribbon Schools Programs honors public and private K–12 schools which are academically superior in their states or that demonstrate dramatic gains in student achievement. BRMHS is one of only two public high schools, and five total schools in Louisiana, and one of 248 nationally recognized as Blue Ribbon schools. It is the second time Baton Rouge Magnet High has been recognized with the honor. It is an award colleges look favorably in when reviewing students' resumes.

Thank you, Baton Rouge Magnet High School for your many years of dedication to quality education, arts programs and your outstanding representation of Louisiana.

RECOGNIZING THE ACHIEVEMENTS OF THE FARM LABOR ORGANIZING COMMITTEE

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Ms. KAPTUR. Mr. Speaker, I rise tonight to honor the Farm Labor Organizing Committee (FLOC) and their historic achievements.

For more than 35 years, FLOC has represented the guest workers who labor in our fields and farms bringing food to our tables. They are striving to achieve the American dream, a good-paying job in a safe workplace and the ability to provide for their families. Something that everyone in America can understand.

Under the leadership of FLOC's president, Baldemar Velasquez, the organization has achieved historic gains—including the first labor agreement in U.S. history to cover guest workers. Other significant achievements include increasing workers wages, improving worker housing, and protection against harmful pesticides. FLOC's actions will provide a safer working environment for its members and a better product for the consumer.

Today, FLOC will open an office in Monterrey, Mexico, it's first outside the U.S. The office will help oversee the recruitment and transportation of guest workers. All of us have heard the nightmarish stories of coyotes smuggling workers across the border only to have the workers trapped in de-facto indentured servitude or perish in the unsafe crossing. FLOC has worked to bring workers to the U.S. legally, informing them of their rights as guest workers.

Without FLOC's assistance, so many workers would fall through the cracks. Today I celebrate FLOC's accomplishments and success. Their legacy is greater than the agreements signed. Their legacy is a workforce that is paid a living wage and laboring in a safe environment. Their legacy is hope.

HONORING THE CONTRIBUTIONS OF ATASCOSA COUNTY COMMISSIONER DAVID CABALLERO

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize Atascosa County Commissioner David Caballero for undertaking a lifetime of distinguished public service.

Commissioner Caballero has followed in the footsteps of his father, who was once a long-serving Atascosa Constable, in seeking an elected position of leadership. After serving his first term, his tireless devotion to ensuring that Atascosa County continues to develop economically, creating more jobs for the constituents he serves, led him to pursue and win term of service as County Commissioner.

Most importantly, Commissioner Caballero has continued to hold the values of community, faith and family in the highest regard. Nothing exemplifies this more than his committed participation with the Pleasanton Little League, St. Andrews Catholic Church of Pleasanton, Our Lady of Guadalupe Church of Leming, and the Verdi Community Center.

He has spearheaded and now hosts an Annual Easter Egg Hunt that serves as an excellent opportunity to draw the entire community of families together in his precinct. Commissioner Caballero most deserves recognition for choosing to be an agent for real change, focusing on making government smarter and serving his constituency while saving his County money.

Mr. Speaker, I am proud to stand in recognition of the dedication of Atascosa County Commissioner David Caballero.

A TRIBUTE TO FLORA DUNAIANS, 29TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2005

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. SCHIFF. Mr. Speaker, I rise today in honor of Women's History Month. Each year, we pay special tribute to the contributions and sacrifices made by our Nation's women during the month of March. It is an honor to pay homage to outstanding women who are making a difference in my Congressional District.

I would like to recognize an outstanding woman in my Congressional District, Ms. Flora Dunaians. For many years, Flora has brought an abounding spirit and energy to her service in the community. Those fortunate enough to meet and work with Flora instantly recognize her enthusiasm and passion for helping others, especially on behalf of the Armenian American community and the arts.

Born and raised in Pasadena, Flora Jane Calusdian married George Dunaians in 1958 and they had 2 daughters, Gigi and Suzie. In 1968 the Dunaians formed their own business, Western Medical Supply, Inc., where Flora is currently the Vice President and Secretary.

Flora is devoted to her church and community. For over 40 years, Flora has been active at St. Gregory the Illuminator Armenian Apostolic Church, serving as Trustee and member of the St. Gregory Auxiliary. On the occasion of the visit of His Holiness Vasken I, Catholicos of All Armenians to the United States in 1987, Flora and George donated to the new cathedral fund for the Diocese. In 1988 following the devastating earthquake in Armenia, the Dunaians arranged for donated emergency goods to be flown to Yerevan on Armand Hammer's private plane. She has been involved in many church-related projects throughout the Diocese, such as the Operation Karabakh Fund, Operation Winter Rescue and Operation Fuel, and continues to support various projects throughout the Diocese and the Holy See of Etchmiadzin.

Constantly finding ways to improve the social condition for children in Armenia, Flora cofounded Developmental Services for Armenia, a non-profit organization that helps schools, orphanages and short term projects. She also established and continues to support a dental clinic at the Nork Military Academy in Yerevan.

Flora and George are both founding members of the Consulate of the Republic of Armenia in Los Angeles. Flora is also a board member of the Armenian Assembly of America, the National Board of Team Armenia, and the Armenian Professional Society, where she and her husband have opened their home to raise funds for student scholarships for the last 25 years.

In addition to her extensive community service, Flora is a supporter of the Arpa Foundation for Film, Music and Art, the Pasadena Playhouse, and the New York Foundation for the Arts.

I ask all Members to join me today in honoring an outstanding woman of California's 29th Congressional District, Flora Dunaians. The entire community joins me in thanking Flora for her success and continued efforts toward making the 29th Congressional District a more enjoyable place in which to live and work.

RECOGNIZING THE 1000TH VICTORY OF COACH RON POLK

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. PICKERING. Mr. Speaker, on February 25, Coach Ron Polk achieved another impressive milestone at Mississippi State University. With the Bulldogs defeat of the Eastern Illinois Panthers in a 3–1 game, Coach Polk marked his 1000th win in 26 seasons at Mississippi State University.

Before a crowd of about 2,400 fans in the Polk-DeMent Stadium—which honors Coach Polk—the Bulldogs won their season opener and then celebrated this Mississippi State icon at a post game ceremony. Coach Polk, in his usual humble and humorous manner told reporters on scene, "It's just a number. All 1,000 wins means is that you haven't died yet and you've coached a long time. We have some really great players here but I haven't had time to reflect back on that success yet." Bulldog pitcher Alan Johnson said, "We didn't feel any added pressure. Coach Polk didn't mention it to us one time. However, we knew we were at 999, going for the big win. It feels good to win the first game but it also feels really good to be a part of Coach Polk's 1000th win."

Coach Polk is the all-time most winning coach in Southeastern Conference history and began the 2004 season as Number 12 among Division I's all-time coaching ranks. His record now stands at 1234–502–2 in 32 seasons as a collegiate head coach and 1000–490–2 in 26 seasons at Mississippi State. He has twice been honored as the National Coach of the Year (1973 and 1985) and was also honored by his peers as the recipient of the ABCA's Lefty Gomez Award. Coach Polk has earned his place in the American Baseball Coaches Hall of Fame (1995), the State of Mississippi and the Mississippi State University Sports Hall of Fame (1998), and the Georgia Southern University Hall of Fame (1990). He also rates as one of only three head coaches in the history of college baseball to guide three different schools to the NCAA College World Series.

Ron Polk authored "The Baseball Playbook", the Nation's leading college textbook for baseball, and is featured in a recently published book, "6 Psychological Factors for Success: America's Most Successful Coaches Reveal the Path to Competitive Excellence."

Coach Polk has also been actively involved with coaching in international baseball. He has completed seven tours as a member of the coaching staff for the U.S.A National Baseball Team, twice serving as the head coach (1991 and 1998) and five times as assistant coach. Two of his teams represented the United States in the Olympic Games. He was an assistant coach on the gold medal-winning U.S. team in the 1988 Olympics and on the bronze medal-winning U.S. team in the 1996 Olympics. Coach Polk has also skippered Mississippi State teams in international competition including a goodwill summer tour of West Germany in 1976 and in 1982 and competition at the World Amateur Tournament in the Netherlands.

And Mr. Speaker, these numbers and records and achievements do not include his 1997 victory as Honorary Coach of the Republicans in the Annual Congressional Baseball Game, which I will remind my colleagues, we won. I take this opportunity to salute and honor Coach Polk's achievements at this 1000 MSU win milestone. As this and other seasons continue, I know we will see the steady hand and experienced leadership of Coach Ron Polk. He is the lead spokesman for baseball at Mississippi State University, and beyond, the king of college baseball.

A TRIBUTE TO ANITA BURSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. TOWNS. Mr. Speaker, I rise in honor of Anita Burson who has dedicated her life to empowering disenfranchised citizens, improving her community and strengthening her church.

The first child of a distinguished Baptist minister and church leader, Anita was born at the segregated Jubilee Hospital in Henderson, North Carolina, on the Fourth of July at the conclusion of Sunday services, to Rev. Dr. O.B.J. Burson and Katie Leak Burson, an educator and engineer. Her late parents were college sweethearts at Shaw University. Anita is a direct Native American descendant.

A child of the parsonage during the turbulent last days of de facto segregation, Anita was privileged to witness daily the planning and activities involved in the fight for desegregation. She was also privileged to meet and hear some of the great pulpiteers and civil rights leaders of the time, who were often guests in the family home. Anita was immersed in religious activity, as well as education and civic awareness. One of her strongest memories of the struggle for civil rights was the evening white supremacist terrorists fired bullets into the church her father pastored in Coley Springs, North Carolina, while an integrated prayer rally and training sessions for voter registration and civil demonstrations were in progress. Those bullets remain lodged in the doors of that church sanctuary today.

Anita attended public schools in North Carolina and Virginia, where she was one of the first students to integrate a Summer Enrichment Program for gifted students. Later the family moved to Brooklyn, New York where she completed high school. While still a high school student, she organized the first on-site voter registration campaign for 18-year-olds, at her high school. During her college career, she became the first Black woman to serve as an elected student officer at Finch College, and the first to earn a position on the Academic Council. Anita graduated from Finch/Marymount Manhattan College with a Bachelors Degree in Cultural Anthropology & Sociology.

In 1977, Anita was elected to Community School Board #17, and became a member of the first Black majority in New York City's Crown Heights-Flatbush district in Brooklyn. She served as an officer on that body's executive board. Later, as a political campaign professional, she worked for President Jimmy Carter. She has served as a consultant to candidates for Federal, statewide and municipal legislative offices and other positions.

The Rev. O.B.J. Burson's role as a religious and civic leader ushered Anita into a life of community awareness and commitment. Her life has always been deeply rooted in the Baptist and AME Zion denominations. She is the great-great-granddaughter of Rev. Washington Leak and great-granddaughter of Rev. Thomas J. Leak, two prominent AME Zion leaders and educators. She is a fourth generation member of the National Baptist Convention, U.S.A., Inc. (NBC,USA); her paternal great-grandfather and his brother were present at its original meetings. Continuing that legacy in 1992 and 1993, Anita became the first outside consultant (in 112 years) for The NBC, U.S.A., to coordinate convention activity for its annual board meeting and annual session held in New York City.

Professionally, Anita is best known for her unparalleled skill as an advisor to pastors, clergy, denominational organizations, and to individuals, groups and corporations seeking to relate better to them. With nearly 25 years of experience in all aspects of professional campaign management and not-for-profit organizational development, Anita's professional acumen has been enhanced by her life's experiences. She is noted for her creative concepts and approaches to building sustainable relationships and enhancing networks between the public and private sector and religious organizations. Anita is a frequent speaker at churches, and for special events within local communities around the nation. She is to begin her own seminary training later this year.

Mr. Speaker, Anita Burson has been a leader in her community through her commitment to her church, civic organizations and coalition building. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

VETERANS SELF-EMPLOYMENT ACT OF 2005

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. BAKER. Mr. Speaker, I rise today to introduce the "Veterans Self-Employment Act," legislation to establish a five-year pilot program that allows our Nation's servicemembers, veterans, national guardsman, reservists, and qualified others to use part of their VA educational assistance programs to defray legitimate training costs associated with obtaining a business franchise.

Mr. Speaker, franchising is an enormous component of the United States economy. According to a study conducted by International Franchise Association Educational Foundation, nearly 760,000 franchised businesses generate jobs for more than 18 million Americans annually, comprising nearly 14 percent of the Nation's private-sector employment and accounting for $1.53 trillion in economic output. Over 75 industries utilize the franchise model for distribution of products and services, ranging from familiar restaurants and hotels to home movers, tax preparers, personnel providers and so on. Clearly, franchising is a critical engine of America's economic growth.

When an individual acquires a franchise, the individual must first undergo various types of training, depending on the specific franchise he or she wishes to acquire. Training can include education on specialized knowledge of goods, services, policies and practices of the individual franchise system. Training may also include customer service, daily operational management, business computer systems, inventory control, costing and pricing as well as regulatory obligations.

At the same time, Mr. Speaker, American military members, whether as active duty servicemembers or veterans, possess a wealth of experience and abilities. Their training in the armed forces has provided them with high-end skill sets that employers are looking for in the future workforce. Yet outside of what has been provided during their tenure with the military, statistics show that many of our young military men and women have had no formal education or training beyond their high school years.

Mr. Speaker, the "Veterans Self-Employment Act" will allow more veterans to take advantage of the opportunities in franchising by allowing servicemembers, veterans, national guardsman, reservists, and eligible dependent spouses or children to apply a portion of his or her educational benefit to defray the portion of a franchise purchase cost attributable to training. Specifically, in a one-time lump sum payment, beneficiaries will be able to use the lesser of ⅓ of the remaining Montgomery GI Benefit entitlement or ½ the franchise fee.

In addition, the bill provides the Secretary of Veterans Affairs proper authority to oversee and avoid any possible abuse of this program; submit to the Secretary a detailed description of the training program; two year operating rule for franchise businesses; and provide individual progress reports regarding successful completion of individual training, among other things.

Mr. Speaker, I urge my colleagues to support our Nation's veterans and thus urge floor consideration for the "Veterans Self-Employment Act."

HONORING THE MEMORY OF DR. JAMES W. LANE

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mrs. CAPITO. Mr. Speaker, I rise today to honor the memory of Dr. James W. Lane.

Last month, he lost his battle to a long-term illness. Dr. Lane was a Charleston urologist, former U.S. Army captain, and civic leader.

As Chief of Staff of the Charleston Memorial Hospital, he eased a hospital merger that resulted in the creation of Charleston Area Medical Center, which is the premier medical facility in the Kanawha Valley.

Dr. Lane was also a teacher of his trade. As the chairman of the Department of Urology at CAMC and a clinical professor of urology at the Charleston Division of the West Virginia University School of Medicine he trained hundreds of young doctors.

Dr. Lane was a member of several local service and community organizations including the Kanawha Medical Society, the Mid-Atlantic section of the American Urology Association, and the West Virginia Health Right, where he was named volunteer of the year in 2002.

Dr. Lane was instrumental in improving the availability of health care in West Virginia. His legacy of humility and compassion for others was attributed to how he lived every day of his life.

Dr. Lane was a pillar of the community and his memory will resonate in the minds of those fortunate enough to have known him and his countless accomplishments.

RECOGNIZING THE DEDICATION OF HARLANDALE INDEPENDENT SCHOOL DISTRICT BOARD MEMBER GRACIE A. ACUNA

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor the dedication of Harlandale Independent School District Board Member Gracie Acuna of my Congressional District.

Gracie Acuna was first elected as Board Member of District four in 1987, and currently serves as Vice President. During her time on the Board she has served in a variety of capacities including President, Vice President, and Secretary.

Gracie holds the honor of being the first Hispanic woman to serve as President of the Board, which she held for four terms. She has assisted the Board further by serving as Chairman of the Finance Committee and Curriculum Committee.

Ms. Acuna is actively involved in organizations that affect our community. She has served as President of the Bexar County Federation of School Boards, San Antonio Federation of School Boards, San Antonio Transit Board Member, President of the Harlandale Lions Club, TASB Legislative Advisory Council, and a Life Member of State PTA.

Gracie Acuna is grateful for being elected and feels honored by the confidence the voters have demonstrated in her. She has two sons with her husband Willie, and attends San Jose Mission Church.

Mr. Speaker, I am proud to have had this opportunity to recognize the dedication of Gracie A. Acuna to Harlandale Independent School District.

A TRIBUTE TO GLORIA GUERRERO 29TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2005

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. SCHIFF. Mr. Speaker, I rise today in honor of Women's History Month. Each year, we pay special tribute to the contributions and sacrifices made by our Nation's women during the month of March. It is an honor to pay homage to outstanding women who are making a difference in my Congressional District.

I would like to recognize an outstanding woman in my Congressional District, Ms. Gloria Guerrero. For many years, Gloria has brought an abounding spirit and energy to her service in the community. Those fortunate enough to meet and work with Gloria instantly recognize her joy, enthusiasm and passion for community service.

Raised in a politically active and community-minded family, Gloria began volunteering in her youth in Monterey Park. Although she was employed full time working for Medicare/Occidental-Transamerica for 25 years, then later at the Chino Valley Independent Fire District for 13 years, she always found time for her community.

Gloria is a 51-year resident of Monterey Park and her involvement with the city of Monterey Park is extensive and impressive. She served on the city's Community Relations Commission for 7 years, serving as chair and vice chair, and on the Arts and Culture Commission for 6 years. She has served on several city committees, including the City with a Heart Committee, Cinco De Mayo Committee, Budget Task Force Committee, Harmony Month Committee and the Fourth of July Committee. In addition, she served as a Panel Judge for the city's Crystal Youth Awards event and an Essay Contest Judge for the Cherry Blossom Festival. She is a long-time member of the Los Angeles Monterey Park Optimist Club, having served as president and vice president. In addition, Gloria volunteered for the House of Ruth and Para Los Niños.

Ms. Guerrero's dedication to the Monterey Park Public Library is evident. She is currently a Library Board of Trustees Member of the Bruggemeyer Memorial Library and a board member of the Friends of the Monterey Park Library.

I ask all Members to join me today in honoring an outstanding woman of California's 29th Congressional District, Gloria Guerrero. The entire community joins me in thanking Gloria for her success and continued efforts toward making the 29th Congressional District a more enjoyable place in which to live and work.

COMMENDING MIKE EAVES FOR HIS WORK AND DEDICATION TO AGRICULTURE AND RURAL DEVELOPMENT FOR THE 8TH DISTRICT OF NORTH CAROLINA

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. HAYES. Mr. Speaker, today I rise to congratulate and praise an individual who has dedicated himself to improving North Carolina. Mike Eaves is a remarkable person in many ways, and I want to acknowledge him for his accomplishments and efforts towards promoting agriculture and rural development.

Mike grew up in Epson, North Carolina located in Vance County. He is a proud graduate of both Louisburg College and Appalachian State University.

Mike began his work in government when he accepted a job with the Farmers Home Administration. Mike soon moved on to the Farm Service Agency in 1984 where he served as Executive Director of the Richmond County Farm Service Agency. In 2002, due to his strong knowledge of the farm programs and the people, he became the District Director, overseeing 13 county offices as well as being a liaison between the State Office and the County Office. Most recently, Mike has been selected to be the Administrative Officer of North Carolina State FSA Office, effective April 3rd, 2005.

Anyone knows that long-term success depends on future leadership. It will not surprise you to know that Mike has a strong record of leadership and achievements. He has received the Distinguished Service Award for Community Service from the North Carolina Association of County Office Employees. Mike has also received the Distinguished Service Award for Community Service for the Southeast Area and the National Distinguished Service Award for Community Service from the National Association of County Office Employees. Mike's determination to help build and create a better community and a better North Carolina is inspiring.

I am very happy for Mike and his new position in the State Office, but I will tell you that Richmond County and the 8th District of North Carolina will miss his leadership. Although I know you will be watching over us from Raleigh and keeping a close eye on Richmond County, I can't tell you how much I have appreciated your steadfast dedication towards promoting and advancing agriculture and rural communities in North Carolina. Personally, I can't thank you enough for your friendship and the kindness you have shown me since I have been in office. Your assistance has been invaluable to me and my staff.

Mr. Speaker, I cannot tell you how much I appreciate Mike Eaves' tireless dedication and his desire to increase the quality of life for Richmond County, the 8th District, and North Carolina as a whole. He has gone above and beyond the call of duty to help create and sustain a strong agriculture community, and as a citizen of North Carolina, I join many in sincerely thanking him.

I would also like to acknowledge Mike's family that has been there backing him in his efforts and successes. Mike has a very loving family. Mike's wife, Susan, makes a mean lemon meringue pie. I am sure she is as proud as I am of his many accomplishments and his dedication to his profession.

TRIBUTE TO JONATHAN STUBBS

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. BERRY. Mr. Speaker, I am honored to rise today on behalf of Congress to commend Captain Jon Stubbs of Searcy, AR, commanding officer of Charlie Company of the 39th Infantry Brigade's 3rd Battalion for his leadership in Iraq over the past year.

Managing a delicate balance between ambassador and soldier, Captain Stubbs has served his nation by bringing hope to a country encompassed by war. He led his company with the strength necessary to win the trust of those in his command and with the compassion needed to bring aid to the Iraqis he bravely protected.

From Searcy and Little Rock, Arkansas to Camp Taji and Adhamiyah, Iraq; amidst machine gun fire, roadside bombs, rocket propelled grenades, the loss of fellow soldiers and friends, Captain Stubbs served as a faultless example of what it means to be a soldier, a leader and an American.

Focused under pressure and diplomatic with the Iraqi people and the media, we could ask for no better ambassador in these most trying times than Jon Stubbs. His efforts led the 39th to reconstruct Iraqi schools, hospitals, irrigation and sewage systems, and new recreational projects for children; none of this would have been possible without Captain Stubbs' leadership.

As Jon Stubbs' wife Jane and daughter Susannah welcome him back, his community has also regained a strong leader. The son of a Methodist preacher, Jon Stubbs epitomizes his faith through his involvement in church youth programs, Sunday school and his continued participation in the education of his daughter and her fellow students. While the men and women in his company willingly follow him into battle, his community can look to him again as a friendly and optimistic voice in their lives.

On behalf of the Congress, I thank Captain Stubbs, Charlie Company and the entire 39th Infantry Brigade for their bravery, diplomacy and strength on behalf of the Iraqi people. The courage demonstrated by Charlie Company reflects considerably on their commanding officer; America's debt to Captain Stubbs' is immeasurable and will never be fully repaid.

70TH ANNIVERSARY OF CORONADO STATE MONUMENT

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to recognize the 70th anniversary of the creation of Coronado State Monument in my home state of New Mexico. At Coronado State Monument, visitors can learn about the Conquistador Francisco Vasquez de Coronado and his interaction with the indigenous people of the Rio Grande Valley. This monument was created to commemorate Coronado's entry into New Mexico but stands today as a celebration of both Spanish Colonial and Native American history and culture.

On March 7th, 1935, Commissioner of Public Lands, Frank Vesaly, signed the proclamation authorizing the creation of Coronado State Monument under the 1931 New Mexico Session Laws. Located at the ruins of ancient Kuaua Pueblo, this monument is situated on the banks of the Rio Grande adjacent the majestic Sandia Mountains, where Coronado and his troops are thought to have spent the winter of 1540. Inhabited at the time of Coronado's visit, Kuaua Pueblo was the intersection of two major pre-European trade routes. The immense archaeological value of the pueblo ruins is illustrated by the indigenous murals which are considered the best pre-contact art in North America.

Few places today simultaneously pay homage to the Spanish Colonial and Native American heritage of New Mexico like Coronado State Monument. Visitors learn the history of two diverse groups that intertwined to form the unique blend of culture that exists in New Mexico today. The monument features programs that preserve the cultural and historical treasures of both the Spanish and indigenous way-of-life in New Mexico.

Coronado's legacy in New Mexico prompted the creation of this monument. His travels documented the geography and ethnography of the Southwest and the "March of Coronado" is widely considered one of the most important North American expeditions in the sixteenth century. Coronado and the other Spanish conquistadors brought mining and forging technology to the indigenous population of New Mexico along with cattle, sheep and horses. Descendents of these legendary Spanish horses still run wild in the foothills nearby.

Mr. Speaker, Coronado Monument is open to the public throughout the year. A small museum houses both Spanish and indigenous artifacts where visitors can try on conquistador armor, grind corn on a slab, and beat on a drum. The past comes alive on the 15 excavated mural panels that represent pueblo life around the time of Coronado. A self-guided interpretive trail winds through the pueblo ruins to the replica of a ceremonial Native American kiva. An integral part of the heritage tourism industry, Coronado State Monument promotes historic preservation and cultural education through diverse lectures and events where adults and children alike learn about New Mexico, past and present.

THE U.N. EMERGENCY PEACE SERVICE BILL INTRODUCTION

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. WYNN. Mr. Speaker, most Americans have the comfort of knowing that in the event of an emergency, police, fire, and emergency services are just a phone call away. Unfortunately, in too much of the world today, there is no emergency telephone number to call in the event of a humanitarian crisis

Today, Congressman LEACH and I are introducing a resolution to encourage the creation of an international emergency service for the world community—The United Nations Emergency Peace Service (UNEPS). The service would consist of 15,000 expertly trained and equipped professionals, ready to respond immediately in the early stages of a crisis, be it caused by violent conflict or natural disaster. The Emergency Peace Service ranks would be made up of military peacekeepers, civilian police, military, humanitarian and judicial professionals, and other emergency response and relief personnel.

The U.N. Emergency Peace Service would be a first in, first out, capability designed to supplement and fill the gaps of the current system whereby the United Nations and its member states respond to deadly emergencies.

Too often, the U.N. does not have the capacity, personnel, or resources to act quickly in an emergency. If, for example, the U.N. Security Council made the decision today to send peacekeepers to a hot-spot, it would take three to six months for troops to arrive and begin their work. That delay is a proverbial three-to-six month busy signal for people in need of immediate assistance.

In a humanitarian emergency such as genocide, delay can be a death sentence for hundreds of thousands of innocent civilians. During the 1994 genocide in Rwanda, for example, over 800,000 people were massacred in six weeks. The United Nations did not have the capability to respond quickly enough and stop the killings.

At a time when Congress is paying serious attention to United Nations reform, we must not only look at the accountability and transparency of the U.N. but also to the international body's capacity to complete its mission.

The U.N. Emergency Peace Service would have a rapid-response corps of professionals on constant alert. They could respond to crises within days or weeks, rather than months, thereby saving lives around the globe.

Emergency Peace Service personnel would have standardized training and doctrine, designed specifically for rapid response. They would be schooled in how best to coordinate civilian and military responses to complex emergencies. This unit will help bring calm to an area of mayhem, confusion and tragedy.

The service would have civilian police that could help reestablish the rule of law in post-conflict war zones. Such a system was unavailable in Kosovo. In fact, by the time enough international civilian police were recruited by the U.N. for the Kosovo mission, shadowy organized crime elements had already filled the void, causing further terror and lawlessness in an already ravaged community.

Mr. Speaker, despite this administration's current focus on Iraq and terrorism, the U.S. cannot solve our security problems alone. Increasingly, being safe at home means making others feel secure in *their* homes.

Failing states quickly become failed states. They provide breeding grounds for terrorism and international crime. It is, therefore, in the United States' security interests to prevent destabilizing events from causing the collapse of states.

The creation of an Emergency Peace Service is also in our financial interest. The fact is: It is much cheaper to prevent an emergency by intervening early in its development than it is to respond after an emergency has reached its tipping point.

According to the Carnegie Commission on Preventing Deadly Conflict, the international community could have saved nearly $130 billion of the $200 billion it spent on managing conflicts in the 1990's by focusing on prevention rather than reconstruction.

The United Nations Emergency Peace Service would be cost-effective 'burden-sharing'. It would reduce the amount the U.N., and by extension the U.S., spends on post-conflict reconstruction.

This would *not* solve all our global problems, and it will not put a stop to genocide and other atrocities worldwide. Rather, the Emergency Peace Service would supplement the U.N.'s capacity to provide stability, peace, and relief in deadly emergencies.

Rwanda, Haiti, Sierra Leone, Bosnia and Kossovo, Liberia, the Democratic Republic of Congo, and now Darfur; these are just a few of the places where the U.N. and its member states should have responded more rapidly and robustly. As a result, more people died, and more people suffer. The world can do better.

The United Nations Emergency Peace Service has the potential to save millions of lives and billions of dollars. This principle has been endorsed by organizations such as Citizens for Global Solutions and Human Rights Watch. I strongly urge my colleagues on both sides of the aisle to join with Congressman LEACH and me to support this important resolution.

FAMILIES FOR ED ADVERTISING DECENCY ACT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. MORAN of Virginia. Mr. Speaker, I rise today, along with Congressman JOHN J. DUNCAN, Jr. of Tennessee, to introduce the "Families for ED Advertising Decency Act," which would require the Federal Communications Commission to revise its indecency standard and treat, as indecent, any erectile dysfunction prescription advertisement broadcast between the hours of 6 a.m. and 10 p.m. on radio or television. This standard is similar to what has been applied to tobacco products and what is currently followed by hard alcohol advertisements.

Our offices have received numerous phone calls and electronic mail messages from angry parents that work hard at monitoring the television programs that their children watch. With the proliferation of ED commercials, many parents are forced to mute the television during commercials to avoid having to explain to their children the possible side effects of a life-enhancement drug. A parent should never have to be forced to confront these issues with their children during family viewing hours.

These advertisements run frequently during all hours of the day and last year nearly $400 million dollars was spent on advertising for the three most popular erectile dysfunction drugs: Viagra, Cialis and Levitra. While the pharmaceutical companies will tell you that they run these advertisements during television programs that appeal to the population that they are trying to target, these are the same television programs that parents like to view with their children, including the Super Bowl and college basketball games.

As you may know, the new Medicare Part D Prescription Drug benefit will begin covering ED prescription drugs when it starts in 2006. This means that the cost of advertising these ED drugs is going to be passed on directly to American taxpayers.

Mr. Speaker, I would like to remind all Members of Congress that it is time for us to do our job and address the concerns of millions of American families who do not want to see these ads during family viewing hours. Corporate profits should never trump family values.

We urge all Members of Congress, from both sides of the aisle, to support the "Families for ED Advertising Decency Act" and restore decency standards to the American airwaves.

CONGRATULATIONS TO THE FIRST BAPTIST CHURCH IN HAMMOND, INDIANA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. VISCLOSKY. Mr. Speaker, it is with great honor and enthusiasm that I congratulate the First Baptist Church in Hammond, Indiana as they celebrate the grand opening of their new auditorium. They will be celebrating this very momentous and special occasion on Sunday, March 20, 2005.

Allen Hill founded the First Baptist Church of Hammond, Indiana in 1887. The church has since met for services in five different auditoriums. The first auditorium was built in 1888 under Pastor Hewitt, and doubled in size under Pastor Carter in 1900. The third auditorium was constructed in 1913 under Pastor Adams. In 1959, Pastor Hyles became pastor, and under his leadership, in 1964, a new auditorium was constructed seating approximately 2000. The auditorium doubled in 1975.

Throughout the years Pastor Hyles dreamed of building a new auditorium. Sadly, he passed away in 2001. However, the determination of the church proved that although Pastor Hyles was now in heaven, the Lord of the Harvest was still alive and well. Pastor Schaap took the helm in March 2001, and he immediately led First Baptist Church to the next level. With the increased attendance, once again the congregation began to outgrow the auditorium. Ground was broken for the new auditorium on November 3, 2004.

From its modest beginning, First Baptist Church has emerged as a cornerstone of the community. Under Pastor Schaap's guidance, First Baptist continues to thrive, both in terms of spiritual growth as well as practical improvements. The proud members of the church are thankful for the spiritual and emotional leadership he and the previous pastors have provided during the years.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in honoring and congratulating the First Baptist Church of Hammond, Indiana on the grand opening of its new auditorium. They have provided support and guidance for all those in the community, and will continue to serve their community through their selfless dedication and commitment.

HONORING MT. JULIET HIGH SCHOOL GIRLS BASKETBALL TEAM

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. COOPER. Mr. Speaker, I rise today to congratulate an extraordinary group of young women from Mt. Juliet High School in Mt. Juliet, Tennessee, who are the 2004–2005 Class AAA Girls Basketball State Champions. The Lady Bears capped off their season by winning the state championship on March 12, 2005, finishing the season with a 37–1 overall record. I am proud of these outstanding young athletes for this great accomplishment.

Winning a state championship in any sport not only takes great athletic ability, but also hard work, dedication and hours of practice. I admire these girls for their commitment to their team, their school and their community.

These student-athletes should be honored not only for the feat of winning the Tennessee State Girls Basketball Championship but for being recognized nationally for their remarkable talent and skill. The Lady Bears finished the 2004–2005 season ranked 10th on the USA Today's Super 25 list, making them one of the top girls basketball teams in the entire country. It goes without saying that this is an incredible and well-deserved honor and I am proud that they have represented their hometown and Tennessee so well.

On behalf of the Fifth Congressional District of Tennessee, I extend my heartiest congratulations to the following members of the Mt. Juliet High School girls basketball team: Alysha Clark, Holly Hudson, Christian Gibson, Sarah Muniz, Casey Pigue, Paige McFarlin, Miaca Bowman, Mandy McGee, Kelley Christian Van Atta, Brittany Mehring, Paige Cutright, Kristen Garton, Nicole Defevers, Hailey Holland and Coaches Chris Fryer and John Simms.

I applaud the tremendous achievements of these exceptional young players and wish them well.

HONORING THE CONTRIBUTIONS OF HARLANDALE INDEPENDENT SCHOOL DISTRICT BOARD MEMBER TOMAS URESTI

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor the dedication of Harlandale Independent School District Board Member Tomas Uresti, of my Congressional District for a lifetime of distinguished public service.

Tomas Uresti is a long time Harlandale resident, and a former school employee. He has proudly served the Board of Trustees since 2002, and currently serves as Secretary of the Board. Mr. Uresti is a committed servant to the community of Harlandale, and has served as Board President, Building Committee Member, and Policy Committee Member.

Over the last 25 years he has committed his time to coaching the students of the community in softball, basketball, and baseball. He has served as a mentor at Gillette Elementary School, Kingsborough Middle School, and Harlandale High School.

Along with his many accomplishments to the people of Harlandale Independent School District, Tomas Uresti has six children and one granddaughter with his wife Rosemary, three of which are graduates of Harlandale High School.

Mr. Speaker, I am proud to have had this opportunity to honor Tomas Uresti for his hard work and contributions to the community.

A TRIBUTE TO JUDY S. WONG, 29TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2005

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. SCHIFF. Mr. Speaker, I rise today in honor of Women's History Month. Each year, we pay special tribute to the contributions and sacrifices made by our nation's women during the month of March. It is an honor to pay homage to outstanding women who are making a difference in my Congressional District.

I would like to recognize an outstanding woman in my Congressional District, the Honorable Judy S. Wong. For many years, Judy has brought an abounding spirit and energy to her service in the community. Those fortunate enough to meet and work with Judy instantly recognize her dedication and passion for helping others, especially women and children.

Born in Taiwan, Judy moved to the United States in 1977 and to Temple City in 1986. She was an active member of the Temple City Chinese American Association for several years, serving as President for 2 terms. For several years, Ms. Wong has been a member of the Gang Advisory Committee and the Asian Community Advisory Committee for the Los Angeles County Sheriffs Department, Temple City station. Also a volunteer at the Asian Pacific Family Center, she works with parenting classes.

In 2003, Judy was elected to the City Council of the City of Temple City and is the first Chinese American member to be elected to that body.

Judy is an advocate of valuing diversity and embracing the richness of all cultures represented in our country. She organized a "Support our Kids" forum to help address common problems faced by people from different ethnic backgrounds. Utilizing her skills in the Chinese language, she volunteers her services as an interpreter to the Los Angeles County Sheriffs Department, Temple City station, assisting victims of domestic violence. Judy also provides interpretation for many different schools in the San Gabriel Valley area.

In addition to her many civic duties and responsibilities, Judy is the proud mother of Anthony, who attends Arcadia High School, where she is also a volunteer.

I ask all Members to join me today in honoring an outstanding woman of California's 29th Congressional District, Judy S. Wong. The entire community joins me in thanking Judy for her success and continued efforts toward making the 29th Congressional District a more enjoyable place in which to live and work.

AFFIRMING THE TRUTH ABOUT THE ARMENIAN GENOCIDE

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. BILIRAKIS. Mr. Speaker, the U.S. Ambassador to Armenia, John Evans, in public forums with the Armenian community, recently characterized what President George W. Bush has described as an "appalling tragedy of the 20th century, the massacre of as many as 1.5 million Armenians through forced exile and murder at the end of the Ottoman Empire," as Genocide.

I rise today to join with Ambassador Evans and other public officials who have affirmed the truth and recognize that reconciling with the past is an important first step in creating a better future. Recognition of the Armenian Genocide is widely acknowledged. One hundred and twenty-six Holocaust scholars publicly affirmed the incontestable fact of the Armenian Genocide during the 30th Anniversary of the Scholars' Conference on the Holocaust and the Churches. And in 1981, former President Ronald Reagan stated: "Like the genocide of the Armenians before it, and the genocide of the Cambodians which followed it—and like too many other such persecutions of too many other peoples—the lessons of the Holocaust must never be forgotten."

In addition, a recent study released by the International Center for Transitional Justice (ICTJ) on the use of the term Armenian Genocide and the applicability of the 1948 Genocide Convention to events which occurred during the early twentieth century in Ottoman Turkey, found that "the Events, viewed collectively, can thus be said to include all of the elements of the crime of genocide as defined in the Convention, and legal scholars as well as historians, politicians, journalists and other people would be justified in continuing to so describe them."

As we approach the 90th commemoration of the Armenian Genocide, we must ensure that we do not forget the lessons of the past. Archbishop Desmond Tutu, in the Preface to the Encyclopedia of Genocide, published in 1999 by the Institute on the Holocaust and Genocide in Jerusalem, writes: "It is sadly true what a cynic has said, that we learn from the history that we do not learn from history. And yet it is possible that if the world had been conscious of the genocide that was committed by the Ottoman Turks against the Armenians, the first genocide of the twentieth century, then perhaps humanity might have been more alert to the warning signs that were being given before Hitler's madness was unleashed on an unbelieving world."

Mr. Speaker, let us never forget and let us affirm the truth.

A TRIBUTE TO JACK NICKLAUS' ILLUSTRIOUS CAREER IN GOLF AND LIFE

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. NORWOOD. Mr. Speaker, I rise today to pay tribute to Jack Nicklaus for his service to our Nation, the game of golf and the Masters Tournament. Few events in the world of sports compare to the beauty and grace of the Masters Tournament in Augusta, GA. There is no one that has won more Masters' titles than Jack Nicklaus. He is the owner of six coveted Green Jackets.

Early in his career, Jack Nicklaus became the role model for an untold number of individuals aspiring to play the game of golf. He has also become a role model for millions of people for his personal values, particularly his dedication to family.

Named the Golfer of the Century and Golfer of the Millennium by every major media outlet, Jack Nicklaus' record stands unparalleled at the top of the golf world. He has collected more than 100 professional victories worldwide. This includes 73 PGA Tour victories and 10 more on the Champions Tour. He has won a record 20 major championships: 6 Masters, 5 PGA Championships, 4 U.S. Open Championships, 3 British Opens, and 2 U.S. Amateur titles. In his career he has been the top money-winner 8 times, number one in scoring 8 times, and has recorded 20 holes in one. Jack Nicklaus has been a member of six Ryder Cup teams, captained two others, and this fall, he will serve for the third time as captain of the U.S. Presidents Cup team.

Many things have been said about Jack Nicklaus. At the 1962 World Series of Golf, Arnold Palmer rose to make the following statement, "Jack Nicklaus is just a youngster and a newcomer to the professional ranks. But you gentlemen saw one of the greatest out there today. He'll be a headliner for a long time and could put together the greatest career the game has ever known. He has everything."

In addition to Jack Nicklaus and his sons/family growing the game of golf by designing close to 300 courses worldwide, the Nicklaus family gathered on June 12, 2003, with sand wedges instead of shovels, to break ground on the Nicklaus Children's Hospital at St. Mary's Medical Center in West Palm Beach, Florida. The hospital officially opened last November. They have also formed the non-profit Nicklaus Children's Health Care Foundation. This foundation, chaired by Mrs. Barbara Nicklaus, provides charitable support for activities that advance and enhance the diagnosis, treatment and prevention of childhood diseases and disorders. The Nicklaus Children's Health Care Foundation also supports not-for-profit programs and projects aimed at pediatric health care and health-related services, with the Nicklaus Children's Hospital located at St. Mary's Medical Center as the major focal point.

So. Mr. Speaker, the name of Jack Nicklaus will always be synonymous with the game of golf and his accomplishments, on and off the course, will live forever.

IN HONOR OF DAVID PIERCE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and celebration of David Pierce, Managing Director of the Ulster Bank of Ireland and the President of the Dublin Chamber of Commerce, as we welcome him to Cleveland, Ohio, on St. Patrick's Day, March 17, 2005.

For the past twenty-six years, Tim Collins and Thomas Scanlon have organized the St. Patrick's Day Party and Parade, a joyous event that brings people together in the heart of Cleveland. Every year, Euclid Avenue springs to life as a sea of green and the spirited sound of drums and bagpipes are swept along our city streets. This enchanted day promises old friendships renewed, the discovery of new ones, and serves as a living bridge that extends across the blue Atlantic—from the north coast of Cleveland to the shores of the Emerald Isle.

Mr. Pierce is a leader in securing, protecting and enhancing the economic foundation of Ireland, and has established significant ties with leaders in America and around the world. In 2004, he was honored with the Leinster Society Chartered Certified Accountant of the Year Award for the Republic of Ireland. His wife, Jackie, and daughters, Rachel and Elaine are central to his life. Additionally, Mr. Pierce volunteers his time to the people and causes of Ireland. Similarly, Mr. Collins and Mr. Scanlon, distinguished attorneys, continue to preserve and promote the history and culture of their beloved Irish homeland.

Mr. Speaker and Colleagues, please join me in honor and recognition of the Honorable David Pierce of Delgany, County Wicklow, the Republic of Ireland, for joining us in Cleveland as we celebrate St. Patrick's Day. Please also join me in recognition of Tim Collins and Thomas Scanlon for organizing this wondrous St. Patrick's Day Party this year, as they have for the past twenty-six years. "Ni dheanfaidh smaoineamh an treabhadh duit—You'll never plough a field by turning it over in your mind"—Old Irish Proverb.

HAPPY BELATED BIRTHDAY TO KAREN PETROSYAN

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise to wish a very happy belated birthday to Karen Petrosyan, son of my good friend Vladimir Petrosyan. Karen celebrated his 19th birthday on March 14.

Karen is known for his loyalty to friends and his commitment to his family, a warm smile and good sense of humor. Karen is an excellent student currently studying in Seattle, Washington. Vladimir tells me that very early in life, Karen displayed a rigorous intellect and good judgment. When not absorbed in academics, Karen enjoys sports, particularly basketball.

For these reasons and more, I would like to extend the warmest best wishes to Karen Petrosyan for whom the future holds great promise.

A TRIBUTE TO U.S. ARMY CAPTAIN DAVID ROZELLE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. WOLF. Mr. Speaker, it is an honor to recognize U.S. Army Captain David Rozelle for his brave service to our country. Captain Rozelle, of the 3rd Armored Cavalry, was injured in June 2003 while serving in Hit, Iraq. His Humvee hit an anti-tank mine, which severely injured his right foot and leg and later had to be amputated. Captain Rozelle earned the Bronze Star with Valor and the Purple Heart for his bravery and courage through this trying ordeal.

Captain Rozelle returns to active duty in Iraq this month as the first amputee in recent history to reenter the battlefield. Captain Rozelle suffered through many months of rehabilitation and has recently released a book describing his trials called Back in Action: An American Soldier's Story of Courage, Faith and Fortitude.

Captain Rozelle, now 32 years old, grew up in Texas with his parents John and Judy Rozelle. Always an active athlete, he graduated from Davidson College in Davidson, North Carolina, where he left the football team to participate in the Army ROTC program. His wife, Kim, and 18-month old son Forrest are currently residing in Colorado.

Captain Rozelle is a man worthy of great honor. He has overcome many challenges through his recovery from his injury and his strength and courage is shown in his willingness to return to the same battlefield where he was first injured. I hope all our colleagues will join in honoring and thanking Captain Rozelle for his valiant service to our country.

IN RECOGNITION OF JAMES McMANUS AND THE McMANUS DEMOCRATIC ASSOCIATION ON ST. PATRICK'S DAY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mrs. MALONEY. Mr. Speaker, I rise to acknowledge the achievements of James McManus, a tireless public servant, legendary New Yorker and very good friend of mine. Additionally, I am pleased to offer my warmest wishes to the McManus Democratic Association for another year of outstanding service to New York City residents.

St. Patrick's Day is a time when Americans of all ethnicities gather with friends and relatives to have fun and to celebrate the Irish-American community's many contributions to our nation and culture. On this happy occasion, it is fitting to honor Jim McManus, who has never forgotten his Irish roots and who continues to be the driving force behind one of New York City's most effective public service organizations.

The McManus family has been a fixture of New York City politics for more than one hundred years. For the past three decades, Mr. McManus has been an advocate, ombudsman and friend to residents of midtown Manhattan. It is a testament to Jim McManus's leadership that the McManus Democratic Association is just as vibrant and strong an organization as when his great-uncle Thomas founded it.

Throughout his career, Mr. McManus has strived to strengthen the McManus Association's tradition as a center of service to the community. The Association's dedication to public service is perhaps best demonstrated by its efforts to welcome immigrants to New York and help them integrate into the life of the City. Mr. McManus has organized citizenship drives and helped immigrants prepare to take the test to become American citizens—so that they can take full advantage of the benefits and responsibilities of living in the United States.

The McManus Association, an active social-service organization, has also conducted registration drives that have helped thousands of New Yorkers register to vote; works with seniors who are having difficulty finding housing; helps its members locate jobs, educational opportunities and better medical care; and strives to promote the interests of working-class New Yorkers through collective action. Furthermore, the Association has made a longstanding commitment to young New Yorkers, introducing students to the political process and to government service.

I commend James McManus for his lifelong dedication to improving the well-being of New York City residents. Time and again, the McManus Association exemplifies the notion that we work best when we work together.

Mr. Speaker, I request that my colleagues join me in paying tribute to James McManus and the McManus Democratic Assocation. To Mr. McManus and the dedicated professionals, volunteers and friends of the McManus Association, I offer my continuing admiration, respect and support.

HONORING EUGENE PARKS

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Ms. BALDWIN. Mr. Speaker, I rise today to pay tribute to the memory of a remarkable citizen, Mr. Eugene Parks of Madison, Wisconsin.

Eugene Parks was a complicated man who confronted complicated issues head on, no holds barred. He was the outspoken conscience of our community and he wasn't afraid to remind us of our shortcomings. He is remembered as a man who worked passionately against the racism and injustice he saw and felt in our community and in the world. "As a black man," he told his nephew, "you aren't going to be heard unless you say it like you mean it." Gene Parks was never afraid to say it and he always, always, meant it.

Most important, no matter how contentious his relationship with his community and its government, Gene never abandoned either. As Madison's first African-American alderman, Gene was a role model and catalyst for change by the age of 21. Decades later, as the city's first African-American candidate for mayor, he showed the same commitment to civic responsibility.

Most in our city knew Gene as a firebrand, but he was also a devoted father, a music lover, and even an actor. I still have the Playbill from a UW-Madison Theatre Department production of the musical "Finnian's Rainbow" in which I was a five year old member of the chorus and Gene Parks played a lead role.

I think Gene would have been humbled by the many heartfelt tributes and the overflow crowd at his memorial service in Madison's Memorial High School auditorium. Our city was shaken by the depth of the void left by his passing.

Of all the descriptors by which we remember Gene Parks, there is none more accurate nor more honorable than that of "citizen."

Thank you, Gene.

LEGISLATION TO IMPROVE DEBT COLLECTION

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. PLATTS. Mr. Speaker, I rise today to introduce important legislation that will improve the way the Federal government collects delinquent non-tax debts.

This legislation would amend the Debt Collection Act to eliminate the 10-year limitation on the collection of delinquent federal debts through the Treasury Offset Program, which is maintained by the Financial Management Service at the U.S. Department of the Treasury. A request for this legislation was transmitted as part of President Bush's Fiscal Year 2006 Budget request. It is estimated that this provision would return $6 million to the Treasury in the first year of implementation, and at least $11 million each year thereafter.

Non-tax debt would include defaulted loans or overpayments to vendors. Under current law, the only type of non-tax debt not subject to the 10-year limitation is defaulted student loans owed to the U.S. Department of Education. This legislation would bring all other types of debt in line with the requirements for repaying student loans.

The U.S. government should have the ability to collect each and every debt. This money belongs to the taxpayers. No one should be able to avoid responsibility simply by waiting for an arbitrary time limit to expire. In times of tightening budgets, we cannot afford to allow delinquent debtors to shift their burdens onto taxpayers.

HONORING THE CONTRIBUTIONS OF RETIRED SGT. MAJOR BENITO V. GUERRERO

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize retired Sergeant Major Benito V. Guerrero and his many years of service in our United States Army.

Mr. Guerrero was born north of New Braunfels, Texas on April 3, 1935. He began his military career very early as the Advisory President of his Junior ROTC Program at Jefferson High School in San Antonio, Texas.

Upon graduating high school, Guerrero joined the army in 1956. By 1959 Mr. Guerrero's airborne unit was deployed to Germany and became part of the 8th Infantry Division. Because Mr. Guerrero graduated in the top ten percent of his class at the 7th U.S. Army Noncommissioned Officer Academy, he was selected to attend the Federal Republic of Germany Airborne School in 1962.

Throughout his many years of service Mr. Guerrero has served all over the world and has received such awards as the Purple Heart with 1st Oak Leaf Clusters, the Meritorious Service Award, the National Defense Medal, and the Outstanding Noncommissioned Officer Award, just to name a few.

Retired Sergeant Major Benito V. Guerrero retired from the United States Army after over 30 years of honorable service to our Country. He is the epitome of dedication and professionalism.

Mr. Speaker, I am honored to have had this opportunity to recognize the many achievements and service of Retired Sergeant Major Benito V. Guerrero.

A TRIBUTE TO LOUISE WILSON LEWIS, 29TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2005

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. SCHIFF. Mr. Speaker, I rise today in honor of Women's History Month. Each year, we pay special tribute to the contributions and sacrifices made by our nation's women during the month of March. It is an honor to pay homage to outstanding women who are making a difference in my Congressional District.

I would like to recognize an outstanding woman in my Congressional District, Louise Wilson Lewis. For many years, Louise has brought an abounding spirit and energy to her service in the community. Those fortunate enough to meet and work with Louise instantly recognize her dedication toward helping others.

Born and raised in the Glendale area, Louise worked at Walt Disney Studios for 14 years until she cofounded Iwerks Entertainment. She was able to retire at an early age, which gave her more time to devote to her real career—helping other people.

Louise's description of herself as a "professional volunteer" is an apt one. She began her volunteer career while in elementary school as a math and reading tutor, and an assistant in the Vice Principal's office. At age 12, she started teaching Sunday School and continues to do so today. At age 16, Louise began volunteering as a candy striper at Glendale Memorial Hospital and Health Center. This year she is celebrating 42 years of continuous service, having served several terms as President of the hospital's Guild, on the hospital's Community Board of Directors, and is the first woman to chair the hospital's Foundation Board. In addition, she served 2 terms as President of the San Gabriel Area Council of Hospital Volunteers and 2 years on the Volunteer Board of the California Association of Hospitals and Health Systems. Louise also volunteers for Las Candelas, an organization which assists emotionally disturbed children.

Devoted to her church, St. Francis Episcopal Church, Louise has volunteered in every volunteer capacity—the Altar Guild, the Thrift Shop, Girl's Youth Group, Vacation Bible School, Rose Garden, Junior Warden and Senior Warden and is currently Bishop's Warden. She is also a Lay Eucharist Minister, a Stephen Minister, and in her spare time visits shut-ins and the elderly in retirement homes and convalescent hospitals.

Louise has received several awards over the years including the First Volunteer at Glendale Memorial Hospital to serve 500 hours at age 17, Uni-Health Hospital System Volunteer of the Year in 1997, recognition from the Episcopal Diocese of Los Angeles, and the Glendale Young Women's Christian Association Woman of Heart and Excellence in 2004.

During the last few years, Louise has managed to maintain her active volunteer work while battling cancer. Her courage and determination is an inspiration to us all. Louise and her husband Tim have been married for 32 years and reside in Glendale.

I ask all Members to join me today in honoring an outstanding woman of California's 29th Congressional District, Louise Wilson Lewis. The entire community joins me in thanking Louise for her success and continued efforts toward making the 29th Congressional District a more enjoyable place in which to live and work.

CONGRATULATING CANISIUS COLLEGE WOMEN'S BASKETBALL TEAM

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Ms. SLAUGHTER. Mr. Speaker, I rise today to congratulate Canisius College Golden Griffens Women's Basketball Team on winning the 2005 Metro Atlantic Athletic Conference (MAAC) Tournament on March 7, 2005. Their win over Marist College gives the "Griffs" its first-ever MAAC Championship and their first bid to the Division I NCAA Tournament.

The "Griffs" have had a truly remarkable season. After narrowly missing out on the MAAC Championship last season, Canisius capped their first 20-win season with a nailbiter in the MAAC Championship game. Their victory, like their entire season, was exemplified by a total-team effort. In the biggest game of her career, Becky Zak scored 12 points, three assists and two steals, and was named the tournament's Most Valuable Player. Megan Lyte tallied 10 points and 11 rebounds, her seventh double-double of the season, and Jessie Lamparski registered 11 points, six boards, five assists and three steals. Jessica Steeves posted eight points, five rebounds and a blocked shot en route to joining Zak on the all-tournament accolades.

The accomplishment of the Canisius College Golden Griffins Women's Basketball team demonstrates the profound impact that Title IX has had on increasing opportunities in sports for women and girls. Title IX, part of the Education Amendments of 1972, required that public schools and colleges provide equal educational and athletic opportunities for girls and women. It has unquestionably been a tremendous factor in the lives of the talented members of this team.

It is important for girls and women to have every opportunity to succeed, especially when it comes to athletics. That is why I have introduced H.R. 595, the High School Athletics Accountability Act. This bill will require schools to report to the Department of Education basic data on the number of female and male students in their athletic programs and the expenditures made for their sports teams. Currently, high schools are not required to disclose any data on equity in sports, making it difficult for schools and parents to ensure fairness in athletics programs. Better information can help high schools and parents of schoolchildren foster fairness in athletic opportunities for girls and boys.

Mr. Speaker, I cannot be prouder of the Canisius Women's Basketball team. I especially want to applaud coach Terry Zeh. As a first year coach, he demands accountability from his players both on and off the court, and is a strong role model for the entire college community. I wish to also commend college president Rev. Vincent M. Cooke, S.J., the coaching staff and players, and the student body for this Championship season. These women continue to be role models for young girls, and their wonderful accomplishment will inspire more girls to increase participation in athletics. I will be eagerly watching the team's first round game in the NCAA tournament as they proudly represent Canisius College on the national stage.

TRIBUTE TO PASTOR ADRIAN ROGERS

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. FORD. Mr. Speaker, I rise today to pay well deserved tribute to one of the great religious leaders of our time, Pastor Adrian Rogers of Tennessee.

In the words of Billy Graham, "We need for ministers of the Gospel to defend the Bible as the infallible Word of God . . . I believe in my heart that Adrian Rogers is such a man. I know him personally. I have walked with him and prayed with him . . . I know God's hand is upon Adrian Rogers as he proclaims the Bread of Life from his church and through radio and television . . . I praise God for his ministry."

These comments echo the sentiment of millions who've been touched and inspired by the life-changing ministry of Pastor Rogers. The high regard in which he is held translated to his three elections as President of the Southern Baptist Convention—the world's largest Protestant denomination with 16 million members. With a passion and gift for applying the gospel message to everyday life, he has also shared the "good news" as a noted author with scores of books and instructional material to his credit; as a featured speaker at a number of historic conferences and international crusades; and as the founder and broadcaster with Love Worth Finding ministries which is played on over 14,000 broadcast and cable television outlets, on nearly 2000 radio stations and in more than 150 countries worldwide.

With all that he has given to people across the nation and the world, Adrian Rogers has etched a special place in Tennessee and Mid-South history as the pastor of the renowned Bellevue Baptist Church. Founded in 1903 in a small chapel on the "outskirts of Memphis, Tennessee," Bellevue Baptist Church was in 1972 already a significant pillar in the religious community with a membership of approximately 9,000 persons. In this year, however, the entrance of Pastor Rogers and his wife, Joyce, served as a milestone in Bellevue's history. From this new beginning, the congregation grew from 9,000 to 29,000 members and expanded to a campus and multifaceted ministries that now stand as a model for houses of worship worldwide.

Through the growth and success, Pastor Rogers gives all credit to God saying that "Bellevue is what she is because of the love of Jesus. . . . Jesus is the glue that holds Bellevue together." These words are particularly significant as Adrian Rogers makes his transition from active Pastor to Pastor Emeritus of this great ministry.

For his humility and his worthy example of all that faith should represent, I would ask that my colleagues in the U.S. House of Representatives would join with me in honoring a servant of God and a friend to humanity—Pastor Adrian Rogers.

IN RECOGNITION OF AMERICA'S BLOOD CENTERS

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. BLUNT. Mr. Speaker, I rise today in recognition of America's Blood Centers. At this moment, someone in America is in vital need of a life-saving blood transfusion. Donated blood is needed every two seconds across the nation. Today, American's will use thirty thousand units of donated blood. One out of seven hospital patients will require blood transfusions. One out of three people in this chamber will need donated blood at least once in their lifetime. Technological and scientific advancements in the medical field continue to rapidly develop, but there remains no substitution for the blood transfusion. Blood cannot be manufactured nor reproduced. This life sustaining substance can only be transfused from one person to another. Life-saving blood remains a gift from one person to the rest of society. Through blood donations we help each other to survive and overcome medical hardships. Blood donations connect and unify us as a people who care.

Today I stand to recognize America's Blood Centers, our nation's largest not-for-profit, community-based network of blood centers that keep on giving the gift of life. America's Blood Centers, founded in 1962, has grown to include seventy-two independent, community owned blood centers, which collect nearly half of the nation's blood supply. This June marks 10 years that Southwest Missouri's own Community Blood Center of the Ozarks has been providing blood to all Seventh District hospitals under the national guidance of America's Blood Centers. America's Blood Centers operate more than 600 collection sites that give the gift of blood to more than 150 million people and more than 3,300 U.S. hospitals. Not only do America's Blood Centers give blood, but they also ensure that their gift is safe and adequate by developing new tests and technologies as well as actively engaging in biomedical research in the area of transfusion medicine. Members of America's Blood Centers ardently work together to share resources and best practices, rising to meet increased national blood supply needs in times of peace, in times of war and in times of disaster. America's Blood Centers were the first to respond to the Oklahoma City bombing, Columbine shootings, and 9/11, and have since worked with the Departments of Homeland Security and Health and Human Services to ensure adequate blood supply and rapid response in times of national disaster or acts of terrorism.

Additionally, America's Blood Centers continue to support U.S. military operations around the globe. Together the centers promote donor recruitment and societal awareness of blood donations as a top priority, working to guarantee that America will have the blood it needs to continue to live and thrive. I recognize and commend America's

Blood Centers on transfusing life into our nation whenever and wherever needed.

THE INTRODUCTION OF THE NATIONAL FISH AND WILDLIFE FOUNDATION REAUTHORIZATION ACT

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. POMBO. Mr. Speaker, I am pleased to introduce today, along with my colleagues WAYNE GILCHREST and NORM DICKS, legislation to reauthorize the National Fish and Wildlife Foundation.

The National Fish and Wildlife Foundation was established in 1984 when President Ronald Reagan signed into law legislation introduced by then Congressman John Breaux. Since that time, the foundation has financed more than 7,200 conservation projects both here in the United States and throughout the world. By leveraging a small amount of Federal assistance each year, they have been able to successfully raise millions of private dollars which have been spent to encourage Coral Reef conservation, enact an early warning system for invasive species, support oyster restoration in the Chesapeake Bay, help save endangered wild tigers and assist in the conservation of habitat critical for endangered marine sea turtles.

The foundation is governed by a board of directors consisting of 25 Americans who are dedicated to conservation. These distinguished men and women serve without compensation. In addition, the foundation is prohibited from using any Federal money to pay administrative expenses and both the foundation and its grantees may not use any Federal dollars to engage in litigation or lobbying activities.

In my own State of California, the foundation has approved hundreds of conservation projects. These projects have included: California Rangeland Trust, California Saltwater Wetlands Habitat restoration, California Sustainable Winegrowing Alliance, Point San Luis Lighthouse improvements, San Francisco Bay National Wildlife Refuge and Upper Sacramento River Riparian restoration.

The National Fish and Wildlife Foundation Reauthorization Act is a simple, bipartisan and non-controversial bill. It will extend the existing authorization levels for an additional 5 years, clarify the requirement that Congress must be given a 30-day congressional notice requirement prior to the issuance of any conservation grant or expenditure of funds and modify the matching requirement to ensure that the foundation is not required to satisfy this provision in those cases where it does not receive any contributions.

Mr. Speaker, I urge my colleagues to support this legislation so that the National Fish and Wildlife Foundation can continue its worthwhile conservation efforts in the future.

Additional co-sponsors of National Fish and Wildlife Foundation Reauthorization Act of 2005: Congressman NORMAN D. DICKS.

HALABJA REMEMBERED

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. ROHRABACHER. Mr. Speaker, on March 16, 1988 Saddam Hussein brutally attacked Halabja, Kurdistan in Iraq. When the bombing attacks were completed, over 5,000 were dead and over 8,000 injured.

The injured people were civilians. Families died together that day, orphans were made that day, a day that the Kurdish people will never forget.

As the poison gas largely cleared by noon that day, the deadly smoke lay close to the ground, sinking into the basements of the homes where people had gone to seek shelter.

They watched as their skin burned. Some were immediately blinded. Some took shelter among the corpses of their family members. The ones who were able to run, ran, stopping only when they were overcome with pain or exhaustion.

Today, I honor those men, women, and children who lost their lives at the hands of a ruthless killer, Saddam Hussein. The Halabja massacre represents 5,000 of the 200,000 Kurdish people who died or are missing during the genocide campaigns of the Saddam Hussein regime. Hundreds of thousands of other Iraqis were also killed or are missing.

Mr. Speaker, as our Armed Forces battle to build a democratic future for the people of Iraq, we should recall the horror of Halabja, and acknowledge that the hellish tyranny that shackled all but a few Baathist thugs is part of Iraq history and not part of its future. Let's recall the suffering of all Iraqis, especially the Kurds in Halabja, and honor our Armed Forces for the better future they are building in Iraq.

VERNA KING—AN INSPIRATION TO SAN DIEGO

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. FILNER. Mr. Speaker, Verna Lee St. Clair King, born and reared in Berwick, Louisiana, is the daughter of John Westley St. Clair and Florence Ellen Calvin St. Clair. Educated in Louisiana and Texas, she earned her A.B. degree from Wiley College in Marshall, Texas and later an M.A. from San Diego State University.

Verna grew up determined to make life better for others. She eventually became a teacher, making politics and helping others through community service her lifelong hobbies. Her intelligence and insight led her to the political arena and the fight for equal education.

A professional educator in San Diego for thirty years, Verna has a long history of involvement with the San Diego Teachers' Association (SDTA). Through the SDTA, she represented the National Education Association and served as a member of the National Women's Caucus and Black Caucus.

Verna's unselfish nature led her to become increasingly involved in a wide array of civic activities: she was vice-chair of the 79th Assembly District Committee, served on the 44th Congressional Advisory Committee, and was a charter member of the San Diego Council of Democratic Women. In addition, she is a charter member and past president of Women Inc. She is also involved with Alpha Kappa Alpha, CTA, the YWCA, her church, and the Democratic Party. In addition, she has recently served on the Community Service Association Board as well as the San Diego Historical Site Board.

Verna's involvement in the community and politics has allowed her to interact and work with individuals such as Coretta Scott King, Andrew Young, Jimmy and Rosalyn Carter, Alan Cranston and Tom Bradley.

Verna is listed in prominent annuals and has received many awards in recognition of her professional and community service. In the past, she has been the recipient of the Democratic Committee's Golden Key Award and received a Key to the City of San Diego for her outstanding work in the field of human relations. For bridging the gap between parents and teachers, Verna was honored with an Honorary Service award by the Ninth District P.T.A. Her current honors reflect the esteem in which she is held by her fellow professionals and by those who have had the pleasure of working with her in political and community activities.

Verna's husband, Alonzo King, now deceased, shared her interests both politically and professionally. In addition, Verna and Alonzo were blessed with a close family that included five children: Joyce L. King Thomas, Verna Lee E. Bickerstaff, St. Clair King, Alonzo King, and Reginald King, the latter two of whom are deceased.

Verna has always been gracious in all of her endeavors, and her knowledge and experiences have been invaluable to professionals, friends, fellow committee members and the community.

She truly has been an inspiration to all San Diego.

HONORING THE CONTRIBUTIONS OF TEXAS STATE REPRESENTATIVE TRACY O. KING

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize Texas State Representative Tracy King for his many accomplishments in business and in government.

Mr. King was born in Baytown, Texas, in 1960. After graduating from Carrizo Springs High School, he attended Southwest Texas Junior College for a year, and then transferred to Texas A&M University, where he completed his B.S. in Agricultural Engineering.

Upon his graduation, Representative King began working at the Beltone Hearing Aid Center in San Antonio. He moved up quickly, and was responsible for opening the branch office in Uvalde. In 1987, he became owner of the local Beltone Hearing Aid Center, serving 16 counties in Southwest Texas. He has been active in a number of nonprofit organizations, including the Kiwanis Club and the first Methodist Church, and he is a former president of the Texas Hearing Aid Association.

Tracy King was elected to the Texas House of Representatives in 1994, and is currently serving his fifth term. He is a member of the House Appropriations Committee, and is Chairman of Budget and Oversight for the House Regulation Committee.

Mr. Speaker, the life of Tracy King is an example of what hard work and responsible service can accomplish, and I am proud to have the opportunity to recognize him here.

A TRIBUTE TO MARY CAMMARANO, 29TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2005

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. SCHIFF. Mr. Speaker, I rise today in honor of Women's History Month. Each year, we pay special tribute to the contributions and sacrifices made by our Nation's women during the month of March. It is an honor to pay homage to outstanding women who are making a difference in my Congressional District.

I would like to recognize an outstanding woman in my Congressional District, the Honorable Mary Cammarano. For many years, Mary has brought an abounding spirit and energy to her service in the community. Those fortunate enough to meet and work with Mary instantly recognize her joy, enthusiasm and passion for helping others in her community.

A native New Yorker, Mary moved to San Gabriel in 1964 with her husband Mike. As a young mother, Mary was active in her children's activities, volunteering for 3 different Parent Teacher Associations, Little League, Girl Scouts of America, Boy Scouts of America and a foreign exchange student program. Her past involvement also included board memberships on the American Heart Association, the YMCA, the American Red Cross, and the Italian Catholic Federation, where she served as President.

Elected to the San Gabriel City Council in 1989, Mary served on the council for 16 years, serving as Mayor for 3 terms, until her retirement in 2005. She was a long-time member of the San Gabriel Valley Council of Governments and the Independent Cities Association.

Ms. Cammarano's current volunteer service with the City of San Gabriel is extensive and impressive. A 30 year member of the San Gabriel Historical Association, where she provided her homemade lasagna for 15 years for the association's annual fundraiser; she also successfully brought the Ramona Museum to San Gabriel. For 35 years, she has been a member of the San Gabriel Coordinating Council and the Women's Division of the San Gabriel Chamber of Commerce, where she's brought her homemade minestrone soup for the last 10 years. Additionally, she is active in the San Gabriel Kiwanis Club, serves on the San Gabriel Valley Medical Center Foundation Board, is President of the San Gabriel Valley Music Theatre, and assists at the La Casa Community Center's annual fundraiser, the San Gabriel Mission's Annual Fiesta and the Mission's St. Joseph's Day Festival.

Mary has received several awards over the years including the Woman of the Year from the 49th Assembly District, Woman of the Year from the City of San Gabriel, San Gabriel Business and Professional Women's Woman of Achievement, and a National Lifetime Membership in the Parent Teacher Association, as well as many others.

Mary and her husband Mike have been married for 47 years, have 5 children, and 11 grandchildren.

I ask all Members to join me today in honoring an outstanding woman of California's 29th Congressional District, Mary Cammarano. The entire community joins me in thanking Mary for her success and continued efforts toward making the 29th Congressional District a more enjoyable place in which to live and work.

IN HONOR OF JFK HIGH SCHOOL

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. ENGEL. Mr. Speaker, I rise to today to honor the boy's basketball team, at John F. Kennedy High School in Kingsbridge, NY. These fine young men, whom critics called the underdogs, won the PSAL tournament in New York, defeating Lincoln High School at Madison Square Garden 62–57.

It has not been an easy season for the Knights, which makes their victory all the sweeter. Midway through the season, Coach Johnny Mathis nearly had to quit the team. In the past year, Coach Mathis, who has led the team for 18 years, lost three toes to diabetes and underwent three circulatory bypass surgeries on his legs. Yet, this dedicated coach only missed two games all season. He always believed in his team. Mathis called the team's win "very special" and said he always believed we were good enough and that the team worked pretty hard and in the team's minds they came in to win the game.

It takes an extraordinary team to beat a three-time champion like Lincoln, but the Kennedy Knights are such a team and did just that. The final game was close—and with the score tied and 5 minutes left, MVP Emilijano Kinaj sank a three-pointer and the Knights were on their way. They worked hard as a team and the results are obvious.

I congratulate the players and Coach John Mathis for their 28–4 season record and for winning the championship.

BOOST THE ECONOMY—COMPENSATE REAL VICTIMS; SUPPORT ASBESTOS LITIGATION REFORM

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. KIRK. Mr. Speaker, for almost two decades, Congress has unsuccessfully grappled with the challenge of assuring fair and timely compensation to workers who have become sick after being exposed to asbestos fibers. The pioneering work done by litigation reform advocates like Rep. HENRY HYDE laid the foundation for ongoing negotiations in the other body that may finally result in legislation that assures compensation to sick plaintiffs and allows defendant companies to move beyond the uncertainty of decades-long mass tort litigation.

In his State of the Union address, President Bush told us, "Justice is distorted, and our economy is held back, by irresponsible class actions and frivolous asbestos claims and I urge Congress to pass legal reforms this year." It is time for the House to enter the debate.

Many of you have heard how asbestos litigation reform has hurt workers and our economy. Over 8,000 defendants must spend time and money responding to asbestos lawsuits. Since the mid-1980's, 730,000 asbestos claims have been filed—and over 100,000 asbestos suits were filed in 2003 alone. Defendants point to examples of clever attorneys "working the system" to benefit certain plaintiffs, escalating the cost of litigation beyond reliable measure. For example, in 1998, a Fayette, Mississippi, jury awarded $2 million each to five plaintiffs who had been exposed to asbestos fibers but had little or no symptoms of illness. In 2003, the Supreme Court has upheld a $5.8 million award to plaintiffs with lung x-rays showing evidence of asbestos exposure, who successfully argued that they deserved compensation for living with fear of contracting an asbestos-related disease—or "asbestophobia," as some call it. The uncertain cost of asbestos litigation has driven at least 74 companies into bankruptcy. Employees of these bankrupt firms have watched the value of their 401(k) accounts drop by 25 percent. As many as 60,000 workers have lost their jobs.

This focus on numbers can make us forget that asbestos litigation reform is about people:

Mary Lou Keener watched her father die painfully from mesothelioma, a cancer he contracted from asbestos exposure while he served in the Navy during World War 11. He filed legal claims years before he died, yet his widow has received almost nothing.

Workers who are sick from years of exposure to asbestos while working for Johns Manville Corporation might be told that approved compensation for their mesothelioma is $700,000; however, since the bankruptcy trustee pays only five cents on the dollar, their claim is worth $35,000.

David Coleman, exposed to asbestos as an infant when he inhaled fibers embedded in his father's work clothes, died of mesothelioma in

2002, at the age of 19. His family's lawsuit sits on the court docket in Cuyahoga County, along with another 34,000 claims.

Children who grew up in the asbestos mining town of Libby, Montana, breathing in asbestos fibers stirred up by the street traffic as they road buses to school, now, as adults, are experiencing asbestosis symptoms. Under the current system, they have no hope of compensation.

Ron Huber, who worked 35 years in a steel mill, joined an asbestos suit in 1995 although he had no symptoms of asbestos related illness. His attorney accepted a small settlement which, according to Huber, was wholly applied to legal costs. By 2002, he was truly experiencing symptoms of asbestos-related disease. He is suing the only person not released by settlement of the 1995 case—the attorney who recruited him for that suit.

Drew Anders, who spent 15 years working for a company that was forced to declare bankruptcy in reaction to growing asbestos litigation, watched his $50,000 retirement account fall to $1,500.

A small business owner in Louisiana who never manufactured anything containing asbestos once used a asbestos-threaded nut in a piece of machinery. Although there is no evidence that this nut causes asbestos related disease, this man's company pays $75,000 to $100,000 a year in asbestos-related claims.

A research company that released one of the first studies establishing the health risks of asbestos—a report that saved lives and improved working conditions—is named in over 60,000 cases every year. The principals of this firm, which never used or manufactured asbestos products, spend hundreds of thousands of dollars annually in settlements.

Today, I am introducing the FAIR Act of 2005. This bill is based on bipartisan asbestos trust fund negotiations carried out during the last months of the 108th Congress. It puts patients ahead of plaintiffs and would dramatically reduce the cost of asbestos litigation. I call on us to work together and pass a bill that helps victims and companies affected by asbestos litigation, while benefiting the economy and boosting the stock market.

INTRODUCTION OF THE "CLEAN SMOKESTACKS ACT OF 2005"

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. WAXMAN. Mr. Speaker, today I am again joining with Representative BOEHLERT in introducing the "Clean Smokestacks Act of 2005." This important legislation will finally clean up the Nation's dirty, antiquated power plants.

When I originally introduced the "Clean Smokestacks Act" with Representative BOEHLERT in the 106th Congress, we had a modest beginning. We had a total of 15 cosponsors and little attention.

But in the 107th and 108th Congresses, the bill's supporters grew to over 100 House members. During that time, Senator JEFFORDS successfully reported the companion legislation, the "Clean Power Act" from Committee. And even the Bush Administration, at least in rhetoric, recognizes that we urgently need to clean up these power plants.

Electricity generation is our Nation's single largest source of air pollution, including greenhouse gas emissions. Nationally, power plants are responsible for about 39 percent of carbon dioxide emissions, 67 percent of sulfur dioxide emissions, 22 percent of nitrogen oxides emissions and 41 percent of mercury emissions.

These four pollutants are the major cause of some of the most serious environmental problems the Nation faces, including acid rain, smog, respiratory illness, mercury contamination, and global warming. If we are going to improve air quality and reduce global warming, we must curb the emissions from these power plants.

Earlier this week, EPA took a first half-step towards reducing emissions of sulfur dioxide and nitrogen oxides emissions from some of these old plants, but EPA's regulation would still allow huge quantities of pollution from these plants and leave many plants operating without any modern pollution controls. On mercury, EPA's regulation would allow most old power plants to avoid ever installing pollution controls to reduce mercury emissions. And EPA has done nothing to address increasing carbon dioxide emissions from these plants.

When the original Clean Air Act was enacted in 1970, the electric utility industry argued that stringent controls should not be imposed on the oldest, dirtiest plants since they would soon be replaced by new state-of-the-art facilities. Although Congress acceded to these arguments and shielded old power plants from the law's requirements, many of these facilities—which were already old in 1970—are still in use. There are many power plants from the 1950's that are still in operation and have never had to meet the environmental requirements that a new facility would.

As a result, a single plant in the Midwest can emit as much NO_X pollution as the entire state of Massachusetts.

The Clean Smokestacks Act says it is time to clean up these aging plants. The Act sets strong emissions reduction requirements for all four of the key pollutants from power plants, and it finally sets a deadline for old plants to install modern pollution controls. The Act allows for emissions trading to increase flexibility and reduce costs, where trading won't cause environmental harm. And the Clean Smokestacks Act promotes cost-effective energy efficiency and renewable energy measures, which help reduce pollution and save consumers money.

This approach just makes sense. Because these power plants are so old and so dirty, cleaning them up provides tremendous benefits at reasonable costs. This is one of the cheapest ways to get significant air quality improvements. And it finally provides a level playing field for new and old plants.

At the same time, this approach gives industry the benefit of increasing regulatory certainty by targeting all four pollutants at once. Industry can make better investments if it knows what all of the emissions requirements will be over the next decade or so.

Finally, the Clean Smokestacks Act recognizes that we need clean air, not regulatory loopholes for irresponsible energy companies, so it leaves the Clean Air Act in place.

Since we first introduced this bill, the President has unveiled a competing proposal, which has been introduced as S. 131 in the Senate. The Administration claims that S. 131 targets the same goal of cleaning up power plants. It's important to recognize, however, that the Clean Smokestacks Act and S. 131 are not similar proposals with different levels of stringency. Rather, they have fundamentally different purposes and effects.

The Administration's proposal aims to help the energy industry escape tough enforcement of the Clean Air Act. It does this by rewriting significant portions of the Clean Air Act to weaken or delete key environmental protections that are cleaning up the air.

For example, S. 131 would give power plants an extra 10 years to avoid reducing toxic mercury emissions. S. 131 would also allow people to breathe unsafe air for years longer, limit the rights of states to protect themselves against out-of-state pollution, and weaken protections for national parks, among other changes to the Clean Air Act. Not surprisingly, industry is spending millions to urge Congress to adopt S. 131, while advocates for public health and the environment, such as the American Lung Association, almost universally oppose the bill.

Moreover, unlike the Clean Smokestacks Act, S. 131 does not guarantee that all outdated power plants will ever install modern air pollution controls. And because S. 131 does not address carbon dioxide emissions, it cannot promise to give industry certainty regarding future federal or state emissions reductions requirements.

So let there be no mistake—the Clean Smokestacks Act in the House, and the Clean Power Act in the Senate, are the proposals to strengthen the Clean Air Act by finally closing the loophole for old dirty power plants and addressing all four pollutants they emit.

In conclusion, let me commend Rep. BOEHLERT and all of the supporters of this legislation. I am pleased to be part of this bipartisan, bicameral approach to strengthening the Clean Air Act and protecting our environment.

HONORING THE TONAWANDA NEWS

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. REYNOLDS. Mr. Speaker, it is with great pleasure that I rise to recognize the Tonawanda News, based in North Tonawanda, New York, on the occasion of its 125th Anniversary. Over the past 125 years, the Tonawanda News has become the written record for the Tonawandas, a trusted source of information and a cornerstone of the community that it serves.

The Tonawanda Daily News was founded on April 1, 1880, by Dr. George S. Hobbie, when the newspaper's first edition rolled off the presses with just four pages of newsprint. It was the Tonawandas' first and only daily newspaper dedicated to reporting news in the cities of Tonawanda and North Tonawanda.

Even in its humble beginnings, Dr. Hobbie knew the importance of building the newspaper's reputation and credibility among readers, and saw that it promptly appeared at noon each day. The Tonawanda News went on to be run by the first female publisher in New York state, Mrs. Ruby Hewitt, who played an important role in the growth and prosperity of the paper.

Over the last 125 years, the paper's circulation and reputation have grown tremendously; and all the while, the Tonawanda News and its staff have strived continually to provide the residents of the Twin Cities with accurate and timely news and information. Today, the Tonawanda News is known as one of the most reliable and accurate newspapers in Western New York. The journalistic standards that Dr. Hobbie, Mrs. Hewitt, and others instilled in the paper's staff over the years have not been forgotten; the paper remains committed to the values upon which it was founded, and the rich tradition that it has built.

I would like to offer my congratulations to the publishers, editors, and staff of the Tonawanda News, past and present, for all their hard work. I hope and expect that our "Hometown Newspaper" will be around for another 125 years.

Mr. Speaker, I ask that this Congress join me in celebrating the 125th Anniversary of the Tonawanda News.

PERSONAL EXPLANATION

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. LARSON of Connecticut. Mr. Speaker, I would like to submit this statement for the record and regret that I was unavoidably detained on Thursday, March 17, 2005 during Rollcall Vote Nos. 82 and 83 on H. Con. Res. 95, as well as Rollcall Vote No. 84 on H. Con. Res. 32. Had I been present, I would have voted "aye" on Rollcall Vote No. 82, an amendment offered by Congressman OBEY to H. Con. Res. 95, "no" on Rollcall Vote No. 83; an amendment offered by Congressman HENSARLING to H. Con. Res. 95, and "aye" on Rollcall Vote No. 84 on H. Con. Res. 32, expressing the grave concern of Congress regarding the occupation of the Republic of Lebanon by the Syrian Arab Republic.

INTRODUCING THE "SMALL BUSINESS EXPENSING PERMANENCY ACT OF 2005"

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. HERGER. Mr. Speaker, 2 years ago Congress, working together with President Bush, enacted into law the Jobs and Growth Tax Relief Reconciliation Act of 2003. Among other provisions, the law strengthened and expanded the expensing provisions afforded to small businesses under Section 179 of the Internal Revenue Code. As such, the law encouraged small businesses to make new capital investments, thus spurring our economy and creating jobs. I believe Congress should make this provision permanent and today I am introducing the "Small Business Expensing Permanency Act of 2005" to do just that.

Specifically, the Jobs and Growth Act increased from $25,000 to $100,000 the amount of new investment a business can expense—or deduct from income—in a given year. The law also increased—from $200,000 to $400,000—the amount of total investment a business can make in a year and still qualify for expensing under Section 179. Unfortunately, under current law, these provisions are set to expire after 2007.

My legislation will repeal the 2007 sunset. If the higher expensing limits are good for our nation's small businesses over the next two years, they should be good for small businesses indefinitely.

Small businesses truly are the backbone of our economy, representing more than half of all jobs and economic output. We should not take small business vitality for granted, however. Rather, our tax laws should support small businesses in their role as the engines of innovation, growth, and job creation.

Mr. Speaker, in difficult economic times, we must do all we can to encourage new investment and job creation by creating certainty and predictability for America's small business owners. The "Small Business Expensing Permanency Act of 2005" will help accomplish this worthy goal. I applaud the Administration for its consistent leadership on this issue, and I look forward to working with my colleagues to enact this much needed legislation.

RECOGNIZING THE LIFE OF MRS. BOY JIN WONG

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Ms. SOLIS. Mr. Speaker, I rise today to recognize and honor the life of Mrs. Boy Jin Wong who passed away on Saturday, March 12, 2005. A resident of West Covina for nearly 50 years, Mrs. Wong was a businesswoman, breast cancer survivor, mother, grandmother, great-grandmother and wife.

Mrs. Wong and her husband, Bing Tew Wong, opened the Great Wall restaurant in the 1950s just as West Covina was growing from less than 5,000 residents to more than 50,000 residents. Her son, Council Member Ben Wong, said "despite her limited English language skills, countless Great Wall customers will remember being warmly greeted by her and her enduring smile." When the Great Wall closed its doors in 2001, then Executive Director of the West Covina Chamber of Commerce, Fred Burkhardt, stated "the Great Wall is an institution of West Covina that is going to be severely missed."

Mrs. Wong is remembered as a generous person and someone who treated everybody as if they were honored guests. Mrs. Wong and her husband donated money for scholarships and to build a school in their home village in China. She was an active member of the community, participating and contributing to numerous local organizations and charities.

It is with pleasure that I honor the life of Mrs. Boy Jin Wong. She will be greatly missed by her family, friends and community.

COMMENDING THOSE WHO FIGHT BLINDNESS IN AMERICA

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Ms. ROS-LEHTINEN. Mr. Speaker, I wish to recognize the wonderful work of The Foundation Fighting Blindness, The National Eye Institute and Prevent Blindness America, and I want to commend all patients affected by vision impairment and blindness for their perseverance and courage.

I want to express my admiration for Betti and Carlos Lidsky, who are the National Trustees of The Foundation Fighting Blindness, and whose lovely family has been affected by a degenerative eye disease. They are great examples of perseverance and commitment to the cause of fighting blindness and are outstanding national leaders.

As Co-Chair of the Congressional Vision Caucus, I join my colleagues in the constant effort to help individuals who suffer from vision loss.

My home state of Florida has the highest proportion of senior citizens in the United States, and it ranks fifth regarding the number of people at highest risk of developing blinding eye disease.

Vision impairment is a very significant health problem in our nation, despite being a preventable condition in half of the cases. It has been estimated that the cases of vision impairment and blindness can double by the year 2030 if there is no intervention.

We, as a society, have a profound responsibility to intervene and to take action in order to enrich the lives of those currently suffering vision impairment and to prevent others from developing visual problems in the future.

We must continue to raise public awareness about the dimension of this problem, and to encourage prevention. In addition, we need to improve access to quality vision care, treatment, and rehabilitation services. We need to support continued education, research, and advocacy efforts.

We have had tremendous breakthroughs in research leading to improvements in the treatment of certain visual conditions, which improve the quality of life for many visually impaired patients. More research can be done, and we will enjoy more success. The National Eye Institute has been committed to promoting research since its creation in 1968, and we are grateful to its scientists for their achievements in the advancement of research for new treatments and cures.

I ask my colleagues to join me in commending those who work tirelessly to fight blindness in America.

INTRODUCING THE CONSUMER ASSURANCE OF RADIOLOGIC EXCELLENCE BILL

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. PICKERING. Mr. Speaker, I rise today to introduce the Consumer Assurance of Radiologic Excellence Bill.

I ask for your support in moving this legislation forward. The CARE bill is an important piece of patient-care legislation. It will improve the quality of radiologic procedures performed throughout the United States as well as assist in reducing the cost incurred by the Federal government for these procedures.

The CARE bill in the 108th Congress had 111 bi-partisan House cosponsors and no known opposition. Passage of this bill will finally provide American patients with national standards to ensure that their radiologic procedures are performed by personnel who are trained, qualified and competent.

I am proud to sponsor this legislation because the safety and quality of radiologic procedures is an issue that affects all of us. Every year, more than 300 million x-rays, CT scans, MRIs and other medical imaging exams are performed in the United States, and seven out of 10 people undergo some type of radiologic procedure. So much depends upon the quality and accuracy of those examinations. After all, if an x-ray is poor, there is a chance that injuries could go undetected or diseases could go undiagnosed.

Most of us take it for granted that the person performing our radiologic procedures is a competent professional. But the fact is, poorly trained individuals examine and treat thousands of patients in this country every day.

The CARE bill will help correct that problem. You see, one of the best ways to assure quality radiologic procedures is to require a basic level of education and skill for the people responsible for performing these procedures.

The CARE bill would provide this level of assurance by amending a previous law, known as the Consumer-Patient Radiation Health and Safety Act of 1981. Twenty-two years ago, this bill established minimum standards for the education, certification and licensure of radiologic technologists. However, when the bill was enacted, compliance by the states was made voluntary rather than mandatory. As a result, radiographers in 13 states and the District of Columbia are unregulated. Even in states that license radiologic technologists, laws vary so widely that there is no guarantee that personnel are adequately educated to use the equipment with which they have been entrusted

Under the CARE bill, personnel performing radiologic procedures in every state would be required to meet minimum educational and credentialing standards. Each state would then be responsible for regulating radiologic technologists according to those standards.

The current lack of a national standard for operators of medical imaging and radiation therapy equipment poses a hazard to American patients and jeopardizes quality health care. Accurate diagnosis can be provided only when personnel are properly educated in anatomy, technique, equipment operation and radiation safety.

In states where no regulation exists, anyone is permitted to perform medical imaging and radiation therapy procedures, sometimes after just a few weeks of on-the-job training. But performing a CT scan or taking an x-ray involves much more than just pushing a button. The person responsible for performing the exam uses highly technical equipment that emits radiation.

The CARE bill will help ensure that quality radiation therapy treatments are delivered and that quality diagnostic information is presented for interpretation, which will lead to accurate diagnosis, treatment and cure. Poor quality exams can lead to additional testing, delays in treatment, and unnecessary anxiety for the patient. In the end, the public's health is at stake. An underexposed chest x-ray cannot reveal pneumonia, and an inaccurate radiation therapy treatment cannot stop the spread of cancer.

This legislation will also reduce health care costs by lowering the number of medical imaging examinations that must be repeated due to improper positioning or poor technique. Repeated imaging examinations cost the U.S. health care system millions of dollars annually in needless medical bills.

Millions of Americans every year depend upon medical imaging exams to diagnose disease and detect injury, and thousands more rely on radiation therapy to treat and cure their cancers. But remember, any radiologic procedure is only as effective as the person performing it. No matter how expensive or sophisticated the equipment, an imaging exam will not reveal a broken bone or a diseased organ if the person who is using that equipment does not know the basics of radiographic positioning, exposure and technique.

By regulating the personnel responsible for performing those procedures, the CARE bill will mean improved care for patients—higher quality images, improved accuracy, and less exposure to radiation.

I urge all my colleagues from both sides of the aisle to support this legislation and enact it in a timely manner so American patients will receive the best care possible, provided by the best caregivers possible.

IN MEMORY OF LOWELL C. "BUTCH" SPIRES, JR.

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. WILSON of South Carolina. Mr. Speaker, Monday, March 14, 2005, a great Statesman, friend and father passed away quietly. Known as "Butch" to those who loved him, was Lowell Colquit Spires, Jr. of Cayce. Outside of his many accomplishments, one of the great assets he had was his family and friends. He lived his life with honor, dignity and character. Opinionated and forthright in his speech, Butch's love for his community and fellow man spoke louder than anything else. He worked for the betterment of his community and the impact it would accomplish for future generations. Butch set a mark in which his friends and family will always be honored for and grateful. Though his life was too short for those of us whom are left, his strength and love will always be a constant in our lives. The list of accomplishments in no way reveal the impact he has had on many people. He used to say, "The utmost a man can do is to give without hesitation. The character of our life is defined by how we love and live, not by what we personally obtain."

Born in Columbia on May 12, 1941, Butch was a son of the late Lowell C. and Margaret Estelle Love Spires, Sr. A lifelong resident, he was a member of Kitti Wake Baptist Church. Married to Gail Julian Spires since August 26, 1960, Butch was employed as president with WestBank Consultants, LLC, and was Special Projects Coordinator for the Town of Lexington. He was tireless in his accomplishments over the years. He served on the Lexington County Council from 1977–1995, as chairman in 1979, 1991 and 1993. He was one of Lexington County's representatives to CMCOG 1977–1983, 1993–present. Butch was vice-chairman of Central Midlands Council of Governments in 1978–79 and 1993–94, and chairman in 1979–80 and 1994–95. He served ten terms on the CMCOG Executive Committee, which included the Transportation Planning Subcommittee. This committee facilitated formation of the Central Midlands Regional Transit Authority from 1999–2002, of which he was chairman from 2002–present. On this committee, Butch spearheaded funding and construction in the Central Midlands Region of 27 years of highway improvements in seven years through SCDOT's Bonding Program.

Butch was instrumental in securing funding to ensure continued development of Riverbanks Zoo, the economic development of the Midlands and Lexington County for over thirty years, and the development of the Columbia Convention Center. He originated CMCOG Wetlands Mitigation Bank, currently under development.

A charter member of Central Carolina Economic Development Alliance, Butch was also past president of the South Carolina Association of Regional Councils, past chairman of Lexington County Recreation of Aging Commission, and past president of the S.C. Association of Counties. He was currently a board member of the River Alliance since 1994, of which he originated the concept of 3-Rivers Greenway, member of West Metro and Greater Columbia Chambers of Commerce, served on the boards of Lexington Medical Center and the Wil Lou Gray Opportunity School.

His honors include: Recipient of Order of Palmetto, first recipient of the CMCOG Regional Leadership Award in 2005, Transportation Association of SC Outstanding Achievement Award in 2003 for his support and advocacy of public transportation, named SC Ambassador for Economic Development by Governor Carroll Campbell in 1994, President's Cup for Distinguished Service in 1986, Woodrow Wilson Award in 1986, and recipient of the District Lay Award for SC Recreation and Parks Society in 1980.

Surviving, besides his wife are, daughter and son-in-law, Mindy Spires-Miller and Chuck Miller of Mt. Pleasant; sons and daughters-in-law, Lowell C. "Corky" and Cindy Spires, III of West Columbia, Randall "Randy" and Corrine Spires of Greenwood Village, CO; brothers, Nash Lagrand Spires of Birmingham, AL, Zane Erwin Spires of West Columbia; grandchildren, Brittany Spires Farley (Christopher I.), Meagan Noel Spires, Ian Juliano Spires, Katherine Rose Fallon Spires, Garrett Lowell Lacy, and Addy Marie Brooks Lacy.

RELEASE CUBAN POLITICAL PRISONER REGIS IGLESIAS RAMÍREZ

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. LANTOS. Mr. Speaker, this month marks the two-year anniversary of the brutal crackdown on political opposition by the Cuban regime. In partial commemoration of this ignoble milestone, my dear friend and colleague ILEANA ROS-LEHTINEN and I have launched an "adopt a political prisoner" initiative to help focus the spotlight of international attention on those suffering in Cuban jails because of their inextinguishable faith in the power of democratic liberty.

I rise today to inform my colleagues that I stand shoulder-to-shoulder with the Cuban political prisoner Regis Iglesias Ramírez.

Mr. Speaker, as an outspoken advocate of human rights in Cuba, Mr. Iglesias is a member of the Coordinating Board for the Christian Liberation Movement. He is also a principal organizer of the Varela Project, a grassroots, civic movement that petitions the Cuban government to allow its citizens to exercise their fundamental human rights. To date, this project has collected and presented over 25,000 signatures to the proper Cuban authorities. Because of his admirable efforts and political activism, Mr. Iglesias was arrested on March 20, 2003, during a wave of repression which was directed against the peaceful Cuban opposition. After weeks of interrogations and psychological torture, he was sentenced to 18 years in prison for the alleged crime of "acts against the independence or territorial integrity of the state"—a common charge that dictatorial states have levied against democracy and human rights advocates for far too long.

Mr. Iglesias was born in Havana on September 18, 1969. He loves to read classical literature and admires leaders of peaceful yet forceful advocacy such as Mahatma Gandhi and Martin Luther King, Jr. He is an educated, hard-working man who lives with passion—a passion to live in a democracy where basic civil and political liberties are respected. It is because of his uncompromising commitment to fight for these democratic freedoms that Castro's regime stripped him of his liberty.

Mr. Speaker, the abuses against Regis Iglesias Ramírez are horrendous. He has been repeatedly imprisoned for promoting the very ideals that we hold self-evident, and for calling out to his neighbors and fellow citizens to join him in a cry for freedom from a cruel, totalitarian regime. As Members of Congress, we must take the lead to ensure that these atrocities are stopped. I call upon the Cuban government to release Mr. Iglesias and to end human rights abuse. Let freedom's influence be felt not only in the halls of Capitol Hill, but also in the prison cells of Havana.

FREEDOM FOR ANTUNEZ

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, today I rise to speak about Jorge Luis Garcia Perez, often known Antunez, a political prisoner in totalitarian Cuba.

My distinguished friend and colleague, Representative ILEANA ROS-LEHTINEN, had a great idea for Members of Congress to "adopt" a political prisoner in totalitarian Cuba. Today, I "adopt" an extraordinary leader of unlimited courage, Jorge Luis Garcia Perez (Antunez).

Antunez has been locked in the totalitarian gulag since 1990. In a sham trial, he was sentenced to 6 years in prison for "oral enemy propaganda." In May 1993, he was tried in a second sham trial, and sentenced to an additional 15 years to be served from that moment. In total, Antunez has been sentenced to 18 years in Castro's grotesque, inhuman gulag.

Despite being enslaved in the tyrant's gulag, Antunez has bravely carried out nonviolent activism in Cuban jails, writing reports on prison conditions and carrying out numerous protests and hunger strikes to demand more humane treatment for prisoners. He has never wavered in his commitment to human rights and democracy for the Cuban people. Antunez has never given in to the beatings, the punishment cells and the instruments of torture inflicted on him by the Castro regime. Antunez always rises up and calls out, demanding human rights and freedom for the people and the nation of Cuba.

After 15 years in the gulag, Antunez is still feared and relentlessly attacked by the dictatorship. According to the Department of State's Country Reports on Human Rights Practices for 2004, "on July 6, family members of political prisoner Jorge Luis Garcia Perez, reported being beaten along with Garcia during a prison visit. Authorities handcuffed and beat Garcia and later punched his sister and kicked his girlfriend's 9 year old son after the visitors protested the harsh treatment."

No matter how intense the repression, no matter how horrifically brutal the consequences to him and his family, Antunez will not waiver in his conviction that Cuba should be and will be free. He is a symbol of dignity and heroic resistance to tyranny.

Mr. Speaker, this courageous man has been in Castro's gulag since 1990, for failing to keep silent about the nightmare that is the Castro regime. My Colleagues, Antunez is the face of the real Cuba. We must demand the immediate and unconditional release of Jorge Luis Garcia Perez and every prisoner of conscience in totalitarian Cuba.

TRIBUTE TO MARY LOU ZOGLIN

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Ms. ESHOO. Mr. Speaker. I rise today to honor a distinguished American and community leader, Mary Lou Zoglin who passed away last week.

Mary Lou Zoglin was committed to serving her community whether it was with non-profits or through community service. She was the executive director of Healthy Ventures, a consortium of schools and other agencies dedicated to the well-being of children. She later served on the California Community Colleges Board of Governors and the Foothill-De Anza Community College Board. In the early 1990s, Mary Lou turned her public service to the City of Mountain View where she joined the city's Planning Commission. In 1996, she was elected to the Mountain View city Council where she served for 8 years, and one term as Mayor.

During her tenure with the City Council, Mary Lou Zoglin focused her public service on ensuring that the community has a continuum of human services from the time children are in preschool to high school and then into adulthood. She worked tirelessly to see that all members of the community are served by the city, not just those who are the most vocal or economically advantaged. She was instrumental in the construction of San Antonio Place, an affordable housing project in Mountain View which broke ground last year. She also fought for the creation of child-care centers, for improvements to city parks and for resources for youth, including after school programs.

Beyond her dedication to public service, Mrs. Zoglin was committed to her family and an avid student of foreign languages and cultures. She earned her college degree from Radcliffe College where she studied Romance languages and later won a Fulbright scholarship to study in Brussels, Belgium. Upon her return, she met her husband in the early 1950s while they were both in New York. They moved to Los Altos in 1956 where they began their family. Her children, John, Katie and Bill, were raised in this close-knit community and she recently became a proud grandmother of twin grandchildren.

Despite her 5-year battle with cancer and her small frame, Mary Lou Zoglin was frequently described as a "powerhouse" and a "dynamo." She found true joy in working with people in the community and making their dreams a reality.

Mr. Speaker, I ask my colleagues to join me in honoring this good and great woman for her lifetime of remarkable achievements and in extending to her family our deepest sympathy. Our community and our country have lost a true friend and an extraordinary leader.

CPL. CHARLES W. LINDBERG AND THE 60TH ANNIVERSARY OF IWO JIMA

HON. MARK R. KENNEDY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today to commemorate the 60th Anniversary of the Battle of Iwo Jima and pay tribute to a fellow Minnesotan and true America hero, Cpl. Charles W. Lindberg. In a manner that is so characteristic of our veterans, Cpl. Lindberg put his life in harm's way so that future generations may live in a world free of the oppressive forces of tyranny. On the morning of the fifth day of this historic battle, six courageous young Marines—Jim Michels, Hank Hansen, Louis Charlo, Boots Thomas, Harold Schrier, and Charles Lindberg—were able to climb atop the slopes of Mt. Suribachi on Iwo Jima, in the thick of intense enemy fire and destroy a Japanese outpost, marking the first plot of native Japanese soil captured by the Americans during World War II. It was here that these five brave soldiers planted the first American flag on Iwo Jima. Later, this scene was recreated by the rising of a second American flag on Iwo Jima, forever to be remembered in our nation's history by Joe Rosenthal's Pulitzer Prize winning photograph and the famous statue in Arlington National Cemetery. Unfortunately, Cpl. Lindberg is the sole remaining survivor of this fearless group of initial Marines. However, as is the case with so many of our veterans, Cpl. Lindberg's dedication to our country did not end after the completion of his military service. Through his involvement in efforts to improve our country and the lives of soldiers, Cpl. Lindberg has and continues to be devoted to veterans, veterans' organizations, and his community. With much admiration, I salute this American patriot for his valiant spirit and actions on and off the battlefield.

HONORING THE NATIONAL BETA CLUB FOR ITS 75TH ANNIVERSARY

HON. BOB INGLIS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. INGLIS of South Carolina. Mr. Speaker, please join me in congratulating the National Beta Club as it completes its celebration of its 75th anniversary. The organization was formed by the late Dr. John West Harris in 1934 in Spartanburg County, SC and is still headquartered there in the Fourth District of South Carolina.

Over the years, the National Beta Club has provided the catalyst for teenagers of good character to develop leadership skills and channel their energy into productive service to others. By maintaining its high standards and worthy goals and acting through its outstanding local chapters across the country, the organization has had a positive impact on the success and accomplishments of our great nation for the past seven decades.

The National Beta Club's celebration of its seventy-first anniversary is an occasion highly deserving of recognition. Therefore, please join me in honoring this organization and its efforts to lay the foundation for learning and leading early in the lives of the young people whose lives it impacts.

PERSONAL EXPLANATION

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. FRANKS of Arizona. Mr. Speaker, on rollcall No. 67 pertaining to H. Res. 101, had I been present, I would have voted "yea."

PERSONAL EXPLANATION

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. PORTMAN. Mr. Speaker, today I was absent at a previously scheduled commitment and missed the recorded votes on Roll Call Number 82, the Obey Amendment to H. Con. Res. 95; Roll Call Number 83, the Hensarling Amendment to H. Con. Res. 95; and Roll Call Number 84, on H. Con. Res. 32, expressing the grave concern of Congress regarding the occupation of the Republic of Lebanon by the Syrian Arab Republic.

Had I been present, I would have voted "No" on Roll Call Number 82; "No" on Roll Call Number 83; and "Yes" on Roll Call Number 84.

THE ARMENIAN GENOCIDE

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today to address the continued reluctance by the Bush Administration to openly deal with the government of Turkey's continued policy of denial of the Armenian Genocide. In the words of scholars and writers, genocide denial is the last stage of genocide, what Nobel Laureate Elie Wiesel has called a "double killing." The perpetrators first plan and commit the crime, then refuse to acknowledge responsibility. Finally, their political successors deny this crime against humanity. The present-day Turkish government must stop this shameful policy of denial.

The award-winning writer and Harvard Professor Samantha Power in her recent book on genocide recounted how the United States and the world's other powers have too often been bystanders to Genocide, most recently in Rwanda and as you hear these words, once again in Sudan. Power argued that "The Armenian Genocide of 1915 set the stage for a gruesome 20th century." The international community's failure to properly condemn the attempted annihilation of the Armenians led Hitler to famously declare "Who, after all, speaks today of the annihilation of the Armenians?"

The Turkish government spends millions of dollars annually to lobby other governments to advance its revisionist cause, claiming that the subject is "sensitive" and that acknowledgment would undermine relations with Turkey. To compound this assault on the truth, Turkish leaders and media accuse U.S. and Israel of genocide, respectively in Iraq and Palestine. These policies are abhorrent and must be confronted.

Mr. Speaker, while President Bush has issued annual statements on April 24, the day of remembrance of the Armenian Genocide, he has refrained from using the proper word. Moreover, as the leadership of the House confirmed last year, the Administration remains opposed to a congressional resolution on the Armenian Genocide due to Turkish objections. This approach sends absolutely the wrong signal to Turkey and to the rest of the world. As we promote relations based upon shared values, the United States must never forget the essential value of facing history directly.

IN HONOR OF MR. CLINT EASTWOOD

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. FARR. Mr. Speaker, I rise today to congratulate my constituent, Mr. Clint Eastwood, on his recent Oscar awards. His film, Million Dollar Baby, was nominated in six categories, and won four: himself as Best Director, the film as Best Picture, Hilary Swank as Best Actress, and Morgan Freeman as Best Supporting Actor. Any one award would be a testament to Clint's art and the talents of his team, but four awards is an amazing achievement!

This year Clint celebrates a 50-year career in show business. We all know and have enjoyed his work over the years. Each movie seems to build on the last, and they keep getting better.

This year's awards are not his first Oscars. In 1992, Unforgiven took Best Director and Best Picture, and he was nominated for Best Actor in a Leading Role. Here in the 17th District, Clint's most famous role may be his term as Mayor of Carmel, and tourists still come to town hoping for a glimpse of "The Mayor."

Mr. Speaker, today I applaud Clint Eastwood not only for his most recent accomplishments, but also for his life-long dedication to his art. This Nation is richer for his creations. I wish him and his wife Dina all the best in the years to come.

TRIBUTE TO PETTY OFFICER ANDREA BISIGNANI

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. RUPPERSBERGER. Mr. Speaker, I rise today to pay tribute to Petty Officer (FSO) Andrea Bisignani.

FS2 Andrea Bisignani, a Food Service Specialist on the Coast Guard Cutter *James Rankin*, is being honored as the 2005 Baltimore Area Coast Guard Person of the Year.

FS2 Bisignani has consistently demonstrated a high level of performance throughout this past year in her job as a Food Service Specialist. Her untiring efforts and steadfast commitment to her shipmates on the CGC *James Rankin* has made her a prime candidate for this honor. Those that nominated her for this award cited her leadership and high level of performance as a key factor in the CGC *James Rankin* being selected for the Dining Faculty of the Year (Afloat-Small category), and also resulted in her selection as Food Service Specialist of the Year.

FS2 Bisignani's accomplishments this year have gone above and beyond the criteria for election of these prestigious honors in the food service rating alone. Her professionalism, dedication, and enthusiasm have had a significant and positive impact on the degree of mission success and high state of morale that exists on board the CGC *James Rankin*.

FS2 Bisignani has risen to the demands and challenges of the working environment aboard the CGC *James Rankin*, and has not only excelled tremendously in the food service area, but has also lived up to the high standards, which are expected of every crewmember on board. She has thrived in her demanding role as FSO and has been able to accomplish a great deal because of that.

FS2 Bisignani has volunteered much of her time and energy to the members of the CGC *James Rankin*. She assists and encourages every member in maintaining a healthy lifestyle; is 100 percent customer focused and concerned for the well-being of all crew members; and has taken on more responsibilities than required in order to ensure everything runs well on the ship. FS2 Bisignani has gone above and beyond in her responsibilities to ensure the members on board the CGC *James Rankin* are happy and healthy, and her dedication is evident to all that have the privilege to work with her.

Mr. Speaker, I ask my colleagues to join me in thanking FS2 Andrea Bisignani for her service and honoring her for being named the 2005 Baltimore Area Coast Guard Person of the Year.

HONORING THE SERVICE OF RETIRED MASTER SERGEANT JOHN IRVIN ROWLAND

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. HUNTER. Mr. Speaker, I rise today to honor Retired Master Sergeant John Irvin Rowland of Montross, Va., who died on March 6th at the Virginia Veterans Care Center in Roanoke at the age of 87. John's daughter, Michelle served on my staff and Michelle often spoke of her father and his commitment to his country.

Sgt. Rowland was born September 1, 1917 in Fayette, Alabama and spent most of his childhood in Westbrook, Texas. After graduating from Westbrook High School in 1934, he worked the oil fields of Western Texas for Standard Oil.

John Rowland enlisted in the Army in 1940 and served with the 36th ID, 142nd Infantry, Antitank Company (the T-Patchers) until June 1945. In World War II, he fought with allied forces in the Italian/Southern France campaigns and was awarded his first Bronze Star and a Purple Heart for injuries he received while fighting in France. While in Germany, his unit liberated German concentration camps Dachau, Hurlach and Landsberg, and captured Nazi Luftwaffe Commander and war criminal, Hermann Goering. At the end of the war, he returned to Texas and continued working for Standard Oil.

But when his country needed him again, John re-enlisted in the Army and earned his second Bronze Star fighting in Korea. Following his training at the Intelligence School at Fort Hollabird in 1951, he served as a special agent in the Army Intelligence Corps in both Okinawa and then Berlin. He was one of the first Americans to observe East German activity as they began construction of the Berlin Wall in 1961. In Berlin, he met Ingrid Anna Zilenski and the two were married on December 30, 1962 and shortly thereafter retired from the Army and returned to Monahans, Texas.

After his discharge, he attended electrician training at the National Technical School in Los Angeles. In 1964, John took a job with the Social Security Administration in San Francisco and then for the Department of Defense in Philadelphia. He would eventually retire in 1984 from the DoD Logistics Agency where he inspected security systems for DoD contractors.

In all of his 40 years of service to our country, Sgt. John Rowland exemplified the virtues of honor, dignity, and leadership. He is being buried today at Arlington National Cemetery and I join the Rowland family in mourning Sgt. Rowland's passing.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. GUTIERREZ. Mr. Speaker, on March 14, 2005, I was unavoidably absent from this chamber. I would like the record to show that, had I been present, I would have voted "yea," on rollcall votes 66, 67 and 68.

STATEMENT IN HONOR OF JUDI KANTER

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Ms. ZOE LOFGREN of California. Mr. Speaker, on behalf of the women of the California Democratic Congressional Delegation, I am proud to pay tribute to our friend Judi Kanter on her retirement from EMILY's List. It is a pleasure and an honor to recognize Judi Kanter for fifteen years of outstanding work with EMILY's List, where she has been a leader in changing the face of politics today. She has truly made a difference in our lives and in the political life of our nation. Judi's work will have a lasting impact on the face of power in California.

Judi Kanter's tenure with EMILY's List began in the Bay Area and Northern California where she concentrated on expanding EMILY's List's presence and membership base. Over the years, however, her influence and reach grew exponentially. From San Diego to the Central Valley, from Los Angeles to Sacramento, Judi has become a key ally of pro-choice Democratic women.

The fruits of Judi's hard work are most evident with the development of the EMILY's List Majority Council, a powerful network of committed and generous activists. Through the Majority Council Judi has devoted her immense talents to supporting women candidates, helping them organize strong campaigns, and mobilizing women voters to elect progressive women.

The clearest example of Judi's effectiveness is the changing face of our Congressional delegation. When Judi began at EMILY's List in 1989 there were only seventeen women in the U.S. Congress. Today, the California Democratic Congressional Delegation alone includes two female Senators and eighteen women Members of Congress. There are a total of eighty-three women in Congress. And we know that Judi is as proud as we are that California's Democratic women in Congress represent the richness of California's diversity in background and political persuasion.

Outside the political arena, Judi has been an equally strong advocate for women. She serves on the board of the Family Violence Prevention Fund and other nonprofit organizations that empower women in our society. She has an unmatched talent for getting people involved and inspiring them to act.

Judi Kanter is smart, tough and elegant. She is a model for the women she inspires. For fifteen years, she has devoted herself to cultivating and investing in the next generation of pro-choice Democratic women leaders.

My colleagues Nancy Pelosi, Lois Capps, Susan Davis, Anna Eshoo, Jane Harman, Barbara Lee, Doris Matsui, Juanita Millender-McDonald, Grace Napolitano, Lucille Roybal-Allard, Linda Sánchez, Loretta Sanchez, Hilda Solis, Ellen Tauscher, Maxine Waters, Diane Watson and Lynn Woolsey join me in thanking Judi for her support, encouragement and friendship over so many years. We are proud that she will still serve EMILY's List in an advisory capacity, and offer her our best wishes as she begins this new chapter in her life.

NATIONAL EYE DONOR MONTH—MARCH, 2005

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. UPTON. Mr. Speaker, I rise today to bring to the attention of my colleagues and to all of our constituents across the Nation that March, 2005, is National Eye Donor Month. As a member of the House Energy and Commerce Committee's Health Subcommittee, I have long been a champion of the cause of donation and particularly the needs of our nation's eye banks. But it was a special honor to be asked this year to participate in this proclamation, for 2005 marks the centennial of the first corneal transplant performed in 1905 by Dr. Eduard Zirm.

Since Dr. Zirm performed that first corneal transplant one hundred years ago, and in partnership since 1944 with our nation's eye banks, we have made tremendous progress. Each year in the United States, more than 46,000 people, ranging in age from nine days to 107 years old, have had their sight restored through corneal transplants, and hundreds of thousands are helped through important research to find cures for other blinding diseases.

But we cannot rest on our laurels. The purpose of Eye Donor Month is to educate each and every American individual and family about giving the gift of sight and to make a terrific difference in someone's life. This month marks an opportunity to raise public awareness and to honor past donors and their families. The process to become a donor takes just a few minutes. All donors need to do is to sign a card, and, most importantly, discuss their donation wishes with their families. Our eye banks across the nation, in partnership with the Eye Bank Association of America., will continue to work to ensure that all Americans will receive the tissue they need and that this tissue will be safe and effective.

As National Eye Donor Month proceeds, I encourage my colleagues to work with their local eye banks to increase awareness of corneal transplantation and the continuous need for donors, and I encourage all Americans to sign a donor card and speak with their families about their desire to give the gift of sight.

CHINA'S ANTI-SECESSION LAW

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 2005

Mr. AKIN. Mr. Speaker, in December, the Standing Committee of the Chinese National People's Congress announced its intention to include an "anti-secession law" in its legislative agenda. This law would define China and Taiwan as a unified country, and unilaterally change mainland China's legal approach to status of Taiwan. This is an unwelcome and provocative action that would increase, rather than calm, tensions in the region.

In 1949, China and Taiwan were separated by civil war, each establishing its own form of government. Taiwan has never been a part of the People's Republic of China, much to the dismay of Beijing.

If the legislation passes, Beijing will be usurping all diplomatic efforts and simply declaring that its desired outcome is the only acceptable alternative to the current impasse. China has been claiming that this legislation is a reflection of its sincere desire to solve this dispute peacefully, and to maintain Taiwan's stability and prosperity. But Beijing real motivation is clear: China is laying the legal groundwork for forcible unification. And far from solving the dispute peacefully, passage of this law is tantamount to a demand. If unification is to occur, it must be through peaceful negotiation and without the threat of military action.

Understandably, the Taiwanese people are alarmed by China's action. Self-ruled Taiwan cannot be expected to accept such an affront to the legitimacy of its government and the self-determination of the Taiwanese people. Taiwan's government has said that if the anti-secession law passes, Taiwan would be forced to respond with a law against annexation by the People's Republic of China. This is entirely reasonable, as any free people would affirm their opposition to the imperialistic claims of another power.

Our country must make its deep displeasure with an "anti-secession law" known to the world and, most specifically, to the Communist leaders on the mainland. In The Taiwan Relations Act of 1979, the United States committed to aiding Taiwan against any unilateral attempt by China to unify Taiwan with the mainland. This responsibility is not only a legal one. Taiwan is a budding democracy, and the people have participated in multi-party democratic elections since 1996. By contrast, China is a repressive regime that denies its citizens the essential freedoms of religion, political dissent and representative self-government. It is our responsibility, morally and legally, to stand with Taiwan against Communist aggression and unsound Chinese law.

SENATE—*Saturday, March 19, 2005*

The Senate met at 6:16 p.m., pursuant to S. Res. 296 of the 108th Congress, and was called to order by the Honorable RICK SANTORUM, a Senator from the State of Pennsylvania.

PRAYER

The Honorable RICK SANTORUM offered the following prayer:

Almighty God, we praise You for the constancy and consistency of Your faithfulness in blessing and guiding the Senate of the United States through the years of our Nation's history. We turn to You again today and know that You will be faithful to give the women and men of this Senate exactly what is needed in each hour, each challenge, each decision. Give us light when our vision is dim, courage when we need to be bold, decisiveness when it would be easy to equivocate, and hope when others are tempted to be discouraged. So we commit ourselves to be Your faithful servants, examples of patriotism to our people and crusaders for Your best for our Nation. In Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICK SANTORUM led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 19, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICK SANTORUM, a Senator from the State of Pennsylvania, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. SANTORUM thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THERESA MARIE SCHIAVO

Mr. FRIST. Mr. President, the Congress has been working nonstop over the last 3 days to do its part to uphold human dignity and affirm the culture of life. I am pleased to announce that the House and Senate Republican leadership have reached an agreement on a legislative solution. The Senate has come in today to pass an adjournment resolution which we will send shortly to the House of Representatives. Procedurally, this action will have the effect of bringing the House into session so they can either pass compromise legislation by unanimous consent on Sunday or place this legislation on the suspension calendar for consideration early Monday morning. The Senate will be prepared to reconvene as soon as the House passes this new legislation.

It has been more than 24 hours since Terri Schiavo's feeding tube was removed. Under the legislation we will soon consider, Terri Schiavo will have another chance. It is a simple bill, only two pages long. It allows Terri's case to be heard in Federal court. More specifically, it allows a Federal district judge to consider a claim "by or on behalf of Theresa Marie Schiavo for the alleged violation of any right of Theresa Marie Schiavo under the Constitution or laws of the United States relating to the withholding or withdrawal of food, fluids, or medical treatment necessary to sustain her life."

I am pleased with our progress thus far, and I am committed as leader to see this legislation pass and give Terri Schiavo one last chance at life.

MEASURE PLACED ON THE CALENDAR—H.R. 841

Mr. FRIST. I understand there is a bill at the desk that is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 841) to require States to hold special elections to fill vacancies in the House of Representatives not later than 49 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances.

Mr. FRIST. In order to place the bill on the calendar under the provisions of rule XIV, I object to further proceeding.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

ADJOURNMENT OF THE SENATE AND THE HOUSE OF REPRESENTATIVES

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the adjournment resolution (H. Con. Res. 103) which is at the desk, provided that the resolution be agreed to and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution was agreed to, as follows:

H. CON. RES. 103

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, March 17, 2005, Friday, March 18, 2005, or Saturday, March 19, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, April 5, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, March 17, 2005, through Saturday, March 26, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, April 4, 2005, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

Mr. FRIST. Mr. President, I want to be clear about what we just agreed to. Today we will not be adjourning under the authority provided by the resolution that we just considered. This adjournment resolution will now allow the House to be called into session to consider legislative matters. At the close of business today, we will adjourn until Sunday. Once we are able to complete our work as it relates to Theresa Marie Schiavo, we are prepared to clear a new adjournment resolution so that we may begin the Easter recess.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 841. To require States to hold special elections to fill vacancies in the House of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Representatives not later than 49 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on Friday, March 18, 2005, she had presented to the President of the United States the following enrolled bill:

S. 384. An act to extend the existence of the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group for 2 years.

ADDITIONAL COSPONSORS

S. 13

At the request of Mr. AKAKA, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 13, a bill to amend titles 10 and 38, United States Code, to expand and enhance health care, mental health, transition, and disability benefits for veterans, and for other purposes.

S. 602

At the request of Ms. MIKULSKI, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 602, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 653

At the request of Mr. HARKIN, his name was added as a cosponsor of S. 653, a bill for the relief of the family of Theresa Marie Schiavo.

S.J. RES. 7

At the request of Mr. KENNEDY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S.J. Res. 7, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

ORDERS FOR SUNDAY, MARCH 20, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, the Senate adjourn until 2 p.m. on Sunday, March 20. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time of the two leaders be reserved, and the Senate then begin a period of morning business with Senators permitted to speak for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow the Senate will convene for a short period of morning business. There will be no rollcall votes tomorrow. It appears that we have achieved compromise language with the House with respect to the Schiavo situation. It is my hope that the House will act on this language and send it to us early tomorrow afternoon, and I will have more to say on that tomorrow.

ADJOURNMENT UNTIL 2 P.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:22 p.m., adjourned until Sunday, March 20, 2005, at 2 p.m.

HOUSE OF REPRESENTATIVES—*Sunday, March 20, 2005*

Pursuant to Section 2 of House Concurrent Resolution 103, One Hundred Ninth Congress, the House met at 1 p.m. and was called to order by the Speaker, Hon. J. DENNIS HASTERT.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, March 18, 2005.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 18, 2005 at 3:00 p.m.:

That the Senate passed without amendment H.R. 1270 Appointments:

United States Holocaust Memorial Council

With best wishes, I am

Sincerely,
JEFF TRANDAHL,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, March 18, 2005.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 17, 2005 at 10:15 p.m.:

That the Senate agreed to without amendment S. 653.

With best wishes, I am

Sincerely,
JEFF TRANDAHL,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, March 19, 2005.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 19, 2005 at 6:45 p.m.:

That the Senate passed without amendment H. Con. Res. 103.

With best wishes, I am

Sincerely,
GERASIMOS C. VANS,
Deputy Clerk.

NOTIFICATION OF REASSEMBLING OF CONGRESS

The SPEAKER. The Chair lays before the House the text of the formal notification sent to Members on Saturday, March 19, 2005, of the reassembling of the House.

CONGRESS OF THE UNITED STATES,
Washington, DC, March 19, 2005.

DEAR COLLEAGUE: Pursuant to section 2 of House Concurrent Resolution 103, after consultation with the Minority Leader of the House of Representatives and the Minority Leader of the Senate, we hereby notify the Members of the House of Representatives to reassemble at 1:00 p.m. on Sunday, March 20, 2005, the Senate already being in session.

Sincerely,
J. DENNIS HASTERT,
Speaker of the House.
WILLIAM H. FRIST, M.D.,
Majority Leader of the Senate.

PRAYER

The Reverend Dr. Donald F. Christian, Pastor, Evangelical Lutheran Church in America, Fairfax, Virginia, offered the following prayer:

Almighty God, we believe that the hopes and the fears of all the years are met in You this day.

The hopes that peace will reign.

The hopes that health will be maintained.

The hopes that all may find a place to call home.

The hopes that firm justice will be accompanied by reasonable mercy.

But our fears are also met in You, O God.

The fears of most that conflict will never abate.

The fears of many that health will be taken and with it wealth which will leave us destitute and destroyed.

The fears of some that work and wages will be lost and they will be homeless.

The fears of a few that there is more justice for some than for others.

So we pray, O God.

Use the words and the works of all called to be decision makers, so that the terrorized may always have a voice; the suffering may always have an advocate; the laborer will always find a place to call home; and mercy will be meted out in equal measure with justice for all and prejudice towards none. Amen.

RECESS

The SPEAKER. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 4 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 1705

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 5 o'clock and 5 minutes p.m.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Maryland (Mr. HOYER) come forward and lead the House in the Pledge of Allegiance.

Mr. HOYER led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MAKING IN ORDER MOTION TO SUSPEND THE RULES ON SUNDAY, MARCH 20, 2005, ON S. 686 REGARDING TERRI SCHIAVO, WITHOUT INTERVENTION OF ANY MOTION TO ADJOURN

Mr. DELAY. Mr. Speaker, I ask unanimous consent that upon entry of this order, the Speaker may decline to entertain a motion to adjourn until after disposition of the motion to suspend the rules described in this order; that it be in order at any time on Sunday, March 20, 2005, for the Speaker to entertain a motion that the House suspend the rules with respect to S. 686; and that such motion be debatable for 3 hours, equally divided and controlled by the chairman and ranking minority

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

member of the Committee on the Judiciary or their designees.

The SPEAKER. Is there objection to the gentleman from Texas?

Mr. HOYER. Mr. Speaker, reserving the right to object, and if the majority leader will answer a question, it is my understanding that we have an agreement that there will be, pursuant to this unanimous consent request, debate on the pending piece of business, the House bill or the Senate Bill containing the House language, between 9 p.m. and 12 midnight this day; is that accurate?

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding, and before answering the question, I want to thank the gentleman for all the good work that he has been doing over the last 2 or 3 days under very difficult circumstances. The distinguished whip has worked very long hours, and we greatly appreciate his cooperation and his consultation.

I really do thank you for that, Mr. Whip.

To answer your question, our intentions are to come in at 9 o'clock. We hope to vote at midnight, and, therefore, we will have a 3-hour debate.

Mr. HOYER. Reclaiming my time, Mr. Speaker, the majority leader anticipated my next question.

And I appreciate your comments. This is, obviously, a very serious issue and we are prepared to deal with it seriously. We appreciate the fact that this provides for sufficient time in debate for the issues to be raised and addressed by the House of Representatives.

My second question, which you have anticipated, is that in fact Members can expect at 12 midnight, at the conclusion of the 3 hours of debate between 9 p.m. and 12 midnight, for the vote to occur on the pending legislation; is that accurate?

Mr. DELAY. Mr. Speaker, if the gentleman will continue to yield, the gentleman is absolutely correct. And hopefully, as the gentleman knows, every hour is incredibly important to Terry Schiavo. The Senate has passed the bill, so we will be taking up a Senate bill and, hopefully, we will expedite this process as fast as the House rules will allow us.

Mr. HOYER. I thank the gentleman for that answer. It is also my understanding, Mr. Leader, that although we will recess to the call of the Chair, it would be, as I understand it, the intention of the Chair not to recall the House until 9 p.m. tonight.

Mr. DELAY. I appreciate the gentleman's question, and that is the intention. But, hopefully, level heads will prevail, and maybe something will happen; lightning might strike and another agreement may be made.

Certainly we would not do anything without the distinguished whip's concurrence and okay, in consultation with him, and we will keep the whip advised if there is any unlikely reason for us to come back earlier than 9 o'clock.

Mr. HOYER. I thank the gentleman for those comments and would make it clear to the House, Mr. Speaker, that of course one of the considerations is Members are trying to get back. They have had 17 hours notice of reconvening and with the vote to occur at 12, obviously, 9 o'clock will have been 14 hours, and the reason we did not want to go sooner is because there are Members on either side of this question who would want to make their positions known. So that is the reason for our concern.

So I appreciate the gentleman's comment, and my expectation then is that we will go back in at 9.

Mr. Speaker, I withdraw my reservation of objection under those representations.

The SPEAKER? Is there objection to the request of the gentleman from Texas?

There was no objection.

RECESS

The SPEAKER. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 10 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2103

AFTER RECESS

The recess having expired, the House was called to order at 9 o'clock and 3 minutes p.m.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 20, 2005.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 20, 2005 at 6:20 p.m.:

That the Senate passed S. 686.

That the Senate agreed to S. Con. Res. 23.

With best wishes, I am,

Sincerely,

JEFF TRANDAHL,
Clerk.

FOR THE RELIEF OF THE PARENTS OF THERESA MARIE SCHIAVO

Mr. SENSENBRENNER. Mr. Speaker, pursuant to the order of the House of today, I move to suspend the rules and pass the Senate bill (S. 686) for the relief of the parents of Theresa Marie Schiavo

The Clerk read as follows:

S. 686

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RELIEF OF THE PARENTS OF THERESA MARIE SCHIAVO.

The United States District Court for the Middle District of Florida shall have jurisdiction to hear, determine, and render judgment on a suit or claim by or on behalf of Theresa Marie Schiavo for the alleged violation of any right of Theresa Marie Schiavo under the Constitution or laws of the United States relating to the withholding or withdrawal of food, fluids, or medical treatment necessary to sustain her life.

SEC. 2. PROCEDURE.

Any parent of Theresa Marie Schiavo shall have standing to bring a suit under this Act. The suit may be brought against any other person who was a party to State court proceedings relating to the withholding or withdrawal of food, fluids, or medical treatment necessary to sustain the life of Theresa Marie Schiavo, or who may act pursuant to a State court order authorizing or directing the withholding or withdrawal of food, fluids, or medical treatment necessary to sustain her life. In such a suit, the District Court shall determine de novo any claim of a violation of any right of Theresa Marie Schiavo within the scope of this Act, notwithstanding any prior State court determination and regardless of whether such a claim has previously been raised, considered, or decided in State court proceedings. The District Court shall entertain and determine the suit without any delay or abstention in favor of State court proceedings, and regardless of whether remedies available in the State courts have been exhausted.

SEC. 3. RELIEF.

After a determination of the merits of a suit brought under this Act, the District Court shall issue such declaratory and injunctive relief as may be necessary to protect the rights of Theresa Marie Schiavo under the Constitution and laws of the United States relating to the withholding or withdrawal of food, fluids, or medical treatment necessary to sustain her life.

SEC. 4. TIME FOR FILING.

Notwithstanding any other time limitation, any suit or claim under this Act shall be timely if filed within 30 days after the date of enactment of this Act.

SEC. 5. NO CHANGE OF SUBSTANTIVE RIGHTS.

Nothing in this Act shall be construed to create substantive rights not otherwise secured by the Constitution and laws of the United States or of the several States.

SEC. 6. NO EFFECT ON ASSISTING SUICIDE.

Nothing in this Act shall be construed to confer additional jurisdiction on any court to consider any claim related—

(1) to assisting suicide, or

(2) a State law regarding assisting suicide.

SEC. 7. NO PRECEDENT FOR FUTURE LEGISLATION.

Nothing in this Act shall constitute a precedent with respect to future legislation, including the provision of private relief bills.

SEC. 8. NO EFFECT ON THE PATIENT SELF-DETERMINATION ACT OF 1990.

Nothing in this Act shall affect the rights of any person under the Patient Self-Determination Act of 1990.

SEC. 9. SENSE OF THE CONGRESS.

It is the Sense of Congress that the 109th Congress should consider policies regarding the status and legal rights of incapacitated individuals who are incapable of making decisions concerning the provision, withholding, or withdrawal of foods, fluid, or medical care.

The SPEAKER. Pursuant to the order of the House of today, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Florida (Mr. WEXLER) each will control 90 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 686.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 686, For the relief of the parents of Theresa Marie Schiavo. As the House convenes this Palm Sunday, the Florida courts are enforcing a merciless directive to deprive Terri Schiavo of her right to life.

Terri Schiavo, a person whose humanity is as undeniable as her emotional responses to her family's tender care-giving, has committed no crime and has done nothing wrong. Yet the Florida courts have brought Terri and the Nation to an ugly crossroads by commanding medical professionals sworn to protect life to end Terri's life. This Congress must reinforce the law's commitment to justice and compassion for all Americans, particularly the most vulnerable.

On March 16, the House passed legislation to avert the tragedy now unfolding in Florida. The House bill, H.R. 1332, The Protection of Incapacitated Persons Act of 2005, passed the House by voice vote. Earlier today, I introduced H.R. 1452, For the Relief of the Parents of Theresa Marie Schiavo. The Senate-passed legislation now before us is identical to that bill.

Mr. Speaker, while our federalist structure reserves broad authority to the States, America's Federal courts have played a historic role in defending the constitutional rights of all Americans, including the disadvantaged, disabled, and dispossessed. Among the God-given rights protected by the Constitution, no right is more sacred than the right to life.

The legislation we will consider today will ensure that Terri Schiavo's constitutional right to life will be given the Federal court review that her situation demands. Unlike legislation passed by the Senate a day after House passage of H.R. 1332, the legislation received from the Senate today is not a private bill. Also, and of critical importance, S. 686 does not contain a provision that might have authorized the Federal court to deny desperately needed nutritional support to Terri Schiavo during the pendency of her claim.

Unlike earlier Senate legislation, S. 686 also contains a bicameral and bipartisan commitment that Congress will examine the legal rights of incapacitated individuals who are unable to make decisions concerning the provision or withdrawal of life-sustaining treatment. Broad consideration of this issue is necessary to ensure that similarly situated individuals are accorded the equal protection under law that is both a fundamental constitutional right and an indispensable ingredient of justice.

It is important to note that this legislation does not create a new cause of action. Rather, it merely provides de novo Federal court review of alleged violations of Terri Schiavo's rights under the Constitution or laws of the United States. Furthermore, Senate 686 makes it clear that "nothing in this act shall be construed to create substantive rights not otherwise secured by the Constitution and laws of the United States or of several States."

In addition, the legislation does not reopen or direct the reopening of a final judgment; it merely ensures that opportunity for the review of any violation of Terri Schiavo's Federal and constitutional rights in a Federal court. As a result, the legislation is clearly consistent with both the separation of powers envisioned by our Founders and the weight of judicial precedent on point. As the Supreme Court held in Plaut v. Spendthrift Farms, "While legislatures usually act through laws of general applicability, that is by no means their only legitimate mode of action."

Finally, S. 686 presents no problems regarding retrospective application. As the Supreme Court held in Landgraf v. USI Film Products, "A statute does not operate 'retrospectively' merely because it is applied in a case arising from conduct antedating the statute's enactment." Rather, the court must ask whether the new provision attaches new legal consequences to events completed before its enactment. S. 686 does not attach any new legal consequences to events completed before its enactment; it merely changes the tribunal to hear the case by providing Federal court jurisdiction to review alleged violations of Terri Schiavo's Federal and constitutional rights.

Mr. Speaker, the measure of a Nation's commitment to the sanctity of life is reflected in its laws to the extent those laws honor and defend its most vulnerable citizens. When a person's intentions regarding whether to receive lifesaving treatment are unclear, the responsibility of a compassionate Nation is to affirm that person's right to life. In our deeds and in our public actions, we must build a culture of life that welcomes and defends all human life. The compassionate traditions and highest values of our country command us to action.

We must work diligently not to not only help Terri Schiavo continue her own fight for life, but to join the fight of all those who have lost capacity to fight on their own. As millions of Americans observe the beginning of Holy Week this Palm Sunday, we are reminded that every life has purpose, and none is without meaning. The battle to defend the preciousness of every life in a culture that respects and defends life is not only Terri's fight, but it is America's fight.

I commend the other body for passing this legislation without objection, and urge my colleagues across the aisle to join us in this fight by passing S. 686 to affirm the sanctity of life and to permit Terri to continue hers.

Mr. Speaker, I include for the RECORD a supplemental legislative history on this bill and a letter addressed to me dated today from Professor Robert A. Destro, who is the attorney for Robert and Mary Schindler, who is next friend of their daughter Theresa Marie Schindler Schiavo and is a professor of law at the Columbus School of Law in the Catholic University of America.

THE CATHOLIC UNIVERSITY OF AMERICA COLUMBUS SCHOOL OF LAW,
OFFICE OF THE FACULTY,
Washington, DC, March 20, 2005.

Hon. JAMES SENSENBRENNER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.

Re S. 686 (identical to H.R. 1452)—A Bill for the Relief of the Parents of Theresa Marie Schiavo

DEAR MR. CHAIRMAN: You have asked me to comment on the proposed "Bill for the Relief of the Parents of Theresa Marie Schiavo" (to be brought up in the House today, which is the same bill the Senate passed earlier today) in my capacity as co-counsel in the Federal litigation filed by Robert and Mary Schindler on behalf of their daughter, Theresa Marie Schiavo. On behalf of the legal team and the family, we thank you and your colleagues in both the House and the Senate for your efforts, and those of your respective staffs, on behalf of Terri Schiavo.

TERRI SCHIAVO'S FEDERAL CLAIMS

This case has attracted worldwide attention—including that of the United States Congress and the political branches of the State of Florida—for two reasons. The first is that the situation in which the members of Terri Schiavo's family find themselves is a human tragedy with "real-time" life and death consequences. The second reason is the one that brings us before Congress and the federal courts. Terri's parents, Robert and Mary Schindler, allege that neither they nor their daughter got a fair trial in the Florida courts. Terri Schiavo is the first incapacitated person in the history of the State of Florida to have been involved in a "substituted judgment" proceeding where there is a significant difference of opinion over both the nature of her condition (i.e. "Is Terri actually in a persistent vegetative state [PVS]?") and her wishes (i.e. "What would Terri say about continued nutrition and hydration if she could speak to us today?"

Getting accurate answers to both of these questions is critical. Not only does Terri's life hang in the balance, so too does the Nation's understanding of how a society committed to both individual rights and the rule of law should determine the wishes of persons with severe brain injuries. The Florida courts spent many years trying to figure out what to do in such a case. Unfortunately for Terri Schiavo—and for the nation—they did not apply the Florida statutes that usually govern such cases. They created new constitutional laws.

Terri's parents have alleged that the law created by Florida courts in Terri's case violated both Terri's rights and theirs because:

1. The guardianship court compromised his judicial independence when then he appointed himself, rather than an independent guardian ad litem, to serve as Terri Schiavo's health care proxy.

2. The Florida courts permitted Terri's husband, Michael Schiavo and his attorney to represent Terri's interests notwithstanding the Florida courts own admission that his interests were adverse to hers.

3. The Florida courts did not appoint a guardian ad litem for Terri, nor did they provide her with counsel to argue and protect her interests. The result was a situation in which Terri herself had no assistance of counsel in a case in which her life hangs in the balance.

4. The way the Florida courts applied the state's law and constitution to incapacitated persons with severe cognitive disabilities violated her rights under the Equal Protection Clause of the Fourteen Amendment. After Terri's case, the only persons in the State of Florida who are not entitled to an independent judiciary and effective representation are incapacitated persons who cannot speak for themselves.

5. The state court order for under which Terri's nutrition and hydration is currently being withheld was entered after a proceeding tainted by "structural defects" that call the integrity of the entire fact finding process in to question. As a result, we simply do not know either "what Terri wants" or what her current medical condition actually is.

6. The state court order violates the standards set out in both federal and state precedents that recognize the right to self-determination in health-care decisionmaking. *Cruzan* v. *Director, Missouri Department of Health*, 497 U.S. 261, 280 (1990) and *Guardianship of Browning*, 568 So. 2d 4, 12 (Fla. 1990). Both of those cases recognize that accuracy, not finality, is essential in any case where a guardian has asked for a judicial decree authorizing the death of the a person with a severe disability such as Terri's.

THE NEED FOR THE PROPOSED LEGISLATION

Review of Terri's federal claims by a federal court is an essential step in protecting her right to privacy. We have argued in federal court that Terri's federal rights were violated by the state courts, and that her continued custody in the guardianship violates her constitutional rights. Generally speaking, such reviews can take place in only two ways: 1) direct review by the Supreme Court of the United States by Petition for Certiorari; or 2) a federal writ of habeas corpus.

Because Terri will die within two weeks from starvation and dehydration, the traditional option of a petition to the Supreme Court of the United States is not an option. It simply takes too long. We did try an emergency motion for a stay, but the Court denied it on Thursday, March 17, 2005. As a result, Mr. and Mrs. Schindler's only option was a petition to the United States District Court for the Middle District of Florida asking for a writ of habeas corpus.

Unfortunately for Terri, the habeas corpus statutes are focused almost exclusively on prisoners. Getting the courts to understand that people in Terri's situation are also entitled to habeas relief is both difficult and time consuming. On Friday, March 18, 2005 the United States District Court for the Middle District of Florida dismissed Mr. and Mrs. Schindler's attempt to get a fair trial for Terri because Judge Moody believed: (a) that Terri is not a "person in custody" entitled to habeas relief; (b) that Mr. and Mrs. Schindler do not have standing to argue that Terri did not get a fair trial; and (c) that the federal courts are duty bound to respect the findings of the Florida courts concerning her wishes.

Because we believe that federal law is to the contrary, we asked for, and received, a "Certificate of Appealability" from the United States Court of Appeals for the Eleventh Circuit, which is currently considering our request that the District Court give Terri and her parents a hearing on their federal claims.

S. 686 (which is identical to H.R. 1542) is absolutely necessary to guarantee a federal hearing of Terri's claims. This law is absolutely necessary to cut through the procedural barriers that were designed by Congress to make it difficult to litigate the claims of convicted criminals. Terri, however, is no criminal. She is a person with a severe brain injury whose only "crime" is that she is incapacitated.

Section 5 guarantees that this law protects only Terri's existing rights under federal law. It neither creates new rights, nor any power for federal courts that does not already exist. This provision also resolves any problems that I may have had with prior drafts of the legislation proposed in the Senate. Since the law will not change any law already applicable to Terri, it should eliminate any claim that the law is designed to overturn either a state or federal judicial decree, see Plant v. Spendthrift Farm.

Section 1 gives the United States District Court for the Middle District of Florida specific jurisdiction to hear Terri's federal claims. We believe that it has that jurisdiction already, but Judge Moody disagreed. Since we do not have time to appeal to the Supreme Court if the Eleventh Circuit agrees with Judge Moody, we need this law if Terri's rights are to be vindicated before she dies from starvation and dehydration.

Section 2 resolves any questions concerning the right of Terri's parents to argue in court on Terri's behalf. Judge Moody questioned their standing. This bill eliminates that procedural hurdle.

Section 3 allows the court to grant an injunction against further interference with Terri's rights should we prevail in our claim that she did not get a fair trial. This provision guarantees that Terri will have the same remedies as a condemned criminal.

Section 4 is both a "sunset provision" and a guarantee that we have the time we need to bring her case to court. Rest assured, the case will be filed as soon as the President signs this bill.

Section 6—Terri's case has nothing to do with "assisted suicide" or "the right to die." This case is about one thing: Did Terri get a fair trial?

Section 7—We read this as a promise that Congress will give serious attention to the rights of persons with severe cognitive disabilities. We applaud its sponsors for making that promise.

THE HOUSE BILL DOES NOT VIOLATE EITHER SEPARATION OF POWERS OR FEDERALISM

I raised questions concerning the federal court's unwillingness to undertake a review of state court proceedings, not only because of the respect that federal courts owe the Florida courts, but also because two cases urge caution in framing private legislation. We cannot afford to create a problem that would make this private relief bill unconstitutional.

The changes Congress proposes to make in the House bill to be brought up in the House today provide an even more effective means that attempted by Governor Bush and the Florida Legislature in "Terri's Law," Laws of Florida, Chapter 2003-418. Governor Bush has conceded that Terri did not get a fair trial, and urged the Supreme Court of the United States to review the proceedings in the Florida courts. There is no violation of either separation of powers or federalism here.

Finally, I concur with the legal analysis Chairman Sensenbrenner will be submitting into the Congressional Record regarding the constitutionality of the House bill to be brought up today.

CONCLUSION

We hope that this answers the questions that Members and Senators may have. We thank you, once again, on behalf of the family and on behalf of our client, Terri Schiavo.

Sincerely,

ROBERT A. DESTRO,
Attorney for Robert and Mary Schindler, as next friend of their Daughter, Theresa Marie Schindler Schiavo.

S. 686 IS CONSISTENT WITH SUPREME COURT PRECEDENT

SUPPLEMENTAL LEGISLATIVE HISTORY OF CHAIRMAN F. JAMES SENSENBRENNER, JR. FOR S. 686, FOR THE RELIEF OF THE PARENTS OF THERESA MARIE SCHIAVO

The bill for the relief of the parents of Theresa Marie Schiavo (S. 686) does not create a new cause of action. Rather, it simply allows a de novo review of "alleged violation[s] of any right of Theresa Marie Schiavo under the Constitution of laws of the United States" in Federal court. Further, S. 686 makes clear that "Nothing in this Act shall be construed to create substantive rights not otherwise secured by the Constitution and laws of the United States or of the several States."

Consequently, S. 686 does not "reopen[] (or direct[] the reopening of) final judgments in a whole class of cases [or] in a particular suit." *Plaut* v. *Spendthrift Farm, Inc.*, 514 U.S. 211, 227 (1995). This is because any final determination made by the Florida courts regarding Florida State law will remain final under S. 686. S. 686 merely requires that a Federal court assume jurisdiction over the Federal law claims of Theresa Marie Schiavo. Doing so for Theresa Marie Schiavo is proper, as the Supreme Court in *Plaut* made clear that "The premise that there is something wrong with particularized legislative action is of course questionable. While legislatures usually act through laws of general applicability, that is by no means their only legitimate mode of action." *Plaut* v. *Spendthrift Farm, Inc.*, 514 U.S. 211, 239 n.9 (1995).

S. 686 also presents no problems regarding retrospective application. The Supreme Court has held that "A statute does not operate 'retrospectively' merely because it is applied in a case arising from conduct antedating the statute's enactment . . ., or upsets expectations based in prior law. Rather, the court must ask whether the new provision attaches new legal consequences to events completed before its enactment." *Landgraf* v. *USI Film Products*, 511 U.S. 244, 269–70 (1994). S. 686 does not attach any new legal consequences to events completed before its enactment." S. 686 merely "changes the tribunal that is to hear the case," and it is entirely proper to have a Federal court hear Federal law claims. *See Landgraf* v. *USI Film Products*, 511 U.S. 244, 274–75 (1994) ("Application of a new jurisdictional rule usually takes away no substantive right but simply changes the tribunal that is to hear the case. Present law normally governs in such situations because jurisdictional statutes speak to the power of the court rather than to the rights or obligations of the parties . . . Changes in procedural rules may often be applied in suits arising before their enactment without raising concerns about retroactivity . . . Because rules of procedure regulate secondary rather than primary conduct, the fact that a new procedural rules was instituted after the conduct giving rise to the suite does not make application of the rule at trial retroactive.") (quotations and citations omitted.)

Mr. Speaker, I reserve the balance of my time.

Mr. WEXLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for those of us from Florida, the heart-wrenching case involving Terri Schiavo is not new. In fact, for 15 years Mrs. Schiavo has remained in a persistent vegetative state. For 7 years the courts and the State of Florida have heard, ad nauseam, arguments of both sides.

There is this perception possibly that only one judge has been involved in this case. In fact, 19 judges in the State of Florida have participated in various legal proceedings regarding Terri Schiavo. The State of Florida, through our court system, has acted deliberatively, with justice and with due care. The State of Florida, through our judicial system, has taken testimony from everyone in the family and from everyone who knew Mrs. Schiavo that was capable of giving it. The courts in Florida have received expert testimony from many of the most prominent neurosurgeons and neurologists throughout the entire country.

The court system and the 19 judges in Florida have been unanimous, unanimous, in stating that from the evidence provided by a standard of clear and convincing evidence, that it is Mrs. Schiavo's wish that she not be required to continue in a persistent vegetative state.

So I would respectfully suggest for those of us that take exception to the proposed action by the chairman of the Committee on the Judiciary and by this Congress that we stand in the shoes of Terri Schiavo. We stand in her shoes, because what we are simply arguing is that the will of Terri Schiavo, as found by the legal system of Florida, which is the law of the land as of now, that her will be respected and that her will be carried out.

With all due respect to the proposed remedy, in effect if this bill were to pass what this Congress is designating is that the court system of Florida will lose its long history of jurisdiction of this matter and others like it, and the jurisdiction of the Federal Court will be substituted.

□ 2115

The majority would argue that this is a principal position. And while I would not dare suggest otherwise, I would ask the question, if the Florida courts had found in favor of Terri Schiavo's parents, would we be here this evening? I suspect not. So it is fair to conclude, therefore, that the reason we are here this evening is that the majority is unhappy, objects to the decision rightfully reached by the courts of the State of Florida; and as a result, the majority wishes to undermine over 200 years of jurisprudence and a long history in this country for respect for our judicial independence as well as the States court systems and the jurisdictions assigned to it.

In closing, Mr. Speaker, I would simply suggest this one thing, this is heart-wrenching for all Americans. Each American I believe tonight and today has been searching his or her soul wondering how they would react if, God forbid, they were in this position. But the issue before this Congress is not an emotional one. It is simply one that respects the rule of law, the rule of law in the State of Florida, the rule of law which has involved the participation of 19 judges, all unanimous in their view. Not a single medical piece of evidence has been provided by anybody who has diagnosed or in person witnessed Mrs. Schiavo that has said anything other than that she persists in an vegetative state.

And yet this Congress seeks to replace and substitute our judgment, even though not a single one of us as far as I understand has ever diagnosed Mrs. Schiavo, nor do we have the medical expertise to do so; and yet we are willing tonight to replace with our judgment the judgment of the most prominent doctors in our country and a court system which has labored extensively to yield a just result.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. KING), a member of the Committee on the Judiciary.

Mr. KING of Iowa. Mr. Speaker, I thank the chairman for yielding me time. I especially thank the chairman for his leadership on bringing this legislation to the floor in the condition that it is in, and I would like to compliment all the leadership in the House and on the Senate on both sides of the aisle that have worked so hard and so diligently throughout this weekend and given up their Palm Sunday weekend to serve a very important citizen of this country and someone whom we have an obligation to protect the constitutional rights of Terri Schiavo.

She has a right to due process under the 14th amendment, and she has a right to equal protection. She has a right to her day in court. We look at the circumstances that took place in the Florida courts and the continual appeals that we went back through and the relentless efforts to end her life by her guardian, her estranged husband, who may have a conflict of interest. And I look back into that to see what that might amount to because it is always important to understand the potential for the motives.

And as I added up these dollars, the settlement for medical malpractice, $250,000 preliminarily and the court then ruled another $1.4 million to Terri Schiavo and $600,000 awarded to Michael Schiavo, that is $2,225,000 awarded in her behalf. Of that one can assume approximately $800,000 went to attorneys fees and costs.

Now, additionally the court ordered $750,000 to go into the Terri Schiavo trust account. Now, that was pledged to go for her rehabilitation, her care, her medical treatment, and her tests. And that was a pledge made by her guardian, Michael Schiavo. But of that $750,000, these are the most conservative numbers that I can produce, there was $486,941 that went to attorneys' fees to promote her death, not her care; another $10,929 to Michael Schiavo for expenses; another $55,000 to the bank for, assumedly, administrative fees.

When you do the math on this and shake this down, it breaks down to this: approximately $2 million out of that $2.25 million against her interests into the pockets of attorneys and into the pockets of Michael Schiavo and into the pockets of the bank for administrative fees. Less than $200,000 was committed to her care over all of these years, 13 or 14 years.

And I think this illustrates a potential for a conflict of interest. She is not on life support, Mr. Speaker. She needs only a feeding tube and the court ordered to remove the tube. And if it were determined that her food and fluid were to be stopped, all they had to do was stop adding it. It is a horrible way to die. She has been denied therapy, and she has been denied treatment. It has been stated that she does not show any electronic brain waves. She only had a CAT scan back in the early 90s. She has never had an MRI. She has never had a PET scan, and she has been denied treatment even for infection. And when they sent her to the hospice 5 years ago, a place where a person is sent to die, 5 years she has been there, Mr. Speaker, and 5 years she has been denied sunshine, denied even the ability to be rolled out into the sunshine in her wheelchair.

Mr. WEXLER. Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from Massachusetts (Mr. FRANK) for purposes of control.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), who both as a Member of this body and previously as a member of the Florida legislature has a rare commodity on the floor today, genuine knowledge on the subject of which we are speaking.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. FRANK) for yielding me time.

There are a number of things that I would like to correct for the record before I begin. I apologize for not knowing the State that the gentleman is from, but the representation regarding the care of Theresa Schiavo by her husband as represented in the Chamber is totally inaccurate. Theresa's husband, and I am quoting from the guardian ad litem report, the independent guardian ad litem report that was required by Florida law during the special session in October of 2003, it says: "Theresa's husband, Michael Schiavo, and her mother, Mary Schindler, were virtually partners in their care of and dedication to Theresa. There is no question but that complete trust, mutual caring, explicit love, and a common goal of caring for and rehabilitating Theresa were the shared intentions of Michael Schiavo and the Schindlers. Despite aggressive therapies, physician and other clinical assessments consistently revealed no functional abilities, only reflexive rather than cognitive moments, random eye opening, no communication system, and little change cognitively or functionally."

And the gentleman referenced the percentage of the medical malpractice damage award being $486,000 going to attorneys' fees and to helping her reach her demise. That is also totally inaccurate. Also quoting from the guardian ad litem report: There was a medical malpractice case filed and pursued. Michael Schiavo and Terri Schiavo were awarded $750,000 in economic damages. The economic damages were put into a trust that was meticulously cared for according to the guardian ad litem and which was managed by South Trust Bank as the guardian and independent trustee. This fund was accounted for and Michael Schiavo had absolutely no control over its use. Michael Schiavo was awarded $300,000 for loss of consortium damages.

That is money that was awarded to him. There is not very much of that left. And there is no truth to the accusation that he would benefit financially from that damage award and there certainly was not $2 million in damages awarded.

Mr. Speaker, I submit for the RECORD the report of the guardian ad litem.

[Dec. 1, 2003]

A REPORT TO GOVERNOR JEB BUSH AND THE 6TH JUDICIAL CIRCUIT IN THE MATTER OF THERESA MARIE SCHIAVO

(Submitted by Jay Wolfson, DrPH, JD, Guardian Ad Litem for Theresa Marie Schiavo)

Theresa Marie Schiavo was born in the Philadelphia, Pennsylvania area on 3 December 1963 to Robert and Mary Schindler. She has two younger siblings, Robert Jr., and Susan. Through the age of 18, Theresa was, according to her parents, very overweight, until she chose to lose weight with the guidance of a physician. She dropped from 250 pounds to around 150 pounds, at which time she met Michael Schiavo. They dated for many months and married in November of 1984. The Schiavo and Schindler families were close and friendly.

Theresa and Michael moved to Florida in 1986 and were followed shortly thereafter by Theresa's parents and siblings. Theresa worked for the Prudential Life Insurance Company and Michael was a restaurant manager.

About three years later, without the apparent knowledge of her parents, Theresa and Michael sought assistance in becoming pregnant through an obstetrician who specialized in fertility services. For over a year, Theresa and Michael received fertility services and counseling in order to enhance their strongly held desire to have a child. By this time, Theresa's weight had dropped even further, to 110 pounds. She was very proud of her fabulous figure and her stunning appearance, wearing bikini bathing suits for the first time and taking great pride in her improved good looks. Testimony and photographs bare witness to these facts.

On the tragic early morning of 25 February 1990, Theresa collapsed in the hallway of her apartment, waking Michael, who called Theresa's family and 911. The lives of Theresa, Michael and the Schindlers were to change forever.

Theresa suffered a cardiac arrest. During the several minutes it took for paramedics to arrive, Theresa experienced loss of oxygen to the brain, or anoxia, for a period sufficiently long to cause permanent loss of brain function. Despite heroic efforts to resuscitate, Theresa remained unconscious and slipped into a coma. She was intubated, ventilated and trached, meaning that she was given life saving medical technological interventions, without which she surely would have died that day.

The cause of the cardiac arrest was adduced to a dramatically reduced potassium level in Theresa's body. Sodium and potassium maintain a vital, chemical balance in the human body that helps define the electrolyte levels. The cause of the imbalance was not clearly identified, but may be linked, in theory, to her drinking 10–15 glasses of iced tea each day. While no formal proof emerged, the medical records note that the combination of aggressive weight loss, diet control and excessive hydration raised questions about Theresa suffering from bulimia, an eating disorder, more common among women than men, in which purging through vomiting, laxatives and other methods of diet control becomes obsessive.

Theresa spent two and a half months as an inpatient at Humana Northside Hospital, eventually emerging from her coma state, but not recovering consciousness. On 12 May 1990, following extensive testing, therapy and observation, she was discharged to the College Park skilled care and rehabilitation facility. Forty-nine days later, she was transferred again to Bayfront Hospital for additional, aggressive rehabilitation efforts. In September of 1990, she was brought home, but following only three weeks, she was returned to the College Park facility because the "family was overwhelmed by Terry's care needs."

On 18 June 1990, Michael was formally appointed by the court to serve as Theresa's legal guardian, because she was adjudicated to be incompetent by law. Michael's appointment was undisputed by the parties.

The clinical records within the massive case file indicate that Theresa was not responsive to neurological and swallowing tests. She received regular and intense physical, occupational and speech therapies.

Theresa's husband, Michael Schiavo and her mother, Mary Schindler, were virtual partners in their care of and dedication to Theresa. There is no question but that complete trust, mutual caring, explicit love and a common goal of caring for and rehabilitating Theresa, were the shared intentions of Michael Schiavo and the Schindlers. In late Autumn of 1990, following months of therapy and testing, formal diagnoses of persistent vegetative state with no evidence of improvement, Michael took Theresa to California, where she received an experimental thalamic stimulator implant in her brain. Michael remained in California caring for Theresa during a period of several months and returned to Florida with her in January of 1991. Theresa was transferred to the Mediplex Rehabilitation Center in Brandon, where she received 24-hour skilled care, physical, occupational, speech and recreational therapies.

Despite aggressive therapies, physician and other clinical assessments consistently revealed no functional abilities, only reflexive, rather than cognitive movements, random eye opening, no communication system and little change cognitively or functionally. On 19 July 1991 Theresa was transferred to the Sable Palms skilled care facility. Periodic neurological exams, regular and aggressive physical, occupational and speech therapy continued through 1994.

Michael Schiavo, on Theresa's and his own behalf, initiated a medical malpractice lawsuit against the obstetrician who had been overseeing Theresa's fertility therapy. In 1993, the malpractice action concluded in Theresa and Michael's favor, resulting in a two element award: More than $750,000 in economic damages for Theresa, and a loss of consortium award (non economic damages) of $300,000 to Michael. The court established a trust fund for Theresa's financial award, with South Trust Bank as the Guardian and an independent trustee. This fund was meticulously managed and accounted for and

Michael Schiavo had no control over its use. There is no evidence in the record of the trust administration documents of any mismanagement of Theresa's estate, and the records on this matter are excellently maintained.

After the malpractice case judgment, evidence of disaffection between the Schindlers and Michael Schiavo openly emerged for the first time. The Schindlers petitioned the court to remove Michael as Guardian. They made allegations that he was not caring for Theresa, and that his behavior was disruptive to Theresa's treatment and condition. Proceedings concluded that there was no basis for the removal of Michael as Guardian Further, it was determined that he had been very aggressive and attentive in his care of Theresa. His demanding concern for her well being and meticulous care by the nursing home earned him the characterization by the administrator as "a nursing home administrator's nightmare". It is notable that through more than thirteen years after Theresa's collapse, she has never had a bedsore.

By 1994. Michael's attitude and perspective about Theresa's condition changed. During the previous four years, he had insistently held to the premise that Theresa could recover and the evidence is incontrovertible that he gave his heart and soul to her treatment and care. This was in the face of consistent medical reports indicating that there was little or no likelihood for her improvement.

In early 1994 Theresa contracted a urinary tract infection and Michael, in consultation with Theresa's treating physician, elected not to treat the infection and simultaneously imposed a "do not resuscitate" order should Theresa experience cardiac arrest. When the nursing facility initiated an intervention to challenge this decision, Michael canceled the orders. Following the incident involving the infection, Theresa was transferred to another skilled nursing facility.

Michael's decision not to treat was based upon discussions and consultation with Theresa's doctor, and was predicated on his reasoned belief that there was no longer any hope for Theresa's recovery. It had taken Michael more than three years to accommodate this reality and he was beginning to accept the idea of allowing Theresa to die naturally rather than remain in the non-cognitive, vegetative state. It took Michael a long time to consider the prospect of getting on with his life—something he was actively encouraged to do by the Schindlers, long before enmity tore them apart. He was even encouraged by the Schindlers to date, and introduced his in-law family to women he was dating. But this was just prior to the malpractice case ending.

As part of the first challenge to Michael's Guardianship, the court appointed John H. Pecarek as Guardian Ad Litem to determine if there had been any abuse by Michael Schiavo. His report, issued 1 March 1994, found no inappropriate actions and indicated that Michael had been very attentive to Theresa. After two more years of legal contention, the Schindlers action against Michael was dismissed with prejudice. Efforts to remove Michael as Guardian were attempted in subsequent years, without success.

Hostilities increased and the Schindlers and Michael Schiavo did not communicate directly. By June of 1996, the court had to order that copies of medical reports be shared with the Schindlers and that all health care providers be permitted to discuss Theresa's condition with the Schindlers—something Michael had temporarily precluded.

In 1997, six years after Theresa's tragic collapse, Michael elected to initiate an action to withdraw artificial life support from Theresa. More than a year later, in May of 1998, the first petition to discontinue life support was entered. The court appointed Richard Pearse, Esq., to serve as Guardian Ad Litem to review the request for withdrawal, a standard procedure.

Mr. Pearse's report, submitted to the court on 20 December 1998 contains what appear to be objective and challenging findings. His review of the clinical record confirmed that Theresa's condition was that of a diagnosed persistent vegetative state with no chance of improvement. Mr. Pearse's investigation concluded that the statements of Mrs. Schindler, Theresa's mother, indicated that Theresa displayed special responses, mostly to her, but that these were not observed or documented.

Mr. Pearse documents the evolving disaffections between the Schindlers and Michael Schiavo. He concludes that Michael Schiavo's testimony regarding the basis for his decision to withdraw life support—a conversation he had with his wife, Theresa, was not clear and convincing, and that potential conflicts of interest regarding the disposition of residual funds in Theresa's trust account following her death affected Michael and the Schindlers—but he placed greater emphasis on the impact it might have had on Michael's decision to discontinue artificial life support. At the time of Mr. Pearse's report, more than $700,000 remained in the guardianship estate.

Mr. Pearse concludes that Michael's hearsay testimony about Theresa's intent is "necessarily adversely affected by the obvious financial benefit to him of being the sole heir at law . . ." and ". . . by the chronology of this case . . .", specifically referencing Michael's change in position relative to maintaining Theresa following the malpractice award.

Mr. Pearse recommended that the petition for removal of the feeding tube be denied, or in the alternative, if the court found the evidence to be clear and convincing, the feeding tube should be withdrawn.

Mr. Pearse also recommended that a Guardian Ad Litem continue to serve in all subsequent proceedings.

In response to Mr. Pearse's report, Michael Schiavo filed a Suggestion of Bias against Mr. Pearse. This document notes that Mr. Pearse failed to mention in his report that Michael Schiavo had earlier, formally offered to divest himself entirely of his financial interest in the guardianship estate. The criticism continues to note that Mr. Pearse's concern about abuse of inheritance potential was directly solely at Michael, not at the Schindlers in the event they might become the heirs and also choose to terminate artificial life support. Further, significant chronological deficits and factual errors are noted, detracting from and prejudicing the objective credibility of Mr. Pearse's report.

The Suggestion of Bias challenges premises and findings of Mr. Pearse, establishing a well pleaded case for bias. In February of 1999, Mr. Pearse tendered his petition for additional authority or discharge. He was discharged in June of 1999 and no new Guardian Ad Litem was named.

Actions by the Schindlers to remove Michael as Guardian and to block the petition to remove artificial life support took on a frenetic quality at this juncture. More external parties on both sides made appearances as potential interveners.

On 11 February 2000, consequent to hearings and the presentation of competent evidence, Judge Greer ordered the removal of Theresa's artificial life support. The Schindlers aggressively sought means by which to stop the removal of Theresa's feeding tube. Most of the motions in these efforts were denied, but not without apparent careful and detailed review by the court, often involving hearings at which considerable latitude was afforded the Schindlers in their efforts to proffer testimony and admit evidence.

The motion and hearing process continued through 2000. Then the Schindlers sought to introduce new evidence that was believed to be of a sufficiently substantial nature as to change the court's decision regarding the removal of the feeding tube. The hearings and testimony before the trial court leading to the decision to discontinue artificial life support included admitted hearsay from Theresa's brother-in-law (Michael Schiavo's brother) and his wife (Michael Schiavo's sister-in-law) along with testimony from Michael.

The testimony of these parties referenced specific conversations in which Theresa commented about her desire never to be placed on artificial life support. The testimony reflected conversations at or proximate to funerals of close family members who had been on artificial life support. The context and content of the testimony, while hearsay, was deemed credible and consistent and was used by the court as a supporting basis for its decision to discontinue artificial life support.

The Schindlers' new evidence ostensibly reflected adversely on Michael Schiavo's role as Guardian. It related to his personal romantic life, the fact that he had relationships with other women, that he had allegedly failed to provide appropriate care and treatment for Theresa, that he was wasting the assets within the guardianship account, and that he was no longer competent to represent Theresa's best interests.

Testimony provided by members of the Schindler family included very personal statements about their desire and intention to ensure that Theresa remain alive. Throughout the course of the litigation, deposition and trial testimony by members of the Schindler family voiced the disturbing belief that they would keep Theresa alive at any and all costs. Nearly gruesome examples were given, eliciting agreement by family members that in the event Theresa should contract diabetes and subsequent gangrene in each of her limbs, they would agree to amputate each limb, and would then, were she to be diagnosed with heart disease, perform open heart surgery. There was additional, difficult testimony that appeared to establish that despite the sad and undesirable condition of Theresa, the parents still derived joy from having her alive, even if Theresa might not be at all aware of her environment given the persistent vegetative state. Within the testimony, as part of the hypotheticals presented, Schindler family members stated that even if Theresa had told them of her intention to have artificial nutrition withdrawn, they would not do it. Throughout this painful and difficult trial, the family acknowledged that Theresa was in a diagnosed persistent vegetative state.

The court denied the Schindlers' motions to remove the guardian, allowing that the evidence was not sufficient and in some instances, not relevant. It set a date for the artificial life support to be discontinued, as of 24 April 2001.

The decision was appealed to the Florida 2nd District Court of Appeals (DCA), and was affirmed in January 2001. The requested appeal to the Florida Supreme Court was denied on 23 April 2001, one day before the scheduled removal of Theresa's feeding tube. On 24 April 2001, Theresa Schiavo's artificial feeding tube was clamped, and she ceased receiving nutrition and hydration. Under normal circumstances, Theresa would die naturally within a week to ten days.

Two days after the clamping of Theresa's feeding tube, the Schindlers filed a civil action in their capacity as "natural guardians" for Theresa. The trial court, in emergency review, granted a temporary injunction and the tube was unclamped. Michael Schiavo filed an emergency motion to vacate the injunction. This led to the second review and appeal to the 2nd DCA.

The 2nd DCA found that the intention of Florida Statute 765 with respect to matters such as Theresa's, is to help expedite proceedings of the court when decisions have been made by the bona fide guardian. The 2nd DCA also noted that the Court had acted independently as proxy decision maker regarding the removal of artificial life support.

In October 2001, the 2nd DCA concluded that the Schindlers "have presented no credible evidence suggesting new treatment can restore Mrs. Schiavo." The injunction was lifted and plans moved forward to discontinue artificial nutrition.

Fresh and exhaustive motions regarding new evidence were again crafted and proffered to the trial court by the Schindlers resulting in a lengthy hearing. Affidavits from medical doctors and others alleged that Theresa's condition could be improved.

In particular, the sworn statement of a single, osteopathic physician, Dr. Webber, claimed that he could improve Theresa's condition and had done so in like and similar cases.

The quality of evidence in this affidavit was marginal, but the court allowed it to create a colorable entitlement to additional medical review. The case was remanded to the trial court with the charge that each side would select two expert physicians (a neurologist or a neurosurgeon, according to the court) and agree between them regarding a fifth, and if they could not agree on the fifth, the court would select it.

By May of 2002, the physicians were selected by both sides, but no agreement could be reached about a fifth, so the court selected one. Curiously and surprisingly, Dr. Webber, who had served as the basis for this entire process at the 2nd DCA, did not participate in the exams or the procedure.

Each of the physicians was afforded access to Theresa for the purpose of conducting a thorough examination. Video tape recordings were made of some of the examinations along with segments in which family members interacted with Theresa. The physicians were deposed and proffered testimony regarding their findings. Written reports of the examinations were prepared by all five physicians, and a very detailed hearing was held in October of 2002.

The clinical evidence presented by the five physicians reflected their examinations and reviews of the medical records. Four of the physicians were board certified in neurology, as suggested by the court, and one physician was board certified in radiology and hyperbaric medicine. All of the physicians had excellent pedigrees of medical training. The scientific quality, value and relevance of the testimony varied. The two neurologists testifying for Michael Schiavo provided strong, academically based, and scientifically supported evidence that was reasonably deemed clear and convincing by the court. Of the two physicians testifying for the Schindlers, only one was a neurologist, the other was a radiologist/hyperbaric physician. The testimony of the Schindler's physicians was substantially anecdotal, and was reasonably deemed to be not clear and convincing.

The fifth physician, chosen by the court because the two parties could not agree, presented scientifically grounded, academically based evidence that was reasonably deemed to be clear and convincing by the court.

Following exhaustive testimony and the viewing of video tapes, the trial court concluded that no substantial evidence had been presented to indicate any promising treatment that might improve Theresa's cognition. The court sought to glean scientific, case, researchbased foundations for the contentions of the Schindler's physician experts, but received principally anecdotal information.

Evidence presented by Michael Schiavo's two physicians and the fifth physician selected by the court was reasonably deemed clear and convincing in support of Theresa being in a persistent vegetative state with no hope for improvement. Simultaneous appeals of this decision and renewed actions to remove Michael Schiavo as Guardian were initiated based upon new evidence.

The June 2003 appeal to the 2nd DCA was Schiavo IV. The 2nd DCA panel of judges engaged in what approximated a de novo review of all of the facts, testimony and video tapes presented at trial. The appellate court affirmed the trial court's ruling and its conclusions, and in addition, ordered the trial court to set a hearing date for removal of the artificial life support.

The trial court set 15 October 2003 as the date for the removal of Theresa's artificial nutrition tube.

The Schindler's renewed efforts to remove Michael Schiavo as Guardian, and to disqualify judges, were not successful. Multiple amicus briefs and affidavits from parties supporting the Schindlers were submitted through the Schindler's actions and in some instances, independently to the court.

By mid 2003, the landscape and texture of Theresa Schiavo's case underwent profound changes. National media coverage, active involvement by groups advocating right to life, and the attention of the Governor's office and the Florida Legislature, catapulted Theresa's case into a different dimension.

The Schindlers, acting on behalf of Theresa, filed a motion in federal district court seeking a preliminary injunction to stay the removal of the artificial life support from Theresa, scheduled to occur on 15 October 2003. On 6 October 2003, Florida Governor Jeb Bush filed an Amicus brief in support of the motion for a preliminary injunction. The brief argues that removal of artificial nutrition, resulting in death, should be avoided if that person can take oral nutrition and hydration. The Governor predicates his memorandum on the pivotal question as to whether Theresa could ingest food and water on her own. That Theresa is in a diagnosed, persistent vegetative state is explicitly recognized.

On 15 October 2003, Theresa Maria Schiavo's artificial feeding tube was disconnected, for the second time.

The Florida legislature, in special session, passed HB 35 E on 21 October 2003, authorizing the Governor to stay the disconnection of the artificial feeding tube and required, among other things, the appointment of a Guardian Ad Litem to produce this report.

On that same day, 21 October 2003, the artificial feeding tube was re-inserted per the stay ordered by Governor Bush. Other suits and actions were initiated immediately the governor became a named party in the matters involving Theresa Schiavo.

I just wanted to correct some of those facts for the record, Mr. Speaker. The circumstances that bring us here today are horribly tragic. No matter where you may fall on this issue, the details of Terri's case are heartwrenching. No one in this Chamber questions the pain, heartache, and personal struggles that every member of Ms. Schiavo's family has had to deal with over the last 15 years. But heartbreaking decisions like this are deeply intimate, personal, and private matters; and the Federal Government and this body, in particular, should not inject itself into the middle of this private family matter.

This very personal matter should not be politicized as it is being here today. Just a few hours ago, I had an opportunity to sit down with Ms. Schiavo's brother, Bobby Schindler. I know that he speaks with great sincerity as I told him about his sister. Indeed, it is important to emphasize that this type of gut-wrenching, angst-ridden decision happens every day across the country among families dealing with the tragic circumstances of a loved one. And I know the pain that this causes families only too well because it happened in my own family not even 5 weeks ago. My husband's family had to make the identical decision to withdraw sustenance to disconnect the feeding tube of my husband's aunt.

Her children came together to make that very difficult decision, and no one in my family felt it was essential that I or any other Member of Congress file legislation to stop it. This type of decision happens every single day to thousands of families across America. Where will we stop if we allow this to go forward? Today will be Terri Schiavo. Tomorrow it will be someone's brother or a constituent's uncle or next week a family member, God forbid, of one of my colleagues or another constituent.

Do we really want to set the precedent of this great body, the United States Congress, to insert ourselves in the middle of families' private matters all across America?

If we do this, we will end up throwing end-of-life decisions into utter and complete chaos; and we cannot and should not do that. We are Members of Congress. We are not doctors. We are not medical experts. We are not bioethicists. We are Members of Congress.

When I ran for Congress, I did not ask my constituents for the right to insert myself in their private, personal families decisions; and they do not want me to make those for them. They do not want you to make those for them either. That is the bottom line.

I cannot get into the kind of questions that we are getting into being asked here because we do not know. I have never met Michael Schiavo or Terri Schiavo or the Schindlers and the vast majority of people in this body have not either.

We do not have the expertise or the facts in enough detail to get into these kinds of decisions and make decisions on these kind of cases. We are not God and we are not Terri Schiavo's husband, sister, brother, uncle or relation. We are Members of Congress. We make laws and we uphold the law and we swore to uphold and protect the Constitution and we are thumbing our noses at the Constitution if we do this here tonight.

Now, I have heard a lot of things said about this legislation and about the very proceeding that we are engaging in this evening. I have heard accusations that because this body is debating this legislation, we are threatening somehow the life of Ms. Schiavo. I think it is really important to note that this is a legislative body created by our forefathers for the express purpose of deliberations and representation.

The accusation that because we have 3 hours of debate on an unprecedented piece of legislation that seeks to insert the Federal Government in between a family while overruling State courts and circumventing the Constitution, that is an outrageous accusation and not worthy of a representative elected to craft and debate legislation.

I notice today that President Bush has returned from Crawford hoping to sign this legislation if it is passed by Congress. I think it is important to note that President Bush when he was Governor of Texas in 1999 signed a Texas law that is on the books today that was just used a few days ago to allow a hospital to withdraw, over the parents' objections, the life support of a 6-month-old boy, over the parents' objections.

□ 2130

President Bush signed a law called the Texas Advanced Directives Act, when he was Governor of Texas. This law, that has been used several times and as recently as a few days ago, liberalized the situations under which a person in Texas can avoid artificial life support. Under it, life support can be withheld or withdrawn if you have an irreversible condition in Texas from which you are expected to eventually pass away.

Indeed, this law, signed by then Governor Bush, allows doctors to remove a patient from life support if the hospital's ethics committee agrees, even over the objections of a family member, only allowing the family 10 days to find another facility that might accept the patient, barring any State judicial intervention.

It appears that President Bush felt, as Governor, that there was a point at which, when doctors felt there was no further hope for the patient, that it is appropriate for an end-of-life decision to be made, even over the objections of family members. That was a law that President Bush did not just allow to become law without his signature, he came back from a campaign trip to sign it.

There is an obvious conflict here between the President's feelings on this matter now as compared to when he was Governor of Texas, so I thought that was an important conflict that should be raised here this evening in our discussion.

Let me just close my remarks by reiterating there is no room for the Federal Government in this most personal of private angst-ridden family matters, in which a family has to make the most personal of decisions when dealing with the course of care of a loved one. We should not politicize this very personal family matter.

Ms. Schiavo made it clear, as opposed to what the gentleman from Wisconsin said, that she would not have wished to remain in a persistent vegetative state, and the guardian ad litem report well documents that. In fact, it documents it to such a degree that it cites the specific conversations referenced by her family members when she attended funerals of loved ones who were in similar situations when they had life support removed; and she had stated that if, God forbid, she was ever in this situation, that she would not have wished to remain on life support.

The court heard that testimony not from Terri Schiavo's husband, not from her parents, but from other family members and friends who heard her say these things. They said that there was enough evidence to render the belief that she had made those statements. She made it clear that she wished not to remain in a persistent vegetative state, which she is in today. And this U.S. Government should not step in to circumvent the wishes of one dying woman.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Federal courts have always reviewed whether or not a person's Federal constitutional or legal rights have been violated, and that is all this bill does. It gives a Federal Court the opportunity to review the Federal questions that are presented here.

Now, if we accepted the position that has been made by the opponents of this legislation, we would not have had a civil rights revolution in this country if rural courts in the South decided Federal questions that were opposed by those who were petitioning to have their civil rights protected. That required Federal judicial action. And this country is better because of that Federal judicial action. That is all that is being proposed here today, and that is why the bill ought to pass.

Now, secondly, I would like to correct some of the representations my colleague from Florida has made. Terri Schiavo is not on life support. She is not on a ventilator. She is not on any kind of artificial heart pump. All she has is a feeding tube, or had a feeding tube until it was removed 2 days ago, and that is not life support. That is simply requiring somebody to have the nutrition and the hydration they need as a living human being.

To starve someone to death or to have them die of dehydration slowly is one of the most cruel and inhumane ways to die, and what this bill does is it requires the reinsertion of the feeding tube for so long as it takes for a Federal Court to determine whether or not her Federal constitutional or statutory rights are violated. And that is reasonable, because she should not be allowed to die while the courts are determining what her legal rights are and whether anybody has violated them.

Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for yielding me this time.

I wanted the opportunity to address the issue of the funding that has gone in on behalf of Terri Schiavo, and the report that I have put together, I could easily add several hundred thousand dollars to that that have gone towards attorneys and towards the interests of Michael Schiavo as opposed to the interests of Terri Schiavo.

I would have a documented report that I would file with the CONGRESSIONAL RECORD, except that the trust fund for Terri Schiavo has been sealed at the request of the attorney on behalf of Michael Schiavo. So, therefore, we cannot get those records. We do not know what is going on behind the scenes. What we know is that she has not had tests, she has not had therapy, and she has been denied medical treatment.

The attorney of record for Michael Schiavo happens to also have been a former member of the board of directors of the hospice where Terri Schiavo is now being taken care of. And by the way, I happen to have another piece of information that flowed to me today, a GAO audit looked in on that and that organization paid $14.8 million back in Medicaid fees that were inappropriately collected.

Another question we have is, we do not know whether there is a life insurance policy that would name someone as beneficiary in the event of the death of Terri Schiavo. The question has been asked of the guardian several times, and he has refused to answer every time. So we cannot even evaluate the assets or the intent of the guardian. Those issues will be looked at by the court.

Another issue that should be addressed, and we will hear this continually as this 3-hour debate goes on, is the allegation that 19 judges have reviewed this and 19 judges have concurred. I have put together the full list of the judges that have heard the case of Terri Schiavo in the history of this, and throughout all of that I can identify Judge Greer, and I can identify a three-judge panel that heard her case en banc, and I can identify the Supreme Court of the State of Florida, which we saw perform a number of times in the year 2000, and also the United States Supreme Court, which simply refused or denied cert on the subpoenas last week.

So if we are going to count judges sitting en banc and if we are going to count supreme courts in totals of 7 and 9, that narrows it down pretty much to one judge that has seen and reviewed all this case and that is Judge Greer. And I believe that Terri Schiavo deserves her day in court. She deserves a de novo review. She deserves an opportunity to be heard and an opportunity at life.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, it is never a good recommendation for a bill when its proponents deny its plain meaning. The gentleman from Wisconsin said this is not a private bill. Well, perhaps in the technical and irrelevant terms of the House calendar it is not a private bill. It is in fact a very private bill. It is so private that it deals only with the Schiavo case and her parents.

And in an admission that it is not a very good idea, a provision of this bill, really quite unusual, says by the way, we hope no one will pay attention to this in the future. In legal language, that is, this is not to be precedent setting. Well, if this is such a good idea, if Congress acting as the super Supreme Court of Florida is the right thing to do for Ms. Schiavo, why go to such pains, those of you who wrote the bill, to say it should not be a precedent?

By the way, anyone who thinks it will not be a precedent, of course, is not paying attention. What you will do today, if this bill passes, is invite every family dispute of this terrible, painful, heartrending nature to come to the Congress. When brothers and sisters disagree, when parents disagree, the courts of the States will have no relevance; probably the Federal courts will not. Every single dispute will come here.

Now, here is what we are doing here, and it is not the Federalism argument that bothers me as much as it is the separation of powers. We have already heard debates. What was the fee in the legal case? What about the hospice? Does she or does she not, this poor woman who was so terribly hurt, does she or does she not have brain function? Does she or does she not respond? Nobody in here knows. Nobody in here has any way of knowing. What we have are Members choosing a side based on their ideologies. There are people who believe, in what is described as pro life, that nothing that terminates a life is ever justified. In fact, people have said, well, if she had said so, but many of those who hold that do not think you have a right to say that. There are others of us who believe, and I must tell you, from what I have read, if I were a member of the Schiavo family, if a member of my family were involved, I would have made the same decision. But I haven't made the decision. I have no right to make that decision, and I have no information for it.

Separation of powers. When they wrote the Constitution, they were not kidding around. They made some sensible distinctions. We legislate on broad policy. When you get to individual ajudications, when you get to the case, people have said, well, we disagree with the medical report. We had the eminent Dr. Frist looking at it on television and making his diagnosis. We have people making specific judgments about her wishes. We have people making specific judgments about her medical condition. We have not spent very much time on that. Judges have done that, lawyers have done that, in adversarial proceedings they have done that.

Now, I know we heard a disparagement of the Supreme Court of Florida. People did not like the way they voted 4 years ago, but what does that have to do with whether or not the husband's wishes and wife's wishes are carried out in this case? That is why we should not be making this decision.

If you listen to the debate, this is confirmation of what the writers of the Constitution did when they said separation of powers. Congress deals with broad policy. Individual adjudications are made by judges, with cases of lawyers and presentations and evidence. None of that has happened here. You are asking to make a decision based on most of us knowing very little, if anything, at all. Ideology is driving this, and that is why we have a separation of powers.

This is not a bill, by the way. This is a court decision. What happened has been that this has been very well litigated in Florida, litigated on a number of occasions, with lawyers on all sides. Because the majority, for their ideological reasons, do not like the decision of the Florida courts, we have now a new principle; that the Congress of the United States will be the super Supreme Court of a State.

In lawyers terms, we can vacate a judgment and then remand it. But not even remand it. Not send it back to the court that decided it, to a better court. Talk about forum shopping. People wanted to get rid of forum shopping. This is the grandparent of all forum shops. We dislike what the courts in Florida have done, so we cancel their decision and we send it elsewhere.

The gentleman from Wisconsin said this does not create any new rights. Well, it gives standing by its own terms to the parents. And, by the way, if it does not create any new rights, why is it necessary? If in fact without this bill no new rights have been created, why could they not have gone to court without us? The answer is they could not. Because that is not what American jurisprudence has said.

I believe, as I said, if I were making this decision for myself or anyone close to me, I would make the same decision Michael Schiavo made. But I would not try to defend my judgment in this case. I do not know her medical condition. I do not know what her wishes were. But neither do any of you.

This is as difficult a decision as human beings can make. I am proud to be a politician, but I think we would all agree that you should not make this kind of a decision, this kind of a decision about life, in these terribly emotional circumstances. It should not be made politically. I think we would all agree to that. But then let us look at the corollary. If you do not want a decision to be made politically, why in the world do you ask 535 politicians to make it?

Does anyone think that this decision will be made without consideration of electoral support or party of ideology? Of course not. And again, this is not the only case. People should understand that, those who are watching what we do. Despite your argument that this is not setting a precedent, every aggrieved party in any similar litigation can now come to Congress and ask us to make a series of decisions.

This is the point. This is a terribly difficult decision, which we are institutionally totally incompetent to make.

☐ 2145

To allow ideology to triumph in that context is a shame.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, in 1995, my friend from Massachusetts said, in a habeas corpus bill, "I want judicial review in a reasonable way. I want people who may have had their rights interfered with to be able to sue in reasonable fora."

That is what this bill does. He was right then. I think this bill is right now.

Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. FRANKS), a member of the committee.

Mr. FRANKS of Arizona. Mr. Speaker, I thank the gentleman from Wisconsin for his humanity and courage to deal with this issue.

Mr. Speaker, perhaps it is important for those of us in this Chamber to first remind ourselves again of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government."

Mr. Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here. The phrase in the 14th amendment capsulizes our entire Constitution. It says: "No State shall deprive any person of life, liberty or property without due process of law." It is unconscionable that judges holding responsibility to protect Terri Schiavo's constitutional rights have chosen to abandon those responsibilities so that now Congress has no honorable alternative but to respond as we are.

Hubert Humphrey once said that a society is measured by how it treats those in the dawn of life, those in the shadows of life, and those in the twilight of life. It is true that Terri Schiavo lives among us in the shadows of life. But she is not brain dead or comatose. She is awake and she is able to hear, she is able to see, she is often alert. She can feel pain, she interacts with her environment, she laughs, she cries. She expresses joy when her parents visit her and sorrow when they leave.

Mr. Speaker, she reminds me so much of another woman, whose name I will not mention, who was in much the same circumstance as Terri and a young nurse insisted every morning on singing to this patient. Of course, her colleagues upbraided her and said, well, she can't hear you; those are just reflex actions. But she continued day after day, year after year, to sing to her every morning. Finally she left the hospital, and yet a few years later, the patient regained her state of mind and came back, as it were, to a healthy, clear mind. And all of the nurses gathered around her and met with her and they said, Do you remember? Do you remember when we took care of you, when we turned you to keep you from getting bed sores? When we washed you? When we tried to feed you?

And she said, No, I don't remember anything except someone singing.

Mr. Speaker, Terri Schiavo represents the mortality and helplessness of us all as human beings. And whether we realize it or not, we are at this moment lying down beside her listening for that song of hope. If we as a Nation subject her to the torture and agony of starving and thirsting to death while her brother, her mother and her father are forced to watch, we will scar our own souls. And we will be allowing those judges who have lost their way to drag us all one more ominous step into a darkness where the light of human compassion has gone out and the predatory survival of the fittest prevails over humanity.

If the song of hope is to be silenced, Mr. Speaker, let it not be tonight.

The SPEAKER. The gentleman from Wisconsin (Mr. SENSENBRENNER) has 74½ minutes remaining, and the gentleman from Massachusetts (Mr. FRANK) has 68 minutes remaining.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 1 minute.

The gentleman from Wisconsin in an effort to find an inconsistency quoted me as being for habeas corpus so people can have their day in court. I am. I do not ever remember supporting a bill in Congress where we decided person by person who got the right of habeas corpus and who did not. My argument is a separation-of-powers argument. Yes, I believe a general right to go to court when you have claimed there has been an error in your criminal procedure makes sense, but we are not talking about that here. We are talking about, despite his claim that this is not a private bill, a private bill, a bill that names one individual and allows this individual to do it. So if the question is would I be in favor of this House deciding who got the right to bring habeas petitions and in what circumstances on a case-by-case basis, the answer is, I would not. It would be a failure to understand the separation of powers, what is an appropriate function for a legislative body and what is an appropriate case-by-case adjudication for the court system.

Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, this is a profound tragedy for the Schiavo family, and I sympathize with all of the family members. It is also a deeply personal matter, one which should be decided within the family. No one wants this personal decision to be made by 536 politicians: 435 Members of the House, 100 Members of the Senate, and the President of the United States.

The facts of this tragedy, and the competing wishes of the family members, have already been determined by those best placed to do so. Those determinations have been repeatedly ratified over the past 7 years, by 19 judges in more than 10 trials, appeals or other proceedings. None of those decisions have been reversed, until today. In an unprecedented procedure, the United States House of Representatives and the United States Senate are voting to direct a Federal court to relitigate this entire matter.

There are deeply personal and private issues that are discussed by every married couple. These discussions occur in bedrooms across America. Also, intensely personal decisions are made in hospital and hospice rooms across this country. By forcing this vote through Congress, the Republican leadership is demonstrating that no bedroom in America and no hospital room in this land is beyond the reach and power of this Federal Government. This is wrong.

The Republican leadership has transformed a profound tragedy for the Schiavo family into a tragedy for the entire Nation. It is my hope that from this tragedy more people will understand the importance of determining their own futures and that of their family in the form of living wills.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Mr. Speaker, 2,000 years ago Jesus Christ entered Jerusalem on Palm Sunday, marking the beginning of a week that throughout history and the world over has signified the sanctity of human life. Tonight we are here on Palm Sunday to afford the greatest presumption of life possible under our United States Constitution to a woman who has never truly been afforded representation and whose wishes are truly unknown.

This is not about the sanctity of the Schiavo marriage. That is a matter between Terri and Michael. Mr. Schiavo has got some answering to do himself. Any insinuation otherwise is clear hypocrisy and nothing more. And this is not about congressional interference into a family issue. I agree that it should be a family issue.

The problem is Terri's parents want her to live, and Terri's husband wants her to die. And Terri did not use a living will to tell us what she would want. So before an irreversible decision is made, her country must afford her the due process to which she is entitled under the 14th amendment of our Constitution. That means that the State of Florida may not starve Terri to death unless every legal resource to prevent it has been taken. Death by starvation, as we have already heard tonight, is lengthy and incredibly painful. And Terri Schiavo can feel pain. The bill that we are going to pass is going to give her due process before she is sentenced to die in this painful manner.

Convicted serial killers and other death row inmates are afforded Federal review in their cases. The Constitution confers upon this Congress the power to effect the authority on the Federal courts to conduct this kind of review, and that is what I hope we do here tonight. It is square within our powers, it respects the separation between the legislative and the judicial branches, and it holds to the principles of federalism.

There is going to be hollow rhetoric in this Chamber tonight about the need for investigations and about reviewing facts before acting and about attempts to politicize religious beliefs. But where were these arguments last Wednesday night when we passed a bill for Terri unanimously under voice vote? And where were these arguments Friday afternoon when Judge Greer ignored a congressional subpoena designed to allow us the chance to get more information?

The Supreme Court has stated that the authority to subpoena is an "indispensable ingredient" of Congress' legislative power. Judge

Greer's Friday order expressly disregards that authority, and he should be held in contempt of this body. Like Michael Schiavo, the Judge has some answering to do.

We have a woman who hasn't had food or drink in over two days. We made efforts in the ordinary course of legislative business to afford Terri Schiavo her constitutional rights, and they were rejected. Now, we are left with no choice but to implement extraordinary means in the middle of the night.

Whether you're using morality, or religion, or the Golden Rule, or legal analysis to guide your decision, at the root of all this is a living, breathing American citizen who has been deprived of her rights. This measure will correct that, so I urge all my colleagues to support it.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 8 minutes to the gentleman from Florida (Mr. DAVIS), again someone who has worked on this for quite some time.

Mr. DAVIS of Florida. Mr. Speaker, tonight I join millions of Floridians and Americans hoping and praying for Terri and her family at this incredibly difficult time. Terri Schiavo's case is a tragedy we all hope and pray our own families will never go through. And tonight this Congress is about to commit a travesty.

I think we can agree the impact of this legislation extends far beyond Terri Schiavo. Tonight, congressional leaders are poised to appoint this Congress as a judge and a jury. These actions are a threat to our democracy. More than 200 years ago, our forefathers designed government with three separate, yet equal, branches. This Congress is about to overturn the separation of powers by disregarding the laws of Florida and the decision of a judge that have never been reversed. This Congress is on the verge of telling States and judges and juries that their laws, their decisions do not matter.

Multiple courts have had an opportunity to rule in Terri's case, including the United States Supreme Court, Federal district courts, and the Florida Supreme Court. As Justice Scalia has said himself in end-of-life cases like this, "The Federal courts have no business in this field. American law has always accorded this power to the States."

This Congress should respect the law and the rulings of courts and not trample the Constitution. If we do not draw a line in the sand tonight, what limit is there to the democratic principles that this Congress is prepared to violate? What limit is there to the liberties that we might trample upon?

For those of us that are Floridians, this is a very painful issue. Not just because we represent many, many people, Democrats, Republicans or people that are not particularly political who have living wills, who have wishes they expect to be honored and not interfered with. We are also deeply saddened because we have been in the middle of this saga for quite some time, and it is very important you know this is just the latest chapter.

In 2003, unhappy with the decisions of the court, the Governor and the State legislature in Florida attempted to change the rules that controlled Terri's wishes and to pass what was referred to as Terri's Law, giving Governor Bush the authority to reinsert the feeding tube. The Florida Supreme Court ruled that law unconstitutional, and the United States Supreme Court refused to hear Governor Bush's appeal.

Last week, the Florida legislature and the Governor attempted yet a second time to change the rules that would cover the enforcement of what was found to be Terri's wishes. For the good of Floridians, for the good of the country, after the House had passed the bill and the Governor continued to pursue it, very courageous members of the Florida senate and the Florida house, on both sides, Democrats and Republicans, refused to make the same mistake a second time. One of the top Republicans in the Florida house said, "The legislature should stay out of family court issues."

The State legislation that failed in the State senate died when some of the leading Republican Senators said, "We cannot and should not sacrifice our oaths as political officers on the altar of political convenience."

These were State legislators recognizing the limits of their power. Here tonight in the United States Congress, will we recognize the appropriate limits of our power?

Leading the charge in this debate are several physicians who are Members of Congress. I think it is fair to say none of them have examined Terri Schiavo. I seriously doubt any of them had a chance to review the medical records. Instead, many of them, many Members of Congress, are forced to rely upon a videotape that is several years old that does not begin to tell the story.

Let us keep in mind neither this House nor Senate has had a single hearing, has heard from a single witness, has provided any meaningful opportunity for the public to participate in this very important debate.

The bill under consideration tonight essentially does one thing: it starts the process all over again with a different judge, an attempt to achieve a different result, a different finding as to Terri's wishes or simply to delay the enforcement of her wishes.

It has been described by the chairman of the committee that what this bill does, if I heard him correctly, is to provide an opportunity for Terri's parents to assert their rights under the United States Constitution. They have always had that right. They had that right in State court. They had that right in Federal court. They had that right in the United States Supreme Court, which turned down the appeal.

□ 2200

This bill does not create any new rights. It simply creates a new judge in an attempt to achieve a different result or to delay a different decision.

One of the chief Senate sponsors of the bill said earlier today that the purpose and the effect of the bill in his judgment was to cause the Federal judge who will hear this case to reinsert the tube.

Before we vote tonight, I would like to ask the Members to ask one question of themselves. If this were their family, if they some day, and I hope they do not and I hope I do not, find themselves in this tragic situation, one of the most tragic we will ever experience in our lives, and they and their wife had come to a conclusion about what they want as a couple or individually as to how they end their life, how would they feel if elected officials they had never met who did not know them thought their judgment was superior to theirs? How would they feel if that affected them and their spouse?

I have followed this case for years. My views tonight are the same as they have been always. This case is about Terri's will as interpreted by the courts, God's will, and it should not be about the will of the United States Congress. Sadly, regardless of what this Congress does tonight, everyone may lose. Terri's husband may lose his wife. Their parents may lose a daughter.

My hearts and prayers go out to Terri and her family.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Speaker, it is a sad day in America when a society as great as ours and filled with as many opportunities as ours turns its back on one of its most vulnerable disabled citizens. It is unfortunate that it has come to this.

My colleague said a little bit ago or asked the question, "Where will we stop if we allow this to go forward?" I ask the same question of them: Where will we stop if we allow this to go forward? This is not an end of life decision.

Those who have said that this issue should be a private and personal matter are correct. I agree with them. Congress has no business interjecting its opinion in the end-of-life decisions of any family.

This is not what we are doing here. Terri Schiavo is not brain dead, she is not on artificial life support. She is not terminally ill or in the process of dying. She is brain damaged but if given the chance to be rehabilitated again, there is no telling what she can do.

We are here precisely because we respect the rule of law. And my colleague read the 14th amendment to us before, and I will not do it again. Congress is merely saying to the Nation that we think a Federal court should look into this case and determine whether or not her constitutional right to life has been infringed upon. End-of-life decisions are excruciatingly difficult for any family to make. I know. My mother told us every week of her life that she did not want to be kept on life support. She had a stroke and she was on life support. The most difficult decision I ever made in my life, and my father's. But we consulted with the physicians, and we were able to get her to a point where she could live off of life support and leave it in the hands of God, and that is what we did.

I know how difficult this decision is too. I do not know anyone here in this legislative body who wants to interject their opinion in any family's decision, but starving a woman to death when death is not imminent is wrong. Terri Schiavo deserves to have her constitutional rights respected.

Mr. Speaker, my thoughts and prayers are with Terri and her parents tonight.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, we are turning a sad family tragedy into a grotesque legislative travesty. It is a tragedy. But what we are talking about tonight is nothing other than inserting our judgment for the courts. Today every day in every county in America, families, doctors, hospital chaplains are making life-and-death decisions, tough decisions and tender decisions. Each one has its own circumstance, and Congress cannot reasonably understand each and should not be involved. For 215 years it has been a solid principle of this country that Congress is not involved in issues like this.

Today in church at Palm Sunday services, I read the bulletin, and as is the usual practice there was a list of the sick and hospitalized, the homebound. I read each name. There are some family tragedies in that list and some tragedies yet to come. But those families would not want Congress to send them to one court or another for a review. This evening I had dinner with a family, my own relatives who yesterday and today had visited the hospital where the family decided to remove the feeding tube from a loved one. They came out of the hospital to find, to their dismay, that Congress is second guessing their decision. Imagine how they feel. Why should they believe that Congress will stay out of their personal affairs?

By the way, why are we debating this case? I do not want to be too cynical, but could it be that the TV cameras are rolling?

Doctors sometimes make the wrong decisions, Mr. Speaker. Families sometimes make the wrong decisions. But the wisdom of the founders of this government in not putting these decisions in the Congress is that they understood that most of the time we would make the wrong decisions. We do not know the facts of this case or thousands of others that are out there today despite assertions to the contrary tonight.

That is why we should not, we should not, substitute our judgment for the courts. Congress should not play doctor, certainly not by long-distance video or hearsay diagnosis, nor should we be the judiciary. If Congress wants to avoid tragedies like this, we should deal with policy questions, such as adequate home care for the 8 million Americans who need it and see that Medicare and Medicaid provide adequate long-term care. Yes, we should spend our time that way, and every Member of this body should spend the time tonight talking with their family members about advanced medical directives and living wills. That is something we can do to help prevent tragedies like this.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, this bill does not make a decision on whether or not the feeding tube should be reinserted. It does not make a final decision on the issues that are being decided in Florida. What it does do is that it says that a Federal court, a judge, will review the Federal constitutional and legal rights that belong to Terri Schiavo, and that Federal judge will make a decision on Federal issues, and that is all the bill does.

Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, we meet tonight under extraordinary circumstances, and I for one am very grateful to the Speaker and majority leader DELAY for bringing us back because a much-loved disabled woman in Florida has been ordered to die by starvation and dehydration. We meet tonight because Terri Schiavo's family, including her parents, Bob and Mary Schindler, refuse to allow their precious daughter, who is not in a coma nor is she terminally ill nor is she in a persistent vegetative state, to be killed by starving her to death.

Disabled people deserve no less than everyone else deserves, to have their fundamental human rights protected and properly asserted. We meet here tonight because there are serious questions whether Terri Schiavo's estranged husband, Michael, who has abandoned Terri for another woman and has had two kids with the other woman, could be trusted as a legal guardian for a woman for whom he has sought death for many years.

Let us not forget she has been in a hospice for 5 years. My mother was in a hospice. She had terminal brain cancer and was dying. One goes into a hospice when they are in the process of dying. Terri was not dying.

Mention was made earlier by the gentleman from Florida (Mr. WEXLER) that everyone agrees that Terri is in a persistent vegetative state. That's not true. Let me remind my colleagues that no less than 14 independent medical professionals, including six neurologists, have said she is not in a persistent vegetative state.

Let me also point out to my colleagues Dr. William Hammesfahr, an M.D., board certified neurologist from Clearwater, Florida has testified, and he has signed an affidavit as recently as March 6 of this year, and he has said Ms. Schiavo is not in a persistent vegetative state. He goes on to point out that she could benefit, and I will include this full statement in the RECORD, from medical interventions that are available right now as we meet, she could be getting therapies, medical and otherwise, that would make her situation all that much better. All of that has been denied to her. She has sat in a hospice to languish denied these basic medical provisions and procedures that could enhance her life.

I would hope that we would vote for this legislation.

The material previously referred to is as follows:

DECLARATION OF WILLIAM M. HAMMESFAHR, M.D.

I, William M. Hammesfahr, M.D. have personal knowledge of the facts states in this Declaration and, if called as a witness, I could and would testify competently thereto under oath.

I declare as follows:

1. I am a Board-certified neurologist in private practice in Clearwater, Florida. My curriculum vitae is attached to this declaration.

2. I have previously filed affidavits and testified in the matter involving Terri Schiavo.

3. I have personally examined Terry Schiavo, reviewed her available medical records, and reviewed her CT can. When I last reviewed her CT scan I noted that Ms. Schiavo had significant brain tissue. She has a large amount of viable brain tissue in her cerebellum space and cerebral hemispheres, not just scar tissue or spinal fluid.

4. I have previously testified, and I am still of the opinion, that Ms. Schiavo is not in a persistent vegetative state.

5. Further, Ms. Schiavo had the ability to swallow. When I examined her approximately two years ago, she was not PVS of MCS, she was in an alert state, able to follow commands, able to respond to language, and able to swallow.

6. Her condition of hypoxic emcephalopathy is a type of stroke. It is a condition I routinely treat with therapy, sometimes 50 and 60 years, after the injury. She is only 15 years past the injury. We routinely see major improvements within the first six months of treating such patients. Terri Schiavo deserves to have the benefit of further treatment.

7. There have been new advances in medical evaluation and treatment for patients like Terri Schiavo even in just the past few years. For example, in November of 2003. Judge Susan Kirkland of the Florida Department of Health validated the treament I

have been providing victims of stroke by identifying me, during her ruling, "the first physician to treat patients successfully to restore deficits caused by stroke." With my therapy, there is improvement of blood flow to the brain.

8. There are other therapies that could benefit Terri Schiavo, such as Hyperbaric Oxygen Therapy, and nutritional therapy, that all have high success rates, and these should be tried on Terri.

9. As a patient, Terri Schiavo is not in that bad of a condition to begin with. We treat many patients who are a lot worse. There are a lot of therapies out there that will very likely improve her condition, and they all compliment each other, so if you do them all in a series, she could get a lot better.

10. Without a doubt, I observed Terri swallow. At a previous hearing for Terri, all five physicians who examined her agreed and testified that she can swallow. We know that because the body makes approximately 2 liters of saliva and post-nasal drainage a day and if she can swallow that, which she can because she swallows her saliva, then she can swallow food.

11. I believe that it is wrong and medically unethical to remove Terri Schiavo's feeding tube and derive her of food and water. At the very least, further swallowing tests should be done, and swallowing therapy used, so that Terri can feed herself, without the use of the current feeding tube.

I declare under the penalty of perjury under the laws of the State of Florida that the foregoing is true and correct.

Executed this 06 day of March 2005, in Clearwater, Florida.

WILLIAM M. HAMMESFAHR, M.D.
Declarant.

DECLARATION OF WILLIAM MAXFIELD, M.D., FACNM

I, William Maxfield, M.D., FACNM, have personal knowledge of the facts stated in this declaration and, if called as a witness, I could and would testify competently thereto under oath. I declare as follows:

1. I am a medical doctor and licensed in Florida and several other states.

2. I have extensive experience in treatment of stroke, multiple sclerosis, brain trauma, cerebral palsy, other cognitive diseases and congenital problems such as ataxia-telangectasia as well as many other diseases that are treated with Hyperbaric Oxygen Therapy (HBOT). My experience in imaging and hyperbaric medicine provide a unique background for my work in developing protocols to diagnose and treat conditions that may benefit from hyperbaric oxygen therapy, such as the current condition of Terri Schiavo.

3. A copy of my 20-page curriculum vitae is attached to this declaration.

4. In May of 2002, I previously evaluated Terri Schiavo. I reviewed supplied medical records, personally observed and evaluated Ms. Schiavo on two separate days at the request of attorney Pat Anderson, who was involved in the case at that time.

5. When I evaluated Ms. Schiavo I observed that she was able to swallow at that time. She swallowed her saliva. She didn't drool her saliva like a patient would if they could not swallow.

6. Based on my observation that Ms. Schiavo can swallow, I believe that she deserves the opportunity to see if she could sustain her life by swallowing food and water. I recommend that she receive further swallowing testing, and the right to sustain her life by eating and drinking on her own.

7. During my personal observation of Ms. Schiavo, I saw her respond to music and to her family by grimacing, moving and smiling, and turning her head. She could not move her body very much at that time, because of stiff joints, but she turned her head toward her family and looked at them. She would follow balloons around the room to a great degree. These behaviors, in my opinion, are not consistent with a Persistent Vegetative State (PVS), but are those of Minimally Conscious State (MCS).

8. There have been medical advances in the evaluation and treatment of patients like Ms. Schiavo even in just the past several years and since the last time that I examined her. For example, these advances include further documentation of the neurological response to HBOT and now the developing field of Hypoxia Imagining. Having just a normal MRI or CAT Scan is not enough for a patient like Ms. Schiavo. I would recommend Ms. Schiavo have a SPECT brain scan before and after HBOT. There is a data demonstrating an improved SPECT brain scan after one or a few HBOT sessions can provide a significant correlation as to response from a full course of HBOT. We can then determine if there is improvement in the pattern of her brain, and predict if additional hyperbaric treatment would produce improvement. Ms. Schiavo deserves to receive the benefit of this advance in medical evaluation and treatment. I have worked with many patients who have shown marked cognitive improvement with HBOT. Documentation is available upon request.

9. When I observed Ms. Schiavo, I noted that she did not interact with me, but she did interact with her mother and father. She does not respond to other strangers. She does respond to people she knows and this is not something a person in a PVS state would be able to do. I base this opinion on my 30 years of practice in radiation therapy, and as medical director for a hospice program, where I have dealt with many patients who are in a PVS state.

10. In my opinion Terri Schiavo is MCS, because if she was PVS, she would not respond to the stimuli around her, including the music. In my opinion, she is in a vegetative state.

11. Without a doubt, Terri does respond and she does swallow her own saliva. If she can do that, then, in my opinion, she can swallow liquids.

I declare under the penalty or perjury under the laws of the State of Florida that the foregoing is true and correct.

Executed this 6 day of March 2005, in Odessa, Florida.

WILIAM MAXFIELD, M.D., PACNM,
Declarant.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the previous impassioned speech from a gentleman who legitimately and genuinely holds a very strong opinion here is exactly why we should not, as a Congress, be deciding this issue. He made a number of statements about her medical condition. None of us are in a position to know what her medical condition is. There are procedures in the State of Florida which have been gone through exhaustively to determine that. Doctors have testified one way or another. Doctors have examined her, some doctors have not examined her. That is precisely the point. The arguments the gentleman is making exemplify why this needs to be a case-by-case decision, not a legislative decision.

Mr. Speaker, I yield 30 seconds to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman for yielding me this time.

It is precisely what the gentleman from Wisconsin (Mr. SENSENBRENNER) has been saying all night. We want the venue to be a Federal district court in Florida to look at this critical matter from beginning to end to determine what has been missed. There is a benefit of the doubt here that goes to Terri. She ought to get it. We do not think she has gotten it. Let the court decide.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 1 minute.

The caption tonight ought to be "We are not doctors. We just play them on C–SPAN." The point is this: The gentleman is making specific medical arguments. He has said, in strong criticism of the entire judicial system of the State of Florida, that they did not give her a fair chance; that the entire judicial system, all of those appeals, all of those trials, all of that litigation, that that did not give her a fair chance and we will now vacate the judgment of Florida. And why? Not because any of us know one thing or another, but because many Members here genuinely have a strong ideological interest, and that is precisely why this ought to be a judicial decision and not a legislative decision.

Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me this time.

Mr. Speaker, the most traumatic moment of my life was when my mother died in my arms. She had chosen not to be dependent on a respirator in a hospital but to die at home with her family. These circumstances, or some variant of them, occur eventually within every family, and whether the Federal Government has the right to intervene in those private tragedies is the issue before us tonight.

I talked to Terri Schiavo's brother today, and then finding what he said convincing, I read through all of Mr. Schiavo's testimony and interviews. And now I do not know who is right and who is wrong. But that is the point. Neither do my colleagues. But 10 courts have heard from all sides, from every relevant witness, and all of them, 19 judges, many of them conservative Republicans, all have reached the same conclusion, that in fact Terri Schiavo's husband's wishes are consistent with his wife's, that the feeding tube should be removed.

☐ 2215

I have never met, certainly not examined, Ms. Schiavo; but nor have any of the so-called medical experts in this body that have testified on the basis of edited videotapes ever examined her either. But every qualified doctor who has examined her has reached the same conclusion: she is in a perpetual vegetative state: she has no cerebral cortex.

The reason this issue is before us, I think, is that it is all about religion and politics. But does not every religion teach, first of all, that no human being has the right to play God? And is not one of the very first principles of politics is that we should not use individual human tragedies, people suffering in anguish, political pawns to appease the interest groups that keep us in power.

Mr. Speaker, the night that this was brought up last week, we also voted on a budget resolution, and we decided to cut tens of billions of dollars out of the program that enables the poorest and the sickest and the most dependent among us throughout this country to be able to live in a dignified, safe and sanitary nursing home. We decided to cut that money. I did not agree with cutting that money from Medicaid, but I do agree we have that right. We have the right to cut taxes for the wealthy, while we cut health care for the poor. But we have no legislative, constitutional authority to intervene in these very personal family matters, and most importantly, we have no moral right to be doing this tonight.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, in response to the remarks a few minutes ago from the gentleman from Massachusetts, I want to say that I am not sure whether or not I am on C–SPAN, but I am absolutely sure that I am not playing doctor, for indeed I am one.

Mr. Speaker, I want to thank my colleagues for returning to Washington on Palm Sunday to take up this very important issue. As my colleagues know, we are here today in an attempt to safe the life of Terry Schiavo. I particularly want to thank the gentleman from Illinois (Speaker HASTERT), the gentleman from Texas (Mr. DELAY), the gentleman from Wisconsin (Chairman SENSENBRENNER), and the gentleman from Florida (Mr. WELDON) for their leadership on this issue. Although Congress cannot heal Terri, we do have the ability to save her from an inhumane death from forced starvation and dehydration.

Mr. Speaker, since Terri Schiavo's brain injury 15 years ago, she has been profoundly disabled. She is not, however, in a coma. She responds to the people around her; she smiles and she can feel. Terri is very much alive.

Mr. Speaker, listen to the words spoken just one year ago by Pope John Paul II to the International Congress of Catholic Physicians on life-sustaining treatments and the vegetative state: "A man, even if seriously ill or disabled in the exercise of his highest functions, is and always will be a man, and he will never become a vegetable or a man animal. Even our brothers and sisters who find themselves in the clinical condition of a vegetative state retain their human dignity in all its fullness. The loving gaze of God the Father continues to fall upon them, acknowledging them as his sons and daughters, especially in need of help."

The tragedy of this situation is that with proper treatment, now denied, Terri's condition can improve. Even though Terri's parents object to the removal of her feeding tube, the courts have rejected their pleas, and at this point it appears that all legal efforts to save her life have been exhausted, unless Congress acts swiftly.

Mr. Speaker, I believe we have a duty as Members of Congress to uphold a culture of life and compassion.

Terri has been incapable of making relevant decisions, particularly concerning her medical care, since she collapsed due to a potassium imbalance in 1990 at age 27, just a few years after her marriage to Michael Schiavo. Terri's parents want her to live. The governor of Florida, her state of residence, and many in the state legislature want her to live; however, the Florida Court system has ruled the husband's guardian rights should prevail. Unfortunately, his wishes have set his wife on a course of dehydration, starvation, and death.

It is important to note that Terri never had the opportunity to plead her own case in court and she never executed an advanced directive or living will in writing.

Terri responds to verbal, auditory, and visual stimuli, normally breathes on her own and can move her limbs on command. As a result of her parent's love, they have fought for years to prevent her court ordered death and have expressed their willingness to take care of her for the rest of her life.

Since the Florida state court has issued an order prohibiting Terri from even being given food or water by her mouth, once her tube is pulled she will not die from any disease, but from starvation and dehydration.

Florida law prohibits the starvation of dogs, yet will allow the starvation of Terri Schiavo. Florida law does not allow for physician assisted suicide or euthanasia, nor does my compassionate God fearing state of Georgia. Although I am not a neurologist by specialty, my basic courses in medical school taught me that dehydration is a horrific process.

It is a process that only the cruelest tyrants in history have used to "cleanse" populations. The patient's skin cracks, their nose bleeds, they vomit as the stomach lining dries out, and they have pangs of hunger and thirst. Starvation is a very painful death to which no one should be deliberately exposed.

The tragedy of this situation is that with proper treatment, now denied, Terri's condition can improve. Even though Terri's parents object to the removal of her feeding tube, the courts have rejected their pleas and, at this point, it appears that all legal efforts to save her life have been exhausted unless Congress acts swiftly.

Mr. Speaker, I believe we have a duty as Members of Congress to uphold a culture of life and compassion. It is important that we act today to save Terri Schiavo's life and uphold the moral and legal obligation of our nation, indeed this poor woman's Constitutional right to life.

In our nation of checks and balances, I believe it is time for Congress to check the Florida court's decision and pass this life saving measure.

I encourage bipartisan support of this legislation because we are here, at this "11th hour," quite literally, to save Terri's life.

Mr. FRANK of Massachusetts. Mr. Speaker, I reserve my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. FORTENBERRY).

Mr. FORTENBERRY. Mr. Speaker, while I was at home this weekend, my little 2-year-old girl wanted me to take her for a walk. I looked forward to having some "daddy time" with her. But before we could leave, she fell asleep on our stairway. I picked her up, cradled her, and brought her to her bed.

As I looked at her precious little face, I thought of Terri Schiavo's mother and father: how they must have cradled their little girl, loved her, watched her grow, given her hand in marriage.

But, Mr. Speaker, as we are all now familiar, Terri's life met with terrible tragedy. A debilitating illness left her incapacitated, a medical system has not protected her, and a judicial system has betrayed her. And through this all, Terri's mother and father are still there with their little girl, loving her, caring for her, asking only for one simple thing: do not starve her to death. Give her food, give her water, ordinary care for a living person.

Mr. Speaker, impoverished judicial reasoning has created the need for a new law, granting to Terri the same right given to Death Row inmates to appeal. Given the complexity of who should have final say over Terri's life, an estranged husband who is now in a common law marriage, or her loving parents, it is only reasonable that additional levels of appeal be given.

Mr. Speaker, I wish to thank our leadership for their exhaustive efforts on Terri's behalf, for their willingness to stand for a compassionate society that protects its most weak and vulnerable members.

Mr. Speaker, let us join Terri's mother and father and cradle Terri in the arms of a just and good decision.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 3½ minutes to the gentlewoman from Washington, D.C. (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, it is hard to know how to approach this case. Should you approach it as a mother or a member of the family on the opposite side, should you approach it as a member of the

House of Representatives, should you try to approach it as a lawyer?

One thing is clear: choosing up sides, where you or I stand on our particular values, clearly will not do. That is why matters of this kind involving families have for more than 200 years been committed to State courts, because we are all over the place, State By State, person by person, on this issue. We are hopelessly divided.

Countless Americans have already made decisions like this, over and over again. Countless more have a different view. There are some who, if they had to choose, would side with the husband as the next of kin, because he believes he knows what his wife desired based on what she said to him and believes he would betray her trust if he simply walked away. Who can fail to be sympathetic with him?

Who can fail to be sympathetic with the parents, who almost instinctively have adopted the role of parent? When the mother said today, "Save my little girl," she is not even any more for her a grown woman, the wife of somebody. She is her little girl, and always will be; and I understand that.

There are 50 different States, 51 including the District of Columbia, with wholly different approaches to the same matter. How shall we choose? Which is best in a Federal Republic? To give it to the Congress? To then instruct the Federal courts to violate every rule we have had for 215 years? I hardly think so.

Until today, there was no doubt how finality should be reached in a case like this. My only hope is that somehow this will finally be settled without a three-part constitutional crisis of the kind we are creating here, the crisis at the heart of federalism and the Federal Republic for which we stand, the bedrock of who we are, the State-Federal system, where State issues with State courts are final and our issues are final, except in very narrow circumstances given the limited vision of the Federal Government, of the Founders, or the crisis of separation of powers, which we were barely circuiting here, or the crisis of the constitutional right of privacy. Choose your crisis.

The victims here are real people, however, caught in a dispute of Shakespearean dimensions. The other side thinks that is right, it is life and death. That is what makes it different.

But my friends, never before in countless cases in Federal and State courts in 215 years, life and death has not made a difference in my own lifetime and in the history of my country as I have read it. I wish that the fact that life and death were at issue had meant that we could go into Federal court every time we disagreed.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, in America we do not let people starve an animal to death. We do not let them starve prisoners to death. But that is what some would do to Terri Schiavo.

This is about the rights of a disabled person. Terri Schiavo is not brain dead or comatose or unconscious. She is not terminally ill, she is not dying, she is not on artificial life support. All she needs is a feeding tube to eat. But so do many disabled people.

Terri has a brain injury, but otherwise she is healthy. Seven years after the injury, her husband suddenly remembered Terri's wishes about life and death. Her estranged husband has not allowed her any therapy or treatments or rehabilitation in more than a decade since he won the malpractice award, even though many doctors believe that they would help her condition. In fact, she was speaking some words before her treatment stopped. She may not even need the help of a feeding tube if given therapy. Doctors who have seen her certify that she can swallow.

Mr. Speaker, this woman needs help, not a death sentence. She needs the warmth of a family that cares for her. She needs the help of doctors who want to treat her, instead of recommending that she die. But her family is not even allowed to help her because of a judge's ruling, a judge who in 5 years has not even bothered to visit her once to see for himself that Terri is not comatose, that she is not unconscious, that she is not in a vegetative state.

If prisoners on Death Row are guaranteed Federal review of their cases, Terri Schiavo deserves at least as much consideration. The 14th amendment of the Constitution says: "No State shall deprive any person of life, liberty or property without due process of law." This means Florida may not starve Terri to death unless every legal recourse to prevent it has been taken.

This is a constitutional right. Terri's life is valuable. She deserves a right to live. The disability community is horrified at what is happening to Terri, and so are millions of Americans. I urge every one of my colleagues to have compassion on this disabled woman and allow a Federal court to review the facts and her constitutional rights.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 1¼ minutes to deal with two arguments that have been presented here as precedents.

This is an unprecedented piece of individual case decision. One, we are told, well, we did this previously with civil rights. After years of determining and establishing that there was a discriminatory pattern, we made an exception. The rule remains that States decide these kinds of decisions; but because there was an overwhelming showing of a pattern of discrimination based on race, outlawed specifically by an amendment to the Constitution, we made an exception. There is no showing here of any such pattern of discrimination.

Secondly, we are told this is just a general principle like habeas corpus. I have to ask people on the side who are pushing this, if this is such a good idea, why is it limited to this case and why do you say it is not to be a precedent? If, in fact, it is to be the rule that people should have this appeal, why do you limit it to only one individual?

That suggests that this is a response to a particular dispute. You are responding to a particular dispute because it did not come out ideologically and for whatever reason you say you wanted. But if it is a principle, why is it written as a bill applying only to these individuals, and it specifically says it cannot be a precedent?

Clearly, this is an individualized response to a controversy that attracted attention, and if you believed in the principle, you would have made it uniform.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Mr. Speaker, it is Sunday evening, a time when those of us in the House of Representatives are usually not in session. But tonight is an unusual night and the circumstances before us are unusual.

□ 2230.

It goes without saying that we of course are discussing the life and death of Terri Schiavo. The situation that Terri is in has been discussed here on this floor tonight already, and you only have to turn on the news or pick up a newspaper to learn about it. However, as I have watched, as I have listened, as I have read the news, I have been shocked at some of the inaccurate statements that have been made about Terri's condition.

The bottom line is that once Terri is dead, it will be too late to reconsider what else we will do. The truth is Terri is not brain dead. She is awake. She is aware of her surroundings. Terri is not on artificial life support. No extraordinary measures are being taken. She does need assistance in being fed, but that is not unusual. I have a perfectly healthy 1-year-old little boy, and he needs assistance in being fed, perhaps not through a feeding tube, but nonetheless he needs help.

As I said, this is an unusual situation. Usually Congress writes laws with a broad brush, but every once in a while an unusual situation will require special legislative action. That is a situation for us tonight, Mr. Speaker.

Tonight, the possible life or death of Terri Schiavo is before us. I ask my colleagues to support this legislation, and may we as a Nation continue to protect the most innocent and most vulnerable among us so that the United States of America will continue to be that light on the hill, that beacon of hope for all mankind.

Mr. FRANK of Massachusetts. Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. RYUN).

Mr. RYUN of Kansas. Mr. Speaker, we are considering today what is the life of Terri Schiavo, and it is not just about who we are as Americans. It is about a lifestyle. It gives us the opportunity to affirm constitutional protections apply to all Americans, particularly the most vulnerable among us.

As a disabled person, Terri Schiavo deserves the same right as any American, and for Terri time is quickly running out. I believe it is extremely important that Congress step in to protect the life of Terri before it is too late.

In looking at the evidence in this case, I believe the courts have acted irresponsibly. Terri Schiavo does not need the assistance of any machine to keep her alive. She is responsive to the sound, touch, and sight of those caring for her. She has parents and siblings who desperately want to take care of her. Yet the courts have even denied the ability of the relatives to offer food and water to her lips. In fact, Noble Prize Nominee Dr. William Hammesfahr recently issued a statement saying he has examined Terri and he believes her injury is the type of stroke that he treats every day with success. In fact, he said there are many approaches that would help Terri. I know because I have had the opportunity to personally examine her and her medical record and her x-rays.

It is time to help Terri instead of just warehousing her. She would have benefited from treatment years ago, but it is not too late now. Terri's parents along with her brother and sister have begged her husband, Michael, to let them take care of Terri. He has not only refused this request, he has denied Terri the rehabilitative care they might have offered her to help with her condition. Now he has had her feeding tube removed and sentenced her to a most excruciating death, citing Terri's own wishes as the rationale.

Yet Terri did not express this to her parents or siblings or reduce her wishes on paper, and Michael did not remember the supposed request until years after Terri's initial injuries when a cash settlement was awarded to her, a settlement he would stand to inherit.

If we as a Congress allow this to happen without guaranteeing her 14th amendment rights to due process, Terri's blood is on our hands. If we do not act now, our inaction is completely irreversible.

I urge my colleagues to support this bill.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. LEWIS), someone who knows something about Federal intervention when it is called for.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank the gentleman from Massachusetts (Mr. FRANK) for yielding me time.

Mr. Speaker, why are we here tonight? We have not been ordained or called by some all-powerful force to play God or play doctor.

Every day American families make life-and-death decisions governed by their own faith and led by their own hearts. This Congress does not interfere with most personal decisions of these American citizens. Why then, Mr. Speaker, why have we come here tonight?

Where is the respect for individual responsibility that is waved like a banner in this Chamber? Where is the respect tonight for States' rights that we said we hold so dear? If we really believe in those values, we will stay out of Terri Schiavo's life today and let the decision of her husband and the ruling of the Federal court stand.

Leadership must lead. Tonight this leadership is a taillight. It is not the headlight for democracy and for a citizen's right to privacy that it should be.

This is demagoguery. This is a step in where we have no business. This is walking where the angels fear to tread. We are playing with a young woman's life for the sake of politics. This is not about values. This is not about religion. It is pandering for political gain with the next election in mind.

Mr. Speaker, how much further can we slide down this slippery slope of hypocrisy? How much lower can we sink? How much more unprincipled can we be?

In a democracy, sometimes we disagree with individual decisions. Sometimes it is hard to bear judgment that we do not understand. But if we truly believe in individual freedom and the right to privacy, then we must get out of the way and let people be free.

This is a matter that should rest with the family, their consciences, and their God. The Florida courts have spoken, and we should not intervene.

This is a very, very sad night for the House of Representatives. Mr. Speaker, is it possible for us to let this young woman take her leave in peace?

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, we all know that there are deep emotions that are involved in this debate tonight. And earlier many of us met with Terri Schiavo's brother, and I do not think that anyone can truly convey what that family is going through. And as a mother, a tragedy of this type is my worst nightmare.

But, Mr. Speaker, we, this Congress, we are not here simply because we believe in our hearts that a great mistake is about to be made. We are here because all of us, each and every one of us, Americans, Members of Congress, we all know and we understand that the most basic, most fundamental right guaranteed by our Constitution, that is the right to life. And it is our responsibility to protect that right.

Now, I interpret and a lot of people have looked at the decision by the Florida judiciary and they interpret this as something that says our society, our country should be willing to accept and facilitate the murder of an adult human being, a human being who has not committed any crime at all whatsoever.

I do not think the Founders of our country or our Constitution would agree with that decision, Mr. Speaker.

I think it is entirely appropriate that the Federal courts consider this matter, a matter that so clearly speaks to the core of our belief, the belief that every human being has worth, every human being has a value, and every human being has a right to live.

Our hearts are with Terri Schiavo and her family. Our reason and our intellect are with the Constitution.

Mr. FRANK of Massachusetts. Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding me time, and I commend him for the work he has put in over the last 4 days to try to bring this bill to the floor.

This is not the original version of the bill that I introduced about 2 weeks ago, but I think it will have the intended result.

For many people listening and watching, you may get the impression this is a dispute between the Democrats and the Republicans; but there were 30, approximately 30 Democrats on the bill and I know that many Democrats do support this.

I practiced medicine for 15 years, internal medicine, before I came to the House of Representatives. I took care of a lot of these kinds of cases. And there were basically three features of this case that compelled me to feel that a Federal review of the case was warranted. And by the way, I think it has been pointed out by some of the people that preceded me, Scott Peterson's case is going to get a Federal review, John Couey, the man who confessed to killing that young girl in Florida not far from where Terri Schiavo lives, he will get a Federal review; but there were several features of it.

Number one, by my medical definition she was not in a vegetative state based on my review of the videos, my talking to the family, and my discussing the case with one of the neurologists who examined her. And, yes, I asked to get into the room and was unable to do so.

The other thing was this very lengthy pause, and that has also been pointed out by some of the people who have spoken, of 7 years between her original injury and when it was stated that she had prior voiced sentiments of not wanting heroic life-sustaining measures.

My clinical experience has always been that immediately family brings that up. They do not wait 7 years.

There were other features of this case that I thought were highly unusual that warranted a Federal review. I think this is a good bill. I encourage all of my colleagues to vote in support of it.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 45 seconds.

The gentleman's remarks again emphasize that this is a judicial and not a legislative case. He says there are aspects of this case that call for judicial review. That is why we have courts.

Yes, other people can get other Federal review by general statutes. None of the other cases he mentioned are in Federal courts because a particular bill was passed in a particular situation to send them there based on a review of those facts.

The gentleman is entitled to his view of the facts as he said. There are aspects of this case that lead him to think that it should go back into court. That is what courts are for. He has just described the antithesis of a legislative decision, particularly since almost none of the Members have either as much information as he does.

Mr. Speaker, I yield 2½ minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I thank the gentleman for yielding me time.

I do not know what to do tonight. I honestly do not. If Terri Schiavo were here, she could tell us what she would like her fate to be under this circumstance. Those who say that we are condemning her to death by starvation, that may be so if action is not taken tonight. But it may also be so that you may be condemning her to a life that she might not choose were she here to choose that.

Some of us have spoken on both sides of the aisle of holding our loved one in our hands as they died, having made the decision not to have heroic measures. For 23 years before working in this body, I served as a clinical neuropsychologist. I have been with many patients in persistent vegetative state.

I wish life were different. I really wish it were. I will tell Members the stories like the gentleman from Arizona (Mr. FRANKS) and others about sudden recoveries, where people almost miraculously or magically are better and return to their former state are apocryphal for the most part.

After years of coma, people do not return to who they were before. What happens is we have a brain stem that is miraculously robust at protecting breathing and heart rate, but it is our cortex that makes us who we are and that cortex dies when it is deprived of oxygen and we effectively die with it.

□ 2245

And I am sorry about that. It is so tragic.

I honestly do not know what to do. But for anybody to try to imply that people on one side or the other do not care about this woman is not right or fair, on either side. This is an American tragedy but, more importantly, it is a personal tragedy. And people on both sides are pro life in the richness and complexity and difficulty of it.

Some are trying to do their best to honor what they believe are this woman's wishes to not live condemned to a bed where she cannot speak or enjoy the higher virtues of life she might choose. And if she did indeed say I would not choose the fate of being condemned to this bed, then we are denying her that right to make the choice. That is the challenge here tonight, my friends.

But let no one who leaves this body somehow imply that whichever the vote is taken, one side or the other does not respect life in its richness. We are all pro life. We all feel for this family. And also let no one believe that we are somehow saving this woman from a horrific fate whichever route we choose.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I am a cosponsors of the Weldon legislation. I respect his opinion as a Floridian and as a doctor, but I am also a cosponsor of the Sensenbrenner legislation, as I respect his lead and opinion as a jurist, a lawyer, and as someone who knows the 14th amendment. And I do believe there is a question about the 14th amendment, due process, being followed or not.

Here is what we do know. Terri is not a PVS, someone in a permanent vegetative state. Florida has a legal definition of this and it states that one has to be permanent or irreversibly unconscious, with no voluntary or cognitive behavior of any kind, and without ability to communicate. Terri is able to laugh, she is able to cry, and she, apparently, can hear. She responds to stimuli, such as voices, touch, and people.

Six neurologists and eight medical professionals have testified that she is not PVS, even though her husband has discontinued valuable therapy now for nearly 10 years. Terri is not terminally ill. She is not in the process of dying. She is not on a respirator, she is not on dialysis, she is not on a pacemaker or any other 24-hour medical equipment. She is not in a coma. And although parts of her brain are permanently damaged, she is not brain dead.

Removing the feeding tube simply kills her by starvation and dehydration. Terri did not have a living will. Even though her husband has now stated that she would have wanted to die, he withheld this information for 9 years and never came forth with it until the State law in Florida said they would now allow hearsay evidence for living wills. But up until then, there was nothing from her husband.

After the heart attack and chemical reaction in 1990, she was taking therapy. And, in fact, she was able to speak and communicate to some degree until 1993, when he discontinued the therapy. Mr. Speaker, if there is a split decision, we should go with the 14th amendment and the desire of the parents.

Mr. FRANK of Massachusetts. Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, there have been a lot of charges talked about tonight and a lot of emotion. This is a painful process. As a physician, I have dealt with end-of-life decisions in families as they struggle countless times. Why is this one different? First and foremost, there is no living will in place; and, second, there is a fundamental disagreement between Terri's husband and her parents, two who normally would agree. There is also a disagreement among medical experts.

Now, where do we make decisions when there are disagreements with irreversible life-changing decisions? A court of law. What court? Depends on the case. Does Congress have the authority? Absolutely. Article I, Section 8 and Article III, section 1 give Congress the authority to determine the jurisdiction of Federal courts, and that is what we are doing here tonight.

Ideally, decisions are made among families. When loved ones disagree, our society strongly, strongly believes in individual rights and that they must be preserved. That is why all State death penalty cases get a final review in Federal court, and that is all that is being asked here.

As I sat in church this morning, I struggled with this and I prayed. I prayed for a lowering of the rhetoric. I prayed for a decrease in the emotion. This is not a clear-cut case. This is an extremely difficult case, and I ask my colleagues for caution. It is right and just that we have a final set of eyes, objective, nascent and responsible eyes, review the case and provide that final cautious review. It is our responsibility to ensure that right.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 30 seconds.

It is true that the Constitution gives Congress the right to provide the jurisdiction of the courts. This bill does that for one individual, which, as the gentleman from Georgia's comments make clear, it is based on the facts of the one case.

This is not an act of legislation, this is a case-by-case adjudication because Members here genuinely dislike the outcome of the Florida court system.

Mr. Speaker, I yield 6 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this bill is a dangerously reckless way to deal with one of the most serious issues we will ever confront. There is no way to make these judgments easy, even when the express desires of the patients are clear and unambiguous. Where there is disagreement on the medical facts or on the wishes of the patient, these cases can be heartrending and sometimes bitter, beyond the comprehension of those who have been fortunate not to have to make these decisions.

So what does this bill do? This bill would place a Federal judge in the middle of this case after the State courts have adjudicated it, after doctors and family members and counsel and clergy and the courts in Florida have struggled with it for years. After everything is over, after all the facts have been established to the satisfaction of the courts, all the appeals exhausted, the writ of certiary denied by the Supreme Court of the United States, now we start all over again.

My colleagues wish to put one of those unelected Federal judges they always denounce right in the middle of this and say the trial starts de novo. Ignore everything the Florida courts have done. This expresses contempt for the Florida courts, contempt for the Florida legislature. Nothing is to be considered res judicata. No facts are to be considered established.

This is not establishing a Federal appeal from the Florida courts on the grounds that the Florida courts have violated some constitutional rights we are familiar with; those kinds of procedures. No, this does not do that. This simply says the Florida courts are incompetent. The Florida legislature is incompetent. The Florida people are not to be trusted in electing their judges and their legislators.

Instead, we are going to put this case, and only this case, in the Federal courts from the very beginning and we instruct the Federal courts to ignore the evidence in the Florida courts; to ignore the procedures in the Florida courts; to ignore the testimony in the Florida courts and to start all over, because we have contempt, because we do not like the judgments of the Florida courts.

We have never, ever done such a thing in the history of this country, and we should not start now. The Constitution of the United States says there should be no ex poste facto law because it is fundamentally unfair. This is not ex poste facto, it is not a criminal court, but it is the same kind of legislation. It is a bill of attainder, in effect. There is a reason why the Constitution prohibits bills of attainder and ex post fact laws, and although this is not technically an ex poste facto law or a bill of attainder, it violates all those reasons, and we should respect the spirit of the Constitution of the United States.

Mr. Speaker, it is an uncontradicted fact, uncontradicted except for the speculations of some orators in this Chamber, that Terri Schiavo told her husband, told her sister-in-law, told her brother-in-law, told various of her friends when attending funerals of close family members who had been on life support, that she would "not want to live like that." The Florida court found that to be the case, to be the fact. The guardian ad litem appointed by the court, in his report to the court, found that.

This is not the case of a perhaps self-interested, conflict of interested husband testifying to that. It is the case of the husband saying that she told him that, the friends, the brothers-in-law, the sisters-in-law. They all said the same thing. And the court found that, as a matter of fact, that is what Terri Schiavo said that was her wish.

The doctors' testimony. The doctors testified, doctors who examined her, not doctors standing up on the floor here who say, well, from the video tape we can infer. Doctors can be deprived of their license for making diagnoses from afar. But doctors who have actually examined this patient have testified her cerebral cortex is liquefied; that it is destroyed. Without a cerebral cortex there is no sensations, there is no consciousness, there is no feeling, there is no pain, there is no possibility of recovery.

That is what a persistent vegetative state is. There is no possibility of recovery, despite the wishes, despite the fervent hopes, despite the illusions of desperate relatives. We should not feed those illusions.

And what has happened to family values that we talk about here? This bill would invade the sanctity of the family, would invade the decision of the husband. George Will, a noted conservative comentator and philosopher, conservative enough so that he famously helped coach Ronald Reagan for his debates in the Presidential debates in 1980, said on television this morning, and I quote, "Unless we are prepared to overturn centuries of common law and more than two centuries of constitutional law that says that husband and wife are one, therefore clearly this is a decision to be made by the husband."

Now, this is not just a decision made by the husband. This is a decision made by Terri Schiavo, according to the testimony of the husband and the brothers-in-law and the sisters-in-law. This is a decision made by the husband and Terri Schiavo, according to all the testimony. So we have no respect for the carefully established procedures our States have set up to wrestle with these difficult cases; no respect for the elected representatives of the Florida State legislature or their judges.

Who are we to say they are wrong? Who are we to say Terri Schiavo and her husband are wrong? Who are we to say that Terri Schiavo's husband is self-interested? And who are we to say this is any different from the thousands of cases of do-not-resuscitate orders that are given effect in our courts and in our hospitals every day, other than the fact that this case has gotten a lot of publicity and a lot of public official intervention? This is hypocrisy at its greatest, and we ought not to pass this bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I am a little bit puzzled, listening to my friend from New York. At 151 CONGRESSIONAL RECORD, page 4931, the gentleman from New York (Mr. NADLER) said, "If a person thinks a court in a State is depriving someone of civil rights, they can go into Federal Court." And at volume 150 CONGRESSIONAL RECORD at page 17226, the gentleman from New York noted that without Federal courts, "Obviously, the progress we have witnessed in the area of civil rights would have been, at the very least, stymied, and most likely prevented altogether."

Now, all this bill does is to allow the parents of Terri Schiavo to go into Federal Court to adjudicate her Federal constitutional and legal rights. No more, no less.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. SCHWARZ).

Mr. SCHWARZ of Michigan. Mr. Speaker, I shall not try to influence the opinion of anyone on this issue. I will simply share with you my opinion, the opinion of a physician of almost 41 years duration.

I am a head and neck surgeon. I have done cancer surgery almost all of those years. I have done much maxillofacial trauma all of those years and dealt with situations like this on numerous occasions.

Terri Schiavo has spontaneous respiratory activities and respontaneous cardiac activity. She is not on life support, as we routinely define it. She is not intubated and she is not on a respirator.

And I give the gentleman from the State of Washington credit for his knowledge of the physiology of the brain stem. He is right, it is very robust, and that certainly is one of the things that is driving her now. But she does have some cognition and some cortical activity.

☐ 2300

Removing her gastrostomy tube will ultimately cause her demise, a commissive act that will cause the death of a human being.

How many others in this country are now in long-term care facilities with feeding tubes, but able to breathe on their own, their hearts beating strongly? Should their feeding tubes be removed as well? I think not.

I believe it is wrong to remove a feeding tube from an individual whose cardiopulmonary function is stable and who has some remaining cognitive abilities. It is unfortunate in many ways that this venue is where this issue will be decided, but removal of this feeding tube under these very public circumstances is a slippery slope down which we and the United States should not tread.

This bill deserves our support.

Mr. FRANK of Massachusetts. Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado (Mrs. MUSGRAVE).

Mrs. MUSGRAVE. I thank the gentleman from Wisconsin for his work.

Mr. Speaker, there are doctors in this Chamber, there are lawyers in this Chamber, there are judges in this Chamber. I am none of those, but I am an elected Member of Congress. I am also a mother. Tonight in this gallery my daughter sits. I think of my daughter, I think of my other three children, and I think of the day they were born. I think of the milestones in their lives and the love that I have for them. I think of the lengths that I would go to protect my children as adults even if they had an injury. I think of the lengths that I would go to care for my children. I would die for my children. I would do anything for them.

My heart is raw when I hear the things about Terri Schiavo and her mother and her father and her siblings, because I just lost my brother in November. I think of how my life changed in an instant and all the lives of those who cared for him. We talk about a family decision. What about Terri's mom and dad? What about her siblings? What about the people who cared for her and nurtured her as she was growing up? Do you not think they know what Terri wants?

When we talk about a permanent vegetative state, I am offended by that. Terri smiles and acknowledges the people that love her when they come to see her. She cries when they leave. How heartless are we to call somebody like Terri Schiavo a vegetable? What are we thinking?

When we think about this case, we need to think about the message that we are sending to our children and our grandchildren. What we do in this Chamber tonight is as important as anything we have done in defending our Nation, in doing the things that we do as Members of Congress. When we react to the Terri Schiavo case, when we think about this legislation tonight, we need to think about the future and the message we are sending to our children and our grandchildren.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 30 seconds to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I did indeed say that there can be Federal court review of due process, obviously. That has happened here. And the Federal court said, "Not only has Ms. Schiavo's case been given due process in State court, but few if any similar cases have ever been afforded this heightened level of process."

The difference in this bill is not that it is a review of State court, but it orders a de novo proceeding to ignore everything that happened in State court as if the State courts did not exist. That is unprecedented, that is contemptuous, that is different; and that should not be done.

She got the appellate review already. The appellate courts and Federal court did not agree with the distinguished chairman. That is not an indication for a new bill.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 3½ minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, this case, what we are doing here tonight, is not about Terri Schiavo. The evidence for that begins in the way this was brought to this body, being brought in on St. Patrick's Day at 11:30 at night, with no hearings, no notice to the body, nothing. It was going to be rammed through here without discussion.

And what troubles me, and I have heard my colleagues here, as a psychiatrist, I cannot make diagnoses of people that I have not examined. That is contrary to my profession, and I can be disciplined for doing that. The rest of you can be doctors. You can come out here and tell us anything you want. But a doctor cannot come out here and say anything really about somebody they have not examined.

So what you are now doing with this, and you want it both ways. This is what troubles me about this. On the one hand, you say this is not precedent. This is only one case. This is only one case. What am I supposed to do as a physician like the gentleman from Michigan (Mr. SCHWARZ)? As a psychiatrist, I dealt over and over and over again with family members facing this exact problem. It is gut-wrenching. You do not get any planning process here. You do not get any, well, this is going to happen in a month, why don't you get ready for it. It happens and then you have got to make a decision. And there you are as a family group. Everyone here is going to have this happen to them sometime.

When my father was 95 years old, he had had a couple of strokes. On his first stroke, we talked to him. He was 93 before we ever talked about a living will, okay? That is the way it is in America. That is why we do not have Terri's words in a will. You do not think about dying when you are young.

All right. So my father has had a stroke. We said to him, Dad, what do you want us to do in terms of extending your life? He said, Well, I don't want any of those paddles that they use on ER. They can do artificial resuscitation, but I don't want that paddle thing.

Okay. The doctor came to me and said to me, Jim, the paddles are much more humane than doing artificial resuscitation. If you press on an old man's chest to try and start his heart from the external massage, you break the ribs. Then he has got pain from broken ribs. Actually, the paddle is much more humane.

So I went back to my father, and my brothers and I, we had a talk with him, and he said, well, I want it done the way it should be done. Then came the day when he had his third stroke and he could no longer swallow, and he was on IVs. And so there were two brothers, a sister, and me and my mother, and we had to stand around and decide whether or not we were going to put in a stomach tube, a feeding tube. Anybody who stands out here and says that is not an extraordinary process is absolutely wrong. It is no different than being on a ventilator, forcing air into someone's lungs, than it is forcing food into them. That is exactly what it is.

You are throwing all that up in the air and leaving families and doctors with nowhere to go because this is not setting precedent; this is something to hide something else, some diversion of what is going on in this House.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. Mr. Speaker, tonight I stand with Terri's father, a man who raised up his little girl and gave his daughter's hand in marriage with the understanding that she would be protected in sickness and in health, for better or for worse; with Terri's mother who brought her into this world and gave her life, and to unite myself with Terri's brother who continues to struggle for his sister. Together, each of them is simply begging for her life.

None of my colleagues on the other side are kin to Terri. None of them are related or are family. The only family she has left wants only to provide her with water and nourishment.

Out of Florida, there is no justice. Justice requires her judges to exercise prudence. Where is the legal analysis that weighs the issue of Terri not being allowed a CAT scan and further medical diagnostic evaluation? Where is the balance of the scales of justice that weighs Terri's family's parental rights with those of her estranged husband? Tonight's vote says we want a second look at this unique case. We want mercy.

Be merciful and find true bravery and justice in preserving the life of Terri Schiavo.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, as a prolifer, I have supported the efforts of the gentleman from Florida (Mr. WELDON) to save Terri Schiavo's life from the beginning, but as I have learned more about this case it is not just a case about traditional life debates. Normally those issues are hard, but what is happening in this case is a moral outrage. Terri Schiavo is not dependent upon life supports. She is dependent upon being fed, only she cannot feed herself.

Years ago, my wife, Diane, when she worked at the Fort Wayne State hospital and training center set up a feeding training program for disabled people who could not feed themselves. Should they now die, too? Terri swallows, shows eye movement, and seems to respond. She is a living human being although with limited competency. Those who would let her die can overplay her handicaps, but they cannot change the fact that she is a living human being who is responsive.

Also, her guardian is supposed to protect the person they are guarding, not take the money intended for life support, divert it and offer no rehabilitation efforts. Many others who can swallow their saliva and who can barely do anything beyond that have received help for years. She did not get it because most of it was spent on attorneys by her guardian who wanted to kill her. This is a moral outrage. Her true guardian is her parents at this point. Her husband is in a compromised position. With his fiancee and two children by that fiancee, it would be very inconvenient if she recovered. It is an outrage what is happening.

Furthermore, there are those who would say that States rights here should prevail over the right of handicapped people to be killed. Whether it be the Americans with Disabilities Act or the Medicaid that has funded her because her husband's money that was supposed to be for her rehabilitation was going to lawsuits to kill her or whether it is a simple basic constitutional right to life, they all prevail over States rights.

Let us not let Easter week 2005 become the week America let a helpless, mentally disabled woman starve to death while the whole Nation watched.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 15 seconds.

We just heard what would have made an excellent summary in the legal case in this matter, but not a legislative argument. We heard very specific allegations and arguments which are hotly contested about the individual case. The Americans with Disabilities Act was a general law. It has nothing to do with this individual case here.

Mr. Speaker, I yield 5 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, on December 3, 1963, Theresa Marie Schindler was born in Pennsylvania. At the time, I was pregnant with my first child and my beautiful daughter, Danene, was born 5 days later on December 8. She is my best friend and today she, too, is a mom.

I certainly can relate to Mr. and Mrs. Schindler's love for their daughter and their passionate fight to keep her alive. Mothers have a precious bond with their daughters. The issues that we are discussing tonight are not because those who may speak on one side or the other are right or wrong or pro-life or pro-choice. The issue here is what Terri would have wanted. It is not what we would want for ourselves or even our loved ones. We should not be second-guessing a patient's wishes. That is not what we were elected to Congress to do, nor do I believe that our forefathers would have ever wanted us to be involved. Terri Schiavo's constitutional right to make the decision she felt comfortable with is being usurped by her parents and now this Congress by means of this private bill.

Jay Wolfson was appointed guardian ad litem for Theresa Marie Schiavo. I know Jay Wolfson and often called upon him when I was a State senator chairing the health care committee, because I knew that he could always give me an impartial review of controversial matters relating to health care. Jay Wolfson's report to Governor Bush and the Sixth Judicial Circuit dated December 1, 2003, reviewed the court testimony and statements made by all family members. It is important to know that the Schindler family members stated that even if Theresa had told them of her intention to have artificial nutrition withdrawn, they would not do it. Throughout this painful and difficult time, these same family members acknowledged that Terri was in an irreversible, persistent vegetative state.

Today, I burned up the phone calling health care professionals that I know back in Florida. These are people who make life-and-death decisions and realize that the 5-year-old video we see on TV of the eye blinking and apparent movements are an involuntary reflexive action known as part of the autonomic nervous system.

☐ 2315

Almost everybody in the health care profession that I spoke to are avid pro-life people, but they know the sad facts. Their comments were almost to a person, something to the effect of 15 years of being in a persistent vegetative state is far too long to suffer. To second guess the Florida legislature, Florida courts, and Terri's choice is just plain wrong. We should not be engaged in second guessing many neurologists and on-site health care profession always who have seen the patient, performed tests, and attested to the courts that Terri is not going to recover.

This is a very difficult decision that I know does not come easily for any Member of this body. It is gut wrenching and reaches deep into our hearts. My daughter, who was born 5 days after Terri Schiavo, is a health care professional, who, when I asked if she would want me to battle to keep a feeding tube in if she had not signed a living will, said to me, and I want the Members to bear in mind that she is a health care professional who deals day in and day out with patients with feeding tubes, but the difference is that they are not in a vegetative state, her response to me was sufficient to help me make up my mind. She said to me, No, Mom. If you really loved me, you would want me to have rest and meet the Lord."

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Speaker, I rise in support of this bill tonight with a heavy heart, as is everybody in this Chamber.

I would, though, like to address an important issue that we have not talked much about, and that is the conflict of interest that I believe her husband has with respect to his decisions that are supposedly in her best interest. I have spent a professional career as a CPA working under a code of conduct that requires me to function without conflicts of interest. I have to disqualify myself as an auditor if I have got a conflict of interest that is in appearance or in fact. This body has heard much about the importance of conflicts of interest, whether in the Sarbanes-Oxley bill that talks about the relationship of auditors and their clients, or campaign finance laws where it talks about the impact that money has on these conflicts of interest.

Terri's husband has, in my mind, a significant and apparent conflict of interest in this matter. Her husband is her guardian, and he is duty bound, in my mind, to make decisions that are in Terri's best interest.

Even the most casual observer would conclude that he is conflicted. He lives with another woman. He has fathered two children with this other woman.

This is a conflict of interest between what is in his personal best interest and his wife and children's best interests and those of Terri's.

We have heard much about Terri's condition tonight, but what we have not heard, though, is much evidence of her current condition, evidence such as tests and MRIs and brain scans and swallowing tests that we could objectively evaluate her condition through these tests. Her husband has categorically prevented this from happening throughout the last 7 years. I do not believe the issue of Terri's husband's conflict of interest and its impact on her condition have been given a proper review. I have heard her brother tell us this evening about the lack of care that has been insisted upon by her husband throughout the last 7 years, simple tests, trips outside into the sunshine.

I support this bill that would allow a review of Terri's case, including the role of her husband's decision and his conflicts of interest.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, my heart goes out to Terri Schiavo, her parents, and family, and, yes, even to her husband. My heart goes out to everyone who may have found themselves in a similar situation in the past or might find themselves in a similar situation in the future.

I wanted to stay back in Connecticut and avoid having to cast a vote because I do not want to play God, and either way I vote I feel I am. We all know this is a time for real thoughtfulness and wisdom and inspiration, and I believe that is what we are all trying to do. On both sides of the aisle we ask "Let the words of my mouth and the meditation of my heart be acceptable in thy sight, O Lord, my Strength and my Redeemer."

Sanctity of life, sanctity of marriage, sanctity of an individual to decide for themselves what should happen to their own life, I find myself wondering why is there so much focus on this life when we ignore the countless lives throughout the world who die minute by minute, hour by hour, day by day from hunger and disease that this Congress could address and this Congress could prevent? Why only Terri when there are others like her in our country?

The only way this bill has any legitimacy is if it applies to all cases, not just Terri's, and that is what concerns me. How deep is this Congress going to reach? How deep is this Congress going to reach into the personal lives of each and every one of us?

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. BLUNT), the distinguished whip.

Mr. BLUNT. Mr. Speaker, I thank the chairman for yielding me this time.

I also want to thank the Speaker for the difficult decision to call the Members back, though the difficult decision maybe was made less difficult by the circumstances. The hard work of the gentleman from Wisconsin (Mr. SENSENBRENNER) over the last few days; of the gentleman from Texas (Mr. DELAY), majority leader; the work of the gentleman from Maryland (Mr. HOYER), who may not be on the same side as I am when we take the vote tonight, but who has certainly worked hard to see what we could do to make this work in the best possible way for the Members, who were called back.

Terri Schiavo is in a terrible situation tonight. She has been in a terrible situation for a long time, a situation none of us would want to be in, a situation we would not want our loved ones in, a situation we would not have to decide about, but when this happens we do have to decide. And there is clearly a conflict between members of Terri's family about what she would want to happen.

Someone observed earlier that when one is her age they probably have not written that down yet, and of course that is right. When one is my age they probably should have written that down, and sometime in the next few days I am going to check to see what I wrote 10 years ago and if I still agree with what I wrote 10 years ago, as I suspect many of us will. But she had not written it down.

Some people seem to think she would feel much differently about this than others. And what this legislation would do is let a judge come in and look at all the facts one more time and determine if what is happening should continue to happen.

I know others have said there is no real difference in just giving someone food and water and putting someone on incredible life support systems. I see a difference. I think most Americans see a difference. We will see if a judge sees a difference, if in fact we are able to give a judge that opportunity.

We are not deciding tonight anything that a family should be deciding. We are asking a judge to come in and decide what a family among themselves could not decide. I have heard other people here talk about family members getting together and making this tough decision. But nobody has talked about family members getting together and fighting over that decision and what they would want to happen if that fight happened in their family.

The vote tonight will be a bipartisan vote. This is not about Democrats or Republicans. I hope this is not about politics. I hope this is about Terri Schiavo. This bill also has a study that would require us to look at other circumstances and see if we should have the broader legislation that the gentleman from Florida (Mr. WELDON) and others, Democrats and Republicans, introduced last week.

Mr. Speaker, I urge that this legislation pass, that we get this done as quickly as possible.

Mr. FRANK of Massachusetts. Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. BEAUPREZ).

Mr. BEAUPREZ. Mr. Speaker, I thank the gentleman for yielding me this time.

I thank the Speaker, as has already been acknowledged. It is his leadership that has brought this issue to the floor tonight, and again I commend him for that leadership.

Mr. Speaker, there has been much said tonight, much eloquence on both sides, about this issue. I fear sometimes that in our effort to try to come to some sort of conclusion that we actually overthink an issue once in a while. We think just enough to get in the way of our common sense. I hope that is not the case here tonight.

I believe fairly deeply that life does have a purpose. I lost my father 6 months and 6 days ago tonight. And in his very final days, he too needed to be fed by a tube. He needed help with his basic bodily functions, could not get out of his bed, could not take care of himself. But in the 56 years of life I have been granted, Mr. Speaker, I shared the most intimate, the most profound moment I ever had with my father about 36 hours before he passed away, after he could no longer speak, after he could no longer feed himself or care for himself in almost any manner at all. He communicated with his eyes, and he communicated with a hand on my forehead in the most profound way imaginable. I would have regretted deeply had I been denied that moment, and I am absolutely convinced, Mr. Speaker, that my father would have regretted having been denied that moment as well.

Outside this Chamber there is a statue of Thomas Jefferson. Thomas Jefferson was the one, of course, who told us about those inalienable rights, those rights that cannot be taken away from us by anyone, those rights that come from our Creator. Those rights, of course, include life, liberty, and the pursuit of happiness.

I think if we are going to make mistakes, and God knows certainly that we make mistakes, we are human, but if we are going to make mistakes let us err on the side of life, not denying life but granting life and giving every opportunity to that.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 5½ minutes to the gentleman from Michigan (Mr. CONYERS), ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, I thank the gentleman from Massachusetts for his leadership tonight.

Mr. Speaker, if we pass this bill, we will be intruding in the most sensitive possible family decision at the most ill-opportune time. It will be hard to envision a case or circumstance that Congress will not be willing to involve itself from now on if this precedent is approved this evening. By passing legislation which takes sides in an ongoing legal dispute, we will be casting aside the principle of the separation of powers. We will be abandoning our role as a serious legislative branch, and we will be taking on the role, as we have done during this debate, of judge, of doctor, of priest, of parent, or spouse.

By passing legislation which wrests jurisdiction away from a State judge and sends it to a single preselected Federal court, we will forego any pretense of federalism. The concept of a Jeffersonian democracy as envisioned by the Founders and the States as "laboratories of democracy," as articulated by Justice Brandeis, will lie in tatters.

By passing this legislation in a complete absence of hearings, committee markups, no amendments, in complete violation of what we once called "regular order," we will send a signal that the usual rules of conduct and procedure no longer apply when they are inconvenient to the majority party.

My friends on the other side of the aisle will declare that this legislation is about principle and morals and values. But if this legislation was only about principle, why would the majority party be distributing talking points in the other body declaring that "this is a great political issue" and that by passing this bill "the pro-life base will be excited"?

If the President of the United States really cared about the issue of the removal of feeding tubes, then why did he sign a bill as Governor in Texas that allows hospitals to save money by removing feeding tubes over a family's objection?

□ 2330

If we really cared about saving lives, why would the Congress sit idly by while more than 40 million Americans have no health insurance, or while the President tries to cut billions of dollars from Medicaid, a virtual lifeline for health care for millions of our citizens?

When all is said and done, this bill is about taking sides in a legal dispute, which we should not be doing. Last year, the majority passed two bills stripping the Federal courts of their power to review cases involving the Defense of Marriage Act and the Pledge of Allegiance because they feared they would read the Constitution too broadly. Last month, the majority passed a class action bill that took jurisdiction away from State courts because they feared they would treat corporate wrongdoers too harshly. Today, we are sending a case from State courts to the Federal courts, even though it is already the most extensively litigated right-to-die case in the history of the United States.

There is only one principle at stake here: manipulating the court system to achieve predetermined, substantive outcomes. By passing this bill, it should be obvious to many that we are no longer a Nation of laws, but have been reduced to a Nation of men. By passing this law, we will be telling our friends abroad that even though we expect them to live by the rule of law, Congress can ignore it when it does not suit our needs. By passing this law, we diminish our Nation as a democracy and ourselves as legislators.

Do not let this bill pass.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 1 minute to correct the record.

There have been statements made on the actions of then-Governor George W. Bush of Texas. I would like to correct the record on this.

In 1997, then-Governor Bush vetoed an advanced directives bill precisely because it would have given specific legal sanction to such involuntary denial of lifesaving treatment. An effort in the Texas legislature to amend the bill to require treatment pending transfer to a health care provider willing to provide the lifesaving treatment had been defeated.

With no legal protections at all under Texas law, and ongoing programs in Texas hospitals denying treatment with no opportunity to even seek transfer, pro-life groups entered into negotiations with medical groups that finally resulted in the bill that, one, formalized more protections for in-hospital review; two, gave patients 10 days of treatment while seeking transfer; and, three, authorized court proceedings to extend the 10 days for reasonable additional periods of time to accomplish transfer. That is what the Governor signed.

Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. COLE).

Mr. COLE of Oklahoma. Mr. Speaker, when I came here tonight, I had no intention to speak on this issue for, frankly, the most personal of reasons: a year ago my brother and I were involved in making precisely this same kind of decision where my mother was concerned. We were fortunate. We had been empowered by her to make that decision, we were in agreement on the decision, and the medical professionals and her minister agreed with us about that decision. So we got to make that decision in the privacy and with the dignity that one would want for every family in that situation.

As I listen to the debate tonight, I think the opponents of this measure have made many good and interesting points. They have talked about States' rights, they have talked about precedent, they have discussed separation of powers, and they discussed the importance of the legislative process. All of those are important and legitimate points, and they merit discussion.

But while we discuss them, a life is in the balance, and that is really the only immediate and compelling issue before us tonight.

What do we know about that life and about the conditions of that life? We know that the family disagrees about the condition, about the fate, and about the appropriate course of action where Terri Schiavo is concerned. We know that she is not on artificial life support, only receiving hydration and nutrition. We know that there is split medical testimony about her condition and her quality of life. We know that there are issues of conflict of interest and motivation about those making the final decision. And we know that if we do not act, Terri Schiavo will die.

Great questions often are raised by individual cases, inconvenient cases, cases that break precedent, cases that confront us when we prefer not to be confronted.

Mr. Speaker, life and individual rights trump all else. Where there is doubt, we should err, if err we do, on the side of protecting the rights of any individual, especially when it is the right to life. We should make sure that Terri Schiavo has her day in Federal court. It is the right thing to do, it is the decent thing to do, it is the only thing to do.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Mr. Speaker, you have heard all the legal arguments, all the moral arguments. We see these things differently, and I understand that. I am here to speak for myself.

I have a living will that I wrote years ago, and I will check it myself as many Americans will. The bottom line is, I do not want you interfering with my wife and me. Leave us alone. Let us make our own decisions. It is not up to you. That has always been the way it has been in this country, and that is the way it should be.

For 6 years I have been hearing how the nuclear family is all we care about. Now we do not. Stay out of my family. If you can do it here, you can do it to me. You can do it to every one of my constituents.

Leave us alone. Let my nuclear family make my decisions and my wife's decisions without your input.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, I come to the floor to just speak about the issue of being here in the first place. When I was home for a couple of days, several friends asked questions about this case. My mother even called to inquire.

Like the gentlewoman from Colorado, I am just an earnest layman, not a lawyer or a physician, even though I have been very impressed from both sides with the input from the distinguished lawyers and physicians that are in these Chambers, and I think we should come often now as technology develops exponentially and just ask questions of ourselves about medical ethics and where we really are.

I reject the notion that this is about politics. I do know something about politics, and I would say this is not good politics for either side. This is about life and death.

I do believe that this is somewhat about ideology, though. The gentleman from Massachusetts said so, and I believe there is a culture of life that many conservatives are willing to stand for.

I frankly think that many liberals for a long time used every tool at their disposal to push their perspective, and I am glad conservatives are finally figuring out that that needs to be done from time to time. I think this is a thoughtful process; I think it is a necessary process. I think the Federal representatives, when we face these issues, should not hide or shirk the responsibility. We should come here.

Now, I am concerned about the separation of powers and the tenth amendment, and I have a record for a decade of standing on almost a libertarian platform on some of these issues. But I do not think we are going too far here. This is a review. It is simply a review. It is a reasonable step.

To the gentleman from Massachusetts, you have a living will. To the whole country, if you do not want your family in this dilemma, and you should not, get a living will, so that it is clear, so it is not questioned, so that you will not have a case come to the floor of the House with you. The lesson here is everyone in this country should have a living will, so it is cut and dried, so we know, and the legislative bodies in Florida or Montana or Washington, D.C. will not have to be involved.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, 15 years ago or so I worked with colleagues in the Senate on the difficult issues relating to the wishes of people who were going to receive medical care if they were incapacitated. We required that State laws be told to patients about living wills and advance directives.

The Florida judicial system has worked hard to follow its laws and to try to discern what was or would have been the wishes of Mrs. Schiavo. Section 1 of the bill says: "The U.S. District Court for the Middle District of Florida shall have jurisdiction to hear, determine and render judgment on a suit or claim by or on behalf of Mrs. Schiavo for the alleged violation of any of her rights under the Constitution or Federal laws."

That court has already addressed that issue, it did so just a few days ago, and here is what it decided: "The court finds there is not a substantial likelihood the petitioners will prevail on their Federal constitutional claim." That is the same court to whom you are sending this case. And the Supreme Court of our country denied review.

So essentially what you are doing now for one case is changing the Federal rules, for one case, and saying there shall be a de novo hearing, disregarding everything that has happened through the State courts and Federal courts until now. In a word, what you are doing is allowing the rule of law of this country to be twisted in the winds. It is a mistake.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. McHENRY).

Mr. McHENRY. Mr. Speaker, tonight we are taking on one of the great moral issues of our day, our basic sanctity of life, our right to life; and what you hear tonight is a lot of emotion.

We have all had experiences with situations similar to this, or we know those that have dealt with these tough issues. We know family members that have dealt with these tough issues of end-of-life decisions. And tonight we as a body are wrestling with this issue. Just like America is, we are wrestling with this great issue.

But I submit to you, tonight, we are not talking simply about Terri Schiavo. We are not talking simply about Terri Schiavo's family. We are talking about a greater issue: How shall we be judged as a civil society? And I submit to you that we will be judged by how we treat the least among us, those that may not defend themselves, the young, the mentally disabled, the physically disabled.

How shall we be judged as a civil society? What kind of government shall we have? As a Federal Government, I believe we have an obligation to step forward and say that we shall protect life. Even when it is tough, we shall protect life, and a woman's right to live. And tonight, Mr. Speaker, there is a woman in Florida that is being starved, and we are acting tonight to preserve her right to live and give her the opportunity of a tomorrow.

I say to you, tonight, Mr. Speaker, this is not about Terri Schiavo: it is about every one of us in this room. It is about millions of Americans across this Nation. We are all potentially Terri Schiavos.

Mr. Speaker, I urge support for this bill.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2½ minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, a lot has been said about the details of this case. I just want to say a word about the process, because we should honor and respect the rule of law, and laws should be applied equally to all.

This is a special bill, special treatment to just one case. This bill does not grant a Federal right of review to cases like this. This bill applies just to this one case.

□ 2345

The majority in Congress apparently has already decided the proper outcome of the case, a decision different from the next of kin and State court judges who have heard evidence from both sides.

Present law has a process to ascertain whether or not a patient is in a persistent vegetative state, and it should not matter what politicians think. There is a process. But this case will be given special treatment because Members of Congress have made a different diagnosis. Present law also places the decisions in the hands of the next of kin, the husband. But Congress apparently does not agree with the next of kin; and this bill, therefore, gives special legal standing to other relatives.

This is not the only recent example of special treatment. A few years ago, a child custody case in the Washington, D.C. area was decided by special legislative language in a transportation appropriations bill. The Committee on Education and the Workforce considering a case on appeal between the Department of Labor and a bank retroactively changed the law to fix the result on behalf of the bank. The House passed legislation to fix a result in firearms liability legislation so that the National Rifle Association got to try the issue in the legislative branch after they had made contributions to legislators who will decide the result, rather than being relegated to the impartial judge and jury where ordinary citizens have to try their cases.

Mr. Speaker, we should honor the rule of law and apply that law in all cases. There are cases like this all over the country, but this bill applies only to this case because the relatives were able to get the attention of the United States Congress.

If Congress wants to establish a Federal right of review in cases like this, a new rule of law, so be it; but that law should apply to all whether or not they have a Member of Congress to introduce a special bill. Let us honor and respect the rule of law to be applied equally to all and reject this legislation.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. Mr. Speaker, since I was a child and to this very day on the floor of the House I have been guided by a fundamental principle that we as men and women, indeed, we as a society will be judged according to how we treat the most vulnerable amongst us. That is the issue we face today. I believe Terri Schiavo's case must be judged in that context.

For me the following points are the most important: Terri left no living will or written instructions; Terri's mom and dad, the people that have loved her the longest and have fought so valiantly for her, want responsibility for their daughter. I spoke with her brother who wants his parents to be able to protect his sister.

Terri's life has value and worth, and we must do everything we can to protect her rights and those of other disabled people here in America. The law ought not to provide, should not provide, more protection for murderers guilty of terrible crimes than for an innocent woman lying in a Florida hospital bed. So today we must act on behalf of Terri Schiavo. Congress must act on behalf of all of those who cannot speak for themselves and defend themselves.

Americans believe in a culture of life, not a culture that tells the weak and vulnerable there is no place for them at the table. There must be a place for them at our table. We make progress towards that culture of life, one life at a time, one heart at a time. Today let us start by helping Terri Schiavo live.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2½ minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT. Mr. Speaker, I just came in on the plane from North Carolina, and I found myself thinking a lot about what we are doing here this evening. Wondering, first of all, what this vote is going to cost the American people, making a mental calculation that probably 4, $5 million we are spending on this one vote this evening, and wondering how many children are going to go to bed hungry tonight and how many we could feed with that amount of money; how many feeding tubes we have withdrawn by our own indifference in this body, by the decisions that we have made in this body that pit one group against another.

I found myself wondering where the compassion was last week when we tried to rally the Members of this body behind the Congressional Black Caucus' agenda and budget and pointed out to them that 886,000 more people died over the last 10 years, African Americans, because they did not get the same kind of quality of medical care that white Americans got, just the difference in the qualities.

Where was your compassion when we tried to get you to address that issue?

The compassion comes out in this one case, but where is the compassion when we point out to you every single day that people are starving and dying and seeking justice and you will not hear it?

How do we define compassion here? We have got to look at a bigger global picture, I think. You cannot just react to one person's situation. Where is your compassion when we need you?

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I have listened to this debate intently; and the complaints that I have heard from people who are opposed to this bill, feelings that are sincerely held and emotions that are sincerely held is why are we picking on this one case, the case of Terri Schiavo?

That was not my desire in the beginning, and it was not the desire of the entire House of Representatives either.

Wednesday night the House passed H.R. 1332, which was a bill which I introduced that applied to everybody who is in an incapacitated state, a major protection for people who are disabled. Everybody who is disabled could get a Federal review of their Federal constitutional and legal rights, including that under the Americans With Disability Act.

We had a debate on the floor, and it passed unanimously. And there was a move in the other body to bring it up, and it was objected to; and that is why this issue was not resolved with a general law of general application. I hope we revisit that issue some time in the future so that we do not have to deal with a specific case again. But we are here because we could not get H.R. 1332 passed in the other body.

I also think this is an issue of priorities, priorities of what we put a higher priority on in terms of how we provide food and nourishment to living human beings. In Florida they have a statute number 828.12 that says if you do not feed an animal you can go to jail for a year and be fined $5,000. So in Florida an animal has a higher right than this woman, and that is a wrong priority, and this bill attempts to correct it.

No Federal court has agreed to hear Terri Schiavo's Federal claims while her State court remedies were not yet exhausted. Now that her State courts remedies are exhausted, she has only two means of obtaining Federal court review under current law.

The first means is in the lower Federal court through the habeas corpus statute, and the second is by petitioning the Supreme Court directly. First she can try to obtain habeas relief under the current Federal law. On Friday she was denied that relief by the Florida Federal District Court. That denial has been appealed to the 11th Circuit Court of Appeals which requested the briefs of her husband's lawyers by seven o'clock tonight. No one knows when the 11th circuit will make a final decision, and they may yet deny her habeas relief. So time is of the essence.

In any case, even if she is granted a habeas review of her case, she faces a major obstacle in that the Federal habeas corpus statute essentially requires the Federal court to defer to the State court's determination regarding the facts of this case. So even if the habeas petition is granted, the deck is stacked against her.

Second, Terri Schiavo's lawyers can try to obtain relief in the Supreme Court. So far her lawyers have petitioned for and been denied an emergency hearing. Her lawyers are currently pursuing an ordinary appeal directly to the Supreme Court, but that appeal process will extend for weeks at least; and in any case, her appeal will likely be denied because the Supreme Court will generally not take a case without a lower Federal court's first establishing a record.

The bottom line is that first, the 11th circuit may yet deny Terri Schiavo her habeas petition. Second, even if they granted it, she would likely lose her case under the very difficult procedural hurdles any habeas petitioner faces. Third, she has already been denied an emergency review by the Supreme Court. And, fourth, the ordinary review process in the Supreme Court will take far too long. She will probably die in the interim.

Consequently, Terri Schiavo's only hope is the current bill which will guarantee a fresh review of her case in the lower Federal court immediately, without any deference to State court determination and with the lower Federal court issuing a stay of the State court order until it can determine the Federal claims the court is required to hear under this bill on its merits.

That is what Terri Schiavo needs, and that is what this bill will get her, and that is why it should pass.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 20 seconds.

The gentleman from Wisconsin (Mr. SENSENBRENNER) earlier implied that I was being inconsistent because I said I was for habeas corpus. He quoted something. He has just cited the inadequacy of habeas corpus in this case. Yes, I am for habeas corpus. This goes, as he just acknowledged, far beyond it.

Secondly, he acknowledged our objections to this individual private bill on one case by blaming the Senate. In other words, he has acknowledged that this is an inappropriate bill and that is all we have said.

Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. CLEAVER).

Mr. CLEAVER. Mr. Speaker, I have served as the senior pastor of St. James United Methodist Church for 30 years, for 30 years. And over those 30 years, I have had countless men and women who have come to me in situations of decisions that had to be made regarding family members; and in the privacy of a home or in a waiting room, we have dealt with those decisions.

Tonight, I want to talk about the shame of this debate. The shame of this debate is that in spite of the fact that we are a great legislative body, we are a body that determines peace and war, but we are not a hallowed body. And the fact that we are engaged in this debate is proof positive of the fact that we are a fractured body. And what we need to also understand is that we live in a world of echoes, a world of echoes. And a thoughtless word falling from the lips of Members here can travel around this country and do even more damage to the divisions that we have in this Nation.

We are doing that. We have even used the inflammatory word "kill." We were doing damage to this country, and it is shameful that we would do this.

□ 0000

Mr. SENSENBRENNER. Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield for purposes of a unanimous-consent request to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, I rise in opposition to the legislation.

Mr. Speaker, I rise first to extend my thoughts and prayers to the loved ones of Teresa Marie Schiavo at this extraordinarily difficult time.

America has seen the anguish in the faces of Ms. Schiavo's family members. The legislation we are considering will determine whether we will send to federal court one case that has been adjudicated in Florida's state courts for nearly a decade.

For the past seven years, this particular case has traveled through Florida's state court system. The Florida courts determined through a review of testimony that, as her husband has testified, Terri Schiavo would not have wanted her life continued by artificial means. This Congress has chosen to disregard the ruling of the state court, the appeals court and Florida's Supreme Court. This bill stands in stark contrast to the principles of federalism, and it is the wrong direction for this Congress to take.

But as this debate is carried out before the entire world, it is clear that the issue is far more fundamental than state versus federal jurisdiction. The issue before us involves one of the most personal and controversial matters we face as humans: how do we deal with end-of-life care decisions for patients who cannot speak for themselves? Certainly not through this unprecedented act of intrusion into a personal family matter.

I believe the authors of this bill know that this is not the correct approach. Section 9 of this bill includes a "Sense of Congress that the 109th Congress should consider policies regarding the status and legal rights of incapacitated individuals who are incapable of making decisions concerning the provision, withholding or withdrawal of foods, fluids, or medical care."

When to stop life support when a person has no chance of recovery is an arduous decision. It is for that reason that Congress passed in 1990 the Patient Self-Determination Act as part of OBRA '90, which requires all hospitals, long term care facilities, home health agencies, hospice programs and HMOs that receive Medicare and Medicaid dollars to recognize a patient's living will and power of attorney for health care as advance directives. Health care organizations must provide patients with written information about establishing an advance directive and document if the patient has an advance directive that is placed in the patient's medical record. Patients are then able to decide in advance what medical treatment they want to receive if they become physically or mentally unable to communicate their wishes.

This piece of legislation gives patients the right to make choices and decisions about the types and extent of medical care they wish for themselves. With this act, patients can specify if they want to accept or refuse specific medical care. They can also identify a legal representative for urgent health care decision purposes. Then if they become unable to make decisions due to illness, the patients' wishes have been clearly documented at an earlier point of time.

Unfortunately, Ms. Schiavo did not execute an advance directive. There is conflicting information as to her wishes as expressed by her husband and parents. That conflict was resolved by the appropriate Florida court. It is not appropriate for Congress to pass special legislation for this one case.

Fifteen years after the passage of the Patient Self-Determination Act, the vast majority of Americans have not completed an advance directive. My colleague in the Senate, Bill Nelson, has introduced legislation that would improve compliance with the 1990 legislation and provide a benefit under Medicare for end-of-life consultation. That is the bill Congress should move as we debate this complex issue, not the bill that's currently before us.

If we enact this bill, it could very well result in an avalanche of cases in federal court. According to medical experts, as many as 35,000 Americans—nearly one-third of them children—are in a condition similar to that of Terri Schiavo. Their families face the same difficult decision-making process that Ms. Schiavo's parents and husband are contending with. I believe most Americans would agree that the last thing we want to do is encourage more divisive court cases and bills of this nature.

Regardless of the outcome of this vote, there will be no clear winners at the conclusion of this debate. Our judicial system and the rights of patients and their next-of-kin to make end-of-life decisions with their providers will be clear losers. Congress should never have considered this legislation.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 1 minute to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON. Mr. Speaker, I thank the gentleman for yielding me this time, a girl from Indianapolis, Indiana. For the life of me, I cannot understand why we are here. We were all snatched out of our houses of worship to run to Washington to violate the trial of the judicial, the legislative, and the administrative. But I guess the leadership understands what it is. They are calling it a wedge between Democrats and Republicans, I am calling it what is right and what is wrong.

We have no business being here. There are families across this country who are losing their Medicare right now because of the policy we set, and they cannot get any more. The doctors are screaming. I am sure a lot of people have heard them. They are screaming to their Congress people saying give our Medicare and our Medicaid back or else we cannot treat these patients. Yet we are going to make one single case in Florida get all the Medicare they want.

My heart goes out to this family. I know this is a very dark season for them. I know justice will prevail and God will have the last answer. But Congress should not have the last answer because it is none of our business. This is called meddling.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for yielding me this time. I want to speak from love and compassion, not just the law, and embrace the strongest pro-family position as we move in this debate.

The Schiavo and Schindler families need our prayers to do for Terry what not a single one of us wishes to imagine, to make a decision on the life of a beloved as they traverse the jagged edge of being.

Terri's family, all of them, love her. She is not alone. But her being belongs not to us but to God and to them. All of us are mere bystanders, the Speaker, ABC News, Jeb Bush, and every single one of us. Only Terri's family has walked the profound journey of accompaniment with her for the last 15 years, and it has been a long suffering one.

Of one thing I am certain. This decision on Terri does not belong in this Congress. In fact, it does not even belong in the courts. It lies with the family, those closest to her, even when that family is divided, bitter, exhausted, and unable to reconcile.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2¼ minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Speaker, our colleagues have spent this evening reiterating factually inaccurate information, and I want to make sure we clear it up.

The independent guardian ad litem appointed to represent Terri Schiavo has said in his report that, despite the facts cited by my colleagues on the other side of the aisle who have said that Terri felt pain and laughs and cries, that that is factually inaccurate; that her cerebral cortex has been liquefied, and that is the area of the brain that responds to emotion and reason. So that is impossible what they have detailed here tonight.

Additionally, they talk about six neurologists and eight physicians that have said that she is not in a persistent vegetative state. Also factually inaccurate. Those physicians to which they refer have only viewed Terri via videotape. The five court-appointed physicians that have examined Terri, two appointed on Michael Schiavo's side, two on the Schindlers' side, and one court-appointed physician, who have all examined her, the board certified neurologists who had scientifically-based academically-researched testimony, their testimony was deemed to be clear and convincing by the court that she was and is in a persistent vegetative state. The other physicians' testimony was discounted as anecdotal only.

In addition to that, I want to just close with the commentary from the guardian ad litem. He spent 20 of 30 days with her. He put his face up close to hers and tried to make eye contact, pleading desperately, trying to will her into giving him any kind of sign. He said, I would beg her, please, Terri, help me. You want to believe there is some connection. You hope she is going to sit up in bed and say, "Hey, I'm really here, but don't tell anybody." Or, "I'm really here, tell everybody."

But Schiavo never made eye contact. When Wolfson visited her when her parents were there, she never made eye contact with them either, he said. And for all of Wolfson's pleadings and coaxings, he never got what he most wanted: A sign. He said, I felt like there was something distinctive about whoever Terri is, but I was not clear it was there, inside the vessel.

During those 30 days, Wolfson was plagued by nightmares. He concluded that the medical and legal evidence behind Schiavo's diagnosis of being in a persistent vegetative state was credible, but he still felt that for all their expertise, those medical experts would never truly know where Schiavo was.

He was dismayed to learn Friday that Barbara Weller, an attorney for the Schindlers, claimed Schiavo tried to speak. He said, Terri does not speak. To claim otherwise reduces her to a fiction."

Mr. FRANK of Massachusetts. Mr. Speaker, I yield the balance of my time to the gentleman from Maryland (Mr. HOYER), our whip, the ranking member on our side who is here tonight, to close on our side. The minority leader, who is traveling overseas, is unable, obviously, to be here.

Mr. HOYER. Mr. Speaker, this has been an extraordinarily serious debate. It has been in many ways a real debate, with each Member rising and understanding the seriousness of the issues which we consider. On the one hand, we consider the life of one young woman, a young woman struck by tragedy, shared by her family and by her friends and by her country.

One of the striking facts of American life and American culture is the great importance that America puts on the individual: One life, one swallow that God cares for and plans for. We are here as colleagues who have almost to a person experienced the same kind of pain and trauma that the Schiavo family now faces.

The gentlewoman from Ohio correctly stated that Terri is loved by her husband, by her parents, by her brother, by others in her family. Those of us who have been in that place know how difficult it is.

I had not expected, as my colleagues had not expected, to be back in this House to consider this legislation. When we were called back by the Speaker, and the leader and I discussed the circumstances under which the call would come, trying to accommodate Members as best as possible, I did what I presumed many of you did. I referred to the facts that I could find.

On the one hand, my reaction was that I am concerned that we appear to be a Congress that is flexible on the jurisdiction of courts. When we agree with the decisions that courts make, we leave them jurisdiction. When we think they may make a decision that we want, we try to give them additional jurisdiction. But when we disagree with the courts, we have had legislation on this floor in recent months to take from them jurisdiction. If we pursue that course as a country, I suggest to you that we will become a Nation of men and of politicians, not a Nation of laws.

The fact that we are a Nation of laws has distinguished us very greatly from many other nations of the world, and we have held up that distinction as a critically important one. We now have troops arrayed in Iraq to support that principle, of the individual, of freedom, and of law.

So I believe tonight, Mr. Speaker, that every Member will vote on behalf of Terri Schiavo tonight, but they will see their responsibility in that act differently. I believe, Mr. Speaker, they will see it honestly and sincerely, and realizing the duty they have by lifting their hand and swearing an oath to our constitution and to our country.

So, Mr. Speaker, I did, as I said what I suppose many have done, I went to the proceedings that have occurred in the Terri Schiavo case, caused by the absence of a written directive. I have three daughters, Mr. Speaker. They are all adults. They do not live with me now, but I see them regularly and I love them dearly. And since the loss of their mother, we have become even more close. And I heard the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) speak, and as I heard her speak I felt a tear when she referred to Mr. Wolfson, whom I do not know, but whose report I have read.

Mr. Wolfson was asked not by the mother and father, not by the husband, but by the State to try to determine as best he could what the medical evidence led him to conclude. He was not an advocate of the parents or of the husband. He perceived himself correctly as the advocate of Terri Schiavo. His report is a compelling one.

The gentlewoman from Florida (Ms. GINNY BROWN-WAITE) said that she knows Mr. Wolfson, and knows him to be a man of wisdom and deep compassion and with a sense of responsibility. Then she spoke of her own daughter and such a condition, and the discussion she had with her daughter, and I hope many of you heard her say this, that her daughter said to her that if she was in that state she would not want to be left in that state by her mother, and she said, "No, Mom, if you really loved me, you would let me go to my rest and be with God."

If I thought the Florida courts had dealt with this in a superficial and uncareful way, perhaps, perhaps I would feel that we ought to interpose our view. But no fair reading of the court's decision at the lower court, no fair reading of the disposition by the District Court of the United States, in which they said in quoting Judge Altobrand of the Supreme Court of Florida, "Not only has Mrs. Schiavo's case been given due process, but few, if any similar cases, have ever been afforded this heightened level of process."

This report is approximately 50 pages long that was issued by Mr. Wolfson. I urge my friend, the gentleman from Missouri (Mr. BLUNT) to read this. He said he had not. All of us ought to read it. This case, tragically, is not alone in the circumstances that have occurred. The report says that the Schindler family members stated that even if Theresa's family had been told of her intention, the family members, mom and dad, had been told of her intention to have artificial nutrition withdrawn, they would not do it.

All of us can understand that, hopefully. The wrenching decision that it would be for a parent to take an action which would inevitably lead to the loss of life of their daughter. Throughout this painful and difficult trial, Mr. Wolfson went on, the family acknowledged that Teresa was in a diagnosed persistent vegetative state.

□ 0015

The report seems to indicate to me that any fair reading of it would say that very careful consideration had been given. I know that there are some doctors among us who have looked at reports and perhaps looked at tapes and concluded, contrary to the doctors who have examined her, that this was not the case.

The court, however, in an evidentiary hearing and after due consideration said clear and convincing evidence at the time of trial supported a determination that Mrs. Schiavo would have chosen in February 2000 to withdraw the life-prolonging procedures, so that it has been concluded by all of the fact finders in the court systems of the United States, in the State of Florida, under the statutes, as the chairman has pointed out, established by the State of Florida to deal with this extraordinarily difficult human issue because, like birth, death will come to us all.

To some of us it will come in a way that will not raise such wrenching questions, but some few of us will individually and with our families have to face this decision; and properly the system should be followed to protect us so that neither a husband nor a mother nor a father nor anybody else can make that decision in a manner that is not fair, that does not have due process and does not protect us as individuals.

In reading the record, Mr. Speaker, I have concluded that the State of Florida in its wisdom provided for that process and accomplished that end. Because of that and because I care about our Federal system and because I care about our Constitution and, yes, because I care not knowing her individually but because I care for her as a child of God, I believe that this legislation should not pass.

Mr. SENSENBRENNER. Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. DELAY), the majority leader.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman from Maryland's words, but I look at it a little differently. After reading all the records and everything, what I do know is that there is a mother, a father, a brother, and a sister that want Terri Schiavo to live, and they want to take care of her.

I want to thank everybody that has worked on this bill, particularly those in the Senate, the Democrats in the Senate, the Republicans in the Senate. They passed this bill unanimously. I want to thank the Democrats in this House that worked on this bill, the Republicans that worked on this bill. Some have tried to make it a partisan issue.

Mr. Speaker, after 4 days of words, the best of them uttered in prayer, now comes the time for action. I say again, the legal and political issues may be complicated, but the moral ones are not. A young woman in Florida is being dehydrated and starved to death. For 58 long hours, her mouth has been parched and her hunger pangs have been throbbing. If we do not act, she will die of thirst. However helpless, Mr. Speaker, she is alive. She is still one of us. And this cannot stand.

Terri Schiavo has survived her Passion weekend, and she has not been forsaken. No more words, Mr. Speaker. She is waiting. The Members are here. The hour has come.

Mr. Speaker, call the vote.

Mr. VAN HOLLEN. Mr. Speaker, our goal must be to honor the wishes of Theresa Schiavo regarding this difficult end-of-life decision.

We are a nation of laws. That is what distinguishes our country from so many others. In this case, the courts of the State of Florida have thoroughly reviewed the facts of this case and weighed the evidence about what Theresa Schiavo would want. They have concluded that Theresa Schiavo, through her words and deeds before her accident, would not want to be kept artificially alive in a persistent vegetative state.

The Congress should not now substitute its judgment for that of Theresa Schiavo and the Florida courts. Who are we to impose our own personal preferences in this case? We should not be playing doctor, judge, and jury.

Mr. AKIN. Mr. Speaker, today Members of Congress have come from all over the Country, WTA to uphold the most essential right that any of us posses the right to life.

As we stand here today, a woman is dying. She dies not as the result of an underlying disease or illness, but because a judge has decided that her life is not one worth living. This despite evidence that she makes attempts to respond to her parents, cries, follows movement with her eyes. With such evidence and her parents crying out in her defense, how can we not intervene?

As we stand here in Washington, Terri is being starved to death. We refer to the "removal of feeding tubes," but let's talk about what is really happening. Not only has a tube delivering food and water been removed, but her parents have been barred from even putting ice chips on her tongue. Yesterday, advocates were arrested for attempting to bring water to Terri. To bar parents and relatives from offering the most basic of comforts to a dying loved one is not only an egregious overreach of judicial powers it is cruel and morally wrong. I ask, is this about removing a tube or about starving a disabled woman?

Some will argue that this is about Terri's right to die. Yet, Terri has no living will, no Do Not Resuscitate order and her husband's claim that she would not want to be kept alive only surfaced years after she became disabled.

Last week this body passed legislation that would protect all Americans in cases similar to this one, but Senate democrats stood in the way of that valuable measure. Now for nearly sixty hours, Terri has been denied sustenance while Republican leadership in both Houses have negotiated the legislation before us today. Though I regret that certain members of this body and the Senate, stood in the way of passing the legislation. approved last week, I am pleased that we now have an opportunity to vote on this measure.

This bill does not ensure Terri's survival, but it does give her and her parents an opportunity similar to that which we make available to murderers sentenced to death row. Under this legislation Terri's case will be reassessed in a federal court and we expect that she will be fed once again. It is my hope that the federal court will handle this case better than the egregious dereliction of judicial duty exhibited in the Florida Court.

Mr. Speaker, regardless of the motives of those who would remove Terri's link to life, their judgment would violate the most cherished right endowed to all persons: the right to life. We stand today not for political purposes, but consistent with our constitutional duty to sustain that right for every citizen.

Mr. THORNBERRY. Mr. Speaker, many families have had to make incredibly difficult decisions regarding medical support for their loved ones. As technology continues to advance, there will be even more heart-wrenching decisions ahead, and any of us could be involved in one.

The proper role of the federal government in such decisions is not self-evident to me. Certainly, we should not have Congress debate, case-by-case, what action is or is not appropriate for a particular patient.

Government at some level may have a role to ensure that the patient is not the victim of a spouse or family members who find the patient's medical disability inconvenient. My view is that when in doubt, society should err on the side of life.

I am concerned that in this case most Members of Congress have not had the opportunity for careful study and consideration of the issues raised. It has come before us late, when time is short and the consequences of various steps are unclear.

Here, I will vote for the bill before us. My understanding is that the measure is narrowly drawn and will set no precedent. It essentially provides for another look at the unusual facts of this case without dictating a result.

It is very distressing that anyone would look at these matters from a political viewpoint. Core beliefs about when life begins and ends are far too important for any such calculations. In fact, I hope each citizen will spend time thinking about how our country can best deal with such cases and praying that we get it right.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise this evening in support of S. 686. This legislation would allow either of Terri's parents to bring suit in federal court for the violation of any right under the constitution or laws of the United States relating to "the withholding or withdrawal of food, fluids, or medical treatment necessary to sustain Ms. Schiavo's life.

What we are doing is providing Terri Schiavo the same legal protections that we afford a convicted criminal who has been sentenced to death. A Florida judge has issued an order that will have the effect of ending Ms. Schiavo's life, so the *least* we can do is allow a federal court to review the matter. If we ensure murderers and rapists the benefit of a federal review, we should do it for this helpless woman.

This is a terribly difficult issue for all those involved—not just Ms. Schiavo's parents and siblings, but also her husband. I realize he would prefer Congress stay out of the matter entirely. However, the 14th Amendment states that "no state shall deprive any person of life . . . without due process of law." In this case I believe it is entirely appropriate that we err on the side of caution—all we're doing is seeking a federal review of what has happened in the state courts to ensure that all constitutional rights, all of the basic protections that we afford a criminal, have been afforded to Terri Schiavo as well.

As medical technology continues to improve, we are left with many difficult questions—"right to die issues," therapeutic cloning and stem cell research issues. These are questions I sometimes doubt we as men and women are truly capable of answering. In these cases the only thing we can do is follow the law, and the law provides for the opportunity for federal review in cases where a person will be put to death. Thus, I believe Terri Schiavo too deserves this opportunity.

This entire case hinges on what Terri Schiavo herself would have wanted. I am aware of the cases in Florida state courts and the findings they have reached, both in terms of what they believe Ms. Schiavo would have chosen and the likelihood that new treatments could improve her condition. But in this instance I believe we should be as thorough as possible, which is why I support this legislation.

Ms. HART. Mr. Speaker, I submit this article for the RECORD. This bill must be passed. This Congress is right to stand up for a woman who is incapacitated to some extent yes, but does not require extraordinary measures to live. We must allow a thorough review of her case. The love of her family is so great we should honor it.

[From the Pittsburg Post-Gazette, Mar. 20, 2005]

STARVING FOR THE TRUTH

(By Dennis Roddy)

When Mary Jane Owen thinks of Terri Schiavo, she remembers a day in 1986 and the hospital in Washington. Pneumonia was filling Owen's lungs. Owen cannot walk and is half deaf. At the time she was also blind. The doctor leaned into her good ear and said, "Don't ask for antibiotics. Pneumonia is a friend of the elderly. It's a great way to die."

Without enough breath to shriek, Owen, in her early 60s at the time, had to speak clearly enough to let this doctor know he was fired.

"Get out of my room," she told him. "Get out of my life." Pneumonia might be a great friend to those who want to die. Owen, who took antibiotics, was later cured of her blindness and currently works as a disabled rights advocate in Washington, D.C., wasn't in the mood to chumbuddy with death. Possibly, because she arrived in a wheelchair, doctors assumed she'd prefer to leave on a gurney.

That's why she wonders about Terri Schiavo, whose husband wants her out of not only his life, but her own, too. Described alternately as in a "persistent vegetative state" and "a locked-in" condition, Schiavo, who has lived with brain damage since 1990, either does or does not understand what is going on around her. Her husband, Michael, says she is an empty vessel who would not have wanted to remain present in body only. Her parents and some former caregivers say she reacts to their voices, seems to recognize them. On Friday, a Senate committee, trying to forestall the withdrawal of feeding, subpoenaed her, though unsuccessfully. The action is not as silly as it sounds. At one point, after she presumably became vegetative, Terri Schiavo was taken to a shopping mall.

When it comes to the disabled, or at least those too disabled to advocate for themselves, deliberation about their fates resembles property law. Michael Schiavo, as Terri's husband—who has started a new family with a fiancee—holds the powers of guardianship over his wife. He has persuaded a Florida judge to allow hospital workers to withhold nourishment and allow Terri to die. Judge George Greer has declined a request by the family to allow Terri to be fed and given water orally. That is to say, Terri Schiavo's parents think she can be fed by mouth and the judge in the case declines to find out if this is so. On Friday, Judge Greer reinstated an earlier order and Schiavo's feeding tube was removed.

One former caregiver, Heidi Law, has said under oath that "on three or four occasions I personally fed Terri small mouthfuls of Jell-O, which she was able to swallow and enjoyed immensely."

It is one thing to withdraw a feeding tube; another entirely to withhold that day's meal tray.

That is why debating Terri Schiavo as a right-to-die argument misses the point.

"Would it seem inappropriate at some point to emphasize that people with disabilities feel threatened by the idea that a 'flawed' life can be judicially eliminated?" Owen asked. It only seems inappropriate because the arguments being made about the "right" of the brain dead to die are being framed around a woman whose brain death is far from proven.

The facts are these: Terri Schiavo collapsed in 1990. She has been in hospitals and nursing homes since then. Videotapes depict a young woman who seems to respond to some voice stimuli, but does not communicate. At least three affidavits are on file from former nursing home attendants who insist Terri showed some hope of making progress, but that her husband insisted she be given no rehabilitation.

One nurse, Carla Sauer Iyer, said Terri "spoke on a regular basis, saying such things as 'Mommy' and 'help me.' " Iyer said that when she put a washcloth in Terri's hands to keep her fingers from curling together, "Michael saw it and made me take it out, saying that was therapy."

Michael Schiavo's reticence could well have been an unwillingness to open himself to the cruelties of false hope. Terri's family is convinced he wants rid of her so he can marry his live-in girlfriend and use up the $50,000 or so that remains of a $1 million medical malpractice settlement.

The underlying argument for protecting Terri Schiavo is predicated on the idea that life, at its core, is sacrosanct, something with which we interfere at peril to our own places in the universal order. The problem with Terri's most prominent defenders is that they seem to find it easiest to defend someone who cannot interfere with the debate by expressing her own views. Televangelist D. James Kennedy wants a law passed. Christian Defense Coalition head Patrick Mahoney warns of a "rescue" attempt at the nursing home. Militia extremist Bo Gritz said he is going to Florida to perform a citizens arrest of Michael Schiavo and Judge Greer.

None of them has pledged money to a trust fund to care for Terri Schiavo and, more saliently, the many more just like her. They are in this because of their politics, which appears to be indistinguishable from their theology, which appears to be self-promotional.

Owen worries that the sanctity of life issue misses the point that Terri Schiavo is not vegetative and not a fetus. She falls nowhere into the realm of what medical ethicist James J. Hughes described as "socially dead."

"Most of the people in the disability community certainly are not 'pro-life' in the classical meaning of that, but we sure as hell are against killing people with disabilities," Owen said. "Terri was certainly, I think, rehabilitatable in the early months and years of her travail. How far she can come back now is a question. But I think she should certainly be given a couple months trial before Michael's allowed to kill her."

After 15 years of despair, a few months of hope might tell us something about ourselves.

Mr. NEUGEBAUER. Mr. Speaker, I rise today in strong support of S. 686.

As many before me and many still to come have indicated, this is not an easy situation. If it were, we would not be here at this late hour, on this day. What makes this situation difficult is that there are so many unresolved questions.

What are Terri's wishes? Terri Schiavo never prepared a living will to express definitively what her wishes would be. So we are left with conflicting accounts of what course of action Terri would want her doctors to take.

What has the family decided? Opponents of this legislation say this should be a family issue. I agree. However, we have a family that disagrees on the fate of Terri's life. While her husband wants to end her life, we have a set of parents who are willing to do everything it takes medically, emotionally, and financially to save the life of their child.

We have some doctors saying that Terri will not recover. Yet we also have other neurologists saying that with the proper medical care, there is a chance that she could improve considerably. And let us be clear: Terri is not on life support she is not brain-dead, and no heroic measures are needed to keep her alive, she simply needs the assistance of a feeding tube for food and water.

If we knew beyond a shadow of a doubt the answers to these questions, we would likely not need to be here tonight. However, because these questions remain disputed, the responsible course of action is to err on the side of life.

Some may ask why Congress is getting involved. The answer to that is simple. One of the primary duties of the Federal Government and Members of Congress is to uphold and defend the Constitution and the individual rights it sets forth. So we are acting to allow that every possible legal process has been exhausted to ensure that Terri's federal rights have been properly defended.

One of those federal rights is the right to life. The Fourteenth Amendment establishes that no "State shall deprive any person of life, liberty, and property, without due process of law." Everyday, in cases where the action of the state will result in the death of an individual, that individual is provided the opportunity to have their case heard in both the state and federal court systems. That is all we are asking to be done today.

My thoughts and prayers, as well of those of my constituents in 19th district of Texas, are with Terri and her family during these difficult times.

Mr. BACA. Mr. Speaker, on this Sunday, I have looked into my heart and listened to my God in prayer, and spoken to my pastor and other parishioners in church. My decision this evening is an intensely personal one, in terms of life. As a father, husband, grandfather, and son-in-law, I have searched my soul about what the family must be going through.

As a Member of Congress, I know it is in our hands to offer what is the ultimate hope for this young woman. We cannot guarantee how the courts will rule, but we must offer all avenues for review and hope. We would ask nothing less for any case involving the rights of a person. We must be compassionate about life, the life of all individuals.

This is a tragic situation, but this young woman is not on life support, she is not on a respirator, she is not terminally ill, and she has been deprived of the physical therapy that might allow her to swallow and eat without a feeding tube. To look at her eyes is to see an individual who seems to be experiencing joy and awareness of others.

As a parent, if she were my daughter, I would want her to live, and give her a chance. She has demonstrated the will and the spirit to live. It is right and just that we have a final set of eyes to review the case. The Constitution gives Congress the right to set the jurisdiction of the courts.

Mr. BOUSTANY. Mr. Speaker, tonight Congress is meeting in a special session to ensure that the most valuable right the Constitution grants us, the right to life, is not violated. Unfortunately, I am unable to appear in person tonight because my flight was delayed by bad weather, but please be assured that I consider the bill before the House, S. 686, to be of the utmost importance.

This debate is about life and the protection of life that the Constitution grants each of us. We are gathered, not as Republicans or Democrats, but as men and women trying to save a woman's life. We must ensure that Terri Schiavo, disabled by illness, is not unfairly deprived of her life. When the courts refuse to hear such a case, Congress must act to protect life.

As a physician, I have been faced with many families in situations similar to that of Terri Schiavo's family. It is a delicate situation, one that pushes the boundaries of ethics, and we must therefore proceed with caution. But fortunately, advances in medical technology have made recovery possible when before it was not possible. I have seen people recover from illnesses to lead fulfilling lives when most thought all hope was lost.

But Terri Schiavo's parents have not lost hope. They believe that their daughter can and will recover. Terri is not brain-dead, nor is she in the process of dying. She has survived for 15 years with very little treatment. Her parents only ask that they be allowed to care for her. How can we deny her parents that possibility?

We are in this situation today because the law is not clear. The federal court has discretion to refuse to hear certain cases, but when it does so at the cost of a disabled woman's life, one who is unable to protect herself, we as Americans must take action. Tonight, I urge Congress to pass S. 686 and ensure a federal court reviews Terri Schiavo's case.

In the coming months, Congress will have to consider these issues again, in a broader context. As medical technology advances, ethical and moral boundaries are inevitably pushed into new territory. I look forward to working with my colleagues to ensure that as we move forward, the sanctity of life is always protected.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of the U.S. Constitution, the principle of states' rights, and democracy. This private relief measure, as I asserted last Wednesday, March 16, 2005, while is a flat rejection of a state's right to adjudicate these private matters, is a better vehicle than H.R. 1332 to allow interested parties to have full opportunity to address the dilemma that surrounds the case of Ms. Schiavo while at the same time preserving the right of Congress to fully debate the very important issues that lie beneath the special facts of this case.

Last Wednesday on the House Floor I expressed my reservations about H.R. 1332, the Protection of Incapacitated Persons Act of 2005. I indicated that the scope of H.R. 1332 requires, at the very least, hearings before the committees of jurisdiction. This legislation was introduced a few hours prior to its passage—that is incomprehensible for a public measure.

H.R. 1332 contains operative provisions that would amend the existing law of removal to allow parties to remove to federal court cases that involve the withdrawal of nutrition or hydration from an incapacitated person where the person did not leave a written advance directive as to treatment. That bill, as I suggested on the floor, is the wrong bill to fit the current situation because it does not sweep widely as a public bill should. Rather, it creates legal precedent while bringing relief to a private matter. A recent report by the Congressional Research Service states that "[a] question does arise, however, whether this bill would have application to situations where an individual is not in a government facility and is not challenging a state law."

Before legislation of this weight is passed so hastily, all areas of ambiguity or speculation require fixes by way of the committee markup process. First, the provision found in Section 2, page 3, lines 2–3 and 5–7 that limits the consideration of the federal court to federal questions, or whether authorizing the withdrawal of food or fluids or medical treatment to an incapacitated person constitutes "a deprivation of any right, privilege, or immunity secured by the U.S. Constitution" should be vetted by members of the House Judiciary Committee for consideration of the implications of limiting federal purview in this fashion.

Second, in Section 2, page 3, line 15, the drafters' reference to a "born individual" is ambiguous and merits committee scrutiny. While an "unborn" individual certainly cannot conceivably execute a "written advance directive," as found on page 2, line 22, this reference is limiting and again, merits serious scrutiny in order to prevent floods of litigation over the interpretation of this term.

Thirdly, "significant relationship" as found on page 3, line 20 can mean virtually anything and simply invites voluminous litigation over semantics that can be clarified in legislative history by way of the proper legislative process—and hearings before committees of jurisdiction.

If the House Majority Leadership had worked with the other body last Thursday to find an agreement as to the private measure that passed, neither Ms. Schiavo nor the parties interested in her case would have endured the stress that surrounded the removal of feeding tubes that occurred on Friday.

My colleague, the Chairman of the House Judiciary Committee, responded to my words on the House Floor last Wednesday that "[i]f the Private Relief Bill were introduced or came over from the [other body], Terri Schiavo would be dead before we could consider it." To the contrary, neither Ms. Schiavo is dead nor is the ability of the House to consider the private measure dead. The measure passed in the other body, S. 653, a private bill, is more appropriate, and the bill that we now consider is nearly identical to it. The only difference between the two bills is that the final House version contains a "sense of Congress" provision as to the need to "consider policies regarding the status and legal rights of incapacitated individuals who are incapable of making decisions concerning the provision, withholding, or withdrawal of food, fluids, or medical care." The "sense of Congress" provision rather than an entire stand-alone bill, as suggested by the distinguished Chairman, is a more prudent way of stressing the need to consider these issues.

While I believe that the Private Bill is a better vehicle than the public bill in controversial matters, I believe that this bill threatens the sanctity of democracy and the concept of the separation of powers. Eighteen state judges have already adjudicated this matter, so passage of this bill would amount to an appeal granted by the legislative branch of government—in clear contravention of the U.S. Constitution. The will of 536 elected officials should not affect the final disposition of a personal family matter. What is most important in this situation is the wish of Terri Schiavo, and Congress cannot properly dispense of this question without being politically motivated. As is the case with many measures that the Republican Congress has slid past this body that purport to expand rights, this measure will contract the States' rights to be the final arbiter in private matters.

For the reasons stated above, Mr. Speaker, I reject this legislation.

Mr. HASTERT. Mr. Speaker, we come here with a heavy heart. I urge the Members of this House to do our duty to pass the Schiavo Act. Its purpose is simple—to allow the Federal courts to review this matter in the light of Terri's constitutional rights. That's not a lot to ask.

Over the last few days, Members of both parties and chambers have worked tirelessly to reach this agreement. We hope that these efforts will help give Terri Schiavo new hope and a new chance at life.

We have heard very moving accounts of people close to Terri that she is indeed, very much alive. She laughs, she cries and she smiles with those around her. She is aware of her surroundings and is responsive to them. This is a woman who deserves a chance at life and not a death sentence of starvation and dehydration.

It is our hope that this bill will give Terri a new hope of life. It takes her case out of the Florida court system and puts it in the hands of the Federal court. There, her case will be tried anew where the judge can reevaluate and reassess Terri's medical condition.

Oddly enough, on this very day last year, the Pope addressed a group of participants in an international Congress on life-sustaining treatments. The Pope said a human being's value and personal dignity do not change no matter what his or her circumstances.

And I quote:

> A man, even if seriously ill or disabled in the exercise of his highest functions, is and always will be a man, and he will never become a "vegetable" or an "animal."

I urge every Member of this people's House to carry these words in their hearts as we vote.

Today, we have the opportunity to give a woman another chance to live. It is our turn to fulfill the promises etched in the Declaration of Independence to make life more perfect for the pursuit of life.

I want to thank my colleagues Leader DELAY, Majority Whip BLUNT, Representative OBERSTAR, Chairman SENSENBRENNER and Dr. WELDON for helping us to get this life saving bill together.

I want the Schindler family to know that no matter what happens, our hearts and prayers will continue to be with you.

Mr. STUPAK. Mr. Speaker, as one of 203 Democrat and Republican Members of Congress who voted in favor of S. 686, a private bill for the Relief of the Parents of Theresa Marie Schiavo, I am pleased that President Bush signed this important piece of legislation that may result in the reinsertion of Ms. Schiavo's feeding tube. The bill empowers a Federal court to examine the Terri Schiavo case.

As I listened to my colleagues debating this issue on the House floor last night, I heard many emotional statements from Members on both sides of the aisle in support of and opposed to what this bill stands for. This is not about Democrats or Republicans, it is simply about protecting the rights of disabled individuals.

Unfortunately, after many years of dispute between Ms. Schiavo's husband and parents, a Florida State court ordered the removal of her feeding tubes and subsequent fate of death by starvation and dehydration. Due to the urgency of Ms. Schaivo's case, this bill was limited in considering just her life. However, there are many more people out there who also need help like this and I firmly believe that before we extinguish any life, we should allow that individual all legal and constitutional protections, so they can leave this world with dignity.

I feel so strongly about this that I was an original cosponsor of Congressman DAVE WELDON's recently introduced bill, H.R. 1151, that would have given legal representation to all incapacitated persons who are without written documentation as to their wishes and whose family is involved in a dispute as to the person's wishes.

S. 686, which we passed early this morning, allows Ms. Schiavo's parents to bring the case before the Federal court in Florida and they would be able to hear all evidence without being prejudiced by any of the information from the Florida State case that led to the feeding tubes being removed. The bill also directs the Federal courts to rule on whether removing Ms. Schiavo's feeding tubes is a violation of her civil rights granted to her both by the Constitution and Federal laws.

I believe this bill is the right thing to do and I believe we should protect human life from its inception to a person's last breath.

Mr. HONDA. Mr. Speaker, I rise today to address S. 686 for the Relief of the Parents of Theresa Marie Schiavo. Numerous courts have reviewed the tragic case of Terri Schiavo, and all have agreed that the right to make decisions about her care rests solely with her legal guardian: her husband, Michael Schiavo.

Even in cases where the patient has made it clear that she did not wish to persist in a catatonic state, families face excruciating decisions about how to proceed. Disagreement about the medical facts or the express wishes of the patient only add to the agony, and often lead to painful disputes within families.

We are a nation of laws, and as such we have a proper and unbiased way of resolving these difficult situations. The Schiavo case involves a family dispute over who has final decisionmaking regarding Terri Schiavo's medical care, and as such falls exclusively under jurisdiction of the State courts. Federal courts do not have any jurisdiction in this case; the U.S. Congress does not have any jurisdiction in this case; only the courts of the State of Florida have jurisdiction here.

But Republican leaders in Congress have decided they must get involved in this tragic story. Perhaps BILL FRIST sees a chance to score political points in advance of his 2008 presidential bid; perhaps TOM DELAY sees a way to distract from his ongoing ethics problems; perhaps they are motivated by more noble standards.

Regardless of their motivation, the GOP congressional leadership has pushed S. 686, legislation pushing an after-the-fact remedy by pre-empting State court jurisdiction. Foregoing even the pretense of federalism, and the notion of America as a nation of laws, S. 686 reflects the Republicans' belief that they may pick and choose the jurisdiction of their choice, depending on the day and the case.

This bill places politics before the judgment of State judges, imposing Federal adjudication on a case that has been comprehensively reviewed and decided. S. 686 represents a gross abuse of legislative authority and a violation of the U.S. Constitution.

Michael Schiavo has wrestled with the agonizing decision of what to do for his wife. He has followed Terri's instructions in accordance with the laws of his State and this country. Congress has no business in this matter, which involves a family decision based on mutual agreement between a husband and wife.

Mr. EVERETT. Mr. Speaker, the Congress has been called upon to take emergency action to protect the rights and life of Terri Schiavo.

While I normally do not favor Federal government involvement in personal decisions, there are a number of aspects to the Schiavo case which disturb me and call for further investigation.

I am concerned about the lack of written evidence that Terri Schiavo did not want her life preserved, the fact that her husband waited years before telling anyone that his wife supposedly did not want to live, and also the fact that her husband is pushing for her feeding tube removal after he has become involved with another woman and had children.

Terri Schiavo is a living human being and every reasonable effort should be made to ensure that her constitutional rights have not been denied.

I encourage all Members to support this legislation.

Mr. KING of New York. Mr. Speaker, I rise today in support of S. 686, to provide for the relief of Terri Schiavo's family. In 1990, Terri Schiavo suffered a heart attack and subsequent brain damage due to lack of oxygen. She is not in a coma, and with the exception of the feeding tube, requires no artificial life support to keep her alive. Removal of the feeding tube, as was done this past Friday, will result in Terri's death by starvation and dehydration. By some estimates, she could be left to suffer for up to a month. This is a drawn out and painful process and Terri can feel pain.

In a case like this one, where there is a clear dispute between Terri's parents and husband as to her wishes, the presumption should always be on the side of life. Every effort should be made to ensure that no mistakes have been made in this case. I urge support of this important legislation.

Mr. GENE GREEN of Texas. Mr. Speaker, I support this legislation, S. 686, for the relief of the parents of Terri Schiavo. This deeply personal family matter has come to our attention and been acted upon by Congress when the State courts have already made their decisions and rightfully so as this matter is in their jurisdiction.

Now we find ourselves in the middle of a deeply personal battle between Terri's husband and her family. While we all understand the pain and tragedy of this family's struggle, we cannot overstep our boundaries in this heart-wrenching situation that many families have made and will have to make in the future. No one wants to witness the death of a family member; however, if that person stated their wish was not to be kept alive artificially, those wishes must be upheld.

In this case, the State courts of Florida have ruled that Terri's wishes were indeed to not be kept alive artificially if she were to ever fall into a persistent vegetative state. The idea that Congress would intervene in this case is indeed unsettling and does bring some disturbing questions of constitutionality to the table.

We are justified in sending this highly emotional case to the United States District Court for the Middle District of Florida even though Terri remains in this persistent, seemingly unrecoverable, state. The Federal courts should review Terri's case to determine if her constitutional rights have been violated because it is not the role of Congress to make such decisions regarding these issues.

Mr. MCNULTY. Mr. Speaker, I support S. 686, for the Relief of the Parents of Theresa Marie Schiavo.

While I continue to support the right of individuals (through living wills) and families (when no living will exists) to make such difficult decisions, this case is unusual in two ways. First, while most families are united in these judgments, this family is clearly divided. Second, Terri Schiavo is not unresponsive to those around her, as is typically the case when these decisions are made. According to her mother, Terri smiles, laughs, cries, and otherwise responds to the presence of her family and others.

S. 686 does not make medical decisions. It merely allows Terri Schiavo's family the right to have their case heard in Federal court—a right routinely accorded to death row inmates. That right certainly should be accorded to a disabled person.

Mr. ROGERS of Michigan. Mr. Speaker, passage of S. 686 today reaffirms that our Nation is built on a foundation of reverence for life and a commitment to protect life.

Protection of life is at the core of our constitutional republic. Beyond issues of separation of powers and court jurisdiction, is the fundamental notion that our government—both State and Federal—was established to protect the lives of all citizens.

Extraordinary circumstances require us to defend the life of Theresa Marie Schiavo and her right to due process. Absent congressional action, those rights, and in fact, her life, will be forever extinguished.

I join the overwhelming bipartisan support for ensuring that Theresa Marie Schiavo has full due process and that we uphold our reverence for human life.

Mr. SHADEGG. Mr. Speaker, thank you for giving me an opportunity to voice my thoughts on this significant issue.

This Nation was founded to preserve the sacred rights of mankind: life, liberty, and the pursuit of happiness. Alexander Hamilton correctly noted that these rights were intrinsic and could "never be erased or obscured by mortal power."

Our Nation was premised on this notion, and our government built upon its foundation. Yet, more than 200 years after our founding, we are still fighting to realize this sacred vision. The fight to save the life of Terri Schiavo, a disabled Florida woman, is evidence of our struggle.

In cases like Terri's, when there is no living will and exact wishes are impossible to determine, we must err on the side of protecting innocent life. Without such guiding principles, how can we be sure that we have not forsaken her rights and replaced them with a court-ordered death sentence based solely on hearsay?

It is not only mortal power that seeks to take the life of Terri Schiavo, but moral power overseen and blessed by government. If we allow this course to continue, and if we stand idly by as this human life expires as a result of government-ordered starvation, we will have lost the moral compass passed down to us by our forefathers.

If we cannot protect innocent life in these circumstances where there is no written evidence of the individual's wishes, the family is deeply divided, and death is neither imminent nor certain in the near future, we have failed to do our jobs of protecting her constitutional rights.

Ms. LEE. Mr. Speaker, I am outraged that the Republicans continue to lead the charge in legislating their personal beliefs on the American people.

There is no legal or moral justification for Congress to be meddling in the personal lives of any American. Further, it sets a terrible precedent. The Florida courts have repeatedly ruled that any action on the part of the legislature or governor is a violation of the separation of powers enshrined in the Constitution. Yet under the cover of darkness, the majority has made a national example out of a local, individual, and very personal issue.

It is my hope that, when the time arrives, these same "civil rights" advocates will fight with the same zeal for the rights to equality, education, health care and housing that all Americans deserve.

Ms. WOOLSEY. Mr. Speaker, there is no more difficult decision for a family than to remove a loved one from life support. My heart goes out to the Schiavo family in this very personal and difficult time. However, I believe this to be a private family matter to be decided based on their own faith and values, without the government's intervention.

The Schiavo case has been a long and difficult one for Ms. Schiavo's family and friends. Mr. Speaker, I trust that the multiple court decisions and the multiple court reviews were properly evaluated. Each time the evidence pointed to the same unbiased conclusion: Terri Schiavo's wishes were clear and convincing. Doctors who have examined Ms. Schiavo have consistently said that she is in a persistent vegetative state. The only ones who disagree are those who are deciding based on videotapes. In fact, the Florida State legislature has not overridden the decisions of their State courts.

There is no doubt that this is a family tragedy. But, there is no room for the Federal Government in this case or in any similar case. It is unfair that this family during their time of grief has become a political pawn in an ideological war the conservative leadership is inappropriately propelling.

Mr. Speaker, Congress intervening in this matter sets a bad precedent for our entire legal system. The Republican leadership has repeatedly made a point of calling for the removal of Federal court jurisdiction over issues, such as gay marriage or displaying the Ten Commandments in public buildings, when the Federal courts render a decision that does not meet with their political ideology. In fact, they have gone so far as to introduce several legislative initiatives to strip controversial religious and social issues from the jurisdiction of Federal courts. Now, ironically, when a State has rendered a final decision that the Republican leadership disagrees with, they support reinstating the power of "activist judges" on the Federal level. The Republican leadership cannot have it both ways and should not interfere with the judicial process that has worked for over 200 years.

Instead we should be fighting to cover the 45 million Americans who are currently without health insurance and unable to get the services they need to live. We should be increasing scientific research funding to improve our medical procedures and help more people overcome the impossible.

Mr. Speaker, I am not here today to judge what is right or wrong in Ms. Schiavo's particular case. Only her loved ones can truly know in their hearts what is right for her, even if they cannot agree. But, what I do know is that whether someone has the right to live or die is not a decision that the Federal Government, and Members of Congress should not make.

Mr. ANDREWS. Mr. Speaker, I am deeply saddened over the pain and suffering of Ms. Schiavo and her family. This is a tragedy of great depth.

I cannot imagine the pain that Ms. Schiavo has endured. As a husband, I certainly can empathize with Mr. Schiavo. As a father, I can empathize with the feelings of Ms. Schiavo's mother and father.

My feelings for the pain of this family are precisely the reason for my position on this bill. In the first instance, tragic choices such as those confronting this family should be made by the family itself. In a case such as this, in which the family cannot come to a consensus, the courts are the proper place for decisions to be made.

The Florida courts have examined this matter in great detail for a very long time. For any legislative body—least of all the Federal legislature—to impose its will is an abuse of its power.

Excruciating decisions such as this belong first to families, and only if there cannot be agreement within a family—in the courts. The political process is the least appropriate place for such a decision to be made.

Mr. MOORE of Kansas. Mr. Speaker, since February 1990, Terri Schiavo and her family have been coping with a tragic situation involving the most sensitive and difficult question imaginable. Congress and the American people should respect any person and their family dealing with an end of life decision. Over the past 15 years, 19 judges sitting on six different courts have ultimately determined that Terri Schiavo did not wish to be kept alive in a persistent vegetative state. Congress should respect her wish and stay out of the personal lives of families in tragic situations such as this. These heart-rending decisions are best made by the individual and family after discussions with treating physicians and clergy—not by Washington politicians.

At the time I received notice there would be a vote on the bill regarding Terri Schiavo, I went immediately to the airport but was not able to get a flight to Washington in time. Had I been present, I would have voted to respect the wishes of Terri Schiavo.

I hope every American will consider writing or revising a living will to clearly state their wishes regarding end of life decisions and keep a similar tragedy from happening in their family.

Mr. HENSARLING. Mr. Speaker, as the elected representatives of the American people, we have no greater responsibility than defending the lives and liberties of the most vulnerable among us. Today, both the legislative and executive branches of the United States government are acting in concert to defend the life of one such human being, Terri Schiavo.

While the legal issues related to this case remain uncertain, the moral issues could not be more clear. Terri Schiavo is very much alive today. By all appearances, she is responsive to her family and still has the capacity to feel joy and pain, like the rest of us.

Terri Schiavo has a right to live, and we have a responsibility to help her. With such complex ethical questions that fall between interpreting the law and saving an innocent human life, we must always err on the side of life.

President Abraham Lincoln said, "I have been driven many times upon my knees by the overwhelming conviction that I had nowhere else to go." This week, millions of Americans, many of my colleagues, and I found ourselves in a similar position.

Through this action, Congress is not only saving the life of Terri Shiavo, we are making a statement about the country we live in and the culture of life which we seek.

Mr. OXLEY. Mr. Speaker, I want to express my support of House leadership for working on our behalf to give Terri Schiavo her day in Federal court.

From our founding days, the Federal system we enjoy has reserved significant authority to the States to settle disputes. However, Federal courts have always been able to review possible violations of a citizen's constitutional rights. The narrowly drawn language of S. 686 merely gives a Federal court the chance to review the unique circumstances of the Schiavo case in accordance with her Fourteenth Amendment guarantee: That no State shall deprive her of life without due process of law. In seeking this Federal review, Congress ensures that the basic protections available to all citizens are available to Terri Schiavo as well.

No federally guaranteed right is more sacred than this right to life. I applaud the authors of this legislation for crafting language allowing for a more thorough examination of Terri Schiavo's rights under the Constitution of the United States.

Mr. FERGUSON. Mr. Speaker, it was with heavy hearts and steady resolve that we came to the House chamber on Palm Sunday to pass S. 686, a carefully crafted bill with a singular purpose: To ensure that Terri Schiavo enjoys the same due process under the Constitution as any other citizen, and to guarantee that her right to life is fully protected.

This is an extraordinary situation, one that requires an extraordinary response. This is a life or death situation for this young woman. Terri's parents should have the chance to have her case heard by a Federal judge, and now they will. If we make an error, we should err on the side of life.

Mrs. CUBIN. Mr. Speaker, as someone who respects human life in all its stages, I wholeheartedly support S. 686 and efforts to save Terri Schiavo.

Terri is not in a coma, nor are extraordinary measures being taken to keep her alive. Terri may need feeding tubes to help her eat, but that doesn't mean she doesn't deserve the constitutional protections afforded by our judicial system. That Terri's life could be taken without such consideration is shocking to the conscience and contrary to notions of the rule of law and due process.

It is imperative that Congress act swiftly to enact this bipartisan legislation, without which Terri Schiavo would most certainly die without the legal redress she so rightfully deserves.

With that, I urge my colleagues to pass S. 686 and give Terri Schiavo and her family their day in Federal court.

Ms. SOLIS. Mr. Speaker, I rise today in opposition to S. 686, Relief for the Parents of Theresa Marie Schiavo.

I am very disturbed that this tragedy is being used for what seem to be political purposes.

I am concerned because this bill would set a dangerous precedent in dealing with a very serious and personal issue. This bill is an intrusion into a family's medical decision and Congress should not play a role in a private family matter when it is being dealt with in the State courts.

As Congress, we should respect the sanctity of the judiciary and not use legislative powers to overturn court decisions when we disagree with such decisions.

I wish for Terri, her husband and family peace.

Mr. WELLER. Mr. Speaker, my remarks today are to commend the United States House of Representatives for taking such swift and just action during the early hours of Monday, March 21st when this body passed S. 626 for the relief of the parents of Terri Schiavo. This bill will transfer the case regarding Terri Schiavo's life to the review of a Federal court. Doing so staved off efforts to permanently remove Terri's feeding tube, which would have slowly killed her by means of starvation and dehydration. Ms. Schiavo is neither brain-dead nor dependent on artificial life support; she simply needs a feeding tube to eat as do many incapacitated people.

As a cosponsor of the original House bill to save Ms. Schiavo's life and a strong supporter of the Senate measure, I regret that I, along with numerous other members of Congress, was unable to return to Washington, D.C. in time to participate, due to the sudden and unexpected nature of the debate and vote. I am, however, committed to continuing my support of efforts aimed at saving Ms. Schiavo's life.

While the case regarding Terri Schiavo is unique and tragic in many ways, it would be a much greater tragedy for those in power to do nothing to save an innocent woman from a slow, agonizing death. I am grateful that our efforts in Congress have assisted in staving off injustice and I am hopeful that new techniques and therapies may be applied to Terri for her benefit so that she may live out her life in the most productive and peaceful manner possible.

Mr. BARTLETT of Maryland. Mr. Speaker, Congress typically writes laws with a broad application, but sometimes a special situation, such as this one, requires unusual legislative action. Life is sacred. Many across America have voiced support in an effort to keep Terri Schiavo alive. Nothing can diminish the importance of life.

Terri Schiavo suffered a heart attack 15 years ago and experienced brain damage. While in the hospital, tubes were inserted in her digestive system to provide nutrition and hydration. Three years later, Terri was still talking when speech therapy was discontinued. Terri Schiavo is currently not terminally ill or in the process of dying. She is brain damaged, but she is otherwise healthy. Terri Schiavo is not on artificial life support. No extraordinary measures are being taken to keep her alive.

Ms. Schiavo is a living person. She is awake and aware of her surroundings. Many are galvanized by her cause because like me, they recognize that the right to life is one of our core fundamental human values.

The 14th Amendment states, "No State shall deprive any person of life, liberty or property without due process of law." In this special circumstance, we were left with a last legal recourse to help save her life by providing her with the opportunity to have her case heard before a Federal court. There is clear precedent for Federal review of life and death cases.

I strongly value the importance of States' rights. This case does not weaken my resolve to fight for States' rights. The State and Federal government should not take life, but by giving the Federal court an opportunity to hear the case, this allows one more opportunity for Terri Schiavo to live.

Judge Greer of the Pinellas-Pasco Circuit Court stated, "I see no cogent reason why the committee should be able to intervene into a case involving the decision of whether or not to remain on life support." He added, "I don't think that legislative agencies or bodies have business in court proceedings."

I respectfully disagree. The Constitution not only outlines a separation of powers but also a system of checks and balances. It is Congress's duty to hold the judicial branch accountable or to act itself within its powers when it believes it is necessary.

The driving force behind many people's efforts on behalf of Ms. Schiavo was plainly to save her life. Yet there have emerged a number of difficult and complicated issues. I applaud the efforts of those who fight for Ms. Schiavo to live. These issues resonate with many as some of us contemplate how we would like to die. I, however, focus on how Congress can protect Ms. Schiavo's life because that is of paramount importance.

Mr. BLUMENAUER. Mr. Speaker, this legislation provides a clear lesson for the American public about how Congress and American politics operate today.

Make no mistake, this is not about what Terri Schiavo wants. It is clear from testimony of the family members who are fighting against Terri's husband that they would want the feeding tube reinserted no matter what Terri wants. TOM DELAY says he doesn't care what her husband wants. This is all about people who have chosen to use this poor woman as a political football. This legislative spectacle was an artful attempt to divert the public's attention.

But in your mind's eye, the face in the picture that you should be thinking about is not Terri Schiavo's: You should be worried about the face of you or your loved one in the middle of a media circus, or worse, denied the right to control your own fate.

This is not a narrow, specific bill about a single case. Their true intentions were revealed by H.R. 1332, the bill that TOM DELAY had the House pass last Wednesday. I led the debate against H.R. 1332 because it would have effectively overruled Oregon's Death with Dignity Act with language so broad and sweeping that it would call into question every living will and end of life directive. Anybody who wanted to force the issue, whether business partner, estranged family member, or friend could drag your loved ones into Federal court.

Make no mistake, the goal is to take away your choice in making end of life decisions, just as their agenda is to control your choices at the beginning of life, whether regarding contraception or a woman's right to choose.

The Schiavo case has received unbelievable attention and scrutiny by politicians and judges at every level in the State of Florida. For years, the battle has raged in a State that is controlled by Republicans and is governed by the President's brother. This is not about due process and letting the system work. Rather it is about some zealots who do not agree with the verdicts of the courts and the professional opinions of medical experts.

The hypocrisy of TOM DELAY and the Republican leadership in Congress is breathtaking. The only time they trust the Federal courts is when they are using them as a political tactic. This fall they passed in the House of Representatives, bills that declared the Federal courts incompetent to rule on cases involving the pledge of allegiance and same-sex marriage.

In a statement released early this morning, President Bush said he will "continue to stand on the side of those defending life for all Americans." But the facts make it hard to believe that the President is standing on principle. In 1999, then Governor Bush signed a law that "allows hospitals to discontinue life sustaining care, even if patient family members disagree." Just days ago the law permitted Texas Children's Hospital to remove the breathing tube from a 6-month-old boy named Sun Hudson. The law may soon be used to remove life support from Spiro Nikolouzos, a 68-year-old man. The President has not commented on either case.

Because of this media circus, attention is being diverted away from the seniors that will suffer and die in this country as a result of the Republican leadership's budget proposal to shortchange Medicaid. The very financial sources that have kept Terri alive for 15 years, Medicaid and her malpractice settlement, are under attack by the President and TOM DELAY. For the time being, Republican leaders are succeeding in their effort to change the subject, and obscure this fact.

While Congress's involvement is another sad chapter in the fight against Terri's wishes, I'm glad that we forced them to narrow the reach of this bill, at least for the time being. It is still an unfortunate precedent of inappropriate Congressional intervention into a personal family matter.

In the final analysis, I'm pleased that the public was able to see what the stakes are and what some politicians and zealots are willing to do. Ultimately, it is this public awareness that will defeat efforts to take away the choice for each of us and of our families to control our own destinies.

Mr. FEENEY. Mr. Speaker, as members of Congress, we have a moral obligation to protect innocent life and not stand idly by while an activist judge seeks to use extreme measures to destroy the life of an innocent woman. By transferring this matter to a Federal court we will ensure Terri is given every possible protection by allowing a Federal judge to see whether her constitutional rights have been violated.

Life is precious and I will always work to see that it is protected. With so much controversy surrounding Terri's final wishes and current physical condition, I believe it is imperative that a Federal court take a fresh look at this case.

I commend my colleagues from both the House and Senate for working around the clock to determine a legislative solution to ensure that Terri's life and her constitutional rights are protected.

Thomas Jefferson once wrote that, "[t]he care of human life and happiness, and not their destruction, is the first and only legitimate object of good government. I think Jefferson was right. I welcome this opportunity to join my colleagues in this effort to help defend and protect innocent human life.

Mr. OWENS. Mr. Speaker, we have just set a frightening precedent in the halls of Congress by interfering in the life of an individual. Yet we show little compassion for the scores of families who do not have the financial means or insurance to cover the expenses of individuals on life support or individuals who are sick in general.

There are 10,000 individuals on life-support throughout the country. The White House and Congress should find better ways to take care of all of these individuals and individuals who are in dire need of proper healthcare.

If we continue on this path, the President of the United States should be made guardian of all people on life support. Then perhaps we can find an amicable solution to the sadness that is the state of healthcare for Americans.

What are our priorities? If we care about saving lives, we should address the problem of 40 million Americans who do not have health care insurance. Eleven million children do not have basic health insurance. New York State ranked 33rd out of 50 states in quality of hospital care. And, 57,000 Americans die needlessly each year because the health care system failed to provide adequate care.

Congress must stand up and do what the voters elected them to do—focus on the critical issues facing everyone in this country.

Ms. KILPATRICK of Michigan. Mr. Speaker, I regret that Congress is being called in to this special session while official business requires me to be elsewhere at this time. However, I wish to insert these remarks for the RECORD in order to make public my views and position on the legislation before this body tonight, S. 686, that will provide for the Relief of the Parents of Theresa Marie Schiavo.

We are playing a dangerous game here as we try to act as Solomons when the nine Solomons of the U.S. Supreme Court have refused to review the case involving Ms. Schiavo. The arguments we have heard tonight both "pro" and "con" give testimony to the difficulty of the decision before us this evening, but it is a decision we should not be making. Issues of life and death should be determined personally, medically, legally, spiritually, morally—but not politically. Congress, the political body that it is, should not be involved in this sad debate tonight, and I strongly believe we will ultimately regret the precedent we are setting by our intrusion into this affair.

My heart goes out to the Schindlers this evening, and I share with them their concern and love for their daughter. Nonetheless, I do not think we have all the information we need to act wisely in this matter.

Mr. DEAL of Georgia. Mr. Speaker, I would like to commend the Leadership in the House and Senate for working together for a rapid compromise on legislation to allow for the relief of the parents of Terri Schiavo, and I rise today to support the bill.

Terri Schiavo's struggle to live has been emotionally trying for anyone who has followed the case, let alone the incomprehensible emotions being faced by her family and caretakers who are directly involved. I, presumably like most Members of Congress, hoped to see the issue of Terri Schiavo resolved without Congressional intervention. While I do not feel it is the role of Congress to make medical decisions in the case of Terri Schiavo, I do feel it is our role to ensure her parents' opportunity to fight for their own daughter's life before a Federal court. Moreover, I feel whenever there is doubt and question and disagreement as to what a person in Terri's condition would want for herself, government must always protect one's right to live.

I continue to pray for Ms. Schiavo and her family, and for the strength they need to endure this emotional trauma. Every life is worthy of protection, and given the circumstances surrounding this case, I support the efforts being taken to save her life.

Ms. CARSON. Mr. Speaker, the Schiavo family tragedy has touched the hearts of Americans across the country. This is a family that has for fifteen years intimately battled with what for most of us are distant fears. Now millions of us, in conversations at the office with our friends and colleagues and at the dinner table with our families, are trying to decide what we would do in their situation, what we would want for ourselves and for our loved ones. It is a conversation we need to have as a nation. But it is a question that will remain unsolved unless that time comes when our families are faced with tragedy as the Schiavo family has been.

Today we can argue what we hope we would do in their situation, what we think we would want for ourselves, and what we think is right. But we do not know what it means to be a member of the Schiavo family. We in Congress can only pretend.

Can any of us even imagine the agony that this family has weathered over the past fifteen years? Can any of us here in Washington pretend to have the authority to decide which members of this family in Florida are "good" and which are "bad"? I have listened to some of my colleagues condemn Michael Schiavo, a man they have never met and do not know, as wicked. Some of my colleagues have suggested that this man they have never met, this man who has suffered immeasurably through this agonizing family tragedy, is motivated by selfishness and cruelty. Some have suggested he has no respect for life. Let us see these accusations for what they are: a sick and shameful attempt to destroy a man's character and to tear apart a family, all in the name of political gain.

My colleagues, this will be a day looked back upon with shame. It will be the day that 100 Senators and 435 Members of Congress and one President, none of whom are members of this family, none of whom have stood alongside Terri Schiavo over the hardships of the past 15 years, none of whom know her wishes, none of whom would have lifted a finger were it not for a sick sense of political opportunism at the expense of the family—it will be the day these 536 strangers decided that the family wasn't good enough, that it was time for 536 strangers to decide, without any evidence or personal connection, what was good for a family they have never met.

This is a choice we would never wish upon anyone, but which families must make between themselves and God alone. May Congress never again pretend to be part of such a covenant.

Mr. GUTKNECHT. Mr. Speaker, as an original cosponsor of the first legislation introduced to protect the life of Terri Schiavo, I am pleased Members of Congress from both bodies and from both sides of the aisle were able to come together to pass legislation that gives Terri Schiavo a chance at life. S. 868 will allow members of Terri's family to file a claim in the U.S. District Court in Florida for an alleged violation of her Constitutional rights. Our Constitution states that no state shall "deprive any person of life, liberty, or property, without due process of law." Yet Terri has never had her own attorney exclusively representing her interests in court. This action will finally give her that opportunity. Convicted criminals on death row are granted this right; should not an individual who has never been convicted of a crime?

I understand issues involving long-term family illness are areas in which Congress should tread softly, if at all. This is an extremely sensitive area. But the facts of this case show that Terri's parents and siblings are willing to care for her and bear her medical expenses. This is not someone in a coma or with a terminal illness. Terri is awake and is able to see and hear and is often alert and interacts with her environment. We have a responsibility to protect the most vulnerable among us. Though we sometimes are led astray, every man, woman and child is precious in God's eyes. Terri's family must be given the opportunity to give her the treatment and care she deserves.

It was vitally important that Congress pass this legislation; not just to protect Terri's life, but also to avoid setting the disturbing precedent of ending human life against the wishes of someone's family and those willing to give her care. What kind of statement would we have been making to other incapacitated or disabled individuals who aren't able to survive without the assistance of medical technology or the care of others? As many have stated, when it comes to life and death decisions we must always err on the side of life.

I regret I was not available to vote for S. 868. Had my vote been needed for passage, I would have returned immediately.

Mr. UDALL of New Mexico. Mr. Speaker, the heart-wrenching details of Ms. Terri Schiavo's case are well known to all of us. Her personal case, not to mention the family rift that has resulted, is certainly a tragedy and my heart goes out to Terri, her husband, parents, and loved ones who all are trying to do what they believe is best for Terri.

However, Mr. Speaker, this is an issue that should be determined by those very people. This is not a matter for Congress to decide. Unfortunately, since Terri's family has been unable to agree on the best course of action, they have had to undergo, and continue to undergo today, lengthy legal battles. While it is unfortunate, that is what our legal process is for, and it has repeatedly ruled in favor of Terri's husband. Bringing this bill to the floor of the House marks yet another example of the Congressional leadership's subversion of the judicial process. Anytime the leadership disagrees with a ruling by a court, they strip its power. This is not the way these matters should be handled. It is not only subversion of the legal process, but of the Constitution of the United States of America.

In fact, in a 1990 case before the Supreme Court that pertained to some of the very same issues of the Schiavo case, Justice Antonin Scalia, one of the most conservative justices on the court, stated that he wished that the Supreme Court had stated, "clearly and promptly, that the federal courts have no business in this field." He went on further to say, "the point at which life becomes 'worthless' and the point at which the means necessary to preserve it become 'extraordinary' or 'inappropriate' are neither set forth in the Constitution nor known to the nine justices of this court any better than they are known to nine people picked at random from the Kansas City telephone directory."

Justice Scalia's statement highlights both the difficult nature of the issues involved, as well as his clear belief that matters such as these have no business in the federal courts. This is a highly private issue, and though it is unfortunate that Terri's family was forced to go to the courts, it should remain at the state level.

Congress should not have interfered by passing S. 686. It represents a gross overreach of Congressional power into a highly private issue. An issue, Mr. Speaker, that is at root between Mr. Schiavo and his wife Terri, and on the immediate periphery, between Mr. Schiavo and the Schindlers. It is amazing that some have chosen to play politics with this tragic family situation. My prayers are with the entire family, especially now that Terri has passed away.

This case does highlight, however, the need for individuals to make their personal and private health care decisions and embody them in a living will. At the very least, family members should have the comfort of knowing they're doing what their loved ones would have wanted. One of the best things that can emerge from this heartbreaking case will be an increase in families discussing and creating living wills.

Finally, I regret that I was unable to return in time for the debate and vote on S. 686. Once I received official notice of a recorded vote, it was impossible for me to arrive in Washington, DC in time for consideration of this measure. That being said Mr. Speaker, I rise now to state for the record that I would have voted against S. 686.

The SPEAKER. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the Senate bill, S. 686.

The question was taken.

The SPEAKER. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. FRANK of Massachusetts. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 203, nays 58, not voting 174, as follows:

[Roll No. 90]

YEAS—203

Aderholt
Akin
Alexander
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Blackburn
Blunt
Boehner
Bonner
Boren
Brady (PA)
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chandler
Chocola
Cole (OK)
Conaway
Costello
Cox
Cramer
Crenshaw
Cuellar
Culberson
Cummings
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
Engel
English (PA)
Etheridge
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Graves
Green (WI)
Green, Al
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herseth
Higgins
Hobson
Holden
Hulshof
Inglis (SC)
Istook
Jackson (IL)
Jenkins
Jindal
Johnson (IL)
Jones (NC)
Kanjorski
Kelly
Kennedy (MN)
Kildee
King (IA)
Kingston
Kirk
Kline
Kuhl (NY)
LaHood
Langevin
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McHenry
McHugh
McIntyre
McNulty
Meek (FL)
Melancon
Michaud
Miller (FL)
Miller (MI)
Mollohan
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Nussle
Oberstar
Otter
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Renzi
Rogers (AL)
Ros-Lehtinen
Ross
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Scott (GA)
Sensenbrenner
Serrano
Sherwood
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Stupak
Sullivan
Tancredo
Tanner
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Westmoreland
Whitfield
Wilson (SC)
Wynn

NAYS—58

Baldwin
Berkley
Bishop (NY)
Brown-Waite, Ginny
Butterfield
Capuano
Cardin
Carnahan
Carson
Castle
Clay
Cleaver
Clyburn
Conyers
Davis (FL)
Dent
Dicks
Doyle
Evans
Frank (MA)
Gutierrez
Hastings (FL)
Holt
Hoyer
Israel
Kaptur
Kennedy (RI)
Larson (CT)
Levin
Lewis (GA)
Matsui
McDermott
McKinney
Miller (NC)
Moran (VA)
Murtha
Nadler
Olver
Pallone
Pascrell
Payne
Price (NC)
Reichert
Rothman
Schiff
Schwartz (PA)
Scott (VA)
Shays
Spratt
Strickland
Thompson (MS)
Van Hollen
Visclosky
Wasserman Schultz
Watt
Weiner
Wexler
Wu

NOT VOTING—174

Abercrombie
Ackerman
Allen
Andrews
Barton (TX)
Becerra
Berman
Bishop (UT)
Blumenauer
Boehlert
Bonilla
Bono
Boozman
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Capps
Cardoza
Case
Coble
Cooper
Costa
Crowley
Cubin
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Emanuel
Eshoo
Everett
Farr
Filner
Flake
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gonzalez
Gordon
Granger
Green, Gene
Grijalva
Gutknecht
Harman
Herger
Hinchey
Hinojosa
Hoekstra
Honda
Hooley
Hostettler
Hunter
Hyde
Inslee
Issa
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Keller
Kilpatrick (MI)
Kind
King (NY)
Knollenberg
Kolbe
Kucinich
Lantos
Larsen (WA)
LaTourette
Lee
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Maloney
Markey
McCarthy
McCollum (MN)
McCrery
McGovern
McKeon
McMorris
Meehan
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Gary
Miller, George
Moore (KS)
Moore (WI)
Moran (KS)
Napolitano
Neal (MA)
Norwood
Nunes
Obey
Ortiz
Osborne
Owens
Oxley
Pastor
Paul
Pelosi
Peterson (MN)
Petri
Pombo
Radanovich
Rahall
Rangel
Reyes
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shuster
Simmons
Slaughter
Smith (WA)
Solis
Stark
Stearns
Sweeney
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Walden (OR)
Waters
Watson
Waxman
Weller
Wicker
Wilson (NM)
Wolf
Woolsey
Young (AK)
Young (FL)

☐ 0045

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BRADY of Texas. Mr. Speaker, on rollcall No. 90, my flight from Texas brought me to the Capitol one minute after the vote was closed. I intended to vote "yes."

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 90, on S. 686, I did not attend in protest of the politicization of a profound medical and family tragedy. Had I been present, I would have voted "nay."

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. GINGREY, from the Committee on Rules, submitted a privileged report (Rept. No. 109–27) on the resolution (H. Res. 181) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 686, FOR THE RELIEF OF THE PARENTS OF THERESA MARIE SCHIAVO

Mr. GINGREY, from the Committee on Rules, submitted a privileged report (Rept. No. 109–28) on the resolution (H. Res. 182) providing for consideration of the Senate bill (S. 686) for the relief of the parents of Theresa Marie Schiavo, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE TWO HOUSES

The SPEAKER laid before the House the following privileged Senate concurrent resolution (S. Con. Res. 23) providing for a conditional adjournment or recess of the Senate, and a conditional adjournment of the House of Representatives.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 23

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on any day from Sunday, March 20, 2005, through Sunday, April 3, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, April 4, 2005, or until such other time as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on any day from Sunday, March 20, 2005, through Monday, April 4, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, April 5, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

The SPEAKER. Without objection, the concurrent resolution is concurred in.

There was no objection.

A motion to reconsider was laid on the table.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Ms. PELOSI) for today and March 21.

Ms. KILPATRICK of Michigan (at the request of Ms. PELOSI) for today and March 21 on account of official business.

Ms. MCCOLLUM of Minnesota (at the request of Ms. PELOSI) for today and March 21 on account of official business.

Mr. ORTIZ (at the request of Ms. PELOSI) for today and March 21.

Ms. LORETTA SANCHEZ of California (at the request of Ms. PELOSI) for today and March 21 on account of official business.

Ms. WATERS (at the request of Ms. PELOSI) for today and March 21.

Mr. COBLE (at the request of Mr. DELAY) for today on account of official business.

Mr. HYDE (at the request of Mr. DELAY) for today on account of official business.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 653. An act for the relief of the parents of Theresa Marie Schiavo; referred to the Committee on the Judiciary.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on March 17, 2005, he presented to the President of the United States, for his approval, the following bill.

H.R. 1160. To reauthorize the Temporary Assistance for Needy Families block grant program though June 30, 2005, and for other purposes.

☐ 0046

ADJOURNMENT

Mr. DELAY. Mr. Speaker, pursuant to Senate Concurrent Resolution 23, 109th Congress, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER. Pursuant to the provisions of Senate Concurrent Resolution 23, 109th Congress, the House stands adjourned until 2 p.m. Tuesday, April 5, 2005.

Thereupon (at 12 o'clock and 46 minutes a.m., Monday, March 21, 2005), pursuant to Senate Concurrent Resolution

23, 109th Congress, the House adjourned until Tuesday, April 5, 2005, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1311. A letter from the Under Secretary for Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting the Department's final rule—Food Stamp Program: High Performance Bonuses (RIN: 0584–AD29) received February 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1312. A letter from the Acting Administrator, AMS, Department of Agriculture, transmitting the Department's final rule—Sweet Cherries Grown in Designated Counties in Washington; Establishment of Minimum Size and Maturity Requirements for Lightly Colored Sweet Cherries Varieties [Docket No. FV04-923-1 FR] received March 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1313. A letter from the Acting Administrator, AMS, Department of Agriculture, transmitting the Department's final rule—Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 3 (Native) Spearmint Oil for the 2004–2005 Marketing Year [Docket No. FV04-985-2 IFR-A] received March 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1314. A letter from the Acting Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting the Department's final rule—Addition of Slovakia to the List of Countries Eligible To Export Meat Products to the United States [Docket No. 99-018F] received March 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1315. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Bovine Spongiform Encephalopathy; Minimal-Risk Regions and Importation of Commodities; Partial Delay of Applicability [Docket No. 03-080-6] (RIN: 0579–AB73) received March 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1316. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Events; Morehead City Harbor Channel, Morehead City, NC [CGD05-04-180] (RIN: 1625–AA08) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1317. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulations for Marine Events; Martin Lagoon, Middle River, MD [CGD05-04-183] (RIN: 1625–AA08) received February 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1318. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Regulated Navigation Areas, Security Zones, and Temporary Anchorage Areas; St. Johns River, Jacksonville, FL [CGD07-04-090] (RIN: 1625–AA11) received Janaury 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1319. A letter from the Attorney, RSPA, Department of Transportation, transmitting the Department's final rule—Hazardous Materials: Availability of Information for Hazardous Materials Transported by Aircraft. [Docket No. RSPA-00-7762 (HM-206C)] (RIN: 2137–AD29) received March 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1320. A letter from the Deputy Assistant Chief Counsel, Department of Transportation, transmitting the Department's final rule—Standards for Development and Use of Processor-Based Signal and Train Control Systems [Docket No. FRA-2001-10160] (RIN: 2130–AA94) received March 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Filed on Mar. 21 (Legislative day of Mar. 20), 2005]

Mr. GINGREY: Committee on Rules. H. Res. 181. A resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 109–27). Referred to the House Calendar.

Mr. GINGREY: Committee on Rules. H. Res. 182. A resolution providing for consideration of the bill (S. 686) for the relief of the parents of Theresa Marie Schiavo (Rept. 109–28). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SENSENBRENNER:

H.R. 1452. A bill for the relief of the parents of Theresa Marie Schiavo; to the Committee on the Judiciary.

By Mr. LANTOS:

H.R. 1453. A bill to strengthen United States relations with Libya, to facilitate the integration of Libya into the international community, and to encourage positive change in Libyan society, and for other purposes; referred to the Committee on International Relations, and in addition to the Committees on Financial Services, Ways and Means, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER:

H.R. 1454. A bill to amend the Internal Revenue Code of 1986 to make the credit for increasing research activities permanent; to the Committee on Ways and Means.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. KING of Iowa, Mr. ALEXANDER, Mr. KLINE, Mr. JENKINS, Mr. TIBERI, Ms. ROS-LEHTINEN, Mr. GREEN of Wisconsin, Mr. SAXTON, Mr. HENSARLING, and Mr. ROHRABACHER.

H.R. 21: Mr. FILNER and Mr. WALSH.

H.R. 567: Mr. BERMAN.

H.R. 1001: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. ORTIZ.

H.R. 1417: Mr. RAMSTAD, Mr. PORTMAN, and Mrs. JONES of Ohio.

H.R. 1424: Mr. LANTOS.

H. Res. 108: Mr. COX.

SENATE—*Sunday, March 20, 2005*

The Senate met at 2 p.m. and was called to order by the Honorable MEL MARTINEZ, a Senator from the State of Florida.

The PRESIDING OFFICER. Today's prayer will be led by the guest Chaplain, the Reverend John Boyles, National Capital Presbytery, and former pastor of Capitol Hill Presbyterian Church.

PRAYER

The guest Chaplain offered the following prayer:

O God of all that is, or is to be: take, we pray, Your power and reign, in majesty and wisdom, here in this Chamber, on this day which You have made, reigning in this body assembled here, that all here today would follow in their own faith a path of righteousness and justice, finding in conscience a concord and peace which passes our human understanding but rests in Your glory, laud and honor, O great Creator and Lord of all generations; may Your work and will be done on Earth today, we pray Amen.

PLEDGE OF ALLEGIANCE

The Honorable MEL MARTINEZ led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 20, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MEL MARTINEZ, a Senator from the State of Florida, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. MARTINEZ thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

TERRI SCHIAVO

Mr. FRIST. Mr. President, the Congress is continuing to work to pass legislation to give Terri Schiavo another chance at life. Let me update all of our colleagues on where we are right now.

On Saturday, yesterday, we reached a bipartisan, bicameral agreement on a legislative solution. At that point, we initiated a procedural process to act on the bill, a process which brought both the House of Representatives and the Senate back today to complete action on this critically important matter.

Shortly, we will stand in recess subject to the call of the Chair. This action will allow the Senate to come back into session at a moment's notice to consider the legislation. The Senate will remain here throughout the afternoon and, if necessary, late into the evening in order to act immediately on this bill once it is ready.

Because Terri Schiavo is being denied lifesaving nutrition this very moment, time is of the essence.

Let me summarize again for everyone what the agreed-upon legislation does. Under this bill, Terri Schiavo will have another chance. She will have another opportunity to live. The bill allows Terri's case to be heard in Federal court. More specifically, it allows a Federal district judge to consider a claim on behalf of Terri Schiavo for alleged violations of constitutional rights or Federal laws relating to the withholding of food, water, or medical treatment necessary to sustain her life.

I am heartened by the way Congress is uniting in a bipartisan, bicameral way in this unique situation. Now is the time for us to act. Terri deserves it. I remain committed as leader to pass legislation to give Terri Schiavo one more chance at life.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 2:05 p.m., recessed subject to the call of the Chair and reassembled at 4:30 p.m. when called to order by the Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THERESA MARIE SCHIAVO

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 686 introduced earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (S. 686) for the relief of the parents of Theresa Marie Schiavo.

There being no objection, the Senate proceeded to consider the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUDICIAL DISCRETION UNDER THE SCHIAVO RELIEF BILL

Mr. LEVIN. Mr. President, I rise to seek clarification from the majority leader about one aspect of this bill, the issue of whether Congress has mandated that a Federal court issue a stay pending determination of the case.

Mr. FRIST. I would be pleased to help clarify this issue.

Mr. LEVIN. Section 5 of the original version of the Martinez bill conferred jurisdiction on a Federal court to hear a case like this, and then stated that the Federal court "shall" issue a stay of State court proceedings pending determination of the Federal case. I was opposed to that provision because I believe Congress should not mandate that a Federal judge issue a stay. Under longstanding law and practice, the decision to issue a stay is a matter of discretion for the Federal judge based on the facts of the case. The majority leader and the other bill sponsors accepted my suggestion that the word "shall" in section 5 be changed to "may."

The version of the bill we are now considering strikes section 5 altogether. Although nothing in the text of the new bill mandates a stay, the omission of this section, which in the earlier Senate-passed bill made a stay permissive, might be read to mean that Congress intends to mandate a stay. I believe that reading is incorrect. The absence of any state provision in the new bill simply means that Congress relies on current law. Under current law, a judge may decide whether or not a stay is appropriate.

Does the majority leader share my understanding of the bill?

Mr. FRIST. I share the understanding of the Senator from Michigan, as does the junior Senator from Florida who is the chief sponsor of this bill. Nothing in the current bill or its legislative history mandates a stay. I would assume, however, the Federal court would grant a stay based on the facts of this case because Mrs. Schiavo would need to be alive in order for the court to make its determination. Nevertheless, this bill does not change current law under which a stay is discretionary.

Mr. LEVIN. In light of that assurance, I do not object to the unanimous consent agreement under which the bill will be considered by the Senate. I do not make the same assumption as the majority leader makes about what a Federal court will do. Because the discretion of the Federal court is left unrestricted in this bill, I will not exercise my right to block its consideration.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Mr. WARNER. Mr. President, the tenth amendment to the U.S. Constitution provides:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

This is a principle of Federalism which, I believe, is not being followed by Congress in enacting this legislation.

That the misfortunes of life vested upon Theresa Marie Schiavo are a human tragedy, no one can deny. I said my prayers, as did many Americans, as we attended religious services this Palm Sunday.

I believe it unwise for the Congress to take from the State of Florida its constitutional responsibility to resolve the issues in this case.

The Florida State court system has adjudicated the issues to date. This bill, in effect, challenges the integrity and capabilities of the State courts in Florida.

That the Federal system of courts can move properly and fairly ajudicate the equities among the diverse parties in this particular case is a conclusion with which I cannot agree.

Greater wisdom is not always reposed in the branches of the Federal Government.

Apart from constitutional issues, I am concerned for the institution of the Senate, a body in which I have been privileged to serve for over a quarter of a century.

I view service in the Senate as that of a trustee—preserve this venerable body, its traditions and time-tested precedents, for future generations. It is one of a kind in their troubled world.

The drafters of this bill endeavored to write in provisions to prevent this unique law—a private relief bill is the term used in our procedures—from becoming a "precedent for future legislation" (section 7).

I do not believe the legislation can, or will, block further petitions from our citizens. Who can say there are not other tragic situations across our land today; who can predict what the future may inflict by way of personal hardship upon our citizens?

I fear the door has opened and Congress, which by constitutional mandate is entrusted to pass laws for the Nation, will again and again be petitioned to deal with personal situations which are the responsibility of the several States.

I respect the views of those who drafted and moved this bill swiftly, with limited debate, through the Senate. I value the sanctity of life no less fervently than they, for I had the great fortune of being the son of a doctor who devoted his entire life to healing and caring for the sick and injured. My father's principles have been my compass for my life.

It is not easy to be in opposition to this legislation, but I have a duty to state my views in keeping with my oath to support the Constitution as I interpret it.

IN DEFENSE OF SENATE TRADITION

Mr. BYRD. Mr. President, opponents of free speech and debate claim that, during my tenure as majority leader in the United States Senate, I established precedents that now justify a proposal for a misguided attempt to end debate on a judicial nomination by a simple majority vote, rather than by a three-fifths vote of all Senators duly chosen and sworn as required by paragraph two of Senate rule XXII. Their claims are false.

Proponents of the so-called nuclear option cite several instances in which they inaccurately allege that I "blazed a procedural path" toward an inappropriate change in Senate rules. They are dead wrong. Dead wrong. They draw analogies where none exist and create cock-eyed comparisons that fail to withstand even the slightest intellectual scrutiny.

Simply put, no action of mine ever denied a minority of the Senate a right to full debate on the final disposition of a measure or matter pending before the Senate. Not in 1977, not in 1979, not in 1980, or in 1987—the dates cited by critics as grounds for the nuclear option. The Congressional Research Service confirms that only six amendments have been adopted since the cloture rule was enacted in 1917, and "each of these changes was made within the framework of the existing or 'entrenched' rules of the Senate, including rule XXII."

In none of the instances cited by those who threaten to invoke the nuclear option did my participation in any action deny the minority in the Senate, regardless of party, its right to debate the real matter at hand.

Let us examine each of these so-called precedents in greater detail.

October 3, 1977—Enforcing Senate Rule XXII Against Improper Post-Cloture Delay: In 1977, the Senate invoked cloture on S. 2104, described as "a bill to establish a comprehensive natural gas policy." Shortly thereafter, two Senators began a postcloture "filibuster by amendment," after a supermajority of the Senate had already chosen to invoke cloture (under the Senate rules) and had made clear its desire to bring debate on the bill to close. Though the Senate had voted to invoke cloture by an overwhelming vote of 77 to 17, two Senators nonetheless continued to offer amendments, to request quorum calls, and to offer amendments to amendments to preserve and extend time on the bill postcloture. Their efforts, as confirmed by the Chair, ran directly contrary to the purpose of rule XXII, which is to limit debate.

The tactics employed were sufficiently egregious that the Senate spent 13 days and 1 night debating the bill, which included 121 rollcalls and 34 live quorums. Cloture having been invoked by an overwhelming vote, I then made the point of order that:

> when the Senate is operating under cloture, the Chair is required to take the initiative under rule XXII to rule out of order all amendments which are dilatory or which on their face are out of order.

Critics have alleged that my actions in this instance "cut off debate" and somehow constitute a precedent for ending a filibuster of a judicial nominee by 51 votes before cloture has been invoked. But that argument is erroneous.

The Senate was operating postcloture. The Senate had voted 77 to 17 to end debate. I didn't do that; the Senate took that action.

If anything, my actions clarified that rule XXII means what it says. The text of rule XXII provides explicitly that, once cloture is invoked, "no dilatory motion, or dilatory amendment, or amendment not germane shall be in order." Therefore, once Members have voted to invoke cloture, dilatory amendments or actions are simply out of order. Senators still retain their hour of postcloture debate. Senators still have the right of appeal.

Some have falsely alleged that I even acted to impede debate on that appeal, but they are mistaken yet again: Under the provisions of rule XXII, appeals from rulings of the Chair were not and are not debatable postcloture.

Nothing that was done in 1977 changed rule XXII or sent a shock wave through the Senate. Nothing that was done restricted the right of Senators to wage a filibuster against a nominee or legislation before cloture is invoked. No action taken affected the fundamental right of Senators to debate the natural gas deregulation bill; they had already debated the bill and, of their own volition, had decided to end their debate by an overwhelming vote. Instead, I sought to end dilatory tactics postcloture, when such tactics were, and remain today, prohibited by the plain text of paragraph two of rule XXII. I simply sought a ruling from the Chair to enforce Senate rule XXII.

In fact, when, in 1977, my point of order was sustained, the Chair in so doing noted that the point of order was consistent with the purpose of rule XXII, which "is to require action by the Senate on a pending measure following cloture within a period of reasonable dispatch." When the Chair's ruling in support of my point of order was thereafter appealed, that appeal was tabled in the Senate by another overwhelming vote of 79 to 14.

No Member of the minority in the Senate lost his right to debate the natural gas deregulation bill. Their ability to debate the bill was not tampered with or impeded in any way. Each Senator retained the right to debate, under the Senate rules, the bill both precloture and in the hour that was provided to each Senator under rule XXII postcloture.

Thus, contrary to current assertions, in 1977, a strong, bipartisan, supermajority of the Senate, supported by, among others, Minority Leader Howard Baker and myself, endorsed this necessary effort to halt postcloture dilatory tactics consistent with Rule XXII of the Standing Rules of the Senate. That is completely unlike the so-called nuclear option that is currently being discussed by some in the Senate. I sought to enforce rule XXII; not to destroy it.

January 15, 1979—Enforcing Rule XXII Against Improper Post-Cloture Delay: At the beginning of the new Congress in 1979, I, as Senate majority leader, introduced a resolution to make various changes to Senate rule XXII, the bulk of which addressed circumstances postcloture. Recently, on March 10, 2005, a Senator spoke on the Senate floor and stated that this resolution serves as a precedent for the nuclear option. However, my resolution served to enforce rule XXII, not to destroy it. My introduction of S. Res. 9 was influenced by the postcloture dilatory tactics that were suffered by the Senate during its consideration of the natural gas deregulation bill during the preceding Congress.

My efforts in that regard were supported, on a bipartisan basis, by Minority Leader Howard Baker who stated in response to my introduction of S. Res. 9:

> I point out, as I am sure most of our colleagues are aware and will recall, that in the case of the most recent post-cloture filibuster, it was the majority leader and the minority leader, with the distinguished occupant of the chair, the Vice President, in the chair at the time, who managed to establish a line and series of precedents that created the possibility to at least accelerate the disposition of the controversy and conflict.
>
> The point of the matter is that this is not, nor has it been, a matter that is purely partisan in its character. . . .

He added:

> I share with the majority leader the belief that the post-cloture filibuster, a creature of fairly young age and recent development, is one that the Senate has not focused on adequately. I am prepared to do that and I want to do that.

As the minority leader in the Senate recognized at the time, the text of rule XXII provides explicitly that, once cloture is invoked, "no dilatory motion, or dilatory amendment, or amendment not germane shall be in order." Therefore, once Members vote to invoke cloture, dilatory amendments or actions are impermissible. No proposal of mine in 1979 restricted the right of Senators to filibuster a nominee or a piece of legislation prior to the invocation of cloture, consistent with Rule XXII of the Standing Rules of the Senate. And the position I took at the time enjoyed support on both sides of the aisle.

November 9, 1979—Strengthening Rule XVI Against Legislation on Appropriations Bills: Opponents of free speech and debate in the Senate cite a third event as a supposed basis for their proposed "nuclear option." In November 1979, during consideration of a Department of Defense Appropriations bill, Senator Stennis raised a point of order that an amendment to change the rate of pay for military personnel, which had been offered by Senator Armstrong, constituted legislation on an appropriations bill and was therefore out of order under the express terms of Senate rule XVI. Legislative amendments to appropriations bills violate Senate rule XVI. However, by precedent, the "defense of germaneness" arose. According to this practice, which evolved outside the text of rule XVI, if the House has acted first to "open the door" to legislate on an appropriations measure, a Senator could respond with a legislative amendment, provided that it is germane to some House legislative language. If a point of order were made that an amendment constituted legislation, a ruling by the Chair on that question would be preempted by a vote on the germaneness of the amendment to the House language. This practice was justified only if the House had included legislative language in its bill. But this practice made a mockery of the rule if the House had not included any legislative language.

When Senator Stennis raised the point of order that the Armstrong amendment constituted legislation on an appropriations bill, Senator Armstrong asserted the defense of germaneness, meaning that his amendment was germane because it was relevant to the House bill. At that point, I made the following point of order:

> I make the point of order that this is a misuse of the precedents of the Senate, since there is no House language to which this amendment could be germane and that, therefore, the Chair is required to rule on the point of order as to its being legislation on an appropriation bill and cannot submit this question of germaneness to the Senate.

I was concerned that, as a threshold matter, the amendment should not be considered because there was no House language to which the proposed amendment could possibly be germane. The Chair noted that while this was a case of first impression, my point was "well taken," and he sustained my point of order. Senator Armstrong then appealed the ruling of the Chair, and I moved to table that appeal. My motion was adopted by the Senate.

Critics claim that my actions in this instance were contrary to the plain language of rule XVI, because rule XVI at paragraph four states, "all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate." But their assertion that I acted in a manner contrary to rule XVI is false.

My point of order went not to the issue of legislating on an appropriations bill, but to a different issue: The concept of "defense of germaneness." Nowhere in rule XVI is there a reference to the concept of "defense of germaneness." The source and subsequent application of defense of germaneness and its threshold test is not rooted in any Senate rule. Instead, it dates back to a precedent, which is identified by Riddick's Senate Procedure as a "theory," which was "enunciated" by Vice President Marshall in 1916, that, "Notwithstanding the rule of the Senate . . . when the House of Representatives opens the door and proceeds to enter upon a field of general legislation . . . the Chair is going to rule, but of course the Senate can reverse the ruling of the Chair, that the House having opened the door the Senate of the United States can walk through the door and pursue the field."

Second, my efforts were to avoid the misuse of precedent and thereby enforce the express provisions of Senate rule XVI, which prohibits legislation on an appropriations bill. It is only by precedent that germaneness justified a legislative amendment on an appropriations bill, and only if the House opened the door. My goal was to preserve proper precedent and strengthen rule XVI; not to weaken it, as the nuclear option would do to rule XXII. My actions did not establish any precedent to destroy the right of extended debate in the Senate. In fact, the Senate's action affected only the ability to offer certain amendments to particular legislation, and, even then, the Senate minority's rights to appeal a ruling of the Chair were fully preserved.

March 5, 1980—Enhancing the Right of Debate of Nominations on the Executive Calendar: Critics of extended debate also reference a motion I made in 1980 to proceed directly to a nomination on the Executive Calendar. They claim that this created a precedent making a motion to proceed to any nomination on the Executive Calendar nondebatable. It did no such thing.

At the time, a nondebatable motion to go into executive session automatically put the Senate on the first treaty on the Executive Calendar. This meant that moving to the Executive Calendar required consideration of treaties before nominations, simply because the Senate's Executive Calendar prints both treaties and nominations in the order in which they are reported out of their respective committees of jurisdiction, and treaties are then printed in the first section of the Calendar.

But the placement of treaties and nominations on the Senate Calendar was not and is not based on any great precedent or legal requirement that would elevate treaties to a position of prominence greater than nominations. Instead, the placement of treaties and nominations on the Senate Executive

Calendar is simply the result of a clerical printing convention. There has never been a logical reason for the Senate to distinguish between a motion to proceed to a nomination and a motion to proceed to the first treaty. Because there is no substantive reason that the Senate should have to go to treaties before being able to consider a nomination, it seemed logical that the Senate should be able to proceed directly to a nomination on the Executive Calendar.

My motion to proceed directly to the first nomination, rather than a treaty, did not inhibit or frustrate Senate debate in any way. The Chair explicitly confirmed that it did not contravene any precedent or Standing Rule of the Senate. Moreover, it also did not restrict the ability of the Senate to filibuster the nomination itself. In fact, disposition of the nomination remained, as it is today, fully debatable in several respects. A nomination remains fully debatable when it comes before the Senate, and motions to proceed from one nomination to another are also fully debatable when the Senate is in executive session.

May 13, 1987—Enforcing Rule IV Against Improper Debate of a Motion To Approve the Journal: In 1987, a Republican minority led a filibuster seeking to prevent the Senate from considering a defense authorization bill. Prior to moving to the bill, I sought unanimous consent that the Journal of the preceding day "be approved to date," a routine request in the course of Senate business. The Journal is the official record of the proceedings of the Senate, and under Senate rule IV, the Journal of the preceding day must be read following the prayer by the Chaplain unless, by nondebatable motion, the reading of the Journal is waived.

In this instance, Senator Dole objected to my request that the Journal be approved by unanimous consent, and the question of whether the Journal should be approved was put to a vote. Under Senate rule XII, if a Senator declines to vote during a rollcall, he or she must, at the time his or her name is called, give a reason for not voting. In an unusual occurrence, Senator Warner advised the Chair that he "decline[d] to vote for the reason that I have not read the Journal." Rule XII requires that if a Senator declines to vote, the Presiding Officer must put a nondebatable question to the Senate on whether it is "permissible for the Senator to decline his right to vote on the issue."

The Chair called for the vote to determine whether Senator Warner should be excused from voting on the Journal. However, before that vote was completed, Senator Dan Quayle stated that he, too, declined to vote, because he said, "I do not believe a Senator should be compelled to vote." The Chair asked the clerk to call the roll on whether to excuse Senator Quayle from voting, when Senator Symms stated that he, too, declined to vote for the same reason. At this point, there were four Senate votes pending. if additional Senators in the Chamber similarly chose to decline to vote, seriatim, the process could have continued forever.

Recognizing that, just a bit over a year previously, the Senate had deliberately amended rule IV to make the motion to approve the Journal a nondebatable motion, I made a point of order that the requests of the Senators to decline to vote were not in order. I stated:

> that in amending rule IV, the Senate intended that a majority of the Senate could resolve the question of the reading of the Journal. I make my point of order that a request of a Senator to be excused from voting on a motion to approve the Journal is, therefore, out of order and that the Chair proceed immediately, without further delay, to announce the vote on the motion to approve the Journal.

Through a series of subsequent motions and votes, I prevailed in rectifying what I observed at the time was an extraordinary situation illustrated by a series of, in essence, "votes within a vote."

Contrary to erroneous allegations by some, my actions in this regard did not set a precedent that "changed Senate procedure to run contrary to the plain text of a Standing Senate Rule." In fact, the action I took achieved exactly the opposite result: It ensured that Senate procedure would conform more closely to both the intent and the plain text of Senate rule IV.

At the time, one Senator mistakenly stated that the Chair could not entertain a unanimous consent request to suspend the application of rule XII in this instance. But that is an incorrect understanding by a Senator who was referring to rule XII, paragraph 1—where Senators cannot seek to be added to a vote that they missed, and the Chair may not do it or entertain a request to do so, a rule that was not in question and has always been strictly enforced by the Chair—not rule XII, paragraph 2, which was in dispute at the time.

Again, the actions I took were to enforce both rules IV and XII. Should I, instead, have endorsed a procedure whereby one Senator after another could simply decline to vote and put each Senator's reasons for declining to vote to another vote? Should Senators have been permitted, one after another, to decline to vote, then force a vote on each one's reason for not voting, on what is a nondebatable question in a nondebatable posture? Had I not raised a point of order against this abusive practice, it could have been used in innumerable future circumstances, and the Senate would not be able to complete a vote on any measure or matter, ever. It would, again, have made a mockery of the Senate's rules. Keep in mind that, if the tactic were ever legitimized, it could be employed to prevent a judicial nominee from ever receiving a vote.

It should be further noted that the point of order I made applies only to proceedings on motions to approve the Journal. Both the Presiding Officer and I confirmed this specifically in response to a question from Senator Alan Simpson. As I then stated:

> where Senators decline to vote on other rollcall votes in other situations—this point of order does not go to those. This point of order only goes to the unusual situation, the extraordinary circumstances, in which the Senate found itself today, when it was trying to act on a motion to approve the Journal to date, and when three Senators in succession stood to say, "Mr. President, I decline to vote on this rollcall for the following reasons."

Elsewhere, I also expressly stated that, "for the legislative history," the precedential value of my point of order was "confined only to that situation in which the Senate is trying to complete a vote on a motion to approve the Journal to date . . . It is confined to that very narrow purpose."

The Senate's decision on that day was fully consistent with the text of rules IV and XII, which provides expressly that the question of whether a Senator could decline to vote, "shall be decided without debate." The decision, once again, further enforced the existing rules of the Senate. This stands in stark contrast to the proposed nuclear option, which would contravene, by a simple majority vote, the express text of rule XXII, which applies to "any measure, motion, or other matter pending before the Senate," and which requires an affirmative vote of three-fifths of the Senators duly chosen and sworn.

Let me state, once again, that no action of mine cited by the proponents of the nuclear options has ever denied a minority in the Senate its right to full debate on the final disposition of a measure or matter pending before the Senate.

The steps discussed here have all gone toward strengthening or enforcing Senate rules, or clarifying the application of Senate precedents—not undermining them. The Senate has been the last fortress of minority rights and freedom of speech in this Republic for more than two centuries. I pray that Senators will pause and reflect before ignoring that history and tradition in favor of the political priority of the movement.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and the Senate proceed to a vote on passage.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

The bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 686) was passed, as follows:

S. 686

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RELIEF OF THE PARENTS OF THERESA MARIE SCHIAVO.

The United States District Court for the Middle District of Florida shall have jurisdiction to hear, determine, and render judgment on a suit or claim by or on behalf of Theresa Marie Schiavo for the alleged violation of any right of Theresa Marie Schiavo under the Constitution or laws of the United States relating to the withholding or withdrawal of food, fluids, or medical treatment necessary to sustain her life.

SEC. 2. PROCEDURE.

Any parent of Theresa Marie Schiavo shall have standing to bring a suit under this Act. The suit may be brought against any other person who was a party to State court proceedings relating to the withholding or withdrawal of food, fluids, or medical treatment necessary to sustain the life of Theresa Marie Schiavo, or who may act pursuant to a State court order authorizing or directing the withholding or withdrawal of food, fluids, or medical treatment necessary to sustain her life. In such a suit, the District Court shall determine de novo any claim of a violation of any right of Theresa Marie Schiavo within the scope of this Act, notwithstanding any prior State court determination and regardless of whether such a claim has previously been raised, considered, or decided in State court proceedings. The District Court shall entertain and determine the suit without any delay or abstention in favor of State court proceedings, and regardless of whether remedies available in the State courts have been exhausted.

SEC. 3. RELIEF.

After a determination of the merits of a suit brought under this Act, the District Court shall issue such declaratory and injunctive relief as may be necessary to protect the rights of Theresa Marie Schiavo under the Constitution and laws of the United States relating to the withholding or withdrawal of food, fluids, or medical treatment necessary to sustain her life.

SEC. 4. TIME FOR FILING.

Notwithstanding any other time limitation, any suit or claim under this Act shall be timely if filed within 30 days after the date of enactment of this Act.

SEC. 5. NO CHANGE OF SUBSTANTIVE RIGHTS.

Nothing in this Act shall be construed to create substantive rights not otherwise secured by the Constitution and laws of the United States or of the several States.

SEC. 6. NO EFFECT ON ASSISTING SUICIDE.

Nothing in this act shall be construed to confer additional jurisdiction on any court to consider any claim related—

(1) to assisting suicide, or

(2) a State law regarding assisting suicide.

SEC. 7. NO PRECEDENT FOR FUTURE LEGISLATION.

Nothing in this Act shall constitute a precedent with respect to future legislation, including the provision of private relief bills.

SEC. 8. NO EFFECT ON THE PATIENT SELF-DETERMINATION ACT OF 1990.

Nothing in this Act shall affect the rights of any person under the Patient Self-Determination Act of 1990.

SEC. 9. SENSE OF THE CONGRESS.

It is the Sense of the Congress that the 109th Congress should consider policies regarding the status and legal rights of incapacitated individuals who are incapable of making decisions concerning the provision, withholding, or withdrawal of foods, fluid, or medical care.

Mr. FRIST. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FRIST. Mr. President, I rise today to speak about the bill we just passed that will give Terri Schiavo another chance. The bill we passed this afternoon centers on the sanctity of human life. It is bipartisan; it is bicameral. The House of Representatives is considering the exact same bill today. After the Senate and House pass this legislation, the President will immediately sign it into law.

There has been a lot of discussion about what this bill actually does. Let me point out several things.

Simply put, it allows Terri's case to be held in Federal court. The legislation permits a Federal district judge to consider a claim on behalf of Terri for alleged violations of constitutional rights or Federal laws relating to the withholding of food, water, or medical treatment necessary to sustain life.

The bill guarantees a process to help Terri but does not guarantee a particular outcome. Once a new case is filed, a Federal district judge can issue a stay at any time 24 hours a day. A stay would allow Terri to be fed once again. The judge has discretion on that particular decision. However, I would expect that a Federal judge would grant the stay under these circumstances because Terri would need to live in order for the court to consider the case. If a new suit goes forward, the Federal judge must conduct what is called de novo review of the case. De novo review means the judge must look at the case anew. The judge need not rely on or defer to the decision of previous judges.

The judge also may make new findings of fact, and from a practical standpoint this means that in a new case the judge can reevaluate and reassess Terri's medical condition.

I would like to make a few other points about the bill.

First, it is a unique bill passed under unique circumstances that should not serve as a precedent for future legislation.

Second, this bill would not impede any State's existing laws regarding assisted suicide.

Finally, in this bill Congress acknowledges that we should take a closer look in the future at the legal rights of incapacitated individuals.

While this bill will create a new Federal cause of action, I still encourage the Florida Legislature to act on Terri's behalf. This new Federal law will help Terri, but it should not be her only remaining option.

Remember, Terri is alive. Terri is not in a coma. Although there is a range of opinions, neurologists who have examined her insist today that she is not in a persistent vegetative state. She breathes on her own just like you and me. She is not on a respirator. She is not on life support of any type. She does not have a terminal condition.

Moreover, she has a mom and a dad and siblings, her closest blood relatives, who love her, who say she is responsive to them, who want her to live, and who will financially support her. These are the facts.

We in the Senate recognize that it is extraordinary that we, as a body, act. But these are extraordinary circumstances that center on the most fundamental of human values and virtues—the sanctity of human life.

The level of cooperation and thoughtful consideration surrounding this legislative effort on behalf of my colleagues has truly been remarkable. I thank Senate minority leader HARRY REID for his leadership on this issue. He and I have been in close contact throughout this process. I also thank my Democratic colleagues who expressed their concerns but have allowed us to move forward. In particular, I thank Senators MEL MARTINEZ, RICK SANTORUM, TOM HARKIN, and KENT CONRAD for their dedication in shepherding this legislation. This is bipartisan, bicameral legislation.

CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND HOUSE OF REPRESENTATIVES

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Con. Res. 23, the adjournment resolution, which is at the desk. I further ask that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 23) was agreed to, as follows:

S. CON. RES. 23

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on any day from Sunday, March 20, 2005, through Sunday, April 3, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, April 4, 2005, or until such other time as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on any day from Sunday, March 20, 2005, through Monday, April 4, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, April 5, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Minority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

ORDER FOR RECORD TO REMAIN OPEN

Mr. FRIST. Mr. President, I ask unanimous consent that notwithstanding the Senate's adjournment, the RECORD remain open for statements only on Monday, March 21, from 11 a.m. until 5 p.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE PASSING OF PAT OKURA

• Mr. INOUYE. Mr. President, on January 30, 2005, America lost a pioneer and leader in civil rights, human rights and mental health. Among his many accomplishments, Mr. K. Patrick Okura served as president of the Japanese American Citizens League, JACL, between 1962 and 1964 and led the JACL into a new era of civil rights activism. Pat was also an active board member of the Asian Pacific American Heritage Council and dedicated himself to nurturing the growth of the Asian Pacific American community. In addition, Pat had a long and distinguished career in mental health and helped found the Asian American Psychological Association.

On February 11, 2005, a memorial service was held for Pat in Bethesda, MD. At this memorial service, an eloquent eulogy was presented by the current president of the JACL, Mr. John Tateishi, highlighting Pat's accomplishments, describing his character, and expressing sadness at his passing.

I feel much the same way as Mr. Tateishi does about Pat's passing. I would like to share his thoughts with you. Today, I ask that a copy of Mr. Tateishi's eulogy for Pat Okura to be printed in the RECORD.

The material follows:

EULOGY FOR K. PATRICK OKURA

If the true measure of a man is seen in his actions rather than in the words he speaks, then Pat Okura is a giant among us today. He was someone who believed passionately in equality and the rights of individuals, and more importantly, he spent a lifetime fighting for those things he believed in so strongly.

Some 30 years ago, when we were all so much younger, Pat and I talked long into the night at a JACL convention, and it was then that I first got to know something about this remarkable man. He told me about the things that had shaped his life: his days at UCLA, meeting and marrying his lovely wife Lily, those miserable days imprisoned and living as newlyweds in a horse stall at the Santa Anita race track, life at Boys Town in Omaha, and the post-war years. And apart from his life with Lily, he told me the one event that shaped his view of the world more than any other was the injustice of the internment. As a result, he spent the rest of his life fighting against racism and social injustice and always tried to ensure justice in this world, especially for those who were the least able to fight for themselves.

The one thing that is legendary about Pat was his love of mentoring young people. He would always tell the stories of his life, not to talk about himself, but to impart wisdom from those experiences, to use the stories of his life as a way to teach and guide the young people who came to him for his help. He loved to counsel, advise, to mentor the young, and he always, without hesitation, extended a helping hand. There are countless numbers of us who have benefited from his generosity and kindness. That was one of the hallmarks of his life.

In 1962, Pat was elected as the National President of JACL, and during his term of office, he led the JACL into a new era of civil rights. A year after winning election as the organization's president, he convened a meeting of the JACL's National Board in Washington D.C., the first time the Board had ever met anywhere other than at its national headquarters in its 64 year history. He did so to urge the JACL Board to support the now historic March on Washington, led by the Reverend Martin Luther King, Jr.

In order to put that into context, it should be noted that in 1963, the notion of civil rights was not yet part of the popular lexicon of the American vernacular. At that time, it was viewed as a radical movement by upstart blacks and radical students from the north, and the idea of civil rights for non-whites created discomfort in the hearts of many in this country. Certainly, for the JACL, moderate at best, being part of the civil rights movement was a radical idea.

So in 1963, when Pat passionately cajoled the JACL National Board into supporting the march and proudly marched with Dr. King in the Nation's Capitol, he moved the JACL into a new era—from an organization that looked inward to its own community to one that reached out to any individuals or groups in this country victimized by social injustice.

We in the JACL have been fortunate to have known Pat as a friend, a colleague, and a leader. For a brief moment, he was given to us, and we are proud to have had him as one of us to have been a part of his life. He will be sorely missed, and his passing leaves a gaping void that cannot easily be filled. Legends among us are passing, and how do we possibly replace them? The likes of Patrick Okura simply cannot be replaced. He was too remarkable.

Lily, on this day of mourning, we thank you for sharing Pat with us. Our thoughts are with you as we celebrate the incredible life of a wonderful human being and a good friend.•

SENATE PASSAGE OF THE TERRI SCHIAVO BILL

• Mr. TALENT. Mr. President, I believe in the dignity and value of life at all stages and I strongly supported the legislation to help Terri Schiavo. Doctors have said that Terri is not in a persistent vegetative state and there is a lot of evidence that she would improve if she can get the care her family wants to give her.

It is not uncommon in cases where there has been a miscarriage of justice for the Congress to pass private bills. Our actions are consistent with the will of the people of Florida who have been repeatedly frustrated by the State courts. We have a chance to allow this young woman to live under the nurturing of her parents and to improve her condition.

On Sunday, March 20, the Senate passed the Terri Schiavo bill. The House passed the bill early on Monday, March 21, by a vote of 203–58 and President Bush signed the bill into law less than an hour later.

The legislation will allow Federal courts to hear a claim on behalf of Terri Schiavo by her parents, Robert and Mary Schindler, alleging a violation of their daughter's rights under the Constitution or Federal law relating to the withholding or withdrawal of food, fluids, or medical treatment necessary to sustain her life.•

TRIBUTE TO SIDNEY A. GOODMAN

• Mr. COLEMAN. Mr. President, it broke my heart to miss my good friend Sidney Goodman's birthday today. So I wanted to memorialize this great occasion in a way that would be remembered. As I told Sidney in a letter, if he hadn't made something out of me, I would be there to celebrate with him instead of working here in Washington.

Thomas Jefferson said that, "The test of every generation is giving a better world to its children than it got from its parents." By that standard, Sidney is one of the greatest of the Greatest Generation.

As you well know, it is not the years of life but the life in years that counts. Sidney has lived many years and lived them to the hilt. He has poured so much love and energy into those around him, including me. I hope he can receive all the richly deserved honor bestowed on him on this special day. He is 1 in 5 billion.

Sidney A. Goodman is the quintessential entrepreneur, with heart.

His charisma instantly draws people, and his expectations encourage them to become the very best they can be. His uncanny business sense makes him the consummate deal maker and natural leader. His honesty, integrity and warmth have cultivated thousands of business relationships that have become genuine friendships.

These abilities enabled him to set the foundation of what would become the Goodman Group, one of the Nation's most unique and innovative privately held companies, in which he is still actively involved today. The Goodman

Group is made up of: Sage Company, which has communities in 11 States and has been a national leader in developing and managing commercial properties, residential and senior living communities, and health care facilities since the 1970s. Sage is actually an acronym for Sidney Albert Goodman Enterprises; John B. Goodman Limited Partnership, a development and design company; Sage Travel, a full-service travel agency.

Sidney started this organization from a single real estate holding which he acquired in 1952. At that time, he had a Hamms beer distributorship, which was very successful. However, when Hamms was purchased in 1970, he preferred to run his own business. So, like any good entrepreneur, he sold it back to them and focused on developing his real estate business, Sage Company.

Through his business dealings, Sidney has been a mentor to hundreds of people over the years. He attentively listens to their challenges and offers guidance based on knowledge that can only be gained through experience. He does more than simply ask people to carry out an action; he explains why, based on wisdom that can only be attained from decades as a successful businessman.

Sidney is generous with his knowledge, the most valuable asset anyone can have, because he genuinely cares about people. Whether they are an assistant or a company president, he sincerely wants to know about their life, their hopes, and dreams. He loves to give people the opportunity to challenge themselves and expand their horizons. And when they think they can't succeed, he is there to tell them they can. And they do.

While Sidney is undoubtedly a very successful businessman, it is this concern for every individual that makes him an exceptional human being.

I am proud to be Sidney Goodman's friend and I wish him a happy and blessed birthday celebration.●

MESSAGE FROM THE HOUSE

At 3:33 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its clerks, announced that it has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3. An act to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

The message also announced that pursuant to 22 U.S.C. 1928a, the order of the House of January 4, 2005, and clause 10 of rule 1, the Speaker appoints the following Members of the House of Representatives to the United States Group of the North Atlantic Assembly: Mr. TANNER of Tennessee, Mr. ROSS of Arkansas, Mr. CHANDLER of Kentucky, and Mrs. TAUSCHER of California.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1332. An act to amend title 28, United States Code, to provide for the removal to Federal court of certain State court cases involving the rights of incapacitated persons, and for other purposes; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. FRIST (for himself, Mr. MARTINEZ, and Mr. SANTORUM):

S. 686. A bill to provide for the relief of the parents of Theresa Marie Schiavo; considered and passed.

By Mr. BURNS (for himself, Mr. WYDEN, Mrs. BOXER, and Mr. NELSON of Florida):

S. 687. A bill to regulate the unauthorized installation of computer software, to require clear disclosure to computer users of certain computer software features that may pose a threat to user privacy, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CORNYN:

S. Res. 92. A resolution expressing the sense of the Senate that judicial determinations regarding the meaning of the Constitution of the United States should not be based on judgments, laws, or pronouncements of foreign institutions unless such foreign judgments, laws, or pronouncements inform an understanding of the original meaning of the Constitution of the United States; to the Committee on the Judiciary.

By Mr. FRIST (for himself and Mr. REID):

S. Con. Res. 23. A concurrent resolution providing for a conditional adjournment or recess of the Senate, and a conditional adjournment of the House of Representatives; considered and agreed to.

By Mr. GRAHAM (for himself, Mr. ALLEN, Mr. JOHNSON , Mr. CHAMBLISS, Mr. KYL, Mr. BOND, Mr. INHOFE, Mr. COBURN, Mr. DORGAN, and Mr. SCHUMER):

S. Con. Res. 24. A concurrent resolution expressing the grave concern of Congress regarding the recent passage of the anti-secession law by the National People's Congress of the People's Republic of China; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FRIST (for himself, Mr. MARTINEZ, and Mr. SANTORUM):

S. 686. A bill to provide for the relief of the parents of Theresa Marie Schiavo; considered and passed.

Mr. FRIST. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 686

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RELIEF OF THE PARENTS OF THERESA MARIE SCHIAVO

The United States District Court for the Middle District of Florida shall have jurisdiction to hear, determine, and render judgment on a suit or claim by or on behalf of Theresa Marie Schiavo for the alleged violation of any right of Theresa Marie Schiavo under the Constitution or laws of the United States relating to the withholding or withdrawal of food, fluids, or medical treatment necessary to sustain her life.

SEC. 2. PROCEDURE.

Any parent of Theresa Marie Schiavo shall have standing to bring a suit under this Act. The suit may be brought against any other person who was a party to State court proceedings relating to the withholding or withdrawal of food, fluids, or medical treatment necessary to sustain the life of Theresa Marie Schiavo, or who may act pursuant to a State court order authorizing or directing the withholding or withdrawal of food, fluids, or medical treatment necessary to sustain her life. In such a suit, the District Court shall determine de novo any claim of a violation of any right to Theresa Marie Schiavo within the scope of this Act, notwithstanding any prior State court determination and regardless of whether such a claim has previously been raised, considered, or decided in State court proceedings. The District Court shall entertain and determine the suit without any delay or abstention in favor of State court proceedings, and regardless of whether remedies available in the State courts have been exhausted.

SEC. 3. RELIEF.

After a determination of the merits of a suit brought under this Act, the District Court shall issue such declaratory and injunctive relief as may be necessary to protect the rights of Theresa Marie Schiavo under the Constitution and laws of the United States relating to the withholding or withdrawal of foods, fluids, or medical treatment necessary to sustain her life.

SEC. 4. TIME FOR FILING.

Notwithstanding any other time limitation, any suit or claim under this Act shall be timely if filed within 30 days after the date of enactment of this Act.

SEC. 5. NO CHANGE OF SUBSTANTIVE RIGHTS.

Nothing in this Act shall be construed to create substantive rights not otherwise secured by the Constitution and laws of the United States or of the several States.

SEC. 6. NO EFFECT ON ASSISTING SUICIDE.

Nothing in this Act shall be construed to confer additional jurisdiction on any court to consider any claim related—

(1) to assisting suicide, or

(2) a State law regarding assisting suicide.

SEC. 7. NO PRECEDENT FOR FUTURE LEGISLATION.

Nothing in this Act shall constitute a precedent with respect to future legislation, including the provision of private relief bills.

SEC. 8. NO EFFECT ON THE PATIENT SELF-DETERMINATION ACT OF 1990.

Nothing in this Act shall affect the rights of any person under the Patient Self-Determination Act of 1990.

SEC. 9. SENSE OF THE CONGRESS.

It is the Sense of Congress that the 109th Congress should consider policies regarding the status and legal rights of incapacitated individuals who are incapable of making decisions concerning the provision, withholding, or withdrawal of foods, fluid, or medical care.

By Mr. BURNS (for himself, Mr. WYDEN, Mrs. BOXER, and Mr. NELSON of Florida):

S. 687. A bill to regulate the unauthorized installation of computer software, to require clear disclosure to computer users of certain computer software features that may pose a threat to user privacy, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. BURNS. Mr. President, I rise today to introduce the SPYBLOCK bill, along with my good friend Senator WYDEN of Oregon.

The SPYBLOCK bill will help reduce one of the most damaging practices in the online world today—spyware, or computer software downloaded onto a computer without the user's permission or awareness—that then is often used to illicitly gather personal information, assist in identity theft, track a user's keystrokes or monitor browsing behavior.

It is hard to overstate the potential damage that Spyware can do in cyberspace if it is allowed to grow unchecked. It could cripple e-commerce, because consumers would be afraid to make their financial or other personal data available on-line. It could damage the activities of businesses large and small, by making their data or computer systems vulnerable to attack and abuse. It could fuel the growth of whole new categories of cybercriminals. The recent data theft incidents at ChoicePoint, Bank of America, and others only underscore the need for a much more proactive policing of cyberspace.

The SPYBLOCK bill will give Federal enforcement authorities additional tools to curb spyware. It also bans adware programs that conceal their operation or purpose from users, because every consumer should have a reasonable opportunity to consent to the installation of software that generates pop-up ads on his or her computer.

We have worked hard on this bill, and consulted extensively with industry and consumer groups to ensure all perspectives on this growing problem were heard. The issues are not new to the members of the Commerce Committee either, as this bill is very similiar to one we marked up toward the end of the last Congress.

I look forward to working with my colleagues in the Commerce Committee and the full Senate to ensure prompt passage of this important measure. I thank my colleague Senator WYDEN again for his work on this bill, and I yield back the balance of my time.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 687

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Software Principles Yielding Better Levels of Consumer Knowledge Act" or the "SPY BLOCK Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Prohibited practices related to software installation in general.
Sec. 3. Installing surreptitious information collection features on a user's computer.
Sec. 4. Adware that conceals its operation.
Sec. 5. Other practices that thwart user control of computer.
Sec. 6. Limitations on liability.
Sec. 7. FTC rulemaking authority.
Sec. 8. Administration and enforcement.
Sec. 9. Actions by States.
Sec. 10. Effect on other laws.
Sec. 11. Liability protections for anti-spyware software or services.
Sec. 12. Penalties for certain unauthorized activities relating to computers.
Sec. 13. Definitions.
Sec. 14. Effective date.

SEC. 2. PROHIBITED PRACTICES RELATED TO SOFTWARE INSTALLATION IN GENERAL.

(a) SURREPTITIOUS INSTALLATION.—

(1) IN GENERAL.—It is unlawful for a person who is not an authorized user of a protected computer to cause the installation of software on the computer in a manner that—

(A) conceals from the user of the computer the fact that the software is being installed; or

(B) prevents the user of the computer from having an opportunity to knowingly grant or withhold consent to the installation.

(2) EXCEPTION.—This subsection does not apply to—

(A) the installation of software that falls within the scope of a previous grant of authorization by an authorized user;

(B) the installation of an upgrade to a software program that has already been installed on the computer with the authorization of an authorized user;

(C) the installation of software before the first retail sale and delivery of the computer; or

(D) the installation of software that ceases to operate when the user of the computer exits the software or service through which the user accesses the Internet, if the software so installed does not begin to operate again when the user accesses the Internet via that computer in the future.

(b) MISLEADING INDUCEMENTS TO INSTALL.—It is unlawful for a person who is not an authorized user of a protected computer to induce an authorized user of the computer to consent to the installation of software on the computer by means of a materially false or misleading representation concerning—

(1) the identity of an operator of an Internet website or online service at which the software is made available for download from the Internet;

(2) the identity of the author, publisher, or authorized distributor of the software;

(3) the nature or function of the software; or

(4) the consequences of not installing the software.

(c) PREVENTING REASONABLE EFFORTS TO UNINSTALL.—

(1) IN GENERAL.—It is unlawful for a person who is not an authorized user of a protected computer to cause the installation of software on the computer if the software cannot subsequently be uninstalled or disabled by an authorized user through a program removal function that is usual and customary with the user's operating system, or otherwise as clearly and conspicuously disclosed to the user.

(2) LIMITATIONS.—

(A) AUTHORITY TO UNINSTALL.—Software that enables an authorized user of a computer, such as a parent, employer, or system administrator, to choose to prevent another user of the same computer from uninstalling or disabling the software shall not be considered to prevent reasonable efforts to uninstall or disable the software within the meaning of this subsection if at least 1 authorized user retains the ability to uninstall or disable the software.

(B) CONSTRUCTION.—This subsection shall not be construed to require individual features or functions of a software program, upgrades to a previously installed software program, or software programs that were installed on a bundled basis with other software or with hardware to be capable of being uninstalled or disabled separately from such software or hardware.

SEC. 3. INSTALLING SURREPTITIOUS INFORMATION COLLECTION FEATURES ON A USER'S COMPUTER.

(a) IN GENERAL.—It is unlawful for a person who is not an authorized user of a protected computer to—

(1) cause the installation on that computer of software that includes a surreptitious information collection feature; or

(2) use software installed in violation of paragraph (1) to collect information about a user of the computer or the use of a protected computer by that user.

(b) AUTHORIZATION STATUS.—This section shall not be interpreted to prohibit a person from causing the installation of software that collects and transmits only information that is reasonably needed to determine whether or not the user of a protected computer is licensed or authorized to use the software.

(c) SURREPTITIOUS INFORMATION COLLECTION FEATURE DEFINED.—For purposes of this section, the term "surreptitious information collection feature" means a feature of software that—

(1) collects information about a user of a protected computer or the use of a protected computer by that user, and transmits such information to any other person or computer—

(A) on an automatic basis or at the direction of person other than an authorized user of the computer, such that no authorized user knowingly triggers or controls the collection and transmission;

(B) in a manner that is not transparent to an authorized user at or near the time of the collection and transmission, such that no authorized user is likely to be aware of it when information collection and transmission are occurring; and

(C) for purposes other than—

(i) facilitating the proper technical functioning of a capability, function, or service that an authorized user of the computer has knowingly used, executed, or enabled; or

(ii) enabling the provider of an online service knowingly used or subscribed to by an authorized user of the computer to monitor or record the user's usage of the service, or to customize or otherwise affect the provision of the service to the user based on such usage; and

(2) begins to collect and transmit such information without prior notification that—

(A) clearly and conspicuously discloses to an authorized user of the computer the type of information the software will collect and the types of ways the information may be used and distributed; and

(B) is provided at a time and in a manner such that an authorized user of the computer has an opportunity, after reviewing the information contained in the notice, to prevent either—

(i) the installation of the software; or

(ii) the beginning of the operation of the information collection and transmission capability described in paragraph (1).

SEC. 4. ADWARE THAT CONCEALS ITS OPERATION.

(a) IN GENERAL.—It is unlawful for a person who is not an authorized user of a protected computer to cause the installation on that computer of software that causes advertisements to be displayed to the user without a label or other reasonable means of identifying to the user of the computer, each time such an advertisement is displayed, which software caused the advertisement's delivery.

(b) EXCEPTION.—Software that causes advertisements to be displayed without a label or other reasonable means of identification shall not give rise to liability under subsection (a) if those advertisements are displayed to a user of the computer—

(1) only when a user is accessing an Internet website or online service—

(A) operated by the publisher of the software; or

(B) the operator of which has provided express consent to the display of such advertisements to users of the website or service; or

(2) only in a manner or at a time such that a reasonable user would understand which software caused the delivery of the advertisements.

SEC. 5. OTHER PRACTICES THAT THWART USER CONTROL OF COMPUTER.

It is unlawful for a person who is not an authorized user of a protected computer to engage in an unfair or deceptive act or practice that involves—

(1) utilizing the computer to send unsolicited information or material from the user's computer to other computers;

(2) diverting an authorized user's Internet browser away from the Internet website the user intended to view to 1 or more other websites, unless such diversion has been authorized by the website the user intended to view;

(3) displaying an advertisement, series of advertisements, or other content on the computer through windows in an Internet browser, in such a manner that the user of the computer cannot end the display of such advertisements or content without turning off the computer or terminating all sessions of the Internet browser (except that this paragraph shall not apply to the display of content related to the functionality or identity of the Internet browser);

(4) modifying settings relating to the use of the computer or to the computer's access to or use of the Internet, including—

(A) altering the default Web page that initially appears when a user of the computer launches an Internet browser;

(B) altering the default provider or Web proxy used to access or search the Internet;

(C) altering bookmarks used to store favorite Internet website addresses; or

(D) altering settings relating to security measures that protect the computer and the information stored on the computer against unauthorized access or use; or

(5) removing, disabling, or rendering inoperative a security or privacy protection technology installed on the computer.

SEC. 6. LIMITATIONS ON LIABILITY.

(a) PASSIVE TRANSMISSION, HOSTING, OR LINKING.—A person shall not be deemed to have violated any provision of this Act solely because the person provided—

(1) the Internet connection, telephone connection, or other transmission or routing function through which software was delivered to a protected computer for installation;

(2) the storage or hosting of software or of an Internet website through which software was made available for installation to a protected computer; or

(3) an information location tool, such as a directory, index, reference, pointer, or hypertext link, through which a user of a protected computer located software available for installation.

(b) NETWORK SECURITY.—It is not a violation of section 2, 3, or 5 for a provider of a network or online service used by an authorized user of a protected computer, or to which any authorized user of a protected computer subscribes, to monitor, interact with, or install software for the purpose of—

(1) protecting the security of the network, service, or computer;

(2) facilitating diagnostics, technical support, maintenance, network management, or repair; or

(3) preventing or detecting unauthorized, fraudulent, or otherwise unlawful uses of the network or service.

(c) MANUFACTURER'S LIABILITY FOR THIRD-PARTY SOFTWARE.—A manufacturer or retailer of a protected computer shall not be liable under any provision of this Act for causing the installation on the computer, prior to the first retail sale and delivery of the computer, of third-party branded software, unless the manufacturer or retailer—

(1) uses a surreptitious information collection feature included in the software to collect information about a user of the computer or the use of a protected computer by that user; or

(2) knows that the software will cause advertisements for the manufacturer or retailer to be displayed to a user of the computer.

(d) INVESTIGATIONAL EXCEPTION.—Nothing in this Act prohibits any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or of an intelligence agency of the United States.

(e) SERVICES PROVIDED OVER MVPD SYSTEMS.—It is not a violation of this Act for a multichannel video programming distributor (as defined in section 602(13) of the Communications Act of 1934 (47 U.S.C. 522(13)) to utilize a navigation device, or interact with such a device, or to install or use software on such a device, in connection with the provision of multichannel video programming or other services offered over a multichannel video programming system or the collection or disclosure of subscriber information, if the provision of such service or the collection or disclosure of such information is subject to section 338(i) or section 631 of the Communications Act of 1934 (47 U.S.C. 338(i) or 551).

SEC. 7. FTC RULEMAKING AUTHORITY.

(a) IN GENERAL.—Subject to the limitations of subsection (b), the Commission may issue such rules in accordance with section 553 of title 5, United States Code, as may be necessary to implement or clarify the provisions of this Act.

(b) SAFE HARBORS.—

(1) IN GENERAL.—The Commission may issue regulations establishing specific wordings or formats for—

(A) notification that is sufficient under section 3(c)(2) to prevent a software feature from being a surreptitious information collection feature (as defined in section 3(c)); or

(B) labels or other means of identification that are sufficient to avoid violation of section 4(a).

(2) FUNCTION OF COMMISSION'S SUGGESTED WORDINGS OR FORMATS.—

(A) USAGE IS VOLUNTARY.—The Commission may not require the use of any specific wording or format prescribed under paragraph (1) to meet the requirements of section 3 or 4.

(B) OTHER MEANS OF COMPLIANCE.—The use of a specific wording or format prescribed under paragraph (1) shall not be the exclusive means of providing notification, labels, or other identification that meet the requirements of sections 3 and 4.

(c) LIMITATIONS ON LIABILITY.—In addition to the limitations on liability specified in section 6, the Commission may by regulation establish additional limitations or exceptions upon a finding that such limitations or exceptions are reasonably necessary to promote the public interest and are consistent with the purposes of this Act. No such additional limitation of liability may be made contingent upon the adoption of any specific wording or format specified in regulations under subsection (b)(1).

SEC. 8. ADMINISTRATION AND ENFORCEMENT.

(a) IN GENERAL.—Except as provided in subsection (b), this Act shall be enforced by the Commission as if a violation of this Act or of any regulation promulgated by the Commission under this Act were an unfair or deceptive act or practice proscribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(b) ENFORCEMENT BY CERTAIN OTHER AGENCIES.—Compliance with this Act shall be enforced under—

(1) section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), in the case of—

(A) national banks, and Federal branches and Federal agencies of foreign banks, by the Office of the Comptroller of the Currency;

(B) member banks of the Federal Reserve System (other than national banks), branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured State branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act (12 U.S.C. 601 and 611), by the Board; and

(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System) and insured State branches of foreign banks, by the Board of Directors of the Federal Deposit Insurance Corporation;

(2) section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), by the Director of the Office of Thrift Supervision, in the case of a savings association the deposits of which are insured by the Federal Deposit Insurance Corporation;

(3) the Federal Credit Union Act (12 U.S.C. 1751 et seq.) by the National Credit Union Administration Board with respect to any Federal credit union;

(4) part A of subtitle VII of title 49, United States Code, by the Secretary of Transportation with respect to any air carrier or foreign air carrier subject to that part;

(5) the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.) (except as provided in section 406 of that Act (7 U.S.C. 226, 227)), by the Secretary of Agriculture with respect to any activities subject to that Act; and

(6) the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) by the Farm Credit Administration with respect to any Federal land bank, Federal land bank association, Federal intermediate credit bank, or production credit association.

(c) Exercise of Certain Powers.—For the purpose of the exercise by any agency referred to in subsection (b) of its powers under any Act referred to in that subsection, a violation of this Act is deemed to be a violation of a requirement imposed under that Act. In addition to its powers under any provision of law specifically referred to in subsection (b), each of the agencies referred to in that subsection may exercise, for the purpose of enforcing compliance with any requirement imposed under this Act, any other authority conferred on it by law.

(d) Actions by the Commission.—The Commission shall prevent any person from violating this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act. Any entity that violates any provision of that section is subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act in the same manner, by the same means, and with the same jurisdiction, power, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of that section.

SEC. 9. ACTIONS BY STATES.

(a) In General.—

(1) Civil actions.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of any person in a practice that this Act prohibits, the State, as parens patriae, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction—

(A) to enjoin that practice;

(B) to enforce compliance with the rule;

(C) to obtain damage, restitution, or other compensation on behalf of residents of the State; or

(D) to obtain such other relief as the court may consider to be appropriate.

(2) Notice.—

(A) In general.—Before filing an action under paragraph (1), the attorney general of the State involved shall provide to the Commission—

(i) written notice of that action; and

(ii) a copy of the complaint for that action.

(B) Exemption.—

(i) In general.—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the attorney general determines that it is not feasible to provide the notice described in that subparagraph before the filing of the action.

(ii) Notification.—In an action described in clause (i), the attorney general of a State shall provide notice and a copy of the complaint to the Commission at the same time as the attorney general files the action.

(b) Intervention.—

(1) In general.—On receiving notice under subsection (a)(2), the Commission shall have the right to intervene in the action that is the subject of the notice.

(2) Effect of intervention.—If the Commission intervenes in an action under subsection (a), it shall have the right—

(A) to be heard with respect to any matter that arises in that action; and

(B) to file a petition for appeal.

(c) Construction.—For purposes of bringing any civil action under subsection (a), nothing in this subtitle shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

(1) conduct investigations;

(2) administer oaths or affirmations; or

(3) compel the attendance of witnesses or the production of documentary and other evidence.

(d) Actions by the Commission.—In any case in which an action is instituted by or on behalf of the Commission for violation of this Act, no State may, during the pendency of that action, institute an action under subsection (a) against any defendant named in the complaint in that action for violation of that section.

(e) Venue; Service of Process.—

(1) Venue.—Any action brought under subsection (a) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(2) Service of process.—In an action brought under subsection (a), process may be served in any district in which the defendant—

(A) is an inhabitant; or

(B) may be found.

SEC. 10. EFFECT ON OTHER LAWS.

(a) Federal Law.—Nothing in this Act shall be construed to limit or affect in any way the Commission's authority to bring enforcement actions or take any other measures under the Federal Trade Commission Act or any other provision of law.

(b) State Law.—

(1) State law concerning information collection software or adware.—This Act supersedes any statute, regulation, or rule of a State or political subdivision of a State that expressly limits or restricts the installation or use of software on a protected computer to—

(A) collect information about the user of the computer or the user's Internet browsing behavior or other use of the computer; or

(B) cause advertisements to be delivered to the user of the computer,

except to the extent that any such statute, regulation, or rule prohibits deception in connection with the installation or use of such software.

(2) State law concerning notice of software installation.—This Act supersedes any statute, regulation, or rule of a State or political subdivision of a State that prescribes specific methods for providing notification before the installation of software on a computer.

(3) State law not specific to software.—This Act shall not be construed to preempt the applicability of State criminal, trespass, contract, tort, or anti-fraud law.

SEC. 11. LIABILITY PROTECTIONS FOR ANTI-SPYWARE SOFTWARE OR SERVICES.

No provider of computer software or of an interactive computer service may be held liable under this Act or any other provision of law for identifying, naming, removing, disabling, or otherwise affecting the operation or potential operation on a computer of computer software published by a third party, if—

(1) the provider's software or interactive computer service is intended to identify, prevent the installation or execution of, remove, or disable computer software that is or was installed in violation of section 2, 3, or 4 of this Act or used to violate section 5 of this Act;

(2) an authorized user of the computer has consented to the use of the provider's computer software or interactive computer service on the computer;

(3) the provider believes in good faith that the installation or operation of the third-party computer software involved or involves a violation of section 2, 3, 4, or 5 of this Act; and

(4) the provider either notifies and obtains the consent of an authorized user of the computer before taking any action to remove, disable, or otherwise affect the operation or potential operation of the third-party software on the computer, or has obtained prior authorization from an authorized user to take such action without providing such notice and consent.

SEC. 12. PENALTIES FOR CERTAIN UNAUTHORIZED ACTIVITIES RELATING TO COMPUTERS.

(a) In General.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1030 the following:

"§ 1030A. Illicit indirect use of protected computers

"(a) Whoever intentionally accesses a protected computer without authorization, or exceeds authorized access to a protected computer, by causing a computer program or code to be copied onto the protected computer, and intentionally uses that program or code in furtherance of another Federal criminal offense shall be fined under this title or imprisoned 5 years, or both.

"(b) Whoever intentionally accesses a protected computer without authorization, or exceeds authorized access to a protected computer, by causing a computer program or code to be copied onto the protected computer, and by means of that program or code intentionally impairs the security protection of the protected computer shall be fined under this title or imprisoned not more than 2 years, or both.

"(c) A person shall not violate this section who solely provides—

"(1) an Internet connection, telephone connection, or other transmission or routing function through which software is delivered to a protected computer for installation;

"(2) the storage or hosting of software, or of an Internet website, through which software is made available for installation to a protected computer; or

"(3) an information location tool, such as a directory, index, reference, pointer, or hypertext link, through which a user of a protected computer locates software available for installation.

"(d) A provider of a network or online service that an authorized user of a protected computer uses or subscribes to shall not violate this section by any monitoring of, interaction with, or installation of software for the purpose of—

"(1) protecting the security of the network, service, or computer;

"(2) facilitating diagnostics, technical support, maintenance, network management, or repair; or

"(3) preventing or detecting unauthorized, fraudulent, or otherwise unlawful uses of the network or service.

"(e) No person may bring a civil action under the law of any State if such action is premised in whole or in part upon the defendant's violating this section. For the purposes of this subsection, the term 'State' includes the District of Columbia, Puerto Rico, and any other territory or possession of the United States.".

(b) Conforming Amendment.—The table of sections at the beginning of chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1030 the following new item:

"1030A. Illicit indirect use of protected computers"

SEC. 13. DEFINITIONS.

In this Act:

(1) Authorized user.—The term "authorized user", when used with respect to a computer, means the owner or lessee of a computer, or someone using or accessing a computer with the actual or apparent authorization of the owner or lessee.

(2) Cause the installation.—The term "cause the installation" when used with respect to particular software, means to knowingly provide the technical means by which the software is installed, or to knowingly pay or provide other consideration to, or to knowingly induce or authorize, another person to do so.

(3) Commission.—The term "Commission" means the Federal Trade Commission.

(4) Cookie.—The term "cookie" means a text file—

(A) that is placed on a computer by, or on behalf of, an Internet service provider, interactive computer service, or Internet website; and

(B) the sole function of which is to record information that can be read or recognized when the user of the computer subsequently accesses particular websites or online locations or services.

(5) First retail sale and delivery.—The term "first retail sale and delivery" means the first sale, for a purpose other than resale, of a protected computer and the delivery of that computer to the purchaser or a recipient designated by the purchaser at the time of such first sale. For purposes of this paragraph, the lease of a computer shall be considered a sale of the computer for a purpose other than resale.

(6) Install.—

(A) In general.—The term "install" means—

(i) to write computer software to a computer's persistent storage medium, such as the computer's hard disk, in such a way that the computer software is retained on the computer after the computer is turned off and subsequently restarted; or

(ii) to write computer software to a computer's temporary memory, such as random access memory, in such a way that the software is retained and continues to operate after the user of the computer turns off or exits the Internet service, interactive computer service, or Internet website from which the computer software was obtained.

(B) Exception for temporary cache.—The term "install" does not include the writing of software to an area of the persistent storage medium that is expressly reserved for the temporary retention of recently accessed or input data or information if the software retained in that area remains inoperative unless a user of the computer chooses to access that temporary retention area.

(7) Person.—The term "person" has the meaning given that term in section 3(32) of the Communications Act of 1934 (47 U.S.C. 153(32)).

(8) Protected computer.—The term "protected computer" has the meaning given that term in section 1030(e)(2)(B) of title 18, United States Code.

(9) Software.—The term "software" means any program designed to cause a computer to perform a desired function or functions. Such term does not include any cookie.

(10) Unfair or deceptive act or practice.—The term "unfair or deceptive act or practice" has the same meaning as when used in section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(11) Upgrade.—The term "upgrade", when used with respect to a previously installed software program, means additional software that is issued by, or with the authorization of, the publisher or any successor to the publisher of the software program to improve, correct, repair, enhance, supplement, or otherwise modify the software program.

SEC. 14. EFFECTIVE DATE.

This Act shall take effect 180 days after the date of enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 92—EXPRESSING THE SENSE OF THE SENATE THAT JUDICIAL DETERMINATIONS REGARDING THE MEANING OF THE CONSTITUTION OF THE UNITED STATES SHOULD NOT BE BASED ON JUDGMENTS, LAWS, OR PRONOUNCEMENTS OF FOREIGN INSTITUTIONS UNLESS SUCH FOREIGN JUDGMENTS, LAWS, OR PRONOUNCEMENTS INFORM AN UNDERSTANDING OF THE ORIGINAL MEANING OF THE CONSTITUTION OF THE UNITED STATES

Mr. CORNYN submitted the following resolution; which was referred to the Committee on the Judiciary.

S. Res. 92

Whereas the Declaration of Independence announced that one of the chief causes of the American Revolution was that King George had "combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws";

Whereas the Supreme court has recently relied on the judgments, laws, or pronouncements of foreign institutions to support its interpretations of the laws of the United States, most recently in Atkins v. Virginia, 536 U.S. 304, 316 n.21 (2002), Lawrence v. Texas, 539 U.S. 558, 573 (2003), and Roper v. Simmons, 125 S. Ct. 1183, 1198–99 (2005);

Whereas the Supreme Court has stated previously in Printz v. United States, 521 U.S. 898, 921 n.11 (1997), that "We think such comparative analysis inappropriate to the task of interpreting a constitution . . .";

Whereas the ability of Americans to live their lives within clear legal boundaries is the foundation of the rule of law, and essential to freedom;

Whereas it is the appropriate judicial role to faithfully interpret the expression of the popular will through the Constitution and laws enacted by duly elected representatives of the American people and under our system of checks and balances;

Whereas Americans should not have to look for guidance on how to live their lives from the often contradictory decisions of any of hundreds of other foreign organizations; and

Whereas inappropriate judicial reliance on foreign judgments, laws, or pronouncements threatens the sovereignty of the United States, the separation of powers, and the President's and the Senate's treaty-making authority: Now, therefore, be it

Resolved, That it is the sense of the Senate that judicial interpretations regarding the meaning of the Constitution of the United States should not be based in whole or in part on judgments, laws, or pronouncements of foreign institutions unless such foreign judgments, laws, or pronouncements inform an understanding of the original meaning of the Constitution of the United States.

Mr. CORNYN. Mr. President, I rise to express concern over a trend that some legal scholars and observers say may be developing in our courts—a trend regarding the potential influence of foreign governments and foreign courts in the application and enforcement of U.S. law.

If this trend is real, then I fear that, bit by bit, case by case, the American people may be slowly losing control over the meaning of our laws and of our Constitution. If this trend continues, foreign governments may even begin to dictate what our laws and our Constitution mean, and what our policies in America should be.

In a series of cases over the past few years, our courts have begun to tell us that our criminal laws and criminal policies are informed, not only by our Constitution and by the policy preferences and legislative enactments of the American people through their elected representatives, but also by the rulings of foreign courts.

It is hard to believe—but in a series of recent cases, the U.S. Supreme Court has actually rejected its own prior precedents, in part because of a foreign government or court has expressed its disagreement with those precedents.

With your indulgence, I will offer just a few of the most recent examples.

Until recently, the U.S. Supreme Court had long held that the death penalty may be imposed on individuals regardless of their I.Q. The Court had traditionally left that issue untouched, as a question for the American people, in each of their States, to decide. That was what the Court said in a case called Penry v. Lynaugh (1989). Yet because some foreign governments have frowned upon that ruling, the U.S. Supreme Court has now seen fit to take that issue away from the American people. In 2002, in a case called Atkins v. Virginia, the U.S. Supreme Court held that the Commonwealth of Virginia could no longer apply its criminal justice system and its death penalty to an individual who had been duly convicted of abduction, armed robbery, and capital murder, because of testimony that the defendant was "mildly mentally retarded." The reason given for the complete reversal in the Court's position? In part because the Court was concerned about "the world community" and the views of the European Union.

Take another example. The U.S. Supreme Court has long held that the American people, in each of their States, have the discretion to decide whether certain kinds of conduct that has been considered immoral under our longstanding legal traditions should or should not remain illegal. In Bowers v. Hardwick (1986), the Court held that it is up the American people to decide whether criminal laws against sodomy should be continued or abandoned. Yet once again, because some foreign governments have frowned upon that ruling, the U.S. Supreme Court has seen fit to take that issue away from the American people. In 2003, in a case called Lawrence v. Texas, the U.S. Supreme Court held that the State of Texas could no longer decide whether its criminal justice system may fully reflect the moral values of the people of Texas. The reason given for the complete reversal? This time, the Court explained, it was in part because it was concerned about the European Court of Human Rights and the European Convention on Human Rights.

Here's yet another example, from just a few weeks ago. Until this month, the U.S. Supreme Court had always held that 16- and 17-year-olds—like John Lee Malvo, the 17-year-old who terrorized the Washington area in a sniper spree that left 10 people dead—may be subject to the death penalty, if that is indeed the will of the people. The Court said as much in a case called Stanford v. Kentucky (1989). Yet because some foreign governments have frowned upon that ruling as well, the U.S. Supreme Court, on March 1 of this year, saw fit yet again to take this issue away from the American people. In Roper v. Simmons, the U.S. Supreme Court held that the State of Missouri could no longer apply its death penalty to 16- and 17-year-olds convicted of murder, no matter how brutal and depraved the act, and no matter how unrepentant the criminal. The reason given for this most recent complete reversal? In part because of treaties the U.S. has never even ratified, like the United Nations Convention on the Rights of the Child, and because many foreign countries disagree with the people of Missouri.

The trend may be continuing. Next Monday, March 28, the U.S. Supreme Court will consider the question whether foreign nationals duly convicted of the most heinous crimes are nevertheless entitled to a new trial—for reasons that those individuals did not even bother to mention at their first trial. As in the previous examples, the Supreme Court has actually already answered this question. In Breard v. Greene (1998), the Court made clear that criminal defendants, like all parties in litigation, may not sit on their rights and then bring up those rights later to stall the imposition of their criminal sentences. That basic principle of our legal system, the Court explained, is not undermined just because the accused happens to be a foreign national subject to the Vienna Convention on Consular Relations. Even this basic principle of American law may soon be reversed, however. Many legal experts predict that, in the upcoming case of Medellin v. Dretke, the Court may overturn itself yet again, for no other reason than that the International Court of Justice happens to disagree with our longstanding laws and legal principles. That case involves the State of Texas, and I have filed an amicus brief asking the Court to respect its own precedents as well as the authority of the people of Texas to determine its criminal laws and policies consistent with our U.S. Constitution. There is a serious risk, however, that the Court will ignore Texas law, ignore U.S. law, and ignore the U.S. Constitution, and decide in effect that the decisions of the U.S. Supreme Court can be overruled by the International Court of Justice.

There are still other examples, other decisions, where we see Supreme Court justices citing legal opinions from foreign courts all across the globe—from India, Jamaica, Zimbabwe—the list goes on and on.

I am concerned about this trend. Step by step, with every case, the American people may be losing their ability to determine what their criminal laws shall be—losing control to the control of foreign courts and foreign governments. And if this can happen with criminal law, it can also spread to other areas of our government and of sovereignty. How about economic policy? Or foreign policy? Or our decisions about security and military strategy?

I think most Americans would be disturbed if we gave foreign governments the power to tell us what our Constitution means. Our Founding Fathers fought the Revolutionary War precisely to stop foreign governments from telling us what our laws say. In fact, ending foreign control over American law was one of the very reasons given for the Revolutionary War. The Declaration of Independence specifically complains that the American Revolution is justified because King George, and I quote, "has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws." After a long and bloody revolution, we earned at last the right to be free of such foreign control. It was "We the People of the United States" who then ordained and established a Constitution of the United States, and our predecessors specifically included a mechanism by which only "We the People of the United States" could change it if necessary. And of course, every Federal judge and justice swears an oath to "faithfully and impartially discharge and perform all the duties incumbent upon me . . . under the Constitution and laws of the United States. So help me God."

I am concerned about this trend. I am concerned that this trend may reflect a growing distrust amongst legal elites—not only a distrust of our constitutional democracy, but a distrust of America itself.

First, it reflects distrust of our constitutional democracy.

As every high school civics student learns, the job of a judge is pretty straightforward. Judges are supposed to follow the law, not rewrite it. Judges are supposed to enforce and apply political decisions, not make them. The job of a judge is to read and obey the words that are contained in our laws and in our judicial precedents—not the laws and precedents of foreign governments, which have no sovereign authority over our Nation.

I fear, though, that some judges simply don't like our laws, and they don't like the political decisions that are being made by the American people, through their elected representatives, about what our laws should be. So perhaps they would rather rewrite the law from the bench. What's especially disconcerting is that some judges today may be departing so far from American law, from American principles, and from American traditions, that the only way they can justify their rulings from the bench is to cite the law of foreign countries, foreign governments, and foreign cultures—because there is nothing in this country left for them to cite for support.

Moreover, citing foreign law in order to overrule U.S. policy offends democracy, because foreign lawmaking is in no way accountable to the American people.

There is an important role for international law to play in our system here in the United States, to be sure. But it is a role that belongs to the American people, through the political branches of the United States—to the Congress and to the President, to decide what role international law shall play in our legal system. It is emphatically not a role that is given to our courts. Article I of the Constitution gives Congress, not the courts, the authority to enact laws punishing "Offenses against the Law of Nations." And Article II of the Constitution gives the President the power to ratify treaties, subject to the advice and consent and the approval of two-thirds of the Senate. Yet our courts are overruling U.S. law by citing foreign law decisions in which the U.S. Congress has had no role, and citing treaties that the U.S. President and the U.S. Senate have refused to approve.

To those who might say there is nothing wrong with simply trying to bring U.S. law into consistency with other nations, I say this: This is not a good faith effort to bring U.S. law into global harmony. I fear that this is simply an effort to further a particular ideological agenda. Because the record suggest that this sudden interest in foreign law is political, not legal; it seems selective, not principled. U.S. courts are following foreign law inconsistently—only when needed to achieve a particular outcome that a judge or justice happens to desire, but that is flatly inconsistent with U.S. law and precedent. Many countries, for example, provide no exclusionary rule to suppress evidence that is otherwise useful and necessary to convict criminal defendants—yet our courts have not abandoned our constitutional rule on that topic. Very few countries provide for abortion on demand—yet our courts have not abandoned our Nation's constitutional jurisprudence on that subject. Four justices of the Supreme Court believe that school choice programs to benefit poor urban communities are unconstitutional if parochial schools are eligible, even though many other countries directly fund religious schools.

Even more disconcerting than this distrust of our constitutional democracy is the distrust of America itself.

I would hope that no American would ever believe that the citizens of foreign countries are always right, and that Americans are always wrong. Yet I worry that some judges may become more and more interested in impressing foreign governments, and less and less interested in simply following American law. Indeed, at least one Supreme Court justice has stated publicly that following foreign rulings, rather than U.S. rulings, and I quote, "may create that all important good impression," and therefore, and I quote, "over time we will rely increasingly . . . on international and foreign courts in examining domestic issues."

This attitude is especially disturbing today. The brave men and women of our Armed Forces are putting their lives on the line in order to champion freedom and democracy not just for the American people, but for people all around the world. America today is the world's leading champion of freedom and democracy. Meanwhile, the United Nations is rife with corruption, and the United Nations Human Rights Commission is chaired by Libya.

I am disturbed by this trend, and I hope that the American people will have a chance to speak out. I believe that the American people do not want their courts to make political decisions; they want their courts to follow and apply the law as it is written. The American people do not want their courts to follow the precedents of foreign courts; they want their courts to follow U.S. law and the precedents of U.S. courts. The American people do not want their laws controlled by foreign governments; they want their laws controlled by the American government, which serves the American people. The American people do not want to see American law and American policy outsourced to foreign governments and foreign courts.

So today, I submit a sense of the Senate resolution, to give this body the opportunity to state for the record that this trend in our courts is wrong, and that American law should never be reversed or rejected simply because a foreign government or foreign court may disagree with it. This resolution is nearly identical to one that has been introduced by my colleague in the House of Representatives, Congressman TOM FEENEY. I applaud his leadership and his efforts in this area, and I hope that both the House and the Senate will come together and follow in the footsteps of our Founding Fathers, to once again defend our right as Americans to dictate the policies of our government—informed, but never dictated, by the preferences of any foreign government or tribunal. And I ask that the text of the resolution be included at the appropriate place in the RECORD.

SENATE CONCURRENT RESOLUTION 23—PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE, AND A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. FRIST (for himself and Mr. REID) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 23

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on any day from Sunday, March 20, 2005, through Sunday, April 3, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, April 4, 2005, or until such other time as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on any day from Sunday, March 20, 2005, through Monday, April 4, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, April 5, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

SENATE CONCURRENT RESOLUTION 24—EXPRESSING THE GRAVE CONCERN OF CONGRESS REGARDING THE RECENT PASSAGE OF THE ANTI-SECESSION LAW BY THE NATIONAL PEOPLE'S CONGRESS OF THE PEOPLE'S REPUBLIC OF CHINA

Mr. GRAHAM (for himself, Mr. ALLEN, Mr. JOHNSON, Mr. CHAMBLISS, Mr. KYL, Mr. BOND, Mr. INHOFE, Mr. COBURN, Mr. DORGAN, and Mr. SCHUMER) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 24

Whereas, on December 9, 2003, President George W. Bush stated it is the policy of the United States to "oppose any unilateral decision, by either China or Taiwan, to change the status quo" in the region;

Whereas, in the past few years, the United States Government has urged both Taiwan and the People's Republic of China to maintain restraint;

Whereas the National People's Congress of the People's Republic of China passed an anti-secession law on March 14, 2005, which constitutes a unilateral change to the status quo in the Taiwan Strait;

Whereas the passage of China's anti-secession law escalates tensions between Taiwan and the People's Republic of China and is an impediment to cross-strait dialogue;

Whereas the purpose of China's anti-secession law is to create a legal framework for possible use of force against Taiwan and mandates Chinese military action under certain circumstances, including when "possibilities for a peaceful reunification should be completely exhausted";

Whereas the Department of Defense's Report on the Military Power of the People's Republic of China for Fiscal Year 2004 documents that, as of 2003, the Government of the People's Republic of China had deployed approximately 500 short-range ballistic missiles against Taiwan;

Whereas the escalating arms buildup of missiles and other offensive weapons by the People's Republic of China in areas adjacent to the Taiwan Strait is a threat to the peace and security of the Western Pacific area;

Whereas, given the recent positive developments in cross-strait relations, including the Lunar New Year charter flights and new proposals for cross-strait exchanges, it is particularly unfortunate that the National People's Congress adopted this legislation;

Whereas, since its enactment in 1979, the Taiwan Relations Act (22 U.S.C. 3301 et seq.), which codified in law the basis for continued commercial, cultural, and other relations between the people of the United States and the people of Taiwan, has been instrumental in maintaining peace, security, and stability in the Taiwan Strait;

Whereas section 2(b)(2) of the Taiwan Relations Act declares that "peace and stability in the area are in the political, security, and economic interests of the United States, and are matters of international concern";

Whereas, at the time the Taiwan Relations Act was enacted into law, section 2(b)(3) of such Act made clear that the United States decision to establish diplomatic relations with the People's Republic of China rested upon the expectation that the future of Taiwan would be determined by peaceful means;

Whereas section 2(b)(4) of the Taiwan Relations Act declares it the policy of the United States "to consider any effort to determine the future of Taiwan by other than peaceful means, including by boycotts or embargoes, a threat to the peace and security of the Western Pacific area and of grave concern to the United States";

Whereas section 2(b)(6) of the Taiwan Relations Act declares it the policy of the United States "to maintain the capacity of the United States to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan"; and

Whereas any attempt to determine Taiwan's future by other than peaceful means and other than with the express consent of the people of Taiwan would be considered of grave concern to the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

(1) the anti-secession law of the People's Republic of China provides a legal justification for the use of force against Taiwan, altering the status quo in the region, and thus is of grave concern to the United States;

(2) the President should direct all appropriate officials of the United States Government to convey to their counterpart officials in the Government of the People's Republic of China the grave concern with which the United States views the passage of China's anti-secession law in particular, and the growing Chinese military threats to Taiwan in general;

(3) the United States Government should reaffirm its policy that the future of Taiwan should be resolved by peaceful means and with the consent of the people of Taiwan; and

(4) the United States Government should continue to encourage dialogue between Taiwan and the People's Republic of China.

ORDERS FOR MONDAY, MARCH 21, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, the Senate stand in adjournment until 9:30 a.m. on Monday, March 21, unless the House adopts S. Con. Res. 23, at which time the Senate will then be in adjournment under the provisions of the concurrent resolution until 2 p.m. on Monday, April 4, 2005. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time for the two leaders be reserved, and the Senate then begin a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. Mr. President, we are hopeful that the House of Representatives will be able to act soon on the Schiavo bill we have just passed. If they are able to pass that legislation in the form received and then pass the adjournment resolution, it would not be necessary for this body, the Senate, to return.

We will then have completed our work and will adjourn for the Easter break. If the House is unable to act and, therefore, does not adopt the adjournment resolution, then the Senate would automatically return to business tomorrow morning. I am hopeful that the House will be able to accept this bipartisan and bicameral agreement.

I thank many Members on both sides of the aisle for expediting this legislation through the Senate. First and foremost, I need to thank, once again, the Senator from Florida, the current occupant of the chair. We will now wait and monitor, over the course of the afternoon and evening, House action. In all likelihood, it will be a long evening, but we are prepared to be here as long as it takes to see that this important bill passes so it can be sent to the President immediately for his signature. Time is of the essence.

If the Senate does not need to return, I alert Members that we will have a busy legislative session after adjournment. There are a number of important matters to consider, including the supplemental appropriations that we will turn to when it becomes available.

I announced previously that no votes will occur on April 4, and therefore there is the possibility of votes on Tuesday, April 5.

Mr. President, for the record, I note that a colloquy that was printed earlier in the RECORD was between Senator LEVIN and myself. It is an important colloquy that expresses the views to which we have agreed. I should mention that many such conversations have gone on between and among all Senators on both sides of the aisle.

CONDITIONAL ADJOURNMENT OF THE SENATE

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the provisions of the adjournment resolution or under the previous order, if necessary.

There being no objection, the Senate, at 4:40 p.m., adjourned until Monday, March 21, 2005, at 9:30 a.m.

EXTENSIONS OF REMARKS

TRIBUTE TO JOHN FEEHERY, PETE JEFFRIES AND PAIGE RALSTON

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Sunday, March 20, 2005

Mr. HASTERT. Mr. Speaker, I rise today to wish farewell to three members of my press office who are moving on to other careers after distinguished service on Capitol Hill. My press secretary John Feehery, communications director Pete Jeffries, and deputy press secretary Paige Ralston have been the core of my press team for my entire tenure as Speaker, and I would like to take this moment to recognize their contributions to my office.

As my chief spokesman, John helped me articulate the positive effects of important reforms we passed concerning Medicare, tax policy, and the organization of intelligence community, just to name a few. I depended on John for advice on how best to get my message across on a wide range of issues and the events of the day.

Pete crafted a strategy for communicating our goals and accomplishments to other Members and to the rest of America. He could take a step back and tie broader themes together to create an overall message with which Americans could identify. Pete worked with other press secretaries to coordinate our message to make it more powerful, and as a result the Republican majority has had great success in recent years.

A good message is only useful if people are listening, and that's where Paige came in. As my point person for arranging interviews with the press, she helped me reach out to different audiences in different ways to effectively explain our agenda. She has a keen sense for connecting the particular message I wanted to convey with the best venue for conveying it.

I have learned that in this legislative body, effective communication is crucial for turning good ideas into good policy. For the past 6 years, John, Pete and Paige formed a team of advisors who helped me convey our hopeful message to the rest of America. Though they will be missed greatly, I wish them all the best in the next stage of their lives.

PERSONAL EXPLANATION

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Sunday, March 20, 2005

Mr. KENNEDY of Rhode Island. Mr. Speaker, on the evening of March 15, I was delayed and missed rollcall vote 72.

I respectfully request the opportunity to record my position on rollcall vote 72.

It was my intention to vote "yea" on rollcall 72.

I supported a similar amendment by Congressman OBEY in the full committee mark-up of the bill that would have established a select committee to investigate the awarding of contracts to conduct activities in Iraq and Afghanistan.

STANDING WITH CUBAN POLITICAL PRISONERS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Sunday, March 20, 2005

Mr. BURTON of Indiana. Mr. Speaker, I join my colleagues to send a strong message to the Cuban government that the United States will not forget those people who are languishing in Cuban prisons for the so-called crime of speaking out against the injustices perpetrated by the Castro regime. We cannot ignore Castro and we cannot relieve the pressure on the regime. We owe it to the thousands of Cubans languishing in jails to further open the eyes of the world community to the true evils of the Castro regime.

I rise to bring to light the injustices against a 61-year old scholar, intellectual, and decent free-thinking man—Héctor Palacios Ruiz. Director of the unofficial Centro de Estudios Sociales, Center of Social Studies, and secretary of the reporting committee of the "Todos Unidos," "All United," coalition, Héctor Palacios was detained on March 20, 2003 and subsequently tried in Havana. He was convicted under Castro's barbaric Penal Code and sentenced to 25 years in prison.

And what were Héctor Palacios' crimes? He was accused, among other activities, of having in his home an independent library containing books the Cuban government claims are "subversive and counterrevolutionary."

Héctor Palacios's wife, Gisela, was refused permission to visit him in May and threatened with imprisonment if she participated in public demonstrations on his behalf.

Before the crackdown in 2003, Héctor Palacios was arrested in 1994, 1997 and 1999 for his activism and his courage to speak out against the crimes and injustices of the Castro regime. The persecution of this brave Cuban man is an outrage. Thrown behind bars, Héctor Palacios and other political activists are feared by the Castro regime which outlaws freedom and truth. The brutality must stop. Freedom for Cuba's political prisoners must be our goal.

WESTPORT HARBOR'S NEEDS TO GO UNMET?

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Sunday, March 20, 2005

Mr. FRANK of Massachusetts. Mr. Speaker, I recently had to be the bearer of bad news to the Town of Westport, Massachusetts. Westport is a wonderful place to live, in substantial part because of its natural environment, and the great care that the people of the town take to preserve the great gift which that environment is. Recently, I met with the selectmen of the town to discuss their very reasonable proposal for a dredging project, to cost between $500,000 and $600,000. I told them at the time that we would have trouble because of what has been, in my judgment, excessive tax-cutting leaving us unable to meet basic needs of our society in many ways. Not even the most ardent advocates of tax cuts have claimed that they are in any way capable of dredging a harbor.

Subsequently, after sharing with the selectmen the fact that this would be tough, I received a copy of a letter from the Army Corps of Engineers, making clear that it would be even tougher because of cutbacks in their already inadequate funds imposed upon them by the Bush Administration.

The newspaper Westport Shorelines initially editorialized in a very eloquent way about this very regrettable decision, and I ask that the Westport Shorelines' excellent analysis be printed here so that Members can get a fuller understanding of the implications of some of the budget cuts that are being imposed.

[From Westport Shorelines, March 10, 2005]

OUR LITTLE HARBOR DOESN'T FIT INTO FEDS' BIG PICTURE

Al Qaeda doesn't much care about Westport Harbor so neither do we.

That is the gist of the federal message to Westport this week. In a brief note out of the blue, the feds notified Westport that they won't help dredge the harbor channel after all.

Federal money, the note states, is "now being allocated to those ports and harbors of greatest national significance . . . Future funding for small harbors such as Westport is unlikely at this time."

In those few words, the Army Corps of Engineers cedes victory to the sand. Without dredging soon, the main channel will inevitably choke with sand—in places that has already happened. The fate of the fishermen, boatyard and ecosystems that rely on a free-flowing river rank low on the federal priority list.

Don't blame the Army Corps for this one—the decision comes from much higher places. The Army Corps recognized the need and was an enthusiastic participant in the $600,000 project, assisting with expertise, studies and the lion's share of the funding. After years of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

effort by the Army Corps and Westport dredge committee, the long awaited job was about to happen. The feasibility study was complete (the project passed with flying colors), and final permitting was nearly set.

Stopping it now amounts to much more than inconvenience and delay. All those costly studies have short shelf lives. If allowed to expire,they must be done anew from scratch.

It really amounts to one more instance of a fiscal federal priority system overwhelmed by Iraq, tax cuts and all things anti-terrorism. Although the Iraq/terror link remains murky, the war continues to cost by some estimates $177 million a day, $7.4 million per hour (the Westport dredge project equals about five minutes on the Iraq clock), leaving precious little for much else.

And while there is no denying the need to keep the homeland secure, throwing money at terrorists won't make them go away. Lawmakers trip over themselves to obtain "anti-terror" grants by the boatload for local police and fire departments, never mind that the "terror" link can be sketchy (last week it was $90,000 to the Portsmouth Fire Department for sprinklers). If we allow our nation terror obsession to drive this nation to financial ruin, the terrorists win anyway.

We already pay dearly, and loss of this dredge project is but one small example. The Westport Harbor channel may not be of "great national significance" but it is no less than a lifeline for people here.

RECOGNIZING DELTA M. JACKSON DORSCH EDUCATOR, VIRGIN ISLANDS TRADITION BEARER ON ATTAINING HER 90TH BIRTHDAY

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Sunday, March 20, 2005

Mrs. CHRISTENSEN. Mr. Speaker, I rise to pay tribute to Ms. Delta M. Dorsch on attaining her ninetieth birthday. Ms. Dorsch is one of the outstanding educators of the Virgin Islands educational system, and a "Tradition Bearer" of our oral cultural "Anansi" stories, which is a continuation of the African oral tradition.

Ms. Dorsch was born and raised on the island of St. Croix, where she received her elementary and secondary education in the local public school system. Ms. Dorsch traveled to the U.S. mainland to further her education and received her Bachelor of Arts Degree in English and Education at Central Michigan University. Before returning home she received her graduate and post graduate degrees at New York University and Columbia Universities respectively, with an emphasis in Supervision and Administration of Schools, and also studied International Education at the University of London in England and at the University of Heidelberg in Germany.

Delta Dorsch served for more than thirty-eight (38) years as a teacher in the Virgin Islands school system and in a supervisory capacity as Deputy Commissioner for Curriculum and Instruction. She was also an Instructor of Elementary Education in both undergraduate and graduate programs at the University of the Virgin Islands; and was Chairman of the Board of Directors for the St. Dunstan's Episcopal School. In addition to addressing educational components in her various positions, she also used them to stress the importance of preserving our traditional values and cultural heritage to parents, teachers and students.

This dedication to duty and approach to life combined in having Ms. Dorsch as the recipient of numerous service awards from civic and community organizations. The most noteworthy to her was having the Elena Christian Junior High School's Honor Society named in her honor.

The Anansi stories, part of the African oral tradition, have been an integral part of Virgin Islands culture and tradition for centuries. These stories were told around campfires in slave quarters and later on, in yards and villages, by giving insects and animals human qualities to weave an interesting story that always had a moral ending. The stories have always been enjoyed by our youngsters, the moral lessons staying with them throughout their lives, and unfolding as morals tend to do, when we experience the lessons of life. This was an aspect of our folktale culture and tradition that was on the verge of extinction. The fact that they are still a vibrant part of our culture today is due to the efforts of Delta Dorsch in keeping them alive.

In recognition for preserving this part of our culture and tradition, Delta Dorsch was among the Tradition Bearers from the Virgin Islands that participated in the Smithsonian Institution's Senegal Folk Life Festival that was held here on the Mall in Washington, D.C. in 1990. This event enabled her to proudly communicate our tradition and culture to many visitors from around the world that attended the Festival. Ms. Dorsch's recent contribution to Virgin Islands History was authoring the book "The Role of the Storyteller in the Preservation of Virgin Islands Culture" and its accompanying video.

There is an old adage that behind every great man there stands a woman. This was proven true in the marriage between Delta and Frederick D. Dorsch. Mr. Dorsch served and enriched our Virgin Islands community in many capacities: Humanist, Educator, Dramatist, Civic Enthusiast, School Superintendent of the Virgin Islands, and as Chairman and Member of the Virgin Islands Municipal Council.

On behalf of the Congress of the United States of America, I salute Delta M. Jackson Dorsch on attaining her ninetieth birthday, for her dedicated service to the United States Virgin Islands as an Educator and Preservationist of our Tradition and Culture.

HONORING WATHAGENE BAILEY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Sunday, March 20, 2005

Mr. RADANOVICH. Mr. Speaker, I rise to honor Wathagene Bailey of Groveland, CA. She will be honored for her years of service to her community at the Tuolumne County Republican Women Federated Meeting on Monday, March 28th.

As a child, Wathagene moved from Galena, Kansas to Fullerton, CA. While in southern California, she met Elmer Bailey on a blind date and the two married on November 23rd, 1963. Shortly after their marriage, Wathagene opened up a foster/day care in Mountain View, CA. Later, she worked for Pacific Telephone and Telegraph Co., eventually attaining the position of Supervisor. Lastly, Wathagene worked in the Insurance Billing Department for the Los Gatos Community Hospital, where she retired at age 60 to move with her husband Elmer to Pine Mountain Lake in California's Tuolumne County.

Wathagene Bailey has been known to be extremely involved in her community. She was a Girl Scout Leader and helped many girls earn their merit badges. She is a member of the Tuolumne County Central Committee. She served as President of Tuolumne County Republican Women Federated and Director, First President, Second Vice President, and Parliamentarian of the California Federation of Republican Woman–Central Division.

Wathagene has two daughters, Devora and Cheryl, and three grandchildren, Aaron, Heather and Naomi.

Mr. Speaker, I rise to honor Wathagene Bailey for her years of service to her community. I invite my colleagues to join me in wishing Wathagene many more years of continued success.

HONORING SPALDING G. WATHEN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Sunday, March 20, 2005

Mr. RADANOVICH. Mr. Speaker, I rise to honor posthumously Mr. Spalding Wathen of Fresno, CA. Mr. Wathen was one of the most respected people throughout California's entire Central Valley for his success in the building industry and for his sincere humanity.

Spalding Wathen was born in Fresno, CA on March 1, 1925. Mr. Wathen dutifully served his country as a U.S. Navy pilot in World War II. He graduated from Roosevelt High School and then University of California, Berkeley in 1949, with a Bachelor of Science in Civil Engineering. He was a member of the Chi Epsilon and Tau Beta Pi Engineering Scholastic Fraternities and graduated in the top of his class. For almost 60 years, he built over 10,000 homes and apartments, and has developed more than 60 subdivisions throughout the Central Valley.

Mr. Wathen he obtained his general contractor's license in 1950 and his real estate broker's license in 1953. He was Chief Executive Officer of Wathen Brothers, Headliner Homes and Mansionette Homes. In addition, Spalding Wathen was a four-time President of the Building Industry Association, was inducted in the West Coast Builders Association Hall of Fame in 1996, and was one of a select few builders who received the Oscar Spano Award for Lifetime Achievement.

His numerous donations include the Fresno State University Tennis Center, land on which St. Agnes Medical Center was built, the ten-acre site for Holy Spirit Catholic Church, and site for St. Patrick's Church in Merced. He was a founding member of the Board of Directors for the Bank of Fresno and was a lifetime member of the Central California Bowling Hall of Fame.

Mr. Wathen is survived by his wife, Della Ann Wathen, five daughters, six grandchildren, two brothers and two sisters.

Mr. Speaker, I rise to recognize posthumously Mr. Spalding G. Wathen for his extraordinary impact on his community. I urge my colleagues to join me in celebrating the life of Spalding Wathen.

COMMENDING ASSISTANT DIRECTOR OF CENTRAL INTELLIGENCE FOR ANALYSIS AND PRODUCTION, MARK M. LOWENTHAL UPON HIS RETIREMENT FROM FEDERAL SERVICE

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Sunday, March 20, 2005

Mr. HOLT. Mr. Speaker, I rise today to pay tribute to Dr. Mark M. Lowenthal, Assistant Director of Central Intelligence for Analysis and Production, who will soon retire from government service for a second time. His first career with the government saw service in both the congressional and executive branches. He began his career with the Congressional Research Service (CRS) after earning a Ph.D. in history from Harvard University. His intelligence, quick wit and ability to work easily with Members of Congress, their staffs, and colleagues in the Foreign Affairs and National Defense Division at CRS led to his steady advancement in that organization.

As a result of his work as a foreign affairs specialist during this period, Mark was asked to accept a position in the executive branch, at the Department of State. There, he served in the State Department's Bureau of Intelligence and Research, as both an office director and a Deputy Assistant Secretary of State. He became one of former Secretary of State George Shultz's close advisors during a time of great change in US-Soviet relations, during the era of Glasnost.

After Secretary Shultz returned to private life, Mark returned to the legislative branch. He became one of a select group at the Library of Congress and attained the position of Senior Specialist in U.S. Foreign Policy. This helped prepare him for his next assignment when he was asked to accept the appointment as staff director of the House Permanent Select Committee on Intelligence in the 104th Congress (1995–1997). It was during this time that he directed the staff of the committee in their study of the future of the Intelligence Community, IC21: The Intelligence Community in the 21st Century.

Soon after the study was completed, Mark retired from government. Over the next five years he spent time in the private sector as a consultant to government and industry on intelligence issues. Once again, as a result of his work and deep knowledge of intelligence issues, Mark was asked to accept another position in the executive branch, this time on the staff of the Director of Central Intelligence. He initially served as Counselor to the Director and then in June 2002 began his service as the Assistant Director of Central Intelligence for Analysis and Production as well as Vice Chairman for Evaluation on the National Intelligence Council.

In truth, three years is simply not enough time to make fundamental changes in government. However, Dr. Lowenthal has made a good start, initiating a variety of projects that have the potential to improve the practice of analysis by the Intelligence Community. In collaboration with the principal members of the National Security Council, Mark provided the leadership required to have the Intelligence Community adopt the National Intelligence Priorities Framework. The framework provides guidance on the priorities of the most senior national policymakers for collection requirements, analysis and production and the allocation of resources to include acquisition decisions affecting all members of the Intelligence Community. He then instituted a comprehensive evaluation to assess the Community's performance. Along the way, Mark found time to write a novel, to win a championship on the game show Jeopardy!, and to teach university courses.

The American public is fortunate to have individuals with experience, energy and intelligence willing to serve our country in these critical times. I thank Mark for his service to our country and wish him, his lovely wife Cynthia, and their children, Sarah and Adam, all the best as he embarks upon this second retirement.

THE UNITED STATES-LIBYA RELATIONS ACT OF 2005

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Sunday, March 20, 2005

Mr. LANTOS. Mr. Speaker, earlier today, I introduced the United States-Libya Relations Act of 2005. I am proud to have authored this bill, which I believe will fortify a historic change in Libyan policies and will strengthen relations between the United States and Libya.

In December 2003, Libyan leader Muammar Qadhafi made a path breaking decision. He decided to dismantle Libya's weapons of mass destruction and turn them over to his longtime nemesis, the United States, and to the International Atomic Energy Agency (IAEA). With that decision, Col. Qadhafi fundamentally changed the regional security situation, his nation's diplomatic standing, and the economic outlook for the Libyan people.

And, most important, he established a model for other rogue nations around the world to follow. While the Libya breakthrough is significant in its own right, it has much broader implications. If the United States can convince other nations to follow Libya's example, we can fundamentally improve our own national security, strengthen international security and improve the daily lives of millions.

Mr. Speaker, I would like to see the Administration take full strategic advantage of this historic opportunity.

When Libya announced that it was renouncing WMD, President Bush said, "Leaders who abandon the pursuit of chemical, biological and nuclear weapons, and the means to deliver them, will find an open path to better relations with the United States and other free nations."

Now we need to do a better job of implementing the President's pledge. We need to promote the "Libya model" as an example for U.S. relations with proliferator states such as North Korea and Iran.

Proliferators must understand that a definitive end to their efforts to acquire weapons of mass destruction will bring a new era of positive relations with the United States. And the whole world must see that the United States keeps its word to improve relations and work with those states who abandon their illegal weapons programs. It is my sincere belief that other nations can be encouraged to follow the Libya example, but we must be certain that Libya's experience is positive and that its dramatic reversal in policy is rewarded.

While we have taken some actions that respond positively to Libya's gesture, but we have not done as much as is warranted by the magnitude and historic nature of this opportunity.

That is why, Mr. Speaker, I have introduced the "United States-Libya Relations Act of 2005." This legislation is intended to: reinforce U.S. and Libyan commitments to one another; strengthen bilateral relations; facilitate the integration of Libya into the international community; and encourage positive change in Libyan society.

This bill fully implements the President's promise that countries that relinquish weapons of mass destruction will find an "open path" to better relations with the United States. The legislation foresees a variety of benefits for Libya—support for U.S. investment and trade with Libya, increased educational exchanges and other forms of people-to-people contacts, and an end to the political and economic isolation of Libya.

This legislation puts the U.S. Congress squarely on record as supporting the President's policy, affirming that Libya's decision to abandon weapons of mass destruction "marks an unprecedented step" that "suggests a model approach for other countries" that abandon their pursuit of weapons of mass destruction.

There are two types of regime change. A regime can be changed by others through the use of force. On the other hand, a regime can change its policies without changing its leadership. Rogue states need to know that both options are on the table. I want this bill to serve as a beacon for rogue nations that want to come in from the cold—that want to end their isolation and impoverishment, as Colonel Qadhafi did.

Mr. Speaker, I recognize that this bill may raise questions in two—regards terrorism and human rights. First, as we all know, Libya remains on the State Department's list of state sponsors of terrorism. But it is my understanding, based on conversations with numerous U.S. government officials and a statement made yesterday by Undersecretary of State William Burns before the International Relations Committee, that since at least December 2003 Libya has not supported international terrorist groups, and, in fact, that it has been very helpful to us in fighting the global war on terrorism. Let me make clear that my bill does not call on the Administration to remove Libya from the terrorism list before it is warranted by the facts and ongoing discussions between our government and officials of the Libyan government.

Second, as my colleagues in the Congress know, I have a lifelong commitment to human rights, and my legislation emphasizes the importance of supporting human rights and democratic values in Libya both through dialogue and through deed. This legislation is unwavering in its commitment to American values of human rights and democracy, but, in the interest of promoting the Libyan model and enhancing international security, we should not put bilateral relations on ice until respect for human rights and democracy have been fully achieved.

Mr. Speaker, it is right and appropriate for the United States to offer proliferators an opportunity to change their policies and benefit from doing what is in their and our best interest. Now we must make sure we follow through on President Bush's pledge that countries which relinquish weapons of mass destruction will find an "open path" to better relations with the United States. That is the spirit that motivated his response to Libyan renunciation of weapons of mass destruction in December 2003, and that is exactly the spirit that motivates the U.S.-Libya Relations Act which I am introducing today.

IN MEMORY OF AL COOK

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Sunday, March 20, 2005

Mr. WILSON of South Carolina. Mr. Speaker, funeral services will be held Monday to recognize the late Al Cook, a gentleman widely admired in South Carolina and a greatly appreciated legislative expert in Washington. Al Cook holds the distinction of being the only person to ever serve as chairman of the House Democratic and Republican Chief of Staff Organizations reflecting the extraordinary political evolution of Southern politics from the Democratic Party to the Republican Party.

The following obituary was published on March 20, 2005, in The Beaufort Gazette of Beaufort, South Carolina.

WILLIAM COOK

William Alpheus "Al" Cook, 79, of Beaufort, husband of Wanda Edwards Cook, died Friday, March 18, 2005, in Beaufort Memorial Hospital.

Services will be held at 11 a.m. Monday at Carteret Street United Methodist Church for a burial with military honors in Beaufort National Cemetery.

Mr. Cook was born Nov. 23, 1925, in Patrick, a son of John Edward Cook and Mary Emily Cox Cook.

He was a graduate of the University of South Carolina and received his degree from the University of South Carolina Law School in 1950. While at USC, he was president of Omicron Delta Kappa and a member of the Wig and Robe.

He served in the U.S. Army's 42nd Infantry "Rainbow" Division in Europe during World War II and continued with the U.S. Army Reserve, retiring as a lieutenant colonel. He began his professional career on the staff of the Legislative Council for the S.C. General Assembly, and in 1953 he joined the staff of U.S. Rep. John J. Riley. He later worked as an administrative assistant and chief-of-staff for U.S. Rep. Albert W. Watson and U.S. Rep. Floyd D. Spence, all congressmen representing the second congressional district of South Carolina. After moving to Beaufort, he practiced law and was involved in the guardian ad litem program. He was a member of the Republican Party.

Survivors include his wife of Harbor Island; two sons, William A. Cook, Jr., of Beaufort and John Kendrick Cook of Panama City, Fla.; two sisters, Sue Cook of Hampton and Betty Gaddy of Fork; and two granddaughters.

Memorials may be made to Carteret Street United Methodist Church, P.O. Box 788, Beaufort, SC 29901.

Copeland Funeral Home is in charge.

PERSONAL EXPLANATION

HON. JIM GIBBONS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Sunday, March 20, 2005

Mr. GIBBONS. Mr. Speaker, I rise today to explain how I would have voted on March 20, 2005 during rollcall vote 90, which was on the motion to suspend the rules and pass S. 686, for the relief of the parents of Theresa Marie Schiavo.

If present, I would have voted "yes" on this rollcall vote.

PERSONAL EXPLANATION

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Sunday, March 20, 2005

Mr. STEARNS. Mr. Speaker, I was absent on official business and missed rollcall 90. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Sunday, March 20, 2005

Mr. GENE GREEN of Texas. Mr. Speaker, on rollcall vote No. 90 on Monday, March 21, 2005, I would have voted "yea." Like a number of our colleagues, I was unable to attend this emergency session due to the unavailability of commercial air travel within the time constraints.

PERSONAL EXPLANATION

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Sunday, March 20, 2005

Mr. MICA. Mr. Speaker, I was unavoidably detained and was unable to vote on rollcall 90. Had I been present, I would have voted "yea" on this measure.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Sunday, March 20, 2005

Mrs. MALONEY. Mr. Speaker, on March 21, 2005, I was unavoidably detained and missed rollcall vote number 90. Rollcall vote 90 was on S. 686, a private bill to provide for the relief of the parents of Theresa Marie Schiavo.

Had I been present I would have voted "nay" on rollcall vote 90.

PERSONAL EXPLANATION

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Sunday, March 20, 2005

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, on Monday, March 21, 2005, I was on official business. Therefore, I was unable to make rollcall vote 90. Had I been here, I would have voted "no" for rollcall No. 90.

PERSONAL EXPLANATION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Sunday, March 20, 2005

Mr. ORTIZ. Mr. Speaker, due to travel delays from my district, I was unable to vote during the following rollcall vote, No. 90. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Sunday, March 20, 2005

Mr. WALDEN of Oregon. Mr. Speaker, due to the short notice provided to Members with respect to rollcall 90, S. 686, relating to relief for the parents of Theresa Marie Schiavo, I was unable to return to Washington, DC from the West Coast in time for today's vote. Had I been present I would have voted "yea."

PERSONAL EXPLANATION

HON. JOHN N. HOSTETTLER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Sunday, March 20, 2005

Mr. HOSTETTLER. Mr. Speaker, my flight to Washington, DC, in the early morning hours of March 21, 2005 was delayed due to circumstances beyond my control. Consequently, I arrived shortly after the vote on S. 686

closed. Had I been present, I would have voted in favor of S. 686, for the relief of the parents of Theresa Marie Shiavo.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Sunday, March 20, 2005

Ms. LEE. Mr. Speaker, on March 20, 2005 I missed rollcall vote no. 90. Had I been present, I would have voted "nay" on S. 686, a bill regarding Ms. Terri Schiavo.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Sunday, March 20, 2005

Ms. WOOLSEY. Mr. Speaker, had I not been detained by official travel, I would have voted against S. 686.

PERSONAL EXPLANATION

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Sunday, March 20, 2005

Ms. KILPATRICK of Michigan. Mr. Speaker, had I been present this evening, I would have voted "no" on S. 686.

PERSONAL EXPLANATION

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Sunday, March 20, 2005

Mr. ROGERS of Kentucky. Mr. Speaker, on Sunday, March 20, I was tending to official business and was not present for rollcall vote No. 90. The vote was on S. 686. Had I been present, I would have voted "yea" on the measure.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Sunday, March 20, 2005

Mr. ANDREWS. Mr. Speaker, I was not present for rollcall 90, the vote on S. 686, because I had made a promise to my family that I would be present with them in Florida for a very important occasion in the life of my 10-year-old daughter. Had I been present, I would have voted "no."

SENATE—*Monday, April 4, 2005*

The Senate met at 2 p.m. and was called to order by the Honorable RICHARD M. BURR, a Senator from the State of North Carolina.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God, the fountain of every blessing, we thank You for the life and legacy of Pope John Paul II. You blessed our world with his intellectual strength and compassionate heart. You challenged our spirits with his advocacy of justice and his pursuit of peace.

God of all mercies, comfort those who mourn. Be particularly near to the family of Doug Fertig, Director of Human Resources for our Senate family, who died on Friday. Remind us that nothing can separate us from Your love.

Bless today the work of our Senators. Empower them with increasing awareness and openness of heart. Give them wisdom and courage for the living of these days. We pray in Your eternal Name.

Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD M. BURR led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 4, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD M. BURR, a Senator from the State of North Carolina, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. BURR thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, the Senate returns to session today and joins the world in mourning the death of Pope John Paul II. I know many of my colleagues will want to pay tribute to one of our greatest spiritual leaders. Therefore, we will have a period of morning business throughout the day to accommodate those speeches. I also alert my colleagues that we are working on a Senate resolution which would pay the appropriate respect and tribute to Pope John Paul.

We have also returned to the sad news of the passing of one of our former colleagues, Senator Howell Heflin of Alabama. Our thoughts and prayers go out to his family.

With regard to the schedule this week, we have a busy legislative schedule with a number of scheduling challenges over the next several days. We hope to begin consideration of the State Department authorization bill tomorrow, on Tuesday. Chairman LUGAR is preparing to bring that bill to the floor, and we hope to complete work on that over the course of the next couple of days. I hope we can reach an agreement that will allow that bill to come forward, with amendments relevant to the underlying legislation.

In addition, on Wednesday, there will be a joint meeting of the House and Senate to receive an address by Ukrainian President Viktor Yushchenko. That is scheduled for 11 a.m. We ask that Members be in the Senate Chamber at approximately 10:30 so we may proceed together to the Hall of the House of Representatives for that address.

Also this week, we have a couple of district judges who are available for consideration, and we will want to schedule those for floor action.

On behalf of the Republican and Democratic Policy Committees, I remind everybody that on Tuesday we will have a floor debate on the issue of Social Security. Senators SANTORUM, DEMINT, DURBIN, and STABENOW will participate in the scheduled debate. I encourage all Members to listen to this constructive conversation. I applaud both policy committees for preparing this format. I was pleased to work with the Democratic leader in securing a time for this debate tomorrow. This week, Senator COCHRAN will be marking up the supplemental appropriations bill. We hope to have that available next week.

Again, we have much on the plate for this week both in terms of floor schedule and other important Senate events. I look forward to a busy legislative period this spring, and trust all of my colleagues are rested and ready to proceed.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

TRIBUTE TO SENATOR HOWELL HEFLIN

Mr. REID. Mr. President, it is my understanding that the distinguished Republican leader is going to make a statement regarding the Pope. I think that is timely. I will do so at a later time today.

I wanted to pay tribute to Howell Heflin. He was a wonderful man who served in the Senate for 18 years. He actually revolutionized the court system in Alabama. The first amendment they ever had to their Constitution was a result of his reorganization of the court when he was chief justice of the Alabama Supreme Court.

Howell Heflin holds the record here, serving as a member of the Ethics Committee for 13 years. He did that with dignity during some of the most difficult times we have seen in the Senate with some of the problems Senators had.

I had the good fortune of traveling to Alabama yesterday to be with his widow Mike at that funeral in the rural community of Tuscumbia, AL. That is where he had his home and law practice and where he died. He had very little suffering. He was 83 years old. He got sick one afternoon and died within an hour or two after that.

The Senate will always be a better place as a result of Senator Heflin having been a Member. Death comes at inopportune times. I want his widow to know that even though there were only a few Senators there, including Senator BINGAMAN, and Senator SHELBY, who had another funeral he had to go to, Senator SESSIONS was there, it came at such an inopportune time. It was the end of the recess period. People didn't know about it, and it was hard for people to be there, but it doesn't take away from the dignity of that proceeding. It was a wonderful funeral. I received a number of phone calls yesterday and today of people wanting to be there. For example, the wind was so heavy yesterday that they had to change the place of takeoff from Andrews to Dulles. As a result of that, Senator BIDEN, driving down from

Delaware, could not make it. He had to drive 35, 40 miles.

Again, we send our condolences to Tom, his son, and Mike, his widow. As a Senate family, we felt so good about Senator Heflin in life and in death.

ADDRESS OF PRESIDENT YUSHCHENKO

I also say this to the majority leader. I had the good fortune during this break to lead a bipartisan CODEL. We had the opportunity to sit down and talk to President Yushchenko. Here is a man they tried to kill. We think we know who tried to assassinate him. Here is a man whose face is a little disfigured, but his spirit is not. He has the ability, I believe, to bring about a change in that country that will be for generations to come. It is a burgeoning democracy. Things are on the move, and he has a dynamic personality. I am glad he is going to be able to address a joint session of Congress because he is what our country is all about. So I commend and applaud the Speaker for arranging for this man, a good man, to speak before a joint session of Congress. It will make us all better for having the ability and the opportunity to listen to him.

I apologize to the leader for taking more time than usual, but I will return at a later time and make some remarks about the Pope, who passed away.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

HONORING POPE JOHN PAUL II

Mr. FRIST. Mr. President, today, this body, the Senate, and the world community grieve for the passing of Pope John Paul II. He passed away Saturday evening, April 2, in his bed overlooking St. Peter's Square. Millions of Catholics and non-Catholics alike mourn the departure of one of the greatest spiritual leaders and moral teachers of the modern era.

Pope John Paul set an extraordinary example of personal integrity and courage, not only for his fellow Catholics but for people of every religious and philosophical viewpoint.

Pope John Paul was born Karol Joseph Wojtyla on May 18, 1920, in Poland, a country which at the time was a desolate, impoverished, and war-torn place. By the time John Paul reached the age of 21, every close member of his family had died. Most people would have been devastated by such losses. But for John Paul, this early experience of suffering deepened his spirituality and his capacity to find meaning in man's frailty.

John Paul was ordained as a priest at the age of 26. In 1964, he became the Bishop of Krakow. Three years later, he was elevated to cardinal by Pope Paul VI. In 1978, he became the first non-Italian in 455 years to be elected Pope of the Catholic Church.

For the next 2½ decades, Pope John Paul campaigned tirelessly for human rights and dignity throughout the world. He practiced and inspired resistance to the great totalitarian systems that rose and, with his help, fell in the 20th century. He had the key insight that, in his words, "the historical experience of socialist countries has sadly demonstrated that collectivism does not do away with alienation, but rather increases it, adding to it a lack of basic necessities and economic inefficiency."

His historic trip to Poland in 1979 catalyzed the Solidarity movement and led to the peaceful dissolution of the Soviet empire.

John Paul fostered harmony between Catholics, Eastern Orthodox, and Protestant Christians. He reached out in friendship to Jews and members of other faiths, and he warmly promoted interfaith understanding.

He was the first Pope to visit a mosque and the first Pope to visit a synagogue. A poet, a playwright, and a philosopher, Pope John Paul II dedicated himself to the defense of the weakest and most vulnerable members of the human family.

He eloquently defended the right to life of every human being, irrespective of race or sex, age or size, stage of development, or condition of dependence. He believed that "science can purify religion from error and superstition. Religion can purify science from idolatry and false absolutes."

On his visits to the United States, he called on all Americans to be faithful to the great principles of liberty included in our Declaration of Independence and in the Constitution. Even in his last frail moments, he remained devoted to God and the cause of justice. His selfless service to God and man will remain an inspiration to all people of good will across the globe.

I will close with a poem he wrote for his mother at the age of 19. It reflects his extraordinarily sensitive nature and closes with a prayer the world now sends out to him. It is entitled "Over This, Your White Grave":

Over this, your white grave,
The flowers of life in white,
So many years without you,
How many have passed out of sight?
Over this, your white grave,
Covered for years, there is a stir
In the air, something uplifting
And, like death, beyond comprehension.
Over this, your white grave,
Oh, Mother, can such loving cease?
For all his filial adoration
A prayer:
Give her eternal peace.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I believe we secured acceptance from the other side for me to speak for 45 minutes. I might go 10 minutes longer. I ask unanimous consent that I be recognized for 55 minutes as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CHINA'S SPREADING GLOBAL INFLUENCE

Mr. INHOFE. Mr. President, as I have done many times before on this floor, I rise to address a national security issue of the highest importance, one that demands our utmost attention. I wish to alert this body and the American people to China's spreading global influence and the imminent threat this poses to our national security.

Our past concerns have come to fruition on all levels—economically, militarily, and ideologically. We are on a collision course. As I will detail, China has become a progressive danger we can no longer afford to overlook. As I said, this is not new. Over the years I have made numerous remarks on the Senate floor regarding our national security and China.

During the Clinton administration, there were growing concerns about Chinese espionage, which were later confirmed in the Cox report. The report showed that reality surpassed our worst fears. China had been stealing U.S. nuclear secrets. The W–88 warhead, with which we are all familiar, was the crown jewel of our nuclear program which allowed for up to 10 nuclear warheads to be attached to the same missile. In 1995, we discovered that China had stolen this technology.

Under President Clinton, U.S. companies such as Loral Space and Communications and Hughes Electronics were given the green light to improve the precision and reliability of China's satellites and their nuclear missiles, undoing 50 years of technology export restrictions. China also gained the capability of accurately reaching the continental United States with nuclear missiles and targeted between 13 and 18 U.S. cities. All of this occurred while President Clinton proclaimed "not one missile is pointed at American children." This body responded by investigating to what extent we were lied to and our security was compromised, but ultimately nothing changed.

From those events, the Chinese Government learned that it could rely on our acquiescence and charged ahead.

China transferred prohibited weapons technology to North Korea, Pakistan, Libya, Iraq, Iran, Syria, and other countries. China threatened to absorb Taiwan and intimidated our regional treaty allies, South Korea and Japan.

That was 5 years ago. Since then we have had a new administration and have gone through such major events as 9/11, the current conflict in Iraq, and an ideological shift in the way we fight war. I wish I could say that with the new administration China's conduct has changed. President Bush has taken some steps in the right direction, notably rejuvenating the missile defense system; however, I am afraid that transpiring events tell a different story.

Since 2000, the United States-China Security Economic Review Commission has been holding hearings and issuing annual reports to evaluate "the national security implications of the bilateral trade and economic relationship between the United States and the People's Republic of China." Congress established the Commission to act as the bipartisan authority on how our relationship with China affects our economy, industrial base, China's military and weapons proliferation, and our influence in Asia. I fear their reports have gone largely unnoticed. It is remarkable they have gone unnoticed as significant as they were.

In a most recent report, dated June of 2004, less than a year ago, the Commission makes this alarming opening statement. This is a bipartisan report:

> Based on our analyses to date, as documented in detail in our report, the Commission believes that a number of the current trends in U.S.-China relations have negative implications for our long-term economic and national security interests and therefore that U.S. policies in these areas are in need of urgent attention and course corrections.

As the report and recent events show, China has continued on an alarming course in conflict with our national security.

Last January, the Bush administration imposed sanctions against eight large Chinese companies for aiding Iraq's missile program and transferring technology to other problematic countries. There was no public announcement, and the only reason we know about this is that some Sino-American Web sites came across this information on page 133 in the Federal Register. Last December, four companies were sanctioned for the same reason. Many other examples can be cited from 2004, with some of these companies being repeatedly penalized for more than a decade. The fact is that China has repeatedly vowed to curb its weapons sales and has gone back on its promises. This has been going on for some time. I spoke of this on the Senate floor on June 23, 1999.

Beijing made nonproliferation commitments in 1992, 1994, 1998, 2000, and most recently in 2002. The U.S. State Department admits these guarantees came about "only under the imminent threat, or in response to the actual imposition, of sanctions."

The Commission report comments on China's continued assistance to countries such as Libya, Pakistan, Iran, and North Korea. This assistance has continued despite nonproliferation assurances as the report outlines. Keep in mind, they have agreed to all these agreements, and yet the report says:

> China's assistance to weapons of mass destruction-related programs in countries of concern continues despite repeated promises to end such activities and the repeated imposition of U.S. sanctions. The Chinese Government and Chinese enterprises have assisted such states to develop their nuclear infrastructure, chemical weapons capabilities, and/or ballistic missile systems notwithstanding a consistent history of denials. Libya's decision to open up its weapons of mass destruction programs and the revelations by Pakistan that A.Q. Khan supplied uranium enrichment technology to Libya, Iran, and North Korea, provides new insight into China's legacy of proliferation. China's continued failure to adequately curb its proliferation practices poses significant national security concerns to the United States.

Again, this is not new. As I stated on the floor on March 15, 1999, China has been stealing our nuclear secrets, but, as the Commission points out, China is now sharing its nuclear knowledge—some of it is quite possibly ours—with other countries. For years China has transferred ballistic and cruise missile technology to countries with troubling proliferation records, but these transfers have evolved to become even more problematic.

Again I quote from the bipartisan Commission that spent 4 years studying this relationship:

> . . . Chinese transfers have evolved from sales of complete missile systems, to exports of largely-dual use nuclear, chemical, and missile components and technologies . . . Recent activities "have aggravated trends that result in ambiguous technical aid, more indigenous capabilities, longer range missiles, and secondary proliferation." Continuing intelligence reports indicate that the Chinese cooperation with Pakistan and Iran remains an integral element of China's foreign policy . . . Beijing's failure to control such transfers gives the appearance that these are allowed in accordance with an unstated national policy. China has generally tried to avoid making fundamental changes in its transfer policies by offering the United States carefully worded commitments or exploiting differences between agreements.

As further evidence of this disturbing proliferation, the CIA report to Congress in mid-2003 said that "firms in China provided dual-use missile-related items, raw materials, and/or assistance to . . . countries of proliferation concern such as Iran, Libya, and North Korea."

Virtually every country we worry about possesses or has access to some form of chemical, biological, or nuclear weapon, but most lack effective delivery systems. China is a proven violator of nonproliferation treaties that keep such countries from gaining access to delivery system technology. According to State Department testimony, China has a "serial proliferation problem," and while the official line is to crack down on weapons trade, "reality has been quite different." In her January Senate confirmation hearings, Secretary of State Condoleezza Rice listed six countries as "outposts of tyranny." China has strong ties to four of these. They are Cuba, Burma, North Korea, and Iran.

Recently, Iran has been in the headlines because of its support for terrorism, threatening posture, and nuclear program. China supplying them with weapons technology is similar to the role the Soviet Union played in the Cuban missile crisis. It is probably worse because at least in Cuba, the U.S.S.R. maintained control of the weapons and technology. On the other hand, China is fully willing to proliferate regardless of the consequences. Some say the real issue is with private companies and Beijing does not have knowledge of what is going on.

With the delicate situation in North Korea, the Bush administration is holding that line. But the fact remains that at the very least, the Chinese Government is negligent in deterring such proliferation and apparently does not feel any pressure to do so. However, as some of these companies are closely linked with the Chinese military, it is clear that the government is not so ignorant as we may like to imagine.

This continued proliferation in the face of intense pressure to stop makes me ask the question: What is China getting in return? China seems to proliferate with countries that have been terrorist sponsors, such as Iran, Iraq, and Libya. These countries offer China something they desperately need, and that is oil. That is what is significant.

Energy is a major problem facing China, which ranks No. 2 in the world for consumption. This is very interesting because right now we have been talking about the fact we have a very serious problem in not having an energy policy, not being able to pass an energy bill—it has been killed by people who think we do not need to run this great machine called America.

Since my floor speeches in 1999, China's oil imports have doubled and surged upwards of 57 percent in the last year alone. I have a chart that shows what could very well happen in the future. This chart starts in 1990 and goes to 2025 and shows what China's projected oil production versus consumption is. The red line is consumption. The green line is production. We can see they do not have production. They have to get production from someplace. That is something to which we should be most sensitive. China's oil production is topped out while its demand continues to rise at an alarming pace.

Some analysts project China's oil needs will double again by 2010, and it will use its reserves within 14 years. This information is from International Energy Outlook of 2004. We believe this to be accurate.

China's alarming need for oil has caused it to look around to the world for new sources, sources that are often problematic states with security concerns to the United States. The Commission makes an unpopular but straightforward observation. I am going to quote this very significant statement out of the Commission report:

> This need for energy security may help explain Beijing's history of assistance to terrorist-sponsoring states with various forms of weapons of mass destruction-related items and technical assistance, even in the face of U.S. sanctions. But this pursuit of oil diplomacy may support objectives beyond just energy supply. Beijing's bilateral arrangements with oil-rich Middle Eastern states also helped create diplomatic and strategic alliances with countries that were hostile to the United States. For example, with U.S. interests precluded from entering Iran, China may hope to achieve a long-term competitive advantage relative to the United States.
>
> Over time, Beijing's relationship-building may counter U.S. power and enhance Beijing's ability to influence political and military outcomes. One of Beijing's stated goals is to reduce what it considers U.S. superpower dominance in favor of a multipolar global power structure in which China attains superpower status on par with the United States.

In Venezuela, anti-American President Hugo Chavez announced a $3 billion trade strategy with China, including provision for oil and gas. Army GEN Bantz Craddock, who heads the United States Southern Command, stated that China is increasing its influence in South America, filling a vacuum left by the United States.

In his March 9 House testimony, General Craddock called China's progressive interest in the region "an emerging dynamic that could not be ignored."

I have been traveling to Africa for many years. The Chinese are everywhere. I just got back last night from Africa. I saw a conference building being constructed, given to them free, from China, and we know what kind of relationship that gives them. I saw a conference center being constructed in the Congo. I saw a large sports stadium. Both were donated by the Chinese. China has been expanding its influence throughout Africa with projects like this.

One saying I heard was: The U.S. tells you what you need, but China gives you what you want.

Has China suddenly become compassionate and generous? I think the fact that these countries have large oil and mineral deposits paints a real picture.

In the Middle East, Beijing recently signed a $70 billion oil and gas deal with Iran from which it receives 14 percent of its oil imports. Naturally, China has come out firmly against the U.N. Security Council holding Iran economically accountable for its nuclear program.

I was just in Sudan 2 days ago. Likewise in Sudan, China seeks to diffuse or delay any U.N. sanctions against Khartoum. It hardly seems coincidental that 7 percent of its oil imports comes from that conflict-stricken country, a supply that China seems ready to protect.

At this point, I will pause and tell my colleagues the experience we had just 2 days ago in that area in Uganda, just across the Sudan border. We were working with President Museveni. We actually went up to the area called Gulu, which is right on the Sudan border where the terrorists are coming across maiming children, cutting their limbs and their lips off. It is horrible. It is beyond description. I do not think there has been anything like that since the Holocaust. Yet China is supporting that group.

Not only are they willing to use the U.N. to safeguard its energy sources but also its regional influence. This is not new. In 2003, the United States spearheaded the proliferation security initiative as a multilateral weapons of mass destruction interdiction strategy. The initiative has proven effective, particularly in the interception of centrifuge parts bound for Libya. The Bush administration believes this success was a major reason Libya peacefully ended its nuclear program.

Major European and Asian countries have joined and China was invited to participate and refused, citing dubious concerns about the delicate situation in North Korea. To quote the Commission:

> China appears to be working through the United Nations to not only undermine the initiative but also to render it globally ineffective. This has been accomplished by getting the United States to drop a provision on the interdiction of foreign vessels carrying banned weapons on the high seas.

I think it is worth repeating what the Commission statement said:

> One of Beijing's stated goals is to reduce what it considers U.S. superpower dominance in favor of multipolar global power structure in which China attains superpower status on par with the United States.

The tense situation in Taiwan continues to simmer. A few days ago, the Chinese Communist Party formalized a new stance on Taiwan. The following was approved by the National People's Congress:

> If possibilities for a peaceful reunification should be completely exhausted, the state shall employ nonpeaceful means and other necessary measures to protect China's sovereignty and territorial integrity.

This represents a change from earlier ambiguous language that would have allowed China flexibility to consider other options should a conflict arise. As it is, China has taken away its alternatives.

This is a direct threat. The Chinese are solidifying and increasing their presence in east Asia. When not using overt political influence, they are expanding economically.

As political economist Francis Fukuyama observed:

> The Chinese [have been] gearing up a series of multilateral initiatives of their own, including Asean Plus One, Asean Plus Three, a China-Asean Free Trade Area, a Northeast Asian Free Trade Area and so on in seemingly endless profusion.
>
> The purpose of these proposals, it seems fairly clear in retrospect, was to allay fears of China's growing economic power by offering selective trade concessions to various Chinese neighbors. The Chinese greased the path to the East Asian Summit last December by offering its Asean neighbors a free trade agreement that would open access to much of the Chinese market by 2010.
>
> Asean Plus Three appears to be a weak and innocuous organization. But the Chinese know what they are doing: Over the long run, they want to organize East Asia in a way that puts them in the center of regional politics.

China is also expanding militarily. Their string of pearls strategy includes a listening post in Pakistan, billions of dollars in military aid to Burma, military training and equipment to Cambodia, increased naval activities in the South China Sea, and expanding cooperation with Thailand and Bangladesh.

The purpose of this strategy is to create a military corridor for the Middle East to mainland China that would be impervious to any potential American oil embargo. As a recent internal Pentagon report outlines:

> China . . . is not looking only to build a blue-water navy to control the sea lanes, but also to develop undersea mines and missile capabilities to deter the potential disruption of its energy supplies from potential threats, including the U.S. Navy, especially in the case of a conflict with Taiwan.

The weapons in which China is investing include cruise missiles, submarines, long-range target acquisition systems, specifically cutting edge satellites, unmanned aerial vehicles, and the advanced SU-30 fighter aircraft, and I have to pause at this moment and say something about someone to this day I still think is a real American hero. GEN John Jumper, the Chief of the Air Force. Back before he was in that position in the late 1990s—I believe it was 1998—he had the courage to stand up and publicly say something, and it certainly was not endorsed or wanted by the Clinton administration, but he said we have to do something. We have stopped our modernization program so now Russia is selling tactical vehicles, air vehicles, that are better than our fighters. He is talking about the SU-30 series, better than our F-15s and F-16s.

There are a lot of people who do not want us to advance militarily and be

No. 1 and give our troops and our airmen the very best equipment. There are people who are trying to keep us from developing the F–22 and the joint strike fighter so that we again will gain superiority. Right now we do not have it.

China has bought in one purchase, and this has been several years ago, 240 of the SU–30s and probably a lot more, but that is what we found out. The new intelligence report states that China has accelerated its amphibious assault ship production. It plans to build 23 new boats capable of ferrying tanks and troops across the Taiwan Strait. This development is potentially destabilizing and has alarming implications.

We have to keep in mind they now are buying this capability to get across to Taiwan after for the first time coming out and directly threatening Taiwan.

A further concern is China's investment in nuclear submarines. It recently launched the type 094 class, the first capable of striking the continental United States with nuclear missiles from its own waters. It can strike the United States of America from its own waters. They have launched this class of a nuclear missile—or the ability to deploy it.

China has also been developing the JL–2 submarine-launched ballistic missile, expected to have a range of 4,600 miles. These represent a departure from traditional Chinese deterrent strategies. They have little tactical purposes. They will not be used in a regional battle. Rather, their importance is strategic.

China has modernized its military at an unprecedented rate. According to testimony from Dr. Evan Medeiros of the RAND Corporation, between 1990 and 2002 China's official defense budget for weapons procurement grew approximately 1,000 percent. That is 1,000 percent in a 12-year period. Nearly every year since 1997 has seen a defense budget increase of 13 percent, an increase far above China's GDP growth average of 8.2 percent for those same years.

In comparison, President Bush's fiscal year 2005 budget increase in defense spending is 4.8 percent. Keep in mind, we are currently engaged in two major operations and numerous smaller ones as part of the global war on terror. Yet this is just China's officially announced defense budget.

The Commission and the Defense Department assess:

> The PLA defense budget is grossly underreported and that official figures exclude much of China's military modernization program.

So when we are talking about what China is putting into their military program, we recognize that this may be 50 percent of what they are really putting in it because we have no way of knowing.

Our intelligence does show in an unclassified form that they are doing a lot more than the reports they send out. The Commission estimates the actual defense budget is two to three times the stated amount.

In the midst of this ominous military expansion, the European Union is planning on lifting its arms embargo against China. The embargo was put in place after the 1989 Tiananmen Square massacre to reflect China's appalling human rights record. The European Union claims the embargo is no longer effective but ignores the obvious. Why lift the embargo without replacing it with a better one?

Their solution, an informal code of conduct, allows for no comprehensive enforcement. Without uniform and enforceable standards, competent European firms will be left to themselves to determine acceptable arms sales. Even with the embargo, Europe's sales to China recently doubled this past year to a half billion dollars.

Underneath all of the semantics, the EU appears to have more to gain in Euros than by maintaining what principled respect for human rights it once had. Any weapons technology China buys will only add to its leverage against Taiwan and our other Asian allies. If the embargo is lifted, Europe and Russia will be in competition to sell China increasingly higher technologies. We can also expect the EU technology to proliferate beyond China's borders to states that would gladly use it against the United States. The EU does not consider this a strategic threat.

The United States-China Commission report observes, however:

> Access to more advanced systems and integrating technologies from Europe would have a much more dramatic impact on overall Chinese capabilities today than say five or ten years ago. For fourteen years China has been unable to acquire systems from the West. Analysts believe a resumption of EU arms sales to China would dramatically enhance China's military capability. If the EU arms embargo against China is lifted, the U.S. military could be placed in a situation where it is defending itself against arms sold to the PLA by NATO allies.

With all the other problems that we have had recently with some of our multinational groups, this is really not surprising.

Imagine, we share military technology with our European allies and then find our security threatened and possibly our servicemen killed by this same technology. We cannot allow for this potential to exist.

Because of China's centralized economy, economic issues are irrevocably intertwined with security implications. The Commission reports:

> The Chinese government has selectively chosen firms—predominantly State-owned enterprises, SOEs—to list on international capital markets . . . Many SOEs were previously controlled by the People's Liberation Army, PLA, and there is concern that unofficial links to the PLA remain intact after privatization . . . As of 2002, more than three-quarters of companies listed as A shares in China's capital market are State-controlled. These include known proliferators such as NORINCO, which was sanctioned by the U.S. Government on four separate occasions in 2003 for offenses including missile proliferation and sales of equipment or expertise to Iran that could be used in a WMD or cruise or ballistic missile program.

Chinese firms lack adequate disclosure; as the case of NORINCO demonstrates, American investors may unwittingly be supporting companies that oppose our national security.

One company, China National Nuclear Corporation—CNNC—is currently slotted to receive $5 billion from the U.S. Export Import Bank to build nuclear power plants in China. However, there are two problems: first, this company was discovered to be sending Pakistan prohibited materials that weaponize uranium. Sanctions were imposed for 1 month and removed. Later that same year, a subsidiary of CNNC was discovered to be selling more illegal materials to Pakistan. Connections have also been made to Iran's weapon program. Second, because the Export-Import Bank of the United States supplies the credit, the U.S. Treasury will have to back this loan, either by direct payment or guarantee. Ultimately, American taxpayers will be aiding a Chinese company that is a known proliferator. I look at these things and ask why doesn't that bother anybody? Nobody is talking about it.

Another issue is China's purchasing of U.S. companies. On March 9, the Committee on Foreign Investment in the United States—CFIUS—approved China's Lenovo Group buying IBM's PC business. The $1.75 billion deal creates the third largest PC maker in the world. The problem is that there is potential for Chinese computer experts to use this as a base for espionage. Some say that this is ridiculous; that China could never use IBM networks that way. I would ask that they consider not only the immediate situation but also China's track record. As a side note, I believe that CFIUS does not apply a broad enough conception of U.S. security. I understand that Representatives HYDE, HUNTER and MANZULLO expressed similar views in a January letter to Treasury Secretary John Snow, the chairman of CFIUS.

One example of CFIUS falling short is with Magnequench International Incorporated. In 1995, Chinese corporations bought GM's Magnequench, a supplier of rare earth metals used in the guidance systems of smart-bombs. For over 12 years, the company has been moved piecemeal to mainland China, leaving the U.S. with no domestic supplier of neodymium, a critical component of rare-earth magnets. CFIUS approved this transfer. The problem takes a unique twist, as Nathan Tabor of The Conservative Voice outlines:

> China [has] become the dominant supplier of rare-earth elements, also called

lanthanides. But in the U.S., owners of the Mountain Pass mine in California, one of the finest rare-earth deposits in the world, have been spending millions of dollars over many years to resolve an environmental complaint that processing the element threatens the habitat of the desert tortoise.

This is something that has restricted some of our activities.

Dependence on outsourcing has the potential to be a paralyzing problem in time of war. During the current Iraq conflict, Switzerland stopped shipments of smart-bomb components to the U.S. because it disagreed with our role. As more and more of our military equipment is outsourced, we have become dangerously dependent on the whims of foreign countries. Current law requires only 50 percent of defense equipment be American-made. When Representative DUNCAN HUNTER tried to raise this to 65 percent, defense contractors told him that it would force them out of the market.

Information technology is also leaving our borders at an alarming rate. John Chambers, the CEO of CISCO Systems, said:

> China will become the IT center of the world, and we can have a healthy discussion about whether that's in 2020 or 2040. What we're trying to do is outline an entire strategy of becoming a Chinese company.

However, this technology transfer can also have a darker side. The Commission report states:

> U.S. advanced technology and technological expertise is transferred to China in a number of ways, both legal and illegal, including through U.S. invested firms and research centers in China, Chinese investments in the United States, bilateral science and technology cooperative programs, and Chinese students and researchers who return home following their work and study at U.S. universities and research institutes.

In a previous speech that I gave on China, on June 23, 1999, I called attention to China's covert stealing of our technology. The FBI is currently investigating numerous instances of alleged industrial espionage; over 3,000 companies in the U.S. are suspected of supplying illegal technology and collecting information for China. Such cases are major problems in industrial centers like Silicon Valley where espionage investigations linked with China have increased 20 to 30 percent annually.

Most recently, the Bush administration is investigating whether China has illegally altered legitimate U.S. exports for military use. One instance of this is U.S.-made Boeing 737 jetliner being modified to have military capabilities. Experts believe that China is using the aircraft to monitor tests of its long-range cruise missile similar to our Navy Tomahawk. Such a missile would be capable of delivering long-range conventional or nuclear payloads.

Whether it is military or economic expansionism, human rights, illegal proliferation or outright stealing of military technology, China has continued to defy the U.S. and the world unabated and unchallenged.

Let me repeat what concerns me, and apparently the U.S.-China Commission, about China:

No. 1, eight major Chinese companies, some of which are directly connected with the military, were sanctioned last January for illegally selling weapons technology to countries including Iran. This is only one example of an ongoing and grave strategic problem. It is a problem we cannot afford to tolerate.

No. 2, China has been modernizing and expanding its military to reduce any leverage we may have in a conflict situation, particularly over Taiwan. They have been stealing or developing highly advanced technology, including nuclear warhead designs and technology that would enable them to reach the continental U.S.

No. 3, skyrocketing energy consumption is a major problem for China and a potential conflict with us. It is drawing the PRC into cooperation with Iran and other problematic states. These bilateral arrangements improperly influence Chinese action the U.N., and in some cases may involve illegal weapons transfers. You can see from this chart behind me that China has to do something. Look at their energy requirements. They are doing it today.

No. 4, the European Union is projected to lift its arms embargo on China by this summer, an embargo that was meant to pressure China to improve its human rights record. That record has not improved. Europe has also failed to address the question: What country will China most likely use the new European technology against? It is ultimately the United States.

No. 5, despite Justice Department and Homeland Security concerns, China's Lenovo Group is taking over IBM's PC manufacturing business, based in North Carolina. This is revealing of a distressing trend that threatens the U.S. industrial base. Our practice of outsourcing military equipment is also of deep concern.

No. 6, China continues to repress religious and human rights, and intimidate our Asian allies while expanding their influence in areas like South America and Africa. The recent Taiwanese "anti-secession" bill is further evidence of this hegemonic outlook.

No. 7, according to the FBI, cases of Chinese espionage in the States are increasing at 30 percent annually in some places. Civil aircraft that the U.S. sold to China appear to be outfitted with military surveillance equipment. Revelation of such activities garners few headlines because this behavior is nothing new. They have been doing it for a long time and no one seems to care.

Indeed, we are used to this pattern and have become all too complacent about it. Scolding the Chinese for their disregard for proliferation treaties, while providing them unprecedented economic benefits is at best a bizarre foreign policy. We must link China's trading privileges with its human rights record and its conduct abroad, including its weapons proliferation. As China's No. 1 importing customer, accounting for 35 percent of total Chinese exports, we have the influence. I agree that the way we handle an emerging China must be dynamic, but it must not be weak. As the Commission report concludes:

> We need to use our substantial leverage to develop an architecture that will help avoid conflict, attempt to build cooperative practices and institutions, and advance both countries' long-term interests. The United States has the leverage now and perhaps for the next decade, but this may not always be the case. We also must recognize the impact of these trends directly on the domestic U.S. economy, and develop and adopt policies that ensure that our actions do not undermine our economic interests . . . the United States cannot lose sight of these important goals, and must configure its policies toward China to help make the materialize . . . If we falter in the use of our economic and political influence now to effect positive change in China, we will have squandered an historic opportunity . . . China will likely not initiate the decisive measures toward more meaningful economic and political reform without substantial, sustained, and increased pressure from the United States.

There is an inherent tension between drawing China to freedom through relaxed policies, and a vital need to protect U.S. security. I fear we have conceded far too much and contributed to the emergence of a very real threat.

Finally, I wish to applaud the U.S.-China Economic and Security Review Commission. Their efforts to provide this body with a clear picture of a very complex and multifaceted situation have been illuminating and challenge us to face these real problems. Thank you for your hard work.

The Chinese have something called an idiom, a four-character phrase that is sometimes used to simplify a complex thought. I would borrow one to describe the current situation: "One who obeys on the surface but not from one's heart." Unless our relationship with China is backed up with strong action they will never take us seriously. We will certainly see more violations of proliferation treaties and in the context of the growing threat of terrorism. That is unacceptable. We have also ignored the danger that China is becoming in its own right. Some think that I am alarmist. If China breaks its consistent pattern of human rights abuses, military and economic expansionism, and illegal weapons proliferation, I am prepared to concede my concerns are unfounded. But I fear that the next few years will continue to confirm an obvious trend. The time to act is now, before the problem is beyond the realm of policy. We urgently need a coherent strategy for dealing with China, one that allows room for China's changing role without sacrificing our national security and other interests.

As I have demonstrated, we are on a collision course with China on all levels: economically, militarily, and ideologically. The situation has only worsened since my previous floor speeches about China in 1999. We are two trains accelerating in different directions on the same track. After the last decade I think we have seen that appeasement doesn't work; it's time to deal in a very real way with our unpaid bills.

I often think about the appeasement policies we sometimes have against these countries.

I think it was Horace Mann who said:

> No man survives when freedom fails. The best men rot in filthy jails. Those who cried "appease, appease" are hanged by those they try to please.

I am afraid that pretty well describes our relationship with China.

I hope this debate will awaken the American people to the real threat China poses. To that end, I intend to deliver several more talks highlighting the United States-China Commission's report and will introduce a resolution to formally adopt the Commission's recommendation.

I remember so well back when I was critical of the Clinton administration in the very opening months of that administration in the early 1990s when one of the first things they did at our energy laboratories was to intentionally lower our security policy. They did away with background checks. They did away with the color-coded security badges to demonstrate on site what level of security an individual could have. They did away with some of the FBI checks. I was very disturbed. That was over 10 years ago. We knew this was coming, and now it is here. It is time for us to take a different policy to China.

With that, I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent I be permitted to speak for up to 30 minutes after the distinguished Senator from Massachusetts.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I understand we are in morning business.

The ACTING PRESIDENT pro tempore. The Senator is correct. The Senator should also be reminded he currently has a 10-minute time limit.

HONORING POPE JOHN PAUL II

Mr. KENNEDY. Mr. President, around the world as we honor the passing of the Holy Father, we are filled with his spirit and we are inspired by his legacy of peace and compassion. We pray for him and we pray for one another during this time of grief and reflection.

I first saw the Holy Father in Boston in 1979 as he touched American soil for the first time as Pope and reached out to the American people with his holy strength. Several hundred thousand rain-soaked men, women, and children gathered on the Boston Common to hear his homily that began with his extraordinary welcome, "America the Beautiful, even if it rains!" And through his eyes that was what we were: beautiful, free, and open to all possibilities.

He greeted my family warmly on many occasions and blessed us for all our endeavors. On our visit to the Vatican in the 1980s, he welcomed my sister Jean's Very Special Arts program for the disabled in the arts and participated in a festival for 7,000 Italian children who were challenged physically. He told us that in God's eyes, we were all created equally, we all had creative gifts, and all of our talents were enlightened by God. On that occasion I presented him with a bust of President Kennedy, whom he spoke graciously about.

In countless ways during his years as Pope, the Holy Father inspired people throughout the world and brought them together in peace and reconciliation. In his travels to distant lands, citizens of many different faiths were deeply moved by his appeals to the common humanity of all people under God. And in his final days, he inspired us all again with the surpassing grace and dignity with which he left us.

I am struck by the words of one of the Pope's favorite passages that was read to him in his final hours, from Psalm 119:

> Remember your word to your servant, for you have given me hope. My comfort in my suffering is this: Your promise preserves my life.

Pope John Paul II lives on in the hearts of all of us who were touched so deeply by his life. May his example continue to guide us and people everywhere in all the years ahead.

Mr. PRYOR. Mr. President, on the evening of October 16, 1978, white smoke curled from a chimney atop the Sistine Chapel signaling the election of Cardinal Karol Wojtyla of Poland. The crowds in St. Peter's Square roared with great enthusiasm, even before they knew of the extraordinary papacy he would lead for 26 years.

As our Nation continues to grieve the loss of Pope John Paul II, we have spent much time looking back at his accomplishments—decisions and actions made within the walls of the Vatican and those he brought abroad through Europe, Africa, the Americas and Asia.

His steady beliefs and convictions helped inspire peace and human dignity throughout the world. He taught not just Catholics, but people of all religions, the power of faith, principles and courage. And he taught us to use this power to address the social and economic issues that we face each day with truth and morality.

While people may disagree with his conclusions on specific issues, John Paul II's consistent efforts to promote the value of all people remained steadfast. He led by example, exposing overlooked areas of the developing world—those infested with poverty to lands overrun with land minds—and he did so without alienating or rejecting persons or world leaders who disagreed with him. Under his leadership, the Communist domination of Poland came to end, the Vatican and the State of Israel established diplomatic relations, and an unprecedented effort to cleanse the church's conscience began.

On his fifth and final trip to the United States in 1999, Pope John Paul II reminded a flourishing country to look beyond material growth and address the poverty, the spread of gangs, drugs and violence staring us in the face.

Just a few years later, he stood with us, a broken nation, on September 11, 2001, to help victims, friends, and families grieve for their loved ones and turn their loss into good.

Today I stand with Arkansans to offer prayer and to pay homage to Pope John Paul II, one of the most inspirational leaders of our time and a great defender of faith.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 30 minutes.

END-OF-LIFE CARE

Mr. WYDEN. Mr. President, late last week, the Nation witnessed the end to a saga that was heartrending not only for the medical circumstances of the young woman at its center, but for the tragic controversy that surrounded it.

The Congress has spoken once about Terri Schiavo, and in the near future the Senate's Committee on Health, Education, Labor, and Pensions is expected to hold hearings about one of the issues Ms. Schiavo's situation brought to the spotlight: the rights of the incapacitated and our society's responsibility toward that community. I hope the Congress will now begin a thoughtful examination of this and issues relating to end-of-life care. For that reason, I rise today to urge and encourage caution as the Senate moves forward.

George Washington called the Senate the saucer to cool the legislation. I would say the Senate, in fact, must cool its own passions before proceeding. The alternative is unacceptable. The Senate must not revisit the dangerous zero-sum game of 2 weeks ago, creating a false debate between those who seek protection and those who desire choices and actually sacrificing one of those rights to secure the other. This body's responsibility is to find solutions that preserve both. Protecting the vulnerable and preserving end-of-life choices are not mutually exclusive. Advocates for the disabled are right when they say that losing physical or mental capacity must not deprive anyone of their rights even if they have not had or taken the opportunity to make their treatment and wishes known.

There is legitimate cause for worry that the majority of our population might give short shrift to the real rights of a minority group. Journalist James Taranto summed it up well when he said:

> It was natural for an able-bodied person to think: I wouldn't want to live like [Terri Schiavo]. But someone who is disabled and abjectly dependent on others was more apt to be chilled by the talk of her "poor quality of life" and to think: I wouldn't want to be killed like that.

Let us reject any legislative effort that springs from these false choices diminishing the rights of the incapacitated and all Americans. New Federal efforts may have the goal of protecting rights, but they may have the real effect of engineering outcomes with little regard to a patient's true interests. Instead of courting this risk, the Senate should seek to empower the disabled and all Americans.

My sense is that momentum still exists in this body to act unwisely in a way that will produce more government and fewer choices for all Americans at the end of life, so let me be clear. I intend to oppose any congressional fiat that disempowers our citizens—disabled, abled, incapacitated, or otherwise. I will oppose any such dictate that restricts the choices for our citizens at the end of life and grows the role of government instead.

In the last 2 weeks, Americans have overwhelmingly cautioned the Congress against government mandates for the end of life. Many voices are speaking. Some have been shouting. If the Senate can't yet distinguish the country's clearly stated desire, then this body ought to fall silent and listen harder before acting.

In many ways, this is the central question of our time: whether the Federal Government will seek to expand its reach when the citizens wish for more individual empowerment. Presented with that question 2 weeks ago, the Senate got it wrong. The American people have made it clear that moving forward, there ought to be a course correction. True leaders will approach these choices dispassionately with a set of impartial principles.

I will spend a few minutes discussing what I think those principles ought to be. First, the Senate should help empower Americans to make their own choices about the end of life, whatever those choices should be. Policy ought to be grounded on the principle that Americans setting their dining room tables, in their kitchens, discussing their wishes and their fears with their loved ones, and asking in the end that government should make sure their desires are carried out. The choices they have to discuss—discuss in their homes and in their workplaces—ought to be expanded, not weakened, by Government and bureaucracy. Our policies should help their wishes to be honored by their families and their health care system—their lives sustained as they wish or unwanted treatment ended as they wish.

Second, as the Senate looks at the end of life, the Senate needs to look at the entire picture. End-of-life care is more than respirators and feeding tubes and even more than living wills. The Senate has to get beyond today's hot-button questions. The Senate ought to look at the fundamentals: conquering pain, expanding hospice care, capping the great potential of comfort care, which is known as palliative care. Supporting new ways to treat a very ill patient physically, spiritually, and emotionally, long before the last days of life, is a good use of the Senate's time.

Third, the Senate must address end-of-life issues with respect for constitutional boundaries that have been dangerously dismissed to date. For the last 2 weeks, issues of separation of powers and federalism have received virtually no attention. The Senate needs to reflect on the roots and the reason of federalism, which has given the States control over medical practice for more than 200 years. There is a line the Senate must not cross again. Beyond that line are the constitutional rights of States and, ultimately, the rights of our citizens.

Those individual rights, or citizens rights, ought to be the Senate's first guideline in moving forward. I realize the temptation is to frame the debate entirely in terms of the heartbreaking situation of Ms. Schiavo. I believe it would be a mistake, however, to base Federal law on the basis of the tragic chaos that transpired in that woman's family. The Senate cannot jump in now and play medical czar to predetermine the outcome of every similar case. Our responsibility is to help individuals and their families to avoid the compounded tragedy that occurred in that family.

Helping Americans make their wishes clear is paramount. There are a variety of ways this can be done. The 50 States and the District of Columbia have made provisions for the declaration of individual choices, often through the creation of an advanced directive or a living will. If the Congress acts, it certainly should not thwart State laws in this area. Our goals should be to increase awareness and access and to look for ways to aid the enforcement of those wishes of families and the health care system.

Certainly, living wills should be encouraged, and thousands of Americans now are looking to fill these forms out. But in many instances, frequently that living will, a piece of paper, is not enough. Too often people will still be confused about an individual's real desires. Too often the language will not be clear or subject to misinterpretation. The bioethicist Carl Schneider of the University of Michigan said he is "appalled" at the number of people who are advising the public that a living will alone will be sufficient. He states:

> Living wills often do not work.

So the national discussion about end-of-life choices should include information that will ensure that wishes be carried out, not just stated. As national leaders, those of us in the Senate can promote this discussion.

Most folks looking into advanced directives today seem to think they can just avoid a controversy through a living will. Maryland Attorney General Joe Curran recently said that 27,000 people in his State alone downloaded the forms over a period of 7 days. That is compared with 600 downloads during just 1 week in January. But, as I have indicated today—and I know it will be surprising to many Americans—the reality is the laws vary with respect to living wills and advanced directives, and often they do not ensure enforcement of a patient's wishes. Therefore, Americans need to know about vital mechanisms in addition to the living will. For example, the health care proxy, which designates one person if a person becomes incapacitated, is another approach that may be a value to our citizens because it leaves no doubt as to who speaks for those who cannot speak for themselves.

There are other options that can help ensure the effectiveness of an advanced directive. My home State uses a document called a "POLST," which stands for "Physician Orders for Life-Sustaining Treatment," a bright-pink document that physicians place in patients' charts to help nurses and hospice workers and other providers follow the wishes of the patients for end-of-life care. Studies show these physician orders, the product of a frank discussion between patients, families, and providers, result very often in the kind of end-of-life care that patients desire.

There are various approaches being tested in other States as well, and the Senate should promote them. One of our most valuable guidelines in moving forward should be the 1990 Patient Self-Determination Act. Its spirit and letter ought to be honored for two reasons. First, the law was passed by the Congress to encourage and ease the use of States' advanced directives. It requires many Medicare and Medicaid providers to discuss advanced directives and how they will be carried out. Its requirements in that respect are as correct today as they were 15 years ago.

The second requirement of the 1990 Patient Self-Determination Act is just as important. It prohibits discrimination against those who do not have an advanced directive. Now, it is estimated that as many as 75 percent of Americans do not have an advanced directive to guide their end-of-life choices. Under the Patient Self-Determination Act, mandating different and discriminatory treatment for Medicare and Medicaid patients without advanced directives is specifically ruled out. That is the kind of protection I believe all Americans deserve: protection that ensures the preservation of all their choices.

Now, I am grateful that Senator HARKIN and others are tackling vital issues, important issues that often go ignored, such as the concerns of those who are disabled. Americans should expect the Senate, however, to do even more.

In this Congress, I will advocate vigorously for three pieces of legislation that take an appropriate Federal approach to key end-of-life issues. If the Senate has a commitment to consider the end of life seriously, I would expect those bills to come to a vote. They all involve issues I have been working on since the early 1970s when I was co-director of the Oregon Gray Panthers and taught gerontology at several Oregon universities. I have been working to improve care for older people and the dying throughout my service in the Congress and as a member of the Aging Committee in both the House and the Senate.

For more than a decade, the people of my home State of Oregon have had a passionate and thoughtful debate on end-of-life issues. Through all of this, I have found that our health care system often neglects how people die and how important it is to make dying patients and their families more comfortable.

Almost half of the dying experience moderate to severe pain in the last days of their lives. It does not have to be that way. The distinguished Presiding Officer is one of our authorities on medical technology, and he knows medical technology and know-how exist today to reduce the suffering that I am describing. What does not exist is a medical system that supports clinicians trying to address these issues or a system to support patients and families as they try to find help for pain.

I intend to reintroduce the Conquering Pain Act, a bipartisan bill I have written that recognizes that too often at the end of life pain goes untreated for the dying patient. The Conquering Pain Act does not tell providers how to practice medicine. It certainly does not override the States' constitutional right to oversee medical practice. But it does serve to ensure that patients in every corner of our country, 24/7, 7 days a week, can get access to help as they try to deal with pain.

This legislation creates six regional Family Support Networks to assist physicians and families of patients in pain, and it ensures that in every single community in this country Americans know where to turn to get information and help when loved ones are suffering. Americans deserve to know their health care providers and their families will have resources to ease suffering. I believe the ability to see a loved one's pain properly treated can help families across this country. It certainly will add dignity and preserve choices at the end of life.

My second effort will focus on the vital work of hospice programs. More Americans are familiar with hospice today through Ms. Schiavo's case, but its true purpose may still be somewhat unclear. Hospice programs provide a range of services to control pain and other symptoms, maintain dignity, and provide comfort care, primarily to individuals in their own homes.

But the hospice benefit under Medicare needs to be improved. Today, about 20 percent of patients who die in the United States receive hospice care, and of that low number few begin their care early enough to receive the full benefit of hospice. Medicare requires patients and doctors to stop all treatment that might bring a cure before they can begin hospice treatment. I do not believe—I do not think Senators will believe—that patients should be required to abandon all hope of recovery to get the good hospice care they need, but that is what the Medicare law states today. It makes no sense, and it ought to be changed.

My Medicare Hospice Demonstration Act permits patients to seek hospice care as they seek a cure. It will not require patients and their families to abandon hope even as they move towards acceptance. For many, it will result in better care, more control, and more peaceful passage through the end of life.

Finally, the Senate ought to promote training in what is called comfort care or palliative care in our medical schools. This is a practice that is important for the Senate to understand. Comfort care, palliative care, helps terminally ill patients live as actively as possible and helps their families cope. It neither hastens nor postpones death. It is offered in hospice programs, in the home, and in other settings. It prevents and relieves suffering by identifying, assessing, and treating pain and other problems. Those can include physical problems, emotional problems, and even spiritual concerns. Palliative care is appropriate even before hospice care. It is even compatible with aggressive efforts to prolong life, such as chemotherapy or radiation therapy.

The Palliative Care Training Act will ensure that our country has more trained professionals to offer these critical comfort care services. The legislation addresses a need that the Senate has ignored too long. Without it, our citizens will not have enough dedicated professionals to meet this enormous need.

As the distinguished Presiding Officer and I have discussed often, we are in the middle of a demographic revolution. We will have many more older people. It will not be uncommon for individuals to live beyond 100, and with Americans living so much longer than they did a century ago, it is important they have options that work for them. And demand for comfort, for palliative care, is certainly going to grow.

With all the American health care system has to offer, there has to be better care for patients and their families at the end of life. I hope these three bills I have described will get careful and thoughtful examination in the days ahead and in the hearings that apparently will begin later this the week in the committee on which the distinguished Presiding Officer serves.

As I have indicated, I believe the Senate has not been appropriately careful in recent weeks. When this body first considered legislation regarding Ms. Schiavo, I made my objections known. I was compelled to block the initial version of the legislation, a bill that was put forward without hearings, without discussion, and one that threatened to turn the Congress into a convention of case-by-case medical czars. In my view, that legislation intruded dangerously on States' rights to determine medical practice.

I worked with colleagues so Congress could pass bipartisan legislation that in my view didn't set that dangerous precedent, particularly as it related to my own State's law that the people of Oregon have now approved twice. I didn't filibuster that final bill, which I had concerns about, but my concerns remain. I do not wish to see the steps of the Capitol as the new gathering place for Americans to bring their difficult family disputes at the end of life. I certainly do not want to see our Constitution trampled. Unfortunately, Congress has now opened the door to both those possibilities.

The Senate has a renewed responsibility to do better. Each State's constitutional right to determine medical practice exists whether the Congress agrees or disagrees—to put it bluntly, whether Congress likes it or not. Congress cannot only respect the principle of States rights when it thinks the State is right. In the same way, the checks and balances the Founding Fathers set among the executive, legislative, and judicial branches, those powers are not up for negotiation because they produce an outcome that is unacceptable to some Americans. Before acting, the Senate ought to consider the very nature of federalism that has brought and held our States together for more than two centuries. Then the Congress should think carefully about whether it makes sense to tear down a basic pillar of our national contract.

This body writes Federal laws. If the Senate does not like the effect of a Federal law, our prerogative is to change it. But it is not the Senate's prerogative to play constitutional chicken when matters happen outside of our jurisdiction. That is true no matter how strong our personal passions may be.

I have fought for the rights of my State and its voters to decide the issue of physician-assisted suicide at home in Oregon. As I make this point, I want to point out that I voted twice against this law as an individual citizen. On two occasions, I cast my personal ballot against legalizing assisted suicide in my State. In addition, I voted against Federal funding of assisted suicide as a Member of this body. But the people of my State have spoken on an issue they have a right to decide at home in Oregon. As I have said in this body, I intend to defend their right to make that decision in every way I can.

In the case of Ms. Schiavo, I believe that Floridians, through their representatives in the State legislature, deserve the same leeway to decide such medical matters for themselves. When Congress ignored the fact that Florida's legislature was still working on the case and ignored the right of the State courts to rule, it sought to weaken Florida's rights, Oregon's rights, and the rights of every State in our Nation. Any legislation this body passes now should not pose the same constitutional threat. The legislation I have outlined today will not, and I will oppose any legislation that does so again.

It is an imperfect process even for States to rule on medical matters. End-of-life issues are about the heart and the head, about our personal morals as well as the law. Letting States decide is the rule of the Constitution I have sworn to uphold, and I intend to stand up for that principle. It is a critically important principle that the Senate stand for. And it is a principle that ought to dictate our actions before any legislation comes to a vote on the floor. In hearings this week—and in any part of the legislative process—there are responsibilities to fulfill before the Senate acts or there is a risk of gravely irresponsible legislation.

The Senate should ask: Does any legislation on end of life meet key tests? Does it clarify and expand and ensure the choices that individuals and families can make? Does it aid in the honoring of those wishes once expressed, whether those wishes are to have life sustained or unwanted treatments withheld? Does it protect the rights of those in the disability community and those who are incapacitated, particularly when they have not had the opportunity to make their wishes known? Does it speak to more than the political debates of the moment and truly take in hand the basic issues at the end of life? Does it contribute to less pain, better care, and more peace for those at the end of life? Does it fully meet the responsibility of the Senate without usurping the constitutional role of the States and the judiciary? And finally, does it meet the obligations of the Senate to the American people without extending our reach into their personal lives?

The Senate has an obligation to learn from the events of the last 2 weeks. Before acting, let us think. The Senate has been called the world's greatest deliberative body. Let us now be more deliberative as we dare to approach issues that are more intimate and more personal than any others we could discuss.

The truth is, Americans' end-of-life choices should not be made by strangers in the Congress, pushed by the passion of one case or the political priorities that press on every side. Americans are going to continue to wrestle with end-of-life care for themselves and their loved ones for as long as breath is drawn on this soil. Americans will bring all they have to bear ethically, morally, and spiritually to make the best decisions for themselves and to honor the decisions of their loved ones. The Senate must equal their effort and do its duty with honor for those at the end of life.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, what is the parliamentary procedure we are in at the moment?

The ACTING PRESIDENT pro tempore. The Senator from Florida should know that we are in morning business and there is a 10-minute limit on the Senator's remarks.

USS "JOHN F. KENNEDY"

Mr. NELSON of Florida. Mr. President, I want to inform the Senate I am introducing a bill today that I will offer as an amendment to the supplemental funding bill for defense which is supposed to come out of the Appropriations Committee this week and will be coming then more than likely to the floor next week. This supplemental appropriations bill is a must-pass bill because it contains the funding for additional expenses on the war in Iraq. As such, it becomes a vehicle through which I can try to attach an amendment that would have a significant policy effect upon our defense posture.

It is no secret that a number of us have joined in opposing the Pentagon's plans to scrap one of our 12 aircraft carriers. The aircraft carrier they have selected is the *John F. Kennedy*, which is home ported at Mayport Naval Station, which is in Jacksonville, FL. Naturally, I speak for the interests of Jacksonville and the State of Florida, but I speak with a much larger vision about the defense interests of our country.

For example, if the Pentagon, which I think has made a wrongheaded decision on budgetary reasons—they think it is going to save them a billion dollars when in fact it is not, but even so, if that were true, in the middle of a war is not the time for us to be reducing our ability to protect our forces around the world with these floating air fields that we call aircraft carriers. And we only have 12. The Pentagon is proposing to scrap one of the 12.

There is another reason. As a result of the announcement that was made by the Navy this past Friday night after business hours, the Navy is going through with the plans on the *Kennedy* by scrapping the plans for rehabbing it in dry dock. It is not a surprise, but it is a confirmation that it is the *John F. Kennedy* they are planning to axe. The significance of this from a defense posture is that it leaves all of our remaining carriers in the Atlantic fleet home ported in one port—Norfolk, VA.

The significance of that is in testimony in our Senate Armed Services Committee, over and over, four star admirals have come in front of us and said: Don't keep all of your carrier assets in one place. Spread them out.

It is no secret that when a terrorist is looking to do some damage of closing up a port, particularly a port that is upriver such as Norfolk, with some one or several carriers that could be in port, just sinking debris in the channel could close up the port. That is not the defense posture we want.

So there is no one who is in the uniformed military who thinks you should not spread your assets. As a matter of fact, on the west coast, on the Pacific fleet, we have three ports for aircraft carriers. The response is: If you are going to scrap the *Kennedy*, which is a conventional carrier, powered by oil, why not then take one of the nuclear carriers and put it down at Mayport Naval Station and you have achieved the same thing? That would be good, but it is going to take, according to testimony in the Armed Services Committee, a minimum of 5 to 7 years before that could happen because of the environmental impact statement that first has to be done and then, secondly, the reconfiguring of the docks and the other facilities to be able to handle a nuclear-powered carrier. The result of this is that for 5 to 7 years you do not have another home port for a nuclear carrier on the east coast of the United States, and all of them are homeported in one place. That is not the defense posture the United States should be in.

It is another thing to talk about the parochial interests, which I represent, of Jacksonville and Florida. That is certainly an economic hit because Jacksonville, even if they get a nuclear carrier—and by the way, 5 to 7 years down the road it is another administration and another Congress to make those decisions—but in the meantime, Jacksonville doesn't have a carrier for 5 to 7 years, with the economic hit that takes place and the Nation doesn't have its carrier assets spread on the Atlantic coast of this country. That is not a position we should have.

I am going to offer a compromise, since it seems that the Pentagon is absolutely intent on scrapping—they call it mothballing—this carrier. The compromise I am suggesting, and I talked to the Vice Chairman of the Joint Chiefs just moments ago, is since the Navy and the Pentagon have decided they are not going to rehab the *John F. Kennedy* in a dry dock and save that expense, but the *Kennedy* can remain operational for the next 3 to 4 to 5 years without being rehabbed in dry dock, let us keep our assets dispersed on the east coast until these decisions are made and the facilities are changed so we can spread our nuclear carrier assets.

That does another thing for the defense policy of this country. There is a question coming up in 2008, when the conventionally powered aircraft carrier *Kitty Hawk* is scheduled to be decommissioned. She is now home-ported in Japan because Japan, the Japanese Government, has had a policy of not accepting a nuclear carrier. What happens if by 2008 the Japanese Government does not change the policy and will not receive a nuclear carrier? Then we ought to have the *John F. Kennedy* kept alive in an operational status where it can fill that role and, over the course of the next 3 years coming up to 2008—and we are in 2005 right now—we will know the status.

From the standpoint of defense policy, No. 1, of spreading our carrier assets, the compromise I am offering makes sense. No. 2, from the standpoint of being able to respond quickly if we needed another conventionally powered carrier in Japan, we would have a backup conventional carrier in 2008 if the Japanese Government would not receive a nuclear carrier. And, No. 3, it would not disrupt the lives of all those Jacksonville families by suddenly abolishing one of our carriers and all of the 5,000 sailors and their families and perhaps other ships in the carrier battle group that would go away. It seems to me it is the prudent defense policy thing to do.

I know if I offer this, if it is not being considered in the Pentagon, that I am swimming upstream. But I think it is worth the fight, not only as a Senator representing Florida but as a member of the Senate Armed Services Committee; it is a matter of protection, of the defense interests of this country.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I ask unanimous consent that I be recognized to speak for up to 10 minutes, but then following my remarks that the Senator from Tennessee be recognized for any remarks he might have, and following the conclusion of his remarks that I might then be recognized at that time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HONORING POPE JOHN PAUL II

Mr. CORNYN. Mr. President, today we mourn the passing of a great man. In the long history of Roman Catholic Popes, John Paul II is among the greatest in championing human dignity. He also was a champion for the sanctity of human life and for the family and for working for the good of his Church. He is the kind of leader who only comes along once in a very great long time.

As the most traveled pontiff of all time, Pope John Paul personally delivered hope, encouragement, and inspiration to more people in more places than any other person in human history. And he was especially beloved by the youth, the future of our world, with whom he had a very special relationship.

Catholics and non-Catholics alike should feel fortunate to have had such a leader in our midst, a man who gave so much to humanity.

Undeterred, perhaps even driven a bit harder by an assassin's bullets, this devout man embarked on an exhausting journey over a quarter of a century to spread words of freedom, compassion, and justice. His mission seems to have been nothing less than redemption of the world. Surely, but for men such as this, the world would have long fallen into irreparable chaos and decline.

Elected Bishop of Rome on October 16, 1978, Pope John Paul II's faith and courage was forged and proven as a Polish priest standing up to the horrors of the Soviet Union. He took his stance at a time when dissidents were whisked away in the dark, never to be heard from again. Yet John Paul's perseverance eventually awakened the soul of a nation of secret believers who stood in candlelit solidarity to bring down an evil empire.

According to Harvard theologian George Williams, a Protestant who befriended the Pope many years ago, he is an imposing man in physique, big in intellectual vision, who deeply enjoys people. In a most remarkable way, he is a man whose soul is at leisure with himself.

Only two Popes have served longer and none with more sustained vigor, clarity, or cheerfulness. Even after his step faltered and his voice began to waiver, he bore his infirmities with honor and humor. Although his body was failing, his indomitable spirit continued to touch the world and teach us about the strength and promise of the human heart.

This great Pope was loved by people of various religions and across ideological spectrums. Even many who disagreed with him respected his grand vision and his convictions. Having captured the world's attention and admiration by standing for our better angels for so long, Pope John Paul II will surely stand with President Ronald Reagan as one of the giants of our time.

Both men understood deeply where the hope of mankind lay—in faith, in courage, in liberty. On October 11, 2001, 1 month after the devastating terrorist attacks of 9/11, John Paul offered this prayer:

> O God almighty and merciful, he who sows discord cannot understand You. He who loves violence cannot welcome You. Watch over us in our painful condition, tried by the brutal acts of terrorism and death. Comfort Your children and open our hearts to hope that in our time, we again may know serenity and peace.

I can only add my own amen to that prayer.

I yield the floor to Senator ALEXANDER under the terms of the previous order.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Texas. I join with him in his thoughts about Pope John Paul II and the thoughts of our other colleagues that have been expressed. He was a man of sincerity and great character. He traveled more than any other Pope. He traveled the United States more than any other Pope. He carried a message of peace. He carried a message of charity. He had a profound impact on the world and his native country of Poland. It can fairly be said that Poland would not have overthrown communism, at least not when it did, had it not been for Pope John Paul.

I remember in 1987, our family had lived in Australia for 6 months, three teenagers and a 7-year-old, and we came home from around the world in a little different way. We took a train from Moscow to Paris. This was before the Berlin Wall came down. All of us, our different ages in our family, remember how in Poland the churches were open and vibrant, they were active, and people were there. In Russia, they were museums. We thought about that. We think about that today as we reflect back on the role of this man who was an example for each of us and who deserves the world's attention, the world's prayers, and the world's acclaim.

EIGHT-DAY BIPARTISAN CONGRESSIONAL DELEGATION

Mr. ALEXANDER. Mr. President, I have remarks that I would like to make on two different subjects. One has to do with a visit by a delegation of Senators led by the Democratic leader, the Senator from Nevada, Mr. REID, and then a brief remark about the proposal that we use the supplemental appropriations bill to turn State driver's licenses into national identification cards.

First I will comment on the 8-day congressional delegation that I was a part of over the last recess. It was led, as I said, by the Democratic leader. Let me say first how much I appreciate the style of his leadership. He is the Democratic leader, and occasionally there is a partisan word in this place, but this was a bipartisan delegation. We visited eight countries in 8 days, including Jerusalem, Israel, the Palestinian territories—visited leaders of the Palestinian Authority—we visited Kuwait, Iraq, Georgia, and the Ukraine. In France, we received a NATO briefing from our ranking general.

I think it is important for this body to know that in all of his public and private comments, the Democratic leader spoke for the administration of the U.S. Government. In other words, whatever his private views of policy difference might have been, he did not express those outside of this country. I was not surprised by that—I think that is the way it ought to be—but I was impressed by that. I was impressed by that part of his attitude, by the bipartisan quality of the delegation, and by the hard work he expected of those on the delegation. I appreciated the chance to be included, and I appreciated his leadership.

As I am sure the Senator from North Carolina, who occupies the chair, knows, and the Senator from Texas feels the same way, there are so many thousands of people—in my case, Tennesseans—serving in Iraq and Kuwait that I almost felt at home visiting there last week. My wife Honey and I were greeted at the Kuwait Airport by an Army reservist who is publisher of the Dyersburg News and copublisher of the State Gazette. We had dinner with the 844th Engineer Combat Battalion, which is based in Knoxville, which includes more than 500 Tennesseans. One of those reservists is SGT Amanda Bunch, a nursing assistant at Asbury Acres in Maryville, my hometown where my mother and grandfather lived for a few years. The school superintendent from Athens, just down the road from my hometown; the president of the Lexington Rotary Club in west Tennessee, a physician; three Blount County deputies, from my home county—all among those serving in the Tennessee National Guard.

I may have felt at home, but as LTC Don Dinello, who commands the 844th, reminded me, no place there is entirely safe. A few days earlier, a patrol had discovered explosives on a bridge over which the colonel's soldiers might have traveled. Thankfully, the explosive device was disarmed before anyone was hurt.

In Baghdad, I ate lunch with three marines who were recent high school graduates from Savannah, Manchester, and Tullahoma, TN. Their mission is to guard the U.S. Embassy. I asked one of these young men what a U.S. Senator should know about their work. Andrew Pottier of Savannah told me:

> Not much to know, sir. They shoot at us and we just shoot them back.

Not even in the Green Zone, where several thousand Americans work every day, was it entirely safe. The protocol officer greeted us wearing a nice green dress covered by a flack jacket. When one of the members of our delegation, a female Senator, went to the ladies restroom, a female soldier with an AK-47 went first, inspecting every stall.

I was reminded just a couple of days ago how dangerous it can be when I went to the funeral in Sevier County of SGT Paul W. Thomason, III, the first member of our National Guard unit, the 278th, to be killed.

It is very difficult to grasp the reality of the security situation in Iraq. It is hard to grasp it from television. On the one hand, there is the danger I just described. On the other hand, our casualties are significantly down. Twelve of the 17 Iraqi provinces, we were told by our commanders there, are relatively without incident. An average of 800 supply trucks convoy each day from Kuwait to the edge of Baghdad. Since August, there have been 166 attacks on these trucks, killing 2 soldiers.

Forty percent of those serving in Iraq and Kuwait are reservists or guardsmen. Several thousand of them are from Tennessee. Most left behind families, jobs, and mortgages for up to 18 months. Far from home, they are dealing with child custody, insurance, births, and deaths. Thirty percent of the members of the 844th unit, with whom I visited, are continuing their education online. I brought home information so I could help seven reservists who are having trouble with their citizenship applications.

Here are three other thoughts from that visit:

One, armored vehicles. Commanders in Kuwait assured me that no humvee or truck is now going into a combat zone without Level I or Level II armor.

Second, in the training of Iraq forces, we met with GEN David Patraeus, the former commander of Fort Campbell's 101st Airborne Division and one of our most accomplished military leaders. He persuaded me and I think most other members of our delegation that training is proceeding in an impressive way. It is not complete, but we are making progress.

Finally, infant democracies. We have sacrificed many lives and paid a heavy price in dollars to invade Iraq and remove Saddam Hussein, but without that decision there would be no infant democracies in Iraq and Afghanistan. Georgia, Ukraine, and Kuwait would be less democratic, and Syria would not be pulling troops out of Lebanon. We in the world are safer without Saddam Hussein, who the new Prime Minister designate of Iraq, if he is elected, told us, in his words, that Saddam had buried alive 300,000 people.

When will our troops come home? I do not know. I believe we must have a success strategy, not just an exit strategy. This strategy should be based on whether Iraqis can reasonably defend themselves and whether they have some sort of constitutional government. Having liberated Iraq, it is now not our job to stay there until there is a perfect democracy.

We Americans are very impatient. We also sometimes have short memories. We are expecting the Iraqis to come up with a constitution by August. It took America 12 years to write a constitution after declaring our independence, another 130 years to give women the right to vote in this country, and nearly 200 years before African Americans were allowed to vote in every part of America.

I hope after the two Iraqi elections scheduled for the end of 2005 that we will begin to see large numbers of Tennesseans coming home; for our average stay in other instances where the United States has helped build nations, as in Germany and Japan, has been about 5 years.

The Presbyterian Chaplain of the 844th—which I visited—Rev. Tim Fary from Rhea County, I discovered I had met before. He was then 8 years old and I was Governor of Tennessee. I was playing a piano concert with the Chattanooga Symphony at a July concert at Chickamauga near Chattanooga. Tim Fary, 8 years old, was lost.

He told me:

> When I found my parents 2 hours later, I had a handwritten note that read, "Dear Tim: Thank you for your advice. Governor

Lamar Alexander." That note kept me out of trouble. I still have it.

We hope Tim's prayers, as well as our own, will keep our brave Tennesseans safe so they can accomplish their mission and come home soon.

DRIVER'S LICENSES

Mr. ALEXANDER. Mr. President, I would now like to speak for 4 or 5 minutes on another subject. I again thank the Senator from Texas. This is a subject that I recently wrote an op-ed about, which was published last week in the Washington Post. Fearing that many of my colleagues might have been in places such as Texas or Tennessee or Iraq and might have missed it, I will make virtually the same remarks here.

Specifically, I am concerned about the so-called "Real ID Act," a bill recently passed by the House of Representatives that would require States to turn 190 million driver's licenses into national identification cards, with State taxpayers, I am afraid, paying most of the costs.

The first thing wrong here is that some House Members want to stick that identification card proposal on the appropriations bill that supports troops in Iraq. We should not slow down money for our troops while we debate identification cards.

The second problem is that States not only get to create these identification cards, States will likely end up paying the bill. This is one more of the unfunded Federal mandates that we Republicans especially promised to stop.

Supporters argue this is no mandate because States have a choice. Well, true. States may refuse to conform to the proposed Federal standards and issue licenses to whomever they choose, including illegal immigrants. But, if they do, States' licenses will not be accepted for "Federal purposes," such as boarding an airplane. That is some choice. What Governor will deny his or her citizens the identification they need to travel by air or to cash Social Security checks or for "other Federal purposes?"

Of course, this identification card idea might backfire on us, the Members of Congress. Some feisty Governor might ask: Who are these people in Washington telling us what to do with our driver's licenses and making us pay for them, too?

A Governor, let us say from California, might say: California will use its licenses for certifying drivers, and Congress can create its own identification cards for people who want to fly and do other federally regulated things. And, if they do not, I will put on the Internet the home telephone numbers of all the Congressmen.

That is what some feisty Governor might say.

If just one State refuses to do the Federal Government identification work, Congress would be forced to create what it claims to oppose, a Federal identification card for citizens of that State.

Finally, if we must have a better identification card for some Federal purposes, there may be better ideas than turning State driver's license examiners into CIA agents. For example, Congress might create an airline traveler's card, or there could be an expanded-use U.S. passport. Since a motive here is to discourage illegal immigration, probably the most logical idea is to upgrade the Social Security card, which directly relates to the reason most immigrants come to the United States, to work.

I have fought government identification cards as long and as hard as anyone in this Chamber. In 1983, when I was Governor of Tennessee, our Tennessee Legislature voted to put photographs on driver's licenses. Merchants and policemen wanted a State identification card to discourage check fraud and teenage drinking. I vetoed this photo driver's license bill twice because I believed driver's licenses should be about driving and that State identification cards infringed on civil liberties.

That same year, 1983, I visited the White House on the annual visit that Governors have with the President of the United States. As I got to the gate, a White House guard asked for my photo identification.

I said to the guard: We don't have photo driver's licenses in Tennessee. I vetoed them.

The guard said: Well, you can't get in without one.

Fortunately, the Governor of Georgia, the late George Busbee, was standing there next to me. He had his Georgia photo driver's license. He vouched for me. I was admitted to the White House.

The legislature at home overrode my veto, and I gave up my fight against the State identification card. For years, the State driver's licenses have served as a de facto national identification card. But they have been unreliable. All but one of the 9/11 terrorists had valid driver's licenses.

Even today, when I board an airplane, as I did this morning, security officials look at the front of my driver's license, which expired in 2000, and rarely turn it over to verify that it has been extended until 2005.

My point is, we already have a national identification card. They are called driver's licenses. They are just ineffective.

I still detest the idea of a government identification card. South Africa's experience is a grim reminder of how such documents can be abused.

But I am afraid this is one of the ways 9/11 has changed our lives. Instead of pretending that we are not creating national identification cards, when we obviously are, I believe Congress should carefully create an effective Federal document that helps prevent terrorism with as much respect for privacy as possible.

I thank the Senator from Texas for his courtesy. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

FEDERAL COURTS

Mr. CORNYN. Mr. President, I wanted to talk a little bit about our courts, and specifically our Federal courts, and even more specifically the United States Supreme Court.

Before I start, let me just say I have the greatest respect for our judiciary, the men and women who wear black robes—whether it is on a municipal court or a county court or a district court like I served on in San Antonio, Bexar County, TX, for 6 years, or those who work on appellate courts, whether State or Federal, like I did on the Texas Supreme Court for 7 years.

For 13 years of my professional life, I have worn a black robe, judging cases, first presiding over the jury trials, and coming to have a great deal of respect not just for those judges but for men and women who serve on juries and decide hard cases, cases which, perhaps, they would prefer not have to sit in judgment of, some involving even the death penalty.

I don't want anyone to misunderstood what I say as being a blanket criticism of either the judiciary or the U.S. Supreme Court, in particular. From my own experience, judges, although they have important jobs to do, are no different than you and I. They are mere mortals, subject to the same flashes of mediocrity, sometimes making mistakes, and sometimes displaying flights of brilliance. These are not, as some people have suggested, high priests able to discern great truths that you and I are unable to figure out. They are generally very intelligent, with outstanding educational pedigrees, but no one has agreed that judges, particularly Federal judges, can be or should be a law unto themselves.

Federal judges are appointed subject to advice and consent provisions of the Constitution for a lifetime. They do not run for election. They do not have to raise money as do other politicians. I know those who do envy them that. But the idea is they are supposed to use that independence in order to be impartial umpires of the law—it is called balls and strikes—and they should use that independence that has been given to them in order to resist politics, in order to resist those who would suggest that in order to be popular you must subscribe to a particular way of thinking or a particular social or political or ideological agenda.

Given that framework the Founding Fathers agreed was so important and that I know we all agree is important today to preserve that independence so as to preserve that judicial function, it causes a lot of people, including me, great distress to see judges use the authority they have been given to make raw political or ideological decisions. No one, including those judges, including the judges on the U.S. Supreme Court, should be surprised if one of us stands up and objects.

I make clear I object to some of the decisionmaking process occurring at the U.S. Supreme Court today and now. So far as the Supreme Court has taken on this role as a policymaker rather than an enforcer of political decisions made by elected representatives of the people, it has led to increasing divisiveness and bitterness of our confirmation fights that is a very current problem this body faces. It has generated a lack of respect for judges generally. Why should people respect a judge for making a policy decision born out of an ideological conviction any more than they would respect or deny themselves the opportunity to disagree if that decision were made by an elected representative? The difference is they can throw the rascal out and we are sometimes perceived as the rascal if they do not like the decisions made, but they cannot vote against a judge, because judges are not elected. They serve for a lifetime on the Federal bench.

The increasing politicization of the judicial decisionmaking process at the highest levels of our judiciary has bred a lack of respect for some of the people who wear the robe. That is a national tragedy.

Finally, I don't know if there is a cause-and-effect connection, but we have seen some recent episodes of courthouse violence in this country—certainly nothing new; we seem to have run through a spate of courthouse violence recently that has been on the news. I wonder whether there may be some connection between the perception in some quarters on some occasions where judges are making political decisions yet are unaccountable to the public, that it builds and builds to the point where some people engage in violence, certainly without any justification, but that is a concern I have that I wanted to share.

We all are students of history in this Senate, we all have been elected to other bodies and other offices, and we are all familiar with the founding documents, the Declaration of Independence, the Constitution itself. We are familiar with the Federalist Papers that were written in an effort to get the Constitution ratified in New York State. Alexander Hamilton, apropos of what I will talk about, authored a series of essays in the Federalist Papers that opine that the judicial branch would be what he called the "least dangerous branch of government." He pointed out that the judiciary lacked the power of the executive branch, the White House, for example, in the Federal Government and the political passions of the legislature. In other words, the Congress. Its sole purpose—that is, the Federal judiciary's sole purpose—was to objectively interpret and apply the laws of the land and in such a role its job would be limited.

Let me explain perhaps in greater detail why I take my colleagues' time to criticize some of the decisionmaking being made by some Federal courts in some cases. This is not a blanket condemnation. I hope I have made it clear I respect the men and women who wear the robe, but having been a judge myself I can state that part of the job of a judge is to criticize the reasoning and the justification for a particular judgment. I certainly did that daily as a state supreme court justice. And I might add that people felt free to criticize my decisions, my reasoning and justification for the judgments I would render. That is part of the give and take that goes into this. I make clear my respect generally for the Federal judiciary, including the U.S. Supreme Court.

I am troubled when I read decisions such as Roper v. Simmons. This is a recent decision from March 1, 2005. Let me state what that case was about. This was a case involving Christopher Simmons. Christopher Simmons was seven months shy of his 18th birthday when he murdered Shirley Crook. This is a murder he planned to commit. Before committing the crime, this 17-year-old who was 7 months shy of his 18th birthday, encouraged his friends to join him, assuring them that they could "get away with it," because they were minors. Christopher Simmons and his cohorts broke into the home of an innocent woman, bound her with duct tape and electrical wire, and then threw her off a bridge, alive and conscious, resulting in her subsequent death.

Those facts led a jury in Missouri, using the law in Missouri that the people of Missouri had chosen for themselves through their elected representatives, to convict him of capital murder and to sentence him to death.

Well, this 17-year-old boy, or young man I guess is what I would call him, Christopher Simmons, challenged that jury verdict and that conviction all the way through the State courts of Missouri and all the way to the U.S. Supreme Court. And the United States Supreme Court, on March 1, 2005, held that Christopher Simmons or any other person in the United States of America who is under the age of 18 who commits such a heinous and premeditated and calculated murder cannot be given the death penalty because it violates the U.S. Constitution.

In so holding, the U.S. Supreme Court said: We are no longer going to leave this in the hands of jurors. We do not trust jurors. We are no longer going to leave this up to the elected representatives of the people of the respective States, even though 20 States, including Missouri, have the possibility at least of the death penalty being assessed in the most aggravated types of cases, involving the most heinous crimes, against someone who is not yet 18.

This is how the Court decided to do that. First, it might be of interest to my colleagues that 15 years earlier the same U.S. Supreme Court, sitting in Washington, across the street from this Capitol where we are standing today, held just the opposite. Fifteen years ago, the U.S. Supreme Court held that under appropriate circumstances, given the proper safeguards, in the worst cases involving the most depraved and premeditated conduct, a jury could constitutionally convict someone of capital murder and sentence them to the death penalty. But 15 years later, on March 1, they said what was constitutional the day before was no longer constitutional, wiping 20 States' laws off the books and reversing this death penalty conviction for Christopher Simmons.

What I want to focus on now is the reasoning that Justice Anthony Kennedy, writing for the U.S. Supreme Court, in a 5-to-4 decision, used to reach that conclusion.

First, Justice Kennedy adopted a test for determining whether this death penalty conviction was constitutional. This ought to give you some indication of the problems we have with the Supreme Court as a policymaker with no fixed standards or objective standards by which to determine its decisions to make its judgments. The Court embraced a test that it had adopted earlier referring to the "evolving standards of decency that mark the progress of a maturing society." Let me repeat that. The test they used was the "evolving standards of decency that mark the progress of a maturing society."

I would think any person of reasonable intelligence, listening to what I am saying, would say: What was that? How do you determine those "evolving standards"? And if they are one way on one day, how do they evolve to be something different the next day? And what is a "maturing society"? How do we determine whether society has matured? I think people would be justified in asking: Isn't that fancy window dressing for a preordained conclusion? I will let them decide.

Well, it does not get much better because then the Court, in order to determine whether the facts met that standard, such as that this death penalty could not stand, or these laws in 20 States cannot stand, looked to what they called an "emerging consensus." Well, any student of high school civics knows we have a Federal system, and the national Government does not dictate to the State governments all aspects of criminal law. In fact, most criminal law is decided in State courts in the first place.

Nevertheless, the Supreme Court of the United States, in a 5-to-4 decision, looked for an "emerging consensus" and in the process wiped 20 States' laws off the books. I will not go into the details of how they found a consensus, but suffice it to say it ought to be that in a nation comprised of 50 separate sovereign State governments, where 20 States disagree with the Court on its decision that wipes those 20 States' courts laws off the books, it can hardly be called a consensus, if language is to have any meaning.

Secondly, the Court said: We will also look to our own decisions, our own judgment over the propriety of this law. In other words, they are going to decide because they can, because basically their decisions are not appealable, and there is nowhere else to go if they decide this law is unconstitutional. The American people, the people of Missouri, the people who support, under limited circumstances, under appropriate checks and balances, the death penalty for people who commit heinous crimes under the age of 18 are simply out of luck; this is the end of the line.

Well, finally—and this is the part I want to conclude on and speak on for a few minutes—the Court demonstrated a disconcerting tendency to rely on the laws of foreign governments and even treaties in the application and enforcement of U.S. law. This is a trend that did not start with the Roper case, but I did want to mention it in that connection.

But if the U.S. Supreme Court is not going to look to the laws of the United States, including the fundamental law of the United States, which is the Constitution, but interpreting what is and is not constitutional under the U.S. Constitution by looking at what foreign governments and foreign laws have to say about that same issue, I fear that bit by bit and case by case the American people are slowly losing control over the meaning of our laws and the Constitution itself. If this trend continues, foreign governments may have a say in what our laws and our Constitution mean and what our policies in America should be.

Let me digress a second to say this is as current as the daily news. As a matter of fact, I saw in the New York Times on April 2 an article concerning Justice Ginsburg, a member of that five-member majority in the Roper case. The headline is: "Justice Ginsburg Backs Value of Foreign Law." Reading from this story, written by Anne Kornblut, it says:

> In her speech, Justice Ginsburg criticized the resolutions in Congress and the spirit in which they were written.

She is referring to a resolution I have filed, and I sent out a "dear colleague" today expressing concerns about this issue. But she said:

> Although I doubt the resolutions will pass this Congress—

I don't know where she gets her information. I think there is a lot of positive sentiment in favor of what the resolution says, and I will talk about that in a minute.

> Although I doubt the resolutions will pass this Congress, it is disquieting that they have attracted sizable support.

I am a little surprised that a sitting U.S. Supreme Court Justice would engage in a debate about a current matter, which has yet to be decided by the Senate, which is a resolution expressing concern about the use of foreign laws and treaties to interpret what the U.S. Constitution should mean. I am a little surprised by it.

In a series of cases over the past few years our courts have begun to tell us that our criminal laws and our criminal policies are informed not just by our Constitution and by the policy preferences and legislative enactments of the American people through their elected representatives, but also by the rulings of foreign courts. I understand it is hard to believe, and most people listening to what I am saying are asking themselves: Could this be true? Is it possible? I know it is hard to believe, but in a series of recent cases, including the Roper case, the U.S. Supreme Court has actually rejected its own prior decisions in part because a foreign government or court has expressed disagreement with the conclusion they had reached.

Until recently the U.S. Supreme Court had long held that under appropriate safeguards and procedures, the death penalty may be imposed by the States regardless of the IQ of the perpetrator. The Court had traditionally left this issue untouched as a matter for the American people and each of their States to decide, as the Court said in a case called Penry V. Lynaugh in 1989. Yet because some foreign governments had frowned upon that ruling, the U.S. has now seen fit to take that issue away from the American people entirely. In 2002, in a case called Atkins v. Virginia, the U.S. Supreme Court held that the Commonwealth of Virginia could no longer apply its criminal justice system and its death penalty to an individual who had been duly convicted of abduction, armed robbery, and capital murder because of the testimony that the defendant was mildly mentally retarded. The reason given for this reversal of the Court's position that it had taken in 1989 to 2002? In part it was because the Court was concerned about "the world community" and the views of the European Union.

Take another example. The U.S. Supreme Court had long held that the American people in each of the States have the discretion to decide what kinds of conduct that have long been considered immoral under longstanding legal traditions should or should not remain illegal. In Bowers v. Hardwick in 1986, the Court held that it is up to the American people to decide whether criminal laws against sodomy should be continued or abandoned. Yet once again because foreign governments have frowned upon that ruling, the U.S. Supreme Court saw fit in 2003, in Lawrence v. Texas, to hold that no State's criminal justice system or its criminal justice laws could be written in a way to reflect the moral convictions and judgments of their people.

The reason given for this reversal from 1986 to 2002? This time the Court explained that it was concerned about the European Court of Human Rights and the European Convention on Human Rights.

I have already mentioned the case of Roper v. Simmons. But most recently, on March 28, the U.S. Supreme Court heard oral arguments in a case that will consider whether foreign nationals duly convicted of the most heinous crimes will nevertheless be entitled to a new trial for reasons that those individuals did not even bother to bring up during their trial. As in the previous examples, the Supreme Court has already answered this issue but decided to revisit it once again. In 1998, in Breard v. Green, the Court made clear that criminal defendants, like all parties in lawsuits, may not sit on their rights and must bring them up at the time the case is going on or be prohibited from raising those issues later on, perhaps even years later. That is a basic principle of our legal system. In this case, the Court has decided to revisit whether an accused who happens to be a foreign national, subject to the Vienna Convention on Consular Relations, should be treated differently from any other litigant in our civil litigation systems and in State and Federal courts or in the Federal system reviewing State criminal justice provisions.

Even this basic principle of American law may soon be reversed. Many legal experts predict that in the upcoming case of Medilline v. Dretke, the Court may overturn itself again for no other reason than that the International Court of Justice happens to disagree with our longstanding laws and legal principles. This particular case involves the State of Texas. I have filed an amicus brief, a friend of the court brief, in that decision, asking the Court to allow the people of Texas to determine their own criminal laws and policies consistent with the U.S. States Constitution and not subject to the veto of the Vienna Convention on Consular Rights or the decision of some international court.

There is a serious risk, however, that the Court will ignore Texas law, will ignore U.S. law, will reverse itself, and decide in effect that the decisions of the U.S. Supreme Court can be overruled by the International Court of Justice.

I won't dwell on this any longer, but suffice it to say there are other examples and other decisions where we see Supreme Court Justices citing legal opinions from foreign courts across the globe as part of the justification for their decisions interpreting the U.S. Constitution. These decisions, these legal opinions from foreign courts range from countries such as India, Jamaica, Zimbabwe, and the list goes on and on.

I am concerned about this trend. Step by step, with each case where this occurs, the American people may be losing their ability to determine what their laws should be, losing control in part due to the opinions of foreign courts and foreign governments. If this happens to criminal law, it can also spread to other areas of our Government and our sovereignty. How about our economic policy, foreign policy? How about our decisions about our own security?

Most Americans would be disturbed if we gave foreign governments the power to tell us what our Constitution means. Our Founding Fathers fought the Revolutionary War precisely to stop foreign governments—in this case, Great Britain—from telling us what our laws should be or what the rules should be by which we would be governed. In fact, ending foreign control over American law was one of the very reasons given for our War of Independence.

The Declaration of Independence itself specifically complains that the American Revolution was justified in part because King George "has combined with others to subject us to a jurisdiction foreign to our Constitution and unacknowledged by our laws."

After a long and bloody revolution, we earned the right at last to be free of such foreign control. Rather, it was we the people of the United States who then ordained and established a Constitution of the United States and our predecessors, our forefathers, specifically included a mechanism by which we the people of the United States could change it by amendment, if necessary.

Of course, every judge who serves on a Federal court swears to an oath to "faithfully and impartially discharge and perform all the duties incumbent upon me . . . under the Constitution and laws of the United States, so help me God."

As you can tell, I am concerned about this trend. I am concerned that this trend may reflect a growing distrust amongst legal elites—not only a distrust of our constitutional democracy, but a distrust of the American people and America itself.

As every high school civics student knows, the job of a judge is pretty straightforward. Judges are supposed to follow the law, not rewrite it. Judges are supposed to enforce and apply political decisions that are made in Congress and that are signed into law by the President of the United States. Judges are not supposed to make those decisions or substitute their own judgments or those political judgments hashed out in the legislative process in this body and this Capitol. The job of a judge is to read and obey the words contained in our laws and in our judicial precedents—not the laws and precedents of foreign governments, which have no authority over our Nation or the American people.

I am concerned that some judges who simply don't like our laws—and they don't like the decisions made by Americans through their elected representatives here about what those laws should be—are using this as another way to justify their decision to overreach. So it appears they would rather rewrite the law from the bench. What is especially disconcerting is that some judges today may be departing so far from American law, from American principles, and from American traditions that the only way they can justify their rulings is to cite the law of foreign countries, foreign governments, and foreign cultures, because there is nothing left for them to cite for support in this country.

Citing foreign law in order to overrule U.S. policy offends our democracy because foreign lawmaking is obviously in no way accountable to the American people. Here again—and I started out by saying I am not condemning all Federal judges; I have great respect for the Federal judiciary—I am not condemning international law. Obviously, there is a way by which international law can apply to the United States, and that is through the treaty process, which is, of course, subject to ratification by the U.S. Congress.

There is an important role for international law in our system, but it is a role that belongs to the American people through the political branches—the Congress and the President—to decide what that role should be and indeed what that law should be; it is not a role given to our courts. Article I of the U.S. Constitution gives the Congress, not the courts, the authority to enact laws punishing "Offenses against the Law of Nations," and article II of the Constitution gives the President the power to ratify treaties, subject to the advice and consent and the approval of two-thirds of the Senate. Yet our courts appear to be, in some instances, overruling U.S. law by citing foreign law decisions in which the U.S. Congress had no role and citing treaties that the President and the U.S. Senate have refused to approve.

To those who might say there is nothing wrong with simply trying to bring U.S. laws into consistency with other nations, I say this: This is not a good faith attempt to bring U.S. law into global harmony. I fear that, in some instances, it is simply an effort to further a political or ideological agenda, because the record suggests that this sudden interest in foreign law is more ideological than legal; it seems selective, not principled.

U.S. courts are following foreign law, it seems, inconsistently—only when needed to achieve a particular outcome that a judge or justice happens to desire but that is flatly inconsistent with U.S. law and precedent. Many countries, for example, have no exclusionary rule to suppress evidence that is otherwise useful and necessary in a criminal case. Yet our courts have not abandoned the exclusionary rule in the United States, relying upon the greater wisdom and insight of foreign courts and foreign nations. I might add that very few countries provide abortion on demand. Yet our courts have not abandoned our Nation's constitutional jurisprudence on that subject. Four Justices of the Supreme Court believe that school choice programs that benefit poor urban communities are unconstitutional if parochial schools are eligible, even though other countries directly fund religious schools.

Even more disconcerting than the distrust of our constitutional democracy is the distrust of America itself. I would hope that no American—and certainly no judge—would ever believe that the citizens of foreign countries are always right and that America is always wrong. Yet I worry that some judges become more and more interested in impressing their peers in foreign judiciaries and foreign governments and less interested in simply following the U.S. Constitution and American laws. At least one U.S. Supreme Court Justice mentioned publicly—and Justice Ginsburg's comments were reported on April 2 in the New York Times. A Justice has stated that following foreign rulings rather than U.S. rulings "may create that all important good impression." and therefore, "over time, we will rely increasingly . . . on international and foreign courts in examining domestic issues."

Well, let me conclude by saying I find disturbing this attitude and these expressions of support for foreign laws and treaties that we have not ratified, particularly when they are used to interpret what the U.S. Constitution means. The brave men and women of our Armed Forces are putting their lives on the line in order to champion freedom and democracy, not just for the American people but for people all around the world. America today is the world's leading champion of freedom and democracy. I raise this issue, and I have filed a resolution for the consideration of my colleagues on this issue. I speak about it today at some length because I believe this is an important matter for the American people to know about and to have a chance to speak out on.

I believe the American people—certainly the people in Texas—do not want their courts to make political decisions. They want their courts to follow and apply the law as written. I believe the American people do not want their courts to follow the precedents of foreign courts. They want their courts to follow U.S. laws and U.S. precedents. The American people do not want their laws controlled by foreign governments. They want their laws controlled by the American Government, which serves the American people. The American people do not want to see American law and American policy outsourced to foreign governments and foreign courts.

So I have submitted a resolution to give this body the opportunity to state for the record that this trend in our courts is wrong and that American law should never be reversed or rejected simply because a foreign government or a foreign court may disagree with it. This resolution is nearly identical to one that has been introduced by my colleague in the House, Congressman TOM FEENEY. I applaud his leadership and efforts in this area, and I hope both the House and Senate will come together and follow the footsteps of our Founding Fathers, to once again defend our rights as Americans to dictate the policies of our Government—informed but never dictated by the preferences of any foreign government or tribunal.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

HONORING POPE JOHN PAUL II

Mr. COLEMAN. Mr. President, I appreciate the opportunity to pay my respects to a simple, humble man who achieved historic greatness—Pope John Paul II. The Archbishop of Minneapolis-St. Paul, Harry Flynn, had a quote the other day. I was home this weekend with my wife and was looking over remarks made about John Paul II. The Archbishop said this:

> He will be known, I firmly believe, as John Paul the Great in the long history of the church. This will be because of his profound writings and for his unceasing focus on the dignity of each and every human being and the paramount value of human life. To my mind, his election to the pontificate was made possible by the providence of God and demonstrates God's love for his church.

I agree with my friend Archbishop Flynn that John Paul II will be known in history as John Paul the Great.

The human family is plagued by many artificial divisions. Once in a great while, a figure emerges whose ideas and example resonate across all boundaries and brings us together. John Paul II was such a person.

As a Jew, I feel a deep sense of personal loss because the person I looked to for leadership and who I deeply and profoundly respected has passed on. I have the image of John Paul II at the western wall in Jerusalem, the Wailing Wall it has been called, the last remains of the outer part of the second temple, perhaps one of the holiest spots in the Jewish faith. I believe, if my recollection of Jewish tradition is correct, as you walk along the western wall, about 100 yards inward is the place where Abraham was going to sacrifice his son and the covenant with God was formed. I remember John Paul there praying, inserting his prayer—one of the things you do at the western wall is oftentimes you take a prayer and put it in one of the crevices of the wall as you say a prayer.

His feeling was so deep and rich. I can see him there praying in front of the western wall, I believe asking for forgiveness for the church for the history of antisemitism.

I have heard the essence of leadership described in this way: A leader maintains order in the midst of change and change in the midst of order. That was John Paul's outstanding gift. He held strongly to eternal values while he was a force for dynamic and even revolutionary change. He played a decisive role in the liberation of Eastern Europe and the fall of the Soviet Union. He has passed on within a few months of the other central figure in that historic change, Ronald Reagan. But Pope John Paul II did not wield military power. He was a man whose strength came from moral force and a conscience governed by peace.

Remarkably, he was able to lead with equal impact in the vigorous early days of his papacy and in the weakness of his latter years.

There has been so much that has been written and said about this Pope in the last few days that I believe has captured the essence of this great man. There is a piece I saw in Larry Kudlow's column. I would like to read from it:

> John Paul II reached across all religious lines, becoming the most evangelical pope in recent memory. He was tireless as he spread his message of traditional religious faith and values to anyone who would listen—believers, nonbelievers, Catholics, Protestants, Muslims, Jews. This will surely be one of his most enduring legacies. You do not have to be Catholic to be grateful for the service John Paul II rendered to all mankind.

He did a tremendous service by the way he reached out to Israel and Jews around the world. His visits to Holocaust sites healed generations of misunderstanding and underscored the world's conviction that events such as this must never be allowed to happen again.

His constancy showed us how to live. His forgiveness showed us how to deal with evil. His generosity showed us our obligation to the less fortunate. His faith showed us that we all live for purposes far beyond ourselves.

I was the mayor of St. Paul, MN, so I am happy to quote St. Paul's words to sum up the Holy Father's life:

> Love is patient, love is kind. It does not envy, it does not boast, it is not proud. It is not rude, it is not self-seeking, it is not easily angered, it keeps no record of wrongs. Love does not delight in evil but rejoices with the truth. It always protects, always trusts, always hopes, always perseveres. Love never fails.

John Paul II was an ambassador of love, and his love will continue to bless the world. I said to my wife the other day: How blessed we are to have lived in his time.

John Paul the Great is no longer physically with us, but he has touched all our souls in extraordinary ways. We thank God to have known him.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

HONORING POPE JOHN PAUL II

Mr. REID. Mr. President, a number of years ago, maybe 15 years ago, I had the opportunity to read a biography of Pope John Paul II. It was a big book given to me by a friend. I started reading it and I couldn't put it down. It read like a novel. He was a tremendously interesting, fascinating, wonderful human being I came to appreciate. I did not know much about the Pope, but after reading that book I tried to read everything I could about him.

The only personal situation I ever had involving the Pope was shortly after I read that book I traveled to Central America with a congressional delegation. This was during the time of the Iran contra conflict. One of the people we met was the Interior Minister of Nicaragua, a Communist. I met him. He was a pleasant man. He was a Catholic priest.

He talked about the fact he had been to Nevada. He was a relief priest. He would relieve priests in rural Nevada for their vacations. He talked about Battle Mountain where he had administered the last rites to a sheep herder. He was a very pleasant man. I learned later, however, about a story when the Pope had been through Nicaragua earlier. There was a long line of priests, as is traditional in the Catholic faith, that kiss the ring of the father, the Pope. When this man came by, the

Pope withdrew his ring. He knew what this man had done in Nicaragua. He was a Communist, and he did not like what he had done, and he didn't kiss his ring; the Pope pulled it back.

Pope John was a man of conviction and very strong feelings. One of the strongest convictions he had was about communism. He knew what it had done to his country of birth.

He is exemplary of why the former Soviet Union could beat down religion in every country it oppressed except Poland. It couldn't do it. And Pope John was an example of how the Poles reacted to communism. They tried to shut the schools. The Catholic schools flourished during all the time of communism. They could not shut them down.

This weekend, the Catholic Church lost its spiritual leader and a spiritual leader of the world. Just because you are not of that faith does not take away from the spiritual power of this man. I acknowledge his spiritual power. In the book I read, I learned it was not unusual for Pope John Paul II to pray for 4 or 5 hours at a time. He was a man of great spirituality. Without any reservation, the world lost its spiritual leader and incredible role model. He displayed amazing strength, courage, and compassion throughout his life, his life of service to his fellow man.

As we know, he was born in Poland near Krakow. During his 84 years, he had enormous impact on the people and politics of his time. His lifetime and acts are full of lessons for all of us. But as so often is the case with life, you may not have guessed this from his early years. He was also a gifted athlete and extremely smart. He spoke fluently seven languages. His favorite sport was soccer. He, in his adult life, was an actor. He enjoyed acting. He wrote poetry. At the university he studied literature and philosophy and still found time to take part in the theater they had, becoming what many have called a gifted actor. That is what they called him at the time. For a while, his ambition was to be a professional actor.

Pope John did not become part of the priesthood as a teenager. He was in his midtwenties before he became a priest. In the early 1940s, his life led him to the priesthood and his ultimate calling. He was elected not long thereafter to be head of the Catholic Church in 1978. For 27 years he has changed lives and touched the world in countless ways. Some say he was too conservative. Some say he was not progressive enough. But he made his mark wherever he went.

I will remember the Pope for the strength he showed throughout his life. It all started in reading the book about this great man. In the face of communism, he stood with the people of Eastern Europe and empowered them in their pursuit of freedom. In the face of hunger and despair, he challenged powerful nations, including our own to do more to reach out and lift up our struggling neighbors. In the rush to war, he sought peace always. At the end of his days when sickness had taken his physical strength, he still showed grace and courage in tending to his flock.

The last pictures we see of the Pope in some of our minds' eye, having gone through surgery, he was still standing in front of the throng that came to see him, and still doing his very best to speak. He couldn't speak. How frustrating that must have been.

There are many lessons we can draw from the life of Pope John Paul II. He traveled the globe more than any Pope in history. He was a skier in addition to being the Pope. He skied while he was the Pope.

He did not have to travel the world, but he did, realizing that he brought the spotlight of media and attention to the cause of many who otherwise would have been ignored.

He was shot by a would-be assassin. As soon as he was physically able, he went to the prison cell of the man who shot him and forgave him in the prison cell in a one-on-one meeting with his would-be assassin.

We now know as a result of that assassin's attempt they developed a new vehicle for him. In this age of terror, the Popemobile is something we all understand. He waved to people from this little bulletproof vehicle which he rode around in like a golf cart. It was not a limousine. It was the Popemobile.

He also reached out to leaders. He did not always agree with these leaders he reached out to, recognizing that problems are better solved by working together. In our own country, he reached out to former Presidents Carter, Reagan, Bush, and Clinton, and worked closely with our current President. He did not alienate or reject leaders who disagreed with him. He sought common ground in championing the causes of his fellow man.

But ultimately, I believe the life of Pope John Paul II is a reminder that one man or one woman can make a difference. It does not matter where we are born. It does not matter what we aspire to early in life. It can change for the better. It does not matter what paths we have wandered. We all have the ability to rise up and help our fellow man in immeasurable ways. There is no better example of that than Pope John Paul II.

As the world mourns the loss of the Pope, may we keep that lesson in mind, and find inspiration in his life and the work he has accomplished.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

MASTER SERGEANT MICHAEL HIESTER

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Bluffton. Master Sergeant Michael Hiester, 33 years old, was one of four Indiana National Guardsmen who died on March 26 when a land mine exploded under their military vehicle south of Kabul. With his life before him, Michael risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

A devoted father of two young children, Michael served as a part-time firefighter in his hometown of Bluffton, in addition to being a member of the Indiana National Guard. Like most things Michael set his mind to, he was successful in his military career. A full-time Guardsman since 1990, Michael was promoted to master sergeant 3 months ago. He had previously served his country in Bosnia-Herzegovina as part of the Indiana Guard's peacekeeping assignment. According to friends and family, Michael was also a real estate appraiser and an avid athlete who loved diving and cycling. Mayor Ted Ellis shared memories of Michael with the Associated Press, saying, that he "was just the kind of guy that every parent wants their child to be like—outgoing and hardworking and always thinking about something that they could do out there for the community." I stand here today to express gratitude for Michael's sacrifices and for those made by the entire Hiester family on behalf of our country.

Michael was killed while serving his country in Operation Enduring Freedom. He was a member of the Indiana National Guard's 76th Infantry Brigade. This brave young soldier leaves behind his wife Dawn, a 6-year-old daughter, Emily, and a 4-year-old son, Adam.

Today, I join Michael's family, his friends and the entire Bluffton community in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Michael, a memory that will burn brightly during these continuing days of conflict and grief.

Michael was known for his dedication to family and his love of country. Today and always, Michael will be remembered by family members, friends and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Michael's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Michael's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Michael Hiester in the Congressional Record of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Michael's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Michael.

ARMY SPECIALIST BRETT M. HERSHEY

Mr. President, I also wish to honor the life of a brave young man who grew up in Indianapolis. Army SPC Brett M. Hershey, 23 years old, was one of four Indiana National Guardsmen who died on March 26th when a land mine exploded under their military vehicle south of Kabul. With his entire life before him, Brett risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

A 2000 graduate of North Central High School in Indianapolis, Brett was just seven credits shy of graduating from Indiana University in Bloomington, when he left for Afghanistan. Friends and teachers recount that at North Central, Brett was a model student with an ever-present smile, who was involved in religious groups, varsity lacrosse and student government. Brett's older brother, Nate, recalled his brother's vibrant spirit when speaking to the Indianapolis Star saying, Brett "loved people very well, and he loved them because his first love was Jesus. He was funny, witty and passionate about just sucking the marrow out of life. He always wanted people to know they were loved."

Brett was killed while serving his country in Operation Enduring Freedom. He was a member of the Indiana National Guard's 76th Infantry Brigade. This brave young soldier leaves behind his mother Roxanne; his father Roger; his sister Abby; his brother Nathan; and his sister Nicole.

Today, I join Brett's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Brett, a memory that will burn brightly during these continuing days of conflict and grief.

Brett was known for his deep faith, his dedication to his family, and his love of country. Today and always, Brett will be remembered by family members, friends, and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Brett's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Brett's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Brett M. Hershey in the Congressional Record of the United States Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Brett's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Brett.

CAPTAIN MICHAEL T. FISCUS

Mr. President, I honor the life of a brave young man from Milford. Captain Michael "Todd" Fiscus, 36 years old, was one of four Indiana National Guardsmen who died on March 26 when a land mine exploded under their military vehicle south of Kabul. With his entire life before him, Todd risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

A devoted father of two daughters and a successful soldier, Todd joined the Indiana Air National Guard about 16 years ago before switching to the Army National Guard. In joining the Guard, Todd followed a family tradition of service, as his father, Captain Mike Fiscus, also serves in the Army Guard. Outside of his missions to Afghanistan and Bosnia-Herzegovina, Todd flew charter planes. His wife Paula shared memories of Todd with the Indianapolis Star, recounting that "he wanted to be out there making a difference." A neighbor told a local television station, "As a neighbor and friend—he was a wonderful, wonderful man—great father and a great husband." I stand here today to express gratitude for Todd's sacrifices and for those made by the entire Fiscus family on behalf of our country.

Todd was killed while serving his country in Operation Enduring Freedom. He was a member of the Indiana National Guard's 76th Infantry Brigade. This brave soldier leaves behind his wife Paula and his two young daughters: Alexandra, 5, and Gabrielle, 4.

Today, I join Todd's family, his friends and the entire Milford community in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Todd, a memory that will burn brightly during these continuing days of conflict and grief.

Todd was known for his dedication to family and his love of country. Today and always, Todd will be remembered by family members, friends and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Todd's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Todd's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Michael "Todd" Fiscus in the Congressional Record of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Todd's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Todd.

SPECIALIST NORMAN "KYLE" SNYDER

Mr. President, I also honor the life of a brave young man from Carlisle. Army SPC Norman "Kyle" Snyder, 21 years old, was one of four Indiana National Guardsmen who died on March 26 when a land mine exploded under their military vehicle south of Kabul. With his entire life before him, Kyle risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

After graduating from Sullivan High School, Kyle joined the National Guard, a dream he had long held. A country music fan with many friends, Kyle had hoped to attend college in the coming fall. By joining the National Guard, Kyle became a part of a long-standing family tradition of service, as most of his male relatives also served in the military. His mother, Donna Shots, recalled her son's service to his country, saying "I am honored to know that my son served in the military, died honorably and I can hold my head up knowing he was proud and so am I to be an American." Today and always, Kyle will be remembered by family members, friends and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

Kyle was killed while serving his country in Operation Iraqi Freedom. He was a member of the Indiana National Guard's 76th Infantry Brigade. This brave young soldier leaves behind his mother Donna Shots; his father Jerry Snyder; his sister Shelli Snyder; his two half brothers, Derek Eugene Snyder and Craig Allen Snyder; and his grandparents, Azalia Barfield, Jane and Ron Moreland, Juanita Walters, and Norman and Susan Snyder.

Today, I join Kyle's family, his friends and the entire Carlisle community in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Kyle, a memory that will burn brightly during these continuing days of conflict and grief.

As I search for words to do justice in honoring Kyle's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Kyle's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Norman "Kyle" Snyder in the CONGRESSIONAL RECORD of the United States Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Kyle's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Kyle.

FIRST LIEUTENANT EDWARD D. IWAN

Mr. NELSON of Nebraska. Mr. President, I rise today to honor First Lieutenant Edward D. Iwan of Albion, NE.

First Lieutenant Iwan was a man who led by example and his leadership deserves the utmost honor. He was raised on a farm near Albion, NE and was a 1994 graduate of Albion High School where he was active in Future Farmers of America and Student Council. First Lieutenant Iwan valued his church, family, and country; and following high school he served 3 years in the United States Army. He then returned to Nebraska and earned a Bachelor of Science degree in Criminal Justice. During college he remained active in the Armed Forces including the ROTC, National Guard and Army Reserve. In December of 2001, First Lieutenant Iwan returned full-time to the Army.

During his last tour of duty to our country this soldier was promoted from Second to First Lieutenant, served in several locations, and was deployed to Iraq in January of 2004 with the 2nd Battalion, 2nd Infantry Regiment, 1st Infantry Division. First Lieutenant Edward D. Iwan was killed in action on Friday, November 12, 2004 during sustained combat in Fallujuh, Iraq. This brave soldier led by example to the very end, when even as his unit was under attack, he continued to guide his troops. He was killed when a rocket propelled grenade struck his Bradley Fighting Vehicle. His final heroic moments resulted in the posthumous awards of a Purple Heart and Bronze Star.

I offer my sincere thoughts and prayers to the family and friends of First Lieutenant Iwan. His service to our Nation will forever be appreciated. He was an outstanding American, Nebraskan, and soldier who embodied the bravery, spirit, grace and values of our grateful Nation.

MARINE LANCE CORPORAL SHANE E. KIELION

Mr. President, I rise today to also honor Marine LCpl Shane E. Kielion of La Vista, NE.

Lance Corporal Kielion, a young man with a bright future, heroically served our Nation. As a 1999 graduate of South High School he attended Peru State College and was employed before deciding to enter the United States Marine Corps in 2002. He wed his high school sweetheart, April, while being stationed in San Diego. Lance Corporal Kielion was assigned 3rd Battalion, 5th Marine Regiment, 1st Marine Division, 1 Marine Expeditionary Force, Marine Corps Base Camp in Pendleton, CA.

Lance Corporal Kielion died November 15, 2004, from injuries sustained from small arms fire as a result of enemy action. On that same day, Lance Corporal Kielion's son was born. Shane Jr. is a living remembrance of his father who was a brave and dedicated son, brother, friend, husband, and Marine.

I would like to extend my sympathy to all those who were blessed to know Lance Corporal Kielion and remind them that he will always be remembered as a brave and dedicated U.S. marine. Loyal and honorable are two appropriate descriptions of LCpl Shane Kielion who will forever remain in the hearts and minds of those he left behind including his wife and son.

SERGEANT NICHOLAS S. NOLTE

Mr. President, I rise today to honor Marine SGT Nicholas S. Nolte of Falls City, NE.

As a 1998 graduate of Falls City Sacred Heart, Nicholas S. Nolte demonstrated honor, dignity, and bravery in his decision to join the Marines after graduation. Sergeant Nolte was so dedicated to his service that he reenlisted after his original 4-year commitment and was assigned to the 2nd Low Altitude Air Defense Battalion, 2nd Marine Aircraft Wing, II Marine Expeditionary Force, Marine Corps Air Station, in Cherry Point, NC. He was also a member of the Presidential Helicopter Squadron HMX–1 where he honorably guarded and served President Clinton and President Bush.

On November 9, 2004 while serving in Iraq, Sergeant Nolte was injured as a result of enemy action when a roadside bomb hit his vehicle in Al Anbar Province, Iraq. He later died from his wounds on November 24th at the National Naval Medical Center in Bethesda, MD.

Sergeant Nolte left behind his wife Melina and daughter Alanna. He is survived by many family, friends, and countrymen who honor his bravery for serving our Nation and fighting for our freedom. I would like to express my heartfelt thoughts and prayers for Sergeant Nolte's family. Sergeant Nolte will be remembered as a Marine who fought and died for liberty and freedom for all Americans and Nebraskans.

STAFF SERGEANT DONALD D. GRIFFITH, JR.

Mr. GRASSLEY. Mr. President, I rise today to remember a fallen soldier, SSG Donald D. Griffith, Jr., a member of B Troop, 2nd Squadron, 14th Cavalry Regiment, 25th Infantry Division, Fort Lewis, WA. Staff Sergeant Griffith died on March 11, 2005, in Tal Afar, Iraq, when his dismounted patrol was attacked by enemy forces using small arms fire. My heart goes out to his parents and family, who reside in Mechanicsville, IA, and his wife in Lakewood, WA.

Today, this Nation remembers and honors a man who sacrificed his life to defend his fellow soldiers and his country. With the death of Donald Griffith, this Nation lost a hero.

We know that there is no greater gift than the laying down of one's life for another. Staff Sergeant Griffith has given us that gift and we are forever grateful for his sacrifice. I ask that my colleagues join me reflecting on the memory of Donald D. Griffith, Jr. as we extend our thoughts and prayers to his family and friends.

TRIBUTE TO SENATOR HOWELL HEFLIN

Mr. LEVIN. Mr. President, it is with deep sadness that I learned this past week of the passing of a dear friend and former colleague, Senator Howell Heflin.

My thoughts and prayers today and those of my wife, Barbara, are with his loving wife, Elizabeth Ann "Mike", and his family.

Everyone thought of Howell as "Judge" Heflin, even as he served in the Senate, because he forever looked and acted the part of the "country judge". He came to the Senate, as I did, in the class of 1978. Howell was then already a distinguished jurist, having served 6 years as chief justice of the Alabama Supreme Court. He went on to build a solid reputation and to play an important role in the life of the Senate over the next 18 years.

Howell Heflin, a man of not only intellect, but warmth and good-humor, tackled some of the more thankless tasks in the Senate, including the arcane issues involving bankruptcy and administrative practice, and serving as the chairman of the Senate Ethics Committee in particularly turbulent times. He could always be counted on to approach difficult issues with careful thoughtful analysis, and to apply his balanced judgement objectively. For this reason, and others, Howell Heflin was respected on both sides of the aisle. In fact, he frequently served as a bridge between Democrats and Republicans in a way sorely needed in today's Senate. He was a true moderate, moderate in politics and by temperament. His demeanor, his objectivity, as well as his expertise, diligence and attention to the facts, have been missed and are among the very elements most needed now in this Chamber if we are to hope to remain the world's most deliberative body.

Senator Heflin served the people of Alabama, proudly. He served our nation with genuine dignity. And, today, as I look back on the life and career of Howell Heflin, I reflect on how proud I am of having had the opportunity to serve with this very special man, and to call him my friend.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

Last month, a 19-year-old gay man from New York was brutally murdered. The victim's dismembered limbs were found throughout Brooklyn, including inside a subway tunnel.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

TERRORIST APPREHENSION RECORD BETENTION ACT

Mr. LEVIN. Mr. President, I am pleased to join Senator LAUTENBERG in introducing the Terrorist Apprehension Record Retention Act. I cosponsored the Terrorist Apprehension Record Retention Act because I believe it is commonsense legislation which will strengthen our homeland security.

According to the Brady Handgun Violence Prevention Act, anyone seeking to purchase or obtain a permit to possess, acquire, or carry firearms must undergo a background check through the National Instant Criminal Background Check System, or NICS. This process requires the applicant to provide a variety of personal information including name, date of birth, current residence, and country of citizenship which is then compared with data in the NICS system to determine whether the person is prohibited by law from receiving or possessing firearms. Disqualifying criteria include felony convictions and fugitive or illegal alien status. If no disqualifying information is found within 3 business days, the transaction is allowed to continue.

As part of the background check, applicants are also checked against known terrorist watch lists. However, under current law, membership in a known terrorist organization does not automatically disqualify an applicant from receiving or possessing a firearm. In cases where a positive match is made, Federal authorities search for other disqualifying information. If no disqualifying information can be found within 3 business days, the transaction is permitted to continue. In addition, all records pertaining to a positive match of an applicant to a terrorist watch list must, under current law, be destroyed within 24 hours if no disqualifying information is found.

A report released by the General Accountability Office on March 8, 2005, found that from February 3, 2004, through June 30, 2004, a total of 44 firearm purchase attempts were made by individuals designated as known or suspected terrorists by the Federal Government. In 35 cases, the transactions were authorized to proceed because Federal authorities were unable to find any disqualifying information.

Federal Bureau of Investigation counterterrorism officials stated "receiving all available personal identifying information and other details from terrorism-related NICS transactions could be useful in conducting investigations." Currently, counterterrorism officials do not have access to the majority of these records because they are destroyed within 24 hours of the transaction in the absence of disqualifying information.

The Terrorist Apprehension Record Retention Act addresses this issue by requiring that in cases where an NICS background check turns up a valid match to a terrorist watch list, all records pertaining to the transaction be retained for 10 years. In addition, the bill requires that all NICS information be shared with appropriate Federal and State counterterrorism officials anytime an individual on a terrorist watch list attempts to buy a firearm. Learning about a suspected terrorist's purchase of a firearm could potentially be critical to counterterrorism investigators working to prevent a terrorist attack.

This bill takes a commonsense approach to assisting Federal authorities in monitoring and apprehending suspected terrorists without compromising the privacy rights of law-abiding citizens. I am hopeful that the Congress will take up and pass this legislation to give Federal and State counterterrorism officials the information they need to help keep our families and communities safe.

AFRO-COLOMBIANS AND THE LEADERSHIP OF THE CBC

Mr. OBAMA. Today I wish to commend Congressman BOBBY RUSH and other members of the Congressional Black Caucus for their work on behalf of Afro-Colombians. The consistent advocacy of the CBC on this human rights issue has been critical to increasing consciousness and activism in the U.S. and Colombia. Significant progress has made through this alliance, and I look forward to working with the CBC and other community groups on this issue.

Throughout Latin America, Afro-Latino communities remain marginalized—socially, economically and politically. In the case of Colombia, the violence and disruption of the country's 40-year civil conflict have disproportionately affected Afro-Colombians. Many are now refugees in their own country after being forced to leave their homes, and they face widespread racial discrimination as they try to rebuild their lives. Although Colombia's 1991 Constitution granted Afro-Colombians territorial rights to the land they historically held, these rights are now being increasingly violated, as this land is taken from them. With little or no economic and educational opportunities available, many Afro-Colombian youths have turned to coca cultivation or joined guerrilla forces.

With the rise of Afro-Colombian advocacy groups and NGOs in Colombia, I believe it is possible to foster meaningful partnerships and alliances for positive change in this region. In addition to the CBC, there are many members of the religious community—in my home State of Illinois and across our country—who are working on behalf of Afro-Colombians. I commend them on their dedication to this important cause. Together we can and will make a difference.

BUDGET ESTIMATE—S. 600

Mr. LUGAR. Mr. President, when the committee report (109–35) to accompany S. 600 was printed, the Congressional Budget Office's cost estimate was not yet available. I ask unanimous consent that it now be printed in the CONGRESSIONAL RECORD. Also, the same report contained a table with a clerical error. I ask unanimous consent that the corrected table be printed in today's RECORD as well.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Congressional Budget Office Cost Estimate for the Foreign Affairs Authorization Act, Fiscal Years 2006 and 2007

COST ESTIMATE

In accordance with rule XXVI, paragraph 11(a) of the Standing Rules of the Senate, the committee provides the following estimate of the cost of this legislation prepared by the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 18, 2005.

Hon. RICHARD G. LUGAR, *Chairman,*
Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN:

The Congressional Budget Office has prepared the enclosed cost estimate for S. 600, the Foreign Affairs Authorization Act, Fiscal Years 2006 and 2007.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Sunita D'Monte.

Sincerely,
DOUGLAS HOLTZ-EAKIN, *Director.*

Enclosure.

cc: Hon. Joseph R. Biden, Jr., *Ranking Minority Member*

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 600—FOREIGN AFFAIRS AUTHORIZATION ACT, FISCAL YEARS 2006 AND 2007

As reported by the Senate Committee on Foreign Relations on March 10, 2005

SUMMARY

S. 600 would authorize appropriations of almost $30 billion in 2006 and such sums as may be necessary in 2007 for the Department of State, international assistance programs, and related agencies. The bill also contains provisions that would raise the cost of discretionary programs for famine and reconstruction assistance, debt relief, public diplomacy, personnel, and other programs over the 2007–2010 period. CBO estimates that those provisions and the indefinite authorizations for 2007 would require appropriations of $34 billion over those four years. CBO estimates that implementing the bill would cost about $59 billion over the 2006–2010 period, assuming the appropriation of the necessary amounts.

CBO estimates that S. 600 would raise direct spending by $33 million in 2006 and by $87 million over the 2006–2015 period. S. 600 also would increase governmental receipts (*i.e.*, revenues) by an insignificant amount each year by creating new criminal penalties related to law enforcement and protective functions of State Department special agents and guards. Finally, the Joint Committee on Taxation estimates that the bill would lower revenues by less than $500,000 a year by exempting employees of the U.S. Mission to the United Nations in New York City from paying taxes on their housing allowance.

S. 600 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of S. 600 is shown in Table 1. The costs of this legislation fall within budget functions 150 (international affairs), 300 (natural resources and environment), 600 (income security), 750 (administration of justice), and 800 (general government).

TABLE 1.—BUDGETARY IMPACT OF S. 600, THE FOREIGN AFFAIRS AUTHORIZATION ACT, FISCAL YEARS 2006 AND 2007

(By fiscal year, in millions of dollars)

	2005	2006	2007	2008	2009	2010
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law for State Department, International Assistance Programs, and Related Agencies:						
Estimated Authorization Level [1] [2]	27,264	2,564	2,604	2,655	0	0
Estimated Outlays	26,805	14,288	7,906	5,492	3,389	1,416
Proposed Changes:						
Estimated Authorization Level [3]	0	29,872	30,748	1,035	1,133	1,226
Estimated Outlays	0	14,690	22,904	11,664	5,994	3,666
Spending Under S. 2144 for State Department, International Assistance Programs, and Related Agencies:						
Estimated Authorization Level [2] [3]	27,264	32,436	33,352	3,690	1,133	1,226
Estimated Outlays	26,805	28,978	30,810	17,156	9,383	5,082
CHANGES IN DIRECT SPENDING AND REVENUES [4]						
Estimated Budget Authority	0	81	21	21	21	21
Estimated Outlays	0	33	14	11	11	11

[1] The 2005 level is the amount appropriated for that year.

[2] The estimated authorization levels over the 2006–2008 period are for international HIV/AIDS programs authorized by Public Law 108–25, the U.S. Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 for the Global HIV/AIDS Initiative and Child Survival and Disease and other programs. That act authorized the appropriation of $15 billion for the 2004–2008 period for HIV/AIDS programs, including programs administered by the Department of Health and Human Services.

[3] These amounts do not include costs for section 213 of the bill because CBO cannot estimate the timing or amounts that may be necessary to implement those provisions.

[4] In addition to the effects shown for direct spending, CBO estimates that provisions that would increase or decrease revenues would have a net effect of less than $500,000 each year over the 2006–2015 period.

BASIS OF ESTIMATE

The bill would authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007. It would be the first comprehensive foreign assistance authorization act since the mid-1980s—authorizing funding for most existing assistance programs and also several new ones. The bill also would raise direct spending by $33 million in 2006 and by $87 million over the 2006–2015 period. Finally, S. 600 would affect governmental receipts (revenues), but CBO estimates that the net effect would be less than $500,000 a year.

Spending Subject to Appropriation

S. 600 would authorize appropriations at the specified level of $29.8 billion in 2006 and for such sums as may be necessary for 2007 for the State Department, international assistance programs, and related agencies. Of the 2006 amount, nearly $0.6 billion would be for HIV/AIDS programs that are currently authorized in existing law. The bill would authorize new programs that would affect costs for stabilization and reconstruction activities and assistance, safe water, debt relief, public diplomacy, personnel, and other programs. CBO estimates that implementing those provisions would require additional appropriations of $0.7 billion in 2006 and $4.4

billion over the 2007–2010 period. For this estimate, CBO assumes that the authorized amounts will be appropriated near the start of each fiscal year and that outlays will follow historical spending patterns for the existing and similar programs.

Specified Authorizations. The authorizations of appropriations in this bill cover the operating expenses and programs of the Department of State, the U.S. Agency for International Development, the Broadcasting Board of Governors (BBG), the Peace Corps, and the Millennium Challenge Corporation. The authorization levels for 2006 are equal to the President's request for international affairs spending.

As shown in Table 2, S. 600 would authorize the appropriation of $10.3 billion for international development and humanitarian assistance programs—not counting HIV/AIDS programs, $8.3 billion for international security assistance programs, $9.2 billion for the State Department for programs related to the administration of foreign affairs, international organizations, and other associated programs, $1.2 billion for international broadcasting and exchange activities, and $0.1 billion for international commissions. Except where otherwise discussed, CBO estimated authorizations for 2007 at the amount specified in 2006 adjusted for inflation.

TABLE 2.—ESTIMATED AUTHORIZATIONS IN S. 600, THE FOREIGN AFFAIRS AUTHORIZATION ACT, FISCAL YEARS 2006 AND 2007

	By fiscal year, in millions of dollars—				
	2006	2007	2008	2009	2010
Estimated Authorizations for Existing Programs [1]					
International Development and Humanitarian Assistance:					
Estimated Authorization Level[2]	10,344	10,518	0	0	0
Estimated Outlays	2,930	6,780	5,673	2,750	1,257
International Security Assistance:					
Estimated Authorization Level	8,348	8,491	0	0	0
Estimated Outlays	4,890	6,742	2,606	1,251	657
Conduct of Foreign Affairs:					
Estimated Authorization Level	9,237	9,436	0	0	0
Estimated Outlays	5,904	7,820	2,356	1,051	737
Foreign Information and Exchange Activities:					
Estimated Authorization Level	1,185	1,209	0	0	0
Estimated Outlays	810	1,129	357	67	23
Other Programs:					
Estimated Authorization Level	72	73	0	0	0
Estimated Outlays	59	67	12	6	1
Total Authorizations for Existing Programs:					
Estimated Authorization Level	29,186	29,727	0	0	0
Estimated Outlays	14,593	22,538	11,004	5,125	2,675
Estimated Authorizations for New or Expanded Programs					
Reconstruction & Stabilization Civilian Management Act of 2005:					
Estimated Authorization Level	124	127	128	131	134
Estimated Outlays	57	111	124	128	131
Famine and Reconstruction Assistance:					
Estimated Authorization Level	500	508	517	527	536
Estimated Outlays	25	180	328	409	466
Sale Water:					
Estimated Authorization Level	50	135	305	390	470
Estimated Outlays	4	31	91	195	292
Debt Relief for the Poorest:					
Estimated Authorization Level	0	155	75	75	75
Estimated Outlays	0	15	84	92	83
Office Building for American Institute in Taiwan:					
Estimated Authorization Level	0	78	0	0	0
Estimated Outlays	0	12	23	35	8
Personnel Benefits and Other Programs:					
Estimated Authorization Level	4	10	10	10	11
Estimated Outlays	3	9	10	10	11
Indefinite Authorizations for Currency Fluctuations:					
Estimated Authorization Level	8	8	0	0	0
Estimated Outlays	8	8	0	0	0
Total Estimated Authorizations:					
Estimated Authorization Level	686	1,021	1,035	1,133	1,226
Estimated Outlays	97	366	660	869	991
Total Authorizations:					
Estimated Authorization Level	29,872	30,748	1,035	1,133	1,226
Estimated Outlays	14,690	22,904	11,664	5,994	3,666

[1] The estimated authorization for 2007 is the 2006 authorization level adjusted for inflation.

[2] The estimated authorization for 2006 does not include $1,970 million for the Global HIV/AIDS Initiative and $594 million for HIV/AIDS programs in Child Survival and Disease and other programs that are authorized by Public Law 108–25, the U.S. Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003.

Reconstruction and Stabilization Civilian Management Act of 2005

Title VII of the bill would authorize the President to provide assistance to stabilize and rebuild a country or region that is in, or emerging from, conflict or civil strife. The bill would authorize assistance to respond to international crises through a new emergency fund and it would establish an Office of Reconstruction and Stabilization within the Department of State to provide civilian management of stabilization and reconstruction efforts. The bill would authorize the appropriation of $24 million in 2006 and such sums as may be necessary in 2007 for personnel, education and training, equipment, and travel costs. It would authorize an initial appropriation of $100 million for the emergency fund plus a permanent, indefinite authorization of such sums as may be necessary to replenish funds expended. In addition, it would authorize the President to waive the percentage and aggregate dollar limitations in current law regarding various authorities to draw down or to transfer resources to respond to such crises.

Office of Reconstruction and Stabilization. Section 706 would authorize a new office within the Department of State with responsibility to monitor and assess international crises, to prepare contingency plans for various types of crises, to identify and train personnel with necessary skills for stabilization and reconstruction operations, and to coordinate the U.S. efforts should the President decide to respond to any crisis. The Office of Reconstruction and Stabilization was created in August 2004.

The bill also would authorize the establishment of a response readiness corps with up to 250 members to staff the office and for deployment on short notice, plus a readiness reserve from current federal employees and up to 500 nonfederal personnel to support operations if needed. The costs of activating the corps would be paid from the emergency fund. Based on information from the State Department, CBO estimates that annual costs associated with the office and the response readiness corps would be $24 million, adjusted annually for inflation.

Emergency Fund. Section 705 would authorize $100 million for an emergency stabilization and reconstruction fund. Considering the number of regions in the world in conflict or recovering from conflict and that appropriations for the reconstruction of Iraq and Afghanistan have totaled nearly $24 billion over the 2003–2005 period, reconstruction could require much larger funding levels than the amount authorized. CBO estimates that the emergency fund would be used for an initial response to an international crisis and not for major reconstruction efforts which are discussed below. For this estimate, CBO assumes that the fund would be replenished—through discretionary appropriations—on an annual basis at the $100 million level, adjusted for inflation, and that it would be used for a mix of activities with an aggregate spending pattern similar to the Economic Support Fund.

Famine and Reconstruction Assistance

Section 2205 would expand the purposes for which appropriations for international disaster assistance may be provided to include programs of famine relief and reconstruction following manmade or natural disasters abroad. The bill would authorize the appropriation of $656 million in 2006 for international disaster and famine assistance, but not reconstruction. Reconstruction following manmade or natural disasters can be very expensive and has often been funded by supplemental appropriations.

This year the President is requesting supplemental appropriations of $0.7 billion for tsunami relief and reconstruction and nearly $2.0 billion for Afghanistan. Those amounts are in addition to $100 million enacted for Central America and the Caribbean to recover after disastrous hurricanes last fall. While it is impossible to estimate future funding levels on an annual basis, CBO estimates that meeting the expanded purposes could require appropriations of several hundred million dollars to one billion dollars above the level specified by the bill for countries emerging from natural disasters, conflict, or civil strife. For this estimate, based on historical funding for similar activities, CBO assumes the costs for implementing this section would total about $500 million each year over the 2006–2010 period, assuming the appropriation of the necessary funds. Spending of such funding would likely occur over a period of years so that annual outlays would start well below that level, and grow gradually.

Safe Water

Title XXVI would authorize the President to furnish assistance to improve the safety of water supplies in developing countries, to expand access to safe water and sanitation, and to promote sound water management. In addition to grant assistance to local governments and nongovernmental organizations, it would authorize the President to create a pilot program with the authority to issue investment insurance, investment guarantees, and loan guarantees; to provide direct investment or investment encouragement; and to carry out special projects and programs for eligible investors to assist in the development of safe drinking water and sanitation infrastructure. It would authorize the appropriation of such sums as may be necessary over the 2006–2011 period to carry out the title.

The bill would, to the extent provided for in advance in appropriation acts, authorize the President to create such legal mechanisms as may be necessary for implementing the authorities under the pilot program and to deem such legal mechanisms to be nonfederal borrowers for purposes of the Federal Credit Reform Act. It would, notwithstanding any other provision of law, authorize the President to provide assistance under the pilot program in the form of partial loan guarantees of up to 75 percent of the total amount of the loan.

It is unclear whether the pilot program would be entirely new or would be an augmentation of the existing credit programs of the U.S. Agency for International Development and Overseas Private Investment Corporation. It is also unclear whether this new program would create federal or nonfederal entities (legal mechanisms) or whether credit reform treatment would apply. However, it is clear that the bill would intend that resources devoted to providing safe water be increased. For the purpose of the estimate, CBO assumes the bill would double the assistance for safe water provided to Sub-Saharan Africa in 2004, or an increase in 2006 of $50 million over the amounts otherwise authorized in the bill, and that amount would increase over the next five years to $470 million, or the amount spent in 2004 for water programs including those in Iraq. Because the cost recovery of water investments projects would be in local currencies, CBO assumes that investments relying on hard-currency credits would remain unattractive and would be little used.

Debt Relief for the Poorest

Section 2114 would authorize the appropriation of $100 million in 2006 for the cost, as defined by the Federal Credit Reform Act, of restructuring bilateral debts, for debt relief under the Tropical Forest Conservation Initiative, and for a contribution to the Heavily Indebted Poor Countries Trust Fund administered by the World Bank. In addition, section 2221 would authorize the President to reduce the U.S. bilateral debt of low-income countries as part of multilateral debt-relief agreements, commonly referred to as the Paris Club, limited to such extent or in such amounts as may be provided in advance in an appropriation act. That authorization is the same as the authorization contained in general provisions of annual appropriation acts for nearly a decade.

The U.S. government has forgiven the bilateral debt that it once held for most of the world's poorest countries; however, it still holds the debt of some of the world's poorest countries such as the Democratic Republic of the Congo, Afghanistan, Sudan, Somalia, and Liberia. Congo has been offered multilateral debt relief by the Paris Club. At some point after 2006, the other poor countries may meet the minimum requirements for multilateral debt relief as stipulated by the bill. We cannot project the exact timing of such action, but given the experience of other countries emerging from internal conflict, we estimate that it would take at least two to three years after a reconstituted civilian government is established in those countries before any multilateral debt agreement would be negotiated. While the bill does not specifically authorize the appropriation of any funds, CBO estimates that the present value of all debt of low-income countries held by the U.S. government to be between $550 million and $600 million. CBO estimates that forgiving bilateral loans to Congo would cost about $235 million in 2007, an increase of $155 million over the amount authorized for 2006. CBO estimates that forgiving the bilateral loans to other poor countries would cost about $75 million a year over the 2008–2010 period, assuming appropriation of the necessary amounts.

Office Building for American Institute in Taiwan (AIT)

Section 211 would amend current law to authorize such sums as may be necessary for the construction of a new office building for the AIT in Taipei, Taiwan. Public Law 106–212 authorized the appropriation of $75 million for the facility without fiscal year limitation. According to the Department of State, the projected cost of the building is now $153 million, and roughly $20 million has been spent on site acquisition and design. CBO estimates a net increase in authorization of $78 million and assumes that construction would begin in 2007 and end in 2010.

Personnel Benefits

S. 600 contains several provisions that would provide benefits to State Department personnel that would increase costs by up to $10 million each year, assuming the appropriation of the necessary funds.

Hardship and Danger Pay Allowances. Section 303 would increase the cap on hardship allowances and danger pay allowances from 25 percent to 35 percent of basic pay for employees serving overseas. Based on information from the Department of State, CBO estimates implementing this section would cost about $6 million a year, assuming the appropriation of the necessary funds.

Educational Expenses of Dependent Children. Section 301 would authorize payments for certain educational expenses of dependent children of Foreign Service employees posted overseas. Section 506 would allow the BBG to pay for the educational expenses of certain dependents of employees in the Commonwealth of the Northern Mariana Islands. Based on information from the Department of State and the BBG, CBO estimates implementing these provisions would cost about $3 million annually.

Housing for Employees. Section 318 would allow the department to provide housing to 10 more employees of the U.S. Mission to the United Nations in New York City. Based on information from the State Department, CBO estimates the additional housing would cost between $500,000 and $1 million a year, assuming the availability of appropriated funds.

Indefinite Authorizations for Currency Fluctuations

Section 102(c) would authorize the appropriation of such sums as may be necessary in 2006 and 2007 to compensate for adverse fluctuations in exchange rates that might affect contributions to international organizations. Any funds appropriated for this purpose would be obligated and expended subject to certification by the Office of Management and Budget. CBO estimates that the dollar will decline rougly 2 percent in 2006 and that the Department of State would require an additional $8 million that year to fully pay assessed contributions to international organizations. Currency fluctuations over the longer term are extremely difficult to project, and they could result in spending either higher or lower than the amounts specifically authorized in the bill for contributions to international organizations and programs. Therefore, this estimate assumes no additional currency fluctuations in 2007.

Miscellaneous Provisions

S. 600 would authorize several new or expanded programs. In general, the bill would fund these programs through earmarks of funds otherwise authorized or the provisions would have an insignificant impact on spending subject to appropriation, CBO estimates.

Section 213 would create a Victims of Crime Office within the Department of State and authorize the department to provide services and financial assistance from its emergency fund to U.S. nationals who become crime victims overseas. CBO cannot estimate the budgetary impact of this provision given the uncertainties associated with estimating how many individuals may be victimized and whether victims of terrorist acts would also be covered under this provision.

Title XXIII would authorize assistance to reduce the threat to diplomatic missions abroad from an attack using radioactive materials. In particular, it would authorize assistance to foreign countries to develop appropriate response plans and to train foreign personnel who would be the first to respond to such an attack. The bill would earmark $2 million from the amount authorized elsewhere in the bill for Nonproliferation, Anti-Terrorism, Demining and Related (NADR) programs to fund these activities.

Title XXIV would authorize a program of global pathogen surveillance to assist in the monitoring and response to bioterrorism and outbreaks of infectious disease. The bill would earmark $35 million from the amount authorized for NADR to fund these activities.

Title XXVIII would authorize a program for safeguarding and eliminating man-portable air-defense systems and other conventional arms. It would earmark $20 million from amounts otherwise authorized in the bill.

Section 2224 would authorize the Secretary to designate a nonprofit organization as the Middle East Foundation and to fund the organization through grants. While the provision is silent on the level of funding, the President is requesting $25 million for the foundation.

Section 2211 would authorize appropriations for educating children in Afghanistan about the dangers of land mines.

The bill includes numerous provisions that would expand or introduce new reporting requirements and other provisions that would eliminate or consolidate existing reporting requirements.

Direct Spending and Revenues

CBO estimates that S. 600 would raise direct spending by $33 million in 2006 and by $87 million over the 2006–2015 period (see Table 3). The bill also contains provisions that would increase and decrease governmental receipts (revenues), but CBO estimates that the net effect of these provisions would be less than $500,000 a year.

TABLE 3.—ESTIMATED DIRECT SPENDING AND REVENUES IN THE FOREIGN AFFAIRS AUTHORIZATION ACT, FISCAL YEARS 2006 AND 2007

[By fiscal year, in millions of dollars]

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Changes in Outlays	0	33	14	11	11	11	3	1	1	1	1
Changes in Revenues	0	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)

Note: (*) = less than $500,000.

Buying Power Maintenance Account

The State Department may maintain an approved level of program activity in the face of currency fluctuations through a Buying Power Maintenance Account. Under current law, the Secretary of State may transfer any current funds in excess of needs that result from an increase in the purchasing power of the dollar from accounts under "Administration of Foreign Affairs" to the Buying Power Maintenance Account. The funds in the account are available for transfer back to those accounts only to offset future adverse fluctuations in exchange rates or overseas wage or price levels. The Secretary may also transfer unavailable balances into the Buying Power Maintenance Account, but only to the extent and in such amounts as specifically provided in advance in appropriation acts. No appropriation act has ever provided that authority. Section 207 of the bill would strike the requirement for appropriation action, thus allowing the Secretary to transfer lapsed funds into the Buying Power Maintenance Account and making them available to offset future adverse currency fluctuations.

According to the Treasury Combined Statement on Receipts, Outlays, and Balances, 2004, the Department of State had $80 million in unobligated, unavailable balances in various accounts in the Administration of Foreign Affairs bureau at the start of 2005. Under the bill, such balances could be transferred into the Buying Power Maintenance account upon enactment and made available to meet adverse exchange rate fluctuations. In addition, CBO estimates approximately 0.5 percent of obligated balances, or about $20 million, would be deobligated each year and reappropriated under the bill. Because we estimate the dollar will decline in value over the next year, we estimate that about half of the funds would be transferred out of the Buying Power Maintenance Account and spent. In total, we estimate direct spending of about $80 million over the 2006–2015 period.

Medical Reimbursements

Section 206 would provide the State Department greater flexibility in retaining reimbursements for funding medical care provided to employees and eligible family members overseas. Based on information from the department, CBO estimates that it would collect and spend between $500,000 and $1 million a year.

Other Provisions

CBO estimates that several provisions in the bill would affect direct spending and revenues by less than $500,000 annually.

Section 318 would exempt, for federal income tax purposes, housing allowances paid to employees of the U.S. Mission to the United Nations in New York City. The Joint Committee on Taxation estimates that the provision would reduce tax receipts by less than $500,000 each year, assuming it would be effective for allowances paid on or after October 1, 2005.

Sections 201 and 203 would raise governmental receipts (revenues) by establishing new criminal penalties that would be assessed against persons interfering with the law enforcement and protective functions of State Department special agents and guards. CBO estimates that the increase in revenues would not be significant in any year. Collections of criminal fines are deposited in the Crime Victims Fund and are later spent. CBO estimates that the criminal penalties that would be established under the bill would increase direct spending from the Crime Victims Fund by less than $500,000 per year.

Section 205 would allow the State Department's International Litigation Fund to retain awards of costs and attorneys' fees as a result of a decision by an international tribunal. Based on information from the department, CBO estimates that the Department of State would collect and spend less than $500,000 a year.

Section 214 would authorize the Secretary to provide museum visitor and educational outreach services and to sell, trade, or transfer documents and articles that are displayed at the United States Diplomacy Center. Any proceeds generated from these services or sales would be retained and spent by the center, and CBO estimates that this provision would have an insignificant net effect on direct spending.

Several sections in title III of the bill would amend retirement benefits for State Department personnel by slightly broadening the authority of the department to temporarily rehire Foreign Service retirees without terminating their pension benefits; changing personnel review and termination procedures for each Foreign Service class; establishing a 60-day deadline for the Office of Personnel Management to issue regulations in accordance with a previously enacted change in pension benefits for certain spouses of Foreign Service workers; and allowing employees of Office of Coordination for Reconstruction and Stabilization to continue collecting full retirement annuities provided by the Foreign Service retirement system. Under current law, Foreign Service retirement benefits are temporarily suspended during any period of reemployment by the federal government. CBO estimates that enacting the provisions would increase direct spending by less than $500,000 annually over the 2005–2015 period.

Section 2207 would authorize the President to waive the requirement that a foreign government pay to the United States the net proceeds from the sale of any military equipment it has received from the United States on a grant basis. CBO estimates the forgone offsetting receipts would not be significant.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

S. 600 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Estimate Prepared By:

Federal Costs—State Department: Sunita D'Monte; Foreign Aid: Joseph C. Whitehill; Foreign Service Retirement: Geoffrey Gerhardt; Law Enforcement: Mark Grabowicz; Revenue Effects: Annabelle Bartsch.

Impact on State, Local, and Tribal Governments: Melissa Merrell.

Impact on the Private Sector: Paige Piper/Bach.

Estimate Approved By:

Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

DIVISION B—FOREIGN ASSISTANCE AUTHORIZATION ACT, FISCAL YEAR 2006

(A) SUMMARY OF FUNDS

[In millions of dollars]

	FY 2005 estimate	FY 2006 request	Committee mark
Child Survival & Health Programs Fund (CSH)	1,538	1,252	1,252
Global Fund to Fight AIDS, Tuberculosis, and Malaria [1]	(248)	(100)	(100)
Development Assistance (DA)	1,448	1,103	1,103
International Disaster and Famine Assistance	485	656	656
Transition Initiatives	49	325	325
Development Credit Authority (DCA)	8	8	8
USAID Operating Expenses (OE)	613	681	681
USAID Capital Investment Fund	59	78	78
USAID Inspector General Operating Expenses (IG)	35	36	36
Economic Support Fund (ESF)	2,481	3,036	3,036
Assistance for Eastern Europe and the Baltic States (SEED)	393	382	382
Assistance for the Independent States of the Former Soviet Union (FSA)	556	482	482
Peace Corps	317	345	345
Inter-American Foundation	18	18	18
African Development Foundation	19	19	19
Millenium Challenge Corporation	1,488	3,000	3,000
International Narcotics Control and Law Enforcement (INCLE)	326	524	524
Andean Counterdrug Initiative (ACI)	725	735	735
Nonproliferation, Anti-Terrorism, Demining (NADR)	399	440	440
Treasury Technical Assistance	19	20	20
Debt Relief	99	100	100
International Military Education & Training (IMET)	89	87	
Foreign Military Financing (FMF)	4,745	4,589	4,589
Peacekeeping Operations (PKO)	178	196	196
International Organizations & Programs (IO&P)	326	282	282

[In millions of dollars]

	FY 2005 estimate	FY 2006 request	Committee mark
Total	16,413	18,394	18,394

[1] The administration requested $3.16 billion for international HIV/AIDS, tuberculosis, and malaria programs in FY2006, a 9 percent increase over the estimated amount to be provided in FY2005. The request included $2.564 billion to be appropriated through the Foreign Operations appropriations and $596 million through appropriations for the Departments of Labor and Health and Human Services.

This bill authorizes part of this request through the Child Survival and Health (CSH) account which includes the President's request of $439 million for HIV/AIDS, tuberculosis, and malaria programs. The authorized amount for the CSH account also includes $100 million for the Global Fund to Fight AIDS, Tuberculosis, and Malaria. (The President requested $300 million to be appropriated for contributions to the Global Fund; the other $200 million is divided between the Global HIV/AIDS Initiative ($100 million) and NIH/HHS ($100 million). The GHAI account, for which the President requested $1.87 billion, is not authorized in this bill because it is already authorized in the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (P.L. 108–25).

TRIBUTE TO AMERICA'S HEROES OF THE STORM

Mr. ISAKSON. Mr. President, throughout the week of April 10, 2005, The Weather Channel, based in Atlanta, GA, will air a special series, entitled Heroes of the Storm, honoring the Americans who performed the most exciting rescues depicted in the network's acclaimed series Storm Stories. Featured in the tribute will be 28 heroes from 15 States and the District of Columbia. These heroes, like all who risk their lives for others, deserve our Nation's admiration, recognition and thanks. I ask unamious consent that the following list of heroes be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Mary Teresa Bagshaw, Nurse, Crawford, Colorado.

Richard Lee Fowler, Pilot, Longmont, Colorado.

Dawud Amin, Firefighter, New Haven, Connecticut.

Capt. Howard McCann, Firefighter, Madison, Connecticut.

Brian Wetzler, US Coast Guard Pilot, Washington, District of Columbia

Bradley Paul Brown, Paramedic (Retired), Mt. Dora, Florida.

Alan Auricchio, US Coast Guard, Penbroke, Maine.

Bart Cohey, Firefighter, Cordova, Maryland.

Melvin Lee Johnson, US Naval Reserves, Baltimore, Maryland.

Robert Sebeck, Firefighter, Abingdon, Maryland.

Petersen Niles Decker, US Naval Reserves, Grosse Pointe, Michigan.

Orlin Anderson, Firefighter, Karlstad, Minnesota.

Gary Wayne Casper, Las Vegas PD, Las Vegas, Nevada.

Clint Malburg, Las Vegas PD, Las Vegas, Nevada.

James T. Mitchell, Las Vegas PD, North Las Vegas, Nevada.

Richard G. Servoss, Las Vegas PD, Las Vegas, Nevada.

George Marinkov, US Coast Guard, Linwood, New Jersey.

Warren Scott Adams, US Coast Guard, Elizabeth City, North Carolina.

Lt Cmdr Joseph Edward Deer III, US Coast Guard, Camden, North Carolina.

Jeffrey D. Kotson, US Coast Guard, Elizabeth City, North Carolina.

Peter O'Neill, Deputy Fire Chief, Grand Forks, North Dakota.

William Bloom, Volunteer Ski Patrol (Retired), Sprague River, Oregon.

Randy Benham, Park Ranger, Grants Pass, Oregon.

Jim Allday, EMS, Austin, Texas.

Thomas Stephan Lott, Jr., Firefighter, Round Rock, Texas.

Trevor Joseph Stokes, Firefighter, Georgetown, Texas.

Tim Wallace, Firefighter, Round Rock, Texas.

Philip Joseph Ornot, Jr., US Coast Guard, Virginia Beach, Virginia.

ADDITIONAL STATEMENTS

RETIREMENT OF CAROL DiBATTISTE

● Mr. DOMENICI. Mr. President, I would like to extend my best wishes to Carol DiBattiste, whose last day as deputy administrator of the Transportation Security Administration was April 8, 2005. Carol DiBattiste is truly a living textbook version of a "public servant." Her record is one of service to country, of a strong leader who gives unstintingly of herself to make sure that America's defenses against terrorism are as strong as possible. I know that Carol's dedication to this mission and strong leadership will be sorely missed by her colleagues at TSA and the Department of Homeland Security.

Ms. DiBattiste arrived at TSA in March of 2003 after more than 33 years of public service and two years at a private law firm. As the new Chief of Staff at TSA, she brought with her a sense of urgency that fit well in an agency committed to the security of the Nation's transportation system. Ms. DiBattiste immediately put her unique experience and skills to work as a member of the TSA leadership team as it rushed to meet its mission.

Hard work has characterized Ms. DiBattiste's public career. She enlisted in the Air Force in 1971, earned her B.A. degree magna cum laude in sociology/criminal justice from LaSalle University in 1976, her J.D. degree from Temple University School of Law in 1981, and her Master of Laws degree from Columbia University School of Law in 1986.

Before retiring from the Air Force as a major in 1991, her assignments included serving as chief prosecutor for the Pacific Region, faculty of the Air Force Judge Advocate General School, and chief recruiting attorney for the Air Force. Going forward, Ms. DiBattiste's career took her to the Department of Justice where she was an Assistant United States Attorney for the Southern District of Florida and director of the Department's Office of Legal Education. In 1993, Ms. DiBattiste served with the Department of the Navy, where she was principal deputy general counsel, the service's second-highest ranking lawyer. In that role, she was responsible for resolving several high-profile matters, including the sexual harassment scandal dubbed "Tailhook" and the U.S. Naval Academy cheating case.

In 1994, Ms. DiBattiste returned to the Department of Justice as the director of the Executive Office for United States Attorneys. In that capacity, she was instrumental in investigating the Oklahoma City Bombing, Unabomber, Olympic Park Bombing and TWA 800 airliner crash. Between 1997 and 1999, she served with distinction as Deputy United States Attorney for the Southern District of Florida. In 1999, Ms. DiBattiste accepted the nomination of former President Clinton and served as Under Secretary of the Air Force where, among other duties, she chaired a task force that brokered an anti-harassment action plan for the Department of Defense. Prior to joining TSA, Ms. DiBattiste was a partner at Holland & Knight LLP, where her practice areas involved corporate diversity counseling, government relations, and criminal and civil litigation.

Last July, TSA Chief of Staff DiBattiste became Deputy Administrator DiBattiste, a move that again recognized her many talents and leadership abilities. Deputy Administrator DiBattiste and Administrator David Stone have spearheaded the efforts to make TSA a strong and mature performance based Federal agency. But even more importantly, Ms. DiBattiste made it her mission at TSA to continuously recruit new leaders and make sure that every TSA employee—from the screeners to the executive team—understood their role in securing our Nation. Finally, Carol made sure that each of those employees understood that: they were valued, their opinions mattered, and that what they were doing was important, even vital to achieving TSA's mission. For that, we all owe Deputy Administrator DiBattiste a great deal of gratitude.

It is instructive to read what some of her friends and colleagues at TSA have to say about Ms. DiBattiste. From Tom Blank, the Chief Support Systems Officer: "Many times the sky was actually falling and when it was, Carol was in charge of getting it put back up there again—all the while with the greatest sense of humor there is." From Theresa Bertucci, Assistant Administrator for Intermodal Programs: "She always pushed the entire organization towards a level of excellence and commitment, and never asked more of any person that worked alongside her than she asked of herself." And addressing Ms. DiBattiste, Tammy M. Meckley, Deputy Assistant Administrator for Transportation Security Policy, said: "Leadership is what every employee craves, thanks for keeping all of us well fed."

In an interview with TSA's newsletter, the Sentinel, Ms. DiBattiste said of the agency's efforts, "Without question, America is safer since the stand-up of TSA, and TSA has done an excellent job of protecting the homeland. . . ." Then typically, she added that "there is a lot more to do."

Mr. President, I realize we have much to accomplish here in the United States Senate, but I felt it was important that we thank this great American. I wish to congratulate Deputy Administrator Carol DiBattiste on a distinguished and selfless career; and in closing, offer the thought that the nation would be well-served if sometime in the future she once again rejoined the ranks of public servant.●

HONORABLE PETER B. TEETS

● Mr. SESSIONS. Mr. President I rise today to honor a distinguished American and patriot the Honorable Peter B. Teets, former Acting Secretary of the Air Force and Under Secretary of the Air Force.

Secretary Teets left government service on March 25, 2005 to join his family in Colorado. He did so after four years of selfless devotion to his country serving in what I would characterize as four of the most important jobs within the Department of Defense—as the senior official in the Department of the Air Force responsible for nearly 700,000 military, civilians, and family members with budget authority exceeding $110 billion dollars. Simultaneously, Mr. Teets also served as the Department of Defense Executive Agent for Space and as the Director of the National Reconnaissance Office. In this later special capacity he was responsible for the acquisition and operation of all space-based reconnaissance and intelligence systems. I think you would agree Mr. President, Pete Teets was an extraordinary public servant possessing uncompromising standards, superior managerial skills and a keen analytical mind wherein he was able to exact the most from the military service he represented and the programs he supervised. His quest for perfection across the board will long be remembered both within and outside the Department.

Prior to joining the Department of Defense, Pete Teets worked in industry for nearly four decades serving first as a Martin Maretta flight control engineer and ending that service as the President and Chief Operating Officer, Lockheed Martin Corporation. His resume is replete with ever increasing positions of responsibility spanning the period 1963 to 2001, when he was nominated to serve President Bush as our Under Secretary of the Air Force and Director of the National Reconnaissance Office, two demanding tasks particularly during this time of transformation within the Department of Defense, coupled with the challenges associated with emerging space requirements and system development.

Throughout his tenure, the members of the Senate Armed Services Committee have found Pete Teets to be one of the most thoughtful and insightful DOD officials we have come to know. His ability to reduce complex system assessments into meaningful constructs were, on more than one occasion, immensely helpful to every committee member. His private counsel and immense personal interaction were directly responsible for solving major program problems for which our country is most grateful.

Our Nation deserves no less than the full measure of devotion from the men and women it nominates to our highest positions of authority. Peter Teets fulfilled every expectation the Congress and the nation placed upon him. He did so with a combination of grace and dignity, superb organizational and managerial skill, and with that rare coupling of professionalism and confidence that his Air Force and our Department of Defense would not accept anything short of excellence in accomplishing every assigned mission and task.

I truly hope this is not the last time the nation will call upon Peter Teets and his family to serve this grateful Nation. Indeed, Pete has earned the right to return home and focus on the one thing all of us yearn to do—spend time and focus on family. His many friends in the Senate wish him and his family all the best in the days ahead. We bid Pete a fond farewell and heartfelt thanks for a magnificent job as our Acting Air Force Secretary and as our Under Secretary of the Air Force. We are a better people and stronger Nation today because Pete Teets gave and accomplished so much. We will indeed miss America's "Mr. Military Space" and wish him God's everlasting blessings.●

HONORING CAMERON TROOST

● Mr. BAYH. Mr. President, I rise today to recognize the courage and sacrifice of Cameron S. Troost, a 10-year-old boy from South Bend, IN. Cameron suffers from pediatric bipolar disorder, a devastating but treatable brain disorder marked by severe fluctuations in mood, activity, thought, and behavior. In an effort to contribute to the search for a cure, Cameron volunteered to participate in a four-month long rigorous clinical study at the National Institutes of Mental Health in Bethesda, Maryland.

Though the exact prevalence is not known, the Child & Adolescent Bipolar Foundation estimates that at least three quarters of a million American children and teenagers currently suffer from bipolar disorder, many of whom are undiagnosed. Bipolar disorder is thought to affect 1–2 percent of adults worldwide. Fifty-nine percent of adults with bipolar disorder report that their symptoms first appeared during or before adolescence. The disorder is often inherited, and symptoms can emerge at any time in life.

Bipolar disorder has a significant impact on our society. Children with the condition are at higher risk for school failure, substance abuse, and suicide. The terrible human and social costs highlight the importance of discovering better treatments, and ultimately a cure, for bipolar disorder. Few controlled studies have been done on the use of psychiatric medications in children. Cameron, however, is bravely doing his part to increase our knowledge of this disease. Cameron volunteered to leave home for several months to participate in a study that required that he be locked in an 8-bed unit, submit to blood tests, brain scans, and other tests, go off all medication, and receive lithium or placebo, possibly risking his own well-being in the process. He consented to being forced into seclusion or medicated if his rages could not be controlled. All the while, Cameron kept up with a home school curriculum.

Cameron's decision to travel far from home to participate in a difficult clinical trial—one that potentially puts himself at risk for the benefit of others—will contribute to our understanding of pediatric bipolar disorder and how to treat it. His self-sacrifice will live on in the form of better treatment options for the many other children who, like him, must live with this condition. For that, Cameron deserves our most sincere recognition.●

TRIBUTE TO WILLIAM "BILL" DAVID SMITH

● Mr. SHELBY. Mr. President, today I pay tribute and honor a dear friend of mine who passed away recently. Bill David Smith, whom I have called a friend and relied on for half a century, passed away at the age of 72. He is survived by his beloved wife, Jane Bandy Smith, and two sons, David and Stuart. Bill David was passionate about all things in which he was involved, loved his community of Tuscaloosa, and was very proud to be an Alabamian.

We became friends during our time at the University of Alabama, and I have always appreciated his counsel and support over the years. My wife, Annette, and I have shared many memories with Bill David and his wife, Jane, which we will cherish for years to come.

Bill David was born in Meridian, MS, and spent most of his youth in Gadsden, AL. A University of Alabama graduate, he was an honor student and received both a bachelor's and master's degree in accounting. After graduation, he was a founding partner in the accounting firm, Morrison and Smith LLP. Bill David was actively involved in activities surrounding the accounting profession and served as President of the Alabama Society of Certified Public Accountants and Chairman of its State Legislation Committee. He was also a member of the Council of the American Institute of Certified Public Accountants.

Bill David was a member of the board of directors for the Alabama Trust Fund and the Business Council of Alabama. Dedicated to a number of civic organizations, he served on the Tuscaloosa County Juvenile Advisory Board and the Alabama Juvenile Justice Coordinating Council.

Beyond Bill David's devotion to his work and his community, he was a dedicated friend to many. A good natured person with a huge heart, Bill David often showed compassion for those less fortunate. His quick wit and intellect fostered his passion for policy issues and politics. He cared very deeply for his community and its people.

But most of all, my thoughts and prayers go out to Jane and their two sons. Bill David was a dedicated family man and his presence will be missed by those who knew him best. Indeed, we will all miss him.●

WE THE PEOPLE: THE CITIZEN AND THE CONSTITUTION

● Mr. LEVIN. Mr. President, from April 30 through May 2, 2005, more than 1,200 students from across the United States will visit Washington, D.C. to take part in the national finals of "We the People: The Citizen and the Constitution," the most extensive educational program in the country developed specifically to educate young people about the U.S. Constitution and Bill of Rights. Administered by the Center for Civic Education, the We the People program is funded by the U.S. Department of Education by act of Congress.

I am proud to report that a class from East Grand Rapids High School from Grand Rapids will represent the State of Michigan in this prestigious national event. These outstanding students, through their knowledge of the U.S. Constitution, won their statewide competition and earned the chance to come to our Nation's capital and compete at the national level.

While in Washington, the students will participate in a 3-day academic competition that simulates a congressional hearing in which they "testify" before a panel of judges. Students demonstrate their knowledge and understanding of constitutional principles and have opportunities to evaluate, adopt, and defend positions on relevant historical and contemporary issues. It is important to note that the Educational Testing Service, ETS, characterizes the We the People program as a "great instructional success." Independent studies by ETS have revealed that We the People students "significantly outperformed comparison students on every topic of the tests taken."

I congratulate East Grand Rapids students John Abraham, Ted Bosch, Ross Brenneman, Katherine Fasse, Bill Frayer, Kyle Fuller, Joe Gallmeyer, Will Gallmeyer, Katherine Harger, Jimmy Hogan, Christina Kim, Peter Meyer, Lenard Robert, Sarah Stevens, Tully Svekric, Alyssa Titche, Gab Tourek, Dimitri Wohns and their teacher, Pierre A. Sirois.

I wish these students the best of luck at the We the People national finals and applaud their outstanding achievement.●

RECOGNIZING ROSEMARY FAY

● Mr. BAYH. Mr. President, today I congratulate an extraordinary young woman, Rosemary Fay, aged 11. Rosemary, a sixth grader at St. Thomas Aquinas School in Indianapolis, was the winner for her age group of the USA Today National Sportsmanship Essay Contest. The essay contest was a part of the 15th National Sportsmanship Day, sponsored by the Institute for International Sport, to raise awareness about fair play, sportsmanship and ethics in athletics and society.

Nearly one thousand students submitted essays addressing sportsmanship and ethics or offering a personal reflection on good or poor sportsmanship. Students were asked to respond to the question, "Do you dare to play fair?". A panel of judges chose the four winners, including Rosemary, who was the winning writer among middle school entrants.

In her touching reflection on the importance of sportsmanship, Rosemary gives her own definition of what it means to be a good sport. She writes, "Good sports are confident, competitive and capable, but most of all, they treat other people with respect and dignity. Their attitudes and actions show they have a higher purpose in life than just winning today's game. Even when they lose, they act like winners." In this day of bitter disputes, when what is truly important is often overshadowed by a more immediate conflict, Rosemary's essay shows us how to step back, remember the bigger picture and be a good sport.

Rosemary also writes about the influence of good sports in her life, paying tribute to her teammates whose good sportsmanship extends beyond the field. Her essay concludes that "Sportsmanship can make a huge difference in a person's life. I know, because I am fortunate to be on a team with truly great sports." She credits her teammates with inspiring her to perserve in sports.

Hoosiers have always known the importance of sports to American life. Playing sports teach our children values like leadership, self-discipline, and the importance of hard work. Improving access to sports and afterschool athletic activities is a challenge that we must strive to accomplish, so that all students can benefit from the lessons outlined in Rosemary's essay.●

40TH ANNIVERSARY OF FRIENDSHIP INDUSTRIES OF HARRISONBURG

● Mr. ALLEN. Mr. President, today I would like to recognize Friendship Industries, of Harrisonburg, VA, for 40 years of service to persons with disabilities in Harrisonburg City and Rockingham County.

Friendship Industries has been a pioneer in the community since its inception. The mission of the nonprofit social service agency is to develop and maintain employment and training opportunities for persons with disabilities. Clients of the agency begin with a program called Work Adjustment. This program assists trainees with disabilities in their adjustment to a real work environment occurring within a supportive and sheltered atmosphere. The individual learns appropriate work behaviors and skills while developing the highest productivity internally as a sheltered employee, and sometimes gets placed into competitive or supported jobs in the community.

Friendship Industries started with 8 young men with mental retardation and has since grown to provide services for over 120 men and women with differing degrees of mental retardation, mental illness, and/or physical illness. The agency's financial contribution to the community has increased as well. Starting with a mere $20,000, the budget of Friendship Industries now approaches $4 million. It employs 20 staff to run the program, and contributes over $3.6 million to the Harrisonburg area through wages, contract services and job training and services.

Mr. David Flick, president of Friendship Industries since 1976, has been instrumental in the growth and success of the program. With his leadership, the agency has expanded the access and breadth of the program by providing transportation to interested trainees and by forming a network of friendly area companies. I commend David for his unwavering support and passion for helping the disabled get back to work in the Shenandoah Valley.

I congratulate Friendship Industries on 40 years of dedication to improving the lives of persons with disabilities, and wish them continued success for many more years.●

TRIBUTE TO BILL MARTIN

● Mr. LEVIN. Mr. President, on behalf of Senator STABENOW and myself, I rise to pay tribute to Ann Arbor, MI, resident Bill Martin. On May 2 of this year, the Jewish Federation of Washtenaw County will confer their Humanitarian

Award on Bill Martin as an outstanding member of the community.

Throughout his life, Bill Martin has dedicated himself, both publicly and privately, to projects that involve, concern, and benefit the community. When the Ann Arbor public schools needed extra funds for school projects, Bill implemented the very successful 3-on-3 Superball basketball tournament. He rallied a group of craftsmen to rebuild State ranger cabins on Isle Royale and personally joined in the effort. And he answered the calls of both the University of Michigan Athletic Department and the United States Olympic Committee when they were engulfed in turmoil and controversy.

Bill Martin has been director of Intercollegiate Athletics at the University of Michigan since 2000. Bill has also served as the president of the United States Olympic Committee. An avid sailor, Bill Martin has also served as president of the United States Sailing Foundation, as well as the U.S. Sailing Association.

In 1968, Bill Martin founded First Martin Corporation, a diversified real estate construction, development and management firm. He is also the founder and chairman of the board of Bank of Ann Arbor.

Bill Martin's devotion to his community ranges beyond business and athletics. He has served as president of the Washtenaw Land Conservancy, and has been a board member of the Ann Arbor Public Schools Foundation and the Washtenaw Technical Middle College. He has been a member of the advisory board of U-M's Center for the Education of Women and served on the Fales Committee of the U.S. Naval Academy. He is currently on the board of directors of New York 2012, working to bring the Olympic Games to New York City.

He has been awarded numerous awards including the U.S. Olympic Committee Award for outstanding service to the U.S. Olympic Committee and America's athletes, the Nathanial G. Herreshoff Trophy for outstanding contribution to the sport of sailing, the Bob Ufer Distinguished M Club Award, and "Ann Arbor News' Citizen of the Year" for his service and contributions to the community.

Bill earned a bachelor of arts degree from Wittenberg University, a graduate degree in economics from the University of Stockholm, and a MBA from the University of Michigan.

Bill and his wife Sally have lived in Ann Arbor since 1967 when they met as students. They have two grown sons, Seth and Michael.

Senator STABENOW and I are delighted to have the opportunity to pay tribute to Bill Martin for all of his contributions to his community and congratulate him on his upcoming honor from the Jewish Federation of Washtenaw County.•

BSU NATIONAL DEBATE AND SPEECH CHAMPS

• Mr. CRAPO. Mr. President, I rise today to recognize Boise State University's outstanding debate and speech team, the Talkin' Broncos, who captured the national title at the Biennial Pi Kappa Delta National Tournament in St. Louis on March 20. The open tournament is the Nation's oldest and largest team competition among 4-year schools with forensics programs. More than 470 competitors representing 72 schools and 29 States participated in the event. The 14-member championship team also brought home an impressive 22 individual awards.

Many in this Chamber appreciate the importance of speech and debate in the business of government. Forensic skills translate into effective communication, and not just in politics. These young women and men have developed techniques that will serve them throughout their lives, no matter what career they decide to pursue. They have demonstrated exceptional oratory capabilities and the quick and incisive thinking needed to communicate ideas and persuade others of the merits of their opinions in an expeditious manner.

I congratulate all the students on the team as well as their coaches and head coach Marty Most. I would especially like to recognize John Petty, national champion in the broadcast journalism division; and Lacey Rammell-O'Brien and Nancy Henke for their recognition as two of only nine All-Americans. Over the years, Boise State has firmly established itself as a national force for forensics, and the fact that most of the students on the team are from Idaho high schools is a fine testament to the strength of the secondary academic programs in my home state. This national title is especially noteworthy, and I am proud to honor Boise State University's tremendous achievement in the United States Senate today.•

IN RECOGNITION OF HARRY VINES

• Mrs. LINCOLN. Mr. President, today I rise to pay tribute to Arkansas Harry Vines, president of the National Wheelchair Basketball Association.

The National Wheelchair Basketball Association is the largest and oldest wheelchair sports organization in the world. Established in Champagne, IL, in 1948, the National Wheelchair Basketball Association has provided opportunities for individuals with physical disabilities to learn to play and compete in the game of basketball. For more than 50 years, thousands of individuals ranging from young children to disabled war veterans have benefited from the programs of the National Wheelchair Basketball Association.

Harry Vines of Sherwood, AR, has served as the National Wheelchair Basketball Association president since 2001. Mr. Vines is well known in Arkansas for his many volunteer activities. He has served as the coach of the Arkansas Rollin' Razorbacks, a wheelchair basketball team that he helped established in 1978. In addition, Mr. Vines has coached the U.S. Wheelchair Basketball team four times in international competition and served in numerous administrative roles in the organization over the past 28 years.

On April 9, 2005, Mr. Vines, as the National Wheelchair Basketball Association President, will present the first series of National Wheelchair Basketball Association Spirit Awards in Phoenix, AZ. The Spirit Award recognizes the work of the many volunteers and organizations that support the National Wheelchair Basketball Association. The 2005 Spirit Award recipients are Evelyn Bologna of Lexington, KY; Jim Hayes of Arlington, TX; Tim Stout of East Moline, IL; and the Rehabilitation/Education Program at the University of Illinois in Champaign, IL.

Mr. President, I applaud Harry Vines' dedicated service to the National Wheelchair Basketball Association and his exemplary leadership.•

TRIBUTE TO THE MIDDLEBURY PANTHERS MEN'S ICE HOCKEY TEAM,

• Mr. JEFFORDS. Mr. President, I rise today to congratulate the Middlebury College men's ice hockey team on its March 19, 2005 victory in the NCAA Division III National Championship against St. Thomas University. This is the second straight national championship for the Panthers and their seventh in the past 11 years.

For more than two centuries, Middlebury College has offered students a top-notch liberal arts education. Best known for its academic excellence and its picturesque campus, Middlebury also boasts a highly regarded athletic program that complements its educational mission and helps facilitate a great collegiate experience for all Middlebury students. Over 25 percent of all undergraduates at the college participate in varsity sports and Middlebury has worn an astonishing 24 national titles in just over a decade.

During this past hockey season, the Panthers represented Middlebury with hard work and determination on the ice. The accomplishments of the student-athletes were rewarded by a loyal fan base that packed the Chip Kenyon Arena night after night to watch great college hockey. Along with the thousands of Middlebury hockey fans, I am proud to have such an impressive college hockey team playing in the State of Vermont.

I congratulate each member of the team: Head Coach Bill Beaney, Assistant Coach Chris LaPerle, Student Assistant Coach Ryan Cahill, Team Manager Ryan McQuillan, Team Trainer David Matthews, Team Physician Mark Peluso, Ross Cherry, Tom Maldonado, Jed McDonald, Levi Doria, Scott Ward, Tim Graham, Mickey Gilchrist, Darwin Hunt, Patrick Nugent, Eric LeFreniere, Justin Gaines, Evgeny Saidachev, Robert MacIntyre, Shady Young, Jeff Smith, Brett Shirreffs, John Sales, Leonard Badeau, Brian Phinney, Richie Fuld, Yen-I Chen, Jocko DeCarolis, Samuel Driver, and Scott Bartlett.

Again, congratulations Panthers on another incredible season and good luck next year.•

TRIBUTE TO THE MIDDLEBURY PANTHERS WOMEN'S ICE HOCKEY TEAM

• Mr. JEFFORDS. Mr. President, I would like to commend the Middlebury College women's ice hockey team on its recent victory in the NCAA Division III National Championship against Elmira College. This is the second straight national championship for the Panthers and their fourth in the past 6 years.

Over 120 years ago, Middlebury College began admitting female students, decades before many similar institutions were willing to do so. Since that time, Middlebury has offered young men and women alike a superb liberal arts education amidst the beauty of the Green Mountains. Reflecting Middlebury's proud and pioneering tradition of academic excellence and coeducation, the women's athletic program at Middlebury has developed into one of the best Division III athletics. Over the last 10 years, women's athletic teams at Middlebury have captured 13 national titles.

The women's hockey team has been one of the most consistently successful athletic teams at Middlebury. In the 2005 national championship, the Panthers exhibited their characteristic spirit and determination by overcoming an early 2–1 deficit to win by a final 4–3. I am pleased our local schoolchildren have the opportunity to see such accomplished and impressive student-athletes competing in Vermont.

I congratulate each member of the team: Head Coach Bill Mandigo, Assistant Coach Jean Butler, Team Trainer Rachel Eldredge, Team Physician Mark Peluso, Abby Kurtz-Phelan, Shannon Tarrant, Emily McNamara, Rose Babst, Liz Yale-Loehr, Allison Liati, Karen Levin, Gillian Paul, Shannon Sylvester, Emily Quizon, Jackie Cohen, Lindsay Jones, Tory MacNeil, Gloria Velez, Alison Graddock, Margaret MacDonald, Samantha Ritt, Lacey Farrell, Ellen Sargent, Lorna Gifis, Tania Kenny, Kerry Kiley, Abby Smith, Angie Todd, Nina Daugherty, and Kate Kogut.

Again, congratulations Panthers on another national championship, I wish you all the best next year.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE DURING ADJOURNMENT

Under authority of the order of the Senate of January 4, 2005, the Secretary of the Senate, on March 21, 2005, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill, without amendment

S. 686. An act to provide for the relief of the parents of Theresa Marie Schiavo.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 23. concurrent resolution providing for a conditional adjournment or recess of the Senate, and a conditional adjournment of the House of Representatives.

The message further announced that the Speaker has signed the following enrolled bill:

H.R. 1270. An act to amend the Internal Revenue Code of 1986 to extend the Leaking Underground Storage Tank Trust Fund financing rate.

The enrolled bill was signed subsequently by the Acting President pro tempore. (Mr. WARNER).

The message also announced that the Speaker has signed the following enrolled bill:

S. 686. An act to provide for the relief of the parents of Theresa Marie Schiavo.

The enrolled bill was signed subsequently by the Acting President pro tempore (Mr. FRIST).

MESSAGE FROM THE HOUSE

At 2:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 95. Concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on March 21, 2005, she had presented to the President of the United States the following enrolled bill:

S. 686. An act to provide for the relief of the parents of Theresa Marie Schiavo.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1321. A communication from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a report relative to the New England fishing capacity reduction initiative; to the Committee on Commerce, Science, and Transportation.

EC–1322. A communication from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a report entitled "Apportionment of Membership on the Regional Fishery Management Councils"; to the Committee on Commerce, Science, and Transportation.

EC–1323. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement Final Specification for Groundfish in the Gulf of Alaska Management Area" received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1324. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement Amendment 82 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area" received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1325. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule: Annual Management Measures for the 2005 Pacific Halibut Fishery" (0648-AT06) received on March 18, 2005; to the Committee on Commerce, Science , and Transportation.

EC–1326. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement Final Specification for Groundfish in the Bering Sea and Aleutian Islands Management Area" received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1327. A communication from the Attorney Advisor, Wireless Telecommunications

Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of the Commission's Rules Concerning Airport Terminal Use Frequencies in the 450-470 MHz Band of the Private Land Mobile Radio Services" ((WT Docket No. 02-318) (FCC 05-16)) received on March 18, 2005; to the Committee on Commerce, Science , and Transportation.

EC–1328. A communication from the Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "The 4.9 GHz Band Transferred from Federal Government Use" ((WT Docket No. 00-32) (FCC 04-265)) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1329. A communication from the Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of Sections 309 (j) and 337 of the Communications Act of 1934 as Amended; Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies" ((WT Docket No. 99-87) (FCC 04-292)) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1330. A communication from the Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "The Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010" ((WT Docket No. 96-86) (FCC 05-9)) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1331. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of Rock Sole/Flathead Sole/ 'Other Flatfish' Fishery Category by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area" (I.D. No. 022805E) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1332. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Reduction of Landing Limit of Yellowtail Flounder from the U.S. / Canada Management Area" (I.D. No. 020705A) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1333. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of Central Aleutian Islands Atka Mackerel Fishery" (I.D. No. 021605A) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1334. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of Pacific Cod by Catcher/Processor Vessels Using Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area" (I.D. No. 022305E) received on March 18, 2005; to the Committee on Commerce, Science , and Transportation.

EC–1335. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of Pollock in Statistical Area 630 of the Gulf of Alaska" (I.D. No. 021105B) received on March 18, 2005; to the Committee on Commerce, Science , and Transportation.

EC–1336. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of Pacific Cod by Catcher Vessels 60 Feet (18.3 Meters) Length Overall and Using Pot Gear in the Bering Sea and Aleutian Islands Management Area" (I.D. No. 021105A) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1337. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of Directed Fishing for Pacific Cod by Specified Sectors in the Western and Central Regulatory Areas of the Gulf of Alaska (GOA)" (I.D. No. 022305D) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1338. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Notice of Fishing Season Dates for the Sablefish Fixed Gear IFQ Program" (I.D. No. 022305B) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1339. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of Fishery for Loligo Squid for Quarter I—2005" (I.D. No. 021405B) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1340. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of Pollock in Statistical Area 620 in the Gulf of Alaska" (I.D. No. 030105F) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1341. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of Central GOA Offshore Pacific Cod" (I.D. No. 021805F) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1342. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of Western GOA Offshore Pacific Cod" (I.D. No. 021805G) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1343. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of Pacific Cod by Catcher/Processor Vessels Using Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area" (I.D. No. 021805A) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1344. A communication from the Attorney Advisor, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Administrator, received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1345. A communication from the Attorney Advisor, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary for Transportation Policy, received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1346. A communication from the Attorney Advisor, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary for Budget and Programs, received on March 18, 2005; to the Committee on Commerce, Science, and Transportation .

EC–1347. A communication from the Deputy Assistant Secretary for Export Administration, Office of Strategic Industries and Economic Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Defense Priorities and Allocations System (DPAS): Electronic Transmission of Reasons for Rejecting Rated Orders" (RIN0694-AD35) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1348. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Licensing Policy for Entities Sanctioned under Specified Statutes; License Requirement for Certain Sanctioned Entities; and Imposition of License Requirement for Tula Instrument Design Bureau" (RIN0694-AD24) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1349. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Export Administration Regulations Based on the 2004 Missile Technology Control Regime Plenary Agreements; Additions to the Entity List; Revisions to the Missile Catch-All Controls" (RIN0694-AC24) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1350. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Kerman, California; Lockney, Texas; Lone Wolf, Oklahoma; Quanah, Texas; Orchard Mesa, Colorado; Rising Star, Texas; Twentynine Palms, California; and Waterford, California)" (MB Docket Nos. 04-301, 04-302, 04-303, 04-304, 04-306, 04-307, 04-308, and 04-309) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1351. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Gassville, AR and Nantucket, MA)” (MB Docket Nos. 04-237 and 04-238) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1352. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Durant, Oklahoma and Tom Bean, Texas)” (MB Docket No. 04-401) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1353. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Nantucket, East Harwich, and South Chatham, MA)” (MB Docket No. 02-72) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1354. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Adams, Massachusetts; Ashtabula, Ohio; Crested Butte, Colorado; Lawrence Park, Pennsylvania)” (MB Docket Nos. 04-357, 04-358, 04-359, 04-360) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1355. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Walla Walla and Burbank, Washington)” (MB Docket No. 02-63) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1356. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Rhinelander, Wisconsin)” (MB Docket No. 04-288) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1357. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Lake Havasu City, Arizona and Pahrump, Nevada)” (MB Docket No. 04–224) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1358. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Fort Rucker, Ozark and Slocomb, Alabama)” (MB Docket No. 04–146) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1359. A communication from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Developing a Unified Intercarrier Compensation Regime; T-Mobile et al. Petition for Declaratory Ruling Regarding Incumbent LEC Wireless Termination Tariffs” (CC Docket No. 01–92, FCC 05–42) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1360. A communication from the Legal Advisor/Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Part 22 of the Commission's Rules to Benefit the Consumers of Air-Ground Telecommunications Services; Biennial Regulatory Review—Amendment of Parts 1, 22, and 90 of the Commissions Rules; Amendment of Parts 1 and 22 of the Commissions Rules to Adopt Competitive Bidding Rules for Commercial and General.” (WT Dkt Nos. 03–103 and 05–42; FCC 04–287) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1361. A communication from the Assistant Bureau Chief, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Flexibility for Delivery of Communications by Mobile Satellite Service Providers in the 2 GHz Band, the L-Band, and the 1.6/2.4 GHz Bands” (IB Docket No. 01–185, FCC No. 05–30) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1362. A communication from the Interim Legal Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “In the Matter of Direct Broadcast Satellite Licenses” (FCC 04–271, AUC 03–52) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1363. A communication from the Assistant Bureau Chief, Enforcement Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Part 11 of the Commission's Rules Regarding the Emergency Alert System” (ED Docket No. 04–51, FCC 05–21) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1364. A communication from the Assistant Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Presubscribed Interexchange Carrier Charges” (FCC 05–32, CC Docket No. 02–53) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1365. A communication from the Secretary of the Commission , Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled “Prescreen Opt-Out Disclosure” (RIN3084–AA94) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1366. A communication from the Deputy Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “In the Matter of Federal-State Joint Board on Universal Service, National Telephone Cooperative Association Petition for Reconsideration (CC Docket No. 96–45; FCC 05–1) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1367. A communication from the Acting Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant to law, a report entitled “Imposition of Foreign Policy Controls on Certain Entities Sanctioned by the State Department and on Tula Instrument Design Bureau of Russia”; to the Committee on Commerce, Science, and Transportation.

EC–1368. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Editorial Corrections to Part 730 of the Export Administration Regulations” (RIN0694–AD40) received on March 28, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1369. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Revision of Export and Reexport Restrictions on Libya: Responses to Comments on the Interim Rule” (RIN0694–AD14) received on March 28, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1370. A communication from the Attorney Advisor, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Administrator, received on March 28, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1371. A communication from the Senior Paralegal (Regulations), Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Special Rules for Adjudicatory Proceedings for Certain Holding Companies” (RIN1550–AB96) received on March 24, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1372. A communication from the Senior Paralegal (Regulations), Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Community Reinvestment Act—Assigned Ratings” (RIN1550–AB48) received on March 24, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1373. A communication from the Senior Paralegal (Regulations), Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Proper Disposal of Consumer Information Under the Fair and Accurate Credit Transactions Act of 2003” (RIN1550–AB87) received on March 24, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1374. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Final Flood Elevation Determinations” (70 FR 5942) received on March 18, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1375. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Final Flood Elevation Determinations” (70 FR 5938) received on March 18, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1376. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Final Flood Elevation Determinations” (70 FR 5937) received on March 18, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1377. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (70 FR 5936) received on March 18, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1378. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (70 FR 5933) received on March 18, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1379. A communication from the Assistant to the Board, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Standards: Trust Preferred Securities and the Definition of Capital" (Docket No. R–1193) received on March 24, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1380. A communication from the Chief Counsel, Bureau of Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "31 CFR 315, 316, 351, 353, 359, 360 and 363, Regulations Governing Treasury Securities, New Treasury Direct System" received on March 18, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1381. A communication from the Counsel for Legislation and Regulations, Office of Community Planning and Development, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Community Development Block Grant Program: Small Cities and Insular Areas Programs" ((RIN2506–AC17) (FR–4919–F–02)) received on March 18, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1382. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the periodic report on the national emergency declared in Executive Order 13224 of September 23, 2001 with respect to persons who commit, threaten to commit, or support terrorism; to the Committee on Banking, Housing, and Urban Affairs.

EC–1383. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the periodic report on telecommunications payments made to Cuba pursuant to Treasury Department Specific Licenses; to the Committee on Banking, Housing, and Urban Affairs.

EC–1384. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–1385. A communication from the Director, Office of Human Capital Management, Department of Energy, transmitting, pursuant to law, the report of a vacancy in the position of Secretary of Energy, received on March 28, 2005; to the Committee on Energy and Natural Resources.

EC–1386. A communication from the General Counsel, Office of the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Reporting Requirements for Changes in Status for Public Utilities with Market-Based Rate Authority" (Docket No. RM04–14–000) received on March 18, 2005; to the Committee on Energy and Natural Resources.

EC–1387. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law , the report of a rule entitled "Colorado Regulatory Program" (CO–033–FOR) received on March 24, 2005; to the Committee on Energy and Natural Resources.

EC–1388. A communication from the Assistant Secretary, Land and Mineral Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "43 CFR Part 1600—Land Use Planning" (RIN1004–AD57) received on March 24, 2005; to the Committee on Energy and Natural Resources.

EC–1389. A communication from the Chairman, Tennessee Valley Authority, transmitting, pursuant to law, the Authority's report required by the Government in the Sunshine Act for Calendar Year 2004; to the Committee on Environment and Public Works.

EC–1390. A communication from the Acting Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a proposed bill for authorization of appropriations for fiscal year 2006; to the Committee on Environment and Public Works.

EC–1391. A communication from the Director, Office of Congressional Affairs, Nuclear Materials Safety and Safeguards, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Final Rule—10 CFR Part 35, 'Medical Use of Byproduct Material' " (RIN3150–AH19) received on March 28, 2005; to the Committee on Environment and Public Works.

EC–1392. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to Control Volatile Organic Compound Emissions" (FRL No. 7890–4) received on March 28, 2005; to the Committee on Environment and Public Works.

EC–1393. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans: Texas; Post 1996 Rate-of-Progress Plan, Adjustments to the 1990 Base Year Emissions Inventory, and Motor Vehicle Emissions Budgets for the Dallas/Fort Worth Ozone Nonattainment Area" (FRL No. 7890–1) received on March 28, 2005; to the Committee on Environment and Public Works.

EC–1394. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "South Carolina: Final Authorization of State Hazardous Waste Management Program Revision" (FRL No. 7889–8) received on March 28, 2005; to the Committee on Environment and Public Works.

EC–1395. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revision of December 2000 Regulatory Finding on the Emissions of Hazardous Air Pollutants from Electric Utility Steam Generating Units and the Removal of Coal—and Oil-fired Electric Utility Steam Generating Units from the Section 112(c) List" (FRL No. 7887–7) received on March 28, 2005; to the Committee on Environment and Public Works.

EC–1396. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Standard of Performance for New and Existing Stationary Sources: Electric Utility Steam Generating Units" (FRL No. 7888–1) received on March 28, 2005; to the Committee on Environment and Public Works.

EC–1397. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants; Delegation of Authority to Louisiana; Correction" (FRL No. 7887–2) received on March 24, 2005; to the Committee on Environment and Public Works.

EC–1398. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "North Carolina: Final Authorization of State Hazardous Waste Management Program Revision" (FRL No. 7888–3) received on March 24, 2005; to the Committee on Environment and Public Works.

EC–1399. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Rule to Reduce Interstate Transport of Fine Particulate Matter and Ozone (Clean Air Interstate Rule); Revisions to Acid Rain Program; Revisions to the NOx SIP Call" (FRL No. 7885–9) received on March 24, 2005; to the Committee on Environment and Public Works.

EC–1400. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, the Commission's March 2005 report entitled "Physician-Owned Specialty Hospitals"; to the Committee on Finance.

EC–1401. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, a report on the progress of the demonstration project required by section 303 of the Social Security Protection Act of 2004; to the Committee on Finance.

EC–1402. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Medicare Prescription Drug, Improvement and Modernization Act of 2003; to the Committee on Finance.

EC–1403. A communication from the Board of Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds, transmitting, pursuant to law, the Board's 2005 Annual Report; to the Committee on Finance.

EC–1404. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Nonpayment of Benefits When the Social Security Administration Receives Notice that an Insured Person is Deported or Removed from the United States" (RIN0960–AG16) received on March 28, 2005; to the Committee on Finance.

EC–1405. A communication from the Regulations Coordinator, Centers for Disease Control, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Possession, Use, and Transfer of Select Agents and Toxins" (RIN0920-AA09) received on March 24, 2005; to the Committee on Finance.

EC–1406. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Medicare Prescription Drug Benefit; Interpretation" (RIN0938–AN08) received on March 24, 2005; to the Committee on Finance.

EC–1407. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Establishment of the Medicare Advantage Program; Interpretation" (RIN0938–AN06) received on March 24, 2005; to the Committee on Finance.

EC–1408. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare and Medicaid Programs; Fire Safety Requirements for Certain Health Care Facilities; Amendment" (RIN0938–AN36) received on March 24, 2005; to the Committee on Finance.

EC–1409. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Frivolous Arguments Regarding Waiver of Social Security Benefits Used to Avoid Tax" (Rev. Rul. 2005–17) received on March 24, 2005; to the Committee on Finance.

EC–1410. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—April 2005" (Rev. Rul. 2005-23) received on March 24, 2005; to the Committee on Finance.

EC–1411. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Time and Manner of Making Section 163(d)(4)(B) Election to Treat Qualified Dividend Income as Investment Income" ((RIN1545aa–BD30) (TD 9191)) received on March 24, 2005; to the Committee on Finance.

EC–1412. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Fringe Benefits Aircraft Valuation Formula" (Rev. Rul. 2005–14) received on March 28, 2005; to the Committee on Finance.

EC–1413. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 704(c), Installment Obligations and Contributed Contracts" ((RIN1545–BB65) (T.D. 9193)) received on March 28, 2005; to the Committee on Finance.

EC–1414. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "AMT and Refinanced Mortgage Interest" (Rev. Rul. 2005–11) received on March 28, 2005; to the Committee on Finance.

EC–1415. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Appeals Settlement Guidelines: Home Based Business" (UIL No.: 262.18–01) received on March 28, 2005; to the Committee on Finance.

EC–1416. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance Under Section 1502; Application of Section 108 to Members of a Consolidated Group" (RIN1545–BC38, –BC74, –BC95 TD 9192) received on March 28, 2005; to the Committee on Finance.

EC–1417. A communication from the Director of Government Affairs, National Endowment for the Arts, transmitting, pursuant to law, the report of the Endowment's 2004 fiscal year usage of Category Rating Human Resource Flexibility; to the Committee on Health, Education, Labor, and Pensions.

EC–1418. A communication from the Secretary of Labor, transmitting, pursuant to law, the second annual report of the President's National Hire Veterans Committee; to the Committee on Health, Education, Labor, and Pensions.

EC–1419. A communication from the Executive Director and the Chairman of the Board, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the Corporation's 2004 annual report; to the Committee on Health, Education, Labor, and Pensions.

EC–1420. A communication from the Assistant Secretary for Administration and Management, Employment Standards Administration, Department of Labor, transmitting, pursuant to law, the report of a vacancy in the position of Administrator, Wage and Hour Division, received on March 24, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–1421. A communication from the Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" received March 18, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–1422. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Establishment and Maintenance of Records Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002; Correction" (Docket No. 2002N–0277) received on March 18, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–1423. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Additives Permitted for Direct Addition to Food for Human Consumption; Acacia (Gum Arabic)" (Docket No. 2003F–0023) received on March 18, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–1424. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Secondary Direct Food Additives Permitted in Food for Human Consumption " (Docket No. 2003F–0535) received on March 18, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–1425. A communication from the Chief, Office of Regulations and Policy Management, Board of Veterans' Appeals, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Board of Veterans' Appeals: Appeals Regulations, Rules of Practice; Delegations of Authority" (RIN2900–AL96) received on March 18, 2005; to the Committee on Veterans' Affairs.

EC–1426. A communication from the Chairman, Federal Communications Commission, transmitting, pursuant to law, the report of a violation of the Antideficiency Act relative to violations of sections 1341 and 1517(a) of Title 31, United States Code; to the Committee on Appropriations.

EC–1427. A communication from the Director, Office of Federal Housing Enterprise Oversight (OFHEO), transmitting, pursuant to law, the OFHEO's Fiscal Year 2004 Performance Report; to the Committee on Homeland Security and Governmental Affairs.

EC–1428. A communication from the Director, Liaison Division, General Services Administration, transmitting, pursuant to law, the report of the final audit of the Panama Canal Commission; to the Committee on Homeland Security and Governmental Affairs.

EC–1429. A communication from the Assistant Secretary, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Law and Order on Indian Reservations" (RIN1076–AE52) received on March 28, 2005; to the Committee on Indian Affairs.

EC–1430. A communication from the Secretary of the Judicial Conference of the United States, transmitting, a report relating to the Biennial Survey of Article III Judgeship Needs; to the Committee on the Judiciary.

EC–1431. A communication from the Secretary, Judicial Conference of the United States, transmitting, a draft of proposed legislation entitled "Federal Judgeship Act of 2005"; to the Committee on the Judiciary.

EC–1432. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Annual Report of the Office of the Juvenile Justice and Delinquency Prevention for 2003–2004; to the Committee on the Judiciary.

EC–1433. A communication from the Assistant Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Trinity Lakes Viticultural Area" (RIN1513–AA29) received on March 18, 2005; to the Committee on the Judiciary.

EC–1434. A communication from the Acting Under Secretary of Defense, transmitting, pursuant to law, a report entitled "Fiscal Year 2004 Competitive Sourcing Efforts"; to the Committee on Armed Services.

EC–1435. A communication from the Principal Deputy, Personnel and Readiness, Office of the Under Secretary of Defense, transmitting, pursuant to law, the Department's annual audit of the American Red Cross (ARC) consolidated financial statements for the year ending June 30, 2004; to the Committee on Armed Services.

EC–1436. A communication from the Assistant Secretary of Defense, transmitting, pursuant to law, the Department's annual report on the quality of health care provided by the health care programs of the Department of Defense (DOD) during fiscal year 2003; to the Committee on Armed Services.

EC–1437. A communication from the Acting Director, Office of Personnel Management and the Senior Executive, National Security Personnel System, Department of Defense, transmitting, pursuant to law, a report entitled "Comments on Proposed Regulations for the National Security Personnel System From Unions Representing DoD Employees"; to the Committee on Armed Services.

EC–1438. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on the military operations of the Armed Forces and the reconstruction activities of the Department in Iraq and Afghanistan; to the Committee on Armed Services.

EC–1439. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the approval of the wearing of the insignia of the grade of lieutenant general; to the Committee on Armed Services.

EC–1440. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the approval of the wearing of the insignia of the grade of vice admiral; to the Committee on Armed Services.

EC–1441. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the approval of the wearing of the insignia of the grade of vice admiral; to the Committee on Armed Services.

EC–1442. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–1443. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Provision of Information to Cooperative Agreement Holders" (DFARS Case 2004–D025) received on March 18, 2005; to the Committee on Armed Services.

EC–1444. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Commission's Final Annual Performance Plan for Fiscal Year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–1445. A communication from the Director, Office of Government Ethics, transmitting, pursuant to law, a report entitled "Evaluating the Financial Disclosure Process for Employees of the Executive Branch, and Recommending Improvements to It"; to the Committee on Homeland Security and Governmental Affairs.

EC–1446. A communication from the General Counsel, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of a vacancy in the position of Controller, received on March 28, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–1447. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's Fiscal Year 2004 Performance Report for the Animal Drug User Fee Act; to the Committee on Homeland Security and Governmental Affairs.

EC–1448. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Performance Improvement 2003: Evaluation Activities of the U.S. Department of Health and Human Services"; to the Committee on Homeland Security and Governmental Affairs.

EC–1449. A communication from the Assistant Secretary, Policy, Management and Budget, Department of the Interior, transmitting, pursuant to law, a report on the Department's inventory of commercial activities; to the Committee on Homeland Security and Governmental Affairs.

EC–1450. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–48, "Washington Convention Center Authority Advisory Committee Continuity Temporary Amendment Act of 2005"; to the Committee on Homeland Security and Governmental Affairs.

EC–1451. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–47, "Terrorism Prevention in Hazardous Materials Transportation Temporary Act of 2005"; to the Committee on Homeland Security and Governmental Affairs.

EC–1452. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–46, "Electronic Recording Procedures and Penalties Temporary Act of 2005"; to the Committee on Homeland Security and Governmental Affairs.

EC–1453. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–49, "Abatement of Nuisance Construction Projects Temporary Amendment Act of 2005"; to the Committee on Homeland Security and Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. COCHRAN (for himself, Mrs. LINCOLN, and Mr. LUGAR):

S. 688. A bill to amend the Internal Revenue Code of 1986 to clarify the excise tax exemptions for aerial applicators of fertilizers or other substances; to the Committee on Finance.

By Mr. DOMENICI (for himself, Mr. BINGAMAN, and Mr. HAGEL):

S. 689. A bill to amend the Safe Drinking Water Act to establish a program to provide assistance to small communities for use in carrying out projects and activities necessary to achieve or maintain compliance with drinking water standards; to the Committee on Environment and Public Works.

By Mr. DOMENICI:

S. 690. A bill to amend the Transportation Equity Act for the 21st Century to provide from the Highway Trust Fund additional funding for Indian reservation roads, and for other purposes; to the Committee on Indian Affairs.

By Mr. DOMENICI (for himself, Mr. NELSON of Florida, Mr. SANTORUM, Mr. ENSIGN, Mr. MARTINEZ, Mr. ALLEN, Mr. LIEBERMAN, Mr. LAUTENBERG, and Mr. BUNNING):

S. 691. A bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names; to the Committee on the Judiciary.

By Mr. DOMENICI:

S. 692. A bill to provide for the conveyance of certain public land in northwestern New Mexico by resolving a dispute associated with coal preference right lease interests on the land; to the Committee on Indian Affairs.

By Mr. CORNYN:

S. 693. A bill to provide for judicial review of national security letters issued to wire and electronic communications service providers; to the Committee on the Judiciary.

By Mr. COLEMAN:

S. 694. A bill to amend the Workforce Investment Act of 1998 to provide for a job training grant pilot program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COCHRAN (for himself and Mr. BYRD):

S. 695. A bill to suspend temporarily new shipper bonding privileges; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself, Mr. FRIST, Mr. SHELBY, and Mr. SESSIONS):

S. Res. 93. A resolution relative to the death of Howell T. Heflin, former United States Senator for the State of Alabama; considered and agreed to.

By Mr. BROWNBACK (for himself, Mr. BUNNING, Mr. BURNS, Mr. CHAMBLISS, Mrs. CLINTON, Mr. CORNYN, Mr. DEMINT, Mr. DOMENICI, Mr. ENZI, Mr. GRASSLEY, Mr. KERRY, Mr. KOHL, Mr. MARTINEZ, Mr. THUNE, Mr. DURBIN, and Mr. NELSON of Nebraska):

S. Res. 94. A resolution honoring Pope John Paul II; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 37

At the request of Mrs. FEINSTEIN, the names of the Senator from New Jersey (Mr. CORZINE), the Senator from North Dakota (Mr. DORGAN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 37, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 109

At the request of Ms. LANDRIEU, her name was withdrawn as a cosponsor of S. 109, a bill entitled the "Pharmaceutical Market Access Act of 2005".

S. 132

At the request of Mrs. LINCOLN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 132, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance.

S. 147

At the request of Mr. AKAKA, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 147, a bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.

S. 185

At the request of Mr. NELSON of Florida, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 185, a bill to amend title 10, United States Code, to repeal the requirement for the reduction of certain Survivor Benefit Plan annuities by the amount of dependency and indemnity compensation and to modify the effective date for paid-up coverage under the Survivor Benefit Plan.

S. 217

At the request of Mr. BINGAMAN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 217, a bill to amend title 49, United States Code, to preserve the essential air service program.

S. 241

At the request of Ms. SNOWE, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Michigan (Mr. LEVIN), the Senator from Mississippi (Mr. LOTT), the Senator from Nebraska (Mr. NELSON), the Senator from Kansas (Mr. ROBERTS) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 241, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 304

At the request of Mr. LAUTENBERG, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 304, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

S. 308

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 308, a bill to require that Homeland Security grants related to terrorism preparedness and prevention be awarded based strictly on an assessment of risk, threat, and vulnerabilities.

S. 324

At the request of Mr. AKAKA, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 324, a bill to provide additional protections for recipients of the earned income tax credit.

S. 333

At the request of Mr. SANTORUM, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 337

At the request of Mr. GRAHAM, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 337, a bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service, to expand certain authorities to provide health care benefits for Reserves and their families, and for other purposes.

S. 338

At the request of Mr. SMITH, the names of the Senator from Rhode Island (Mr. REED), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Michigan (Ms. STABENOW) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 338, a bill to provide for the establishment of a Bipartisan Commission on Medicaid.

S. 340

At the request of Mr. LUGAR, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 340, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 352

At the request of Ms. MIKULSKI, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from Delaware (Mr. CARPER) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 352, a bill to revise certain requirements for H–2B employers and require submission of information regarding H–2B nonimmigrants, and for other purposes.

S. 359

At the request of Mr. CRAIG, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 359, a bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H–2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

S. 362

At the request of Mr. INOUYE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 362, a bill to establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes.

S. 369

At the request of Mr. DODD, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 369, a bill to establish protections against compelled disclosure of sources, and news information, by persons providing services for the news media.

S. 382

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 382, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 386

At the request of Mr. HAGEL, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 386, a bill to direct the Secretary of State to carry out activities that promote the adoption of technologies that reduce greenhouse gas intensity in developing countries, while promoting economic development, and for other purposes.

S. 387

At the request of Mr. HAGEL, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 387, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the investment in greenhouse gas intensity reduction projects, and for other purposes.

S. 388

At the request of Mr. HAGEL, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 388, a bill to amend the Energy Policy Act of 1992 to direct the Secretary of Energy to carry out activities that promote the adoption of technologies that reduce greenhouse gas intensity and to provide credit-based financial assistance and investment protection for projects that employ advanced climate technologies or systems, to provide for the establishment of a national greenhouse gas registry, and for other purposes.

S. 408

At the request of Mr. DEWINE, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 408, a bill to provide for programs and activities with respect to the prevention of underage drinking.

S. 420

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 420, a bill to make the repeal of the estate tax permanent.

S. 424

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 424, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 495

At the request of Mr. CORZINE, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 495, a bill to impose sanctions against perpetrators of crimes against humanity in Darfur, Sudan, and for other purposes.

S. 515

At the request of Mr. BYRD, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Oregon (Mr. WYDEN) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 515, a bill to amend title 32, United States Code, to increase the maximum Federal share of the costs of State programs under the National Guard Youth Challenge Program, and for other purposes.

S. 520

At the request of Mr. SHELBY, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 520, a bill to limit the jurisdiction of Federal courts in certain cases and promote federalism.

S. 521

At the request of Mrs. HUTCHISON, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 521, a bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis C virus infection.

S. 542

At the request of Mr. DORGAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 542, a bill to amend the Internal Revenue code of 1986 to extend for 5 years the credit for electricity produced from certain renewable resources, and for other purposes.

S. 576

At the request of Mr. BYRD, the names of the Senator from California (Mrs. BOXER) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 576, a bill to restore the prohibition on the commercial sale and slaughter of wild free-roaming horses and burros.

S. 601

At the request of Mr. CONRAD, the names of the Senator from Florida (Mr. NELSON), the Senator from Colorado (Mr. SALAZAR) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 601, a bill to amend the Internal Revenue Code of 1986 to include combat pay in determining an allowable contribution to an individual retirement plan.

S. 633

At the request of Mr. JOHNSON, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 635

At the request of Mr. SANTORUM, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 635, a bill to amend title XVIII of the Social Security Act to improve the benefits under the medicare program for beneficiaries with kidney disease, and for other purposes.

S. 642

At the request of Mr. FRIST, the names of the Senator from North Carolina (Mrs. DOLE), the Senator from Wyoming (Mr. THOMAS), the Senator from North Carolina (Mr. BURR), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 642, a bill to support certain national youth organizations, including the Boy Scouts of America, and for other purposes.

S. 662

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 662, a bill to reform the postal laws of the United States.

S. 677

At the request of Mr. SANTORUM, the names of the Senator from Texas (Mr. CORNYN), the Senator from Minnesota (Mr. COLEMAN) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 677, a bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

S. CON. RES. 8

At the request of Mr. SARBANES, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. Con. Res. 8, a concurrent resolution expressing the sense of Congress that there should continue to be parity between the adjustments in the pay of members of the uniformed services and the adjustments in the pay of civilian employees of the United States.

S. RES. 31

At the request of Mr. COLEMAN, the names of the Senator from Missouri (Mr. BOND) and the Senator from Missouri (Mr. TALENT) were added as cosponsors of S. Res. 31, a resolution expressing the sense of the Senate that the week of August 7, 2005, be designated as "National Health Center Week" in order to raise awareness of health services provided by community, migrant, public housing, and homeless health centers, and for other purposes.

S. RES. 82

At the request of Mr. ALLEN, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Nevada (Mr. ENSIGN), the Senator from Louisiana (Mr. VITTER), the Senator from Michigan (Ms. STABENOW), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. Res. 82, a resolution urging the European Union to add Hezbollah to the Eurpoean Union's wide-ranging list of terrorist organizations.

S. RES. 85

At the request of Mr. THOMAS, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. Res. 85, a resolution designating July 23, 2005, and July 22, 2006, as "National Day of the American Cowboy".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI (for himself, Mr. BINGAMAN, and Mr. HAGEL):

S. 689. A bill to amend the Safe Drinking Water Act to establish a program to provide assistance to small communities for use in carrying out projects and activities necessary to achieve or maintain compliance with drinking water standards; to the Committee on Environment and Public Works.

Mr. DOMENICI. Mr. President, communities within the State of New Mexico and throughout the country will soon be faced with a costly situation that was not of their making. Beginning in 2006, Federal drinking water regulations established by the EPA will require substantial reductions in the amount of arsenic present in that water. Today the limit is 50 parts per billion in 2006 it will be 10 parts per billion. Arsenic is indeed a poison when ingested at high amounts. It is also naturally occurring in much of the groundwater throughout the nation. Indeed, in Albuquerque, NM, the natural levels of arsenic are around 13 parts per billion. This illustrates the problem that the new standards will create.

The bill that I introduce today recognizes that in some parts of America, the burden will be too great for some communities to bear.

The bill does the following: (1) finds that small communities may not have the resources to meet the new arsenic standards and that Federal programs are not in place to address the issue; (2) creates a grant program for many small communities to help upgrade their water systems; (3) ensures that not less than 20 percent of the grant monies go to communities with less than 50,000 residents; and (4) authorizes appropriations of $1.9 billion for FY2006 and for each year through FY2011.

Let me tell you more about this problem. In New Mexico, the geology, the make up of the rocks and dirt, results in relatively high levels of arsenic in the groundwater. However, over time, New Mexico residents have not experienced higher levels of diseases associated with arsenic.

Be that as it may, the standard is in our future and many small communities throughout New Mexico and the west will not be able to meet the resulting financial burden. I am sure that if we have to fix our water plants to meet the EPA's new standards, some in villages of 100 people where they have a small water system and no other water source, it will create a significant financial burden. Because of this, I believe it is important to aid communities in meeting the coming standards.

The financial burden facing many communities and individuals is great. The new standards could cost New Mexico communities between $370 million and $440 million to improve treatment systems, plus $18 million a year in operating costs. Albuquerque, NM, is looking at having to spend up to $150 million to come into compliance; Rio Rancho is facing $60 million in improvements. Many small communities in New Mexico and throughout the west are facing increases in their water bills of $50 to $90 a month per individual. I need not say that most people cannot afford such an increase.

Most of the technologies needed for water systems to remain in compliance with the new requirements are advanced and will require a significant increase in the level of training and expertise of the public water system operators in New Mexico and throughout the Nation. This legislation will help these communities in upgrading their systems and training their people.

We are forcing communities to comply with drinking water standards that many believe will not increase public health. The least we can do is help them meet the burden.

I ask unanimous consent that my statement and the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 689

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Drinking Water Assistance Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) drinking water standards proposed and in effect as of the date of enactment of this Act will place a large financial burden on many public water systems, especially those public water systems in rural communities serving small populations;

(2) the limited scientific, technical, and professional resources available in small communities complicate the implementation of regulatory requirements;

(3) small communities often cannot afford to meet water quality standards because of the expenses associated with upgrading public water systems and training personnel to operate and maintain the public water systems;

(4) small communities do not have a tax base for dealing with the costs of upgrading their public water systems;

(5) small communities face high per capita costs in improving drinking water quality;

(6) small communities would greatly benefit from a grant program designed to provide funding for water quality projects;

(7) as of the date of enactment of this Act, there is no Federal program in effect that adequately meets the needs of small, primarily rural communities with respect to public water systems; and

(8) since new, more protective arsenic drinking water standards proposed by the Clinton and Bush administrations, respectively, are expected to be implemented in 2006, the grant program established by the amendment made by this Act should be implemented in a manner that ensures that the implementation of those new standards is not delayed.

SEC. 3. ASSISTANCE FOR SMALL PUBLIC WATER SYSTEMS.

(a) DEFINITION OF INDIAN TRIBE.—Section 1401(14) of the Safe Drinking Water Act (42 U.S.C. 300f(14)) is amended in the second sentence by striking "1452," and inserting "1452 and part G,".

(b) ESTABLISHMENT OF PROGRAM.—The Safe Drinking Water Act (42 U.S.C. 300f et seq.) is amended by adding at the end the following:

"PART G—ASSISTANCE FOR SMALL PUBLIC WATER SYSTEMS

"SEC. 1471. DEFINITIONS.

"In this part:

"(1) ELIGIBLE ACTIVITY.—

"(A) IN GENERAL.—The term 'eligible activity' means a project or activity concerning a small public water system that is carried out by an eligible entity to comply with drinking water standards.

"(B) INCLUSIONS.—The term 'eligible activity' includes—

"(i) obtaining technical assistance; and

"(ii) training and certifying operators of small public water systems.

"(C) EXCLUSION.—The term 'eligible activity' does not include any project or activity to increase the population served by a small public water system, except to the extent that the Administrator determines such a project or activity to be necessary to—

"(i) achieve compliance with a national primary drinking water regulation; and

"(ii) provide a water supply to a population that, as of the date of enactment of this part, is not served by a safe public water system.

"(2) ELIGIBLE ENTITY.—The term 'eligible entity' means a small public water system that—

"(A) is located in a State or an area governed by an Indian Tribe; and

"(B)(i) if located in a State, serves a community that, under affordability criteria established by the State under section 1452(d)(3), is determined by the State to be—

"(I) a disadvantaged community; or

"(II) a community that may become a disadvantaged community as a result of carrying out an eligible activity; or

"(ii) if located in an area governed by an Indian Tribe, serves a community that is determined by the Administrator, under affordability criteria published by the Administrator under section 1452(d)(3) and in consultation with the Secretary, to be—

"(I) a disadvantaged community; or

"(II) a community that the Administrator expects to become a disadvantaged community as a result of carrying out an eligible activity.

"(3) PROGRAM.—The term 'Program' means the small public water assistance program established under section 1472(a).

"(4) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services, acting through the Director of the Indian Health Service.

"(5) SMALL PUBLIC WATER SYSTEM.—The term 'small public water system' means a public water system (including a community water system and a noncommunity water system) that serves—

"(A) a community with a population of not more than 200,000 individuals; or

"(B) a public water system located in—

"(i) Bernalillo or Sandoval County, New Mexico;

"(ii) Scottsdale, Arizona;

"(iii) Mesquite or Washoe County, Nevada; or

"(iv) El Paso County, Texas.

"SEC. 1472. SMALL PUBLIC WATER SYSTEM ASSISTANCE PROGRAM.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this part, the Administrator shall establish a program to provide grants to eligible entities for use in carrying out projects and activities to comply with drinking water standards.

"(2) PRIORITY.—Subject to paragraph (3), the Administrator shall award grants under the Program to eligible entities based on—

"(A) first, the financial need of the community for the grant assistance, as determined by the Administrator; and

"(B) second, with respect to the community in which the eligible entity is located, the per capita cost of complying with drinking water standards, as determined by the Administrator.

"(3) SMALL COMMUNITIES.—In making grants under this section, the Administrator shall ensure that not less 20 percent of grant funds provided for each fiscal year are used to carry out eligible activities in communities with a population of less than 50,000 individuals.

"(b) APPLICATION PROCESS.—

"(1) IN GENERAL.—An eligible entity that seeks to receive a grant under the Program shall submit to the Administrator, on such form as the Administrator shall prescribe (not to exceed 3 pages in length), an application to receive the grant.

"(2) COMPONENTS.—The application shall include—

"(A) a description of the eligible activities for which the grant is needed;

"(B) a description of the efforts made by the eligible entity, as of the date of submission of the application, to comply with drinking water standards; and

"(C) any other information required to be included by the Administrator.

"(3) REVIEW AND APPROVAL OF APPLICATIONS.—

"(A) IN GENERAL.—On receipt of an application under paragraph (1), the Administrator shall forward the application to the Council.

"(B) APPROVAL OR DISAPPROVAL.—Not later than 90 days after receiving the recommendations of the Council under subsection (e) concerning an application, after taking into consideration the recommendations, the Administrator shall—

"(i) approve the application and award a grant to the applicant; or

"(ii) disapprove the application.

"(C) RESUBMISSION.—If the Administrator disapproves an application under subparagraph (B)(ii), the Administrator shall—

"(i) inform the applicant in writing of the disapproval (including the reasons for the disapproval); and

"(ii) provide to the applicant a deadline by which the applicant may revise and resubmit the application.

"(c) COST SHARING.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the cost of carrying out an eligible activity using funds from a grant provided under the Program shall not exceed 90 percent.

"(2) WAIVER.—The Administrator may waive the requirement to pay the non-Federal share of the cost of carrying out an eligible activity using funds from a grant provided under the Program if the Administrator determines that an eligible entity is unable to pay, or would experience significant financial hardship if required to pay, the non-Federal share.

"(d) ENFORCEMENT AND IMPLEMENTATION OF STANDARDS.—

"(1) IN GENERAL.—Subject to paragraph (2), the Administrator shall not enforce any standard for drinking water under this Act (including a regulation promulgated under this Act) against an eligible entity during the period beginning on the date on which the eligible entity submits an application for a grant under the Program and ending, as applicable, on—

"(A) the deadline specified in subsection (b)(3)(C)(ii), if the application is disapproved and not resubmitted; or

"(B) the date that is 3 years after the date on which the eligible entity receives a grant under this part, if the application is approved.

"(2) ARSENIC STANDARDS.—No standard for arsenic in drinking water promulgated under this Act (including a standard in any regulation promulgated before the date of enactment of this part) shall be implemented or enforced by the Administrator in any State until the earlier of January 1, 2006 or such date as the Administrator certifies to Congress that—

"(A) the Program has been implemented in the State; and

"(B) the State has made substantial progress, as determined by the Administrator in consultation with the Governor of the State, in complying with drinking water standards under this Act.

"(e) ROLE OF COUNCIL.—The Council shall—

"(1) review applications for grants from eligible entities received by the Administrator under subsection (b);

"(2) for each application, recommend to the Administrator whether the application should be approved or disapproved; and

"(3) take into consideration priority lists developed by States for the use of drinking water treatment revolving loan funds under section 1452.

"SEC. 1473. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this part $1,900,000,000 for each of fiscal years 2006 through 2011.".

By Mr. DOMENICI:

S. 690. A bill to amend the Transportation Equity Act for the 21st Century to provide for the Highway Trust Fund additional funding for Indian reservation roads, and for other purposes; to the Committee on Indian Affairs.

Mr. DOMENICI. Mr. President, I rise today to introduce the "American Indian Reservation Transportation Improvement Program Act." This act will provide the people of Indian Country with the resources they need to upgrade their decaying road system.

In 1982, when I served on the Senate Environment and Public Works Committee, several members of the Navajo Nation Tribal Council Committee on Transportation approached me with an interesting proposition. These Navajo Councilmen believed the time had come for Indian tribes to participate directly in our National Highway Trust Fund programs.

I agreed with these gentlemen, the Senate agreed with me, and the Congress and President Reagan approved Indian tribal participation in the U.S. Department of Transportation highway construction program for the first time in our Nation's history.

By the mid-1980s, Indian Reservation Roads. IRR, funding was at about $100 million per year nationwide. By the late 1980s, however, IRR funding fell to about $80 million per year. In the Intermodal Surface Transportation Efficiency Act, ISTEA, for the 1990s, we were able to raise this critical highway construction funding to about $190 million per year.

Then, in TEA-21. The Transportation Equity Act for the 21st Century, we succeeded in bringing annual IRR funding up to $275 million for fiscal years 1999 through 2003.

As we seek to promote economic opportunities on our Nation's tribal reservations, I believe it is imperative that we once again increase this vital infrastructure funding. I am aware that many groups have advocated for much greater increases in funding for Indian Reservation Roads. While I am sympathetic to the need for such large increases, I am keenly aware of competing needs around the country for medical research, economic stimulus, and for our national defense, to name just a few. Therefore, I am compelled to recommend increases for the IRR program that are more likely to win acceptance among my colleagues.

For highway construction, I am recommending an immediate increase of $55 million in the first year to a new total of $330 million. My bill would then increase the amount for construction by $30 million each year so that the program receives $480 million in the final year of the authorization. For the Indian bridge program, I am recommending $15 million per year, an increase of $6 million annually. And for state roads that serve as key bus routes for Indian children, primarily on our Nation's largest Indian reservation—the Navajo Nation—I am recommending increasing this vital funding from $1.5 million per year to $3 million to retroactively fund fiscal years 2004 and 2005, to $4 million in fiscal years 2006 and 2007, and $5 million for fiscal years 2008 and 2009.

My final recommendation is to create a rural transit program for Indian reservations. Because the Federal Highway Administration and the Federal Transit Administration each have their areas of expertise that can make such a program a success, my legislation will require the two agencies to work together for the benefit of the tribes who participate in this program. My suggestion is to fund this program at $20 million.

In closing, I thank the Navajo Nation Transportation Committee and the tribal transportation department for keeping me informed of their progress and continuing needs. I believe my bill will be a positive answer to their requests. In addition, the Pueblo Indians and Apache Indians of New Mexico have continuing development needs, including new and improved roads to reach their many attractions for tourists and other visitors.

I ask my colleagues to join me in increasing the Indian Reservation Roads program funds in our Federal highways programs to the degree I have requested in this bill. I thank my colleagues and urge their support for these increases as we reauthorize TEA-21 for 6 more years.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 690

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Indian Reservation Transportation Improvement Program Act".

SEC. 2. INDIAN RESERVATION ROADS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1101(a)(8)(A) of the Transportation Equity Act for the 21st Century (112 Stat. 112) is amended by striking "of such title" and all that follows and inserting "of that title—

"(i) $225,000,000 for fiscal year 1998;

"(ii) $275,000,000 for each of fiscal years 1999 through 2003;

"(iii) $330,000,000 for fiscal year 2004;

"(iv) $360,000,000 for fiscal year 2005;

"(v) $390,000,000 for fiscal year 2006;

"(vi) $420,000,000 for fiscal year 2007;

"(vii) $450,000,000 for fiscal year 2008; and

"(viii) $480,000,000 for fiscal year 2009.".

(b) ADDITIONAL AUTHORIZATION OF CONTRACT AUTHORITY FOR STATES WITH INDIAN RESERVATIONS.—Section 1214(d)(5)(A) of the Transportation Equity Act for the 21st Century (23 U.S.C. 202 note; 112 Stat. 206) is amended by inserting before the period at the end the following: ", $3,000,000 for each of fiscal years 2004 and 2005, $4,000,000 for each of fiscal years 2006 and 2007, and $5,000,000 for each of fiscal years 2008 and 2009".

(c) INDIAN RESERVATION ROAD BRIDGES.—Section 202(d)(4)(B) of title 23, United States Code, is amended—

(1) by striking "(B) RESERVATION.—Of the amounts" and all that follows through "to replace," and inserting the following:

"(B) FUNDING.—

"(i) RESERVATION OF FUNDS.—Notwithstanding any other provision of law, there is authorized to be appropriated from the Highway Trust Fund $15,000,000 for each of fiscal years 2004 through 2009 to carry out planning, design, engineering, preconstruction, construction, and inspection of projects to replace,"; and

(2) by adding at the end the following:

"(ii) AVAILABILITY.—Funds made available to carry out this subparagraph—

"(I) shall be available for obligation in the same manner as if the funds were apportioned under chapter 1; and

"(II) shall not be used to pay any administrative costs.".

SEC. 3. INDIAN RESERVATION RURAL TRANSIT PROGRAM.

Section 5311 of title 49, United States Code, is amended by adding at the end the following:

"(k) INDIAN RESERVATION RURAL TRANSIT PROGRAM.—

"(1) DEFINITIONS.—In this subsection:

"(A) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(B) RESERVATION.—The term 'reservation' means—

"(i) an Indian reservation in existence as of the date of enactment of this subsection;

"(ii) a public domain Indian allotment; and

"(iii) an Indian reservation in the State of Oklahoma that existed at any time before, but is no longer in existence as of, the date of enactment of this subsection.

"(C) SECRETARY.—The term 'Secretary' means the Secretary of Transportation, acting through the Administrator of the Federal Highway Administration.

"(2) PROGRAM.—The Secretary shall establish and carry out a program to provide competitive grants to Indian tribes to establish rural transit programs on reservations or other land under the jurisdiction of the Indian tribes.

"(3) COOPERATION.—The Secretary shall—

"(A) establish and maintain intra-agency cooperation between the Federal Highway Administration and the Federal Transit Administration in—

"(i) administering tribal transit programs funded by the Federal Highway Administration; and

"(ii) exploring options for the transfer of funds from the Federal Highway Administration to the Federal Transit Administration for the direct funding of tribal transit programs; and

"(B) establish and maintain working relationships with representatives of regional tribal technical assistance programs to ensure proper administration of ongoing and future tribal transit programs carried out using Federal funds.

"(4) FUNDING.—Notwithstanding any other provision of law, for each fiscal year, of the amount made available to carry out this section under section 5338 for the fiscal year, the Secretary shall use $20,000,000 to carry out this subsection.".

By Mr. DOMENICI (for himself, Mr. NELSON of Florida, Mr. SANTORUM, Mr. ENSIGN, Mr. MARTINEZ, Mr. ALLEN, Mr. LIEBERMAN, Mr. LAUTENBERG, and Mr. BUNNING):

S. 691. A bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names; to the Committee on the Judiciary.

Mr. DOMENICI. Mr. President, I rise today to introduce legislation that will protect U.S. trademarks and their legitimate owners from the effects of the confiscations decreed by the Cuban Government.

My colleagues and I believe in the fundamental principle that property rights must be respected and that it is wrong for governments to take property from individuals and companies, whether nationals or foreigners, without payment of prompt, adequate and effective compensation. We uphold the firmly established principle of our law and public policy that foreign confiscatory measures must never be given effect on property situated in the United States.

When the Castro regime took power in Cuba, it engaged in a program of wholesale confiscation of property in Cuba, including property owned by Cuban nationals as well as by U.S. and other non-Cuban nationals. The Cuban Government also purported to extend the effects of the confiscation to property, such as trademarks, that the confiscation victims owned in other countries, and took other actions in an attempt to seize control of such assets.

To protect U.S. trademarks and their legitimate owners from the effects of the confiscations decreed by the Cuban government, Congress enacted Section 211 of H.R. 4328, PL 105–277, in 1998. This law, referred to as Section 211, prohibits enforcement of U.S. rights to trademarks confiscated by the Cuban Government, except with the consent of the legitimate owner. Section 211 simply made it clear that the universal U.S. policy against giving effect to foreign confiscations of U.S. property applies with equal force in the case of U.S. trademarks confiscated by Cuba.

Section 211 was challenged in the World Trade Organization, WTO, by the European Union, EU. In January 2002, the WTO appellate body finally resolved that challenge by finding in favor of the United States on all points except one. The appellate body made a narrow finding that, because Section 211 on its face does not apply to U.S. nationals, it is inconsistent with the national-treatment and most-favored-nation principles under the TRIPs Agreement. The appellate body fully supported the principle embodied in Section 211, that is, the non-recognition of uncompensated confiscations and the protection of intellectual property ownership rights. The revision required to broaden the application of Section 211 to include U.S. nationals amounts to no more than a minor, technical fix.

The legislation that I introduce today makes it clear that this well-founded law applies to all parties claiming rights in confiscated Cuban trademarks, regardless of nationality. Such a technical correction will satisfy the WTO ruling and prevent the EU from applying trade sanctions against the United States at the end of this year. Moreover, this legislation does three things: it maintains protection for original owners of confiscated Cuban trademarks; it applies to all people, regardless of nationality; and it clarifies that trademarks and trade names confiscated by the Cuban Government will not be recognized in the United States when the assertion is being made by someone who knew or had reason to know that the mark was confiscated.

This bill does not in any way decide which party owns a Cuban trademark in the U.S. nor does Section 211 prevent the Cuban Government or its various entities from having access to our courts or from registering legitimate trademarks in the U.S. As long as the trademark was not confiscated, the Cuban Government can legally register any trademark it desires. Moreover, even if the Cuban Government stole a trademark in the 1960s, it can still register the trademark in the U.S as long as the original owner has consented.

Once revised, Section 211 is consistent with all of our international treaty obligations including the Inter-American Convention on Trademarks. Article 3 of the Inter-American Convention expressly allows non-recognition of a trademark when such recognition would be contrary to the public order or public policy of the state in which recognition is sought. There is no doubt whatsoever that allowing title to U.S. property to be determined by a foreign confiscation violates U.S. public policy. Section 211 simply makes it clear that the universal U.S. policy against giving effect to foreign confiscations of U.S. property applies with equal force in the case of U.S. trademarks confiscated by Cuba. Nothing in any treaty or in international law is inconsistent with that rule of U.S. law.

I believe this piece of legislation is a simple technical corrections bill which will ensure that a fairly simple, but important, U.S. law is WTO-compliant.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 691

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATION OF PROHIBITION.

Section 211 of the Department of Commerce and Related Agencies Appropriations Act, 1999 (as contained in section 101(b) of division A of Public Law 105–277; 112 Stat. 2681–88) is amended—

(1) in subsection (a)(2)—

(A) by striking "by a designated national"; and

(B) by inserting before the period "that was used in connection with a business or assets that were confiscated unless the original owner of the mark, trade name, or commercial name, or the bonafide successor-in-interest has expressly consented";

(2) in subsection (b), by striking "by a designated national or its successor-in-interest";

(3) by redesignating subsection (d) as subsection (e);

(4) by inserting after subsection (c) the following:

"(d) Subsections (a)(2) and (b) of this section shall apply only if the person or entity asserting the rights knew or had reason to know at the time when the person or entity acquired the rights asserted that the mark, trade name, or commercial name was the same as or substantially similar to a mark, trade name, or commercial name that was used in connection with a business or assets that were confiscated."; and

(5) in subsection (e), as so redesignated, by striking "In this section:" and all that follows through "(2) The term" and inserting "In this section, the term".

By Mr. DOMENICI:

S. 692. A bill to provide for the conveyance of certain public land in northwestern New Mexico by resolving a dispute associated with coal preference right lease interests on the land; to the Committee on Indian Affairs.

Mr. DOMENICI. Mr. President, I am pleased today to be introducing the Bisti PRLA Dispute Resolution Act of 2005, which will resolve a conflict regarding coal mining leases in New Mexico and which will confirm the completion of all Navajo Nation land selections in New Mexico under the Navajo-Hopi Settlement Act. Arch Coal Company and the Navajo Nation have been deadlocked within the Department of the Interior appeals process regarding certain preference right lease applications, PRLAs, in the Bisti region of northwestern New Mexico. When enacted, this legislation will resolve a complex set of issues arising from legal rights the Arch Coal Company acquired in Federal lands, which are now situated among lands which constitute tribal property and the allotments of members of the Navajo Nation. Both Arch Coal and the Navajo Nation support this legislation to resolve the situation in a manner that is mutually beneficial. In addition, this legislation will serve to mandate the completion of a longstanding set of land selections the Navajo Nation made under the Navajo-Hopi Settlement Act. In 1984 amendments to that act, Congress provided the Navajo Nation with its final opportunity, within 18 months of passage of the amendments, to select lands in New Mexico as provided in section 11 of the Navajo-Hopi Settlement Act. The Navajo Nation exercised its rights under the 1984 Amendments, but since has sought to review, revise, and seek to select other lands to the potential detriment of mineral lessees holding leases on Federal public lands near the Navajo reservation. This legislation would clarify Congress's intent that the nation no longer has land selection rights available to it in New Mexico under the Navajo-Hopi Settlement Act.

There are many reasons the solution embodied in this bill achieves broad benefits to the interested parties and the public. It will resolve a longstanding conflict between the Navajo Nation and Arch Coal and allow the Navajo Nation to complete the land selections in New Mexico that were made in the 1980s to promote tribal member resettlement following the partition of lands in Arizona to the Hopi Tribe. Specifically, section 4(a)(1) will clarify and confirm that the Navajo Nation already has selected the lands to which it entitled under the Navajo-Hopi Settlement Act and has no further rights under that act to select lands in New Mexico other than those already selected by the Navajo Nation in the 1980s.

The bill also guarantees that Arch Coal, Inc. will be compensated for the economic value of its coal reserves. An independent panel will make recommendations to the Secretary of the Interior regarding the fair market value of the coal reserves, gives the company bidding rights, protects a State's financial interest in its share of Federal Mineral Leasing Act payments, and allows the Navajo Nation beneficial ownership in their lands.

The Secretary of the Interior will issue a certificate of bidding rights to Arch Coal upon relinquishment of its interests in the PRLAs. The amount of that certificate will equal the fair market value of the coal reserves as defined by the Department of the Interior's regulations. A panel consisting of representatives of the Department of the Interior, Arch Coal, and the Governors of Wyoming and New Mexico will help determine fair market value. While the Interior Department is authorized to exchange PRLAs for bidding rights, the Department has not done so, largely because of the difficulty it perceives in determining the fair market value of the coal reserves. The panel method in this legislation will promote the objectivity of that process.

Upon the relinquishment of the PRLAs and the issuance of a certificate of bidding rights, the Department of the Interior will execute patents to the Navajo Nation of the lands encompassed by the PRLAs. This is a win-win situation for all parties involved, is endorsed by the affected parties, and is a fair resolution to this ongoing problem.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 692

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bisti PRLA Dispute Resolution Act".

SEC. 2. WITHDRAWAL OF COAL PREFERENCE RIGHT LEASE APPLICATIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, if any of the coal preference right lease applications captioned NMNM 3752, NMNM 3753, NMNM 3754, NMNM 3755, NMNM 3835, NMNM 3837, NMNM 3918, NMNM 3919, NMNM 6802, NMNM 7235, and NMNM 8745 are withdrawn by the holder or holders of the applications, the Secretary of the Interior, acting through the Bureau of Land Management (referred to in this Act as the "Secretary"), shall issue under section 4(a)(2) to each such holder or holders a certificate of bidding rights (in such form and manner as provided for under regulations promulgated by the Secretary under the Mineral Leasing Act (30 U.S.C. 181 et seq.)) that constitutes the combined fair market value, as determined under section 3, of the coal reserves for each coal preference right lease application withdrawn by the holder.

(b) RELINQUISHMENT.—The relinquishment of all rights associated with the coal preference lease applications withdrawn shall be effective on the date of the issuance of the certificate of bidding rights under section 4(a)(2).

(c) NO ADJUDICATION.—The withdrawals and issuances required under subsection (a) shall occur without any further adjudication of coal preference right lease applications by the Secretary.

SEC. 3. METHOD FOR DETERMINING FAIR MARKET VALUE.

(a) IN GENERAL.—Notwithstanding any other provision of law, this section shall apply to the issuance of a certificate of bidding rights under section 4(a)(2).

(b) VALUE OF COAL RESERVES.—

(1) IN GENERAL.—The fair market value of the coal reserves of any coal preference right lease application withdrawn under section 2(a) shall be determined by the panel established under paragraph (2).

(2) PANEL.—

(A) ESTABLISHMENT.—Not later than 30 days after the date of enactment of this Act, the Secretary shall establish a panel to determine the fair market value of the coal reserves of any coal preference right lease applications withdrawn under section 2(a).

(B) MEMBERSHIP.—The panel shall be composed of 3 representatives, of whom—

(i) 1 representative shall be appointed by the Secretary;

(ii) 1 representative shall be appointed by the holder of the preference right lease application; and

(iii) 1 representative shall be appointed by the Governor of the State of New Mexico.

(3) MINERAL APPRAISER.—The Secretary shall contract with a qualified coal reserve appraiser to assist the panel established under paragraph (2)(A) in determining the fair market value of a coal reserve.

(4) SUPPLEMENTAL INFORMATION.—In determining the fair market value of a coal reserve, the panel may supplement any information provided to the panel, as the panel determines to be appropriate.

(5) DETERMINATION.—Not later than 75 days after the date on which the panel is established under paragraph (2)(A), the panel shall submit to the Secretary the determination of the panel with respect to the fair market value of a coal reserve of any coal preference right lease application withdrawn by the holder.

SEC. 4. ISSUANCE OF BIDDING RIGHTS TO HOLDERS OF RELINQUISHED PREFERENCE RIGHT LEASE APPLICATIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, not later than 120 days after the withdrawal of a coal preference right lease application, the Secretary shall—

(1) accept the relinquishment of the rights associated with the coal preference right lease application; and

(2) issue a certificate of bidding rights in the amount of the fair market value determined under section 3.

(b) ENFORCEMENT.—The duties of the Secretary under this section shall be considered nondiscretionary and enforceable in a mandamus proceeding brought under section 1361 of title 28, United States Code.

SEC. 5. USE OF EXCHANGE BIDDING RIGHTS.

(a) IN GENERAL.—Notwithstanding any other provision of law—

(1) a certificate of bidding rights issued under section 4(a)(2) shall—

(A) be subject to such procedures as the Secretary may establish pertaining to notice of transfer and accountings of holders and their balances;

(B) be transferable by the holder or holders of the certificate of bidding rights in whole or in part; and

(C) constitute a monetary credit that, subject to paragraph (2), may be applied, at the election of the holder or holders of the certificate of bidding rights, against—

(i) rentals, advance royalties, or production royalties payable to the Secretary under Federal coal leases; and

(ii) bonus payments payable to the Secretary in the issuance of a Federal coal lease or Federal coal lease modification under the coal leasing provisions of the Mineral Leasing Act (30 U.S.C. 181 et seq.); and

(2) in a case in which a certificate of bidding rights issued under section 4(a)(2) is applied by the holder or holders of the certificate of bidding rights as a monetary credit against a payment obligation under a Federal coal lease, the holder or holders—

(A) may apply the bidding rights only against 50 percent of the amount payable under the lease; and

(B) shall pay the remaining 50 percent as provided for under the lease in cash or cash equivalent.

(b) PAYMENT UNDER LEASE OBLIGATIONS.—Any payment of a Federal coal lease obligation by the holder or holders of a certificate of bidding rights issued under section 4(a)(2)—

(1) shall be treated as money received under section 35 of the Mineral Leasing Act (30 U.S.C. 191); but

(2) shall be credited and redistributed by the Secretary only as follows:

(A) 50 percent of the amount paid in cash or its equivalent shall be—

(i) distributed to the State in which the lease is located; and

(ii) treated as a redistribution under section 35 of the Mineral Leasing Act (30 U.S.C. 191).

(B) 50 percent of the amount paid through a crediting of the bidding rights involved shall be treated as a payment that is subject to redistribution under that section to the Reclamation and Miscellaneous Receipts accounts in the Treasury.

By Mr. CORNYN:

S. 693. A bill to provide for judicial review of national security letters issued to wire and electronic communications service providers; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President, it has been nearly 4 years since the terrorist attacks of September 11, 2001. In the days, weeks, and months since that day, the American people have braced themselves for the possibility of another terrorist attack on our homeland. After all, we know all too well that al-Qaida is a stealthy, sophisticated, and patient enemy, and that its leadership is extremely motivated to launch another devastating attack on American soil and American citizens.

In fact, outside the United States, al-Qaida and affiliates of al-Qaida have continued to be enormously active, responsible for numerous terrorist attacks on foreign soil in the last few years:

2001 (Dec.): Man tried to detonate shoe bomb on flight from Paris to Miami.

2002 (April): Explosion at historic synagogue in Tunisia left 21 dead, including 14 German tourists.

2002 (May): Car exploded outside hotel in Karachi, Pakistan, killing 14, including 11 French citizens.

2002 (June): Bomb exploded outside American consulate in Karachi, Pakistan, killing 12.

2002 (Oct.): Boat crashed into oil tanker off Yemen coast, killing one.

2002 (Oct.): Nightclub bombings in Bali, Indonesia, killed 202, mostly Australian citizens.

2002 (Nov.): Suicide attack on a hotel in Mombasa, Kenya, killed 16.

2003 (May): Suicide bombers killed 34, including 8 Americans, at housing compounds for Westerners in Riyadh, Saudi Arabia.

2003 (May): Four bombs killed 33 people targeting Jewish, Spanish, and Belgian sites in Casablanca, Morocco.

2003 (Aug.): Suicide car-bomb killed 12, injured 150 at Marriott Hotel in Jakarta, Indonesia.

2003 (Nov.): Explosions rocked a Riyadh, Saudi Arabia housing compound, killing 17.

2003 (Nov.): Suicide car-bombers simultaneously attacked two synagogues in Istanbul, Turkey, killing 25 and injuring hundreds.

2003 (Nov.): Truck bombs detonated at London bank and British consulate in Istanbul, Turkey, killing 26.

2004 (March): Ten terrorists bombs exploded almost simultaneously during the morning rush hour in Madrid, Spain, killing 202 and injuring more than 1,400.

2004 (May): Terrorists attacked Saudi oil company offices in Khobar, Saudi Arabia, killing 22.

2004 (June): Terrorists kidnapped and executed American Paul Johnson, Jr., in Riyadh, Saudi Arabia.

2004 (Sept.): Car bomb outside the Australian embassy in Jakarta, Indonesia, killed nine.

2004 (Dec.): Terrorists enter the U.S. Consulate in Jiddah, Saudi Arabia, killing nine (including 4 attackers).

It is precisely because al-Qaida is so aggressive, so motivated, and so demonstrably hostile to America, that I am so grateful that, to date, al-Qaida still has not successfully launched another terrorist attack on our own soil. There are undoubtedly many reasons for this. First and foremost, I am profoundly thankful to the brave men and women of our Armed Forces, who fight the terrorists abroad so that we do not have to face them at home. I also firmly believe that our efforts to strengthen anti-terrorism and law enforcement tools right here at home have much to do with this record of success and peace in our homeland to date.

It is within this important context that a Senate Judiciary Committee hearing tomorrow morning will commence a new round of discussions about the USA PATRIOT Act. As I explained in an op-ed published in the Washington Times just this morning, I welcome that hearing, because the American people deserve an honest, responsible, and fair discussion to ensure that we are indeed fulfilling our dual responsibilities to protect national security and civil liberties alike.

Unfortunately, the debate about the USA PATRIOT Act has not always met that standard. Last fall, just weeks before the Presidential election, we even witnessed false reports in newspapers across the country that a Federal court had struck down parts of the act as unconstitutional. False reports and scare tactics serve no legitimate cause and greatly disserve the American people.

The war on terrorism must be fought aggressively but consistently with the protection of civil rights and civil liberties. Whenever real civil liberties problems do arise, we must learn about them right away, so that we can fix them swiftly.

It is for precisely this reason that I have long been concerned about false allegations of civil rights deprivations. Every false allegation undermines every true allegation, and that hurts us all. After all, scaring people about false civil rights deprivations unnecessarily divides our Nation and makes no one safer. If anything, false claims about civil liberties actually make it harder to monitor real civil liberties issues in the future—for the same reason that eventually no one listened to the fabled little boy who kept "crying wolf."

After several weeks of negotiation, Congress in 2001 enacted the USA PATRIOT Act by overwhelming bipartisan margins—98-1 in the Senate and 357-66 in the House. At the time, Senators on both sides of the aisle agreed that the legislation had struck a careful and wise balance between national security and civil liberties.

The record continues to be strong to this day. As Senator DIANNE FEINSTEIN at a Senate Judiciary Committee oversight hearing during the last Congress, "I have never had a single abuse of the PATRIOT Act reported to me. My staff e-mailed the ACLU and asked them for instances of actual abuses. They e-mailed back and said they had none."

The ACLU did allege in a press release last September that a Federal court had struck down parts of the USA PATRIOT Act—calling the decision "a landmark victory against the

Ashcroft Justice Department." See *Doe* v. *Ashcroft*, 334 F. Supp. 2d 471 (S.D.N.Y. 2004). The litigation is currently on appeal.

Newspapers across the country immediately repeated the ACLU's message. But as legal experts immediately discovered, there were two important problems with the allegation: they were attacking the wrong person, and the wrong law.

In fact, the court had actually struck down a law authored by Senator PATRICK LEAHY during the 1980s. That statute balanced the national interest in protecting electronic communications privacy against the legitimate needs of national security, by establishing a procedure for obtaining electronic communications records in certain national security investigations through the use of so-called "national security letters." The USA PATRIOT Act amended the law to make clear that such letters could be issued in terrorism investigations as well.

So the statute in question was written by LEAHY, not Ashcroft. And it was the Electronic Communications Privacy Act of 1986, not the USA PATRIOT Act in 2001. Indeed, the USA PATRIOT Act did not change a single word of any provision attacked by that court.

What's more, in 1986, the ACLU endorsed the Electronic Communications Privacy Act. And shortly after that law was approved by the Senate on a voice vote and the House by unanimous consent, the chief legislative counsel of the ACLU called it a "significant advancement of privacy rights of citizens in the age of new communications technology."

None of this stopped the ACLU in 2004, however, from charging that the court's ruling was "the first to strike down any of the vast new surveillance powers authorized by the Patriot Act."

The ACLU has since backed down and admitted that they had attacked the wrong law. As ACLU attorney Jameel Jaffer eventually conceded, "the provisions that we challenged and that the court objected to were in the statute before the Patriot Act was passed. We could have raised the same objections before the power was expanded." Nevertheless, it hurts all of us whenever an allegation about civil liberties is discredited—because it makes it that much easier to ignore legitimate civil liberties problems that may arise in the future.

It's also worth noting that the primary controversy in the litigation—whether judicial review is available to scrutinize the issuance of national security letters—was not actually disputed by the government. To the contrary, the Justice Department agreed that there should be judicial review. The court simply concluded that the 1986 law was not drafted with sufficient clarity to authorize such review.

Today, I introduce legislation to cure this technical defect, and to amend the Electronic Communications Privacy Act to make explicit the availability of judicial review to examine national security letters. The legislation is entitled the Electronic Communications Privacy Judicial Review and Improvement Act of 2005. I ask unanimous consent that the text of the legislation, as well as a section-by-section analysis of the legislation prepared by my office, be printed in the RECORD.

I hope that this legislation will be enacted in the same bipartisan spirit that put both the Electronic Communications Privacy Act and the USA PATRIOT Act on the books. And I hope that future discussions about the war on terrorism, civil liberties, and the USA PATRIOT Act will be honest, responsible, and fair.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 693

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "The Electronic Communications Privacy Judicial Review and Improvement Act of 2005".

SEC. 2. JUDICIAL REVIEW.

(a) IN GENERAL.—Section 2709(a) of title 18, United States Code, is amended—

(1) by striking "A wire or electronic communication service provider" and inserting the following:

"(1) IN GENERAL.—A wire or electronic communication service provider"; and

(2) by adding at the end the following:

"(2) JUDICIAL REVIEW.—A wire or electronic communication service provider who receives a request under subsection (b) may, at any time, seek a court order from an appropriate United States district court to modify or set aside the request. Any such motion shall state the grounds for challenging the request with particularity. The court may modify or set aside the request if compliance would be unreasonable or oppressive.".

(b) NONDISCLOSURE.—Section 2709(c) of title 18, United States Code, is amended—

(1) by striking "No wire or electronic communication service provider" and inserting the following:

"(1) IN GENERAL.—No wire or electronic communication service provider"; and

(2) by adding at the end the following:

"(2) JUDICIAL REVIEW.—A wire or electronic communication service provider who receives a request under subsection (b) may, at any time, seek a court order from an appropriate United States district court challenging the nondisclosure requirement under paragraph (1). Any such motion shall state the grounds for challenging the nondisclosure requirement with particularity.

"(3) STANDARD OF REVIEW.—The court may modify or set aside such a nondisclosure requirement if there is no reason to believe that disclosure may endanger the national security of the United States, interfere with a criminal, counterterrorism, or counterintelligence investigation, interfere with diplomatic relations, or endanger the life or physical safety of any person. In reviewing a nondisclosure requirement, the certification by the Government that the disclosure may endanger of the national security of the United States or interfere with diplomatic relations shall be treated as conclusive unless the court finds that the certification was made in bad faith.".

SEC. 3. ENFORCEMENT OF NATIONAL SECURITY LETTERS.

Section 2709(a) of title 18, United States Code, as amended by section 2(a), is further amended by adding at the end the following:

"(3) ENFORCEMENT OF REQUESTS.—The Attorney General may seek enforcement of a request under subsection (b) in an appropriate United States district court if a recipient refuses to comply with the request.".

SEC. 4. DISCLOSURE OF INFORMATION.

(a) SECURE PROCEEDINGS.—Section 2709 of title 18, United States Code, as amended by sections 2 and 3, is further amended—

(1) in subsection (a), by adding at the end the following:

"(4) SECURE PROCEEDINGS.—The disclosure of information in any proceedings under this subsection may be limited consistent with the requirements of the Classified Information Procedures Act (18 U.S.C. App)."; and

(2) in subsection (c), by adding at the end the following:

"(4) SECURE PROCEEDINGS.—The disclosure of information in any proceedings under this subsection may be limited consistent with the requirements of the Classified Information Procedures Act (18 U.S.C. App).".

(b) DISCLOSURE TO NECESSARY PERSONS.—Section 2709(c)(1) of title 18, United States Code, as amended by section 2(b)(1), is further amended—

(1) by inserting after "any person" the following: ", except for disclosure to an attorney to obtain legal advice regarding the request or to a persons to whom disclosure is necessary in order to comply with the request,"; and

(2) by adding at the end the following: "Any attorney or person whose assistance is necessary to comply with the request who is notified of the request also shall not disclose to any person that the Federal Bureau of Investigation has sought or obtained access to information or records under this section.".

SECTION-BY-SECTION ANALYSIS

THE ELECTRONIC COMMUNICATIONS PRIVACY JUDICIAL REVIEW AND IMPROVEMENT ACT OF 2005

The Electronic Communications Privacy Act of 1986 strikes a balance between the important national interest in electronic communications privacy and the legitimate needs of national security and law enforcement. It generally forbids nonconsensual, unauthorized disclosures of private electronic communications by communications providers, while authorizing the Federal Bureau of Investigation to issue so-called "national security letters" under certain conditions in order to obtain certain kinds of communications records from such providers. The original 1986 law authorized national security letters in foreign counterintelligence investigations; section 505 of the USA PATRIOT Act amended the 1986 Act to explicitly permit the issuance of such letters in international terrorism investigations as well.

The 1986 Act was authored by U.S. Senator Patrick Leahy and approved by the Senate on a voice vote and the House by unanimous consent. It was endorsed by a number of organizations, including civil liberties and privacy advocates. The ACLU's chief legislative counsel and director of its project on technology and privacy called the legislation a "significant advancement of privacy rights of citizens in the age of new communications technology," according to a December 5, 1986 article in the Christian Science Monitor.

The national security letter provision of the Electronic Communications Privacy Act of 1986 has recently been challenged in federal court. During the course of the litigation, Justice Department attorneys agreed that there should be judicial review of national security letters, and argued that current law already provides for such review. Nevertheless, last September a federal district court in New York struck down the Electronic Communications Privacy Act as unconstitutional because it does not explicitly authorize judicial review. See *Doe* v. *Ashcroft*, 334 F. Supp. 2d 471 (S.D.N.Y. 2004). This litigation—which is currently on appeal—presents an important legal dispute concerning whether the Electronic Communications Privacy Act implicitly provides for judicial review of national security letters. It may be helpful for Congress to enact an explicit provision authorizing judicial review, to avoid any ambiguity and to provide clearer guidance to national security letter recipients and parties in litigation in the future.

Accordingly, the Electronic Communications Privacy Judicial Review and Improvement Act of 2005 responds to the *Doe* v. *Ashcroft* litigation by establishing an explicit judicial review provision for national security letters.

Section 1. Short title.

Section 2. Judicial review. This provision explicitly authorizes a recipient of a national security letter to seek judicial review in federal court to prevent enforcement of the letter. The provision states that a court may modify or set aside the national security letter if compliance would be unreasonable or oppressive—the same standard that governs grand jury subpoenas. See Federal Rule of Criminal Procedure 17(c)(2). Courts have made clear that, under this standard, requests must be relevant to the underlying investigation. See, e.g., *U.S.* v. *R. Enterprises Inc.*, 498 U.S. 292, 301 (1991) (requiring "reasonable possibility that the category of materials the Government seeks will produce information relevant to the general subject of the grand jury's investigation").

This provision also explicitly authorizes a recipient at any time to seek judicial review in federal court to set aside the nondisclosure requirement imposed by the original 1986 law. The 1986 Act forbids recipients from disclosing to any person that the FBI has issued the national security letter. This bill provides that a court may modify or set aside the nondisclosure requirement if there is no reason to believe that disclosure may endanger the national security of the United States, interfere with a criminal, counterterrorism, or counterintelligence investigation, interfere with diplomatic relations, or endanger the life or physical safety of any person. The provision also provides that, in reviewing a nondisclosure requirement, the certification by the Government that disclosure may endanger of the national security of the United States or interfere with diplomatic relations shall be treated as conclusive unless the court finds that the certification was made in bad faith.

Section 3. Enforcement of national security letters. This provision authorizes the Attorney General to seek enforcement of a national security letter in federal court if a recipient refuses to comply.

Section 4. Disclosure of information. This provision establishes that the judicial review proceedings established by this bill may be secured against disclosure pursuant to the provisions of the Classified Information Procedures Act.

This provision also makes clear that the nondisclosure requirement of the 1986 law does not forbid conversations with the recipient's attorney to obtain legal advice regarding the request, nor does it forbid conversations with persons to whom disclosure would be necessary to comply with the request. All participants in such conversations are forbidden from disclosing the existence of the national security letter, consistent with the requirements of the original 1986 law.

By Mr. COLEMAN:

S. 694. A bill to amend the Workforce Investment Act of 1998 to provide for a job training grant pilot program; to the Committee on Health, Education, Labor, and Pensions.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the bill I introduce today be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 694

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JOB TRAINING GRANT PILOT PROGRAM.

Section 171 of the Workforce Investment Act of 1998 (29 U.S.C. 2916) is amended by striking subsection (d) and inserting the following:

"(d) JOB TRAINING GRANT PILOT PROGRAM.—

"(1) IN GENERAL.—

"(A) GRANTS.—The Secretary shall provide grants to qualified job training programs as follows:

"(i) PLACEMENT GRANTS.—Grants in an amount to be determined by the Secretary shall be provided to qualified job training programs upon placement of a qualified graduate in qualifying employment.

"(ii) RETENTION GRANTS.—An additional grant in an amount to be determined by the Secretary shall be provided to qualified job training programs upon retention of a qualified graduate in qualifying employment for a period of 1 year.

"(B) DETERMINATION.—In determining the amount of the grants to be provided under subparagraph (A), the Secretary shall consider the economic benefit received by the Government from the employment of the qualified graduate, including increased tax revenue and decreased unemployment benefits or other support obligations.

"(2) QUALIFIED JOB TRAINING PROGRAM.—For purposes of this subsection, a qualified job training program is 1 that—

"(A) is operated by a nonprofit or for-profit entity, partnership, or joint venture formed under the laws of—

"(i) the United States or a territory of the United States;

"(ii) any State; or

"(iii) any county or locality;

"(B) offers education and training in—

"(i) basic skills, such as reading, writing, mathematics, information processing, and communications;

"(ii) technical skills, such as accounting, computers, printing, and machining;

"(iii) thinking skills, such as reasoning, creative thinking, decision making, and problem solving; and

"(iv) personal qualities, such as responsibility, self-esteem, self-management, honesty, and integrity;

"(C) provides income supplements when needed to eligible participants (defined for purposes of this paragraph as an individual who meets the criteria described in subparagraphs (A) through (C) of paragraph (3)) for housing, counseling, tuition, and other basic needs;

"(D) provides eligible participants with not less than 160 hours of instruction, assessment, or professional coaching; and

"(E) invests an average of $10,000 in training per graduate of such program.

"(3) QUALIFIED GRADUATE.—For purposes of this subsection, a qualified graduate is an individual who is a graduate of a qualified job training program and who—

"(A) is 18 years of age or older;

"(B) had in either of the 2 preceding taxable years Federal adjusted gross income not exceeding the maximum income of a very low-income family (as defined in section 3(b)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(2))) for a single individual; and

"(C) has assets of not more than $10,000, exclusive of the value of an owned homestead, indexed for inflation.

"(4) QUALIFYING EMPLOYMENT.—For purposes of this subsection, qualifying employment shall include any permanent job or employment paying annual wages of not less than $18,000, and not less than $10,000 more than the qualified graduate earned before receiving training from the qualified job training program.".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 93—RELATIVE TO THE DEATH OF HOWELL T. HEFLIN, FORMER UNITED STATES SENATOR FOR THE STATE OF ALABAMA

Mr. REID (for himself, Mr. FRIST, Mr. SHELBY, and Mr. SESSIONS) submitted the following resolution; which was considered and agreed to:

S. RES. 93

Whereas Howell Heflin served as a United States Marine from 1942–1946 and was awarded the Silver Star for bravery;

Whereas Howell Heflin served as Chief Justice of the Alabama Supreme Court from 1971–1977;

Whereas Howell Heflin served the people of Alabama with distinction for 18 years in the United States Senate; and

Whereas Howell Heflin served the Senate as Chairman of the Select Committee on Ethics in the ninety-sixth and one hundredth to one hundred-second Congresses;

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Howell T. Heflin, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Howell T. Heflin.

SENATE RESOLUTION 94—HONORING POPE JOHN PAUL II

Mr. BROWNBACK (for himself, Mr. BUNNING, Mr. BURNS, Mr. CHAMBLISS, Mrs. CLINTON, Mr. CORNYN, Mr. DEMINT, Mr. DOMENICI, Mr. ENZI, Mr. GRASSLEY, Mr. KERRY, Mr. KOHL, Mr. MARTINEZ, Mr. THUNE, Mr. DURBIN, and Mr. NELSON of Nebraska) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 94

Whereas His Holiness, Pope John Paul II, was born Karol Jozef Wojtyla in Wadowice, Poland, on May 18, 1920, the youngest of 3 children, born to Karol Wojtyla and Emilia Kaczorowska;

Whereas Pope John Paul II personally suffered and experienced deprivation from an early age, losing his mother, eldest brother, and father before turning age 21;

Whereas Pope John Paul II found comfort and strength in the example of his father's faith, of whom he observed "after my mother's death, his life became one of constant prayer. Sometimes I would wake up during the night and find my father on his knees . . . his example was in a way my first seminary";

Whereas, in 1939, Pope John Paul II was enrolled in Jagiellonian University in Cracow, which was closed by the Nazis during their occupation of Poland;

Whereas Pope John Paul II experienced the brutality of a godless totalitarian regime, which sought to eradicate the history and culture of a proud people and sent many of his professors, friends, and millions of Polish Jews to camps where they were systematically murdered;

Whereas, in 1942, Pope John Paul II was himself arrested by Nazi occupation forces, but his life was spared because of his employment at a limestone quarry, work deemed essential to the war effort;

Whereas Pope John Paul II courageously defied the Nazi occupation forces, risking his own life to protect Polish Jews from persecution, helping to organize the underground "Rhapsodic Theatre", which he intended to be "a theatre . . . where the national spirit will burn", writing two religious plays considered subversive to the Nazi regime, and enrolling in the clandestine seminary of Archbishop Sapieha of Cracow, where he studied religion, theology, and philosophy;

Whereas the Nazi occupation of Poland was ended only by the imposition of a Communist era of occupation that sought to subjugate Polish citizens, extinguish Polish nationalism, and subjected the exercise of individual religious liberty to the control of godless Stalinist rulers;

Whereas, in 1946, Pope John Paul II was ordained, later becoming a Professor of Ethics and Chaplain at the Catholic University of Lublin, the only Catholic university behind the Iron Curtain, where he, again at great personal risk, initiated activities that helped to preserve the intellectual, cultural, and historical richness of his homeland and protected the integrity and independence of the Catholic Church in Poland;

Whereas Pope John Paul II was an articulate and outspoken advocate for religious freedom and Christian humanism at Vatican Council II, asserting that the Church could not claim religious liberty for itself unless it was willing to concede it to others;

Whereas Pope John Paul II, upon returning to his homeland, frequently cited the Council's declaration that religious freedom was "the first of human rights", a phrase embraced by Polish Catholics in their struggle against the hegemony of the Communist regime;

Whereas, on October 16, 1978, Pope John Paul II was elected the 264th Pope, making history by becoming the first-ever Slavic Pope and the first non-Italian Pope in more than 400 years;

Whereas Pope John Paul II served for over 26 years as Bishop of Rome and Supreme Pastor of the Catholic Church, and as the spiritual leader of more than 1,000,000,000 Catholic Christians around the world, including more than 66,000,000 Catholic Christians in the United States;

Whereas Pope John Paul II served the third-longest pontificate, behind only Saint Peter, who served as Pope for over 34 years, and Blessed Pius IX, who served for over 31 years;

Whereas Pope John Paul II was a unique, substantial, and historic catalyst in the demise of Soviet communism and the emancipation of hundreds of millions of people from totalitarian rule;

Whereas Pope John Paul II, in his inaugural sermon, boldly offered hope to oppressed peoples around the world while causing authoritarian rulers to brace by proclaiming "open the boundaries of states, economic and political systems, the vast fields of culture, civilization, and development. Do not be afraid.";

Whereas, in June 1979, Pope John Paul II returned to his native Poland for 9 days, unleashing patriotic and religious forces that would ultimately lead to the peaceful toppling of the Communist regime in Poland and the dramatic demise of the Warsaw Pact and the Soviet Union;

Whereas Pope John Paul II, before visiting his native Poland in 1987, met with President Ronald Reagan, who recognized the fruits of His Holiness' labors by stating "be assured that the hearts of the American people are with you. Our prayers will go with you in profound hope that the terrible burden of brave people everywhere who yearn for freedom, even as all men and women yearn for the freedom that God gave us all. . . . We see the power of the spiritual force in that troubled land, uniting a people in hope, just as we see the powerful stirrings in the East of a belief that will not die despite generations of oppression. . . . For despite all the attempts to extinguish it, the people's faith burns with a passionate heat: once allowed to breathe free, that faith will burn so brightly it will light the world.";

Whereas Pope John Paul II was recognized by Lady Margaret Thatcher to have "provided the main impetus for the revival of Solidarity and the pressure for reform [in his native Poland]";

Whereas Pope John Paul II was acknowledged by Mikhail Gorbachev to have played an essential role in the liberation of those who lived under European communism when he stated "everything that happened in Eastern Europe . . . would have been impossible without this Pope";

Whereas Pope John Paul II carried on an active correspondence with world leaders during the 1980s, involving the Church in efforts to promote peace by reducing tensions, and exerting his moral authority to persuade the superpowers to engage in a "dialogue" that succeeded in reducing conventional and nuclear weapons and helped to avert a nuclear war;

Whereas Pope John Paul II used public and private diplomacy and the power of moral persuasion to encourage world leaders to respect the inalienable rights of the human person;

Whereas, on May 13, 1981, Pope John Paul II, was shot by a would-be assassin, and nevertheless provided a remarkable example of the power of grace, later visiting his attacker in prison, and stating afterwards "I spoke to him as I would speak to a brother whom I have forgiven and who enjoys my confidence";

Whereas Pope John Paul II ministered to Catholic and non-Catholic alike, providing a personal example of grace, endurance, compassion, courage, sacrifice, and foresight;

Whereas Pope John Paul II sought to heal divisions between the Catholic Church and other Christian faiths, the Jewish faith, and Islam, expressing sadness and regret for the individual acts of present and former Catholics who persecuted members of other faiths and promoting reconciliation and dialogue through the first-ever Papal visits to synagogues and mosques, as well as visits to areas of historic conflict, including Ireland and the Holy Land;

Whereas, in 1995, Pope John Paul II wrote of "the incomparable worth of the human person," noting that: "Even in the midst of difficulties and uncertainties, every person sincerely open to truth and goodness can, by the light of reason and the hidden action of grace, come to recognize . . . the sacred value of human life . . . and can affirm the right of every human being to have this primary good respected to the highest degree";

Whereas, in 1998, Pope John Paul II visited Cuba to speak directly to the Cuban people and their Communist rulers, calling for political and religious freedom, the release of political prisoners, a recognition of the right to express one's faith "in the context of public life", and the importance of fundamental human dignities, including that "each person enjoying freedom of expression, being free to undertake initiatives and make proposals within civil society, and enjoying appropriate freedom of association" is a necessity;

Whereas Pope John Paul II traveled farther than any other Pope in history, traversing approximately ¾ of a million miles, visiting 130 countries, including African nations never before visited by a Pope, being seen by more people than anyone in human history, and evangelizing to more than 6,000,000 people in the closing mass of World Youth Day '95 in the Philippines;

Whereas Pope John Paul II changed the course of history, leading the Catholic Church through a dramatic and remarkable period, and into Christianity's third millennium;

Whereas Pope John Paul II devoted his life to the amelioration of the human cost of terror and oppression through his dedication to truth, forgiveness, and the development of a vibrant public moral culture;

Whereas Pope John Paul II articulated the importance of individual liberty being undergirded by a "moral order", embraced the poor and oppressed masses of the world, and encouraged governments and the faithful to attend to the needs of those who are less fortunate;

Whereas Pope John Paul II brought hope and inspiration to hundreds of millions of people around the world oppressed by tyranny, hunger, disease, and despair;

Whereas Pope John Paul II worked tirelessly to bring peace to regions of the world that have been driven by strife, intolerance, hatred, and violence for far too long;

Whereas Pope John Paul II changed the lives of billions of people across the globe;

Whereas Pope John Paul II died on April 2, 2005, after heroically proclaiming the value and dignity of human life through his long physical illness and suffering;

Whereas the passing of Pope John Paul II is mourned by billions of people around the world; and

Whereas Pope John Paul II is already being referred to as Pope John Paul the Great: Now, therefore, be it

Resolved, That the Senate—

(1) notes with deep sorrow and solemn mourning the death of His Holiness, Pope John Paul II;

(2) extends its heartfelt sympathy to all people who have been touched by the passing of John Paul II;

(3) commends Pope John Paul II for his ability to transcend the bounds of religion, race, and political thought, becoming a formidable champion, uniter, and defender in humanity's struggle for peace and basic human rights; and

(4) calls on all the people of the United States to reflect on the life and legacy of Pope John Paul II during this international period of remembrance.

AMENDMENTS SUBMITTED AND PROPOSED

SA 265. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was referred to the Committee on Appropriations.

TEXT OF AMENDMENTS

SA 265. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION ON REDUCTION IN NUMBER OF OPERATIONAL AIRCRAFT CARRIERS OF THE NAVY.

(a) PROHIBITION.—No funds appropriated or otherwise made available by this Act, or by any other Act, for fiscal year 2005 may be obligated or expended to reduce the number of operational aircraft carriers of the Navy from 12 operational aircraft carriers to 11 operational aircraft carriers.

(b) OPERATIONAL AIRCRAFT CARRIER.—In this section, the term "operational aircraft carrier" includes an aircraft carrier that is unavailable due to maintenance or repair.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the Subcommittee on National Parks of the Committee on Energy and Natural Resources has scheduled a hearing to review management and planning issues for the National Mall, including the history of development, security projects and other planned construction, and future development plans.

The hearing will be held on Tuesday April 12th, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirkesn Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Tom Lillie at (202) 224–5161 or Brian Carlstrom at (202) 224–6293.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing on developing a reliable supply of oil from domestic oil shale and oil sands resources has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, April 12, 2005, at 10 a.m., in Room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to discuss opportunities to advance technology that will facilitate environmentally friendly development of oil shale and oil sands resources. The hearing will address legislative and administrative actions necessary to provide incentives for industry investment, as well as explore concerns and experiences of other governments and organizations and the interests of industry.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Dick Bouts at (202) 224–7545 or Amy Millet at (202) 224–8276.

COMMITTEE ON INDIAN AFFAIRS

Mr. McCAIN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Tuesday, April 5, 2005, at 9:30 a.m., in Room 562 of the Dirksen Senate Office Building to conduct a hearing on S. 113, a bill to modify the date as of which certain tribal land of the Lytton Rancheria of California is deemed to be held in trust.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. CORNYN. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on April 4, 2005 at 2 p.m., in open and closed session to receive testimony on strategic forces and nuclear weapons issues in review of the Defense Authorization Request for Fiscal Year 2006.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. FRIST. Mr. President, I ask unanimous consent that at 4:45 p.m., on Tuesday, the Senate proceed to a vote on adoption of a resolution which is at the desk relating to the passing of Pope John Paul II.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I understand there is an announcement to be made.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR THE FISCAL YEAR 2006

The PRESIDING OFFICER. Under the previous order, the Senate proceeds to the consideration of H. Con. Res. 95; all after the resolving clause is stricken; the text of S. Con. Res. 18, as agreed to by the Senate, is inserted in lieu thereof; H. Con. Res. 95, as amended, is agreed to. The Senate insists on its amendment and requests a conference with the House, and the Chair appoints Mr. GREGG, Mr. DOMENICI, Mr. GRASSLEY, Mr. ALLARD, Mr. CONRAD, Mr. SARBANES, and Mrs. MURRAY conferees on the part of the Senate.

The concurrent resolution (H. Con. Res. 95), as amended, was agreed to.

RELATING TO THE DEATH OF HOWELL T. HEFLIN, FORMER UNITED STATES SENATOR FOR THE STATE OF ALABAMA

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 93, submitted earlier today by Senator REID and others.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 93) relative to the death of Howell T. Heflin, former United States Senator for the State of Alabama.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motions to reconsider be laid upon the table en bloc, and that any statements relating to this resolution be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 93) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 93

Whereas Howell Heflin served as a United States Marine from 1942–1946 and was awarded the Silver Star for bravery;

Whereas Howell Heflin served as Chief Justice of the Alabama Supreme Court from 1971–1977;

Whereas Howell Heflin served the people of Alabama with distinction for 18 years in the United States Senate; and

Whereas Howell Heflin served the Senate as Chairman of the Select Committee on Ethics in the ninety-sixth and one hundred-second Congresses:

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Howell T. Heflin, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Howell T. Heflin.

ORDERS FOR TUESDAY, APRIL 5, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, the Senate stand in adjournment until 9:45 a.m. on Tuesday, April 5. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then begin a period of morning business for up to 60 minutes, with the first 30 minutes under the control of the majority leader or his designee and the following 30 minutes under the control of the Democratic leader or his designee. I further ask unanimous consent that the Senate recess from 12:30 p.m. until 2:15 p.m. for the weekly party luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow the Senate will be in a period of morning business. We are working with the Democratic leadership to reach an agreement with respect to the State Department authorization bill. It is my hope and expectation we will be able to structure an orderly debate of this measure and begin its consideration early tomorrow.

In addition to the State Department authorization bill, we have a resolution relative to the passing of Pope John Paul II. We have just scheduled a vote on adoption of the resolution for 4:45 p.m. tomorrow, and that will be the first vote of the day.

I also remind everyone that tomorrow evening, after we have finished work on the State Department authorization, our two policy committees will have a debate on the issue of Social Security. This 70-minute debate will take place on the Senate floor, and I encourage all Members to listen to this important question-and-answer session.

We have a lot of work to do this week, and given the events scheduled at the Vatican, and President Yushchenko's address to Congress on Wednesday, we will need to make the most of our time. Rollcall votes will occur during tomorrow's session and throughout the remainder of the week as we try to complete work on the State Department authorization.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order and in accordance with the provisions of S. Res. 93 as a further mark of respect for our former colleague, Senator Howell Heflin.

There being no objection, the Senate, at 7:17 p.m., adjourned until Tuesday, April 5, 2005, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate April 4, 2005:

DEPARTMENT OF DEFENSE

KENNETH J. KRIEG, OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS, VICE EDWARD C. ALDRIDGE, RESIGNED.

DEPARTMENT OF COMMERCE

DAVID A. SAMPSON, OF TEXAS, TO BE DEPUTY SECRETARY OF COMMERCE, VICE THEODORE WILLIAM KASSINGER.

NATIONAL TRANSPORTATION SAFETY BOARD

MARK V. ROSENKER, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2010 (REAPPOINTMENT)

ELLEN G. ENGLEMAN CONNERS, OF INDIANA, TO BE CHAIRMAN OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM OF TWO YEARS. (REAPPOINTMENT)

DEPARTMENT OF STATE

SEAN IAN MCCORMACK, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE (PUBLIC AFFAIRS), VICE RICHARD A. BOUCHER.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

SUZANNE C. DEFRANCIS, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE KEVIN KEANE.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

MICHAEL DOLAN, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2009, VICE MARC RACICOT, TERM EXPIRED.

ROBERT M. DUNCAN, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING JUNE 10, 2009, VICE JUANITA SIMS DOTY, TERM EXPIRED.

DEPARTMENT OF HOMELAND SECURITY

PHILIP J. PERRY, OF VIRGINIA, TO BE GENERAL COUNSEL, DEPARTMENT OF HOMELAND SECURITY, VICE JOE D. WHITLEY, RESIGNED.

OFFICE OF PERSONNEL MANAGEMENT

LINDA M. SPRINGER, OF PENNSYLVANIA, TO BE DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT FOR A TERM OF FOUR YEARS, VICE KAY COLES JAMES, RESIGNED.

DEPARTMENT OF JUSTICE

RACHEL BRAND, OF IOWA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE DANIEL J. BRYANT, RESIGNED.

ALICE S. FISHER, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE CHRISTOPHER R. WRAY.

REGINA B. SCHOFIELD, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE DEBORAH J. DANIELS.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. ARTHUR J. LICHTE, 5483

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT D. BISHOP, JR., 9524

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. CHRISTOPHER A. KELLY, 6369

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8069:

To be major general

BRIG. GEN. MELISSA A. RANK, 1159

THE FOLLOWING NAMED OFFICERSS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

SALVATORE A. ANGELLELA, 0165
ANDREW E. BUSCH, 7989
ARTHUR B. CAMERON III, 0790
SUSAN Y. DESJARDINS, 8528
RICHARD T. DEVEREAUX, 8130
JUDITH A. FEDDER, 5552
ERIC E. FIEL, 7226
JONATHAN D. GEORGE, 4350
MARK W. GRAPER, 4004
BRADLEY A. HEITHOLD, 3828
SUSAN J. HELMS, 0053
PETER F. HOENE, 6773
DARRELL D. JONES, 0095
DUANE A. JONES, 1765
NOEL T. JONES, 6905
ROBERT C. KANE, 9186
STANLEY T. KRESGE, 9353
MICHAEL A. LONGORIA, 2571
CHARLES W. LYON, 1257
OTIS G. MANNON, 0275
SUSAN K. MASHIKO, 0489
DARREN W. MCDEW, 9277
CLYDE D. MOORE II, 7198
DOUGLAS H. OWENS, 7222
JOHN I. PRAY, JR., 9805
DAVID E. PRICE, 4062
PHILIP M. RUHLMAN, 2028
DAVID J. SCOTT, 8237
DANA A. SIMMONS, 7642
PAULA G. THORNHILL, 7605
SUZANNE M. VAUTRINOT, 8559
DAVID B. WARNER, 7139
LAWRENCE L. WELLS, 7409
JANET C. WOLFENBARGER, 6381
DANIEL P. WOODWARD, 9291
SCOTT E. WUESTHOFF, 8626

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. WILLIAM S. WALLACE, 1708

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DELL L. DAILEY, 3747

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL ABNER C. BLALOCK, JR., 0594
BRIGADIER GENERAL DAN M. COLGLAZIER, 2443
BRIGADIER GENERAL BRUCE E. DAVIS, 3294
BRIGADIER GENERAL JESSICA L. WRIGHT, 7216

To be brigadier general

COLONEL LOUIS A. ABBENANTE, 7478
COLONEL PETER M. AYLWARD, 8297
COLONEL JOHN E. DAVOREN, 3064
COLONEL JOSEPH B. DIBARTOLOMEO, 9810
COLONEL KEVIN G. ELLSWORTH, 9798
COLONEL BRUCE C. FRANDSEN, 4950
COLONEL JOHN S. HARREL, 1252
COLONEL DUDLEY B. HODGES III, 9409
COLONEL DENNIS E. JACOBSON, 9345
COLONEL DAVID L. JENNETTE, JR., 1023
COLONEL CALVIN S. JOHNSON, 0238
COLONEL WILLIAM J. JOHNSON, 9286
COLONEL EDWARD A. LEACOCK, 6442
COLONEL HENRY C. MCCANN, 1781
COLONEL JOHN M. PERRYMAN, 1268
COLONEL JACKIE S. SWOPE, 8918
COLONEL RANDAL E. THOMAS, 9772
COLONEL LARRY W. TRIPHAHN, 4553

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C.,SECTION 12203:

To be major general

BRIGADIER GENERAL JOHN P. BASILICA, JR., 4126
BRIGADIER GENERAL RICHARD M. BLUNT, 2859
BRIGADIER GENERAL DANNY H. HICKMAN, 0335
BRIGADIER GENERAL LAWRENCE F. LAFRENZ, 4984
BRIGADIER GENERAL MICHAEL B. PACE, 3358
BRIGADIER GENERAL GARY A. QUICK, 3573
BRIGADIER GENERAL GLENN K. RIETH, 2761
BRIGADIER GENERAL DONALD C. STORM, 7206
BRIGADIER GENERAL ANTONIO J. VICENS-GONZALEZ, 8687
BRIGADIER GENERAL WILLIAM H. WADE II, 3027
BRIGADIER GENERAL RONALD G. YOUNG, 6486

To be brigadier general

COLONEL ROOSEVELT BARFIELD, 2777
COLONEL FRANK E. BATTS, 2465
COLONEL LAWRENCE W. BROCK III, 7289
COLONEL DENNIS L. CELLETI, 9486
COLONEL AUGUSTUS L. COLLINS, 1451
COLONEL TERRY R. COUNCIL, 0396
COLONEL LESTER D. EISNER, 6110
COLONEL FRANCIS P. GONZALES, 1426
COLONEL JOE L. HARKEY, 5200
COLONEL GARY M. ISHIKAWA, 1749
COLONEL ALBERTO J. JIMENEZ, 2864
COLONEL FEDERICK J. JOHNSON, 7701
COLONEL THOMAS H. KATKUS, 2719
COLONEL RANDALL A. KOCHERSPERGER, 8397
COLONEL DAVID A. LEWIS, 0439
COLONEL MICHAEL R. LIECHTY, 3498
COLONEL RANDY E. MANNER, 8485
COLONEL JEFFERY E. MARSHALL, 8324
COLONEL MABRY E. MARTIN, 3339
COLONEL THOMAS D. MILLS, 4814
COLONEL OLIN O. OEDEKOVEN, 4185
COLONEL FREDRIC D. SHEPPARD, 1550
COLONEL ROBERT J. UDLAND, 2521
COLONEL FREDDIE R. WAGGONER, 6585

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL JOHN E. BARNETTE, 8236
BRIGADIER GENERAL WILLIARD C. BROADWATER, 4722
BRIGADIER GENERAL DAVID P. BURFORD, 9510
BRIGADIER GENERAL RONALD S. CHASTAIN, 5280
BRIGADIER GENERAL STEPHEN D. COLLINS, 7407
BRIGADIER GENERAL DALLAS W. FANNING, 6980
BRIGADIER GENERAL JAMES E. FLETCHER, 8812
BRIGADIER GENERAL TIMOTHY M. KENNEDY, 9442
BRIGADIER GENERAL MITCHELL R. LECLAIRE, 4067
BRIGADIER GENERAL JOHN W. LIBBY, 1734
BRIGADIER GENERAL RANDALL D. MOSLEY, 6183
BRIGADIER GENERAL CHARLES G. RODRIGUEZ, 8250
BRIGADIER GENERAL PERRY G. SMITH, 2921
BRIGADIER GENERAL WILLIAM D. WOFFORD, 5170
BRIGADIER GENERAL EDWARD L. WRIGHT, 4834
BRIGADIER GENERAL MARK E. ZIRKELBACH, 5128

To be brigadier general

COLONEL MARCELO R. BERGQUIST, 0899
COLONEL BARBARANETTE T. BOLDEN, 6872
COLONEL ELIZABETH A. BOURBEAU, 5738
COLONEL ROBERT G. CARMICHAEL, JR., 3715
COLONEL STEPHEN C. DABADIE, 3817
COLONEL ROBERT J. FELDERMAN, 3320
COLONEL BRIAN W. GOODWIN, 9628
COLONEL JOHN L. GRONSKI, 9840
COLONEL MATTHEW L. KAMBIC, 0887
COLONEL WILLIAM F. KUEHN, 6480
COLONEL GERALD E. LANG, 9562
COLONEL ROBERT E. LIVINGSTON, JR., 6723
COLONEL VERNON L. LOWREY, 0154
COLONEL JOSE S. MAYORGA, 9411
COLONEL MATTHEW A. MCCOY, 1827
COLONEL TERRY W. SALTSMAN, 7338
COLONEL JOYCE L. STEVENS, 9764
COLONEL EDDY M. SPURGIN, 8186
COLONEL CHARLES L. YRIARTE, 9946
COLONEL GREGORY J. ZANETTI, 5277

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS ASSISTANT COMMANDANT OF THE MARINE CORPS, AND FOR APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 5044 AND 601:

To be general

LT. GEN. ROBERT MAGNUS, 6252

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN G. CASTELLAW, 2524

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. EMERSON N. GARDNER, JR., 0157

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOSEPH F. WEBER, 1316

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JOHN D. STUFFLEBEEM, 4012

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be rear admiral

REAR ADM. (LH) HENRY BALAM TOMLIN III, 9713

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) CRAIG O. MCDONALD, 8124

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) BEN F. GAUMER, 1618

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) RAYMOND K. ALEXANDER, 2501

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) DAVID O. ANDERSON, 4824
REAR ADM. (LH) HUGO G. BLACKWOOD, 6868
REAR ADM. (LH) DIRK J. DEBBINK, 0752

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. MICHAEL D. HARDEE, 4771

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. TIMOTHY V. FLYNN III, 7136
CAPT. CHARLES H. GODDARD, 4746
CAPT. JOHN C. ORZALLI, 6643

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPTAIN WILLIAM R. BURKE, 0448
CAPTAIN NEVIN P. CARR, JR., 4285
CAPTAIN PHILIP H. CULLOM, 8151
CAPTAIN MARK I. FOX, 9454
CAPTAIN WILLIAM D. FRENCH, 4880
CAPTAIN MICHAEL S. FRICK, 9861
CAPTAIN TIMOTHY M. GIARDINA, 6234
CAPTAIN ROBERT S. HARWARD, JR., 7314
CAPTAIN WILLIAM H. HILARIDES, 1848
CAPTAIN DANIEL P. HOLLOWAY, 6912
CAPTAIN DOUGLAS J. MCANENY, 1528
CAPTAIN TERENCE E. MCKNIGHT, 9851
CAPTAIN DAVID J. MERCER, 7160
CAPTAIN JOHN W. MILLER, 1380
CAPTAIN MICHAEL S. OBRYAN, 5763
CAPTAIN FRANK C. PANDOLFE, 0875
CAPTAIN DAVID L. PHILMAN, 6805
CAPTAIN BRIAN C. PRINDLE, 1835
CAPTAIN DONALD P. QUINN, 9338
CAPTAIN WILLIAM E. SHANNON III, 0930
CAPTAIN JAMES A. SYMONDS, 9309
CAPTAIN STEPHEN S. VOETSCH, 0274
CAPTAIN JAMES P. WISECUP, 1213

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. TONY L. COTHRON, 8027

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. MOIRA N. FLANDERS, 1143

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. MICHAEL A. BROWN, 0253

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. JULIUS S. CAESER, 5106
CAPT. WILLIAM P. LOEFFLER, 1759
CAPT. LEE J. METCALF, 3052
CAPT. GARLAND P. WRIGHT, JR., 7679

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASS STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

CHRISTINE ELDER, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

JOHN O. BALIAN, OF VIRGINIA
DEBORAH J. FAIRMAN, OF FLORIDA
ALMA R. GURSKI, OF TEXAS
CHANH TIET NGUYEN, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

B. BIX ALIU, OF ILLINOIS
ROBERT S. ALLISON, OF MISSOURI
EUGENE JOSEPH ARNOLD, OF MISSOURI
EUGENE BAE, OF KANSAS
PAUL R. BALDWIN, OF WASHINGTON
MARIETTA LOUISE BARTOLETTI, OF CALIFORNIA
KAREN REDDINGER BEL, OF LOUISIANA
RUTH BENNETT, OF FLORIDA
JANE ELLEN BOCKLAGE, OF TEXAS
CLAYTON ALAN BOND, OF THE DISTRICT OF COLUMBIA
STEPHANIE L. BOWERS, OF OHIO
CYNTHIA ANELA BROWN, OF CALIFORNIA

STEPHANIE A. BUNCE, OF VIRGINIA
SHARON LEE CARPER, OF VIRGINIA
RAYMOND A. CASTILLO, OF THE DISTRICT OF COLUMBIA
SHANNON NAGY CAZEAU, OF IDAHO
STEVEN CHAN, OF HAWAII
TIMOTHY L. CIPULLO, OF COLORADO
MICHAEL D. COLE, OF COLORADO
JANAE ELIZABETH COOLEY, OF MICHIGAN
KAREN N. COVERT, OF FLORIDA
LAURA GABRIELLE COWAN, OF TENNESSEE
TRICIA B. CYPHER, OF PENNSYLVANIA
CHRISTINE MARIE VITTORIA DAL BELLO, OF CALIFORNIA
JAMES R. DAYRINGER, OF MISSOURI
JESSIE DEBUSSCHERE, OF CALIFORNIA
CARON MARYLA JEAN EMERSON DE MARS, OF TEXAS
DANA DAVID DEREE, OF ARKANSAS
MARGARET BRUMFIELD DIOP, OF CALIFORNIA
GREGORY P. DRAZEK, OF MARYLAND
MICHAEL L. DUNKLEY, SR., OF VIRGINIA
KATHLEEN MARIE EAGEN, OF THE DISTRICT OF COLUMBIA
SCOTT R. FAGAN, OF VIRGINIA
SHARON E. FEISER, OF FLORIDA
DAVID M. FORAN, OF CONNECTICUT
DANIELLE N. GARBE, OF WASHINGTON
KEITH RICHARD GILGES, OF FLORIDA
ALEX D. GREENSTEIN, OF THE DISTRICT OF COLUMBIA
MEGHAN GREGONIS, OF PENNSYLVANIA
SARAH L. GROEN, OF NEW HAMPSHIRE
HUGO A. GUEVARA, OF FLORIDA
RYAN D. HALEY, OF NEW HAMPSHIRE
TIM O'NILEE HALL III, OF SOUTH CAROLINA
MICHAEL HANKEY, OF THE DISTRICT OF COLUMBIA
PAUL QUENTIN HARRISON, OF TENNESSEE
MALIA V. HEROUX, OF FLORIDA
CATHERINE ELIZABETH HOLT, OF CALIFORNIA
MICHAEL DAVID HONIGSTEIN, OF FLORIDA
JOSHUA REUBEN HUCK, OF NEW YORK
JOAN E. KANE, OF CALIFORNIA
PAULINE A. KAO, OF WASHINGTON
KATHLEEN T. KERR, OF FLORIDA
ALLISON J. LEE, OF OHIO
ROSEMARY RAUSCH MACRAY, OF FLORIDA
PETER J. MARIGLIANO, OF VIRGINIA
DAVID JOSEPH MCGUIRE, OF TENNESSEE
ANDREW J. MCLEAN, OF OHIO
JOSEPH B. MELLOTT, OF THE DISTRICT OF COLUMBIA
BIANCA E. MENENDEZ, OF VIRGINIA
JOHN DAVID NYLIN, OF CALIFORNIA
DANIEL B. O'CONNOR, OF MARYLAND
ERIKA OLSON, OF WASHINGTON
RICHARD JOSEPH O'SHEA, OF NEW YORK
ANDREW HAK OU, OF CALIFORNIA
LEAH MICHELLE PEASE, OF CALIFORNIA
CALVIN DALE PETERSON, JR., OF WEST VIRGINIA
KATHARINE MONIQUE READ, OF CALIFORNIA
JEANETTE M. REBERT, OF FLORIDA
DANIEL MOSHE RENNA, OF NEW JERSEY
RYAN DEAN ROWLANDS, OF CALIFORNIA
ERIN E. RUPPRECHT, OF VIRGINIA
ANN MOFFETT RYAN, OF FLORIDA
DAVID M. SCHNIER, OF CALIFORNIA
KERRY ANN O'CONNOR SCHNIER, OF CALIFORNIA
MARK A. STAMILIO, OF VIRGINIA
MOLLY L. STEPHENSON, OF VIRGINIA
LINDA S. STIRLING, OF CALIFORNIA
ZEENAT MUNSHI SYED, OF TEXAS
ZIA SHAMIM SYED, OF TEXAS
ERIN YVONNE TARIOT, OF MASSACHUSETTS
ROBERT WARREN THOMAS, OF TEXAS
SHAWN L. WADDOUPS, OF UTAH
NICOLE E. WEBER, OF NEW JERSEY
HARVEY A. WECHSLER, OF NEW YORK
STEVEN T. WESTON, OF VIRGINIA
TODD R. WHATLEY, OF TEXAS
JAMES B. WILLIAMS, OF ALABAMA
WILEY JACKSON WILLIAMS III, OF VIRGINIA
THOMAS W. WOLF, OF CONNECTICUT
MARK EDWARD WOOD, OF FLORIDA
SAMANTHA CARL YODER, OF NEW YORK

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASS STATED. FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

TODD B. AVERY, OF FLORIDA

DEPARTMENT OF STATE

ROBERT C. DE WITT, OF TEXAS
PATRICIA GASKILL, OF CALIFORNIA
JUDES E. STELLINGWERF, OF CALIFORNIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

JACK ANDERSON, OF MINNESOTA
MATTHEW C. AUSTIN, OF WASHINGTON
LANE DARNELL BAHL, OF CONNECTICUT
MARK D. BARON, OF CALIFORNIA
SUSAN E. BRIDENSTINE, OF IOWA
CLINTON S. BROWN, OF NEW YORK
AARON M. COPE, OF WASHINGTON
JONATHAN W. DUBLIN, OF WASHINGTON
CECELIA K. EL KHATIB, OF VIRGINIA
POLLY A. EMERICK, OF WASHINGTON
JOHN B. EMERY, OF MASSACHUSETTS
YARYNA N. FERENCEVYCH, OF NEW JERSEY
JONATHAN PATRICK FLOSS, OF NEW YORK
RODNEY DELANEY FORD, OF TENNESSEE
JEFFREY GLEN GIAUQUE, OF UTAH
BRIAN MITCHELL GIBEL, OF NEW YORK
LARA KRISTEN HARRIS, OF ARIZONA
JEFFREY R. IZZO, OF NEW YORK
KIT ALLISON JUNGE, OF WASHINGTON
KRISTIN M. KANE, OF CALIFORNIA
JOHN O. KINDER, OF VIRGINIA
ROBERT TODD KOEPCKE, OF PENNSYLVANIA
ALEXEI T. KRAL, OF NEW YORK
PREM GANESH KUMAR, OF NEW YORK
CLARK DARROW LEDGER, OF NEVADA
LINDA BERYL LEE, OF OREGON
LESLIE C. LIVINGOOD, OF FLORIDA
BIRGITTA S. MATTINGLEY, OF VIRGINIA
MARK RICHARD NACHTRIEB, OF MARYLAND
ROBERT C. NEWSOME, OF VIRGINIA
MARIA CRISTINA NOVO, OF FLORIDA
VINCENT J. O'BRIEN, OF FLORIDA
LEYLA L. ONES, OF FLORIDA
JEFFREY CARL PATMORE, OF CALIFORNIA
MARISA LEIGH PLOWDEN, OF NEVADA
THOMAS E. REOTT, OF OHIO
MATTHEW SANDELANDS, OF CALIFORNIA
FATUMA YASSIN SANNEH, OF MICHIGAN
ELIZABETH N. SCHWEFLER, OF FLORIDA
KAREN M SMITH, OF UTAH
WILLIAM W. SULLIVAN, OF TEXAS
TIMOTHY DALE SWANSON, OF NEBRASKA
SARAH OLIVIA TAKATS, OF NEW YORK
WILLIAM R. TALIAFERRO, OF OREGON
ELIA E. TELLO, OF NORTH DAKOTA
SCOTT COOPER TURNER, OF WASHINGTON
SCOTT EUGENE URBOM, OF WASHINGTON
JOHN KOKE WATSON, OF VIRGINIA
GWENDOLYN SIEFERT WEBB, OF TEXAS
JOANNA ROSE WEINZ, OF CONNECTICUT
GREGORY S. WIEGAND, OF FLORIDA
L. KIRK WOLCOTT, OF WASHINGTON
ROBERT B. YOUNG, OF CALIFORNIA
MASON YU, OF WASHINGTON

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED: CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

AARON M. HELD, OF CALIFORNIA
DAO M. LE, OF CALIFORNIA
ROSALIE L. PARKER, OF FLORIDA
MICHAEL K. RUFE, OF FLORIDA

DEPARTMENT OF STATE

JAMES A. ABBOTT, OF VIRGINIA
MICHAEL P. ALTHOFF, OF VIRGINIA
PENELOPE SNARE ANGULO, OF VIRGINIA
T. ALEXANDER ANYSE, OF VIRGINIA
WHITNEY L.M. BABASH, OF VIRGINIA
ANNALISA BROOKS, OF MARYLAND
ANTHONY BURGOS, OF VIRGINIA
DIEGO FRANK BURNS, OF VIRGINIA
PEACE S. COYLE, OF VIRGINIA
DEBRA EIYNCK, OF VIRGINIA
LARRY L. ELLETSON, OF MARYLAND
LISA I. ERWIN, OF VIRGINIA
DAVID R. FLYNN, OF VIRGINIA
WANDA FRANKLIN GABRIEL, OF THE DISTRICT OF COLUMBIA
TINA GALLOWAY, OF VIRGINIA
GARY C. GEATING, OF THE DISTRICT OF COLUMBIA
MICHAEL D. GROSE, OF VIRGINIA
MICHAEL L. JACKMAN, OF VIRGINIA
MAX S. KABLE, OF VIRGINIA
FAYE D. LAIDLAW, OF VIRGINIA
JASON WILLIAM LAMBERT, OF THE DISTRICT OF COLUMBIA
ROGER PAUL LYRENMANN, OF MARYLAND
JENNIFER L. MATTHEWS, OF VIRGINIA
SHANNON MARIE MCDANIEL, OF VIRGINIA
CHRISTINA JOHNSTON MCLEAN, OF VIRGINIA
STEVEN A. RETTINGER, OF VIRGINIA
AMY JO ROLLINS, OF VIRGINIA
ANDREW J. ROTH, OF VIRGINIA
TIMOTHY JAMES RUND, OF VIRGINIA
DAVID D. SANTOS, OF VIRGINIA
TERESA L. SCHAUER, OF VIRGINIA
JOHN C. SIDEBOTTOM, OF VIRGINIA
CHRISTIE R. SULLIVAN, OF VIRGINIA
JARROD C. TISDELL, OF VIRGINIA
GERARDO URTEAGA, OF VIRGINIA
HUGUES JACQUES VERRIER, OF THE DISTRICT OF COLUMBIA
SOPHIA C. WANG, OF VIRGINIA
PETER K. WATTS, OF VIRGINIA
JOHN P. YORRO, OF THE DISTRICT OF COLUMBIA

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASS STATED. FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

MICHAEL HUTCHINSON, OF WASHINGTON
ALICIA T. PEGUES, OF TEXAS
NANCY TOOLAN, OF FLORIDA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

MOHAMED K. ABDOU, OF CALIFORNIA
HUGO A. JIMENEZ, OF VIRGINIA

DEPARTMENT OF STATE

DON DORRELL CURTIS, OF THE DISTRICT OF COLUMBIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED: CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

JEANNETTE L. CHU, OF VIRGINIA
KENNETH C. DUCKWORTH, OF MARYLAND
MARK C. ELLIOTT, OF THE DISTRICT OF COLUMBIA
WILLIAM P. THORN, JR., OF VIRGINIA

DEPARTMENT OF STATE

ALYCE N. ABDALLA, OF NEW YORK
MICHAEL A. AGUILERA, OF WASHINGTON
DAVID CHRISTOPHER ALLEN, OF VIRGINIA
CHRIS L. ANDINO, OF THE DISTRICT OF COLUMBIA
ALFREDO ARCILA, OF VIRGINIA
KERRI ANN ARDNER, OF VIRGINIA
DANIEL JOHN ATHERTON, OF MARYLAND
KARA E. AYLWARD, OF NEW JERSEY
K. RICHARD BANGERTER, OF VIRGINIA
MEGAN S. BARTHOLOMEW, OF NORTH CAROLINA
ARTHUR J. BELL, OF CALIFORNIA
ANDREW O. BENNETT, OF VIRGINIA
KATHARINE E. BERNSOHN, OF THE DISTRICT OF COLUMBIA
HILARY ELIZABETH BEVERAGE, OF VIRGINIA
JENNIFER E. BLAND, OF VIRGINIA
REBECCA M. BODEN, OF VIRGINIA
CHRISTIAN J.H. BOLLINGER, OF VIRGINIA
TAMERA A. BOWCUTT, OF VIRGINIA
TRACYE M. BOYD, OF VIRGINIA
WENDY S. BRAFMAN, OF SOUTH CAROLINA
ERIC J. BRAZIER, OF VIRGINIA
TIMOTHY M. BRYS, OF VIRGINIA
EDWARD ALLEN BURKHALTER III, OF VIRGINIA
LEE A. CALKINS, OF WASHINGTON
THERESA H. CANAVAN, OF VIRGINIA
PAMELA CAPLIS, OF NEW YORK
MARYLOU CARDELLI-SNYDER, OF VIRGINIA
MARK P. CARR, OF THE DISTRICT OF COLUMBIA
RANDY W. CARTWRIGHT, OF VIRGINIA
ANTONIA E. CASSARINO, OF VERMONT
MARK A. CAUDILL, OF VIRGINIA
SETH J. CAVANAUGH, OF THE DISTRICT OF COLUMBIA
HUNTER B. CHEN, OF CALIFORNIA
DIANNA NEESE CHIANIS, OF TEXAS
CECILIA SUEGIN CHO, OF NEW JERSEY
CORBIN TYLER COWLEY, OF VIRGINIA
AMY COX, OF TEXAS
LEARNED DEES, OF THE DISTRICT OF COLUMBIA
JOHN LYNWOOD DENT, OF VIRGINIA
DANIELA DIPIERRO, OF MASSACHUSETTS
TIMOTHY PATRICK DOUGHERTY, OF CALIFORNIA
DAVID J. DRINKARD, OF MISSOURI
JOHN HOLMES DUNNE, OF ALASKA
HEATHER GRACE EATON, OF CALIFORNIA
TIMOTHY JOHN ENRIGHT, OF VIRGINIA
ARTHUR THOMPSON EVANS, OF THE DISTRICT OF COLUMBIA
MATTHEW ALEXANDER FERENCE, OF WASHINGTON
BRIAN FERINDEN, OF FLORIDA
ERIC M. FRATER, OF CALIFORNIA
CHRISTOPHER J. FRIEDRICH, OF FLORIDA
LILIANA GABRIEL, OF VIRGINIA
MATHEW J. GERARD, OF VIRGINIA
LLOYD F. GLENN III, OF VIRGINIA
JOSHUA W. GOLDBERG, OF THE DISTRICT OF COLUMBIA
DONNA Y. GOODWIN, OF VIRGINIA
ALDEN GREENE, OF FLORIDA
BRENT ERIC GREENFIELD, OF VIRGINIA
ANAIDA KRISTINA HAAS, OF VIRGINIA
JOSHUA ALEKSANDR HARMAN, OF VIRGINIA
JENNIFER DIANA HARRIS, OF COLORADO
ROCHELLE L. HARRIS, OF THE DISTRICT OF COLUMBIA
CHRIS HENSMAN, OF RHODE ISLAND
JUSTIN HEUNG, OF THE DISTRICT OF COLUMBIA
KELLI A. HOLDEN, OF NEW YORK
NOEL P. JOHNSON, OF VIRGINIA
CHRISTOPHER B. JOHNSTONE, OF VIRGINIA
BRIAN E. JONES, OF VIRGINIA
JACQUELINE SMITH JONES, OF PENNSYLVANIA
VIVEK JOSHI, OF MASSACHUSETTS
PETER KAUFMAN, OF THE DISTRICT OF COLUMBIA
TIMOTHY KIEFER, OF WISCONSIN
LAWRENCE JOHN KIMMEL, OF WASHINGTON
KAKU KIMURA, OF VIRGINIA
SCOTT LAVICTOR, OF MICHIGAN
PETER H. LEE, OF CALIFORNIA
DEBORAH BERNS LINGWOOD, OF FLORIDA
JEFFREY T. LODERMEIER, OF MINNESOTA
ELIZABETH C. MACKENZIE BIEDELL, OF VIRGINIA
HONG-GEOK T. MAERKLE, OF CALIFORNIA
MARCEL E. MARTINEZ, OF VIRGINIA
JIMMY RAY MAULDIN, OF ALABAMA
WHITNEY L. MCCRAY, OF MARYLAND

BRIAN DALE MCCUEN, OF VIRGINIA
CAROLYN K. MCCULLOUGH, OF CALIFORNIA
JULIE S. MCGUINNESS, OF VIRGINIA
ROSANNA M. MINCHEW, OF VIRGINIA
SUMREEN MIRZA, OF CALIFORNIA
GLADYS ANGEL MOREAU, OF CALIFORNIA
STEPHANIE FORMAN MORIMURA, OF NEW YORK
KATRINA SARAH MOSSER, OF MINNESOTA
CARLA T. NADEAU, OF THE DISTRICT OF COLUMBIA
NANCY P. NELSON, OF VIRGINIA
KEVIN HARRIS O'CONNOR, OF CALIFORNIA
ELLEN E. O'NEILL, OF VIRGINIA
SPENCER PACKER, OF VIRGINIA
ANTHONY R. PAGLIAI, OF FLORIDA
DAVID THOMAS PARADISE, OF ILLINOIS
BINDI K. PATEL, OF THE DISTRICT OF COLUMBIA
SANDEEP K. PAUL, OF MASSACHUSETTS
SARAH CATHERINE PECK, OF MASSACHUSETTS
JOHN A. PEREZ, OF VIRGINIA
ADAM W. PERIN, OF VIRGINIA
DANIEL M. PERRY, OF NEW YORK
ROBERT W. PIEHEL, OF MARYLAND
DOUGLAS L. POPOVICH, OF VIRGINIA
MICHAEL D. QUINLAN, OF HAWAII
IDRIS A. RAHIMI, OF VIRGINIA
AROOSHA Z. RANA, OF NEW YORK
BRIAN A. RANDALL, OF IOWA
SEAN G. REILLY, OF VIRGINIA
MELISSA G. RHODES, OF VIRGINIA
BRADLY J. ROBERSON, OF CALIFORNIA
BRADY ROBERTS, OF THE DISTRICT OF COLUMBIA
NELL ELIZABETH ROBINSON, OF CONNECTICUT
CHARLES WILSON RUARK III, OF GEORGIA
ALEXIS DIANNE SATHER, OF VIRGINIA
MARY F. SATTAZAHN, OF VIRGINIA
STEPHANIE L. SCHAECKERMANN, OF VIRGINIA
GARY E. SCHAEFER, OF COLORADO
MATTHEW B. SCOTT, OF VIRGINIA
TRENT P. SEAGER, OF VIRGINIA
JEFFRY D. SEALS, OF VIRGINIA
SARAH FAKHRI SHABBIR, OF GEORGIA
CHRISTOPHER SHAY, OF CALIFORNIA
JASON W. SHEETS, OF CALIFORNIA
JOAN B. SIEGEL, OF MARYLAND
JON R. SIKORSKI, OF VIRGINIA
ANDREW LEWIS SISK, OF NORTH CAROLINA
TYLER K. SPARKS, OF ILLINOIS
BROOKE PATIENCE SPELMAN, OF VIRGINIA
EDWARD M. SPRINGER, JR., OF MARYLAND
RAYMOND W. STEPHENS III, OF NEW YORK
CHARLES STEYER, OF FLORIDA
ADAM C. STONE, OF THE DISTRICT OF COLUMBIA
CAROLYN J. STURLEY, OF VIRGINIA
UYEN TANG, OF PENNSYLVANIA
TARA M. TELESHA, OF VIRGINIA
DAISON V. THOMAS, OF THE DISTRICT OF COLUMBIA
VIKI D. THOMSON, OF ILLINOIS
ROBERT A. TOLLEY, OF VIRGINIA
JOAQUIN TRUJILLO, TRUJILLO, PH.D., OF VIRGINIA
N. PAULA TURNEY, OF VIRGINIA
ELEANOR J. TYLER, OF ILLINOIS
PAUL M. VALDEZ, OF TEXAS
STEVE VALENTIN, OF VIRGINIA
MARY F. VALENTINO, OF THE DISTRICT OF COLUMBIA
NAOMI JOYCE WALCOTT, OF MARYLAND
JOHN WILLIAM WHITELEY, OF ILLINOIS
ERIC C. WHITTINGTON, OF VIRGINIA
BROOKE LEANNE WILLIAMS, OF CALIFORNIA
ELISE E. WILLIAMSON, OF VIRGINIA
DAVID R. WILLIS, OF VIRGINIA
KEITH M. WOODWELL, OF VIRGINIA
WILLIE FITZGERALD WRIGHT, OF VIRGINIA
ANDREW P. YEATMAN, OF VIRGINIA
MATTHEW BRANDT YOUNGER, OF OREGON
MARIE ZULUETA, OF VIRGINIA

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADES INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION:

To be lieutenant

PAUL ANDREW KUNICKI

To be lieutenant junior grade

PAUL WAYNE KEMP

To be ensign

REBECCA J. ALMEIDA
AMY B. COX
JONATHAN R. FRENCH
MICHAEL O. GONSALVES
SAMUEL F. GREENAWAY
TRACY L. HAMBURGER
PAUL S. HEMMICK
OLIVIA A. HAUSER
MATTHEW J. JASKOSKI
STEPHEN C. KUZIRIAN
DANIEL E. ORR
TONY PERRY III
LINDSEY M. VANDENBERG

WITHDRAWAL

Executive Message transmitted by the President to the Senate on April 4, 2005 withdrawing from further Senate consideration the following nomination:

CLAUDE M. KICKLIGHTER, OF GEORGIA, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION, WHICH WAS SENT TO THE SENATE ON MARCH 15, 2005.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 5, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 6

9:15 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the nomination of Charles F. Conner, of Indiana, to be Deputy Secretary of Agriculture.

SR-336

9:30 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine regulatory reform of the Government-Sponsored Enterprises.

SD-538

Appropriations

Defense Subcommittee

To hold hearings to examine the proposed budget estimates for fiscal year 2006 for the Air Force.

SD-192

Environment and Public Works

To hold hearings to examine the nominations of Stephen L. Johnson, of Maryland, to be Administrator of the Environmental Protection Agency, Luis Luna, of Maryland, to be an Assistant Administrator of the Environmental Protection Agency for Administration and Resource Management, John Paul Woodley, Jr., of Virginia, to be an Assistant Secretary of the Army for Civil Works, Major General Don T. Riley, United States Army, to be a Member and President of the Mississippi River Commission, Brigadier General William T. Grisoli, United States Army, to be a Member of the Mississippi River Commission, D. Michael Rappoport, of Arizona, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation, and Michael Butler, of Tennessee, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation.

SD-406

Health, Education, Labor, and Pensions

To hold hearings to examine health care provided to non-ambulatory persons.

SD-562

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings to examine the proposed budget estimates for fiscal year 2006 for the National Institutes of Health.

SD-124

Armed Services

Readiness and Management Support Subcommittee

To hold hearings to examine military installation programs in review of the Defense Authorization Request for fiscal year 2006.

SR-232A

10 a.m.

Energy and Natural Resources

To hold hearings to examine the nomination of David Garman, of Virginia, to be Under Secretary of Energy.

SD-366

2 p.m.

Appropriations

Business meeting to markup the Emergency Supplemental bill for fiscal year 2005.

SD-106

2:30 p.m.

Armed Services

Airland Subcommittee

To hold hearings to examine tactical aviation programs in review of the Defense Authorization request for fiscal year 2006.

SR-232A

Commission on Security and Cooperation in Europe

To hold hearings to examine the efforts of the Chabad community and the U.S. Government to recover the "Schneerson Collection" of Jewish books and manuscripts from the Russian Government.

SH-216

APRIL 7

9:30 a.m.

Foreign Relations

To hold hearings to examine the nominations of John Robert Bolton, of Maryland, to be U.S. Representative to United Nations, with the rank and status of Ambassador and U.S. Representative in the Security Council of the United Nations, and Representative to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations.

SH-216

Judiciary

Business meeting to consider S. 378, to make it a criminal act to willfully use a weapon with the intent to cause death or serious bodily injury to any person while on board a passenger vessel, S. 119, to provide for the protection of unaccompanied alien children, S. 629, to amend chapter 97 of title 18, United States Code, relating to protecting against attacks on railroads and other mass transportation systems, and the nominations of Terrence W. Boyle, of North Carolina, to be United States Circuit Judge for the Fourth Circuit, Priscilla Richman Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit, Robert J. Conrad, Jr., to be United States District Judge for the Western District of North Carolina, James C. Dever III, to be United States District Judge for the Eastern District of North Carolina, and Thomas B. Griffith, of Utah, to be United States Circuit Judge for the District of Columbia Circuit.

SD-226

Appropriations

Transportation, Treasury and General Government Subcommittee

To hold hearings to examine the proposed budget estimates for fiscal year 2006 for the Internal Revenue Service.

SD-138

10 a.m.

Banking, Housing, and Urban Affairs

To continue hearings to examine regulatory reform of the Government-Sponsored Enterprises.

SD-538

Health, Education, Labor, and Pensions

To hold hearings to examine the future viability of the U.S. Postal Service.

SD-342

Homeland Security and Governmental Affairs

To hold hearings to examine the ongoing need for comprehensive postal reform.

SD-342

Veterans' Affairs

To hold hearings to examine the nomination of Jonathan Brian Perlin, of Maryland, to be Under Secretary of Veterans Affairs for Health.

SR-418

1 p.m.

Commission on Security and Cooperation in Europe

To hold hearings to examine the recent revolution in Kyrgyzstan and the prospects now for consolidating democracy, focusing on the implications for Central Asia, Belarus, Russia and the United States.

SD-406

2 p.m.

Commerce, Science, and Transportation

To hold hearings to examine the President's proposed budget request for fiscal year 2006 for the Department of Homeland Security's Transportation Security Administration and related programs.

SR-253

Appropriations

Energy and Water Subcommittee

To hold hearings to examine the proposed budget estimates for fiscal year

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

2006 for the Corps of Engineers and the Bureau of Reclamation.

SD–138

2:30 p.m.

Homeland Security and Governmental Affairs

Business meeting to consider S. 21, to provide for homeland security grant coordination and simplification, S. 335, to reauthorize the Congressional Award Act, S. 494, to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, S. 501, to provide a site for the National Women's History Museum in the District of Columbia, and certain committee reports.

SD–342

Judiciary

To hold hearings to examine the patent system today and tomorrow.

SD–226

Armed Services

Strategic Forces Subcommittee

To hold hearings to examine Ballistic Missile Defense Programs in review of the Defense Authorization Request for fiscal year 2006.

SR–222

APRIL 11

2 p.m.

Commerce, Science, and Transportation

To hold hearings to examine S. 241, to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

SR–385

APRIL 12

9:30 a.m.

Foreign Relations

To hold hearings to examine U.S. agricultural sales to Cuba.

SD–419

10 a.m.

Energy and Natural Resources

To hold hearings to examine developing a reliable supply of oil from domestic oil shale and oil sands resources, focusing on opportunities to advance technology that will facilitate environmentally friendly development of oil shale and oil sands resources.

SD–366

2:30 p.m.

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine management and planning issues for the National Mall, including the history of the development, security projects and other planned construction, and future development plans.

SD–366

Armed Services

SeaPower Subcommittee

To hold closed hearings to examine Navy shipbuilding and industrial base status in review of the Defense Authorization Request for fiscal year 2006; to be followed by an open hearing in SR–232A.

SR–222

APRIL 13

9:30 a.m.

Foreign Relations

To hold hearings to examine the nominations of Daniel Fried, of the District of Columbia, to be an Assistant Secretary of State for European Affairs, and Robert Joseph, of Virginia, to be Under Secretary of State for Arms Control and International Security.

SD–419

Indian Affairs

To hold oversight hearings to examine Indian Health.

SR–485

Judiciary

To hold hearings to examine securing electronic personal data, focusing on striking a balance between privacy and commercial and governmental use.

SD–226

10 a.m.

Small Business and Entrepreneurship

To hold hearings to examine the small business health care crisis focusing on alternatives for lowering costs and covering the uninsured.

SR–428A

APRIL 14

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentations of the Military Officers Association of America, the National Association of State Director of Veterans Affairs, AMVETS, the American Ex-Prisoners of War, and Vietnam Veterans of America.

345 CHOB

APRIL 19

10 a.m.

Foreign Relations

To hold hearings to examine the Near East and South Asian experience relating to combating terrorism through education.

SD–419

APRIL 20

2 p.m.

Armed Services

Readiness and Management Support Subcommittee

To hold hearings to examine the readiness of military units deployed in support of Operation Iraqi Freedom and Operation Enduring Freedom in review of the Defense Authorization Request for fiscal year 2006.

SR–222

APRIL 21

9:30 a.m.

Foreign Relations

To hold hearings to examine the anti-corruption strategies of the African Development Bank, Asian Development Bank and European Bank on Reconstruction and Development.

SD–419

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentations of the Fleet Reserve Association, the Air Force Sergeants Association, the Retired Enlisted Association, and the Gold Star Wives of America.

345 CHOB

APRIL 27

9:30 a.m.

Indian Affairs

To hold oversight hearings to examine regulation of Indian gaming.

SR–485

APRIL 28

10 a.m.

Foreign Relations

To hold hearings to examine U.S. Assistance to Sudan and the Darfur Crisis.

SH–216

MAY 11

9:30 a.m.

Judiciary

To hold an oversight hearing to examine the Federal Bureau of Investigation's translation program.

SD–226

SEPTEMBER 20

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the American Legion.

345 CHOB

POSTPONEMENTS

APRIL 6

2 p.m.

Foreign Relations

To hold hearings to examine North American Border Security.

SD–419

2:30 p.m.

Judiciary

Immigration, Border Security and Citizenship Subcommittee

To hold hearings to examine strengthening interior enforcement, focusing on deportation and related issues.

SD–226

HOUSE OF REPRESENTATIVES—*Tuesday, April 5, 2005*

The House met at 2 p.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, creator of all and guide of history, on October 22, 1978, Your servant and priest, Karol Wojtyla, greeted the world, as John Paul II in St. Peter's Square, with the words: "Be not afraid!"

He wrote later that he could not fully know how far these words would take him and the whole world into the future. "Their meaning came more from the Holy Spirit than the man who spoke them," he said.

Lord, his exhortation, "Be not afraid!" is to be interpreted now as having very broad meaning. In a certain sense, it remains an exhortation addressed to all people, an exhortation to conquer fear in the present world and every situation.

It is a prayerful exhortation addressed to America and Members of Congress today: "Have no fear of that which you yourselves and the founders of this great country have created. Have no fear of all that human history has produced. Have no fear of a world that is every day becoming more dangerous to the human perspective. Have no fear of yourselves!"

You, Lord God, are the source of hope and strength which conquers every fear and sets us free. In You, Lord God, there is more power than anything man, woman, or child could imagine or fear. With You, Lord God, people of faith can take bold steps themselves to rid the world of fear and plant seeds of hope for the least and the most threatened in our midst.

Through You, Lord God, we find peace, reconciliation, unity and freedom, now and forever.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. BURGESS) come forward and lead the House in the Pledge of Allegiance.

Mr. BURGESS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monohan, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 93

Whereas Howell T. Heflin served as a United States Marine from 1942–1946 and was awarded the Silver Star for bravery;

Whereas Howell T. Heflin served as Chief Justice of the Alabama Supreme Court from 1971–1977;

Whereas Howell T. Heflin served the people of Alabama with distinction for 18 years in the United States Senate; and

Whereas Howell T. Heflin served the Senate as Chairman of the Select Committee on Ethics in the ninety-sixth and one hundredth to one hundred-second Congresses;

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Howell T. Heflin, formerly a Senator from the State of Alabama.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Howell T. Heflin.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 95. Concurrent Resolution establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010.

The message also announced that the Senate insists upon its amendment to the bill (H. Con. Res. 95) entitled "Concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010.", and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints

Mr. GREGG, Mr. DOMENICI, Mr. GRASSLEY, Mr. ALLARD, Mr. CONRAD, Mr. SARBANES and Mrs. MURRAY, to be the conferees on the part of the Senate.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled bills on Monday, March 21, 2005:

H.R. 1270, to amend the Internal Revenue Code of 1986 to extend the Leaking Underground Storage Tank Trust Fund financing rate;

S. 686, for the relief of the parents of Theresa Marie Schiavo.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON WEDNESDAY, APRIL 6, 2005, FOR THE PURPOSE OF RECEIVING IN JOINT MEETING HIS EXCELLENCY, VIKTOR YUSHCHENKO, PRESIDENT OF UKRAINE

Mr. SHAW. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Wednesday, April 6, 2005, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting His Excellency, Viktor Yushchenko, President of Ukraine.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

SOCIAL SECURITY

(Mr. SHAW asked and was given permission to address the House for 1 minute.)

Mr. SHAW. Mr. Speaker, I want to introduce to my colleagues someone that they may already know, Ida May Fuller. Ida May was the recipient of the first Social Security check ever issued. In 1940, the year Ida May began collecting, Social Security was a dream come true for retiring Americans.

For every Ida May, there were 42 younger workers contributing to her retirement. Ida May worked under Social Security for 3 years, paid in $24 and got more than $22,000 in benefits. Ida May Fuller got one heck of a deal.

Fast forward now to 2005, March 15, 2005, the day that my 15th grandchild was born, Keegan Riley Shaw. Today, there are only three workers supporting each retiree; and soon, it will dwindle to two.

If we do not act now to save Social Security, when Keegan walks across the stage at his college graduation, a diploma will not be the only thing he is handed. Try a $600 billion-a-year tax hike. And when Keegan retires and goes to his mailbox to get his Social Security check, unlike Ida May, he will be opening a giant IOU.

I am fighting so that my grandchildren, and every grandchild in

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

America, have a secure retirement, just like Ida May. Let us start talking about the next generation, not the next election.

PRIVATIZING SOCIAL SECURITY

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, like most of my colleagues, I have recently spent time traveling through my district and listening to my constituents. The President's plan to privatize Social Security was the number one issue for many of my constituents.

Not everyone has the means or ability to prepare for the future, and none of us can protect our families against all the misfortunes that can sweep us into economic hard times.

Mr. Speaker, the President's plan to privatize Social Security is social insecurity, not social security. By forcing people, especially seniors, to rely on private accounts that fluctuate with the market, the President is gambling with our economic safety net. When the market loses ground, as it has in the past year, the safety net for America's seniors could be yanked away, not only for the seniors, Mr. Speaker, but for the survivors and the children.

We need to make sure that Social Security will continue to provide the same safety net against poverty that it has for almost 70 years.

GRATEFUL FOR BEING HERE AND THE LEADERSHIP IN THE HOUSE

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, just like the gentlewoman from Texas, I returned from my district late last night.

On the plane ride up here, I could not help but reflect on how grateful I am to my constituents for allowing me the opportunity to serve here in Congress; and, Mr. Speaker, I also reflected on the fact that I was grateful for the leadership we have in this House. I am grateful for the leadership we have in the gentleman from Texas (Mr. DeLay), our majority leader.

The majority leader has his critics. None of us are without fault, but recently it seems we cannot pick up a paper without some half-truth or conjecture being put out there as fact. I guess the game plan is to heck with facts, just keep repeating it and eventually it will receive believability.

Mr. Speaker, our majority leader is a target because he is so effective. They cannot beat him in the arena of public debate. Their policies do not sell in the marketplace of ideas.

Mr. Speaker, I ask my colleagues to look back at 10 years of electoral defeats on the other side to prove the point. Well, if they cannot outwork him and outthink him, if people are not buying what they are selling, then the game plan apparently is to tarnish our majority leader, and maybe then they can change the equation.

Mr. Speaker, I am grateful for our majority leader, and I am grateful to be working with him. This rank-and-file Member will stand with him. I would rather be working with our leader than running with the pack.

KEEP THE TRUST IN SOCIAL SECURITY

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, I noted with interest my colleague from Florida talking about Ida May Fuller, the first recipient of a Social Security check January 31, 1940. I, too, think that she is a symbol of what this debate is about. The debate is about our commitment to assure that our seniors and disabled and widows and survivors are not subjected to a life of poverty.

We do have far fewer workers today than we had for each Social Security recipient. We also have far fewer dependents today. In many households today there are more workers than there are dependents. We are changing, but this was part of a plan that was approved by President Reagan and Democratic Speaker Tip O'Neill to change the Social Security program in 1983 to build up a $1.3 trillion surplus that will continue building up in the future.

We do not have a problem if we keep the trust in Social Security and use that surplus for what it is used for, rather than spend it on tax cuts for people who do not need it or other frivolous government spending.

I strongly urge that we keep the commitment to the Ida May Fullers of the future by using that money for what it was intended.

TOP PRINCIPALS IN GEORGIA

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Georgia. Mr. Speaker, today I would like to honor a few of Georgia's top educators. The following principals, Robin Lattizori of Mt. Bethel Elementary School, Angela Bailey of Mountain View Elementary School, Ron Wade of Centennial High School, Dr. Michael Johnson of Kell High School, and Dr. Edward Spurka of Roswell High School, all have been named one of the top 10 principals in Georgia by the State's PTA.

These principals do not just teach; they reach. They inspire students and teachers, and they encourage our kids and our teachers and our parents to work in concert, resulting in more of our young people expanding their horizons and their dreams.

Mr. Speaker, as we all know, teaching is more than reciting material out of a textbook and hoping that students absorb the information, and being a principal is more than making certain the doors open on time. The love, dedication, and inspiration these leaders display on a daily basis set them apart. They are the energy behind the bright lights of our education system and are working to nurture tomorrow's leaders.

To each of them I send a hearty congratulations and thank you; but most importantly, your students, their parents, and the teachers thank you for the passion with which you do your job. Well done.

NEED TO REIN IN FEDERAL JUDICIARY

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the President signed into law a bill ordering courts to take a new look, a de novo look, at the Terri Schiavo case. In legal terms, this means that a court must approach a case as if they have no prior knowledge of the facts. In a death penalty case, a de novo order reopens the entire case, and the judge issues a stay on the execution.

Instead, in Terri's case, they took a cursory look at the case, did not issue a stay and affirmed her death sentence.

The problem here is not Congress; it is the courts. These judges abandoned Terri's humanity on a technicality, and they blatantly ignored the law that Congress passed.

Since when do judges get to ignore the laws of the land? The fact is that they have been doing it for a long time, in ways that should concern both sides of the aisle in this body.

When judges are viewed as above the law, as immune from accountability, we have ceased to be ruled by the consent of the governed, the people. We need to get courts under control before we slip further towards a Nation ruled by judicial fiat.

The problem is that though judges are the arbiters of legal disputes, they have become lawmakers just like us. We do not live in a land governed by judges. We live in a land governed by the people; and if we continue to ignore that, we have only ourselves to blame.

AMERICA SUPPORTS YOU

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, as Members return from their districts, I know many will have heard from their constituents who would want to do more to show their support for our men and women in uniform.

Like us in Congress, the Department of Defense has heard that call as well; and to answer it, they have put together a wonderful effort. It is called America Supports You.

A few weeks ago, I met with the Deputy Assistant Secretary of Defense, Allison Barber, to discuss the importance of letting our military men and women know just how much we in America appreciate the sacrifices they are making in this war on terrorism. That is what America Supports You is all about.

I would like to encourage my colleagues, Democrats and Republicans alike, to tell their constituents about this effort and to post a link on their congressional Web site to www.americasupportsyou.com. Everyone should take a few moments to send a message of encouragement and thanks to our men and women in the military and to their families and let them know how much we appreciate the efforts that they are making for peace and to fight in the war on terrorism.

□ 1415

WTO AND U.S. SOVEREIGNTY

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, the World Trade Organization has now ruled the State of Utah cannot ban Internet gambling within its own borders. The WTO said if the ban was enforced, Utah would be impeding the rights of the small nations of Antigua and Barbados.

Who would have ever thought that Antigua and Barbados would have more control over what goes on in Utah than the people of Utah themselves do?

This is ridiculous. What have we come to? Utah State Representative Sheryl Allen commented on this ruling saying, "It's not just gambling. The States are losing their authority in a lot of areas."

Where are those people now who told us that membership in the WTO would not cause any loss of U.S. sovereignty?

Mr. Speaker, we had plenty of free trade before the WTO even existed, and we could do so again. At the very least, we should renegotiate the terms of our membership to allow our States to prohibit Internet gambling if they wish to do so.

TRIBUTE TO MASTER SERGEANT MICHAEL T. HIESTER

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, it is written, "If you owe debts, pay debts; if honor, then honor; if respect, then respect."

I rise humbly today to pay a debt of honor and respect to Army National Guard Master Sergeant Mike Hiester of Bluffton, Indiana. As I saw firsthand last December at Camp Phoenix in Kabul, Afghanistan, Hoosiers have made an extraordinary difference for freedom in Operation Enduring Freedom, and Master Sergeant Mike Hiester was a leader of men in that place.

On March 26, 2005, Mike lost his life while fighting to defend America in Afghanistan. His military vehicle with the 76th Infantry Brigade Army National Guard, Indianapolis, struck a land mine 30 miles west of Kabul, Afghanistan, claiming his life and the lives of three other Indiana Army National Guard.

At his home in Bluffton, Indiana, he was known as a loving husband and father, a member of the Bluffton Fire Department, and he will not soon be forgotten by this grieving community of Bluffton, which will say goodbye to him this week.

I also offer my deepest condolences to his wife Dawn; his two children Emily and Adam; and his parents, Tom and Kay Hiester; as well as his sisters Megan and Michele, and all those across northeastern Indiana and all of our State who cherish the memory of this hero.

Master Sergeant Michael Hiester is a hero whose service and sacrifice bolstered the hopes of millions of Americans and Afghanis, and the memory of his sacrifice and service will forever be emblazoned on the hearts of two grateful nations.

POPE JOHN PAUL'S DREAM FOR FREEDOM LIVES ON

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, as the world mourns the passing of His Holiness Pope John Paul II, it is important to note that the struggle for which the Pope lived goes on today. I remember very vividly, back in June of 1989, being in Krakow, Poland, when we saw those active in the Solidarity movement clawing their way to freedom. We all know the outcome of that.

As we watched the Pope decline over the past several weeks and months, I had the honor over the Easter break to join with a bipartisan delegation of our colleagues to travel throughout the Middle East. It is interesting to note, as I said, that the Pope's dream is alive and well. The dream that Ronald Reagan and George H.W. Bush, and today George W. Bush has is one that is encouraging people throughout the world to seek an opportunity to enjoy freedom.

While we were in the Middle East, we had the chance to go to Beirut, Lebanon, where we met with university students who stood in Martyr Square, and who said they are imprisoned today by the Syrians and that they are trying to claw their way to freedom. So the exact same message, Mr. Speaker, that came forth in 1989 in Eastern and Central Europe is alive and well today. Thank God this Pope lived.

COMMUNICATION FROM THE HONORABLE J. DENNIS HASTERT, SPEAKER OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore (Mr. CULBERSON) laid before the House the following communication from J. DENNIS HASTERT, Speaker of the House:

OFFICE OF THE SPEAKER,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 23, 2005.

Hon. JEFF TRANDAHL,
Clerk of the House, House of Representatives,
Washington, DC.

DEAR MR. CLERK: Consistent with Rule VIII of the Rules of the House of Representatives, I write to record that I have been served with a civil subpoena for documents issued by the Circuit Court for Cook County, Illinois.

After consulting with the Office of General Counsel, I will make the determinations required by Rule VIII of the Rules of the House.

Sincerely,

J. DENNIS HASTERT,
Speaker of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

COMMEMORATING THE LIFE OF ZURAB ZHVANIA, PRIME MINISTER OF REPUBLIC OF GEORGIA

Mr. McCOTTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 108) commemorating the life of the late Zurab Zhvania, Prime Minister of the Republic of Georgia.

The Clerk read as follows:

H. RES. 108

Whereas on the night of February 3, 2005, the Prime Minister of the Republic of Georgia, Zurab Zhvania, died, apparently due to carbon monoxide poisoning caused by a malfunctioning heater;

Whereas the death of Prime Minister Zhvania at the age of 41 is a tragic loss for the Republic of Georgia;

Whereas Zurab Zhvania was a dedicated reformer whose visionary leadership inspired a new generation of political leaders in the Republic of Georgia;

Whereas Zurab Zhvania founded the Citizen's Union Party, which won elections in 1995, making him the Speaker of the Georgian Parliament;

Whereas under the leadership of Speaker Zhvania, the Georgian Parliament was transformed into an effective and transparent legislative institution;

Whereas in November 2001, Speaker Zhvania resigned his position in protest when government authorities attempted to suppress the leading independent television station in the Republic of Georgia;

Whereas Zurab Zhvania formed the United Democrats, a party that blossomed into one of the major forces that brought about the Rose Revolution in the Republic of Georgia in November 2003;

Whereas in the most dangerous hours of the Rose Revolution, when it appeared that armed force could be used against the peaceful protestors, Zurab Zhvania dismissed his bodyguards and led a march to Parliament accompanied only by his young children;

Whereas Zurab Zhvania was named Prime Minister of the Republic of Georgia in November 2003, and led governmental efforts to develop and implement far-reaching economic, judicial, military, and social reforms thereby turning the promise of the Rose Revolution into real results that have dramatically improved life in the Republic of Georgia;

Whereas the strong commitment of Zurab Zhvania to the peaceful restoration of the territorial integrity of the Republic of Georgia was most recently displayed in the central role he played in the development of the unprecedented and generous proposal of the Republic of Georgia for resolving the status of South Ossetia peacefully and justly; and

Whereas Zurab Zhvania's vision of the historical destiny of the Republic of Georgia was eloquently expressed before the Council of Europe on April 27, 1999, when he said, "I am Georgian and therefore, I am European": Now, therefore, be it.

Resolved, That the House of Representatives—

(1) expresses its sympathy and deepest condolences to the family of Zurab Zhvania for their tragic loss of a son, husband, and father, and to the people of the Republic of Georgia for the death of their Prime Minister;

(2) commends the courage, energy, political imagination, and leadership of Zurab Zhvania that were so critical to the development of a democratic Republic of Georgia;

(3) recognizes that the integration of the Republic of Georgia into Euro-Atlantic institutions will be the completion of the vision of Zurab Zhvania and his most lasting legacy; and

(4) expresses its solidarity with the people and Government of the Republic of Georgia at this difficult time.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. McCOTTER) and the gentleman from Oregon (Mr. BLUMENAUER) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. McCOTTER).

GENERAL LEAVE

Mr. McCOTTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Resolution 108.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. McCOTTER. Mr. Speaker, I yield myself such time as I may consume.

Today, the House considers H. Res. 108, introduced by the esteemed Chair of the Subcommittee on Europe and Emerging Threats, the gentleman from California (Mr. GALLEGLY). It is a resolution commemorating the life of the late Zurab Zhvania, who at the time of his death was the Prime Minister of the Republic of Georgia.

On February 3, Prime Minister Zhvania died suddenly, apparently as a result of carbon monoxide poisoning caused by a malfunctioning heater. This resolution expresses the House of Representative's sympathy and condolences to the family of Zurab Zhvania and to the people of Georgia for the death of their Prime Minister.

The resolution also commemorates the life of Zurab Zhvania and calls for the completion of his vision to integrate Georgia into the greater European-Atlantic community. Prime Minister Zhvania was a prominent leader in Georgia's Rose Revolution. He was a true reformer, a strong believer in democracy, and a good friend to America. In fact, Georgia recently decided to increase its troop levels in Iraq at the very time when other nations are drawing down their military presence in that country. Georgia also participates in the peacekeeping mission in Kosovo and has troops in Afghanistan.

The death of Zurab Zhvania is a tragic loss for Georgia and all those who support democracy in that nation. I ask my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BLUMENAUER. Mr. Speaker, I yield myself such time as I may consume and join my colleague from Michigan in commemorating the extraordinary life and the tragic death of Zurab Zhvania, the late Prime Minister of the Republic of Georgia.

While he served in the position of Prime Minister for a relatively short time, all independent observers conclude that he contributed immeasurably to the democratic reform of the Republic of Georgia. He was committed to opening the minds of the Georgian people and inspiring them to move away from the regressive wrongdoings of the Communist establishment.

He will always be known as a true reformer, a strong believer in democratic values, and a good friend of America. We are all saddened by his loss, and I join my colleagues in expressing condolences to the family of Mr. Zhvania.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in support of H. Res. 108, commemorating the life of the late Prime Minister of the Republic of Georgia, Zurab Zhvania. I commend my colleagues, Mr. GALLEGLY, Mr. SMITH, and Mr. WEXLER, for introducing this resolution and I am proud to be a cosponsor. I want to thank them for providing us an opportunity to recognize the life and contributions of Prime Minister Zhvania to the cause of freedom.

Mr. Speaker, on February 3 of this year, the Republic of Georgia suffered a tremendous loss with the untimely passing of their Prime Minister, Zurab Zhvania. An academic and unlikely political hero, Zhvania was elected to the Georgian national parliament in 1992, after the collapse of the Soviet Union. His passion and his eloquence brought him to the attention of Eduard Shevardnadze, and eventually to the office of Speaker of the Georgian Parliament. A champion of democracy and freedom of the press, Zhvania distanced himself from Shevardnadze and joined a party of young reformers who brought about the Rose Revolution in 2003. As the Prime Minister, Zhvania led the economic and social reform efforts that have transformed the lives of the Georgian people.

His visionary leadership in guiding the Republic of Georgia as it reached independence, his commitment to the development of core democratic values, and his tremendous courage in the face of adversity, will make the late Prime Minister Zurab Zhvania a towering figure in the history of the independent Republic of Georgia.

Mr. McCOTTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. McCOTTER) that the House suspend the rules and agree to the resolution, H. Res. 108.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. McCOTTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

COMMENDING OUTSTANDING EFFORTS OF ARMED FORCES AND EMPLOYEES OF STATE DEPARTMENT AND USAID IN RESPONSE TO EARTHQUAKE AND TSUNAMI OF DECEMBER 26, 2004

Mr. McCOTTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 120) commending the outstanding efforts by Members of the Armed Forces and civilian employees of the Department of State and the United States Agency for International Development in response to the earthquake and tsunami of December 26, 2004.

The Clerk read as follows:

H. RES. 120

Whereas on December 26, 2004, an earthquake and tsunami struck the Indian Ocean basin, killing over 250,000 people in Indonesia, Sri Lanka, India, Thailand, Somalia, Burma, Maldives, Malaysia, Tanzania, Bangladesh, and Kenya;

Whereas the response by members of the Armed Forces and civilian employees of the Department of State and the United States Agency for International Development (USAID) was immediate, invaluable, and courageous;

Whereas civilian employees of the Department of State and USAID showed great leadership in helping to coordinate relief efforts among donors, United Nations agencies, international organizations, aid agencies, and host governments;

Whereas civilian employees of the Department of State and USAID who were on vacation in some of the hardest hit areas used their expertise and specialized skills to provide immediate assistance to victims and survivors of the tsunami;

Whereas civilian employees of the Department of State and USAID set up remote assistance operations in the affected areas in order to best provide service to United States citizens and citizens of other countries who were affected by the tsunami;

Whereas United States consular officers worked around the clock to locate and identify United States citizens affected by the tsunami, reconnect them with their loved ones, and facilitate their return to the United States, despite the loss of their passports, other identification, and belongings as a result of the tsunami;

Whereas members of the Armed Forces volunteered their unique resources to assess the situation and deliver aid when and where other relief efforts could not;

Whereas the sight of members of the Armed Forces providing aid to tsunami victims and survivors has provided an important boost to the image abroad of the United States;

Whereas members of the Armed Forces and civilian employees of USAID worked together to bring clean water from Navy ships to victims and survivors in need; and

Whereas the coordinated effort by members of the Armed Forces and civilian employees of the Department of State and USAID saved lives, made a crucial contribution to recovery, and set the stage for a long-term United States commitment to increased peace and security across South and Southeast Asia: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the outstanding efforts in response to the earthquake and tsunami of December 26, 2004, by members of the Armed Forces and civilian employees of the Department of State and the United States Agency for International Development;

(2) recognizes that the actions of these individuals went above and beyond the call of duty; and

(3) thanks them for their service.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. McCOTTER) and the gentleman from Oregon (Mr. BLUMENAUER) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. McCOTTER).

GENERAL LEAVE

Mr. McCOTTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Resolution 120.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. McCOTTER. Mr. Speaker, I yield myself such time as I may consume, and I wish to begin by sending my gratitude to the distinguished gentleman from Oregon for bringing this resolution before the House.

The December 26, 2004, earthquake off the coast of Indonesia was one of the largest natural disasters on record, devastating coastal areas throughout the Indian Ocean area, particularly in Indonesia and Sri Lanka. The cost in human life now stands at nearly 300,000 dead or missing, another 1 million displaced, and many more otherwise affected.

The response by U.S. military and civilian personnel was nearly instantaneous as they moved into action to provide help to those caught in the tragedy. The logistics, airlift, and other supplies and services provided by the Department of Defense were, by all accounts, indispensable. Similarly, the humanitarian relief provided by U.S. civilian agencies, particularly the United States Agency for International Development, demonstrated the capacity and compassion of the American people who tried to aid those who were suffering.

In addition to its speed, the United States Government has been generous in its response: Nearly $150 million has already been spent and will be followed by several hundred million more dollars for ongoing recovery and reconstruction programs. The American people should also be greatly complimented for their generosity, as private donations from the United States alone are estimated to be at $1 billion.

This resolution recognizes America's military and civilian first responders to this terrible disaster and extends the appreciation of Congress to them for their work in saving lives, helping the survivors, and displaying our American virtues to our brothers and sisters beyond our shores.

Mr. Speaker, I reserve the balance of my time.

Mr. BLUMENAUER. Mr. Speaker, I yield myself such time as I may consume.

I wish to thank my colleague from Michigan for joining me in cosponsoring this resolution, and the chairman of the Subcommittee on Asia and the Pacific, the gentleman from Iowa (Mr. LEACH), for introducing the resolution with me.

This resolution commends the action of civilian employees of the State Department and the U.S. Agency for International Development and the members of the Armed Forces for their response to last December's tsunami tragedy in the Indian Ocean.

Mr. Speaker, it was my privilege to journey with a congressional delegation to the affected areas immediately in the aftermath of the disaster. As we viewed the stricken region, we were all impressed by the quality of the relief effort and the coordination between all parties. It was truly gratifying to see the governments, particularly of these four affected countries, stepping forward in some areas where we had simmering conflicts and military actions. People would put aside the hostilities to deal with those in need.

I must confess that the pictures of our military, the rapid response, spoke volumes. I had an opportunity to visit with the leadership, starting with Admiral Crowder, and other senior officers, down the chain of command, visiting with men and women on the front lines. It was clear that they were not just acting out of a professional dedication and a military ethic, but they were doing it for the profound and heartfelt desire to help people in need.

While the pictures spoke volumes of the affected people throughout that region, I think it is important that we also recognize the efforts of the civilians from the State Department and USAID who do the tireless work of diplomacy and development that form the backbone of our foreign policy. They contribute day in and day out with far less fanfare and too often less of our support.

I was struck by individual cases of Foreign Service officers. Two examples that had been brought to my attention while I was visiting was that of Richard Hanrahan and Michael Chadwick, who were junior consular officers from American embassies who were on vacation in Phuket when the disaster struck.

☐ 1430

They were there with their own families and had to make sure they were safe, but then they acted to set up their own remote control command post in Phuket to ensure the safe return of Americans. They dealt with traumatized families under the most difficult of circumstances, being able to borrow cell phones and deal with the communication difficulties; dealing with really very difficult situations, going from hospital to hospital, identifying injured Americans, and reporting on the situation before others had a chance to arrive.

Having seen and heard how these people behaved in such difficult circumstances, hour after hour, day after day, using their own independent action and individual motivation is something that all of us in Congress can be proud of. Having seen the impact that the officials from the State Department and USAID, working together with our military in response to the tsunami, highlights for us all the need to continue to enhance our diplomatic development and humanitarian capabilities.

As I heard these stories and met these people, I thought of the work that former Secretary of State Powell performed when he invested the prestige of his office, used the leverage of his position and his own experience to increase the support, ramping up the hiring of a new class of officials and making it a personal priority to make sure that the men and women in the front lines of the State Department around the world had the resources that they needed.

I hope that our new Secretary of State, Condoleezza Rice, will build upon his actions and as we in this Congress go through our appropriations cycle, we support her and our diplomats with the necessary funding.

We should strengthen the ability of the State Department to respond to these crises, both natural and manmade, in part to minimize the challenge for our over-stretched military who are not always going to be able to be available in force to make the contributions that we saw in the aftermath of the tsunami. Often, frankly, there are tasks better left to civilian hands.

This disaster was an illustration of the value of the services provided by many of these agencies. I think of the USAID's outstanding individuals who were there as part of the briefing, indicating how they were equipped and ready to go to help fight the problems after the tsunami, and deal with the aftermath of poverty and environmental degradation. Hopefully, their work will make these communities less vulnerable in the future, and we can invest in disaster mitigation and planning to reduce the loss of life the next time the inevitable disaster strikes.

It is the selfless commitment of these individuals in the military, the State Department, and USAID that is making a difference. At a time when our prestige, particularly in this region, as a Nation is at an all-time low, according to independent opinion surveys, the contributions in the aftermath of the tsunami is making a difference, particularly with Indonesia, the world's largest Muslim country. Two-thirds of the Indonesians are now more favorable to the United States because of what they saw, Americans responding and dealing with the aftermath of this disaster.

We should continue to invest in diplomacy and development along with our national defense, extend the kindness and compassion demonstrated by American people into a full-time commitment to those who suffer around the world. These efforts will pay dividends not just for the people in need but for our security as well.

The civilian employees of the State Department, the USAID, and our men and women in uniform went beyond the call of duty in responding to the tsunami. Through this demonstration of their professionalism, skill, creativity and commitment, they saved lives and took important steps for peace and security. I strongly urge the adoption of this resolution.

Mr. CROWLEY. Mr. Speaker, I rise in strong support of this resolution and I would like to give a special thanks to the sponsor of this resolution, my good friend from Oregon, Mr. BLUMENAUER.

Like several of my colleagues on the House International Relations Committee, I had the opportunity to meet with many of the men and women of our Armed Forces, the Department of State and the United States Agency for International Development operating in the tsunami affected region.

My trip to the region began in Singapore, where I met with members of our Armed Forces who were using the Singapore Air Force base as a staging ground for missions into the hardest hit area of the tsunami, Banda Aceh, Indonesia.

They were running operations out of the base 24 hours a day thanks to the support of our Singaporean friends.

While I was at the base I met with a Marine who was injured just days before in a helicopter crash but he remained in high spirits and was eager to get back out to help the survivors of the tsunami.

Singapore has been such a strong ally and a solid supporter of our relief mission; I want to publicly thank the government and people of Singapore for their role in the assistance to the tsunami affected region.

After Singapore, I traveled to Sri Lanka and went south of Colombo to Galle, a tourist town, which was ravaged by the tsunami.

During my day in Galle, I visited a maternity hospital that had been badly damaged and is now unusable, but I met with a doctor who told me about a c-section he was performing when the wave hit the hospital.

This doctor was able to finish the surgery by flashlight and saved the mother and child. These are some of the stories we may never have heard.

As I traveled on the road back to Colombo stretching the length of the shore I saw more affects of the Tsunami, train tracks were turned into corkscrews and buildings were totally destroyed.

But within all this rubble was American Marines and USAID Disaster Assistance Relief Teams working hand in hand with the Sri Lankan's clearing destroyed homes.

I asked one of the marines about his daily activities and he told me what brought him the most joy was playing with the local children who had lost their families and homes and that just making them smile and keeping them active brought him so much fulfillment.

As those children grow up they will always remember that marine who brought a little sense of normalcy back to their lives.

Also, during a meeting with the U.S. Embassy in Colombo, I met the director of the U.S. Foreign Disaster Assistance, OFDA, covering South Asia, which with the help of this committee; I was able to establish this branch.

I was caught off guard when William Berger, the director of the OFDA, thanked me for establishing this office and told me that the funding I was able to secure has saved thousands of lives and will continue to.

It's a real testament to the effect our committee has on the lives of those living so far away.

I urge all of my colleagues to support this important resolution.

Mr. FARR. Mr. Speaker, I rise in strong support of H. Res. 120, commending members of the Armed Forces and civilian employees of the Department of State and the United States Agency for International Development in response to the earthquake and tsunami of December 26, 2004.

In particular, I want to share with my colleagues how a professor from the Naval Postgraduate School, located in my district, assisted victims of the tsunami in Thailand. As coincidence would have it, Professor Brian Stackler was in Bangkok shortly after the tsunami when he realized that a field experiment he was planning to conduct in six months could save disaster victims' lives. Within days, he and his team were able to set up a wireless communications network near Phuket, and weeks later a broadband wireless Internet connection for more than 4,000 refugees, volunteer workers, international DNA testing and response teams, NGOs, and the media. As you can imagine, these emergency communication services were overwhelmed, so Professor Stackler and his team established voice-over Internet connections allowing computer users to speak over their microphones.

The impact of this technology was profound. It speeded up identification of victims and facilitated communication between victims and the outside world.

Professor Brian Stackler and his team are unsung heroes to thousands of victims of the tsunami and richly deserve the recognition provided by H. Res. 120.

Mr. SMITH of Washington. Mr. Speaker, today in the United States House of Representatives, we commend the men and women of our Armed Forces and civilian employees of the Department of State and the United States Agency for International Development for their services and actions in response to the earthquake and tsunami of December 26, 2004. In particular, I would like to recognize the active-duty and reserve servicemembers of the 62nd and 446th Airlift Wings stationed in my District at McChord Air Force Base. The Airmen who deployed filled many different roles from aircrew members to maintainers and aerial port personnel and security forces. McChord's aircrews flew badly needed supplies to countries throughout the region. The C–17's unique ability to land in the most austere conditions allowed it to deliver aid where other aircraft couldn't. In particular, I would like to commend Colonel Wayne Schatz, the 62nd Airlift Wing commander, who deployed to Hickam Air Force Base, Hawaii, and became the Deputy Director of Mobility Forces for the entire operation. While there, he helped marshall the massive humanitarian airlift mission, directing hundreds of aircraft that delivered nearly 3,000 tons of relief supplies to countries most in need of aid.

All told, Team McChord's contributions to the relief efforts included: 1.8 million pounds of relief supplies delivered; 660+ passengers moved; and 48 relief missions flown.

Mr. Speaker, I'm proud of the men and women in my District who participated in this noble operation.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in support of H. Res. 120, commending the outstanding efforts of our military and civilian personnel who responded to the humanitarian crisis engendered by the earthquake and tsunami of December 26, 2004. I commend my colleagues, Mr. BLUMENAUER and Mr. LEACH, for submitting this resolution.

Mr. Speaker, I traveled to Southeast Asia in January to help assess the damage caused by the tsunami. I saw firsthand the overwhelming scale of the human tragedy that killed over 250,000 people. Without the heroic efforts of the U.S. Armed Forces personnel and the civilian employees of the Department of State and the United States Agency for International Development, the death toll would have been far worse.

These men and women worked tirelessly to help provide necessities, like drinking water, food, and medical supplies, to survivors of the tragedy. In addition, many worked to coordinate the relief efforts of donors, relief organizations, aid agencies, and governments. The civilian employees worked to identify and assist U.S. citizens who were affected by the tsunami.

Because of the courageous efforts of these Americans, I have no doubt that many lives were saved. This selfless giving in a time of crisis was beyond the call of duty. Their efforts deserve great recognition and I am proud to support this resolution commending them.

Mr. BLUMENAUER. Mr. Speaker, I yield back the balance of my time.

Mr. McCOTTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Michigan (Mr. MCCOTTER) that the House suspend the rules and agree to the resolution, H. Res. 120.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. McCOTTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HONORING THE LIFE AND CONTRIBUTIONS OF YOGI BHAJAN

Mr. McCOTTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 34) honoring the life and contributions of Yogi Bhajan, a leader of Sikhs, and expressing condolences to the Sikh community on his passing.

The Clerk read as follows:

H. CON. RES. 34

Whereas the Sikh faith was founded in the northern section of the Republic of India in the 15th century by Guru Nanak, who preached tolerance and equality for all humans;

Whereas the Sikh faith began with a simple message of truthful living and the fundamental unity of humanity, all created by one creator who manifests existence through every religion;

Whereas the Sikh faith reaches out to people of all faiths and cultural backgrounds, encourages individuals to see beyond their differences, and to work together for world peace and harmony;

Whereas Siri Singh Sahib Bhai Sahib Harbhajan Singh Khalsa Yogiji, known as Yogi Bhajan to hundreds of thousands of people worldwide, was born Harbhajan Singh Puri on August 26, 1929, in India;

Whereas at age eight, Yogi Bhajan began yogic training, and eight years later was proclaimed by his teacher to be a master of Kundalini Yoga, which stimulates individual growth through breath, yoga postures, sound, chanting, and meditation;

Whereas during the turmoil on the partition between Pakistan and India in 1947, at the age of 18, Yogi Bhajan led his village of 7,000 people 325 miles on foot to safety in New Delhi, India, from what is now Lahore, Pakistan;

Whereas Yogi Bhajan, before emigrating to North America in 1968, served the Government of India faithfully through both civil and military service;

Whereas when Yogi Bhajan visited the United States in 1968, he recognized immediately that the experience of higher consciousness that many young people were attempting to find through drugs could be alternatively achieved through Kundalini Yoga, and in response, he began teaching Kundalini Yoga publicly, thereby breaking the centuries-old tradition of secrecy surrounding it;

Whereas in 1969, Yogi Bhajan founded "Healthy, Happy, Holy Organization (3HO)", a nonprofit private educational and scientific foundation dedicated to serving humanity, improving physical well-being, deepening spiritual awareness, and offering guidance on nutrition and health, interpersonal relations, child rearing, and human behavior;

Whereas under the direction and guidance of Yogi Bhajan, 3HO expanded to 300 centers in 35 countries;

Whereas in 1971, the president of the governing body of Sikh Temples in India gave Yogi Bhajan the title of Siri Singh Sahib, which made him the chief religious and administrative authority for Sikhism in the Western Hemisphere, and subsequently the Sikh seat of religious authority gave him responsibility to create a Sikh ministry in the West;

Whereas in 1971, Sikh Dharma was legally incorporated in the State of California and recognized as a tax-exempt religious organization by the United States, and in 1972, Yogi Bhajan founded the ashram Sikh Dharma in Española, New Mexico;

Whereas in 1973, Yogi Bhajan founded "3HO SuperHealth", a successful drug rehabilitation program that blends ancient yogic wisdom of the East with modern technology of the West;

Whereas in June 1985, Yogi Bhajan established the first "International Peace Prayer Day Celebrations" in New Mexico, which still draws thousands of participants annually;

Whereas Yogi Bhajan traveled the world calling for world peace and religious unity at meetings with leaders such as Pope Paul VI; Pope John Paul II; His Holiness the Dalai Lama; the President of the former Union of Soviet Socialist Republics, Mikhail Gorbachev; and two Archbishops of Canterbury;

Whereas Yogi Bhajan wrote 30 books and inspired the publication of 200 other books through his teachings, founded a drug rehabilitation program, and inspired the founding of several businesses;

Whereas Sikhs and students across the world testify that Yogi Bhajan exhibited dignity, divinity, grace, commitment, courage, kindness, compassion, tolerance, wisdom, and understanding;

Whereas Yogi Bhajan taught that in times of joy and sorrow members of the community should come together and be at one with each other; and

Whereas before his passing on October 6, 2004, Yogi Bhajan requested that his passing be a time of celebration of his going home: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes that the teachings of Yogi Bhajan about Sikhism and yoga, and the businesses formed under his inspiration, improved the personal, political, spiritual, and professional relations between citizens of the United States and the citizens of India;

(2) recognizes the legendary compassion, wisdom, kindness, and courage of Yogi Bhajan, and his wealth of accomplishments on behalf of the Sikh community; and

(3) extends its condolences to Inderjit Kaur, the wife of Yogi Bhajan, his three children and five grandchildren, and to Sikh and 3HO communities around the Nation and the world upon the death on October 6, 2004, of Yogi Bhajan, an individual who was a wise teacher and mentor, an outstanding pioneer, a champion of peace, and a compassionate human being.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. MCCOTTER) and the gentleman from Oregon (Mr. BLUMENAUER) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. MCCOTTER).

GENERAL LEAVE

Mr. McCOTTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. McCOTTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first, I would like to recognize the fine work of the gentleman from New Mexico (Mr. UDALL) for placing this resolution before us.

On October 6, 2004, Yogi Bhajan passed from this world. He had requested that his passing be a time of celebration. Thus I rise in support of H. Con. Res. 34 in order to celebrate the life of this extraordinary man.

At the age of 18 during a time of turmoil, he led his village of 7,000 people over 325 miles on foot to the safety of New Delhi, India. He served the Government of India faithfully through both civilian and military service.

When he came to the United States, he founded a nonprofit private educational, scientific foundation dedicated to serving humanity, improving physical well-being, deepening spiritual awareness, and offering guidance on nutrition and health, interpersonal relations, child rearing, and human behavior.

In 1971, the President of the Governing Body of Sikh Temples in India named him the chief religious and administrative authority for Sikhism in the Western Hemisphere, and he was given the responsibility for creating a Sikh ministry in the West.

In June of 1985, he established the first International Peace Prayer Day Celebration which draws thousands of participants annually.

Mr. Speaker, it is appropriate that Congress join in the celebration of his passing and recognize his legendary compassion, wisdom, kindness, and courage and extend its condolences to his wife and family.

Mr. Speaker, I reserve the balance of my time.

Mr. BLUMENAUER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join my colleague, the gentleman from Michigan (Mr. MCCOTTER), in commending our friend and colleague from New Mexico (Mr. UDALL) for the gentleman's introduction of this resolution, and his concern and leadership on Sikh-American issues. We are grateful for his work on these matters.

Mr. Speaker, the contributions made by Yogi Bhajan to Sikh-Americans and others across the globe are enormous. In addition to teaching peace through spiritual and yogic education, Yogi Bhajan applied his motivational skills to business and civil society. Most notably, he founded 3HO, an educational nonprofit organization that promotes human rights and health care education.

Given those enormous contributions, the passing of Yogi Bhajan last October was a loss not only to the Sikh-American community but to the entire Nation.

Mr. Speaker, in the post-9/11 era, it is increasingly important to recognize the contributions and participation of our Sikh-American brethren in American society since Sikh-Americans have unfortunately been the target of many hate crimes since 9/11. Yogi Bhajan was a man who helped educate and enlighten Americans about Sikh philosophy, further enhancing this country's great diversity and tolerance of all faiths.

We extend our condolences to his family, his children and grandchildren, and to the Sikh community around the world. I strongly support the passage of this resolution and urge my colleagues to do likewise.

Mr. Speaker, I yield back the balance of my time.

Mr. MCCOTTER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I would like to echo a sentiment put forward by the gentleman from Oregon (Mr. BLUMENAUER). In my district, the 11th Congressional District of Michigan, we have a substantial Sikh presence; and in the wake of September 11, I was asked by their temple to come before them and to reassure them that their fellow Americans understood Sikhism and would never stand for any type of oppression or prejudice or acts of hate being perpetrated against them.

I think in passing this resolution, we add one more accord on our part to Sikhism and its adherents and I am honored to be a part of this, as I am honored to have the friendship of the Sikh community and people like Chain Sandhu back home in my district.

Mr. WEINER. Mr. Speaker, I rise today to mourn the loss of Yogi Bhajan, a leader and inspiration to more than 23 million Sikhs around the world. Born in 1929, Yogi Bhajan led his village of 7,000 people 325 miles to safety on foot when violence erupted between Pakistan and India in 1947. The 3HO organization he founded in 1969 has strengthened the spiritual and interpersonal ties of more than 300 communities in 35 countries.

The Sikh faith was founded in India in the 15th century. Today, there are more than 175,000 Sikhs living in the United States and as many as 75,000 in the New York City metropolitan area.

Like their founder Guru Nanak, Sikhs practice tolerance and equality for all humans. Unfortunately, Sikhs here in the United States find themselves the objects of just the type of discrimination and that Yogi Bhajan worked to combat. In the last 3 years, the Sikh's have been the victims of at least 62 hate crimes, 27 cases of racial profiling, and 22 incidents of employment discrimination. In a particularly public incident from my home town, a Sikh subway motorman in New York City lost his job when the Metropolitan Transit Authority (MTA) said he could not wear his religious headgear to work.

Today, in the spirit of our commemoration of Yogi Bhajan's enormous contributions, Congress should pass the Workplace Religious Freedom Act, which would require an employer to accommodate a worker's faith unless it imposes significant difficulty or expense on the employer.

The Workplace Religious Freedom Act has the support of an incredibly diverse coalition of organizations including the National Sikh Center, Agudath Israel, the Religious Action Center of Reform Judaism, the National Council of Churches, the National Council of Muslim Women, and the Southern Baptist Convention.

If the Workplace Religious Freedom Act were passed, a Sikh would be able to wear a turban at work unless it posed a serious health or safety concern. And a Jew or Seventh Day Adventist could arrange not to work on Saturday, in exchange for working overtime earlier in the week.

We should take this opportunity to honor Yogi Bhajan by doing right by the community that survives him. Let's make sure the Sikh community in America lives in an America devoted to the spirit of tolerance and equality that Yogi Bhajan came to symbolize.

Mr. FARR. Mr. Speaker, I rise today, as the whole House of Representatives rises also, to honor the exemplary life of Harbhajan Singh Khalsa Yogiji. He died on October 7th 2004, just several weeks after his 75th birthday. Though he gained notoriety as a great yoga teacher, throughout his life he wore many hats; that of a successful business man, an author and a diplomat who bridged the boundaries of culture and religion.

The man we know as Yogi Bhajan was born Harghajan Singh Puri on August 26th, 1929 in a part of India that later became Pakistan. He spent his youth attending Catholic convent school and studying yoga from the age of eight years old. At just sixteen his teacher, Sant Sazara Singh, proclaimed him to be a Master of Kundalini Yoga. The rest of his life was punctuated by selfless leadership and teaching to people from all walks of life.

After working in the Indian government for some time, in 1968, Yogi Bhajan left India for Canada to focus on teaching yoga. This began his ascent to popularity throughout the world. After recognizing that the spiritual seekers of that day, called "hippies", were trying to find a higher consciousness via drugs, Yogi Bhajan realized that this could be found rather by practicing Kundalini Yoga. He began teaching the "3HO" way of life, meaning a healthy, happy and holy life. Soon he was in high demand. Eventually he founded the non-profit 3HO Foundation, which services humanity through Kundalini Yoga, the Science of Humanology, mediation, and a deepening of spiritual awareness. There are now 300 centers in 35 countries.

Yogi Bhajan continually merged the principles of his belief with business throughout his time on earth. He founded 3HO Superhealth, which has become a highly successful drugless drug rehabilitation program. He furthermore wrote books, conducted workshops, and made his teachings available to large numbers of people via videotapes. He was a tireless advocate of world peace and encouraged dialogue among world leaders, including the Dalai Lama, Pope John Paul II, Pope Paul VI and two Archbishops of Canterbury.

One of Yogi Bhajan's greatest accomplishments stemming from his efforts was the official recognition of Sikhism as a religion in the USA. Because of this, he was given the task of creating a Sikh Ministry in the West. I know that the Sikh community in my district has the utmost respect and gratitude for his labors on this behalf.

Mr. Speaker, Yogi Bhajan was a person who "walked the walk". He used the beliefs and principles he believed in sincerely and authentically to better the world, enhance his community and enlighten his fellow human being. I am proud to honor him today.

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to support House passage of H. Con. Res. 34, honoring the life and contributions of Yogi Bhajan, a leader of Sikhs in the Western Hemisphere who passed away October 6 of last year. Yogi Bhajan was a world leader in peace and helped hundreds of thousands around the world during his ministry.

Born in India in 1929 as Harbhajan Singh Puri, Yogi Bhajan became a master of kundalini yoga by age 16, but he showed his real strength in 1947 when he lead on foot 7,000 people from his village in what is now Pakistan, over the partition and to safety as a refugee in present day India.

After a successful career in the Indian government with Customs and the IRS, Yogi Bhajan developed his commitment for his faith, Sikh Dharma, washing for four straight years each night the floor of their holiest temple, the Golden Temple.

In 1968 when Yogi Bhajan migrated to Canada and then in 1969 to the United States, he recognized the disenchantment and spiritual yearning that was felt by Western youth during the tumult of the 1960's and began to teach them the technology of Kundalini Yoga and meditation. That same year he incorporated the Healthy, Happy, Holy Organization (3HO), whose Superhealth Drug Rehabilitation centers soon garnered top awards and results from the Joint Accreditation Body for Healthcare Organizations.

Through his personal efforts, Sikh Dharma was legally incorporated and officially recognized as a religion in the U.S. in 1971. In 1971, in acknowledgement of his extraordinary impact of spreading the universal message of Sikhism, the president of the SGPC (governing body of Sikh Temples in India), Sant Charan Singh called him the Siri Singh Sahib, Chief Religious and Administrative Authority for the Western Hemisphere, and he was given the responsibility to create a Sikh Ministry in the West by the Akal Takhat, the Sikh seat of religious authority in Amritsar, India. He was honored with the title Bhai Sahib by the Akal Takhat in 1974. When he became a United States Citizen in 1976, Yogi Bhajan changed his name legally to Harbhajan Singh Khalsa Yogiji.

Under his guidance as Director of Spiritual Education, 3HO mushroomed worldwide, to 300 centers in 35 countries. In 1994 3HO became a member of the United Nations as an NGO (Non-Governmental-Organization) in Consultative Status (Roster) with the Economic and Social Council, representing women's issues, promoting human rights and providing education in alternative systems of medicine.

Loyal friend and mentor of Senators, Congressmen, and Governors regardless of political affiliation, he promoted spiritual awareness in all arenas. An ardent advocate of world peace and religious unity, the Siri Singh Sahib met with world leaders of all faiths to encourage dialogue, including Pope Paul VI, Pope John Paul II, the Dalai Lama, and two Archbishops of Canterbury. He became Co-President of the World Fellowship of Religions in 1974.

He became a trusted management consultant for 14 corporations worldwide, representing industries as diverse as health food manufacturing (KIIT-Golden Temple Foods), computer systems (Sun and Son), and security services (Akal Security). He conducted business seminars and authored several books to guide the aspiring entrepreneur as well as the seasoned executive.

He is survived by his wife, children, five grandchildren and all those in his 3HO and Sikh Dharma families.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to honor a dear friend of mine and a man who was an incredible voice for peace—Yogi Bhajan. H. Con. Res. 34 recognizes Yogi Bhajan, the late chief religious and administrative authority for Sikhism in the West, as a wise teacher and mentor, an outstanding pioneer, a champion of peace and compassion, and extends condolences to his family and to the Sikh community on his passing.

A native of India, Yogi Bhajan introduced thousands around the world to Sikhism, a religion that carries the message of truthful living and the fundamental unity of humanity, and reaches out to people of all backgrounds to work together for world peace. When he came to the United States in 1968, Yogi Bhajan recognized immediately that the experience sought by many young people through drugs could be alternatively achieved through Kundalini yoga, which stimulates individual growth through breath, chanting, and meditation among other components. Soon after, he founded the Healthy, Happy, Holy Organization (3HO), a nonprofit private educational and scientific foundation with 300 centers in 35 countries, dedicated to improving physical well-being, deepening spiritual awareness, and offering guidance on matters of health and heart. He later also founded a successful drug rehabilitation program that blends ancient yogic wisdom of the East with modern technology of the West.

In 1971, the president of the governing body of Sikh Temples in India gave Yogi Bhajan the title of chief religious and administrative authority for Sikhism in the Western Hemisphere. That same year, the Sikh Dharma was legally incorporated and recognized as a religion in the U.S. and soon after, Yogi Bhajan founded the Sikh Dharma community in Espanola, New Mexico. This community in my district is home to at least 300 Sikh families.

Yogi Bhajan wrote 30 books and inspired 200 more through his teaching, and inspired the founding of several businesses including Akal Security Inc., one of the fastest-growing security companies in the nation. Throughout his lifetime, he traveled the world and met with world leaders such as Pope John Paul II and the Dalai Lama to discuss world peace and religious unity. He also served as informal counsel to numerous political and spiritual leaders. As the resolution states, Yogi Bhajan's teachings and the businesses formed under his inspiration, improved personal, political, spiritual and professional relations between citizens of the United States and citizens of the nation of India.

After the terrorist attacks on U.S. soil on September 11th, Yogi Bhajan reached out to Sikhs across America, encouraging and helping them to educate their fellow citizens about Sikhs, and to work with law enforcement and community leaders to help them protect Sikh populations. He established links to human rights advocates nationwide to ensure that the issue of Sikh identity was understood and respected. When a Sikh man named Balbir Singh Sodhi was murdered in Arizona five days after 9/11, Yogi Bhajan worked with community and government leaders in Arizona to help raise awareness about the Sikh community there, and to honor Balbir Singh with a major memorial event.

Yogi Bhajan passed away on October 6, 2004 at age 75 in Española, New Mexico. I had the privilege of Yogi Bhajan's friendship and support for more than 20 years. He was a dynamic, powerful person with a strong devotion to human rights, religious freedom, and good health. Whatever your faith, Yogi Bhajan had the right words, the right lesson, the right message. He spoke to us all and he inspired us. Around the world he was a powerful voice for peace. I am pleased that he will be honored by Congress today. Before he passed away, Yogi Bhajan requested that his passing be a time of celebration of his going home. It is my hope that through passing this legislation, we are helping to fulfill that wish.

I would like to thank Representatives JOE WILSON, JOE CROWLEY, and ILEANA ROS-LEHTINEN for their strong support of this resolution, as well as Ranking Member LANTOS and Chairman HYDE of the House International Relations Committee, who were also early supporters of the bill. I also thank Senators JEFF BINGAMAN, PETE DOMENICI, and JOHN CORNYN who are sponsoring the Senate companion. Lastly, I thank members of the Sikh community in my district for their work in carrying on the memory of Yogi Bhajan.

Mr. CROWLEY. Mr. Speaker, I rise in strong support of this resolution and would like to thank my good friend from New Mexico, Mr. UDALL, for introducing this resolution.

As the former Co-Chair of the Caucus on India and Indian Americans along with my colleague Mr. WILSON from South Carolina, we worked with TOM UDALL at the end of the 108th Congress to recognize the contributions that Yogi Bhajan (YO-gee BUH-jin) made to India and to the United States.

Due to the time constraints of the end of the session work, we were unable to bring this before committee, but I am grateful we now have the opportunity to honor a man whose words and deeds affected countless people all over the world.

During his life, Yogi Bhajan introduced thousands around the world to Sikhism, a religion that carries the message of truthful living and fundamental unity of humanity and reaches out to people of all backgrounds to work together.

Yogi Bhajan also applied his grass-roots approach to peace in the business and non-profit organizations he founded.

He was a trusted management consultant for 14 corporations worldwide, representing service industries as diverse as health food manufacturing), computer systems and security services.

This resolution recognizes a wise teacher and mentor, an outstanding pioneer, a champion of peace and compassionate human being, and extends condolences on his passing.

I urge all of my colleagues to support this resolution honoring Yogi Bhajan.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in support of H. Con. Res. 34, honoring the life and contributions of Yogi Bhajan. Yogi Bhajan was an extraordinary man of compassion, wisdom and kindness whose teachings have provided immeasurable benefits spiritually, culturally and politically to millions here in the United States and around the world. A master of Kundalini yoga, his love of humanity was so strong that he violated the tradition of secrecy surrounding this practice to bring the healing power of yoga to the troubled American youth of the 1960's by providing a healthy alternative to the drug culture.

Yogi Bhajan worked tirelessly throughout his life to spread the message that "it is our birthright to be happy, healthy, and holy." He established a Sikh Ministry in the West and motivated thousands to embrace the Sikh way of life. He founded 3HO Superhealth, a drug rehabilitation program based on yogic wisdom and modern technology, a program that has now expanded worldwide. His books, the organizations he founded, and the thousands of teachers he trained will serve as his legacy.

One overriding message of Yogi Bhajan's teaching is that we are all one people—Sikhs, Christians, Jews, Buddhists—and in my opinion his life stands as a shining example of how an unconditional love of humanity can contribute greatly to the health and well-being of us all.

Mr. Speaker, Yogi Bhajan requested before his death that his passing be a time of celebration of his going home. I am proud to join my colleagues here in celebrating the life and contributions of Yogi Bhajan, and celebrate his going home.

Mrs. WILSON of New Mexico. Mr. Speaker, I rise today to honor Yogi Bhajan, a leader, and friend to me, the State of New Mexico and many others ranging from America to his native country of India. Yogi died peacefully in his sleep at age 75 surrounded by his family in Espanola, New Mexico.

Upon his arrival to America in the 1960's, Yogi immigrated to northern New Mexico and founded the Sikh Dharma in Espanola.

By 1971 Sikh Dharma was officially recognized as a religion in America due to Yogi's determined efforts. Through Yogi Bhajan's non-profit 3H, Healthy, Happy, Holy Organization, he touched the lives of millions throughout the world.

Yogi's name has been a staple throughout New Mexico for decades through his many business endeavors throughout the State. Among his many businesses, Akal Security, founded in 1980 by the Sikh Dharma, now thrives in multiple States and throughout the country by providing security to numerous military installations as well as private corporations throughout the world.

Over 200 books have been written based on his teachings, as well as CD's, videos, paintings, and sculptures. Yogi wrote over 30 books including The Teachings of Yogi Bhaian, Furmaan Khalsa, Masters Touch, and Mind and Its 81 Facets.

Yogi Bhajan believed "It is a birthright to be healthy, happy, and holy" and lived his life accordingly. He will be missed but Yogi Bhajan left a legacy in New Mexico, America, and the world that will not be forgotten.

Mr. McCOTTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. McCOTTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 34.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. McCOTTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 2 o'clock and 42 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1831

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BISHOP of Utah) at 6 o'clock and 31 minutes p.m.

REPORT ON HOUSE RESOLUTION 136 DIRECTING ATTORNEY GENERAL AND SECRETARY OF HOMELAND SECURITY TO TRANSMIT DOCUMENTS RELATING TO SECURITY INVESTIGATIONS AND BACKGROUND CHECKS RELATING TO GRANTING ACCESS TO WHITE HOUSE OF JAMES D. GUCKERT (ALSO KNOWN AS JEFF GANNON)

Mr. SENSENBRENNER, from the Committee on the Judiciary, submitted a privileged report (Rept. No. 109–30) on the resolution (H. Res. 136) directing the Attorney General and the Secretary of Homeland Security to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of those officials relating to the security investigations and background checks relating to granting access to the White House of James D. Guckert (also known as Jeff Gannon), which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 298

Mr. POMBO. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 298.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 108, by the yeas and nays;

H. Res. 120, by the yeas and nays; and

H. Con. Res. 34, by the yeas and nays.

The first and third electronic votes will be conducted as 15-minute votes. The second vote in this series will be a 5-minute vote.

COMMEMORATING THE LIFE OF ZURAB ZHVANIA, PRIME MINISTER OF REPUBLIC OF GEORGIA

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 108.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. McCOTTER) that the House suspend the rules and agree to the resolution, H. Res. 108, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 402, nays 0, not voting 32, as follows:

[Roll No. 91]

YEAS—402

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Cooper
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Feeney
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green (WI)
Green, Al
Green, Gene
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes

Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—32

Alexander
Baird
Boehner
Brown (OH)
Calvert
Coble
Costa
Costello
Culberson
Ehlers
Evans
Fattah
Ferguson
Granger
Grijalva
Hoekstra
Hostettler
Hunter
Jackson-Lee (TX)
Lewis (KY)
Millender-McDonald
Neugebauer
Payne
Platts
Rangel
Ryan (OH)
Scott (VA)
Shimkus
Souder
Waters
Watson
Young (FL)

□ 1855

Ms. McKINNEY changed her vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMENDING OUTSTANDING EFFORTS OF ARMED FORCES AND EMPLOYEES OF STATE DEPARTMENT AND USAID IN RESPONSE TO EARTHQUAKE AND TSUNAMI OF DECEMBER 26, 2004

The SPEAKER pro tempore (Mr. BISHOP of Utah). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 120.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. McCOTTER) that the House suspend the rules and agree to the resolution, H. Res. 120, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 401, nays 0, not voting 33, as follows:

[Roll No. 92]

YEAS—401

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Cooper
Costa
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—33

Alexander
Baird
Berman
Brown (OH)
Calvert
Coble
Conyers
Costello
Ehlers
Fattah
Ferguson
Granger
Harman
Hoekstra
Hostettler
Hunter
Jackson-Lee (TX)
Keller
Kirk
LaTourette
Lewis (KY)
Millender-McDonald
Neugebauer
Payne
Rangel
Scott (GA)
Scott (VA)
Shimkus
Souder
Stupak
Waters
Watson
Young (FL)

□ 1904

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING THE LIFE AND CONTRIBUTIONS OF YOGI BHAJAN

The SPEAKER pro tempore (Mr. BISHOP of Utah). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 34.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. MCCOTTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 34, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 405, nays 0, answered "present" 1, not voting 28, as follows:

[Roll No. 93]

YEAS—405

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Cooper
Costa
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moràn (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sànchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velàzquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

ANSWERED "PRESENT"—1

Barrow

NOT VOTING—28

Alexander
Baird
Brown (OH)
Calvert
Coble
Costello
Ehlers
Fattah
Ferguson
Gohmert
Granger
Hoekstra
Hostettler
Hunter
Jackson-Lee (TX)
Kilpatrick (MI)
Lewis (KY)
Millender-McDonald
Neugebauer
Payne
Rangel
Renzi
Scott (VA)
Shimkus
Souder
Waters
Watson
Young (FL)

□ 1922

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF RESOLUTION HONORING THE LIFE AND ACHIEVEMENTS OF HIS HOLINESS POPE JOHN PAUL II AND EXPRESSING PROFOUND SORROW ON HIS DEATH

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that it shall be in order at any time to consider in the House a resolution honoring the life and achievements of His Holiness Pope John Paul II and expressing profound sorrow on his death; the resolution shall be considered as read; the resolution shall be debatable for 1 hour equally divided and controlled by the majority leader and the minority leader or their designees; and the previous question shall be considered as ordered on the resolution and the preamble to final adoption without intervening motion.

The SPEAKER pro tempore (Mr. BISHOP of Utah). Is there objection to the request of the gentleman from Texas?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 867

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that the gentleman from Virginia (Mr. MORAN) be removed as a cosponsor of H.R. 867.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.J. RES. 23

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.J. Res. 23.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

HONORING WILLIAM C. MARTIN FOR HIS CONTRIBUTIONS TO HIS COMMUNITY, HIS UNIVERSITY AND HIS COUNTRY

(Mr. SCHWARZ of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHWARZ of Michigan. Mr. Speaker, I rise today in honor of a dear friend of mine, Mr. William C. Martin. This month Mr. Martin will be receiving the Sixth Biannual Humanitarian Award from the Jewish Federation of Washtenaw County, an organization in my district. Bill's integrity, modesty and selfless devotion to the betterment of society make him an embodiment of the ideals represented by this award.

He has used his success as a businessman and influence as a community leader to help those in need. When he was still an MBA student at the University of Michigan, he took on the challenge of helping unemployed, and seemingly unemployable, men find jobs in the community.

Bill Martin's reputation of honor and integrity has led others to look to him in times of difficulty. When he was asked to become the University of Michigan's athletic director at a time when the department needed reform, he not only agreed, he insisted on doing so at no salary. He succeeded in helping turn things around so effectively that he was asked to remain in that position in a permanent capacity, where he remains today.

When the United States Olympic Committee, on whose board Bill served from 1992 to 2003, was shaken by scandal, he agreed to serve as president and help the organization set a better course.

Bill Martin is one of those rare individuals who combines altruism, honesty and leadership to effect positive change on the local, State and national levels. His genuine and giving nature truly represents the principles by which all our Nation's citizens should strive to live.

TRIBUTE TO THE HONORABLE JOSEPH P. RODDY OF ST. LOUIS, MISSOURI

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Mr. Speaker, my remarks today are to pay tribute to the life of a valued public servant and mentor, the Honorable Joseph P. Roddy of St. Louis, Missouri.

Joe Roddy was associated with Presidents, Congressmen, governors and mayors for decades. He lived his life committed to his faith, his family, his Democratic Party and his beloved constituents. He never lost sight of his belief that elected officials were to serve, and the public was to be served.

Mr. Roddy led his life by example and was a mentor and help to many. Whether it was advising a young candidate for office or helping a neighborhood family in need, no job was too big or too small for Joe Roddy.

Mr. Roddy was active in the Democratic Party for 60 years, particularly in the 17th ward where he was born. He founded the 17th ward FDR Club in 1954.

Mr. Speaker, the outpouring of support by family, friends and the community make it evident to all what an extraordinary person and public servant Mr. Roddy was. He was married to his wife, Lue Roddy, for 50 years. They have four children, Mary, Joe, Daniel and Mark, and have seven grandchildren.

My prayers are with his family, friends and community today as we honor his remarkable life.

Joe Roddy was associated with many Presidents, Congressmen, Governors and Mayors for decades. He lived his life committed to his faith, his family, his Democratic party and his beloved constituents. He never lost sight of his belief that elected officials were to serve, and the public was to be served.

Mr. Roddy led his life by example and was a mentor and help to many. Whether it was advising a young candidate for office or helping a neighborhood family in need, no job was too big or too small for Joe Roddy.

Mr. Roddy was active in the Democratic Party for over 60 years, particularly in the 17th ward where he was born. He founded the 17th Ward F.D.R. Club in 1954, where he was a block secretary, treasurer, alderman, committeeman, and campaign coordinator of the ward organization. In addition to these activities in the 17th ward, he was campaign treasurer for the St. Louis Democratic Central Committee for 14 years, chairman of the 3rd Congressional district for six years, and chairman of the St. Louis City Democratic Central Committee for two years. He was a delegate to four Democratic national conventions and five Missouri Democratic state conventions. In 1994, he received the Harry S. Truman Award from the St. Louis City Democratic Central Committee, the highest award given to a St. Louis City Democrat. Because of his work for the Democratic Party, he was often referred to as "Mr. Democrat." Mr. Roddy also served as Circuit Clerk of the City of St. Louis and was Administrator-Clerk of the City of St. Louis Courts, where he retired in May 1993 after 40 years as a St. Louis City office holder.

As alderman of the 17th ward, Mr. Roddy sponsored and guided to passage one of the first municipal laws in the United States that treated alcoholism as a sickness instead of a crime. He championed the rights of the poor and led a drive that brought surplus food from the U.S. government to 64,000 impoverished people in the city of St. Louis. Mr. Roddy was instrumental in passing civil rights ordinances in the 1950s such as the Public Accommodation Law, Open Housing Law, and the Fair Employment Act. Mr. Roddy was a main figure in a Federal court case that resulted in the Missouri legislative districts being redrawn to conform to the one man-one vote United States Supreme Court decision that demanded equal representation for legislative districts.

As circuit clerk, Mr. Roddy was the first to invest the funds of the court for interest, which contributed to the general fund of the city of St. Louis.

Mr. Roddy was also active in many civic, business, and church groups in addition to his political associations including the Washington University Medical Center Redevelopment Corporation Advisory Committee, the Adult Rehabilitation Center of the Salvation Army Advisory Committee, and the Knights of Columbus.

He was a strong supporter of organized labor. In his early days of employment, he was a member of the Hotel Workers Union, Post Office Clerk Union-Local 8, and Teamsters Local 688. He was the only citywide office holder ever to have by consent agreement employed union members in his office.

He attended kindergarten at Adams School, went from first grade to eighth grade at St. Cronan's School, and won a four-year scholastic scholarship to St. Louis University High School where he graduated with first honors. He also attended Saint Louis University.

He was preceded in death by his parents, Joseph J. Roddy and Ann Flood Roddy, his brother Paul, and his four sisters Mildred Kutrip, Anita Kenkel, Sister Ann Julia Roddy, CSF and Bride Neiman.

Mr. Speaker, the outpouring of support by friends, family, and the community make it evident to all what an extraordinary person and public servant Mr. Roddy was. He was married to his wife, Lucille "Lue" Baumann Bey Roddy for 50 years. They have four children—Mary, married to Michael Sawyer; Joseph D., married to Lisa Roddy; Daniel, married to Patrica Roddy; and Mark Roddy. Joe and Lue have seven grandchildren: Steven, William and Kathleen Sawyer; Christina and Nicholas Roddy; and Joseph Patrick and Brendan Stuart Roddy. My prayers are with his family, friends, and community today, as we honor his remarkable life.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

COMMEMORATING GREEK INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. MCCOTTER) is recognized for 5 minutes.

Mr. MCCOTTER. Mr. Speaker, during our absence from session over the Easter recess, a momentous date passed which merits our observance. Greek Independence Day commemorates and celebrates the Greek people's declaration of independence from the Ottoman Empire on March 25, 1821.

From this day, until the Treaty of Constantinople officially recognized Greek independence, the Greek people waged a valiant and victorious struggle for their freedom.

The Ottoman Empire's oppression and occupation of Greece evolved over the course of the 14th and 15th centuries. Yet during these centuries, Greek patriots arose to oppose and overthrow the Ottomans' dominion, and in 1814 emerged the secretly formed Friendly Society, which proved a herald of Hellenic liberty.

Then 7 years later, on March 25, 1821, the Orthodox Metropolitan Germanos of Patras proclaimed a national uprising, and simultaneous uprisings arose throughout Greece. Initially this courageous movement liberated many areas of Greece, but the Ottoman Empire rapidly and ruthlessly responded with innumerable acts of brutality, including the massacre of entire Greek communities.

Such Ottoman barbarism contrasted ill with Greek heroism and inspired many nations and citizens to rally to the Greek cause. Thus, in 1827, the British and French fleets delivered a crushing blow to the Ottoman fleet at Navarino, and in 1828, 10,000 French soldiers landed in the Peloponnese to end the Ottoman scourge of Greece.

It was then, and after the horror of war had ebbed and ended, the Convention of May 11, 1832, recognized Greece as a sovereign state, and, again, the Treaty of Constantinople recognized Greek independence from Ottoman rule in July of 1832.

Thus, Mr. Speaker, it is both fitting and fair for we Americans as a free people to commemorate and celebrate the date of May 25, the date Greece, the Cradle of Democracy, was once again made free.

So, too, Mr. Speaker, let us reflect upon the reality that no treaty, no mere scrap of paper, could ever accomplish more than to simply state the obviousness of Greek freedom, which has always endured for time immemorial, despite whatever oppression encountered.

Indeed, did not the pen of the British poet and doomed martyr to the cause of Greek independence and freedom, Lord Byron, write a testament to the Greek people's inherent love of liberty when he wrote:

The Sword, the Banner, and the Field,
Glory and Greece, around me see!
The Spartan, borne upon his shield,
Was never more free.

And may Greece, Mr. Speaker, ever be free.

□ 1930

SMART SECURITY AND THE NONMILITARY APPROACH

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, Pope John Paul II has passed away. I talk about him tonight because we can learn a lesson from the way he lived his life. I did not agree with a lot of what the Pope believed in, but I agree with the way he fought against that which he believed was worth fighting.

When Pope John Paul II came into office, the Soviet Union was a dominant world power and communism was a dominant ideology. John Paul II, who grew up in Poland, knew firsthand the atrocities that were often committed in the name of communism. He fought against the evils of communism by speaking out and putting international pressures on countries like the Soviet Union, Hungary, and Poland. These countries understood the threat that they faced in this Pope, one strong-willed man, who knew firsthand the perils of the communist system. In 1989, the Soviet Union fell, partially as a result of the Pope's actions.

Then, as now, the world faced a major conflict of ideologies. Instead of communism, the major threat to our generation is Islamic extremism perpetrated by radical groups like al Qaeda. And then, as now, the Pope believed that the proper response was to apply international pressure to alleviate a bad situation.

But instead of applying international pressure and utilizing multilateral diplomacy to fight terrorism, the response by the Bush administration was to send 150,000 troops into Iraq to "liberate" the country. Liberate the country from what, exactly? One bad leader named Saddam Hussein? Make no mistake: the invasion of a country that never posed a threat to the United States, never harbored weapons of mass destruction, and never maintained links to groups like al Qaeda is the greatest misstep to occur during George W. Bush's Presidency.

One of the saddest parts about the war in Iraq is the drastic toll it has taken on the people of the United States. This war has cost the lives of more than 1,500 American soldiers. It has caused nearly 12,000 to be gravely wounded. The war has also killed tens of thousands of innocent Iraqi civilians.

And the financial cost of the war has been no less burdensome. When the Senate approves the latest $81.4 billion supplemental spending bill, Congress will have appropriated over $200 billion for the war in Iraq in just over 2 years. With no end in sight, President Bush has even claimed that the thousands of troops will remain in the country for years to come, the total cost of the war could be as much as $800 billion by the time we finish blundering in the Middle East. How many will be dead or wounded by the time this war is done?

Despite the President's solemn promise to fight terrorism, the Bush administration has overwhelmingly concentrated America's resources on developing bigger and more expensive weapons at the expense of other more suitable security tools which will truly keep Americans safe. If our country has any hope of defeating terrorist groups like al Qaeda, we need to utilize the most important weapons in our arsenal, not bigger and more dangerous guns and bombs, but international diplomacy, nonmilitary security, and nonproliferation efforts.

That is why I have developed a SMART Security Resolution for the 21st Century. SMART security is a sensible, multilateral American response to terrorism, and it is just what we need to secure America for the future. SMART security emphasizes the nonmilitary approach over the military approach, considering war as an option only when all other alternatives have been totally exhausted.

If we went to war every time we had a problem with another country's leader, there would be nothing left of the United States. Imagine if we had bombed the Soviet Union in the 1970s during the Cold War. It would have been the start of World War III.

It is time we left Iraq. This needs to be done sooner, not later; and it is time we started relying on the smarter approach. This is the only way to resolve the complex while, at the same time, keeping our men and women in the military safe. Let us support a smarter approach to the 21st century, an approach that I call SMART security.

GREEK INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 5 minutes.

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of this Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, today I proudly rise to celebrate Greek Independence Day and its strong ties that bind the nation of Greece and the United States.

Mr. Speaker, 184 years ago, the people of Greece began a journey that would mark a symbolic rebirth of democracy in the land where those principles to human dignity were first espoused.

They rebelled against more than 400 years of Turkish oppression. The revolution of 1821 brought independence to Greece and emboldened those who still sought freedom across the world. I commemorate Greek Independence Day each year for the same reasons we celebrate our 4th of July. It proved that a united people, through sheer will and perseverance, can prevail against tyranny. Both our nations share an illustrious history and defense of this cherished ideal.

The concept of democracy was first conceived by the ancient Athenians more than 2,500 years ago. Men such as Aristotle, Socrates, Plato, and Euripides developed the then-unique notion that men could, if left to their own devices, lead themselves rather than be subject to the will of a sovereign.

It was Thomas Jefferson who said, "One man with courage is a majority." Jefferson and the rest of the Founding Fathers looked back to the teachings of ancient Greek philosophers for inspiration as they sought to craft the Declaration of Independence. On March 25, 1821, Archbishop Germanos of Patras embodied the spirit of those words when he raised the flag of freedom and was the first to declare Greece free.

News of the Greek revolution was met with widespread feelings of compassion in the United States. Several American Presidents, including James Monroe and John Quincy Adams, conveyed their support for the revolution through their annual messages to Congress.

Various Members of Congress also showed a keen interest in the Greeks' struggle for autonomy. Henry Clay, who in 1825 became Secretary of State, was a champion of Greece's fight for independence.

After 7 years of fighting, the Greeks finally got their independence. Unfortunately, many people were killed in the struggle for freedom. We all know that the price of liberty can be very high. History is replete with the names of the millions who have sacrificed for it.

This year's celebration of Greek Independence Day is especially fitting in light of the current wave of political and social movements around the world in the name of democracy. International events in recent months have brought stunning news of political upheaval and dramatic changes from the Middle East, Africa, and Eastern Europe. Most notably, through peaceful demonstrations, Syria lost its political stronghold on Lebanon. Ukraine elected Viktor Yushchenko as its new President, and Iraq held its first democratic elections. The common theme among all of these movements has been democracy.

However, at a time of democratic celebration, the divided Republic of Cyprus remains a sore spot. Sadly, Turkey still illegally occupies Cyprus, as it has since its invasion in 1974. Despite sincere efforts by the United Nations and the United States, a fair plan was not presented to the people of Cyprus on April 24, 2004. Many people, including the Greek-Cypriots themselves, regret that the plan presented to them did not allow both communities to respond positively. It is one thing for others to comment on the terms and conditions for settlement; but it is the Cypriots, the Cypriots who must live with whatever plan that would be adopted. Finding a fair resolution for Cyprus will help stabilize a region marked more often by conflict than accord. I urge our government to remain committed to finding a peaceful settlement for Cyprus.

Although the ties between Greece and America go back hundreds of years, the fruit of this bond is visible today. During the early 1900s, one out of four Greek males immigrated to the United States. Today there are close to 3 million Greek Americans. I am especially proud of my fellow Greek Americans who have made contributions to our society in the fields of medicine, science, business, law, and politics, among other areas. In the words of a notable British poet, Percy Shelley, he said, "We are all Greeks! Our laws, our literature, our religion, our art have their roots in Greece."

Mr. Speaker, on this 184th birthday of Greek independence, we celebrate the triumph of the human spirit and the strength of man's will. Today we commemorate the reaffirmation of the democratic heritage that our two nations share so closely. Lastly, this occasion also serves to remind us, Mr. Speaker, that we must never take for granted the right to determine our own fate.

Mr. Speaker, today I proudly rise to celebrate Greek Independence Day and the strong ties that bind the nation of Greece and the United States.

One hundred and eighty-four years ago, the people of Greece began a journey that would mark the symbolic rebirth of democracy in the land where those principles to human dignity were first espoused.

They rebelled against more than 400 years of Turkish oppression. The revolution of 1821 brought independence to Greece and emboldened those who still sought freedom across the world. I commemorate Greek Independence Day each year for the same reasons we celebrate our Fourth of July. It provided that a united people, through sheer will and perseverance, can prevail against tyranny. Both our nations share an illustrious history in defense of this cherished ideal.

The concept of democracy was first conceived by the ancient Athenians more than 2,500 years ago. Men such as Aristotle, Socrates, Plato, and Euripides developed the then-unique notion that men could, if left to their own devices, lead themselves rather than be subject to the will of a sovereign. It was Aristotle who said: "If liberty and equality, as is thought by some, are chiefly to be found in democracy, they will be attained when all persons alike share in the government to the utmost." It was this concept that our Founding Fathers drew heavily upon in forming our representative government.

It was Thomas Jefferson who said that, "One man with courage is a majority." Jefferson, and the rest of the Founding Fathers, looked back to the teachings of ancient Greek philosophers for inspiration as they sought to craft the Declaration of Independence. On March 25, 1821, Archbishop Germanos of Patras embodied the spirit of those words when he raised the flag of freedom and was the first to declare Greece free.

Revolutions embody a sense of heroism, bringing forth the greatness of the human spirit. Encouraged by the American Revolution, the Greeks began their rebellion after four centuries of Turkish oppression, facing what appeared to be insurmountable odds. Both nations faced the prospect of having to defeat an empire to obtain liberty. Although many lives were sacrificed at the altar of freedom, the Greek people rallied around the battle cry "Eleftheria I Thanatos" "liberty or death," mirroring the words of American Patriot Patrick Henry who said: "Give me liberty or give me death." These words personified the Greek patriots' unmitigated desire to be free.

Not surprisingly, the Greek Commander-in-Chief Petros Mavromichalis appealed to the citizens of America, "Having formed the resolution to live or die, we are drawn toward you by a just sympathy since it is in your land that liberty has fixed her abode. . . . Hence, honoring her name, we invoke yours at the same time, trusting that in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you."

News of the Greek revolution was met with widespread feelings of compassion in the United States. Several American Presidents, including James Monroe and John Quincy Adams, conveyed their support for the revolution through their annual messages to Congress. William Harrison, our ninth president, expressed his belief in freedom for Greece, saying: "We must send our free will offering. 'The Star-spangled Banner' must wave in the Aegean . . . a messenger of fraternity and friendship to Greece."

Various Members of Congress also showed a keen interest in the Greeks' struggle for autonomy. Henry Clay, who in 1825 became Secretary of State, was a champion of Greece's fight for independence. Among the most vocal was Daniel Webster from Massachusetts, who frequently roused the sympathetic interest of his colleagues and other Americans in the Greek revolution.

Many Americans sympathized with the "Philhellenic" cause and sent the Greeks supplies, food, and medicine; anything that could help maintain and boost the moral of the Greeks. In fact, many traveled to Greece to join the revolution in the fight for freedom.

After seven years of fighting, the Greeks finally got their independence. Unfortunately, many people were killed in the struggle for freedom. We all know that the price of liberty can be very high—history is replete with the names of the millions who have sacrificed for it. Many great scholars throughout history warned that we maintain democracy only at a great costs. The freedom we enjoy today is due to a large degree to the sacrifices made by men and women in the past—in Greece, in America, and all over the world.

Freedom is America's heart. It is central to our being, and from the beginning we have recognized that freedom is not just an American right. It is a God-given right to every citizen of the world. The lessons the Greeks and our colonial forefathers taught us provide hope and inspiration to victims of persecution throughout the world today.

This year's celebration of Greek Independence Day is especially fitting in light of the current wave of political and social movements around the world in the name of democracy. International events in recent months have brought stunning news of political upheaval and dramatic changes from the Middle East, Africa and Eastern Europe. Most notably, through peaceful demonstrations, Syria lost its political stronghold on Lebanon, Ukraine elected Viktor Yushchenko as its new president and Iraq held its first democratic elections. The common theme between all of these movements has been democracy.

However, at a time of democratic celebration, the divided Republic of Cyprus remains a sore spot. Sadly, Turkey still illegally occupies Cyprus, as it has since its invasion in 1974. Despite sincere efforts by the United Nations and the United States, a fair plan was not presented to the people of Cyprus on April 24, 2004. Many people—including the Greek-Cypriots themselves—regret that the plan presented to them did not allow both communities to respond positively. It is one thing for others to comment on the terms and conditions for settlement, but it is the Cypriots who must live with whatever plan would be adopted. Finding a fair resolution for Cyprus will help stabilize a region marked more often by conflict than accord. I urge our government to remain committed to finding a peaceful settlement for Cyprus.

I believe these principles of which my colleagues and I have spoken about today are not uniquely Greek or American. They are our promise to the world and they form a legacy that we all cherish and have responsibility to protect and defend.

The priceless ideas of democracy and equality born in ancient Greece have strongly shaped the American national identity. We continue to give hope and inspiration to millions around the world who yearn to live in a free society like ours. We enjoy our freedom only because we have been willing to fight and die for it, just like our forefathers and the valiant Greeks in 1821. Greece set the example for us and we have set the example for countless others.

Although the ties between Greece and America go back hundreds of years, the fruit of this bond is visible today. During the early 1900s one out of four Greek males immigrated to the United States. Today there are close to three million Greek-Americans. I am especially proud of my fellow Greek-Americans who have made contributions to our society in the fields of medicine, science, business, law and politics, among other areas. In the words of a notable British poet, Percy Shelley, "We are all Greeks! Our laws, our literature, our religion, our art, have their roots in Greece."

Mr. Speaker, on this 184th birthday of Greek Independence we celebrate the triumph of the human spirit and the strength of man's will. Today we commemorate the reaffirmation of the democratic heritage that our two nations share so closely. Lastly, this occasion also serves to remind us that we must never take for granted the right to determine our own fate.

Mr. Speaker, it is a great honor for me to pay tribute on Greek Independence Day to one of the United States' most important allies and one which is regarded with such deep affection by millions of Americans of all ethnic origins.

Western civilization as we know it today owes the deepest debt and, indeed, its very origins, to the Greek nation. Greek philosophy, sculpture, and theater set standards to which today's practitioners still aspire. And, as the cradle of democracy, Athens is the spiritual ancestor of our own Republic and, in many respects, its role model.

Mr. Speaker, the history of Greek independence is one of the inspiring stories of our time. It is the tale of the revival of an ancient and great people through sheer commitment, sacrifice, and love of freedom and heritage. Transmitted through the generations, the ideals of the ancient Greeks inspired their revolutionary descendants in the nineteenth century, and great and gallant stalwarts of the War of Independence such as Theodore Kolokotronis and Rigas Velestinlis wrote of their belief in the rights of man.

The histories of the United States and Greece have been intimately intertwined ever since the beginning of modern Greek sovereignty. The cause of Greek independence evoked sympathy throughout the Western world. Well known is Lord Byron, whose uncompromising commitment to Greece was epitomized by his declaration "In for a penny, in for a pound." Less renowned but no less committed were the many American Philhellenes, who repaid their debt to Greek culture by crossing the ocean to fight for Greek liberation. I am pleased that these American citizens have been honored with a monument in Athens.

Mr. Speaker, Greek citizens also crossed the ocean in the other direction, emigrating to the United States, where they enjoyed great success and shared their prosperity with their kinfolk in their original homeland. They have served as a bridge of understanding between our two nations, and they have refreshed America with their spirit, their patriotism, and their hard work. Today, some five million Americans claim Greek ancestry, with understandable pride.

Our close relations with Greece became even closer after World War II. The Truman Doctrine helped save Greece from communism, indeed helped save it for the Western and democratic world, and the Marshall Plan helped in Greece's economic regeneration. In 1952, Greece joined NATO, formalizing the deep, mutual commitment of Greece and the rest of the Western world to protecting freedom.

In more recent times, Mr. Speaker, Greece has been one of the world's amazing success stories. A full-fledged member of the European Union for nearly a quarter-century, Greece has become increasingly prosperous; it whipped chronic inflation and joined the "Euro currency zone." Its once unsettled domestic politics—including the sad chapter of military rule from 1967–74—has long since given way to an incontestably stable, yet still colorful, democracy. The Greek people cherish democracy not only as their contribution to world civilization but as a system which they achieved only through enormous sacrifice and commitment in modern times.

Greece remains one of our critical strategic partners in today's post-cold war world. We cooperate closely in promoting peace and stability in the Balkans. Economic ties with Greece are vital to virtually every Balkan state. Athens has been a firm supporter of a just, lasting, and democratic settlement of the Cyprus issue. More than 1,300 Greek troops took part in Operation Enduring Freedom and helped liberate Afghanistan from Taliban tyranny. And I'm sure everybody in this body applauds Greece's historic and courageous effort to resolve differences with its neighbor Turkey, punctuated by its strong backing last year for Turkey's successful bid to open accession talks for EU membership.

Mr. Speaker, I invite my colleagues to join me in congratulating the Greek people on the 184th anniversary of their independence and in thanking them for their substantial contributions to world civilization and especially to our nation.

Mr. DOYLE. Mr. Speaker, I rise here today to honor a great American ally and an inspiration to people striving for freedom throughout the whole world—Greece.

Today the House observes the 184th anniversary of Greek independence from the Ottoman Empire. This anniversary not only represents a triumph for the nation of Greece but a triumph for all Western democratic nations. The ancient city-states of Greece created many of the fundamental elements that have shaped our modern culture such as logic, mathematics, the empirical method of scientific discovery, politics, and the philosophical ideals that were embraced by our Founding Fathers, especially the motion of democracy and self-governance.

In a perplexing world where terrorism and war confront our nation, it is comforting to know that we can count on the nation of Greece for support. Greece remains one of our staunchest allies. Greece was one of the first nations to express solidarity for the United States after 9/11 and since then has been in the forefront of the War on Terror.

I join Greek Americans in my district of Pittsburgh Pennsylvania and throughout the world in celebrating a proud nation with a rich long heritage in inspiring and influencing men and women around the world. I am proud to stand here today to recognize and honor Greece on this the 184th Anniversary of its independence.

Mr. ACKERMAN. Mr. Speaker, I rise today to join millions of Greeks and Greek-Americans in celebration of the 184th anniversary of Greek independence from the Ottoman Empire.

Through it was 184 years ago this day that the Greek people fought for their unquestioned freedom, the Greek tradition of liberty and self-governance extends back thousands of years. The city-states of that storied peninsula were truly the forefathers of our democratic lineage. Our own founders drew upon the teachings and experiences of the ancient Greeks in their pursuit of individual freedom.

There is no area of human thought that does not pay homage to the enduring contributions of Greece. Our greatest masters of mathematics, literature, science, art, architecture, theatre and philosophy all trace their intellectual heritage through its people. It is without question that the ancient Greeks were responsible for bringing light on what was an otherwise dark world.

In two centuries, we have watched as a new democracy has been reforged where the very idea of democracy was born. The Greek people have also helped build America as well. Greek-American communities continue to add to the richness and tradition of many of America's cities, not least of all, in my own district in New York City. Our shared values of freedom and individual excellence have made Greek-Americans an important part of the quilt of American society.

Mr. Speaker, on this occasion in which we celebrate Greeks independence, let us all remember the great debt we owe to the civilization that has given so much of itself to become the foundation of all democracies. By carrying on the great tradition of democracy, let us remember and honor the legacy of ancient Greece, as we stand with our Greek friends and allies of today.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to commemorate Greeks Independence Day.

March 25, 2005 marked the 184th anniversary of the revolution that freed the people of Greece from the Ottoman Empire. Today, I extend my solidarity in commemoration of this celebration of independence and democracy.

As the cradle of western civilization, we are deeply indebted to the nation of Greece and the Greek people for their wisdom and commitment to the ideals of freedom and democracy. Our own democracy was created from the blue prints of ancient Greece.

The contribution of Greeks to the arts, sciences, and political fields are felt profoundly to this day. It is through Greek experiences and insight that the ideals of self-governance were shaped. In modern times, the Greek people have reaffirmed their commitment to the goals of their proud past. As a member of the European Union, Greece has constantly championed democratic principles and been an important advocate for freedom fighters throughout the world.

I congratulate the people of Greece for their vital contributions to our world, in both ancient and modern times, as we celebrate Greek Independence Day.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, March 25, 2005 has been designated "Greek Independence Day: A National Day of Celebration of Greek and American Democracy." I am pleased to join my colleagues in recognizing the unique contribution of Greece and of Greek-Americans.

Ancient Greeks created a form of government that got people involved in the task of governing themselves. Our founding fathers, as ratified in our Constitution, enshrined this principle in American law and created a system of "Grecian republics" which was based on the Hellenic belief that the authority to govern derives directly from the people. We will always owe a great intellectual debt to that rich and vibrant civilization. Today, our two countries share a great cultural affinity, are partners in the NATO alliance, and have many other ties that bind us together.

In Dallas, Texas, the warm winds of the Greek Isles are just a step away in Yiayia Sofia's Greek Village, the permanent exhibit at the Dallas Children's Museum which offers children the rare opportunity to explore a replica of a home and village square in Greece. Mr. Speaker, more than a million citizens of Greek descent live in America today, and their devotion to family, faith, community, and country has enriched me, my community in Dallas, Texas, as well as our Nation. For that I am always appreciative of the Greek beauty and culture that has enriched my entire life. I'm pleased we take time out each year to recall how we are all enriched by the art, the ideals, and the spirit of Greece.

Mr. ROTHMAN. Mr. Speaker, I rise in celebration of the 184th Anniversary of Greek Independence and to thank my colleagues, Mr. BILIRAKIS and Mrs. MALONEY, who have once again shown great leadership in their efforts to organize this special order.

On Greek Independence Day, we celebrate our special ties of friendship, history, and shared values with Greece. In doing so, we not only honor such an important day in Greek history, but also the strong and unique relationship that exists today between the United States and Greece.

Our two nations have enjoyed close relations since the people of Greece declared their independence on March 25, 1821. Our country has welcomed generations of Greek immigrants, and we are grateful for how they have enhanced our culture and contributed to our country in a variety of fields, including philosophy, architecture, politics and the arts. I am so proud to have a thriving community of Hellenic-Americans in the 9th District of New Jersey. I salute them and their ancestors' struggle for freedom on the anniversary of Greek Independence Day and I commend them for their tremendous contributions to the very fabric of our community.

For nearly 200 years, the American and Greek peoples have shared a profound commitment to democratic principles, and have worked to create societies built on these principles. The United States and Greece have stood together in every major struggle for freedom and democracy and now they continue to work together in the fight against terrorism. Greece continues to be a valuable military partner to the United States, as is evident through their support of both Operation Enduring Freedom and Operation Iraqi Freedom, and an important member of both NATO and the European Union.

I am so pleased to have this opportunity to toast the Greek people and celebrate Greek culture once again. It is an honor to rise and commemorate the 184th Greek Independence Day. On this day we celebrate more than just Greece's independence, we celebrate Greece as an important military ally and longstanding friend of the United States.

Mr. LANGEVIN. Mr. Speaker, I rise today in proud recognition of the 184th anniversary of Greek Independence. On this special day for Greece, we commemorate the strength and determination of its people to restore their democratic roots and identity.

The political philosophies of both the United States and Greece have been challenged by oppressive powers, and both nations have proudly defended their right to self-government and individual freedoms. Greece endured eleven long years of war to succeed in gaining independence from the Ottoman Empire. American and Hellenic cultures greatly respect this tradition of independence and recognize the importance of democratic principles.

The United States and Greece have always enjoyed a friendship and alliance in international and cultural endeavors. Hellenic principles resonate in our culture and politics, since the United States was founded on the principles of democracy developed thousands of years ago in the city-states of ancient Greece. The beauty of Greek architecture can even be found while taking a walk through our beloved Capitol building. Likewise, our country's influence on Greece can be seen in their first Constitution, which was based on our Declaration of Independence and the principles behind the American Revolution.

On a cultural level, I would like to commend Greece on the great success of the Olympic Games in Athens last August. Since Greece resurrected the Olympics in 1896, they have symbolized peace and excellence for people around the world. The Olympics show that great athletic skill and spirited competition can bring nations together despite their differences. Greece served as a gracious host of the Games, and the 25th Summer Olympics proved again to the world how Hellenic ideals such as equality and friendship have stood the test of time and continue to flourish at a global level. Hellenic culture, whether through its development of democratic government or its espousal of friendly competition, encourages people to come together amicably even during the most difficult of times.

Mr. Speaker, it would be hard to imagine the United States of America, or the world for that matter, without the great contributions of Greece. I will continue to work in Congress to support Hellenic causes, and I would like to join my colleagues in congratulating Greece on the anniversary of its independence.

I urge my colleagues to join me in celebrating this anniversary.

Mr. MENENDEZ. Mr. Speaker, I am proud to join my colleagues here in the United States Congress in celebration of the 184th anniversary of Greece's Independence Day. We would not be standing in this very building were it not for the influences of ancient Greek architecture and ancient Greek notions of freedom, democracy, and independence.

On the anniversary of Greek independence, we honor the achievements and contributions of the Greek people and the Greek state, and salute a proud nation that has accomplished so much in history, science, philosophy, mathematics, literature, and art. But by far the most notable of all their achievements is the notion of democracy. Our own founding fathers incorporated the ancient Greek's political experience and philosophy when they formed our representative democracy. In 1821, the Greeks continued this tradition by revolting against nearly 400 years of repressive rule by the Ottoman Empire and began their journey toward independence.

Greek concepts of government and freedom have had an immense and inestimable influence on the world. The world witnessed this as Greece, home of the first Olympics, hosted the Games once again in 2004. So March 25th marked a historic day for the world, not just for Greece alone. It is yet another day for all to celebrate the principles of democracy, freedom and self-governance.

Over the years, the United States and Greece have shown their commitment to and admiration for democratic ideals. Greece is one of only a handful of countries that stood by the United States in every major international conflict in the 20th century: World War I, World War II, the Korean War, the Vietnam War, Desert Storm, and the Balkans. The Greek government responded to the September 11th terrorist attacks with strong political support, as well. The United States and Greece have formed a special bound based upon their shared commitment to democracy and freedom.

Today, the world needs to come together and stand on the basis of Greek principles to protect the human and religious rights of the Ecumenical Patriarchate. While this is an issue that concerns the Greek community, it is one that is vital to all communities. We must protect the rights of Ecumenical Patriarchate as Turkey has: refused to recognize the Ecumenical Patriarchate's international status and its significance of Orthodox Christians around the world; prevented the Orthodox Christian church from selecting bishops from anywhere in the world to become the Ecumenical Patriarch by requiring Turkish citizenship; confiscated Ecumenical properties since 2002; and levied a retroactive tax on the Balukli Hospital, a philanthropic institution run by the Ecumenical Patriarchate which treats thousands of patients a year.

We also call on Turkey to grant appropriate international recognition and ecclesiastic succession to the Ecumenical Patriarch, along with the right to train clergy of all nationalities.

Finally, the resolution calls on Turkey to respect the property rights and religious rights of the Ecumenical Patriarchate.

From the history of democracy to the religious freedom and human rights of the Ecumenical Patriarchate, we share a common vision with Greece and all of her people. On this day, the United States of America and Greece stand side-by-side in our commitment to the principles of democracy, freedom, and independence. And I would like to thank the Greek people for leading the way and giving us the inspiration and strength to pursue these ideals.

Mr. PALLONE. Mr. Speaker, on March 25th Greece celebrated its 184th year of independence. I am here tonight to praise a society that represents, in a historical sense, the origins of what we call Western culture, and, in a contemporary sense, one of the staunchest defenders of Western society and values. There are many of us in Congress, on both sides of the spectrum, who are staunchly committed to preserving and strengthening the ties between Greek and American people.

In the years since Greek independence, Americans and Greeks have grown ever closer, bound by ties of strategic and military alliance, common values of democracy, individual freedom, human rights, and close personal friendship.

The timeless values of Greek culture have endured for centuries, indeed for millennia. Four hundred years of control by the Ottoman Empire could not overcome the Greek people's determination to be free. But, I regret to say, Mr. Speaker, to this day, the Greek people must battle against oppression. For over 30 years now, Greece has stood firm in its determination to bring freedom and independence to the illegally occupied nation of Cyprus.

I also have grown increasingly concerned over the Bush administration's blatant shift in policy towards Cyprus that's become apparent since the Greek Cypriots rejected a United Nations reunification proposal offered by U.N. Secretary General Koffi Annan last year. I reject the belief that the United States Government should punish Greek Cypriots for going to the voting booth and concluding, rightly in my opinion, that the Annan Plan forced the Greek Cypriots to make far more concessions than Turkey.

I'm particularly concerned by comments made earlier this year by Secretary Rice in Turkey in which she stated: (and I quote) "We are looking at what we can do to ease the isolation of the Turkish Cypriots because, we, like everyone else, were disappointed that the Annan plan was not adopted. We have taken some steps, direct aid for instance to Turkish Cypriots, but there are probably other things that we should look at doing."

I shouldn't have to remind the Secretary of State that the isolation of the Turkish Cypriots derives from the ongoing occupation of the northern third of the island by Turkish troops and that our nations efforts should be concentrated on the withdrawal of these troops.

While the U.S. government should work to make the lives of Turkish-Cypriots better, it's simply unacceptable for our government to help the Turkish-Cypriot 'government' that continues to illegally rule the northern third of the island. The Bush administration simply cannot ignore well-established international law as a way to punish the Greek Cypriots for their democratic vote in opposition to the Annan Plan.

It's important that Secretary of State take a historic look at the Cyprus problem over the last 30 years when developing U.S. policy. It's important the U.S. Government not only look at the Cyprus problem through the lens of the Annan vote last year, but also from the perspective of three decades of illegal actions on the Turkish side.

I would hope that the Bush administration would then conclude that it's in the best interests of our nation to support a united democratic Cyprus, free of any Turkish occupation or any Turkish troops.

Mr. Speaker, I want to once again congratulate the Greek people for 184 years of independence, and hope someday soon we can celebrate the independence of the Greek-Cypriots.

Mrs. MALONEY. Mr. Speaker, I rise to celebrate the 184th anniversary of Greece's declaration of independence from the Ottoman Empire. Against impossible odds, the Greeks defeated one of the most powerful empires in history and gained their independence.

In March 1821, after 400 years of Ottoman rule, Bishop Germanos of Patras raised the traditional Greek flag at the monastery of Agia Lavras, inciting his countrymen to rise against the Ottoman army. The Bishop timed this act of revolution to coincide with the Greek Orthodox holiday celebrating the archangel Gabriel's announcement that the Virgin Mary was pregnant with the divine child. Bishop Germanos's message to his people was clear: a new spirit was about to be born in Greece.

Greek Independence Day is an appropriate time to reflect upon the strong ties between Greece and the United States. Indeed, when the Greeks of 1821 fought for independence from the Ottoman Empire, they drew inspiration from the ideals and institutions of the fledgling United States. During their War of Independence, the Greeks also received encouragement from many Americans, including Presidents James Madison and James Monroe and Representatives Daniel Webster and Henry Clay, each of whom gave memorable speeches in Congress in support of the Greek revolutionaries. Just as our defeat of the British army was remarkable, so too was the Greek triumph over the Ottoman Army, a momentous achievement in world history.

As many of my colleagues know, New York City is home to the largest Hellenic population outside of Greece and Cyprus. Western Queens, which I have the honor of representing, is often called Little Athens because of the large Hellenic population in that neighborhood.

New Yorkers celebrate Greek Independence Day with a parade on Fifth Avenue in Manhattan, along with a great many cultural events and private gatherings. These events, hosted by the Federation of Hellenic Societies and other Hellenic and Philhellenic organizations and friends, remind us of the Hellenic-American community's many contributions to our nation's history and culture.

On April 10, the President of the Federation of Hellenic Societies, Nikos Diamontidis, along with the organization's officers and board members, will join Parade Committee Chairman Dinos Rallis, Co-Chairmen Tasos Manesis and Philip Christopher and Co-Chairwoman Georgia Kaloidis in reminding New Yorkers of the glory of Greece, the joy of the Olympics and the hope of freedom and human rights for all. The Grand Marshals of this year's parade are my distinguished colleague, Senator PAUL SARBANES, his wife, Christine, Anthony Diamataris, the Editor and Publisher of the National Herald and his wife, Litsa. Adding to the day's ethnic pride will be parade emcees Nick Gregory, Anthoula Katsimatides and Petros Fourniotis.

In 2004, the Athens Olympics united the world. Today, while New Yorkers pay tribute to Greece's accomplishments, we also seek to add our hometown to the list of great Olympic host cities. It is my hope that one of Greece's most enduring contributions to world history will finally come to New York City in 2012.

As the founder and co-Chairperson of the Hellenic Caucus in Congress, I ask the nation to join me in celebrating Greece's independence. Additionally, it is my sincere pleasure to pay tribute to New York's Hellenic-American community for its many contributions to our city and nation.

"Zeto E Eleftheria!" (Long Live Freedom!)

Mr. HOLT. Mr. Speaker, I rise today to honor the Greek people and their successful struggle for independence from Ottoman occupation that began nearly 184 years ago.

The Greek intellectual exploration into the meaning of civics and citizenship sparked questions about government that are still being asked throughout the world. Greek curiosity nurtured great thinkers such as Plato and Socrates who spent their lives examining the role between the individual and the state. They posed questions like "what is the meaning of justice?" and "what is the ideal republic?" These timeless questions are still being asked in nations that are searching for a more just government and are being tested in democracies around the world.

When establishing our democratic nation, our founding fathers drew a great deal from the ancient Greeks. Our Democratic system, that is founded on the principals of popular representation, was introduced by the ancient Athenians who were the first to create a civilization based on the rule of the people. Our founding fathers continued the Greek tradition of debating how best to govern and pursued a government that would provide liberty and justice for all. Our dual experiments in democratic government will forever link the United States and Greece.

While our founding fathers relied heavily on the teachings of ancient Greeks, the Greeks based their independence movement beginning in 1821 on our fight for freedom from the British. The Greeks used our struggle for independence as inspiration during their fight from Ottoman rule. Through perseverance and determination the Greeks were able to break from tyranny and bring democracy back to its origins.

Not only can we trace our democratic government to Greece, but also the foundation of science. As some of the first philosophers, the Greeks explored the fields of mathematics, logic, astronomy, physics and biology. The Greeks focused on thinking and understanding, rather than the practical use of their findings in science. Through Aristotle's concept of a posteriori we base the foundations for the modern scientific method. The Greeks taught us that only through experimentation can one truly understand the surrounding world. Our basic understanding of the Earth came from the studies of Ancient Greeks as they questioned the sun, the moons and the stars.

Without the early studies of the Greeks, our current world would be much different. On this 184th anniversary of Greek independence and as a member of the Hellenic Caucus, I rise to honor the Greeks on their everlasting input in our society.

Mr. MEEHAN. Mr. Speaker, I rise today in honor of the 184th anniversary of Greek Independence Day.

On March 25, 1821, the people of Greece launched a long, but successful revolt against 400 years of oppressive rule by the Ottoman Turks. Greece's eight year struggle for independence is a testament to the strength of the human spirit in its pursuit of freedom.

As Americans, we share with the Greeks their longstanding commitment to democracy and the rule of law. Our Nation's founding principles of freedom and democracy were influenced by ancient Greek philosophers just as the Greek revolution of 1821 was inspired by the American fight for freedom in 1776.

Our common struggles against totalitarianism and fascism have forged a bond between our nations. Greece has stood by the United States throughout modern history's major world conflicts, including World War II, the Korean War, the Cold War, and now, the war on terror.

Last summer, the Olympic Games returned to their ancient birthplace. Greece accommodated more than 10,000 athletes from 202 countries. Greece proudly displayed its culture and civilization, and hosted people of all nationalities to participate in noble athletic competition.

I am proud to represent a large and active Greek-American community in my congressional district. I have worked with my constituents to support the return of the Elgin marbles, U.S. participation in negotiations over Cyprus, the inclusion of Greece in the Visa Waiver Pilot Program, and the presentation of the Congressional Gold Medal to His All Holiness Patriarch Bartholomew.

I congratulate the people of Greece on their Nation's 184th anniversary of independence and freedom.

Mr. VAN HOLLEN. Mr. Speaker, I am honored to rise today and join the millions of my fellow Americans in commemorating Greek Independence Day which, on March 25th celebrated the 184th anniversary of the rebellion and the struggle of the Greek people against the Ottoman Empire.

What makes Greek Independence Day so special here in America is that it reminds us of the strong principles and bonds that the U.S. and Greece share. In looking into the struggles of our two nations, we realize how much our struggles have in common, and how much each country has been influenced by the other.

Greece and the United States are bound by an absolute commitment to the democratic ideals of justice and freedom and continue to be strong allies. By commemorating Greek Independence Day, we also celebrate the strength and the resolve of the human spirit that has been the inspiration of us all.

I am very pleased to place into the RECORD a statement made on this 184th anniversary of Greek independence written by one of my constituents, Constantinos Nicolaou:

STATEMENT OF MR. CONSTANTINOS NICOLAOU OF MARYLAND

The greatness of the human spirit, regardless of any efforts to suppress it, will always rise against tyranny and oppression and will start revolutions where heroism will pay any price, even the ultimate sacrifice of life, in order to gain freedom and independence.

Every time we commemorate heroism such as the one exhibited by the Greeks on March 25, 1821 and during the ensuing struggle for their freedom, we cannot help but think of our great Founding Fathers, who were so much influenced by the ancient Greeks in their struggles for freedom and the creation of what had become the freest, most democratic country in history, the United States of America.

Thomas Jefferson looked to the ancient Greek philosophers and their teachings as an inspiration in trying to create a fair, strong, democratic state. And it was not accidental that many of the Greek leaders of the 1821 revolution, turned to America for inspiration as they were embarking in their struggle for freedom.

Both nations were faced with seemingly insurmountable struggles, rising against empires to claim their rights to life, liberty and the pursuit of happiness. Both nations became triumphant at the end, because of their love of freedom. The great American Patriot, Patrick Henry, proclaimed, "Give me liberty or give me death." The Greek patriots went to battle proclaiming, "Eleftheria I Thanatos" —liberty or death.

As with the American Revolution, the Greek revolution is filled with stories of heroism and sacrifice. News of such heroism and sacrifice met with strong feelings of support by the American public and by their politicians, including President James Monroe and John Quincy Adams, who expressed their support for the Greek revolution through their annual messages to Congress. Henry Clay, our secretary of state in 1825, was very vocal in his support of Greece's fight for independence. Daniel Webster, more often than not, influenced his colleagues in looking into the Greek struggle with sympathetic interests.

It is, of course, no surprise that our Founding Fathers and other prominent Americans were supportive of the Greek struggle for independence. As mentioned, they themselves had been inspired by the ancient Greeks. Thomas Jefferson, of all the Founding Fathers, had a particular affinity for Greece, not only because of its classical republican philosophy but also because of his studies of the origins of languages. He expressed that affinity many times, as in a letter to John Brazier on August 24, 1819. In that letter, Thomas Jefferson addresses "Mr. Pickering's Memoir of the Modern Greek," and the Memoirs review by Brazier. He tells Brazier, "I had been much pleased with the memoir, and was much also with your review of it. I have little hope indeed of recovery of the ancient pronunciation of the finest of human languages, but still I rejoice to the attention the subject seems to excite with you, because it is evidence that our country begins to have a taste for something more than merely as much Greek as will pass a candidate for clerical ordination. . . . Among the values of classical learning, I estimate the luxury of learning the Greek and Roman authors in all the beauties of their originals. And why should not this innocent and elegant luxury take its preeminent stand ahead of all those addressed merely to the senses? I think myself more indebted to my father for this than for all other luxuries his cares and affections have placed within my reach."

Jefferson expressed his empathies with Greece revolting against its Ottoman rulers. In an 1823 letter to Adamantios Coray, the Greek patriot and scholar that he had met in Paris years earlier, he stated:

". . . You have certainly began at the right end towards preparing them [the Greek people] for the great object they are now contending for, by improving their minds and qualifying them for self-government. For this they will owe you lasting honors. Nothing is more likely to forward this object than a study of the fine models of science left by their ancestors; to whom we also are all indebted for the lights which originally led ourselves out of Gothic darkness."

No people sympathize more feelingly than ours with the suffering of your countrymen; none offer more sincere and ardent prayers to heaven for their success. And nothing indeed but the fundamental principle of our government never to entangle us with the broils of Europe could restrain our generous youth from taking some part in this holy cause. Possessing ourselves the combined blessing of liberty and order, we wish the same to other countries, and to none more than yours, which she first of civilized nations presented examples of what man should be.

The ties that bind America and Greece go, of course, far beyond their parallel and noble struggles for freedom. The philosophical and cultural connections, although little known to the public at large, could not be stronger or better assimilated. Such connections were born almost at the same time with the birth of our nation, if not before. In his excellent study of "Lincoln at Gettysburg," Gary Wills tells us:

"America as a second Athens was an idea whose moment had come in the nineteenth century. . . . In the early 19th century, an era that became known as America's Greek Revival was taking shape. Archaeological discoveries in Greece at the time brought the ancient democracy to mind just as modern Greece began its struggle for freedom from the Turks.

"Edward Everett, President of Harvard, founder of Mount Auburn, congressman, Massachusetts's governor, minister to the Court of St. James's in London, senator, secretary of state and principal speaker at Gettysburg years later, was the leader of the Greek Revival. Harvard established its new chair of ancient Greek studies for him. While studying in Germany, Everett went to Greece, 'to walk over the battlefields where the first democracy of the West won its freedom.' He returned to America convinced that a new Athens was rising here. His appearances, 'prompted rallies for Greek independence'—a favorite cause of Everett.

"Everett's prestige influenced others, including historian George Bancroft, whose 'main interest was Greek history.'. . . Bancroft was ahead of the wave of histories that would glorify Periclean Athens in Victorian England. Direct democracy, a flawed system in republican theory, was rehabilitated, for its usefulness in the parliamentary reform movement, by British historians like George Grote. In America, a similar motion toward government by the people, not just for the republic, was signaled by an enthusiasm for Greek symbols. Barcroft became a Jacksonian Democrat when he began to apply historical skills formed on the Attic democracy to America's development. Walter Savage Landor recognized what was happening in America when he dedicated the second volume of his Pericles and Aspasia to President Andrew Jackson."

Greece and the United States, bound by their absolute commitment to freedom and justice, have always been the strongest of the allies. Greece stood by us and fought with us in every single war or conflict since we both gained our freedom. And we always stood by Greece, and although at times we appeared to have forgotten how loyal and valuable the Greeks had been to us, our ultimate commitment to their freedom and well-being never wavered.

And as we commemorate and fight to free all people, let us remember that some other friends of ours are still agonizing and asking for our help in fighting forces of evil still occupying their land and their homes. The people of the Republic of Cyprus, Greeks and Turks and all others, should be given more active support by our great nation in their efforts to reunite the island and get rid of the occupying forces. U.S. leadership is essential, and now it is the time that we should remember that the Cypriot people are where we had been, and they are striving for what we have earned long time ago, that is, their right to freedom, liberty and the pursuit of happiness.

It is essential that American leadership urges Turkish and Turkish Cypriot leaders towards peace. These are the two sides that hold in their hands, to the largest extent, the peaceful solution to the Cyprus problem. A solution that undoubtedly will benefit all the people of Cyprus, but it will also benefit the nations of Greece and Turkey, will stabilize the region, and will strengthen the bonds and relationships between the United States and the countries involved in the conflict.

As we commemorate Greek Independence Day, we are celebrating the strength and the resolve of the human spirit as well as man's unbending will in the pursuit of freedom. The people of ancient Greece gave us values and ethics and showed us how to fight for freedom and democracy. Our country, more than any other country, shares those values and ethics, and in days such as this we reaffirm our common democratic heritage with the Greek people. The commemoration and celebration remind us also that we should stay forever vigilant in fighting for and protecting our freedom and our democracy, least we lose the right to determine our lives and our future.

Dionisios Solomos was the great poet who transformed in his poetry the unparalleled struggle and the sacrifices of Hellenism in the pursuit of Freedom. The Revolution so much influenced his poetry that he is considered the national poet of Greece. One of his most inspired poems, Hymn to Liberty, has almost become synonymous to that Revolution and it became Greece's National Anthem. The poem was published in 1825, along with translations in Italian, French and English.

The Revolution would have never been the same without Solomos. The enthusiasm of the fighters, as well as the international sympathy among the Philhellenes would have definitely been smaller without the Hymn to Liberty.

Probably nowhere was Solomos's vision of Liberty depicted better than here, in the United States. Here, in the Rotunda of our own Capitol Hill, we see a most wonderful painting of Liberty, with the sword in hand chasing her enemies, exactly the way Solomos envisioned her in his Hymn to Liberty. This figure was painted by another son of Greece, one who really grasped Solomos's vision of Liberty, Constantino Brumidi.

And as a tribute to the United States, Solomos envisions our country rejoicing in seeing Greece fighting for Freedom. He describes the American feelings this way:

Most heartily was gladdened
George Washington's brave land:
For the iron bonds remembered,
Her old slavery's cruel brand.

We live today in a great, free country. Our country became great, and will always be so, because the spirit and the morals that we share with Greece, as so eloquently expressed by Solomos, will always be with us.

ORDER OF BUSINESS

Mr. GENE GREEN of Texas. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

THE MORE WE KNOW ABOUT THE PRESIDENT'S PLAN, THE LESS WE LIKE IT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GENE GREEN) is recognized for 5 minutes.

Mr. GENE GREEN of Texas. Mr. Speaker, during the Easter recess, our office sponsored a town hall meeting for constituents to voice their opinions on the administration's plan to partially privatize Social Security. It was actually held at a community college, at Houston Community College Northeast, that is in our district; and we had both college students and senior citizens there.

One of the things that came out of that town hall meeting is the concern that Social Security is not broke; that sure, $1.7 trillion of our national debt is, as the President says, IOUs from Social Security, and my constituents' concern is that if we are going to pay back the 40 percent of our national debt, about $7 trillion, to the many citizens of foreign countries who loan money to the United States, why on this Earth would we not pay back the Social Security trust fund that $1.7 trillion.

One thing that came out of that town hall meeting is that the more details they learned about the President's plan, the less they favor it. That might be why the administration has released so few details about their plan. What we know is the plan includes a proposal to allow taxpayers 4 percent or up to $1,000 in private savings accounts that theoretically would yield a greater return than the government bonds on which Social Security is now invested. That proposal sounds all well and good until the American people, in our district particularly, realized that the private accounts would not alleviate any of Social Security's financial challenges.

The recent Social Security Trustees Report estimated the Social Security shortfall to be $3.7 trillion over the next 75 years. But the proposal to create these private accounts or personal accounts will not help the bottom line at all. Even the President, before we broke for our Easter recess, admitted that "personal accounts do not solve the issue."

What the President needed to add at the end of that sentence is that the private accounts actually make the problem worse.

In the first 20 years of the President's plan, the Federal Government will have to borrow $5 trillion to make up for the additional shortfall created by these private or special accounts. And, even worse, if you use the Social Security Administration's assumption, the administration's privatization plan would exhaust the trust fund actually 11 years earlier than currently projected.

Through this particular concern, several of my constituents pointed out that the creation of private accounts is voluntary, and that is true. That is, if the folks think that the market is too risky, they do not have to open that private account, and that is true. Private accounts are 100 percent voluntary.

But what folks have often heard is that the plan also includes the proposal to change the way the benefits are calculated. This element of that plan, called price indexing, would help pay for the private accounts and reduce the Social Security shortfall. But at the end of the day, the price indexing would result in a cut of guaranteed benefits for all beneficiaries, regardless of whether they choose to enroll in a private or personal account. It would cut everyone's.

So under the administration's plan, the private account is voluntary, but the cut in guaranteed benefits is mandatory.

Here is how price indexing works. Currently, benefits are tied to wages, which rise higher than prices, giving us an increased standard of living each year. Under the administration's plan, the benefit calculation would be tied to prices and not wages. Under this calculation, Social Security benefits that seniors would receive would replace a smaller portion of their paycheck before retirement. Currently, Social Security benefits make up 42 percent of the average wage earner's salary. Under price indexing, however, Social Security will only replace 27 percent of wages for someone retiring in 2042.

The picture is even worse for our children and grandchildren. I am proud to have a granddaughter who was born on February 1 of this year. In 2075 when she is 70 years old, her Social Security benefits would only be 20 percent of her wages if we allow this element of the administration's plan to take effect.

So in other words, price indexing lowers what our seniors get in their cost-of-living increase, and they already get so little compared to the cost increases with Medicare that they are having to pay. It is extremely important that the younger generation gets the straight story about how this plan will affect them. According to a poll commissioned by Rock the Vote, once young people learn about the trade-offs that come from private accounts, they will overwhelmingly oppose this risky proposal.

Among 18- to 39-year-olds, 63 percent oppose private accounts if it means that the Federal debt will have to increase to pay current benefits.

□ 1945

Seventy percent of 18- to 39-year-olds oppose private accounts if they mean cuts in guaranteed benefits the private accounts will not cover.

Sixty-five percent of those 18- to 39-year-olds oppose private accounts if it means cuts in guaranteed benefits for all beneficiaries regardless of their participation in the private accounts.

With the effect of the administration's plan being a $5 trillion addition to our national debt, a 46 percent cut in guaranteed benefits for all, this proposal does not sound like a good one for anyone, including the constituents that I represent.

PRESCRIPTION DRUG PRICES

The SPEAKER pro tempore (Mr. DAVIS of Kentucky.) Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I rise again tonight to talk about an issue that most Americans, particularly seniors, are more than aware of, and that is the high cost of prescription drugs, but, more importantly, the difference between what we pay in the United States and what people around the rest of the industrialized world pay for the same drugs. And what I have here with me tonight is a chart which shows prices of five of the most commonly prescribed prescription drugs, and what consumers pay for those drugs in London, and in Athens, and in the United States.

And let us look at the first drug, Lipitor, 30 tablets, 10 milligrams, and more importantly every single tablet of Lipitor is made in Ireland. Okay. So it is all imported somewhere.

Lipitor in London, for 30 tablets, effectively a month's supply, is $40.88. In Athens it is $55.65. In the United States it is $76.41. And let me add that over the last year, we would have expected the prices, the differentials, to be diminished, because what we have seen is the decline in the American dollar of over 20 percent. But that is not really what has been happening. Let us look at some of the others.

Nexium, $42.23 in London, $57 in Athens, but $138 in the United States. Prevacid, $32 in London, $39 in Athens, $139.15 in the United States. If you take these drugs, Zoloft, Zyrtec, Prevacid, all of them, you add them up for a month's supply of those five drugs in London, $195.95 American; in Athens, $231.04 in American dollars. But here in United States, those five drugs total $507.96.

Now, we have heard a lot of debate, and my colleague, the gentleman from Texas (Mr. GENE GREEN), just recently talked about Social Security, what we should or should not do about Social Security. Frankly I think we need to get serious about reforming Social Security, because I think the system is unfair to our kids.

But the system that we have with Medicare and with prescription drugs is unfair to everybody. And while we have a problem coming out at us relative to the cost of Social Security and the generational unfairness that particularly our kids are going to face, the problem with Medicare is much larger.

And unfortunately, in my view, a year ago we passed a bill. We were told that it would cost no more than $400 billion, which is still an enormous amount of money, to provide a prescription drug benefit under Medicare. Now we are told that the cost of that could be over a trillion dollars over the next 10 years. And that is only part of the bad news.

I think even worse news is that every single penny of that new entitlement cost will have to be paid by our kids, because it will have to be borrowed. What we really need to do, one of my favorite Presidents was President Ronald Reagan, and he said it best: Markets are more powerful than armies. We need to use the magic of the marketplace to help bring down the cost of prescription drugs in the United States.

The reason we see these big differences essentially is this: Americans are held captive. And if you have a captive market, there is no question that any free market company is going to use monopolistic practices. The net result is Americans are paying two to three times more for many of the drugs that they have to take to save their lives. This is wrong, and we can do something about it.

Many of my colleagues say, well, shame on the pharmaceutical industry. Well, they did not really make the rules. Now, they are certainly doing all they can to defend these rules that hold Americans captive, but this year Americans will spend over $200 billion on prescription drugs.

Shame on us if we do not change the rules so that Americans have access to world-class drugs at world market prices. I am asking all of my colleagues to cosponsor the Pharmaceutical Market Access Act of 2005. We have over 70 sponsors now in the House; we have a growing list of sponsors in the Senate. You can get information on my Website at gil.house.gov.

But really we should be willing to subsidize people in sub-Saharan Africa in terms of the cost of prescription drugs. We should not be required to subsidize the starving Swiss. Please join me in sponsoring the Pharmaceutical Market Access Act of 2005.

EXCHANGE OF SPECIAL ORDER TIME

Mr. DEFAZIO. Mr. Speaker, I ask unanimous consent to claim the time of the gentlewoman from New York (Mrs. MALONEY).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, well, the President was on the road again today with yet another tightly controlled scripted, so-called town hall, before a carefully screened, invitation audience to tout to his plan to privatize Social Security.

Now, that is not unusual; in fact, the scripted town halls are all so similar that they can save the taxpayers a lot of money if he just stayed at Camp David or Crawford, Texas, and they just replayed the recordings of his earlier scripted, rehearsed town halls.

But the President did say today something extraordinary, in Parkersburg, West Virginia, and suggested something unconscionable. The President said, "There is no trust fund." And then he went on to suggest that our Nation might not honor its debt to Social Security. This is what the President said does not exist.

Let me read from this. This is a Social Security Trust Fund bond, considered the best investments in the world, U.S. Treasury Bond. This is the most privileged of Treasury bonds issued to Social Security, redeemable at any time at full face value, unlike any other bond that they issue. These are the most privileged of their bonds. The President says it is nothing but an IOU. Well, here is what it says: This bond is incontestable in the hands of the Federal Old Age and Survivors Insurance Trust Fund. The bond is supported by the full faith and credit of the United States. And the United States is pledged to the payment of the bond with respect to both principal and interest.

The President questions that? He is questioning whether we are going to repay our most privileged debt to Social Security. We have $7.9 trillion of debt. He is adding to it at a record rate, borrowing $1.3 million a minute. Who is he saying we are going to repay and not repay?

Are we going to repay the Chinese but not the Social Security Trust Fund? Are we going to repay President Bush, he happens to have some U.S. Treasury Bonds in his personal portfolio, but not the Social Security Trust Fund? Are we going to repay other wealthy investors around the world and in the U.S., but not the Social Security Trust Fund? We are going to selectively default on our debt.

Suggesting something like that, if the bond markets believed the President, the dollar would drop to near zero tomorrow, and there would be an economic catastrophe, but they do not believe him. They know this is just politics and rhetoric on his part. There is no intention of the Government of the United States defaulting on its debt.

This year Social Security will collect $170 billion more than it needs to pay Social Security benefits, and they are invested in the trust fund. If what the President said is true, there is no trust fund, and we are not going to honor it, then Congress and the President are perpetrating a fraud of extraordinary magnitude on the working people of America, extorting through taxes $170 billion more than they need to pay current benefits that this President has no intention of repaying. That is unbelievable.

Every minute, every minute, this President and this Congress are borrowing $320,000 of Social Security taxes and spending it on something else. And the President says he is replacing it with worthless IOUs; they are not bonds, they are not investments. He questions whether they will be repaid. He questions the full faith and credit of the Government of the United States of America and its willingness, our willingness, to meet our obligations and our debt.

If what the President says is true, then we ought to give the working people of America, instead of the rich people of America, the biggest tax cut in history. Reduce the Social Security tax, which falls more heavily on working people. More working Americans pay more in Social Security taxes than they do income taxes to the Federal Government.

If he has no intention of repaying that $170 billion that he is borrowing this year of excess Social Security taxes, then we should not collect it under false pretenses. We should give people a big tax break. That would stimulate small business, employment, and put a lot of money in the pockets of working people. I am not advocating that.

But if he does not repay it, he should be advocating it, and instead of trying to switch the game and having an irrelevant debate over a so-called privatization plan which actually makes the funding problems of Social Security worse and would require another few trillion dollars of borrowing, in which I guess people would get these worthless bonds that the President questions.

Now, who is going to buy those worthless bonds? How is he going to continue to run the Government of the United States borrowing $1.3 million a minute if the bonds of this country are worthless?

This is an extraordinary and reckless statement for the elected President of the United States to make.

GOOD WORK OF OUR ARMED FORCES IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 5 minutes.

Mrs. BLACKBURN. Mr. Speaker, you know, over the break I had the opportunity to spend some time in the Middle East. And just this past week I have returned from Israel, Jordan, Iraq, visiting with our men and women in uniform, and talking with them about their impressions of how we are doing in the war on terrorism, talking with them about what they see as their strengths and the weaknesses and what we can be doing better.

And, you know, the progress is really remarkable. These men and women in uniform are really remarkable. I had last traveled to Iraq in October 2003, and at that time the coalition forces had removed Saddam Hussein's regime, and the Coalition Provisional Authority governed the nation, and there was still a lot of unrest on the horizon. That unrest is still there, but progress is being made.

Today we have an elected government in Iraq. It is representing Iraq's ethnic and religious factions, and they have peacefully reached an agreement to name a Kurd to the Presidency. There are two Vice Presidents; one is a Shiite, the other a Sunni. They have also agreed that the Prime Minister is a Shiite.

The naysayers said that successful elections would be all but impossible. They said that the people did not want democracy, that they did not understand democracy. But on election day, each and every one of us, everybody on the face of this Earth, saw the long lines, they saw people braving potential terrorist attacks, and in the words of one Iraqi, a Nation was born in front of a watching world. I think that is very true.

They did that. They took those risks in order to vote. The result is a democratic government. And, yes, it is shaky, but it is free, and it is elected, and they are proving the naysayers wrong. They are taking those baby steps towards freedom.

Mr. Speaker, it is clear that many things have changed in Iraq since October of 2003, but, from my observation, one thing that has remained consistent and true through thick and thin is our military men and women, the Armed Forces. These folks in uniform have not faltered, not for an instant, in their dedication to this mission. They have demonstrated an unparalleled level of commitment toward reshaping the nation, the Middle East, and the terrorist network that runs through that region of the world.

Over the last couple of days, I have spent some time on the telephone calling their families, letting them know how proud of them, how much I appreciate their sacrifice, how much I appreciate the families and the support that they are giving their loved ones in uniform. I am also letting them know how much our constituents in the Seventh Congressional District of Tennessee appreciate them. You know, and America needs to know, that the Iraqi people are appreciative as well.

Following Iraq, I was able to speak with a small business owner, an Iraqi woman who had traveled to America about a year ago and shadowed me for a day. And she thanks the American military, and because of the freedom that our men and women in uniform have helped to deliver there on the ground, her Iraqi sisters are now elected officials. Imagine that. A woman in Iraq, many women in Iraq who are holding elected office. It is change. It is a step forward.

□ 2000

While we were in Israel, we talked peace, not just a distant hope for peace generations from now, but of a long-term agreement and soon. This is because of our steady and dedicated commitment to involvement in the Middle East.

In Iraq, we reviewed the Iraqi military training with General Petraeus, who had been the commanding general at Fort Campbell. This American-Iraqi military training is going to help give that nation the protection, the ability to protect from the insurgents who are there every day, growing weaker; but they are there. It will help the Iraqis take responsibility for their security. We have got about 150,000 Iraqis that are trained; and some of our big Tennesseeans, the 278th regiment from east Tennessee, they are working hard, and they are helping train many of the Iraqis.

In Jordan, we visited with the Iraqi police training facility. We have got about 50,000 Iraqis who are now trained, carrying on the work of the police force in Iraq.

When you are there in Iraq on the ground, you cannot help but notice the green fields and the sense that order is taking place to their daily lives, not only in government but also in business.

The progress made in Iraq is sending shockwaves throughout the Middle East. We have seen the Lebanese people resist the Syrian domination of their government. In Saudi Arabia and Egypt, there is movement. It is slow, but there is movement towards democracy.

None of this would have been possible without our military men and women, and it is that change that is going to destroy terrorism.

Mr. Speaker, I just stand today to commend the men and women in uniform, to say a special thanks to our Tennesseeans who are serving, and I know that America joins me in thanking them and their families for their sacrifice, their bravery, and their dedication.

ORDER OF BUSINESS

Mr. COOPER. Mr. Speaker, I ask unanimous consent to speak out of order for 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

FEDERAL BUDGET DEFICIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. COOPER) is recognized for 5 minutes.

Mr. COOPER. Mr. Speaker, the Federal budget deficit is one of the gravest problems that our Nation faces. It is one of the largest it has ever been. It is $412 billion this past year. It is likely to continue at that size for the foreseeable future.

$412 billion is a whole lot of money, but the truth is that the real budget deficit is even higher than that because, due to the Social Security surplus of about $155 billion this last year, that is used by the administration to disguise the true size of the deficit. So that means the true deficit is not $412 billion, even though that is a near record setter. The true deficit this last year was $567 billion.

We have a real problem in America because each annual deficit turns into debt, debt that we have to pay interest on. We have no choice about that because America has never defaulted and will never default on its obligations.

Those interest costs add up. It took the first 204 years of our Nation's history to get us the first $1 trillion in debt, 204 years to do that; but now we add another $1 trillion every 2 or 3 years.

Mr. Speaker, we do that because our Nation is simply not paying its bills today. It is too easy to spend money that we do not have, too easy to spend money that we are borrowing increasingly from dangerous countries like China. We are borrowing $1.3 million a minute, over $1 billion a day; and, Mr. Speaker, that adds up to a terrible debt burden for our children and grandchildren.

We have got to do something about that. It is sad but true that it is unlikely that the Congress this year will even have a budget. We passed one in the House of Representatives and the Senate passed one, but the two are so different they are probably irreconcilable.

Guess what, Mr. Speaker, last year we did not have a budget either. So how is our Nation, the greatest nation in the history of the world, going to proceed without a budget, meanwhile running some of the largest deficits in American history, adding, as I said earlier, $1 trillion to our children's and grandchildren's debt every year or two now?

Well, most Americans are not informed about this, and that is an outrage because what the leadership of this House has done is they eliminated any votes on raising the debt ceiling. That used to be a way that the American public could tell when the debt was being increased dramatically, when we bumped up against that debt ceiling. Now there are few, if any, recorded votes on that. No news to report. It just happens automatically.

Mr. Speaker, everybody talks about spending cuts as a way to get out of the deficit hole. That is a great idea; but, Mr. Speaker, it is unlikely that a body of 435 in this House and 100 in the Senate is going to come up with spending cuts. We need Presidential leadership, and that has been conspicuously lacking for the last 4 or 5 years.

Mr. Speaker, President Bush is the first President in the United States since James Garfield never to have vetoed a bill. Not one single piece of legislation has President Bush vetoed, the first President since Garfield, who served back in 1881; and poor Garfield was only in office for 6 months before he died. We are now in the 5th year of the Bush Presidency, and he has yet to veto a bill.

To give President Bush credit, he says he really needs the line item veto, the special narrower form of veto that would enable him to cut individual programs out of larger bills. That would be a wonderful thing for the President to have, but the Supreme Court has ruled it is unconstitutional. It would take at least 2 or 3 years to pass a constitutional amendment. Meanwhile, we would have another President.

But what the President has not acknowledged is he has got rescission power which is just about as good as the line item veto power; and guess what, just like the real veto, he has never used the rescission power either.

President Clinton used rescission power 163 times, and he won 111 of those cuts; but President Bush, in his 5 years as President, has never asked for a rescission power. Period.

Well, that is an outrage. So not only are we not seeing Presidential leadership on the veto, we are not seeing Presidential leadership regarding rescission power either.

I think the American people need to ask. We want Presidential leadership and he has provided excellent leadership in a number of areas, but regarding our Federal budget deficit, there has been almost no leadership.

We need to start a clock saying when is the President going to finally veto a bill and try to discipline a Congress that likes to spend money too much? When is the President going to rescind spending and start disciplining Congress? The American people deserve to know the answer.

STANDING BEHIND OUR MEN AND WOMEN IN HARM'S WAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, tonight I would like to read just a few paragraphs from an article written by Mona Charen, who is a well-known journalist here in Washington, DC, and around this Nation. The title of her article: "Is the Marine Corps P.C.?" PC meaning political correct.

"Second Lieutenant Ilario Pantano was making a six-figure income as an energy trader with Goldman Sachs in New York when the World Trade Center was attacked. Pantano had friends who worked in the Twin Towers and friends among the firefighters who perished trying to save them.

"This Marine veteran had already served his country in the first Gulf War, set aside his career, which also included work in film and television, kissed his wife and two children goodbye, and headed to Quantico, Virginia, for officer training school."

I continue Ms. Charen's comments in her article: "A Marine Corps colleague asked, 'How many guys do you know who would drop 100 grand a year to go sleep in fighting holes in the nasty mud and dust for, what, 25 grand a year?'

"There are a few, and the rest of us owe them more than we can possibly express, which is why it is shocking to learn that Pantano may now be facing murder charges."

Mr. Speaker, that is why I am on the floor. I want to read from part of a resolution, H. Res. 167, which I introduced the day before we left for Easter:

"On April 15th, 2004, Second Lieutenant Pantano led a platoon in Mahmudiyah, Iraq, that apprehended two Iraqis who were suspected insurgents.

"Second Lieutenant Pantano ordered the suspected insurgents to be detained, then ordered them to search their own vehicle in the event that it contained explosives.

"The vehicle's seats were not bolted down, a tactic commonly used by insurgents to retrieve weapons, and nails and bolts were found in the trunk of the vehicle, items commonly found in improvised explosive devices.

"In response to threatening movements by the suspected insurgents, Second Lieutenant Pantano took action in self-defense that resulted in their deaths.

"Accusations that Second Lieutenant Pantano's actions were something other than self-defense did not surface until almost 2 months after the incident.

"In his Combat Fitness Report dated August 5, 2004, nearly 4 months after the incident, Second Lieutenant Pantano's superior officers gave the following evaluation of his performance from March through July, 2004."

I am just going to read a couple of these, Mr. Speaker. One, "He is a Marine who 'leads from the front, always, and balances his aggressive style with true concern for the welfare of his Marines.'

"He was 'ready for increased responsibility,' and was a soldier who the Marine Corps should 'retain, promote and assign to challenging assignments.' "

Now, "Therefore be it," Mr. Speaker, this is the close of my resolution, "Second Lieutenant Ilario Pantano, United States Marine Corps, was defending the cause of freedom, democracy, and liberty in his actions of April 15, 2004, that resulted in the deaths of two suspected Iraqi insurgents and that subsequently have given rise to certain charges against him.

"The United States Government should dismiss all charges against Second Lieutenant Ilario Pantano arising from the actions referred to in paragraph (1)."

I hope my colleagues that may be listening tonight will join me or at least look on our Web site or call our office and ask about this resolution, H. Res. 167. I can also say, Mr. Speaker, that his mother, who I have spoken to three times, who is a wonderful lady, has set up a Web site called www.defendthedefenders.com.

Mr. Speaker, in closing, last Friday I went down to Wilmington, North Carolina, where the American Legion was holding a barbecue and a fish fry to help Lieutenant Pantano with his defense. I have never met such a fine young man in all my entire life. He's 29 years old, a beautiful wife and two children. I met them and I hope that my colleagues here tonight and those in the office will look at this resolution, H. Res. 167. We need to stand behind our men and women who are in harm's way in Afghanistan and Iraq.

Mr. Speaker, I close by asking the good Lord in heaven to please bless our men and women in uniform and their families, and I ask the good Lord in heaven to please bless the United States of America and to help us find peace in this world, and May God please, please bless America.

TRIBUTE TO POPE JOHN PAUL II

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BACA) is recognized for 5 minutes.

Mr. BACA. Mr. Speaker, I rise to pay tribute to a man who embodied the values of compassion and selflessness.

Serving for the past 26 years as the spiritual and emotional beacon of the Catholic Church, John Paul II exhibited charisma, character, and conviction when carrying his divine message to millions of people across the world.

He passed away this past Saturday at the age of 84 after a courageous struggle.

I join millions of mourning people across the world in honoring his remarkable life and recognizing his wondrous achievements.

Many great men and women have devoted themselves to a single cause or to a group of people. Pope John Paul devoted his efforts to all humanity around the world.

When he was elected Pope on October 16, 1978, he was well aware of the problems occurring not only in the Catholic Church but throughout the world. Communism had a grip on many areas, including his beloved homeland of Poland.

John Paul II had a social and political vision of what the world should be and dedicated himself to changing the reality that we knew.

He inspired incredible change, leading with unwavering faith and exceptional sincerity. His duty to the church was purposeful and his love for mankind was unconditional.

He undertook the goals of sewing the schisms of Christianity, healing the wounds of the Christian-Judeo relationship, and creating a legacy for the world to follow. He left his imprint on all faiths, as well as the scholar world.

As a devoted Catholic, I am honored and privileged to recognize such a special and loved person.

☐ 2015

He was my inspirational compass and guided my faith through his unyielding dedication to the tenet of integrity and morality.

Mr. Speaker, today I mourn the passing of Pope John Paul II, but salute and express sincere admiration in his unparalleled life and lasting legacy, and I wrote a poem that I would like to dedicate to John Paul II that's called "The Spirit of Life Is."

To live is to believe. To see is to believe. To express is to believe. To feel is to believe. To respect is to believe. To forgive is to believe. To have hope is to believe. To love is to believe. For if you possess these values, you truly can enter the Kingdom of Heaven, and the spirit of life will be within you. For you truly have touched the life of the world around us in making it a better place for humanity, changing the course of history. Your legacy will live in the lives of those who truly believe."

MEDICARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Pennsylvania (Mr. MURPHY) is recognized for 60 minutes as the designee of the majority leader.

Mr. MURPHY. Tonight Republican Members of Congress will be talking about Medicare. Now, as we are getting into this, what I want to make sure that we first look at here is that many talk about is the Federal Government doing much with regard to health care? And Medicare, Medicaid, veterans benefits, and other programs that the Federal Government pays for consume a massive amount of the Federal budget. And I wanted to point out, just to begin with, if we can look at this, that about 45 percent of all mandatory spending, all mandatory spending we spend, is on health care, and about 15 percent of all discretionary spending is spent on health care.

If we look at mandatory spending here in health care, we see that the section here which is Medicare is $297 billion, or about 24 percent overall; Social Security disability is in this category here, too, about 6 percent; State Children's Health Insurance Programs, about $5 billion or 4 percent; and Medicaid is $176 billion, or about 14 percent of overall mandatory spending.

So we see that for those seniors and disabled who receive the benefits of Medicare is a large part of the Federal budget and one that has a history of providing good benefits for our seniors; benefits we are proud of, benefits we are pleased to continue to offer them.

But tonight we are going to talk about a number of things happening in Medicare. Some of these will be issues that are staying with Medicare; some will be some positive changes, areas that are growing; some of the new parts that have to do with prescription drug benefits; some some actions on waste, fraud, and abuse; some on new programs that deal with prevention and new physicals for Medicare; and many, many other parts of this we will be talking about tonight.

The overall purpose here is that as we look at the amount of money we spend and the services that we provide, it is Congress' responsibility to be constantly reviewing this and saying can we do it better to provide quality health care that is accessible for our seniors in America? And those who are not seniors yet recognize that about 2.9 percent of wages, half from you and half from your employer, goes to fund Medicare. Thus, every taxpayer is concerned with how this money is spent and what quality is associated with it.

Now, being the first speaker tonight, I want to talk a little bit about one area that I am introducing a bill on to improve Medicare, although it provides a lot of services in many areas of health care. One of those that I believe we need to see some changes in is in mental health coverage.

As a practicing psychologist myself for many years, I recognize that when you integrate the care of mental illness in with other aspects of medical care, it actually is something that reduces the cost of health care and improves health overall.

Let me describe to you now what Medicare does in all this. Currently Medicare beneficiaries pay about a 20 percent copayment for all outpatient health services except for mental health providers, where they have to pay a higher copayment of 50 percent.

According to the National Institutes of Mental Health, nearly 2 million Americans over the age of 65 suffer from depression. The 1999 Surgeon General's Report on Mental Illness found that 20 percent of Americans 55 and older experience mental disorders that are not considered a normal part of aging, such as anxiety, alcoholism, and various other disorders. As many as one in two residents of nursing facilities are at risk for depression.

A June 2002 MED–PAC report, that is the Medicare Payment Advisory Committee that recommends changes to Congress, stated that "Medicare beneficiaries are apparently having difficulty in obtaining needed mental health services. Despite the availability of proven treatments, one recent analysis found that of those beneficiaries over 65 with need of treatment, 63 percent did not receive it." And it goes on to say, "Beneficiaries face a 50 percent coinsurance for most outpatient mental health services compared with 20 percent for most other outpatient services. Equalizing cost-sharing for outpatient mental health and other outpatient care would reduce the financial barrier to mental health care and provide parity to beneficiaries with mental disorders and those with other illnesses with a small increase in Medicare spending. This change would also simplify Medicare's cost-sharing structure."

Now, here I am talking about the cost of Medicare and talking about something here which on the surface would appear that we are proposing more spending. And oftentimes when proposals come before Congress, they are scored in terms of what the increased spending would be, but not necessarily scored or reviewed in terms of what the savings would come from this.

Let me describe what happens when you have untreated mental illness. Patients suffering from untreated depression, for example, use health care services more often; pay one and a half to two times more for health care costs that they accrue. They also tend to have increased lengths of hospital stays. Untreated depressed parents tend to have decreased adherence to life-style changes needed for health improvement. Depression also complicates the treatment of those with heart disease. And those with increased psychological stress or depression have increased platelet reactivity to thrombosis or blood clotting, which can complicate heart disease.

Now, as a result of this, I have introduced the Medicare Mental Health Copayment Equity Act to reduce the copayment for mental health services to seniors on Medicare to match the standard 20 percent rate. With such a high amount of seniors afflicted with mental illness, that discriminatory Medicare copayment rate must end.

When we look at ways such as integrating the care for our seniors with something that afflicts so many, such as mental illness and depression, by using such innovative approaches, we can actually save cost and provide better care for our seniors in America.

Now, in addition to some of these things we can look at improving, and we will be talking more about them tonight, a number of aspects, it is important to also recognize that Congress is also being a watchdog of some problem areas for Medicare. What happens sometimes is people see this as a system that they can abuse. Whether it is providers or patients or others, they see this as a way they can get health care that perhaps is not needed, or we have a mechanism that sometimes, quite frankly, just pays too much.

To talk about this issue tonight, I will call upon my colleague, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), and she will be discussing waste, fraud, and abuse in Medicare, and I yield to her now.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I thank my colleague from Pennsylvania.

You know, for most seniors Medicare is their only form of health care. Congress must make absolutely certain that not one penny of it is wasted and not one penny is given to those who only want to defraud the system. When Members of Congress voted for the Medicare Prescription Drug Improvement and Modernization Act last year, we voted in favor of important measures to combat waste, fraud, and abuse.

Under the MMA, which I know that the gentleman from Pennsylvania supported, the HHS Secretary was directed to conduct a demonstration of recovery audit contractors in at least two States for 3 years to identify under- or overpayments. This demonstration project allows HHS to identify more efficient ways of working with States on Medicare waste.

The MMA also opened the durable medical equipment industry to competitive bidding. And why did we do that? To ensure that Medicare, that our taxpayers, get the best prices on equipment that patients use. Additionally, the MMA ended overreimbursements for prescriptions and administering costs by replacing the average wholesale price system with a more accurate and verifiable average sales price system.

More importantly, for those of us who worked in favor of the Medicare Modernization Act, we voted in favor of making health care fraud a crime, a serious crime. We voted in favor of punishing those who defraud this precious program. Instead of just slapping them on the wrist, there will be serious penalties. These criminals are defrauding our most vulnerable and our elderly seniors, and they should be very strictly punished.

These measures were very important steps, but more are still needed. The most conservative estimates suggest that waste, fraud, and abuse in the Medicare system is somewhere around $33 billion a year. That is billion with a "B." Scam artists, however, are using innovative and cunning ways to con Medicare every year. Many use computers to scour the Internet to find holes in Medicare and Medicaid payout systems.

The scam artists register also as providers and then file a slew of claims through the payment system to determine which claims would be automatically approved by Medicare and Medicaid computers. Once these claims are determined, the cons just sit back and they wait for the payments.

Others set up fake medical storefronts. In one case, actually in my home State of Florida, a "provider office" was found to be nothing more than a couple of post office boxes, cell phone, and a beeper. The owner vanished when he caught on that Medicare officials were onto him, but not before he collected $2.1 million in payments. They are still looking for him.

Today the Heritage Foundation released their study about waste in various Federal agencies, and guess what? They pointed to the Centers for Medicare and Medicaid, CMS, because of their paying excessive prices for medical supplies and care. They pointed out that in so many instances they paid thousands, not just hundreds of times but thousands of a percent, more than what the VA pays for the very, very same service.

And my colleagues, I am sure, saw this in today's Congress Daily. There is a story in here about how the new chairman of the House Committee on Appropriations is settling in, and that the staff director of that committee is mandating that they go after agencies. And he said, "The first rule is: There aren't any good government programs anyplace. They are chock-full of fraud. waste and abuse; frittering away millions in appropriated funds. Believe it, focus on it, find it and report on it." Obviously, Congress is getting very serious about waste, fraud and abuse in our system, and every Member of this body, I am sure, are very, very grateful for it.

Protecting Medicare against predators should be a bipartisan issue. The last time I checked, there were no Rs or Ds in the word "solution." Guaranteeing the solvency of Medicare has to be a priority of Congress, and we have to begin by ensuring that every penny going to Medicare is being spent on legitimate Medicare benefits. If both sides of the aisle do not work together to protect Medicare, the legacy of this program diminishes with every penny that is lost.

I look forward to working with the gentleman from Pennsylvania (Mr. MURPHY) and the other Members of Congress who are serious about making sure that the Medicare system is a sound system and one that provides necessary health care for our most vulnerable, our seniors.

□ 2030

Mr. MURPHY. Mr. Speaker, I thank the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), and could the gentlewoman repeat how much waste, fraud and abuse is estimated? I believe it is over $20 billion a year.

Ms. GINNY BROWN-WAITE of Florida. I do not want to misquote. It is $33 billion. The most conservative estimates suggest that waste, fraud and abuse in Medicare is somewhere around $33 billion per year.

Mr. MURPHY. Mr. Speaker, what we have to make sure is understanding in a budget that is approaching $300 billion for Medicare overall, and when people are concerned is it providing enough coverage, the issues that the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) brought forth is an area where every senior and their family member can help deal with the spiraling cost of health care.

I have a chart here, and notice how health care costs are spiraling up. Notice the growth in terms of Federal outlays and how much it has climbed over the years. It is quite dramatic. The area of waste, fraud and abuse has grown with it. I would like to advise that one of the messages that we as Members of Congress need to get out to constituents is understand how we can help our constituents find and report waste, fraud and abuse.

Sometimes Medicare fraud is purposely billing for services never provided, billing Medicare and another insurer for services someone never received, for equipment because you received equipment different from what you are billed for, and using another person's Medicare card to get medical care, supplies or equipment, and billing Medicare for home medical equipment after it has been returned.

I have heard of constituents who have reported these kinds of things, and it is important that we do this as a mechanism to save government money, save taxpayer money, and make sure that money goes towards care. People also need to be suspicious. Anytime a provider tells you a test is free, they only need your Medicare number for their records, and the provider may state that the cost to the person with Medicare is free, be wary if tests are being provided and the patient is told they are free, make sure you understand why they are being done and what they are. Or if the provider says Medicare wants you to have the item or service, Medicare does not recommend services, it is up to the physician and health care provider to recommend services. Or if someone says I know how to get Medicare to pay for it, again, the questions family members and Medicare recipients should be asking is I want to know what I really need, and do not be afraid to get other opinions.

Sometimes people say the more tests you have, the cheaper they are; or the equipment or service is free, it will not cost you anything. But be aware, and Members need to educate their constituents that anytime someone is offering that, this is taxpayer money being spent on services that may or may not be needed. And it is important that we encourage Americans to review that and determine if it is medically necessary.

There are ways that you can prevent Medicare abuse, and there are ways you can report this: by contacting the inspector general of Medicare, by looking at the Medicare Web sites to report specific information. It is a way that every American citizen can be a watchdog and can lead to cost savings for Medicare and make sure that care goes to patients.

I would like to turn toward the gentleman from Georgia (Mr. PRICE), an orthopedic surgeon, a good friend to the health care caucus and one who has been very diligent in dealing with health care costs. He will be addressing patient choice and satisfaction with the Medicare program.

Mr. Speaker, I yield to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Speaker, I appreciate the opportunity to be here and talk to an issue near and dear to our hearts. As we talk about the challenges that we have with Medicare, as with many programs, what we are attempting to do is to lay out the issue before us and to make certain that we retain those aspects of the program which are so very important and provide for greater health, higher quality health for our seniors, and that we do so in a way that listens to principles. I am fond of going back and talking about principles because I think unless you understand what principles you want to institute, you can get off the mark.

The principles that I like to talk about when I am speaking about Medicare is that we have the highest quality of care that is available, that the cost for that care be absolutely reasonable, that people are not being gouged and you do not have the problems with the waste, fraud and abuse that has been talked about.

And finally, what is incredibly important for Medicare, patient choice. That is patients get to choose who is taking care of them and where they are being treated. Let me just chat a little bit about some of the challenges that we have before us and why we are in the kind of situation we are in.

This chart may look familiar because it is a chart that we have used to demonstrate some of the challenges that our Nation has as it relates to other systems, the Social Security, for example. But the demographic changes that are occurring in our society right now, the aging of our population, that really is the main reason that we have got these challenges within the Medicare system.

As Members see here, today's workers are providing the moneys for the Medicare system, those individuals who are the recipients. So you need a lot of workers to provide the resources with which to care for our seniors. In 1950, there were 16 workers for every retiree or every senior. This year, there are 3.3 workers for every senior retiree. In a few number of years, there will be two workers for every retiree.

What that means for Medicare is we have an aging population and fewer resources with which to support that population's health care. I think it is important to appreciate that principle. Remember that principle of highest quality, reasonable cost, and choice for patient, and the demographics of our society, the aging of our population, is driving some of the decisions that we make that may violate some of those principles.

What is going on with the cost of health care? The gentleman from Pennsylvania (Mr. MURPHY) had a poster up before that talked about and showed the increasing line of money being spent for health care. That will continue of necessity because of the aging of the population.

One of the problems that we have with Medicare, though, is it is an inflexible system. A number of years ago, we, the Congress, instituted a program called ARBORS, Resource-Based, Relative-Value System, which means we as a Nation will decide how much money we are going to spend on health care for seniors; and regardless of the amount of money that is needed or regardless of the amount of care that is going to be provided, we are not going to violate that. We are going to have a pool of money and pay for the care needed out of that pool. If there is a lot more care that needs to be provided, we have challenges in our system. Remember, we wanted highest quality care, reasonable cost, and choice for patients.

What we have now is a system that oftentimes is being held together just by the altruism of the individuals involved in providing that care, the doctors and hospitals at home, those individuals who are being asked to do more with less, and oftentimes are being asked to do a whole lot more with a whole lot less.

The system we have worked well when there were a lot of workers. However, now when we have fewer workers in this pay-as-you-go system, it becomes more difficult to hold that system together. It is an inflexible system. It is not able to juggle or change with the changes in our society. I want to use as an example of that the debate that has been going on over the last couple of years about a prescription drug plan or a prescription drug benefit in Medicare.

When Medicare was instituted in the mid-1960s, medications, drugs and pharmaceuticals, were not necessarily that extremely important for the care of disease because there were not a whole lot of variants in the type of medications that we had. Oftentimes the treatment for a disease or an illness was in the hospital, which is why Medicare built up as a system that provided primarily for hospital insurance, for hospital care, and provided coverage for the physician as well; but did not have a drug component to it, did not have a prescription drug benefit within the system.

Over a relatively short period of time after the mid-1960s, the explosion in our technology and in our ability to have medications that truly affected the outcome of illness and provided a higher quality of care, and remember one of our principles is that high quality of care, medications just flourished. But the Medicare system stayed absolutely the same. Through the 1980s and 1990s as so many medications were discovered and have been utilized to save people's lives, Medicare was stuck in the mud not providing any prescription drug coverage.

So the President to his great credit put this issue on the table, and in 2003 a Medicare prescription drug plan was introduced. That is important because we have moved now to a health care system that relies a whole lot more on medications than it did in the past.

My purpose in bringing that issue up is that it took us 40 years to get to a point where we had a system that provided for prescription drug coverage. That is a program, a Medicare program, that I believe is inflexible and does not have the kind of capability to change with the needs of patients. One of our principles is patient choice. Patients ought to be able to choose who is taking care of them, where they are being cared for, and what kind of care they are receiving. That brings me to the final point I would like to make.

I think as we move through this discussion, it is imperative that we make certain that the highest quality of care that is being delivered at reasonable cost, those principles, also have the principle of patient choice. When I was a practicing physician, I knew that the important things that patients would talk to me about, if they did not tell me what their wishes and desires were, I could not respond adequately to the kinds of needs that they had. That is patient choice. In an inflexible system, in a Medicare system that is inflexible, it is not possible for patients to be able to exercise their choice.

I believe as we go through this discussion and make certain that we retain a Medicare system that will provide the highest quality of care at the most reasonable cost available, but with patient choice, patient choice is what is so incredibly important, as we allow and provide for patients to be able to have the access to the care that they so need.

Some improvements have been discussed. The gentleman from Pennsylvania (Mr. MURPHY) has talked about a proposal that I think has great merit. I just hope as we go through this discussion that we do not end up in the political name-calling and demagoguery that has been so wont to happen in other issues that we have talked about here. I think if we just stick to the principles of highest quality of care at a reasonable cost and make certain that one of those principles has to be that patients have choice, choice about who is taking care of them, where they are being cared for and the kind of treatment that they are receiving, that we will end up with a program that will be flexible and that will be much more responsive to patients' needs, which in the end is what it is all about.

Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. MURPHY) for the opportunity to participate in this incredibly important and vital issue that means so much to so many Americans.

Mr. MURPHY. Mr. Speaker, I thank the gentleman from Georgia (Mr. PRICE) for his important information about other areas of care. As we continue on this evening, I want to turn to one of our colleagues, the gentleman from Louisiana (Mr. JINDAL), who is an expert on Medicare. He wants to talk about the need to address premium cost and recommendations of the National Bipartisan Commission on the Future of Medicare.

Mr. JINDAL. Mr. Speaker, we come together in this body to talk about a very important topic, our Nation's Medicare program. Medicare has served our country's seniors well. However, this is a program that is in serious need of strengthening and improvement.

I was privileged to serve as the executive director of the National Bipartisan Commission on the Future of Medicare. We spent an entire year looking at the Nation's Medicare program, and we heard from dozens of witnesses. We had countless hearings. I can summarize the challenges facing the program in three ways.

First, we have a Medicare program by any measure that is facing a huge financial challenge, a program that is going to go bankrupt, quite frankly, unless we do something differently.

□ 2045

We can measure that as a share of the GDP, we can look at the ratio of workers to retirees, we can look at that as a share of payroll taxes, or we can look at the life of the trust funds. Quite simply, we have got a Medicare program today that goes from about four workers per retiree, it is going to eventually be at about two workers per retiree, a trust fund that will not last even long enough for the baby boomers to not only finish retiring, but to finish utilizing their health care services.

So the first challenge facing the Medicare program is increasingly we have got a program that is facing solvency challenges. Secondly, we have got a program that, as it is defined today, does not truly cover adequately the health care needs of our Nation's seniors, our parents, our grandparents. We have got a program that covers about half the health care costs of our parents and grandparents. We have got a program that until next year does not really even begin to cover prescription drugs, does not provide an adequate long-term care benefit; a program that charges over a $800 deductible every episode, every time our parents go to the hospital; a program that until recently did not cover many preventive care benefits and still lags behind the private sector in terms of what is considered first-class medical care; a program that has no real meaningful catastrophic stop loss coverage; in other words, a program that looks largely like the 1960s insurance product it was modeled after. In the private insurance world, we no longer get our physician insurance separate from our hospital coverage. Yet that is exactly what Medicare continues to do today.

So the second challenge facing our program is that it is a program that does not adequately cover the health care needs, does not adequately provide a modern benefits package for our Nation's seniors. We can see that by the fact that 89 percent of our Nation's seniors have something other than just plain Medicare fee-for-service alone. Eighty-nine percent have either some kind of wraparound coverage, supplemental coverage, Medicaid, private HMO coverage, have something in addition to just plain old vanilla Medicare fee-for-service coverage.

The third challenge facing our program is it is a program that has not been run all that efficiently. You can look at that by comparing Medicare's growth rates to the private insurance world, to the other Federal programs that we run, by looking at the billions of dollars, not millions but billions of dollars, we waste every year.

We all have our favorite stories. I know my colleagues have heard from their constituents, and we have heard, about the equipment that Medicare will rent but not purchase even when it would be more cost-effective to buy it. We have heard about the times that Medicare would pay for a patient to go to a physician's office to receive an injectable medication, but would not pay for that same patient to receive those drugs orally. We have heard about Medicare not paying for preventive care, not paying for more cost-effective outpatient-based care. Year after year Congress tries to put a Band-Aid and tries to improve the program and tries to catch up with the latest medical technology, but inevitably we are always a little bit behind what people are getting below the age of 65.

So we have got three challenges being faced by our Medicare program: First, a program that, by any account, faces severe financial challenges; secondly, a program that does not adequately cover the benefits that our seniors deserve and need; and then finally, third, a program that is not all that efficient compared to other programs.

The good news in all of this is that Medicare has done a remarkably good job taking care of our parents and grandparents. We do not need to throw the Medicare program out. Rather, we need to improve it, strengthen it, and get it ready for this next century, get it ready for the baby boomers that are beginning to enter this program.

How do we do that? I would like my colleagues to remember just two numbers that came up during the Commission's deliberations and just two numbers that stand out to me in all the hours of testimony that I listened to. The first number is this: The CEO of the Mayo Clinic testified to our Commission. He said, We count 130,000 pages of rules and regulations. There has been some dispute. Everybody agrees there are tens of thousands of pages of rules and regulations. It does not really matter if you believe it is 130,000, or whether you believe it is 20-, 30-, 40,000. The bottom line is this: Tens of thousands of pages of rules and regulations telling the Mayo Clinic, telling physicians, telling hospitals how they must provide care.

I do not know about you, but to me this debate really comes down to who do we want in control of our health care. I would much rather my physician, my health care provider, working with me to make those decisions. No matter how well-intentioned, I do not want a bureaucrat making my health care decisions for me.

The American Hospital Association talks about the fact they have documented nurses in many hospital settings spend an hour filling out paperwork for every hour they provide care. At the same time, we have a shortage in this country of about 100,000 nursing vacancies, 100,000 vacancies we cannot fill today, and that number is only going to increase, and we are drowning our health care professionals in paperwork.

The second number I ask this body to remember is that we heard from an economist testifying to our Commission basically in the Medicare program that we are trying to set 10,000 prices across 3,000 counties. We call them parishes in my home State of Louisiana. But the bottom line is this: 10,000 prices in 3,000 counties. We do not buy anything else in the Federal Government that way. It makes no sense that that is how we buy medical services. The problem is sometimes we will be too high, and sometimes we will be too low. We heard so many stories about how this distorts the quality of medical care that our parents receive. This distorts their access to services.

We have all heard the complaints from physicians about the inequities of the sustainable growth rate reductions they are going to face. We heard about physicians leaving the Medicare practice. We have heard the stories of patients, we heard it in the Medicare Commission, about patients going to the hospital. We had a patient that told us a doctor wanted to perform a procedure on him. He was in the emergency room thinking he was about to die of a heart attack. Once the physician found out he was in Medicare, the physician said, I don't need to do that service anymore. It turns out Medicare would not pay for that procedure. Not only that, Medicare would not let him pay for that procedure or his private insurance pay for that procedure. I think most of us, if we were in the emergency room, would not want a bureaucrat to make that decision. We would want our physician to make that decision.

That really is the question facing us when it comes to the future of Medicare: Who do we want making our health care decisions? Do we want our physicians working with us, or do we want bureaucrats? It is as simple as that.

The Federal Government runs a different health care program. We run a health care program that has over 300 plans competing to provide coverage. We run a health care program that has had lower inflation rates; a health care program with incredible approval ratings, over 85, 90 percent approval ratings; a health care plan that does provide adequate prescription drugs, is not going insolvent. It is a very simple plan. Members of Congress are allowed to participate. Federal employees, the very employees that design and operate Medicare, are allowed to participate. The simple concept behind the Federal employees' plan is this: We give people choice. The Federal Government pays the majority of the premiums. If somebody wants to buy a little more expensive plan, they pay a little bit more. If they want to buy a more efficient plan, their premiums go down.

We tried this in Medicare some years ago, except Congress said private plans were not allowed to reduce their cost below the government plan. That makes no sense. If a private plan is more cost-effective, of course they should be allowed to lower their prices. Why in the world would we not want our parents and our grandparents to be able to lower their premiums? Fortunately we fixed that, but we have got a lot more fixing to do.

I was pleased today to learn from CMS, I know many of us were, that our seniors, over 90 percent of Medicare beneficiaries next year may have more choices of how they get their health care, may actually have a choice of how they get their health care plans. For those that want to stay in Medicare, they can continue to do that. Nothing has changed. But the good news is more and more of our parents and grandparents are getting more choices.

I know my time is running out, and we are limited in our time tonight, but I think if we remember one thing about the Medicare debate, it is simply this: We must give our parents, we must give our grandparents more choices.

We had a bipartisan Medicare Commission that was chaired by the gentleman from California (Mr. THOMAS) of this body, cochaired by former Senator Breaux of my home State of Louisiana. We came up with good bipartisan findings contained in the cochairman's report. The bottom line is this: If you remember nothing else but all the numbers and all the facts and all the details, Medicare has done a good job. To make sure it continues to do a good job for our parents and grandparents, let us not be scared of giving them the kind of choices they had before they became the age of 65. If we do that simple thing, not only will it be good for them, it will help us balance our budget, and it will slow down that growth by getting rid of some of those inefficiencies.

Mr. MURPHY. I thank the gentleman from Louisiana not only for the depth of his knowledge in Medicare, but his service before to our country. Certainly if we are able to implement some of the changes he has spoken about so eloquently tonight in changing not only the waste, fraud and abuse, but making Medicare work more effectively, we can make it last longer.

The points made here about when we think about Social Security hitting its financial demise sometime around 2042, when they talk about Medicare, if we do not make some changes to improve the system, again that is what we are talking about, improving the system, it may face its own demise in 2024, some 20 years ahead of Social Security, not because the difference in more people retiring at faster rates and less money going in, but because of the waste, fraud and abuse that is in the system and because of inefficiencies.

It is so important that we work together in a bipartisan way to improve the efficiency of Social Security so that money goes to care for our seniors in ways that we need to make sure they get that care.

I would like to turn to another one of my colleagues for the wrap-up in our session tonight, and that is the gentleman from Georgia (Mr. GINGREY), who is no stranger to speaking on health care issues. He and I chair this conference team on dealing with health care issues. He is as dedicated as they come to working on this.

Mr. GINGREY. I thank the gentleman from Pennsylvania, my cochair on this team, for yielding.

Once again we are bringing to our colleagues, Mr. Speaker, the issue of health care. This is something that we have committed to do, those of us who are in the health care field and interested, as our previous speaker, the gentleman from Louisiana (Mr. JINDAL), who worked in the administration prior to being elected to Congress from the great State of Louisiana and specifically worked within the Medicare system.

There are a lot of people, Mr. Speaker, on our side of the aisle who understand the issue of health care. It is disturbing to me as a physician/Member when I hear the other side in the Social Security debate, as we hear some of these Special Orders in the evening from the other side criticizing the President, criticizing the Republican leadership, the Republican majority for wanting to make some meaningful changes to a 70-year-old system that needs to be brought into the 21st century. Of course, I am talking about Social Security.

But we are hearing from the other side, and I hear this in my district. A lot of times it seems like they encourage people to come to these listening sessions or town hall meetings and say, why are you Republicans so concerned about Social Security when you are not doing anything about Medicare? What they fail to tell these good folks in our districts, usually seniors, that in December of 2003, we historically passed the Medicare Modernization and, yes, Prescription Drug Act, Part D of Medicare, and really made some significant, meaningful changes to this program. Admittedly, Medicare, and Medicaid as well, are very expensive programs, and as our seniors are living longer and, of course, putting more of a strain on the Social Security system, the same thing is happening in Medicare. But to suggest that we in the majority or this President has ignored meaningful changes, modernization indeed, in just this past December of 2003, trying to address that problem, and for us to say that we have done nothing, and to try to divert our attention away now from trying to do the same thing to bring Social Security into the 21st century, I think, is a paper tiger on their side of the aisle.

What we have done, and I thank my colleague from Pennsylvania for putting this special hour together tonight, besides the prescription drug part, which is significant, and I will not spend my time talking about that, but I want to talk a little bit about the modernization part of Medicare in that historic 2003 bill.

Medicare was a little later coming to us than Social Security. Social Security came along in 1935, 1936, and it was not until 1965 that the Medicare bill as part of Social Security was offered to our seniors. It has been a great program, but at its outset it was all about episodic care. Part A was hospital treatment, nursing home, a little bit of home health care; and Part B, of course, the optional part, the premium-based part of Medicare, was for the provider services, the physician or outpatient hospital procedures, durable medical equipment, certain drugs, as the gentleman from Louisiana pointed out earlier, but only those that are administered by an injection, not something that you could get by a prescription.

The original Medicare, and as the argument against it, again, from the other side of the aisle back a year and a half ago, was they are about to take away Medicare as you know it. Well, thank God if we did that. Thank God, and thank the Republican majority, because now instead of treating people when they have a heart attack, when they fall over at home in the shower having had a stroke because their high blood pressure was never treated, never even recognized until it is too late, and then you get into the really, really expensive part of health care, that long-term hospital stay, that ambulance trip to the emergency room, that nursing home stay until you have exhausted all of your benefits, and all of a sudden you end up destitute and covered by Medicaid, no senior wants to be in that situation.

But what we did in the modernization part, most of the attention, yes, was the prescription drug benefit, the optional Part D benefit that was finally delivered by this President, finally fulfilled, a promise that had been made and broken really by so many previous Congresses and administrations.

□ 2100

But the modernization part, if my colleague will further yield, Mr. Speaker, I wanted to talk about that because we never got the opportunity to just go to the doctor and have a physical exam. As I said, it was always if one has got chest pain, if they got a nose bleed, if they have a stroke, then they get covered under Medicare.

But with the modernization program that we passed in December of 2003, when a person turns 65 and first becomes eligible for Medicare, now Medicare will pay for a complete, a complete head-to-toe thorough physical examination by a primary health care provider, a family practitioner or a general internist; and these are the diagnosticians. A lot of times people will refer to those specialists as diagnosticians; and, indeed, they are. They are the real medical sleuths that can detect disease before the patient has any idea that something is going amiss in their body. I am talking about a slight elevation of blood sugar or a slight elevation of blood pressure or maybe a person is getting a little short of breath and that internist or primary care doctor knows that they need some specific tests to rule out things like coronary artery disease or to institute some prescription medication.

Those physical examinations in the past were not covered under Medicare. It seems ridiculous, but back when we started the system, nobody really thought that that was that important, just as they did not think that prescription medication was so important. But we know now today that if we can detect these diseases as they are starting before the patient has had a significant complication, to treat it, to treat it, as we say, medically with, yes, prescription drugs, that now these seniors can finally afford, and those that are at or near the Federal poverty level, they can literally get prescription medications to treat one of these diseases at its inception by paying $1 or $3 or maybe at the maximum a $5 co-pay for a prescription that may have cost hundreds of dollars if they did not have this benefit.

So I am very pleased to be here tonight as part of this hour, this Special Order, with my colleagues, many of them health care providers, to remind our colleagues on both sides of the aisle what we have already done in regard to trying to fix the Medicare program and in the process, of course, to provide much greater care, a better standard of care, 21st-century medicine, to our seniors who deserve that and have been waiting really so long for it.

They get that entry-level physical examination so that some of these catastrophic things do not happen to them, and if they choose in January of 2006 to have signed up for the optional part D, as 96 percent have signed up for the optional part B, the doctor part, then I think we are going to see some cost-shifting in this program.

Yes, it is an expensive program. And certainly the prescription drug part is going to be a big expensive number. I do not know exactly what it is, but what I do know is that the number crunchers, whether it is within the Centers for Medicare & Medicaid Services or whether it is the Congressional Budget Office or the Office of Management and Budget from the administration that have given us a number, and we heard $400 billion over 10 years and then we heard $520 billion over 10 years, and now we are hearing 750 or 950. I do not know.

But I do know this, that no credit is given for the possibility, the distinct possibility, that because of the prescription drug benefit, because of the initial complete physical when a senior turns 65, because of the multiple screening tests that are now paid for under Medicare on an annual or every-2-year basis, and I am talking about cholesterol screening, I am talking about pap smears for women to detect early cervical cancer or ovarian cancer, I am talking about colon cancer screening, Flexible Sigmoid tests or colonoscopies, I am talking about osteoporosis screening, doing all of these things, bringing Medicare into the 21st century is going to prevent some of these catastrophic, very expensive things from occurring.

So while we are spending a little bit more money on that and maybe a lot more money finally offering a prescription drug part, we are going to save money on hospitalizations. We are going to save money on fewer days in a nursing home. We are going to prevent people from ending up with a stroke, and, yes, indeed, maybe being in a vegetative state for 15 or 20 years, and we just talked about that last week in the Congress and know how expensive that kind of care is.

So really what we have done, and I am going to close with this, Mr. Speaker, and yield back to the gentleman from Pennsylvania (Mr. MURPHY), but what we have done in modernizing Medicare and not ignoring it, as the other side would suggest, is we have done the right thing, we have done the compassionate thing for our seniors, and we have done the cost-effective thing.

And I thank the gentleman from Pennsylvania (Mr. MURPHY) for yielding to me tonight during this hour and for our continuing to do these health care initiatives on a regular basis.

Mr. MURPHY. Mr. Speaker, reclaiming my time, I thank the good doctor from Georgia for his comments, as well as the gentleman from Georgia (Mr. PRICE), the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), and the gentleman from Louisiana (Mr. JINDAL) for their comments tonight.

And noting that what we have discussed tonight as we recognize that Medicare is a program that albeit is expensive in terms of what it costs the Federal Government and taxpayers to pay for it, we believe it is worthwhile to protect and ensure the health and health care of our elderly; but we also have to note here, as even the best of programs can use better care, in this case the best of care, what we want to make sure that Members do on both sides of the aisle is work towards eliminating waste, fraud and abuse, updating the Medicare program to make sure it is providing that high-quality care, recognizing that there have been changes in how health care is provided since the 1960s when this program began, and we need to make those things work better.

We need to apply some of the changes that were recommended by the Commission on the Future of Medicare. We need to make sure that care is integrated together with examples of what I presented before, with such things as mental health care integrated with other aspects of care; making sure that we improve the system so that we have electronic prescribing that we would reduce the many medical errors that occur, reduce the about 16 million errors that occur on prescriptions every year that are written in part because we still use an old system of paper and pencil where someone may misspell a word or not be able to review it correctly or a physician cannot possibly know all the medications the patient is on, all of those things to be corrected with the major moves that were in the Medicare bill that we voted on a couple of years ago, but will begin to take effect in January of next year.

These are positive changes that I believe will help reduce the thousands of deaths, the millions of errors that occur with prescription drugs, and work for the betterment of health care in America to save lives, to save money, and to improve that.

RENEWABLE FUELS

The SPEAKER pro tempore (Mr. FITZPATRICK of Pennsylvania). Under the Speaker's announced policy of January 4, 2005, the gentlewoman from South Dakota (Ms. HERSETH) is recognized for 60 minutes as the designee of the minority leader.

Ms. HERSETH. Mr. Speaker, I rise today to engage in a dialogue with my colleagues about the policy choices that we must make in the coming weeks and months to address the energy needs and challenges that our country will face in the years and decades to come.

I believe that renewable fuels must play a central role in this debate and in the policy decisions that we in Congress will make this year. I have a strong interest in renewable fuels for several reasons. My home State of South Dakota is a major corn-producing State and one of the top five ethanol-producing States in the Nation. South Dakota alone has the capacity to produce more than 450 million gallons of clean renewable ethanol every year. This fact, of course, gives me a natural interest in renewable fuel production. That, however, is not the only reason I care about ethanol. And each of us who serves in Congress should care about renewable fuels as well.

Renewable fuels provide benefits to the economy, especially those in economically challenged rural years. They benefit the environment, and they enhance our national security. For all of these reasons, Congress should care about renewable fuels, and renewable fuels should be a major component in our Nation's long-term energy policy.

I sought this opportunity to address the House tonight to share with my colleagues important information about renewable fuels and to dispel some myths about ethanol along the way. Ethyl alcohol, or ethanol, is essentially pure grain ethanol that man has been making for centuries by fermenting and distilling simple sugars.

Today, ethanol is a fuel produced from crops such as corn, grain sorghum, wheat, sugar, and other agricultural feedstocks. Most fuel ethanol produced in the United States is derived from corn, and the industry uses a lot of it. The latest figures indicate that more than 10 percent of the U.S. corn crop is utilized to produce ethanol. Because ethanol is produced from crops or plants that harness the power of the sun, it is truly a renewable fuel. We have consistently increased our use of corn to produce ethanol every year in the United States. We are doing so because the demand for ethanol is growing and consumers are realizing its value.

The ethanol industry is growing despite the many myths that have intervened at various points in the historical development of ethanol that misrepresent the technological advancements and the state of the industry today. Some of this misinformation, or disinformation, has been promoted by opponents of the ethanol industry, and some myths have even been propagated by those in academia.

One of the most persistent ethanol myths refers to its energy balance. This myth suggests that the process used to create a gallon of ethanol consumes more energy than that gallon of ethanol contains. And despite overwhelming and irrefutable evidence to the contrary, this unfortunate fallacy persists. But the facts are clear, whether produced from corn or other grains or from biomass materials like wood waste, ethanol production has become an extremely energy-efficient process. Remarkable technological advances have occurred in both agriculture and ethanol production in recent years that have made this possible.

Farming practices today are vastly improved from what they were just a few decades ago. Gasoline-powered farm machinery has been entirely replaced by more efficient diesel engines, and the machinery has become larger. This means that farmers can produce more grain with less fuel. Some farmers today utilize global positioning satellites and no-till farming methods that also greatly increase yields and reduce the fertilizer and chemical use on fields.

The industry also has developed corn varieties that enable farmers to produce significantly larger yields on the same piece of ground. Ethanol plants are located in predominantly rural areas, close to the cornfields, and the trucks and trains that move the corn from the farm to the marketplace also become more efficient.

The technology used in ethanol plants also has greatly advanced in recent years. The industry itself has developed advanced enzymes that break down the starches in corn much more efficiently than in the past. Ethanol plants now employ molecular sieves that remove moisture from ethanol much more efficiently than old methods. They also utilize efficient natural gas burners to fuel the fermentation process.

All of these developments have significantly improved the efficiency of both corn and ethanol production and the net energy balance of the process. This efficiency is confirmed by a 2004 analysis completed by the U.S. Department of Agriculture and the Argonne National Laboratory, a U.S. Department of Energy laboratory operated by the University of Chicago.

□ 2115

These entities analyzed ethanol's entire production cycle and concluded that ethanol yields 167 percent of the fossil energy that is used to grow, harvest and refine the grain and transport the ethanol to gasoline terminals for distribution. Ethanol also can be produced from cellulose feedstocks, such as rice straw, corn stover and sugarcane residue. As we improve the technology necessary to utilize these feedstocks, ethanol will achieve an even more favorable net energy balance.

Some have, unfortunately, propagated the myth that ethanol increases the cost of gasoline. But when you examine the facts, you see that the exact opposite is true. Ethanol expands U.S. fuel supplies, competes with fossil fuels in the marketplace, and reduces the overall gasoline prices paid by the driving public.

Like many of you, I was back in my home district over the Easter work period talking to South Dakotans. We are all well aware of what the price of gasoline has done in the past few months and how it affects our constituents. The price of ethanol, however, is largely unaffected by world oil prices, and it has not experienced the increases in price that petroleum has.

Today the net cost of ethanol to refiners is below the average wholesale price of gasoline in the United States. This means that blending ethanol into the gasoline supply actually reduces the cost of gasoline by displacing high-octane petroleum components. In fact, earlier today I checked on the gas prices in my hometown of Brookings, South Dakota. Premium gasoline at the BP gas station along Interstate 29 in Brookings is selling for $2.45 a gallon. Regular gas is going for $2.35. By contrast, E–85, which is a blend of 85 percent ethanol and 15 percent gasoline, is selling for $1.88, 57 cents per gallon cheaper than premium petroleum.

American auto companies are beginning to recognize the value of ethanol as well. General Motors recently provided an E–85-capable Chevrolet vehicle to the Governor of South Dakota as part of a campaign to promote ethanol and E–85-capable vehicles. This is part of a campaign by GM and the Governor's Ethanol Coalition designed to increase awareness of ethanol and flexible fuel vehicles and to promote the increased use of E–85 as a renewable alternative transportation fuel.

U.S. ethanol plants have produced record amounts of ethanol over the last 6 years to meet the increased demand. Without ethanol our country would be even more reliant on foreign imports of oil, and the pain at the pump would be much more severe.

In the end the ethanol industry is not resting. Over the last 25 years, 81 new ethanol plants have been built, and 16 additional plants are under construction today. In that same time period, not a single new U.S. refinery has been built, and scores have been closed. While we must address refining capacity issues as part of a balanced national energy policy as well, ethanol can play an increasing role in meeting growing demand.

The chart I put up now reflects the historic development within the United States of fuel ethanol production beginning in 1980 through 2004, reflecting the point that I mentioned about how the ethanol industry is growing to meet demand in large measure based upon other policies passed by this body to promote the use of this renewable energy, and, again, in light of the technology advancements that I mentioned previously.

A recent economic analysis entitled Ethanol and Gasoline Prices, by economist John Urbanchuk, found that ethanol production adds critical supply to the U.S. gasoline market. Without ethanol, gasoline demand would further outpace domestic supply and result in a major price spike.

Specifically, the report found if gasoline is at $2 per gallon, gasoline prices would increase 14.6 percent, or 29.2 cents per gallon, without ethanol in the short term. Without ethanol, gasoline prices would increase 3.7 percent, or 7.6 cents per gallon, in the long term once refiners build new capacity or secure alternative sources of supply.

Ethanol use will boost U.S. gasoline supplies by more than 3.3 billion gallons in 2005, as they did in 2004. Without ethanol, refiners would be forced to import an additional 217,000 barrels per day of high octane, clean-burning, gasoline-blending components.

There is a reason that these numbers are so large. We already use a lot of ethanol in this country. It would probably surprise many in this body to know that today more than 30 percent of all gasoline sold in this country is blended with ethanol. Even more surprising to many, ethanol has already been seamlessly incorporated into the vehicle fuel markets in States like California, New York and Connecticut. This is because these States have to add oxygenates to their fuel to meet clean air standards, but have banned the use of a popular oxygenate called methyl tertiary butyl ether, or MTBE, because it is a known pollutant. And California is not alone. MTBE is already banned or being phased out in at least 20 States, and many more States are considering such a ban. This has forced these States to adopt the use of an alternative oxygenate, ethanol.

The California Energy Commission has repeatedly confirmed that ethanol used in that State actually costs refiners less than the gasoline with which it is blended. The U.S. Energy Information Administration has found no price impact from the recent switch from MTBE to ethanol. Even the chief economist of the American Petroleum Institute stated last year that his organization has not seen a major price impact from State MTBE bans and the resulting switch to ethanol.

As you can see, ethanol has the potential to become a more significant portion of our energy portfolio in this country today, and Congress should enact policies that recognize its value and promote even greater use in the future.

Renewable fuels benefit more than just fuel supplies and gasoline prices. The increased use of ethanol has bolstered struggling rural economies across the Plains States. A 2002 study of the ethanol industry found that with an approximate cost of $60 million for 1 year of construction, an ethanol plant expands the local economic base by $110 million each year. Ethanol production generates an additional $19.6 million in household income annually. Tax revenue for local and State governments increases by at least $1.2 million per year. The ethanol industry operations and spending for new construction added $1.3 billion of tax revenue for the Federal Government and $1.2 billion for State and local governments during 2004.

As you can see by the next map, ethanol production facilities today are located in many regions of the country, but they are concentrated throughout the Midwest and the Great Plains, and the Midwest and the Great Plains constitute a region of the country that has faced many economic challenges in recent years.

It is important to note that many of these facilities have been funded or are owned by local farmers, who use them to increase the value of their corn and profit from the sale of the ethanol and allow them to get a greater percentage of the processing part of the chain of production, rather than just the cost of the commodity, of the corn, that is brought to the facilities.

As I mentioned, increased ethanol use and the corresponding increase in the localized demand for corn raises the prices that family farmers receive for their crop. This in turn lowers Federal farm program costs and saves taxpayers money.

In 2004, USDA estimated that ethanol production reduced farm program costs by $3.2 billion. The combination of spending for ethanol plant production and capital spending for new plants under construction added more than $25.1 billion to gross output in the United States economy in 2004.

As you can see from the following chart, we are utilizing an ever-increasing amount of corn to produce ethanol in the country. This increasing amount of corn utilization also reflects an increase in the percentage of corn going to ethanol production, as the following chart demonstrates.

Rather than spending billions of dollars in oil revenues to politically unstable foreign countries around the world, we should be promoting the increased use of this home-grown fuel source that benefits farmers, families and small communities across South Dakota, and clearly this chart here that demonstrates the impact on corn-producing States like South Dakota and throughout the Great Plains and the Midwest, the economic impact, as earlier charts have shown, is evident.

Ethanol is one of the best tools we have to combat pollution caused by motor vehicle emissions. Ethanol contains 35 percent oxygen. Adding oxygen to fuel greatly enhances its combustion, which in turn reduces harmful tailpipe emissions.

Adding ethanol also displaces high toxic gasoline components, such as benzene, a known carcinogen. Ethanol is nontoxic, water-soluble and quickly biodegradable. It will not cause the groundwater pollution problems that have been linked to MTBEs.

Ethanol reduces particulate emissions, especially fine particulates that pose health risks to susceptible populations, including children, seniors and those with respiratory ailments.

Importantly, ethanol is a renewable fuel. The ethanol production process represents a carbon cycle, where plants absorb carbon dioxide during growth, recycling the carbon released during fuel combustion.

The use of ethanol-blended fuels reduces greenhouse gas emissions by 12 to 19 percent compared with conventional gasoline, according to the Argonne National Laboratory. In fact, Argonne states that ethanol use in the United States in 2004 reduced greenhouse gas emissions by more than 7 million tons, equivalent to removing the annual emissions of more than 1 million automobiles from the road.

Ethanol is widely used in Federal clean fuel programs required by the Clean Air Act, including winter oxygenated fuels and reformulated gasoline, or RFG programs, in cities that exceed public health standards for carbon monoxide and ozone pollution. The American Lung Association of Metropolitan Chicago credits ethanol-blended RFG with reducing smog-forming emissions by an amazing 25 percent since 1990.

It should be noted that when ethanol is blended with gasoline, it slightly raises the volatility of the fuel, which can lead to increased evaporation for certain emissions, particularly in warmer weather. But as is often the case, that is only half of the story. Blending ethanol and gasoline also dramatically reduces carbon monoxide tailpipe emissions. According to the National Research Council, carbon monoxide emissions are responsible for as much as 20 percent of smog formation.

Additionally, ethanol-blended fuels reduce the tailpipe emissions of volatile organic compounds which also can pollute the atmosphere. Thus, the use of ethanol plays an important role in smog reduction, and on balance is considerably friendlier to the environment than petroleum.

A recent study found that fuel blended with just 10 percent ethanol greatly reduces vehicle emissions. The use of E–10 results in a 50 percent reduction in tailpipe fine particulate matter emissions, up to a 30 percent reduction in carbon monoxide emissions, a 13 percent reduction in the amount of toxins emitted, and a 21 percent reduction in the potency of these toxins. Because of its demonstrated benefits to our water and air quality in this country, Congress should enact policies that promote the increased use of clean-burning ethanol as part of a broad national energy policy.

Ethanol also can provide significant benefits in the area of energy security. Over the past several years, we have become increasingly dependent on imported petroleum to meet our energy needs. The U.S. imports about two-thirds of its oil, and some experts predict our dependence upon foreign crude oil could climb to 70 percent in the years to come. Much of this oil will come from the Middle East. Fears of additional terrorist attacks have added a risk premium to world oil prices. At the same time, developing nations such as China and India have increased their demand for oil As a result, world oil prices are on the rise.

Just last week a study released by investment bank Goldman Sachs declared that markets have entered what they describe as a "superspike period" that could enact 1970s-style price surges that drive oil prices as high as $105 a barrel. If this occurs, it will have an even more devastating impact on farmers and ranchers, small business owners, working families, commuters, transportation companies and airlines, and the overall impacts on the national economy will worsen.

As a domestic renewable source of energy, ethanol can reduce our dependence on foreign oil and increase the United States' ability to control its own security and economic future by increasing the availability of domestic fuel supplies.

As I just noted, the U.S. imports 64 percent of its petroleum needs today. By 2025, the Energy Information Administration predicts the U.S. will import 77 percent of its petroleum.

World demand for oil will continue to increase, particularly in response to the emerging economies in China, India and Brazil. If, as predicted, U.S. domestic oil production fails to keep pace, petroleum could become so expensive that we will be forced to look for other sources of energy and new technologies to deal with these challenges.

□ 2130

Renewable fuels such as ethanol and biodiesel can be part of meeting these goals. They are grown here at home and are virtually infinite renewable sources. Increasing production here at home, especially from renewable sources, will make us a safer and more secure Nation.

Creating a viable renewable fuels industry in the United States must be a central component of our comprehensive national energy policy. The ethanol industry has shown that it is capable of providing a significant contribution to our Nation's energy needs. It is incumbent upon Congress to implement policies that promote the development and production of ethanol and other renewable fuels.

The ethanol industry is growing, as I have mentioned, to meet the demands of the marketplace for clean renewable fuels. And as this table shows, many States have responded to that call, as other States look to ethanol production as an increasing component of economic development. This table indicates current ethanol production capability and facilities and also reflects those currently under construction, and the overall amount of production capacity that the ethanol can withstand with current facilities and those that are in the planning stages and under construction today.

So in addition to the over-3.6 billion gallons of current production capacity, existing ethanol plants undergoing expansion and the 16 new plants under construction will add an additional nearly 750 million gallons of production capacity.

This continued expansion in ethanol production is necessary to meet the growing demand for alternatives to MTBE. The Federal ethanol program is providing economic stimulus to rural America, adding jobs, reducing the United States dependence on imported energy, reducing our bloated trade imbalance, and lowering auto emissions in our Nation's cities. All of these benefits accrue while consumers realize lower fuel prices at the pump for gasoline blended with ethanol.

In the coming weeks, this body will be debating and hopefully passing a comprehensive energy policy that will address the long-term energy needs of the country. Because of the obvious and proven benefits that domestically produced ethanol and biodiesel provide, our national energy policy should encourage the increased production of renewable fuels across the country.

Although the energy bill that the House passed last year did contain a renewable fuels standard, it was not adequate to meet the needs of the growing industry and adequately incentivize renewable fuels production. For that reason, in the upcoming days, I will be joining with a bipartisan group of colleagues in introducing the Fuels Security Act of 2005. This legislation, identical to a bill introduced in the Senate a few weeks ago, recognizes the benefits of ethanol and biodiesel and would promote their production in a realistic and economically viable way. It would provide benefits to rural America, benefits to our national energy security, and benefits to the environment without disrupting fuel supplies or increasing the cost of motor vehicle fuel.

Specifically, our bill will accomplish several things. It sets forth a phase-in for renewable fuel volumes over 7 years, beginning with a 4 billion gallon requirement in 2006 and ending with 8 billion gallons in 2012. It contains an escalation clause that would allow for increases in the renewable fuels requirement beyond 2012. It creates a credit program for refiners, blenders, or importers who exceed minimum obligations, thus allowing them to trade these credits with other refiners and minimize market disruptions.

Importantly, our approach does this in a way that would not enable excess credits to overhang the market and enable refiners to stymie the goals of the renewable fuels standard. It promotes the production of non-corn ethanol by crediting 1 gallon of cellulosis biomass ethanol to be equal to 2.5 gallons of corn-derived ethanol. It authorizes the EPA, in consultation with the Secretary of Agriculture and the Secretary of Energy, to waive the renewable fuels mandate for any State that would experience severe economic or environmental harm from the mandate, or where there is inadequate domestic supply to meet the requirement. And it eliminates the 2 percent oxygenate requirement for reformulated gasoline under the Clean Air Act and ensures that fuel performance standards and toxic emissions limits under the Clean Air Act continue to be met.

Mr. Speaker, this is a reasonable approach to promoting these fuels, and it will provide benefits to our country for years to come.

I now want to turn time over to my distinguished colleague, the gentleman from the State of Nebraska, who serves with me on the Committee on Agriculture who has been a leading proponent of ethanol production in the State of Nebraska and throughout the Great Plains to the benefit of the country. So I yield to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Speaker, I thank the gentlewoman. She has done an excellent job of describing some of the benefits of the ethanol industry. I wish to join her and the gentleman from Iowa (Mr. KING) and others in introducing the Fuels Security Act, which will be introduced in the House next week.

Mr. Speaker, in 2004, the United States produced 3.6 billion gallons of ethanol. A couple, 3 years ago, that would have been an unheard of amount. At that time we were producing less than 2 billion gallons of ethanol per year. Yet this year, 1 year later, in 2005, that 3.6 billion will go to 4.5 billion gallons. So the ethanol industry is really ramping up. There are a lot of new ethanol plants out there and a tremendous amount of product that is being produced. Roughly one-third of the fuels in the United States today are blended with ethanol. So we have gone from maybe 5 or 10 percent, roughly 30 percent, a tremendous increase.

There are currently 20 States that are now producing ethanol. At one time, it was assumed that ethanol was the product of only two or three or four corn-producing States. Now we see ethanol plants in places like California, Kentucky, and other States around the country. Eventually, I would hazard a guess that probably all 50 States at some point will produce ethanol.

The thing that we need to realize is that ethanol can be produced from almost any type of biomass. It does not have to be corn; it does not have to be sorghum. It can be switch grass, in some cases it can be garbage, it can be a lot of things that we are trying to get rid of. So we think that the industry is something that can definitely be a tremendous benefit to the Nation as time goes on.

As the gentlewoman from South Dakota mentioned, the ethanol industry significantly reduces the price of gasoline. I think almost every American today is feeling the impact of high fuel prices. So based on $2 a gallon, and almost all of us realize that it is more like $2.22, but if it is based on $2 per gallon, if you took the ethanol industry out of the picture, gasoline would go up 29 cents. So a $2 gallon of gas would be $2.29. So if you are paying $2.20 in your home community, that means that if ethanol went away, you would be paying roughly $2.51, $2.52 a gallon; something like that. So ethanol produces a benefit for everyone; whether you burn ethanol in your tank or not, it is important to the economy.

As was mentioned earlier, refiners would have to import an additional 217,000 barrels of high-grade fuel per day if ethanol disappeared. That would be very, very expensive. As my colleagues know, just normal petroleum is $56, $57 a barrel, and high-grade would be even higher than that. Currently, imports of petroleum are a major drag on our economy. Probably the number one thing holding our economy back is the amount of money that we are spending on petroleum from other nations. We are importing roughly 55 percent of our petroleum, and so ethanol moves us away from that. It is not the whole answer, but it certainly is a very significant part of improving the economy.

Currently, ethanol uses roughly 11 or 12 percent of the U.S. corn crop. Last year, we had a record crop of 12 billion bushels. Now, if we had not had ethanol using up about 11 or 12 percent, we would have had a tremendous hit in our prices. As it was, corn went from $2.60, to $2.70 a bushel down to about $1.85, $1.90 at the low. But if it was not for ethanol, we would have seen that down around $1.50, $1.40, because ethanol adds about 25 cents to 50 cents per bushel for the farmer, and we think this is tremendously important to the farm economy. As we will see here in a minute, this has an impact on the farm payments that are laid out by the average taxpayer. So as the corn price goes down, farm payments go up. And when farm payments go up, the taxpayer is hit harder. So again, ethanol certainly is good for the taxpayer.

As has been mentioned previously by the gentlewoman from South Dakota, the environment certainly benefits from the ethanol industry. I believe that she did mention that tailpipe emissions are decreased by roughly 50 percent. Carbon dioxide emissions, which are very harmful to the ozone and the environment, are reduced by roughly 30 percent; and it is estimated that greenhouse gases are reduced by something like 7 million tons, so 7 million tons come out of the atmosphere because of ethanol; and we think that is a tremendous benefit.

As was mentioned earlier, at one point, we had a 2 percent oxygenate requirement for our fuel. So the oxygenate requirement was met by two different fuels. MTBE provided a little bit more than 1 percent of that 2 percent, and ethanol provided about eight-tenths of 1 percent. MTBE has been proven to pollute ground water, so roughly 20 States have now outlawed MTBE; and as a result, something has to fill that void and that is where ethanol has come in to play.

At the outset, many people said ethanol will never be able to produce enough gallons to fill that void, but there has been a ripple. We have found that ethanol has been transported to California, to New York, other places where it was assumed that it could never be adequate to fill the demand, and we have seen that supply filled very adequately.

As was mentioned, the legislation we are proposing removes the 2 percent oxygenate requirement, which has been very burdensome in some areas, and we think that that flexibility will be very helpful to them. The economy, of course, benefits. We would assume that something like 150,000 new jobs will be added each year because of the ethanol industry; and over the course of this bill, between 2005 and 2012, roughly 243,000 new jobs would be created. It will add roughly $200 billion to the gross domestic product between 2004 and 2012, and the biggest thing that I see right now as far as trade is the thing that is causing a huge trade deficit is basically our imports of petroleum products.

So the ethanol industry reduces that trade deficit by about $5 billion a year and between 2004 and 2012, it will cut that trade deficit about $64 billion. So that is a huge impact on our economy.

So we are doing better with ethanol. But we can do better yet, because Brazil currently mandates 25 percent of their petroleum come from ethanol. Of course, Brazil also is a major exporter to other countries of ethanol. As was mentioned earlier, we currently, I think in Nebraska, which I represent a big part of that State, we have 5 E–85 stations which are stations that pump 85 percent ethanol. And those gallons are roughly 40 to 50 percent, or 40 to 50 cents cheaper per gallon than standard gasoline. As time goes on, we are going to see more and more of this occurring.

The other thing that I might mention is that the ethanol industry has a by-product. Besides ethanol, you are producing usually feed for animals from the by-product, but the thing that many people do not realize is the spinoffs from the ethanol industry are going to be huge. Some of the by-products that we are going to have, Creatine, which is a muscle-building substance which is safe, can be used, can be made from some of the residue. Biodegradable plastic in the wet milling plants are being created. So I think as time goes on, biotechnology is going to be important, and we will see a huge benefit from the overall ethanol industry.

I might also mention that biodiesel is going to be a major part of the legislation that we are introducing. And, of course, that usually uses soybeans in production. But biodiesel is going to make diesel fuel cheaper, more efficient, and will cause much less wear and tear on diesel engines. So we think these things are all very important.

□ 2145

I am going to now turn to just a couple of visuals. As was mentioned earlier, one thing that so often people do not understand about ethanol is the assumption that it takes a lot of energy to produce ethanol. But what we see here is that for every unit of energy that goes into the manufacture of ethanol, you get 1.4 units of energy out.

And so what that means is that in order to run a tractor to plant the crop, to run a combine to harvest the crop, to run the refinery to make the ethanol, if you are going to pump some water out of the ground to irrigate, these are all of those energy costs which are usually petroleum fuels, which we would have to do with gasoline, or diesel or propane or whatever.

So you get a net gain of four-tenths of a Btu. And in contrast, if you look at a gallon of gasoline, for every unit of energy that you use, you use 1 Btu, you get eight-tenths of a Btu back after you have processed and refined the gasoline. So you lose energy. It is a net loss instead of a net gain.

If it is MTBE that you are after, you get actually only .67 Btus back from 1 Btu of energy. So the reason for that, again, as was mentioned earlier, is that here we are harnessing the sun, it is renewable fuel, and so that gain that you get is from solar energy that is converted into fuel. And we think that is an interesting thing, it is an economy, and it certainly benefits the environment as well.

Just a few other facts and I will point out here before I yield back. The ethanol energy will add roughly $51 billion to farm income over 10 years. And Mr. KING and Ms. HERSETH and I all come from ag States, and the farm economy is struggling in most cases. Some people are doing pretty well, but a lot of people are marginal. In the State of Nebraska at one time we had 135 million farmers. Today we have roughly 48 million. And so all of those people have gone out of business because it is simply not very profitable. So when you find a value-added product that will add $51 billion to farm economy, this is something that we think is very, very important.

We mentioned that it will reduce government farm payments. Many people in urban areas do not like to see some parts of the farm bill. They do not like to see the price supports. Well, what has happened here is because the ethanol industry raises the cost of corn, the price of corn, by 25 to 50 cents a bushel, that means that as those prices get higher, there is less farm payments, because you do not have to make up the loan deficiency payments. So as a result there is the benefit of about $5.9 billion in less tax dollars in the farm bill over the course of 10 years.

We mentioned that it reduces the trade deficit by roughly $34 billion, and that is over a period of time, and significantly reduces air pollution. As we mentioned, 7 million tons of greenhouse gases would be reduced each year. So some of this is a little redundant, but it does not hurt to repeat it.

I am sure that Mr. KING will say a few of these things over. But we feel that we have a good piece of legislation here. And I would like to thank the gentlelady for being part of this, for hosting this this evening, and for her part in introducing the legislation.

Mr. KING also has been certainly a very strong proponent of renewable fuels. And so we hope to work together, and we hope to convince enough of our colleagues, many of whom are from urban areas, and many of whom have been imbued with the idea that ethanol is sort of a giveaway to the rural States, that this really is a win-win, this is something that is good for all of us, and it is certainly good for the country.

Ms. HERSETH. Mr. Speaker, I wanted to thank the gentleman from Nebraska for sharing his insights as it relates to the state of the ethanol industry today, its capacity to meet our national energy needs, particularly in pointing out not only the use and the importance of the byproducts generated from ethanol production, and making specific note of how the legislation we intend to introduce affects biodiesel production as well, and encouraging our colleagues from urban areas to take a renewed look at ethanol.

I now would like to yield as much as 18 minutes or as much as he would like to consume to the gentleman from Iowa (Mr. KING), who clearly has been a leading advocate as well as introduced other important legislation in this Congress and in prior terms important to renewable energy and to ethanol.

Mr. KING of Iowa. Mr. Speaker, I thank the gentlelady from South Dakota especially for asking for this floor time tonight and bringing us together to talk about this important issue of ethanol.

And while I have the opportunity to say a few words here, while my esteemed colleague from Nebraska is in the Chamber this evening, I wanted to take the opportunity to point out that one of the byproducts in biodiesel is a glycerin product, and the closest thing I can identify on the market is Cornhusker's hand lotion. We will have millions of gallons of that as we produce our biodiesel, and we will be looking for some more markets, because I am not sure that there are enough hands to consume all of that Cornhusker's lotion.

But I think that expresses some of the bipartisan nature that we have in this. It is a regional issue very much as well. Us in the Corn Belt have led on renewable fuels, and the ethanol industry had to go through a lot of growing pains to establish an industry.

I happen to have yesterday shaken the hand of the individual, and he is in the Iowa Senate, his name is State Senator Thurman Gaskill. It was his birthday yesterday; he turned 70 years old. He is the man that actually pumped the first gallon of ethanol in this country. And it was a unique circumstance to be there to eat a treat, to celebrate his birthday, and shake the hand that pumped that first gallon of ethanol in the United States of America. It has been a long, hard slog to get here, where with the industry in ethanol. They have blazed the trail for biodiesel.

As I have watched this come together, and I have watched the leaders in the industry have this vision that said we can take this corn product, and we can turn it into a fuel product that is clean, and it is safe, and it is kind to our air and our water, and it is kind to our engines. And as I listened to many of the stories that come out when people were concerned about the impact on their motors, and there was some old motors that had rubber products in there that did break down with ethanol, that is essentially a thing of the past. And those objections and complaints pretty much drifted past the wayside.

But I have some things that I would like to go through to address some of this, and as the coach said, most has been said; I will probably say a few over again. But it does pay to repeat some of them.

In the past 20 years, Iowa has led the biofuels industry to become one of the most important players in the search for renewable, home-grown energy resources. And if I described the district that I represent, it is roughly the western third of Iowa. And if you would draw a line there from, say, go to the South Dakota-Iowa border, and then go through counties over to the east, and from there on that Minnesota border draw a line straight down to Missouri, that roughly western third of Iowa would get most of the district that I represent.

In that district there are 32 counties, and those 32 counties, among them are six operating, functional ethanol plants, most of them with 40-million-gallon-a-year annual capacity or above. Some have grown up more than that.

And in addition to that, we have at least one other ethanol plant that is under construction in Denison, Iowa, which is right within about 2 miles of where I grew up. That product will be up—that plant will be up and on line fairly soon. We have three others that are on the drawing board.

And while I have this opportunity to say so, I think that the plant in Denison is unique in its character. It sits just down the river a little ways from the original Iowa Beef Packer's plant that is still up and running, and that was built in 1961. And there they will be producing ethanol. They will be able to ship it by rail or by truck. There is already a grain facility there that the producers are used to bringing grain to with large storage capacity. And the unique nature of this plant is it has gas, it has water, it has rail. It has an airport there within just a little over a mile of the ethanol plant.

I pointed out on the day that we did the ground-breaking ceremony to the amazing energy plant there in Denison, as I looked at the board of directors all sitting there under the tent, and I explained to them that they had made a good business decision, and I was not sure that they realized how good that business decision actually was, because you have the corn there, and you have all of the things that I have described, it is all of the components that you would want for an ideal location as well as plenty of corn around the region, but additionally they are going to be producing a dry distiller's grain that some used to think was a byproduct, but certainly it is a very, very valuable animal feed product. And I advised them that they didn't need to load that dry distiller's grain out on trucks and haul it off and market it somewhere to some of the other feeders. I suggested that they just set up an auger and put in a row of feed bunks, and line those bunks up on up river, and within about a half a mile they could bring those calves in, and they could start feeding those preconditioned calves right there at the ethanol plant, and they could just kind of walk sideways a little ways, and the more they gained, the further away they would get from the plant. And eventually they would fatten out at about 1,200 pounds, and they could walk across the road right into the beef plant. The best place in the world that you can put an ethanol plant.

And I would add, though, that when you go into those plants that are up and running, and the efficiency is there, the cleanliness, the state-of-the-art technology, that art technology that used to belong, that technology that used to belong in the hands of ADM and Cargill, and they certainly have that technology as well. But it is being developed by good engineering companies in the Midwest, companies that are working with farmers and producers and keeping that capital and invest it back into the hands of the people that have to make a living off of the land.

But the efficiency that is there, as the energy efficiency, and it used to be the argument made that we would burn more energy producing ethanol than we actually produced, and that equation went the other way a long time ago. And we are up to about 2¾ gallons of ethanol out of every bushel of corn, and then take the dry distiller's grain, and then ship that out and feed that to livestock without really a net loss in that feed value.

It is really something to see when you see a line-up of trucks coming into an up-and-running ethanol plant, and they are coming in dumping grain, and they dump that grain in the pit, it goes up, and it goes on up to be produced into ethanol. And there are other trucks lined up in the other lane loading out dry distiller's grain, corn coming in, turned into ethanol, ethanol out on the rail, dried distiller's grain going out sitting right beside it, some coming in with corn, others hauling dried distiller's grain out. It is efficient. It is almost the perfect symbiotic relationship for a corn producer to see that kind of production go on.

And so there in the district, the day that I went up to do the ground-breaking ceremony in Sioux County at the Little Sioux Corn Processors, it was a chilly day, and we went up there and turned over a spade of dirt and celebrated the beginning of a new value-added operation up there.

And when I left I drove south, down through Buffalo Ridge. And there, in Buena Vista County, there were, at that time, there were 259 wind chargers standing there on the ridge. Today there are at least 359 in that same region. And then just a little further south, there is the ethanol plant at Galva. And as the crow flies, I believe it is 18 miles, two ethanol plants, 359 wind chargers.

We have become, in western Iowa and in much of the Corn Belt, an energy export center, something that was not conceived of 10 years ago, not visualized 6 or 7 years ago, but today is a reality. And, in fact, in the district that I represent, these 32 counties, those six up-and-running plants, the one more under construction, and it looks like three more likely can go, we will be, within 2 years, to that position where we can say we have built all of the ethanol production that we have the corn to supply, another astonishing accomplishment.

And as I watch the biodiesel come behind this, the biodiesel that has looked at the trail that is blazed by the ethanol producers, those people like Thurman Gaskill that pumped that first gallon of ethanol, and they see that pattern, that path that has been set by ethanol, and because of that, biodiesel is stepping in that path and they are following it.

And, in fact, here just a few weeks ago, I had the privilege to be at the kick-off ceremony for the fund-raising drive to build the biodiesel plant at Wall Lake, Iowa, and that happens to be about 8 or 9 miles from where I live as the crow flies. And there were maybe 100 to 150 people, and I thought they all came to have a little lunch and hear a presentation. And I was asked to give a speech, and I gave one. Had I known how much investors were sitting in the room ready to invest in the capital fund drive, I would have shortened my speech up and gotten out of the way.

They began their capital fund drive that day with a significant response, and in 9 days raised the capital necessary to get the biodiesel plant off the ground and get it rolling. And it will be producing biodiesel out of soybeans and off of animal fat. And that is a byproduct that can be put to better use.

So the biodiesel, remember, has a lot of versatility in it as well. We all know that America can no longer afford to depend on oil that flows from unstable sources and unreliable partners. Oil has reached almost $60 a barrel, and with world demand for oil increasing at an explosive rate, it is likely we may never see low oil prices again.

□ 2200

Clearly, this Nation is too dependent on foreign sources of oil, and even a brief rundown of the facts is a sobering exercise.

Two-thirds of the world's known oil reserves are located in the volatile and increasingly violent Middle East, while America's domestic oil reserves have declined 20 percent over the past 15 years.

American taxpayers today spend more than $50 billion a year just to protect Middle Eastern oil supplies. This is the cost of our energy, too.

Today, the U.S. is importing more than 62 percent of its oil, and that number is expected to hit 77 percent in the next 20 years.

Yet there has not been a major new refinery built in the U.S. since the Bicentennial.

So, recently, the Renewable Fuels Association announced that January's ethanol production set an all-time record high in production. U.S. fuel ethanol reached 320 million gallons in the month of January. The previous high was 312 million, just the month before in December.

U.S. ethanol industry set an all-time monthly production record this last January now of 241,000 barrels a day, and that is an astonishing amount of production. We have a long ways to go before we get our production up to the point where we can meet the demand in this country, not just at the 10 percent rate or the 30 percent rate.

As the gentlewoman from South Dakota pointed out, we have a market out there for E-85, and E-85 uses a lot more renewable fuel; and it takes a lot more pressure off our imported oils from overseas. It is a lot better for our environment, for our air and our water; and it is something that has been my life's work in soil conservation work, water quality and air quality in preserving our resources. This is something that is good for all of us. It is good for all Americans.

It is one of those issues that when you first pick it up and look at it, it looks good, and you hear some criticism, you find the answers to that and it looks better. Each time you turn this ethanol and biodiesel, the renewable fuels package around, you can see it does more and more for us.

By the way, the balance of trade, we watched our balance of trade, that deficit number get larger in the red over the last several years. A year ago, we were looking at a minus $503 billion of balance of trade, red ink. That is how much product we purchased overseas greater than the amount we exported.

Last February 10, we got our new numbers for the balance of trade. It is now a minus $617.7 billion of more goods that we imported than we exported.

But the ethanol industry, the renewable fuels industry, but ethanol itself will change that balance of trade to the tune of $5.1 billion that will reduce the amount of foreign oil that we will have to purchase.

So this fits in very well with our economics. It fits in very well with our taxes. It fits in very well with our air and our water and our environment. It is something that is good for rural America, good for the Corn Belt, and good for the cities, especially for their air quality. It is a replacement for MTBEs.

That is something I wish we had done a long time ago. It would save this Congress a lot of grief that we will be facing in how to deal with the MTBE issues.

It is time to move forward and solve this problem. I ask for support on this bill. We will be rolling it out here next week, and I am glad to be a part of it. It is something I have a lot of energy and passion for.

I thank the gentlewoman from South Dakota for her efforts.

Ms. HERSETH. Mr. Speaker, I thank the gentleman from Iowa (Mr. KING) very much for sharing his perspectives based on historical development of the industry, the challenges that we faced in the past and clearly the opportunities that we have today and in the future to utilize ethanol and other renewable fuels as part of a national energy policy. I appreciate as well his thoughtful insights as it relates to the investment in rural America, the impact in a positive way on rural communities, how rural America has stepped up as well to provide capital for investment in the technologies that are necessary to begin and expand and construct the ethanol facilities.

Also, the points made about the potential impact, the positive impact that ethanol production and increasingly utilizing renewable energies and our national energy policy and increasing the blend that can have on our trade balance, as well as clearly the positive environmental impact of ethanol and renewable energy.

So I want to thank again both my distinguished colleague, the gentleman from Iowa (Mr. KING), as well as the gentleman from Nebraska (Mr. OSBORNE) for their prior work and their commitment to ensuring that renewable energy is a core component of our national energy policy, demonstrating not only the regional support but the bipartisan support for the legislation that we will be introducing.

Renewable fuels such as ethanol already constitute, as we have shown, a significant portion of our Nation's energy portfolio. They reduce the cost of petroleum and are home grown, clean, efficient, and economically beneficial to rural America.

Mr. Speaker, I ask my colleagues not to believe the myths and misinformation of the past, and to fairly evaluate or reevaluate the role of ethanol and other renewable fuels as a core component of our national energy policy.

I firmly believe that Congress must enact policies that will facilitate the positive impact of the renewable fuels industry because it will, in turn, benefit the entire country.

We will be introducing this legislation in the coming days, and I urge my colleagues to join me in supporting this important initiative, to join their colleagues such as the gentleman from Iowa (Mr. KING) and the gentleman from Nebraska (Mr. OSBORNE) and a number of others who will introduce this legislation.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. FITZPATRICK of Pennsylvania). Under the Speaker's announced policy of January 4, 2005, the gentleman from Ohio (Mr. RYAN) is recognized for 60 minutes.

Mr. RYAN of Ohio. Mr. Speaker, I appreciate the opportunity to be here. I have a slight cold so please forgive me, but we are back with the 30-something Hour, and I will be joined by my two colleagues from Florida here in a few minutes.

We want to continue this debate that we have been having in the United States over the past several months, a debate that the President has initiated in saying after the campaign that he wanted to have a national discussion in regards to the issue of Social Security and the Social Security solvency and where Social Security is going to be in the next few years and the kind of changes that we have to make in the country in order to deal with it.

Those of us on this side, and I think many on the other side, have very many concerns about this because Social Security, quite frankly, has been one of the most successfully administered Federal Government programs in the history of the United States of America.

We have talked over the past few months on how Social Security runs with only a 1 percent administrative cost. So there are a lot of government programs I think we all agree in this Chamber and across the country that are inefficient, that are ineffective, that maybe do not work, that maybe take too much money without getting the kind of results that we ultimately want.

Social Security is not one of those programs. Social Security has been an enormous success, and I think what is great really about Social Security in trying to advance this argument, I think why the President is having so much difficulty is that Social Security is a program that touches all of our lives.

We here in the 30-something Caucus watched our grandparents receive Social Security, and the story of my great-grandfather when Social Security was first implemented, he could not believe when he got to America that he could retire and walk down to the end of the driveway and get his Social Security check and he would have dignity in his final years.

This program has been successful, and the President is having great difficulty making an argument that we need to somehow radically change the Social Security system.

The President's proposal is to say that those of us who are in our 20s and 30s and 40s, instead of putting our percent, our 6.2 percent into the Social Security system, will be allowed to divert a certain portion of that over into some private annuity or private account that we would be allowed to set up, and there are all kinds of math involved in this in the President's proposal that lead to someone who does put money into a private account to not receive the kind of benefits that they thought they were going to get in the first place.

But the main point is this: the Social Security system, the Social Security program may need change, may need to be tweaked, but it does not need to be privatized, and the President's plan does not fix the problem. It in no way, shape, or form fixes the long-term solvency issues that Social Security has, and there are many other ways we can go about fixing this program. It is good until 2042, into 2050 and even after that you will still get 80 percent of your benefits if we do absolutely nothing.

So there is no need to get crazy. There is no need to get crazy and try to make some radical changes to this program like privatizing it and somehow jeopardize and slash benefits for our seniors and our grandparents and our parents.

I am joined by the gentlewoman who has been on all the talk shows over the past few weeks and did a fantastic job. I yield to the gentlewoman from Florida.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I thank the gentleman from Ohio (Mr. RYAN), and it is good to be here with you once again.

Quite honestly, it is good to be here to talk about once again an extremely important issue and that is Social Security. I can tell you that I wish that that is what we had been able to talk about for the last 2 weeks as opposed to some of the other issues we have been focused on, but I am glad we are able to refocus again.

What we have been trying to do in our 30-something Working Group over the last several months and prior to my arrival here in Congress, you and our other colleagues have done yeoman's work on getting the message out about the facts as its relates to Social Security because our generation, your friends, my friends, when you go home and you sit down and you are having coffee or you are having a beer, which we may occasionally do among our friends, and the conversation may turn to whether you think or your friends think that there is going to be Social Security there for you when you retire. Most people our age, they believe the myth that has been put out there by the President and by the leadership of the Congress. They believe that Social Security will not be there.

My colleague and I being in our 30s and we are trying to get the word out to other people our age across this country, the solvency issue to which you just referred, literally, before there is even a concern about a potential drop in benefits, is not for 37 years from now, at the earliest. More likely, 47 years when in my case, I will be 75 years old in 37 years and 85 years old in 47 years, long past retirement age, long past the point after which I would begin collecting Social Security.

So like my colleague said, we are not suggesting that there is not a problem that needs to be addressed. What we are suggesting is that there is not a crisis; that there is no need to sound the alarm bells; that we need to make sure that we approach this problem responsibly; that this is a 70-year program of success, probably the most successful program in our Nation's history, established as an iron clad safety net that no one should have to worry about it being there upon their retirement, which is why that if we are going to make changes, which we should to ensure its long-term solvency, that we take the time to do it correctly and responsibly and not rush to judgment and not make drastic changes which privatizing Social Security, I think by anyone's definition, would be drastic.

We have got to make sure that we preserve Social Security into the future, and what is ironic is that most of the talk coming from the White House and in the leadership of this body has been about privatizing Social Security, setting up private accounts, and this has just been mind-boggling to me because, like you said, privatization does nothing to deal with the solvency issue. We could privatize Social Security, and all we would be doing is adding to our deficit and putting our Nation more in debt than we already are, and we are badly, badly in debt.

So you can go that far and still have to address Social Security solvency problems, and we need to make sure that we responsibly make changes to preserve Social Security into the future.

□ 2215

Mr. RYAN of Ohio. Absolutely.

And, Mr. Speaker, when you just look at how the privatization process would be set up, you are actually taking money that would be going into the system out away from the system. And we do not even know, and the President's proposal from all the ones I have read, is that the 4 percent that I would be able to take and move into the side account, the business match will not go into the Social Security account either. So you put in your 6.2, the business puts in theirs, but if I divert 4 percent, then that is 4 percent less that the employer has to put in. So you are talking about taking out trillions of dollars. And I think if there is one point we want to make tonight, that will be it.

We brought our handy-dandy charts here. Privatization equals massive borrowing. There is only one way to fill the gap. We do not have money to plug a $2 trillion hole. And it says in the first 10 years of the plan, anywhere from $1.4 trillion to $2 trillion in borrowing, and over the next 20 years it will be $5 trillion that we will have to borrow just to plug holes in the President's plan. We are running a $400- to $500 billion trade deficit in a year, and we are going to go out and borrow $5 trillion? Where are we going to get $5 trillion to plug the hole in the Social Security plan? We are borrowing the money from foreign countries, and we are shifting the burden on to the next generation. It is irresponsible. It is lunacy. There is no reason to have to do this. So, again, push the taxes off.

Now, this is the chart I like, and Tom Manatos, from our staff, is responsible for this. This is it. The national debt, my colleagues. There are so many numbers here. And this is always changing. You can go to the United States Treasury Web site, and this ticker here will keep going and keep adding, but it is $7.7 trillion. And we are going to go out and we are going to borrow $5 trillion? This is our debt now, almost $8 trillion. And if the President gets his way and we have to implement the private accounts, we are going to go out and have to borrow $5 trillion, which is more than half the national debt that we have right now.

But here is the number you will love the most, your share of the national debt. Your share, one person sitting at home right now, if you are sitting there or if you are born today, you owe $26,000. That is what you owe because we spend more than we take in. Now, if we are going to add $5 trillion to this over the next 20 years, this number will almost double.

So when you think about a baby that is born today that owes this, and if we keep going at the rate we are going, running $500- to $600 billion annual deficits, and this number keeps going, and we are out borrowing money and paying more interest on it, and you live your whole life and this number keeps going up, and then at 18 you go out and borrow money to go to school, to get a bachelor's degree, master's degree, Ph.D., become a lawyer, you are going to borrow more money, what does this number look like? How are we providing opportunity for our children in the next generation?

We are being irresponsible here. The gentleman talked earlier here about the trade deficits and how we have to balancing those off and balancing the budget, but we are not being very kind to the next generation coming up.

Mr. Speaker, I yield once again to my colleague.

Ms. WASSERMAN SCHULTZ. I thank my colleague, Mr. Speaker.

I think that statistic and those two numbers there are so illustrative. They really are. People can feel, touch, taste and understand what $26,000 means. For every single person, including an infant in this country, that is their share of the national debt.

I think people have a harder time, though, I mean none of us literally have an understanding of what $7 trillion is; $7,781,336,014,734.14. That is the national debt.

Now, what does that mean? If you are going to try to break it down into what $7 trillion is like, and there are people actually out there figuring this stuff out to try to translate that concept of a trillion dollars into more understandable bites of information, for example, if you stacked a thousand $1 bills, you took a thousand $1 bills and stacked them on top of each other, $1 million would equal 1 foot high of thousand dollar bills. That is how high.

Mr. RYAN of Ohio. One bill that equals $1,000 stacked. Okay.

Ms. WASSERMAN SCHULTZ. Right. Stacked up would equal a foot. A billion dollars would equal the height of the Empire State building in New York. One trillion dollars, stacked up on top of each other, would be a thousand times the height of the Empire State Building.

So if you are trying to think about how much $7 trillion is, that is how large that number is. That is not something that almost anyone can get their arms around. And think about the unbelievable irresponsibility that that is, and that there currently appears to be almost no regard for that problem and how to deal with it, and no focus here on how we are going to get a handle on the sheer size of that number and shrinking it, and no realistic proposal; only conversations like that of privatizing Social Security, which are going to make that number ever larger. It really starts to boggle your mind.

Yet, when we go home, as we just did, and I spent the last couple of weeks at home going around my district and had town hall meetings. I had a town hall meeting in my district on Social Security, and it appeared as though there is an inverse relationship between the more the President talks about his vague outlines of a proposal and the more people hear about his vague outlines of a proposal. They are moving in opposite directions.

In fact, for our age group, which is his target audience, because he has been assuring people 55 and over they will not have to be concerned about their continued checks and the continuation of Social Security for them, and if you believe that, which I found in my district, and I have a very large population of senior citizens who are Social Security recipients, they are very, very skeptical about how a program the size of Social Security, with as monumental a change as this would be, how it is that they can be assured that a monumental change like that is not going to affect them.

So there is a healthy amount of skepticism as it is, but the target audience, which is our generation and people younger than 30 years old, the polling that has come out recently, and the Pew Research Center did a March 24 poll, which shows support for private accounts among young adults absolutely plummeting. The more young people have heard about this proposal, the less they like it. They are more than twice as likely to oppose private accounts when they have heard a lot about it. And that is illustrative of the inverse relationship between the President's canned town hall meetings, for lack of a better term. Because what we have been doing out in our districts, as Democrats, we are not ticketing our events. We are not hand-picking the audience. We are saying, come on in and talk to us about Social Security. Let us talk to you about what we hear about this proposal, and you tell us what you think.

What is going on in the President's meetings is he is saying, do you agree with me? Oh, okay, you can come in then, and booting people who do not agree with him. That is really not very democratic. It does not show a real ability or desire to actually get input. It is more my way or the highway politics, which is not the way we should be shaping this debate.

Mr. RYAN of Ohio. And that is not the way we did it in 1983. And everyone has been talking about this monumental national discussion and Tip O'Neill sitting down with President

Reagan and Bob Dole, and we had all the great political figures of that generation coming together to say we are going to put politics aside, and we are going to fix the problem.

And we are not here to bash the President or to bash the Republicans or to bash anybody, but we are here to say we have issues here that are going to affect the long-term interest of the country. In many districts across the country we are losing manufacturing jobs. One of the main problems we have with this whole thing is we do not have enough taxpayers working and making a good living and paying into the Social Security System. My own opinion is that is what would really help fix this long term. But we are just here to say we want to sit down and work with you.

You cannot have a national discussion if you do not include the opposition into your town hall meetings. Boy, it would be great to go to a meeting and never have anybody stand up and question any votes you have had or anything like that. We cannot get away with that in our congressional seats, nor should we be able to. And so the President needs to come to Congress and work with us. We want to help him figure this out.

Now, private accounts, for us, are off the table. That is ridiculous. That is not going to happen. But we want to work with the President

Ms. WASSERMAN SCHULTZ. And, Mr. Speaker, my colleague is just absolutely right on target. We are more than willing to sit down and hash out in the spirit of compromise, like the gentleman referred to what they did in 1983. But, at least in my experience, with compromise, you have to be singing off the same song sheet. You cannot start from two completely different places and define the problem in completely different ways and ultimately reach compromise.

So if the President and his supporters on this concept would come off of the concept of crisis and get to where we are and where the reality is, because every factual description, including from the Social Security trustees that just released their report 2 weeks ago, points to a problem, a problem looming on the horizon that needs to be dealt with.

So when we are singing off the same song sheets, then we will be able to move forward and talk about a compromise that will actually address the solvency question, because private accounts do not address the solvency question, they just cause more debt.

What is unbelievable about the private accounts is that the President, at least in my listening to him, has sold them as almost like it would be an addition to your Social Security benefits. But the reality of his vague plan is that you would not get your private account and your Social Security benefits. There would be a commensurate cut in your Social Security benefits in proportion to what is in your account; approximately a 46 percent cut in your Social Security benefits.

And let us not forget also that his proposal does not leave out the one-third of Social Security recipients who are not earners. You have people who are beneficiaries of Social Security recipients who have passed on and who are not earning an income. You have children and dependents, and you have the disabled community. Now, they are not able to benefit from private accounts because in order to have a private account, you actually have to have an income. So we are not even thinking about how we would address the huge pure cut that they would suffer from.

Mr. RYAN of Ohio. And, Mr. Speaker, when you look at when you would want to actually take out the money, our colleague, the gentleman from New York (Mr. WEINER), who was here a few weeks ago with us, had a great explanation. The stock market goes up. The stock market goes down. The stock market goes up. The stock market goes down. Well, what if you are going to retire at the wrong time? What if you were planning on retiring in 2001, 2002, and your private savings account was cut in half? Now all of a sudden you are not retiring.

Social Security grows at a steady pace and keeps up with inflation and makes sure that you would be able to maintain the kind of buying power that you would normally have, and it is stable, and it is safe, and it is guaranteed.

Ms. WASSERMAN SCHULTZ. That is why we call it Social Security.

Mr. RYAN of Ohio. Social Security, exactly, instead of having the up and down. And that is the kind of risk you are going to have to take on if you are going to put your money into some of these private accounts.

One point more before I pull up another slide here. Your share of the national debt is $26,000, and I think we really need to start looking in terms like this, because not only do business people always worry about what the next quarter's earnings are going to be, what is the next quarter's profits going to be, and we tend to always think what is the next election going to be like, because we get elected every 2 years, so there is no real long-term thinking. So I think it is important for us, especially during the discussions the 30-something group has, is to have this broad discussion: What does this look like to a baby born today and you add this on?

Then we have got the number here that the average college student has $20,000 of debt after going to college; plus a credit card debt, plus a car payment. So what we are trying to say here is that a baby born today has a tax on their head of at least, at least, and that is today, if the clock does not run, of at least $50,000 by the time they are 22 years old and graduating.

□ 2230

Mr. Speaker, you add in inflation and the fact college tuition is doubling, add in all of the other factors, and the bankruptcy bill, which I will not go into, we are not serving our country well and we are not serving the next generation well when we do this. I think we are being very shortsighted and selfish. It sounds good; we are going to borrow money. Wall Street is going to make a killing on the whole deal. It sounds good, and sometimes if it sounds too good to be true, most often it is.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, the gentleman is so right. We need to boil this down in terms that people deal with every day. When we have these conversations on the floor, I try to zero in on the impact that this proposal will have on specific groups. For example, we have some information about the impact Social Security has on children. Social Security survivor and disability benefits help 6.4 million children. We talk about welfare assistance and TANF, which is Temporary Assistance For Needy Families, funding and how important a program that is to helping sustain the lives of millions of children, but Social Security survivor and disability benefits help almost twice as many children as welfare does. That, I think, is something that people just do not realize. I did not realize it until I received this information, and that is according to our nonpartisan Congressional Research Service.

Social Security is currently the largest source of Federal funding that prevents children from falling into poverty. Social Security benefits have kept 920,000 children out of poverty, and more than one-third of families with Social Security income would be poor without these benefits.

If we look at the effects that privatization of Social Security would have on women, women comprise the majority of Social Security benefits. They represent 58 percent of all Social Security recipients at the age of 65, and women represent 71 percent of all beneficiaries by the time they are age 85. Privatization disproportionately harms women, especially because women really end up having much less because of the differences in earning potential, much less opportunity to benefit from Social Security when they are planning for retirement.

There are a number of factors that leave women even more vulnerable to this really radical proposal. Women and poverty in old age is often rooted in the reality that their lives are shaped on. We earn less money. We are at 76 cents on the dollar compared to the same job that a man does. The reality of care giving, we are primarily responsible for caring for loved ones, both children and our older parents, and women have jobs more often that offer very few benefits. So women who have been in the workforce are far less likely to have IRAs and pensions and other outside extra benefits. Social Security for women ends up being the vast majority of the time their sole retirement benefit. So it disproportionately is pulling the rug out from under them.

I think we have to talk about how these proposed changes would impact people. What I have noticed in the time I have been here, and this is a big room and there are a lot of Members, 435 of us, and we talk about a lot of really important issues here. At a certain point, I think Members of Congress forget that the decisions that we make here affect individual people. It is really easy to forget about that. It is easy to talk about numbers in the trillions, and we forget that Mrs. Smith, Mrs. Jones, Mrs. Goldstein, those are real people where our decisions hurt them. Members need to think about them sitting in their kitchens and scratching out how they are going to buy groceries, cover their medication, and pay their electricity bill.

The report that came out from the Social Security and Medicare trustees 2 weeks ago shows that the crisis we should be talking about is Medicare and the looming problem that is going to present because that is what is facing insolvency. But, of course, that problem, according to the leadership here, has been taken care of. They took care of that, according to the leadership here, in the bill that took 3 hours to twist enough arms, from what I understand, to get them to have the votes to pass it. I am not sure why in that legislation they would not have taken steps to address what appears to be the real crisis.

Mr. RYAN of Ohio. The fix there to save Medicare solvency was to spend an additional 500 to $600 billion, not to do anything with the cost of prescription drugs, not to allow for reimportation, not to allow the Secretary of HHS to negotiate down the drug prices with some of these drug companies.

The gentlewoman is exactly right. When I think of a crisis going on in my district right now, many of the school districts that I represent, half the kids live in poverty. That is a crisis because those kids are going to be taking from the system instead of creating wealth and paying taxes and contributing to the system. That is a crisis.

In Mahoney County, which encompasses the city of Youngstown, there are thousands of kids who have lead poisoning. There are 2,000 kids, young kids who have lead poisoning in Mahoney County at a level by which it actually affects their cognitive ability which puts you on a level of slight retardation. It is unbelievable. Those are the crises we have in the country: health, education, making sure that the poorest among us have some kind of security.

If Members went to Youngstown, Ohio, and tried to convince the residents there that the biggest crisis in the country starts in 2042, they would laugh at you.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, the gentleman is so right. I represent a community where it is not just the poor we are concerned about; it is the regular middle- to lower-middle class who are struggling. I have hundreds of thousands of senior citizens in south Florida who struggle every single day because Social Security for the vast majority of them is their primary source of income. They are much more focused. It is what I hear when I am stopped at a picnic or at the supermarket. They are concerned about how they are going to pay for their medication. Some of them cannot even make their co-payments. They are concerned about the increase in their premiums for Medicare that just happened.

That is the handwringing that is going on. They are not that concerned about a problem that does not face them for another 37 years. Quite honestly, in the senior citizen community, most of them realize 37 years is not something they are going to have to worry about. But 2017 is when the Medicare trustee report says is the point at which we would literally be paying out more in Medicare benefits than we are bringing in in premiums. That is a serious problem.

Mr. RYAN of Ohio. And to not do anything about cost for the prescriptions I think illustrates and speaks to the point better than anything else that too much money drives what is going on down here. They are not worried about Mrs. Jones and Mrs. Smith and Mrs. Goldstein. Sometimes the decisions here are about who raises us a lot of money.

Mr. Speaker, who would pass a $500 billion prescription drug bill that is now $700 billion, $800 billion, $900 billion, we do not even know what the real number is, and not do anything about trying to control the price of prescription drugs, and then turn around and come in and say drugs are not the issue, cost is not the issue, Social Security is the biggest crisis in the country now?

Let us not forget as we begin to start wrapping things up, we gave this administration a lot of leeway, a lot of rope with the war, with the prescription drug bill and the war that the taxpayers would not have to pay anything more than $50 billion because we would use the oil money for reconstruction and be greeted as liberators. We are going to be in and out, and all of the things we heard before the war turned out not to be true.

Ms. WASSERMAN SCHULTZ. And the report said gross misrepresentation, grossly inaccurate facts when it comes to reports of there being weapons of mass destruction.

Mr. RYAN of Ohio. And everyone who was telling them there were no weapons of mass destruction, they ignored them; and to now push the blame off on some bureaucrats is unfair. And that was the war. We all know that. And then the prescription drug bill started off $400 billion as we sat in this Chamber, because many of our fiscal friends on the other side of the aisle did not want to spend more than $400 billion. After the bill was signed, 2 months later, all of a sudden the real price was $500 billion and an actuary was threatened not to give the real numbers to Congress.

After the election a few months ago, we find out this is going to be closer to a trillion dollars in cost. I am saying the track record here is not good for when the administration comes forward and says trust me because we have, we have been burnt; and we are certainly not going to let this happen with the Social Security system.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I want to ask the gentleman because the gentleman was here. The thing I talked about and heard about on the campaign trail last year was how we ended up with a Medicare bill that added a prescription drug benefit but did not allow, in fact prohibited, the negotiation of discounts for prescription drugs. I know that the VA, the Veterans Administration, already has that ability and drugs made available to our veterans through the VA are significantly less than they are on the private market. So maybe the gentleman can help clarify that for me because I was not here. People out in the real world do not understand that.

Mr. RYAN of Ohio. Mr. Speaker, the only answer I can come up with is the pharmaceutical companies did not want it. It is amazing because we have obviously signed numerous free trade agreements with every country. In my area we have been devastated by a lot of the agreements. All of a sudden we say if we are going to free trade everything else, let us free trade pharmaceuticals. As long as they have good safety standards, let us let them come in from Canada and drop the price down. But the kibosh was put on that.

When we look at the pharmaceutical industry had three or four lobbyists for every Member of Congress and donated $100 million to Congress over the course of that period when we were negotiating that drug bill, the money comes in here. The pharmaceutical industry did not want that. So they got what they wanted. They got that language removed or not put in. So now the Secretary of Health and Human

Services is not allowed to negotiate. Not only are we not allowed to bring drugs in from Canada, but the Secretary of HHS is not allowed to sit down with Pfizer and say Pfizer, Merck, if you want the Medicare drug contract for X drug, and of course they do, so you say we are going to talk price, just like any other business would do.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I thought it was very interesting that just last week the former Secretary of Health and Human Services, Tommy Thompson, in a speech to the Kaiser Foundation said it was his biggest frustration in the negotiations on the Medicare prescription drug reform bill because he believed the Secretary should have that ability, that the Secretary, just like they do in the VA, should have the ability to negotiate those discounts, and it absolutely ties the hands of the Health and Human Services Secretary.

In talking about this in his speech to the Kaiser Foundation, he said, unfortunately, membership of the leadership of his party, including the President, did not agree, and he was not able to get through to them that that was an important component, to reduce those prices.

☐ 2245

What we have here is we have a Social Security plan, or an outline of a plan, that is going to harm young people and hopefully not harm older people who are imminently collecting benefits or already collecting benefits.

It is hard to get young people to think about when they are going to collect Social Security. We are having town hall meetings for younger people and trying to get them to come, and talk to them about why they should think about this, because it is not looming on the horizon of their lives. And then we have Medicare. We also with our generation have a group of people who just are not thinking about whether Medicare will be there for them. They just feel like they are invincible, and there are no major health care issues for most people in our generation.

We have got to make sure that we continue to pound the drum on this issue and talk to as many people as we can, because if we do not, we will all get caught asleep at the switch. As a result, this train will run smack into a wall at the point in our lives when we do need to worry about it.

Mr. RYAN of Ohio. The gentlewoman makes a great point about just kind of how the whole system is working right now. Basically by not having the Secretary of HHS be able to negotiate down the drug prices and by not free-trading pharmaceuticals, it is basically corporate welfare. It is basically public taxpayer, hard-earned money coming down here, and we are giving it to the pharmaceutical companies and inflated drug costs through the Medicare program. So we have corporate welfare going to the most profitable industry in the world right now. Then you give tax cuts to those people who make more than $350,000 a year so they do not have to pay. You reduce the corporate tax rate so those shareholders, and those people who benefit most from moving jobs overseas get the tax benefits there, too. And then you are cutting services here with Medicaid and food stamps and education, the Pell grant and everything that we have talked about. And now you want to go try to mess with Social Security.

So if you see what is happening down here, if you take a step back and you see the whole process, there is all this corporate welfare going to all the big major corporations, they get all the tax cuts, the people who run those companies get tax cuts, and the rich get richer, and the poor are getting poorer. They say, well, that's class warfare. Mark Shields had a great line. He said, The war's over. The rich won. There is not much there anymore. But that is the way things are going, and that is why it is so important that at the bare minimum we keep that basic Social Security system in place.

I think having discussions like we are having tonight and town hall meetings, I think it has been very successful. The response I am getting, and I know the response the gentlewoman is getting down in Florida, and the gentleman from Florida (Mr. MEEK), who could not be with us tonight, is getting, and all our colleagues on both sides of the aisle are getting it.

I yield to the gentlewoman for any final comments that she may like to make.

Ms. WASSERMAN SCHULTZ. Just a couple, because I think we again need to maybe finish up by zeroing in on the impact that this proposed privatization scheme would have. The private accounts do not make up for the 46 percent cut in benefits that would be part of this proposal. A 20-year-old who enters the workforce this year would lose about $152,000 in Social Security benefits under the Bush proposal.

Social Security provides disability insurance that young families need, and there is no private insurance plan that can compete with the Social Security disability benefits that are offered. The cost of those benefits bought privately would be beyond most people's ability to pay for them. For a worker in her mid-twenties with a spouse and two children, Social Security provides the equivalent of a $350,000 disability insurance policy, again not one that most people can afford to pay out of pocket for. And suppose, God forbid, you have a young parent that dies suddenly. Social Security provides for the children who are left behind. Social Security survivors benefits will replace as much as 80 percent of the earnings for a 25-year-old average-wage worker who dies leaving two children and a young spouse. For that parent, Social Security survivors benefits are equivalent to a $403,000 life insurance policy.

What we have been trying to do in our Thirtysomething Working Group is explain to our generation what the reality would be in their lives without Social Security as a continued safety net.

Mr. RYAN of Ohio. Absolutely. I hope from the responses we have been getting, it sounds like some people are listening.

Thirtysomethingdems@mail.house.gov. Send us an e-mail, or you can go to the Web site, democraticleader.house.gov/thirtysomething, and join in our discussion. We will be happy to read some of the e-mails. We have been off for the last few weeks, so maybe next week we will read some.

I would also like to say before we close up, the President of the Ukraine, Victor Yushchenko, is going to be here tomorrow. If you had followed everything that was going on with the West and the Russians and the poisoning, it was like a soap opera going on. I think it is an important point for us to make, he is going to be talking to a joint session of Congress, his election and his uprising and his move to power in the Ukraine was led by young people.

We need to continue to try to encourage, not everyone has to run for office, not everyone has to be involved to the extent they make a career out of it, but it is so important when you see what is going on down here day in and day out and the lack of, I think, long-term vision. It is important because the young people are the ones who are going to be involved in the system longer than all of us are because they are younger. It is important for their voice to be heard.

I thank the gentlewoman from Florida. We missed the gentleman from Florida, but I know he will be back with us next week.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. WATERS (at the request of Ms. PELOSI) for today and April 6 on account of a funeral in the district.

Mr. NEUGEBAUER (at the request of Mr. DELAY) for today on account of illness.

Mr. YOUNG of Florida (at the request of Mr. DELAY) for today and the balance of the week on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Mr. VAN HOLLEN, for 5 minutes, today.

Mr. GENE GREEN of Texas, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. COOPER, for 5 minutes, today.

(The following Members (at the request of Mr. GUTKNECHT) to revise and extend their remarks and include extraneous material:)

Mr. MCCOTTER, for 5 minutes, today.

Mr. BILIRAKIS, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today and April 6.

Mrs. BLACKBURN, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today and April 12.

Mr. PENCE, for 5 minutes, today.

Mr. BOUSTANY, for 5 minutes, April 6.

Mr. DUNCAN, for 5 minutes, April 6 and 7.

Mr. BURTON of Indiana, for 5 minutes, today and April 6.

Mr. POE, for 5 minutes, April 6 and 7.

ENROLLED BILL SIGNED

Mr. TRANDAHL, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1270. An act to amend the Internal Revenue Code of 1986 to extend the Leaking Underground Storage Tank Trust Fund financing rate.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 686. An act for the relief of the parents of Theresa Marie Schiavo.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on March 23, 2005 he presented to the President of the United States, for his approval, the following bill.

H.R. 1270. To amend the Internal Revenue Code of 1986 to extend the Leaking Underground Storage Tank Trust Fund financing rate.

ADJOURNMENT

Mr. RYAN of Ohio. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 52 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 6, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1321. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Thiophanate-methyl; Pesticide Tolerances for Emergency [OPP-2005-0011; FRL-7699-3] received March 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1322. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Mesotrione; Pesticide Tolerance [OPP-2005-0049; FRL-7703-1] received March 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1323. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Dinotefuran; Pesticide Tolerance [OPP-2005-0003; FRL-7695-5] received March 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1324. A letter from the Deputy Chief of Naval Operations (Manpower and Personnel), Department of Defense, transmitting notification of a decision to implement performance by the Most Efficient Organization (MEO) for the Public Works Center Maintenance and Repair of Building and Structures in San Diego, CA (initiative number NC20020795); to the Committee on Armed Services.

1325. A letter from the Assistant Attorney General, Department of Justice, transmitting a report entitled "Office of Juvenile Justice and Delinquency Prevention (OJJDP) Annual Report 2003-2004," pursuant to 42 U.S.C. 5617; to the Committee on Education and the Workforce.

1326. A letter from the Deputy Assistant Secretary for Labor-Management Programs, Department of Labor, transmitting the Annual Report of the U.S. Department of Labor's Office of Labor-Management Standards (OLMS), covering OLMS activities from October 1, 2003 through September 30, 2004; to the Committee on Education and the Workforce.

1327. A letter from the Secretary, Department of Health and Human Services, transmitting the FY 2004 Performance Report for the Animal Drug User Fee Act (ADUFA), enacted on November 18, 2003 (Pub. L. 108-199); to the Committee on Energy and Commerce.

1328. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; Designation of Areas for Air Quality Planning Purposes; State of Arizona; Maricopa County Area; Technical Correction [AZ 135-0085; FRL-7879-3] received March 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1329. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants; Delegation of Authority to Texas [R06-OAR-2004-TX-0004; FRL-7886-4] received March 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1330. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Finding of Failure to Submit Section 110 State Implementation Plans for Interstate Transport for the National Ambient Air Quality Standards for 8-hour Ozone and PM 2.5 [FRL-7885-7] received March 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1331. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Oregon Visibility Protection Plan [Docket # R10-OAR-2005-OR-0002; FRL-7881-4] received March 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1332. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maine; Control of Total Reduced Sulfur From Kraft Pulp Mills; Withdrawal of Direct Final Rule; and Correction [R01-OAR-2004-ME-0002: A-1-FRL-7884-7] received March 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1333. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Maintenance Plan Revisions; Ohio [R05-OAR-2005-OH-0001; FRL-7886-7] received March 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1334. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Alabama: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7884-4] received March 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1335. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Tennessee: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7883-5] received March 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1336. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maine; NOx Control Program [R01-OAR-2005-ME-0001; A-1-FRL-7881-2] received March 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1337. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Rule to Reduce Interstate Transport of Fine Particular Matter and Ozone (Clean Air Interstate Rule); Revisions to Acid Rain Program; Revisions to the NOx SIP Call [OAR-2003-0053-FRL-7885-9] received March 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1338. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — North Carolina: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7888-3] received March 18, 2005, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Energy and Commerce.

1339. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants; Delegation of Authority to Louisiana: Correction [LA-69-2-7617c; FRL-7887-2] received March 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1340. A letter from the Director, International Cooperation, Department of Defense, transmitting pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, a copy of Transmittal No. 02-05 which informs of an intent to sign a Project Agreement concerning the Low Cost Swimmer Detection Sonar Network (SDSN) between the United States and Singapore, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

1341. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

1342. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to persons who commit, threaten to commit, or support terrorism that was declared in Executive Order 13224 of September 23, 2001; to the Committee on International Relations.

1343. A letter from the Acting Under Secretary for Industry and Security, Department of Commerce, transmitting a report that the Department intends to impose new foreign policy-based export controls on certain entities sanctioned by the State Department under the Iran-Iraq Arms Nonproliferation Act of 1992 (Pub. L. 102-484), the Iran Nonproliferation Act of 2000 (Pub. L. 106-178), and Section 11B(b)(1) of the Export Administration Act of 1979, and on a specific entity, the Tula Instrument Design Bureau of Russia; to the Committee on International Relations.

1344. A letter from the Principal Deputy Under Secretary for Policy, Department of Defense, transmitting the Department's FY 2006 Cooperative Threat Reduction Annual Report, pursuant to Public Law 106–398, section 1308; to the Committee on International Relations.

1345. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to Section 620C(c) of the Foreign Assistance Act of 1961, as amended, and in accordance with section 1(a)(6) of Executive Order 13313, a report prepared by the Department of State and the National Security Council on the progress toward a negotiated solution of the Cyprus question covering the period December 1, 2004 through January 30, 2005; to the Committee on International Relations.

1346. A letter from the Assistant Attorney General, Department of Justice, transmitting a report detailing the progress and the status of compliance with privitization requirements, pursuant to Public Law 105–33 section 11201(c) (111 Stat. 734); to the Committee on Government Reform.

1347. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-46, "Electronic Recording Procedures and Penalties Temporary Act of 2005," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

1348. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-47, "Terrorism Prevention in Hazardous Materials Transportation Temporary Act of 2005," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

1349. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-48, "Washington Convention Center Authority Advisory Committee Continuity Temporary Amendment Act of 2005," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

1350. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-49, "Abatement of Nuisance Construction Projects Temporary Amendment Act of 2005," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

1351. A letter from the Assistant Secretary for Policy, Management, and Budget, Department of the Interior, transmitting the Department's inventory of commercial and inherently governmental activities prepared in accordance with the Federal Activities Reform (FAIR)Act of 1998 (P.L. 105-270) and the Office of Management and Budget (OMB) Circular No. A-76; to the Committee on Government Reform.

1352. A letter from the Secretary, Department of Agriculture, transmitting a report on the Department's competitive sourcing policy and FY 2005 budget for contracting out, in accordance with Division A, Title I (P.L. 108-447) of the Consolidated Appropriations Act, FY 2005, and according to the OMB Circular No. A-76; to the Committee on Government Reform.

1353. A letter from the Assistant Secretary for Administration and Management, Competitive Sourcing Official, Department of Labor, transmitting the Department's Inherently Governmental and Commercial Activities Inventory for FY 2004, as required by the Federal Activities Inventory Reform Act of 1998 (the FAIR ACT) and OMB Circular A-76; to the Committee on Government Reform.

1354. A letter from the Deputy Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's annual report on the Government in the Sunshine Act for Calendar Year 2004; to the Committee on Government Reform.

1355. A letter from the Chairman, Federal Mine Safety and Health Review Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2004, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

1356. A letter from the Inspector General, General Services Administration, transmitting the Office's Audit Report Register for the period ending September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

1357. A letter from the Acting Director, Office of Government Ethics, transmitting a report evaluating the financial disclosure process for employees of the executive branch and recommendations for improving that process, pursuant to Public Law 108–458; to the Committee on Government Reform.

1358. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska, Proposed Information Collection; Comment Request; Aleutian Islands Subarea Directed Pollock Fishery [Docket No. 041117321-5035-02; I.D. 100904D] (RIN: 0648-AS37) received March 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1359. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock Sole/Flathead Sole/"Other Flatfish" Fishery Category by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 022805E] received March 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1360. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackeral, Squid, and Butterfish Fisheries; Closure of the Quater I Fishery for Loligo Squid [Docket No. 041221358-4358-01; I.D. 021405B] received March 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1361. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels 60 Feet (18.3 Meters) Length Overall and Using Pot Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 041202338-4338-01; I.D. 021105A] received February 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1362. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Bluefin Tuna Fisheries [I.D. 030405B] received March 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1363. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels 60 Feet Length Overall and Longer Using Hook-and-line Gear in the Bering Sea and Aleutian Islands [Docket No. 031124287-4060-02; I.D. 030905F] received March 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1364. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 030905C] received March 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1365. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 Ft. (18.3 m) LOA Using Jig or Hool-and-Line Gear in the Bogoslof Pacific Cod Exemption Area in the Bering Sea and Aleutian Islands Management Area [Docket No. 020718172-2303-02; I.D. 030905B] received March 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1366. A letter from the Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska [Docket No. 041202339-01; I.D. 030105F] received March 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1367. A letter from the Acting DIrector, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Zone Off Alaska; Atka Mackeral in the Central Aleutian District [Docket No. 041202338-4338-01; I.D. 021605A] received March 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1368. A letter from the Director, NMFS, National Oceanic and Atmospheric Administration, transmitting the ninth and final annual report on actions taken in respect to the New England fishing capacity reduction initiative, pursuant to Section 308(d)(7) of the Interjurisdictional Fisheries Act, as amended, covering the ,period December 1, 2003 through November 30, 2004; to the Committee on Resources.

1369. A letter from the Deputy Assistant Secretary for the Army for Project Planning and Review, Department of Defense, transmitting a copy of the report of the Chief of Engineers on Dallas Floodway Extension, Trinity River Basin, Texas, consistent with Section 113 of Pub. L. 108-447; to the Committee on Transportation and Infrastructure.

1370. A letter from the Principal Deputy Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting a report supporting the authorization and plans to implement the project through the normal budget process at the appropriate time, considering national priorities and the availability of funds, pursuant to Section 101(b)(20)of the Water Resources Development Act of 2000, authorizing construction of the Sand Creek Watershed, Wahoo, Nebraska, ecosystem restoration project; to the Committee on Transportation and Infrastructure.

1371. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Extension of National Pollutant Discharge Elimination System (NPDES) Permit Deadline for Storm Water Discharges for Oil and Gas Activity That Disturbs One to Five Acres [OW-2002-0068; FRL-7882-2] (RIN: 2040-AE71) received March 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1372. A letter from the Secretary, Department of Commerce, transmitting the 2004 Annual Report of the Visiting Committee on Advanced Technology of the National Institute of Standards and Technology (NIST), pursuant to Public Law 100–418, section 5131(b) (102 Stat. 1443); to the Committee on Science.

1373. A letter from the Secretary, Department of Labor, transmitting the second annual report of the President's National Hire Veterans Committee, pursuant to 38 U.S.C. 4100 Note; to the Committee on Veterans' Affairs.

1374. A letter from the Board of Trustees, Federal Old-Age And Survivors Insurance And Disability Insurance Trust Funds, transmitting the 2005 Annual Report of the Board of Trustees of the Federal Old-Age andSurvivors Insurance and the Federal Disability Insurance Trust Funds, pursuant to 42 U.S.C. 401(c)(2), 1395i(b)(2), and 1395t(b)(2); (H. Doc. No. 109–18); to the Committee on Ways and Means and ordered to be printed.

1375. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Medicare Prescription Drug Benefit; Interpretation [CMS-4068-F2] (RIN: 0938-AN08) received March 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

1376. A letter from the Board Members, Federal Hospital Insurance Trust Fund, transmitting the 2005 Annual Report of the Board of Trustees of the Federal Hospital Insurance Trust Fund, pursuant to 42 U.S.C. 401(c)(2), 1395i(b)(2), and 1395t(b)(2); (H. Doc. No. 109–17); jointly to the Committees on Ways and Means and Energy and Commerce, and ordered to be printed.

1377. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Durable Medical Equipment Regional Carrier Service Areas and Related Matters [CMS-1219-F] (RIN: 0938-AL76) received March 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

1378. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Establishment of the Medicare Advnatage Program; Interpretation [CMS-4069-F2] (RIN: 0938-AN06) received March 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

1379. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program: Changes to the Medicare Claims Appeal Procedure [CMS-4064-IFC] (RIN: 0938-AM73) received March 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on March 14, 2005 the following report was filed on March 31, 2005]

Mr. TOM DAVIS of Virginia: Committee on Government Reform. Report on Oversight Plans for All House Committees (Rept. 109–29). Referred to the Committee of the Whole House on the State of the Union.

[Filed on April 5, 2005]

Mr. SENSENBRENNER: Committee on the Judiciary. House Resolution 136. Resolution directing the Attorney General and the Secretary of Homeland Security to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of those officials relating to the security investigations and background checks relating to granting access to the White House of James D. Guckert (also known as Jeff Gannon); adversely (Rept. 109–30). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TOM DAVIS of Virginia (for himself and Mr. PLATTS):

H.R. 1455. A bill to amend title 5 and title 3, United States Code, to include the Department of Homeland Security and the Secretary of Homeland Security in lists of executive departments and officers; to the Committee on Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELDON of Pennsylvania (for himself, Mr. HOYER, Mr. BOEHLERT, Mr. ANDREWS, and Mr. PASCRELL):

H.R. 1456. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to expand the definition of firefighter to include apprentices and trainees, regardless of age or duty limitations; to the Committee on the Judiciary.

By Mr. ABERCROMBIE:

H.R. 1457. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for the travel expenses of a taxpayer's spouse who accompanies the taxpayer on business travel; to the Committee on Ways and Means.

By Mr. ADERHOLT:

H.R. 1458. A bill to require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization occurs in or affects interstate commerce; to the Committee on the Judiciary.

By Mr. BLUNT (for himself, Mr. RYAN of Wisconsin, Mr. GREEN of Wisconsin, Mr. ROGERS of Michigan, Mr. PETRI, Mr. SENSENBRENNER, Mr. KIRK, Mr. NEY, Mr. BRADY of Texas, Mr. ENGLISH of Pennsylvania, Mr. WICKER, Mr. BONILLA, Mr. SHADEGG, Mr. CANTOR, and Mr. ISSA):

H.R. 1459. A bill to amend the Clean Air Act to reduce the proliferation of boutique fuels, and for other purposes; to the Committee on Energy and Commerce.

By Mr. TOM DAVIS of Virginia (for himself, Mrs. JO ANN DAVIS of Virginia, Mrs. DRAKE, Mr. SCOTT of Virginia, Mr. FORBES, Mr. GOODE, Mr. GOODLATTE, Mr. CANTOR, Mr. MORAN of Virginia, Mr. BOUCHER, and Mr. WOLF):

H.R. 1460. A bill to designate the facility of the United States Postal Service located at 6200 Rolling Road in Springfield, Virginia, as the "Captain Mark Stubenhofer Post Office Building"; to the Committee on Government Reform.

By Mr. BAKER (for himself, Mr. OXLEY, Mr. RYUN of Kansas, Mr. HENSARLING, Mr. JONES of North Carolina, Mr. DAVIS of Kentucky, Mr. FITZPATRICK of Pennsylvania, and Mr. SHAYS):

H.R. 1461. A bill to reform the regulation of certain housing-related Government-sponsored enterprises, and for other purposes; to the Committee on Financial Services.

By Mr. BILIRAKIS:

H.R. 1462. A bill to amend title 38, United States Code, to reduce from age 57 to age 55 the age after which the remarriage of the surviving spouse of a deceased veteran shall not result in termination of dependency and indemnity compensation otherwise payable to that surviving spouse; to the Committee on Veterans' Affairs.

By Mr. TOM DAVIS of Virginia (for himself, Mrs. Jo Ann Davis of Virginia, Mrs. Drake, Mr. Scott of Virginia, Mr. Forbes, Mr. Goode, Mr. Goodlatte, Mr. Cantor, Mr. Moran of Virginia, Mr. Boucher, Mr. Wolf, Mr. Sensenbrenner, and Mr. Coble):

H.R. 1463. A bill to designate a portion of the Federal building located at 2100 Jamieson Avenue, in Alexandria, Virginia, as the "Justin W. Williams United States Attorney's Building"; to the Committee on Transportation and Infrastructure.

By Mr. GARRETT of New Jersey:

H.R. 1464. A bill to suspend temporarily the duty on certain pimientos (capsicum anuum), prepared or preserved otherwise than by vinegar or acetic acid; to the Committee on Ways and Means.

By Mr. GARRETT of New Jersey:

H.R. 1465. A bill to suspend temporarily the duty on certain pimientos (capsicum anuum), prepared or preserved by vinegar or acetic acid; to the Committee on Ways and Means.

By Mr. GARRETT of New Jersey:

H.R. 1466. A bill to suspend temporarily the duty on certain pimientos (capsicum anuum), prepared or preserved otherwise than by vinegar or acetic acid; to the Committee on Ways and Means.

By Mr. GIBBONS (for himself, Mr. Porter, and Ms. Berkley):

H.R. 1467. A bill to provide for the conveyance of certain Bureau of Land Management land in the State of Nevada to the Las Vegas Motor Speedway, and for other purposes; to the Committee on Resources.

By Mrs. JOHNSON of Connecticut (for herself, Mr. Rangel, and Mr. Hulshof):

H.R. 1468. A bill to amend the Internal Revenue Code of 1986 to replace the recapture bond provisions of the low income housing tax credit program; to the Committee on Ways and Means.

By Mr. OTTER (for himself and Mr. Simpson):

H.R. 1469. A bill to direct the Secretary of the Interior shall make full payment to each unit of general local government in which entitlement land is located as set forth in chapter 69 of title 31, United States Code, and for other purposes; to the Committee on Resources.

By Mr. PAUL:

H.R. 1470. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to individuals who make contributions to finance the non-Federal share of projects of the Army Corps of Engineers; to the Committee on Ways and Means.

By Ms. PRYCE of Ohio (for herself, Ms. Eshoo, Mr. Gillmor, Mr. Simmons, Ms. Roybal-Allard, Mr. Ney, Ms. Ros-Lehtinen, Mr. Ramstad, Mr. Rogers of Michigan, Mr. Tiberi, Mr. Waxman, Mr. Shays, Mr. Strickland, Mrs. Myrick, Mr. Doyle, Mr. Farr, Ms. Kaptur, Mr. Ryan of Ohio, Mr. McDermott, Mr. Grijalva, Mr. Davis of Illinois, Mr. Towns, Mrs. Jones of Ohio, Mr. Van Hollen, Mr. Lincoln Diaz-Balart of Florida, Mr. Issa, and Mr. Mario Diaz-Balart of Florida):

H.R. 1471. A bill to amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RANGEL:

H.R. 1472. A bill to designate the facility of the United States Postal Service located at 167 East 124th Street in New York, New York, as the "Tito Puente Post Office Building"; to the Committee on Government Reform.

By Mr. RUSH:

H.R. 1473. A bill to amend the Internal Revenue Code of 1986 to provide for a deferral of tax on gain from the sale of telecommunications businesses in specific circumstances or a tax credit and other incentives to promote diversity of ownership in telecommunications businesses; to the Committee on Ways and Means.

By Mr. SANDERS (for himself, Mr. LoBiondo, Ms. Loretta Sanchez of California, Mr. Kucinich, Ms. Solis, Mr. Payne, Mrs. Jones of Ohio, Mr. Lantos, Mr. Cummings, Mr. Frank of Massachusetts, Mr. Brown of Ohio, Mr. Ackerman, Mr. Gene Green of Texas, Mr. Michaud, Mr. McDermott, Mr. Clay, Ms. Herseth, Mr. Stark, Mr. Towns, Mr. Abercrombie, Ms. Ginny Brown-Waite of Florida, Mrs. Christensen, Mr. Menendez, Ms. Slaughter, Mr. Emanuel, Ms. DeLauro, and Mr. Bishop of New York):

H.R. 1474. A bill to designate certain functions performed at flight service stations of the Federal Aviation Administration as inherently governmental functions, and for other purposes; to the Committee on Government Reform.

By Mr. SAXTON:

H.R. 1475. A bill to require door delivery of mail sent to persons residing in senior communities; to the Committee on Government Reform.

By Mr. TIAHRT:

H.R. 1476. A bill to amend the Eisenhower Exchange Fellowship Act of 1990 to authorize additional appropriations for the Eisenhower Exchange Fellowship Program Trust Fund, and for other purposes; to the Committee on International Relations.

By Mr. TURNER (for himself and Mr. Kline):

H.R. 1477. A bill to amend the Internal Revenue Code of 1986 to clarify the proper treatment of differential wage payments made to employees called to active duty in the uniformed services, and for other purposes; to the Committee on Ways and Means.

By Mr. TURNER (for himself, Mr. Cooper, Mr. Smith of New Jersey, Mr. Brown of Ohio, Mrs. McCarthy, Mr. McGovern, Mr. Pastor, and Mr. Peterson of Minnesota):

H.R. 1478. A bill to amend title 10, United States Code, to provide limited TRICARE program eligibility for members of the Ready Reserve of the Armed Forces, to provide financial support for continuation of health insurance for mobilized members of reserve components of the Armed Forces, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Energy and Commerce, Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado (for himself and Mr. Salazar):

H.R. 1479. A bill to expand rural access to broadband services; to the Committee on Ways and Means, and in addition to the Committees on Science, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VAN HOLLEN:

H.R. 1480. A bill to require that a conversion to contractor performance of an activity or function of the Federal Government may not result in the loss of employment of any Federal worker with a severe disability employed in that activity or function; to the Committee on Government Reform.

By Mr. WYNN (for himself and Mrs. Myrick):

H.R. 1481. A bill to ensure reliability of electric service to provide for expansion of electricity transmission networks in order to support competitive electricity markets to modernize regulation, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WYNN (for himself and Mr. Shimkus):

H.R. 1482. A bill to provide for the research and development of advanced nuclear reactor, solar energy, and wind energy technologies for the production of hydrogen, and for other purposes; to the Committee on Science, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL:

H.J. Res. 40. A joint resolution proposing an amendment to the Constitution of the United States respecting the right to a home; to the Committee on the Judiciary.

By Mr. DAVIS of Illinois:

H. Con. Res. 121. Concurrent resolution congratulating the public schools of Westchester Public School District 92 1/2 in Westchester, Illinois, on the occasion of the District's 75th anniversary, and for other purposes; to the Committee on Education and the Workforce.

By Mr. DAVIS of Illinois:

H. Con. Res. 122. Concurrent resolution expressing the sense of Congress regarding the need for further study of the neurological disorder dystonia; to the Committee on Energy and Commerce.

By Mr. ENGEL (for himself, Mr. Owens, Ms. Baldwin, Mr. Wexler, Mr. Meehan, Mr. Farr, Ms. Woolsey, Ms. Norton, Mr. Delahunt, and Ms. Schakowsky):

H. Con. Res. 123. Concurrent resolution supporting the goals and ideals of the Day of Silence with respect to discrimination and harassment faced by lesbian, gay, bisexual, and transgender individuals in schools; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McCOTTER:

H. Res. 183. A resolution honoring the life, and expressing the condolences of the House on the passing, of Pope John Paul II; to the Committee on International Relations.

By Mr. ISTOOK (for himself, Mr. Lucas, Mr. Cole of Oklahoma, Mr. Sullivan, and Mr. Boren):

H. Res. 184. A resolution recognizing a National Week of Hope in commemoration of the 10-year anniversary of the terrorist bombing in Oklahoma City; to the Committee on Government Reform.

By Ms. WATERS (for herself, Mr. MEEKS of New York, Ms. KILPATRICK of Michigan, Ms. JACKSON-LEE of Texas, Mr. TOWNS, Mr. HONDA, Ms. CORRINE BROWN of Florida, Ms. CARSON, Mr. OWENS, Mr. JACKSON of Illinois, Ms. WATSON, Mr. PAYNE, Mr. THOMPSON of Mississippi, Mr. SCOTT of Virginia, Mr. CUMMINGS, Mr. BISHOP of Georgia, Ms. NORTON, Mr. FATTAH, Mr. CLAY, Ms. LEE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BUTTERFIELD, Mr. HASTINGS of Florida, Mrs. JONES of Ohio, Mr. WATT, Mr. RUSH, Mr. CLYBURN, Mr. WYNN, Mr. SCOTT of Georgia, Mr. CONYERS, Mr. LEWIS of Georgia, Mr. RANGEL, Ms. MILLENDER-McDONALD, Mr. CLEAVER, Ms. McKINNEY, and Mr. DAVIS of Illinois):

H. Res. 185. A resolution honoring Johnnie Cochran, Jr. for his service to the Nation, and expressing condolences to his family, friends, colleagues, and admirers on his death; to the Committee on Government Reform.

By Mr. HIGGINS:

H. Res. 186. A resolution honoring the life's work of Pope John Paul II; to the Committee on International Relations.

By Mr. RANGEL:

H. Res. 187. A resolution expressing support for a National Week of Reflection and Tolerance; to the Committee on Government Reform.

By Mr. THOMPSON of Mississippi (for himself, Mr. COX, Mr. PASCRELL, Mr. KING of New York, Mr. WELDON of Pennsylvania, Mr. TOM DAVIS of Virginia, Mr. HOYER, Mr. ANDREWS, Ms. JACKSON-LEE of Texas, Ms. HARMAN, Mr. MARKEY, Mr. DICKS, Mr. DeFAZIO, Mr. MEEK of Florida, Mrs. CHRISTENSEN, Mr. ETHERIDGE, Ms. ZOE LOFGREN of California, Mr. LANGEVIN, Ms. NORTON, Ms. LORETTA SANCHEZ of California, Mrs. LOWEY, Ms. HARRIS, Mr. SHAYS, Mr. ROGERS of Alabama, Mr. PEARCE, Mrs. JONES of Ohio, Mr. RUPPERSBERGER, Mr. SIMMONS, Mr. BURTON of Indiana, Mr. WILSON of South Carolina, Ms. WOOLSEY, Mr. McNULTY, Mr. BUTTERFIELD, Mr. McINTYRE, Mr. OBERSTAR, Mr. ROHRABACHER, Mr. DANIEL E. LUNGREN of California, Mr. McCAUL of Texas, Mr. SOUDER, Mr. REHBERG, Mr. JINDAL, Mr. LINDER, Mr. GIBBONS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. NEAL of Massachusetts, Mr. FRELINGHUYSEN, Mr. LoBIONDO, Mr. ENGEL, Mr. POMBO, Mr. JACKSON of Illinois, Mr. LEWIS of Georgia, Mr. BERRY, Mr. JEFFERSON, Mr. MANZULLO, Mr. EHLERS, and Mr. FITZPATRICK of Pennsylvania):

H. Res. 188. A resolution recognizing and honoring firefighters for their many contributions throughout the history of the Nation; to the Committee on Government Reform.

By Mr. SWEENEY:

H. Res. 189. A resolution expressing the sense of the House of Representatives that a day ought to be established to bring awareness to the issue of missing persons; to the Committee on Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DAVIS of Illinois:

H.R. 1483. A bill for the relief of Roger Paul Robert Kozik; to the Committee on the Judiciary.

By Mr. DAVIS of Illinois:

H.R. 1484. A bill for the relief of Syan Simeonov Stoyanov; to the Committee on the Judiciary.

By Mr. DAVIS of Illinois:

H.R. 1485. A bill for the relief of Alzoubi Muhammed; to the Committee on the Judiciary.

By Mr. HINOJOSA:

H.R. 1486. A bill for the relief of Candelaria P. Roxas; to the Committee on the Judiciary.

By Mr. HINOJOSA:

H.R. 1487. A bill for the relief of Praveen SitaRama Bobba; to the Committee on the Judiciary.

By Mr. HINOJOSA:

H.R. 1488. A bill for the relief of Mehmet Kenan Tas; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. CHABOT, Mr. BECERRA, Mr. FILNER, Mrs. TAUSCHER, Mr. ALLEN, Mr. EVANS, and Mr. BURTON of Indiana.

H.R. 23: Mr. REYES, Ms. KAPTUR, Mr. JOHNSON of Illinois, Mr. POMBO, Mr. BRADLEY of New Hampshire, Mrs. MALONEY, Mrs. BLACKBURN, Mr. MARKEY, Mr. INSLEE, Mr. DAVIS of Tennessee, Ms. WATERS, Mr. HINOJOSA, Mr. ISRAEL, Mr. PASTOR, Mr. BROWN of Ohio, Mr. JACKSON of Illinois, Mr. LoBIONDO, Ms. HART, and Mr. LANTOS.

H.R. 34: Mr. TURNER and Mr. SNYDER.

H.R. 49: Mr. SHAYS.

H.R. 63: Mr. BERRY, Ms. BALDWIN, Mr. ALLEN, and Mr. KIND.

H.R. 65: Mr. FORD.

H.R. 66: Mr. WELDON of Florida.

H.R. 72: Mr. GREEN of Wisconsin.

H.R. 87: Mr. HOLT, Mr. GARRETT of New Jersey, Mr. SMITH of New Jersey, Mr. FERGUSON, and Mr. PAYNE.

H.R. 97: Mrs. CAPITO and Mr. BARROW.

H.R. 110: Mr. OWENS, and Ms. McCOLLUM of Minnesota.

H.R. 111: Mr. CLEAVER, Mr. HEFLEY, Mr. BRADLEY of New Hampshire, Mr. YOUNG of Alaska, Mr. REYES, Mr. WELLER, Mr. TIERNEY, Mr. BROWN of South Carolina, and Mr. HUNTER.

H.R. 114: Mr. CARDIN.

H.R. 115: Ms. BERKLEY.

H.R. 136: Mr. RAMSTAD.

H.R. 147: Mr. HOBSON, Mr. SALAZAR, Mrs. DRAKE, Mr. STARK, Mr. MORAN of Kansas, Mr. JACKSON of Illinois, Ms. NORTON, Mr. AL GREEN of Texas, Mr. TANCREDO, Mr. MURTHA, Mr. KUCINICH, Mr. ETHERIDGE, Mr. CONYERS, and Mr. UDALL of New Mexico.

H.R. 153: Mr. CUMMINGS, Mr. NADLER, Mr. GRIJALVA, Mr. PAYNE, Mr. BLUMENAUER, Mr. TOWNS, Mr. HOLT, Mr. ENGEL, Mrs. MALONEY, Mr. OWENS, Mr. McGOVERN, Ms. NORTON, Mrs. McCARTHY, Mr. McDERMOTT, Mr. RYAN of Ohio, Mr. CONYERS, and Mrs. JONES of Ohio.

H.R. 191: Mr. SHERMAN.

H.R. 216: Mr. BOOZMAN, Mr. INGLIS of South Carolina, Mrs. JO ANN DAVIS of Virginia, Mrs. MUSGRAVE, Mr. OBERSTAR, and Mr. SOUDER.

H.R. 225: Mr. KUHL of New York, Mrs. JONES of Ohio, and Mr. PAYNE.

H.R. 226: Mr. PAYNE.

H.R. 239: Mr. FLAKE.

H.R. 282: Mr. DAVIS of Alabama, Mr. REYNOLDS, Mr. WYNN, Mr. LEWIS of Georgia, Mr. DAVIS of Kentucky, Ms. LINDA T. SÁNCHEZ of California, Mr. BOUSTANY, Mr. BONNER, Mr. BACA, Mr. WEINER, Mr. POE, Mr. TERRY, Ms. WASSERMAN SCHULTZ, Mr. ADERHOLT, Mr. SCHIFF, Mr. BASS, Mr. MICHAUD, and Mr. VISCLOSKY.

H.R. 302: Mrs. NAPOLITANO and Mr. RUSH.

H.R. 303: Mrs. CAPPS, Mr. BARTLETT of Maryland, Mr. INSLEE, Mr. REYES, Mr. KIND, Ms. LINDA T. SÁNCHEZ of California, Ms. WATERS, Mr. BOOZMAN, MR. RYAN of Wisconsin, Mr. BUTTERFIELD, Mr. BASS, Mr. WEXLER, Mr. BISHOP of Georgia, and Mr. HASTINGS of Washington.

H.R. 305: Mr. GILCHREST and Mrs. JO ANN DAVIS of Virginia.

H.R. 311: Mrs. JONES of Ohio, Mr. VAN HOLLEN, Mr. CONYERS, Mr. MICHAUD, Mr. COOPER, Mr. OWENS, Mr. THOMPSON of Mississippi, Ms. NORTON, Mr. RANGEL, Ms. ESHOO, Mr. DINGELL, Mr. SNYDER, Mr. OBERSTAR, Mr. FILNER, and Mr. OLVER.

H.R. 328: Mr. OBERSTAR, Ms. WOOLSEY, Mr. ACKERMAN, and Mr. GUTIERREZ.

H.R. 333: Mrs. CAPITO and Mr. KILDEE.

H.R. 339: Mr. FORTUÑO.

H.R. 341: Mr. GOODE, Mr. JENKINS, Mr. DOYLE, Mr. LoBIONDO, and Mr. GOODLATTE.

H.R. 354: Mr. PLATTS and Mr. PAYNE.

H.R. 359: Mr. GRAVES and Mr. RUSH.

H.R. 363: Mr. STRICKLAND.

H.R. 376: Mr. DELAHUNT, Ms. DeLAURO, Mr. CUMMINGS, Mr. PAYNE, Mr. SABO, Mr. JACKSON of Illinois, Mr. GALLEGLY, Ms. BALDWIN, and Mr. ACKERMAN.

H.R. 389: Mrs. BONO, Mr. JONES of North Carolina, Mr. NEAL of Massachusetts, and Mr. McGOVERN.

H.R. 416: Mr. WALDEN of Oregon and Mr. MATHESON.

H.R. 438: Mrs. CAPPS.

H.R. 463: Mr. BISHOP of Georgia.

H.R. 468: Mr. GORDON.

H.R. 489: Mr. CONAWAY.

H.R. 500: Mr. DEAL of Georgia, Mr. DREIER, Mr. FEENEY, and Mr. KINGSTON.

H.R. 503: Mr. KIRK, Ms. WATERS, Mr. UDALL of New Mexico, Ms. ROS-LEHTINEN, Mr. CUMMINGS, Ms. HARRIS, and Mr. BECERRA.

H.R. 515: Ms. MOORE of Wisconsin, Mr. TIERNEY, Ms. WOOLSEY, and Mr. BISHOP of Georgia.

H.R. 525: Mr. KIRK, Mr. CANNON, Mr. WICKER, Mr. MACK, and Mr. BARTON of Texas.

H.R. 531: Mr. BISHOP of Georgia.

H.R. 535: Mr. THOMPSON of California, Mr. DANIEL E. LUNGREN of California, Ms. MATSUI, Ms. LEE, Mr. STARK, Mrs. TAUSCHER, Ms. ZOE LOFGREN of California, Mrs. BONO, Ms. ROYBAL-ALLARD, Mrs. NAPOLITANO, and Mr. CUNNINGHAM.

H.R. 537: Mr. KINGSTON.

H.R. 547: Mr. BISHOP of Georgia, Ms. WASSERMAN SCHULTZ, Ms. BERKLEY, Mr. MORAN of Virginia, and Mr. HOLDEN.

H.R. 550: Mr. STARK, Mr. WEINER, Mr. BOUCHER, Mr. JACKSON of Illinois, Mr. ISRAEL, Mr. ENGEL, Mr. SMITH of Washington, Mr. GORDON, Mr. MARKEY, and Ms. BERKLEY.

H.R. 551: Mr. FILNER, Mr. SERRANO, and Mr. OWENS.

H.R. 552: Mr. HENSARLING, Mr. PENCE, and Mr. MANZULLO.

H.R. 554: Mrs. EMERSON and Mr. BRADY of Texas.

H.R. 556: Mr. Barrow, Mrs. Miller of Michigan, and Mr. Terry.

H.R. 558: Mr. Andrews, Mr. Oberstar, Mr. Ferguson, Mr. Payne, Mr. Holt, Mr. Menendez, Mr. Honda, and Mr. Lincoln Diaz-Balart of Florida.

H.R. 559: Mr. Sanders, Ms. Moore of Wisconsin, Mr. Ruppersberger, and Mr. Etheridge.

H.R. 560: Mr. Moran of Virginia, Mrs. Christensen, Ms. McCollum of Minnesota, Mr. Butterfield, Mr. Pallone, Mr. Walsh, Mr. Owens, and Mr. Gene Green of Texas.

H.R. 562: Ms. Kilpatrick of Michigan.

H.R. 583: Mr. Kuhl of New York, Mr. Udall of New Mexico, Mr. Larsen of Washington, Mr. George Miller of California, Ms. Baldwin, Mr. Ackerman, Mr. Skelton, and Mr. Peterson of Minnesota.

H.R. 594: Mr. McDermott.

H.R. 602: Mr. Garrett of New Jersey, Mr. Cardoza, Mr. Grijalva, Mr. Strickland, Mr. Barrow, Mrs. Emerson, Mr. Holt, Mr. Sanders, Mr. Boozman, Mrs. Wilson of New Mexico, Mr. Gallegly, Mr. Rothman, Mr. Matheson, Mr. Sherman, Ms. Jackson-Lee of Texas, Ms. McCollum of Minnesota, and Mr. Westmoreland.

H.R. 606: Ms. Waters.

H.R. 621: Mr. Carter.

H.R. 624: Mr. Schwarz of Michigan and Mr. Upton.

H.R. 635: Ms. Hart.

H.R. 663: Mr. Jackson of Illinois, Mr. Payne, Mr. Owens, Ms. Woolsey, Mr. Hinchey, Ms. Berkley, Mr. Kucinich, and Mr. McDermott.

H.R. 666: Mr. Wexler, Mr. McDermott, Mr. Frank of Massachusetts, Mr. Cummings, Mr. Israel, Mr. Ackerman, and Mr. Hastings of Florida.

H.R. 668: Mr. Grijalva.

H.R. 669: Mrs. Drake, Ms. Harman, Mr. Becerra, Ms. Loretta Sanchez of California, Ms. Eshoo, and Mr. Abercrombie.

H.R. 670: Mr. DeFazio and Mr. Spratt.

H.R. 676: Mr. Rangel and Mr. Filner.

H.R. 688: Mr. Tancredo.

H.R. 691: Mr. McNulty.

H.R. 693: Mr. Emanuel.

H.R. 697: Mr. Wolf, Mr. Garrett of New Jersey, Mr. Ramstad, Mr. Miller of North Carolina, Mr. Inslee, Mr. Andrews, Mr. Schiff, and Mr. Markey.

H.R. 698: Mr. Price of Georgia, Mr. Hunter, and Mr. Culberson.

H.R. 699: Mr. Gordon, Mr. Shays, Mr. Wicker, and Mr. Ruppersberger.

H.R. 708: Mr. Cleaver, Mr. McDermott, and Ms. Lee.

H.R. 740: Mr. Price of Georgia.

H.R. 742: Mr. Price of Georgia.

H.R. 748: Mr. Boustany and Mr. Norwood.

H.R. 754: Mr. Rohrabacher, Mr. LoBiondo, and Ms. Ros-Lehtinen.

H.R. 761: Mr. Emanuel, Mr. Tierney, Mr. Cuellar, Mr. Allen, and Mr. Engel.

H.R. 764: Mr. Ruppersberger.

H.R. 771: Mr. Emanuel.

H.R. 772: Mr. Bartlett of Maryland, Mr. Engel, Mr. Ford, and Mrs. Jo Ann Davis of Virginia.

H.R. 775: Mr. Hastings of Washington.

H.R. 783: Mr. Bishop of Georgia, Mr. Wilson of South Carolina, Mr. Cummings, Mr. Wolf, Ms. Zoe Lofgren of California, and Mr. Costello.

H.R. 791: Mr. Ryan of Ohio, Mr. Moore of Kansas, Mr. Filner, Mr. Boucher, and Ms. Baldwin.

H.R. 792: Mr. Ryan of Wisconsin.

H.R. 793: Mr. Kind, Mr. Meehan, Ms. Herseth, Mr. Cleaver, Mr. Scott of Virginia, Mr. Cardoza, Ms. Linda T. Sánchez of California, Mr. Ehlers, Ms. Velázquez, Mr. Pitts, Mrs. Musgrave, Mr. McGovern, Mr. Andrews, Mr. Jefferson, and Mr. Hoekstra.

H.R. 798: Mr. Rehberg, Mrs. Blackburn, and Mr. Kennedy of Minnesota.

H.R. 799: Mr. Farr and Mr. Kildee.

H.R. 800: Mr. Mario Diaz-Balart of Florida, Mr. Wamp, Mr. Peterson of Pennsylvania, Ms. Granger, Mr. Kolbe, and Mr. Weldon of Florida.

H.R. 801: Mr. Butterfield and Mr. Bishop of Georgia.

H.R. 810: Mr. Cardoza, Mr. Scott of Virginia, Mr. Melancon, Mr. Meek of Florida, and Ms. Roybal-Allard.

H.R. 813: Mr. Gordon and Mr. Ackerman.

H.R. 819: Mr. Rehberg, Mr. Feeney, Ms. DeLauro, and Ms. Valázquez.

H.R. 827: Mr. Payne.

H.R. 834: Ms. Wasserman Schultz.

H.R. 838: Mr. Hinchey, Mr. DeFazio, Ms. Berkley, Mrs. Christensen, Mr. Baird, Mr. Kildee, and Mr. Sanders.

H.R. 864: Mr. Peterson of Pennsylvania, Mr. Gutierrez, Mr. Filner, Mr. Rothman, and Mr. Peterson of Minnesota.

H.R. 865: Mr. McCotter.

H.R. 867: Mr. Sherman, Mr. Boucher, Mr. Paul, and Mr. McCaul of Texas.

H.R. 869: Ms. Baldwin, Mr. Holden, and Mr. Markey.

H.R. 878: Mr. McGovern.

H.R. 896: Mr. Conaway, Mrs. Lowey, Mr. Larsen of Washington, Mr. Alexander, Mrs. Davis of California, Ms. Baldwin, and Mr. Gordon.

H.R. 903: Mr. Peterson of Minnesota, Mr. Israel, Mrs. Tauscher, Mr. Baca, and Mr. Cramer.

H.R. 908: Mr. Ruppersberger.

H.R. 910: Mrs. Biggert, Mr. Moore of Kansas, Mr. Bonner, Mr. Kildee, Mr. English of Pennsylvania, and Mr. Doggett.

H.R. 916: Mrs. Jo Ann Davis of Virginia, Mr. Tanner, Mr. McGovern, Mr. Meek of Florida, Mr. Price of North Carolina, Mr. Bonner, Mr. Ford, Mr. Pomeroy, Mr. Olver, Mr. Kind, Mr. Markey, Mr. Wynn, Mr. Chandler, Mr. Holden, Mr. Oberstar, Mr. Jefferson, Ms. Schakowsky, Mr. Simmons, Mr. Reyes, Mr. Lynch, Mr. Frank of Massachusetts, Mr. Lantos, Mr. Skelton, Mr. Peterson of Minnesota, and Mr. Ross.

H.R. 917: Mr. Peterson of Minnesota.

H.R. 918: Mr. Garrett of New Jersey.

H.R. 923: Ms. Ginny Brown-Waite of Florida, Mr. Etheridge, Ms. Ros-Lehtinen, Mr. Abercrombie, Mr. Owens, and Mr. Case.

H.R. 924: Mr. Owens.

H.R. 925: Mr. Istook, Mr. Cunningham, Mr. Wamp, Mr. Goodlatte, Mr. McIntyre, Mrs. Blackburn, Ms. Ginny Brown-Waite of Florida, Mr. Bartlett of Maryland, Mr. Gutknecht, and Mr. Davis of Kentucky.

H.R. 935: Ms. Linda T. Sánchez of California, Mr. Cardoza, and Mr. Al Green of Texas.

H.R. 940: Mr. Boustany.

H.R. 966: Mr. Smith of New Jersey.

H.R. 968: Mr. Bradley of New Hampshire, Mr. Van Hollen, Mr. Filner, Mr. Hayes, Mr. Bartlett of Maryland, Mr. Reyes, Mr. Wolf, Mr. Turner, and Mr. Davis of Kentucky.

H.R. 976: Mr. Garrett of New Jersey, Ms. Harman, Mr. Platts, Mr. Butterfield, Mr. King of Iowa, Mr. Ruppersberger, and Mr. Flake.

H.R. 983: Mr. Van Hollen, Ms. DeGette, Ms. Schakowsky, Mr. Schiff, Ms. Eshoo, Mr. George Miller of California, and Ms. Woolsey.

H.R. 985: Mr. Schwarz of Michigan, Mr. Abercrombie, Mr. Holden, Mrs. Miller of Michigan, Mr. Carnahan, Ms. Loretta Sanchez of California, Mr. Serrano, Mr. Marshall, Mr. Turner, Mr. Fortuño, Mr. Larson of Connecticut, Mr. Menendez, Mr. Shuster, Mr. Michaud, Mr. Pomeroy, Ms. Linda T. Sánchez of California, and Mr. Wexler.

H.R. 986: Mr. Porter.

H.R. 988: Mr. Hall, Mr. Doggett, Mr. Platts, Mr. Salazar, Mr. Van Hollen, Mr. Souder, and Mr. Case.

H.R. 995: Mr. Jones of North Carolina.

H.R. 997: Mr. Norwood, Mr. Buyer, Mr. Turner, Mr. Akin, Mr. Herger, Mr. Price of Georgia, and Mrs. Emerson.

H.R. 999: Mr. Goodlatte, Mr. Barrow, Mr. Goode, Mr. Bradley of New Hampshire, Ms. Lee, and Mr. Peterson of Minnesota.

H.R. 1002: Mr. Simmons, Mr. Rush, Ms. Lee, Mrs. Lowey, Mr. Honda, Mr. Wynn, Mr. LoBiondo, Mr. Saxton, Mr. Payne, Mrs. Tauscher, Mrs. Kelly, Mr. McGovern, Mr. Moran of Virginia, Mr. Strickland, Mr. Conyers, Mr. Hinchey, Mr. Inslee, Mr. Oberstar, Mr. Udall of New Mexico, Mr. Grijalva, Mr. Weiner, Mr. Chandler, Mr. Ruppersberger, Mr. Ackerman, and Mr. Markey.

H.R. 1006: Mr. Waxman.

H.R. 1008: Mr. Baca.

H.R. 1016: Mr. Conaway and Mr. Skelton.

H.R. 1020: Mr. McGovern, Mr. Payne, Mr. Bachus, Ms. Woolsey, Mr. Frank of Massachusetts, and Mr. Price of North Carolina.

H.R. 1026: Mr. McHugh.

H.R. 1029: Mr. Clay, Ms. Hooley, and Mr. Fattah.

H.R. 1033: Mr. Payne.

H.R. 1048: Ms. Schakowsky, Mr. Butterfield, Mr. Cummings, and Ms. Harman.

H.R. 1059: Ms. Ros-Lehtinen, Mr. Sabo, Mr. Markey, Mr. Hastings of Florida, and Ms. Slaughter.

H.R. 1070: Mr. Sullivan, Mr. Gingrey, Mr. Alexander, and Mr. Norwood.

H.R. 1079: Mr. Goodlatte, Mr. LaHood, and Mr. Ehlers.

H.R. 1088: Mr. Simmons.

H.R. 1089: Ms. Schakowsky.

H.R. 1092: Mr. Kuhl of New York, Mr. Deal of Georgia, Mr. Bishop of Utah, and Mr. Feeney.

H.R. 1097: Mr. Foley and Mr. Flake.

H.R. 1103: Mr. Kucinich, Ms. Schakowsky, and Mr. Owens.

H.R. 1105: Mr. Ehlers.

H.R. 1106: Mr. Larson of Connecticut, Mr. Shays, and Mr. Price of North Carolina.

H.R. 1107: Ms. Millender-McDonald, Mr. Peterson of Minnesota, and Mr. Doyle.

H.R. 1114: Mr. Jindal, Mr. Jefferson, Mr. Simpson, Mr. Burton of Indiana, Mr. Chocola, Mr. Boustany, Mr. Shimkus, and Mr. Berry.

H.R. 1124: Mr. Gordon and Mr. Van Hollen.

H.R. 1125: Mr. Holden.

H.R. 1126: Ms. Moore of Wisconsin, Mr. Gutierrez, Mr. Becerra, Ms. Bean, Mr. Weiner, Mr. Wexler, Ms. Waters, Mr. Chandler, Mrs. Maloney, Mr. Ackerman, and Mr. Smith of Washington.

H.R. 1130: Mr. McDermott, Mr. Towns, Ms. Woolsey, Mr. Conyers, Ms. Wasserman Schultz, Ms. Millender-McDonald, Ms. Eddie Bernice Johnson of Texas, Ms. Schakowsky, Ms. Jackson-Lee of Texas, Mr. Gutierrez, Mr. Lewis of Georgia, Mr. Hinchey, Mr. Al Green of Texas, Mr. McGovern, Mr. Hastings, of Florida, Mr. Clay, Mr. Scott of Georgia, and Mr. Evans.

H.R. 1131: Ms. McCollum of Minnesota.

H.R. 1136: Ms. Woolsey, Mr. Pallone, Mr. Miller of North Carolina, Mr. Van Hollen, Mr. GUTIERREZ, Mr. CUMMINGS, and Mr. WYNN.

H.R. 1140: Mr. TERRY and Mr. LATHAM.

H.R. 1141: Mr. BRADLEY of New Hampshire and Mr. MCCOTTER.

H.R. 1142: Mr. RAMSTAD and Mr. GORDON.

H.R. 1157: Mr. WU, Ms. HOOLEY, and Mr. BAIRD.

H.R. 1175: Mr. GORDON, Mr. EHLERS, Mr. FORD, Mr. PLATTS, Mr. PRICE of North Carolina, Mr. CUMMINGS, Mr. MCGOVERN, Mr. SANDERS, and Ms. SCHAKOWSKY.

H.R. 1184: Mr. FATTAH, Mr. RYAN of Ohio, Mr. DOYLE, Mr. DEFAZIO, Mr. RUSH, and Mr. SCOTT of Virginia.

H.R. 1210: Mr. BUTTERFIELD.

H.R. 1216: Mr. BACUS.

H.R. 1217: Mr. DOYLE, Ms. DELAURO, Ms. KILPATRICK of Michigan, and Mr. SMITH of Washington.

H.R. 1219: Mr. BAKER, Mr. ROGERS of Alabama, Mr. BARTLETT of Maryland, Mr. BOYD, Mr. BOUCHER, Mr. DAVIS of Kentucky, Mr. CONAWAY, and Mr. BILIRAKIS.

H.R. 1220: Mr. BAKER, Mr. BROWN of South Carolina, Mr. BILIRAKIS, Mr. BRADLEY of New Hampshire, Ms. GINNY BROWN-WAITE of Florida, Mr. FILNER, Ms. HOOLEY, Mr. GUTIERREZ, Mr. MICHAUD, Mr. RUPPERSBERGER, Mr. BARTLETT of Maryland, and Mr. BISHOP of Georgia.

H.R. 1223: Mr. SANDERS.

H.R. 1225: Mr. KENNEDY of Rhode Island.

H.R. 1227: Mr. KOLBE, Mr. LARSON of Connecticut, Mr. CALVERT, Mr. ABERCROMBIE, Mr. MCDERMOTT, Ms. SCHAKOWSKY, Mr. KILDEE, Mr. WEXLER, Mr. MCGOVERN, Mr. KENNEDY of Rhode Island, Ms. DELAURO, Mr. BERMAN, Mr. FILNER, Mr. PRICE of North Carolina, Mr. HEFLEY, Mr. DICKS, Mr. SANDERS, and Mr. PETERSON of Minnesota.

H.R. 1235: Mr. AKIN.

H.R. 1239: Mr. EVANS, Mr. WILSON of South Carolina, Ms. KILPATRICK of Michigan, Mr. JONES of North Carolina, Mr. TAYLOR of Mississippi, and Mr. MCGOVERN.

H.R. 1258: Mr. MCDERMOTT, Mr. CONYERS, Mr. HOLT, Mr. FRANK of Massachusetts, and Mr. KENNEDY of Rhode Island.

H.R. 1269: Mr. LYNCH.

H.R. 1277: Mr. KENNEDY of Rhode Island.

H.R. 1278: Mr. VAN HOLLEN.

H.R. 1279: Mr. CANTOR.

H.R. 1287: Mr. EVANS, Ms. BEAN, Mr. LAHOOD, Mr. DAVIS of Illinois, Ms. SCHAKOWSKY, Mr. KIRK, Mr. MANZULLO, Mr. LIPINSKI, and Mr. COSTELLO.

H.R. 1288: Mr. DEAL of Georgia, Mr. MILLER of Florida, Mr. SULLIVAN, Mr. SAM JOHNSON of Texas, Mrs. MUSGRAVE, Mr. CHABOT, Mr. CANNON, Mr. MCHENRY, Mr. NEUGEBAUER, Mr. SHADEGG, Mr. BISHOP of Georgia, Mr. BAKER, Mr. CANTOR, Mrs. BLACKBURN, Mr. DUNCAN, Mr. HASTINGS of Washington, Mr. ADERHOLT, Mr. ALEXANDER, Mr. DAVIS of Tennessee, Mr. TANNER, Mr. GUTKNECHT, Mr. SHIMKUS, Mrs. CUBIN, Mr. RYAN of Ohio, Mr. BERRY, Mr. GARY G. MILLER of California, Mrs. DRAKE, Mr. GENE GREEN of Texas, Ms. GINNY BROWN-WAITE of Florida, Mr. BURGESS, Mr. COLE of Oklahoma, Mr. MARIO DIAZ-BALART of Florida, Mr. BASS, Ms. GRANGER, Mr. MARSHALL, Mr. GORDON, Mr. WELDON of Florida, Mr. MANZULLO, Mr. BARTLETT of Maryland, Mr. TERRY, Mr. HAYES, and Mr. HALL.

H.R. 1290: Mr. MEEK of Florida and Mr. HASTINGS of Florida.

H.R. 1298: Ms. BERKLEY, Mr. SAM JOHNSON of Texas, and Mr. BUTTERFIELD.

H.R. 1305: Mr. RUPPERSBERGER.

H.R. 1337: Mr. CALVERT, Mr. BLUNT, Mr. MANZULLO, Mr. INGLIS of South Carolina, Mr. PENCE, Mr. WELLER, Mr. BOUSTANY, Mr. BAKER, Mr. JENKINS, Ms. FOXX, Mr. ADERHOLT, and Mr. SESSIONS.

H.R. 1339: Mr. NORWOOD, Mr. BONNER, Mr. DEAL of Georgia, Mr. PAUL, Mr. FLAKE, Mr. OTTER, and Mr. CONAWAY.

H.R. 1345: Ms. GRANGER and Mr. GREEN of Wisconsin.

H.R. 1346: Mr. BROWN of Ohio, Ms. KILPATRICK of Michigan, and Mr. CONYERS.

H.R. 1355: Ms. JACKSON-LEE of Texas, Ms. HARRIS, Ms. GINNY BROWN-WAITE of Florida, Mr. BAKER, and Mrs. MUSGRAVE.

H.R. 1357: Mr. SANDERS, Mr. KILDEE, Mr. OXLEY, Mrs. MUSGRAVE, and Mr. TURNER.

H.R. 1358: Mr. JONES of North Carolina, Mr. SAXTON, and Mr. SANDERS.

H.R. 1365: Mr. RUPPERSBERGER, Mr. SHERMAN, Ms. NORTON, Mr. OLVER, Mr. BLUMENAUER, Mr. BROWN of Ohio, Mr. SCOTT of Virginia, Mr. BRADY of Pennsylvania, Mr. BOYD, Mr. RYAN of Ohio, Mr. ROTHMAN, Mr. ACKERMAN, Mr. STRICKLAND, Mr. LYNCH, Mr. CROWLEY, Mrs. MALONEY, Mr. CARDIN, Mr. HIGGINS, Mr. LARSON of Connecticut, Mr. COSTELLO, Mr. PAYNE, and Mr. LEVIN.

H.R. 1381: Mrs. NORTHUP.

H.R. 1386: Mr. FORTENBERRY, Ms. JACKSON-LEE of Texas, Mr. FOLEY, Ms. BERKLEY, Ms. LORETTA SANCHEZ of California, and Mr. SMITH of Washington.

H.R. 1399: Mr. FORD, Mr. MORAN of Virginia, Mr. MCDERMOTT, and Mr. VAN HOLLEN.

H.R. 1401: Mr. MCNULTY, Mrs. MCCARTHY, Mr. PAYNE, Mr. OWENS, and Mr. PETERSON of Minnesota.

H.R. 1402: Mr. RAHALL and Mr. PETERSON of Minnesota.

H.R. 1405: Mr. WEINER, Mr. OWENS, Mr. BISHOP of New York, Mr. FITZPATRICK of Pennsylvania, Mr. CONYERS, and Mr. LATOURETTE.

H.R. 1406: Mr. JONES of North Carolina.

H.R. 1409: Mr. MCDERMOTT, Mr. SERRANO, Mrs. JONES of Ohio, Ms. MILLENDER-MCDONALD, Mr. CUMMINGS, Mr. SIMMONS, Mr. OWENS, Mr. EHLERS, Mrs. CHRISTENSEN, Mr. MCCOTTER, Mr. WOLF, Mr. BURTON of Indiana, and Mr. SMITH of Washington.

H.R. 1417: Mr. LINDER.

H.R. 1422: Mr. WILSON of South Carolina and Mr. GORDON.

H.R. 1424: Ms. MILLENDER-MCDONALD, Mr. MCNULTY, Mr. BLUMENAUER, Ms. JACKSON-LEE of Texas, Mr. FALEOMAVAEGA, Mr. TOWNS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WEXLER, Mrs. CHRISTENSEN, Mr. CUMMINGS, Mr. OWENS, Ms. CARSON, Mr. SANDERS, and Mr. FARR.

H.R. 1425: Mr. PAYNE.

H.R. 1426: Mr. GALLEGLY, Mrs. MCCARTHY, and Mr. PETERSON of Minnesota.

H.R. 1439: Mr. CUMMINGS.

H.R. 1440: Mr. ACKERMAN, Mrs. JONES of Ohio, and Mr. HONDA.

H.R. 1447: Mr. KILDEE, Mr. MCNULTY, Mrs. NAPOLITANO, Mr. BERMAN, Mr. PAYNE, Mr. GEORGE MILLER of California, and Mr. SANDERS.

H. J. Res. 5: Mr. GORDON.

H. J. Res. 10: Mr. JENKINS, Mr. GORDON, Mr. GRAVES, and Mr. BILIRAKIS.

H. J. Res. 16: Mr. BURTON of Indiana and Mr. PAUL.

H. J. Res. 19: Mr. BECERRA.

H. J. Res. 20: Mr. BECERRA.

H. J. Res. 22: Mr. PETERSON of Minnesota and Mr. CRAMER.

H. J. Res. 23: Mr. KILDEE, Mr. GOODE, Mr. SANDERS, Ms. BALDWIN, Mr. HINCHEY, AND MR. CONYERS.

H.J. Res. 27: Mr. KUCINICH, Mr. GRIJALVA, and Mr. JONES of North Carolina.

H.J. Res. 37: Ms. CARSON and Mr. BERMAN.

H. Con. Res. 31: Mr. LEWIS of Georgia and Mr. WALSH.

H. Con. Res. 41: Mr. LEWIS of Georgia, Ms. SCHAKOWSKY, Mr. NEUGEBAUER, Mr. RANGEL, Mr. MCDERMOTT, Mr. RUSH, Mr. GRIJALVA, Mr. PAYNE, Mr. MCNULTY, Mr. HASTINGS of Florida, Mr. COOPER, Mr. ROSS, .Mr. CUMMINGS, Mr. MCINTYRE, Mr. MOORE of Kansas, Mrs. NAPOLITANO, Mr. TANNER, Mr. BOYD, Mr. BARROW, Mrs. DAVIS of California, Mr. SCOTT of Virginia, Mr. SCOTT of Georgia, Mr. STARK, Mr. RUPPERSBERGER, Mr. OWENS, Mrs. CHRISTENSEN, Mr. VAN HOLLEN, Mr. BUTTERFIELD, Ms. WATERS, Mr. LANTOS, and Mr. BISHOP of Georgia.

H. Con. Res. 42: Mr. GILCHREST.

H. Con. Res. 58: Ms. LINDA T. SÁNCHEZ of California.

H. Con. Res. 61: Mr. HOLDEN.

H. Con. Res. 65: Mr. PRICE of North Carolina, Ms. FOXX, and Mr. CROWLEY.

H. Con. Res. 71: Mr. CLYBURN, Mr. GUTIERREZ, Mr. RYAN of Ohio, Ms. MILLENDER-MCDONALD, Mr. WYNN, Mr. MCDERMOTT, Mr. WEXLER, Ms. CARSON, and Mr. CAPUANO.

H. Con. Res. 85: Mr. INSLEE, Mr. WOLF, Mr. ENGLISH of Pennsylvania, Mrs. MYRICK, Mr. KUHL of New York, Mr. CONAWAY, Mrs. KELLY, Mr. HONDA, Ms. LEE, Mr. BERRY, Mr. BISHOP of Georgia, Mr. BARTLETT of Maryland, Ms. CORRINE BROWN of Florida, Mrs. TAUSCHER, Mr. SIMMONS, Mr. BROWN of Ohio, Mr. BURTON of Indiana, Mr. DEFAZIO, Mr. MEEHAN, Mr. PALLONE, Mr. BUTTERFIELD, Mr. EMANUEL, Mr. SMITH of Washington, Mr. BARROW, Mr. GORDON, Mr. HOLDEN, and Ms. KILPATRICK of Michigan.

H. Con. Res. 87: Mr. BISHOP of Georgia.

H. Con. Res. 90: Mr. PEARCE, Mr. SHIMKUS, Ms. JACKSON-LEE of Texas, Ms. KAPTUR, Mr. CROWLEY, Mr. EVANS, Mr. UDALL of Colorado, and Ms. SCHAKOWSKY.

H. Con. Res. 96: Mr. GENE GREEN of Texas, Mr. CLEAVER, Mr. MCGOVERN, Ms. KILPATRICK of Michigan, Ms. MOORE of Wisconsin, Ms. MILLENDER-MCDONALD, and Mr. MCNULTY.

H. Con. Res. 102: Mr. SHIMKUS, Mr. WEINER, and Ms. WATSON.

H. Con. Res. 107: Mr. NEY, Ms. WATERS, Mr. PAYNE, Mr. CUMMINGS, Mr. AL GREEN of Texas, Mr. OWENS, Ms. MOORE of Wisconsin, Mr. MCDERMOTT, Mr. MEEKS of New York, Ms. LEE, Ms, CARSON, and Ms. ROS-LEHTINEN.

H. Con. Res. 108: Mrs. NAPOLITANO, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. ROYBAL-ALLARD, Mr. SANDERS, Mr. WEINER, Mr. CLEAVER, Mr. CONYERS, Mr. PALLONE, Mr. CAPUANO, Mr. KILDEE, Ms. MCCOLLUM of Minnesota, Mr. DAVIS of Florida, Ms. LEE, Mr. SCOTT of Georgia, Mr. CASE, Mr. MARKEY, Mrs. JONES of Ohio, Mr. KUCINICH, Mr. MCINTYRE, Mr. MCDERMOTT, Ms. WATSON, Mr. GEORGE MILLER of California, Mr. GRIJALVA, Mr. DELAHUNT, Mr. OWENS, Mrs. MALONEY, Mr. BLUMENAUER, Mr. OBERSTAR, Ms. LEVIN, Mr. MORAN of Virginia, Mr. AL GREEN of Texas, Mr. PAYNE, Mr. CLAY, Mr. WYNN, Mr. MCGOVERN, and Mr. HASTINGS of Flordia.

H. Res 67: Mr. CUMMINGS, Mr. REYES, Ms. NORTON, and Ms. WATERS.

H. Res. 76: Mr. HONDA.

H. Res. 84: Mr. SCHWARZ of Michigan and Mr. WAMP.

H. Res. 90: Mr. BISHOP of Georgia.

H. Res. 120: Mr. MCCOTTER.

H. Res. 121: Mr. PETERSON of Minnesota, Mr. ISRAEL, Mrs. TAUSCHER, Mr. BACA, and Mr. CRAMER.

H. Res. 123: Mr. PAUL.

H. Res. 136: Mr. ALLEN.

H. Res. 145: Mr. MCGOVERN.

H. Res. 164: Mr. MCNULTY, Mrs. DAVIS of California, Mr. WAXMAN, Mr. MCHUGH, Mr. GRIJALVA, Mr. KILDEE, Mr. PAYNE, and Mr. BUTTERFIELD.

H. Res. 167: Mr. GOODE.

H. Res. 169: Mr. BOUCHER.

H. Res. 170: Mr. WEXLER and Ms. CARSON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 298: Mr. POMBO.
H.R. 867: Mr. MORAN of Virginia.
H.J. Res. 23: Ms. WASSERMAN SCHULTZ.

SENATE—*Tuesday, April 5, 2005*

The Senate met at 9:45 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Father, in whose patient hands the mighty seasons move with quiet beauty, we acknowledge today our great need for Your guidance. Lord, we are challenged by complexities that require more than human wisdom. We sometimes feel like children grasping in the darkness, lost without light.

Bless this Government of the people, for the people, and by the people. Guide its leaders to strive to possess that righteousness that exalts a nation and to inspire others to pursue truth. Enlighten the Members of this body with Your wisdom, lest the darkness of our times hide the paths of Your providence.

We commit this day to You, Lord, for You are able to do exceedingly, abundantly above all that we can ask or imagine, according to Your power, working in and through each of us. We pray this prayer in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TED STEVENS led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 60 minutes, with the first 30 minutes under the majority leader or his designee and the second 30 minutes under the Democratic leader or his designee.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today we will have a period for morning business for up to 60 minutes. Following that hour for debate, we expect to begin consideration of the State Department authorization bill. We have not yet locked in that agreement, but I am hopeful we will be able to reach a consent agreement shortly. Chairman LUGAR is ready to proceed with the bill. We hope to make substantial progress during today's session.

Under the order last night, we have scheduled a vote for 4:45 p.m. today on the adoption of a resolution relating to Pope John Paul II. I anticipate we will have additional votes today on amendments to the State Department bill.

Also this evening, once we complete our business for the day on the State Department legislation, we will have a 70-minute period for debate on the issue of Social Security. I encourage all Members to remain for this important question-and-answer period.

I also remind our colleagues that on Wednesday, there will be a joint meeting of the House and Senate to receive an address by Ukrainian President Viktor Yushchenko. That address is scheduled for 11 a.m. Senators should be in the Senate Chamber at 10:30 so we may proceed to the Hall of the House of Representatives.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Florida is recognized.

HONORING POPE JOHN PAUL II

Mr. MARTINEZ. Mr. President, this morning, as the world has taken notice of the passing of Pope John Paul II, I rise to speak. I know the Senate today will be taking a resolution to speak to the issue of the Pope's passing.

As a person of the Roman Catholic faith myself, I thought it important and appropriate that this morning I take a few moments to speak to the greatness of this man and the contributions he made not only to enriching the faith life of those of us who practice the Roman Catholic faith, but to the people of the world as a great statesman and moral leader.

Pope John Paul was one of the remarkable people of our times. His papacy lasted 26 years, which is the third longest in the over 2,000-year history of our church. But it was during tumultuous and difficult times. Pope John Paul was prepared for this papacy, prepared for this mantle of leadership through tremendous hardships in his life. As a young person, he lost his mother very early in life, only to be followed by the very dramatic loss of his only brother, and only a very few years later the loss of his beloved father. So at a very young age, as a very young man, Pope John Paul was left alone in the world without any close family. He developed a long and strong network of friendships that he maintained all through his life, and even through the days of his papacy.

In addition, the Pope's youth was tempered by living under tyranny, by the fact that in his youth he had to be subjected to the tyrannical occupation by Germany of his Polish homeland and the persecution of people such as himself—people of faith.

In addition, once that was over and he began to seek his vocational pursuit in the priesthood, he had to do so underground, because subsequent to the German occupation and the Nazi regimes, and immediately thereafter, it was followed by the Communist takeover of Poland. Eastern Europe, as we all know, became engulfed and contained by what came to be known, in the words of Sir Winston Churchill, as the Iron Curtain, with Poland falling behind the walls of that Iron Curtain, where religion was suppressed, faith was not to be practiced openly, and where he could not attend seminary openly. He would have to do it in an underground fashion.

The Pope's preparation for his priesthood and his papacy was forged in the difficult times that he faced not only personally but also in his life as a citizen of Poland. It then fell upon him to be Pope at a time when the world was undergoing change, and at a time when the people of his beloved Poland were energized as no other in history by his papacy and his theme of "be not afraid." His trip back to Poland in the early years of his papacy was punctuated by his remarkable reception by the people of Poland—people thirsty for freedom, thirsty for an opportunity to end the yoke of tyranny and communism. So the papal visit was a transcending moment in the history of Poland. As we now know, it was a transcending moment in the history of our world because it did signal the beginning of the end of Communist rule in Eastern Europe.

We know Pope John Paul worked closely with several U.S. Presidents but none more closely than President Ronald Reagan, in those crucial years when the Cold War came to a head, and when we saw the beginning of the fraying of what was a failed system, a system that had only been maintained through terror and fear. His theme of "be not afraid" began to be heard and responded to, and the people of Poland began that surge toward freedom, which was inevitable in all of Eastern

Europe. So the Pope's contribution there was crucial, critical, and was something that I think we all saw as a tremendous contribution.

Of course, the Pope also visited the United States on many occasions. I believe I have heard over the last several days it was the second most visited country after his beloved Poland. It was with great significance that we received him here, and it made a tremendous difference in the life of our own country. More recently, he visited Cuba 8 years ago. Cuba is an imprisoned land where there had never been a papal visit. Also, it is a country ruled under the same tyrannical communism he saw in his native Poland during his youth and he battled all during his adult life being suppressed in his ability to worship freely.

Cuba happens to be the place where I was born, where I began my life, and where the principles of the Catholic faith were taught to me early in life by my family and my church. It was in that same land that I came to understand the meaning of oppression, tyranny, and the lack of religious freedom the Pope had experienced in his youth. He and I, in different parts of the world, in a sense shared a common experience and understanding of the limitations of freedom that are sometimes placed upon people by governments that do not respect what we find so basic and so rightful, which is the right of free speech and the right of practicing one's religion freely. The Pope's trip to Cuba was a monumental thing because it helped the people to begin again to practice their faith in a more open way. His theme of "be not afraid" was heard by Cuba, and thousands of Cubans were for the first time expressing their faith in an open way, in a way they had not been permitted to do before, but which now they dare to do.

The Pope's visit did not have the same galvanizing political effect it had in Poland, where it also led to political change, but it did have a strong pastoral theme, a message that the people of Cuba welcomed with open arms. It also inspired the archbishop in Santiago, Cuba, the second largest city in Cuba, to speak forcefully about oppression in Cuba, the lack of religious freedom, and continuation of oppression—the kind of religious oppression I felt in my life that led me to seek freedom in the United States, with the very help of the same church the Pope came to lead, the Catholic Church. His fight against atheists and communism over the years also led him to conduct a program called Operation Peter Pan, which took 14,000 young people from Cuba to freedom in the United States. I was lucky enough to be among them, so my life began under the care of the Catholic church.

I understand fully the religious oppression the people of Cuba have suffered, which continues to this day but which the Pope made a little better. He gave them a window, an opening, a moment, for the first time in over 35 years. Christmas was celebrated in anticipation of the papal visit. Unfortunately, Cuba now has fallen back into a more repressive practice, and freedom of religion is curtailed even more today.

As we look at the Pope's life, at this moment in history, as we reflect on this remarkable man, his remarkable life, and the contributions he made, we also must continue to understand there is work still to be done. There are people in the world who still are hungry and suffer, and there are those who still lack the religious freedoms to openly practice their faith, much as the Pope in his youth was curtailed. People today in Cuba and other places around the world still yearn for that opportunity to freely worship and to do what we do. As we began our proceedings this morning, the Chaplain of the Senate offered a word of prayer.

I conclude by simply saying that we have been touched in our lives by this remarkable man, this life which has shaped the world in which we live. It is a life well lived. As he has come to the end of his journey, I hope those of us who share in his faith and in his ideals of the respect of every human life and every human being will continue to carry on the wonderful legacy he left for us.

The PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. BURNS. Mr. President, today I join in mourning the loss of Pope John Paul II. In my lifetime, he was the first Pope I can remember who could actually be put in the category of being an evangelist.

No other Pope ever traveled as much as this Pope did, and no man ever took the Word to the different corners of the world like this man did, and that is why he is so revered around the world.

(The remarks of Mr. BURNS pertaining to the introduction of S. 696 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BURNS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MARTINEZ). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 600

Mr. BURNS. Mr. President, I ask unanimous consent that following morning business today the Senate begin consideration of S. 600, the State Department authorization bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BURNS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GOVERNMENT ACCOUNTABILITY

Mr. DORGAN. Mr. President, I rise this morning to talk about three areas of accountability as we begin discussing a range of things in the Senate this week. The issue of accountability rises on the question of the report offered to the American people and to the Congress by Judge Laurence Silberman and former Senator Chuck Robb. It deals with the question of intelligence preceding the Iraq war.

The 600-page report given us was largely a useless retelling of what we know already. I do not want to completely diminish the effort, and there are some things in that report that are interesting, but the fact is, we already know that the intelligence with respect to Iraq was dead wrong. The major question is, How was the intelligence used and for what purpose was it used?

We know what we were told prior to the Iraq war. All of us went to briefings up in the room in the Capitol where we receive top secret briefings, and we heard all kinds of language there and in the popular press by people in this administration and others who said that this was a certainty, that they knew where the weapons of mass destruction were in Iraq; it was urgent; there were unmanned aerial vehicles to deliver weapons of mass destruction; this is a slam dunk.

Now we know not only from this report but from previous reports that this intelligence was gathered, for example, with respect to one of the issues, as our Secretary of State told the world in the United Nations presentation, concerning the prospect that the Iraqis were developing a mobile chemical weapons lab to produce weapons of mass destruction. Now we discover that information came from a source named "curve ball." It was a single-source piece of information. Some suspect that "curve ball" was a drunk, at least when he met with our intelligence folks. It says that he was suspected of having a hangover. We know that he was a fabricator.

So on the basis of a fabricator, a drunk, single source, we told the world through our Secretary of State that Iraq had mobile chemical weapons labs that threatened our country.

The aluminum tubes are another story. I am not going to go through all the stories, but the question is, Where is the accountability? We get a 600-page report that tells us what we already know; that the intelligence with respect to Iraq was dead wrong. Where is the accountability? Where does the buck stop?

Mr. Tenet, who was the head of the CIA—and this 600-page report points certainly to him among others—was brought to the Oval Office, to the White House, and given the Medal of Freedom after he left the CIA. Where is the accountability? Is there accountability in this country for having gotten it not just wrong but, as the 600-page report says, dead wrong? Will this Congress require accountability? I think it is very important.

This 600-page report is half the story. The other part of the story is not only bad intelligence, but how was it used, and what was the purpose of using it? Go to the Woodward book, go to the O'Neill book, and one gets some hint of the connection to this.

I think this Congress is owed additional answers. I think this report was far too narrow.

Second, I want to ask about accountability with respect to an independent investigation that is going on in this town. The Washington Post report was surprising to me because I was not aware of these facts. The Washington Post did a story that said the cost of the Cisneros probe nears $21 million over 10 years. This was a probe of Housing Secretary Henry Cisneros by independent counsel David Barrett. In May of 1995, Mr. Barrett was appointed as independent counsel to investigate allegations that a then Cabinet Secretary lied to the FBI about money that he had paid to a former mistress. That was May 1995.

In September 1999, Mr. Cisneros pleaded guilty, paid a $10,000 fine, and then following that he was later pardoned by President Clinton. By then, the independent counsel had spent $10.3 million on his investigation, and since that time he has spent another $10 million-plus on the investigation.

Is there a screw loose someplace? What are they thinking about? There was an independent counsel appointed 10 years ago to investigate an alleged impropriety by a Cabinet official. The Cabinet official pleaded guilty 4 years later, was pardoned a year after that. The independent counsel is still working? He is supposed to be supervised by three Federal judges, but the fact is, they are leaking money down there.

I intend to offer an amendment to the supplemental to shut off the funding. Ten years later, $21 million, investigating the question of whether a Cabinet official lied about money paid to his mistress? He pleads guilty to it and we have a guy 10 years later still investigating it?

I think waste is a disaster in the Federal Government. Talk about waste, this is shameful, and if the three-judge panel does not have the common sense to shut this down, then the Congress, I hope, will have the common sense to shut it down. I will offer an amendment during the supplemental that shuts off the money and does it now.

The third area of accountability is this: As chairman of the Policy Committee on our side, I have held a good number of hearings on the issue of contracting in Iraq. There is massive waste, fraud, and abuse going on with respect to contracting in Iraq. All of us know there is money going out of this Congress in wholesale quantities, tens of billions of dollars.

Last year, Congress passed a bill for reconstruction money in Iraq. I did not vote for it; I voted against it. In fact, I offered an amendment to shut it down, reconstruction money to the tune of nearly $19 billion for the reconstruction of Iraq. In addition to that, we have spent nearly $160 billion to $180 billion on the war in Iraq. There is an $82 billion request before the Senate right now. That is the supplemental I was referring to earlier. This is a massive amount of money being spent with respect to the operations in Iraq and also the reconstruction in Iraq.

I will talk a bit about what we have learned. One contractor was feeding our troops and charged the American Government, the Pentagon, for feeding 42,000 troops a day. It turns out this contractor was only providing 14,000 meals a day. We are getting billed for 42,000 meals, but the contractor was only providing 14,000 meals. Someplace 28,000 meals are charged for that were never offered to our troops, or perhaps not needed.

I come from a small town, and they call that cheating in my hometown. That contractor is still the largest contractor in Iraq being paid by the U.S. taxpayer.

We had testimony from truckdrivers who were hired to move goods around Iraq, including fuel coming into Iraq by contractors. Truckdrivers testified that $85,000 brandnew trucks were left on the side of the road to be torched and looted because they had a clogged fuel pump or because they had a flat tire they could not fix. What did they do? They left the truck beside the road, just abandoned the truck. That is the kind of waste, fraud, and abuse that is going on.

We had a guy testify and show us a picture of the bags of cash that were used to give to contractors in Iraq. One contract company started business in Iraq with $450. They have been paid tens of millions of dollars now. Two of their employees, by the way, became whistleblowers and said: What we are seeing is making us sick, so we are going to tell somebody about it.

Here is what they said: These two people who started this company and are contracting with the U.S. Government—it is called the Coalition Provisional Authority that we created in Iraq; it was us, we paid for it—were providing security at an airport, and they were alleged by the employees to have taken forklift trucks off the airport property to a warehouse, repaint them blue, and then bring them back to the airport and sell them to the U.S. taxpayers through the Coalition Provisional Authority. Again, in my hometown, they call that fraud.

We had a big picture that one of the other whistleblowers had taken who worked in Iraq, and he said: We told contractors in Iraq that when it was time to get paid, just bring a big bag because we are going to give you cash. He showed us one picture of the contractor I discussed, the one with respect to the forklift trucks. He showed one picture of $2 million wrapped in Saran Wrap in bundles sitting on a table and the contractor comes with a big bag and they get their $2 million and waltz off.

This contractor, by the way, was also alleged to have created a subsidiary in the country of Lebanon for the purpose of buying and selling to and from itself so it could inflate prices and therefore further cheat the United States taxpayer.

It is unbelievable what we have learned about contracting in Iraq. One whistleblower came forward and said he was the buyer who was supposed to buy towels for U.S. soldiers. He said this is the towel I bought under orders from my superiors. The company wanted to pay almost double the price of the towel in order to have the company's name embroidered on the towel the soldiers used—unbelievable waste.

When you think of what is happening, this Congress is shoveling out tens of billions of dollars in pursuit of all of this and nobody is watching the store. You hear the stories about us paying for reconstruction of a building in Iraq—and we are doing it for thousands of buildings. We decide we are going to put an air conditioner in that building, so it is subcontracted to an Iraq subcontracting company. First it goes to the contractors who are in Iraq being paid by our Government, some of whom I have described here, and then it goes to an Iraq subcontractor, and then the subcontractor for that subcontractor, and pretty soon that air conditioner in the building became a ceiling fan and we paid for an air conditioner and the ceiling fan doesn't work. So there you are.

The question is, who in this Congress is going to decide this matters at a time when we are up to our neck in debt, the largest debt in the history of this country, with a fiscal policy that is way off track, a President who sends us a budget with the highest Federal budget deficits in history, and trade deficits that are the highest in history, a combined fiscal policy and trade deficit of over $1 trillion in the past year?

We are sinking and drowning in debt. Who is going to care about this kind of waste, fraud, and abuse, the most serious I have seen in all the years I have served in the Congress?

I raise this because it relates to accountability, accountability with respect to the use of intelligence prior to the war in Iraq, accountability with an independent counsel who spent $21 million 10 years after the fact when he was supposed to investigate a Cabinet official who lied about paying money to his mistress. This is an independent counsel who is still operating and has spent $21 million. Who is accountable for that? Who is accountable for waste, fraud, and abuse in Iraq?

Harry Truman had the famous sign on his desk, "The buck stops here." These days the buck doesn't seem to stop anywhere. Nobody seems to be accountable for anything.

I intend to offer another amendment. I don't know whether I will offer it on the existing bill or on the supplemental, but I will offer it again, setting up a Truman committee of sorts. In 1941, at the start of the Second World War, Harry Truman, then a Democratic Senator when a Democrat was in the White House, traveled around this country and saw waste, fraud, and abuse in military spending. He created a special committee and as a result of the investigation of that committee they unearthed massive fraud and massive waste. That was when a Democrat in the Congress did it, when a Democrat was in the White House.

These days nobody wants to raise any questions. You don't want to make any waves because we have one-party control and we don't want to talk about this, that, or the other thing. The fact is, I have never seen the kind of waste that now exists with respect to our operations in Iraq. It undercuts and undermines our soldiers' efforts, in my judgment. It cheats America's taxpayers, and it represents the worst of Government.

We ought to be able to hire contractors who will do the job without allowing waste, fraud, and abuse to represent the major impact of what we see happening in Iraq these days with respect to these contractors.

Part of this stems from greed. Part of it stems from the fact that many of these contracts in Iraq are no-bid contracts—one company. I have not mentioned Halliburton, but I could because a lot of it deals with Halliburton and KBR—not exclusively, but a lot of it. Any time somebody mentions Halliburton, somebody says: Oh, you are attacking the Vice President. Not a bit. This happened after the Vice President left Halliburton. These are of recent vintage, these activities in Iraq. It is not an attack on anybody. It is in support of the taxpayers of this country. We ought not allow this to happen. Republicans and Democrats all ought to stand on their feet and demand accountability and demand that the waste, fraud, and abuse stop—$8,000 a month to rent an SUV; $40 for a case of pop or soda—Coca-Cola.

There were 50,000 pounds of nails ordered by a contractor to Iraq. They were the wrong length, so they dumped them. If anybody wants to pick up 50,000 pounds of nails, they are laying in the sand in Iraq. It is unbelievable the waste, fraud, and abuse we hear about.

The reason I have held the hearings in the Democratic Policy Committee is nobody else will hold hearings. No one else wants to hold these contractors accountable. There are whistleblowers all over who are disgusted with what they saw, working for contractors and supervising contractors in Iraq.

I have only described a brief portion of what we learned in these hearings. We intend to conduct additional hearings. My preference would be that we not conduct these hearings in my committee. My preference would be that the authorizing committees and the relevant committees that should be assuming oversight of this would hold aggressive hearings, but they don't and they probably won't, and as a result we will continue to do this.

I am intending to offer an amendment to create a Truman-type committee here in the Congress, as we did some decades ago, to take a hard look at what is happening through that kind of committee, an investigative committee that would include Republicans and Democrats, all of whom I hope would be committed and dedicated to the task of deciding that waste, fraud, and abuse is not something that should happen on any of our watches here in the Congress.

Again, I think the key issue here is accountability. There seems to be none these days in almost any direction. I hope in all of these areas we can begin to decide there is accountability, at least here in the Congress.

I yield the floor and make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING JOHN PAUL II

Mr. SALAZAR. Mr. President, I rise this morning, just having returned to Washington from Colorado, to share a few comments about the Holy Father, Pope John Paul II.

My family's faith tradition—like yours, Mr. President—since time immemorial has been Roman Catholic. In Pope John Paul II, we witnessed a great spiritual leader, a conscience and a statesman.

Pope John Paul II exemplified the values and teachings of Jesus Christ in his humility, service to others, and in his struggle to have the world recognize the dignity of every human being. John Paul II lived the creed of Jesus Christ as set forth in the Book of Matthew, Chapter 23, Verses 11–12, where Jesus, speaking to the crowds and his disciples, said:

> The more lowly your service to others, the greater you are. To be the greatest, be a servant. But those who think themselves great shall be disappointed and humbled; and those who humble themselves shall be exalted.

More than 26 years ago, in the eighth round of voting, Karol Wojtyla was elected to head the Roman Catholic Church. His predecessor, Pope John Paul I, had died after only 32 days as Pope. The selection of the charismatic Polish cardinal—the first non-Italian pope in 455 years—surprised many people both inside and outside the Catholic Church.

In the quarter-century since then, Pope John Paul II continued to surprise—and challenge—not only members of my church but, indeed, the entire world to recognize and celebrate the dignity of each and every person.

But that was not all "the Pilgrim Pope" revolutionized. Where previous pontiffs had often seemed distant from their flocks, Pope John Paul II traveled to more nations and spoke to more people—often times in their language—than any other pontiff in the history of the Roman Catholic Church.

His first trip abroad as pontiff was to a region in crisis. Latin America, home of half the world's Roman Catholics, was ravaged not just by poverty and hunger but by violence and civil war that claimed tens of thousands of innocent lives.

His next trip was to his homeland, Poland, a land that been subjugated for decades, first by Nazism, then by communism. One journalist wrote that the pope's visit to Poland "helped bring about such profound, irreversible changes that Poland then became a country which was clearly ceasing to be a communist country."

John Paul also visited America during the first year of his Papacy, attracting huge crowds wherever he went. In my home State of Colorado, 1993, he came to Denver, bringing a message of substance and hope to the young people of the world. I remember that visit fondly—and recall my father's excitement after he reached over a fence to touch the Pope.

This pope is recognized—and rightly so—as a sort of patron saint for the Solidarity movement in Poland and a catalyst for the demise of communism in the Soviet Union and Eastern Europe.

But that was only part of this pope's message. He has also warned repeatedly about the shortcomings of capitalism. He reminded us all that we have an obligation to help the poor and the oppressed.

In 1998, he traveled to Cuba, strengthening a Church that is doing more and more to help that country's forgotten, and breathing life into an opposition movement that surprised the world—and that country's backward regime—with a grassroots call for reform.

In 1999, he again visited the US, reminding us of our duty to not forget the poor and oppressed and continuing his special outreach to America's young people and challenging them to fight for a better America and a better world.

And in 2000, a visibly frail Pope visited the Holy Land to mark the Millennium and in an attempt to bring Jews, Christians and Muslims together. Both Jews and Muslims and Christians welcomed him—and recognized and celebrated his visit—and applauded of optimism his words and hope.

His efforts to heal the rift between the Vatican and Jews had to be colored by his own experience with the brutality of anti-Semitism that he had witnessed. In September 1939, he saw his university in Krakow shut down and eventually saw several of his friends and classmates sent to Auschwitz after the Nazis invaded Poland.

His efforts at healing historical rifts continued, evidenced by meetings with the Archbishop of Canterbury, the highest ranking official in the Episcopal Church. Many wished he could have done more on these hurtful rifts, but no one doubted that he began to confront these challenges like no Pope has ever done in the history of our Church.

For these nearly 27 years, the Pilgrim Pope John Paul II—an accomplished poet, an intellectual and a mystic in that fine Catholic tradition—was hailed as a visionary and attacked as a relic. Within the Church itself—as in the scores of countries he visited—he was criticized by critics on both the left and the right. That is because in the Church and on each of his many trips, he brought not only comfort and hope—hope for peace in Latin America, freedom in Eastern Europe, reconciliation in the Middle East, and improvement in America—but he also brought discomfort and challenges for all of us to do better.

In 2003, the Vatican had this to say about the role of the Church in public life,

> The Church does not wish to exercise political power or to eliminate the freedom of opinion of Catholics regarding contingent questions.
>
> Instead, it intends—as is its proper function—to instruct and illuminate the consciences of the faithful, particularly those involved in political life, so that their actions may always serve the integral promotion of the human person and the common good.

None of us lived up to the challenges and prescriptions the Pope mapped out in 27 years in a perfect way. We could not because Pope John Paul II challenged all of us to do more, to be better.

Physically, the frail, stooped Pope we saw in the last weeks bore little resemblance to the athletic 58-year-old who ascended the throne of Peter nearly 27 years ago. But inwardly, he remained deeply consistent—challenging us to uphold the dignity of each and every person—and illuminated and instructed, as well as challenged and surprised the entire world.

We will miss Pope John Paul II, but his vibrant legacy lives on in each of us and in the lessons and challenges he placed before us.

I thank the President and yield the floor.

Mr. DURBIN. Mr. President, Zbigniew Brzezinski, the Polish-born national security advisor to President Jimmy Carter, tells a story about how the news of Cardinal Karol Wojtyla's election as Pope was received by the communist rulers of Poland.

On that day in October 1978, Mr. Brzezinski said, a group of communist writers and party leaders were meeting in Krakow. A police colonel was speaking, complaining about the opposition of the church, when a woman ran into the room and said, "Wojtyla has been elected Pope!"

The second secretary of the party, not realizing his microphone was still on, turned to the first secretary and said, "My God, my God, now we will have to kiss his"—and he did not say "ring."

The first party secretary, understanding the enormity of the moment, replied, "Only if he lets us."

In neighboring Czechoslovakia, a dissident playwright was with friends when news of the new Polish Pope came. Vaclav Havel, who would go on to become the first elected president of the Czech Republic, said he and his friends literally danced with joy when they heard the news. "We felt," he said, "that he was a great and charismatic man who will open the door to an unprecedented renaissance in Christianity and through it, to human spirituality in general, and who will fundamentally influence the future destiny and political order of the world."

More than 26 years later, those stories seem prophetic. Karol Wojtyla, Pope John Paul II, did indeed change the world.

Today, he is being mourned not only in his beloved Poland, and not only by Catholics, but by people throughout the world: Christians, Jews, Muslims, Hindus, Buddhists, people from every faith tradition, and many with no religious connections.

Last Friday, when it was clear the Pope was dying, a man in Havana, a self-described communist, told an Associated Press reporter, "I don't believe in God. But if there is a God, let him send us a Pope as good as this one."

In Istanbul, Turkey, the brother of the man who nearly killed the Pope said his brother is grieving. "He loved the Pope," his brother said.

Among the places in this country where this Pope's death has left many with an aching sadness is the Five Holy Martyrs Church on the southwest side of Chicago, the historic heart of Chicago's large Polish community. More Poles live in Chicago, IL, than any other city in the world, other than Warsaw.

In October 1979, when Pope John Paul II made his first visit to America as Pope, he said Mass at the Five Holy Martyrs Church, where the Eucharist is still celebrated in Polish, on an altar in the church parking lot, surrounded by more than 17,000 people.

Today, the altar still stands in the parking lot; it is used once a year for a special commemorative Mass. A portion of 43rd Street near the Five Holy Martyrs Church has been renamed in the Pope's honor. And many who saw him still recall it as one of the greatest days of their lives.

Think of this: half the people in the world today were not even born when Karol Wojtyla became Pope John Paul II. Most people under 40 have no memory of any other Pope, and remember John Paul only as an elderly and frail man.

Those of us who are a little older, though, remember just as clearly what a strong, athletic man he was before age and Parkinson's disease began to take their toll. "God's athlete," some called him, and he showed in his life how much strength he had.

He was a traditionalist and a revolutionary, a son of Poland, and a citizen of the world. He was a mystic and a man of prayer, but he was also a man of action and seemingly inexhaustible energy. Reporters decades younger who accompanied him on his travels even in recent years, said they returned home exhausted. But John Paul never stopped.

He was more than a spiritual leader; he was a major player on the world diplomatic stage.

He visited more than 100 nations and every continent except Antarctica. All told, he traveled more than three times the distance from the Earth to the Moon.

He spoke more languages than many people can name. In 1993, he visited Lithuania, Latvia and Estonia—his first trip as Pope to the former Soviet Union. For that trip, he learned his 14th language, Lithuanian, which I am sure my Lithuanian-born mother was very happy to hear.

Everywhere, his message was the same. It is what he told his fellow Poles on his first visit home as Pope in 1979: "Be not afraid." There is more to this life than what you can see here and now. "The moral arc of the universe is long," as another great moral leader told us, "but it bends toward justice."

He sided always with the oppressed, the marginalized, the voiceless, the victims of war and injustice.

He was fearless and unflinching in the face of leaders of governments that suppressed human rights and crushed human hopes. He defied the Nazis who occupied Poland when he was a young man, and the communists who followed them. He showed real strength that all of us admire.

His role in ending communism in Poland and bringing about the end of the Soviet empire is well documented and rightly praised. He also helped to bring an end to apartheid by refusing to visit South Africa until that repugnant form of government was abolished.

Peace, non-violence, the sanctity of life, the dignity of work, the realization that we are all part of one human family and that every person on earth shares "a common dignity and a common destiny," the belief that those who have much owe those who have less true justice, not mere charity, these are the lessons John Paul preached.

He taught us about reconciliation. He apologized for the Church for the Crusades, the Inquisition and the persecution of the Jews.

He showed us how to ask for forgiveness on his first trip home to Poland, when he visited the Nazi death camp at Auschwitz and knelt in prayer before a memorial to Holocaust victims. He showed us again on his first visit to Israel, in 2000, when he reached out his shaking hand to touch the Western Wall and leave a written prayer, a plea for forgiveness.

He showed us how to grant forgiveness when he visited the prison cell of the man who tried to kill him, and prayed with him.

He was the first Pope ever to visit a synagogue, or visit a mosque in an Islamic nation.

In his final days, he taught us another lesson: how to die with dignity.

John Paul II lived his life to try to heal the wounds that divide humanity. It is a measure of this extraordinary man's success that he has been praised in death by both Israeli Vice Premier Shimon Peres and Palestinian leader Mahmoud Abbas.

Karol Wojtyla had tears in his eyes when he became Pope. Many of us have tears in our eyes as he leaves the papacy and this world.

Those of us who are Catholic feel a special connection to this Pope. Many of us did not always agree with him on matters of Church teaching and practice. That is not unusual. In every family, there are disputes. But there is also great love. Even when we differed with him, we believe the Pope tried to do what he believed was right, and that is all we can ask of anyone.

During his visit to Chicago more than 25 years ago, the Pope said mass in Chicago's Grant Park. Many business closed that day to let their workers attend the mass. People stood shoulder-to-shoulder in the park.

Later that night, thousands of Chicagoans gathered at the Cardinal's mansion to sing "good night" to the Pope. It was late, but they weren't ready to let him go. He smiled as the crowd sang—and sang some more. Finally, with that huge smile and that big, booming voice, the Pope told them, "Now you must go sleep." When no one moved, he smiled again and repeated, like a stern but loving father, "You must go sleep."

All these years later, many of us still wish he could have stayed with us just a little longer. But it was time for him to sleep.

So let us treasure the memory of this good man. And if we are moved to pay tribute to him, let us do our best to try to live the lessons he taught us with his own extraordinary life.

Mr. SCHUMER. Mr. President, I rise to pay tribute to the Holy Father.

Pope John Paul II was an extraordinary ambassador for the betterment of humankind in every corner of the globe. His humanity shone through every day for two and a half decades of his papacy and his impact on the world will be everlasting.

He was a moral leader in so many of the great battles of our time. He fought Communism without violence, and he was dogged in his battles against war, injustice, and intolerance wherever he found them. He viewed the world in clear terms of good and evil, but he never once descended to demagoguery. He was a man who at once understood both the frailty and potential of the human spirit.

What other kind of man could have forgiven his would be assassin in person and prayed with him in his jail cell?

His capacity for belief in the betterment of man moved the world.

What other kind of man could overcome centuries of mistrust and conflict to establish diplomatic ties between the Vatican and the State of Israel. That was truly a bold and historic move.

As a New Yorker, I also must offer to say a special thanks to the Pope from the residents of our State and city. New York is an international city that attracts immigrants from all over the world who come with the dream of finding a better life.

While the Pope might be the most famous Pole of his time, every one of our citizens admired and often shared his pluck, his expansiveness and his optimism, qualities that make New York the greatest city on Earth. That is one of the reasons he was revered as such a hero by all New Yorkers, because the qualities that he exhibited of optimism and pluck and expansiveness are characteristics of our city as well. So every time he came here, there was a beautiful union. Like the Statue of Liberty that he quoted in his visit to Giants Stadium in 1995, his life and work was a symbol to millions on these shores and beyond that they, too, if they worked hard and stuck to their principles and moral values, could enjoy a better life.

And when terrible tragedy struck our city that awful day 4 years ago, the Pope's poignant statements reassured all New Yorkers and all Americans. He said at that time:

> May the Blessed Virgin, bring comfort and hope to all who are suffering because of the tragic terrorist attack that profoundly wounded the beloved American people in recent days. To all the sons and daughters of that great nation I now address my heartfelt thoughts and participation. May Mary receive the dead, console the survivors, sustain the families which have been especially tried and help everyone not to give in to the temptation to hatred and violence, but to commit themselves to serving justice and peace.

And he didn't stop there. After the attacks he convened an inter faith pilgrimage for peace to Assisi, the birthplace of St. Francis. He only led such a pilgrimage twice before—once during the Cold War, once during the Balkans conflict. He led leaders of Orthodox, Anglican, Protestant, Jewish, Muslim, Buddhist, Hindu, Sikh, Jain, Zoroastrian, Tenrikyo, Shinto and traditional African faiths in prayer and meditation. It was only a delegation he could have led.

Personally, I will never forget the Pope's visit to New York City in 1979. One glance at him and you saw that his nobility and his common touch combined so well in one human being was unforgettable for the millions of New Yorkers who lined the streets to greet him. People of all faiths and background mourn his passing. I join the billions of citizens around the world in a solemn prayer and remembrance of this great, wonderful, and holy man, Pope John Paul II.

I yield the floor.

Mr. GRAHAM. Mr. President, I add my voice to the millions of people throughout the world as we try to put in perspective the passing of Pope John Paul II.

As has been said many times in many ways, probably more than anything what struck me the most about the Holy Father was his ability to understand what could be when other people only saw what couldn't be. He understood that communism was an oppressive system. He lived under Nazi rule, and as he had the power to bring about change, he used that power for the good. He went back to his home country of Poland and challenged his people to expect better and to demand better. That is what he did for the world.

He tried to challenge his church, to stick to the principles of the church as he saw those principles to be. He challenged the world to do better when it came to the less fortunate. He was consistent. He saw war as a bad thing. He understood that life was sacred and that the state should not take life. He was in opposition to the death penalty. There I may disagree, an honest disagreement.

But he had a consistency about him. When we try to put his beliefs in secular terms of being liberal or conservative, we totally miss the mark of understanding the Pope. He understood the past, he changed the present, and the future will be better because of his time on Earth.

His passing has left a void in a great religion. The Catholic faith has lost a great leader. The world has lost a great voice for humanity, for decency, for love, for caring, and that voice will echo throughout the ages. As the Catholic Church embarks on picking a new Pope, I can understand the legacy that will have to be fulfilled.

The great religion called the Catholic faith is in mourning for the loss of a great leader, but all of us are in mourning for the loss of a great leader. Anyone who loves freedom, anyone who believes that there is a right and wrong when it comes to certain issues, has lost a great guidepost. I believe his legacy will be in challenging the status quo for the common good, seeing pain and hearing the cries of the oppressed when other people only heard faint noises, and having the courage of his convictions. He said, Be not afraid, and that is a lesson for us all.

He has gone to his eternal home. He deserves all the accolades he has been given. The world is better for his time on Earth.

I yield the floor.

Ms. MIKULSKI. Mr. President, also part of the greatest generation is someone whom I rise to pay tribute to today and that is to Pope John Paul II. I was saddened at the passing of Pope John Paul II. The Holy Father was an inspiration to me as well as to millions around the world. His faith, his compassion, his eloquence, transcended religion or nationality. We so admired His Holiness because he stood for those who suffered, those who were oppressed, those who could not give voice through their own advocacy for human rights. He offered faith and hope and courage with his famous phrase "be not afraid," as he reached out to young people to give them a moral compass that they needed—that we all need to guide our lives.

Pope John Paul was the true people's Pope. Gosh, he traveled to over 100 countries. He didn't just speak from the pulpit; he reached out and touched people. He moved into the crowds, and he spoke the language of the people, often literally because he spoke so many languages. The Pope was the father of the church, but he was also a son of Poland, my own cultural heritage. I remember when I heard the news about the new Polish Pope, the first non-Italian in over 400 years. I live down the street from the Polish parish, St. Stanislaw's in Fells Point. We felt such pride and joy. The bells rang, the tugboats tooted. We closed the streets and had a fantastic party. We were so excited.

In Baltimore we even knew him before he became Pope. He came to visit us as the cardinal from Krakow. He visited Holy Rosary Church, again one of the Catholic churches serving large numbers in the Polish community. I was so pleased to be there that day for this young, vigorous, athletic man who came from Poland to speak to us, wanting to know about our own country, speaking to us in English also about our own hopes and aspirations. But because he had grown up under Nazi fascism and lived under the boot of communism, he spoke to us about what it was like to live behind the Iron Curtain.

As you so well know, he came from the captive nations. I was so proud then to be part of the American delegation when he was Invested over 2 years later. And even then we could see the hint of things to come. There was a mass for hundreds of thousands of people in St. Peter's Square, where His Holiness gave his first blessing and spoke the Word to the people in many tongues. Before he came over to greet the diplomatic corps, he went over to a special section of children, and not just ordinary children but extraordinary children—the mentally retarded, those with birth defects, cerebral palsy. And the first touch of the Pope was to those children. I think it touched us all.

One of my best memories was taking my parents to meet the Pope at the White House when Jimmy Carter was President and Brzezinski was his National Security Adviser. I took my mother and father through the receiving line, and they had a chance to talk with him in both Polish and English. He turned and smiled with his wonderful humorous way and said: Don't forget to listen to your mother and father and to the Holy Father.

Twenty-five years later, I joined my colleagues in the Senate to present the Pope with our Congressional Medal, the highest honor we can bestow. The Pope doesn't usually accept awards, but he made an exception because we wanted to thank him for his stand for human rights and for peace and justice around the world. After the presentation and the blessing, he said to us: God bless you and God bless America.

The Pope visited this country seven different times, both as a bishop and as Pope. And during those times, he always spoke to us about the need for freedom. He knew what it was like to live under the occupation. During the dark days of communism, he led the church's support of the Solidarity movement. In 1979, after he became Pope, he made his very first visit to his own native land. In 9 days, he was seen by 13 million people, from Warsaw to Krakow to Czestochova. He touched every part of Polish society, and he encouraged them once again to be not afraid. One year later an obscure electrician working in a shipyard, named Lech Walesa, jumped over that wall. And when he jumped over the wall of the Gdansk shipyard, he took the whole world with him. That was the beginning of the end of Communism.

The Pope forged a special relationship with President Ronald Reagan, and I believe helped bring about the end of the Cold War and pulled down that Iron Curtain.

Pope John did more than any other leader of the church to reach out to different faiths. He was the first Pope to visit a synagogue. He was the first Pope to visit a mosque. He reached out to Anglicans and to Eastern Orthodoxy. But he didn't just reach out to different faiths; he reached also to the human heart. He reached back to the darker side of history. He was the first to acknowledge the Holocaust and to say that antisemitism was a sin and to officially visit Israel. He wanted the improvement of relationships.

If we want to honor the Pope, we should do it not with words but with deeds: To be not afraid, to speak up for truth, to speak truth to power, speak about justice, speak about human rights, to speak about the marginalized and the oppressed. Today we grieve the death of the Pope. We express our gratitude for his remarkable life and his remarkable leadership and legacy of faith and freedom and the enduring promise of the Gospels calling us to feed the hungry, care for the sick, and turn our spears into plowshares.

Mr. HATCH. Mr. President, when Pope John Paul II died over the weekend, the Catholic Church lost its spiritual shepherd. The world lost a giant of a man. As successor of St. Peter, he began his papacy by reminding the world to "Be not afraid." The captive people of Eastern Europe and Latin America heard that message loud and clear. And as he prepared for his own death, he met his suffering with a fearlessness and hopefulness that was heard by us all.

For millions of American Catholics, including many Utahns, and many of my colleagues in this body, Pope John Paul II's passing represents the loss of a profound spiritual leader. My prayers are with all of you and with the Pope.

For non-Catholics like myself the Pope's death is a cause for mourning as well. His was an example of strength.

commitment, and moral courage that we will all miss and that we will never forget. The Communist tyranny that the Pope ultimately triumphed over once mocked the power of the Catholic Church, asking how many divisions the Pope had. While it is true that the Pope possessed no military might, his witness to hope, his faith that life would triumph over death, that the light would prevail over the darkness, was more powerful than any army.

As a result of his simple faith, this humble man from Krakow, Poland emerged from behind the Iron Curtain, became the first non-Italian Pope in nearly 500 years, and concluded his life as one of the towering figures of the Twentieth Century. I have no doubt that his example will guide us in the Twenty-first Century as well, and I understand why it is that so many Catholics are already referring to him as John Paul the Great.

My career as a public servant began shortly before John Paul II became Pope. I am fortunate to have spent time with him on two occasions over the years, and so it was no surprise to me to watch the world's and this country's admiration and love for him grow. I was struck by his joyful and his charitable spirit. Yet behind that peaceful demeanor was a determination to challenge the totalitarian assaults on human dignity that stained much of the last century.

As a young man he was witness to the Nazi terror in his native Poland, and later as Pope he went to Poland and encouraged the Solidarity movement. He understood that all persons are created in the image and likeness of God and that no matter how small, old or weak, no person is without significance. I have no doubt that his powerful witness to the dignity of all people contributed as much to the downfall of the horror of communism as anything we accomplished in Washington. A year after he assumed the papacy, John Paul II went to Poland and awakened a sleeping giant. Today, I hear that over a million thankful Poles are en route to Rome to pay their respects to their native son.

As the Pope grew older and he lost his youthful vigor, his own suffering served as a powerful reminder of the need to nurture a culture of life. Catholics and non-Catholics alike have heard this call. As President Bush put it the other day, it remains the duty of the strong to protect the weak.

It only took about twenty-four hours before some commentators came out to declare the Pope's legacy a mixed one. The Pope was too strident on certain issues, they say. He left certain groups unsatisfied. Perhaps. But I think that these criticisms really miss what this man was about. John Paul II reminded us of the meaning that our human lives can have. This truth is not something that you can focus group. The truth about the universe, about our duty to God and to our fellow man, is not something that you can triangulate.

Still, some fault the Pope for not being more like a politician. He was not accommodating enough. He should have compromised and found a middle ground. As elected officials, that is our charge. But as the spiritual head of the Catholic Church, the Pope's duty was greater than what we work to accomplish. He was a witness to truth. His message was not always one that people on either side of the aisle wanted to hear, but the call to the faithful is not often an easy one to swallow. The Pope reminded us of the splendor of truth. I think what is revealed in these criticisms of the Pope is the knee-jerk aversion by some to the very idea that there are eternal truths. The Pope should be commended, not criticized, for reminding us of them.

The talking heads have this exactly backward. They think that it was the Pope who was inconsistent because he was not easily labeled as politically liberal or conservative. It never occurs to them that it is we who are conflicted; that our divisions are something to be overcome. The Pope spoke to what Abraham Lincoln called the better angels of our nature. He was not someone seeking political advantage or gain. He sought peace and unity, and nowhere was this more clear than in his historic outreach to non-Catholic Christians, to the Jewish people, and to moderate Muslims.

Our commentators might not get this, but the world's people certainly do. As is clear from the different languages one hears in Rome as people wait to file past the Pope, this was a man who belonged to the world. And the Pope's trips to this country will never be forgotten. People in this country stood in the rain to attend papal masses in Boston and Miami, New Orleans and New York. Youth from around the world came to celebrate with him in Denver. Though this was a man with a universal message, I think that he had a certain American spirit as well. He was a kindred spirit. His faith in the future, and in the inherent dignity of man, made him at home with the American people, and it is appropriate that this nation, which was blessed with his visits on numerous occasions, will be flying its flags at half staff until his interment on Friday.

This weekend the Catholic Church lost its shepherd. For over a quarter of a century, Pope John Paul II watched over his flock. With his death this weekend, I am sure that there are some who feel lost, but they should not forget the Pope's reminder: "Be not afraid." When he reminded his native Poles of this, they changed the course of history. In his passing we should take heed as well. We will miss him, and we will mourn, but we have faith that he is now at peace and at one with his Lord.

Mrs. FEINSTEIN. Mr. President, on Saturday evening the world lost a voice for peace, justice, and human dignity.

Born in Poland in 1920, Pope John Paul II grew up in the aftermath of World War I. As a young man, he witnessed the injustice of the Nazi occupation of his country, lived amid the horrendous crimes of the Holocaust, and survived decades of repression behind the Iron Curtain.

Out of those experiences, he developed a hopeful view of the world that defined his 26 years as the leader of the Roman Catholic Church, and he shared that vision with Catholics and non-Catholics worldwide.

As the first non-Italian Pope since 1523, Pope John Paul II was a truly groundbreaking figure. He redefined the papacy, coming out from behind the walls of the Vatican to travel to 129 countries and literally reach out to people wherever he went.

Through his travel—more than any other Pope—he helped rejuvenate and expand Catholicism to areas far beyond its roots.

During his 26 years as Pope, the Catholic Church grew from 750 million people to over 1 billion, with most of that growth coming from the third world.

For those in developing countries who struggled merely to survive, the Pope was a strong advocate for economic justice. And for those who lived under repression, he was a powerful voice for freedom.

His 1979 visit to his native Poland is viewed as the spark that ignited the labor movement which toppled communism in Poland and led to its demise throughout Eastern Europe a decade later.

It was his powerful yet simple belief in the value of human life that brought him to challenge violence wherever he saw it.

He chastised the brutal Communist governments of Eastern Europe. He criticized the military junta that governed Brazil in the early 1980s. He condemned nuclear war while meeting with survivors of the Hiroshima bombing. He called for an end to the violence in Northern Ireland. And he appealed for human rights in Cuba.

The Pope consistently urged leaders and citizens alike to seek peace and respect human life.

The Pope also sought to heal wounds. He apologized for the errors of Catholics over the last 2,000 years and for injustices against Jews, women, indigenous peoples, immigrants, and the poor. He acknowledged the failure of many Catholics to help Jews during the Holocaust. And more recently, he condemned the sexual abuse of children by priests in the United States.

The Pope reached out to members of other faiths at a time of growing sectarian violence and religious strife.

He was the first Pope to pray in a synagogue, the first to visit Auschwitz, and the first to make an official papal visit to the Holy Land—John Paul II made great strides in improving relations between Catholics and Jews.

And just as he acknowledged the mistakes made by his Church and its members, he also demonstrated a willingness to forgive those who had done harm to him.

In December 1983, he met with the man who had attempted to assassinate him 2½ half years earlier. During that meeting, the Pope forgave the man who had shot him three times.

The Pope regularly visited the United States and met with five Presidents. He believed that the U.S. had a special responsibility to the world calling on our Nation to be "for the world, an example of a genuinely free, democratic, just and humane society."

In recent years, even as his health deteriorated, he refused to give up. And in this, he served as a model to millions of people throughout the world about how faith and willpower can overcome adversity.

Indeed, I cannot remember a Pope who has been more warmly received and loved. I had the great honor to meet him at the Vatican in 1982 where I presented him with a cross sculpted from handguns melted down after being turned into police when they were banned in San Francisco. He received my gift warmly, giving me a rosary in return.

The world has lost a strong voice for peace, justice, and human dignity. Pope John Paul II will be dearly missed.

Mr. CONRAD. Mr. President, I watched with great sadness this weekend as the world lost a remarkable leader and faithful servant. Pope John Paul II, born Karol Wojtyla, was the leader of the world's largest church and shepherd to more than a billion Catholics throughout the world. In my home State of North Dakota, more than 130,000 Catholics are mourning the Pope's death this week and praying for the repose of his soul. I join these faithful and millions of others in grieving for the Holy Father who spread a message of peace and charity during his 26-year-long pontificate.

Reflecting on the Pope's legacy, I will forever admire his bravery, both in answering God's call and in challenging corrupt governments for the sake of humanity. In his first mass at St. Peter's Basilica in 1978, Pope John Paul II called on Catholics throughout the world to "be not afraid."

The Pope spent his entire life living that call. Born on the eve of World War II, Pope John Paul knew the horrors of war; the Nazis forced him into labor when they invaded Poland in 1939. During this period, he found comfort in his Catholic faith and challenged the Nazis by attending illegal prayer meetings. These experiences hardened his conviction that war is "always a defeat for humanity."

He again answered the call to "be not afraid" when he challenged the Soviet Union and the tyranny of communism in his homeland, Poland. Both as Archbishop of Krakow and then as Pope, John Paul II provided religious strength to those fighting these regimes. He is credited with helping to topple communism in Poland, and his steadfastness against oppression in all forms will forever be honored.

There may be no event more telling of his commitment to bravery and mercy than the attempt on his life in 1981. After being shot twice, nearly resulting in his death, the Pope recovered and continued his public works. Two years after the shooting, he visited his attacker in jail and offered his forgiveness. Responding to this act of evil with compassion and grace, John Paul served as a witness to what humanity should strive to become.

The world has lost a great leader and the father of a religious family. John Paul II will be remembered as a teacher and defender of the faith he was called to serve. He will be honored as a diplomat and as a revolutionary in the fight against injustice and oppression. And he will provide us ongoing inspiration to respect human dignity and the worth of all humankind.

I am saddened by the loss of this just and holy man; however, I am joyful that he surely has passed to a more perfect place and is in communion with the God he served so faithfully. My thoughts and prayers are with the Catholic community and all those who mourn the death of Pope John Paul II.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

FOREIGN AFFAIRS AUTHORIZATION ACT, FISCAL YEARS 2006 AND 2007

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (S. 600) to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, today, the Senate will be considering S. 600, the Foreign Affairs Authorization Act for Fiscal Years 2006 and 2007. The Foreign Relations Committee passed this bill on March 3 by a vote of 18–0. This is the third successive year that the Foreign Relations Committee has reported out a comprehensive Foreign Affairs Authorization bill by a unanimous vote. We are pleased to have this opportunity to bring it to the floor for the Senate's consideration. I want to especially thank the majority leader and the Democratic leader for their assistance and support in bringing this measure to the floor.

This legislation gives voice to Senate views on issues touching every continent—from the threat of terrorism and weapons of mass destruction, to the safety of Americans working in our embassies overseas, to an increased and focused effort to spur economic growth in the poorest countries. It authorizes the executive branch to take important actions on a wide range of issues. And, it authorizes appropriations for our diplomats, our foreign aid workers, and our Peace Corps volunteers, as well as the programs and policies that they manage on behalf of the United States.

These people are our civilian soldiers—they pursue a bold war on terrorism and a noble and far-sighted battle against disease, poverty, and humanitarian disasters. Most work in circumstances where the threat level is severe. American diplomats and aid workers frequently have been targets of terrorism while serving overseas. But they understand the importance of representing the United States, and they go anyway.

At this time in our history we are experiencing a confluence of foreign policy crises that is unparalleled in the post-Cold War era. Our Nation has lived through the September 11 tragedy, and we have responded with a worldwide war against terrorism. We have fought wars in Iraq and Afghanistan, where we are likely to be engaged in security and reconstruction efforts for years to come. We have been confronted by nuclear proliferation problems in North Korea and Iran that threaten U.S. national security and regional stability. We are continuing efforts to safeguard Russia's massive stockpiles of chemical, biological, and nuclear weapons and to prevent proliferation throughout the world. We have experienced strains in the Atlantic Alliance, even as we have expanded it. We are trying to respond to the AIDS pandemic in Africa, the natural disasters in the Indian Ocean region, and the man-made calamity in Sudan. We are trying to take advantage of openings in the Middle East peace process and spur the advance of democracy in many countries. Emerging powers, including China, India, and Brazil, may soon reconfigure the world economically and politically in ways that we do not yet comprehend.

There is a tendency in the media and sometimes in this body to see diplomatic activities as the rival of military solutions to problems. We have to get beyond this simplistic formulation. We have to understand that our military and our diplomats are both instruments of U.S. national power that depend on one another. They both help shape the international environment and influence the attitudes of governments and peoples. They both gather information and provide expertise that is vital to the war on terrorism. And they both must be unsurpassed in their capabilities, if the United States is going to survive and prosper.

Americans rightly demand that U.S. military capabilities be unrivaled in the world. Should not our diplomatic strength meet the same test? If a greater commitment of resources can prevent the bombing of one of our embassies, or the proliferation of a nuclear weapon, or the spiral into chaos of a vulnerable nation wracked by disease and hunger, the investment will have yielded dividends far beyond its cost.

In considering this legislation today, it is important to remember that since the end of the Cold War, the Foreign Affairs Account frequently has suffered from inadequate funding. The American public generally understands that the United States reduced military spending in the 1990s following the fall of the Soviet Union. Few are aware, however, that this peace dividend spending reduction theme was applied even more unsparingly to our foreign affairs programs. In constant dollars, the foreign affairs budget was cut in six consecutive years from 1992 to 1998. This slide occurred even as the United States sustained the heavy added costs of establishing new missions in the fifteen emergent states of the former Soviet Union. In constant dollars, the cumulative effect was a 26 percent decrease in our foreign affairs programs. As a percentage of GDP, this six-year slide represented a 36 percent cut in foreign affairs programs.

By the beginning of the new millennium, these cuts had taken their toll. The General Accounting Office reported that staffing shortfalls, lack of adequate language skills, and security vulnerabilities plagued many of our diplomatic posts. In 2001 the share of the U.S. budget devoted to the international affairs account stood at a paltry 1.18 percent—barely above its post-World War II low and only about half of its share in the mid-1980s, during the Reagan administration.

Under President Bush, funding for the Foreign Affairs Account has increased substantially. The President has requested increases in each of the last four budgets. In this year's budget, the President has requested a 13 percent increase over last year's appropriated amount for the Foreign Affairs Account—the largest percentage increase of any major account in the budget. This is a tangible demonstration of the President's commitment to diplomatic strength. Congress must now do its part by providing the resources and authorities that the President needs to carry out an effective foreign policy.

The bill before us preserves the funding decisions in the President's request. Inevitably, members will have some differences with the specifics of the President's request. But we should recognize that this bill represents a generous attempt to raise the profile and effectiveness of U.S. diplomacy. Those of us who have advocated funding increases for the 150 Account should take "Yes" for an answer. Accordingly, I believe that if amendments are offered to increase funding for a particular program, they should include offsets.

The bill funds the Millennium Challenge Corporation at the President's requested level of $3 billion. Some have argued that the President should have requested $5 billion—the amount he originally had conceived for the corporation's third year of funding. Others have argued that $3 billion is too much for a new venture that is just getting off the ground, and that some of this money should be shifted to other priorities. My own view is that $3 billion is a reasonable amount, given the scope of the program and its potential for spurring democratic reforms overseas. The credibility of the program, which foreign nations are observing closely, would be strengthened if the Senate endorsed the President's funding request. For these reasons, I will oppose amendments that seek to use MCC funds as an offset for other priorities.

This bill contains numerous policy initiatives, most notably the bipartisan Stabilization and Reconstruction Civilian Management Act, which was developed in the Foreign Relations Committee and included in last year's bill. The bill before the Senate also includes a 10 percent increase in danger pay for State Department employees who serve in dangerous posts overseas, funding for refugee assistance, and provisions designed to improve protections for women, children, and other vulnerable populations in the context of war or disaster.

Since the mid-1980s, Congress has not fulfilled its responsibility to pass an Omnibus Foreign Assistance Act. Several discrete measures, such as the Millennium Challenge Account, the global AIDS bill, the Freedom Support Act, and the Support for Eastern European Democracy Act, have been enacted. But in the absence of a comprehensive authorization, much of the responsibility for providing guidance for foreign assistance policy has fallen to the appropriations committees. Appropriators have kept our foreign assistance programs going, but in many cases, they have had to do so without proper authorization. In some years, the Congress did pass a State Department authorization bill, but that bill only authorizes about 35 percent of the Function 150 Account. To fund the remaining accounts, appropriators frequently had to waive the legal requirement to appropriate funds only following the passage of an authorization bill.

Passing a comprehensive Foreign Affairs authorization bill is good politics, as well as good policy. It is good politics because it underscores the leadership of this Senate at a time when our country is in peril. It is good politics because foreign assistance is an instrument of national power in the war on terrorism. It is good politics because it recognizes that our standard of living, the retirements of our parents, our children's educations, advancements in our health care, and the security of Americans can be undermined by what happens overseas. It recognizes that American prosperity is far more likely to be sustained if we are successful in spreading democracy, stability, and free market principles.

I thank the members of my committee for their hard work during the authorization process. Members on both sides of the aisle devoted many hours and much thought to constructive approaches to a number of very difficult foreign policy questions. Although this is a new bill developed during the last several months, it reflects much work that has been done by the Committee during the previous Congress. Committee hearings during the last 2 years on post-conflict stabilization and reconstruction, U.S. policy in the Middle East, developments on the Korean peninsula, relations between India and Pakistan, public diplomacy, foreign assistance, and numerous other topics have been well attended. In fact, no Senate committee held as many hearings or met as often as the Foreign Relations Committee during the last Congress.

I especially thank the ranking member of the Foreign Relations Committee, Senator BIDEN, for his support of this process and his leadership in foreign policy matters. We have agreed on the vast majority of provisions in this bill, and when we have disagreed, we have worked hard to bridge our differences and find bipartisan solutions. We have always shared the common goal of bringing good legislation to the floor for the Senate's judgment.

It has long been my intent that the Senate Foreign Relations Committee approach foreign policy problems in a bipartisan spirit. This legislation reflects the committee's success in that regard. Republicans and Democrats have worked together closely to seek consensus, reason together, make compromises and craft excellent legislation. Our committee is united in the belief that passing a comprehensive Foreign Affairs authorization bill will enhance U.S. national security.

I am looking forward to the debate on this bill and the constructive contributions of Members at this important time in our Nation's history.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 266

Mr. LUGAR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR] proposes an amendment numbered 266.

Mr. LUGAR. I ask unanimous consent further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike the amendment to the limitation on the United States share of assessments for United Nations Peacekeeping operations)

On page 55, strike lines 3 through 11.

Mr. LUGAR. I rise to offer an amendment that strikes section 401, a section which establishes a permanent cap of 27.1 percent on the American share of cost of U.N. peacekeeping operations. The Helms-Biden legislation passed in 1999 anticipated the U.S. share of peacekeeping dues would decline to 25 percent in total. This remains an important goal of the U.S. policy toward the U.N.

This issue has raised strong feelings on both sides of the aisle. I appreciate the perspective of Senators who want to preserve a 27.1-percent cap as well as those who want the cap to be reduced to the 25 percent level in accordance with the Helms-Biden legislation. We would all like to see American financial responsibilities at the United Nations reduced.

We should acknowledge that existing U.S. law sets 25 percent as our target for peacekeeping contributions. I believe we should give the U.S. negotiators the most leverage possible to attain the U.S. goals. Passing a permanent 27.1-percent cap in this bill at this moment might reduce that leverage.

In coming weeks Congress will have further opportunities to work with President Bush to craft the most effective means possible of reducing the U.S. share of peacekeeping assessments. I believe this is an issue on which further consultation with the executive branch is certainly warranted. This is particularly true at a moment when the Secretary General has recently put forward a substantial United Nations reform plan, and the President's nominee to be U.S. Ambassador to the U.N. is pending before the Senate.

After discussions with the majority leader and other Members, I have come to the conclusion that we will facilitate further consultations on the peacekeeping cap with the administration and improve prospects for passage of the underlying legislation if we strike this provision. Consequently, I am hopeful Senators will join me in passing this amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the pending amendment be set aside in order that I may send an amendment to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 267

Mr. MCCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself and Mr. DEWINE, proposes an amendment numbered 267.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Ukraine)

On page 277, after line 8, add the following:

TITLE XXIX—TRADE TREATMENT OF UKRAINE

SEC. 2901. FINDINGS.

Congress finds that Ukraine has—

(1) made considerable progress toward respecting fundamental human rights consistent with the objectives of title IV of the Trade Act of 1974;

(2) adopted administrative procedures that accord its citizens the right to emigrate, travel freely, and to return to their country without restriction; and

(3) been found to be in full compliance with the freedom of emigration provisions in title IV of the Trade Act of 1974.

SEC. 2902. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO UKRAINE.

(a) PRESIDENTIAL DETERMINATIONS AND EXTENSIONS OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that such title should no longer apply to Ukraine; and

(2) after making a determination under paragraph (1) with respect to Ukraine, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(b) TERMINATION OF APPLICATION OF TITLE IV.—On and after the effective date of the extension under subsection (a)(2) of nondiscriminatory treatment to the products of Ukraine, title IV of the Trade Act of 1974 shall cease to apply to that country.

Mr. MCCAIN. Mr. President, as we all know, the recent Orange Revolution in Ukraine marked a huge victory for the advancement of democracy in the world. The Ukrainian people made clear that they would not stand idle as a corrupt regime sought to deny them their democratic rights. Now that the people of Ukraine have seized control of their destiny, the United States must stand ready to assist them as they do the hard work of consolidating democracy.

The purpose of the amendment is to repeal the so-called and well-known Jackson-Vanik amendment, for it to be terminated with respect to Ukraine. At his appearance yesterday with President Viktor Yushchenko, President Bush pledged to seek the termination of Jackson-Vanik. In a White House statement yesterday, both Governments stated that they support "immediately ending the application of Jackson-Vanik to Ukraine." We should all agree. This 31-year-old legislation is, with respect to Ukraine, now anachronistic and inappropriate. I am pleased to offer this amendment along with Senator DEWINE. And I know there will be others.

Specifically, this amendment would authorize the President to terminate the application of Jackson-Vanik, which is title IV of the Trade Act of 1974, to Ukraine. Ukraine would then be eligible to receive permanent normal trade relations tariff status in its trade with the United States. Several Members in the Senate and House have also introduced legislation to terminate Jackson-Vanik, and these bills in the Senate have been pending in the committee since the start of this session. I am hopeful that today the Senate will agree to adopt this amendment.

Beyond any benefits to our bilateral trading relationship, lifting Jackson-Vanik for Ukraine constitutes an important symbol of Ukraine's new democracy and its relationship with the United States. In February, along with three other Senators and six representatives, I went to Kiev, where we met with President Yushchenko, Prime Minister Tymoshenko, and students who led protests in Independence Square. I was struck by the great enthusiasm for democracy and freedom that has taken hold in Ukraine, and I know we all wish the new leaders all the best as they begin the challenge of governing. I pledged to them that we would work toward the lifting of Jackson-Vanik on Ukraine, and today I am happy to move toward that end.

Tomorrow, President Yushchenko will address a joint session of Congress, an honor which we bestow on few foreign leaders. As we have the privilege of welcoming this true hero of democracy, I can think of no better gesture than today terminating the anachronistic and inappropriate Jackson-Vanik restrictions on Ukraine.

I note the presence of my most respected colleague, Senator LUGAR, who has gained the respect and appreciation of all of us with his knowledge and expertise on issues of national security and foreign affairs and his chairmanship of the Foreign Relations Committee. I hope he would see his way clear to have a look at this amendment, and I would obviously seek his support.

Mr. President, we who follow events in that part of the world were thrilled at the Orange Revolution. We saw a flawed election that was repudiated by the people of Ukraine in a peaceful manner. It was one of the remarkable events in that part of the world.

I remind my colleagues that Ukraine is a very pivotal and important country in its own right, one with a tragic history of bloodshed and sacrifice but also, when its geostrategic location is considered, a very important part of the world. Dr. Henry Kissinger once was quoted as saying: Russia with Ukraine is a Western power, without Ukraine is an Eastern power.

I fully agree with our President's stated commitment yesterday for repeal of Jackson-Vanik as far as Ukraine is concerned.

Jackson-Vanik was a very incredibly important tool in asserting our support and advocacy for human rights in then-Iron-Curtain countries. I think it is very clear that neither Senator Jackson nor Congressman Vanik envisioned this anachronistic provision to apply to a country that is now on the verge of a functioning democracy in a free and exuberant nation.

I am told by my staff that somehow the chairman of the Finance Committee, or probably more likely one of his zealous staffers, has said they would object to this provision because of the fact there are certain problems with intellectual property or other reasons. I would hope that assertion of jurisdiction, or reluctance to approve of this, particularly in light of this particular moment, would disappear in light of the priorities that this repeal of Jackson-Vanik would send as a sign of strong support and advocacy for democracy and process of an open and free society which is obviously taking place in Ukraine.

So if there is a problem that we have with Ukraine, I would think the President of the United States would have articulated those views in his meetings with President Yushchenko yesterday. And if the President had a problem, he certainly would not have come out after the meeting and advocated the repeal of Jackson-Vanik.

Not many Americans even know what Jackson-Vanik is. But a whole lot of people in these countries that this law still applies to are very aware of it. I think it would not only be appropriate to send a signal with the repeal of Jackson-Vanik as far as Ukraine is concerned, but I think it would be a slap in the face to the new Ukrainian Government and people because some committee of the Senate asserted its jurisdiction at a time when we should be providing as much encouragement as we can to the process of democracy and freedom, which has exhilarated all of us as we watched this marvelous transformation take place.

So I urge adoption of the amendment. I hope we can dispose of the amendment today. If the chairman of the Finance Committee or any of his staff would like to debate this issue, I would be more than happy to engage in that at their convenience and have a recorded vote, which I think would carry overwhelmingly in the Senate.

I again recognize the leadership and dedicated hard work on this legislation by our distinguished and respected chairman of the Foreign Relations Committee.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I thank the distinguished Senator from Arizona for his very thoughtful comments about my work in the Foreign Relations Committee. I thank him for offering this amendment.

Let me point out, as the Senator from Arizona has already, a number of bills attempting to achieve repeal of Jackson-Vanik have been introduced in both Houses. But they have not come to conclusion, and apparently today that will happen.

I am one of the authors of one of those bills, S. 632, which authorizes the extension of permanent normal trade relations treatment with Ukraine. As the Senator from Arizona has pointed out, unfortunately Ukraine is still subject to the provisions of the Jackson-Vanik amendment to the Trade Act of 1974, which sanctions nations for failure to comply with freedom of emigration requirements. My bill, and I believe Senator MCCAIN's bill, would repeal permanently the application of Jackson-Vanik to Ukraine. As has been mentioned by the distinguished Senator, that bill has been referred to the Finance Committee, which still has it under consideration.

But I would offer this argument. In the post-Cold-War era, Ukraine has demonstrated a commitment to meeting the requirements for the lifting of Jackson-Vanik and, in addition, has expressed a strong desire to abide by free market principles and good governance.

Last November 21, I served as President Bush's personal representative to the runoff election between Prime Minister Yanukovich and Viktor Yushchenko. During that visit, I promoted free and fair election procedures that would strengthen worldwide respect for the legitimacy of the winning candidate. Unfortunately, that was not possible at that time. The Government of Ukraine allowed, or aided and abetted, wholesale fraud and abuse that changed the results of that November 21 election. It is clear that Prime Minister Yanukovich did not win that election.

In response, however, the people of Ukraine rallied in the streets and squares and demanded justice. After tremendous international pressure and mediation, Ukraine repeated the runoff election. It was held on December 26. A newly named Central Election Commission and a new set of election laws led to a much improved process. International monitors concluded the process was generally free and fair. Viktor Yushchenko was inaugurated as President of, Ukraine, and tomorrow he will address a joint session of our Congress.

Extraordinary events have occurred in Ukraine over the last several months since the December 26 election. A free press has revolted against Government intimidation and reasserted itself. An emerging middle class has found its political footing. A new generation has embraced democracy and openness. A society has rebelled against the illegal activities of its Government. It is in our interest to recognize and to protect these advances in Ukraine.

The United States has a long record of cooperation with Ukraine through the Nunn-Lugar Cooperative Threat Reduction Act.

Ukraine inherited the third largest nuclear arsenal in the world with the fall of the Soviet Union. Through the Nunn-Lugar Program, the United States has assisted Ukraine in eliminating this deadly arsenal and joining the nonproliferation treaty as a nonnuclear state.

One of the areas where we can deepen United States-Ukraine relations is bilateral trade. Trade relations between the United States and Ukraine are currently governed by a bilateral trade agreement signed in 1992. There are other economic agreements in place seeking to further facilitate economic cooperation between the United States and Ukraine, including a bilateral investment treaty which was signed in 1996 and a taxation treaty signed in the year 2000. In addition, Ukraine commenced negotiations to become a member of the World Trade Organization in 1993, further demonstrating its commitment to adhere to the free market principles of fair trade.

In light of its adherence to freedom of immigration requirements, democratic principles, compliance with threat reduction, and several agreements on economic cooperation, the products of Ukraine should not be subject to the sanctions of Jackson-Vanik.

There are areas in which Ukraine needs to continue to improve. These include market access, protection of intellectual property, and reduction of tariffs. The United States must remain committed to assisting Ukraine in pursuing market economic reforms. The permanent waiver of Jackson-Vanik and establishment of permanent normal trade relations will be the foundation on which further progress in a burgeoning economic partnership can be made.

My colleagues on the Finance Committee have committed to joining me in supporting this important legislation. It is essential that the Finance Committee and the full Senate act promptly to bolster this burgeoning democracy to promote stability in this region. I am most hopeful that in the course of the day, we will take favorable action on this amendment.

For the moment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LUGAR. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I rise for the point of giving information to all Senators about the legislation we have in front of us. As the Chair has observed, several minutes have passed without activity. We have through staff attempted to notify all Senators who might be anticipating offering amendments or action on this bill. This will be an excellent opportunity to do so prior to the time the two party luncheons are held and a recess for that reason is called. We know that following lunch, there will be two important amendments offered, and we welcome those. I would like to proceed to our debate and votes, with disposition of amendments that are now pending.

I simply mention, Mr. President, that I recognize, as does the Chair, many Senators are under some urgent requirements in terms of scheduling in this particular week, as we mourn the death of Pope John Paul II. Some Senators are contemplating potential travel to the funeral of the Pope. Others have other requirements. So it would be my intent, as we conclude these amendments that are available, to move for final passage of the bill, to conclude activity on this bill today and as early today as possible.

My understanding is a potential debate on the Social Security issue will ensue at some point this evening after we have concluded activities on the authorization bill. So we might make that more readily available and that time more certain. I mention this because for Senators who do have amendments, even if they are not completely formulated, I request they bring those to the floor so that staff on both sides of the aisle can work through those amendments to find an acceptable form. It would be at least our general view of a liberal policy of adopting amendments that enhance the authorization process and do no violence at least to the foreign policy objectives of the United States.

With that in mind, hopefully those listening to the debate will hear our plea, proceed with amendments, and help us with the activities.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Having spoken to the chairman of the committee, I ask unanimous consent to speak as in morning business for no more than 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The remarks of Mr. DURBIN are printed in today's RECORD under "Morning Business.")

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURR). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LUGAR. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 268, 269, 270, 271, 272, 273, 274, 275, 276, AND 277, EN BLOC

Mr. LUGAR. Mr. President, I send to the desk a group of amendments to S. 600 that have the approval of the managers of the bill. The package has bipartisan support. I intend to ask they be agreed to by unanimous consent as soon as the ranking member has joined me in the Senate.

I have received word that the presence of the ranking member will not be required. Staff on both sides of the aisle have cleared these amendments; therefore, I ask they be agreed to en bloc by unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 268

(Purpose: To permit grants to be used for broadcasting outside the Middle East region)

On page 59, strike lines 16 though 25 and insert the following:

"(a) AUTHORITY.—Grants authorized under section 305 shall be available to make annual grants to Middle East Broadcasting Networks for the purpose of carrying out radio and television broadcasting.

"(b) FUNCTION.—Middle East Broadcasting Networks shall provide radio and television programming consistent with the broadcasting standards and broadcasting principles set forth in section 303.

AMENDMENT NO. 269

(Purpose: To limit the compensation paid to employees of the Middle East Broadcasting Networks)

On page 60, between lines 20 and 21, insert the following:

"(C) not more than 5 officers or employees of the Middle East Broadcasting Networks may be provided a rate of basic compensation at such rate authorized for Level II of the Executive Schedule provided in section 5313 of title 5, United States Code, and such compensation shall be subject to the provisions of section 5307 of such title.

AMENDMENT NO. 270

(Purpose: To require payments from the Broadcasting Board of Governors for costs resulting from the creditable service of employees of the Middle East Broadcasting Networks)

On page 64, strike lines 3 through 6, and insert the following:

(4) CREDITABLE SERVICE.—

(A) IN GENERAL.—Section 8332(b)(11) of title 5, United States Code, is amended by inserting "the Middle East Broadcasting Networks;" after "the Asia Foundation;".

(B) OTHER REQUIREMENTS.—With regard to creditable service with the Middle East Broadcasting Networks, the Broadcasting Board of Governors shall—

(i) pay into the Civil Service Retirement and Disability Fund an amount determined by the Director of the Office of Personnel Management to be necessary to reimburse such Fund for any estimated increase in the unfunded liability of such Fund that results from the amendment made by subparagraph (4), computed using dynamic assumptions; and

(ii) pay the amount required by clause (i) in 5 equal annual installments, together with interest on such amount computed at the rate used in the computation required by such clause.

AMENDMENT NO. 271

(Purpose: To extend the United States Advisory Commission on Public Diplomacy until 2008)

On page 110, between lines 4 and 5, insert the following new section:

SEC. 812. UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) is amended by striking "October 1, 2005" and inserting "October 1, 2008".

AMENDMENT NO. 272

(Purpose: To clarify Foreign Service Grievance Board procedures in the case of an alleged overpayment of an annuity)

On page 47, line 13, strike "and";

On page 47, line 15, strike the period at the end and insert as semicolon and "and".

On page 47, between lines 15 and 16, insert the following:

(3) by striking "or allowances" and inserting "allowances, or annuities".

AMENDMENT NO. 273

(Purpose: To limit the availability of funds authorized for contributions for international peacekeeping activities)

On page 12, strike lines 11 through 13, and insert the following:

(2) AVAILABILITY OF FUNDS.—

(A) FISCAL YEAR 2006.—Fifteen percent of the funds appropriated pursuant to paragraph (1) for fiscal year 2006 are authorized to remain available until September 30, 2007.

(B) FISCAL YEAR 2007.—Fifteen percent of the funds appropriated pursuant to paragraph (1) for fiscal year 2007 are authorized to remain available until September 30, 2008.

AMENDMENT NO. 274

(Purpose: To provide a short title)

On page 1, after line 2, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Affairs Authorization Act, Fiscal Years 2006 and 2007".

AMENDMENT NO. 275

(Purpose: To require a determination to provide assistance for destruction of small arms and related ammunition)

Beginning on page 150, strike line 18 and all that follows through page 151, line 4, and insert the following:

(a) CLARIFICATION OF AUTHORITY.—Section 551 of the Foreign Assistance Act of 1961 (22 U.S.C. 2348) is amended by adding at the end "Such assistance may also include assistance for demining activities, clearance of unexploded ordnance, destruction of small arms and related ammunition when determined to be in the national security interest of the United States, and related activities, notwithstanding any other provision of law.".

AMENDMENT NO. 276

(Purpose: To require a determination to provide assistance for the safeguarding, removal, or elimination of conventional weapons and related ammunition)

On page 272, line 15, strike "weapons," and insert "weapons and related ammunition when determined to be in the national security interest of the United States,".

AMENDMENT NO. 277

(Purpose: To waive the passport fees for a relative of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member or to attend a funeral or memorial service for such member)

On page 74, between lines 2 and 3, insert the following new section:

SEC. 603. PASSPORT FEES.

Section 1 of the Act of June 4, 1920 (22 U.S.C. 214) is amended in the third sentence by striking "or from a widow, widower, child, parent, brother, or sister of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member" and inserting "or from a widow, widower, child, parent, grandparent, brother, or sister of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member or to attend a funeral or memorial service for such member".

Mr. LUGAR. I simply point out these are amendments that followed the consideration of the bill in the Committee on Foreign Relations and were suggested by the administration. They have been carefully considered over the course of several days, and there has been unanimous consent on the list that was agreed to.

I encourage Senators who have amendments, once again, to come to the Senate to make their presence known so we can work with them. It would be our hope we could accept most of those amendments or work on modifications so they can be part of the legislation, as has been the case with the package we just agreed to.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:32 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

The PRESIDING OFFICER. The Senator from Alabama.

TRIBUTE TO SENATOR HOWELL HEFLIN

Mr. SHELBY. Mr. President, I rise today with a heavy heart to pay tribute to the passing of my good friend, our former colleague, Senator Howell Heflin.

Judge Heflin, as we often called him, was a stalwart in the Senate, devoted to improving my State of Alabama and the Nation with each decision he made and I believe every vote he cast.

When I first entered the Senate in 1987, Judge Heflin was the senior Senator from my State of Alabama. I considered him a good friend and colleague over the 18 years he served here. I always appreciated his humor and his solid values. I believe he will be remembered as one of Alabama's most respected politicians.

Judge Heflin was a strong voice for Alabama in the Senate. He served as chairman of the Senate Ethics Committee and as a member of the Senate Judiciary Committee. He worked to ensure that Alabama was indeed well represented in this body.

He was deeply devoted to his job, and, as we know, often spent dinners out that were meant to be time off as an opportunity to help his constituents who happened to be at the same restaurant.

Howell Heflin was born June 19, 1921, in Poulan, GA, to Reverend Marvin Rutledge Heflin and Louise Strudwick Heflin. He graduated from Colbert County High School in Leighton, AL, and Birmingham Southern College in Birmingham, AL.

Following his graduation from Birmingham Southern College in 1942, Judge Heflin enlisted in the U.S. Marine Corps. His military service during World War II took him to the Pacific Theater, where he was wounded twice and awarded the Silver Star for bravery. He was also awarded two Purple Hearts.

Upon his return from World War II, he attended the University of Alabama School of Law and was admitted to the Alabama State Bar in 1948. From 1948 to 1971, Judge Heflin was an attorney in Tuscumbia, AL.

He was elected as the chief justice of the Alabama Supreme Court in 1970. He was well known for his efforts to modernize Alabama's legal system. It was because of his profound work as chief justice that he became affectionately known as "The Judge" even after he became a Senator. He was elected first to the Senate in 1978, and was reelected to two more terms, for a total of 18 years of service—three terms—in the Senate.

In 1997, he left public life and returned home to Tuscumbia, AL, to enjoy time with his family.

Howell Thomas Heflin led a full life. Each chapter of his life—as a war hero, a jurist, and a public servant—was completed with great fervor and devotion. He did nothing halfway, and everyone who knew him recognized and appreciated that.

He embodied the qualities of hard work, honesty, humility, and humor, and he left this earth with a great legacy. Senator Heflin died on March 29, 2005, last week. He is survived by his wife Elizabeth Heflin; a son, Howell Thomas Heflin, Jr.; a daughter-in-law, Cornelia Hood Heflin; grandson Wilson Carmichael Heflin; and a granddaughter, Mary Catherine Heflin.

Senator Heflin was devoted to his family, his State, and his country. As a World War II hero, he put his love of country above all else. He made remarkable contributions to Alabama and the Nation as a whole. His warmhearted personality will be remembered by all who knew him well. We will all miss him. We will certainly miss him in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I, too, wish to speak in morning business. What a passing of a great generation. I, too, want to pay my respects to Senator Heflin, an outstanding Senator, a wonderful Senator from Alabama. When I came to the Senate in 1987, he was one of the men of the Senate who welcomed me with graciousness. He introduced me to hand-pulled barbecue from Alabama. He also introduced me to the Marshall Space Program. I had the opportunity to work with him in terms of creating jobs in Alabama and also creating opportunity through the Space Program.

FOREIGN AFFAIRS AUTHORIZATION ACT, FISCAL YEARS 2006 AND 2007—Continued

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, very shortly there will be a unanimous consent request on how to proceed on the Boxer amendment, which has not been introduced yet but will be spoken to shortly. I would like, with the permission of my friend from California, to make a brief opening statement relative to the overall bill.

Mrs. BOXER. Would the Senator also then make the unanimous consent request for the 40/20 so I know that is in line?

Mr. BIDEN. Mr. President, I say to my friend, we are just clearing it with the leadership. We are working that out. I am sure we will be able to move the amendment immediately after my statement which I don't think will take more than a few minutes.

Mr. President, under the leadership of Chairman LUGAR, we tried very hard to move this bill in the last couple of years. I hope the third time is a charm. As I believe the chairman has explained, the bill contains the basic authorization for all the major foreign affairs agencies and programs at the Department of State, foreign assistance programs, the Broadcasting Board of Governors, and the Peace Corps.

The bill contains several initiatives I would like to briefly highlight.

I am glad the bill includes the Global Pathogen Surveillance Act, which we have been trying to enact over 3 years. In recent years, the SARS epidemic and the avian flu epidemic have made us acutely aware of how vulnerable the world is to a rapid spread of infectious diseases. We face that same vulnerability for diseases that might be used as weapons of bioterrorism.

The Global Pathogen Surveillance Act will combat the bioterrorism threat by improving other countries' capabilities to detect and limit disease outbreaks and by improving international investigation of disease outbreaks. Because these diseases—whether they are natural occurrences or man-made—have no respect for borders, we are only as safe as the weakest link in the chain is strong. This bill will go a long way to help other countries at an early stage detect the existence of these diseases, these potential biodiseases that can be spread via what we call bioterrorism.

The majority leader, who cosponsored the original version of the act in 2001, is once again pressing for action on this bill. He added a very useful provision to the act, which Chairman LUGAR and I have happily endorsed, calling for the executive branch to develop a real-time data collection and analysis capability to serve as a warning sign for a possible bioterrorism event. With the majority leader's support, I hope and believe this year we will finally enact this important measure.

I am also proud of the work the committee has done, with the chairman's leadership, to help the U.S. Government strengthen its capacity to handle postconflict reconstruction.

In the last decade, the United States has taken on stabilization missions in countries such as Bosnia, East Timor, Haiti, Somalia, Afghanistan, and Iraq. In the decade to come, whether we like it or not, nation-building and postconflict resolution and reconstruction will remain important to our security. As the Presiding Officer knows because of all the work he has done in the Balkans, this is not something that gets done in a day and we are able to leave behind in a year. We should not attempt to reinvent the wheel every time we are faced with a stabilization crisis, such as the one we faced in the last decade. It is inefficient and ineffective. Rather than address crises by cobbling together plans and personnel each time they occur as we have been doing, we need to be better prepared.

This bill establishes a special office in the State Department for reconstruction and stabilization. It establishes a special corps of civilian reconstruction experts who would be ready to be deployed on short notice. The bill also creates a special emergency fund to deal with such crises.

Finally, I am pleased the chairman and I are able to agree on the inclusion of a provision to protect vulnerable persons during humanitarian emergencies—an undated version of a bill I first introduced in 2003 called the Women and Children in Conflict Protection Act.

I have been concerned about the vulnerability of women and children affected by conflict and humanitarian emergencies for some time now. Since the accusations were made about sexual exploitation of refugees by humanitarian workers in west Africa nearly 3 years ago, that concern has been heightened.

Most recently, we have been confronted with cases of rape used as a weapon of war in Darfur, sexual exploitation and abuse by U.N. peacekeepers in the Democratic Republic of Congo, and concerns that the children affected by the tsunami in Asia could be vulnerable to human trafficking.

This provision in the bill establishes a coordinator at the Department of State or AID specifically charged with ensuring that our assistance programs not only provide food and shelter, but also support programs to prevent sexual exploitation and abuse of those living in refugee and internally displaced persons camps. It prohibits U.S. funding of humanitarian organizations that do not sign a code of conduct prohibiting improper relations between aid workers and beneficiaries. Finally, the provision authorizes the President to provide aid specifically for things such as security for refugee camps or something as simple and inexpensive as buying firewood so women will not have to leave these camps, which they have to do now, in order to find material with which they can make a fire to cook and find themselves subject to rape and exploitation outside the confines of these camps.

We have a very good bill that was passed out of our committee 18 to 0. I urge my colleagues, as Senator BOXER is about to do, to come forward with their amendments because I, like the chairman, would very much like to move this bill forward. It is within the budget. It is right on the button of the President's budget number. It has, as I said, unanimous support out of our committee. I believe it is a solid bill, and I hope we can move it forward this year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, in a short while, we hope to have a unanimous consent agreement so that Members will have a roadmap for the remainder of the afternoon. That is not at hand for the moment; therefore, I hope the Chair might recognize the distinguished Senator from California, who will offer an amendment. Informally, we have talked in terms of an hour of debate being the limit, 40 minutes for the Senator from California, 20 minutes for me or others I may designate. We will encapsulate, hopefully, a unanimous consent agreement in due course during the course of this debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I would like to ask my chairman, for whom I have great respect and admiration, am I then to send the amendment to the desk at this time?

Mr. LUGAR. Mr. President, I prefer the Senator send it to the desk and our debate commence.

AMENDMENT NO. 278

Mrs. BOXER. Mr. President, I send an amendment to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Ms. SNOWE, and Mrs. MURRAY, proposes an amendment numbered 278.

Mrs. BOXER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961)

On page 172, after line 23, insert the following:

SEC. 2227. GLOBAL DEMOCRACY PROMOTION.

Notwithstanding any other provision of law, regulation, or policy, in determining eligibility for assistance authorized under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), foreign nongovernmental organizations—

(1) shall not be ineligible for such assistance solely on the basis of health or medical services including counseling and referral services, provided by such organizations with non-United States Government funds if such services do not violate the laws of the country in which they are being provided and would not violate United States Federal law if provided in the United States; and

(2) shall not be subject to requirements relating to the use of non-United States Government funds for advocacy and lobbying activities other than those that apply to United States nongovernmental organizations receiving assistance under part I of such Act.

Mrs. BOXER. Mr. President, today I am offering an amendment to overturn the so-called Mexico City policy which undermines some of our country's most important values and goals. The Mexico City policy is also known as the global gag rule, and I will explain what it does in a moment.

Most of my colleagues know the history of this policy. It was named the Mexico City policy because that is where it was announced in 1984. But it is also known, as I said, as the global gag rule because that is exactly what it does—it gags international organizations that receive USAID family planning funds.

What does that mean? It means, for example, that a family planning clinic in Nepal that receives USAID funding is prohibited from using its own funds—the clinic's own funds—to provide, advocate for, or even talk about abortion to the women they serve, even talk to a woman about her options.

Let's be clear what we are talking about one more time. We are not talking about spending one slim dime or one penny of U.S. money to pay for abortions abroad because that has been illegal under the Helms Act since 1973. So since 1973, U.S. funds abroad cannot be used in any way to advocate for abortion, to allow women to have an abortion, or to refer her for an abortion. U.S. funds since 1973 can never be used for any of those purposes.

We can debate that, but I am not going to debate that. What I am going to debate is why the greatest, freest country in the world, the United States of America, would put a global gag rule, put a tape over the mouths of organizations that are trying to help the women in their country if they use their own funds—not U.S. funds but their own funds—for those purposes.

I cannot understand for the life of me how we can in good faith, as the leading democracy in the world, sending our troops abroad—and they are dying every day for freedom of speech and for the kind of constitution we hope others will have—how we could put a global gag rule on those organizations when in this country we could not even consider it for 2 seconds because it would be completely unconstitutional.

This is a free country. We are proud of the fact that it is free. We are proud of the fact that we do not tell our citizens what they can think, what they can say, if it is on their own dime. Yet abroad, in some of the poorest countries in the world, we are saying if they want to get a penny of Federal funds, USAID or the like, they cannot use their own funds in any way they would like. We are telling family planning clinics that are in the toughest of circumstances, treating women in the direst poverty, that they are gagged if they want to receive any U.S. funds.

Again, these restrictions we are placing on these nonprofit agencies would be unconstitutional and unacceptable in the United States of America.

Ironically, what is very interesting is the global gag rule is even stricter than the requirements put on by the Helms amendment. So this is an unbelievable move by this administration, after these restrictions were removed in 1993, to place these restrictions back.

It is true that the White House, depending on who is in the White House, has shifted back and forth on the advisability of the global gag rule, but the Senate has always said it has no place as part of American law. The Senate has stood proud, Democrats and enough Republicans, yes, to make sure that we do not have a double standard, that we do not say with the one hand to these countries we want democracy for them, we want freedom for them, we want freedom of speech for them, and then on the other hand say, but if they exercise it they are going to be punished.

Tell me how that makes sense for America. Tell me how that makes any sense for our credibility in the world.

The last time we debated this global gag rule and the Mexico City policy in this Chamber was about 2 years ago. I introduced this exact amendment, and it passed with bipartisan support. We hope we will achieve that same outcome today. It will be a close vote—we have had some changes in this body—but we still think and hope we have the votes. We will find that out.

What is at stake is do we want to have an America that lives what it says, that not only says to the world freedom is good and freedom of expression is good, and if groups work hard and raise their own funds, as long as they spend them consistent with their own laws in their own countries, we will say it is their right. But, oh, no, that is not what this administration has done. One of the first things the President did when he got elected the first time was to put back in place this global gag rule.

This global gag rule is not fair. We are a country that believes in fundamental fairness. Yet this global gag rule tells foreign nongovernmental organizations—these are people working in the toughest of circumstances—how they should spend their own money.

For example, it tells clinics they cannot use their own money to help a woman in deep despair who comes in with a serious problem, an unintended pregnancy that perhaps was even forced on her. It tells the NGOs, the nongovernmental organizations, they cannot use their own funds even to advocate for less restrictive laws.

For example, let's say there is a law on the books in one of these poor countries that says if a person is raped or a victim of incest they cannot have an abortion, and in this country we changed that. If one is a victim of rape or incest we say Federal funds can be used to help her. Let us say there is a country that has a total restriction, even if someone is raped or there is incest involved, and the nongovernmental entity is trying to change that law in their country. Under the global gag rule we say they will lose all of their Federal American dollars if they advocate to change what I would call ignorant laws.

This global gag rule tells clinics that they cannot use their own funds to even tell a woman who comes before them what her options could be. Even if the woman asks what she can do, they cannot tell her. In our country, that would be illegal, unconstitutional. But, no, we put this on the poorest nations of the world. That is not Uncle Sam, that is Imperial Sam, and none of us wants to be imperial. At least that is my impression. We want to be democratic. But we are not acting in a democratic fashion when we have this double standard around the world.

We believe in freedom of speech and yet the global gag rule tells foreign nongovernmental organizations they cannot in any way express an opinion on this subject without losing their funds. We do not tell organizations of the United States of America what they can say and what they cannot say in this country, even if we find it offensive. There are a lot of organizations that I find we would be better off without. I do not think their advocacy is right, but I have no right as a Senator to tell any organization in America I am tired of hearing what they are saying, do not say it anymore, because if I tried to stop them I would be ruled out of order, unconstitutional, and that would be the right thing.

Yet we do it to foreign nongovernmental organizations.

Some Senators just came back from Iraq. I was one of those people. We saw the unimaginable challenges facing our soldiers, government officials, and the Iraqis themselves as they struggle to deal with a very dangerous insurgency in that country. Our soldiers are putting their lives on the line so that the Iraqis have a chance to live in freedom. One of the foremost freedoms in our country that we wish for other people is freedom of speech. Government will not interfere with a person no matter what they say. As long as they are not hurting anybody or inciting anybody, they can hold an opinion. That is why our soldiers are over there fighting so that the Iraqi people can write a constitution that gives them the same freedoms we have.

We heard the Iraqis tell us, the up and coming leaders: We read your constitution, we read your history, we know about your filibuster, and how it protects minority rights. These are the Iraqis. We heard our soldiers say they are willing to risk their lives so the Iraqis can have freedom. Well, that includes freedom of speech. Yet we take away the freedom of nongovernmental organizations to tell the truth to the women who may come before them seeking help with their reproductive freedom.

Our policy should be a model for the world, but the gag rule instead sends a bad signal. It enforces a dangerous code of silence. It tells people if the government in power does not agree with them, then they should put a gag over their mouth and just suck it up and not tell the truth about how they feel and keep vital information from the women they are serving. Whether one is pro-choice or anti-choice, this has nothing to do with it. It is a question of freedom of speech. I hope that regardless of how we come down on the issue of choice, we would agree that it is fair to debate it. I may not like to hear your opinion if I do not agree with you, it may be hard for me to handle, but that is part of this great country. We have to listen to each other. We have to debate and we have to respect each other's views. But I am not showing respect if I walk up to a Senator on the floor and say, you know what, I am tired of hearing your point of view and I am going to put a gag over your mouth. How ridiculous. If they did that to me? How ridiculous. It is freedom of speech we are talking about, and the global gag rule takes a hammer to our Constitution, to our credibility, and I think just knocks us down in the eyes of the world. And it makes hypocritical what we are asking our soldiers to do across this globe.

I want to give some examples. In Peru, for example, family planning NGOs funded by the U.S. were barred from advocating against a constitutional clause banning abortion. It was not the Peruvian Government gagging their own people, it was our Government. And it was not all Peruvian NGOs who were barred from participating in that debate, it was only those who opposed the abortion ban. The other people were free to talk about it.

What is that about? America comes in and says if you want our money you can only advocate for the position that the Government in power wants. You cannot have another opinion. I think that is beyond outrageous.

Just listen to what one nongovernmental organization leader in Peru said, and I am quoting this individual:

> We used to hold debates, invite medical doctors, produce research publications. We cannot speak as freely now. No one knows at what point it becomes prohibited speech. USAID told us we couldn't lobby for abortion liberalization or decriminalization. If we attend a general conference and the issue of abortion comes up, we can speak. But we don't know how much we can talk about it before it crosses over to not being permitted anymore. We, for example, can do research on unsafe abortions, but if we draw any conclusions someone can say, "that's lobbying," [and we will lose all of our money.]

This is a terrible thing, this global gag rule. I am so proud of the Senate. Every time we have brought it up we overturned it. I hope that will be the case today.

I want to tell you a story about a real case in Nepal. In 2001, this issue came to my attention. There was a nongovernmental organization that had to make a Hobson's choice: Do we take USAID money which we desperately need to help our people if it will force us to remain silent on the issue of reproductive freedom? What should we do? Should we give up the money and retain our freedom?

Let me tell you what this organization did. It gave back the USAID money, even though it put them in a very precarious financial position. They did it because of a 13-year-old girl named Min Min. I brought her picture with me to the Senate floor 2 years ago because I wanted my colleagues to see the face of what we are talking about here today. This is not just about freedom of speech. This is about real, live people and what happens to them if they cannot get reproductive health care.

Min Min was raped by a relative. She was raped by an uncle. She became pregnant, and it was a shame upon the family and the family said you must have an illegal abortion. As a result of that illegal abortion of a girl 13 years old who was raped by her uncle, someone was sentenced to 20 years in prison. Who was it? Was it the rapist? No. Was it the parents who said you have to end the pregnancy? No. It was this tiny girl, 13 years old, who was sent to jail for 20 years for the crime of being raped by a relative and being forced by her family to have an abortion.

The nongovernmental organization wanted to go to bat for this child, so they turned back American money. Can you believe it? We punished an organization that wanted to go to bat for a 13-year-old rape victim—incest victim, really. We took the side of the rapist. That is what we did. We said to the NGO: If you want to help this child, give back the money because you cannot advocate for changing the law in your land.

So this clinic in Nepal turned back their money—our money—and fought for Min Min. She had her 14th birthday in prison. She had her 15th birthday in prison. But then, because they did not take American money and they were free to lobby in behalf of Min Min, they succeeded in changing the laws of Nepal, and they helped set that little girl free.

For their valor and their courage and their success in freeing a child from prison who was put there after she was raped by her uncle, this is what they had to do. They had to give up $100,000 in USAID funding, and they had to let 60 staff members go. They couldn't help more than 50,000 other people who desperately needed them.

These are the real stories behind this Presidential edict of the President, when he steps up to the plate and says I am putting in place a gag rule.

I am ashamed. I am ashamed that we were on the side of the rapist and against the side of a little girl who was a victim of incest. How can this Senate look at that story and say, yes, that's right, we want to be on the side of the rapist? Why should the rapist suffer? We don't want to change the laws in Nepal. To me, this example alone is enough reason to do away with this global gag rule.

Here is another point. We should always look at our policies and ask the question: Are our policies decreasing the number of abortions that take place worldwide because all of us want to decrease the number of abortions taking place worldwide. Frankly, the Mexico City global gag rule makes it far tougher to reduce the number of abortions. We support family planning counseling and care. We support family planning, I thought, because we want to prevent abortions. Between 1988 and 2001, modern contraceptive use in Russia increased by 74 percent, and the abortion rate went down 60 percent. So there is a direct correlation between contraception and education on how to use contraception and the abortion rate. I say this, even though I believe this should be a known fact, but sometimes we seem to forget it. So what happens when we punish a nongovernmental organization that is involved with family planning, such as that clinic in Nepal I talked to you about, that had to give back $100,000 and lay off 60 people? They could no longer serve the women who so desperately needed their help.

Is this President saying he wants to keep contraception away from women who are asking for it? Because if that is what he wants to do, this global gag rule is doing just that. This is a radical thing we are dealing with because when you tell agencies they have to make a deal with the devil, take money and then be gagged, many of them will say: I don't want your money. I would rather be able to advocate.

And if they do not take the money, then they are in a terrible circumstance because they have to lay off people who would otherwise go out and counsel young women about family planning. Then, when those young women, in the poorest of the poor nations, are desperate, unfortunately they may seek what we called here, when abortion was illegal, back-ally abortions—and women died. Many women have died, thousands every year across this globe, because of illegal, unsafe abortions.

I believe very much that family planning is the answer. It can bring us all together, whether we believe in a woman's right to chose or we believe the Government should be involved in it, we should not tell a woman, tell a family how to live their lives regardless of what side you are on. My goodness. Family planning ought to bring us together.

For those of us who believe abortion should be safe, legal, and rare, the way to get to that place is to have adequate family planning. For those of us who believe the Government should prohibit the jailing of women and doctors who have or give abortions, they should want to have family planning services so we have fewer abortions.

Why don't we hold hands on this vote as we have in the past and walk down the aisle together across those divides and say family planning is the way to make abortion rare? That is the key. But the global gag rule has the opposite impact. The global gag rule is causing more abortions because the nongovernmental organizations will not take the funding, they won't be gagged, and they won't have the staff to go out and give those women the advice and the contraceptions that they are asking for.

There is another issue that comes into play here, and that is the issue of HIV/AIDS. Preventing AIDS is very important. The use of modern family planning methods will help us prevent AIDS.

This global gag rule is dangerous. It is dangerous directly, and it is dangerous indirectly. It goes against our Constitution and freedom of speech. If this President tried to put this kind of gag rule on in America, he would be laughed out of the courts. Of course, they do not do that because we have something called the Constitution and freedom of speech. We don't go around putting a gag on doctors who have their own practices. We let them do what they think is right—to do no harm and to help people.

I want to talk about a school in Uganda where three of its students died from unsafe abortions. The same man impregnated the three girls. It was a horrible tragedy. But the local clinic still didn't know what to do since it received USAID funding. They had a situation where three girls were impregnated by the same man, and they didn't want to give back the money they had gotten from the United States of America. This is what they said.

What should the school do? Refer the girls to the clinic? It is a very difficult situation for the nurses. What can they counsel about? It is a problem if the provider is a member of that community. A person cannot even speak as a community member or a parent. Because how can you differentiate between an individual and the fact that they are an employee of a nongovernmental organization?

The point here is that if someone in the clinic in the area where one man impregnated three girls in the school feels that he or she can't speak out in their capacity as an individual citizen because they work for a nongovernmental organization that could be forced to give up its funding—this is a very bad policy. We are saying to clinics throughout the world that are supposedly trying to help that you must choose between limiting your services to a woman who comes to you in desperate need or shut down your doors because you have to give back the funding from the United States of America. It is really a stunning and unfair policy.

One of the Planned Parenthood chapters in my State is in Ethiopia right now. They are seeing firsthand the impact of the global gag rule on women's lives. Think about what it means to try to get health care in Ethiopia. If you are lucky, you might have only a 3-day or 4-day walk to a clinic—a 3-day or 4-day walk to a clinic in Ethiopia.

Less than 8 percent of the population has access to contraception. Only 20 percent get prenatal care. One in seven women die from pregnancies or unsafe abortions. In fact, backyard abortions are the second leading cause of death among women only, behind tuberculosis.

Because of the global gag rule that this administration has put in place, supplies to the largest planning provider in Ethiopia have been cut. They have been cut because they refuse to be gagged. The people in Ethiopia are looking to America with our Constitution and our freedom and our freedom of speech, and they are saying: We are not going to allow the President of the United States of America and this Congress to gag us. We will have to give back the money.

That is the most counterproductive thing we can do. Why? Because they are running out of the contraceptives because they don't have the money. They are less able to serve rural areas, only 7 percent of which have access to basic sanitation. They are less able to curb the rising tide of HIV which is sweeping over the population, leaving shattered lives and families in its wake.

Why would we want to be responsible for that? We don't have to be today. We are going to have a chance to do what the Senate has done year after year after year. We have stood up for women's health. We have stood up for freedom of speech. We have stood up for the right of people—even the poorest of the poor—to get access to health care, to find out what their options are, to know what the possibilities are, to fight for changes in the law.

The Senate has stood on the right side of this issue—on the correct side of this issue—for years. I am so proud of the Senate. We did it with almost all Democrats and many Republicans standing with us. I hope that happens today. If it doesn't, a message will be sent throughout the world—yes, to our troops in Iraq who are fighting to bring freedom of speech around the world, that here in the U.S. Senate, we have just stood with a global gag rule. I hope that is not the message we send.

I don't want to see us continue this global gag rule. It is hurting the very people we say we care about—the poorest of the poor, the women, the girls, the victims of rape, the victims of incest.

The amendment I plan to offer and which we have actually set aside is identical to the one we passed 2 years ago. It is very simple. It simply says that nongovernmental organizations cannot be denied funding solely because the medical services they provide with their own funds include counsel and referrals. They cannot be denied funding solely because they use their own funds to advocate for new laws. That is all we say.

In this amendment we admit very straightforwardly that no NGO can violate its own country's law. If abortion is illegal and you cannot refer people in your country, if they say that is the law of the land, of course, we support people paying attention to the laws of their country. But we do not say, and we shouldn't say and we wouldn't say it here, that these NGOs shouldn't be able to lobby for new laws. This is very important.

In Nepal they sent a 13-year-old girl away for 20 years. She was a victim of an uncle's incest. They let the rapist go free and there were no penalties for the parents who forced her to have an abortion. That NGO, that clinic that turned back USAID funding, said we are not selling out our people. We are not selling out a child for some dollars.

I cannot believe the side that we were on. The global gag rule put us on the side of a rapist. That is what the global gag rule did. That is not a side anyone in this Chamber wants to be on. I hope everyone in this Chamber will vote to be on the side of the women who were the victims. They need us to be by their side.

Basically, what we are saying in our amendment is we believe in human rights. We believe in freedom of speech. We believe other countries should have the same freedoms we have in this country. And if we cannot gag people in this country, let's not do it abroad just because we can. Almost 60 years ago in the dark shadows of World War II, it was our country that championed the universal declaration of human rights, setting a standard for human rights all over the world. This is what that declaration said:

> [T]he advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people.

That is America after World War II. Can someone explain to me how America feels it is on the side of the good when we will punish a nongovernmental organization that goes to bat for a rape victim who is 13 years old? We are not on the side of human rights. We are on the side of people who are doing evil. That is wrong. That is not what our Government ought to be doing.

The aspirations of our country and of our people should be reflected in our policies. That is why I urge my colleagues on both sides of the aisle to do what they have done over and over again: Stand up and be counted on the side of freedom and justice and the American way. It is the American way to foster freedom and justice, to allow people, even when we do not agree with them, to take their complaints and their points of view to their governments. That is what our soldiers are fighting for and dying for in Iraq, yet with this policy we stand on the side of tyranny.

I urge my colleagues to stand with us again. This is a bipartisan Boxer-Snowe amendment. I urge Members when the time comes—and I hope the chairman will let us know at what point we will be voting—I urge Members to stand with Senators BOXER and SNOWE in this bipartisan amendment to end the global gag rule.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, once again the distinguished Senator from California has presented her case, as always, with conviction and with eloquence. She is an able and a remarkable advocate for her position on this very important and controversial issue.

When President Bush restored the so-called Mexico City policy upon coming into office in 2001, he stated his conviction that United States taxpayer funds should not be used to pay for abortions or for those who actively promote abortions as a means of family planning.

It should be made clear this does not lessen our country's commitment to strong international family planning programs. Indeed, President Bush's fiscal year 2005 budget requests $425 million for population assistance, the same funding level appropriated during fiscal year 2001, President Clinton's final year in office.

President Bush has confirmed his commitment to maintaining these funding levels for population assistance because he knows that one of the best ways to prevent abortions is to prevent unwanted pregnancies through voluntary family planning services. This is the policy of our Government today and it is one that President Bush advocates in the future.

I expect we will continue to have debates in the Senate on the Mexico City policy. As the distinguished Senator from California has pointed out, that has been the case for several years. Over the years there have been numerous attempts to reach compromise language that would satisfy all sides on this important issue, but no acceptable accommodation has thus far been found. This is why President Bush has advised us he will veto any legislation that seeks to override the Mexico City policy.

USAID can and does provide the family planning information services in developing countries through many foreign NGOs. The President has determined that such family planning assistance will be provided only to those foreign grantees whose family planning programs are consistent with the policies of this administration. Every President since 1984 has exercised that right.

As manager of the President's bill, I, along with every other Senator, must take seriously the President's statements that he would veto the legislation if it were presented to him without the Mexico City policy intact. I believe it is highly unlikely that he will change his mind at this point. The President has been very clear and the directives with regard to administration policy on this legislation are also clear.

I will oppose this amendment. I ask other Senators to do so for the reasons I have given.

I yield the floor.

Mrs. MURRAY. Mr. President, I ask unanimous consent to add Senators CORZINE and MIKULSKI to the amendment.

The PRESIDING OFFICER (Mr. COLEMAN). Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, women around the world should have access to safe health care, especially those who are struggling in some of our world's poorest nations. That is why I am in the Senate this afternoon to support the Boxer amendment. I thank Senator BOXER for standing up on an issue that affects women around the globe. I am very proud to be a cosponsor and supporter of this amendment.

This amendment is about ensuring that women around the world have access to health care that they need, especially reproductive health care. It does not get much attention, but in the developing world, complication from pregnancy is one of the leading causes of death for women. It ranks right up there with tuberculosis. According to the World Health Organization, more than half a million women die every year of causes related to pregnancy or childbirth. That is more than one woman dying every minute of every day. That is what we are talking about with this amendment. That is a crisis.

Now, you know when there is a medical crisis, something that kills hundreds of thousands of people every year, we do not just stand by. We work to make things better. In poor countries around the world, medical professionals and nongovernmental organizations are simply trying to make things better. They have set up clinics. They have done an excellent job. They are reaching out to poor communities. And they are opening the doors of access to women and families who desperately need health care. They are doing great work. But today their hands are tied, and even worse their hands are tied because the Bush administration has imposed a political ideology on the world. We cannot allow this undemocratic policy to deny women and their children health care and ultimately sentence them to die.

As my colleague, Senator BOXER, has talked about, when President Bush took office in 2001, he signed an Executive order known as the global gag rule. It denies U.S. funds to any overseas health clinic unless it agrees not to use its own—its own—private, non-U.S. funds for anything related to abortion. If you are a medical professional living in an impoverished country trying to help people, save lives, you are gagged from even talking about certain reproductive health services.

We would not stand for that in the United States. We know how important the doctor-patient relationship is. When we go to a doctor, we want to know that the doctor is giving us all the advice we need—not holding something back because of a gag rule imposed on him by someone else. But that is exactly what the global gag rule does. It is forced on women in poor countries around the world, and that is just simply wrong.

I am not going to take the time to go into detail on why I believe this gag rule is so wrong, but I just want to mention a few things. Simply put, the gag rule undermines reproductive health care, it hurts our efforts to prevent HIV and AIDS, and it limits access to contraceptives. The gag rule places limits on women and doctors that we would never accept here in the United States.

But here is the bottom line and something all of our colleagues should remember as we go to vote on this amendment: This is about protecting women's lives. Today, the women around the world are being denied the care they need because of an ideological policy, and they are dying as a result. We cannot tolerate that as Americans, and that is why I have come to the floor this afternoon, to urge my colleagues to support the Boxer amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Thank young very much. Mr. President. I thank my colleagues for discussing this important issue and I appreciate Senator BOXER's concern. This is well-plowed ground that we have traveled over several times. We have been over this issue a number of years. The Mexico City Policy was first introduced by Ronald Reagan. It is a commonsense policy that President Reagan first put forward in 1984, based in part on his belief that U.S. taxpayers should not be forced to subsidize or support organizations that perform or promote abortions through international family planning programs, period.

President Reagan, as was typical in his way, looked at the root of the issue and said: I understand we have an enormous debate in America and around the world about the issues surrounding the questions "when does life begin? Does it begin in the womb or not?" There is an enormous debate about these important questions—and I am going to set that debate aside, President Reagan said, but I am going to say as well, the American public has very clearly defined itself on the issue of taxpayer funding of abortion. The people are saying: We may debate back and forth about the life issue, but we do not want taxpayer funding to provide for abortions, particularly overseas. That is just a bridge way too far for me to cross, too far from the very fundamentals of the debate, for now the country is a pro-life country and generally people are opposed to abortion taking place.

That was the 1984 decision put in place by Ronald Reagan, later overturned by President Clinton, later put back into place by President Bush. One of George W. Bush's first acts in office was to reinstate the Mexico City Policy. The Mexico City Policy simply prohibits provision of Federal taxpayer funds to organizations that "perform or actively promote abortion as a method of family planning in other nations." It is a very simple issue. It is a very direct, straightforward issue. I want to say as well, that when individuals try to frame this debate by saying this is about women's rights and issues, and a lack of our support of them on the international level, I want to step aside for just a minute and point out the record of the Bush administration on women's rights, on issues in Afghanistan where women are now voting and actively participating in politics and society, is just tremendous.

Senator BOXER and I both put forward a bill about women's rights in Afghanistan, and, in addition, the Bush administration is implementing and remedying concerns for women in Iraq who are now voting and are now proudly waving their fingers with the ink stain upon them. Brave women are demonstrating their rights and standing up to defend their rights around the world. This administration, on a very practical level, is putting forth and implementing programs in great strides to assure women's rights around the world, and they should be congratulated for that and thanked for all their efforts.

Now, you can try to tie this question of taxpayer funding for abortions oversees back into that issue, but I do not think that is a fair point of the debate. The fair point of the debate is, it is taxpayer dollars. It involves the very difficult, sensitive issue of "when does human life begin?"—a question which we have failed to resolve in this country as of this moment.

Should American taxpayers be funding abortions in many countries all around the world? People say: Well, there is more family planning now. The dollars do not go directly for abortion. The money is fungible. It can go into an organization and be used to replace dollars that can then be used for abortion. Why should we put that sort of ideology forward on another country when we have not resolved it ourselves?

I think the Bush doctrine, formerly the Reagan doctrine, the Mexico City Policy, should stand for good reason. It stands with the American public. We should not be using Federal taxpayer dollars to fund abortions overseas. That is the view of 75 to 80 percent of Americans.

Many Americans do not like the way we handle foreign assistance now anyway. I personally think we should be generous in our foreign assistance and in some cases do substantially more to alleviate poverty. But if you frame the debate into these sorts of issues alone, you start to drive away people's support for foreign aid and for supporting the good that is taking place in other countries. That is not a good thing to do, particularly when we have been given so much as a nation. I would hope we could help more overseas, but it has to be in a sensible way that the American public agrees with.

So while I appreciate being able to work with my colleague from California on many issues, this is one where we will have to part company. I really think President Reagan got this principle right, and the continuation of the Mexico City Policy by President Bush is right as well. Respectfully, I urge my colleagues to vote against the Boxer amendment.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I so appreciate my colleague coming to the floor and taking time to express his views, but I think it is very important to straighten out the record.

What my colleague is talking about is putting strings on U.S. taxpayer funds. That is the Helms amendment, and that has been the law since 1973. What the global gag rule does is different. It tells nongovernmental organizations abroad that they will lose U.S. funding if they use their own funds not ours, but theirs—to lobby to change egregious laws in their country.

In order for a nongovernmental organization to fight to change an egregious law, like the one that used to exist in Napal—which I know my friend would not agree with—that nongovernmental organization, I tell my friend, had to give back their USAID money because they were using their own funds to change the laws of Nepal. So we gagged this nongovernmental organization from helping a child who was raped. The rapist did not go to prison. The rapist—the uncle—was free. The parents did not go to prison even though they forced her to have an illegal abortion. The child went to prison.

The only way the nongovernmental organization was able to work to change the law in that country, which punished a child who was a victim of incest, was to give back the USAID money. Otherwise, they could not lobby for law changes in their own country.

Now, I use that example because it shows why this law is so egregious. And again, to make the point to my friend, the Helms amendment, which has been in place since 1973, already precludes U.S. Federal funds from being used by nongovernmental organizations in any aspect having to do with abortion. They already cannot use our funds to perform abortion. They already cannot use our funds to refer.

They already can't use funds to advocate. That is taken care of. The global gag rule is different from that. It is putting a gag around the very people who are trying to help prevent pregnancies, who are trying to help girls such as Min Min in Nepal who was the victim of incest. That is plain wrong. I don't mind my friend disagreeing with me. And we do agree on many issues and have worked together and will continue to. But I would hope we would not confuse the Helms amendment, which has been in place since 1973 and does not allow a penny of taxpayer funds to go in any way to the provision of abortion services. Don't confuse that with the gag rule, which keeps nongovernmental organizations from being able to use their own funds as they see fit to help women and girls in tragic circumstances such as the one I described by changing the repressive laws in some of their countries.

I urge my friend to please be clear that these are different issues. We already deny the use of Federal funds for anything having to do with overseas abortion or its lobbying. But the gag rule takes it a step further and says these organizations that work so hard in the toughest environments cannot use their own funds in the way they see fit to advocate for changes in the law, to help women understand what their options are. And it is antithetical to the United States of America, to freedom of speech. My friend knows we couldn't do that here. We couldn't tell people here that they can't talk to their patients. That would be unconstitutional.

I urge my colleagues to please vote on what this issue is, not on what this issue is not. We live with the Helms rule. We are not changing that. We simply want to get rid of this global gag rule today. I hope Members will vote aye on the Boxer-Snowe amendment.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, we are looking forward to conclusion of this debate and another debate prior to getting into the voting sequence at about 4:30. May I ask the participants, the distinguished Senator from California and the distinguished Senator from Kansas, could there be agreement that the amendment would come to conclusion in 20 minutes of time and that this be apportioned 10 minutes to the distinguished Senator from California and 10 minutes to the distinguished Senator from Kansas? There would be no other speakers and that would conclude the debate. Then we would be able to proceed with an amendment by Senators CRAIG and BAUCUS.

Mrs. BOXER. If I may respond to the chairman, I have no problem. I would like to close the debate. That will be fine with us as long as I may conclude.

Mr. BROWNBACK. No objection from myself.

Mr. LUGAR. Mr. President, I ask that debate be of 20 minutes duration, that the time be under control of the Senator from California and the Senator from Kansas, and that the Senator from California be able to conclude the debate.

Mrs. BOXER. Reserving the right to object, 10 minutes each and no second-degree amendments; is that part of it?

Mr. LUGAR. That would be correct, no second-degree amendments.

Mrs. BOXER. Then I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. I thank the Chair and the Senators.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, responding to a couple of the comments of my colleague from California, I would like to cite and include in the RECORD a Congressional Research Service report on international family planning, the Mexico City policy. This report is dated April 2, 2001. And then another one, an updated one on population assistance and family planning programs, issued for Congress, May 19, 2003.

In the 2003 report, I want to cite this briefly because we are getting involved in a discussion about what the wording of the Boxer amendment does and what it does not do. I contend that clearly what could take place with the passage of the Boxer amendment, is that money could go to a foreign organization that performs abortions. These organizations can't use the money directly for abortions, but they can move private money to do abortions while using the government money for advocacy. That is what I am saying. My colleague is giving the illustration of this tragic situation that has occurred where there has been a rape in Nepal and this is a heart-rending example of these types of cases right before us now.

Regardless of how you view life, and when human life begins, we are going to set that issue aside but I hope we get to debate that issue one of these days. In this CRS report dated 2003, USAID issued additional guidelines on the implementation of the Mexico City Policy and stated that organizations could not "perform abortions in a foreign country except where the life of the mother would be endangered or in cases of forcible rape or incest." So where my colleague is talking about a case of forcible rape taking place and a choice of an organization having to choose between performing an abortion or losing their funding, the USAID policy says that performing such an abortion is a specific exemption from this Mexico City policy that is squarely on point in this CRS report.

I ask unanimous consent to print in the RECORD selections from the two CRS reports that I have mentioned.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

At Mexico City, Reagan Administration officials emphasized the need for developing countries to adopt sound economic policies that stressed open markets and an active private sector.

Again nearly a decade later, the Clinton Administration changed the U.S. position on family planning programs by lifting restrictive provisions adopted at the Mexico City Conference. At the 1994 Cairo Conference, U.S. officials emphasized support for family planning and reproductive health services, improving the status of women, and providing access to safe abortion. Eight years later, President Bush revoked the Clinton Administration position on family planning issues and abortion, reimposing in full the Mexico City restrictions in force during the 1980s and early 1990s. Throughout this debate, which at times has been the most contentious foreign aid policy issue considered by Congress, the cornerstone of U.S. policy has remained to be a commitment to international family planning programs based on principles of voluntarism and informed choice that give participants access to information on all major methods of birth control.

Nevertheless, the controversy spilled over into U.S. foreign aid policy almost immediately when Congress approved in late 1973 an amendment to the Foreign Assistance Act of 1961 (Section 104(f)) prohibiting the use of foreign development assistance to pay for the performance of abortions or involuntary sterilizations, to motivate or coerce any person to practice abortions, or to coerce or provide persons with any financial incentive to undergo sterilizations. Since 1981, Congress has enacted nearly identical restrictions in annual Foreign Operations appropriation bills.

For the past 25 years, both congressional actions and administrative directives have restricted U.S. population assistance in various ways, including those set out in the Foreign Assistance Act of 1961, and more recent executive regulations and appropriation riders prohibiting indirect support for coercive family planning (specifically in China) and abortion activities related to the work of international and foreign nongovernmental organizations. Two issues in particular which were initiated in 1984—the "Mexico City" policy involving funding for non-governmental-organizations (NGOs), and restrictions on funding for the U.N. Population Fund (UNFPA) because of its activities in China—have remained controversial and continue as prominent features in the population assistance debate.

During the Bush Administration, efforts were made in Congress to overturn the Mexico City policy and rely on existing congressional restrictions in the Foreign Assistance Act of 1961 banning direct U.S. funding of abortions and coerced sterilizations. Provisions adopted by the House and/or Senate that would have reversed the policy, however, were removed from legislation under threat of a presidential veto.

Efforts to Legislate the Mexico City Policy. Beginning in 1993, abortion opponents in Congress attempted to legislate modified terms of the Mexico City policy. Under the threat of a Presidential veto and resistance from the Senate, Mexico City restrictions had not been enacted into law until passage in November 1999 of the Consolidated Appropriations Act for FY2000 (P.L. 106-113).

In USAID-issued certification forms, organizations had to state that they would not engage in three types of activities with either USAID or non-USAID funds from the date they signed an agreement to receive FY2000 USAID population funds through September 30, 2001: perform abortions in a foreign country, except where the life of the mother would be endangered, or in cases of forcible rape or incest; violate the laws of a foreign country concerning the circumstances under which abortion is permitted, regulated, or restricted; or attempt to alter the laws or governmental policies concerning circumstances under which abortion is permitted, regulated, or restricted.

If an organization declined to certify or did not return the certification form, it was ineligible to receive FY2000 USAID population funds unless it was granted a waiver under the $15 million exemption cap.

The regulations also contain exceptions: abortions may be performed if the life of the mother would be endangered if the fetus were carried to term or abortions performed following rape or incest; health care facilities may treat injuries or illnesses caused by legal or illegal abortions (post-abortion care).

The new Administration Mexico City guidelines state that U.S. cannot furnish assistance to foreign NGOs which perform or actively promote abortion as a method of family planning in USAID-recipient countries, or that furnish assistance to other foreign NGOs that conduct such activities.

Examples of what constitutes the promotion of abortion include: operating a family planning counseling service that includes information regarding the benefits and availability of abortion; providing advice that abortion is an available option or encouraging women to consider abortion; lobbying a foreign government to legalize or to continue the legality of abortion as a method of family planning . . .

The regulations also contain exceptions to these policies:

abortions may be performed if the life to the mother would be endangered if the fetus were carried to term or abortions performed following rape or incest.

health care facilities may treat injuries or illnesses caused by legal or illegal abortions (post-abortion care).

"passive" responses by family planning counselors to questions about abortion from pregnant women who have already decided to have a legal abortion is not considered an act of promoting abortion.

referrals for abortion as a result of rape, incest, or where the mother's life would be endangered, or for post-abortion care are permitted.

Recipients of USAID grants, however, could use their own funds to engage in abortion-related activities, but were required to maintain segregated accounts for U.S. money in order to show evidence they were in compliance with the abortion restrictions.

Mr. BROWNBACK. Furthermore, I want to back up to an earlier point that I engaged on with my colleague. We live in a wonderful nation. This is a beautiful land. I have traveled to many of the developing countries around the world. They look up to America. They seek help and support from America. They seek our ideals. When we go there and we push issues such as abortion or are associated with groups that push issues such as abortion, we are reduced as a nation. Actions like this says to developing countries: We have issues such as malaria, we have issues such as HIV/AIDS, feeding our poor people, and you are out here pushing this ideology. Why are you doing that?

I go home to my constituents in Kansas. They think the foreign aid budget is about 25 percent of the budget, which it is not. It is about 1 percent. But then if a case such as this comes up, tax payer funding of abortions in developing countries—and they don't say it as much now—they say: We are funding abortions overseas, and we don't like it. I remember in 1994 hearing many people saying things such as that.

If we pursue this sort of policy, it diminishes our possibility to go to the public and say: We want to do whatever we possibly can to end poverty, hunger, and alleviate suffering in the world. We can do more and we want to do more. We are out there pushing to do more. If we force policies such as this, it cuts the knees out from underneath all our other efforts because then a number of people say: How are you doing alleviating poverty by funding a group that funds and works for abortion? How is this work alleviating suffering and poverty? It seems as though you are going against the very message you ought to be driving and pushing forward.

My colleague and I have come together to discuss and work on many important issues, but we disagree sometimes. We have different views on the point of life. But, from my work, I know that there are great groups of people in this country and a pretty strong majority that says we need to help more overseas. But it has to be sensible help. There have to be ways we can feed more people and ways we can take care of sickness, where we can end the fighting in places such as Darfur, where we can move forward in economic development, in ways such as the Millennium Challenge Account Program is structured to do.

Amendments such as this have a harmful overall impact on the body politic of this country, disrupting a chance to do something that is very noble and good. I understand my colleague is putting it forward as a noble cause. I don't think it is being received or can be viewed in that way.

With all due respect to my colleague and her heart for her goodness to do the right thing, this amendment is not helpful on many levels. I urge my colleagues to vote against it.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, my colleague misses the entire point. The reason this child was sent to prison in Nepal after incest by an uncle and being forced by her parents to have an abortion is because of the former law in Nepal. And the policy my friend is supporting, the global gag rule he extolls, prohibited that clinic from going to bat for this child and using its own funds to change the laws. To do that, they had to turn back their U.S. funding. Are you proud of that? They decided, this nongovernmental organization, to give back the money because they felt it was that important to fight for that child who was the victim of incest and get that law changed.

It took them several years. That child had a 14th birthday in prison, and she had a 15th birthday in prison. But they succeeded. One would think we would be on their side. One would think the United States of America would be on the side of a child who was raped and against a man who performed that act. One would think that is the side we would be on, the side of this child. But, oh, no, the global gag rule told that clinic: You cannot change the law because if you do that, you are violating the global gag rule.

That is the point. It is true there is an exception for rape and incest in the rule, but it does not apply if the country does not make an exception for rape and incest. So what we should say in those cases—at least work with me on this—is allow them to keep their money if they are working to change the law on rape and incest in their country. But my friend is not doing that. He wants the status quo.

Then we have the case in Uganda where three underage girls died from botched abortions. The same man impregnated them, and the clinic was afraid to help because they could lose all their American money. The girls died.

Is that what we are celebrating today, a policy that allows a child to rot in prison if she is raped, a policy that allows a rapist to be free, a policy that says three girls impregnated by the same man should die in a back alley? I hope not. This is very serious. This is not only about words. This is not a debate about when life begins. We can have that debate any day of the week.

I will tell my friend right now, I would die for his right to believe what he believes on that issue, and I hope he would die for my right to believe what I believe on that issue because that is a question between us and our God. That is not on the table today.

What is on the table is a real-life question: With whom do we stand? I hope when we come to this vote, which we are going to have shortly today, we are going to stand with the women and girls of the world who need our protection, not our vengeance, who need to know we are not going to gag the people who are there to help them, but, in fact, allow the people who are there to help them, to use their own funds to tell the truth about their life and their options and their health. This is a very serious matter.

Mr. President, if the other side will yield back its time, I will be glad to yield back mine; otherwise, I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, if I could have 1 minute. How much time remains?

The PRESIDING OFFICER. There is 5 minutes remaining.

Mr. BROWNBACK. Mr. President, I will address directly one point, if the

Senator does not object. I read from the CRS document May 19, 2003, on this topic:

> In USAID-issued certification forms, organizations had to state that they would not engage in three types of activities with either USAID or non-USAID funds from the date they signed an agreement to receive FY2000 USAID population funds . . . :
>
> Perform abortions in a foreign country, except where the life of the mother would be endangered, or in cases of forcible rape or incest;
>
> Violate the laws of a foreign country concerning the circumstances under which abortion is permitted, regulated, or restricted; or
>
> Attempt to alter laws or governmental policies concerning circumstances under which abortion is permitted, regulated, or restricted.

As I understand it, USAID is required by the Mexico City language, that in horrific difficulties and circumstances, such as the case the Senator discussed, individuals may work with organizations who provide abortions. But it is on a narrow set of circumstances because the American public does not agree with taxpayer funding of abortions overseas.

I submit the report for the RECORD, and I yield the floor. If my colleague is prepared to yield back time, I am prepared to yield back time, too.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I want to respond.

Again, my colleague has made my point. He read into the RECORD exactly what I said. Under the gag rule, you cannot perform abortions except for rape, incest, or life of the mother. That is right. But here is the second point: You cannot attempt to alter the laws, and that is the exact reason I cited for why the nongovernmental organization that is prohibited from altering the laws of their country had to give back their funding. That is exactly the point.

My friend made my argument for me by reading what I have been saying. This nongovernmental organization wanted to change the laws in Nepal so that a child who was raped or a victim of incest would not rot in prison. They were precluded from using their own money to alter the laws of their country. My friend read it right into the RECORD, and I thank him for that. He made my point.

So, yes, at the end of the day, we stand with the rapist in this case against the child, and that is wrong, and that is the reason I hope my colleagues will join with me.

I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, in an effort not to belabor this too much, there is a set of semantics being argued back and forth. I invite my colleague to submit suggestions on regulatory changes to the USAID to try to address this narrow point, if that is, indeed, the case. I hope we do not, in focusing on a particular very narrow tragic issue and circumstance—and nobody is celebrating that tragedy—I hope we do not lose focus of the broader issue of taxpayer funding of abortions overseas.

We can focus in on this very narrow point of view—and it is a tragic circumstance. I will concede that to my colleague. Maybe we can negotiate a regulatory change to address these important concerns if these words do not do it. I think we are arguing semantics here. Let's not lose sight of the fact, which is that this amendment would send taxpayer dollars to fund abortions overseas.

I urge my colleagues to vote against the Boxer amendment.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, it is as if we are talking past each other. My friend made the case for me. He read the restriction which is that no organization can attempt to alter the laws of their country. And so we are standing against people having their rights at self-determination. Can you imagine if we sent out a notice to our people, let's say on both sides of the gun debate, and said to both sides: You cannot discuss this matter with your representatives. We could not do that for 3 seconds. First, we would be run out of office on a rail. But we are willing to be an imperial power and tell others in other countries they cannot advocate on behalf of the people of their country.

The last point I will make is my friend keeps repeating the phrase "U.S. taxpayer funds." He is confusing the debate. There was an outright ban written in 1973 by Jesse Helms which has been upheld in the Congress ever since that not a dime of U.S. taxpayer money could be used in any way, shape, or form to provide abortion. And there is another law that says you cannot use U.S. taxpayer funds to lobby. So those things are already set.

What we are talking about is an additional law put into place by the Bush administration after it was off the books for 8 years which says forget about U.S. taxpayer money, we are telling nongovernmental organizations that to get that money, they cannot use their own funds in any way to provide abortion, to counsel women, to tell women their options, or—and this is the case in point—even to lobby their legislature to change laws, such as the one that put this child in prison who is the victim of incest. I do not understand how we can stand on that side of this issue.

I can give you 100 examples. I do not want to take the Senate's time to do that. The other case was in Uganda where the clinic was gagged and could not tell these girls where they could go to get a safe abortion to end a pregnancy forced on them by a gentleman—I should not call him a gentleman—a man who impregnated three of his students, and the clinic was scared to say anything, and these girls got illegal, what they call backyard abortions in that country and died.

Now, why do we want to stand on the side of the law that is resulting in girls going to jail when they are raped by a relative and girls dying from botched abortions because we put a gag on the clinic? I hope this Senate will pass the Boxer-Snowe bipartisan amendment that will send a signal to the world that we believe very strongly in their rights to aggressively approach their government and talk about laws that may need changing, their rights to look a woman or a girl in the eye and say, look, regardless of what your religion is or what your feeling is, these are the options you have.

I do not think keeping women ignorant is a very liked policy, and anyone who votes for this global gag rule votes to keep the women of the world ignorant. I hope my colleagues will vote for the Boxer-Snowe amendment. I look forward to a successful vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I thank the distinguished Senators for this debate. A vote will occur on it at a time in the future, probably in sequence with the 4:30 vote.

At this point, I have two points of important business. These are amendments that have been agreed upon.

AMENDMENT NO. 279

Mr. LUGAR. I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Indiana [Mr. LUGAR] proposes an amendment numbered 279.

Mr. LUGAR. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike section 207)

On page 24, strike lines 1 through 5.

Mr. LUGAR. Mr. President, this amendment strikes section 207. It was scored by the Congressional Budget Office as containing direct spending that needed an offset. While there is some disagreement between the executive branch and Congressional Budget Office on the scoring, if section 207 were not stricken, the legislation would be subject to a budget point of order. I understand the staff of the Budget Committee and the staff of the Senate Foreign Relations Committee have come to an agreement, and this amendment removes the threat to the legislation. We know the State Department considers section 207 important. We will do our best to provide these authorities.

but we must do so in a way that is budget neutral.

For this reason, until a way can be found to resolve the scoring difficulties, we ask unanimous consent that the amendment be adopted.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 279) was agreed to.

AMENDMENT NO. 280

Mr. LUGAR. I thank the Chair. Mr. President, on behalf of Senator SCHUMER, I send an amendment to the desk. This is an amendment that requires that foreign assistance be withheld from foreign countries that owe parking fines in Washington, DC, or New York City. The amount withheld would be 110 percent of the fines.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Indiana [Mr. LUGAR], for Mr. SCHUMER, proposes an amendment numbered 280.

Mr. LUGAR. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To impose an economic sanction on foreign countries that owe parking fines and penalties or property taxes to Washington, D.C. or New York City)

At the appropriate place, insert the following new section:

SEC. . WITHHOLDING OF ASSISTANCE FOR PARKING FINES AND REAL PROPERTY TAXES OWED BY FOREIGN COUNTRIES.

SEC. . (a) IN GENERAL.—Subject to subsection (c), of the funds made available by this Act for assistance for a foreign country, an amount equal to 110 percent of the total amount of the unpaid fully adjudicated parking fines and penalties and unpaid property taxes owed by the central government of such country shall be withheld from obligation for assistance for the central government of such country.

(b) PAYMENT. Funds withheld from obligation for a country under subsection (a) shall be paid to the jurisdiction to which the unpaid fully adjudicated parking fines or penalties or unpaid property taxes are owed.

(c) AMOUNTS WITHHELD TO BE ADDITIONAL FUNDS.—Subsection (a) shall not include amounts that have been withheld under any other provision of law.

(d) WAIVER.—

(1) The Secretary of State may waive the requirements set forth in subsection (a) with respect to parking fines and penalties no sooner than 60 days from the date of enactment of this Act, or at any time with respect to a particular country, if the Secretary determines that it is in the national interests of the United States to do so.

(2) The Secretary of State may waive the requirements set forth in subsection (a) with respect to the unpaid property taxes if the Secretary of State determines that it is in the national interests of the United States to do so.

(e) REPORT.—Not later than 6 months after the initial exercise of the waiver authority in subsection (d), the Secretary of State, after consultations with the City of New York, shall submit a report to the appropriate congressional committees describing a strategy, including a timetable and steps currently being taken, to collect the parking fines and penalties and unpaid property taxes and interest owed by nations receiving foreign assistance under this Act.

(f) DEFINITIONS.—In this section:

(1) The term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) The term "fully adjudicated" includes circumstances in which the person or government to whom the vehicle is registered—

(A)(i) has not responded to the parking violation summons; or

(ii) has not followed the appropriate adjudication procedure to challenge the summons; and

(B) the period of time for payment of or challenge to the summons has lapsed.

(3) The term "parking fines and penalties" means parking fines and penalties—

(A) owed to—

(i) the District of Columbia; or

(ii) New York, New York; and

(B) incurred during the period April 1, 1997 through September 30, 2005.

(4) The term "unpaid property taxes" means the amount of unpaid taxes and interest determined by a court or other tribunal to be owed by a foreign country on real property in the District of Columbia or New York, New York.

Mr. LUGAR. I ask unanimous consent that the amendment be adopted.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 280) was agreed to.

AMENDMENT NO. 274, WITHDRAWN

Mr. LUGAR. Mr. President, I ask unanimous consent that adoption of amendment No. 274 be vitiated and the amendment then be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. At this juncture, I ask the Chair to recognize the distinguished Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I thank the chairman of the Foreign Relations Committee. I ask that the pending amendments be temporarily set aside so I might offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I would like to raise a question with the distinguished Senator from Montana. Would the Senator and his colleague, Senator CRAIG, be prepared to enter into an agreement that the amendment should have 36 minutes of consideration; namely, between now and 4:30, with the time equally divided between opponents and proponents, no second-degree amendments?

Mr. BAUCUS. I might tell the chairman that is certainly fine with this Senator.

Mr. CRAIG. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. What was the Senator's conditioning on the second degree?

Mr. LUGAR. The request is 36 minutes total for the amendment, 18 minutes per side, that concluding at the time of our voting sequence starting at 4:30.

Mr. CRAIG. Including all amendments?

Mr. LUGAR. Yes, with no second degree.

Mr. CRAIG. No objection.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Reserving the right to object, the minority leader staff tells me we have to check with other Senators on this side who may want to speak to this amendment, but why do we not proceed. I would object for the moment, but hopefully I can resolve this very quickly.

The PRESIDING OFFICER. The objection is heard.

The Senator from Montana.

AMENDMENT NO. 281

(Purpose: To facilitate the sale of United States agricultural products to Cuba, as authorized by the Trade Sanctions Reform and Export Enhancement Act of 2000)

Mr. BAUCUS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS] proposes an amendment numbered 281.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

Mr. BAUCUS. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

AMENDMENT NO. 282 TO AMENDMENT NO. 281

Mr. CRAIG. Mr. President, I send a second-degree amendment to the desk on behalf of myself and Senator ROBERTS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG], for himself, and Mr. ROBERTS, proposes an amendment numbered 282 to amendment No. 281.

Mr. CRAIG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To clarify the payment terms under the Trade Sanctions Reform and Export Enhancement Act of 2000)

In the matter proposed to be added, strike section 2905 and insert the following:

SEC. 2905. CLARIFICATION OF PAYMENT TERMS UNDER TRADE SANCTIONS REFORM AND EXPORT ENHANCEMENT ACT OF 2000.

(a) IN GENERAL.—Section 908(b)(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7207(b)(1)) is amended by inserting after subparagraph (B) the following:

"(C) Notwithstanding any other provision of law, the term 'payment of cash in advance' means the payment by the purchaser of an agricultural commodity or product and the receipt of such payment by the seller prior to—

"(i) the transfer of title of such commodity or product to the purchaser; and

"(ii) the release of control of such commodity or product to the purchaser.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on February 22, 2005.

Mr. CRAIG. Mr. President, I rise today to offer a second degree of time certainty to the most important legislation of the Senator from Montana, S. 328, that was produced in bill form and now we hope can become an amendment to the State Department's authorization bill that deals with agricultural export facilitation. I speak to that most importantly because of the tremendously positive work that has been going on in agricultural exports between this country, our agricultural producers, and the Nation of Cuba.

I am in complete agreement with the President when he said:

> Open trade is not just an economic opportunity, it is a moral imperative. When we negotiate for open markets, we are providing new hope for the world's poor. And when we promote open trade, we are promoting political freedom. Societies that open to commerce across their borders will open to democracy within their borders, not always immediately, and not always smoothly, but in good time.

That was a quote in 2001. It is most appropriate today. Senator BAUCUS, myself, Senator ROBERTS, Senator HAGEL, Senator LUGAR, and 25 other Members of this Senate have grown increasingly frustrated with the bureaucratic effort at the Department of Treasury literally to shut down the intent of very important legislation that became law in 2000. The Trade Sanctions Reform Act recognized a need and an opportunity to sell agricultural products to Cuba for cash, that we would not ask the taxpayers of this country to facilitate. In fact, we would be very strict and very narrow in those relationships with the nation of Cuba because of overwhelming interests in a variety of other areas at that time, and it passed the Congress.

That became law. That law began to work. In the course of its workings, Cuba grew from a trading partner that was the 226th largest against all of our trading partners to the 21st largest this past year. We have produced and sold nearly $1 billion worth of agricultural products to Cuba since that law became operative in 2000. It has become one part of a total of valuable tools that the agricultural community of this Nation uses in trade.

Nearly 34 States have sold products to Cuba and that clearly speaks about the broad base of support that this legislation has.

Somehow and for some apparently very biased reason—let me be blunt—Cold War bureaucrats in the Department of Treasury at OFAC decided, no, we are going to change the law by regulation.

We are going to squeeze and push and deny, and as a result we will collapse the ongoing trade with Cuba that is clearly within the law and within the Trade Sanctions Reform Act of 2000.

What we do with this amendment offered to the State Department authorization bill, and my second-degree amendment, is very clear. We simply restate the law, the intent of the law. We want OFAC to understand what Congress's intent was. We define what a cash payment in advance is. We authorize the issuance of a general license for U.S. agricultural producers to travel to Cuba for the purpose of agricultural trade. We authorize direct cash payments to U.S. banks, cash payments. It is very important we understand that. We repeal section 211 as it relates to the 1999 Omnibus Act, and trademarks, and we clarify a variety of other issues.

What is most important, and for our colleagues who support us in this effort and support the agricultural community in our country's ability to sell to Cuba for cash, we say we are for all intents and purposes reinstating the intent of Congress as expressed in the 2000 law. That is what is important here. We do not believe it is the right or responsibility of Treasury to change the rules or the name of the game or the intent of the law. That is why the Senator from Montana and I have come to the floor, for that purpose. The Senator remains on the floor and I know wants to express his concern.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, first I thank the chairman of the committee, second my good friend from Idaho, Senator CRAIG, and other Senators who have cosponsored this amendment. There are at the present moment about 30 cosponsors of this amendment. It is bipartisan. I might say there is tremendous interest in this legislation also in the other body.

To review where we are, back in the year 2000, not too many years ago, we in the Congress approved legislation called the Trade Sanctions Reform and Export Enhancement Act, otherwise known as TSREEA. What was the point of that legislation? It was legislation which authorized cash-in-advance food and medicine sales to Cuba. That is, the Congress carved out a substantive area of food and agricultural sales to Cuba. It did not provide a broad-brush authorization for trade with Cuba; rather, it narrowed it to food and to medicine for humanitarian reasons. It just made sense for the United States to be able to send its medicine and its food products, its agriculture, to Cuba. Clearly this made a lot of sense. Food should never be used as a weapon, and surely no dictator has ever missed a meal.

Second, big government has no business telling the U.S. farmers and ranchers to whom they could sell their products, for a lot of reasons. One is agriculture is facing such dire straits in many parts of our country. In addition, U.S. agriculture is facing a shrinking trade surplus. It used to be agriculture products exported overseas were the one big bright spot in the trade imbalance. That is no longer true. Agricultural programs are under tremendous pressure from budget cuts—more so now than has been the case in the past.

We should be looking around for new markets for American products, not cutting out export markets for American agricultural products. Cuba certainly presents a promising market for Montana and for American agriculture. Yet, unbelievably, the Treasury Department has recently issued a new rule. That rule makes it harder, it makes it much more difficult, for U.S. farmers and ranchers to sell agricultural products to Cuba. It makes it much more difficult in spite of the intent of the law we passed in 2000.

This rule by Treasury requires Cuba to pay for goods before shipment instead of before delivery, as was the case in the last 3 years after the act was passed. For some reason, here in 2005, a few years after the act has been in operation and working, the Treasury Department passes new regulations, just out of the blue, which make it much more difficult for American farmers to sell their products to Cuba. If Cuba pays for the goods while they are still on U.S. soil, these goods, under this new rule, become Cuban assets, which make them vulnerable to seizure to satisfy unrelated claims.

What is the effect of that? That has a very chilling effect. Treasury says it issued this rule as a "clarification" of the intent of Congress in the bill we passed in the year 2000. Let me be clear. My colleagues and I did not vote for a bill to enhance exports to Cuba that contained payment restrictions so severe as to render U.S. exports uncompetitive or worse. Clearly we did not pass a bill, we did not vote for a bill which makes it more difficult to sell agricultural products to Cuba rather than less difficult, and this regulation makes it more difficult. That was not the intent of Congress. We pass the laws. We decide what the laws of the Nation should be. It was our intent that agricultural sales should proceed unimpeded on a cash basis to Cuba.

When Treasury proposed this rule, I and colleagues on both sides of the aisle in both Chambers made our point very clear that we did not intend this. It was not our intent to have this interpretation.

Why is this so important? Cuba, the largest island in the Caribbean, was worth $400 million to U.S. agriculture exporters in the year 2004. Since 2001, Cuba has purchased more than $800 million in agricultural products from 35 States in our Nation, making that island the 25th largest export market for agricultural products.

A year and a half ago, I led a trade mission to Cuba, and I walked away with what I think is a pretty good deal for my State of Montana: $10 billion in agricultural products on a cash basis; and the fact is they bought $10.4 million of agricultural products from my State of Montana. I went back last December and signed a new agreement, this time worth $15 million for Montana agricultural products. Unfortunately, that agreement is now in jeopardy because of the new rule.

In the interim, Treasury passed this new rule. It also applied this new rule even to sales completed months earlier on a retroactive basis, which is totally unfair. The rule is wrong in the first place. It makes it doubly wrong when it is retroactive. We have $3 million worth of wheat and pea shipments lined up, and now they have to be renegotiated or abandoned because of this Treasury rule. That is wrong, just dead wrong. I, in this body, have worked hard to sell agricultural products to Cuba and will not stand idly by while Government bureaucrats try to undo all that hard work.

First, this reverses that Treasury rule and clarifies the intent of Congress for Cuba to pay cash for delivery of U.S. goods before delivery, not before shipment. This will ensure that cash sales continue as they have without interruption.

Second, the amendment gives general license to producers and port authorities to travel to Cuba whenever they have agreements to negotiate. This is a big point. Very often, the United States makes it very difficult with a huge amount of bureaucracy and paperwork to go through when the American agricultural exporter wants to go to Cuba to negotiate an agreement. It makes it difficult to do so if we can't go to Cuba to put the deal together.

Third, it requires greater transparency in visa processing for the Cuban buyers and inspectors who have legitimate itineraries in the United States related to the sale or inspection of TSREEA-authorized products.

Again, if a State has sales to Cuba, it only makes sense if the State Department can allow a representative for the Government of Cuba or the representative of agriculture, the purchaser, to come visit that State to see what products that State has in mind. So far the Government is making it very difficult for that to happen.

Fourth, this authorizes direct banking relations for authorized agricultural sales only. We are not talking about any other product. We are talking just about authorized agriculture sales—direct banking relations which would have the effect that U.S. banks can deal directly on this matter rather than as currently is the case where they would have to go through a third party, where European banks are making money off the U.S. agricultural sales.

Finally, this amendment repeals an obscure trademark law that benefits no U.S. company, but puts at risk thousands of U.S. trademarks, including those branded food products sold to Cuba in the past 3 years. Section 211's supporters say it protects confiscated trademarks but in fact makes very clear no government—not even Fidel Castro's—can expropriate legally registered trademark rights. It is impossible to do. That is why this provision must be enacted.

The truth is, section 211 was enacted to interfere in an ongoing rum label dispute. The fight is not my concern. But what concerns me is unless we fully repeal section 211, Cuba has the right, under international trademark law, to deny U.S. trademarks reciprocal recognition. That does not make any sense.

In conclusion, I am here to urge us to pass this amendment. It allows American farmers and ranchers a break. More importantly, let them do what we intended them to do when we passed that law in the year 2000. Let us send a message to Treasury that when we pass laws, we mean it. It is not for Treasury. They are the executive branch, and they are supposed to implement the laws, not make new laws, which in effect Treasury is doing by changing its regulations. They are being totally irresponsible. There comes a time when, frankly, it is up to us to put a stop to it and say this is not right and we are going to change it.

I see many of my friends on the floor. I thank my good friend from North Dakota, Senator DORGAN, who cosponsored this amendment.

I say also that I support the trade amendment offered by Senator CRAIG, a perfecting amendment which will help implement the major underlying amendment which I described.

I yield the floor but reserve the time we have.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, are we under a time agreement at this point?

The PRESIDING OFFICER. We are not.

Mr. DORGAN. Mr. President, let me make a couple of comments about this, and first credit my colleagues Senator CRAIG, Senator BAUCUS, and many other colleagues who have worked so hard on this. Their leadership is especially appreciated.

Go back 5 years to the year 2000 when I, then-Senator John Ashcroft, and my colleagues Senators CRAIG, BAUCUS, and others passed an amendment here in the Senate that became law. The amendment we offered which became law said that American farmers could sell food into the country of Cuba as long as Cuba paid cash for that food. Since that time, we have sold over $1 billion worth of agricultural commodities into Cuba. When we debated that 5 years ago, I was on the floor of the Senate saying I think it is almost immoral for any country to use food as a weapon. Food ought not be a weapon in foreign policy.

Does anybody here think that for 40 years when we prevented the sale of food to Cuba we injured Fidel Castro? Does anybody believe Fidel Castro missed breakfast, or lunch, or supper, or dinner, because of our embargo on food, because we decided to use food as a weapon? It didn't hurt Fidel Castro. When we use food as a weapon, it hurts hungry, sick, and poor people. That is what happens.

One day not too long ago—a couple of years ago—22 train carloads of dried feeds left the State of North Dakota, my home State, to go from our farms to Cuba to be fed to the Cuban people. Cuba paid cash for it. It was the first shipment in 42 years.

. We have people who never liked that law; didn't like the fact that Congress passed that law; still want to use food as a weapon. What has happened is the Treasury Department's Office of Foreign Asset Control has decided to illegally, in my judgment, redetermine how they interpret that force of law that requires cash payment for food. Normally, when you buy something, when they give you the product, you pay cash and they give you the product. That is the way it is. You pay the money, they give you the product.

What the Department of Treasury has decided in OFAC is that the Cubans would have to pay for this. By the way, they paid cash through a European bank because they can't use a U.S. banking institution. They have to pay for it before that shipment even leaves the local country elevator. It dramatically changes the circumstances of being able to sell and be competitive. They are doing it for one reason, because those who did this don't want American farmers to sell food into the Cuban marketplace. The Canadians sell into the Cuban marketplace. The Europeans do. But they want to go back to the good old days when the American farmers were paying the cost of an embargo. They are dead wrong.

It is interesting. We are told repeatedly and have been told for years that the way to move Communist countries into the mainstream toward democratic reform is through trade and travel. I have been to the country of China; I have been to Vietnam—both Communist countries. We encourage trade and travel with Communist countries, China and Vietnam. But when it comes to Cuba, a Communist country headed by Fidel Castro, who admittedly keeps sticking his finger into our country's eye—I understand that. It is not about Fidel Castro. It is about our farmers being able to sell food into the Cuban marketplace. When it comes to Cuba and Castro, he has lived through 10 Presidents and over 40 years of an embargo.

The fact is this amendment is necessary in order to stop the Treasury from doing something that the Congressional Research Service says they do not think is legal.

Let me make another couple of comments that relate more generally to a related issue. The Office of Foreign Asset Control is an agency down in Treasury that is supposed to be tracking money supporting terrorism. That money supporting terrorism is to be intercepted by OFAC in their investigations, trying to figure out who is supporting Osama bin Laden, and how do we shut down their funding. Guess what. This little agency, which has 21 people, triple the number of people who are working on Osama bin Laden's funding supply, is trying to figure out how they shut down trade and travel to Cuba. They are investigating American citizens who are under suspicion of having taken a vacation in Cuba without a license.

I have a picture of a young woman I have shown on the floor of the Senate many times. Her transgression was she went to Cuba to pass out free Bibles on the streets of Cuba and OFAC tracked her down and fined her $10,000.

Trade and travel are two related issues that I believe would work with Cuba, as they work with China and Vietnam. I believe the Communist countries I have described, China and Vietnam as examples, have moved toward more democratic reforms, not completely, but as a result of our policy called engagement, travel, and trade.

With respect to Cuba, we have had this some 40-plus years embargo that simply hasn't worked. But the piece of the embargo, the piece of that issue my colleagues Senator CRAIG and Senator BAUCUS and I and others now want to address is to correct something that is happening down at the Treasury Department that we believe misinterprets current law to correct something the Congressional Research Service says is being done which they believe is not legal. We will find any way we can to force this correction.

My colleagues have described—I shall not go into any greater detail—the provisions. It allows generally visas for agricultural sales to Cuba. If you are going to sell and have a trade relationship, you have to go there and talk about what you have to sell. It would express the sense of Congress that we should issue visas to Cubans who want to buy U.S. agricultural goods, and want to come here. They have systematically refused to give visas to some of these top food-buying Cubans who would come to this country to purchase food. It also fixes payment and advance issues and resolves those kinds of problems that have arisen in recent months with the new ruling by OFAC.

One final point: The current Secretary of the Treasury knows, as did the previous Secretary of the Treasury, that what is happening is goofy; totally without good sense. They know that.

I had a hearing one day when I was chairing a subcommittee, and Treasury Secretary O'Neill was there. I asked him about four or five times. He didn't answer. I knew why he wouldn't answer; it was because he would get in trouble if he did. But about the fifth or sixth time I asked the question—I knew he would eventually answer—he finally answered candidly. I said, Wouldn't you, if you had the choice, rather than track people suspected of vacationing in Cuba, rather than trying to shut down agricultural trade, if you had the choice, use your assets in OFAC to track terrorist money and shut down terrorism?

He finally said, of course. The next day he was chastised publicly by the White House for saying that. We do not get that kind of answer out of anyone in the administration anymore.

This is very simple. It is not a partisan issue. It is the expression of Congress, on a bipartisan basis, Republicans and Democrats, that we ought not use food as a weapon. It is immoral. Farmers should not the pay the cost of this country's foreign policy. It makes no sense to allow the Treasury Department to misinterpret law and to try to shut down the ability of United States farmers to sell food to Cuba.

To close where I began, let me say again, these policies have never hurt Fidel Castro. He has never missed a meal. It hurts poor people, hungry people, and sick people in Cuba, and it hurts American farmers. The policymakers who do this know that, they know both of those circumstances and they do it, in my judgment, to perpetuate a political advantage they think exists somewhere in about two States in our country. I think they are wrong.

On behalf of this country's farmers and on behalf of the people in Cuba who would buy and who would need that food, I believe we ought to pass this amendment to the underlying bill.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 273, AS MODIFIED

Mr. LUGAR. Mr. President, I ask unanimous consent an amendment numbered 273, previously agreed to, be modified with language that is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be so modified.

The amendment (No. 273), as modified, was agreed to as follows:

On page 12, strike lines 16 through 18, and insert the following:

(2) AVAILABILITY OF FUNDS.—

(A) FISCAL YEAR 2006.—Fifteen percent of the funds appropriated pursuant to paragraph (1) for fiscal year 2006 are authorized to remain available until September 30, 2007.

(B) FISCAL YEAR 2007.—Fifteen percent of the funds appropriated pursuant to paragraph (1) for fiscal year 2007 are authorized to remain available until September 30, 2008.

Mr. LUGAR. Mr. President, I now ask unanimous consent that following the vote at 4:45 on the resolution regarding Pope John Paul II, the Senate proceed to a vote in relation to the Boxer amendment; provided further that there be 2 minutes of debate equally divided between the votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I will take the time before the vote to rise in support of the Craig-Baucus amendment. I am a cosponsor of S. 328, the bill on which the amendment is based. I appreciate the views of the Senators on both sides of the Cuban embargo issue. In the Committee on Foreign Relations, concerned Senators have offered constructive ideas on how to approach Cuba with the goal of transforming that island into a democracy, even as Senators disagree on interim policy steps.

My view is within the defined limits of Trade Sanctions Reform and Export Enhancement Act of 2000, United States businesses and farmers should be able to sell products to Cuba. In the interest of expanding opportunities for U.S. agriculture, 5 years ago Congress enacted this law. It exempts from the trade embargo on Cuba commercial sales of agricultural and medical products and allows only for cash sales. No credit or subsidies to the Cuban Government are allowed.

This law has provided a new market for our farmers and ranchers. The American Farm Bureau has reported that since the passage of the bill, United States farmers have sold approximately $800 million in agricultural products to Cuba. Exports to Cuba have more than doubled since 2002, reaching approximately $400 million in 2004. Growth in the Cuban market has become especially important as the United States agricultural trade surplus has narrowed over the last 2 years.

Recently, the Bush administration issued a clarification to our Cuban export policy which changed the payment terms of cash sales to Cuba. The Treasury Department rule will make it more difficult to sell agricultural products to Cuba.

The amendment would reverse the Treasury rule by returning it to the status quo payment terms. That has worked well since 2001. It also would cut some of the redtape that makes United States producers less competitive in the Cuban market.

Expanding international markets in our hemisphere and the world will have a positive impact on the lives of Americans. All sectors, especially American agricultural, benefit from the opportunity to sell products to other nations that create jobs in the United States. My home state of Indiana is a world leader in agricultural production and manufacturing. If we hope to sustain our economic strength in the 21st century, we must participate in an expanding global economy. We must aggressively pursue opportunities in new markets and we must keep our competitive advantage and sell our products worldwide.

As a Senator, I worked in the Congress to support trade and economic policies that I believe are in the best long-term interests of our Nation. Constricting agricultural sales to Cuba would have little or no effect on the Cuban regime, particularly since the rest of the world does not participate in our embargo. It would, however, limit the ability of our farmers and our ranchers to sell their products abroad.

I urge my colleagues to support the Craig-Baucus amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELATING TO THE DEATH OF THE HOLY FATHER, POPE JOHN PAUL II

The PRESIDING OFFICER. Under the previous order, the hour of 4:45 p.m. having arrived, the Senate will proceed to a vote on the resolution relating to the death of the Holy Father, Pope John Paul II.

The clerk will report the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 95) relating to the death of the Holy Father, Pope John Paul II.

Mr. LUGAR. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the resolution. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Colorado (Mr. ALLARD).

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER (Mr. ALEXANDER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 82 Leg.]

YEAS—98

Akaka
Alexander
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING—2

Allard
Kennedy

The resolution (S. Res. 95) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 95

Whereas Pope John Paul II was one of the greatest spiritual leaders and moral teachers of the Modern Era; and

Whereas he set an extraordinary example of personal integrity and courage, not only for his fellow Catholics but for people of every religious and philosophical viewpoint; and

Whereas throughout the course of his pontificate he campaigned tirelessly for human rights and human dignity throughout the world; and

Whereas he practiced and inspired resistance to the great totalitarian systems and tyrannies that rose and, with his help, fell in the 20th Century; and

Whereas he fostered harmony between Catholics and Eastern Orthodox and Protestant Christians, reached out in friendship to Jews, Muslims and members of other faiths, and warmly promoted interfaith understanding and cooperation; and

Whereas he dedicated himself to the defense of the weakest and most vulnerable members of the human family; and

Whereas on his visits to our country he has called all Americans to be true and faithful to the great principles of liberty and justice inscribed in our Declaration of Independence and Constitution; and

Whereas his selfless service to God and man has been an inspiration to Americans and men and women of goodwill across the globe: Therefore be it

Resolved That the Congress of the United States joins the world in mourning his death, and pays tribute to him by pledging to be ever faithful to our national calling to be "one Nation, under God, indivisible, with liberty and justice for all," and to help our neighbors in immeasurable ways.

FOREIGN AFFAIRS AUTHORIZATION ACT, FISCAL YEARS 2006 AND 2007—Continued

AMENDMENT NO. 278

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes evenly divided relating to a vote on amendment No. 278, the Boxer amendment. The Senate will be in order.

The Senator from California.

Mrs. BOXER. Mr. President, I hope my colleagues will support the Boxer-Snowe amendment. It is very important to make sure women around the world are given the health care they deserve. Since 1973, the Helms amendment has been in place. That means no American funds can ever be used for anything to do with abortion. But the global gag rule which we are trying to overturn goes much further. It says nonprofit organizations overseas cannot use their own money to help a woman by giving her options, by giving her a referral. It even says a nongovernmental organization would lose all their USAID funding if they advocated to change a very restrictive law in their own country. This is clearly unconstitutional if it were applied here in America.

With our men and women dying around the world for freedom, I do not think we should say there should be no freedom of speech in these countries. We overturned this law many times. I hope we will do it again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I thank my colleagues. This is well-plowed ground. We have been around this issue since 1984, with Ronald

Reagan putting this policy in place. The Boxer amendment overturns that policy. This is about taxpayer funding of abortion overseas.

We can separate the issue of abortion here altogether and say we are not going to talk about that, but this is taxpayer dollars used to support organizations supporting abortion overseas. We talk about different semantics. That is what it does. I urge my colleagues to vote against this amendment. Clearly, 70-plus percent of the American public would be against that. Let's work on foreign policy issues and funding of things on which we have great unity, not ones on which we are divided.

I respectfully urge a vote against the amendment of my colleague, Senator BOXER.

The PRESIDING OFFICER. All time has expired.

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Colorado (Mr. ALLARD).

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY), is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 52, nays 46, as follows:

[Rollcall Vote No. 83 Leg.]

YEAS—52

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Collins
Conrad
Corzine
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Warner
Wyden

NAYS—46

Alexander
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Roberts
Santorum
Sessions
Shelby
Sununu
Talent
Thomas
Thune
Vitter
Voinovich

NOT VOTING—2

Allard
Kennedy

The amendment (No. 278) was agreed to.

Mrs. BOXER. I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent to lay aside the pending amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 283

Mr. DODD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 283.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To Express the Sense of the Senate concerning recent provocation actions by the Peoples Republic of China and for other purposes)

At the appropriate place in the bill add the following new section:

SEC. .

(a) FINDINGS.—

(1) During most of last four years relations between the United States and the People's Republic of China have been relatively stable;

(2) The recently released 2004 State Department Country Report on Human Rights continues to characterize China's human rights as poor;

(3) Bilateral economic and trade relations are important components of the United States/Chinese relationship.

(4) China's growing international economic and political influence has implications for the United States competitive position and for maintaining a strong domestic industrial base;

(5) Taiwan remains an extremely sensitive and complex bilateral issue between the U.S. and the Peoples Republic of China;

(6) The U.S. decision to establish diplomatic relations with the People's Republic of China in 1979 was based upon the premise that the future of Taiwan would be determined solely by peaceful means and in a manner that was mutually satisfactory;

(7) The Taiwan Relations Act makes clear that peace and stability in the region are in the political, security and economic interests of the United States;

(8) The United States has consistently urged restraint by both China and Taiwan with respect to their actions and declarations; and

(9) The anti-succession law adopted by the Chinese National People's Congress on March 14, 2005 targeted at Taiwan's independence advocates was a provocative action which has altered the status quo in the region.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

1. China's anti-succession law is destabilizing to regional peace and stability, and is therefore of grave concern to the United States;

2. The United States Government should employ all diplomatic means to encourage the repeal of that law so the regional stability can be restored;

3. The United States Government should continue to speak out with respect to China's human rights practices and advocate the release from detention of all political and human rights activists;

4. The United States Government should more effectively promote United States economic and trade interests by insisting that the People's Republic of China lives up to its international trade obligations to respect and safeguard U.S. intellectual property rights and cease artificially pegging its currency exchange rates; and

5. The United States Government should undertake a comprehensive review of the implications of China's growing international economic and political influence that are byproducts of its expanding network of trade agreements, its aggressive shipbuilding programs, its efforts to cement scientific and technological cooperation arrangements, and secure additional oil and gas contracts; and should determine what steps should be taken to safeguard the U.S. industrial base and maintain and enhance United States economic competitiveness and political interests.

Mr. DODD. Mr. President, it is not my intention to debate the amendment at this moment, but I wanted to get in the queue. I will defer any debate on the amendment until a later time.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I ask unanimous consent that the pending amendments be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, we have been attempting to arrange for a vote on the Lugar amendment. Senator BIDEN would like to debate that amendment, as I understand it. It may be that an arrangement can be made for a conclusion of debate tonight and a vote certain tomorrow morning. But for the moment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 284

Mr. DORGAN. Mr. President, I send an amendment to the desk on behalf of myself and Senator WYDEN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself and Mr. WYDEN, proposes an amendment numbered 284.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit funds from being used for television broadcasting to Cuba)

On page 16, strike lines 13 through 21 and insert the following:

(1) INTERNATIONAL BROADCASTING OPERATIONS.—For "International Broadcasting Operations," $620,050,000 for the fiscal year 2006 and such sums as may be necessary for the fiscal year 2007.

(2) BROADCASTING CAPITAL IMPROVEMENTS.—For "Broadcasting Capital Improvements," $10,893,000 for the fiscal year 2006 and such sums as may be necessary for the fiscal year 2007.

(3) PROHIBITION ON TELEVISION BROADCASTING TO CUBA.—None of the amounts appropriated pursuant to the authorization of appropriations in paragraph (1) or (2) may be used to provide television broadcasting to Cuba.

Mr. DORGAN. Mr. President, I visited with Senator LUGAR and Senator BIDEN and indicated, on behalf of myself and Senator WYDEN, I would offer the amendment. We would be prepared to discuss it in the morning, but we will be happy to have it set aside for other business on this legislation. I want to say also it is not our intention in any way to delay this legislation. It is a very important amendment to us and I think to the Senate. But when we come back tomorrow to spend some time talking about it, we will not necessarily take very much time, and we will hope for favorable consideration by the full Senate.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, very briefly, I thank Senator LUGAR and Senator BIDEN, in particular, for working this arrangement out with Senator DORGAN and me. We think this is a waste of money. We are anxious to talk about it tomorrow after folks have had a chance, overnight, to look at it.

I thank the Presiding Officer for the chance to make these brief remarks.

Mr. LUGAR. Mr. President I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, it appears there are a couple of minutes before we move on. I will debate the amendment, along with my colleague, Senator WYDEN, more extensively in the morning. I will not take a lot of time. But as long as the floor was available, I wanted to indicate that the amendment we just laid down deals with TV Marti.

We fund broadcasts into Cuba on something called Radio Marti which are very effective. The Cuban people listen to Radio Marti. Of course, they can listen to Miami radio stations as well. But we also fund something called TV Marti, and we have done it for years. The Government of Cuba, of Fidel Castro, jams the signals. We have Fat Albert, an aerostat balloon up there thousands of feet in the air, and the American taxpayer is paying for a fancy studio down on the ground. And up through this cable to Fat Albert we actually send signals into Cuba, television signals that the Cuban people can't see. Traditionally, they have been broadcast from 3 to 8 in the morning, and they are systematically jammed.

We have been spending about $10 to $12 million a year, and we have been doing it for years. We have spent almost $200 million doing it. Now the President wants to double the funding. There is something called waste, fraud, and abuse. I am not exactly sure where this fits, but it is one of the three. It fits with something else called stupidity.

We ought not continue to pay to send television signals to a country that can't receive them or television signals to people who can't see them because the Government is jamming them. Let me say that the Acting Director of the International Broadcasting Bureau, Mr. Brian Coniff, testified before the House Subcommittee on International Operations and Human Rights.

He said: Transmission to Cuba has been consistently jammed by the Cuban Government. The American official said that. This transmission of television signals has been systematically jammed by the Cuban Government. We don't have any official evidence that the audience has increased due to broadcast schedule change. They did have some anecdotal evidence that just a smattering of Cubans would be able to spot the signal that we broadcast into Cuba. Before the Castro government caught the signal and jammed it, they would get a minute or two. So that is a sighting. That is a Cuban who was able to see the signal of TV Marti. They finally stopped measuring that because the audience was so miniscule as to be almost zero.

Finally their argument was, the same official says: TV Marti, though jammed, is well positioned to be an important instrument of U.S. foreign policy should a crisis occur on the island.

So there we are. We have big, old Fat Albert up there, an aerostat balloon sending signals to the Cuban people they can't see. We spend $10, $12 million a year on something we don't have. And now the President says we should double that. And do you know how we are going to do it? A balloon isn't enough and a balloon causes problems because the balloon got off of its aerostat mooring and went over the Everglades, and we had people on grappling hooks and ladders trying to tame the balloon that was broadcasting signals into Cuba. So now they want to buy an airplane.

If this were a television show, it would be a comedy. Now they want to buy an airplane for $8 million to send signals into Cuba that they can't receive. All of this would be funny were it not for the fact that this is paid for by American taxpayers. If ever there was a case of waste, fraud, and abuse in government spending, it is this.

It is not partisan. There is no Democratic waste or Republican waste. There is just plain old waste. It seems to me when you see something that doesn't work, isn't needed, shouldn't be done and doesn't function at all, maybe it is time for all of us to say: This we can get rid of.

This is not the largest amendment offered this year. It is roughly $20, $21 million. But it saves money; $21 million is a lot of money in my hometown. It saves the taxpayers money and stops doing something that has always been completely ineffective.

We broadcast in Radio Marti. That is effective. The Cubans listen to it. They can listen to commercial stations from Miami for that matter. But Television Marti has never worked because the Castro government systematically jams it. So we send signals no one can receive.

This amendment, I hope, should be simple enough. I know there will be some who may have an apoplectic seizure about my offering this amendment because there are a couple of States where the Cuban vote is very important and there are some in the Cuban community who think we are doing something very important and very worthy if we send signals from this country that can't be seen by the Cuban people. That escapes some notion of mine that would represent logical thinking. But nonetheless there may be some who will feel that way.

We will have a broader discussion of this tomorrow. I support many of the broadcasting programs we have. Many have been very effective. But this is pure, solid, thoughtless waste. It is time for this Congress to take a stand to shut this spending down.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Indiana.

Mr. LUGAR. Mr. President, I ask unanimous consent that Senator BIDEN be recognized in order to offer a substitute amendment to the language proposed to be stricken; provided further that there be 30 minutes equally divided for debate this evening; provided further that at 10 a.m. tomorrow, the Senate proceed to a vote in relation to the Biden amendment, with no amendments in order to the Biden amendment prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. I thank the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 286

Mr. BIDEN. Mr. President, I send an amendment to the Lugar amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 286 in lieu of the language proposed to be stricken by amendment No. 266.

Mr. BIDEN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide a second degree amendment related to the United States share of assessment for United Nations Peacekeeping operations)

In lieu of the matter proposed to be stricken, insert the following:

"Section 404(b)(2)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (P.L. 103-236) is amended by adding at the end the following:

"(v) For assessments made during calendar years 2005, 2006, and 2007, 27.1 percent."

Mr. BIDEN. Mr. President, I will be very brief. The amendment I have sent to the desk does a simple thing. It maintains the current cap on the amount that the United States contributes to the United Nations peacekeeping missions. It keeps it at 27.1 percent for the next 2 years.

For those who may be watching, they may wonder what that is all about. When a peacekeeping mission gets sent overseas, authorized by the United Nations, the countries in question have a prior assessment as to how much they are going to pay, usually based on the size of their countries and the size of their economies, and it has been agreed to by us that the appropriate figure for the United States to chip in is 27.1 percent. So if it costs $1 million for peacekeeping, our share would be $271,000, and so on.

Let me briefly explain the history of the law and what this does to the Lugar amendment.

In 1994, Congress unilaterally limited what we would pay for the peacekeeping endeavors of the United Nations. We said we will no longer pay any more than 25 percent. I believe at the time we were paying 31 percent. That is what the previous administrations had agreed to. That is what the U.N. was assessing us, 31 percent. We said in 1994: No, no, we are not going to pay any more than 25 percent.

What happened was, we never negotiated that rate with the United Nations. We unilaterally stated that. We did not go back to the U.N. and say: Look, we want to reconfigure how much we are paying. We want to go down from 31 percent, which we had been paying, to 25 percent. It never occurred, and the U.N. continued to bill us at 31 percent. So if a peacekeeping mission was $1 million—and none are as cheap as $1 million—we were getting billed $310,000 and we only agreed to pay $250,000. So we were in arrears of $60,000.

The bill that my former colleague Jesse Helms and I did in the late 1990s to clear up what the United States allegedly owed—everybody used to call it dues, but it was more than dues. This peacekeeping is part of what people euphemistically refer to as dues. The accumulated obligation that we owed to the United Nations, although somewhat in dispute, was a little over $1 billion.

Senator Helms, and many others, when he was chairman of the committee, argued that we should not be paying any of this; we did not owe any of these arrears. Senator Helms, after conferring with his trusted aide who has passed away, the Staff Director for the Foreign Relations Committee, Admiral Bud Nance, when he realized a lot of this was owed to some of our friends such as Great Britain, Europe, and others, he said I did not realize that; OK, we should pay that amount we owe. But in the process Senator Helms, Senator LUGAR, myself, and many others also thought there should be reforms that should take place in the United Nations. In addition to settling this arrears question, we wrote a much larger bill that required some changes and commitments on the part of the United Nations as well. In the process of doing that, Senator Helms agreed and the Helms-Biden legislation said we would only pay at 25 percent.

The Ambassador to the United Nations at the time was Richard Holbrooke. Richard Holbrooke, who was in negotiation with the United Nations to try to get them to agree that we would only pay 25 percent and that they would agree with that beyond us unilaterally asserting it, worked out an agreement that said the United Nations agreed we would only pay 27 percent. I know what I am talking about sounds arcane, but it is real money. Senator Helms and I said: OK, close enough. And we agreed to amend the Helms-Biden law to let these arrearage payments flow.

What we never did was repeal the underlying law that was passed in the Congress, signed by the President in 1994, that said we would pay no more than 25 percent. The underlying law in 1994 was never repealed.

In 2002, because these arrearages are running up again, the difference between 25 percent and what the U.N. thought we owed and what we had been paying at the 27 percent, we put in a provision in the law, a 3-year amendment that amended the 1994 law putting a ceiling on our payments at 27, not 25, percent through the year 2004.

Last year, we came up against this issue again, and the Appropriations Committee, because we were unable to get our bill passed, extended the 27-percent number through calendar year 2005. So if nothing else is done now, the 1994 law kicks back in, and our maximum payment drops from 27 percent to 25 percent, and we are back in the same old tangle of building up arrearages of whatever the 2-percent difference would be every year that we thought we solved initially. So we need to address this issue. We do not want to get into this fight again.

The U.N. peacekeepers perform critical functions in the area of conflict and instability around the world. They monitor cease-fires, human rights conditions, clearing minefields, disarming combatants, providing humanitarian assistance, and organizing and observing elections, which all costs money.

The U.N. peacekeeping missions have become increasingly critical in the past year as authorizing missions that support U.S. policy objectives for stabilization in Burundi, Haïti, and other places, as well as an operation to Sudan which will begin to deploy in the upcoming weeks.

Through missions such as these, the United States contributes to international peace and stability while sharing the cost of doing so with other nations. Therefore, it is my view that we need to continue to pay our U.N. peacekeeping bill, the one negotiated by Holbrooke, particularly at this point in time when we are asking for and need U.N. cooperation on issues such as democracy building in Iraq, post-tsunami disaster relief in Indonesia, and other areas.

I remind my colleagues, and I am in no way being critical of my chairman, the bill we reported out of the Foreign Relations Committee corrected the problem. It said we are lifting the 25-percent cap passed in 1994, and we are doing it permanently. What the chairman of the committee is doing is introducing an amendment saying: I guess, on second thought, I do not like that idea very much. I want to now go back and amend what passed 18 to 0 and say we are going back to the 25-percent level.

I know that is complicated for all the Members, but the bottom line is my amendment does what the President's budget request proposed. I want to do it permanently, but the President said keep it at 27 percent for another 2 years. That is what the President requested. That is what I am attempting to amend the Lugar amendment with. If I prevail, the President's position prevails. We no longer go in arrearages, and we put off another 2 years reckoning with the underlying problem.

I see my colleague from Maryland is in the Chamber. With the permission of the Senator from Indiana, I would be happy to yield to him on this point. There is a time agreement. I do not know how much of my time I have used, but I am sure we could accommodate the Senator for the time he wants.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I will be brief. I rise in very strong support of the amendment offered by the distinguished Senator from Delaware. I do it out of respect for his past efforts in addressing this issue, along with Senator Helms. I have to confess that, at the time, I thought we should pay all of our arrearages without those conditions. We had a very difficult situation in the U.N., but in the end, the situation was negotiated out and an agreement was reached on the 27 percent. So as long as we pay that amount, we are not falling into arrears.

If we drop the 27 percent down to 25 percent, as I understand the amendment of the chairman of the committee would do, we immediately throw ourselves back into a situation where we start building up arrears. In effect, we end up going back on an agreement that was reached after very intense negotiations with the U.N., as I recall, led by Ambassador Holbrooke at the time.

Interestingly enough, the current administration, the Bush administration, as I understand it, is supportive of the position that the Senator from Delaware is offering with this amendment. This amendment is consistent with what the administration has sought in terms of extending the 27-percent cap.

Now, the bill as it came out of the committee extended that cap permanently. This amendment would extend it for 2 years. I understand that is the administration's position. Given all of that and the importance of this, I would hope that the chairman of the committee would find it within his reasonable judgment to accept this amendment. I do not think we ought to be having an intense division over this because it seems to me it makes extraordinarily good sense to do this amendment. Earlier, we imposed a unilateral cap. It did not work. We had very complicated relationships. We were able to work that out. We were able to pay off our arrears.

Our influence is going to be diminished in any international body if we are sitting at the table and our representative is in a position where the United States is in arrears to these very institutions that we helped to found and establish and to make a success over the years.

In fact, we are going to commemorate the 60th anniversary of the founding of the United Nations this year. So it seems to me that is a very sensible amendment. It does pull back a bit from what was in the committee-reported bill, from a permanent 27 percent cap to a 2-year extension, which conforms to the administration's position. But to go down to 25 percent, as the underlying amendment proposes, would simply recreate all of the difficulties we previously encountered and previously went through.

In a sense, I appeal to the chairman of the committee to see the wisdom in the amendment offered by the Senator from Delaware as a very reasonable, positive, and constructive way in which to address this issue.

So I very much hope he will find it possible to accept the amendment of the Senator from Delaware as we proceed in trying to move this bill through the Senate.

Mr. BIDEN. Will the Senator yield briefly?

The PRESIDING OFFICER (Mr. THUNE). The time of the Senator from Delaware has expired.

Mr. BIDEN. I thank the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, as the distinguished Senators from Delaware and Maryland pointed out, and certainly Senator BIDEN was very heavily involved in the Helms-Biden legislation of 1999, that legislation which came after considerable argument in the committee and in the Senate, perhaps in the country, about what our fair share ought to be, the Helms-Biden decision was that the U.S. share of peacekeeping duties would decline to 25 percent of the world total. That still remains the law and important goal of U.S. policy toward the United Nations, at least for many Senators.

Expression has been made tonight that perhaps our Nation ought to be more generous, and that could very well be the result of negotiations with the United Nations, but the intent, at least, of the amendment that I offered earlier in the day would strike section 401, which established a permanent cap of 27.1 percent. Senator BIDEN's substitute changes that permanent idea to a 2-year cap of 27.1 so that perhaps pragmatically there is some room and time to come to some agreement either up or down from that point.

I simply observe that this issue, long before Senator Helms and Senator BIDEN reached a bipartisan compromise in 1999, exercised strong feelings on both sides of the aisle. I appreciate very much the sentiment of the Senators who wish to preserve the 27.1 cap. As I pointed out earlier in the day, I believe that we ought to pay our dues.

Furthermore, I believe the United States has obligations of a humanitarian sort, quite apart from the pragmatic aspects of peacekeeping, which are important. Nevertheless, my hope had been that by in essence setting aside the issue out of this bill that we would give the U.S. negotiators the most leverage possible to obtain whatever our goals and objectives may be. I think there may be some ambivalence as to what those goals are. It may be ambivalence of a generous sort; namely, given all of the problems occurring in the world, we may wish to take on more. On the other hand, I would observe, as certain other Senators have, that the United Nations is in the process now of a great deal of reform thinking.

The Secretary General, Kofi Annan, has suggested very substantial reforms. We are about to have a hearing on the nominee for our country's representative at the United Nations, John Bolton. I am certain many Senators on the committee will question Secretary Bolton on his ideas about reform and how he could be effective in bringing about a stronger United Nations and what the correct presence ought to be and what the correct leadership ought to be. Peacekeeping ought to be a part of that negotiation.

I would further observe that in the coming weeks Congress will have further opportunities to work with President Bush and his administration to craft the most effective means of reducing the U.S. share of assessments or increasing them, as may be our preference. I believe this is an issue in which further consultation with the executive branch is desirable.

For the moment, I appreciate that Senators will continue to have strong feelings about the United Nations generally, as well as our degree of participation financially and otherwise. That has been the nature of several debates over the years, and each time one of our authorization bills comes to the floor, this issue arises in one form or another. Nevertheless, I will oppose the Biden amendment with the recognition that, as a substitute, if it is adopted, it will be language that I hope at least goes to final passage of this legislation.

If the Senator's substitute is not adopted, then he has assured me that by voice vote we will adopt the amendment I offered earlier on and proceed on to other considerations.

I hope the Senate will adopt my point of view because I believe it offers more latitude for our administration and offers, perhaps, a more constructive avenue for reform of the United Nations and perhaps some leverage for both. In any event, I appreciate the sincerity of the debate, the importance of the issue, the recognition of the history of this debate over several years of time, and at least the resolve that tonight is the point at which I think we must make a decision.

Mr. BIDEN. I realize I have no more time. I ask unanimous consent for 2 additional minutes off the time of the Senator from Indiana.

Mr. LUGAR. I am happy to yield the Senator 2 minutes of my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, very briefly, necessarily, the administration has not asked for any latitude. The administration is quite clear. They came up and said there is nothing we are trying to negotiate on 27 percent for dues. They didn't ask for that. Speaking to the Secretary of State, I asked her about Assistant Secretary Bolton, nominee for the United Nations post. She assured me he shares the administration's view. The administration's view was sent to me in writing. It said we ask you to extend for 2 more years at the 27-percent number. There may be negotiation in the future. But as recently as an hour ago—although this was not the subject matter, in my discussions with the Secretary of State—no reference was made by me to anyone in the administration that they were desirous of having a stronger negotiation in hand by keeping this at 25 percent.

So it may turn out to be that. The administration's statement says—this is Executive Office of the President, Office of Management and Budget, date April 5, 2005:

> Section 401 makes permanent the 27.1 percent United Nations peacekeeping rate, which is not consistent with the Administration's request for a two year extension.

So they are asking for a 2-year extension. They didn't want to make it permanent, but they asked for 2 years. That is the only point I want to make.

Mr. SARBANES. What does the Senator's amendment do?

Mr. BIDEN. My amendment does exactly what the administration asks. I thank the Senator for the additional 2 minutes.

Parliamentary inquiry: Tomorrow the vote is set for 10, and I believe the Senator from Delaware will have 2 or 3 minutes before the vote?

I thank my colleague. I yield the floor. I see our friends are on the floor to debate another substantive issue, and I thank the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. I will conclude at least my portion of the debate by saying I recognize the Senator from Delaware does visit and works carefully with our administration. I appreciate that. I think it is important that America present as united a voice and face to the world as we can. I would just observe, pragmatically, that the administration in my judgment would like to have some latitude on an issue that has divided the Senate as well as the country for some time.

I don't think this is a monumental subject. I think it is one that, clearly, constructive people can resolve. My hope is we can simply strike the peacekeeping issue from the bill so that latitude is available for whatever reform, reconstruction, and debate the administration reformers may wish to have at the U.N. in the coming months.

Having said this, I appreciate Senators staying with this debate. We understand another will be on the way and there will be a short debate on this issue at 10 o'clock or thereabouts tomorrow, and then a vote on that issue before we retire to see the distinguished leader from Ukraine.

I yield back my time.

Mr. FEINGOLD. Mr. President, I wish to express my support for S. 600, the State Department and Foreign Assistance Authorization bill. I commend Chairman LUGAR and Senator BIDEN for their efforts to make the authorizing role of the Senate Foreign Relations Committee real again, and to thank all of my colleagues on the committee for their hard work on this bill, which represents a strong bipartisan consensus in favor of energetic, engaged diplomacy.

I am especially pleased that this bill contains a number of provisions that I authored, including a provision emphasizing the importance of supporting press freedom in Ethiopia. Many of my colleagues may be aware of the Government of Ethiopia's recent troubling decision to expel representatives of the National Democratic Institute, the International Republican Institute, and the International Foundation for Election Systems from the country in the lead-up to the May elections. But I suspect fewer people know about the Ethiopian Government's well-established pattern of suppressing the independent press. According to the Committee to Protect Journalists, "in the run-up to 2005 elections, the ruling Ethiopian People's Revolutionary Democratic Front came under increasing criticism from local journalists and international media organizations for its antagonism toward the country's private press. Authorities continued to imprison journalists for their reporting and to intimidate others into silence on sensitive issues, such as government infighting and Ethiopia's tense relations with its neighbors. Throughout 2004, local journalists and international press freedom groups petitioned the Ethiopian government to revise a repressive press bill, with little success." The United States-Ethiopian relationship is an important and complex one. American support for a truly free press should be a part of it.

This bill also contains a provision I authored encouraging a more focused effort to combat impunity and build judicial capacity in the Democratic Republic of the Congo, Burundi, Rwanda, and Uganda. In the eastern part of the DRC, government troops and rebel fighters have raped tens of thousands of women and girls, but fewer than a dozen perpetrators have been prosecuted. The brutality of these crimes and the staggering scale of the problem, which has gripped the region for years without attracting adequate international attention, demand justice. Similarly, impunity for brutal crimes against civilians is the norm in Burundi. But if Burundi's peace process is to deliver lasting stability and bring an end to the horrifying violence that keeps families afraid to sleep in their homes at night, the international community must work to help create a strong and independent judiciary in the country. Rwanda continues to struggle with the backlog of serious cases relating to the 2004 genocide, and in Northern Uganda, civilians are too often trapped between the thugs of the Lords Resistance Army and a military presence that has not proven able or willing to provide security or justice. These problems are moral outrages, but they are also destabilizing factors. Over the long run, reasserting the rule of law in Central Africa must be a part of ending the cycle of conflict in the region, and creating space for peaceful development.

This bill also contains authorizing language for the administration's Global Peace Operations Initiative based on language that I authored for the African Contingency Operations Training and Assistance program, or ACOTA, which is subsumed in the Global Peace Operations Initiative. This language will ensure that Congress and the administration have a shared set of understandings about the nature of this program and about criteria for participation as we move forward with this effort to strengthen global capacity to share the burden of difficult peacekeeping missions. By clearly stating that human rights standards and democratic governance are important factors in determining eligibility for participation, and by explicitly calling for outreach to civil society in participating countries, this language can help build confidence in this important program and avoid the mistakes of past military assistance initiatives.

I know that the administration and colleagues on both sides of the aisle share my conviction that the global fight against HIV/AIDS is one of the most important and urgent issues of our time. This bill contains an amendment that I offered that supports efforts to provide treatment to the millions infected with HIV, by requiring full transparency regarding the price of the HIV/AIDS drugs being purchased with U.S. assistance under the auspices of the President's Emergency Plan for AIDS Relief, or PEPFAR. Last year, the GAO found that PEPFAR is purchasing antiretroviral drugs that differ in price by as much as $328 per person per year from corresponding generic drugs. Shining a light on what is being accomplished with US taxpayer dollars will help us all to determine if there are responsible ways to stretch those dollars further to save more lives. My provision does not require that any specific drugs—be they generic or brand name—be purchased. It simply requires reporting on what is purchased and on how much it costs. I have asked Ambassador Tobias in the past directly about his support for this kind of transparency, and he has assured me that he absolutely supports transparency. I firmly believe that this kind of transparency is in everyone's interest, protecting taxpayers and supporting AIDS relief efforts.

The bill also contains a provision I authored related to Indonesia. This provision simply requires the administration to report to Congress on the status of the ongoing investigation of the murder of American citizens that occurred on August 31, 2002 in Timika, Indonesia, before releasing funds for certain military assistance programs for Indonesia in 2006. As my colleagues know, for the past two years Congress has supported language restricting Indonesia's access to certain, very narrowly defined types of military assistance, pending a determination that the Indonesian Government and military are fully cooperating with the FBI in the investigation of the murder of American citizens that occurred on August 31, 2002 in Timika, Indonesia. Secretary Rice has made such a determination for the current fiscal year, but this issue is by no means resolved. The FBI considers this an ongoing investigation, and the FBI has not exonerated anyone. A number of questions remain unanswered, and clearly other conspirators were involved.

Most importantly, I believe that resolution of this case means that efforts are made to hold those responsible for the ambush accountable for their actions in a court of law. But even the one individual indicted by the U.S. remains at large, and has been neither indicted nor arrested by Indonesian authorities. It is important to keep Congress apprised of ongoing cooperation in this ongoing investigation, as this case tells us a great deal about the context in which our bilateral relationship is moving forward. I look forward to receiving this report, and I certainly hope that it will contain positive news that will reinforce the United States-Indonesian bilateral relationship.

This bill also contains the text of several important measures that I have cosponsored and strongly support. The Global Pathogen Surveillance Act, which will help strengthen international capacity to cope with the threats of biological terrorism and infectious disease, has been turned into a title in this bill, and I commend Senator BIDEN for his excellent work on this issue. Similarly, the Protection of Vulnerable Populations during Humanitarian Emergencies Act is also reflected in this larger authorization bill. This provision will help place the U.S. Government on a firmer footing to address the special vulnerabilities of women and children confronted by humanitarian crisis. Once again, I commend Senators BIDEN and LUGAR for their efforts on this issue.

This bill is not perfect. Reflecting the administration's budget request, this bill cuts the Development Assistance, Child Survival, and International Organizations and Programs accounts in order to dramatically increase the budget of the Office of Transition Initiatives. But the administration acknowledges that OTI will not actually administer this new money. The reasoning behind this request is to give the administration more flexibility with four very different countries—Haiti, Sudan, Afghanistan, and Ethiopia. While I am sympathetic to the need for flexibility in these important countries, I am also alarmed at essentially putting the entire foreign aid budget for these countries in an account that does not operate under the rules and restrictions that apply to other types of foreign assistance. I am also concerned about the likely consequences for OTI itself, which has never handled a budget of more than $50 million and was always intended to be a small, highly flexible, very special entity. I urge my colleagues to consider these provisions carefully and to oppose this blank check approach to foreign assistance.

Overall this bill is a vitally important step toward placing the congressional role in foreign policy on a more serious footing. When we consider the stakes in world affairs; when we consider the potential for the developing world's vast youthful populations to grow into allies rather than resentful enemies, when we consider the potential for increased international cooperation in fighting terrorism, we can see that our constituents and future generations stand to gain a great deal from getting foreign policy right. At the very least, we need to start by taking these issues seriously, authorizing important activities and programs, and giving important initiatives the support they deserve.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h–276k, as amended, appoints the following Senator as Chair of the Senate Delegation to the Mexico-U.S. Interparliamentary Group during the 109th Congress: the Senator from Texas, Mr. CORNYN.

FRANK PERDUE

Ms. MIKULSKI. Mr. President, I want to acknowledge the passing of a great Marylander, Frank Perdue, Sr., who helped build the poultry industry on the Eastern Shore, a leading entrepreneur, a philanthropist. He passed away of Parkinson's disease a few days ago.

Born in Parsonburg, on the Eastern Shore of Maryland, Frank Perdue grew up working in his family's egg business—collecting and cleaning eggs from childhood. But Frank Perdue was determined to take the family business to another level—and it was his tremendous capacity for hard work that did just that. When Perdue said, "It takes a tough man to make a tender chicken," America listened, and Frank Perdue became both a savvy businessman and a cultural icon. Today Perdue Farms employs more than 20,000 people across America and has annual sales of about $3 billion.

I am proud to work have worked with Frank Perdue—and now with his son Jim Perdue—to fight for fair trade policies that enable Maryland chicken producers to export around the world.

As Frank Perdue's business soared, he worked to bring Maryland with him. He became a great benefactor to Salisbury University, establishing the Perdue School of Business with a generous gift. Once a college baseball player and always a baseball fan, Frank Perdue brought the Delmarva Shorebirds to Salisbury in 1996, and then built the team and the Eastern Shore community a stadium. It is for both his business sense and his philanthropic heart that I salute him today.

Frank Perdue and I came from different ends of the political spectrum. Yet we both believed that the best social program is a job—and that we must give help to those who practice self-help. We joked that we should do an ad for a group we both support—we would say—we're two tough birds from the right wing and the left wing—but we both support this tender cause.

Today as we grieve the loss of one of Maryland's finest, Frank Perdue, we send our thoughts and prayers to his family and his many friends and colleagues.

HONORING OUR ARMED FORCES

STAFF SERGEANT SHANE KOELE

Mr. GRASSLEY. Mr. President, today I speak in remembrance of an Iowan who has died in service to his country. A member of the 212th Military Police Company, SSG Shane Koele died on the 16th of March from injuries sustained when his military vehicle ran over a land mine the day before near Shindand, Afghanistan. He was 25 years old and is survived by a wife, Cheryl, a young daughter, Kiley, a mother, Mary Donnenwerth, a father, Keith Koele, and two sisters.

Staff Sergeant Koele grew up in Hartley, IA, and graduated in 1998 from Hartley-Melvin-Sanborn High School. He attended college at Northwestern College and Wayne State before joining the Army. After serving in Iraq for 6 months in 2003, Shane returned home to get married. He was sent to Afghanistan on March 13, 2005.

SSG Shane Koele is remembered by family and friends as a true hero. President Ronald Reagan once said, "Those who say that we're in a time when there are no heroes, they just don't know where to look." Today, we don't have to look far. We have only to remember with pride SSG Shane Koele and all those who have died in courageous service to their country. As his family and friends grieve their loss, I can only offer my prayers and my gratitude.

CHILD LABOR

Mr. HARKIN. Mr. President, it is with extreme disappointment that I come to the floor today. This week the New York Times ran a story detailing a recent agreement signed between Wal-Mart Stores and the Department of Labor. Wal-Mart was fined just over $135,000 for 24 child labor violations that occurred in New Hampshire, Arkansas, and Connecticut. One of the most egregious violations involved a boy who injured his thumb while using a chain saw to cut Christmas trees. Others were operating cardboard balers and chain saws, which are illegal for anyone under the age of 18 to work on. The $135,000 figure is a paltry figure that demonstrates DOL's lax enforcement policy. A $135,000 penalty against a company the size of Wal-Mart has the same financial impact as a 40-cent penalty for a million-dollar company. DOL has sent American companies a message with this settlement: violators of child labor laws needn't worry about child labor, even if they are caught.

Beyond this minimal fining of Wal-Mart, the Labor Department recently released new regulations that place young workers at greater risk of serious injuries. The new regulations are the first since the May 2002 release of a report detailing dozens of deficiencies in our Nation's child labor laws. The report, published by NIOSH, recommended over 40 changes in child labor laws to better protect America's employed youth from dangerous jobs and equipment. Since the 2002 release, it is estimated that more than 600,000 child workers have been injured in the United States. Among the disappointments in the new regulations, fast food restaurants can now employ 14- and 15-year-olds to operate deep fryers and grills that are cooled to 100 degrees Fahrenheit. According to NIOSH, however, half of all burn injuries among child laborers occur in fast food restaurants. In another regulatory change, 16- and 17-year-olds are now allowed to load paper balers and compactors that meet specified safety standards. Since 1954, children under the age of 18 have been prohibited from any contact with these machines. As with cooking, compliance with this standard will require vigilance by employers who put youth in contact with these machines. Unfortunately, the Labor Department requires no specific training for young workers under these new regulations. Issuing regulations that sometimes allow exposure to certain machines, equipment, and hot surfaces, but not to others, is confusing both to workers and employers. It is bound to result in young workers being exposed to greater dangers. Additionally, young workers still work at dangerous heights, on tractors, in pesticide handling, and in exposure to lead and silica. These hazards and more are recognized in the NIOSH report but have yet to be addressed by the Labor Department.

Sadly, this is not the first instance of Wal-Mart employing dangerous and illegal child labor. In March 2000, the State of Maine fined the company $205,650 for violations of child labor laws in every one of its 20 stores in the State. In January 2004, a weeklong internal audit of 128 stores found 1,371 instances in which minors worked too late at night, during school hours, or for too many hours in a day. In the most recent fine levied against Wal-Mart, the average fine per violation is approximately just $5,600. This is about half of DOL's maximum penalty of $11,000 per violation. Wal-Mart banks $285 billion in annual sales. This is not what one would classify a financial hardship.

The most disturbing part of Wal-Mart's settlement with the Labor Department is not even the small and insignificant fines, however. The distressing part of the agreement are the special favors handed out to Wal-Mart. The agreement, which was signed on January 6, was not even made public until now. It took a reporter to question officials about concerns raised by several DOL employees that the agreement gave Wal-Mart special favors. Those employees have remained anonymous, however, due to their fear of retaliation.

What special favors were given to Wal-Mart? First off, DOL promises to give the retailer 15 days' notice prior to any "wage and hour" investigation, like failure to pay minimum wage or overtime. As my colleagues will recall, I have tried for the past year to get the Department of Labor to reverse their damning new overtime provisions which stripped overtime pay benefits from thousands of American workers. This administration's Labor Department continues to stand opposed to respecting worker rights, child labor rights, and overtime rights. But Wal-Mart is really their perfect ally, since they do not allow their workers to unionize. DOL's cozying up to Wal-Mart is outrageous and completely unacceptable. By doling out these special privileges, worker rights in America are taking a giant leap backwards.

The degree to which the current administration has relaxed worker rights should not be seen in a partisan light. Elizabeth Dole, U.S. Secretary of Labor in the first President Bush administration, launched a crackdown amidst record levels of reported child labor law violations in America in 1990. She reminded all Americans that "the children of America are our future. The Department of Labor will do everything within its power to protect children against those who violate our child labor laws. The first step in this process is to reassess our fine structure and take immediate action to step up enforcement." This was the view of a previous Republican Department of Labor. Sadly, we have regressed.

According to John R. Fraser, who was our Government's top wage official under the first President Bush and President Clinton, said the advance-notice provision was unusual. Quoting Mr. Fraser from the New York Times article:

> Giving the company 15 days' notice of any investigation is very unusual. The language appears to go beyond child labor allegations and cover all wage and hour allegations. It appears to put Wal-Mart in a privileged positions that to my knowledge no other employ has.

And an anonymous DOL employee, who is a 20-year veteran of the Department's Wage and Hour Division, said "with child labor cases involving the use of hazardous machinery, why give 15 days' notice before we can do an investigation? What's the rationale?"

I don't know what the rationale is, Mr. President. There is no viable excuse for this agreement. It flies in the face of our labor laws. It seems more than coincidental that this Labor Department which has taken away overtime pay is now coming close to rewarding a corporation for doing the same. Is it mere coincidence also, then, that Wal-Mart gives more money to the Republican Party than any other corporation in America? Wal-Mart's political action committee, the biggest company PAC in America, gave Republicans 81 percent of its $1.3 million in donations in the past 2 years, the highest proportion of any of the top 25 corporate PACs, according to PoliticalMoneyLine, a nonpartisan Washington-based group.

Wal-Mart's top three managers each gave the maximum individual contribution of $2,000 to President Bush's campaign last year and Jay Allen, vice president for corporate affairs went one step further. He raised at least $100,000 to reelect the President, earning him the Bush campaign's designation of

"Pioneer." I bet he had to work some overtime to fit that into his busy schedule.

It is often said that money buys influence in Washington, DC. I certainly hope that is not the case here. I would hope that just because Wal-Mart gives so heavily to the Republican Party they are not given special favors by our Republican President. So Mr. President, I urge the Department of Labor to rethink this agreement. How can child labor be investigated if companies are given 2 weeks' advance notice? Of course they will clean up their act temporarily, but what is to stop them from again regressing into their illegal ways? Nothing. There is no incentive. This agreement was completely unwarranted and should be reversed at the earliest possible time.

NORTH CAROLINA TAR HEELS MEN'S BASKETBALL TEAM

Mrs. DOLE. Mr. President, I rise today to congratulate the University of North Carolina Tar Heels men's basketball team on their national championship. This is the fourth NCAA Division I title for this storied program and a well deserved finish to an amazing season.

Now, I know some of you are wondering . . . Yes, I am a Duke graduate and a Duke fan, and as you know, Duke and North Carolina have one of the most legendary rivalries in the nation. That being said, I truly have been behind this team—I even wore Carolina blue to several events in North Carolina last week to show my support!

On Monday night, the Tar Heels defeated the Illinois Fighting Illini 75–70 in a remarkable display of teamwork and talent. Led by the performance of Raymond Felton and Sean May, the Tar Heels played strong basketball on both ends of the court. They were able to make critical baskets when the game was on the line and played tenacious defense that stifled their opponent. With this victory, this year's Tar Heel team has solidified its place in college basketball history alongside Carolina greats such as Michael Jordan and James Worthy.

Roy Williams, who returned to his home state and alma mater just two years ago, earned his first title and demonstrated once again why he is one of the best coaches in college basketball. Under his leadership, this group of talented young men developed into truly great players with heart and determination.

The Tar Heels' Sean May was named most outstanding player in the Final Four for his dominant scoring and rebounding. Sean finished an incredible season with 26 points and 10 rebounds against Illinois.

This year started with great expectations as the Tar Heels were picked as the pre-season #1 team by Sports Illustrated. However, in recent years, such impressive rankings were not always the case. Seniors on this Tar Heel team faced great adversity early in their careers as they fought to overcome a disappointing 8–20 season their freshman year. Still, these players were determined to work hard to become a better team. And did they ever. Just 4 years later, these young men completed an incredible turnaround and are now able to call themselves national champions.

Today is a proud day for Coach Williams, his terrific players and the state of North Carolina. College basketball is a special tradition for so many North Carolinians. It is a pastime shared from generation to generation and amongst neighbors and friends. It's what so many folks chat about at the grocery store, before class, over dinner, and after church. We are so proud of the North Carolina Tar Heels' accomplishments this season and delighted that they gave us yet another memory to talk about for years to come.

I yield the floor.

UNIVERSITY OF ILLINOIS MEN'S BASKETBALL SEASON

Mr. DURBIN. Mr. President, Monday night in Saint Louis a dream season came to an end. The University of Illinois was defeated for only the second time this season as they fell to the University of North Carolina Tar Heels. But as painful as the loss was, it does not detract from a remarkable season.

Head coach Bruce Weber and his Illini should know there is nothing to be disappointed about. As much as I would have enjoyed seeing the Illini conclude their remarkable run with an NCAA championship, there is no doubting what the Illini have accomplished. The team tied an NCAA record with 37 victories. They made the first championship game appearance in the school's 100-year basketball history. They won regular-season and conference tournament Big 10 championships and were ranked first overall in the Associated Press poll since early in the season.

If I could pick one word to describe the Illini this season, it would be "team." Rarely has a group of young men worked together as well as the Illini has. After Illinois defeated Louisville 72 to 57 on Saturday evening, Louisville head coach Rick Pitino said, "I don't know if they necessarily had the greatest talent I've seen from a Final Four, but they're the best team I've seen in some time."

The Illini are the ultimate team, and that is the ultimate compliment to coach Weber and his players.

Every man on the floor was capable of leading the team to victory, whether it was guards Dee Brown, Luther Head or Deron Williams, or forwards James Augustine or Roger Powell. Yet Illinois plays within head coach Bruce Weber's system and doesn't allow ego, personal statistical goals, or anything else to disrupt their teamwork.

Unfortunately, they came up short against North Carolina. But the State of Illinois is proud of their Illini. An orange hue has been cast across the State as Illinoisans got behind the team for their NCAA tournament run. So many people have enjoyed this tournament and they won't soon forget where they were when the Illini shocked Arizona, or when Roger Powell slam-dunked the rebound from his own three-point shot against Louisville.

I would like to congratulate B. Joseph White, who became the University's 16th president on January 31 of this year, and the administration, faculty, staff, student body, and fans of the University of Illinois on making it to the championship game of the 2005 NCAA tournament.

To the coaches, Illini players, and their families, thanks for the memories. Thanks for showing us what teamwork is all about.

HONORING ARLEN LANCASTER

Mr. CRAPO. Mr. President, I rise today to honor a longtime staff member who is moving onto a new and exciting work challenge. Arlen Lancaster has been a valued member of my staff since the start of my first term in the Senate in 1999. He is leaving my staff to become the Deputy Assistant Secretary for Congressional Relations at the U.S. Department of Agriculture.

Arlen joined my staff as a legislative correspondent and worked his way through two promotions. He now serves as senior policy adviser, covering agriculture, conservation, rural development, energy and the Idaho National Laboratory, natural resources and public lands, defense as well as serving as the staff director of the Agriculture Subcommittee on Forestry, Conservation and Rural Revitalization. Arlen was instrumental in the work that I have done regarding the conservation title in the 2002 farm bill and shepherding the historic Healthy Forest Restoration Act through Congress.

While Arlen's family hails from the Burley area in my home State of Idaho, he lived in many areas due to his father's work with the U.S. Air Force. He attended high school and college in Utah, graduating with a political science degree from the University of Utah. He is definitely a Westerner at heart and his work for me has benefited many in Idaho.

On a personal note, Arlen was great to work with. He is decisive, insightful and innovative. His easy-going personality and sense of humor permeated all that he did in his public service for the people of Idaho and the United States. He provided a certain spark to my office. In fact, he sparked so much with another LA that they will be getting married this summer and Arlen and Staci have my best wishes for a long, happy life together.

I am excited by Arlen's new challenge at USDA and know he is well up to the task. Although I won't have the same opportunity to work with him on a daily basis, I look forward to our new working relationship and Arlen's continuing successes. His extensive knowledge of agriculture, natural resources and other policy issues will serve Arlen well in his new capacity.

ADDITIONAL STATEMENTS

LIEUTENANT COLONEL ANTONIO R. BAINES

• Mr. CHAMBLISS. Mr. President, I rise today to pay tribute to an exceptional officer in the United States Army, Lieutenant Colonel Antonio R. Baines, upon his retirement after more than 20 years of distinguished service. Throughout his career, Colonel Baines has personified the Army values of duty, integrity, and selfless service across the many missions the Army provides in defense of our Nation. As a Congressional Legislative Liaison Officer in the office of the Secretary of the Army, many of us on Capitol Hill have enjoyed the opportunity to work with Lieutenant Colonel Baines on a wide variety of Army issues and programs, and it is my privilege to recognize his many accomplishments. I commend his superb service to the United States Army and this great Nation.

Lieutenant Colonel Antonio R. Baines, the son of Mr. Albert and Yolanda Baines of Jonesboro, GA, attended high school in Hephzibah, GA, and was commissioned as a second lieutenant in the Signal Corps after graduating from North Georgia College in 1984. His first assignment was as the Battalion Signal Officer for the 6th Battalion, 37th Field Artillery, 2nd Infantry Division in Korea. He has served in multiple assignments within the United States, including two tours at Ft. Gordon, GA, and notably as the Signal Officer for 1st Squadron, 9th U.S. Calvary Regiment at Fort Lewis, WA, and the 82nd Aviation Brigade, 82nd Airborne Division at Fort Bragg, NC. Lieutenant Colonel Baines served two tours in Europe as the Signal Officer for the 3rd Battalion, 34th Armor Regiment in Stuttgart, Germany, and deployed to South West Asia as part of Operations Desert Shield and Desert Storm. Later as the Assistant Division Signal Officer for the 1st Infantry Division in Wurzburg, he again deployed to Bosnia-Herzegovina. As a signaler, Lieutenant Colonel Baines excelled in a wide variety of leadership and staff assignments to include Platoon Leader, Battalion Adjutant, Company Commander, Brigade Adjutant and Battalion Executive Officer.

In 1999, Lieutenant Colonel Baines was selected to be a Force Development Officer with assignment to the Pentagon. He served on the G–3 and G–8 staff as the Army's Systems Integrator for all tactical radios systems. He was subsequently selected as a Congressional Legislative Liaison Officer in the office of the Secretary of the Army, Congressional Legislative Liaison, Programs Division from June 2001 through June 2005.

Lieutenant Colonel Baines maintained constant liaison with the Professional Staff Members of the Senate and House Armed Services Committees on issues relating to Army Procurement programs focusing on Army Research, Development, Test and Evaluation, Information Technology, and Ammunition Procurement. In 2003, Lieutenant Colonel Baines was selected to be the team chief of the hardware section of the Programs Division.

Throughout these assignments, Lieutenant Colonel Baines provided outstanding leadership, advice, and sound professional judgment on numerous critical issues of enduring importance to both the Army and Congress. Antonio's actions and counsel were invaluable to Army leaders and Members of Congress as they considered the impact of important issues. On behalf of Congress and the United States of America, I thank Colonel Baines, his wife Peggy, and his entire family for the commitment, sacrifices, and contribution that they have made throughout his honorable military career. Congratulations on completing an exceptional and extremely successful career.•

TRIBUTE TO ADMIRAL CARLISLE A.H. TROST, U.S. NAVY, RETIRED

• Mr. WARNER. Mr. President, I rise today to pay tribute to ADM Carlisle A.H. Trost, U.S. Navy, Retired, as he steps down after 17 faithful, diligent, and honorable years as the chairman of the board of directors of the George and Carol Olmsted Foundation of Falls Church, VA. In years past it was a privilege to have worked closely with both George Olmsted and Admiral Trost.

Admiral Trost, who ascended to the position of Chief of Naval Operations during his long and distinguished career as a naval officer, offered his services first as a director, then as chairman of the board, of the prestigious Olmsted Foundation. Demonstrating a vital understanding of this complex world, he led the foundation in its expanding role to educate young, talented, and dedicated military officers in learning foreign languages and in understanding foreign cultures through the awarding of scholarships to study overseas for 2 years. With our military deployed for wars in over 100 countries across the globe, the importance of having officers imbued with the cultural sensitivities and language capabilities provided by this special education is essential. Thanks to Admiral Trost's innate understanding of the importance of the training provided to Olmsted scholars and his visionary leadership, the number of scholars studying annually doubled and the foundation's endowment increased dramatically.

Admiral Trost also established the Tri-Service Academy Cadet and Midshipman Overseas Travel and Cultural Immersion Program at our three service academies in 2001. He later extended this important training and educational program to the three Service Reserve Officer Training Commands, ROTC, and the six senior military colleges, title 10 schools. Admiral Trost graduated from the Naval Academy in 1953, where he was first in his class of 925 midshipmen. He went on to become an Olmsted Scholar in 1960, studying in the German language at the University of Freiburg from 1960 to 1962. From there he had a most successful tour as a submarine officer, eventually commanding the blue crew of the nuclear-powered ballistic missile submarine, USS *Sam Rayburn*, SSBN 635.

As a young captain, he was selected by his superiors to serve as a naval aide to the Under Secretary and, later, Secretary of the Navy. It was my good fortune to have served in these positions and to have learned from this great teacher, peer, and life-long friend. Whether as a submarine group commander, a numbered fleet commander, Commander of the Atlantic Fleet, or as Chief of Naval Operations, Admiral Trost always served his country with honor and dignity.

Admiral Trost has provided outstanding leadership, advice, and sound professional judgment on many critical issues and at many key levels of decision making for both the Navy and the Nation. Indeed, his actions and wise counsel over the years have been of enduring importance to the U.S. Congress. Though he is a modest man, he truly is an extraordinary individual and leader who has contributed so much to this country and the cause of freedom. He has been dedicated fully to mission accomplishment, education, leadership, and professionalism in the highest traditions of the American spirit.•

HONORING THIRTY YEARS FOR R.J. VIAL ELEMENTARY SCHOOL

• Ms. LANDRIEU. Mr. President, every session in Congress, we spend a large amount of time discussing education in this country. Debates range from accountability to school construction to teacher recruitment. While our discussions are of the utmost importance, it is the implementation of our decisions by individuals within the education system that changes how our children learn. Today, I honor an elementary school in Paradis, LA that has served as an example of a great school that is achieving the goals we set forth in these halls.

R.J. Vial Elementary School will turn 30 years old this Friday, April 8th. There will be festivities and celebrations for students, alumni, teachers, administrators, and parents. But I would like to take a minute to talk about the real celebration of this school. In the past 5 years, R.J. Vial Elementary School has steadily increased the number of students passing the LEAP 21 test in all four areas that the test covers. R.J. Vial is clearly meeting its mission of developing respectful, lifelong learners. That is what I would like to celebrate today in the United States Senate.

In the April 2005 Community Newsletter of R.J. Vial Elementary School, Principal Frederick A. Treuting wrote, "Our greatest and perhaps only truly effective discipline tool is a strong relationship that bonds us to our children." Principal Treuting could not be more correct. If we are to succeed in educating our children to the best of our ability, we must reach out to them and work to raise academic achievement in our public schools by putting the priority on performance instead of process, delivering results instead of developing rules, and on actively encouraging bold reform instead of passively tolerating failure.

At 510 Louisiana Street in Paradis, LA, R.J. Vial Elementary School is already doing these things and because of that, has become one of the finest schools in the state of Louisiana. There is no greater investment we can in our future than in the education of our children. I commend the hard work of all the people who have and currently work at and with R.J. Vial Elementary School; you are giving the best gift you can to our youth. It has been said that it takes a village to raise a child, so we must all work together to see that we educate our children to the best of our ability. And to the students, both past and present, of R.J. Vial, I offer my congratulations. Because of your efforts in the classroom for the past thirty years, R.J. Vial Elementary School has become the beacon of success that it is today.

Happy Birthday, R.J. Vial Elementary School! My heartfelt congratulations to all involved with the school, and best wishes to another great 30 years.●

HONORING POPE JOHN PAUL II

● Mr. ALLARD. Mr. President, I was unable to be present for today's vote honoring His Holiness, Pope John Paul II. At the time of the vote, I was in Colorado attending my father-in-law's funeral service. Having been an original cosponsor of the resolution, I would have supported the measure if present.

As we mourn the passage of Pope John Paul II, we also pause to reflect on the many blessings his life bestowed upon the world. This great man was not only a defender of his faith, but of the weakest and most vulnerable among us. He will be remembered, without doubt, as one of the most significant and influential figures of the 20th Century. His influence transcended the Roman Catholic Church and has had an impact on everyone's relationship with the Creator. I humbly pay my respects and honor the legacy that he leaves behind.●

NICOLE WAYANT AND CORMAC O'CONNOR

● Mr. BROWNBACK. Mr. President, I congratulate and honor two young Kansas students who have achieved national recognition for exemplary volunteer service in their communities. Nicole Wayant of Topeka, KS, and Cormac O'Connor of Prairie Village, KS, have just been named State Honorees in The 2005 Prudential Spirit of Community Awards program, an annual honor conferred on only one high school student and one middle-level student in each State, the District of Columbia, and Puerto Rico.

Ms. Wayant is being recognized for creating a youth health council to promote the benefits of an active, healthy lifestyle among the students in her school district.

Mr. O'Connor is being recognized for implementing an intergenerational arts program that brought senior citizens and at-risk children together for classes in visual arts, movements, theater and jazz.

In light of numerous statistics that indicate Americans today are less involved in their communities than they once were, it is vital that we encourage and support the kind of selfless contributions these young people have made. People of all ages need to think more about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods. Young volunteers like Ms. Wayant and Mr. O'Connor are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow.

The program that brought these young role models to our attention—The Prudential Spirit of Community Awards—was created by Prudential Financial in partnership with the National Association of Secondary School Principals in 1995 to impress upon all youth volunteers that their contributions are critically important and highly valued, and to inspire other young people to follow their example. Over the past 10 years, the program has become the Nation's largest youth recognition effort based solely on community service, with more than 170,000 young people participating since its inception.

Ms. Wayant and Mr. O'Connor should be extremely proud to have been singled out from such a large group of dedicated volunteers. As part of their recognition, they will come to Washington in early May, along with other 2005 Spirit of Community honorees from across the country, for several days of special events, including a congressional breakfast on Capitol Hill. While here in Washington, 10 will be named America's top youth volunteers of the year by a distinguished national selection committee.

I applaud Ms. Wayant and Mr. O'Connor for their initiative in seeking to make their communities better places to live, and for the positive impact they have had on the lives of others. I also salute the other young people in my State who were named Distinguished Finalists by The Prudential Spirit of Community Awards for their outstanding volunteer service. They are Shawn Bryant of Leavenworth, KS; Brad Harris of Saint Paul, KS; Amanda Knox of Clifton, KS; and Creighton Olsen of Larned, KS.

All of these young people have demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world and they deserve our sincere admiration and respect. Their actions show that young Americans can—and do—play important roles in their communities, and that America's community spirit continues to hold tremendous promise for the future.●

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1454. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the annual report covering defense articles and services that were licensed for export under section 38 of the Arms Export Control Act during Fiscal Year 2004; to the Committee on Foreign Relations.

EC-1455. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a report relative to the Taiwan Relations Act; to the Committee on Foreign Relations.

EC-1456. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC-1457. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–1458. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report required under the Nuclear Non-Proliferation Act of 1978 relative to U.S. Government departments and agencies relating to the prevention of nuclear proliferation between January 1 and December 31, 2004; to the Committee on Foreign Relations.

EC–1459. A communication from the Assistant Attorney General, Department of Justice, transmitting, pursuant to law, the Report of the Attorney General relative to the Foreign Agents Registration Act for the six-month period ending December 31, 2003; to the Committee on Foreign Relations.

EC–1460. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Political-Military Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC–1461. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Political-Military Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC–1462. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Nonproliferation, received on March 28, 2005; to the Committee on Foreign Relations.

EC–1463. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Nonproliferation, received on March 28, 2005; to the Committee on Foreign Relations.

EC–1464. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Nonproliferation, received on March 28, 2005; to the Committee on Foreign Relations.

EC–1465. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Legislative Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC–1466. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Legislative Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC–1467. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Legislative Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC–1468. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Legislative Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC–1469. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for International Narcotics and Law Enforcement Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC–1470. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for International Narcotics and Law Enforcement Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC–1471. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Inspector General, received on March 28, 2005; to the Committee on Foreign Relations.

EC–1472. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Inspector General, received on March 28, 2005; to the Committee on Foreign Relations.

EC–1473. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Inspector General, received on March 28, 2005; to the Committee on Foreign Relations.

EC–1474. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for European and Eurasian Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC–1475. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for European and Eurasian Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC–1476. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for European and Eurasian Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC–1477. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for East Asian and Pacific Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC–1478. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for East Asian and Pacific Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC–1479. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for East Asian and Pacific Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC–1480. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for East Asian and Pacific Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC–1481. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Democracy, Human Rights and Labor, received on March 28, 2005; to the Committee on Foreign Relations.

EC–1482. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Democracy, Human Rights and Labor, received on March 28, 2005; to the Committee on Foreign Relations.

EC–1483. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Democracy, Human Rights and Labor, received on March 28, 2005; to the Committee on Foreign Relations.

EC–1484. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Diplomatic Security, received on March 28, 2005; to the Committee on Foreign Relations.

EC–1485. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of State for Diplomatic Security, received on March 28, 2005; to the Committee on Foreign Relations.

EC–1486. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Under Secretary of State for Economic, Business and Agricultural Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC–1487. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Under Secretary of State for Management, received on March 28, 2005; to the Committee on Foreign Relations.

EC–1488. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Under Secretary of State for Management, received on March 28, 2005; to the Committee on Foreign Relations.

EC–1489. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Under Secretary of State for Political Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC–1490. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Under Secretary of State for Political Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

EC–1491. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a vacancy in the position of Under Secretary of State for Political Affairs, received on March 28, 2005; to the Committee on Foreign Relations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BURNS:

S. 696. A bill to amend the Elementary and Secondary Education Act of 1965 regarding the transfer of students from certain schools; to the Committee on Health, Education, Labor, and Pensions.

By Mr. OBAMA (for himself and Mr. Inouye):

S. 697. A bill to amend the Higher Education Act of 1965 to improve higher education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LAUTENBERG:

S. 698. A bill to suspend temporarily the duty on methacrylamido etheleneurae monomer; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 699. A bill to suspend temporarily the duty on allyl ureido monomer; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 700. A bill to reduce temporarily the duty on potassium sorbate; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 701. A bill to reduce temporarily the duty on certain sorbic acid (hexadienic acid) (2,4-hexadienoic acid); to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. Bunning, Mr. Johnson, Mr. Talent, and Mr. Craig):

S. 702. A bill to amend the Internal Revenue Code of 1986 to repeal the occupational taxes relating to distilled spirits, wine, and beer; to the Committee on Finance.

By Mr. ENSIGN (for himself and Mr. Reid):

S. 703. A bill to provide for the conveyance of certain Bureau of Land Management land in the State of Nevada to the Las Vegas Motor Speedway, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MARTINEZ:

S. 704. A bill to authorize appropriations for fiscal year 2006 for voluntary contributions on a grant basis to the Organization of American States (OAS) to establish a Center for Caribbean Basin Trade and to establish a skills-based training program for Caribbean Basin countries; to the Committee on Foreign Relations.

By Mr. SARBANES:

S. 705. A bill to establish the Interagency Council on Meeting the Housing and Service Needs of Seniors, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. COLEMAN:

S. 706. A bill to convey all right, title, and interest of the United States in and to the land described in this Act to the Secretary of the Interior for the Prairie Island Indian Community in Minnesota; to the Committee on Indian Affairs.

By Mr. ALEXANDER (for himself and Mr. Dodd):

S. 707. A bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WYDEN (for himself and Mr. Smith):

S. 708. A bill to amend title XVIII of the Social Security Act to provide medicare beneficiaries with access to information concerning the quality of care provided by skilled nursing facilities and to provide incentives to skilled nursing facilities to improve the quality of care provided by those facilities by linking the amount of payment under the medicare program to quality reporting and performance requirements, and for other purposes; to the Committee on Finance.

By Mr. DEWINE (for himself, Mr. Reed, Mr. Burr, and Mr. Dodd):

S. 709. A bill to amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. LINCOLN (for herself, Mr. Lugar, and Mr. Bingaman):

S. 710. A bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to expand or add coverage of pregnant women under the medicaid and State children's health insurance programs, and for other purposes; to the Committee on Finance.

By Mr. AKAKA (for himself, Ms. Murkowski, and Mr. Stevens):

S. 711. A bill to amend the Methane Hydrate Research and Development Act of 2000 to reauthorize that Act and to promote the research, identification, assessment, exploration, and development of methane hydrate resources; to the Committee on Energy and Natural Resources.

By Mr. CHAMBLISS (for himself, Mr. Isakson, Mr. Lott, and Mr. Cochran):

S. 712. A bill to require a study and report regarding the designation of a new interstate route from Augusta, Georgia to Natchez, Mississippi; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself, Mr. Reid, Mr. McConnell, Mr. Durbin, Mr. Santorum, Ms. Mikulski, Mr. Akaka, Mr. Alexander, Mr. Allard, Mr. Allen, Mr. Baucus, Mr. Bayh, Mr. Bennett, Mr. Biden, Mr. Bingaman, Mr. Bond, Mrs. Boxer, Mr. Brownback, Mr. Bunning, Mr. Burns, Mr. Burr, Mr. Byrd, Ms. Cantwell, Mr. Carper, Mr. Chafee, Mr. Chambliss, Mrs. Clinton, Mr. Coburn, Mr. Cochran, Mr. Coleman, Ms. Collins, Mr. Conrad, Mr. Cornyn, Mr. Corzine, Mr. Craig, Mr. Crapo, Mr. Dayton, Mr. DeMint, Mr. DeWine, Mr. Dodd, Mrs. Dole, Mr. Domenici, Mr. Dorgan, Mr. Ensign, Mr. Enzi, Mr. Feingold, Mrs. Feinstein, Mr. Graham, Mr. Grassley, Mr. Gregg, Mr. Hagel, Mr. Harkin, Mr. Hatch, Mrs. Hutchison, Mr. Inhofe, Mr. Inouye, Mr. Isakson, Mr. Jeffords, Mr. Johnson, Mr. Kennedy, Mr. Kerry, Mr. Kohl, Mr. Kyl, Ms. Landrieu, Mr. Lautenberg, Mr. Leahy, Mr. Levin, Mr. Lieberman, Mrs. Lincoln, Mr. Lott, Mr. Lugar, Mr. Martinez, Mr. McCain, Ms. Murkowski, Mrs. Murray, Mr. Nelson of Florida, Mr. Nelson of Nebraska, Mr. Obama, Mr. Pryor, Mr. Reed, Mr. Roberts, Mr. Rockefeller, Mr. Salazar, Mr. Sarbanes, Mr. Schumer, Mr. Sessions, Mr. Shelby, Mr. Smith, Ms. Snowe, Mr. Specter, Ms. Stabenow, Mr. Stevens, Mr. Sununu, Mr. Talent, Mr. Thomas, Mr. Thune, Mr. Vitter, Mr. Voinovich, Mr. Warner, and Mr. Wyden):

S. Res. 95. A resolution relating to the death of the Holy Father, Pope John Paul II; considered and agreed to.

By Mr. INHOFE (for himself and Mr. Coburn):

S. Res. 96. A resolution commemorating the tenth anniversary of the attack on the Alfred P. Murrah Federal Building; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 8

At the request of Mr. Ensign, the names of the Senator from Colorado (Mr. Allard) and the Senator from Virginia (Mr. Warner) were added as cosponsors of S. 8, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 35

At the request of Mr. Conrad, the name of the Senator from Vermont (Mr. Leahy) was added as a cosponsor of S. 35, a bill to amend the Internal Revenue Code of 1986 to extend the credit for production of electricity from wind.

S. 43

At the request of Mr. Hagel, the name of the Senator from Florida (Mr. Nelson) was added as a cosponsor of S. 43, a bill to provide certain enhancements to the Montgomery GI Bill Program for certain individuals who serve as members of the Armed Forces after the September 11, 2001, terrorist attacks, and for other purposes.

S. 46

At the request of Mr. Levin, the name of the Senator from Michigan (Ms. Stabenow) was added as a cosponsor of S. 46, a bill to authorize the extension of unconditional and permanent nondiscriminatory treatment (permanent normal trade relations treatment) to the products of Ukraine, and for other purposes.

S. 65

At the request of Mr. Inhofe, the name of the Senator from Wyoming (Mr. Thomas) was added as a cosponsor of S. 65, a bill to amend the age restrictions for pilots.

S. 77

At the request of Mr. Sessions, the name of the Senator from Texas (Mrs. Hutchison) was added as a cosponsor of S. 77, a bill to amend titles 10 and 38, United States Code, to improve death benefits for the families of deceased members of the Armed Forces, and for other purposes.

S. 119

At the request of Mrs. Feinstein, the names of the Senator from Wisconsin (Mr. Kohl) and the Senator from

Vermont (Mr. LEAHY) were added as cosponsors of S. 119, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 119, supra.

S. 147

At the request of Mr. AKAKA, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 147, a bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.

S. 186

At the request of Mr. ALLARD, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 186, a bill to prohibit the use of Department of Defense funds for any study related to the transportation of chemical munitions across State lines.

S. 241

At the request of Ms. SNOWE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 241, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 260

At the request of Mr. INHOFE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 260, a bill to authorize the Secretary of the Interior to provide technical and financial assistance to private landowners to restore, enhance, and manage private land to improve fish and wildlife habitats through the Partners for Fish and Wildlife Program.

S. 268

At the request of Mr. HARKIN, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 268, a bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 300

At the request of Ms. COLLINS, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 300, a bill to extend the temporary increase in payments under the medicare program for home health services furnished in a rural area.

S. 333

At the request of Mr. SANTORUM, the names of the Senator from Florida (Mr. MARTINEZ) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 337

At the request of Mrs. CLINTON, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 337, a bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service, to expand certain authorities to provide health care benefits for Reserves and their families, and for other purposes.

S. 339

At the request of Mr. REID, the names of the Senator from Utah (Mr. HATCH), the Senator from North Dakota (Mr. CONRAD), the Senator from Colorado (Mr. SALAZAR) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 339, a bill to reaffirm the authority of States to regulate certain hunting and fishing activities.

S. 347

At the request of Mr. NELSON of Florida, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from South Dakota (Mr. JOHNSON), the Senator from New York (Mrs. CLINTON) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 347, a bill to amend titles XVIII and XIX of the Social Security Act and title III of the Public Health Service Act to improve access to information about individuals' health care operations and legal rights for care near the end of life, to promote advance care planning and decisionmaking so that individuals' wishes are known should they become unable to speak for themselves, to engage health care providers in disseminating information about and assisting in the preparation of advance directives, which include living wills and durable powers of attorney for health care, and for other purposes.

S. 352

At the request of Ms. MIKULSKI, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 352, a bill to revise certain requirements for H-2B employers and require submission of information regarding H-2B non-immigrants, and for other purposes.

S. 357

At the request of Mr. BINGAMAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 357, a bill to expand and enhance postbaccalaureate opportunities at Hispanic-serving institutions, and for other purposes.

S. 359

At the request of Mr. CRAIG, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 359, a bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H-2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

S. 394

At the request of Mr. LEAHY, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 394, a bill to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

S. 403

At the request of Mr. ENSIGN, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 403, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 424

At the request of Mr. BOND, the names of the Senator from California (Mrs. BOXER) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 424, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 432

At the request of Mr. ALLEN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 432, a bill to establish a digital and wireless network technology program, and for other purposes.

S. 438

At the request of Mr. ENSIGN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 438, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 445

At the request of Ms. STABENOW, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 445, a resolution to amend part D of title XVIII of the Social Security Act, as added by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, to provide for negotiation of fair prices for Medicare prescription drugs.

S. 471

At the request of Mr. SPECTER, the names of the Senator from Connecticut (Mr. DODD) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 471, a bill to amend the Public Health Service Act to provide for human embryonic stem cell research.

S. 484

At the request of Mr. WARNER, the names of the Senator from Maryland (Mr. SARBANES), the Senator from Kentucky (Mr. BUNNING), the Senator from Maryland (Ms. MIKULSKI), the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 489

At the request of Mr. ALEXANDER, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 489, a bill to amend chapter 111 of title 28, United States Code, to limit the duration of Federal consent decrees to which State and local governments are a party, and for other purposes.

S. 492

At the request of Mr. FRIST, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 492, a bill to make access to safe water and sanitation for developing countries a specific policy objective of the United States foreign assistance programs, and for other purposes.

S. 495

At the request of Mr. CORZINE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 495, a bill to impose sanctions against perpetrators of crimes against humanity in Darfur, Sudan, and for other purposes.

S. 498

At the request of Mr. BURR, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 498, a bill to provide for expansion of electricity transmission networks in order to support competitive electricity markets, to ensure reliability of electric service, to modernize regulation and for other purposes.

S. 512

At the request of Mr. SANTORUM, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 512, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 526

At the request of Mr. REED, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 526, a bill to amend the Child Care and Development Block Grant Act of 1990 to provide incentive grants to improve the quality of child care.

S. 570

At the request of Mr. NELSON of Florida, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 570, a bill to amend title XVIII and XIX of the Social Security Act and title III of the Public Health Service Act to improve access to information about individuals' health care options and legal rights for care near the end of life, to promote advance care planning and decisionmaking so that individuals' wishes are known should they become unable to speak for themselves, to engage health care providers in disseminating information about and assisting in the preparation of advance directives, which include living wills and durable powers of attorney for health care, and for other purposes.

S. 582

At the request of Mr. PRYOR, the names of the Senator from New York (Mrs. CLINTON), the Senator from Tennessee (Mr. ALEXANDER), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Virginia (Mr. ALLEN), the Senator from Washington (Ms. CANTWELL), the Senator from Utah (Mr. BENNETT), the Senator from Delaware (Mr. CARPER), the Senator from Kentucky (Mr. BUNNING), the Senator from Rhode Island (Mr. CHAFEE), the Senator from New Jersey (Mr. CORZINE), the Senator from Mississippi (Mr. COCHRAN), the Senator from Minnesota (Mr. DAYTON), the Senator from Texas (Mr. CORNYN), the Senator from Illinois (Mr. DURBIN), the Senator from Idaho (Mr. CRAIG), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Ohio (Mr. DEWINE), the Senator from Vermont (Mr. JEFFORDS), the Senator from North Carolina (Mrs. DOLE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Indiana (Mr. LUGAR), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Vermont (Mr. LEAHY), the Senator from Oregon (Mr. SMITH), the Senator from Michigan (Mr. LEVIN), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Alaska (Mr. STEVENS), the Senator from Maryland (Ms. MIKULSKI), the Senator from Missouri (Mr. TALENT), the Senator from Washington (Mrs. MURRAY), the Senator from Wyoming (Mr. THOMAS), the Senator from Illinois (Mr. OBAMA), the Senator from South Dakota (Mr. THUNE), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Louisiana (Mr. VITTER), the Senator from Colorado (Mr. SALAZAR), the Senator from Florida (Mr. NELSON), the Senator from North Dakota (Mr. DORGAN), the Senator from Massachusetts (Mr. KERRY), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 582, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the desegregation of the Little Rock Central High School in Little Rock, Arkansas, and for other purposes.

S. 601

At the request of Mr. CONRAD, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 601, a bill to amend the Internal Revenue Code of 1986 to include combat pay in determining an allowable contribution to an individual retirement plan.

S. 609

At the request of Mr. BROWNBACK, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 609, a bill to amend the Public Health Service Act to increase the provision of scientifically sound information and support services to patients receiving a positive test diagnosis for Down syndrome or other prenatally diagnosed conditions.

S. 626

At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 626, a bill to amend title XVIII of the Social Security Act to improve access to diabetes self management training by designating certified diabetes educators who are recognized by a nationally recognized certifying body and who meet the same quality standards set forth for other providers of diabetes self management training, as certified providers for purposes of outpatient diabetes self-management training services under part B of the medicare program.

S. 633

At the request of Mr. JOHNSON, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 642

At the request of Mr. FRIST, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 642, a bill to support certain national youth organizations, including the Boy Scouts of America, and for other purposes.

S. 643

At the request of Mr. ROBERTS, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 643, a bill to amend the Agricultural Credit Act of 1987 to reauthorize State mediation programs.

S. 647

At the request of Mrs. LINCOLN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 647, a bill to amend title

XVIII of the Social Security Act to authorize physical therapists to evaluate and treat medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 663

At the request of Mr. BINGAMAN, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 663, a bill to amend the Internal Revenue Code of 1986 to allow self-employed individuals to deduct health insurance costs in computing self-employment taxes.

S. RES. 83

At the request of Mr. SANTORUM, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. Res. 83, a resolution commemorating the 65th Anniversary of the Black Press of America.

AMENDMENT NO. 204

At the request of Mr. SMITH, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of amendment No. 204 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2006 and including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURNS:

S. 696. A bill to amend the Elementary and Secondary Education Act of 1965 regarding the transfer of students from certain schools; to the Committee on Health, Education, Labor, and Pensions.

Mr. BURNS. Mr. President, I rise today to introduce a bill to amend the Elementary and Secondary Education Act with regard to the transfer of students from certain schools. The No Child Left Behind Act of 2001 includes a requirement that schools not meeting adequate yearly progress—the AYP—for 2 consecutive years must provide transfer within the school district, and if no such schools exist, make efforts to provide transfers between school districts to the extent practical. This is the school choice provision. However, the current law's guidance on school choice does not adequately define practicality or feasibility, and where definitions are provided, they are overly broad.

We have just come off the Easter break. We had an opportunity to talk to a lot of educators and students. We return to our work starting today to make some significant—maybe not significant changes, but little changes to No Child Left Behind to make it more practical and make it more common sense in States such as Montana.

When we start looking at these maps, and as the President pro tempore leaves the Chamber, he understands what rural is when he looks at his State of Alaska. We are not nearly as big as Alaska. However, when we look at the State of Montana—and for those who wonder about distances and sizes, from the Yak, which is up in the northwest corner of the State, to Alzada in the southeast corner, it is farther than it is from Chicago to Washington, DC. So there is a pretty fair chunk of land out here, and we have young folks who go to school in just about every part of the State.

These are the elementary schools I am going to talk about as I speak on No Child Left Behind and the legislation I am introducing today.

The bottom line is No Child Left Behind is not a one-size-fits-all legislation. We have some of the greatest teachers there are in the country, and we have some of the brightest minds to teach. Accordingly, it is imperative that Congress continues to hear the needs and concerns of America's rural education communities.

Just to give my colleagues an idea, I had a little bit to do with the passage and the shaping of the 1996 Telecommunications Act. In that bill, we had a piece included called broadband. Back in those days, most folks had not heard of the Internet, broadband, or digital. There were not very many of us around here who were even computer literate. We are getting better. We are getting a little younger.

I can remember when we put the broadband section in the bill, primarily to do two things in my State: distance learning, allowing these smaller schools in rural areas to access the Internet and classes to be taught via a two-way interact from another location so that their curriculum could be broadened, just like a school, say, located in Billings, Great Falls, Missoula. Just because someone was born way out here and went to school in Jordan, MT, where we have a county the size of Rhode Island—it only has 1,800 folks and only one high school. It used to be a boarding school. I do not think it is anymore. But it used to be when you took your student to school on Monday morning, you did not see them until Friday night after the football game was over. So we deal in a little bit different kind of environment and situation.

The Federal law must recognize the significant differences between urban and rural school districts with regard to student transportation, school spacing, and, of course, the school-of-choice options. Although No Child Left Behind leaves the State of Montana in control of determining the feasibility of transfers between different school districts, it is much less flexible when it comes to transfers within the same school district.

My legislation would add to existing guidelines on the practicality and the feasibility of school choice that a school district would not be required to provide a student with a transfer option to another school if providing the option is impractical due to the distance to be traveled, a geographical barrier or hazard, the duration of the travel, or an unusually high cost of travel. However, if choice is not offered under the latter circumstances, students in affected schools will still receive valuable supplemental education services, and school districts will still have the option to provide students school learning choices through distance learning programs or virtual schools or several other options offered under current law.

We are pretty sparse in eastern Montana. From Miles City to Jordan is about 90 miles. I was talking about Jordan a while ago up on the big dry creek. You heard me say I have a lot of dirt between light bulbs out there. Well, we have a lot of land between schools out there also, and school districts can be quite large. The centers of Billings, Great Falls, Missoula, the Flat Head, or even Bozeman are grouped pretty closely. In eastern Montana, however, they are far apart. We have elementary schools not even on paved roads, still on gravel. I know one that is still on a mud road. If it rains real hard or during the spring thaw, they cannot get a car in there or a pickup truck or even a four-wheel drive vehicle, so they all ride horses, which is not a bad idea. It saves on gas, and as high as gas is, it probably isn't a bad idea at all. This is a map of the elementary schools to give an idea of where they are located way out there.

Now, I want to take a look at the high schools. There are not as many of them. What are you going to do if a school in Miles City is in need of improvement under the current law? Where are you going to send them? To Broadus? I don't think so. That is another 80 or 90 miles. Pretty soon the miles start adding up.

Right now the law requires the schools to pay for students to transfer them in the same district unless doing so is too expensive. In Montana, as with many rural schools in rural States, there are considerations greater than just cost. While the law makes sense in Billings, it does not work in districts where the schools are farther apart.

Take the Broadus County School District in southeastern Montana as an example. As we can see, there is a lot of distance between schools. There are not very many schools out there. These are high schools. These are not elementary schools but high schools. Some may take up to 2 hours one way to drive. It not only hurts the family life of the students, but it disrupts what they do and also has an adverse effect on their academic performance.

Sometimes this type of commute may be necessary. My legislation makes this decision a matter for rural States to decide instead of the politicians here in Washington, DC, or by a rule written into a law that just is unworkable in my State.

I realize No Child Left Behind had some built-in flexibilities, and I also realize that some States did not take advantage of some of those flexibilities. Now we are locked into a situation where it is almost impossible to change unless we change the legislation and reword it. My legislation simply clarifies what is feasible and practical for school choice transfers within school districts and gives the States, especially my State, the ability to treat schools in rural Broadus differently than it treats schools in more urbanized Billings, MT.

I would imagine the Senator from Florida who is new to this body and a terrific addition to this body has some rural areas in Florida. We think of Florida as more urbanized, but they have some rural areas too, just like Montana. That does not mean there are kids out there whose needs should not be addressed.

When we visit schools, we get all kinds of questions from the students. I was visiting a sixth-grade class the other day. They came up with all kinds of questions. Some of them were pretty good, some were not so good. I did have one that was just a little bit different. This young man stood up in sixth grade, and he said: Senator, what do you want written on your tombstone? My gosh, I never had that question before, and I did not know exactly how to handle it, so I just told him: He's not here yet. That is the only way I could answer him.

These young people are very bright. They like their schools in these areas with distance learning. And we have telemedicine. We are delivering medical care much differently now. We are doing it with broadband services. We have 14 counties that do not have a doctor. It is done by physician assistants and many other people.

The other day a student from our part of the country enrolled at Montana State University at Billings. He had taken enough courses in his senior year in distance learning from MSUB that he has a full semester completed. So when he goes away to school, he already has half a year done.

This is why we have the Telecommunications Act. This is why we have the No Child Left Behind Act. We have to look at schools and libraries and some of the kinks we have to work out in that law so that these smaller schools and libraries can get their moneys so they can offer this online education. This is just another part of tweaking the No Child Left Behind law to make it work in rural areas.

I urge my Senate colleagues, especially those from rural States, to join me in cosponsoring this bill because it is very important. If we are really dedicated to the program of No Child Left Behind, we cannot leave rural children behind either, and we have to make it work.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 696

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Schools Geography Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) There are significant differences between urban and rural school districts with regard to student transportation, distances between schools and school districts, and school of choice options. Local educational agencies (LEAs) in rural areas often have only 1 school servicing a particular grade-level, and the distance between these schools is often much greater than in urban areas. These differences are not addressed by existing guidelines under the Elementary and Secondary Education Act of 1965.

(2) In 2000, rural schools (those in communities with populations below 2,500) taught 32 percent of the children in the United States, but rural schools accounted for $5,670,000,000 of the Nation's spending on school transportation, or nearly half of such spending.

(3) Rural transportation costs, per-pupil, are double that of urban transportation costs. As a percentage of total spending, rural areas spend 77 percent more than urban areas for education transportation.

(4) Commutes in rural areas are much more likely to be on rougher, unpaved roads. This not only undermines the physical health of the students, but makes transportation during poor weather much more difficult or impossible. Students with longer commutes are more likely to miss school because of inclement weather. School attendance is an important factor in school performance.

(5) School students who have long commutes actively avoid advanced and high-level courses because they do not have time for the extra homework. This self-imposed restriction retards maximization of educational potential.

(6) Students with long commutes are less likely to engage in in-home and out-of-home activities, such as family dinners, after-school jobs, and athletic or musical extracurricular activities. Participation in these activities benefits overall educational progress.

(7) Section 1116(b)(10)(C) of the Elementary and Secondary Education Act of 1965 instructs that the lowest achieving children be given priority for out-of-district transportation. Thus, the negative impacts of long commutes disproportionately affect the very students who need the most help.

SEC. 3. AMENDMENT TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

Section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316) is amended by adding at the end the following:

"(i) GEOGRAPHY LIMITS.—Notwithstanding subsections (b) and (c), a local educational agency shall not be required to provide a student the option to transfer to another school pursuant to this section if providing the option is impractical due to the distance to be traveled, a geographical barrier or hazard, the duration of the travel, or an unusually high cost of travel.".

SEC. 4. ADMINISTRATION.

The Secretary of Education, not later than 180 days after the date of enactment of this Act, shall promulgate such regulations as the Secretary determines necessary to implement this Act.

SEC. 5. EFFECTIVE DATE.

The amendment made by section 3 shall take effect on the first July 1 that occurs after the date of enactment of this Act.

By Mr. OBAMA (for himself and Mr. INOUYE):

S. 697. A bill to amend the Higher Education Act of 1965 to improve higher education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. OBAMA. Mr. President, I rise today to introduce the Higher Education Opportunity Through Pell Grant Expansion Act of 2005, or HOPE Act.

Right now, in schools, playgrounds, and backyards across America, children are dreaming about what they want to be when they grow up. As tomorrow's astronauts, doctors, and teachers dream about their futures, their parents know that so many of those dreams are dependent on a college diploma.

The families I have met in Illinois are worried that they might not be able to give their kids a chance at that diploma. Everywhere I go, I hear the same story: we work hard, we pay our bills, we cut corners, and we put away savings, but we just don't know if it is going to be enough when the tuition bill comes in the mail.

The facts and statistics are not encouraging. College tuition is rising at a stunning rate of almost 10 percent a year, and over the last 25 years it is gone up an astounding 519 percent. Because of these rising prices, over 200,000 students were priced out of a college education last year.

In a country with so much wealth and opportunity for education, it is difficult to imagine there are parents who are forced to say to their kids: "We're sorry. We can't afford to send you to college." None of us in the Senate should rest until those parents can start saying "yes" to their kids.

This bill would start us down that path by increasing access to Pell grants. Today, these need-based awards are used by 5.3 million undergraduate students to fund their education. Unfortunately, the awards just haven't kept up with the rising price of tuition or even inflation. As a result, the current $4,050 Pell grant maximum is $700 less in real terms than the maximum grant 30 years ago. Pell grants now cover only 23 percent of the total cost of the average 4-year public college.

The HOPE Act would correct this problem by raising the Pell grant maximum to $5,100, and it would continue to raise this maximum in future years to keep up with inflation. The bill also would make sure that no student sees a reduction in Pell grant assistance due to recent changes in the eligibility formula.

Because working families are already burdened with too many taxes, this bill would not add to the deficit or raise a dime of taxes. Instead, it will close two loopholes that guarantee banks and private lenders an additional $2 billion in taxpayer subsidies every year on top of the interest that college students and their families are already paying on their loans. In a country where 200,000 students were priced out of college last year, our tax dollars shouldn't be spent subsidizing banks that are already making record profits.

When our children dream about their future, they need to know those dreams are within their reach. A college education forms the foundation of the opportunity society that will keep this country strong and growing in the 21st century. I know we can work together to get this done, and I look forward to doing so.

I urge my colleagues to support the HOPE Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 697

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Higher Education Opportunity Through Pell Grant Expansion Act".

SEC. 2. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate makes the following findings:

(1) Federal Pell Grants are need-based and are used by 5,300,000 undergraduate students to fund their college educations.

(2) Over 90 percent of Federal Pell Grant recipients come from a family with a combined income of less than $40,000.

(3) Because of the rising cost of college tuition, the maximum Federal Pell Grant amount of $4,050 for academic year 2004–2005 is $700 less in real terms than the maximum Federal Pell Grant amount for academic year 1975–1976.

(4) Federal Pell Grants for academic year 2003–2004 cover only 23 percent of the total cost of the average 4-year public college.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) eligible undergraduate students should receive the maximum Federal Pell Grant amount established by the amendment made by section 3(b) of this Act; and

(2) sufficient funds should be appropriated to allow the awarding of the maximum Federal Pell Grant amount for which students are eligible pursuant to the amendment made by section 3(b) of this Act.

SEC. 3. FEDERAL PELL GRANTS.

(a) APPROPRIATION OF FUNDS FOR FEDERAL PELL GRANTS.—In addition to any amounts otherwise appropriated to carry out subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a) for the fiscal year ending September 30, 2006, there are authorized to be appropriated and there are appropriated, out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2006, for carrying out such subpart 1, an additional $2,000,000,000.

(b) AUTHORIZATION AMOUNT AND MAXIMUM FEDERAL PELL GRANT.—Section 401(b)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(2)(A)) is amended to read as follows:

"(2)(A)(i) The amount of a Federal Pell Grant for a student eligible under this part shall be $5,100 for academic year 2005–2006, less an amount equal to the amount determined to be the expected family contribution with respect to that student for that year.

"(ii) The Secretary shall cumulatively adjust the amount in clause (i) every 2 academic years beginning with academic year 2006–2007 to account for any percentage increase in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.".

SEC. 4. ALLOWANCE FOR STATE AND OTHER TAXES.

Notwithstanding any other provision of law, the annual updates to the allowance for State and other taxes in the tables used in the Federal Needs Analysis Methodology to determine a student's expected family contribution for the award year 2005–2006 under part F of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087kk et seq.), published in the Federal Register on Thursday, December 23, 2004 (69 Fed. Reg. 76926), shall not apply to a student to the extent the updates will increase the student's expected family contribution under such part F.

SEC. 5. TERMINATION OF EXCESSIVE ALLOWANCES.

Section 438(b)(2)(B) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(b)(2)(B)) is amended by striking clause (v) and inserting the following:

"(v) This subparagraph shall not apply to—

"(I) any loan made or purchased after the date of enactment of the Higher Education Opportunity Through Pell Grant Expansion Act;

"(II) any loan that had not qualified before such date of enactment for receipt of a special allowance payment determined under this subparagraph; or

"(III) any loan made or purchased before such date of enactment with funds described in the first or second sentence of clause (i) if—

"(aa) the obligation described in the first such sentence has, after such date of enactment, matured, or been retired or defeased; or

"(bb) the maturity date or the date of retirement of the obligation described in the first such sentence has, after such date of enactment, been extended.".

SEC. 6. WINDFALL PROFIT OFFSET.

Section 438 of the Higher Education Act of 1965 (20 U.S.C. 1087–1) is further amended by adding at the end the following:

"(g) WINDFALL PROFIT OFFSET.—At the end of every fiscal quarter for which an eligible lender does not receive a special allowance payment under this section, the eligible lender shall pay to the Secretary of the Treasury for deposit into the Treasury as miscellaneous receipts a windfall profit offset payment for the fiscal quarter equal to the amount by which—

"(1) the aggregate amount of all payments of interest received by the eligible lender from borrowers on all loans made, insured, or guaranteed under this part during the fiscal quarter; exceeds

"(2) interest guaranteed the lender under this section for the fiscal quarter, irrespective of the amount received under subparagraph (A).".

By Mr. BAUCUS (for himself, Mr. BUNNING, Mr. JOHNSON, Mr. TALENT, and Mr. CRAIG):

S. 702. A bill to amend the Internal Revenue Code of 1986 to repeal the occupational taxes relating to distilled spirits, wine, and beer; to the Committee on Finance.

Mr. BAUCUS. Mr. President, it is with great pleasure that I join my colleagues Senators BUNNING, JOHNSON and TALENT today in introducing legislation that will repeal the special occupational tax on taxpayers who manufacture, distribute, and sell alcoholic beverages.

The special occupational tax is not a tax on alcoholic products, but rather operates as a license fee on businesses. The tax is imposed on those engaged in the business of selling alcohol beverages. Believe it or not, this tax was originally established to help finance the Civil War. That war is over, and this inequitable tax has outlived its original purpose. Repealing the SOT will also simplify the tax code for thousands of small businesses.

The SOT on alcohol dramatically increased during the budget process in 1988 and has unfairly burdened business owners across the country since. From Thompson Falls to Sidney, from Chinook to Billings, small businesses are burdened with yet another tax in the form of the SOT. According to the Alcohol and Tobacco, Tax and Trade Bureau, there are 426,193 locations nationwide that pay the SOT every year, including 399,657 retailers. These retail establishments account for $99 million out of $103 million collected in SOT revenues.

In Montana, there are 2,969 locations which together pay nearly $1 million in the SOT every year. Seasonal resorts in Whitefish and Yellowstone, "mom and pop" convenience stores in Butte, and bowling alleys, flower shops, and restaurants across Montana, and the United States, pay the Federal Government over $100 million per year for the privilege of running businesses that sell beer, wine, or alcoholic beverages.

The SOT is extremely regressive. Retailers must annually pay $250 per location; wholesalers pay $500; vintners and distillers pay $1,000. Because the SOT is levied on a per location basis, a sole proprietorship must pay the same amount as one of the nation's largest retailers, and locally-owned chains having to pay per location, would have to pay as much as, if not more than, the nation's largest single site brewery. This is not what Congress had in mind 150 years ago, and I don't believe it's a situation we want today.

Repealing the SOT on alcohol is supported by a broad-based group of business organizations and enjoys widespread bipartisan support on Capitol Hill. Last year, we made progress in ending this burdensome tax on small businesses. We repealed the tax for three years. More can be done. Business owners across the United States deserve assurance that they won't be hit with this antiquated tax down the line.

The legislation preserves the TTB's record-keeping requirements, while removing the agency's enforcement burden, and will save over $2 million per year. The GAO examined SOT efficacy several times, and found it fundamentally flawed. The Joint Committee on Taxation called for the elimination of SOT in its June 2001 simplification study.

More than 90 percent of all SOT revenue comes from retailers—a great majority of those are small businesses. Our small business sector is a great strength of our economy. President Bush has said that the best way to encourage job growth is to let small businesses keep more of their own money, so they can invest in their business and make it easier for somebody to find work. Repealing the SOT would provide an immediate and visible tax cut to small business owners.

In recent months, there has been much talk of tax reform inside the beltway. President Bush has made tax reform one of his key priorities and established a panel that will make recommendations to the Department of Treasury for a better tax system. Getting rid of a tax that has outlived its original purpose is one small step toward reform that makes sense for Montana and our country. We urge our colleagues to join us in this endeavor.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 702

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF OCCUPATIONAL TAXES RELATING TO DISTILLED SPIRITS, WINE, AND BEER.

(a) REPEAL OF OCCUPATIONAL TAXES.—

(1) IN GENERAL.—The following provisions of part II of subchapter A of chapter 51 of the Internal Revenue Code of 1986 (relating to occupational taxes) are hereby repealed:

(A) Subpart A (relating to proprietors of distilled spirits plants, bonded wine cellars, etc.).

(B) Subpart B (relating to brewer).

(C) Subpart D (relating to wholesale dealers) (other than sections 5114 and 5116).

(D) Subpart E (relating to retail dealers) (other than section 5124).

(E) Subpart G (relating to general provisions) (other than sections 5142, 5143, 5145, and 5146).

(2) NONBEVERAGE DOMESTIC DRAWBACK.—Section 5131 of such Code is amended by striking ", on payment of a special tax per annum,".

(3) INDUSTRIAL USE OF DISTILLED SPIRITS.—Section 5276 of such Code is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1)(A) The heading for part II of subchapter A of chapter 51 of the Internal Revenue Code of 1986 and the table of subparts for such part are amended to read as follows:

"PART II—MISCELLANEOUS PROVISIONS

"Subpart A. Manufacturers of stills.
"Subpart B. Nonbeverage domestic drawback claimants.
"Subpart C. Recordkeeping and registration by dealers.
"Subpart D. Other provisions.".

(B) The table of parts for such subchapter A is amended by striking the item relating to part II and inserting the following new item:

"Part II. Miscellaneous provisions.".

(2) Subpart C of part II of such subchapter (relating to manufacturers of stills) is redesignated as subpart A.

(3)(A) Subpart F of such part II (relating to nonbeverage domestic drawback claimants) is redesignated as subpart B and sections 5131 through 5134 are redesignated as sections 5111 through 5114, respectively.

(B) The table of sections for such subpart B, as so redesignated, is amended—

(i) by redesignating the items relating to sections 5131 through 5134 as relating to sections 5111 through 5114, respectively, and

(ii) by striking "and rate of tax" in the item relating to section 5111, as so redesignated.

(C) Section 5111 of such Code, as redesignated by subparagraph (A), is amended—

(i) by striking "**AND RATE OF TAX**" in the section heading,

(ii) by striking the subsection heading for subsection (a), and

(iii) by striking subsection (b).

(4) Part II of subchapter A of chapter 51 of such Code is amended by adding after subpart B, as redesignated by paragraph (3), the following new subpart:

"Subpart C—Recordkeeping by Dealers

"Sec. 5121. Recordkeeping by wholesale dealers.
"Sec. 5122. Recordkeeping by retail dealers.
"Sec. 5123. Preservation and inspection of records, and entry of premises for inspection.".

(5)(A) Section 5114 of such Code (relating to records) is moved to subpart C of such part II and inserted after the table of sections for such subpart.

(B) Section 5114 of such Code is amended—

(i) by striking the section heading and inserting the following new heading:

"SEC. 5121. RECORDKEEPING BY WHOLESALE DEALERS.",

and

(ii) by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) WHOLESALE DEALERS.—For purposes of this part—

"(1) WHOLESALE DEALER IN LIQUORS.—The term 'wholesale dealer in liquors' means any dealer (other than a wholesale dealer in beer) who sells, or offers for sale, distilled spirits, wines, or beer, to another dealer.

"(2) WHOLESALE DEALER IN BEER.—The term 'wholesale dealer in beer' means any dealer who sells, or offers for sale, beer, but not distilled spirits or wines, to another dealer.

"(3) DEALER.—The term 'dealer' means any person who sells, or offers for sale, any distilled spirits, wines, or beer.

"(4) PRESUMPTION IN CASE OF SALE OF 20 WINE GALLONS OR MORE.—The sale, or offer for sale, of distilled spirits, wines, or beer, in quantities of 20 wine gallons or more to the same person at the same time, shall be presumptive evidence that the person making such sale, or offer for sale, is engaged in or carrying on the business of a wholesale dealer in liquors or a wholesale dealer in beer, as the case may be. Such presumption may be overcome by evidence satisfactorily showing that such sale, or offer for sale, was made to a person other than a dealer.".

(C) Paragraph (3) of section 5121(d) of such Code, as so redesignated, is amended by striking "section 5146" and inserting "section 5123".

(6)(A) Section 5124 of such Code (relating to records) is moved to subpart C of part II of subchapter A of chapter 51 of such Code and inserted after section 5121.

(B) Section 5124 of such Code is amended—

(i) by striking the section heading and inserting the following new heading:

"SEC. 5122. RECORDKEEPING BY RETAIL DEALERS.",

(ii) by striking "section 5146" in subsection (c) and inserting "section 5123", and

(iii) by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection:

"(c) RETAIL DEALERS.—For purposes of this section—

"(1) RETAIL DEALER IN LIQUORS.—The term 'retail dealer in liquors' means any dealer (other than a retail dealer in beer or a limited retail dealer) who sells, or offers for sale, distilled spirits, wines, or beer, to any person other than a dealer.

"(2) RETAIL DEALER IN BEER.—The term 'retail dealer in beer' means any dealer (other than a limited retail dealer) who sells, or offers for sale, beer, but not distilled spirits or wines, to any person other than a dealer.

"(3) LIMITED RETAIL DEALER.—The term 'limited retail dealer' means any fraternal, civic, church, labor, charitable, benevolent, or ex-servicemen's organization making sales of distilled spirits, wine or beer on the occasion of any kind of entertainment, dance, picnic, bazaar, or festival held by it, or any person making sales of distilled spirits, wine or beer to the members, guests, or patrons of bona fide fairs, reunions, picnics, carnivals, or other similar outings, if such organization or person is not otherwise engaged in business as a dealer.

"(4) DEALER.—The term 'dealer' has the meaning given such term by section 5121(c)(3).".

(7) Section 5146 of such Code is moved to subpart C of part II of subchapter A of chapter 51 of such Code, inserted after section 5122, and redesignated as section 5123.

(8) Subpart C of part II of subchapter A of chapter 51 of such Code, as amended by paragraph (7), is amended by adding at the end the following new section:

"SEC. 5124. REGISTRATION BY DEALERS.

"Every dealer who is subject to the recordkeeping requirements under section 5121 or 5122 shall register with the Secretary such dealer's name or style, place of residence, trade or business, and the place where such trade or business is to be carried on. In case of a firm or company, the names of the several persons constituting the same, and the places of residence, shall be so registered.".

(9) Section 7012 of such Code is amended by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively, and by inserting after paragraph (3) the following new paragraph:

"(4) For provisions relating to registration by dealers in distilled spirits, wines, and beer, see section 5124.".

(10) Part II of subchapter A of chapter 51 of such Code is amended by inserting after subpart C the following new subpart:

"Subpart D—Other Provisions

"Sec. 5131. Packaging distilled spirits for industrial uses.
"Sec. 5132. Prohibited purchases by dealers.".

(11) Section 5116 of such Code is moved to subpart D of part II of subchapter A of chapter 51 of such Code, inserted after the table of sections, redesignated as section 5131, and amended by inserting "(as defined in section 5121(c))" after "dealer" in subsection (a).

(12) Subpart D of part II of subchapter A of chapter 51 of such Code is amended by adding at the end the following new section:

"SEC. 5132. PROHIBITED PURCHASES BY DEALERS.

"(a) IN GENERAL.—Except as provided in regulations prescribed by the Secretary, it shall be unlawful for a dealer to purchase distilled spirits for resale from any person other than a wholesale dealer in liquors who is required to keep the records prescribed by section 5121.

"(b) LIMITED RETAIL DEALERS.—A limited retail dealer may lawfully purchase distilled spirits for resale from a retail dealer in liquors.

"(c) PENALTY AND FORFEITURE.—

"For penalty and forfeiture provisions applicable to violations of subsection (a), see sections 5687 and 7302.".

(13) Subsection (b) of section 5002 of such Code is amended—

(A) by striking "section 5112(a)" and inserting "section 5121(c)(3)",

(B) by striking "section 5112" and inserting "section 5121(c)",

(C) by striking "section 5122" and inserting "section 5122(c)".

(14) Subparagraph (A) of section 5010(c)(2) of such Code is amended by striking "section 5134" and inserting "section 5114".

(15) Subsection (d) of section 5052 of such Code is amended to read as follows:

"(d) BREWER.—For purposes of this chapter, the term 'brewer' means any person who brews beer or produces beer for sale. Such term shall not include any person who produces only beer exempt from tax under section 5053(e).".

(16) The text of section 5182 of such Code is amended to read as follows:

"For provisions requiring recordkeeping by wholesale liquor dealers, see section 5112, and by retail liquor dealers, see section 5122.".

(17) Subsection (b) of section 5402 of such Code is amended by striking "section 5092" and inserting "section 5052(d)".

(18) Section 5671 of such Code is amended by striking "or 5091".

(19)(A) Part V of subchapter J of chapter 51 of such Code is hereby repealed.

(B) The table of parts for such subchapter J is amended by striking the item relating to part V.

(20)(A) Sections 5142, 5143, and 5145 of such Code are moved to subchapter D of chapter 52 of such Code, inserted after section 5731, redesignated as sections 5732, 5733, and 5734, respectively, and amended by striking "this part" each place it appears and inserting "this subchapter".

(B) Section 5732 of such Code, as redesignated by subparagraph (A), is amended by striking "(except the tax imposed by section 5131)" each place it appears.

(C) Paragraph (2) of section 5733(c) of such Code, as redesignated by subparagraph (A), is amended by striking "liquors" both places it appears and inserting "tobacco products and cigarette papers and tubes".

(D) The table of sections for subchapter D of chapter 52 of such Code is amended by adding at the end the following:

"Sec. 5732. Payment of tax.
"Sec. 5733. Provisions relating to liability for occupational taxes.
"Sec. 5734. Application of State laws.".

(E) Section 5731 of such Code is amended by striking subsection (c) and by redesignating subsection (d) as subsection (c).

(21) Subsection (c) of section 6071 of such Code is amended by striking "section 5142" and inserting "section 5732".

(22) Paragraph (1) of section 7652(g) of such Code is amended—

(A) by striking "subpart F" and inserting "subpart B", and

(B) by striking "section 5131(a)" and inserting "section 5111".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2005, but shall not apply to taxes imposed for periods before such date.

By Mr. SARBANES:

S. 705. A bill to establish the Interagency Council on Meeting the Housing and Service Needs of Seniors, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SARBANES. Mr. President, today I am introducing legislation to establish an Interagency Council on Meeting the Housing and Service Needs of Seniors, which will help the Federal Government work with its partners to meet the growing housing and related needs of senior citizens around the country. The Interagency Council will work to better coordinate Federal programs so that seniors and their families can access the programs and the services necessary to allow them to age in place or find suitable housing alternatives.

It is important that we take note of the needs of this rapidly growing senior population. In 2000, the population over 65 years of age was 34.7 million. This number is expected to grow to over 50 million by 2020. By the year 2030, nearly one-fifth of the United States population will be above 65 years of age.

In recognition of the importance of this issue, in 1999 Congress established the Commission on Affordable Housing and Health Facility Needs for Seniors—"Seniors Commission"—to assess the Federal role in senior housing, health and supportive services. The Seniors Commission made a number of significant findings. For example, the commission found that seniors require a wide array of housing options with access to services, including meal preparation, transportation, health care, and assistance with daily activities. According to the Seniors Commission, over 18 percent of senior citizens—over 5.8 million seniors—who do not reside in nursing facilities have difficulty performing their daily activities without assistance. Over a million of these seniors are severely impaired, requiring assistance with many of their basic tasks. Many other seniors, those that can perform their daily functions, still require access to health care, transportation and other services. Without enhanced housing opportunities, such as service-enriched housing or assisted living facilities, these seniors find it increasingly difficult to remain outside of nursing homes or other institutional settings. In fact, the Seniors Commission found that "many seniors across the income spectrum are at risk of institutionalization or neglect due to declining health and the loss or absence of support and timely interventions." For many seniors, in-home care, service-enriched housing, retrofitted homes and apartments, and assisted living-type facilities are sorely needed so that seniors can access necessary services where they live.

While there are numerous Federal programs that assist seniors and their families in meeting these needs, they are fragmented across many government agencies, with little or no coordination. In fact, the Seniors Commission found that "the most striking characteristic of seniors' housing and health care in this country is the disconnection of one field from another." For example, housing assistance is available from the Department of Housing and Urban Development, the Department of Agriculture, and the Department of Veterans Affairs, while health care and supportive services are most likely accessed through various branches of the Department of Health and Human Services, such as the Centers for Medicaid and Medicare Services and the Administration on Aging, as well as through the Department of Transportation and the Department of Labor.

The Seniors Commission concluded that "the time has come for coordination among Federal and State agencies and administrators." The legislation I am introducing today, the "Meeting the Housing and Service Needs of Seniors Act of 2005," answers the commission's call to action by implementing the recommendation for better federal coordination.

Through a high-level interagency council the Federal Government will take a simple, but critical, step in addressing this fragmentation. This Council will have a variety of functions. The council will review all Federal programs designed to assist seniors, identify gaps in services, make recommendations about how to reduce duplication, identify best practices for relevant programs and services, and most importantly, work to improve the availability of housing and services for seniors. The council will also monitor, evaluate, and recommend improvements in existing programs and services that assist seniors in meeting their housing and service needs at the

Federal, State, and local level, and will work to more effectively coordinate programs at the federal level, as well as at the state level, where many of the decisions regarding health and service needs are made. In addition, the council will be responsible for collecting and disseminating information, through a variety of means, about seniors and the programs and services relating to their needs. Through collaboration with the Federal Interagency Forum on Aging Statistics and the Census Bureau, the council will consolidate data on these needs and identify and address unmet data needs.

With improved collaboration and coordination among the Federal agencies and our State partners, we can ensure that seniors are better able to access housing and services. To ensure its effectiveness, the council will be comprised of top-level officials who oversee the programs which assist seniors in this country, including the Secretaries of the Department of Housing and Urban Development; the Department of Health and Human Services; the Department of Labor; the Department of Transportation; and the Department of Veterans Affairs; as well as the Commissioner of the Social Security Administration; the Administrator of the Centers for Medicare and Medicaid Services; and the Administrator of the Administration for the Aging.

This is a step we must take. It is essential that we make it easier for seniors and their families to access housing and supportive services together, so that when faced with difficult decisions, they do not have to navigate a confusing maze of programs and services, and work through multiple bureaucracies. We must also make it simpler for developers and providers to link housing and services so that greater supportive housing opportunities are available to the senior population. Through the Interagency Council, it is my hope that we will move toward a model of providing housing and services to seniors around the country.

If we are to successfully address these growing needs, it is clear that much work must be done. The establishment of an Interagency Council on Meeting the Housing and Service Needs of Seniors is a critical first step in this endeavor. I urge my colleagues to support this important legislation, and I ask unanimous consent that the text of the bill together with letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 705

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Meeting the Housing and Service Needs of Seniors Act of 2005".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The senior population (persons 65 or older) in this country is rapidly growing, and is expected to increase from 34,700,000 in 2000 to nearly 40,000,000 by 2010, and then will dramatically increase to over 50,000,000 by 2020.

(2) By 2020, the population of "older" seniors, those over age 85, is expected to double to 7,000,000, and then double again to 14,000,000 by 2040.

(3) As the senior population increases, so does the need for additional safe, decent, affordable, and suitable housing that meets their unique needs.

(4) Due to the health care, transportation, and service needs of seniors, issues of providing suitable and affordable housing opportunities differ significantly from the housing needs of other families.

(5) Seniors need access to a wide array of housing options, such as affordable assisted living, in-home care, supportive or service-enriched housing, and retrofitted homes and apartments to allow seniors to age in place and to avoid premature placement in institutional settings.

(6) While there are many programs in place to assist seniors in finding and affording suitable housing and accessing needed services, these programs are fragmented and spread across many agencies, making it difficult for seniors to access assistance or to receive comprehensive information.

(7) Better coordination among Federal agencies is needed, as is better coordination at State and local levels, to ensure that seniors can access government activities, programs, services, and benefits in an effective and efficient manner.

(8) Up to date, accurate, and accessible statistics on key characteristics of seniors, including conditions, behaviors, and needs, are required to accurately identify the housing and service needs of seniors.

SEC. 3. DEFINITIONS.

In this Act:

(1) The term "housing" means any form of residence, including rental housing, homeownership, assisted living, group home, supportive housing arrangement, nursing facility, or any other physical location where a person can live.

(2) The term "service" includes transportation, health care, nursing assistance, meal, personal care and chore services, assistance with daily activities, mental health care, physical therapy, case management, and any other services needed by seniors to allow them to stay in their housing or find alternative housing that meets their needs.

(3) The term "program" includes any Federal or State program providing income support, health benefits or other benefits to seniors, housing assistance, mortgages, mortgage or loan insurance or guarantees, housing counseling, supportive services, assistance with daily activities, or other assistance for seniors.

(4) The term "Council" means the Interagency Council on Meeting the Housing and Service Needs of Seniors.

(5) The term "senior" means any individual 65 years of age or older.

SEC. 4. INTERAGENCY COUNCIL ON MEETING THE HOUSING AND SERVICE NEEDS OF SENIORS.

(a) ESTABLISHMENT.—There is established in the executive branch an independent council to be known as the Interagency Council on Meeting the Housing and Service Needs of Seniors.

(b) OBJECTIVES.—The objectives of the Council are as follows:

(1) To promote coordination and collaboration among the Federal departments and agencies involved with housing, health care, and service needs of seniors in order to better meet the needs of senior citizens.

(2) To identify the unique housing and service needs faced by seniors around the country and to recommend ways that the Federal Government, States, State and local governments, and others can better meet those needs, including how to ensure that seniors can find and afford housing that allows them to access health care, transportation, nursing assistance, and assistance with daily activities where they live or in their communities.

(3) To facilitate the aging in place of seniors, by identifying and making available the programs and services necessary to enable seniors to remain in their homes as they age.

(4) To improve coordination among the housing and service related programs and services of Federal agencies for seniors and to make recommendations about needed changes with an emphasis on—

(A) maximizing the impact of existing programs and services;

(B) reducing or eliminating areas of overlap and duplication in the provision and accessibility of such programs and services; and

(C) making access to programs and services easier for seniors around the country.

(5) To increase the efficiency and effectiveness of existing housing and service related programs and services which serve seniors.

(6) To establish an ongoing system of coordination among and within such agencies or organizations so that the housing and service needs of seniors are met in a more efficient manner.

(c) MEMBERSHIP.—The Council shall be composed of the following:

(1) The Secretary of Housing and Urban Development or a designee of the Secretary.

(2) The Secretary of Health and Human Services or a designee of the Secretary.

(3) The Secretary of Agriculture or a designee of the Secretary.

(4) The Secretary of Transportation or a designee of the Secretary.

(5) The Secretary of Labor or a designee of the Secretary.

(6) The Secretary of Veterans Affairs or a designee of the Secretary.

(7) The Secretary of the Treasury or a designee of the Secretary.

(8) The Commissioner of the Social Security Administration or a designee of the Commissioner.

(9) The Administrator of the Centers for Medicare and Medicaid Services or a designee of the Administrator.

(10) The Administrator of the Administration on Aging or a designee of the Administrator.

(11) The head (or designee) of any other Federal agency as the Council considers appropriate.

(12) State and local representatives knowledgeable about the needs of seniors as chosen by the Council members described in paragraphs (1) through (11).

(d) CHAIRPERSON.—The Chairperson of the Council shall alternate between the Secretary of Housing and Urban Development and the Secretary of Health and Human Services on an annual basis.

(e) VICE CHAIR.—Each year, the Council shall elect a Vice Chair from among its members.

(f) MEETINGS.—The Council shall meet at the call of its Chairperson or a majority of its members at any time, and no less often than quarterly. The Council shall hold meetings with stakeholders and other interested parties at least twice a year, so that the opinions of such parties can be taken into account and so that outside groups can learn of the Council's activities and plans.

SEC. 5. FUNCTIONS OF THE COUNCIL.

(a) RELEVANT ACTIVITIES.—In carrying out its objectives, the Council shall—

(1) review all Federal programs and services that assist seniors in finding, affording, and rehabilitating housing, including those that assist seniors in accessing health care, transportation, supportive services, and assistance with daily activities, where or close to where seniors live;

(2) monitor, evaluate, and recommend improvements in existing programs and services administered, funded, or financed by Federal, State, and local agencies to assist seniors in meeting their housing and service needs and make any recommendations about how agencies can better work to house and serve seniors; and

(3) recommend ways—

(A) to reduce duplication among programs and services by Federal agencies that assist seniors in meeting their housing and service needs;

(B) to ensure collaboration among and within agencies in the provision and availability of programs and services so that seniors are able to easily access needed programs and services;

(C) to work with States to better provide housing and services to seniors by—

(i) holding individual meetings with State representatives;

(ii) providing ongoing technical assistance to States in better meeting the needs of seniors; and

(iii) working with States to designate State liaisons to the Council;

(D) to identify best practices for programs and services that assist seniors in meeting their housing and service needs, including model—

(i) programs linking housing and services;

(ii) financing products offered by government, quasi-government, and private sector entities;

(iii) land use, zoning, and regulatory practices; and

(iv) innovations in technology applications that give seniors access to information on available services;

(E) to collect and disseminate information about seniors and the programs and services available to them to ensure that seniors can access comprehensive information;

(F) to hold biannual meetings with stakeholders and other interested parties (or to hold open Council meetings) to receive input and ideas about how to best meet the housing and service needs of seniors;

(G) to maintain an updated website of policies, meetings, best practices, programs, services, and any other helpful information to keep people informed of the Council's activities; and

(H) to work with the Federal Interagency Forum on Aging Statistics, the Census Bureau, and member agencies to collect and maintain data relating to the housing and service needs of seniors so that all data can be accessed in one place and to identify and address unmet data needs.

(b) REPORTS.—

(1) BY MEMBERS.—Each year, the head of each agency that is a member of the Council shall prepare and transmit to the Council a report that describes—

(A) each program and service administered by the agency that serves seniors and the number of seniors served by each program or service, the resources available in each, as well as a breakdown of where each program and service can be accessed;

(B) the barriers and impediments, including statutory or regulatory, to the access and use of such programs and services by seniors;

(C) the efforts made by each agency to increase opportunities for seniors to find and afford housing that meet their needs, including how the agency is working with other agencies to better coordinate programs and services; and

(D) any new data collected by each agency relating to the housing and service needs of seniors.

(2) BY THE COUNCIL.—Each year, the Council shall prepare and transmit to the President, the Senate Committee on Banking, Housing, and Urban Affairs, the Senate Committee on Health, Education, Labor, and Pensions, the House Financial Services Committee, and the House Committee on Education and the Workforce a report that—

(A) summarizes the reports required in paragraph (1);

(B) utilizes recent data to assess the nature of the problems faced by seniors in meeting their unique housing and service needs;

(C) provides a comprehensive and detailed description of the programs and services of the Federal Government in meeting the needs and problems described in subparagraph (B);

(D) describes the activities and accomplishments of the Council in working with Federal, State, and local governments, and private organizations in coordinating programs and services to meet the needs described in subparagraph (B) and the resources available to meet those needs;

(E) assesses the level of Federal assistance required to meet the needs described in subparagraph (B); and

(F) makes recommendations for appropriate legislative and administrative actions to meet the needs described in subparagraph (B) and for coordinating programs and services designed to meet those needs.

SEC. 6. POWERS OF THE COUNCIL.

(a) HEARINGS.—The Council may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Council considers advisable to carry out the purposes of this Act.

(b) INFORMATION FROM AGENCIES.—Agencies which are members of the Council shall provide all requested information and data to the Council as requested.

(c) POSTAL SERVICES.—The Council may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—The Council may accept, use, and dispose of gifts or donations of services or property.

SEC. 7. COUNCIL PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—All members of the Council who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council.

(c) STAFF.—

(1) IN GENERAL.—The Council shall, without regard to civil service laws and regulations, appoint and terminate an Executive Director and such other additional personnel as may be necessary to enable the Council to perform its duties.

(2) EXECUTIVE DIRECTOR.—The Council shall appoint an Executive Director at its initial meeting. The Executive Director shall be compensated at a rate not to exceed the rate of pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(3) COMPENSATION.—With the approval of the Council, the Executive Director may appoint and fix the compensation of such additional personnel as necessary to carry out the duties of the Council. The rate of compensation may be set without regard to the provisions of chapter 51 and subchapter II of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) TEMPORARY AND INTERMITTENT SERVICES.—In carrying out its objectives, the Council may procure temporary and intermittent services of consultants and experts under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(e) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Council, any Federal Government employee may be detailed to the Council without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(f) ADMINISTRATIVE SUPPORT.—The Secretary of Housing Urban Development and the Secretary of Health and Human Services shall provide the Council with such administrative and supportive services as are necessary to ensure that the Council can carry out its functions.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act, $1,500,000 for each of fiscal years 2005 through 2010.

ELDERLY HOUSING COALITION,
Washington, DC, April 5, 2005

Re support for Interagency Council on Housing and Service Needs of Seniors.

Hon. PAUL SARBANES,
Committee on Banking, Housing and Urban Affairs Committee, U.S. Senate, Washington, DC.

DEAR SENATOR SARBANES: The Elderly Housing Coalition (EHC) is comprised of organizations that represent providers of affordable housing and supportive service for the elderly. We are writing in enthusiastic support of your legislation that would establish the Interagency Council on Housing and Service Needs of Seniors. This Council is desperately needed and will help federal, state and local governments better serve the housing and service needs of our elderly population.

According to the Congressional Commission on Affordable Housing and Health Facility Needs for Seniors in the 21st Century, we must integrate our current fragmented system of programs that seniors rely on to find the housing and services they need. As the number of seniors grows exponentially and will, in fact, have doubled by 2030, we must find a way to use our resources more effectively.

Your bill will be a great first step to bringing the key governmental agencies together to identify how they can best work to maximize program efficiency and streamline access. Again, we are pleased to offer our support for this legislation establishing an interagency council and thank you for your leadership on this issue.

If there is anything that the Elderly Housing Coalition can do to help or if you have any questions about the EHC please contact Nancy Libson or Alayna Waldrum at (202) 783-2242.

Sincerely,

Alliance for Retired Americans.

American Association of Homes and Services for the Aging.

American Association of Service Coordinators.

Association of Jewish Aging Services of North America.

B'nai B'rith International.

Catholic Charities USA.

Catholic Health Association of the United States.

Council of Large Public Housing Authorities.

Elderly Housing Development and Operations Corporation.

Kinship Caregiver Resources/Intergenerational Village Project.

Local Initiatives Support Corporation.

National Association of Housing. Cooperatives.

National Association of Housing and Redevelopment Officials.

National Housing Conference.

National Low Income Housing Coalition.

National PACE Association.

Stewards of Affordable Housing for the Future.

Volunteers of America.

AMERICAN ASSOCIATION OF HOMES
AND SERVICES FOR THE AGING,
Washington, DC, April 5, 2005.

Re Interagency Council on Housing and Service Needs of Seniors Legislation.

Hon. PAUL SARBANES,
Committee on Banking, Housing and Urban Affairs Committee, U.S. Senate, Washington, DC.

DEAR SENATOR SARBANES: On behalf of AAHSA, I am writing to thank you for introducing legislation to establish an Interagency Council on Housing and Service Needs of Seniors. AAHSA members serve two million people every day through mission-driven, not-for-profit organizations dedicated to providing the services people need, when they need them, in the place they call home. Our members offer the continuum of aging services: assisted living residences, continuing care retirement communities, nursing homes, senior housing facilities, and outreach services. AAHSA's mission is to create the future of aging services through quality the public can trust.

Half of our members own or operate federally subsidized senior apartment buildings and work collaboratively with home and community based service providers that operate programs governed by a maze of departmental regulations. This unique perspective gives us and our members a bird's eye view of how important it is for the various federal agencies to work together to ensure the best care in the most responsive and efficient manner possible.

In 2002 the Commission on Affordable Housing and Health Facility Needs for Seniors in the 21st Century reported to Congress that a top priority for the federal government should be integrating the existing fragmented system of programs that seniors rely on to piece together the housing and services they need. Time is precious—the United States is facing exponential growth in our senior population, which will double by 2030. AAHSA members have created a number of successful models for combining services and senior housing. Unfortunately these are limited and difficult to replicate because of the programmatic barriers. Now is the time to get the policymakers to the table to address the barriers and opportunities that exist in our federal programs and how to make them work.

We know that this can be done. AAHSA strongly supports your bill, which will help the Executive branch and Federal agencies better coordinate the successful aging programs, as an important first step. Thank you for your leadership. If there is anything that AAHSA or my staff can do to support you, please do not hesitate to let me know. I can be reached at (202) 783-2242.

Sincerely,

LARRY MINNIX,
President and CEO.

AMERICAN ASSOCIATION OF
SERVICE COORDINATORS,
Columbus, OH, April 5, 2005.

Hon. PAUL SARBANES,
U.S. Senator,
Washington, DC.

DEAR SENATOR SARBANES: On behalf of the 1,600 members of the American Association of Service Coordinators (AASC), I want to express our support for your proposed legislation to establish an Interagency Council on Housing and Service Needs of Seniors. AASC believes that this bill is urgently needed to assist service coordinators and others seeking to bring together the various federal and other programs needed by older persons and other special populations.

In my testimony, before the Commission on Affordable Housing and Health Facility describing the present fragmented system, I stated that "even for long-time professionals, the current 'crazy-quilt' tapestry of services and shelter options makes it difficult to fully grasp their complexities, let alone try to access them. The results are confusion among consumers, duplication of service delivery, government agencies not knowing who supplies what service or that some services even exist, reduction in qualified service workers, regulations that impede dedicated service providers from providing the service they were hired and want to perform."

One of AASC recommendations to the Commission was the establishment of a cabinet-level department that would encompass in one entity housing, health care and other federal support programs serving the elderly to better focus federal policy and regulatory efforts, in conjunction with states and communities. AASC believes that your bill is an important step to establish a permanent national platform to address many of the cross-cutting needs and issues confronting increasing numbers of frail and vulnerable older persons.

As you may know, AASC is a national, nonprofit organization representing professional service coordinators who serve low-income older persons and other special populations living in federally assisted and public housing facilities nationwide, their caregivers, and others in their local community. Our dedicated membership consists of service coordinators, case managers and social workers, housing managers and administrators, housing management companies, public housing authorities, state housing finance agencies, state and local area agencies on aging and a broad range of national and state organizations and professionals involved in affordable, service-enhanced housing. Background information on AASC is available on our website: www.servicecoordinators.org.

We are grateful for your leadership on the vital issue. Please let me know how AASC can assist you to expedite enactment of this important legislation.

Sincerely,

JANICE MONKS,
President.

ELDERLY HOUSING DEVELOPMENT &
OPERATIONS CORPORATION,
Fort Lauderdale, FL, April 5, 2005.

Hon. PAUL SARBANES,
U.S. Senate,
Washington, DC.

DEAR SENATOR SARBANES: I am pleased that Elderly Housing Development and Operations Corporation (EHDOC) representing over 40 senior housing facilities in 14 states, is joining with other non-profit organizations involved with federally assisted senior housing to strongly support your bill to establish an Interagency Council on Housing and Service Needs of Seniors. We believe that the establishment of this Interagency Council will provide a cost-effective and efficient means to promote coordination between the various federal agencies involved with senior housing and services, particularly HUD and HHS.

EHDOC is well aware of the need to improve collaboration between the various federal agencies based on our efforts to assist low-income, frail elderly in Council House in Suitland, MD. Unfortunately, it is often difficult to link the various services needed to enable many frail elderly to remain in their homes as they age due to the existing fragmentation of federal housing, services and health care policies and programs.

The difficulty experienced by EHDOC with linking housing and services is repeated by many nonprofit sponsors of federally assisted senior housing throughout the country. As you know, I was I honored to serve as your appointee to the recent Commission on Affordable Housing and Health Care Facilities Needs of Older Persons. We repeatedly heard testimony from public and private agencies involved with senior housing, supportive services and health care, older persons and others, of their difficulties in bringing together these services to meet the needs of older persons.

As stated in the Senior Commissions' final report, "the very heart of this Commission's work is the recognition that the housing and service needs of seniors traditionally have been addressed in different 'worlds' that often fail to recognize or communicate with each other." Findings of the Commission concluded "while policymakers have struggled to be responsive to the needs of seniors, the very structure of Congressional committees and Federal agencies often makes it difficult to address complex needs in a comprehensive and coordinated fashion. For example: medical needs of seniors are addressed by Medicare and Medicaid; social service needs are addressed by Medicaid, the OAA, and other block grant programs; housing programs are administered by HUD and the Department of Agriculture's RHS; and transportation programs are administered by the U.S. Department of Transportation (DOT)."

We commend you for your leadership in addressing this critical need to effectively bring together the various federal agencies and others involved with affordable housing and service needs of older persons through the establishment of an Interagency Council on Senior Housing. Please let me if you have any questions or how EHDOC can assist you with the enactment of this important legislation.

Sincerely,

Steve Protulis,
Executive Director.

National PACE Association,
April 5, 2005.

Hon. Paul Sarbanes,
U.S. Senate,
Washington, DC.

Dear Senator Sarbanes: On behalf of the National PACE Association (NPA), I want to express our support for your bill to establish an Interagency Council on Housing and Service Needs of Seniors. NPA believes that this legislation is essential to provide effective linkages between housing, health care and services, and that the proposed Interagency Council will facilitate an effective national forum to promote coordination among key federal agencies involved with these programs, particularly HUD, HHS, CMS, and DOT.

As you may know, NPA represents nonprofit organizations in 21 states, including Hopkins ElderPlus in Baltimore that are providers of PACE—a Program of All-Inclusive Care for the Elderly. PACE programs coordinate and provide all needed preventive, primary, acute and long term care services so that older persons can continue living in the community. PACE serves individuals who are aged 55 or older, certified by their state to need nursing home care, are able to live safely in the community, and live in a state designated PACE service area. PACE provides a "one stop shop" for health and long-term care, and our members clearly understand through their extensive experience with the holistic needs of frail elderly, the interrelationship between housing, services, health and long-term care.

While housing is not a direct PACE benefit, our members have long recognized the importance of housing as a vital aspect of promoting wellness and quality of life for older persons. In fact, nearly all PACE programs nationwide serve enrollees who reside in public and federally assisted multifamily senior housing, and nearly one third of our members co-locate their PACE health care centers with senior housing or assisted living. Unfortunately, it is often difficult to link housing, services and health care due to conflicting funding streams, licensing, eligibility, and other factors.

Additional background information on PACE, NPA, and our members are available at our website: *www.npaonline.org*. Our members strongly support your bill and the prompt establishment of an Interagency Council on Senior Housing and Services. We are grateful for your leadership with this effort. Please let me know if you have any questions or how NPA can assist you with this effort to benefit low-income, frail elderly. I can be reached at 703-535-1567 or *shawnbanpaonline.org*.

Sincerely,

Shawn Bloom,
President and CEO.

By Mr. COLEMAN:

S. 706. A bill to convey all right, title, and interst of the United States in and to the land described in this Act to the Secretary of the Interior for the Prairie Island Indian Community in Minnestora; to the Committee on Indian Affairs.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 706

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Prairie Island Land Conveyance Act of 2005".

SEC. 2. PRAIRIE ISLAND LAND CONVEYANCE.

(a) In General.—The Secretary of the Army shall convey all right, title, and interest of the United States in and to the land described in subsection (b), including all improvements, cultural resources, and sites on the land, subject to the flowage and sloughing easement described in subsection (d) and to the conditions stated in subsection (f), to the Secretary of the Interior, to be—

(1) held in trust by the United States for the benefit of the Prairie Island Indian Community in Minnesota; and

(2) included in the Prairie Island Indian Community Reservation in Goodhue County, Minnesota.

(b) Land Description.—The land to be conveyed under subsection (a) is the approximately 1290 acres of land associated with the Lock and Dam #3 on the Mississippi River in Goodhue County, Minnesota, located in tracts identified as GO–251, GO–252, GO–271, GO–277, GO–278, GO–284, GO–301 through GO–313, GO–314A, GO–314B, GO–329, GO–330A, GO–330B, GO–331A, GO–331B, GO–331C, GO–332, GO–333, GO–334, GO–335A, GO–335B, GO–336 through GO–338, GO–339A, GO–339B, GO–339C, GO–339D, GO–339E, GO–340A, GO–340B, GO–358, GO–359A, GO–359B, GO–359C, GO–359D, and GO–360, as depicted on the map entitled "United States Army Corps of Engineers survey map of the Upper Mississippi River 9-Foot Project, Lock & Dam No. 3 (Red Wing), Land & Flowage Rights" and dated December 1936.

(c) Boundary Survey.—Not later than 5 years after the date of conveyance under subsection (a), the boundaries of the land conveyed shall be surveyed as provided in section 2115 of the Revised Statutes (25 U.S.C. 176).

(d) Easement.—

(1) In general.—The Corps of Engineers shall retain a flowage and sloughing easement for the purpose of navigation and purposes relating to the Lock and Dam No. 3 project over the portion of the land described in subsection (b) that lies below the elevation of 676.0.

(2) Inclusions.—The easement retained under paragraph (1) includes—

(A) the perpetual right to overflow, flood, and submerge property as the District Engineer determines to be necessary in connection with the operation and maintenance of the Mississippi River Navigation Project; and

(B) the continuing right to clear and remove any brush, debris, or natural obstructions that, in the opinion of the District Engineer, may be detrimental to the project.

(e) Ownership of Sturgeon Lake Bed Unaffected.—Nothing in this section diminishes or otherwise affects the title of the State of Minnesota to the bed of Sturgeon Lake located within the tracts of land described in subsection (b).

(f) Conditions.—The conveyance under subsection (a) is subject to the conditions that the Prairie Island Indian Community shall not—

(1) use the conveyed land for human habitation;

(2) construct any structure on the land without the written approval of the District Engineer; or

(3) conduct gaming (within the meaning of section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)) on the land.

(g) No Effect on Eligibility for Certain Projects.—Notwithstanding the conveyance under subsection (a), the land shall continue to be eligible for environmental management planning and other recreational or natural resource development projects on the same basis as before the conveyance.

(h) Effect of Section.—Nothing in this section diminishes or otherwise affects the rights granted to the United States pursuant to letters of July 23, 1937, and November 20, 1937, from the Secretary of the Interior to the Secretary of War and the letters of the Secretary of War in response to the Secretary of the Interior dated August 18, 1937, and November 27, 1937, under which the Secretary of the Interior granted certain rights to the Corps of Engineers to overflow the portions of Tracts A, B, and C that lie within the Mississippi River 9-Foot Channel Project boundary and as more particularly shown and depicted on the map entitled "United States Army Corps of Engineers survey map of the Upper Mississippi River 9-Foot Project, Lock & Dam No. 3 (Red Wing), Land & Flowage Rights" and dated December 1936.

By Mr. ALEXANDER (for himself and Mr. Dodd):

S. 707. A bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity: to the Committee on Health, Education, Labor and Pensions.

Mr. ALEXANDER. Mr. President, today I am reintroducing the Prematurity Research Expansion and Education for Mothers who deliver Infants Early Act, or PREEMIE Act. This bipartisan bill expands research into the causes and prevention of prematurity, babies born 3 weeks or more early, and increases education and support services related to prematurity. I am pleased that Senator Dodd is once again my partner on this legislation and we hope the Senate will pass the PREEMIE Act in this Congress.

In June 2004, the Subcommittee on Children and Families, which I chaired, held a hearing to learn about the problem of premature birth. Unfortunately, Tennessee has the fourth highest rate of premature birth in the country. Fourteen percent of Tennessee babies are born prematurely. In an average week in Tennessee, 210 babies are born prematurely. Premature infants are 14 times more likely to die in the first year of life. It is the No. 1 cause of infant death in the first month of life. Premature babies who survive may suffer lifelong consequences including: cerebral palsy, mental retardation, chronic lung disease, and vision and hearing loss.

In February 2004, the National Center for Health Statistics, NCHS, reported the first increase in the U.S. infant mortality rate since 1958, from 6.8 infant deaths per 1,000 live births in 2001 to 7.0 in 2000. This increase is extremely disturbing because the infant mortality rate is a measure of the health of society. NCHS subsequently reported that 61 percent of this increase in infant mortality was due to an increase in the birth of premature and low birthweight babies. Almost half the cases of premature birth have no known cause—any pregnant woman is at risk. We must address this issue.

Finally, this is a costly problem. In 2002, the estimated charges for hospital stays for infants with a diagnosis of preterm birth or low birthweight, LBW, were $15.5 billion. The average hospital charge per infant stay with a principal diagnosis of prematurity/LBW was $79,000, with an average hospital stay of 24.2 days. Hospital charges for newborn stays without complications averaged $1,500 in 2002, with an average hospital stay of 2.0 days. Employers carry much of the burden. Almost half of that $15.5 billion was billed to employers or other private insurers, according to the March of Dimes. The other half is billed to Medicaid.

As a nation, we must address this problem. The PREEMIE Act calls for expanding Federal research related to preterm labor and delivery and increasing public and provider education and support services. It is supported by the March of Dimes, the American Academy of Pediatrics, the American College of Obstetricians and Gynecologists, the Association of Women's Health, Obstetric and Neonatal Nurses, and many others.

I hope my colleagues will join me in the fight to ensure a healthy start for all of American's children by cosponsoring and working with me for passage of the PREEMIE Act during this Congress.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 707

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Prematurity Research Expansion and Education for Mothers who deliver Infants Early Act" or the "PREEMIE Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Premature birth is a serious and growing problem. The rate of preterm birth increased 27 percent between 1982 and 2002 (from 9.4 percent to 11.9 percent). In 2001, more than 480,000 babies were born prematurely in the United States.

(2) Preterm birth accounts for 24 percent of deaths in the first month of life.

(3) Premature infants are 14 times more likely to die in the first year of life.

(4) Premature babies who survive may suffer lifelong consequences, including cerebral palsy, mental retardation, chronic lung disease, and vision and hearing loss.

(5) Preterm and low birthweight birth is a significant financial burden in health care. The estimated charges for hospital stays for infants with any diagnosis of prematurity/low birthweight were $15,500,000,000 in 2002. The average lifetime medical costs of a premature baby are conservatively estimated at $500,000.

(6) The proportion of preterm infants born to African-American mothers (17.3 percent) was significantly higher compared to the rate of infants born to white mothers (10.6 percent). Prematurity or low birthweight is the leading cause of death for African-American infants.

(7) The cause of approximately half of all premature births is unknown.

(8) Women who smoke during pregnancy are twice as likely as nonsmokers to give birth to a low birthweight baby. Babies born to smokers weigh, on average, 200 grams less than nonsmokers' babies.

(9) To reduce the rates of preterm labor and delivery more research is needed on the underlying causes of preterm delivery, the development of treatments for prevention of preterm birth, and treatments improving outcomes for infants born preterm.

(b) PURPOSES.—It the purpose of this Act to—

(1) reduce rates of preterm labor and delivery;

(2) work toward an evidence-based standard of care for pregnant women at risk of preterm labor or other serious complications, and for infants born preterm and at a low birthweight; and

(3) reduce infant mortality and disabilities caused by prematurity.

SEC. 3. RESEARCH RELATING TO PRETERM LABOR AND DELIVERY AND THE CARE, TREATMENT, AND OUTCOMES OF PRETERM AND LOW BIRTHWEIGHT INFANTS.

(a) GENERAL EXPANSION OF NIH RESEARCH.—Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by adding at the end the following:

"SEC. 409J. EXPANSION AND COORDINATION OF RESEARCH RELATING TO PRETERM LABOR AND DELIVERY AND INFANT MORTALITY.

"(a) IN GENERAL.—The Director of NIH shall expand, intensify, and coordinate the activities of the National Institutes of Health with respect to research on the causes of preterm labor and delivery, infant mortality, and improving the care and treatment of preterm and low birthweight infants.

"(b) AUTHORIZATION OF RESEARCH NETWORKS.—There shall be established within the National Institutes of Health a Maternal-Fetal Medicine Units Network and a Neonatal Research Units Network. In complying with this subsection, the Director of NIH shall utilize existing networks.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2005 through 2009.".

(b) GENERAL EXPANSION OF CDC RESEARCH.—Section 301 of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

"(e) The Director of the Centers for Disease Control and Prevention shall expand, intensify, and coordinate the activities of the Centers for Disease Control and Prevention with respect to preterm labor and delivery and infant mortality.".

(c) STUDY ON ASSISTED REPRODUCTION TECHNOLOGIES.—Section 1004(c) of the Children's Health Act of 2000 (Public Law 106-310) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(4) consider the impact of assisted reproduction technologies on the mother's and children's health and development.".

(d) STUDY ON RELATIONSHIP BETWEEN PREMATURITY AND BIRTH DEFECTS.—

(1) IN GENERAL.—The Director of the Centers for Disease Control and Prevention shall conduct a study on the relationship between prematurity, birth defects, and developmental disabilities.

(2) REPORT.—Not later than 2 year after the date of enactment of this Act, the Director of the Centers for Disease Control and Prevention shall submit to the appropriate committees of Congress a report concerning the results of the study conducted under paragraph (1).

(e) REVIEW OF PREGNANCY RISK ASSESSMENT MONITORING SURVEY.—The Director of the Centers for Disease Control and Prevention shall conduct a review of the Pregnancy Risk Assessment Monitoring Survey to ensure that the Survey includes information relative to medical care and intervention received, in order to track pregnancy outcomes and reduce instances of preterm birth.

(f) STUDY ON THE HEALTH AND ECONOMIC CONSEQUENCES OF PRETERM BIRTH.—

(1) IN GENERAL.—The Director of the National Institutes of Health in conjunction with the Director of the Centers for Disease Control and Prevention shall enter into a contract with the Institute of Medicine of the National Academy of Sciences for the conduct of a study to define and address the health and economic consequences of preterm birth. In conducting the study, the Institute of Medicine shall—

(A) review and assess the epidemiology of premature birth and low birthweight, and the associated maternal and child health effects in the United States, with attention paid to categories of gestational age, plurality, maternal age, and racial or ethnic disparities;

(B) review and describe the spectrum of short and long-term disability and health-related quality of life associated with premature births and the impact on maternal health, health care and quality of life, family employment, caregiver issues, and other social and financial burdens;

(C) assess the direct and indirect costs associated with premature birth, including morbidity, disability, and mortality;

(D) identify gaps and provide recommendations for feasible systems of monitoring and assessing associated economic and quality of life burdens associated with prematurity;

(E) explore the implications of the burden of premature births for national health policy;

(F) identify community outreach models that are effective in decreasing prematurity rates in communities;

(G) consider options for addressing, as appropriate, the allocation of public funds to biomedical and behavioral research, the costs and benefits of preventive interventions, public health, and access to health care; and

(H) provide recommendations on best practices and interventions to prevent premature birth, as well as the most promising areas of research to further prevention efforts.

(2) REPORT.—Not later than 1 year after the date on which the contract is entered into under paragraph (1), the Institute of Medicine shall submit to the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention, and the appropriate committees of Congress a report concerning the results of the study conducted under such paragraph.

(g) EVALUATION OF NATIONAL CORE PERFORMANCE MEASURES.—

(1) IN GENERAL.—The Administrator of the Health Resources and Services Administration shall conduct an assessment of the current national core performance measures and national core outcome measures utilized under the Maternal and Child Health Block Grant under title V of the Social Security Act (42 U.S.C. 701 et seq.) for purposes of expanding such measures to include some of the known risk factors of low birthweight and prematurity, including the percentage of infants born to pregnant women who smoked during pregnancy.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Health Resources and Services Administration shall submit to the appropriate committees of Congress a report concerning the results of the evaluation conducted under paragraph (1).

SEC. 4. PUBLIC AND HEALTH CARE PROVIDER EDUCATION AND SUPPORT SERVICES.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

"SEC. 399O. PUBLIC AND HEALTH CARE PROVIDER EDUCATION AND SUPPORT SERVICES.

"(a) IN GENERAL.—The Secretary, directly or through the awarding of grants to public or private nonprofit entities, shall conduct a demonstration project to improve the provision of information on prematurity to health professionals and other health care providers and the public.

"(b) ACTIVITIES.—Activities to be carried out under the demonstration project under subsection (a) shall include the establishment of programs—

"(1) to provide information and education to health professionals, other health care providers, and the public concerning—

"(A) the signs of preterm labor, updated as new research results become available;

"(B) the screening for and the treating of infections;

"(C) counseling on optimal weight and good nutrition, including folic acid;

"(D) smoking cessation education and counseling; and

"(E) stress management; and

"(2) to improve the treatment and outcomes for babies born premature, including the use of evidence-based standards of care by health care professionals for pregnant women at risk of preterm labor or other serious complications and for infants born preterm and at a low birthweight.

"(c) REQUIREMENT.—Any program or activity funded under this section shall be evidence-based.

"(d) NICU FAMILY SUPPORT PROGRAMS.—The Secretary shall conduct, through the awarding of grants to public and nonprofit private entities, projects to respond to the emotional and informational needs of families during the stay of an infant in a neonatal intensive care unit, during the transition of the infant to the home, and in the event of a newborn death. Activities under such projects may include providing books and videos to families that provide information about the neonatal intensive care unit experience, and providing direct services that provide emotional support within the neonatal intensive care unit setting.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2005 through 2009.".

SEC. 5. INTERAGENCY COORDINATING COUNCIL ON PREMATURITY AND LOW BIRTHWEIGHT.

(a) PURPOSE.—It is the purpose of this section to stimulate multidisciplinary research, scientific exchange, and collaboration among the agencies of the Department of Health and Human Services and to assist the Department in targeting efforts to achieve the greatest advances toward the goal of reducing prematurity and low birthweight.

(b) ESTABLISHMENT.—The Secretary of Health and Human Services shall establish an Interagency Coordinating Council on Prematurity and Low Birthweight (referred to in this section as the Council) to carry out the purpose of this section.

(c) COMPOSITION.—The Council shall be composed of members to be appointed by the Secretary, including representatives of—

(1) the agencies of the Department of Health and Human Services; and

(2) voluntary health care organizations, including grassroots advocacy organizations, providers of specialty obstetrical and pediatric care, and researcher organizations.

(d) ACTIVITIES.—The Council shall—

(1) annually report to the Secretary of Health and Human Services on current Departmental activities relating to prematurity and low birthweight;

(2) plan and hold a conference on prematurity and low birthweight under the sponsorship of the Surgeon General;

(3) establish a consensus research plan for the Department of Health and Human Services on prematurity and low birthweight;

(4) report to the Secretary of Health and Human Services and the appropriate committees of Congress on recommendations derived from the conference held under paragraph (2) and on the status of Departmental research activities concerning prematurity and low birthweight;

(5) carry out other activities determined appropriate by the Secretary of Health and Human Services; and

(6) oversee the coordination of the implementation of this Act.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act, such sums as may be necessary for each of fiscal years 2005 through 2009.

Mr. DODD. Mr. President, I rise today to join Senator ALEXANDER in reintroducing the Prematurity Research Expansion and Education for Mothers Who Deliver Infants Early (PREEMIE) Act—legislation intended to address the growing crisis of premature birth in our nation.

I think when many of us hear about a baby being born early, we don't give much thought to what it means. After all, it is not all that uncommon—I'm sure that almost all of my colleagues knows someone born prematurely. Thanks to modem medicine it is also not uncommon for a baby born early to end up healthy and happy.

But this feeling that prematurity is somehow "normal" or to be expected masks a growing health crisis. Prematurity has real consequences in health and economic terms. We need to bring to light this issue that affects some of the most vulnerable members of our society: newborn babies.

As a member of the Health, Education, Labor, and Pensions (HELP) Committee I, along with my colleagues, have devoted much time and effort to improving the health of our nation's children and infants. And yet despite our efforts, the problem of prematurity continues to persist and even grow. What is so striking about prematurity is how many parents face these enormous emotional and financial burdens. Nearly 1 out of every 8 babies in the United States is born prematurely—that's 1,300 babies each day, and over 470,000 each year (including more than 4,000 in my home state of Connecticut).

Despite all of the health care advances of the last decades, the problem of prematurity is not in any way abating. According to recent data released by the National Center for Health Statistics, in 2002 the infant mortality rate actually increased for the first time since 1958. Much of this increase is attributable to infant death in the first month of life—of which prematurity is the leading cause. Since 1981, the premature birth rate has increased by 27 percent. This stands in stark contrast to some of the breathtaking medical discoveries of the past two decades. We can now treat and even cure many types of cancer, but we can't prevent babies from being born too soon.

Mr. President, the consequences of prematurity are devastating. As I mentioned earlier, it is the leading cause of neonatal death—a tragedy that no family should have to face. For those infants that survive, a lifetime of severe health problems is not uncommon. Prematurity has been linked to such long-term health problems as cerebral palsy, mental retardation, chronic lung disease, and vision and hearing loss. Premature babies have the deck stacked against them from the moment they are born. And even in the fortunate cases where there are no life-long health consequences, the experience of a premature birth takes an enormous emotional toll on a family.

Prematurity also carries a significant economic cost. According to a recent study conducted by the March of Dimes, hospitalizations due to prematurity cost a total of $15.5 billion during the year 2002—accounting for nearly half of all hospital charges for infants in this country. And this number does not even include the cost of care for problems later in life resulting from a premature birth. Much of this cost falls on employers who are already bearing the weight of skyrocketing health care costs.

Given the emotional and economic toll that prematurity takes on this country, we know remarkably little about why it happens, and how it can be prevented. Some of the risk factors associated with preterm birth are known, including advanced age of the mother, smoking, and certain chronic diseases. But nearly 50 percent of all premature births have no known cause. And because we know so little about the causes of prematurity, we also do not know how to prevent it.

For such a large (and growing) problem, it is astounding how little we know. It is critical that we make a national commitment to solving this puzzle. We must do everything we can to expand research—both public and private—into the root causes of prematurity.

Senator ALEXANDER and I are introducing the PREEMIE Act for precisely this reason. Our bill would coordinate and expand research related to prematurity at the Federal level. It would also educate health care providers and the general public about the risks of prematurity, and measures that can be taken before and during pregnancy to prevent it. Pregnant mothers need to know the warning signs and symptoms of premature labor—and they need to know what to do if they begin to notice those signs.

Finally, because we will never eliminate prematurity completely, our legislation would provide support services to families impacted by a premature birth. As we're investigating the causes of prematurity and increasing awareness in expectant parents, we need to reach out to the mothers and fathers across our country whose children are born too soon. We need to give them emotional support during the difficult days, weeks, and months that often follow a premature birth. We need to make sure that the doctors, nurses, and other hospital staff who care for premature babies are sensitive to the needs of their parents, their brothers, and their sisters. And we need to make sure that when the time finally comes to bring a premature baby home, parents have all the information they need to make that transition.

It is my hope that this legislation will complement and support some of the efforts going on in the private sector—such as the March of Dimes ambitious campaign to increase public awareness and reduce the rate of preterm birth. I urge all of my colleagues to join us in support of this important legislation.

By Mr. WYDEN (for himself and Mr. SMITH):

S. 708. A bill to amend title XVIII of the Social Security Act to provide medicare beneficiaries with access to information concerning the quality of care provided by skilled nursing facilities and to provide incentives to skilled nursing facilities to improve the quality of care provided by those facilities by linking the amount of payment under the medicare program to quality reporting and performance requirements, and for other purposes; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise today to introduce the Long Term Care Quality and Consumer Information Improvement Act of 2005. Medicare spending for skilled nursing facilities grew rapidly during the late 1980s and 1990s increasing from almost $4 billion in 1992 to $12.9 billion in 1997. While spending has increased under Medicare, there has not been an effort to reward skilled nursing facilities that have provided exceptional care to seniors.

The bill I am introducing today with my colleague from Oregon, Senator WYDEN, will establish a system to reward skilled nursing facilities that provide exceptional care. We should take steps to ensure that skilled nursing facilities that are providing the best care be rewarded. We must also create incentives for other facilities to strive to provide excellent care.

The Long Term Care Quality and Consumer Information Improvement Act of 2005 directs the Secretary of Health and Human Services to establish 10 to 15 quality measures for skilled nursing facilities. While establishing these measures, the Secretary must consult with residents of skilled nursing facilities, patient advocacy organizations, state regulatory representatives, representatives from the skilled nursing facility industry and quality measure experts. The quality ratings for the facilities will then be published on the Centers for Medicare and Medicaid Services' website and published in newspapers with a national circulation.

The quality measures created by this bill will be used as an incentive for facilities to provide excellent care. Skilled nursing facilities that submit data shall receive a full market basket update and starting in fiscal year 2006 skilled nursing facilities that are in the top 10 percent of facilities will receive a 2 percent payment bonus. Skilled nursing facilities that are below the top 10 percent, but within the top 20 percent shall receive a one percent payment bonus.

The increased public disclosure of facility-specific quality data and the financial incentives included in this bill will spur competition and improved performance in skilled nursing facilities. I believe that we need to help the 77 million elderly and disabled Americans who are in nursing homes by making sure they receive the highest quality care possible.

Mr. President, I look forward to working with my fellow Senators and with the chairman of the Finance Committee on this important bill in the upcoming months, and I urge my colleagues to join us in support of this legislation.

Mr. WYDEN. Mr. President, I rise to discuss a bill I am introducing today, "The Long Term Care Quality and Consumer Information Act".

As we begin discussions on how to assure that we reward quality health care, I believe we need to include long term care as part of that discussion. Nursing homes sever some of the most vulnerable among us, and assuring quality of care is encouraged and rewarded is important. I hope that this bill will spark a serious debate about how we pay for quality care. This proposal establishes a voluntary system under which nursing homes providing better quality of care would receive higher payment and in turn would provide more information about the quality of care provided. Information would include nurse staffing ratios and would be made public to consumers and their families.

Historically, Americans have been paying the same for quality health care as for mediocre care. Efforts have been made by some in the private sector to better recognize and provide incentives for those providers who consistently provide a higher level of care. The Institute of Medicine in its report "Leading by Example," declared the government should take the lead in improving health care by giving financial rewards to hospitals and doctors who improve care for beneficiaries in six Federal programs, including Medicare and Medicaid and the Veterans Health Administration. The IOM report also said the government should collect and make available to the public data comparing the quality of care among poviders. The Centers for Medicare and Medicaid Services has begun pilot programs. I think nursing homes should also be an area in which we explore payment policies that regard those providing a higher quality of care.

I look forward to continuing the discussion with all stakeholders about these concepts so we can assure a high level of care and find ways to help providers improve the level of care they provide.

By Mr. DEWINE (for himself, Mr. REED, Mr. BURR, and Mr. DODD):

S. 709. A bill to amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DEWINE. Mr. President, today I rise with my colleague, Senator JACK REED, to reintroduce the Services for Ending Long-Term Homelessness Act. I would like to thank Senator REED for his support in introducing this bill and for his dedication and commitment to this issue. I also would like to thank Senator BURR for his work on this bill. Senator BURR introduced a similar version of this bill when he was a member of the House of Representatives. I appreciate his support and the support of Senator DODD, as well. Both are cosponsors of this legislation.

The chronically homeless represent about 10 percent of the entire homeless population, but consume a majority of the services. There are approximately 200,000 to 250,000 people who experience chronic homelessness. Those numbers include the heads of families, as well.

Tragically, for these individuals, the periods of homelessness are measured in years—not weeks or months. They tend to have disabling health and behavioral health problems: 40 percent have substance abuse disorders, 25 percent have a physical disability, and 20 percent have serious mental illness. These factors often contribute to a person becoming homeless, in the first place, and are certainly an impediment to overcoming it.

The President has set a goal of ending chronic homelessness in 10 years. The President's New Freedom Commission on Mental Health, chaired by the Ohio Department of Mental Health Director, Mike Hogan, recommended that a comprehensive program be created to facilitate access to permanent supportive housing for individuals and families who are chronically homeless. This recommendation is so important because affordable housing, alone, is not enough for this hard to reach group. And, temporary shelter-housing does not provide the stability and services needed to provide long-term positive outcomes. Only supportive housing, where the chronically homeless can receive shelter and services, such as mental health and substance abuse treatment, has been effective in decreasing their chances of returning to the streets and increasing their chances for leading productive lives.

Not only is it right to help this group of hard to reach individuals, but it is also fiscally responsible. This group is one of the most expensive groups to serve. As I mentioned previously, they represent 10 percent of the overall homeless population, however, they consume a majority of homeless services. They consume the most emergency housing and health care services, which are also the most costly to provide. By encouraging supportive housing, we are providing the services necessary for these individuals and families to really get back on their feet. We can either continue to provide expensive emergency services to these needy people or we can give them the right kind of help—the type of help they need for their long-term well-being and the long-term well-being of our communities.

Unfortunately, current programs for funding services in permanent supportive housing, other than those administered by the Department of Housing and Urban Development, were not designed to be coordinated with housing programs. These programs also were not designed to meet the challenging needs of this specific subgroup of the homeless. That is why the bill we are introducing today would provide the authorization to fund services for supportive housing by providing grants which can be used with existing programs through HUD and state and local communities.

Our bill also would encourage those who provide services to the chronically homeless, such as SAMHSA within the Department of Health and Human Services, to work with and coordinate their efforts with those who provide the physical housing, such as HUD. Under the current administration, these two departments have started to truly coordinate their efforts, and this bill would encourage and support that continued collaboration.

This is a good bill, Mr. President, and it could make a real difference in the lives of so many individuals in need. I ask my colleagues to join us in support.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 709

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Services for Ending Long-Term Homelessness Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Nationally, there are approximately 200,000 to 250,000 people who experience chronic homelessness, including some families with children. Chronically homeless people often live in shelters or on the streets for years at a time, experience repeated episodes of homelessness without achieving housing stability, or cycle between homelessness, jails, mental health facilities, and hospitals.

(2) The President's New Freedom Commission on Mental Health recommended the development and implementation of a comprehensive plan designed to facilitate access to 150,000 units of permanent supportive housing for consumers and families who are chronically homeless. The Commission found that affordable housing alone is insufficient for many people with severe mental illness, and that flexible, mobile, individualized support services are also necessary to support and sustain consumers in their housing.

(3) Congress and the President have set a goal of ending chronic homelessness in 10 years.

(4) Permanent supportive housing is a proven and cost effective solution to chronic homelessness. A recent study by the University of Pennsylvania found that each unit of supportive housing for homeless people with mental illness in New York City resulted in public savings of $16,281 per year in systems of care such as mental health, human services, health care, veterans' affairs, and corrections.

(5) Current programs for funding services in permanent supportive housing, other than those administered by the Department of Housing and Urban Development, were not designed to be closely coordinated with housing resources, nor were they designed to meet the multiple needs of people who are chronically homeless.

SEC. 3. DUTIES OF ADMINISTRATOR OF SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION.

Section 501(d) of the Public Health Service Act (42 U.S.C. 290aa(d)) is amended—

(1) in paragraph (17), by striking "and" at the end;

(2) in paragraph (18), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(19) collaborate with Federal departments and programs that are part of the President's Interagency Council on Homelessness, particularly the Department of Housing and Urban Development, the Department of Labor, and the Department of Veterans Affairs, and with other agencies within the Department of Health and Human Services, particularly the Health Resources and Services Administration, the Administration on Children and Families, and the Centers for Medicare and Medicaid Services, to design national strategies for providing services in supportive housing that will assist in ending chronic homelessness and to implement programs that address chronic homelessness.".

SEC. 4. GRANTS FOR SERVICES FOR CHRONICALLY HOMELESS INDIVIDUALS IN SUPPORTIVE HOUSING.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following:

"PART J—GRANTS FOR SERVICES TO END CHRONIC HOMELESSNESS

"SEC. 596. GRANTS FOR SERVICES TO END CHRONIC HOMELESSNESS.

"(a) IN GENERAL.—

"(1) GRANTS.—The Secretary shall make grants to entities described in paragraph (2) for the purpose of carrying out projects to provide the services described in subsection (d) to chronically homeless individuals in permanent supportive housing.

"(2) ELIGIBLE ENTITIES.—For purposes of paragraph (1), an entity described in this paragraph is—

"(A) a State or political subdivision of a State, an Indian tribe or tribal organization, or a public or nonprofit private entity, including a community-based provider of homelessness services, health care, housing, or other services important to individuals experiencing chronic homelessness; or

"(B) a consortium composed of entities described in subparagraph (A), which consortium includes a public or nonprofit private entity that serves as the lead applicant and has responsibility for coordinating the activities of the consortium.

"(b) PRIORITIES.—In making grants under subsection (a), the Secretary shall give priority to applicants demonstrating that the applicants—

"(1) target funds to individuals or families who—

"(A) have been homeless for longer periods of time or have experienced more episodes of homelessness than are required to meet the definition of chronic homelessness under this section;

"(B) have high rates of utilization of emergency public systems of care; or

"(C) have a history of interactions with law enforcement and the criminal justice system;

“(2) have greater funding commitments from State or local government agencies responsible for overseeing mental health treatment, substance abuse treatment, medical care, and employment (including commitments to provide Federal funds in accordance with subsection (e)(2)(B)(ii));

“(3) will provide for an increase in the number of units of permanent supportive housing that would serve chronically homeless individuals in the community as a result of an award of a grant under subsection (a); and

“(4) have demonstrated experience providing services to address the mental health and substance abuse problems of chronically homeless individuals living in permanent supportive housing settings.

“(c) GEOGRAPHIC DISTRIBUTION.—The Secretary shall ensure that consideration is given to geographic distribution (such as urban and rural areas) in the awarding of grants under subsection (a).

“(d) SERVICES.—The services referred to in subsection (a) are the following:

“(1) Services provided by the grantee or by qualified subcontractors that promote recovery and self-sufficiency and address barriers to housing stability, including but not limited to the following:

“(A) Mental health services, including treatment and recovery support services.

“(B) Substance abuse treatment and recovery support services, including counseling, treatment planning, recovery coaching, and relapse prevention.

“(C) Integrated, coordinated treatment and recovery support services for co-occurring disorders.

“(D) Health education, including referrals for medical and dental care.

“(E) Services designed to help individuals make progress toward self-sufficiency and recovery, including benefits advocacy, money management, life-skills training, self-help programs, and engagement and motivational interventions.

“(F) Parental skills and family support.

“(G) Case management.

“(H) Other supportive services that promote an end to chronic homelessness.

“(I) Coordination or partnership with other agencies, programs, or mainstream benefits to maximize the availability of services and resources to meet the needs of chronically homeless persons living in supportive housing using cost-effective approaches that avoid duplication.

“(J) Data collection and measuring performance outcomes as specified in subsection (k).

“(2) Services, as described in paragraph (1), that are delivered to individuals and families who are chronically homeless and who are scheduled to become residents of permanent supportive housing within 90 days pending the location or development of an appropriate unit of housing.

“(3) For individuals and families who are otherwise eligible, and who have voluntarily chosen to seek other housing opportunities after a period of tenancy in supportive housing, services, as described in paragraph (1), that are delivered, for a period of 90 days after exiting permanent supportive housing or until the individuals have transitioned to comprehensive services adequate to meet their current needs, provided that the purpose of the services is to support the individuals in their choice to transition into housing that is responsive to their individual needs and preferences.

“(e) MATCHING FUNDS.—

“(1) IN GENERAL.—A condition for the receipt of a grant under subsection (a) is that, with respect to the cost of the project to be carried out by an applicant pursuant to such subsection, the applicant agree as follows:

“(A) In the case of the initial grant pursuant to subsection (j)(1)(A), the applicant will, in accordance with paragraphs (2) and (3), make available contributions toward such costs in an amount that is not less than $1 for each $3 of Federal funds provided in the grant.

“(B) In the case of a renewal grant pursuant to subsection (j)(1)(B), the applicant will, in accordance with paragraphs (2) and (3), make available contributions toward such costs in an amount that is not less than $1 for each $1 of Federal funds provided in the grant.

“(2) SOURCE OF CONTRIBUTION.—For purposes of paragraph (1), contributions made by an applicant are in accordance with this paragraph if made as follows:

“(A) The contribution is made from funds of the applicant or from donations from public or private entities.

“(B) Of the contribution—

“(i) not less than 80 percent is from non-Federal funds; and

“(ii) not more than 20 percent is from Federal funds provided under programs that—

“(I) are not expressly directed at services for homeless individuals, but whose purposes are broad enough to include the provision of a service or services described in subsection (d) as authorized expenditures under such program; and

“(II) do not prohibit Federal funds under the program from being used to provide a contribution that is required as a condition for obtaining Federal funds.

“(3) DETERMINATION OF AMOUNT CONTRIBUTED.—Contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of non-Federal contributions required in paragraph (2)(B)(i).

“(f) ADMINISTRATIVE EXPENSES.—A condition for the receipt of a grant under subsection (a) is that the applicant involved agree that not more than 10 percent of the grant will be expended for administrative expenses with respect to the grant. Expenses for data collection and measuring performance outcomes as specified in subsection (k) shall not be considered as administrative expenses subject to the limitation in this subsection.

“(g) CERTAIN USES OF FUNDS.—Notwithstanding other provisions of this section, a grantee under subsection (a) may expend not more than 20 percent of the grant to provide the services described in subsection (d) to homeless individuals who are not chronically homeless.

“(h) APPLICATION FOR GRANT.—A grant may be made under subsection (a) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

“(i) CERTAIN REQUIREMENTS.—A condition for the receipt of a grant under subsection (a) is that the applicant involved demonstrate the following:

“(1) The applicant and all direct providers of services have the experience, infrastructure, and expertise needed to ensure the quality and effectiveness of services, which may be demonstrated by any of the following:

“(A) Compliance with all local, city, county, or State requirements for licensing, accreditation, or certification (if any) which are applicable to the proposed project.

“(B) A minimum of two years experience providing comparable services that do not require licensing, accreditation, or certification.

“(C) Certification as a Medicaid service provider, including health care for the homeless programs and community health centers.

“(D) An executed agreement with a relevant State or local government agency that will provide oversight over the mental health, substance abuse, or other services that will be delivered by the project.

“(2) There is a mechanism for determining whether residents are chronically homeless. Such a mechanism may rely on local data systems or records of shelter admission. If there are no sources of data regarding the duration or number of homeless episodes, or if such data are unreliable for the purposes of this subsection, an applicant must demonstrate that the project will implement appropriate procedures, taking into consideration the capacity of local homeless service providers to document episodes of homelessness and the challenges of engaging persons who have been chronically homeless, to verify that an individual or family meets the definition for being chronically homeless under this section.

“(3) The applicant participates in a local, regional, or statewide homeless management information system.

“(j) DURATION OF INITIAL AND RENEWAL GRANTS; ADDITIONAL PROVISIONS REGARDING RENEWAL GRANTS.—

“(1) IN GENERAL.—Subject to paragraphs (2) and (3), the period during which payments are made to a grantee under subsection (a) shall be in accordance with the following:

“(A) In the case of the initial grant, the period of payments shall be not less than three years and not more than five years.

“(B) In the case of a subsequent grant (referred to in this subsection as a ‘renewal grant’), the period of payments shall be not more than five years.

“(2) ANNUAL APPROVAL; AVAILABILITY OF APPROPRIATIONS; NUMBER OF GRANTS.—The provision of payments under an initial or renewal grant is subject to annual approval by the Secretary of the payments and to the availability of appropriations for the fiscal year involved to make the payments. This subsection may not be construed as establishing a limitation on the number of grants under subsection (a) that may be made to an entity.

“(3) ADDITIONAL PROVISIONS REGARDING RENEWAL GRANTS.—

“(A) COMPLIANCE WITH MINIMUM STANDARDS.—A renewal grant may be made by the Secretary only if the Secretary determines that the applicant involved has, in the project carried out with the grant, maintained compliance with minimum standards for quality and successful outcomes for housing retention, as determined by the Secretary.

“(B) AMOUNT.—The maximum amount of a renewal grant under this subsection shall not exceed an amount equal to—

“(i) 75 percent of the amount of Federal funds provided in the final year of the initial grant period; or

“(ii) 50 percent of the total costs of sustaining the program funded under the grant at the level provided for in the year preceding the year for which the renewal grant is being awarded;

as determined by the Secretary.

"(k) STRATEGIC PERFORMANCE OUTCOMES AND REPORTS.—

"(1) IN GENERAL.—The Secretary shall, as a condition of the receipt of grants under subsection (a), require grantees to provide data regarding the performance outcomes of the projects carried out under the grants. Consistent with the requirements and procedures established by the Secretary, each grantee shall measure and report specific performance outcomes related to the long-term goals of increasing stability within the community for people who have been chronically homeless, and decreasing the recurrence of periods of homelessness.

"(2) PERFORMANCE OUTCOMES.—The performance outcomes described under paragraph (1) shall include, with respect to individuals who have been chronically homeless—

"(A) improvements in housing stability;

"(B) improvements in employment and education;

"(C) reductions in problems related to substance abuse;

"(D) reductions in problems related to mental health disorders; and

"(E) other areas as the Secretary determines appropriate.

"(3) COORDINATION AND CONSISTENCY WITH OTHER HOMELESS ASSISTANCE PROGRAMS.—

"(A) PROCEDURES.—In establishing strategic performance outcomes and reporting requirements under paragraph (1), the Secretary shall develop and implement procedures that minimize the costs and burdens to grantees and program participants, and that are practical, streamlined, and designed for consistency with the requirements of the homeless assistance programs administered by the Secretary of Housing and Urban Development.

"(B) APPLICANT COORDINATION.—Applicants under this section shall coordinate with community stakeholders, including participants in the local homeless management information system, concerning the development of systems to measure performance outcomes and with the Secretary for assistance with data collection and measurements activities.

"(4) REPORT.—A grantee shall submit an annual report to the Secretary that—

"(A) identifies the grantee's progress towards achieving its strategic performance outcomes; and

"(B) describes other activities conducted by the grantee to increase the participation, housing stability, and other improvements in outcomes for individuals who have been chronically homeless.

"(l) TRAINING AND TECHNICAL ASSISTANCE.—The Secretary, directly or through awards of grants or contracts to public or nonprofit private entities, shall provide training and technical assistance regarding the planning, development, and provision of services in projects under subsection (a).

"(m) BIENNIAL REPORTS TO CONGRESS.—Not later than two years after the date of the enactment of the Services for Ending Long-Term Homelessness Act, and biennially thereafter, the Secretary shall submit to the Congress a report on projects under subsection (a) that includes a summary of information received by the Secretary under subsection (k), and that describes the impact of the program under subsection (a) as part of a comprehensive strategy for ending long term homelessness and improving outcomes for individuals with mental illness and substance abuse problems.

"(n) DEFINITIONS.—For purposes of this section:

"(1) The term 'chronically homeless' means an individual or family who—

"(A) is currently homeless;.

"(B) has been homeless continuously for at least one year or has been homeless on at least four separate occasions in the last three years; and

"(C) has an adult head of household with a disabling condition, defined as a diagnosable substance use disorder, serious mental illness, developmental disability, or chronic physical illness or disability, including the co-occurrence of two or more of these conditions.

"(2) The term 'disabling condition' means a condition that limits an individual's ability to work or perform one or more activities of daily living.

"(3) The term 'homeless' means sleeping in a place not meant for human habitation or in an emergency homeless shelter.

"(4)(A) The term 'permanent supportive housing' means permanent, affordable housing with flexible support services that are available and designed to help the tenants stay housed and build the necessary skills to live as independently as possible. Such term does not include housing that is time-limited. Supportive housing offers residents assistance in reaching their full potential, which may include opportunities to secure other housing that meets their needs and preferences, based on individual choice instead of the requirements of time-limited transitional programs. Under this section, permanent affordable housing includes but is not limited to permanent housing funded or assisted through title IV of the McKinney-Vento Homeless Assistance Act and section (8) of the United States Housing Act of 1937.

"(B) For purposes of subparagraph (A), the term 'affordable' means within the financial means of individuals who are extremely low income, as defined by the Secretary of Housing and Urban Development.

"(o) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2006 through 2010.

"(2) ALLOCATION FOR TRAINING AND TECHNICAL ASSISTANCE.—Of the amount appropriated under paragraph (1) for a fiscal year, the Secretary may reserve not more than 3 percent for carrying out subsection (l).".

Mr. REED. Mr. President, I join with my colleagues, Senators DEWINE, DODD and BURR to introduce the Services for Ending Long-Term Homelessness Act, (SELHA).

It is estimated that two to three million Americans experience a period of homelessness in a given year. While the majority of these individuals find themselves homeless for a brief period of time, a growing segment are experiencing prolonged periods of homelessness. Roughly 200,000 to 250,000 Americans fall under the category of chronically homeless.

In March 2003, former Department of Health and Human Services Secretary Tommy Thompson issued a report from a work group and an interagency subcommittee that was assembled to define the issues and challenges facing the chronically homeless and develop a comprehensive approach to bringing the appropriate services and treatments to this population of individuals who typically fall outside of mainstream support programs.

Similarly, the President's New Freedom Commission on Mental Health recommended the development of a comprehensive plan to facilitate access to permanent supportive housing for individuals and families who are chronically homeless. However, affordable housing, alone, is not enough for many chronically homeless to achieve stability. This population also needs flexible, mobile, and individualized support services to sustain them in housing.

The legislation we are introducing today is critical to the development and implementation of more effective strategies to combat chronic homelessness through improved service delivery and coordination across Federal agencies serving this population. It directs the Substance Abuse and Mental Health Services Administration to coordinate their efforts not only with the Department of Housing and Urban Development, but with other Federal departments and the various agencies within the Department of Health and Human Services that provide supportive services.

Mr. President, SELHA is an important bipartisan measure which will help to ensure that the growing number of Americans experiencing chronic homelessness have access to the range of supportive services they need to get them back on their feet, living in permanent supportive housing and taking the steps necessary to become productive and active members of our communities again.

I look forward to working with my colleagues toward expeditious passage of this legislation.

By Mr. AKAKA (for himself, Ms. MURKOWSKI, and Mr. STEVENS):

S. 711. A bill to amend the Methane Hydrate Research and Development Act of 2000 to reauthorize that Act and to promote the research, identification, assessment, exploration, and development of methane hydrate resources; to the Committee on Energy and Natural Resources.

Mr. AKAKA. Mr. President, I rise today to introduce a bill to re-authorize a critical program for our energy future. It is widely believed that the U.S. must diversify its energy portfolio and explore new domestic sources and technologies for energy to curb our dependence on foreign oil. As a senior member of the Committee on Energy and Natural Resources, I know we have been assessing the potential for a variety of energy sources for the future including natural gas, clean coal technology, nuclear energy, renewable energy, and others. This bill, the Methane Hydrate Research and Development Reauthorization Act of 2005, will reauthorize a small but important program on methane hydrate research and development, a key and abundant nonconventional source of energy.

I would like to extend my appreciation to my cosponsors, Senators MURKOWSKI and STEVENS, who share my interest and determination in exploring the potential of methane hydrates for energy production. We share a common goal to see that we fully understand the prospects for this domestic energy resource. This new legislation will foster the research and development needed to expand our knowledge to better assess both the opportunities and challenges this potential energy resource presents. Our legislation provides for a higher level of scientific research and partnering between government agencies, academic institutions, and industry.

The United States and the world will require substantially increased quantities of natural gas, electricity, and transportation fuels over the next 20 years. Global competition for tightening supplies of oil and natural gas with emerging economies such as China and India will drive energy prices higher, and makes it apparent that the United States needs to capitalize upon its domestic energy resources. The United States must continue to diversify and expand the Nation's access to natural gas supplies through continuing research and development efforts in technologies for tapping non-conventional natural gas supplies, such as methane hydrates.

Methane hydrates were discovered in the 1960s and consist of methane gas trapped in lattice-like ice. They are found largely in ocean bottom sediments lying below 450 meters and in permafrost. There are several published estimates of the total amount of methane stored in gas hydrates worldwide. These estimates vary. However, it is widely believed that there is more energy potentially stored in methane hydrates than in all other known fossil fuel reserves, combined. The National Commission on Energy Policy's December 2004 report, Ending the Energy Stalemate—A Bipartisan Strategy To Meet America's Energy Challenges, estimated that the United States could possess one quarter of the world's supply of methane hydrates.

The United States will consume increasing volumes of natural gas well into the 21st century. United States natural gas consumption is expected to increase from approximately 22 trillion cubic feet in 2003 to more than 32 trillion cubic feet in 2020—a projected increase of 40 percent. Natural gas is expected to take on a greater role in power generation, largely because of the increasing demand for clean fuels and the relatively low capital costs of building new natural gas-fired power equipment. The National Commission on Energy Policy reported that the United States resource base may contain up to two hundred thousand trillion cubic feet of methane, onshore in the Alaskan permafrost, and offshore on much of the Nation's deep continental shelf. If even one percent of the estimated domestic resource base proves commercially viable, it would roughly double the Nation's technically recoverable natural gas reserves, according to the Department of Energy's Office of Fossil Energy.

Given the growing demand for natural gas, the development of new, cost-effective supplies can play a major role in moderating price increases and ensuring consumer confidence in the long-term availability of reliable, affordable fuel. Today, the potential to extract commercially-relevant quantities of natural gas from hydrates is not yet viable. With no incentive to fund its own research and development, the private sector is not vigorously pursuing the research currently needed that could make methane hydrates technically and economically viable. Therefore, cooperation between the federal government and private industry remains the best effort in which the United States can explore the viability of an energy resource whose long-range possibilities might one day dramatically change the world's energy portfolio.

Uncertainties exist regarding the nature of these deposits and, in particular, how best to extract the enormous quantity of natural gas they contain in an economic and environmentally sensitive manner. However, some alternatives are worse. For example, transporting natural gas from foreign gas fields to the United States by shipping it in liquid form at negative 162 degrees Celsius is an expensive undertaking and one that is attractive to terrorists. Methane hydrates, on the other hand, can be found domestically, in Alaska and the Gulf of Mexico, and with our ally to the north, Canada. Hydrates are likely to provide commercially viable natural gas supplies by 2025. Their long term potential to meet United States energy demands for natural gas is considerable.

The Methane Hydrate Research Act of 2000 invigorated methane hydrate research in the United States. The act also mandated that the National Research Council study the program initiated by the act and to make recommendations for future research and development needs. Without a doubt, the National Research Council concluded in its 2004 report, Charting the Future of Methane Hydrate Research in the United States, that the U.S. must continue its investment in hydrates research and development because of the size of the resource. Furthermore, the report commended the program's excellent coordination and cooperation between federal agencies, industry, and academia involved in methane hydrates research. The legislation I am introducing incorporates the recommendations of the National Research Council, and improves upon the act by requiring external scientific peer reviews, strengthening the advisory panel, broadening the field work proposals to include test wells, increasing the appropriations needed to conduct the research, and emphasizing the need to promote education and training in the field of methane hydrate research and resource development. The bill also incorporates comments from the Department of Energy.

Mr. President, science and technology have and will continue to help us learn more about our world, and I believe, help us solve some of our toughest problems, not only domestically but globally. These are complex and significant problems relating to the impact of human activities on our environment, our heavy dependence on finite fossil fuels from sources that may not prove reliable, and limited energy supplies in the face of growing demands of expanding national economies that are increasingly intertwined in a global economic network. I believe the Federal Government must continue to foster the needed research and development in the field of methane hydrate research.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 711

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Methane Hydrate Research and Development Reauthorization Act of 2005".

SEC. 2. METHANE HYDRATE RESEARCH AND DEVELOPMENT.

The Methane Hydrate Research and Development Act of 2000 (30 U.S.C. 1902 note; Public Law 106–193) is amended to read as follows:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Methane Hydrate Research and Development Act of 2000'.

"SEC. 2. FINDINGS.

"Congress finds that—

"(1) in order to promote energy independence and meet the increasing demand for energy, the United States will require a diversified portfolio of substantially increased quantities of electricity, natural gas, and transportation fuels;

"(2) according to the report submitted to Congress by the National Research Council entitled 'Charting the Future of Methane Hydrate Research in the United States', the total United States resources of gas hydrates have been estimated to be on the order of 200,000 trillion cubic feet;

"(3) according to the report of the National Commission on Energy Policy entitled 'Ending the Energy Stalemate - A Bipartisan Strategy to Meet America's Energy Challenge', and dated December 2004, the United States may be endowed with over 1/4 of the methane hydrate deposits in the world;

"(4) according to the Energy Information Administration, a shortfall in natural gas supply from conventional and unconventional sources is expected to occur in or about 2020; and

"(5) the National Academy of Science states that methane hydrate may have the potential to alleviate the projected shortfall in the natural gas supply.

"SEC. 3. DEFINITIONS.

"In this Act:

"(1) CONTRACT.—The term 'contract' means a procurement contract within the meaning of section 6303 of title 31, United States Code.

"(2) COOPERATIVE AGREEMENT.—The term 'cooperative agreement' means a cooperative agreement within the meaning of section 6305 of title 31, United States Code.

"(3) DIRECTOR.—The term 'Director' means the Director of the National Science Foundation.

"(4) GRANT.—The term 'grant' means a grant awarded under a grant agreement (within the meaning of section 6304 of title 31, United States Code).

"(5) INDUSTRIAL ENTERPRISE.—The term 'industrial enterprise' means a private, nongovernmental enterprise that has an expertise or capability that relates to methane hydrate research and development.

"(6) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' means an institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)).

"(7) SECRETARY.—The term 'Secretary' means the Secretary of Energy, acting through the Assistant Secretary for Fossil Energy.

"(8) SECRETARY OF COMMERCE.—The term 'Secretary of Commerce' means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

"(9) SECRETARY OF DEFENSE.—The term 'Secretary of Defense' means the Secretary of Defense, acting through the Secretary of the Navy.

"(10) SECRETARY OF THE INTERIOR.—The term 'Secretary of the Interior' means the Secretary of the Interior, acting through the Director of the United States Geological Survey, the Director of the Bureau of Land Management, and the Director of the Minerals Management Service.

"SEC. 4. METHANE HYDRATE RESEARCH AND DEVELOPMENT PROGRAM.

"(a) IN GENERAL.—

"(1) COMMENCEMENT OF PROGRAM.—Not later than 90 days after the date of the enactment of the Methane Hydrate Research and Development Reauthorization Act of 2005, the Secretary, in consultation with the Secretary of Commerce, the Secretary of Defense, the Secretary of the Interior, and the Director, shall commence a program of methane hydrate research and development in accordance with this section.

"(2) DESIGNATIONS.—The Secretary, the Secretary of Commerce, the Secretary of Defense, the Secretary of the Interior, and the Director shall designate individuals to carry out this section.

"(3) COORDINATION.—The individual designated by the Secretary shall coordinate all activities within the Department of Energy relating to methane hydrate research and development.

"(4) MEETINGS.—The individuals designated under paragraph (2) shall meet not later than 180 days after the date of the enactment of the Methane Hydrate Research and Development Reauthorization Act of 2005 and not less frequently than every 180 days thereafter to—

"(A) review the progress of the program under paragraph (1); and

"(B) coordinate interagency research and partnership efforts in carrying out the program.

"(b) GRANTS, CONTRACTS, COOPERATIVE AGREEMENTS, INTERAGENCY FUNDS TRANSFER AGREEMENTS, AND FIELD WORK PROPOSALS.—

"(1) ASSISTANCE AND COORDINATION.—In carrying out the program of methane hydrate research and development authorized by this section, the Secretary may award grants to, or enter into contracts or cooperative agreements with, institutions of higher education and industrial enterprises to—

"(A) conduct basic and applied research to identify, explore, assess, and develop methane hydrate as a commercially viable source of energy;

"(B) identify methane hydrate resources through remote sensing;

"(C) acquire and reprocess seismic data suitable for characterizing methane hydrate accumulations;

"(D) assist in developing technologies required for efficient and environmentally sound development of methane hydrate resources;

"(E) promote education and training in methane hydrate resource research and resource development through fellowships or other means for graduate education and training;

"(F) conduct basic and applied research to assess and mitigate the environmental impact of hydrate degassing (including both natural degassing and degassing associated with commercial development);

"(G) develop technologies to reduce the risks of drilling through methane hydrates; and

"(H) conduct exploratory drilling, well testing, and production testing operations on permafrost and non-permafrost gas hydrates in support of the activities authorized by this paragraph, including drilling of 1 or more full-scale production test wells.

"(2) COMPETITIVE PEER REVIEW.—Funds made available under paragraph (1) shall be made available based on a competitive process using external scientific peer review of proposed research.

"(c) METHANE HYDRATES ADVISORY PANEL.—

"(1) IN GENERAL.—The Secretary shall establish an advisory panel (including the hiring of appropriate staff) consisting of representatives of industrial enterprises, institutions of higher education, oceanographic institutions, State agencies, and environmental organizations with knowledge and expertise in the natural gas hydrates field, to—

"(A) assist in developing recommendations and broad programmatic priorities for the methane hydrate research and development program carried out under subsection (a)(1);

"(B) provide scientific oversight for the methane hydrates program, including assessing progress toward program goals, evaluating program balance, and providing recommendations to enhance the quality of the program over time; and

"(C) not later than 2 years after the date of the enactment of the Methane Hydrate Research and Development Reauthorization Act of 2005, and at such later dates as the panel considers advisable, submit to Congress—

"(i) an assessment of the methane hydrate research program; and

"(ii) an assessment of the 5-year research plan of the Department of Energy.

"(2) CONFLICTS OF INTEREST.—In appointing each member of the advisory panel established under paragraph (1), the Secretary shall ensure, to the maximum extent practicable, that the appointment of the member does not pose a conflict of interest with respect to the duties of the member under this Act.

"(3) MEETINGS.—The advisory panel shall—

"(A) hold the initial meeting of the advisory panel not later than 180 days after the date of establishment of the advisory panel; and

"(B) meet biennially thereafter.

"(4) COORDINATION.—The advisory panel shall coordinate activities of the advisory panel with program managers of the Department of Energy at appropriate national laboratories

"(d) CONSTRUCTION COSTS.—None of the funds made available to carry out this section may be used for the construction of a new building or the acquisition, expansion, remodeling, or alteration of an existing building (including site grading and improvement and architect fees).

"(e) RESPONSIBILITIES OF THE SECRETARY.—In carrying out subsection (b)(1), the Secretary shall—

"(1) facilitate and develop partnerships among government, industrial enterprises, and institutions of higher education to research, identify, assess, and explore methane hydrate resources;

"(2) undertake programs to develop basic information necessary for promoting long-term interest in methane hydrate resources as an energy source;

"(3) ensure that the data and information developed through the program are accessible and widely disseminated as needed and appropriate;

"(4) promote cooperation among agencies that are developing technologies that may hold promise for methane hydrate resource development;

"(5) report annually to Congress on the results of actions taken to carry out this Act; and

"(6) ensure, to the maximum extent practicable, greater participation by the Department of Energy in international cooperative efforts.

"SEC. 5. NATIONAL RESEARCH COUNCIL STUDY.

"(a) AGREEMENT FOR STUDY.—The Secretary shall offer to enter into an agreement with the National Research Council under which the National Research Council shall—

"(1) conduct a study of the progress made under the methane hydrate research and development program implemented under this Act; and

"(2) make recommendations for future methane hydrate research and development needs.

"(b) REPORT.—Not later than September 30, 2009, the Secretary shall submit to Congress a report containing the findings and recommendations of the National Research Council under this section.

"SEC. 6. REPORTS AND STUDIES FOR CONGRESS.

"The Secretary shall provide to the Committee on Science of the House of Representatives and the Committee on Energy and Natural Resources of the Senate copies of any report or study that the Department of Energy prepares at the direction of any committee of Congress.

"SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Secretary to carry out this Act, to remain available until expended—

"(1) $15,000,000 for fiscal year 2006;

"(2) $20,000,000 for fiscal year 2007;

"(3) $30,000,000 for fiscal year 2008;

"(4) $50,000,000 for fiscal year 2009; and

"(5) $50,000,000 for fiscal year 2010.".

Ms. MURKOWSKI. Mr. President, I am proud to come to the floor today to introduce legislation of vital importance to our Nation. Enactment of the Methane Hydrate Research and Development Reauthorization Act of 2005 will provide the authorizations necessary to unlock a potentially huge supply of domestic natural gas, enough gas to supply our Nation for generations.

However, before I introduce this legislation, I would first like to thank my good friend and colleague, Senator AKAKA, for his dedication to helping address our Nation's energy crisis through legislation that should dramatically increase our domestic supply of environmentally friendly, clean burning natural gas. Without Senator AKAKA's hard work and focus on this issue we would not be introducing this legislation today.

Mr. President, our Nation is facing an energy crisis. Oil and natural gas prices are at historic or near historic high levels. Oil prices are over $50 a barrel. Natural gas prices are over $7.00 a MMBtu. Indeed, United States natural gas prices have increased by almost 350 percent since 1998 and are currently the highest in the world. Despite this huge increase in cost, domestic natural gas production has declined by almost 5 percent and Canadian imports have declined by almost 25 percent from 2001 to 2004. Estimates are that during the past 5 years United States natural gas consumers have paid nearly $200 billion more for natural gas than they paid in the preceding 5 years.

These extraordinarily high natural gas prices are having a profound impact on every segment of our economy. Chairman Greenspan identified our current natural gas price and supply situation as a crisis that could have a devastating impact on the United States economy. In fact, estimates are that the natural gas crisis has significantly contributed to the loss of 2.5 million United States manufacturing jobs. Indeed, the ongoing "demand destruction" caused by current gas prices with its devastating impact on United States manufacturing will only continue unless we address the current natural gas supply shortage and high prices.

Today, the United States produces about 22 trillion cubic feet of natural gas each year. By 2025, the Energy Information Administration estimates that United States natural gas consumption will reach 31 trillion cubic feet. That's an increase of more than 40 percent. Much of the new electric generation that will come on line during the next two decades will require natural gas according to a study by the American Gas Foundation. Indeed, clean burning natural gas remains the premium fossil fuel for electric power generation.

The EIA estimates that by 2025 the United States will produce only 21.8 trillion cubic feet of natural gas meeting just 70 percent of the Nation's expected demand. Thus, absent securing a new domestic supply of gas, the United States will have to import 30 percent of its natural gas supply. We have already gone down this path with our petroleum supplies. We have witnessed the unacceptable national security, balance of payments and general economic consequences of this level of reliance on foreign sources for our nation's critical supply of oil. We must not repeat this reality with natural gas.

This is why I am proud to introduce the Methane Hydrate Research and Development Reauthorization Act of 2005. As stated in the findings section of the legislation, the National Research Council has estimated the total United States methane hydrate resource base to be on the order of 200,000 trillion cubic feet. Alaska alone is thought to have potential hydrate resources of 32,000 trillion cubic feet. Indeed, a report issued by the National Commission on Energy Policy states that the United States may be endowed with over one-fourth of the methane hydrate deposits in the world. This is an immense supply of secure, domestic energy that could supply our country for many, many years.

The Methane Hydrate Reauthorization Act of 2005 builds upon the success of the original Methane Hydrate Research and Development Act of 2000. The new act incorporates certain changes to the 2000 legislation suggested by the National Research Council of the National Academies and the Department of Energy. The 2000 act established an advisory panel to advise the Secretary of Energy on potential applications of methane hydrate and to assist in developing recommendations and priorities for methane hydrate research and development programs. The new act strengthens the role of the advisory panel to ensure that the research funds are put to their most effective use. The 2005 act also increases the use of a scientific peer review process in determining which projects will be funded. Further, the new legislation directs the funding of fellowships and graduate education and training programs to establish a solid, scientific foundation of expertise in the United States on methane hydrates. Finally, the 2005 act authorizes increased funding for the methane hydrate program. The increased funding is critical in order to allow for the transition from a largely research oriented program to one that will foster the beginning of the commercialization of our Nation's methane hydrate resources.

Again, I thank Senator AKAKA and his staff for their hard work and commitment to this legislation that is so important to our nation's future.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 95—RELATING TO THE DEATH OF THE HOLY FATHER, POPE JOHN PAUL II

Mr. FRIST (for himself, Mr. REID, Mr. MCCONNELL, Mr. DURBIN, Mr. SANTORUM, Ms. MIKULSKI, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEMINT, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 95

Whereas Pope John Paul II was one of the greatest spiritual leaders and moral teachers of the Modern Era; and

Whereas he set an extraordinary example of personal integrity and courage, not only for his fellow Catholics but for people of every religious and philosophical viewpoint; and

Whereas throughout the course of his pontificate he campaigned tirelessly for human rights and human dignity throughout the world; and

Whereas he practiced and inspired resistance to the great totalitarian systems and tyrannies that rose and, with his help, fell in the 20th Century; and

Whereas he fostered harmony between Catholics and Eastern Orthodox and Protestant Christians, reached out in friendship to Jews, Muslims and members of other faiths, and warmly promoted interfaith understanding and cooperation; and

Whereas he dedicated himself to the defense of the weakest and most vulnerable members of the human family; and

Whereas on his visits to our country he has called all Americans to be true and faithful to the great principles of liberty and justice inscribed in our Declaration of Independence and Constitution; and

Whereas his selfless service to God and man has been an inspiration to Americans and men and women of goodwill across the globe; therefore be it

Resolved, That the Senate of the United States joins the world in mourning his death, and pays tribute to him by pledging to be ever faithful to our national calling to be "one Nation, under God, indivisible, with liberty and justice for all," and to help our neighbors in immeasurable ways.

SENATE RESOLUTION 96—COMMEMORATING THE TENTH ANNIVERSARY OF THE ATTACK ON THE ALFRED P. MURRAH FEDERAL BUILDING

Mr. INHOFE (for himself and Mr. COBURN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 96

Whereas on April 19, 1995, at 9:02 a.m. Central Daylight Time, in Oklahoma City, Oklahoma, the United States was attacked in one of the worst terrorist attacks on United States soil, which killed 168 people and injured more than 850 others;

Whereas this dastardly act of domestic terrorism affected thousands of families and horrified millions of people across the State of Oklahoma and the United States;

Whereas the people of Oklahoma and the United States responded to this tragedy through the remarkable efforts of local, State, and Federal law enforcement, firefighters, and emergency services, search and rescue teams from across the United States, public and private medical personnel, and thousands of volunteers from the community who saved lives, assisted the injured and wounded, comforted the bereaved, and provided meals and support to those who came to Oklahoma City to help those endangered and affected by this terrorist act;

Whereas the people of Oklahoma and the United States pledged themselves to build and maintain a permanent national memorial to remember those who were killed, those who survived, and those changed forever;

Whereas this pledge was fulfilled by creating the Oklahoma City National Memorial, which draws hundreds of thousands of visitors from around the world every year to the site of this tragic event in United States history;

Whereas the Oklahoma City National Memorial brings comfort, strength, peace, hope, and serenity to the many visitors who come to the memorial and its museum each year to remember and to learn;

Whereas the mission of the National Memorial Institute for the Prevention of Terrorism, to aid the Nation's emergency responders in preventing terrorist attacks, or mitigating their effects, should be promoted; and

Whereas the tenth anniversary of the terrorist bombing of the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma, is on April 19, 2005: Now, therefore, be it

Resolved, That the Senate—

(1) joins with the people of the United States in sending best wishes and prayers to the families, friends, and neighbors of the 168 people killed in the terrorist bombing of the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma;

(2) sends Congress' best wishes and thoughts to those injured in the bombing and its gratitude for their recovery;

(3) thanks the thousands of first responders, rescue workers, medical personnel, and volunteers from the Oklahoma City community and across the Nation who answered the call for help that April morning and in the days and weeks thereafter;

(4) resolves to work with the people of the United States to promote the goals and mission established by the Oklahoma City National Memorial on the tenth anniversary of that fateful day;

(5) supports the resolve for the future, written on the wall of the memorial, "We come here to remember those who were killed, those who survived, and those changed forever. May all who leave here know the impact of violence. May this memorial offer comfort, strength, peace, hope, and serenity.";

(6) designates the week of April 17, 2005, as the National Week of Hope, commemorating the tenth anniversary of the Oklahoma City bombing;

(7) calls on the people of the United States to participate in the events scheduled for each day of that week to teach a lesson of hope in the midst of political violence and to teach that good endures in the world even among those who commit bad acts and further to teach that there is a way to resolve differences other than resorting to terrorism or violence, including the—

(A) Day of Faith;
(B) Day of Understanding;
(C) Day of Remembrance;
(D) Day of Sharing;
(E) Day of Tolerance;
(F) Day of Caring; and
(G) Day of Inspiration;

(8) congratulates the people of Oklahoma City for making tremendous progress over the past decade and demonstrating their steadfast commitment to the ability of hope to triumph over violence;

(9) applauds the people of Oklahoma City as they continue to persevere and to stand as a beacon to the rest of the Nation and the world attesting to the strength of goodness in overcoming evil wherever it arises in our midst; and

(10) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the Memorial Foundation, as an expression of appreciation.

Mr. INHOFE. Mr. President, I rise today along with my colleague, TOM COBURN, to introduce a resolution to commemorate the tenth anniversary of the attack on the Alfred P. Murrah Federal Building. The attack occurred at 9:02 a.m. Central Daylight Time on April 19, 1995, in Oklahoma City, Oklahoma. 168 Americans lost their lives while more than 850 others were injured. This terrible act of domestic terrorism affected thousands of families across the State of Oklahoma and the United States. I thank the local, State and Federal law enforcement, firefighters and emergency services and search and rescue teams across the United States, public and private medical personnel, and thousands of volunteers from the community who saved lives, assisted the injured, comforted the grieving, and provided meals and support to those who came to help the people of Oklahoma. I applaud the people of Oklahoma for making tremendous progress over the past decade and for demonstrating their steadfast commitment to triumph over violence and stand behind them as they continue to persevere. I am privileged to be from the great state of Oklahoma and encourage my colleagues to join me in commemorating the tenth anniversary of the attack on the Alfred P. Murrah Federal Building.

AMENDMENTS SUBMITTED AND PROPOSED

SA 266. Mr. LUGAR proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes.

SA 267. Mr. McCAIN (for himself, Mr. DEWINE, Mr. GRAHAM, Mr. KYL, Mr. CORZINE, Ms. COLLINS, and Mr. BURNS) proposed an amendment to the bill S. 600, supra.

SA 268. Mr. LUGAR proposed an amendment to the bill S. 600, supra.

SA 269. Mr. LUGAR proposed an amendment to the bill S. 600, supra.

SA 270. Mr. LUGAR proposed an amendment to the bill S. 600, supra.

SA 271. Mr. LUGAR proposed an amendment to the bill S. 600, supra.

SA 272. Mr. LUGAR proposed an amendment to the bill S. 600, supra.

SA 273. Mr. LUGAR proposed an amendment to the bill S. 600, supra.

SA 274. Mr. LUGAR proposed an amendment to the bill S. 600, supra.

SA 275. Mr. LUGAR proposed an amendment to the bill S. 600, supra.

SA 276. Mr. LUGAR proposed an amendment to the bill S. 600, supra.

SA 277. Mr. LUGAR (for Mr. BIDEN) proposed an amendment to the bill S. 600, supra.

SA 278. Mrs. BOXER (for herself, Ms. SNOWE, Mrs. MURRAY, Mrs. CLINTON, Mr. JEFFORDS, Mr. CORZINE, and Ms. MIKULSKI) proposed an amendment to the bill S. 600, supra.

SA 279. Mr. LUGAR proposed an amendment to the bill S. 600, supra.

SA 280. Mr. LUGAR (for Mr. SCHUMER (for himself and Mrs. CLINTON)) proposed an amendment to the bill S. 600, supra.

SA 281. Mr. BAUCUS (for himself and Mr. HARKIN) proposed an amendment to the bill S. 600, supra.

SA 282. Mr. CRAIG (for himself and Mr. ROBERTS) proposed an amendment to amendment SA 281 proposed by Mr. BAUCUS (for himself and Mr. HARKIN) to the bill S. 600, supra.

SA 283. Mr. DODD proposed an amendment to the bill S. 600, supra.

SA 284. Mr. DORGAN (for himself and Mr. WYDEN) proposed an amendment to the bill S. 600, supra.

SA 285. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill S. 600, supra; which was ordered to lie on the table.

SA 286. Mr. BIDEN proposed an amendment to the bill S. 600, supra.

SA 287. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 600, supra; which was ordered to lie on the table.

SA 288. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 600, supra; which was ordered to lie on the table.

SA 289. Mr. OBAMA (for himself, Mr. INOUYE, and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 600, supra; which was ordered to lie on the table.

SA 290. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 600, supra; which was ordered to lie on the table.

SA 291. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 600, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 266. Mr. LUGAR proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 55, strike lines 3 through 11.

SA 267. Mr. McCAIN (for himself, Mr. DEWINE, Mr. GRAHAM, Mr. KYL, Mr. CORZINE, Ms. COLLINS, and Mr. BURNS) proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 277, after line 8, add the following:

TITLE XXIX—TRADE TREATMENT OF UKRAINE

SEC. 2901. FINDINGS.

Congress finds that Ukraine has

(1) made considerable progress toward respecting fundamental human rights consistent with the objectives of title IV of the Trade Act of 1974;

(2) adopted administrative procedures that accord its citizens the right to emigrate, travel freely, and to return to their country without restriction; and

(3) been found to be in full compliance with the freedom of emigration provisions in title IV of the Trade Act of 1974.

SEC. 2902. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO UKRAINE.

(a) PRESIDENTIAL DETERMINATIONS AND EXTENSIONS OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that such title should no longer apply to Ukraine; and

(2) after making a determination under paragraph (1) with respect to Ukraine, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(b) TERMINATION OF APPLICATION OF TITLE IV.—On and after the effective date of the extension under subsection (a)(2) of nondiscriminatory treatment to the products of Ukraine, title IV of the Trade Act of 1974 shall cease to apply to that country.

SA 268. Mr. LUGAR proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 59, strike lines 16 though 25 and insert the following:

"(a) AUTHORITY.—Grants authorized under section 305 shall be available to make annual grants to Middle East Broadcasting Networks for the purpose of carrying out radio and television broadcasting.

"(b) FUNCTION.—Middle East Broadcasting Networks shall provide radio and television programming consistent with the broadcasting standards and broadcasting principles set forth in section 303.

SA 269. Mr. LUGAR proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 60, between lines 20 and 21, insert the following:

"(C) not more than 5 officers or employees of the Middle East Broadcasting Networks may be provided a rate of basic compensation at such rate authorized for Level II of the Executive Schedule provided in section 5313 of title 5, United States Code, and such compensation shall be subject to the provisions of section 5307 of such title.

SA 270. Mr. LUGAR proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 64, strike lines 3 through 6, and insert the following:

(4) CREDITABLE SERVICE.—

(A) IN GENERAL.—Section 8332(b)(11) of title 5, United States Code, is amended by inserting "the Middle East Broadcasting Networks;" after "the Asia Foundation;".

(B) OTHER REQUIREMENTS.—With regard to creditable service with the Middle East Broadcasting Networks, the Broadcasting Board of Governors shall—

(i) pay into the Civil Service Retirement and Disability Fund an amount determined by the Director of the Office of Personnel Management to be necessary to reimburse such Fund for any estimated increase in the unfunded liability of such Fund that results from the amendment made by subparagraph (4), computed using dynamic assumptions; and

(ii) pay the amount required by clause (i) in 5 equal annual installments, together with interest on such amount computed at the rate used in the computation required by such clause.

SA 271. Mr. LUGAR proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 110, between lines 4 and 5, insert the following new section:

SEC. 812. UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) is amended by striking "October 1, 2005" and inserting "October 1, 2008".

SA 272. Mr. LUGAR proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 47, line 13, strike "and";

On page 47, line 15, strike the period at the end and insert as semicolon and "and".

On page 47, between lines 15 and 16, insert the following:

(3) by striking "or allowances" and inserting "allowances, or annuities".

SA 273. Mr. LUGAR proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 12, strike lines 11 through 13, and insert the following:

(2) AVAILABILITY OF FUNDS.—

(A) FISCAL YEAR 2006.—Fifteen percent of the funds appropriated pursuant to paragraph (1) for fiscal year 2006 are authorized to remain available until September 30, 2007.

(B) FISCAL YEAR 2007.—Fifteen percent of the funds appropriated pursuant to paragraph (1) for fiscal year 2007 are authorized to remain available until September 30, 2008.

SA 274. Mr. LUGAR proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 1, after line 2, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Affairs Authorization Act, Fiscal Years 2006 and 2007".

SA 275. Mr. LUGAR proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

Beginning on page 150, strike line 18 and all that follows through page 151, line 4, and insert the following:

(a) CLARIFICATION OF AUTHORITY.—Section 551 of the Foreign Assistance Act of 1961 (22 U.S.C. 2348) is amended by adding at the end "Such assistance may also include assistance for demining activities, clearance of unexploded ordnance, destruction of small arms and related ammunition when determined to be in the national security interest of the United States, and related activities, notwithstanding any other provision of law.".

SA 276. Mr. LUGAR proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 272, line 15, strike "weapons," and insert "weapons and related ammunition when determined to be in the national security interest of the United States,".

SA 277. Mr. LUGAR (for Mr. Biden) proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 74, between lines 2 and 3, insert the following new section:

SEC. 603. PASSPORT FEES.

Section 1 of the Act of June 4, 1920 (22 U.S.C. 214) is amended in the third sentence by striking "or from a widow, widower, child, parent, brother, or sister of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member" and inserting "or from a widow, widower, child, parent, grandparent, brother, or sister of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member or to attend a funeral or memorial service for such member".

SA 278. Mrs. BOXER (for herself, Ms. Snowe, Mrs. Murray, Mrs. Clinton, Mr. Jeffords, Mr. Corzine, and Ms. Mikulski) proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 172, after line 23, insert the following:

SEC. 2227. GLOBAL DEMOCRACY PROMOTION.

Notwithstanding any other provision of law, regulation, or policy, in determining eligibility for assistance authorized under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), foreign nongovernmental organizations—

(1) shall not be ineligible for such assistance solely on the basis of health or medical services including counseling and referral services, provided by such organizations with non-United States Government funds if such services do not violate the laws of the country in which they are being provided and would not violate United States Federal law if provided in the United States; and

(2) shall not be subject to requirements relating to the use of non-United States Government funds for advocacy and lobbying activities other than those that apply to United States nongovernmental organizations receiving assistance under part I of such Act.

SA 279. Mr. LUGAR proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 24, strike lines 1 through 5.

SA 280. Mr. LUGAR (for Mr. Schumer (for himself and Mrs. Clinton)) proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

(Purpose: To impose an economic sanction on foreign countries that owe parking fines and penalties or property taxes to Washington, D.C. or New York City)

At the appropriate place, insert the following new section:

Sec. . Withholding of Assistance for Parking Fines and Real Property Taxes Owed by Foreign Countries. (a) In General.—Subject to subsection (c), of the funds made available by this Act for assistance for a foreign country, an amount equal to 110 percent of the total amount of the unpaid fully adjudicated parking fines and penalties and unpaid property taxes owed by the central government of such country shall be withheld from obligation for assistance for the central government of such country.

(b) Payment.—Funds withheld from obligation for a country under subsection (a) shall be paid to the jurisdiction to which the unpaid fully adjudicated parking fines or penalties or unpaid property taxes are owed.

(c) Amounts Withheld To Be Additional Funds.—Subsection (a) shall not include amounts that have been withheld under any other provision of law.

(d) Waiver.—(1) The Secretary of State may waive the requirements set forth in subsection (a) with respect to parking fines and penalties no sooner than 60 days from the date of enactment of this Act, or at any time with respect to a particular country, if the Secretary determines that it is in the national interests of the United States to do so.

(2) The Secretary of State may waive the requirements set forth in subsection (a) with respect to the unpaid property taxes if the Secretary of State determines that it is in the national interests of the United States to do so.

(e) Report.—Not later than 6 months after the initial exercise of the waiver authority in subsection (d), the Secretary of State, after consultations with the City of New York, shall submit a report to the appropriate congressional committees describing a strategy, including a timetable and steps currently being taken, to collect the parking fines and penalties and unpaid property taxes and interest owed by nations receiving foreign assistance under this Act.

(f) Definitions.—In this section:

(1) The term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) The term "fully adjudicated" includes circumstances in which the person or government to whom the vehicle is registered—

(A)(i) has not responded to the parking violation summons; or

(ii) has not followed the appropriate adjudication procedure to challenge the summons; and

(B) the period of time for payment of or challenge to the summons has lapsed.

(3) The term "parking fines and penalties" means parking fines and penalties—

(A) owed to—

(i) the District of Columbia; or (ii) New York, New York; and

(B) incurred during the period April 1, 1997 through September 30, 2005.

(4) The term "unpaid property taxes" means the amount of unpaid taxes and interest determined by a court or other tribunal to be owed by a foreign country on real property in the District of Columbia or New York, New York.

SA 281. Mr. BAUCUS (for himself and Mr. Harkin) proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 277, after line 8, add the following:

TITLE XXIX—AGRICULTURAL EXPORTS

SEC. 2901. SHORT TITLE.

This title may be cited as the "Agricultural Export Facilitation Act of 2005".

SEC. 2902. FINDINGS AND PURPOSE.

(a) Findings.—Congress makes the following findings:

(1) The export sector of United States agriculture makes an important positive contribution to this country's trade balance.

(2) The total value of United States exports of agricultural products shipped to Cuba since 2000 when such sales were first authorized by Congress is approximately $1,000,000,000, including transportation, port fees, and insurance costs. In December 2001, Cuba purchased approximately $4,300,000 in food and agricultural products. In 2002, Cuba purchased approximately $138,600,000 in food and agricultural products. In 2003, Cuba purchased approximately $256,900,000 in food and agricultural products. In 2004, Cuba purchased approximately $380,000,000 in food and agricultural products. Cuba ranked at the bottom of 226 agricultural export markets for United States companies in 2001; ranked 50th of 226 in 2002; ranked 35th of 219 in 2003; and ranked approximately 25th of 228 in 2004. Cuba is therefore an important source of revenue for United States agriculture and its affiliated industries, such as manufacturers and distributors of value-added food products.

(3) To be competitive in sales to Cuban purchasers, United States exporters of agricultural products and their representatives, including representatives of United States air or sea carriers, ports and shippers, must have ready and reliable physical access to

Cuba. Such access is currently uncertain because, under existing regulations, United States exporters and their representatives must apply for and receive special Treasury Department licenses to travel to Cuba to engage in sales-related activities. The issuance of such licenses is subject to both administrative delays and periodic denials. A blanket statutory authorization for sales and transport-related travel to Cuba by United States exporters will remove the current bureaucratic impediment to agricultural product sales endorsed by Congress when it passed the Trade Sanctions Reform and Export Enhancement Act of 2000.

(4) On many occasions United States visas have been delayed and often denied to prospective Cuban purchasers of products authorized under the Trade Sanctions Reform and Export Enhancement Act of 2000. The result has been that family farmers and other small producers and distributors of agricultural products who lack the resources to fund sales delegations to Cuba have been denied access to potential purchasers in that country. A simple solution is for the Department of State to issue visas to Cuban nationals who demonstrate an itinerary of meetings with prospective United States exporters of products authorized under the Trade Sanctions Reform and Export Enhancement Act of 2000. In addition, visas should be issued to Cuban phytosanitary inspectors who require entry into the United States to conduct on-premise inspections of production and processing facilities and the products of potential United States exporters.

(5) The Trade Sanctions Reform and Export Enhancement Act of 2000 requires "payment of cash in advance" for United States agricultural exports to Cuba. Some Federal agencies responsible for the implementation of the Trade Sanctions Reform and Export Enhancement Act of 2000 have expressed the view that "cash in advance" requires that payment be received by a United States exporter in advance of shipment of goods to Cuba. Indeed, late last year payments due United States exporters from purchasers in Cuba were frozen in United States banks while the terms of those payments were reviewed unnecessarily. This action by the Department of the Treasury has created a climate of commercial uncertainty that has inhibited agricultural sales under the Trade Sanctions Reform and Export Enhancement Act of 2000 to Cuba.

(6) There is nothing in either the Trade Sanctions Reform and Export Enhancement Act of 2000 itself or its legislative history to support the view that Congress intended payment to be made in advance of the shipment of goods from this country to Cuba. It was and is the intent of Congress that a seller of a product authorized under the Trade Sanctions Reform and Export Enhancement Act of 2000 receive payment only before a Cuban purchaser takes physical possession of that product.

(7) At present it is the policy of the United States Government to prohibit direct payment between Cuban and United States financial institutions. As a result, Cuban purchasers of products authorized under the Trade Sanctions Reform and Export Enhancement Act of 2000 must route their payments through third country banks that charge a fee for this service. Allowing direct payments between Cuban and United States financial institutions will permit the United States exporters to receive payment directly to their financial institutions within hours instead of days and will eliminate an unnecessary transactional fee, thereby allowing Cuban purchasers to purchase more United States origin agricultural products.

(8) Trademarks and trade names are vital assets of the United States companies that export branded food products, including those who today or in the future may sell such products to Cuba under the Trade Sanctions Reform and Export Enhancement Act of 2000. Hundreds of United States companies have registered their trademarks in Cuba in order to ensure the exclusive right to use those trademarks when the United States trade embargo on that country is lifted. Moreover, following the enactment of the Trade Sanctions Reform and Export Enhancement Act of 2000, many United States companies are today exporting branded food products to Cuba where they hope to establish their brands with Cuban purchasers in order to benefit from current sales under the Trade Sanctions Reform and Export Enhancement Act of 2000, as well as position themselves for the larger post-embargo market for United States goods in Cuba.

(9) Sales to Cuba of branded products of United States companies contribute to the livelihoods of American workers and the balance sheets of United States businesses. Those sales depend on the security of United States trademarks and trade names protected in Cuba by reciprocal treaties and agreements for the protection of intellectual property. Among such treaties and agreements are the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and the Inter-American Convention for Trademark and Commercial Protection.

(10) The United States District Court for the Southern District of New York ruled that section 211 of the Department of Commerce and Related Agencies Appropriations Act, 1999 abrogates, with respect to Cuba, the Inter-American Convention on Trademarks and Commercial Protection. The court's ruling was affirmed by the United States Court of Appeals for the Second Circuit.

(11) Cuba's international remedy under customary international law (as codified by Article 60 of the 1969 Vienna Convention on Treaties), for a breach by the United States of the Inter-American Convention, is to suspend or revoke the protections Cuba currently affords United States trademarks and trade names.

(12) In order to preserve the rights of United States nationals holding trademarks in Cuba, including those engaged in authorized sales under the Trade Sanctions Reform and Export Enhancement Act of 2000 now and in the future, the United States must repeal section 211 of the Department of Commerce and Related Agencies Appropriations Act, 1999 and the United States must comply with all treaty obligations owed Cuba as they relate to trademarks and trade names.

(b) PURPOSE.—The purpose of this title is to remove impediments to present and future sales of United States agricultural products to Cuba under the Trade Sanctions Reform and Export Enhancement Act of 2000 and to otherwise facilitate such sales.

SEC. 2903. TRAVEL TO CUBA IN CONNECTION WITH AUTHORIZED SALES ACTIVITIES.

Section 910 of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7209) is amended by inserting after subsection (b) the following:

"(c) GENERAL LICENSE AUTHORITY FOR TRAVEL-RELATED EXPENDITURE IN CUBA BY PERSONS ENGAGING IN TSREEA OF 2000 SALES AND MARKETING ACTIVITIES IN THAT COUNTRY AND TSREEA-RELATED TRANSPORTATION ACTIVITIES.—

"(1) IN GENERAL.—The Secretary of the Treasury shall authorize under a general license the travel-related transactions listed in subsection (c) of section 515.560 of title 31, Code of Federal Regulations, for travel to, from, or within Cuba in connection with activities undertaken in connection with sales and marketing, including the organization and participation in product exhibitions, and the transportation by sea or air of products pursuant to this Act.

"(2) DEFINITIONS.—In this subsection, the term 'sales and marketing activities' means any activity with respect to travel to, from, or within Cuba that is undertaken by a United States person in order to explore the market in that country for the sale of products pursuant to this Act or to engage in sales activities with respect to such products. The term 'sales activities' includes exhibiting, negotiating, marketing, surveying the market, and delivering and servicing products pursuant to this Act. Persons authorized to travel to Cuba under this section include full-time employees, executives, sales agents and consultants of producers, manufacturers, distributors, shippers, United States air and sea ports, and carriers of products authorized for sale pursuant to this Act, as well as exhibitors and representatives and members of national and State trade organizations that promote the interests of producers and distributors of such products.

"(3) REGULATIONS.—The Secretary of the Treasury shall promulgate such rules and regulations as are necessary to carry out the provisions of this subsection.".

SEC. 2904. SENSE OF CONGRESS THAT VISAS SHOULD BE ISSUED.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of State should issue visas for temporary entry into the United States of Cuban nationals whose itinerary documents an intent to conduct activities, including phytosanitary inspections, related to purchasing United States agricultural goods under the provisions of the Trade Sanctions Reform and Export Enhancement Act of 2000.

(b) PERIODIC REPORTS.—

(1) IN GENERAL.—Not later than 45 days after the date of enactment of this Act and every 3 months thereafter the Secretary of State shall submit to the Committees on Finance, Agriculture, Nutrition, and Forestry, and Foreign Relations of the Senate and the Committees on Agriculture, Ways and Means, and International Relations of the House of Representatives a report on the issuance of visas described in subsection (a).

(2) CONTENT OF REPORTS.—Each report shall contain a full description of each application received from a Cuban national to travel to the United States to engage in purchasing activities pursuant to the Trade Sanctions Reform and Export Enhancement Act of 2000 and shall describe the disposition of each such application.

SEC. 2905. CLARIFICATION OF PAYMENT TERMS UNDER TRADE SANCTIONS REFORM AND EXPORT ENHANCEMENT ACT OF 2000.

Section 908(b)(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7207(b)(1)) is amended by inserting after subparagraph (B) the following:

"(C) Notwithstanding any other provision of law, the term 'payment of cash in advance' means the payment by the purchaser of an agricultural commodity or product and the receipt of such payment by the seller prior to—

"(i) the transfer of title of such commodity or product to the purchaser; and "(ii) the release of control of such commodity or product to the purchaser.".

SEC. 2906. AUTHORIZATION OF DIRECT TRANSFERS BETWEEN CUBAN AND UNITED STATES FINANCIAL INSTITUTIONS.

Notwithstanding any other provisions of law, the President may not restrict direct transfers from a Cuban financial institution to a United States financial institution executed in payment for a product authorized for sale under the Trade Sanctions Reform and Export Enhancement Act of 2000.

SEC. 2907. ADHERENCE TO INTERNATIONAL AGREEMENTS FOR THE MUTUAL PROTECTION OF INTELLECTUAL PROPERTY, INCLUDING REPEAL OF SECTION 211.

(a) REPEAL OF PROHIBITION ON ENFORCEMENT OF RIGHTS TO CERTAIN UNITED STATES INTELLECTUAL PROPERTIES AND TRANSFER OF SUCH PROPERTIES.—

(1) REPEAL.—Section 211 of the Department of Commerce and Related Agencies Appropriations Act, 1999 (section 101(b) of division A of Public Law 105–277; 112 Stat. 2681–2688) is repealed.

(2) REGULATIONS.—The Secretary of the Treasury shall promulgate such regulations as are necessary to carry out the repeal made by paragraph (1), including removing any prohibition on transactions or payments to which subsection (a)(1) of section 211 of the Department of Commerce and Related Agencies Appropriations Act, 1999 applied.

(3) FURTHER REGULATIONS.—The Secretary of the Treasury shall amend the Cuban Asset Control Regulations (part 515 of title 31, Code of Federal Regulations) to authorize under general license the transfer or receipt of any trademark or trade name subject to United States law in which a designated national has an interest. The filing and prosecution of opposition and infringement proceedings related to any trademark or trade name in which a designated national has an interest and the prosecution of any defense to such proceedings shall also be authorized by general license.

SA 282. Mr. CRAIG (for himself and Mr. ROBERTS) proposed an amendment to amendment SA 281 proposed by Mr. BAUCUS (for himself and Mr. HARKIN) to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

In the matter proposed to be added, strike section 2905 and insert the following:

SEC. 2905. CLARIFICATION OF PAYMENT TERMS UNDER TRADE SANCTIONS REFORM AND EXPORT ENHANCEMENT ACT OF 2000.

(a) IN GENERAL.—Section 908(b)(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7207(b)(1)) is amended by inserting after subparagraph (B) the following:

"(C) Notwithstanding any other provision of law, the term 'payment of cash in advance' means the payment by the purchaser of an agricultural commodity or product and the receipt of such payment by the seller prior to—

"(i) the transfer of title of such commodity or product to the purchaser; and

"(ii) the release of control of such commodity or product to the purchaser.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on February 22, 2005.

SA 283. Mr. DODD proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

At the appropriate place in the bill add the following new section:

SEC. . (a) FINDINGS.—

(1) During most of last four years relations between the United States and the People's Republic of China have been relatively stable;

(2) The recently released 2004 State Department Country Report on Human Rights continues to characterize China's human rights as poor;

(3) Bilateral economic and trade relations are important components of the US/Chinese relationship,

(4) China's growing international economic and political influence has implications for the United States competitive position and for maintaining a strong domestic industrial base;

(5) Taiwan remains an extremely sensitive and complex bilateral issue between the US and the Peoples Republic of China;

(6) The US decision to establish diplomatic relations with the People's Republic of China in 1979 was based upon the premise that the future of Taiwan would be determined solely by peaceful means and in a manner that was mutually satisfactory;

(7) The Taiwan Relations Act makes clear that peace and stability in the region are in the political, security and economic interests of the United States;

(8) The United States has consistently urged restraint by both China and Taiwan with respect to their actions and declarations; and

(9) The anti-succession law adopted by the Chinese National People's Congress on March 14, 2005 targeted at Taiwan's independence advocates was a provocative action which has altered the status quo in the region.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

1. China's anti-succession law is destabilizing to regional peace and stability, and is therefore of grave concern to the United States;

2. The United States Government should employ all diplomatic means to encourage the repeal of that law so the regional stability can be restored;

3. The United States Government should continue to speak out with respect to China's human rights practices and advocate the release from detention of all political and human rights activists;

4. The United States Government should more effectively promote United States economic and trade interests by insisting that the People's Republic of China lives up to its international trade obligations to respect and safeguard US intellectual property rights and cease artificially pegging its currency exchange rates; and

5. The United States Government should undertake a comprehensive review of the implications of China's growing international economic and political influence that are byproducts of its expanding network of trade agreements, its aggressive shipbuilding programs, its efforts to cement scientific and technological cooperation arrangements, and secure additional oil and gas contracts; and should determine what steps should be taken to safeguard the United States industrial base and maintain and enhance U.S. economic competitiveness and political interests.

SA 284. Mr. DORGAN (for himself and Mr. WYDEN) proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 16, strike lines 13 through 21 and insert the following:

(1) INTERNATIONAL BROADCASTING OPERATIONS.—For "International Broadcasting Operations," $620,050,000 for the fiscal year 2006 and such sums as may be necessary for the fiscal year 2007.

(2) BROADCASTING CAPITAL IMPROVEMENTS.—For "Broadcasting Capital Improvements," $10,893,000 for the fiscal year 2006 and such sums as may be necessary for the fiscal year 2007.

(3) PROHIBITION ON TELEVISION BROADCASTING TO CUBA.—None of the amounts appropriated pursuant to the authorization of appropriations in paragraph (1) or (2) may be used to provide television broadcasting to Cuba.

SA 285. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 15, line 18, strike "$13,024,000" and insert "$20,300,000".

SA 286. Mr. BIDEN proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

In lieu of the matter proposed to be stricken, insert the following:

"Section 404(b)(2)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (P.L. 103–236) is amended by adding at the end the following:

"(v) For assessments made during calendar years 2005, 2006, and 2007, 27.1 percent."

SA 287. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 11, line 20, striking "There" and insert the following:

(1) AUTHORIZATION OF APPROPRIATIONS.—There

On page 12, between lines 3 and 4, insert the following:

(2) NO GROWTH BUDGET.—Of the amounts appropriated pursuant to the authorization of appropriations in paragraph (1), $80,000,000 shall be withheld for each of the calendar years 2006 and 2007 unless the Secretary submits a certification to the appropriate congressional committees for each such calendar year that states that the United Nations has taken no action during the preceding calendar year to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget during that calendar year and that for such calendar years the United Nations will not exceed the spending limits of the initial 2004–2005 United Nations biennium budget adopted in December, 2003.

SA 288. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, between lines 4 and 5, insert the following new section:

SEC. 405. UNITED NATIONS OFFICE OF THE INSPECTOR GENERAL.

(a) WITHHOLDING OF PORTION OF CERTAIN ASSESSED CONTRIBUTIONS.—Twenty percent of the funds made available in each fiscal year under section 102(a) for the assessed contribution of the United States to the United Nations shall be withheld from obligation and expenditure until a certification is made under subsection (b).

(b) CERTIFICATION.—A certification under this subsection is a certification by the Secretary in the fiscal year concerned that the following conditions are satisfied:

(1) ACTIONS BY THE UNITED NATIONS.—

(A) The United Nations has met the requirements of paragraphs (1) through (6) of section 401(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236; 108 Stat. 446).

(B) The Office of Internal Oversight Services has fulfilled the directive in General Assembly Resolution 48/218B to make all of its reports available to the General Assembly, with modifications to those reports that would violate confidentiality or the due process rights of individuals involved in any investigation.

(C) The Office of Internal Oversight Services has an independent budget that does not require the approval of the United Nations Budget Office.

(D) The length of the fixed, non-renewable term of the Under-Secretary-General of the Office of Internal Oversight Services is seven years.

(2) ACTIONS BY THE OIOS.—The Office of Internal Oversight Service has authority to audit, inspect, or investigate each program, project, or activity funded by the United Nations, and each executive board created under the United Nations has been notified in writing of that authority.

SA 289. Mr. OBAMA (for himself, Mr. INOUYE, and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XXII of Division B, add the following new section:

SEC. 2227. ASSISTANCE TO THE PHILIPPINES.

(a) FINDINGS.—Congress makes the following findings:

(1) On May 19, 2003, President George W. Bush and President of the Philippines Gloria Macapagal-Arroyo issued a joint statement that stated that "[t]he Presidents agreed that relations are deeper and warmer today than at any time in recent history and noted that those ties are rooted in shared history, shared values, and a common interest in global peace and prosperity. President Bush and President Macapagal-Arroyo paid tribute to a revitalized and maturing bilateral alliance and pledged to strengthen the partnership further in the years ahead."

(2) According to the Department of State, "[t]he U.S. has important security, commercial and political interests in the Philippines, a treaty ally that straddles important air and sea lanes. . . . In recognition of the critical nature of Philippine support to the Global War on Terrorism, President Bush designated the Philippines as a major Non-NATO ally."

(3) On February 16, 2005, the Director of Central Intelligence stated: "In the Philippines, Manila is struggling with prolonged Islamic and Communist rebellions. The presence of Jemaah Islamiyah terrorists seeking safe haven and training bases adds volatility and capability to terrorist groups already in place."

(4) According to the United States Agency for International Development, "[c]orruption and conflict continue to impede the Philippines' economic and social development. Forty-six percent of the country's population lives on $2 per day or less. . . . The Philippines continues to suffer some of the worst effects of underdevelopment: a 2.36 percent rate of population growth; destructive exploitation of natural resources; and vulnerability to political instability. . . . Nevertheless, the Philippines has maintained its democratic institutions and its market-based economic system, as well as its historic ties with the United States."

(5) Despite the importance of the bilateral relationship between the United States and the Philippines, the budget request submitted by the President for fiscal year 2006 contains decreases in assistance to the Philippines in several important foreign assistance accounts.

(b) ASSISTANCE TO THE PHILIPPINES.—There are authorized to be appropriated to the President for assistance for the Philippines the following amounts for fiscal year 2006:

(1) For "Development Assistance" to carry out the provisions of sections 103, 105, 106, and 496 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a, 2151c, 2151d, and 2293), $27,576,000.

(2) For "Child Survival and Health Programs Fund" to carry out the provisions of sections 104 and 496 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b and 2293), $26,800,000.

(3) For "Economic Support Fund" to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.), $34,720,000.

(4) For "International Narcotics and Law Enforcement" to carry out the provisions of section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291), $2,000,000.

(5) For "Nonproliferation, Anti-Terrorism, Demining, and Related Programs", $5,150,000.

(6) For "International Military Education and Training" to carry out the provisions of section 541 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347), $1,000,000.

(7) For "Foreign Military Financing Program" grants to carry out the provision of section 23 of the Arms Export Control Act (22 U.S.C. 2763), $55,000,000.

(c) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Administrator of the Agency for International Development, shall submit to the appropriate congressional committees a report containing a 10-year strategy for providing assistance to the Philippines.

(2) CONTENT.—The report required under paragraph (1) shall include projected funding levels to help the Government of the Philippines deal effectively with a number of issues facing the country, including poverty, corruption, military reform, economic development, environmental damage, international terrorism, democracy building, and narcotics trafficking.

SA 290. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 110, between lines 4 and 5, insert the following:

SEC. 812. REQUIREMENTS FOR ADMISSION TO THE UNITED STATES.

(a) REQUIREMENT FOR OATH PRIOR TO OBTAINING VISA.—Section 222 of the Immigration and Nationality Act (8 U.S.C. 1202) is amended by adding at the end the following new subsection:

"(i) Every alien applying for a nonimmigrant visa shall, prior to obtaining such visa, swear or affirm an oath stating that—

"(1) the alien shall adhere to the laws and to the Constitution of the United States;

"(2) the alien will not attempt to develop information for the purpose of threatening the national security of the United States or to bring harm to any citizen of the United States;

"(3) the alien is not associated with a terrorist organization;

"(4) the alien has not and will not receive any funds or other support to visit the United States from a terrorist organization;

"(5) all documents submitted to support the alien's application are valid and contain truthful information;

"(6) the alien will inform the appropriate authorities if the alien is approached or contacted by a member of a terrorist organization; and

"(7) the alien understands that the alien's visa shall be revoked and the alien shall be removed from the United States if the alien is found—

"(A) to have acted in a manner that is inconsistent with this oath; or

"(B) provided fraudulent information in order to obtain a visa.".

(b) REQUIREMENT FOR OATH PRIOR TO ADMISSION.—

(1) IN GENERAL.—The Secretary of Homeland Security or an individual designated by the Secretary of Homeland Security shall require an alien seeking admission to the United States pursuant to a nonimmigrant visa to swear or affirm an oath reaffirming all the information provided by the alien for the purpose of obtaining the nonimmigrant visa.

(2) ADMINISTRATION OF OATH.—The Secretary of Homeland Security shall administer the oath required by paragraph (1) to an alien in the United States prior to the admission of such alien.

(3) FALSE STATEMENTS.—An alien who knowingly and willfully makes a false statement in swearing or affirming the oath required by paragraph (1) shall be subject to the penalties imposed for making a false statement under section 1001 of title 18, United States Code.

(4) ADMISSION DEFINED.—In this subsection, the term "admission" shall have the meaning given that term in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

SA 291. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 318.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEES ON ARMED SERVICES

Mr. LUGAR. Mr. President, I ask unanimous consent that the committee on Armed Services be authorized to meet during the session of the Senate on April 5, 2005, at 2:30 p.m., in open session to receive testimony on active component, reserve component, and civilian personnel programs, in review of the defense authorization request for fiscal year 2005.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, April 5, 2005, at 10 a.m., to hear testimony on "Charities and Charitable Giving: Proposals for Reform".

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Education and Early Childhood Development, be authorized to hold a hearing during the session of the Senate on Tuesday, April 5, 2005 at 9:30 a.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, April 5, 2005, at 9:30 a.m. in room 562 of the Dirksen Senate Office Building to conduct a hearing on S. 113, a bill to modify the date as of which certain tribal land of the Lytton Rancheria of California is deemed to be held in trust.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, April 5, 2005 at 9:30 a.m. on "Oversight of the USA PATRIOT Act." The hearing will take place in the Hart Senate Office Building room 216.

The PRESIDING OFFICER. Without objection, it is so ordered.

Witness List

Alberto Gonzales, United States Attorney General, Department of Justice, Washington, DC; and Robert S. Mueller III, Director, Federal Bureau of Investigation, Department of Justice, Washington, DC.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LUGAR. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 5, 2005 at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. LUGAR. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet on Tuesday, April 5, 2005 at 10 a.m. for a hearing entitled, "Monitoring CMS' Vital Signs: Implementation of the Medicare Prescription Drug Benefit."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE

Mr. LUGAR. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation/Merchant Marine be authorized to meet to conduct a hearing on Tuesday, April 5, 2005 at 10 a.m. on Highway, Motor Carrier, and Hazardous Materials Transportation Safety, and Transportation of Household Goods in SR–253.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BURNS. Mr. President, I ask unanimous consent that privilege of the floor be granted to Rexon Ryu, a detailee with Senator HAGEL's office, during consideration of S. 600, the State Department authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. I ask unanimous consent that Jennifer Gergen and Joseph Bowab, two detailees from the State Department who are serving with the Foreign Relations Committee staff, receive floor privileges during consideration of S. 600.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, at the request of Senator LIEBERMAN, I ask unanimous consent that Andrew Young, a fellow in his office, be granted the privilege of the floor during the consideration of the State Department authorization and all votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY TO APPOINT A COMMITTEE

Mr. KYL. Mr. President, I ask unanimous consent the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort His Excellency Viktor Yushchenko, President of Ukraine, into the House Chamber for the joint meeting tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, APRIL 6, 2005

Mr. KYL. Mr. President, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today, the Senate stand in adjournment until 9:30 a.m. on Wednesday, April 6. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume consideration of calendar No. 48, S. 600, the State Department authorization bill, provided that the time until 10 a.m. be equally divided between the chairman and ranking member, provided further that at 10 a.m. the Senate proceed to the vote in relation to Biden amendment No. 286 as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I further ask unanimous consent that immediately following the vote tomorrow morning, the Senate stand in recess until 12 noon so that the Senate may proceed as a body to the House Chamber for a joint meeting to hear an address by Ukrainian President Yushchenko.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. KYL Mr. President, tomorrow the Senate will resume debate on the State Department authorization bill. The leader has announced that under the previous order, we will vote in relation to the Biden amendment at 10 a.m., and that will be the first vote of the day.

Following that vote, the Senate will continue working through amendments to the bill. There are six additional amendments currently pending, and it is the leader's hope that we can work out time agreements on these, plus any other amendments offered tomorrow.

Again, we will have an abbreviated week due to the events at the Vatican. It is the leader's intention to complete action on the State Department reauthorization bill this week. Therefore, it is paramount that we make strides on this bill during tomorrow's session. Senators should expect rollcall votes throughout the day and into tomorrow evening.

ORDER FOR ADJOURNMENT

Mr. KYL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment following the scheduled debate with respect to Social Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOCIAL SECURITY

Mr. KYL. Mr. President, let me make a couple of comments and then I will yield to Senator DORGAN a couple of minutes as respective chairmen of the policy committees of both parties to describe what is going to happen briefly.

Sometimes, people watching C-SPAN will see a lone Senator giving a speech on the floor of the Senate and that passes for debate, and they ask, Where is the debate? Where is the joinder of the issues with one side asking the other a question and one side responding to the other's questions?

As a result of the fact that we don't have enough of that real debate in the Senate, what Senator DORGAN and I and our respective parties have agreed to is to conduct real debate, such as high school or college debates that many are familiar with, where there is a set time—in this case, 70 minutes—and each of four speakers, two on the Republican side and two on the Democratic side, have a few minutes, in this case 6 minutes, to make a presentation. Then when those presentations are over, each will ask the other questions. They will take a minute to ask the question with 2 minutes to respond; then, when the questions are over, there will be a brief summing up period of time. That can allow the positions of the parties to be articulated well and yet permit an exchange of rebuttal and surrebuttal, which actually enables the parties to question each other, to challenge each other's premises and then to respond; in effect, conduct a real debate. The exact time limits are known to the parties.

At this time, I ask unanimous consent, without reading the agreement which has been agreed to by both parties respecting the relative time and order of presentation, that the agreement be deemed read and agreed to, and that it be deemed self-executing in the event that either Senator DORGAN or I should not be on the floor for purposes of yielding time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KYL. Mr. President, for the next 70 minutes, as soon as Senator DORGAN is done with his preliminary comments, we will conduct this debate on the subject of Social Security. I invite those who are watching C-SPAN, as well as our colleagues, to tune in here because this may be one of the few real debates that we have until this subject actually is taken up on the floor of the Senate.

Finally, the subjects are chosen by mutual agreement, and we hope to have more of these debates this year and the following year, conducted roughly in this same kind of format so we can engage on other subjects as well.

I yield to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I thank the Senator. We are the chairmen of our respective policy committees, Republican and Democratic parties. We have on previous occasions decided to arrange some debates on the floor of the Senate about some significant issues. I participated in previous debates. For this evening, however, the debate will occur between Senator DURBIN and Senator STABENOW on the Democratic side, Senator DEMINT and Senator SANTORUM on the Republican side. This debate is about Social Security, the larger issue, and also the merits of private accounts in Social Security.

I assume this will be a spirited discussion because it is a discussion that has been moving around the country at a very significant pace in recent weeks. It was said once that when everyone in the room is thinking the same thing, no one is thinking very much. I happen to think debate strengthens this democracy of ours.

I recall several years ago I picked up the Washington Post and there was a big debate going on about something very controversial, and someone was quoted in the Washington Post. They said, This whole thing has degenerated into a debate about principles. I read that, and I guess that is why I came here. I hope so. I hope that is what debate is about.

Tonight, we will one more time begin a discussion and a debate, in this case on a subject that is very important in this country. I thank the two Republicans and the two Democrats, distinguished colleagues, who have agreed to participate in this debate. As my colleague Senator KYL indicated, this debate will be self-executing. The rules are known to all participants.

With that, let me turn this debate period over to the participants who have agreed to begin.

The PRESIDING OFFICER. The majority leader or his designee is now recognized for 6 minutes.

Mr. SANTORUM. Thank you, Mr. President. I thank both chairmen for structuring this debate.

I am here to talk about the problems confronting the Social Security system. Then my colleague Senator DEMINT will talk about in more detail the solutions we are putting forth—many of us on the side of the aisle are putting forward.

The problem with Social Security is it is driven by demographics. Social Security is a pay-as-you-go system. That means the people working pay into the system for those who are retired. The system worked well when you had a lot of people working and only a few people retiring. But that has fundamentally changed over the years. As a result of that change, what you see in the red line is a dramatic increase in taxes—from 2 percent, which is what the tax was on Social Security in 1936, now up to 12.4 percent. It was 2 percent on the first $3,000 you made. That is the green bar. Now it is up to 12.4 percent of the first $90,000 you make. If you are working in the system now, that is when you start, high based; in other words, almost every dollar most people make is going be taxed at a very high rate.

This is a big tax burden on future generations of America as we stand today. But this tax right now doesn't pay for the benefits that are going to be provided for future generations. Why? Demographics are changing.

The first thing to happen is the fact that we are not having as many children. There are some exceptions to that. But we are not having as many children as we had in previous years. You see the baby boom generation, 6.3 children of women of childbearing age.

We are now going to be below a sustainable birth rate. But for immigration, we would be losing population in America.

We see a gradual decline in the number of workers going into the system. That is No. 1.

No. 2, we have a problem—a good problem. People are living longer. Life expectancy at the time Social Security started was age 61. Truly, at the time, Social Security was an old-age program. What does that mean? It was for people who could no longer work. People didn't live to age 65 back in 1936. Now we are seeing seniors living to age 77, and increasing 1 month every 2 years.

What we are going to be asking future generations of Americans to do—these workers, fewer of them—is to support seniors up to almost one-third of their lifespan in "retirement" on Social Security.

People are living longer, fewer people paying benefits, and the final big blow to the demographic perfect storm is the number of people turning 65.

If you look back over the last 40 years, back and beyond 1982, the average number of people turning 65 in America was 2 million. When boomers start to retire, as you can see in the year 2011, the average going out over the next 40 years is going to be 4 million people. We are going to double the number of people retiring, and they are going to be living longer, and fewer people are coming into the workplace to pay for those benefits. As a result of this combination of three factors, we see this very important distinction. This is what is driving the personal accounts. That is what is driving the need for changes in the Social Security system. It worked fine when you had a lot of people paying 42 to 1.

Now we have a system where almost one person is paying for one person in retirement; it is two to one. Franklin Roosevelt would never design a system where workers were paying for retirees if you only had two workers paying for one retiree. No one designing a system today would design a system with demographics looking like this. In a sense you are almost paying for one person's retirement.

If you do that, anyway, why not have a personal account? Why not have the money paid to you and accrue that money over time, earn interest, have the miracle of compound interest being used to benefit from the taxes you are paying, instead of simply paying it to someone who is getting a transfer payment from you as you work today.

Franklin Roosevelt was right; Members never thought a Republican would say that. He was right to design a system such as this because it made sense. There was a very small burden on taxpayers. But we have changed. America has changed. And as a result of that change we need to look at the system differently.

Here is what happens now because of this demographic. Huge deficits in the future. Why? Fewer people paying and more people retired live longer. We have a short window of 10 or 12 years when we are paying more into the system than we need to pay benefits.

Why don't we lockbox that? How do you lockbox it? You can't lockbox it. Every Senator I have ever talked to says the money goes to pay for other Government programs. The answer is right. How do we lockbox it? Put it into personal savings accounts for their benefits in later years. That is how you lockbox Social Security today. That surplus that is there right now, put it into personal accounts. If we don't do that, we will have a cashflow problem in our ability to pay benefits. We cannot pay benefits with IOUs. The President showed that today in Parkersburg, WV. You have to pay benefits with cash. That is the cash deficits we will be running in the Social Security Program alone: $63 billion in 10 years, $250 billion cashflow. What does that mean? Someone will have to pay more in taxes in 10 or 15 years, someone will get less benefits, or we will have huge borrowing to pay current benefits—not doing anything about saving money, not doing anything about having a better benefit, just to pay the current benefits being promised and that we cannot deliver on.

The PRESIDING OFFICER. The Senator's time is expired.

The Senator from Illinois.

Mr. DURBIN. I thank my colleagues. Sometimes by accident the Senate lapses into something which perilously resembles debate. This may be one of those moments.

For those who are following it, welcome to the Senate as I hoped it would be. I congratulate my colleagues on the Republican side and my colleague Senator STABENOW for engaging in this debate.

The first question the American people ought to ask is a very basic question: Congress, if you did nothing, if you didn't change one word in the Social Security law, how long would the Social Security system make payments to every retiree with a cost-of-living adjustment every single year? To listen to my colleague from Pennsylvania, it sounds as though doomsday for Social Security is right around the corner. But the professionals tell us it is 35 to 45 years away; 35 to 45 years if we do nothing.

President Bush and Senator SANTORUM and others have said, but what about beyond that date? That is a legitimate challenge to all of us. When I came to Congress in 1983, I faced that challenge on a bipartisan basis. We met that challenge. We extended the life of Social Security for 59 years with commonsense changes. That is what we should do again.

Yet the President comes to us and proposes privatization. Now I have said it. I said the word which drives the Republicans into a rage. They don't want to use "privatization." It is as Senator Bumpers said, they hate privatization like the devil hates holy water. But the fact is when the Cato Institute dreamed up this scheme, that is exactly what they called it.

So now the Republicans have a softer side of privatization; they call it personal accounts. But it comes down to the same thing. If you are going to take money out of the Social Security trust fund to invest it in the stock market, the first and obvious question you have to ask is, does this strengthen Social Security? The President has already answered that question: It doesn't. It weakens Social Security. It means the Social Security trust fund will run out of money sooner. That is obvious. You are taking money out of the trust fund.

What else does it do? It forces you to cut benefits for Social Security retirees. There is less money in the trust fund. You cannot pay out as much in a pay-as-you-go system. That is fairly obvious.

How would they achieve that? The White House memo that was released said they would move to this new price index. Wage index to price index does not mean much to the average person until you sit down and ask, what does that mean in realistic terms? So we ask, what does that mean for today's retirees? What if we had dealt with a price index instead of a wage index?

The yellow line on the chart suggests current law; the red line price indexing. What it tells us is 20 or 30 years from now, under the President's approach, we would see a 40-percent cut in benefits paid to Social Security, forcing millions of seniors below the poverty line. That is part of privatization. The other part, the part which they hate to talk about, is that as you drag these trillions of dollars out of the Social Security trust fund, the only way to make it up is to add it to our national debt, $2 trillion to $5 trillion of national debt over 20 years, debt that is financed by Japan, China, Korea, and Taiwan, debt our children would carry.

So there we have the perfect storm. All three have come together: A privatization plan that doesn't strengthen Social Security but weakens it; a privatization plan that is going to cut benefits dramatically in the outyears; and a privatization plan that is going to create a deficit of $2 trillion to $5 trillion.

If we moved to the President's plan immediately, the Social Security system would go bankrupt even sooner, be insolvent even sooner. How can that be the right approach?

Now, let's get down to the politics of this situation. This is all about choices. We have made some choices. We had a vote as to whether we were going to cut taxes in America or save Social Security. Look at these Bush tax cut votes where we asked our Republican friends who wanted to join us in saving Social Security, are you willing to sacrifice a penny in tax cuts to make Social Security stronger. Time after time after time, to amendments offered by Senator BYRD, Senator HARKIN. Senator CONRAD, Senator REID, Senator Hollings, they have said no, we would prefer tax cuts even for the wealthiest people in this country rather than to strengthen the Social Security trust fund. The reason the Social Security trust fund may be in peril in the outyears is we have taken so much out of it to finance tax cuts.

I have a chart which shows what the tax cuts mean. the Social Security shortfall and the cost of other administration politics over the next 75 years. The Social Security shortfall is about the same as the President's tax cuts for the top 1 percent of Americans. If we took the money we are giving in tax cuts to the wealthiest people in America and put it back into the Social Security system, we would not be having this debate. We would be talking about other issues that are equally if not more important.

Look at this chart. As a percentage of gross domestic product. Social Security will be at 48 percent in the year 2075. Look at Medicare and look at Medicaid. As we talk about this light at the end of the tunnel, 35 or 45 years from now, there is a locomotive looming, about to run over us, called Medicaid and Medicare and cost of health insurance.

So why aren't we sitting down on a bipartisan basis as we did in 1983, working out commonsense solutions that don't privatize Social Security, weakening it, cutting benefits, creating a massive debt for our children? Why don't we work on a bipartisan basis to make it stronger?

The PRESIDING OFFICER. The Senator's time is expired. There is 6 minutes for the minority.

The Senator from Michigan is recognized.

Ms. STABENOW. First, thanks to my colleagues on both sides of the aisle for arranging in this incredibly important debate, Senator KYL and Senator DORGAN, for bringing us together in this way.

Social Security is a great American success story. Senator DURBIN and I, while we were not around when it was created, are very proud of the fact that we as Democrats led the way to create a great American success story. Our goal today is to keep the security in Social Security. That is the fundamental issue, I believe, for each American family.

We are very proud of the fact that Social Security is a great American success story because prior to Social Security, half of the seniors in our country, half of older Americans, were in poverty. Today it is about 10 percent. We still need to work on the 10 percent but this is a great American success story. We want to make sure nothing is done to unravel this.

It is important we have this debate, though, and we talk about the fact that Social Security is America's insurance policy. It is our families' insurance policy because it is more than just retirement, which is so critical. But it is also a disability policy. Most of us do not have a private disability policy. In fact, 75 percent of us do not. It is a disability policy; it is a survivors policy.

Heaven forbid if mom or dad lose their life, where they are not there to care for their children. In fact, in my husband's own family, when he was 10 years old, his father died. His mom was older and not well, and he and his mom literally survived on Social Security.

This is a great American success story. Anything we do that pulls dollars out of an insurance policy will cut those who are left. No matter how forcefully the President or our colleagues say that somehow some folks can be protected, when you pull dollars out of an insurance system, it is not possible. I think it is very important for us to understand that as well.

Also, we can each have our own opinions but not our own facts. There are a couple of different numbers floating around, but I would suggest to you that the folks whom we are obligated to look to, the Congressional Budget Office—the folks where nobody is appointed by the President, such as the Social Security trustees—those who are the nonpartisan folks we refer to all the time, they tell us, as has been said, that the trust fund can pay 100 percent of its obligations until 2052, and after that, if nothing was done, it would be about 80 percent, maybe 78, 80 percent the trust fund could pay.

There is no question there is a gap, and we are here to say we want to work with you to address that gap. That is what we ought to be doing.

What we know, and the President has already admitted, as have others, is the privatization scheme proposed does nothing to fix this; nothing. It does not add a day, does not add an hour to 2052. In fact, it makes it worse.

There is a solution. In fact, there are a number of things we can talk about. But 2 weeks ago we had a vote on the floor on the budget resolution. This was a vote based on an amendment that Senator KENT CONRAD and I had to put Social Security first. I know people are concerned about Social Security, those who support continuing it. But the reality is, we had a vote 2 weeks ago on an amendment that simply said, before we permanently extend tax cuts predominantly to those most blessed in our country, who are the least worried about Social Security, or before we add new mandatory spending, we should secure Social Security first.

It is staggering when we look at the differences in values and priorities in this Congress and with the administration. Mr. President, $3.7 trillion is a lot of money; $3.7 trillion would secure Social Security for 75 years. That is, what, a third, a third maybe, of what we are going to be asked to vote on later this year and beyond to extend tax breaks predominantly for the wealthiest Americans for 75 years.

What are our values? What are our priorities? What does this say about us as a country? We can easily, by putting Social Security first, fill that gap for 75 years. And I believe we ought to do it.

Specifically, on why privatization is something that does not make sense. Privatization does three things we are concerned about: It increases the national debt drastically; it increases administrative costs; and it adds deep benefit cuts. No matter who says, "We'll protect this group or that group, these folks will be OK," if you take money out of the insurance system, everybody gets cut. That is the reality.

The first thing is the budget deficit, the deficit for the country. When we look at what is happening right now, it is astounding. We have the largest Federal deficit right now in the history of the country. We should all be extremely concerned about it. It is $4.6 trillion, projected. This adds, over 20 years, another $4.9 trillion. It more than doubles the national deficit in order to do privatization.

One of the things I am particularly worried about, both as a member of the Banking Committee and a member of the Budget Committee, is who is buying that debt? Who is buying that debt from us? This is at a time when we are concerned about national security and trade deficits and what is happening around the world.

Well, the top two folks buying it are Japan and China. But can you imagine, South Korea and OPEC own some of our deficit. What happens when we add more to that deficit? And what happens when foreign countries buy more and more of our debt? This is a bad idea to add more to our debt.

Let me add a couple of points.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. STABENOW. I will do that later. Thank you.

The PRESIDING OFFICER. The majority is now recognized for 6 minutes.

The Senator from South Carolina.

Mr. DEMINT. Thank you, Mr. President. I thank my colleagues as well.

This is a great opportunity to discuss such an important program. I appreciate all three of my colleagues who have spoken who have stressed how important it is that we keep the promise of Social Security. We have heard a lot of numbers and different information. If I could, I would like to try to make it a little simpler so at least I could understand it.

I am reminded, as I hear some of the information, of a TV commercial I have seen that the AARP has sponsored. Some of you may have seen that commercial. The Presiding Officer may have seen it as well. In the commercial they have a wrecking ball that is tearing down a house and a Caterpillar tractor tearing down the walls and a family fleeing, and they are saying: This is what the President is trying to do to our Social Security system, to tear it down completely when all it takes is a few simple adjustments.

I think the real truth here is the house is more like one I saw on the news during the rains and the mud slides in California: a beautiful big house sitting on the mountainside, and from the front it looked perfect. It was perfect in the inside. The roof was perfect. It did not leak. But when you looked around the back, from the air with a helicopter, you could see that half of the foundation had been washed away, and it was precariously perched there on the side of the mountain. But it looked perfect from the front. A few hours later they showed a clip from the air where the whole house went down the side of the mountain.

Unfortunately, what we have happening today is we have a Social Security program that has worked, and it looks good, just like that house, but the foundations have been eroded for many years, and we are coming to the point where we have to rebuild those foundations.

I appreciate what the President is doing. This President has been willing to confront the most difficult issues of our generation. He has confronted terrorism head on. He is the world leader now in exporting freedom and democracy. He has taken the education issue on, recognizing we were leaving children behind, and made it more accountable. He saw that seniors were not able to buy prescriptions, and he has worked with the Congress to make sure they could. He sees that Social Security is like the house on the cliff and that we need to fix it.

Now, I am afraid my Democrat colleagues and the AARP and some other groups are still showing people around the house and telling them it looks fine. And it does. But, folks, the real truth is, the foundation of our Social Security system has been eroded. The President is trying to show us the truth, that we need to rebuild the foundation.

Senator SANTORUM painted a clear picture. The foundation of our current Social Security system was based on a lot of workers and few retirees, a lot of workers putting in $60 or less a year. Today, we have the average family putting in over $5,000 a year. The problem with that foundation and why it is being washed away by today's demographics is there is no savings. We have not saved 1 penny. Even though the average American family puts in over $5,000—some dual-income families over $15,000 a year—we are not saving any money in the Social Security system.

I am afraid while the trust fund is a nice idea, it is no more real than Santa Claus or the Easter Bunny. The President today pointed out that the trust fund is simply a file cabinet with a bookkeeping record of how much the Federal Government has borrowed from Social Security. This money was being borrowed before our tax cuts. It is being borrowed today. This year, there is $75 billion in Social Security surpluses. It is being spent. And if we had not had the tax cuts, it would have all been spent because there is no way in our current Social Security system to save real money. That is all the President is talking about, rebuilding the foundation of our Social Security system with real savings. And that is what we are trying to do.

I will put up a chart. I want to point something out that is very important. So much has been said that we are taking money out of the Social Security system. But what we are doing with personal accounts is welding them to the current Social Security system.

As you will see with the first bar on the chart, this year, in 2005, all of the benefits to today's retirees are being paid from the current system. But what we are proposing, since the current system is running out of money, is to begin to add personal savings within the Social Security system. By 2025, over half of the benefits that will be paid—and it is important to see that the benefits will be the same—will be paid in part by personal savings and in part by the traditional system.

Now, by the time my children retire, in 2045, all of the benefits will be paid from a funded Social Security system, from real savings, and people will actually get better benefits in the future than they do today.

Let me point out on a second chart, it is important to recognize no money is going out of the system. It is all part of a system that has a new foundation of real savings.

This is something we require of every corporation in the country that offers a pension plan, that they have real money in it. That is what we need to do to Social Security.

One of the benefits of this—in addition to structuring a program where we can guarantee benefits; we don't change disability; survivors benefits can be even better—is the average American worker, if you look at 2035, average median income at 35, it is already close to $400,000 that they can work with their current system. The benefit there is that if you die before you are 65 instead of today when you have nothing, it is left to your heirs. It is part of your estate. More people can inherit wealth.

We can continue to talk about this as we go through the questions and answers.

The PRESIDING OFFICER. The minority is now recognized and has 1 minute to pose a question.

Mr. DURBIN. Mr. President, I will ask the first question. If you take up to 2 percent out of the Social Security trust fund—and it is a pay-as-you-go system—it is clear you don't have enough money to pay the benefits. The White House memo suggested that the way to deal with this is to reduce the amount of benefits paid to Social Security retirees. So I would like to ask my Republican friends if they support the White House memo that called for the price index that would cut benefits for Social Security retirees in years to come up to 40 percent.

Mr. SANTORUM. I would answer that and say that as you see, we have a surplus right now that can be used to fund these accounts for the next 10 years. After that we run a deficit in the Social Security Program, and we would have to come up with a way of financing that deficit.

What the President has suggested is that with Social Security, if we fix it the old-fashioned way, the way you did in 1938, which was increase taxes and cut benefits, workers would be paying more and getting less. With personal accounts, you have the opportunity of getting more because you use the compound interest, you use the miracle of the markets, and a balanced investment portfolio that is being used by pension funds all over the country to fund their accounts. And so what we would suggest is you initially use the surplus money and then you balance for future workers—again, no reduction in benefits today, but you balance for future workers.

What the President has talked about is a promise, a lower promise of benefits but a better opportunity for a return because you have the personal savings accounts which can exceed the promised benefit. So you have at least the opportunity to do as well as the current system promises but cannot pay—promises but cannot pay—and you have the opportunity of not having to have future tax increases, again, because you are able to compensate with the amount of money that is earned in these accounts, again, because of the compounding of interest and because of the diversified portfolio of investments you have.

To me, this is a balanced approach. It takes the good part of the Social Security system which is the security of having money go into this old system, keeps that in place for about two-thirds of the money, and a third of the money will be able to offset what would have to be a future reduction of benefits with the growth in the personal account.

The PRESIDING OFFICER. The time of the Senator has expired. The majority is now recognized for 1 minute to ask a question.

Mr. SANTORUM. I thank the Chair. I would like to ask a question about the 6 percent of the workforce that does not participate in Social Security. They are State and local workers. My first question is, Do you support requiring—just as you did in 1983 by requiring Federal workers to participate in Social Security—those State and local workers to participate in Social Security? And if you do not, then why would you deny current workers who are in the Social Security system the opportunity to have a personal account like those workers do and allow them to continue to have their funded pension system and funded Social Security system, not allow current workers to have at least a partially funded Social Security system?

Mr. DURBIN. I might say that many of these people are teachers and firefighters and policemen who pay into their pension systems. They understood the arrangements when they went in and usually pay as much or more than Social Security requires. And for us to now change their system and bring them into Social Security fails on two counts. First, it doesn't solve the Social Security solvency problem. It is worth about 20 percent of the total that we are dealing with. And second, it is going to demolish their own pension plans. So you are going to find these people who are being interrupted into their current employment paying into pension plans who will now either pay more into Social Security and/or less into their pension plans.

Is that what we want to achieve? Do we want to take pension plans that people paid into for a lifetime and weaken them? Is that our way to solve the Social Security crisis? I don't think so. I listened to my friends on the Republican side likening the Social Security trust fund to Santa Claus, the Easter Bunny, and a file cabinet. They may not recall it, but it hasn't been that long ago, 6 or 7 years ago, when we generated surpluses in the Federal budget. The Social Security Program was stronger. We were borrowing less money from it.

Since President Bush arrived we have borrowed $800 billion out of the Social Security trust fund. The so-called file cabinet has been very generous to the President when he wanted to finance his tax cuts. If he hadn't given tax cuts to the wealthiest people, that file cabinet would have been full of money for Social Security recipients, lengthening the life of this program.

Also, this whole thing about the miracle of the markets.

I commend my colleague from Pennsylvania. Thank you for finally saying the words. You said we are talking about lower benefits but the opportunity to do better. That is what it is all about. So there is a guarantee of lower benefits to Social Security and the possibility of making more money on your investment.

Does the phrase "past performance is no indication of future results" ring a bell? That is what you see at the bottom of every ad for stocks and bonds and mutual funds. There is risk involved. Some may profit, others may not.

The PRESIDING OFFICER. The minority now has 1 minute to pose a question of the majority. The Senator from Michigan.

Ms. STABENOW. Mr. President, to follow up on the fact that we are hearing that there is no money in the trust fund, I am quite shocked to hear that because back in the 1980s, when the decision was made to come together, President Reagan, based on Alan Greenspan's commission, with Bob Dole and Tip O'Neill, they came together and on purpose designed a system to create surpluses for all of us baby boomers so there would be more dollars available in a surplus. And, in fact, what the President looks at, of course, just like when you go to a bank, you don't look in and just see dollars because there are investments being made and so on.

In the Social Security trust fund, individuals have been given secured bonds, the equivalent of a secured bond, an IOU, each one of us as individuals, with the full faith and credit of the United States behind it.

My question is this: We are giving those same kinds of assurances to those who buy our foreign debt, that we have the full faith and credit of the United States behind it. Would you suggest that we would pay China back and Japan back and our foreign creditors before we would pay back the people of America who have paid into the Social Security trust fund and have been given a secured IOU?

Mr. DEMINT. An excellent question. Those are legal obligations of the Federal Government which we have to honor. But the Supreme Court has said Americans have no legal right to a Social Security benefit. It is not their money. They don't own it. Unfortunately, the Social Security trust fund could not write one check to a Social Security retiree today. There is no money.

The only place the money can come from for the trust fund is if it comes back from the general fund to the trust fund. In other words, these cash deficits that we have talked about are the money that has to come out of the General Treasury, out of our education fund, our transportation fund, out of our military, in order to pay these IOUs that are in this so-called trust fund. And we don't have the money to do that.

And the talk of tax cuts hurting the Social Security trust fund, I am afraid, is ridiculous. The money was all being spent anyway. If we had not had a tax cut, more would have been spent. This year there is $75 billion in a Social Security surplus that we are spending.

My question to the Senator is, would the Senator support a proposal that actually saved the Social Security trust fund—that is all we do—save the money that is surplus between now and the time that runs out in 2017—and that is when the program is in trouble because that is when we have to start pulling money out of the general fund. But my question to both of my Democratic colleagues is, would they support a proposal to save the Social Security surplus today?

Ms. STABENOW. Mr. President, first I say to my friend and colleague, I am shocked to hear him say the people of America who have paid into the Social Security trust fund, the baby boomers, do not have a secured obligation by all of us. Is the Senator saying whether it is moral or whether it is legal, or is he saying we do not have to pay those benefits? He is actually saying that for the folks who have paid in as baby boomers that we are not obligated to pay those benefits?

Mr. DEMINT. That is what the Supreme Court——

Ms. STABENOW. I want to make it clear that we Democrats believe with all our hearts and souls we have a responsibility to pay and we will pay those obligations. To somehow say that it is different to pay a foreign country than it is to pay our own people the obligations when they are both secured obligations—this is not something written down on a little piece of paper. This is a secured obligation with the full faith and credit of the United States of America behind it.

So I ask my colleague in return, the simple thing to do here, the very simple thing to do would be to go back and vote again on simply making a policy statement. Why didn't my colleagues, either of my colleagues, vote to say "put Social Security first," let's make sure we secure the obligation, keep it secure for 75 years, and then we can give 70 percent of the tax cuts: to say to those most blessed in this country, will you take 70 percent of $11.6 trillion rather than 100 percent so every single person cannot only have retirement, but have a disability policy, have survivor benefits?

Isn't that based on the great values of America in terms of paying into a system, knowing it is going to be there, working hard all your life and creating a way for people to care about each other and have community? To me this would be the easiest thing, and we could do it tomorrow if we had the votes to do it.

Mr. SANTORUM. Mr. President, I suggest the chart is not accurate. According to the Congressional Budget

Office, extending the tax cuts would cost about .7 percent of the gross domestic product between now and 2050, whereas the Social Security deficit is 1.4 percent of GDP. Even if we repeal all the tax cuts, not just on the wealthiest but on everybody that we provided—that is child credit, that is marriage penalty, all of those things—if you take all of those tax reductions the President has put forward, they only make up half, according to the Congressional Budget Office, of the shortfall. It does not solve the problem, No. 1, and it also would be mixing apples and oranges.

We have never in the history of this system had a general fund tax transfer to Social Security. We have always funded Social Security within the Social Security system through payroll taxes, and I showed the increases of taxes over time. So now we are talking about something fundamentally different. We are talking about general fund revenue to fund Social Security. I do not think most people would see that as an insurance policy anymore. I think they start to see it as a transfer program looking more like a welfare program than what has historically been a social insurance program.

I do not think we want to head down that road. I think we want to keep the integrity of the Social Security system in place. That is why what we are suggesting, which is personal retirement accounts, where the money stays in the system—there is a lot of talk saying you are taking money out to put in these accounts. Remember, these accounts pay Social Security benefits. The money stays in the system. It does not come out of the system. It is used as a way of actually saving and capturing this money that right now is going to the Federal Government to spend, and in exchange we are getting this IOU.

Is the IOU an obligation to pay? Yes. How does the Government pay benefits? It pays benefits on the ability to take either tax revenue or borrow money and pay out benefits.

What we are suggesting with this chart of showing the cashflow problems is the deficits are going to be huge in the future, and that is going to be a problem of cash-flowing benefit payments in the future. It is not that we will not pay them; it is the deficits are going to be huge.

The PRESIDING OFFICER. The Senator's time has expired. The majority has 1 minute to pose a question to the minority.

Mr. SANTORUM. Mr. President, I ask either of my colleagues, they have heard of the solution we have put forward, and I guess the question I have is, the Senator from Illinois suggested we can fix it the way we fixed it in the past. The way it was fixed in the past is we raised the payroll tax from about 10.4 percent to 12.4 percent and we raised the base and indexed it. And then secondly, we increased the retirement age from 65 to 67. Also, we taxed benefits for the first time on higher income individuals. We taxed benefits, increased the retirement age, and we raised taxes.

So my question is: If my colleagues do not want to go the personal account route, and if they accept at some point—pick the time—at some point there will be a shortfall in the system, how are we going to solve this problem? What tax are we going to increase or by how much? How much are we going to cut benefits, or how much are we going to tax benefits?

Mr. DURBIN. Mr. President, I think it is an honest question, and it is one we should face honestly. The last time we did, in 1983, Mr. Greenspan's commission came up with a list of recommendations and said: Choose from this chart and you will lengthen the life of Social Security dramatically.

Finally, we came up with a package, as the Senator from Pennsylvania described. A final vote in the House of Representatives included 81 Republicans voting with 158 Democrats. When it came to the Senate, there were more Republicans than Democrats supporting the Greenspan Commission proposal.

Yes, it gets down to basic math, and that is what troubles me about some of the statements made by my colleagues on the floor. It seems we think we can defy the laws of gravity and the laws of mathematics, and it simply gets down to this: If you want to strengthen a program such as this, you are either going to raise taxes, cut benefits, or find some new way to generate money into that system. My colleagues' program is not a way that puts money into the system. It takes money out of the system that then can be invested, that may have a good return, and if it has a very good return, you are going to be the winner. If it goes soft on you, if you happen to have a bad investment, you are a loser. You have fewer benefits under Social Security, less money from your investments. The risk is there.

But I think we need to get down to basics. The Senator from South Carolina suggested earlier that we might as well have tax cuts; otherwise, we will spend the money. But in the years when we were generating surpluses under President Clinton, before President Bush was elected, we had the largest increase in longevity in Social Security in modern history. In a matter of 3 years, as we are building up surpluses, not spending the money on tax cuts or new programs, Social Security is getting stronger by 8 years because we are being fiscally responsible.

Now with President Bush, with the largest deficits in the history of the United States brought on by a Republican President and a Republican Congress, Social Security is going the wrong way. The latest estimate says it has lost a year in solvency. They are connected.

You cannot take the money and overspend on programs or on tax cuts and not have a negative impact on the Social Security trust fund.

The PRESIDING OFFICER. The minority has 1 minute to address a question to the majority.

Ms. STABENOW. Mr. President, given the fact the President has indicated that the privatized accounts do not solve the solvency problem for Social Security, and given the fact that at this point colleagues have said they are not interested in putting Social Security first before additional tax cuts or new mandatory spending, what would my colleagues' proposals be at this point? Assuming the privatized accounts, as has been said—that is a philosophical difference; folks may or may not wish to privatize Social Security, but it does not add a day to the solvency of the Social Security trust fund.

I ask my colleagues, what would your proposals to protect and secure Social Security be for the future?

Mr. DEMINT. Mr. President, I appreciate the question because I actually do have a proposal. The fact is, if you add personal savings within the current system, you do fix the system permanently. The example on this chart is while right now the traditional benefits are paying 100 percent of our promise, and Social Security is a promise we need to keep—Republicans are committed to it, and the President is, and that is why we are looking at this house that is on a cliff. We want to figure out how to build a foundation that will keep it there for our children and grandchildren.

But if we allow personal accounts to work with the traditional system, when we get out to the year 2045, we not only have a permanently solvent system, we have one that is completely funded. In other words, it would meet the legal criteria of pension plans today.

I think all of my colleagues know that if corporate America asked us to set up a plan such as Social Security where we take workers' money today, we spend it all, and then we try to pay benefits out of future revenues, we would say no and we would probably put them in jail.

The plans we are talking about eliminate risks. They guarantee a future benefit and they are slanted toward giving the poor a better deal than they have had under the current system. We can design a Social Security system with personal accounts that eliminate risk and help the poor more than this current program and make the program permanently solvent.

My question back to the Senator would be, if the Senator is not for personal accounts—and I guess if the Senator is thinking the trust fund is going to pay benefits after 2017 even though last week the Social Security actuaries in their report said in 2017 payroll taxes will no longer be enough to pay promised benefits, so we will have to start pulling money from the general fund—my question to the Senator is if the Senator does not want to put personal accounts into the system, which we continue to stress we are not taking money out, we are adding new money to the Social Security system, we are saving it in personal accounts, we are welding it to the traditional system so that it will be stronger in the future, how is the Senator going to fix Social Security and pay benefits in 2018?

Ms. STABENOW. With all due respect, I am trying to figure out the new math in my head because the math that the Senator is talking about certainly does not add up to anything that I have seen. I would encourage folks who are watching to go to democrats.gov and use the calculator based on a 6-percent rate of growth that some financial folks put together where they can put in their date of birth and their average yearly earnings and find out for themselves how they would do. So far we have not found anybody who does better under these privatized accounts.

So when one is talking about what we ought to do, we need to start with the reality that the privatized accounts turn Social Security from a guaranteed benefit into a guaranteed gamble, No. 1. Secondly, there is nothing in what the Senator is talking about that has a relationship to what we are hearing about these private accounts.

I said to Secretary Snow in a committee hearing that I understand folks have to pay some of this back, so let me give an example. My daughter is 25. Let us say I give her $1,000. At retirement I tell her I want the $1,000 back, 3-percent interest, plus inflation. Is that what you are talking about? And he basically said yes. He did not disagree with that.

What we are seeing is a lot of hocus-pocus, a lot of where is the pea on the table moving things around. Of course, we have nothing specifically in writing yet from the President, which is one of the problems. But what we are seeing is a lot of talk that does not have a relationship to reality. The reality is that for the first time, in 2017 we begin to dip into the surplus that the Senator and I have been paying into as baby boomers all of our working lives. It is a commitment. It is a secured obligation and we are going to pay that to folks.

So the question is, what happens in 2052 when that surplus is no longer available? And if we can take privatization off the table, the Senator has very willing and able colleagues on this side of the aisle who want to work with the Senator to do those things that will secure it for the future.

The PRESIDING OFFICER. The Senator's time has expired.

The minority now has 1 minute to pose a question to the majority.

The Senator from Illinois.

Mr. DURBIN. President Bush created a commission that was stacked to be for privatization and personal accounts, but notwithstanding that the closest option to what the President has described, option 2 from that Commission, says in the first 10 years $2 trillion would be added to the national debt, in the second 10 years $4.9 trillion to the national debt. We have asked the administration repeatedly how are they going to deal with doubling America's national debt, doubling our indebtedness to the rest of the world. How can they believe America will be stronger in years to come when America's mortgage grows and America's mortgage holders, Japan, China, OPEC, Korea, and Taiwan, if they end their love affair with the dollar, will sink us by demanding higher interest rates to continue to finance our debt? How can this be fiscally conservative, I ask my Republican friends?

Mr. SANTORUM. I thank the Senator. This is really an interesting question, and I think everyone admits that there is a gap between the amount of money coming in and the amount of money that we are going to need to pay, and that is shown by this cash deficit. The fact is, we have to somehow or another in Social Security bring these two lines together. I think everyone would agree that is the option.

Right now, the shortfall over the life of the program is $11 trillion between the revenue line and the benefit line—the benefit line being up here, the revenue line down here. How do we bring those lines together, and how do we keep it solvent in the future?

What the President suggested is that if we do some—let us assume it is all borrowing. We cannot make any spending cuts. We borrow up to—again, according to Alan Greenspan—$1 trillion to $2 trillion over the next 15 to 20 years to prefund Social Security, just like we prefund every other retirement system in America. In fact, they are required by law to prefund. We put the money into a diversified portfolio of investments and then that borrowing at the beginning creates an elimination of the $11 trillion long-term problem. So I would ask, is a $2 trillion investment now worth saving $11 trillion and making the system permanently solvent in the future?

I would answer that question with a resounding yes, and we put the Social Security system on stable funding forever and have it supported by ownership. Of course, we all know ownership has its privileges. One of the things is it can be passed to the next generation. One can do better than the current system promises and cannot pay for. Let me repeat that. The promised benefits we cannot pay for for my generation and for future generations of Americans.

What we want to give is ownership to future generations. We want to give them a good chance. This gamble—go to every union pension plan and tell them their union is gambling.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SANTORUM. Now my question. I asked this question. Senator DEMINT asked the same question of both of my colleagues, and in neither instance did we get a response. So I will give my colleagues one last try. We asked, what would my colleagues do, what is their plan? I just want to get the transcript. In neither case did either my colleague from Michigan or my colleague from Illinois put forward specifically what increases in taxes do they recommend, what reduction in benefits do they propose, or how much are we going to tax existing Social Security benefits to make up the shortfall. Pick the date as to when my colleagues want to solve the problem, whether they want to wait until 2018 or 2042 or 2052, whatever the case may be. How are they going to solve this problem that at least some on their side of the aisle admit exists?

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. I will answer that for my colleague. As Senator DURBIN just said to me on the side, it will not be privatization, and that is absolutely true. The American people, American families, can absolutely count on the fact that it will not be privatizing Social Security.

I would argue that the amendment we put up 2 weeks ago that simply says in the overall budget process, which is the value system for our country, the blueprint, is represented in what we do in our Federal checkpoint. The reality is, if we said we were going to take about 30 percent of what is being given over the next 75 years to those most blessed in this country, who are not worried about Social Security or Medicare or other kinds of opportunities, if we just ask them to take a little bit less, we would be able to secure Social Security for 75 years.

The other thing I would say about the issue of asking folks about pensions, we have all been told by our folks that retirement is about a three-legged stool: Social Security, pension, and savings. When it comes to savings, the risk is with us to save. I believe we ought to create more opportunities for that. When it comes to pensions today for workers, it is becoming more of a risk for the worker, not a defined benefit but a defined contribution.

The leg of the stool that has been secure, that we will fight to keep secure, is Social Security. I will never forget people working for Enron who came into my office 2 years ago, men in their fifties who worked all their lives and played by the rules and invested in their company, and one man with tears in his eyes said to me: Thank God for Social Security. It is the only thing I have left, and I never thought I would be in this situation.

Social Security is not a 401(k). It is not meant to be a pension system. It is America's families' life insurance policy, retirement disability, and survivor's benefits. It has worked now for years and years. The issue is how do we keep it going.

The PRESIDING OFFICER. The Senator's time has expired. The minority now has 2½ minutes to close.

The Senator from Illinois.

Mr. DURBIN. Thank you, Mr. President, and thank you to my colleagues for taking time for this debate. I don't know how much we have lit up the place with our brilliance, but at least we did our very best to explain our points of view.

My colleague from South Carolina uses an interesting analogy of the house sliding off the hill. What they have suggested for that house that is starting to slide off the hill in privatizing Social Security is, before it slides off the hill, let's rip the roof off and start a fire in the kitchen. That is what privatization does. It doesn't create a stronger foundation for Social Security or for that house. It makes it weaker. It weakens Social Security, it cuts benefits, it drives more seniors into poverty, and it creates $2 trillion to $5 trillion more in debts.

If you want to make that house stronger, you have to backfill. You have to take the money you took out of the Social Security trust fund, money you took out for tax cuts, money you took out for things we couldn't afford to pay, money that has driven us into the deepest deficits we have ever seen in America under this President. That is how you backfill a foundation to save this house on the hill.

This debate is not about solvency. I think we know now that it is about the legitimacy of Social Security. I believe in it. Most Americans believe in it. It is a safety net we have counted on for almost 65 years and we will continue to count on.

But some of my friends on the Republican side see the world much differently. They have what they call the so-called ownership society. If you can just own it, then it has to be great. The model of the ownership society is, just remember, we are all in this alone.

But we are not in this alone. When Franklin Roosevelt created Social Security, he said the American family, all workers, will contribute through their payroll to make sure, if all bets fail, if your pension system fails, if you don't have enough in savings, you can always count on Social Security. That, he said, is what the American family needs.

They need it today more than ever. Pension systems are failing. These corporations are going bankrupt and throwing their shareholders and retirees and employees to the wolves. We cannot do the same with Social Security.

We ought to be able to stand together and make even difficult choices, as we did in 1983, when a larger number of Republican Senators joined Democratic Senators to find a bipartisan solution. Privatization is not the answer. Ripping the roof off that house and starting a fire in the kitchen is not going to make it any safer.

The PRESIDING OFFICER. The majority is now recognized for 2½ minutes to close. The Senator from South Carolina.

Mr. DEMINT. Thank you again. I have enjoyed this tonight. Our talk, I guess, has gone in some interesting directions. My opinion is that Social Security is now too expensive to be just an insurance policy. When Americans paid $60 a year when the program started, yes, maybe it was an insurance policy. But today, with Americans averaging over $5,000 a year, for many it is their only savings plan. We cannot assume that the average American can save, after we take 12.5 percent of their income, additional money for retirement. We have to transform Social Security into a program that is not only secure but helps people create real savings to build a foundation of the program.

We are as committed to Social Security as you are. In fact, we wouldn't be here talking today if Social Security was secure. In fact, we see that it is running out of money, and the best way to fix it is to save some of the money that we are putting into Social Security.

I know there are plans that don't put people at risk because I have one and several other Republicans do. The plan I have introduced, which has been scored by the Social Security Administration, guarantees that no American will ever receive less from Social Security than is promised by the current system. It gives the poor larger accounts. It reduces the deficit for Social Security by two-thirds. It is a program that makes every American a saver and investor.

In this country today, with so many Americans who do not own anything, the opportunity to own something, and for that ownership to grow in wealth so that they can participate in a country as our economy flourishes, this is what Social Security can be in the future—just as secure, but it can contain real savings for the first time.

That is all we are asking today. Let's not cut benefits. We don't want to cut benefits. Let's not raise taxes. The problem with Social Security is that the foundation does not include real savings, and that is what we are proposing. Let's save Social Security with real savings.

The PRESIDING OFFICER. The minority is now recognized for 2½ minutes to close.

Ms. STABENOW. Mr. President, I thank you and my colleagues very much. This is an important debate, and I appreciate being able to participate in it.

The President's privatized accounts, we know, will do three things, and that is why my colleagues and I are opposed to the privatized accounts.

First of all, they will greatly increase the national debt. In fact, do you know what folks are going to own with this? Seventeen thousand dollars more in debt for every man, woman, and child in the United States. That is what they are going to own. It is a lot more debt and a lot higher interest rates as a result of this plan. This is a bad idea.

The other thing that doesn't make any sense to me is that right now Social Security, which is retirement—and we do have a secured obligation to make sure that we pay it, but it is retirement, disability, and it is a life insurance policy. For that we pay about a half a percent in administration. On average we are told that it could be upwards of 20 percent, maybe 10, maybe 25, but we are told by the experts, 20 percent in order to administer an annuity or other kind of private account.

One of the things I find interesting is that among folks who are really pushing for this idea around here are those folks who would be paid to administer these accounts. I understand we now have something like five financial services lobbyists for every one Senator now here on Capitol Hill. Certainly there are folks who will make a lot of money from this, but it is wrong. This system works right now and we pay a half a percent.

The final thing I would say is it is estimated that the average person over 20 years, the average retiree, will lose $152,000 under the approach the President is talking about. This is wrong. This is not better for people. This is, in fact, worse.

I agree with my colleagues, and in fact let me also say I would welcome folks going to my Web site or any of my colleagues' Web sites to learn more about Social Security and the facts. We do need to be working together, not only to secure Social Security for the future past 2052, but we also need to work on those other ideas that create opportunity for people. One of my great concerns is that one-third of the cuts proposed by the President in the budget are in education. That is opportunity. That is the opportunity for ownership in the future. Why don't we focus on jobs and health care and those things immediately that need to be addressed?

We welcome those debates as well and we welcome working with our colleagues to keep the security in Social Security.

The PRESIDING OFFICER. The time of the Senator has expired. The majority has 2½ minutes to close. The Senator from Pennsylvania.

Mr. SANTORUM. I thank my colleagues from Illinois and Michigan, and my colleague from South Carolina and my colleague in the chair on this debate. I think it was a good and spirited debate. Hopefully, we added a little light to the issue. Let me try to focus a little bit.

The Senator from Illinois used a quote: We are not in it alone. If you are a 20-year-old today, you are feeling pretty lonely because there are only two of you going to be paying for every one retiree. When FDR said that, there were 42, and he could say we are not in it alone. You are pretty close to being in it alone today, and that is why we need a different system, a system that prefunds, that actually uses the money, the surplus today, and saves it for future retiree benefits.

We are not taking money out of the system. We are putting the money, instead of for the Government to spend and giving an IOU to replace it, we are putting it in real assets that will be real benefits when real workers really retire.

Second, I want to comment on the cost of administering the program. The cost of administering the program has been estimated by the Congressional Budget Office, not at 20 percent—I can maybe understand the difference—it is 20 basis points. That is .2 percent, not 20 percent. It is 20 basis points, which is .2 percent of the amount of money. So I believe that is a dramatic difference. It is actually less expensive to administer this system than to administer the current Social Security system.

The other thing I would like to mention, if we can go to the next chart, three times we asked the question, How are you going to fix the Social Security system? The only answer we got was to repeal the Bush tax cuts which, of course, does nothing to the Social Security system because that money is not paid to the Social Security system. So repealing the Bush tax relief would simply put more money in the general fund, but it would have no impact at all, no actuarial impact at all on the Social Security system. So when the Senator from Illinois said we had to make difficult choices in 1983, that may have been the case in 1983, but so far we have not heard word one of the difficult choices that the other side would like to present to the American people.

Several Republicans have come forward with plans, plan after plan after plan of details of how we are going to save this program, and all we have gotten from the other side is sniping at the plan that we put forward and no answers. If we do not solve the problem——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SANTORUM [continuing]. Of what the promised benefits are, we are looking at taxes of 18 to 20 percent if we wait until 2041 or later. That is not a plan fair to future generations.

The PRESIDING OFFICER. The Senator's time has expired.

ORDER OF PROCEDURE

Mr. SANTORUM. I ask unanimous consent there now be a period for morning business with 10 minutes equally divided between Senators CORNYN and DURBIN, and following the use or yielding back of the time, the Senate stand in adjournment as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas.

COURTHOUSE VIOLENCE

Mr. CORNYN. Mr. President, thank you. I appreciate the opportunity for Senator DURBIN and me to speak for a few minutes.

The purpose for my rising is to follow up on some remarks I made yesterday, Monday, on the floor of the Senate. The full transcript of those remarks, which has to do with judges and recent decisions of the U.S. Supreme Court is available, of course, in the CONGRESSIONAL RECORD, but it is also available on my official Web site for anybody who would care to read it.

As a former judge myself for 13 years, who has a number of close personal friends who still serve on the bench today, I am outraged by recent acts of courthouse violence. I certainly hope no one will construe my remarks on Monday otherwise. Considered in context, I don't think a reasonable listener or reader could.

As I said on Monday, there is no possible justification for courthouse violence. Indeed, I met with a Federal judge, a friend of mine in Texas, this past week to make sure we are doing everything we can to help protect our judges and courthouse personnel from further acts of violence. And like my colleague from Illinois, I personally know judges and their families who have been victims of violence and have grieved with those families. But I want to make one thing clear. I am not aware of any evidence whatsoever linking recent acts of courthouse violence to the various controversial rulings that have captured the Nation's attention in recent years.

My point was, and is, simply this: We should all be concerned that the judiciary is losing respect that it needs to serve the interests of the American people well. We should all want judges who interpret the law fairly—not impose their own personal views on the Nation. We should all want to fix our broken judicial confirmation process. And we should all be disturbed by overheated rhetoric about the judiciary from both sides of the aisle. I regret that my remarks have been taken out of context to create a wrong impression about my position, and possibly be construed to contribute to the problem rather than to a solution.

Our judiciary must not be politicized. Rhetoric about the judiciary and about judicial nominees must be toned down. Our broken judicial confirmation process must be fixed once and for all.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise to speak in morning business.

First, let me commend my colleague from Texas. I think his remarks yesterday were subject to interpretation which he obviously does not want them to be, and I think he has clarified his position, and I am glad he has.

Some of the quotes in the newspapers were difficult to resolve, and they seemed inconsistent with my knowledge of him, his service on the court of Texas, and his service with me in the Senate Judiciary Committee. I think he would understand, as I do, that I have a personal interest in this issue.

I recommended the nomination of Joan Lefkow to the Federal bench in Chicago. On February 28, a bitter plaintiff in a medical malpractice lawsuit murdered her husband and her 89-year-old mother. Judge Lefkow had dismissed that individual's lawsuit. She was not engaged in judicial activism.

This tragic incident in my home State has been a wake-up call about the need for more judicial security. I met with the Director of the U.S. Marshals Service to discuss it, and sent a letter to the Senate Appropriations Committee today urging that we allocate more funds to protect our judges.

In mid-March, at a trial for rape in Georgia, a man took a gun, killed a deputy, a court reporter, and a judge presiding over the rape trial.

In both of those tragedies, the killers were driven not by political philosophy but by inner demons. Neither of these incidents appear to be politically motivated in any way whatsoever. They were horrible deeds committed by deranged men.

A recent New York Times article indicated that 10 State and Federal judges have been murdered since 1970. None were related to the judges' politics or ideology. Rather, the murders were committed by embittered or mentally ill litigants in emotion-laden cases, many of which involved notions of self-esteem.

I hope Senator CORNYN's clarification now will make it clear to everyone who has followed this debate that we need to respect our judiciary and its independence, even when we disagree with their decisions. I disagreed strongly with the decision of the Supreme Court in Bush v. Gore after the 2000 election. But never, ever did it cross my mind, nor should it have crossed the mind of anyone feeling as I did, that you should take it out on the judges. They are doing their duty. I may disagree with them, but to suggest that they should pay a price for it is wrong.

Notwithstanding what I consider to be a very positive statement made by the Senator from Texas clarifying his position, I am afraid there is another member of Congress from his State who has made even more troubling remarks during the past week. Congressman TOM DELAY is the majority leader in the House. In response to the death of Terri Schiavo, the House majority leader from Texas said:

> We will look at an unaccountable, arrogant, out-of-control judiciary that thumbed their nose at Congress and the President.

He went on to say:

> The time will come for the men responsible for this to answer for their behavior, but not today.

Mr. DELAY was asked whether the House would consider impeachment against the judges involved in the Schiavo case, and he said:

> There's plenty of time to look into that.

This is not an isolated statement by Congressman DELAY. He has said things such as this time and time again. He has said:

> It's a sad day for America . . . The legal system failed Terri Schiavo.

According to the New York Times, he said:

> Congress for many years has shirked its responsibility to hold the judiciary accountable. No longer.

Earlier this year, Mr. DELAY publicly condemned members of the Ninth Circuit Court of Appeals for "writing laws instead of interpreting laws."

When he was asked a few years ago about Federal judges by a reporter, he said:

> I woke up one day realizing the judiciary had turned themselves into a regulatory branch.
>
> We can impeach judges who get drunk, so why not impeach those who get drunk with power?

In 1997, in reference to Federal judges, he said:

> As part of our conservative efforts against [this] judicial activism, we are going after judges.

DELAY also said the House Republican leadership was prepared to go after activist judges "in a big way."

Then he went on to say in the Houston Chronicle:

> For too long we've let the judicial branch act on its own, unimpeded and unchallenged. And Congress' duty is to challenge the judicial branch.

He went on to say in the Houston Chronicle in 1997:

> I want to bring one (an impeachment) to prove my point. And I want to make sure that one sticks.

He said he and other Republicans had a "whole, big file cabinet full" of judges who may be candidates for removal.

This type of intemperate rhetoric, sadly, does great harm to the reputation of our judiciary, and the relationship between the legislative branch and the judicial branches.

I have felt as strongly, I am sure, as he has about decisions made by judges, but those of us in positions of leadership should be careful about the words we use, and that the actions we threaten are entirely consistent with the law at every moment. What we have heard from Congressman DELAY when it comes to judges crosses that line way too often.

I think we understand that deranged people, for reasons beyond political speeches, beyond differences on political issues, will do tragic things, and often that violence is visited on public servants doing their duty as judges serving America.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9:30 a.m., Wednesday, April 6, 2005.

Thereupon, the Senate, at 7:50 p.m., adjourned until Wednesday, April 6, 2005, at 9:30 a.m.

EXTENSIONS OF REMARKS

FIRST BIODIESEL FACILITY IN THE 26TH DISTRICT OF TEXAS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. BURGESS. Mr. Speaker, I rise today to commend the City of Denton, under the leadership of Mayor Euline Brock, for its commitment to renewable energy. The City of Denton has teamed up with Biodiesel Industries, Inc., to construct the world's first renewable biodiesel facility. This facility opened at the City of Denton Landfill on March 29, 2005.

Biodiesel is a nontoxic, biodegradable alternative to petroleum diesel that substantially reduces air pollution. The Denton facility demonstrates a further commitment to clean energy by powering the facility by renewable biogas extracted from the adjacent City of Denton Landfill. The facility's expected initial production capacity will be approximately three million gallons of pure biodiesel per year. The fuel will be used by the City of Denton's entire diesel fleet and will also be sold through regional distribution channels to promote private participation.

The City of Denton's use of a biodiesel fuel mix is expected to reduce emissions by twelve tons per year. The opening of this facility demonstrates Denton's dedication to cleaning up the air we breathe—this is especially important in the North Texas region as we work to comply with Clean Air Act requirements. Additionally, this opening shows Denton's commitment to reducing air pollution, foreign oil dependency and generating local economic development.

As a nation, we need to look for affordable renewable fuel sources for our future. The City of Denton has shown how partnerships between local governments and private firms can help to protect the environment in an economical feasible way. I would like to applaud the City of Denton for their leadership on this issue.

HONORING THE LIFE OF ANDREW J. MAIR

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mrs. MUSGRAVE. Mr. Speaker, I rise today to honor the life of an extraordinary American, Andrew "Andy" Mair. Through Andy's incredible careers, he has traveled the world and had many exciting experiences. I am glad to take this opportunity to share with you his life.

At age twenty-two, Andrew J. Mair married his wife Norma Asmus. In the following several years they had two daughters, purchased a farm, and settled in Fort Collins. He became President of the Larimer County Farm Bureau. He was a member of the Boxelder School Board, and Elder in the Fort Collins Presbyterian Church.

At age thirty-three, Andy sold his farm and moved to Denver so he could attend the University of Denver. After graduating he took a job with the Colorado Farm Bureau. Andy also worked for the United States Department of Agriculture as the Director of the Denver Office of Conservation and Stabilization. Three years later, he was transferred to the U.S. Department of Agriculture in Washington, DC.

With the U.S. Department of Agriculture, Andy made his first trip around the world. One year later, Andy was appointed as Administrative officer in the American Embassy in Rome, Italy. There, Andy met Pope John Paul VI and handled logistics for President John F. Kennedy, including three trips for Jacquelyn Kennedy, and two trips for Vice President Johnson.

Another exciting point in Andy's career was when he was appointed as the Deputy Assistant Secretary for International Affairs and Commodity Programs. He served as the head of the United States Delegation to all United Nations Food and Agricultural organizations in Rome. He also represented the United States at the United Nations headquarters in New York for their World Food Program.

Through his vast experiences while working for the government, Andy has earned several awards including the U.S. State Department's Meritorious Honor Award, and the U.S. Department of Agriculture's Award of Distinguished Service. He received his most cherished award in 1983, the National Farm Bureau Award. To this day, Andy is still the only Coloradan to have received this award.

Andy's accomplishments are numerous and ongoing. Just this year, Andy was approached by Colorado State University's Agriculture Department requesting his papers, records and letters to be placed in the CSU Agriculture Archives. Andy's philosophy is to make the most of every opportunity.

I ask my colleagues to join me to recognize the outstanding acts of service by Andrew J. Mair.

A TRIBUTE TO MADELEINE GOLDE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. TOWNS. Mr. Speaker, I rise in honor of Madeleine Golde who has dedicated her career to strengthening our health care system for hard working Americans across this country.

As the Deputy Director for Health Care Legislation and Senior Legislative Advocate for the Service Employees International Union (SEIU) national office in Washington, DC, Madeleine has been a key healthcare advocate on Capitol Hill regarding federal policy. After nearly 7 years of service, Madeleine is retiring from SEIU. SEIU represents 1.8 million working people in the areas of health care, public service, building service, industrial and allied trades.

Madeleine has been instrumental in fashioning both the strategy and substantive health care policy to advance the goals of SEIU. She has made countless visits to Capitol Hill on the behalf of American workers to meet with congressional staff on important health care policy issues. She has also worked with numerous organizations that share SEIU's goal of improving our nation's health care system.

Most important, Madeleine has been an important partner with the City of New York in advancing several important health care issues, including fiscal relief for Federal Medicaid matching rates, bioterrorism, Bioshield I and II, Ryan White Title I, Disproportionate Share Hospital (DSH) funding, smallpox vaccinations, indigent care costs for undocumented immigrants, Capital Asset Realignment for Enhanced Services (CARES) Commission, disaster response capabilities, immunizations for children, the adult vaccine program, and Medicare.

Most recently, she worked with New York City to insure the passage of the Smith Bingaman amendment, which blocked Senate passage of $14 billion in budget resolution cuts to Medicaid and called for Congress to have a bipartisan commission on Medicaid.

Mr. Speaker, Madeleine Golde has been a leader in advocating for a health care system that ensures all Americans have quality and affordable health care coverage. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

HONORING SODUS SPARTANS' BOYS BASKETBALL CLASS C STATE CHAMPIONSHIP

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. WALSH. Mr. Speaker, I rise today to congratulate the Sodus Spartans for their victory over Faith Heritage to capture the 2005 Class C State Championship title. The 76–65 win marked the first state championship for the boys' basketball team as well as the Sodus School athletic program.

Emanuel Reaves and Gregory Logins led the team, scoring 17 and 22 points, respectively. They are currently 27–0 and are looking to capture the number one spot in the state within their class. Coach Jim Sergeant and the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

team deserve recognition for their consistent hard work and attaining the championship title.

Coaches Jim Sergeant, Alan H. Granger, and Robert Miranda, as well as players Robert McDowell, Emanuel Reaves, Johnny McCray, Roderick Johnson, Gregory Logins, Matthew Sombathy, Antonio Parker, Jeffrey Kuhn, Dennis Gorobtschuk, Jaroslaw Konikiewicz, Hauke Bruns, Brian Hanagan, Lionel Webber, and Paul Morales were all instrumental in reaching state champion status.

I commend the Sodus basketball team for their determination and exceptional season. Their outstanding achievements have set a standard that other teams should follow. Congratulations and good luck on future seasons.

HONORING THE RETURN OF SOLDIERS FROM IRAQ

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. HENSARLING. Mr. Speaker, today I would like to honor several members of our Nation's military who have recently returned home after serving our country with distinction in Iraq.

Specialist Rocky Padgett, Specialist Chad Sumner, Specialist James Tyson Zigler, Specialist Bud Rath, Specialist Bradrick Graves, Specialist James Arnold, Specialist Jason Yanna, Specialist Michael Easdon, Corporal Jason W. Fitzgerald, Sergeant Christopher Callaway, and Sergeant John L. Tetty all deserve our deepest appreciation and respect. In the face of tremendous danger, these 11 men bravely answered the call of duty to fight our enemies abroad so that we would not have to fight them here at home. Because of their efforts, America is safer today than it was just 2 years ago.

On behalf of the grateful citizens of the Fifth District of Texas, it is my pleasure to welcome these heroes home. America owes these men, and all who serve beside them in the War on Terror, a tremendous debt, one that we will probably never be able to fully repay. Today, we thank them for their courage, their patriotism, their service, and their sacrifice.

As these men return to their families, friends, and the lives they left behind, I want to ensure that they do so secure in the knowledge that it is through their service that America will one day be free from the horrors of terrorism. It is because of their service, that future generations of Americans will be able to enjoy freedom, peace, prosperity, and the many other blessings that God has bestowed upon this great land, the United States of America.

Gentlemen, on behalf of a grateful Nation, welcome home.

JOHN LAFALCE'S VIEWS ON BASEL II

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. FRANK of Massachusetts. Mr. Speaker, my predecessor as the Ranking Minority Member of the Committee on Financial Services, John LaFalce, made enormous contributions during his tenure in Congress to our deliberations on financial services issues, and as a private citizen, he continues to do so. I have myself benefited in a number of conversations from his knowledge and wisdom about a range of issues. One of those about which he is most concerned is the current plan for a change in international financial regulations known as Basel II. On March 11, John LaFalce published a very thoughtful, well-informed article in the American Banker, outlining his concerns about the implications of Basel II. This is a subject currently before us in the Financial Services Committee, and while not widely known, is of great importance to our financial system. Because of that, I ask that the article by John LaFalce expressing his deep reservations about Basel II be printed here.

BASEL II PLAN IS A CRISIS IN THE MAKING

In the coming year Congress and U.S. bank regulators will decide whether to adopt new capital regulations that would impact the entire U.S. banking system.

Current discussions about Basel II are focusing on the minute details, rather than the more important question of whether the proposed accord makes any sense at all. In my view, Basel II is fundamentally flawed, and actually dangerous, for numerous reasons.

First, it is based on a fanciful premise that sophisticated risk-management models enable banks to allocate capital to each asset that is neither too low, nor too high, but just right. I hope my former colleagues and others do not gamble the stability of our domestic and global financial system on this theory.

Recent financial crises, such as at Long-Term Capital Management, should serve as stark reminders that all models, no matter how sophisticated, are subject to unpredictable market forces and, most important, human judgments, mistakes, and even manipulation.

With every large bank in the world lining up to play the Basel II capital game, and a financial system that is increasingly interdependent, the consequences of even an inadvertent mistake could be devastating. The odds are too high that Basel II, if adopted, could trigger a systemic financial crisis.

Second, Basel II's proponents have been too quiet about the most fundamental tenet of banking regulation—safety and soundness—and the critical role that an adequate capital cushion plays in the safe and sound operation of our banks and banking system. A Basel II regime would be reckless, unsafe, and unsound, inter alia, because:

It would allow banks to use complex risk-based models that few if any corporate executives or directors will ever comprehend adequately, if at all, and models that the regulators will lack the resources and technical skills to supervise adequately.

It is an ominous sign that the regulators recently published a formula that would have caused banks to underestimate their capital needs for retail credits by 60 to 70%.

Banks will implement Basel II only if they know their capital requirements will decline. That will also create powerful incentives, competitive pressures, and irresistible temptations for the nation's largest banks to revise their models over time to achieve the lowest amount of capital reserves possible.

Banks will be able to artificially improve their performance by manipulating capital levels, much as we have seen some companies manipulate earnings.

The new capital regime will seriously undermine the competitive viability of small to medium-size banks because of the dramatically lower capital levels that the largest banks will achieve. We now know that two former Federal Reserve economists came to that very conclusion in a paper that is being published independently.

Third, Basel II is overly optimistic about the ability and resources of regulators to supervise the new and complex capital rules. As Standard & Poor's has pointed out, "National bank regulators could be overwhelmed by the implementation of Basel II, with its intensive need for verification of the internal systems and databases of individual banks."

In addition, although the new accord allows regulators to make discretionary capital adjustments, banks will likely resist or seek to influence these adjustments, particularly after spending tens and even hundreds of millions of dollars developing their models.

As for market oversight, I discount that almost entirely. We are already seeing resistance by banks to making public disclosures about their models, ostensibly because of concern over the potential litigation exposure. Neither the markets nor the regulators nor most corporate officers or directors will be in any position to comprehend the underlying assumptions and idiosyncrasies built into the banks' models or to react quickly enough to emerging crises.

Fourth, some in the Federal Reserve would like us to believe that adoption of Basel II is necessary and inevitable. It is neither. Despite the perceived momentum behind Basel II, the accord seems to have little support beyond a few forceful players at the Federal Reserve and the handful of the largest banks that stand to gain the most because of reduced capital requirements.

I am convinced that the seasoned executives of some, if not most, of the nation's largest banks would themselves, in private conversation, acknowledge the folly of Basel II. Many former regulators have expressed serious reservations about, if not outright opposition to, Basel II, including Jerry Hawke, Bill Isaac, Bill Seidman, and others. Powell is apparently sufficiently concerned that he has reignited the debate over the FDIC's authority to examine banks already being examined by other federal regulators.

The fact that the chairmen and ranking members of both the House Financial Services Committee and its financial institutions subcommittee introduced legislation Thursday that could slow down or even prevent adoption of Basel II should also send a strong signal to the regulators.

Fifth, I am not even convinced that the Federal Reserve itself fully embraces Basel II, or even adequately understands many of its implications. Some prominent members of the Federal Reserve may still mistakenly believe that regulatory capital does not affect competition or the pricing and strategic decisions that banks make. This misconception could help explain their preference for theoretical models rather than practical realities.

Chairman Greenspan has been largely silent in the Basel II debate, although the irony is that he prudently questions the sufficiency of the capital levels at Fannie Mae and Freddie Mac. But Basel II would actually allow banks to hold less capital for the same mortgage assets than Fannie Mae and Freddie Mac are required to hold.

Current estimates of the capital that Basel II banks would have to hold for mortgage assets would also be at or below the capital level that led to the savings and loan crisis.

Some at the Federal Reserve appear to be more attuned to the importance of maintaining adequate regulatory capital reserves. Timothy Geithner, the president and CEO of the Federal Reserve Bank of New York, remarked recently that it was important for the nation's largest financial institutions to "maintain an ample capital cushion over and above the high regulatory thresholds."

He added that "because of the broader implications of a failure for the financial system and for the economy as a whole, the supervisory framework for the largest systematically significant banking organizations . . . needs to produce a higher level of financial soundness than might be indicated by measures of economic capital or expected by shareholders and creditors of the institution."

Sixth, proponents like to argue that Basel II is necessary to create competitive equity among internationally active banks. No capital accord will ever accomplish that objective, both because of significant differences in accounting standards and the wide disparity in the quality of regulation abroad, as Jerry Hawke has stated.

Global regulatory consistency will never be achieved, particularly when foreign banks abroad are examined only sporadically and without anywhere near the same thoroughness as U.S. banks. The reality is that U.S. banks have proven stronger, more profitable, and more resilient than their foreign counterparts in recent economic cycles.

Seventh, there clearly is an effort afoot, pending Basel II's adoption, to abolish the leverage ratio as inconsistent with the principles of Basel II. Congress and U.S. regulators must not weaken our country's important regulatory protections such as the leverage ratio and prompt corrective action regulations to emulate the questionable supervisory oversight abroad.

Although some at the Federal Reserve have provided assurances that the leverage ratio will be maintained under Basel II, some have left that question open. And powerful institutional and lobbying forces have already voiced their preference for capital regulations based exclusively on risk based credit models, and have called for the elimination of the leverage ratio.

This cannot be allowed. Among other things, the leverage ratio ensures that regardless of the risk-based models used by banks, there is at least a base level of protection in the event of a crisis, rather than relying primarily on an insurance fund or taxpayer bailout.

In sum, decades as a legislator have convinced me that the most effective regulations are those that are easy to understand, can be applied objectively and consistently, are not subject to manipulation, and can be monitored effectively by supervisors, managements, and market participants. This is particularly the case when dealing with issues affecting the stability of our domestic and global financial systems.

With some reasonable updating, the existing Basel I approach can continue to meet these goals and ensure that sufficient capital is available as a cushion against mistakes or unanticipated crises. Basel II would take us in a dangerous direction toward subjective self-assessments of capital and a dependence on complex theoretical models that are subject to manipulation and incapable of being effectively monitored.

I see no consideration of safety and soundness at all in the Basel II debate, and no recognition of the danger of adopting a new capital regulation that goes in the exact opposite direction from the recent reforms concerning corporate governance, regulatory oversight, and internal controls.

HONORING THE ACCOMPLISHMENTS OF TERRY LAZAR

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. ISRAEL. Mr. Speaker, I rise today to honor the accomplishments of Terry Lazar. Through his daily actions, Terry truly upholds the tradition of service to both the family and community.

In each of his business endeavors, Terry remains faithful to his commitment of service—service with a unique combination of care and compassion. Terry's work in Lazar Sanders, LLP, Wealth Advisors Ltd. and Knowledge Partners has strengthened healthcare in our communities and has contributed to the world of financial services.

Terry has parlayed his expertise in health care to serve as an outspoken advocate for women's rights and women's health care. He has been an active supporter of the Ambulatory Surgery Center of Brooklyn, LLC, a state of the art facility serving women's health needs, and has developed a program for people living with HIV/AIDS which has been recognized by the State of New York and the Joint Commission on Accreditation of Healthcare Organizations.

Terry's service also greatly impacts the Jewish community. He serves as Vice President of the Long Island chapter of the American Jewish Committee, a Capital Club member of the American Israeli Policy Affairs Committee and President of the Long Island Executive Board of the Jewish National Fund. Terry has applied his knowledge and passion for Israel toward issues affecting the international community. He is a board member of the American Friends of Rambarn Medical Center in Haifa, Israel, the cochair of the American Friends of Tzohar, Galil, Israel (a premier school serving children with disabilities), and is a member of the Board of Directors for the Institute for the Analysis of Global Security—a Washington think tank seeking to reduce America's reliance on Middle Eastern oil.

Finally, Terry is a loving husband to Phyllis, proud father of Damon, Danielle and Ginger and doting grandfather to Cory and Jordan.

Terry's commitment to service has strengthened our community and enriched the lives of many. He is a great friend to Long Island and I thank Terry Lazar for all of his hard work.

HONORING WILLIAM "BILL" BELL

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. RADANOVICH. Mr. Speaker, I rise to honor posthumously William "Bill" Bell of Madera, CA. Exuding a strong entrepreneurial spirit, Mr. Bell worked to enhance the way of life for many in his community. Mr. Bell's life will be celebrated in a special edition of his former newspaper, The Ranchos Independent.

In the late 1880's, Mr. Bell's family migrated from Kansas to California in search of new opportunities. After settling in Madera, CA, Bill's parents relocated the family to Southern California where he attended elementary and high school.

As a young adult, Bill capitalized on the post-WWII housing boom by opening an upholstery business to serve Southern California's growing furniture industry. Later, Bill went to work for an independent insurance agency where he taught insurance classes to agents for Century 21. In the early 1980's, Bill returned to Madera to work in the real estate industry where he gained great success and eventually opened his own Century 21 franchise.

Mr. Bell was involved in various organizations. He was a proud member of the Ontario Motor Speedway and Riverside Speedway Booster Clubs. In addition, he was a charter member of the Madera Ranchos Kiwanis Club and helped to organize the widely-popular Flatlander's Day Parade. Bill was a charter member of the Golden Valley Chamber of Commerce and is the former Owner, Editor, and Publisher of The Ranchos Independent, a newspaper dedicated to serving the Madera Ranchos community.

Bill is survived by his wife Pat, and their two children James and Jerri.

Mr. Speaker, I rise to honor posthumously Mr. William Bell for his service and dedication to his community. I urge my colleagues to join me in remembering and celebrating the life of William "Bill" Bell.

CHIEU LE AND LEE'S SANDWICHES—COMMITMENT TO OUR COMMUNITY

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to honor Mr. Chieu Le, founder and chief executive officer of Lee's Sandwiches in Orange County, California.

An immigrant and a business leader, Mr. Le was recognized by the Asian Business Association of Orange County in 2003 for his entrepreneurial spirit and commitment to the communities his company serves.

In 1981, one year after immigrating to the United States from Vietnam, Mr. Le and his family bought their first catering truck and began serving sandwiches in the community.

Twenty years later, they opened the first Lee's Sandwich Shop in Garden Grove, California. The idea of a fast-food style restaurant serving Vietnamese sandwiches came from Mr. Le's late son, Minh.

Today, Lee's Sandwiches is the fastest-growing restaurant chain in the West, with 35 stores in operation or development.

Mr. Le and his family also believe in giving back to the community. In response to the tragedies of the 9–11 attacks and the Tsunami in South Asia, Lee's Sandwiches raised nearly $200,000 in total for the victims of these disasters.

The Le family is as an example of a successful business in California that continues to give back to its community. I believe that Mr. Le and Lee's Sandwiches will continue to expand the commitment to the communities they serve.

TRIBUTE TO ERNEST W. ASCHERMANN—85TH BIRTHDAY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. PAYNE. Mr. Speaker, I rise today to recognize Mr. Ernest W. Aschermann on the occasion of his 85th birthday. Mr. Aschermann, who was born of German immigrant parents who passed through Ellis Island at the turn of the century, turns 85 on April 18th. We honor Mr. Aschermann for having been a great football star at Ossining High School in Ossining, New York, earning him a full scholarship to Syracuse University. Upon graduation, Aschermann returned to his alma mater to teach, coach, and be a mentor to many over 37 years. Aschermann still holds the distinction for having the only undefeated baseball team in Ossining history.

He was the husband of Vivian Bernice Ottaviano and the father to Ernest and Kurt. At a celebration in Ossining on April 9th, over 40 family members will travel from across the country to celebrate this great American's birthday.

Mr. Speaker, I offer my congratulations to Mr. Aschermann as he achieves this momentous milestone, and I invite my colleagues to join me in extending our most sincere best wishes for many more to come.

IN MEMORY OF SPECIALIST FRANCISCO G. MARTINEZ

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. BURGESS. Mr. Speaker, I rise today to give remembrance to Specialist Francisco G. Martinez, from the 26th Congressional District of Texas, for serving our country during Iraqi Freedom. Spec. Martinez suffered a fatal wound to the hip when his unit made contact with small arms fire from the insurgents. Spec. Martinez was assigned to 1st Battalion, 9th Infantry Regiment, 2nd Infantry Division, Camp Hovey, Korea. He was 20 years old.

I would like to recognize and celebrate Spec. Martinez's life today. SPC Martinez grew up with a military background. His father, Francisco Thomas Martinez, served in the United States military from 1981–1991. SPC Martinez swore off the military in high school believing he had enough during his up bringing, but his father later explained to SPC Martinez how the military could help him through college and reach his dream of becoming a graphics designer.

Although SPC Martinez did not always agree with political philosophies surrounding Iraqi Freedom, he did believe that what he and his fellow soldiers were doing in Iraq was the right thing to do. SPC Martinez worked to keep in touch with his father as much as possible while stationed in Korea. Even though the e-mails became more sporadic after leaving for Iraq, SPC Martinez's father said that his son was clear on his sense of duty, wanted to protect his fellow soldiers and help rebuild Iraq.

It was my honor to represent Specialist Francisco G. Martinez. I extend my deepest sympathies to his family and friends. He will be deeply missed and his service was greatly appreciated.

HONORING THE LIVES OF WARREN AND FERN WOLAVER

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mrs. MUSGRAVE. Mr. Speaker, I rise today to honor the lives of Warren and Fern Wolaver. They are literally a walking history book of Larimer County, Colorado, and I would like to share with my colleagues a little about their lives in my district.

October 4, 2004 marked the 65-year wedding anniversary of Fern and Warren Wolaver. Their lives together have been spent in service to their community and family. They have lived for 35 years in their present home, located in a dry lakebed, with the road leading to their home being the dry streambed. Warren was born on the bluff that overlooks their current home.

Warren's great great grandfather traveled on a covered wagon and settled on Milner Mountain, close to the current Wolaver home. His grandfather was a sheriff and a State Representative.

Big Thompson School has played a large role in the lives of Fern and Warren since they attended as children. Four generations of Wolavers have attended this school including their children, grandchildren and great grandchildren. They have gone to Big Thompson School for many chili suppers, Parent Teacher Organization meetings, Christmas concerts and other programs. There was only one year that Fern and Warren missed a function at the Big Thompson School and that was in 1984 when there was four feet of snow on the ground.

Fern and Warren have had some interesting careers as farmers and ranchers. Through their farm, Wolaver Cherry Company, they have grown massive amounts of cherries including one year in 1960 when they were able to harvest 100 tons of cherries. They've also grown wheat, barley and corn, and raised turkeys and steers.

Fern worked in the family factory, Wolaver Packing, and served as a trustee. Fern was also a congressional aide to former Colorado Senator Hank Brown for ten years, and worked for Congressman Wayne Allard for five years. She worked as the clerk at their church, Buckhorn Presbyterian, for twelve years.

In addition to farming their cherry orchard and other crops, Warren has an extensive history in public policy. He was appointed to the "100 Man Committee on Local Government" in 1963 and starting in 1970, he spent eight years on the state board of Social Services. In 1976 he served as vice chair of the Big Thompson Flood Recovery Committee, as well as serving two terms on the Big Thompson School Board. He was also a Larimer County Commissioner from 1960 to 1976.

Looking at the lives of Fern and Warren, one cannot help but be amazed at their experiences. I invite my colleagues to join me in honoring the Wolaver's and to wish them the best in health and prosperity for years to come.

A TRIBUTE TO REVEREND WILLIAM F. WRIGHT, JR.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. TOWNS. Mr. Speaker, I rise in honor of Reverend William F. Wright, Jr. who has been a leader in his community and is celebrating his 25th Pastoral Anniversary at New Zion Missionary Baptist Church.

Reverend Wright was born in Aiken, South Carolina to William Frank Wright and Willie Weaver Wright. He was reared in Nash County, North Carolina and graduated from Nash Central High School and North AT&T State University, where he obtained a Bachelor of Arts Degree. In 1979, he received a Master of Divinity Degree from Shaw Divinity School in Raleigh, North Carolina.

Rev. Wright was called to the gospel ministry in 1975 and was licensed to preach by the East White Oak Baptist Church that same year. In 1977, Rev. Wright was ordained by the Guilford Association. His pastorate was at West End Baptist Church in Reidsville, North Carolina. Under his leadership, West End extensively renovated the sanctuary. After nineteen years with Lorillard Corporation, Rev. Wright retired as a manager to become the full-time pastor of New Zion Missionary Baptist Church in Greensboro, North Carolina. He is a past member of the Board of Directors of the Lorillard Credit Union.

As a gospel preacher and community servant, Rev. Wright has served with and led many community and interfaith coalitions and groups. Under his leadership, the Greensboro Pulpit Forum undertook some of its most challenging work, including the community buying and stewardship program, which led to a decent labor contract between the K-Mart workers and Unite, their labor union. From the helm of the Pulpit Forum, he has served his fellow preachers as motivator, leader, and confidant. Rev. Wright has served on the Board of Directors for Greensboro Urban Ministries, the Greensboro Housing Resource Board, the Greensboro Fair Housing Board, the Greensboro Human Relations Commission, the Greensboro 100, and the NAACP.

His honors and awards are many. Under his leadership, New Zion has been named "Church of the Year" by the NAACP more than five times. Rev. Wright, himself, has been named "NAACP Man of the Year" for 1995. He was recently honored at the NAACP National Meeting with a community service award for his role in the K-Mart struggle.

Rev. Wright's leadership in the church is matched by his leadership in the community. Five years before it became fashionable, Wright had the Pulpit Forum release a thirty-two (32) page position paper in which the church was challenged to enter into the business of confronting the problem of youth and drugs in the community. This work included workshops, direct contact actions, and visits into the communities where our youth suffer. In the spring of 1993, there was a daylong event where thirty young men admitted to gang involvement and being members of rival gangs. Everyone joined together in a joint statement declaring an end to his gang rivalries.

On a personal level, this Pastor is known in the Greensboro community as a "Pastor's Pastor," a mentor, and a friend to all. His ready demeanor makes him readily available to pastors for counseling and friendship. He is often called upon for advice by struggling congregations and has more than once been called upon to present leadership training to churches and deacons.

Rev. Wright is married to Narcissus Hargrove Wright of Henderson, North Carolina and the proud father of four children: Billy, Wendi, Nicole and Ashley. The Wrights presently make their home in Greensboro, North Carolina.

Mr. Speaker, Reverend William F. Wright, Jr. has used his position as a spiritual and community leader to improve the lives of those around him, and his 25th Pastoral Anniversary is yet another reminder of all of the good work he has accomplished. As such, he is more than worthy of receiving our recognition today. Thus, I urge my colleagues to join me in honoring this truly remarkable person.

HONORING PALMYRA MACEDON BOYS' BASKETBALL CLASS B STATE CHAMPIONSHIP

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. WALSH. Mr. Speaker, I rise today in tribute to the Palmyra Macedon Red Raiders, the varsity boys' basketball team that won their first Class B State Title. The 57–47 victory was well earned after trailing to the Carle Place Frogs for the majority of the game.

Junior shooting guard Anthony Hall scored a game-high 26 points, and helped the Red Raiders get back into the lead in the final quarter. Coach Chip Tatro and the rest of this outstanding team deserve congratulations after their third attempt, and consequent victory, in winning the championship.

Coach Chip Tatro, Christopher Milke, Jared Boisvert, Mike Beck, Anthony Hall, Todd Piccola, Dan Gorman, Tim Patchett, Jonathon Denniston, Adam Husk, Andy Weaver, Jason Clair, Sean McGinn, Chris Timbs are all equal contributors to the outstanding 2005 season.

I commend the Palmyra Macedon Red Raiders for their enthusiasm and hard work in reaching their goal. Congratulations and good luck on future seasons.

HONORING THE VAN VANDALS

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. HENSARLING. Mr. Speaker, today I would like to honor the Van Vandals boys' basketball team who won the Texas 3A championship on March 11, 2005. In their first trip to the state finals in sixty-three years, the Vandals beat Graham High School to return home with the state championship trophy. This is an accomplishment that the young men on the team will remember for the rest of their lives. As the congressional representative of the members, coaches, and supporters of the Van Vandals, it is my pleasure to recognize their outstanding accomplishment today on the floor of the United States House of Representatives.

SUN CHRONICLE HAILS APPOINTMENT OF ATTLEBORO NATIVE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. FRANK of Massachusetts. Mr. Speaker, since 1982, my Congressional activities have been covered by the Sun Chronicle, which provides news for the Greater Attleboro, Massachusetts area. It is a newspaper which understands the importance of solid and thoughtful coverage of events that happen within its area. At the same time, it pays due attention to national issues, and it has also been an important advocate for fair treatment for that part of Massachusetts in which it circulates.

Its interest in all three of these elements came together on March 18 when the Sun Chronicle published a gracious and thoughtful editorial about the appointment of an Attleboro native, Joe Solmonese, to be the head of the Human Rights Campaign. The Human Rights Campaign is a major voice for fair treatment for gay, lesbian, bisexual and transgendered people, and I am among those who was very pleased that Mr. Solmonese was selected, given the combination of skill and talent that he brings to the job.

As the Sun Chronicle noted, "Attleboro is honored by the appointment of a city native to head the Human Rights Campaign" and it is also honored and fortunate to have a newspaper with the generosity of spirit to editorialize as well as it did on this subject. I ask that this editorial be printed here.

[From the Sun Chronicle, March 18, 2005]

ACTIVIST EYES TOUGH FIGHT

(By David Crary)

NEW YORK.—After 12 years advocating for abortion rights, Attleboro native Joe Solmonese might have opted for a less divisive field of work. Instead, he is taking over leadership of the largest national gay-rights group at a time when the same-sex marriage debate rivals abortion for volatility and virulence.

"My challenge is to talk about why the equality we seek is not just important to our community, but should be important to everyone," Solmonese said. "I have to believe in the optimism and fair-mindedness of the American people."

Solmonese was named last week as the new president of the Washington-based Human Rights Campaign and will formally assume the post April 11.

He plans to start his tenure by traveling around the country, meeting with state and local activists.

Since 1993, Solmonese has been a strategist for EMILY's List, a political action committee supporting state and federal candidacies of Democratic women who favor abortion rights. He was its chief executive for the past 2½ years, helping break fund-raising records but also seeing candidates his group endorsed lose 2004 Senate races in Florida, South Carolina and Missouri.

Solmonese, 40, graduated from Boston University with a degree in communications after growing up in Attleboro. One of his role models was the local congressman, BARNEY FRANK—who disclosed his homosexuality in 1987 when openly gay politicians were almost unheard of.

"Barney Frank is an incredibly heroic person, but also someone who is absolutely in touch with his constituency," Solmonese said in a telephone interview. "He's a man who values family more than anyone I know."

Solmonese came out as gay in his early 20s; he recalls attending a Human Rights Campaign dinner when he was 22. Before joining EMILY's List, he was an aide to former Massachusetts Gov. Michael Dukakis and a fund-raiser for Frank.

He credits his parents, both schoolteachers, with inspiring him to pursue a career of political activism. Solmonese Elementary School in Norton is named after his father, Joseph.

"After a decade in the reproductive rights movement, I see myself having been in the fight for a progressive America," he said. "Groups like the HRC are very much at the forefront of that fight."

Another common denominator for the abortion-rights and gay rights movements is their determined and politically well-connected opposition. Conservative leaders who focus on those two issues have claimed credit for the Republicans' strong showing in the 2004 election.

"The American people fear a whole range of things right now, from terrorism to their economic future," Solmonese said. "Our opposition has been pretty crafty at capitalizing on that fear, using whatever means necessary to make political gains."

Many conservative groups are now waging a two-pronged fight against gay marriage. They are lobbying Congress to approve a federal constitutional amendment defining marriage as the union of a man and a woman; they also hope many more states will join the 17 that already have amended their constitutions to ban gay marriage.

The Human Rights Campaign was among numerous gay-rights organizations participating earlier this month in a strategy session aimed at competing effectively in upcommg state ballot campaigns regarding gay marriage.

Solmonese says he hopes Massachusetts will demonstrate to Americans nationwide that its pioneering legalization of same-sex marriage has positive, not negative, results. "Massachusetts is still there, with loving, committed families going on with their lives and experiencing the same rights and responsibilities that all Americans do," he said. "We want to shine a light on what happened in Massachusetts, and tell the American people who we truly are."

He replaces another Massachusetts political activist, former state Sen. Cheryl Jacques, who stepped down as HRC president late last year, citing differences with its board.

Her departure coincided with speculation in the gay media, and elsewhere, about discord among the HRC and some other major gay-rights groups. Solmonese said he has detected no serious rifts since his hiring was announced.

[From the Sun Chronicle, Mar. 18, 2005]

ATTLEBORO HONORED BY ANOTHER ACTIVIST

Attleboro is honored by the appointment of a city native to head the Human Rights Campaign—the nation's largest gay civil rights group—and just days prior to a welcome loosening on the West Coast of the bans on same-sex marriage.

Joe Solmonese, 40, who is gay, brings to his new role a history of activism that began when he became student council vice president while a junior at Attleboro High School in the early 1980s.

He later held an internship at the Statehouse while attending Boston University, then worked on successful reelection campaigns, first for Gov. Michael Dukakis and then U.S. Rep. Barney Frank, D-Newton. He worked on a Senate campaign in Oregon, as well.

Solmonese succeeds former Sen. Cheryl Jacques, who stepped down from her Attleboro-area district to lead the Human Rights Campaign in January 2004. She resigned Nov. 30.

Solmonese, whose mother and sister live in Attleboro, took the helm just days before a trial court judge in California ruled on March 14 against that state's same-sex marriage ban, calling it unconstitutional and comparing it to archaic segregation laws.

It's a ruling that resonates in Massachusetts, which has been in the vanguard of the struggle for equality.

It was the first in the nation, in November 2003, to give gay men and lesbians the same access to marriage licenses as heterosexual couples.

Solmonese' predecessor, Jacques, married her longtime partner in August in Boston, days after she addressed the Democratic National Convention calling for "marriage equality." The couple were wed under Massachusetts' high court historic decision, a decision that was long overdue here and continues to be elsewhere.

Appeals are certain in California. But each step forward brings closer what surely will be the eventual right of gays and lesbians across the country to attain equal footing in the eyes of the law.

We congratulate Joe Solmonese, whose father, Joseph, was principal of Norton High School for several years until his death, as he sets out across the country to carry his message.

"We seek the same rights and responsibilities as all other Americans," Solmonese said, upon his appointment. "Our job is to educate the American people as to what equality means."

HONORING THE AMERICAN AIR POWER MUSEUM IN FARMINGDALE, NEW YORK

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. ISRAEL. Mr Speaker, I rise today to recognize the contributions of the American Airpower Museum in Farmingdale, New York to the commemoration of the 60th anniversary of the liberation of American POWs at the end of World War II.

Sixty years ago this spring, over 100,000 American and Allied POWs were liberated by Soviet troops as they swept aside enemy forces in Eastern Europe. This liberation marked the end of forced marches, stinging cold, constant hunger and the everpresent threat of summary execution by a collapsing Nazi regime. Simultaneously, advancing Allied forces also discovered Hitler's death camps and their wretched legacy of inhumanity.

As we observe this anniversary, I am truly proud to have the American Airpower Museum at the Republic Airport in Farmingdale in my congressional district. The museum has established a new permanent tribute to honor those who endured the POW "stalags" and to solemnly mark the liberation of the death camps built by the Third Reich for the purpose of murdering millions of European Jews.

The museum's tribute includes a recreated watch tower and barracks, a detailed diorama of a German "stalag," the names of those New Yorkers who were POWs during World War II and a tribute to American POWs in other conflicts. This will mark the first permanent museum tribute to American POWs in the New York region.

It is vital that we continue to remember the horrors of the Holocaust and pay tribute to both the victims and the brave soldiers who contributed to the liberation of Europe from Nazi rule. I strongly commend the leadership that the American Airpower Museum of Farmingdale has taken on this issue and urge other museums to follow suit.

RECOGNIZING FLOWER MOUND HIGH SCHOOL'S NAMING TO THE GRAMMY SIGNATURE SCHOOL GOLD LIST

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. BURGESS. Mr. Speaker, I rise today to commend Flower Mound High School, located in the 26th Congressional District of Texas, for its recognition on the Gold List of Grammy Signature Schools.

I congratulate Flower Mound High School's performing arts department, under the leadership of Danna Rothlisberger, Lewisville ISD director of performing arts, and Mark Rohwer, chair of the performing arts department, for their outstanding achievement. Flower Mound High School was only one of seven schools in the nation promoted to the Gold List from their original recognition as a Grammy Signature School.

Flower Mound High School received $7,000 cash reward for its performing arts department as part of their promotion. Mr. Rohwer has promised to spend a portion of the money to hiring composers to write specific pieces for the band, orchestra and choir, and to buy new equipment.

Flower Mound High School's performing arts department is a stellar example from which Texas schools should model their performing arts departments. Their commitment to educating students through the arts is to be admired and replicated.

I am proud of the education system in Texas; especially our involved parents and teachers at Flower Mound High School who commit their lives and time to fostering growth in their students.

HONORING THE LIFE OF WILLIAM "SLIM" SOMERVELL

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mrs. MUSGRAVE. Mr. Speaker, I rise today to honor the life and service of Willis "Slim" Somervell, who has dedicated his life to God, his family, and the United States of America.

Slim has said, "You need to be true to yourself and you need to have beliefs and a value system. Without those, what are we?" These are wise words. As I learned about the life of service that Mr. Somervell has led, I am inspired by his beliefs and his values.

Service to America is one value Slim holds dear. He entered the United States Navy in 1941. In 1944, Slim was commissioned as a gunnery and navigation officer for the USS *Landing Ship Medium* 142.

In addition to having command of the *Landing Ship Medium*, he also commanded *Patrol Craft* 1262, which conducted air and sea rescues in the Caribbean. He was also Executive Officer of the *Patrol Craft Escort* 877.

Slim worked in the Fleet Weather Center in Washington, DC and conducted Navy weather research in Norfolk, Virginia. He served on the *Forrestal*, CVA–59. He was also the staff meteorologist for the commander of the U.S. Second Fleet, later for the Western Pacific 7th Fleet and ultimately commanded the Navy Research Facility in Norfolk, Virginia.

Devotion to family is another value that is important to Slim. While on assignment in Monterey, California, he met his wife Mary. They married in 1949 in Kerrville, Texas. They had five children, four girls and one boy. Slim and Mary are now grandparents of thirteen.

Slim will often tell you, "What more can a person ask for than children and grandchildren who turn out to be good citizens." As you can tell, Slim is quite proud of his family.

After 30 years of faithful service to our country, Slim retired. But this did not slow him down. Slim took a job with the Bureau of Reclamation in their cloud seeding program. Later, Slim worked for the Department of Atmospheric Science at Colorado State University. Slim spent 15 years in that department as a manager, researcher and also a teacher.

In addition to service to family and service to our country, Slim also strongly believes in service to God. Slim and Mary attend Saint Joseph's Catholic Church in Fort Collins, Colorado. There, Slim serves as a lector and a communion minister.

Slim has been truly blessed with a great career and a great family. I invite my colleagues to join me in honoring Mr. Somervell. May God continue to bless the Somervells for years to come.

A TRIBUTE TO MAE CATHERINE GREENE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. TOWNS. Mr. Speaker, I rise in honor of Mae Catherine Greene in recognition for her dedication to her community.

Mae Catherine Greene fondly known as "Cat" by family and close friends is almost a life long resident of the east New York community of which she has been an integral and staunchly loyal advocate. She was born in Chadbourn, NC in March of 1957, the ninth of ten children of a proud and independent working mother.

Mae obtained her education in the neighborhood she so greatly loves and admires. She attended P.S. 149, I.S. 292 and William H. Maxwell High School in east New York. Mae, who has been married for almost 27 years to her childhood sweetheart, Richard Greene, is the proud mother of six children who still live in east New York as well.

Having six children in the public school system and being a concerned, loving and dedicated parent, Mae took a strong interest in the neighborhood's public school system. She was very involved and an active presence in many different capacities. She served as President and Secretary on Community Board 19 and President of the P.T.A. at P.S. 213, I.S. 171 and I.S. 292. Additionally, she was Chapter 1 Chairperson for the District for both P.S. 213 and I.S. 171 as well as P.A.C. President for the Board for two day care centers, Georgia-Livonia and Einstein in East NY.

Mae is not only an advocate for education, but she is also very involved in community and politically based issues and activities. She has been a longtime advocate for senior citizen, immigrant and housing rights. Mae has served as Secretary to the Tenants' Advisory Board and Property Manager at Elva McZeal Housing Development and as a Community Advisor at Beekman Houses in the Bronx, NY. She also set up a parents' rights advocacy for immigrant parents at P.S. 213, was a community liaison for Health Plus, and an advocate for the senior citizens at Elva McZeal Houses.

Mr. Speaker, Mae Catherine Greene has strengthened her community through her numerous volunteer efforts with the PTA, the Community Board, and local housing associations. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

HONORING MSGT ROBERT F. GREEN, JR.

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. WALSH. Mr. Speaker, I rise today to recognize the accomplishments of MSGT Robert F. Green. Master Sergeant Green, a resident of Ontario, New York is retiring from the United States Air Force after years of dedicated service.

His retirement allows for reflection on what can only be considered a sterling career. He has admirably served his country without question or reservation. His fellow soldiers will attest that Master Sergeant Green sets the standard regarding attributes such as honor, respect, duty and country.

On behalf of my colleagues, and myself, I extend my gratitude, great appreciation and well wishes for prosperous retirement years. Thank you for your service to our country.

HONORING THE LIFE OF MRS. ANNE DORA MOORE HALL

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. HENSARLING. Mr. Speaker, today I would like honor the life of Mrs. Anne Dora Moore Hall, 4 passed away on March 16, 2005. Mrs. Hall was born in Cherokee County, Texas to Miles Cleveland and Madge Edwards Moore. She lived most of her life in Dallas and had a long, successful career as an insurance executive.

A mother to two children, Robert and Steven, and wife to Bergen Hall, Mrs. Hall was also very active in her community. She was an officer in the Pierce Brooks Gospel Foundation, served on the Texas Safety Council, and worked with the Crippled Children's Foundation of America. She was also engaged in politics as a longtime member of the White Rock Women's Republican Club, the Public Affairs Luncheon Club, and working at her local precinct during elections.

As a mother, a wife, a businesswoman, and a community leader, Mrs. Anne Dora Moore Hall's life has embodied the values of family, community, and hard work that lie at the core of American society. As her representative in Congress, it is my distinct pleasure to honor her today on the floor of the United States House of Representatives.

JEFF JACOBY SHOWS INTEGRITY ON TORTURE ISSUE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. FRANK of Massachusetts. Mr. Speaker, one of the saddest aspects of our current political dialogue is that partisanship has extended into the intellectual sphere. That is, I very much agree that people should pick one party or the other as being more representative of their views than the alternative and generally support that party. That is legitimate partisanship. Excessive partisanship comes when people are never willing to admit that "their side" ever makes mistakes, or that the "other side" ever has any virtues.

It is for this reason, as well as the substance of his well-reasoned articles, that I was very gratified to read Boston Globe Columnist Jeff Jacoby's two-part series on torture. Mr. Jacoby is a strong, outspoken conservative who supports the war in Iraq. But unlike many, he does not let his general ideological position in this set of issues make him an apologist for specific actions which go counter to the very moral values that the war in Iraq is supposed to be vindicating.

In a forceful two-part series in the Boston Globe, Mr. Jacoby makes a principled, thoughtful, fact-based case against the use of torture by Americans, even in the service of our entirely justified fight against terrorism.

Mr. Jacoby puts it eloquently in his first article: "Better intelligence means more lives saved, more atrocities prevented and a more likely victory in the war against radical Islamist fascism. Those are crucial ends and they justify tough means. But they don't justify means that betray core American values. Interrogation techniques that flirt with torture, to say nothing of those that end in death, cross the moral line that separates us from the enemy we are trying to defeat."

In his second article, Mr. Jacoby argues that the case against torture is not only a moral one but also a pragmatic one, noting, among other things, "torture is never limited to just the guilty."

Mr. Speaker, I salute Jeff Jacoby both for the force of his arguments and for the intellectual integrity he has shown in making them. No issue confronting our Nation is more important than how we deal with this set of questions and I therefore ask that Mr. Jacoby's very significant contribution be printed here.

[From the New York Times, Mar. 17, 2005]

WHERE'S THE OUTRAGE ON TORTURE?

(By Jeff Jacoby)

In August 2003, when he was commander of the military base at Guantanamo Bay, Major General Geoffrey Miller visited Baghdad with some advice for US interrogators at Abu Ghraib prison. As Brigadier General Janis Karpinski, the military police commander in Iraq, later recalled it, Miller's bottom line was blunt: Abu Ghraib should be "Gitmo-ized." Iraqi detainees should be exposed to the same aggressive techniques being used to extract information from prisoners in Guantanamo.

"You have to have full control," Karpinski quoted Miller as saying. There can be "no mistake about who's in charge. You have to treat these detainees like dogs."

Whether or not Miller actually spoke those words, it is clear that harsh techniques authorized for a time in Guantanamo forced nudity, hooding, shackling men in "stress positions," the use of dogs were taken up in Afghanistan and Iraq, where they sometimes degenerated into outright viciousness and even torture. Did the injunction to "treat these detainees like dogs" give rise to a prison culture that winked at barbarism? Should Miller be held responsible for what Abu Ghraib became?

The latest Pentagon report on the abuse of captives, delivered to Congress last week by Vice Admiral Albert Church III, doesn't point a finger of blame at Miller or any other high-ranking official. It concludes that while detainees in Iraq, Guantanamo, and elsewhere were brutalized by military or CIA interrogators, there was no formal policy authorizing such abuse. (On occasion it was even condemned in December 2002, for example, some Navy officials denounced the Guantanamo techniques as "unlawful and unworthy of the military services.")

But surely, Church was asked at a congressional hearing, someone should be held accountable for the scores of abuses that even the government admits to? "Not in my charter," the admiral replied.

So the buck stops nowhere. And fresh revelations of horror keep seeping out.

Afghanistan, 2002: A detainee in the "Salt Pit" a secret, CIA-funded prison north of Kabul is stripped naked, dragged across a concrete floor, then chained in a cell and left overnight. By morning, he has frozen to death. According to The Washington Post, which sourced the story to four US government officials, the dead man was buried in an unmarked grave, and his family was never notified. What had the Afghan done to merit such lethal handling? "He was probably associated with people who were associated with Al Qaeda," a US official told the Post.

Iraq, 2003: Manadel al-Jamadi, arrested after a terrorist bombing in Baghdad, is brought in handcuffs to a shower room in Abu Ghraib. Shackles are connected from his cuffs to a barred window, hoisting his arms painfully behind his back a position so unnatural,

Sergeant Jeffrey Frost later tells investigators, that he is surprised the man's arms "didn't pop out of their sockets." Frost and other guards are summoned when an interrogator complains that al-Jamadi isn't cooperating. They find him slumped forward, motionless. When they remove the chains and attempt to stand him on his feet, blood gushes from his mouth. His ribs are broken. He is dead.

Then there is the government's use of "extraordinary rendition," a euphemism for sending terror suspects to be interrogated by other countries including some where respect for human rights is nonexistent and interrogation can involve beatings, electric shock, and other torture. The CIA says it always gets an assurance in advance that a prisoner will be treated humanely. But of what value are such assurances when they come from places like Syria and Saudi Arabia?

Of course the United States must hunt down terrorists and find out what they know. Better intelligence means more lives saved, more atrocities prevented, and a more likely victory in the war against radical Islamist fascism. Those are crucial ends, and they justify tough means. But they don't justify means that betray core American values. Interrogation techniques that flirt with torture to say nothing of those that end in death cross the moral line that separates us from the enemy we are trying to defeat.

The Bush administration and the military insist that any abuse of detainees is a violation of policy and that abusers are being punished. If so, why does it refuse to allow a genuinely independent commission to investigate without fear or favor? Why do Republican leaders on Capitol Hill refuse to launch a proper congressional investigation? And why do my fellow conservatives—those who support the war for all the right reasons—continue to keep silent about a scandal that should have them up in arms?

[From the Boston Sunday Globe, Mar. 20, 2005]

Why Not Torture Terrorists?

(By Jeff Jacoby)

(Second of two columns)

The Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, which the United States ratified in 1994, prohibits the torture of any person for any reason by any government at any time. It states explicitly that torture is never justified—"no exceptional circumstances whatsoever . . . may be invoked as a justification for torture" Unlike the Geneva Convention, which protects legitimate prisoners of war, the Convention Against Torture applies to everyone—even terrorists and enemy combatants. And it cannot be evaded by "outsourcing" a prisoner to a country where he is apt to be tortured during interrogation.

In short, the international ban on torture—a ban incorporated into US law—is absolute. And before Sept. 11, 2001, few Americans would have argued that it should be anything else.

But in post-9/11 America, the unthinkable is not only being thought, but openly considered. And not only by hawks on the right, but by even by critics in the center and on the left.

"In this autumn of anger," Jonathan Alter commented in Newsweek not long after the terrorist attacks, "a liberal can find his thoughts turning to—torture." Maybe cattle prods and rubber hoses should remain off limits, he Wrote, but "some torture clearly works," and Americans had to "keep an open mind" about using unconventional measures—including "transferring some suspects to our less squeamish allies."

In March 2003, a few days after arch-terrorist Khalid Sheikh Mohammed was captured in Pakistan, Stuart Taylor Jr. acknowledged that he was probably being made to feel some pain. "And if that's the best chance of making him talk, it's OK by me," he wrote in his National Journal column. In principle, interrogators should not cross the line into outright torture. But, Taylor continued, "my answer might be different in extreme circumstances."

By "extreme circumstances" he meant what is often called the "ticking-bomb" scenario: A deadly terror attack is looming, and you can prevent it only by getting the information your prisoner refuses to divulge. Torture might force him to talk, thereby saving thousands of innocent lives. May he be tortured?

Many Americans would say yes without hesitating. Some would argue that torturing a terrorist is not nearly as wrong as refusing to do so and thereby allowing another 9/11 to occur. Others would insist that monsters of Mohammed's ilk deserve no decency.

As an indignant reader (one of many) wrote to me after last week's column on the cruel abuse of some U.S. detainees, "The terrorists . . . would cut your heart out and stuff it into the throat they would proudly slash open." So why not torture detainees, if it will produce the information we need?

Here's why:

First, because torture, as noted, is unambiguously illegal—illegal under a covenant the United States ratified, illegal under Federal law, and illegal under protocols of civilization dating back to the Magna Carta.

Second, because torture is notoriously unreliable. Many people will say anything to make the pain stop, while some will refuse to yield no matter what is done to them. Yes, sometimes torture produces vital information. But it can also produce false leads and desperate fictions. In the ticking-bomb case, bad information is every bit as deadly as no information.

Third, because torture is never limited to just the guilty. The case for razors and electric shock rests on the premise that the prisoner is a knowledgeable terrorist like Mohammed or Abu Musab al-Zarqawi. But most of the inmates in military prisons are nothing of the kind. Commanders in Guantanamo acknowledge that hundreds of their prisoners pose no danger and have no useful information. How much of the hideous abuse reported to date involved men who were guilty only of being in the wrong place at the wrong time?

And fourth, because torture is a dangerously slippery slope. Electric shocks and beatings are justified if they can prevent, another 9/11? But what if the shocks and beating don't produce the needed information? Is it OK to break a finger? To cut off a hand? To save 3,000 lives, can a terrorist's eyes be gouged out? How about gouging out his son's eyes? Or raping his daughter in his presence? If that's what it will take to make him talk, to defuse the ticking bomb, isn't it worth it?

No. Torture is never worth it. Some things we don't do, not because they never work, not because they aren't "deserved;' but because our very right to call ourselves decent human beings depends in part on our not doing them. Torture is in that category. We can win our war against the barbarians without becoming barbaric in the process.

RECOGNIZING ERIN ROBNETT, WINNER OF TEXAS VALUES VISUAL ARTS COMPETITION

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. BURGESS. Mr. Speaker, I rise today to commend Erin Robnett, an eighth grader at Crownover Middle School of Cornith, located in the 26th Congressional District of Texas, for being one of the three winners of the Texas Values Arts Competition.

This is truly an outstanding accomplishment for Erin. More than 250 students from Plano, Denton, Lewisville and surrounding communities entered the contest. Over Time is the name of Erin's piece which represents changes that have occurred during Texas' history. With Erin's win, she received a savings bond from Huffines Auto Dealerships.

Erin's piece had the pecan tree, mocking bird and the bluebonnet. It also features the Alamo and a soldier standing where the head piece would be. The head piece is half complete representing Texas' past and present.

Erin Robnett's talents are not only a testament to her artistic skill but also a stellar example of how parents and teachers efforts are rewarded when combining a core curriculum with study in the arts. I am proud of the education system in Texas, especially our students, and involved parents and teachers at Crownover Middle School, who commit their lives and time to fostering growth of our communities. And I wanted to extend a special thank you to Huffines Automotive for their generous contribution to these aspiring students.

HONORING THE LIFE OF JEAN ALLARD

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mrs. MUSGRAVE. Mr. Speaker, I rise today to honor the life of Jean Allard, a lifelong servant to the agricultural industry and to Larimer County, Colorado.

Jean was born in Alamosa, Colorado. She came to Fort Collins at the age of five where she grew up on a farm and graduated from Fort Collins High School in 1938. She attended the Colorado State College of Agriculture and Mechanic Arts, (today it would be known as Colorado State University). She studied home economics and was a textile major. Jean was active in sports such as basketball, field hockey, softball and swimming. She graduated in 1942.

Jean made all of her own clothes during high school and college, which is evidence of her creativity and willingness to work hard. She comes from a family with a strong work ethic. Her grandparents, James and Jane Ross, homesteaded in Fort Collins when they came from Scotland in 1887. Jean's family grew grain, hay, and raised purebred Hereford cattle. Their original homestead remained on 1600 Horsetooth Road through the 1980's.

Jean met Amos Allard at Fort Collins High School and they married on July 18, 1941. Their time together as a newlywed couple was short-lived as Amos was soon drafted into the Navy during World War II in 1944.

After Jean graduated from Colorado A&M, they moved to the Allard family ranch in Jackson County, Colorado where they raised Hereford cattle. In 1962 they sold their ranch and moved back to Larimer County.

The Allards bought a 297–acre farm in Loveland, west of the current Hewlett-Packard facility.

On their property, Walt Clark Middle School was built, 3 churches, a private park and a public park, as well as 830 homes in Loch-Lon (Lake Meadow Land). Jean was instrument in the development of Big Thompson senior housing in Loveland. She also sold the lots at Loch-Lon, dealt with builders and typed warranty papers. Amos was active with the Board of Realtors where he served as a legislative liaison.

Through hard work, the Allards have been quite successful in Larimer County. They have two sons, current U.S. Senator WAYNE ALLARD and Kermit Allard, both living in Larimer County. They have four granddaughters and 6 great grandchildren.

Jean Allard has witnessed much change in Larimer County. The timeless value of hard work has truly been demonstrated by Jean. I wish the best for the Allard's and hope that their legacy will continue for many years to come.

A TRIBUTE TO THE COUNCIL OF JEWISH ORGANIZATIONS OF FLATBUSH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. TOWNS. Mr. Speaker, I rise today in recognition of a distinguished organization the Council of Jewish Organizations of Flatbush. It is an honor to represent the Council of Jewish Organizations of Flatbush in the House of Representatives and it behooves us to pay tribute to their selfless endeavors of more than a quarter century.

Mr. Speaker, the Council of Jewish Organizations of Flatbush, was founded twenty six years ago to assist families in need in the greater Brooklyn area. Over the course of its many years of dedication to the Brooklyn community The Council of Jewish Organizations of Flatbush has truly emerged as a premier organization committed to assisting those who have nowhere else to turn.

Under the leadership of their Executive Director, Rabbi Yechezkel Pikus, The Council of Jewish Organizations of Flatbush has established itself as Brooklyn's central address for social services, immigration services and many forms of crucial emergency assistance.

The Council of Jewish Organizations of Flatbush has been instrumental in creating successful employment programs and developing Small Business services. Through the Leader Family Employment Center and the South Brooklyn Business Outreach Center they have empowered people with the tools to succeed in their professional endeavors. Additionally, they are renowned for providing vital outreach to the elderly and homebound with particular attention and sensitivity to Holocaust survivors. They have also developed a scholarship fund to send children from disadvantaged families to summer camp.

Mr. Speaker, I believe that it is incumbent on this body to recognize the achievements of the Council of Jewish Organizations of Flatbush. Their uncompromising commitment to Jewish ideals and ethics is an inspiration for us all.

Mr. Speaker, may our country continue to benefit from the civic actions of the Council of Jewish Organizations of Flat bush and community groups similar to them.

RECOGNIZING FIRE CAPTAIN BUTCH FLANAGAN AND HIS YEARS OF COMMUNITY SERVICE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. BURGESS. Mr. Speaker, I rise today to commend Captain Butch Flanagan of the Lewisville Fire Department, located in the 26th Congressional District of Texas, for his long career serving the public.

Captain Flanagan, who has spent the last 34 years with the Lewisville Fire Department, will retire April 5, 2005. He has been the city's longest current employee and was named "Firefighter of the County" in 2004 by the "Heroes of Denton County." Captain Flanagan worked his way up through the ranks and has been highly dedicated throughout his career. He once said, "I can't ever see myself doing anything different."

Captain Flanagan was born and raised in Lewisville, graduated from Lewisville High School, and now lives in Graham. He was one of the first full-time Lewisville firefighters and rose through the ranks to become captain. Captain Flanagan has been described as role model in the department and at home. Both his peers and superiors think of Captain Flanagan as a mentor. One Lewisville fire chief said "He'll getcha outta trouble in a hurry" and "you know no one's going to get hurt" when Captain Flanagan is in charge. The Chief also said that the Lewisville Fire Department "was blessed" to have such a man serve with them.

I am proud to represent Captain Butch Flanagan and the Lewisville Fire Department. Captain Flanagan has committed his life and time to protect and serve our community at any time, anywhere.

RECOGNIZING THE GADDAR MOVEMENT

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. RADANOVICH. Mr. Speaker, I rise to recognize the Gaddar Movement and the brave individuals who contributed to the Indian Independence Movement. An event to commemorate the memories of the Gaddar Movement will occur in Fresno, CA, on April 3, 2005. In spite of the trials and hardships, the goal of India's independence was achieved and the Indian people now live in a sovereign nation filled with hope and opportunity.

It is important to honor the sacrifices that so many have made for the cause of freedom. Just as the early Americans were guided by the doctrine of liberty embodied in the Declaration of Independence, the members of the Gaddar movement also understood the importance of autonomy for the Indian people. Many of these immigrants endured loss of life and property, but they persevered and have made major contributions to the U.S., both socially and economically.

Mr. Speaker, I rise to honor the courageous efforts of those brave individuals who contributed to the Gaddar Movement. I urge my colleagues to join me in recognizing their courage and commitment to freedom.

IN MEMORY OF CONNIE SKIPWORTH

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to honor the life of an extraordinary American, Connie Skipworth, who died on March 17, 2005, at the age of eighty-four.

Connie was a joy to know. Lively, humorous, and filled with the spirit of life, she dedicated much of her time to making everyone feel like part of the family. Connie was born on February 18, 1921 in San Bernardino, California.

By the late 1930s, Connie was married to Skip Skipworth and returned to California, spending those first years working as a riveter for McDonnell Douglas in Long Beach during World War II.

Connie has spent much of her years participating in the life of the community. Connie and her sister, Irene, opened their first restaurant in 1945, The Old Mexico Cafe in Long Beach. Seven years later, Connie opened the Zarape Cafe in Las Vegas, later returning to The Old Mexico Cafe a year later, where she worked as a manager, saving up enough money to build The Azteca in Garden Grove in 1957.

Connie was very devoted to her family, and encouraged them to reach for greatness and to realize their potential. The Azteca was a success, and the business brought in money to the family, and joy to the community. She was a great woman making everyone feel comfortable by flashing a quick smile, and by greeting everyone by their first names.

Mr. Speaker, Connie Skipworth dedicated herself to making our town a wonderful community to live in. Connie is more than worthy of receiving our recognition today, and I urge my colleagues to join me in honoring the life of this truly remarkable person.

TRIBUTE TO MOTHER ANN PARROTT ON HER 80TH BIRTHDAY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. PAYNE. Mr. Speaker, I am proud to rise today to recognize a highly valued citizen of my home city of Newark, New Jersey. Mother Ann Parrott celebrates her 80th Birthday on May 6, 2005. She is the mother to six wonderful children and grandmother to fourteen. She has dedicated her life, for almost five decades, to the social and spiritual improvement of her community.

Active in her church, she wears a myriad of hats ranging from Sunday school teacher to choir member. One of her most honorable contributions, however, has been the establishment of the Lighthouse Temple Community Services in Newark, New Jersey.

Founded in 1989 as an addition to the Lighthouse Temple, Community Services modestly began as a soup kitchen where she served homemade soup and cornbread to the homeless in Newark. It now functions as one of the great providers of comprehensive care to the homeless and less fortunate in the state of New Jersey by offering emergency shelter, food, clothing and job placement to many in the Newark area.

Mr. Speaker, I know my colleagues here in the House of Representatives would join me in honoring Mother Ann Parrott, who becomes 80 years young on May 6, 2005, for her tireless work for the Newark community. She is a paragon of true virtue through her selfless dedication to the betterment of others. I am proud to have her in my Congressional district and wish her never-ending success in her future endeavors.

RECOGNIZING DEPUTY GREG TAYLOR AND INVESTIGATOR SHANE NORIE FOR THEIR FIGHT AGAINST DRUGS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. BURGESS. Mr. Speaker, I rise today to commend Deputy Greg Taylor and Investigator Shane Norie of the Cooke County Sheriffs Office, located in the 26th Congressional District of Texas, for their recognition from the Drug Enforcement Administration (DEA) of the United States Attorney's Office in Sherman.

Deputy Greg Taylor and Investigator Shane Norie have been involved in numerous drug busts. Year after year they have been responsible for collecting information that would lead to keeping drugs out of our communities and schools. Now, Investigator Norie has been selected to go to the DEA School located in Virginia.

Sheriff Mike Compton of the Cooke County Sheriffs Office says that officers like Taylor and Norie have made an impact on the war against drugs. Compton also praises the whole department's efforts to keep drugs off the streets and continuing to build and foster a strong relationship with the DEA.

I am proud of Cooke County Sheriffs Office and leaders like Deputy Greg Taylor and Investigator Shane Norie who help keep our community safe and clean. Thanks to those who commit their lives and time to protect and serve our community at any time, any where. Through their efforts, we can all lead better lives.

HONORING THE SERVICE OF BILL MARTIN

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. DINGELL. Mr. Speaker, I rise to pay tribute to an outstanding citizen of my district who will be receiving special recognition soon for a lifetime of service to his community.

William C. "Bill" Martin is best known for his leadership as Director of Intercollegiate Athletics for the University of Michigan in Ann Arbor. But his work in the Washtenaw County community goes far beyond his work in the field of sports.

Whether creating First Martin Corporation for real estate development, founding the Bank of Ann Arbor, creating a three-on-three basketball tournament to raise money for the public schools or helping rebuild Isle Royale's ranger station on Lake Superior, Bill Martin has been a community leader whose work has benefited thousands of his fellow citizens.

On several occasions, Bill has been asked to step in and help turn around troubled programs, including both the UM Athletic Department and the U.S. Olympic Committee. In both cases, his hard work and leadership helped right the ship and get things moving forward. That metaphor is quite appropriate, since Bill also has had a very successful competitive career in sailing and has contributed time and energy to the sport, both nationally and internationally.

He also has served with distinction on the board of his alma mater, Wittenberg University and also spent many years on the Washtenaw Land Conservancy Board, including ten years as president. He also has been a member of the advisory board for the University of Michigan Center for the Education of Women.

On May 2, 2005 the Jewish Federation of Washtenaw County will present Bill with its Humanitarian Award, an honor bestowed every other year to an outstanding citizen of the community. Bill Martin is truly one of those deserving citizens, and I ask my colleagues to join me in congratulating him on this upcoming award and thanking him for his outstanding leadership in Michigan and around the nation.

IN HONOR OF WOMEN'S HISTORY MONTH

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. KIND. Mr. Speaker, I rise today in honor of Women's History Month. In 1987, Congress passed a resolution designating the month of March as Women's History Month and a time to honor, "American women of every race, class and ethnic background [who] have made historic contributions to the growth and strength of our Nation in countless recorded and unrecorded ways."

For 2005, the theme of Women's History Month is "Women Change America." In celebration of this month, I would like to focus on two women from Wisconsin's history and honor their contributions to society.

First, I would like to recognize Cordelia Julia Grace Wales. Wisconsin resident Julia Grace Wales made her mark in Wisconsin as a peace activist, scholar, an English instructor at University of Wisconsin-Madison, and a dedicated Christian. In 1914, in light of WWI, Wales decided to write her famous Wisconsin peace plan, a plan that she believed would end WWI. Wales made a genuine contribution to women's history in Wisconsin and America's tradition of peace movements.

Born in Portage, Wisconsin, Margery Latimer was a social movement activist and an accomplished novelist. Latimer became well-known in the literary world after writing three highly acclaimed novels dealing greatly with the romanticism era. She once said, "There's only one possession that's worth having and that is the capacity to feel that life is a privilege and that each person in it is unique and will never appear again."

The third woman I would like to honor is Zona Gale. Also born in Portage, Wisconsin, Zona Gale was a great novelist and short-story writer. Gale's biggest success was her novel, Miss Lulu Bett. This novel was adapted as a play in 1920 and was awarded the Pulitzer Prize for Drama in 1921. As an activist for women's rights and the creation of the Wisconsin Equal Rights Law, prohibiting the discrimination of women, many of Gale's feminist politics were expressed in her novels and then plays. Zona Gale passed away in 1938 in Portage, Wisconsin, but her voice will live on through her novels and efforts for women's rights in Wisconsin and around the country.

These three women, along with so many others, inspired hope and possibility not only in Wisconsin, but across the United States. Whether in art or literature, activism or teaching, they deserve our remembrance, not only during the month of March, but throughout the rest of the year as well.

TRIBUTE TO CHIEF BRIAN J. SMITH

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the work of an outstanding public servant, Mr. Brian Smith, newly appointed Chief of the Waterfront Police Commission of New York & New Jersey, who was sworn into office on Friday, March 25, 2005.

It is only fitting that he be honored in this, the permanent record of the greatest freely elected body on Earth, for he has a long history of leadership, creativity, and commitment to his noble profession.

After attending Saint Francis College, located in Brooklyn, New York, Brian joined the National Park Service as a U.S. Park Ranger. He eventually ascended to the rank of Supervisory U.S. Park Ranger within the Law Enforcement Division. During his tenure with the National Park Service Brian's talents and stellar reputation earned him a membership with the elite U.S. Park Ranger Special Events Team. Brian also attained a multitude of special licensures ranging from a certified K–9 handler to a RED Card Wild Fire Fighter.

In 1980, Mr. Smith decided to become an officer with the Port Authority of New York and New Jersey. Brian was assigned to oversee operations at the various Port Authority facilities such as, the Holland Tunnel and Newark International Airport. After three years of service, Brian felt compelled to make a career change and opted to leave his position with the esteemed Port Authority.

Brian decided to pursue a career with the U.S. Customs Service in the Tactical Enforcement Division; this would prove to be an eighteen year venture. Initially, Brian entered the bureau as a Special Agent with the Office of Investigations and Internal Affairs and quickly flourished. He received a promotion soon after he began with the agency and subsequently served a term at the U.S. Customs Service Headquarters in Washington, D.C. Over the years, Brian had countless praiseworthy assignments that he fulfilled but two of his most notable duties include: Supervisor of the Dignitary Protection JUMP TEAM and Internal Affairs Desk Officer for the West and Southwest Regions, respectively.

Brian was then appointed to his current position, Special Agent in Charge of the U.S. Department of Health and Human Services, Office of Investigations for Region II in 1999. As Special Agent in Charge, he is responsible for enforcing a myriad of Federal Laws and managing the Dignitary Protection efforts throughout the States of New York, New Jersey, Puerto Rico, and the U.S. Virgin Islands (Region II).

Mr. Smith's spirit of service to our great nation and his unwavering commitment to his fellow man is obvious to all those who know him. His military service has spanned two branches of the Armed Services, including a six year tour of duty in the U. S. Coast Guard Reserve. Additionally, Brian currently serves as a Major with the New York Guard, Civil Affairs Unit.

Mr. Speaker, I ask that you join our colleagues, the members of the Smith family, and myself in recognizing Chief Brian J. Smith for his outstanding service to the residents of New York and New Jersey.

COMMENDING VILLAGE OF ORCHARD PARK MAYOR PATRICIA A. DICKMAN FOR EXEMPLARY SERVICE TO HER COMMUNITY

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to call your attention to Patricia A. Dickman, a woman who after years of dedicated public service, will retire from her position as the Village of Orchard Park Mayor in Erie County, New York.

Mayor Dickman's devotion to developing a better future for her community was evident early, as she chose to dedicate 12 years to the teaching profession, educating young people.

Over the last 30 years Mayor Dickman expanded her dedication from working with youth to working with the community as a whole.

Mayor Dickman's government service is extensive. Prior to her election to the seat of Mayor, Ms. Dickman worked for 6 years on the Village of Orchard Park Planning Board, including 4 years as Chair. She also served as a Village of Orchard Park Trustee for 6 years and has led the Beautify Orchard Park Committee for over 24 years.

Throughout her tenure as Mayor, Ms. Dickman has sat on several local boards and organizations including: the Erie County Sewer District III, the Southtown's Sewer Agency, the Village Officials Association and the Erie County Governments Association.

Though her accomplishments are too numbered to mention here today, some of the highlights of her service consist of contributions to local economic development through the "Façade" program and facilitation of infrastructure projects including reconstruction of Route 240/277. At the same time, through the duration of her term, the Mayor has been successful in maintaining the lowest tax rate in Erie County.

It is with great pride and gratitude I stand here today to recognize Village of Orchard Park Mayor Patricia Dickman, a genuine public servant and faithful community advocate, may her life in retirement be met with the many triumphs achieved in her years as Mayor.

TRIBUTE TO LANSDOWNE CHRISTIAN CHURCH OF BALTIMORE COUNTY

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. CARDIN. Mr. Speaker, I rise today to pay special tribute to the Lansdowne Christian Church of Baltimore County marking its 100th year of celebrating Memorial Day Services. The Church, which was placed on the National Register of Historic Places in 1977 by the U.S. Department of Interior, is the only Church in the United States built to honor the men of the Grand Army of the Republic and the sacrifices they made to preserve the Union.

On May 14, 1905, the first annual Memorial Service for the Grand Army was held at the Lansdowne Christian Church. Memorial Day was established in the wake of the Civil War to remember and pay homage to all those who had died in service to our nation. The Service on the last Sunday in May continues today. This year's service will be held on May 29, 2005, continuing a tradition for which Church members and the community should be very proud.

Today, we are engaged in armed conflict in Iraq and in Afghanistan. Many of our soldiers have made the ultimate sacrifice, and it is important that we honor their commitment to freedom and democracy.

I hope my colleagues in the U.S. House of Representatives will join me in saluting the Lansdowne Christian Church for making duty, service and dedication to our nation a central focus of church life.

RECOGNIZING KEN SLAVENS OF SAINT HELENA, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize my dear friend, Ken Slavens, of Saint Helena, California, for his 21 years of public service. His outstanding leadership and commitment have helped to make my hometown the incredible community that it is today.

Born and raised in Saint Helena, Ken's appreciation, love, and devotion to protecting and preserving this small, unique community are obvious from his many years of dedicated service. With an innate knowledge of his community and unyielding compassion, Ken was elected to the office of City Council in 1994. His energy, drive, and undeniable hard work are only a few of the many reasons that he was appointed as Vice Mayor in 1997. Shortly thereafter in 1999, Ken was elected Mayor of Saint Helena.

Mr. Speaker, during his tenure on the City Council and as Mayor, Ken has been a strong advocate for Saint Helena on numerous boards throughout Napa County and California. These include the Long Range Water Task Force, Napa County Cities Mayors Council, the Association of Bay Area Government, and the North Bay League of California Cities just to name a few. As Mayor, he tackled important and complicated issues ranging from job training and employment for the disadvantaged, to flood control and improving local water supplies. He also worked arduously with the Napa County Flood Control District to protect Saint Helena from dangerous and destructive winter flooding. He is also recognized for spearheading the creation of the new Saint Helena First Station.

Mr. Speaker, Ken has even risked his own life on multiple occasions in order to protect his fellow citizens. From 1976 to 1978 he served as Captain of the Saint Helena Police Reserves. After his time with the Police Department, he selflessly devoted the next seven years to the Saint Helena Volunteer Fire Department. During his time there, his passion for protecting and serving the community earned him overwhelming respect and praise from his fellow fire fighters. As a result, he has been recognized as an Honorary Member of the Fire Department.

When not working with the Native Sons of the Golden West, the Sierra Club, or other local organizations Ken and his wife Barbie look forward to cruising through the Napa Valley on their Screaming Eagle Harley Davidson.

Mr. Speaker, it is appropriate that we thank and honor Ken Slavens for his passion, dedication, and numerous contributions to this community. We wish him the best in all his future endeavors.

PERSONAL EXPLANATION

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. KNOLLENBERG. Mr. Speaker, I rise today to recognize the loss of Mrs. Terri Schiavo.

On March 21, 2005, S. 686 passed the House of Representatives by a vote of 203–58. This was rollcall vote number 90. Unfortunately, I was out of the country on official Congressional business and unable to return for this emergency session. However, had I been present I would have voted in support of this legislation.

HONORING THE LATE MR. JAMES McDOWELL

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor the late Mr. James McDowell.

Mr. McDowell was a World War II B–17 pilot who flew 31 missions over Germany. On January 13, 1945, on his second mission over Mannheim, Germany, Mr. McDowell's aircraft was hit by enemy fire. The heavy flak hit the cockpit floor and sent a piece of schrapnel through his clothing into his right calf.

The severely damaged plane was unable to return to the base, and was forced to land at Manston England Air Base. Mr. McDowell was taken by the medics to the hospital, treated and released with a cane. The B–17 was so damaged that it never returned to action.

Last year, Mr. McDowell and his family approached me about getting his long overdue Purple Heart. Unfortunately, before I was able to present the Purple Heart to him, Mr. McDowell passed away.

Mr. Speaker, while it is unfortunate that Mr. McDowell is not alive to receive his Purple Heart, I know that his family will cherish the medal and his memory for the rest of their lives. Mr. McDowell's story is emblematic of many who served in World War II and surely places him as a member of the "greatest generation."

HONORING UNDERSHERIFF CURTIS L. WATSON

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Ms. LEE. Mr. Speaker, Mr. STARK and I rise today to honor the extraordinary contributions of Undersheriff Curtis L. Watson to the Alameda County Sheriff's Department over the past 34 years. Curtis joined the department in 1970 and steadily climbed its ranks to become the undersheriff in 1993, providing excellent service throughout his tenure.

In 1970, Curtis had just completed a tour in the United States Air Force. On the advice of his brother, he applied for the Alameda County Sheriff's Department, where he was hired as a sheriff's deputy and assigned to work at Santa Rita Jail.

Curtis had worked his way up to the position of lieutenant at Santa Rita when he first made the acquaintance of Charles Plummer, the Alameda County Sheriff, in 1987. Curtis's competence and confidence made a positive impression on the sheriff, who would remember him when their paths crossed again a few years later.

After advancing to captain and becoming the commanding officer of the North County Jail in Oakland, Curtis took the commander's examination in April 1992, finishing with the highest score of any candidate and again catching the attention of Sheriff Plummer. By that time, Curtis had made such an impression that when the undersheriff position came open in 1993, Sheriff Plummer tapped him to fill it.

With his promotion to undersheriff, Curtis became not only the highest-ranking African American in the Alameda County Sheriff Department's 152-year history but also the highest-ranking black sheriff's official in the state of California.

Curtis served as undersheriff from 1993 until his retirement on March 24, 2005. Only one other undersheriff in the entire history of the Alameda County Sheriff's Department served longer than Curtis's 12 years in the position.

On the occasion of Curtis Watson's retirement, we would like to honor his contributions to law and order in Alameda County over the past 34 years. He has served with distinction and dedication, breaking down barriers and forging new paths. We salute him for his commitment to justice and equality in our society, and we are certain that others will draw inspiration from his accomplishments for generations to come.

THE INVESTMENT TAX SIMPLIFICATION ACT OF 2005

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. DREIER. Mr. Speaker, our position as the world's leading economy is founded on the principle of entrepreneurship. This spirit inspires us to seek new and innovative products and services which enhance Americans' lives by exploring bold business ventures.

After two failed attempts to start an automobile manufacturing company, in 1903, Henry Ford and 11 business associates raised $28,000 (nearly $600,000 in today's dollars) to establish the Ford Motor Company, ushering in the age of modern transportation. This venture not only enhanced the free flow of products and people across the nation, but also spawned a revolutionary assembly-line production process, increasing manufacturing productivity and lowering prices for commercial and consumer goods for the American people. In the process, millions of new jobs were created in other new fields, such as part manufacturers, service repair technicians, salesmen, and customer service representatives.

Venture capital also played a significant role in the boom of entrepreneurship that contributed to the unprecedented economic growth of the 1990s. According to the National Venture Capital Association (NVCA), venture capitalists raised over $250 billion between 1994 and 2000 for investment in start-up companies. This frenzied business activity helped spur Initial Public Offerings (IPOs) over the same period worth over $84 billion, boosting the value of financial markets. One major product of this tremendous financing activity was the commercialization of the Internet, which continues to have a significant impact on the U.S. economy. The Internet allows people to connect from all over the world, enhancing the free flow of products, services and most importantly, information. This technological revolution also created hundreds of thousands of

American jobs, such as software developers, information technology technicians, salesmen and customer service representatives, many of which did not exist before.

The start-up capital raised by these entrepreneurs made innovations such as the automobile and the Internet possible and played a key role in transforming the U.S. economic and social landscape. So what's next on the horizon? What new industry will revolutionize the U.S. economy?

If we ever intend to find out, it is imperative that we continue to encourage greater investment spending in the economy. In 2003, President Bush and the Congress took an important step forward by reducing the capital gains tax rate for individuals to 15 percent. Since then, the economy has grown at an average a rate of 4.5 percent, business investment has increased by $230 billion, financial markets are up $2 trillion and over 3 million new jobs have been created. However, this rate is scheduled to expire in just four short years.

Unfortunately, the complex, confusing and temporary capital gains tax rates create a lock-in effect, a barrier which discourages investment and entrepreneurship, stifling job creation. That is why I am introducing the Investment Tax Simplification Act (ITSA) of 2005, which would help to knock down this barrier and enhance the free flow of investment capital in the economy by establishing a permanent and simplified maximum 15 percent capital gains tax for individuals and corporations. In addition, the capital gains tax would be eliminated for individuals in the 10 and 15 percent tax brackets.

Entrepreneurial small businesses, the driving force of growth in our economy, rely on access to capital to innovate and expand. According to the NVCA, there is over $70 billion in venture capital funds sitting on the sidelines waiting for investment opportunities. Establishing a simplified 15 percent capital gains tax rate for individuals and corporations will help get that capital into the economy, turn innovative ideas into reality, create new jobs for American workers and produce new goods and services for all consumers. The NVCA estimates that between 2000 and 2003, venture capital funded companies created more than 600,000 new jobs for American workers. Many of these new, high paying jobs are in innovative, cutting edge industries, such as biomedical and information technologies that rely on private investing and financing.

Enacting a permanent and simplified capital gains tax for individuals and corporations would also have an appreciable impact on the Investor Class, the more than 50 percent of Americans who own assets dependent on financial markets. The ITSA would bolster the investment holdings of the Investor Class, helping them pay for their children's education, buy their first home or plan for retirement. And eliminating the capital gains tax for lower income Americans would provide them with greater opportunities to attain financial stability and build wealth.

In fact, the Congressional Budget Office, in its February 2005 "Budget Options" publication, recognizes the importance of making the 15 percent capital gains tax rate permanent. It states "Because the lower rates expire at the end of 2008, investments made after that time will not benefit from them at all, and investments made between 2003 and 2008 will benefit only partially because some of their returns will be earned after 2008. Hence many of the gains in efficiency that would result from the effects of the lower rates on the allocation of investment will not be realized unless [the rates] are perceived to be permanent."

Reducing the capital gains tax is also a proven winner at increasing revenues to the Federal Treasury. After the 1997 capital gains tax cut from 28 percent to 20 percent, increased economic activity resulted in an increase in capital gains revenues, from $54 billion in 1996 to $118 billion in 2000, a gain of nearly 120 percent. And as a result of the 2003 capital gains tax cut and other tax relief provisions, last year the Federal Treasury realized $109 billion in unanticipated revenues.

Mr. Speaker, I encourage all of my colleagues to support the Investment Tax Simplification Act of 2005. Enhancing the free flow of capital in the economy will stimulate innovation and entrepreneurship, providing enormous benefit for the American people.

IN RECOGNITION OF THE UNIVERSITY OF LOUISIANA AT LAFAYETTE RAJIN' CAJUNS

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. BOUSTANY. Mr. Speaker, I rise today to recognize the efforts of an extraordinary group of gentlemen from the 7th Congressional District of Louisiana. The Men's Basketball team of the University of Louisiana at Lafayette brought spirit and pride to my hometown with a Sunbelt Conference Tournament Championship and qualification for the 2005 NCAA Basketball Tournament. First year Head Coach Robert Lee demonstrated he has the character and leadership qualities to mold these young men into not only great athletes, but into respected members of our community.

I am very proud to acknowledge the effort and achievement of Head Coach Robert Lee, Assistant Coaches Rennie Bailey, Carlin Hartman and Jason Kennemer. I also want to congratulate the players on their achievements in the 2004–05 season—Orien Green, Brian Hamilton, Chris Cameron, Dwayne Mitchell, Tiras Wade, Spencer Ford, Ross Mouton, Adam James, Derek Gray, Cletis Fobbs, Anthony Rhodman, and Alphonso Williams. Finally, it is important to recognize the Rajin' Cajuns staff—Trainer Travis Soileau, and Managers Chase Mancuso, Will Keliner and Khadim Kandji.

The 2004–05 season was a great success and these young men and their coaches should be proud of their achievements. I want to thank them for bringing enthusiasm and excitement to the University of Louisiana at Lafayette and the Southwest Louisiana community.

Geaux Cajuns!

HONORING JOHN M. HARPOLE FOR 50 YEARS OF SERVICE AT LOCKHEED MARTIN

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. MARCHANT. Mr. Speaker, I would like to honor John M. Harpole for his 50 years of service with Lockheed Martin Missiles and Fire Control. During his tenure with Missiles and Fire Control, he has served in the areas of Database Design, Facility Operations, Information Technology, and Manufacturing. We thank John for his dedication not only to the defense industry and the company, but also to the country we serve.

HONORING SPC. GERRIT KOBES FOR EARNING A SILVER STAR

HON. CATHY McMORRIS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Miss McMORRIS. Mr. Speaker, I rise today to recognize Specialist Gerrit Kobes for being awarded a Silver Star for his bravery and heroism while serving in Iraq. Kobes, a member of Washington's Army National Guard, saved the lives of Iraqi National Guard soldiers who were attacked by enemy fire. Kobes was presented with the medal in February by Major General Peter Chiarelli, commander of the 1st Cavalry Division.

Kobes, 23 years old, was a medical specialist assigned to a unit that provided security support for the 1st Cavalry Division special unit. His convoy was assigned to move Iraqi soldiers and equipment from Baghdad to Fallujah. On November 3rd, a rocket-propelled grenade hit one of the trucks carrying Iraqi National Guard Members. According to Army accounts, Kobes ran 500 meters through enemy fire to get to four wounded Iraqi soldiers. He treated the soldiers and was again exposed to insurgent fire as he loaded the soldiers onto vehicles.

Kobes is from Kettle Falls, Washington. He is married to wife, Erica, and has two sons, Tyson, 3, and P.J., 10 months.

Mr. Speaker, I rise today to acknowledge Specialist Gerrit Kobes for fearlessly sacrificing his own safety in order to save the lives of wounded Iraqi soldiers. I invite my colleagues to join me in thanking Specialist Kobes for his service to our country and Iraq, and congratulate him on earning a Silver Star.

TRIBUTE TO TULARE COUNTY SUPERIOR COURT

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. NUNES. Mr. Speaker, I rise today with my colleague, Representative JIM COSTA, to pay tribute to Tulare County Superior Court

Judge William Silveira who has faithfully served as judge for more than 25 years.

His career is distinguished by his innovative efforts to improve juvenile justice, involve parents in the rehabilitation of their delinquent children, and bring together a comprehensive approach to the disparate factors that influence this unique area of law.

Judge Silveira was instrumental in building support for the construction of a new juvenile detention center in the county, along with probation offices and a new juvenile court complex.

He has also helped create a 100-bed juvenile boot camp and one of the first juvenile drug courts in the country, which has gone on to receive national acclaim.

During his time on the bench, he has traveled the country speaking as a leader in juvenile justice and has helped other communities establish their own programs.

At home, he is widely involved in many community activities and boards apart from his work on the bench, and he remains the loving husband of Marylin with children Matthew and Amy.

Once again, Representative COSTA and I encourage you to join us in applauding his many years of dedication as a judge, whose thoughtful approach to the administration of justice has forever changed the legal landscape of Tulare County. He leaves a legacy of hard work, compassion, and justice that stands as an example for us all.

TRIBUTE TO INTRADO INC. OF LONGMONT, COLORADO

HON. BOB BEAUPREZ

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. BEAUPREZ. Mr. Speaker, I rise today to voice my appreciation for the services provided by the men and women of Intrado Inc., headquartered in Longmont, Colorado.

For over two decades, telecommunications providers, public safety organizations and government agencies have turned to Intrado for their communications needs. As North America's leader in 9–1–1 infrastructure and services, Intrado's business was founded with the objective of improving public safety and we continue to have a tradition of giving back to the community. Intrado's corporate culture is built around employee involvement in causes that are both local and national in scope. From Intrado' s core business of 9–1–1 to the widely participated employee volunteer activities, Intrado aims to make a positive contribution to society.

Intrado's ongoing mission is to continually improve the quality of the 9–1–1 data available to first responders, e.g. police, fire and emergency medical personnel. Since the first 9–1–1 call was made, Intrado has played a key role in defining, building and maintaining the complex emergency communications infrastructure. In 2004, Intrado products, services and systems supported nearly 200 million calls to 9–1–1, and the volume continues to grow.

Intrado emphasis on corporate citizenship is reflected in numerous activities. For the past two years Intrado has partnered with the National Center for Missing and Exploited Children to assist cities and towns across the US to deploy the Intrado IntelliCast® target notification system as a tool to help win the fight against time in locating missing children. Operating like 9–1–1 in reverse, the IntelliCast system automatically delivers a telephone message about a missing child to thousands of targeted homes and businesses within minutes, helping ensure the most efficient dissemination of relevant information to safely and quickly recover missing children. Intrado waives the fees for launching missing children alerts in an effort to support a community's need for quick action in those situations.

Intrado's encouragement of community involvement and volunteerism has resulted in support for local food drives, assistance with armed forces care packages, and financial donations to a number of charitable efforts around the country. In addition, in 2004 Intrado began support of the 911 For Kids program in Denver and surrounding cities. 911 For Kids provides 9–1–1 education for children in elementary schools to ensure they know how to call for help in an emergency.

Finally, Intrado is actively working to design and build the next generation emergency services network to address and support the changing communications requirements. Intrado's extensive intellectual property in emergency communications management and fundamental 9–1–1 operations—combined with the world's largest pool of experienced personnel in these areas—makes Intrado the clear leader for this task.

Again, Mr. Speaker, I want to thank the fine men and women of Intrado, Inc. for working to make our communities safer and better places to live. They represent some of our country's best, and I hope they continue to call Colorado home for years to come.

CINCINNATI MUSEUM CENTER HONORS INTERNATIONALLY KNOWN WILDLIFE ARTIST JOHN A. RUTHVEN FOR RECEIVING THE 2004 NATIONAL MEDAL OF THE ARTS

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. PORTMAN. Mr. Speaker, I rise today to honor a dear friend and Brown County, Ohio constituent, John A. Ruthven, who will be honored on April 21, 2005 by the Cincinnati Museum Center in the regional recognition for his selection by President Bush to receive the 2004 National Medal of the Arts. The National Medal of the Arts is the highest award presented to an artist or patron in the United States, and John is the first wildlife artist to receive this prestigious award. I was honored to join John and his wife, Judy, and members of their family at the White House for the medal presentation by President Bush on November 17, 2004.

One of our nation's most talented artists, John is an author, lecturer, naturalist, and internationally acknowledged master of wildlife art. His paintings have been shown at the White House; the Hermitage Museum in Russia; the Ohio State Capitol's Rotunda; and many other prestigious venues around the world.

John will be honored by the Museum Center for his career in art and his many connections to the Museum Center. I am told that, over the years, he has used actual specimens from the research collections of the Museum Center and one of its predecessor museums, the Cincinnati Museum of Natural History, as models for his original paintings. A special exhibit of selected Ruthven works at the Museum Center will open to the public on April 23, 2005—Earth Day. In the exhibit, several of Audubon's prints, including the Carolina parakeet, Henslow's sparrow, and Passenger pigeon, will be displayed with John's paintings of the same subjects, and the actual specimens from the Museum Center's collection. Three days later—April 26, 2005—is the 220th anniversary of John James Audubon's birth.

The coincidence of Audubon's birthday is underscored by the fact that Audubon, too, had many connections to the Cincinnati Museum of Natural History. He was the Museum's first employee, hired as a taxidermist and to create exhibits. Audubon supplemented his Museum income by drawing portraits, teaching art, and even opened his own art academy. While in Cincinnati, Audubon created five paintings of local birds that were among the first contributions to his acclaimed Birds of North America.

There can be no doubt that John Ruthven is our Audubon, and a true American treasure. John has said, "I believe art is as necessary to our heritage as the history books. Both record past and present in the effort to educate and enrich the lives of people today and in the near future. It is my desire, through my paintings, to record for later generations some of the beauty of nature that exists in my lifetime."

John's wife, Judy, is also accomplished. She was project manager and co-chair of the Historic Georgetown Project to restore the Georgetown, Ohio courthouse square buildings. With John, she painstakingly restored the brick Brown County homestead of President Ulysses S. Grant, who grew up in picturesque Georgetown. Judy is a Grant scholar, and she spent a tremendous amount of energy to ensure that the building was historically accurate. The Ruthvens later donated the structure, which is on the National Register of Historic Places, to the State of Ohio. In addition, Judy has supported numerous other organizations, including the Ohio Humanities Council.

All of us in Southern Ohio congratulate John on receiving the National Medal of the Arts, being honored by the Museum Center, and his life as an acclaimed artist, and we wish him luck in the many projects to come.

HONORING TUTT BRADFORD

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. DUNCAN. Mr. Speaker, today I would like to honor one of the finest men I have ever known and a long-time family friend, Tutt Bradford.

Tutt served as publisher of The Daily Times in Maryville, Tennessee, from 1955 until 1985. He was a highly respected voice for Blount County and an advocate for its residents throughout those three decades and continues to contribute to the paper's opinion pages on a regular basis.

Tutt's peers long ago recognized him as one of East Tennessee's greatest journalists. They rewarded him with a coveted spot on the Southern Newspaper Publishers Association Board from 1968 until 1970 and then elevated him to President of the Tennessee Press Association in 1974.

In addition to tremendous achievements in the field of journalism, Tutt can also claim many accomplishments within his community. Among other endeavors, he has served on the boards of countless charitable organizations, promoted higher education, and worked to improve the quality of life among all East Tennesseans.

Tutt's contributions to his community have been recognized on numerous occasions. The United Way of Blount County recently named its endowment program in his honor, and he is a past recipient of the University of Tennessee's Volunteer of the Year Award. The National Society of Fund-Raising Executives even named Tutt its Outstanding Philanthropist of the Year in 1991.

The complete list of Tutt's awards could fill several pages in the RECORD, so I will not attempt to list them all. Needless to say, however, he is a man of strong character and great compassion who represents the values of Blount County remarkably well.

The East Tennessee Chapter of the Society of Professional Journalists will pay tribute to Tutt June 18 when he serves as the honoree at this year's Front Page Follies. The annual event provides funding for communications scholarships by inviting local elected officials, journalists, and other community leaders to roast a guest of honor.

I would like to call the attention of my colleagues and other readers of the RECORD to a recent Daily Times article regarding the 2005 Front Page Follies and a true Blount County treasure, Tutt Bradford.

JOURNALISTS TO HONOR BRADFORD

[From the Daily Times, Feb. 16, 2005]

The 2005 Front Page Follies will honor Tutt Bradford, retired publisher of The Daily Times and a community leader who led and supported many causes in the area.

Bradford was publisher of The Daily Times from 1955 to 1985. Prior to that, he was publisher of the Bristol (Va.) Herald-Courier and the Cleveland Daily Banner. He was a member of the Southern Newspaper Publishers Association Board from 1968 to 1970 and was president of the Tennessee Press Association in 1974.

"The East Tennessee Chapter of the Society of Professional Journalists is very proud to honor Tutt Bradford for his many accomplishments in the field of journalism," said Chapter President Dorothy Bowles. "Equally impressive is the dedicated service that Tutt has given and continues to give to Tennesseans."

Bradford was a member of the University of Tennessee Development Council from 1980 to 1983 and served on the board of Maryville College from 1974 to 1979 and from 1981 to 2003.

He served on the boards of the Knoxville Symphony Orchestra, Knoxville Museum of Art, Thompson Cancer Survival Center, Lakeshore Mental Hospital, the Tennessee Technology Foundation, the Boys Club Foundation, the Blount Hearing and Speech Foundation, and the Blount Library Foundation. He was president of the Blount County Industrial Development Board from 1970 to 1972.

Bradford has received many honors and awards. He was recipient of the Distinguished Service Award of the Bristol Junior Chamber of Commerce, and he received the Sequoyah Literacy Award from the Tennessee Historical Commission. Junior Achievement named him to the East Tennessee Business Hall of Fame in 1990. In 1994, the University of Tennessee named him Volunteer of the Year.

The National Society of Fund-Raising Executives named Bradford Outstanding Philanthropist of the Year in 1991. He was president of the Blount County Chamber of Commerce in 1960 and president of the Kiwanis Club in Maryville in 1967.

The Follies are scheduled for 6 p.m., Saturday, June 18, at the Knoxville Convention Center.

The annual roast of newsmakers is sponsored by the East Tennessee Chapter of the Society of Professional Journalists and raises funds for communications scholarships at the University of Tennessee-Knoxville and Pellissippi State Technical Community College.

This year's skits and songs will feature Vols football coach Phillip Fulmer in "The People's Court," state Sen. Tim Burchett and his "shadow," "Hysteric Preservation" highlighting Cherokee Country Club, and a legal battle royal with Knox County Mayor Mike Ragsdale, Sheriff Tim Hutchison, and Commissioner Wanda Moody.

Local TV anchors and meteorologists will add their special brand of fun to the event.

HONORING THE DEDICATION OF FIREFIGHTER NEIL LARIBEE

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to recognize the lifelong dedication of Firefighter Neil Laribee, who after 52 years of service has retired from the Southington Volunteer Fire Department.

The son of a fireman, Neil Laribee first volunteered to fight fire for the town of Southington in 1952. A dedicated public servant, Neil has protected the Southington community for over fifty faithful years. Known around the Plantsville Engine Company #2 firehouse as "Deke," he has been instrumental in shaping the Department throughout the years. Neil has been a loyal friend and source of fire and rescue information to both new and veteran fireman at Company #2. As one of Southington's most experienced firefighters, he has held leadership positions including Company Secretary and a Company Trustee. Neil Laribee has spent his life protecting lives and serving his community and his presence in the Southington Volunteer Fire Department will be certainly missed.

Mr. Speaker, I urge my colleagues to join me today to recognize the lifelong dedication of Fireman Neil Laribee and thank him for his years of service to the town of Southington.

TRIBUTE TO FRANK COLLINS

HON. DON SHERWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. SHERWOOD. Mr. Speaker, my predecessor in Congress, former Representative Joseph M. McDade, who served in the House for 36 years, has informed me of the passing on February 18 of Frank Collins, a prominent attorney from Ardmore, Pennsylvania, and former Scranton native.

Mr. Collins graduated in 1948 from Scranton Preparatory School, where he was a classmate of Congressman McDade. Collins attended St. Francis College and graduated in 1952 from the University of Scranton. He later received his Jurist Doctorate from the University of Pennsylvania in 1955.

Collins worked for several banks during his distinguished legal career and most recently worked at the law firm of Collins, Johnson and Markey in Media, Pennsylvania. He is survived by his wife of 48 years, Katharine, and seven children and six grandchildren.

Those who knew Collins best pay high tribute to his intellect, integrity and character. Congressman McDade said of Collins, "His life is a testament to the joy of intellectual pursuit and the use of the Socratic method to attain dependable decisions. Our heartfelt sympathy goes to his lovely wife, Katie, and their children."

In a moving and eloquent memorial delivered by a fellow attorney and close personal friend, Henry B. FitzPatrick, Collins was remembered for his many friendships, sense of humor, athletic achievements in basketball and golf, enduring and loving marriage, and professional and personal integrity.

"Frank Collins chose to be a lawyer," FitzPatrick eulogized. "It doesn't take long until that profession separates the upright from the rest. It asks questions which can only be answered by those who are serious about being honest, those who can interrogate the depth of their soul to see if there is further will to be summoned for the finding of the right answer. Frank had that quality of honesty—otherwise he would not have had the trust, as he did, of his clients and fellow lawyers.

"But, we all know that professional honesty might not accompany a person home. The fearlessly scrupulous judge or lawyer might with wife or husband be disingenuous and deceitful; few of us are honest all of the time; Frank Collins was one of that few. He was unable to put a knife in the crack between the levels of integrity demanded of him in his personal and professional lives. For there was no crack, but only the seamless cloth of honesty."

Those are high words of praise for a truly remarkable individual. I want to thank Congressman McDade for bringing the exemplary life on Frank Collins to my attention so that I could bring it to the attention of my colleagues.

IN MEMORY OF LANCE CPL. NAZARIO SERRANO, USMC

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. SESSIONS. Mr. Speaker, I rise to honor the memory of Lance Cpl. Nazario Serrano, USMC who was killed by enemy action on January 30 in Anbar province, Iraq. He was killed as a result of being struck in the chest by small-arms fire.

Lance Cpl. Serrano, 20, from Irving, Texas was expected to return home from Iraq in only two weeks to meet his newly born son Landon Heath and marry his highschool sweetheart, Amanda Story. Serrano had never seen his son, but only saw pictures of his new son by e-mail. I grieve with the Serrano friends and family over their loss. He gave the ultimate sacrifice to his country and the United States Marine Corps.

Lance Cpl. Serrano was a 2003 graduate of Irving High School, which is also where his two surviving brothers, Javier and Daniel, now attend. Previously, he attended Austin Middle School in Irving, and enjoyed basketball, hunting, and riding his motorcycle. May God bless the memory of Lance Cpl. Serrano and comfort his family during this difficult time. I will be keeping his memory, and his family in my thoughts and prayers.

BASKETBALL CATAMOUNTS—STANDOUTS ON THE COURT AND IN THE CLASSROOM

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. SANDERS. Mr. Speaker, like all of us who live in Vermont, and many millions across the nation, I was thrilled when the underdog Catamounts of the University of Vermont defeated Syracuse in the opening round of the 2005 NCAA Men's Basketball Tournament. Syracuse was a national power; the nucleus of its team won the national championship two years earlier. Its players were accomplished, well-coached and a credit to college basketball.

But the University of Vermont team rose to the challenge, coming from behind in the final minutes of both regulation play and overtime. Led by the greatest basketball player to come out of Vermont, Taylor Coppenrath of West Barnet, Vermont the Catamounts showed how teamwork and a tenacious defense could elevate a team to national prominence. During the regular season Coppenrath was the second leading Division I scorer in the nation with 25.7 points per game, and for the third straight year he was the player of the year in the America East conference. He was joined on the team by T. J. Sorrentine, a sharp-shooting point guard (fifth in the nation with 3.6 three-point field goals per game) whose passion and precision shooting define the Catamounts. He too has been an America East player of the year and has three first-team selections to his credit. The international contingent made up of Germain Mopa Njila of Cameroon, whose career scoring high of 20 points on 9 of 10 shooting was the mainstay of the Catamount offense against Syracuse; Martin Klimes of the Czech Republic, whose smothering defense held All-American Hakim Warrick in check, and Canadian David Hehn, who selflessly threw himself into the Cats' tight defense and patient and exceptionally effective passing game.

It was talent and tenacity. All five Vermont starters played at least 40 minutes, and Klimes and Coppenrath never had a rest on the bench at all. The Catamounts stuck with a game plan devised by Coach Tom Brennan and Associate Head Coach Jesse Agel, which called for ball control, constant passing and careful work against Syracuse's famed 2–3 zone until a shot opened up.

No one should be surprised that they show poised intelligence on the hardwood. The UVM basketball team had a 3.09 grade point average (GPA) for the fall semester. The starting five has a cumulative GPA, including all the courses the players have taken in their time at UVM, above 3.0. This is an exceptionally high and rare statistic for basketball teams that play at the highest level, some of which graduate less than half their teams members. Martin Klimes, majoring in business, has a 3.82 GPA, one of the highest averages in his entire college. Geramin Mopa Njila, a computer science and information systems major, has a GPA of 3.21. Sociology major T.J. Sorrentine averages 2.75, while David Hehn has a stellar 3.57 GPA in business. Wooden Award finalist Taylor Coppenrath averaged 2.80 in secondary education and competed at the elite level in basketball, while student teaching in the math department at Colchester High School.

Their academic performance is exceptional for UVM athletes. The state university is as dedicated to graduating student athletes as it is to fielding fine teams (its men's hockey team recently played in the ECAC Final Four, and its ski team was second in the nation at the NCAA national championships). The overall GPA for student athletes is 3.08, which is higher than the GPA for the student body as a whole.

The Catamounts captured the attention and the heart of the entire nation. To the wonderful, inspired members of that team, and their dedicated coaches, the state of Vermont sends its salutations. Perhaps no one can say it better than their retiring coach, Tom Brennan, who said these words after losing to Michigan State in the second round, "We can't thank everyone enough on what the support has meant to us. We gave more back than what we took and what we did this weekend was the thrill of a lifetime. It was the greatest ride that I could ever, ever have had. You know you're in a very special place when your realities outweigh your dreams. And that's where I am." For all of us in Vermont, for one special night, reality did outweigh dreams. Thanks, Catamounts.

CONGRATULATING RABBI MERLE E. SINGER ON HIS RETIREMENT

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. WEXLER. Mr. Speaker, I am both honored and privileged to congratulate Rabbi Merle E. Singer on the occasion of his retirement.

Rabbi Singer has been at Temple Beth El of Boca Raton for 26 years. Before that, he served at Beth Or in Philadelphia and Temple Sinai in Washington, D.C. He has a Bachelors of Arts in Sociology from the University of Cincinnati, and a Master of Arts in Hebrew Letters from the Hebrew Union College-Jewish Institute of Religion. Rabbi Singer was ordained as a Reform Rabbi in June 1966.

Rabbi Singer is one of the warmest, most charitable and caring people I know. I have personally seen the extraordinary kindness, determination and virtue that Rabbi Singer demonstrates everyday in all aspects of his life. As those of us privileged to know him can attest, Rabbi Singer is deeply devoted to his family, congregants and community. For the past 26 years he has been a religious guide and educator to his congregants serving them in every aspect of synagogue life. Under his leadership, Temple Beth El has grown to be one of the largest Reform synagogues, where the congregation maintains an unwavering commitment to Jewish values and the importance of a Jewish identity.

Beyond the synagogue, Rabbi Singer is one of the most respected people in the community, promoting the highest form of tzedakah by bringing people of different faiths together to help those who need it most. He has started programs like Shared Care, which connects impaired seniors with members in the community—and in the process has become a true community leader. His civic involvement in everything from the United Way to the Boca Raton Community Hospital, exemplifies the principle of tikkun olam. Rabbi Singer's legacy in South Florida already extends far beyond Temple Beth El and will endure for many years.

I wish Rabbi Singer much continued success and good health.

HONORING JANICE GRUENDEL AS SHE IS RECOGNIZED BY THE ACES EDUCATION FOUNDATION

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join the ACES Education Foundation as they recognize the outstanding contributions of a dedicated member of our community and my good friend, Dr. Janice Gruendel. Janice has spent a lifetime working with children, focusing much of her time and effort on early childhood education.

A psychologist by training, Janice has dedicated her professional career to improving the environment in which our children learn and grow. After receiving her Ph.D. from Yale University, Janice served as Deputy Commissioner with the Connecticut Department of Children and Youth Services, the Department of Mental Retardation, and the Department of Public Health. She moved on to become the Vice President of Education and Technology at Rabbit Ears Productions, Inc. and was co-executive producer of the Emmy-nominated public broadcast documentary, "Mommy, Who'll Take Care of Me?"

In 1995, Janice, along with Shelly Geballe, Judy Soloman, and Nancy Lustman, embarked on a very special project founding Connecticut Voices for Children. CT Voices is a research-based public education and advocacy organization that works statewide to promote the well-being of Connecticut's children, youth and families. Janice and the co-founders of CT Voices have built this very special organization around a staff with education and experience in education, law, health, business, government and the non-profit sector. With such comprehensive vision and talented staff, CT Voices has been able to provide new and unique insights into the impact of policy and issues on today's youth and families. In fact, in just under a decade, CT Voices has become a leading voice in public policy with political leaders, the media, other advocacy groups and others regularly turning to them for public and budget analysis. The outstanding success of CT Voices allows this organization to have a real impact on public policy—a reflection of the remarkable efforts of Janice and her co-founders.

Currently serving as the Senior Advisor on Early Childhood for Connecticut's Governor M. Jodi Rell, Janice's expertise in early childhood education is recognized throughout the state. In addition to this role, she also continues as a lecturer at the Yale University Child Study Center and acts as a part-time senior consulting fellow at Connecticut Voices for Children. The multitude of work that Janice has done on behalf of our youngest citizens has gone a long way in increasing public awareness of the importance of early childhood education and its positive impact on our children.

I am proud to stand today to join her husband, Herb; her three sons and daughters-in-law, David and Liz, Darren and Yoya, and Stephen and Amy; her grandchildren, Alisia, Elena, Vivian, and Mateo, as well as all of the family, friends, and colleagues who have gathered in congratulating my dear friend, Dr. Janice Gruendel as she is honored by the ACES Education Foundation. Her many years of dedication and commitment has left an indelible mark on the State of Connecticut and a legacy that will continue to make a difference in the lives of our young people for generations to come.

EXPRESSING APPRECIATION FOR THE LIFE AND WORK OF POPE JOHN PAUL II

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. SOUDER. Mr. Speaker, I wish to express my profound sympathy for the passing of Pope John Paul II, a man whom I'm certain will go down in history as one of history's greatest leaders.

This Pope's remarkable life—a tremendous intellect, limitless compassion and deep spirituality—was the foundation of his forceful teaching about the inherent dignity of every human being. Shaped by his experiences under Nazi and Communist regimes, the Pope taught us that this dignity is the first principle from which all others derive, calling on us to respond to the cry of the poor and to protect the weakest among us.

Pope John Paul II taught us, by his words and example, that we should have the "love of preference for the poor," that requires us to respond to the needs of the weakest among us. As he wrote in "Sollicitudo Rei Socialis" in 1987, "[T]his love of the preference for the poor, and the decisions which it inspires in us, cannot but embrace the immense multitudes of the hungry, the needy, the homeless, those without medical care and, above all, those without hope of a better future."

Human dignity, he also reminded us, should never be eclipsed by oppressive political systems, which deny the individuality of the person. Nor should the dignity of the human person be destroyed using tools of what he so appropriately called the "Culture of Death," such as legalized abortion or physician-assisted suicide.

Pope John Paul II spoke to the world about the importance of every human person, and he specially addressed the responsibility of our nation during his visit to the United States in 1995. I am submitting this statement for the RECORD, in which the Pope so eloquently called on us to live up to our democratic responsibilities, reminding us that, "[d]emocracy stands or falls with the truths and values which it embodies and promotes. Democracy serves what is true and right when it safeguards the dignity of every human person, when it respects inviolable and inalienable human rights, when it makes the common good the end and criterion regulating all public and social life."

The freedom of this country can only be understood within context of the moral responsibilities of our democracy. As we mark the passing of this tremendous man, I believe we should remember his exhortation to the United States: "At the center of the moral vision of your founding documents is the recognition of the rights of the human person, and especially respect for the dignity and sanctity of human life in all conditions and at all stages of development."

"I say to you again, America, in the light of your own tradition: love life, cherish life, defend life, from conception to natural death."

May God grant Pope John Paul II eternal light and peace, and may his personal witness to faith, hope and courage remain in our hearts and those of all the world.

STATEMENT OF POPE JOHN PAUL II, ON THE OCCASION OF HIS VISIT TO THE UNITED NATIONS AND THE UNITED STATES GIVEN ON OCTOBER 8, 1995

Dear Mr. Vice-President, Dear Friends, Dear People of America,

As I take leave of the United States, I wish to express my deep and abiding gratitude to many people.

To you, Mr. Vice-President, for graciously coming here to say goodbye. To the Bishops of the Dioceses I have visited and the many people, who have worked so hard to make this visit a success. To the public authorities, to the police and security personnel, who have ensured efficiency, good order and safety.

To the representatives of the various Churches and Ecclesial Communities, who have received me with great good will; to Americans of all races, colors and creeds, who have followed with interest and attention the events of these days; to the men and women of the communications media, who have labored diligently to bring the words and images of this visit to millions of people; and especially to all those who, personally present or from afar, have supported me with their prayers.

I express to the Catholic community of the United States my heartfelt thanks! In the words of Saint Paul: "I give thanks to my God every time I think of you—which is constantly in every prayer I utter" (Phil 1:3).

I say this, too, to the United States of America: today, in our world as it is, many other nations and peoples look to you as the principal model and pattern for their own advancement in democracy. But democracy needs wisdom. Democracy needs virtue, if it is not to turn against everything that it is meant to defend and encourage. Democracy stands or falls with the truths and values which it embodies and promotes. Democracy serves what is true and right when it safeguards the dignity of every human person, when it respects inviolable and inalienable human rights, when it makes the common good the end and criterion regulating all public and social life. But these values themselves must have an objective content. Otherwise they correspond only to the power of the majority, or the wishes of the most vocal. If an attitude of skepticism were to succeed in calling into question even the fundamental principles of the moral law, the democratic system itself would be shaken in its foundations (cf. Evangelium Vitae, 70).

The United States possesses a safeguard, a great bulwark, against this happening. I speak of your founding documents: the Declaration of Independence, the Constitution, the Bill of Rights. These documents are grounded in and embody unchanging principles of the natural law whose permanent truth and validity can be known by reason, for it is the law written by God in human hearts (cf. Rom 2:25).

At the center of the moral vision of your founding documents is the recognition of the rights of the human person, and especially respect for the dignity and sanctity of human life in all conditions and at all stages of development. I say to you again, America, in the light of your own tradition: love life, cherish life, defend life, from conception to natural death.

At the end of your National Anthem, one finds these words: "Then conquer we must, when our cause it is just, And this be our motto: 'In God is our trust!'" America: may your trust always be in God and in none other. And then, "The star-spangled banner in triumph shall wave O'er the land of the free and the home of the brave".

Thank you, and God bless you all!

NOMINEES FOR KENTUCKY NEW ERA/ROTARY ACADEMIC ALL STAR TEAM

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. WHITFIELD. Mr. Speaker, I rise today to recognize nominees for the Kentucky New Era/Rotary Academic All Star Team from the Pennyroyal region in western Kentucky.

The Academic All-Star program's purpose is to recognize top academic scholars and performers. Students from Caldwell, Christian, Trigg and Todd Counties of Kentucky were nominated based on their academic performance in seven disciplines: English, foreign language, journalism, mathematics, science, social studies and the creative and performing arts. The students judged on their core academic score, the curriculum of the student, their grade point average, academic honors earned, unique accomplishments and achievements, extracurricular activities (both community based and school-related), employment history, and an autobiographical essay.

Mr. Speaker, education is the foundation upon which we reach our human potential. Students in my District are developing their talents, furthering their education and pursuing their aspirations in life through programs like the Academic All-Star program. Encouragement and recognition develop confidence and achievement among young Americans—the future leaders of our country.

The following students have been nominated for their academic excellence:

Griffin Blane, Gregory Kyle Rader, Ralph King Anderson IV, Kody Douglas Carpenter, Dianne Lisette Rousseau, Lauren Whitney Scott, Jennifer Renea Fowler, Samantha Joy White, Chad Darrel Brown, Casey Jo Calhoun, Bryan Hill, David Clayton Blake, Stephanie Leigh Huntsman, Danielle Diane Brown.

Matthew Wyn Lewis, Kristin Averitt Dickinson, Brittany Nichole Goodenough, Haylee Laura Lynne Ortiz, Drew Martin Swain, Sarah Christine Wilson, Marianne Wynn Lassiter, Amy Beth Shemwell, Brandon Bowron, Jerika Nashea Wilson, Melissa Nail, Kathryn Elizabeth Gill, Jonathan Christopher Bass, Zachary Daniel Ferguson, Erika Elaine MacMillan.

Ryan David Mullen, Andrew Christian Chiles, Barry Eli Knoblock, Paul Thomas Latham, Joshua Allen Fitzhugh, Sarah Christine Wilson, William Matthew Suiter, Amy Nicole Adams, Norman Bradley Fox, Juliana Elyse Patterson, Robert Kyle Whitaker, Pretesh Parmar, Nicholas Pickford Thompson, Dustin Glynn Kostalek, Ann Marie Crabtree,

Kellye Lynn Smiley, Meera Ramesh Patel, John Hayes Laster, Emily Scott, Sarah Beth Vied, Alicia Lynn Morris, Ashley Chewning, Brittany S. Hurt, Brittnee Collins, Chelsea Barnett, Corrinna M. Kinnard, Janelle Nichol Gilmer, Megan Gray, Sam Mitchell.

Sherry Cheatham, Wesley Croom, Bree Raquel Hokulani Goodwin, Brooke Davies, Elizabeth Settle, Emily Beatty, Kate Milani, Laura Beth Baggett, Morgan C. Murray, Sarah C. Hazelmyer, Shelley L. Traylor, Taylor Queen, Wendy A. Johnson, Andrew Landreth, Chelsea Musselman, Jacob Kyle Langston, Jonathan A. Chavez, Megan Jones.

Melissa Starks, Molly Ware Stuard, Nadeem Ramzi Haroun, Rachel Brown, Sarah Elaine Howell, Sarah Elizabeth Fields, Chelsea Rae Prince, Chris Kirkman, Erin Hamilton Oakley, George W. Barnes, Helen G. Crenshaw, Hunter Carroll, John Paul Bointnott, Kalleb Anderson Greene, Kelsey Fish, Lindsay Elizabeth Gray, Shane Veteto.

Mr. Speaker, these students embody the spirit, commitment and sacrifice that we all should strive for in our daily lives. I am proud to represent them in my District. I extend my thanks to these students for their efforts, and I am proud to bring their accomplishments to the attention of this House.

ACKNOWLEDGING JASON CRAWFORTH'S CONTRIBUTION TO IDAHO

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. OTTER. Mr. Speaker, I rise today to draw the attention of the House to an individual from my district whose initiative and vision might well be paying dividends in Idaho from years to come.

Through hard work and passion, Jason Crawforth gathered support from many medium and large technical institutions throughout my great state in support of a promotional effort in the Wall Street Journal on behalf of Idaho's outstanding business environment.

Companies such as Jason's own Treetop Tech, Micron Technology, Hewlett-Packard, Dell, and Extended Systems are just a few of America's top technology businesses that have chosen to locate large operations in Idaho over the years.

Anyone who spends even a short time in Idaho soon comes to realize the enormous potential of my State and its people, and the great benefits of doing business there.

From the low cost of living and absence of urban congestion to the overall quality of life, Idaho has a lot to offer the technology industry. Jason Crawforth is one of Idaho's greatest advocates, and leaders like him are among our most valuable assets. I hope the House will join me in acknowledging Jason's contribution.

TRIBUTE TO MASTER SGT MICHAEL T. HIESTER

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. PENCE. Mr. Speaker, it is written if you owe debts, pay debts; if honor, then honor; if respect, then respect.

I rise humbly today to pay a debt of honor and respect to Army National Guard Master Sergeant Mike Hiester of Bluffton, Indiana.

As I saw firsthand last December at Camp Phoenix in Kabul, Afghanistan, Hoosiers have made an extraordinary difference for freedom in Operation Enduring Freedom, and Master Sergeant Mike Hiester was a leader of men in that place. His military awards include the Bronze Star Medal (posthumous), Purple Heart (posthumous), two Meritorious Service Medals, four Army Commendation Medals, two Army Achievement Medals, four Good Conduct Medals, three Reserve Components Achievement Medals, two National Defense Service Medals, Global War on Terrorism expeditionary and Service Medals, Armed Forced Reserve Medal with M device and Bronze Hour Glass device, NATO Medal, NCO Professional Development Ribbon with "3" device, Order of St. George, Pathfinder Badge, Combat Infantryman Badge (posthumous) and the German armed forces Schutzenschnur. His state awards include the Indiana Long Service Medal (2nd award), Indiana Overseas Service Ribbon, and Indiana Outside Continental United States Ribbon (2nd award).

On March 26, 2005, Mike lost his life while fighting to defend America in Afghanistan. His military vehicle, with the 76th Infantry Brigade, Army National Guard, Indianapolis, struck a land mine 30 miles west of Kabul, Afghanistan claiming his life and the lives of three other Indiana Army National Guard.

At his home in Bluffton, Indiana he was known as a loving husband and father. He was a member of the Bluffton Fire Department and he will not soon be forgotten by this grieving community of Bluffton, which will say goodbye to him this week. According to his wife Dawn, "Mike very much believed in the cause for which he gave his life. His entire family and friends have supported him in his endeavors."

I rise to offer my deepest condolences to his wife, Dawn; his two children, Emily and Adam; his parents Thomas and Kay Hiester; his two sisters, Megan and Michele; his nephews Casey, Jesse, Kyle and Jared; his niece Carley; and all those across northeastern Indiana and all of our state who cherish the memory of this hero.

Master Sergeant Michael Hiester is a hero, whose service and sacrifice bolstered the hopes of millions of Americans and Afghanis. The memory of his sacrifice and service will forever be emblazoned on the hearts of two grateful nations.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Ms. LEE. Mr. Speaker, I voted in favor of H. Con. Res. 18 and H. Con. Res. 32.

Mr. Speaker, I agree with the sentiments that these resolutions advance. There is no doubt that there must be an end to brutal human rights violations against the Syrian people and that a Syrian-occupied Lebanon poses a threat to the stability of the Middle East.

However, Mr. Speaker, I am firm in my belief that we must find a peaceful, nonmilitary solution to foster peace in the Middle East.

These resolutions, while overwhelmingly approved by the House, must not be cited as tacit approval for any future preemptive military action against Syria.

RECOGNIZING THE 100TH ANNIVERSARY OF ROTARY INTERNATIONAL

HON. ED CASE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. CASE. Mr. Speaker, I wish today to express my unqualified support for House Resolution 55, reprinted below and of which I am a proud cosponsor, recognizing the 100th anniversary of Rotary International, and in doing so to acknowledge the truly inspiring work of generations and millions of Rotarians over the last century.

Mr. Speaker, can there be a better example of selfless public service than that of Rotary International? From humble beginnings in Chicago in 1905, the world's first service club now claims 1.2 million Rotarians in some 31,000 Rotary clubs in 166 countries. And it has found a special home in my own great State of Hawaii, with 41 clubs operating in all four counties, from Hanalei Bay to Hilo Bay.

The secret of Rotary International's success is that it evokes our innermost desire to give back to our worldwide community, as captured in its motto: Service Above Self. Its now famous Four-Way Test—Is it the truth? Is it fair to all concerned? Will it build goodwill and better friendships? Will it be beneficial to all concerned?—is a lighthouse not only for its own efforts but for those of all of us.

One hundred years of individual, community, statewide and countrywide projects have solidified Rotary International's reputation and collectively earned it widespread recognition. But no project better exemplifies the spirit, success and potential of Rotary International than PolioPlus, its partnership with the World Health Organization, United Nations Children's Fund, and Centers for Disease Control and Prevention to eradicate the scourge of polio from the face of our earth.

Most of us of adult age in our country remember the polio scares and tragedies of decades past, but we do not regard polio as a credible threat to our own children due to widespread immunization and other advances. That is not true universally: polio still exists and strikes randomly, especially in South Asia and Africa.

In 1985, Rotary International undertook a truly breathtaking endeavor: to eliminate polio through universal immunization. And with its partners in the U.S. Agency for International Development's Polio Eradication Initiative—and funding from many governments including $260 million since 1996 of our own—it has brought polio to its knees: 1988's 350,000 cases internationally are today's couple hundred.

But we all know that the last few steps of any marathon are often the hardest, and so it is with polio. I certainly saw the challenges in my trip last year to Afghanistan—one of just six countries where polio is still endemic—where the challenges in simply reaching some of the most remote and isolated communities in our world are staggering.

Yet with the end so near Rotary International's efforts have been redoubled, and I want to tell you about just one inspiring contribution: that of Rotarian Bob "Motorcycle Bob" Mutchler and his wife, Patti. For the last seven years Bob, himself a victim of polio, and Patti have undertaken several marathon motorcycle rides across our country and world to highlight PolioPlus and raise funds for polio's endgame.

Bob and Patti recently kicked off their last PolioPlus Ride, the "Centennial Ride", in our Hawaii, aiming to cover all fifty states ending in Alaska this summer. On Tuesday, March 15th, they and local Rotarians and other well-wishers started their engines in my hometown of Hilo and set off on the first leg of their latest adventure, a trip around my Big Island, followed by rides around Maui and Kauai and capped by a journey around Oahu on Saturday, March 26th, which I was honored to start. They're now off riding the Mainland, taking our aloha with them; you can follow their journey at www.polioplusride.org. where Patti's keeping a journal.

Bob and Patti Mutchler exemplify the spirit of Rotary International, as did Mike Nelson, President of the Rotary Club of Volcano on the Island of Hawaii. Mike embraced the Mutchlers' efforts and chaired their Centennial Ride in Hawaii. Tragically, he lost his life in an auto accident on February 23rd; the ride was dedicated to him, and we remember him with the deepest appreciation and admiration as representing the true essence of Rotary.

Mr. Speaker, what an incredible century Rotary International has had, epitomizing the very best of our country, our world and our human race. We pause, in House Resolution 55, for a brief moment to recognize and honor Rotary's achievements, but I know that Rotarians everywhere, while appreciating our actions on behalf of all of our citizens, would have us move beyond as soon as possible to the remaining and urgent tasks at hand.

Mahalo, and aloha!

TRIBUTE TO SAUL STERN

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. CARDIN. Mr. Speaker, I rise today to pay special tribute to Saul Stern who will receive the Project Interchange Am Yisrael Chai Award on May 25, 2005. Saul Stern has worked tirelessly on behalf of Project Interchange to provide American political and civic leaders with a first-hand look at the vibrant democracy of Israel. His efforts have increased the understanding of many American leaders of the special bond shared by the United States and the State of Israel.

Saul has made involvement with international, national and local Jewish and secular communal affairs a lifetime commitment. Over the years, Saul has accompanied many political and military leaders to Israel to help educate them about the complex issues affecting Israel. A passionate supporter of Project Interchange, he believes that the most effective way to help people understand the value of the U.S.-Israeli relationship is by becoming a true eyewitness to life in Israel.

I hope my colleagues in the U.S. House of Representatives will join me in saluting Saul Stern for his commitment and dedication to fostering understanding between the United States and Israel.

FREEDOM FOR RICARDO SILVA GUAL

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Ricardo Silva Gual, a political prisoner in totalitarian Cuba.

Dr. Silva Gual is a Medical Doctor and member of the Christian Liberation Movement. He believes that the men and women of Cuba deserve freedom, democracy, and basic human rights. Dr. Silva Gaul is dedicated to bringing liberty to Cuba and ending the nightmare that is the Castro regime.

Because of his belief in the non-negotiable rights of all people to freedom, democracy and human rights, Dr. Silva Gaul was arrested by the dictatorship on March 18, 2003. This heinous arrest was a part of the regime's March 2003, deplorable, island-wide crackdown on peaceful pro-democracy activists. In a sham trial, Dr. Silva Gaul was sentenced to 10 years in the totalitarian gulag.

According to cubapp.info, while imprisoned in a repugnant dungeon Dr. Silva Gual declared a hunger strike to protest the inhuman treatment of political prisoners in Castro's gulag. It has also been reported that Dr. Silva Gual has been transferred to a maximum security section where the conditions are even harsher.

Dr. Silva Gual, despite being imprisoned, despite facing even more severe maltreatment in the inhuman gulag, continues to advocate for liberty. Dr. Silva Gual is a brilliant example of the heroism of the Cuban people. No matter how intense the repression, no matter how horrifically brutal the consequences of a dignified struggle for liberty, the totalitarian gulags are full of men and women of all backgrounds and ages who represent the best of the Cuban nation.

Mr. Speaker, we must speak out and act against this abominable disregard for human rights, human dignity, and human freedom just 90 miles from our shore. My Colleagues, we must demand the immediate and unconditional release of Ricardo Silva Gual and every political prisoner in totalitarian Cuba.

RECOGNIZING THE CONTRIBUTIONS OF SAUL RAMIREZ

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor Saul Ramirez for his commitment to serving the citizens of Laredo, Texas.

Saul Ramirez began his career as a Laredo City Council Member in 1982. He has held a number of positions in local government, and his contributions to town and country have helped transform Laredo into an international center of commerce.

As the Assistant Secretary for Community Planning and Development, he handled major federal neighborhood revitalization, economic development, and homelessness programs within the Department of Housing and Urban Development. As Assistant Secretary he oversaw rehabilitation programs such as Community Block Grant, Hope for Ownership of Single Family Homes, Home Investment Partnership, and various other programs that establish funding for housing and support services.

Among other accomplishments in his distinguished career, Mr. Ramirez created the Laredo Affordable Housing Finance Corporation in 1990. He has worked hard to help some of Laredo's poorest neighborhoods. Working to improve housing in the Laredo community, Saul Ramirez's tireless efforts ensure that our citizens have a decent place to live.

A former mayor of Laredo, Mr. Ramirez is no stranger to the unique needs of his community. Serving at a time of great community growth, he has helped to provide guidance and leadership for our changing city.

Saul Ramirez is the recipient of numerous honors and awards, including Newsweek Magazine's "25 Most Dynamic Mayors" in 1996. He has served as Director of the National Association of Housing and Redevelopment Officials, as a Board Member of the U.S. Council of Mayors, and with the Texas Municipal League.

Mr. Speaker, I am proud to have this opportunity to recognize the important contributions of Saul Ramirez. His hard work and community dedication have helped to transform Laredo into the city it is today.

HONORING NEAL McBRIDE

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to congratulate Neal McBride for being recognized as 2005 Citizen of the Year by the Mount Vernon Council of Citizens' Associations. This special honor is truly well-deserved.

Mr. McBride has been an active member of the community within the South County region since the late 1980s. He has served as the chair or coordinator for numerous civic groups including the South Run Coalition, South County Schools Alliance, the Laurel Hill Development and Arts Center and the Cold War Museum. In addition, McBride has also served as an officer with the Federation of Lorton Communities and Newington Forest Community Association. He is director-at-large of the Occoquan Watershed Coalition, a member of the Lorton Heritage Society, a Lorton Arts Foundation Advisory panelist and a member of the Laurel Hill Planning Task Force.

In 2003, Mr. McBride was honored by the Fairfax County Board of Supervisors with the title of "Lord Fairfax." Mr. McBride, a retired health care management specialist with the U.S. Department of Veterans' Affairs, has lived in South Springfield since 1981.

Mr. Speaker, in closing, I would like to express my gratitude to Neal McBride for all of his efforts on behalf of the Mount Vernon area. He has served his community well, truly meriting recognition. I call upon my colleagues to join me in applauding Mr. McBride's past accomplishments and in wishing him the best of luck in all future endeavors.

HONORING LANCE CORPORAL NICHOLAS DAVID LARSON

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. HYDE. Mr. Speaker, I rise today to pay tribute to Marine Lance Corporal Nicholas David Larson of Wheaton, Illinois. Corporal Larson was killed on November 9, 2004 when his unit took fire from terrorists in the Al Anbar Province, Iraq. Nick was killed in the ensuing firefight. He had been serving in Iraq since mid June 2004 and his tour was set to end in January 2005.

Lance Corporal Larson was 14 years old when he did more than 100 push-ups for a recruiter. Nicholas told his mother after 9/11 that he joined the Marines because "I just want to make a difference."

He began his service after graduating from Wheaton North High School in 2003. He was assigned to Company L, 3rd Battalion, 1st Marine Regiment, Regimental Combat Team 1, 1st Marine Division, Camp Pendleton, CA. Corporal Larson followed in the footsteps of his father, who served in the Navy.

Teachers and administrators at Wheaton North High School described Nicholas as quiet and focused and an intense student. And always knowing he wanted to be a Marine.

Lance Corporal Larson was a young man of only 19 when he made the ultimate sacrifice in service to his country. Our deepest sympathies to his beloved family: David and Anne Larson, and his sister Katie Larson. The entire community joins in mourning Nicholas's loss.

We honor the memory of Lance Corporal Nicholas David Larson and the dedication and bravery with which he served our nation and the people of Iraq.

IN HONOR OF MR. BENJAMIN DE LA SELVA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. FARR. Mr. Speaker, I rise today to honor Mr. Benjamin "Ben" De La Selva. Ben was born in Somoto, Nicaragua, in 1939. He immigrated to the United States in 1961, subsequently serving in the U.S. Army for six and a half years. In the mid 1960s he studied French and Polish at the Defense Language Institute, DLI, and then served a year in Vietnam (1966–67) with the 173rd Airborne as Prisoner of War interrogator and French linguist. Ben was in Dakto, Central Highlands, at the onset of one of the Vietnam War's bloodiest battles. After leaving the military and getting a college education through the GI Bill, Ben was hired at DLI, where he occupied numerous positions from 1972 to 2005.

During his rise from teacher to dean at DLI, Ben trained thousands of military linguists, guided several generations of language teachers, and mentored many supervisors and managers who now occupy leadership positions. Moreover, he supervised every DLI language program and participated in the development of much needed Spanish, Chinese, Korean, and Arabic curricula. During the last 20 consecutive years, Ben served as dean of every DLI resident school, a credit to his solid leadership qualities. As a dean, he participated in several pioneering initiatives including Team Teaching, the Faculty Personnel System, and the introduction of up-to-date teaching methods. Likewise, Ben was at the forefront of DLI's giant leap to modem-day technology. Ben retired on January 3rd, 2005, but is still associated with the U.S. government in his capacity as President of the DLI Alumni Association, a non-profit organization he founded in November 2001.

Mr. Speaker, Ben is an excellent example of the immigrant young man who arrives in the USA with a high school diploma, serves in the military, gets an education through the GI Bill, pursues and flourishes in a governmental career, and 40 years later retires with an impeccable and distinguished record. Ben truly believes he has achieved the American dream. He exemplifies the highest aspirations of this nation. I am proud to honor him today.

TRIBUTE TO MR. WILLIAM SOLOMON

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I would like to talk today about a remarkable, courageous man who has dedicated himself for the betterment of Texas, and the lives of those around him. Mr. William Solomon is a fine member of my home community of Dallas, Texas and I am proud to announce that he has been recognized for his outstanding work as the latest recipient of the Linz Award, Dallas County's oldest award for recognizing exceptional community and humanitarian volunteer efforts.

Bill Solomon began working in 1967 at the company that his grandfather founded in 1918, Austin Industries, Incorporated, the largest commercial and industrial contractor in Dallas. In 1970, Bill was named president of the company, and he continues to serve as chairman of Austin Industries today.

Mr. Solomon is also a renowned civic leader, a member of the Dallas Citizens Council, the World Presidents' Organization, and the Northaven United Methodist Church. He serves on the boards of the A. H. Belo Corporation, the Southwestern Medical Foundation Board of Trustees, and the Hoblitzelle Foundation. In addition to this, he has been the recipient of numerous awards and honors.

Mr. Speaker, our communities and our country have always relied on the contributions of those individuals who have the ability to rise above and beyond the call of duty to make a difference in the lives of others, both personally and professionally. Bill Solomon has demonstrated an unfailing and tireless commitment to the betterment of Dallas County, the State of Texas, and the entire Nation. With his steady guidance and strong leadership, in 1991, he founded the Dallas Together Forum, were he has potentially made his greatest impact. This multi-racial group of approximately 30 Dallas business leaders met monthly to discuss ways to reduce racial tension and improve minority economic opportunities. The Dallas Together Forum helped defuse racial tensions in the '80s and early '90s, and its impact on racial harmony is still felt today.

Bill Solomon is a dedicated community servant, activist, and leader. He is a credit to Dallas, and through his tireless work, my home town has become a better place to live. I am proud to join his family, his colleagues, Zale Corp. and The Dallas Morning News in congratulating Bill Solomon on a job well done.

IN HONOR OF THE HISPANIC ORGANIZATION OF STUDENTS IN TECHNOLOGY/SOCIETY OF HISPANIC PROFESSIONAL ENGINEERS AT THE NEW JERSEY INSTITUTE OF TECHNOLOGY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the Hispanic Organization of Students in Technology (HOST), the New Jersey Institute of Technology's student chapter of the Society of Hispanic Professional Engineers (SHPE). HOST/SHPE was honored for its outstanding achievements at the Region IV Student Leadership Conference (RSLC) Gala Banquet on March 19, 2005.

The Hispanic Organization of Students in Technology/Society of Hispanic Professional Engineers represents a group of extremely talented and dedicated students who, at a young age, have already shown amazing promise and success. The HOST/SHPE RSLC offers new members the opportunity to share valuable knowledge and learn from other SHPE leaders. The goal of RSLC is to provide students with the leadership skills necessary for success in the business world, as well as the organizational, managerial, and technical skills essential for developing and enhancing the infrastructure of their respective SHPE student chapters and pre-college programs. In addition, students learn how to interact and network with SHPE corporate officials, which can lead to long-lasting, professional relationships. Under the strong leadership of Daniel Lozano, the conference has been organized to assemble more than 200 students from across the eastern United States, including Puerto Rico.

Today, I ask my colleagues to join me in honoring the achievements of the students in HOST/SHPE, as well as the strong commitment on the part of the RSLC Committee and Daniel Loranzo to organize this worthwhile event. I applaud the students' dedication and their success, and wish them the best as they head towards an already bright future.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. GALLEGLY. Mr. Speaker, on Thursday, March 17, 2005, I was unable to vote on a motion to suspend the rules and agree to H. Con. Res. 18, Expressing the grave concern of Congress regarding the continuing gross violations of human rights and civil liberties of the Syrian and Lebanese people by the government of the Syrian Arab Republic (rollcall 89). Had I been present, I would have voted "yea."

HONORING DAVID HANNON, PRESIDENT AND CEO OF SOUTH SHORE HOSPITAL ON HIS RETIREMENT

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. DELAHUNT. Mr. Speaker, I rise today to salute David Hannon who is being honored today for his outstanding work as President and Chief Executive Officer of the South Shore Hospital in Weymouth, Massachusetts.

Since Mr. Hannon's tenure as President and CEO began in 1986, South Shore Hospital has experienced considerable growth and development, adding programs consistent with the highest quality of medical care in the region, and bringing to the community a level of excellence that was once the domain of prestigious academic medical centers in major cities. In addition, David has promoted sustained investments in hospital infrastructure, including new medical technologies and health care equipment.

These initiatives have enabled the hospital to grow from a small community facility to a regional medical center offering highly complex and sophisticated care—from acute and outpatient services to home health and hospice care—to more than 650,000 residents in southeastern Massachusetts.

In addition to caring for the medical needs of the community, he has also taken an equally strong interest in the outstanding work of the 3,000 employees who are the very heart and soul of South Shore Hospital. Through their collective efforts, South Shore Hospital has become a leading health care provider in the state of Massachusetts, with a record of clinical excellence and superb patient care. That is reflected in the hospital being the first in the Commonwealth to earn maximum recognition with commendation from the Joint Commission on the Accreditation of Healthcare Organizations for three consecutive review periods.

On behalf of a deeply grateful community, I want to join with my colleagues in the House of Representatives in thanking David Hannon on a job well done.

THE CONTRIBUTIONS OF COUNTY SHERIFF OF ATASCOSA TOMMY WILLIAMS

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize the accomplishments of Atascosa County Sheriff Tommy Williams.

Tommy Williams is an excellent example of a Sheriff who understands the needs of his community. Sheriff Williams has been serving his community since 1973, when he first became sheriff of Atascosa.

Sheriff Williams is a man who believes in the value of community involvement and intervention. He has been the recipient of numerous awards, including the Master Peace Officer certificate. Williams has also served as President of the Sheriff's Association of Texas. He is a member of the National Sheriff's Association, Sheriff's Association of Texas, the Poteet VFW Post and the American Legion Post.

Sheriff Williams believes that an informed public is better equipped for preventing crime in our streets and neighborhoods. As part of his duties and responsibilities, Sheriff Williams provides security for the operation of county and district courts as well as enforcing county ordinances and other state laws.

Sheriff Williams is a major resource for his county and sets a great example for his law enforcement community.

Mr. Speaker, it is a pleasure to recognize the past and future accomplishments of Atascosa County Sheriff Tommy Williams.

HONORING THE OCCOQUAN WATERSHED COALITION

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor the Occoquan Watershed Coalition (OWC) of Fairfax County, Virginia.

Established in 1994, the Occoquan Watershed Coalition is a nonpartisan, broad-based citizens group that works to improve communication and expand dialogue regarding major issues concerning the Springfield District portion of this environmentally sensitive region.

The coalition actively works with the Virginia General Assembly, the Virginia Department of Transportation, and citizen and homeowner associations to protect and improve both the environment and the quality of life of the area's residents. Specific examples of the OWC's efforts include their involvement in the closure of the Lorton Prison Complex and subsequent redevelopment of the area. The coalition also closely monitored numerous transportation decisions including the refurbishment of the Yates Ford Bridge and paving of Yates Ford Road.

Mr. Speaker, in closing, I would like to thank the Occoquan Watershed Coalition for 10 years of dedicated service to its community. I call upon my colleagues to join me in applauding the OWC's past accomplishments and in wishing the program continued success in the many years to come.

HONORING CORPORAL JOHN T. OLSON

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. HYDE. Mr. Speaker, I rise today to pay tribute to U.S. Marine Corporal John T. Olson of Elk Grove Village, Illinois. Corporal Olson was killed by enemy action while conducting combat operations on 21 February in Nassir Wa Al Salam, Iraq. It was Corporal Olson's third tour of duty in Iraq.

He graduated from boot camp from the San Diego Marine Corps Depot in 2002 and was deployed to Iraq in January 2003 for his first tour. His third tour of duty was with the Alpha Truck Company, Headquarters Battalion, 2nd Marine Division.

John Olson was a graduate of the Elk Grove High School, Class of 2001, graduating six months early. He was a student at Harper Community College when 9/11 changed his life, he enlisted shortly afterward and was deployed to his first tour in Iraq. At the time of his death, he was driving a truck just outside his base when a bomb exploded. He died while medics tried to save him.

Corporal Olson was a young man of 21 when he made the ultimate sacrifice in service to his country. Our deepest sympathies go to his beloved family—his mother Diana, his father John R. and his sister Courtney—as well as to his other family and friends. The entire community joins in mourning John's loss.

We honor the memory of Corporal John T. Olson and the dedication and bravery with which he served our Nation and the people of Iraq.

IN HONOR OF THE WORK OF PROFESSOR JOHN MONTGOMERY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. FARR. Mr. Speaker, I rise today to honor the distinguished work of Professor John J. Montgomery, a native Californian who was a pioneer of early aeronautics from 1882 until 1911.

Professor Montgomery made many distinguished advances in the field of aerodynamics and fluid mechanics. In 1883, he designed, constructed, and flew a glider 600 feet at Otay Mesa, California, achieving the very first controlled flight of heavier-than-air, fixed winged craft in history. This was quite a remarkable feat, as Professor Montgomery relied only upon his superb knowledge of fluid mechanics and his scientific observations of birds.

In 1893, after many more years of exploration and reflection, Professor Montgomery attended several conferences where he was able to share his findings with the world. Audiences were captivated by his writings describing fluid mechanics and his initial flight experiments. His original manuscript, aptly titled "Soaring Flight," contained some of the world's earliest understanding of fluid dynamics and is now proudly displayed at the Smithsonian Institute in Washington DC.

As Professor Montgomery's interest and knowledge in fluid mechanics grew, he continued to explore the abilities of larger aircraft. Professor Montgomery was exhilarated by these larger models, and when inspired to fly, he retreated to the beautiful Leonard Ranch in Aptos, California, here in the 17th district.

In 1903 Professor Montgomery reached a breakthrough and built a full-scale version of his tandem wing design. He quickly began testing the abilities of his new machine by flying it like a kite, performing load carrying tests, practicing vertical drop launch, and equilibrium and control tests. He continued to conduct these tests and manned flight experiments in the spring and summer of 1904.

In the winter of 1904–1905, Montgomery was ready to display the skills of his new craft in a spectacular new way. Montgomery hoisted his craft high into the air with the aid of a hot air balloon. Montgomery then trained a circus acrobat and a professional parachutist, Daniel J. Maloney, the delicate skills required to steer the aircraft. In March, 1905 in Aptos, the hot air balloon hoisted the glider and Mr. Maloney, high into the air. Audiences then were treated to the show of a lifetime. Mr. Maloney darted upward and downward, carving circles and figure eights. The new aircraft was an absolute sensation, with the longest flight lasting an astonishing eighteen minutes and covering a distance greater than two miles. Truly this was the very first flight of its kind, and Montgomery's "aeroplane" set lasting altitude and endurance tests that served as a testament to Professor Montgomery's genius.

Mr. Speaker, I would like to congratulate the achievement of this fine gentleman on this day, March 19, 2005, the Centennial Celebration of his "Soaring Flight". Professor Montgomery will always be remembered for his ceaseless devotion to aerospace science and his many contributions to the Santa Cruz County community in the 20th century. Though no longer with us, it is my honor and pleasure to recognize such a unique and fascinating individual.

TRIBUTE TO THE TURTLE CREEK CHORALE

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to acknowledge the 25th anniversary of the Turtle Creek Chorale, of Dallas, Texas. The TCC held their first performance in April of 1980 with only 70 members. Through the idea of "the power of harmony," their commitment to the community and the leadership skills of Artistic Directors like Dr. Timothy Seelig, the chorale has exploded to over 200 singing members.

The TCC performs an annual series in Dallas at the Meyerson Symphony Hall, along with traveling around the United States, Canada, and many locations in Europe. In addition to more than 100,000 hours of rehearsal, and over 50 yearly benefit performances, the TCC also participates in numerous community service projects.

The TCC has many accomplishments, such as their collaboration with the Susan G. Komen Breast Cancer Foundation with the creation of the much respected Sing for the Cure: A Proclamation of Hope, narrated by Maya Angelou. In addition, they produced and performed the world premier of Song of Wisdom from Old Turtle that was based on the award winning book Old Turtle. A portion of all the recording proceeds benefited St. Jude Children's Research Hospital. The TCC has also performed for the inaugurations of Dallas Mayor Ron Kirk and Texas Governor Ann Richards.

The dedicated members of TCC have excelled in their mission to entertain, educate, unite, and uplift audiences through music distinguished for its innovation, diversity and artistic excellence.

Mr. Speaker, please join me in acknowledging the honorable works of Turtle Creek Chorale for their 25th Anniversary.

HONORING THE CONTRIBUTIONS OF SEGUIN MAYOR BETTY ANN MATTHIES

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize distinguished civic service of Seguin Mayor Betty Ann Matthies.

Betty Ann Matthies is a native of Guadalupe County. She graduated from Seguin High School, and attended the University of Texas at Austin. She graduated from the Steton School of Nursing in Austin in 1976, and received her Certificate in Heath Care Administration from Trinity University in 1978.

Ms. Matthies has been a strong advocate for health care in Guadalupe County. She has been involved in nursing for almost 30 years, and is a member of the American Nurses Association, the Texas Nurses Association, the Texas Organization of Nurse Executives, and the American Organization of Nurse Executives.

Betty Ann Matthies entered public service in 2000, as Seguin District 7 City Council Member. In 2004, she was elected Mayor of Seguin. In addition to her executive responsibilities, she finds time to give to a variety of volunteer organizations. She is a member of Seguin Senior Citizens, the Seguin Area Chamber of Commerce, the Hispanic Chamber of Commerce, and she is director of the Pecan Museum.

Betty Ann Matthies has done a great deal for the people of Guadalupe County, both as a nurse and a public official. Her energy and spirit of volunteerism serve as a wonderful example to all of us.

Mr. Speaker, I am honored to have had this opportunity to recognize the many achievements of Seguin Mayor Betty Ann Matthies.

HONORING REVEREND KENNY SMITH

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to commend Reverend Kenny Smith for his exceptional work in the Northern Virginia community as pastor of the First Baptist Church in Vienna, Virginia, and president of the Fairfax County Branch of the NAACP.

A native of Atlanta, Georgia, Reverend Smith received a bachelor's degree from the University of Nebraska-Omaha. He continued on to Virginia Union University's School of Theology, where he graduated magna cum laude with a master of divinity degree. Reverend Smith also holds a doctor of ministry degree from Virginia Union University's School of Theology.

Reverend Smith serves as pastor of the First Baptist Church of Vienna and as an adjunct professor at the Howard University School of Theology. He is also the immediate former moderator of the Northern Virginia Baptist Association and was elected in June 2003 as Vice President of the Baptist General Convention of Virginia.

During his time as pastor of the First Baptist Church, Reverend Smith has been a model of positive influence in the community. His congregation has partnered extensively with Habitat for Humanity and built several houses for needy families, contributing both labor and funds for materials. Through Reverend Smith's leadership, the church adopted Shelter House, a shelter located in Falls Church, Virginia for homeless families. First Baptist Church has provided Shelter House with toys, gifts, funding and other resources for the residents since 1990.

Reverend Smith's dedication to his community has been recognized by many awards including the Dean's Pastor's Award from the Howard University School of Theology, the Outstanding Achievement in Religion Award from the Howard University Alumni Club of Northern Virginia, the Religious Affairs Award from the Fairfax County Branch of the NAACP, and the Outstanding Leadership Award from the Northern Virginia Baptist Association. He has also been honored by Horizon Community Outreach Group, Fairfax County Public Schools, Old Dominion Bar Association, and the Fairfax County Human Rights Commission.

Reverend Smith has been an invaluable asset to the Northern Virginia community. He deserves to be commended for his work in the community and on his time as president of the Fairfax County Branch of the NAACP.

Mr. Speaker, in closing, I would like to express my gratitude to Reverend Kenny Smith for all of his efforts on behalf of Northern Virginia. He has served his community well, truly meriting recognition. I call upon my colleagues to join me in applauding Reverend Kenny Smith's accomplishments and in wishing him the best of luck in all future endeavors.

HONORING SPECIALIST ADRIANA N. SALEM

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. HYDE. Mr. Speaker, I rise today to pay tribute to U.S. Army Specialist Adriana N. Salem, of Elk Grove Village, Illinois. Specialist Salem was killed on March 4, 2005 when the vehicle in which she was riding turned over near Tikrit, Iraq. She had been serving in Iraq since February 14, 2005. Her prior service had been in Afghanistan for much of 2003.

Specialist Salem was a 2001 graduate of Elk Grove High School, where she played violin for 4 years in the school orchestra. Her future goal following high school was to position herself to join a Police Force, and following 9/11 Adriana enlisted in the Army to further that goal. At Elk Grove High School she is remembered as a student who loved learning, arrived early and was a leader in class and athletics.

Specialist Salem was assigned to the Fort Stewart, GA based 3rd Infantry Division, 3rd Forward Support Battalion, Division Support Command.

Specialist Adriana Salem was a young woman of 21 when she made the ultimate sacrifice in service to her country. Our deepest sympathies go to her beloved family—her mother Sandra, her father Shamshoum "Sam," and her sisters Christina, Sabrina, Alexandria, and Larissa—as well as to her other family and friends. The entire community joins in mourning Adriana's loss.

We honor the memory of U.S. Army Specialist Adriana N. Salem and the dedication and bravery with which she served our Nation and the people of Iraq.

IN RECOGNITION OF THE DUDLEY KNOX LIBRARY NAVAL POSTGRADUATE SCHOOL, MONTEREY, CALIFORNIA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. FARR. Mr. Speaker, I rise today to honor the Dudley Knox Library staff of the Naval Postgraduate School in Monterey, California, located in my Congressional District. The Naval Postgraduate School is an academic institution focused on graduate and research programs relevant to the Navy's interests. For the second consecutive year, staff members from the Dudley Knox Library will be honored by the Librarian of Congress.

Dudley Knox is recognized nationally as a leading library in government and defense information. The library has been selected from among more than 2,000 libraries operated by the federal government to receive the 2004 Federal Library/Information Center of the Year award in the competitive library/information center category.

The Federal Library of the Year Award applauds the library's exemplary achievements throughout the past year. The award is based upon customer satisfaction and innovative services and resources. During the past year the Knox Library has created several new services, including a virtual reference service, an active instruction program that has attracted more than 2,300 users, and an added wireless internet service. The Library also provided foreign language keyboard support in response to requests from International students who comprise 25 percent of the student body.

In addition, the library added a Homeland Security Digital Library, a state-of-the-art digital library to serve the needs of a particular user group. It is cited by others as a model for its use of emerging technologies with other agencies and groups.

The Dudley Knox Library owes its success to its dedicated and skilled staff of 34. Throughout the year the entire staff has consistently made sure that library members obtain accurate information for their academic and research endeavors. It is not uncommon to find more than 10 percent of the resident student population in the Library at any one time during the day.

Mr. Speaker, I wish to commend the Dudley Knox Library staff for their exceptional dedication and creativity in their jobs and their continual pursuit in developing an outstanding library. Out of more than 2,000 libraries and informational centers operated by the federal government, the Dudley Knox Library has deservedly earned the 2004 Federal Library/Information Center of the Year award.

IN HONOR OF DR. JACK SMITH

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Dr. Jack Smith for his outstanding courage and important service abroad as a physician in Afghanistan.

After being called to duty in October 2004, Dr. Smith was sent to serve in the 325th medical combat unit of the United States Army. While in Afghanistan, he spent much of his time in platoon hospitals, often near dangerous combat operations. The situation required that Dr. Smith utilize his strong skills both as a physician and as a soldier.

Dr. Smith recently returned to the United States to resume his private practice and has been welcomed with enthusiasm and admiration by family, friends, and coworkers. Born and raised in Bayonne, Dr. Smith works at the Bayonne Medical Center.

Today, I ask my colleagues to join me in honoring Dr. Jack Smith for his brave work in Afghanistan. We are grateful for his courage in the face of danger and his service to our country in the name of freedom.

HONORING THE ACHIEVEMENTS OF SAN MARCOS CITY COUNCILMAN DANIEL GUERRERO

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor the important achievements of San Marcos Councilman Daniel Guerrero, of my Congressional District.

Daniel Guerrero is a native of San Marcos, and graduated from San Marcos High School in 1995. He decided to further his education and earned his Bachelors Degree in Mass Communication/Public Relations in 2000 from Texas State University.

Mr. Guerrero was elected to the San Marcos City Council in 2004. He is actively involved in the community, giving his time to a variety of organizations that work for the public good. He has worked as City Councilman to improve city planning and the city's quality of life.

Daniel Guerrero served as President of LULAC No. 654, and was appointed by the City Council to serve on the Arts Commission. He is an inspiration for his public service, and believes deeply in the role of the community in supporting and encouraging strong families.

Daniel currently works as a national recruiter and professional development specialist with Inroads, Inc. He is a member of the Austin Chapter of the Society of Mexican American Engineers and Scientists, the Texas State University Alumni Association, and Omega Delta Phi Alumni Association.

Mr. Speaker, Daniel Guerrero's career as a public servant has done credit to the city of San Marcos, and I am proud to have the opportunity to thank him.

HONORING DELEGATE JAMES H. DILLARD

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor Delegate James H. Dillard for over 21 years of dedicated service to the Commonwealth of Virginia.

Delegate Dillard has served as Delegate to the Virginia General Assembly from 1972–1977 and then again from 1980–2005. Delegate Dillard represents the 41st District in central Fairfax County. He served in the United States Navy from 1955 to 1957 and received a B.A. from The College of William and Mary and a M.A. in Political Science from The American University.

Delegate Dillard previously served as a Fairfax County teacher and principal and began his political career as a member of the Fairfax Education Association by working to establish a living wage for teachers in the 1960's. His strong interest in education led him to be one of the original architects of the Virginia Standards of Learning. Additionally, he was chief sponsor of legislation placing a guidance counselor in every elementary school, and has been recognized as National Legislator of the Year by the Guidance Counselors Association.

As Chairman of the Natural Resources subcommittee of the House Appropriations Committee, Delegate Dillard initiated the largest growth in parks and conservation activities in Virginia's history. Delegate Dillard was the author and chief sponsor of the Virginia Soil and Siltation Act which protects streams and waterways from pollutants. He has also worked behind the scenes to ensure the development of the Leesylvania State Park sailing marina, one of the finest facilities of its kind on the Potomac River and has been recognized as Legislator of the Year by the Chesapeake Bay Foundation.

Mr. Speaker, in closing, I would like to extend my best wishes to Delegate Dillard on his retirement from the General Assembly. Through his long and distinguished career Delegate Dillard has touched the lives of countless Virginians. While I know that he will be greatly missed, his retirement is well deserved. I call upon my colleagues to join me in honoring Delegate Dillard and in wishing him the best of luck in all future endeavors.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. GALLEGLY. Mr. Speaker, on Monday, March 21, 2005 I was unable to return to Washington from California for consideration of and the vote on the motion to suspend the rules and pass S. 686, for the relief of the parents of Theresa Marie Schiavo. Had I been present, I would have voted "yea" on rollcall vote 90.

COMMENDING SEA EDUCATION ASSOCIATION STUDENTS WHO AIDED IN RESCUING 49 HAITIAN REFUGEES

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. DELAHUNT. Mr. Speaker, very few of life's important lessons come from a book. That is the educational philosophy of the Sea Education Association, a unique program based on Cape Cod to teach hands-on seafaring skills to young men and women. SEA offers college students a rigorous semester "overseas" that challenges them intellectually and physically by combining study of the deep ocean with the sailing adventure of a lifetime.

After extensive classroom training, 22 SEA students and a crew of 11 launched from Key West aboard the *Corwith Cramer*, a 134-foot sailing research vessel under the command of Captain Steve Tarrant. Five weeks later, the students were deploying oceanographic sampling equipment near Jamaica when they spotted a small disabled vessel brimming with Haitian nationals, including many children. With search-and-rescue assets nowhere nearby, and with life and limb literally at stake, the students showed more than academic and navigational prowess. They acted from deep in their hearts.

What followed was a dramatic story of courage and compassion—a life-changing, hands-across-the-sea experience for rescuer and refugee alike. John Bullard, SEA president, summed it up in five eloquent words: "We're all in the same boat."

The enormity of the ocean has inspired for thousands of years. These students learned first-hand that men and women are also part of the natural rhythm of the sea, and resolved immediately to remain a part of the lives of the Haitians they encountered so far from home. All who follow in future SEA voyages can sail with deep pride in a mission that anticipates serious challenge—but that also embraces deep responsibility.

I commend to my House colleagues the following news account, one of dozens in the wake of this remarkable sequence of events:

[From MSNBC, Mar. 10, 2005]

U.S. STUDENTS AID RESCUE OF HAITIANS ADRIFT AT SEA

(By Kari Huus)

For 22 U.S. college students on a voyage in the Caribbean, the six-week trip would have been an adventure to remember in any case, but their encounter with a boat full of Haitians adrift at sea made it a life-changing event.

The students, studying oceanography in a program called Sea Semester at Woods Hole, Mass., were about 45 miles north of Jamaica on Wednesday deploying some research equipment from their vessel, the SSV *Corwith Cramer*, when one student spotted what turned out to be a 25-foot open boat packed with 49 Haitians, including 14 children and infants. The Haitians had been heading for Jamaica, but were adrift after their boat lost its mast and rudder. Passengers on the distressed boat said they had been at sea for five days.

What to do was decided over the course of the next five hours. Through calls to the U.S. Coast Guard and Jamaican authorities, the students learned that the *Corwith*, a 135-foot sail-powered research vessel, was the only boat within reasonable range to rescue the Haitians. Jamaican authorities said they could not rescue the group of Haitians but would receive them.

But there were risks to be considered, said John Bullard, president of Sea Semester: "Piracy is one of them. Exposure to disease is another."

On the other hand, he said, if the research vessel "had just sailed away from 49 people . . . our students would have been scarred in other ways."

ASSESSING THE RISKS

Under the direction of the vessel's captain, Steve Tarrent, who leads an 11-person professional crew, calls went out to search-and-rescue experts and medical experts.

The decision was made to bring the Haitians aboard before the sun set. "We thought if we towed the vessel it might not survive that. We would end up fishing people out of the water," said Bullard. "We felt the safest action was to bring them aboard during the daylight when we could control some things."

As the Haitians gathered in a sheltered spot above deck on the research vessel, the crew cut the smaller boat loose after marking it with fluorescent paint to avoid sparking unnecessary search-and-rescue efforts if it were spotted later. A meal of rice and beans was prepared for the unexpected passengers.

'WE'RE ALL IN THE SAME BOAT'

An escort boat met the *Corwith* off the coast of Jamaica, and delivered the Haitians safely to Port Antonio early Thursday morning. The ship's crew and students were resting in port before finishing off their sailing semester in Key West, Fla., on March 19.

The captain and students were not immediately available for comment, but Bullard said parents who were contacted expressed great pride in their children's role in the rescue.

"What we have in our planned curriculum is the study of oceanography, and the history and literature of the sea and skills like navigation and weather forecasting," said Bullard. "One thing you learn that is not in the curriculum is that we're all in the same boat.

"This group of students got a chance to learn this literally."

Waves of unrest and poverty have driven thousands of Haitians to seek refuge outside their country over the past decade. One common destination is Jamaica. Many Haitians are denied refugee status and forced to return home.

HONORING THE CONTRIBUTIONS OF REVEREND L.A. WILLIAMS, JR.

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize Reverend L.A. Williams for his service to the Wheatley Heights First Baptist Church and to the San Antonio community.

Reverend L.A. Williams is a native Texan whose ministry reaches far beyond the walls of the Wheatley Heights First Baptist Church and into the San Antonio community. Currently serving as the Moderator of the Guadalupe District Missionary Baptist Association, College, Incorporated, and other organizations such as the Baptist Minister's Union of San Antonio and Vicinity, Reverend Williams is always trying to reach out to the community to offer a helping hand.

Born in Houston, Texas, Reverend Williams attended E.L. Furr High School, and upon graduating studied at Southwestern Business College and the Union Baptist Bible College and Seminary. His awe-inspiring dedication to spreading the Word of God officially started when he delivered his first sermon on the third Sunday of July 1973 at the Greater Mount Olive Baptist Church. He went on to serve many churches across the state of Texas, but since 1984 he has found himself at Wheatley Heights First Baptist Church.

It is here in San Antonio that Reverend L.A. Williams has touched the lives of many and helped them realize that there is always much to hope for. Whether he is rebuilding the Church itself due to a flood or helping a kid in need, the Reverend always is serving his fellow man and woman to the greatest degree.

Mr. Speaker, I am honored to have had the privilege and opportunity to recognize this man of faith, Reverend L.A. Williams.

TRIBUTE TO HOSTOS COMMUNITY COLLEGE MEN'S AND WOMEN'S BASKETBALL PROGRAM

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. SERRANO. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Hostos Community College Men's and Women's basketball programs for bringing championship trophies home to the Bronx. I am proud of this dedicated group of students for showing excellence on and off the court.

Under the leadership of Coach Renee Bostic the Hostos women's basketball team set goals for themselves before the start of the season. Their relentless dedication and hard work paid off as they were the winners of the 2005 CUNY Athletic Conference Edison Basketball Championships for the second year in a row. Not to be outdone, the men's team led by Coach Robert Holford captured the 2005 NJCAA Men's Division III National Championship. This marks the first national basketball title won by a CUNY school since the 1950 CCNY men's basketball team captured both the NCAA and NIT titles. Like the women's program the men set early goals and followed through with their incredible work ethic.

These two programs have done surprisingly well despite the fact that they have been in existence for no more than three years. It is a great compliment to this institution that only in its third year of existence the men's team has won a National Championship and that only in its second year of existence the women's team has already repeated as CUNYAC regular season and Tournament champions.

The success that these two programs enjoyed on the court is much more than a reflection of their skills with a basketball but a reflection of their character. To reach the level of competition that these young people have achieved one must acquire certain qualities that will not only aid him/her in sport but in life as well; qualities such as discipline, patience and perseverance. I am proud to say these athletes have carried these qualities over to the classroom and are all top tier students.

Vince Lombardi once stated that "excellence is not a sometime thing." With their performance on and off the court, I think the men and women's basketball teams of Hostos Community College have demonstrated that these are words they live by.

Mr. Speaker, I have no doubt that if these young men and women continue to exert themselves on and off the court they will be victorious in the game of life. Therefore, I ask my colleagues to join me in honoring the outstanding student athletes of Hostos Community College in the Bronx.

CELEBRATING THE TEXAS LYCEUM'S 25TH ANNIVERSARY

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. BRADY of Texas. Mr. Speaker, I rise today to honor the Texas Lyceum on their 25th Anniversary. The Texas Lyceum, a non-profit, non-partisan organization, is the foremost incubator of leaders in Texas.

The original Lyceum was a grove of trees in ancient Athens where Aristotle educated the leaders of the day on issues critical to the time. Key issues were debated and focused through the lens of enlightenment and character. So, in 1980 when a group of young leaders recently named "Rising Stars of Texas" by Texas Business magazine, began exploring the idea of establishing a leadership confederation based on providing solutions to problems in Texas, Aristotle's Lyceum seemed an appropriate model.

Tieman H. "Skipper" Dippel and an impressive group of founders including: Bud Shivers, Mike Hopkins, Ann Quirk, Jim Windham, John Connally, III, Rob Mosbacher, Ken George, Scott Bennett, and others too numerous to mention teamed with Texas Business magazine and George Kozmetsky to establish this forum which represents the diversity of the state and emphasizes constructive responses to issues critical to Texas.

The Lyceum has always endeavored to bring out the best in people and enlighten the next generation to the power of ideas. It teaches leaders to focus on where they are alike rather than how they are different while still valuing the rich diversity of Texas. To accomplish these purposes, the Lyceum conducts quarterly meetings to educate its Directors and other policy makers on the important issues of our times and sends its members back into the community armed with the most up to date information available.

The Lyceum also publishes the Journal of the Texas Lyceum, a mainstay for policymakers looking for insightful and thoughtful solutions. Each issue is edited to be in keeping with the Lyceum's philosophy of valuing differing opinions from our state's leaders. This document was invaluable to me and my colleagues when I served in the Texas Legislature.

Twenty-five years later, the Texas Lyceum boasts over 600 alumni and 96 current directors. Judging from where Lyceum alumni can now be found it is obvious that the Lyceum has successfully met its goal of educating the next generation of leaders in Texas. The Lyceum should be extremely proud of its accomplishments.

From the courtroom to the board room, from farms and ranches to the world of high tech, from medical centers to the oil fields, from education intuitions to houses of worship, and from city councils to the halls of Congress and even the White House, Lyceum alumni are woven through the leadership structures of the state of Texas and this nation. Numerous state legislators, Members of Congress, a sitting U.S. Senator, the current Governor and even the current President of the United States are all Lyceum Alumni.

The Texas Lyceum membership reflects the rich diversity of Texas and succeeds because it seeks to identify and prominently promote the unique values of our state that bring us all together as Texans.

Mr. Speaker, I ask you to join me in saluting the over 600 men and women who have participated in the Texas Lyceum since its inception in 1980. For a quarter century now the

Texas Lyceum has been committed to promoting the stewardship of the values, traditions, resources and diversity that is Texas.

HONORING LEE LEONARD FOR A DISTINGUISHED CAREER IN JOURNALISM

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. TIBERI. Mr. Speaker, a most distinguished career in journalism is coming to an end with the retirement of Columbus Dispatch statehouse reporter Lee Leonard. The dean of the Ohio Capitol press corps, Lee's career has spanned five decades, with most of that time spent covering state government and politics in Columbus.

Lee began his journalism career with United Press International in Boise, Idaho in 1962 and spent six years with UPI in Harrisburg, Pennsylvania covering state government. He moved to Columbus in 1969 and became manager of UPI's Statehouse bureau. Lee has covered 11 national political conventions, interviewed former presidents Eisenhower and Carter and was voted one of UPI's 20 most respected bylines in a national survey of subscribing newspaper editors. Among his many awards and honors is a first place prize from the Press Club of Cleveland in 2001 for politics and government writing.

For the last 15 years, Lee has reported for the Columbus Dispatch. He is a living Statehouse encyclopedia who is widely respected and admired, both by his journalistic peers and those in state government. It's not surprising that "Just call Lee" has become a common refrain at the Dispatch offices whenever a question has arisen about state government.

As a former state legislator who has enjoyed many dealings with Lee over the years, I am glad to join his family, friends and colleagues in wishing him a long and active retirement.

HONORING THE DEDICATION OF REVEREND EDWARD L. HAYES

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor the important contributions of the Reverend Edward L. Hayes.

Reverend Hayes, who was born in 1948, is a long-time Texan. He attended school in the San Antonio area and later became a graduate of the Guadalupe Seminary. In 1982 Reverend Hayes was ordained to the ministry at Shiloh. He served as Pastor at St. Frederick Baptist Church for nine years before moving to St. Stephen Baptist Church in October of 1994.

A dedicated and passionate member of our local community, Reverend Hayes has worked tirelessly as the MLK Commission Chairman for San Antonio and has been instrumental in the Meals on Wheels for Christian Senior Services program. His dedicated community service has helped those who need it the most.

It is important to recognize the good work of spiritual leaders in our community. The service and leadership of people like Reverend Hayes is important, especially for the elderly or less fortunate among us. Reverend Hayes spends his days providing not only community guidance, but also leading by his good example.

Reverend Edward Hayes and his wife Rice have three children and one grandchild. Rice Hayes is a local teacher at the Judson School District.

Mr. Speaker, I am proud to have this opportunity to recognize the contributions of Reverend Edward L. Hayes.

THE INTRODUCTION OF THE FEDERAL EMPLOYEES WITH DISABILITIES PROTECTION ACT

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. VAN HOLLEN. Mr. Speaker, I am proud today to introduce the Federal Employees with Disabilities Protection Act.

The Federal Employees with Disabilities Protection Act (FEDPA) simply states that in cases where federal jobs are contracted out, a federal employee should not lose his or her job if that employee is an individual with a significant physical or developmental disability and had been hired under a program designed for individuals with such disabilities.

The FEDPA was drafted to respond to a particular situation that occurred at the National Naval Medical Center in Bethesda, Maryland. In the fall of 2003 I visited the Hospital, which has developed an innovative and successful program hiring developmentally disabled individuals from our local community to work in its kitchen and cafeteria. Many of these individuals have worked there for more than twenty years. They are hard-working, reliable, and beloved by the naval officers and staff. I was shocked to learn that the Administration had selected these positions to be subject to competitive sourcing. In other words, these hard-working disabled employees, who had been hired under a federal program designed specifically to hire the severely disabled, would be forced to compete for their own jobs against people who were not disabled, leaving them on the verge of losing their jobs. I wrote the President about this injustice and am pleased that as a result of our timely intervention, plans to compete these jobs have been withdrawn and these individuals have been able to keep their jobs and the sense of dignity that comes with them.

But it is unconscionable that other severely disabled federal workers might have to suffer through the same thing. The FEDPA will protect federal employees with severe disabilities from losing their federal jobs as a result of contracting out. The bill does allow for jobs to continue to be contracted out to organizations like NISH (formerly known as the National Institute for the Severely Handicapped) and the National Industries for the Blind covered under the Javits-Wagner-O'Day Act (JWOD). JWOD established specific programs to hire the severely disabled; it is not the intention of the FEDPA to interfere with JWOD.

The FEDPA is supported by many advocates for the disabled, including ANCOR (The American Network of Community Options and Resources), The Public Policy Collaboration of United Cerebral Palsy and the Arc of the United States. Federal employee unions supporting FEDPA include the National Association of Government Employees (NAGE) and the Service Employees International Union (SEIU). The FEDPA also has the support of the Professional Services Council, one of the principal organizations representing government contractors, because they agree that supporting employment opportunities for the disabled is important.

Mr. Speaker, I believe that everyone in this body wants to protect employment opportunities for the severely disabled. I urge my colleagues to support and cosponsor the Federal Employees with Disabilities Protection Act.

I am submitting for the RECORD an article that was published by The Washington Post on October 14, 2003 that describes the situation involving the scullery workers at the National Naval Medical Center.

[From the Washington Post, Oct. 14, 2003]

In Bethesda, Hiring Policy, 'Competitive Sourcing' Clash

NAVAL MEDICAL CENTER CONSIDERS REPLACING DISABLED WORKERS

(By Christopher Lee)

President Bush's efforts to make government run more like a business collided this month with the reality that, in many ways, government is not a business.

For the 2 two years, the Navy, as part of the Bush administration's initiative, has been studying whether a private contractor should take over the custodial and food services provided by 21 federal employees at the National Naval Medical Center in Bethesda.

It is just one small example of Bush's "competitive sourcing" initiative, which requires hundreds of thousands of civil servants across the government to prove they can do their work better and more cheaply than a private contractor, or risk seeing the work outsourced.

But in one important way the 21 workers in the hospital scullery are different: All are mentally retarded, beneficiaries of federal policies that promote the employment of people with disabilities.

To their supporters, the administration's requirement that they compete for their jobs misses the point that government employment has always been about more than the bottom line. Through various policies and laws, federal agencies for decades have gone out of their way to hire members of certain populations, from veterans to disabled people to welfare mothers and students.

"There are different goals of the federal government, and one of those goals is to get different people into real jobs," said Representative Chris Van Hollen (D-Md.), who met last month with the scullery workers at the hospital, which is in his district. "And this [policy] will undercut that goal."

Bush has strongly defended "competitive sourcing," calling it one of his most important management initiatives. He says forcing government workers to compete with private contractors for their jobs promotes government efficiency and saves taxpayer dollars—even if the jobs stay in-house. An Oct. 3 report by the Office of Management and Budget said federal agencies have identified 434,820 jobs that are ripe for such competition, of which 103,412 are being evaluated for possible contracting out.

"We are confident that the savings and service benefits expected from this effort will soon follow," Clay Johnson III, OMB's deputy director for management, said that day.

That provides scant comfort to employees such as Devorah Shapiro, 30, who has worked at the hospital scullery for 10 years and worries what will happen if she loses her job.

"I like working here," Shapiro said the other day while taking a break from the first half of her eight-hour shift. "I work on the belt. I help push carts upstairs sometimes. I wash plates, pick silverware—I do everything."

Shapiro landed the job after interning at the hospital while a student at Rock Terrace School, a public campus in Rockville that serves 112 special-needs children in grades 6 through 12. "I live in a group home and I have to pay the rent there," said Shapiro, her dark curls tucked neatly under a hairnet. "And I have to work, or else they'll ask me to leave. I don't want to leave my friends. I don't want to leave my house. It's too nice."

The work isn't easy. The employees, clad in blue uniforms and white plastic aprons, remove trash and utensils from used trays as they navigate across a water-slicked red tile floor. Many wear earplugs to block out the drone of the industrial dishwasher that cleans the dishes and trays that pass through it on a conveyer belt before the workers retrieve and stack them in neat piles. Shifts begin at 5:30 a.m. and finish as late as 7 p.m.

James Eastridge, 38, another former Rock Terrace student, has worked in the kitchen for 22 years. That is long enough for him to earn several promotions and enough money to buy a house in Hagerstown, where he lives with his parents.

"I started out when I was 16 years old and just kept on working: the years just flew by," he said. "I hope we get to keep the jobs. When I was in school, I was pretty wild. They got me in the job . . . and I've been doing good ever since I've been here."

Randy Severt, a teacher at Rock Terrace, said more than 300 students have interned or worked at the hospital since the school formed a partnership with the institution in 1979. The Navy got reliable, long-serving employees for hard-to-fill positions. The students, who earn between $9.42 and $12.80 an hour, were given an opportunity to work, learn about money management and become more self-sufficient.

Providing such opportunities is a long-standing goal of the federal government. The Rehabilitation Act of 1973 banned discrimination against disabled people in federal hiring and required agencies to develop affirmative action plans to hire more people with disabilities.

Most of the scullery workers joined the hospital under a federal hiring authority that allows agencies to take on people with mental retardation as provisional employees, then convert them to permanent status after two years of satisfactory service. The government employed 1,734 mentally retarded workers in 2000, about one-tenth of 1 percent of the 1.8 million-strong federal civilian workforce, according to the Office of Personnel Management. (Overall, more than 120,000 disabled people worked for the government that year, more than 7 percent of the federal workforce.)

If the hospital scullery work goes to a private contractor, it will mean a big adjustment for a group of workers who, due to circumstances and disability, do not cope well with change, Severt said.

"They have problems finding jobs on their own. They don't advocate well for themselves and they don't have a lot of skills," Severt said. "Some of them can speak well. Some of them have very good social skills. But they are retarded, and they need help every step of the way. They just don't adapt."

Hospital officials say the quality of the work isn't at issue. "They're very loyal employees," said Cmdr. Martie Slaughter, the hospital's nutrition manager. "I've only been here for two years and they are like my family."

In similar competitions across the government, the in-house bid has triumphed more than half the time, according to the OMB. Even in the cases where the private sector has won, the employees often have gone to work for the contractor. But the scullery employees are at a decided disadvantage.

"If you are special needs, you have a great need for greater supervision," Slaughter said. "And we all know that supervision costs money."

Jerry Leener, whose son Mike, 27, has worked at the hospital for eight years, said that even a White House focused on the bottom line should realize there is little to be gained by contracting out the work. Displaced employees would turn to government entitlement programs, including federal disability payments, Medicaid and food stamps.

"If our kids lose their jobs, the federal government is still going to have to compensate them," Leener said. "Either way, it's going to be coming out of federal funds. So we haven't had a cost saving as it relates to these kids. What's more, we've displaced them from their passion. They love working here. They love being a part of this."

Military officials have been sympathetic but unmoved. Slaughter said that early on in the process she asked about getting a waiver for the workers, but none was forthcoming. Over the last year, parents of some workers have written to Navy officials and members of Congress seeking help, but with no concrete results.

As recently as two weeks ago, Navy officials said they were still studying the situation. Parents of the workers grew nervous as a December deadline loomed for the hospital to submit its bid to keep the scullery jobs in-house. They were told that a decision on whether a contractor would take over could come as soon as March.

Then on Oct. 2, 10 days after Van Hollen's visit to the scullery and after inquiries by The Washington Post, Navy officials passed the word internally that they had been directed to temporarily stop working on the job competition. "The study has not been cancelled, but postponed until further notice," an internal e-mail said.

Parents said they were given a vague explanation that the job competition had gone on longer than current law permits. A provision in the recently passed 2004 Defense Appropriations bill blocks new funding for single-function job competitions that have exceeded 24 months, and multifunction competitions that have exceeded 30 months. Navy officials at the hospital did not respond to two requests for more information about the decision.

"I have a suspicion that they were starting to feel political pressure and decided to put it on hold, and that maybe this thing would blow over," said Leener, who added that he remains uncertain about whether his son's job is safe. "We took it as a big victory, believe me, but it's a temporary one."

Trent Duffy, an OMB spokesman, said agencies may cancel job competitions that jeopardize protected workers, such as veterans or disabled people. "It is permissible for agencies to make that determination and cancel a competition because these protected populations, these certain people, could potentially lose their livelihoods," Duffy said. "They absolutely have that discretion under the law." Van Hollen, who wrote a letter to Bush urging him to halt the study, said he viewed the Navy's decision as little more than political expediency. He still believes competitive sourcing is "a one-size-fits-all contracting-out policy that does not take into account other important goals of the federal government," he said.

"I still think it's an example of their policy run amok," Van Hollen said. "There's no doubt what happened here. You want to applaud the Navy for reversing its decision, but you can't have a member of Congress or a member of the press visit every site where you've got . . . contracting out going on with model programs."

CONGRATULATIONS TO WESTINGHOUSE WARRIORS CITY BASKETBALL TITLE

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. DAVIS of Illinois. Mr. Speaker, on February 26 the young men of George Westinghouse Career Academy High School's basketball team, lead by coach Quitman Dillard, won their fourth City Championship in the last six seasons.

The game was never really in doubt and second place Simeon could never get any closer than eight points in the second half.

By a score of 67–52, Westinghouse clinched their place at the top of the Chicago Public League, according to press reports, one of the Nation's top high school basketball proving grounds.

The 72 team Chicago City league is reportedly used by some college coaches as a benchmark for the success of their recruiting efforts.

The Westinghouse team was powered by DeAndre Thomas, rated by many as the best high school player in Illinois. Thomas scored 29 points, snagged 9 rebounds and had three assists.

However, the victory was definitely a team effort. Westinghouse had 23 assists.

Marquis Johnson scored 14 points and secured 11 rebounds. Kris Harris and Corey Caston each scored nine points. Caston had 7 assists.

Mr. Speaker, Westinghouse Career Academy, which serves the Austin, South Lawndale and West Garfield Communities, is a public school fighting its way to the top in every category.

Eighteen percent of its almost 1400 students are enrolled in honors classes. They were City champs in the C–CAP culinary arts competition.

Westinghouse students have earned nine medals in Academic Decathlon competition.

Tonight, Mr. Speaker, I salute Westinghouse Career Academy and Principal Dr. Lona C. Bibbs.

The Westinghouse Warriors are setting an example for the entire school by now setting their sights on the next task: the State finals. All Chicago wishes them the very best.

The Westinghouse Warriors have, through their hard work, their determination and their talent, achieved a remarkable record.

Congratulations to the Westinghouse team, their coach and to each of these outstanding young athletes individually.

BAYLOR UNIVERSITY WOMEN'S BASKETBALL TEAM

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to congratulate the Baylor University Women's Basketball Team on their success during the NCAA Women's Basketball Tournament. With a record of 31–3, the Lady Bears have risen to the challenge and have represented the Big Twelve and the State of Texas with pride. Led by point guard Chelsea Whitaker, the Lady Bears have won their way into the Championship game where they will face Michigan State tonight.

I attended the Lady Bear's 68–57 victory over LSU in the Final Four game on Sunday and was particularly excited for junior forward Sophia Young, who scored 21 points in the game, and was named the Tempe Regionals' MVP earlier in the tournament. As a Member of the House Immigration Subcommittee, I was able to help bring Miss Young's mother, Annie Christopher, from St. Vincent, West Indies to see her daughter play collegiate basketball for the first time. Sophia is a very talented basketball player and I am glad that she was able to take her place as a member of the Baylor basketball team through the U.S. Immigration program. We as a nation embrace talent such as Sophia's athletic gifts and we recognize the value of reuniting families for important moments. After Baylor's latest victory when Sophia was able to hug her mother in the stands, you could see that this is truly the real face of immigration.

I also want to congratulate Coach Kim Mulkey-Robertson on her great achievements at Baylor. Tonight, she has a chance at achieving history; a win over Michigan State would make her the first women's coach to win a championship as a player and coach. She truly deserves all the credit she receives for the job she has done with this talented team. In 2000, she inherited a program that went 7–20 the previous season, in her very first season she guided the Lady Bears to a 21–9 record and last year took Baylor to the Sweet 16. This year the Lady Bears enter the national championship game having won 19 straight games, the longest such streak in college basketball this year.

I am confident that the great fans of Baylor will carry the Lady Bears to victory. They have withstood great challenges, both mental and physical to reach the pinnacle of women's college basketball. I wish the Lady Bears all the luck tonight as they play in the Championship game and hope they are able to finish their great season with a win.

HONORING THE CONTRIBUTIONS OF REVEREND DR. PAUL D. STEVENS, SR.

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor the important contributions of the Reverend Paul D. Stevens, Sr.

Rev. Stevens was born the third of seven children in Westlake, Louisiana. His father, Willie Stevens Jr., was also a minister. Paul Stevens first came to Texas to study for his Master of Arts degree, which he received from the Houston Graduate School of Theology.

Rev. Stevens has been a minister for over 20 years, and is a certified Pastoral Care Specialist. Under his leadership, the New Covenant Missionary Baptist Church has grown from 188 to over 560 members. He has served the needs of his growing congregation by overseeing the construction of a 1.5 million dollar worship center, and the founding of several new ministry programs.

In addition to his formal duties, Rev. Stevens has found the time to participate in several community organizations. He is a member of the NAACP and Kappa Alpha Psi Fraternity, a board member of the Community of Churches for Social Action and the Cooperative Ministry for Higher Education, and a member of the Baptist Ministers Union of San Antonio and Vicinity. Reverend Stevens has been married to Belinda Hubbard Stevens for 20 years, and is the father of two teenagers, Paul Jr. and Kayla.

Mr. Speaker, he is a source of tremendous strength for his community and his congregation, and his commitment to serving his fellow man serves as a powerful example. I am proud to have the chance to honor him here today.

TRIBUTE TO DR. ROBERT HARRIS

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Ms. MATSUI. Mr. Speaker, today I rise in tribute to a man with a distinguished career in education. Dr. Robert Harris's vision and hard work have made Sacramento City College one of the preeminent junior colleges in Northern California. The longest tenure of any president since the college was founded in 1916; Dr. Harris will soon retire from the post of President of Sacramento City College after 18 years of wonderful service. As his family, friends, and colleagues gather to celebrate Dr. Harris' great career, I ask all my colleagues to join me in saluting one of Sacramento's most respected and successful educators.

President Harris is well-known for his resolve to foster positive changes, which has resulted in many improvements to the Sacramento City College campus, including the restoration of the Auditorium, renovation of the City Cafe, and construction of a Child Development Center, Center for Physical Excellence, and the Learning Resource Center, "a grand and gleaming hightech wonder."

Since the beginning of his presidency, he has had the vision and drive to push for the development of light rail directly to the City College Station; and under his leadership, Associated Student Government students presented a Resolution in Support of Regional Transit to the Los Rios Board of Trustees, which resulted in a student vote of the Universal Transit Pass fee and a Regional Transit Pass that allows students to use all public transit bus and light rail systems in Sacramento, Yolo, Folsom, El Dorado and Elk Grove.

During his presidency, Sacramento City College co-sponsored the annual Martin Luther King, Jr. event. In 1996 inaugurated an annual Capital Shrine Bowl to raise awareness and funding for Shriners Hospitals for children. It was also under Dr. Harris' stewardship that Sacramento City College, in partnership with Sutter Health Sacramento Sierra Region, expanded its Associate Degree Nursing Program and Sutter has committed more than $16 million through 2010 with the goal of educating 450 registered nurses.

Dr. Harris also helped establish Beta Eta Psi, a campus chapter of the Phi Theta Kappa International Honor Society. He helped to create a $7,500 scholarship to pay the induction fee for students who need assistance, and was one of only 24 college presidents honored with the prestigious Shirley B. Gordon Award of Distinction which recognizes college presidents for outstanding efforts in promoting the goals of Phi Theta Kappa at the chapter level. Also, a decade ago, President Harris supported the creation of Susurrus, the college literary journal, which has twice won first place in the national Community College Humanities Association Annual Literary Magazine Competition.

President Harris deserves special recognition for his unwavering support of programs that provide services and encouragement to underrepresented and non-traditional students. It is fair to say that the Sacramento City College Classified Senate would not exist without his encouragement and his support. President Harris' views on participatory governance promoted an unprecedented level of collegiality on campus.

In 2004, directly as a result of Dr. Harris' leadership, the Western Association of Schools and Colleges reaffirmed Sacramento City College accreditation without conditions—the highest level of accreditation a college can receive.

Mr. Speaker, as Dr. Harris' friends, family, and colleagues gather to celebrate his great career, I am honored to pay tribute to one of the Sacramento Region's most successful educators. Dr. Harris' leadership is a true testament to making a positive impact to the lives of others. I ask all of my colleagues to join me in wishing Dr. Robert Harris continued success in all his future endeavors.

TRIBUTE TO MS. MARVELLE S. WILSON

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. WYNN. Mr. Speaker, today I rise in honor of Ms. Marvelle S. Wilson who will be 75 years young on April 9, 2005. Marvelle was born on April 9, 1930, in Cleveland Ohio. She is the youngest of three girls, born to Charles and Ruth Seaton.

As a neighbor of Carl and Louis Stokes, Marvelle and her sisters worked tirelessly to achieve Carl Stoke's victory as the first black mayor of Cleveland. Marvelle received her degree in Library Science. She worked at the Cleveland Public School as a librarian for over 20 years until retiring to a part-time position as a Librarian with Cuyahoga Community College, a position she currently holds.

Marvelle has two sons, Marvin and Leslie Holmes. Her oldest son was elected to the Maryland State Legislature in 2002 and presently serves on the Environmental Matters Committee as well as other leadership roles within the Maryland House of Delegates.

Marvelle is recognized by her church, friends, and relatives as someone who continues to donate her time and talents to improving the community. I would like to add my wishes to the many friends and admirers. I wish you a happy 75th birthday Ms. Marvelle S. Wilson, and many more.

TRIBUTE TO DR. ANGELINE NAZARETIAN

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. CRAMER. Mr. Speaker, I rise today to congratulate Dr. Angeline Nazaretian, known by her friends and colleagues as Angie, upon her appointment as Grand Electa for the Order of the Eastern Star in the State of Alabama. Dr. Nazaretian lives in my Congressional District and is a member of the Athens Chapter of the Order of the Eastern Star. The Order of the Eastern Star is the world's largest fraternal organization to which both men and women may belong.

Dr. Nazaretian moved to Athens in 1958 and has demonstrated a deep commitment and strong love for her adopted community ever since. She has done a great deal to help further the quality of life for young and senior individuals in the area.

She retired from Athens State University in 1999, after forty-two years as a Professor of Health and Physical Education and the Director of Alumni Affairs. During her tenure at Athens State, she worked with the faculty and students, local churches, and schools in the Athens-Limestone community to develop physical education programs in elementary and secondary level schools.

Dr. Nazaretian is a board member and volunteer for numerous community organizations. As an instructor for the American Red Cross, she developed numerous programs in First Aid, Water Safety, and C.P.R. She also served as a member of the R.S.V.P. Advisory Board, where she helped organize a Fitness Program for the Elderly, which is now part of the Community Wellness program. Furthermore, Dr. Nazaretian is recognized as one of the first leaders in Alabama to develop the Special Olympics program in the State.

Mr. Speaker, for her hard work and dedication, Dr. Nazaretian is respected by all who know her. On April 2, the Athens community gathered to celebrate and honor her achievements. I rise today, to join in their celebration and to congratulate her on behalf of everyone in North Alabama.

TRIBUTE TO FRED KOREMATSU

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. HONDA. Mr. Speaker, I rise today to pay my respects to Fred Korematsu, who passed away last week at the age of 86. In his early years, Mr. Korematsu experienced America at its worst, but he did so as an American at his best. Many years later, in large part thanks to Mr. Korematsu and his courageous actions, our country atoned for its mistakes, and took great steps towards fulfilling the promises entailed in our Constitution.

Fred Korematsu was born in Oakland, California on January 30, 1919. An American citizen by birth, Mr. Korematsu was nonetheless among the Americans of Japanese heritage ordered to report to World War II internment camps in May 1942. He defied the order, choosing instead to marry his girlfriend and live the life he believed that, like any other American, he was entitled to. That dream did not materialize; in May 1942 he was caught, arrested and jailed for failing to report as ordered.

Mr. Korematsu maintained that his Constitutional rights had been violated by the forced internment order, given without evidence, specific charges, or a trial. With the help of the American Civil Liberties Union, Mr. Korematsu sued the government and appealed his case to the Supreme Court. He lost the landmark Korematsu v. the United States by a vote of 6 to 3. In the majority opinion, Justice Hugo Black wrote that the internment was based not on "hostility to him or his race" but on "military necessity." In his dissent, Justice Frank Murphy spoke out against the internment in no uncertain terms: it "goes over the very brink of constitutional power and falls into the ugly abyss of racism."

For almost forty years, Fred Korematsu's conviction stood as a black mark of U.S. jurisprudence. In the early 1980's Peter Irons—a professor of Political Science at University of California, San Diego—discovered documents in which government intelligence agencies categorically denied that Japanese Americans posed any security threat whatsoever. For the Supreme Court case, the official reports exculpating Japanese-Americans were suppressed. In the course of his investigation, Irons unearthed other reports describing government claims of Japanese American spying as "intentional falsehoods."

In light of this information, in November 1983 Judge Marilyn Patel of the San Francisco Federal District Court overturned Mr. Korematsu's conviction. Five years later, the specter of state-endorsed racism was finally lifted for all Japanese Americans when federal law provided apologies and payments to those wrongfully relocated during the war.

There is no doubt that Fred's case figured prominently in the quest for justice for those American citizens wrongfully interned during the war. In 1998, President Clinton acknowledged Mr. Korematsu's role by awarding him the Presidential Medal of Freedom, our nation's highest civilian award. Like Rosa Parks, who insists she was just tired when she took her bus seat in Montgomery, Fred Korematsu was not looking to change the world when he refused to be interned. But also just like Rosa Parks, his defiance reverberated throughout our country, and engendered change as profound as his action was simple.

Mr. Korematsu spent his years after the war in California realizing his dream of a simple life; he worked as draftsman and raised a family. He is survived by his wife Kathryn, his son Ken, and his daughter Karen Korematsu-Haigh.

His is a life worth remembering; his defiance a testament to the potential for greatness within every ordinary American; his story a reminder of the progress our country has made, and a beacon keeping us ever hopeful for a better future. In the words of President Clinton, "In the long history of our country's constant search for justice, some names of ordinary citizens stand for millions of souls . . . Plessy, Brown, Parks . . . To that distinguished list, today we add the name of Fred Korematsu."

Mr. Speaker, Fred Korematsu was an American. He saw a wrong and did what he thought was right. With simple courage, he stood up to an entire nation and demanded that it make good on its promises. He should be remembered and honored, and as common men and women not all that different from him, we should strive to walk in his footsteps, fighting for equality and justice wherever their defense is needed.

REMEMBERING MICHELLE BULLOCK MARRS, DEDICATED HEALTH-CARE ADVOCATE

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. COOPER. Mr. Speaker, I rise today to honor the life of Michelle Bullock Marrs of Nashville, Tennessee. Michelle Marrs was the Chief Executive Officer of the Matthew Walker Comprehensive Health Center in Nashville. She was a dedicated health-care advocate for all Tennesseans, especially the poor, uninsured and underserved. The community suffered a great loss when she passed away on Wednesday, March 16, 2005.

Michelle Marrs was born on July 13, 1952 in Louisburg, North Carolina. She attended grade school in Louisburg and Raleigh, and went on to receive a Bachelors Degree from North Carolina Central University and a Masters in Education from Harvard University. Before moving to Nashville, she served as the Chief Executive Officer for the Metrolina Comprehensive Health Center in Charlotte, North Carolina, where she was instrumental in generating significant funding for a Women's Center and Teen Clinic. She also dedicated much of her time to mentoring young women who were beginning their careers in healthcare.

Michelle's numerous public service awards included the 2004 Urban Legend Award for exemplary contributions for empowering communities and changing lives; The Ladies of Distinction Incorporation Award for dedicated service to African American Women in Healthcare in 2004; the Jefferson Street United Merchants Partnership Living Legend Award in 2003; and the Alpha Phi Alpha Fraternity Public Service Award in 2000. Michelle was an officer on the board of the Greater Nashville Black Chamber of Commerce and she served on the Mayor's Taskforce for Child Development, as well as the Susan G. Komen Foundation.

Her most recent notable achievement was management of the Matthew Walker Comprehensive Health Center's million-dollar building project. Though diagnosed with a terminal illness, Michelle's clarity and resolve to ensure continued community healthcare led to the project's completion. Her leadership resulted in a monumental financial turnaround for the center, and a new state-of-the-art medical, dental and diagnostic facility. She prayed that her life would be extended so she could see the conclusion of this project. After the project's completion in October 2004, she commented that "[The new center] is one of the most significant professional goals that I've ever accomplished . . . we look forward to using this project as a tool to further serve the community." Because of her tremendous resolve, the center is expected to provide health and dental care to more than 20,000 medically underserved Tennesseans each year.

I was fortunate to have been able to work with Michelle over the past few years, and I will truly miss her, as will all of Nashville. She was one of those rare individuals who had a clear and strong vision for what she could accomplish with her life, and she did it. She saw the need in Nashville for a center that could help our community's most vulnerable and she turned the Matthew Walker Comprehensive Health Center into a thriving and vital center that is now recognized nationwide for its excellence. She was a committed, compassionate community leader. And she was a great lady. Her gifts were extraordinary and we are fortunate that her contributions to this community will continue for decades to come.

Michelle Marrs' legacy will live on through her children—Christy and Ivanna—the Matthew Walker Comprehensive Health Center, and the love and compassion she shared with her family, friends and community. On behalf of the Fifth District of Tennessee, I send my deepest condolences to Michelle's family.

TRIBUTE TO MR. EDWARD SWITZER

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. BACA. Mr. Speaker, it is with great pride that I pay tribute today to the life of Mr. Edward Switzer. Mr. Switzer recently passed away, leaving a legacy of community work and commitment to those he loved. He was a magnanimous figure who was dedicated to his family and friends. It gives me no greater pleasure than honoring his memory today.

The life of Mr. Switzer took him from Regent, North Dakota, where he was born and raised, to serving in the Air Force during World War II. He attended a one-room grade school and went on to earn his Master's degree from North Dakota State University. After completing his graduate education, Mr. Switzer settled in San Bernardino, where he became my early supporter for the San Bernardino Valley College Board of Trustees.

To all those who knew Mr. Switzer, he exhibited generosity of spirit, love for his community, and dedication to his work. He constantly challenged the status quo, was never afraid to speak his mind, and undoubtedly left an immeasurable impression.

Mr. Switzer turned to teaching chemistry at San Bernardino Valley College for almost forty years and was a dedicated professor, who demonstrated genuine concern for his students. He realized that many students were having difficulty understanding basic chemistry concepts that were being taught using advanced techniques. Mr. Switzer decided to create a more clear methodology for teaching chemistry by specializing in making the fundamentals of chemistry easier to understand. His passion for the subject that he taught and dedication for teaching led him to become Chair of the Department of Chemistry. In addition to being a remarkable professor, Mr. Switzer celebrated his retirement by serving his community board by setting up after-school programs for teenagers.

I join today with family and friends in paying my respects to Mr. Switzer. He was a generous and humble human being who touched the lives of many and will be deeply missed by all. He has touched my life as a friend and mentor. His inspiration and encouragement have led me to hold office and be who I am today.

HONORING THE CONTRIBUTIONS OF REVEREND HOWARD ANDERSON

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize the many contributions that Reverend Howard Anderson has made to his community.

Howard Anderson is a native of New York City. He first came to Texas to attend the Southwestern Baptist Theological Seminary in Fort Worth, from which he received his Masters in Divinity.

Reverend Anderson was ordained in 1980 under the authority and order of St. Paul Baptist Church in San Antonio. He served under the leadership of Live Oak Baptist Church in New Braunfels, and began his interim tenure at Coliseum Park Baptist Church in San Antonio in October 1995.

Mr. Anderson has also had a distinguished career in military service. He served for 15 years, winning the Military Excellence Award from the U.S. Navy Senior Enlisted Academy and rising to the highest possible enlisted rank: Chief Master Sergeant.

Finally, Reverend Anderson has been a tireless volunteer and community activist. He is an active Mason, a life member of Kappa Alpha Psi Fraternity, and a Golden Heritage Life Member of the NAACP. He serves as President of the Ministers Conference of the American Baptist Convention of Texas, and is an adjunct faculty member at the United Theological Seminary in Dayton, Ohio.

Mr. Speaker, Reverend Howard Anderson has proven himself to be an outstanding leader, a committed community activist, and an exceptional spiritual resource for the San Antonio community. He has truly distinguished himself, and I am proud to have the opportunity to thank him.

TRIBUTE TO THE EMPLOYEES OF THE INTEL CORPORATION AND THE INTEL FOUNDATION

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. WU. Mr. Speaker, I rise today to commend the employees of the Intel Corporation and the Intel Foundation for their efforts to provide tsunami relief to the Indian Ocean region.

As we all know, on December 26, 2004, a 9.0 earthquake erupted off the coast of Indonesia. Following the earthquake, a major tsunami swept across the region, destroying lives, homes and businesses in Indonesia, Sri Lanka, India, the Maldives, and Thailand.

Along with governments, citizens, businesses, and other private organizations around the world, Intel's employees and the Intel Foundation mobilized and delivered critical supplies and funds that helped save lives and begin the reconstruction process.

I stand here today to applaud Intel and its employees, many of whom live and work in my district in Oregon. Without their good work, many more lives may have been lost because of the Indian Ocean Tsunami.

TRIBUTE TO SERGEANT FIRST CLASS PAUL SMITH

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of Sergeant First Class Paul Smith, of Tampa, Florida.

Yesterday, President Bush posthumously awarded Sergeant Smith with our nation's highest military honor—the first Medal of Honor awarded to a soldier since 1993. Sergeant Smith always gave his fellow soldiers, his country and his family his very best. But on April 4, 2003, Sergeant Smith showed extraordinary valor when making the ultimate sacrifice for the soldiers whose lives he saved and the values and ideals that have made this country great.

Sergeant Smith had always wanted to serve our country as a professional soldier, and when he graduated from Tampa Bay Technical High School at 18, he immediately enlisted in the Army. He went on to serve in the Persian Gulf War, Bosnia-Herzegovina and Kosovo before serving in Operation Iraqi Freedom.

Sergeant Smith was known for holding his soldiers to high standards, but on April 4, 2003, he held himself to the highest standard of all. Sergeant Smith's unit, B Company of the 11th Engineer Battalion was constructing a prisoner holding area at Baghdad Airport when their compound came under attack by nearly 100 Iraqi soldiers. Sergeant Smith immediately organized the unit's defense and risked his own life to hold back the enemy and help move injured soldiers to safety.

Despite Sergeant Smith and the unit's efforts, the enemy continued to fire on the compound. When faced with the call of having to pull his troops back, Sergeant Smith chose instead to take an exposed position behind a mounted .50-caliber machine gun and fire through three boxes of ammunition before being mortally wounded by enemy fire.

The official medal citation said Sergeant 1st Class Smith's "courageous actions helped defeat the enemy attack, and resulted in as many as 50 enemy soldiers killed, while allowing the safe withdrawal of numerous wounded soldiers. Sergeant First Class Smith's extraordinary heroism and uncommon valor are in keeping with the highest traditions of the military service and reflect great credit upon himself, the Third Infantry Division 'Rock of the Marne,' and the United States Army."

Paul Smith was a loving and devoted father, husband, brother and son. While the Medal of Honor will never fill the enormous hole in hearts of Sergeant Smith's family, this honor signifies our nation's deepest appreciation for Sergeant Smith's heroism and sacrifice. His courage and patriotism will never be forgotten.

HONORING THE CONTRIBUTIONS OF THE MAYOR OF SCHERTZ, HAL BALDWIN

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize Hal Baldwin, mayor of Schertz, Texas, for his commitment to public service.

Hal Baldwin's life has been fully dedicated towards helping of his fellow citizens ever since he served with the 51st Fighter Interceptor Wing at Naba Air Force Base during the Korean war. He continued to serve with the U.S. Air Force until 1974, when he retired from the military profession as a senior master sergeant.

After the conclusion of his military tenure, Baldwin moved back to Schertz where he served 6 years as the assistant city manager of Schertz. After his tour of duty as the assistant city manager, Baldwin was appointed to the Schertz City Council in 1983. He served his community with distinction in this post until May 1994 when the City Councilman Hal Baldwin became the Mayor Hal Baldwin.

Now, going on 11 years of service to Schertz as Mayor, Hal Baldwin also has spent 48 lovely years with his wife Barbara. They have five children, eight grandchildren, and two great-grand children, all of whom Mayor and Mrs. Baldwin love dearly.

Mr. Speaker, I am deeply proud to have been given this opportunity to recognize the Schertz mayor, Hal Baldwin, for his dedicated public service.

HONORING THE CONTRIBUTIONS OF REVEREND LESTER J. GILLESPIE, SR.

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 5, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor the important contributions of the Reverend Lester J. Gillespie, Sr.

Rev. Gillespie is a native of San Antonio, Texas. He comes from a family tradition of spiritual service; he is the son of the late Rev. W.G. Gillespie and the late Sister Vernell Gillespie-Jones. He received his Bachelor and Doctor of Divinity from the Guadalupe Baptist Theological Seminary, as well as a Doctor of Divinity from the American International Theological Seminary.

Lester Gillespie has had a long and distinguished career of community service and religious leadership. He is a former Pastor of the Mount Olive Baptist Church in Crystal City, Texas, the 2nd Vice President of the Ministers Conference of the National Baptist Convention of America, and Moderator of the United Fellowship Baptist District Association. He has worked to reach out to some of our State's most troubled citizens as Chaplain of the Frio County Jail Ministry and Chairman of the Gang Intervention Committee of the Southern Baptist Association of San Antonio.

Currently, Rev. Gillespie serves as the Organizer and Pastor of the Greater Love Missionary Church in San Antonio, and National President of the Ministers United for Ministerial Development. He provides invaluable spiritual leadership to both his San Antonio church and the national Baptist community. Finally, he helps to build a future for the next generation as founder of the Rev. W.G. Gillespie and Vernell Gillespie-Jones Memorial Institute Scholarship Fund.

Mr. Speaker, Reverend Gillespie is one of our most accomplished and beloved community leaders, and I am proud and happy to have the chance to honor him here today.

HOUSE OF REPRESENTATIVES—*Wednesday, April 6, 2005*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. DELAY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 6, 2005.

I hereby appoint the Honorable TOM DELAY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend L.H. Hardwick, Jr., Pastor, Christ Church, Nashville, TN, offered the following prayer:

Almighty God, whose law kindles human conscience and sustains human government, we acknowledge our Nation to be yet sustained by those precepts our Founders committed us to keep. Strengthen, we pray, the foundations of this land. Save us from any hardness of heart or from the cynical disregard for Your ways. Deliver us, O Lord, from petty dissension. Increase our civility. Cultivate in us all that is good, beautiful, and true.

Grant to our leaders a tender spirit toward the people whose trust they hold and whose futures they influence. Give them forbearance and grace one toward another, that they may faithfully discern the common good for our country.

We ask You now to hold these, the Members of the United States Congress, in Your holy and mighty hand. May they do justly, love mercy, and walk humbly with their God. We confidently ask these things in the name of our Lord, Jesus Christ. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Tennessee (Mr. COOPER) come forward and lead the House in the Pledge of Allegiance.

Mr. COOPER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

INTRODUCTION OF GUEST PASTOR, THE REVEREND L.H. HARDWICK, JR.

(Mr. COOPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COOPER. Mr. Speaker, I am honored today to introduce as our guest chaplain my good friend Reverend L.H. Hardwick, Jr., the senior pastor of Christ Church in Nashville, TN.

Reverend Hardwick was born and raised in Nashville, and he attended the Freewill Baptist Bible College before he was called to the ministry at the remarkably young age of 18. Dr. Hardwick has held honorary doctoral degrees from the Moody Theological Seminary and Emmanuel Bible College. Reverend Hardwick is truly remarkable and has dedicated over 54 years of faithful service to his congregation as pastor of Christ Church.

The reverend has tirelessly led Christ Church through three moves due to growth, and now the church has over 3,500 members and is listed as one of the fastest growing congregations in America.

A dedicated community servant as well as pastor, Pastor Hardwick has been appointed by the Governor of Tennessee to serve 8 years on the Board of Trustees of the State Mental Health Association. He is a member of the Metro Pastors Association, 12 of Nashville's most distinguished ministers. He has been a key part of the board of Operation Andrew, which is the outreach board for Pastor Billy Graham and his ministry in uniting the body of Christ in Middle Tennessee. This year, Pastor Hardwick and his wife, Montelle, are celebrating their 55th year of marriage.

So, Mr. Speaker, it is again an honor and privilege to be able to welcome such a distinguished individual to the U.S. House of Representatives. Pastor L.H. Hardwick, Jr., is truly a fine man and did a wonderful job in delivering our opening prayer.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement.

After consultation among the Speaker, the majority and minority leaders, the Chair announces that during the joint meeting to hear an address by His Excellency Viktor Yushchenko, President of Ukraine, only the doors immediately opposite the Speaker and those on his right and left will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance that is anticipated, the Chair feels the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

The practice of reserving seats prior to the joint meeting by placard will not be allowed. Members may reserve their seat by physical presence only following the security sweep of the Chamber.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of Tuesday, April 5, 2005, the House will stand in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 6 minutes a.m.), the House stood in recess subject to the call of the Chair.

During the recess, beginning at about 10:45 a.m., the following proceedings were had:

□ 1045

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY HIS EXCELLENCY VIKTOR YUSHCHENKO, PRESIDENT OF UKRAINE

The SPEAKER pro tempore (Mr. DELAY) presided.

The Assistant to the Sergeant at Arms, Bill Sims, announced the Vice President and Members of the U.S. Senate who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker pro tempore, and the Members of the Senate the seats reserved for them.

The SPEAKER pro tempore. The Chair appoints as member of the committee on the part of the House to escort His Excellency Viktor Yushchenko into the Chamber:

The gentleman from Missouri (Mr. BLUNT);

The gentlewoman from Ohio (Ms. PRYCE);

The gentleman from Georgia (Mr. KINGSTON);

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The gentleman from California (Mr. DOOLITTLE);

The gentleman from California (Mr. GALLEGLY);

The gentleman from Pennsylvania (Mr. WELDON);

The gentlewoman from California (Ms. PELOSI);

The gentleman from Maryland (Mr. HOYER);

The gentleman from New Jersey (Mr. MENENDEZ);

The gentleman from California (Mr. LANTOS);

The gentlewoman from California (Ms. HARMAN); and

The gentlewoman from Ohio (Ms. KAPTUR).

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as a committee on the part of the Senate to escort His Excellency Viktor Yushchenko into the Chamber:

The Senator from Tennessee (Mr. FRIST);

The Senator from Kentucky (Mr. MCCONNELL);

The Senator from Alaska (Mr. STEVENS);

The Senator from Pennsylvania (Mr. SANTORUM);

The Senator from Texas (Mrs. HUTCHISON);

The Senator from Arizona (Mr. KYL);

The Senator from North Carolina (Mrs. DOLE);

The Senator from Indiana (Mr. LUGAR);

The Senator from Nevada (Mr. REID);

The Senator from Illinois (Mr. DURBIN);

The Senator from Michigan (Ms. STABENOW); and

The Senator from New York (Mrs. CLINTON).

The Assistant to the Sergeant at Arms announced the Acting Dean of the Diplomatic Corps, the Honorable Jesse Bibiano Marehalau, Ambassador of Micronesia.

The Acting Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for him.

The Assistant to the Sergeant at Arms announced the Cabinet of the President of the United States.

The Members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 11 o'clock and 5 minutes a.m., the Assistant to the Sergeant at Arms announced the President of Ukraine, His Excellency Viktor Yushchenko.

The President of Ukraine, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER pro tempore. Members of the Congress, it is my great privilege and I deem it a high honor and a personal pleasure to present to you His Excellency Viktor Yushchenko, President of Ukraine.

[Applause, the Members rising.]

ADDRESS BY HIS EXCELLENCY VIKTOR YUSHCHENKO, PRESIDENT OF UKRAINE

(The following address was delivered in Ukrainian, with a simultaneous translation in English.)

President YUSHCHENKO. Mr. Speaker and Mr. President, honorable Senators and House Members, ladies and gentlemen, on the wall of this great building, there is the Latin phrase E Pluribus Unum, which means "Out of many, one." This motto reminds the world about the American Revolution, the starting point of the modern world's history of liberty.

My road here went through the orange-colored Independence Square that became known as Maidan. Millions of people standing there continuously repeated it: "Together we are many, we cannot be defeated." This motto of the Ukrainian Revolution is a reminder of the fact that freedom continues to win. Ukraine is opening a new page in the world's chronicle of liberty in the 21st century.

These two mottos have a lot in common. They speak to the strength of our peoples that comes from unity. They speak of the victories of our peoples in their struggles for freedom.

For me the invitation to speak before the Joint Session of Congress is an expression of respect for my Ukrainian nation. I am deeply honored to speak from the rostrum where before me stood so many great leaders: Winston Churchill, Lech Walesa, Nelson Mandela.

I am grateful for the unique opportunity to address this great forum of the American people. I perceive your eagerness to hear the new Ukraine as a token of partnership of the two nations united by shared democratic values.

On behalf of the Ukrainian people, I would like to thank the United States Congress; U.S. Presidents George Walker Bush, Bill Clinton, George Bush; and the entire American Nation for their invariable respect for Ukraine and their support for Ukraine's democracy. I would like to pay special tribute to President Ronald Reagan. He is well remembered in Ukraine for his deep commitment to freedom of Ukraine.

It is of special significance for me to express our gratitude right in this room. It is here that the Ukrainian nation enjoyed support in the hardest times of its history. It is here where the rights of enslaved nations were advocated. It is from this hall where the world came to know the truth about the Holodomor, the genocide famine masterminded to annihilate millions of Ukrainians. It is in this hall that freedom for Ukraine was voiced at a time when the nation was deprived of its own voice. Your words reached us and gave us hope. We heard them because at all times Ukrainians felt related to Americans in the space of freedom. In this space of freedom, no Iron Curtain could divide us.

In yqur city there is a monument to the Father of the Ukrainian nation, the great poet Taras Shevchenko, whose prophecy of the emergence in Ukraine of its own "Washington with a new and righteous law" is enshrined on its pedestal. These verses have a profound and special meaning for all Ukrainians. Shevchenko was inspired by the invincible power of the words: "That God has bestowed each man on Earth with the right to life, liberty, and the pursuit of happiness." This shared conviction determines the unity of Americans and Ukrainians, and no distances can obstruct it.

The American example of freedom has always been alluring. All the regimes that have sought to suppress democracy in Ukraine would often endeavor to nurture anti-American phobias, but they would invariably fail. Efforts of our American friends, who in the past so generously shared their democratic experience with us, enhanced the partnership between our two nations. For me, gratitude for these efforts has a personal dimension. It was through one of these programs that I met my wife, Kateryna Chumachenko Yushchenko, whose love and commitment gave me the strength to withstand the trials of the last months and years. I want to use this special opportunity to thank her for being beside me even at the most dangerous lethal threat I withstood.

Also I want to thank the United States for helping my wife, like millions of Ukrainians brought here by waves of emigration, to learn the values of freedom, and even still with Ukraine in her heart.

Many noble men and women on both sides of the Atlantic have always believed in Ukraine's democratic future. Our common belief came true in the days of the Orange Revolution. We highly appreciated the message sent by your country's leadership before the elections and during the Orange Revolution. It was clear and unambiguous. The U.S. condemned fraud and upheld Ukraine's right to freely elect their government.

This message enhanced our partnership and made it even stronger in the name of democracy. The Orange Revolution gave evidence that Ukraine is an advanced European nation, sharing the great values of the Euro-Atlantic civilization. A civil society has matured in Ukraine; its citizens stand ready to guard their rights and freedoms.

We Ukrainians are a diverse nation. We speak different languages, we practice different religions, and we have different political views. But we all recognize the right of each and every individual to determine his or her faith. This recognition underlines our unity and our strength.

In the days of Revolution, millions of people went out to the Maidan, and not a single act of violence, and I repeat, not a single act of violence was recorded there. Under orange banners, the people shared bread and warmth, not only with friends, but with their opponents as well. Armed with belief and convictions, the people overthrew a corrupt regime. The dirtiest election campaign in history ended with gracious victory and justice. Citizens of Ukraine bowed down to the authority of justice and have jointly assumed the responsibility for their own faith.

Ladies and gentlemen, today Ukraine is looking into the future with great hope and expectation. Free and fair elections have brought to state offices a new generation of politicians not encumbered with the mentality of the Soviet past. These are honest and professional patriots.

We are working as one team in pursuit of one goal, to lead our nation to success in the shortest time possible. We are shaping a new model of behavior of our government. It must safeguard the constitutional rights and freedoms of citizens. We want a government of the people, by the people, and for the people.

The new power will not permit any administrative pressure upon the next year's parliamentary elections. Their fairness and transparency will be secured. The people themselves will not allow it any other way.

The first indicator of change is the ever-growing independence of mass media. We have freed the press from pressures. There are no more secret instructions on what may and what may not be covered. The monopoly of media by two or three oligarchic clans will be halted. We are building a free society, committed to freedom of speech; and we stand ready to defend it.

For me, each case of a journalist's death is a challenge to democracy. We wish to discover the truth about all tragedies that have occurred in the past years. Important evidence in the investigation of Georgiy Gongadze's assassination case has already been obtained. Not only the perpetrators, but those who contracted this crime will be held responsible.

Everybody who was killing politicians and journalists will stand trial, everybody who led the country to the split-up. We have a political will to return Ukrainians faith and belief in justice.

Our top priority task is to secure independence of our judiciary. Our goal is to instill in Ukraine the rule of law. We are building a society where there will be no room for intolerance.

My father, Andre Yushchenko, was a prisoner of Auschwitz, Buchenwald and Dachau. As a child, I heard my father's stories about the hell of concentration camps.

I am a son of a nation that survived the most terrible tragedies of the 20th century, the Holodomor famine that took away 20 million lives of Ukrainians and the Holocaust. The 60th anniversary of the allied victory over Nazism once again calls upon us to fulfill our obligation to root out any expression of anti-Semitism and xenophobia, to secure minority rights and liberties.

I stand ready to fulfill this duty. All citizens of Ukraine, whether they be Ukrainians, Russians, Jewish or anybody else, will live in the society with open opportunities for everyone.

My oath is built on the reminiscences of the common prayer of hundreds of thousands of people in the Maidan. Christians, Jews, Muslims were praying in one prayer, everybody according to their rites, with everybody asking the Creator for one thing: freedom, fairness and blessing for Ukraine and for each of its citizens.

We are building an open economy that encourages innovation, rewards initiative, and assures high social standards. We are beginning an implacable war on corruption, promoting fair competition and forming transparent government-to-business relations. My goal is to place Ukraine in the forefront of prosperous democracies. My vision of the future is Ukraine in a United Europe.

We view accession to the European Union as an opportunity to realize the potential of our country. For us, a European future is a powerful incentive to attain high political, social, and economic standards. We have observed the openness of European doors adding to our neighbors' confidence. It would be unfair to deprive Ukrainians of these opportunities, Ukrainians who so graciously proved their European identity, of this chance.

Ukraine wishes to guarantee security to its citizens, to live in peace and accord with all of its neighbors, whether in the East or in the West. It is only logical that we target our efforts towards the integration to NATO, the alliance that plays an essential role in securing peace and stability across the European continent.

I am convinced that the European and Euro-Atlantic aspirations of Ukraine will not be viewed as an additional hindrance. Ukraine's integration is not a problem, but rather a great new opportunity opening before our civilization.

Ukraine's accession to the European Union will put an end to the division of Europe and provide a new impetus to our civilization. Ukraine's accession to the alliance means a new level of stability across a strategically vital region, stretching from Warsaw to Tbilisi and to Baku.

It is quite natural for me to dwell upon new opportunities while standing at this podium. The United States, like no other country, has always built its policies on the premises of freedom, instead of merely seeking to retain a balance of power and interests. Since the times of President Wilson, this great idealism inspired Europeans, lending them strength and courage for historic changes.

President Reagan advocated these ideals of freedom when, in front of the Berlin Wall, he challenged President Gorbachev, "Tear down this wall, Mr. President."

President Bush realized these ideals when he upheld the unification of Germany. President Clinton reminded us of these ideals when he supported the accession into NATO of East European and Baltic countries.

I deeply believe that America is again ready for such historic decisions. I have no doubts that we will receive support for our efforts and our aspirations. We do not want any more walls dividing Europe, and I am certain that neither do you.

Dear friends, the goal of my visit to the U.S. is to establish a new era in Ukraine-U.S. relations. We do not seek only thaws that alter chillings in our relations. We seek a new atmosphere of trust, frankness and partnership. A new Ukraine offers the U.S. a genuinely strategic partnership.

My discussions with President Bush have made it clear that Ukraine is being understood and supported. The time has come to make real steps towards each other. Step one, dear friends, we want to bury the Cold War relics of the Senators and House Members. I am calling upon you to waive the Jackson-Vanik Amendment. Please make this step towards Ukraine. Please tear down this wall.

Step two, the new Ukrainian Government has on an unprecedented scale opened the Ukrainian market, dramatically reducing customs restrictions. In return, we expect the United States to cancel their restrictions that apply to Ukrainian goods within the U.S. market. I am calling upon you, ladies and gentlemen, please make this step.

Step three, the nonrecognition of a market-based economy status for Ukraine is an anachronism. Ukrainian producers are deprived of the rights enjoyed by their competitors. The time has come to restore fairness. Three days ago, Ukraine has officially requested the U.S. Government to grant market-based economy to Ukraine, and we are requesting that you make it happen by the fall.

Step four, by November of this year, Ukraine must become a WTO member. I would encourage you, in the nearest months, please support our WTO accession.

Step five, we invite the United States to during this year involve all political, financial, and technological resources to erect a new shelter over the destroyed reactor of Chernobyl power plant. I would ask the Congress to support virulent programs.

Step six, we want to see more Ukrainian students learning in U.S. universities over the next 5 years. I would encourage the Congress to finance such educational programs for Ukrainian students.

Step seven, Ukraine has agreed to waive visa regime for United States citizens. I would request the U.S. Government to, in the speediest possible manner, make a reciprocal step in relation to Ukrainian students, politicians, and business people.

Step eight, on behalf of Ukraine, I would ask you to include it in the list of participants of the Millennium Challenge program.

Following these priorities, we can make many others happen. For this, we have necessary possibilities in different areas. We welcome investments in the Ukraine's economy and are committed to creating a most favorable climate for the U.S. and all other international investors. It is in our own mutual interests to achieve as many success stories as possible of American enterprise in Ukraine.

The U.S. and Ukraine have common strategic interests, and we have unity in one thing. Everywhere possible we want to uphold freedom and democracy. We are committed to such a responsibility because we know if somebody is deprived of freedom, this freedom has been taken away from us.

Eleven years ago, my country voluntarily gave up the world's third largest nuclear arsenal. Ukraine made the world a safer place to live. Time has shown that this decision has not always met the kind of appreciation it deserved. Nevertheless, we remain committed to jointly counter the threats posed by the proliferation of weapons of mass destruction, missile and nuclear technologies.

Ukraine will be a reliable partner to the U.S. in fighting terrorism. I am sure we will be able to overcome it and not only by power of force. It is our obligation to eradicate the sources of terrorism. We can defeat the ideology of hatred that nourishes it. I am fully convinced that the time will come when in the dictionary of world languages, the term "terrorism" will be followed by the footnote, "archaic term." The same footnote, I am sure, will also accompany other shameful phenomena like racism, discrimination, and slavery.

We are witnessing the first successes of freedom in Iraq where Ukrainian soldiers are risking their lives shoulder to shoulder with their American counterparts. Ukraine is eager to continue its support to a democratically elected Iraqi Government in addressing its economic and security challenges.

The array of subjects for our dialogue is endless, but I would prefer to see the leading role played not by governmental, but by public diplomacy. Before my departure for the U.S., I received a letter from a group of respectable Ukrainian and American organizations proposing concrete and relevant subjects for expanding our dialogue. These initiatives I am sure are worthy of being supported.

Ladies and gentlemen, John Fitzgerald Kennedy took an oath before the whole world by saying, "We shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, to assure the survival and the success of liberty." I am subscribing to these words on behalf of Ukraine. This authority was given to me by my fellow countrymen who endured days and nights in bitter cold and snow on the Maidan. Ukraine is free and will always remain free. Citizens of Ukraine gained their freedom due to their courage and support of friends and proponents of democracy across the world.

In these days I want to recall one of them, Pope John Paul II, who said, "Following the path of truth is sometimes difficult, but never impossible."

We have embarked upon this road and will never step away from it. Together we are many, and together we are not defeated. God bless America. God protect Ukraine.

Thank you.

[Applause, the Members rising.]

At 11 o'clock and 40 minutes a.m., His Excellency Viktor Yushchenko, the President of Ukraine, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Assistant to the Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The Members of the President's Cabinet; The Acting Dean of the Diplomatic Corps.

JOINT MEETING DISSOLVED

The SPEAKER pro tempore. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 11 o'clock and 44 minutes a.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The House will continue in recess until approximately 12:15 p.m.

□ 1215

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BOOZMAN) at 12 o'clock and 15 minutes p.m.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mrs. KELLY. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain ten 1-minute speeches per side.

DEERE-HITACHI CONSTRUCTION MACHINERY CORPORATION

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, recently I had the opportunity to visit Deere-Hitachi Construction Machinery Corporation in North Carolina's Fifth District. This plant manufactures hydraulic excavators which are used widely in the construction industry as earthmoving and utility-type tracked digging machines.

The company is a joint venture between John Deere and Hitachi Construction Machinery located in Tokyo, Japan. The company, formed in 1988, is a rare mix of American and Japanese cultures. This combination manifests itself in an extraordinary safety, quality, and delivery record.

As a result, Hitachi has grown significantly in the past 3 years. Production volumes of both John Deere and Hitachi-brand models have risen to over 6,000 units. This is remarkable given the machines are 12 to 33 tons in operating weight. In addition, employment in the facility has doubled in size to over 750 direct employees.

A portion of this growth has been fueled by the localization of models that were formerly produced in Asia to Kernersville, North Carolina. This has had a positive impact on the local economy in North Carolina, as well as nationally. I am honored to have a facility such as Deere-Hitachi located in my district.

PRESIDENT PARTICIPATES IN SOCIAL SECURITY CONVERSATIONS

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, yesterday the President of the United States, in a speech at West Virginia University at Parkersburg, said with respect to Social Security, "There is no trust fund, just IOUs." On February 16, 2005, at a meeting in Portsmouth, New Hampshire, the President again made the claim that there is not a Social Security trust.

Now, Mr. Speaker, the people of this country have a right to know that the money that is put into that Social Security trust fund is safe; and the President, with his remarks, has put that in question and in doubt.

Two weeks ago, the Social Security Administration issued a report saying that all of the money there is backed by the full faith and credit of the United States. Do we no longer have faith in our country's financial obligations?

This is the time for Congress to step forward and back H. Resolution 170 that demands the President transmit information to the House backing up his claim that there is no trust fund.

THE MAN WHO WOULD NOT DIE

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, as a member of the House Committee on International Relations, I rise to express a word of humble welcome to one of freedom's men in the former Soviet Union, President Viktor Yushchenko of Ukraine, who addressed a joint session of Congress just moments ago.

Like the democracy's Orange Revolution that he personifies, President Yushchenko is the man who would not die. He survived the toxic machinations of those who see freedom as a threat. And those wicked men were right: freedom in the Ukraine and their brave President are a threat to every form of tyranny against the minds of men and women in that ancient land.

It is all together fitting that the capital of democracy on planet Earth welcomed one of its first 21st century heroes to these hallowed halls.

CONGRATULATIONS TO THE UNC TAR HEELS

(Mr. McINTYRE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McINTYRE. Mr. Speaker, 4 weeks ago this coming Friday, in this very well, there was a group of young men that came from the Old Well in Chapel Hill to tour these hallowed halls of Congress. On Monday night, those young men won the National Basketball Championship, the University of North Carolina Tar Heels.

They came here and spent time with us and looked at this wonderful place and performed like champions Monday night. As a double graduate of the University of North Carolina myself, but more importantly I was there in St. Louis with my two sons who are currently students at UNC and who know several of the players, we want to extend from the halls of Congress our congratulations to the University of North Carolina Tar Heels and wish them Godspeed.

SOCIAL SECURITY

(Mr. HENSARLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HENSARLING. Mr. Speaker, Social Security has been a vital program for America's retirees for many years. Unfortunately, it is a system that was designed in 1935, not 2005.

I have a personal stake in Social Security. My parents are in their 70s. They depend upon Social Security as part of their retirement. But I am also the father of two small children, and I owe them no less retirement security tomorrow than my parents enjoy today.

Unfortunately, fewer workers, more retirees, and longer life spans will bankrupt Social Security. We must work together to save the system, which can be done without changing benefits or raising taxes on current and near retirees. Instead, we can give younger workers the opportunity to voluntarily invest some of their payroll taxes in personal retirement accounts that they can own, which will grow over time and which Washington cannot take away.

By allowing them to do this and build their own nest eggs, and by protecting the Social Security surpluses from being raided in Washington, we can keep the promise of Social Security for the next generation of Americans.

RAIDING OF SOCIAL SECURITY TRUST FUND

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Mr. Speaker, yesterday the President visited the Bureau of Public Debt and promptly announced "There is no Social Security trust fund, just a bunch of IOUs stacked in an old filing cabinet."

Well, that may be an old filing cabinet to you, Mr. President; but to middle-class Americans that is their lifetime retirement savings. It may be filled with just IOUs to you, but when you borrowed $700 billion from that trust fund, it was a very opportune filing cabinet because you stuck your hand in there and took $700 billion from the Social Security trust fund to use. It was not an old filing cabinet. It was not just a bunch of IOUs.

Those are the taxes that Americans put away; the resources they put away for their life savings, and that is how every President and every Congress has treated it. It is the obligation of this Congress to strengthen Social Security, not to weaken it.

For middle-class Americans and for everybody who is saving for their retirement, it is high time we begin to strengthen Social Security by paying back the $700 billion you have borrowed from it. And if you want to talk about IOUs, the IOUs we have run up, which is nearly $2 trillion in debt that now Communist China and Japan own and are our bankers, that would be a good place to see where the IOUs are.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

ILLEGAL IMMIGRATION

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Georgia. Mr. Speaker, it is no wonder that during my recent town hall meetings Georgians made their feelings on illegal immigration crystal clear. Look at the statistics. The illegal alien population in this country has now reached close to 11 million, and that is only what the government will admit. Georgia ranks in the top 10, with nearly one quarter million illegal aliens living in our State. This is not a problem we can simply ignore.

It is time to strengthen our border security and to enforce the law. Illegal aliens cost our society greatly. Our public education system and our health care system are choking. The costs are spiraling upward, and American taxpayers are paying the bills.

Moreover, Mr. Speaker, allowing illegal aliens to stay here is a slap in the face to those who followed the law, waited in line, and entered this country legally. My constituents are right, and we must do more.

This year the House has passed the REAL ID Act, which is a great start, but it is only a start. I urge the Senate to adopt this act and all my colleagues to join together to strengthen our immigration laws and their enforcement.

UNC NATIONAL CHAMPIONS

(Mr. PRICE of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, how fitting it is today that the skies are Carolina blue. We are still basking in the glory of the University of North Carolina's crowning as the 2004–2005 NCAA Division I Men's National Basketball Champions.

All season long, the Tar Heels were touted as the most talented players in the country, but some questioned whether the team could win it all. Monday night they proved any remaining doubters wrong. After playing 40 minutes of inspired basketball, the Tar Heels showed that they have the heart, the team spirit, and the determination of true champions.

North Carolina established itself long ago as one of the elite programs in college basketball history. But with their fourth national chairmanship win on Monday, the Tar Heels proved they are back among today's elite.

We hope and expect this year's run will be the first of many under native son Coach Roy Williams, who led the Tar Heels back to victory in just his second year back at his alma mater.

The victory was especially sweet for North Carolina's three seniors, who have helped lead an impressive comeback from their freshmen year challenges to the glory of their final game.

Three ACC schools, Mr. Speaker, are located entirely or partly in North Carolina's Fourth District, so I am no stranger to divided loyalties! But last night's victory is something all North Carolinians can feel proud of. That include this proud alumnus, and my staffers, who are still radiating Carolina blue, thanks to an inspirational team who has made us all proud. Go Heels!

ANSWERING CONSTITUENTS' CALLS TO STRENGTHEN SOCIAL SECURITY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, throughout the Second District of South Carolina, people are eager to discuss how to improve our Social Security System. After conducting over 20 town hall meetings with constituents of all ages about this issue, I am more convinced than ever we need to strengthen Social Security.

At the University of South Carolina and Claflin University, college students who are already paying into the system said they want the option of personal retirement accounts, which they can currently calculate at www.heritage.org.

While senior citizens on Hilton Head Island understand that their benefits are secure, they are concerned their children and grandchildren will not receive the money they contribute. And baby boomers of Bluffton wish they had been offered the opportunity to participate in personal retirement accounts years ago.

Their opinions and suggestions reemphasize the urgent need for Congress to strengthen Social Security now, protecting persons over 55 in the system and providing retirement accounts for younger workers.

In conclusion, God protect Ukraine. God bless our troops, and we will never forget September 11.

SOCIAL SECURITY

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, this year, the United States Government will collect $170 billion more in social security taxes than it needs to pay current benefits. That is $300,000 a minute from the working men and women and small businesses of America. And that money is being used to buy Treasury bonds. It is being put away under the premise that we are creating a trust fund. The full faith and credit of the United States Government backs those bonds.

Now, the President is questioning the full faith and credit, and he is saying there is no trust fund. Now, if the President is right and there is no trust fund, then we should stop taking $170 billion from the working men and women under a false premise. That would be fraud.

We have to do either one of two things: lower the tax on working men and women in this country and small businesses, or honor the trust fund and the debt of the United States of America. I think there is only one choice, and that is to honor the debt of the country. But we have a President who is saying he might not.

Who is he going to pay first? The Chinese, the Japanese? Is he going to pay off his Treasury bonds first and then default on the savings of the working people of this country?

☐ 1230

Mr. Speaker, it is an outrageous and reckless statement of the President of the United States to make, and if the bond markets believed the President, there would be an economic catastrophe today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BOOZMAN). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

REALTIME INVESTOR PROTECTION ACT

Mrs. KELLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1077) to improve the access of investors to regulatory records with respect to securities brokers, dealers, and investment advisers, as amended.

The Glerk read as follows:

H.R. 1077

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Realtime Investor Protection Act".

SEC. 2. CONSTITUTIONAL AUTHORITY.

The constitutional authority on which this Act rests is the power of Congress to regulate commerce as enumerated in article I, section 8 of the United States Constitution.

SEC. 3. METHOD OF MAINTAINING BROKER/DEALER REGISTRATION, DISCIPLINARY, AND OTHER DATA.

Subsection (i) of section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3(i)) is amended to read as follows:

"(i) OBLIGATION TO MAINTAIN REGISTRATION, DISCIPLINARY, AND OTHER DATA.—

"(1) MAINTENANCE OF SYSTEM TO RESPOND TO INQUIRIES.—A registered securities association shall—

"(A) establish and maintain a system for collecting and retaining registration information;

"(B) establish and maintain a toll-free telephone listing, and a readily accessible electronic or other process, to receive and promptly respond to inquiries regarding—

"(i) registration information on its members and their associated persons; and

"(ii) registration information on the members and their associated persons of any registered national securities exchange that uses the system described in subparagraph (A) for the registration of its members and their associated persons; and

"(C) adopt rules governing the process for making inquiries and the type, scope, and presentation of information to be provided in response to such inquiries in consultation with any registered national securities exchange providing information pursuant to subparagraph (B)(ii).

"(2) RECOVERY OF COSTS.—Such an association may charge persons making inquiries, other than individual investors, reasonable fees for responses to such inquiries.

"(3) PROCESS FOR DISPUTED INFORMATION.—Such an association shall adopt rules establishing an administrative process for disputing the accuracy of information provided in response to inquiries under this subsection in consultation with any registered national securities exchange providing information pursuant to paragraph (1)(B)(ii).

"(4) LIMITATION OF LIABILITY.—Such an association, or exchange reporting information to such an association, shall not have any liability to any person for any actions taken or omitted in good faith under this subsection.

"(5) DEFINITION.—For purposes of this subsection, the term 'registration information' means the information reported in connection with the registration or licensing of brokers and dealers and their associated persons, including disciplinary actions, regulatory, judicial, and arbitration proceedings, and other information required by law, or exchange or association rule, and the source and status of such information.".

SEC. 4. FILING DEPOSITORIES FOR INVESTMENT ADVISERS.

(a) AMENDMENT.—Section 204 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–4) is amended—

(1) by striking "Every investment" and inserting the following:

"(a) IN GENERAL.—Every investment"; and

(2) by adding at the end the following:

"(b) FILING DEPOSITORIES.—The Commission may, by rule, require an investment adviser—

"(1) to file with the Commission any fee, application, report, or notice required to be filed by this title or the rules issued under this title through any entity designated by the Commission for that purpose; and

"(2) to pay the reasonable costs associated with such filing and the establishment and maintenance of the systems required by subsection (c).

"(c) ACCESS TO DISCIPLINARY AND OTHER INFORMATION.—

"(1) MAINTENANCE OF SYSTEM TO RESPOND TO INQUIRIES.—The Commission shall require the entity designated by the Commission under subsection (b)(1) to establish and maintain a toll-free telephone listing, or a readily accessible electronic or other process, to receive and promptly respond to inquiries regarding information (including disciplinary actions, regulatory, judicial, and arbitration proceedings, and other information required by law or rule to be reported) involving investment advisers and persons associated with investment advisers. Such information shall include information on an investment adviser (and the persons associated with that adviser) whether the investment adviser is registered with the Commission under section 203 or regulated solely by a State as described in section 203A.

"(2) RECOVERY OF COSTS.—An entity designated by the Commission under subsection (b)(1) may charge persons making inquiries, other than individual investors, reasonable fees for responses to inquiries made under paragraph (1).

"(3) LIMITATION ON LIABILITY.—An entity designated by the Commission under subsection (b)(1) shall not have any liability to any person for any actions taken or omitted in good faith under this subsection.".

(b) CONFORMING AMENDMENTS.—

(1) Section 203A of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3a) is amended—

(A) by striking subsection (d); and

(B) by redesignating subsection (e) as subsection (d).

(2) Section 306 of the National Securities Markets Improvement Act of 1996 (15 U.S.C. 80b–10, note; Public Law 104–290; 110 Stat. 3439) is repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. KELLY) and the gentleman from Georgia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. KELLY).

GENERAL LEAVE

Mrs. KELLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. KELLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1077 was introduced by the gentleman from Arizona (Mr. SHADEGG). It is a noncontroversial bill that will extend the ability of American investors to access information about security dealers.

In 1990, Congress ordered that the National Association of Securities Dealers make this information available to all investors through a toll-free number. Unfortunately, the authorization was not broad enough to extend to Internet access.

H.R. 1077 corrects this problem while maintaining toll-free telephone access to dealer information for those who prefer not to use the Internet. I urge Members to join me in supporting this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1077, the Realtime Investor Protection Act. This legislation will make it faster and easier for investors to obtain information about the brokers with whom they entrust their savings and retirement funds.

Since 1990, the NASD has been required to provide investors with registration information on individual brokers by toll-free telephone call or in writing. The system has provided valuable information on a broker's disciplinary history, including customer complaints, that an investor can use in selecting a broker.

While that system has worked well, the NASD would like to be able to provide this information directly to investors over the Internet where the information will be more accessible to investors and can be provided in a manner that will make it easier for investors to understand and compare among brokers.

Of the over 2.5 million plus inquiries the NASD received last year, approximately 96 percent were through the Internet, and less than 4 percent were by telephone. Because of the narrow language of the existing statute, however, NASD has not been able to put disclosure information online. Rather, investors must request and wait for a written disclosure report to be mailed or e-mailed to them.

Under the bill, the NASD would be required to make the information it maintains on brokers available to investors over the Internet, as well as by toll-free telephone call. The NASD would be held harmless for information disclosed or withheld in good faith through the expanded system, just as it is under the current statute for information provided over the telephone or in writing.

Additionally, the bill would require the NASD to establish an administrative process to address disputes over the accuracy of information, ensuring procedural fairness and an opportunity for a broker to correct errors or dispute information provided by a securities firm to the NASD. The bill also authorizes the Securities and Exchange Commission to designate the NASD to provide investor access to registration information concerning investment advisers, providing investors with another potentially valuable source of information when shopping for a financial professional.

Mr. Speaker, given the extent to which consumers have come to rely on the Internet for the information they need in making financial decisions, it is clearly time to make this information more accessible to investors. I urge support for H.R. 1077.

Mr. Speaker, I reserve the balance of my time.

Mrs. KELLY. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. SHADEGG), the author of the bill.

Mr. SHADEGG. Mr. Speaker, I rise in strong support of H.R. 1077, the Realtime Investor Protection Act.

As has already been indicated, this legislation will require the National Association of Securities Dealers to make its databases of complaints against broker-dealers publicly available on a secure Internet site and is relatively straightforward.

Let me explain, however, this is indeed a serious problem. I personally know of individuals whose entire wealth has been wiped out by fraud which could have been detected had these investors taken the time to research the broker-dealer they were dealing with in an appropriate manner.

As has been explained, the current law requires the NASD to maintain BrokerCheck. BrokerCheck is a system through which investors can research their broker-dealer before entrusting with them their hard-earned savings. But in light of Congress' increased focus on retirement security, I believe we should encourage Americans to, in fact, take advantage of BrokerCheck, and even go beyond that and to conduct their own research before making any investment decision.

BrokerCheck, as has been indicated by my colleague on the other side, provides these individuals with this information through a free check that can be accessed either over the Internet or by telephone. But because it is accessed over the Internet and by telephone, and requires that an inquiry be submitted and then a response prepared and that response sent back, the delay in getting this information can be anywhere between 10 minutes and as much as 2 days. This legislation goes at that problem and allows instantaneous access to this kind of information.

Through the current system and through the enhanced system this legislation will authorize, BrokerCheck will gather and make available online on an instantaneous basis, and an investor can discover, whether or not their broker has a criminal record, has been subjected to a regulatory action by the Securities and Exchange Commission, and whether or not their broker has had consumer complaints filed against them.

While the current system is a good idea, as I indicated, it has not kept pace with technology. Today investors can only access the information by placing a request through the NASD's toll-free phone number or Website, and then must wait for a response. This legislation will update the system by requiring the NASD to make this information available through a secure Website on the Internet so investors can search for this information instantaneously.

NASD statistics bear out the need to utilize the Internet for this purpose. Let me give just a few statistics. Over 4.4 million requests for information were submitted to the BrokerCheck program in 2004, and 99 percent of these were submitted on the Internet through e-mail. Only 1 percent were by telephone. Clearly investors have figured out that the Internet is the proper mechanism for submitting this kind of inquiry and checking out their broker-dealer before they invest. But by having it require now a response from the NASD, rather than having the check be instantaneous, we are exposing investors to that 10-minute to 2-day delay during which they cannot access this information.

By making information accessible online, as H.R. 1077 does, it will be easier for individuals to research their broker-dealer and provide themselves with the information they need before they make an investment decision. I hope my colleagues share my interest in encouraging individuals to become more informed investors, and I urge a yes vote by all of my colleagues on the Realtime Investor Protection Act.

I appreciate the comments of the gentleman on the other side in support of the legislation, the comments of the gentlewoman from New York (Mrs. KELLY), and the support of the Committee on Financial Services.

Mr. OXLEY. Mr. Speaker, I rise in support of the Real-time Investor Protection Act and would like to commend my good friend from Arizona, Mr. SHADEGG, for his excellent work on this important legislation.

Informed investors are critical to our Nation's markets. Ready access to complete information about securities firms and brokers is critical to informing investors and building investor confidence. NASD, the self-regulatory organization for broker-dealers, has been providing this information to the public since 1990 when Congress mandated that NASD make relevant portions of the information available to the public without charge through a toll-free telephone number.

At the time, the telephone was the easiest and most convenient solution. However, investors today have embraced the Internet as their preferred means of obtaining information. Therefore NASD seeks to use the Internet to disseminate this information. Investors want and need online access to disclosure of information to assist them in deciding whether to do business with a securities firm or broker.

When Congress mandated that NASD release this information, it accorded NASD immunity form liability for the release of such information to the public—recognizing that the disclosure of key information about securities firms and brokers is a critical part of NASD's regulatory and investor protection mission.

I would like to clarify that under prevailing Federal case law there is no private right of action against NASD for acts or omissions taken pursuant to its regulatory responsibilities under the Federal securities laws. I want to be clear that this legislation is not intended to change existing law pertaining to private rights of action under those laws. In addition, courts have historically granted NASD absolute immunity for its regulatory actions. This legislation is not intended to limit NASD's immunity for regulatory actions.

I urge all of my colleagues to support this bipartisan investor protection bill.

Mr. SCOTT of Georgia. Mr. Speaker, I yield back the balance of my time.

Mrs. KELLY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. KELLY) that the House suspend the rules and pass the bill, H.R. 1077, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

INCREASED CAPITAL ACCESS FOR GROWING BUSINESS ACT

Mrs. KELLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 436) to amend the Investment Company Act of 1940 to provide incentives for small business investment, and for other purposes.

The Clerk read as follows:

H.R. 436

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Increased Capital Access for Growing Business Act".

SEC. 2. AMENDMENTS TO THE INVESTMENT COMPANY ACT OF 1940.

(a) DEFINITION OF ELIGIBLE PORTFOLIO COMPANY.—Section 2(a)(46)(C) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(46)(C)) is amended—

(1) by striking clause (i) and inserting the following:

"(i) it does not have any class of equity securities listed for trading on a national securities exchange or traded through the facilities of a national securities association as described in Section 15A of the Securities Exchange Act of 1934;";

(2) by striking "or" at the end of clause (iii);

(3) by redesignating clause (iv) as clause (v); and

(4) by inserting after clause (iii) the following new clause:

"(iv) the aggregate value of its outstanding publicly traded equity securities is not more than $250,000,000, except that the Commission may adjust such amounts by rule, regulation, or order to reflect changes in one or more generally accepted indices or other indicators for small business, consistent with the public interest, the protection of investors, and the purposes fairly intended by the policy and provisions of this title; or".

(b) ASSETS OF BUSINESS DEVELOPMENT COMPANIES.—Section 55(a)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a-55(a)(1)) is amended—

(1) in subparagraph (B), by striking "securities with respect to which a member of a national securities exchange, broker, or dealer may extend or maintain credit to or for a customer pursuant to rules or regulations adopted by the Board of Governors of the Federal Reserve System under Section 7 of the Securities Exchange Act of 1934" and inserting the following: "equity securities listed for trading on a national securities exchange or traded through the facilities of a national securities association as described in Section 15A of the Securities Exchange Act of 1934"; and

(2) by striking "or" at the end of subparagraph (A), by inserting "or" after the semicolon at the end of subparagraph (B), and by inserting after subparagraph (B) the following new subparagraph:

"(C) from the issuer of such securities, which issuer is described in section 2(a)(46)(A) and (B) but is not an eligible portfolio company because the aggregate value of its outstanding publicly traded equity securities is more than $250,000,000 but not more than $500,000,000, if such securities represent not more than 10 percent of the total assets of the business development company invested in securities described in paragraphs (1) through (6) of this section;".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. KELLY) and the gentleman from Georgia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. KELLY).

GENERAL LEAVE

Mrs. KELLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. KELLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the Speaker very much for allowing me to bring this important legislation to the floor for consideration today. I also thank the gentlewoman from New York (Ms. VELÁZQUEZ) for working with me on this important issue that will help small businesses.

Small businesses are the backbone of our economy, and the Congress must ensure that they have every opportunity to succeed. It is crucial that small businesses have sufficient access to capital in order to create jobs and ensure a strong and growing economy.

Today the legislation before us, the Increased Capital Access For Growing Business Act, will ensure that small businesses have better access to capital by modernizing outdated security laws.

In 1980, Congress created business development companies to encourage investments in small, developing and financially troubled businesses known as "eligible portfolio companies." BDCs are publicly traded investment companies that invest in both public and private companies and generate an injection of capital for businesses. BDCs have provided significant benefits to the economy, including the opportunity for the public to invest in small, developing companies while also supplying much-needed financing.

The legislation we are considering today makes important changes to the securities laws that ensure the viability of BDCs and expands the businesses these entities are able to assist. In 1980, BDCs were able to invest in approximately 66 percent of the 12,000 publicly held operating companies. Since that time, however, the Federal Reserve has amended its margin rules on several occasions, resulting in a clear decrease in the number of eligible portfolio companies.

In order to correct these unintended consequences, this legislation amends the definition of an eligible portfolio company to enable the BDCs to have a greater flexibility in selecting appropriate investments. To accomplish this goal, the legislation permits BDCs to provide capital to a larger number of companies by increasing the size of companies that BDCs can invest in to reflect changes in the market since the creation of the act.

The legislation also includes specific authority for the Securities and Exchange Commission to modify dollar thresholds in the future. This would enable the SEC to review these thresholds on a regular basis and consider changes that are in the interest of the companies trying to access capital and shareholders of BDCs. Small and developing businesses should be able to devote their energies towards their customers growing their business, and not worrying about their access to capital.

As BDCs are able to provide financing to additional small and medium-sized businesses, the economy will experience greater growth and much more job creation.

I also would like to commend the chairman of the Committee on Financial Services, the gentleman from Ohio (Mr. OXLEY), and the ranking member, the gentleman from Massachusetts (Mr. FRANK), for recognizing the importance and urgency of this legislation and agreeing to move it quickly.

□ 1245

This is a no-cost commonsense piece of legislation that will help small businesses and increase capital formation. That is a good, healthy economic structure for all. I urge my colleagues to join me in support of this important legislation for investors and small businesses.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 436, the Increased Capital Access For Growing Businesses Act. I want to commend the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentlewoman from New York (Mrs. KELLY) for bringing this matter to the committee's attention, as well as the gentleman from Ohio (Mr. OXLEY) and the gentleman from Massachusetts (Mr. FRANK) for their support in expediting the consideration of this measure. With this legislation, we have an excellent opportunity to help more small businesses access capital so that they can expand and grow their businesses.

Business development companies, or BDCs, are unique investment companies authorized by the 1980 amendments to the Investment Company Act. They are publicly traded companies that invest primarily in smaller companies. Since 1980, BDCs have proven to be a valuable and effective source of funding for small companies, allowing growing companies access to both capital and managerial expertise.

In 1980 when BDCs were first authorized by Congress, about two-thirds of all publicly held companies were eligible for BDC investment. While the securities and financial services industries evolved during the 1990s, neither Congress nor the SEC acted to keep the BDC statute current. As a result, the number of public companies in which BDCs could invest has been reduced drastically, effectively eliminating the option of BDC investment for many small public companies.

It is important to understand that just because a firm has gone public does not mean that it can access the financing necessary for growing and expanding. Many small companies that went public in the late 1990s, for instance, found themselves unable to access the public markets for additional capital after the market bubble burst. These smaller, illiquid company stocks could benefit greatly from financing offered by BDCs. Instead, an out-of-date regulatory structure severely restricts such investments by BDCs.

The current standard for eligibility, whether or not a company has outstanding marginable securities, has proven unworkable as it is tied to a standard that is no longer relevant. H.R. 3170 creates a more workable standard to enable BDCs to provide financing to companies as originally intended by the 1980 amendments. The legislation provides an objective standard, based on a market capitalization test, to modernize the definition of eligible portfolio companies.

H.R. 3170 modernizes United States security laws to reflect changes in the marketplace. Small and growing companies are often widely regarded as engines of economic growth and job creation. Allowing BDCs to invest in more companies in need of capital will provide more opportunities, more jobs, and contribute to the economic expansion. I urge my colleagues to support this legislation critical for small businesses and the entire United States economy. Mr. Speaker, I urge support of H.R. 436.

Mr. OXLEY. Mr. Speaker, I rise in support of H.R. 436, the Increased Capital Access for Growing Business Act. This bill creates an improved regulatory environment for small business, the undisputed engine of our economy.

A quarter of a century ago, Congress created business development companies to encourage investments in small businesses. Unrelated rules promulgated by regulators since that time have had the unintended consequence of limiting the investment opportunities of business development companies.

This bill will restore the true intent of Congress by modernizing the securities laws governing these companies. Small businesses will once again have the important capital access provided by business development companies. This is crucial as small businesses must have efficient access to capital to create jobs and promote economic growth.

I would like to commend my good friend and subcommittee chair, Mrs. KELLY of New York, for her fine work in crafting this bill. I urge my colleagues to join me in support of this important bipartisan legislation for investors and small businesses.

Mr. SCOTT of Georgia. Mr. Speaker, I yield back the balance of my time.

Mrs. KELLY. Mr. Speaker, I thank my collegue, the gentleman from Georgia (Mr. SCOTT) for his kind words about this bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentlewoman from New York (Mrs. KELLY) that the House suspend the rules and pass the bill, H.R. 436.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

MORTGAGE SERVICING CLARIFICATION ACT

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 1025) to amend the Fair Debt Collection Practices Act to exempt mortgage servicers from certain requirements of the Act with respect to federally related mortgage loans secured by a first lien, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1025

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Mortgage Servicing Clarification Act”.

SEC. 2. MORTGAGE SERVICING CLARIFICATION.

(a) IN GENERAL.—The Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.) is amended—

(1) by redesignating section 818 as section 819; and

(2) by inserting after section 817 the following new section:

“§ 818. Mortgage servicer exemption

“(a) EXEMPTION.—A covered mortgage servicer who, whether by assignment, sale or transfer, becomes the person responsible for servicing federally related mortgage loans secured by first liens that include loans that were in default at the time such person became responsible for the servicing of such federally related mortgage loans shall be exempt from the requirements of section 807(11) in connection with the collection of any debt arising from such defaulted federally related mortgage loans.

“(b) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

“(1) COVERED MORTGAGE SERVICER.—The term ‘covered mortgage servicer’ means any servicer of federally related mortgage loans secured by first liens—

“(A) who is also a debt collector; and

“(B) for whom the collection of delinquent debts is incidental to the servicer’s primary function of servicing current federally related mortgage loans.

“(2) FEDERALLY RELATED MORTGAGE LOAN.—The term ‘federally related mortgage loan’ has the meaning given to such term in section 3(1) of the Real Estate Settlement Procedures Act of 1974, except that, for purposes of this section, such term includes only loans secured by first liens.

“(3) PERSON.—The term ‘person’ has the meaning given to such term in section 3(5) of the Real Estate Settlement Procedures Act of 1974.

“(4) SERVICER; SERVICING.—The terms ‘servicer’ and ‘servicing’ have the meanings given to such terms in section 6(i) of the Real Estate Settlement Procedures Act of 1974.”.

(b) CLERICAL AMENDMENT.—The table of sections for the Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.) is amended—

(1) by redesignating the item relating to section 818 as section 819; and

(2) by inserting after the item relating to section 817 the following new item:

“818. Mortgage servicer exemption.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from Georgia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. ROYCE).

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material in the RECORD on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYCE. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in strong support of this bipartisan legislation, H.R. 1025. This is the Mortgage Servicing Clarification Act, which I have introduced with my colleague from Pennsylvania (Mr. KANJORSKI). This carefully written legislation addresses a specific problem for consumers and businesses involved in the mortgage servicing industry by simply clarifying the existing law governing mortgage servicing. This noncontroversial bill enjoys strong bipartisan support. It has been approved for consideration under the suspension of the rules by both the chairman and the ranking member of the Committee on Financial Services.

Mr. Speaker, I introduced this bill to fix a problem in the mortgage servicing industry which has hampered the abilities of this industry to serve its clients effectively and to conduct its business efficiently for far too long.

Currently, when a mortgage servicing company acquires the rights to service a portfolio of home loans, it is exempt from the unnecessary strictures of the Fair Debt Collection Practices Act under the creditor exemption that was also extended to the originator of the mortgage. The new mortgage servicer is extended this exemption because its relationship to the borrower is more like a relationship between a borrower and a lender than like the relationship between a borrower and a true debt collection agency.

The law already recognizes this reality. However, in the typical loan servicing portfolio transfer, a small percentage of the loans acquired by a new servicer will inevitably be delinquent or technically in default at the time of transfer. The law currently treats these loans as being subject to the Fair Debt Collection Practices Act, and subsequently the new servicers of these loans are required to provide certain form notices, known as Miranda warnings, to the borrower.

The law also currently requires that in every subsequent contact, both written and oral, whether initiated by the servicer or the borrower, the servicer is required to provide a shorter mini-Miranda notice disclosing that the communication is an attempt to collect a debt and that any information provided by the borrower will be used toward that end. The purpose of these cookie-cutter warnings is to prevent unscrupulous debt collectors from using false or misleading tactics, such as a phony winning sweepstakes claim or other such tactics, to trick consumers into divulging private financial information or personal details like their home address or their phone number.

The Fair Debt Collection Practices Act has worked extremely well in preventing bad actors in the debt collections business from using lies and deceit to harm consumers, and this legislation would in no way prevent it from continuing to protect American consumers.

However, as I have already mentioned, mortgage servicers are not like debt collectors. Their role to consumers is much more like that of a mortgage originator; and in the context of the mortgage servicing transfer, these Miranda notices are both detrimental to consumers and unnecessary and inefficient for mortgage servicers’ operations.

First, the notice misleads the borrower about the nature of the relationship between him or herself and the new servicer. Unlike true debt collectors, mortgage servicers have a long-term relationship with their client, and these harshly worded notices often have the effect of discouraging a borrower who was slightly late on a mortgage payment from contacting their new servicer for fear that the servicer is a true third-party debt collector. This ends up frustrating the servicer’s efforts to work with delinquent borrowers on developing strategies to bring their loans current and keep their credit ratings intact.

A mortgage servicer’s biggest hurdle in helping delinquent borrowers to help themselves is getting them on the phone, and these threatening Miranda notices only contribute to that unnecessary fear without doing anything to help the borrower. Additionally, the information protected by the Miranda notices is information already in the servicer’s possession. So nothing new is truly protected by requiring these additional legalistic and threatening notices be provided. Additionally, these warnings simply make consumers feel unnecessarily defensive and antagonistic toward their new servicer during the first step of their new association, which can have a chilling effect on the rest of their relationship.

Mortgage servicers typically send these Miranda notices along with a new customer’s welcome letter as required by the Real Estate Settlement Procedures Act, and this letter also includes important consumer information about the new servicer and the borrower’s monthly payment arrangements. This preliminary contact is the first opportunity that a servicer has to create a positive relationship with a new client, and the harsh language used in the Miranda warning can create animosity toward the servicer where none need exist.

Finally, Mr. Speaker, because the mini-Miranda is required in all subsequent contacts, they can continue for decades, even after customers bring their loans current and keep them that way for years. This bill will resolve that problem.

Mr. SCOTT of Georgia. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of H.R. 1025, the Mortgage Servicing Clarification Act. I would like to thank my colleague from Pennsylvania (Mr. KANJORSKI) for his leadership on this bill. My thanks also go to the lead Republican sponsor of this legislation, the gentleman from California (Mr. ROYCE), who has worked in a very strong bipartisan way to bring this bill to the floor. I commend him for that. I also want to thank the chairman and ranking member of the Committee on Financial Services, the gentleman from Ohio (Mr. OXLEY) and the gentleman from Massachusetts (Mr. FRANK), and the other cosponsors of the bill from both sides of the aisle for their support and help with bringing this bill before the House.

The bill before us is largely technical in nature and seeks to address a change in market practices not anticipated by the original Fair Debt Collection Practices Act, or FDCPA. The bill addresses a conflict between the disclosure requirements of the Real Estate Settlement Procedures Act, or RESPA, and the Fair Debt Collection Practices Act, FDCPA. This conflict only applies to a limited number of companies that act as both mortgage servicers and collectors of mortgage-related debt.

Section 6 of RESPA requires that any entity that is assigned or acquires servicing rights to a mortgage must notify the borrower of the transfer of mortgage servicing. The new entity must identify itself as the new loan servicer and disclose to borrowers that they have the right to dispute or obtain additional information about the terms of the debt being transferred.

Section 807, part 11 of FDCPA requires that any person seeking to collect a debt must identify themselves in any initial communication as a debt collector, identify the debt to be collected, and notify the debtor of their right to validate the debt and other protections provided by FDCPA. Since mortgage servicers often acquire servicing rights for entire portfolios of loans, a number of loans are likely to be in default at the time of transfer. Subsequent efforts by the acquiring servicer to collect on the defaulted debts have at times been thwarted on technical grounds with claims that the collection effort violated FDCPA. This is so because the initial communication received by the debtor was the notice of servicing transfer rather than the required notice of debtor rights.

The compromise that was negotiated 3 years ago to address this problem and which the House has previously passed under suspension would create a narrow exemption from the requirement to provide a notice of debtor rights under the FDCPA for a mortgage service who acquires responsibility for servicing a mortgage by assignment, sale, or transfer.

□ 1300

Under this exemption, a mortgage servicer could not be held liable for not providing a notice of debtor right for any loan that is actually in default at the time of the transfer of servicing rights. This means that the exemption is narrowly drawn so as to affect a very small number of mortgages.

Mr. Speaker, this is a fine bill. I urge support for H.R. 1025.

Mr. Speaker, I reserve the balance of my time.

Mr. ROYCE. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama (Mr. BACHUS), the chairman of the Subcommittee on Financial Institutions and Consumer Credit.

Mr. BACHUS. Mr. Speaker, first of all, I would like to commend the gentleman from California, who must feel like it is Ground Hog Day because he has actually been out here two prior times on this bill. In the 107th Congress, it passed by voice vote. In the 108th Congress, the gentleman from California (Mr. ROYCE) was here, and his bill passed 424 to nothing, and yet it died in the other body, not because there was opposition, but it simply got caught up in the paperwork. I want to commend him on his persistence.

And he is doing this because without this bill, when a mortgage is transferred or assigned or bought, there are always a few people who are not only in default, but even those who are just simply delinquent, behind on a payment, and it misleads those people into believing that they are receiving a call from a debt collector who has to make Miranda-like warnings, and when they do that, they have a tendency not to talk to them.

And, in fact, and I will read a letter from some of our Democratic colleagues who are also cosponsoring this bill, in fact, the very thing that we would want these people to do is talk to their new mortgage servicer and establish a relationship to work out of that default and to work out of that delinquency, because there are actually rules that these servicers are supposed to make every attempt to establish such a relationship; yet the Fair Debt Collection Practices Act, it was not meant to be. This was an unforeseen technicality in the interpretation.

So the FTC came to the Congress and enlisted the help of the gentleman from California (Mr. ROYCE) to remedy this. Let me read the letter because I think it says it very well. It was drafted by the gentleman from Pennsylvania (Mr. KANJORSKI), who has worked tirelessly on this bill for the last two Congresses. It has a signature of the gentlewoman from New York (Mrs. MALONEY), the gentleman from California (Mr. SHERMAN), the gentlewoman from Ohio (Mrs. JONES), and the gentleman from New York (Mr. MEEKS). These are all Democrats and all members of the Committee on Financial Services.

They said this about the present state of the law and the need for the gentleman from California's (Mr. ROYCE) legislation: One, the present Miranda notice misleads borrowers about the nature of the new servicer's relationship. The most important thing a delinquent mortgage borrower can do is call his or her servicer to work out options. The harshly worded warnings actually discourage borrowers from doing just that, from contacting the new servicer out of fear that the company is simply another debt collector. Two, the notice protects borrowers from providing information that the mortgage servicer already has in its possession. Mortgage servicers already possess detailed information about the borrower in the loan files. Third, the notice hurts customer relationships for the remaining term of the mortgage. The mini-Miranda warning is required in all subsequent contacts with the borrower even after the customer has brought their loan current and maintained them for years. In other words, under the present state of the law, these customers are treated for years to come as if they are delinquent or in default, and that is an insulting thing when they have brought their mortgages up to speed.

In closing, I will summarize the entire bill this way: In today's market, Mr. Speaker, mortgages are transferred, they are assigned, they are bought. And when that happens, those customers have a right to know whether they are dealing with a debt collector or they are dealing with their mortgage service provider, and that is a big difference. And this law will actually allow that to happen.

So I commend the gentleman from Pennsylvania (Mr. KANJORSKI), and I commend the gentleman from California (Mr. ROYCE) particularly for his diligence in this matter, and I would ask the Members of this body to do what the last two Congresses have done, and that is unanimously approve this legislation, which is truly bipartisan and ought to be a model for this Congress as it works to do what is best for our citizens without regard to political party.

Mr. SCOTT of Georgia. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the gentleman from Alabama for his comments and in conclusion just say the way in which H.R. 1025 resolves the problem that we have discussed is that it creates a narrow exemption for Miranda notices for the services of federally related first lien mortgages whose primary function is servicing current loans, not collecting third-party debts. It exempts these servicers only from the Miranda notices, leaving in place all other substantive borrower protections required by the Fair Debt Collection Practices Act.

This legislation is consistent with the long-standing recommendations from the Federal Trade Commission to improve the mortgage servicing process, and I urge my colleagues on both sides of the aisle to support this bipartisan legislation to improve the mortgage servicing process for both the consumer and companies who serve them.

Mr. OXLEY. Mr. Speaker, I rise in support of H.R. 1025, the "Mortgage Servicing Clarification Act," providing a narrow but necessary exemption for mortgage servicers from certain requirements of the Fair Debt Collection Practices Act (FDCPA) with respect to federally related mortgage loans secured by a first lien.

I want to commend Congressman ROYCE and Congressman KANJORSKI for introducing this legislation, as well as Ranking Member FRANK for helping to guide this important measure through the legislative process. This legislation passed by a voice vote in the 107th Congress and passed last Congress on a vote of 424–0.

When a mortgage servicer acquires the right to service a loan portfolio, the servicer is generally exempt from complying with the FDCPA because the Act extends the creditor's exemption to the new servicer. The problem arises because in a typical loan servicing transfer, a percentage of the loans transferred are delinquent or in default. These loans are technically covered by FDCPA provisions requiring the new mortgage servicer to include harshly worded notices to its borrowers identifying the servicer as a "debt collector" and warning the borrower that any information he or she discloses to the servicer will be used in the debt collection process. These notices are commonly referred to as "Miranda notices," and they can have the unintended consequences of discouraging borrowers from contacting their new service provider.

Under the exemption made by H.R. 1025, a mortgage servicer would not be required to provide a Miranda notice upon the first contact with its new customer, as well as in all subsequent contacts, on those loans that were in default at the time of transfer. However, mortgage services would not qualify for this exemption with respect to other loans that may go into default after the transfer occurs.

Let me close by saying that this bill is drafted to be consistent with previous recommendations by the Federal Trade Commission, the agency charged with the enforcement of the FDCPA, and is supported by a variety of financial services trade groups, including the Consumer Mortgage Coalition, American Financial Services Association, and Mortgage Bankers Association.

I urge my colleagues to support this bill.

Mr. KANJORSKI. Mr. Speaker, as the leading Democratic supporter of H.R. 1025, I rise today in strong support of the Mortgage Servicing Clarification Act. It is a good piece of legislation that will fix a technical problem under existing law.

Under the current Fair Debt Collections Practices Act, when a mortgage servicer acquires the rights to service a loan portfolio it is generally exempt from complying with the law's requirements because the act extends the creditor's exemption to the new servicer. In a typical loan servicing transfer, however, a certain percentage of loans will be delinquent or in default at the time of the transfer. These loans are therefore technically covered by the Fair Debt Collection Practices Act, even though the new servicer has a fundamentally different relationship with the borrower than a true debt collector.

H.R. 1025 would resolve this problem by establishing a very narrow exemption for servicers of first lien mortgages from the notice requirements of the Fair Debt Collection Practices Act. All other substantive borrower protections provided by the Fair Debt Collection Practices Act would remain in full force. Additionally, the exemption is available only to servicers that are primarily engaged servicing current loans.

We worked for several years to narrow the exemption created by this bill in order to address the concerns of all interested parties. The legislation also passed the House in the 107th Congress and the 108th Congress, and when we last passed this bill it was approved by a vote of 424 to 0. I expect that we will again today pass this bill in the 109th Congress with similar bipartisan support.

In closing, Mr. Speaker, the provisions of H.R. 1025 are consistent with longstanding recommendations by the Federal Trade Commission, under the Clinton and Bush Administrations, to improve the application of the Fair Debt Collection Practices Act to mortgage servicing activities. I urge my colleagues to support this common-sense, technical-fix legislation.

Mr. ROYCE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and pass the bill, H.R. 1025, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NATIVE AMERICAN HOUSING ENHANCEMENT ACT OF 2005

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 797) to amend the Native American Housing Assistance and Self-Determination Act of 1996 and other Acts to improve housing programs for Indians.

The Clerk read as follows:

H.R. 797

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native American Housing Enhancement Act of 2005".

SEC. 2. FINDINGS.

Congress finds that—

(1) there exist—

(A) a unique relationship between the Government of the United States and the governments of Indian tribes; and

(B) a unique Federal trust responsibility to Indian people;

(2) Native Americans experience some of the worst housing conditions in the country, with—

(A) 32.6 percent of Native homes being overcrowded;

(B) 33 percent lacking adequate solid waste management systems;

(C) 8 percent lacking a safe indoor water supply; and

(D) approximately 90,000 Native families who are homeless or underhoused;

(3) the poverty rate for Native Americans is twice that of the rest of the population of the United States;

(4) the population growth of Native Americans that began in the latter part of the 20th century increased the need for Federal housing services;

(5)(A) under the requirements of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.), members of Indian tribes are given preference for housing programs;

(B) a primary purpose of the Act is to allow Indian tribes to leverage funds with other Federal and private funds;

(C) the Department of Agriculture has been a significant funding source for housing for Indian tribes; and

(D) to allow assistance provided under the Act and assistance provided by the Secretary of Agriculture under other law to be combined to meet the severe housing needs of Indian tribes, the Housing Act of 1949 (42 U.S.C. 1471 et seq.) should be amended to allow for the preference referred to in subparagraph (A) by granting an exemption from title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.) to tribes who comply with the Indian Civil Rights Act (title II of the Civil Rights Act of 1968; 25 U.S.C. 1301–1303), or who are acting under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131(b)); and

(6) section 457 of the Cranston-Gonzales National Affordable Housing Act (42 U.S.C. 12899f) should be amended to include Indian tribes, tribally designated housing entities, or other agencies that primarily serve Indians as eligible applicants for YouthBuild grants.

SEC. 3. TREATMENT OF PROGRAM INCOME.

Section 104(a)(2) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4114(a)(2)) is amended by inserting "restrict access to or" after "not".

SEC. 4. CIVIL RIGHTS COMPLIANCE.

Title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.) is amended by adding at the end the following:

"SEC. 544. INDIAN TRIBES.

"(a) IN GENERAL.—Federally recognized Indian Tribes who exercise powers of self-government (or their instrumentalities) shall comply with the Indian Civil Rights Act (title II of the Civil Rights Act of 1968; 25 U.S.C. 1301–1303) when receiving assistance under this title.

"(b) EXEMPTION.—Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.) shall not apply to—

"(1) tribes covered by the Indian Civil Rights Act (title II of the Civil Rights Act of 1968; 25 U.S.C. 1301–1303); or

"(2) tribes acting under section 201(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131(b)).".

SEC. 5. ELIGIBILITY OF INDIAN TRIBES FOR YOUTHBUILD GRANTS.

Section 457(2) of the Cranston-Gonzales National Affordable Housing Act (42 U.S.C. 12899f(2)) is amended—

(1) in subparagraph (F), by striking "and" at the end;

(2) by redesignating subparagraph (G) as sub-paragraph (H); and

(3) by inserting after subparagraph (F) the following:

"(G) an Indian tribe, tribally designated housing entity (as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)), or other agency primarily serving Indians; and".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentleman from Utah (Mr. MATHESON) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

GENERAL LEAVE

Mr. RENZI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. RENZI. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I am pleased to have on the floor today H.R. 797, the Native American Housing Enhancement Act of 2005, which I introduced this year with the gentleman from Utah (Mr. MATHESON).

While visiting with my Navaho and Apache constituents, I have learned that there is a need for a real focus on long-term housing planning. If we can help tribes be flexible with their grant money, we can see great projects such as Apache Dawn, a multiphased construction development by the White Mountain Apaches that was built because they were able to be flexible and creative with their funding.

This bill makes three changes that will help Native American communities in rural Arizona and other Native American communities throughout America better address their housing needs. The first section of this bill will clarify that tribes are allowed unrestricted access to new NAHASDA funds even if they still retain program income from previous years. Currently the tribe's grant money may be restricted if that tribe is receiving program income in excess of their operating costs. This clarification is critical to ensure that we are not creating a disincentive for tribes to create housing plans for their future developments.

Second, this bill also brings USDA housing programs in line with HUD programs in allowing Indian preference which lets tribes abide by the Indian Civil Rights Act. Currently tribal governments may not exercise Indian preference for USDA programs because it would be considered a civil rights violation for giving preference based upon racial designation. Indian preference is something tribal governments value greatly in addressing the needs of their citizens. It is not a race issue. Indian preference recognizes the political designation of tribes as sovereign entities with whom we have entered into a government-to-government relationship. This amendment will help ensure greater tribal usage of USDA rural development programs.

Because another program that tribes use for their youth program existed when NAHASDA was enacted, Youthbuild, accessibility was taken away. Not only are tribes prohibited from applying for Youthbuild funds, but organizations serving Native youths are prohibited as well; yet the statistics are overwhelming. Mr. Speaker, the suicide rate for Native American youth is three times the national average. Alcohol-related deaths among Native Americans ages 15 to 24 are 17 times higher than the national average. American Native youth ages 12 to 20 are 58 percent more likely to become crime victims than any other race of the same age span. And as of February 2001, 74 percent of youth in custody in the Federal Bureau of Prisons System were Native American youths, an increase of 50 percent since 1994. Native American youth represent 1 percent of the U.S. population, yet constitute as much as 3 percent of the youth arrests for larceny, thefts and liquor law violations. These grim statistics speak to the importance of programs that teach life skills and give a sense of community to children in Indian Country.

Current tragic events make clear the need to allow our children, our Native American children, to participate in a program that builds stronger neighborhoods, safe homes, more self-esteem, and make a difference for their future. I ask support for this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MATHESON. Mr. Speaker, I yield such time as she may consume to the gentlewoman from South Dakota (Ms. HERSETH), who is a true leader on all Native American issues, and I know she has great concern on housing issues as well.

Ms. HERSETH. Mr. Speaker, I want to thank the distinguished gentleman from Utah (Mr. MATHESON) for yielding me time to voice my support for the Native American Housing Enhancement Act of 2005, and I would like to thank the distinguished gentleman from Arizona (Mr. RENZI), with whom I have the pleasure of serving on the Committee on Resources, for introducing this important legislation.

As my colleagues have indicated, the Native American Housing Enhancement Act of 2005 will ensure that Congress's intent is carried out with respect to tribal access to new NAHASDA funds. The gentleman from Arizona made the compelling point that the act will also create a more appropriate civil rights standard for tribal governments administering USDA housing programs and will give tribes access to an important housing and youth services program known as Youthbuild.

In my conversations with tribal leaders and tribal housing officials from across the State of South Dakota, the message is consistent. There is a desperate need for more housing in Indian Country. This is because historically there has been inadequate funding provided for housing programs. For instance, on the Pine Ridge Reservation, home to the Oglala Sioux Tribe in southwest South Dakota, current NAHASDA funding levels are insufficient to allow them to address their very acute housing needs. In Pine Ridge it is not uncommon to have 25 individuals or more living in one housing unit.

I hear similar concerns from other tribes, from the Cheyenne River Sioux Tribe in the north to the Sisseton-Wahpeton Oyate in eastern South Dakota, and please bear in mind that these reservations are located in an area of the country where temperatures can reach 25 below or colder in the wintertime.

□ 1315

Adequate housing on South Dakota's reservations is truly a matter of life and death.

This legislation is a meaningful step in the right direction. It would allow tribes unrestricted access to new NAHASDA funds, even if they still maintain program income from previous years. This will ensure that tribal governments are not punished for developing successful income-generating housing stock.

This legislation is a top priority of the United Native American Housing Association, a regional group that represents 32 housing programs in the HUD Northern Plains Region, including all of South Dakota. It also is similar to legislation introduced in the Senate this year by my colleague TIM JOHNSON.

Of course, there is much more to be done. Congress should acknowledge and live up to the treaty obligations that we have with tribes across the country and respect the sovereignty of tribal governments. One way to do this is by responding to the substantial housing needs on our reservations by funding NAHASDA at a level that will allow tribal members to live with dignity in safe, sanitary housing.

Mr. Speaker, I hope the passage of this legislation emphasizes the current housing needs in Indian Country and resonates with my colleagues. It is a step in the right direction, but we can and we must do more.

Mr. RENZI. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma (Mr. COLE), who is a member of the Chickawa Tribe. The gentleman from Oklahoma (Mr. COLE) is a true fighter and advocate for those in Indian Country across our Nation.

Mr. COLE of Oklahoma. Mr. Speaker, I would be in trouble if I did not say Chickasaw Tribe.

Mr. Speaker, I rise today in support of H.R. 797, the Native American Housing Enhancement Act of 2005. I commend the gentleman from Arizona (Mr. RENZI) for bringing such an important piece of legislation before the House for consideration.

This bill allows tribes to maximize funding resources provided through the Native American Housing and Self-Determination Act of 1996. It also reinforces tribal sovereignty by allowing tribes to focus certain Federal housing funding solely on tribal members. Finally, it will reinstate tribal access to Federal funding for youth programs.

Mr. Speaker, my colleague, the gentleman from Arizona (Mr. RENZI), has been a tireless champion for the Native American community, whether reinforcing tribal sovereignty, encouraging economic diversification, increasing educational opportunities, or improving the quality of life for Native Americans. I commend the gentleman from Arizona for his leadership in advancing the causes of the Native American community and urge support for the passage of the Native American Housing Enhancement Act of 2005.

Mr. MATHESON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is important that we are considering this bill today on the House floor. I do commend the leadership of the Committee on Financial Services, the gentleman from Ohio (Mr. OXLEY) and the gentleman from Massachusetts (Mr. FRANK), and the leadership of the subcommittee, the gentleman from Ohio (Mr. NEY) and the gentlewoman from California (Ms. WATERS). They exhibit bipartisanship in an effort to get legislation done that is important, and that is why we are here today.

I certainly thank my colleague, the gentleman from Arizona (Mr. RENZI). The gentleman from Arizona (Mr. RENZI) and I share the privilege and honor of representing the Navajo Nation. I can tell you the gentleman from Arizona (Mr. RENZI) has been a tireless advocate for Navajo issues and Native American issues in general, and I value the relationship I have had with him working on those issues.

This bill, H.R. 797, the Native American Housing Enhancement Act, is an important bill in making a few simple changes to current law that will improve Native American access to housing.

Last year, and quite frankly, this was at the instigation of the gentleman from Arizona (Mr. RENZI), there was a field hearing that took place on the Navajo Reservation; and the Committee on Financial Services sponsored this field hearing, which I believe is the first housing field hearing ever to take place on the reservation.

The gentleman from Arizona (Mr. RENZI), along with the gentleman from Ohio (Mr. NEY) and the gentlewoman from California (Ms. WATERS), and I toured parts of the reservation before the hearing, heard from many witnesses from a number of tribes, and we learned a lot during that hearing. We saw some startling things, and we learned a lot that needs to be addressed.

We learned the poverty rate for Native Americans is twice that of the rest of the U.S. population; that many Native Americans continued to live in appalling housing conditions, even as those in much of the Nation have improved, and we saw some of those conditions when we toured the reservation.

American Indians and Alaskan native populations live in housing that is often and justifiably compared to third-world nations. One out of every five Indian homes lacks complete plumbing facilities. Over 90,000 American Indians and Alaska Natives are homeless or underhoused. So I am so pleased that as a result of the subcommittee hearing out on the reservation and the testimony we heard that the bipartisan work of the gentleman from Arizona (Mr. RENZI) and of others that we are bringing to the floor today can help address at least some of these issues.

This bill will not address all of the challenges associated with Native American housing, but it will provide progress on the issue. It takes a positive step by stretching existing resources and creating flexibility in the delivery of housing for Native Americans.

Specifically, the bill will amend the current law to explicitly direct the Department of Housing and Urban Development to allow tribes unrestricted access to new Native American Housing Assistance and Self-Determination Act funds, even if they still retain program income funds from previous years. You have heard that described by a couple of speakers before me.

This is so important, because sometimes when investments get made in new housing, there is a rental stream or income that comes off of that housing; and if the law is interpreted in a way we do not want to have happen, it prevents new funds from coming in to move ahead with additional housing programs. This act today addresses that problem so we can continue to make progress.

The bill will also amend the Housing Act of 1949 and will bring USDA housing programs into line with HUD Indian housing programs in allowing Indian preference.

Finally, of course, the bill will reinstate Indian access to YouthBuild grants. The grants are part of a Housing and Urban Development Department program that provides job training and academic assistance to low-income young people. Ensuring that tribes are eligible to create for YouthBuild grants will fill a void in access to funding for youth programs in Indian Country.

So as I said, this bill does take some important steps forward in addressing the housing needs of Native Americans. Beyond that, there are two other lessons I think we can learn from this bill, and I think a lot of people in Congress might want to pay attention to this.

The first is, I think, we worked the way we are supposed to work. We heard from constituents, we went and conducted a field hearing, we listened to a lot of tribes from around this country. We took that information back through the leadership of the gentleman from Arizona (Mr. RENZI).

We have now formed legislation to address some of the problems that were appropriately brought to our attention during the hearing process, and this legislation is before us today. If it passes, as I am confident it will, hopefully it will move in the other body as we will and we will make some progress on an issue. That is why we are elected in this body, is to make progress on issues.

The second lesson is the relationship that the gentleman from Arizona (Mr. RENZI) has exhibited in working with folks on the other side of the aisle. It is a valuable bipartisan relationship. It is the way you get things done around here.

So I commend the gentleman from Arizona (Mr. RENZI) on his leadership on this issue, and I thank my colleagues for bringing the bill to the floor. I certainly encourage this bill's adoption.

Mr. Speaker, I yield back the balance of my time.

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also want to thank the gentleman from Utah for his advocacy and particularly for the leadership he showed during the hearing out in Navajo Country.

In closing, I want to thank the gentleman from Ohio (Chairman NEY), who has been a tireless advocate on Native American housing issues, who represents a tough district with a lot of rural needs, and who understands and has articulated the message that is now getting out across the country, the need to help so many of our first citizens, the Native Americans of our Nation.

Mr. Speaker, I am pleased to have on the House floor today H.R. 797, the Native American Housing Enhancement Act which I introduced earlier this year with my colleague Mr. MATHESON of Utah.

While visiting with my Navajo and Apache constituents, I have learned that there is a need for a focus on long term housing planning. If we can help tribes be flexible with their grant money we will see great projects such as Apache Dawn, a multi-phase construction development by the White Mountain Apache that was built because they were able to be flexible and creative with their funding.

This bill makes three changes to help Native American communities in rural Arizona, and across the nation, better address their housing needs.

The first section of this bill will clarify that tribes are allowed unrestricted access to new NAHASDA funds even if they still retain program income from previous years.

Currently a tribes' grant money may be restricted if that tribe is receiving program income in excess of their operating costs.

This clarification is crucial to ensure that we are not creating a disincentive for tribes to create income or plan for their future developments.

This bill also brings USDA housing programs into line with HUD programs in allowing Indian preference which lets tribes abide by the Indian Civil Rights Act.

Currently, tribal governments may not exercise Indian preference for USDA programs because it would be considered a Civil Rights violation for giving preference based on a racial designation.

Indian preference is something tribal governments value greatly in addressing the needs of their citizens—it is not a race issue. Indian preference recognizes the political designation of tribes as sovereign entities with whom we have entered into a government to government relationship.

This amendment will help to ensure greater tribal usage of USDA Rural Development programs.

Because another program that tribes used for their youth programs existed when NAHASDA was enacted, YouthBuild accessibility was taken away.

Not only are tribes prohibited from applying for Youthbuild funds, but organizations serving Native youth are prohibited as well, yet the statistics are overwhelming:

The suicide rate for Native youth is three times the national average. Alcohol related deaths among Native Americans ages 15–24 are 17 times higher than the national average.

Native youth ages 12–20 are 58 percent more likely to become crime victims than any other race of the same ages.

As of February 2001, 74 percent of youth in custody in the Federal Bureau of Prisons system were Native American youth, an increase of 50 percent since 1994.

Native American youth represent 1 percent of the U.S. population, yet they constitute 2 percent to 3 percent of the youth arrested for offenses such as larceny-theft and liquor law violations.

These grim statistics speak to the importance of programs that teach life skills and give a sense of community to children in Indian Country. Current tragic events make clear the need to allow these children to participate in a program that will build stronger neighborhoods, more selfesteem and make a difference for their future.

Thank you for the opportunity to speak on this matter and I urge your support of this bill.

Mr. OXLEY. Mr. Speaker, I rise in strong support of H.R. 797, the Native American Housing Enhancement Act of 2005 and want to commend the sponsor of the legislation, the gentleman from Arizona, RICK RENZI, for his tireless work and continued dedication to improving the housing conditions for Native Americans in this country.

Native Americans are three times more likely to live in overcrowded housing, and are more likely than other Americans to lack sewage and water systems, telephone lines and electricity, according to the 2000 U.S. Census. Nearly 12 percent of Native Americans lack complete plumbing, compared with 1.2 percent of the general population. Native Americans have the highest poverty rates at 26 percent and have the highest unemployment rate in the country at nearly 14 percent.

Last year, in May, this Committee held the first Indian Housing Congressional hearing in Tuba City, Arizona in Indian country. At that hearing, members were able to witness first hand the substandard conditions experienced by Native Americans and learned of the many barriers to housing development on reservations.

After that hearing, this Committee took action and enacted H.R. 4471, the Homeownership Opportunities for Native Americans Act of 2004 to provide more chances to provide quality housing for Native Americans. That legislation restored the government repayment under the Title VI Loan Guarantee Program from 80 percent to 95 percent in case of default. The bill we are considering today represents another installment in this Committee's commitment to addressing the many housing needs facing Native Americans. The legislation we are considering today, H.R. 797, represents another small step toward improving housing for Native Americans in this country.

First, it requires federally recognized, self-governing Indian Tribes (whose self-governing status would otherwise make them exempt) to comply with the Indian Civil Rights Act—title II of the Civil Rights Act of 1968—if they receive financial assistance from the Agriculture Department for farm housing. Under current law, the department can provide loans to farm owners to improve housing conditions for themselves or their workers. The Indian Civil Rights Act prohibits tribes from making laws that restrict freedom of religion, speech or the press. It also sets other requirements pertaining to fair due process for people who are arrested.

The measure also exempts tribes currently in compliance with the Indian Civil Rights Act and tribes acting under other federal affordable housing programs from compliance with certain sections relating to fair housing under other civil rights laws, which overlap with provisions in the Indian Civil Rights Act.

The bill makes Indian tribes or their housing entities eligible for Youthbuild grants. The grants are part of a Housing and Urban Development Department program that provides job training and academic assistance to low-income young people.

Finally, the measure clarifies that the Interior Department cannot restrict access to or reduce funds going to tribes receiving block grants under the Native American Housing Assistance and Self-Determination Act of 1996 (PL 104–330).

While this legislation does not make monumental changes, it makes changes that will help stretch the housing resources available to Native Americans. I urge my colleagues to support.

Mr. NEY. Mr. Speaker, I rise in strong support of H.R. 797, the Native American Housing Enhancement Act of 2005. I would like to thank my colleague and friend, Cong. RICK RENZI from Arizona, for his hard work to bring this legislation to the floor. His commitment to improving the housing conditions in Indian Country is an example we should all follow.

Native Americans today are experiencing chronic housing affordability problems. Over 32.5 percent of the homes located on tribal lands are overcrowded and less than 50 percent of homes in Indian Country are connected to public sewer systems. Approximately 40 percent of tribal homes are considered substandard compared to a national average of six percent.

Last May, the Subcommittee on Housing and Community Opportunity held a field hearing in Tuba City, Arizona on the state of housing in Indian Country. The hearing was the first time the Housing Subcommittee held a hearing on tribal lands. At this hearing, members were able to witness first hand the substandard conditions experienced by Native Americans. It gave members the opportunity to learn of the many barriers to housing development on reservations.

After that hearing, the Financial Services Committee took action and passed H.R. 4471, which restored the government repayment under the Title VI Loan Guarantee Program from 80 percent to 95 percent in case of default. The bill we are considering today represents another installment in this Committee's commitment to addressing the many housing needs facing Native Americans.

H.R. 797 requires federally recognized, self-governing Indian Tribes (whose self-governing status would otherwise make them exempt) to comply with the Indian Civil Rights Act—title II of the Civil Rights Act of 1968—if they receive financial assistance from the Agriculture Department for farm housing. Under current law, the department can provide loans to farm owners to improve housing conditions for themselves or their workers. The Indian Civil Rights Act prohibits tribes from making laws that restrict freedom of religion, speech or the press. It also sets other requirements pertaining to fair due process for people who are arrested.

The measure also exempts tribes currently in compliance with the Indian Civil Rights Act and tribes acting under other federal affordable housing programs from compliance with certain sections relating to fair housing under other civil rights laws, which overlap with provisions in the Indian Civil Rights Act.

The bill makes Indian tribes or their housing entities eligible for Youthbuild grants. The grants are part of a Housing and Urban Development Department program that provides job training and academic assistance to low-income young people.

Finally, the measure clarifies that the Interior Department cannot restrict access to or reduce funds going to tribes receiving block grants under the Native American Housing Assistance and Self-Determination Act of 1996 (PL 104–330).

Development programs delivered to Indian Country should be highly flexible and adaptive to the very unique and specific circumstance in each tribal setting. Native Americans must be able to take full advantage of partnering and leveraging efforts across institutions and at all levels of government.

While today's legislation does not make monumental changes, it will help stretch the housing resources available to Native Americans. If we begin to succeed at these initiatives, then opportunities will move into these rural areas. As we work to help strengthen opportunities in Indian Country, together we will all continue to play a significant role in improving the quality of life for all families.

I urge my colleagues to support this piece of legislation.

Mr. BACA. Mr. Speaker, I rise in strong support of H.R. 797, the Native American Housing Enhancement Act of 2005.

For too long our Native American brothers and sisters have been treated like second-class citizens.

I believe I speak for everyone when I say that Native Americans deserve decent housing, a suitable living environment, and economic opportunities.

The Native American Housing Enhancement Act of 2005 is a step towards putting Native Americans on a fair playing field.

This bill makes changes to the Native American Housing Assistance and Self-Determination Act (NAHASDA) which will make better use of resources and provide housing for Native Americans through more efficient means. By allowing tribal governments to exercise their preference for housing programs through the Indian Civil Rights Act, tribes can better direct these funds to expedite tribal housing.

This bill will also direct the Department of Housing and Urban Development to allow tribes unlimited access to new housing funds even if they are still using funds from previous years.

Importantly, this bill also amends the National Affordable Housing Act to provide tribes eligibility for Youthbuild grants, which they were unfairly denied when NAHASDA was created in 1996.

This legislation conveys the intent of Congress that all Americans, including our first Americans, are entitled to the American dream.

I am proud to speak in strong support of this important initiative to help more Native Americans achieve the American dream.

Mr. RENZI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 797.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF FINANCIAL LITERACY MONTH

Mr. GUTKNECHT. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 148) supporting the goals and ideals of Financial Literacy Month, and for other purposes.

The Clerk read as follows:

H. RES. 148

Whereas the financial services industry in the United States benefits millions of people in the United States, providing products and services that allow individuals and families to build homes, buy cars, finance educations, start businesses, and meet everyday needs;

Whereas personal financial education is essential to ensure that individuals are prepared to manage money, credit, and debt, and become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens, yet a study completed in 2004 by the Jump$tart Coalition for Personal Financial Literacy found that high school seniors know less about principles of basic personal finance than did high school seniors 7 years earlier;

Whereas financial education has been linked to lower delinquency rates for mortgage borrowers, higher participation and contribution rates in retirement plans, improved spending and saving habits, higher net worth, and positive knowledge, attitude, and behavior changes, yet a 2004 survey completed by the National Council on Economic Education found that the number of States that include personal finance in education standards for students in kindergarten through high school has improved since 2002 but still falls below 2000 levels;

Whereas expanding access to the mainstream financial system provides individuals with lower-cost and safer options for managing finances and building wealth and is likely to lead to increased economic activity and growth, yet studies show that as many as 10 million households in the United States are "unbanked" or are without access to mainstream bank products and services;

Whereas personal financial management skills and lifelong habits develop during childhood, and 55 percent of college students acquire their first credit card during their first year in college, and 92 percent of college students acquire at least one credit card by their second year in college, yet only 26 percent of people between the ages of 13 and 21 reported that their parents actively taught them how to manage money;

Whereas although more than 42,000,000 people in the United States participate in qualified cash or deferred arrangements described in section 401(k) of the Internal Revenue Code of 1986 (commonly referred to as "401(k) plans"), a Retirement Confidence Survey conducted in 2004 found that only 42 percent of workers surveyed have calculated how much money they will need to save for retirement and 4 in 10 workers say that they are not currently saving for retirement;

Whereas personal savings as a percentage of personal income decreased from 7.5 percent in the early 1980s to 1.1 percent in the last two quarters of 2004;

Whereas Congress sought to implement a national strategy for coordination of Federal financial literacy efforts through the establishment of the Financial Literacy and Education Commission (FLEC) in 2003, the designation of the Office of Financial Education of the Department of the Treasury to provide support for the Commission, and requirements that the Commission's materials, website, toll-free hotline, and national multimedia campaign be multilingual;

Whereas Members of the United States House of Representatives established the Financial and Economic Literacy Caucus (FELC) in February 2005 to (1) provide a forum for interested Members of Congress to work in collaboration with the Financial Literacy and Education Commission, (2) highlight public and private sector best-practices, and (3) organize and promote financial literacy legislation, seminars and events, such as "Financial Literacy Month" in April 2005 and the annual "Financial Literacy Day" fair on April 27, 2005; and

Whereas the National Council on Economic Education, its State Councils and Centers for Economic Education, the Jump$tart Coalition for Personal Financial Literacy, its State affiliates, and its partner organizations have designated April as 'Financial Literacy Month' to educate the public about the need for increased financial literacy for youth and adults in the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Financial Literacy Month; and

(2) requests that the President issue a proclamation calling on the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe the month with appropriate programs and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. GUTKNECHT) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. GUTKNECHT).

GENERAL LEAVE

Mr. GUTKNECHT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 148.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. GUTKNECHT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Committee on Government Reform, I am pleased to call up House Resolution 148 for consideration. This valuable resolution supports the goals and ideals of

Financial Literacy Month, and its purpose is to increase awareness of the significance of well-planned personal financial management. I strongly support this goal, and I encourage my colleagues to join me in support of this important resolution.

Mr. Speaker, it can be overwhelming for Americans of any age to establish and manage income, savings, and credit. But learning simple financial principles can help protect against illness or disability, long-term losses of unemployment, and other aspects of life that most of us will experience at one time or another.

Mr. Speaker, the resolution cites that over the last 20 years, personal savings have decreased from about 7.5 percent of personal income during the 1980s to only 1.1 percent in the last two quarters of 2004. This, I am afraid, shows the dangerous reality that unfortunately Americans are relying too much on credit and many are spending beyond their means.

Most Americans and their families will experience lean financial times sometime during their lives. That is why the message of this resolution is so important and why we need to encourage schools to teach our young people the principles of personal finance at early ages.

Life is uncertain, and jobs change. Family circumstances and macroeconomic instability can affect every one of us. But we as a Nation can be confident that we will ultimately enjoy big returns on our investments in financial literacy.

Mr. Speaker, several important groups, including the National Center on Economic Education, the Jump$tart Coalition For Personal Financial Literacy and their partner organizations consider April to be Financial Literacy Month. Consistent with this designation, today I am pleased to join with my distinguished colleague, the gentlewoman from Illinois (Mrs. BIGGERT), to sponsor this legislation in supporting financial literacy. I urge all Members to vote in favor of the adoption of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, financial literacy may be more important today than during any other time in our Nation's history. That is why I am pleased to support H. Res. 148, introduced by the gentlewoman from the Great State of Illinois (Mrs. BIGGERT), which supports the goals of Financial Literacy Month for Youth.

As the resolution notes, a study by the Jump$tart Coalition for Personal Financial Literacy found that 92 percent of college students have at least one credit card by their sophomore year. This fact becomes alarming when you consider that the same study found that only 26 percent of people between the ages of 13 and 21 claimed that they had been taught how to manage their money by their parents. This resolution serves as an important wake-up call for all of us: the administration, Congress, and the American taxpayer.

As the economy begins to rebound from an arduous period, now is an opportune time to teach all Americans, young and old, about fiscal responsibility. The Jump$tart Coalition's aim is to identify personal finance materials for educating our youth. To that end, they have established 12 must-know personal finance principles for young people if they want to improve their financial future.

The 12 financial principles stressed during Financial Literacy Month for youth are, one, map your financial future; do not expect something for nothing; high returns equal high risk; know your take-home pay; compare interest rates; pay yourself first; money doubles by the rule of 72, which is a way of determining how long it takes your money to double while in the bank; your credit past is your credit future; start saving young; stay insured; budget your money; and do not borrow what you cannot repay.

These important, but basic, principles are of value to all of us. But let me add one more, since the 15th is not too far away: pay your taxes, and on time.

Mr. Speaker, I am pleased to endorse this resolution supporting the goals of Financial Literacy for Youth Month and urge all of my colleagues to support it as well. As a matter of fact, my mother used to tell us that if you take care of your nickels, then your quarters will take care of themselves.

Mr. Speaker, I reserve the balance of my time.

Mr. GUTKNECHT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Illinois for his support for this important resolution, and I thank him for his wit and wisdom.

Madam Speaker, at this time I am pleased to yield such time as she may consume to the gentlewoman from Illinois (Mrs. BIGGERT), the author of this resolution.

Mrs. BIGGERT. Madam Speaker, I thank the gentleman from Minnesota for yielding me time and for cosponsoring this resolution and for his advocacy for financial literacy.

Madam Speaker, I rise today in strong support of House Resolution 148, which my colleague, the gentleman from Texas (Mr. HINOJOSA), and I introduced for a second year to designate April as Financial Literacy Month. We did this once again to raise public awareness about the importance of financial education in the United States and the serious consequences that come when young people, adults, and older Americans lack basic understanding of personal finance and economics.

☐ 1330

Madam Speaker, ours is a compelling case, and I know that many Members of the House who cosponsored this resolution agree that our country is in a financial literacy deficit. The most recent statistics indicate that most of our States do not require schools to have financial literacy programs, and 7 out of 10 of our children and grandchildren failed a basic financial literacy exam.

The numbers look equally bad for young and older adults. Studies show that almost all of our Nation's college students have a credit card by the second year of college, but only about a quarter report that their parents actively taught them how to manage money. The number of bankruptcies remains at a historic high. Over 1.6 million bankruptcy cases were filed in 2004.

And we all know Social Security will soon reach a juncture, and now is the time for us to encourage our children and young and older adults to embrace learning about finance and economics and engage in good budget and long-term savings habits.

Abraham Lincoln, one of our most beloved Presidents and fellow Illinoisan, once said, "You cannot escape the responsibility of tomorrow by evading it today," and I agree. We should help our citizens avoid getting caught in a credit quagmire, stay out of bankruptcy court, and steer clear of a financially unsound retirement. I believe that we need to encourage all Americans to take ownership over their finances, to be financially astute, and establish financial security now. Now is the time.

I pledge to continue to promote financial and economic education, and I know that I am joined by an army of supporters here on the Hill and across the country. In recent years, the Congress, Federal agencies, State and local governments, schools, the private sector, not-for-profit and for-profit groups have worked hard and made incremental strides toward improving the financial aptitude of Americans of all ages and walks of life. However, there is so much more that we can and must do to turn the tide.

Many States have implemented outstanding financial literacy programs for children. In my home State of Illinois, State Treasurer Judy Baar Topinka created the Bank At School program which helps children learn the fundamentals of money management through the operation of an in-school bank. Schools are partnering with financial institutions which conduct a monthly Bank Day at the school where students open savings accounts and make regular deposits.

I believe that programs like this will provide the guidance that is desperately needed; but we do need to do more. We need to coordinate our programs. We need to improve America's financial report card, and we need to encourage financially sound behavior.

In Congress we catapulted the Financial Literacy Movement into action when we passed the Fair and Accurate Credit Transactions Act. This act established the Financial Literacy and Education Commission, which has made great strides since its first meeting in 2004. They have established a Website, mymoney.gov., and are in the process of developing a national strategy.

While the Commission's work to date has been commendable, some of us in Congress thought that we ought to do more. That is why in February, the gentleman from Texas (Mr. HINOJOSA) and I formed the Financial and Economic Literacy Caucus. The caucus currently has 45 Members with 23 Republicans, 21 Democrats, and 1 Independent. We all agree that financial literacy is a national priority, and our goal is to bring together interested parties and participants at the national, State, and local levels to establish best practices and to promote financial and economic literacy on Capitol Hill, at home in our districts and, eventually, around the world.

We are forming an ambitious agenda for the weeks and months to come. On April 27 we will host our first Financial Literacy Fair in the House Cannon Caucus Room. I would encourage everyone to attend the fair. Our caucus also aims to establish a Website, provide a focal point in working with the Senate and executive branch, including the Commission, and showcase all of the great programs that have been launched in the business, education, and not-for-profit communities.

Today I encourage all Members of the House to join the caucus and work with us to educate Americans about finance and economics.

Madam Speaker, the state of financial literacy among our citizens may not garner much in the way of headlines, but it is an issue nonetheless that should command our attention. While it is a problem that is serious and urgent, it is one that can be solved through education. That is why I urge my colleagues to support this resolution in support of financial literacy. It is our duty to help our citizens of all ages and walks of life to succeed in today's increasingly sophisticated world of finance.

I want to thank my distinguished colleague and friend, the gentleman from Texas (Mr. HINOJOSA), for his strong support and sponsorship of this resolution. I would also like to thank the chairman of the Committee on Government Reform, the gentleman from Virginia (Mr. DAVIS), for being a cosponsor of this resolution and moving it through his committee. I would especially like to thank the gentleman from Minnesota (Mr. GUTKNECHT) and the gentleman from Illinois (Mr. DAVIS), also members of the Committee on Government Reform, for managing this resolution. I would also like to thank the distinguished gentlewoman from Ohio (Ms. PRYCE) for her support of the resolution and dedication to this initiative.

In conclusion, I would like to thank all of the Members who cosponsored this resolution for their support.

Mr. DAVIS of Illinois. Madam Speaker, it is my pleasure to yield such time as he might consume to the gentleman from Texas (Mr. HINOJOSA), the cosponsor of this resolution.

Mr. HINOJOSA. Madam Speaker, I rise in support of House Resolution 148 that the gentlewoman from Illinois (Mrs. BIGGERT) and I introduced earlier this year. The legislation supports the ideals and the goals of Financial Literacy Month, which falls in April of each year.

Before I proceed, I want to take this opportunity to thank the gentlewoman from Virginia (Mrs. JO ANN DAVIS), the chairman of the Subcommittee on Civil Service, and especially my Ranking Member, the gentleman from Illinois (Mr. DANNY DAVIS). Also, I would like to recognize and thank Tania Shand on the minority staff for helping expedite committee consideration of our bill. My distinguished colleague, the gentleman from Illinois (Mr. DAVIS), has always been a strong supporter of economic education and financial literacy, and I want to thank him for managing the bill today for our side of the aisle.

The gentlewoman from Illinois (Mrs. BIGGERT) and I have also worked closely on financial literacy issues with the gentleman from California (Mr. DREIER), the chairman of the House Committee on Rules. I think all of us owe him a great deal of gratitude for being one of the first Members of Congress to call for bringing attention to the need to improve financial literacy rates.

To celebrate Financial Literacy Month, a Financial Literacy Day Fair will be held April 27 from noon to 4 p.m. in the Cannon Caucus Room. I join my friend, the gentlewoman from Illinois (Mrs. BIGGERT), in encouraging all of our colleagues and their staffs to attend this event.

Every day, consumers deal with money, from balancing a checking account to shopping for a mortgage or auto loan, researching ways to pay for a college education, checking credit card statements, saving money for retirement, understanding a credit report, or simply deciding whether to pay cash or charge a purchase. The list goes on and on, but many consumers do not really understand their finances.

In 2004, reports from Jump$tart and the National Council on Economic Education, the Schwab Foundation and others indicated that almost 66 percent of high school students failed a basic financial literacy exam. The numbers are not much better for adults. High bankruptcy rates, increased credit card debt, and identity theft make it imperative that all of us take an active role in providing financial and economic education during all stages of one's life.

On February 15, 2005, I cofounded, and currently cochair, the Congressional Hispanic and Economic Literacy Caucus with the gentlewoman from Illinois (Mrs. BIGGERT). The caucus seeks to address these issues head on by increasing public awareness of poor financial literacy rates, and will work to improve those rates. The caucus will provide a forum for my colleagues to promote policies that advance financial literacy and economic education. It is my hope that through the Financial and Economic Literacy Caucus, we can further educate Americans about financial and economic topics ranging from homeownership to credit ratings and, yes, insurance.

At this point, Madam Speaker, I will insert for the RECORD letters and press releases supporting passage of this resolution. They include a press release from the National Association of Mortgage Brokers and a letter of support from Merrill Lynch. I would also insert letters supporting the creation of the Financial and Economic Literacy Caucus be included in the RECORD. They include a statement by Treasury Deputy Assistant Secretary Dan Iannicola, a release by the National Council on Economic Education, a letter of support from Junior Achievement, a press release from the Investment Company Institute, a statement from the North American Securities Administrators Association, and a statement by the Savings Coalition of America, and I have them all included here.

NATIONAL ASSOCIATION OF MORTGAGE BROKERS APPLAUDS RESOLUTION DECLARING APRIL "FINANCIAL LITERACY MONTH"

MCLEAN, VA—The National Association of Mortgage Brokers (NAMB) supports the bipartisan resolution passed by the U.S. House of Representatives today designating April as "Financial Literacy Month."

"We commend Reps. Judy Biggert (R-IL) and Rubén Hinojosa (D–TX) for introducing a resolution that calls for the federal government, states, local governments, schools, businesses and other groups to observe Financial Literacy Month," said NAMB President Bob Armbruster. "Financial education is important for today's consumers who face a complex array of financial products and services."

NAMB works closely with the financial services industry as part of its on-going commitment to consumer education. NAMB has a long history of promoting consumer financial education. Last year, for example, NABM initiated a pilot consumer credit education program using Freddie Mac's CreditSmart® and CreditSmart® Español financial literacy curricula. The pilot is currently being managed by NAMB state affiliates in California, Florida and Texas.

NAMB also has partnered with United Guaranty to create a consumer information presentation—"Are You Prepared to Head Down the Road to Homeownership?®"—to help educate minorities, immigrants and low-to-moderate income households on the home-buying process. The presentation covers common home mortgage terminology, important steps in the home-buying process, fair housing laws, credit reports and more.

"For consumers, financial education is essential to protecting oneself against fraud or abusive financial practices and this education process should begin at a young age, with some targeted curriculum in our high schools," adds Armbruster. "The more consumers know, the better they are at managing their finances."

For more information visit NAMB's consumer home page on the NAMB Web site, www.namb.org.

MERRILL LYNCH,
Washington, DC, April 5, 2005.

Hon. RUBEN HINOJOSA,
House of Representatives,
Washington, DC.

DEAR MR. HINOJOSA: Merrill Lynch strongly supports the formation of the Financial and Economic Literacy Caucus and applauds the efforts of Representative Judy Biggert and yourself in addressing this important issue.

Merrill Lynch has long shared the Caucus' goal of improving financial literacy for all Americans at all stages of life. The Merrill Lynch Investing Pays Off® (IPO) curriculum has been specially developed as a tool for volunteers, parents and educators and is designed to be an enjoyable program that will bring to life important concepts and information that all young people need to know. The curriculum has been designed in three stages for ages spanning 7 to 18.

Merrill Lynch has also launched a financial education program for Girl Scouts in the Greater New York area. Girl Scouts in the region will use the IPO curriculum during troop meetings and educational programs to develop their entrepreneurial skills and increase their financial knowledge.

The Merrill Lynch IPO program partnered with Sesame Workshop in using Sesame Street character Elmo to bring financial education to children ages 3 to 6 and their parents, through an interactive website and an activity book in English and Spanish.

Merrill Lynch strongly supports your efforts to increase public awareness of poor literacy rates across the country and work toward improving those rates

Sincerely,
BRUCE E. THOMPSON, Jr.,
First Vice President.

Statement of Deputy Assistant Secretary for Financial Education Dan Iannicola, Jr. on the Financial and Economic Literacy Caucus

This Department of Treasury press release may be viewed at: http://www.treas.gov/press/releases/js2254.htm

Today's formation of the Financial and Economic Literacy Caucus is an important step in the federal effort to promote personal economic security through financial education. I commend Representatives Judy Biggert and Ruben Hinojosa for their efforts to provide Americans with the education resources they need to achieve their financial goals. I look forward to partnering with the caucus to advance Treasury's commitment to ensuring that Americans learn more about their finances and, in so doing, live better lives.

NCEE Applauds Launch of "Financial and Economic Literacy Caucus"

The National Council on Economic Education (NCEE) is offering its full support for the newly formed House "Financial and Economic Literacy Caucus." On Tuesday, February 15, Representatives Judy Biggert (R–IL) and Rubén Hinojosa (D–TX) announced the formation of this bipartisan congressional organization. The Caucus will help organize legislative efforts and policy initiatives related to financial literacy and economic education. Membership is open to all Members of the House of Representatives.

"Representatives Biggert and Hinojosa are to be commended for bringing energy, focus and commitment to this effort," said Robert Duvall, President and CEO of the NCEE. "Their action could not be more timely. By providing a dedicated forum for economic and financial education policy, the Caucus will help both to direct and to magnify the tremendous congressional interest and energy in these critical issues."

I encourage all House Members to join this important organization, and become actively involved in its vital mission." Duvall stated, for the NCEE.

Both Representatives Biggert and Hinojosa will be featured speakers at the 2005 National Summit on Economic and Financial Literacy, convened and conducted by the NCEE, which will be held on Thursday, March 3, 2005 at the National Press Club in Washington, DC.

ABOUT THE NCEE

The NCEE (www.ncee.net) is a non-profit, non-partisan organization dedicated to improving economic literacy. Through its unique nationwide network of state Councils and more than 200 university based Centers for Economic Education, NCEE's programs reach more than 150,000 K–12 teachers and over 15 million students in more than 70,000 schools each year. The NCEE was also recently designated by the U.S. Department of Education as the leadership organization to implement the $1.5 million Excellence in Economic Education program through the No Child Left Behind legislation. Through the Cooperative Education Exchange Program (CEEP), the distinctive programs of the National Council on Economic Education are also reaching over 10 million students in 26 countries, including Indonesia, Central and Eastern Europe, the former Soviet Union and other developing market economies.

JUNIOR ACHIEVEMENT,
Colorado Springs, CO, February 15, 2005.

Hon. RUBEN HINOJOSA,
Rayburn House Office Building,
Washington, DC.

DEAR REPRESENTATIVE HINOJOSA: On behalf of Junior Achievement's 1,400 associates and 110,000 classroom volunteers nationwide, congratulations on your latest effort to promote financial literacy and economic education.

The establishment of a Financial & Economic Literacy Caucus reinforces the importance of a financially literate society. With personal bankruptcies and debt continuing to soar, I urge the caucus to consider a focus on youth. According to the latest JA Poll on Personal Finance, nearly 70 percent of teens nationwide say they influence their parents' buying decisions, while nearly 25 percent of 18-year olds say they already own and use their own credit cards. The earlier we can intervene with an education on the "economics of life," the better off we'll be.

As the nation's oldest and largest organization dedicated to promoting economic education and financial literacy, JA stands ready to assist the caucus in advancing its goals.

Thank you for your resolve in championing this important issue. We look forward to working with you.

Sincerely,
DAVID S. CHERNOW,
President and CEO, JA Worldwide.

ICI Lauds Formation of the Financial Literacy Caucus Washington, DC

February 15, 2005.—The Investment Company Institute today announced its support for the creation of the Financial and Economic Literacy Caucus under the bipartisan leadership of caucus Co-Chairs, Congressmen Judy Biggert (R–IL) and Rubén Hinojosa (D–TX).

The caucus will host educational forums and such events as "Financial Literacy Month." It will also act as focal point for communicating with various public and private agencies and groups.

"Mutual funds are many Americans' introduction to investing," said ICI President Paul Schott Stevens. "The earlier they understand the importance of investing to pay for educating their children and funding their retirement, the more effective their planning will be. We are pleased to support the Caucus' mission of promoting financial literacy."

Providing America's 92 million mutual fund investors with the tools they need to develop goals, evaluate risk, and make informed investment decisions is a long-standing mission of the Institute and its mutual fund members, Stevens said.

The Institute supports financial education through its Investor Awareness series of public messages and publications and through the work of its Education Foundation. Since 2000, the Foundation's primary focus has been the Investing for Success program.

In partnership with the National Urban League and the Hispanic College Fund, the program promotes the benefits of long-term investing within the African-American and Hispanic communities.

Reps. Biggert and Hinojosa are both members of the House Committee on Financial Services and the House Committee on Education and the Workforce, which has jurisdiction over pensions. They also share long histories of promoting financial literacy through their legislative actions.

NASAA Commends Launch of Congressional Financial and Economic Literacy Caucus

WASHINGTON, February 16, 2005.—The following is a statement from North American Securities Administrators Association President and New Jersey Board of Securities Chief Franklin L. Widmann on the formation of the Financial and Economic Literacy Caucus. Organized in 1919, NASAA is the oldest international organization devoted to investor protection. NASAA's membership consists of securities administrators in the 50 states, the District of Columbia, Puerto Rico, Canada, and Mexico.

"NASAA commends Representatives Judy Biggert (R–IL) and Rubén Hinojosa (D–TX) for their leadership in forming the Financial and Economic Literacy Caucus. Providing a forum for Members of Congress to promote policies advancing financial literacy and economic education is an important step to ensuring that our citizens have the tools necessary to build financial knowledge and financial security.

"State securities regulators share your concern about the deficit level of financial literacy in this country and the impact it has on personal financial decision-making. And we also share a common dedication and commitment to doing something about it.

"We stand ready to assist the Caucus and serve as a resource, as you move forward in developing and implementing programs to improve the level of financial literacy in this country."

Madam Speaker, financial literacy means empowerment, power to manage money, credit, and debt, and become responsible workers, heads of households, investors, entrepreneurs, and leaders. It means banking the unbanked and bringing them into the mainstream financial system to protect them from abusive predatory or deceptive credit offers and financial products.

Numerous programs exist to improve financial literacy: The NCEE's Financial Fitness For Life program; Jump$tart's Personal Finance Education Standards and Benchmarks are used by educators and parents; Junior Achievement's programs and surveys; ICI's Investing for Success program; the FDIC's free, multilingual Money Smart adult financial literacy curriculum; the FTC's I.D. theft What's It All About program; as well as CFA's America Saves program; VISA's Practical Money Skills For Life program; AICPA's 360 Degrees of Financial Literacy program; the Girl Scouts of America's Money Smarts program; the CHCI NHI's homeownership workshops; Lincoln Financial's financial planning programs; the ABA Education Foundation's Take Control of Our Personal Finances program; ACB's Money Rules program; the North American State Securities Association's program.

Madam Speaker, the list goes on and on. It includes Fannie Mae's homeownership program in English and Spanish; Operation Hope's Banking on Our Future program; and Freddie Mac's CreditSmart Espanol program.

At present, several of these financial literacy programs are operating in my congressional district, Texas 15. The Security Industry Association's Stock Market Game is one such program. I am proud that my district was chosen again this year to participate in SIA's second annual Capitol Hill Challenge stock market program. This year I selected La Feria High School, located in Cameron County, Texas, to participate in this program. They have been competing against 15 other districts from across our country. I wish them well. Please know I will be rooting for my team.

Madam Speaker, I want to thank the gentlewoman from Illinois (Mrs. BIGGERT), and her legislative assistant Nicole Austin, for working with me on today's legislation.

In closing, I want to say that I look forward to continuing to collaborate with her on any and all efforts that will help increase public awareness of the need to improve financial literacy, to promote programs that increase financial literacy for all during all stages of life, and to significantly improve the financial literacy rates across this great country. It is never too late to take control of your personal finances, and it is something that all of us in the United States can start today.

I urge my colleagues to support this legislation, Madam Speaker.

Mr. DAVIS of Illinois. Madam Speaker, we have no further speakers on our side. I would just simply close by suggesting that my father used to tell us that money is like life. The better you manage it, the longer you are likely to keep it.

Madam Speaker, I strongly support this resolution.

Madam Speaker, I yield back the balance of my time.

Mr. GUTKNECHT. Madam Speaker, I would only close by saying that financial literacy clearly is an idea whose time has come. I thank the authors for bringing it forward. I urge all Members to support the adoption of House Resolution 148.

Ms. JACKSON-LEE of Texas. Madam Speaker, I am here today to supporting the goals and ideals of Financial Literacy Month. I want to thank my colleagues Congresswoman BIGGERT and Congressman HINOJOSA for introducing such a valuable piece of legislation.

The financial services industry in the United States benefits millions of people in the United States, providing products and services that allow individuals and families to build homes, buy cars, finance educations, start businesses, and meet everyday needs. Personal financial education is essential to ensure that individuals are prepared to manage money, credit, and debt, and become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens, yet a study completed in 2004 by the Jump$tart Coalition for Personal Financial Literacy found that high school seniors know less about principles of basic personal finance than did high school seniors 7 years earlier.

Financial education has been linked to lower delinquency rates for mortgage borrowers, higher participation and contribution rates in retirement plans, improved spending and saving habits, higher net worth, and positive knowledge, attitude, and behavior changes, yet a 2004 survey completed by the National Council on Economic Education found that the number of States that include personal finance in education standards for students in kindergarten through high school has improved since 2002 but still falls below 2000 levels.

Expanding access to the mainstream financial system provides individuals with lower-cost and safer options for managing finances and building wealth and is likely to lead to increased economic activity and growth, yet studies show that as many as 10 million households in the United States are "unbanked" or are without access to mainstream bank products and services. Personal financial management skills and lifelong habits develop during childhood, and 55 percent of college students acquire their first credit card during their first year in college, and 92 percent of college students acquire at least one credit card by their second year in college, yet only 26 percent of people between the ages of 13 and 21 reported that their parents actively taught them how to manage money.

Although more than 42,000,000 people in the United States participate in qualified cash or deferred arrangements described in section 401(k) of the Internal Revenue Code of 1986 (commonly referred to as '401(k) plans'), a Retirement Confidence Survey conducted in 2004 found that only 42 percent of workers surveyed have calculated how much money they will need to save for retirement and 4 in 10 workers say that they are not currently saving for retirement. It is unfortunate that personal savings as a percentage of personal income decreased from 7.5 percent in the early 1980s to 1.1 percent in the last two quarters of 2004.

Congress has sought to implement a national strategy for coordination of Federal financial literacy efforts through the establishment of the Financial Literacy and Education Commission (FLEC) in 2003, the designation of the Office of Financial Education of the Department of the Treasury to provide support for the Commission, and requirements that the Commission's materials, Web site, toll-free hotline, and national multimedia campaign be multilingual.

I am glad to be here today to support the goals and ideals of Financial Literacy Month; and join my colleagues in requesting that the President issue a proclamation calling on the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe the month with appropriate programs and activities.

Mr. DREIER. Madam Speaker, I would like to commend the Gentlelady from Illinois, Mrs. BIGGERT, and the Gentleman from Texas, Mr. HINOJOSA, for introducing this important resolution. As a member of the Financial and Economic Literacy Caucus, I am proud to rise in support of this measure.

Over 40 years ago, fewer than 2 in 10 families owned stocks. Today, this figure has risen dramatically, with more than 50 percent of Americans owning assets dependent on the stock market. We've come a long way. But I believe we can still do more to provide greater opportunities for all Americans to become part of the Investor Class.

One method is to reach out directly to our local communities. In my own district, I am sponsoring a team of students from Bonita High School (La Verne) to participate in the Securities Industry Association's (SIA) stock market game. This program provides teachers with an engaging real-world tool for teaching basic economic skills while instilling in their students an understanding of the importance of sound saving and investing. As students track their team's portfolio, they are able to commit the skills they learn in school to real-world financial decisions.

It is also important to note that efforts to enhance financial literacy should not just be confined to our own country. As we strive for expanded trade and investment with our global partners, the financial ups and downs in world markets have a greater impact on our local economies. Helping to spread financial and economic literacy to emerging markets is critically important to establishing stability in developing nations. For example, in 2004 Citigroup and the Citigroup Foundation provided more than $22 million in support of financial education programs in activities that reached millions of people in more than 40 countries. These activities included community development projects to support the expansion of thrift and credit-based cooperative groups in India and the development of a microfinance industry in China.

Financial literacy is more than just crunching numbers. It is about empowerment and opportunity. It is about making your money work for you, whether it is buying a first home, paying for college, or planning for retirement. That is why we must do everything we possibly can to ensure that all Americans have a solid understanding of personal finance.

Madam Speaker, I urge all of my colleagues to vote in support of this resolution.

Mr. GUTKNECHT. Madam Speaker, I yield back the balance of my time.

☐ 1345

The SPEAKER pro tempore. (Mrs. MILLER of Michigan.) The question is on the motion offered by the gentleman from Minnesota (Mr. GUTKNECHT) that the House suspend the rules and agree to the resolution, H. Res. 148.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. DAVIS of Illinois. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING AND HONORING FIREFIGHTERS FOR THEIR MANY CONTRIBUTIONS IN OUR NATION'S HISTORY

Mr. GUTKNECHT. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 188) recognizing and honoring firefighters for their many contributions throughout the history of the Nation.

The Clerk read as follows:

H. RES. 188

Whereas in 1736 Benjamin Franklin founded the Union Fire Company, the first volunteer fire company;

Whereas there are more than 1,100,000 firefighters in the United States;

Whereas approximately 75 percent of all firefighters are volunteers who receive little or no compensation for their heroic work;

Whereas career and combination fire departments protect 3 out of 4 Americans;

Whereas there are more than 30,000 fire departments in the United States;

Whereas approximately 100 firefighters die in the line of duty each year;

Whereas more than 340 firefighters died responding to the terrorist attacks on September 11, 2001;

Whereas firefighters respond to more than 24,000,000 calls during an average year;

Whereas firefighters also provide emergency medical services and life safety education; and

Whereas it is estimated that on April 7, 2005, more than 2,000 firefighters will attend the 17th Annual National Fire and Emergency Services Dinner and Seminars:

Resolved, That the House of Representatives honors and recognizes the more than 1,100,000 firefighters in the United States for their contributions to and sacrifice for the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. GUTKNECHT) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. GUTKNECHT).

GENERAL LEAVE

Mr. GUTKNECHT. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. GUTKNECHT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of this worthwhile resolution that honors our Nation's incredible firefighters. This resolution extends the most sincere gratitude of the House of Representatives to the more than 1 million men and women who stand ready to put their lives on the line each time that fire station alarm bell rings.

Madam Speaker, American firefighters respond to nearly 25 million calls each year from citizens across the country. Their dependability and service during countless kinds of urgent events are traits that Americans have come to count on.

From their unequal bravery at the World Trade Center and the Pentagon on September 11, 2001, to their responsiveness during the 2003 California wildfires, to their aid provided time and time again following the series of hurricanes in Florida last fall, firefighters have been on the front lines of many headlining emergencies in recent years.

Through these events, I believe Americans have gained an even greater level of admiration for firefighters because of their courage and selflessness.

Madam Speaker, on behalf of all Members, I want to thank firefighters for their service to this country. I highly commend the distinguished ranking member of the homeland security select subcommittee, the gentleman from Mississippi (Mr. THOMPSON), for introducing this measure.

I urge the adoption of House Resolution 188.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, it is my pleasure to yield such time as he might consume to the gentleman from Mississippi (Mr. THOMPSON), the sponsor of this resolution.

Mr. THOMPSON of Mississippi. Madam Speaker, I rise today in support of House Resolution 188, a bipartisan resolution that I have offered, along with the gentleman from California (Mr. COX), honoring the service and sacrifices of our Nation's firefighters.

I am a former volunteer firefighter, so I understand what our 1.1 million firefighters give up in the name of service. Our firefighters, whether they are paid or volunteer, put their lives at risk with every call they must answer.

Our paid firefighters are active in many charitable activities that benefit our communities. They lose time away from their families. They train and prepare, yet they never complain. Madam Speaker, in the case of volunteer firefighters, they often have to devote time in raising money to purchase equipment and pay for training that will keep them safe while they protect us and our property.

Sadly, each year over 100 firefighters lose their lives in the line of duty. I encourage every Member of Congress to pay a visit to the National Firefighters Memorial in Emmitsburg, Maryland.

From my home State of Mississippi in 2004, two firefighters were killed in the line of duty. Those two firefighters, Elliott Davis, Jr., and Terrie Eiland, paid the ultimate sacrifice to protect their fellow citizens.

Recently, Mississippi constructed a memorial park in Pearl, Mississippi, to honor the 67 firefighters from the State who have paid the ultimate sacrifice. We all vividly remember the heroism of the firefighters in New York on 9/11; over 340 firefighters lost their lives on this horrific day.

It is impossible to know, Madam Speaker, how many thousands of lives the selfless response of the New York firefighters saved that day. Our firefighters and other first responders are the first line of defense for many incidents of terrorism or national disaster.

This week over 2,000 fire service leaders from around the United States are in Washington to attend the 17th annual Natural Fire and Emergency Services dinner and seminar. These fine men and women are here to learn more about what we are doing in Washington to support firefighters.

At the same time, we can learn a great deal from them. These men and women are the living embodiment of what makes this country so great. I encourage each Member of Congress to take time from their schedules to meet with their local fire service representatives who are in town.

Madam Speaker, it gives me great pride to stand before this body in support of House Resolution 188, a measure that honors and recognizes firefighters for their many contributions throughout our history. In many respects, this measure says thank you to all firefighters for all of the sacrifices, the dedication, and the commitment they continually display in protecting our towns, cities, States, and our Nation.

Mr. GUTKNECHT. Madam Speaker, I am proud to yield 8 minutes to the gentleman from Pennsylvania (Mr. WELDON) who has been, in my time in Congress, the leader of the Fire Caucus and the go-to guy on fire issues.

Mr. WELDON of Pennsylvania. Madam Speaker, I want to first of all thank my distinguished chairman for his kind comments and for his leadership on a number of issues, especially those today dealing with the fire service, and thank the distinguished ranking member as well and the other Members who will speak here today.

Madam Speaker, I would not be in this body were it not for my involvement in the fire service of America. I grew up the youngest of nine children in a fire service family. Like my six older brothers and father, I became involved as a firefighter, president of my fire company, chief of my fire company, state instructor, and while teaching school during the day went back and got a degree in fire protection.

When I came to Congress, what I saw was a Federal Government that was not being responsive to the 1.2 million men and women who serve this country. It was back 18 years ago that we formed the Fire Caucus. It has been the largest caucus in the Congress for the past 10 years, 340 Members.

The institute, which will benefit from the dinner tomorrow night, works the issues of firefighters in this Congress, and has given us unbelievable success, success in the form of grants. Working with our good friend, the gentleman from New Jersey (Mr. PASCRELL) and the gentleman from Maryland (Mr. HOYER) and our good friend, the gentleman from Minnesota (Mr. GUTKNECHT), and the gentleman from Virginia (Mr. TOM DAVIS) and others, we have established great programs to assist these people in protecting their towns.

And to our colleagues I would say, you know, the fire service is more than just people who fight fires. They are really the heart and soul of America. They are the backbone of our communities. The 32,000 organizations, 85 percent of whom are volunteer, are the organizations that organize July 4th parades, Memorial Day celebrations; they rescue the cats in the trees.

They pump the cellars out when they are flooded. They are the people who allow us to vote in their fire halls on election day. They are the receptions where we have our weddings and our anniversaries in the fire station. They host the Boy Scout and Girl Scout troops. They are the fabric of what makes America what it is. There is no other group of people in the country that works as largely volunteers, where 100 of them are killed during the course of their volunteer activities, as well as their paid activities.

The fire service is America. It is older than the country is, the first fire department having been founded 250 years ago. The fire service is what this country is all about, people who give back in small towns and big cities to protect our communities.

The fire service is finally getting national recognition, and all of us need to continue that effort. Madam Speaker, in my 20 years in Congress, I have been at all of our disasters of major significance: The floods in the Midwest, the Murrah Building bombing in Oklahoma City, Hurricanes Andrew and Hugo, Loma Pietra, Northridge earthquakes, and in every case, every case, the men and women of the fire service are there protecting our towns. They are our domestic defenders. They are the people who respond for us.

Madam Speaker, I was at the World Trade Center in 1993 and met a fellow who would become my good friend, Chief Ray Downey. He made recommendations to us that we in this Congress took to heart. We established the Gilmore Commission because of Chief Downey's recommendations. The saddest call I took on September the 11 of 2001 was from a battalion chief friend of mine in New York who said, "Curt, Ray is down. He has been killed by the collapse of the first tower."

I said, "I will be on the first train into New York the next day." And so I went on the first Amtrak train into New York City, was met at Penn Station by a battalion chief and taken down to Ground Zero where I spent the day at the headquarters of the Fire Department of New York, with the firefighters who were there doing harrowing acts and attempting to identify people that were still trapped.

As I walked from the center of the activity at Ground Zero around the back of one of these seven-story piles of rubble, I could see two firefighters on their knees. And I could barely read the back of their turn-out gear. As I got closer, I saw the names on the back, and there were the names Downey and Downey.

You see, like firefighting families all across America, when the father gets involved, so do the brothers and so do the uncles. There were two of Ray Downey's five kids, searching through the rubble to try to find the remains of their father at the last site that he had been seen.

We did not find Ray Downey's remains until 8 months later through DNA evidence, that we could give him a proper burial. I said it cannot get much worse than this. But you have to understand, Madam Speaker, who those men and women are. I went back to the Javits Center with the head of the firefighters union, Harold Shaitberger.

Our job was to greet the family members of those who were missing, the 343 firefighters that were missing and eventually were determined to be killed in the collapse of the Trade Center towers. And I remember two families standing out. The first was a woman in her late 30s. She had a baby in her arms and was being held up by her brother and her sister. As she came in, I said, I am terribly sorry. The country is grieving with you. Who is missing?

She said, Congressman, my husband is missing. He was the rock of my family. He was everything. He was a great neighbor. He was involved in the community. What do I do now, Congressman? We have 10 children.

We sometimes take these people for granted. Ten children yet still developing time to help protect his neighbors and his friends and people he had never met.

And then a second woman came in in her 50s. She was being helped by her brother. I went over and I embraced her. I said, I am terribly sorry. Who is missing? And she said, Congressman, my husband is missing.

Her name was Angelini, I will never forget it. She said, Congressman, my husband was ready to retire from the New York City Fire Department, just a matter of months after a full career. He is gone, I know he will not be back, because I would have gotten a call by now.

I said, I am terribly sorry, Mrs. Angelini. She said, But, Congressman, my son is gone too. You see, he wanted to be like his father.

So Angelini Junior was like his father, a firefighter in New York. Both of them were killed by the collapse of the Trade Center towers. How do we tell that family that the work they did is so vitally important to our country? We tell it by doing the things that we are doing in Congress to support those firefighters that are alive.

And I would ask my colleagues on this day that we welcome 2,200 firefighters to Washington to help me right a wrong. Junior firefighters today have been ruled by the Justice Department that they are not eligible as American heroes. It is outrageous to the junior firefighters killed in the line of duty, 1 year below the normal age of 18, cannot qualify for public safety officer death benefits.

We need to right the wrong of the Justice Department so that anyone who volunteers, whether it be a 15- or 16-year-old junior firefighter in Wisconsin, or whether it be a 17-year-old

Eagle Scout doing his volunteer fire work in Florida, if they are killed in the line of duty, they too are American heroes.

Today, that is not the case. So I thank my colleagues for their support. I thank them for their leadership. I welcome everyone tomorrow night as we celebrate, for the 17th time, America's true domestic defenders, the men and women of the American fire service. I thank my colleagues for yielding the time to me.

Mr. DAVIS of Illinois. Madam Speaker, it is my pleasure to yield 3 minutes to the gentleman from New Jersey (Mr. PASCRELL), another strong proponent of firefighters.

Mr. PASCRELL. Madam Speaker, I thank the gentleman from Illinois (Mr. DAVIS) for yielding me this time.

We are overwhelmed. This is a great piece of legislation that has been introduced by the gentleman from Mississippi (Mr. THOMPSON). We are all supportive of it.

☐ 1400

The gentleman from Pennsylvania and I are always overwhelmed day in and day out by the work of all of our first responders, and today we recognize our firefighters.

Just recently, Madam Speaker, we had tremendous floods in north Jersey. Who were the first there? The first there were our firefighters, and the best action we could take was to recognize their service and to do something about it here.

I want to commend the gentleman from Mississippi (Mr. THOMPSON), my good friend, the ranking member of the Select Committee on Homeland Security, for this resolution and for his leadership of some of the most important issues of our time.

This resolution, H. Res. 188, pays needed tribute to the over 1.1 million firefighters in the United States, who take 24 million calls a year. Think about that. Day in and day out. It gives us a chance to say thank you to the men and women who contributed to and sacrificed so much for this country.

Every 19 seconds a fire department responds to a fire somewhere in America. Over 1.5 million fires are handled by public fire departments. These are staggering figures when we know many places have manpower shortages; many places do not have the resources within the municipalities to do what has to be done.

Firefighters risk their lives at an alarming rate, and we know their heroism is absolutely critical. Where we would be without them, Madam Speaker? What would we do without them?

The work of firefighters is as noble as it is vital, and we will remain forever grateful. They are truly heroes, truly heroes in our midst.

Madam Speaker, I ask my colleagues, I plead with my colleagues, the chairman, the ranking member, that we not forget these words today when we have to reinforce the Fire Act, when we have to appropriate for the SAFER Act so that we put our actions where our words are.

God bless these men and women that put their lives on the line every day, and I thank the gentleman for yielding me time.

Mr. GUTKNECHT. Madam Speaker, I am happy to yield 1 minute to the gentleman from Virginia (Mr. TOM DAVIS), the chairman of the Committee on Government Reform.

Mr. TOM DAVIS of Virginia. Madam Speaker, I thank the gentleman for yielding me time, and just note that I rise in support of H. Res. 188, honoring the service of America's firefighters.

Every day these Americans risk their lives to save others. Three hundred forty-five firefighters died at the World Trade Center, but what is not mentioned is that one-quarter of them were off duty. They were off duty, but those firefighters heard the call they were needed. They risked, and in some cases sacrificed, their lives in order to save others.

In America such sacrifices are a daily occurrence. Three times a minute there is a fire call somewhere in the country. Firefighters never know when that call could be their last.

This resolution is a very simple way for us to say thank you for the job you do. We honor you. You make a difference every day.

I urge its adoption.

Mr. DAVIS of Illinois. Madam Speaker, it is my pleasure to yield such time as he might consume to the gentleman from Maryland (Mr. HOYER), the Democratic whip.

Mr. HOYER. Madam Speaker, I thank my friend, the gentleman from Illinois (Mr. DAVIS), thank him for his leadership on this issue, and thank him for his commitment to firefighters throughout this country.

Madam Speaker, I am pleased to rise in support of our Nation's firefighters. I am proud to have cosponsored this resolution. I am even more proud of my work with the Congressional Fire Services Caucus, which I have been privileged to cochair with the distinguished gentleman from Pennsylvania (Mr. WELDON), who started that caucus, and who is, I think, probably the most ardent spokesperson on behalf of firefighters and firefighting safety in this country.

The Fire Services Caucus, Madam Speaker, has long championed initiatives to include the safety and well-being of our Nation's firefighters and to enhance their ability to protect our communities.

Specifically, we have worked to establish and fund the assistance to the firefighters grant program, which has provided more than $2 billion in equipment and training grants for career and volunteer fire departments across the country.

Madam Speaker, it is appropriate that we recognize the extraordinary contribution to the passage of that act. Indeed, he was the author of that act, the gentleman from New Jersey (Mr. PASCRELL). I want to thank him for his leadership which is untiring, unflagging and so effective on behalf of our firefighters and the emergency response personnel all over this country. I thank him.

Madam Speaker, more recently we have worked to authorize and fund the SAFER program, which the gentleman from New Jersey (Mr. PASCRELL) also talked about, and perhaps others have as well, which provides much-needed assistance to allow career and volunteer departments to hire and recruit additional personnel. Understaffing is not only a safety problem for our neighborhoods, but a safety problem for our men and women who risk their lives in our defense.

It is appropriate that we work tirelessly on behalf of the 1.1 million men and women serving as our domestic defenders. We send men and women abroad to defend freedom, to defend democracy. We are tragically losing some of those people in Iraq today and perhaps Afghanistan. They do so as volunteers. They do so because they believe in our country, in its ideals and in freedom.

Very frankly, here at home we are kept safe by men and women in uniform as well, our police and our firefighters and our emergency responders. We owe them not only a debt of gratitude, but we owe investing in their enterprise to keep them safe and to keep our neighborhoods and communities safe.

We ask far too many of them to risk their lives in our defense every day with outdated equipment, Madam Speaker, insufficient training and inadequate staffing, and we have an obligation to provide them the necessary resources to perform their jobs as safely and effectively as possible.

By honoring this obligation and supporting programs like the SAFER Act and the fire grants, we not only ensure they will go home to their loved ones at the end of the day, we also enable them to better perform their job by protecting us and our loved ones every day.

Madam Speaker, we will all vote for this resolution. It is easy to vote for resolutions. It is appropriate to vote for this resolution, but if we really mean what we say in honoring these firefighters, men and women, volunteers and career, if we really mean that, the gentleman from New Jersey is correct, and I am sure, I have not heard others speak, but I am sure the observation was made as well, we need to invest our resources behind the work that they do. This resolution, while appropriate and while important, it will not be as meaningful as it otherwise would be.

I thank the gentleman for yielding me the time.

Mr. GUTKNECHT. Madam Speaker, we have no further speakers on our side, I do not believe, on this resolution.

Mr. DAVIS of Illinois. Madam Speaker, I will close for our side, and I yield myself such time as I may consume.

Firefighters are indeed on the front lines between the public and the devastation that fires or other emergencies can cause. This mostly volunteer force helps protect the public interest from these dangers by rapidly responding to a variety of emergencies despite hazardous conditions and long, irregular hours.

Every year fires and other emergencies take thousands of lives and destroy property worth billions of dollars. Fire kills 3,700 and injures more than 20,000 people each year. Direct property losses due to fire reach almost $11 billion a year.

Firefighters pay a high price as well. Approximately 100 firefighters die in the line of duty each year.

Firefighters must be prepared to respond immediately to a fire or any other emergency that arises. Because fighting fires is dangerous and complicated, it requires organization and teamwork. Education, training and teamwork have lowered the rate of America's fire losses today to represent a dramatic improvement from more than 20 years ago. In 1971, this Nation lost more than 12,000 citizens and 250 firefighters to fire.

We owe a debt of gratitude to firefighters for making our communities safer. Therefore, I strongly support this resolution and urge that all of my colleagues do the same, and we continue to owe tremendous debts of gratitude to those men and women who every day protect us from fires.

Madam Speaker, I yield back the balance of my time.

Mr. GUTKNECHT. Madam Speaker, I yield myself such time as I may consume.

I thank the gentleman from Illinois, and I thank all the other speakers on this important resolution. I think it is important that we, as a Congress, periodically recognize the contributions and the sacrifices that our firefighters make on our behalf every single day. So I hope all Members will join me in supporting the adoption of this resolution.

Mr. SHAYS. Madam Speaker, I rise in support of H. Res 188, which recognizes and honors the contributions firefighters have made to our country.

Firefighters have played an important role in our nation's history since the first volunteer fire company was founded in 1736 by Benjamin Franklin. Firefighters take their oath of public safety very seriously and go above and beyond their call of duty to serve and protect the citizens of the United States.

On September 11, 2001, the firefighters of our nation selflessly risked and gave their lives in one of most tragic days in the history of our country. The site of those brave men and women putting their lives on the line to enter the smoldering World Trade Center to save as many people as they could is still a humbling vision three years later. My heart goes out to the hundreds of firefighters who gave their lives on that horrible day.

The terrorist attacks were not just attacks on New York City, but on the nation. With New York as a continuing top terrorist target, the protection of New York City is becoming a national responsibility. Other cities with tall buildings throughout the country face the same challenges with their communication systems and will need the same upgrades. Improvements in New York will lay the groundwork for improvements to communications systems across the country.

In light of this fact, it is my hope Congress will redouble its efforts to insist that communications systems of firefighters in high-risk urban areas be upgraded. The "9/11 Can You Hear Me Now Act," which Congresswoman Maloney will be introducing soon with my support, instructs the Department of Homeland Security (DHS) to provide a communication system that must be capable of operating in all locations and under the circumstances we know firefighters face and will continue to face when responding to emergencies.

Today and every day, the bravery and self-sacrifice of the firefighters in the United States deserves to be commended. Their efforts have had an enormous impact on the public safety of our citizens. Thanks to the 1.1 million firefighters in the United States, the country is a safer place to live.

Mr. EMANUEL. Madam Speaker, I rise today in strong support of H. Res. 188, which honors our nation's firefighters for the life-saving work they do every day to keep our families safe and secure. All too often we take for granted the heroic efforts of these dedicated public servants, and I am pleased to join my colleagues in taking a moment to say thank you.

On Chicago's North Side, there is a large mural dedicated to the memory of fallen firefighters. It depicts several events where these brave men and women answered the call to rescue their fellow citizens. The events pictured range from the tragic 1958 fire at Our Lady of the Angels school in Chicago to the events of September 11th, 2001. In each of these emergencies, firefighters have selflessly risked their lives so that others may live. The words in the center of the mural say it all: "First Ones In, Last Ones Out."

On December 7th last year, a fire broke out in Chicago's LaSalle Bank Building, a landmark skyscraper built in 1934. As flames and heavy smoke poured out of the 29th floor windows, dozens of Chicago firefighters entered the building. These heroes showed exceptional professionalism and valor as they evacuated all 45 stories of the building and extinguished the fire. Of the 37 people injured in the fire, 22 were Chicago firefighters. As a direct result of their swift response and expertise, no lives were lost in one of the city's worst fires in recent memory.

Chicago firefighters receive a great deal of attention when handling major events such as the LaSalle Bank fire, but perhaps their greatest achievement is in the quiet work of prevention, inspection and education. Fire-related fatalities in Chicago are at a 25-year low, thanks to improvements in building safety and community outreach efforts by local firehouses to schools, senior centers and neighborhood associations. Chicago's citizens are now better informed about how to prevent and handle emergency situations, and they view their local firehouse as an important and valuable resource in the neighborhood.

Madam Speaker, I thank my colleagues calling up this important resolution today, and I look forward to working with them to provide America's firefighters with the support and resources they need to continue their heroic work.

Mr. BACA. Madam. Speaker, I rise in support of House Resolution 188, legislation that recognizes the courageous sacrifices of our nation's firefighters. I would like to thank the gentleman from Mississippi for introducing this symbolic and vital resolution.

Every day, firefighters risk their lives protecting our families, our property and our way of life. They fight for our security, not because they have to, but because they choose to.

Over the years in California, wildfires have destroyed homes, damaged properties and threatened the livelihood of thousands of families.

In 2003, Southern California and the Inland Empire experienced devastation like never before. Wildfires burned more than 740,000 acres of forest. Nearly 3,600 homes were destroyed and many people lost their lives. At one point, nearly 16,000 firefighters were battling the blazes at the peak of devastation. Without the bravery and fortitude of our firefighters, the wildfires in Southern California would not have been extinguished.

This exhibition in public service is not limited to my district or state. From the forests of California to the streets of New York City, firefighters selflessly put themselves in harm's way, believing in their call to duty.

We owe a great deal of gratitude to these brave men and women who fight daily for our safety.

Madam Speaker, I stand in strong support of this resolution and commend Congressman THOMPSON for his sponsorship. We need to continue to support individuals that are willing to stand on the line for us. I hope that my colleagues will join me in recognizing these selfless acts.

Mr. LARSON of Connecticut. Madam Speaker, I rise today to honor the dedicated men and women who serve my district, the State of Connecticut, and our nation as firefighters.

Today, across the country, over 1.1 million career and volunteer firefighters stand ready to answer our calls for help. In 2003, our 30,524 fire departments responded to 22.4 million alarms—an average of one every 20 seconds. They work and volunteer countless hours ensuring the safety of others, and if needed, are ready to risk their life to save another.

Firefighters are truly on the front lines of protecting our communities and our nation, and in recent years their role has extended beyond just putting out fires. Today, firefighters serve as the first responders for medical emergencies, provide search and rescue services to victims trapped in burning or collapsed buildings, handle hazardous materials and extract injured persons from car accidents. Above all else, they provide hope to those in need in times of danger and despair.

I have met many of the men and women who serve as firefighters in the first district of Connecticut, and I am proud to represent such brave and dedicated public servants. Each and every day, these selfless heroes give their all to protect our communities and our families. I thank them for their service and urge all of my colleagues to support H. Res. 188.

Mr. COSTELLO. Madam Speaker, I rise today in support of H. Res. 188, a resolution to honor and recognize firefighters for their many contributions throughout the history of the Nation. As a member of the Congressional Fire Services Caucus, I commend the service and honorable duty firefighters across the country provide to our communities. I am especially proud of the firefighters and fire departments that protect and look after the 12th Congressional District of Illinois.

For the fire service to maintain a strong voice in the federal discourse on homeland security issues, we must have a strong U.S. Fire Administration and sufficient funding for personnel, vehicles, and equipment. As a result, I have continually supported the Assistance to Firefighters Grants program and have been very successful in helping many departments in Southern Illinois secure grants to improve their operations each fiscal year. Additionally, I am a cosponsor of several bills in the l09th Congress to aid firefighters and fire departments to ensure they are properly equipped to protect themselves and their communities.

I am pleased the House of Representatives is considering H. Res. 188 today, and urge my colleagues to support the passage of the bill.

Ms. JACKSON-LEE of Texas. Madam Speaker, I stand today in support of H. Res. 188 which recognizes and honors our nation's firefighters for the many contributions throughout our nation's history. Their great efforts range from ground support following the destruction of the World Trade Center in New York to relief efforts following the Tsunami of the Coast of Ache Indonesia. Not only do our nation's firefighters contribute on an international scale, but they also support our local communities in times of need and distress.

In January of this year, in my district, I joined forces with local humanitarian organizations, and federal, state, and local officials to conduct a medical relief drive for the Tsunami (in Indonesia) victims. To this end, I also worked closely with the City of Houston's Fire Department. They were very instrumental in helping to receive medical supplies and other items for the victims. My sincerest thanks goes out to Fire Chief Phil Boriskie and to the City of Houston for their efforts and strong commitment to providing relief for Tsunami victims.

Currently there are over 1.1 million firefighters in our nation, and 75 percent are volunteers. These are individuals who put there life on the line everyday. They deserve all the honor and notoriety we can give them.

Mr. GUTKNECHT. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The question is on the motion offered by the gentleman from Minnesota (Mr. GUTKNECHT) that the House suspend the rules and agree to the resolution, H. Res. 188.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CAPTAIN MARK STUBENHOFER POST OFFICE BUILDING

Mr. TOM DAVIS of Virginia. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1460) to designate the facility of the United States Postal Service located at 6200 Rolling Road in Springfield, Virginia, as the "Captain Mark Stubenhofer Post Office Building".

The Clerk read as follows:

H.R. 1460

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CAPTAIN MARK STUBENHOFER POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 6200 Rolling Road in Springfield, Virginia, shall be known and designated as the "Captain Mark Stubenhofer Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Captain Mark Stubenhofer Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1460, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TOM DAVIS of Virginia. Madam Speaker, I yield myself such time as I may require.

Madam Speaker, I rise today in support of H.R. 1460, which I introduced to recognize the bravery and selfless dedication of Captain Mark Stubenhofer.

Captain Stubenhofer was born in Fairfax, Virginia, on April 18, 1974. He grew up there in the suburbs of this great capital of freedom, and he was an all-American from the start.

Mark delivered newspapers in the morning before school. He worked long after the school day ended doing homework or practicing baseball. He attended West Springfield High School in West Springfield, Fairfax County, and he attended Nativity Catholic Church nearby.

He was elected student government vice president at West Springfield and played varsity baseball. After graduation, he went on to Clemson University where he honed his leadership skills through the school's ROTC program. He graduated from Clemson in May of 1996 and immediately began fulfilling his obligation to the Army.

Captain Stubenhofer was commissioned as an infantry officer and attended both the elite Airborne and Ranger schools. He went on to serve two tours in Operation Iraqi Freedom.

During his first tour in 2003, he helped liberate five Iraqi cities. In his second tour, Captain Stubenhofer served as a company commander for the 1st Battalion, 41st Infantry Regiment, 3rd Brigade, 1st Armored Division. He was awarded numerous medals and honors, among them two Bronze Star Medals, the Purple Heart, the Meritorious Service Medal and two Army Commendation Medals.

Madam Speaker, during his final tour of duty, Captain Stubenhofer's third child was born, a daughter he asked his beloved wife Patty to name Hope. As he commented in his last phone conversation to his parents, the reason for the name was that it was hope that brought him to Iraq in the courageous service of his country. Tragically, Captain Stubenhofer never met his daughter Hope. He was killed in combat on December 7, 2004.

Madam Speaker, we owe Captain Mark Stubenhofer, and all those who have made the ultimate sacrifice for this country, a debt of gratitude that we can never repay.

While we pay homage to fallen heroes like Mark with memorials or post offices, the most fitting tribute is the enduring memory of their lives.

As Pericles, the greater orator, builder and general of Athens, said, for to famous men, all the Earth is a sepulcher, and the virtues shall be testified not only by the inscription in stone at home, but by an unwritten record of the mind which more than any monument will remain with everyone forever.

Madam Speaker, I urge all my colleagues to forever remember Captain Mark Stubenhofer and to keep a record in our minds and hearts of the great works and sacrifices that all of our sons and daughters of the military continue to make on our behalf. Captain Stubenhofer was one of America's finest.

□ 1415

His deeds and sacrifices will forever be remembered by his friends and family and by a grateful community in

Springfield, Virginia, who share with me their pride in having his name enshrined on our local post office.

I thank the Virginia delegation for their unanimous support of this resolution, and I ask all Members to pass H.R. 1460.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume; and as a member of the House Committee on Government Reform, I am pleased to join our chairman, the gentleman from Virginia (Mr. TOM DAVIS), in the consideration of H.R. 1460, legislation naming the U.S. postal facility in Springfield, Virginia, after Captain Mark Stubenhofer. This measure, which has been sponsored by the gentleman from Virginia (Mr. TOM DAVIS), chairman of the Committee on Government Reform, was introduced with the support and cosponsorship of the entire Virginia delegation.

Captain Mark Norman Stubenhofer died on December 7, 2004, in Baghdad, Iraq, when his unit was attacked by small arms fire. Captain Stubenhofer, a company commander, was assigned to the 1st Battalion, 41st Regiment, 1st Armored Division in Fort Riley, Kansas. Captain Stubenhofer, a native of Springfield, Virginia, was on his second tour of duty in Iraq when he was killed.

Mark Stubenhofer graduated from West Springfield High School in 1992. In high school, he was a student government leader, member of the homecoming court, and baseball player. After high school, Mark went on to graduate from Clemson University with a degree in history in 1996. Mark joined the Army after graduating from college. While in the Army, he was certified as an Army Ranger and jump instructor. He earned the Bronze Star during his first tour of duty in Iraq.

He left behind a wife, Patty, and three children, Lauren, Justin, and Hope. Madam Speaker, I commend the gentleman from Virginia (Chairman TOM DAVIS) for seeking to honor the sacrifice of Captain Stubenhofer by naming a postal facility in his honor in his hometown. I urge swift adoption of this resolution.

Madam Speaker, I yield back the balance of my time.

Mr. TOM DAVIS of Virginia. Madam Speaker, I yield myself such time as I may consume to simply urge all Members to support the passage of H.R. 1460.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the bill, H.R. 1460.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

HONORING THE LIFE AND ACHIEVEMENTS OF HIS HOLINESS POPE JOHN PAUL II AND EXPRESSING PROFOUND SORROW ON HIS DEATH

Mr. HYDE. Madam Speaker, pursuant to the order of the House of April 5, 2005, and as the designee of the majority leader, I call up the resolution (H. Res. 190) honoring the life and achievements of His Holiness Pope John Paul II and expressing profound sorrow on his death, and ask for its immediate consideration in the House.

The Clerk read the resolution, as follows:

H. RES. 190

Whereas His Holiness Pope John Paul II was born Karol Jozef Wojtyla in Wadowice, Poland, on May 18, 1920, and on October 16, 1978, was elected the 264th Pope of the Catholic Church, making history by becoming the first Pope from Poland and the first non-Italian Pope in more than 400 years;

Whereas Pope John Paul II dedicated his long life to the peace and well-being of mankind;

Whereas Pope John Paul II risked his own life by defying the Nazi forces which occupied Poland during World War II and protecting its Jewish population, while trying to inspire faith in the oppressed;

Whereas Pope John Paul II returned to his native Poland in June 1979, unleashing a patriotic and religious force that would ultimately lead to the peaceful toppling of the Communist regime in Poland;

Whereas Pope John Paul II was a unique, substantial, and historic catalyst in the demise of Soviet communism and the emancipation of hundreds of millions of people from totalitarian rule;

Whereas Pope John Paul II used public and private diplomacy and the power of moral suasion to encourage world leaders to respect the inalienable rights of the human person;

Whereas Pope John Paul II articulated the importance of individual liberty being undergirded by a "moral order", embraced the poor and oppressed masses of the world, and encouraged governments and the faithful to attend to the needs of those who are less fortunate;

Whereas Pope John Paul II ministered to Catholic and non-Catholic alike, providing a personal example of grace, endurance, compassion, courage, sacrifice, and foresight;

Whereas Pope John Paul II was an articulate and outspoken advocate for religious freedom and Christian humanism, asserting that the Catholic Church could not claim religious liberty for itself unless it was willing to concede it to others;

Whereas Pope John Paul II sought to heal divisions between the Catholic Church and other Christian faiths, expressing sadness and regret for the acts of individual past and present Catholics who persecuted others on account of their faith, and promoting reconciliation through dialogue with Jews and Muslims and through visits to areas of historic conflict, including Ireland and the Holy Land;

Whereas Pope John Paul II traveled more extensively than any other Pope, traversing nearly three-quarters of a million miles, visiting more than 125 countries, being seen by more people than any person in human history, and ministering to more than six million people at once in the closing mass of World Youth Day 1995 in the Philippines;

Whereas on January 8, 2001, the Speaker of the House of Representatives, J. Dennis Hastert, presented Pope John Paul II with the Congressional Gold Medal, the highest award that Congress can bestow upon any individual;

Whereas in November 2003 the House of Representatives and the Senate unanimously agreed to House Concurrent Resolution 313, which called upon the President, on behalf of the United States, to present the Presidential Medal of Freedom to Pope John Paul II;

Whereas on June 4, 2004, President George W. Bush traveled to the Vatican and presented Pope John Paul II with the Presidential Medal of Freedom, the highest civilian award of the United States Government;

Whereas, even as Pope John Paul II struggled to regain his physical strength after suffering failings in his physical condition in early 2005, he continued to minister to the faithful, while suffering with grace and in silence; and

Whereas up until the moment of his death on April 2, 2005, Pope John Paul II remained faithful and principled, inspiring a continuing defense of the unique dignity of every human life: Now, therefore, be it

Resolved, That the House of Representatives—

(1) has learned with profound sorrow of the death of His Holiness Pope John Paul II;

(2) expresses gratitude for the life of Pope John Paul II and the innumerable blessings manifested through his service;

(3) commends the life's work of Pope John Paul II, recognizing his enduring and historic contributions to the causes of freedom, human dignity, and peace in the world;

(4) expresses condolences to the people of Poland for the loss of such an inspirational figure in Poland's transformation from a totalitarian regime to democratic government;

(5) extends its heartfelt sympathy to the more than one billion Catholics around the world, including more than sixty-six million Catholics in the United States, who looked to Pope John Paul II as Supreme Pontiff; and

(6) calls upon the people of the United States to reflect on the life of Pope John Paul II during the worldwide period of remembrance following his death.

SEC. 2. The Clerk of the House of Representatives shall transmit an enrolled copy of this resolution to the Secretary of State with a request that the Secretary transmit it to the Papal Secretary of State at the Vatican.

The SPEAKER pro tempore. Pursuant to the order of the House of Tuesday, April 5, 2005, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

GENERAL LEAVE

Mr. HYDE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 190, the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, it is a privilege to speak in honor of the life and the achievements of His Holiness Pope John Paul II. It is hard to imagine any other person who holds so much worldwide respect regardless of religious faith. The estimated 4 million people, including 200 heads of state, expected to attend the Pope's funeral in Rome later this week will bear witness to history's high regard for this man of principle and courage.

John Paul II dedicated his long life to peace and freedom for all mankind. As a young man, the Pontiff risked his life and defied Nazi forces which occupied Poland in an effort to protect the Jewish population and others in his homeland. As the 264th Pope, his faith remained steadfast during the years of the Cold War, playing an important role in the demise of Soviet communism.

As columnist Charles Krauthammer commented this week, "John Paul II's first great mission was to reclaim his native Eastern Europe for civilization, and he demonstrated what Europe had forgotten and Stalin never knew: the power of faith as an instrument of political mobilization." Visiting more than 125 countries over his career, the Pope reached out to people of other cultures and religions in an effort toward greater understanding, healing, and harmony.

Despite the steady decline in his health due to Parkinson's disease, and especially since he fell ill in early February, John Paul II continued to lead the Roman Catholic Church with his gentle strength and noble heart. He remained faithful, principled, and resolute concerning the continuing defense of the Church's traditional belief in the unique dignity of every human life from conception until natural death.

During a long and fruitful life, he literally provided the world with an example of how to live with dignity and unshakable faith. He told us to "be not afraid" in the face of seemingly insurmountable challenges. He showed us how to demand justice from the unjust. His faith inspired us when we most needed reassurance. His composure and dignity during times of great suffering serves as an inspiration to us all. He bore his personal cross with grace and serenity until the very end of his long and remarkable life.

As John Paul II has said, "Faith opens us to a hope that does not disappoint, placing us before the perspective of the final resurrection." While life itself is short and tenuous, I am comforted by the fact that His Holiness is finally at home and in a place of peace and refreshment with the Father. I am sure he is praying for us even now, as we are praying for him.

It is appropriate we mourn his passing. It is right and proper that we grieve over the loss of humanity's great champion; but we should also feel gratitude that this Pope stayed with us for so long and look forward to the time when we will hear the words he surely heard last Saturday: "Come, Beloved of my Father, and enter the Kingdom which has been prepared for you since the beginning of time."

I urge my colleagues to vote in favor of this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume, and I rise in strong support of this resolution.

Madam Speaker, at the outset, I would like to express my deep appreciation to the distinguished chairman of the Committee on International Relations, my good friend, the gentleman from Illinois (Mr. HYDE), for authoring this resolution remembering the life of Pope John Paul II. I also welcome the wholehearted support for this measure of my friend, our Democratic leader, the gentlewoman from California (Ms. PELOSI).

Madam Speaker, one billion Catholics worldwide, more than 60 million of them Americans, have suffered the staggering loss of a unique spiritual leader. And for all humanity, Pope John Paul II was a towering figure in the struggle for freedom. He railed against injustice all his life. He fought tirelessly on behalf of the poor, and he kept alive the aspirations of the oppressed wherever they were.

Those of us who have shared in his fight against both Nazism and communism have a special appreciation for him. Those of us who lived in the grip of Nazism and communism will always be grateful for his eloquence and his courage in his fight against Hitler's tyranny and Soviet domination during the Cold War.

I had the profound honor, with my wife, of having a serious conversation with Pope John Paul II during the visit to Rome in 1998. In our long discussion with His Holiness, we were struck by his clarity of mind, his captivating personality, and his absolute refusal to let his deteriorating health force him to remain behind the walls of Vatican City. These impressions came back to me during these very last days when a Pope silenced by illness nevertheless continued to call out forcefully for freedom and peace and to bring comfort to millions around the globe.

In his first public address at his installation as the Supreme Pontiff in 1978, John Paul II famously urged the faithful, and I quote, "Be not afraid." In the decades that followed, this message resonated well beyond the Church and the City of Rome. Within months of assuming his papacy, Pope John Paul II traveled to his native Poland. Enormous crowds poured onto the streets to greet him. The Pope pointed out that it was impossible to understand Poland without the context of Catholicism, and that, in his words, "There can be no just Europe without the independence of Poland."

Throughout the 1980s, the Pope remained in constant contact with the nascent Solidarity labor movement and with the Polish Government, pushing successfully for the end of martial law in 1983, and, ultimately, Madam Speaker, the end of the Polish Communist regime in 1989.

The demise of communism in Poland dramatically influenced the pace of Democratic change throughout Central and Eastern Europe. Americans, together with the rest of the world, will be eternally grateful for his important role in bringing liberty and democracy to tens of millions of men and women behind the Iron Curtain.

The Pontiff went on to provide inspiration for the "people power" revolt against the corrupt rule of Ferdinand Marcos in the Philippines, and he strongly supported the pro-democracy efforts of the Archbishop of Manila, Cardinal Jaime Sin. Marcos fell from power in 1986. Then the Pope traveled to Chile in 1987 and spoke out firmly against the authoritarian rule of Augusto Pinochet. Democracy took hold in Chile in 1990. Then the Pope traveled to East Timor in 1999, inspiring a whole generation of young Timorese to protest Indonesian occupation. East Timor won its freedom in 2002.

Pope John Paul II also made extraordinary efforts to repair relations between Catholics and Jews. In 1982, he took the historic step of establishing diplomatic relations between the Vatican and the State of Israel. He became the first Pope in modern times to visit a synagogue. In 2000, he was the first Pope to travel to the State of Israel; and there, Madam Speaker, he quietly read a prayer of reconciliation at the Western Wall, requesting forgiveness for the sins of the Church against Jews through the centuries.

☐ 1430

At a somber visit to the Yad Vashem, the memorial to the Holocaust, the Pope spoke movingly of his Jewish friends he had lost to the death camps during the Holocaust, and he recommitted the Catholic Church to battling anti-Semitism around the globe. He said, "The world must heed the warning that comes to all of us from the victims of the Holocaust, and from the testimony of the survivors."

Madam Speaker, with his efforts to reach out to Jews worldwide and to the State of Israel, and with his ceaseless work to promote human rights globally, Pope John Paul II, became a truly historic figure. We were all inspired by his passion for justice. His voice will be missed in the great global chorus that sings out for freedom in all corners of the world. I strongly urge all of my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. HYDE. Madam Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Madam Speaker, first of all, I thank the gentleman for yielding me this time.

Abraham Lincoln was succeeded by Andrew Johnson. Johnson was impeached by his fellow Republicans. Teddy Roosevelt became so frustrated with his successor, he came back to run against him.

Great Presidents and great Popes are seldom succeeded by great Presidents and great Popes, which is why so many of us mourn the loss of Pope John Paul II so much.

I never saw him in person. As a third-generation Lutheran boy marrying a Catholic girl, I take a more ecumenical view of the papacy. Until John Paul II, I saw the Pope as generally irrelevant to matters of personal faith and world events. Karol Wojtyla changed all that. He began his papacy with those simple words. "Be not afraid." He lived those words until his dying breath. History always finds a special place for the fearless.

He understood something that many Western sophisticates do not. There is enormous persuasive power in communicating deeply held moral truths. President Victor Yushchenko reminded us today of something the Pope said. He said, "The path of truth is often difficult, but never impossible."

He literally took up his cross daily and led charismatically his massive flock. He spoke with clarity to them and to the world. He led by example, and in the process, like St. Peter before him, he changed the world.

He stared down the Soviets when they threatened to put down the Solidarity movement in his native Poland. He traveled more and touched the lives of more people than any Pontiff in history. I thank God for giving us Karol Wojtyla. He will be succeeded. He will be hard to replace.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman for yielding me this time.

One of the great experiences I have had in life was to have an audience with Pope John Paul II. I traveled to Rome with the former mayor of the city of Chicago, Harold Washington; two other colleagues of mine at the time, a Jewish gentleman, Larry Bloom, and a Polish gentleman, Bill Krystaniak. The four of us met with the Pope, two African Americans, a Jewish person, and a Pole. When we were ready to leave, Bill Krystaniak replied, "We can actually end our trip because one of my wishes has been fulfilled."

Each one of us left with a tremendous sense of peace and tranquility, knowing that we had been in the presence of encompassing greatness, one who fought poverty, ignorance, discrimination, totalitarianism, whose arms were wide enough and broad enough and strong enough to embrace the hopes of the world.

I strongly support this resolution. Chicago is home to more Poles than any city in the world with the exception of Warsaw, and I know that we experienced a tremendous sense of pride, not only our Polish citizens, but all of Chicago, knowing that Pope John Paul II, had passed our way.

Mr. Speaker, I rise today to honor the memory of Pope John Paul II. He served as the head of the Catholic Church during a tumultuous 26 year period that saw changes that rocked the World as well as the Church. During his life, Pope John Paul II's influence extended far beyond the Catholic faithful to non-Catholics and world leaders. As a result, his death is mourned by people of all faiths around the world.

In his role as head of the Catholic Church, Pope John Paul II led a growing Church that spans 6 continents and consists of people from very different backgrounds. His credibility as a leader was bolstered by his willingness to take stands that were often unpopular and sometimes viewed by many in highly developed countries as anachronistic. His willingness to take stands that reflected the traditional teachings of the Church was strengthened by his willingness to acknowledge that the Church had at times failed to stress its traditional teachings during challenging periods. He did not just acknowledge past errors, but sought to prevent future ones by confronting the totalitarian threat of his time, the Soviet Union.

John Paul II was a tireless champion of democracy in Eastern Europe and an unrelenting critic of the Soviet Union and its puppet regimes in Eastern Europe. His experience growing up in Nazi occupied and Soviet controlled Poland surely influenced his pro-democracy, anti-totalitarian worldview.

As Chicago is home to the largest number of Poles of any city in the world other than Warsaw, his death hits especially close to home. Many Chicagoans of Polish descent fled Poland during the crackdowns and turmoil of the 1980s—a period during which Pope John Paul II was a major figure in the pro-democracy, anti-Soviet movement in his homeland. Developments in Poland proved decisive in ending Soviet domination in Eastern Europe as well as the collapse of the Soviet Union itself. For his leadership in the fight against totalitarianism, many people in Eastern Europe and of Eastern European descent hold him in particularly high esteem.

His leadership in the pro-democracy movements in Eastern Europe represents only one facet of his numerous accomplishments. A complete list would not be possible, though I am certain that my colleagues in the house will point out many more.

Mr. HYDE. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, I join my colleagues today in rising to honor the life and achievements of His Holiness, Pope John Paul II, and to express profound sorrow on his death. This week is bittersweet for people of faith throughout the world. We mourn the loss of a great leader and a man respected by people of many different faiths, yet we also celebrate his life and rejoice that he is now enjoying his eternal reward.

From the selection of the first Polish Pope and the first non-Italian Pope in over 400 years, Pope John Paul II's leadership of the Catholic Church was truly historic. Rightfully credited with helping bring about the end of communism, he also maintained a voice of morality during a time of overwhelming secularization of the West. The Pope was a stalwart in the fight against what he termed a "culture of death." He was unrelenting in his promotion of a culture of life.

Many talk of the Pope's legacy and presumed sainthood, but it seems the only legacy Pope John Paul II ever desired was a world of hope that celebrates life.

Our great 40th President, Ronald Reagan, is credited with restoring optimism to Americans, but even before Reagan, Pope John Paul II began his mission to restore hope to a pessimistic world. In carrying his message, Pope John Paul II tirelessly traveled all ends of the globe as no Pope and no leader has done before. Even as he was in great physical pain, he did not stop visiting people of all ethnicities, cultures and faiths to bring Christ's message.

Pope John Paul II inspired even the most cynical demographic of the human population, young adults. The Pope's message to the students of freedom and faith led to the success of Solidarity. In later years, the annual World Youth Days were filled with students eager to hear the Pope's message of faith and hope. The Pope challenged them to a life of service in all walks of life. He said, "Jesus, Servant and Lord, is also the one who calls. He calls us to be like him because only in service do human beings discover their own dignity and the dignity of others."

Mr. Speaker, the young people touched by Pope John Paul II will continue to carry out his work as they come to shape the world in coming years. It is fitting that Pope John Paul II was carried back home to the Lord on the vigil of Divine Mercy Sunday, a feast day he instituted. His last message to the world, which was read posthumously, should be repeated often across the globe: "To humanity, which at times seems to be lost and dominated by the power of evil, egoism and fear, the risen Lord offers as a gift his love that forgives, reconciles and reopens the spirit to hope. It is love that converts hearts and gives peace. How much need the world has to understand and accept Divine Mercy."

Mr. Speaker, we pray that John Paul II's message will be burned in our hearts and guide us through the current and future world challenges. We also pray for the repose of his soul and are delighted that he is in the company of the Lord he dutifully served his 84 years on Earth.

Mr. HYDE. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I rise in strong support, along with the gentleman from Illinois (Mr. HYDE), on behalf of this resolution honoring the life and achievement of His Holiness, Pope John Paul II, and expressing profound sorrow upon his death.

Mr. Speaker, while I am a United States Representative today, my first public position ever was that of an altar boy at St. Columbus Catholic Church in Columbus, Indiana, so it is with a particular sense of privilege that I rise today in this capacity to recognize the extraordinary life and work of Pope John Paul II.

My Catholic faith and that of my entire family continues to remain the bulwark of our world view, and much of that over the past three decades has been invigorated by the leadership and eloquence and courage of this man.

Now, many in the national media have commented since the Pope's passing this last Saturday about the nature of his appeal and the source of the international grief that has attended his passing. Many commentators in print and on television have suggested that his appeal is a direct result of his well-schooled public abilities, loosely defined as his charisma.

But I rise today in support of this resolution to respectfully disagree with those commentators and to say that I believe Pope John Paul II's appeal on a global scale is grounded in his role as a moral leader; in fact, one of the chief moral leaders on the planet of the 20th century.

His moral leadership and his personal courage were forged, as we have heard even today, from an extraordinary youth in the grip of Nazi Germany's tyranny. Pope John Paul II, from very early in his life, became an opponent of every form of government organized to present tyranny against the mind of man. His stands against communism throughout his life literally were the underpinning that brought down that wall we heard President Yushchenko speak of with gratitude today.

He was also a moral leader not only for his own Christian church, but for the wider world. And as the gentleman from California (Mr. LANTOS) just shared eloquently, after centuries of silent enmity between Christendom and the ancient people of Israel, Pope John Paul II spoke words of reconciliation and healing.

In particular, his visit and prayers at the Yad Vashem Holocaust Memorial in Jerusalem was, I believe, a watershed event in the history of the Christian church and will resonate for centuries in the work of the Catholic Church and Christians across the globe.

Pope John Paul II stood against the immorality of communism and anti-Semitism and ensured that the church would remain a bulwark of moral truth. And he stood for the sanctity of life, as the gentleman from Illinois (Mr. HYDE) stated so eloquently. When the culture of death has made such a steady advance across Western civilization, Pope John Paul II stood for the unborn. His leadership, his voice, his compassion will be missed in the life of his church and, I argue humbly, the wider world. Pope John Paul II's death is a loss for humanity. He was not just the leader of the largest Christian church in the world, he was truly a moral leader.

May God rest his soul and bring comfort and consolation to millions of his adherents.

Mr. LANTOS. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, if I may, I would like to tell a story. In January of 1945, a young Jewish girl, 13 years of age, stumbled from a Nazi labor camp in Poland, starved to skin and bones, and clad only in her striped rags. She shivered in the Polish winter.

□ 1445

Though she did not know it yet, Edith Zierer was completely alone in the world, her mother, father and sister murdered in Nazi camps. When she felt that she could no longer bear the cold, Edith rested in the corner of a train station.

Suddenly, a young man wearing a long robe, only 24 years of age himself, approached her. He gave Edith tea, bread and cheese and offered to help her get to Krakow to find her parents. She rose to thank him, but fell to the floor, unable to stand because she was so weak. The young man took Edith in his arms, carried her to the train, and sat down in a cattle car beside her. He shielded her from the cold with his coat, built a small fire for warmth, and accompanied her to Krakow.

Edith Zierer lived, and she still lives today as a result of the kindness of this stranger. Mr. Speaker, that generous stranger was also an orphan, a young seminarian named Karol Wojtyla, eventually Pope John Paul II.

Mr. Speaker, this is what we mean by a culture of life. A culture of life is surviving tragedy as Pope John Paul II did and pledging yourself to bettering the lives of others. A culture of life is forgiving those who try to extinguish your life as Pope John Paul II did when he visited his would-be assassin in jail and forgave him for his sins. A culture of life is knowing too well the misery of war and becoming a champion of peace. A culture of life is embracing the diversity of people living on this planet, advocating religious tolerance, human rights, and a more equitable distribution of the Earth's precious resources.

Mr. Speaker, a culture of life is treating each human being as Karol Wojtyla treated Edith Zierer. Let a culture of life, in this fashion, be Pope John Paul II's legacy.

Mr. HYDE. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. I thank the chairman for bringing this resolution to the floor, and I strongly support it.

Mr. Speaker, I am pleased to join my colleagues in paying tribute to the life and legacy of Pope John Paul II. Pope John Paul II was one of the great religious leaders of modern times and an eloquent champion of human freedom and dignity. Unlike all too many misguided religious leaders, the Pope understood that liberty, both personal and economic, is a necessary condition for the flourishing of human virtue. The Pope's commitment to human dignity, grounded in the teachings of Christ, led him to become one of the most eloquent spokespersons for the consistent ethic of life, exemplified by his struggle against abortion, war, euthanasia, and the death penalty.

Unfortunately, few in American politics today adhere to the consistent ethic of life. Thus we see some who cheered the Pope's stand against the war and the death penalty while downplaying or even openly defying his teachings against abortion and euthanasia. Others who cheered the Pope's opposition to abortion and euthanasia were puzzled or even hostile to his opposition to war. Many of these pro-life supporters of war tried to avoid facing the inherent contradictions in their position by distorting the just war doctrine which the Pope properly interpreted as denying sanction to the Iraq war. One prominent talk show host even suggested that the Pope was the enemy of the United States for this position.

In conclusion, I am pleased to pay tribute to Pope John Paul II. I would encourage those who wish to honor the memory of John Paul to reflect on his teachings regarding war and the sanctity of life and consider the inconsistencies in claiming to be pro-life but supporting the senseless killing of innocent people that inevitably accompanies militarism, or in claiming to be pro-peace and pro-compassion but supporting the legal killing of the unborn.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 2 minutes to my distinguished colleague, the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member for yielding time, and

I thank the gentleman from Illinois (Chairman HYDE) for bringing this resolution to the floor. Might I offer my deepest sympathy to the world's family of Catholics, to those Catholics in my congressional district, the 18th Congressional District in the State of Texas, and as well allow me as a member of the ecumenical community, many different faiths, to be able to express our sympathy as well.

It is important to note what many of us believe Pope John Paul II stood for, an unyielding spine, backbone, someone who was larger than life, who believed in humanity and its safety and love and as well had the common touch, a man who understood suffering, having lost his mother at an early age of 8 years old, his older brother of scarlet fever just a few years later, and his father, who was a sergeant in the army, in 1941. He understood suffering. Yet he was the first Pope to expand his reach and understand the value of the world's religious communities coming together.

And so he paid homage to the victims of the Holocaust. He was the first Pope to visit Auschwitz and as well to visit the synagogue of Rome. In March 2000, Pope John Paul II went to the Holocaust memorial as well. And, yes, he visited Syria. Pope John Paul II was also the first Pope to visit a Muslim mosque when he traveled to Damascus, Syria. Later on, with the strength of his conscience, he said to us, war is a defeat for humanity and that wars generally do not resolve the problems for which they are fought and therefore prove ultimately futile.

So I simply have these words to say, Mr. Speaker, simply to thank Pope John Paul II for his legacy and his life, to appreciate the fact that he was willing to lift those who could not lift themselves and thank him for teaching us about the genocide in Sudan and allowing us to lift ourselves to be able to stand against it and to fight with every breath in our body to be able to live his legacy, and that is a man of peace and a man who loved humanity.

Mr. Speaker, I rise today as a cosponsor of the House Resolution honoring the life and achievements of His Holiness Pope John Paul II and expressing profound sorrow on his death. Truly, billions of people around the world, both Catholic and non-Catholic alike mourn the death of Pope John Paul II. He held one of most influential positions on Earth, but his life will be remembered as a man of the people, a man who never saw any barriers between people.

I plan to travel with the Congressional Delegation to Pope John Paul's funeral at the Vatican in Rome along with an estimated two million mourners. This man has touched the life of so many both with his words and with his actions, that people now come together to honor this great man. Pope John Paul was born Karol Wojtyla on May 18, 1920, in Wadowice, Poland. His early life was not easy, his mother died when he was only eight years old. Three years later, he lost his older brother to scarlet fever. His father, who was a sergeant in the army, died in 1941. By the age of 20, he had lost three of his closest family members. But as he would throughout his life, he summoned his courage and his remarkable resolve to remain true to his religious upbringing. He would grow up in Poland during an era of Nazi occupation and repression. He worked as a common laborer and even as religious expression was being quelled by the Nazis he continued his Catholic teachings.

He would become the youngest bishop in modern Polish history at the age of 38 as the Archbishop of Krakow. Nine years later he was the youngest cardinal, guiding the Catholic faithful in a country that was officially atheist. He was known even then for his stance against Communism and the forces of oppression and hate. On Oct. 16, 1978 at the age of 58, John Paul II was selected to lead the Roman Catholic Church as the youngest pope of the 20th century. His relative youth allowed him to be extremely active and meet with people throughout the world. His charisma and grace allowed him to touch the hearts of people and convey a message of peace and collective humanity.

As Pope, John Paul II traveled the world to directly speak to the issues that confronted society. Whereas previous pontiffs often remained distant, never straying far from the Vatican, John Paul maintained a busy travel schedule. He completed 102 pastoral visits outside of Italy, and 144 within, visiting almost 130 countries during his 26 years as Pope. He logged more kilometers of travel than all other popes combined. His first visit as pope was to his homeland of Poland which was still beset by Communist rule. He advocated for the solidarity movement and he pushed for change, but he insisted above all else that any movement in order to be successful must be peaceful. It was Pope John Paul who aptly stated that: "Social justice cannot be attained by violence. Violence kills what it intends to create." His influence and guiding hand brought down the rule of Communism in Poland and ushered in a new era throughout Europe and indeed much of the world. I was honored to recently have meetings with both former Polish President Lech Walesa and current President Aleksander Kwasniewski and it seems clear that together with the Pope's influence Poland was able to transform from an oppressive communist country under strict Soviet control and with a weak economy to an independent and democratic country with a fast growing free-market economy. The end of communism fell like a series of dominoes in nations throughout the world and truly Pope John Paul was among the most influential in setting off these series of events.

Pope John Paul also used his travel to improve relations between the Vatican and people of other faiths. He grew up in an area of Poland where he lived next to many people of Jewish faith during the era of Nazi persecution where he saw his Jewish neighbors face brutality. As Pope he wrote and delivered a number of speeches on the subject of the Church's relationship with Jews, and often paid homage to the victims of the Holocaust in many nations. He was the first pope to have visited Auschwitz concentration camp in Poland, in 1979 and his visit to the Synagogue of Rome was the first by a pope in the history of the Catholic Church. In March 2000, Pope John Paul II went to the Holocaust memorial Yad Vashem in Israel and touched the holiest shrine of the Jewish people, the Western Wall in Jerusalem, promoting Christian-Jewish reconciliation. The Pope said at that time that Jews are "our older brothers". Pope John Paul was also the first Pope to visit a Muslim Mosque when he traveled to Damascus, Syria. He used his position of influence to bring people of all faiths together and for that we should be grateful.

At each stop he made as Pope he reiterated that we only have one lifetime to live and that we must ensure that we use this time to achieve peace instead of suffering in war. It was Pope John Paul who stated: "War is a defeat for humanity." And that "Wars generally do not resolve the problems for which they are fought and therefore . . . prove ultimately futile." His words certainly ring true for the present, as well as the past and future. Indeed, Pope John Paul II was a great man for all ages; it was he who stated: "The future starts today, not tomorrow." His presence and stature will be missed and we are right to mourn this great man. However, the Pope John Paul would be the first to tell us that the future is now and we must continue to move forward. We must all use his words and the lessons learned to help guide future generations. Because while the issues of society may change over time, the basic spirit of humanity never does.

Mr. HYDE. Mr. Speaker, I am very pleased to yield 1 minute to the distinguished gentleman from Texas (Mr. DELAY), the majority leader.

Mr. DELAY. Mr. Speaker, I thank the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) for offering this resolution.

From the darkness, Mr. Speaker, came the words, "Be not afraid." A quarter century on, through tearful eyes, we behold the man, Karol Wojtyla, who with gentle vigor willed history toward the splendor of truth.

Born to an age of man and an era of oppression, John Paul II gave witness to all who would be free that the Author of History was too the Author of Liberty. As a secret seminarian witnessing the Nazi occupation of Poland, the Third Reich wanted him arrested. As a bishop witnessing the Soviet domination of Eastern Europe, the politburo wanted him dead. And as Holy Father witnessing the degradation of human life, the culture of death wanted him silenced.

Yet in the face of their threats, not despite them but because of them, his voice rang out all the louder and his heart beat all the stronger in love for the children of God. He battled tyranny his whole life, tyrannies of the sword and of the heart, that the world, his universal flock, might throw off the yoke of evil and embrace the love of God's truth.

Against violence, oppression, materialism and hatred, John Paul defended the dignity of human life with a warm voice and an iron will. He was the rock upon which a generation of Catholics built their churches and the walking symbol of faith, hope and charity that fuels the Christian heart. Much has been rightly said of John Paul's role in the victory of freedom over tyranny in the East; but much more will be said, Mr. Speaker, of his eventual role in the victory of freedom over license in the West. For the culture of life is the culture of John Paul II.

In his later years, the Pope gave perhaps his most profound witness to the dignity of human life as he carried age and disease around on his back like a cross. He stumbled along the way, like his Savior, but he never put it down.

In his final days, as his long-suffering body began to fail, pilgrims came to his home at the Vatican to pray and to share this particular moment in the history of faith. And still they come. Around the world, billions of every creed are treated to photographs of John Paul as a child in Poland, as a young actor, and a priest. We see footage from his decades in Rome, the smiling face, the graceful, athletic frame, the gentle voice that roared truth to power.

It is in these images, Mr. Speaker, that the grace of his late suffering can be fully understood. He gave to his God and neighbor all that he had, all his heart, all his mind, all his soul, until there was nothing left to give but his broken, weary body which he gave with a prayer of joy and a soft, final amen.

Thus shall we remember our friend John Paul, warrior-saint, the Lion of Krakow.

Mr. HYDE. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Nebraska (Mr. FORTENBERRY).

Mr. FORTENBERRY. Mr. Speaker, let me add my voice to the millions of Americans and people throughout the world who now mourn the loss of Pope John Paul II. He was an extraordinary man of great courage and conviction of faith. His life was consumed in sacrifice, out of love of God and love of others; and he reminded us constantly of the duty we have to the least among us, the poor, the vulnerable, the weak who have no power but the protection of those who willfully sacrifice on their behalf.

Pope John Paul II not only confronted physical deprivation but also intellectual and spiritual poverty. His constant admonishment to us, particularly those of us in power, to rebuild a culture of life is a message so desperately needed in our world. He had a heart for the youth and traveled extensively to bring a message of hope and love, saying to the young especially, act courageously and do not be afraid.

Mr. Speaker, I will miss him. America will miss him. The world will miss him. I now believe that he hears the words. Well done, good and faithful servant.

Mr. LANTOS. Mr. Speaker, I am delighted to yield such time as she may consume to the gentlewoman from California (Ms. PELOSI), our Democratic leader and my friend and neighbor who will be one of the leaders of the congressional delegation leaving for Rome.

Ms. PELOSI. Mr. Speaker, I thank the distinguished gentleman for yielding me this time and for his kind words. It is indeed a privilege to be part of a delegation to the funeral of the Holy Father. I also thank the distinguished chairman of the committee. I know how much he respected and admired the Holy Father. I thank him for his leadership in helping us express our condolences as well.

Mr. Speaker, my mother used to always say of John Paul II, "He is a saint walking the Earth." Indeed, he was. It is in that spirit and with deep sadness at his passing but with great thanks and joy for his life of good works that I rise today to join my colleagues in paying tribute to Pope John Paul II.

□ 1500

Pope John Paul II was one of the great spiritual and humanitarian leaders of our time. His deeds, his words and his indomitable spirit of love were a blessing to this world, and the entire world mourns his passing.

Again, I am very honored to be part of the congressional delegation to the Pope's funeral on Friday, and I hope that our delegation can help convey the thoughts, prayers, and deep sympathies of the American people on his passing. We will be pleased to join our President in doing that.

Pope John Paul II was a man of God, and he was a man of the people. He was passionate in his commitment to doing God's work here on Earth. St. Francis of Assisi, who was the patron saint of my city of San Francisco, said, "Preach often, sometimes use words." The life of John Paul II was a sermon he preached every day by example. His ministry fed the hungry, cared for the sick, and invited the stranger. He was a champion for the poor, promoting justice and economic development around the world. His work built on the legacy of Pope Paul VI, not his immediate predecessor, except for 33 days his predecessor, who believed, "If you want peace, work for justice." Pope John Paul II helped to bring justice and healing to the relationship between Catholics and Jews, and I know how important that is to the gentleman from California (Mr. LANTOS). His commitment to nonviolence and to peace on Earth was heartfelt and steadfast.

With a concern and caring for all of God's children, John Paul II reached out to people of all ages, nationalities, and faiths. As we all know, he traveled to so many countries in his service as Pope, and he spent more than 2 years in his papacy outside of Rome. I like to say that he was aptly named John Paul: John, the Apostle of love, and Paul, who preached the Gospel to such a wide range of people in the earliest days of Christendom. In doing so himself, Pope John Paul II brought the redemptive message of the Catholic Church to places it had never been, and he inspired millions of individuals who saw in his conviction and in his example the light of God.

He had a special bond with the youth of the world. I remember when I met him in San Francisco when he came there, and it was so exciting for us to welcome the Holy Father, and when he landed at Crissey Field in a helicopter, it was so dramatic. And when I met him, our Archbishop, Archbishop Quinn, said, as we were chatting, "Your Holiness, I have confirmed the Congresswoman's children." And he said, "That's good, that's good." And he said, "Your Holiness, I have confirmed the Congresswoman's five children." And he said, "That's very good, that's very good."

And as I said, he had a special bond with the youth of the world. He spoke with them as a spiritual leader, but also as a teacher and as a friend. The guidance he offered to today's youth will benefit the world for years to come.

Likewise, his influence on world events will be felt for generations. John Paul II played an enormous role in the fall of communism and ending the Cold War, and that has been mentioned here. He was a man of peace. As a priest in Poland, he waged a persistent struggle for nearly three decades against the Communist Government over the building of churches and the right of his people to worship as they choose. He continued that work as Pope, inspiring the Polish people and the Solidarity movement, and offering spiritual strength to others working to free themselves from Communist regimes.

In his later years, the Pope offered the world a very different but significant form of inspiration. Suffering from Parkinson's disease and with failing health, he struggled until the end to share God's word. He taught us about the dignity of every individual and showed us that we must always seek to make a difference on this Earth.

It is written in the Book of Genesis, "Thou shalt go to thy fathers in peace; thou shalt be buried in a good old age." John Paul II is with our Father now. We were blessed that he preached peace in this world for so long.

As we honor his memory, as we sing his praises, we must also heed his message. The Catholic Church recently gave us a guide, the compendium of Catholic social justice, for how we can address some of the issues the previous speaker talked about, addressing the needs of the poor, the vulnerable, and the weak. President Bush mentioned that when he gave His Holiness the Presidential Medal of Freedom, he mentioned that he had championed the work for the poor, the vulnerable, the needy, he said, and the weak. We must do that in our work here. It would then be an appropriate honor and remembrance for the life, leadership, service, and holiness.

My mother said, as I said in the beginning, he is a saint walking this Earth. Anyone who was ever in his presence knew they were in the presence of a holy man. Because he lived and we observed him, we have a responsibility to follow his lead.

Mr. HYDE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, I thank the gentleman from Illinois for yielding me this time, and my colleagues who are so eloquently expressing the impact that Pope John Paul II has had on all of us and on the world, and hopefully on all of us here in this House.

He became Pope in 1979, when I was a teenager. In a quiet Catholic community, one that was quietly prayerful, quietly service-oriented, but quietly, he inspired us not to be so quiet. He inspired us to change that quiet prayer into exuberant song. He inspired us to get involved, to step out of the churches, step out of our own communities, and give more direct service, become more directly involved with those afflicted with illness, with those afflicted in poverty, with those with other problems, emotional concerns, and active the Church became.

I could not even describe the difference in the church I grew up in in Pittsburgh from 1979 to today, inspired by Pope John Paul II. Young people, everyone mentions that the Pope has a very close connection with young people. World Youth Days around the world were so widely attended from children around the world that it gives me great hope for the future of the world.

A young priest at my church, who is now probably about 33 or 34, had taken a delegation to the World Youth Day last year or the year before and had come back with a pretty amazing story. In this world of corporal comfort, one of the young men in the group had complained to him that it was so crowded, he had to stand next to a pile of stinking garbage in the hot sunshine. And he was waiting and waiting and smelling the garbage and waiting and thinking, why am I here? This is so uncomfortable. And then finally the Holy Father took the podium. It was raining, it was wet. But when the Holy Father took the podium, the sun shown through. This young man conveyed to my priest what I think was the Holy Father's point all along. This world is not perfect. This world can be made more perfect through our action, our prayer, our involvement. This young man, I am sure to this day, is a very faithful and active Catholic and a faithful and active servant, one whose attitude that day was transformed from himself to generosity and interest in others, one that I hope we all take as his legacy.

A man who grew up in such a difficult time, in a difficult oppressive time, in an area where obviously his faith was not quite permitted, was such an inspiration to world leaders, Ronald Reagan, Margaret Thatcher, working hand in hand with them because he understood that the fundamental connection between redemption and human freedom was real, and he needed to participate. He showed us that every human has value. His own personal suffering is a testament to the vital sacredness of all human life.

He called special attention to the unborn. We still struggle in not paying enough attention to the unborn. Just recently we demonstrated, unfortunately, how our society does not pay close enough attention or concern to the incapacitated, the infirm. I hope this reflection today will help us do so.

The Pope said that each man in his suffering can also become a sharer in the redemptive suffering of Christ. We are wise to remember him, his legacy, especially his teaching, through his powerful words, but mostly through his powerful actions.

Mr. HYDE. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. BEAUPREZ).

Mr. BEAUPREZ. Mr. Speaker, I thank the gentleman from Illinois (Chairman HYDE) for all of his leadership, especially for bringing this resolution to the floor today, but for all of his leadership throughout the years. I thank the gentleman from California (Mr. LANTOS) as well for his leadership, similarly a champion of justice and a compassionate individual who speaks with tremendous moral clarity.

Mr. Speaker, I am saddened today, as a lifelong Catholic, at the thought of the death of our great Holy Father, John Paul II. As I stand in the well of this Chamber, it also strikes me as curiously ironic that we come to commemorate the life of John Paul II, who spoke with enormous moral clarity, and I stand staring at the image of Moses, the first of our lawgivers, who defined moral clarity for us in those early beginnings of civilization and humanity.

The early years for John Paul II were a journey of hardship and sacrifice. Born Karol Wojtyla in a small town outside of Krakow in 1920, the same year of my mother's birth, by the way, he was the second of two sons. His mother died when he was but 9 years old, and by the time he was 21, he had lost his dear brother and his father as well.

Young Karol found himself alone. He worked in a rock quarry and then a chemical factory to earn a living and to avoid being deported to Nazi Germany. To fulfill a wish that his father had, young Karol began preparing to give his life to the Lord by studying at an underground, clandestine seminary in Krakow, doing so in secret to avoid the wrath of the Nazis. His faith and belief in God eventually led him to the very chair of St. Peter. As the head of the Holy See, a position he held for more than 26 years, he led his flock longer than any other Pope and certainly longer than any in recent memory.

I was always humbled by this man who was able to exert so much influence on the politics of our world and the direction of mankind, yet had the ability to do so with such a quiet, gentle hand.

One must look no further than the collapse of the Soviet Empire for an example of how much influence he had. While no one person can claim that they were the lone force behind the collapse of communism, there should be no argument that the extent to which John Paul II played in defining it and defeating it was enormous. Along with another great man of his era, Ronald Reagan, they confronted their adversaries face to face and helped defeat this evil, and did so without war.

□ 1515

This man of God, who was once an avid outdoorsman, who skied and hiked the Italian mountainside, who aggressively traveled the globe more than any other Pope, became almost like a family member to everyone in the world, regardless of faith.

He embraced the modern media. John Paul entered the homes and touched the hearts of countless millions with his message of love, truth, devotion, and courage. He was unwavering in his defense of all life, limitless in his forgiveness, including of his own would-be assassin, and without peer as he embraced all the world's faiths and humbly asked forgiveness from our Jewish brethren for a Church and a world that did too little for too long.

Those of us privileged to serve in this hallowed Chamber have the opportunity to meet presidents, prime ministers, kings and queens, the famous and the fortunate of the world. Twice I was in the presence of this Pope, in 1993 in Denver and at the Vatican in 1995.

I submit, Mr. Speaker, that the essence of this humble man from Krakow transcended humanity. His essence emanated peace, holiness and a sense that surrounding him was a glimpse to all of us of our Creator's promise for eternity. Without so much as a single word, his spirit overwhelmed all who witnessed his being.

"Be not afraid" became the motto of his remarkable Papacy. Inspired by his commitment to peace, freedom, compassion for the poor and oppressed and for a culture of life, may we also carry on his legacy of truth in our very own lives.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 2 minutes to my friend, the distinguished gentleman from New York (Mr. ENGEL), a member of the Committee on International Relations.

Mr. ENGEL. Mr. Speaker, I thank the distinguished ranking member and my good friend for yielding me time; and I rise, of course, in support of this resolution, as have all my colleagues.

Pope John Paul was an exceptional person. While one would expect all kinds of accolades to come at this time, the accolades that come for him are truly heartfelt and truly deserved.

I had the occasion to meet him my very first year in Congress in 1989 in the Vatican. There is a picture that was taken of us talking. It looks like we are in very serious talk, and I am opening my mouth and speaking with him. People have always said to me when they see that picture, My goodness, what were you saying to the Pope?

The truth is that those of us that were in the first row, the Pope is moving along shaking our hands. He shook my hand. I said to him, I am Congressman ELLIOT ENGEL from New York. He looked at me and smiled and said, God bless America, and moved on to the next person. That is the remembrance I have of him.

He certainly was a compassionate man, someone who really cared about the people. Of course, he was the first non-Italian Pope in nearly 500 years. I had the occasion just a couple of weeks ago to visit Krakow, Poland, where he came from and where he did his ministry in his early years; and the people there, of course, have special, warm feelings for him.

I want to mention, as so many of my colleagues have, the Pope's tremendous gestures of reconciliation with the Jewish community, both in terms of anti-Semitism and going to Israel and having the Vatican and Israel establish diplomatic relations. He was a person that not only spoke his mind, but he put into play practical steps; and certainly the Church was on record as opposing, actively opposing, anti-Semitism under his watch.

So on behalf of my constituents and on behalf of the people of New York and on behalf of the American people, I just want to extend, first of all, my heartfelt condolences to everyone who is mourning, and all of us are mourning the Pope, and say that his life has truly touched all of us, Catholic and non-Catholic alike. He is a man that we will always remember and one who we will certainly always miss.

I also take my hat off to this great tribute that this House is now giving by passing this resolution to honor Pope John Paul II.

Mr. HYDE. Mr. Speaker, I am pleased to yield 15 seconds to the gentleman from Pennsylvania (Mr. FITZPATRICK).

Mr. LANTOS. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania.

The SPEAKER pro tempore (Mr. GINGREY). The gentleman from Pennsylvania (Mr. FITZPATRICK) is recognized for such time as he may consume.

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, I rise today with my colleagues and the millions, if not billions, of people throughout the world in celebrating the life of His Holiness Pope John Paul II, and support the resolution and thank the gentleman from Illinois (Chairman HYDE) for presenting it.

Mr. Speaker, no one at the time in 1978 expected Cardinal Wojtyla to be elected the Keeper of the Keys to the Church. In his election as Pope, John Paul II became the first non-Italian Pope in 405 years of Papal history.

John Paul II was truly the People's Pope. Throughout his Pontificate, John Paul II traveled the world, visiting over 115 countries on 170 trips. It was with the people that Pope John Paul II connected the most. He called upon the world to embrace freedom and human dignity. In doing so, the Pope will be remembered for his role as peacemaker, instrumental in the fall of communism in Europe and the liberation of his own native Poland.

But the Pope also called on the world's religions to open their doors to each other. Drawing from his own experiences in Nazi-occupied Poland, the Pope advocated interfaith dialogue. He became the first Pope to enter a synagogue and embraced the leaders in Islam. His work to expand communication between the faiths has brought together a generation of the devoted, and our world is a better place for it.

During an open-air mass in St. Peter's Square in 1998, the Pope asked of himself, Have you been a diligent and vigilant master of the Church? Have you tried to satisfy the expectations of the faithful of the Church and also the hunger for truth that we feel in the world outside the Church?

Although he did not answer then, we can answer for him today. Yes, yes, you have.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 3 minutes to my good friend, the gentleman from Missouri (Mr. BLUNT), the distinguished majority whip.

Mr. BLUNT. Mr. Speaker, I thank my good friend, the gentleman from California (Mr. LANTOS), for yielding me time to speak on this important issue.

As has been said many times on the floor today, we celebrate the life of a man who truly changed the world. If I were going to start a list of people who freed other people in the 20th century, I would put the names of Franklin Roosevelt, Winston Churchill, Ronald Reagan, and John Paul II at the beginning of that list.

This is a man whose life defied all logic and reason, because his life was about something bigger than logic and reason. His life was about faith, and faith is bigger than those things. If you wrote this individual's story in a book as a novel, it would seem too unreasonable to be the subject of that novel.

Born in an obscure part of Poland, he resisted the Nazi occupation of his country and led a resistance that exceeded anything we could imagine as the leader of the Church in Poland under the Soviet Union. All of us who were thinking about world events or even were just amazed at what was happening in the world have to remember that first trip back behind the Iron Curtain in 1980, and seeing tens and hundreds of thousands of people come to see this individual, defying their government as he defied their government, and the sudden realization to most of us in the West that there was something going on behind the Iron Curtain and in the Soviet Union and particularly in Eastern Europe that we really had not realized to be as big as it was.

This is an individual who, to my amazement, was seen by more people than any other person who has ever lived. As you think about the quarter of a century of his leadership of the Church, the tens of thousands and hundreds of thousands and even millions of people that would see John Paul II at one time, more people saw him than ever saw anybody else in the history of the world.

His impact was great. His leadership was strong, his reaching out to people of all faiths, particularly his ecumenical reach to all Christians. As a Baptist, I appreciate the leadership of this Pope. He reached out to all Christian faiths, but he also reached beyond Christian faiths to people of all faiths as no Pope ever had before.

We celebrate his life. He stood for something bigger than the tangible things that we so often think about and deal with. It is a great honor to be able to stand here on the floor of the House where people reflect on freedom every day, and reflect on the life of this man who did so much to extend freedom of all kinds, with the freedom of religion being the most important of those, to so many people around the world.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in concluding on our side, may I just say that for the last hour you have heard an outpouring of genuine affection and respect and admiration for a great spiritual leader. These were not empty phrases. These were heartfelt thoughts and expressions of profound respect for a person who in a profound way has changed our world for the better.

In concluding, I again want to thank my friend for crafting this brilliant and moving resolution on which we are about to vote.

Mr. Speaker, I yield back the balance of my time.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from California (Mr. LANTOS) for his usual superb cooperation, and I wish to associate myself with his remarks in closing.

Mr. VISCLOSKY. Mr. Speaker, I rise today in support of H. Res. 190, a measure honoring the life and achievements of His Holiness, Pope John Paul II, and expressing profound sorrow on his death. It is with great honor that I stand here today to pay tribute to Pope John Paul II and recognize his contributions to the causes of freedom, human dignity, and peace.

The leadership the Holy Father displayed during his 26-year tenure as Supreme Pastor of the Roman Catholic Church helped to shape our moral conscience. His fight to end human rights abuses and his opposition to communism not only influenced the Catholic community, but the world community. He was a defender of the faith whose leadership during a pivotal time was profound. I am truly awed by the life of the Holy Father.

Born Karol Jozef Wojtyla, Jr. in 1920, Pope John Paul II was the second son of Karol Wojtyla, Sr. and Emilia Kaczorwoska Wojtyla. Karol, Sr. was a retired officer for the Polish Army as well as a tailor, and Emilia was a schoolteacher. Pope John Paul II repeatedly demonstrated his unique ability to form friendships that crossed the social norms of the time. Although his hometown of Wadowice, Poland was wrought with anti-Semitism, Pope John Paul II and his family did not share in that hatred. He was the first Pope to visit a synagogue and the first to visit a memorial in nearby Auschwitz honoring victims of the Holocaust. His Holiness was also the first Pope to visit a mosque.

Shortly after his father's death in 1941, Pope John Paul II attended an underground seminary in Krakow, where he was eventually ordained in 1946. His powerful compassion and faith carried him quickly up the ranks of the Church as he was named the auxiliary bishop of Krakow in 1958. He was instrumental to the Vatican Council II deliberations in 1962, which encouraged diversity in language and practice of the Catholic faith in order to facilitate the inclusion of laymen in worship while also condemning anti-Semitism around the world. The profound respect he enjoyed throughout the Catholic community led to his election as Pope after the death of Pope John Paul I in September 1978, making him the first Slavic Pope in history.

Less than a year after being named Pope, John Paul II returned to his native Poland and forcefully supported the Polish Solidarity movement and opposed communism. His insistence that no system of government override religious beliefs gave hope to people of faith throughout the former Soviet Union that reforms would take place. The courage and determination that he displayed in opposition to a world power reflected the strength of his convictions and his willingness to stand up to an institutional force that challenged the beliefs of the church.

Pope John Paul II was an indomitable figure despite increasing infirmities. Though he survived an assassination attempt in 1981, his health was never quite the same. However, his warmth and compassion shone brightly to all who met him and quickly endeared him to young people around the world. He is said to have been seen by more people than anyone else in history, exemplifying his connection to ordinary people. He was an unwavering moral leader whose power and appeal derived from the way he lived his life. He demonstrated this when he prayed for his would-be assassin.

Pope John Paul II was also an intellectual, a pragmatist, and a scholar who was a defender of liberty. His charisma and his ability to lead were intertwined with his status as the "People's Pope." He forged a bond with people of all faiths by projecting his warmth and compassion beyond his flock. Pope John Paul II's life provided strong moral leadership during a pivotal time in history that enabled the fall of communism and the victory of liberty. The world was truly blessed to have Pope John Paul II.

Mr. Speaker, during his 26 years as pontiff, Pope John Paul II spread the Catholic faith with visits to over 115 countries. His gift for uniting those of different beliefs earned him Man of the Year honors from Time Magazine in 1994, and his popularity among both Catholics and non-Catholics around the world was a testament to his genuine love for humanity. His teaching of tolerance and love for thy neighbor will be a lasting legacy for this truly great religious leader.

Mr. SHUSTER. Mr. Speaker, I rise this afternoon to honor the life and work of Pope John Paul II and to offer my condolences to Catholics around the globe who mourn the death of their spiritual leader. For 26 years Pope John Paul II was a faithful Shepard to his flock and acted as a primary example of peace and justice to millions of all faiths.

Trained as an actor, Pope John Paul II used the world stage to promote his message of social justice and freedom for all of God's people. Upon his election to the Papacy, Pope John Paul made one of his many journeys home to his native Poland. It was upon that journey that the Pope defiantly preached against the oppressive tyranny of communism and promoted messages of solidarity and freedom. In uttering the simple words, "Be Not Afraid", John Paul II offered courage to hundreds across Eastern Europe to break free from the chains of communism.

Despite the illness that plagued him in the later part of his life, John Paul II never faltered in fighting against injustice and in protecting the most innocent in our society. Indeed, it was in the Pope's very public suffering that we are reminded of the dignity of every human life from conception until natural death. Mr. Speaker, today we join together to honor the life of a true servant of God. While we mourn Pope John Paul II and are filled with sorrow at his passing, we also rejoice in knowing that he has returned home to his Father.

Mr. RANGEL. Mr. Speaker, I rise today to honor a great man of the Catholic faith and a hero to those of all faiths. I was deeply saddened to learn of the death of Pope John Paul II. I join the millions of people around the world that have been mourning the loss of this great man and great spiritual and moral leader who stood firmly for the oppressed, for the downtrodden, and for people of all faiths around the world.

Pope John Paul II was a great man, and a strong advocate for equality. He spoke out time and time again against discrimination and injustice in all its forms. He believed in the "right to have a family and to have an adequately paying job" and that everyone should be able "to exist, preserve and develop one's own culture." His compassion for his fellow man and woman was overtly obvious.

Pope John Paul II has spread the word of God and the gospel to the world. He was the most traveled Pope in history as he brought these ideas across the globe, especially to the world's poorest people on the continents of Asia, South America, and Africa. He was the only pope to have visited a Caribbean country and has held mass in a host of Central and South American countries. In the last two decades under the Pontiff, the number of Catholics in Africa has doubled and the Pope has visited over a dozen countries on the continent. He appointed nearly two dozen cardinals from Latin America and the Caribbean, including Oscar Andres Rodriguez Maradiaga of Honduras and Claudio Hummes of Brazil, and thirteen from Africa, including Francis Arinze of Nigeria.

Citing the commitment to social justice in the Old Testament, the Pope was a long-time champion of debt relief. In 1994, he called on the United States and other nations to forgive the debts of 40 of the world's poorest countries; to fight vigilantly against hunger, poverty, and disease; and to establish programs to build sound economic policies in those countries.

Though he mourned September 11th with the rest of the world, the Pope steadfastly believed that peace, not war, is the path to creating a safer world for all. He was an outspoken critic of the Iraqi war and called on international leaders to find a peaceful mechanism to address their differences.

Pope John Paul II worked to ease the centuries' old tensions between the Catholic Church and Jews. He was the first Pope to visit a concentration camp and was also the first Pope to visit a synagogue, calling Jews "our eldest brothers." He has repeatedly tried to keep the Catholic Church morally grounded in its advocacy but adaptive to changes in the world.

Not only was he a spiritual leader and warrior for civil rights of universal renown, but he was also an intellectual powerhouse. He was capable of speaking to his people in multiple languages. He wrote volumes on the philosophies of mankind and the virtues of faith.

Personally, I have always respected and admired the Pope for his humanitarianism and empathy for others. He led by example and marked a path of principle and conviction. During my second meeting in 1987 with the pontiff, I was humbled to hear his views and thoughts on drug eradication and other contemporary issues. For over a half century, he had implored the international community to think with grace, act with compassion, and behave with deep regard and respect for our fellow man.

In his many decades of service as the head of the Catholic Church, Pope John Paul II has done tremendous good for both the Catholic Church and the people of the world. He was a man who commanded my sincere respect, and his loss will be felt by me for many, many years to come. Pope John Paul II was a man who in death, as in life, was an inspiration and guide to us all.

Mr. HINOJOSA. Mr. Speaker, I rise today to join my colleagues in expressing my sadness at the death of the Holy Father, Pope John Paul II. Since 1978, he piously served as the head of the Roman Catholic Church and was an inspiration to Catholics and non-Catholics across the world.

It could be said that the Pope was a true "Renaissance Man"—with a love for literature, art, and music. Once he entered the priesthood, his passion for poetry and the written word did not wane. He continued writing about issues close to his heart, including peace, oppression and spirituality.

Immediately following his inauguration, Pope John Paul II began traveling the world. He brought global attention to the communist and socialist governments of his native Poland and other parts of Eastern Europe, and called for reform and changes. During World War II, he saw first-hand the low points of humanity's cruelty to one another and throughout his pontificate vowed to halt tyranny and hatred. His peaceful opposition to human rights violations will always be remembered and will continue to be an inspiration to us all.

He committed his life to his faith, and was instrumental in bringing attention to peace and justice, poverty and disease, and each individual's connection to one another. As a Catholic myself, I admired Pope John Paul II for his devotion to God, his involvement with global issues, and his ability to bridge gaps between the Church and its past. I join millions of others in mourning his passing.

The Holy Father will be missed, but he now joins the Father he served so dutifully during his life on earth. I urge all of my colleagues to support this resolution and honor this great man.

Mr. MORAN of Virginia. Mr. Speaker, I rise to honor the life and legacy of Pope John Paul II. His life will serve as an inspiration to all those who seek to make this a more peaceable and unified world.

Born in Wadowice, Poland, Karol Wojtyla did not know the challenges that life would present to him, or that he would confront these challenges with great courage. His mother passed away when he was nine years old, followed by his brother several years later. It was during this time that his faith in God strengthened and he began his journey towards the papacy. Karol Wojtyla quietly studied to become a priest during the Nazi occupation of his beloved Poland, and in November 1946 he was ordained a priest.

During his service as a priest and later as Archbishop of Krakow, Father Wojtyla actively defied the Communist regimes that were attempting to end religious worship throughout Poland. In 1967, he was made a Cardinal and on October 16, 1978 he was elected as the 264th Pope of the Catholic Church and took the name Pope John Paul II in honor of the three pontiffs who preceded him.

During his papacy, Pope John Paul II showed the world the strength of his character that the people of Poland had known for years. In May 1981, he survived an assassination attempt and later met with his would be assassin and forgave him. This example of absolution showed the world the true nature of this man and the power of faith.

Pope John Paul II was instrumental in defeating Communist regimes throughout Eastern Europe. His support for the Solidarity Movement in Poland helped create a domino effect throughout Europe as people chose democracy over Communism.

His work to foster ecumenism throughout the world's principle religions will also be a part of his lasting legacy. Pope John Paul II was the first pope to visit the Western Wall in Jerusalem and asked for forgiveness from the Jewish people for wrongs the Catholic Church had committed against them. He also reached out to Muslims and visited with leaders of the Islamic faith.

As the most traveled Pope in history, John Paul II brought his message of hope to millions of people in 129 countries. He was also able to make a connection with the youth of the world that no other Pope had achieved. He recognized the importance of young people to not only continuing the life of the church, but also sustaining the future of our world. He championed human rights and justice for the poorest people in the developing world to the youth he met with throughout his papacy. I am hopeful that when the young people he touched with his words and actions become leaders in our world they will continue this message of hope.

Mr. Speaker, Pope John Paul II taught the world many important lessons. He taught us to forgive, to stand up for the rights of all people, and how to create change peacefully. He has touched many lives, and will continue to do so even after his passing. As we reflect on his legacy and the spiritual guidance he offered, may people of faith everywhere take guidance from the values he instilled in our world.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in support of H. Res. 190, which honors the life and achievements of Pope John Paul II.

Pope John Paul II was a man of devout faith who used his leadership to help the poor, mediate conflicts around the world, and fight tyranny. As a man who fought both the Nazi and the Communist regime in Poland in pursuit of his own faith, he was a strong advocate for religious tolerance and freedom. His life's work is truly inspiring to all of us.

As the most traveled Pope in history, Pope John Paul II visited more than 120 countries and traveled approximately three quarter of a million miles. During these visits he worked to bring peace to regions of the world that were in conflict. He embraced the poor and the oppressed across the world by encouraging us to help those who are less fortunate.

His hope for a better world for those who had nothing should remind us all as Pope John Paul II said to "practice mercy heroically with the lowliest and the most deprived." Pope John Paul II was able to rise above political and religious conflict to deliver a message of peace, love, and faith all while promoting equality for all.

Mrs. JONES of Ohio. Mr. Speaker, I rise today to recognize one of the most influential Popes in modern history. Pope John Paul II was born Karol Jozef Wojityla on May 18, 1920 in Wadowice, Poland.

During his childhood the Pope was very athletic and an exemplary student. He had a passion for the outdoors and the theatre. In 1942 he felt a calling to the church. He was ordained a priest at the age of 26. Subsequently, he served as Archbishop of Krakow, Poland and was appointed a Cardinal.

On October 16, 1978, Cardinal Wojityla became Pope John Paul II. He opened the door for future non-Italian Popes as he was the first since Adrian VI in 1522. He was also the first Pope of Polish ethnicity.

Pope John Paul II impacted people of all ages world wide, especially young people. Creating World Youth Day in 1986, the Pope showed his commitment to young people worldwide. His hope was to instill the values of freedom, hope; truth, and justice in youth so they could work towards bettering the future of humanity.

Religious tolerance and acceptance were Pope John Paul's core ideals. He had a profound respect for other religions. During his childhood, he had many Jewish friends and expressed a long-standing respect for the Jewish faith. He expressed sorrow for historic hostilities toward Jews and prayed at the Western Wall in Jerusalem, Judaism's most Holy site. John Paul II was also the first Pope to visit a Mosque and visited more than 20 Islamic countries. Pope John Paul II went to great lengths to encourage religious tolerance. In 1986 the Pope invited a diverse group of 90 religious leaders to Assisi, Italy to pray and recognize the role world religions have in promoting understanding and tolerance.

An advocate for human rights, peace and justice, the Pope was the most traveled pope in history. He visited over 120 countries in every continent except Antarctica and met with a diverse group of World Leaders. Pope John Paul II was the first Pope to meet with the President of the United States. His commitment to the love of people and the love of his religion transcended political boundaries. In 1998 Pope John Paul II became one of the first leaders to visit communist Cuba and meet with Fidel Castro.

Pope John Paul II died on April 2, 2005.

Pope John Paul's II captivating personality and commitment to the church and humanity ingratiated him into the hearts of millions of people worldwide. The members of the House of Representatives remain mindful of John Paul's II message of tolerance, hope, peace, and justice.

Mr. CANTOR. Mr. Speaker, I rise to honor the life and legacy of Pope John Paul II, who traveled the world for twenty-six years and touched billions of lives. In the countries he visited, he delivered a message of peace and reminded the world about the power of love for all humanity. As the leader of the Catholic Church, he worked toward the fall of communism and spread hope to millions of oppressed people. One of the most influential figures of the modern era, this son of Poland taught us to respect human life in all forms. His legacy will be felt for generations to come. His actions in life and his strength in death have inspired people of all faiths. I join with billions around the world who mourn the loss and celebrate the life of this great man.

Mr. NEAL of Massachusetts. Mr. Speaker, I was deeply saddened to learn that the Holy Father, Pope John Paul II, passed away on April 2nd. This extraordinary man touched millions across the world with his dynamic, courageous and compassionate leadership. I know that we in the United States join a global community in mourning this great and blessed man.

From his humble beginnings in Poland, Pope John Paul II became the first non-Italian pontiff in 455 years and one of the most beloved figures in recent memory to Catholics and non-Catholics alike. The first pope to visit a synagogue and a mosque, he will be remembered as a spiritual leader who worked tirelessly to bring people of all faiths together. His papacy helped stem the tide of communism in Poland and Eastern Europe. His ministry on behalf of the poor and the sick is well known by worshipers worldwide.

One of the most moving moments I've ever experienced was seeing the pope speak to hundreds of thousands of Cubans at an outdoor mass in Havana in 1998. He delivered a message of religious tolerance, social justice, and human rights in the country of Fidel Castro. His powerful presence and words in Revolutionary Square were greeted by thunderous applause from the Cuban people. It was a special event I'll never forget.

During his historic first visit to the United States in 1979, the pope famously told the crowd in Boston that "the pope is your friend." Now we say goodbye to a man of hope, a man of faith and a man of dignity. Today we say goodbye to our friend. May he rest in peace.

Mr. GONZALEZ. Mr. Speaker, I rise today to join San Antonio and the world in mourning the passing of Pope John Paul II, a great religious and humanitarian leader.

Pope John Paul II was born Karol Jozef Wojtyla on May 18, 1920 in Wadowice, Poland. He excelled in school as a brilliant student and athlete, gaining a passion for religion, poetry, and the theatre.

He was ordained in 1946, assuming priestly duties in 1949 as chaplain to university students at Krakow's St. Florian's Church. He rose steadily through the church hierarchy, becoming the auxiliary bishop of Krakow in 1958 and was later appointed archbishop of Krakow in January 1964.

During this time he made a name for himself as a formidable theologian and staunch defender of the Catholic faith as he taught at the Krakow Seminary and Catholic University of Lublin.

He was later elevated to cardinal in June 1967, and elected as Pope John Paul II on October 16, 1978. He proved to be one of the most energetic and hard-working men ever to occupy the Papal See, visiting more than 120 countries, delivering more than 2,000 public addresses, and issuing a plethora of encyclicals and apostolic letters.

Pope John Paul II was the third longest serving pontiff in history, serving for 26 years. His passing marks the end of one of the longest and most widely respected reigns in papal history.

A man of the cloth, Pope John Paul II was also a man of the people. His teachings, spiritual guidance, and leadership came from his belief in peace and justice and the goodness of mankind. It was that belief that guided him as he journeyed around the world reaching out to people of all faiths.

He was a world leader and respected statesman who challenged communism and advocated democracy, and who always championed the causes of the poor and our great responsibility to them.

Pope John Paul II was a blessing to this world, and though he has left us now, his spirit, his love, and his lessons should guide us for a lifetime.

Mr. KUCINICH. Mr. Speaker, Rome 1993. I knew the City. Except for the machine-gun carrying Carbineri at Rome's Fumicino Airport, and the cars whizzing by me on the autostrada at 150 kilometers per mile, Rome seem strangely familiar. Perhaps it was the ten years studying Latin, following the exploits of Caesar, Veni, Vedi, Vici, except Caesar never had to drive his chariots in rush hour. Nor did anyone dare crowd his style along the Appian Way. Everywhere I looked cars were bumper on bumper, I did a sidewalk survey and noticed that about seven of ten cars parked along any given street had body damage. Rome was very personal like that. My friend Judy and I had come to visit the Eternal City to study the cradle of our faith. As we toured, it became clear that just as Washington is a monument to Presidents, Rome is a celebration of the Papacy.

Prior to leaving for Rome I had lunch with an old friend, Dr. Robert White, the famed neurosurgeon and physician to the Pope. I told him I was soon going to be visiting Rome. He made a call to his friend at the Jesuit's headquarters in Rome and was able to arrange for a special visit to the Vatican, including attendance at a general Papal audience, Judy and I, and about five thousand other persons.

Minutes before we left the hotel for our Vatican tour, I received a call that there had been a change of plans. Judy and I were to come immediately to a certain entrance off St. Peter's Square. Just in case I was going to meet someone I always wanted to meet, I brought with me a ceremonial presentation of a Key of the City of Cleveland, although they changed the locks when I left the Mayor's office. When we arrived, we were greeted by Swiss guards. Then we were ushered into the large hall where the general audience was held. It had the air of carnival, colorful, noisy, boisterous. Slowly we were escorted past one jammed pew after another to the front pew, et introibo ad altare Dei . . .

A priest in a simple black cassock, a former resident of Milwaukee, who followed American politics, approached smilingly, "Mayor Kucinich?" I accepted the honorific though it had been thirteen years since I left Cleveland City Hall, concluding my own personal experience with Manichean struggles with the forces of power and light. The years after City Hall were, well, different. Except for brief service in City Council, filling an unexpired term, I could not win an election to save (or lose) my soul.

"Yes. We're very excited to be here," I said. The priest, now a personal assistant to the Pope responded: "We're really glad you could make it." Wait a minute. I waited my whole life just to get into close proximity to the Pope and one of his assistants is telling me he's glad? "The Holy Father will be here shortly. There will be a general audience. Afterwards, people will file out and then he will come over to talk with you."

That is the moment I knew I was about to meet Pope John Paul II. I was lost in thought. Judy feigned panic "Omigosh," she kept saying over and over.

The General Audience is something like Cleveland's West Side Market on a Saturday, except many a pilgrims dancing, playing music, and singing, while wearing the colorful costumes of their native lands.

The Pope enters to wild applause. He sits on a simple throne and after about an hour and a half his right hand is supporting his head. I thought how physically demanding it was for him.

The General Audience ended. The Pope had brief discussions with a group of clergy. He then walked in our direction. He stopped and spoke to two other couples. Then he approached.

He looked at Judy, and greeted her first. He then turned to me. "Is this your wife?" he asked, in English. She wasn't. Neither of us were married. I wasn't going to lie to the Pope. Talk about setting yourself up to go to Hell . . .

"A friend, Holy Father."

He nodded.

"Holy Father, I come from Cleveland. . . ."

"Yes, we were talking about you earlier, about your public service," he said.

"I remember Cleveland."

Indeed the Pope had visited Cleveland, as Cardinal Karol Wojtyla, at St. Stanislaus Church in the Slavic Village Neighborhood. One of his closest friends was John Cardinal Krol, whose family came from St. Stanislaus Parish. There was a great joy in Cleveland when he was chosen Pope. The Polish community brought together 10,000 people in Public Hall to celebrate in prayer and song. We spoke for a few minutes about how the same Polish community was instrumental in my election as Mayor in 1977.

"Holy Father, I have a special gift I would like to give you, a Key to the City of Cleveland. It was one of the last Keys from my Administration. I supposed he received a thousand like it, but he accepted it and an accompanying certificate graciously as several cameras flashed around us. He turned to Judy and he thanked her for coming.

Then my life changed. John Paul II put his hand on my head. He looked into my eyes and said in a Polish-accented English I have come to know so well in my own neighborhood: "My son, I give you my special blessing." I felt something at that moment. Whether it was a connection with his charisma or grace, I felt something, a different energy field, a buzz, my imagination? A sense of peace? I felt something. Later I would mark that bright encounter as one when conditions began to change for the better in my own life.

I thanked him in Polish. He smiled.

He invited us to visit again. Ever the altar boy, as he was about to leave, I offered to him a prayer in Latin: "Emitte lucem tuam et veritatem tuam." Send forth your light and your truth. It was said as an affirmation of his spiritual leadership, his own quest to bring peace to the world.

He said goodbye. Judy and I were suddenly alone in the pew. The Audience had ended.

There are millions of people the world over who felt a personal connection to John Paul II. Yet his passing may become significant not for that aspect of him which died in us, but for something within each of us that was reborn through his life.

It was the only time I would ever meet him. I have often thought back to that moment when he offered me his blessing.

Mr. BONNER. Mr. Speaker, the world this week suffered an immeasurable loss, and millions of men, women, and children in all corners of the globe lost their champion and a voice for those who do not have a platform to speak for themselves. His Holiness John Paul II, Bishop of Rome, head of the Catholic Church, and the spiritual leader of nearly one billion people, was a man who made an immeasurable difference in the path taken by the world in the last quarter of the Twentieth Century and the first part of the Twenty-First Century.

His quiet strength, determination, and belief in the power of non-violent opposition were instrumental, along with the efforts of President Ronald Reagan and many other leaders around the world, in bringing an end to the old communist regimes which had become entrenched in the capitals of Europe. He was a man who had developed an insurmountable inner strength and faith which, even after the loss of his entire family during the early years of his life and the perils he faced under the heel of Nazism and communism, was unshakable. His love and work on behalf of the Catholic Church and of the people of his native Poland—indeed, of men, women, and children of all faiths and all walks of life—were the driving force in his rise to become a bishop and archbishop in Krakow, Poland, and ultimately his election as pontiff.

I was never fortunate to meet the Holy Father myself, but I have met many individuals who had such an opportunity. In talking with them, and in reading the countless reports of people around the world who were in his presence, it is clear to see how truly remarkable this man was and how moving a meeting with him could be. He was a man of hope, a man of vision, and a man of unceasing faith, and in his 26-year papacy those qualities were shared with peoples and nations around the world in his over 100 trips away from Vatican City.

Mr. Speaker, there are many times in life where we refer to someone's character and manner of living their life as signs that they are a saint. Karol Wojtyla was such a person who may indeed receive sainthood for his work—a young man from Poland who early on dedicated his life to his faith and his church and who grew into Pope John Paul II, a man who never lost that dedication and who impacted countless people around the world. His life and his work will be discussed and, remembered far into the future, and it is my hope his life and his leadership serve as an inspiration for all of us for many years to come.

Mr. MURTHA. Mr. Speaker, in my estimation, the Pope was instrumental in helping to bring down communism. His words in Poland, "Don't be afraid," resonated throughout the world against tyranny, despotism and injustice.

Mr. SENSENBRENNER. Mr. Speaker, I rise today to commemorate the life of Pope John Paul II, a moral, political, and religious leader who helped re-shape the Catholic Church and the entire world.

The story of a small town boy from Poland, who grew up to become one of the longest serving and most influential Popes in history, is an inspiration. He survived the destruction of his homeland first by Nazi invaders, and then by Communist occupiers, despite his strong commitment to a religion those powers despised.

During World War II, Pope John Paul II was forced to attend an underground seminary to further his religious education, and as a priest he needed to be constantly mindful of Poland's communist regime. Yet, when he was asked if he feared retribution from the government, he replied, "I'm not afraid of them. They are afraid of me."

Once he became Pope, however, His Holiness was able to come to the aid of others fighting for freedom and human rights. His support for the Solidarity movement in Poland and opposition to communists and dictators around the globe remade our world. When he became Pope in 1978, communism had a stranglehold on Eastern Europe and was on the march around the globe. As Pope, he encouraged opposition movements and gave hope and guidance to millions in their struggle. Thanks in large part to his leadership, in 2005, at the close of his papacy, communism is confined to the dustbin of history, and it is freedom that is on the march.

Not only did Pope John Paul II lead political change, but he encouraged moral change as well. In 1981, when a Turk named Mehmet Ali Agca shot the Pope twice in an assassination attempt, the Pope later went to the cell of the man who tried to kill him, and personally forgave him. By both preaching and practicing forgiveness, Pope John Paul II demonstrated the enormous potential of human kindness.

In a time when many leaders look to the polls and test political winds for guidance, Pope John Paul II stood unflinching at the center of the most controversial moral debates of our time, and held firm, while always supporting the sanctity and dignity of human life. His presence will be sorely missed, but his accomplishments will long be relished.

May God bless his soul.

Ms. HARRIS. Mr. Speaker, I rise today in support of House Resolution 190, which honors the heroic life and historic pontificate of Pope John Paul the Second.

For over a quarter century, John Paul the Second provided powerful, charismatic, and effective leadership for the world's one billion Catholics. But his legacy will forever reach far beyond the boundaries of faith or nationality.

In the faithful service of God, he confronted evil and injustice wherever he found them, from the Nazism and Communism that gripped his beloved Poland to the hunger, suffering, and poverty that continues to afflict the world.

He affirmed life through his teachings and through his example. He lived vigorously and inquisitively—and he confronted suffering and death with courage and serenity.

Today, we mourn his passing—while celebrating with thanksgiving the powerful and eternal spiritual model he left for us all.

Mr. CARDIN. Mr. Speaker, I rise to express my support for this resolution and my deep regret of the recent passing of Pope John Paul II. I also extend my special sympathy to the more than one billion Catholics around the world and the more than 66 million Catholics in the United States.

Pope John Paul II was one of the most significant leaders of our time. He worked tirelessly to promote the basic freedoms and dignities shared by all humanity. He was instrumental in serving as a catalyst for the fall of the Soviet Union and the emancipation of millions from totalitarian rule. More broadly, he worked in public and in private to persuade world leaders to respect their citizens' basic human rights. The Pope consistently embraced the poor and the oppressed masses of the world, and urged governments to take care of the needs of all its citizens.

One right of particular importance to John Paul II was freedom of worship. Ministering to Catholic and non-Catholic alike, the Pope took unprecedented steps on behalf of the Catholic Church to promote religious freedom for all citizens, regardless of their particular religious belief. To that end, he became the first Pope to visit a synagogue and a mosque, and made numerous public pronouncements committing the Vatican to upholding religious tolerance.

As ranking member of the U.S. Helsinki Commission, I met John Paul II during a 2003 trip to the Vatican, and listened to his address to the Parliamentary Assembly of the Organization for Security and Cooperation in Europe. In that speech he praised the work of the OSCE to encourage the recognition of religious freedoms among its member nations. He observed that maintaining a secular state while promoting the ability of individuals to worship as they choose in private "corresponds, among other things, to the demands of a healthy pluralism and contributes to the building up of authentic democracy, to which the OSCE is truly committed."

The Pope took historic steps to heal divisions between the Catholic Church and other Christian faiths. I was pleased that the Vatican strongly supported our efforts to host the first-ever OSCE conferences on the issue of anti-Semitism. These conferences produced the "Berlin Declaration," which unambiguously condemned all forms of anti-Semitism and committed the members of the OSCE to collect and maintain statistics on anti-Semitic crimes and hate crimes, and to promote Holocaust education and remembrance programs.

In September of 2004 Archbishop of Baltimore Cardinal William H. Keeler, who has fought tirelessly to ensure that discrimination and racism have no place in the public dialogue, attended the OSCE's Conference on Racism, Xenophobia and Discrimination in Brussels. I hosted a roundtable with Cardinal Keeler and other religious leaders in Baltimore in October 2004 to discuss the conference and how we can work to prevent racism and xenophobia and promote tolerance. I wish Cardinal Keeler well as the cardinals meet in a conclave over the next several weeks to elect a new pope.

Pope John Paul II was an inspiring leader in the battle to stamp out religious discrimination and ensure that all individuals have the freedom to worship as they desire. Future generations must work to promote his legacy, so that we may one day live in a world in which no individual is denied their inalienable right to worship as they see fit.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, those of us who have lived in the era of Pope John Paul II have had the great privilege during the past twenty-six years of witnessing the important work of this great leader.

John Paul II was an extraordinary theologian, a brilliant statesman who worked ceaselessly for peace and freedom, and a brave Polish patriot. He embodied the Christian, Marian doctrine of love and mercy; millions throughout the world have been forever changed for the better by the life of Pope John Paul II.

Perhaps his most important accomplishment was lifting the ban on the devotion to the message of divine mercy as explained by our Savior directly to Sister Faustina, and the Pope's institution of Divine Mercy Sunday by the Church, as well as the canonization of Saint Faustina. Our prayers of gratitude for those great works of Pope John Paul II accompany our prayers for his eternal rest.

Mrs. MALONEY. Mr. Speaker, people around the world of all faiths share a deep sadness for the passing of His Holiness John Paul II.

New York City mourns the loss of John Paul II with special remembrance and appreciation for the care and attention he showed our city, visiting twice as Pope and before that as Cardinal.

I was personally touched and grateful for the prayers and blessings he offered to the victims of the September 11, 2001, terrorist attacks, their families, and all the rescue and recovery workers who responded to Ground Zero after the attacks.

He met personally with several New York firefighters who had responded to the attacks, praying for their strength and the health of their fellow firefighters, families and fellow New Yorkers in a dark and difficult hour.

This is just one example of how Pope John Paul II was always attentive to the needs of those suffering.

His Holiness John Paul II traveled the world for twenty six years in his Papacy, delivering a consistent message of the need for peace and the promise of hope.

Through his faith, his words, and his example in life, Pope John Paul II helped democracies to blossom and greater tolerance to flourish across the world.

Crowds of thousands will mourn the passing of Pope John Paul II in the days and weeks ahead.

I hope that in this time of sadness and reflection, we also remember the gifts that John Paul II brought into the world, celebrating his life and his ministry to the world's greatest troubles and needs.

We should keep Pope John Paul II's actions for the betterment of others always in our mind.

He fought for the dignified treatment of all people, he stood up for the downtrodden, and he worked to unify the world in common missions for greater good.

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to join the millions of people across the globe paying public, private and prayerful tribute to the life of Pope John Paul II.

The experiences of Karol Wojtyla's youth and priesthood in Poland created a unique depth of faith and empathy with the human condition perfectly suited for the times in which he led. Through the early death of his parents, he understood the fragility of life, empowering him with an unshakable devotion to the preciousness of all humanity. His young adulthood under Nazi and Soviet occupation gave him an acute understanding of oppression, inspiring him to become the most significant vessel of peaceful subversion to the forces of communism in Eastern Europe and apartheid in South Africa. His intimate exposure to the holocaust and enduring friendships with Polish Jews in his community allowed him to become a conduit of contrition and fellowship between the Catholic Church and the Jewish faith.

He was one of the most vigorous, charismatic and universally admired religious leaders in the history of the modem world. His travels, visiting 129 countries during his papacy, delivered the Christian message to every comer of the planet. His many trips, particularly to the Third World, illustrated his identification with the poor. His prolonged health struggle was a powerful example of dignity and spiritual deliverance in the face of human suffering. While on his deathbed he wrote, "I am happy, and you should be as well. Let us pray together with joy." Upon being informed of the masses of young people holding vigil outside his window, the Pope, who had worked so tirelessly advocating for the young, said: "I have looked for you. Now you have come to me. And I thank you." He reportedly looked out the window and uttered his last word: "Amen."

The life and times of Pope John Paul II constitute a portrait of greatness seemingly without precedent in modernity. Throughout his 26 years as Pope, one man, Karol Wojtyla of Krakow, spread faith, uplifted the poor, challenged political oppression, worked to heal centuries-old inter-faith rifts, and inspired billions with his quiet grace. His legacy shall endure for the ages.

Mr. ISRAEL. Mr. Speaker, I rise today to honor the life of one of the world's most remarkable leaders of the past century, Pope John Paul II.

Pope John Paul II was special not only to Catholics, but also to those of us outside his religious faith. He was a giant in the advancement of peace, spirituality and human dignity. I join the rest of the world in grieving his loss and celebrating his life.

After witnessing two of the greatest evils of the past century firsthand, Nazism and Communism, Pope John Paul II made the betterment of humanity the centerpiece of his service both to the church and to the world. Having emerged from poverty and oppression to become the first Polish Pope in history, Pope John Paul II became a beacon of good will.

Pope John Paul II worked to breakdown barriers between countries, faiths, and people. Among many other profound and groundbreaking gestures, this Pope was the first to visit a German death camp, visiting Auschwitz in 1979. There he prayed first at a Hebrew stone and second at a Polish stone.

The Pope understood that different people saw the world through different lenses but he fought the biases that long characterized the fault lines of differing cultures. He counseled us, "Peace is not built in mutual ignorance but rather in dialogue and encounter. Unity is not uniformity." Pope John Paul II built a culture of tolerance, openness and understanding. "Solidarity helps us to see the other not as an object of exploitation but as a neighbor in the banquet of life to which all are equally invited," he reminded us.

Let me close by capturing a deeply held conviction of the Pope's that I have long held dear to my own service as a Member of the United States Congress. The Pope steadily and forcefully worked towards a better future for all of mankind and he saw this future embodied in children.

He remarked, "We must all work for a world in which no child will be deprived of peace and security, of the right to grow up without fear and anxiety." The greatest challenge for any generation is to leave behind a better world for our children. This Pope truly understood and embraced this challenge.

We will miss Pope John Paul II for his spirituality, for his dignity, for his leadership and for his profound humanity. But, much as his faith indicates that his soul will live on eternally, the impetus and legacy of his principled life will live on eternally here on earth.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to honor and pay tribute to His Holiness Pope John Paul II, who embodied the message of peace and compassion. John Paul II was a man of God and a missionary of faith. He led the Catholic Church through an eventful and revolutionary quarter century in the world, inspiring hundreds of millions of people in dozens of countries to throw off the yoke of dictatorship and oppression, His Holiness' motivation and ethical leadership were guiding lights in a time that struggled with darkness. His vision will, very simply, be missed.

To be Pope is to not only lead the Catholic Church, but to lead the world. Pope John Paul II was an ardent protector of global human rights. His stubborn opposition to the world's dictatorships ushered in profound movements of change. At the same time, His Holiness also deeply believed in the importance of forgiveness, as he demonstrated when he forgave his would-be assassin. His courageous efforts to repair the long, tumultuous relationship between the Catholic Church and the Jewish people opened a meaningful dialogue that will continue for decades.

Mr. Speaker, I will always remember meeting the Pope in 2003, and, in fact, I have in the center of my office wall the picture taken of the two of us in the Vatican. As I shook his hand, I deeply appreciated and admired the fact that His Holiness cared not for the color of my skin or my faith. He was a messenger of peace above all. He preached about the culture of life, the culture of faith, and the brotherhood of all mankind. He led by example and his strength was evident, even in his final days.

I share the Pope's insistence that peace and compassion can overcome the influence of evil in the world. The global community must continue to take up this message. Action is the only way to apply the teachings we acquire in life, and so I call on all individuals to live with compassion for your brothers and sisters, just as the Pope did throughout his life. He will truly be missed.

Mr. COSTELLO. Mr. Speaker, I rise today to pay tribute to Pope John Paul II, a true statesman and defender of faith. The Pope's death is truly a loss to the world. Many are the people he touched with his unconquerable quest for peace and equality.

Pope John Paul II brought hope to all corners of the world, to people of all faiths and backgrounds, with his powerful belief in the human spirit. I will always remember the Pope's visit to St. Louis in 1999. Having the opportunity to meet him was a special moment in my life, and his visit was one of the great moments in our region's history. He will be remembered as a tremendous spiritual leader and as a force for good in the world, and his legacy will last a long time.

He was a man who truly reflected justice and the sanctity of life in his teachings, travels and way of life. From making landmark trips to various parts of the world to strongly upholding the Christian way of life, I will always intensely admire his moral courage and integrity.

For all of humanity, Pope John Paul II has been an inspiration in a troubled world. Mr. Speaker, I ask my colleagues to join me in support of H. Res. 190 and paying respect and recognition to Pope John Paul II.

Mr. HOLT. Mr. Speaker, I rise today to express my deep sadness at the passing of Pope John Paul II and to strongly support H. Res. 190. The world has lost a great moral leader his Holiness. Pope John Paul II was a man who held profound convictions, displayed enormous compassion, and continuously reminded us of our common humanity and obligations to each other. My thoughts and prayers are with all those who mourn the passing of this remarkable spiritual voice.

As a young seminarian in 1945, Karol Wojtyla came across a small girl who had just been liberated from the Nazi labor camp in Czearochowa, Poland. She had boarded a passing coal train and rode it until she could no longer stand the cold. That is how she ended up in the train station in the small town of Jedrzejows. It was here, sitting alone in the corner of the train station in her striped prison uniform, that Karol Wojtyla discovered her. She told him that she was trying to get to Krakow to find her parents and other family members. He provided her with food and shelter, and helped her get back to Krakow. Even as a young man, the future John Paul II had the humanity, compassion, and courage to help this young girl when others passed her by.

When he became Pope in 1978, his Holiness took his convictions and moral strength around the world. In more than 200 visits to 126 countries over the course of his papacy, Pope John Paul II exhibited charisma and a set of core beliefs that focused people worldwide on the plight of the less fortunate and the forgotten. He inspired faith not only in God, but in ourselves. He articulated a message that every person matters, and every child of God has a purpose on Earth.

This philosophy was writ large when it came to world affairs. Just eight months after his inauguration, Pope John Paul II returned to his native Poland, still under communist rule, and reminded the massive crowds—and the authoritarian leaders who oppressed them—of their fundamental, God-given human rights. By supporting the Solidarity movement within Poland, he helped to break the back of the authoritarian communists in Poland and then the rest of Western Europe. Pope John Paul II was a catalyst for change at a key moment in history, and millions of people live more freely today due to his efforts. He always believed in, and never stopped fighting for, a world in which people were free from tyranny, poverty, and war.

On that first visit to Poland in 1979, Pope John Paul II offered a prayer: "Spirit," he said "come and renew the face of the earth." Let us renew that prayer today. There is still too much suffering in this world, too much oppression, poverty and abuses of human rights. His Holiness Pope John Paul II would want us to continue doing our best, individually, and collectively, to address these challenges. There are many lessons he taught to me, so much to draw from his remarkable life. Above all, let us remember this: one person can change the world. He showed us that as Pope, yes. But he also showed it in 1945, when he changed the world for Edith Zierer. With faith we can renew the face of the earth. With his faith Karol Wojtyla changed lives. We have a lot of work ahead of us, but we need to remember to start today by extending the hand of human kindness to our fellow humans, just as that young seminarian did at the end of the Second World War a half century ago for Edith Zierer.

Mr. REYES. Mr. Speaker, the citizens of El Paso, Texas join with Catholics and people of faith and compassion around the world in expressing their profound grief at the death of a great man, Pope John Paul II. I am grateful to have the opportunity to join with my colleagues today to give thanks for Pope John Paul II's many contributions to mankind and to express our deep sorrow at his passing.

A small-town boy from Poland who became the first non-Italian to assume the pontificate in over 400 years, Pope John Paul II expanded the Church and welcomed into its faith millions of souls around the world. At the same time, he was an unfailing advocate for the poor, weak, and vulnerable, a strong voice for global peace, and a great champion for the sanctity of life.

Through his unprecedented travels and many sermons and writings, Pope John Paul II awakened in people—from Asia to Africa and from the former Soviet Union to Latin America—the innate human desire to shake off the yoke of autocracy and social inequity. By the power of his faith and charisma, he empowered the oppressed to seek freedom and demand human rights. Also, at a time of global turbulence and uncertainty, his words and actions provided an essential moral deterrent to Communism.

Mr. Speaker, the world has been truly blessed by the life and legacy of Pope John Paul II. I urge all of my colleagues to support this important resolution.

Ms. BORDALLO. Mr. Speaker, today I join with fellow Catholics around the world in mourning the death of the Holy Father, Pope John Paul II. The world has seen the passing of a great man dedicated to peace throughout the world. His actions reflected his preaching of love, healing and forgiveness, advocating for peace and reaching out to other faith traditions. Despite turmoil and controversy, he held fast to his beliefs, gaining the respect of many around the world, even those who did not agree with him. His teachings will be remembered by millions and his influence will guide world leaders for years to come.

Throughout his ministry, he remained firm in his beliefs, leading by word and deed, fearless in his efforts to spread the Gospel of Christ. He believed in the inalienable right and dignity of the human person from conception through the moment of death. He was unafraid to shape world events, speaking passionately for peace and advocating for human rights. From his early years during the Nazi occupation of Poland where he risked his life to protect Polish Jews from persecution to his forgiveness of his would-be assassin, he has led by example, in faith and humility.

His steadfast support of the Solidarity movement in his homeland of Poland provided hope and encouragement to the Polish people and led to peaceful government reforms that precipitated the collapse of communism in Poland and the eventual fall of the Soviet Union, bringing freedom to millions of people. As these events were unfolding, Pope John Paul II was also reaching out to other parts of the world, using his influence to bring about change.

Through his efforts, he helped reduce tensions between world leaders, advocating for peace and justice. He sought to heal divisions across the different faith traditions, promoting reconciliation and dialogue between members to further understanding and respect for all people.

Pope John Paul II traveled all over the world. For millions, his visits would be the only opportunity to see a pope in person. Despite his afflictions of arthritis and Parkinson's disease, the Holy Father continued to travel the world, bringing hope and encouragement to the millions still oppressed by tyranny, hunger, disease and despair.

Pope John Paul II was especially dear to the people of Guam. He was the only Pope to visit Guam and he mesmerized our people with his dignity, kindness and sincerity. From his first words upon his arrival, spoken in the native Chamorro language, and throughout his short visit, his presence brought a spiritual renewal to the island's Catholics, many of whom camped overnight in streets and parking lots near the plaza where he was to say Mass. On February 23, 1981, tens of thousands of people gathered at the Plaza de Espana in Agana, Guam, to attend the service and receive his blessing. The crowd was captivated by this gentle man who spoke passionately of his love for God and his love for humanity, praising the dedication of Catholics in Guam and Micronesia for their faithfulness while reminding them that their faith should be practiced in all that they do. He then took time to comfort the elderly and the sick in our hospital who were unable to attend his Mass, blessing and encouraging them with his words, "You are the strongest among all of us, who build the church through your suffering."

It was an awesome sight to see children with their parents and grandparents, religious and government leaders, gathered to welcome the Holy Father, to celebrate Mass and to bid him farewell as he departed our island.

His visit marked a turning point for Catholics in Micronesia. In 1984, three years after his visit, the Pontiff honored our island and the Chamorro people with the elevation of the Diocese of Agana to a Metropolitan Archdiocese, naming the late Bishop Felixberto C. Flores, the first Chamorro Bishop, the first Metropolitan Archbishop of Agana and appointing another Chamorro, Father Anthony S. Apuron as Auxiliary Bishop. A year later, he approved the creation of the Diocese of Chalan Kanoa in the Commonwealth of the Northern Mariana Islands and appointed Monsignor Tomas A. Camacho, a Chamorro and a native of Saipan, as its first Bishop.

Also in 1984, the Holy Father announced the beatification of Padre Diego Luis de San Vitores, the Jesuit priest who brought Christianity to Guam and was later martyred for baptizing the child of a Chamorro chief. Over two hundred people from Guam went on the pilgrimage to Rome to attend the beatification ceremony.

Although he would not return to the island before his passing, his visit will never be forgotten. From the street named in his honor, Chalan Santo Papa Juan Pablo Dos, to the bronze statue erected to commemorate his visit, the people of Guam will always remember this man of faith and vision who taught us "not to be content to boast of a glorious heritage from the past without turning to the demands of the present moment." Rather, we must put our faith into practice each and every day, seeking more effective ways to proclaim the message of love to all those we meet.

Pope John Paul II was beloved by Catholics and non-Catholics alike. Through the many challenges confronting the Catholic faith and the world, Pope John Paul II as the Bishop of Rome and Supreme Pastor of the Catholic Church was the rock of the Church and the conscience of the world. At his passing, we mourn the loss of a great person. For Catholics, we take comfort in the knowledge that he is at peace with God the Father, His Son, Jesus Christ, and the Holy Spirit in heaven. On behalf of the people of Guam, "Adios Santo Papa yan in guiya hao."

Mr. WALSH. Mr. Speaker, I rise today to mourn the loss of a great spiritual and moral leader for the world. Throughout his lifetime, he experienced Fascism, Communism and rampant materialism. He never lost sight of his own values and beliefs and lived his life as an example that all of us regardless of faith could look to.

The earthly light of this Pope has been lost but his eternal light will shine forever. The millions of pilgrims flowing into St. Peter's Square reflect the genuine warmth and respect this man of God had throughout the world. He spoke for the poor, the homeless, the infirmed, the oppressed and everyone listened. His message of caring and love certainly played a major role in many of the changes we have seen across the global map. Walls came down and individual freedom arose from rubble.

To me it was especially noteworthy to watch the Pope reach out to the youth of the world and how warmly they returned his affection. Their bond will long be remembered.

In life Pope John Paul II showed us how to live and in death, showed how to die. He has returned to his Lord and Savior having earned the reward of "Welcome home my good and faithful servant." We have been blessed by his presence on earth and his legacy will be a strength for generations to come.

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, on Saturday, April 2nd, 2005 the world lost a great leader, a champion of peace and a beacon of hope to so many.

The life of Pope John Paul II exemplified the virtues and duties of the faith he so devoutly taught. As a young man, he fought oppression by defying the Nazi regime to secretly study the teachings of his faith. As a priest, he fought for freedom by defying the Communist regime of Poland to teach the cherished values of Catholicism. As the Holy Father, he worked to end tyranny throughout the world.

After surviving an attempt on his life, John Paul II—with unparalleled compassion and mercy—beseeched humanity to "Pray for the brother who shot me, whom I have sincerely forgiven." Yet, just as his willingness to forgive was unmatched, so were his efforts to unite the global community.

As the world's leading arbiter of peace, John Paul II rejected efforts to use religion as a barrier or as a reason for war, instead using it as a bridge to bring people of different faiths together.

He traveled the world more than any other Pope, preaching non-violence and mediating conflicts.

He reached out to the most vulnerable—the sick, impoverished and abandoned children—never letting religion determine who to care for and help.

He unambiguously rejected anti-Semitism, asking for forgiveness for past Christian intolerances to Jews and courageously recognizing the state of Israel.

The world will forever be grateful for the conviction with which John Paul II served and led. And, he will be missed by the people of all faiths and of all regions. Through his love and service to God he served billions of Catholics, but through his love and service of humanity he served us all.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to honor His Holiness Pope John Paul II.

As the first non-Italian pope in 455 years, Karol Wojtyla would have drawn distinction no matter what his papacy held. However, his 26-year reign as the 264th pope has proven to be a remarkable and historic papacy.

Perhaps it was the very nature of the Holy Father's upbringing—the personal tragedies he underwent as a youth, as well as his first-hand experiences with the totalitarianism of Nazism, then Communism—that shaped his world view and enabled him to serve as pope with such zeal and commitment.

His was a lifespan that began in a world of biplanes and horse-drawn carriages, saw the advent of spaceflight and nuclear bombs, and ended in a "global neighborhood" made possible by personal computers and instant communications. Perhaps only someone with these experiences could have appropriately taken on the challenges of the 21st Century in such a dynamic and tireless manner.

His worldwide travel, where he gained the attention of people of many faiths and embraced Catholics on all continents, will constitute a lasting legacy. Many Americans witnessed, first hand, the strength of his conviction and dedication to his mission during the Holy Father's 7 historic visits to the United States. In 1987 he honored my home city of Los Angeles with a visit that Angelinos still talk about. Those arduous travels, even during his years of declining health, demonstrated the importance of perseverance and faithful struggle.

Pope John Paul II was an inspiration to all generations throughout his 26-year reign. He inspired in us a sense of hope and self worth that encouraged us to live better, fuller lives. He reached out to the world's youth and taught them the value of integrity, courage, honesty, and forgiveness.

And despite the many challenges the Church faced during his papacy, he was admired for his resoluteness, even as Catholics around the world reacted in numerous ways to his direction of the church.

John Paul II was not just the leader of the Roman Catholic Church, however, he was a world leader, and he actively shaped world affairs including negotiating peace treaties and helping ensure the end of European Communism. He reasserted the Church's role on the world stage and was a global champion on issues of conscience, social justice, and peace. The tremendous outpouring of genuine sorrow throughout the world since the Pontiff's death is a testament to the impact his ministry had on people of all continents and all faiths.

Mr. Speaker, the "Shoes of the Fisherman" are empty, and I extend my sincere sympathy to my constituents, including Roger Cardinal Mahoney, all Los Angeles-area Catholics and all people of good will who mourn the Pontiff's passing.

Pope John Paul II's life of service was a life well lived, and it will be remembered in the hearts and minds of the people he touched around the globe for many generations to come.

Mr. SENSENBRENNER. Mr. Speaker, I was honored to support H. Res. 190, a resolution passed April 6 that commended the life and achievements of His Holiness Pope John Paul II. Likewise, I am proud to say I was the lead sponsor of legislation that was passed by the House and Senate in 2003, House Concurrent Resolution 313, that urged President Bush to present the Presidential Medal of Freedom to the Pope. Thankfully, President Bush did just that in June of last year.

In a time when many leaders look to the polls and test political winds for guidance, Pope John Paul II stood unflinching at the center of the most controversial moral debates of our time, and held firm, always supporting the sanctity and dignity of every human life. His presence will be sorely missed, but his accomplishments will long be relished.

Mr. Speaker, as a reminder of the Pope's enduring and historic contributions to world peace, human freedom and to the security and national interests of the United States, I request that the following remarks that I delivered on the House floor on November 18, 2003 be printed in the RECORD.

Mr. SENSENBRENNER. Mr. Speaker, I thank the gentlewoman from Florida. I rise to pay tribute to His Holiness, Pope John Paul II, who in October marked his 25th year as Bishop of Rome and Supreme Pastor of the Catholic Church.

I also wish to offer my sincere appreciation to all my friends and colleagues in the House who have joined together to urge the President to present the Medal of Freedom to Pope John Paul II.

The celebration of the Silver Jubilee of Pope John Paul II's pontificate is but the latest in a series of remarkable milestones that have characterized his life and his ministry.

From his birth on May 18, 1920, Karol Jozef Wojtyla's life has been intertwined with the fate of his native Poland and synonymous with the struggle for his individual freedom and dignity.

In 1978 when then-Cardinal Wojtyla, the Archbishop of Krakow, was elected Pope, the world was a much different place. For the more than 3 decades since Winston Churchill delivered his famous "Iron Curtain" speech, people around the world prepared for what many regarded as the inevitable new war that would someday engulf the East and the West. To win the Cold War, geopolitical strategists honed and implemented various policies including the doctrines of containment and mutual-assured destruction.

At this pivotal moment in history, when the status quo included the subjugation of half the populations of Europe and the omnipresent threat of nuclear annihilation, a remarkable and energetic new Pope set foot on the world stage. To many in the West, this new Polish Pope was an unknown entity. While we recognized immediately his energy, courage and leadership, these same qualities were reviewed with suspicion by some in the East, particularly the communist rulers in Poland.

Pope John Paul II's commitment to freedom, his affection for his native Poland, and the devotion of his countrymen to him were never more evident than the summer of 1980. That August, the Solidarity Workers Union, which Cardinal Wojtyla had nurtured and protected, organized a peaceful strike at the Lenin Shipyard in Gdansk.

With the Pope's portrait suddenly appearing everywhere and the admonition from his inaugural sermon, "Do not be afraid," on the lips of the workers, his support and reassurance provided vital sustenance for the strikers and ignited a spiritual spark in their struggle to secure dignity and freedom. Ultimately, that spark would lead to the demise of Soviet communism and the liberation of hundreds of millions in Eastern and Central Europe.

History has recorded the remarkable achievement of Pope John Paul II and his relentless advocacy in pursuit of individual dignity, freedom, and peace. The Pope has not confined his efforts solely to the struggle against totalitarianism. He has engaged wherever people are downtrodden and oppressed.

Mr. Speaker, the Congress should pass House Concurrent Resolution 313 and urge the President to present the Medal of Freedom, our Nation's highest civilian award, to His Holiness.

In authorizing the first Medals of Freedom in 1963, President Kennedy proclaimed that persons who have made especially meritorious contributions to the security or national interests of the United States, world peace or cultural or other significant public or private endeavors should be so recognized. By any measure it is apparent that there is no individual more deserving of this recognition than Pope John Paul II.

Two other recipients of the Medal of Freedom, President Ronald Reagan and Lady Margaret Thatcher, shared the Pope's commitment to Solidarity in the 1980s. In my estimation, their leadership changed the course of human history. In 1984, while welcoming the Pope to the United States, President Reagan spoke of the connection between freedom, the founding of our own Nation, and America's debt to His Holiness.

President Reagan stated, "I can assure you, Your Holiness, that the American people seek to act as a force for peace in the world and to further the cause of human freedom and dignity. Indeed, an appreciation for the unalienable rights of every human being is the very concept that gave birth to this Nation. Few have understood better than our Nation's founding fathers that claims of human dignity transcend the claims of any government, and this transcendent right itself has a transcendent source."

The President went on to state, "To us, Your Holiness, the Holy See and your pastorate represent one of humanity's greatest moral and spiritual forces," and "your words, your prayers and your example have made you, for those who suffer oppression or the violence of war, a source of solace, inspiration and hope." It is no exaggeration to recognize that this remarkable man has brought hope, comfort and faith to literally billions of people around the world during the course of his ministry.

Three weeks ago today I was honored to be joined by 30 Members of the House in introducing this resolution. Since that time we have gained additional support for which I am grateful, and I particularly appreciate the work of the gentleman from Virginia (Mr. TOM DAVIS) and the Committee on Government Reform who reported our resolution to the floor in such a timely manner.

As stated previously, our bipartisan resolution calls upon the President on behalf of all the people of the United States, to present the Medal of Freedom to Pope John Paul II as a sign of our gratitude for his significant, enduring, and historic contributions to the causes of freedom, human dignity, and peace. We urge the President to do so without delay.

Finally, I include an article by Carl Bernstein entitled "The Holy Alliance," which appeared in the February 24, 1992, edition of Time, as well as an article by Father Robert A. Sirico entitled "The Cold War's Magnificent Seven; Pope John Paul II; Awakener of the East," which was published in the Winter 1992 edition of Policy Review.

In closing, Mr. Speaker, I would invoke President Reagan once more. When asked his assessment of the Pope before meeting him the first time, the President replied, "He is an example of what so many people have always said about Christian and Judaic tradition, and that is, that when really needed, God provides a man. And I think in Pope John Paul he did just that."

Billions around the world are thankful that God has provided such a man.

The articles referred to are as follows:

[From Time Magazine, Feb. 24, 1992]

THE HOLY ALLIANCE

(By Carl Bernstein)

Only President Ronald Reagan and Pope John Paul II were present in the Vatican Library on Monday, June 7, 1982. It was the first time the two had met, and they talked for 50 minutes. In the same wing of the papal apartments, Agostino Cardinal Casaroli and Archbishop Achille Silvestrini met with Secretary of State Alexander Haig and Judge William Clark, Reagan's National Security Adviser. Most of their discussion focused on Israel's invasion of Lebanon, then in its second day; Haig told them Prime Minister Menachem Begin had assured him that the invasion would not go farther than 25 miles inside Lebanon.

But Reagan and the Pope spent only a few minutes reviewing events in the Middle East. Instead they remained focused on a subject much closer to their heart: Poland and the Soviet dominance of Eastern Europe. In that meeting, Reagan and the Pope agreed to undertake a clandestine campaign to hasten the dissolution of the communist empire. Declares Richard Allen, Reagan's first National Security Adviser: "This was one of the great secret alliances of all time."

The operation was focused on Poland, the most populous of the Soviet satellites in Eastern Europe and the birthplace of John Paul II. Both the Pope and the President were convinced that Poland could be broken out of the Soviet orbit if the Vatican and the U.S. committed their resources to destabilizing the Polish government and keeping the outlawed Solidarity movement alive after the declaration of martial law in 1981.

Until Solidarity's legal status was restored in 1989 it flourished underground, supplied, nurtured and advised largely by the network established under the auspices of Reagan and John Paul II. Tons of equipment—fax machines (the first in Poland), printing presses, transmitters, telephones, shortwave radios, video cameras, photocopiers, telex machines, computers, word processors—were smuggled into Poland via channels established by priests and American agents and representatives of the AFL–CIO and European labor movements. Money for the banned union came from CIA funds, the National Endowment for Democracy, secret accounts in the Vatican and Western trade unions.

Lech Walesa and other leaders of Solidarity received strategic advice—often conveyed by priests or American and European labor experts working undercover in Poland—that reflected the thinking of the Vatican and the Reagan Administration. As the effectiveness of the resistance grew, the stream of information to the West about the internal decisions of the Polish government and the contents of Warsaw's communications with Moscow became a flood. The details came not only from priests but also from spies within the Polish government.

DOWN WITH YALTA

According to aides who shared their leaders' view of the world, Reagan and John Paul II refused to accept a fundamental political fact of their lifetimes: the division of Europe as mandated at Yalta and the communist dominance of Eastern Europe. A free, noncommunist Poland, they were convinced, would be a dagger to the heart of the Soviet empire; and if Poland became democratic, other East European states would follow.

"We both felt that a great mistake had been made at Yalta and something should be done," Reagan says today. "Solidarity was the very weapon for bringing this about, because it was an organization of the laborers of Poland." Nothing quite like Solidarity had ever existed in Eastern Europe, Reagan notes, adding that the workers' union "was contrary to anything the Soviets would want or the communists [in Poland] would want."

According to Solidarity leaders, Walesa and his lieutenants were aware that both Reagan and John Paul II were committed to Solidarity's survival, but they could only guess at the extent of the collaboration. "Officially I didn't know the church was working with the U.S.," says Wojciech Adamiecki, the organizer and editor of underground Solidarity newspapers and now a counselor at the Polish embassy in Washington. "We were told the Pope had warned the Soviets that if they entered Poland he would fly to Poland and stay with the Polish people. The church was of primary assistance. It was half open, half secret. Open as far as humanitarian aid—food, money, medicine, doctors' consultations held in churches, for instance—and secret as far as supporting political activities: distributing printing machines of all kinds, giving us a place for underground meetings, organizing special demonstrations."

At their first meeting, Reagan and John Paul II discussed something else they had in common: both had survived assassination attempts only six weeks apart in 1981, and both believed God had saved them for a special mission. "A close friend of Ronald Reagan's told me the President said, 'Look how the evil forces were put in our way and how Providence intervened,'" says Pio Cardinal Laghi, the former apostolic delegate to Washington. According to National Security Adviser Clark, the Pope and Reagan referred to the "miraculous" fact that they had survived. Clark said the men shared "a unity of spiritual view and a unity of vision on the Soviet empire: that right or correctness would ultimately prevail in the divine plan."

"Reagan came in with very simple and strongly held views," says Admiral Bobby Inman, former deputy director of the CIA. "It is a valid point of view that he saw the collapse [of communism] coming and he pushed it—hard." During the first half of 1982, a five-part strategy emerged that was aimed at bringing about the collapse of the Soviet economy, fraying the ties that bound the U.S.S.R. to its client states in the Warsaw Pact and forcing reform inside the Soviet empire. Elements of that strategy included:

The U.S. defense buildup already under way, aimed at making it too costly for the Soviets to compete militarily with the U.S. Reagan's Strategic Defense Initiative—Star Wars—became a centerpiece of the strategy.

Covert operations aimed at encouraging reform movements in Hungary, Czechoslovakia and Poland.

Financial aid to Warsaw Pact nations calibrated to their willingness to protect human rights and undertake political and free-market reforms.

Economic isolation of the Soviet Union and the withholding of Western and Japanese technology from Moscow. The Administration focused on denying the U.S.S.R. what it had hoped would be its principal source of hard currency in the 21st century: profits from a transcontinental pipeline to supply natural gas to Western Europe. The 3,600-mile-long pipeline, stretching from Siberia to France, opened on time on Jan. 1, 1984, but on a far smaller scale than the Soviets had hoped.

Increased use of Radio Liberty, Voice of America and Radio Free Europe to transmit the Administration's messages to the people of Eastern Europe.

Yet in 1982 neither Reagan nor the Pope could anticipate the accession of a Soviet leader like Mikhail Gorbachev, the father of glasnost and perestroika; his efforts at reform unleashed powerful forces that spun out of his control and led to the breakup of the Soviet Union. The Washington-Vatican alliance "didn't cause the fall of communism," observes a U.S. official familiar with the details of the plot to keep Solidarity alive. "Like all great and lucky leaders, the Pope and the President exploited the forces of history to their own ends."

THE CRACKDOWN

The campaign by Washington and the Vatican to keep Solidarity alive began immediately after General Wojciech Jaruzelski declared martial law on Dec. 13, 1981. In those dark hours, Poland's communications with the noncommunist world were cut; 6,000 leaders of Solidarity were detained; hundreds were charged with treason, subversion and counterrevolution; nine were killed; and the union was banned. But thousands of others went into hiding, many seeking protection in churches, rectories and with priests. Authorities took Walesa into custody and interned him in a remote hunting lodge.

Shortly after Polish security forces moved into the streets, Reagan called the Pope for his advice. At a service of meetings over the next few days, Reagan discussed his options. "We had a massive row in the Cabinet and the National Security Council about putting together a menu of counteractions," former Secretary of State Haig recalls. "They ranged from sanctions that would have been crushing in their impact on Poland to talking so tough that we would have risked creating another situation like Hungary in '56 or Czechoslovakia in '68."

Haig dispatched Ambassador at Large Vernon Walters, a devout Roman Catholic, to meet with John Paul II. Walters arrived in Rome soon after, and met separately with the Pope and with Cardinal Casaroli, the Vatican secretary of state. Both sides agreed that Solidarity's flame must not be extinguished, that the Soviets must become the focus of an international campaign of isolation, and that the Polish government must be subjected to moral and limited economic pressure.

According to U.S. intelligence sources, the Pope had already advised Walcsa through church channels to keep his movement operating underground, and to pass the word to Solidarity's 10 million members not to go into the streets and risk provoking Warsaw Pact intervention or civil war with Polish security forces. Because the communists had cut the direct phone lines between Poland and the Vatican, John Paul II communicated with Jozef Cardinal Glemp in Warsaw via radio. He also dispatched his envoys to Poland to report on the situation. "The Vatican's information was absolutely better and quicker than ours in every respect," says Haig. "Though we had some excellent sources of our own, our information was taking too long to filter through the intelligence bureaucracy."

In the first hours of the crisis, Reagan ordered that the Pope receive as quickly as possible relevant American intelligence, including information from a Polish Deputy Minister of Defense who was secretly reporting to the CIA. Washington also handed over to the Vatican reports and analysis from Colonel Ryszard Kuklinski, a senior member of the Polish general staff, who was a CIA informant until November 1981, when he had to be smuggled out of Poland after he warned that the Soviets were prepared to invade if the Polish government did not impose martial law. Kuklinski had issued a similar warning about a Soviet military action in late 1980, which led the outgoing Carter Administration to send secret messages to Leonid Brezhnev informing him that among the costs of an invasion would be the sale of sophisticated U.S. weapons to China. This time, Kuklinski reported to Washington, Brezhnev had grown more impatient, and a disastrous harvest at home meant that the Kremlin did not need mechanized army units to help bring in the crops and instead could spare them for an invasion. "Anything that we knew that we thought the Pope would not be aware of, we certainly brought it to his attention," says Reagan. "Immediately."

THE CATHOLIC TEAM

The key Administration players were all devout Roman Catholics—CIA chief William Casey, Allen, Clark, Haig, Walters and William Wilson, Reagan's first ambassador to the Vatican. They regarded the U.S.-Vatican relationship as a holy alliance: the moral force of the Pope and the teachings of their church combined with their fierce anticommunism and their notion of American democracy. Yet the mission would have been impossible without the full support of Reagan, who believed fervently in both the benefits and the practical applications of Washington's relationship with the Vatican. One of his earliest goals as President, Reagan says, was to recognize the Vatican as a state "and make them an ally."

According to Admiral John Poindexter, the military assistant to the National Security Adviser when martial law was declared in Poland, Reagan was convinced that the communists had made a huge miscalculation: after allowing Solidarity to operate openly for 16 months before the crackdown, the Polish government would only alienate its countrymen by attempting to cripple the labor movement and, most important, would bring the powerful church into direct conflict with the Polish regime. "I didn't think that this [the decision to impose martial law and crush Solidarity] could stand, because of the history of Poland and the religious aspect and all," Reagan says. Says Cardinal Casaroli: "There was a real coincidence of interests between the U.S. and the Vatican."

The major decisions on funneling aid to Solidarity and responding to the Polish and Soviet governments were made by Reagan, Casey and Clark, in consultation with John Paul II. "Reagan understood these things quite well, including the covert side," says Richard Pipes, the conservative Polish-born scholar who headed the NSC's Soviet and East-European desks. "The President talked about the evil of the Soviet system—not its people—and how we had to do everything possible to help these people in Solidarity who were struggling for freedom. People like Haig and Commerce Secretary Malcolm Baldrige and James Baker [White House chief of staff at the time] thought it wasn't realistic. George Bush never said a word. I used to sit behind him, and I never knew what his opinions were. But Reagan really understood what was at stake."

By most accounts, Casey stepped into the vacuum in the first days after the declaration of martial law in Poland and—as he did in Central America—became the principal policy architect. Meanwhile Pipes and the NSC staff began drafting proposals for sanctions. "The object was to drain the Soviets and to lay blame for martial law at their doorstep," says Pipes. "The sanctions were coordinated with Special Operations [the CIA division in charge of covert task forces], and the first objective was to keep Solidarity alive by supplying money, communications and equipment."

"The church was trying to modulate the whole situation," explains one of the NSC officials who directed the effort to curtail the pipeline. "They [church leaders] were in effect trying to create circumstances that would head off the serious threat of Soviet intervention while allowing us to get tougher and tougher; they were part and parcel of virtually all of our deliberations in terms of how we viewed the evolution of government-sponsored repression in Poland—whether it was lessening or getting worse, and how we should proceed."

As for his conversations with Reagan about Poland, Clark says they were usually short. "I don't think I ever had an in-depth, one-on-one, private conversation that existed for more than three minutes with him—on any subject. That might shock you. We had our own code of communication. I knew where he wanted to go on Poland. And that was to take it to its nth possibilities. The President and Casey and I discussed the situation on the ground in Poland constantly: covert operations; who was doing what, where, why and how; and the chances of success." According to Clark, he and Casey directed that the President's daily brief—the PDB, an intelligence summary prepared by the CIA—include a special supplement on secret operations and analysis in Poland.

The Pope himself, not only his deputies, met with American officials to assess events in Poland and the effectiveness of American actions and sent back messages—sometimes by letter, sometimes orally—to Reagan. On almost all his trips to Europe and the Middle East, Casey flew first to Rome, so that he could meet with John Paul II and exchange information. But the principal emissary between Washington and Rome remained Walters, a former deputy director of the CIA who worked easily with Casey. Walters met with the Pope perhaps a dozen times, according to Vatican sources. "Walters was sent to and from the Vatican for the specific purpose of carrying messages between the Pope and the President," says former U.S. Ambassador to the Vatican Wilson. "It wasn't supposed to be known that Walters was there. It wasn't all specifically geared to Poland; sometimes there were also discussions about Central America or the hostages in Lebanon."

Often in the Reagan years, American covert operations (including those in Afghanistan, Nicaragua and Angola) involved "lethal assistance" to insurgent forces: arms, mercenaries, military advisers and explosives. In Poland the Pope, the President and Casey embarked on the opposite path: "What they had to do was let the natural forces already in place play this out and not get their fingerprints on it," explains a analyst. What emerges from the Reagan-Casey collaboration is a carefully calibrated operation whose scope was modest compared with other CIA activities. "If Casey were around now, he'd be having some smiles," observes one of his reluctant admirers. "In 1991 Reagan and Casey got the reordering of the world that they wanted."

THE SECRET DIRECTIVE

Less than three weeks before his meeting with the Pope in 1982, the President signed a secret national-security-decision directive (NSDD 32) that authorized a range of economic, diplomatic and covert measures to "neutralize efforts of the U.S.S.R." to maintain its hold on Eastern Europe. In practical terms, the most important covert operations undertaken were those inside Poland. The primary purposes of NSDD 32 were to destabilize the Polish government through covert operations involving propaganda and organizational aid to Solidarity; the promotion of human rights, particularly those related to the right of worship and the Catholic Church; economic pressure; and diplomatic isolation of the communist regime. The document, citing the need to defend democratic reform efforts throughout the Soviet empire, also called for increasing propaganda and underground broadcasting operations in Eastern Europe, actions that Reagan's aides and dissidents in Eastern Europe believe were particularly helpful in chipping away at the notion of Soviet invincibility.

As Republican Congressman Henry Hyde, a member of the House Intelligence Committee from 1985 to 1990, who was apprised of some of the Administration's covert actions, observes, "In Poland we did all of the things that are done in countries where you want to destabilize a communist government and strengthen resistance to that. We provided the supplies and technical assistance in terms of clandestine newspapers, broadcasting, propaganda, money, organizational help and advice. And working outward from Poland, the same kind of resistance was organized in the other communist countries of Europe."

Among those who played a consulting role was Zbigniew Brzezinski, a native of Poland and President Jimmy Carter's National Security Adviser. "I got along very well with Casey," recalls Brzezinski. "He was very flexible and very imaginative and not very bureaucratic; if something needed to be done, it was done. To sustain an underground effort takes a lot in terms of supplies, networks, etc., and this is why Solidarity wasn't crushed."

On military questions, American intelligence was better than the Vatican's, but the church excelled in its evaluations of the political situation. And in understanding the mood of the people and communicating with the Solidarity leadership, the church was in an incomparable position. "Our information about Poland was very well founded because the bishops were in continual contact with the Holy See and Solidarnosc," explains Cardinal Silvestrini, the Vatican's deputy secretary of state at that time. "They informed us about prisoners, about the activities and needs of Solidarity groups and about the attitude and schisms in the government." All this information was communicated to the President or Casey.

"If you study the situation of Solidarity, you see they acted very cleverly, without pressing too much at the crucial moments, because they had guidance from the church," says one of the Pope's closest aides. "Yes, there were times we restrained Solidarnosc. But Poland was a bomb that could explode—in the heart of communism, bordered by the Soviet Union, Czechoslovakia and East Germany. Too much pressure, and the bomb would go off."

CASEY'S CAPPUCCINO

Meanwhile, in Washington a close relationship developed between Casey, Clark and Archbishop Laghi. "Casey and I dropped into his [Laghi's] residence early mornings during critical times to gather his comments and counsel," says Clark. "We'd have breakfast and coffee and discuss what was being done in Poland. I'd speak to him frequently on the phone, and he would be in touch with the Pope." Says Laghi: "They liked good cappuccino. Occasionally we might talk about Central America or the church position on birth control. But usually the subject was Poland."

"Almost everything having to do with Poland was handled outside of normal State Department channels and would go through Casey and Clark," says Robert McFarlane, who served as a deputy to both Clark and Haig and later as National Security Adviser to the President. "I knew that they were meeting with Pio Laghi, and that Pio Laghi had been to see the President, but Clark would never tell me what the substance of the discussions was."

On at least six occasions Laghi came to the White House and met with Clark or the President; each time, he entered the White House through the southwest gate in order to avoid reports. "By keeping in such close touch, we did not cross lines," says Laghi. "My role was primarily to facilitate meetings between Walters and the Holy Father. The Holy Father knew his people. It was a very complex situation—how to insist on human rights, on religious freedom, and keep Solidarity alive without provoking the communist authorities further. But I told Vernon, 'Listen to the Holy Father. We have 2,000 years' experience at this.'"

Though William Casey has been vilified for aspects of his tenure as CIA chief, there is no criticism of his instincts on Poland. "Basically, he had a quiet confidence that the communists couldn't hold on, especially in Poland," says former Congressman Edward Derwinski, a Polish-speaking expert on Eastern Europe who counseled the Administration and met with Casey frequently. "He was convinced the system was falling and doomed to collapse one way or another—and Poland was the force that would lead to the dam breaking. He demanded a constant [CIA] focus on Eastern Europe. It wasn't noticed, because other stories were more controversial and were perking at the moment—Nicaragua and Salvador."

In Poland, Casey conducted the kind of old-style operation that he relished, something he might have done in his days at the Office of Strategic Services during World War II or in the early years of the CIA, when the democracies of Western Europe rose from the ashes of World War II. It was through Casey's contacts, his associates say, that elements of the Socialist International were organized on behalf of Solidarity—just as the Social Democratic parties of Western Europe had been used as an instrument of American policy by the CIA in helping to create anticommunist governments after the war. And this time the objective was akin to creating a Christian Democratic majority in Poland—with the church and the overwhelmingly Catholic membership of Solidarity as the dominant political force in a post communist Poland. Through his contacts with leaders of the Socialist International, including officials of socialist governments in France and Sweden, Casey ensured that tactical assistance was available on the continent and at sea to move goods into Poland. "This wasn't about spending huge amounts of money," says Brzezinski. "It was about getting the message out and resisting: books, communications equipment, propaganda, ink and printing presses."

LOOK FOR THE UNION LABEL

In almost every city and town, underground newspapers and mimeographed bulletins appeared, challenging the state-controlled media. The church published its own newspapers. Solidarity missives, photocopied and mimeographed on American-supplied equipment, were tacked to church bulletin boards. Stenciled posters were boldly posted on police stations and government buildings and even on entrances to the state-controlled television center, where army officers broadcast the news.

The American embassy in Warsaw became the pivotal CIA station in the communist world and, by all accounts, the most effective. Meanwhile, the AFL–CIO, which had been the largest source of American support for Solidarity before martial law, regarded the Reagan Administration's approach as too slow and insufficiently confrontational with the Polish authorities. Nonetheless, according to intelligence sources, AFL–CIO president Lane Kirkland and his aide Tom Kahn consulted frequently with Poindexter, Clark and other officials at the State Department and the NSC on such matters as how and when to move goods and supplies into Poland, identifying cities where Solidarity was in particular need of organizing assistance, and examining how Solidarity and the AFL–CIO might collaborate in the preparation of propaganda materials.

"Lane Kirkland deserves special credit," observes Derwinski. "They don't like to admit [it], but they literally were in lockstep [with the Administration]. Also never forget that Bill Clark's wife is Czechoslovak, as is Lane Kirkland's wife. This is one issue where everybody was aboard; there were no turf fights or mavericks or naysayers."

But AFL–CIO officials were never aware of the extent of clandestine U.S. assistance, or the Administration's reliance on the church for guidance regarding how hard to push Polish and Soviet authorities. Casey was wary of "contaminating" the American and European labor movements by giving them too many details of the Administration's efforts. And indeed this was not strictly a CIA operation. Rather, it was a blend of covert and overt, public policy and secret alliances. Casey recognized that in many instances the AFL–CIO was more imaginative than his own operatives in providing organizational assistance to Solidarity and smuggling equipment into the country. According to former deputy CIA director Inman, Casey decided that the American labor movement's relationship with Solidarity was so good that much of what the CIA needed could be financed and obtained through AFL–CIO channels. "Financial support wasn't what they needed," says Inman. "It was organization, and that was an infinitely better way to help them than through classic covert operations."

The Solidarity office in Brussels became an international clearinghouse: for representatives of the Vatican, for CIA operatives, for the AFL–CIO, for representatives of the Socialist International, for the congressionally funded National Endowment for Democracy, which also worked closely with Casey. It was the place where Solidarity told its backers—some of whose real identities were unknown to Solidarity itself—what it needed, where goods and supplies and organizers could be most useful. Priests, couriers, labor organizers and intelligence operatives moved in and out of Poland with requests for aid and with detailed information on the situation inside the government and the underground. Food and clothing and money to pay fines of Solidarity leaders who were brought before Polish courts poured into the country. Inside Poland, a network of priests carried messages back and forth between the churches where many of Solidarity's leaders were in hiding.

In the summer of 1984, when the sanctions against Poland seemed to be hurting ordinary Poles and not the communists, Laghi traveled to Santa Barbara to meet with Reagan at the Western White House and urge that some of the sanctions be lifted. The Administration complied. At the same time, the White House, in close consultation with the Vatican, refused to ease its economic pressures on Moscow—denying technology, food and cultural exchanges as the price for continuing oppression in Poland.

Much of the equipment destined for Solidarity arrived in Poland by ship—often packed in mismarked containers sent from Denmark and Sweden, then unloaded at Gdansk and other ports by dockers secretly working with Solidarity. According to Administration officials, the socialist government of Sweden—and Swedish labor unions—played a crucial role in arranging the transshipment of goods to Poland. From the Polish docks, equipment moved to its destination in trucks and private cars driven by Solidarity sympathizers who often used churches and priests as their point of contact for deliveries and pickups.

"SOLIDARITY LIVES!"

"The Administration plugged into the church across the board," observes Derwinski, now Secretary of Veterans Affairs. "Not just through the church hierarchy but through individual churches and bishops. Monsignor Bronislaw Dabrowski, a deputy to Cardinal Glemp, came to use often to tell us what was needed: he would meet with me, with Casey, the NSC and sometimes with Walters." John Cardinal Krol of Philadelphia, whose father was born in Poland, was the American churchman closest to the Pope. He frequently met with Casey to discuss support for Solidarity and covert operations, according to CIA sources and Derwinski. "Krol hit it off very well with President Reagan and was a source of constant advice and contact," says Derwinski. "Often he was the one Casey or Clark went to, the one who really understood the situation."

By 1985 it was apparent that the Polish government's campaign to suppress Solidarity had failed. According to a report by Adrian Karatnycky, who helped organize the AFL–CIO's assistance to Solidarity, there were more than 400 underground periodicals appearing in Poland, some with a circulation that exceeded 30,000. Books and pamphlets challenging the authority of the communist government were printed by the thousands. Comic books for children recast Polish fables and legends, with Jaruzelski pictured as the villain, communism as the red dragon and Walesa as the heroic knight. In church basements and homes, millions of viewers watched documentary videos produced and screened on the equipment smuggled into the country.

With clandestine broadcasting equipment supplied by the CIA and the AFL–CIO, Solidarity regularly broke into the government's radio programming, often with the message "Solidarity lives!" or "Resist!" Armed with a transmitter supplied by the CIA through church channels, Solidarity interrupted television programming with both audio and visual messages, including calls for strikes and demonstrations. "There was a great moment at the half time of the national soccer championship," says a Vatican official. "Just as the whistle sounded for the half, a Solidarity Lives! banner went up on the screen and a tape came on calling for resistance. What was particularly ingenious was waiting for the half-time break; had the interruption come during actual soccer play, it could have alienated people." As Brzezinski sums it up, "This was the first time that communist police suppression didn't succeed."

"Nobody believed the collapse of communism would happen this fast or on this timetable," says a cardinal who is one of the Pope's closest aides. "But in their first meeting, the holy Father and the President committed themselves and the institutions of the church and America to such a goal. And from that day, the focus was to bring it about in Poland."

Step by reluctant step, the Soviets and the communist government of Poland bowed to the moral, economic and political pressure imposed by the Pope and the President. Jails were emptied, Walesa's trial on charges of slandering state officials was abandoned, the Polish communist party turned fratricidal, and the country's economy collapsed in a haze of strikes and demonstrations and sanctions.

On Feb. 19, 1987, after Warsaw had pledged to open a dialogue with the church, Reagan lifted U.S. sanctions. Four months later, Pope John Paul II was cheered by millions of his countrymen as he traveled across Poland demanding human rights and praising Solidarity. In July 1988, Gorbachev visited Warsaw and signaled Moscow's recognition that the government could not rule without Solidarity's cooperation. On April 5, 1989, the two sides signed agreements legalizing Solidarity and calling for open parliamentary elections in June. In December 1990, nine years after he was arrested and his labor union banned, Lech Walesa became President of Poland.

[Correction (Apr. 27, 1992): A short article accompanying our report on the cooperative effort of President Reagan and Pope John Paul II to assist Poland's Solidarity movement [Cover, Feb. 24] incorrectly stated the U.S. position on financial aid for family planning in foreign countries. The U.S. announced in 1984 that it would withhold funds for abortion or coerced birth control—but not for all family planning.]

[From the Policy Review, 1992 Winter]

THE COLD WAR'S MAGNIFICENT SEVEN; POPE JOHN PAUL II; AWAKENER OF THE EAST

(By Fr. Robert A. Sirico)

The victory of the Free World in the Cold War ranks with the victory of the Allies in World War II, the landing on the moon, and the spectacular advances in health and prosperity around most of the world as the most important achievement of mankind in this century. There were countless heroes in the defeat of Communism—among them the people of the former Soviet empire whose indomitable spirit ultimately triumphed over their enslavers, and the taxpayers of the Western alliance who spent trillions of dollars over more than 40 years to protect their countries and civilization from the Soviet threat. The West was also blessed by extraordinary leaders and moral voices who defined the nature of the conflict, galvanized the popular will to resist Communism, and created the institutions that led to eventual victory. Policy Review pays tribute here to seven of those leaders whose words and deeds were essential for the wonderful events of the last few years.

It was a nervous clique of geriatric Stalinists who watched from Moscow in 1979 as millions of Poles poured into the streets of Krakow to greet their native son Karol Wojtyla when he returned to them as Pope John Paul II. A political awareness dawned among these teeming masses when they saw in one another's boldness the impotence of the dictatorship that claimed dominance over their lives.

Nor were the only witnesses to these events Politburo members and Poles. Lithuanians and Ukrainians, Hungarians and Czechoslovakians also witnessed with astonishment the unfurling of Solidarity banners in a Communist nation.

Perhaps it was not so astonishing to the new pope. As a young boy Wojtyla used to pause for a few moments following Mass to offer a series of prayers "for the conversion of Russia."

From the outset, Wojtyla was a robust, intense, strong, and disciplined young man. His charismatic personality was augmented by his facility with languages and further honed by theatrical training. His combination of fervent piety and firm anti-Communism would serve him well in his future as priest, bishop, and cardinal in Poland. In a country that is itself 93 percent Roman Catholic, such a profession would necessitate dealing with Russia's surrogates, sometimes making strategic accommodations, without yielding the moral ground to Communism.

John Paul comprehended the dynamics of Marxism both intellectually and personally. He knew Communism well, so well that some left-wing theologians initially mistook his familiarity with Marxism for sympathy. They hoped he would lead a new and enriched dialogue between Christianity and Marxism. Instead, by virtue of his philosophical and theological training, he was equipped both to refute Marxism's logical errors, and also to offer a more compelling alternative in its place.

As leader of the largest Christian religion, John Paul is also the leader of a vast enterprise, joined by thousands of subsidiary organizations. These are linked by a common set of beliefs and symbols, enabling the transcendence of the usual barriers of language, culture, and geographic border. This expansive umbrella enabled him, through gesture, encyclical, and homily, to inspire millions of people living under regimes that violated their ability to work for authentic liberty.

MORAL CONFLICT

During his pontificate, two other figures stepped onto the world stage and occupied with him critical roles in the momentous events that would unfold. A year after John Paul assumed his place at the Vatican in 1978, Margaret Thatcher came to occupy 10 Downing Street. About a year and a half later, Ronald Reagan took up residency in the White House.

The common thread between John Paul, Thatcher, and Reagan is that while they appreciated the art of politics, they understood the global situation in fundamentally moral categories. They understood, as few world leaders have understood, that the argument in favor of freedom is a moral argument as well as a political and economic one. Without the moral dimension, the battles that these cold warriors waged would have been meaningless and uninspiring.

The compelling dignity and moral depth of John Paul is especially highlighted when he contrasted with the leaders of another international religious body, and their posture toward the dictatorships of Eastern Europe. I speak here, of course, of the World Council of Churches. Almost from its inception, and throughout the past 40 years, the socialist penchants of the WCC prevented it from offering any kind of principled opposition to the immorality of Communism.

"Liberation" was the central theme of the WCC's Nairobi Assembly in 1975. South Africa was denounced alongside "white Atlantic nations"; the rights of aborigines in Australia were defended even as the plight of migrant workers in Europe was decried.

Yet a motion to include in this litany of injustice a mention of religious repression in Russia was turned back. Instead, the assembly would only acknowledge that it "devoted a substantial period of discussion to the alleged denials of religious liberty in the USSR" [emphasis added].

While the officers of the WCC were funding Marxist guerrillas in Africa in the name of "liberation," John Paul was teaching the polish under ground in the effective use of nonviolent resistance to totalitarianism. He did this in his writings, as well as in the numerous meetings and audiences he held with leaders of the underground.

No doubt historians who write on this period in years to come will not only see the moral dimension, but also the superb tactical insight of the use of nonviolence. Too aggressive a stance on the part of the Polish underground and the Soviet Union might have cracked down at a much earlier and more vulnerable stage. Drawing on a tradition accustomed to martyrs, whose blood, it is said, is the seed of the Roman Catholic Church, prayer and determination in the face of persecution resulted in one of the most radical yet bloodless revolutions in world history.

SPIRIT OF LIBERTY

If there is one word to characterize the legacy John Paul will leave to history, perhaps that word is liberty.

Historians will undoubtedly note the amazing move in the Catholic world toward democratic political processes and free economies in the period of this pope's reign. This is clearly evident in Latin America where the Pope has confronted unjust regimes of every stripe.

How fitting, then, that John Paul, this priest from Poland who lived under what is arguably history's most immoral and destructive political system, should have been the one to write the epitaph for collectivism in its Communist, socialist, and welfare statist incarnations. This he has done in the form of his most recent social encyclical, Centesimus Annus ("The Hundredth Year").

Celebrating the centenary of Pope Leo XIII's pastoral letter Rerum Navarum, Centesimus Annus looks at the events of this age and envisions a world where government is strictly limited and based on the rule of law; where free people trade in free markets to produce a more prosperous economy for all the world's needy; and where the social system is rooted in moral and religious tradition.

It will be interesting to see whether this moral vision will have greater impact on the West or on the former republics of the Soviet empire that John Paul did so much to free.

Nothing written here is to be construed as necessarily reflecting the views of The Heritage Foundation or as an attempt to aid or hinder the passage of any bill before Congress.

Mr. HYDE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the order of the House of Tuesday, April 5, 2005, the resolution is considered read and the previous question is ordered on the resolution and on the preamble.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HYDE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adopting H. Res. 190 will be followed by a 5-minute vote on H. Res. 148.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 19, as follows:

[Roll No. 94]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)

Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—19

Baird
Brown (OH)
Clyburn
Cubin
Forbes
Gutierrez
Hobson
Hoekstra
Istook
Kingston
Lynch
Millender-McDonald
Napolitano
Rangel
Shimkus
Souder
Waters
Watson
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1551

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NAPOLITANO. Mr. Speaker, on rollcall No. 94, had I been present, I would have voted "yea."

Mr. ISTOOK. Mr. Speaker, on rollcall No. 94 I was unavoidably detained. Had I been present, I would have voted "yea."

SUPPORTING THE GOALS AND IDEALS OF FINANCIAL LITERACY MONTH

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 148.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. GUTKNECHT) that the House suspend the rules and agree to the resolution, H. Res. 148, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 2, not voting 23, as follows:

[Roll No. 95]

YEAS—409

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—2

Flake
Paul

NOT VOTING—23

Baird
Brown (OH)
Clyburn
Cubin
DeLay
Evans
Forbes
Gohmert
Gutierrez
Hobson
Hoekstra
Jefferson
Jones (NC)
Kingston
Millender-McDonald
Otter
Rangel
Shays
Shimkus
Souder
Waters
Watson
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1600

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, on April 6, 2005, I was unavoidably absent from this chamber. I would like the record to show that, had I been present, I would have voted "yea" on rollcall votes 94 (H. Res. 190—Honoring the life and achievements of His Holiness Pope John Paul II and expressing profound sorrow on his death) and 95 (H. Res. 148—Supporting the goals and ideals of Financial Literacy Month).

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 740 and H.R. 742

Mr. PRICE of North Carolina. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 740 and 742. My name was mistakenly added to these bills by the sponsor in place of my colleague, Representative TOM PRICE.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

APPOINTMENT OF MEMBERS TO COMMISSION ON CONGRESSIONAL MAILING STANDARDS

The SPEAKER pro tempore. Pursuant to 2 U.S.C. 501(b), and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment of the following Members of the House to the House Commission on Congressional Mailing Standards:

Mr. NEY, Ohio, Chairman;
Mr. ADERHOLT, Alabama;
Mr. SWEENEY, New York;
Ms. MILLENDER-MCDONALD, California;
Mr. HOLT, New Jersey;
Mr. SHERMAN, California.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I take this time for the purpose of inquiring about the schedule for the coming week. I yield to the majority leader, Mr. DELAY, for the purposes of informing us of the schedule.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding. The House will convene on Tuesday at 2 p.m. for legislative business. We will consider several measures under suspension of the rules; a final list of these bills will be sent to the Members' offices by the end of the week.

Any votes called on these measures will be rolled until 6:30 p.m.

On Wednesday and Thursday, the House will convene at 10 a.m. for legislative business. We likely will consider additional legislation under suspension of the rules, as well as S. 256, The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

In addition, we also plan to consider H.R. 8, the Death Tax Repeal Permanency Act of 2005.

Finally, I would like to remind all Members that we are finished voting for the week. We will not be in session tomorrow to accommodate Members traveling to Rome for the funeral services of His Holiness, Pope John Paul II.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his information.

I would ask the majority leader if he knows which days we will be considering bankruptcy and which day we will be considering the estate tax bill? I yield to my friend.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding. We do not know at this point, and we will certainly advise the gentleman when we have that. The problem is because of this shortened week, we have committees that are marking up next week that had planned to mark up this week, and we have to try to work out the schedule so that we can make it as convenient for those markups as possible.

Mr. HOYER. Reclaiming my time, in any event, both bills will be on the calendar next week?

Mr. DELAY. That is correct. The gentleman is correct.

Mr. HOYER. Mr. Speaker, with respect to the budget resolution which we have passed, I know the Senate has appointed conferees, but we have not yet appointed conferees. Does the leader know when we might appoint conferees for the budget conference? I yield to the leader.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding.

I am not advised as to when we could go to conference on the budget, possibly next week. I know the House is yet to appoint the conferees, so we have a ways to go before a conference report is completed.

Mr. HOYER. I would ask the majority leader, he is confident that we will have a conference?

Mr. DELAY. Mr. Speaker, if the gentleman would yield, I am confident that we will have a conference. Yes, I am very confident.

Mr. HOYER. One additional question. I presume the gentleman from South Carolina (Mr. SPRATT) will be invited to the conference at some point in time, along with others?

Mr. DELAY. Mr. Speaker, if the gentleman would yield, the gentleman from South Carolina (Mr. SPRATT) is a very good friend of mine, and it would hurt my feelings if we did not invite the gentleman from South Carolina (Mr. SPRATT) to the conference.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that assurance. As the gentleman knows, we have had some problems, at least from our perspective, in being included in the conferences from time to time. That is an important one.

Our citizens are confronting, as my colleague knows, very high gas prices, $2.20, $2.30, $2.50 in some areas of the country. I understand that the committees of jurisdiction are expected to be marking up next week or are in the process of marking up the energy bill. Can the gentleman tell me when that bill might be on the floor?

Mr. DELAY. Mr. Speaker, if the gentleman would yield, the gentleman is correct, and we are all concerned about the higher gas prices and as important as that is to higher prices of oil and gas. We have been trying to pass or get to the President an energy bill for almost 5 years or 6 years. We have an excellent chance of actually getting a bill to the President this year.

We have had three committees scheduled to mark up components of the energy bill this week, the Committee on Energy and Commerce, the Committee on Ways and Means, and the Committee on Resources, but due to the shortened week, only one of those was able to begin their markup. I hope, and we are going to work very hard, and I expect that all three of those committees will complete their markups next week, and we will be able to have a comprehensive energy bill on the floor hopefully by the following week.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information.

ADJOURNMENT FROM WEDNESDAY, APRIL 6, 2005, TO FRIDAY, APRIL 8, 2005

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. on Friday, April 8, 2005.

The SPEAKER pro tempore (Mr. DANIEL E. LUNGREN of California). Is there objection to the request of the gentleman from Texas?

There was no objection.

ADJOURNMENT FROM FRIDAY, APRIL 8, 2005, TO TUESDAY, APRIL 12, 2005

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, April 8, 2005, that it adjourn to meet at 12:30 p.m. on Tuesday, April 12, 2005, for morning hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

SANDY BERGER AND THE "SLOPPY SOCKS SCANDAL"

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, in July 2004, I addressed the Sandy Berger "Sloppy Socks Scandal" here on the floor. At that time, many of the liberals here in Washington said that the former Clinton national security aide had done nothing wrong, that he had not stolen Top Secret documents regarding the Clinton's administration terrorism policies.

Well, today we know the truth. Sandy Berger did indeed steal and destroy Top Secret documents. In fact, it is such a clear case of theft and such a disturbing crime against this Nation that Mr. Berger has pled guilty to taking classified material. He has pled guilty to taking classified materials.

The punishment does not fit the crime. I was stunned to learn that for stealing national secrets and for putting his own interests and that of the Clinton administration above America's war on terrorism, that he will simply have to pay a $10,000 fine and relinquish his security clearance for 3 years. This is outrageous.

Those of us who are shocked by this outcome will be watching to be sure that no future Democratic administration ever gives Mr. Berger a job in the national security arena again.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to indicate on rollcall votes that I missed yesterday, I would have voted "aye" on rollcall vote No. 91; I would have voted "aye" on rollcall vote No. 92; I would have voted "aye" on rollcall vote No. 93. I was not present because I was unavoidably detained on official business in my district.

CONGRATULATING THE BAYLOR LADY BEARS ON WINNING THE WOMEN'S NCAA NATIONAL BASKETBALL CHAMPIONSHIP

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, what more can I say about those Baylor Lady Bears, Baylor as good as green and gold. All of us from the State of Texas applaud the Baylor Bears and their coaches.

Mr. Speaker, I will quickly call off the roll: Number 45, Steffanie Blackmon; No. 24, Tiffanie Blackmon; No. 22, Jordan Davis; No. 5, Chanelle Fox; No. 25, Melanie Hamerly; No. 1, Monique Jones; No. 13, Victoria Jones; No. 51, Emily Niemann; No. 4, Chisa Onoiwu; No. 21, Chameka Scott; No. 20, Angela Tisdale; No. 35, Abiola Wabara; No. 2, Chelsea Whitaker; No. 12, Latoya Wyatt; No. 33, Sophia Young; coaches Kim Mulkey-Robertson, Bill Brock, Johnny Derrick, Jennifer Roberts and Mike Snaufer.

Congratulations to all of them, and we are looking forward to seeing them in Houston, Texas, to be able to honor them.

Mr. Speaker, I rise today to congratulate the Baylor University Women's Basketball team on winning their first NCAA title. With a final record of 32–3, the Lady Bears have risen to the challenge and have represented the Big Twelve Conference and the State of Texas with pride. The Lady Bears completed their magical season last night in Championship game by beating Michigan State 84–62.

The Lady Bears are a tremendous team that play as one unit and are led by seniors Chelsea Whitaker and Steffanie Blackmon. I attended the Lady Bears' 68–57 victory over LSU in the Final Four game on Sunday and was particularly excited for junior forward Sophia Young, who scored 21 points in the game, and was named the Tempe Regionals' MVP earlier in the tournament. She scored a game high 26 points in the Championship Game, once again rising to the occasion. As a Member of the House Immigration Subcommittee, I was able to help bring Miss Young's mother, Annie Christopher, from St. Vincent, West Indies to see her daughter play collegiate basketball for the first time. Sophia is a very talented basketball player and I am glad that she was able to take her place as a member of the Baylor basketball team through the U.S. Immigration program. We as a nation embrace talent such as Sophia's athletic gifts and we recognize the value of reuniting families for important moments. After Baylor's latest victory when Sophia was able to hug her mother in the stands, you could see that this is the real face of immigration.

I also want to congratulate Coach Kim Mulkey-Robertson on her great achievements at Baylor. Last night she became the first women's coach to win a championship as a player and coach. She truly deserves all the credit she receives for the job she has done with this talented team. In 2000, she inherited a program that went 7–20 the previous season and in her very first season she guided the Lady Bears to a 21–9 record and last year took Baylor to the Sweet 16. This year the Lady Bears finished their season having won 20 straight games, the longest such streak in college basketball this year.

I am confident that the great fans of Baylor helped carry the Lady Bears to victory throughout the year. This team wasn't the favorite to win the championship when the season began and even throughout the Tournament they were considered the underdog, but they never gave up believing in themselves and in this team. They became only the fourth team in the history of both men's and women's NCAA basketball to beat three No.1 seeds en route to national title. This team has withstood great challenges, both mental and physical to reach the pinnacle of women's college basketball. This team played with pride and determination and they deserved to finish their season with a victory. With that said, let me congratulate each player and coach of the 2005 Baylor Women's Basketball Team:

45 Steffanie Blackmon P 6–2 SR–3L Dallas, Texas/Rowlett; 24 Tiffanie Blackmon P 6–0 SR–3L Dallas, Texas/Rowlett; 22 Jordan Davis G 5–9 RS JR–2L Celina, Texas/Celina High School; 5 Chanelle Fox G 5–11 RS JR–2L Houston, Texas/Westfield; 25 Melanie Hamerly P 6–5 SR–3L Orange, Texas/Little Cypress-Mauriceville; 1 Monique Jones G 5–9 SO–1L Ferriday, La./Ferriday; 13 Victoria Jones G 5–4 FR–HS San Marcos, Texas/San Marcos HS; 51 Emily Niemann F 6–1 SO–1L Houston, Texas/Westbury Christian; 4 Chisa Ononiwu G 5–7 FR–HS Houston, Texas/Westfield HS; 21 Chameka Scott G 6–0 JR–2L Friendswood, Texas/Clear Brook; 20 Angela Tisdale G 5–5 FR–HS Austin, Texas/Del Valle, HS; 35 Abiola Wabara F 6–0 RS SO–1L Parma, Italy/Liceo Scientifico Marconi; 2 Chelsea Whitaker G 5–9 RS SR–2L Dallas, Texas/Skyline/Virginia; 12 Latoya Wyatt G 5–7 SO–TR Fort Worth, Texas/L.D. Bell HS/McLennan CC; and 33 Sophia Young F 6–1 JR–2L St. Vincent, West Indies/Evangel Christian Academy.

Coaches: Kim Mulkey-Robertson—Head Coach; Bill Brock—Associate Head Coach; Johnny Derrick—Assistant Coach; Jennifer Roberts—Assistant Coach; Mike Snaufer—Graduate Assistant.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HONORING LYNN McINTYRE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Lynn McIntyre, who is retiring as vice president for university affairs at Sonoma State University in Rohnert Park, California. Rohnert Park is located 40 miles north of San Francisco, across the Golden Gate Bridge in Sonoma County.

In her position as vice president, Lynn has demonstrated great skill and diplomacy in overseeing public media and government relations, university publications and university policies, and several special projects of interest to the university. She is a valued member of the university president's cabinet, advising him on management decisions.

Lynn has had a diverse and varied career in education and banking. She has worked in Somalia. She has served in the Peace Corps in India. She has been a secondary schoolteacher in California and an administrator at Boston University, as well as vice president at both Security Pacific Bank and First Interstate Bank in Los Angeles. In this capacity she provided financial services to Fortune 500 and other companies in California and throughout the South and the West.

Raised on family farms in the central valley of California, Lynn received BA and MA degrees from the University of California, Berkeley, and an MBA degree from Simmons College in Boston. She also studied in Vienna, Austria.

As a board member of Goodwill Industries of the Redwood Empire, and a member of the Sonoma County Business Education Roundtable, Lynn stays active in community affairs.

She and her husband Jerry own a vineyard in Sonoma County, selling pinot noir and merlot grapes to prominent wineries. As a hobby, they also make their own wine under the private label of Starr Creek Vineyard. I have tasted it. It is delicious.

As President Ruben Arminana of Sonoma State so aptly noted when commenting on Lynn's skills in diplomacy and administration, he said, "She makes possible the impossible. She is loved and admired by faculty, staff, administrators and members of the community."

Mr. Speaker, I have greatly enjoyed working with Lynn McIntyre at Sonoma State University. Although her outstanding efforts will be missed, I know that she will stay involved in university affairs and in important education issues in our community. I wish her luck in retirement and look forward to seeing her in other capacities.

EXCHANGE OF SPECIAL ORDER TIME

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent to assume the time of the gentleman from Minnesota (Mr. GUTKNECHT).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

JUDICIAL POWER GRAB

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, regardless of how one feels about the Terri Schiavo case, and regardless of whether one is a liberal or a conservative, everyone should be concerned that the judiciary seems to be setting itself up as a type of superlegislature.

Our Founding Fathers clearly did not mean for the judicial branch to be superior to or more powerful than the legislative and executive branches.

A Member of the other body, former State supreme court justice, the gentleman from Texas (Mr. CORNYN), made some very serious charges on the floor of the Senate Monday. He said, "It causes a lot of people great distress to see judges use the authority they have been given to make raw political or ideological decisions."

He added that "sometimes the Supreme Court has taken on this role as a policymaker rather than an enforcer of political decisions made by elected representatives of the people."

The reason people on both sides of the political spectrum should be concerned about this judicial power grab is that the political pendulum swings. Sometimes conservatives control legislative bodies; sometimes liberals do. Would liberals someday want conservative judges overruling their legislation?

The Schiavo bill was very narrowly drawn to apply to just that case at the request or insistence of more liberal Members of both the House and Senate.

☐ 1615

Then some liberals in the media, in Congress, and in the courts criticized the bill as being too narrowly drawn. One judge, showing great arrogance, even scolded the Congress for acting, issuing a bitter non-judicial type of an opinion.

I served for 7½ years as a circuit court or State trial court judge in Tennessee. I have great respect for the legal profession and the judiciary. When I attended George Washington University's law school in the early 1970s, I took a course in legislative law. We were taught then that the courts were not legislatures. They were not to be political bodies, and they were to give great deference to the actions of the Congress and the State legislatures.

In fact, we were taught, through a great amount of case law, that the primary role of the courts was to try to determine legislative intent, not to try, whenever possible, to overrule it anytime judges might disagree for personal and/or political reasons.

The intent of the Congress was clear in the Schiavo case, with the bill passing the House 203 to 58 with strong support from both bodies and by unanimous agreement in the Senate. Are we now to have some type of judicial dictatorship?

Thomas Jefferson, in a letter written in September of 1820, said this, responding to the arguments that Federal judges should be the final interpreters of the Constitution: "You seem to consider the Federal judges as the ultimate arbiters of all constitutional questions, a very dangerous doctrine, indeed, and one which would place us under the despotism of an oligarchy. Our judges are as honest as other men, and not more so. They have with others the same passions for the party, for power, and the privilege of the corps. Their power is the more dangerous, as they are in office for life and not responsible, as the other functionaries are, to the elective control. The Constitution has erected no such single tribunal." A quote from Thomas Jefferson.

Alexander Hamilton, writing many years ago in Federalist Paper No. 81, said: "To avoid all inconveniences, it will be safest to declare generally that the Supreme Court shall possess appellate jurisdictions that shall be subject to such exceptions and regulations as the national legislature may prescribe. This will enable the government to modify this in such a manner as will best answer the ends of public justice and security."

All judges are elected or appointed through a political process, yet many do not like to admit this either to themselves or to others. So they sometimes go to extremes and bend over backwards to prove how nonpolitical they are. They leap at the opportunity to rule against a political defendant or show their power by overturning a political decision by Congress or some other legislative body.

Federal judges in particular are not only unelected; they are, as a practical matter, almost totally unaccountable. Thus they have very great power, which is very easy to abuse. For most of the history of this country, Federal judges exercised this power with great restraint, giving great deference to legislative bodies. For many years now, however, we have had far too many judges who have lost their humility and have not shown this same restraint. In the process of trying to show how nonpolitical and above politics they are, they have ironically become more political than ever before.

This has become so common that now a majority of people in this country have become upset with government by the Judiciary instead of by coequal legislative and executive bodies. We are going down a dangerous path, Mr. Speaker, and one that was clearly not intended by our Founding Fathers or the Constitution they gave us.

We are supposed to have a government of, by, and for the people, not one that ignores clear legislative intent and becomes one that is only of, by, and for the courts and of, by, and for very political and power-hungry judges.

TRIBUTE TO MAYOR JOHN MEDINGER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

Mr. KIND. Mr. Speaker, I rise today to pay tribute to John Medinger upon his retirement as mayor of La Crosse, Wisconsin. Involved in local politics since 1976, John is a dedicated public servant and a good friend. I will miss his leadership as mayor, but I am confident he will remain active in our community and influential in improving the quality of life in western Wisconsin.

Born and raised in La Crosse, Mayor Medinger and his family have always been active in local politics and have contributed immensely to the growth and development of our community. His father, Don, a good union member, served on the La Crosse City Council and was well-respected throughout the area. Following his father's example of civic duty, John ran for and was elected to the Wisconsin State Assembly in 1986, where he served for the next 16 years.

From 1993 to 1996, he worked for U.S. Senator RUSS FEINGOLD as his western Wisconsin regional coordinator, and in 1996 he ran for and was elected mayor of La Crosse. During his tenure as mayor, he continually advocated for social justice on behalf of the hard-working families in western Wisconsin. His contributions and dedication to the community made him an excellent mentor, and our area has been well served by his leadership.

I have known John for many years and have admired his thoughtfulness, idealism, unwavering principles, and ability to reach across party lines to create good public policy. As mayor, he was always honest and never hesitated to tell you when he thought you were wrong. Likewise, he was the first to embrace a good idea and work to put a plan into action.

Lastly, I commend John for his tireless work to encourage and welcome greater racial diversity, which has made the La Crosse area a special place to live and raise a family.

John exemplifies all that is good, noble, and decent in public service. He believes in our representative democracy, and he made himself approachable and accessible to anyone who wanted to share their thoughts with him, whether it was when he showed up on their doorstep during the course of his many campaigns or during his time in office.

Both John and his wife, Dee, have sacrificed greatly to live a life of public service. If anyone deserves a break from the public spotlight, they do. Although John Medinger is retiring from the mayoral position, his advocacy and community work will leave a lasting legacy on the La Crosse community, and the area will continue to benefit from all that he has done.

I want to thank him for his hard work and dedication, and I wish Dee and John the best of luck in their future endeavors.

IN MEMORY OF MARINE LANCE CORPORAL WESLEY JOEL CANNING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, "I don't do it for the money, I don't do it for the glory. Providing for our future is my responsibility. I can't call in sick on Mondays when the weekend has been too strong. I just work straight through the holidays and sometimes all night long. You can bet that I stand ready when the wolf growls at the door. I am solid, I am steady, I am true down to the core."

This is taken from Toby Keith's "American Soldier." And, Mr. Speaker, I rise today in honor of a young American Marine from a tranquil town in southeast Texas of approximately 34,000 people, Marine Lance Corporal Wesley Joel Canning, who died valiantly serving our country and our Nation in Iraq. He was assigned to the 2nd Assault Amphibian Battalion, 2nd Marine Division, II Marine Expeditionary Force based at Camp Lejeune, North Carolina.

Lance Corporal Canning, in just 21 short years, had already exhibited a lifetime of courage and boldness. He was killed in combat on November 10, 2004, in Al Anbar Province, Iraq, during the successful American offensive against the insurgent enemy in Fallujah.

He was a native of Friendswood, Texas. Wes, as he was called by his friends and family, graduated from Friendswood High School in 2002 and left for boot camp in July, just 2 months after his graduation. Resolute about becoming a Marine since his junior year, he had approached his parents with the idea. His father, Joe Canning, recalls their hesitations: "He decided he wanted to become a Marine," his father said. "Spend 20 years in the service and pursue a career in the criminal justice system. I tried my best to talk him out of it, telling him to go and get a good education, but he was hooked on becoming a Marine. And after doing everything I asked him to do, talking to recruiters from the other branches of service and friends and relatives who had served, he seemed more convinced than ever that the Marines was absolutely the right thing for him to do." In the end, "His mom and I gave him our blessing."

The devastating terrorist attack on September 11, which occurred before he ever graduated from high school, further fueled this desire. According to his mother, Jo Ellen Canning, "9/11 didn't deter his efforts. He wanted all the more to go and protect his country."

He graduated from the Marine Corps Recruit Depot in San Diego. He steadfastly pursued a post that would allow him to see action. Open for deployment in Iraq, he stayed at Camp Pendleton in California rather than accept another assignment.

In mid-March of 2003, with the commencement of Operation Iraqi Freedom, Lance Corporal Canning's wish came true. "He went to the front lines at the beginning of the war. There was not much telephone contact, so we watched TV the whole time until he made it home," Mrs. Canning recounts. In a letter to his parents that month, he described going in with the initial push and penetrating Baghdad.

He then returned to Texas after completing his first of ultimately two tours he volunteered for in Iraq. He excitedly did two things that, as his dad told me, "they advise the boys not to do." He trekked out to Lone Star Ford, bought a new little black pickup truck, so he could show his band of Marine brothers back at the base in North Carolina his proudly displayed bumper sticker, "Don't Mess With Texas." He also wedded his sweetheart from Fort Collins, Chayla.

Married just 11 months, and only 11 months, he was once again deployed in September of 2004 to Iraq, where he was looking forward to participating in the training of Iraqi soldiers and police. Now he is a husband, a family man, and he decided to serve 4 years, go back to school, and build a life with his new bride, Chayla, who, in spite of the obvious strain, loved being a Marine wife. She said, "Wes wanted to protect our family so our little brothers wouldn't have to. He was very protective of everybody."

Two months after being deployed to Iraq for a second tour, he left the following voice mail message for his father, who could not answer the phone because he was working on an offshore oil rig: "Hey, Dad, it's me. I love you and miss you. We're still over here."

Two days later, Lance Corporal Canning was killed in action precisely on the 229th birthday of the United States Marine Corps, November 10, 2004.

Myrlene Kennedy, the principal of Wes's high school, recalls, "He was kind to students and adults alike. He had a quick smile, a captivating personality, and that allowed him to have many friends." Wes's teachers said, "He knew pretty much what he wanted to do. Following his ambition, he joined the United States Marine Corps after graduation in 2002. He began that journey he dreamed of and talked about with teachers and friends. He loved wearing his Marine Corps T-shirt to class his senior year."

Wes's philosophy was written in his own high school yearbook: "Everything happens for a reason." For the Marine Corps Reserve Unit in Galveston, Texas, a unit like the one Lance Corporal Canning was a part of, his death constituted the first time it had to bring home one of its own flag-draped caskets, the flag that was presented to Chayla, in addition to the

Purple Heart Lance Corporal Canning was awarded. When asked by a reporter if she deemed her son a hero, Mrs. Canning swiftly replied, "He's always been a hero."

Today, in Operation Iraqi Freedom, the United States Marine Corps alone has lost 49 Texans in combat-related casualties. While our military cannot replace individuals of exceptional character like Lance Corporal Canning, I believe his service will provide a sterling example for the men and women who carry forward his tenacious fight against terror, tyranny, and treachery.

In fact, Mr. Speaker, just this last week, April 1, which would have been Lance Corporal Canning's 22nd birthday, marked another momentous occasion, his best friend, Jason Powell, graduated from the United States Marine Corps Depot that had christened Lance Corporal Canning.

Lance Corporal Canning, as LeAnn Womack said, achieved "something, something worth leaving behind." He has touched other lives and inspired a fellow man to carry the torch and legacy of the Corps. Moreover, Lance Corporal Canning helped establish a democracy in Iraq, this historic start which I was privileged to observe on January 30 in a land far, far away.

I believe if today we could hear from Lance Corporal Canning himself, as a member once and always of the United States Marines, as a member of the few and the proud, he would resonate the remainder of Toby Keith's American Soldier: "And I will always do my duty no matter what the price. I have counted up the cost, I know the sacrifice. I don't want to die for you but if dying is asked of me, I will bear that cross with honor 'cause freedom don't come free. I am out here on the front line. Sleep in peace tonight. I am an American soldier, an American, an American Soldier."

So, Mr. Speaker, we extend our prayers, our condolences to his parents, relatives, fellow students at Friendswood High School in Texas, and his beloved wife. May this American hero's devotion to his country continue to kindle our dreams and ambitions as a free and independent people.

So Semper Fi, Lance Corporal Canning. Semper Fi.

□ 1630

BAYLOR SCORES NATIONAL CHAMPIONSHIP

The SPEAKER pro tempore (Mr. Daniel E. Lungren of California). Under a previous order of the House, the gentleman from Texas (Mr. Edwards) is recognized for 5 minutes.

Mr. EDWARDS. Mr. Speaker, national champions, that is what the American people can now call the Baylor University women's basketball team. Last night the Baylor Lady Bears convincingly won the national championship by beating a talented Michigan State team 84–62. It is the second largest margin in a NCAA women's basketball final. It is the first Big 12 team, men or women's, to win a national basketball championship.

The Baylor Bears were one of only four teams in NCAA history, men or women's, to beat three number one teams in the Final 16. That accomplishment is impressive in and of itself, but what is incredible is just 5 years ago the Baylor Bears basketball team was at the bottom of the Big 12.

Mr. Speaker, the important message of this great American success story is that the values of hard work, determination and teamwork truly make a difference.

A key part of that team is Coach Kim Mulkey-Robertson, who became coach at Baylor just 5 years ago, taking over a program with a losing season and at the bottom of the Big 12 ladder. Coach Mulkey-Robertson would be the first to give credit to her tremendous and inspired players on the Baylor team, but she also deserves credit for bringing out that inspiration, and for teaching those students to be their best and then to even be better.

I congratulate Coach Mulkey-Robertson for being the first woman in NCAA basketball history to be a player on a national basketball championship team and then to be the coach of a national championship team. I believe all Americans can be proud not only of the victory on the basketball court, but the values reflected in that victory. Hard work, determination, and teamwork truly make a difference.

WELCOMING 2ND BATTALION HOME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Kirk) is recognized for 5 minutes.

Mr. KIRK. Mr. Speaker, more than 400 Marines serving with the 2nd Battalion of the 24th Marine Regiment will be arriving home in Chicago on April 9, 2005, concluding their 9-month deployment in support of Operation Iraqi Freedom with a hero's welcome at the Allstate Arena. Many organizations, businesses, and families affiliated with the 2nd Battalion will come together to show their support, appreciation to these citizen soldiers who served their country by championing the cause of freedom in Iraq.

The 2nd Battalion of the 21st Marine Regiment was activated on June 1, 2004, to support Operation Iraqi Freedom. The mobilization brought together the Headquarters, Echo, and Weapons Companies, forming the battalion. The unit deployed to Iraq in September 2004 and began conducting support and security operations in northern Babil Province, Iraq.

These dedicated marines operated out of an abandoned chicken processing plant many described as resembling a police station. Their formula for success was to blend their superb military training with many years of law enforcement expertise by their commanding officer. Lieutenant Colonel Mark A. Smith was an Indiana State police. Nearly every platoon included two or three policemen by trade, which proved invaluable in the work of the unit. The battalion used police procedures in its intelligence work, comparing anti-Iraqi forces to criminals back home.

The combination of marine training and police experience allowed the battalion to capture more than 200 insurgents during their deployment. Because of their successful nighttime raids, 2nd Battalion 24 Marines earned the nickname "The Mad Ghosts" from the insurgents operating in Babil Province. Like other U.S. forces operating in Iraq, these marines truly owned the night, and their operations continued until 2nd Battalion was relieved by elements of the U.S. Army in March.

Unfortunately, some of these brave marines made the ultimate sacrifice in the defense of our country. Thirteen marines perished during this mobilization and deployment, 12 as a result of hostile action. Our thoughts and prayers are with the families and loved ones of the following marines who will not be returning home with their colleagues this weekend: Corporal Brian Prening, Corporal Robert Warns, Corporal Nathaniel Hammond, Corporal Peter Giannopolos, Lance Corporal Branden Ramey, Lance Corporal Daniel Wyatt, Lance Corporal Richard Warner, Lance Corporal Travis Wichlacz, Lance Corporal Shane O'Donnell, Private First Class Ryan Cantafio, Sergeant Matthew Adams, Lance Corporal Andrew Nowacki, and Private First Class Brent Vroman.

Mr. Speaker, these brave marines, their families and their employers back home all made sacrifices to support freedom and human rights and tolerance around the world. During their service in Iraq, Iraq became the United Nations' newest democracy. We celebrate the citizen soldiers who wear the uniform so proudly to protect their great nation.

To the men and women of the 2nd Battalion of the 24th Marine Regiment, to the unit based in Waukegan, Illinois, we offer you our heartfelt thanks for your service and sacrifice. We thank your loved ones for their sacrifice and support. Welcome home, and most importantly, Semper Fi.

COMMENTS ON THE EPA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. Corrine Brown) is recognized for 5 minutes.

Ms. CORRINE BROWN of Florida. Mr. Speaker, the EPA is trying to exploit the poor people in my district for their pseudo-Nazi and Tuskeegee-like studies to determine what pesticides do to infants and toddlers in Duval County Florida.

In October, the EPA received $2.1 million to do the study from the American Chemistry Council, a chemical industry front group that includes members such as Dow, Exxon, and Monsanto Critics of the research, including some EPA scientists, claim the study's funders guarantee the results will be biased in favor of the chemical industry, at the expense of the health of the impoverished children serving as test subjects.

The families would have to keep spraying, even when the directions on the bottles say "cover all food and keep pets and children outside and away from the pesticides."

The point of the study is to determine what happens to children exposed to pesticides. There is no reason to believe that the participants would be informed about incorrect use of pesticides that would abnormally affect the children. Any change in pesticide use would skew the results.

In fact, EPA policy recommends that children be kept away from all pesticides because all pose some health risks. But the agency will not be warning parents in this study group. Doing so would interfere with the study. Infants and toddlers up to 3 years in age are involved, and the agency will warn their parents of the pesticide danger only if their children begin to show risky levels of pesticides in their urine,

There are no safeguards to prevent a family from increasing their pesticides use to become eligible for the study.

This is a low income area. $970 over two years, plus a video camcorder is a lot of money to many people.

The EPA Press Release for this study said: "As part of this exposure study, the American Chemistry Council (ACC) has signed a cooperative research agreement with EPA to collect information on exposures of young children to several household chemicals, including phthalates, brominated flame retardants, and perfluorinated chemicals."

These classes of chemicals have been shown to have effects on male sperm counts in adults, and are known to be dangerous. The European Union is in the process of banning these drugs.

This project is symptomatic of a larger problem.

This administration has been pushing to increase human testing.

American kids should not be guinea pigs for a misguided administration proposal to help the large pesticide companies increase sales.

HONORING THE LIFE OF POPE JOHN PAUL II

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Mr. Speaker, I rise today to pay homage to the life of Pope John Paul II. Although I am deeply saddened by his passing on Saturday, April 2, I join my colleagues in honoring the extraordinary life that he led.

Born in Poland in 1920, Karol Wojtyla secretly studied theology during the Nazi occupation, and then became a leader in the opposition to communism as a young priest and bishop. His elevation to the papacy in September of 1978 was full of symbolism and significance. Pope John Paul II was the first Slavic Pope and the first non-Italian Pope in 455 years. During his 26-year papacy, he led the Catholic Church and its members with dignity and conviction. He traveled more miles, gave more speeches and published more material than any of his predecessors, and ushered the papacy into the modern era.

In the insightful words of his biographer, George Weigel, his life was a witness to hope. He was a large influence in the collapse of communism in Eastern Europe and the dismantling of the Berlin Wall. His trip to his native Poland in 1979, just a year after his investiture as Pope, set the country spiritually afire against the communists and inspired the Solidarity movement on every level.

His unique relationship with President Ronald Reagan, what Time Magazine called "the Holy Alliance," enabled a bloodless end to the Cold War. President Reagan sent his top envoy, General Dick Walters, to the Vatican many times to take intelligence on the Communists to the Pope. In December of 1980, the Pope, the Reagan White House, the Solidarity movement and many other players were able to stop a planned Soviet invasion of Poland.

Pope John Paul II also made friends of the progressive Russian President Mikhail Gorbachev in the 1980s who would later tell an Italian newspaper that what happened in Eastern Europe over these last few years would have been impossible without the Pope's presence.

Pope John Paul II held a deep desire for the unity of the Christian churches, in particularly that of the Western Roman Catholic and the Eastern Orthodox Churches. He preached understanding between religions, and in his later years in the papacy, he astounded the world by visiting synagogues, mosques and Protestant churches. He sought reconciliation with the Jews, asking God's forgiveness for the sins of the Church against Christianity's "elder brother" by placing a memorable prayer on the Western Wall during a pilgrimage to the Holy Land in March 2000.

As a Catholic who served as an altar boy and attended parochial school in my youth, I recall the pride I felt when, after an assassination attempt in 1981, Pope John Paul II sought out his assailant to offer him forgiveness rather than condemnation. He leaves behind a legacy of grace and compassion.

Pope John Paul II spoke directly to the concerns of the family, understanding the family to be the foundation of a society rooted in relationships of love. He spoke frequently about human rights, especially the right to life. As a prolife obstetrician, I was inspired by his strong stance against what he referred to as a disturbing phenomenon of widespread destruction of so many human lives and the blunting of the moral sensitivity of people's consciousness because of it. He stood against this culture of death as a violation against the human person and against God, the Creator and Father. Without his tireless voice, these rights would be even further threatened.

He shows us a great example of how to live, and then how to die. With his death, the world has lost one of the great figures of our lifetime, and his leadership will be sorely missed. My prayers today are of thanksgiving for his life and service to all humankind, and that we will continue on his sacred legacy.

POPE JOHN PAUL II

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from New York (Mr. HIGGINS) is recognized for 60 minutes as the designee of the minority leader.

Mr. HIGGINS. Mr. Speaker, I rise today to join my colleagues in expressing the deep sorrow of the House of Representatives upon the death of the Holy Father, Pope John Paul II. As a Catholic myself, but also as a public official with a keen eye toward domestic and international affairs, I rise also to celebrate the life and the 26-year papacy of John Paul II.

As history's third longest pontificate, it was not without its faults, to be sure. All told, however, it is undeniable that the papacy of Pope John Paul II was the most significant in the 20th century and one of the most significant of all time.

Born in Wadowice, Poland, in 1920, Karol Wojtyla was a serious if nondescript youth. Young Karol enjoyed dramatics and thought of becoming an actor, but was instead called to serve the Church. Studying in secret for the priesthood as Poland was occupied by Nazis during World War II, young Karol became Father Wojtyla on November 1, 1946, and subsequently served in various capacities in his native Poland, serving under the legendary Stefan Cardinal Wyszynski, and later serving in his own right as Archbishop of Krakow, Poland.

On June 26, 1967, Archbishop Wojtyla was elevated to the College of Cardinals, receiving the Red Hat, as it is known in Vatican circles, from Pope Paul VI.

Krakow is known in official European guidebooks as the gem among European towns, although its survival under the invasion and occupation of soldiers in the wake of World War II and during the Cold War years is often believed to be miraculous in and of itself. Whereas cities like Warsaw saw significant devastation during World War II, physically Krakow managed to survive relatively unscathed.

☐ 1645

It did not emerge psychologically unscathed, however, as the Cold War years took its toll on the city and on the Polish people, scars that would take the unique vision of an electrician from Gdansk and the spiritual inspiration of a religious leader from Wadowice to finally begin to heal.

Cardinal Wojtyla continued to lead his flock throughout the Papacy of Paul VI, until its conclusion at his death in the summer of 1978. It is right here that the story of Cardinal Wojtyla's rise to the Papacy becomes most interesting.

In 1978, the Catholic Church on a worldwide scale was in need of renewal. After years of devout and faithful following of the teachings of the Church, many Catholics, particularly here in America, began to question the direction of the Church on a number of issues, including birth control, priestly celibacy, and the potential ordination of women as priests. At the time of Pope Paul VI's death, it was said by many that the Papacy required a new direction, one that was perhaps most succinctly summed up by the sociologist and journalist Father Andrew Greeley, who said that the Church needed "a hopeful holy man who can smile." In August, our Church got that man in Pope John Paul I.

Cardinal Wojtyla could not have attended the August conclave with any belief that he would be elevated to the Papacy, as there had been no non-Italian Pope in more than 450 years. Accordingly, he and his mentor, the primate of Poland, Cardinal Wyszynski, attended the conclave and participated in the elevation of Albino Cardinal Luciani, the patriarch of Venice, to the Papacy as Pope John Paul I. It is believed that Cardinal Wojtyla received votes in the initial balloting during that August conclave, but it is said that the announcement of his name did not cause the Cardinal even to raise his head from his reading. He did not, and could not, expect to be selected by his brethren, and so upon the election of John Paul I, Cardinal Wojtyla returned to Krakow, secure in the knowledge that the Church had new leadership for the foreseeable future and that he would be able to return to minister to his flock.

Then the unexpected happened, the death of Pope John Paul I after the briefest of papacies. That the cardinals would return so soon to Rome to elect yet another successor to St. Peter was shocking to say the least, but even at that time Cardinal Wojtyla could hardly have expected to be elected. Interestingly, however, Wojtyla was age 58, an age usually considered young for a Pope; but in 1978, following the untimely death of Pope John Paul I, a new premium was placed on the health and vigor of the new Pope. In addition, Cardinal Wojtyla's reputation as an avid outdoorsman and skier continued to feed the notion that he was vigorous and able to withstand the physical challenges that would face a new Pontiff.

Not much is known of the conclave that elevated Cardinal Wojtyla to the Papacy, but much can be assumed. It can be assumed that Italian cardinals would have liked to have elected another Italian, but likely were unable to find a suitable candidate. It was at that time, it is surmised, that leaders within the College of Cardinals, including cardinals from South America, Austria and the Netherlands, saw an opportunity to elect a non-Italian as a compromise between competing factions of Italian cardinals. They joined with other cardinals to make history by electing the first Polish Pope.

We should stop to think for a moment of what occurred during this conclave. We as elected officials in the House of Representatives, each of us made the conscious decision to stand for election before our peers within our own districts. We made these decisions, all of us, of our own volition and with knowledge for the most part of the consequences of our respective decisions to run.

Cardinal Wojtyla did not have that same opportunity. As I have said, as a member of the College of Cardinals in October of 1978, Cardinal Wojtyla, despite his status as a great spiritual leader in his archdiocese, had no reason to believe that he would emerge as Pope when white smoke would emerge from the stovepipe at the top of the Sistine Chapel. He would soon be surprised.

It is believed that as the ballots were held, counted and revoted and the votes in conclave crept steadily higher and higher for Cardinal Wojtyla, he became more and more concerned. It is not known for certain, but it is believed that Cardinal Wojtyla, when he initially received the required number of votes to be elected, asked for some time to pray and contemplate the decision of whether or not to accept, and may well have asked for a final vote to confirm the cardinals' decision.

It is undeniable, Mr. Speaker, that Pope John Paul II made major contributions to the demise of totalitarian communism, a system in which the state claims ownership of everything physical and attempts to exert control over everything intellectual. In such a system, no one may express belief in anything other than Marxism, and the suppression of free thought and individual liberty are its exclusive goals. The Church, first in Poland and then elsewhere, broke through these controls by offering people a safe place to meet and a new vision of the world. The Church soon became not only a place of worship but it became a place where writers, artists, and playwrights could have their works read, seen, and heard.

In helping to create a more open society, the priests of these churches followed the example of John Paul II, who as young Karol Wojtyla in Communist Poland, secretly studied for the priesthood and founded an underground theater. This new way of thinking was not entirely religious. The Pope traveled the world, including the communist world, speaking not only of God but of history and culture, of a new civil society steeped in openness and freedom, tempered by love, forgiveness, and understanding. This new openness had a liberating impact on the oppressed of the world and a debilitating impact on their oppressors.

In the years to come, 26 years, 5 months and 17 days to be precise, Pope John Paul II led the faithful through an incredible period in world history, helped facilitate the end of a bitter Cold War, and helped spread peace and democracy to nations across the world. The election of Pope John Paul II took on additional significance in the context of the political situation in his homeland of Poland. Pope John Paul II strongly encouraged the Solidarity movement in Poland, led by former Gdansk electrician Lech Walesa. The Holy See gave Solidarity vital material and moral support that further legitimized the movement in the eyes of the Polish population, becoming a de facto vehicle of opposition to the Communists who, though demoralized, remained in power in Poland.

I remember vividly the image of Walesa kneeling before the Pope to pay homage to him and seeing the Pope practically lift Walesa off his feet to embrace him, suspending the strict protocol of the Vatican to embrace the man who was leading millions of his fellow Poles toward a democratic state. Theirs was a struggle of common purpose and the Pope's willingness, indeed his steadfast insistence on using the weight of his Papacy as a counter to Communist aggression, was a vital component in ending Cold War hostilities and producing an independent Polish state.

This point is one of considerable interest to my own constituents in western New York. The history of Buffalo is one of rich and diverse ethnic neighborhoods, and western New York's Polish-American community is strong and proud today as it has been for generations. The pride in Cardinal Wojtyla's ascension to the Papacy in 1978 was felt by all of Polonia and all of western New York. It lasted throughout John

Paul II's Papacy and is something felt in parishes from throughout Buffalo, Erie, and Chautauqua counties.

Speaking parochially, the future Pope visited Buffalo twice as a cardinal, once in the 1960s and again in the 1970s, visiting Polish-American churches on Buffalo's east side, where parishes still exist in which mass is said in Polish. Today, just as they did in 1978, all parishes throughout Buffalo and western New York proudly celebrate the Papacy of John Paul II and the special connection that Buffalonians have to him and to his years as Pope.

We have to remember that Pope John Paul II was history's most traveled Pope and brought his message of faithfulness and hope to billions of people throughout the world. Catholics and non-Catholics alike. The Holy Father used his influence to mediate conflicts throughout the world and established diplomatic relations between the Holy See and more than 70 additional independent nations.

Pope John Paul II also reached out to many people of other faiths, including and especially to Jews, whom John Paul II thought were unfairly subjected to years of scorn and discrimination by Christians of all denominations. John Paul II led by example, becoming the first Pope to visit Rome's synagogue and by taking the necessary steps toward establishing diplomatic relations between the Holy See and the State of Israel. In the year 2000, John Paul II paid a visit to Jerusalem, visiting the Holocaust memorial in Jerusalem; and on March 23, 2000, he paid a visit to the holiest of religious sites in Judaism, the Western Wall. At the Wall, the Pope followed tradition by leaving a written prayer at the Wall itself, seeking the Jews' forgiveness for the sins of Christians over the years, the text of which prayer follows:

"God of our fathers, You chose Abraham and his descendants to bring Your name to the nations. We are deeply saddened by the behavior of those who in the course of history have created these children of Yours to suffer, and asking Your forgiveness, we wish to commit ourselves to genuine brotherhood with the people of the Covenant."

We also cannot forget that John Paul II was a great spiritual leader for the youth of the world and felt a special connection to young people in pursuing his ministry. John Paul II utilized the most modern of communication tools to bring his message forth and in the mid-1980s established Catholic Youth Days throughout the world where the youngest Catholics were encouraged to participate in the faith in a manner unlike any seen previously.

It cannot be said that John Paul II's Papacy was perfect. None, possibly save for that of the first Pope, St. Peter, could possibly attain such heights. Reductions in vocations, financial improprieties, sex abuse scandals, and other issues continue to test the faith of our people; and it is unlikely that the Papacy of John Paul II, or anyone else, could deal with those concerns completely. It will be up to the new Pope, whomever he may be, to lead the Church and its faithful in the months and years to come and as a spiritual leader to help Catholics and people of all faiths to deal with the many challenges that we face.

Undeniably, Pope John Paul II's charisma and warmth drew people to his Papacy like never before. Hundreds of millions, young and old, Christian and Jew, from every corner of the world came to worship with him, and with him join together to make the world a better place. His Papacy made people feel unafraid and challenged the faithful to go unafraid in pursuit of a better life.

Before Pope John Paul's predecessor was elevated to the Papacy, he too had misgivings about assuming the mantle of leadership that his colleagues were about to confer upon him. Albino Cardinal Luciani sat fretfully during the voting, but was approached by two friendly cardinals who offered him support. One told him not to worry, because when God gives a burden, he also gives the strength to carry it. Another told him, Don't fear, the whole world is praying for the new Pope.

As the world prays for the peaceful repose of Pope John Paul, so does the world pray for his successor to effectively and faithfully lead our Church during the months and years to come. Human though he may have been, Catholics throughout the world pray for leadership for our faith provided by Pope John Paul II. While we pray for the peaceful repose of his soul, we are confident that God, upon the appearance of Karol Wojtyla at the gates of heaven, has said the immortal words, "Well done, good and faithful servant."

Mr. Speaker, I yield to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. I thank the gentleman for yielding.

Mr. Speaker, John Paul II was a remarkable leader whose intense faith, intellectual brilliance, and sheer physical stamina are beyond dispute. He has been an inspiration to me and to millions of others, and his leadership brought people of all faiths closer together. John Paul II was a beacon of freedom and he gave his voice to those who could not speak, especially to those who were oppressed by the brutality of Communist oppression.

In public pronouncements during his visits to Poland and at every possible opportunity, he bore a simple message: truth matters, faith matters, freedom matters and injustice must be condemned and challenged.

□ 1700

He encouraged such dissidents as Poland's Lech Walesa and Czechoslovakia's Vaclav Havel to live "as if" they were free, undermining the elaborate system of lies that the Communist system depended upon to survive. Once pretenses were stripped away, more and more people realized they were not alone. It was Pope John Paul II's courage and decisive action that nurtured Poland's Solidarity movement and served as a catalyst to the peaceful liberation of Poland and the fall of the Iron Curtain.

Pope John Paul II was the first Pope to truly take his papacy outside the Vatican and deliver his message all across the globe. He made an outstanding 104 pilgrimages to 129 countries. I had the privilege of seeing the Pope twice, once in 1979 at a mass at Five Holy Martyrs Parish in Chicago and once at a mass at the Vatican on Christmas Eve. I am but one of millions of people worldwide who were moved by the personal experience both of his charisma and also the truth that he spoke.

Pope John Paul II broke precedent after precedent in reaching out to those of other faiths. He was the first Pope since St. Peter to visit a synagogue and the first to visit a mosque. In an extraordinary illustration of his respect for other faiths, he issued a series of papal apologies for the Church's past treatment of Jews, for the Crusades, and for the Church's role in the post-Reformation wars of religion. He understood the critical importance of forgiveness for peace, even forgiving his would-be assassin.

While some may view the Pope's statements and actions as representing an inconsistent political ideology, the truth is that everything that John Paul II did arose from one inviolable principle: Every individual has dignity, and society must constantly strive to uphold that dignity and promote a "culture of life." He understood that if the life and liberty of each person is to be protected, this principle must motivate the actions of governments.

I join my fellow Catholics and people everywhere in mourning the passing of the Holy Father. Pope John Paul II had a remarkable and blessed life, altering history and making the world a better place. But even with his death, there are still millions, including many youth, who have been inspired by his life, who will continue to strive to carry on his good work. This is a true testament to one of the greatest figures, perhaps the greatest figure, of the 20th century.

Mr. HIGGINS. Mr. Speaker, I yield to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Speaker, I thank the gentleman for yielding to me. And we all thank the gentleman for organizing this Special Order. He has already demonstrated his leadership in this Chamber simply by taking this action tonight, by leading the United

States Congress in paying special tribute and honoring the life of John Paul II.

Mr. Speaker, so much has been said on this floor, on the news channels, throughout the world about the life of Pope John Paul II. And I just wanted to share with my colleagues a reminiscence that I have. I never met the Holy Father, but I did connect to him through one profound moment that I experienced when I visited the Auschwitz death camp in January with Vice President CHENEY and two Members of this body as part of the delegation of Americans who went to commemorate the 60th anniversary of the liberation of the Auschwitz death camp. John Paul II could not attend that event. His health did not allow him to. So he sent a special message.

That camp is located near Krakow, a community in Poland that knows the Holy Father very well. And at that camp in the middle of a rather severe snow in very cold weather, a Vatican emissary read a message from John Paul II. He talked about his own visit to Auschwitz in 1979, and he talked about how, while he made that visit, which had to be exceedingly difficult for him, he stopped before a memorial and prayed in Hebrew, and then he stopped before another memorial and prayed in Polish.

John Paul II was a builder of bridges. He was a uniter. He had a deep faith and a profound belief in concepts which guide us every day right here in this body. We start every day, and every classroom, so many classrooms throughout America start every day, by pronouncing a very simple concept: liberty and justice for all. That is something that the Holy Father believed in profoundly. Liberty and justice for all.

He believed in peace, but he also had the fortitude and the compassion and the commitment and the raw courage to oppose two of the greatest evils that the 20th Century had ever witnessed in communism and nazism. He was not simply an eyewitness to those evils. There were plenty of eyewitnesses to those evils. He was a vigorous opponent of those evils, an outspoken opponent not simply when they were occurring, but even years after they occurred, because he always wanted to remind us of our moral obligation, our fundamental moral obligation, to speak the truth against evil no matter when it occurred, where it occurred, how far back it occurred.

I want to conclude by sharing with my colleagues some statements that John Paul II has made because I think those statements continue to guide us even today even at this difficult time. The Pope understood that different people see the world through different lenses, but he fought the biases that have long characterized the fault lines of different cultures. He counseled us. This is what he said: "Peace is not built in mutual ignorance but rather in dialogue and encounter. Unity is not uniformity." He built a culture of tolerance and openness and understanding. He said, "Solidarity helps us to see the other not as an object of exploitation but as a neighbor in the banquet of life to which they are all equally invited." A very important reminder.

And, Mr. Speaker, let me close by capturing a deeply held belief of the Pope's that I have long held dear in my own service as a Member of this body. The Pope steadily and forcefully worked towards a better future for all humankind, and he saw this future embodied in our children. Those are the people that we have our most important obligation to because they are our future. The Pope said, "We must all work for a world in which no child will be deprived of peace and security, of the right to grow up without fear and anxiety." Mr. Speaker, the greatest challenge for any generation is to leave behind a world that is better for our children than it was for us. This Pope truly understood and embraced that challenge.

We will all miss Pope John Paul II for his spirituality, for his dignity, for his convictions, for his leadership, and for his profound humanity. But much as his faith indicates that his soul will live on eternally, the impetus and legacy of his principled life will live on eternally here on Earth.

I again thank the gentleman for his leadership in organizing this Special Order.

Mr. HIGGINS. Mr. Speaker, I yield to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Speaker, I would like to also take this opportunity to thank the gentleman from New York for having this Special Order.

I grew up going to Catholic school, 12 years of Catholic school at Our Lady of Mount Carmel Grade School and John F. Kennedy High School, and I received my first holy communion under this Pope. I was confirmed under this Pope, and I was married under this Pope. And for those of us who are involved in the political system, not only here but around the world, one of the things we tend to notice is that in many ways international figures are inconsistent. And I think as we celebrate the life of this great Pope and this great statesman, I think it is important for us to recognize his consistency and how he was consistent with all of his philosophies through the Church and through his life. And whether one always agreed with this Pope or not, regardless of the political pressure that was being put from certain quarters in certain interest groups on certain countries, the Pope was always very consistent.

He was prolife on abortion. He was prolife on the death penalty. He understood that we honor not only the Holy Church, but God and the rest of us through our actions, and this Pope, through his actions, and what he advocated for, always for the poor, always for the disenfranchised, always for the workers, always for those people who did not have a voice, this Pope did not have to worry about the political implications, and he acted out of a position of love, and he did not always do it when it was just convenient for him or for the Church. And that is very important.

When the war in Iraq came before this Chamber and came before the international community, it was this Pope who took a firm position. And, interestingly enough, throughout the war it was this Pope who was one of the only international leaders we would hear talk about the innocent civilians who were getting killed throughout the war in Iraq. And whether or not the war was justified is a debate for this Chamber, but I think it is important for us to recognize that this Pope understood that those innocent lives were God's children, too, and the Pope made sure that the conscience of the world paid attention to that.

One or two final points about the example of this Pope: A lot of religious issues and a lot of religious connotations have been made over the past few years and have made their way to the forefront of our political discourse here. And I think this Pope has taught us through his life on how we have to understand and utilize a religion consistently and the philosophies consistently.

But on the issues of Christianity, the issues of nonjudgment, which is the highest ideal of the Christian faith, not to judge, and for this Pope to go to the mosque, to go to the synagogue, to disagree with one on issues of the day, but yet never judge one personally or never judge one's country personally is a lesson for all of us. The man who spoke for the poor, the man who spoke for the disenfranchised, the man who spoke for the workers, and the man who taught my generation of service, and in the Catholic schools and in the Catholic Church one of the great doctrines is that we have a responsibility regardless of what we are doing to make money or to protect one's family or to help one's family survive, we have an obligation in some capacity to serve others. And this Pope in many ways served all of us with his intellect, with his knowledge, with his commitment, with his example of nonjudgment and tolerance.

We have a lot that we can digest that this Pope has shown us, and I hope that those of us in this body and around the world will use this celebration as an opportunity to get to know this Pope in a better way and a deeper way and hopefully implement his example in the day-to-day workings of this Chamber.

I thank the gentleman from New York for yielding to me.

□ 1715

GENERAL LEAVE

Mr. FRANKS of Arizona. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of my upcoming Special Order.

The SPEAKER pro tempore (Mr. DENT). Is there objection to the request of the gentleman from Arizona?

There was no objection.

TRIBUTE TO POPE JOHN PAUL II

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Arizona (Mr. FRANKS) is recognized for 60 minutes as the designee of the majority leader.

Mr. FRANKS of Arizona. Mr. Speaker, I yield to the gentleman from Texas (Mr. MCCAUL).

Mr. MCCAUL of Texas. Mr. Speaker, I would like to thank the gentleman from Arizona for his leadership.

Mr. Speaker, tonight I rise to pay tribute to the extraordinary life of Pope John Paul II. I served as an altar boy as a child, was educated by the Jesuit priests, and as a Roman Catholic I admired this man for his unwavering faith, extreme determination, and belief in the culture of life. His service to the Church and his dedication to freedom for all individuals are legacies the world will remember and honor for decades to come.

As the Holy Father once said, "Freedom consists not in doing what we like, but in having the right to do what we ought."

Ten years ago, my wife, Linda, and I had the honor of a private audience with the Pope where we came to believe even more in his efforts to speak out strongly in favor of human rights as he stood firmly with the United States in defeating communism and spreading democracy across our globe.

This son of Poland served as a beacon of light to the world's oppressed and unborn. In life, as in death, the youth of the world loved this Pope. He too loved them and believed, "As the family goes, so goes the nation and so goes the whole world in which we live."

His message on the sanctity of human life and social justice served as a rallying cry for millions looking for an advocate for the defenseless and the weak. He gave a voice to the silenced and provided hope to the hopeless.

Pope John Paul II appealed to the better nature of man. Humanity was well served by his Papacy. With his passing, let us celebrate his service to all mankind and listen quietly as the angels in heaven sing in joy as he ascends to touch the face of God.

Mr. FRANKS of Arizona. Mr. Speaker, we are here to honor the life and legacy of Pope John Paul II, and I am joined by several of our colleagues here tonight.

Mr. Speaker, we often get materials and letters from our constituencies, and sometimes even from other States. Although I represent Arizona, a close friend of mine from California, Kevin Rishell, wrote us a poem today related to Pope John Paul II, and it seemed appropriate to read. So I am going to start with that:

"Pope John Paul II.
A man of simple convictions,
A man of great love and peace;
A father to the nations,
A friend now at last released.
Into the arms of his beloved Savior;
Into history,
With God's tender favor.
'Well done' faithful servant,
Echoes 'cross Heaven's portals;
As John Paul is welcomed,
By friends and other immortals.
His life was a service to God,
And to his neighbors;
To the weak and to the poor,
And dearly loved unbelievers.
For he believed that all life,
Had a godly purpose;
That all life was special,
And that God was never spurious.
For he understood clearly,
The vain rantings of men;
How popular their wisdom,
Seemed to change with the wind.
But he held true to his course,
In the most turbulent times;
With God's Word as his pilot,
And the Holy Spirit as his guide.
In faith, he stood against evil,
When it could have cost him his life;
And for decades and more,
He fought for what was right.
For God was his center,
And Jesus was his friend;
And the Comforter never left him,
From birth to honored end.
For he was on a holy quest,
Of nearly mythic proportions;
A man with a great commission,
Teaching truth and sacred traditions.
He knew where he came from,
And he knew where he would go;
Secure in Christ, adored by the masses,
This humble shepherd-soul.
But now his journey's over,
A final appointment he will keep;
A righteous servant to his Master,
In whose arms he will now rest and sleep.
While leaving a beautiful legacy,
Of honor and valiant grace;
That will live on beyond this tribute,
A priestly mantle so hard to replace.
We will miss you Holy Father,
We will miss your humor and your passion;
We will miss your concern for personal details,
And your courage to speak and to take action.
But now you have fought your good fight,
And you have finished your race;
We thank you for your example,
And pray God bless you for your faith.
Via con Dios, my precious brother,
Go with God my blessed friend;
Shalom to you my loving confessor,
Be at peace and as you always said, 'Amen.'"

Mr. Speaker, it is with great admiration and gratitude that I now personally rise to commend to the ages the life of Karol Wojtyla, Pope John Paul II.

Pope John Paul II lived an intentional life. Too often today, we spend our lives in a reactive state, with daily events and crises drowning out the reflection and study which are required to live an intentional life.

The Pope did not fall into this trap of the immediate. He instead considered his life's great questions and, after seeking guidance in Holy Scripture and through prayer, he steadfastly stayed wisdom's course.

Mr. Speaker, by now the narrative of the Pope's life has become well-known. Growing up in Poland, he had firsthand experience with two of the 20th century's most horrible totalitarian creations, that being Nazism and Soviet Communism. Living under these systems as a young man, he saw in detail not only the physical corrosion wrought by these systems of government, but the spiritual and social decay they engendered as well.

He looked beyond the jackboots and the tanks and saw that the real power of these regimes stemmed not from physical force, but from an intellectual climate that was stripping the humanness from humanity. Karol Wojtyla dedicated himself to fighting this evil, not with force of might, but through prayer, availing his heart, soul and mind unto God, and in serving his fellow human beings.

He exemplified what the Holy Scripture exhorts from man: "To do justly, to love mercy, and to walk humbly with God." He sought for justice to be done and the truth to be told by placing a handwritten acknowledgment of Christian sins against the Jewish people in a crevice of the Western Wall in Jerusalem, and in his admonishment of the kneeling Father Ernesto Cardenal, the Sandinista Culture Minister in Nicaragua.

He demonstrated mercy, and after recovering from his wounds from the assassination attempt on his life by Mehmet ali Agca, he visited this deranged Turk in prison. He visited him, and then he forgave him.

And he walked humbly, Mr. Speaker, allowing all of us to watch as he deteriorated physically right before our eyes, believing that those who follow Christ, as Christ himself taught, must sometimes endure suffering.

Karol Wojtyla became Pope John Paul II in 1978, and held the Chair of Saint Peter for more than 26 years. At the beginning of his Papacy, the totalitarianism that had colored his youth was on the march throughout the world. Previously free people were being enslaved by Soviet Communism with alarming regularity. However, the Soviet Union had reached its zenith, and soon would crumble, due in large part to the efforts of a triumvirate of courageous and noble leaders: Ronald Reagan, Margaret Thatcher and this new Pope, John Paul II.

He chose to attack the intellectual moorings of totalitarianism; thus he could eliminate the power structure that it rested upon.

He opposed abortion, believing innocent human life was sacred and that the casual elimination of the weak is the first step on the path that leads to the enslavement of all. One of the great teaching documents of his pontificate, "Evangelium Vitae," stated: "Life, especially human life, belongs only to God; for this reason, whoever attacks human life in some way attacks God himself."

He opposed liberal theology, firmly believing that a Church which did not stand up for its core doctrines would be unlikely to stand up to evil in the world. And he encouraged us all to do the same, stating that "freedom consists not in doing what we like, but in having the right to do what we ought." And kindly but boldly he encouraged us not to be afraid, stating: "Have no fear of moving into the unknown. Simply step out fearlessly knowing that God is with you, therefore no harm can befall you; all is very, very well. Do this in complete faith and confidence."

He demonstrated this full and complete trust in God, and from his first appearance on the balcony of St. Peter's Basilica proclaimed that "Christ, Christ is the answer."

He was a friend of the United States, not out of blind loyalty, but out of a recognition that "radical changes in world politics leave America with a heightened responsibility to be for the world an example of genuinely free, democratic, just and humane society."

And he admonished and cautioned us that it is not enough to speak about freedom, but that freedom must have a purpose, stating: "When freedom does not have a purpose, when it does not wish to know anything about the rule of law engraved in the hearts of men and women, when it does not listen to the voice of conscience, it turns against humanity and society."

Perhaps one of the most fitting tributes to this great man can be found in the news coverage of his death. While the Free World celebrates his legacy and openly mourns his passing, states such as China, which still hold much of their population in the dehumanizing chains of Marxism, do the best to stifle these reports. It seems fitting that the only countries to bar a Papal visit were China, North Korea, Vietnam, and post-Communist Russia.

Those leaders know that John Paul II lived a life in accordance with a view that rejected dehumanizing chains, because man was created to be free, and even though he has passed from this life and into the next, his world view remains, and his courage in the face of death is a powerful symbol of that world view.

The oppressors realize that if their subjects witness this courageous man and embrace his vision of humanity that their days will be numbered. We should all pray that they do.

In the meantime, Mr. Speaker, we should all take great comfort and gain great courage with the Pope's words of hope to all of us. He said, "Do not abandon yourselves to despair. We are the Easter people and hallelujah is our song." I am certain that he is right now joined by a multitude of others singing "Hallelujah" to the One he dedicated his life to.

Mr. Speaker, I yield to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Speaker, I rise today in remembrance of Pope John Paul II. The Holy Father held a special place in the hearts of more than 1 billion Catholics worldwide. For many younger people, he was the only Pope they had ever known. However, his influence was by no means limited to the Catholic community. Rather, his moral courage and spiritual passion gave encouragement, clarity, and strength to people around the globe.

My hometown of St. Louis was honored by a visit by the Pope in January of 1999. The arrival of the Pope to the birthplace of the first cathedral west of the Mississippi was truly an honor and Americans poured into St. Louis to participate in prayer services, a rally and celebration mass.

Of particular note was the enthusiasm of the young people who came to a rally held in St. Louis on the evening of January 26, 1999. Reaching out to young people truly seemed to be a characteristic of this Pope.

The Holy Father spoke not only to the Catholic community, but to men and women of conscience on every continent. Most notable may be his courage in standing for a culture of life, as well as defying communism and standing in solidity with those opposed to that great evil. That courage will be noted in history as a fulcrum that turned the wheel of history from dictatorship to freedom.

His defense of the culture of life is best embodied in his own words given in October 1979 right here in Washington, D.C.

□ 1730

Let me quote just for a moment. "I do not hesitate to proclaim before you and before the world that all human life is sacred, because human life is created in the image and likeness of God. And so, we will stand up every time that human life is threatened. When the sacredness of life before birth is attacked, we will stand up and proclaim that no one ever has the authority to destroy unborn human life."

In recent decades I believe there have been no more stirring or inspiring words to encourage those of us who believe in protecting unborn life than these. The Pope's consistent fight for the sanctity of life never wavered. His defense of life extended from the moment of conception to natural death. His heart was always toward the weak and powerless, those whose voices were silenced cruelly or unjustly.

The same defiant commitment to human dignity animated his resolve to oppose communism. In the 1980s, communism faced three implacable foes: Ronald Reagan, Margaret Thatcher, and Pope John Paul II. The Pope's courageous and historic leadership emboldened the downtrodden people of Poland and all of Eastern Europe to say, "Enough." He deserves the thanks of all people for that critical role in consigning the former Soviet Union and its satellite dictatorships in human memory.

Pope John Paul will be fondly remembered as a person of great energy and courage and faith, a man who did not shrink from fascism when he entered into an underground seminary in Poland during Nazi occupation, nor from communism when he challenged the world to rid itself of that evil. In his final years, he countenanced great personal suffering with great dignity. He died as he lived, with bravery and faith.

Today we honor his memory. May we always honor his legacy.

Mr. FRANKS of Arizona. Mr. Speaker, I yield to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Speaker, I rise this evening to pay my respects to one of the world's greatest spiritual leaders, Pope John Paul II.

The Pope was a wonderful humanitarian who was much more than just a leader of the Catholic Church and its 1 billion members around the globe. He was a servant of God, whose purpose in life was to work on behalf of all of humanity.

John Paul II was a courageous man, courageous all his life, who worked to make the world a better place by fighting for basic human rights, such as the right to freedom from oppression. Having grown up under nazism and communism, he understood firsthand the negative effects of totalitarian rule. He inspired a "revolution of conscience" in his home country of Poland, which Lech Walesa credits helped bring about the fall of communism.

The Pope was not afraid to take a tough stand and challenge dictators face to face. His criticism of rulers such as Alfred Stroessner in Paraguay, Augusto Pinochet in Chile, and Ferdinand Marcos in the Philippines encouraged opposition movements that eventually led to the demise of their regimes.

The Pope was also a staunch advocate of the right to life. He constantly challenged people to foster a culture of life. Ten years ago John Paul II stated, "We are facing an enormous and dramatic clash between good and evil, death and life, the 'culture of death' and the 'culture of life.'" He challenged that, "We are all involved and we all share the inescapable responsibility of choosing to be unconditionally prolife." I deeply admire the Pope for taking this stand.

In a society often characterized by worldliness, the Pope stood as a symbol of morality, integrity, and faith. John Paul II was not someone who acted in accordance with public opinion polls. He did what he knew was right, and he spoke with conviction. Even if people did not agree with him on every issue, they respected him and admired him.

No one in our lifetime has been a better role model for us all. He was, all his life, to the end of his life, a teacher and a servant. I join with the rest of the world in mourning his loss.

Mr. FRANKS of Arizona. Mr. Speaker, I want to recognize the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. Mr. Speaker, I am grateful that the gentleman from Arizona (Mr. FRANKS) took the time and the effort to reserve an hour so that we could take the time to pay tribute to a man who has given us so much, to celebrate his life and to lay out for the people of the world how much he truly sacrificed and gave.

I had the honor to visit with him in Rome at Christmas of 2003. I accompanied a delegation of a couple of Congressmen who went over and who brought a House Resolution that signified and thanked him for 25 years of public service, of being that spiritual warrior that we all embraced. It was an honor to be with him. In his presence, you felt that holiness. You felt the holiness of a man of deep prayer, a man of hard work and conviction, a man who did not sway in the wind and who was not forced by modernization, by the tides of modern theology that we have seen.

When I heard of his death, I was in Panama just a few days ago. I was fortunate to be with the large Latino population, one of the fastest-growing populations in the Catholic Church, who turned out and who truly mourned his death. Monday I was in Mexico City, and I had an opportunity to visit the Shrine of Our Lady of Guadalupe. I watched a poor Mexican family on their knees, walking on their knees in pain and in suffering, to show personal sacrifice to honor the life of this Pope. And with the few small dollars that they had left, they bought several candles and placed them at the statue of John Paul II in Mexico City. A true tribute for those who have so little to give so much.

It is interesting that the Pope's last teaching, the last formal message that came out of Rome, dealt with the life of Terri Schiavo. It is interesting that the message that came from this Pope was that we should not so swiftly embrace the culture of death. As a Roman Catholic, as a father of 12 children, I am so grateful that his last teaching will be that of life, that we embrace innocence, that we look to help the unborn; that we treat all life, whether it be disabled or whether it be strong and healthy, with dignity.

Mr. Speaker, this public servant sent a powerful message each time he rose, even when he was then himself disabled. I found him to be noble and kind. I found his humility to be a great example that led our world. When we look at what he did to fight against the evils against democracy, especially with the Iron Curtain, the Soviet Union, Poland, Hungary, Bulgaria, Romania, Czechoslovakia, and East Germany; each of them owe a portion of their freedom to this champion. Each of them owe a portion to the tolerance and forgiveness, the releasing of the evil grip of communism, to this champion. He told them not to be afraid. In doing so, he moved masses into solidarity and unleashed the evils of Communists.

He personally survived the Nazi bloodlust that swept through his native Poland, and he survived the Iron Curtain which attempted to strangle the free spirit of men. His life will be honored in our work to continue that struggle, to fight daily for the free spirit of men all over the world who continue to be repressed. He was unafraid because he believed in God. Through prayer, he received courage from the true source; true courage comes to those who pray, true bravery to those who pray.

Mr. Speaker, I say to the gentleman from Arizona (Mr. FRANKS), my neighbor, we both know that angels feel no injury. Angels are created and cannot be hurt. Angels do not bleed. True bravery can only be shown by moral men and women. This man showed true bravery, and it was because of that courage through prayer that he received.

When he was in Rome in May of 1981, when the attempted assassination was made on his life, he spent 20 days in the hospital. He showed us the power of perseverance. He spent the rest of his life showing us the power of forgiveness, especially when he met with his would-be assassin.

So while we are saddened by his passing, we celebrate his life. We continue to be encouraged by his teachings, and we allow his powerful spirit to inspire us daily to strive for goodness, for humility, for forgiveness and for justice. I love this champion of freedom and life. I love the fact that God sent us a spiritual warrior who fought for the good, a warrior whose most powerful weapons was that of peaceful prayer, peaceful words, solidarity, and the teachings of life.

I thank the gentleman from Arizona (Mr. FRANKS) for setting aside this hour and for allowing us to give a small tribute to the life of John Paul II.

Mr. FRANKS of Arizona. Mr. Speaker, I yield to the gentleman from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. Mr. Speaker, I, too, want to thank my distinguished colleague from Arizona for organizing this time for us to pay our respects to a man who has had a profound impact on our world and a profound impact on the oppressed throughout this world.

We feel sad because of our loss, but this is natural. But we should, in fact, rejoice, for I have no doubt that this great son of Poland has ascended into heaven and has been welcomed home by our Lord, whom he did so much to serve with his life that he was given.

We should not dwell on our loss, but we should rejoice for all the years we were privileged to know him, to see him, to hear him, and to learn from his example. We should rejoice in the strength he had inspired by his faith and conviction to suffer through Parkinson's for so many years, to survive an assassination attempt, and the unsurpassed Christian spirit to confront his nearly successful assassin and forgive him and pray with him, and to know that he is at peace now with the Heavenly Father he so nobly and humbly served.

It is difficult to remember what the world was like before we had the example of our Pope a scant 27 years ago. The year he was chosen, Iranian protests were brewing that would lead to the imminent fall of the Shah, usher in the ayatollahs, and produce an era of war and terror. The Soviet Union was jailing religious dissidents and staging coups such as that which they nurtured in Afghanistan and followed with a full-fledged invasion.

Before John Paul II, we did not yet have the vision and the leadership of Ronald Reagan nor of Margaret Thatcher, who, together with them, he would usher in the end to the Cold War. We were told that the West was in irreversible decline, and that the freedom bequeathed to us as an inalienable right, preserved and protected by the wisdom of the people assembled in democratic government, had failed. The peoples of the world were being told that individual dignities should be subjugated to the collective. It seemed that the only religion was that of the state, and that it was to the state that people thought we should direct our worship.

A young Pole named Lech Walesa had not yet dreamed that a simple concept like solidarity could overcome the awesome forces of fear and oppression that were the Soviet system; that is, until another son of Poland had ascended to the throne of St. Peter and did what he would do for the rest of his life: He provided the world with a brilliant example of the best of humanity.

John Paul II knew better than the conventional wisdom of the intelligentsia, of those who had surrendered their birthright, who had chosen to obey the commands of the state, who had ceased to recognize the demands of the respect for human dignity.

□ 1745

He believed that communism would fall and freedom reign, because communism at its core represented a false understanding of human nature. He knew that totalitarianism in all of its forms would fall. He was in a position to know this because of the cruel and harsh experience he gained having seen them both up front and close as a youth, as Poland was plagued by both Nazi fascism and then communism.

He saw from an up-close vantage what is possible when authority is perverted to a philosophy contemptuous of life. He wrote to a friend, while a cardinal, that a degradation, indeed a pulverization, of the fundamental uniqueness of each human person was at the heart of the sickness in the human heart that made the tragedies of the 20th century possible; that when this happens, as it did in the totalitarianism ideologies of communism and fascism, the result was the unnatural death of 120 million people in Europe and Asia.

This truth is epitomized in an image seared in the collective memory of the world, when the Pope went to the Holy Land, bowed in remembrance over the memorial flame in Yad Vashem, the Jewish Holocaust memorial.

The experience of this youth informed his mission as a Pontiff and was made possible because of his indomitable faith in the Creator.

He fiercely pursued an agenda that life in all of its forms is sacred because it is created by God, especially human life, which is created in his image. Stalin once derisively remarked that the Pope was a relatively powerless person, a mere figurehead, once famously asking an aide, how many divisions does he have?

Stalin never had to come to face John Paul II, but later communist leaders would come to know the danger posed by this man and what he represented on Earth and in heaven. They knew that if the Church led by this man was not dealt with sooner or later, it would destroy them throughout the world where the people would travel to places where people were trapped under communism, and totalitarianism parts of the world that did not dare have hope until they saw John Paul II.

The power was understood by those tyrants who feared that John Paul II would come to them, would visit their land and inspire those people. This was understood by the communist masters of Poland, when the newly installed Pope made his first visit there in 1979, returning to the land of his youth, of his first flock as a young priest.

The Soviet system knew that it had met its match when one-third of all of the people in Poland turned out to witness the homecoming of their native son. The only thing for the Soviets to do was to tremble, and the trembling that started that day did not end until the Berlin Wall came down 12 years later.

The last few outposts of repression that remain in our world today deeply fear the loss of their power by the words and the actions of a simple man who would bring a measure of freedom. It was a simple, yet eternal, message of faith in the almighty. It almost defies our pitiful ability to comprehend just how different the world is today as we celebrate this man's life and mourn our having lost him.

On my bookshelf at home I have a well-read book of George Geigel's biography of John Paul II titled, I think appropriately, "Witness to Hope." Billions of people around the world saw this man in that way, whether in the full vigor of his youthful pontificate or in his advanced years. For billions of people around the world, the sight of this man was to see hope. He stood for Catholicism and all of the principles; yet he was appreciated by all people around the world.

Here was a man who, while standing for his faith, brought the essence of freedom to everyone unapologetically. His 26-year Papacy saw him take this message to every corner of the world. He was seen by more of his flock than perhaps all of his 263 predecessors combined. He reached out to Jews, Muslims, Protestants, and the Eastern Orthodox Church. He took the time to learn at least a few phrases in over 100 different languages just so that he could communicate his message of hope at every place that he visited.

His message of human dignity is understood in every language, and it was understood in every land he saw during the generation he served humanity and God as the bishop of Rome.

In one of his many writings, he argued that humanity is right to seed freedom, but only if it is a freedom that is used to do justice. And justice, as he reminded us, is to confer, preserve, protect, prolong, and give meaning and value to life.

The spread of freedom will continue unabated in his absence. It will continue to inspire by his example as America leads a providential mission that humanity will only know peace and prosperity when every one of God's children knows the freedom and enjoys the dignity bestowed on them by their heavenly Father.

We thank our heavenly Father that we were able to know this man and to benefit by his love for us and the love of God. We will profit and do service to our children if we remember the words of this man who will soon be known across history as John Paul the Great.

Freedom has continually to be won; it cannot merely be possessed. It comes as a gift, but can only be kept with a struggle. Gift and struggle are written into pages, hidden yet open.

Mr. FRANKS of Arizona. I now yield to the gentleman from Iowa (Mr. KING) for 5 minutes.

Mr. KING of Iowa. I thank the gentleman for yielding and for organizing this special hour that we have here in the United States Congress to commemorate the life of a man so well lived. I am hard pressed to even suggest another individual contemporary of mine who can compete in that category, a life extraordinarily well lived, a life that began in Poland in 1920, May 18, a month after my mother was born.

And as he lived through that life in Poland, and he saw the Nazi pressure come on the border, and as that border pressure became the invasion of Poland in September of 1939, he was a young man, a young man the son of a poor soldier, a young man who was at that time already a theologian, a student, a philosopher, an actor, and a writer of plays.

And as the Nazis occupied Poland through that period of time, during the Second World War, some of that work needed to go underground. It needed to stay underground when the Soviets took over.

But he lived a life where he saw the Nazi Holocaust, he saw the totalitarianism that came with the Nazis, and he saw the oppression that came with the communists and the Soviet Union. It gave him a perspective that could not be gained perhaps anywhere else on the planet but there.

And those of us who believe in providence know very well that God put him there. And he put him there for us, for so many things that we have benefited from over those ensuing years, those 65 years from 1920 until 1985, as he lived underneath the Nazis and the Soviet Union, and underneath the totalitarianism that came with that.

Yet he emerged as Pope, unheard of, unheard of and unnamed. In fact, I have an interesting personal anecdote to this, that Pope John Paul now referred to as the first, lived only 32 days after he was named Pope, and ascended to the Papacy and died, another period of time, we were in that unknown period of time when we did not know who the next Pope would be. That went on for days and several weeks.

Early in that process I had no idea who the next Pope would be. I had not even looked at names or studied that or tried to handicap that decision that would come out of the conclave. But I remember that I had a dream one night, and I woke up in the morning and I said to my wife, Marilyn, I said, I had a funny dream last night. I dreamed that our new Pope would be Polish, and he named himself John Paul II.

And we laughed. It sounded so ridiculous that there would be a Pope who wasn't named, and especially from Poland that would ascend to the Papacy. And that joke was a joke amongst us. And then when he was named Pope, a Polish Pope, John Paul II, and that little insight came true. I had no idea what kind of a man he would be; but one of the first things he did in his first foreign trip was go back to Poland. There he was seen by one-third of the population of Poland, and the stops that he made people coming out of the mountains by the millions.

They wore their best holiday clothing. They played musical instruments, a great celebration and honor for this Pope. The son of Poland had returned as his first foreign trip from the Vatican.

And his message was, Be not afraid. Today we hear that message in the countries around the world. If you can lift that veil of fear, if you can lift it in East Germany, or if you can lift it in Iraq or Iran or Lebanon today when people are no longer afraid, they can do great things.

And that "be not afraid" message is the message that we hear every time from the mainstream news media today when they say the veil of fear has been lifted off of Lebanon today, that is the people's message. That is Pope John Paul II's message from 1978 that still echoes and still inspires for freedom. Be not afraid. If you would listen to Lech Walesa today, all the times that they tried to organize Solidarity in Poland and were unable to do so until Pope John Paul came and carried that message.

And people stood up and his message also was, be peaceful. We do not need a violent revolution. We need a peaceful revolution of people who are not afraid. That message of be not afraid brought Poland into freedom for the first of the Eastern Bloc countries. And that message of, be not afraid when the Wall came down on November 9 of 1989, and the people crawled over the Wall and climbed on it and celebrated and chiseled pieces out of it, and I have a piece of the Berlin Wall in my office here in Congress, and that piece symbolizes the single most significant historical event in my lifetime, the end of the Cold War.

When that Wall came down, the Iron Curtain came crashing down. It could not have come down without Pope John Paul and his message. And it was a historical miracle the way that freedom echoed across the Eastern European nations, the square in Prague, people rattling their keys. They held their keys in the air, and shook their keys. They shook their keys for freedom the way that they held up the color orange in the Ukraine, which we heard from today; and the way they waved the Lebanese flag in the square in Beruit today, that was a peaceful assembly of freedom in Prague growing from and being from that inspiration of be not afraid, be courageous.

He was consistent; he believed in the principles of the Bible and the Church as being immortal and faced with the modern religion that says that the Bible needs to be read in light of contemporary values. He rejected that kind of philosophy because the Church has to stand for timeless values, not changing and fluctuating values.

His courage in the face of life, on the issue of marriage, the issue of peace, all of those things together, the sanctity of human life has been an inspiration for many of us on marriage and the family.

This was an issue that floated across this country throughout the last elections. And 11 States went to the polls and said they stood for marriage; many of those people went to the polls inspired by John Paul II and his consistency in values, his consistency in faith, his consistency in the value of human life and how important the family is as the unit, the unit through which all of our values, our religious values, our work ethic, our culture as a people, flows through that unit of a man and a women joined together in holy matrimony and children, and passing those values along to the next generation. That human unit of the nuclear family is the key to civilization.

And if we fail in his message to hold our families together in this country and on this planet, we have failed humanity. That is part of the legacy as well as the inspiration to stand with those principles. There was no compromise with evil with John Paul II. He knew evil. He faced evil daily, and he stood for peaceful and high godly purposes. There was no compromise with wrong. If you compromise with wrong, it becomes part wrong. If it is part wrong, it is all wrong.

☐ 1800

He stood with those principles that consist in ethic of the Catholic Church. It is the sanctity of human life, and no one could have stood for that any greater than John Paul II. We stand here today, yes, in mourning, but in great celebration, great celebration for a life so well lived that we can give thanks to his legacy for time immemorial, and I pray that we will also refer to him as John Paul, the Great.

I appreciate the gentleman from Arizona (Mr. FRANKS) yielding.

Mr. FRANKS of Arizona. Mr. Speaker, I want to just thank all of my colleagues that joined in this tribute to this noble leader of over a billion Catholics, and I just suggest, Mr. Speaker, that this is one Baptist who is very grateful that Karol Wojtyla walked our way.

We are grateful for his courage to stand against the Soviet communism. We are grateful for his courage to stand against the Nazis. We are grateful for his courage to stand for that imago dei, that image of God, in every human being, for his commitment to human dignity.

We are grateful most of all, Mr. Speaker, that he reminded us that we are the Easter people, that ours is a solemn hallelujah, and that we need never be afraid again.

Mr. Speaker, on behalf of all my colleagues, I wish this great, noble leader an eternal godspeed and a conviction that he has heard those words that are the greatest words any human being can hear, and that being, Well done, thou good and faithful servant.

THE ORDEAL OF TERRI SCHIAVO AND THE RIGHT TO LIFE

The SPEAKER pro tempore (Mr. DENT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. PAUL) is recognized for 60 minutes.

Mr. PAUL. Mr. Speaker, today in this Special Order I want to address two subjects, the first being the ordeal of Terri Schiavo and the right-to-life issue.

Mr. Speaker, clearly no one wins in the legal and political battles over the death of Terri Schiavo. Although it has been terribly politicized, a valuable debate has emerged. This debate is not about abortion or euthanasia in general, nor about death in the abstract. It is about an individual's right to life and the value of life itself. Without concern for the life of each, individual liberty is meaningless and indefensible.

This debate deals with the passive treatment of the critically and terminally ill. This type of decision is manageable most of the time without government interference, but circumstances in this case made it difficult to determine proper guardianship. The unprecedented level of government involvement, questions about which branch of government had the ultimate say, and what the explicit intent of the patient was brought national attention to what was otherwise a family conflict.

Terri Schiavo is a unique case, and, unfortunately, her fate ended up in the hands of the lawyers, the judges and the legislators. The media certainly did their part in disrupting her final days.

In a free society, the doctor and the patient, or his or her designated spokesperson, make the decision, short of using violence, in dealing with death and dying issues. The government stays out of it.

This debate, though, shows that one life is indeed important. It is not an esoteric subject. It is a real life involved and a personal issue we cannot ignore, especially in this age of Medicare, with government now responsible for most of the medical bills.

We are rapidly moving toward a time when these decisions will be based on the cost of care alone, since government pays all the bills under national health care. As we defer to the state for our needs, and parental power is transferred to government, it is casually expected that government will be making more and more of these decisions. This has occurred in education, general medical care and psychological testing. The government now can protect the so-called right of a teenager to have an abortion, sometimes paid for by the government, without notifying the parents.

Free-market medicine is not perfect, but it is the best system to sort out these difficult problems, and it did so for years.

Eventually government medicine surely will ignore the concern for a single patient as a person, and instead, a computer program and cost analysis will make the determination. It will be said to be more efficient, though morally unjustified, to allow a patient to die by court order rather than permitting family and friends to assume responsibility for the cost of keeping patients alive.

There is plenty of hypocrisy to go around on both sides of this lingering and prolonged debate. In this instance, we heard some very sound arguments from the left defending States rights and family responsibility while criticizing the Federal Government involvement. I am anxious for the day when those who made these arguments join me in defending the Constitution and States rights, especially the 9th and 10th amendment, on many other economic and social issues. I will not hold my breath.

More importantly, where are those who rightfully condemn congressional meddling in the Schiavo case because of federalism and separation of powers on the issue of abortion? These same folks strongly defend Roe v. Wade and the so-called constitutional right to abort healthy human fetuses at any stage. There is no hesitation to demand support of this phony right from both Congress and the Federal courts. Not only do they demand Federal legal protection for abortion, they insist that abortion foes be forced to fund this act that many of them equate with murder.

It is too bad that philosophic consistency and strict adherence to the Constitution are not a high priority for many Members, but perhaps this flexibility in administering the rule of law helps create problems such as we faced in the Schiavo ordeal.

Though the left produced some outstanding arguments for the Federal Government staying out of this controversy, they frequently used an analogy that could never persuade those of us who believe in a free society guided by the constraints of the Constitution. They argued that if conservatives who supported prolonging Terri's life would only spend more money on welfare, they would demonstrate sincere concern for the right to life. This is false logic and does nothing to build the case for a local government solution to a feeding tube debate.

First, all wealth transfers depend on an authoritarian state willing to use lethal force to satisfy the politicians' notion of an unachievable fair society. Robbing Peter to pay Paul, no matter how well intentioned, can never be justified. It is theft plain and simple and morally wrong. Actually, welfare is antiprosperity so it cannot be prolife. Too often good intentions are motivated only by the good that someone believes will result from the transfer program. They never ask who must pay, who must be threatened, who must be arrested and imprisoned. They never ask whether the welfare funds taken by forcible taxation could have helped someone in a private or voluntary way.

Practically speaking, welfare rarely works. The hundreds of billions of dollars spent on the war on poverty over the last 50 years has done little to eradicate poverty. Matter of fact, worthwhile studies show that poverty is actually made worse by government efforts to eradicate poverty. Certainly the whole system does nothing to build self-esteem, and more often than not does exactly the opposite.

My suggestion to my colleagues who did argue convincingly that Congress should not be involved in the Schiavo case is please consider using these same arguments consistently, and avoid the false accusation that if one opposes increases in welfare, one is not prolife. Being proliberty and pro-Constitution is indeed being prolife, as well as proprosperity.

Conservatives, on the other hand, are equally inconsistent in their arguments for life. There is little hesitation by the conservative right to come to Congress to promote their moral agenda, even when it is not within the jurisdiction of the Federal Government to do so.

Take, for instance, the funding of faith-based charities. The process is of little concern to conservatives if their agenda is met by passing more Federal laws and increasing spending. Instead of concentrating on the repeal of Roe v. Wade and eliminating Federal judiciary authority over issues best dealt with at the State level, more Federal laws are passed which, strictly speaking, should not be the prerogative of the Federal Government.

The biggest shortcoming of the Christian right position is its adamancy for protecting life in its very early, late and weakened stages, while enthusiastically supporting aggressive war that results in hundreds of thousands of unnecessary deaths. While the killing of the innocent unborn represents a morally decadent society, and all life deserves an advocate, including Terri Schiavo, promoting a policy of deadly sanctions and all-out war against a nation that committed no act of aggression against us cannot come close to being morally consistent or defendable under our Constitution.

The one issue generally ignored in the Schiavo debate is the subtle influence the cost of care for the dying had on the debate. Government-paid care clouds the issue, and it must be noted that the courts ruled out any privately paid care for Terri. It could be embarrassing in a government-run nursing home to see some patients receiving extra care from families while others are denied the same. However, as time goes on, the economics of care will play even a greater role since under socialized medicine the state makes all the decisions based on affordability. Then there will be no debate, as we just witnessed in the case of Terri Schiavo.

Having practiced medicine in simpler times, agonizing problems like we just witnessed in this case did not arise. Yes, similar medical decisions were made and have been made for many, many years, but lawyers were not involved, nor the courts, nor the legislators, nor any part of the government; only the patient, the patient's family and the doctor. No one would have dreamed of making a Federal case of the dying process.

A society and a government that lose respect for life help create dilemmas of this sort. Today there is little respect for life; witness the number of abortions performed each year. There is little respect for liberty; witness the rules and laws that regulate our every move. There is little respect for peace; witness our eagerness to initiate war to impose our will on others. Tragically, government financing of the elderly, out of economic necessity, will usher in an age of euthanasia.

The accountants already have calculated that if the baby-boomer generation is treated to allow maximum longevity without quality of life concerns, we are talking about $7 trillion in additional medical costs. Economists will determine the outcome, and personal decisions will vanish. National health care, of necessity, will always conflict with personal choices.

Compounding the cost problems that will lead to government-ordered euthanasia is the fact that costs always skyrocket in government-run programs. This is true whether it is a $300 hammer for the Pentagon or an emergency room visit for a broken toe, and in addition, deficit financing, already epidemic because of our flawed philosophy of guns and butter, always leads to inflation when a country operates on a paper money system.

Without a renewal in the moral fiber of the country and respect for the constitutional rule of law, we can expect a lot more and worse problems than we witnessed in the case of Terri Schiavo. When dying and medical care becomes solely a commercial event, we will long for the days of debating what was best for Terri.

Hopefully this messy debate will lead more Members to be convinced that all life is precious, that family and patient wishes should be respected, and that government jurisprudence and financing fall far short of providing a just solution in these difficult matters.

WHO'S BETTER OFF?

Mr. PAUL. On another subject dealing more with foreign policy, I would like to address what is going on in Iraq.

Mr. Speaker, whenever the administration is challenged regarding the success of the Iraq War or regarding the false information used to justify the war, the retort is, "Aren't the people of Iraq better off?" The insinuation is that anyone who expresses any reservations about supporting the war is an apologist for Saddam Hussein and every ruthless act he ever committed.

The short answer to the question of whether the Iraqis are better off is that it is still too early to declare, "Mission accomplished." But more importantly, we should be asking if the mission was ever justified or legitimate in the first place. Is it legitimate to justify an action that some claim yielded good results, if the means used to achieve them are illegitimate? Do the ends justify the means?

□ 1815

The information Congress was given prior to the war was false. There were no weapons of mass destruction; the Iraqis did not participate in the 9/11 attacks; Osama bin Laden and Saddam Hussein were enemies and did not conspire against the United States; our security was not threatened; we were not welcomed by cheering Iraqi crowds as we were told; and Iraqi oil has not paid any of the bills.

Congress failed to declare war, but instead passed a wishy-washy resolution citing U.N. resolutions as justifications for our invasion. After the fact, now we are told the real reason for the Iraqi invasion was to spread democracy, and that the Iraqis are better off. Anyone who questions the war risks being accused of supporting Saddam Hussein, disapproving of democracy, or "supporting terrorists." It is implied that lack of enthusiasm for the war means one is not patriotic and does not support the troops. In other words, one must march lockstep with the consensus or be ostracized.

However, conceding that the world is better off without Saddam Hussein is a far cry from endorsing the foreign policy of our own government that led to regime change. In time it will become clear to everyone that support for the policies of preemptive war and interventionist nation-building will have much greater significance than the removal of Saddam Hussein itself.

The interventionist policy should be scrutinized more carefully than the purported benefits of Saddam Hussein's removal from power. The real question ought to be this: Are we better off with a foreign policy that promotes regime change while justifying war with false information? Shifting the stated goals as events unravel should not satisfy those who believe war must be a last resort used only when our national security is threatened.

How much better off are the Iraqi people? Hundreds of thousands of former inhabitants of Fallujah are not better off with their city flattened and their homes destroyed. Hundreds of thousands are not better off living with foreign soldiers patrolling their streets, curfews, and the loss of basic utilities. A hundred thousand dead Iraqis, as estimated by the Lancet Medical Journal, certainly are not better off. Better to be alive under Saddam Hussein than lying cold in some grave.

Praise for the recent election in Iraq has silenced many critics of the war. Yet the election was held under martial law implemented by a foreign power, mirroring the conditions we rightfully condemned as a farce when carried out in the old Soviet system and more recently in Lebanon. Why is it that what is good for the goose is not always good for the gander?

Our government fails to recognize that legitimate elections are the consequence of freedom and that an artificial election does not create freedom. In our own history, we note that freedom was achieved first and elections followed, not the other way around.

One news report claimed that the Shiites actually received 56 percent of the vote, but such an outcome could not be allowed for it would preclude a coalition of the Kurds and the Shiites from controlling the Sunnis and preventing a theocracy from forming. This reminds us of the statements made months ago by Secretary Rumsfeld when asked about a Shiite theocracy emerging from a majority democratic vote, and he assured us that would not happen. Democracy, we know, is messy and needs tidying up a bit when we do not like the results.

Some have described Baghdad, and especially the Green Zone, as being surrounded by unmanageable territory. The highways in and out of Baghdad are not yet secure. Many anticipate a civil war will break out sometime soon in Iraq. Some claim it is already under way.

We have seen none of the promised oil production that was supposed to provide grateful Iraqis with the means to repay us for the hundreds of billions of dollars that American taxpayers have spent on the war. Some have justified our continuous presence in the Persian Gulf since 1990 because of a need to protect "our" oil. Yet now that Saddam Hussein is gone and the occupation supposedly is a great success, gasoline at the pumps is reaching record highs, approaching $3 a gallon.

Though the Iraqi election has come and gone, there still is no government in place and the next election, supposedly the real one, is not likely to take place on time. Do the American people have any idea who really won the dubious election at all?

The Oil-for-Food scandal under Saddam Hussein has been replaced by corruption in the distribution of U.S. funds to rebuild Iraq. Already there is an admitted $9 billion discrepancy in the accounting of these funds. The overbilling by Halliburton is no secret, but the process has not changed.

The whole process is corrupt. It just does not make sense to most Americans to see their tax dollars used to fight an unnecessary and unjustified war. First, they see American bombs destroying a country, and then American taxpayers are required to rebuild it. Today it is easier to get funding to rebuild infrastructure in Iraq than it is to build a bridge in the United States. Indeed, we cut the Army Corps of Engineers' budget and operate on the cheap with our veterans as the expenditures in Iraq skyrocket.

One question the war promoters do not want to hear asked, because they do not want to face up to the answer, is this: Are Christian Iraqis better off today since we decided to build a new Iraq through force of arms? The answer is plainly, no.

Sure, there are 800,000 Christians living in Iraq, but under Saddam Hussein they were free to practice their religion. Tariq Aziz, a Christian, served in Saddam Hussein's cabinet as foreign minister, something that would never happen in Saudi Arabia, Israel, or any other Middle Eastern country. Today, the Christian churches in Iraq are under attack and Christians are no longer safe. Many Christians have been forced to flee Iraq and migrate to Syria. It is strange that the human rights advocates in the U.S. Congress have expressed no concern for the persecution now going on against Christians in Iraq. Both the Sunni and the Shiite Muslims support the attacks on the Christians. In fact, persecuting Christians is one of the few areas in which they agree: the other being the removal of all foreign forces from Iraqi soil.

Considering the death, destruction, and continued chaos in Iraq, it is difficult to accept the blanket statement that the Iraqis all feel much better off with the U.S. in control rather than Saddam Hussein. Security in the streets and criminal violence are not anywhere near being under control.

But there is another question that is equally important: Are the American people better off because of the Iraq war?

One thing for sure, the 1,500-plus dead American soldiers are not better off. The nearly 20,000 injured or sickened American troops are not better off. The families, the wives, the husbands, children, parents, and friends of those who lost so much are not better off. The families and the 40,000 troops who were forced to reenlist against their will, a de facto draft, are not feeling better off. They believe they have been deceived by their enlistment agreements.

The American taxpayers are not better off having spent over $200 billion to pursue this war, with billions yet to be spent. The victims of the inflation that always accompanies a guns-and-butter policy are already getting a dose of what will become much worse.

Are our relationships with the rest of the world better off? I would say no. Because of the war, our alliances with the Europeans are weaker than ever. The anti-American hatred among a growing number of Muslims around the world is greater than ever. This makes terrorist attacks more likely than they were before the invasion. Al Qaeda recruiting has accelerated. Iraq is being used as a training ground for the al Qaeda terrorists, which it never was under Hussein's rule.

So as our military recruitment efforts suffer, Osama bin Laden benefits by attracting pre-terrorist volunteers.

Oil was approximately $27 a barrel before the war; now it is more than twice that. I wonder who benefits from this?

Because of the war, fewer dollars are available for real national security and defense of this country. Military spending is up, but the way the money is spent distracts from true national defense and further undermines our credibility around the world.

The ongoing war's lack of success has played a key role in diminishing morale in our military services. Recruitment is sharply down and most branches face shortages of troops. Many young Americans rightly fear a coming draft, which will be required if we do not reassess and change the unrealistic goals of our foreign policy.

The appropriations for the war are essentially off-budget and obscure, but contribute nonetheless to the runaway deficit and increase in the national debt. If these trends persist, inflation with economic stagnation will be the inevitable consequences of a misdirected policy.

One of the most significant consequences in times of war that we ought to be concerned about is the inevitable loss of personal liberty. Too often in the patriotic nationalism that accompanies armed conflict, regardless of the cause, there is a willingness to sacrifice personal freedoms in pursuit of victory. The real irony is that we are told we go hither and yon to fight for freedom and our Constitution, while carelessly sacrificing the very freedoms here at home we are supposed to be fighting for. It makes no sense.

This willingness to give up hard-fought personal liberties has been especially noticeable in the atmosphere of the post-September 11 war on terrorism. Security has replaced liberty as our main political goal, damaging the American spirit. Sadly, the whole process is done in the name of patriotism and in a spirit of growing militant nationalism.

These attitudes and fears surrounding the 9/11 tragedy and our eagerness to go to war in the Middle East against countries not responsible for the attacks have allowed a callousness to develop in our national psyche that justifies torture and rejects due process of law for those who are suspects and not convicted criminals.

We have come to accept preemptive war as necessary, constitutional, and morally justifiable. Starting a war without a proper declaration is now of no concern to most Americans or the U.S. Congress. Let us hope and pray the rumors of an attack on Iran in June by U.S. Armed Forces are wrong.

A large segment of the Christian community and its leadership think nothing of rationalizing war in the name of a religion that prides itself on the teachings of the Prince of Peace, who instructed us that blessed are the peacemakers, not the warmongers.

We casually accept our role as world policemen and believe we have a moral obligation to practice nation-building in our image regardless of the number of people who die in the process.

We have lost our way by rejecting the beliefs that made our country great. We no longer trust in trade, friendship, peace, the Constitution, and the principle of neutrality while avoiding entangling alliances with the rest of the world. Spreading the message of hope and freedom by setting an example for the world has been replaced by a belief that the use of armed might is the only practical tool to influence the world. And we have accepted, as the only superpower, the principle of initiating war against others.

In the process, Congress and the people have endorsed a usurpation of their own authority, generously delivered to the executive and judicial branches, not to mention international government bodies. The concept of national sovereignty is now seen as an issue that concerns only the fringe in our society.

Protection of life and liberty must once again become the issue that drives political thought in this country. If this goal is replaced by an effort to promote world government, use force to plan the economy, regulate the people, and police the world against the voluntary desires of the people, it can be done only with the establishment of a totalitarian state. There is no need for that. It is up to Congress and the American people to decide our fate, and there is still time to correct our mistakes.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. EDWARDS, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. KIRK, for 5 minutes, today.

Mr. GINGREY, for 5 minutes, today.

ADJOURNMENT

Mr. PAUL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 30 minutes p.m.), under its previous order, the House adjourned until Friday, April 8, 2005, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the first quarter of 2004 and the first quarter of 2005, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. ALCEE HASTINGS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 22 AND FEB. 26, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Alcee L. Hastings	2/22	2/26	Austria	583.68	760.00					583.68	760.00
Committee total					760.00						760.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent, if U.S. currency is used, enter amount expended.

ALCEE L. HASTINGS, Mar. 8, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. FRED TURNER, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 23 AND FEB. 26, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Fred L. Turner	2/23	2/26	Austria	436.05	570.00					436.05	570.00
Committee total					570.00						570.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FRED L. TURNER, Mar. 3, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. KYLE NEVINS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 21 AND MAR. 1, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Kyle W. Nevins	2/21	3/1	China	7,388.91	894.00		5,889.02				6,783.02
Committee total					894.00		5,889.02				6,783.02

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

KYLE W. NEVINS, Mar. 16, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. DAVID BELLIS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 21 AND MAR. 1, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
David Bellis	2/21	3/1	China	7,388.91	894.00		5,889.02				6,783.02
Committee total					894.00		5,889.02				6,783.02

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAVID BELLIS, Mar. 15, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. ANNE BURESH, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 21 AND MAR. 1, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Anne Buresh	2/21	3/1	China	7,388.91	894.00		5,507.02 195.00 187.00				6,783.02
Committee total					894.00		5,889.02				6,783.02

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ANNE BURESH, Mar. 23, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. KENNY KRAFT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 21 AND MAR. 1, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Kenny Kraft	2/21	3/1	China		894.00		5,908.58				6,802.58
Committee total					894.00		5,908.58				6,802.58

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

KENNY KRAFT, Mar. 24, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ISRAEL, JORDAN, IRAQ, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 13 AND DEC. 16, 2004

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Roy Blunt	12/13	12/14	Israel		3,088.00						3,088.00
Hon. Steny Hoyer	12/14	12/15	Jordan		2,032.00						2,032.00
Hon. Ben Cardin	12/15	12/15	Iraq								
Hon. Tom Cole	12/15	12/16	Ireland		3,032.00					3,032.00	
Hon. Mark Kirk											
Brian Gaston											
Geoff Plague											
Brian Diffell											
Committee total					8,152.00						8,152.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ROY BLUNT, Chairman, Jan. 14, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO MEXICO-U.S. INTERPARLIAMENTARY GROUP, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 2004

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Jim Kolbe	5/13	5/16	Mexico		797.69						797.69
Hon. Cass Ballenger	5/13	5/16	Mexico		335.05						335.05
Hon. David Dreier	5/13	5/16	Mexico		335.05						335.05
Hon. Charles Stenholm	5/13	5/16	Mexico		335.05						335.05
Hon. Joe Barton	5/13	5/16	Mexico		335.05						335.05
Hon. Donald Manzullo	5/13	5/16	Mexico		335.05						335.05
Hon. Jerry Weller	5/13	5/16	Mexico		335.05						335.05
Fran McNaught	5/13	5/16	Mexico		335.05						335.05
Patrick Baugh	5/13	5/16	Mexico		335.05						335.05
Jim Farr	5/13	5/16	Mexico		335.05						335.05
Jean Carroll	5/13	5/16	Mexico		335.05						335.05
Amy Serck	5/13	5/16	Mexico		335.05						335.05
Paul Oostburg Sanz	5/13	5/16	Mexico		335.05						335.05
Brad Smith	5/13	5/16	Mexico		335.05						335.05
Jean Carroll	4/29	4/30	Mexico				1,868.77		16.00		1,884.77
Caleb McCarry	4/29	4/30	Mexico		456.84		1,868.77		50.00		2,375.61
Patrick Baugh	10/20	10/22	United States		667.29		511.71				1,179.00
Delegation expenses:											
Representational									6,772.38		6,772.38
Interpreters									3,390.00		3,390.00
Miscellaneous									60.31		60.31
Payment to Treasury of accrued interest									192.52		192.52
Committee total					6,277.47		4,249.25		10,481.21		21,007.93

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JIM KOLBE, Chairman, Feb. 28, 2004.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BRITISH AMERICAN INTERPARLIAMENTARY GROUP, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 2004

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Michael Bilirakis	7/16	7/18	USA		1,561.51						1,561.51
Hon. John Boozman	7/16	7/18	USA		1,561.51						1,561.51
Hon. Vernon Ehlers	7/16	7/18	USA		1,310.54						1,310.54
Hon. Gil Gutknecht	7/16	7/18	USA		1,561.51						1,561.51
Hon. Thomas Petri	7/16	7/18	USA		1,561.51						1,561.51
Hon. Bart Stupak	7/16	7/18	USA		2,078.68						2,078.68
Debra Gebhardt	7/16	7/18	USA		1,310.54						1,310.54
Frances Marcucci	7/16	7/18	USA		1,310.54		491.20				1,801.74
Vince Morelli	7/16	7/18	USA		1,310.54						1,310.54
Walker Roberts	7/16	7/18	USA		1,310.54						1,310.54
Sam Stratman	7/16	7/18	USA		1,310.54						1,310.54
Delegation Expenses:											
Representational									40,645.66		40,645.66
Payment to Treasury of accrued interest									477.88		477.88
Miscellaneous									610.30		610.30
Committee total					16,187.96		491.20		41,733.84		58,413.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

THOMAS E. PETRI, Feb. 15, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO CANADA-U.S. INTERPARLIAMENTARY GROUP, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 2004

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Amo Houghton	06/17	06/21			1,470.87						1,470.87
Hon. Phil English	06/17	06/21			1,210.52						1,210.52
Hon. Eni Faleomavaega	06/17	06/17			261.45						261.45

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO CANADA-U.S. INTERPARLIAMENTARY GROUP, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 2004—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Don Manzullo	06/17	06/21			1,059.08						1,059.08
Hon. Clay Shaw	06/17	06/21			1,216.36						1,216.36
Hon. Nick Smith	06/17	06/21			1,047.80						1,047.80
Hon. Cliff Stearns	06/17	06/21			1,056.07						1,056.07
Hon. Mark Souder	06/17	06/21			1,094.80						1,094.80
Hon. Thomas Tancredo	06/17	06/21			1,083.14						1,083.14
Dr. John Eisold	06/17	06/21			1,083.05						1,083.05
Liberty Dunn	06/17	06/21			1,175.47						1,175.47
Carl Ek	06/17	06/21			1,070.64						1,070.64
Chelsi Stevens	06/17	06/21			1,074.10						1,074.10
Bob Van Wicklin	06/18	06/21			812.73		635.70				1,448.43
Lodging and Miscellaneous					1,580.04						1,580.04
Delegation Expenses:											
Representational Functions									49,434.55		49,434.55
Miscellaneous (Payment of Accrued Interest)											
Committee total					16,296.12		635.70		49,599.99		66,531.81

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DONALD A. MANZULLO, Chairman, Mar. 10, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE NATO PARLIAMENTARY ASSEMBLY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Doug Bereuter	11/30	12/05	Bulgaria, Romania, Slovenia				6,384.69				
	2/17	N/A	Belgium (trans. to France)				140.65				6,525.34
Michael Ennis	11/30	N/A	Bulgaria, Romania, Slovenia				3,511.40				3,511.40
Vince Morelli	11/30	12/05	Bulgaria, Romania, Slovenia				6,384.69				6,384.69
Susan Olson	6/30	7/03	California, United States		768.47		744.30				1,512.77
Patrick Prisco	11/11	N/A	Italy (trans. to Venice)				116.04				116.04
Mark Wellman	6/30	7/04	California, United States		653.84		890.20				1,544.04
Lodging and Miscellaneous					608.25						608.25
Delegation Expenses:											
Representational Functions									39,345.92		39,345.92
Miscellaneous									2,698.97		2,698.97
Committee total					2,030.56		18,171.97		42,044.89		62,247.42

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOEL HEFLEY, Chairman, Mar. 7, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO TRANSATLANTIC LEGISLATORS' DIALOGUE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 2004

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Chris Connelly	11/13	11/16	United States		841.81						841.81
Hon. Jo Ann Davis	11/13	11/16	United States		909.51						909.51
Hon. Phil English	11/13	11/16	United States		944.69						944.69
Hon. Darrell Issa	11/13	11/16	United States		841.27						841.27
Kay King	11/13	11/16	United States		821.25						821.25
Hon. John Mica	11/14	11/16	United States		574.59						574.59
Joe Painter	11/13	11/16	United States		865.45						865.45
Francis Record	11/13	11/16	United States		930.20						930.20
John Walker Roberts	11/13	11/16	United States		865.25						865.25
Laura Rush	11/13	11/16	United States		930.77						930.77
Amy Serck	11/12	11/16	United States		1,095.00						1,095.00
Melissa Smith	11/13	11/16	United States		821.25						821.25
Linda Solomon	11/12	11/16	United States		1,332.60						1,332.60
Cliff Stearns	11/14	11/16	United States		566.79		108.00				674.79
Sam Stratman	11/13	11/16	United States		821.25						821.25
Hillel Weinberg	11/13	11/16	United States		821.25						821.25
Delegation Expenses:											
Representational					62,652.94						62,652.94
Misc.									508.08		508.08
Translation					6,100.00						6,100.00
Committee total					82,843.87		108.00		508.08		83,459.95

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HENRY HYDE, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BRAZIL, URUGUAY, PANAMA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 22 AND MAR. 1, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Roy Blunt	2/22	2/23	Brazilia, Brazil		2,058.28		N/A		N/A		2,058.88

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BRAZIL, URUGUAY, PANAMA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 22 AND MAR. 1, 2005—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Mark Foley	2/23	2/25	Uruguay		4,086.39		N/A		N/A		4,086.39
Hon. Don Sherwood	2/25	2/28	Brazil		5,181.00		N/A		N/A		5,181.00
Hon. Lacy Clay	2/28	3/1	Panama		2,596.00		N/A		N/A		2,596.00
Hon. Steve Pearce											
Mildred Webber											
Neil Bradley											
Brian Diffell											
Jessica Ballarger											
Dr. John Eisold											
Bill Livingood											
Committee total					13,922.27						13,922.27

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ROY BLUNT, Chairman, Mar. 24, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BRITISH AMERICAB PARLIAMENTARY GROUP MEETINGS IN LONDON, UNITED KINGDOM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 23 AND FEB. 28, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. eurrency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Thomas E. Petri	2/24	2/28	United Kingdom		1,838.00		(3)				1,838.00
Hon. Paul Gillmor	2/24	2/28	United Kingdom		1,838.00		(3)				1,838.00
Hon. Joel Hefley	2/24	2/28	United Kingdom		1,838.00		(3)				1,838.00
Hon. Michael Bilirakis	2/24	2/28	United Kingdom		1,838.00		(3)				1,838.00
Hon. Dennis Moore	2/24	2/28	United Kingdom		1,838.00		(3)				1,838.00
Hon. John Boozman	2/24	2/28	United Kingdom		1,838.00		(3)				1,838.00
Hon. Randy Forbes	2/24	2/28	United Kingdom		1,838.00		(3)				1,838.00
Hon. John Tanner	2/24	2/28	United Kingdom		1,838.00		(3)				1,838.00
Debbie Gebhardt	2/23	2/28	United Kingdom		2,320.00		2,991.10				5,311.10
Fran Marcucci	2/23	2/28	United Kingdom		2,320.00		2,991.10				5,311.10
Susan Olson	2/24	2/28	United Kingdom		1,838.00		(3)				1,838.00
Vince Morelli	2/23	2/26	United Kingdom		1,446.00		6,087.33				7,533.33
Mark Wellman	2/24	2/28	United Kingdom		1,838.00		(3)				1,838.00
Beverly Hallock	2/24	2/28	United Kingdom		1,838.00		(3)				1,838.00
Dr. Kay King	2/24	2/28	United Kingdom		1,838.00		(3)				1,838.00
Kathy Becker	2/24	2/28	United Kingdom		1,838.00		(3)				1,838.00
Candace Bryan Abbey	2/24	2/28	United Kingdom		1,838.00		(3)				1,838.00
Committee total					31,818.00		12,069.53				43,887.53

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

THOMAS E. PETRI, Mar. 7, 2005.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1380. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 04-01, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

1381. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 03-10, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

1382. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 03-06, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

1383. A letter from the Assistant Secretary for Homeland Defense, Department of Defense, transmitting a report on assistance provided by the Department of Defense to civilian sporting events in support of essential security and safety, covering the period of calendar year 2004, pursuant to 10 U.S.C. 2654(e); to the Committee on Armed Services.

1384. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Brigadier General Vern M. Findley II, United States Air Force, to wear the insignia of the grade of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

1385. A letter from the Acting Under Secretary for Acquisition, Technology, and Logistics, Department of Defense, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Circular A-76, the Department's report on competitive sourcing efforts for FY 2004; to the Committee on Government Reform.

1386. A letter from the Deputy Assistant Administrator, Office of Diversion Control, DEA, Department of Justice, transmitting the Department's final rule-Recordkeeping and Reporting Requirements for Drug Products Containing Gamma-Hydroxybutyric Acid (GHB) [Docket No. DEA-234F] (RIN: 1117-AA71) received January 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1387. A letter from the Associate Buerau Chief, Federal Communication Commission, transmitting the Commission's final rule—Developing a Unified Intercarrier Compensation Regime [CC Docket No. 01-92] T-Mobile et al. Petition for Declaratory Ruling Regarding Incumbent LEC Wireless Termination Tariffs — received March 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1388. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule-Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Rhinelander, Wisconsin) [MB Docket No. 04-288; RM-11045] received March 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1389. A letter from the Legal Advisor to the Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule-Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Nantucket, East Harwich, and South Chatham, Massachusetts) [MB Docket No. 02-72; RM-10399; RM-10639; RM-10640] received March 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1390. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule-Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Lake Havasu City, Arizona, and Pahrump, Nevada) [MB Docket No. 04-224; RM-10853; RM-10854] received March 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1391. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Adams, Massachusetts) [MB Docket No. 04-357; RM-11076] (Ashtabula, Ohio) [MB Docket No. 04-358; RM-11071] (Crested Butte, Colorado) [MB Docket No. 04-359; RM-11072] (Lawrence Park, Pennsylvania) [MB Docket No. 04-360; RM-11073] received March 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1392. A letter from the Deputy Chief, WCB/TAPD, Federal Communication Commission, transmitting the Commission's final rule-Federal-State Joint Board on Universal Service [CC Docket No. 96-45] National Telephone Cooperative Association Petition for Reconsideration—received March 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1393. A letter from the Assistant Chief, WCB/PPD, Federal Communication Commission, transmitting the Commission's final rule-Presubscribed Interexchange Carrier Charges [CC Docket No. 02-53] received March 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1394. A letter from the Attorney Advisor, Federal Communication Commission, transmitting the Commission's final rule-Amendment of the Commission's Rules Concerning Airport Terminal Use Frequencies in the 450-470 MHz Band of the Private Land Mobile Radio Services [WT Docket No. 02-318; RM-10184] received March 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1395. A letter from the Attorney Advisor, Federal Communication Commission, transmitting the Commission's final rule-The 4.9 GHz Band Transferred from Federal Government Use [WT Docket No. 00-32] received March 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1396. A letter from the Senior Legal Advisor, International Bureau, Federal Communication Commission, transmitting the Commission's final rule—Procedures to Govern the Use of Satellite Earth Stations on Board Vessels in the 5925-6425 MHz/ 3700-4200 MHz Bands and 14.0-14.5 GHz/11.7-12.2 GHz Bands [IB Docket No. 02-10] received February 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1397. A letter from the Assistant Buerau Chief, Enforcement Bureau, Federal Communication Commission, transmitting the Commission's final rule—Amendment of Part 11 of the Commission's Rules Regarding the Emergency Alert System [EB Docket No. 04-51; RM-10619] received March 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1398. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Braodcast Stations. (Fort Rucker, Ozark and Slocomb, Alabama) [MB Docket No. 04-146; RM-10871] received March 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1399. A letter from the Interim Legal Advisor, WTB, Federal Communications Commission, transmitting the Commission's final rule—Auction of Direct Broadcast Satellite Licenses [AUC-03-52] received, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1400. A letter from the Assistant Bureau Chief, International Bureau, Federal Communications Commission, transmitting the Commission's final rule—Flexibility of Delivery of Communications by Mobile Satellite Service Providers in the 2 GHz Band, the L-Band, and the 1.6/2.4 GHz Bands [IB Docket No. 01-185] received March 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1401. A letter from the Attorney Advisor, Federal Communications Commission, transmitting the Commission's final rule—The Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State, and Local Public Safety Communication Requirements Through the Year 2010 [WT Docket No. 96-86] received March 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1402. A letter from the Attorney Advisor, Federal Communications Commission, transmitting the Commission's final rule-Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended [WT Docket No. 99-87] Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies (RM-9332) received March 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1403. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Kerman, California) [MB Docket No. 04-301; RM-10969] (Lockney, Texas) [MB Docket No. 04-302; RM-11020] (Lone Wolf, Oklahoma) [MB Docket No. 04-303; RM-11025] (Quanah, Texas) [MB Docket No. 04-304; RM-11021] (Orchard Mesa, Colorado) [MB Docket No. 04-306; RM-10754] (Rising Star, Texas) [MB Docket No. 04-307; RM-10982] (Twentynine Palms, California) [MB Docket No. 04-308; RM-10973] (Waterford, California) [MB Docket No. 04-309; RM-10974] Received March 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1404. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Gassville, Arkansas) [MB Docket No. 04-237; RM-10997] (Nantucket, Massachusetts) [MB Docket No. 04-238; RM-10997] received March 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1405. A letter from the Chairman, Nuclear Waste Technical Review Board, transmitting the second report of 2004, as required by the Nuclear Waste Policy Amendments Act of 1987, Public Law 100-203, pursuant to 42 U.S.C. 10268; to the Committee on Energy and Commerce.

1406. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 01-05 which informs of an intent to sign a Project Arrangement for the Australia/United States Phased Array Radar (AUSPAR) Project between the United States and Australia, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

1407. A letter from the Secretary, Department of State, transmitting notification of the convening of an Accountability Review Board to examine the facts and the circumstances of the loss of life at a U.S. mission abroad and to report and make recommendations, pursuant to 22 U.S.C. 4834(d)(1); to the Committee on International Relations.

1408. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the texts of ILO Convention No. 185 Revising the Seafarers' Identity Documents Convention, 1958, adopting this instrument at its 91st Session at Geneva, June 19, 2003, pursuant to Art. 19 of the Constitution of the International Labor Organization; to the Committee on International Relations.

1409. A letter from the Chairman, Broadcasting Board of Governors, transmitting a draft of proposed legislation to authorize appropriations for Fiscal Years 2006 and 2007 for the Broadcasting Board of Governors, pursuant to the U.S. Information and Educational Exchange Act of 1948, as amended; the Radio Broadcasting to Cuba Act, as amended; the Television Broadcasting to Cuba Act, as amended; the U.S. International Broadcasting Act of 1994, as amended; and the Foreign Affairs Reform and Restructuring Act of 1998; to the Committee on International Relations.

1410. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report entitled "Country Reports on Human Rights Practices for 2004," pursuant to Pub. L. 107-228, Sec. 638; to the Committee on International Relations.

1411. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Report on Workforce Planning for Foreign Service Personnel, pursuant to Section 601(c) of the Foreign Service Act of 1980, as amended by Section 326 of the Consolidated Appropriations Act for FY 2000 (Pub. L. 106-113); to the Committee on International Relations.

1412. A letter from the Under Secretary for Political Affairs, Department of State, transmitting an update on the progress made and the challenges that remain with the partnership with Colombia; to the Committee on International Relations.

1413. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of intent to obligate funds for purposes of Nonproliferation and Disarmament Fund (NDF) activities; to the Committee on International Relations.

1414. A letter from the Secretary, Department of Health and Human Services, transmitting a report of surplus real property transferred for public health purposes, including purposes authorized by the Stewart B. McKinney Homeless Assistance Act, as amended, for October 1, 2003, through September 30, 2004, pursuant to Public Law 100—77, section 601 (101 Stat. 515); to the Committee on Government Reform.

1415. A letter from the Chairman, National Credit Union Administration, transmitting the Administration's Combined Annual Performance Budget 2005, prepared in accordance with the Government Performance and Results Act and OMB Circular No. A-11; to the Committee on Government Reform.

1416. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting justification for the Board's FY 2006 appropriation requests; to the Committee on Government Reform.

1417. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Kentucky Regulatory Program—received March 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1418. A letter from the Chief, Division of Scientific Authority, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Special Rule To Control the Trade of Threatened Beluga Sturgeon (Huso huso) (RIN: 1018-AT54) received March 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1419. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Colorado Regulatory Program [CO-033-FOR] received March 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1420. A letter from the Acting Chair, Federal Subsistence Board, Department of the Interior, transmitting the Department's final rule—Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D—2005-06 Subsistence Taking of Fish and Shellfish Regulations (RIN: 1018-AT46) received March 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1421. A letter from the Director, Office of Hearings and Appeals, Department of the Interior, transmitting the Department's final rule-Probate of Indian Trust Estates (RIN: 1094—AA50) received March 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1422. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Pacific Halibut Fisheries; Catch Sharing Plan [Docket No. 050216042-5042-01; I.D.021105E] (RIN: 0648-AT06) received March 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1423. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone off Alaska; Bering Sea and Aleutian Islands: 2005 and 2006 Final Harvest Specifications for Groundfish [Docket No. 041126332-5039-02; I.D. 112204A] received March 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1424. A letter from the Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Offshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No. 041202339-4339-01; I.D.021805F] received March 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1425. A letter from the Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Offshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No. 041202339-4339-01; I.D. 021805G] received March 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1426. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/Processor Vessels Using Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 041202338-4338-01; I.D. 021805A] received March 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1427. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Final 2005 and 2006 Harvest Specifications for Groundfish [Docket No. 041126333-5040-02; I.D. 112204C] received March 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1428. A letter from the Assistant Administrator, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Quota Specifications, General Category Effort Controls, and Catch-and-Release Provision [Docket No. 041203341-5047-02; I.D. 072304B] (RIN: 0648-AR86) received March 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1429. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Of Alaska; Groundfish by Vessels Using Non-Pelagic Trawl Gear in the Red King Crab Savings Subarea [Docket No. 041126332-5039-02; I.D. 030405A] received March 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1430. A letter from the Secretary, Judicial Conference of the United States, transmitting a draft bill entitled the "Judicial Reporting Improvement Act"; to the Committee on the Judiciary.

1431. A letter from the President and Chief Executive Officer, National Safety Council, transmitting the Council's 2004 Annual Report, entitled "IMPACT"; to the Committee on the Judiciary.

1432. A letter from the Deputy Assistant Secretary of the Army for Project Planning and Review, Department of Defense, transmitting a copy of the reports of the Chief of Engineers on the projects listed in enclosure 1, consistent with Section 113 of Pub. L. 108-447, and notification that the current report of the Assistant Secretary of the Army for Civil Works on these projects is still pending; to the Committee on Transportation and Infrastructure.

1433. A letter from the Board of Trustees, National Railroad Retirement Investment Trust, transmitting the National Railroad Retirement Investment Trust's annual management report covering FY 2004, pursuant to 45 U.S.C. 231n Public Law 107—90, section105; to the Committee on Transportation and Infrastructure.

1434. A letter from the Secretary, Judicial Conference of the United States, transmitting a draft bill "To amend the Internal Revenue Code of 1986 to make certain rules regarding sales of property comply with conflict-of-interest requirements applicable to the federal judiciary, and for other purposes"; to the Committee on Ways and Means.

1435. A letter from the Commissioner, Social Security Administration, transmitting notice that the actions necessary to implement section 303 are complete, and a summary of the progress of the demonstration project thus far, pursuant to Public Law 108—203, section 303; to the Committee on Ways and Means.

1436. A letter from the Secretary, Department of Defense, transmitting a report on Department of Defense Actions to Support Voting Assistance to Armed Forces Outside the United States, as required by Section 568 of the Ronald W. Reagan National Defense Authorization Act (NDAA) for FY 2005; jointly to the Committees on Armed Services and House Administration.

1437. A letter from the Secretary, Department of Health and Human Services, transmitting a report, entitled "Medicare Contracting Reform: A Blueprint for a Better Medicare," in response to Section 911(g) of the Medicare Precription Drug, Improvement, and Modernization Act of 2003, Pub. L. 108-173; jointly to the Committees on Energy and Commerce and Ways and Means.

1438. A letter from the Chair, Commission on International Religious Freedom, transmitting the "Report on Asylum Seekers in Expedited Removal: Findings and Recommendations," pursuant to Section 605 of the International Religious Freedom Act of 1998 (IRFA); jointly to the Committees on International Relations and the Judiciary.

1439. A letter from the Chair, Office of Compliance, transmitting a copy of the 2004 Annual Report of the Office of Compliance, pursuant to Section 301(h) of the Congressional Accountability Act (CAA); jointly to the Committees on House Administration and Education and the Workforce.

1440. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's Congressional Justification of Budget Estimates for Fiscal Year 2006, pursuant to 45 U.S.C. 231f(f); jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GILCHREST:

H.R. 1489. A bill to authorize the Secretary of Commerce to establish a coastal ocean observation system; to the Committee on Resources, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SKELTON:

H.R. 1490. A bill to amend title 10, United States Code, to authorize the National Defense University to award the degree of Master of Science in Joint Campaign Planning and Strategy, and for other purposes; to the Committee on Armed Services.

By Mr. HONDA (for himself, Mr. Gordon, Mr. Kuhl of New York, Mr. Van Hollen, Mr. Etheridge, Mr. Cummings, Mr. Hinojosa, Mr. Inslee, and Mr. Ruppersberger):

H.R. 1491. A bill to provide for the establishment of the Nanomanufacturing Investment Partnership, and for other purposes; to the Committee on Science.

By Mr. THOMAS (for himself, Ms. Matsui, and Mr. Honda):

H.R. 1492. A bill to provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II, and for other purposes; to the Committee on Resources.

By Mr. BLUNT (for himself, Mr. Ryan of Wisconsin, Mr. Green of Wisconsin, Mr. Rogers of Michigan, Mr. Petri, Mr. Sensenbrenner, Mr. Kirk, Mr. Ney, Mr. Brady of Texas, Mr. English of Pennsylvania, Mr. Wicker, Mr. Bonilla, Mr. Shadegg, Mr. Cantor, Mr. Issa, Mr. Sessions, Mr. Akin, and Mr. Herger):

H.R. 1493. A bill to amend the Clean Air Act to reduce the proliferation of boutique fuels, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KIND (for himself and Mr. Pickering):

H.R. 1494. A bill to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps; to the Committee on Resources.

By Mr. OWENS:

H.R. 1495. A bill to amend the Military Selective Service Act to terminate the registration requirement and the activities of civilian local boards, civilian appeal boards, and similar local agencies of the Selective Service System, and for other purposes; to the Committee on Armed Services.

By Mr. YOUNG of Alaska (for himself, Mr. Mica, Mr. Oberstar, Mr. Costello, and Ms. Norton):

H.R. 1496. A bill to return general aviation to Ronald Reagan Washington National Airport; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of New Jersey (for himself, Mr. Payne, and Mr. Lincoln Diaz-Balart of Florida):

H.R. 1497. A bill to require the Secretary of State, in consultation with the heads of other appropriate departments and agencies, to conduct an economic impact study on the dual gateway policy of the Government of Ireland before the United States takes any action that could lead to the discontinuation of the policy; to the Committee on International Relations.

By Mr. RYAN of Ohio (for himself and Mr. Hunter):

H.R. 1498. A bill to clarify that exchange-rate manipulation by the People's Republic of China is actionable under the countervailing duty provisions and the product-specific safeguard mechanisms of the trade laws of the United States, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. FOXX:

H.R. 1499. A bill to amend the Internal Revenue Code of 1986 to allow a deduction to members of the Armed Forces serving in a combat zone for contributions to their individual retirement plans even if the compensation on which such contribution is based is excluded from gross income, and for other purposes; to the Committee on Ways and Means.

By Mr. DREIER (for himself and Mr. English of Pennsylvania):

H.R. 1500. A bill to amend the Internal Revenue Code of 1986 to make the 2003 reduction in the individual capital gains tax rates permanent and to further reduce and simplify such rates and to reduce the corporate capital gains rate; to the Committee on Ways and Means.

By Mr. BARTLETT of Maryland (for himself, Mr. Thompson of Mississippi, Mr. Owens, and Mr. Ryun of Kansas):

H.R. 1501. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act with respect to penalties for powder cocaine and crack cocaine offenses; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BERMAN (for himself and Mr. Delahunt):

H.R. 1502. A bill to restore civil liberties under the First Amendment, the Immigration and Nationality Act, and the Foreign Intelligence Surveillance Act; to the Committee on the Judiciary, and in addition to the Committees on Intelligence (Permanent Select), and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of Utah (for himself, Mr. Matheson, and Mr. Cannon):

H.R. 1503. A bill to designate certain lands in the Cedar Mountains in the State of Utah as wilderness, to ensure the compatibility of such wilderness and wildness study areas with continued access by the Armed Forces to the special use airspace and lands that comprise the Utah Test and Training Range, and for other purposes; to the Committee on Resources.

By Mr. BISHOP of Utah (for himself, Mr. Andrews, Mr. Owens, Mr. Udall of Colorado, Mr. Van Hollen, Mr. Filner, Ms. McCollum of Minnesota, and Mr. Michaud):

H.R. 1504. A bill to amend the Internal Revenue Code of 1986 to increase the deduction for host families of foreign exchange and other students from $50 per month to $200 per month; to the Committee on Ways and Means.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Ms. Harris, Ms. Wasserman Schultz, and Mr. Poe):

H.R. 1505. A bill to revise the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration program; to the Committee on the Judiciary.

By Ms. DeLAURO (for herself, Mr. Shays, Mr. Larson of Connecticut, Ms. Kilpatrick of Michigan, Mr. Wexler, and Mr. Simmons):

H.R. 1506. A bill to improve the No Child Left Behind Act of 2001, and for other purposes; to the Committee on Education and the Workforce.

By Ms. DeLAURO:

H.R. 1507. A bill to establish the Food Safety Administration to protect the public health by preventing food-borne illness, ensuring the safety of food, improving research on contaminants leading to food-borne illness, and improving security of food from intentional contamination, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EMANUEL (for himself, Mr. Cooper, Ms. Harman, Mr. Van Hollen, Ms. Wasserman Schultz, and Mr. Becerra):

H.R. 1508. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to facilitate automatic enrollment in 401(k) plans, and for related purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOLEY (for himself and Mr. Shaw):

H.R. 1509. A bill to create an inspection program that uses videophone systems at certain points of entry in Florida to satisfy customs and immigration reporting requirements; to the Committee on Homeland Security.

By Mr. FOLEY (for himself, Mrs. Jones of Ohio, Mr. Shaw, Mr. Nussle, Mr. Lewis of Kentucky, Ms. Hart, Ms. Velázquez, Mr. Wilson of South Carolina, Mr. Gary G. Miller of California, Mr. Feeney, and Mr. English of Pennsylvania):

H.R. 1510. A bill to amend the Internal Revenue Code of 1986 to reduce the depreciation recovery period for roof systems; to the Committee on Ways and Means.

By Mr. FOLEY (for himself, Mr. Pomeroy, Mr. Kennedy of Minnesota, Mr. Smith of Washington, Mrs. Davis of California, Mr. Snyder, Mr. Abercrombie, Mr. Hayworth, Ms. Woolsey, Mr. Inslee, Ms. Hooley, Mr. Lincoln Diaz-Balart of Florida, Mr. DeFazio, Mr. Baird, Mr. Simpson, Mrs. Capps, Mr. Udall of New Mexico, Mr. Langevin, Mr. Bonilla, Mr. Sanders, Mr. Otter, Mr. Weller, Mr. Doggett, Mr. McCrery, and Mr. Sherman):

H.R. 1511. A bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for electricity produced from wind; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts (for himself and Mr. Lynch):

H.R. 1512. A bill to direct the Secretary of the Interior to conduct a special resources study regarding the suitability and feasibility of designating certain historic buildings and areas in Taunton, Massachusetts, as a unit of the National Park System, and for other purposes; to the Committee on Resources.

By Mr. FRELINGHUYSEN:

H.R. 1513. A bill to exempt from the Freedom of Information Act certain photographic images of deceased persons that are taken by or for medical examiners; to the Committee on Government Reform.

By Mr. GERLACH:

H.R. 1514. A bill to reserve a small percentage of the amounts made available to the Secretary of Agriculture for the farmland protection program to fund challenge grants to encourage the purchase of conservation easements and other interests in land to be held by a State agency, county, or other eligible entity, and for other purposes; to the Committee on Agriculture.

By Mr. JINDAL (for himself, Mr. Baker, and Mr. McCrery):

H.R. 1515. A bill to adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historical Park and Preserve in the State of Louisiana, and for other purposes; to the Committee on Resources.

By Mr. JINDAL:

H.R. 1516. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for expenditures incurred by the taxpayer to restore or protect wetlands from coastal erosion; to the Committee on Ways and Means.

By Mr. SAM JOHNSON of Texas (for himself, Mr. Herger, Mr. Ryan of Wisconsin, Mr. Sensenbrenner, Mr. Ney, Mr. Stearns, and Mr. Simmons):

H.R. 1517. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits; to the Committee on Ways and Means.

By Mr. KELLER (for himself, Mr. Foley, and Mr. English of Pennsylvania):

H.R. 1518. A bill to amend the Internal Revenue Code of 1986 to expand the exclusion for employer-provided educational assistance to include educational assistance provided to dependents of employees; to the Committee on Ways and Means.

By Mr. LARSON of Connecticut (for himself and Mr. EMANUEL):

H.R. 1519. A bill to help American families save, invest, and build a better future, and for other purposes; to the Committee on Ways and Means.

By Mr. LEWIS of Kentucky:

H.R. 1520. A bill to amend the Internal Revenue Code of 1986 to provide for the tax on distilled spirits, wine, and beer to be collected quarterly from certain small taxpayers; to the Committee on Ways and Means.

By Mrs. MALONEY (for herself, Mr. SHERMAN, Ms. BORDALLO, Mr. FRANK of Massachusetts, Mr. PAYNE, Mr. CUMMINGS, Ms. SLAUGHTER, Mr. OBERSTAR, Mr. OWENS, Mr. ABERCROMBIE, Ms. WATSON, Ms. JACKSON-LEE of Texas, Ms. MILLENDER-MCDONALD, Mr. BROWN of Ohio, and Mr. EVANS):

H.R. 1521. A bill to amend the Internal Revenue Code of 1986 to deny all deductions for business expenses associated with the use of a club that discriminates on the basis of sex, race, or color; to the Committee on Ways and Means.

By Mrs. MCCARTHY (for herself, Mr. HINCHEY, Mr. OWENS, Mr. CHANDLER, Mr. PAYNE, Mr. CLYBURN, Mr. GARRETT of New Jersey, and Mr. GRIJALVA):

H.R. 1522. A bill to amend the Higher Education Act of 1965 to expand the loan forgiveness and loan cancellation programs for teachers, to provide loan forgiveness and loan cancellation programs for nurses, and for other purposes; to the Committee on Education and the Workforce.

By Mrs. MCCARTHY (for herself, Mr. OWENS, and Mrs. MALONEY):

H.R. 1523. A bill to provide student loan forgiveness to the surviving spouses of the victims of the September 11, 2001, tragedies; to the Committee on Education and the Workforce.

By Mr. MOORE of Kansas (for himself, Mr. TIAHRT, Mr. RYUN of Kansas, and Mr. MORAN of Kansas):

H.R. 1524. A bill to designate the facility of the United States Postal Service located at 12433 Antioch Road in Overland Park, Kansas, as the "Ed Eilert Post Office Building"; to the Committee on Government Reform.

By Ms. NORTON:

H.R. 1525. A bill to establish the United States Commission on an Open Society with Security; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OTTER (for himself, Mr. SIMPSON, Mr. FLAKE, Mr. SANDERS, Mr. CONYERS, Mr. KUCINICH, Mr. PAUL, Mr. UDALL of New Mexico, Mr. MEEKS of New York, and Mr. BISHOP of Utah):

H.R. 1526. A bill to amend the Foreign Intelligence Surveillance Act of 1978 and title 18, United States Code, to strengthen protections of civil liberties in the exercise of the foreign intelligence surveillance authorities under Federal law, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 1527. A bill to remove all embargoes on food, medicine, and medical supplies; to the Committee on International Relations.

By Mr. SENSENBRENNER:

H.R. 1528. A bill to amend the Controlled Substances Act to protect vulnerable persons from drug trafficking, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHADEGG:

H.R. 1529. A bill to amend the Federal Power Act to provide for Federal and State coordination of permitting for electric transmission facilities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SHADEGG:

H.R. 1530. A bill to encourage the development of hydroelectric projects, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HOLT (for himself and Mr. MILLER of Florida):

H. Con. Res. 124. Concurrent resolution expressing the sense of the Congress regarding the importance of organ, tissue, bone marrow, and blood donation and supporting the goals and ideals of National Donate Life Month; to the Committee on Energy and Commerce.

By Mr. HOLT (for himself, Mr. BROWN of South Carolina, Mr. SERRANO, Ms. CARSON, Mr. TANNER, Mr. WYNN, Mr. RANGEL, Mr. OWENS, Mr. WEXLER, Mr. MCDERMOTT, Mr. MCCAUL of Texas, Mr. BAKER, Mr. LIPINSKI, Mrs. MCCARTHY, Mr. GREEN of Wisconsin, Mr. BOOZMAN, Mr. UDALL of New Mexico, Mr. SIMPSON, Mr. WILSON of South Carolina, Mr. VAN HOLLEN, Mr. FOLEY, Mr. CASE, Mr. FILNER, Ms. KAPTUR, Mr. DICKS, Mr. HOLDEN, Mrs. CHRISTENSEN, Ms. WOOLSEY, Mr. PALLONE, Mr. BISHOP of Georgia, Ms. BORDALLO, Mr. CONYERS, Mr. LYNCH, Mr. EVANS, Mr. MICHAUD, Mr. CUMMINGS, Mrs. MALONEY, Mr. GORDON, Mr. BACHUS, and Mr. FORTUÑO):

H. Con. Res. 125. Concurrent resolution expressing support for the designation and goals of "Hire a Veteran Week" and encouraging the President to issue a proclamation supporting those goals; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETERSON of Minnesota (for himself, Mr. GUTKNECHT, Mr. KENNEDY of Minnesota, Mr. KLINE, Ms. MCCOLLUM of Minnesota, Mr. OBERSTAR, Mr. RAMSTAD, and Mr. SABO):

H. Con. Res. 126. Concurrent resolution expressing the condolences and deepest sympathies of the Congress in the aftermath of the recent school shooting at Red Lake High School in Red Lake, Minnesota; to the Committee on Education and the Workforce.

By Mr. HYDE:

H. Res. 190. A resolution honoring the life and achievements of His Holiness Pope John Paul II and expressing profound sorrow on his death; considered and agreed to.

By Mr. LANTOS (for himself and Mr. TANCREDO):

H. Res. 191. A resolution urging the Government of Romania to recognize its responsibilities to provide equitable, prompt, and fair restitution to all religious communities for property confiscated by the former Communist government in Romania; to the Committee on International Relations.

By Mr. MCGOVERN:

H. Res. 192. A resolution expressing the sense of the House of Representatives encouraging the active engagement of American in world affairs and urging the Secretary of State to take the lead and coordinate with other governmental agencies and non-governmental organizations in creating an online database of international exchange programs and related opportunities; to the Committee on International Relations.

By Mr. MARIO DIAZ-BALART of Florida (for himself, Mr. MENENDEZ, Ms. ROS-LEHTINEN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, Mr. ENGEL, Mr. CHABOT, Mr. WILSON of South Carolina, Ms. HARRIS, Mr. WEXLER, Mr. MACK, Mr. MURPHY, Mr. DAVIS of Kentucky, Mrs. DRAKE, Mr. SESSIONS, Mr. BAKER, Mr. FOLEY, Mr. FEENEY, Mr. CRENSHAW, Mr. WELLER, Mr. BARRETT of South Carolina, Mr. MCHENRY, Mr. PEARCE, Mr. FLAKE, Mr. CANNON, Mr. SOUDER, Mr. MCCOTTER, Ms. NORTON, Ms. WASSERMAN SCHULTZ, Mr. PALLONE, Mr. KENNEDY of Minnesota, and Mr. WELDON of Florida):

H. Res. 193. A resolution expressing support to the organizers and participants of the historic meeting of the Assembly to Promote the Civil Society in Cuba on May 20, 2005, in Havana; to the Committee on International Relations.

By Mr. HASTINGS of Florida:

H. Res. 194. A resolution expressing the sense of the House of Representatives in support of Federal and State funded in-home care for the elderly; to the Committee on Energy and Commerce.

By Mr. KINGSTON (for himself, Mr. SHIMKUS, Mr. SHUSTER, Mr. HOLDEN, Mr. TERRY, Ms. WATSON, Mr. MCNULTY, Ms. ROS-LEHTINEN, Mrs. MCCARTHY, Mr. KUHL of New York, Mr. PRICE of North Carolina, Mr. BACHUS, Mr. SCOTT of Georgia, Mr. SHAW, Mr. SAM JOHNSON of Texas, Mr. KENNEDY of Minnesota, Mr. OTTER, Ms. HARRIS, and Mr. BROWN of South Carolina):

H. Res. 195. A resolution recognizing the 60th anniversary of Victory in Europe (VE) Day and the Liberation of Western Bohemia; to the Committee on International Relations.

By Ms. LEE (for herself, Mr. WATT, Ms. WATERS, Mr. CONYERS, and Ms. JACKSON-LEE of Texas):

H. Res. 196. A resolution recognizing the anniversary of the ratification of the 13th Amendment and encouraging the American people to educate and instill pride and purpose into their communities and to observe the anniversary annually with appropriate programs and activities; to the Committee on the Judiciary.

By Mr. GEORGE MILLER of California (for himself, Ms. PELOSI, Mr. HOYER, Ms. DELAURO, Mr. MENENDEZ, Mr. TANNER, Mr. FRANK of Massachusetts, Mr. CONYERS, Mrs. MALONEY, Mr. LANTOS, Mr. DICKS, Mr. LEVIN, Mr. DELAHUNT, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mr.

PAYNE, Ms. ROYBAL-ALLARD, Ms. ESHOO, Mr. ACKERMAN, Mr. MORAN of Virginia, Mr. NADLER, Mr. KILDEE, Mr. FALEOMAVAEGA, Mr. EVANS, Mr. SABO, Mr. DINGELL, Mr. TOWNS, Mr. RANGEL, Mr. OWENS, Mr. DEFAZIO, Mr. SANDERS, Mr. MCDERMOTT, Mr. GRIJALVA, Mr. VAN HOLLEN, Mr. ABERCROMBIE, Ms. CARSON, Mrs. TAUSCHER, Mr. SHERMAN, Mr. KUCINICH, Mr. OLVER, Mrs. NAPOLITANO, Mrs. CHRISTENSEN, Mr. ETHERIDGE, Ms. SOLIS, Mr. LARSON of Connecticut, Mr. CHANDLER, Mr. DAVIS of Illinois, Mr. SCOTT of Virginia, Ms. WATSON, Mr. PALLONE, Mr. KENNEDY of Rhode Island, Mr. RYAN of Ohio, Mr. BUTTERFIELD, Mr. SCHIFF, Mr. STARK, Mr. CLAY, Mr. MCGOVERN, Mr. FARR, Mr. CASE, Mr. SCOTT of Georgia, Ms. BORDALLO, Ms. LEE, Mr. MOORE of Kansas, and Mrs. JONES of Ohio):

H. Res. 197. A resolution honoring Franklin Delano Roosevelt; to the Committee on Government Reform.

By Mr. PRICE of North Carolina (for himself, Mr. BUTTERFIELD, Mr. ETHERIDGE, Mr. JONES of North Carolina, Ms. FOXX, Mr. COBLE, Mr. MCINTYRE, Mr. HAYES, Mrs. MYRICK, Mr. MCHENRY, Mr. TAYLOR of North Carolina, Mr. WATT, and Mr. MILLER of North Carolina):

H. Res. 198. A resolution congratulating the University of North Carolina men's basketball team for winning the 2005 NCAA Division I Men's Basketball National Championship; to the Committee on Education and the Workforce.

By Mr. SMITH of New Jersey (for himself and Mr. CARDIN):

H. Res. 199. A resolution expressing the sense of the House of Representatives regarding the massacre at Srebrenica in July 1995; to the Committee on International Relations.

By Mr. STRICKLAND (for himself, Mr. HOLDEN, Mr. GREEN of Wisconsin, and Mr. SWEENEY):

H. Res. 200. A resolution supporting the goals and ideals of "National Correctional Officers and Employees Week" and honoring the service of correctional officers and employees; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. OWENS:

H.R. 1531. A bill for the relief of Veronica Kehinde Akintade; to the Committee on the Judiciary.

By Ms. CARSON:

H. Res. 201. A resolution referring the bill (H.R. 1328) entitled "A bill for the relief of Adela and Darryl Bailor" to the chief judge of the United States Court of Federal Claims for a report thereon; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. POE, Mr. BONILLA, Mr. COLE of Oklahoma, Mr. RAHALL, Mr. YOUNG of Alaska, Mr. HASTINGS of Washington, and Mrs. CUBIN.

H.R. 21: Mr. KING of New York.

H.R. 22: Mr. SCOTT of Georgia, Mrs. DAVIS of California, Mr. PALLONE, Mr. MORAN of Virginia, and Mr. MICHAUD.

H.R. 25: Mr. THORNBERRY.

H.R. 29: Mr. MCCAUL of Texas.

H.R. 37: Mr. MACK.

H.R. 40: Mr. HONDA.

H.R. 47: Mr. YOUNG of Alaska.

H.R. 63: Mr. OLVER and Mrs. MCCARTHY.

H.R. 64: Mr. LINDER, Mr. RUPPERSBERGER, Ms. HART, Mr. BOEHLERT, Mr. HASTINGS of Washington, Mr. CONAWAY, and Mrs. CUBIN.

H.R. 114: Mr. ACKERMAN.

H.R. 127: Mr. CONYERS.

H.R. 128: Mr. LANTOS, Mr. LEWIS of Georgia, Mr. RUSH, Mr. STRICKLAND, Mr. DAVIS of Illinois, Ms. CORRINE BROWN of Florida, Mr. CLYBURN, Mrs. CHRISTENSEN, Mr. GUTIERREZ, Mr. BECERRA, and Ms. NORTON.

H.R. 136: Mr. NEY.

H.R. 147: Mr. CARNAHAN, Mr. CLEAVER, and Mr. JEFFERSON.

H.R. 153: Mr. BUTTERFIELD, Ms. JACKSON-LEE of Texas, and Mr. FRANK of Massachusetts.

H.R. 154: Mr. BERRY, Mr. OWENS, Mr. GRIJALVA, and Mr. SKELTON.

H.R. 198: Mr. CONYERS, Mr. KENNEDY of Rhode Island, and Mr. OWENS.

H.R. 215: Mr. TERRY, Ms. KAPTUR, and Mr. MCDERMOTT.

H.R. 228: Mr. KING of New York, Mr. SHAYS, Mr. NADLER, Mr. MCCOTTER, Mr. SERRANO, Mr. ROHRABACHER, Mr. FOSSELLA, Mr. VAN HOLLEN, Mr. WEINER, Mr. GARRETT of New Jersey, Mrs. MALONEY, Mr. PAYNE, Mrs. LOWEY, Ms. WATSON, Mrs. KELLY, Mr. SESSIONS, Mrs. MCCARTHY, Mr. OLVER, Mr. WALSH, Mr. MCNULTY, Mr. BISHOP of New York, Mr. CROWLEY, Mr. ENGEL, Mr. OWENS, Mr. ACKERMAN, and Mr. TOWNS.

H.R. 297: Ms. MOORE of Wisconsin, Mr. FILNER, Mr. ABERCROMBIE, Mr. BLUMENAUER, Mr. FRANK of Massachusetts, and Mr. FARR.

H.R. 311: Mr. BISHOP of Georgia, Mr. EMANUEL, Mr. DAVIS of Alabama, Mr. CARNAHAN, and Mr. WAXMAN.

H.R. 312: Ms. WOOLSEY.

H.R. 313: Mr. DAVIS of Tennessee.

H.R. 328: Mr. BARTLETT of Maryland and Mr. LATOURETTE.

H.R. 330: Mr. YOUNG of Alaska.

H.R. 331: Mr. PETRI.

H.R. 339: Mr. ENGLISH of Pennsylvania and Mr. KUHL of New York.

H.R. 356: Ms. FOXX and Mr. BOUSTANY.

H.R. 373: Mr. TAYLOR of Mississippi, Mr. ALLEN, Mr. SKELTON, Mr. FRANK of Massachusetts, Ms. SCHAKOWSKY, Mr. BUTTERFIELD, Mr. HINCHEY, Mr. HASTINGS of Florida, Mr. GORDON, Mr. SERRANO, Mr. MICHAUD, Mr. PALLONE, and Mr. NEAL of Massachusetts.

H.R. 378: Mr. PAYNE, Mr. OWENS, Mr. HOLDEN, Mrs. JONES of Ohio, and Mr. KANJORSKI.

H.R. 400: Mr. GRIJALVA and Mr. SHADEGG.

H.R. 408: Mr. GALLEGLY.

H.R. 414: Mr. FOLEY, Mr. SCHIFF, Ms. KAPTUR, Mr. SENSENBRENNER, Ms. BALDWIN, and Mr. KUHL of New York.

H.R. 415: Mr. ROGERS of Kentucky, Mr. RYAN of Ohio, and Ms. BALDWIN.

H.R. 421: Mr. PALLONE.

H.R. 475: Ms. CORRINE BROWN of Florida.

H.R. 476: Ms. CORRINE BROWN of Florida.

H.R. 513: Mr. MCNULTY, Mr. SIMMONS, and Mr. BECERRA.

H.R. 514: Mr. KIND.

H.R. 525: Mr. JOHNSON of Illinois and Mr. LATHAM.

H.R. 534: Mr. BURTON of Indiana.

H.R. 551: Mr. BECERRA and Mr. STARK.

H.R. 558: Mr. BERRY.

H.R. 565: Mr. HINCHEY.

H.R. 581: Mr. LEWIS of Kentucky, Mr. MEEHAN, and Mr. UPTON.

H.R. 595: Ms. KILPATRICK of Michigan and Ms. BALDWIN.

H.R. 596: Mr. BOOZMAN.

H.R. 609: Mr. BONILLA.

H.R. 633: Mr. CARDIN.

H.R. 653: Mr. AL GREEN of Texas.

H.R. 654: Mr. TIERNEY, Mr. LIPINSKI, Mr. SERRANO, Ms. MCCOLLUM of Minnesota, and Ms. JACKSON-LEE of Texas.

H.R. 659: Mr. BISHOP of Utah, Mr. SPRATT, Mr. MCCRERY, Ms. SCHWARTZ of Pennsylvania, Mr. BARROW, Ms. WATSON, Mrs. CAPITO, Mr. WOLF, Mr. PAUL, Mr. JENKINS, Mr. PICKERING, Mr. SNYDER, Mr. MCGOVERN, Mr. BAKER, Mr. SCHIFF, Mr. ROSS, Mr. DAVIS of Alabama, Mr. HOSTETTLER, Mr. SOUDER, Ms. ROS-LEHTINEN, Mr. ANDREWS, Mr. CRAMER, Mr. BACHUS, Mr. MENENDEZ, Mr. BEAUPREZ, Mr. BOEHLERT, Mr. SIMMONS, Ms. JACKSON-LEE of Texas, Mr. GORDON, Mr. MILLER of Florida, Mr. HINOJOSA, Mr. ALEXANDER, and Mr. LEWIS of Georgia.

H.R. 669: Ms. KILPATRICK of Michigan, Mr. MENENDEZ, Mr. PALLONE, Mr. MOLLOHAN, Mr. FORTUÑO, Mr. BOUSTANY, Mr. JEFFERSON, and Mr. MELANCON.

H.R. 670: Mr. FATTAH.

H.R. 689: Mr. CALVERT.

H.R. 737: Ms. SLAUGHTER.

H.R. 739: Mr. BARRETT of South Carolina.

H.R. 740: Mr. BARRETT of South Carolina.

H.R. 741: Mr. BARRETT of South Carolina.

H.R. 742: Mr. BARRETT of South Carolina.

H.R. 748: Mr. TURNER.

H.R. 759: Mr. KUCINICH, Mr. HIGGINS, Ms. WOOLSEY, Ms. ESHOO, and Mr. SCHIFF.

H.R. 772: Mr. PASTOR, Mr. FILNER, Mr. KILDEE, and Ms. MILLENDER-MCDONALD.

H.R. 778: Mr. FORTUÑO.

H.R. 788: Mr. MATHESON.

H.R. 793: Mr. ORTIZ, Mr. JINDAL, Mr. MELANCON, Mr. KENNEDY of Minnesota, Mr. LARSEN of Washington, and Mr. MCCRERY.

H.R. 797: Mr. RAHALL.

H.R. 808: Mr. BILIRAKIS, Mr. GONZALEZ, Mr. GORDON, Mr. GENE GREEN of Texas, Mr. HALL, Ms. HOOLEY, Mr. MOORE of Kansas, Mr. PETERSON of Minnesota, Mr. STEARNS, Mr. WESTMORELAND, Mr. WHITFIELD, Mr. KIRK, Mr. EVANS, and Mr. SCHIFF.

H.R. 838: Ms. WATERS, Mr. EVANS, and Mr. FATTAH.

H.R. 845: Mrs. MYRICK.

H.R. 857: Ms. ROS-LEHTINEN.

H.R. 867: Ms. WOOLSEY.

H.R. 871: Mr. NADLER.

H.R. 874: Mr. BARRETT of South Carolina.

H.R. 923: Mr. BOUCHER.

H.R. 928: Mr. MENENDEZ.

H.R. 930: Mr. MICA.

H.R. 934: Mr. ROSS and Mr. DOYLE.

H.R. 939: Mr. CLAY, Mr. FRANK of Massachusetts, Mr. SMITH of Washington, Ms. CORRINE BROWN of Florida, Ms. WOOLSEY, Mr. FILNER, Ms. KAPTUR, Mr. HASTINGS of Florida, Mr. OWENS, Mr. MCDERMOTT, Mr. JACKSON of Illinois, Mr. GRIJALVA, Ms. LEE, Ms. WATERS, Mr. GONZALEZ, Mr. PAYNE, and Mr. CONYERS.

H.R. 940: Mr. PUTNAM.

H.R. 952: Ms. BALDWIN, Mr. LEVIN, Mr. ABERCROMBIE, Mr. MICHAUD, and Ms. JACKSON-LEE of Texas.

H.R. 963: Mr. HOBSON.

H.R. 972: Mr. BACHUS, Ms. SOLIS, Mr. MCDERMOTT, Ms. WOOLSEY, and Mr. PALLONE.

H.R. 994: Mr. PALLONE, Mr. PAYNE, Mr. GORDON, Mr. KLINE, Mr. BARTLETT of Maryland, Mrs. WILSON of New Mexico, Mr. FOLEY, Mr. GARY G. MILLER of California, Mr. BISHOP of Georgia, Mr. CUMMINGS, Mr. WEXLER, Mr. FILNER, Mr. LEWIS of Kentucky, Ms. GINNY BROWN-WAITE of Florida, Mr. TURNER, Mr. INSLEE, Mrs. EMERSON, Mr. WU, Mr. ROSS, Mr. MCDERMOTT, Mr. TIBERI, Mr. COSTELLO, Mr. ROGERS of Alabama, Ms. BALDWIN, Mr. STEARNS, Mr. KILDEE, Mr. ADERHOLT, Mr. MORAN of Kansas, Mr. FORD, Mr. DEFAZIO, Mr. HASTINGS of Washington, Mr. ALLEN, Mr. CHANDLER, Mr. PLATTS, Mr. HOLT, Mr. PUTNAM, and Mr. PASTOR.

H.R. 997: Mr. BILIRAKIS and Mr. HAYWORTH.

H.R. 998: Mr. SHIMKUS, Mr. SIMMONS, Mr. TIBERI, Mr. MATHESON, Mr. GORDON, Mr. BACHUS, Mr. BERRY, Mr. BOSWELL, Mr. ROSS, and Mr. HAYWORTH.

H.R. 1017: Mr. WELDON of Florida.

H.R. 1023: Mr. EHLERS.

H.R. 1048: Mr. RUPPERSBERGER.

H.R. 1049: Mr. UPTON.

H.R. 1055: Mr. GORDON.

H.R. 1073: Mr. BARRETT of South Carolina and Mr. PRICE of Georgia.

H.R. 1074: Mr. PRICE of Georgia.

H.R. 1075: Mr. BARRETT of South Carolina and Mr. PRICE of Georgia.

H.R. 1088: Mr. BISHOP of New York.

H.R. 1095: Mr. WALSH.

H.R. 1114: Mr. ROGERS of Michigan.

H.R. 1119: Mr. STUPAK.

H.R. 1131: Mr. SESSIONS.

H.R. 1145: Mr. MOORE of Kansas.

H.R. 1146: Mr. SAM JOHNSON of Texas.

H.R. 1151: Mr. JINDAL, Mr. TIAHRT, Mr. TERRY, Mr. DAVIS of Tennessee, Mrs. CUBIN, Mrs. DRAKE, Mr. BEAUPREZ, Mr. DAVIS of Illinois, Mr. GORDON, Mr. HENSARLING, Mr. BONNER, and Mr. ALEXANDER.

H.R. 1183: Mrs. CHRISTENSEN and Mrs. JO ANN DAVIS of Virginia.

H.R. 1184: Mr. CASE.

H.R. 1193: Mr. KILDEE and Mr. PAYNE.

H.R. 1201: Mr. KENNEDY of Minnesota and Ms. MILLENDER-MCDONALD.

H.R. 1204: Mr. TOWNS, Mrs. MCCARTHY, Mr. BAIRD, Mr. DOGGETT, Mr. OLVER, Ms. SCHAKOWSKY, Mr. DAVIS of Alabama, Mr. MCGOVERN, Mr. DAVIS of Illinois, Mr. ANDREWS, Mr. CROWLEY, Mr. MENENDEZ, Mr. LANTOS, Mr. FILNER, Mr. GUTIERREZ, Mrs. JONES of Ohio, Mr. DOYLE, Mr. WEXLER, Mr. NEAL of Massachusetts, Mr. MCNULTY, Ms. WASSERMAN SCHULTZ, Mr. WU, Ms. LEE, Ms. ESHOO, Mr. TIERNEY, Ms. KAPTUR, Mr. MORAN of Virginia, Mr. ACKERMAN, Mr. WEINER, Mr. VAN HOLLEN, Mr. MARKEY, Mr. LARSON of Connecticut, Mr. LYNCH, and Ms. MCCOLLUM of Minnesota.

H.R. 1214: Mr. LEWIS of Georgia, Mr. ACKERMAN, and Mr. KENNEDY of Rhode Island.

H.R. 1217: Mr. BROWN of Ohio.

H.R. 1219: Mr. DEFAZIO.

H.R. 1227: Mr. CARDIN and Mr. CAPUANO.

H.R. 1241: Mr. ANDREWS, Mr. GORDON, and Mr. CRAMER.

H.R. 1248: Mr. BARRETT of South Carolina and Mr. PRICE of Georgia.

H.R. 1249: Mr. RAMSTAD, Mr. PRICE of North Carolina, Mr. GUTKNECHT, Mr. SCHIFF, Mr. ANDREWS, Ms. WATERS, Mr. MORAN of Virginia, Mr. KUCINICH, and Mrs. MILLER of Michigan.

H.R. 1262: Mr. HOLDEN, Mr. OLVER, Mr. SAXTON, Mr. CASE, Mr. KIND, Ms. SCHAKOWSKY, Mr. MICHAUD, Ms. LINDA T. SÁNCHEZ of California, Mr. MORAN of Virginia, Mr. VAN HOLLEN, Mr. RYAN of Ohio, Mr. MCNULTY, Mr. WAXMAN, Mr. MCGOVERN, Mr. WEXLER, Mr. LANTOS, Mr. FILNER, and Ms. BORDALLO.

H.R. 1281: Mr. SPRATT.

H.R. 1286: Mr. KOLBE, Mr. MCHENRY, and Mr. BARRETT of South Carolina.

H.R. 1295: Mr. KING of New York.

H.R. 1297: Mr. ACKERMAN.

H.R. 1306: Mr. OTTER, Mr. GUTKNECHT, Mr. COX, Mr. CHABOT, Mr. CUNNINGHAM, Mr. WILSON of South Carolina, Mr. MCHUGH, Mr. HAYES, Mr. PETERSON of Minnesota, and Mr. NEY.

H.R. 1313: Mr. EHLERS, Mr. PAYNE, Mr. KUHL of New York, Mr. CROWLEY, Ms. JACKSON-LEE of Texas, Mr. PETERSON of Minnesota, and Mr. ENGLISH of Pennsylvania.

H.R. 1314: Mr. MARSHALL.

H.R. 1322: Ms. DELAURO and Mr. MCINTYRE.

H.R. 1333: Mr. ENGLISH of Pennslvania, Mrs. MILLER of Michigan, Mr. OLVER, Ms. BALDWIN, Mr. KIRK, Mr. VAN HOLLEN, Mr. GRAVES, Mr. MARKEY, Mr. MEEK of Florida, Mr. ABERCROMBIE, Mr. WYNN, Mr. BARTLETT of Maryland, Mr. PETERSON of Minnesota, Mr. CHANDLER, Mr. OSBORNE, Mr. HYDE, and Mr. PRICE of North Carolina.

H.R. 1351: Mr. MCCOTTER, Mr. SMITH of Washington, Mr. GORDON, and Mr. MICHAUD.

H.R. 1356: Mr. FATTAH, Mr. HIGGINS, and Mr. BOUCHER.

H.R. 1357: Mr. BURTON of Indiana.

H.R. 1363: Mr. MORAN of Virginia.

H.R. 1365: Ms. BERKLEY.

H.R. 1379: Mr. RAMSTAD.

H.R. 1380: Mr. SIMMONS, Mr. BOUCHER, and Mr. MCCOTTER.

H.R. 1400: Mr. GREEN of Wisconsin.

H.R. 1405: Mr. MCHUGH, Mr. GREEN of Wisconsin, Mr. FRANK of Massachusetts, and Mr. MCDERMOTT.

H.R. 1406: Ms. LORETTA SANCHEZ of California.

H.R. 1419: Mr. OWENS, Ms. JACKSON-LEE of Texas, and Mr. PALLONE.

H.R. 1421: Mr. LEACH and Mr. REGULA.

H.R. 1438: Mr. BARTLETT of Maryland.

H.R. 1440: Mr. FRANK of Massachusetts.

H.J. Res. 16: Mr. HALL and Mr. MILLER of Florida.

H.J. Res. 39: Mr. NORWOOD, Mr. FRANKS of Arizona, Mr. WAMP, and Mr. KUHL of New York.

H. Con. Res. 24: Mrs. MCCARTHY, Mr. FRANK of Massachusetts, Mr. CAPUANO, Mr. BOSWELL, Mr. MOORE of Kansas, Mr. COSTA, Mr. MEEKS of New York, Mrs. CHRISTENSEN, and Mr. CONYERS.

H. Con. Res. 35: Mr. OLVER.

H. Con. Res. 41: Mr. GEORGE MILLER of California and Mr. MARIO DIAZ-BALART of Florida.

H. Con. Res. 52: Mr. CANNON.

H. Con. Res. 61: Mr. EVANS.

H. Con. Res. 71: Mr. HONDA.

H. Con. Res. 83: Mr. JOHNSON of Illinois, Mrs. MYRICK, Mr. ALLEN, Ms. BERKLEY, and Mr. UDALL of Colorado.

H. Con. Res. 97: Mr. FILNER and Mr. BUTTERFIELD.

H. Con. Res. 108: Mrs. DAVIS of California, Mr. MEEK of Florida, Mr. ABERCROMBIE, Ms. WOOLSEY, Mr. SCHIFF, Mr. RAHALL, Mr. LARSON of Connecticut, and Mr. HINOJOSA.

H. Res. 76: Mr. BUTTERFIELD.

H. Res. 84: Mr. MCCRERY.

H. Res. 85: Mr. DOGGETT.

H. Res. 127: Mr. CARDOZA, Mr. COSTA, Mr. CUELLAR, Mrs. NAPOLITANO, Mr. REYES, Mr. SERRANO, Ms. SOLIS, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Ms. VELÁZQUEZ, Mr. MENENDEZ, Mr. ABERCROMBIE, Ms. CARSON, Ms. ROYBAL-ALLARD, Mr. BUTTERFIELD, Ms. LEE, Mr. BERMAN, Mr. SALAZAR, Mr. FALEOMAVAEGA, Ms. HARMAN, Mr. FRANK of Massachusetts, Ms. WATSON, Mr. CLAY, Mr. LANTOS, Mr. RUSH, Ms. MCCOLLUM of Minnesota, and Mr. UDALL of Colorado.

H. Res. 142: Mr. WAXMAN.

H. Res. 148: Mr. FEENEY, Mr. AL GREEN of Texas, Ms. SLAUGHTER, Mr. BISHOP of Georgia, Mr. CUMMINGS, Ms. MCCOLLUM of Minnesota, and Ms. WATERS.

H. Res. 158: Mr. DAVIS of Florida, Mr. KILDEE, Mrs. MALONEY, Mr. YOUNG of Alaska, Mr. GRIJALVA, Mr. LANGEVIN, Mr. ISRAEL, Mr. VAN HOLLEN, Mr. MARKEY, Mr. ACKERMAN, Mr. WEXLER, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. PETERSON of Minnesota.

H. Res. 172: Mr. WELDON of Pennsylvania.

H. Res. 183: Mr. HOLDEN, Mr. PETERSON of Minnesota, Mr. SAM JOHNSON of Texas, Mr. BISHOP of Georgia, Mr. WATT, Mr. ROSS, Mr. FITZPATRICK of Pennsylvania, Ms. CARSON, and Ms. LORETTA SANCHEZ of California.

H. Res. 185: Mr. GONZALEZ.

H. Res. 186: Mr. LANTOS, Mr. NEAL of Massachusetts, Mr. VAN HOLLEN, Mr. ISRAEL, Mr. BISHOP of Georgia, Mr. OWENS, Mr. HOLDEN, Mr. REYES, Mr. SCOTT of Georgia, Mr. DAVIS of Tennessee, Mr. DOYLE, Mr. STUPAK, Mr. VISCLOSKY, Mr. HINCHEY, Ms. KAPTUR, Mr. CROWLEY, Mr. EVANS, Mrs. JONES of Ohio, Mr. PALLONE, Ms. MCCOLLUM of Minnesota, Mr. KUCINICH, Mr. CASE, Mr. WEINER, Mr. CARDOZA, Mr. GRIJALVA, Ms. PELOSI, Ms. KILPATRICK of Michigan, Ms. DELAURO, Mr. BERRY, Mr. SERRANO, Mr. CARNAHAN, Mr. JACKSON of Illinois, Mr. LYNCH, Mr. PAYNE, Mr. HASTINGS of Florida, Mr. NORWOOD, Mr. RYAN of Ohio, Mr. MCNULTY, Mr. EDWARDS, Ms. SLAUGHTER, Mr. FARR, Mr. BRADY of Pennsylvania, Mr. GEORGE MILLER of California, Mr. JEFFERSON, Mr. SKELTON, Mr. TOWNS, Mr. MICHAUD, Mr. OBERSTAR, Mrs. MALONEY, Mr. LANGEVIN, Ms. NORTON, Mr. BLUMENAUER, Mr. MEEHAN, Ms. BERKLEY, Mr. KENNEDY of Rhode Island, Mr. DAVIS of Illinois, Mr. BISHOP of New York, Mr. PASCRELL, Ms. BORDALLO, Mrs. CHRISTENSEN, Mr. PRICE of North Carolina, Mr. MORAN of Virginia, Ms. SCHAKOWSKY, Mr. MENENDEZ, Mr. SAM JOHNSON of Texas, Mrs. TAUSCHER, Mr. SCHIFF, Mr. BERMAN, Mr. GENE GREEN of Texas, Mrs. MCCARTHY, Mr. MCGOVERN, Mr. SNYDER, Ms. WASSERMAN SCHULTZ, Mr. CARDIN, Mr. ROTHMAN, Mr. CUMMINGS, Ms. CARSON, Mr. HINOJOSA, Mr. MELANCON, Ms. JACKSON-LEE of Texas, Mr. ORTIZ, Mr. FORD, Mr. HONDA, Mr. NEUGEBAUER, Ms. ESHOO, Mrs. LOWEY, Mr. MURPHY, Mr. PASTOR, and Mr. WAXMAN.

H. Res. 188: Mr. TAYLOR of Mississippi, Mr. REICHERT, Mr. JOHNSON of Illinois, Mr. FORBES, Mr. CASTLE, Mrs. MILLER of Michigan, Mr. HERGER, Mr. MELANCON, Mr. BISHOP of Georgia, and Mr. MENENDEZ.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 740: Mr. PRICE of North Carolina.

H.R. 742: Mr. PRICE of North Carolina.

SENATE—*Wednesday, April 6, 2005*

The Senate met at 9:32 a.m. and was called to order by the Honorable LAMAR ALEXANDER, a Senator from the State of Tennessee.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, who governs the nations with justice, hallowed be Your name. Lord, You cause the Earth to yield its harvest and send blessings to those who fear You. Great and marvelous are Your works.

Today give guidance to our Senators and the representatives of the people of this great land. Enable them to see the stamp of Your image in each person they serve. Remind them that when they lift up the lost and the least, they labor for You. Use them as Your instruments to bring order out of chaos. Bless our military men and women. Save them from calamities and clothe them with the armor of Your righteousness. And, Lord, give traveling mercies to the Senators who will be traveling to the Vatican.

We pray this in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LAMAR ALEXANDER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, April 6, 2005.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LAMAR ALEXANDER, a Senator from the State of Tennessee, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. ALEXANDER thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning, following the leader time, we will resume consideration of the State Department authorization. In a moment, we will consider a couple of resolutions that have been cleared, with some brief remarks. Following that, there will be debate time remaining before 10 this morning, to be used for the pending Biden amendment. At 10 a.m., we will vote on the Biden amendment as the agreement provided last night.

Following that vote, the Senate will recess for a joint meeting of the House and Senate to receive an address by Ukrainian President Viktor Yushchenko, which is at 11 o'clock. Therefore, the Senate will proceed to the House of Representatives at approximately 10:30 this morning.

At the conclusion of the joint meeting, we will resume debate on the State Department bill. I expect votes throughout the course of the afternoon and likely into the evening, if necessary, to finish that bill. I hope Members will show some restraint and not feel compelled to offer amendment after amendment to the underlying bill and only those amendments that are substantive and necessary.

Chairman LUGAR and Senator BIDEN are expected to be on the floor throughout the day working on amendments. Senators should notify their respective cloakrooms if they intend to offer an amendment to the State Department bill. We will need to work very efficiently over the course of the day. I ask for all Members' assistance in this process.

UKRAINIAN PRESIDENT VIKTOR YUSHCHENKO

Mr. FRIST. Mr. President, in about an hour and a half we will receive the address by Ukrainian President Viktor Yushchenko.

It all began on November 22—not that long ago. On that icy Ukrainian day, hundreds of thousands of protesters from all over the countryside converged on Kiev's Independence Square to protest the Ukrainian Presidential election. The incumbent favored candidate, Viktor Yanukovych, had been declared the winner already. Meanwhile, nonpartisan, independent exit polling—or series of polls—showed that Viktor Yushchenko, leader of the opposition party, had a clear nine-point lead.

For 17 days, in subzero weather, hundreds of thousands of men and women filled the streets of Independence Square, huddled in tents among strangers, braving the threats of police violence. It was an astonishing emotional display that stunned the world as these images came through our newspapers and across the television. After 17 days of this nonviolent solidarity, the people won. A new election was held. On January 23, Viktor Yushchenko was sworn in as the new President. The "Orange Revolution" will be forever emblazoned in the memories of all those who strive for freedom.

On behalf of the Senate, I am privileged to welcome the leader of this historic moment, President Viktor Yushchenko, to our Nation's Capitol.

Today, at 11 a.m. the President will address a joint session of Congress, making him the only leader of a former Soviet republic outside of Russia to do so. We are honored to have him address our highest legislative Chambers. We extend to him our congratulations and to the Ukrainian people our friendship and support. We are grateful for the sacrifices the Ukrainian military made in pursuing the cause of freedom and security in Iraq.

However, much lies ahead. I am heartened by President Yushchenko's commitment to reform. Following his inauguration, the Senate pledged to support the Ukrainian people to establish full democracy, rule of law, respect for human rights, and a free, transparent, and open economy. We firmly support Ukraine's independence and territorial sovereignty and their full integration into the international community of democracies.

The President of the United States has requested resources to support Ukraine's democracy building. It goes without saying that the Senate supports funding Ukraine's efforts.

I look forward to President Yushchenko's historic address to the Congress in a short while. He and the people of Ukraine have inspired the world and have written a new chapter in the story of human freedom.

On that first day the marchers filled Independence Square, they chanted: "Together we are many. We cannot be defeated."

Today, on behalf of the American people, I say to the people of Ukraine: Together we are one. Freedom will prevail.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

COMMENDING THE NORTH CAROLINA TAR HEELS MEN'S BASKETBALL TEAM FOR WINNING THE 2005 NATIONAL CHAMPIONSHIP

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 98, which was submitted earlier today.

The PRESIDING OFFICER. (Mr. VITTER). The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 98) commending the University of North Carolina Men's basketball team for winning the 2005 National Collegiate Athletic Association Division I Men's Basketball Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 98) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 98

Whereas on April 4, 2005, the North Carolina Tar Heels defeated the Illinois Fighting Illini 75–70 in the finals of the National Collegiate Athletic Association ("NCAA") Division I Men's Basketball Tournament in St. Louis, Missouri;

Whereas the Tar Heels now hold 5 men's basketball titles, including 4 NCAA tournament titles—the fourth-most in NCAA history;

Whereas the Tar Heels' men's team has won championships in 1924, 1957, 1982, 1993, and 2005;

Whereas Tar Heels head coach and Asheville, North Carolina, native Roy Williams won his first NCAA title in just his second year coaching the team, improving to 470–116 in 17 seasons as a head coach, and has the best record of any active coach in men's basketball;

Whereas seniors Jawad Williams, Jackie Manuel, Melvin Scott, Charlie Everett, and C.J. Hooker celebrated 4 years at North Carolina with a "Final Four" win;

Whereas Sean May was named Most Outstanding Player of the tournament, scoring 26 points and collecting 10 rebounds in the final game;

Whereas Tar Heels Raymond Felton and Rashad McCants joined Sean May on the All-Tournament Team, along with Illini players Luther Head and Deron Williams;

Whereas the North Carolina Tar Heels finished the 2004–2005 season with 33 wins and just 4 losses, and won the championship by defeating an Illinois team that tied an NCAA record for wins in a season at 37;

Whereas freshman Tar Heel Marvin Williams helped seal the victory with a tip-in with 1 minute and 26 seconds left to play;

Whereas the Tar Heel defense held Illinois to 27 percent from the field in the first half and prevented the Illini from scoring during the last 2 minutes and 37 seconds;

Whereas North Carolina defeated Michigan State 87–71 to earn a spot in the final contest;

Whereas the Tar Heels defeated Oakland and Iowa State in Charlotte, North Carolina, then Villanova and Wisconsin in Syracuse, New York, to advance to the "Final Four";

Whereas Albemarle, North Carolina, native Woody Durham has been the radio play-by-play voice of North Carolina's basketball programs since 1971, and this was his 11th "Final Four" with the Tar Heels and third national championship call;

Whereas the Tar Heel team members are excellent representatives of a fine university that is a leader in higher education, producing 38 Rhodes scholars, as well as many fine student-athletes and other leaders;

Whereas each player, coach, trainer, manager, and staff member dedicated this season and their efforts to ensure the North Carolina Tar Heels reached the summit of college basketball;

Whereas the Tar Heels showed tremendous dedication to each other, appreciation to their fans, sportsmanship to their opponents, and respect for the game of basketball throughout the 2005 season; and

Whereas residents of the Old North State and North Carolina fans worldwide are to be commended for their long-standing support, perseverance and pride in the team: Now, therefore, be it

Resolved, That the Senate—

(1) commends the champion North Carolina Tar Heels for their historic win in the 2005 National Collegiate Athletic Association Division I Men's Basketball Tournament;

(2) recognizes the achievements of the players, coaches, students, and support staff who were instrumental in helping the University of North Carolina Tar Heels win the tournament; and

(3) directs the Secretary of the Senate to transmit a copy of this resolution to University of North Carolina Chancellor James Moeser and head coach Roy Williams for appropriate display.

COMMENDING PAT SUMMITT, HEAD COACH OF THE UNIVERSITY OF TENNESSEE WOMEN'S BASKETBALL TEAM

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 97, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 97) commending Patricia Sue Head Summitt, head women's basketball coach of the University of Tennessee, for three decades of excellence as a proven leader, motivated teacher, and established champion.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 97) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 97

Whereas Pat Summitt, in her 31st year as head coach of the Lady Volunteers (the "Lady Vols"), has become the Nation's all-time winningest NCAA basketball coach (men's or women's) with her 880th career victory, surpassing the legendary coach Dean Smith of the University of North Carolina;

Whereas Pat Summitt, at the age of 22, took over the women's program at Tennessee in 1974, when there were no scholarships and she had to wash the uniforms and drive the team van;

Whereas Pat Summitt won her first game on January 10, 1975, and continued to win games as she became the youngest coach in the nation to reach 300 wins (34 years old), 400 wins (37 years old), 500 wins (41 years old), 600 wins (44 years old), 700 wins (47 years old), and 800 wins (50 years old);

Whereas Pat Summitt has coached the Lady Vols to 15 30-plus win seasons, including a perfect season of 39–0, 13 Southeastern Conference (SEC) regular-season titles, and 11 SEC tournament championships;

Whereas Pat Summitt has appeared in more NCAA tournament games (107), and has won more tournament games (89), than any other collegiate coach, including a record of 36–0 in the first two rounds, 16 NCAA Final Four appearances, and 6 NCAA Championship Titles, including the NCAA's first back-to-back women's titles in 1996, 1997, and 1998;

Whereas Pat Summitt played on the 1976 United States Olympic team and later coached the United States women's basketball team to its first Olympic gold medal in 1984;

Whereas Pat Summitt has been named SEC coach of the year 6 times and national coach of the year by several associations, including the Sporting News Coach of the Year, the Naismith Coach of the Year, and the Associated Press Coach of the Year;

Whereas Pat Summitt and the Lady Vols were selected by ESPN as the "Team of the Decade" (1990s), sharing the honor with the Florida State University Seminole's football team, and Summitt became the first female coach to appear on the cover of Sports Illustrated;

Whereas Pat Summitt was officially accepted to the Women's Basketball Hall of Fame in 1999, and was then inducted to the Basketball Hall of Fame on October 13, 2000, as only the 4th women's basketball coach to earn Hall of Fame honors;

Whereas Pat Summitt's Lady Vols have a remarkable graduation rate, as each student-athlete who has completed her eligibility at Tennessee has received her degree or is in the process of completing all of the requirements: and

Whereas Pat Summitt has recently been honored by the University of Tennessee, as the court at Thompson-Boling Arena will be named "The Summitt": Now, therefore, be it

Resolved, That the Senate commends the University of Tennessee women's basketball coach, Patricia Sue Head Summitt, for three decades of excellence as a proven leader, motivated teacher, and established champion.

Mr. FRIST. Mr. President, I rise to speak to the resolution that was just passed, along with my fellow Lady Vol fan and colleague, Senator LAMAR ALEXANDER, who is currently occupying the Chair.

This is a resolution honoring our friend Pat Summitt, head coach for the

University of Tennessee women's basketball team, as one of the greatest coaches in NCAA basketball history.

For 31 seasons, Pat Summitt has served as the head coach of the Tennessee Lady Volunteer basketball team. When she first took the position in 1974 as a 22-year-old graduate teaching assistant, her team consisted of non-scholarship players who depended on her to wash their uniforms and drive the team's van. Only 53 fans witnessed Coach Summitt's first win that season. But from that day forth, Coach Pat Summitt and the Lady Vols started what is now an unprecedented winning tradition.

This season, Pat became the Nation's all-time winningest NCAA basketball coach, men's or women's, with her 880th career victory, surpassing the legendary Coach Dean Smith of the University of North Carolina. Along the way, Pat Summitt has achieved unparalleled results on the court, elevating the Lady Vols to one of the elite programs in all of sports.

Her resume consists of 15 30-plus win seasons, including one undefeated season record of 39 to 0. Pat has coached her team to six national titles, including back-to-back-to-back championships in 1996, 1997 and 1998. The Lady Vols played in their 16th Final Four this past Sunday as Pat Summitt set a new all-time record for Final Four appearances.

Following her remarkable run in the 1990s, the Lady Vols were named "Team of the Decade" by ESPN, tying with the Florida State football team, and on October 13, 2000, Coach Summitt became only the fourth women's coach inducted into the Basketball Hall of Fame. The University of Tennessee has recently honored Pat Summitt by renaming the court at Thompson-Boling Arena "The Summitt."

Today I join together with the many Lady Vols fans in acknowledging Coach Pat Summitt for her service to her team, the University of Tennessee, and the game of basketball. Her dedication to excellence over the past 31 years has been exemplary and has made her a role model for future generations of students, players, and coaches.

Congratulations, Pat Summitt.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I join my colleague, the majority leader, in saying a word about Pat Summitt.

I am delighted the majority leader scheduled time for this discussion of Pat Summitt and submitted the resolution, which I am proud to cosponsor.

There are a great many superlatives one could offer about Coach Summitt. Perhaps the most obvious is sustained excellence over such a long period of time—as the majority leader said, 16 Final Four appearances, three back-to-back national titles, 107 NCAA tournament games, virtually undefeated on the floor of the Thompson-Boling Arena, which is now renamed The Summitt in her honor, always playing the toughest schedule, always high expectations.

I was president of the University of Tennessee for nearly 3 years. I remember going to a year-end Lady Vols basketball banquet because I remember the team had won the Southeastern Conference Championship and did not make the Final Four. Pat Summitt congratulated the players, but I remember the atmosphere was more like a funeral than a celebration because, obviously, the team did not meet the expectations Coach Summitt had for her players.

We live in a society of televised images in which we meet a steady stream of people who are at the top of their game for 15 minutes or for a few months or for a few years. But for Pat Summitt, it has been 31 years at the top of her game, and there is no end in sight.

There are a couple of other less obvious superlatives about Coach Summitt. One of these is unselfishness. The coaches whom she regularly defeats will tell you, to a woman or a man, that no one has done more to build the game of women's basketball than Pat Summitt. When she started, there were three girls at each end of the court playing in an empty gym. Today it is my favorite game to watch on television because of the skill of the players, because of the team play, because of the good coaching, and now because of the parity of the sport.

There are a lot of good teams, a lot of good coaches, and many of them are former assistants to Pat Summitt. It seems she always has a good word to say about this program or that program, this opponent or that opponent. Her objective is to build the game up as much as it is to win the game.

The final superlative is Pat Summitt's emphasis on academic achievement. Every young woman who has ever played for her over 31 years has either graduated or is working today on the requirements for graduation. That is almost as difficult as winning back-to-back NCAA championships. It certainly sets the right tone for college sports.

I know how proud I was as a university president to have that most visible symbol of our university have such high values. It is mentioned at all the games, people see it all the time. It is a superlative achievement.

This past year, Nicky Anosike, one of eight children of a mother from Nigeria now living in the United States, became a sudden star at the University of Tennessee as a freshman. There were six great recruits said to be the best recruiting class ever in the history of this country. Four of them were hurt. Nicky Anosike was not hurt, and she suddenly became a starter on the team and one of its best starters. Some people say she is a female Scottie Pippen at the top of his game.

As I suspect happens with many of Pat's freshman students, Nicky Anosike called home the next few weeks discussing with her mother how difficult it was to play for Pat Summitt because she demanded so much. Her mother said: What does she expect of you that I did not expect of you? That is the reason why I believe parents and young women want those young women to go to the University of Tennessee to play for Pat Summitt when they might be admitted to any school in the country. It is that for 31 years, Pat Summitt has brought out the best in those young women.

VIKTOR YUSHCHENKO

Mr. ALEXANDER. Mr. President, I wish to comment on the majority leader's remarks about Viktor Yushchenko, who will be addressing a joint meeting at 11 o'clock.

Two weeks ago, I had the privilege, with the Democratic leader, of visiting with Mr. Yushchenko for an hour. We also were in Georgia, Iraq, Palestine, and Israel. We saw emerging democracies across the country.

One of the most vivid impressions I had was after meeting with Mr. Yushchenko, we met with students in Ukraine. Senator REID asked them how long before they expected results. These were the ones who Senator FRIST described as being among the hundreds of thousands in November and December waiting outside in the bitter cold causing this change. Some of the students said a year. Others disagreed and said 9 months.

It seems to me one of the greatest dangers we have with these emerging democracies is reminding them that there is no such thing as an instant democracy in Ukraine or anywhere else. So I said to the students with respect: In the United States, it took us 12 years to write a constitution after the Declaration of Independence, and we had to lock the press out to do it. It took us 130 years to give women the right to vote. It took us 200 years before African Americans could vote in every part of our country.

So in Iraq, in Georgia, in Ukraine, in emerging democracies, patience is important, and that is one of the examples we have.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2006 AND 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 600, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 600) to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes.

Pending:

Lugar amendment No. 266, to strike the amendment to the limitation on the United States share of assessments for the United Nations Peacekeeping operations.

McCain/DeWine amendment No. 267, to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Ukraine.

Baucus amendment No. 281, to facilitate the sale of United States agricultural products to Cuba, as authorized by the Trade Sanctions Reform and Export Enhancement Act of 200.

Craig/Roberts amendment No. 282 (to amendment No. 281), to clarify the payment terms under the Trade Sanctions Reform and Export Enhancement Act of 2000.

Dodd amendment No. 283, to express the sense of the Senate concerning recent provocative actions by the People's Republic of China.

Dorgan/Wyden amendment No. 284, to prohibit funds from being used for television broadcasting to Cuba.

Biden amendment No. 286 (in lieu of the language proposed to be stricken by Lugar amendment No. 266), relative to the United States share of assessment for United Nations Peacekeeping operations.

The PRESIDING OFFICER. Under the previous order, the time until 10 a.m. will be equally divided between the chairman and ranking member.

The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I suggest the absence of a quorum and ask that the time be equally charged.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 286

Mr. LUGAR. Mr. President, I ask Senators to oppose the Biden amendment. I appreciate the perspective of Senators who want to preserve the 27-percent cap, as well as those who want the cap to be reduced to the 25-percent level in accordance with the Helms-Biden legislation.

In offering this amendment, I am attempting to represent the views of those Senators who believe that forthcoming discussions on U.N. reform should include additional consideration of U.S. financial obligations for peacekeeping. This is a reasonable expectation given the reform context at the United Nations. Since our committee marked up this bill, John Bolton has been announced as the President's nominee to be Ambassador to the U.N., and Secretary General Kofi Annan has put forward a sweeping U.N. reform plan.

Clearly, U.N. reform is going to be high on the agenda. The Helms-Biden legislation anticipates that the U.S. share of peacekeeping dues would decline to 25 percent of the world total. This remains a goal of U.S. policy toward the United Nations. I believe we should give the U.S. negotiators the most leverage possible to attain U.S. goals.

It has been suggested that the 27-percent agreement struck subsequent to the Helms-Biden legislation is the best we can do. Many Senators assert this is true, particularly since we are entering a period when substantial reform negotiations will take place at the U.N. But in the coming weeks, Congress will have further opportunities to work with President Bush to craft the most efficient means possible of reducing the U.S. share of peacekeeping assessments.

I believe defeating the Biden amendment at this time will facilitate these consultations and strengthen the hand of our negotiators.

I reserve the remainder of my time, Mr. President.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 3 minutes.

Mr. BIDEN. Mr. President, this amendment implements what President Bush is requesting. Specifically, the President requested that for the next 2 years we keep our assessment at 27 percent.

Mr. President, 10,000 forces are being sent to the Sudan under the auspices of the United Nations. They are responding as we are asking them to respond. We are in the process of making genuine progress. The last thing we need to do is start to build up arrearages again; it took years to work ourselves out of the hole, both politically and financially.

If my colleague from Indiana is correct that the administration wants room to negotiate, the President is going to be President for 3½ more years, God willing and the creek not rising, as my grandpop used to say. The truth is, this lasts for 2 years. It gives all the negotiating room possible. To now go ahead and change the deal in the minds of every Ambassador to the United Nations—here they go again—at the very time we are sending the worst person we can possibly send, not in terms of morality but in terms of his attitude to the U.N.—the double whammy of sending Bolton to the United Nations and cutting our commitment that we have kept to for the past years, and over the request of the President we cut by 2 percent our commitment, would be a very serious problem.

I strongly urge my colleagues to support the Biden amendment. I fully appreciate the position of my friend from Indiana, but I think he is mistaken on this point. We do not often disagree that much, but on this one we do disagree.

I urge my colleagues to vote yes on the Biden amendment to keep the President's request in this legislation.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, I rise in opposition to the Biden amendment and to second Chairman LUGAR's remarks. The chairman is looking to the future of the United Nations and not to the past. The negotiations at the U.N. regarding U.N. reform and the lowering of U.N. peacekeeping dues are underway. Let us ensure that our next Ambassador to the United Nations has an opportunity to go to New York and to work on this issue.

Our Ambassador will be working to lower U.S. dues. By adopting Senator BIDEN's amendment, we will make that job more difficult by conceding our willingness to live with the status quo. We have an opportunity to lower the U.S. rate to serve the U.S. taxpayers better and to make the U.N. more efficient if Congress does not send mixed signals to the U.N.

Next week, the Foreign Relations Committee will have its hearing on John Bolton to be Ambassador to the U.N. We will have the opportunity to discuss this issue at length with him. Do we want to make his job that much harder by adopting this amendment? If we adopt this amendment, we undercut him before he gets there.

It is time for real reform at the U.N. Achieving a sustainable level for peacekeeping assessments is an important first step.

The Congress has spoken to this issue in the past. Let us give our Ambassador to the U.N. an opportunity to get up there and to lower our rates. Let us also not let this issue be the one item that threatens passage of this important legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Does the Senator from Delaware have any time remaining?

The PRESIDING OFFICER. The Senator from Delaware has 58 seconds remaining.

Mr. BIDEN. Mr. President, the leader has much better access to the President than I do, but to the best of my knowledge there is no negotiation, has been no negotiation, no discussion, no comment whatsoever about changing the U.S. provision from 27 percent to 25 percent. I know of nothing. The State Department has never said anything to me. The Defense Department, the White House, Kofi Annan, nobody has raised this, except my friends on the conservative right in the Republican Party.

If we do not want to send a mixed signal, do not vote against the President. The President of the United States, not our conservative friends on the right side of the aisle, says 27 percent. Do not undercut the President and send a mixed signal.

I yield whatever time I have remaining, and I ask for the yeas and nays.

The PRESIDING OFFICER. All time has expired. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 286.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Idaho (Mr. CRAPO).

Mr. DURBIN. I announce that the Senator from Minnesota (Mr. DAYTON) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 57, as follows:

[Rollcall Vote No. 84 Leg.]

YEAS—40

Akaka
Bayh
Biden
Bingaman
Boxer
Cantwell
Carper
Clinton
Conrad
Corzine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NAYS—57

Alexander
Allard
Allen
Baucus
Bennett
Bond
Brownback
Bunning
Burns
Burr
Byrd
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—3

Crapo
Dayton
Rockefeller

The amendment (No. 286) was rejected.

Mr. LUGAR. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 266

The PRESIDING OFFICER. The question is on agreeing to the Lugar amendment No. 266.

The amendment (No. 266) was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 12 noon.

Thereupon, the Senate, at 10:38 a.m., recessed until 12 noon and reassembled when called to order by the Presiding Officer (Mr. MURKOWSKI).

FOREIGN AFFAIRS AUTHORIZATION ACT, FISCAL YEARS 2006 and 2007

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. I ask unanimous consent to lay aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 308

Mr. SALAZAR. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR] proposes an amendment numbered 308.

Mr. SALAZAR. I ask unanimous consent further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the accountability and effectiveness of international police training)

At the end of title VIII, insert the following:

SEC. 812. INTERNATIONAL POLICE TRAINING.

(a) REQUIREMENTS FOR INSTRUCTORS.—Prior to carrying out any program of training for police or security forces through the Bureau that begins after the date of the enactment of this Act, the Secretary shall ensure that—

(1) such training is provided by instructors who have proven records of experience in training law enforcement or security personnel;

(2) the Bureau has established procedures to ensure that the individuals who receive such training—

(A) do not have a criminal background;

(B) are not connected to any criminal or insurgent group;

(C) are not connected to drug traffickers; and

(D) meet the minimum age and experience standards set out in appropriate international agreements; and

(3) the Bureau has established procedures that—

(A) clearly establish the standards an individual who will receive such training must meet;

(B) clearly establish the training courses that will permit the individual to meet such standards; and

(C) provide for certification of an individual who meets such standards.

(b) ADVISORY BOARD.—The Secretary shall establish an advisory board of 10 experts to advise the Bureau on issues related to cost efficiency and professional efficacy of police and security training programs. The board shall have not less than 5 members who are experienced United States law enforcement personnel.

(c) BUREAU DEFINED.—In this section, the term "Bureau" means the Bureau of International Narcotics and Law Enforcement Affairs of the Department of State.

(d) ANNUAL REPORT.—Not later than September 30 of each fiscal year, the Secretary shall submit to Congress a report on the training for international police or security forces conducted by the Bureau. Such report shall include the attrition rates of the instructors of such training and indicators of job performance of such instructors.

Mr. SALAZAR. Madam President, I rise in support of this amendment to document the importance of making sure we have the right standards and certifications with respect to training law enforcement and security officers on missions around the world.

I speak to this amendment based on my experience as Colorado attorney general where I sat as chairman of the peace officers standards and training board for a period of 6 years. Working with my colleagues in law enforcement, we developed a set of standards that made sure the people we were recruiting into our police forces in the State of Colorado were people who had been checked for criminal backgrounds and would be able to serve. We also developed a set of standards with respect to the training of these law enforcement officers. This amendment creates those same standards and background checks with respect to people being recruited into security forces to help with our efforts around the world.

I understand the amendment I have offered will be considered by Senator LUGAR and others as we return to the Senate.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

AMENDMENT NO. 284

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, yesterday I offered an amendment on behalf of myself and Senator WYDEN from Oregon. I will now describe that amendment in some greater detail. I know others, including my colleague from Oregon, will be here.

It is an amendment to terminate something called TV Martí, Television Martí. It is spending money on something that does not work, spending money we do not have on something that is not needed. Even waste, of course, has a constituency in this town, so there will be those who will oppose this amendment. I will describe why this is a tragic waste of the American taxpayers' money.

This is a picture of an aerostat balloon called Fat Albert. Fat Albert has a great history. Fat Albert has been used for a number of things. At one point we had an aerostat balloon, Fat Albert, that got loose of its mooring in Florida. Eventually, it lifted fishing boats from the sea. They had to shoot it down. The Air Force had to shoot down Fat Albert.

This is the aerostat balloon, along with a 20,000-foot tether cable that broadcasts television signals into the country of Cuba to tell the Cubans how good life is in America and to give the Cubans a straight story.

We have spent $189 million on this program over a number of years since 1989. Over 16 years we have spent nearly $200 million.

We have another program called Radio Martí. I don't propose that we terminate funding for that because by and large the Cubans are receiving signals from Radio Martí. Radio Martí is beneficial. I have been to Cuba and talked to the Cubans. They can listen to commercial stations from Miami, as well, and do. But Radio Martí gets its signals to the Cuban people.

TV Martí, by contrast, has cost the American taxpayer since 1989 $189 million to broadcast television signals into Cuba that the Cuban people cannot see because the Castro Government routinely jammed those signals. In fact, for much of its existence, Television Martí was broadcasting signals from 3 a.m. until 8 in the morning—again, broadcasting signals the Cuban people could not see.

That, of course, is no barrier in this country. The 20,000-foot tether on the aerostat balloon called Fat Albert sits up there in the sky with the technicians. By the way, since they had to shoot one down and since another one got loose and went over to the Everglades and they had to round up this aerostat balloon and figure out a way to catch it, since then they now have three different ways of communicating with and controlling Fat Albert which I am sure is of great comfort to the people who might be in the way of an aerostat balloon that gets loose in this country.

Fat Albert is up there every day on the case, broadcasting television signals to the Cuban people. And every day, the Cuban people see this—this is a television screen in Cuba—they see snow, because Castro jams the signals. So we have a program we pay for that doesn't work, that is not needed, and we keep doing it year after year.

And this year, guess what. The President wants to double the funding. Yes, that is true, a program that does not work, is unneeded, is wasting the taxpayers' money, and the President's budget says, let's double the funding.

Let me tell you what they did after they had this introduction of Fat Albert. Fat Albert gets loose, goes over to the Everglades, it is kind of a problem, and everyone is embarrassed about it. It is a worthless program that sends signals no one can receive to the Cuban people, and then they lose a balloon and they have all these embarrassing anecdotes of the fact that they are spending money to broadcast a television signal no one can receive, and so they decide they will do something different.

October 10, 2003, in the Rose Garden, the administration announced new "get tough" measures with Cuba which, among other things, said we will stop using Fat Albert; we are not going to use an aerostat balloon anymore. Now we are going to take Commando Solo, a C–130 Air National Guard plane, special operations C–130 airplane called Commando Solo. They are going to now broadcast television signals from Commando Solo.

The broadcast of TV Martí from Commando Solo commenced once a week for a 4½ hour broadcast. They use the same technology the current Fat Albert blimp uses. It broadcasts a signal from a high altitude which then is jammed by the Castro Government. The Commando Solo cannot overcome jammers in Havana, either. It can only reach areas if there are areas where the Castro Government is not jamming.

Commando Solo is operated by the 193rd Special Operations Wing of the Pennsylvania National Guard. It was designed for psychological warfare in military situations. It has been used to broadcast television messages in Panama, Desert Shield, Grenada, Desert Storm, Afghanistan, and Iraq, largely areas where there has been combat that has occurred. There are half a dozen of these airplanes that exist. They are a precious military resource that is being used for what is now a nonmilitary operation. So now instead of Fat Albert, or in addition to Fat Albert, we have Commando Solo. There is no evidence, of course, that the Cubans can receive a signal from Commando Solo, but we are still pumping taxpayers' money into this folly.

The President's budget says we are spending $10 million a year. We have been doing that for 16 years, and we understand this is a program we do not need, a program that does not work, but we still want to keep funding it and we want to actually enhance it. Now what we want to do is go purchase a new airplane, go buy a new airplane for $8 million so that it becomes the TV Martí airplane to broadcast signals the Castro Government will jam and that the Cuban people cannot see.

If you sat around a smalltown café and talked about this, you would not get one person in a million who would say, well, if we have something that doesn't work, let's keep doing it; in fact, let's double it. Let's do more of it. Almost everyone would say: Are you out of your mind? What are you thinking about, funding something that does not work? If it is clear it does not work, why does it take you 16 years to decide it does not work? And if it does not work, why on Earth would you suggest doubling the funding? Yet that is exactly what we have.

Now, we have people who will, I am sure, defend this, and they will say: Well, do you know something? There are some Cubans who say they have seen it. We have 19 million people in Cuba, somewhere in that neighborhood. I think when the State Department talks about this, they say: We have 250 sitings of people who actually have seen Television Martí.

What they were doing is, they were interviewing people off the boats coming from Cuba in order to see if they could get some evidence that somebody was actually able to see something more than the snow on this screen. They got such an embarrassingly small amount of testimony from people who have said they could see this, they finally stopped asking people. So now there are no surveys because it was too embarrassing to get a survey completed that said this is a tragic, complete, total, thorough waste of taxpayer money.

What we have is a bill on the floor of the Senate that promotes the President's budget that says we will double funding for this program that is a total waste from $10.3 million to $21.1 million in fiscal year 2006. And the $10 million increase would go toward buying an airplane that would transmit 4 hours of TV broadcast to Cuba each day that would be jammed by the Castro Government and that would not be able to be received by the Cuban people.

TV Martí says it could operate a secondhand, modest twin engine plane for about $8 million. They would buy it for $8 million, and spend $2 million a year on the plane. There is not a shred of evidence—not a shred of evidence—anywhere that this would put us in a different position than now exists. The desire to use, for 16 years, an aerostat balloon called Fat Albert, and then the desire to expropriate military assets to send a highly specialized military plane, designed for psychological warfare, up in the air to broadcast for 4 hours a week signals the Cuban people cannot see—it is unbelievable.

It is one of these things that leads me to say, as I have from time to time, that even waste has a strong constituency here in the Congress. But from time to time you can see waste for what it is. This is evident. It is clear. It is not about Republicans or Democrats. It is about whether we want to spend money on something that does not work. Do we want to continue to do that?

My colleague, Senator WYDEN, and I say absolutely not. Let's finally, finally, finally—after 16 years—have the courage to shut down a program that is a total waste of the American taxpayers' money.

My colleague from New York wishes to, I think at this time, set aside and offer his own amendment; and then we will continue the debate with my colleague from Oregon immediately after the offering of the amendment.

Let me at this time yield the floor.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 309

Mr. SCHUMER. Madam President, I ask unanimous consent that the pending amendments be laid aside and that amendment No. 309, offered by myself and the Senator from South Carolina, be called up.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself, Mr. GRAHAM, Mr. BAYH, Mr. BUNNING, Mr. DODD, Mrs. DOLE, Mr. FEINGOLD, Ms. STABENOW, and Mr. KOHL, proposes an amendment numbered 309.

Mr. SCHUMER. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize appropriate action if the negotiations with the People's Republic of China regarding China's undervalued currency are not successful)

On page 277, after line 8, add the following:

TITLE XXIX—CURRENCY VALUATION

SEC. 2901. NEGOTIATIONS REGARDING CURRENCY VALUATION.

(a) FINDINGS.—Congress makes the following findings:

(1) The currency of the People's Republic of China, known as the yuan or renminbi, is artificially pegged at a level significantly below its market value. Economists estimate the yuan to be undervalued by between 15 percent and 40 percent or an average of 27.5 percent.

(2) The undervaluation of the yuan provides the People's Republic of China with a significant trade advantage by making exports less expensive for foreign consumers and by making foreign products more expensive for Chinese consumers. The effective result is a significant subsidization of China's exports and a virtual tariff on foreign imports.

(3) The Government of the People's Republic of China has intervened in the foreign exchange markets to hold the value of the yuan within an artificial trading range. China's foreign reserves are estimated to be over $609,900,000,000 as of January 12, 2005, and have increased by over $206,700,000,000 in the last 12 months.

(4) China's undervalued currency, China's trade advantage from that undervaluation, and the Chinese Government's intervention in the value of its currency violates the spirit and letter of the world trading system of which the People's Republic of China is now a member.

(5) The Government of the People's Republic of China has failed to promptly address concerns or to provide a definitive timetable for resolution of these concerns raised by the United States and the international community regarding the value of its currency.

(6) Article XXI of the GATT 1994 (as defined in section 2(1)(B) of the Uruguay Round Agreements Act (19 U.S.C. 3501(1)(B))) allows a member of the World Trade Organization to take any action which it considers necessary for the protection of its essential security interests. Protecting the United States manufacturing sector is essential to the interests of the United States.

(b) NEGOTIATIONS AND CERTIFICATION REGARDING THE CURRENCY VALUATION POLICY OF THE PEOPLE'S REPUBLIC OF CHINA.—

(1) IN GENERAL.—Notwithstanding the provisions of title I of Public Law 106–286 (19 U.S.C. 2431 note), on and after the date that is 180 days after the date of enactment of this Act, unless a certification described in paragraph (2) has been made to Congress, in addition to any other duty, there shall be imposed a rate of duty of 27.5 percent ad valorem on any article that is the growth, product, or manufacture of the People's Republic of China, imported directly or indirectly into the United States.

(2) CERTIFICATION.—The certification described in this paragraph means a certification by the President to Congress that the People's Republic of China is no longer acquiring foreign exchange reserves to prevent the appreciation of the rate of exchange between its currency and the United States dollar for purposes of gaining an unfair competitive advantage in international trade. The certification shall also include a determination that the currency of the People's Republic of China has undergone a substantial upward revaluation placing it at or near its fair market value.

(3) ALTERNATIVE CERTIFICATION.—If the President certifies to Congress 180 days after the date of enactment of this Act that the People's Republic of China has made a good faith effort to revalue its currency upward placing it at or near its fair market value, the President may delay the imposition of the tariffs described in paragraph (1) for an additional 180 days. If at the end of the 180-day period the President determines that China has developed and started actual implementation of a plan to revalue its currency, the President may delay imposition of the tariffs for an additional 12 months, so that the People's Republic of China shall have time to implement the plan.

(4) NEGOTIATIONS.—Beginning on the date of enactment of this Act, the Secretary of the Treasury, in consultation with the United States Trade Representative, shall begin negotiations with the People's Republic of China to ensure that the People's Republic of China adopts a process that leads to a substantial upward currency revaluation within 180 days after the date of enactment of this Act. Because various Asian governments have also been acquiring substantial foreign exchange reserves in an effort to prevent appreciation of their currencies for purposes of gaining an unfair competitive advantage in international trade, and because the People's Republic of China has concerns about the value of those currencies, the Secretary shall also seek to convene a multilateral summit to discuss exchange rates with representatives of various Asian governments and other interested parties, including representatives of other G-7 nations.

AMENDMENT NO. 284

Mr. SCHUMER. Madam President, I ask unanimous consent that the amendment be laid aside and we return to the Dorgan amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

Mr. DORGAN. Madam President, I said 19 million Cuban people. I meant 11 million people who live in the country of Cuba.

Madam President, before I yield the floor so my colleague from Oregon can have the floor, let me say again, I think we will have people come to the floor and say: What do you mean "a waste of money"? We have to deal with the Castro government. We have to get tough. We cannot back away.

I do not come to the floor to say anything good about the Castro government. The Cuban people deserve to be free and deserve to have the boot removed from their neck, the boot of oppression from a government that does not allow that kind of freedom.

But let me say this: This country has stated as its purpose for a long while with respect to China and Vietnam, both Communist countries, that the road to progress toward democratic reform in those countries is through trade and travel and engagement. We have believed that fervently, Republicans and Democrats. We trade with Vietnam. We trade with China. We travel to both countries. We believe that advances both countries toward more human rights and better human rights.

It is only with Cuba we have this obsession—believing if we can track down Americans who attempt to travel in Cuba, and slap them with big fines, restrict travel, restrict trade, and somehow waste money on things like TV Martí—it is only with Cuba we are obsessed with a policy that does not work.

Fidel Castro has lived through 10 Presidents. The fact is, the embargo this country slapped on Cuba is the best weapon he has to continue in office, to continue his power in the Cuban government. He says it is the 500-pound gorilla up North that has its fist around the throat of the Cuban people. It would be much smarter, in my judgment, to remove the travel restrictions and all the trade restrictions from Cuba and do with Cuba as we do with China and Vietnam. The quickest way to move Castro out of Cuba is through trade and travel and engagement, and I believe that strongly.

But this amendment of ours does not address that. It addresses one piece of this obsession with Cuba; and that is, the continued spending of money for TV signals into the Cuban country that the Cubans cannot see. It is one thing to do things that are wrong; it is another thing to do things that are dumb. I understand somebody shooting themselves in the foot. But after you have done it the first time, to take aim at your foot the second time—there is something fundamentally wrong and unsound about the thinking that allows you to do that. That is exactly what we are doing.

I will yield the floor so my colleague from Oregon, who is a cosponsor of this amendment, can speak.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, I tell my colleague, I am pleased to be able to team up with him on this effort. Over the last few months, we have been digging into a variety of areas where waste of taxpayers' dollars has occurred.

I think Senator DORGAN has made the central argument with respect to our amendment; that is, you do not get tough with somebody by wasting money. In other words, we are going to have a fair amount of discussion, I suspect, on this amendment about whether you are being soft minded on Castro, or something of that nature, whether you agree with Castro's political agenda.

What we are talking about is stopping foolishness with respect to frittering away taxpayer dollars. As my colleague has said, what we are faced with is a situation where Fidel Castro has jammed TV Martí's airwaves since their conception. As a result, instead of feeding the Cuban people a glimpse of honest television, what we have been feeding the Cuban people is static and snow. Now, the snow on Cubans' TV screens may be the only snow they get in Cuba, but I can assure you this is about the most expensive snow we have seen on the planet.

What we want to do is protect the interests of taxpayers. We have gone through Fat Albert. Now you have the question of the sequel to Fat Albert, with the President having proposed slashing other programs, particularly programs here at home. How do you argue that something such as this ought to be preserved, that the use of taxpayers' dollars in this area ought to be preserved, where everything here at home is on the chopping block during a belt-tightening environment in Government?

TV Martí was intended to follow in the footsteps of Radio Martí, providing Cubans access to balanced information from the outside world so that Cubans living under Fidel Castro's regime would have a taste of the freedom that Americans enjoy here at home.

We are willing to stipulate for purposes of this discussion and debate we are having on the floor of the Senate that Radio Martí enjoys a strong listening audience and successfully transmits news to Cubans from the outside world. But the bottom line is, TV Martí has never come close—never come close—to meeting the standards of Radio Martí. I defy anybody to find a significant group of people in Cuba who see this television.

As Senator DORGAN has mentioned, the process of surveying people, which under normal circumstances would be a good way to determine the extent of use, has now been hot wired so they do not even do the surveys anymore because they are not going to get the results they want to have. They want to have surveys that show a significant number of people are getting this, and they cannot prove it. So if you cannot prove it, you do not put out a survey that says: Oh, no viewers. You sort of figure out a way to make the surveys disappear. That is essentially what has happened.

Our discussions and examination, as we have pursued this issue over the last few months in an effort to root out this waste, indicates virtually nobody sees this. That is where we are now. So we are looking at the prospect, after all of this waste of money—well over $100 million sunk into this static, this static and snow over the years—of spending still more money.

Senator DORGAN and I believe it is time to draw a line in the sand and say: Halt this waste. Halt this frittering away of the American people's scarce dollars.

The President does have a new plan to circumvent the jamming. His idea is to use military aircraft to broadcast TV Martí that way. We have our folks, men and women from Alaska and North Dakota and Oregon, and they are in harm's way today. So at a time when our troops are in harm's way and face great peril around the world, we are talking about transferring military assets that we need to protect their well-being and the well-being of this country. I do not see how you can make the case again that that is a wise expenditure at this time.

So I hope as the Senate debates the Dorgan-Wyden amendment, we can make it clear that when programs such as Radio Martí work, we are willing to make sure the United States plays an active role in trying to make sure people have information, accurate, objective information, on what freedom is all about. But where you are talking about waste, where you are talking about funding programs that may make people say, "oh, you're getting tough, you're getting tough on Castro," when in fact you are wasting money, that is where the two of us are trying to blow the whistle and prevent further efforts to throw taxpayers' money at TV Martí, when there is no evidence it will work.

The money we have spent year after year goes, as I have said, to finance some of the most expensive static, the most expensive snow in the history of television screens. What we ought to be doing is making sure that taxpayers' dollars are spent wisely. Here it could be used in a whole host of other areas. It is our hope, and the purpose of this amendment, to pull the plug on a program that does not work now, has not worked in the past, and is not going to work in the future.

Mr. DORGAN. Madam President, I wonder if the Senator from Oregon will yield for a question?

Mr. WYDEN. I am happy to yield.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I used a picture of Fat Albert, the aerostat balloon. I will show that once again. Fat Albert was fearlessly broadcasting television signals that no one could receive, doing it for 16 years or so. And now, in order to continue broadcasting signals no one can receive, we have expropriated the use of the Pennsylvania Air National Guard's airplane called Commando Solo, one of only a half a dozen ever made, used in Bosnia, used in Iraq, used in Afghanistan, for very sophisticated electronic psychological warfare purposes. That has been flying now for 4 hours a week, broadcasting signals, without any evidence at all that the Cuban people can see those signals.

So we have gone from Fat Albert to Commando Solo and now the next step, to purchase a new airplane, to purchase a new airplane so TV Martí has its own airplane to broadcast signals no one can see. Does it sound a little goofy? It would in my hometown, if you told this story. Sometimes there are people who serve here who think they know more than anybody else, they can see over the horizon things others cannot see.

There is a broad common sense in this country that takes a look at things like this. And wouldn't it be the case that in a small town café in Oregon or a small town café in North Dakota or Alaska, people would take a look at this and say: What on Earth are you thinking about, spending money on something we don't need and doubling the funding for something that doesn't work? Where have you been? What planet are you living on?

Mr. WYDEN. I appreciate the Senator's question. It seems to me that this is Government Waste 101. This is not complicated. Since its inception in 1980, it appears that this particular program, TV Martí, has had essentially no real Cuban viewership. We have been doing everything we can to find anything resembling a current study, a current report, any body of evidence which would indicate that there is an actual market, a group of Cubans who see this.

As the Senator from North Dakota has indicated in his question, if you go into a coffee shop in Alaska or North Dakota or Oregon, this program doesn't pass the smell test. People are going to say: Look, we don't like Castro. And this isn't a debate about whether you like Castro. I have been studying this issue since my dad wrote a book about the Bay of Pigs, the untold story. So like many of my colleagues, I have been studying this issue for a long time. This is not a referendum on whether you are going to be tough on Castro or whether you like Castro. This is a referendum on whether we are going to allow millions of dollars of Government waste to go forward. We have been doing it for years. We should have pulled the plug some time ago. And yet, because this program sort of masquerades under the title of being tough on Castro, we just keep shoveling money at it.

I thank the Senator from North Dakota, who has spent a great deal of time on it. I also want to come back to a point the Senator from North Dakota touched on that is very important. Personally, a lot of us would like to reexamine our policy with respect to Cuba. That is not what this amendment is about. This amendment is about one thing: whether we are going to sanction more waste. This program doesn't pass the smell test. You wouldn't possibly be able to explain it in a coffee shop.

My hope is that we support real programs, such as Radio Martí, that are going to make a difference in terms of getting information to the Cuban people about areas where there is waste and not continue to fritter away scarce taxpayer resources.

I thank my colleague for giving me the time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. The point I have not made is, we don't propose to spend this money in other ways; we simply propose that we strike the funding for TV Marti, a program that doesn't work, and thereby reduce the Federal indebtedness. So we are not suggesting taking this money and spending it in some other way. Get rid of this program that doesn't work, that is unneeded, and thereby eliminate at least this small amount of Federal indebtedness.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I rise to speak in opposition to the amendment. It is interesting that just a few minutes ago we were at the other end of this building in the House of Representatives in a joint session of Congress hearing from President Yushchenko speaking of freedom and the value of freedom and the unique opportunity freedom presents to a people. In order to ensure the ability of folks to raise a family, to conduct their lives, to conduct free commerce, all of these exciting things spark and begin with a flame of freedom. There is no more important way in which the flame of freedom can be conveyed than by information and communication.

We know that today the world of information transforms lives, transforms people around this Earth. We also know that there are still people across the world who do not have the opportunity to hear the free and unfettered bits of information that we so take for granted.

Let me take a moment to describe for you a little bit about what Cuba is like. Cuba is a country today where there is only one source of information: the Cuban Government. Cuba is a country where anyone who would dare to use the Internet without authorization from the Cuban Government, without oversight by the Cuban Government, would have their freedom threatened and taken away. In addition, we also know there is within Cuba a tremendous and growing movement of folks who believe that it is time for Cuba to be free as well and a dissident movement within Cuba. Those people who dare to risk their lives and freedom each and every day, those people who today suffer in Cuba's prison camps because of their desire to seek freedom, those people are emboldened and encouraged by what they can hear and see in the voices and sounds of freedom.

For a long time the United States has had a long and valued tradition of standing with people who are oppressed and suppressed. Mr. Yushchenko spoke this morning eloquently of the words of Ronald Reagan when he said "tear down this wall" and what a profound impact that had in beginning the change that occurred in the eastern European nations.

In addition to that, we know the words of Vaclav Havel, other leaders of the "Velvet Revolution," and also the people of Poland, Lech Walesa. And they have said that without a doubt, the thing that made a difference in their lives was Radio Free Europe. I have never heard any one of these patriots of liberty of the modern day say in any public setting that the difference was made for them in seeking freedom when more tourists came and drank rum in their country or when they had the opportunity to see foodstuff in stores that they couldn't buy. But I have heard repeatedly said how valuable was the information and the opportunity to pierce that government control over the people.

You see the control of information is not just about the exchange of news and information, valuable as that is. It is about showing the people who dare to rise in opposition to tyranny that the tyrannical regime that controls their lives is not all powerful, is not omnipresent, but that they, in fact, have the right and opportunity to hear the message of freedom and liberty.

Let me talk specifically about TV Marti. The fact is that while we might mock in commentary what happens with the TV Martí broadcast to Cuba, I have a little different story. Around the time of my ascension to the U.S. Senate, when I had this awesome and unique privilege, the first Cuban American, the first person born in the island of Cuba to ever have the honor to speak from this floor, to be a part of this longest serving democratic institution in the history of mankind, the people of Cuba were rightfully proud and excited by that moment.

I want to tell you that about the time of my taking my oath, I did an interview for TV Martí. I spoke of my thrill and my pride and my hopes and aspirations as I came to the Senate. That interview was broadcast by Commando Solo. That interview was broadcast in the only way in which they can pierce Castro's control over his people about information: by flying this airplane over international waters in a way that can and does, in fact, pierce Castro's blockade and jamming.

That information that got through that night, that interview was seen by people in the hometown where I grew up, Sagua La Grande, Cuba. It is a small city on the northern coast of Cuba where I had the joy of growing up as a small child and where today there are people who still remember me and my family, and where there were people who, unbelievably to me, heard the broadcast and were able to communicate through telephone and otherwise about what they had seen and heard on TV that day, about the images of me taking my oath on this very floor, about the images of me celebrating with other people who supported my candidacy, who came from Florida, many of them Cuban Americans who rode on a bus for 18 hours to come here and join with me and celebrate.

They joined with me here, but those people in Cuba had the opportunity to see those images in my very hometown where I was born, to see me take the oath of office from Vice President CHENEY, President of the Senate. That happened because of the Commando Solo flights. It was a moving experience to the people in this little town, the people who I know sometimes seem unimportant and are not very well known but who, in fact, have the rare opportunity to see that blockade pierced.

So what is our hope? Our hope is we can expand that, that we can do more of it, that we can transfer the technology we now have and the ability to pierce the information blockade so that more and more people can have this information. Too often we talk about an economic blockade with Cuba. The greatest blockade that exists in Cuba, in the words of some of Cuba's dissidents, is the blockade of the Cuban Government against its own people, whether it be for economic opportunity, the rights of the individual, or just to perceive and hear information that comes across the airwaves.

I believe that while imperfect and while still a work in progress, for us to turn our backs on those people in Cuba who depend today on the little bit of information they can get through Radio and TV Martí would be a step away from the long and proud tradition of this country to stand by people who are oppressed. To harken back to the words of President Bush, to the words he gave upon taking office for his second term, if you are oppressed, we stand with you. If you seek freedom, we will be by your side. That wave of democracy that President Bush has begun in places such as the Middle East, that is the very hope that we have.

The President's policy toward Cuba began on May 10 of last year. It is a dynamic policy. It is not just about what we don't do; it is about what we do, about the proactive measures such as the Commando Solo flights, the opportunity for TV Martí to, in fact, be seen by the Cuban people, the opportunity for us to help the dissident movements, for us to proactively help the people of Cuba to remove the yoke of tyranny from their backs.

I believe that when the facts are examined, we would also know that the Interests Section Survey in Havana monitors the ability of the Commando Solo flights to be seen by the Cuban people. There is no such thing in Cuba as a Gallup poll or the ability to even speak freely about what you watch on TV, but 16 percent of those surveyed responded in the affirmative to the U.S. Interests Section in Havana that they were, in fact, seeing TV Martí and that it reached an audience. It does not cover the entire island. It doesn't cover as much as we would like. But each and every day, we make more happen with it.

I am proud to be a supporter of the efforts of TV Martí, and I urge my colleagues to defeat this amendment which would end the little glimmer of light that is available to the people of Cuba today and that otherwise would not be there for them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Madam President, I ask unanimous consent to yield myself such time as I may consume on this amendment by the Senator from North Dakota.

The PRESIDING OFFICER. The Senator has that right.

Mr. ALLEN. Madam President, I rise to urge my colleagues to oppose this amendment and continue to support our country's investment in television broadcasting into Cuba. Otherwise known as TV Martí. The Senator from North Dakota may be exaggerating, and folks get carried away as well. He will say that this is not needed. This is needed. There may be a question as to how effective the TV Martí signal is getting in to Cuba.

Because we are talking about signals and broadcasts, let's make sure we are sending the right signal here. Whether it is my good friend from Oregon or whether my friend from North Dakota, we all, I would hope, want to make sure we are standing strong on the ability of people who are repressed and under the tyranny of Castro, to get information.

There are questions as to whether all the ways that we are trying to get around the jamming and scrambling of signals by Castro's regime are effective or not; however, it is a matter of our national interest that we try to get information, objective information, to the people of Cuba. It doesn't matter one's culture. All human beings, no matter their background or culture, if given the choice, the opportunity, will choose freedom. We have seen it with the Afghan people. We have seen it with the people in Iraq. We are seeing it with the Lebanese rising up to get the Syrian troops out. We have seen it with the Palestinians, with the death of the corrupt terrorist Arafat. The same applies to the people of Cuba, or anywhere else in the world. The Cuban people share the desire that all human beings have, and that is a need to have information and an opportunity to determine their own destiny.

I believe that Radio Martí and TV Martí can help promote freedom and justice in Cuba. We all know the United States has sponsored television and radio broadcasting in Cuba for almost 20 years. The effect of all of that—and we can all try to find measurements. It is not as if you can go around Cuba and do surveys. This is not allowed. Remember, this is Castro's regime. If I want some evidence of a probative witness, I am going to listen to the Senator from Florida, Mr. MARTINEZ, who made history, standing here as the first person ever born in Cuba to be elected to serve in the U.S. Senate. He understands the impact of our message to Cuba better than anybody or any statistics one would want to put forth.

So while we understand it is very difficult to get into Cuba and make sure of the effectiveness of TV or radio broadcasts, it is well known that Radio Martí—and to the extent we can get TV Martí in—is looked upon as an authoritative and reliable source of accurate, objective, and comprehensive news for the Cuban people.

If this Congress were to eliminate TV Martí, we would be sending the wrong message to the Cuban people. At a time when freedom is on the march around the world, eliminating TV Martí would tell the Cuban people—I suspect Castro would be getting his minions and fellow thugs of that regime out to say the United States isn't going to bother. We succeeded with jamming or scrambling the signals, saying the United States doesn't want to worry about this. It would be a signal for him to say that the United States is not committed to the cause of freedom in Cuba. Of course, with his long history of repressing free speech and the free flow of information and ideas in Cuba, this plays right into Castro's hands.

Thomas Jefferson once said:

> A free people [claim] their rights as derived from the laws of nature, and not as a gift of their chief magistrate.

The sharing of information and free flow of ideas, and the foundation of any free country is not to be something that is given or taken away by the machinations of a dictator like Castro.

In my view, there are four pillars of a free and just society. This is how I measure freedom myself for people if they are living in a free and just society. The first pillar is freedom of religion, where people's rights are not enhanced or diminished because of religious beliefs; second, freedom of expression; third, private ownership of property; fourth, the rule of law, where disputes are adjudicated fairly and God-given rights are protected. The second pillar, freedom of expression, is absolutely essential, where people are allowed to get information and to think for themselves. To communicate not in a way that is harmful, but the God-given rights of expression being protected.

We have to support the opportunity of the people of Cuba to get information. They are not going to get it from their Government. People will say, gosh, we are having to use airplanes. There are different ways you have to get at it. You cannot use balloons or a dirigible; you cannot do it off of broadcasting. Why can't we use it the way everybody else sees TV? It is because of that regime. Sometimes you have to be more clever than some of the reptilian cutthroats that we are dealing with. In my view, we ought to stand for the concept of freedom of expression. We have seen it work and we have seen it on Radio Martí. I hate wasting money, but there are certain things we need to do. This is actually a less expensive way of advocating freedom, by using technology—using extraordinary means, but still getting the message to the people of Cuba, regardless of the obstacles that are established by Castro's regime. I think we need to be providing news, commentary, and promoting the open exchange of information and ideas in Cuba and elsewhere to promote the cause of freedom.

To be effective in further opening communications and the sharing of ideas throughout Cuba, Radio and TV Martí must continue to be broadcast and should receive our country's support. I sincerely urge my colleagues to oppose this amendment and stand with the Senator from Florida, Mr. MARTINEZ, but, most importantly, stand for the advancement of freedom.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida, Mr. NELSON, is recognized.

Mr. NELSON of Florida. Madam President, the business before us is the Dorgan amendment, which strikes $21 million from the President's budget and prevents the funds from being used for the broadcast of TV Martí.

You can say I have a parochial interest in this, being the senior Senator from Florida, joining my colleague, Senator MARTINEZ. Indeed, we do have a parochial interest because we have quite a few Cuban Americans who are citizens of our State. But the reason we should defeat this amendment goes far beyond parochial interests, or any interest of any particular group, for it strikes at what the heart of America stands for in our promotion of freedom—freedom of speech, freedom of assembly, freedom of the press—all of these freedoms that we are privileged to have, protected by our Constitution, which supposedly are protected under the Cuban Constitution, but have never been protected.

This amendment sends the wrong message to the Cuban people at a time when change is in the wind, when in fact change is occurring on the island. This amendment would cut the entire budget for TV Martí.

It would also prevent the Broadcast Board of Governors from purchasing a small aircraft that they will use to transmit the signals. The aircraft is equipped to broadcast both television and radio signals. Eliminating this funding would also limit the U.S. radio broadcast operations. Current broadcasting operations, including radio, are conducted from a Department of Defense EC–130 Commando Solo aircraft. It is based, interestingly, in Harrisburg, PA. It has to fly every Saturday all the way from Pennsylvania down to the Florida Keys for its mission. It makes a lot more sense for the Broadcasting Board of Governors to have a smaller aircraft that is located close to Cuba, being more economical and still having the same equipment.

This station and this money shows our commitment to the Cuban people as they continue to suffer under a dictatorship that ignores human rights and imprisons political dissidents. We simply should not be turning our backs on Cubans at a time when the regime is beginning to crack and a fledgling civil society is emerging.

Look, for example, at what has happened in the last couple of years. The Senate has heard me speak many times on the floor about this very brave Cuban named Oswaldo Paya and the Varela Project; where Cuban citizens put their name on a petition to the Government. Interestingly, this is under a process of the Cuban Constitution that said if you get 10,000 signatures—and they got well over that—that automatically an issue goes to the Government. The petition calls for freedom of expression, freedom of association, free enterprise, electoral reform, and also calls for elections within 1 year.

Have those brave Cubans who stood up suffered reprisals and intimidation by the Cuban security forces? You bet they have, and some of them went to jail. And only because the international community raised Cain were some of the dissidents released when, in fact, others are still in jail. But they were brave, and they went ahead and signed that petition that was generated by Oswaldo Paya. This type of dissident action is supported and promoted through TV Martí.

Some say all of these signals have been jammed. They have been jammed because they were either being transmitted from a stationary tower or they were being jammed when they tried to start transmitting from a satellite in the eastern Atlantic. This new airplane has only been flying since the fall of last year. We have to give it a chance to see if the signals are getting through. Now we will do it more economically with the smaller aircraft.

I will give another example of what is happening on the island in addition to the Varela Project. There are others in Cuba who are coming together to create civil society groups advocating for basic human rights and changes in the Cuban Government's structure. On May 20, next month, these groups will come together for the first time ever in Havana for a historic meeting to openly discuss and debate the future of the island and a transition after the future death of Castro.

TV Martí has produced a series of TV programs, including a 10-part series in which experts discuss a possible transition to democracy. That needs to be out there to be received by the Cuban people.

These are just some of the historic changes that are occurring on the island. These are the reasons that, maintaining our commitment to the freedom-loving Cuban people, we need to continue to broadcast TV Martí to Cuba.

I urge my colleagues to oppose this amendment. Senators, we need your help. Senadores, necesitamos su ayuda.

I yield to my colleague from Florida.

Mr. MARTINEZ. Madam President, will the Senator yield for a question? I wonder if the Senator has considered why the Cuban Government would spend all the money and make all the effort that it takes for them to jam these broadcasts. If it is not insignificant, if it is not important, why does the Senator think the Cuban Government goes on day after day jamming at great cost and expense each and every time we have broadcasts to Cuba?

Mr. NELSON of Florida. Madam President, I say to my colleague from Florida, the proof is in the pudding. Absolutely, the Castro Government for years has continued to try to jam broadcasts, and the fact is that we know the broadcasts of Radio Martí get through to the island. Broadcasting by this airplane is a new means by which we can get the transmission of TV Martí into the island. This clearly is what America stands for.

I am going to close. I see the chairman of our Foreign Relations Committee wanting to be recognized. I say to Chairman LUGAR, when I was 17 years old, I was taken, representing the youth of America, to Germany to broadcast over Radio Free Europe behind the Iron Curtain on a broadcast that years later we found out, much beyond my little broadcast, had a profound effect in bringing information to people who were enslaved behind the Iron Curtain. That was effective.

I think this is going to be effective in Cuba behind that iron curtain that enslaves those people on the island of Cuba.

Therefore, it is my hope, my prayer, that we will continue this effort, particularly where there are the beginning signs of liberty striking out all over the island.

I thank the chairman of the Foreign Relations Committee, the esteemed Senator from Indiana, for the opportunity to speak on this amendment.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Madam President, there has been a good debate on this amendment. It is an important amendment. I just wanted to make the point, however, that we have reached a point in our bill where we are going to have to move expeditiously; therefore, I move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. DORGAN. Will the Senator yield?

The PRESIDING OFFICER. At this moment there is not a sufficient second.

Mr. LUGAR. I yield to the distinguished Senator.

Mr. DORGAN. I simply wanted 5 minutes to respond to some of what has been said. I have no objection at all to the vote.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, I would like an additional 5 minutes as coauthor of the amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, the motion to table has been made. If we did it 5 minutes, 5 minutes, and then the vote?

Mr. LUGAR. OK.

Mr. REID. I ask unanimous consent that the Senator from North Dakota be recognized for 5 minutes, the Senator from Oregon for 5 minutes, the Senator from Indiana for 1 minute, and then we vote on his motion to table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from North Dakota.

Mr. DORGAN. Madam President, I regret that we have a disagreement on the Senate floor, but I am not surprised. I would like to make a couple of comments. First, those who have opposed this amendment apparently have tried to win a debate we are not having. This debate is not about nurturing the flame of freedom. It is not about resisting tyranny. All of that is wonderful. I could stand here and tell a story about Vaclav Havel on a late night on a street corner in Prague, Czechoslovakia, hearing the Declaration of Independence for this country being recited by someone in Czechoslovakia. I could tell a story about Lech Walesa and what he did to light the flame of freedom in Poland, but I will not do that. That is not what this debate is about.

My colleague from Florida, Senator MARTINEZ, talked about how important these television signals are and that is why the Castro Government jams them each and every day. That is the point he made. That is exactly the point I was making.

If, in fact, these are jammed—and they are—let me read the expert from the U.S. Government. He says: Even though TV Martí is jammed, it is well positioned to be an important instrument of U.S. foreign policy or a crisis will occur on the island. Transmission to Cuba "has been consistently jammed by the Cuban government." That is a U.S. official saying that. So we spend $10 million a year to send television signals no one can receive in Cuba to a Fat Albert, the aerostat balloon, and now we have decided we are going to Commando Solo, a C–130 specially equipped.

By the way, there is no new technology here. I know several people have said this is new technology. Nonsense. This is plain old-fashioned waste of the taxpayers' money by now using a C–130 airplane to send television signals into Cuba the Cubans cannot receive. This is the same technology that is used by Fat Albert, the aerostat balloon. We have been doing it for 16 years. We have wasted $189 million.

I support Radio Martí. I have been to Cuba. That gets through to the Cuban people. I believe we ought to remove the embargo and allow trade and travel to Cuba. That is the quickest way to get rid of Fidel Castro, but that is not even the subject. The subject is will this Congress, when they see colossal waste, fraud, and abuse, stand up and decide to stop the spending?

When we talk about freedom, the question is this: Is there freedom from waste, fraud, and abuse for the American taxpayer? Does that freedom exist? If it does, will we decide to take that step in this vote?

I started this morning by saying even waste has a constituency in the Congress. It seems to me quite clear that we have had our colleagues say: Well, this is not perfect. Not perfect? What do they mean, not perfect? We broadcast television signals that the receivers cannot get and spend $10 million a year, and now we are going to double funding with the "purchase of a small airplane"? Eight million dollars to buy a new airplane now to broadcast signals the Cubans cannot receive? We are going to double the funding? I am sorry. This is simply wasting the taxpayers' money.

I am all for doing things that remove the boot of oppression from the necks of the Cuban people, but I am not for wasting the taxpayers' money. We have been told now by the opponents of this amendment that this would send a bad message if we cease TV Martí, sending signals they cannot receive. Stopping that would send a bad message. That is the point of all of this, is it not?

Are we sending a message or are we not? The point of it all is we are spending a lot of money believing we are sending a message that is never received. Sending a message to someone who does not receive it, sending a message by aerostat balloon or by a C–130 or by a new $8 million airplane to 11 million people who cannot see it is fundamentally foolish.

Where is the freedom from waste, fraud, and abuse that the American people ought to expect from this Congress? We will see whether that freedom exists in the next 5 or 10 minutes.

I yield the floor.

The PRESIDING OFFICER (Mr. ISAKSON). The Senator yields.

The Senator from Oregon.

Mr. WYDEN. Mr. President, as we conclude with this amendment, I particularly thank the distinguished chairman of the committee for this extra time and get back to this question of what the amendment is really all about. I do not quibble at all with the fact that this is a laudable effort to promote freedom, as the Senator from Florida is talking about, but I believe it has to be about more than effort; it has to be about a result.

For example, something that strikes me as something that would be very useful is to set up Internet Martí. We have seen, for example, what happened in China. What really rattled the Chinese Government was the presence of the Internet. As far as I can tell, they have been struggling to block that out as well. They have not been able to do that. But that is the kind of investment that would make sense to me.

I would be thrilled to work with the distinguished Senator from Florida on wireless technology, for example. I have served on the Commerce Committee. I have a great interest in technology. I think there is a lot of potential as it relates to these kinds of concerns: wireless technology, Internet Martí.

What brings us to the floor today is that we talk about the flicker of freedom, which I am certainly for. As far as I can tell, the only thing the Cuban people see flickering is all that static on TV. So I hope we can save some money, which is the point of this amendment Senator DORGAN and I have offered, and then counsel together on a bipartisan basis through the chairman of the committee, Senator LUGAR, Senator MARTINEZ, our friend Senator NELSON, on something that would be practical. Sign me up for something like Internet Martí, something that would be a well-targeted investment, would allow us to build on the potential to cap other technologies, wireless technologies, Web-based technologies. That is something that seems to me makes sense.

I hope my colleagues will approve this money, allow us to start targeting these Government expenditures during a time of belt-tightening in a more cost-effective way.

I urge the passage of the amendment, and I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, the President of the United States has directed deployment of aircraft with capability of transmitting radio and television signals into Cuba. Thanks to the aircraft, plus Radio and TV Martí, they are reaching parts of the island that were previously unable to receive those signals. That is tremendously important.

As oppressive as that regime is, the state exerts extensive censorship. The Cubans are told only what the state wants them to know and are denied the right to obtain accurate information on Cuba and the world. We need to do all we can to open that up.

I appreciate the debate. It has offered avenues of constructive criticism of the program, but the program needs to continue. It is vital to our security and, we believe, the future of the Cuban people.

I renew my request for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to table amendment No. 284.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 65, nays 35, as follows:

[Rollcall Vote No. 85 Leg.]

YEAS—65

Alexander
Allard
Allen
Bayh
Bennett
Biden
Bond
Brownback
Bunning
Burns
Burr
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kerry
Kyl
Lautenberg
Lieberman
Lott
Lugar
Martinez

McCain
McConnell
Murkowski
Nelson (FL)
Nelson (NE)
Reid
Roberts
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—35

Akaka
Baucus
Bingaman
Boxer
Byrd
Cantwell
Carper
Conrad
Corzine
Dayton
Dodd
Dorgan
Durbin
Enzi
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Leahy
Levin
Lincoln
Mikulski
Murray
Obama
Pryor
Reed
Rockefeller
Stabenow
Sununu
Wyden

The motion was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, in a moment I want to ask the Chair to recognize Senators SCHUMER and GRAHAM for an amendment on Chinese currency. Before I ask the Chair to do that, let me simply indicate that the status of our bill is such that amendments that clearly fall in the jurisdiction of the Finance Committee are going to be opposed not only by that committee but by the so-called blue-slip process, which means that our bill might not receive consideration on the floor of the Senate or ultimately on the floor of the House.

So leaving aside the substance of whatever may be the merits of an amendment, we are talking about an existential question for this bill itself as to whether it survives or has the hope of doing so.

For that reason, I just want to advise Senators why, at the end of about 40 minutes of debate, which I hope will be adequate for an exploration by the proponents of what they wish to do, I will be moving to table, to preserve really, this bill, the bill we are on. At that point I will ask the support of the body to table the Schumer-Graham amendment, whatever might be its merits, on the basis of jurisdiction.

We are going to have this problem two or three more times on amendments that have been suggested by Senators. So I make that point now, that will have to be the course of this chairman to preserve at least some hope we will have an authorization bill at all at the end of this process.

Having said all that, I am hopeful the Chair might recognize Senators SCHUMER and GRAHAM for a presentation of their amendment. And after about 40 minutes, we will come to a conclusion.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, before that, will the Senator yield? I had spoken to the Senator from Indiana about perhaps taking 3 to 4 minutes before they start on another matter. I ask unanimous consent, if I might, to be recognized for not to exceed 4 minutes. I assure the Senator it will not be beyond that.

The PRESIDING OFFICER. Is there objection?

Mr. LUGAR. Proceed.

The PRESIDING OFFICER. The Senator is recognized for 4 minutes.

Mr. LEAHY. Mr. President, I thank the senior Senator from Indiana for his usual courtesy.

(The remarks of Mr. LEAHY are printed in today's RECORD under "Morning Business.")

AMENDMENT NO. 309

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Kentucky.

Mr. BUNNING. Mr. President, I call up amendment 309.

The PRESIDING OFFICER. The amendment is pending.

Mr. BUNNING. Mr. President, I rise in strong support of the Schumer-Graham, et al., amendment that would authorize actions in currency negotiations with China. I have come before the Senate on a number of occasions to speak about how strongly I feel against providing permanent normal trade relations to China. The Chinese have been systematically devaluing their currency, and they have been buying up dollars. This is all done in a concerted effort to keep their goods cheaper than United States goods.

This should come as no surprise to anyone who has followed how the Chinese behaved over the years. China's human rights record, their antagonism toward Taiwan, and the threat they pose to our own national security have been well documented. These issues have been swept under the rug as the Senate has given away its voice on our trade relationship with the most populous nation on the globe. For me it looks as though we are simply putting profits over people. That is plain wrong.

Now we have a chance to correct that. The amendment before the Senate will give the administration a real tool to deal with the Chinese. The Chinese need our markets to sell their goods. If we take it away from them, we will have their attention. Hopefully this amendment will show the Chinese we are serious this time and that they need to play fair and let the market set the value on their currency.

Those opposed to the amendment will talk as if the American economy will be seriously harmed if we pass the amendment. I argue our economy is already being harmed. We are losing manufacturing jobs as a direct result of Chinese policies. The Chinese are killing what is left of our domestic textile industry. Hopefully, the U.S. Trade Representative's office will step in. It sounds as though they will. But we are dangerously close to losing what few textile jobs we have left in Kentucky, and I know other States are in the same boat.

For those who are not concerned about China's human rights, foreign policy, and trade record, let's take another cold, hard look at the facts. China operates one of the most oppressive regimes in the world, brutalizing its own people and persecuting people of faith. China ships weapons of mass destruction to terrorist states. China threatens other freedom advocates such as Taiwan and snubs its nose at the international community by occupying Tibet. China tried to buy access to our Government through illegal campaign contributions and to influence our elections.

The trade deficit with China has grown to record heights. For over a decade, the supporters of free trade with China have been making the arguments over and over again that China is changing, that things are getting better, and that we will soon reap the benefits of free trade with China. The facts prove them wrong. It has been over 10 years since Tiananmen Square and the Chinese are still oppressing their own people. They are still selling weapons to terrorists. They are still bullying other nations and threatening Taiwan and United States interests in the Pacific. Nothing is any different with China now. In fact, it might be worse.

Those who say otherwise are fooling themselves. We are seeing a march of freedom around the world—in Afghanistan, Iraq, the Orange Revolution in the Ukraine, whose President addressed Congress today, the Cedar Revolution in Lebanon, and other prodemocracy revolutions. We have seen that the time of the oppressive regimes is coming to an end. It is time to stop propping up the Communist government of Red China. Vote for the Schumer-Graham, et al. amendment and tell the Chinese our Government will no longer support tyranny. Vote for this amendment for the sake of America's economy and our workers. Vote for this amendment because it is the right thing to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. What is the status of the time?

The PRESIDING OFFICER. There is no time control.

Mr. GRAHAM. Will the Senator yield?

Mr. SCHUMER. I am happy to yield.

Mr. GRAHAM. We are trying to do the debate within 40 minutes. That was our goal.

Mr. SCHUMER. No time limit, but we will try to keep it to 40 minutes. Great.

I rise in strong support of this amendment of which my friend from Kentucky is a cosponsor. The lead sponsor of this legislation is Senator GRAHAM as well as myself. What this legislation does is simple. It says to the Chinese, enough already. It says to the Chinese that their unfair trade policies have got to end. It says to the Chinese, this is a shot across your bow. Reform because if you don't, there are going to be dramatic consequences throughout the world, in our country, and in your country as well.

The bottom line is very simple: The Chinese have enjoyed a huge trade surplus with the United States, as this chart shows. Every year it gets larger and larger and larger. Admittedly, some of that trade surplus is due to the rules of free trade. But much of that trade surplus is because the Chinese don't play fairly. They don't let our goods into their country. I can tell you of company after company in New York that cannot sell goods in China or can only sell the goods under certain conditions that make it impossible for them to sell them.

The Chinese make no effort to prevent the ripping off of our intellectual property. These are our crown jewels, the great creativity, the great entrepreneurialness of the American business community that is taken, and they shrug their shoulders. And worst of all, the Chinese, despite the fact that they have tremendous advantages by the rules of free trade, pile on unfair rules that violate free trade.

At the top of that list is the fact that the Chinese peg their currency abnormally low so that their exports get a 27-percent advantage in the United States; our imports get a 27-percent disadvantage when sold in China. Every tenet of free trade, if you believe in it, says they should not peg their currency.

Senator GRAHAM and I have foreborn. We were asked by the administration last year: Let us negotiate. I agreed. Negotiating would be better. But nothing happened. The Chinese give lip-service and don't change their trade policies a jot.

What does this mean for America? It means a huge job loss.

We have suffered dramatically in manufacturing jobs, and now service jobs and other jobs. It means we have a huge trade deficit. It means the dollar sinks to abysmally low levels, threatening our wealth. It creates chaos in the whole world trading system. The euro and the yen bear the pressure of the Chinese currency evaluation against the dollar.

We are fed up. This is a measure that should not have to be on this floor. The Chinese should play by the rules once and for all. How can we stand by as millions of American workers lose their jobs, as thousands of American companies cannot compete fairly, as our country as a whole has wealth drained from it?

The U.S.-China Commission, set up by this and the other body to try to bring fair trade to China, believes this is the best way to go. The list of manufacturers, business leaders, and labor leaders who support this legislation is long and large. It is a bipartisan amendment. Senator GRAHAM and I have endeavored to pick up equal amounts of support from each side of the aisle. No one seeks political advantage. What we seek, rather, is fairness—fairness in trade, not in the sense of saying we don't want free trade, but in the sense of playing by the rules.

The Chinese do not play by the rules. We have talked and talked and talked, as a nation, to them, with other nations of the world. We have talked and talked to the Chinese until we are blue in the face. The time for action is now. If not now, when? If not us, who? Millions of American workers, thousands of American businesses, look to us to try to set things right. Today, by passing the Schumer-Graham amendment, we can do that. My guess is this would not have to become law. As soon as it passes this body, the Chinese will actually start to negotiate in earnest. But as long as they think all we do is wield words and do nothing to prevent these practices from continuing year after year after year, they will not budge. So it has come to this.

This amendment is probably one of the most important amendments we will vote on this year in this session of the Senate. I urge my colleagues to study it, to not put off the hour of decision, and to support the Schumer-Graham amendment.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. GRAHAM. Mr. President, first, I acknowledge that it has been a pleasure to work with Senator SCHUMER and others to develop this amendment. We have been involved in this effort for 2 years. We come from different ends of the political spectrum on many issues, but we found common ground here because we hear the comments, whether it is in South Carolina or New York, from manufacturing entities and other business people basically saying China has a business relationship that we cannot compete with. The political dynamic here is real.

Senator LUGAR explained how this amendment affects this bill. I want to let him know I totally understand that. We are now basically running out of options. As Senator SCHUMER said, whether this amendment becomes law is probably not the point. The point is that the Chinese need to understand where the Senate and House stand. The President spoke numerous times about trying to get China to change the value of the currency. Secretary Snow has been to China and brought up this topic. There has been a begrudging movement in words but none in deeds. Talk is literally cheap with the Chinese. Their money is cheaper and it is having an effect on our economy and world relationships that need to be met with decisive political action, because the truth is, for the last decade we have had a very mixed message when it comes to China—both Republicans and Democrats. The only thing the Chinese understand is resolve. The one thing this country has had, when it comes to China in terms of trade, is the lack of resolve.

No one is advocating building a wall around our country. China presents a great opportunity for American business. What we are advocating is allowing China to become part of the world community under the same set of rules we all abide by. They are missing the mark by miles. The money they are making off these trade agreements, where they cheat, is not going into the hands of the everyday Chinese worker; it is going into their military. If we had the same approach during the Soviet Union era by having trade deals with the Soviet Union that would be constantly violated, enriching the government, the Soviet Union would never have collapsed.

China's Communist government is taking the benefit of these trade deals and enriching their military and growing in economic and military strength in the way that I think hampers freedom. It doesn't help spread it. Here are the facts. Since March, 2002, the U.S. dollar has fallen 30 percent against the euro. You know what that has done against the yuan? Not one change. Thirty percent against the euro, but no change against the yuan. They always create an advantage. When we passed normal trading relations with China in 2001, the trade deficit was $100 billion; today it is $160 billion—a 60-percent increase of a trade imbalance since PNTR was passed.

Now, is our market access improving? There is a 5-percent increase of American goods going to China. If you don't believe me and Senator SCHUMER, and you think we are advocating a protectionist philosophy that is antiquated and outdated in the 21st century, maybe you will believe the U.S.-China Commission, which was authorized and empowered by the Congress, the Senate and the House, to investigate China's business dealings, their trade policies.

I ask unanimous consent to have this document printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S.-CHINA COMMISSION RELEASES FINDINGS AND RECOMMENDATIONS ON CHINA'S WTO RECORD

The U.S.-China Economic and Security Review Commission has released the official record of its two-day public hearing held on February 3 and 4, 2005 in Washington, DC examining China and the WTO: Assessing and Enforcing Compliance.

The hearing examined China's record of compliance to date with its WTO commitments and explored options for using U.S. trade laws and WTO mechanisms to address continuing trade problems, including China's undervalued currency and weak enforcement of intellectual property rights (IPR) protections. The Commission heard testimony from senior Administration officials, industry groups, labor organizations, economists, and trade law experts, as well as a bipartisan group of Members of Congress from both the House of Representatives and the Senate.

There was a general consensus among the witnesses that China remains in violation of its WTO obligations in a number of areas impacting vital U.S. economic interests. Witnesses highlighted China's undervalued currency and lack of IPR protections and expressed the view that U.S. government efforts to move China to address these serious problems have not achieved satisfactory results. The hearing also dealt with the application of U.S. trade remedies. The Commission heard testimony that the Administration has not effectively utilized available U.S. anti-dumping laws and China-specific import safeguards to counter China's unfair trade practices.

"It has become increasingly clear that China is not meeting key commitments it made when joining the WTO and that our trade laws have to date been insufficient in addressing these problems," said Commission Chairman C. Richard D'Amato. "In some cases our trade remedies need to be enhanced, in other cases they have been woefully underutilized. The end result has been a trading relationship that is undermining important U.S. economic interests."

In response to these concerns, the Commission has developed a comprehensive set of recommendations to the Congress designed to improve the use of U.S. trade remedies and to move China toward more effective compliance with its WTO commitments. A list of the Commission's recommendations is attached.

The complete hearing record is available on the Commission's web site at www.uscc.gov. Copies may be obtained by calling the Commission at (202) 624-1407.

ADDRESSING CHINA'S CURRENCY MANIPULATION

The Commission recommends that Congress pursue the following measures to move China toward a significant near-term upward revaluation of the yuan by at least 25 percent.

Press the Administration to file a WTO dispute regarding China's exchange rate practices. China's exchange rate practices violate a number of its WTO and IMF membership obligations, including the WTO prohibition on export subsidies and the IMF proscription of currency manipulation.

Consider imposing an immediate, across-the-board tariff on Chinese imports unless China significantly strengthens the value of its currency against the dollar or against a basket of currencies. The tariff should be set at a level approximating the impact of the undervalued yuan. The United States can justify such an action under WTO Article XXI, which allows members to take necessary actions to protect their national security. China's undervalued currency has contributed to a loss of U.S. manufacturing, which is a national security concern for the United States.

Reduce the ability of the Treasury Department to use technical definitions to avoid classifying China as a currency manipulator by amending the 1988 Omnibus Trade Act to (i) include a clear definition of currency manipulation, and (ii) eliminate the requirement that a country must be running a material global trade surplus in order for the Secretary of the Treasury to determine that the country is manipulating its currency to gain a trade advantage.

ADDRESSING INTELLECTUAL PROPERTY RIGHTS (IPR) VIOLATIONS

The Commission recommends that Congress urge USTR to immediately file one or more WTO disputes pertaining to China's violation of its WTO IPR obligations, particularly China's failure to meet the requisite standards of effective enforcement, including criminal enforcement.

TREATING CHINA AS A NONMARKET ECONOMY

The Commission recommends that Congress require that the Department of Commerce obtain Congressional approval before implementing any determination that a nonmarket economy such as China has achieved market economy status. Congress should ensure that China continues to be treated as a nonmarket economy in the application of antidumping and countervailing duties through 2016, as is explicitly permitted by China's WTO accession agreement, unless China clearly meets the statutory requirements for market economy status.

WTO DISPUTE RESOLUTION

The Commission recommends that Congress establish a review body of distinguished, retired U.S. jurists and legal experts to evaluate the dispute resolution mechanism at the WTO. The review body would consider all decisions made by a WTO dispute settlement panel or appellate body that are contrary to the U.S. position taken in the case. In each instance, a finding would be made as to whether the WTO ruling exceeded the WTO's authority by placing new international obligations on the United States that it did not assent to in joining the WTO. If three affirmative findings were made in five years, Congress would be prompted to reconsider the relationship between the United States and the WTO.

ENHANCING THE EFFECTIVENESS OF U.S. TRADE REMEDIES

The Commission recommends that Congress authorize compensation to petitioners in the Section 421 safeguard process for legal fees incurred in cases where the ITC finds that market disruption has occurred but the President has denied relief. Congress should also consider eliminating presidential discretion in the application of relief through Section 421 petitions or limiting discretion to the consideration of non-economic national security factors.

The Commission recommends that Congress maintain the Continued Dumping and Subsidies Offset Act of 2000 (CDSOA or the "Byrd Amendment"), notwithstanding the WTO's ruling that the law is inconsistent with WTO requirements, and accept any retaliatory tariffs that may ensue as the U.S. is permitted to do under its WTO obligations. Congress should press the Administration to seek explicit recognition during the WTO's Doha Round negotiations of the right of WTO members to distribute monies collected from antidumping and countervailing duties to injured parties.

The Commission recommends that Congress clarify without delay the authority of the Committee on the Implementation of Textile Agreements (CITA) to consider threat-based petitions for use of the China-specific textile safeguard negotiated as part of China's WTO agreement.

The Commission recommends that Congress direct the Department of Commerce to make countervailing duties applicable to nonmarket economies to provide an additional tool to combat China's use of government subsidies for its exporters.

The Commission recommends that Congress repeal the "new shipper bonding privilege" that has allowed many importers of Chinese goods to avoid payment of antidumping duties. Importers of goods subject to anti-dumping or countervailing duties should be required to deposit in cash the amount of any estimated applicable duty.

COUNTERING CHINA'S GOVERNMENT SUBSIDIES

The Commission recommends that Congress direct USTR and Commerce to investigate China's system of government subsidies for manufacturing, including tax incentives, preferential access to credit and capital from financial institutions owned or influenced by the state, subsidized utilities, and investment conditions requiring technology transfers. The investigation should also examine discriminatory consumption credits that shift demand toward Chinese goods, particularly as a tactic of import substitution for steel. Chinese state-owned banks' practice of noncommercial-based policy lending to state-owned and other enterprises, and China's dual pricing system for coal and other energy resources. USTR and Commerce should provide the results of this investigation in a report to Congress that assesses whether any of these practices may be actionable subsidies under the WTO.

Mr. GRAHAM. What do they tell us? There was a general consensus among the witnesses—they held 2 days of hearings—that China remains in violation of its WTO obligations in a number of areas impacting vital U.S. economic interests:

> It has become increasingly clear that China is not meeting key commitments it made when joining the WTO and that our trade laws have to date been insufficient in addressing these problems.

They lay out the problems: China currency manipulation, intellectual property theft; treating China as a nonmarket economy; lack of enforcement of U.S. trade remedies that are on the books; China subsidies to businesses that are in violation to WTO.

We have had a very tepid response to China's cheating across the board and we are paying a huge price. Many Americans are losing jobs not because they are being outworked, or because the Chinese are smarter, but because they are being cheated out of their jobs. One way is that the Chinese have taken the value of their currency and artificially suppressed it, creating a discount on every product coming out of China to the detriment of American manufacturing and the world community at large, and all we do is talk to China.

A lot of people are depending on us to do something about China in a constructive fashion. Is this the best way to have done it? No. This is the only way I know of, after 2 years, to get anybody's attention, our attention or China's attention. We passed a sense-of-the-Senate resolution in 2003 that was a compromise that Senator SCHUMER and I made. OK, let's get the Senate on record. It was a sense of the

Senate, and no one objected that China is manipulating its currency in violation of international norms and it costs Americans jobs. That was 2 years ago.

Last year, we were going to put it on the FSC/ETI bill. Everybody said you are going to mess up the bill. So we had a colloquy with Senator GRASSLEY, who is a good friend, and we talked about holding hearings and we talked about engaging China anew, because we didn't want to mess up the bill by bringing this bill forward. That was over a year ago. Not one thing has changed—not one hearing—and the problem gets worse and worse. The balance of trade between us and China is absolutely shameful. We are doing nothing about it other than talking.

Well, this amendment does something about it other than talking. Let me tell you what the U.S.-China Commission said about currency manipulation.

> The commission recommends that Congress pursue the following measures to move China toward a significant near-term upward reevaluation of the yuan by at least 25 percent.

We look moderate compared to the United States-China Economic Security Review Commission.

> Consider imposing an immediate, across-the-board tariff on Chinese imports unless China significantly strengthens the value of its currency against the dollar or against a basket of currencies.

The experts tell us the yuan is 15 to 40 percent below its true market, causing havoc on American manufacturing.

> Reduce the ability of the Treasury Department to use technical definitions to avoid classifying China as a currency manipulator. . . .

They have a list things for us to do. One is imposing an across-the-board tariff. What I and Senators SCHUMER, BUNNING, and others are suggesting we do is put China on notice: In the next 6 months, allow China to move toward reevaluation in a way that will help the American economy, will make China a true, fair member of nations, and if they do not act in the next 6 months in some significant way, then we will look at the ability of this country to protect ourselves against a Communist dictatorship that cheats. And if the Senate is not here to protect the American worker against a Communist dictatorship that cheats, what the heck are we here for?

I hope we will send a message to China they can understand because apparently they do not understand what we are saying any other way.

I have enjoyed this experience working in a bipartisan fashion to stand up for American business interests that are being cheated out of jobs because of a Communist dictatorship that cheats and is building up their military at our expense.

To the American manufacturing community, there are a million other ways we can help. I talked with Governor Engler today. We are going to do more domestically and internationally to level the playing field, but this is a significant start. Will it solve all the problems? No. Will this put China on notice as they have never been put on notice before? Yes. And if we fail to adopt this message, we are also sending a message to China. I am not sure that is a message the American worker can stand having sent to China.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask unanimous consent that all the sponsors of the bill, S. 600—the amendment is identical to the bill—be added to amendment No. 309.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Further, I ask unanimous consent that Senator DURBIN's name be added as a cosponsor to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. I yield to my colleague.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I ask unanimous consent that Senator BURR be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered. Senator BURR will be added as a cosponsor.

The Senator from New York.

Mr. SCHUMER. Mr. President, I would like a followup to some of the comments the Senator from South Carolina has made in reference to our legislation.

First, I will mention the cosponsors of this bill, in addition to Senator GRAHAM and myself, as well as Senator BUNNING. They are: Senator REID, the minority leader, Senator BAYH, Senator DODD, Senator BURR, Senator DEWINE, Senator STABENOW, Senator MIKULSKI, Senator JOHNSON, Senator KOHL, and Senator FEINGOLD, and there are others as well. Senator DOLE I know is a cosponsor as well on the main bill. Now she is added to this amendment as well.

Mr. President, we have asked over and over again those who have said, Don't do this amendment, we know your intention is good, but don't do it, we have asked them over and over. What do we do? Secretary Snow called Senator GRAHAM and me and asked us not to do the amendment, give them a chance to negotiate with the Chinese. That was over a year ago.

You may recall before he even set foot in China, as his plane was in the air, the Chinese Government announced: Do not even try to negotiate on this; we are not changing. We are going to keep pegging our currency—which devalues our currency.

I sat down with a group of leading New York business people. It was at the invitation of one of them who gathered the group of very bright men in an effort to persuade me not to be for this amendment. After an hour and a half, they all agreed it was the right thing to do because we made the argument to them that day that if you believe in free trade, you cannot have one of the largest trading countries abjectly violating the rules. It does not work. It does not work for China, it does not work for America, and it does not work for the rest of the world.

If anyone doubts that the Chinese really play fair, let me mention one little story, and this is the kind of thing that drives us crazy. There is a company in Cortland, NY, called Marietta. Cortland has had tough times. It is an industrial town. Smith Corona used to make typewriters there: It obviously does not do that anymore. Buckbee-Mears had a big ball bearing plant, and that closed. The one saving grace of Cortland was Marietta, which kept growing.

Marietta makes a product we all use. They are the manufacturer of the little soaps and little shampoos that you get when you go to hotels and motels. The way Marietta gets its business, the chairman told me, is that they go to the big hotel companies, such as Hilton, and they say: You pick the color of the soap and the smell of the soap, and we will make sure it is in every room. That is how they have Hilton and other big companies as their customers.

Only one country does not allow Marietta to import its soap and its shampoo—China. When the president called me and I visited the plant up in Cortland, NY, 30 miles south of Syracuse, he told me that the Chinese now do their own business in China. They are using that protected market in China to compete with Marietta now in Southeast Asia, in Europe, and soon in America.

I said: Why don't you file with the WTO?

He said: I will get an answer in about 8 years, and I will be out of business.

Mr. President, I say to my colleagues, I could not agree more with what Senator GRAHAM said. We must do something. This is the best thing to do. It is certainly a lot better than what we have been doing over the last 2 years, which is absolutely nothing.

I urge, on behalf of free trade, on behalf of the world system that really works, and on behalf of saying to countries, You have to play by the rules to gain the benefits, you should not have a $162 billion trade surplus and not play by the rules, I urge them to support the amendment on which Senator GRAHAM and I have worked so long and hard.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I, too, believe in free trade, but I share Senator SCHUMER's thoughts and Senator

GRAHAM's ideas. A great nation such as China needs to understand it has moved to a different level, that it sells an incredible amount of products to the United States of America, and what they do with the value of their currency impacts that trade.

What they have done is not sound policy. Because I believe in free trade, I believe it is not even going to be good for China. It is certainly not good for the United States today.

I do not want to be involved in telling a nation what their currency ought to be. I know the Senator from New York and the Senator from South Carolina do not believe they should, but this is reality.

We are not talking about theory. We moved beyond theory. It is jobs. It is trade. It is a deficit trade that we have with China to an extraordinary degree that continues to grow. So I thank the Senators for their efforts, and I would be pleased to support their amendment.

The PRESIDING OFFICER. Who seeks time?

The Senator from South Carolina.

Mr. GRAHAM. I do not believe we have any more speakers on deck.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, as I indicated at the outset of the debate, as we asked recognition of the Senators who have spoken so eloquently on this amendment, the issue before the Senate is the preservation of the authorization bill itself that we are debating. The issue has been often expressed, but let me mention it again, that the Finance Committee claims jurisdiction of this item. They also have indicated, both on the Senate and House sides, that they will prevent passage of the authorization bill for the State Department and foreign assistance if this item and, for that matter, several others that have been included in prospective amendments are adopted as a part of this bill.

I will not debate the merits of the amendment on China. We have had a hearing before our Foreign Relations Committee and delved into what is clearly a very complex and important issue. I do know, however, that even as we had the hearing for our own information and that of the public, we understood the jurisdictional question. We have tried to respect that. Therefore, on this amendment and on others that also are clearly in the jurisdiction of the Finance or of other committees, I feel compelled, for the sake of preserving this bill, to move to table the amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 33, nays 67, as follows:

[Rollcall Vote No. 86 Leg.]

YEAS—33

Alexander
Allard
Baucus
Bennett
Bond
Brownback
Burns
Cantwell
Carper
Chafee
Cochran
Coleman
Collins
DeMint
Ensign
Feinstein
Frist
Grassley
Gregg
Hagel
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Murray
Nelson (NE)
Roberts
Smith (OR)
Stevens
Sununu
Wyden

NAYS—67

Akaka
Allen
Bayh
Biden
Bingaman
Boxer
Bunning
Burr
Byrd
Chambliss
Clinton
Coburn
Conrad
Cornyn
Corzine
Craig
Crapo
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Enzi
Feingold
Graham
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Martinez
Mikulski
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Snowe
Specter
Stabenow
Talent
Thomas
Thune
Vitter
Voinovich
Warner

The motion was rejected.

Mr. LIEBERMAN. Mr. President, I voted for Senator SCHUMER's and Senator GRAHAM's China currency amendment even though I prefer my own legislation, S. 377, on this issue, which is consistent with our international obligations. Nonetheless, I supported this amendment to send a message to the administration that the time for action on currency manipulation has come.

I acknowledge that if passed, this legislation may be disruptive to our trade obligations. But as noted economist Fred Bergsten wrote in the Financial Times on March 15, the world economy would suffer from a rapid and precipitous decline in the U.S. currency. Such a shock could drive up interest rates and curb U.S. growth to the detriment of all our trading partners.

These risks are greatly exacerbated by the growing U.S. current account deficit and the connected actions by some countries, including China, that are blocking the orderly adjustment of the U.S. dollar by their direct currency intervention. It is long past time for market forces to be allowed to work and time for the administration to press this issue. I note that if national security problems arise, the President under the amendment has waiver authority.

Mr. LUGAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MARTINEZ). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. LUGAR. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue the call of the roll.

The legislative clerk continued with the call of the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. LUGAR. I object.

The PRESIDING OFFICER. There is objection. The clerk will continue calling the roll.

The legislative clerk continued with the call of the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I ask the Senator from Massachusetts and the Senator from New Jersey would they be in agreement that a 15-minute presentation at this point would be possible, and then they would yield to me? I make this request because we have an existential crisis with the bill. Unless we solve it, we will probably not be continuing. This is serious. I understand you have an important colloquy. If it can be contained in 15 minutes, that would be fine.

Mr. LAUTENBERG. We appreciate the opportunity that the Senator has given us.

Mr. KENNEDY. Could we ask then that the Senator from Indiana be recognized after 15 minutes to take whatever action is necessary?

Mr. LUGAR. Yes. Mr. President, I ask unanimous consent to proceed as has been mentioned.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New Jersey is recognized.

INDEPENDENCE OF THE JUDICIARY

Mr. LAUTENBERG. Mr. President, I want to discuss the situation that is developing, questioning the value of the separation of powers, about whether one of the powers has rights that succeed the powers of the other. Particularly, my subject now regards the judiciary and whether it is a free, unencumbered judiciary, as it ought to be.

Mr. KENNEDY. Will the Senator from New Jersey be kind enough to yield for a brief observation and question?

Mr. LAUTENBERG. Yes.

Mr. KENNEDY. Mr. President, the Senator from New Jersey is addressing the Senate on a very important issue, the independence of the judiciary. I think this is an important statement. Many of us have been deeply concerned by statements that have been made recently by Congressman TOM DELAY, who used the words, "The time will come for men responsible for this to answer for their behavior," in relationship to the decision of the courts in the Schiavo case. The Senator from Texas has also mentioned and talked about the judiciary in a similar vein this week..

I ask unanimous consent that a New York Times editorial, regarding these statements be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 6, 2005]

THE JUDGES MADE THEM DO IT

It was appalling when the House majority leader threatened political retribution against judges who did not toe his extremist political line. But when a second important Republican stands up and excuses murderous violence against judges as an understandable reaction to their decisions, then it is time to get really scared.

It happened on Monday, in a moment that was horrifying even by the rock-bottom standards of the campaign that Republican zealots are conducting against the nation's judiciary. Senator John Cornyn, a Texas Republican, rose in the chamber and dared to argue that recent courthouse violence might be explained by distress about judges who "are making political decisions yet are unaccountable to the public." The frustration "builds up and builds up to the point where some people engage in" violence, said Mr. Cornyn, a former member of the Texas Supreme Court who is on the Senate Judiciary Committee, which supposedly protects the Constitution and its guarantee of an independent judiciary.

Listeners could only cringe at the events behind Mr. Cornyn's fulminating: an Atlanta judge was murdered in his courtroom by a career criminal who wanted only to shoot his way out of a trial, and a Chicago judge's mother and husband were executed by a deranged man who was furious that she had dismissed a wild lawsuit. It was sickening that an elected official would publicly offer these sociopaths as examples of any democratic value, let alone as holders of legitimate concerns about the judiciary.

The need to shield judges from outside threats—including those from elected officials like Senator Cornyn—is a priceless principle of our democracy. Senator Cornyn offered a smarmy proclamation of "great distress" at courthouse thuggery. Then he rationalized it with broadside accusations that judges "make raw political or ideological decisions." He thumbed his nose at the separation of powers, suggesting that the Supreme Court be "an enforcer of political decisions made by elected representatives of the people." Avoiding that nightmare is precisely why the founders made federal judgeships lifetime jobs and created a nomination process that requires presidents to seek bipartisan support.

Echoes of the political hijacking of the Terri Schiavo case hung in the air as Mr. Cornyn spoke, just days after the House majority leader, Tom DeLay, vengefully vowed that "the time will come" to make the judges who resisted the Congressional Republicans' gruesome deathbed intrusion "answer for their behavior." Trying to intimidate judges used to be a crime, not a bombastic cudgel for cynical politicians.

The public's hope must be that Senator Cornyn's shameful outburst gives further pause to Senate moderates about the threats of the majority leader, Senator Bill Frist, to scrap the filibuster to ensure the confirmation of President Bush's most extremist judicial nominees. Dr. Frist tried to distance himself yesterday from Mr. DeLay's attack on the judiciary. But Dr. Frist must carry the militants' baggage if he is ever to run for president, and he complained yesterday of "a real fire lighted by Democrats around judges over the last few days."

By Democrats? The senator should listen to what's being said on his side of the aisle, if he can bear it.

Mr. KENNEDY. Mr. President, I draw to the attention of the Senate that today the Judicial Conference has asked the White House and the Senate for $12 million to help protect judges from violence. When we see leaders in Congress making statements which clearly have incited, or threaten to incite, violence against judges, the same judges, honorable men and women appointed to uphold America's laws and ideals, who are living in fear of violence, we must be concerned.

The Judicial Conference is requesting $12 million to provide protection for the American judiciary. What in the world is this Congress and this Senate coming to? I think it is appropriate for the leaders and other members in this body and the House to tone down their rhetoric, and avoid the threats to the American judiciary. I think that is absolutely unconscionable.

When you have the Judicial Conference asking for this, that indicates where the judges themselves—made up of Republicans and Democrats—are coming from. I intend to offer an amendment on the supplemental to positively respond to their request and to get the $12 million. I am interested if my friend from New Jersey would cosponsor that.

Mr. LAUTENBERG. Yes, I would be pleased to. Mr. President, I ask the Senator from Massachusetts, why should we be surprised they ask for more protection? We have seen atrocious assaults on members of the bench and their families.

What we see is, I think, the beginning of a firestorm, and the problem is that the fuel is being provided by comments made here and in the other body.

I start off by reading from article III, section 1 of the U.S. Constitution. It says:

> The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.

It is pretty clear to me. It says judicial power is vested in our courts, not in the Congress. The Constitution gives the Senate a role in the appointment of judges, and we are supposed to provide advice and consent, not direction. But once a judge is seated on the bench, his or her decisions are not subject to our approval.

The Founding Fathers, in their brilliance, set it up that way on purpose. They wanted to make sure that court decisions would be based on legal grounds, not political grounds. But today there is an orchestrated effort to smear the reputation of the judiciary, especially Federal judges. And the effort is being waged by Republicans in Congress as a prelude to an attempt to change the rules for confirming judicial nominations.

In order to justify this nuclear option, they are trying to paint judges as "activists" and "out of control."

In reality, it is the leadership of this Congress that is out of control and endangering the future of a fair court system.

In this Chamber on Monday, one of our colleagues said Americans are becoming frustrated by the rulings of the judges—so be it; that is all right, you can be frustrated as much as you want—but then he accused the judges of making "raw political or ideological decisions." That was in the quote from our colleague's statement.

He went on to say:

> I wonder whether there may be some connection between the perception in some quarters, on some occasions, where judges are making political decisions yet are unaccountable to the public . . . that it builds up and builds up and builds up to the point where—

Listen to this—

> where some people engage in violence.

These are comments made by a Senator. The remarks are almost unbelievable. Yet they echo the words last week of the House majority leader. Speaking of the judges in the Schiavo case, the House majority leader said:

> The time will come for the men responsible for this to answer for their behavior.

What does that imply? These are inflammatory words. They ignore the fact that our Founding Fathers wanted judges to be insulated from political pressure, and they are words that could easily incite violence against judges.

On this past Sunday, a columnist in the hometown newspaper of the House majority leader, the Houston Chronicle, wrote:

> It is time for him to stop sputtering ill-tempered threats, not only at the judiciary but also at the U.S. Constitution, which he repeatedly has sworn to uphold.

There were two matters that made things worse, two recent episodes to which the Senator from Massachusetts made reference involving violence against judges and their families. In Chicago, a man fatally shot the husband and the mother of a Federal judge who had ruled against him in a medical malpractice suit. And in Atlanta last month, a man broke away from a deputy, killed four people, including the judge presiding over his rape trial. Is that what these people see? Is that what our colleagues saw? Is that what the House majority leader saw, an opportunity to take revenge on judges who make decisions with which they disagree? What are we, some lawless nation where if you do not like it, you kill the person who did it?

Were these judges who suffered terribly while performing their official duties activists? Were they out of control?

The message being sent to the American people by the other side of the aisle is not only irresponsible, but downright dangerous to our Nation's judges.

Like the nuclear option, the goal here is to have judges make political decisions rather than legal decisions. They are trying to intimidate sitting judges, and they are trying to change Senate rules to get bad judges on the bench.

I vow to fight this nuclear option, as well as these irresponsible threatening statements. I do that for my family and for American families across this country.

In my view, the true measure of democracy is how it dispenses justice. In this country, any attempt to intimidate judges not only threatens our courts but our fundamental democracy as well.

I note that a letter was sent out most recently by the distinguished majority leader. It is dated March 31, 2005. He invites colleagues—it says: "Get a Fresh Perspective on Our Nation's"—this is on the majority leader's stationery—"Get a Fresh Perspective on Our Nation's Religious Heritage with a Special Tour of the U.S. Capitol":

> Dear Colleague: I am writing to invite you and your family to a private tour of the U.S. Capitol Building with WallBuilders' President, David Barton, on Monday, April 11, 2005. The walking tour will commence at my office—

And he identifies the location of his office and the time, and then adds:

> David Barton is the founder and President of WallBuilders, a national pro-family organization which distributes historical, legal, and statistical information, and helps citizens become active in their local schools and communities. He is an historian noted for his detailed research into the studied the religious heritage of our nation. Among some of the interesting facts made by Mr. Barton:
>
> The U.S. Capitol served as a church building for decades.
>
> The first English-language Bible in America was printed and endorsed by the United States Congress.
>
> The original Supreme Court—composed of numerous signers of the Constitution—began their sessions with ministers coming in and praying for the Court, the jury, and their deliberations.

The majority leader goes on to say:

> You will also learn inspiring stories behind the faces, paintings, and statues in the U.S. Capitol Building and view original documents from George Washington and others . . . which are depicted in artwork. . . .

I have read something of Mr. Barton's biography:

> Mr. Barton intends to prove that the separation of church and state is a myth, and that America's Founders intended for the United States to be a Christian nation.

Does that mean those of us who are not Christian—whether Muslim, Jewish, or some other religion—are not part of this great nation?

The majority leader is the one making this suggestion. Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> U.S. SENATE,
> *Washington, DC, March 31, 2005.*
>
> GET A FRESH PERSPECTIVE ON OUR NATION'S RELIGIOUS HERITAGE WITH A SPECIAL TOUR OF THE U.S. CAPITOL
>
> DEAR COLLEAGUE: I am writing to invite you and your family to a private tour of the U.S. Capitol Building with WallBuilders' President, David Barton on Monday, April 11, 2005. The walking tour will commence at my office, S–230 of the U.S. Capitol at 6:00 p.m. and conclude at 7:00 p.m.
>
> David Barton is the founder and President of WallBuilders, a national pro-family organization which distributes historical,legal, and statistical information, and helps citizens become active in their local schools and communities. he is an historian noted for his detailed research into the religious heritage of our nation. Among some of the interesting facts covered by Mr. Barton:
>
> The U.S. Capitol Building served as a church building for decades.
>
> The first English-language Bible in America was printed and endorsed by the United States Congress.
>
> The original Supreme Court—composed of numerous signers of the Consititution—began their sessions with ministers coming in and praying over the Court, the jury, and their deliberations.
>
> You will also learn inspiring stories behind the faces, paintings, and statues in the U.S. Capitol Building and view original documents from George Washington and others (some that are over 400 years old) which are depicted in artwork throughout the Capitol.
>
> If you and your family would like to participate, contact Brook Whitfield in my office at 202–224–0948 or brook whitfield@first.senate.gov to RSVP. I look forward to seeing you then.
>
> Sincerely,
> WILLIAM H. FRIST M.D.,
> *Majority Leader, U.S. Senate.*

Mr. LAUTENBERG. Mr. President, I quote from this report:

> Now Barton appears to be angling for a spot on the national stage. He is touring the nation again, this time with financial support from the Republican National Committee as part of what is described as a larger get-out-the-vote effort.
>
> As he tours the country, Barton leads pastors in sessions examining the role Christianity played in America's founding and puts forth his usual shaky thesis. But Barton doesn't stop there. Barton's not-so-subtle message is that America's Christian heritage is at risk—and only voting Republican can save it.

I want those who hear me across America to pay attention: "Christian heritage is at risk." That means that all the outsiders, all of those who approach God differently but are people who believe in a supreme being; people who behave and live peacefully with their neighbors and their friends. No, this is being put forward as an attempt—a not too subtle attempt—to make sure people understand that America is a Christian country. Therefore, we ought to take the time the majority leader offers us, as Members of the Senate, for a chance to learn more about how invalid the principle of separation between church and state is.

I hope the American public sees this plan as the spurious attempt it is.

I ask my colleagues if they want to go to a Christian-only spokesman who will tell us about how insignificant the separation between church and state is. The question is fundamental to the Constitution. Are we a country of laws? If we are, then we must respect the law and we must hold the law free from threats.

How does it feel when one looks at the Federal judge in Chicago who had her husband and her mother murdered because someone disagreed with her legal decision? How do we feel about seeing this guy break loose in Atlanta and kill the judge and a deputy? Senator KENNEDY just mentioned the fact that there was a $12 million request for security for judges and courtrooms. I do not blame them. This is not some lawless country where if a judge makes a decision he better run for his life; nor is it Iraq, where those who are upholding the law are getting killed because other people disagree with them. We should not stand for this.

I ask the majority leader to withdraw that invitation to tour the U.S. Capitol with this man who says that this should be a Christian-only country. How can he dare undermine the principles that are in our brilliant Constitution that was written so many years ago? We are entering a dangerous period, in my view.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LAUTENBERG. I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, work continues among a number of Senators who are deeply interested, as I am, in the resolution and the amendment ahead of us. For the moment it appears we ought to give more time to this discussion. So I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. LUGAR. I object.

The PRESIDING OFFICER. The objection is heard. The quorum call will be continued.

The legislative clerk continued to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, in a moment I am hopeful the Chair may recognize the distinguished Senator from Connecticut, Mr. DODD, for 10 minutes in which he will offer an amendment. On our side, we are prepared to accept the amendment. Therefore, we will at least make some progress while the other discussion continues.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

AMENDMENT NO. 318

Mr. DODD. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The bill clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself and Mr. LIEBERMAN, proposes an amendment numbered 318.

Mr. DODD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To specify requirements under the Arms Export Control Act applicable to the VHXX Executive Helicopter Program (also known as the Marine One Presidential Helicopter Program).

At the end of subtitle B of title XXII, add the following:

SEC. 2239. APPLICABILITY OF ARMS EXPORT CONTROL ACT REQUIREMENTS TO VHXX EXECUTIVE HELICOPTER PROGRAM.

(a) TREATMENT AS COOPERATIVE PROJECT.—The VHXX Executive Helicopter Program (also known as the Marine One Presidential Helicopter Program) shall be treated as a cooperative project for purposes of the Arms Export Control Act (22 U.S.C. 2751 et seq.) as authorized under section 27 of that Act (22 U.S.C. 2767).

(b) LICENSING AND NOTICE REQUIREMENTS.—

(1) IN GENERAL.—Any licensing and notice to Congress requirements that apply to the sale of defense articles and services under the Arms Export Control Act shall apply to any foreign production (including the export of technical data related thereto) under the VHXX Executive Helicopter Program without regard to any dollar threshold or limitation that would otherwise limit the applicability of such requirements to such production under that Act.

(2) NOTICE TO CONGRESS.—Notwithstanding the treatment of the VHXX Executive Helicopter Program as a cooperative project for purposes of the Arms Export Control Act under subsection (a), section 27(g) of that Act (22 U.S.C. 2767(g)) shall not be applicable to the program, and the notice requirements of subsections (b) and (c) of section 36 of that Act (22 U.S.C. 2776) shall be complied with in the issuance of any letters of offer or licenses for the program as required by paragraph (1).

(c) LIMITATION ON ISSUANCE OF LICENSES.—No license may be issued under the Arms Export Control Act for any portion of the VHXX Executive Helicopter Program, including research and development and the sharing of technical data relating to the program, until each participant in the program agrees, in writing, not to enter into any contract, or otherwise do any business, with any party who is subject to the jurisdiction of a country that supports international terrorism for five years after the date of the completion of the participation of such participant in the program.

(d) COUNTRY THAT SUPPORTS INTERNATIONAL TERRORISM DEFINED.—In this section, the term "country that supports international terrorism" means any country whose government has repeatedly provided support for acts of international terrorism for purposes of either of the provisions of law as follows:

(1) Section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)).

(2) Section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

Mr. DODD. Mr. President, in order to move things along in time, I appreciate the willingness of the distinguished chairman of the Foreign Relations Committee to accept the amendment. It is very simple amendment.

It says that foreign companies involved in developing the President's Marine One helicopter must pledge in writing that they will not conduct business with state-sponsors of terrorism during the contract and 5 years after it has been completed. Moreover, it provides that those involved in building such technologies will be subject to at least the same export licensing requirements as other defense projects built jointly by the U.S. and foreign manufacturers, as governed by the U.S. Arms Export Control Act.

The principle is clear, and hardly controversial. I am sure my colleagues will agree that there are few more sensitive and more important national security concerns than the safe transport of our country's chief executive. But the aircraft we are talking about today is far more than a mode of transportation. It will be outfitted with some of the most advanced technology available to ensure secure communications and easy maneuvering to avoid any possible threats from the ground and air. As long as the President is in flight, this aircraft will be a global nerve center, with critical information constantly flowing in and essential decisions flowing out. This aircraft needs to be safe and secure, and well-equipped to ensure secure communications. For obvious reasons, the technology making this happen needs to be protected at all costs.

We cannot afford to let America's enemies gain access to any of this critically important technology. That is why companies involved in developing Marine One cannot be allowed to have any relations with our most dangerous adversaries. Such relations might present opportunities for the sharing of designs or materials with state-sponsors of terrorism.

Armed with such information, terrorists could learn about the vulnerabilities of the Presidential helicopter, and attempt to intercept critical communications or effectively target our President from the air or from the ground.

My amendment also says that when it comes to this critically important technology, there should be no chance that anyone wishing America harm could gain access to our most sensitive secrets. When it comes to this critical defense system, there should be no exceptions to our export licensing.

It may come as a surprise to some that this amendment would even be necessary, but it should not come as a surprise that Senator LIEBERMAN, my cosponsor on this amendment, and I are deeply concerned about what could happen. But I am afraid that troubling reports have surfaced about a European partner in the manufacturing team recently awarded the contract to build Marine One. As many of my colleagues know, Agusta Westland, an Italian-British consortium, was tasked with building this helicopter's basic design as well as manufacturing approximately 30 percent of the aircraft's components, including the rotor blades to be built in Yeovil, England, and the main transmission, to be constructed in Cascina Costa, Italy.

Obviously, I have some local interests in this case. The Navy selected the European/American team over the Connecticut-based, All-American Sikorsky team which has administered the Marine One contract for about 50 years. Truth be told, I believe that Sikorsky has a better performing, more experienced aircraft team as well as a superior design. But my concerns go beyond parochial interests, and even the technical merits of the aircraft. I am gravely troubled about the impact this contract award will have on the United States' ability to stay competitive in the global helicopter industry. But more importantly, I am deeply troubled that the European partner in the winning contractor team is currently considering conducting business with a sworn enemy of the United States—the Islamic Republic of Iran.

I have here a list of companies who recently attended an air show in Kish, Iran, exhibiting their wares, and soliciting business from the Iranian Government. Listed at number 50 on this list is Agusta Westland as well as its parent company Finneccanica at number 52. We do not know what they were marketing at their exhibits during the January 18–21 trade show, but it is surely the view of this Senator that no government manufacturer of such sensitive technology as the U.S. Presidential helicopter has any business even entertaining the idea of doing business with state sponsors of terrorism such as Iran.

How can we allow the chance that a sworn adversary of the United States like Iran could gain access to America's most sensitive defense technologies? I know that my colleagues are keenly aware of the history of Iran's government, dating back to the taking of American hostages in 1979 and the installation of a brutal fundamentalist dictatorship. But let me be utterly clear about the threat that we are dealing with here. We are talking about one of the three members of what President Bush referred to as "the Axis of Evil." This is how the State Department described U.S. relations with Iran in its most recent Iran country report:

> As a state sponsor of terrorism Iran remains an impediment to international efforts to locate and prosecute terrorists . . . The U.S. Government defines its areas of objectionable Iranian behavior as the following: Iranian efforts to acquire nuclear weapons and other weapons of mass destruction: Its support for and involvement in international terrorism; Its support for violent opposition to the Middle East peace process; and its dismal human rights record.

President Bush himself referred to the threat posed by Iran in his most recent State of the Union address, stating:

> Today, Iran remains the world's primary state sponsor of terror, pursuing nuclear weapons while depriving its people of the freedom they seek and deserve.

Unclassified intelligence reports have attributed dozens of acts of international terrorism to the Iranian government or surrogate terrorist groups since the 1990s. One such Iranian surrogate is Islamic Jihad, also known as Hezbollah, which publicly has claimed responsibility for a number of attacks on innocent civilians throughout the world from Argentina to Israel. And they continue to prosecute attacks in Israel, and threaten instability in Lebanon.

Meanwhile, terrorists are moving in and out of Iraq and Afghanistan across Iranian borders, attacking U.S. troops with either Tehran's support or outright sponsorship. And today, as we entrust the security of our President and our most sensitive national security secrets to a major European subcontractor, we are facing the prospect of having such a critical U.S. defense system shared with one of the America's gravest adversaries.

The stakes could not be any higher. We cannot afford to allow critical American technology to fall into the hands of terrorist states. And we cannot allow those who wish us harm access to information on any aircraft that would be carrying the President of the United States.

For these reasons, I am offering this amendment which, I repeat, addresses two critical concerns that I have raised here today:

First, my amendment forbids any company involved in building the Marine One aircraft from conducting business with a state sponsor of terrorism; second, it subjects the Marine One contract to standard export controls governing joint U.S.-foreign defense programs, waiving exemptions provided to companies from NATO countries.

I know that there are some who might object to this provision as being too harsh on our allies, particularly since it eliminates waiver protections pertaining to companies in NATO countries. But the honest and sobering reality is that I am not proposing anything nearly as drastic as what our NATO allies are currently doing in the conduct of their own defense contracts.

Unlike the legitimate security concerns I have voiced here on the floor today, our European friends are currently banning non-European helicopter manufacturers from even competing for bids in their countries, simply in order to protect their domestic defense industry. As this chart demonstrates—in the market for medium lift helicopters, the U.S. has been banned from even bidding for contracts with the governments of the United Kingdom, France, Portugal, Norway, the Netherlands, Sweden, Denmark, Finland, Germany, Italy, and Greece.

My amendment does not attempt to impose the same protectionist measures that these countries have imposed. This measure is critically important in safeguarding secrets that are fundamental to our Nation's government. It will ensure that no person with access to our most sensitive national security technologies has the opportunity to share these critical secrets with those who would wish us harm. We are simply standing up for the most sensitive security interests of our nation and the safety of our President.

Anything less would be reckless and a dereliction of our duty as Americans.

I merely point to this fact. Nothing in this amendment would suggest we ought to keep them out of our own country, but we ought to be aware that, while we are talking about free trade, in the European nations themselves a United States firm cannot even get in the bidding process. So there are other reasons why this amendment ought to be adopted.

I urge my colleagues to do so, and I thank the chairman of the committee for supporting the amendment.

Mr. LUGAR. Mr. President, as I indicated at the outset, we are prepared on our side to accept the amendment. Therefore, I urge its adoption.

The PRESIDING OFFICER (Mr. COBURN). Is there further debate?

Without objection, the amendment is agreed to.

The amendment (No. 318) was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. LUGAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, this amendment has the effect of placing a serious impediment, if not an absolute block, against the United States proceeding to fulfillment of a contract entered into by the Department of Defense—more specifically, the Navy Department having been the executive agent on this contract—for the procurement of the replacement helicopters commonly referred to as marine I. It is the fleet that serves the President primarily and others associated with the White House.

This contract was in negotiation for over a year. It was an open and free competition. So far as I know there was no question raised against the contract being awarded to the winning company, a U.S. company, together with a consortium of overseas participants with, nevertheless, the U.S. company being the lead company.

The amendment was drafted to the Arms Export Control Act and it is intended to prevent the Navy from going forward with this acquisition program. This is a matter that is clearly within the jurisdiction of the Armed Services Committee. Normally, we consult committees before acting.

I do not fault the distinguished chairman of the Foreign Relations Committee. I think at the time this was done very hastily, it was not clear to the staff and the chairman of the Foreign Relations Committee that it was within the jurisdiction of the Armed Services Committee. Otherwise, I would have come over to the floor earlier.

Now, the amendment having been adopted, I, together with my two distinguished colleagues from New York, Senators CLINTON and SCHUMER, will address this matter tomorrow or during the course of the further consideration of the Foreign Affairs Authorization Act. But I can assure you, we will employ every parliamentary device available to us to see that this matter is rectified because I think it was not done in a manner that is consistent with what we normally do around here by way of procedures. Secondly, I think it is detrimental to the whole performance of the contracting and procurement responsibilities of the Secretary of Defense.

So for the moment, for those interested in this contract, let it be known there is a group of us who are going to have this reexamined and, if necessary, take it to the full Senate for consideration before this bill is finally acted upon.

I thank the Chair.

Mr. LUGAR. I am advised the distinguished Senator from Illinois has a statement he would like to make at this time. I ask the Chair to allocate 5 minutes to the Senator and then to recognize me following that statement.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Mr. President, I wonder if I might be recognized after the distinguished chairman, Chairman LUGAR.

Mr. LUGAR. I amend my request that after I am recognized, the distinguished Senator from Alabama be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

(The remarks of Mr. DURBIN are printed in today's RECORD under "Morning Business.")

Mr. LUGAR. Mr. President I ask that the Chair now recognize the distinguished Senator from Alabama. I understand he will discuss amendments but not offer them at this time.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I want to share some comments about a matter which I became aware of recently. I think it is rather dramatic, and it is a matter which this Senate should deal with.

The United Nations is planning to renovate the United Nations Headquarters Building in New York. The New York Sun reports that they are projecting to spend $1.2 billion to renovate that building. That is a lot of money! But, frankly, I don't know what it takes to build a building in New York, and neither do most folks. But there are some people who do and we'll look to their opinions later.

It is a 30-story building. We own the real estate. It was modern once, when it was built in 1953, and people thought it was avant garde at the time. I have never been impressed with it, but it is an imposing structure. The fact that we need to renovate that building may not be disputable. It probably does need it, although it was renovated pretty substantially in the 1970's. Equivalent in today's dollars, over $150 million was spent on it.

The current plan is for the United States to loan the money at a 5.5 percent interest, a somewhat realistic interest rate, whereas the U.N. is holding out on accepting the offer. They probably would like a loan at no cost. The GAO reported that was Annan's initial desire.

The United Nations, as we know, is notoriously wasteful in the spending of its money. I wish that it weren't so, but it is a plain fact. Their cost controls have never been good. The Oil-For-Food Program that has been discussed so much lately is the biggest boondoggle—fraud, really—in the history of the world. This U.N. program is out of control. Waste of money under any circumstances is not acceptable.

The United States, of course, pays about 20 percent of U.N. dues. We are the largest dues-paying member of the United Nations. I believe we pay a total of 22 percent of those dues. But regardless of that, UN dues are funds that have been sent to the United Nations by nations all over the world, and that money ought to be spent for good things with good purposes, purposes consistent with the ideals and principles on which the United Nations was founded—feeding the poor, improved medical care around the world, aid for research and treatment, river blindness, and peacekeeping missions.

We don't have enough money to handle all the missions we need to do in the world, and the U.N. ought to do more. They do economic development, infrastructure improvements, and democracy building, but there is never enough money to do all of those things we should. Surely, with all the potential beneficial projects in the world, there is no room to waste money on a project, much less a project that would build offices for bureaucrats.

Let me share this story with you, which is pretty shocking to me. The $1.2 billion loan the United Nations wants is to renovate a building. Some member of the United Nations, a delegate, apparently, from Europe, had read in the newspaper in New York that Mr. Donald Trump, the premier real estate developer in New York, the largest in New York by far, who has his own television show now—had just completed the Trump World Tower—not a 30-story building like the United Nations, but a 90-story building, for a mere $350 million, less than one-third of that cost. So the European United Nations delegate was curious about the $1.2 billion they were spending on the United Nations.

He knew he didn't know what the real estate costs are in New York. So, he called Mr. Trump and they discussed it. Mr. Trump told him that building he built for $350 million was the top of the line. It has the highest quality of anything you would need in it.

They discussed the matter, and an arrangement was made for Mr. Trump to meet Kofi Annan, Secretary-General, to discuss the concerns. The European delegate was somewhat taken back at Trump's reaction because he just didn't know how much it would cost. He had originally thought Mr. Trump's figures that were printed in the paper were in error.

So according to Mr. Trump, who I talked to personally this morning, they go meet with Mr. Annan, who had asked some staff member to be there, and Mr. Trump is very outraged about this staffer. When the European asked how these numbers could happen, Mr. Trump said the only way would be because of incompetence, or fraud. That is how strongly he felt about this price tag because he pointed out to me that renovation costs much less than building an entirely new building. So he has a meeting with Mr. Annan, and they have some discussion. And Mr. Trump says these figures can't be acceptable.

He told me in my conversation this morning, he said: You can quote me. You can say what I am saying. It has already been reported in the newspapers. He said they don't know. The person who had been working on this project for 4 years couldn't answer basic questions about what was involved in renovating a major building. He was not capable nor competent to do the job.

He was further concerned. He went and worked on it, and talked about it, and eventually made an offer. He said he would manage the refurbishment, the renovation, of the United Nations Building, and he would not charge personally for his fee in managing it. He would bring it in at $500 billion, less than half of what they were expecting to spend, and it would be better.

He told me: I know something about refurbishment and renovations. I do a lot of that, also. I know how to do that. Yet he never received a response from the United Nations, which raised very serious concerns in his mind about what was going on there.

Let me further note some comments in the New York Sun article of February 4 of this year dealing with this subject. It starts off quoting Mr. Trump in this fashion:

> "The United Nations is a mess, and they're spending hundreds of millions of dollars unnecessarily on this project." And several other Manhattan real estate experts agreed, saying that the space should cost a fraction of what is being projected on a square foot basis.

In addition to this, by the way, after refurbishing their existing building, there are plans to construct a 35-story, 900,000-square-foot swing space over Robert Moses Park, plus a 100,000-square-foot esplanade park, which the United Nations Development Corporation says will be built into the East River. That has an additional price tag of $650 million. But that is a separate issue because they are having some additional problems with that, I understand, at this point.

> An executive managing director at the commercial real-estate firm Julien J. Studley Inc., Woody Heller, said a thorough renovation of an office building would probably cost between $85 and $160 per square foot.

I am still reading from that newspaper article.

> Also from there, an executive vice president at Newmark, Scott Panzer, said renovation prices could range between $120 and $200 per square foot.

From the article:

> Mr. Panzer, who works with many corporations to redevelop their buildings for future

> efficiency and energy cost savings, put a price of $70 to $100 per square foot on infrastructure upgrades. Those would include heating; ventilation; air conditioning; replacing the central plant; fenestration (specifically, switching from single-pane to thermal-pane windows); upgrading elevator switch gears, mechanicals, and vertical transportation; improving air quality, and making security upgrades. On top of that amount, another $50 to $100 per square foot would take care of the inside office improvements.

Fifty dollars is a lot of money to renovate a room. Remember, this is renovation, not building. You can probably build a building in Alabama for $100 a square foot.

> The chairman of the global brokerage at commercial real-estate firm CB Richard Ellis, Stephen Siegel, said high-end commercial renovation usually runs from $50 to $100 per square foot. For a renovation that does not include new furniture . . . [and this plan does not] but does provide for improved heating, ventilation, and air-conditioning equipment, as well as work on the building exterior, the cost would be closer to the $100 end of the range, Mr. Siegel said. Even accounting generously for upgrades that might be peculiar to the U.N., Mr. Siegel added he would set $250 per square foot as the absolute maximum.

Some in the industry have estimated, however, that the dimensions of the U.N. headquarters building and total square footage in need of refurbishment is probably actually less than 1.1 million square feet ,less than what they are saying, because it has been suggested that they were counting the parking deck in the renovation and other parts of the building that are not occupied. If you take out the parking deck and these other areas, you get a different figure than the 2.5 million they give you.

Using the U.N. figures, the capital master plan yields a square foot cost of $452.71 for the renovation per square foot. That is breathtaking and completely out of common sense. It is almost twice what Mr. Siegel said would be the absolute maximum.

But that is not all. If you go back and take out the parking deck and some of these other areas of the building that would not normally be considered when you think of the square foot of renovation, let me tell you what the figure comes to, and hold on to your hat: $1,100 per square foot. According to Mr. Trump, this is three, four, maybe five times the cost of this renovation, making this the most expensive renovation in history. Mr. Siegel said the $1.2 billion cost estimate was "outrageous." This is a professional real estate man in New York City. He said the cost of renovation would be nearly as much as the price of putting up a new building, including the cost of land, and he would set the cost of the land at $500 per square foot, but that is already paid for in this case.

This is a big deal. A GAO report has looked at it. It assumes that our Government will pay 22 percent of the $1.2 billion loan principal. In other words, because we pay about that much percentage in our dues to the U.N., we will pay 22 percent of the $1.2 billion paying the principal back. The American taxpayers have a real interest in this.

There are some negotiations now. The administration is saying, you ought to pay some interest. We want to be paid 5.5 percent. We will loan you the money, but we want to be paid 5.5 interest. The U.N. is holding out to accept our loan, perhaps Mr. Annan is holding out for a loan with zero-interest.

We would like the U.N. to have good quarters. We would like them to renovate if that is the right thing to do. However, the United Nations has a responsibility not only to the United States, the largest contributor, but to every single country that contributes to that organization. Many of them are not wealthy. Many of them contribute significantly to the U.N. They have a responsibility to use that money wisely.

I am very concerned in light of the oil-for-food scandal and other problems we have seen at the U.N. that we are heading down the road to an incredibly wasteful adventure in New York. The U.S. Government ought to do everything it can not only to protect our own treasury, but to protect the U.N. Secretary, to make sure this boondoggle does not go forward.

At some point legislation by this Congress needs to be passed to allow, encourage, or require our leadership to demand strict accounting of what is being spent, to demand that any construction or renovation be done in a cost-effective way, to make sure there is no fraud, there is no corruption, no kickbacks, and no abuses whatsoever in building this building, and that every dollar of the U.N. is spent wisely and carefully.

Those are my concerns. I thank the New York Sun for making a point in this article. I thank Mr. Trump for his willingness to speak publicly. He is pretty frank about it. Obviously, he is very concerned. He felt this was not being handled in a wise way. He saw a disaster on the horizon, and he was willing to speak out about it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, I ask unanimous consent the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 319, 320, 321, AND 322, EN BLOC

Mr. ENSIGN. Mr. President, I ask unanimous consent I be permitted to offer four amendments en bloc, and I send those four amendments to the desk.

The PRESIDING OFFICER. Is there objection to considering the amendments en bloc?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes amendments numbered 319 through 322, en bloc.

Mr. ENSIGN. Mr. President, I ask unanimous consent the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 319

(Purpose: To encourage multilateral cooperation and authorize a program of assistance to facilitate a peaceful transition in Cuba, and for other purposes)

At the end of the bill, add the following:

TITLE XXIX—PEACEFUL TRANSITION IN CUBA

SEC. 2901. SHORT TITLE.

This title may be cited as the "Cuba Transition Act of 2005".

SEC. 2902. FINDINGS.

Congress makes the following findings:

(1) The Cuban people are seeking change in their country, including through the Varela Project, independent journalist activity, and other civil society initiatives.

(2) Civil society groups and independent, self-employed Cuban citizens will be essential to the consolidation of a genuine and effective transition to democracy from an authoritarian, communist government in Cuba, and therefore merit increased international assistance.

(3) The people of the United States support a policy of proactively helping the Cuban people to establish a democratic system of government, including supporting Cuban citizen efforts to prepare for transition to a better and more prosperous future.

(4) The Inter-American Democratic Charter adopted by the General Assembly of the Organization of American States (OAS) provides both guidance and mechanisms for response by OAS members to the governmental transition in Cuba and that country's eventual reintegration into the inter-American system.

(5) United States Government support of pro-democracy elements in Cuba and planning for the transition in Cuba is essential for the identification of resources and mechanisms that can be made available immediately in response to profound political and economic changes on the island.

(6) Consultations with democratic development institutions and international development agencies regarding Cuba are a critical element in the preparation of an effective multilateral response to the transition in Cuba.

SEC. 2903. PURPOSES.

The purposes of this title are as follows:

(1) To support multilateral efforts by the countries of the Western Hemisphere in planning for a transition of the government in Cuba and the return of that country to the Western Hemisphere community of democracies.

(2) To encourage the development of an international group to coordinate multilateral planning to a transition of the government in Cuba.

(3) To authorize funding for programs to assist the Cuban people and independent nongovernmental organizations in Cuba in preparing the groundwork for a peaceful transition of government in Cuba.

(4) To provide the President with funding to implement assistance programs essential to the development of a democratic government in Cuba.

SEC. 2904. DEFINITIONS.

In this title:

(1) Democratically elected government in Cuba.—The term "democratically elected government in Cuba" has the meaning given the term in section 4 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6023).

(2) Transition government in Cuba.—The term "transition government in Cuba" has the meaning given the term in section 4 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6023).

SEC. 2905. DESIGNATION OF COORDINATOR FOR CUBA TRANSITION.

(a) In General.—The Secretary of State shall designate, within the Department of State, a coordinator who shall be responsible for—

(1) designing an overall strategy to coordinate preparations for, and a response to, a transition in Cuba;

(2) coordinating assistance provided to the Cuban people in preparation for a transition in Cuba;

(3) coordinating strategic support for the consolidation of a political and economic transition in Cuba;

(4) ensuring program and policy coordination among agencies of the United States Government in carrying out the policies set forth in this title; and

(5) pursuing coordination with other countries and international organizations, including international financial institutions, with respect to assisting a transition in Cuba.

(b) Rank and Status of the Transition Coordinator.—The coordinator designated in subsection (a) shall have the rank and status of ambassador.

SEC. 2906. MULTILATERAL INITIATIVES RELATED TO CUBA.

The Secretary of State is authorized to designate up to $5,000,000 of total amounts made available for contributions to international organizations to be provided to the Organization of American States for—

(1) Inter-American Commission on Human Rights activities relating to the situation of human rights in Cuba; and

(2) the funding of an OAS emergency fund for the deployment of human rights observers, election support, and election observation in Cuba as described in section 109(b) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6039(b)(1)).

SEC. 2907. SENSE OF CONGRESS.

(a) Sense of Congress Regarding Consultation With Western Hemisphere.—It is the sense of Congress that the President should begin consultation, as appropriate, with governments of other Western Hemisphere countries regarding a transition in Cuba.

(b) Sense of Congress Regarding Other Consultations.—It is the sense of Congress that the President should begin consultations with appropriate international partners and governments regarding a multilateral diplomatic and financial support program for response to a transition in Cuba.

SEC. 2908. ASSISTANCE PROVIDED TO THE CUBAN PEOPLE IN PREPARATION FOR A TRANSITION IN CUBA.

(a) Authorization.—Notwithstanding any other provision of law other than section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1) and comparable notification requirements contained in any Act making appropriations for foreign operations, export financing, and related programs, the President is authorized to furnish an amount not to exceed $15,000,000 in assistance and provide other support for individuals and independent nongovernmental organizations to support democracy-building efforts for Cuba, including assistance for—

(1) political prisoners and members of their families;

(2) persons persecuted or harassed for dissident activities;

(3) independent libraries;

(4) independent workers' rights activists;

(5) independent agricultural cooperatives;

(6) independent associations of self-employed Cubans;

(7) independent journalists;

(8) independent youth organizations;

(9) independent environmental groups;

(10) independent economists, medical doctors, and other professionals;

(11) establishing and maintaining an information and resources center to be in the United States interests section in Havana, Cuba;

(12) prodemocracy programs of the National Endowment for Democracy related to Cuba;

(13) nongovernmental programs to facilitate access to the Internet, subject to section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6032(g));

(14) nongovernmental charitable programs that provide nutrition and basic medical care to persons most at risk, including children and elderly persons; and

(15) nongovernmental charitable programs to reintegrate into civilian life persons who have abandoned, resigned, or been expelled from the Cuban armed forces for ideological reasons.

(b) Definitions.—In this section:

(1) Independent nongovernmental organization.—The term "independent nongovernmental organization" means an organization that the Secretary of State determines, not less than 15 days before any obligation of funds to the organization, is a charitable or nonprofit nongovernmental organization that is not an agency or instrumentality of the Cuban Government.

(2) Eligible Cuban recipients.—The term "eligible Cuban recipients" is limited to any Cuban national in Cuba, including political prisoners and their families, who are not officials of the Cuban Government or of the ruling political party in Cuba, as defined in section 4(10) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6023(10)).

SEC. 2909. SUPPORT FOR A TRANSITION GOVERNMENT IN CUBA.

(a) Authorization of Appropriations.—In addition to funds otherwise available for such purposes, there are authorized to be appropriated such sums as are necessary to the President to establish a fund to provide assistance to a transition government in Cuba as defined in section 4(14) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6023(14)).

(b) Designation of Fund.—The fund authorized in subsection (a) shall be known as the "Fund for a Free Cuba".

(c) Availability of Funds.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

AMENDMENT NO. 320

(Purpose: To amend chapter 118 of title 18, United States Code, to prohibit foreign war crimes prosecutions of Americans)

At the end of title IV, add the following:

SEC. 405. PROHIBITION OF WAR CRIMES PROSECUTION.

(a) In General.—Chapter 118 of title 18, United States Code, is amended by adding at the end the following:

"§ 2442. International criminal court

"(a) Offense.—Except as provided in subsection (b), it shall be unlawful for any person, acting under the authority of the International Criminal Court, another international organization, or a foreign government, to knowingly indict, apprehend, detain, prosecute, convict, or participate in the imposition or carrying out of any sentence or other penalty on, any American in connection with any proceeding by or before the International Criminal Court, another international organization, or a foreign government in which that American is accused of a war crime.

"(b) Exception.—Subsection (a) shall not apply in connection with a criminal proceeding instituted by the government of a foreign country within the courts of such country with respect to a war crime allegedly committed—

"(1) on territory subject to the sovereign jurisdiction of such government; or

"(2) against persons who were nationals of such country at the time that the war crime is alleged to have been committed.

"(c) Criminal Penalty.—

"(1) In general.—Any person who violates subsection (a) shall be fined not more than $5,000,000, imprisoned as provided in paragraph (2), or both.

"(2) Prison sentence.—The maximum term of imprisonment for an offense under this section is the greater of—

"(A) 5 years; or

"(B) the maximum term that could be imposed on the American in the criminal proceeding described in subsection (a) with respect to which the violation took place.

"(d) Extraterritorial Jurisdiction.—There is extraterritorial jurisdiction over an offense under this section.

"(e) Civil Remedy.—Any person who is aggrieved by a violation under subsection (a) may, in a civil action, obtain appropriate relief, including—

"(1) punitive damages; and

"(2) a reasonable attorney's fee as part of the costs.

"(f) Definitions.—In this section—

"(1) the term 'American' means any citizen or national of the United States, or any other person employed by or working under the direction of the United States Government;

"(2) the term 'indict' includes—

"(A) the formal submission of an order or request for the prosecution or arrest of a person; and

"(B) the issuance of a warrant or other order for the arrest of a person,

by an official of the International Criminal Court, another international organization, or a foreign government;

"(3) the term 'International Criminal Court' means the court established by the Rome Statute of the International Criminal Court adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of and International Criminal Court on July 17, 1998; and

"(4) the term 'war crime' means—

"(A) any offense now cognizable before the International Criminal Court; and

"(B) any offense hereafter cognizable before the International Criminal Court, effective on the date such offense becomes cognizable before such court.".

(b) Clerical Amendment.—The table of sections in chapter 118 of title 18, United

States Code, is amended by adding at the end the following:

"Sec. 2442. International criminal court.".

AMENDMENT NO. 321

(Purpose: To ensure the independence of the Inspector General of the United Nations)

On page 59, between lines 4 and 5, insert the following new section:

SEC. 405. UNITED NATIONS OFFICE OF THE INSPECTOR GENERAL.

(a) WITHHOLDING OF PORTION OF CERTAIN ASSESSED CONTRIBUTIONS.—Twenty percent of the funds made available in each fiscal year under section 102(a) for the assessed contribution of the United States to the United Nations shall be withheld from obligation and expenditure until a certification is made under subsection (b).

(b) CERTIFICATION.—A certification under this subsection is a certification by the Secretary in the fiscal year concerned that the following conditions are satisfied:

(1) ACTIONS BY THE UNITED NATIONS.—

(A) The United Nations has met the requirements of paragraphs (1) through (6) of section 401(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236; 108 Stat. 446).

(B) The Office of Internal Oversight Services has fulfilled the directive in General Assembly Resolution 48/218B to make all of its reports available to the General Assembly, with modifications to those reports that would violate confidentiality or the due process rights of individuals involved in any investigation.

(C) The Office of Internal Oversight Services has an independent budget that does not require the approval of the United Nations Budget Office.

(2) ACTIONS BY THE OIOS.—The Office of Internal Oversight Service has authority to audit, inspect, or investigate each program, project, or activity funded by the United Nations, and each executive board created under the United Nations has been notified in writing of that authority.

AMENDMENT NO. 322

(Purpose: To ensure the United Nations maintains a no growth budget)

On page 11, line 15, striking "There" and insert the following:

(1) AUTHORIZATION OF APPROPRIATIONS.—There

On page 11, between lines 23 and 24, insert the following:

(2) NO GROWTH BUDGET.—Of the amounts appropriated pursuant to the authorization of appropriations in paragraph (1), $80,000,000 shall be withheld for each of the calendar years 2006 and 2007 unless the Secretary submits a certification to the appropriate congressional committees for each such calendar year that states that the United Nations has taken no action during the preceding calendar year to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget during that calendar year and that for such calendar years the United Nations will not exceed the spending limits of the initial 2004-2005 United Nations biennium budget adopted in December, 2003.

Mr. ENSIGN. I yield the floor.

AMENDMENTS NOS. 290, 291, AND 317, EN BLOC

Mr. SESSIONS. Mr. President, I ask unanimous consent the pending amendments be set aside in order to offer three amendments en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. I call up amendments numbered 290, 291, and 317.

The amendments are as follows:

AMENDMENT NO. 290

(Purpose: To require aliens to affirm certain oaths prior to admission to the United States)

On page 110, between lines 4 and 5, insert the following:

SEC. 812. REQUIREMENTS FOR ADMISSION TO THE UNITED STATES.

(a) REQUIREMENT FOR OATH PRIOR TO OBTAINING VISA.—Section 222 of the Immigration and Nationality Act (8 U.S.C. 1202) is amended by adding at the end the following new subsection:

"(i) Every alien applying for a nonimmigrant visa shall, prior to obtaining such visa, swear or affirm an oath stating that—

"(1) the alien shall adhere to the laws and to the Constitution of the United States;

"(2) the alien will not attempt to develop information for the purpose of threatening the national security of the United States or to bring harm to any citizen of the United States;

"(3) the alien is not associated with a terrorist organization;

"(4) the alien has not and will not receive any funds or other support to visit the United States from a terrorist organization;

"(5) all documents submitted to support the alien's application are valid and contain truthful information;

"(6) the alien will inform the appropriate authorities if the alien is approached or contacted by a member of a terrorist organization; and

"(7) the alien understands that the alien's visa shall be revoked and the alien shall be removed from the United States if the alien is found—

"(A) to have acted in a manner that is inconsistent with this oath; or

"(B) provided fraudulent information in order to obtain a visa.".

(b) REQUIREMENT FOR OATH PRIOR TO ADMISSION.—

(1) IN GENERAL.—The Secretary of Homeland Security or an individual designated by the Secretary of Homeland Security shall require an alien seeking admission to the United States pursuant to a nonimmigrant visa to swear or affirm an oath reaffirming all the information provided by the alien for the purpose of obtaining the nonimmigrant visa.

(2) ADMINISTRATION OF OATH.—The Secretary of Homeland Security shall administer the oath required by paragraph (1) to an alien in the United States prior to the admission of such alien.

(3) FALSE STATEMENTS.—An alien who knowingly and willfully makes a false statement in swearing or affirming the oath required by paragraph (1) shall be subject to the penalties imposed for making a false statement under section 1001 of title 18, United States Code.

(4) ADMISSION DEFINED.—In this subsection, the term "admission" shall have the meaning given that term in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

AMENDMENT NO. 291

(Purpose: To strike the authority to provide living quarters and allowances to the United States Representative to the United Nations)

Strike section 318.

AMENDMENT NO. 317

(Purpose: To provide for accountability in the United Nations Headquarters renovation project)

SEC. . UN HEADQUARTERS RENOVATION.

(a) LIMITATION.—Notwithstanding any other provision of law, no loan in excess of $600,000,000 may be made available by the United States for renovation of the United Nations headquarters building, located in New York, New York.

"(b) REPORTING REQUIREMENT.—Any such loan shall be contingent upon the satisfactory submission, by the Secretary-General of the United Nations, of a report to Congress containing a detailed analysis of the United Nations headquarters renovation.

Mr. LUGAR. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I will send a copy of an amendment to the desk, but I am not going to offer the amendment right now. I would like to discuss what I would like to do at some point on a matter of significance. I will send the amendment up to the desk and ask unanimous consent to lay aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, very briefly, I know we are about to maybe have a more important matter come to the floor. I am going to keep my eye on the chairman of the committee so he can let me know when I should wrap up these comments.

The amendment that at some point I would like to offer, either on this bill or another piece of legislation, deals with what I believe is an extremely important issue about enhancing U.S. diplomatic and strategic influence in the Western Hemisphere.

As many of my colleagues know, I have been a member of the Foreign Relations Committee on the subcommittee dealing with Latin America for the 24 years I have been in the Senate, either as the ranking member or as the chairman of the subcommittee.

I am deeply concerned, as I know many of my colleagues are, that while our attention is focused on other parts of the world, for obvious reasons, there is a serious condition developing in Latin America that deserves our attention.

The amendment I would be offering is quite simple. It would permit nations in this hemisphere to receive international military and educational training, so-called IMET training, assistance from the United States.

My colleagues might say: Well, don't we do that? Haven't we been doing that for years? The answer is yes. But it has been stopped in 11 countries in Latin America, along with economic support funds. The reason is because these nations have not signed on to the so-called article 98 agreement with the United States. The article 98 agreement has to do with the American Service Members Protection Act. That is because the administration is vehemently opposed to the International Criminal Court, and any nation that does not protect American servicemen from potentially being prosecuted under that act would have the international military and educational training funds, along with economic support funds, cut off entirely.

Now, again, I am not arguing at all about whether we ought to have the American Service Members Protection Act. My colleagues have voted for that. That is the law of the land. My concern is linking that legislation with the international military and educational training funds and economic assistance funds.

Let me tell you what has happened as a result of linking these up. We used to have as many as 800 junior officers or senior officers from Latin America come to the United States each year to go to our schools, to learn about how we would conduct our military operations, to receive the critical training that would make them more in tune with our ideals, our values, as military officers.

As a result of this linkage we have now adopted, we now have zero military personnel coming from these countries that I have already mentioned, the 11 countries affected; the countries being Bolivia, Ecuador, Peru, Venezuela, Brazil, Costa Rica, Paraguay, Uruguay, Barbados, St. Vincent and the Grenadines, Trinidad, and Tobago.

To give you some idea, we used to have from Peru 172 young officers come to the United States. Because of the linkage, we now have zero. Uruguay sent 202. We now have zero. Venezuela, 73; Ecuador, 85—to give you some idea in the last year or so, and on down the list.

I ask unanimous consent that the list of the number of people coming from these countries on a roughly annual basis be printed in the RECORD, if I may.

Mr. SCHUMER. Reserving the right to object.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, an amendment just passed without notice to any of us that involves a dispute about a helicopter between New York and Connecticut. I did not know of that amendment. Neither did Senator CLINTON. Neither did anybody else. So I have to object to this until I see what it is. It was offered by my good friend from Connecticut. I will serve notice, I will hold up this bill and sit here until we deal with this in a fair way. This was a sneak attack. We knew nothing about it. It was not debated. And it is not the right way to do business around here.

Mr. DODD. Well, Mr. President——

Mr. SCHUMER. So I object to whatever the unanimous consent request was until I see what it is.

The PRESIDING OFFICER. Objection is heard.

Mr. DODD. Mr. President, my point on this amendment is that with the significant deterioration in the connections between our country and these nations that have received in the past the international military and educational training funds and the economic support funds, that we find ourselves in a very precarious position with these countries and the junior officers and senior officers who have come here for their training. So the amendment, in effect, would delink these issues. It does not overturn the American Service Members Protection Act; it just delinks it.

Who is advocating this? SOUTHCOM, which is the military structure and organization that has the responsibility for dealing with Latin America, is a strong advocate of delinking these issues. In fact, in today's Washington Times, the headline is "U.S. 'hands tied' in South America." I will quote from the article:

> As the Bush administration tries to craft a new foreign policy toward an increasingly belligerent Venezuela, Pentagon and military officials say they cannot blunt that nation's regional influence unless a law meant to protect U.S. personnel from prosecution in the International Criminal Court is changed.

The article goes on:

> That law, the American Service Members Protection Act, prohibits U.S. security assistance funds and most military cooperation unless a country rejects the U.N.-backed ICC or signs a bilateral immunity agreement with the United States. . . .
>
> Of the 22 nations in the world that are on the black list [so-called]—they have ratified the ICC agreement and have refused to grant the United States bilateral immunity—11 of them are in Latin America.

I have listed them already.

So again, I will not go on at great length. I know there is a possibility here of reaching an agreement on a matter that has held up this bill. This amendment would delink these issues. I do not need to emphasize the point. My colleagues should be aware of this.

There was a growing influence from the People's Republic of China in Latin America, offering to spend billions of dollars in the region and I presume, willing as well, to train military personnel. We do not want to lose the tremendous opportunity we have had over the years to maintain these relationships.

Again, I am not here to argue today the wisdom or lack of wisdom of the American Service Members Protection Act. The only case I want to make to my colleagues is, Should we be linking these IMET funds—that is, the international military and educational training funds—and economic support funds, which are critically important in Latin America, with that legislation? I do not think we should. SOUTHCOM, our military leaders, do not think we should. Roger Noriega, with whom I do not always agree on Latin American issues, thinks it is wrong to link the economic support fund issues as well. So people who have strong credentials, if you will, in opposing the International Criminal Court believe that linking these issues in this region is not serving the interests of the United States well at all.

At an appropriate time, in consultation with the chairman of the committee and others, I would like to pursue this matter to see whether my colleagues might agree that we might delink these issues. With that, again, knowing there are other matters that can be dealt with, I won't belabor the point.

I have some further comments I will make, but I will wait for the appropriate time to do that so that my full statement can be read by those who may be interested in this particular proposal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, let me respond briefly to the distinguished Senator from New York. The amendment that was offered by the distinguished Senator from Connecticut, as I indicated before he was on the floor, we were prepared to accept. We presumed there was not Democratic Party opposition to that; there were not members of the committee on the floor. Senator DODD is a member of the committee, and, therefore, we acted in good faith, as we have to. We are trying very hard to proceed amendment by amendment, depending upon Senators to be on the floor, to be represented by their party officials and by their staffs. So I am hopeful the distinguished Senator from New York and the Senator from Connecticut may be able to agree on a course of action, but from our standpoint, we believe the amendment was offered and accepted legitimately and in due course.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. LUGAR. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue calling the roll.

The assistant legislative clerk continued with the call of the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. GREGG. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak for up to 10 minutes each. I also ask unanimous consent that I be recognized for 20 minutes as the initial speaker.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire is recognized.

THREAT OF BIOLOGICAL ATTACKS

Mr. GREGG. Mr. President, I appreciate the courtesy of the Members who are in the Chamber and who are dealing with the State Department authorization bill and allowing me to proceed as in morning business as they address the issues surrounding that bill.

I wanted to raise an issue which I believe is of very high significance of how we deal with the threat of biological attacks. This has been an issue I have been involved in for a considerable amount of time, having authored the first bioshield bill as the chairman of the HELP Committee at the time.

Just weeks after September 11, anthrax attacks occurred in Florida, New York, and Washington. They killed five people, and they crippled the mail delivery system in several cities and required a cleanup that cost more than $1 billion. For all that, the President's Commission which just reported on weapons of mass destruction says we were lucky.

We cannot really know whether we were exclusively lucky or whether this was the result of responsible effort to prepare ourselves for the next attack that we have not been attacked again or in a worse way, but the facts remain that the threat continues. The President's Commission makes obvious the finding that biological weapons are cheaper and easier to acquire than nuclear weapons, and they could be even more deadly.

There is no question that if terrorists are able to get their hands on a weaponized biological agent, whether it is anthrax, small pox, botulism, or ebola, they will use it in a place where Americans gather in their daily lives. Whether it is a subway system as occurred in Japan or a building as occurred in the Capitol, it is these types of attacks—biological, chemical, and dirty bombs—that pose the greatest threat to our Nation.

The President's Commission, which released its report last Thursday, exposed the stark reality that our intelligence community may have underestimated the progress of terrorists and others in developing biological weapons. For example, in Afghanistan, investigators found evidence that after the war, al-Qaida had the capability to produce a virulent biological weapon identified only as "agent X," which documents suggest was anthrax.

Much of the information we have on the development of biological weapons by terrorist groups and rogue nations is classified; however, it is no secret that Soviet scientists were working on engineering biological agents before the fall of the Soviet Union, including smallpox engineered to be totally lethal, a hybrid plague that is more resistant to vaccine, and a strain of anthrax resistant to seven different antibodies. Unfortunately, we have no assurance that all of these products which they were trying to develop have been destroyed. We are aware of some rogue countries that developed delivery systems such as anthrax-laced cigarettes and botulism-contaminated beer.

While the President's Commission finds the threat deeply troubling today, they foretell that it will be more tomorrow, when genetics modification techniques will allow creation of even worse biological weapons. These findings underscore that the threat posed to our national security from biological, chemical, radiological, and nuclear weapons is truly real and significant.

Even before the anthrax attacks here, we as a Congress recognized the need to enhance three critical enterprises or sectors in our country to better protect our people from attacks by biological agents: No. 1 the research enterprise, led by NIH and private researchers; No. 2 the biotechnology development and manufacturing sector, particularly vaccines but also other countermeasures such as drugs and devices; and No. 3 the broader health care delivery system, including physicians, hospitals, and public health departments here and abroad.

The first substantial effort, started before the anthrax attacks and completed in 2002, was the Bioterrorism Act of 2002, which dramatically increased funding for the Strategic National Stockpile so that a national pool of countermeasures, including those to protect against smallpox, could be maintained. It also dramatically improved our border protection authorities, particularly for food imports; protected our water supply; dramatically increased oversight of research labs that handled agents that could potentially be used in an attack; and committed substantial new resources to our state public health systems and hospitals to ensure improved surveillance and surge capacity. Institutionally, it also created a number of new Federal authorities to identify and develop and coordinate our response to a threat.

In 2003 and 2004, following the President's call and leadership, we passed the bipartisan Project BioShield Act to confront weaknesses in our ability to have the research enterprise speed results to us and to have FDA speed products to potential victims. Notably, we pre-funded a $5.6 billion account to assure the developers of countermeasures that if they delivered a product that protected this country from a biological attack then the Government would in fact have the resources to purchase that product and recognize their work.

Project BioShield recognized that we had very little on hand to address even the handful of agents that pose the greatest threat, such as smallpox, anthrax, botulism and plague. As a result, we have made valuable progress.

Our smallpox stockpile has grown from 90,000 doses of smallpox vaccine ready for use in 2001 to 300 million doses today. We have modified vaccinia Ankara, a next-generation smallpox vaccine that promises greater safety, in clinical testing and others in predevelopment. In addition, we have a new oral form of an antiviral drug cidofovir in advanced product development for use in the event of a smallpox attack and to treat the rare complications from the smallpox vaccine.

To combat anthrax, a new recombinant vaccine is in clinical testing and may need fewer doses than the classic vaccine, and the Department of Health and Human Services has contracted with VaxGen to purchase 75 million vaccine doses under BioShield. New anthrax therapies that can neutralize the anthrax toxin are also being developed, such as monoclonal and polyclonal antibodies.

To combat botulism, treatments for the toxin and a vaccine to prevent the disease are in development. And finally for Ebola a new vaccine is in development.

Project BioShield was a good start, but we must do more. As the authors of the Center for Biosecurity report note: The legislation represents a significant step for the government and demonstrates [its] seriousness [but] is only a necessary first step.

We have identified dozens of agents that could be used against our people, yet we still lack vaccines and treatments for some of the gravest biological and chemical threats, such as ricin, plague, and viral hemorrhagic fever. We still lack an antidote to sulfur mustard and nitrogen mustard—and those available for sarin and VX have significant limitations in their practical utility given the speed with which they need to be applied.

We are also not prepared to fight naturally occurring infectious diseases—such as avian flu—that could be equally as deadly and could be weaponized in the future. And experts in HELP testimony, as well as those responding to a comprehensive survey by the University of Pittsburgh Center for Biosecurity, note the increasing threat of new bio-engineered and genetically modified pathogens. A 2003 CIA review confirms that these strains could be "worse than any disease known to man." Many have observed that we in fact need to move beyond the product-by-product and bug-by-bug approach of BioShield and address solutions more comprehensively and innovatively.

And we have seen a very anemic response within the research and manufacturing sectors to engage in biodefense work. Fewer than 100 companies have come forward with even a modest interest in developing countermeasures for bioterrorism and other agents. The profile of these companies is in many ways positive—they are entrepreneurial, often have crucial insights into a bioterrorism agent or product, can move quickly, and many have strong venture capital connections. However, in other critical ways they lack the ability in our current environment to deliver a finished, effective product to potential victims. These same companies tend to be small, often work on only a single product, rarely have the capital required to bring a product to market, and typically have limited ability to manufacture a product at the level and with the speed required to respond fully to an emergency. BioShield has done little to address these latter concerns.

The President's Commission stated that to combat this continuing threat, the Intelligence community, and the government as a whole, needs to approach the problem with a new urgency and new strategies. We are in fact pushing our luck.

This is precisely why BioShield II—a bill that I introduced as part of S. 3—is critical to our efforts in the war against terrorism. S. 3 clearly indicates that the Senate Republican leadership puts a very high priority on invigorating our biodefense capability. The people and 10 organizations that will be on the front lines of national defense will no longer be just traditional defense industries—providing arms and artillery—but will now include biomedical research and biotechnology manufacturing sectors, as well as health care delivery systems.

Building this biodefense sector is the first step in winning what could be the arms race of the 21st century. We must be secure in the ability of this sector to prevent and defend the United States against biological weapons. If we are capable of developing a vaccine or some other treatment that will neutralize the effect of these types of biological agents, including genetically modified pathogens, then they are less likely to be used against us. This same sector must also be positioned to fight new natural threats, such as a pandemic of avian flu. And, as highlighted by a recent GAO report on Anthrax Detection, we need improved detection and testing methods to accurately determine when an agent has been released and when an area has been decontaminated and is safe. Similarly, as the Washington Post helped uncover, BioWatch style technologies need to be dramatically improved, so that we have confidence in the detection of airborne pathogens affecting our key cities. Currently, lab analysis, even when it is correct, requires days to return results on only 10 agents to date.

A range of experts, including researchers, government officials, and manufacturers, told us in hearings that they need greater Federal assistance for them to bear the risk of developing products to counter biological threats or infectious disease that also divert capital away from the development of other important and often more profitable drugs. Many of the measures in BioShield II legislation, including financial incentives, intellectual property protection, and liability protection were recommended during those hearings.

A key point here is that we need to ensure the participation in this enterprise of not just small, fleet, and innovative biotechnology companies. We need to broaden our attention to large, experienced companies, with multiple sources of financing, the ability to manufacture, license, and bring to market a product, and do so on a large scale in an emergency. Additional measures are needed to encourage potential research, manufacturing, and health care delivery partners to commit substantial resources and take the risks necessary to bring innovative new products to market.

The number-one threat cited by experts in our hearings and experts in a range of forums and publications is the almost boundless liability exposure associated with developing these products—and the resulting massive cost of product liability law suits. The unfortunate liability experience of Bayer, manufacturer of Cipro, bears witness to the exposure a biodefense manufacturer faces—and the litigation costs that will be incurred even when, as in the Bayer case, the manufacturer is eventually absolved.

Manufacturers of biodefense countermeasures typically risk exposure to devastating product liability lawsuits to a far greater degree than typical drug companies and for this reason are unlikely to get commercial liability insurance for countermeasure products. There are a number of reasons. For example, as Project BioShield specifically contemplates, such countermeasures may be made available without the usual battery of clinical trials required for other FDA-approved products. Safety and efficacy data often must be derived, for the most part, from animal trials because healthy humans cannot be exposed to toxic agents during testing for obvious reasons.

Further, the scope of distribution of biodefense products and their method of distribution heightens the risk of a lawsuit—even if the product is otherwise safe and effective. For example, when distributed to large numbers of potential victims, perhaps millions of Americans in an emergency, there will inevitably be harm or injuries that occur around the time of the use of the product but that are in fact associated with the inevitable pre-existing health conditions in that large population. Determining the cause of the harm and distinguishing between the product and other factors will be nearly impossible—and yet liability exposure is evident. Methods of distribution in an emergency, perhaps using less trained persons as a last resort, also increase risk of liability.

Large, responsible, successful companies are—without liability protection—the most likely to remain on the sidelines for fear of risking corporate assets in defending lawsuits. And with other sources of revenue, other successful products, and products generally with higher profit margins, these same companies in fact act prudently in protecting their general corporate assets from unnecessary litigation associated with lower-margin biodefense products.

Even as Government has begun to purchase BioShield countermeasures, the Government's ability to limit liability has significant limitations. Under current law there are only two legal authorities that allow the Federal Government to mitigate the liability concerns of producers of countermeasures other than small pox vaccine.

The first is through Federal indemnification under Public Law 85–804. The second is through designation/certification under the SAFETY Act. Both of these measures are woefully inadequate to address the practical realities of potential litigation facing providers of countermeasures and the fiscal realities facing the Federal Government.

Protection under Public Law 85–804 and its executive order extension to biodefense products is not frequently granted. When it is, the primary limitation is that the administration typically will not address indemnification prior to award of a contract for a countermeasure—unlike the Department of Defense, which typically does address liability earlier in the process. As a result, potential providers must expend resources to compete for a contract that they may have to refuse due to the lack of liability protection. More often companies simply refuse to bid at all due to lack of certainty on the issue of liability. Numerous technical and definitional limitations on the scope of the indemnification also exist—Is the product inherently dangerous? Is it involved in national defense?—not to mention the nature of indemnification may expose the Federal Government to enormous liability exposure as awards and liability is not structured or limited in any way.

The practical utility of SAFETY Act protections to biodefense products is limited. For example, the potential liability of a provider of a vaccine that is administered prior to a bioterror attack is not addressed—leaving producers of vaccines in particular, as they are typically dispensed prior to an attack, at great risk of liability exposure. Protection also requires a burdensome pre-certification process that has not resulted yet in designation of any biotechnology products. Clearly dramatic improvements on this model are required.

The net impact of this atmosphere results in needed countermeasures not being developed and deployed, thereby exposing the economy, and the Nation as a whole, to far greater potential liability due to the lack of available effective countermeasures in the event of attack. Either way, the Federal Government is likely to bear both the human and financial cost of such an attack as it did on September 11th. But by failing to account for these costs before an attack, countermeasures will not be developed and the Nation will be more exposed to attack, costing America both lives and economic stability.

S. 3, which contains liability protections based on the SAFETY Act, attempts to address these liability concerns not only for terrorism, but also countermeasures developed and deployed to protect the Nation against naturally occurring epidemics such as SARS and pandemics such as Avian influenza. Further, liability protections would be extended to ensure that those delivering health care in an emergency, including biodefense products, receive due protection for 19 stepping up and protecting our country when it is under attack. Further, S. 3 puts some limits on the almost boundless liability exposure.

The second most significant barrier to investment in biodefense technology, according to experts testifying before the HELP committee and other public documents is the failure of current intellectual property law to adequately recognize and protect a researcher or manufacturer's investment in a technology.

The current law mechanism for this involves a combination of patent term extensions and grants of market exclusivity for a product, which permit a patent term essentially to be extended to compensate for periods of time while a countermeasure is in the regulatory review or other process.

Under current law, there are several arbitrary limits placed on the duration and nature of the patent extensions that may be granted on a pharmaceutical product. First, the total effective period of the patent from the date the drug is approved until the patent expires cannot exceed 14 years. Second, no patent extension can exceed 5 years. In addition, only partial credit for a patent extension is granted for the lengthy time the product undergoes research and development before an application is reviewed by the FDA. S. 3 would create a patent term extension authority that is not subject to these arbitrary limits. This type of incentive is also important to recoup some of the innovator or manufacturer's investment in developing the product and for diverting resources from manufacturing other more profitable drugs.

As an alternative, S. 3 provides a second type of patent provision to permit the Government to reward manufacturers who work to develop a new countermeasure use from an existing product or technology during an emergency. This provision could, for example, have been useful with the drug Cipro, used as a therapeutic for a number of reasons, but at that time not otherwise studied for use as a treatment for anthrax exposure. During the anthrax attacks, the government asked the company to step forward—the company responded by researching and developing considerable evidence that their product was indeed safe and effective for treatment following anthrax exposure. Under current law, Americans can only rely on the unselfish generosity of a company to expend these resources to provide the safety and effectiveness data we need. Under my legislation, depending on circumstances, additional incentives involving market exclusivity could be granted for up to two years for the product that was used as a countermeasure. This is an important distinction from the so-called "wild card" exclusivity idea, which would allow a company to extend the patent protection of a different product as a reward for stepping forward. Again, this type of incentive will encourage manufacturers to step forward in a crisis and will help them recoup their losses from diverting their research and manufacturing efforts from more profitable products.

We've heard resoundingly that our research, manufacturing, and health care delivery sectors need reasonable assurances that a market for these products will in fact exist should they invest the resources necessary to fully develop them. Under the BioShield approach the manufacturer takes the gamble for product development—the government as the sole purchaser needs to be a reliable partner. I look forward to continuing to discuss viable approaches in this area. In my view, however, it is not politically viable to have that basket of options or incentives include "wild-card" exclusivity—or the ability to apply a patent extension or market exclusivity to any product in a company's portfolio, regardless of whether it has any use for biodefense purposes. Today, politically, the reality is that this approach is not sustainable—even if it would serve as a powerful incentive to companies to step up and deliver much-needed biodefense products.

The role of the government in facilitating research, development, and delivery of biodefense products can be great. Unfortunately, all too often, government gets in the way. Accordingly, S. 3 also contains important regulatory reform initiatives for protecting Americans against bioterrorism. First, it has provisions that will improve the international harmonization of U.S. Food and Drug Administration regulations with those of the regulatory bodies of our allies in Europe, Canada, and other developed countries. This will help facilitate the development and approval of biodefense products, and will reduce the costs of regulation by the United States and these countries of biodefense countermeasures such as drugs, vaccines and medical devices. Streamlining and making truly effective the regulatory approaches from these developed countries will also assure the continued safety and effectiveness of these medical countermeasures. S. 3 also requires additional reviews by experts on how to improve regulation of these products.

Second, the bill includes important provisions to assure uniformity throughout the United States of biodefense product labeling and other FDA-regulatory requirements. We urgently need this provision to respond in a uniform and united way to a potential bioterrorist attack or other deadly epidemic.

Dramatically conflicting or confusing state and local labeling and composition requirements will limit the ability of Americans across the country to respond adequately and quickly. It is important to note that the provision includes language for exempting purely local matters such as pharmacy practice laws from national uniformity requirements and unique local conditions.

The Bioterror Act of 2002 took significant steps forward to address public health infrastructure needs of the country. BioShield II builds on these authorities in an effort to prioritize resources to those areas faced with the greatest threat—to build the technical expertise of the federal workforce, particularly at our premier biomedical and health organizations at NIH, FDA, and CDC—and to build private sector response capacity in various private-public arrangements designed to have credentialed, expert, and trained teams on hand to respond quickly to a crisis. Surveillance authorities here and abroad also need to be strengthened and developed—using innovative private sector analysis of prescription drug, hospital emergency room and doctor visits and other "leading indicators." In short, as Richard Falkenrath of the Brookings Institution notes, "there's no area of homeland security in which the administration has made more progress than bioterrorism, and none where we have further to go. But, it is critical to agree with Elin Gursky with the Anser Institute for Homeland Security, "This problem won't be solved by money alone."

We have an obligation to be prepared for the worst threat. Maybe that "next" attack will never come. Or maybe it will come tomorrow.

We can't know where or when it will come or what our enemies will try to do. We have to be prepared for all possibilities. Therefore, we have to have a vibrant and strong biotechnical industry, a biomedical industry, and an atmosphere here in the Federal Government which encourages the development of the vaccines and other antibodies which will allow us to address these type of threats.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2006 AND 2007—Continued

Ms. STABENOW. Mr. President, I rise today to speak about an amendment my colleague Senator LINDSEY GRAHAM and I have submitted that would create a special trade prosecutor within the Office of the U.S. Trade Representative.

It is my understanding, working with our leader and the chairman of the Finance Committee, that we are not going to proceed with this amendment and instead will be entering into a colloquy with the chairman of the Finance Committee about his willingness to work with us to add language to create a special trade prosecutor on appropriate legislation coming to the Finance Committee to reauthorize trade laws. We look forward to working with him. I look forward to the colloquy we will be submitting for the RECORD shortly.

I thought it was important to be able to speak about this issue for a moment because I know there are many of us on both sides of the aisle who are deeply concerned about what is happening as it relates to unfair trade practices by other countries. We want to work together on a bipartisan basis in order to address this, and address this as quickly as possible. That is why I am so pleased Senator GRAHAM has joined with me as an author of this amendment. We also have a separate bill as well to do the same thing. We look forward to working with the Finance Committee in order to be able to create the prosecutor and to include legislation in a future bill coming to the Senate.

This amendment is based on the concept by Senator BAYH from Indiana. I thank him for being a serious and thoughtful voice in this debate, for his ongoing advocacy, and for providing the Senate with solutions to fix our growing trade deficit. I congratulate Senator BAYH as well.

This amendment would create a special trade prosecutor appointed by the President and confirmed by the Senate with authority to ensure compliance with trade agreements and to protect our manufacturers as well as our farmers against unfair trade practices. This prosecutor will have the authority to investigate and recommend the prosecution of cases before the WTO, as well as those under trade agreements to which the United States is a party.

Currently, we have an executive branch that is organized in such a way as to make prosecution of unfair trade cases unlikely, at best. This trade prosecutor would allow us to fix that. Coupled with the fact that our domestic manufacturing base has eroded due to unfair trade practices, and we have put our manufacturers and others in our economy in an impossible situation, we are asking our U.S. Trade Representative to do too much and the office is not able to deliver. We ask that they negotiate trade agreements with foreign nations at one moment and then turn around and enforce agreements the next, all without damaging the ability of the United States to negotiate the next trade deal. It is not working. While significant portions of our trade imbalances are not caused by lax enforcement, many of them are.

In February, the Department of Commerce reported that the merchandise trade deficit reached a record level of $666.2 billion in 2004, a 21.7-percent increase since 2003. That translates into job loss. The aggregate U.S. trade deficit, which includes both goods and services, was $617.7 billion dollars, a 24-percent increase over 2003. We have many trading partners that fulfill their obligations under our agreements, but we also have many that do not. We should address this problem with a straightforward solution, a special trade prosecutor.

Yesterday, we finally saw a glimmer of hope on the trade front as the administration began the process of imposing import quotas on shirts, trousers, and underwear. But it could have come much sooner if we had someone in the Government whose job it was to look for these violations and to recommend action.

Commerce Secretary Gutierrez, a man whom I respect and strongly supported as Secretary of Commerce, coming from the great State of Michigan, is already having a positive impact. I hope he will pursue this case until our textile industry finally gets the relief it deserves.

That is not enough. There are more U.S. industries facing similar unfair trade practices. We are proposing an institutional change that will allow us to thoroughly and vigorously investigate and prosecute these cases.

For instance, China is a textbook case of how a foreign government has used a network of illegal subsidies and government interventions in order to destroy foreign competition both in the United States as well as in many other countries.

According to the United States-China Economic and Security Commission, these actions have gone virtually unchallenged by the U.S. Government, despite the fact that China's actions are in clear violation of both U.S. trade law and WTO rules.

These anticompetitiveness actions by the Chinese Government include currency manipulation. I am very proud to have been a cosponsor of the amendment that overwhelmingly passed earlier today, bipartisan amendment, to send a very strong message to China regarding the fact we will no longer tolerate the manipulation of their currency. It is causing job loss. It is causing pressure on our American businesses. I am pleased we were able to address that.

It is estimated that currency manipulation provides as much as a 40-percent subsidy for Chinese exporters. In addition, the Chinese Government also has illegal direct Government subsidies of its state-owned textile and apparel sectors, illegal export tax rebates of about 13 percent, and the deliberate extension of billions of dollars in nonperforming or free money loans by China's central banks in order to award a competitive advantage against foreign competition.

The Commission goes on to say that in the case of China, the dramatic increase in subsidies has caused Chinese prices to drop by an average of 58 percent over the past 2 years in those product areas where the quotas have been removed.

As a result, China has begun a near monopoly share in these products over the last 24 months, gaining 60 percent of the market.

Our businesses in Michigan just ask for a level playing field. They just ask the rules be fair. It is our job to make sure they are. However, our Government has failed to file any complaints at the WTO despite the Chinese Government's repeated and widespread violations of WTO rules. This is of grave concern to colleagues on both sides of the aisle and was reflected again in the vote earlier today as it relates to China's manipulation of their currency.

Last year, as is widely reported, our Government refused to criticize China's human rights and labor rights record before the United Nations Human Rights Commission despite overwhelming evidence of human rights violations.

Our Government's inaction is costing hundreds of thousands of American jobs—I argue that is rapidly becoming millions crippling our manufacturing sector, distorting trade and investment patterns globally, and leaving hundreds of millions of Chinese workers vulnerable and mistreated, as well.

Let me give a few examples of the violations occurring. Counterfeit automotive products are a big problem in my home State of Michigan. Not only does it kill American jobs, but it has the potential to kill Americans as cheap, shoddy automotive products replace legitimate ones of higher quality. The American automotive part and components industry loses an estimated $12 billion in sales on a global basis to counterfeiting. We do not even keep statistics on the potential loss of life. We should understand if left unchecked, this penetration of counterfeit automotive products jobs has the potential to undermine the public's confidence and trust in what they are buying. We cannot let that happen.

Our amendment, the effort we will work on with the Finance Committee, will give us a voice and a watchdog so we can take appropriate action sooner, more aggressively, more appropriately.

In Michigan, we lost 51,000 manufacturing jobs from 1989-2003 due to China's unfair trade practices, according to the Economic Policy Institute.

Unfortunately, the plant closings continue in Michigan and around the Nation. Over the past three months we see example after example of the damage a "wait and see" attitude has on workers in this country.

Lear Corporation continues to cut jobs in Grand Rapids, a total of 300 to date, and the company promises more layoffs this summer. Also, in Grand Rapids, Steelcase will cut 600 jobs. The ripple effect of Lear Corporation's decision will lead Advanced Plastics in Schoolcraft, MI, to layoff more than 100 employees this spring.

The City of Edmore recently lost 120 high paying manufacturing jobs at the local Hitachi plant. Those jobs are moving to China.

In Alma, 260 employees at Oxford Automotive are now unemployed due to the competitive pressures in the automotive industry, a large part of which is due to current manipulation by Japan and China.

And the examples don't end there as we all know. We should not be shirking our responsibilities to enforce trade rules. This amendment helps us do that. And it helps us save American jobs.

I believe in trade and the benefits it can have for our manufacturers, farmers, and other industries. But, we need to have fair trade first and foremost.

A Special Trade Prosecutor would have the power to stand up for our manufacturers and farmers and make sure that other countries are holding up their end of their trade agreements.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

(The remarks of Mr. ALEXANDER pertaining to the introduction of S. 726 and S. 727 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ALEXANDER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DEMINT). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DAYTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DAYTON. Mr. President, I rise to discuss an amendment that I have filed and will offer formally. It is a sense-of-the-Senate resolution that calls for the United Nations to give full nation membership status to Israel.

Unfortunately, and wrongly, Israel has not been granted the full status that other 190-nation members enjoy, ever since it became a nation state in 1948 and formally became a member of the United Nations in 1949. For over 50 years, until the year 2000, Israel was the only member state that was consistently denied admission into a regional group.

Even now, it is still limited to the Western European and others group in New York but not in Geneva and elsewhere. As a result, for example, Israel cannot participate in the voting for the composition of the International Court of Justice in The Hague, nor can an Israeli judge serve on that court. Yet the court is called upon, and was recently, by other nations and the General Assembly to pass judgment on the actions of Israel to protect its national borders and to secure the lives and the safety of its citizens.

Also, as a result of the denial of full status, Israel is not allowed to participate in United Nations conferences on human rights, racism, and other issues held in world locations, which is particularly important since some of those conferences unfairly discriminate against Israel in their consideration of issues they do not consider to the same extent or at all as they affect other member nation states.

My amendment says it is the sense of Congress that President Bush should direct the U.S. permanent representative to the United Nations to seek an immediate end to the persistent and deplorable inequality that is experienced by Israel in the United Nations; that Israel should be afforded the benefits of full membership in Western European and other groups in the United Nations to achieve that full participation, and that the U.S. Secretary of State should report to Congress on a regular basis on the actions of the administration to encourage Israel's full acceptance by other member states in the United Nations. Obviously this law and those requirements would apply equally to future administrations of our Government as well.

It is ironic because the United Nations created the State of Israel back in 1948, and yet it has been the body where some of the most anti-Semitic and discriminatory attacks against the democratically elected Government of the people of Israel have taken place. There have been some improvements. There have been recognitions most recently by Secretary Kofi Annan of the anti-Semitic and anti-Israel bias historically in the United Nations. Some progress has been made, but some is not full progress or acceptance, and some is not enough.

The United Nations was founded upon the principle that all member nations of the world, all of which may be engaged to some or another extent in practices or activities that other nations may disagree with, are equal members there for the purpose of resolving the differences among nations and among the peoples of the world peacefully, equitably, and hopefully in the ultimate best interests of all concerned. So by denying this great nation, a democratic government and the people of Israel, the full rights of citizenship in that world body runs contrary to the founding principles and the purpose of the United Nations. It is destructive to the attempt to resolve the differences in the Middle East peacefully, equitably, and hopefully permanently for the benefit of all concerned.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO TWO GREAT AMERICANS: FRED KOREMATSU AND ERNEST CHILDERS

Mr. DURBIN. Mr. President, It is said that Pope John Paul II was probably the most widely recognized person in the entire world. We have heard many inspiring tributes to this great man, and rightly so.

I would like to take a few minutes to pay tribute to two other great men who died recently. Unlike the Pope, their names and their faces were not instantly recognizable. But they shared some of his finest qualities. They were remarkably brave men who risked much to protect transcendent truths, and who continued to defend those truths even in the twilight of their lives. In their cases, the truths were the principles that are the essence of America.

Both of these men first made their marks on American history during World War II.

Ernest Childers was a Native American, a member of the Creek Nation from Oklahoma, and a recipient of the Medal of Honor.

He was a lieutenant in the Army National Guard when he arrived on the beaches of Salerno, Italy, in September 1943. Hearing that many in his division were pinned down by enemy fire in nearby hills, he organized a group of eight soldiers to help clear a path to rescue the endangered soldiers.

An exploding enemy shell threw Lt. Childers to the ground, breaking his ankle, but he continued to advance. Ordering his soldiers to lay down a base of fire to protect him, he crawled—with his shattered ankle—toward an enemy sniper's nest.

Almost out of ammunition, he reached down and threw a rock at the snipers guessing correctly that they would mistake it for a hand grenade. He was right. When the snipers stood to run, Lt. Childers shot and killed one of them; one of his soldiers killed the other. Later that day, he single-handedly captured an enemy soldier.

After recovering from his wounds, he was sent back into combat and fought at the Battle of Anzio, where he was wounded again. He was recovering in a military hospital when he learned that he was to receive the Medal of Honor.

He retired from the Army as a lieutenant colonel in 1965, worked briefly in Washington, then returned home to Oklahoma.

After September 11, he wrote a widely circulated column criticizing the attacks on some Arab-Americans. He wrote:

> Even though I have darker skin than some Americans, that doesn't mean I'm any less patriotic than any other American. I am appalled that people who call themselves "Americans" are attacking and killing other Americans simply because of their skin color.

Now let me speak of another recently lost. Fred Korematsu also suffered a great injury in World War II. In his case, however, the injury wasn't physical, and it wasn't inflicted by enemy soldiers. It was inflicted by the United States government in one of the most shameful chapters in our Nation's history.

In 1942, Mr. Korematsu was 22 years old, living in California, when the U.S. government declared 120,000 Japanese-American citizens and immigrants "enemy aliens" and ordered that they be forced from their homes into internment camps—prison camps.

Mr. Korematsu—who was born in California to immigrant parents—had tried twice to enlist in the military after Pearl Harbor, but was rejected for health reasons. He did everything he could think of to be accepted as American. He changed his name, and even had an operation to try to make his eyes appear rounder. Still, he was still ordered to be imprisoned at Tule Lake, an infamous internment camp in California.

His family and friends complied with the order. But Fred Korematsu resisted because, he said, he was an American, and he believed that the internments were unconstitutional.

He challenged the order all the way to the United States Supreme Court. In a decision that remains one of the most infamous decisions in its history, the Court ruled in 1944 that the internment of American citizens of Japanese descent was justified by the need to combat sabotage and espionage.

It took nearly 40 years for Fred Korematsu's conviction for opposing internment to be overturned by a U.S. District Court.

In 1988, Mr. Korematsu helped win an apology and reparations from the United States Government for internment camp survivors. A decade later, he was awarded the Presidential Medal of Freedom.

In November 2003, Mr. Korematsu did something he never expected he would have to do again in his life. He filed another brief before the Supreme Court protesting what he believed to be unconstitutional internments by our Government only this time, the detainees were being held at Guantanamo Bay, Cuba.

Mr. Korematsu's brief contained a simple plea.

> . . . to avoid repeating the mistakes of the past, this court should make clear that the United States respects constitutional and human rights, even in times of war.

Fred Korematsu died on March 30 at his home in Larkspur, CA after a long respiratory illness. He leaves his wife, Katherine, and their son and daughter.

Ernest Childers, a courageous warrior to the end, died March 17 at a hospice in Tulsa after suffering a number of strokes. He leaves his wife of 59 years, Yolanda, and their three children.

These men were recipients of the Presidential Medal of Freedom, the highest civilian honor our Nation can bestow on an individual; and the Medal of Honor, the highest military honor our Government grants.

They risked everything as young men to defend the great principles on which our Nation is based, and they continued to speak out for those principles until they died. They were truly American heroes.

Our thoughts and prayers go out to their family and friends.

THE NUCLEAR OPTION

Mr. LEAHY. Mr. President, we heard a distinguished leader of a country pushing into democracy this morning, addressing a joint meeting of the Congress over in the other body. I think every time a country moves into democracy, and its leaders and citizens come to this country, one of the things they are thrilled about is the independence of our Federal judiciary and our judiciary overall. They say in their country, if they ever want to have democracy, they have to have the independence of the judiciary.

I mention this because in recent weeks there seems to have been this escalating verbal attack by political leaders—and I must say, with all due respect, Republican political leaders—against Federal judges, including those who have been appointed by Republican Presidents, and against the Supreme Court, where most of the justices have been appointed by Republican Presidents.

The Republican leader of the House has spoken seeking vengeance against judges involved in the Terri Schiavo matter. A Senate Republican has referenced the brutal murders in the State court in Georgia and of Judge Lefkow's family in Illinois as if they were somehow connected to judicial decisions that some people do not like and which lead to pressures that explode in violence.

Now, I know all Senators, Republicans and Democrats, including the Senator who made those remarks, strongly agree there can be no justification for violence against judges or their families. In Iraq, judges are being attacked by insurgents. In Columbia, honest judges were murdered by drug-dealing thugs. That is not a circumstance we want to see anywhere in the world, especially here. We cannot tolerate or excuse or justify it here in the United States.

When I chaired the Judiciary Committee in 2001, one of the first things I did was push for passage of the Judicial Protection Act, which toughened criminal penalties for assaults against judges and their families. I sponsored it with Senator GORDON SMITH. We enacted it. We were right to do so. Protecting our judges and Federal law enforcement officers should be a top priority for us. I think sometimes the focus on terrorism distracts us from the day-to-day dangers for judges.

I remember the autumn of 2001, when Senator Daschle and I were each sent anthrax-laced letters in an environment in which high-ranking Republican leaders had criticized us unfairly during the sensitive weeks leading up to that. People who touched the outside of the envelope addressed to me—

the envelope I was supposed to open—people who simply touched it, doing their job, died as a result of that. And no perpetrator was ever arrested or convicted for these anthrax attacks by someone who may have thought himself a "super patriot" willing to will to make his point.

I do not want to see more attacks on our Federal and State judges. So I urge those members of the other party who are making these attacks to disavow the rhetoric and those attacks. They should not be creating an atmosphere in which anyone will feel encouraged or justified in attacking our judiciary if they do not like a particular decision.

In this regard, I thank the Senator from Texas for the comments he made Tuesday afternoon in which he expressed his regrets with regard to certain remarks he made on Monday that he says were taken out of context and misinterpreted. He has urged that the overheated rhetoric about the judiciary be toned down and acknowledged that "[o]ur judiciary must not be politicized."

Mr. President, I became a Member of the Senate more than 30 years ago at a time when the country was recovering from an abuse of power by President Nixon. In the wake of the Watergate scandal, many of us were elected to be a forceful check on executive power. It was a mindfulness of the danger that absolute power corrupts that the Founders designed our Constitution to contain a vital set of checks and balances among the three branches of our Federal Government. Those checks and balances have served to guarantee our freedoms for more than 200 years.

Today, Republicans are threatening to take away one of the few remaining checks on the power of the executive branch by their use of what has become known as their "nuclear option." This assault on our tradition of checks and balances and on the protection of minority rights in the Senate and in our democracy should be abandoned.

The American people have begun to see this threatened partisan power grab for what it is and to realize that the threat and the potential harm are aimed at our democracy, at the independent Federal judiciary and, ultimately, at their rights and freedoms. A thoughtful editorial appeared in one of my home State's newspapers today. In that editorial, The Barre-Montpelier Times Argus observed: "Abolishing the filibuster for judicial nominees is another, more extreme, form of intimidation." I ask that a copy of that editorial be included in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. Eliminating the filibuster by the nuclear option would violate and destroy the Constitution's design of the Senate as an effective check on the executive. The elimination of the filibuster would reduce any incentive for a President to consult with home-State Senators or seek the advice of the Senate on lifetime appointments to the Federal judiciary. It is a leap not only toward one-party rule and absolute majoritarianism in the Senate but to an unchecked executive.

Recently Republican partisans have ratcheted up the vitriol even further with their direct threats upon the judiciary. They spare no one, neither State court judges, nor Federal judges, nor Federal judges appointed by Republican Presidents, nor the Supreme Court Justices themselves. Their goal is intimidation and subservience to an ideological agenda, rather than adherence to the rule of law. Worst of all, some Republican leaders have taken their rhetoric to a level that should concern all Americans, at a time when violence against judges, their families and courtroom personnel has shocked the nation. The Republican leader of the House has recently spoken of seeking vengeance against judges involved in the Terri Schiavo matter. I recall a similar call by that House leader in 1997 in which he called for the intimidation of judges. I spoke against it then and do so again today. It is essential that we preserve the independence of our judiciary and protect it from intimidation.

In my time in the Senate we have often faced issues directly relevant to the separation of powers and the role this body plays as a check on executive power. As ranking Democratic member of the Judiciary Committee and as a former chairman of the committee, I have invested significant time and energy on providing resources to our third branch of Government. During the 17 months I chaired the committee, the Senate confirmed 100 of President Bush's judicial nominees. In the other 34 months of the Bush administration, the Senate has confirmed but 104.

The independent, nonpartisan role that judges play in our democracy is vital. I agree with Chief Justice Rehnquist when he called the independent judiciary the "crown jewel" of our democracy. It is the envy of and the model for the world. In order to keep this branch of Government independent and above politics, these nominations to lifetime appointments should be of the caliber to garner wide consensus, not political divisiveness. The goal should not consistently to be to see how many controversial nominees can be confirmed by the narrowest of partisan margins. Partisan passions must be kept in check when we are addressing an independent branch of Government, and no President should seek to pack the bench with unalloyed partisans or narrow ideologues.

It is the Federal judiciary that is called upon to rein in the political branches when their actions contravene the Constitution's limits on governmental authority and restrict individual rights. It is the Federal judiciary that has stood up to the overreaching of this administration in the aftermath of the September 11 attacks. It is more and more the Federal judiciary that is being called upon to protect Americans' rights and liberties, our environment and to uphold the rule of law as the political branches under the control of one party have overreached. Federal judges should protect the rights of all Americans, not be selected to advance a partisan or personal agenda. Once the judiciary is filled with partisans beholden to the administration and willing to reinterpret the Constitution in line with the administration's demands, who will be left to protect American values and the rights of the American people? The Constitution establishes the Senate as a check and a balance on the choices of a powerful President who might seek to make the Federal judiciary an extension of his administration or a wholly-owned subsidiary of any political party.

The Senate's role in advising the executive and determining whether to consent to confirmation of particular nominees is a fundamental check and balance on the executive. It is especially important with respect to lifetime appointments to the judiciary. The Senate's rules, already adopted and in place for this Congress, continue to provide for an orderly procedure to end debate on matters before the Senate and an orderly procedure for amending the Senate rules.

Just as amending our fundamental charter, the Constitution, requires supermajorities, so amending our Senate rules does, as well. When the Senate rule for ending debate in the Senate has been amended in the past, the rules for amending those rules have been followed. Previous Senate majorities have followed the rule of law by amending rule XXII only after a supermajority has agreed to end debate on amending the rule. The nuclear option would circumvent rule XXII and would destroy the equivalent of the rule of law in the Senate.

Even the Senate's Republican majority should not be above the law. The Senate has always protected minority rights. The nuclear option would bring an end to that tradition and to the comity and cooperation on which the Senate depends. The Senate and the House were designed by the Founders to serve different functions in our Government. The nuclear option destroys the fundamental character of the Senate. Breaking so fundamental a Senate rule by brute force is lawlessness. Over the past 2 years, the Republican majority has already bent, broken or ignored the rules governing committee consideration of judicial nominees. This year they are moving to destroy the one Senate rule left that allows the minority any protection and any ability to protect the rights of the American people.

In political speeches we all talk about the importance of the rule of law. In Iraq over the last 2 years, young Americans have given the ultimate sacrifice seeking to help establish a democracy that upholds the rule of law. The governing transitional law that the Bush administration helped design for Iraq calls for a two-thirds vote of the Iraqi legislature to select the president and vice presidents. This was created to protect the minority and encourage consensus. Just today we hear that the long period of negotiations following the Iraqi elections has yielded an agreement on the presidency council, which is the next step in forming an Iraqi government, and that the Iraqi national assembly expects to have the two-thirds vote required to proceed to name a Kurdish leader, a prominent Shiite Arab politician and a Sunni Arab leader as the president and the two vice presidents of Iraq. While we recognize and fight for consensus-building and minority protection in Iraq, Republican partisans here at home are threatening the nuclear option to remove protection for the minority in the U.S. Senate. That is wrong.

When President Bush last met earlier this year with President Putin of Russia, he spoke eloquently about the fundamental requirements of a democratic society. President Bush acknowledged that democracy relies on the sharing of power, on checks and balances, on an independent court system, on the protection of minority rights and on safeguarding human rights and human dignity. What we preach to others we should practice. Destroying the protection of minority rights, removing the Senate as a check on the President's power to appoint lifetime judges and undermining our independent Federal judiciary are inconsistent with our democratic principles and values but that is precisely what the nuclear option would do.

Breaching the Senate rules to eliminate filibusters of nominations will only produce more division, bitterness and controversy. To date the Senate has proceeded to confirm 204 lifetime appointments to the Federal judiciary by President Bush. The Senate has refused to grant its consent to only a handful of his most controversial and divisive nominees and only after public debate and the votes of a substantial number of Senators. Those who now threaten the nuclear option were willing to forestall votes on more than 60 of President Clinton's moderate and qualified judicial nominees if only one anonymous Republican Senator had a secret objection.

The way to resolve this conflict is for the President and Senate Republicans to work with all Senators and engage in genuine, bipartisan consultation aimed at the appointment of consensus nominees with reputations for fairness who can gain wide support and join the more than 200 judges confirmed during President Bush's first term. By last December, we had reduced judicial vacancies to the lowest level, lowest rate and lowest number in decades, since President Ronald Reagan was in office.

There are currently 28 judicial vacancies for which the President has delayed sending a nominee. In fact, he has sent the Senate only one new judicial nominee all year. I wish he would work with all Senators to fill those remaining vacancies rather than through his inaction and unnecessarily confrontational approach manufacture longstanding vacancies.

There are currently two of his nominees, Michael Seabright of Hawaii and Paul Crotty of New York, who the Republican leadership refuses to schedule for consideration. I believe that those nominees can be debated and will be confirmed by overwhelming bipartisan votes, if the Republican leadership of the Senate would focus on making progress instead of seeking to manufacture a crisis. They can become the first judges confirmed this year. Let us join together to debate and confirm these consensus nominees.

Rather than blowing up the Senate, let us honor the constitutional design of our system of checks and balances and fill judicial vacancies with consensus nominees without unnecessary delay.

EXHIBIT 1

[From the Times Argus, Apr. 6, 2005]

TIME TO STAND UP

Republicans and Democrats are headed for a showdown in the Senate over the Democrats' insistence that, for a handful of extreme and ill-suited judicial nominees, it will use the filibuster to block action. Sen. Patrick Leahy, ranking Democrat on the Senate Judiciary Committee, will be in the center of the fight.

Republicans have responded to the prospect of Democratic filibusters by threatening to throw out the rule allowing filibusters for judicial nominees. Democrats say that if that happens they will halt all but the most essential Senate action.

The battle over the judiciary is a central political struggle of our time. The congressional effort to meddle in the Terri Shiavo case was a prelude to the battle over the courts, and it revealed the dangerous degree to which the nation's Republican leaders intend to twist the judiciary to their will.

The party line among Republicans is that they favor judges who interpret the law rather than making it. They don't want judges imposing outcomes or crafting decisions to carry out a personal agenda.

Yet the astonishing comments by Rep. Tom DeLay, House Republican leader, show the Republicans' true aim. DeLay revealed that, above all, he wants to impose outcomes. The outcome in the Schiavo case didn't go his way so he began talking of impeaching the judges involved. Judges whose independence is curbed by that kind of intimidation will be forced into outcomes demanded by politics, not by the law.

The Schiavo case passed before judges in state and federal courts, the federal appeals court, even the U.S. Supreme Court, and all those judges, liberal and conservative, ruled that Terri Schiavo's expressed wishes, as conveyed by her husband, should prevail. There has been much debate about whether the husband was reliable and whether the medical diagnosis was correct. But those questions went to judgment in the courts. That is what courts are for. The judiciary is independent so that courts can weigh facts in a calm and reasoned fashion, free of political pressures or the enthusiasms of enflamed groups. Sometimes we don't agree with the outcome, but citizens, like judges, are not supposed to impose outcomes.

Intimidation of the judiciary was also the approach of former Attorney General John Ashcroft, who sought to discipline judges who acted counter to his wishes. Abolishing the filibuster for judicial nominees is another, more extreme, form of intimidation.

The Republican critique of the judiciary suggests they believe judges are somehow outside the democratic system, that they have no business thwarting the workings of the legislative branch. But judges are an essential part of the democratic system. For one, they are appointed by the elected executive and confirmed by elected senators. And they exist to safeguard our democratic system when the legislative or executive branches try to ride roughshod over the law.

In the Schiavo case, the executive and legislative branches sought to abolish the constitutional role of the judiciary as an independent branch. In those cases where President Bush's judicial nominees exhibit similar lack of respect for the law, senators have the duty to oppose them and to stand up against the intimidating tactics of the Republican leadership.

HONORING POPE JOHN PAUL II

Mr. McCONNELL. Mr. President, I rise today with a heavy heart to express my sorrow on the passing of his Holiness, Pope John Paul II.

Karol Jozef Wojtyla, born in the village of Wadowice, Poland, grew up in a poor family, and was an orphan by the age of 21. But by the end of his long, energetic life, he had overseen a new outpouring of faith in the Catholic Church and a renewal of freedom around the world.

With his election in 1978, John Paul became the first non-Italian pope in over 450 years. How fitting that of all the countries to produce the next pope, he came from Poland. In 1978, Poland, like most of Eastern Europe, was straining under the yoke of Soviet domination. The Soviet Communists had dubbed religion "the opiate of the masses," and purposefully destroyed churches, detained or murdered priests, and terrorized worshippers.

The last thing they wanted was a native son of Poland returning there to remind his people of the power of faith.

Despite the Polish Communist government's attempts to prevent his visit, John Paul journeyed to Poland in June 1979. When he arrived he knelt down and kissed the Earth. He made over three dozen public appearances, in Warsaw, in Krakow, even in Auschwitz, and millions of Polish Catholics defined their government to see him.

John Paul reminded the world that the power of faith was stronger than tanks. He told his listeners that Christ could not be removed from human history. He urged them, "be not afraid."

With his visit, John Paul reminded Eastern Europeans that no economic system was more powerful than the human spirit. Within months, the Polish solidarity movement began, and was the first crack in the Iron Curtain. Thanks to continuous pressure by the Pope and other Western leaders, the Soviet empire finally crumbled 12 years later.

John Paul knew something about the power of faith over totalitarianism. In 1944, while studying for the priesthood in Krakow, Poland, the Nazis began rounding up men to forestall an uprising against their brutal regime. They captured 8,000 in Krakow. But they missed 24-year-old Karol, by failing to look in the basement of the house he was staying in. He was down there praying.

John Paul was not a political leader, but a religious one. He was a champion of human freedom because he believed that freedom was a right granted by God. And he wanted to share that message with others. Through his travels, John Paul took the Christian faith to more people in more places than anyone else has ever done. In his 27 years as Pope, he made 104 foreign trips, the most in papal history. Fluent in seven languages, he spoke directly to people the world over.

More than any Pope before him, John Paul championed a brotherhood of faith between Christians, Jews and Muslims. He was the first pope to visit both a synagogue and a mosque. he referred to the Jewish people as 'our elder brothers." His goal was to establish trust and peace between the world's great religions.

In 1994, he established full diplomatic relations between the Vatican and Israel. And in the closing years of the 20th century, he issued the historic document, "We Remember: A Reflection on the Shoah." In it he apologized for the Church's failure to stop the Nazi holocaust.

John Paul made history when, after so many years of working towards reconciliation, he became the first Pope to officially visit the Holy Land in 2000. He visited the sites of Jesus' birth, the Last Supper, crucifixion, burial and resurrection. In Jerusalem, he prayed at the Western Wall. Still in Jerusalem, he visited the al-Aqsa mosque, where Muslims hold that Muhammad ascended to Heaven.

John Paul recognized that worshipers of Judaism, Christianity and Islam, who all too often clash with raised fists, also share the same holy ground. By visiting these sites he reminded us that they belong to none, yet are holy to all.

John Paul was wonderful at delivering his message of love, hope and peace to millions at a time. He holds the record for having been seen, with the naked eye, by more people over his lifetime than anyone else in the world. As shepherd of the Catholic Church, he increased its number from 750 million to one billion over the globe. But he could also speak directly to just one man.

Take a man named Mehmet Ali Agca. On May 13, 1981, Agca shot the pope as he rode in a jeep driving through St. Peter's Square, and wounded him in the abdomen, right arm and left hand. John Paul was rushed to surgery and remained there for 5 hours. Part of his intestines had to be removed, and this man, a former skier, hiker and mountain climber, never fully recovered from this murderous attack.

But 2 years after the shooting, John Paul went to visit Agca in an Italian prison. The apostle and the assassin spoke face to face, and John Paul forgave Agca for attempting to kill him. In 1999, the Vatican endorsed clemency, and the Italian Government pardoned Agca a year later.

Right up until the end of his life, John Paul continued to teach us moral lessons. By continuing his duties through his ill health, he reminded us that all life has value and there is no such thing as a disposable human being.

We have lost a great moral leader, whose counsel will be missed as we continue to fight for freedom against the forces of violence, intolerance and hatred. it will be hard to fill the vacuum John Paul has left. His wisdom and fearlessness spoke not just to Catholics, but also to all Christians, Jews, Muslims, and the religions of the world. As we face a future without him, we must go forward as he did, with confidence in the human soul to find meaning amidst the chaos. And we must "be not afraid."

Mr. DODD. Mr. President, I rise to pay tribute to Pope John Paul II, who passed away on Saturday, April 2, 2005.

I certainly will not be able to capture Pope John Paul's entire legacy in these few words. He was a truly remarkable individual who led a truly remarkable life.

Pope John Paul II was a man who had a deep commitment to human freedom political freedom and economic freedom certainly, but more importantly, a freedom of the human soul from the bondage and burdenls of tyranny, oppression, and poverty. As a young man who came of age during World War II, he opposed Nazism. One of his first encyclicals as Pope was in support of workers' rights. During the 1980's, he was one of the leading world figures who helped bring about the end of communism. And he warned us all against the dangers of unbridled capitalism, particularly for those who are less fortunate.

Without a doubt, Pope John Paul II was the most ecumenical Pope the world has ever seen. It is fitting that his passing has sparked an outpouring of appreciation not simply from Catholics, but from people of all faiths.

John Paul II visited 129 countries outside of Italy by far the most of any Pope. He was the first Pope to visit a synagogue or a mosque. He visited the Western Wall in Israel and apologized for the Church's failure to resist and speak out against the Holocaust. Like no other Pope before him, he used his position to build bridges of understanding and respect between different faiths.

Pope John Paul II did not merely give sermons. He led by example. This was particularly evident when it came to the issue of forgiveness. Many of us often talk about forgiveness in an abstract sense. In January 1981, the Pope survived a bullet wound from a would-be assassin. Two years later, he visited and forgave the man who made an attempt on his life.

The Pope was an incredibly charismatic individual. A former actor, he used the skills he developed on stage to his advantage. I was fortunate enough to meet personally with him twice. Like so many, I was impressed not only by his thoughtfulness, and by the depth of his spiritual sentiment, but by his great human vitality, as well as his sense of humor.

In many ways, John Paul II was the first "modern pope." Born in this century, he lived through a world war and saw the emergence of the new threat of terrorism. He witnessed the dawn of the space age, as well as the developments of modern air travel, the computer, and the internet. A great deal of his time was devoted to addressing the tensions that often exist between modern society and Church traditions and doctrines.

The world truly lost an extraordinary leader this past Saturday. His message of faith, hope, and peace inspired millions, even in his final days. I share in the mourning of his passing, and I add my words of tribute to those of so many who have offered them in recent days.

Mr. NELSON of Florida. Mr. President, I pay tribute to Pope John Paul II, not only as a leader of the world's 1.1 billion Catholics, but also someone who was a moral leader in our troubled world. I was privileged to have met this Pope twice in my life while representing the people of Florida. I will always remember his devotion to faith, his intellect and his charm but, mostly, I will remember his overwhelming humility.

I was struck by how a man in a position of such awesome power could be so humble. And I believe people around the world saw this, too, which is why millions came to see and hear him during his visits to 129 different countries. His words of freedom and peace penetrated the human heart.

John Paul II was also a man of great courage, who learned firsthand the suffering of the Polish people he later would come to serve. As a young man, he performed forced labor at the hands of the Nazis but challenged their rule. As the archbishop of Krakow, he defied communist rulers, telling his countrymen no one could take faith and hope from their hearts.

He used his 26-year papacy to spread the message of freedom and peace to all corners of the world, and did so with vigor. His international trips always served a higher purpose, for he always sought to bring people together as equals in God's eyes. At one large gathering of youth, the faithful chanted, "We love you; we love you." When they quieted, the Pope humbly responded, "I love you more." He also inspired open communication among the world's faiths, as the first Pope to enter the main Jewish synagogue in Rome and the first to enter a mosque.

When he was selected to be the church's 264th Pope, his first words to the public were: "Be not afraid." Indeed, Pope John Paul II taught people around the world they need not fear those who try to oppress, nor fear those who might be different. As the world mourns his passing, we all should try to heed his words.

PRESIDENT VIKTOR YUSHCHENKO'S ADDRESS TO CONGRESS

Mr. DURBIN. Mr. President, today, Viktor Yushchenko, President of Ukraine, addressed a joint meeting of the United States Congress. I was honored to be part of the committee that escorted President Yushchenko into the House Chamber.

President Yushchenko's courage and commitment to democracy have inspired thousands of people in Illinois, and millions more in this country and throughout the world. In Illinois, we have a sizable Ukrainian-American population, particularly in Chicago. My son lives in a section of Chicago known as Ukrainian Village, and soon after President Yushchenko's election, the neighborhood was covered with orange ribbons in celebration.

Yesterday, President Yushchenko and his wife, Kathy Chumachenko-Yushchenko, a native of Chicago, visited the Windy City. I am glad they had the chance to experience our Illinois hospitality during their brief trip to the United States.

Just last month, I traveled to Ukraine as part of a bipartisan congressional delegation. There, I met with President Yushchenko and members of his government, and had the chance to see for myself a nation newly aglow in the light of democracy.

The story of President Yushchenko's election as the President of Ukraine is a story of great personal courage. It is a story of the power of democratic values and ideals. It is a story of what can be accomplished by individuals, united in peaceful protest against corruption, cronyism, and unfettered power.

President Yushchenko was elected as President of Ukraine despite a powerful array of opposing forces which, in pursuit of their ambitions, were willing to obstruct free assembly, free speech, and a free and fair democratic election. He ran for President at great risk to his own life. And he prevailed.

President Yushchenko spoke today with optimism and with hope for Ukraine's future as a democratic country. He said of his country, "We want a government of the people, by the people, and for the people." This is a desire that we as Americans understand and share. I look forward to working with my colleagues in Congress and with President Yushchenko to help nurture the flame of democracy that has started to burn so brightly in Ukraine.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On March 1, 2005, a man was found murdered in Daly City, CA. The victim, who was dressed in women's clothing, was found with multiple stab wounds to his chest and abdomen. Police have identified gender identity and sexual orientation as possible motives.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ZIMBABWE ELECTIONS

Mr. FEINGOLD. Mr. President, I rise to express my concern regarding the recent election in Zimbabwe, which secured sweeping powers for the ruling ZANU–PF party. These results come as no surprise. In addition to reported irregularities on voting day itself, the ruling party had waged a campaign of intimidation, coercion, and institutional manipulation well in advance of the balloting in order to ensure victory.

Last month I joined Senator McCAIN in writing to Secretary Rice, urging her to reaffirm the United States commitment to supporting genuine democratic processes and institutions in that troubled country. The U.S. needs a post-election strategy in Zimbabwe for supporting civil society, encouraging respect for civil and political rights, and bolstering the forces fighting against corruption.

We also need to continue to plan for the future. Once Zimbabwe's corrupt leadership finally released its grasp on power, the country will require substantial international assistance to turn around its devastating economic decline and to rebuild institutions, such as the once-independent judiciary, so that the rule of law can be effectively restored. Too many Zimbabwean youths have been traumatized, pressed into service in brutal pro-ruling party militia forces, enduring serious abuse and then often becoming abusers themselves. These young men and women, too, will need support and assistance to find their way back on a path toward the futures they once dreamed of as children.

I hope that soon the people of Zimbabwe will be given a chance to freely express their will in a genuine democratic process that is free from manipulation, intimidation, and coercion. As we prepare ourselves to be good partners to the people of Zimbabwe when change finally does come, we must also take a hard look at the disappointing passivity of leaders in many southern African states who have failed to speak and act in support of basic human rights and the rule of law in their own neighborhood. These decisions raise real doubts about the commitment of these regional leaders to democracy, and over the long term, these failures threaten the prospects for stability and prosperity throughout the region. South Africa, with its painful history, its tremendous promise, and its special moral authority, might have been a powerful protector of the rights of the people of Zimbabwe. Instead, South Africa's leadership has chosen, time and again, to sweep repression and abuse in Zimbabwe under the rug and to lend support to a bullying President who would rather destroy his own country than accept the rule of law and let real power rest with the Zimbabwean people. This South African choice is perhaps one of the greatest disappointments of all.

The people of Zimbabwe have suffered through years of economic and political catastrophe. Those of us who have watched this decline feel tremendous frustration and real sadness as we observe what has happened to their country. But we must not surrender to hopelessness, and we must not give up. I continue to be deeply moved by the bravery and patriotism of Zimbabwean citizens who resist the state's repression, even at enormous personal cost. The United States must remain committed to working with them to ensure that the people of Zimbabwe succeed in their fight for freedom and genuine democracy.

BOY SCOUTS

Mr. INHOFE. Mr. President, I rise today to honor an important institution in America that has contributed greatly to the quality of our youth and is very dear to my heart and the hearts of many here—the Boy Scouts of America.

For more than 90 years, the Scouts have supported our youth and helped produce some of the best and brightest leaders in our country—as many of my colleagues can attest—and I believe we must reaffirm our support for the vital work they have done and continue to do. Like many of my friends here, I was a Boy Scout many years ago.

As a result of the great work they do, I am pleased to be an original cosponsor of S. 642, the "Support Our Scouts Act of 2005", a bill that reinforces our strong commitment to the Boy Scouts.

In fact, I had at one time considered introducing my own bill on this very important matter. However, I was so pleased with the substance of this bill that I was proud to add my name as a cosponsor, and I thank my leader, Senator FRIST, for his efforts on this issue.

This bill addresses efforts by some groups to prevent federal agencies from supporting our Scouts. This bill would remove any doubts that Federal agencies can welcome Scouts and the great work they do from camping on Federal property to hosting the national jamboree every 4 years at Fort A.P. Hill.

As Senator FRIST has said, this legislation will specifically ensure that the Department of Defense can and will continue to provide Scouts the type of support it has provided in the past. Moreover, the Scouts would be permitted equal access to public facilities, forums, and programs that are open to a variety of other youth or community organizations.

Regrettably, as we all know, in recent years, the Boy Scouts have come under attack from aggressive liberal groups blatantly pushing their own social agendas.

In particular, Scouts have been the target of lawsuits by organizations that are more concerned with pushing these liberal agendas than sincerely helping our youth.

For instance, the Federal government is currently defending a lawsuit aimed at severing traditional ties between the Boy Scouts and the Departments of Defense and Housing and Urban Development.

What is more, Scouts have been excluded by certain State and local governments from utilizing public facilities, forums and programs, which are open to other groups.

It is certainly disappointing and, frankly, frustrating that we have reached a point where groups like the ACLU are far more interested in tearing down great institutions like the Boy Scouts than helping foster character and values in our young men.

I am tired of these tactics. It is very disturbing to me that these groups unabashedly attack organizations, regardless of the good they do or the support they have from the vast majority of Americans, simply to further their own subjective social agendas.

I for one, am saddened that the Boy Scouts of America has been the most recent target of these frivolous lawsuits. I reject any arguments that the Boy Scouts is anything but one of the greatest programs for character development and values-based leadership training in America today.

We must coalesce around those values that are so important to our society. We should seek to aid, not impede, groups that promote values like duty to God and country, faith and family, and public service and sacrifice, which are deeply ingrained in the oath of every scout.

To fail to support such values would allow the very fabric of America, which has brought us to this great place in history, to be destroyed.

Today, with more than 3.2 million youth members, and more than 1.2 million adult volunteers, we can certainly say that the Boy Scouts of America has positively impacted the lives of generations of boys, preparing them to be men of great character and values. Remarkably, Boy Scout membership since 1910 totals more than 110 million.

I am proud to report that in Oklahoma we have a total youth participation of nearly 75,000 boys, and in Oklahoma City alone, we have about 7,000 adult volunteers.

These young men have helped serve communities all over our State with programs like Helping Hands for Heroes, program where Scouts help military families whose loved ones are serving overseas. These young men have cut grass, cleaned homes, taken out the garbage and walked dogs. What a great service for our soldiers, sailors, airmen, and marines and their families. Our Boy Scouts have also to served as ushers and first aid responders at the University of Oklahoma football games for more than 50 years.

Notably, Scouts in my State have also shared a long and proud history of cooperation and partnership with military installations in Oklahoma.

Given all this, I hope my colleagues will join me in defending this organization and others like it. We must not be afraid to support our youth and organizations like the Boy Scouts that support them.

LIVING STRONGER, LONGER

Mr. KOHL. Mr. President, I rise today to recognize National Public Health Week and its important theme of "Living Stronger, Longer." Today, seniors are leading active and healthy lifestyles unmatched by previous generations. They are working longer, eating better, and utilizing medical advances that detect and treat illnesses before it is too late. But as our aging population doubles within the next decade, new challenges await us in ensuring that supply can meet an increasing demand.

This week marks the 10th Annual National Public Health Week, focusing on Living Stronger, Longer. I am proud to join the organizations involved that advocate for seniors every day and bring vital issues to the forefront during this week-long public information campaign promoting long and healthy lives for all Americans.

Public health advancements and new treatment options are enabling Americans to live longer and longer, but many older Americans still continue to suffer from preventable and treatable health problems such as diabetes, high blood pressure and heart disease. Americans can prevent and treat many of the common health problems that hinder the enjoyment of later years if they have access to affordable health care.

I know that as I travel throughout Wisconsin, speaking to seniors' groups and individuals, I often hear their concerns about the rising costs of health care and prescription drugs. As the lead Democrat on the Senate Special Committee on Aging, I am committed to protecting seniors' access to quality health care and I am committed to making sure that Medicare is preserved as a vital health program for seniors.

One of the key components to living longer, healthier lives is access to lifesaving prescription drugs. I have long been concerned about the high cost of prescription drugs, which can make it hard for Wisconsinites to afford the medicines they need to stay healthy. Today, Americans pay substantially higher prices for the same medicines that are far less expensive in many other countries. It is not fair to ask Americans to pay higher prices for the same medicines that cost a fraction of the price in other countries. That is why I support legislation to allow Americans to take advantage of lower drug prices found in other countries by legalizing the importation of FDA-approved drugs from other countries. I also support legislation to change a troublesome feature of the new Medicare prescription drug law that prohibits the Government from utilizing the tremendous purchasing power of the Medicare Program to reduce prices.

I am also concerned about the rising premiums seniors are facing in the Medicare Program. In addition to lowering the cost of prescription drugs, I will also continue to fight inefficiencies in Medicare and work to make

Medicare affordable and fair for all Wisconsin seniors.

But there also benefits that are available through Medicare that seniors simply are not utilizing. In fact, one in three older Americans do not get all recommended screenings. In Wisconsin, only 44.4 percent of men and 40.6 percent of women 65 and older are getting the selected preventive services provided, recommended, and covered by Medicare. We need to encourage seniors to take advantage of the opportunities that are available to take the steps necessary to stay strong and healthy longer.

We are lucky enough to live in the most medically and economically advanced country in the world, where we have the ability to protect our citizens, prevent illness and disease, and plan ahead for a more prosperous future. There is work to be done, but as long as we can work together, solutions can be obtained and Americans' quality of life improved for generations to come.

RETIREMENT OF PROFESSOR ALAN WERTHEIMER

Mr. LEAHY. Mr. President, Vermont is a State filled with extraordinary people who lead extraordinary lives. We take great pride that despite our modest geographical size, Vermont produces people whose voices, commitment and accomplishments transcend our borders and leave a lasting impact on the world in which we live.

Later this spring, one such Vermonter will be moving on to a new chapter in his life. Professor Alan Wertheimer, the John G. McCullough Professor of Political Science at the University of Vermont, will be retiring after over 35 years of teaching.

Professor Wertheimer is a distinguished scholar, having authored a number of highly acclaimed books. He has taught thousands of students over the years, including many members of my staff. He has been active in the affairs of the university and the community. His wife Susan and their children have been by his side every step of the way.

The role of scholars in shaping our society has been debated for thousands of years. Professor Wertheimer leaves in his wake a whole generation of students who he helped grapple with some of the most difficult and complex political and philosophical questions of our time, in a relevant, provocative and memorable style.

We in Vermont owe an enormous debt to Professor Wertheimer. He chose to grace our State university with his presence for his entire academic career. Thousands of Vermonters and students from all over the country and the world have had their lives enhanced by his dedication and scholarship.

I ask unanimous consent that a recent article in the Vermont Quarterly about Professor Wertheimer be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT DOES PROFESSOR WERTHEIMER THINK?

(By Kevin Foley)

Bright as they are, try as they will UVM's first class of Honors College students can't always figure that one out, but they just might learn to define and defend their own thoughts in the process. Inside the Honors Ethics Seminar, where a college's debut is sparked by a venerable professor's swan song.

Alan Wertheimer's method is the question, and right now, as a high-wattage October sun pours in and illuminates the buttery walls of his Allen House honors college seminar room, the question is this: "Is Alan Wertheimer tall?"

Well, no, not in modern-day America. But in the 18th century? Among the diminutive Bayaka, a Central African pygmy tribe? Among political theorists, where Wertheimer cuts a large figure because of decades of work illuminating crucial concepts in ethics and law like coercion? Who is to say? Perhaps Wertheimer, who goes about five-seven in his teaching clogs, really is tall.

But there's no time for that now. The professor has moved on to another proposition, another question.

Wertheimer, who is the John G. McCullough Professor of Political Science to his colleagues and "Big Al" to his honors students (offering another data point on the contingency of height), is ending his 37-year career at the University with a beginning: Along with philosopher Don Loeb, Wertheimer, who is retiring at the end of this academic year, developed a two-semester course in ethics that all 90 students enrolled in the new Honors College are taking. (See "Your Honor," below.) The idea is to provide these talented first-year students, a diverse group of future environmental engineers, doctors, English teachers, and software developers, a shared intellectual experience that cuts across every academic discipline and profession.

But the universal applicability of ethics—we all, after all, have strong notions of right and wrong, fair and unfair, whether to hand back the overpriced grocery store's miscounted change or keep it—is also a potential trap, at least if you've got a group of 15 very young, very bright, and very vocal students. Loeb puts it this way: "When you teach particle physics, nobody tries to come in with equally valid opinions on whether mesons have mass." Ethics is different: whether or not protestors should mass inspires more passionate opinions than the properties of sub-atomic matter.

But in the Honors College, emoting is not thinking. Opinion is not analysis. Instructors need to spark a lively discussion (generally an easy task with this crowd, even when the subject is Plato's Crito), but also to manage it, keeping the conversation aligned with the readings, and helping members of the class interrogate their classmates' ideas, and their own. Voicing your thoughts is great; defending them well is something else entirely. Something better. And putting logic into opinions is where Wertheimer's teaching excels.

The professor proffers another statement to the class, "It is not wrong to download music even if it violates the law." The students are supposed to reply true, false, or don't know, but once again, a statement quickly morphs into an interrogatory and the discussion surges. Passions rise—was that a telltale flash of porcelain iPod earbuds in the messenger bag across the table?—as the first-years come to a somewhat sheepish consensus: when it comes to illegally downloading music, fine, true, cool. Wertheimer winces. It is early in the semester, after all. (Or was that a smile?) The seminar soon rumbles on to categorizing a statement about the existence of God. The group opinion here, just barely, is "don't know."

Questions, questions, questions. But few answers from Wertheimer: none today, in fact. At a different time, in the more relaxed confines of his corner office on the top floor of Old Mill, the professor sits under a Chicago Art Institute poster depicting a bright horseracing scene, and explains why.

"The job is not to answer the question," he says. "It's to get them to think about it more rigorously."

AN ORDERLY MIND

The method is the question: Reading Consent to Sexual Intercourse, Wertheimer's most recent book and a tome far less racy than its title might imply, illustrates the power of carefully chosen, interlocking queries. With a characteristic intellectual flip, Wertheimer's discussion is not so much about the obvious "when does no mean no?"—that's morally clear, he thinks, or should be—but when does yes really mean yes.

Think about that: when does yes really mean yes? It can make your skull vibrate, even before the professor launches into nearly 300 pages of tricky cases and complicated theories. Can a retarded person truly consent to sex? A coerced one? Someone deceived, egregiously or subtly? Someone drunk? And those scenarios are only the beginning.

Wertheimer doesn't present a grand theory, an overarching vision, a huge program for social change. That's not his style. Instead, he offers a lot of thorough discussion of complicated cases, and some focused theories for hashing through them. This is not to say that the book lacks moral vision, however. Wertheimer's philosophical peregrinations leave him convinced that sexual deception, a matter largely ignored by the law, needs to be taken more seriously. Why should the law say so much about commercial deceits, when dollars are at stake, and so little about sexual lies, which cost so much emotionally?

Lawyers like to say that "hard cases make bad law," and they well may, but Wertheimer's gifts for sustained, precise and dispassionate analysis at least makes them into compelling theories. The books that Wertheimer built his intellectual reputation with, Coercion and Exploitation, take similarly knotty philosophical areas and methodically think through them in ways that are useful to political theorists, philosophers, and lawyers. More than useful: One reviewer said of Exploitation that "no one interested in the topic will be able to ignore this classic work." Wertheimer's scholarly appeal, says his colleague Robert Pepperman Taylor, a fellow political science professor and dean of the Honors College, comes down to the clarity and rigor of his approach.

"These are issues which people tend to wax rhetorical about, but Al brings his extremely clear analytical mind to bear on problems that can raise a lot of heat, a lot of passion, a lot of rhetoric," Taylor says. "He insists that we speak clearly about these things and understand them clearly."

Wertheimer's career, unlike his writing and thinking, hasn't always taken the clearest and most logical path from point A to B.

The professor, in fact, attributes many of his professional breakthroughs to good fortune; a fellowship at Princeton led to his first book, a semester spent teaching law at the University of San Diego contributed to his latest book. Now, after stepping down from his full-time duties at UVM, Wertheimer will spend a year at the National Institutes of Health, working on issues of coercion and consent in medical research.

"Things happen," he says. "Truth be told, that's the story of a lot of my career—anybody's career—things happen. Each opportunity led to new opportunities. I suppose it's true that the rich get richer; and, while I'm not exactly rich, I have gotten intellectually richer."

SHARING THE WEALTH

In casual conversation, Wertheimer is genial and amusing, fairly soft-spoken, prone to answer questions after one of the stretches of contemplation that make him a formidable bridge player. In the classroom, he's loud and kinetic ("I think he shocks the kids a little," a colleague says, "because he is passionate—very passionate—about things that maybe they never know anyone cared about") as he explores and tests his students' logic.

"To make a class of the kind I teach go well, you need at least four or five articulate, bright students," Wertheimer explains. "One or two isn't enough: You need a critical mass. If you have that, you get the others going."

In the honors seminar, Wertheimer has his requisite fluent five and then some, and while the discussions are lively, the conversation isn't always totally satisfying for the students. As the class spent a fall semester wrestling with abortion, inheritance, Plato, and the war in Iraq, their frequent tendency was to try to gauge what Big Al, the compact seer in the front of the room, thought. But after nearly 40 years of undergraduate teaching, Wertheimer is wily about concealing his personal views behind a Socratic screen when it suits his pedagogical purposes.

First-year honors student Kevin Ohashi, an electric-haired computer jock who spent his last two years of high school in Kathmandu, says that sphinx-like quality drove some of his classmates nuts. "Professor Wertheimer loves to play the devil's advocate," Ohashi says. "In class he would take the side that most people weren't on and propose a hypothetical situation that started tilting things his way, and then he might switch again. I thought it was great."

Ohashi says that the result of all those hours of discussion, at least for him, wasn't a messenger bag full of new ideas or a changed sense of moral purpose. Instead, in conversations with friends from the honors floor and elsewhere, he has over time found himself defending his old ideas with more confidence and care. Ohashi's experience echoes a theme common in letters from Wertheimer's former students: They often say things like "I never knew what it meant to think through a problem before."

INTELLECTUAL ATMOSPHERE

The professor got involved with creating the inaugural honors seminar (hardly a relaxed way to spend one's last year before retirement) because his experiences on the UVM faculty and as a UVM parent left him convinced that the campus needed a more intellectual culture.

If we're successful, we'll have created an intellectual environment," he says. "We toyed with the idea of having some variation in content between sections of the first-year seminars, but we dropped that, precisely so that people can engage in a common experience."

Honors students live together, study together, and play together. But the honors experience operates in quieter, more personal ways as well. Rahul Mudannayake, a first-year pre-med honors student from Sri Lanka, says that some of the class readings and discussions have haunted him, especially a particular essay by the famous Princeton philosopher Peter Singer. In the essay, "Rich and Poor," Singer outlines the vast discrepancies between wealth and poverty in the world, and insists that the wealthy have an obligation to assist. (Singer also visited campus to speak and meet with students in the class.) After the end of the fall semester, Mudannayake went home to Sri Lanka, just before the tsunami struck and devastated the country's coastal areas. The student did what he could, helping to ferry food and medicine to affected regions in the days after the tragedy, but the calamity made the ethical arguments he heard in the seminar, especially Singer's, immediate.

"The class has stayed with me in my life," Mudannayake says. "Spending a $1.50 here on a bottle of soda is difficult, considering what I read, what I saw in Sri Lanka. The way I spend my money now is totally different, and Wertheimer and Singer are part of that."

And here is where Al Wertheimer's questions finally end with an answer: A student thinking through the issues and making a personal choice, arrived at with rigor.

SIDEBAR 1

Your Honor

Students at the University's newest college live and learn together and, proponents of the program say, their debates, excitement and activities will enrich the entire academic atmosphere of campus.

It works like this: The campus-wide Honors College accepts about 100 of the most gifted first-year students enrolling at the University, regardless of major, and throws them together for a intense program of social events, a two-semester in-depth seminar class (for now, the ethics course developed by Wertheimer and Loeb), special lectures from big-name intellectuals and, in most cases, living on an all-honors floor at Harris/Millis.

By 2007, as successive classes enroll, the program will grow to encompass about 700 students (sophomores can apply for admission; college organizers wanted to give students who don't catch fire academically until they reach UVM a chance to participate in the program, which includes perks like priority class scheduling), supporting and extending existing college-level honors programs. Down the line, honors students will live in the new $60 million University Heights Student Residential Learning Complex, creating a Harvard or Oxford-style "residential college."

SIDEBAR 2

A Teacher's Tribute

On April 15, a daylong symposium in Old Mill will celebrate Alan Wertheimer's intellectual life in a manner befitting the man. Instead of gold watches and encomiums, judges, politicians and scholars will gather for a program on ethics in public life. The event will feature former Vermont Gov. Madeleine Kunin; Vermont Supreme Court Associate Justice John Dooley; and Harvard University's Arthur Applebaum, Dennis Thompson, and Nancy Rosenbaum. The discussion will range from Iraq to judicial activism and gay relationships to presidential campaign ethics. All events are free and open to the public; and, of course, Professor Wertheimer will be there doing what he does, asking questions, listening closely, weighing arguments, thoughtfully negotiating the tricky philosophical waters of politics and life.

ADDITIONAL STATEMENTS

CENTENNIAL CELEBRATION OF THE COLLEGE OF ST. CATHERINE

• Mr. DAYTON. Mr. President, I rise today to offer my heartfelt congratulations to the College of St. Catherine, in St. Paul, MN, on the celebration of its centennial year. St. Catherine is our country's largest Catholic college for women. Its numerous academic achievements would be impressive for a college of any size, but for an institution with fewer than 5,000 students, such accomplishments are downright spectacular.

Since its founding 100 years ago, the College of St. Catherine has expanded its student body from high school and lower division college students to include associate, bachelor's and graduate degree candidates in more than 60 fields. In 1937, St. Catherine became the first Catholic college to be awarded a chapter of the national honor society, Phi Beta Kappa.

Today, the College of St. Catherine continues to distinguish itself as a leading institution for women's education. Its "Women of Substance" series features lectures and performances of theatre, music, and dance by female speakers and artists from around the world. In the classroom, the college's new "Centers for Excellence" focus on the role of women in such diverse fields as public policy, spirituality, and health.

Annually, the College of St. Catherine graduates more nurses than any other college or university in Minnesota. It is second only to the much larger University of Minnesota in the number of public school teachers it has educated and placed in the State's capital city of St. Paul.

Along with all of the Minnesotans whose lives have benefited from the talents, professionalism, and leadership of St. Catherine's outstanding graduates, I would like to say thank you. The College of St. Catherine's commitment to the highest standards of academic excellence and social responsibility have enriched the lives of its students and its State's citizens for a century. I congratulate the faculty, staff, alumnae, and students of the College of St. Catherine on their 100 years of excellence. I know that they will continue their great tradition for the next 100 years.•

IN HONOR OF THE MIRACLE LEAGUE

• Mrs. BOXER. Mr. President, I take this opportunity to recognize the Miracle League, an organization dedicated to providing opportunities for all children to play baseball, regardless of their abilities.

In 1997, Coach Eddie Bagwell of the Rockdale Youth Baseball Association in Atlanta, GA, noticed a young boy in a wheelchair on the sidelines at all of the youth baseball team's practices and games. The enthusiasm and excitement that this boy had for baseball was inspiring and it was then that Coach Eddie realized that youth with disabilities ought to have the same opportunities as others to play ball.

In 1988, Coach Bagwell formed the Miracle League, a youth baseball league designed to allow children of all abilities to participate in our Nation's favorite pastime—baseball. The league started with 35 children. The following year, the number more than doubled, with 80 children clamoring to join a team. Since the Miracle League was breaking new ground, it came up with five rules to play by: every player bats once each inning; all base runners are safe; every player scores a run before the inning is over (last one up gets a home run); community volunteers serve as "buddies" to assist the players; and each team and each player wins every game.

As word spread quickly, Miracle League baseball teams were started across the country. In my home State of California, there are now four Miracle League teams: in Belmont, Westminster, Ventura County, and Visalia. Nationwide, there are more than 50 Miracle League teams.

I commend the Miracle League for its philosophy that "Every Child Deserves a Chance to Play Baseball." As the Miracle League begins its Spring 2005 season, I send my best wishes for a fun and exciting season. Play Ball!•

TRIBUTE TO WILLIAM McWHORTER COCHRANE

• Mrs. DOLE. Mr. President, North Carolina lost a loyal son and a devoted public servant when William McWhorter Cochrane died in Charlotte at the end of December. Bill dearly loved his home State and was often referred to as "North Carolina's third Senator." He was a man of great knowledge from whom I learned so much over the span of many years, and I feel certain that folks who knew him agree that his kindness was abundant and his accomplishments were endless.

Bill attended the University of North Carolina Chapel Hill, earning a bachelor's degree in journalism in 1938 and a law degree in 1941. Upon graduation, he served as the assistant director of the UNC Institute of Government. In 1941, he joined the U.S. Naval Reserve and in 1942, he was called to active duty and served aboard the minesweeper USS *Improve* off the Mediterranean coast. He then returned to the UNC Institute of Government. In 1950, he earned an advanced law degree from Yale University and became an associate research professor of public law and government at UNC.

In 1954, when Kerr Scott was elected to the Senate, Bill moved to Washington and served as Senator Scott's executive secretary and legal counsel until the Senator's death in 1957. Bill always insisted that he intended to return to North Carolina, having originally told Senator Scott that he would stay for only one year. But, B. Everett Jordan, appointed as Scott's successor, urged Bill to stay on in Washington. He did so and served as Senator Jordan's administrative assistant for the next 14 years.

Through the years, countless North Carolinians made their way to the Russell Building. Those seeking information, advice or a job, found Bill in his office piled high with documents, copies of the CONGRESSIONAL RECORD, mementos of presidential inaugurations, and thousands of index cards. At the service for Bill in Chapel Hill, many of those who spoke told of the wise counsel Bill provided and of his help in finding a position here in Washington. I count myself among those when, as a young woman, I first came to Washington and received Bill's advice and counsel.

During the summer of 1960, I worked in Senator Jordan's office as a summer employee. Knowing that first-hand historical experiences are much treasured by young people, Bill helped me get a front-row ticket to my first national campaign. Because of Bill, I was able to join onboard Democratic Vice-Presidential nominee Lyndon B. Johnson's whistle stop tour of the South.

Although my staunchly Republican father was concerned about my riding through the South, especially through my hometown on LBJ's train, I knew Bill was giving me, this political science major, an unmatchable learning experience and I was right. I took in every single moment, watching and learning as the Johnson campaign rolled along all over the South and through my hometown of Salisbury, NC.

On the train I met both LBJ and his gracious wife, Lady Bird. Those exciting days on the LBJ express were a blur of cheering crowds, speeches and yellow roses that surely ignited my already burning interest in politics. I will forever be grateful to Bill for that experience.

Senator Jordan chaired the Senate Rules Committee for many years, but when he lost his Senate seat in 1972, Bill was appointed staff director and majority counsel of the committee. He held that position from 1972–80; from 1981–86 he was minority staff director to the committee, and from 1987 to 1994 he served as senior advisor. For 20 years he was staff director of the Joint Committee on Presidential Inaugurals, directing the inaugurations of Presidents Richard Nixon, Jimmy Carter, and Ronald Reagan.

For 30 years he served on the staff of the Joint Committee on the Library, and in 1995, James Billington the Librarian of Congress, named Bill honorary historical consultant to the Library of Congress. Dr. Billington said of Bill's service to the library, "Bill Cochrane was one of the most knowledgeable, wise and devoted public servants I have had the pleasure of knowing. In a career that spanned three decades, as the senior staffer, institutional memory, and conscience of the Joint Committee on the Library and the Senate Committee on Rules and Administration, Bill was involved in every major library initiative, including the construction of the Madison Building, the renovation of the Jefferson and Adams Buildings, and an architect of smooth transitions from one Librarian of Congress to the next. His affection for the library and his long record of support for its mission and programs were unparalleled and will be long remembered."

Bill's long and valued service to this body and to his home State speak to a remarkable dedication and devotion for which Bill was admired and respected by all those who knew him. It is fitting that at this time, we in the Senate recognize and remember his service. We will surely miss this wise and caring man, wearing his bow tie and smoking his pipe.

Our thoughts and prayers are with his wife, Shirley, and sons, William Daniel Cochrane and Thomas McWhorter Cochrane.•

NEW MEXICAN CONTRIBUTION TO IED COUNTERMEASURES EQUIPMENT IN IRAQ

• Mr. DOMENICI. Mr. President, I recognize and praise the outstanding contribution of Delta Group Electronics and Canberra Aqulia of Albuquerque, NM, and New Mexico State University to ongoing efforts to protect our service men and women from improvised explosive devices, IEDs, in Iraq.

One of the greatest threats to our military personal deployed in the global war on terrorism is the IED. These devices used by terrorists and insurgents in Iraq are the single greatest cause of American casualties. These remote controlled bombs are used to attack American forces individually and as part of larger assaults on patrols and convoys.

While the up-armoring of military vehicles has provided a partial solution to the problem of combating IEDs, a better solution is to prevent IEDs from exploding at all. The IED countermeasures equipment, ICE, being fielded by the U.S. Marine Corps in Iraq is designed to accomplish this goal. ICE will jam the radio signal which is used to detonate many of these devices.

Delta Group Electronics and Canberra Aquila are an integral part of making ICE available to our soldiers in Iraq. Aqulia Technologies Group Inc. has been located in New Mexico since 1971. Delta Group Electronics has been operating since 1987.

These companies have been instrumental in delivering ICE to our Armed Forces in Iraq at one-third the cost of previous IED countermeasure systems. I thank them for helping to insure that our brave soldiers fighting the global war on terror are safer from these kinds of attacks. I have no doubt that both of these companies in the future will continue to contribute significantly to the national security of our great Nation.●

RWANDAN GENOCIDE

● Mr. FEINGOLD. Mr. President, today marks the 11th anniversary of the start of the Rwandan genocide of 1994. Eleven years ago, a deliberate, centrally planned, and organized campaign of mass murder and rape was set in motion in Rwanda, and eventually it took the lives of some 800,000 men, women, and children. The victims were ethnic Tutsis and also moderate ethnic Hutus who believed in tolerance and resisted the call to participate in madness. In many ways, the entire country was victimized. Millions were displaced, and shattered state institutions are still recovering from the devastating loss of skilled personnel. Survivors have struggled to cope with their memories, and orphans have had to assume adult responsibilities in the wake of tragedy. The entire central African region has been violently unstable ever since.

As this horror unfolded, the international community, including the United States, failed the people of Rwanda, and failed to act in the face of true evil. The world had said "never again" to genocide. And then we abandoned the people of Rwanda to an unspeakable national nightmare.

Even as the world marks this solemn anniversary, we read ongoing reports of the crisis in Darfur, Sudan—a crisis that our President and this Congress has called a genocide. Once more, we confront a reality that exposes the inadequacy of our pledges of "never again." And many will seize the anniversary of the Rwandan tragedy to rally support for more effective action in Darfur, where the international response has too often been sluggish and inadequate.

In the case of Darfur, the United States has spoken boldly. Our humanitarian response, though slow to gear up, is significant and commendable. The efforts of the African Union are laudable. But the bottom line is that neither the African Union nor the U.S. has taken effective action to protect the people of Darfur. While last week the United Nations Security Council made some progress on Darfur, much more remains to be done, and I do not believe that the United States has exerted adequate diplomatic and political effort on behalf of the people of Darfur. We ought to be able to do more—to be more forceful, more focused, more innovative, and more persuasive—to stop genocide.

So I applaud those who will work to refocus American attention on Darfur today, and I stand with them in their urgent call for a more effective response. But today, of all days, we must not forget Rwanda. We cannot pretend that Rwanda's struggles are simply in the past, or that the country exists simply to serve as a cautionary tale. The people of Rwanda still struggle today with efforts to rebuild their country, with the devastating HIV/AIDS pandemic, with the need for justice and accountability, and broadly, with fear. And though it is true that even the most conscientious policy will never erase the failures of the past, it is also true that we only compound our mistakes when we ignore the realities of Rwanda today.

Frankly, some of these realities are deeply disturbing. Crushing poverty characterizes the economic situation of far too many Rwandans, and serious repression is a dominant feature of the country's political life. The most recent State Department Human Rights Report on Rwanda cites instances of political disappearances, arbitrary arrest of opposition supporters, and harassment of independent journalists. According to the report, last year the government of Rwanda "effectively dismantled independent human rights organizations" and the Government declined to use its considerable influence with the RCD-G faction in Eastern Congo to effectively curtail that group's practice of killing, raping, and robbing the people of Eastern Congo on a massive scale.

Of course the government of Rwanda and the Rwandan people value order and are extremely sensitive to ethnically divisive forces. Rwanda remains a traumatized society. But not all dissent is dangerous or divisive, and history teaches us that imposing order alone is not enough to guarantee stability and security. Over the long run, suppression and intimidation can undermine security rather than protecting it, forcing healthy debates into illicit channels, and casting doubt on the legitimacy of the prevailing order. We fail to be true friends to the people of Rwanda when we fail to be honest about these issues, and to raise our voices in support of the civil and political rights of the Rwandan people.

As we remember the past today, we should resolve to pay close attention to the present. The people of Rwanda deserve more than our regret. They deserve our support for their efforts to build a more just, more free, and more secure future.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 3:14 p.m., a message from the House, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 34. Concurrent resolution honoring the life and contributions of Yogi Bhajan, a leader of Sikhs, and expressing condolences to the Sikh community on his passing.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3. An act to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1492. A communication from the Acting Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Addition of Slovakia to the List of Countries Eligible to Export Meat Products to the United States" (Docket No. 99-018F) received on March 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1493. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Thiophanate-methyl; Pesticide Tolerances for Emergency Exemptions" (FRL No. 7699-3) received on March 24, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1494. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Mesotrione; Pesticide Tolerance" (FRL No. 7703-1) received on March 24, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1495. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Dinotefuran; Pesticide Tolerance" (FRL No. 7695-5) received on March 24, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1496. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bacillus thuringiensis Modified Cry3A Protein (mCry3A) and the Genetic Material Necessary for its Production in Corn; temporary Exemption From the Requirement of a Tolerance" (FRL No. 7704-4) received on April 4, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1497. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Agricultural Bioterrorism Protection Act of 2002; Possession, Use, and Transfer of Biological Agents and Toxins" (RIN0579–AB47) received on March 24, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1498. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Classical Swine Fever Status of Mexican States of Campeche, Quintana Roo, Sonora, and Yucatan" (APHIS Docket No. 02–002–2) received on March 28, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1499. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Karnal Bunt; Regulated Areas" (APHIS Docket No. 04-118–1) received on March 28, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1500. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Commuted Travel Time" (APHIS Docket No. 04–108–1) received on March 28, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1501. A communication from the Acting Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 2005-2006 Marketing Year" (FV05–985–1 FR) received on March 28, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1502. A communication from the Acting Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Grapes Grown in a Designated Area of Southeastern California; Increased Assessment Rate" (FV05-925-1 FR) received on March 28, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1503. A communication from the Acting Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Vidalia Onions Grown in Georgia; Increased Assessment Rate" (FV05–955–1 IFR) received on March 28, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1504. A communication from the Acting Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Onions Grown in South Texas; Decreased Assessment Rate" (FV05–959–1 FIR) received on March 28, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1505. A communication from the Acting Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Dried Prunes Produced in California; Increased Assessment Rate" (FV05-993–1 FR) received on March 28, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1506. A communication from the Acting Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 3 (Native) Spearmint Oil for the 2004–2005 Marketing Year" (FV04–985-2 IFR–A2) received on March 28, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1507. A communication from the Acting Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Nectarines and Peaches Grown in California; Revision of Handling Requirements for Fresh Nectarines and Peaches" (FV05–916–1 IFR) received on March 28, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1508. A communication from the Acting Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Domestic Dates Produced or Packed in Riverside County, California; Modification of the Qualification Requirements for Approved Manufacturers of Date Products" (FV04-987–1 FR) received on March 28, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1509. A communication from the Acting Administrator, Agricultural Marketing Service, Dairy Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Fluid Milk Promotion Order" (DA–04–04) received on March 28, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1510. A communication from the Architect of the Capitol, transmitting, pursuant to law, a report of all expenditures during the period April 1, 2004 through September 30, 2004 from moneys appropriated to the Architect; to the Committee on Appropriations.

EC–1511. A communication from the Chief, Office of Regulations Policy and Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Exclusions from Income and New Worth Computations" (RIN2900–AM14) received on April 4, 2005; to the Committee on Veterans' Affairs.

EC–1512. A communication from the Assistant Attorney General, Department of Justice, transmitting, pursuant to law, a report relative to the Foreign Intelligence Surveillance Act of 1978; to the Committee on the Judiciary.

EC–1513. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Agency, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Electronic Orders for Controlled Substances" (RIN1117–AA60) received on April 4, 2005; to the Committee on the Judiciary.

EC–1514. A communication from the General Counsel, Office of Justice Programs, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Government-Wide Debarment and Suspension (Nonprocurement) and Government-Wide Requirements for Drug-Free Workplace Grants" (RIN1121-AA57) received on March 24, 2005; to the Committee on the Judiciary.

EC–1515. A communication from Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Interagency Guidance on Response Programs for Unauthorized Access to Customer Information and Customer Notice" (RIN1557–AC92) received on April 4, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1516. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Community Reinvestment Act Regulations (Part 25)" (RIN1557–AC86) received on April 4, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1517. A communication from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "31 CFR Part 351, Offering of United States Savings Bonds, Series EE" received on April 4, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1518. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation (FDIC), transmitting, pursuant to law, the report of a rule entitled "Community Reinvestment Act Regulations (Technical Amendments)" (RIN3064–AC82) received on April 4, 20057; to the Committee on Banking, Housing, and Urban Affairs.

EC–1519. A communication from the President of the United States, transmitting, pursuant to law, a report on the extension of trade promotion authority relative to section 2103(c)(2) of the Trade Act of 2002; to the Committee on Finance.

EC–1520. A communication from the Chief, Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Electronic Transmission of Passenger and Crew Manifests for Vessels and Aircraft" (RIN1651-AA37) received on April 4, 2005; to the Committee on Finance.

EC–1521. A communication from the Acting Chief, Publications and Regulations

Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "National Median Gross Income for 2005" (Rev. Proc. 2005–15) received April 4, 2005; to the Committee on Finance.

EC–1522. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "April–June 2005 Bond Factor Amounts" (Rev. Rul. 2005-16) received April 4, 2005; to the Committee on Finance.

EC–1523. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Designated IRS Officer or Employee Under Section 7602(a)(2) of the Internal Revenue Code" (RIN1545–BA89) received April 4, 2005; to the Committee on Finance.

EC–1524. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Ruling: Suitable for Use" (Rev. Rul. 2005-19) received April 4, 2005; to the Committee on Finance.

EC–1525. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Announcement and Report Concerning Advance Pricing Agreements" (Announcement 2005–27) received April 4, 2005; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. COCHRAN, from the Committee on Appropriations, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 1268. Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes (Rept. No. 109-52).

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment:

S. 732. A bill to authorize funds to Federal aid highways, highway safety programs, and transit programs, and for other purposes (Rept. No. 109–53).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ROBERTS (for himself and Mr. Lugar):

S. 713. A bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants; to the Committee on Finance.

By Mr. SMITH (for himself, Mr. Inouye, Ms. Snowe, Mr. Dorgan, Mr. Sununu, Mr. Burns, Mr. Lautenberg, and Mr. Stevens):

S. 714. A bill to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions; to the Committee on Commerce, Science, and Transportation.

By Mr. HARKIN (for himself, Mr. Dayton, Mr. Durbin, and Mr. Lautenberg):

S. 715. A bill to amend the Internal Revenue Code of 1986 to encourage investment in facilities using wind to produce electricity, and for other purposes; to the Committee on Finance.

By Mr. AKAKA (for himself, Mr. Rockefeller, and Mr. Conrad):

S. 716. A bill to amend title 38, United States Code, to enhance services provided by vet centers, to clarify and improve the provision of bereavement counseling by the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. LINCOLN (for herself and Ms. Collins):

S. 717. A bill to amend title XVIII of the Social Security Act to provide coverage for kidney disease education services under the medicare program, and for other purposes; to the Committee on Finance.

By Mr. BIDEN (for himself, Mr. Specter, Mr. McConnell, Mrs. Murray, Mr. Dayton, Mr. Chambliss, Mr. Corzine, and Ms. Cantwell):

S. 718. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, and to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, accountability, and due process laws; to the Committee on the Judiciary.

By Mr. SARBANES (for himself and Ms. Mikulski):

S. 719. A bill to extend Corridor O of the Appalachian Development Highway System from its current southern terminus at I–68 near Cumberland to Corridor H, which stretches from Weston, West Virginia, to Strasburg, Virginia; to the Committee on Environment and Public Works.

By Mr. BINGAMAN (for himself and Mr. Smith):

S. 720. A bill to amend the Internal Revenue Code of 1986 to eliminate unnecessary paperwork burdens on government and small businesses by reducing the number of excise tax returns filed by small taxpayers that pay the Federal excise tax on wines and beer; to the Committee on Finance.

By Mr. VITTER:

S. 721. A bill to authorize the Secretary of the Army to carry out a program for ecosystem restoration for the Louisiana Coastal Area, Louisiana; to the Committee on Environment and Public Works.

By Mr. SANTORUM:

S. 722. A bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. Bond, and Mr. Bingaman):

S. 723. A bill to amend the Internal Revenue Code of 1986 to allow small businesses to set up simple cafeteria plans to provide nontaxable employee benefits to their employees, to make changes in the requirements for cafeteria plans, flexible spending accounts, and benefits provided under such plans or accounts, and for other purposes; to the Committee on Finance.

By Mr. DODD (for himself, Mr. Durbin, and Mr. Salazar):

S. 724. A bill to improve the No Child Left Behind Act of 2001, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD (for himself, Ms. Snowe, Mr. Kennedy, Ms. Collins, Mrs. Murray, Mr. Durbin, Mrs. Clinton, Mr. Inouye, Mr. Levin, Mr. Lautenberg, and Mr. Johnson):

S. 725. A bill to improve the Child Care Access Means Parents in School Program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALEXANDER (for himself and Mr. Johnson):

S. 726. A bill to promote the conservation and production of natural gas; to the Committee on Energy and Natural Resources.

By Mr. ALEXANDER (for himself and Mr. Johnson):

S. 727. A bill to provide tax incentives to promote the conservation and production of natural gas; to the Committee on Finance.

By Mr. BOND (for himself, Mr. Inhofe, Mr. Vitter, Mr. Warner, Mr. Voinovich, Mr. Isakson, Mr. Thune, Ms. Murkowski, Mr. Obama, Ms. Landrieu, Mr. Grassley, Mr. Harkin, Mr. Talent, Mr. Cornyn, Mr. Cochran, Mr. Domenici, and Mr. Coleman):

S. 728. A bill to provide for the consideration and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DURBIN:

S. 729. A bill to establish the Food Safety Administration to protect the public health by preventing food-borne illness, ensuring the safety of food, improving research on contaminants leading to food-borne illness, and improving security of food from intentional contamination, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LEAHY (for himself and Ms. Snowe):

S. 730. A bill to amend the Clean Air Act to establish requirements concerning the operation of fossil fuel-fired electric utility steam generating units, commercial and industrial boiler units, solid waste incineration units, medical waste incinerators, hazardous waste combustors, chlor-alkali plants, and Portland cement plants to reduce emissions of mercury to the environment, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CONRAD (for himself, Mr. Burns, Mr. Johnson, Mr. Dorgan, Mr. Kohl, Mr. Domenici, Mr. Bingaman, and Mr. Thune):

S. 731. A bill to recruit and retain more qualified individuals to teach in Tribal Colleges or Universities; to the Committee on Indian Affairs.

By Mr. INHOFE:

S. 732. A bill to authorize funds to Federal aid highways, highway safety programs, and transit programs, and for other purposes; from the Committee on Environment and Public Works; placed on the calendar.

By Mr. VITTER:

S. 733. A bill to amend the Outer Continental Shelf Lands Act to provide a domestic offshore energy reinvestment program, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. VITTER:

S. 734. A bill to provide for agreements between Federal agencies to partner or transfer funds to accomplish erosion goals relating to the coastal area of Louisiana, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. VITTER:

S. 735. A bill to amend the Submerged Lands Act to make the seaward boundaries of the States of Louisiana, Alabama, and Mississippi equivalent to the seaward boundaries of the State of Texas and the Gulf Coast of Florida; to the Committee on Energy and Natural Resources.

By Mr. VITTER:

S. 736. A bill to amend the Outer Continental Shelf Lands Act to promote uses on the Outer Continental Shelf; to the Committee on Energy and Natural Resources.

By Mr. CRAIG (for himself, Mr. DURBIN, Mr. SUNUNU, Mr. FEINGOLD, Ms. MURKOWSKI, and Mr. SALAZAR):

S. 737. A bill to amend the USA PATRIOT ACT to place reasonable limitations on the use of surveillance and the issuance of search warrants, and for other purposes; to the Committee on the Judiciary.

By Mr. SPECTER:

S. 738. A bill to provide relief for the cotton shirt industry; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself and Mr. ALEXANDER):

S. Res. 97. A resolution commending Patricia Sue Head Summitt, head women's basketball coach at the University of Tennessee, for three decades of excellence as a proven leader, motivated teacher, and established champion; considered and agreed to.

By Mr. BURR (for himself and Mrs. DOLE):

S. Res. 98. A resolution commending the University of North Carolina men's basketball team for winning the 2005 National Collegiate Athletic Association Division I Men's Basketball Championship; considered and agreed to.

By Mr. LAUTENBERG (for himself, Mr. LEVIN, Mr. SARBANES, and Mr. LIEBERMAN):

S. Res. 99. A resolution expressing the sense of the Senate to condemn the inhumane and unnecessary slaughter of small cetaceans, including Dall's porpoise, the bottlenose dolphin, Risso's dolphin, false killer whales, pilot whales, the striped dolphin, and the spotted dolphin in certain nations; to the Committee on Foreign Relations.

By Mr. DORGAN (for himself and Mr. BYRD):

S. Res. 100. A resolution disapproving the request of the President for extension under section 2103(c)(1)(B)(i) of the Bipartisan Trade Promotion Authority Act of 2002, of the trade promotion authorities under that Act; to the Committee on Finance.

By Mr. SANTORUM (for himself, Mr. SPECTER, and Mr. LAUTENBERG):

S. Res. 101. A resolution recognizing the 50th anniversary of the development of the Salk polio vaccine and its importance in eradicating the incidence of polio; considered and agreed to.

ADDITIONAL COSPONSORS

S. 132

At the request of Mrs. LINCOLN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 132, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance.

At the request of Mr. SMITH, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 132, supra.

S. 185

At the request of Mr. NELSON of Florida, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 185, a bill to amend title 10, United States Code, to repeal the requirement for the reduction of certain Survivor Benefit Plan annuities by the amount of dependency and indemnity compensation and to modify the effective date for paid-up coverage under the Survivor Benefit Plan.

S. 217

At the request of Mr. BINGAMAN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 217, a bill to amend title 49, United States Code, to preserve the essential air service program.

S. 224

At the request of Mr. KENNEDY, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 224, a bill to extend the period for COBRA coverage for victims of the terrorist attacks of September 11, 2001.

S. 241

At the request of Ms. SNOWE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 241, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 267

At the request of Mr. CRAIG, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 267, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes.

S. 333

At the request of Mr. SANTORUM, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 339

At the request of Mr. REID, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of S. 339, a bill to reaffirm the authority of States to regulate certain hunting and fishing activities.

S. 382

At the request of Mr. ENSIGN, the names of the Senator from Nebraska (Mr. NELSON), the Senator from New Hampshire (Mr. GREGG), the Senator from Michigan (Mr. LEVIN), the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from Vermont (Mr. JEFFORDS), the Senator from California (Mrs. BOXER) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 382, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 461

At the request of Mr. ROCKEFELLER, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 461, a bill to amend title 37, United States Code, to require that a member of the uniformed services who is wounded or otherwise injured while serving in a combat zone continue to be paid monthly military pay and allowances, while the member recovers from the wound or injury, at least equal to the monthly military pay and allowances the member received immediately before receiving the wound or injury, to continue the combat zone tax exclusion for the member during the recovery period, and for other purposes.

S. 467

At the request of Mr. DODD, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 467, a bill to extend the applicability of the Terrorism Risk Insurance Act of 2002.

S. 484

At the request of Mr. WARNER, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 495

At the request of Mr. CORZINE, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 495, a bill to impose sanctions against perpetrators of crimes against humanity in Darfur, Sudan, and for other purposes.

S. 513

At the request of Mr. GREGG, the name of the Senator from Oregon (Mr.

WYDEN) was added as a cosponsor of S. 513, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 521

At the request of Ms. CANTWELL, her name was added as a cosponsor of S. 521, a bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis C virus infection.

S. 548

At the request of Mr. CONRAD, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Montana (Mr. BAUCUS), the Senator from Minnesota (Mr. COLEMAN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 548, a bill to amend the Food Security Act of 1985 to encourage owners and operators of privately-held farm, ranch, and forest land to voluntarily make their land available for access by the public under programs administered by States and tribal governments.

S. 566

At the request of Mr. ROCKEFELLER, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 566, a bill to continue State coverage of medicaid prescription drug coverage to medicare dual eligible beneficiaries for 6 months while still allowing the medicare part D benefit to be implemented as scheduled.

S. 577

At the request of Ms. COLLINS, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 577, a bill to promote health care coverage for individuals participating in legal recreational activities or legal transportation activities.

S. 583

At the request of Ms. LANDRIEU, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 583, a bill to amend the Internal Revenue Code of 1986 to provide for the proper tax treatment of certain disaster mitigation payments.

S. 602

At the request of Ms. MIKULSKI, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 602, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 654

At the request of Mr. LEAHY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 654, a bill to prohibit the expulsion, return, or extradition of persons by the United States to countries engaging in torture, and for other purposes.

S. 657

At the request of Mr. ENSIGN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 657, a bill to amend title XVIII of the Social Security Act to make a technical correction in the definition of outpatient speech-language pathology services.

S. 679

At the request of Mr. COLEMAN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 679, a bill to amend title 10, United States Code, to require the registration of contractors' taxpayer identification numbers in the Central Contractor Registry database of the Department of Defense, and for other purposes.

S. 702

At the request of Mr. BAUCUS, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 702, a bill to amend the Internal Revenue Code of 1986 to repeal the occupational taxes relating to distilled spirits, wine, and beer.

S. CON. RES. 16

At the request of Mr. BINGAMAN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Con. Res. 16, a concurrent resolution conveying the sympathy of Congress to the families of the young women murdered in the State of Chihuahua, Mexico, and encouraging increased United States involvement in bringing an end to these crimes.

S. RES. 31

At the request of Mr. COLEMAN, the names of the Senator from Montana (Mr. BURNS) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. Res. 31, a resolution expressing the sense of the Senate that the week of August 7, 2005, be designated as "National Health Center Week" in order to raise awareness of health services provided by community, migrant, public housing, and homeless health centers, and for other purposes.

S. RES. 83

At the request of Mr. SANTORUM, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. Res. 83, a resolution commemorating the 65th Anniversary of the Black Press of America.

S. RES. 85

At the request of Mr. THOMAS, the names of the Senator from Florida (Mr. MARTINEZ), the Senator from Montana (Mr. BAUCUS) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. Res. 85, a resolution designating July 23, 2005, and July 22, 2006, as "National Day of the American Cowboy".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SMITH (for himself, Mr. INOUYE, Ms. SNOWE, Mr. DORGAN, Mr. SUNUNU, Mr. BURNS, Mr. LAUTENBERG, and Mr. STEVENS):

S. 714. A bill to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions; to the Committee on Commerce, Science, and Transportation.

Mr. SMITH. Mr. President, I rise today with Senator INOUYE and other colleagues to introduce the "Junk Fax Prevention Act of 2005." This bill will strengthen existing laws by providing consumers the ability to prevent unsolicited fax advertisements and provide greater Congressional oversight of enforcement efforts by the Federal Communications Commission (FCC). This bill will also help businesses by allowing them to continue to send faxes to their customers in a manner that has proven successful with both businesses and consumers.

In July of 2003, the FCC reconsidered its Telephone Consumer Protection Act (TCPA) rules and elected to eliminate the ability for businesses to contact their customers even where there exists an established business relationship. The effect of the FCC's rule would be to prevent a business from sending a fax solicitation to any person, whether it is a supplier or customer, without first obtaining prior written consent. This approach, while seemingly sensible, would impose significant costs on businesses in the form of extensive record keeping. Recognizing the problems created by this rule, the Commission has twice delayed the effective date, with the current extension of stay expiring on June 30, 2005.

The purpose of this legislation is to preserve the established business relationship exception currently recognized under the TCPA. In addition, this bill will allow consumers to opt out of receiving further unsolicited faxes. This is a new consumer protection that does not exist under the TCPA today.

We believe that this bipartisan bill strikes the appropriate balance in providing significant protections to consumers from unwanted unsolicited fax advertisements and preserves the many benefits that result from legitimate fax communications.

In the 108th Congress, this legislation passed both the Senate and House but was not signed into law prior to the adjournment of Congress. We hope that both the Senate and House can pass this legislation in a timely manner, prior to June 30, 2005, when the FCC's stay expires.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 714

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Junk Fax Prevention Act of 2005".

SEC. 2. PROHIBITION ON FAX TRANSMISSIONS CONTAINING UNSOLICITED ADVERTISEMENTS.

(a) PROHIBITION.—Section 227(b)(1)(C) of the Communications Act of 1934 (47 U.S.C. 227(b)(1)(C)) is amended to read as follows:

"(C) to use any telephone facsimile machine, computer, or other device to send, to a telephone facsimile machine, an unsolicited advertisement, unless—

"(i) the unsolicited advertisement is from a sender with an established business relationship with the recipient; and

"(ii) the unsolicited advertisement contains a notice meeting the requirements under paragraph (2)(D), except that the exception under clauses (i) and (ii) shall not apply with respect to an unsolicited advertisement sent to a telephone facsimile machine by a sender to whom a request has been made not to send future unsolicited advertisements to such telephone facsimile machine that complies with the requirements under paragraph (2)(E); or".

(b) DEFINITION OF ESTABLISHED BUSINESS RELATIONSHIP.—Section 227(a) of the Communications Act of 1934 (47 U.S.C. 227(a)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by inserting after paragraph (1) the following:

"(2) The term 'established business relationship', for purposes only of subsection (b)(1)(C)(i), shall have the meaning given the term in section 64.1200 of title 47, Code of Federal Regulations, as in effect on January 1, 2003, except that—

"(A) such term shall include a relationship between a person or entity and a business subscriber subject to the same terms applicable under such section to a relationship between a person or entity and a residential subscriber; and

"(B) an established business relationship shall be subject to any time limitation established pursuant to paragraph (2)(G).".

(c) REQUIRED NOTICE OF OPT-OUT OPPORTUNITY.—Section 227(b)(2) of the Communications Act of 1934 (47 U.S.C. 227(b)(2)) is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(D) shall provide that a notice contained in an unsolicited advertisement complies with the requirements under this subparagraph only if—

"(i) the notice is clear and conspicuous and on the first page of the unsolicited advertisement;

"(ii) the notice states that the recipient may make a request to the sender of the unsolicited advertisement not to send any future unsolicited advertisements to a telephone facsimile machine or machines and that failure to comply, within the shortest reasonable time, as determined by the Commission, with such a request meeting the requirements under subparagraph (E) is unlawful;

"(iii) the notice sets forth the requirements for a request under subparagraph (E);

"(iv) the notice includes—

"(I) a domestic contact telephone and facsimile machine number for the recipient to transmit such a request to the sender; and

"(II) a cost-free mechanism for a recipient to transmit a request pursuant to such notice to the sender of the unsolicited advertisement; the Commission shall by rule require the sender to provide such a mechanism and may, in the discretion of the Commission and subject to such conditions as the Commission may prescribe, exempt certain classes of small business senders, but only if the Commission determines that the costs to such class are unduly burdensome given the revenues generated by such small businesses;

"(v) the telephone and facsimile machine numbers and the cost-free mechanism set forth pursuant to clause (iv) permit an individual or business to make such a request during regular business hours; and

"(vi) the notice complies with the requirements of subsection (d);".

(d) REQUEST TO OPT-OUT OF FUTURE UNSOLICITED ADVERTISEMENTS.—Section 227(b)(2) of the Communications Act of 1934 (47 U.S.C. 227(b)(2)), as amended by subsection (c), is further amended by adding at the end the following:

"(E) shall provide, by rule, that a request not to send future unsolicited advertisements to a telephone facsimile machine complies with the requirements under this subparagraph only if—

"(i) the request identifies the telephone number or numbers of the telephone facsimile machine or machines to which the request relates;

"(ii) the request is made to the telephone or facsimile number of the sender of such an unsolicited advertisement provided pursuant to subparagraph (D)(iv) or by any other method of communication as determined by the Commission; and

"(iii) the person making the request has not, subsequent to such request, provided express invitation or permission to the sender, in writing or otherwise, to send such advertisements to such person at such telephone facsimile machine;".

(e) AUTHORITY TO ESTABLISH NONPROFIT EXCEPTION.—Section 227(b)(2) of the Communications Act of 1934 (47 U.S.C. 227(b)(2)), as amended by subsections (c) and (d), is further amended by adding at the end the following:

"(F) may, in the discretion of the Commission and subject to such conditions as the Commission may prescribe, allow professional or trade associations that are tax-exempt nonprofit organizations to send unsolicited advertisements to their members in furtherance of the association's tax-exempt purpose that do not contain the notice required by paragraph (1)(C)(ii), except that the Commission may take action under this subparagraph only—

"(i) by regulation issued after public notice and opportunity for public comment; and

"(ii) if the Commission determines that such notice required by paragraph (1)(C)(ii) is not necessary to protect the ability of the members of such associations to stop such associations from sending any future unsolicited advertisements; and".

(f) AUTHORITY TO ESTABLISH TIME LIMIT ON ESTABLISHED BUSINESS RELATIONSHIP EXCEPTION.—Section 227(b)(2) of the Communications Act of 1934 (47 U.S.C. 227(b)(2)), as amended by subsections (c), (d), and (e) of this section, is further amended by adding at the end the following:

"(G)(i) may, consistent with clause (ii), limit the duration of the existence of an established business relationship, however, before establishing any such limits, the Commission shall—

"(I) determine whether the existence of the exception under paragraph (1)(C) relating to an established business relationship has resulted in a significant number of complaints to the Commission regarding the sending of unsolicited advertisements to telephone facsimile machines;

"(II) determine whether a significant number of any such complaints involve unsolicited advertisements that were sent on the basis of an established business relationship that was longer in duration than the Commission believes is consistent with the reasonable expectations of consumers;

"(III) evaluate the costs to senders of demonstrating the existence of an established business relationship within a specified period of time and the benefits to recipients of establishing a limitation on such established business relationship; and

"(IV) determine whether with respect to small businesses, the costs would not be unduly burdensome; and

"(ii) may not commence a proceeding to determine whether to limit the duration of the existence of an established business relationship before the expiration of the 18-month period that begins on the date of the enactment of the Junk Fax Prevention Act of 2005.".

(g) UNSOLICITED ADVERTISEMENT.—Section 227(a)(5) of the Communications Act of 1934, as so redesignated by subsection (b)(1), is amended by inserting ", in writing or otherwise" before the period at the end.

(h) REGULATIONS.—Except as provided in section 227(b)(2)(G)(ii) of the Communications Act of 1934 (as added by subsection (f)), not later than 270 days after the date of enactment of this Act, the Federal Communications Commission shall issue regulations to implement the amendments made by this section.

SEC. 3. FCC ANNUAL REPORT REGARDING JUNK FAX ENFORCEMENT.

Section 227 of the Communications Act of 1934 (47 U.S.C. 227) is amended by adding at the end the following:

"(g) JUNK FAX ENFORCEMENT REPORT.—The Commission shall submit an annual report to Congress regarding the enforcement during the past year of the provisions of this section relating to sending of unsolicited advertisements to telephone facsimile machines, which report shall include—

"(1) the number of complaints received by the Commission during such year alleging that a consumer received an unsolicited advertisement via telephone facsimile machine in violation of the Commission's rules;

"(2) the number of citations issued by the Commission pursuant to section 503 during the year to enforce any law, regulation, or policy relating to sending of unsolicited advertisements to telephone facsimile machines;

"(3) the number of notices of apparent liability issued by the Commission pursuant to section 503 during the year to enforce any law, regulation, or policy relating to sending of unsolicited advertisements to telephone facsimile machines;

"(4) for each notice referred to in paragraph (3)—

"(A) the amount of the proposed forfeiture penalty involved;

"(B) the person to whom the notice was issued;

"(C) the length of time between the date on which the complaint was filed and the date on which the notice was issued; and

"(D) the status of the proceeding;

"(5) the number of final orders imposing forfeiture penalties issued pursuant to section 503 during the year to enforce any law, regulation, or policy relating to sending of unsolicited advertisements to telephone facsimile machines;

"(6) for each forfeiture order referred to in paragraph (5)—

"(A) the amount of the penalty imposed by the order;

"(B) the person to whom the order was issued;

"(C) whether the forfeiture penalty has been paid; and

"(D) the amount paid;

"(7) for each case in which a person has failed to pay a forfeiture penalty imposed by such a final order, whether the Commission referred such matter for recovery of the penalty; and

"(8) for each case in which the Commission referred such an order for recovery—

"(A) the number of days from the date the Commission issued such order to the date of such referral;

"(B) whether an action has been commenced to recover the penalty, and if so, the number of days from the date the Commission referred such order for recovery to the date of such commencement; and

"(C) whether the recovery action resulted in collection of any amount, and if so, the amount collected.".

SEC. 4. GAO STUDY OF JUNK FAX ENFORCEMENT.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study regarding complaints received by the Federal Communications Commission concerning unsolicited advertisements sent to telephone facsimile machines, which study shall determine—

(1) the mechanisms established by the Commission to receive, investigate, and respond to such complaints;

(2) the level of enforcement success achieved by the Commission regarding such complaints;

(3) whether complainants to the Commission are adequately informed by the Commission of the responses to their complaints; and

(4) whether additional enforcement measures are necessary to protect consumers, including recommendations regarding such additional enforcement measures.

(b) ADDITIONAL ENFORCEMENT REMEDIES.—In conducting the analysis and making the recommendations required under subsection (a)(4), the Comptroller General shall specifically examine—

(1) the adequacy of existing statutory enforcement actions available to the Commission;

(2) the adequacy of existing statutory enforcement actions and remedies available to consumers;

(3) the impact of existing statutory enforcement remedies on senders of facsimiles;

(4) whether increasing the amount of financial penalties is warranted to achieve greater deterrent effect; and

(5) whether establishing penalties and enforcement actions for repeat violators or abusive violations similar to those established under section 1037 of title 18, United States Code, would have a greater deterrent effect.

(c) REPORT.—Not later than 270 days after the date of enactment of this Act, the Comptroller General shall submit a report on the results of the study under this section to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

By Mr. HARKIN (for himself, Mr. DAYTON, Mr. DURBIN, and Mr. LAUTENBERG):

S. 715. A bill to amend the Internal Revenue Code of 1986 to encourage investment in facilities using wind to produce electricity, and for other purposes; to the Committee on Finance.

Mr. HARKIN. Mr. President, I am introducing today the Wind Power Tax Incentives Act of 2005. I am pleased to be joined by Senators DAYTON, DURBIN and LAUTENBURG. This legislation makes it easier for farmers and others around the country to invest in wind power for commercial electricity production. Wind power is a clean, economical, and reliable source of renewable energy abundant on farms and in rural areas of Iowa and elsewhere.

With this legislation we can help farmers help themselves by developing a new source of income, and help the rest of the country in the production of renewable energy. Farmers are ready to take on this challenge. A recent study found that 93 percent of corn producers support wind energy. They also strongly support the 2002 farm bill's historic energy title.

This regulation complements the farm bill's energy programs and other wind power initiatives currently being considered by this body, and is strongly supported by the American Wind Energy Association and John Deere. Our bill changes Federal tax law to make the section 45 wind production tax credit more widely available to farmers, farm cooperatives, and other investors. Section 45 of the Federal tax code provides a tax credit, currently 1.8 cents per kilowatt-hour, for electricity produced and sold during the first ten years of the life of a wind turbine. The credit has been extraordinarily successful in spurring greater installation of new wind power capacity, making this sustainable energy source economically feasible. However, certain barriers have prevented many farmers and other investors from qualifying for the credit, thus impeding their participation.

It is time to allow full participation by farmers and other investors in this important tax incentive. Our legislation removes barriers by making two important changes to the tax code.

First, under current tax law most losses, deductions, and credits from passive investments cannot affect wages or other income or reduce taxes on such income. So a farmer who passively invests in wind energy could not use the credits to offset taxes on farm income. This bill creates an exception to passive loss restrictions for an interest in a wind facility that qualifies for the section 45 credit. The wind facility's loss or tax credits could then offset the income or taxes arising from the taxpayer's farming business. Existing law provides an even broader exception for oil and gas investments, but in contrast to existing law, our proposed exception for wind investment applies only to those with income under $1 million, in order to avoid potential windfalls or abuse.

Second, the bill allows cooperatives to invest in qualified wind facilities and pass through the section 45 credits to coöperative members. This will allow farmers to join together and pool their resources in a cooperative and still take advantage of the credit.

When we first introduced this bill in the 108th Congress, it also contained a measure providing alternative minimum tax (AMT) relief. This important piece of the equation was incorporated late last year in the American Jobs Creation Act, and passed into law. But there's more to be done.

The benefits of this legislation are obvious. Increased renewable energy production lessens our dependence on foreign oil, provides environmental and public health gains, bolsters farm income, creates jobs and boosts economic growth, especially in rural areas. The Nation must move toward energy security, and domestically produced wind power, along with other forms of renewable energy like biofuels, plays an important part in this endeavor.

I want to thank Senators DAYTON, DURBIN and LAUTENBURG for co-sponsoring this legislation with me. Their leadership in this area will be instrumental to moving the bill forward. I am hopeful we can pass this legislation soon to help secure a brighter renewable energy future for our Nation's farmers and all citizens.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 715

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wind Power Tax Incentives Act of 2005".

SEC. 2. OFFSET OF PASSIVE ACTIVITY LOSSES AND CREDITS OF AN ELIGIBLE TAXPAYER FROM WIND ENERGY FACILITIES.

(a) IN GENERAL.—Section 469 of the Internal Revenue Code of 1986 (relating to passive activity losses and credits limited) is amended—

(1) by redesignating subsections (l) and (m) as subsections (m) and (n), respectively; and

(2) by inserting after subsection (k) the following:

"(l) OFFSET OF PASSIVE ACTIVITY LOSSES AND CREDITS FROM WIND ENERGY FACILITIES.—

"(1) IN GENERAL.—Subsection (a) shall not apply to the portion of the passive activity loss, or the deduction equivalent (within the meaning of subsection (j)(5)) of the portion of the passive activity credit, for any taxable year which is attributable to all interests of an eligible taxpayer in qualified facilities described in section 45(d)(1).

"(2) ELIGIBLE TAXPAYER.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'eligible taxpayer' means, with respect to any taxable year, a taxpayer the adjusted gross income (taxable income in the case of a corporation) of which does not exceed **$1,000,000.**

"(B) RULES FOR COMPUTING ADJUSTED GROSS INCOME.—Adjusted gross income shall be computed in the same manner as under subsection (i)(3)(F).

"(C) AGGREGATION RULES.—All persons treated as a single employer under subsection (a) or (b) of section 52 shall be treated as a single taxpayer for purposes of this paragraph.

"(D) PASS-THRU ENTITIES.—In the case of a pass-thru entity, this paragraph shall be applied at the level of the person to which the credit is allocated by the entity.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to facilities placed in service after the date of the enactment of this Act.

SEC. 3. APPLICATION OF CREDIT TO COOPERATIVES.

(a) IN GENERAL.—Section 45(e) of the Internal Revenue Code of 1986 (relating to definitions and special rules) is amended by adding at the end the following:

"(10) ALLOCATION OF CREDIT TO SHAREHOLDERS OF COOPERATIVE.—

"(A) ELECTION TO ALLOCATE.—

"(i) IN GENERAL.—In the case of a cooperative organization described in section 1381(a), any portion of the credit determined under subsection (a) for the taxable year may, at the election of the organization, be apportioned pro rata among shareholders of the organization on the basis of the capital contributions of the shareholders to the organization.

"(ii) FORM AND EFFECT OF ELECTION.—An election under clause (i) for any taxable year shall be made on a timely filed return for such year. Such election, once made, shall be irrevocable for such taxable year.

"(B) TREATMENT OF ORGANIZATIONS AND PATRONS.—The amount of the credit apportioned to any shareholders under subparagraph (A)—

"(i) shall not be included in the amount determined under subsection (a) with respect to the organization for the taxable year, and

"(ii) shall be included in the amount determined under subsection (a) for the taxable year of the shareholder with or within which the taxable year of the organization ends.

"(C) SPECIAL RULES FOR DECREASE IN CREDITS FOR TAXABLE YEAR.—If the amount of the credit of a cooperative organization determined under subsection (a) for a taxable year is less than the amount of such credit shown on the return of the cooperative organization for such year, an amount equal to the excess of—

"(i) such reduction, over

"(ii) the amount not apportioned to such shareholders under subparagraph (A) for the taxable year, shall be treated as an increase in tax imposed by this chapter on the organization. Such increase shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this subpart or subpart A, B, E, or G.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

By Mr. AKAKA (for himself, Mr. ROCKEFELLER, and Mr. CONRAD):

S. 716. A bill to amend title 38, United States Code, to enhance services provided by vet centers, to clarify and improve the provision of bereavement counseling by the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce the "Vet Center Enhancement Act of 2005." This legislation would enhance care and services provided through Vet Centers. Since their establishment over 25 years ago, Vet Centers have become a safe place in the community where more and more veterans and their families have turned for assistance and services. This legislation would provide resources that Vet Centers need to serve and reach out to the growing number of Operation Enduring Freedom and Operation Iraqi Freedom (OEF/OIF) veterans and surviving family members.

The legislation would allow the Department of Veterans Affairs (VA) to hire an additional 50 Global War on Terror outreach coordinators, strike the three-year authorization provision for these outreach workers, clarify that Vet Centers can provide bereavement counseling to family members including parents, and provide more funding for the Vet Center program.

In February 2004, VA authorized the Vet Center program to hire 50 OEF/OIF veterans to conduct outreach to their fellow Global War on Terrorism veterans. There are still many OEF/OIF veterans in need of readjustment services, which requires more workers. This legislation would authorize the hiring of 50 additional outreach coordinators to reach this underserved population of veterans. In addition, this legislation would also repeal the three-year authorization provision placed on these positions.

The number of brave servicemembers who die while defending freedom continues to rise, leaving many surviving family members in need for help. Under current law, VA has the authority to provide bereavement counseling to the immediate family. However, it is necessary to clarify that parents of a deceased servicemember qualify for this bereavement counseling and that such care could be provided at Vet Centers. This legislation would make the clarifications.

A recent article in the Washington Post detailed a mother's experience after her son was killed in Iraq and how she finally felt relief at an unexpected place, a Vet Center. The article also provided information concerning the Vet Center bereavement program and discussed the need for clarification of the Vet Center bereavement care program. This article paints a clear picture of the distress that surviving family members endure as a result of the death of a beloved soldier. I ask unanimous consent that the text of The Washington Post article be printed in the RECORD.

As the War on Terrorism persists, the number of veterans seeking readjustment counseling and related mental health services through Vet Centers will continue to grow. Experts predict that as many as 30 percent of those returning servicemembers may need psychiatric care. For these returning servicemembers who have suffered psychological wounds, the stigma surrounding these types of wounds creates a barrier that often times prevents them from seeking the care they need. Vet Centers, which have licensed mental health professionals, provide a means to overcome this barrier because of the center's location in the community and because veteran staff members can relate to the experiences of the veterans seeking services. In 2004, Vet Centers cared for 9,597 OEF/OIF veterans and 2005 projections are that Vet Centers will see 12,656 OEF/OIF veterans.

Despite increases in the number of veterans coming for care to Vet Centers, the budget for the program has remained stagnant. This legislation would authorize funding for the program from $93 million to $180 million.

We must make the readjustment period for the returning service members and the surviving family members of deceased servicemembers as smooth as possible.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 24, 2005]

VA PROGRAM OFFERS SOLACE TO CIVILIANS

(By David Finkel)

Her son had been killed in Iraq, and Hope Veverka needed someone to talk to.

"It was so horrific, the pain," said Veverka, the mother of Army Pfc. Brandon Sapp, who died in August when he drove his vehicle over a remote-controlled bomb. "I didn't want it to destroy me."

Unable to sleep, Veverka, 45, tried a hospice-based program for dealing with grief. Unable to stop thinking about the person who was the last to see her son while deliberately pushing a detonator, she talked to friends and attended a support group for parents who lost children. All helped somewhat, she says, but it was in an unexpected place—a readjustment center for veterans—where she finally felt some relief.

"These guys, they have served," Veverka said of the counselors she sees weekly at the Department of Veterans Affairs' Vet Center near her home in West Palm Beach, Fla. "They get it. I can just talk, and they understand."

More and more relatives of service members who died are learning the same thing, that because of a new bereavement program, vet centers are not just for veterans anymore. In August 2003, as the number of fatalities in Iraq passed the 250 mark, the 206 vet centers across the United States began offering counseling and bereavement services to immediate relatives of anyone in the military to die while on active duty.

The program marks the first time that non-veterans have been eligible for a benefit previously restricted to veterans. Before the program began, civilian family members might go to a vet center as part of a living veteran's counseling but had to go elsewhere if they needed counseling of their own.

"It's a big deal," said Alfonso Batres, chief of the VA's Office of Readjustment Counseling. "And the families are so grateful that anything is being done."

The program, which is free and allows unlimited visits, had 367 participants in connection with 252 deaths as of Feb. 1. Eighty-six of the 367 were spouses, 119 were mothers, 64 were fathers, 60 were siblings, 37 were children and one was a grandparent.

Batres says the numbers would be higher, but privacy concerns prohibit counselors from contacting people to see whether they are interested in getting help. Instead, initial contact must come from the family members.

Typically, relatives are referred to the program by military casualty-assistance officers, who are the ones to notify them of the death of their loved ones. A civilian organization called TAPS, the Tragedy Assistance Program for Survivors, which offers around-the-clock grief counseling and peer support—but does not have professionally trained counselors as at a vet center—also refers people to the program.

"It's really, really significant," TAPS founder and chairman Bonnie Carroll said of the VA's decision to treat family members. "From our perspective, it has just been revolutionary."

Batres says that implementing the program has not been problem-free. Especially in the early months, he says, some counselors complained that they already had more to do than they could handle. Others were concerned that expanding the centers' mandate to non-veterans could create a bad precedent.

The provisional status of the program has also been unsettling to some. Batres says he had hoped to get the program authorized by Congress, which would have given it a sense of permanence, but instead it was approved as an unfunded initiative at the discretion of the secretary of the VA.

Nonetheless, Batres says, as the months have gone by, the nature of the work has changed the misgivings of his staff into a shared sense of mission. "It's akin to going to a disaster site" is how he describes the work. "This is a death site. It's almost like going into a sacred place."

Joe Griffis, a counselor at the vet center in Lake Worth, Fla., agrees that this first venture into treating non-veterans is worthwhile. "We're here to help the veteran," he said, "and when they've been killed, it's the closest we can get to them to give them that service."

Griffis says he has treated family members connected to five deaths, four of which occurred from enemy fire and one by suicide.

"They come in with grief, with a great sense of loss, often with guilt feelings about what they could have done, angry at the government, angry at God, angry at the child himself," he said of his clients, most of whom have been parents.

Rather than diagnosing a condition, he says, his goal is to "let them ventilate all of their feelings. Their anger. Their grief. Their sadness. No matter what it's about. And let them have a feeling of relief before they walk out of the session."

Veverka, who is one of Griffis's clients, says that is exactly what has happened to her in her weekly sessions.

"There was something lacking," she said of the support groups she attended in the first days after her son's death, where she found herself undifferentiated from the parents whose child had died of leukemia and the parents whose child had been killed crossing a street. "It was only addressing half of my emotions. I needed something with the military."

Try the vet center, someone suggested.

"So I went," she said of a place so familiar to her now that counselors have hung a photograph of her son for her to see every time she walks in the door, "and it ended up being the door I needed."

By Mr. BIDEN (for himself, Mr. SPECTER, Mr. MCCONNELL, Mrs. MURRAY, Mr. DAYTON, Mr. CHAMBLISS, Mr. CORZINE, and Ms. CANTWELL):

S. 718. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, and to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, accountability, and due process laws; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I rise to introduce the State and Local Law Enforcement Discipline, Accountability, and Due Process Act of 2005, along with Senator SPECTER, Senator MCCONNELL, Senator CHAMBLISS, Senator DAYTON, Senator MURRAY, Senator CORZINE, and Senator CANTWELL.

These are trying times for the men and women on our front lines who provide our domestic security and public safety—our Nation's law enforcement personnel. In fact, our men and women in blue are facing what I have called a perfect storm. First, they are being called upon to undertake more responsibilities than ever before. They are being required to undertake homeland security duties that weren't required before September 11, and, at the same time, the FBI is reprogramming its field agents from crime to terrorism cases. While I don't disagree that this shift in resources is appropriate, it undoubtedly leaves a gap in law enforcement efforts to combat drugs and crime, and State and local agencies must fill this gap. At the same time, budget shortages at the local level are forcing personnel lay-offs, an increasing use of overtime to meet demand, and the forced elimination of critical crime prevention programs. Local law enforcement is struggling to keep up with service calls. To add insult to injury, Federal assistance for State and local law enforcement has been reduced by billions over the last 2 years—with the proposed elimination of the COPS hiring program—a proven initiative that has been hailed as one of the keys to the crime-drop of the nineties. Quite simply, we are asking law enforcement to do more with less, and I believe that public safety is being compromised as a result of Congress's unfortunate choices on the Federal budget.

We may argue about the Federal responsibility to provide financial assistance to State and local law enforcement, however, few will dispute the sacrifices that our men and women in law enforcement make for our nation. Indeed, they face one of the most difficult work environments imaginable—an average of 165 police officers are killed in the line of duty every year. Our Nation's law enforcement officers put themselves in harms way on a daily basis to ensure the safety of their fellow citizens and the domestic security of our Nation. Nevertheless, many times these brave officers do not receive basic rights if they become involved in internal police investigations or administrative hearings. According to the National Association of Police Organizations, "[i]n roughly half of the states in this country, officers enjoy some legal protections against false accusations and abusive conduct, but hundreds of thousands of officers have very limited due process rights and confront limitations on their exercise of other rights, such as the right to engage in political activities." Similarly, the Fraternal Order of Police notes that, "[i]n a startling number of jurisdictions throughout this country, law enforcement officers have no procedural or administrative protections whatsoever; in fact, they can be, and frequently are, summarily dismissed from their jobs without explanation. Officers who lose their careers due to administrative or political expediency almost always find it impossible to find new employment in public safety. An officer's reputation, once tarnished by accusation, is almost impossible to restore."

The legislation that we introduce today, which is endorsed by the Fraternal Order of Police and of the National Association of Police Organizations, seeks to provide officers with certain basic protections in those jurisdictions where such workplace protections are not currently provided. First, this bill allows law enforcement officials to engage in political activities when they are off-duty. Second, it provides standards and procedures to guide State and local law enforcement agencies during internal investigations, interrogations, and administrative disciplinary hearings. Additionally, it calls upon States to develop and enforce these disciplinary procedures. The bill would preempt State laws which confer fewer rights than those provided for in the legislation, but it would not preempt any State or local laws that confer rights or protections that are equal to or exceed the rights and protections afforded in the bill. For example, my own State of Delaware has a law enforcement officers' bill of rights, and those procedures would not be impacted by the provisions of this bill.

This bill will also include important provisions that will enhance the ability of citizens to hold their local police departments accountable. The legislation includes provisions that will ensure citizen complaints against police officers are investigated and that citizens are informed of the outcome of these investigations. The bill balances the rights of police officers with the rights of citizens to raise valid concerns about the conduct of some of these officers. In addition, I have consulted with constitutional experts who have opined that the bill is consistent with Congress' powers under the Commerce Clause and that it does not run afoul of the Supreme Court's Tenth Amendment jurisprudence.

I would also like to note that I understand the objections that many management groups, including the International Association of Chiefs of Police, have to this measure. I have discussed this with them, and I've pledged that their views will be heard and considered as this bill is debated in Congress. It is my view that we must bridge this gap. Without a meeting of the minds between police management and union officials, the enactment of a meaningful law enforcement officers' bill of rights will be difficult. Law enforcement officials are facing unprecedented challenges, and management and labor simply must work together on this issue and the numerous other issues facing the law enforcement community.

I urge my colleagues to join Senators SPECTER, MCCONNELL, CHAMBLISS, DAYTON, MURRAY, CORZINE, CANTWELL, and me in providing all of the Nation's law enforcement officers with the basic rights they deserve.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 718

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "State and Local Law Enforcement Discipline, Accountability, and Due Process Act of 2005".

SEC. 2. FINDINGS AND DECLARATION OF PURPOSE AND POLICY.

(a) FINDINGS.—Congress finds that—

(1) the rights of law enforcement officers to engage in political activity or to refrain from engaging in political activity, except when on duty, or to run as candidates for public office, unless such service is found to be in conflict with their service as officers, are activities protected by the first amendment of the United States Constitution, as applied to the States through the 14th amendment of the United States Constitution, but these rights are often violated by the management of State and local law enforcement agencies;

(2) a significant lack of due process rights of law enforcement officers during internal investigations and disciplinary proceedings has resulted in a loss of confidence in these processes by many law enforcement officers, including those unfairly targeted for their labor organization activities or for their aggressive enforcement of the laws, demoralizing many rank and file officers in communities and States;

(3) unfair treatment of officers has potentially serious long-term consequences for law enforcement by potentially deterring or otherwise preventing officers from carrying out their duties and responsibilities effectively and fairly;

(4) the lack of labor-management cooperation in disciplinary matters and either the perception or the actuality that officers are not treated fairly detrimentally impacts the recruitment of and retention of effective officers, as potential officers and experienced officers seek other careers, which has serious implications and repercussions for officer morale, public safety, and labor-management relations and strife and can affect interstate and intrastate commerce, interfering with the normal flow of commerce;

(5) there are serious implications for the public safety of the citizens and residents of the United States which threatens the domestic tranquility of the United States because of a lack of statutory protections to ensure—

(A) the due process and political rights of law enforcement officers;

(B) fair and thorough internal investigations and interrogations of and disciplinary proceedings against law enforcement officers; and

(C) effective procedures for receipt, review, and investigation of complaints against officers, fair to both officers and complainants; and

(6) resolving these disputes and problems and preventing the disruption of vital police services is essential to the well-being of the United States and the domestic tranquility of the Nation.

(b) DECLARATION OF POLICY.—Congress declares that it is the purpose of this Act and the policy of the United States to—

(1) protect the due process and political rights of State and local law enforcement officers and ensure equality and fairness of treatment among such officers;

(2) provide continued police protection to the general public;

(3) provide for the general welfare and ensure domestic tranquility; and

(4) prevent any impediments to the free flow of commerce, under the rights guaranteed under the United States Constitution and Congress' authority thereunder.

SEC. 3. DISCIPLINE, ACCOUNTABILITY, AND DUE PROCESS OF OFFICERS.

(a) IN GENERAL.—Part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3781 et seq.) is amended by adding at the end the following:

"SEC. 820. DISCIPLINE, ACCOUNTABILITY, AND DUE PROCESS OF STATE AND LOCAL LAW ENFORCEMENT OFFICERS.

"(a) DEFINITIONS.—In this section:

"(1) DISCIPLINARY ACTION.—The term 'disciplinary action' means any adverse personnel action, including suspension, reduction in pay, rank, or other employment benefit, dismissal, transfer, reassignment, unreasonable denial of secondary employment, or similar punitive action taken against a law enforcement officer.

"(2) DISCIPLINARY HEARING.—The term 'disciplinary hearing' means an administrative hearing initiated by a law enforcement agency against a law enforcement officer, based on an alleged violation of law, that, if proven, would subject the law enforcement officer to disciplinary action.

"(3) EMERGENCY SUSPENSION.—The term 'emergency suspension' means the temporary action by a law enforcement agency of relieving a law enforcement officer from the active performance of law enforcement duties without a reduction in pay or benefits when the law enforcement agency, or an official within that agency, determines that there is probable cause, based upon the conduct of the law enforcement officer, to believe that the law enforcement officer poses an immediate threat to the safety of that officer or others or the property of others.

"(4) INVESTIGATION.—The term 'investigation'—

"(A) means an action taken to determine whether a law enforcement officer violated a law by a public agency or a person employed by a public agency, acting alone or in cooperation with or at the direction of another agency, or a division or unit within another agency, regardless of a denial by such an agency that any such action is not an investigation; and

"(B) includes—

"(i) asking questions of any other law enforcement officer or non-law enforcement officer;

"(ii) conducting observations;

"(iii) reviewing and evaluating reports, records, or other documents; and

"(iv) examining physical evidence.

"(5) LAW ENFORCEMENT OFFICER.—The terms 'law enforcement officer' and 'officer' have the meaning given the term 'law enforcement officer' in section 1204, except the term does not include a law enforcement officer employed by the United States, or any department, agency, or instrumentality thereof.

"(6) PERSONNEL RECORD.—The term 'personnel record' means any document, whether in written or electronic form and irrespective of location, that has been or may be used in determining the qualifications of a law enforcement officer for employment, promotion, transfer, additional compensation, termination or any other disciplinary action.

"(7) PUBLIC AGENCY AND LAW ENFORCEMENT AGENCY.—The terms 'public agency' and 'law enforcement agency' each have the meaning given the term 'public agency' in section 1204, except the terms do not include the United States, or any department, agency, or instrumentality thereof.

"(8) SUMMARY PUNISHMENT.—The term 'summary punishment' means punishment imposed—

"(A) for a violation of law that does not result in any disciplinary action; or

"(B) for a violation of law that has been negotiated and agreed upon by the law enforcement agency and the law enforcement officer, based upon a written waiver by the officer of the rights of that officer under subsection (i) and any other applicable law or constitutional provision, after consultation with the counsel or representative of that officer.

"(b) APPLICABILITY.—

"(1) IN GENERAL.—This section sets forth the due process rights, including procedures, that shall be afforded a law enforcement officer who is the subject of an investigation or disciplinary hearing.

"(2) NONAPPLICABILITY.—This section does not apply in the case of—

"(A) an investigation of specifically alleged conduct by a law enforcement officer that, if proven, would constitute a violation of a statute providing for criminal penalties; or

"(B) a nondisciplinary action taken in good faith on the basis of the employment related performance of a law enforcement officer.

"(c) Political Activity.—

"(1) Right to engage or not to engage in political activity.—Except when on duty or acting in an official capacity, a law enforcement officer shall not be prohibited from engaging in political activity or be denied the right to refrain from engaging in political activity.

"(2) Right to run for elective office.—A law enforcement officer shall not be—

"(A) prohibited from being a candidate for an elective office or from serving in such an elective office, solely because of the status of the officer as a law enforcement officer; or

"(B) required to resign or take an unpaid leave from employment with a law enforcement agency to be a candidate for an elective office or to serve in an elective office, unless such service is determined to be in conflict with or incompatible with service as a law enforcement officer.

"(3) Adverse personnel action.—An action by a public agency against a law enforcement officer, including requiring the officer to take unpaid leave from employment, in violation of this subsection shall be considered an adverse personnel action within the meaning of subsection (a)(1).

"(d) Effective Procedures for Receipt, Review, and Investigation of Complaints Against Law Enforcement Officers.—

"(1) Complaint process.—Not later than 1 year after the effective date of this section, each law enforcement agency shall adopt and comply with a written complaint procedure that—

"(A) authorizes persons from outside the law enforcement agency to submit written complaints about a law enforcement officer to—

"(i) the law enforcement agency employing the law enforcement officer; or

"(ii) any other law enforcement agency charged with investigating such complaints;

"(B) sets forth the procedures for the investigation and disposition of such complaints;

"(C) provides for public access to required forms and other information concerning the submission and disposition of written complaints; and

"(D) requires notification to the complainant in writing of the final disposition of the complaint and the reasons for such disposition.

"(2) Initiation of an investigation.—

"(A) In general.—Except as provided in subparagraph (B), an investigation based on a complaint from outside the law enforcement agency shall commence not later than 15 days after the receipt of the complaint by—

"(i) the law enforcement agency employing the law enforcement officer against whom the complaint has been made; or

"(ii) any other law enforcement agency charged with investigating such a complaint.

"(B) Exception.—Subparagraph (A) does not apply if—

"(i) the law enforcement agency determines from the face of the complaint that each allegation does not constitute a violation of law; or

"(ii) the complainant fails to comply substantially with the complaint procedure of the law enforcement agency established under this section.

"(3) Complainant or victim conflict of interest.—The complainant or victim of the alleged violation of law giving rise to an investigation under this subsection may not conduct or supervise the investigation or serve as an investigator.

"(e) Notice of Investigation.—

"(1) In general.—Any law enforcement officer who is the subject of an investigation shall be notified of the investigation 24 hours before the commencement of questioning of such officer or to otherwise being required to provide information to an investigating agency.

"(2) Contents of notice.—Notice given under paragraph (1) shall include—

"(A) the nature and scope of the investigation;

"(B) a description of any allegation contained in a written complaint;

"(C) a description of each violation of law alleged in the complaint for which suspicion exists that the officer may have engaged in conduct that may subject the officer to disciplinary action; and

"(D) the name, rank, and command of the officer or any other individual who will be conducting the investigation.

"(f) Rights of Law Enforcement Officers Prior to and During Questioning Incidental to an Investigation.—If a law enforcement officer is subjected to questioning incidental to an investigation that may result in disciplinary action against the officer, the following minimum safeguards shall apply:

"(1) Counsel and representation.—

"(A) In general.—Any law enforcement officer under investigation shall be entitled to effective counsel by an attorney or representation by any other person who the officer chooses, such as an employee representative, or both, immediately before and during the entire period of any questioning session, unless the officer consents in writing to being questioned outside the presence of counsel or representative.

"(B) Private consultation.—During the course of any questioning session, the officer shall be afforded the opportunity to consult privately with counsel or a representative, if such consultation does not repeatedly and unnecessarily disrupt the questioning period.

"(C) Unavailability of counsel.—If the counsel or representative of the law enforcement officer is not available within 24 hours of the time set for the commencement of any questioning of that officer, the investigating law enforcement agency shall grant a reasonable extension of time for the law enforcement officer to obtain counsel or representation.

"(2) Reasonable hours and time.—Any questioning of a law enforcement officer under investigation shall be conducted at a reasonable time when the officer is on duty, unless exigent circumstances compel more immediate questioning, or the officer agrees in writing to being questioned at a different time, subject to the requirements of subsections (e) and paragraph (1).

"(3) Place of questioning.—Unless the officer consents in writing to being questioned elsewhere, any questioning of a law enforcement officer under investigation shall take place—

"(A) at the office of the individual conducting the investigation on behalf of the law enforcement agency employing the officer under investigation; or

"(B) the place at which the officer under investigation reports for duty.

"(4) Identification of questioner.—Before the commencement of any questioning, a law enforcement officer under investigation shall be informed of—

"(A) the name, rank, and command of the officer or other individual who will conduct the questioning; and

"(B) the relationship between the individual conducting the questioning and the law enforcement agency employing the officer under investigation.

"(5) Single questioner.—During any single period of questioning of a law enforcement officer under investigation, each question shall be asked by or through 1 individual.

"(6) Reasonable time period.—Any questioning of a law enforcement officer under investigation shall be for a reasonable period of time and shall allow reasonable periods for the rest and personal necessities of the officer and the counsel or representative of the officer, if such person is present.

"(7) No threats, false statements, or promises to be made.—

"(A) In general.—Except as provided in subparagraph (B), no threat against, false or misleading statement to, harassment of, or promise of reward to a law enforcement officer under investigation shall be made to induce the officer to answer any question, give any statement, or otherwise provide information.

"(B) Exception.—The law enforcement agency employing a law enforcement officer under investigation may require the officer to make a statement relating to the investigation by explicitly threatening disciplinary action, including termination, only if—

"(i) the officer has received a written grant of use and derivative use immunity or transactional immunity by a person authorized to grant such immunity; and

"(ii) the statement given by the law enforcement officer under such an immunity may not be used in any subsequent criminal proceeding against that officer.

"(8) Recording.—

"(A) In general.—All questioning of a law enforcement officer under an investigation shall be recorded in full, in writing or by electronic device, and a copy of the transcript shall be provided to the officer under investigation before any subsequent period of questioning or the filing of any charge against that officer.

"(B) Separate recording.—To ensure the accuracy of the recording, an officer may utilize a separate electronic recording device, and a copy of any such recording (or the transcript) shall be provided to the public agency conducting the questioning, if that agency so requests.

"(9) Use of honesty testing devices prohibited.—No law enforcement officer under investigation may be compelled to submit to the use of a lie detector, as defined in section 2 of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2001).

"(g) Notice of Investigative Findings and Disciplinary Recommendation and Opportunity to Submit a Written Response.—

"(1) Notice.—Not later than 30 days after the conclusion of an investigation under this section, the person in charge of the investigation or the designee of that person shall notify the law enforcement officer who was the subject of the investigation, in writing, of the investigative findings and any recommendations for disciplinary action.

"(2) Opportunity to submit written response.—

"(A) In general.—Not later than 30 days after receipt of a notification under paragraph (1), and before the filing of any charge seeking the discipline of such officer or the commencement of any disciplinary proceeding under subsection (h), the law enforcement officer who was the subject of the investigation may submit a written response to the findings and recommendations included in the notification.

"(B) CONTENTS OF RESPONSE.—The response submitted under subparagraph (A) may include references to additional documents, physical objects, witnesses, or any other information that the law enforcement officer believes may provide exculpatory evidence.

"(h) DISCIPLINARY HEARINGS.—

"(1) NOTICE OF OPPORTUNITY FOR HEARING.—Except in a case of summary punishment or emergency suspension (subject to subsection (k)), before the imposition of any disciplinary action the law enforcement agency shall notify the officer that the officer is entitled to a due process hearing by an independent and impartial hearing officer or board.

"(2) REQUIREMENT OF DETERMINATION OF VIOLATION.—No disciplinary action may be taken against a law enforcement officer unless an independent and impartial hearing officer or board determines, after a hearing and in accordance with the requirements of this subsection, that the law enforcement officer committed a violation of law.

"(3) TIME LIMIT.—No disciplinary charge may be brought against a law enforcement officer unless—

"(A) the charge is filed not later than the earlier of—

"(i) 1 year after the date on which the law enforcement agency filing the charge had knowledge or reasonably should have had knowledge of an alleged violation of law; or

"(ii) 90 days after the commencement of an investigation; or

"(B) the requirements of this paragraph are waived in writing by the officer or the counsel or representative of the officer.

"(4) NOTICE OF HEARING.—Unless waived in writing by the officer or the counsel or representative of the officer, not later than 30 days after the filing of a disciplinary charge against a law enforcement officer, the law enforcement agency filing the charge shall provide written notification to the law enforcement officer who is the subject of the charge, of—

"(A) the date, time, and location of any disciplinary hearing, which shall be scheduled in cooperation with the law enforcement officer, or the counsel or representative of the officer, and which shall take place not earlier than 30 days and not later than 60 days after notification of the hearing is given to the law enforcement officer under investigation;

"(B) the name and mailing address of the independent and impartial hearing officer, or the names and mailing addresses of the independent and impartial hearing board members; and

"(C) the name, rank, command, and address of the law enforcement officer prosecuting the matter for the law enforcement agency, or the name, position, and mailing address of the person prosecuting the matter for a public agency, if the prosecutor is not a law enforcement officer.

"(5) ACCESS TO DOCUMENTARY EVIDENCE AND INVESTIGATIVE FILE.—Unless waived in writing by the law enforcement officer or the counsel or representative of that officer, not later than 15 days before a disciplinary hearing described in paragraph (4)(A), the law enforcement officer shall be provided with—

"(A) a copy of the complete file of the predisciplinary investigation; and

"(B) access to and, if so requested, copies of all documents, including transcripts, records, written statements, written reports, analyses, and electronically recorded information that—

"(i) contain exculpatory information;

"(ii) are intended to support any disciplinary action; or

"(iii) are to be introduced in the disciplinary hearing.

"(6) EXAMINATION OF PHYSICAL EVIDENCE.—Unless waived in writing by the law enforcement officer or the counsel or representative of that officer—

"(A) not later than 15 days before a disciplinary hearing, the prosecuting agency shall notify the law enforcement officer or the counsel or representative of that officer of all physical, non-documentary evidence; and

"(B) not later than 10 days before a disciplinary hearing, the prosecuting agency shall provide a reasonable date, time, place, and manner for the law enforcement officer or the counsel or representative of the law enforcement officer to examine the evidence described in subparagraph (A).

"(7) IDENTIFICATION OF WITNESSES.—Unless waived in writing by the law enforcement officer or the counsel or representative of the officer, not later than 15 days before a disciplinary hearing, the prosecuting agency shall notify the law enforcement officer or the counsel or representative of the officer, of the name and address of each witness for the law enforcement agency employing the law enforcement officer.

"(8) REPRESENTATION.—During a disciplinary hearing, the law enforcement officer who is the subject of the hearing shall be entitled to due process, including—

"(A) the right to be represented by counsel or a representative;

"(B) the right to confront and examine all witnesses against the officer; and

"(C) the right to call and examine witnesses on behalf of the officer.

"(9) HEARING BOARD AND PROCEDURE.—

"(A) IN GENERAL.—A State or local government agency, other than the law enforcement agency employing the officer who is subject of the disciplinary hearing, shall—

"(i) determine the composition of an independent and impartial disciplinary hearing board;

"(ii) appoint an independent and impartial hearing officer; and

"(iii) establish such procedures as may be necessary to comply with this section.

"(B) PEER REPRESENTATION ON DISCIPLINARY HEARING BOARD.—A disciplinary hearing board that includes employees of the law enforcement agency employing the law enforcement officer who is the subject of the hearing, shall include not less than 1 law enforcement officer of equal or lesser rank to the officer who is the subject of the hearing.

"(10) SUMMONSES AND SUBPOENAS.—

"(A) IN GENERAL.—The disciplinary hearing board or independent hearing officer—

"(i) shall have the authority to issue summonses or subpoenas, on behalf of—

"(I) the law enforcement agency employing the officer who is the subject of the hearing; or

"(II) the law enforcement officer who is the subject of the hearing; and

"(ii) upon written request of either the law enforcement agency or the officer, shall issue a summons or subpoena, as appropriate, to compel the appearance and testimony of a witness or the production of documentary evidence.

"(B) EFFECT OF FAILURE TO COMPLY WITH SUMMONS OR SUBPOENA.—With respect to any failure to comply with a summons or a subpoena issued under subparagraph (A)—

"(i) the disciplinary hearing officer or board shall petition a court of competent jurisdiction to issue an order compelling compliance; and

"(ii) subsequent failure to comply with such a court order issued pursuant to a petition under clause (i) shall—

"(I) be subject to contempt of a court proceedings according to the laws of the jurisdiction within which the disciplinary hearing is being conducted; and

"(II) result in the recess of the disciplinary hearing until the witness becomes available to testify and does testify or is held in contempt.

"(11) CLOSED HEARING.—A disciplinary hearing shall be closed to the public unless the law enforcement officer who is the subject of the hearing requests, in writing, that the hearing be open to specified individuals or to the general public.

"(12) RECORDING.—All aspects of a disciplinary hearing, including pre-hearing motions, shall be recorded by audio tape, video tape, or transcription.

"(13) SEQUESTRATION OF WITNESSES.—Either side in a disciplinary hearing may move for and be entitled to sequestration of witnesses.

"(14) TESTIMONY UNDER OATH.—The hearing officer or board shall administer an oath or affirmation to each witness, who shall testify subject to the laws of perjury of the State in which the disciplinary hearing is being conducted.

"(15) FINAL DECISION ON EACH CHARGE.—

"(A) IN GENERAL.—At the conclusion of the presentation of all the evidence and after oral or written argument, the hearing officer or board shall deliberate and render a written final decision on each charge.

"(B) FINAL DECISION ISOLATED TO CHARGE BROUGHT.—The hearing officer or board may not find that the law enforcement officer who is the subject of the hearing is liable for disciplinary action for any violation of law as to which the officer was not charged.

"(16) BURDEN OF PERSUASION AND STANDARD OF PROOF.—The burden of persuasion or standard of proof of the prosecuting agency shall be—

"(A) by clear and convincing evidence as to each charge alleging false statement or representation, fraud, dishonesty, deceit, moral turpitude, or criminal behavior on the part of the law enforcement officer who is the subject of the charge; and

"(B) by a preponderance of the evidence as to all other charges.

"(17) FACTORS OF JUST CAUSE TO BE CONSIDERED BY THE HEARING OFFICER OR BOARD.—A law enforcement officer who is the subject of a disciplinary hearing shall not be found guilty of any charge or subjected to any disciplinary action unless the disciplinary hearing board or independent hearing officer finds that—

"(A) the officer who is the subject of the charge could reasonably be expected to have had knowledge of the probable consequences of the alleged conduct set forth in the charge against the officer;

"(B) the rule, regulation, order, or procedure that the officer who is the subject of the charge allegedly violated is reasonable;

"(C) the charging party, before filing the charge, made a reasonable, fair, and objective effort to discover whether the officer did in fact violate the rule, regulation, order, or procedure as charged;

"(D) the charging party did not conduct the investigation arbitrarily or unfairly, or in a discriminatory manner, against the officer who is the subject of the charge, and the charge was brought in good faith; and

"(E) the proposed disciplinary action reasonably relates to the seriousness of the alleged violation and to the record of service of the officer who is the subject of the charge.

“(18) NO COMMISSION OF A VIOLATION.—If the officer who is the subject of the disciplinary hearing is found not to have committed the alleged violation—

“(A) the matter is concluded;

“(B) no disciplinary action may be taken against the officer;

“(C) the personnel record of that officer shall not contain any reference to the charge for which the officer was found not guilty; and

“(D) any pay and benefits lost or deferred during the pendency of the disposition of the charge shall be restored to the officer as though no charge had ever been filed against the officer, including salary or regular pay, vacation, holidays, longevity pay, education incentive pay, shift differential, uniform allowance, lost overtime, or other premium pay opportunities, and lost promotional opportunities.

“(19) COMMISSION OF A VIOLATION.—

“(A) IN GENERAL.—If the officer who is the subject of the charge is found to have committed the alleged violation, the hearing officer or board shall make a written recommendation of a penalty to the law enforcement agency employing the officer or any other governmental entity that has final disciplinary authority, as provided by applicable State or local law.

“(B) PENALTY.—The employing agency or other governmental entity may not impose a penalty greater than the penalty recommended by the hearing officer or board.

“(20) APPEAL.—Any officer who has been found to have committed an alleged violation may appeal from a final decision of a hearing officer or hearing board to a court of competent jurisdiction or to an independent neutral arbitrator to the extent available in any other administrative proceeding under applicable State or local law, or a collective bargaining agreement.

“(i) WAIVER OF RIGHTS.—

“(1) IN GENERAL.—An officer who is notified that the officer is under investigation or is the subject of a charge may, after such notification, waive any right or procedure guaranteed by this section.

“(2) WRITTEN WAIVER.—A written waiver under this subsection shall be—

“(A) in writing; and

“(B) signed by—

“(i) the officer, who shall have consulted with counsel or a representative before signing any such waiver; or

“(ii) the counsel or representative of the officer, if expressly authorized by subsection (h).

“(j) SUMMARY PUNISHMENT.—Nothing in this section shall preclude a public agency from imposing summary punishment.

“(k) EMERGENCY SUSPENSION.—Nothing in this section may be construed to preclude a law enforcement agency from imposing an emergency suspension on a law enforcement officer, except that any such suspension shall—

“(1) be followed by a hearing in accordance with the requirements of subsection (h); and

“(2) not deprive the affected officer of any pay or benefit.

“(l) RETALIATION FOR EXERCISING RIGHTS.—There shall be no imposition of, or threat of, disciplinary action or other penalty against a law enforcement officer for the exercise of any right provided to the officer under this section.

“(m) OTHER REMEDIES NOT IMPAIRED.—Nothing in this section may be construed to impair any other right or remedy that a law enforcement officer may have under any constitution, statute, ordinance, order, rule, regulation, procedure, written policy, collective bargaining agreement, or any other source.

“(n) DECLARATORY OR INJUNCTIVE RELIEF.—A law enforcement officer who is aggrieved by a violation of, or is otherwise denied any right afforded by, the Constitution of the United States, a State constitution, this section, or any administrative rule or regulation promulgated pursuant thereto, may file suit in any Federal or State court of competent jurisdiction for declaratory or injunctive relief to prohibit the law enforcement agency from violating or otherwise denying such right, and such court shall have jurisdiction, for cause shown, to restrain such a violation or denial.

“(o) PROTECTION OF LAW ENFORCEMENT OFFICER PERSONNEL FILES.—

“(1) RESTRICTIONS ON ADVERSE MATERIAL MAINTAINED IN OFFICERS' PERSONNEL RECORDS.—

“(A) IN GENERAL.—Unless the officer has had an opportunity to review and comment, in writing, on any adverse material generated after the effective date of the State and Local Law Enforcement Discipline, Accountability, and Due Process Act of 2005 to be included in a personnel record relating to the officer, no law enforcement agency or other governmental entity may—

“(i) include the adverse material in that personnel record; or

“(ii) possess or maintain control over the adverse material in any form as a personnel record within the law enforcement agency or elsewhere in the control of the employing governmental entity.

“(B) RESPONSIVE MATERIAL.—Any responsive material provided by an officer to adverse material included in a personnel record pertaining to the officer shall be—

“(i) attached to the adverse material; and

“(ii) released to any person or entity to whom the adverse material is released in accordance with law and at the same time as the adverse material is released.

“(2) RIGHT TO INSPECTION OF, AND RESTRICTIONS ON ACCESS TO INFORMATION IN, THE OFFICER'S OWN PERSONNEL RECORDS.—

“(A) IN GENERAL.—Subject to subparagraph (B), a law enforcement officer shall have the right to inspect all of the personnel records of the officer not less than annually.

“(B) RESTRICTIONS.—A law enforcement officer shall not have access to information in the personnel records of the officer if the information—

“(i) relates to the investigation of alleged conduct that, if proven, would constitute or have constituted a definite violation of a statute providing for criminal penalties, but as to which no formal charge was brought;

“(ii) contains letters of reference for the officer;

“(iii) contains any portion of a test document other than the results;

“(iv) is of a personal nature about another officer, and if disclosure of that information in non-redacted form would constitute a clearly unwarranted intrusion into the privacy rights of that other officer; or

“(v) is relevant to any pending claim brought by or on behalf of the officer against the employing agency of that officer that may be discovered in any judicial or administrative proceeding between the officer and the employer of that officer.

“(p) STATES' RIGHTS.—

“(1) IN GENERAL.—Nothing in this section may be construed—

“(A) to preempt any State or local law, or any provision of a State or local law, in effect on the date of enactment of the State and Local Law Enforcement Discipline, Accountability, and Due Process Act of 2005, that confers a right or a protection that equals or exceeds the right or protection afforded by this section; or

“(B) to prohibit the enactment of any State or local law that confers a right or protection that equals or exceeds a right or protection afforded by this section.

“(2) STATE OR LOCAL LAWS PREEMPTED.—A State or local law, or any provision of a State or local law, that confers fewer rights or provides less protection for a law enforcement officer than any provision in this section shall be preempted by this section.

“(q) COLLECTIVE BARGAINING AGREEMENTS.—Nothing in this section may be construed to—

“(1) preempt any provision in a mutually agreed-upon collective bargaining agreement, in effect on the date of enactment of the State and Local Law Enforcement Discipline, Accountability, and Due Process Act of 2005, that provides for substantially the same or a greater right or protection afforded under this section; or

“(2) prohibit the negotiation of any additional right or protection for an officer who is subject to any collective bargaining agreement.”.

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by inserting after the item relating to section 819 the following:

“Sec. 820. Discipline, accountability, and due process of State and local law enforcement officers”.

SEC. 4. PROHIBITION OF FEDERAL CONTROL OVER STATE AND LOCAL CRIMINAL JUSTICE AGENCIES.

Nothing in this Act or the amendments made by this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control of any police force or any criminal justice agency of any State or any political subdivision thereof.

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall take effect with respect to each State on the earlier of—

(1) 2 years after the date of enactment of this Act; or

(2) the conclusion of the second legislative session of the State that begins on or after the date of enactment of this Act.

By Mr. SARBANES (for himself and Ms. MIKULSKI):

S. 719. A bill to extend Corridor O of the Appalachian Development Highway System from its currnet southern terminus at I-68 near Cumberland to Corridor H, which stretches from Weston, West Virginia, to Strasburg, Virginia; to the Committee on Environment and Public Works.

Mr. SARBANES. Mr. President, today I am introducing legislation to add a 35.5 mile segment of a proposed new highway, extending south of Interstate 68 near Cumberland, MD to Corridor H in West Virginia, to the Appalachian Development Highway System (ADHS). Joining me in co-sponsoring this legislation is my colleague Senator MIKULSKI.

The development of a north-south Appalachian highway corridor has long been a priority for elected officials, community leaders and citizens in the Potomac Highlands region of western Maryland, West Virginia and neighboring Pennsylvania counties. At least two Maryland State economic development task forces over the last decade have identified a north-south corridor as their leading priority for the region. In order to help determine the need, potential alignments as well as the projected economic benefits and the social, transportation and environmental impacts of upgrading north-south corridors, six years ago, I helped secure a grant from the Federal Highway Administration to support a multi-state study. That study was completed in 2001 and identified two corridors as having the greatest potential for benefiting Appalachian economic development the US 219 Corridor in the north from I–68 in Maryland to the Pennsylvania Turnpike and the US 220 Corridor in south from Corridor H in West Virginia to I–68 in Maryland. The study also found that upgrading US 220 South of Interstate 68 would support the largest number of potential new jobs, 7,800–8,600 jobs, with the highest relative growth—19 percent—of any of the corridors and have fewer impacts than the alternatives.

While US 220 north of I–68 is part of the ADHS, the segment south of the interstate is not currently part of the system, although it serves Appalachia. This area in Allegany County, MD—a county that has experienced some of the highest rates of unemployment and poverty in the State—has been targeted for economic development and job growth in the "One Maryland" economic development program. Major employers in the area—American Woodmark, Aliant Techsystems and MeadWestvaco—as well as others that might look at this region for the location of their next plant currently depend on a two-lane roadway running through residential neighborhoods and commercial areas. The area is well served by an important east and west corridor, I–68 (ADHS Corridor E), but North South transportation is inadequate and hampers the economic prosperity potential of Allegany and Garrett Counties and many of the surrounding Pennsylvania and West Virginia communities.

Over the past four years, and with additional funding provided by the Congress in the Fiscal 2003 Transportation Appropriations bill, Maryland and West Virginia have been undertaking a detailed project planning phase of the 35.5 mile segment of US 220 south that was recommended in the feasibility study. Improvements which have been proposed include a four-lane divided highway, most of which would be on a new alignment, with at-grade intersections. Fifteen miles of the proposed road improvements are in Maryland and 20.5 miles in West Virginia.

These upgrades would increase safety and alleviate traffic congestion between Cumberland and Keyser and provide an important link to the 83.2 miles of Appalachian Development Highways in Maryland and in the system of 28 corridors throughout the 13 Appalachian States. The corridor would interconnect several important ADHS corridors including the East-West Corridors P in Pennsylvania, E (I–68) in Maryland & West Virginia, H in West Virginia and Virginia along with the ADHS North-South Corridor O and Corridor N from Pennsylvania to the North. Currently ARC Corridors O & N dead end at I–68, and the closest interstate quality road continuing south is I–81 seventy miles east, or I–79 that is seventy miles to the west. The new Appalachian highway would also provide important linkages to the bi-State, Maryland and West Virginia, Greater Cumberland Airport, rail facilities in the area, and population centers of Cumberland, Maryland, Keyser, West Virginia, Romney, West Virginia, and Moorefield, West Virginia.

The Congress recognized the need to help bring the Appalachian Region into the mainstream of the American economy in 1965 when it created the Appalachian Region Commission and authorized the Appalachian Development Highway System. Now, some 40 years later, with the original ADHS more than 85 percent complete or under construction, it is time to provide critical linkages to the east-west ADHS corridors, population centers, other intermodal facilities such as air and rail, and the existing interstate system and to further boost the region's opportunity to advance towards economic parity. I hope that the Congress will swiftly approve this legislation.

By Mr. VITTER:

S. 721. A bill to authorize the Secretary of the Army to carry out a program for ecosystem restoration for the Louisiana Coastal Area, Louisiana; to the Committee on Environment and Public Works.

Mr. VITTER. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 721

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. LOUISIANA COASTAL AREA ECOSYSTEM RESTORATION, LOUISIANA.

(a) IN GENERAL.—The Secretary may carry out a program for ecosystem restoration, Louisiana Coastal Area, Louisiana, substantially in accordance with the report of the Chief of Engineers, dated January 31, 2005.

(b) PRIORITIES.—

(1) IN GENERAL.—In carrying out the program under subsection (a), the Secretary shall give priority to—

(A) any portion of the program identified in the report described in subsection (a) as a critical restoration feature;

(B) any Mississippi River diversion project that—

(i) protects a major population area of the Pontchartain, Pearl, Breton Sound, Barataria, or Terrebonne Basin; and

(ii) produces an environmental benefit to the coastal area of the State of Louisiana or the State of Mississippi; and

(C) any barrier island, or barrier shoreline, project that—

(i) is carried out in conjunction with a Mississippi River diversion project; and

(ii) protects a major population area.

(c) NON-FEDERAL SHARE.—

(1) CREDIT FOR INTEGRAL WORK.—The Secretary shall provide credit (including in-kind credit) toward the non-Federal share for the cost of any work carried out by the non-Federal interest on a project that is part of the program under subsection (a) if the Secretary determines that the work is integral to the project.

(2) CARRYOVER OF CREDITS.—A credit provided under paragraph (1) may be carried over between authorized projects in the Louisiana Coastal Area ecosystem restoration program.

(3) NONGOVERNMENTAL ORGANIZATIONS.—A nongovernmental organization shall be eligible to contribute all or a portion of the non-Federal share of the cost of a project under this section.

(d) COMPREHENSIVE PLAN.—

(1) IN GENERAL.—The Secretary, in coordination with the Governor of the State of Louisiana, shall—

(A) develop a plan for protecting, preserving, and restoring the coastal Louisiana ecosystem; and

(B) not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, submit to Congress the plan, or an update of the plan.

(2) INCLUSIONS.—The comprehensive plan shall include a description of—

(A) the framework of a long-term program that provides for the comprehensive protection, conservation, and restoration of the wetlands, estuaries (including the Barataria-Terrebonne estuary), barrier islands, shorelines, and related land and features of the coastal Louisiana ecosystem, including protection of a critical resource, habitat, or infrastructure from the effects of a coastal storm, a hurricane, erosion, or subsidence;

(B) the means by which a new technology, or an improved technique, can be integrated into the program under subsection (a); and

(C) the role of other Federal agencies and programs in carrying out the program under subsection (a).

(3) CONSIDERATION.—In developing the comprehensive plan, the Secretary shall consider the advisability of integrating into the program under subsection (a)—

(A) a related Federal or State project carried out on the date on which the plan is developed;

(B) an activity in the Louisiana Coastal Area; or

(C) any other project or activity identified in—

(i) the Mississippi River and Tributaries program;

(ii) the Louisiana Coastal Wetlands Conservation Plan;

(iii) the Louisiana Coastal Zone Management Plan; or

(iv) the plan of the State of Louisiana entitled "Coast 2050: Toward a Sustainable Coastal Louisiana".

(e) TASK FORCE.—

(1) ESTABLISHMENT.—There is established a task force to be known as the "Coastal Louisiana Ecosystem Protection and Restoration Task Force" (referred to in this subsection as the "Task Force").

(2) MEMBERSHIP.—The Task Force shall consist of the following members (or, in the case of the head of a Federal agency, a designee at the level of Assistant Secretary or an equivalent level):

(A) The Secretary.

(B) The Secretary of the Interior.

(C) The Secretary of Commerce.

(D) The Administrator of the Environmental Protection Agency.

(E) The Secretary of Agriculture.

(F) The Secretary of Transportation.

(G) The Secretary of Energy.

(H) The Secretary of Homeland Security.

(I) 3 representatives of the State of Louisiana appointed by the Governor of that State.

(3) DUTIES.—The Task Force shall make recommendations to the Secretary regarding—

(A) policies, strategies, plans, programs, projects, and activities for addressing conservation, protection, restoration, and maintenance of the coastal Louisiana ecosystem;

(B) financial participation by each agency represented on the Task Force in conserving, protecting, restoring, and maintaining the coastal Louisiana ecosystem, including recommendations—

(i) that identify funds from current agency missions and budgets; and

(ii) for coordinating individual agency budget requests; and

(C) the comprehensive plan under subsection (d).

(4) WORKING GROUPS.—The Task Force may establish such working groups as the Task Force determines to be necessary to assist the Task Force in carrying out this subsection.

(5) APPLICATION OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force or any working group of the Task Force.

(f) MISSISSIPPI RIVER GULF OUTLET.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a plan for modifying the Mississippi River Gulf Outlet that addresses—

(A) wetland losses attributable to the Mississippi River Gulf Outlet;

(B) channel bank erosion;

(C) hurricane storm surges;

(D) saltwater intrusion;

(E) navigation interests; and

(F) environmental restoration.

(2) REPORT.—If the Secretary determines necessary, the Secretary, in conjunction with the Chief of Engineers, shall submit to Congress a report recommending modifications to the Mississippi River Gulf Outlet, including measures to prevent the intrusion of saltwater into the Outlet.

(g) SCIENCE AND TECHNOLOGY.—

(1) IN GENERAL.—The Secretary shall establish a coastal Louisiana ecosystem science and technology program.

(2) PURPOSES.—The purposes of the program established by paragraph (1) shall be—

(A) to identify any uncertainty relating to the physical, chemical, geological, biological, and cultural baseline conditions in coastal Louisiana;

(B) to improve knowledge of the physical, chemical, geological, biological, and cultural baseline conditions in coastal Louisiana; and

(C) to identify and develop technologies, models, and methods to carry out this subsection.

(3) WORKING GROUPS.—The Secretary may establish such working groups as the Secretary determines to be necessary to assist the Secretary in carrying out this subsection.

(4) CONTRACTS AND COOPERATIVE AGREEMENTS.—In carrying out this subsection, the Secretary may enter into a contract or cooperative agreement with an individual or entity (including a consortium of academic institutions in Louisiana and Mississippi) with scientific or engineering expertise in the restoration of aquatic and marine ecosystems for coastal restoration and enhancement through science and technology.

(h) ANALYSIS OF BENEFITS.—

(1) IN GENERAL.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962-2) or any other provision of law, in carrying out an activity to conserve, protect, restore, or maintain the coastal Louisiana ecosystem, the Secretary may determine that the environmental benefits provided by the program under this section outweigh the disadvantage of an activity under this section.

(2) DETERMINATION OF COST-EFFECTIVENESS.—If the Secretary determines that an activity under this section is cost-effective, no further economic justification for the activity shall be required.

(i) APPORTIONMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the non-Federal interest, shall enter into a contract with the National Academy of Sciences under which the National Academy of Sciences shall conduct a study.

(2) IDENTIFICATION OF CAUSES AND SOURCES.—The study under paragraph (1) shall, to the maximum extent practicable, identify—

(A) each cause of degradation of the Louisiana Coastal Area ecosystem that is attributable to an action by the Secretary;

(B) an apportionment of the sources of such degradation;

(C) any potential reduction in the amount of Federal emergency response funds that would occur as a result of ecosystem restoration in the Louisiana Coastal Area; and

(D) the reduction in costs associated with protection and maintenance of infrastructure that is threatened or damaged as a result of coastal erosion in Louisiana that would occur as a result of ecosystem restoration in the Louisiana Coastal Area.

(j) REPORT.—Not later than July 1, 2006, the Secretary, in conjunction with the Chief of Engineers, shall submit to Congress a report describing the features included in table 3 of the report described in subsection (a).

(k) PROJECT MODIFICATIONS.—

(1) REVIEW.—The Secretary, in cooperation with any non-Federal interest, shall review each federally-authorized water resources project in the coastal Louisiana area in existence on the date of enactment of this Act to determine whether—

(A) each project is in accordance with the program under subsection (a); and

(B) the project could contribute to ecosystem restoration under subsection (a) through modification of the operations or features of the project.

(2) PUBLIC NOTICE AND COMMENT.—Before modifying an operation or feature of a project under paragraph (1)(B), the Secretary shall provide an opportunity for public notice and comment.

(3) REPORT.—

(A) IN GENERAL.—Before modifying an operation or feature of a project under paragraph (1)(B), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the modification.

(B) INCLUSION.—A report under paragraph (2)(B) shall include such information relating to the timeline and cost of a modification as the Secretary determines to be relevant.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out modifications under this subsection $10,000,000.

Mr. SANTORUM. Mr. President, today I am introducing legislation to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level. In 1990, Congress raised taxes on luxury items like expensive cars, fur coats, jewelry, yachts and private airplanes and doubled the Federal excise tax on beer.

This was the single largest tax increase on beer in American history and resulted in some 60,000 people losing their jobs in brewing, distributing, retailing and related industries. The tax burden on beer is higher than the average consumer good in the American economy, an astounding 44 percent of its retail price. As a result of this tax increase the Government collects approximately seven times more in beer taxes than the Nation's brewers make in profits.

The doubling of the beer excise tax in 1990 was regressive, and therefore unfair, because it hits lower income taxpayers the hardest. Most beer consumers have household incomes below $40,000. Regular beer drinkers—Americans raising a family—are the people most affected by the increase in the Federal excise tax on beer. Lowering the beer tax means more money in the pockets of these hard-working men and women.

The beer excise tax was first enacted as an emergency measure to help finance the Civil War. It is an anachronism in our tax code. Since its enactment, dozens of corporate and payroll taxes have been imposed on brewers just as they have on other businesses. Yet the beer excise tax remains. A rollback of just the 1990 beer tax increase would also help maintain good-paying American manufacturing jobs and will create new opportunities and a boost to the economy. The U.S. system of alcohol beverage control has been the maintenance of a domestic presence for the industry with independent supplier, wholesale and retail tiers. Brewers, wholesalers and retailers are heavily regulated and to the extent the U.S. maintains a strong domestic industry, the Federal, State and local agencies will continue to ensure accountability and responsible business practices.

The brewing industry has a major presence in many U.S. cities and provides a significant source of manufacturing jobs. The industry directly and indirectly accounts for close to 2.5 million jobs nationwide—a reduction of the beer tax would help brewers maintain or grow their workforce. Brewing, wholesaling and retail combined contribute over 41,000 jobs to the economy of my home State of Pennsylvania.

All of the other luxury taxes enacted in 1990 have been repealed. Yet the beer tax increase remains in place. It is time to roll back the Federal excise tax increase on beer and provide another measure of tax relief to America's working men and women. The Federal Government will still collect almost $3.7 billion in excise taxes and the industry will pay an additional $21 billion in Federal, State, and local taxes. This is a modest and reasonable measure of tax relief to a significant American industry.

By Ms. SNOWE (for herself, Mr. BOND, and Mr. BINGAMAN):

S. 723. A bill to amend the Internal Revenue Code of 1986 to allow small businesses to set up simple cafeteria plans to provide nontaxable employee benefits to their employees, to make changes in the requirements for cafeteria plans, flexible spending accounts, and benefits provided under such plans or accounts, and for other purposes; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to introduce the SIMPLE Cafeteria Plan Act of 2005" to increase the access to quality, affordable health care for millions of small business owners and their employees. I am pleased that my good friend from Missouri, Senator BOND, as well as my good friend Senator BINGAMAN from New Mexico have agreed to co-sponsor this critical piece of legislation.

Regrettably, our Nation's healthcare system is in the midst of a crisis. Each year, more and more Americans are unable to purchase health insurance, and there are no signs that things are improving. As evidence, the United States Census Bureau estimates that nearly 47 million people did not have health insurance coverage for all of 2002. Sadly, this number rose from 41.2 million uninsured persons in 2001—a 14.6 percent increase.

As if these numbers on a national scale are not alarming enough, the results are even more troubling when we look specifically at the small business sector of our economy. Analysis conducted by the Employee Benefit Research Institute, a nonpartisan group dedicated to ensuring that all workers have access to affordable health care, suggests that the highest rates of uninsured occur among either self-employed workers or workers whose employer employees fewer than 25 persons. When compared to workers in firms that employ 1,000 or more employees, where just 12.6 percent of those workers do not have health insurance, it becomes clear that the majority of uninsured Americans work for small enterprises. Clearly, these numbers suggest that there is a direct correlation among those persons who do not have health insurance and the size of their employer.

The question, then, is why are our Nation's small businesses, which are our country's job creators and the true engine of our national economy, so disadvantaged when it comes to purchasing health insurance.

The main reason that small business owners are not able to offer their employees health insurance is because many small business owners are able to pay only a portion of their employees' health insurance premiums or, even worse, cannot afford to provide any health insurance or other employee benefits at all. As a result, many small business workers must acquire health insurance from the private sector rather than the work place—an unfair, and far more expensive alternative.

Clearly, we have a problem on our hands. While we can debate among ourselves why this crisis exists and how we ended up here, what is not open for debate is that we need to start identifying ways to fix the system because it is simply unconscionable to do nothing while more and more Americans find themselves without health care.

As you know, I re-introduced a bill earlier this year that will go a long ways towards improving the situation by creating Associated Health Plans for small businesses. In general, this bill would permit small businesses throughout the country to band together for purposes of obtaining an insurance quote from an insurance company. By pooling these businesses together, they would pay lower premiums because of the increased risk pool.

Again, this bill would increase the number of Americans that would be able to afford health insurance because their insurance premiums would be based on a more reasonable number. The bill I am introducing today builds upon this and goes a step further by putting more small business owners and their employees on a level playing field when compared to workers of a larger company.

Specifically, many large companies and even the Federal government enable their employees to purchase health insurance and other qualified benefits with taxfree dollars. Larger companies are able to do this by qualifying for certain employee benefit delivery mechanisms under the tax code.

One such delivery mechanism is a cafeteria plan. As the name suggests, cafeteria plans are programs whereby employers offer their employees the opportunity to purchase certain qualified benefits of their choosing. The key here is that the employer provides the opportunity for the employee to purchase the benefit, and the employee is then free to chose whether to participate and which benefits to buy. Under current law, qualified benefits include health insurance, dependent-care reimbursement, and life and disability insurance. Typically, employer contributions, employee contributions, or a combination of the two fund these plans.

Cafeteria plans offer valuable benefits to employees and are popular for many reasons. Specifically, they offer employees great flexibility in selecting their desired benefits while enabling them to disregard those benefits that do not fit their particular needs. Participating employees are also able to exclude any wages that they contribute to a cafeteria plan from their Federal taxable income, Social Security, and Medicare, which means they are using more valuable pre-tax dollars to buy these benefits. Moreover, the employees are usually purchasing these benefits at a lower cost because employers are oftentimes able to obtain a reduced price for the benefits through a group rate after they establish a cafeteria plan.

Cafeteria plans also provide employers with valuable benefits, most notably as a recruiting tool. It certainly stands to reason that if more small business owners are able to offer their employees the chance to enjoy a variety of employee benefits, these owners then will be more likely to attract, recruit, and retain more talented workers, which will ultimately increase the firm's business output. Too often, we hear that small businesses loose skilled employees to larger companies simply because a big firm is able to offer a more attractive benefit package. Given that small businesses are responsible for a majority of the new jobs created in this country, we need to reverse that trend, and this bill will go a long way in rectifying this inequity.

Clearly, cafeteria plans play a critical role in our Nation's health care system and economy in general. The problem, though, is that in order for companies to qualify for the tax benefits that cafeteria plans provide, they must satisfy strict nondiscrimination rules under the tax code. These rules exist to ensure that the benefits offered to highly compensated employees are offered to non-highly compensated employees as well. The rules also strive to ensure that non-highly compensated employees in fact receive a substantial portion of the benefits provided under the plan.

Now I want to be clear when I say that these non-discrimination rules serve a legitimate purpose. Indeed, we need to be sure that employers are not able to game the tax system by implementing these cafeteria plans, and that the cafeteria plans that qualify for preferential tax treatment are used by a majority of the employees in the company.

However, what I find to be unacceptable is the way the tax code attempts to implement this policy under the existing rules. Currently, many small businesses simply cannot satisfy these mechanical rules because, through no fault of their own, they have relatively few employees and a high proportion of owners or highly compensated individuals. As such, were a small business to create a cafeteria plan and violate the non-discrimination rules, certain workers within the company would be subject to a penalty and would be required to include a substantial portion of their contributions in their taxable income.

Consequently, many small companies simply do not even bother to implement a cafeteria plan for fear that they will violate the non-discrimination rules. According to the Employer's Council on Flexible Compensation, while 38.36 million U.S. workers had access to cafeteria plans in 1999, only 19 percent of those workers were employees of small businesses.

To improve the current situation, the bill I am introducing today will allow and encourage more small businesses to offer employees the opportunity to purchase health insurance with tax-free dollars just as larger companies and the federal government do. My bill accomplishes this by creating a Simple Cafeteria Plan, which is modeled after the Savings Incentive Match Plan for Employees (SIMPLE) pension plan. As with the SIMPLE pension plan, a small business employer that is willing to make a minimum contribution for all employees or who is willing to match contributions will be permitted to waive the non-discrimination rules that currently prevent these owners from otherwise offering these benefits. This structure has worked extraordinarily well in the pension area with little risk of abuse, and I am confident that it will be just as successful when it comes to broad-based benefits offered through cafeteria plans.

Under the SIMPLE Cafeteria Plan, small companies will not have to struggle with satisfying the burdensome non-discrimination rules that often prevent them from offering valuable employee benefits to their workers. As a result, more small business employers will be able to provide their workers with the employee benefits that are often reserved for larger employers and that are otherwise unavailable because of the non-discrimination rules.

In addition my bill will expand the types of qualified benefits that will be able to be offered under ALL cafeteria plans—both those that qualify under existing law as well as the new SIMPLE cafeteria plans that will be created. Specifically, my bill modifies the rules governing benefits offered under cafeteria plans, such as flexible spending accounts and dependent-care assistance plans that many larger employers offer their employees. These modifications will increase the likelihood that employees of small businesses will utilize the available benefits and that will increase the benefits provided for all employees.

For example, current rules impose a "use it or lose it" requirement with respect to flexible spending arrangement contributions. This means that the employee forfeits any money he or she contributes to the account but does not use during the plan. My bill would change that rule and allow employees to carry over up to $500 remaining in their account to the next plan year. The bill would also permit employees to carry-over any unused funds to a retirement account such as a 401(k) plan.

In either case, any carried over contributions will reduce the amount that the employee otherwise would be able to contribute to the spending arrangement in the following year so that the carry-over option will not produce a greater dollar benefit for any employee. As a result, more employees are likely to participate in these spending arrangements because they will ultimately be able to use any funds that they contribute without any fear of forfeiting them simply because the funds were not used in the year of contribution.

Additionally, this legislation modifies rules that pertain to employer-provided, dependent-care assistance plans. First, it would increase the current $5,000 annual contribution limitation of these plans to $10,000 if the contributing employee claims two or more dependents on his or her tax return. This increase is significant because it will provide these taxpayers with an opportunity to care for not only their children but also an elderly family member who is a dependent of an employee—a scenario that will become increasingly more likely as the current baby-boomer generation continues to age.

Second, this bill would amend the current non-discrimination rules that dependent-care assistance plans must satisfy. As is often the case with the majority of small business owners who cannot, through any fault of their own, satisfy the non-discrimination rules for establishing a cafeteria plan, these rules often prevent the owner from offering this valuable benefit to their employees. To remedy this inequity, this bill would change the current mechanical thresholds such that more small businesses can provide dependent-care assistance plans to their employees but in a manner that does not encourage the type of abuse that the non-discrimination rules are intended to prevent.

Small businesses are the backbone of the American economy. According to the Small Business Administration, small businesses represent 99 percent of all employers, employ 51 percent of the private-sector workforce, and contribute 51 percent of the private-sector output. It is therefore critical that small businesses owners are able to offer their employees the benefits that cafeteria plans provide so that more of our nation's workers have the opportunity to purchase quality healthcare and provide security for their families.

The "SIMPLE Cafeteria Plan Act of 2005" achieves those objectives, and it does so in a manner that the employers and employees are able to afford. Although the use of pre-tax dollars to acquire these benefits reduces current federal revenues, the opportunity to provide small business employees these same benefits to workers and their families rather than relying on the public sector more than justifies this minimal investment. Therefore, I urge my colleagues to join me in supporting this important legislation as we work with you to enact this bill into law.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 723

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the "SIMPLE Cafeteria Plan Act of 2005".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. ESTABLISHMENT OF SIMPLE CAFETERIA PLANS FOR SMALL BUSINESSES.

(a) IN GENERAL.—Section 125 (relating to cafeteria plans) is amended by redesignating subsections (h) and (i) as subsections (i) and (j), respectively, and by inserting after subsection (g) the following new subsection:

"(h) SIMPLE CAFETERIA PLANS FOR SMALL BUSINESSES.—

"(1) IN GENERAL.—An eligible employer maintaining a simple cafeteria plan with respect to which the requirements of this subsection are met for any year shall be treated as meeting any applicable nondiscrimination requirement with respect to benefits provided under the plan during such year.

"(2) SIMPLE CAFETERIA PLAN.—For purposes of this subsection, the term 'simple cafeteria plan' means a cafeteria plan—

"(A) which is established and maintained by an eligible employer, and

"(B) with respect to which the contribution requirements of paragraph (3), and the eligibility and participation requirements of paragraph (4), are met.

"(3) CONTRIBUTIONS REQUIREMENTS.—

"(A) IN GENERAL.—The requirements of this paragraph are met if, under the plan—

"(i) the employer makes matching contributions on behalf of each employee who is eligible to participate in the plan and who is not a highly compensated or key employee in an amount equal to the elective plan contributions of the employee to the plan to the extent the employee's elective plan contributions do not exceed 3 percent of the employee's compensation, or

"(ii) the employer is required, without regard to whether an employee makes any elective plan contribution, to make a contribution to the plan on behalf of each employee who is not a highly compensated or key employee and who is eligible to participate in the plan in an amount equal to at least 2 percent of the employee's compensation.

"(B) MATCHING CONTRIBUTIONS ON BEHALF OF HIGHLY COMPENSATED AND KEY EMPLOYEES.—The requirements of subparagraph (A)(i) shall not be treated as met if, under the plan, the rate of matching contribution with respect to any elective plan contribution of a highly compensated or key employee at any rate of contribution is greater than that with respect to an employee who is not a highly compensated or key employee.

"(C) SPECIAL RULES.—

"(i) TIME FOR MAKING CONTRIBUTIONS.—An employer shall not be treated as failing to meet the requirements of this paragraph with respect to any elective plan contributions of any compensation, or employer contributions required under this paragraph with respect to any compensation, if such contributions are made no later than the 15th day of the month following the last day of the calendar quarter which includes the date of payment of the compensation.

"(ii) FORM OF CONTRIBUTIONS.—Employer contributions required under this paragraph may be made either to the plan to provide benefits offered under the plan or to any person as payment for providing benefits offered under the plan.

"(iii) ADDITIONAL CONTRIBUTIONS.—Subject to subparagraph (B), nothing in this paragraph shall be treated as prohibiting an employer from making contributions to the plan in addition to contributions required under subparagraph (A).

"(D) DEFINITIONS.—For purposes of this paragraph—

"(i) ELECTIVE PLAN CONTRIBUTION.—The term 'elective plan contribution' means any amount which is contributed at the election of the employee and which is not includible in gross income by reason of this section.

"(ii) HIGHLY COMPENSATED EMPLOYEE.—The term 'highly compensated employee' has the meaning given such term by section 414(q).

"(iii) KEY EMPLOYEE.—The term 'key employee' has the meaning given such term by section 416(i).

"(4) MINIMUM ELIGIBILITY AND PARTICIPATION REQUIREMENTS.—

"(A) IN GENERAL.—The requirements of this paragraph shall be treated as met with respect to any year if, under the plan—

"(i) all employees who had at least 1,000 hours of service for the preceding plan year are eligible to participate, and

"(ii) each employee eligible to participate in the plan may, subject to terms and conditions applicable to all participants, elect any benefit available under the plan.

"(B) CERTAIN EMPLOYEES MAY BE EXCLUDED.—For purposes of subparagraph (A)(i), an employer may elect to exclude under the plan employees—

"(i) who have less than 1 year of service with the employer as of any day during the plan year,

"(ii) who have not attained the age of 21 before the close of a plan year,

"(iii) who are covered under an agreement which the Secretary of Labor finds to be a collective bargaining agreement if there is evidence that the benefits covered under the cafeteria plan were the subject of good faith bargaining between employee representatives and the employer, or

"(iv) who are described in section 410(b)(3)(C) (relating to nonresident aliens working outside the United States).

A plan may provide a shorter period of service or younger age for purposes of clause (i) or (ii).

"(5) ELIGIBLE EMPLOYER.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'eligible employer' means, with respect to any year, any employer if such employer employed an average of 100 or fewer employees on business days during either of the 2 preceding years. For purposes of this subparagraph, a year may only be taken into account if the employer was in existence throughout the year.

"(B) EMPLOYERS NOT IN EXISTENCE DURING PRECEDING YEAR.—If an employer was not in existence throughout the preceding year, the determination under subparagraph (A) shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current year.

"(C) GROWING EMPLOYERS RETAIN TREATMENT AS SMALL EMPLOYER.—If—

"(i) an employer was an eligible employer for any year (a 'qualified year'), and

"(ii) such employer establishes a simple cafeteria plan for its employees for such year, then, notwithstanding the fact the employer fails to meet the requirements of subparagraph (A) for any subsequent year, such employer shall be treated as an eligible employer for such subsequent year with respect to employees (whether or not employees during a qualified year) of any trade or business which was covered by the plan during any qualified year. This subparagraph shall cease to apply if the employer employs an average of 200 more employees on business days during any year preceding any such subsequent year.

"(D) SPECIAL RULES.—The rules of section 220(c)(4)(D) shall apply for purposes of this paragraph.

"(6) APPLICABLE NONDISCRIMINATION REQUIREMENT.—For purposes of this subsection, the term 'applicable nondiscrimination requirement' means any requirement under subsection (b) of this section, section 79(d), section 105(h), or paragraph (2), (3), (4), or (8) of section 129(d).

"(7) COMPENSATION.—The term 'compensation' has the meaning given such term by section 414(s)."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2004.

SEC. 3. MODIFICATIONS OF RULES APPLICABLE TO CAFETERIA PLANS.

(a) APPLICATION TO SELF-EMPLOYED INDIVIDUALS.—

(1) IN GENERAL.—Section 125(d) (defining cafeteria plan) is amended by adding at the end the following new paragraph:

"(3) EMPLOYEE TO INCLUDE SELF-EMPLOYED.—

"(A) IN GENERAL.—The term 'employee' includes an individual who is an employee within the meaning of section 401(c)(1) (relating to self-employed individuals).

"(B) LIMITATION.—The amount which may be excluded under subsection (a) with respect to a participant in a cafeteria plan by reason of being an employee under subparagraph (A) shall not exceed the employee's earned income (within the meaning of section 401(c)) derived from the trade or business with respect to which the cafeteria plan is established."

(2) APPLICATION TO BENEFITS WHICH MAY BE PROVIDED UNDER CAFETERIA PLAN.—

(A) GROUP-TERM LIFE INSURANCE.—Section 79 (relating to group-term life insurance provided to employees) is amended by adding at the end the following new subsection:

"(f) EMPLOYEE INCLUDES SELF-EMPLOYED.—

"(1) IN GENERAL.—For purposes of this section, the term 'employee' includes an individual who is an employee within the meaning of section 401(c)(1) (relating to self-employed individuals).

"(2) LIMITATION.—The amount which may be excluded under the exceptions contained in subsection (a) or (b) with respect to an individual treated as an employee by reason of paragraph (1) shall not exceed the employee's earned income (within the meaning of section 401(c)) derived from the trade or business with respect to which the individual is so treated."

(B) ACCIDENT AND HEALTH PLANS.—Section 105(g) is amended to read as follows:

"(g) EMPLOYEE INCLUDES SELF-EMPLOYED.—

"(1) IN GENERAL.—For purposes of this section, the term 'employee' includes an individual who is an employee within the meaning of section 401(c)(1) (relating to self-employed individuals).

"(2) LIMITATION.—The amount which may be excluded under this section by reason of subsection (b) or (c) with respect to an individual treated as an employee by reason of paragraph (1) shall not exceed the employee's earned income (within the meaning of section 401(c)) derived from the trade or business with respect to which the accident or health insurance was established."

(C) CONTRIBUTIONS BY EMPLOYERS TO ACCIDENT AND HEALTH PLANS.—

(i) IN GENERAL.—Section 106, as amended by subsection (b), is amended by adding after subsection (b) the following new subsection:

"(c) EMPLOYER TO INCLUDE SELF-EMPLOYED.—

"(1) IN GENERAL.—For purposes of this section, the term 'employee' includes an individual who is an employee within the meaning of section 401(c)(1) (relating to self-employed individuals).

"(2) LIMITATION.—The amount which may be excluded under subsection (a) with respect to an individual treated as an employee by reason of paragraph (1) shall not exceed the employee's earned income (within the meaning of section 401(c)) derived from the trade or business with respect to which the accident or health insurance was established."

(ii) CLARIFICATION OF LIMITATIONS ON OTHER COVERAGE.—The first sentence of section 162(l)(2)(B) is amended to read as follows: "Paragraph (1) shall not apply to any taxpayer for any calendar month for which the taxpayer participates in any subsidized health plan maintained by any employer (other than an employer described in section 401(c)(4)) of the taxpayer or the spouse of the taxpayer.

(b) LONG-TERM CARE INSURANCE PERMITTED TO BE OFFERED UNDER CAFETERIA PLANS AND FLEXIBLE SPENDING ARRANGEMENTS.—

(1) CAFETERIA PLANS.—The last sentence of section 125(f) (defining qualified benefits) is amended to read as follows: "Such term shall include the payment of premiums for any qualified long-term care insurance contract (as defined in section 7702B) to the extent the amount of such payment does not exceed the eligible long-term care premiums (as defined in section 213(d)(10)) for such contract".

(2) FLEXIBLE SPENDING ARRANGEMENTS.—Section 106 (relating to contributions by employer to accident and health plans) is amended by striking subsection (c).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 4. MODIFICATION OF RULES APPLICABLE TO FLEXIBLE SPENDING ARRANGEMENTS.

(a) In General.—Section 125, as amended by section 2, is amended by redesignating subsections (i) and (j) as subsections (j) and (k), respectively, and by inserting after subsection (h) the following new subsection:

"(i) Special Rules Applicable to Flexible Spending Arrangements.—

"(1) In general.—For purposes of this title, a plan or other arrangement shall not fail to be treated as a flexible spending or similar arrangement solely because under the plan or arrangement—

"(A) the amount of the reimbursement for covered expenses at any time may not exceed the balance in the participant's account for the covered expenses as of such time,

"(B) except as provided in paragraph (4)(A)(ii), a participant may elect at any time specified by the plan or arrangement to make or modify any election regarding the covered benefits, or the level of covered benefits, of the participant under the plan, and

"(C) a participant is permitted access to any unused balance in the participant's accounts under such plan or arrangement in the manner provided under paragraph (2) or (3).

"(2) Carryovers and rollovers of unused benefits in health and dependent care arrangements.—

"(A) In general.—A plan or arrangement may permit a participant in a health flexible spending arrangement or dependent care flexible spending arrangement to elect—

"(i) to carry forward any aggregate unused balances in the participant's accounts under such arrangement as of the close of any year to the succeeding year, or

"(ii) to have such balance transferred to a plan described in subparagraph (E).

Such carryforward or transfer shall be treated as having occurred within 30 days of the close of the year.

"(B) Dollar limit on carryforwards.—

"(i) In general.—The amount which a participant may elect to carry forward under subparagraph (A)(i) from any year shall not exceed $500. For purposes of this paragraph, all plans and arrangements maintained by an employer or any related person shall be treated as 1 plan.

"(ii) Cost-of-living adjustment.—In the case of any taxable year beginning in a calendar year after 2005, the $500 amount under clause (i) shall be increased by an amount equal to—

"(I) $500, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting '2004' for '1992' in subparagraph (B) thereof.

If any dollar amount as increased under this clause is not a multiple of $100, such amount shall be rounded to the next lowest multiple of $100.

"(C) Exclusion from gross income.—No amount shall be required to be included in gross income under this chapter by reason of any carryforward or transfer under this paragraph.

"(D) Coordination with limits.—

"(i) Carryforwards.—The maximum amount which may be contributed to a health flexible spending arrangement or dependent care flexible spending arrangement for any year to which an unused amount is carried under this paragraph shall be reduced by such amount.

"(ii) Rollovers.—Any amount transferred under subparagraph (A)(ii) shall be treated as an eligible rollover under section 219, 223(f)(5), 401(k), 403(b), or 457, whichever is applicable, except that—

"(I) the amount of the contributions which a participant may make to the plan under any such section for the taxable year including the transfer shall be reduced by the amount transferred, and

"(II) in the case of a transfer to a plan described in clause (ii) or (iii) of subparagraph (E), the transferred amounts shall be treated as elective deferrals for such taxable year.

"(E) Plans.—A plan is described in this subparagraph if it is—

"(i) an individual retirement plan,

"(ii) a qualified cash or deferred arrangement described in section 401(k),

"(iii) a plan under which amounts are contributed by an individual's employer for an annuity contract described in section 403(b),

"(iv) an eligible deferred compensation plan described in section 457, or

"(v) a health savings account described in section 223.

"(3) Distribution upon termination.—

"(A) In general.—A plan or arrangement may permit a participant (or any designated heir of the participant) to receive a cash payment equal to the aggregate unused account balances in the plan or arrangement as of the date the individual is separated (including by death or disability) from employment with the employer maintaining the plan or arrangement.

"(B) Inclusion in income.—Any payment under subparagraph (A) shall be includible in gross income for the taxable year in which such payment is distributed to the employee.

"(4) Terms relating to flexible spending arrangements.—

"(A) Flexible spending arrangements.—

"(i) In general.—For purposes of this subsection, a flexible spending arrangement is a benefit program which provides employees with coverage under which specified incurred expenses may be reimbursed (subject to reimbursement maximums and other reasonable conditions).

"(ii) Elections required.—A plan or arrangement shall not be treated as a flexible spending arrangement unless a participant may at least 4 times during any year make or modify any election regarding covered benefits or the level of covered benefits.

"(B) Health and dependent care arrangements.—The terms 'health flexible spending arrangement' and 'dependent care flexible spending arrangement' means any flexible spending arrangement (or portion thereof) which provides payments for expenses incurred for medical care (as defined in section 213(d)) or dependent care (within the meaning of section 129), respectively."

(b) Conforming Amendment.—

(1) The heading for section 125 is amended by inserting "and flexible spending arrangements" after "Plans".

(2) The item relating to section 125 in the table of sections for part III of subchapter B of chapter 1 is amended by inserting "and flexible spending arrangements" after "plans".

(c) Effective Date.—The amendments made by this section shall apply to years beginning after December 31, 2004.

SEC. 5. RULES RELATING TO EMPLOYER-PROVIDED HEALTH AND DEPENDENT CARE BENEFITS.

(a) Health Benefits.—Section 106, as amended by section 3, is amended by adding at the end the following new subsection:

"(e) Limitation on Contributions to Health Flexible Spending Arrangements.—

"(1) In general.—Gross income of an employee for any taxable year shall include employer-provided coverage provided through 1 or more health flexible spending arrangements (within the meaning of section 125(i)) to the extent that the amount otherwise excludable under subsection (a) with regard to such coverage exceeds the applicable dollar limit for the taxable year.

"(2) Applicable dollar limit.—For purposes of this subsection—

"(A) In general.—The applicable dollar limit for any taxable year is an amount equal to the sum of—

"(i) $7,500, plus

"(ii) if the arrangement provides coverage for 1 or more individuals in addition to the employee, an amount equal to one-third of the amount in effect under clause (i) (after adjustment under subparagraph (B)).

"(B) Cost-of-living adjustment.—In the case of taxable years beginning in any calendar year after 2005, the $7,500 amount under subparagraph (A) shall be increased by an amount equal to—

"(i) $7,500, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting '2004' for '1992' in subparagraph (B) thereof.

If any dollar amount as increased under this subparagraph is not a multiple of $100, such dollar amount shall be rounded to the next lowest multiple of $100."

(b) Dependent Care.—

(1) Exclusion limit.—

(A) In general.—Section 129(a)(2) (relating to limitation on exclusion) is amended—

(i) by striking "$5,000" and inserting "the applicable dollar limit", and

(ii) by striking "$2,500" and inserting "one-half of such limit".

(B) Applicable dollar limit.—Section 129(a) is amended by adding at the end the following new paragraph:

"(3) Applicable dollar limit.—For purposes of this subsection—

"(A) In general.—The applicable dollar limit is $5,000 ($10,000 if dependent care assistance is provided under the program to 2 or more qualifying individuals of the employee).

"(B) Cost-of-living adjustments.—

"(i) $5,000 amount.—In the case of taxable years beginning after 2005, the $5,000 amount under subparagraph (A) shall be increased by an amount equal to—

"(I) $5,000, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting '2004' for '1992' in subparagraph (B) thereof.

If any dollar amount as increased under this clause is not a multiple of $100, such dollar amount shall be rounded to the next lowest multiple of $100.

"(ii) $10,000 amount.—The $10,000 amount under subparagraph (A) for taxable years beginning after 2005 shall be increased to an amount equal to twice the amount the $5,000 amount is increased to under clause (i)."

(2) Average benefits test.—

(A) In general.—Section 129(d)(8)(A) (relating to benefits) is amended—

(i) by striking "55 percent" and inserting "60 percent", and

(ii) by striking "highly compensated employees" the second place it appears and inserting "employees receiving benefits".

(B) Salary reduction agreements.—Section 129(d)(8)(B) (relating to salary reduction agreements) is amended—

(i) by striking "$25,000" and inserting "$30,000", and

(ii) by adding at the end the following: "In the case of years beginning after 2005, the $30,000 amount in the first sentence shall be adjusted at the same time, and in the same manner, as the applicable dollar amount is adjusted under subsection (a)(3)(B)."

(3) PRINCIPAL SHAREHOLDERS OR OWNERS.—Section 129(d)(4) (relating to principal shareholders and owners) is amended by adding at the end the following: "In the case of any failure to meet the requirements of this paragraph for any year, amounts shall only be required by reason of the failure to be included in gross income of the shareholders or owners who are members of the class described in the preceding sentence."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

By Mr. DODD (for himself, Mr. DURBIN, and Mr. SALAZAR):

S. 724. A bill to improve the No Child Left Behind Act of 2001, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, today I am pleased to introduce with Senators DURBIN and SALAZAR a very important piece of legislation, "The No Child Left Behind Reform Act." This legislation makes three basic changes to the No Child Left Behind Act which was signed into law in January of 2002.

The No Child Left Behind Act received the support of this Senator and eighty-six of our colleagues. Like most, if not all, of our colleagues who supported this bill, I supported it because I care about improving the quality of education in America for all of our children. I believed that this law would help to achieve that goal by establishing more rigorous standards for measuring student achievement, by helping teachers do a better job of instructing students, and last but not least, by providing the resources desperately needed by our schools for even the most basic necessities to help put the reforms we passed into place.

Regrettably, the high hopes that I and many others had for this law have not been realized. The law is being implemented by the Administration in a manner that is inflexible, unreasonable and unhelpful to students. Furthermore, the law is not only failing to help teachers do their best in the classroom, it also reflects, along with other Administration policies and pronouncements, a neglect and even hostility towards members of the teaching profession.

Worse still, the Administration's promise of sufficient resources to implement No Child Left Behind's much needed reforms is a promise that has yet to be kept. Indeed, the current budget proposed by the Bush Administration underfunds No Child Left Behind by $12 billion. Since passage three years ago, the law has been funded at a level that is more than $39 billion below what was promised when the President signed the Act into law.

As a result of the failures of the current Administration to fulfill its commitment to our nation's school children under this law, those children and their teachers are today shouldering new and noteworthy hardships. Throughout the State of Connecticut, for example, students, teachers, administrators and parents are struggling to implement requirements that are often confusing, inflexible and unrealistic. And they are struggling to do so without the additional resources they were promised to put them into place. According to a recent report put together by the Connecticut State Department of Education, through 2008, it will cost the State of Connecticut $41.6 million over and above what the Federal Government is going to supply to meet the requirements of No Child Left Behind. Of that $41.6 million, $8 million will need to spent on testing alone. That is a significant amount of money—a significant amount of money that is going to fall on Connecticut taxpayers trying to simultaneously pay for their mortgage, basic health care and the rising cost of their children's tuition.

As I have said on numerous occasions in the past, resources without reforms are a waste of money. By the same token, reforms without resources are a false promise—a false promise that has left students and their teachers grappling with new burdens and little help to bear them.

The legislation I am introducing today proposes to make three changes to the No Child Left Behind Act. These changes will ease current burdens on our students, our teachers and our administrators without dismantling the fundamental underpinnings of the law.

First, the No Child Left Behind Reform Act will allow schools to be given credit for performing well on measures other than test scores when calculating student achievement. Test scores are an important measure of student knowledge. However, they are not the only measure. There are others. These include dropout rates, the number of students who participate in advanced placement courses, and individual student improvement over time. Unfortunately, current law does not allow schools to use these additional ways to gauge school success in a constructive manner. Additional measures can only be used to further indicate how a school is failing, not how a school is succeeding. This legislation will allow schools to earn credit for succeeding.

Second, the No Child Left Behind Reform Act will allow schools to target school choice and supplemental services to the students that actually demonstrate a need for them. As the current law is being implemented by the Administration, if a school is in need of improvement, it is expected to offer school choice and supplemental services to all students—even if not all students have demonstrated a need for them. That strikes me as a wasteful and imprecise way to help a school improve student performance. For that reason, this legislation will allow schools to target resources to the students that actually demonstrate that they need them. Clearly, this is the most efficient way to maximize their effect.

Finally, the No Child Left Behind Reform Act introduces a greater degree of reasonableness to the teacher certification process. As it is being implemented, the law requires teachers to be "highly qualified" to teach every subject that they teach. Certainly none of us disagree with this policy as a matter of principle. But as a matter of practice, it is causing confusion and hardship for teachers, particularly secondary teachers and teachers in small school districts. For example, as the law is being implemented by the Administration, a high school science teacher could be required to hold degrees in biology, physics and chemistry to be considered highly qualified. In small schools where there may be only one 7th or 8th grade teacher teaching all subjects, these teachers could similarly be required to hold degrees in every subject area.

Such requirements are unreasonable at a time when excellent teachers are increasingly hard to find. The legislation I introduce today will allow states to create a single assessment to cover multiple subjects for middle grade level teachers and allow states to issue a broad certification for science and social studies.

In my view, the changes I propose will provide significant assistance to schools struggling to comply with the No Child Left Behind law all across America. As time marches on and more deadlines set by this law approach—including additional testing, a highly qualified teacher in every classroom and 100% proficiency for all students—we have a responsibility to reassess the law and do what we can to make sure that it is implemented in a reasonable manner. In doing so, we must also preserve the basic tenets of the law—providing a world class education for all American students and closing the achievement gap across demographic and socioeconomic lines. Again, no child should left behind—no special education student, no English language learning student, no minority student and no low-income student. I stand by this commitment.

Obviously, funding this law is beyond the scope of this bill. I would note, however, that efforts to increase education funding to authorized levels have thus far been unsuccessful. Despite this, I remain committed to work to change this outcome as well. Clearly, our children deserve the resources needed to make their dreams for a better education a reality.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 724

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "No Child Left Behind Reform Act".

SEC. 2. ADEQUATE YEARLY PROGRESS.

(a) DEFINITION OF ADEQUATE YEARLY PROGRESS.—Section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)) is amended—

(1) in subparagraph (C)(vii)—

(A) by striking "such as";

(B) by inserting "such as measures of individual or cohort growth over time based on the academic assessments implemented in accordance with paragraph (3)," after "described in clause (v),"; and

(C) by striking "attendance rates,"; and

(2) in subparagraph (D)—

(A) by striking clause (ii);

(B) by striking "the State" and all that follows through "ensure" and inserting "the State shall ensure"; and

(C) by striking "; and" and inserting a period.

(b) ACADEMIC ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT.—Section 1116(a)(1)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(a)(1)(B)) is amended by striking ", except that" and all that follows through "action or restructuring".

SEC. 3. GRANTS FOR INCREASING DATA CAPACITY FOR PURPOSES OF AYP.

Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by adding at the end the following:

"SEC. 1120C. GRANTS FOR INCREASING DATA CAPACITY FOR PURPOSES OF AYP.

"(a) GRANT AUTHORITY.—The Secretary may award grants, on a competitive basis, to State educational agencies to enable the State educational agencies—

"(1) to develop or increase the capacity of data systems for accountability purposes; and

"(2) to award subgrants to increase the capacity of local educational agencies to upgrade, create, or manage information databases for the purpose of measuring adequate yearly progress.

"(b) PRIORITY.—In awarding grants under this section the Secretary shall give priority to State educational agencies that have created, or are in the process of creating, a growth model or proficiency index as part of their adequate yearly progress determination.

"(c) STATE USE OF FUNDS.—Each State that receives a grant under this section shall use—

"(1) not more than 20 percent of the grant funds for the purpose of increasing the capacity of, or creating, State databases to collect information related to adequate yearly progress; and

"(2) not less than 80 percent of the grant funds to award subgrants to local educational agencies within the State to enable the local educational agencies to carry out the authorized activities described in subsection (d).

"(d) AUTHORIZED ACTIVITIES.—Each local educational agency that receives a subgrant under this section shall use the subgrant funds to increase the capacity of the local educational agency to upgrade databases or create unique student identifiers for the purpose of measuring adequate yearly progress, by—

"(1) purchasing database software or hardware;

"(2) hiring additional staff for the purpose of managing such data;

"(3) providing professional development or additional training for such staff; and

"(4) providing professional development or training for principals and teachers on how to effectively use such data to implement instructional strategies to improve student achievement.

"(e) STATE APPLICATION.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(f) LEA APPLICATION.—Each local educational agency desiring a subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may require. Each such application shall include, at a minimum, a demonstration of the local educational agency's ability to put such a database in place.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part $80,000,000 for each of fiscal years 2006, 2007, and 2008."

SEC. 4. TARGETING TRANSFER OPTIONS AND SUPPLEMENTAL SERVICES.

(a) TARGETING TRANSFER OPTIONS AND SUPPLEMENTAL SERVICES.—Section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316) is amended—

(1) in paragraphs (1)(E)(i), (5)(A), (7)(C)(i), and (8)(A)(i) of subsection (b), by striking the term "all students enrolled in the school" each place such term appears and inserting "all students enrolled in the school, who are members of a group described in section 1111(b)(2)(C)(v) that fails to make adequate yearly progress as defined in the State's plan under section 1111(b)(2),";

(2) in subsection (b)(1), by adding at the end the following:

"(G) MAINTENANCE OF LEAST RESTRICTIVE ENVIRONMENT.—A student who is eligible to receive services under the Individuals with Disabilities Education Act and who uses the option to transfer under subparagraph (E), paragraph (5)(A), (7)(C)(i), or (8)(A)(i), or subsection (c)(10)(C)(vii), shall be placed and served in the least restrictive environment appropriate, in accordance with the Individuals with Disabilities Education Act.";

(3) in clause (vii) of subsection (c)(10)(C), by inserting ", who are members of a group described in section 1111(b)(2)(C)(v) that fails to make adequate yearly progress as defined in the State's plan under section 1111(b)(2)," after "Authorizing students"; and

(4) in subparagraph (A) of subsection (e)(12), by inserting ", who is a member of a group described in section 1111(b)(2)(C)(v) that fails to make adequate yearly progress as defined in the State's plan under section 1111(b)(2)" after "under section 1113(c)(1)".

(b) STUDENT ALREADY TRANSFERRED.—A student who transfers to another public school pursuant to section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)) before the effective date of this section and the amendments made by this section, may continue enrollment in such public school after the effective date of this section and the amendments made by this section.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall be effective for each fiscal year for which the amount appropriated to carry out title I of the Elementary and Secondary Education Act of 1965 for the fiscal year, is less than the amount authorized to be appropriated to carry out such title for the fiscal year.

SEC. 5. DEFINITION OF HIGHLY QUALIFIED TEACHERS.

Section 9101(23)(B)(ii) of the Elementary and Secondary Act of 1965 (20 U.S.C. 7801(23)(B)(ii)) is amended—

(1) in subclause (I), by striking "or" after the semicolon;

(2) in subclause (II), by striking "and" after the semicolon; and

(3) by adding at the end the following:

"(III) in the case of a middle school teacher, passing a State approved middle school generalist exam when the teacher receives the teacher's license to teach middle school in the State;

"(IV) obtaining a State social studies certificate that qualifies the teacher to teach history, geography, economics, and civics in middle or secondary schools, respectively, in the State; or

"(V) obtaining a State science certificate that qualifies the teacher to teach earth science, biology, chemistry, and physics in middle or secondary schools, respectively, in the State; and".

By Mr. DODD (for himself, Ms. SNOWE, Mr. KENNEDY, Ms. COLLINS, Mrs. MURRAY, Mr. DURBIN, Mrs. CLINTON, Mr. INOUYE, Mr. LEVIN, Mr. LAUTENBERG, and Mr. JOHNSON):

S. 725. A bill a improve the Child Care Access Means Parents in School Program; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I am pleased to rise today with Senators SNOWE, KENNEDY, COLLINS, MURRAY, DURBIN, CLINTON, INOUYE, LEVIN, LAUTENBERG and JOHNSON to introduce legislation which would supply greatly needed support to college students struggling to balance their roles as parents with their roles as students. The Child Care Access Means Parents in School Act (CCAMPIS) would increase access to, support for, and retention of low-income, nontraditional students who are struggling to complete college degrees while caring for their children.

The typical college student is no longer an 18-year-old recent high school graduate. According to a 2002 study by the National Center for Education Statistics, only 27 percent of undergraduates meet the "traditional" undergraduate criteria of earning a high school diploma, enrolling full-time, depending on parents for financial support and not working or working part-time. This means that 73 percent of today's students are considered non-traditional in some way. Clearly, non-traditional students—older students, students with children and students with various job and life experiences—are filling the ranks of college classes. Why? Because they recognize the importance of college to future success. It is currently estimated that a full-time worker with a bachelor's degree earns about 60 percent more than a full-time worker with only a high school diploma. This amounts to a lifetime gap in earnings of more than $1 million.

Today's non-traditional students face barriers unheard of by traditional college students of earlier years. Many are parents and must provide for their children while in school. Access to affordable, quality and convenient child care is a necessity for these students. But obtaining the child care that they need is often difficult because of their limited income and non-traditional schedules, compounded by declining assistance for child care through other supports. Campus-based child care can fill the gap. It is conveniently located, available during the right hours, and of high quality and lower cost. Unfortunately, it is unavailable at many campuses. Even when programs do exist, they are often available to only a fraction of the eligible students. That is where the Dodd-Snowe CCAMPIS Act comes in.

The Dodd-Snowe CCAMPIS Act increases and expands the availability of campus-based child care in three ways. First, it raises the minimum grant amount from $10,000 to $30,000. For most institutions of higher education, $10,000 has proven too small relative to the cost and effort required to complete a federal application.

Second, the Dodd-Snowe CCAMPIS Act ensures that a wider range of students are able to access services. Present language defines low-income students as students eligible to receive a Federal Pell Grant. This language excludes graduate students, international students, and students who may be low-income but make slightly more than is allowed to qualify for Pell grants. CCAMPIS will open eligibility for these additional populations.

Third, the CCAMPIS Act raises the program's current authorization level from $45 million to $75 million so that we not only expand existing programs, but create new ones as well.

Research demonstrates that campus-based child care is of high quality and that it increases the educational success of both parents and students. Furthermore, recipients of campus-based child care assistance who are on public assistance are more likely to never return to welfare and to obtain jobs paying good wages.

Currently, there are approximately 1,850 campus-based child care programs but over 6,000 colleges and universities eligible to participate in the CCAMPIS program. Currently, CCAMPIS funds only 427 programs in states and the District of Columbia. Meanwhile, the number of non-traditional students across America is increasing. As these numbers increase, the need for campus-based child care will increase as well.

Just last week in Connecticut, I went to Eastern Connecticut State University where I met a number of students who would benefit from this legislation. One woman is attending part-time as an accounting major. She works as a restaurant supervisor and just gave birth to her first child. She is balancing work, family and school. Another woman is a junior social work major with two children. Having already received an associate's degree, she is now working towards a bachelor's degree to increase her competitiveness in the job market. A third woman is pursuing her second degree in physical and health education. A stay-at-home mom prior to re-enrolling, she has three children at home. These are the students that need our assistance—hard working parents trying to improve their lot in life for the good of their children.

This is a modest measure that will make a major difference to students. It will offer them new hope for starting and staying in school. I am hopeful that it can be considered and enacted as part of the Higher Education Act. I look forward to working with my colleagues to move this important measure forward.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 725

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHILD CARE ACCESS MEANS PARENTS IN SCHOOL PROGRAM.

(a) MINIMUM GRANT.—Section 419N(b)(2)(B) of the Higher Education Act of 1965 (20 U.S.C. 1070e(b)(2)(B)) is amended by striking "$10,000" and inserting "$30,000".

(b) DEFINITION OF LOW-INCOME STUDENT.—Section 419N(b)(7) of such Act is amended to read as follows:

"(7) DEFINITION OF LOW-INCOME STUDENT.—For the purpose of this section, the term 'low-income student' means a student who—

"(A) is eligible to receive a Federal Pell Grant for the fiscal year for which the determination is made; or

"(B) would otherwise be eligible to receive a Federal Pell Grant for the fiscal year for which the determination is made, except that the student fails to meet the requirements of—

"(i) section 401(c)(1) because the student is enrolled in a graduate or first professional course of study; or

"(ii) section 484(a)(5) because the student is in the United States for a temporary purpose.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 419N(g) of such Act is amended by striking "$45,000,000 for fiscal year 1999" and inserting "$75,000,000 for fiscal year 2006".

By Mr. ALEXANDER (for himself and Mr. JOHNSON):

S. 726. A bill to promote the conservation and production of natural gas; to the Committee on Energy and Natural Resources.

By Mr. ALEXANDER (for himself and Mr. JOHNSON):

S. 727. A bill to provide tax incentives to promote the conservation and production of natural gas; to the Committee on Finance.

Mr. ALEXANDER. Mr. President, today I am introducing the Natural Gas Price Reduction Act of 2005 and the "Tax Provisions for Natural Gas Price Reduction Act of 2005." I send to the desk two pieces of legislation. One is the substantive provisions of the bill and one is the tax provisions of the bill.

Mr. President, I offer the legislation on behalf of myself and the Senator from South Dakota, Mr. JOHNSON, who is the lead Democratic sponsor on the legislation. I do so with appreciation to the chairman of our Energy and Natural Resources Committee, Chairman PETE DOMENICI, and the staff of that committee who have worked very closely with us on the development of this comprehensive piece of legislation, and with thanks to my own staff, Sharon Segner, who has worked on it for several months.

This is a piece of legislation to address aggressively and comprehensively the rising cost of natural gas in the United States. This is legislation for the blue-collar worker, for the American farmer, and for the American homeowner.

Natural gas prices in the United States are at record levels. We have gone from having the lowest natural gas prices in the industrial world to the highest. These high prices are threatening millions of our jobs. Our farmers are getting a 10-percent pay cut. Homeowners are having a hard time paying their heating and cooling bills because of our contradictory policies.

Our policies boil down to this: We are restricting the supply of natural gas, and we are encouraging the use of natural gas. You do not have to go very far in an economics class at the University of Oklahoma or the University of Tennessee to know that if you restrict supply and encourage demand, the inevitable result is higher prices. And higher prices is a very serious problem for U.S. workers, U.S. homeowners, and U.S. farmers.

Only an ambitious and comprehensive approach that both increases supply and controls demand can lower the price of natural gas and keep our economy growing. This is not a question of tweaking our natural gas policy. It is time, aggressively, to revamp it. We need aggressive conservation. We need aggressive use of alternative fuels. We need aggressive research and development. We need aggressive production. And, for the time being, we need aggressive importation of liquefied natural gas from other parts of the world.

Here on this chart is an idea of where we are today. This is the United States of America: $7 per unit for natural gas—the highest in the industrialized world. Until recently, we had the lowest natural gas prices in the world.

What that means is large parts of our industries—the chemical industry, for example—were built on the idea of $1.50 or $2 for natural gas, but today it is $7.

A million Americans work in those blue-collar manufacturing jobs in every State in our country. Now, if they are paying $7 here, and it is $5.55 in Canada and $5.15 in the United Kingdom and $2.65 in Turkey and $1.70 in the Ukraine, where do you suppose, though, a million blue-collar jobs are going to be 5 years from now, if we do not do something about the $7 price? They are not going to be in the United States. They are going to be moving out of the United States, to the United Kingdom, to Germany, to the Ukraine, to other parts of the world. And people are going to be writing their Congressmen and saying: Why didn't you do something?

So here is what we can do. By aggressive conservation, I mean setting stronger appliance and equipment standards for natural gas efficiency so that a commercial air conditioner will cool the same while using less natural gas doing it. Those standards have been generally agreed upon by environmental groups with the industry. If they were put in place, by a rough estimate, they might save the equivalent energy that could be produced by 30 or 35 powerplants.

By aggressive use of alternative fuels, I mean, for example, fully commercializing coal gasification. Coal gasification is taking this abundant supply of coal we have in the United States—we are the "OPEC," the "Saudi Arabia" of coal; we have a 400- or 500-year supply—and finding a clean way to use it instead of importing oil from a part of the world where people are blowing each other up.

That means starting with support so we can have six coal gasification plants in this country by the year 2013. Coal gasification means, you burn the coal to create gas, and then you burn the gas to create power. If we can do that commercially, we will not only be passing a clean energy bill, we will be passing a clean air bill, because if you do that, you remove most of the mercury, most of the nitrogen, most of the sulfur. And by additional research, we may be able to find a way to recapture the carbon that is produced and put that in the ground and solve the carbon problems that a lot of people are talking about around the world.

In addition to helping ourselves, we would help ourselves by helping others. China and India and other parts of the world are building hundreds of coal plants. We would much rather them build a coal gasification plant, one that is clean and does not contribute to air pollution. Because if China and India and Brazil build dirty coal plants, that air blows around the world, and it blows into Tennessee and it blows into South Carolina. It blows into Oklahoma.

So aggressive alternative fuels is a part of a natural gas supply. Aggressive research and development includes investment and research in gas hydrates. Gas hydrates is gas that is in the ground. Methane hydrates hold tremendous potential to provide abundant supplies of natural gas. Hydrates are like ice solid structures, consisting of water and gases, mainly methane, compressed to greater than normal densities.

Coastal U.S. areas are rich in this resource. The United States is estimated to contain one-fourth of the world's supply. We need to find a way to use that gas so we do not have $7 per unit natural gas prices. That sends millions of jobs overseas. That cuts the income of farmers. And that raises home heating prices and cooling prices for residential Americans.

Aggressive production means, among other things, allowing States to selectively waive the Federal moratoria on offshore production of gas and collect significant revenues from such production. Let me give you an example. Within the last few weeks, the legislature of Virginia decided it might like to explore the idea of drilling for gas offshore. Now, why would Virginia want to do that? Because there is probably a lot of gas offshore. What would that mean for Virginia? Well, they could put a gas rig out in the ocean, beyond 20 miles, so nobody in Virginia or North Carolina could see it, run a pipeline underground to Virginia, and take their share of the revenues. And they can lower taxes in Virginia and put the rest of the money in a trust fund to build the best colleges and universities in America. That is what they could do in Virginia.

If Tennessee had a coastline, and I were Governor of Tennessee, that is what I would be asking the Congress to let me do.

I think as other Governors and other legislatures and other people look at Texas and Louisiana and Alabama and see what they are doing and decide that they can in an environmentally sensitive way exercise a State option to drill for gas in Federal waters so far out you can't see it, that they will find that a good option because it will help lower the price of gas. It can build up the schools and keep taxes down, and it can avoid other worse forms of energy.

For example, you would have to have 46 square miles of windmills, these things that are 100 yards tall, in order to equal one gas rig that you couldn't see out in the ocean. This is a State option. Aggressive importation of liquefied natural gas starts with giving the Federal Energy Regulatory Commission exclusive authority for siting and regulating what we call LNG terminals. This means importing liquefied natural gas from other parts of the world. There is a lot of it around the world. They freeze it and put it in tankers, and they bring it here and put it in our pipelines, and then we have it.

That seems like a pretty big waste of effort when we have plenty of natural gas here in the United States that we don't have access to. But if we want an adequate supply of natural gas, we are going to have to import some from around the world, and that means we are going to need terminals to which to bring it. Some of them may be offshore. They might be 10, 12, 14 miles offshore. Some of them, like the four we have today, may need to be onshore. There is no silver bullet. There is no single answer. That is why we need aggressive conservation. If, for example, the United States adopted the conservation attitudes towards natural gas that California did a few years ago, it might equal what 50 powerplants could produce in the United States. If that is so, we ought to do it today. That would begin to bring this $7 figure down.

Aggressive use of alternative fuels such as coal gasification. I also would say nuclear power is the most obvious alternative fuel to natural gas. If we had more nuclear power, we would use less natural gas. In our country today, what do you suppose we are using to create electricity when we need more electricity even though the cost of it is $7 a unit, the highest in the world? Natural gas, because natural gas plants can be built for a few hundred million dollars, and we have created an environment where we can't use nuclear.

We haven't built a new nuclear plant since the 1970s, even though we invented the technology, even though France has 80 percent of its power now produced by nuclear power, even though Japan builds a new nuclear plant every year or so. We invented it. Our Navy has operated nuclear reactors since the 1950s without ever having a single accident. It is a clean, obvious alternative to $7 natural gas, and we haven't built a plant since the 1970s. So we need to think seriously about aggressive conservation, aggressive use of alternative fuels, aggressive research and development for solar, for methane hydrates, aggressive production, and that includes giving States the option of deciding whether they would like to drill offshore and take some of the revenues and put some of the revenues into a conservation fund, and aggressive importation of liquefied natural gas from overseas at least for the time being.

In March of 2002, the Secretary of Energy requested that the National Petroleum Council undertake an extensive study on the natural gas crisis. That advisory council produced a study. It talked about the results I have described. Our Senate Energy

Committee, under the chairman, Senator DOMENICI, has paid a lot of attention to that report. Senator DOMENICI hosted what we called a natural gas roundtable that was well attended by Senators and went on for 3 or 4 hours. There were more than 100 proposals presented.

I am chairman of the subcommittee of that full committee, and so my purpose today is to take many of the ideas that we heard that made the most sense, some of which people haven't been willing to advocate, and put them into the discussion. Again, because I do not want to be a Senator who 10 years from now somebody comes up to and says: How did you let farmers get a 20-percent pay cut because of $7, $8, $9 natural gas; how did you let millions of jobs in the chemical industry, the auto industry go overseas because of $7, $8, and $9 natural gas; how did you let prices of natural gas for home heating or cooling get so high that middle-income Americans can't even afford to heat their homes? I don't want to be that kind of Senator. So I am here today with a comprehensive proposal across the board even though some of the ideas will create that kind of controversy.

I have summarized in a few words the provisions of a 250-page piece of legislation.

We were ambushed in the United States on September 11, 2001. Even though you could argue that we might have known it was coming, terrorism wasn't new on September 11, 2001.

I remember being in a meeting with Prime Minister Rabin of Israel in 1994. At the end of a long day, I asked him: What is the greatest challenge threatening the world? And he said terrorism. That was many years before we were attacked. He was right. He was dead within a few months at the hands of terrorists within his own country. We didn't see the terrorism coming. We were ambushed, and we have paid a terrible price—in lives, in dollars. We have had to create whole new departments. We have had to interrupt the lives of thousand of national guardsmen and Army reservists and send them overseas, some to die and some to be wounded, because of terrorism. Maybe we couldn't have seen exactly that act coming, but we knew it was out there.

We are about to have another big surprise. That is to our standard of living. We are 5 to 6 percent of all the people in the world. Yet we produce a third of all the money in the world. We could wake up 10 years from now and that picture could be very changed. One way is if we lose our brainpower advantage. And we could lose it. Half of our new jobs have been created by science and technology since the end of World War II. And if we go through our budget balancing, deficit controlling exercise for the next 10 years and we don't double investments for the physical sciences and retake the lead in advanced computing, and if we don't see that we have plenty of graduate students in science and engineering, we are going to find most of the R&D will be done in other parts of the world. We are going to find most of the engineers who produce this brainpower that creates jobs in other parts of the world.

They are thinking in China, and they are thinking in India. There is no real good reason why the United States should make a third of all the money in the world every year with just 5 or 6 percent of the people, and we have so little. So they are keeping their bright people home. They are building up their universities. They are doing what we need to keep doing. That is one place we could get a big surprise.

But the other is in energy. We have taken energy for granted for a long time. I know I come from Tennessee. We have had the Tennessee Valley Authority. It has sat there since the 1930s, and it has produced reliable, low-cost electricity. Homes that have never been lit, barns that have never been lit, rural areas that have never been lit have enjoyed that. That is within my lifetime.

And then while I was Governor in the 1990s, I remember that one of the big attractions for Saturn and Nissan and the automobile industry coming into Tennessee was low-cost reliable power. But when I had a natural gas roundtable last fall in Tennessee, there was the president of Saturn, the president of Nissan, the head of the Tennessee Farm Bureau. There was the head of the University of Tennessee. They were all saying: We can't live in Tennessee on $7 natural gas. What do they do if they can't? It is very easy what they do. They don't have to have those jobs in Tennessee or South Carolina. They can move them to Germany, they can move them to Mexico, they can move them to Canada, and they are doing it every day.

And Tennessee Eastman in the upper part of east Tennessee, which we think is just like the great Smokey Mountains, has been there so long. There are 12,000 people there, real good incomes. What do they use to make chemicals there? They use natural gas.

How long are they going to be there? If we have $7 gas and they have $3 and $4 gas in other parts of the world, I am afraid they are not going to be there too long. And somebody is going to say to me: What did you do about it? At least my answer is I stood up on the floor of the Senate and said this is not the time to tweak our natural gas policy.

We do not need to sit around and wait for a big surprise on energy like we had a big surprise on September 11 on terrorism. We need an aggressive policy. We need a comprehensive policy. We need aggressive conservation. That is where we should start. We need aggressive alternative fuels. That means nuclear and that means coal gasification. We need aggressive research and development, whether it is hydrogen or whether it is solar, or whether it is methane gas hydrates. We need aggressive production. We have lots of gas in the United States. We should be using it if we have $7 gas.

For the time being, we need to create the terminals that will permit us to import enough liquefied natural gas to get that $7 price down to $6 or $5 or $4.

Mr. President, I thank Senator JOHNSON from South Dakota for joining me in this comprehensive aggressive approach. I thank Senator DOMENICI for taking the lead on an energy bill. I thank Senator BINGAMAN, who is the ranking Democrat on our committee, because I notice on our committee a greater sense of urgency, a greater sense of bipartisan cooperation on coming up with an energy bill this year. Our blue-collar workers, our farmers, our homeowners in Tennessee and across this country expect it from us.

Senator JOHNSON's and my contribution today is to introduce this comprehensive 250-page bill and to get on the table all the aggressive ideas we can think of that make sense about how to reduce the price of natural gas for workers, for farmers, and for homeowners. We hope it contributes to the discussion. We hope we find lots of these provisions in an ambitious energy bill.

I look forward to working with my colleagues, as I know Senator JOHNSON does, on a bipartisan basis to help lower the price of natural gas, keep our jobs, keep our homes cool and warm, and make it possible for farmers to make a living.

Natural gas prices are at record levels and the highest of any industrialized country. High natural gas prices are threatening our jobs, our farms, and hurting Americans who are trying to heat and cool their homes. Only an ambitious, comprehensive approach that both increases supply and controls demand can lower the price of natural gas and keep our growing economic recovery from becoming recent history.

This is not a question of tweaking our natural gas policy. It is time to aggressively revamp it. We need aggressive conservation, aggressive use of alternative fuels, aggressive research and development, aggressive production and for the time being, aggressive imports of liquefied natural gas.

Aggressive conservation, for example, means setting stronger appliance and equipment standards for natural gas efficiency so that a commercial air conditioner will cool the same while using less natural gas to do it.

Aggressive use of alternative fuels, for example, means fully commercializing coal gasification, starting with support for the deployment of six coal gasification plants by 2013. Coal gasification means that you burn coal to produce power but get the much lower pollution output of using natural gas.

Aggressive research and development includes investment in research of gas hydrates. Methane hydrates hold tremendous potential to provide abundant supplies of natural gas. Hydrates are ice-like solid structures consisting of water and gases, mainly methane, compressed to greater than normal densities. Coastal U.S. areas are rich in this resource. The U.S. is estimated to contain one-fourth of the world's supply.

Aggressive production means, among other changes, allowing states to selectively waive the federal moratoria on off-shore production and collect significant revenues from such production.

And aggressive importation of liquefied natural gas starts with giving the Federal Energy Regulatory Commission exclusive authority for siting and regulating LNG terminals, while still preserving states' authorities under the Coastal Zone Management Act and other acts.

In March 2002, Secretary of Energy Abraham requested that the National Petroleum Council undertake an extensive study on the natural gas crisis. That council, a Federal advisory committee to the Secretary of Energy, produced in late 2003 one of the most extensive policy studies and recommendations on the natural gas crisis to date. Since that time, other prominent groups, such as the National Commission on Energy Policy, have also produced extensive studies on the natural gas crisis. In October 2004, I held a roundtable on the impact of soaring natural gas prices on Tennessee farmers and jobs. The Senate Energy Committee has held numerous hearings over the last 2 years and recently held an extensive natural gas roundtable on the subject on January 24, 2005. Over 100 proposals were submitted to the Senate Energy Committee on natural gas issues.

The conclusion of all of these forums has been clear.

High natural gas prices are threatening our country's economic competitiveness and costing us jobs. For example, high natural gas prices have been the equivalent of a 10 percent pay cut to American farmers.

The situation is urgent.

There are no silver bullets. We cannot conserve our way out of this problem, nor can we drill our way out of this problem. We will need to be aggressive on all fronts, in order to keep our industries competitive.

High natural gas costs are also tied to high oil prices. We need to address both natural gas and oil prices in order to lower natural gas costs.

Our country has contradictory policies on natural gas—on one hand, we encourage its use. On the other hand, we limit access to its supply. We need to amend our contradictory natural gas and environmental policies.

That's why I am introducing the "Natural Gas Price Reduction Act." It is an aggressive, bold approach to tackle this issue. This 250-page legislation is an attempt to start a very difficult, but balanced, legislative discussion in the United States Senate on natural gas prices. I have taken the best ideas that I have heard in these roundtable discussions and from the various policy studies. I have met with hundreds of people in the past year discussing natural gas prices. This legislation is an attempt to be more aggressive on all areas impacting natural gas prices—energy efficiency and fuel diversity, natural gas supply, and improved infrastructure for importation of liquefied natural gas.

Half our Nation's increase in natural gas demand in the last decade has come from the power sector. So to conserve natural gas, one must not only reduce consumption of gas itself, but also of electricity. And, as I noted, since oil prices affect natural gas prices, conserving oil is also important. My bill addresses conservation in five ways.

The bill creates a 4-year national consumer education program on the urgent need for energy conservation. A statewide California effort to educate energy consumers resulted in savings of 10 percent at peak usage—the equivalent of five-and-a-half 1,000 Megawatt coal-powered power plants. My bill aims to take that effort to the entire nation.

The legislation sets higher appliance and equipment standards for natural gas efficiency. These standards have been negotiated between consumer and industry representatives and are codified in the bill. For example, the standards would require a new kitchen oven to produce the same heat while using less natural gas to do it. The American Council for an Energy-Efficient Economy estimates that these standards will reduce natural gas use by about 125 BCF in 2010 and 525 BCF in 2020. In addition these standards will reduce peak electric demand by about 33,500 MW in 2020, equivalent to 34 coal power plants of 1000 MW each, and will save consumers and businesses more than $60 billion.

The bill creates tax incentives and provides regulatory relief to enable manufacturing facilities to more easily produce their own power and steam from a single source—a process called cogeneration or CHP which saves money and energy while also reducing pollutants. A CHP system can produce the same electrical and thermal output at 75 percent fuel conversion efficiency as compared to 49 percent separate steam and power. This is a 50 percent gain in overall efficiency, resulting in a 35 percent fuel savings. Large industrial plants, such as International Paper, Alcoa and Eastman in my home State of Tennessee all use cogeneration in their manufacturing processes. More companies could do the same, and the bill particularly focuses on providing incentive for smaller cogeneration projects.

The Alexander bill provides incentive for public utilities to utilize their natural gas plants based on efficiency. The process of activating different power plants to meet demand during a given day is called "dispatching." For example, on a hot summer day in Tennessee, the demand for electricity, for air conditioning, might be highest in the early afternoon, so then a power company would have to dispatch the most power plants to provide the energy. But during the cooler night, they might dispatch less plants since less power is needed. If power companies dispatched their most efficient plants first, this would save us a significant amount of natural gas. As you can see, the highest saving will be in the medium-term—2010–2015—but real savings continue for many years.

Our reliance on foreign oil is the silent elephant in the room when it comes to high natural gas prices. My legislation includes a provision that requires the President report to Congress annually on efforts to reduce U.S. dependence on imported petroleum 1.75 million barrels a day from projected 2013 levels, almost 10 percent. As I noted earlier, oil and gas are usually produced together; and, typically, there is a 6:1 ratio between natural gas and oil prices. Reducing dependence on foreign oil will help bring natural gas prices down.

Conservation of natural gas and related energy sources is critical to lowering prices and keeping our manufacturing and farming jobs here in the United States. But conservation alone is not enough. The second focus must be to develop alternative sources of energy. The "Keep Manufacturing and Farming Jobs in the United States Act" encourages the use of three alternative fuels:

The bill initiates a national coal gasification strategy. Eastman Chemical in Kingsport, TN, has been using coal gasification with a 95% availability factor for the past 20 years. Tampa Electric has successfully demonstrated large-scale coal gasification. It is time for this process to be more widely used. Coal gasification is a process whereby gas derived from burning coal is used as a source of energy or a raw material. When used in a power plant, coal gasification means that you burn coal but get the much lower pollution output of using natural gas. My legislation provides up to $2 billion in tax or other incentives to support the construction of six new coal gasification power plants. Similarly, the legislation provides up to $2 billion in assistance for industrial gasification projects. The bill also provides streamlined permitting for coal gasification facilities. Coal is an abundant resource in the United States; we should use it to produce clean energy and raw material for industrial applications.

Solar energy is another clean, alternative fuel source that could be developed further. Solar energy can be used directly for heating as well as to create electricity. To push an aggressive solar energy strategy, the Alexander legislation provides tax incentives for investment in solar power generation. Specifically, it provides businesses a tax credit for investing in geothermal or solar heating and/or power generation—10 percent heating, 25 percent for generating or displacing electricity.

My bill also contains language to invest in new technologies to use hydrogen to power fuel cell vehicles. The language in this bill mirrors language I offered in the last session of Congress on the Energy Bill that would have enacted President Bush's Hydrogenl/Fuel Cell Initiative. When I visited Japan last year, I visited a hydrogen fuel station—that looked much like a gas station—and saw fuel cell vehicles that range from small cars to SUVs. These cars not only allow us to use an alternative fuel source but are also great for the environment—their only byproduct is water vapor. The bill invests in research and development of technologies and infrastructure for 2 hydrogen and fuel cell vehicles.

Methane hydrates hold tremendous potential to provide abundant supplies of natural gas. Hydrates are ice-like solid structures consisting of water and gases—mainly methane—compressed to greater than normal densities. Coastal US areas are rich in this resource—the U.S. is estimated to contain one-fourth of the world's supply. My bill invests $200 million over the next 4 years in research for this promising new resource, a number consistent with recommendations from the National Commission on Energy Policy.

Conserving natural gas and using alternative fuels will take us a long way to reducing gas prices and keeping jobs here in the U.S., but we must also address the other side of the equation: supply. As Energy Committee members learned at our Natural Gas Roundtable, our current policy encourages consumption of natural gas while restricting the supply. We need to stop putting unnecessary restrictions on production and supply of natural gas, and my legislation does so by addressing production off-shore and in the Rocky Mountains as well as the importation of liquid natural gas from abroad.

We have plenty of natural gas here in the U.S., we just cannot get to it. There are large fields off the coasts, especially the Atlantic, and in the Rocky Mountains. There is no reason for natural gas prices here in the U.S. to be so high when we have so much available here—if only we would use it.

Today, there are two moratoria on our outer continental shelf, OCS—a congressional moratorium and a Presidential moratorium. The Atlantic Coast—40 miles off the coast is believed to be largely natural gas-prone. The Pacific Coast is believed—to be mainly oil-prone. The Gulf of Mexico is both. Today, when production is greater than 9 miles offshore, a State that has oil and gas production gets zero percent of the production revenues. This is radically different than onshore production; on Federal lands, States get 50 percent of the production revenues. Alaska gets 90 percent of the production revenues. In order to have a constructive dialogue on OCS production, the right framework needs to be established.

My legislation provides the Department of the Interior with the legal authority to issue natural gas only leases. Currently, Interior can only issue combination gas and oil leases. Since there is greater hesitation about the environmental impact of producing oil off-shore, issuing natural gas-only leases may alleviate some concerns.

It also instructs the Secretary of the Interior to draw the state boundary between Alabama and Florida regarding Lease 181—a disputed area off the coast of both states in the Gulf of Mexico in which Alabama may wish to permit production while Florida may not. The boundaries shall be drawn using established international law. Under my bill, portions of Lease 181, which are not in the state of Florida and greater than 30 miles off of the coast of Alabama, shall be leased by December 31, 2007. However, of those portions of Lease 181 that are in the State of Florida, the State of Florida may keep the moratoria. Leasing would not be allowed to interfere with U.S. military operations in the Gulf Coast.

Finally, under the bill, States will have the authority to request studies of natural gas resources off their coasts and be permitted to waive Federal moratoria on offshore production. The states shall not have the authority to lift the moratoria at National Marine Sanctuaries or National Wildlife Refuge Area. The State of Virginia recently engaged on this issue, and the state ought to have the ability to license off-shore production—especially if it is far enough off-shore that you cannot even see it from land. My bill also allows States to collect significant revenue from such production, and designates that a portion of revenues also go to a conservation royalty. The conservation royalty would be shared equally by the Federal land and water conservation fund, state land and water conservation fund and wildlife grants.

Importing liquefied natural gas—LNG—requires the infrastructure to receive it. LNG comes to the U.S. by ship, and terminals to receive these ships and unload LNG must be built and appropriate infrastructure developed to transport gas from those terminals to users across the country.

My bill streamlines the development of offshore liquefied natural gas terminals. The siting of LNG terminals has become a difficult issue since we all want cheaper natural gas, but no one seems to want an LNG terminal in "their backyard." The Alexander legislation gives FERC clear authority for regulating liquid natural gas terminals, but, unlike a related House bill, still preserves States' authorities under the Coastal Zone Management Act and other acts. I hope this will provide some balance so that LNG terminals can be sited, but environmental concerns will play a significant role in choosing their sites. In an effort to speed the siting of pipelines that allow natural gas to reach all parts of the country, the bill also requires that FERC grant or deny a terminal or pipeline application within one year.

Our country is facing an energy crisis. We are consuming more and more electricity. Gasoline prices are poised to reach all time-highs. The price of oil is up. And so, too, is the price of natural gas.

The bill I introduce today, the "Natural Gas Price Reduction Act," addresses high natural gas prices. Natural gas is not just used for heating homes, a source of electricity, it is a raw material for industries, and it is an important component in fertilizers used by farmers. High natural gas prices have cost farmers a 10-percent pay cut and are shipping manufacturing and chemical jobs overseas. We can not afford to let this problem fester any longer.

Bold action is required, and that is what my legislation provides. This bill takes a comprehensive approach to addressing the problem by encouraging conservation, developing alternative fuel sources, and reducing roadblocks to the production and importation of natural gas. I urge my colleagues to support it.

By Mr. BOND (for himself, Mr. INHOFE, Mr. VITTER, Mr. WARNER, Mr. VOINOVICH, Mr. ISAKSON, Mr. THUNE, Ms. MURKOWSKI, Mr. OBAMA, Ms. LANDRIEU, Mr. GRASSLEY, Mr. HARKIN, Mr. TALENT, Mr. CORNYN, Mr. COCHRAN, Mr. DOMENICI, and Mr. COLEMAN):

S. 728. A bill to provide for the consideration and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Environment and Public Works.

Mr. BOND. Mr. President, I rise today to introduce, with Senators INHOFE, VITTER, WARNER, VOINOVICH, ISAKSON, THUNE, MURKOWSKI, OBAMA, LANDRIEU, GRASSLEY, HARKIN, TALENT, CORNYN, COCHRAN, DOMENICI, and COLEMAN, the 2005 Water Resources Development Act.

The programs administered by the U.S. Army Corps of Engineers are invaluable to this Nation. They provide drinking water, electric power production, river transportation, environmental protection and restoration, protection from floods, emergency response, and recreation. Few agencies in the Federal Government touch so many citizens and they do it on a relatively small budget. They provide one-quarter of our Nation's total hydropower output; operate 456 lakes in 43 States hosting 33 percent of all freshwater lake fishing; move 630 million tons of cargo valued at over $73 billion annually through our inland system; manage over 12 million acres of land and water; provide 3 trillion gallons of water for use by local communities and business; and have prevented an estimated $706 billion in flood damage within the past 25 years with an investment one-seventh that value. During the 1993 flood alone, an estimated $19.1 billion in flood damage was prevented by flood control facilities in place at that time. Our ports move over 95 percent of U.S. overseas trade by weight and 75 percent by value. Between 1970 and 2003, the value of U.S. trade increased 24 fold, and 70 percent since 1994. That was an average annual growth rate of 10.2 percent, which was nearly double the pace of the Gross Domestic Product growth during the same period. Unfortunately, the American Society of Civil Engineers grades navigable waterways infrastructure D− with over 50 percent of the locks "functionally obsolete" despite increased demand.

This bipartisan bill is one that traditionally is produced by the Congress every two years, however, we have not passed a WRDA bill since 2000 and the longer we wait, the more unmet needs pile up and the more complicated the demands upon the bill become making it harder and harder to win approval. For some, this bill is too small and for others, too big. For some, the new regulations are too onerous and for others, the new regulations are not onerous enough. Nevertheless, I believe we have struck a balance here that disciplines the new projects to criteria fairly applied while addressing a great number of water resources priorities.

With the new regulations, we have embraced a common sense bipartisan proposal by Senators LANDRIEU and COCHRAN similar to the bi-partisan House agreement that requires major projects to be subject to independent peer review and requires that necessary mitigation for projects be completed at the same time the project is completed, or, in special cases, no longer than one year after project completion. This will impose a cost on communities, particularly smaller communities, but it is not as onerous as the new regulations proposed last year which ultimately prevented a final agreement from being reached between the House and Senate.

The commanding feature of the bill is its landmark environmental and ecosystem restoration authorities. Nearly 60 percent of the bill authorizes such efforts, including environmental restoration of the Everglades, Coastal Louisiana, Chesapeake Bay, Missouri River, Long Island Sound, Salton Sea, Upper Connecticut, and the Illinois and Mississippi Rivers, and others.

Additionally, it is important to understand the budget implications of this legislation in the real world. We are contending with difficult budget realities currently and it is critical that we be mindful of those realities as we make investments in the infrastructure that supports the people in our nation who make and grow and buy and sell things so that we can grow our economy, create jobs, and secure our future. This is an authorization bill. It does not spend one dollar. I repeat, it does not spend one dollar. It makes projects eligible for funding through the appropriations process that operates within the restrictions of the budget Congress provides it. With the allocation provided, the Appropriations Committee and the Congress and the President will fund such projects deemed of the highest priority and those remaining will not be funded because the budget will not permit it. This WRDA process simply permits project consideration during the process of appropriations and I expect some will measure up and others will not. I hear some suggest that we should not authorize anything new until all other previously-authorized projects are funded. That, of course, is nonsense because it assumes falsely that all projects authorized five and 10 and 50 years ago are higher priority than those in this package. We have de-authorized a great number of projects in this bill and I expect there will be more added as we proceed and then the remainder will have to face the stingy budget process that will prioritize the rest.

While the majority of this legislation is for environmental protection and restoration, a key bipartisan economic initiative we include provides transportation efficiency and environmental sustainability on the Mississippi and Illinois Rivers.

As the world becomes more competitive, we must also. In the heartland, the efficiency, reliability, capacity, and safety of our transportation options are critical—often make-or-break. In Missouri alone, we ship 34.7 million tons of commodities with a combined value of more than $4 billion which include coal, petroleum, aggregates, grain, chemicals, iron, steel, minerals and other commodities.

As we look 50 years into the future, and as we anticipate and try to promote commercial and economic growth, we have to ask ourselves a fundamental question: should we have a system that permits and promotes growth, or should we be satisfied to restrict our growth to the confines of a transportation straight jacket designed not for 2050, but for 1950 for paddle wheel boats?

Further, we must ask ourselves if dramatic investments should be made to address environmental problems and opportunities that exist on these great waterways. In both cases, the answer is, "Of course we should modernize and improve."

We have a system which is in environmental and economic decline. Jobs and markets and the availability of habitat for fish and wildlife are at stake. We cannot be for increased trade, commercial growth, and job creation without supporting the basic transportation infrastructure necessary to move goods from buyers to sellers. New efficiency helps give our producers an edge that can make or break opportunities in the international marketplace.

Seventy years ago, some argued that a transportation system on the Mississippi River was not justified. Congress decided that its role was not to try to predict the future but to shape the future and decided to invest in a system despite the naysayers. Over 84 million tons per year later, it is clear that the decision was wise.

Now, that system that was designed for paddlewheel boats and to last 50 years is nearly 70 years old and we must make decisions that will shape the next 50–70 years. As we look ahead, we must promote growth policies that help Americans who produce and employ.

We must work for policies that promote economic growth, job creation, and environmental sustainability. We know that trade and economic growth can be fostered or it can be discouraged by policies and other realities which include the quality of our transportation infrastructure.

So in 20 and 30 and 40 and 50 years, where will the growth in transportation occur to accommodate the growth in demand for commercial shipping? The Department of Transportation suggests that congestion on our roads and rails will double in the next quarter century. The fact of the matter is that the great untapped capacity is on our water.

This is good news because water transportation is efficient, it is safe, it conserves fuel, and it protects the air and the environment. One medium-sized barge tow can carry the freight of 870 trucks. That fact alone speaks volumes to the benefits of water. If we can, would we rather have 870 diesel engines on the roads of downtown St. Louis, or two diesel engines on the water.

The veteran Chief Economist at USDA testified that transportation efficiency and the ability of farmers to win markets are higher prices are "fundamentally related." He predicts that corn exports over the next 10 years will rise 45 percent, 70 percent of which will travel down the Mississippi.

Over the past 35 years, waterborne commerce on the Upper Mississippi River has more than tripled. The system currently carries 60 percent of our Nation's corn exports and 45 percent of our Nation's soybean exports and it does so at two-thirds the cost of rail—when rail is available.

Over the previous 12 years, the U.S. Army Corps of Engineers have spent $70 million completing a six year study. During that period, there have been 35 meetings of the Governors Liaison Committee, 28 meetings on the Economic Coordinating Committee, among the States along the Upper Mississippi and Illinois waterways, and there have been 44 meetings of the Navigation and Environmental Coordination Committee. Additionally, there have been 130 briefings for special interest groups, 24 newsletters. There have been six sets of public meetings in 46 locations with over 4,000 people in attendance. To say the least, this has been a very long, very transparent, and very representative process.

However, while we have been studying, our competitors have been building. Given the extraordinary delay so far, and given the reality that large scale construction takes not weeks or months, but decades, further delay is no longer an option. This is why I am pleased to be joined by a bipartisan group of Senators who agree that we must improve the efficiency and the environmental sustainability of our great resources.

This plan gets the Corps back in the business of building the future, rather than just haggling about predicting the future. More will need to be done later on ecosystem and lock expansions further upstream, but this begins the improvement schedule underway.

In this legislation, we authorize $1.58 billion for ecosystem restoration-almost 2 times the federal cost of lock capacity expansion which we authorize on locks 20-25 on the Mississippi River and Peoria and LaGrange on the Illinois. The new 1,200 foot locks on the Mississippi River will provide equal capacity in the bottleneck region below the 1,200 foot lock 19 at Keokuk and above locks 26 and 27 near St. Louis. Half the cost of the new locks will be paid for by private users who pay into the Inland Waterways Trust fund. Additional funds will be provided for mitigation and small scale and nonstructural measures to improve efficiency.

As we look ahead, the locks at 14-18 will have to be addressed as will further investments to ecosystem restoration efforts.

This effort is supported by a broad-based group of the States, farm groups, shippers, labor, and those who pay taxes into the Trust Fund for improvements. Of particular note, I appreciate the strong support from the carpenters, corngrowers, farm bureau, soybeans, the diverse membership of MARC2000.

I thank my colleagues and their staff for the hard work devoted to this difficult matter and I thank particularly chairman INHOFE for his forbearance. I believe that if members work cooperatively and aim for the center and not the fringe, that we can get a bill completed this year. If demands exist that the bill be away from the center toward the fringe, we will go another Congress without completing our work as we witnessed last year.

Mr. INHOFE. Mr. President, first, I would like to thank Senator BOND for the leadership he and his subcommittee staff have demonstrated in bringing this piece of legislation together.

I have great hopes for getting a WRDA bill passed this session. We have not enacted a WRDA bill since 2000, and the water resources are in much need of this authorization. We made great progress and were very close to finishing a bill at the end of the 108th Congress. That effort has provided a great stepping stone toward quick completion this year.

The Army Corps of Engineers has provided a valuable service to the Nation for over 200 years. It has been instrumental in creating one of the most dynamic inland waterway systems in the world. For example, the Corps activities have provided Tulsa, OK with one of the Nation's most inland ports and provides the dredging needed to keep the San Francisco Bay navigable. There is not a State in the Union that does not reap the benefits of the Army Corps.

I am well aware of the stacks of requests that have come in from every State for projects to be included in the bill. While it is important that we insure the Corps is capable of meeting our future water resource needs, it is also very important that we do not demand more of the Corps than it is capable of providing. No Federal agency could complete all of the projects requested by all of the Senators. Considering the limited staff and budget of the Corps, an "authorize everything" approach may leave everyone with nothing. While I know that each Senator has his or her own priorities, we all must understand the limitations with which we reside. I look forward to working with my colleagues to ensure that we give clear direction to the Corps to focus on completing the highest priority and most beneficial projects.

By Mr. DURBIN:

S. 729. A bill to establish the Food Safety Administration to protect the public health by preventing food-borne illness, ensuring the safety of food, improving research on contaminants leading to food-borne illness, and improving security of food from intentional contamination, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DURBIN. Mr. President, a single food safety agency with authority to protect the food supply based on sound scientific principles would provide this country with the greatest hope of reducing foodborne illnesses and preventing or minimizing the harm from a bioterrorist attack on our food supply. Right now, our food is the safest in the world, but there are widening gaps in our food safety net due to emerging threats and the fact that food safety oversight has evolved over time to spread across several agencies. This mismatched, piecemeal approach to food safety could spell disaster if we do not act quickly and decisively.

But don't take it from me. Former HHS Secretary Tommy Thompson told reporters in December as he resigned that he worries "every single night" about a massive attack on the U.S. food supply. "I, for the life of me, cannot understand why the terrorists have not, you know, attacked our food supply, because it is so easy to do," Thompson said. "And we are importing a lot of food from the Middle East, and it would be easy to tamper with that," he said.

No wonder he feels that way. Several Federal agencies, all with different and conflicting missions, work to ensure our food is safe. For example, there is no standardization for inspections—processed food facilities may see a Food and Drug Administration inspector once every 5 to 6 years, while meat and poultry operations are inspected daily by the U.S. Department of Agriculture.

The Centers for Disease Control and Prevention (CDC) estimates that as many as 76 million people suffer from food poisoning each year. Of those individuals, approximately 325,000 will be hospitalized, and more than 5,000 will die. Factors such as emerging pathogens, an aging population at high risk for foodborne illnesses, an increasing volume of food imports, and people eating outside their homes more often underscore the need for us to take charge and shed the old bureaucratic shackles that have tied us to the overlapping and inefficient ad hoc food safety system of the past.

That is why I come to the Senate floor today to introduce the Safe Food

Act of 2005. My House counterpart, Representative ROSA DELAURO, is introducing the bill in the other body. This legislation would create a single, independent Federal food safety agency to administer all aspects of Federal food safety inspections, enforcement, standards-setting and research in order to protect public health. The components of the agencies now charged with protecting the food supply, primarily housed at the Food and Drug Administration and the Agriculture Department, would be transferred to this new agency.

The new Food Safety Administrator would be responsible for the safety of the food supply, and would fulfill that charge by implementing the registration and recordkeeping requirements of the 2002 bioterrorism law; ensuring slaughterhouses and food processing plants have procedures in place to prevent and reduce food contamination; regularly inspecting domestic food facilities, with inspection frequency based on risk; and centralizing the authority to detain, seize, condemn and recall food that is adulterated or misbranded. The Administrator would be charged with requiring food producers to code their products so those products could be traced in the event of a foodborne illness outbreak in order to minimize the health impact of such an event.

The Administrator would also have the power examine the food safety practices of foreign countries and work with the states to impose various civil and criminal penalties for serious violations of the food safety laws. The Administrator would also actively oversee public education and research programs on foodborne illness.

It is time to create a single food safety agency in this country. I am encouraged by a February 2005 Government Accountability Office report in which government officials in seven other high-income countries who have consolidated their food safety systems consistently state that the benefits of consolidation outweigh the costs.

In this era of limited budgets, it is our responsibility to streamline the Federal food safety system. The United States simply cannot afford to continue operating multiple redundant systems. This is not about more regulation, a super agency, or increased bureaucracy. It is about common sense and the more effective marshaling of our existing resources.

I urge my colleagues to join me in cosponsoring this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 729

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Safe Food Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings; purposes.
Sec. 3. Definitions.

TITLE I—ESTABLISHMENT OF FOOD SAFETY ADMINISTRATION

Sec. 101. Establishment of Food Safety Administration.
Sec. 102. Consolidation of separate food safety and inspection services and agencies.
Sec. 103. Additional duties of the Administration.

TITLE II—ADMINISTRATION OF FOOD SAFETY PROGRAM

Sec. 201. Administration of national program.
Sec. 202. Registration of food establishments and foreign food establishments.
Sec. 203. Preventative process controls to reduce adulteration of food.
Sec. 204. Performance standards for contaminants in food.
Sec. 205. Inspections of food establishments.
Sec. 206. Food production facilities.
Sec. 207. Federal and State cooperation.
Sec. 208. Imports.
Sec. 209. Resource plan.
Sec. 210. Traceback.

TITLE III—RESEARCH AND EDUCATION

Sec. 301. Public health assessment system.
Sec. 302. Public education and advisory system.
Sec. 303. Research.

TITLE IV—ENFORCEMENT

Sec. 401. Prohibited Acts.
Sec. 402. Food detention, seizure, and condemnation.
Sec. 403. Notification and recall.
Sec. 404. Injunction proceedings.
Sec. 405. Civil and criminal penalties.
Sec. 406. Presumption.
Sec. 407. Whistleblower protection.
Sec. 408. Administration and enforcement.
Sec. 409. Citizen civil actions.

TITLE V—IMPLEMENTATION

Sec. 501. Definition.
Sec. 502. Reorganization plan.
Sec. 503. Transitional authorities.
Sec. 504. Savings provisions.
Sec. 505. Conforming amendments.
Sec. 506. Additional technical and conforming amendments.
Sec. 507. Regulations.
Sec. 508. Authorization of appropriations.
Sec. 509. Limitation on authorization of appropriations.
Sec. 510. Effective date.

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the safety of the food supply of the United States is vital to the public health, to public confidence in the food supply, and to the success of the food sector of the Nation's economy;

(2) lapses in the protection of the food supply and loss of public confidence in food safety are damaging to consumers and the food industry, and place a burden on interstate commerce;

(3) the safety and security of the food supply requires an integrated, system-wide approach to preventing food-borne illness, a thorough and broad-based approach to basic and applied research, and intensive, effective, and efficient management of the Nation's food safety program;

(4) the task of preserving the safety of the food supply of the United States faces tremendous pressures with regard to—

(A) emerging pathogens and other contaminants and the ability to detect all forms of contamination;

(B) an aging and immune compromised population, with a growing number of people at high-risk for food-borne illnesses, including infants and children;

(C) an increasing volume of imported food, without adequate monitoring and inspection; and

(D) maintenance of rigorous inspection of the domestic food processing and food service industries;

(5) Federal food safety standard setting, inspection, enforcement, and research efforts should be based on the best available science and public health considerations and food safety resources should be systematically deployed in ways that most effectively prevent food-borne illness;

(6) the Federal food safety system is fragmented, with at least 12 Federal agencies sharing responsibility for food safety, and operates under laws that do not reflect current conditions in the food system or current scientific knowledge about the cause and prevention of food-borne illness;

(7) the fragmented Federal food safety system and outdated laws preclude an integrated, system-wide approach to preventing food-borne illness, to the effective and efficient operation of the Nation's food safety program, and to the most beneficial deployment of food safety resources;

(8) the National Academy of Sciences recommended in the report "Ensuring Safe Food from Production to Consumption" that Congress establish by statute a unified and central framework for managing Federal food safety programs, and recommended modifying Federal statutes so that inspection, enforcement, and research efforts are based on scientifically supportable assessments of risks to public health; and

(9) the lack of a single focal point for food safety leadership in the United States undercuts the ability of the United States to exert food safety leadership internationally, which is detrimental to the public health and the international trade interests of the United States.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish a single agency to be known as the "Food Safety Administration" to—

(A) regulate food safety and labeling to strengthen the protection of the public health;

(B) ensure that food establishments fulfill their responsibility to produce food in a manner that protects the public health of all people in the United States;

(C) lead an integrated, system-wide approach to food safety and to make more effective and efficient use of resources to prevent food-borne illness;

(D) provide a single focal point for food safety leadership, both nationally and internationally; and

(E) provide an integrated food safety research capability, utilizing internally-generated, scientifically and statistically valid studies, in cooperation with academic institutions and other scientific entities of the Federal and State governments, to achieve the continuous improvement of research on food-borne illness and contaminants;

(2) to transfer to the Food Safety Administration the food safety, labeling, inspection, and enforcement functions that, as of the

day before the effective date of this Act, are performed by other Federal agencies; and

(3) to modernize and strengthen the Federal food safety laws to achieve more effective application and efficient management of the laws for the protection and improvement of public health.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATION.—The term "Administration" means the Food Safety Administration established under section 101(a)(1).

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of Food Safety appointed under section 101(a)(3).

(3) ADULTERATED.—

(A) IN GENERAL.—The term "adulterated" has the meaning described in subsections (a) through (c) of section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342).

(B) INCLUSION.—The term "adulterated" includes bearing or containing a contaminant that causes illness or death among sensitive populations.

(4) AGENCY.—The term "agency" has the meaning given that term in section 551 of title 5, United States Code.

(5) CATEGORY 1 FOOD ESTABLISHMENT.—The term "category 1 food establishment" means a food establishment that slaughters animals for food.

(6) CATEGORY 2 FOOD ESTABLISHMENT.—The term "category 2 food establishment" means a food establishment that processes raw meat, poultry, seafood products, regardless of whether the establishment also has a kill step, and animal feed and other products that the Administrator determines by regulation to be at high risk of contamination and the processes of which do not include a step validated to destroy contaminants.

(7) CATEGORY 3 FOOD ESTABLISHMENT.—The term "category 3 food establishment" means a food establishment that processes meat, poultry, seafood products, and other products that the Administrator determines by regulation to be at high risk of contamination and whose processes include a step validated to destroy contaminants.

(8) CATEGORY 4 FOOD ESTABLISHMENT.—The term "category 4 food establishment" means a food establishment that processes all other categories of food products not described in paragraphs (5) through (7).

(9) CATEGORY 5 FOOD ESTABLISHMENT.—The term "category 5 food establishment" means a food establishment that stores, holds, or transports food products prior to delivery for retail sale.

(10) CONTAMINANT.—The term "contaminant" includes a bacterium, chemical, natural or manufactured toxin, virus, parasite, prion, physical hazard, or other human pathogen that when found on or in food can cause human illness, injury, or death.

(11) CONTAMINATION.—The term "contamination" refers to a presence of a contaminant in food.

(12) FOOD.—

(A) IN GENERAL.—The term "food" means a product intended to be used for food or drink for a human or an animal.

(B) INCLUSIONS.—The term "food" includes any product (including a meat food product, as defined in section 1(j) of the Federal Meat Inspection Act (21 U.S.C. 601(j))), capable for use as human food that is made in whole or in part from any animal, including cattle, sheep, swine, or goat, or poultry (as defined in section 4 of the Poultry Products Inspection Act (21 U.S.C. 453)), and animal feed.

(C) EXCLUSION.—The term "food" does not include dietary supplements, as defined in section 201(ff) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(ff)).

(13) FOOD ESTABLISHMENT.—

(A) IN GENERAL.—The term "food establishment" means a slaughterhouse, factory, warehouse, or facility owned or operated by a person located in any State that processes food or a facility that holds, stores, or transports food or food ingredients.

(B) EXCLUSIONS.—For the purposes of registration, the term "food establishment" does not include a farm, restaurant, other retail food establishment, nonprofit food establishment in which food is prepared for or served directly to the consumer, or fishing vessel (other than a fishing vessel engaged in processing, as that term is defined in section 123.3 of title 21, Code of Federal Regulations).

(14) FOOD PRODUCTION FACILITY.—The term "food production facility" means any farm, ranch, orchard, vineyard, aquaculture facility, or confined animal-feeding operation.

(15) FOOD SAFETY LAW.—The term "food safety law" means—

(A) the provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) related to and requiring the safety, labeling, and inspection of food, infant formulas, food additives, pesticide residues, and other substances present in food under that Act;

(B) the provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) and of any other Act that are administered by the Center for Veterinary Medicine of the Food and Drug Administration;

(C) the Poultry Products Inspection Act (21 U.S.C. 451 et seq.);

(D) the Federal Meat Inspection Act (21 U.S.C. 601 et seq.);

(E) the Egg Products Inspection Act (21 U.S.C. 1031 et seq.);

(F) the Sanitary Food Transportation Act of 1990 (49 U.S.C. App. 2801 et seq.);

(G) the provisions of the Humane Methods of Slaughter Act of 1978 (Public Law 95–448) administered by the Food Safety and Inspection Service;

(H) the provisions of this Act; and

(I) such other provisions of law related to and requiring food safety, labeling, inspection, and enforcement as the President designates by Executive order as appropriate to include within the jurisdiction of the Administration.

(16) FOREIGN FOOD ESTABLISHMENT.—The term "foreign food establishment" means a slaughterhouse, factory, warehouse, or facility located outside the United States that processes food for consumption that is imported into the United States or food ingredients.

(17) INTERSTATE COMMERCE.—The term "interstate commerce" has the meaning given that term in section 201(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(b)).

(18) MISBRANDED.—The term "misbranded" has the meaning given that term in section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343).

(19) PROCESS.—The term "process" or "processing" means the commercial harvesting, slaughter, packing, preparation, or manufacture of food.

(20) SAFE.—The term "safe" refers to human and animal health.

(21) STATE.—The term "State" means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(22) VALIDATION.—The term "validation" means the obtaining of evidence that the food hygiene control measure or measures selected to control a hazard in food is capable of effectively and consistently controlling the hazard.

(23) STATISTICALLY VALID.—With respect to a study, the term "statistically valid" means evaluated and conducted under standards set by the National Institute of Standards and Technology.

TITLE I—ESTABLISHMENT OF FOOD SAFETY ADMINISTRATION

SEC. 101. ESTABLISHMENT OF FOOD SAFETY ADMINISTRATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the executive branch an agency to be known as the "Food Safety Administration".

(2) STATUS.—The Administration shall be an independent establishment (as defined in section 104 of title 5, United States Code).

(3) HEAD OF ADMINISTRATION.—The Administration shall be headed by the Administrator of Food Safety, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) DUTIES OF ADMINISTRATOR.—The Administrator shall—

(1) administer and enforce the food safety law;

(2) serve as a representative to international food safety bodies and discussions;

(3) promulgate regulations to ensure the security of the food supply from all forms of contamination, including intentional contamination; and

(4) oversee—

(A) implementation of Federal food safety inspection, enforcement, and research efforts, to protect the public health;

(B) development of consistent and science-based standards for safe food;

(C) coordination and prioritization of food safety research and education programs with other Federal agencies;

(D) prioritization of Federal food safety efforts and deployment of Federal food safety resources to achieve the greatest possible benefit in reducing food-borne illness;

(E) coordination of the Federal response to food-borne illness outbreaks with other Federal and State agencies; and

(F) integration of Federal food safety activities with State and local agencies.

SEC. 102. CONSOLIDATION OF SEPARATE FOOD SAFETY AND INSPECTION SERVICES AND AGENCIES.

(a) TRANSFER OF FUNCTIONS.—For each Federal agency specified in subsection (b), there are transferred to the Administration all functions that the head of the Federal agency exercised on the day before the effective date of this Act (including all related functions of any officer or employee of the Federal agency) that relate to administration or enforcement of the food safety law, as determined by the President.

(b) TRANSFERRED AGENCIES.—The Federal agencies referred to in subsection (a) are—

(1) the Food Safety and Inspection Service of the Department of Agriculture;

(2) the Center for Food Safety and Applied Nutrition of the Food and Drug Administration;

(3) the part of the Agriculture Marketing Service that administers shell egg surveillance services established under the Egg Products Inspection Act (21 U.S.C. 1031 et seq.);

(4) the resources and facilities of the Office of Regulatory Affairs of the Food and Drug Administration that administer and conduct inspections of food establishments and imports;

(5) the resources and facilities of the Office of the Commissioner of the Food and Drug Administration that support—

(A) the Center for Food Safety and Applied Nutrition;

(B) the Center for Veterinary Medicine; and

(C) the Office of Regulatory Affairs facilities and resources described in paragraph (4);

(6) the Center for Veterinary Medicine of the Food and Drug Administration;

(7) the resources and facilities of the Environmental Protection Agency that control and regulate pesticide residues in food;

(8) the part of the Research, Education, and Economics mission area of the Department of Agriculture related to food safety and animal feed research;

(9) the part of the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration of the Department of Commerce that administers the seafood inspection program;

(10) the Animal and Plant Inspection Health Service of the Department of Agriculture; and

(11) such other offices, services, or agencies as the President designates by Executive order to carry out this Act.

SEC. 103. ADDITIONAL DUTIES OF THE ADMINISTRATION.

(a) Officers and Employees.—The Administrator may—

(1) appoint officers and employees for the Administration in accordance with the provisions of title 5, United States Code, relating to appointment in the competitive service; and

(2) fix the compensation of those officers and employees in accordance with chapter 51 and with subchapter III of chapter 53 of that title, relating to classification and General Schedule pay rates.

(b) Experts and Consultants.—The Administrator may—

(1) procure the services of temporary or intermittent experts and consultants as authorized by section 3109 of title 5, United States Code; and

(2) pay in connection with those services the travel expenses of the experts and consultants, including transportation and per diem in lieu of subsistence while away from the homes or regular places of business of the individuals, as authorized by section 5703 of that title.

(c) Bureaus, Offices, and Divisions.—The Administrator may establish within the Administration such bureaus, offices, and divisions as the Administrator determines are necessary to perform the duties of the Administrator.

(d) Advisory Committees.—

(1) In general.—The Administrator shall establish advisory committees that consist of representatives of scientific expert bodies, academics, industry specialists, and consumers.

(2) Duties.—The duties of an advisory committee established under paragraph (1) may include developing recommendations with respect to the development of new processes, research, communications, performance standards, and inspection.

TITLE II—ADMINISTRATION OF FOOD SAFETY PROGRAM

SEC. 201. ADMINISTRATION OF NATIONAL PROGRAM.

(a) In General.—The Administrator shall—

(1) administer a national food safety program (referred to in this section as the "program") to protect public health; and

(2) ensure that persons who produce or process food meet their responsibility to prevent or minimize food safety hazards related to their products.

(b) Comprehensive Analysis.—The program shall be based on a comprehensive analysis of the hazards associated with different food and with the processing of different food, including the identification and evaluation of—

(1) the severity of the potential health risks;

(2) the sources and specific points of potential contamination extending from the farm or ranch to the consumer that may render food unsafe;

(3) the potential for persistence, multiplication, or concentration of naturally occurring or added contaminants in food;

(4) opportunities across the food production, processing, distribution, and retail system to reduce potential health risks; and

(5) opportunities for intentional contamination.

(c) Program Elements.—In carrying out the program, the Administrator shall—

(1) adopt and implement a national system for the registration of food establishments and foreign food establishments and regular unannounced inspection of food establishments;

(2) enforce the adoption of process controls in food establishments, based on best available scientific and public health considerations and best available technologies;

(3) establish and enforce science-based standards for—

(A) substances that may contaminate food; and

(B) safety and sanitation in the processing and handling of food;

(4) implement a statistically valid sampling program to ensure that industry programs and procedures that prevent food contamination are effective on an ongoing basis and that food meets the standards established under this Act;

(5) implement procedures and requirements to ensure the safety and security of imported food;

(6) coordinate with other agencies and State or local governments in carrying out inspection, enforcement, research, and monitoring;

(7) have access to the surveillance data of the Centers for Disease Control and Prevention, and other Federal Government agencies, in order to implement a national surveillance system to assess the health risks associated with the human consumption of food or to create surveillance data and studies;

(8) develop public education risk communication and advisory programs;

(9) implement a basic and applied research program to further the purposes of this Act; and

(10) coordinate and prioritize food safety research and educational programs with other agencies, including State or local agencies.

SEC. 202. REGISTRATION OF FOOD ESTABLISHMENTS AND FOREIGN FOOD ESTABLISHMENTS.

(a) In General.—The Administrator shall by regulation require that any food establishment or foreign food establishment engaged in processing food in the United States be registered with the Administrator.

(b) Registration Requirements.—

(1) In general.—To be registered under subsection (a)—

(A) in the case of a food establishment, the owner, operator, or agent in charge of the food establishment shall submit a registration to the Administrator; and

(B) in the case of a foreign food establishment, the owner, operator, or agent in charge of the foreign food establishment shall—

(i) submit a registration to the Administrator; and

(ii) provide the name, address, and emergency contact information of the United States agent for the foreign food establishment.

(2) Registration.—A food establishment or foreign food establishment shall submit a registration under paragraph (1) to the Administrator that—

(A) identifies the name, address, and emergency contact information of each food establishment or foreign food establishment that the registrant operates under this Act and all trade names under which the registrant conducts business relating to food;

(B) lists the primary purpose and business activity of each food establishment or foreign food establishment, including the dates of operation if the food establishment or foreign food establishment is seasonal;

(C) lists the types of food processed or sold at each food establishment or, for foreign food establishments selling food for consumption in the United States, identifies the specific food categories of that food as listed under section 170.3 of title 21, Code of Federal Regulations; and

(D) not later than 30 days after a change in the products, function, or legal status of the food establishment or foreign food establishment (including cessation of business activities), notifies the Administrator of the change.

(3) Procedure.—Upon receipt of a completed registration described in paragraph (1), the Administrator shall notify the registrant of the receipt of the registration, designate each establishment as a category 1, 2, 3, 4, or 5 food establishment, and assign a registration number to each food establishment and foreign food establishment.

(4) List.—The Administrator shall compile and maintain an up-to-date list of food establishments and foreign food establishments that are registered under this section. The Administrator may establish regulations by which such list may be shared with other governmental authorities.

(5) Disclosure exemption.—The disclosure requirements under section 552 of title 5, United States Code, shall not apply to—

(A) the list compiled under paragraph (4); and

(B) information derived from the list under paragraph (4), to the extent that it discloses the identity or location of a specific registered person.

(6) Suspension of registration.—

(A) In general.—The Administrator may suspend the registration of a food establishment or foreign food establishment, including the facility of an importer, for violation of a food safety law.

(B) Notice and opportunity for hearing.—The Administrator shall provide notice to a registrant immediately upon the suspension of the registration of the facility and provide registrant with an opportunity for a hearing within 3 days of the suspension.

(7) Reinstatement.—A registration that is suspended under this section may be reinstated pursuant to criteria published in the Federal Register by the Administrator.

SEC. 203. PREVENTATIVE PROCESS CONTROLS TO REDUCE ADULTERATION OF FOOD.

(a) In General.—The Administrator shall, upon the basis of best available public health, scientific, and technological data, promulgate regulations to ensure that food establishments carry out their responsibilities to—

(1) process food in a sanitary manner so that it is free of dirt and filth;

(2) limit the presence of potentially harmful contaminants in food;

(3) implement appropriate measures of preventative process control to minimize and reduce the presence and growth of contaminants in food and meet the performance standards established under section 204;

(4) process all fully processed or ready-to-eat food in a sanitary manner, using reasonably available techniques and technologies to eliminate any potentially harmful contaminants; and

(5) label food intended for final processing outside commercial food establishments with instructions for handling and preparation for consumption that will destroy contaminants.

(b) REGULATIONS.—Not later than 1 year after the effective date of this Act, the Administrator shall promulgate regulations that—

(1) require all food establishments to adopt preventative process controls that are—

(A) adequate to protect the public health;

(B) meet relevant regulatory and food safety standards; and

(C) limit the presence and growth of contaminants in food prepared in a food establishment;

(2) set standards for sanitation;

(3) meet any performance standards for contaminants established under section 204;

(4) require recordkeeping to monitor compliance;

(5) require sampling and testing at a frequency and in a manner sufficient to ensure that process controls are effective on an ongoing basis and that regulatory standards are being met; and

(6) provide for agency access to records kept by food establishments and submission of copies of the records to the Administrator, as the Administrator determines appropriate.

(c) PROCESSING CONTROLS.—The Administrator may require any person with responsibility for or control over food or food ingredients to adopt process controls, if the process controls are needed to ensure the protection of the public health.

SEC. 204. PERFORMANCE STANDARDS FOR CONTAMINANTS IN FOOD.

(a) IN GENERAL.—To protect the public health, the Administrator shall establish by regulation and enforce performance standards that define, with respect to specific food-borne contaminants and foods, the level of food safety performance that a person responsible for producing, processing, or selling food shall meet.

(b) IDENTIFICATION OF CONTAMINANTS; PERFORMANCE STANDARDS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator shall identify the food-borne contaminants and food that contribute significantly to the risk of food-borne illness.

(2) PERFORMANCE STANDARDS.—As soon as practicable after the identification of the contaminants under paragraph (1), the Administrator shall establish appropriate performance standards to protect against all food-borne contaminants.

(3) SIGNIFICANT CONTAMINANTS.—The Administrator shall establish performance standards for the 5 contaminants that contribute to the greatest number of illnesses or deaths associated with raw meat, poultry, and seafood not later than 3 years after the date of enactment of this Act. The Administrator shall revise such standards not less often than every 3 years.

(c) PERFORMANCE STANDARDS.—

(1) IN GENERAL.—The performance standards established under this section shall include—

(A) health-based standards that set the level of a contaminant that can safely and lawfully be present in food;

(B) zero tolerances, including zero tolerances for fecal matter, in addition to any zero-tolerance standards in effect on the day before the date of enactment of this Act, when necessary to protect against significant adverse health outcomes;

(C) process standards, such as log reduction criteria for cooked products, when sufficient to ensure the safety of processed food; and

(D) in the absence of data to support a performance standard described in subparagraph (A), (B), or (C), standards that define required performance in terms of "best reasonably achievable performance", using best available technologies, interventions, and practices.

(2) BEST REASONABLY ACHIEVABLE PERFORMANCE STANDARDS.—In developing best reasonably achievable performance standards, the Administrator shall collect, or contract for the collection of, data on current best practices and food safety outcomes related to the contaminants and foods in question, as the Administrator determines necessary.

(3) REVOCATION BY ADMINISTRATOR.—All performance standards, tolerances, action levels, or other similar standards in effect on the date of enactment of this Act shall remain in effect until revised or revoked by the Administrator.

(d) ENFORCEMENT.—

(1) IN GENERAL.—Not later than 1 year after the promulgation of a performance standard under this section, the Administrator shall implement a statistically significant sampling program to determine whether food establishments are complying with the performance standards promulgated under this section. The program established under this paragraph shall be at least as stringent as the Hazard Analysis and Critical Control Point System requirements established under part 417 of title 9, Code of Federal Regulations (or successor regulation).

(2) INSPECTIONS.—If the Administrator determines that a food establishment fails to meet a standard promulgated under this section, and such establishment fails to take appropriate corrective action as determined by the Administrator, the Administrator shall, as appropriate—

(A) detain, seize, or condemn food from the food establishment under section 402;

(B) order a recall of food from the food establishment under section 403;

(C) increase the inspection frequency for the food establishment;

(D) withdraw the mark of inspection from the food establishment, if in use; or

(E) take other appropriate enforcement action concerning the food establishment, including withdrawal of registration.

(e) NEWLY IDENTIFIED CONTAMINANTS.—Notwithstanding any other provision of this section, the Administrator shall promulgate interim performance standards for newly identified contaminants as necessary to protect the public health.

SEC. 205. INSPECTIONS OF FOOD ESTABLISHMENTS.

(a) IN GENERAL.—The Administrator shall establish an inspection program, which shall include sampling and testing of food and food establishments, to determine if each food establishment—

(1) is operating in a sanitary manner;

(2) has continuous systems, interventions, and processes in place to minimize or eliminate contaminants in food;

(3) is in compliance with applicable performance standards established under section 203, and other regulatory requirements;

(4) is processing food that is safe and not adulterated or misbranded;

(5) maintains records of process control plans under section 203, and other records related to the processing, sampling, and handling of food; and

(6) is in compliance with the requirements of the food safety law.

(b) ESTABLISHMENT CATEGORIES AND INSPECTION FREQUENCIES.—The resource plan required under section 209, including the description of resources required to carry out inspections of food establishments, shall be based on the following categories and inspection frequencies, subject to subsections (c), (d), and (e):

(1) CATEGORY 1 FOOD ESTABLISHMENTS.—A category 1 food establishment shall be subject to antemortem, postmortem, and continuous inspection of each slaughter line during all operating hours, and other inspection on a daily basis, sufficient to verify that—

(A) diseased animals are not offered for slaughter;

(B) the food establishment has successfully identified and removed from the slaughter line visibly defective or contaminated carcasses, has avoided cross-contamination, and destroyed or reprocessed them in a manner acceptable to the Administrator; and

(C) that applicable performance standards and other provisions of the food safety law, including those intended to eliminate or reduce pathogens, have been satisfied.

(2) CATEGORY 2 FOOD ESTABLISHMENTS.—A category 2 food establishment shall be randomly inspected at least daily.

(3) CATEGORY 3 FOOD ESTABLISHMENTS.—A category 3 food establishment shall—

(A) have ongoing verification that its processes are controlled; and

(B) be randomly inspected at least monthly.

(4) CATEGORY 4 FOOD ESTABLISHMENTS.—A category 4 food establishment shall be randomly inspected at least quarterly.

(5) CATEGORY 5 FOOD ESTABLISHMENTS.—A category 5 food establishment shall be randomly inspected at least annually.

(c) ESTABLISHMENT OF INSPECTION PROCEDURES.—The Administrator shall establish procedures under which inspectors or safety officers shall take random samples, photographs, and copies of records in food establishments.

(d) ALTERNATIVE INSPECTION FREQUENCIES.—With respect to a category 2, 3, 4, or 5 food establishment, the Administrator may establish alternative increasing or decreasing inspection frequencies for subcategories of food establishments or individual establishments, to foster risk-based allocation of resources, subject to the following criteria and procedures:

(1) Subcategories of food establishments and their alternative inspection frequencies shall be defined by regulation, subject to paragraphs (2) and (3).

(2) Regulations of alternative inspection frequencies for subcategories of food establishments under paragraph (1) and for a specific food establishment under paragraph (4) shall provide that—

(A) category 2 food establishments shall be inspected at least monthly; and

(B) category 3, 4, and 5 food establishments shall be inspected at least annually.

(3) In defining subcategories of food establishments and their alternative inspection frequencies under paragraphs (1) and (2), the Administrator shall consider—

(A) the nature of the food products being processed, stored, or transported;

(B) the manner in which food products are processed, stored, or transported;

(C) the inherent likelihood that the products will contribute to the risk of food-borne illness;

(D) the best available evidence concerning reported illnesses associated with the foods produced in the proposed subcategory of establishments; and

(E) the overall record of compliance with the food safety law among establishments in the proposed subcategory, including compliance with applicable performance standards and the frequency of recalls.

(4) The Administrator may adopt alternative inspection frequencies for increased or decreased inspection for a specific establishment, subject to paragraphs (2) and (5) and shall periodically publish a list of establishments subject to alternative inspections.

(5) In adopting alternative inspection frequencies for a specific establishment, the Administrator shall consider—

(A) the criteria in paragraph (3);

(B) whether products from the specific establishment have been associated with a case or an outbreak of food-borne illness; and

(C) the record of the establishment of compliance with the food safety law, including compliance with applicable performance standards and the frequency of recalls.

(6) Before establishing decreased alternative inspection frequencies for subcategories of establishments or individual establishments, the Administrator shall—

(A) determine, based on the best available evidence, that the alternative uses of the resources required to carry out the inspection activity would make a greater contribution to protecting the public health and reducing the risk of food-borne illness than the use of resources described in subsection (b);

(B) describe the alternative uses of resources in general terms when issuing the regulation or order that establishes the alternative inspection frequency;

(C) consider the supporting evidence that an individual food establishment shall submit related to whether an alternative inspection frequency should be established for such establishment by the Administrator; and

(D) include a description of the alternative uses in the annual resource plan required in section 209.

(e) INSPECTION TRANSITION.—The Administrator shall manage the transition to the inspection system described in this Act as follows:

(1) In the case of a category 1 or 2 food establishment, the Administrator shall continue to implement the applicable inspection mandates of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), and the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) until—

(A) regulations required to implement this section have been promulgated;

(B) the performance standards required by section 204(c) have been promulgated and implemented for 1 year; and

(C) the establishment has achieved compliance with the other applicable provisions of the food safety law.

(2) In the case of a category 1 or 2 food establishment that, within 2 years after the promulgation of the performance standards required by section 204(c), has not achieved compliance with the food safety law, the Administrator shall—

(A) issue an order prohibiting the establishment from operating pending a demonstration by the establishment that sufficient changes in facilities, procedures, personnel, or other aspects of the process control system have been made such that the Administrator determines that compliance with the food safety law is achieved; and

(B) following the demonstration required in subparagraph (A), issue an order authorizing the food establishment to operate subject, at a minimum, to—

(i) the inspection requirement applicable to the establishment under subsection (b) (1) or (2); and

(ii) such other inspection or compliance measures determined by the Administrator necessary to assure compliance with the applicable food safety law.

(3) In the case of a category 3 food establishment, the Administrator shall continue to implement the applicable inspection mandates of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), and the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) until—

(A) the regulations required to implement this section have been promulgated;

(B) the first resource plan under section 209 has been submitted; and

(C) for individual establishments, compliance with the food safety law has been demonstrated.

(4) In the case of a category 3 food establishment that, within 1 year after the promulgation of the regulations required to implement this section, have not demonstrated compliance with the food safety law, the Administrator shall—

(A) issue an order prohibiting the establishment from operating, pending a demonstration by the establishment that sufficient changes in facilities, procedures, personnel, or other aspects of the process control system have been made such that the Administrator determines that compliance with the food safety law is achieved; and

(B) following the demonstration required in subparagraph (A), issue an order authorizing the establishment to operate subject, at a minimum, to—

(i) the inspection requirement applicable to the establishment under subsection (b)(3); and

(ii) such other inspection or compliance measures determined by the Administrator necessary to assure compliance with the food safety law.

(5) In the case of a category 4 or 5 food establishment, the inspection requirements of this Act shall be implemented as soon as possible after—

(A) the promulgation of the regulations required to implement this section;

(B) the publication of the first resource plan under section 209; and

(C) the commencement of the first fiscal year in which the Administration is operating with budgetary resources that Congress has appropriated following consideration of the resource plan under section 209.

(f) OFFICIAL MARK.—

(1) IN GENERAL.—

(A) ESTABLISHMENT.—Before the completion of the transition process under paragraphs (1) through (3) of subsection (e), the Administrator shall by regulation establish an official mark that shall be affixed to a food product produced in a category 1, 2, or 3 establishment, subject to subparagraph (B).

(B) PREREQUISITE.—The official mark required under subparagraph (A) shall be affixed to a food product by the Administrator if the establishment has been inspected by the Administrator in accordance with the inspection frequencies under this section and the establishment is in compliance with the food safety law.

(C) REMOVAL OF OFFICIAL MARK.—The Administrator shall promulgate regulations that provide for the removal of the official mark under this subsection if the Administrator makes a finding that the establishment is not in compliance with the food safety law.

(2) CATEGORY 1, 2, OR 3 FOOD ESTABLISHMENTS.—In the case of products produced in a category 1, 2, or 3 food establishment—

(A) products subject to Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), the Egg Products Inspection Act (21 U.S.C. 1031 et seq.), and the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) as of the date of enactment of this Act shall remain subject to the requirement under those Acts that they bear the mark of inspection pending completion of the transition process under paragraphs (1) through (3) of subsection (e);

(B) the Administrator shall publicly certify on a monthly basis that the inspection frequencies required under this Act have been achieved; and

(C) a product from an establishment that has not been inspected in accordance with the required frequencies under this section shall not bear the official mark and shall not be shipped in interstate commerce.

(3) CATEGORY 4 AND 5 FOOD ESTABLISHMENTS.—In the case of a product produced in a category 4 or 5 food establishment the Administrator shall provide by regulation for the voluntary use of the official mark established under paragraph (1), subject to—

(A) such minimum inspection frequencies as determined appropriate by the Administrator;

(B) compliance with applicable performance standards and other provisions of the food safety law; and

(C) such other requirements the Administrator considers appropriate.

(g) IMPLEMENTATION.—Not later than 1 year after the effective date of this Act, the Administrator shall issue regulations to implement subsections (b) through (e).

(h) MAINTENANCE AND INSPECTION OF RECORDS.—

(1) IN GENERAL.—

(A) RECORDS.—A food establishment shall—

(i) maintain such records as the Administrator shall require by regulation, including all records relating to the processing, distributing, receipt, or importation of any food; and

(ii) permit the Administrator, in addition to any authority of the food safety agencies in effect on the day before the date of enactment of this Act, upon presentation of appropriate credentials and at reasonable times and in a reasonable manner, to have access to and copy all records maintained by or on behalf of such food establishment representative in any format (including paper or electronic) and at any location, that are necessary to assist the Administrator—

(I) to determine whether the food is contaminated or not in compliance with the food safety law; or

(II) to track the food in commerce.

(B) REQUIRED DISCLOSURE.—A food establishment shall have an affirmative obligation to disclose to the Administrator the results of testing or sampling of food, equipment, or material in contact with food, that is positive for any contaminant.

(2) MAINTENANCE OF RECORDS.—The records in paragraph (1) shall be maintained for a reasonable period of time, as determined by the Administrator.

(3) REQUIREMENTS.—The records in paragraph (1) shall include records describing—

(A) the origin, receipt, delivery, sale, movement, holding, and disposition of food or ingredients;

(B) the identity and quantity of ingredients used in the food;

(C) the processing of the food;

(D) the results of laboratory, sanitation, or other tests performed on the food or in the food establishment;

(E) consumer complaints concerning the food or packaging of the food;

(F) the production codes, open date codes, and locations of food production; and

(G) other matters reasonably related to whether food is unsafe, is adulterated or misbranded, or otherwise fails to meet the requirements of this Act.

(i) PROTECTION OF SENSITIVE INFORMATION.—

(1) IN GENERAL.—The Administrator shall develop and maintain procedures to prevent the unauthorized disclosure of any trade secret or confidential information obtained by the Administrator.

(2) LIMITATION.—The requirement under this subsection does not—

(A) limit the authority of the Administrator to inspect or copy records or to require the establishment or maintenance of records under this Act;

(B) have any legal effect on section 1905 of title 18, United States Code;

(C) extend to any food recipe, financial data, pricing data, personnel data, or sales data (other than shipment dates relating to sales);

(D) limit the public disclosure of distribution records or other records related to food subject to a voluntary or mandatory recall under section 403; or

(E) limit the authority of the Administrator to promulgate regulations to permit the sharing of data with other governmental authorities.

(j) BRIBERY OF OR GIFTS TO INSPECTOR OR OTHER OFFICERS AND ACCEPTANCE OF GIFTS.—Section 22 of the Federal Meat Inspection Act (21 U.S.C. 622) shall apply under this Act.

SEC. 206. FOOD PRODUCTION FACILITIES.

In carrying out the duties of the Administrator and the purposes of this Act, the Administrator shall have the authority, with respect to food production facilities, to—

(1) visit and inspect food production facilities in the United States and in foreign countries to investigate bioterrorism threats and for other critical food safety purposes;

(2) review food safety records as required to be kept by the Administrator to carry out traceback and for other critical food safety purposes;

(3) set good practice standards to protect the public and animal health and promote food safety;

(4) conduct monitoring and surveillance of animals, plants, products, or the environment, as appropriate; and

(5) collect and maintain information relevant to public health and farm practices.

SEC. 207. FEDERAL AND STATE COOPERATION.

(a) IN GENERAL.—The Administrator shall work with the States to carry out activities and programs that create a national food safety program so that Federal and State programs function in a coordinated and cost-effective manner.

(b) STATE ACTION.—The Administrator shall work with States to—

(1) continue, strengthen, or establish State food safety programs, especially with respect to the regulation of retail commercial food establishments, transportation, harvesting, and fresh markets;

(2) continue, strengthen, or establish inspection programs and requirements to ensure that food under the jurisdiction of the State is safe; and

(3) support recall authorities at the State and local levels.

(c) ASSISTANCE.—To assist in planning, developing, and implementing a food safety program, the Administrator may provide and continue to a State—

(1) advisory assistance;

(2) technical and laboratory assistance and training (including necessary materials and equipment); and

(3) financial, in kind, and other aid.

(d) SERVICE AGREEMENTS.—

(1) IN GENERAL.—The Administrator may, under agreements entered into with Federal, State, or local agencies, use on a reimbursable basis or otherwise, the personnel and services of those agencies in carrying out this Act.

(2) TRAINING.—Agreements with a State under this subsection may provide for training of State employees.

(3) MAINTENANCE OF AGREEMENTS.—The Administrator shall maintain any agreement that is in effect on the day before the date of enactment of this Act until the Administrator evaluates such agreement and determines whether to maintain or substitute such agreement.

(e) AUDITS.—

(1) IN GENERAL.—The Administrator shall annually conduct a comprehensive review of each State program that provides services to the Administrator in carrying out the responsibilities under this Act, including mandated inspections under section 205.

(2) REQUIREMENTS.—The review shall—

(A) include a determination of the effectiveness of the State program; and

(B) identify any changes necessary to ensure enforcement of Federal requirements under this Act.

(f) NO FEDERAL PREEMPTION.—Nothing in this Act shall be construed to preempt the enforcement of State food safety laws and standards that are at least as stringent as those under this Act.

SEC. 208. IMPORTS.

(a) IN GENERAL.—Not later than 2 years after the effective date of this Act, the Administrator shall establish a system under which a foreign government or foreign food establishment seeking to import food to the United States shall submit a request for certification to the Administrator.

(b) CERTIFICATION STANDARD.—A foreign government or foreign food establishment requesting a certification to import food to the United States shall demonstrate, in a manner determined appropriate by the Administrator, that food produced under the supervision of a foreign government or by the foreign food establishment has met standards for food safety, inspection, labeling, and consumer protection that are at least equivalent to standards applicable to food produced in the United States.

(c) CERTIFICATION APPROVAL.—

(1) REQUEST BY FOREIGN GOVERNMENT.—Prior to granting the certification request of a foreign government, the Administrator shall review, audit, and certify the food safety program of a requesting foreign government (including all statutes, regulations, and inspection authority) as at least equivalent to the food safety program in the United States, as demonstrated by the foreign government.

(2) REQUEST BY FOREIGN FOOD ESTABLISHMENT.—Prior to granting the certification request of a foreign food establishment, the Administrator shall certify, based on an onsite inspection, the food safety programs and procedures of a requesting foreign firm as at least equivalent to the food safety programs and procedures of the United States.

(d) LIMITATION.—A foreign government or foreign firm approved by the Administrator to import food to the United States under this section shall be certified to export only the approved food products to the United States for a period not to exceed 5 years.

(e) WITHDRAWAL OF CERTIFICATION.—The Administrator may withdraw certification of any food from a foreign government or foreign firm—

(1) if such food is linked to an outbreak of human illness;

(2) following an investigation by the Administrator that finds that the foreign government programs and procedures or foreign food establishment is no longer equivalent to the food safety programs and procedures in the United States; or

(3) following a refusal to allow United States officials to conduct such audits and investigations as may be necessary to fulfill the requirements under this section.

(f) RENEWAL OF CERTIFICATION.—The Administrator shall audit foreign governments and foreign food establishments at least every 5 years to ensure the continued compliance with the standards set forth in this section.

(g) REQUIRED ROUTINE INSPECTION.—The Administrator shall routinely inspect food and food animals (via a physical examination) before it enters the United States to ensure that it is—

(1) safe;

(2) labeled as required for food produced in the United States; and

(3) otherwise meets requirements under the food safety law.

(h) ENFORCEMENT.—The Administrator is authorized to—

(1) deny importation of food from any foreign government that does not permit United States officials to enter the foreign country to conduct such audits and inspections as may be necessary to fulfill the requirements under this section;

(2) deny importation of food from any foreign government or foreign firm that does not consent to an investigation by the Administration when food from that foreign country or foreign firm is linked to a foodborne illness outbreak or is otherwise found to be adulterated or mislabeled; and

(3) promulgate rules and regulations to carry out the purposes of this section, including setting terms and conditions for the destruction of products that fail to meet the standards of this Act.

(i) DETENTION AND SEIZURE.—Any food imported for consumption in the United States may be detained, seized, or condemned pursuant to section 402.

SEC. 209. RESOURCE PLAN.

(a) IN GENERAL.—The Administrator shall prepare and update annually a resource plan describing the resources required, in the best professional judgment of the Administrator, to develop and fully implement the national food safety program established under this Act.

(b) CONTENTS OF PLAN.—The resource plan shall—

(1) describe quantitatively the personnel, financial, and other resources required to carry out the inspection of food establishments under section 205 and other requirements of the national food safety program;

(2) allocate inspection resources in a manner reflecting the distribution of risk and opportunities to reduce risk across the food supply to the extent feasible based on the best available information, and subject to section 205; and

(3) describe the personnel, facilities, equipment, and other resources needed to carry out inspection and other oversight activities, at a total resource level equal to at least 50 percent of the resources required to carry out inspections in food establishments under section 205—

(A) in foreign establishments;

(B) at the point of importation; and

(C) at the point of production on farms, ranches, and feedlots.

(c) GRANTS.—The resource plan shall include recommendations for funding to provide grants to States and local governments to carry out food safety activities in retail and food service facilities and the required inspections in food establishments.

(d) SUBMISSION OF PLAN.—The Administrator shall submit annually to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and other relevant committees of Congress, the resource plan required under this section.

SEC. 210. TRACEBACK.

(a) IN GENERAL.—The Administrator, in order to protect the public health, shall establish requirements for a national system for tracing food and food producing animals from point of origin to retail sale, subject to subsection (b).

(b) APPLICABILITY.—Traceability requirements shall—

(1) be established in accordance with regulations and guidelines issued by the Administrator; and

(2) apply to food production facilities and food establishments.

(c) RELATIONSHIP TO COUNTRY OF ORIGIN LABELING.—Nothing contained in this section prevents or interferes with implementation of the country of origin labeling requirements of subtitle D of the Agricultural Marketing Act of 1946 (7 U.S.C. 1638 et seq.).

TITLE III—RESEARCH AND EDUCATION

SEC. 301. PUBLIC HEALTH ASSESSMENT SYSTEM.

(a) IN GENERAL.—The Administrator, acting in coordination with the Director of the Centers for Disease Control and Prevention and with the Research Education and Economics mission area of the Department of Agriculture, shall—

(1) have access to the applicable data systems of the Centers for Disease Control and Prevention and to the databases made available by a State;

(2) maintain an active surveillance system of food, food products, and epidemiological evidence submitted by States to the Centers for Disease Control and Prevention based on a representative proportion of the population of the United States;

(3) assess the frequency and sources of human illness in the United States associated with the consumption of food;

(4) maintain a state-of-the-art DNA matching system and epidemiological system dedicated to food-borne illness identification, outbreaks, and containment; and

(5) have access to the surveillance data created via monitoring and statistical studies conducted as part of its own inspection.

(b) PUBLIC HEALTH SAMPLING.—

(1) IN GENERAL.—Not later than 1 year after the effective date of this Act, the Administrator shall establish guidelines for a sampling system under which the Administrator shall take and analyze samples of food—

(A) to assist the Administrator in carrying out this Act; and

(B) to assess the nature, frequency of occurrence, and quantities of contaminants in food.

(2) REQUIREMENTS.—The sampling system described in paragraph (1) shall provide—

(A) statistically valid monitoring, including market-based studies, on the nature, frequency of occurrence, and quantities of contaminants in food available to consumers; and

(B) at the request of the Administrator, such other information, including analysis of monitoring and verification samples, as the Administrator determines may be useful in assessing the occurrence of contaminants in food.

(c) ASSESSMENT OF HEALTH HAZARDS.—

(1) IN GENERAL.—Through the surveillance system referred to in subsection (a) and the sampling system described in subsection (b), the Administrator shall—

(A) rank food categories based on the hazard to human health presented by the food category;

(B) identify appropriate industry and regulatory approaches to minimize hazards in the food supply; and

(C) assess the public health environment for emerging diseases, including zoonosis, for their risk of appearance in the United States food supply.

(2) COMPONENTS OF ANALYSIS.—The analysis under subsection (b)(1) may include—

(A) a comparison of the safety of commercial processing with the health hazards associated with food that is harvested for recreational or subsistence purposes and prepared noncommercially;

(B) a comparison of the safety of food that is domestically processed with the health hazards associated with food that is processed outside the United States;

(C) a description of contamination originating from handling practices that occur prior to or after the sale of food to consumers; and

(D) use of comparative risk assessments.

SEC. 302. PUBLIC EDUCATION AND ADVISORY SYSTEM.

(a) PUBLIC EDUCATION.—

(1) IN GENERAL.—The Administrator, in cooperation with private and public organizations, including the cooperative extension services and building on the efforts of appropriate State and local entities, shall establish a national public education program on food safety.

(2) REQUIREMENTS.—The program shall provide—

(A) information to the public regarding Federal standards and best practices and promotion of public awareness, understanding, and acceptance of those standards and practices;

(B) information for health professionals—

(i) to improve diagnosis and treatment of food-related illness; and

(ii) to advise individuals at special risk for food-related illnesses; and

(C) such other information or advice to consumers and other persons as the Administrator determines will promote the purposes of this Act.

(b) HEALTH ADVISORIES.—The Administrator, in consultation with other Federal departments and agencies as the Administrator determines necessary, shall work with the States and other appropriate entities—

(1) to develop and distribute regional and national advisories concerning food safety;

(2) to develop standardized formats for written and broadcast advisories;

(3) to incorporate State and local advisories into the national public education program established under subsection (a); and

(4) to present prompt, specific information regarding foods found to pose a threat to the public health.

SEC. 303. RESEARCH.

(a) IN GENERAL.—The Administrator shall conduct research to carry out this Act, including studies to—

(1) improve sanitation and food safety practices in the processing of food;

(2) develop improved techniques to monitor and inspect food;

(3) develop efficient, rapid, and sensitive methods to detect contaminants in food;

(4) determine the sources of contamination of contaminated food;

(5) develop food consumption data;

(6) identify ways that animal production techniques could improve the safety of the food supply;

(7) draw upon research and educational programs that exist at the State and local level;

(8) utilize the DNA matching system and other processes to identify and control pathogens;

(9) address common and emerging zoonotic diseases;

(10) develop methods to reduce or destroy harmful pathogens before, during, and after processing;

(11) analyze the incidence of antibiotic resistence as it pertains to the food supply and develop new methods to reduce the transfer of antibiotic resistance to humans; and

(12) conduct other research that supports the purposes of this Act.

(b) CONTRACT AUTHORITY.—The Administrator may enter into contracts and agreements with any State, university, Federal Government agency, or person to carry out this section.

TITLE IV—ENFORCEMENT

SEC. 401. PROHIBITED ACTS.

It is prohibited—

(1) to manufacture, introduce, deliver for introduction, or receive into interstate commerce any food that is adulterated, misbranded, or otherwise unsafe;

(2) to adulterate or misbrand any food in interstate commerce;

(3) for a food establishment or foreign food establishment to fail to register under section 202, or to operate without a valid registration;

(4) to refuse to permit access to a food establishment for the inspection and copying of a record as required under section 205(h);

(5) to fail to establish or maintain any record or to make any report as required under section 205(h);

(6) to refuse to permit entry to or inspection of a food establishment as required under section 205;

(7) to fail to provide to the Administrator the results of a testing or sampling of a food, equipment, or material in contact with contaminated food under section 205(i);

(8) to fail to comply with a provision, regulation, or order of the Administrator under section 202, 203, 204, or 208;

(9) to slaughter an animal that is capable for use in whole or in part as human food at a food establishment processing any such food for commerce, except in compliance with the food safety law;

(10) to transfer food in violation of an administrative detention order under section 402 or to remove or alter a required mark or label identifying the food as detained;

(11) to fail to comply with a recall or other order under section 403; or

(12) to otherwise violate the food safety law.

SEC. 402. FOOD DETENTION, SEIZURE, AND CONDEMNATION.

(a) ADMINISTRATIVE DETENTION OF FOOD.—

(1) EXPANDED AUTHORITY.—The Administrator shall have authority under section 304 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 334) to administratively detain and seize any food that the Administrator has reason to believe is unsafe, is adulterated or misbranded, or otherwise fails to meet the requirements of the food safety law.

(2) DETENTION AUTHORITY.—If, during an inspection conducted in accordance with section 205 or 208, an officer, employee, or agent of the Administration making the inspection has reason to believe that a domestic food, imported food, or food offered for import is unsafe, is adulterated or misbranded, or otherwise fails to meet the requirements of this Act, the officer or employee may order the food detained.

(3) PERIOD OF DETENTION.—

(A) IN GENERAL.—A food may be detained for a reasonable period, not to exceed 20 days, unless a longer period, not to exceed 30 days, is necessary for the Administrator to institute a seizure action.

(B) PERISHABLE FOOD.—The Administrator shall provide by regulation for procedures to institute a seizure action on an expedited basis with respect to perishable food.

(4) SECURITY OF DETAINED FOOD.—

(A) IN GENERAL.—A detention order—

(i) may require that the food be labeled or marked as detained; and

(ii) shall require that the food be removed to a secure facility, if appropriate.

(B) FOOD SUBJECT TO AN ORDER.—A food subject to a detention order shall not be transferred by any person from the place at which the food is removed, until released by the Administrator or until the expiration of the detention period applicable under the order, whichever occurs first.

(C) DELIVERY OF FOOD.—This subsection does not authorize the delivery of a food in accordance with execution of a bond while the article is subject to the order.

(b) APPEAL OF DETENTION ORDER.—

(1) IN GENERAL.—A person who would be entitled to be a claimant for a food subject to a detention order if the food were seized under section 304 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 334), may appeal the order to the Administrator.

(2) ACTION BY THE ADMINISTRATOR.—Not later than 5 days after an appeal is filed under paragraph (1), the Administrator, after providing an opportunity for an informal hearing, shall confirm, modify, or terminate the order involved.

(3) FINAL AGENCY ACTION.—Confirmation, modification, or termination by the Administrator under paragraph (2) shall be considered a final agency action for purposes of section 702 of title 5, United States Code.

(4) TERMINATION.—The order shall be considered to be terminated if, after 5 days, the Administrator has failed—

(A) to provide an opportunity for an informal hearing; or

(B) to confirm, modify, or terminate the order.

(5) EFFECT OF INSTITUTING COURT ACTION.—If the Administrator initiates an action under section 302 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 332) or section 304(a) of that Act (21 U.S.C. 334(a)), the process for the appeal of the detention order shall terminate.

(c) CONDEMNATION OF FOOD.—

(1) IN GENERAL.—After confirming a detention order, the Administrator may order the food condemned.

(2) DESTRUCTION OF FOOD.—Any food condemned shall be destroyed under the supervision of the Administrator.

(3) RELEASE OF FOOD.—If the Administrator determines that, through reprocessing, relabeling, or other action, a detained food can be brought into compliance with this Act, the food may be released following a determination by the Administrator that the relabeling or other action as specified by the Administrator has been performed.

(d) TEMPORARY HOLDS AT PORTS OF ENTRY.—

(1) IN GENERAL.—If an officer or qualified employee of the Administration has reason to believe that a food is unsafe, is adulterated or misbranded, or otherwise fails to meet the requirements of this Act, and the officer or qualified employee is unable to inspect, examine, or investigate the food when the food is offered for import at a port of entry into the United States, the officer or qualified employee shall request the Secretary of Homeland Security to hold the food at the port of entry for a reasonable period of time, not to exceed 24 hours, to enable the Administrator to inspect or investigate the food as appropriate.

(2) REMOVAL TO SECURE FACILITY.—The Administrator shall work in coordination with the Secretary of Homeland Security to remove a food held in accordance with paragraph (1) to a secure facility as appropriate.

(3) PROHIBITION ON TRANSFER.—During the period in which the food is held, the food shall not be transferred by any person from the port of entry into the United States, or from the secure facility to which the food has been removed.

(4) DELIVERY IN ACCORDANCE WITH A BOND.—The delivery of the food in accordance with the execution of a bond while the food is held is not authorized.

(5) PROHIBITION ON REEXPORT.—A food found unfit for human or animal consumption shall be prohibited from reexport without further processing to remove the contamination and reinspection by the Administration.

SEC. 403. NOTIFICATION AND RECALL.

(a) NOTICE TO ADMINISTRATOR OF VIOLATION.—

(1) IN GENERAL.—A person that has reason to believe that any food introduced into or in interstate commerce, or held for sale (whether or not the first sale) after shipment in interstate commerce, may be in violation of the food safety law shall immediately notify the Administrator of the identity and location of the food.

(2) MANNER OF NOTIFICATION.—Notification under paragraph (1) shall be made in such manner and by such means as the Administrator may require by regulation.

(b) RECALL AND CONSUMER NOTIFICATION.—

(1) VOLUNTARY ACTIONS.—If the Administrator determines that food is in violation of the food safety law when introduced into or while in interstate commerce or while held for sale (whether or not the first sale) after shipment in interstate commerce and that there is a reasonable probability that the food, if consumed, would present a threat to public health, as determined by the Administrator, the Administrator shall give the appropriate persons (including the manufacturers, importers, distributors, or retailers of the food) an opportunity to—

(A) cease distribution of the food;

(B) notify all persons—

(i) processing, distributing, or otherwise handling the food to immediately cease such activities with respect to the food; or

(ii) to which the food has been distributed, transported, or sold, to immediately cease distribution of the food;

(C) recall the food;

(D) in conjunction with the Administrator, provide notice of the finding of the Administrator—

(i) to consumers to whom the food was, or may have been, distributed; and

(ii) to State and local public health officials; or

(E) take any combination of the measures described in this paragraph, as determined by the Administrator to be appropriate in the circumstances.

(2) MANDATORY ACTIONS.—If a person referred to in paragraph (1) refuses to or does not adequately carry out the actions described in that paragraph within the time period and in the manner prescribed by the Administrator, the Administrator shall—

(A) have authority to control and possess the food, including ordering the shipment of the food from the food establishment to the Administrator—

(i) at the expense of the food establishment; or

(ii) in an emergency (as determined by the Administrator), at the expense of the Administration; and

(B) by order, require, as the Administrator determines to be necessary, the person to immediately—

(i) cease distribution of the food; and

(ii) notify all persons—

(I) processing, distributing, or otherwise handling the food to immediately cease such activities with respect to the food; or

(II) if the food has been distributed, transported, or sold, to immediately cease distribution of the food.

(3) NOTIFICATION TO CONSUMERS BY ADMINISTRATOR.—The Administrator shall, as the Administrator determines to be necessary, provide notice of the finding of the Administrator under paragraph (1)—

(A) to consumers to whom the food was, or may have been, distributed; and

(B) to State and local public health officials.

(4) NONDISTRIBUTION BY NOTIFIED PERSONS.—A person that processes, distributes, or otherwise handles the food, or to which the food has been distributed, transported, or sold, and that is notified under paragraph (1)(B) or (2)(B) shall immediately cease distribution of the food.

(5) AVAILABILITY OF RECORDS TO ADMINISTRATOR.—Each person referred to in paragraph (1) that processed, distributed, or otherwise handled food shall make available to the Administrator information necessary to carry out this subsection, as determined by the Administrator, regarding—

(A) persons that processed, distributed, or otherwise handled the food; and

(B) persons to which the food has been transported, sold, distributed, or otherwise handled.

(c) INFORMAL HEARINGS ON ORDERS.—

(1) IN GENERAL.—The Administrator shall provide any person subject to an order under

subsection (b) with an opportunity for an informal hearing, to be held as soon as practicable but not later than 2 business days after the issuance of the order.

(2) SCOPE OF THE HEARING.—In a hearing under paragraph (1), the Administrator shall consider the actions required by the order and any reasons why the food that is the subject of the order should not be recalled.

(d) POST-HEARING RECALL ORDERS.—

(1) AMENDMENT OF ORDER.—If, after providing an opportunity for an informal hearing under subsection (c), the Administrator determines that there is a reasonable probability that the food that is the subject of an order under subsection (b), if consumed, would present a threat to the public health, the Administrator, as the Administrator determines to be necessary, may—

(A) amend the order to require recall of the food or other appropriate action;

(B) specify a timetable in which the recall shall occur;

(C) require periodic reports to the Administrator describing the progress of the recall; and

(D) provide notice of the recall to consumers to whom the food was, or may have been, distributed.

(2) VACATION OF ORDERS.—If, after providing an opportunity for an informal hearing under subsection (c), the Administrator determines that adequate grounds do not exist to continue the actions required by the order, the Administrator shall vacate the order.

(e) REMEDIES NOT EXCLUSIVE.—The remedies provided in this section shall be in addition to, and not exclusive of, other remedies that may be available.

SEC. 404. INJUNCTION PROCEEDINGS.

(a) JURISDICTION.—The district courts of the United States, and the United States courts of the territories and possessions of the United States, shall have jurisdiction, for cause shown, to restrain a violation of section 202, 203, 204, 207, or 401 (or a regulation promulgated under that section).

(b) TRIAL.—In a case in which violation of an injunction or restraining order issued under this section also constitutes a violation of the food safety law, trial shall be by the court or, upon demand of the accused, by a jury.

SEC. 405. CIVIL AND CRIMINAL PENALTIES.

(a) CIVIL SANCTIONS.—

(1) CIVIL PENALTY.—

(A) IN GENERAL.—Any person that commits an act that violates the food safety law (including a regulation promulgated or order issued under a Federal food safety law) may be assessed a civil penalty by the Administrator of not more than $10,000 for each such act.

(B) SEPARATE OFFENSE.—Each act described in subparagraph (A) and each day during which that act continues shall be considered a separate offense.

(2) OTHER REQUIREMENTS.—

(A) WRITTEN ORDER.—The civil penalty described in paragraph (1) shall be assessed by the Administrator by a written order, which shall specify the amount of the penalty and the basis for the penalty under subparagraph (B) considered by the Administrator.

(B) AMOUNT OF PENALTY.—Subject to paragraph (1)(A), the amount of the civil penalty shall be determined by the Administrator, after considering—

(i) the gravity of the violation;

(ii) the degree of culpability of the person;

(iii) the size and type of the business of the person; and

(iv) any history of prior offenses by the person under the food safety law.

(C) REVIEW OF ORDER.—The order may be reviewed only in accordance with subsection (c).

(b) CRIMINAL SANCTIONS.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), a person that knowingly produces or introduces into commerce food that is unsafe or otherwise adulterated or misbranded shall be imprisoned for not more than 1 year or fined not more than $10,000, or both.

(2) SEVERE VIOLATIONS.—A person that commits a violation described in paragraph (1) after a conviction of that person under this section has become final, or commits such a violation with the intent to defraud or mislead, shall be imprisoned for not more than 3 years or fined not more than $100,000, or both.

(3) EXCEPTION.—No person shall be subject to the penalties of this subsection—

(A) for having received, proffered, or delivered in interstate commerce any food, if the receipt, proffer, or delivery was made in good faith, unless that person refuses to furnish (on request of an officer or employee designated by the Administrator)—

(i) the name, address and contact information of the person from whom that person purchased or received the food;

(ii) copies of all documents relating to the person from whom that person purchased or received the food; and

(iii) copies of all documents pertaining to the delivery of the food to that person; or

(B) if that person establishes a guaranty signed by, and containing the name and address of, the person from whom that person received in good faith the food, stating that the food is not adulterated or misbranded within the meaning of this Act.

(c) JUDICIAL REVIEW.—

(1) IN GENERAL.—An order assessing a civil penalty under subsection (a) shall be a final order unless the person—

(A) not later than 30 days after the effective date of the order, files a petition for judicial review of the order in the United States court of appeals for the circuit in which that person resides or has its principal place of business or the United States Court of Appeals for the District of Columbia; and

(B) simultaneously serves a copy of the petition by certified mail to the Administrator.

(2) FILING OF RECORD.—Not later than 45 days after the service of a copy of the petition under paragraph (1)(B), the Administrator shall file in the court a certified copy of the administrative record upon which the order was issued.

(3) STANDARD OF REVIEW.—The findings of the Administrator relating to the order shall be set aside only if found to be unsupported by substantial evidence on the record as a whole.

(d) COLLECTION ACTIONS FOR FAILURE TO PAY.—

(1) IN GENERAL.—If any person fails to pay a civil penalty assessed under subsection (a) after the order assessing the penalty has become a final order, or after the court of appeals described in subsection (b) has entered final judgment in favor of the Administrator, the Administrator shall refer the matter to the Attorney General, who shall institute in a United States district court of competent jurisdiction a civil action to recover the amount assessed.

(2) LIMITATION ON REVIEW.—In a civil action under paragraph (1), the validity and appropriateness of the order of the Administrator assessing the civil penalty shall not be subject to judicial review.

(e) PENALTIES PAID INTO ACCOUNT.—The Administrator—

(1) shall deposit penalties collected under this section in an account in the Treasury; and

(2) may use the funds in the account, without further appropriation or fiscal year limitation—

(A) to carry out enforcement activities under food safety law; or

(B) to provide assistance to States to inspect retail commercial food establishments or other food or firms under the jurisdiction of State food safety programs.

(f) DISCRETION OF THE ADMINISTRATOR TO PROSECUTE.—Nothing in this Act requires the Administrator to report for prosecution, or for the commencement of an action, the violation of the food safety law in a case in which the Administrator finds that the public interest will be adequately served by the assessment of a civil penalty under this section.

(g) REMEDIES NOT EXCLUSIVE.—The remedies provided in this section may be in addition to, and not exclusive of, other remedies that may be available.

SEC. 406. PRESUMPTION.

In any action to enforce the requirements of the food safety law, the connection with interstate commerce required for jurisdiction shall be presumed to exist.

SEC. 407. WHISTLEBLOWER PROTECTION.

(a) IN GENERAL.—No Federal employee, employee of a Federal contractor or subcontractor, or any individual employed by a company (referred to in this section as a "covered individual"), may be discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against, because of any lawful act done by the covered individual to—

(1) provide information, cause information to be provided, or otherwise assist in an investigation regarding any conduct that the covered individual reasonably believes constitutes a violation of any law, rule, or regulation, or that the covered individual reasonably believes constitutes a threat to the public health, when the information or assistance is provided to, or the investigation is conducted by—

(A) a Federal regulatory or law enforcement agency;

(B) a Member or committee of Congress; or

(C) a person with supervisory authority over the covered individual (or such other individual who has the authority to investigate, discover, or terminate misconduct);

(2) file, cause to be filed, testify, participate in, or otherwise assist in a proceeding or action filed or about to be filed relating to a violation of any law, rule, or regulation; or

(3) refused to violate or assist in the violation of any law, rule, or regulation.

(b) ENFORCEMENT ACTION.—

(1) IN GENERAL.—A covered individual who alleges discharge or other discrimination by any person in violation of subsection (a) may seek relief under subsection (c) by filing a complaint with the Secretary of Labor. If the Secretary of Labor has not issued a final decision within 180 days after the date on which the complaint is filed and there is no showing that such delay is due to the bad faith of the claimant, the claimant may bring an action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy.

(2) PROCEDURE.—

(A) IN GENERAL.—An action under paragraph (1) shall be governed under the rules and procedures set forth in section 42121(b) of title 49, United States Code.

(B) Exception.—Notification under section 42121(b)(1) of title 49, United States Code, shall be made to the person named in the complaint and to the person's employer.

(C) Burdens of proof.—An action brought under paragraph (1) shall be governed by the legal burdens of proof set for in section 42121(b) of title 49, United States Code.

(D) Statute of limitations.—An action under paragraph (1) shall be commenced not later than 90 days after the date on which the violation occurs.

(c) Remedies.—

(1) In general.—A covered individual prevailing in any action under subsection (b)(1) shall be entitled to all relief necessary to make the covered individual whole.

(2) Compensatory damages.—Relief for any action described in paragraph (1) shall include—

(A) reinstatement with the same seniority status that the covered individual would have had, but for the discrimination;

(B) the amount of any back pay, with interest; and

(C) compensation for any special damages sustained as a result of the discrimination, including litigation costs, expert witness fees, and reasonable attorney's fees.

(d) Rights Retained by the Covered Individual.—Nothing in this section shall be construed to diminish the rights, privileges, or remedies of any covered individual under any Federal or State law, or under any collective bargaining agreement.

SEC. 408. ADMINISTRATION AND ENFORCEMENT.

(a) In General.—For the efficient administration and enforcement of the food safety law, the provisions (including provisions relating to penalties) of sections 6, 8, 9, and 10 of the Federal Trade Commission Act (15 U.S.C. 46, 48, 49, and 50) (except subsections (c) through (h) of section 6 of that Act), relating to the jurisdiction, powers, and duties of the Federal Trade Commission and the Attorney General to administer and enforce that Act, and to the rights and duties of persons with respect to whom the powers are exercised, shall apply to the jurisdiction, powers, and duties of the Administrator and the Attorney General in administering and enforcing the provisions of the food safety law and to the rights and duties of persons with respect to whom the powers are exercised, respectively.

(b) Inquiries and Actions.—

(1) In general.—The Administrator, in person or by such agents as the Administrator may designate, may prosecute any inquiry necessary to carry out the duties of the Administrator under the food safety law in any part of the United States.

(2) Powers.—The powers conferred by sections 9 and 10 of the Federal Trade Commission Act (15 U.S.C. 49 and 50) on the United States district courts may be exercised for the purposes of this chapter by any United States district court of competent jurisdiction.

SEC. 409. CITIZEN CIVIL ACTIONS.

(a) Civil Actions.—A person may commence a civil action against—

(1) a person that violates a regulation (including a regulation establishing a performance standard), order, or other action of the Administrator to ensure the safety of food; or

(2) the Administrator (in his or her capacity as the Administrator), if the Administrator fails to perform an act or duty to ensure the safety of food that is not discretionary under the food safety law.

(b) Court.—

(1) In general.—The action shall be commenced in the United States district court for the district in which the defendant resides, is found, or has an agent.

(2) Jurisdiction.—The court shall have jurisdiction, without regard to the amount in controversy, or the citizenship of the parties, to enforce a regulation (including a regulation establishing a performance standard), order, or other action of the Administrator, or to order the Administrator to perform the act or duty.

(3) Damages.—The court may—

(A) award damages, in the amount of damages actually sustained; and

(B) if the court determines it to be in the interest of justice, award the plaintiff the costs of suit, including reasonable attorney's fees, reasonable expert witness fees, and penalties.

(c) Remedies Not Exclusive.—The remedies provided for in this section shall be in addition to, and not exclusive of, other remedies that may be available.

TITLE V—IMPLEMENTATION

SEC. 501. DEFINITION.

For purposes of this title, the term "transition period" means the 12-month period beginning on the effective date of this Act.

SEC. 502. REORGANIZATION PLAN.

(a) Submission of Plan.—Not later than 180 days after the effective date of this Act, the President shall transmit to the appropriate congressional committees a reorganization plan regarding the following:

(1) The transfer of agencies, personnel, assets, and obligations to the Administration pursuant to this Act.

(2) Any consolidation, reorganization, or streamlining of agencies transferred to the Administration pursuant to this Act.

(b) Plan Elements.—The plan transmitted under subsection (a) shall contain, consistent with this Act, such elements as the President determines appropriate, including the following:

(1) Identification of any functions of agencies designated to be transferred to the Administration pursuant to this Act that will not be transferred to the Administration under the plan.

(2) Specification of the steps to be taken by the Administrator to organize the Administration, including the delegation or assignment of functions transferred to the Administration among the officers of the Administration in order to permit the Administration to carry out the functions transferred under the plan.

(3) Specification of the funds available to each agency that will be transferred to the Administration as a result of transfers under the plan.

(4) Specification of the proposed allocations within the Administration of unexpended funds transferred in connection with transfers under the plan.

(5) Specification of any proposed disposition of property, facilities, contracts, records, and other assets and obligations of agencies transferred under the plan.

(6) Specification of the proposed allocations within the Administration of the functions of the agencies and subdivisions that are not related directly to ensuring the safety of food.

(c) Modification of Plan.—The President may, on the basis of consultations with the appropriate congressional committees, modify, or revise any part of the plan until that part of the plan becomes effective in accordance with subsection (d).

(d) Effective Date.—

(1) In general.—The reorganization plan described in this section, including any modifications or revisions of the plan under subsection (c), shall become effective for an agency on the earlier of—

(A) the date specified in the plan (or the plan as modified pursuant to subsection (c)), except that such date may not be earlier than 90 days after the date the President has transmitted the reorganization plan to the appropriate congressional committees pursuant to subsection (a); or

(B) the end of the transition period.

(2) Statutory construction.—Nothing in this subsection may be construed to require the transfer of functions, personnel, records, balances of appropriations, or other assets of an agency on a single date.

(3) Supercedes existing law.—Paragraph (1) shall apply notwithstanding section 905(b) of title 5, United States Code.

SEC. 503. TRANSITIONAL AUTHORITIES.

(a) Provision of Assistance by Officials.—Until the transfer of an agency to the Administration, any official having authority over or function relating to the agency immediately before the effective date of this Act shall provide the Administrator such assistance, including the use of personnel and assets, as the Administrator may request in preparing for the transfer and integration of the agency to the Administration.

(b) Services and Personnel.—During the transition period, upon the request of the Administrator, the head of any executive agency may, on a reimbursable basis, provide services or detail personnel to assist with the transition.

(c) Acting Officials.—

(1) In general.—During the transition period, pending the advice and consent of the Senate to the appointment of an officer required by this Act to be appointed by and with such advice and consent, the President may designate any officer whose appointment was required to be made by and with such advice and consent and who was such an officer immediately before the effective date of this Act (and who continues to be in office) or immediately before such designation, to act in such office until the same is filled as provided in this Act.

(2) Compensation.—While acting pursuant to paragraph (1), such officers shall receive compensation at the higher of—

(A) the rates provided by this Act for the respective offices in which they act; or

(B) the rates provided for the offices held at the time of designation.

(3) Limitation.—Nothing in this Act shall be construed to require the advice and consent of the Senate to the appointment by the President to a position in the Administration of any officer whose agency is transferred to the Administration pursuant to this Act and whose duties following such transfer are germane to those performed before such transfer.

(d) Transfer of Personnel, Assets, Obligations, and Function.—

(1) In general.—Consistent with section 1531 of title 31, United States Code, the personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds that relate to the functions transferred under subsection (a) from a Federal agency shall be transferred to the Administration.

(2) Unexpended funds.—Unexpended funds transferred under this subsection shall be used by the Administration only for the purposes for which the funds were originally authorized and appropriated.

SEC. 504. SAVINGS PROVISIONS.

(a) Completed Administrative Actions.—The enactment of this Act or the transfer of functions under this Act shall not affect any order, determination, rule, regulation, permit, personnel action, agreement, grant, contract, certificate, license, registration, privilege, or other administrative action issued, made, granted, or otherwise in effect or final with respect to that agency on the day before the transfer date with respect to the transferred functions

(b) Pending Proceedings.—Subject to the authority of the Administrator under this Act—

(1) pending proceedings in an agency, including notices of proposed rulemaking, and applications for licenses, permits, certificates, grants, and financial assistance, shall continue notwithstanding the enactment of this Act or the transfer of the agency to the Administration, unless discontinued or modified under the same terms and conditions and to the same extent that such discontinuance could have occurred if such enactment or transfer had not occurred; and

(2) orders issued in such proceedings, and appeals therefrom, and payments made pursuant to such orders, shall issue in the same manner on the same terms as if this Act had not been enacted or the agency had not been transferred, and any such order shall continue in effect until amended, modified, superceded, terminated, set aside, or revoked by an officer of the United States or a court of competent jurisdiction, or by operation of law.

(c) Pending Civil Actions.—Subject to the authority of the Administrator under this Act, any civil action commenced with regard to that agency pending before that agency on the day before the transfer date with respect to the transferred functions shall continue notwithstanding the enactment of this Act or the transfer of an agency to the Administration.

(d) References.—

(1) In general.—After the transfer of functions from a Federal agency under this Act, any reference in any other Federal law, Executive order, rule, regulation, directive, document, or other material to that Federal agency or the head of that agency in connection with the administration or enforcement of the food safety laws shall be deemed to be a reference to the Administration or the Administrator, respectively.

(2) Statutory reporting requirements.—Statutory reporting requirements that applied in relation to such an agency immediately before the effective date of this Act shall continue to apply following such transfer if they refer to the agency by name.

SEC. 505. CONFORMING AMENDMENTS.

(a) Executive Schedule.—Section 5313 of title 5, United States Code, is amended by inserting at the end the following new item: "Administrator of Food Safety.".

(b) Repeal of Certain Provisions.—Section 18 of the Poultry Products Inspection Act (21 U.S.C. 467), section 401 of the Federal Meat Inspection Act (21 U.S.C. 671), and section 18 of the Egg Products Inspection Act (21 U.S.C. 1047) are repealed.

SEC. 506. ADDITIONAL TECHNICAL AND CONFORMING AMENDMENTS.

Not later than 60 days after the submission of the reorganization plan under section 502, the President shall prepare and submit proposed legislation to Congress containing necessary and appropriate technical and conforming amendments to the Acts listed in section 3(15) of this Act to reflect the changes made by this Act.

SEC. 507. REGULATIONS.

The Administrator may promulgate such regulations as the Administrator determines are necessary or appropriate to perform the duties of the Administrator.

SEC. 508. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

SEC. 509. LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.

For the fiscal year that includes the effective date of this Act, the amount authorized to be appropriated to carry out this Act shall not exceed—

(1) the amount appropriated for that fiscal year for the Federal agencies identified in section 102(b) for the purpose of administering or enforcing the food safety law; or

(2) the amount appropriated for those agencies for that purpose for the preceding fiscal year, if, as of the effective date of this Act, appropriations for those agencies for the fiscal year that includes the effective date have not yet been made.

SEC. 510. EFFECTIVE DATE.

This Act takes effect on the date of enactment of this Act.

By Mr. LEAHY (for himself and Ms. Snowe):

S. 730. A bill to amend the Clean Air Act to establish requirements concerning the operation of fossil fuel-fired electric utility steam generating units, commercial and industrial boiler units, solid waste incineration units, medical waste incinerators, hazardous waste combustors, chlor-alkali plants, and Portland cement plants to reduce emissions of mercury to the environment, and for other purposes; to the Committee on Environment and Public Works.

Mr. LEAHY. Mr. President, today I again will discuss mercury pollution and the serious and immediate health risks it poses to the health of citizens across our Nation.

This is not a new issue. We have known about mercury pollution for decades, and it remains one of, if not the last, major toxic pollutant without a comprehensive plan to control its release. We know where the sources mercury pollution are, we know where the pollution deposits, and we definitely know what harm it causes to people and to wildlife.

We need to confront mercury pollution because it is a threat to pregnant women and children. The Environmental Protection Agency's own scientists estimate that one of every six women of child-bearing age has elevated levels of mercury in her body above safe thresholds.

Mercury can cause neurological harm to children exposed to increased mercury levels while in the womb and during the first few years of their lives, which can lead to increased risk for learning disabilities, developmental delays, and other serious problems.

Just last year EPA scientists nearly doubled the previous estimate of the number of children at increased risk from exposure to elevated mercury levels in their mothers' wombs from 300,000 to over 600,000. This finding should alarm all of us and spur this Administration to promptly develop strong controls on mercury pollution from power plants that meet the requirements of the Clean Air Act and that fully protect women and children.

Yet unfortunately, this Administration has not done that. The Administration's new mercury rule and the so-called "Clear Skies" proposal turn back progress, ignore available clean air technology, and will leave more toxic mercury in our air, water, and fish and for a longer time than is necessary.

Because of this, on behalf of Senator Snowe and myself, I am reintroducing legislation today that will confront this problem directly and that will reduce mercury pollution from all sources.

Our bill will reduce mercury emissions from coal-fired power plants by 90 percent by 2010. The cap-and-trade approach the Administration is pushing for in both the mercury rule and the President's Clear Skies proposal would only reduce emissions by less than 50 percent in the near future and possibly 70 percent over the next 15 years.

I introduce this legislation on the heels of two recent reports about the proposed EPA mercury rule, one from the Government Accountability Office and one from the EPA Inspector General. Both the IG and GAO reports severely criticize this Administration's mercury rulemaking process, saying it violated EPA policy, OMB guidance, Presidential Executive Orders and, in some instances, important provisions of the Clean Air Act.

I find this extremely troublesome. These are serious problems that greatly undermine the credibility of this Administration and that led them to create policies that fail to adequately protect the children in my state of Vermont and those all across the country. Rather than develop unbiased science-based limits on mercury pollution, they instead developed limits to fit predetermined numbers found in the President's industry friendly Clear Skies proposal.

The GAO found critical flaws with the economic analysis that basically prevent anyone from actually verifying the supposed benefits of the cap-and-trade approach proposed in both EPA's rule and in the Clear Skies plan. In simple terms you could call it another example of the smoke and mirrors this Administration has used to support its flawed dirty air pollution policies.

Not only were the supposed benefits of the cap-and-trade proposal virtually undocumented, they did not even bother to analyze whatsoever the health benefits to women and children from controlling toxic mercury. If protecting the health of women and children is truly important to this Administration, then why would they skip such an important analysis?

Not surprisingly, the EPA Inspector General confirmed what the GAO found. That EPA staff were directed to ignore the Clean Air Act and instead write a mercury rule to fit the weak mercury caps in the President's Clear Skies initiative.

Rather than let EPA's capable scientists and engineers do their jobs, they decided to play politics and bow to special interest groups. How else did industry favorable policies and analyses found in memos written by industry lobbyists make it into the rule, verbatim?

Both the GAO and IG reports make it clear that EPA staff were pressured to ignore parts of the Clean Air Act and to propose weaker mercury reductions than what are technically feasible and required under the law.

The President's Clear Skies proposal formed the basis for the flawed mercury rule, so it obviously shares the same flaws. These two reports confirm what many of us already suspected, that Clear Skies is based on biased analyses, inadequate and faulty justifications.

This Administration must stop the shenanigans. They need to stop downplaying the health risks of mercury pollution and stop catering to the special interests of the power industry and their lobbyists.

The clarity and diversity of voices opposed to their poor mercury policies are unprecedented in the 30-year history of EPA. Now is the time for them to listen to the voices of more than 600,000 citizens and more than one million sportsmen and women nationwide that sent EPA letters opposing the weak mercury rule.

Now is the time to listen to the nearly 100 national and local church leaders, representing dozens of denominations and millions of congregants, who sent a letter to President Bush expressing "grave moral concern" about his misleadingly titled Clear Skies Initiative.

I call on the Administration to take immediate action to correct the serious problems in EPA's proposed power plant mercury rules. Instead, I hope that we can begin to meet the targets set out in this bill and start protecting the health of women and children.

I ask unanimous consent that a summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OVERVIEW OF THE OMNIBUS MERCURY EMISSIONS REDUCTION ACT OF 2005

Sponsored by Senators Patrick Leahy and Olympia Snowe

What will the Omnibus Mercury Emissions Reduction Act of 2005 do?

The Omnibus Mercury Emissions Reduction Act of 2005 mandates substantial reductions in mercury emissions from all major sources in the United States. It is the only comprehensive legislation to control mercury emissions from all major sources. It directs EPA to issue new standards for unregulated sources and to monitor and report on the progress of currently regulated sources. It sets an aggressive timetable for these reductions so that mercury emissions are reduced as soon as possible.

With these emissions reductions, the bill requires the safe disposal of mercury recovered from pollution control systems, so that the hazards of mercury are not merely transferred from one environmental medium to another. It requires annual public reporting—in both paper and electronic form—of facility-specific mercury emissions. It phases out mercury use in consumer products, requires product labeling, and mandates international cooperation. It supports research into the retirement of excess mercury, the handling of mercury waste, the effectiveness of fish consumption advisories, and the magnitude of previously uninventoried sources.

Section 3. Mercury emission standards for fossil fuel-fired electric utility steam generating units

The EPA's Mercury Study Report to Congress estimated 52 tons of mercury emissions occur per year from coal- and oil-fired electric utility steam generating units. More recently, an EPA inventory estimated 48 tons of mercury from coal-fired power plants. Collectively, these power plants constitute the largest source of mercury emissions in the United States. In December 2000, the EPA issued a positive determination to regulate these mercury emissions. But these rules will take years to write and implement, and there is already vigorous industry opposition. It is uncertain what form these rules will take or how long they may be delayed. This section requires EPA to set a Amaximum achievable control technology (MACT) standard for these emissions, such that nationwide emissions decrease by at least 90 percent.

Section 4. Mercury emission standards for coal- and oil-fired commercial and industrial boiler units

The EPA's report on its study estimates that 29 tons of mercury is emitted per year from coal- and oil-fired commercial and industrial boiler units. This section requires EPA to set a MACT standard for these mercury emissions, such that nationwide emissions decrease by at least 90 percent.

Section 5. Reduction of mercury emissions from solid waste incineration units

The EPA study estimates that 30 tons of mercury emissions are released each year from municipal waste combustors. These emissions result from the presence of mercury-containing items such as fluorescent lamps, fever thermometers, thermostats and switches, in municipal solid waste streams. In 1995, EPA promulgated final rules for these emissions, and these rules took effect in 2000. This section reaffirms those rules and requires stricter rules for units that do not comply. The most effective way to reduce mercury emissions from incinerators is to reduce the volume of mercury-containing items before they reach the incinerator. That is why this section also requires the separation of mercury-containing items from the waste stream, the labeling of mercury-containing items to facilitate this separation, and the phase-out of mercury in consumer products within three years, allowing for the possibility of exceptions for essential uses.

Section 6. Mercury emission standards for chlor-alkali plants

The EPA study estimates that 7 tons of mercury emissions are released per year from chlor-alkali plants that use the mercury cell process to produce chlorine. EPA has not issued rules to regulate these emissions. This section requires each chlor-alkali plant that uses the mercury cell process to reduce its mercury emissions by 95 percent. The most effective way to meet this standard would be to switch to the more energy efficient membrane cell process, which many plants already use.

Section 7. Mercury emission standards for Portland cement plants

The EPA study estimates that 5 tons of mercury emissions are released each year from Portland cement plants. In 1999 EPA promulgated final rules for emissions from cement plants, but these rules did not include mercury. This section requires each Portland cement plant to reduce its mercury emissions by 95 percent.

Section 8. Report on implementation of mercury emission standards for medical waste incinerators

The EPA study estimates that 16 tons of mercury emissions are released per year from medical waste incinerators. In 1997 EPA issued final rules for emissions from hospital/medical/infectious waste incinerators. This section requires EPA to report on the success of these rules in reducing these mercury emissions.

Section 9. Report on implementation of mercury emission standards for hazardous waste combustors

The EPA study estimates that 7 tons of mercury emissions are released each year from hazardous waste incinerators. In 1999 EPA promulgated final rules for these emissions. This section requires EPA to report on the success of these rules in reducing these mercury emissions.

Section 10. Defense activities

This section requires the Department of Defense to report on its use of mercury, including the steps it is taking to reduce mercury emissions and to stabilize and recycle discarded mercury. This section also prohibits the Department of Defense from returning the nearly 5,000 tons of mercury in the National Defense Stockpile to the global market.

Section 11. International activities

This section directs EPA to work with Canada and Mexico to study mercury pollution in North America, including the sources of mercury pollution, the pathways of the pollution, and options for reducing the pollution.

Section 12. Mercury research

This section supports a variety of mercury research projects. First, it promotes accountability by mandating an interagency report on the effectiveness of this act in reducing mercury pollution. Second, it mandates an EPA study on mercury sedimentation trends in major bodies of water. Third, it directs EPA to evaluate and improve state-level mercury data and fish consumption advisories. Fourth, it mandates a National Academy of Sciences report on the retirement of excess mercury, such as stockpiled industrial mercury that is no longer needed due to plant closures or process changes. Fifth, it mandates an EPA study of mercury emissions from electric arc furnaces, a source not studied in the EPA's study report. Finally, it authorizes $2,000,000 for modernization and expansion of the Mercury Deposition Network, plus $10,000,000 over ten years for operational support of that network.

By Mr. CONRAD (for himself, Mr. BURNS, Mr. JOHNSON, Mr. DORGAN, Mr. KOHL, Mr. DOMENICI, Mr. BINGAMAN, and Mr. THUNE):

S. 731. A bill to recruit and retain more qualified individuals to teach in Tribal Colleges or Universities; to the Committee on Indian Affairs.

Mr. CONRAD. Mr. President, three years ago, Senator BURNS and I formed the bipartisan Task Force on Tribal Colleges and Universities to raise awareness of the important role that the tribal colleges and universities play in their respective communities as educational, economic, and cultural centers. The Task Force seeks to advance initiatives that help improve the quality education the colleges provide.

For more than three decades, tribal colleges have been providing a quality education to help Native Americans of all ages reach their fullest potential. More than 30,000 students from 250 tribes nationwide attend tribal colleges. Tribal colleges serve young people preparing to enter the job market, dislocated workers learning new skills, and people seeking to move off welfare. I am a strong supporter of our Nation's tribal colleges because, more than any other factor, they are bringing hope and opportunity to America's Indian communities.

Over the years, I have met with many tribal college students, and I am always impressed by their commitment to their education, their families and their communities. Tribal colleges and universities have been highly successful in helping Native Americans obtain a higher education. Congress has recognized the importance of these institutions and the significant gains they have achieved in helping more individuals obtain their education. While Congress has steadily increased its financial support of these institutions, many challenges still remain.

One of the challenges that the tribal college presidents have expressed to me is the frustration and difficulty they have in attracting qualified individuals to teach at the colleges. Recruitment and retention are difficult for many of the colleges because of their geographic isolation and low faculty salaries.

To help tackle the challenges of recruiting and retaining qualified teachers, I am introducing the Tribal Colleges and Universities Teacher Loan Forgiveness Act. This legislation will provide student loan forgiveness to individuals who commit to teach for up to five years in one of the tribal colleges nationwide. Individuals who have Perkins, Direct, or Guaranteed loans may qualify to receive up to $15,000 in loan forgiveness. This program will provide these institutions with extra help in attracting qualified teachers, and thus help ensure that deserving students receive a quality education.

I would be remiss if I did not recognize that former Senator Daschle was responsible for spearheading this initiative for a number of years. The tribal colleges lost a true champion, but I am pleased to carry forward his vision and support for the colleges.

I am pleased that Senators BURNS, JOHNSON, DORGAN, KOHL, DOMENICI, and BINGAMAN are original cosponsors of this bill, and I look forward to working with my colleagues to pass this important legislation.

Mr. BURNS. Mr. President, I am pleased to join my colleague, Senator CONRAD, in sponsoring legislation to provide student loan forgiveness to educators who commit to teaching in our tribal colleges. This legislation will provide up to $15,000 in loan forgiveness—a strong recruitment and retention tool for tribal colleges which often can't pay the same salaries as larger institutions.

I am, and have been for years, a strong supporter of Montana's tribal colleges as well as tribal colleges nationwide. They contribute greatly to our Native American communities, providing the tools for our tribal children to succeed in the world of higher education. Graduates often continue their education at Montana State or the University of Montana and take this knowledge and expertise back to their communities. These students strengthen and improve both our tribal communities and our State as a whole. They add to the social, economic, political and cultural fabric that is unique to Indian Country.

I know how hard our tribal colleges work to achieve success and to maintain high standards. A talented faculty is key to those goals, but too often tight budgets for tribal colleges limit their ability to recruit and retain faculty. Our tribal colleges and their students deserve quality teachers, and providing loan forgiveness will help attract and keep good faculty in what can be very rural areas.

In addition to forgiveness for Perkins, direct or guaranteed loans, this legislation will also provide assistance for nursing faculty at tribal colleges. The nursing shortage is a nationwide problem, particularly in rural areas and specifically in Indian Country. Graduates of tribal colleges often stay near or return home, and that holds true for nursing graduates as well. Supporting nursing programs at tribal colleges addresses that shortage by training professionals who are familiar with the acute medical needs and cultural differences in rural areas and are often willing to stay and wage the battles. This legislation will provide nursing loan forgiveness to nursing instructors at tribal colleges and will help strengthen a valuable program in Montana and around the country.

By Mr. INHOFE:

S. 732. A bill to authorize funds to Federal aid highways, highway safety programs, and transit programs, and for other purposes; from the Committee on Environment and Public Works; placed on the calendar.

Mr. INHOFE. Mr. President, I am introducing today the Safe, Accountable, Flexible and Efficient Transportation Equity Act of 2005, SAFETEA, which the Committee on Environment and Public Works reported out on March 16, 2005. This bill reauthorizes the Federal aid highway program which has been operating on extensions since it expired on September 30, 2003. The bill I am introducing today is essentially S. 1072 as passed by the Senate in the 108th Congress, with the exception that the overall funding level has been changed from $318 billion over 6 years to reflect the President's proposed funding level of $283.9 billion over 6 years.

Last year, this body voted 76 to 21 to adopt S. 1072. Clearly, there was overwhelming support for this measure then, and in conversations with Members this year, I am confident that there is a real desire to get this bill done. We are already to take the bill up on the Senate floor just as soon as it is scheduled by the leadership.

It has been nearly 18 months since the current program, Transportation Equity Act for the 21 Century—TEA-21, expired. To date, we have done a total of six extensions with the current extension due to expire on May 31. This next deadline is fast approaching, and in addition to completing action on the floor, we still must conference with the House which has a very different formula program than proposed last year. We will have more challenging issues to address and need as much time as possible to do so.

Briefly, as in the bill passed by the Senate last year, the bill I am introducing today will address several critical issues in our transportation system. Specifically, the language improves on the existing program in the following areas:

Safety: Nearly 43,000 people died in 2002 on our Nation's highways. This represents the single greatest cause of accidental death in America. The Environment and Public Works Committee bill addresses this by creating a new core safety program and funding it accordingly.

Congestion: According to the Department of Transportation, time spent in congestion increased from 31.7 percent in 1992 to 33.1 percent in 2000. Based on this rate, a typical "rush hour" in an urbanized area is 5.3 hours per day. The problem is not in just urban areas; cities with populations less than 500,000 have experienced the greatest growth in travel delays, according to the DOT. Under this proposal, we would address the congestion problem by establishing a new Transportation Freight Gateway program which targets bottlenecks around ports and intermodal facilities.

Environment: This bill addresses the need to reduce delays in project delivery in several ways. The bill contains carefully balanced language on incorporating environmental concerns into planning and project review as early as practicable, while ensuring that disagreements over such concerns don't indefinitely delay much needed transportation projects. The language on the section 4(f) process will also help reduce unnecessary delays by enabling projects with de minimis impacts on 4(f) resources to proceed in a timely manner.

Also, the bill seeks to correct the inconsistencies between the transportation planning and air quality planning that must take place in areas in nonattainment under the Clean Air Act. The bill rationalizes the schedules for developing transportation plans and demonstrating conformity and aligns the length of the transportation plan considered under conformity with the length of the air quality plan.

Equity: The bill provides all States at least 10 percent growth over TEA–21 while increasing the rate of return for donor States from the current 90.5 percent to 92 percent by 2009. We maintain the TEA–21 scope of 92.5 percent.

The longer we delay enactment of a multiyear bill, we are negatively affecting economic growth. According to DOT estimates, every $1 billion of Federal Funds invested in highway improvements creates 47,000 jobs. The same $1 billion investment yields $500 million in new orders for the manufacturing sector and $500 million spread throughout other sectors of the economy.

States contract awards for the 2005 spring and summer construction season are going out to bid. If we fail to pass this bill soon, States will not know what to expect in Federal funding and the uncertainty will potentially force States to delay putting these projects out for bid. According to the American Association of State Highway Transportation Officials, AASHTO, an estimated 90,000 jobs are at stake. This problem is exacerbated for northern States which have shorter construction seasons. Many State transportation departments have advanced State dollars to construct projects eligible for Federal funding in anticipation of our action to reauthorize the program. Without a new bill, States are essentially left "holding the bag."

Over the past 6 years under TEA–21, we have made great progress in preserving and improving the overall physical condition and operation of our transportation system; however, more needs to be done. A safe, effective transportation system is the foundation of our economy. We are past due to fulfill an obligation to this country and the American people.

As mentioned earlier, the bill is essentially the same bill that was passed on the Senate floor last year—a bipartisan product of many months of hard work and compromise. It remains a very good piece of legislation.

The most significant difference with this bill, of course, is that it is drafted at the $283.9 billion level over 6 years. Since 2004 is behind us, the Environment and Public Works Committee bill includes only years 2005 to 2009 which is effectively $283.9 minus fiscal year 2004. S. 1072 passed the Senate last year and guaranteed all donor States a rate of return of 95 percent. At a lower funding level, we were able only to achieve a 92-percent rate of return but kept the 10 percent floor over TEA–21.

I am certain my colleagues share my strong desire to get a transportation reauthorization bill passed and signed into law by the President. I urge the leadership to schedule consideration of this bill this month so we can get it done.

By Mr. SPECTER:

S. 738. A bill to provide relief for the cotton shirt industry; to the Committee on Finance.

Mr. SPECTER. Mr. President, today I seek recognition to introduce legislation entitled the "Cotton Shirt Industry Tariff Relief and Technical Corrections Act." This legislation will strengthen our domestic dress shirt manufacturers and the pima cotton growers. My bill is a technical correction that levels the playing field by correcting an anomaly from previous trade agreements that has unfairly advantaged foreign producers and sent hundreds of jobs offshore.

This legislation reduces duties levied on cotton shirting fabric that is not made in the United States. Currently, U.S. law recognizes this lack of fabric availability and grants special favorable trade concessions to manufacturers in Canada, Mexico, the Caribbean, the Andean region, and Africa. The U.S. has allowed shirts to enter this country duty-free from many other countries, while we have failed to reduce tariffs on those manufacturers that stayed in the U.S. and were forced to compete on these uneven terms. My bill will correct this inequity.

This legislation also recognizes the need to creatively promote the U.S. shirting manufacturing and textiles sectors, and does so through the creation of a Cotton Competitiveness grant program, which is funded through a portion of previously collected duties.

Our country has experienced an enormous loss of jobs in the manufacturing sector. It is critical that our domestic manufacturers are able to compete on a level playing field. In the case of the domestic dress shirt industry, the problem is our own government imposing a tariff of up to eleven percent upon the import of fabric made from U.S. pima cotton. My legislation is a concrete step that this Congress can take to reduce the hemorrhaging of U.S. manufacturing jobs.

One group of beneficiaries of this amendment is a Gitman Brothers factory in Ashland, PA. The Ashland Shirt and Pajama factory was built in 1948 and employs 265 workers. This factory in the Lehigh Valley turns out world class shirts with such labels as Burberry and Saks Fifth Avenue that are shipped across the U.S. Currently, Gitman pays an average tariff of eleven percent on the fabric it imports to make shirts. Their shirts are made of pima cotton that is grown in the Southwestern U.S., but spun into fabric only by special mills in Western Europe. Gitman must compete against Canadian shirt companies that import the same fabric tariff-free and who can then ship their shirts into the U.S. tariff-free under NAFTA. These workers and their families deserve trade laws that do not chase their jobs offshore.

This legislation enjoys the support of the domestic shirting industry, UNITE, and the Pima cotton associations. I offer this legislation on behalf of the men and women of the Gitman factory in Ashland, the domestic dress shirting industry, and the pima cotton growers, so that for them free trade will indeed be fair trade as well.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 97—COMMENDING PATRICIA SUE HEAD SUMMITT, HEAD WOMEN'S BASKETBALL COACH AT THE UNIVERSITY OF TENNESSEE, FOR THREE DECADES OF EXCELLENCE AS A PROVEN LEADER, MOTIVATED TEACHER, AND ESTABLISHED CHAMPION

Mr. FRIST (for himself and Mr. ALEXANDER) submitted the following resolution: which was considered and agreed to:

S. RES. 97

Whereas Pat Summitt, in her 31st year as head coach of the Lady Volunteers (the "Lady Vols"), has become the Nation's all-time winningest NCAA basketball coach (men's or women's) with her 880th career victory, surpassing the legendary coach Dean Smith of the University of North Carolina;

Whereas Pat Summitt, at the age of 22, took over the women's program at Tennessee in 1974, when there were no scholarships and she had to wash the uniforms and drive the team van;

Whereas Pat Summitt won her first game on January 10, 1975, and continued to win games as she became the youngest coach in the nation to reach 300 wins (34 years old), 400 wins (37 years old), 500 wins (41 years old), 600 wins (44 years old), 700 wins (47 years old), and 800 wins (50 years old);

Whereas Pat Summitt has coached the Lady Vols to 15 30-plus win seasons, including a perfect season of 39-0, 13 Southeastern Conference (SEC) regular-season titles, and 11 SEC tournament championships;

Whereas Pat Summitt has appeared in more NCAA tournament games (107), and has won more tournament games (89), than any other collegiate coach, including a record of 36-0 in the first two rounds, 16 NCAA Final Four appearances, and 6 NCAA Championship Titles, including the NCAA's first back-to-back-to-back women's titles in 1996, 1997, and 1998;

Whereas Pat Summitt played on the 1976 United States Olympic team and later coached the United States women's basketball team to its first Olympic gold medal in 1984;

Whereas Pat Summitt has been named SEC coach of the year 6 times and national coach of the year by several associations, including the Sporting News Coach of the Year, the Naismith Coach of the Year, and the Associated Press Coach of the Year;

Whereas Pat Summitt and the Lady Vols were selected by ESPN as the "Team of the Decade" (1990s), sharing the honor with the Florida State University Seminole's football team, and Summitt became the first female coach to appear on the cover of Sports Illustrated;

Whereas Pat Summitt was officially accepted to the Women's Basketball Hall of Fame in 1999, and was then inducted to the Basketball Hall of Fame on October 13, 2000, as only the 4th women's basketball coach to earn Hall of Fame honors;

Whereas Pat Summitt's Lady Vols have a remarkable graduation rate, as each student-athlete who has completed her eligibility at Tennessee has received her degree or is in the process of completing all of the requirements; and

Whereas Pat Summitt has recently been honored by the University of Tennessee, as the court at Thompson-Boling Arena will be named "The Summitt": Now, therefore, be it

Resolved, That the Senate commends the University of Tennessee women's basketball coach, Patricia Sue Head Summitt, for three decades of excellence as a proven leader, motivated teacher, and established champion.

SENATE RESOLUTION 98—COMMENDING THE UNIVERSITY OF NORTH CAROLINA MEN'S BASKETBALL TEAM FOR WINNING THE 2005 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I MEN'S BASKETBALL CHAMPIONSHIP

Mr. BURR (for himself and Mrs. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 98

Whereas on April 4, 2005, th North Carolina Tar Heels defeated the Illinois Fighting Illini 75–70 in the finals of the National Collegiate Athletic Association ("NCAA") Division I Men's Basketball Tournament in St. Louis, Missouri;

Whereas the Tar Heels now hold 5 men's basketball titles, including 4 NCAA tournament titles—the fourth-most in NCAA history;

Whereas the Tar Heels' men's team has won championships in 1924, 1957, 1982, 1993, and 2005;

Whereas Tar Heels head coach and Asheville, North Carolina, native Roy Williams won his first NCAA title in just his second year coaching the team, improving to 470–116 in 17 seasons as a head coach, and has the best record of any active coach in men's basketball;

Whereas seniors Jawad Williams, Jackie Manuel, Melvin Scott, Charlie Everett, and C.J. Hooker celebrated 4 years at North Carolina with a "Final Four" win;

Whereas Sean May was named Most Outstanding Player of the tournament, scoring 26 points and collecting 10 rebounds in the final game;

Whereas Tar Heels Raymond Felton and Rashad McCants joined Sean May on the All-Tournament Team, along with Illini players Luther Head and Deron Williams;

Whereas the North Carolina Tar Heels finished the 2004–2005 season with 33 wins and just 4 losses, and won the championship by defeating an Illinois team that tied an NCAA record for wins in a season at 37;

Whereas freshman Tar Heel Marvin Williams helped seal the victory with a tip-in with 1 minute and 26 seconds left to play;

Whereas the Tar Heel defense held Illinois to 27 percent from the field in the first half and prevented the Illini from scoring during the last 2 minutes and 37 seconds;

Whereas North Carolina defeated Michigan State 87–71 to earn a spot in the final contest;

Whereas the Tar Heels defeated Oakland and Iowa State in Charlotte, North Carolina, then Villanova and Wisconsin in Syracuse, New York, to advance to the "Final Four";

Whereas Albemarle, North Carolina, native Woody Durham has been the radio play-by-play voice of North Carolina's basketball programs since 1971, and this was his 11th "Final Four" with the Tar Heels and third national championship call;

Whereas the Tar Heel team members are excellent representatives of a fine university that is a leader in higher education, producing 38 Rhodes scholars, as well as many fine student-athletes and other leaders;

Whereas each player, coach, trainer, manager, and staff member dedicated this season and their efforts to ensure the North Carolina Tar Heels reached the summit of college basketball;

Whereas the Tar Heels showed tremendous dedication to each other, appreciation to their fans, sportsmanship to their opponents, and respect for the game of basketball throughout the 2005 season; and

Whereas residents of the Old North State and North Carolina fans worldwide are to be commended for their long-standing support, perseverance and pride in the team: Now, therefore, be it

Resolved, That the Senate—

(1) commends the champion North Carolina Tar Heels for their historic win in the 2005 National Collegiate Athletic Association Division I Men's Basketball Tournament;

(2) recognizes the achievements of the players, coaches, students, and support staff who were instrumental in helping the University of North Carolina Tar Heels win the tournament; and

(3) directs the Secretary of the Senate to transmit a copy of this resolution to University of North Carolina Chancellor James Moeser and head coach Roy Williams for appropriate display.

SENATE RESOLUTION 99—EXPRESSING THE SENSE OF THE SENATE TO CONDEMN THE INHUMANE AND UNNECESSARY SLAUGHTER OF SMALL CETACEANS, INCLUDING DALL'S PORPOISE, THE BOTTLENOSE DOLPHIN, RISSO'S DOLPHIN, FALSE KILLER WHALES, PILOT WHALES, THE STRIPED DOLPHIN, AND THE SPOTTED DOLPHIN IN CERTAIN NATIONS

Mr. LAUTENBERG (for himself, Mr. LEVIN, Mr. SARBANES, and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on Foreign Relations::

S. RES. 99

Whereas the United States has consistently worked to increase protections for marine mammals, such as dolphins and whales, since the enactment of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.);

Whereas dolphins and whales are found worldwide, including in both of the polar regions, throughout the high seas, and along most coastal areas;

Whereas these unique, highly social, and intelligent animals have caught the imagination of the public not only in the United States, but in many nations around the world;

Whereas the over-exploitation of small cetaceans for decades has resulted in the serious decline, and in some cases, the commercial extinction, of those species;

Whereas each year tens of thousands of small cetaceans are herded into small coves in certain nations, are slaughtered with spears and knives, and die as a result of blood loss and hemorrhagic shock;

Whereas in many cases, those responsible for the slaughter prevent documentation or data from the events from being recorded or made public;

Whereas the deficient information on hunt yields and small cetacean populations indicates a lack of commitment to maintaining sustainable populations and prevents scrutiny of humaneness of killing methods;

Whereas for at least the past 4 years toxicologists have issued warnings regarding high levels of mercury and other contaminants in meat from small cetaceans caught off coastal regions;

Whereas some nations that participate in small cetacean slaughter are members of the United Nations Convention on the Law of the Sea, done at Montego Bay, Jamaica, December 10, 1982, and are therefore bound to honor article 65 of that Convention, which declares that "States shall cooperate with a view to the conservation of marine mammals and in the case of cetaceans shall in particular work through the appropriate international organizations for their conservation, management, and study";

Whereas in 1946, 14 nations adopted the International Convention for the Regulation of Whaling with schedule of whaling regulations, signed at Washington December 2, 1946 (TIAS 1849), which established the International Whaling Commission to provide for the proper conservation of whales stocks; and

Whereas the International Whaling Commission on numerous occasions has called into question the slaughter by member nations of small cetaceans, has asked for the reduction of the number of animals killed, and has in certain instances urged for the halt of the slaughter altogether, including by passing resolutions condemning drive hunts of striped dolphins in 1992 and 1993 and resolutions criticizing exploitation of Dall's porpoises in 1990, 1999, and 2001: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States strongly condemns the slaughter of small cetaceans in drive fisheries and urges nations that participate in small cetacean slaughter to end commercial hunts;

(2) at the 57th Annual Meeting of the International Whaling Commission in Korea, the United States should—

(A) negotiate regional and international agreements to decrease catch and bycatch of all cetaceans;

(B) advocate for clarification that the mandate of the International Whaling Commission includes small cetaceans;

(C) call on nations that participate in small cetacean slaughter to stop their commercial hunts;

(D) seek the inclusion of an agenda item in the Working Group on Whale Killing Methods and Associated Welfare Issues on killing methods for small cetaceans and implications for the welfare of small cetaceans;

(E) strongly urge all nations that engage in small cetacean hunts—

(i) to provide detailed information to the International Whaling Commission on primary and secondary killing methods used for each species of small cetacean killed, the method used to measure insensibility or death, and times of death; and

(ii) to share with the International Whaling Commission data on the sustainability of small cetacean populations; and

(F) initiate and support efforts—

(i) to firmly support the role and authority of the newly created Conservation Committee; and

(ii) to ensure an ambitious conservation agenda for all future meetings of the Committee; and

(3) the United States should make full use of all appropriate diplomatic mechanisms, relevant international laws and agreements, Federal laws, including the Fishermen's Protective Act of 1967 (commonly known as the Pelly Amendment) (22 U.S.C. 1971 et seq.), and other appropriate means to implement these goals.

Mr. LAUTENBERG. Mr. President, I rise to submit a resolution to condemn the inhumane and unnecessary slaughter of dolphins, porpoises, and small whales that occurs in certain nations around the world.

This resolution would send the U.S. delegation to this year's International Whaling Commission meeting with the message that the slaughter of these marine mammals must be stopped, and that the commission must protect them. I am pleased to be joined by my cosponsors, Senators LEVIN, SARBANES, and LIEBERMAN.

Each year, more than 20,000 dolphins, porpoises, and small whales, which are collectively called small cetaceans, are slaughtered by methods that are beyond inhumane.

These mammals are intelligent, they live in family groups, and they feel pain. In many cases, they are herded together into small coves, where they are confined with nets. Once they are trapped, the slaughter begins.

The first step is often to slice their throats with knives, causing them to bleed to death. This slow and painful method is used because cetaceans are hard to kill, due to their natural protective layer of blubber.

Very often, processing of these mammals begins before they are even dead. They are wrenched from the water with cranes, loaded while in a state of shock into trucks, and taken to warehouses where their flesh is removed to be sold as meat. All of this can occur while the animals are still alive.

Dolphins, porpoises, and small whales are some of the most advanced animals in the world, on land or at sea. They can feel pain the same way and to the same extent humans can.

I find this treatment of these remarkable animals abhorrent and inhumane. However, the process I have described is also objectionable for several other reasons.

The meat of these animals is sold as food, often mislabeled as "whale meat," which to many people suggests open-ocean large whales that are still hunted by several nations despite a worldwide moratorium.

However, the meat of small cetaceans is not large whale meat. Small cetacean meat can be very unhealthy. These small animals are more likely than large whales to live along the coast, and they are higher up in the food chain, so their bodies are often contaminated with mercury and other pollutants. Levels of contaminants in some of this meat are often much higher than what is recommended by the nations where it is sold.

Another problem is that many of these small cetacean populations are being threatened by the loss of large numbers of animals. Over-exploitation of small cetaceans has resulted in the serious decline and even the commercial extinction of some populations.

Unfortunately, it is difficult to track the take and the populations of these animals, as the people who slaughter them don't allow full, and in some cases any, documentation of the killing. Their failure to keep accurate information indicates that they lack a commitment to maintaining sustainable populations.

The International Whaling Commission (IWC) has passed at least 5 resolutions condemning these types of small cetacean slaughters. Our resolution will send the United States delegation to the next IWC meeting with the message that this issue is not forgotten.

It will also ensure that the U.S. delegation works to clarify the IWC's mission to manage and protect small cetaceans.

SENATE RESOLUTION 100—DISAPPROVING THE REQUEST OF THE PRESIDENT FOR EXTENSION UNDER SECTION 2103(C)(1)(B)(I) OF THE BIPARTISAN TRADE PROMOTION AUTHORITY ACT OF 2002, OF THE TRADE PROMOTION AUTHORITIES UNDER THAT ACT

Mr. DORGAN (for himself and Mr. BYRD) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 100

Resolved, That the Senate disapproves the request of the President for the extension, under section 2103(c)(1)(B)(i) of the Bipartisan Trade Promotion Authority Act of 2002, of the trade authorities procedures under that Act to any implementing bill submitted with respect to any trade agreement entered into under section 2103(b) of that Act after June 30, 2005.

Mr. DORGAN. Mr. President, today I am submitting a resolution to disapprove of the extension of "trade promotion authority," better known as "fast track," for trade agreements.

In 2002, the U.S. Congress decided to tie its hands behind its back when it comes to international trade.

The Constitution, at Article I, Section 8, gives the Congress the power to regulate foreign commerce. But in 2002 we handed that authority to the President, and effectively gave him a blank check. We gave the President the authority to negotiate trade agreements in secret, and to bring those agreements back to the Senate for a vote, without the possibility of a single amendment being offered.

What was the result? We saw the signing of agreements like the Central American Free Trade Agreement, or CAFTA. This is an agreement that would integrate our economy with those of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and the Dominican Republic.

Do the American people think this is a good idea? Not on your life, certainly not after what they've seen with the NAFTA deal with Mexico. CAFTA promises more of the same: U.S. jobs going overseas, as companies try to take advantage of low-wage labor in countries with no environmental controls.

If we were able to offer amendments to CAFTA, we could, for instance, have meaningful prohibitions on child or sweatshop labor, or pollution by overseas factories. Provisions that would protect American workers from having to compete with children working in filthy factories for pennies a day.

But that's not the kind of CAFTA agreement that big business wants. They want to pole vault over basic labor and environmental laws in our country, and just move their factories to countries like Guatemala or Honduras.

I am going to lead the fight against CAFTA in the U.S. Senate. But I want to make sure that we get rid of this fast track authority that helped create this awful agreement in the first place.

Well, the legislation that gave fast track authority to the president in 2002 said that Congress would get to decide in 2005 whether to extend fast track. Any Senator can come to the floor of the Senate and offer a resolution saying that we should not extend fast track. And I am availing myself of that opportunity today.

But there is a catch. The supporters of fast track authority buried a provision in the 2002 bill, which says that the Senate does not get to vote on this resolution unless the Finance Committee first approves it. And the staff of Chairman of the Finance Committee has indicated that there is no way they are going to allow the Senate to vote on such a resolution.

I don't want to see any more agreements like CAFTA being negotiated in secret, and then brought to the U.S. Senate without the possibility of even a single amendment. So I am offering today a resolution of disapproval for extension of fast track, in accordance with the law.

And I am going to do everything I can to see to it that the Senate gets a chance to vote on this resolution, one way or another.

SENATE RESOLUTION 101—RECOGNIZING THE 50TH ANNIVERSARY OF THE DEVELOPMENT OF THE SALK POLIO VACCINE AND ITS IMPORTANCE IN ERADICATING THE INCIDENCE OF POLIO

Mr. SANTORUM (for himself and Mr. SPECTER, and Mr. LAUTENBERG) submitted the following resolution; which was considered and agreed to:

S. RES. 101

Whereas the epidemic of polio struck the citizens of the United States in the early 1950s, causing thousands of cases of lingering paralysis and death;

Whereas the epidemic of polio peaked in 1952, having affected nearly 58,000 people, mainly children and young adults;

Whereas many of those affected by polio needed the assistance of mechanical ventilators in order to breathe, while others were crippled and dependent upon crutches for mobility;

Whereas University of Pittsburgh faculty member Dr. Jonas Salk and his team of researchers developed the first vaccine against polio;

Whereas, in April 1955, the results of an unprecedented and successful nationwide clinical trial of the polio vaccine were announced;

Whereas the Salk polio vaccine was approved for widespread public use at that time; and

Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the pioneering achievement of Dr. Jonas Salk and his team of researchers at the University of Pittsburgh in the development of the Salk polio vaccine;

(2) expresses its appreciation to—

(A) the family of Dr. Salk for the elimination of polio, a disease that caused countless deaths and disabling consequences;

(B) the members of Dr. Salk's research team; and

(C) the individuals who generously agreed to participate in clinical trials to validate the efficacy of the polio vaccine; and

(3) celebrates with the University of Pittsburgh on the 50th anniversary of the approval and use of the Salk polio vaccine.

TEXT OF AMENDMENTS—APRIL 4, 2005

SA 265. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was referred to the Committee on Appropriations; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON REDUCTION IN NUMBER OF OPERATIONAL AIRCRAFT CARRIERS OF THE NAVY.

(a) PROHIBITION.—No funds appropriated or otherwise made available by this Act, or by any other Act, for fiscal year 2005 may be obligated or expended to reduce the number of operational aircraft carriers of the Navy from 12 operational aircraft carriers to 11 operational aircraft carriers.

(b) OPERATIONAL AIRCRAFT CARRIER.—In this section, the term "operational aircraft carrier" includes an aircraft carrier that is unavailable due to maintenance or repair.

AMENDMENTS SUBMITTED AND PROPOSED

SA 292. Mr. SANTORUM (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table.

SA 293. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 600, supra; which was ordered to lie on the table.

SA 294. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 600, supra; which was ordered to lie on the table.

SA 295. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 600, supra; which was ordered to lie on the table.

SA 296. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 600, supra; which was ordered to lie on the table.

SA 297. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 600, supra; which was ordered to lie on the table.

SA 298. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 600, supra; which was ordered to lie on the table.

SA 299. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 600, supra; which was ordered to lie on the table.

SA 300. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 600, supra; which was ordered to lie on the table.

SA 301. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 600, supra; which was ordered to lie on the table.

SA 302. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 600, supra; which was ordered to lie on the table.

SA 303. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 600, supra; which was ordered to lie on the table.

SA 304. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 600, supra; which was ordered to lie on the table.

SA 305. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 600, supra; which was ordered to lie on the table.

SA 306. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 600, supra; which was ordered to lie on the table.

SA 307. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 600, supra; which was ordered to lie on the table.

SA 308. Mr. SALAZAR proposed an amendment to the bill S. 600, supra.

SA 309. Mr. SCHUMER (for himself, Mr. GRAHAM, Mr. BAYH, Mr. BUNNING, Mr. DODD, Mrs. DOLE, Mr. FEINGOLD, Ms. STABENOW, Mr. KOHL, Mr. REID, Mr. DURBIN, Mr. DEWINE, Mr. BURR, Mr. JOHNSON, and Ms. MIKULSKI) proposed an amendment to the bill S. 600, supra.

SA 310. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 600, supra; which was ordered to lie on the table.

SA 311. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 600, supra; which was ordered to lie on the table.

SA 312. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 600, supra; which was ordered to lie on the table.

SA 313. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 600, supra; which was ordered to lie on the table.

SA 314. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 600, supra; which was ordered to lie on the table.

SA 315. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was referred to the Committee on Appropriations.

SA 316. Mr. NELSON, of Florida (for himself and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 1268, supra; which was referred to the Committee on Appropriations.

SA 317. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes.

SA 318. Mr. DODD (for himself and Mr. LIEBERMAN) proposed an amendment to the bill S. 600, supra.

SA 319. Mr. ENSIGN proposed an amendment to the bill S. 600, supra.

SA 320. Mr. ENSIGN proposed an amendment to the bill S. 600, supra.

SA 321. Mr. ENSIGN proposed an amendment to the bill S. 600, supra.

SA 322. Mr. ENSIGN proposed an amendment to the bill S. 600, supra.

SA 323. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 600, supra; which was ordered to lie on the table.

SA 324. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 600, supra; which was ordered to lie on the table.

SA 325. Mr. DODD (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 600, supra; which was ordered to lie on the table.

SA 326. Ms. SNOWE (for herself and Mr. COLEMAN) submitted an amendment intended to be proposed by her to the bill S. 600, supra; which was ordered to lie on the table.

SA 327. Ms. SNOWE (for herself and Mr. COLEMAN) submitted an amendment intended to be proposed by her to the bill S. 600, supra; which was ordered to lie on the table.

SA 328. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 600, supra; which was ordered to lie on the table.

SA 329. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 600, supra; which was ordered to lie on the table.

SA 330. Ms. LANDRIEU (for herself, Mr. DEMINT, and Mr. CRAIG) submitted an amendment intended to be proposed by her to the bill S. 600, supra; which was ordered to lie on the table.

SA 331. Mr. SMITH submitted an amendment intended to be proposed by him to the bill S. 600, supra; which was ordered to lie on the table.

SA 332. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill S. 600, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 292. Mr. SANTORUM (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 74, between lines 2 and 3, insert the following:

SEC. 603. DESIGNATION OF POLAND AS A VISA WAIVER COUNTRY.

(a) FINDINGS.—Congress makes the following findings:

(1) Since the founding of the United States, Poland has proven its steadfast dedication to the causes of freedom and friendship with the United States, exemplified by the brave actions of Polish patriots such as Casimir Pulaski and Tadeusz Kosciuszko during the American Revolution.

(2) Polish history provides pioneering examples of constitutional democracy and religious tolerance.

(3) The United States is home to nearly 9,000,000 people of Polish ancestry.

(4) Polish immigrants have contributed greatly to the success of industry and agriculture in the United States.

(5) Since the demise of communism, Poland has become a stable, democratic nation.

(6) Poland has adopted economic policies that promote free markets and rapid economic growth.

(7) On March 12, 1999, Poland demonstrated its commitment to global security by becoming a member of the North Atlantic Treaty Organization.

(8) On May 1, 2004, Poland became a member state of the European Union.

(9) Poland was a staunch ally to the United States during Operation Iraqi Freedom.

(10) Poland has committed 2,300 soldiers to help with ongoing peacekeeping efforts in Iraq.

(11) The Secretary and the Secretary of Homeland Security administer the visa waiver program, which allows citizens from 27 countries, including France and Germany, to visit the United States as tourists without visas.

(12) On April 15, 1991, Poland unilaterally repealed the visa requirement for United States citizens traveling to Poland for 90 days or less.

(13) More than 100,000 Polish citizens visit the United States each year.

(b) VISA WAIVER PROGRAM.—Effective on the date of the enactment of this Act, and notwithstanding section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)), Poland shall be deemed a designated program country for purposes of the visa waiver program established under section 217 of such Act.

SA 293. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 266, between lines 8 and 9, insert the following:

SEC. 2736. SUSPENSION OF FUNDS.

In any case in which there is credible evidence of sexual exploitation and abuse in a country by peacekeeping troops participating in United Nations peacekeeping operations and the government of such country is not investigating or punishing such exploitation and abuse, the United States shall suspend payment of peacekeeping funds to the United Nations in an amount proportionate to the operations in that country until the Secretary of State certifies to the appropriate congressional committees that the United Nations peacekeepers are prosecuted through the judicial systems of such country.

SA 294. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 13, between lines 9 and 10, insert the following:

(d) REPORT TO CONGRESS ON UNITED NATIONS TRAVEL ALLOWANCES.—Not later than 120 days after the date of enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report including the following:

(1) The total the travel allowances for the past 3 calendar years, by conference and nation, including meals, lodging, travel, and related expenses, paid by the United Nations and member states and non-governmental organizations for delegates and experts to all worldwide conferences under the auspices of, or affiliated with, the United Nations.

(2) A description of the means by which the amount and distribution of such travel allowances are determined.

(3) A description of the means by which such travel allowance costs are assigned for payment by member states and nongovernmental organizations to United Nations or directly to the delegates and experts.

(4) Recommendations for policies, programs, and strategies of the United States Government to ensure that fiscal efficiency in such travel allowances is improved substantially.

SA 295. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, line 6, strike "Section" and insert the following:

(a) AMENDMENT.—Section

On page 55, between lines 11 and 12, insert the following:

(b) CALCULATION; DIRECT PAYMENTS.—

(1) CALCULATION.—The United States shall pay its share for United Nations Peacekeepers, pursuant to the amendment made by subsection (a), as calculated at such prevailing wage as military and civilian personnel are paid in their respective member states.

(2) DIRECT PAYMENTS TO PEACEKEEPERS.—The United States' share of the payments described in paragraph (1)—

(A) shall be paid directly to the military and civilian personnel engaged in peacekeeping operations; and

(B) shall not be paid to the member states, some of which—

(i) have profiteered from peacekeeping operations; or

(ii) have been derelict in payment of its military and civilian personnel engaged in peacekeeping operations.

SA 296. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes: which was ordered to lie on the table; as follows:

On page 59, between lines 4 and 5, insert the following:

SEC. 405. REPORT TO CONGRESS ON UNITED NATIONS TRANSLATION EXPENSES.

Not later than 120 days after the date of the enactment of this Act, the Secretary, through the International Organizations Bureau of the Department of State, shall submit a report to Congress that contains—

(1) for the most recent 3 calendar years, a breakdown of the total of the translation expenses of the United Nations paid by the United Nations and member states and nongovernmental organizations;

(2) a description of the means by which the amount and distribution of such translation work are determined;

(3) a description of the means by which such translation costs are assigned for payment by member states and non-governmental organizations to United Nations;

(4) an analysis of any possibility for cost savings resulting from translation into a particular languages being performed in the nation or nations where such language is autochthonous:

(5) an analysis of any cost savings possible by paying translators the prevailing wage for such work as is paid in the nation or nations where such language is autochthonous;

(6) an analysis of any possibility for cost savings resulting from translation into a more refined, smaller set of languages for any possible purposes and occasions, as such analogous initiative has been suggested for the translation work performed for the European Union; and

(7) recommendations for policies, programs, and strategies of the United States Government to ensure that fiscal efficiency in such translation expenses is improved substantially.

SA 297. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes: which was ordered to lie on the table; as follows:

On page 16, after line 3, add the following:

SEC. 107. PROMOTION OF INTERNATIONAL TAXES, TARIFFS, OR FEES.

Nothing in this subtitle shall be construed to authorize the appropriation of funds for the Department of State to promote or in any way advocate for international taxes, tariffs, or fees.

SA 298. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 187, between lines 14 and 15, insert the following:

(c) NATIONAL MEMORIAL INSTITUTE FOR THE PREVENTION OF TERRORISM.—

(1) IN GENERAL.—The Secretary shall—

(A) contract with the National Memorial Institute for the Prevention of Terrorism (referred to in this subsection as the "NMIPT") to review national response plans and the training of first responders; and

(B) make use of the expertise of the NMIPT in carrying out activities under subsection (a).

(2) FINDINGS.—Established in 1997 by Public Law 105–58, the NMIPT is a nonprofit nongovernmental entity under section 501(c)(3) of the Internal Revenue Code of 1986, with a mission to prevent terrorism and assist the emergency responder community. The NMIPT provides a neutral forum for discussion of the issues associated with combating terrorism and provides an excellent setting for a world-class library of resources related to terrorism. The NMIPT sponsors and works with partners to explore counterterrorism research. One of the most important functions the NMIPT performs is to provide a means for emergency first responders to share information, the foundation of which information sharing effort is a manual of lessons learned by first responders.

SA 299. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 119, strike lines 8 through 21, and insert the following:

SEC. 2106. REMOVAL OF IRAQ FROM LIST OF COUNTRIES DENIED ASSISTANCE UNDER TITLE III OF FOREIGN ASSISTANCE ACT OF 1961.

Section 307(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(a)) is amended by striking "Iraq,".

SA 300. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 123, line 10, strike "$680,735,000" and insert "$678,705,000".

On page 143, line 17, strike "$18,850,000" and insert "$20,850,000".

SA 301. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 58, between lines 14 and 15, insert the following:

(7) The United Nations has experienced a proliferation of committees that perform essentially the same functions.

On page 58, line 18, strike "and".

On page 59, line 4, strike the period at the end and insert "; and"

On page 59, between lines 4 and 5, insert the following:

(3) the Secretary should instruct any United States representative to the United Nations to use the voice and vote of the United States to seek to enact significant and necessary changes to improve the accountability, increase the transparency, and streamline the functioning of the United Nations processes by seeking the elimination of the Second and Third Committees of the United Nations.

SA 302. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 138, line 21, strike "Section" and insert the following:

(a) IN GENERAL.—Section

On page 139, between lines 3 and 4, insert the following:

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that regularly scheduled dues of the United States to the United Nations for its share of peacekeeping funding should not be paid by emergency, "off-budget" appropriations.

SA 303. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 15, between lines 3 and 4, insert the following:

(d) REPORT ON ALLEGED DIVERSION OF INTENDED MIGRATION AND REFUGEE ASSISTANCE.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall, through the International Organizations Bureau of the Department of State, submit to the appropriate congressional committees a report on the alleged diversion of funds intended for migration and refugee assistance.

(2) CONTENT.—The report required under paragraph (1) shall contain—

(A) for the previous three calendar years, a breakdown of the total expenses of the United States, nongovernmental organizations, the United Nations High Commissioner for Refugees, and world food aid programs incurred in providing assistance to the Saharawis and all refugees from Rwanda to Uganda and the Sudan;

(B) a description of the intended purposes of such assistance;

(C) a review of the allegations, found in European, Moroccan, and other press outlets and reported by French, Scandinavian, and other nongovernmental organizations, of the diversion of such funds to other purposes, including to the black markets in Algeria and Mauritania;

(D) an analysis of any possibility for cost savings resulting from the prevention of any such diversion;

(E) an analysis of how many lives could be saved and improved by the prevention of any such diversion; and

(F) recommendations for policies, programs, and strategies of the United States Government to prevent any such diversion.

SA 304. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, between lines 4 and 5, insert the following:

SEC. 405. RENOVATION OF UNITED NATIONS BUILDING IN NEW YORK CITY.

(a) In General.—Notwithstanding any other provision of law, no Federal funds shall be used to process any acceptance of the offer of a loan for $1,200,000,000 at 5.5 percent interest, or any other loan amount at any other interest rate, for the renovation of the United Nations building in New York, New York, until the Secretary of State certifies the falsehood of reports from approximately 6 renovation experts with particular experience in the costs of renovating high-end facilities and structures in New York, New York that the costs proposed by the United Nations for such renovation is above commercial, fair market prices.

(b) Additional Offers.—In examining such reports of severely inflated cost estimates (some estimating charges in excess of 200 percent of fair market value), the Secretary shall arrange a meeting of the Bureau of International Organizations to discuss and receive written offers for the renovation of the United Nations building in New York, New York from not less than 12 different renovation enterprises or experts.

SA 305. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, between lines 4 and 5, insert the following:

SEC. 405. REPORT TO CONGRESS ON UNITED NATIONS DOUBLE-DIPPING.

Not later than 120 days after the date of the enactment of this Act, the Secretary, through the International Organizations Bureau of the Department of State, shall submit a report, to the appropriate congressional committees and to United States Senator James Inhofe, that contains—

(1) for the most recent 3 calendar years, a breakdown of any and all monies paid concurrently by the United Nations to individuals in multiple capacities (commonly known as "double-dipping");

(2) a description of the means by which the decision to pay such monies are determined;

(3) a description of the means by which such costs are assigned for payment to the United Nations by member states and nongovernmental organizations;

(4) an analysis of any possibility for cost savings resulting from the elimination of the practice of "double-dipping";

(5) an analysis of any possible disincentives that can result from paying 2 or more revenue streams or salaries to an individual at once, including the United Nations Mission to Eritrea and Ethiopia; and

(6) recommendations for Federal policies, programs, and strategies to ensure that fiscal efficiency is achieved regarding "double-dipping".

SA 306. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 600. to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007. for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 220, between lines 23 and 24, insert the following:

(8) The United Nations Children's Fund, Maranatha Chapel, the Woodrow Wilson International Center for Scholars, reports from international human rights organizations, including Human Rights Watch's 1997 report, "The Scars of Death: Children Abducted by the Lord's Resistance Army in Uganda", and Amnesty International's 1997 report, "UGANDA: BREAKING GOD'S COMMANDS: THE DESTRUCTION OF CHILDHOOD BY THE LORD'S RESISTANCE ARMY", the Department of Homeland Security, the Department of State's report "COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES–2000", and others have identified an international crisis involving a group named the Lord's Resistance Army, which is active in northern Uganda and southern Sudan.

(9) Since 1987, the Lord's Resistance Army has conducted a terror campaign against the people of Northern Uganda and Southern Sudan in an effort to overthrow the government of Uganda. The terror is still occurring in 2005, with recent abductions of children and adults and mutilation of those abducted through dismemberment.

On page 221, line 8, insert "the atrocities committed by the Lord's Resistance Army and" after "combat".

On page 222, line 21, strike "abuses and to" and all that follows through line 22, and insert "abuses, with specific attention to the atrocities committed by the Lord's Resistance Army, and to increase independent judicial capacity in Sudan, Burundi,".

On page 22, after line 24, add the following:

(d) Report on Lord's Resistance Army Operations in Northern Uganda.—Not later than 120 days after the date of enactment of this Act, the Secretary of State, through the International Organizations Bureau of the Department of State, shall submit a report to Congress that contains an analysis of—

(1) the effect the guerilla type warfare described in subsection (a)(8) has had both physically and psychologically on the people of the region;

(2) action that could be taken by the international community, or by the United States, with Uganda to end this terror on the Acholi people;

(3) the reasons that so little has been done by the international community to address this situation; and

(4) the action taken by United Nations agencies and nongovernmental organizations to relieve this crisis.

SA 307. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peach Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 13, between lines 9 and 10, insert the following:

(d) Report to Congress on United Nations Travel Allowances.—Not later than 120 days after the date of enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report including the following:

(1) The total the travel allowances for the past 3 calendar years, by conference and nation, including meals, lodging, travel, and related expenses, paid by the United Nations and member states and non-governmental organizations for delegates and experts to all worldwide conferences under the auspices of, or affiliated with, the United Nations.

(2) A description of the means by which the amount and distribution of such travel allowances are determined.

(3) A description of the means by which such travel allowance costs are assigned for payment by member states and nongovernmental organizations to United Nations or directly to the delegates and experts.

(4) Recommendations for policies, programs, and strategies of the United States Government to ensure that fiscal efficiency in such travel allowances is improved substantially.

On page 14, between lines 22 and 23, insert the following:

(d) Report on Alleged Diversion of Intended Migration and Refugee Assistance.—

(1) In general.—Not later than 120 days after the date of the enactment of this Act, the Secretary, through the International Organizations Bureau of the Department of State, shall submit to the appropriate congressional committees a report on the alleged diversion of funds intended for migration and refugee assistance.

(2) Content.—The report required under paragraph (1) shall contain—

(A) for the previous three calendar years, a breakdown of the total expenses of the United States, nongovernmental organizations, the United Nations High Commissioner for Refugees, and world food aid programs incurred in providing assistance to the Saharawis and all refugees from Rwanda to Uganda and the Sudan;

(B) a description of the intended purposes of such assistance;

(C) a review of the allegations, found in European, Moroccan, and other press outlets and reported by French, Scandinavian, and other nongovernmental organizations, of the diversion of such funds to other purposes, including to the black markets in Algeria and Mauritania;

(D) an analysis of any possibility for cost savings resulting from the prevention of any such diversion;

(E) an analysis of how many lives could be saved and improved by the prevention of any such diversion; and

(F) recommendations for policies, programs, and strategies of the United States Government to prevent any such diversion.

On page 15, after line 22, add the following:

SEC. 107. PROMOTION OF INTERNATIONAL TAXES, TARIFFS, OR FEES.

Nothing in this subtitle shall be construed to authorize the appropriation of funds for the Department of State to promote or in any way advocate for international taxes, tariffs, or fees.

On page 55, line 6, strike "Section" and insert the following:

(a) Amendment.—Section

On page 55, between lines 11 and 12, insert the following:

(b) Calculation; Direct Payments.—

(1) Calculation.—The United States shall pay its share for United Nations Peacekeepers, pursuant to the amendment made by subsection (a), as calculated at such prevailing wage as military and civilian personnel are paid in their respective member states.

(2) Direct payments to peacekeepers.—The United States' share of the payments described in paragraph (1)—

(A) shall be paid directly to the military and civilian personnel engaged in peacekeeping operations; and

(B) shall not be paid to the member states, some of which—

(i) have profiteered from peacekeeping operations; or

(ii) have been derelict in payment of its military and civilian personnel engaged in peacekeeping operations.

On page 58, between lines 13 and 14, insert the following:

(7) The United Nations has experienced a proliferation of committees that perform essentially the same functions.

On page 58, line 18, strike "and".

On page 59, line 4, strike the period at the end and insert "; and"

On page 59, between lines 4 and 5, insert the following:

(3) the Secretary should instruct any United States representative to the United Nations to use the voice and vote of the United States to seek to enact significant and necessary changes to improve the accountability, increase the transparency, and streamline the functioning of the United Nations processes by seeking the elimination of the Second and Third Committees of the United Nations.

SEC. 405. REPORTS TO CONGRESS ON UNITED NATIONS TRANSLATION EXPENSES AND DOUBLE-DIPPING.

(a) United Nations Translation Expenses.—Not later than 120 days after the date of the enactment of this Act, the Secretary, through the International Organizations Bureau of the Department of State, shall submit a report to Congress that contains—

(1) for the most recent 3 calendar years, a breakdown of the total of the translation expenses of the United Nations paid by the United Nations and member states and nongovernmental organizations;

(2) a description of the means by which the amount and distribution of such translation work are determined;

(3) a description of the means by which such translation costs are assigned for payment by member states and non-governmental organizations to United Nations;

(4) an analysis of any possibility for cost savings resulting from translation into a particular languages being performed in the nation or nations where such language is autochthonous;

(5) an analysis of any cost savings possible by paying translators the prevailing wage for such work as is paid in the nation or nations where such language is autochthonous;

(6) an analysis of any possibility for cost savings resulting from translation into a more refined, smaller set of languages for any possible purposes and occasions, as such analogous initiative has been suggested for the translation work performed for the European Union; and

(7) recommendations for policies, programs, and strategies of the United States Government to ensure that fiscal efficiency in such translation expenses is improved substantially.

(b) Double-dipping.—Not later than 120 days after the date of the enactment of this Act, the Secretary, through the International Organizations Bureau of the Department of State, shall submit a report to the appropriate congressional committees and to United States Senator James Inhofe that contains—

(1) for the most recent 3 calendar years, a breakdown of any and all monies paid concurrently by the United Nations to individuals in multiple capacities (commonly known as "double-dipping");

(2) a description of the means by which the decision to pay such monies are determined;

(3) a description of the means by which such costs are assigned for payment to the United Nations by member states and nongovernmental organizations;

(4) an analysis of any possibility for cost savings resulting from the elimination of the practice of "double-dipping";

(5) an analysis of any possible disincentives that can result from paying 2 or more revenue streams or salaries to an individual at once, including the United Nations Mission to Eritrea and Ethiopia;

(6) recommendations for Federal policies, programs, and strategies to ensure that fiscal efficiency is achieved regarding "double-dipping".

SEC. 406. RENOVATION OF UNITED NATIONS BUILDING IN NEW YORK CITY.

(a) In General.—Notwithstanding any other provision of law, no Federal funds shall be used to process any acceptance of the offer of a loan for $1,200,000,000 at 5.5 percent interest, or any other loan amount at any other interest rate, for the renovation of the United Nations building in New York, New York, until the Secretary of State certifies the falsehood of reports from approximately 6 renovation experts with particular experience in the costs of renovating high-end facilities and structures in New York, New York that the costs proposed by the United Nations for such renovation is above commercial, fair market prices.

(b) Additional Offers.—In examining such reports of severely inflated cost estimates (some estimating charges in excess of 200 percent of fair market value), the Secretary shall arrange a meeting of the Bureau of International Organizations to discuss and receive written offers for the renovation of the United Nations building in New York, New York from not less than 12 different renovation enterprises or experts.

On page 119, strike lines 8 through 21, and insert the following:

SEC. 2106. REMOVAL OF IRAQ FROM LIST OF COUNTRIES DENIED ASSISTANCE UNDER TITLE III OF FOREIGN ASSISTANCE ACT OF 1961.

Section 307(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(a)) is amended by striking "Iraq,". Section 307(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(a)) is amended by striking "Iraq,".

On page 123, line 10, strike "$680,735,000" and insert "$678,705,000".

On page 138, line 21, strike "Section" and insert the following:

(a) In General.—Section

On page 139, between lines 3 and 4, insert the following:

(b) Sense of the Senate.—It is the Sense of the Senate that regularly scheduled dues of the United States to the United Nations for its share of peacekeeping funding shall not be paid by emergency, "off-budget" appropriations.

On page 143, line 17, strike "$18,850,000" and insert "$20,850,000".

On page 187, between lines 14 and 15, insert the following:

(c) National Memorial Institute for the Prevention of Terrorism.—

(1) In general.—The Secretary shall—

(A) contract with the National Memorial Institute for the Prevention of Terrorism (referred to in this subsection as the "NMIPT") to review national response plans and the training of first responders; and

(B) make use of the expertise of the NMIPT in carrying out activities under subsection (a).

(2) Findings.—Established in 1997 by Public Law 105–58, the NMIPT is a nonprofit nongovernmental entity under section 501(c)(3) of the Internal Revenue Code of 1986, with a mission to prevent terrorism and assist the emergency responder community. The NMIPT provides a neutral forum for discussion of the issues associated with combating terrorism and provides an excellent setting for a world-class library of resources related to terrorism. The NMIPT sponsors and works with partners to explore counterterrorism research. One of the most important functions the NMIPT performs is to provide a means for emergency first responders to share information, the foundation of which information sharing effort is a manual of lessons learned by first responders.

On page 220, between lines 23 and 24, insert the following:

(8) The United Nations Children's Fund, Maranatha Chapel, the Woodrow Wilson International Center for Scholars, reports from international human rights organizations, including Human Rights Watch's 1997 report, "The Scars of Death: Children Abducted by the Lord's Resistance Army in Uganda", and Amnesty International's 1997 report, "UGANDA: BREAKING GOD'S COMMANDS: THE DESTRUCTION OF CHILDHOOD BY THE LORD'S RESISTANCE ARMY", the Department of Homeland Security, the Department of State's report "COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES–2000", and others have identified an international crisis involving a group named the Lord's Resistance Army, which is active in northern Uganda and southern Sudan.

(9) Since 1987, the Lord's Resistance Army has conducted a terror campaign against the people of Northern Uganda and Southern Sudan in an effort to overthrow the government of Uganda. The terror is still occurring in 2005, with recent abductions of children and adults and mutilation of those abducted through dismemberment.

On page 221, line 8, insert "the atrocities committed by the Lord's Resistance Army and" after "combat".

On page 222, line 21, strike "abuses and to" and all that follows through line 22, and insert "abuses, with specific attention to the atrocities committed by the Lord's Resistance Army, and to increase independent judicial capacity in Sudan, Burundi,".

On page 22, after line 24, add the following:

(d) Report on Lord's Resistance Army Operations in Northern Uganda.—Not later than 120 days after the date of enactment of this Act, the Secretary of State, through the International Organizations Bureau of the Department of State, shall submit a report to Congress that contains an analysis of—

(1) the effect the guerilla type warfare described in subsection (a)(8) has had both physically and psychologically on the people of the region;

(2) action that could be taken by the international community, or by the United States, with Uganda to end this terror on the Acholi people;

(3) the reasons that so little has been done by the international community to address this situation;

(4) the action taken by United Nations agencies and nongovernmental organizations to relieve this crisis.

On page 266, between lines 8 and line, insert the following:

SEC. 2736. SUSPENSION OF FUNDS.

In any case in which there is credible evidence of sexual exploitation and abuse in a country by peacekeeping troops participating in United Nations peacekeeping operations and the government of such country is not investigating or punishing such exploitation and abuse, the United States shall suspend payment of peacekeeping funds to the United Nations in an amount proportionate to the operations in that country until the Secretary of State certifies to the appropriate congressional committees that the United Nations peacekeepers are prosecuted through the judicial systems of such country.

SA 308. Mr. SALAZAR proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

At the end of title VIII, insert the following:

SEC. 812. INTERNATIONAL POLICE TRAINING.

(a) Requirements for Instructors.—Prior to carrying out any program of training for police or security forces through the Bureau that begins after the date of the enactment of this Act, the Secretary shall ensure that—

(1) such training is provided by instructors who have proven records of experience in training law enforcement or security personnel;

(2) the Bureau has established procedures to ensure that the individual who receive such training—

(A) do not have a criminal background;

(B) are not connected to any criminal or insurgent group;

(C) are not connected to drug traffickers; and

(D) meet the minimum age and experience standards set out in appropriate international agreements; and

(3) the Bureau has established procedures that—

(A) clearly establish the standards an individual who will receive such training must meet;

(B) clearly establish the training courses that will permit the individual to meet such standards; and

(C) provide for certification of an individual who meets such standards.

(b) Advisory Board.—The Secretary shall establish an advisory board of 10 experts to advise the Bureau on issues related to cost efficiency and professional efficacy of police and security training programs. The board shall have not less than 5 members who are experienced United States law enforcement personnel.

(c) Bureau Defined.—In this section, the term "Bureau" means the Bureau of International Narcotics and Law Enforcement Affairs of the Department of State.

(d) Annual Report.—Not later than September 30 of each fiscal year, the Secretary shall submit to Congress a report on the training for international police or security forces conducted by the Bureau. Such report shall include the attrition rates of the instructors of such training and indicators of job performance of such instructors.

SA 309. Mr. SCHUMER (for himself, Mr. Graham, Mr. Bayh, Mr. Bunning, Mr. Dodd, Mrs. Dole, Mr. Feingold, Ms. Stabenow, Mr. Kohl, Mr. Reid, Mr. Durbin, Mr. DeWine, Mr. Burr, Mr. Johnson, and Ms. Mikulski) proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 277, after line 8, add the following:

TITLE XXIX—CURRENCY VALUATION

SEC. 2901. NEGOTIATIONS REGARDING CURRENCY VALUATION.

(a) Findings.—Congress makes the following findings:

(1) The currency of the People's Republic of China, known as the yuan or renminbi, is artificially pegged at a level significantly below its market value. Economists estimate the yuan to be undervalued by between 15 percent and 40 percent or an average of 27.5 percent.

(2) The undervaluation of the yuan provides the People's Republic of China with a significant trade advantage by making exports less expensive for foreign consumers and by making foreign products more expensive for Chinese consumers. The effective result is a significant subsidization of China's exports and a virtual tariff on foreign imports.

(3) The Government of the People's Republic of China has intervened in the foreign exchange markets to hold the value of the yuan within an artificial trading range. China's foreign reserves are estimated to be over $609,900,000,000 as of January 12, 2005, and have increased by over $206,700,000,000 in the last 12 months.

(4) China's undervalued currency, China's trade advantage from that undervaluation, and the Chinese Government's intervention in the value of its currency violates the spirit and letter of the world trading system of which the People's Republic of China is now a member.

(5) The Government of the People's Republic of China has failed to promptly address concerns or to provide a definitive timetable for resolution of these concerns raised by the United States and the international community regarding the value of its currency.

(6) Article XXI of the GATT 1994 (as defined in section 2(1)(B) of the Uruguay Round Agreements Act (19 U.S.C. 3501(1)(B))) allows a member of the World Trade Organization to take any action which it considers necessary for the protection of its essential security interests. Protecting the United States manufacturing sector is essential to the interests of the United States.

(b) Negotiations and Certification Regarding the Currency Valuation Policy of the People's Republic of China.—

(1) In General.—Notwithstanding the provisions of title I of Public Law 106-286 (19 U.S.C. 2431 note), on and after the date that is 180 days after the date of enactment of this Act, unless a certification described in paragraph (2) has been made to Congress, in addition to any other duty, there shall be imposed a rate of duty of 27.5 percent ad valorem on any article that is the growth, product, or manufacture of the People's Republic of China, imported directly or indirectly into the United States.

(2) Certification.—The certification described in this paragraph means a certification by the President to Congress that the People's Republic of China is no longer acquiring foreign exchange reserves to prevent the appreciation of the rate of exchange between its currency and the United States dollar for purposes of gaining an unfair competitive advantage in international trade. The certification shall also include a determination that the currency of the People's Republic of China has undergone a substantial upward revaluation placing it at or near its fair market value.

(3) Alternative Certification.—If the President certifies to Congress 180 days after the date of enactment of this Act that the People's Republic of China has made a good faith effort to revalue its currency upward placing it at or near its fair market value, the President may delay the imposition of the tariffs described in paragraph (1) for an additional 180 days. If at the end of the 180-day period the President determines that China has developed and started actual implementation of a plan to revalue its currency, the President may delay imposition of the tariffs for an additional 12 months, so that the People's Republic of China shall have time to implement the plan.

(4) Negotiations.—Beginning on the date of enactment of this Act, the Secretary of the Treasury, in consultation with the United States Trade Representative, shall begin negotiations with the People's Republic of China to ensure that the People's Republic of China adopts a process that leads to a substantial upward currency revaluation within 180 days after the date of enactment of this Act. Because various Asian governments have also been acquiring substantial foreign exchange reserves in an effort to prevent appreciation of their currencies for purposes of gaining an unfair competitive advantage in international trade, and because the People's Republic of China has concerns about the value of those currencies, the Secretary shall also seek to convene a multilateral summit to discuss exchange rates with representatives of various Asian governments and other interested parties, including representatives of other G-7 nations.

SA 310. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 274, beginning on line 21, strike “Committees” and all that follows through “Representatives” on line 24 and insert the following: “Committees on Foreign Relations, Armed Services, and Appropriations of the Senate and the Committees on International Relations, Armed Services, and Appropriations of the House of Representatives”.

SA 311. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 212, strike line 14 and all that follows through page 218, line 2, and insert the following:

“SEC. 403. (a) REPORT ON OBJECTIVES AND NEGOTIATIONS.—Not later than April 15 of each year, the President shall submit to the Speaker of the House of Representatives, the Chairman of the Committee on Foreign Relations of the Senate, and the Committee on Armed Services of the Senate a report prepared by the Secretary of State, in consultation with the Secretary of Defense, the Secretary of Energy, the Director of National Intelligence, and the Chairman of the Joint Chiefs of Staff, on the status of United States policy and actions with respect to arms control, nonproliferation, and disarmament. Such report shall include—

“(1) a detailed statement concerning the arms control, nonproliferation, and disarmament objectives of the executive branch of Government for the forthcoming year; and

“(2) a detailed assessment of the status of any ongoing arms control, nonproliferation, or disarmament negotiations, including a comprehensive description of negotiations or other activities during the preceding year and an appraisal of the status and prospects for the forthcoming year.

“(b) REPORT ON COMPLIANCE.—Not later than April 15 of each year, the President shall submit to the Speaker of the House of Representatives, the Chairman of the Committee on Foreign Relations of the Senate, and the Committee on Armed Services of the Senate a report prepared by the Secretary of State with the concurrence of the Director of the Central Intelligence Agency and in consultation with the Secretary of Defense, the Secretary of Energy, and the Chairman of the Joint Chiefs of Staff on the status of United States policy and actions with respect to arms control, nonproliferation, and disarmament compliance. Such report shall include—

“(1) a detailed assessment of adherence of the United States to obligations undertaken in arms control, nonproliferation, and disarmament agreements, including information on the policies and organization of each relevant agency or department of the United States to ensure adherence to such obligations, a description of national security programs with a direct bearing on questions of adherence to such obligations and of steps being taken to ensure adherence, and a compilation of any substantive questions raised during the preceding year and any corrective action taken;

“(2) a detailed assessment of the adherence of other nations to obligations undertaken in all arms control, nonproliferation, and disarmament agreements or commitments, including the Missile Technology Control Regime, to which the United States is a participating state, including information on actions taken by each nation with regard to the size, structure, and disposition of its military forces in order to comply with arms control, nonproliferation, or disarmament agreements or commitments, including, in the case of each agreement or commitment about which compliance questions exist—

“(A) a description of each significant issue raised and efforts made and contemplated with the other participating state to seek resolution of the difficulty;

“(B) an assessment of damage, if any, to United States security and other interests;

“(C) recommendations as to any steps that should be considered to redress any damage to United States national security and to reduce compliance problems; and

“(D) for states that are not parties to such agreements or commitments, a description of activities of concern carried out by such states and efforts underway to bring such states into adherence with such agreements or commitments;

“(3) a discussion of any material noncompliance by foreign governments with their binding commitments to the United States with respect to the prevention of the spread of nuclear explosive devices (as defined in section 830(4) of the Nuclear Proliferation Prevention Act of 1994 (22 U.S.C. 6305(4)) by non-nuclear-weapon states (as defined in section 830(5) of that Act (22 U.S.C. 6305(5)) or the acquisition by such states of unsafeguarded special nuclear material (as defined in section 830(8) of that Act (22 U.S.C. 6305(8)), including—

“(A) a net assessment of the aggregate military significance of all such violations;

“(B) a statement of the compliance policy of the United States with respect to violations of those commitments; and

“(C) what actions, if any, the President has taken or proposes to take to bring any country committing such a violation into compliance with those commitments; and

“(4) a specific identification, to the maximum extent practicable in unclassified form, of each and every question that exists with respect to compliance by other countries with arms control, nonproliferation, and disarmament agreements and other formal commitments with the United States.

“(c) CHEMICAL WEAPONS CONVENTION COMPLIANCE REPORT REQUIREMENT SATISFIED.—The report submitted pursuant to subsection (b) shall include the information required under section 2(10)(C) of Senate Resolution 75, 105th Congress, agreed to April 24, 1997, advising and consenting to the ratification of the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, with annexes, done at Paris January 13, 1993 and entered into force April 29, 1997 (popularly known as the ‘Chemical Weapons Convention’; T.Doc. 103-21)

“(d) CLASSIFICATION OF REPORT.—The reports required by this section shall be submitted in unclassified form, with classified annexes, as appropriate. The report portions described in paragraphs (2) and (3) of subsection (b) shall summarize in detail, at least in classified annexes, the information, analysis, and conclusions relevant to possible noncompliance by other countries that are provided by United States intelligence agencies.

“(e) REPORTING CONSECUTIVE NONCOMPLIANCE.—If the President in consecutive reports submitted to the Congress under subsection (b) reports that any country is not in full compliance with its binding nonproliferation commitments to the United States, then the President shall include in the second such report an assessment of what actions are necessary to compensate for such violations.

“(f) ADDITIONAL REQUIREMENT.—Each report required by subsection (b) shall include a discussion of each significant issue described in subsection (b)(4) that was contained in a previous report issued under this section during 1995, or after December 31, 1995, until the question or concern has been resolved and such resolution has been reported in detail to the Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate and the Committee on International Relations, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives.”.

SA 312. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 277, after line 8, add the following:

TITLE XXIX—SUPPORT FOR TRANSITION TO DEMOCRACY IN IRAN

SEC. 2901. SHORT TITLE.

This title may be cited as the “Iran Freedom and Support Act of 2005”.

Subtitle A—Codification of Sanctions Against Iran

SEC. 2911. CODIFICATION OF SANCTIONS.

(a) CODIFICATION OF SANCTIONS RELATED TO WEAPONS OF MASS DESTRUCTION.—United States sanctions, controls, and regulations relating to weapons of mass destruction with respect to Iran, as in effect on the date of the enactment of this title, shall remain in effect until the President certifies to the appropriate congressional committees that the Government of Iran has permanently and verifiably dismantled its weapons of mass destruction programs and has committed to combating the proliferation of such weapons.

(b) NO EFFECT ON OTHER SANCTIONS RELATING TO SUPPORT FOR ACTS OF INTERNATIONAL TERRORISM.—

(1) IN GENERAL.—Notwithstanding a certification by the President under subsection (a), United States sanctions, controls, and regulations described in paragraph (2) as in effect on the date of the enactment of this title shall remain in effect.

(2) COVERED SANCTIONS.—The sanctions, controls, and regulations referred to in paragraph (1) are sanctions, controls, and regulations related to determinations under section 6(j)(1)(A) of the Export Administration Act of 1979 (as in effect pursuant to the International Emergency Economic Powers

Act; 50 U.S.C. 1701 et seq.), section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)), and section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)) regarding support by the Government of Iran for acts of international terrorism.

Subtitle B—Amendments to the Iran and Libya Sanctions Act of 1996

SEC. 2921. MULTILATERAL REGIME.

(a) Reports to Congress.—Section 4(b) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended to read as follows:

"(b) Reports to Congress.—Not later than six months after the date of the enactment of the Iran Freedom and Support Act of 2005 and every six months thereafter, the President shall submit to the appropriate congressional committees a report regarding specific diplomatic efforts undertaken pursuant to subsection (a), the results of those efforts, and a description of proposed diplomatic efforts pursuant to such subsection. Each report shall include—

"(1) a list of the countries that have agreed to undertake measures to further the objectives of section 3(a);

"(2) a description of those measures, including—

"(A) government actions with respect to public or private entities (or their subsidiaries) located in their countries that are engaged in business in Iran;

"(B) any decisions by the governments of such countries to rescind or continue the provision of credits, guarantees, or other governmental assistance to such entities; and

"(C) actions taken in international fora to further the objectives of section 3;

"(3) a list of the countries that have not agreed to undertake measures to further the objectives of section 3 with respect to Iran, and the reasons therefor; and

"(4) a description of any memorandums of understanding, political understandings, or international agreements to which the United States has acceded which affect implementation of this section or section 5(a).".

(b) Waiver.—Section 4(c) of such Act (50 U.S.C. 1701 note) is amended to read as follows:

"(c) Waiver.—

"(1) In general.—The President may, on a case by case basis, waive for a period of not more than six months the application of section 5(a) with respect to a national of a country, if the President certifies to the appropriate congressional committees at least 30 days before such waiver is to take effect that—

"(A) such waiver is vital to the national security of the United States; and

"(B) the country of the national has undertaken substantial measures to prevent the acquisition and development of weapons of mass destruction by the Government of Iran.

"(2) Subsequent renewal of waiver.—If the President determines that a renewal of a waiver is appropriate, the President may, at the conclusion of the period of a waiver under paragraph (1), renew such waiver for a subsequent period of not more than six months.".

SEC. 2922. IMPOSITION OF SANCTIONS.

(a) Sanctions With Respect to Development of Petroleum Resources.—Section 5(a) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—

(1) in the heading, by striking "to Iran" and inserting "to the Development of Petroleum Resources of Iran";

(2) by striking "(6)" and inserting "(5)"; and

(3) by striking "with actual knowledge,".

(b) Sanctions With Respect to Development of Weapons of Mass Destruction or Other Military Capabilities.—Section 5(b) of such Act (50 U.S.C. 1701 note) is amended to read as follows:

"(b) Mandatory Sanctions With Respect to Development of Weapons of Mass Destruction or Other Military Capabilities.—Notwithstanding any other provision of law, the President shall impose two or more of the sanctions described in paragraphs (1) through (5) of section 6 if the President determines that a person has, on or after the date of the enactment of the Iran Freedom and Support Act of 2005, exported, transferred, or otherwise provided to Iran any goods, services, technology, or other items the provision of which has contributed to the ability of Iran to—

"(1) acquire or develop chemical, biological, or nuclear weapons or related technologies; or

"(2) acquire or develop destabilizing numbers and types of advanced conventional weapons.".

(c) Persons Against Which the Sanctions Are to Be Imposed.—Section 5(c)(2) of such Act (50 U.S.C. 1701 note) is amended—

(1) in subparagraph (B), by striking "or" at the end;

(2) in subparagraph (C), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new subparagraph:

"(D) is a private or government lender, insurer, underwriter, re-insurer, or guarantor of the person referred to in paragraph (1) if that private or government lender, insurer, underwriter, re-insurer, or guarantor, with actual knowledge, engaged in the activities referred to in paragraph (1).".

(d) Investigations.—Section 5 of such Act (50 U.S.C. 1701 note) is further amended by adding at the end the following new subsection:

"(g) Investigations.—

"(1) In general.—Upon public or private disclosure of activity related to investment in Iran by a person, the President shall direct the Secretary of the Treasury to initiate an investigation into the possible imposition of sanctions against such person as a result of such activity, to notify such person of such investigation, and to provide a recommendation to the President for such purposes.

"(2) Determination and notification.—Not later than 90 days after the date of the disclosure of the activity described in paragraph (1), the President shall determine whether or not to impose sanctions against such person as a result of such activity and shall notify the appropriate congressional committees of the basis for such determination.

"(3) Publication.—Not later than 10 days after the President notifies the appropriate congressional committees under paragraph (2), the President shall ensure publication in the Federal Register of—

"(A) the identification of the persons against which the President has made a determination that the imposition of sanctions is appropriate, together with an explanation for such determination; and

"(B) the identification of the persons against which the President has made a determination that the imposition of sanctions is not appropriate, together with an explanation for such determination.".

(e) Effective Date.—Sanctions imposed pursuant to the amendments made by this section shall apply with respect to investments made in Iran on or after the date of the enactment of this title.

SEC. 2923. TERMINATION OF SANCTIONS.

(a) Removal of Libya Sanctions.—Section 8 of the Iran and Libya Sanctions Act 1996 (50 U.S.C. 1701 note) is amended—

(1) in subsection (a), by striking the subsection designation and heading; and

(2) by striking subsection (b).

(b) Additional Condition for Removal of Iran Sanctions.—Such section, as amended by subsection (a), is further amended—

(1) in paragraph (1)(C), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(3) poses no threat to United States national security, interests, or allies.".

SEC. 2924. SUNSET.

Section 13 of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—

(1) in the section heading, by striking "; **SUNSET**";

(2) in subsection (a), by striking the subsection designation and heading; and

(3) by striking subsection (b).

SEC. 2925. CLARIFICATION AND EXPANSION OF DEFINITIONS.

(a) Person.—Section 14(14)(B) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—

(1) by inserting after "trust" the following: ", financial institution, insurer, underwriter, re-insurer, guarantor"; and

(2) by striking "operating as a business enterprise".

(b) Petroleum Resources.—Section 14(15) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended by inserting after "includes petroleum" the following: ", petroleum by-products,".

Subtitle C—Democracy in Iran

SEC. 2931. FINDINGS.

Congress makes the following findings:

(1) The people of the United States have long demonstrated an interest in the well-being of the people of Iran, dating back to the 1830s.

(2) Famous Americans such as Howard Baskerville, Dr. Samuel Martin, Jane E. Doolittle, and Louis G. Dreyfus, Jr., made significant contributions to Iranian society by furthering the educational opportunities of the people of Iran and improving the opportunities of the less fortunate citizens of Iran.

(3) Iran and the United States were allies following World War II, and through the late 1970s Iran was as an important regional ally of the United States and a key bulwark against Soviet influence.

(4) In November 1979, following the arrival of Mohammed Reza Shah Pahlavi in the United States, a mob of students and extremists seized the United States Embassy in Tehran, Iran, holding United States diplomatic personnel hostage until January 1981.

(5) Following the seizure of the United States Embassy, Ayatollah Ruhollah Khomeini, leader of the repressive revolutionary movement in Iran, expressed support for the actions of the students in taking American citizens hostage.

(6) Despite the presidential election of May 1997, an election in which an estimated 91 percent of the electorate participated, control of the internal and external affairs of the Islamic Republic of Iran is still exercised by the courts in Iran and the Revolutionary Guards, Supreme Leader, and Council of Guardians of the Government of Iran.

(7) The election results of the May 1997 election and the high level of voter participation in that election demonstrate that the people of Iran favor economic and political reforms and greater interaction with the United States and the Western world in general.

(8) Efforts by the United States to improve relations with Iran have been rebuffed by the Government of Iran.

(9) The Clinton Administration eased sanctions against Iran and promoted people-to-people exchanges, but the Leader of the Islamic Revolution Ayatollah Ali Khamenei, the Militant Clerics' Society, the Islamic Coalition Organization, and Supporters of the Party of God have all opposed efforts to open Iranian society to Western influences and have opposed efforts to change the dynamic of relations between the United States and Iran.

(10) For the past two decades, the Department of State has found Iran to be the leading sponsor of international terrorism in the world.

(11) In 1983, the Iran-sponsored Hezbollah terrorist organization conducted suicide terrorist operations against United States military and civilian personnel in Beirut, Lebanon, resulting in the deaths of hundreds of Americans.

(12) The United States intelligence community and law enforcement personnel have linked Iran to attacks against American military personnel at Khobar Towers in Saudi Arabia in 1996 and to al Qaeda attacks against civilians in Saudi Arabia in 2004.

(13) According to the Department of State's Patterns of Global Terrorism 2001 report, "Iran's Islamic Revolutionary Guard Corps and Ministry of Intelligence and Security continued to be involved in the planning and support of terrorist acts and supported a variety of groups that use terrorism to pursue their goals," and "Iran continued to provide Lebanese Hizballah and the Palestinian rejectionist groups—notably HAMAS, the Palestinian Islamic Jihad, and the [Popular Front for the Liberation of Palestine-General Command]--with varying amounts of funding, safehaven, training and weapons."

(14) Iran currently operates more than 10 radio and television stations broadcasting in Iraq that incite violent actions against United States and coalition personnel in Iraq.

(15) The current leaders of Iran, Ayatollah Ali Khamenei and Hashemi Rafsanjani, have repeatedly called upon Muslims to kill Americans in Iraq and install a theocratic regime in Iraq.

(16) The Government of Iran has admitted pursuing a clandestine nuclear program, which the United States intelligence community believes may include a nuclear weapons program.

(17) The Government of Iran has failed to meet repeated pledges to arrest and extradite foreign terrorists in Iran.

(18) The United States Government believes that the Government of Iran supports terrorists and extremist religious leaders in Iraq with the clear intention of subverting coalition efforts to bring peace and democracy to Iraq.

(19) The Ministry of Defense of Iran confirmed in July 2003 that it had successfully conducted the final test of the Shahab-3 missile, giving Iran an operational intermediate-range ballistic missile capable of striking both Israel and United States troops throughout the Middle East and Afghanistan.

SEC. 2932. DECLARATION OF CONGRESS REGARDING UNITED STATES POLICY TOWARD IRAN.

Congress declares that it should be the policy of the United States—

(1) to support efforts by the people of Iran to exercise self-determination over the form of government of their country; and

(2) to actively support a national referendum in Iran with oversight by international observers and monitors to certify the integrity and fairness of the referendum.

SEC. 2933. ASSISTANCE TO SUPPORT DEMOCRACY IN IRAN.

(a) AUTHORIZATION.—The President is authorized, notwithstanding any other provision of law, to provide financial and political assistance (including the award of grants) to foreign and domestic individuals, organizations, and entities that support democracy and the promotion of democracy in Iran. Such assistance may include the award of grants to eligible independent pro-democracy radio and television broadcasting organizations that broadcast into Iran.

(b) SENSE OF CONGRESS ON ELIGIBILITY FOR ASSISTANCE.—It is the sense of Congress that financial and political assistance under this section be provided to an individual, organization, or entity that—

(1) opposes the use of terrorism;

(2) advocates the adherence by Iran to nonproliferation regimes for nuclear, chemical, and biological weapons and materiel;

(3) is dedicated to democratic values and supports the adoption of a democratic form of government in Iran;

(4) is dedicated to respect for human rights, including the fundamental equality of women;

(5) works to establish equality of opportunity for people; and

(6) supports freedom of the press, freedom of speech, freedom of association, and freedom of religion.

(c) FUNDING.—The President may provide assistance under this section using amounts made available pursuant to the authorization of appropriations under subsection (g).

(d) NOTIFICATION.—Not later than 15 days before each obligation of assistance under this section, and in accordance with the procedures under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1), the President shall notify the appropriate congressional committees and the Committees on Appropriations of the Senate and the House of Representatives.

(e) SENSE OF CONGRESS REGARDING COORDINATION OF POLICY AND APPOINTMENT.—It is the sense of Congress that in order to ensure maximum coordination among Federal agencies, if the President provides the assistance under this section, the President should appoint an individual who shall—

(1) serve as special assistant to the President on matters relating to Iran; and

(2) coordinate among the appropriate directors of the National Security Council on issues regarding such matters.

(f) SENSE OF CONGRESS REGARDING DIPLOMATIC ASSISTANCE.—It is the sense of Congress that—

(1) support for a transition to democracy in Iran should be expressed by United States representatives and officials in all appropriate international fora;

(2) representatives of the Government of Iran should be denied access to all United States Government buildings;

(3) efforts to bring a halt to the nuclear weapons program of Iran, including steps to end the supply of nuclear components or fuel to Iran, should be intensified, with particular attention focused on the cooperation regarding such program—

(A) between the Government of Iran and the Government of the Russian Federation; and

(B) between the Government of Iran and individuals from China, Malaysia, and Pakistan, including the network of Dr. Abdul Qadeer (A. Q.) Khan; and

(4) officials and representatives of the United States should—

(A) strongly and unequivocally support indigenous efforts in Iran calling for free, transparent, and democratic elections; and

(B) draw international attention to violations by the Government of Iran of human rights, freedom of religion, freedom of assembly, and freedom of the press.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of State $10,000,000 to carry out activities under this section.

SEC. 2934. REPORTING REQUIREMENT REGARDING DESIGNATION OF DEMOCRATIC OPPOSITION ORGANIZATIONS.

Not later than 15 days before designating a democratic opposition organization as eligible to receive assistance under section 2932, the President shall notify the appropriate congressional committees and the Committees on Appropriations of the Senate and the House of Representatives of the proposed designation. The notification may be in classified form.

SA 313. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 110, between lines 4 and 5, insert the following:

SEC. 812. SENSE OF CONGRESS ON MEMBERSHIP OF ISRAEL IN THE WESTERN EUROPEAN AND OTHERS GROUP AT THE UNITED NATIONS.

(a) FINDINGS.—Congress makes the following findings:

(1) The election of member states of the United Nations to the major bodies of the United Nations is determined by groups organized within the United Nations, most of which are organized on a regional basis.

(2) Israel has been refused admission to the group comprised of member states from the Asian geographical region of the United Nations and is the only member state of the United Nations that remains outside its appropriate geographical region, and is thus denied full participation in the day-to-day work of the United Nations.

(3) On May 30, 2000, Israel accepted an invitation to become a temporary member of the Western European and Others Group of the United Nations.

(4) On May 21, 2004, Israel's membership to the Western European and Others Group was extended indefinitely.

(5) Israel is only allowed to participate in limited activities of the Western European and Others Group in the New York office of the United Nations, is excluded from discussions and consultations of the Group at the United Nations offices in Geneva, Nairobi, Rome, and Vienna, and, may not participate in United Nations conferences on human rights, racism, or other issues held in such locations.

(6) Membership in the Western European and Others Group includes the non-European

countries of Canada, Australia, and the United States.

(7) Israel is linked to the member states of the Western European and Others Group by strong economic, political, and cultural ties.

(8) The Western European and Others Group, the only regional group of the United Nations that is not purely geographical, is comprised of countries that share a western democratic tradition.

(9) Israel is a free and democratic country and its voting pattern in the United Nations is consistent with that of the member states of the Western European and Others Group.

(b) Sense of Congress.—It is the sense of Congress that—

(1) the President should direct the United States Permanent Representative to the United Nations to seek an immediate end to the persistent and deplorable inequality experienced by Israel in the United Nations;

(2) Israel should be afforded the benefits of full membership in the Western European and Others Group at the United Nations and such membership would permit Israel to participate fully in the United Nations system and would serve the interests of the United States; and

(3) the Secretary should submit to Congress, on a regular basis, a report that describes actions taken by the United States Government to encourage the member states of the Western European and Others Group to accept Israel as a full member of such Group and the responses of such member states to those actions.

SA 314. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, insert the following:

SEC. 812. ASSESSMENTS AND STRATEGIC PLANNING FOR AIDS RELIEF.

(a) Assessments.—

(1) Requirement.—Not later than 90 days after the date of the enactment of this Act, the Coordinator of United States Government Activities to Combat HIV/AIDS Globally shall carry out an assessment of health sector workforce capacity in each of the countries described in section 1(f)(2)(B)(ii)(VII) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(f)(2)(B)(ii)(VII)). Each such assessment shall include a description of—

(A) the health sector workforce capacity required by the country to reach the goals of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7601 et seq.) by 2008; and

(B) the health sector human resources required to meet internationally recognized goals related to infectious disease prevention and the promotion of maternal and child health.

(2) Report.—Not later than 180 days after the date of the enactment of this Act, the Coordinator shall submit to the appropriate congressional committees the assessments required by paragraph (1).

(b) Strategic Plan.—

(1) Requirement.—The Coordinator of United States Government Activities to Combat HIV/AIDS Globally shall, in consultation with national governments and international donors, propose a strategic plan for each of the countries described in subsection (a)(1) to improve the health sector workforce capacity of each such country to enable each such country to meet the goals of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 that are related to disease prevention, care, and treatment without diverting health care personnel from other primary health priorities. Each such plan should include a description of initiatives that could be carried out in the country to—

(A) retain health care staff;

(B) recruit and train health care workers;

(C) strengthen public health infrastructure; and

(D) extend services related to HIV/AIDS to under served areas.

(2) Report.—Not later than 180 days after the date of the enactment of this Act, the Coordinator shall submit to the appropriate congressional committees the strategic plans required by paragraph (1).

SA 315. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was referred to the Committee on Appropriations; as follows:

At the appropriate place, insert the following:

SEC. . SECOND SUPPLIER TO THE ARMY OF SECURE TYPE–1 MULTI-BAND, HAND-HELD RADIO SYSTEMS.

(a) Identification of Second Supplier.—(1) The Secretary of the Army shall identify a person or entity who, as of September 15, 2005, has the capacity to act as an independent second supplier to the Army of secure type–1 multi-band, hand-held radio systems.

(2) Any person or entity identified under paragraph (1) shall have the capacity to fulfill any requirements applicable to the accelerated fielding of Joint Tactical Radio System (JTRS) technology.

(b) Report on Plan To Contract With Second Supplier.—Not later than November 15, 2005, the Secretary shall submit to the congressional defense committees a report setting forth the plans of the Secretary to enter into a contract with the person or entity identified under subsection (a) for the supply to the Army of secure type–1 multi-band, hand-held radio systems.

SA 316. Mr. NELSON of Florida (for himself and Mr. Corzine) submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was referred to the Committee on Appropriations; as follows:

At the appropriate place, insert the following:

SEC. ___. REPEAL OF REQUIREMENT OF REDUCTION OF SBP SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) Repeal.—Subchapter II of chapter 73 of title 10, United States Code is amended—

(1) in section 1450(c)(1), by inserting after "to whom section 1448 of this title applies" the following: "(except in the case of a death as described in subsection (d) or (f) of such section)"; and

(2) in section 1451(c)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(b) Prohibition on Retroactive Benefits.—No benefits may be paid to any person for any period before the effective date provided under subsection (e) by reason of the amendments made by subsection (a).

(c) Prohibition on Recoupment of Certain Amounts Previously Refunded to SBP Recipients.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (e) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) Reconsideration of Optional Annuity.—Section 1448(d)(2) of title 10, United States Code, is amended by adding at the end the following new sentences: "The surviving spouse, however, may elect to terminate an annuity under this subparagraph in accordance with regulations prescribed by the Secretary concerned. Upon such an election, payment of an annuity to dependent children under this subparagraph shall terminate effective on the first day of the first month that begins after the date on which the Secretary concerned receives notice of the election, and, beginning on that day, an annuity shall be paid to the surviving spouse under paragraph (1) instead.".

(e) Effective Date.—The amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

SEC. . EFFECTIVE DATE FOR PAID-UP COVERAGE UNDER SURVIVOR BENEFIT PLAN.

Section 1452(j) of title 10, United States Code, is amended by striking "October 1, 2008" and inserting "October 1, 2005".

SA 317. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and International broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

"SEC. . UN HEADQUARTERS RENOVATION.

(a) LIMITATION.—Notwithstanding any other provision of law, no loan in excess of $600,000,000 may be made available by the United States for renovation of the United Nations headquarters building, located in New York, New York.

(b) REPORTING REQUIREMENT.—Any such loan shall be contingent upon the satisfactory submission, by the Secretary-General of the United Nations, of a report to Congress containing a detailed analysis of the United Nations headquarters renovation.

SA 318. Mr. DODD (for himself and Mr. LIEBERMAN) proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

At the end of subtitle B of title XXII, add the following:

SEC. 2239. APPLICABILITY OF ARMS EXPORT CONTROL ACT REQUIREMENTS TO VHXX EXECUTIVE HELICOPTER PROGRAM.

(a) TREATMENT AS COOPERATIVE PROJECT.—The VHXX Executive Helicopter Program (also known as the Marine One Presidential Helicopter Program) shall be treated as a cooperative project for purposes of the Arms Export Control Act (22 U.S.C. 2751 et seq.) as authorized under section 27 of that Act (22 U.S.C. 2767).

(b) LICENSING AND NOTICE REQUIREMENTS.—

(1) IN GENERAL.—Any licensing and notice to Congress requirements that apply to the sale of defense articles and services under the Arms Export Control Act shall apply to any foreign production (including the export of technical data related thereto) under the VHXX Executive Helicopter Program without regard to any dollar threshold or limitation that would otherwise limit the applicability of such requirements to such production under that Act.

(2) NOTICE TO CONGRESS.—Notwithstanding the treatment of the VHXX Executive Helicopter Program as a cooperative project for purposes of the Arms Export Control Act under subsection (a), section 27(g) of that Act (22 U.S.C. 2767(g)) shall not be applicable to the program, and the notice requirements of subsections (b) and (c) of section 36 of that Act (22 U.S.C. 2776) shall be complied with in the issuance of any letters of offer or licenses for the program as required by paragraph (1).

(c) LIMITATION ON ISSUANCE OF LICENSES.—No license may be issued under the Arms Export Control Act for any portion of the VHXX Executive Helicopter Program, including research and development and the sharing of technical data relating to the program, until each participant in the program agrees, in writing, not to enter into any contract, or otherwise do any business, with any party who is subject to the jurisdiction of a country that supports international terrorism for five years after the date of the completion of the participation of such participant in the program.

(d) COUNTRY THAT SUPPORTS INTERNATIONAL TERRORISM DEFINED.—In this section, the term "country that supports international terrorism" means any country whose government has repeatedly provided support for acts of international terrorism for purposes of either of the provisions of law as follows:

(1) Section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)).

(2) Section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

SA 319. Mr. ENSIGN proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

At the end of the bill, add the following:

TITLE XXIX—PEACEFUL TRANSITION IN CUBA

SEC. 2901. SHORT TITLE.

This title may be cited as the "Cuba Transition Act of 2005".

SEC. 2902. FINDINGS.

Congress makes the following findings:

(1) The Cuban people are seeking change in their country, including through the Varela Project, independent journalist activity, and other civil society initiatives.

(2) Civil society groups and independent, self-employed Cuban citizens will be essential to the consolidation of a genuine and effective transition to democracy from an authoritarian, communist government in Cuba, and therefore merit increased international assistance.

(3) The people of the United States support a policy of proactively helping the Cuban people to establish a democratic system of government, including supporting Cuban citizen efforts to prepare for transition to a better and more prosperous future.

(4) The Inter-American Democratic Charter adopted by the General Assembly of the Organization of American States (OAS) provides both guidance and mechanisms for response by OAS members to the governmental transition in Cuba and that country's eventual reintegration into the inter-American system.

(5) United States Government support of pro-democracy elements in Cuba and planning for the transition in Cuba is essential for the identification of resources and mechanisms that can be made available immediately in response to profound political and economic changes on the island.

(6) Consultations with democratic development institutions and international development agencies regarding Cuba are a critical element in the preparation of an effective multilateral response to the transition in Cuba.

SEC. 2903. PURPOSES.

The purposes of this title are as follows:

(1) To support multilateral efforts by the countries of the Western Hemisphere in planning for a transition of the government in Cuba and the return of that country to the Western Hemisphere community of democracies.

(2) To encourage the development of an international group to coordinate multilateral planning to a transition of the government in Cuba.

(3) To authorize funding for programs to assist the Cuban people and independent nongovernmental organizations in Cuba in preparing the groundwork for a peaceful transition of government in Cuba.

(4) To provide the President with funding to implement assistance programs essential to the development of a democratic government in Cuba.

SEC. 2904. DEFINITIONS.

In this title:

(1) DEMOCRATICALLY ELECTED GOVERNMENT IN CUBA.—The term "democratically elected government in Cuba" has the meaning given the term in section 4 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6023).

(2) TRANSITION GOVERNMENT IN CUBA.—The term "transition government in Cuba" has the meaning given the term in section 4 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6023).

SEC. 2905. DESIGNATION OF COORDINATOR FOR CUBA TRANSITION.

(a) IN GENERAL.—The Secretary of State shall designate, within the Department of State, a coordinator who shall be responsible for—

(1) designing an overall strategy to coordinate preparations for, and a response to, a transition in Cuba;

(2) coordinating assistance provided to the Cuban people in preparation for a transition in Cuba;

(3) coordinating strategic support for the consolidation of a political and economic transition in Cuba;

(4) ensuring program and policy coordination among agencies of the United States Government in carrying out the policies set forth in this title; and

(5) pursuing coordination with other countries and international organizations, including international financial institutions, with respect to assisting a transition in Cuba.

(b) RANK AND STATUS OF THE TRANSITION COORDINATOR.—The coordinator designated in subsection (a) shall have the rank and status of ambassador.

SEC. 2906. MULTILATERAL INITIATIVES RELATED TO CUBA.

The Secretary of State is authorized to designate up to $5,000,000 of total amounts made available for contributions to international organizations to be provided to the Organization of American States for—

(1) Inter-American Commission on Human Rights activities relating to the situation of human rights in Cuba; and

(2) the funding of an OAS emergency fund for the deployment of human rights observers, election support, and election observation in Cuba as described in section 109(b) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6039(b)(1)).

SEC. 2907. SENSE OF CONGRESS.

(a) SENSE OF CONGRESS REGARDING CONSULTATION WITH WESTERN HEMISPHERE.—It is the sense of Congress that the President should begin consultation, as appropriate, with governments of other Western Hemisphere countries regarding a transition in Cuba.

(b) SENSE OF CONGRESS REGARDING OTHER CONSULTATIONS.—It is the sense of Congress that the President should begin consultations with appropriate international partners and governments regarding a multilateral diplomatic and financial support program for response to a transition in Cuba.

SEC. 2908. ASSISTANCE PROVIDED TO THE CUBAN PEOPLE IN PREPARATION FOR A TRANSITION IN CUBA.

(a) AUTHORIZATION.—Notwithstanding any other provision of law other than section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1) and comparable notification requirements contained in any Act making appropriations for foreign operations, export financing, and related programs, the President is authorized to furnish an amount not to exceed $15,000,000 in assistance and provide other support for individuals and independent nongovernmental organizations to support democracy-building efforts for Cuba, including assistance for—

(1) political prisoners and members of their families;

(2) persons persecuted or harassed for dissident activities;

(3) independent libraries;

(4) independent workers' rights activists;

(5) independent agricultural cooperatives;

(6) independent associations of self-employed Cubans;

(7) independent journalists;

(8) independent youth organizations;

(9) independent environmental groups;

(10) independent economists, medical doctors, and other professionals;

(11) establishing and maintaining an information and resources center to be in the United States interests section in Havana, Cuba;

(12) prodemocracy programs of the National Endowment for Democracy related to Cuba;

(13) nongovernmental programs to facilitate access to the Internet, subject to section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6032(g));

(14) nongovernmental charitable programs that provide nutrition and basic medical care to persons most at risk, including children and elderly persons; and

(15) nongovernmental charitable programs to reintegrate into civilian life persons who have abandoned, resigned, or been expelled from the Cuban armed forces for ideological reasons.

(b) DEFINITIONS.—In this section:

(1) INDEPENDENT NONGOVERNMENTAL ORGANIZATION.—The term "independent nongovernmental organization" means an organization that the Secretary of State determines, not less than 15 days before any obligation of funds to the organization, is a charitable or nonprofit nongovernmental organization that is not an agency or instrumentality of the Cuban Government.

(2) ELIGIBLE CUBAN RECIPIENTS.—The term "eligible Cuban recipients" is limited to any Cuban national in Cuba, including political prisoners and their families, who are not officials of the Cuban Government or of the ruling political party in Cuba, as defined in section 4(10) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6023(10)).

SEC. 2909. SUPPORT FOR A TRANSITION GOVERNMENT IN CUBA.

(a) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds otherwise available for such purposes, there are authorized to be appropriated such sums as are necessary to the President to establish a fund to provide assistance to a transition government in Cuba as defined in section 4(14) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6023(14)).

(b) DESIGNATION OF FUND.—The fund authorized in subsection (a) shall be known as the "Fund for a Free Cuba".

(c) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

SA 320. Mr. ENSIGN proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

At the end of title IV, add the following:

SEC. 405. PROHIBITION OF WAR CRIMES PROSECUTION.

(a) IN GENERAL.—Chapter 118 of title 18, United States Code, is amended by adding at the end the following:

"§ 2442. International criminal court

"(a) OFFENSE.—Except as provided in subsection (b), it shall be unlawful for any person, acting under the authority of the International Criminal Court, another international organization, or a foreign government, to knowingly indict, apprehend, detain, prosecute, convict, or participate in the imposition or carrying out of any sentence or other penalty on, any American in connection with any proceeding by or before the International Criminal Court, another international organization, or a foreign government in which that American is accused of a war crime.

"(b) EXCEPTION.—Subsection (a) shall not apply in connection with a criminal proceeding instituted by the government of a foreign country within the courts of such country with respect to a war crime allegedly committed—

"(1) on territory subject to the sovereign jurisdiction of such government; or

"(2) against persons who were nationals of such country at the time that the war crime is alleged to have been committed.

"(c) CRIMINAL PENALTY.—

"(1) IN GENERAL.—Any person who violates subsection (a) shall be fined not more than $5,000,000, imprisoned as provided in paragraph (2), or both.

"(2) PRISON SENTENCE.—The maximum term of imprisonment for an offense under this section is the greater of—

"(A) 5 years; or

"(B) the maximum term that could be imposed on the American in the criminal proceeding described in subsection (a) with respect to which the violation took place.

"(d) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial jurisdiction over an offense under this section.

"(e) CIVIL REMEDY.—Any person who is aggrieved by a violation under subsection (a) may, in a civil action, obtain appropriate relief, including—

"(1) punitive damages; and

"(2) a reasonable attorney's fee as part of the costs.

"(f) DEFINITIONS.—In this section—

"(1) the term 'American' means any citizen or national of the United States, or any other person employed by or working under the direction of the United States Government;

"(2) the term 'indict' includes—

"(A) the formal submission of an order or request for the prosecution or arrest of a person; and

"(B) the issuance of a warrant or other order for the arrest of a person,

by an official of the International Criminal Court, another international organization, or a foreign government;

"(3) the term 'International Criminal Court' means the court established by the Rome Statute of the International Criminal Court adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of and International Criminal Court on July 17, 1998; and

"(4) the term 'war crime' means—

"(A) any offense now cognizable before the International Criminal Court; and

"(B) any offense hereafter cognizable before the International Criminal Court, effective on the date such offense becomes cognizable before such court.".

(b) CLERICAL AMENDMENT.—The table of sections in chapter 118 of title 18, United States Code, is amended by adding at the end the following:

"Sec. 2442. International criminal court.".

SA 321. Mr. ENSIGN proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 59, between lines 4 and 5, insert the following new section:

SEC. 405. UNITED NATIONS OFFICE OF THE INSPECTOR GENERAL.

(a) WITHHOLDING OF PORTION OF CERTAIN ASSESSED CONTRIBUTIONS.—Twenty percent of the funds made available in each fiscal year under section 102(a) for the assessed contribution of the United States to the United Nations shall be withheld from obligation and expenditure until a certification is made under subsection (b).

(b) CERTIFICATION.—A certification under this subsection is a certification by the Secretary in the fiscal year concerned that the following conditions are satisfied:

(1) ACTIONS BY THE UNITED NATIONS.—

(A) The United Nations has met the requirements of paragraphs (1) through (6) of section 401(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236; 108 Stat. 446).

(B) The Office of Internal Oversight Services has fulfilled the directive in General Assembly Resolution 48/218B to make all of its reports available to the General Assembly, with modifications to those reports that would violate confidentiality or the due process rights of individuals involved in any investigation.

(C) The Office of Internal Oversight Services has an independent budget that does not require the approval of the United Nations Budget Office.

(2) ACTIONS BY THE OIOS.—The Office of Internal Oversight Service has authority to audit, inspect, or investigate each program, project, or activity funded by the United Nations, and each executive board created under the United Nations has been notified in writing of that authority.

SA 322. Mr. ENSIGN proposed an amendment to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; as follows:

On page 11, line 15, striking "There" and insert the following:

(1) AUTHORIZATION OF APPROPRIATIONS.—There

On page 11, between lines 23 and 24, insert the following:

(2) NO GROWTH BUDGET.—Of the amounts appropriated pursuant to the authorization of appropriations in paragraph (1), $80,000,000 shall be withheld for each of the calendar years 2006 and 2007 unless the Secretary submits a certification to the appropriate congressional committees for each such calendar year that states that the United Nations has taken no action during the preceding calendar year to increase funding for

any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget during that calendar year and that for such calendar years the United Nations will not exceed the spending limits of the initial 2004–2005 United Nations biennium budget adopted in December, 2003.

SA 323. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert:

Whereas in 2000, the United Nations, with strong backing by the United States, created the Special Court for Sierra Leone to prosecute persons who have committed and "bear the greatest responsibility" for war crimes, crimes against humanity, other serious violations of international humanitarian law, and other atrocities that occurred in Sierra Leone during that country's brutal civil war during the period after November 30, 1996;

Whereas United Nations Security Council resolution 1315 stated that the Security Council is "[d]eeply concerned at the various serious crimes committed within the territory of Sierra Leone against the people of Sierra Leone . . . [and that] the international community will exert every effort to bring those responsible to justice . . ."

Whereas on June 4, 2003, the Special Court for Sierra Leone unsealed an indictment issued on March 3, 2003, against Charles Ghankay Taylor, former President of the Republic of Liberia, charging him with seventeen counts of war crimes, crimes against humanity, and other violations of international humanitarian law;

Whereas, INTERPOL, of which Nigeria is a member, issued a Red Notice for Mr. Taylor for "crimes against humanity" and "grave breaches of the 1949 Geneva Convention."

Whereas on August 11, 2003, Charles Taylor departed Liberia for Calabar, Nigeria, where he was granted asylum and, according to press reports, agreed to end his involvement in Liberian politics;

Whereas in September 2003 the Government of the Federal Republic of Nigeria warned Taylor that it would "not tolerate any breach of this condition and others which forbid him from engaging in active communications with anyone engaged in political, illegal or governmental activities in Liberia";

Whereas, Jacques Klein, the UN Representative charged with rebuilding Liberia, reported that Charles Taylor has broken the terms of his exile by stating: "We know that there are people who commute basically between Monrovia and where [Taylor] is . . . Now, he's no longer giving the guidance he did by telephone, for obvious reasons, but the messengers still go back and forth. And so he still is a cloud that hangs over much of what we do."

Whereas the job of promoting regional peace and security cannot be completed until Mr. Taylor appears before the Special Court for Sierra Leone to answer to the charges against him.

Now, therefore, be it

Resolved, That—

(1) it is the sense of the Senate that—

(A) the United States shall use its voice and vote at the United Nations Security Council to bring about the transfer of Charles Taylor to the Special Court for Sierra Leone.

(B) The actions called for in subsection (A) include supporting a Chapter VII Security Council resolution that would provide for the immediate transfer of Charles Taylor.

(2) the Senate urges the United States government to formulate a comprehensive, inter-agency strategy, consistent with section 585 of Public Law 108–447, aimed at bringing about the transfer of Charles Taylor well before the Liberian elections scheduled to occur in fall, 2005.

SA 324. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, insert the following:

PROTECTION OF THE GALAPAGOS

Sec. . (a) FINDINGS.—The Senate makes the following findings—

(1) The Galapagos Islands are a global treasure and World Heritage Site, and the future of the Galapagos is in the hands of the Government of Ecuador;

(2) The world depends on the Government of Ecuador to implement the necessary policies and programs to ensure the long term protection of the biodiversity of the Galapagos, including enforcing the Galapagos Special Law;

(3) There are concerns with the leadership of the Galapagos National Park Service and that the biodiversity of the Galapagos and the Marine Reserve are not being properly managed or adequately protected; and

(4) The Government of Ecuador has reportedly given preliminary approval for commercial airplane flights to the Island of Isabela, which may cause irreparable harm to the biodiversity of the Galapagos, and has allowed the export of fins from sharks caught accidentally in the Marine Reserve, which may encourage illegal fishing.

(b) Whereas, now therefore, be it

Resolved, that—

(1) the Senate strongly encourages the Government of Ecuador to—

(A) refrain from taking any action that could cause harm to the biodiversity of the Galapagos or encourage illegal fishing in the Marine Reserve;

(B) abide by the agreement to select the Directorship of the Galapagos National Park Service though a transparent process based on merit as previously agreed by the Government of Ecuador, international donors, and nongovernmental organizations; and

(C) enforce the Galapagos Special Law in its entirety, including the governance structure defined by the law to ensure effective control of migration to the Galapagos and sustainable fishing practices, and prohibit long-line fishing which threatens the survival of shark and marine turtle populations.

(2) The Department of State should—

(A) emphasize to the Government of Ecuador the importance the United States gives to these issues; and

(B) offer assistance to implement the necessary policies and programs to ensure the long term protection of the biodiversity of the Galapagos and the Marine Reserve and to sustain the livelihoods of the Galapagos population who depend on the marine ecosystem for survival.

SA 325. Mr. DODD (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XXI, add the following:

SEC. 2227. INTERNATIONAL MILITARY EDUCATION AND TRAINING ASSISTANCE FOR LATIN AMERICA COUNTRIES NOT ENTERING INTO AGREEMENTS UNDER ARTICLE 98 OF THE ROME STATUTE.

Section 2007 of the American Servicemembers' Protection Act of 2002 (22 U.S.C. 7426) is amended by adding at the end the following new section:

"(e) ADDITIONAL EXEMPTION.—

"(1) EXEMPTION.—The prohibition of subsection (a) shall not apply to the provision of assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.), relating to International Military Education and Training, to a country in Latin America that is a party to the International Criminal Court, notwithstanding the lack of agreement between the United States and such country pursuant to Article 98 of the Rome Statute as described in subsection (c).

"(2) COUNTRY IN LATIN AMERICA DEFINED.—In this subsection, the term 'country in Latin America' means any country which is a participating member of the Organization of American States and that, but for this section, is eligible for assistance under chapter 5 of part II of the Foreign Assistance Act of 1961, relating to International Military Education and Training.".

SA 326. Ms. SNOWE (for herself and Mr. COLEMAN) submitted an amendment intended to be proposed by her to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

SEC. 712. SMALL BUSINESS CONTRACTING IN OVERSEAS PROCUREMENTS.

(a) CONGRESSIONAL FINDINGS AND REAFFIRMATION OF EXISTING POLICY.—

(1) FINDINGS.—Congress finds that—

(A) small business contracting in support of overseas activities of the Federal Government strengthens the trade posture of the United States in the global marketplace;

(B) small business contractors are a vital component of the civilian and defense industrial base, and they have provided outstanding value in support of the activities of the Federal Government domestically and internationally, especially in the international reconstruction, stabilization, and assistance activities in the Global War on Terror;

(C) maintaining a vital small business industrial base protects the Federal Government from higher costs and reduced innovation that accompany undue consolidation of Government contracts;

(D) Congress has a strong interest in preserving the competitive nature of the Government contracting marketplace, particularly with regard to performance of Federal contracts and subcontracts overseas;

(E) small business contractors suffer competitive harm and the Federal Government suffers a needless reduction in competition and a needless shrinkage of its industrial base when Federal agencies exempt contracts and subcontracts awarded for performance overseas from the application of the Small Business Act;

(F) small businesses desiring to support the troops deployed in the Global War on Terror and the reconstruction of Iraq and Afghanistan have faced needless hurdles to meaningful participation in Government contracts and subcontracts; and

(G) Congress has a strong interest in holding large prime contractors accountable for fulfilling their subcontracting plans on overseas assistance and reconstruction projects.

(2) REAFFIRMATION OF POLICY.—In light of the findings in subparagraph (A), Congress reaffirms its policy contained in sections 2 and 15 of the Small Business Act (15 U.S.C. 631, 644) and section 302 of the Small Business Economic Policy Act of 1980 (15 U.S.C. 631a) to promote international competitiveness of United States small businesses and to ensure that small business concerns are awarded a fair portion of all Federal prime contracts, and subcontracts, regardless of geographic area.

(b) COMPLIANCE.—Not later than 270 days after the date of enactment of this Act, the head of each Federal agency, office, and department having jurisdiction over acquisition regulations shall conduct regulatory reviews to ensure that such regulations require compliance with the Small Business Act in Federal prime contracts and subcontracts, regardless of the geographic place of award or performance, and shall promulgate any necessary conforming changes to such regulations.

(c) COOPERATION WITH THE SMALL BUSINESS ADMINISTRATION.—The Administrator and the Chief Counsel for Advocacy of the Small Business Administration shall be consulted for recommendations concerning regulatory reviews and changes required by this section.

(d) CONFLICTING PROVISIONS OF LAW.—In conducting any regulatory review or promulgating any changes required by this section, due note and recognition shall be given to the specific requirements and procedures of any other Federal statute or treaty which may exempt any Federal prime contract or subcontract from the application of the Small Business Act in whole or in part.

(e) REPORT TO CONGRESSIONAL COMMITTEES.—Not later than 1 year after the date of enactment of this Act, the Administrator and the Chief Counsel for Advocacy of the Small Business Administration shall submit to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives a report containing their views on the compliance status of Federal agencies, offices, and departments in carrying out this section.

SA 327. Ms. SNOWE (for herself and Mr. COLEMAN) submitted an amendment intended to be proposed by her to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

SEC. 712. SMALL BUSINESS CONTRACTING IN OVERSEAS PROCUREMENTS.

(a) CONGRESSIONAL FINDINGS AND REAFFIRMATION OF EXISTING POLICY.—

(1) FINDINGS.—Congress finds that—

(A) small business contracting in support of overseas activities of the Federal Government strengthens the trade posture of the United States in the global marketplace;

(B) small business contractors are a vital component of the civilian and defense industrial base, and they have provided outstanding value in support of the activities of the Federal Government domestically and internationally, especially in the international reconstruction, stabilization, and assistance activities in the Global War on Terror;

(C) maintaining a vital small business industrial base protects the Federal Government from higher costs and reduced innovation that accompany undue consolidation of Government contracts;

(D) Congress has a strong interest in preserving the competitive nature of the Government contracting marketplace, particularly with regard to performance of Federal contracts and subcontracts overseas;

(E) small business contractors suffer competitive harm and the Federal Government suffers a needless reduction in competition and a needless shrinkage of its industrial base when Federal agencies exempt contracts and subcontracts awarded for performance overseas from the application of the Small Business Act;

(F) small businesses desiring to support the troops deployed in the Global War on Terror and the reconstruction of Iraq and Afghanistan have faced needless hurdles to meaningful participation in Government contracts and subcontracts; and

(G) Congress has a strong interest in holding large prime contractors accountable for fulfilling their subcontracting plans on overseas assistance and reconstruction projects.

(2) REAFFIRMATION OF POLICY.—In light of the findings in subparagraph (A), Congress reaffirms its policy contained in sections 2 and 15 of the Small Business Act (15 U.S.C. 631, 644) and section 302 of the Small Business Economic Policy Act of 1980 (15 U.S.C. 631a) to promote international competitiveness of United States small businesses and to ensure that small business concerns are awarded a fair portion of all Federal prime contracts, and subcontracts, regardless of geographic area.

(b) COMPLIANCE.—Not later than 270 days after the date of enactment of this Act, the head of each Federal agency, office, and department having jurisdiction over acquisition regulations shall conduct regulatory reviews to ensure that such regulations require compliance with the Small Business Act in Federal prime contracts and subcontracts, regardless of the geographic place of award or performance, and shall promulgate any necessary conforming changes to such regulations.

(c) COOPERATION WITH THE SMALL BUSINESS ADMINISTRATION.—The Administrator and the Chief Counsel for Advocacy of the Small Business Administration shall be consulted for recommendations concerning regulatory reviews and changes required by this section.

(d) CONFLICTING PROVISIONS OF LAW.—In conducting any regulatory review or promulgating any changes required by this section, due note and recognition shall be given to the specific requirements and procedures of any other Federal statute or treaty which may exempt any Federal prime contract or subcontract from the application of the Small Business Act in whole or in part.

(e) REPORT TO CONGRESSIONAL COMMITTEES.—Not later than 1 year after the date of enactment of this Act, the Administrator and the Chief Counsel for Advocacy of the Small Business Administration shall submit to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives a report containing their views on the compliance status of Federal agencies, offices, and departments in carrying out this section.

SA 328. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

In section 105(a), strike "$10,000,000" and insert "$18,000,000".

SA 329. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXV, add the following:

SEC. 2523. CONDITIONS ON ANY SUSPENSION OF IMMIGRATION PROCESSING OF ORPHANS.

(a) REQUIREMENTS OF DEPARTMENT OF HOMELAND SECURITY.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall submit written notification to the Senate and the House of Representatives on the day on which the processing of petitions for classification of nationals of a country as orphans is suspended. The notification shall set forth the following:

(1) EXPLANATION.—Information, to the extent available, supporting the suspension, including the following:

(A) FAILURE TO OBTAIN BIRTH PARENT CONSENT.—Information indicating that in recent cases the consent of a birth parent to termination of parental rights or to the adoption was not obtained.

(B) FRAUD, DURESS, OR IMPROPER INDUCEMENT.—Information indicating that in recent cases the consent of a birth parent to termination of parental rights or to the adoption was obtained as a result of fraud, duress, or improper inducement.

(C) IMPROPER RELINQUISHMENT.—Information indicating that in recent cases birth parents have relinquished their children in return for improper reward.

(D) Inadequate sending country adoption process.—Information indicating that the system utilized by the sending country for the arrangement of international adoptions of orphans who are nationals of the sending country is inadequate and, as a result, the processing of cases according to the requirements of the Immigration and Nationality Act is compromised.

(E) Department of state inability to process.—Information indicating that the system of the Department of State in that country for the processing of petitions for the classification of nationals of that sending country as orphans is insufficient, and as a result, the Department of State is unable to make an informed determination under section 101(b)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)(F)).

(F) Inability to process.—Information indicating that the system of the United States Citizen and Immigration Services (referred to in this section as the "USCIS") in that country for the processing of petitions for the classification of nationals of that sending country as orphans is insufficient, and as a result, the USCIS is unable to make an informed determination under such section 101(b)(1)(F).

(G) Combination of conditions.—Information indicating the existence of a combination of the conditions listed in subparagraphs (A) through (F), such that the Department of State or the USCIS is unable to make an informed determination under such section 101(b)(1)(F).

(H) Other conditions.—Information indicating such other conditions that justify a suspension of orphan processing, as appropriate.

(2) Summary of prior action.—A summary of recent actions taken in the sending country and information regarding previous efforts to address conditions articulated in paragraph (1).

(3) Plan.—A plan that includes—

(A) ways to remedy the circumstance or circumstances described in paragraph (1) justifying the suspension;

(B) a process to notify United States citizens who might be affected by the suspension;

(C) a way to process families awaiting completion of processing as of the date that the suspension is issued; and

(D) a good faith estimate of the time needed to remedy the circumstance or circumstances described in paragraph (1), which recognizes and addresses the degree to which resolution of circumstance or circumstances described in paragraph (1) depend upon the cooperation of the sending country.

(b) Exemptions From Suspension.—The Secretary of Homeland Security shall give consideration to exempting from the suspension those adoptions involving extraordinary humanitarian concerns in accordance with section 212(d)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)(A)).

(c) Periodic Congressional Notification.—Not later than 180 days after a suspension takes effect after the date of enactment of this Act, and every 180 days until the suspension is terminated, the Secretary of Homeland Security shall submit a written report to Congress indicating—

(1) that the circumstances justifying the suspension still exist; and

(2) what actions have been taken, since the date of notification under subsection (a) or (f), to remedy the circumstances justifying the suspension.

(d) Transition Provision.—Not later than 30 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to Congress, for each country for which a suspension is in effect on the date of enactment of this Act, a report containing a summary of the evidence, plan, and estimate described in subsection (a).

(e) Statutory Construction.—Nothing in this section shall be construed to require the inclusion of information that—

(1) reasonably could be expected to adversely affect or compromise a civil or criminal enforcement proceeding or investigation; or

(2) would disclose techniques and procedures for law enforcement investigations or prosecutions.

(f) Requirements of the Department of State.—The Secretary of State, or any other official of the Department of State, may not urge a foreign government to suspend the processing of international adoptions by United States citizens unless the Secretary of State provides written notification of such action to the Senate and the House of Representatives on the day such action is taken.

(g) Definitions.—In this section:

(1) Orphan.—The term "orphan" means a child described in subparagraph (F) or (G) of section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)).

(2) Sending country.—The term "sending country" means the country with legal authority to process the adoption of the child in question.

(3) Suspension.—The term "suspension" means, with respect to a country, the decision by the Attorney General to suspend the processing of petitions for classification of orphans who are natives of that country.

SA 330. Ms. LANDRIEU (for herself, Mr. DeMint, and Mr. Craig) submitted an amendment intended to be proposed by her to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following new title:

TITLE IX—INTERCOUNTRY ADOPTION

SEC. 901. SHORT TITLE.

This title may be cited as the "Intercountry Adoption Reform Act of 2005" or the "ICARE Act".

SEC. 902. FINDINGS; PURPOSES.

(a) Findings.—Congress finds the following:

(1) That a child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love, and understanding.

(2) That intercountry adoption may offer the advantage of a permanent family to a child for whom a suitable family cannot be found in his or her country of origin.

(3) There has been a significant growth in intercountry adoptions. In 1990, Americans adopted 7,093 children from abroad. In 2001, they adopted 19,237 children from abroad.

(4) Americans increasingly seek to create or enlarge their families through intercountry adoptions.

(5) There are many children worldwide that are without permanent homes.

(6) In the interest of children without a permanent family and the United States citizens who are waiting to bring them into their families, reforms are needed in the intercountry adoption process used by United States citizens.

(7) Before adoption, each child should have the benefit of measures taken to ensure that intercountry adoption is in his or her best interests and prevents the abduction, selling, or trafficking of children.

(8) In addition, Congress recognizes that foreign born adopted children do not make the decision whether to immigrate to the United States. They are being chosen by Americans to become part of their immediate families.

(9) As such these children should not be classified as immigrants in the traditional sense. Once fully and finally adopted, they should be treated as children of United States citizens.

(10) Since a child who is fully and finally adopted is entitled to the same rights, duties, and responsibilities as a biological child, the law should reflect such equality.

(11) Therefore, foreign born adopted children of United States citizens should be accorded the same procedural treatment as biological children born abroad to a United States citizen.

(12) If a United States citizen can confer citizenship to a biological child born abroad, then the same citizen is entitled to confer such citizenship to their legally and fully adopted foreign born child immediately upon final adoption.

(13) If a United States citizen cannot confer citizenship to a biological child born abroad, then such citizen cannot confer citizenship to their legally and fully adopted foreign born child, except through the naturalization process.

(b) Purposes.—The purposes of this title are—

(1) to ensure that intercountry adoptions take place in the best interests of the child;

(2) to ensure that foreign born children adopted by United States citizens will be treated identically to a biological child born abroad to the same citizen parent; and

(3) to improve the intercountry adoption process by making it more citizen friendly and focused on the protection of the child.

SEC. 903. DEFINITIONS.

In this title:

(1) Adoptable child.—The term "adoptable child" has the same meaning given such term in section 101(c)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(c)(3)), as added by section 924(a) of this Act.

(2) Ambassador at large.—The term "Ambassador at Large" means the Ambassador at Large for Intercountry Adoptions appointed to head the Office pursuant to section 911(b).

(3) Competent authority.—The term "competent authority" means the entity or entities authorized by the law of the child's country of residence to engage in permanent placement of children who are no longer in the legal or physical custody of their biological parents.

(4) Convention.—The term "Convention" means the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, done at The Hague on May 29, 1993.

(5) Full and final adoption.—The term "full and final adoption" means an adoption—

(A) that is completed according to the laws of the child's country of residence or the State law of the parent's residence;

(B) under which a person is granted full and legal custody of the adopted child;

(C) that has the force and effect of severing the child's legal ties to the child's biological parents;

(D) under which the adoptive parents meet the requirements of section 925; and

(E) under which the child has been adjudicated to be an adoptable child in accordance with section 926.

(6) Office.—The term "Office" means the Office of Intercountry Adoptions established under section 911(a).

(7) Readily approvable.—A petition or certification is considered "readily approvable" if the documentary support provided demonstrates that the petitioner satisfies the eligibility requirements and no additional information or investigation is necessary.

Subtitle A—Administration of Intercountry Adoptions

SEC. 911. OFFICE OF INTERCOUNTRY ADOPTIONS.

(a) Establishment.—Not later than 180 days after the date of enactment of this Act, there is to be established within the Department of State, an Office of Intercountry Adoptions which shall be headed by the Ambassador at Large for Intercountry Adoptions who shall be appointed pursuant to subsection (b).

(b) Ambassador at Large.—

(1) Appointment.—The Ambassador at Large shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals who have background, experience, and training in intercountry adoptions, taking care to ensure that the individual who serves as Ambassador is free from any conflicts of interest that might inhibit such individual's ability to serve as Ambassador.

(2) Authority.—The Ambassador at Large shall report directly to the Secretary, in consultation with the Assistant Secretary for Consular Affairs The Ambassador at Large has no independent regulatory authority.

(3) Duties of the Ambassador at Large.—In carrying out the functions of the Office, the Ambassador at Large shall have the following responsibilities:

(A) In general.—The primary responsibilities of the Ambassador at Large shall be—

(i) to ensure that intercountry adoptions take place in the best interests of the child; and

(ii) to assist the Secretary in fulfilling the responsibilities designated to the central authority under title I of the Intercountry Adoption Act of 2000 (42 U.S.C. 14911 et seq.).

(B) Advisory role.—The Ambassador at Large shall be a principal advisor to the President and the Secretary regarding matters affecting intercountry adoption and the general welfare of children abroad and shall make recommendations regarding—

(i) the policies of the United States with respect to the establishment of a system of cooperation among the parties to the Convention;

(ii) the policies to prevent abandonment, strengthen families, and to advance the placement of children in permanent families; and

(iii) policies that promote the protection and well-being of children.

(C) Diplomatic representation.—Subject to the direction of the President and the Secretary, the Ambassador at Large may represent the United States in matters and cases relevant to international adoption in—

(i) fulfillment of the responsibilities designated to the central authority under title I of the Intercountry Adoption Act of 2000 (42 U.S.C. 14911 et seq.);

(ii) contacts with foreign governments, intergovernmental organizations, and specialized agencies of the United Nations and other international organizations of which the United States is a member; and

(iii) multilateral conferences and meetings relevant to international adoption.

(D) International policy development.—The Ambassador at Large shall advise and support the Secretary and other relevant Bureaus of the Department of State in the development of sound policy regarding child protection and intercountry adoption.

(E) Reporting responsibilities.—The Ambassador at Large shall have the following reporting responsibilities:

(i) In general.—The Ambassador at Large shall assist the Secretary and other relevant Bureaus in preparing those portions of the Human Rights Reports that relate to the abduction, sale, and trafficking of children.

(ii) Annual report on intercountry adoption.—On September 1 of each year, the Secretary, with the assistance of the Ambassador at Large, shall prepare and transmit to Congress an annual report on intercountry adoption. Each annual report shall include—

(I) a description of the status of child protection and adoption in each foreign country, including—

(aa) trends toward improvement in the welfare and protection of children and families;

(bb) trends in family reunification, domestic adoption, and intercountry adoption;

(cc) movement toward ratification and implementation of the Convention; and

(dd) census information on the number of children in orphanages, foster homes, and other types of nonpermanent residential care as reported by the foreign country;

(II) the number of intercountry adoptions by United States citizens, including the country from which each child emigrated, the State in which each child resides, and the country in which the adoption was finalized;

(III) the number of intercountry adoptions involving emigration from the United States, including the country where each child now resides and the State from which each child emigrated;

(IV) the number of placements for adoption in the United States that were disrupted, including the country from which the child emigrated, the age of the child, the date of the placement for adoption, the reasons for the disruption, the resolution of the disruption, the agencies that handled the placement for adoption, and the plans for the child, and in addition, any information regarding disruption or dissolution of adoptions of children from other countries received pursuant to section 422(b)(14) of the Social Security Act (42 U.S.C. 622(b)(14));

(V) the average time required for completion of an adoption, set forth by the country from which the child emigrated;

(VI) the current list of agencies accredited and persons approved under the Intercountry Adoption Act of 2000 (42 U.S.C. 14901 et seq.) to provide adoption services;

(VII) the names of the agencies and persons temporarily or permanently debarred under the Intercountry Adoption Act of 2000 (42 U.S.C. 14901 et seq.), and the reasons for the debarment;

(VIII) the range of adoption fees involving adoptions by United States citizens and the median of such fees set forth by the country of origin;

(IX) the range of fees charged for accreditation of agencies and the approval of persons in the United States engaged in providing adoption services under the Convention; and

(X) recommendations of ways the United States might act to improve the welfare and protection of children and families in each foreign country.

(c) Functions of Office.—The Office shall have the following 7 functions:

(1) Approval of a family to adopt.—To approve or disapprove the eligibility of United States citizens to adopt foreign born children.

(2) Child adjudication.—To investigate and adjudicate the status of a child born abroad to determine their eligibility as an adoptable child.

(3) Family services.—To provide assistance to United States citizens engaged in the intercountry adoption process in resolving problems with respect to that process and to track intercountry adoption cases so as to ensure that all such adoptions are processed in a timely manner.

(4) International policy development.—To advise and support the Ambassador at Large and other relevant Bureaus in the development of sound policy regarding child protection and intercountry adoption.

(5) Central authority.—To assist the Secretary in carrying out duties of the central authority as defined in section 3 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14902).

(6) Enforcement.—To investigate, either directly or in cooperation with other appropriate international, Federal, State, or local entities, improprieties relating to adoption, including issues of child protection, birth family protection, and consumer fraud.

(7) Administration.—To perform administrative functions related to the functions performed under paragraphs (1) through (6), including legal functions and congressional liaison and public affairs functions.

(d) Organization.—

(1) In general.—All functions of the Office shall be performed by officers housed in a centralized office located in Washington, D.C. Within the Washington, D.C. office, there shall be 7 divisions corresponding to the 7 functions of the Office. All 7 divisions and their respective directors shall report directly to the Ambassador at Large.

(2) Approval to adopt.—The division responsible for approving parents to adopt shall be divided into regions of the United States as follows:

(A) Northwest.

(B) Northeast.

(C) Southwest.

(D) Southeast.

(E) Midwest.

(F) West.

(3) Child adjudication.—To the extent practicable, the division responsible for the adjudication of foreign born children as adoptable shall be divided by world regions which correspond to those currently used by other divisions within the Department of State.

(4) Use of international field officers.—Nothing in this section shall be construed to prohibit the use of international field officers posted abroad, as necessary, to fulfill the requirements of this Act.

(5) Use of existing systems.—Whenever possible, the Office shall utilize systems currently in place that ensure protections against child trafficking.

(e) Qualifications and Training.—In addition to meeting the employment requirements of the Department of State, officers employed in any of the 7 divisions of the Office shall undergo extensive and specialized training in the laws and processes of intercountry adoption as well as understanding the cultural, medical, emotional, and social issues surrounding intercountry adoption and adoptive families. The Ambassador at Large shall, whenever possible, recruit and hire individuals with background and experience in intercountry adoptions, taking care to ensure that such individuals do not have any conflicts of interest that might inhibit their ability to serve.

(f) USE OF ELECTRONIC DATABASES AND FILING.—To the extent possible, the Office shall make use of centralized, electronic databases and electronic form filing.

SEC. 912. RECOGNITION OF CONVENTION ADOPTIONS IN THE UNITED STATES.

Section 505(a)(1) of the Intercountry Adoption Act of 2000 (42 U.S.C. 14901 note) is amended by inserting "301, 302," after "205,".

SEC. 913. TECHNICAL AND CONFORMING AMENDMENT.

Section 104 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14914) is repealed.

SEC. 914. TRANSFER OF FUNCTIONS.

(a) IN GENERAL.—Subject to subsection (c), all functions under the immigration laws of the United States with respect to the adoption of foreign born children by United States citizens and their admission to the United States that have been vested by statute in, or exercised by, the Commissioner of Immigration and Naturalization, the Immigration and Naturalization Service (or any officer, employee, or component thereof), of the Department of Homeland Security (or any officer, employee, or component thereof) immediately prior to the effective date of this title, are transferred to the Office on the effective date of this title for exercise by the Ambassador at Large in accordance with applicable laws and subtitle B of this title.

(b) EXERCISE OF AUTHORITIES.—Except as otherwise provided by law, the Ambassador at Large may, for purposes of performing any function transferred to the Ambassador at Large under subsection (a), exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of the function immediately before the effective date of the transfer of the function pursuant to this subtitle.

(c) LIMITATION ON TRANSFER OF PENDING ADOPTIONS.—If an individual has filed a petition with the Immigration and Naturalization Service or the Department of Homeland Security with respect to the adoption of a foreign born child prior to the date of enactment of this subtitle, the Secretary of Homeland Security shall have the authority to make the final determination on such petition and such petition shall not be transferred to the Office.

SEC. 915. TRANSFER OF RESOURCES.

Subject to section 1531 of title 31, United States Code, upon the effective date of this title, there are transferred to the Ambassador at Large for appropriate allocation in accordance with section 916, the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available to the Immigration and Naturalization Service or the Department of Homeland Security in connection with the functions transferred pursuant to this subtitle.

SEC. 916. INCIDENTAL TRANSFERS.

The Ambassador at Large may make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out this title. The Ambassador at Large shall provide for such further measures and dispositions as may be necessary to effectuate the purposes of this subtitle.

SEC. 917. SAVINGS PROVISIONS.

(a) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, agreements, including collective bargaining agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the President, the Ambassador at Large, the former Commissioner of the Immigration and Naturalization Service, their delegates, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred pursuant to this subtitle; and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date);

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, any other authorized official, a court of competent jurisdiction, or operation of law, except that any collective bargaining agreement shall remain in effect until the date of termination specified in the agreement.

(b) PROCEEDINGS.—

(1) PENDING.—The transfer of functions under section 914 shall not affect any proceeding or any application for any benefit, service, license, permit, certificate, or financial assistance pending on the effective date of this subtitle before an office whose functions are transferred pursuant to this subtitle, but such proceedings and applications shall be continued.

(2) ORDERS.—Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(3) DISCONTINUANCE OR MODIFICATION.—Nothing in this section shall be considered to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(c) SUITS.—This subtitle shall not affect suits commenced before the effective date of this subtitle, and in all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this subtitle had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Department of State, the Immigration and Naturalization Service, or the Department of Homeland Security, or by or against any individual in the official capacity of such individual as an officer or employee in connection with a function transferred pursuant to this section, shall abate by reason of the enactment of this Act.

(e) CONTINUANCE OF SUIT WITH SUBSTITUTION OF PARTIES.—If any Government officer in the official capacity of such officer is party to a suit with respect to a function of the officer, and pursuant to this subtitle such function is transferred to any other officer or office, then such suit shall be continued with the other officer or the head of such other office, as applicable, substituted or added as a party.

(f) ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW.—Except as otherwise provided by this subtitle, any statutory requirements relating to notice, hearings, action upon the record, or administrative or judicial review that apply to any function transferred pursuant to any provision of this subtitle shall apply to the exercise of such function by the head of the office, and other officers of the office, to which such function is transferred pursuant to such provision.

SEC. 918. EFFECTIVE DATE.

This subtitle shall take effect 180 days after the date of enactment of this Act.

Subtitle B—Reform of United States Laws Governing Intercountry Adoptions

SEC. 921. AUTOMATIC ACQUISITION OF CITIZENSHIP FOR ADOPTED CHILDREN BORN OUTSIDE THE UNITED STATES.

(a) AMENDMENTS OF AUTOMATIC CITIZENSHIP PROVISIONS.—Section 320 of the Immigration and Nationality Act (8 U.S.C. 1431) is amended—

(1) by amending the section heading to read as follows: "CHILDREN BORN OUTSIDE THE UNITED STATES; CONDITIONS UNDER WHICH CITIZENSHIP AUTOMATICALLY ACQUIRED"; and

(2) in subsection (a), by striking paragraphs (1) through (3) and inserting the following:

"(1) Upon the date the adoption becomes full and final, at least 1 parent of the child is a citizen of the United States, whether by birth or naturalization, who has been physically present in the United States or its outlying possessions for a period or periods totaling not less than 5 years, at least 2 of which were after attaining the age of 14 years. Any periods of honorable service in the Armed Forces of the United States, or periods of employment with the United States Government or with an international organization as that term is defined in section 1 of the International Organizations Immunities Act (22 U.S.C. 288) by such citizen parent, or any periods during which such citizen parent is physically present abroad as the dependent unmarried son or daughter and a member of the household of a person—

"(A) honorably serving with the Armed Forces of the United States; or

"(B) employed by the United States Government or an international organization as defined in section 1 of the International Organizations Immunities Act (22 U.S.C. 288);

may be included in order to satisfy the physical presence requirement of this paragraph.

"(2) The child is an adoptable child described in section 101(c)(3).

"(3) The child is the beneficiary of a full and final adoption decree entered by a foreign government or a court in the United States.

"(4) For purposes of this subsection, the term 'full and final adoption' means an adoption—

"(A) that is completed under the laws of the child's country of residence or the State law of the parent's residence;

"(B) under which a person is granted full and legal custody of the adopted child;

"(C) that has the force and effect of severing the child's legal ties to the child's biological parents;

"(D) under which the adoptive parents meet the requirements of section 925 of the Intercountry Adoption Reform Act of 2005; and

"(E) under which the child has been adjudicated to be an adoptable child in accordance with section 926 of the Intercountry Adoption Reform Act of 2005.".

(b) EFFECTIVE DATE.—This section shall take effect as if enacted on January 1, 1950.

SEC. 922. REVISED PROCEDURES.

Notwithstanding any other provision of law, the following requirements shall apply with respect to the adoption of foreign born children by United States citizens:

(1) Upon completion of a full and final adoption, the Secretary shall issue a United States passport and a Consular Report of Birth for a child who satisfies the requirements of section 921 of the Immigration and Nationality Act (8 U.S.C. 1431), as amended by section 921 of this Act, upon application by a United States citizen parent.

(2) An adopted child described in paragraph (1) shall not require the issuance of a visa for travel and admission to the United States but shall be admitted to the United States upon presentation of a valid, unexpired United States passport.

(3) No affidavit of support under section 213A of the Immigration and Nationality Act (8 U.S.C. 1183a) shall be required in the case of any adoptable child.

(4)(A) The Secretary shall require that agencies provide prospective adoptive parents an opportunity to conduct an independent medical exam and a copy of any medical records of the child known to exist (to the greatest extent practicable, these documents shall include an English translation) on a date that is not later than the earlier of the date that is 2 weeks before the adoption, or the date on which prospective adoptive parents travel to such a foreign country to complete all procedures in such country relating to adoption.

(B) The Secretary shall not require an adopted child described in paragraph (1) to undergo a medical exam for the purpose of excluding the child's immigration to the United States.

(5) The Secretary shall take necessary measures to ensure that all prospective adoptive parents adopting internationally are provided with training that includes counseling and guidance for the purpose of promoting a successful intercountry adoption before such parents travel to adopt the child or the child is placed with such parents for adoption.

(6) The Secretary shall take necessary measures to ensure that—

(A) prospective adoptive parents are given full disclosure of all direct and indirect costs of intercountry adoption before they are matched with child for adoption;

(B) fees charged in relation to the intercountry adoption be on a fee for service basis not on a contingent fee basis; and

(C) that the transmission of fees between the adoption agency, the country of origin, and the prospective adoptive parents is carried out in a transparent and efficient manner.

(7) The Secretary shall take all measures necessary to ensure that all documents provided to a country of origin on behalf of a prospective adoptive parent are truthful and accurate.

SEC. 923. NONIMMIGRANT VISAS FOR CHILDREN TRAVELING TO THE UNITED STATES TO BE ADOPTED BY A UNITED STATES CITIZEN.

(a) IN GENERAL.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(1) by striking "or" at the end of subparagraph (U);

(2) by striking the period at the end of subparagraph (V) and inserting "; or"; and

(3) by adding at the end the following:

"(W) an adoptable child who is coming into the United States for adoption by a United States citizen and a spouse jointly or by an unmarried United States citizen at least 25 years of age, who has been approved to adopt.".

(b) TERMINATION OF PERIOD OF AUTHORIZED ADMISSION.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following:

"(s) In the case of a nonimmigrant described in section 101(a)(15)(W), the period of authorized admission shall terminate on the earlier of—

"(1) the date on which the adoption of the nonimmigrant is completed by the courts of the State where the parents reside; or

"(2) the date that is 4 years after the date of admission of the nonimmigrant into the United States, unless a petitioner is able to show cause as to why the adoption could not be completed prior to such date and the Secretary of State extends such period for the period necessary to complete the adoption.".

(c) TEMPORARY TREATMENT AS LEGAL PERMANENT RESIDENT.—Notwithstanding any other law, all benefits and protections that apply to a legal permanent resident shall apply to a nonimmigrant described in section 101(a)(15)(W) of the Immigration and Nationality Act, as added by subsection (a), pending a full and final adoption.

(d) EXCEPTION FROM IMMUNIZATION REQUIREMENT FOR CERTAIN ADOPTED CHILDREN.—Section 212(a)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(1)(C)) is amended—

(1) in the heading by striking "10 YEARS" and inserting "18 YEARS"; and

(2) in clause (i), by striking "10 years" and inserting "18 years".

(e) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall prescribe such regulations as may be necessary to carry out this section.

SEC. 924. DEFINITION OF ADOPTABLE CHILD.

(a) IN GENERAL.—Section 101(c) of the Immigration and Nationality Act (8 U.S.C. 1101(c)) is amended by adding at the end the following:

"(3) The term 'adoptable child' means an unmarried person under the age of 18—

"(A)(i) whose biological parents (or parent, in the case of a child who has one sole or surviving parent) or other persons or institutions that retain legal custody of the child—

"(I) have freely given their written irrevocable consent to the termination of their legal relationship with the child, and to the child's emigration and adoption and that such consent has not been induced by payment or compensation of any kind and has not been given prior to the birth of the child;

"(II) are unable to provide proper care for the child, as determined by the competent authority of the child's residence; or

"(III) have voluntarily relinquished the child to the competent authorities pursuant to the law of the child's residence; or

"(ii) who, as determined by the competent authority of the child's residence—

"(I) has been abandoned or deserted by their biological parent, parents, or legal guardians; or

"(II) has been orphaned due to the death or disappearance of their biological parent, parents, or legal guardians;

"(B) with respect to whom the Secretary of State is satisfied that the proper care will be furnished the child if admitted to the United States;

"(C) with respect to whom the Secretary of State is satisfied that the purpose of the adoption is to form a bona fide parent-child relationship and that the parent-child relationship of the child and the biological parents has been terminated (and in carrying out both obligations under this subparagraph the Secretary of State, in consultation with the Secretary of Homeland Security, may consider whether there is a petition pending to confer immigrant status on one or both of the biological parents);

"(D) with respect to whom the Secretary of State, is satisfied that there has been no inducement, financial or otherwise, offered to obtain the consent nor was it given before the birth of the child;

"(E) with respect to whom the Secretary of State, in consultation with the Secretary of Homeland Security, is satisfied that the person is not a security risk; and

"(F) whose eligibility for adoption and emigration to the United States has been certified by the competent authority of the country of the child's place of birth or residence.".

(b) CONFORMING AMENDMENT.—Section 204(d) of the Immigration and Nationality Act (8 U.S.C. 1154(d)) is amended by inserting "and an adoptable child as defined in section 101(c)(3)" before "unless a valid home-study".

SEC. 925. APPROVAL TO ADOPT.

(a) IN GENERAL.—Prior to the issuance of a visa under section 101(a)(15)(W) of the Immigration and Nationality Act, as added by section 923(a) of this Act, or the issuance of a full and final adoption decree, the United States citizen adoptive parent shall have approved by the Office a petition to adopt. Such petition shall be subject to the same terms and conditions as are applicable to petitions for classification under section 204.3 of title 8 of the Code of Federal Regulations, as in effect on the day before the date of enactment of this Act.

(b) EXPIRATION OF APPROVAL.—Approval to adopt under this Act is valid for 24 months from the date of approval. Nothing in this section may prevent the Secretary of Homeland Security from periodically updating the fingerprints of an individual who has filed a petition for adoption.

(c) EXPEDITED REAPPROVAL PROCESS OF FAMILIES PREVIOUSLY APPROVED TO ADOPT.—The Secretary shall prescribe such regulations as may be necessary to provide for an expedited and streamlined process for families who have been previously approved to adopt and whose approval has expired, so long as not more than 3 years have lapsed since the original application.

(d) DENIAL OF PETITION.—

(1) NOTICE OF INTENT.—If the officer adjudicating the petition to adopt finds that it is not readily approvable, the officer shall notify the petitioner, in writing, of the officer's intent to deny the petition. Such notice shall include the specific reasons why the petition is not readily approvable.

(2) PETITIONERS RIGHT TO RESPOND.—Upon receiving a notice of intent to deny, the petitioner has 30 days to respond to such notice.

(3) DECISION.—Within 30 days of receipt of the petitioner's response the Office must reach a final decision regarding the eligibility of the petitioner to adopt. Notice of a formal decision must be delivered in writing.

(4) RIGHT TO AN APPEAL.—Unfavorable decisions may be appealed to the Department of State and, after the exhaustion of the appropriate appeals process of the Department, to a United States district court.

(5) REGULATIONS REGARDING APPEALS.—Not later than 6 months after the date of enactment of this Act, the Secretary shall promulgate formal regulations regarding the process for appealing the denial of a petition.

SEC. 926. ADJUDICATION OF CHILD STATUS.

(a) IN GENERAL.—Prior to the issuance of a full and final adoption decree or a visa under section 101(a)(15)(W) of the Immigration and Nationality Act, as added by section 923(a) of this Act—

(1) the Office shall obtain from the competent authority of the country of the child's residence a certification, together with documentary support, that the child sought to be adopted meets the description of an adoptable child; and

(2) not later than 15 days after the date of the receipt of the certification referred to in paragraph (1), the Office shall make a final determination on whether the certification and the documentary support are sufficient to meet the requirements of this section or whether additional investigation or information is required.

(b) PROCESS FOR DETERMINATION.—

(1) IN GENERAL.—The Ambassador at Large shall work with the competent authorities of the child's country of residence to establish a uniform, transparent, and efficient process for the exchange and approval of the certification and documentary support required under subsection (a).

(2) NOTICE OF INTENT.—If the Office finds that the certification submitted by the competent authority of the child's country of origin is not readily approvable, the Office shall—

(A) notify the competent authority and the prospective adoptive parents, in writing, of the specific reasons why the certification is not sufficient; and

(B) provide the competent authority and the prospective adoptive parents the opportunity to address the stated insufficiencies.

(3) PETITIONERS RIGHT TO RESPOND.—Upon receiving a notice of intent to find that a certification is not readily approvable, the prospective adoptive parents shall have 30 days to respond to such notice.

(4) DECISION.—Not later than 30 days after the date of receipt of a response submitted under paragraph (3), the Office must reach a final decision regarding the child's eligibility as an adoptable child. Notice of such decision must be in writing.

(5) RIGHT TO AN APPEAL.—Unfavorable decisions on a certification may be appealed to the Department of State and, after the exhaustion of the appropriate appeals process of the Department, to a United States district court.

Subtitle C—Funding

SEC. 931. FUNDS.

The Secretary shall provide the Ambassador at Large with such funds as may be necessary for—

(1) the hiring of staff for the Office;

(2) investigations conducted by the Office; and

(3) travel and other expenses necessary to carry out this Act.

Subtitle D—Enforcement

SEC. 941. ENFORCEMENT.

(a) CIVIL PENALTIES.—A person shall be subject, in addition to any other penalty that may be prescribed by law, to a civil money penalty of not more than $50,000 for a first violation, and not more than $100,000 for each succeeding violation if such person—

(1) violates a provision of this title or an amendment made by this title;

(2) makes a false or fraudulent statement, or misrepresentation, with respect to a material fact, or offers, gives, solicits, or accepts inducement by way of compensation, intended to influence or affect in the United States or a foreign country—

(A) a decision for an approval under title II;

(B) the relinquishment of parental rights or the giving of parental consent relating to the adoption of a child; or

(C) a decision or action of any entity performing a central authority function; or

(3) engages another person as an agent, whether in the United States or in a foreign country, who in the course of that agency takes any of the actions described in paragraph (1) or (2).

(b) CIVIL ENFORCEMENT.—

(1) AUTHORITY OF ATTORNEY GENERAL.—The Attorney General may bring a civil action to enforce subsection (a) against any person in any United States district court.

(2) FACTORS TO BE CONSIDERED IN IMPOSING PENALTIES.—In imposing penalties the court shall consider the gravity of the violation, the degree of culpability of the defendant, and any history of prior violations by the defendant.

(c) CRIMINAL PENALTIES.—Whoever knowingly and willfully commits a violation described in paragraph (1) or (2) of subsection (a) shall be subject to a fine of not more than $250,000, imprisonment for not more than 5 years, or both.

SA 331. Mr. SMITH submitted an amendment intended to be proposed by him to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV, add the following new section:

SEC. 405. UNITED NATIONS REFORM.

(a) POLICY STATEMENTS.—It shall be the policy of the United States to use its voice, vote and influence—

(1) to strengthen the effectiveness and independence of the United Nations Office of Internal Oversight Service;

(2) to ensure a credible, respectable Human Rights organization within the United Nations whose participating members uphold the values enumerated in the 30 articles of the Universal Declaration of Human Rights;

(3) to urge the United Nations to implement management reforms to improve its operational ability and utility, including—

(A) the adoption of a General Assembly resolution that provides for the automatic sunsetting of all United Nations programs, projects, or activities without explicit reauthorization by the General Assembly and the inclusion of a sunset provision in every new General Assembly resolution that establishes a program, project, or activity; and

(B) the adoption of a General Assembly resolution that prevents growth in the total number of United Nations personnel or positions, including outside contractors, from the number that are currently employed or contracted by the United Nations as of the date of the enactment of this Act; and

(4) to actively pursue weighted voting on budgetary and financial matters both in the Administrative and Budgetary Committee and the General Assembly of the United Nations in accordance with the level of financial contributions of the Member States to the regular budget of the United Nations.

(b) WITHHOLDING OF CONTRIBUTIONS.—Fifty percent of the funds made available in each fiscal year for the assessed contribution of the United States to the United Nations regular budget shall be withheld from obligation and expenditure until the Secretary has submitted to the appropriate congressional committees the certification described in subsection (c) and the report described in subsection (d).

(c) CERTIFICATION.—The Secretary shall certify to the appropriate congressional committees that the following conditions have been met:

(1) The United Nations has met the requirements under paragraphs (1) through (6) of section 401(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236; 108 Stat. 446).

(2) The United Nations Office of Internal Oversight Service has fulfilled the directive in General Assembly Resolution 48/218B to make all of its reports available to the General Assembly, with modifications to those reports that would violate confidentiality or the due process rights of individuals involved in any investigation.

(3) The United Nations Office of Internal Oversight Service is not subject to the budget or organizational authority of any entity within the United Nations other than the Secretary-General for purposes of nomination of its Director.

(4) The United Nations Office of Internal Oversight Service receives the totality of operational and budgetary resources through appropriations by the United Nations General Assembly and is not dependent upon any other bureau, division, department, or specialized agency of the United Nations for such funding.

(5) Any official of any bureau, division, department, or specialized agency of the United Nations, including the Secretary-General, may make a recommendation to the United Nations Office of Internal Oversight Service to initiate an investigation of any aspect of the United Nations system.

(6) The United Nations Office of Internal Oversight Service has the authority to audit, inspect, or investigate each program, project, or activity funded by the United Nations, including the Secretary-General, and each executive board created under the United Nations has been notified in writing of that authority.

(7) The United Nations Office of Internal Oversight Service Director is authorized to accept informational leads and testimony on allegations of wrongdoing by United Nations officials and entities pursuant to or initiating a formal Office of Internal Oversight Service investigation.

(8) The following human rights reforms have been adopted by the United Nations:

(A) Any Member State of the United Nations that fails to uphold the values enumerated in the 30 articles of the Universal Declaration of Human Rights shall be ineligible for membership on any United Nations human rights body.

(B) Any Member State that is subject to sanctions by the United Nations Security Council shall be ineligible for membership on any United Nations human rights body.

(C) Any Member State that is currently subject to an agenda item 9 country-specific resolution or has been the subject of an item 9 country-specific resolution within the last 2 years shall be ineligible for membership on any United Nations human rights body.

(D) Any Member State that violates the principles of a United Nations human rights body it aspires to join shall be ineligible for membership on such body.

(E) Agenda item 8 is abolished.

(9) The Office of the High Commissioner on Human Rights has been given greater authority in field operation activities, such as in Darfur and the Democratic Republic of the Congo, in furtherance of the purpose and mission of the United Nations.

(d) Report on United Nations Reform.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit a report to the appropriate congressional committees on United Nations reform.

(2) Content.—The report required under paragraph (1) shall describe—

(A) the status of the implementation of management reforms within the United Nations and its specialized agencies;

(B) the number of outputs, reports, or other items generated by General Assembly resolutions that have been eliminated, including those that were eliminated as a result of the results based budgeting process;

(C) the continued utility and relevance of the Economic and Financial Committee and the Social, Humanitarian, and Cultural Committee, given the duplicative agendas of those committees and the Economic and Social Council;

(D) the extent to which the Board of External Auditors is an independent entity within the United Nations and not subject to the budget authority or organizational authority of any authority within the United Nations other than the Secretary-General for purposes of nomination of its Director;

(E) the need for a United Nations Office of Special Investigator to investigate senior United Nations officials or allegations of serious misconduct involving United Nations activities in circumstances where an investigator independent of the United Nations is necessary to maintain public confidence in the integrity of the investigation; and

(F) the need for an independent United Nations Ethics Office within the United Nations to establish and monitor general rules of ethics and conduct, including the program of financial disclosure.

(e) Peacekeeping Contributions.—

(1) Withholding of funds.—Beginning 90 days after the date of the enactment of this Act, 50 percent of the funds made available in each fiscal year for the assessed contribution of the United States to the United Nations peacekeeping operations budget shall be withheld from obligation and expenditure unless the certification described in paragraph (2) has been transmitted to the appropriate congressional committees.

(2) Certification.—The Secretary of State shall certify to the appropriate congressional committees that the following reforms have been instituted by the United Nations Department of Peacekeeping Operations:

(A) Adoption of a uniform Code of Conduct for United Nations peacekeeping operations that applies equally to all military and civilian personnel, regardless of category, which would include measures to prevent the employees, contractor personnel, and peacekeeping forces of the United Nations from trafficking in persons, exploiting victims of trafficking, or committing acts of illegal sexual exploitation.

(B) Mechanisms for the enforcement of the Code of Conduct described in subparagraph (A) have been implemented, including—

(i) the compilation and maintenance of a data base to track violators of the Code of Conduct in order to ensure that they may never again serve in a United Nations peacekeeping operation;

(ii) the inclusion of provisions for the conduct of court martial proceedings while violators are still in-country in each Status of Forces Agreement (SOFA) or other official document creating, outlining, or governing the peacekeeping operation;

(iii) the creation of a model Memorandum of Understanding between the United Nations and each troop contributing country which requires each troop contributing country to refer any investigation of a violation of the Code of Conduct or other criminal activity by its nationals to its competent national or military authority for prosecution; and

(iv) the establishment of performance evaluations for program managers and area commanders that includes an assessment of efforts to prevent and address allegations of abuse of the Code of Conduct or other criminal activities by those under their authority.

(C) An independent investigative and audit function has been established within each United Nations peacekeeping mission.

(3) Report.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit a report to the appropriate congressional committees detailing—

(A) the financial compensation provided by the United Nations to countries that contribute troops to United Nations peacekeeping operations for each current peacekeeping mission in operation;

(B) the financial compensation each troop contributing country provides to individual peacekeepers who participate in United Nations peacekeeping operations; and

(C) the amount of money that the United Nations contributes to troop contributing countries to United Nations peacekeeping operations that is not directly provided to individuals serving in United Nations peacekeeping operations.

SA 332. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill S. 600, to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, insert the following new title:

TITLE IX—INTERNATIONAL PARENTAL CHILD ABDUCTION PREVENTION

SEC. 901. SHORT TITLE.

This title may be cited as the "International Parental Child Abduction Prevention Act of 2005".

SEC. 902. INADMISSIBILITY OF ALIENS SUPPORTING INTERNATIONAL CHILD ABDUCTORS AND RELATIVES OF SUCH ABDUCTORS.

(a) In General.—Section 212(a)(10)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C)(ii)) is amended by striking subclause (III) and inserting the following:

"(III) is a spouse (other than a spouse who is the parent of the abducted child), son or daughter (other than the abducted child), grandson or granddaughter (other than the abducted child), parent, grandparent, sibling, cousin, uncle, aunt, nephew, or niece of an alien described in clause (i), or is a spouse of the abducted child described in clause (i), if such person has been designated by the Secretary of State, at the Secretary of State's sole and unreviewable discretion,

is inadmissible until the child described in clause (i) is surrendered to the person granted custody by the order described in that clause, and such person and child are permitted to return to the United States or such person's place of residence, or until the abducted child is 21 years of age (unless the Secretary determines that an abducted child who is 21 years of age or older is unable to travel freely in accordance with such individual's wishes).".

(b) Authority To Cancel Certain Designations; Identification of Aliens Supporting Abductors and Relatives of Abductors; Entry of Abductors and Other Inadmissible Aliens in the Consular Lookout and Support System.—Section 212(a)(10)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C)) is amended by adding at the end the following:

"(iv) Authority to cancel certain designations.—The Secretary of State may, at the Secretary of State's sole and unreviewable discretion, at any time, cancel a designation made pursuant to clause (ii)(III).

"(v) Identification of aliens supporting abductors and relatives of abductors.—In all instances in which the Secretary of State knows that an alien has committed an act described in clause (i), the Secretary of State shall take appropriate action to identify the individuals who are potentially inadmissible under clause (ii).

"(vi) Entry of abductors and other inadmissible persons in consular lookout and support system.—In all instances in which the Secretary of State knows that an alien has committed an act described in clause (i), the Secretary of State shall take appropriate action to cause the entry into the Consular Lookout and Support System of the name or names of, and identifying information about, such individual and of any persons identified pursuant to clause (v) as potentially inadmissible under clause (ii).

"(vii) Definitions.—In this subparagraph:

"(I) Child.—The term 'child' means an individual who was a child at the time the individual was detained or retained, or at the time custody of the individual was withheld, as described in clause (i) regardless of marital status.

"(II) Sibling.—The term 'sibling' includes step-siblings and half-siblings.".

(c) Annual Report.—

(1) In general.—Not later than 180 days after the date of enactment of this Act, and each February 1 thereafter for 4 years, the Secretary shall submit to the appropriate congressional committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives, an annual report that describes the operation of section 212(a)(10)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C)), as amended by this section, during the prior calendar year to which the report pertains.

(2) Content.—Each annual report submitted in accordance with paragraph (1) shall specify, to the extent that corresponding data is reasonably available, the following:

(A) The number of cases known to the Secretary, disaggregated according to the nationality of the aliens concerned, in which a visa was denied to an applicant on the basis of the inadmissibility of the applicant under section 212(a)(10)(C) of the Immigration and Nationality Act (as so amended) during the reporting period.

(B) The cumulative total number of cases known to the Secretary, disaggregated according to the nationality of the aliens concerned, in which a visa was denied to an applicant on the basis of the inadmissibility of the applicant under section 212(a)(10)(C) of the Immigration and Nationality Act (as so amended) since the beginning of the first reporting period.

(C) The number of cases known to the Secretary, disaggregated according to the nationality of the aliens concerned, in which the name of an alien was placed in the Consular Lookout and Support System on the basis of the inadmissibility of the alien or potential inadmissibility under section 212(a)(10)(C) of the Immigration and Nationality Act (as so amended) during the reporting period.

(D) The cumulative total number of names, disaggregated according to the nationality of the aliens concerned, known to the Secretary to appear in the Consular Lookout and Support System on the basis of the inadmissibility of the alien or potential inadmissibility under section 212(a)(10)(C) of the Immigration and Nationality Act (as so amended) at the end of the reporting period.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Committee On Energy and Natural Resources.

The hearing will be held on Thursday, April 14, at 10 a.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on S. 388, a bill that would direct the Secretary of Energy to promote the adoption of technologies that reduce greenhouse gas intensity, provide credit-based financial assistance and investment protection for projects that employ advanced climate technologies or systems and establish a national greenhouse gas registry.

Because of the limited time available for this hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact: Shane Perkins at 202–224–7555.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I ask unanimous consent that the committee on Agriculture, Nutrition and Forestry be authorized to conduct a hearing during the session of the Senate on Wednesday, April 6, 2005. The purpose of this hearing will be to consider the nomination of Charles F. Conner to be Deputy Secretary of Agriculture for the United States Department of Agriculture.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LUGAR. Mr. President, I ask unanimous consent that the committee on banking, housing, and urban affairs be authorized to meet during the session of the Senate on April 6, 2005, at 9:30 a.m. to conduct a hearing on "Regulatory Reform of the Government-Sponsored Enterprises."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LUGAR. Mr. President, I ask unanimous consent that the committee on energy and natural resources be authorized to meet during the session of the Senate on Wednesday, April 6, at 10 a.m.

The purpose of the hearing is to consider the nomination of David Garman to be Under Secretary of Energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENTAL AND PUBLIC WORKS

Mr. LUGAR. Mr. President. I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Wednesday, April 6, 2005, at 9:15 a.m. to conduct a hearing regarding the following nominations:

Panel I: Stephen Johnson, nominated by the President to be the Administrator of the United States Environmental Protection Agency (EPA).

Panel II: Luis Luna—nominated by the President to be EPA's Assistant Administrator for Administration and Resource Management; John Paul Woodley, Jr.—nominated by the President to be Assistant Secretary of the Army for Civil Works; Major General Don Riley, United States Army—nominated by the President to be a Member and President of the Mississippi River Commission; Brigadier General William T. Grisoli, United States Army—nominated by the President to be a Member of the Mississippi River Commission; D. Michael Rappoport—nominated by the President to be a Member of the Board of Trustees of the Morris K. Udall Foundation; and Michael Butler—nominated by the President to be a Member of the Board of Trustees of the Morris K. Udall Foundation.

The hearing will be held in SD 406.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Wednesday, April 6, 2005 at 9:30 a.m. in SD–562.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LUGAR. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 6, 2005 at 2:30 p.m. to hold a closed briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND

Mr. LUGAR. Mr. President, I ask unanimous consent that the Subcommittee on Airland be authorized to meet during the session of the Senate on April 6, 2005, at 2:30 p.m., in open session to receive testimony on tactical aviation programs, in review of the defense authorization request for fiscal year 2006.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. LUGAR. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support be authorized to meet during the session of the Senate on April 6, 2005, at 9:30 a.m., in open session to receive testimony on military installation programs in review of the defense authorization request for fiscal year 2006.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT—H.R. 1268

Mr. ENZI. Mr. President, I ask unanimous consent at 3 p.m. on Monday, the Senate begin consideration of Calendar No. 67, H.R. 1268, the supplemental appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair announces, on behalf of the Secretary of the Senate, pursuant to Public Law 101–509, the appointment of Paul Gherman, of Tennessee, to the Advisory Committee on the Records of Congress.

The PRESIDING OFFICER. The Chair announces, on behalf of the Majority Leader, pursuant to Public Law 101–509, the re-appointment of Alan C. Lowe, of Tennessee, to the Advisory Committee on the Records of Congress.

EXECUTIVE SESSION

NOMINATION OF JOHN B. BELLINGER III, TO BE LEGAL ADVISOR OF THE DEPARTMENT OF STATE

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on today's Executive Calendar: Calendar No. 30, John Bellinger III, to be Legal Advisor to the Department of State.

I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF STATE

John B. Bellinger III, of Virginia, to be Legal Adviser of the Department of State.

RECOGNIZING THE 50TH ANNIVERSARY OF THE SALK POLIO VACCINE

Mr. ENZI. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of S. Res. 101, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 101) recognizing the 50th anniversary of the development of the Salk polio vaccine and its importance in eradicating the incidence of polio.

There being no objection, the Senate proceeded to consider the resolution.

Mr. ENZI. I ask unanimous consent that resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 101) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 101

Whereas the epidemic of polio struck the citizens of the United States in the early 1950s, causing thousands of cases of lingering paralysis and death;

Whereas the epidemic of polio peaked in 1952, having affected nearly 58,000 people, mainly children and young adults;

Whereas many of those affected by polio needed the assistance of mechanical ventilators in order to breathe, while others were crippled and dependent upon crutches for mobility;

Whereas University of Pittsburgh faculty member Dr. Jonas Salk and his team of researchers developed the first vaccine against polio;

Whereas, in April 1955, the results of an unprecedented and successful nationwide clinical trial of the polio vaccine were announced;

Whereas the Salk polio vaccine was approved for widespread public use at that time; and

Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the pioneering achievement of Dr. Jonas Salk and his team of researchers at the University of Pittsburgh in the development of the Salk polio vaccine;

(2) expresses its appreciation to—

(A) the family of Dr. Salk for the elimination of polio, a disease that caused countless deaths and disabling consequences;

(B) the members of Dr. Salk's research team; and

(C) the individuals who generously agreed to participate in clinical trials to validate the efficacy of the polio vaccine; and

(3) celebrates with the University of Pittsburgh on the 50th anniversary of the approval and use of the Salk polio vaccine.

HONORING THE LIFE AND CONTRIBUTIONS OF YOGI BHAJAN

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 34, just received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 34) honoring the life and contributions of Yogi Bhajan, a leader of Sikhs, and expressing condolences to the Sikh community on his passing.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. ENZI. Mr. President, I ask unanimous consent that the concurrent resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 34) was agreed to.

The preamble was agreed to.

ORDERS FOR THURSDAY, APRIL 7, 2005

Mr. ENZI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. on Thursday, April 7. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then begin a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ENZI. Mr. President, tomorrow the Senate will be in a period of morning business throughout the day. A number of our colleagues will be traveling to Rome to attend the funeral of Pope John Paul II. We will return next week and begin consideration of the Iraq-Afghanistan supplemental appropriations bill. Senators should expect a busy week with rollcall votes throughout. Senators should be aware that we will have a Monday evening vote at approximately 5:15, and we will lock that in tomorrow morning.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. ENZI. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8 p.m., adjourned until Thursday, April 7, 2005, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate April 6, 2005:

DEPARTMENT OF TRANSPORTATION

MARIA CINO, OF VIRGINIA, TO BE DEPUTY SECRETARY OF TRANSPORTATION, VICE KIRK VAN TINE.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL A. HAMEL, 2699

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531.

To be colonel

JOHN J. KUPKO II, 2722

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 531 AND 1552:

To be lieutenant colonel

GREGG W. ALLRED, 3688
JEFFREY A. FISHER, 6928
KEVIN S. GROVE, 1010
GERALD C. LEAKE, JR., 9388
ALBERT C. OESTERLE, 1586

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

STEPHEN E. VANGUNDY, 0133

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE, UNDER TITLE 10, U.S.C., SECTIONS 624 AND 1552:

To be major

BRETT L. SWAIN, 7641

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be major

SUNNY S. * AHN, 8069
OLGA M. * ANDERSON, 4620
DAVID O. * ANGLIN, 1993
REBECCA E. * AUSPRUNG, 5158
JAMES A. * BAGWELL, 3937
BRIAN R. * BATTLES, 2032
JASON M. BELL, 0591
MARK J. * BLASKO, 4625
BRADLEY W. BLOODWORTH, 3121
PATRICIA C. * BRADLEY, 1779
DEIRDRE G. BROU, 6639

JAMES E. * BROUSEK, 7375
JOHN M. * COOPER, 1929
JOHN P. * DEVER, JR., 3721
WILLIAM J. DOBOSH, JR., 2579
MARIA Z. * DOUCETTPERRY, 8236
JERRETT W. * DUNLAP, JR., 8796
SEBASTIAN A. EDWARDS, 6784
HEATHER J. * FAGAN, 5360
JANINE P. * FELSMAN, 8562
ERIC J. * FEUSTEL, 0123
GRACE M. * GALLAGHER, 8693
JESSICA A. * GOLEMBIEWSKI, 6642
CHRISTOPHER G. * GRAVELINE, 6886
JOHN A. * HAMNER II, 5725
MICHELLE A. * HANSEN, 5518
TIMOTHY P. * HAYES, JR., 3562
WILLIAM M. * HELIXON, 2468
RICHARD J. * HENRY, 5901
HOWARD H. HOEGE III, 6030
THEODORE C. * HOUDEK, 5658
CRYSTAL L. JENNINGS, 4035
GARY T. * JOHNSON, 1500
PETER * KAGELEIRY, 6270
SAMUEL W. KAN, 0431
KEVEN J. KERCHER, 7749
EUGENE Y. * KIM, 9164
JENNIFER L. KNIES, 7980
CHARLES J. * KOVATS, JR., 6849
CHARLES A. * KUHFAHL, JR., 5675
JAMES D. * LEVINE II, 5186
ERIC D. MAGNELL, 7577
MARK D. * MATTHEWS, 7548
JOHN M. * MCCABE, 9453
MATTHEW J. * MCDONALD, 2418
RUSSELL N. * PARSON, 8435
CARLA T. * PETERS, 5012
KELLI L. * PETERSEN, 2310
CHARLES L. * PRITCHARD, JR., 3565
TIMOTHY J. * RYAN, 0619
STEPHANIE D. * SANDERSON, 7693
LUISA * SANTIAGO, 4599
EMILY C. SCHIFFER, 3207
THOMAS E. SCHIFFER, 7586
CHRISTINE M. SCHVERAK, 2886
DAVID T. * SCOTT, 7382
TROY K. * STABENOW, 0377
JON M. * STANFIELD, 6704
JOHN H. * STEPHENSON II, 7305
KARIN G. TACKABERRY, 0753
MARGARET F. THOMAS, 4576
JACKIE L. * THOMPSON, JR., 7312
MARY C. * VERGONA, 8407
PATRICK L. * VERGONA, 5289
AARON A. WAGNER, 4585
LAURA T. * WELLS, 9349
ERIC W. * YOUNG, 9718

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JAMES W. CALDWELL, JR., 4152
RICHARD F. EICH, JR., 1123
MARTY G. LUTHER, 1144
RICHARD J. PAPESCA, 7198

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DAVID K. CHAPMAN, 9079
JOSHUA L. COHEN, 9619
MICHAEL S. FLANAGAN, 6085
BRIAN J. HALL, 3179
JAMES M. OMALLEY, 9715
FRANK V. PORCELLINI, JR., 7415
STEVE W. SHULTZ, 1379
ERIK G. STARK, 8584
PAUL C. VICINANZO, 3009
WILLIAM V. WEINMAN, JR., 1252

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

ROBERT W. WORRINGER, 8775

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

MELISSA J. MACKAY, 2096

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

THOMAS J. CUFF, 6343
GERALD A. LEMAY, 5115
CARVEN A. SCOTT, 8231

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

STEVEN F. MOMANO, 6599
AGUSTIN L. OTERO, 7459

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

LARRY THOMAS, 8559
DAVID J. WRAY, 5726

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

KERI A. BUCK, 0592
JON C. HENRY, 1203
JOHN N. ROGERS, 1400
WILLIAM J. WILSON III, 6891

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

NICHOLAS A. FILIPPONE, 7769
SUSAN C. KINNEY, 1615
KYLE L. MCCOLLOM, 0647
KARI A. PEREZ, 7665
NANCY S. VEGEL, 4783

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

EDWARD Y. ANDRUS, 9948
ALESSANDRO V. CUEVAS, 6639
KAY A. GRIFFITHS, 9021
MARK W. RUSSELL, 5710
BRIAN W. SAXMAN, 9585
THOMAS E. STOWELL, 3588

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

REBEKAH R. BARRISH, 4392
VICTORIA BOYD, 8852
STEVEN M. CARLEY, 5326
DOUGLAS C. DERRICK, 5262
MICHAEL J. DEVINE, 6751
TIMOTHY W. DORSEY, 3283
JAMES J. GARRETT, 4475
MARK W. GIBSON, 8585
DUANE A. GILES, 8189
JEFFERY B. GOLDMAN, 5940
DONALD P. HENRY, 7921
CAROL W. HUMPHRIES, 9356
KEITH A. LOWRY, 1092
ANNE M. MALIWAUKI, 6207
JAMES B. MILLER, 6068
GREGORY L. MITSOFF, 1977
MICHAEL J. MURPHY, 0482
LAWRENCE J. NOLAN, 2242
DAVID G. PASTULA, 7660
VICTOR D. PRATT, 1385
CHRISTINE E. REIDELL, 0536
JEFFREY L. ROBERSON, 1090
GRANT W. SODERSTROM, 6998
PAUL E. STEPHAN, 9261
SAMUEL G. SUMWALT, 9775

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

CHARLES E. ADAMS, 2767
RODOLFO Q. ADVINCULA, 6888
JOHN L. BEAN, 7413
ROBERT J. DECESARI, 0128
ALLAN R. FLUHARTY, 7213
DAVID M. GIBBS, 2956
MICHAEL J. GOLDEN, 1041
LYNETTE M. HALBERT, 3875
KENNETH L. HAMPTON, 7321
MARTIN R. KRUGER, 5065
BRUCE W. MIXER, 9695
TIMOTHY J. POLICH, 1962
MARK D. RAHMES, 9674
JAMES H. RODMAN, JR., 9395
TERREL J. SPEARS, 0832
GREGORY D. SPRIGGS, 0960
KATHERINE A. WALTER, 9512

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

WALTER J. ADELMANN, JR., 7425
DOUGLAS C. BEYER, 2401
REY S. CONSUNJI, 9296
JOHN D. CROCE, 5675
GAIL A. EMOW, 0144
MICHAEL J. FOSTER, 3408
EDWARD G. GALLREIN III, 0884
RODELIO LACO, JR., 3106
ROBERT S. MCKENNA, 9949
RUSSELL N. MIELKE, 3981
JOSEPH A. MURACH, 3352
CLIFFORD A. PISH, 8599
STEPHEN V. PLATAMONE, 3207
JOHN J. REAPE, JR., 0200
BRIAN T. SMITH, 0832
DOUGLAS W. SWANSON, 0934
RICHARD S. TEDMON, 9695
CLAYTON G. TETTELBACH, 3434

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

RUSSELL E. ALLEN, 8415
TODD R. ALLEN, 6014
BRIAN D. ALTMAN, 9635
CHARLES D. BALDWIN, 0074
RUSSELL A. BAZEMORE, 8106
STEVEN P. BECK, 0022
THOMAS E. BECK, 5528
SYDNEY J. BEEM, 2382
ROBERT W. BERTRAND, 1294
GLENN P. BERUBE, 4326
GUY A. BONY, 1215
JOHN M. BOYD, 2167
SCOTT R. BOYER, 3662
WILLIAM L. BRACKIN, 4375
THOMAS E. BRANDT, 2728
FRANKLIN D. I. BRANGACCIO, 4681
THOMAS T. BRICE, 7352
JEFFREY A. BRITTON, 3334
DAVID A. BRUMLEY, 5595
DANIEL P. BURNS, 5422
PAUL A. BUSHROW, 7341
LEWIS S. BYINGTON, 2083
MICHAEL W. CALVERT, 7977
STEVEN J. CAMACHO, 3763
MICHAEL A. CANNON, 8120
LANCE S. CARR, 1277
ANDREW L. CASSITY, 0829
DONALD F. CHASE, 0288
STEVEN L. CHRISTENSEN, 0226
JEFFREY D. COBB, 9569
JOSEPH R. COOK, 9012
ANTHONY T. COWDEN, 1434
LISA A. CUMMING, 0244
GLENN H. DAUGHTERY, 9026
ANDREW J. DEEM, 8151
THOMAS F. DENIO, JR., 0988
HAROLD P. DUNNING, 5486
THOMAS L. EGBERT, 4725
NOEL M. ENRIQUEZ, 7561
JAMES R. FACINELLI, 2218
PETER T. FINNEY, 4949
JOHN B. FLUHART, 4060
CHRISTOPHER D. FOX, 1955
ROBERT E. J. FRONCILLO, 8284
GORDON C. FRY, 0577
JOHN W. FULCHER IV, 9532
ROBERT A. GANCAS, 8599
KENNETH R. GARBER, 9770
JOSE F. GARCIA III, 3236
CHRISTOPHER G. GILBERT, 4278
ALBERT K. GIVEN, 0219
RONALD G. GREIFF, 7329
PAUL F. HANKINS, 7964
DENNIS M. HANSEN, 9387
BRIAN R. HASTINGS, 6910
JOHN D. HATCH, 6281
LEONARD HATTON, 3874
KAREN D. HAYNES, 5753
HENRY F. HERBIG IV, 9351
GREGORY A. HERUTH, 3308
RUSTAN J. HILL, 6283
ALAN L. HOLLINGSWORTH, 9030
LAWRENCE B. JACKSON, 2751
LIONEL D. JENKINS, 0348
JAMES G. JENNINGS, 6879
SCOTT B. J. JERABEK, 5292
PATRICK J. KERSHAW, 4225
FRANCIS A. KIES, 0771
THOMAS P. KIM, 8993
GREGORY S. KIRSCHNER, 9108
KEVIN G. KNIGHT, 9632
MICHAEL D. LAMBING, 7510
JAMES D. LANE, 8270
WILLIAM M. LAPRISE, 3788
PHILIP J. LAWVER, 6986
JAMES R. LEACH, 7414
MARK L. LEAVITT, 4747
DAVID A. LEMMON, 7758
LAVERN D. LUTES, 0842
JOHN P. MADDEN, 3746
GREGORY P. MARVIL, 3164
DANIEL T. MASTERSON, 3605
JON G. MATHESON, 3709
CRAIG N. MCCARTNEY, 3206
JAMES M. MCGEE, 4482
MICHAEL P. MCMAHON, 3778
CRAIG S. MILLER, 1706
DEANE D. K. MUHLENBERG, 2804
BRIAN L. NEELEY, 9328
MICHAEL J. NEVINS, 9113
CALVIN C. NG, 9004
MATTHEW J. ODONOGHUE, 6852
THOMAS W. OKEEFE, 4451
TERRENCE J. OLAUGHLIN, 4807
JAMES S. OSTACH, 6694
JAMES K. OTTO, 6145
ROBERT B. OWEN, 6399
THOMAS M. OWENS, 5185

RAUL F. PALENZUELA, 0046
ANTHONY PANTOJA, 5345
MARK A. PATTERSON, 0244
JAMES D. PEGRAM, 2473
ROBERT J. PERRY, JR., 8175
GREGORY J. PERTLE, 1583
CRAIG A. PETERSEN, 4821
THOMAS R. PLENEFISCH, 8429
KERIM L. POWELL, 6172
MICHAEL L. PREAS, 1339
JOHN M. PRESKI, 4708
GEORGE S. QUIN, JR., 0949
RICHARD R. REICHEL, JR., 3496
JON L. ROBY, 5237
CHARLES J. ROGERS, 3006
PAUL S. ROSEN, 4345
THOMAS W. SAVIDGE, 4952
TIMOTHY G. SCHAEFER, 5143
KURT V. SCOTT, 2210
MICHAEL E. SEARS, 8664
JOSEPH C. SHARP, 9862
JAMES E. SHAW II, 7022
RICHARD W. SISK, 7421
STEPHEN M. SNYDER, 4759
STEVEN B. SNYDER, 4861
KENNETH P. SOURS, 0459
CARY M. STEVENS, 0928
KURT D. STOREY, 7000
THOMAS M. STROSCHEIN, 9555
RICHARD E. SWEETMAN, JR., 7317
DAVID Z. TAYLOR, 7496
PRAKASH THOMAS, 9439
GERARD P. TIGHE, 4959
JOHN W. TOKAREWICH, 7124
THOMAS M. TOMP, 6190
MICHAEL D. TURNER, 8798
MARTIN L. VANDENBOSCH, 8537
PETER M. VANSTEE, 8403
JAMES A. VITTON, 8196
PHILLIP D. VOELLER, 1197
JOHN P. WALISH, 2077
STEVEN D. WATKINS, 3042
MILDRED R. WEARS, 2729
MARK R. WEGGE, 5542
JOHN F. WEIGOLD, 0548
JOHN E. WEIRES, 4324
MICHAEL J. WELLINGTON, 9999
KENNETH D. WHIDDEN, JR., 9302
DOUGLAS C. WIED, 8262
ALEXANDER L. WILSON, JR., 1944
RONALD R. WOODS, 6052
KIMO K. ZAIGER, 0752
STEPHEN E. ZINI, 3397

DEPARTMENT OF THE TREASURY

TIMOTHY D. ADAMS, OF VIRGINIA, TO BE AN UNDER SECRETARY OF THE TREASURY, VICE JOHN B. TAYLOR.

CONFIRMATION

Executive nomination confirmed by the Senate Wednesday, April 6, 2005:

DEPARTMENT OF STATE

JOHN B. BELLINGER III, OF VIRGINIA, TO BE LEGAL ADVISER OF THE DEPARTMENT OF STATE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

HONORING THE CONTRIBUTIONS OF ALDERMAN PAUL GARCIA

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize Alderman Paul Garcia for his public service to the city of Charlotte, Texas.

Paul Garcia joined the Army when he was 19 years old. He served throughout Europe for 7 years on various assignments for the United States. During his stay in service, he received the Instructor of the Year Award in 1997 and the Joseph Hibbs Award. He was also awarded of the Kentucky Colonel Award from the Governor of Kentucky. In 1998, he retired after 20 years of service in the military.

Mr. Garcia is currently serving his second term as Alderman Place 1. He works on several committees and fundraisers within the community. Currently Paul Garcia has been playing an active role in the establishment of a park in Charlotte.

Paul Garcia lives in Charlotte with his wife Frances and they have two children together. As a pillar of his local community, he is a route manager for all of San Antonio and the surrounding country.

Mr. Speaker, I am deeply proud to have been given this opportunity to recognize Alderman Paul Garcia of Charlotte for his dedicated public service.

A TRIBUTE TO MANUEL VARGAS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2005

Mr. TOWNS. Mr. Speaker, I rise in honor of Manuel Vargas who is being honored at the Brooklyn Caribe Lions Club dinner dance as "Real Estate Broker of the Year."

Manuel is a successful licensed real estate broker in New York and Florida. He graduated magna cum laude from New York University with a Bachelor of Science degree in Real Estate. Manuel has more than 10 years of experience in the real estate market. A Hall of Fame member for a large franchise in the new millennium, Manuel decided to start PAN/AMERICAN Realty.

Amongst his reasons for doing so was because he wanted to deliver excellent, personalized service to his clients and to establish a household name that would be synonymous with honesty, professionalism and efficient marketing techniques. His goal was to give realty advice to clients and customers about all facets of the real estate industry.

Throughout his career, Manuel has learned that he can also make a positive impact in the community that he works in by helping those in need. He has received numerous awards for all of the support and dedication he has given to different organizations.

Mr. Speaker, Manuel Vargas has been a leader in his community and has been a wonderful example of how dedication and perseverance can lead to success. As such, he is more than worthy of receiving our recognition today and the award of Real Estate Broker of the Year. Thus, I urge my colleagues to join me in honoring this truly remarkable person.

INTRODUCTION OF LEGISLATION DESIGNATING THE ED EILERT POST OFFICE

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2005

Mr. MOORE of Kansas. Mr. Speaker, I rise today to introduce legislation designating the United States Postal Service facility located at 12433 Antioch Road in Overland Park, Kansas, as the "Ed Eilert Post Office Building." I am joined in sponsoring this measure by my colleagues from Kansas: Representatives TODD TIAHRT, JIM RYUN and JERRY MORAN, and I am grateful for their support of this bipartisan legislation.

Later this month, an era will come to an end in Overland Park. Ed Eilert will step down as Mayor of Overland Park, an office to which he was elected six times and held for twenty-four years. Since he was sworn into office in 1981, Overland Park has grown to become Kansas' second largest city. Its population has nearly doubled to over 165,000, the number of people working within the city's limits has more than tripled, with roughly 120,000 jobs in Overland Park today, and hotel capacity has increased from about 800 rooms to 5,100 rooms. During his tenure, 21,897 single family and 19,533 multifamily residences have been added in Overland Park, along with 23.7 million square feet of office, retail and industrial space. Over the years, the city has seen the arrival of the Sprint campus, three new hospitals, the University of Kansas Edwards campus, the Carlsen Center at Johnson County Community College, and a city convention center.

Additionally, under Ed Eilert's leadership the city has added the landmark Clock Tower Plaza and the Farmer's Market in the downtown area, a neighborhood conservation program, the Arboretum and Botanical Gardens, the International Trade Center, the W. Jack Sanders Justice Center, and interchanges at I–435 at both Nall Avenue and Quivira Road. Mayor Eilert also supported construction of the Fire Training Center, used by many other city and county fire departments in the Kansas City metropolitan area, and he worked with Johnson County Community College to create a training facility for Burlington Northern Santa Fe Railway employees on the college campus. And during Mayor Eilert's tenure, the city's land area expanded by 36 percent, to nearly 62 square miles. Finally, Overland Park enjoys a top rating for a solid financial condition. It has received numerous awards as an outstanding city. For years, Overland Park has had the lowest property tax rate of any first-class city in Kansas.

Ed Eilert was first elected to the Overland Park City Council in 1977 and became Council president in 1980. A former teacher at Shawnee Mission North High School, he knows firsthand how Overland Park has benefited significantly from its nationally recognized school systems. He had made his first visit to the city in 1960 because it was the home of Jan Bush, who he met while studying at Emporia State University and would marry two years later. The Eilerts moved to Overland Park in 1965 when he completed graduate school. In 1977, he began his first campaign for political office and has been a public servant continuously since then. He also has been a financial consultant with A.G. Edwards & Sons and serves on the board of directors of Metcalf Bank.

When you consider the daunting array of challenges that Ed Eilert faced in his twenty four years as mayor of Overland Park, you cannot help but agree with Bob Sigmund, the opinion page editor of the Johnson County Sun, who recently wrote that Eilert "provided the vision and leadership in shaping Overland Park's success as an ideal place to live, work and raise a family . . . Eilert's political skills have been especially useful in easing tensions—and maintaining an acceptable balance—between the older, established neighborhoods in northern Overland Park and the rapidly expanding new subdivisions in the south."

I am proud to call Ed Eilert my friend. While we are members of different political parties, I have always been impressed by his sound judgment, diligence, and dedication to his community and to the public welfare. When he sought the Republican nomination for the U.S. House in 1996, however, he lost narrowly to then-State Representative Vince Snowbarger for the nomination to succeed Representative Jan Meyers. I often tell Third District residents that I would have not sought election to Congress myself had Ed Eilert been elected two years before I became a candidate for the office.

Dedication of this Postal Service facility in Overland Park is a small but fitting tribute to a man who has dedicated most of his adult life to public service at the community level, working tirelessly to bring people together while ensuring quality economic development and competence in the delivery of local services. I commend Mayor Ed Eilert and again thank my colleagues in the Kansas House delegation for

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

their support. I hope the House can move quickly to approve this legislation so we can soon see it signed into law.

IN CELEBRATION OF GROUP A BOYS' BASKETBALL STATE CHAMPIONSHIP

HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2005

Mr. SCOTT of Virginia. Mr. Speaker, I rise today with great pride to call attention to a group of young students from Surry County, Virginia, who have distinguished themselves, their school, their community, and the Commonwealth of Virginia.

The Surry High School Cougars boys' basketball team had a remarkable season and I believe the Cougars deserve formal recognition for their accomplishments. On March 12, 2005, the Cougars won their first Group A Boys' Basketball State Championship at the Virginia Commonwealth University Siegel Center in Richmond. Surry completed its 2005 season with a truly impressive record of 26–4.

The Cougars have dedicated this year's championship run to their Head Coach, Joe Ellis. Mr. Ellis was diagnosed with colon and stomach cancer twenty months ago. Despite his diagnosis and subsequent chemotherapy treatments, Mr. Ellis has continued to coach the Cougars, missing only one game during their championship season. His dedication and commitment to the team have given his players a model of how to face adversity both on the basketball court and in life.

Along with the State Championship, the Cougars won this year's Tri-Rivers District Tournament and the Region A Tournament. Coach Ellis was awarded Coach of the Year by the Virginia High School Coaches Association. Junior center Edward Barham was also honored as Player of the Year.

I want to extend my enthusiastic congratulations for a job well done to Coach Ellis and the Surry High School Cougars—the 2005 Group A Virginia High School League Boys' Basketball State Champions.

PERSONAL EXPLANATION

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2005

Mr. DAVIS of Florida. Mr. Speaker, on rollcall No. 90, had I been present, I would have voted "no".

HONORING DR. CONSTANTINE P. KIAMOS AND STEINMETZ ACADEMIC CENTRE

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2005

Mr. EMANUEL. Mr. Speaker, I rise today to recognize the achievements of one of Chicago's great educators, Dr. Constantine P. Kiamos, former Principal of the Steinmetz Academic Centre.

Steinmetz Academic Centre stands in the heart of Chicago's Belmont-Cragin neighborhood, and has served the people of this community for over ninety years. Dr. Kiamos retired from Steinmetz last year after two decades of distinguished leadership, and was recently honored at a school event.

During his tenure, Steinmetz underwent many changes, including a major increase in enrollment. Through all of the changes, Steinmetz maintained its commitment to providing students with a high caliber education.

Dr. Kiamos has always believed in the importance of public education. Before he was the principal of Steinmetz Academic Centre, he served as Principal of Lovett School; Assistant Principal at Carpenter School and was a teacher at Medill Elementary.

Steinmetz's mission is to provide equal access to education for all students in an environment that is intellectually, physically and emotionally stimulating, and to develop productive citizens competent in academic and life skills, accepting of themselves and others, and capable of lifelong learning. Dr. Kiamos' leadership and teaching style was an important factor in carrying out this mission.

Over the years, Steinmetz has provided many opportunities for students to excel, through programs such as the Illinois State Scholars, Advanced Placement classes, the Academic Decathlon team, the Chicago Debate League and competitive sports teams. Many of Steinmetz's students who took advantage of these opportunities have excelled and achieved tremendous progress in a wide variety of fields.

Mr. Speaker, on behalf of the Fifth Congressional District of Illinois and indeed all of Chicago, I ask my colleagues to join me in recognizing a lifetime of service and dedication to our community by a great Chicagoan, Dr. Constantine P. Kiamos, and Steinmetz Academic Centre that he so proudly served.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2005

Mr. BECERRA. Mr. Speaker, on Monday, March 21, 2005, I did not cast my Floor vote on roll call number 90 on the motion to suspend the rules and pass S. 686, a private bill for the relief of the parents of Theresa Marie Schiavo. Had I been present, I would have voted nay.

My personal beliefs on religious morality belong to me, in my home and in my church, with my family and with my God. The Schiavos deserved this same level of privacy and respect. The good people of the 31st Congressional District did not elect me to impose my religious mores upon them or the American people through legislative acts in Congress.

Members of Congress should never have legislated on this very personal family matter—the Schiavos told us this and so even did the courts.

The mere fact that we took up this legislation sets a dangerous precedent where if the Congress dislikes a court's decision we pursue a law to overturn our own constitutional system of checks and balances. In passing S. 686, this Congress complicated what has already been a long and difficult journey for the Schiavos these past 15 years. May Theresa Schiavo now rest in peace.

HONORING THE CONTRIBUTIONS OF ALDERMAN AUGUSTINE MUNOZ

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize Alderman Augustine Munoz for his public service to the city of Charlotte, Texas.

Augustine Munoz is no stranger to serving his country. A veteran of the Korean Conflict, he served as an artillery trainer. It was this same patriotism and dedication that later led him into the service of his local community.

Augustine Munoz has lived in Charlotte for over 72 years. His experience spans across many trades, including work in construction and the oil fields. He currently works on numerous committees and has spent time working with the Democratic Party.

As a longstanding community participant, he has dedicated much of his life to improving the City of Charlotte. While times may have changed, Augustine Munoz remains a steadfast community leader and organizer.

Augustine Munoz has been married for over fifty years. He is a devoted family man who loves to spend time with his children, grandchildren, and great grandchildren.

Mr. Speaker, I am deeply proud to have this opportunity to recognize Alderman Augustine Munoz of Charlotte for his dedicated public service.

HONORING THE CONTRIBUTIONS OF JUDGE HECTOR J. LIENDO

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor the important contributions of Judge Hector J. Liendo in Laredo, TX in my Congressional District.

Born July 10, 1950, Judge Liendo attended Leyendecker Elementary School, L.J. Christen Jr. High and Martin High School. He later attended Laredo Junior College and received his Associates Degree in Computer Science.

Judge Hector J. Liendo enlisted in the military and chose the U.S. Navy right after high school. Through the navy he traveled to south East Asia, China, Philippines, Taiwan, Vietnam, Thailand, Borneo, Pakistan, Australia, Singapore, Okinawa, Japan, a brief tour to the ship's maiden name, "The Anchorage Alaska" and crossed the equator twice with a big celebration.

While in the navy, he made five tours to Vietnam during his four-year enlistment. He was awarded the Vietnam service medal, the Vietnam campaign medal, the combat action ribbon and the Philipino Presidential Citation. He received an honorable discharge in February 1973.

Shortly after arriving in Laredo, Judge Liendo left for Michigan where he worked as a crane operator for the Pontiac Motor Company. Later in 1973, he worked at the Laredo City Drug Store in downtown Laredo. He got married in June 17, 1974 and started attending Laredo Junior College, full time.

In 1978, Judge Liendo went to Houston, to work in the Seismic Processing Department. He was employed as a computer operator and his duties entailed payroll, accounts payable & receivables, and accounting general ledger.

He then worked for Entex as a marketing representative and served as a City Councilman for District VII from 1988–1992.

In 1993 he was elected Justice of the Peace, Precinct One, Place One and ran unopposed for a second term in 1997. As Justice of the Peace Judge Liendo deals with civil cases, criminal cases, traffic citations, fines and court hearings.

Mr. Speaker, I am proud to have this opportunity to recognize the contributions of Judge Hector J. Liendo.

IN HONOR OF DEANNE FITZMAURICE ON WINNING THE PULITZER PRIZE

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2005

Mr. PELOSI. Mr. Speaker, I rise today to congratulate Deanne Fitzmaurice of the San Francisco Chronicle for winning the Pulitzer Prize for feature photography. This award, the most prestigious in American journalism, is presented to only one photographer every year for a distinguished example of feature photography.

Deanne Fitzmaurice earned this award for her moving photo essay on an Oakland hospital's effort to mend an Iraqi boy nearly killed by an explosion. Her powerful photographic narrative captures the story of this young child as doctors strive to give him a chance at a new life. With the accompanying articles written by Meredith May, these poignant photographs tell an overlooked but significant side of the Iraq war.

Deanne has worked at the San Francisco Chronicle for the past 16 years. Her work has been featured in numerous publications including TIME, Newsweek, and U.S. News and World Report. She was named the Bay Area Press Photographers Association's Photographer of the Year in 2002.

Deanne's collection is indicative of the high quality of work at the San Francisco Chronicle. The Chronicle is committed to excellence in journalism, as evidenced by Deanne's photography and its fine reporting. Congratulations to Deanne Fitzmaurice and the San Francisco Chronicle on this magnificent honor.

IN RECOGNITION OF CHARLES G. WELLS, JR.

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2005

Mr. ROGERS of Alabama. Mr. Speaker, Warrant Officer 1 Charles G. Wells, Jr., 32, originally of Montgomery, Alabama, died on March 30, 2005, in Iraq. Warrant Officer Wells was assigned to the Marine Forces Reserve's 6th Motor Transport Battalion, 4th Force Service Support Group of Orlando, Florida, and according to initial reports died in action from an improvised explosive device. His survivors include his wife Freda Nicole and his daughter Cierra; his mother Orlean Johnson Wells of Montgomery, Alabama; and his father Charles Gary Wells, Sr., also of Montgomery.

Charles Wells, Jr. was a proud Marine and eager to serve his country, Mr. Speaker. He willingly signed up for a third tour of duty in Iraq after having just completed his second. Back home, Mr. Wells had planned a career serving the community as a firefighter, yet dutifully left behind his family and loved ones to serve our country overseas.

Words cannot express the sense of sadness we have for his family, and for the gratitude our country feels for his service. Warrant Officer Wells died serving not just the United States, but the entire cause of liberty, on a noble mission to help spread the cause of freedom in Iraq and liberate an oppressed people from tyrannical rule. He was a true American.

We will forever hold him closely in our hearts, and remember his sacrifice and that of his family as a remembrance of his bravery and willingness to serve. Thank you, Mr. Speaker, for the House's remembrance on this mournful day.

HONORING THE MEMORY OF THE HONORABLE TOM BEVILL

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2005

Mr. BONNER. Mr. Speaker, the Fourth District of Alabama, and indeed the entire state, recently lost a dear friend, and I rise today to honor him and pay tribute to his memory.

Congressman Tom Bevill was a devoted family man and dedicated public servant throughout his entire life, and has the distinction of being the longest-serving congressman ever to come from Alabama. I am certain many in this chamber recall with great fondness and vividness their memories of working closely with this tireless advocate for the needs of his constituents and his state.

Born on March 27, 1921, and a native of Walker County, Alabama, Congressman Bevill spent his childhood in the mining community of Townley, witnessing the ravages of the Great Depression on his family, his friends, and his neighbors. He was a 1943 graduate of the University of Alabama School of Commerce and Business Administration. Within a short time following his graduation, he joined the United States Army and rose to the rank of captain, leading one of the units which went ashore in France on June 6, 1944. Ultimately, Congressman Bevill retired from the U.S. Army Reserves with the rank of lieutenant colonel. In 1948, he completed his legal studies at the University of Alabama School of Law and embarked on an 18-year career practicing law in Jasper, Alabama.

All told, Congressman Bevill spent 38 years in public office. Elected to the Alabama State House of Representatives in 1958, he served for eight years before embarking on a campaign which would ultimately lead to his winning the seat for the Seventh (later Fourth) Congressional District at the end of 1966. He would go on to serve 15 terms in this chamber and become one of the most effective and well-respected advocates for the state of Alabama ever to serve in the United States Congress.

Congressman Bevill became such an effective representative for his district and for the state—and became such an influential member of the House of Representatives that he was often referred to as "Alabama's third senator." Indeed, the work he accomplished during his three decades in this chamber, particularly as a member of the full Committee on Appropriations and, for nine terms, as chairman of the Appropriations Subcommittee on Energy and Water Development, had important and long-lasting effects on the economic growth of the state of Alabama.

To this day, signs of his influence and successful efforts on behalf of his district and his state can be found throughout Alabama, and his name has been attached to some of the most important public centers anywhere in the state. These include the Tom Bevill Chair of Law at the University of Alabama, the Tom Bevill Energy, Mineral, and Material Science Research Building, also at the University of Alabama, and the Tom Bevill Center for Advanced Manufacturing Technology at Gadsden.

In addition to his long and successful career in the House of Representatives, Congressman Bevill received numerous awards and citations in recognition of his distinguished career. Along with honorary doctorates he received from Livingston University, the University of North Alabama, and Troy State University, he was inducted into both the Alabama Academy of Honor and the Alabama Senior Citizens Hall of Fame.

Perhaps more than any other two projects, Congressman Bevill should be remembered for his work on two of the most significant transportation projects in Alabama history: the Memphis-to-Birmingham highway known as "Corridor X," and the Tennessee-Tombigbee Waterway. "Corridor X," when completed, will provide a vital link between the two cities in Alabama and Tennessee and will provide tremendous benefits and incentive for further economic development in north Alabama. The Waterway has already provided incalculable benefits for Alabama's economy and has resulted in thousands of jobs for men and women throughout our state.

Mr. Speaker, I ask my colleagues to join me in remembering a dedicated public servant and long-time advocate for the state of Alabama, a man whose significant impact and dedication to the needs and interests of his constituents will be felt for many years to come. Congressman Bevill, who was preceded in death in 2001 by his beloved wife of 58 years, Lou, will be deeply missed by his family—his daughters, Susan Bevill Livingston and Patricia Bevill Warren, his son, Don Bevill, his six grandchildren, and his three great-grandchildren—as well as the countless friends he leaves behind. Our thoughts and prayers are with them all at this difficult time.

TAUNTON GAZETTE DOCUMENTS THE VALUE OF CDBG

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2005

Mr. FRANK of Massachusetts. Mr. Speaker, the Taunton Gazette recently ran a very comprehensive series documenting the social and economic importance of the Community Development Block Grant Program. Taunton, Massachusetts, which I am privileged to represent, is a very good example of how when this program is well administered, as it has been in Taunton, it can be of such enormous benefit in a variety of ways to its citizens. Joanna James of the Taunton Gazette deserves a great deal of credit for her thorough and insightful reporting, and the Taunton Gazette deserves a great deal of credit for devoting the space to this story. Too often today people are given only snippets of information about important public policy issues. The Taunton Gazette's in depth exploration of how the CDBG Program works in that city is a tribute to the program itself, and to its continued importance, to the people in the City of Taunton led by Mayor Nunes who administer it, to Joanna James for the quality of her reportage and to the Taunton Gazette for giving so much space to such an important public policy issue.

I find it hard to believe that anyone could read this series of articles and still feel that this is a program ought to be substantially diminished, as the President's budget would do.

(By Joanna James)

TAUNTON.—President George W. Bush's recommendation to dismantle the Community Development Block Grant Program (CDBG) in his proposed budget would filter down the federal bureaucracy in no time and aim directly at the heart of each community nationwide, according to local and state elected officials.

David Bachrach, director of the Mayor's Office of Community Development (MOCD), predicts a looming crisis targeting the community, whether or not the CDBG program is cut. Taunton received $1.2 million from its funding for 2004.

If the program isn't eliminated, then the question will be how much funding will be allocated to it, according to Bachrach. Bachrach said if it's significantly cut that will cause unnecessary Congressional pressure to take money out of other programs.

"These are huge resources that only government can will upon the community." Bachrach said. "It's a shame that the cuts are even a suggestion."

Bush proposed to eliminate the community funding program and replace it under the Department of Commerce while cutting its funding by 35 percent. The CDBG aids statewide municipalities with low income housing, public enhancements such as park and street renovations and a plethora of other community resources left to the discretion at the local level.

Mayor Robert G. Nunes said the CDBG is a "tremendous program" that will have dire effects on Taunton if it is cut. Nunes said over the last 10 years, the program has provided $15 million to Taunton. The funds have been used on community issues such as housing, public safety, infrastructure, parks, roads and the hiring of police officers.

"There's a national, bipartisan effort from mayors lobbying heavy on this," Nunes said.

Last week Nunes attended a roundtable discussion on the CDBG cuts in Boston with seven other Massachusetts mayors hosted by Rep. Michael E. Capuano, D-Mass.

"We discussed the impact the cuts would have across the country." Nunes said, "not just our communities."

As the former mayor of Somerville, Capuano spoke from first-hand experience on how the CDBG funding was critically important to the quality of life in communities.

"President Bush said in his State of the Union address that he wants to help the faith-based and community groups . . . yet he's cutting the very programs that help kids stay away from drugs, provide housing and opportunity," Capuano said.

Bush's CDBG proposal fueled mayors nationwide to take a stance against it because the CDBG program offers them flexibility to decide where to direct the funding at a local level.

Locally, Nunes is working with the person who utilizes the CDBG program the most. Bachrach's Office of Community Development is the second largest in the city to receive federal level funds (the first is Title I education).

"The CDBG is a significant tool," Bachrach said, "It's hard to fathom what will happen without the funds."

Currently the CDBG is funding 12 programs under the Office of Community Development; whereas if the grant was eliminated Bachrach would have to competitively find 12 separate grants toward neighborhood revitalization, head starts for small businesses, elder services, police detail and teachers—to name a few.

Over the past three years, the Office of Community Development has used the CDBG to benefit: 515 elderly, 740 single-parent households, 96 disabled persons, 348 youth and 622 families. The CDBG has also impacted Taunton's business growth and infrastructure improvements.

"We're going to have to reevaluate the direction of money," Nunes said, "less money, then less money toward infrastructure and other community needs."

Although locally there has been a collective effort to prevent the cuts, Nunes said at this point there is nothing more that can be done other than wait for Congress's decision.

TAUNTON.—President George W. Bush stands firmly by tax cuts as a means to economic growth, promoting the creation of more small businesses. Yet in Bush's 2006 proposed budget he supports cutting a grant that area officials and business people say is at the heart of creating small businesses.

The Community Development Block Grant (CDBG) has helped many local business owners take the first step in making their dream come true from working as an employee to becoming an employer.

Over the past three years, the CDBG program has helped create 26 new local jobs, provided 10 businesses with loans totaling over $218,000 and provided more than 30 start-up businesses with training, according to the Mayor's Office of Community Development.

Mezzaluna Deli on the Taunton Green is one of the businesses which got its start—and has also sustained itself—from the CDBG program. Holly and Harold Roderick, owners of the delicatessen, received $25,000 from the CDBG and used its entrepreneurial workshop to learn how to create a business plan and present it for financing.

"If the city doesn't have the program, a lot of small businesses aren't going to get started," Holly said. "A lot of the new restaurants will be chains and the city will lose that little downtown business."

The Rodericks both earned bachelor's degrees from Johnson & Wales University and Harold (known as Butch) always wanted to own his own business. Holly said most banks won't finance restaurants because of the high risk involved, so they needed to get creative to find money. Holly said they attended the Taunton Entrepreneurial Workshop, which showed them how to create a business plan and helped them to apply for financing.

David Bachrach, director of the Mayor's Office of Community Development, said his office and the Southeastern Economic Development Corp. (SEED) often collaborate to get business owners started.

"Once someone is funded and business savvy, then SEED is the next step," Bachrach said.

The community development office provides funds from the CDBG program to Weir Corporation, which is a local community development organization. Weir Corp. provided the Rodericks with the first-tier help for them to get the entrepreneurial training they needed and to obtain $25,000 for renovations.

Weir Corp. provides loans to approximately 25 small businesses per year, and training to more than 100 small businesses per year. Jill Cowie, Weir Corp. co-director, said the organization would not have been able to help in the creation of such local small businesses such as Golden Years, Ultimate Fitness or recently Dyetex without the CDBG.

"We wouldn't be able to do it anymore," Cowie said. "The CDBG is the source of our loan pool, our core funding."

Cowie said once the businesses need more than $25,000, the risk is spread by working with SEED Corp. which will put up to 40 percent of the loan, while a bank will finance up to 50 percent.

SEED Corp. acted as a conduit for the Rodericks. The Rodericks were financed $85,000 from SEED Corp. and Mechanics Cooperative Bank financed the rest of the $179,900, so they could buy the property and start the business.

Mezzaluna will celebrate its third anniversary this November, and Holly said they have seen a 40 percent increase in sales from last year. Holly pondered about the time when she and Harold couldn't find any bank to finance them, and how the CDBG program was the only way they got started and spurred their success.

"If I went out of business tomorrow a lot of people would say, 'where am I going to eat lunch now,'" Holly said. "I really hope they keep the program in effect."

Bachrach said there has been a philosophical change with the Bush administration in terms of helping the community.

"For Bush, community problems can be met with the open market," Bachrach said. "The administration no longer sees the need for the private and public working together."

The business collaboration by these different venues from the CDBG program provides sound community investments and creates opportunity in the community for more jobs, according to Bachrach.

"This is beyond myself because I have plenty of opportunity for work, it's the people we serve who don't have these options," Bachrach said. 'It's going to be heartbreaking."

FUNDS THAT HELP REPAVE STREETS MAY FACE ELIMINATION

(By Joanna James)

TAUNTON.—One local official worries that motorists who drive through city streets will think bombs have been dropped and the streets were never repaved.

The official—David Bachrach, director of the Mayor's Community Development Office—now fears that the potential loss of federal funding for repair projects may make the situation worse.

For the coming summer, Community Development Block Grant (CDBG) money will provide $1 million toward repaving roads and other infrastructure projects. Yet the federal funding may be eliminated if President George Bush's proposed budget is approved by Congress.

Even with more than a million dollars from the CDBG going toward roads and other infrastructure projects, city officials said borrowing will be necessary to repair potholes and repave streets.

Mayor Robert G. Nunes said he is confident the allocated CDBG money will remain for the upcoming projects, but he is nervous about the future.

"It [CDBG elimination] will have a devastating impact in terms of infrastructure," Nunes said. "The CDBG supplements operating projects for the next five years."

Forty-three percent of all Taunton streets need resurfacing, according to statistics provided by the Department of Public Works (DPW). In 2004, the CDBG paid $360,000 toward local DPW projects, and $640,000 for 2002 and 2003 improvements. For just the coming summer, CDBG will provide $1 million for city projects.

Frank Nichols, director of the Department of Public Works, said the city already has a hard time filling potholes, and the situation will grow worse if the extra help from the CDBG was lost.

"Ultimately the city would have to come up with the money for the loss and I don't know from where," Nichols said. "Absolutely, it helps relieve some of the issues we would have to deal with."

Bachrach said Weir, High and Adam streets are three of the 11 streets where CDBG money helped pay for 8,000 linear feet of road reconstruction and 5,000 linear feet of new water lines over the last five years.

However Bachrach said the Whittenton Area is in dire need of road and water line reconstruction and is next on the list of projects.

"If you drove the streets you'd think they accidentally dropped bombs in this area," Bachrach said. However Whittenton is an upcoming project site funded by the CDBG.

"Once it's done they're going to be dancing in the streets," Bachrach said.

Debbie Maloney, owner of End of the Road T-shirts on Weir Street, said she is grateful Weir Street was repaved from CDBG funds. Maloney's business is also one of the local small businesses which received $25,000 start-up help from CDBG funds.

"This road is really good compared to others," Maloney said. "I know I wouldn't be happy if it [CDBG) was cut, a lot of my customers complain the roads of Taunton are disgusting."

Other types of infrastructure completed from CDBG funds were the Paul Bunker Drive basketball courts, the Hopewell pool and 15,000 sq. ft. of new sidewalks including Park Street.

IN JEOPARDY

(By Joanna James)

TAUNTON.—Here are some faces hidden behind the numbers. Here are some people's stories hidden behind the political speak.

Local residents and officials said they would be heartbroken if services provided by the Community Development Block Grant (CDBG) were eliminated. If Congress accepts President George W. Bush's 2006 budget proposal to eliminate the CDBG—three-year-olds, to high school students, to senior citizens—will feel the loss and city officials said they couldn't bear the burden.

David Bachrach, director of the Mayor's Office of Community Development (MOCD), said 348 youths have benefited from the CDBG over the last three years.

Project Achieve received approximately $25,000 this year towards MCAS tutoring and providing after school jobs to 17- and 18-year-old students who may be the only bread-winners in their families.

Leonard Hull, budget .coordinator for Project Achieve, said many of the students Project Achieve helps are born into difficult environments that they had no control over and can easily lose hope.

"We're trying to help them believe that the American dream is still a possibility," Hull said. "They can make something of themselves, and in the long run the community gets a lot more back."

Three students—who work two hours, five days per week after attending full-time classes at Taunton High School and receive MCAS tutoring a few hours per week—said they now believe in the American dream because of Project Achieve.

Yarelis Rivera, 17, works at JC Penney in customer service and hopes to be a nurse or flight attendant one day after graduating from a community college.

"Once you set a goal and you have people to help you, you can make it come true," Rivera said, regarding her experience with Project Achieve.

Cheryl Bileau, 17, helps her mother by working after school at Redcats U.S.A./Chadwicks and babysitting her cousin and younger siblings. Since Bileau's father died last Christmas from a massive heart attack she said it has been "tough" on the family, but she has been surrounded by supportive people from Project Achieve.

Once Bileau graduates, she has been offered a full-time job from Redcats. She said she is saving her money to attend Rob Roy Academy to become a cosmetologist.

Edwina Orelus, 19, came to the U.S. from Haiti in 2003 to conquer the American dream, and from the CDBG funding, her parents' dream for their daughter to get an education may come true.

Orelus first took the MCAS a few months after she came to the U.S. and failed from not knowing the English language well. Presently two years after, Orelus is more confident speaking English, and if she passes the MCAS, she has already been accepted to a community college in Staten Island, N.Y.

All three girls said they would be very disappointed if the CDBG was cut because it has funded a program that they said "everyone deserves the extra help and support of."

In a full year, the CDBG funds the Department of Human Services with $81,000, which has helped 515 elderly people over the past three years, according to the MOCD.

Anne Bisson, assistant director of the department of human services for 21 years, said almost 100 percent of the program's elders are low income and would be devastated if the program was cut.

"They really rely on the staff and services. Some have no family or their spouse died and they need some support," Bisson said.

Lois Meunier, 71, moved from her mobile home after her husband died in 1999 and now lives in Caswell Grove Housing. Meunier has no children or local family and said the highlight of her week is the visit from her caseworker, Betty Charette.

"She's just so wonderful," Meunier said. "She's a Godsend for me."

Charette is one of the five caseworkers who go to senior citizens' homes to keep them company, talk and help them by filling out insurance forms, meals, or in Meunier's case, getting her hair done.

Other than the case workers, the CDBG also funds a visiting nurse to help with medicines and a computer center for elderly to use the Internet.

If the CDBG stopped funding the Department of Human Services, the case workers and nurse wouldn't exist anymore.

"I would feel very badly about it [if Charette's position was cut]," Meunier said. "I just look forward to it so much, she's been such a comfort for me."

More than 622 families and 740 single parent households have used the CDBG funds over the past three years, according to the MOCD.

The literacy program for families at educational risk provides parents with the confidence to know they can be their children's best teachers, according to Debbi Jenkins, program's coordinator.

Home visitors bring educational toys, books, puzzles and other tools to teach children shapes, numbers and how to appreciate reading and learning. Every other week the parents get to keep whatever educational toy is brought to continue teaching the kids.

Jill Humann saw how much the program helped her daughter and wanted her son James, 3, to get the same experience. Both children were slow to speak and express themselves.

However, after their home visitor Lisa Smith has been coming to their house for two half-hour visits per week, the children have excelled.

"They really learn a lot, I love it," Humann said. "I think it's [CDBG funding towards the program] the best thing for kids. They'd be lost without it."

Humann said she has learned so much from Smith that she continues the lessons with her children when Smith isn't around.

Smith said when she first started lessons with the three-year-old, she faced behavioral issues and had to make him trust her.

"He loves social praise, how smart he is and how he wants to show Mommy all his work," Smith said. "Now he's conversing and he's doing so well, I'm so proud of him."

Bachrach said these success stories are just a few examples of how the CDBG has impacted the community.

Both the House of Representatives and the Senate passed resolutions to reinstate the CDBG program from receiving such a powerful, national grass roots advocacy.

However, Bachrach said the real advocacy must begin now that the Appropriations Committee decides how to focus the funds.

Rep. Barney Frank, D-Mass, will attend next Tuesday's City Council meeting to discuss the CDBG program.

TAUNTON.—Congressman Barney Frank, D-Mass, congratulated and thanked city officials and residents last night for helping save the Community Development Block Grant (CDBG) program from elimination under President George W. Bush's 2006 budget proposal.

Frank said a nation-wide, bipartisan effort over the past few months has secured the CDBG program while proving "democracy is still very alive." "The efforts of people from all over the country made this happen, and I can tell you right now this vote is going to come out the right way," Frank said.

Frank said more than 50 senators from both parties signed a March 2 letter to the Senate Appropriations Committee asking to save the CDBG program and keep its current funding level.

The people who filled the standing-room-only City Council chambers last night and worked hard to keep the program alive heard what they hoped for from Frank.

David Bachrach, director of the Mayor's Office of Community Development, has worked tirelessly to save the CDBG program and said it was hard for him to put into words how happy he was.

"This is a huge relief. I'm totally psyched," Bachrach said. Local residents stood up and gave testimonials on how they benefited from the grant program.

After buying a city home that was in need of major renovations, Jeanne-Marie Beatty was laid off from her job. She had nowhere to turn and no money. Beatty saw a CDBG advertisement and said it was "too good to be true" when she realized the program would help her finish her house.

"I couldn't be happier. I'm thrilled the program will continue," Beatty said. "It's a win-win situation for so many people and it all goes back to the community."

Frank said the administration had no horror stories to tell about the CDBG program, because there were none. Rather, Frank said the only reason President Bush proposed the CDBG cut is because the Bush realized he has to reduce the deficit, yet he's committed to tax cuts and the war, "so to do all three he can't."

"It shows the president's philosophy that tax cuts to the wealthy and his commitment to the war in Iraq come first and everything else needs to get cut," Frank said before he spoke at the council meeting. "The president is denying that we have value on our city programs."

Some other city programs funded by the CDBG that local residents spoke about were the business training and lending programs for small business owners. City students also benefited from Project Achieve through the Taunton Area School to Career program.

Bonnie Brown, 17, and Cheryl Bileau, 17, both juniors at Taunton High School, work after school with provided transportation and get MCAS tutoring because the CDBG partly funds Project Achieve. Frank said people should not settle in just yet. City programs suffered from Section 8 cutbacks last year, and Frank said keeping the CDBG should not be used as a bargaining chip to hurt other programs.

RECOGNIZING THE CONTRIBUTIONS OF ATTORNEY JOAQUIN L. RODRIGUEZ

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 6, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize attorney Joaquin L. Rodriguez for his many years of service and civic involvement.

Born and raised in Uvalde, Texas, Mr. Rodriguez first attended Southwest Texas Junior College before transferring to University of Texas at Austin and attaining a B.A. in Government. Later, Mr. Rodriguez attended the Texas Tech School of Law and obtained a Doctor of Jurisprudence from the University of Texas School of Law.

After passing the Texas Bar in 1982, Mr. Rodriguez started his legal career and quickly became partner at Knickerbocker, Cowan, Heredia & Rodriguez law firm in Eagle Pass, TX. Over the years of his career, Mr. Rodriguez has mainly dealt within the area of personal injury and the representation of Plaintiffs.

In 1997, Mr. Rodriguez became a founding partner at Rodriguez & Muniz-Berain Law Firm and worked there for 11 years. Afterwards, Mr. Rodriguez found Joaquin L. Rodriguez & Associates in 1999 and has since been working there, serving the citizens of Eagle Pass.

While living and working in Eagle Pass, TX, Mr. Rodriguez has continued to involve himself and serve in the civic community. Among his involvements, Mr. Rodriguez has served as Chairman of the Eagle Pass Housing Authority, Legal Counsel of the City of Eagle Pass Library Foundation, and as Advisory Board Member on a number of local Texas banks. Mr. Rodriguez was also elected as Mayor of Eagle Pass with an impressive 94 percent vote in May, 2002.

Among his honors and awards, Mr. Rodriguez was distinguished as "Professional of the Year" in 1999 by the Eagle Pass Business Journal. He also became a Keeton Fellow of the University of Texas School of Law Alumni Association in 2001.

Mr. Speaker, it has been my pleasure today to recognize the accomplishments and services of Mr. Joaquin L. Rodriguez.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 7, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 11

9:30 a.m.

Foreign Relations

To hold hearings to examine the nominations of John Robert Bolton, of Maryland, to be U.S. Representative to United Nations, with the rank and status of Ambassador and U.S. Representative in the Security Council of the United Nations, and Representative to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations.

SD-419

2 p.m.

Commerce, Science, and Transportation

To hold hearings to examine S. 241, to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

SR-253

Armed Services

Emerging Threats and Capabilities Subcommittee

To hold hearings to examine the Chemical Demilitarization Program of the Department of Defense in review of the Defense Authorization Request for fiscal year 2006.

SR-222

APRIL 12

9:30 a.m.

Armed Services

To receive a closed briefing regarding assessment of Iraqi Security Forces.

SR-222

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the nominations of Michael D. Griffin, of Virginia, to be Administrator of the National Aeronautics and Space Administration, Joseph H. Boardman, of New York, to be Administrator of the Federal Railroad Administration, Nancy Ann Nord, of the District of Columbia, to be a Commissioner of the Consumer Product Safety Commission, William Cobey, of North Carolina, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority, Floyd Hall, of New Jersey, to be a Member of the Reform Board (Amtrak), and Enrique J. Sosa, of Florida, to be a Member of the Reform Board (Amtrak).

SR-253

Energy and Natural Resources

To hold hearings to examine developing a reliable supply of oil from domestic oil shale and oil sands resources, focusing on opportunities to advance technology that will facilitate environmentally

friendly development of oil shale and oil sands resources.
SD–366

2:30 p.m.
Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine management and planning issues for the National Mall, including the history of the development, security projects and other planned construction, and future development plans.
SD–366

Armed Services
SeaPower Subcommittee
To hold closed hearings to examine Navy shipbuilding and industrial base status in review of the Defense Authorization Request for fiscal year 2006; to be followed by an open hearing in SR-232A.
SR–222

Aging
To hold hearings to examine role of employer-sponsored retirement plans in increasing national savings.
SD–106

APRIL 13

9:30 a.m.
Foreign Relations
To hold hearings to examine the nominations of Daniel Fried, of the District of Columbia, to be an Assistant Secretary of State for European Affairs, and Robert Joseph, of Virginia, to be Under Secretary of State for Arms Control and International Security.
SD–419

Indian Affairs
To hold oversight hearings to examine Indian Health.
SR–485

Judiciary
To hold hearings to examine securing electronic personal data, focusing on striking a balance between privacy and commercial and governmental use.
SD–226

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the Federal Home Loan Bank System.
SD–538

Health, Education, Labor, and Pensions
Business meeting to consider the nomination of Lester M. Crawford, of Maryland, to be Commissioner of Food and Drugs, Department of Health and Human Services.
SD–430

Armed Services
Readiness and Management Support Subcommittee
To hold hearings to examine high risk areas in the management of the Department of Defense in review of the Defense Authorization Request for fiscal year 2006.
SR–232A

11:30 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

1:30 p.m.
Armed Services
Personnel Subcommittee
To hold hearings to examine active and Reserve military civilian personnel programs in review of the Defense Authorization Request for fiscal year 2006.
SR–232A

2 p.m.
Judiciary
Constitution, Civil Rights and Property Rights Subcommittee
To hold hearings to examine judicial activism regarding federal and state marriage protection initiatives.
SD–226

APRIL 14

10 a.m.
Energy and Natural Resources
To hold hearings to examine S. 388, to amend the Energy Policy Act of 1992 to direct the Secretary of Energy to carry out activities that promote the adoption of technologies that reduce greenhouse gas intensity and to provide credit-based financial assistance and investment protection for projects that employ advanced climate technologies or systems, to provide for the establishment of a national greenhouse gas registry.
SD–366

Health, Education, Labor, and Pensions
To hold hearings to examine lifelong education opportunities.
SD–430

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentations of the Military Officers Association of America, the National Association of State Director of Veterans Affairs, AMVETS, the American Ex-Prisoners of War, and Vietnam Veterans of America.
345 CHOB

2:30 p.m.
Judiciary
Immigration, Border Security and Citizenship Subcommittee
Terrorism, Technology and Homeland Security Subcommittee
To hold joint hearings to examine deportation and related issues relating to strengthening interior enforcement.
SD–226

APRIL 19

10 a.m.
Foreign Relations
To hold hearings to examine the Near East and South Asian experience relating to combating terrorism through education.
SD–419

Health, Education, Labor, and Pensions
To hold hearings to examine S. 334, to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs.
SD–430

APRIL 20

10 a.m.
Health, Education, Labor, and Pensions
Education and Early Childhood Development Subcommittee
To hold hearings to examine early childhood development.
SD–430

Small Business and Entrepreneurship
To hold hearings to examine the small business health care crisis, focusing on alternatives for lowering costs and covering the uninsured.
SR–428A

2 p.m.
Armed Services
Readiness and Management Support Subcommittee
To hold hearings to examine the readiness of military units deployed in support of Operation Iraqi Freedom and Operation Enduring Freedom in review of the Defense Authorization Request for fiscal year 2006.
SR–222

APRIL 21

9:30 a.m.
Foreign Relations
To hold hearings to examine the anti-corruption strategies of the African Development Bank, Asian Development Bank and European Bank on Reconstruction and Development.
SD–419

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine Association Health Plans.
SD–430

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentations of the Fleet Reserve Association, the Air Force Sergeants Association, the Retired Enlisted Association, and the Gold Star Wives of America.
345 CHOB

2:30 p.m.
Judiciary
To hold hearings to examine the patent system today and tomorrow.
SD–226

APRIL 26

10 a.m.
Health, Education, Labor, and Pensions
Retirement Security and Aging Subcommittee
To hold hearings to examine pensions.
SD–430

APRIL 27

9:30 a.m.
Indian Affairs
To hold oversight hearings to examine regulation of Indian gaming.
SR–485

10 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD–430

APRIL 28

10 a.m.
Foreign Relations
To hold hearings to examine U.S. Assistance to Sudan and the Darfur Crisis.
SH–216

Health, Education, Labor, and Pensions
To hold hearings to examine Higher Education Act.
SD–430

MAY 11

9:30 a.m.
Judiciary
To hold an oversight hearing to examine the Federal Bureau of Investigation's translation program.
SD–226

SEPTEMBER 20

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the American Legion.

345 CHOB

CANCELLATIONS

APRIL 19

10 a.m.

Health, Education, Labor, and Pensions

Retirement Security and Aging Subcommittee

To hold hearings to examine pensions.

SD–430

POSTPONEMENTS

APRIL 12

9:30 a.m.

Foreign Relations

To hold hearings to examine U.S. agricultural sales to Cuba.

SD–419